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SENATE—*Thursday, February 24, 2000*

The Senate met at 11:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, the Rev. Allen Fisher, Presbyterian Church, Fredericksburg, VA. We are pleased to have you with us.

PRAYER

The guest Chaplain, Rev. Allen Fisher, offered the following prayer:

We rejoice to thank and praise You this day, O God our Maker, Creator of the ends of the universe. You are the source of every good and perfect gift, the Fount of every blessing, the Heart of every noble thought, every kind deed, or merciful act.

We thank You today for all those whom we rarely notice, people who share Your care, who reflect Your faithfulness. We thank You for the people who bus our tables, who haul our trash, who clean our offices, who drive our children, who deliver our mail, with little thought for the great issues of our age but with deep gratitude for the abiding gifts You give. For food and drink, heartbeat and breath, laughter and tears, for covenants kept and promises lived in humility and service to others, we praise You, O God of steadfast love.

Remind us, faithful God, that we who lead may also serve after the example of one who came not to be served but to serve. Use the service of our lives and the work of this body for the building up of the common good in this most blessed Nation. Speed us toward the day when "all Your works shall give thanks to You, O Lord, and all Your faithful shall bless You." In the gracious name of the one, holy, righteous, and eternal God, our Creator, Redeemer, and Sustainer, we pray. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MIKE CRAPO, a Senator from the State of Idaho, led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Kansas is recognized.

Mr. BROWNBACK. I thank the Chair.

SCHEDULE

Mr. BROWNBACK. Mr. President, today the Senate will immediately proceed to a rollcall vote on final passage of H.R. 1883, the Iran Nonproliferation Act of 1999. Following the vote, the Senate will resume consideration of S. 1134, the education savings account legislation. It is hoped that an agreement regarding relevant amendments will be made in order to have a substantive debate on that tax legislation.

In addition, the Senate may consider other legislative or executive items available for action; therefore, Senators can expect further votes this afternoon. As previously announced, there will be no votes on Friday. I thank my colleagues for their attention.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, before the roll is called, I would like to make a comment.

Representative James Garfield, who later became President of the United States, in trying to get a bill through Congress, said in a letter to an adviser:

> When the shadow of the Presidential and Congressional election is lifted, we shall, I hope, be in a better temper to legislate.

I hope that we would all keep that in mind. We have congressional elections and we have a Presidential election upcoming. I hope we can work our way through to get to some of the issues we need to be talking about. I hope that the majority would allow us, if we are going to talk about education, to go to an education bill and offer amendments and work our way through the process. The fact that we are in the midst of Presidential primaries and congressional elections coming should not prevent us from going to the things we need to be doing. Education is certainly one of them. I hope we could do that in a full and fair debate on education.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

IRAN NONPROLIFERATION ACT OF 1999—Resumed

Mr. BROWNBACK. Mr. President, I ask for the yeas and nays on the passage of H.R. 1883.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a sufficient second? There appears to be.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. GORTON. Mr. President, I want to express my ardent support for passage of the Iran Nonproliferation Act. It is very likely that this legislation will pass the Senate by a margin matching or nearing the unanimous 419 to 0 vote in the House of Representatives last September.

The importance of this legislation should not be lost amid the widespread acclamation with which it will be sent to the President. This bill is aimed at controlling the transfer or sale of technology and expertise to Iran, especially from Russia, that will assist in its development of weapons of mass destruction and missiles designed to deliver these weapons.

This is a very real, very well-documented and very serious security concern for the United States and Israel, our nation's most-trusted ally in the Middle East. The Central Intelligence Agency has reported Iran has the capability to launch a missile that will reach Israel, and it is well known that Iran is pursuing development of nuclear, chemical and biological weaponry.

The Iran Nonproliferation Act provides for biannual reports on who

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

around the world is transferring prohibited technology or information to Iran, and allows the President to take action against persons or entities found to be engaged in such activity. This bill also includes new steps to ensure the Russian Space Agency, which is a partner with NASA in the International Space Station project, is complying with Russia's official Iran antiproliferation policy.

Media reports on the Iran election, held only days ago, show an encouraging shift in the attitudes of the Iranian people, a trend that we should applaud and encourage. Unfortunately, the structure of the Iranian government and its police services may well frustrate the will of the Iranian people, and the quest of its armed forces for weapon and missile technology proceeds apace. I look forward to the day on which Iran will be a good and peaceful neighbor. That day may be closer, but it has not yet arrived.

This bill is a necessary step towards our goal of nonproliferation and certainly merits a high level of bipartisan support, as well as the signature of President Clinton.

Ms. MIKULSKI. Mr. President, I rise to support the Iran Nonproliferation Act.

We are faced with an historic opportunity to send a strong message to nations around the world—we will not sit by idle as goods, services or technology are transferred to Iran that contribute significantly to its ability to develop nuclear, chemical or biological weapons or ballistic or cruise missiles.

This legislation provides the Administration with useful tools to combat the spread of dangerous weapons technology and to discourage nuclear proliferation. It also enhances U.S. efforts to monitor Iranian proliferation.

This legislation demonstrates our commitment to prevent the proliferation of dangerous nuclear weapons to countries that threaten our national security as well as the security of allies—such as Israel and Europe. The Middle East is of vital strategic importance to the U.S.—and our interests and Israel's security are threatened by the continuing build-up of advanced conventional weapons by 'rogue regimes' in the region. For this reason, U.S. support for Israel must go beyond economic and military aid to Israel—it must meet the very real challenges that will face Israel and the United States in this new century, such as limiting the threats of weapons of mass destruction. It is well documented that technology provided to Iran increases its ability to develop its own intermediate range ballistic missile that is capable of reaching Israel as well as our European allies. By limiting Iran's access to such technology we can better protect these countries as well as our own troops in the Middle East and Europe.

The people of Iran demonstrated in their recent elections an overriding desire to move away from the extremism of the previous government toward reform and moderation in the future—but it is too early to tell what this change will mean in practice. I hope that it is a sign that Iran will end its missile program and its support for international terrorism. But despite this positive step, the Iran Nonproliferation Act is still vital to combat the spread of dangerous weapons technology and, in particular, to monitor nuclear weapons proliferation to Iran.

This legislation also sends a strong message to Russia that U.S. aid and scientific collaboration will be limited if Russia doesn't stop missile proliferation to Iran. U.S. funding will be substantially limited unless the President certifies that the Russian Space Agency is not transferring technology to Iran.

As the ranking member of the VA-HUD subcommittee that funds the space program, I have been a strong supporter of the International Space Station. I supported Russia's participation in the space program for three reasons:

One, their technical expertise;

Two, to build stronger links between the United States and Russia; and

Three, to ensure that Russian scientists and engineers had civilian work—so they would not sell their skills to rogue governments.

Russia has failed to live up to its promises on the space station. I have no question of Russia's technical competence. But I have strong concerns about its failure to meet its end of the bargain. Russia has not adequately funded its share of the space station, resulting in delays and a cloud of uncertainty that hovers over the entire program.

Even more troubling is Russia's role in the proliferation of weapons of mass destruction. Russia has exported technology, material and expertise to help Iran develop ballistic missiles. These missiles could carry chemical, nuclear or biological weapons—which could reach any target within about 800 miles of Iran.

Russia's former Prime Minister Chernomyrdin promised to end this assistance. We need to make sure the new Russian government fulfills this promise. I recognize that Acting Russian President Vladmir Putin has been receptive to restricting companies that sell missile technology and equipment to Iran. I hope his intentions are translated into action. Otherwise, our cooperation with Russia—both in space and elsewhere—may end.

We live in a dangerous world—where terrorists and rogue nations are developing the most repugnant weapons of mass destruction. Our action today will send a clear message to our allies and to our adversaries. By coming together to support this bipartisan legislation, we will demonstrate our unified commitment to limit nuclear proliferation and to create a safer more stable world.

The PRESIDING OFFICER. Under the previous order, the Senate will now vote on passage of H.R. 1883.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

Mr. REID. I announce that the Senator from Montana (Mr. BAUCUS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 12 Leg.]

YEAS—98

Abraham
Akaka
Allard
Ashcroft
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—2

Baucus
McCain

The bill (H.R. 1883), as amended, was passed.

Mr. LOTT. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

UNANIMOUS CONSENT AGREEMENT

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to executive session for the consideration of Executive Calendar No. 407, Kermit Bye to be a United States Circuit Judge, and further, that a vote occur on the nomination, immediately to be followed by a vote on Calendar No. 409, George Daniels to be a United States District Judge, and following those back-to-back votes, the President be notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I ask unanimous consent that it be in order for me to ask for the yeas and nays en bloc on these confirmations.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I know there are a number of Senators who wish to speak in morning business. After we have this en bloc vote, we will put in a time for morning business. I see Senator SPECTER, and Senator STEVENS wants to speak, and probably Senators on the other side do. We will put in probably an hour, from 12:30 until approximately 1:30, so Senators can speak on a number of subjects.

Mr. LEAHY. Mr. President, if the majority leader will yield, after the votes on the judges, may it be in order that Chairman HATCH and I be recognized for a couple minutes on the nominations that had been voted on?

Mr. LOTT. Is Senator HATCH here?

Mr. LEAHY. I was asking for myself, but I thought as a matter of courtesy I should include the chairman.

Mr. LOTT. I think that is a reasonable request. We need to have the vote as soon as we can. Senators are prepared to vote.

Mr. President, I amend my request and ask unanimous consent that we have 2 minutes for the chairman and 2 minutes for the ranking member following votes. I note that Senator INHOFE will probably have some comments on these nominations, and he indicated he would make those after the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, if the leader will yield, is the leader agreeable to extending morning business until 2 o'clock?

Mr. LOTT. Absolutely. I have no problem with that.

Mr. REID. I thank the majority leader.

Mr. LOTT. Mr. President, I ask for the yeas and nays on the nominations.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

NOMINATION OF KERMIT BYE, OF NORTH DAKOTA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE EIGHTH CIRCUIT

The PRESIDING OFFICER. The nomination will be stated.

The assistant legislative clerk read the nomination of Kermit Bye, of North Dakota, to be a United States Circuit Judge for the Eighth Circuit.

Mr. CONRAD. Mr. President, I rise today to recommend the confirmation of Kermit Bye for the Eighth Circuit Court of Appeals, and I ask my colleagues to join me and Senator DORGAN in supporting his nomination.

Kermit Bye is a native North Dakotan. He was born in the middle of a North Dakota blizzard, in a railroad section house in Hatton, North Dakota. He has distinguished himself in his career, and is widely recognized as one of the best trial lawyers in our state. Kermit Bye will be an excellent addition to the federal judiciary, and he has my strong support.

Kermit Bye would bring a wide range of experiences to the bench. Before receiving his law degree from the University of North Dakota in 1962, he worked as a milk truck driver, a radio advertising salesman, and in catalog sales at Montgomery Wards.

Soon after completing law school, Mr. Bye worked as North Dakota Deputy Securities Commissioner, and later served as Assistant United States Attorney for the District of North Dakota.

Since 1968, Mr. Bye has worked for the Vogel Law Firm and was named President of the firm in 1981. Mr. Bye has over 30 years of experience in Federal and state trial and appellate litigation. His long and distinguished career includes representing individual and corporate clients. He has tried more than 100 cases, representing both plaintiffs and defendants. He has also argued numerous appeals, including more than 20 before the Eighth Circuit. Mr. Bye has served on the Board of Governors and as the President of the State Bar Association of North Dakota.

Through his broad experience and success he has earned an excellent reputation. As an experienced litigator, Mr. Bye also has a full understanding of the appropriate role of the judiciary.

My colleague, Senator DORGAN, and I have heard from individuals across our home state, from both sides of the aisle and from all sections of the legal community, recommending Mr. Bye for this position. According to his colleagues and fellow bar members, Mr. Bye is a man of great character and qualifications.

One of his supporters is Judge Frank Magill, who Mr. Bye has been nominated to succeed on the Eighth Circuit. Judge Magill has been on senior status since April 1, 1997, and was appointed to the Eighth Circuit by President Reagan in 1986. He states in a letter to Senator HATCH: "I have had a longtime professional association with Kermit Bye. His professional competence and integrity are of the highest order. He has several decades of trial experience. I know from personal experiences that he will be an easy fit for your criterion of judicial temperament."

Mr. President, I am confident that Mr. Bye will be an outstanding addition to the federal bench. I support his confirmation and yield the floor.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Kermit Bye, of North Dakota, to be a United States Circuit Judge for the Eighth Circuit? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

Mr. REID. I announce that the Senator from Montana (Mr. BAUCUS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 98, nays 0, as follows:

[Rollcall Vote No. 13 Ex.]

YEAS—98

Abraham
Akaka
Allard
Ashcroft
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—2

Baucus
McCain

The nomination was confirmed.

NOMINATION OF GEORGE B. DANIELS, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK

The PRESIDING OFFICER. The clerk will now report the second nomination.

The legislative clerk read the nomination of George B. Daniels, of New York, to be United States District Judge for the Southern District of New York.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of George B.

Daniels, of New York, to be United States District Judge for the Southern District of New York? On this question, the yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. McCAIN), is necessarily absent.

Mr. REID. I announce that the Senator from Montana (Mr. BAUCUS), is necessarily absent.

The result was announced, yeas 98, nays 0, as follows:

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 14 Ex.]

YEAS—98

Abraham
Akaka
Allard
Ashcroft
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—2

Baucus
McCain

The nomination was confirmed.

The PRESIDING OFFICER (Mr. BUNNING). Under the previous order, the Senator from Vermont is recognized for 2 minutes.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. I ask unanimous consent to speak for 20 seconds in advance of the Senator from Vermont.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, I rise to express great appreciation on my part to my revered friend and colleague, Senator SCHUMER, and to Senator LEAHY, Chairman HATCH, Senator LOTT, Senator DASCHLE, and all Senators for their vote confirming the nomination of Judge Daniels unanimously. It is much appreciated. I assure you, he will perform a service to the Republic for many years ahead.

I yield the floor.

Mr. SCHUMER addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. I ask unanimous consent to address the body for 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I join in the thanks given by my esteemed, wise, senior colleague, Senator MOYNIHAN, to Senators LOTT, HATCH, and LEAHY. This is an outstanding jurist who will make us all proud. I thank the Senate for confirming him.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. If the Senator from Vermont will withhold briefly, I would like to go ahead and make this request. I believe we have a leadership Senator here.

I would like to first ask, what is the pending question?

The PRESIDING OFFICER. We are in morning business until 2 o'clock.

AFFORDABLE EDUCATION ACT OF 1999—Resumed

Mr. LOTT. Mr. President, I believe we did not actually get morning business put in place. But I ask unanimous consent the clerk report the bill on education savings loans.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1134) to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes.

Mr. LOTT. Mr. President, before I put forward this request, we have been working to develop an agreement as to how to proceed on this legislation. I think we are close to getting that done, but we may still need a little more time to work on it. In that effort, I ask unanimous consent that all amendments be relevant to the subject matter of education and/or education-related taxes.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Reserving the right to object, I say to the leader, we appreciated very much the minority having the opportunity yesterday to speak about education: We believe this is a time we should be talking about education; it is that important to the American people. But this is the first amendable vehicle we have had this session. I respectfully suggest to the majority, on behalf of the minority let's have the opportunity to have a vehicle we can amend.

We hope that very shortly the majority will understand we are trying to move education along. We have no great plan in mind to move off education into some other area. But we would like to do that. If the leader believes that cannot be done, we are willing to continue working to see if we can come up with some reasonable effort to move forward on this legislation.

Mr. LOTT. Mr. President, I understand there will be an objection.

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. We will continue to work to get an agreement developed. Certainly amendments on education or education-related taxes would be something we would want to have and with which we would have no problem. We were hoping it would not run far afield to all kinds of unrelated issues that would delay a bill that has overwhelming support.

The support for this idea of being able to save a little for your own children's education—up to $2,000 per year per child, kindergarten through the 12th grade—has a lot of support, especially when you realize we can do it for our children's college education but not for our children's needs in the 4th grade. I hope we can work it out. I think maybe we can. We will keep working on that.

I now ask unanimous consent, after Senator LEAHY has spoken, the Senate proceed to a period of morning business, with the first 8 minutes under the control of Senator THURMOND, the succeeding 30 minutes under the control of Senators TORRICELLI and SPECTER, the succeeding 10 minutes under the control of Senator CAMPBELL, the following hour under the control of Senators CLELAND and ROBERTS, and following that time the Senate resume consideration of the pending legislation and I be immediately recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

NOMINATIONS

Mr. LEAHY. Mr. President, I am very pleased the Senate voted 98-0 on Kermit Bye to be United States Circuit Court Judge for the Eighth Circuit and Justice George Daniels to be United States District Court Judge for the Southern District of New York.

Kermit Bye is an outstanding attorney from North Dakota. I will put his full record in the RECORD later. Justice Daniels is a distinguished New Yorker, with the strong support of the two distinguished Senators from New York—Senators MOYNIHAN and SCHUMER—in the same way Kermit Bye had the strong support of the two distinguished

Senators from North Dakota—Senators CONRAD and DORGAN.

I wish to thank both the Republican leader and the Democratic leader for helping us get these nominations up. They had been reported last year. For some inexplicable reason, they were held up. We see that the Senate, in voting on them, has voted 98-0. I mention this because many times we have judges, who are judicial nominations, where it takes a long time to get their nominations to the floor, and then they are passed by overwhelming margins. Out of a sense of justice towards the people we are putting on our Federal courts, we, the Senate, should do a better job.

Many wait too long. The most prominent current examples of that treatment are Judge Richard Paez and Marsha Berzon. We have waited too long to vote on them. I understand, finally, after 4 years, we are going to vote on Judge Paez, who has one of the most distinguished records anybody has ever had who has come before the Senate. He is strongly supported by law enforcement, strongly supported by the bar, strongly supported by the Hispanic community. He is certainly proud of his Hispanic background, as well he should be. He has accomplished more than most people accomplish of any background. I hope that after 4 years he will be voted on.

Finally, I had hoped we would reach a vote on Timothy Dyk today. He was first nominated to a vacancy in the Federal Circuit in April of 1998. For anybody who is keeping track, that was well in the last century. After having a hearing and being reported favorably by the Judiciary Committee to the Senate in September of 1998, his nomination was left on the Senate calendar without action and then returned to the President 2 years ago as the 105th Congress adjourned. He was renominated in January 1999 and reported favorably in October 1999.

So he has been waiting for all these years. He has clerked for three Supreme Court Justices, including the Chief Justice. He has a remarkably distinguished career. He has represented people across the spectrum, including the U.S. Chamber of Commerce, which strongly backs him. I hope we can get him confirmed this week or next. They need him on the Federal Circuit Court of Appeals. He is one of the most qualified people we have ever seen. We should do it.

Mr. Dyk has distinguished himself with a long career of private practice in the District of Columbia. From 1964 to 1990, he worked with Wilmer, Cutler & Pickering as an associate and then as a partner. Since 1990, he has been with Jones Day Reavis & Pogue as a partner and Chair of its Issues and Appeals Section.

Mr. Dyk received his undergraduate degree in 1958 from Harvard College, and his law degree from Harvard Law School in 1961. Following law school, he clerked for U.S. Supreme Court Justices Reed, Burton, and Chief Justice Warren. Mr. Dyk was also a Special Assistant to the Assistant Attorney General in the Tax Division. His has been a distinguished career in which he has represented a wide array of clients, including the United States Chamber of Commerce. I look forward to the confirmation vote on this highly-qualified nominee.

Kermit Bye is an outstanding attorney from North Dakota. From 1962 to 1966, Mr. Bye was the Deputy Securities Commissioner and Special Assistant Attorney General for the State of North Dakota. And from 1966 to 1968, he was an Assistant U.S. Attorney in the District of North Dakota. Since 1968, he has been a member and partner with the Fargo law firm of Votel, Kelly, Knutson, Weir, Bye & Hunke, Ltd. Mr. Bye received his undergraduate degree in 1959 from the University of North Dakota, and his law degree from the University of North Dakota Law School in 1962.

Mr. Bye's nomination is another of those that was favorably reported last year by the Judiciary Committee but which was not acted upon by the Senate. He is strongly supported by Senator DORGAN and Senator CONRAD, who are to be commended for their efforts on his behalf and on behalf of the people of North Dakota that has finally brought us to this day.

Justice George Daniels is a distinguished New Yorker. He has distinguished himself with a long career of service in the New York federal and state court systems. He was an Assistant U.S. Attorney in the Eastern District of New York from 1983 to 1989. From 1989 to 1990, and again from 1993 to 1995, he was a Judge in the Criminal Court of the City of New York. And from 1990 to 1993, he was a counsel to the Mayor of the City of New York. Since 1995, Mr. Daniels has been a Justice of the Supreme Court of the State of New York.

Justice Daniels received his undergraduate degree in 1975 from Yale University, and his law degree from the University of California at Berkeley, Boalt Hall School of Law in 1978.

He has the strong support of Senator MOYNIHAN and Senator SCHUMER and the ABA has given him its highest rating. Although he was reported favorably by the Judiciary Committee last year, his was one of the nominations not acted upon by the Senate. I congratulate the Senators from New York and Justice Daniels and his family on his consideration today.

I thank the majority leader and commend the Democratic leader for scheduling the consideration of these judicial nominations. The debate on judicial nominations over the last couple of years has included too much delay with respect to too many nominations.

The most prominent current examples of that treatment are Judge Richard Paez and Marsha Berzon. With respect to these nominations, the Senate has for too long refused to do its constitutional duty and vote. I am grateful that the majority leader agreed last year to bring each of those nominations to a Senate vote before March 15. Nominees deserve to be treated with dignity and dispatch—not delayed for two or three or four years. The nomination of Judge Paez has now been pending for over four years. He has the strong support of his home State Senators and of local law enforcement.

His has been a distinguished career in which he has served as a state and federal judge for what is now approaching 19 years. His story is a wonderful American story of hard work, fairness and public service. He and his family have much of which to be proud. Hispanic organizations from California and around the country have urged the Senate to act favorably on his nomination without further delay.

Within the next two weeks the Senate will be called upon to vote on this outstanding nomination, and I trust that we will do the right thing. I recall when Judge Sonia Sotomayor, another outstanding District Court Judge, was nominated to the Second Circuit and her nomination was delayed. Reportedly, she was so well qualified that some feared her quick confirmation might have led her to be considered as a possible Supreme Court nomination and that was why Senate consideration of her nomination was delayed through secret holds. Ultimately, she was confirmed to the Second Circuit.

After all the delay in that case, I was struck that not a single Senator who voted against her confirmation and not a single Senator who had acted to delay its consideration uttered a single word to justify such opposition.

Of course it is every Senator's right to vote as he or she sees fit on all matters. But I would hope that in the case of Judge Richard Paez, where his nomination has been delayed for over four years, for the longest period in the history of the Senate, those who have opposed him will show him the courtesy of using this time to discuss with us any concerns that may have and to explain the basis for any negative vote against a person so well qualified for the position to which he has been nominated by the President.

Mr. DORGAN. Will the Senator yield?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DORGAN. Mr. President, I ask unanimous consent the Senator be recognized for an additional 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. I yield to the Senator.

Mr. DORGAN. Mr. President, I am so pleased that the Senate has confirmed

Kermit Bye's nomination to the Eighth Circuit Court of Appeals.

Kermit Bye is one of North Dakota's most distinguished and respected attorneys, and a senior partner in one of the top law firms in the Midwest. He has nearly 40 years of trial and appellate experience, he was President of the North Dakota Bar Association, and he's received the North Dakota State Bar Association's Distinguished Service Award.

I won't name every civic and community organization that Kermit Bye has chaired and served on, because the list is too long. Instead, I will say Kermit Bye cares deeply about the law and about the people our laws protect.

He is a man of impeccable integrity and sound judgment, possessing a formidable intellect and a healthy dose of North Dakota common sense. Kermit is temperamentally very well-suited for the bench, and can be counted on as a fair-minded jurist who understands the importance of the rule of law to society, and the judiciary's proper role within our constitutional system.

As many will recall, this seat on the Eighth Circuit Court of Appeals was first vacated in April 1997, and my fellow North Dakotan John Kelly was nominated and confirmed to this seat last summer. Tragically, just a few weeks after taking his oath, Judge Kelly took ill and passed away.

I am pleased today that Kermit Bye has been confirmed to fill this vacancy so that our Federal judiciary can benefit from his wisdom and judgment.

Mr. HATCH. Mr. President, I rise to commend the majority leader, Senator LOTT, for proceeding today with votes for these judicial nominees. As I have stated, we will continue to process the confirmations of nominees who are qualified to be federal judges. In that respect, the Senate Judiciary Committee held its first nominations hearing of this Session on Tuesday, February 22, and I expect to see more judicial nominees moving through the process in the coming months. There is a perception held by some that the confirmation of judges stops in election years. This perception is inaccurate, and I intend to move qualified nominees through the process during this session of Congress.

That said, in moving forward with the confirmations of judicial nominees, we must be mindful of problems we have with certain courts, particularly the Ninth Circuit. It was reported yesterday that the Ninth Circuit has a record of 0–6 this supreme court term. In addition, the President must be mindful of the problems he creates when he nominates individuals who do not have the support of their home-State Senators. In this regard, I must say that it appears at times as if the President is seeking a confrontation with the Senate on this issue, instead of working with the Senate to see that his nominees are confirmed.

During this Congress, despite partisan rhetoric, the Judiciary Committee has reported 42 judicial nominees, and the full Senate has confirmed 36 of these—a number comparable to the average of 39 confirmations for the first sessions of the past five Congresses when vacancy rates were generally much higher. In total, the Senate has confirmed 340 of President Clinton's judicial nominees since he took office in 1993.

I am disturbed by some of the allegations that have been made that the Senate's treatment of certain nominees differed based on their race or gender. Such allegations are entirely without merit. For noncontroversial nominees who were confirmed in 1997 and 1998, there is little if any difference between the timing of confirmation for minority nominees and non-minority nominees. Only when the President appoints a controversial female or minority nominee does a disparity arise. Moreover, last session, over 50% of the nominees that the Judiciary Committee reported to the full Senate were women and minorities. Even the former Democratic chairman of the Judiciary Committee, Senator JOE BIDEN, stated publicly that the process by which the committee, under my chairmanship, examines and approves judicial nominees "has not a single thing to do with gender or race." That is from the transcript of a Judiciary Committee hearing on judicial nominations on November 10, 1999.

The Senate has conducted the confirmations process in a fair and principled manner, and the process has worked well. The Federal Judiciary is sufficiently staffed to perform its function under article III of the Constitution. Senator LOTT, and the Senate as a whole, are to be commended.

MORNING BUSINESS

The PRESIDING OFFICER. The Senator's time has expired.

Under the previous order, the Senate will now proceed to a period of morning business. The Senator from South Carolina is recognized.

VOLUNTARY CONFESSIONS LAW

Mr. THURMOND. Mr. President, I rise to discuss my concern regarding recent developments in the Dickerson case concerning voluntary confessions. Opponents are using some extreme tactics to encourage the Supreme Court to strike down this law.

For years, members of the Senate Judiciary Committee, including myself, encouraged the Clinton Justice Department to enforce 18 U.S.C. 3501, the law on voluntary confessions. In the Dickerson case, the Department refused to permit career federal prosecutors to rely on the law in their efforts to make sure a serial bank robber did not get away.

When the Supreme Court was deciding whether to hear the case, the Department had the opportunity to defend the statute, as many of us encouraged it to do. While making its decision, the Department consulted with certain federal law enforcement agencies. The Drug Enforcement Administration explained that Miranda in its current form is problematic in some circumstances and encouraged the Department to defend the law.

The Department later wrote in its brief about the views of federal law enforcement in this matter, but that support for the statute and reservation about Miranda is nowhere to be found. Instead, the brief states "federal law enforcement agencies have concluded that the Miranda decision itself generally does not hinder their investigations and the issuance of Miranda warnings at the outset of custodial interrogation is in the best interests of law enforcement as well as the suspect." The brief should recognize that there is disagreement among federal law enforcement agencies about the impact of the Miranda warnings in investigations and the need for reform of the Miranda requirements. The Department should not generalize in a brief before the Supreme Court to the point of misrepresentation. Senator HATCH and I sent a letter to Attorney General Reno and Solicitor General Waxman last week asking for an explanation in this matter, and I look forward to their response.

One of the amicus briefs, which was filed by the House Democratic leadership, takes a very novel approach toward the statute. It seems to suggest that the voluntary confessions law is not really a law after all. It states that the "Congress enacted section 3501 largely for symbolic purposes, to make an election year statement in 1968 about law and order, not to mount a challenge to Miranda."

This statement is not only inaccurate. It is completely inappropriate.

I was in the Senate when the voluntary confessions law was debated and passed over 30 years ago. A bipartisan majority of the Congress supported this law, and Democrats were in the majority at the time.

We did not enact the law to make some vague statement about crime. We passed the voluntary confessions law because we were extremely concerned about the excesses of the Miranda decision allowing an unknown number of defendants who voluntarily confessed their crimes to go free on a technicality. We passed it to be enforced.

For the House Democratic leadership brief to state that the Congress did not intend for a law that it passed to be enforced trivializes the legislative branch at the expense of the executive. It is a dangerous mistake for the legislative branch to defer to the executive regarding what laws to enforce.

The executive branch has a constitutional duty to enforce the laws, unless they are clearly unconstitutional. Contrary to what is happening today, the executive branch is not free to ignore acts of Congress simply because it does not support them, and the legislative branch should not support this approach.

In this matter, the Justice Department has refused to abide by its duty to faithfully execute the laws, and has instead chosen to side with criminals and defense attorneys over prosecutors and law enforcement. It is unfortunate that, in this case, the Department will be making arguments on behalf of criminals before the Supreme Court. No arguments about the law will change this sad fact.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

(The remarks of Mr. SPECTER and Mr. TORRICELLI pertaining to the introduction of S. 2089 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. Mr. President, I ask unanimous consent I be allowed to speak for 8 minutes as in morning business for the introduction of a bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. CAMPBELL pertaining to the introduction of S. 2090 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Georgia.

U.S. FOREIGN POLICY

Mr. CLELAND. Mr. President, it is an honor to be here today with my distinguished colleague from Kansas, Senator PAT ROBERTS. We want to institute a process by which this body can increasingly come to grips with some of the challenges that persist in our foreign policy and continue to be, in terms of our defense, a challenge to us and to the young men and women of America.

It is an opportunity for us to continue our dialog which we started in the Armed Services Committee over the last 3 years as we have encountered difficulties in the Middle East, southwest Asia, and as we see problems around the world. He and I have more and more come to an understanding that we have more in common than we do in disagreement.

One of the things we have in common is that we asked some very important pertinent questions about our foreign policy and our defense as we go into the 21st century. We are delighted today to kick off, not so much a debate on American foreign policy but a dialog which we hope will develop a consensus of some basic first principles by which we ought to engage the world.

We have the post-cold-war world, as it is called. I was with Madeleine Albright today, our distinguished Secretary of State, and she said it is probably not the post anything; it is just a new era. We have gone through the cold war and the terrors of that period, but we are certainly in a new era, and it does not even really have a name.

We hope to provide for our colleagues in the Senate—and we hope they will join us—over the course of this year, an understanding of key national security issues and begin building the building blocks of a bipartisan consensus on the most appropriate priorities and approaches for our country in today's international environment.

In launching this endeavor, I am very mindful of both the enormity of the undertaking and of my own limitations in addressing such a subject. Having been only 3 years, beginning my fourth year in the Senate, I certainly do not claim to have a solution to these problems about which we are going to talk, but I hope to ask some pertinent questions.

American foreign policy is challenged because of the end of the cold war, and Senator ROBERTS and I approach these questions on the road to the future with great humility and certainly with far more questions of our own than answers. Yet I believe this dialog is one the Senate must have. We owe it to the other nations of the world, including those that look to America for leadership, as well as those that make themselves our competitors, and certainly we owe it to those that make us their adversaries. Even more, we owe it to those who serve our country in the Armed Forces and in the Foreign Service, whose careers and sometimes very lives can be at stake. Perhaps most of all, we owe it to our children and our grandchildren.

I was with Senator Nunn last night at the State Department. He was being honored by the State Department. I always learn something from him whenever I am with him. We were talking about a particular country, a particular challenge in American foreign policy. He said: Yes, what happens there will affect our children and our grandchildren.

It is astounding that the consequences of the decisions we make today will, indeed, affect future generations, so we must make these decisions wisely.

Uncertainty, disunity, partisanship, and overstatesmanship will not serve this country well. We need to seriously consider what our global role in the 21st century is and what it should be. That decision will affect future generations more than we can possibly understand.

One more point: I do believe a meaningful, bipartisan dialog on the U.S. role, which many believe is vital to our national interest, is also imminently doable even in this election year. While the subject matter is very important to our country and our future, it is not an issue of great use on the campaign trail. This great body is the place to discuss these great and momentous issues where we can lay it all out and talk about it in a way that does not impinge on anybody's particular partisan views. Simply put, neither the Presidential race nor the elections for the Congress will be determined by who has the partisan upper hand on foreign policy.

Over the course of the year, Senator ROBERTS and I—and we hope a number of other Senators—will be engaging in a series of floor dialogs relating to the general direction of U.S. foreign policy and national security policy in the 21st century.

We have actually chosen to sit together. We are on different sides of the aisle, but we chose to come from our back-bench positions to show that we stand actually shoulder to shoulder in this regard. We are all Americans, and we hope we can do something good for our country.

Our current game plan is to begin today by considering frameworks for the U.S. global role with respect to priorities and approaches. In the weeks to come, this will be followed by sessions on U.S. national interests. Of course, the first question about American engagement in the world should be: Is it in our vital strategic national interest? That is question No. 1. The next session will be on U.S. national interests, what are they.

Another phase of our discussion will be the use of our military forces. Quite frankly, this should be question No. 2 because if we do not have a military objective following America's strategic vital interests, why commit the military?

Next is we want to engage the question of our relationship with multilateral organizations. We realize the United States is the world's foremost military and economic power, but that does not necessarily mean we can go it on our own everywhere. The issue of multilateral organizations and our relationship to them is an important one.

After multilateral organizations is the foreign policy roles of the executive and legislative branches. One of the first things that came to my attention when I came to the Senate 3 years ago was something called the U.S. Constitution. Senator BYRD was kind enough to give me an autographed copy of the U.S. Constitution and the Declaration of Independence, which I proudly carry with me. Quite frankly, if you read the Constitution carefully, it gives the Congress the power to declare war, to raise and support armies, and to provide and maintain a navy. That is a responsibility we have, along with a unique role in the Senate of advising and consenting, particularly on treaties into which the executive branch may enter.

The executive and legislative branches have to work together for foreign policy and defense policy in this country to actually work.

Next is economics and trade. One can hardly separate economics from defense issues anymore. Economics and trade are absolutely mixed up with our foreign policy and defense issues. Arms control is certainly an issue we need to confront.

Then there will be a final wrapup at the end of the year, probably in September.

However, this is just a preliminary outline, and we want these discussions to be flexible enough to go wherever the dialog takes us—that is the beauty of the Senate—and to include a wide array of viewpoints and illustrative subjects.

We encourage all our colleagues, of whatever mind on the topics under consideration, to join in so we can have a real debate in this Chamber, one in which we, indeed, ask each other hard questions, not in order to score partisan points and not in a particularly prearranged set of choreographed responses between like-minded individuals but to seek a better understanding of each other's thoughts.

That is exactly what we are after. We have determined that we will not tie this dialog, this debate, to any particular administration, any particular issue, any particular commitment, any particular budget item, any particular legislative proposal. We hope for a freewheeling dialog that we think can benefit the country.

What we are hoping for is not to find final answers, for surely that would probably be too ambitious an objective, but, rather, to bring this body, which has a key constitutional role in the conduct of American foreign and national security policy, to the same kind of serious examination of our foreign policy goals and assumptions as is now underway among many of our leading foreign policy experts.

I was thinking about this dialog today. I was thinking, how does this dialog differ from what might be termed, shall we say, an "academic undertaking"? There are many seminars. There are thousands of courses on American foreign policy. There are numerous reviews of our defense strategy going on in this country and around the world.

What makes this different? I think what makes this dialog different is that we are the ones who ultimately have to make the decision. This is not an academic exercise. I can remember voting for NATO expansion. It was an incredible experience for me to know that by the raising of my hand I could extend the security of NATO to three nations on the face of the globe that did not have that security before. That was an incredible experience for me.

So we do not participate just in some academic exercise here. We are the leaders. We are the ones who have to ultimately bite the bullet and make the decisions. Therefore, we need to think these things through. That is the point.

One of my favorite lines from Clausewitz, the great German theoretician on war, is: The leader must know the last step he is going to take before he takes the first step. That is the spirit of these discussions. At some point, and in some fashion, a bipartisan consensus on America's global role must emerge because our national interest demands it. It may not be as pure as in World War II when Senator Vandenberg said: Politics stops at the water's edge, but certainly at some point statecraft should overtake politics.

If these dialogs can assist that effort, in even a small way, they will be time well spent. We hope our discussions will not be tinged with particularly partisan or highly personalized considerations because the subject matter clearly transcends the policies and views of any one individual or certainly any one administration. The challenges will be the same, no matter which party controls the White House next year or which party controls the Congress.

With that, I yield to my good and distinguished friend and colleague, the Senator from Kansas. Let me say, in the time I have been in the Senate, I have found him to be a great source of reason and thoughtful pronouncements on national security matters. He has a marvelous sense of humor, which will come out whether we want it to or not in the dialogs. It is my pleasure to turn the discussion over to my distinguished friend and colleague, the great Senator from Kansas, Mr. PAT ROBERTS.

Mr. ROBERTS. First, Mr. President, I thank my good friend, the distinguished Senator from Georgia, for the opportunity to join together in what we both hope will be a successful endeavor.

As Senator CLELAND stated, our objective is to try to achieve greater attention, focus, and mutual understanding in this body on America's global role and our vital national security interests and, if possible, begin a process of building a bipartisan consensus on what America's role should be in today's ever-changing, unsafe, and very unpredictable world.

At the outset, I share Senator CLELAND's sense of personal limitation in addressing this topic. As he has said, even the finest minds and most expert American foreign policymakers have had considerable difficulty in defining both what role the United States should play in the so-called "New World Disorder" or reaching a consensus on what criteria to use in defining our vital national interests.

Now having said that, I do not know of another Senator better suited to this effort than MAX CLELAND. He brings to this exchange of ideas an outstanding record of public service, of personal sacrifice, and of courage and commitment. On the Senate Armed Services Committee, he has demonstrated expertise and a whole lot of common sense in addressing the quality of life issues so important to our men and women in uniform and, in turn, to our national security.

As members of the Senate Armed Services Committee, we both share a keen interest in foreign policy and national security. In my own case, I was privileged to serve as a member of the 1996 Commission on America's National Interests. It was chaired by Ambassador Robert Ellsworth, Gen. Andrew Goodpaster, and Rita Hauser, and was sponsored by the Center for Science and International Affairs at Harvard, the Nixon Center for Peace and Freedom, and the RAND Corporation. The Commission was composed of 15 members, including Senators John MCCAIN, BOB GRAHAM, and Sam Nunn. In brief, our Commission focused on one core issue: What are U.S. national interests in today's world?

The conclusion in 1996, 4 years ago—and the Senator, I think, will see some real similarities to some of our concerns as of today—in the wake of the cold war, the American public's interest in foreign policy declined sharply, and our political leaders have focused on domestic concerns. America's foreign policy was adrift.

The defining feature of American engagement in the world since the cold war has been confusion, leading to missed opportunities and emerging threats.

The Commission went on to say there must be a regrounding of American foreign policy on the foundation of solid national interests. They went on to conclude that there must be greater clarity regarding the hierarchy of American national interests and, with limited resources, a better understanding of what national interests are and, just as important, are not.

Then the Commission prioritized what we felt represented vital national interests. It is interesting to note that the conflicts such as Bosnia and Kosovo did not make the priority cut at that time. That was 4 years ago.

However, the real genesis for this forum that Senator CLELAND and I have tried to initiate resulted from frustrations over continued and increasing U.S. military involvement and intervention both in the Balkans, the Persian Gulf and all around the world. Absent was what we consider to be clear policy goals, not only from the executive, but also from the Congress.

We found ourselves on the floor of the Senate, and in committee, coming to the same conclusion reached by the esteemed and beloved longtime chairman of the Senate Armed Services

Committee, Senator Richard Russell of Georgia, who said this, following the war in Vietnam:

> I shall never again knowingly support a policy of sending American men in uniform overseas to fight in a war where military victory has been ruled out and when they do not have the full support of the American people.

Yet we continue to see our military becoming involved and taking part in peacekeeping missions, and other missions, where incremental escalation has led to wars of gradualism, where our vital national interests are questionable, and where the unintended effects of our involvement have been counterproductive to national security.

We met in Senator CLELAND's office and discussed at length the proper role of the Senate in regard to the use of American troops. We talked about the War Powers Act. We talked about the future of NATO. We talked about our policy in the Persian Gulf. We noted, with considerable frustration, that Senators seemed to be faced with votes, but votes that were already foregone conclusions.

Few were willing to oppose funding for U.S. troops—not many in the Senate or the House will do that—yet many Senators had strong reservations and questions about U.S. policy, our military tactics, and the lack of what some called the end game.

We instructed our staffs to research the War Powers Act and any other possible alternatives that would provide an outlet for future policy decisions.

Senator CLELAND persevered, and along with Senator SNOWE of Maine, authored and won passage of an amendment mandating that the administration report to the Congress on any operation involving 500 or more troops, and that report would include clear and distinct objectives, as well as the end point of the operation.

In my own case, I authored and won approval of an amendment stating no funds could be used for deployment of troops in the Balkans until the President reported to Congress detailing the reasons for the deployment, number of military troops to be used, the mission and objectives of the forces, the schedule and exit strategy, and the estimated costs involved. Again, these amendments were after the fact, but they at least represented a bipartisan effort on the part of Senators who realized then and realize now that we simply must do a better job of working with the executive and searching for greater mutual understanding in the Senate in regard to foreign policy and our national security interests.

In saying this, let me stress that this body and our country are fortunate to have the benefit of Senators with both expertise and experience with regard to foreign relations and national security. That certainly doesn't reside only with the two Senators here involved. When they speak, we listen. But the problem is, they do not speak enough, and when they do, many do not listen.

The unfortunate conclusion I have reached is that too many Americans are not only uninterested in world events but uninformed as well. More and more today in the Congress, it seems to me that foreign policy, trade, and national security issues are driven by ideology, insular and parochial interests, protectionism, and isolationist views. Both the administration and the Congress seem to be lacking a foreign policy focus, purpose, and constructive agenda.

The one notable exception has been the hearings held by the distinguished chairman of the Armed Services Committee, Senator WARNER, who has held extensive hearings on "Lessons Learned" with regard to Kosovo. It is a paradox of enormous irony that the vision of knitting a multiethnic society and democracy out of century-old hatreds in Kosovo is in deep trouble. The danger of Kosovo is the fact that it may become another Somalia. These hearings have attracted little more than a blip on the public radar screen and little, if any, commentary or debate in the Senate.

So as Senator CLELAND has pointed out, over the course of the coming year he and I will engage in a series of floor dialogues relating to the general direction of U.S. foreign and national security policy in the 21st century. We begin today by discussing the framework for the U.S. global role. In the following months, as the Senator has said, we will discuss the defining national interests, deployment of U.S. forces, the role of multilateral organizations, the role of the Executive, Congress and the public, and the role of trade, economics, and arms control. As Senator CLELAND has stressed, this is just an outline.

We invite all Senators to engage in this series. The concept is one of a forum, a dialogue, that will and should include a wide variety of viewpoints. For instance, given the flashpoint situation today in Kosovo, with about 5,000 to 6,000 American troops at risk—and we may be calling in the Marines. I believe that topic certainly demands attention and discussion, however, in a different and separate forum. There should be some discussion and consideration in the Senate in that regard.

As Senator CLELAND has pointed out, we all know that foreign policy and national security are legitimate concerns that should be addressed in the Presidential and congressional campaigns; at least I hope they are addressed. But beyond this election year, the Senate will again be faced with our constitutional responsibilities in shaping this Nation's role in global affairs, national security, international stability, and peace. Simply put: Our national interest depends on reaching a bipartisan consensus. My colleague and I both hope this forum will contribute to achieving that goal and, in doing so, also contribute to greater public support and understanding.

I thank the Senator for yielding and understand he has some additional remarks, as I do following his remarks.

Mr. CLELAND. I thank the Senator. We appreciate working with him on this quite challenging and daunting task, but it is worth doing. It is an honor to be with him today and work with him. One of my key staff people, Mr. Bill Johnston, has done a momentous job of research for the speeches, the addresses, the facts, the figures, and the quotes I will be using in this dialog. I want to make sure he gets proper credit at this time.

Mr. President, I will now set the stage for today's discussion by sketching a brief outline of the evolution of the main currents of U.S. foreign policy and, then, by providing a short look at what some leading voices are currently proposing for how America should make its way in the post-cold-war world.

As in any transition period, we are feeling our way for the appropriate strategy and policies with which to maintain and enhance our national security interests in this period of a "new world disorder." As the debates on NATO enlargement, Kosovo and the Comprehensive Test Ban Treaty revealed, those leading voices on American foreign policy currently offer divided counsel on this issue. It is obvious that no clear consensus has yet formed as to America's post-cold-war strategy, and that, or course, is what we are looking to address in these discussions.

Until the 20th century, it would be fair to sum up our general philosophy on foreign policy as an attempt to continue to follow President Washington's recommended approach contained in his Farewell Address of September 17, 1796:

> Observe good faith and justice toward all nations. Cultivate peace and harmony with all. . . . The Nation which indulges toward another an habitual hatred or an habitual fondness is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. . . . Steer clear of permanent alliances, with any portion of the foreign world. . . . There can be no greater error than to expect or calculate upon real flavors from nation to nation.

Then Secretary of State John Quincy Adams further elaborated on this approach when he proclaimed in 1821 that:

> Whenever the standard of freedom and independence has been or shall be unfurled, there will her [America's] heart, her benedictions and her prayers be. But she goes not abroad, in search of monsters to destroy. She is the well-wisher to the freedom and independence of all. She is the champion and vindicator only of her own.

As Henry Kissinger, a modern day commentator, has put it, this policy, augmented by the Monroe Doctrine of 1823 which sought to prevent European interference in the Western Hemisphere, made imminent good sense until early in the 1900s:

> In the early years of the Republic, American foreign policy was in fact a sophisticated reflection of the American national interest, which was, simply, to fortify the new nation's independence. . . . Until the turn of the twentieth century, American foreign policy was basically quite simple: to fulfill the country's manifest destiny, and to remain free of entanglements overseas. America favored democratic governments whenever possible, but abjured action to vindicate its preferences. . . . Until early this century, the isolationist tendency prevailed in American foreign policy. Then two factors projected America into world affairs: its rapidly expanding power and the gradual collapse of the international system centered on Europe.

Woodrow Wilson took this increased American power and the shattered European order, added to it the traditional American view of our exceptional role in the world and developed what has become the dominant approach of modern American foreign policy-making. As he said in 1915:

> We insist upon security in prosecuting our self-chosen lines of national development. We do more than that. We demand it also for others. We do not confine our enthusiasm for individual liberty and free national development to the incidents and movements of affairs which affect only ourselves. We feel it wherever there is a people that tries to walk in these difficult paths of independence and right.

Thus, for the first time in American history, the notion that it was our right and our duty to . . . wherever they might arise was established. While the details have changed from time to time, with some variation in the degree of enthusiasm for foreign interventions, this is still today the foundation in defining our role in the world. It was elaborated somewhat in the famous 1947 Foreign Affairs article penned by "X"—later disclosed to be George Kennan—which guided our ultimately successful conduct of the cold war by urging, "a policy of firm containment, designed to confront the Russians with unalterable counterforce at every point where they show signs of encroaching upon the interests of a peaceful and stable world."

To be sure, there has rarely been a time in American history when all voices have been united behind the dominant approach to the U.S. global role. Many in this body, including myself, participated in one way or another in the national turmoil over the application of the containment policy in Southeast Asia, in a place called Vietnam. But, while there was vigorous debate on the advisability of specific implementations of Wilsonian "idealism" there has never been a serious challenge since the Second World War to what might be called an "internationalist interventionist" model for the United States in its national security policies.

Yet, as we begin the year 2000, the world has changed in significant ways from the one we have known since World War II. The Soviet Union is no more. The Communists did not, in the end, bury us, but with a few notable exceptions who currently survive in China, Cuba, Vietnam, and North Korea, it is they who have been buried by historical inevitability. Again, to quote, Dr. Kissinger:

> The end of the Cold War produced an even greater temptation to recast the international environment in America's image. Wilson had been constrained by isolationism at home, and Truman had come up against Stalinist expansionism. In the post-Cold War world, the United States is the only remaining superpower with the capacity to intervene in every part of the globe. Yet power has become more diffuse and the issues to which military force is relevant have diminished. Victory in the Cold War has propelled America into a world which bears many similarities to the European state system of the eighteenth and nineteenth centuries, and to practices which American statesmen and thinkers have consistently questioned. The absence of both an overriding ideological or strategic threat frees nations to pursue foreign policies based increasingly on their immediate national interest.

Just as the very different international environment facing America at the start of the 20th century—with growing American strength accompanying a collapse of the European order—occasioned the need for a fundamental reassessment of the U.S. place in the world, so the end of the 20th century—with an end to the bipolar cold war and the emergence of multiple, if not yet super at least major, powers—necessitates another thoroughgoing review and evaluation of where we are and where we should be headed.

And if one has been reading the foreign policy journals and white papers during the last few years, one finds a vigorous and thoughtful debate underway on just such questions. I'd like to take just a few minutes to provide the Senate with a small bit of the flavor of this dialog among American foreign policy commentators.

In a 1995 article in Foreign Affairs magazine, Richard Haass of the Brookings Institute provided I think a useful starting point for our consideration by separating the debate on America's global role into two parts: the priorities or ends of American policy, and the approaches or means currently available to achieve those ends. As possible priorities, he lists Wilsonian idealism with its emphasis on promotion of democratic values, economism which—as the name suggests—gives primacy to economic considerations, realism which is often associated with the traditional diplomatic concepts of balance of power and international equilibrium, humanitarianism which focuses more on alleviating the plight of individuals, and minimalism which could be thought of as "neo-isolationism" but accepts the need for selected and limited U.S. engagement in global affairs. On the side of means, Haass lists unilateralism which provides the dominant country—the United States—with largely unfettered freedom of action in pursuit of its goals, neo-internationalism or "assertive multilateralism" which relies on multilateral organizations and approaches to international problem-solving, and regionalism which he defines as U.S. leadership within alliances and coalitions.

Writing in the Spring 1996 issue of Strategic Review, Naval Postgraduate School Professor of National Security Affairs Edward A. Olsen presented a view which might be termed as minimalism when he advocated a return to our pre-World War II approach which he characterized as one of "abstention, benign neglect, and non-interventionism within a policy of highly selective engagement." Professor Olsen distinguished his proposed policy of disengagement and non-intervention—which would be marked by less military intervention, less foreign aid, and fewer international entanglements—from isolationism because his approach would allow the U.S. "strategic independence" to determine for itself, independent of other countries or multilateral organizations, when and how to engage abroad.

In almost direct opposition to the Olsen prescription, with goals akin to Wilsonian idealism and employing a largely unilateralist approach, William Kristol and Robert Kagan used a summer 1996 edition of Foreign Affairs to argue for a U.S. role of benevolent global hegemony in the belief that, "American principles around the world can be sustained only by the continuing exertion of American influence," including foreign aid, diplomacy, and when necessary military intervention.

In his 1994 book, entitled Diplomacy, Henry Kissinger, provides a contemporary, updated version of the realist balance of power view:

> America's dominant task is to strike a balance between the twin temptations inherent in its exceptionalism: the notion that America must remedy every wrong and stabilize every dislocation, and the latent instinct to withdraw into itself. . . . A country with America's idealistic tradition cannot base its policy on the balance of power as the sole criterion for a new world order. But it must learn that equilibrium is a fundamental precondition for the pursuit of its historic goals.

A quote that comes to mind for me is when President Kennedy said, "There is not necessarily an American solution for every problem in the world."

I think that is the real issue. Former Congressman Stephen Solarz espoused the humaniarianism goal in the Winter 2000 edition of Blueprint Magazine:

> Some, of course, will object to humanitarian intervention as a violation of the

principle of sovereignty, which precludes military interference in the internal affairs of other nations. . . . Yet it is clear today that the non-interference doctrine no longer trumps all other considerations. This was obvious when the United Nations sanctioned interventions during the 1990s in Northern Iraq, Somalia, and Haiti. Where crimes against humanity or genocide are involved, the doctrine of humanitarian intervention is increasingly accepted as a justification for violating the otherwise inviolable borders of sovereign states.

A particular variant of the regionalism approach is contained within Samuel P. Huntington's 1996 work, The Clash of Civilizations: Remaking of World Order.

I know that is a favorite of the good Senator from Kansas.

In the aftermath of the cold war the United States became consumed with massive debates over the proper course of American foreign policy. In this era, however, the United States can neither dominate nor escape the world. Neither internationalism nor isolationism, neither multilateralism nor unilateralism, will best serve its interests. Those will best be advanced by eschewing these opposing extremes and instead adopting an Atlanticist policy of close cooperation with its European partners to protect and advance the interests and values of the unique civilization they share.

These are just a very few of the many "think pieces" which have been coming out of the American foreign policy community since the end of the cold war. Even this brief glimpse reveals a wide divergence in expert opinions on the preferred priorities and approaches for post-cold-war U.S. global engagement. To further evaluate the current debate among individuals with strongly held views on where we should be headed I asked the outstanding Congressional Research Service to provide me with a "review of the literature" on U.S. global role options.

I ask unanimous consent that this CRS document be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

A REVIEW OF LITERATURE ON U.S. GLOBAL ROLE OPTIONS

1. Abshire, David M. "U.S. Global Policy: Toward an Agile Strategy." Washington Quarterly, v. 19, spring 1996: 41–61.

Since the end of the Cold War, which was marked by the U.S. promotion of a policy of containment, the U.S. and other powers have entered a strategic interregnum (44) in which foreign policy strategies have not been fully defined. Abshire states that the U.S. should strive toward a policy of agility: "an agile strategy for the use of power and the achievement of peace" (41) which is characterized by flexibility in action and long-range goals and is guided by vital national interests. This strategy is proactive rather than reactive and aims to "return to classical formulations of the proper uses of power to influence the behavior of U.S. opponents, and indeed allies" (46). Realism (49) forms the foundation of a strategy of agility, acknowledging that military conflict and economic competition are features of world affairs. At the same time, this strategy recognizes the importance of idealism (50) and the role U.S. democratic ideals should play in international relations. Specifically, this strategy represents a balance between short-term realism and long-term idealism (48): In the short run, the U.S. should defend its interests from immediate threats; in the long run the U.S. should strive to promote U.S. ideals such as democracy and free trade. This policy is opposed to isolationism (51), but expects U.S. leaders to set clear boundaries in U.S. foreign policy.

2. Albright, Madeleine K. "The Testing of American Foreign Policy." Foreign Affairs, v. 77, Nov.-Dec. 1998: 50–64.

Albright describes a four-part strategy for U.S. foreign policy. The U.S. should encourage continuing relations with other leading nations (51), aid transitional states in playing a larger role in the international system (52), help weaker states that are trying to overcome economic and political problems (52), and ward off threats that affect world security (51–53). This strategy is driven by vision and pragmatism: U.S. foreign policy should incorporate a vision of future policy concerns and should be shaped by pragmatic approaches to foreign policy issues (54–59). The will and resources to carry out policy are essential to implementing this strategy (59–62). In the final analysis, U.S. foreign policy is tested by "how well our actions measure up to our ideals . . . we want our foreign policy to reflect our status as the globe's leading champion of freedom" (63).

3. Arbatov, Georgi. "Eurasia Letter: A New Cold War?" Foreign Policy, no. 95, summer 1994: 90–103.

The institutions of the West have supported Russian plans for reform despite the plans' shortcomings and disastrous results. Russia has not made progress toward building democracy, and the West is partly responsible for Russia's current woes. The West's role in supporting economic policies unsuitable for Russia has spurred new distrust of the West and notions of a Western conspiracy to introduce policies that will harm the Russian economy (91–96). The West should take part in stopping human rights violations against ethnic Russians living in former Soviet republics (98). The U.S. must recognize that Russia should play an important role in international affairs (102). Both countries are responsible for Russia's future and should seek cooperation (103).

4. Blumenthal, Sidney. "The Return of the Repressed Anti-Internationalism and the American Right." World Policy Journal, v. 12, fall 1995: 1–13.

Isolationism has been revived in a new form as an "inchoate anti-internationalism" (2) on the part of the Republican Right. This new anti-internationalism is marked by vigorous opposition to the role of the United Nations and is closely related to growing anti-government and xenophobic sentiments. Although isolationist views were espoused by members of both the Right and the Left in pre-World War II America, by the end of the war, isolationism had become strictly a cause of the Right and was combined with its anticommunist movement (4–5). Advocates of this policy viewed containment as a poor compromise and advocated a unilateral military approach to Cold War threats. Unilateralism (6) remained an important cornerstone of this policy up to Reagan's terms in office, although Reagan eventually disillusioned supporters with his policy of engagement with Gorbachev. George Bush was criticized for his emphasis on foreign affairs. As Clinton's first term in office progressed, he paid more heed to anti-internationlism and initiated policies to limit the U.S. role in multilateral peacekeeping (9). The Republican platform, Contract with America, advanced several anti-international principles, and "[f]or the first time since the inception of the Cold War, tenets of anti-internationalism have become official dogma of the Republican Party" (10). Republicans who oppose anti-internationalism have not challenged this position within their party. Idealist and realist approaches (11) to foreign policy will be affected by this anti-internationalism if it continues to flourish. Blumenthal identifies several versions of realism. Augmented realism, or realism plus, (11) sees conviction as a driving force in obtaining a leadership role. Washington realism (11) focuses on international affairs at the expense of domestic ones. Republican realism fails "to explain how internationalism can coexist with a social policy that radically widens class, racial, and gender divisions . . ." (11).

5. Calleo, David P. "A New Era of Overstretch? American Policy in Europe and Asia." World Policy Journal, v. 15, spring 1998: 11–29.

Clinton downplayed foreign policy when elected in 1992 and in his first term "quietly" took on "a sort of devolutionist foreign policy" (12–13). Clinton encouraged the Europeanization of NATO and seemed to promote a foreign policy in which the U.S. would serve as a balancing power in a multipolar arena and would not aspire to Bush's vision of the U.S. as the only superpower in a unipolar world (13). Muted elements of Wilsonianism could be detected in some Clinton policies to "[prod] the world toward universal democracy" (13). Clinton began to take a more active role in foreign policy in his second term and initiated efforts to reassert American hegemony in NATO (14). U.S. interests in NATO expansion suggest that the U.S. is adopting a maximalist stance (16) and is ready to take a hegemonic role in Europe. The U.S. has continued its long-standing role as a strong presence in Asia. Calleo describes three proposed models for a future security structure in Asia—"China the regional hegemon, America the region's hegemonic balancer, and a multipolar regional balance made up of China, India, Japan, Russia, and the United States" (19).

6. DeSantis, Hugh. "Mutualism: An American Strategy for the Next Century." World Policy Journal, v. 15, winter 1998–99: 41–52.

DeSantis describes the views of various foreign affairs professionals: Liberal-internationalists, or neo-Wilsonians, expect the value systems of various countries to move toward each other; realists promote persuading other powers to support U.S. policies; American nationalists, or neo-Reaganites, promote a unilateral policy in which the U.S. strives to promote an "enlightened empire;" neo-isolationsists, including America Firsters, libertarians, and pacifists, oppose U.S. involvement abroad (41). DeSantis says that these seemingly different views are all versions of American exceptionalism, the myth that the U.S. is the natural model for other countries and should be the leader of an unpredictable world (41–42). He promotes as an alternative a "non-American centered framework" called mutualism: "an interest-based rather than value-driven concept of international relations" (44) that avoids hegemony. Economies will be interdependent and national and regional communities will be emphasized in order to curb violent frustrations of peoples "marginalized by the process of globalization" (47). A cornerstone of mutualism is cultural tolerance and the recognition that the American way is not the only way to a free and harmonious society (48). Security operations must be shared in order to avoid dependence on the U.S., and Americans must "abandon their triumphalism" and recognize the need for cooperation with other peoples (51).

7. Diamond, Larry. "Why the United States Must Remain Engaged: Beyond the Unipolar Movement." Orbis, v. 40, summer 1996: 405–413.

The end of the Cold War has forced the U.S. to reexamine its role in the world, and a new trend in favor of isolationism has emerged. This neo-isolationism takes many forms. Some of its supporters advocate free trade and foreign aid while others reject any type of foreign involvement. Other neo-isolationists want the U.S. to become "a normal nation in normal times" (406). Despite variations on this theme, all neo-isolationists call for the end of America's role as a superpower. Scholar Eric Nordlinger, in his book Isolationism Reconfigured: American Foreign Policy for a New Century (Princeton: Princeton University Press, 1995) has articulated a new type of neo-isolationism that calls for varying degrees of U.S. involvement in foreign affairs and recognizes the usefulness of multilateral cooperation. Nordlinger's "liberal isolationism" provides a thoughtful approach to foreign policy but is problematic. He mistakenly believes that the U.S. is insulated from outside threats; that U.S. allies could compensate militarily for the loss of a U.S. military presence abroad; that it is better to deal with conflicts as they arise rather than try to predict future conflicts; and that the U.S. would be able to defend itself in the unlikely scenario of a threat to U.S. interests. In fact, spillover from faraway conflicts prevents true insulation; our allies would have difficulties meeting military challenges without U.S. aid and might be forced into bad compromises due to lack of power; the benefits of predicting and deterring conflict can exceed the cost; and, were the U.S. to become as isolationist as Nordlinger proposes, it is unlikely it would be prepared to meet true threats to security (407–411). The best strategy for the next century is liberal internationalism (413).

8. Gilman, Benjamin A. "A Pacific Charter: A Blueprint for U.S. Policy in the Pacific in the 21st Century." Washington Heritage Foundation, 1997 (Heritage Lecture no. 579).

Asia will be the most important region to the U.S. in the future, and the U.S. has the greatest power to influence Asian affairs. As in the past, U.S. interests in Asia are: "regional stability; access to markets; and freedom of the seas," (3) and, more specifically, "the promotion of democracy and the rule of law; human and religious rights; market economies; and regional security for all" (11). Although the U.S. is "responsible for the peace and much of the prosperity" (3) of post-WWII Asia, the U.S. role in Asia is being challenged. The Clinton administration, through base closings, has sent an ambiguous message to Asia, and most Asian nations, which desire a strong U.S. presence in the region, fear the U.S. will retreat to isolationism. The U.S. must maintain a strong role in Asia and thwart the emergence of a regional hegemon that could threaten Asian security. The Clinton administration does not have a good policy to meet these needs. Gilman proposes a "Pacific Charter" (7) to outline the U.S. role in Asia. The U.S. must maintain strong relations with Japan, increase relations with India, and curb threats from China.

9. Haass, Richard N. "Paradigm Lost." Foreign Affairs, v. 74, Jan.–Feb. 1995: 43–58.

The post-Cold War world is in a period of "international deregulation," marked by "new players, new capabilities, and new alignments" but lacking "new rules" (43). Clinton has advocated a new foreign policy centered around international reregulation (44) and characterized by the expansion of market democracies, but this strategy serves more as an ideal than as pragmatic policy. In fact, no one doctrine can encompass every aspect of foreign policy, but the U.S. should strive toward a foreign policy "that is clear about ends—America's purposes and priorities—as well as about means—America's relationship with and approach to the world" (45). Haass critiques five approaches to foreign policy that are evident in the current administration. Wilsonian promotion of democratic values is a "luxury" that should not take precedence over other interests, such as promoting security in the Middle East, even with non-democratic allies (46). Economism places undue emphasis on the primacy of economics and can be similar to neomercantilism (47). Realism correctly acknowledges threats to the U.S. but neglects the "internal evolution of societies" (48). Humanitarianism, which is almost "post-ideological" downplays immediate concerns and threats (49). Minimalism ignores factors that affect U.S. security and could lead to long-term problems that greatly threaten U.S. interests (49). Haass describes three types of means to U.S. foreign policy. Unilateralism allows the dominant country freedom of action, but can be imitated and abused by other powers and can break down international order (50). Neo-internationalism, also known as "assertive multilateralism," distributes power and responsibility, but this power may clash with U.S. foreign policy interests (51). U.S. leadership would position the U.S. as the leader of alliances and coalitions, but could lead to problematic compromises (52). Clinton has incorporated each mean and end in some form, resulting in an inconsistent foreign policy. Haass promotes "augmented realism," or "realism plus," which would concentrate on threats to security but would be broader than traditional realism. Haass states that U.S. leadership is the most viable means to meet this form of realism (55–56).

10. Haass, Richard N. "What to do with American Primacy." Foreign Affairs, v. 78, Sept.–Oct. 1999: 37–49.

U.S. foreign policy should promote multipolarity, "characterized by cooperation and concert rather than competition and conflict" (38). Post-Cold War society will have four cornerstones: "using less military force to resolve disputes between states, reducing the number of weapons of mass destruction and the number of states and other groups possessing such weapons, accepting a limited doctrine of humanitarian intervention based on a recognition that people—and not just states—enjoy rights, and economic openness" (39). The U.S. should maintain its role as the only superpower and should model itself after nineteenth-century Great Britain (41). The U.S. should persuade other powers through consultations rather than negotiations (42–43). Regionalism, which involves regional cooperation, would serve as a good balance between the extremes of perfect internationalism and unilateralism (44), but is problematic because many regions do not agree on the definition of regional order. An American world system involves external influences, but the U.S. must play an active and discriminating role in deciding when humanitarian intervention is necessary. Finally, America must overcome its indifference to foreign affairs (49).

11. Hillen, John. "Superpowers Don't Do Windows." Orbis, v. 41, spring 1997: 241–257.

The U.S. should encourage a new security system which recognizes the differing interests and military capabilities of different countries and is founded on the principle that the U.S., as the superpower, does not do the little jobs that distract it from its larger role. Because U.S. resources are limited, the U.S. should concentrate on broad security issues and leave regional problems to its allies who will serve the roles of "local doctor and cop" (243). The downsizing of the U.S. military places strains on the U.S. military when it acts in regional disputes, such as the Bosnia conflict, and few post-Cold War conflicts have truly required heavy U.S. involvement. The U.S. role in Europe, East Asia, the Middle East, the Persian Gulf, and South America is one of collective defense, which focuses on cooperative efforts to "defend against threats to the balance of power in a region," rather than one of collective security, which responds to a broad range of issues not limited to immediate threats (251). In alliances with European countries, the U.S. must preserve its role as a leader and needs to readjust the division of labor in organizations such as NATO. The U.S. should, however, be cautious in increasing Japan's responsibilities in Asia. Within the Middle East, "de facto alliances" serve the U.S. better than "de jure alliances" that exist with European countries (255). No other regions demand a U.S. presence.

12. Huntington, Samuel P. "The Erosion of American National Interests." Foreign Affairs, v. 76, Sept.–Oct. 1997: 28–49.

American identity has been defined by culture and creed, ideals such as liberty, constitutionalism, limited government, and private enterprise. This identity has been constructed vis-a-vis a foreign "other," which for much of this century has been communism. The end of the Cold War will affect American identity and has led the U.S. "not to find the power to serve American purposes but rather to find purposes for the use of American power" (35). Ethnic and commercial interests now overshadow national interests in shaping foreign policy. "Commercial diplomacy" (37) has become a cornerstone of Clinton's foreign policy. Ethnic groups now play a major role in shaping U.S. international involvement; the drive for multiculturalism and an increase in new immigrant groups who have resisted assimilation have influenced the actions of the U.S. government toward immigrants' native countries. The combined influence of commercial and ethnic interests has led to a "domesticization of foreign policy" (40). America's strength is reflected in military, economic, ideological, technological and cultural spheres, but America is ineffective in influencing other countries (42–43). This paradox is partly the result of a gap between American resources and governmental power. The nature of American power has changed. Immediately after WW II America directly expanded its influence to other parts of the world. From the 1970s, U.S. power has shifted to "the power to attract" (44), as illustrated by the power of the U.S. to raise money from other countries for the Persian Gulf War and a shift toward widescale lobbying by foreign governments. U.S foreign policy, with its attention to special interests, is turning into a policy of particularism. A policy of restraint (48), which would limit attention to special interests, would better position the U.S. to "[assume] a more positive role in the future . . . and to pursue national purposes" supported by the American population (49).

13. Hutchings, Robert L. "Rediscovering 'The National Interest' in American Foreign Policy." Washington, Woodrow Wilson International Center for Scholars, 1996.

The end of the Cold War has left the U.S. struggling to redefine its global role. Encompassing principles like "democratic enlargement" and "new world order" fail to fully address U.S. foreign policy needs; "new world order," for example, has been ambiguous on the relationship between principles and interests and has been constantly redefined and reformulated (2). Foreign policy should not pit principles against interests. Principles alone fail to solve foreign policy problems. Interest-based policies should be tied to U.S. capabilities (2–3). The U.S. placed top priority on Eastern Europe in relations with Moscow and thus helped contribute to "an international environment conducive to" the success of Eastern European democracy movements (4). The U.S. recognized the importance of German affairs to European security. In other parts of Europe, the U.S. "continued to cling instinctively to a dominant role that [it was] no longer ready to play and so found it difficult to cede leadership gracefully to the Europeans" (5). These approaches to Western and Eastern Europe together helped bring about the end of the Cold War, but the U.S. failed to develop suitable policies to support post-Communist countries. The Cold War should teach the U.S. that a stable Europe, more than a stable Asia, is vital to U.S. security, and U.S. leadership is necessary for European unity (6–7). A stable Eastern Europe is most vital for a stable Europe. The U.S. should not assume responsibility for Russian reform; the task should fall into Russian hands (8). The U.S. should "invite" Russia into the international arena and encourage Russia to pursue peace (9).

14. Joffe, Josef. "How America Does It." Foreign Affairs, v. 76, Sept.-Oct. 1997: 13–27.

No alliance in history has persisted long past victory, and yet the U.S. continues to build its alliance system even after the end of the Cold War. Organizations like the EU could challenge U.S. power, and Russia, China, and France have paid lip service to ending U.S. hegemony, but allies of the U.S. have yet to truly turn against America. The reason for "America's unchallenged primacy" lies in the uniqueness of America (16). The U.S. "irks and domineers, but it does not conquer" (16). During WWI and WWII, the U.S., like Imperial Britain, maintained a strategy of checking hegemonies. More recently, U.S. policy has come to resemble the policies of Bismarck's Germany; the U.S. has built a "hub and spoke" relationship with other countries in which "association with the hub [Washington] is more important to them than are their ties to one another" (21). As a result, other countries cannot form old-style alliances against the U.S. (24). The U.S. bears a great deal of responsibility in upholding security for other countries, but this benefits and provides for America's own security (27).

15. Kagan, Robert. "The Benevolent Empire." Foreign Policy, no. 111, summer 1998: 24–34.

Although foreign countries complain about U.S. global leadership, many countries nonetheless have grown to rely on American dominance. Although European and other nations call for "multipolarity," U.S. dominance in fact provides the best option for global affairs (26). U.S. hegemony is a benevolent hegemony (26). The U.S. has risked its own safety for the safety of other countries, and Americans have believed since WWII that "their own well-being depends fundamentally on the well-being of others" (28). It is in the best interest of the nations that benefit from this benevolent hegemony to support rather than criticize U.S. power. Advocates of multipolarity, and the similar balance-of-power theory of global parliamentarianism, or world federalism (30), fail to recognize that no other country would be willing to truly take on the responsibilities and sacrifices multipolarity entails. Countries like France and Russia have not adopted measures that would enable them to shoulder the burdens of multipolarity; what these countries truly want is an "honorary multipolarity" (32): "the pretense of equal partnership in a multipolar world without the price or responsibility that equal partnership requires" (32). The growth of neo-isolationism in the U.S. satisfies European calls for less U.S. involvement in international affairs, but the U.S. must continue to recognize the ultimate importance of its dominance (34).

16. Kennan, George F. "On American Principles." Foreign Affairs, v. 74, Mar.-Apr. 1995: 116–126.

Kennan defines a principle as a "general rule of conduct by which a given country chooses to abide in the conduct of its relations with other countries" (118). This principle should provide a framework for policy and, with special exceptions, should be "automatically applied" (119). A principle should be set forth by a political leader who can reflect the views of the population he represents. Despite wide differences among Americans, most Americans agree on certain ideals. In choosing when to intervene in other countries' affairs, the U.S. should respond only to events that truly threaten U.S. interests (124). U.S. policy must embody John Adams' principle of foreign policy that the best way to help other countries is through "the benign sympathy of our example" (125) rather than through direct intervention.

17. Kennedy, Paul. "The Next American Century?" World Policy Journal, v. 16, spring 1999: 52–58.

For much of the early twentieth century, America looked inward in its foreign policy. By the end of WWII, however, America's role as the world's leader was clear; the twentieth century had become the American century. Later, the Cold War suggested that world affairs were dominated by a bipolar system of Russian and American power, and anti-Americanism abroad and domestic crises at home lent further doubts to the primacy of America. The appearance of an "America in relative decline," however, was not fully accurate (55). The U.S. held many advantages over a Soviet Union constantly plagued with problems, and despite domestic difficulties, the U.S. demonstrated its ability to renew its economic power in the 1980s. The U.S. is influential in its "soft power" (American culture) and "hard power" (military resources) (56), and is a leader in finance and technology. These advantages place America "in a relatively more favorable position in the world than at any time since the 1940s" (56). It is uncertain, however, whether the U.S. will sustain its number-one position throughout the 21st century. The spread of American influence could lead to a backlash against the U.S., and other nations have the potential to develop into superpowers.

18. Khalilzad, Zalmay. "Losing the Moment? The United States and the World After the Cold War." Washington Quarterly, v. 18, spring 1995: 87–107.

The U.S. must develop a foreign policy for the post-Cold War world in order to maintain its strength. Secretary of Defense Dick Cheney's "Regional Defense Strategy," (88) which focused on strengthening alliances, preventing the rise of regional hegemons, and eliminating sources of instability, never took root under the Bush administration. Clinton Administration foreign policy, outlined in National Security Strategy of Engagement and Enlargement, (88) stresses similar points but also emphasizes peacekeeping efforts, economic issues, and the expansion of democracy. But the Clinton strategy fails to prioritize foreign policy issues, and Clinton's handling of foreign affairs has been controversial. Possible alternatives for foreign policy are neo-isolationism (89-91), a return to multipolarity (91–94), and global leadership (94-106). Although neo-isolationism offers short-term benefits, in the long term it is likely to lead to power struggles and proliferation of weapons of mass destruction. A return to multipolarity and balance of power would allow the U.S. to reduce defense spending and concentrate on economic concerns, but depends on other major powers "[behaving] as they should under the logic of a balance of power framework" (93). Global leadership, in which the U.S. would maintain its position and prevent the rise of rival powers, provides the best option. For this policy to work, it must "maintain and strengthen the 'zone of peace' and incrementally extend it; preclude hostile hegemony over critical regions; hedge against reimperialization by Russia and expansion by China while promoting cooperation with both countries; preserve U.S. military preeminence; maintain U.S. economic strength and an open international economic system; be judicious in the use of force, avoid overextension, and develop ways of sharing the burden with allies; and obtain and maintain domestic support for U.S. global leadership and these principles" (95).

19. Kristol, William and Robert Kagan. "Toward a Neo-Reaganite Foreign Policy." Foreign Affairs, v. 75, July/August 1996: 18–32.

Kristol and Kagan advocate a conservative, "neo-Reaganite" foreign policy, in which American exceptionalism is celebrated and in which America "cheerfully" takes on the international responsibilities that come with its role as the benevolent global hegemon (32). They assert that "American principles around the world can be sustained only by the continuing exertion of American influence" by such means as providing foreign aid and playing a role in conflict control or resolution in its diplomatic and/or military capacity when appropriate; they further assert that "most of the world's major powers welcome U.S. global involvement" (20–28). Neo-Reaganite foreign policy differs from the neoisolationism of the "America First" variety in that it is a policy of engagement for the purposes of maintaining peace and international order, as well as national benefit (21–23). In addition, unlike the pragmatist foreign policy under the Bush administration, neo-Reaganite foreign policy justifies its engagement not only with practical or material interests (such as jobs), but also with the goal of upholding and "actively promoting American principles of governance abroad—democracy, free markets, respect for liberty" (27–8). America ought to reassume that sense of responsibility for global "moral and political leadership" which underlay the "overarching Reaganite vision that had sustained a globally active foreign policy through the last decade of the Cold War" (28).

20. Layne, Christopher. "Rethinking American Grand Strategy: Hegemony or Balance of

Power in the Twenty-First Century?" World Policy Journal, v. 15, summer 1998: 8–28.

Layne favors the balance of power strategy over the strategy of preponderance (synonymous with hegemony) that has prevailed in U.S. foreign policymaking circles since after World War II. The "essence" of the strategy of preponderance is the creation of "a U.S.-led world order based on preeminent U.S. political, military, and economic power, and on American values" (9). Preponderance is unsustainable for several reasons: one, hegemonic power instigates its own demise—states that feel threatened will endeavor to emerge as new great powers to balance against the hegemon, thus destroying the unipolar situation (13); second, the U.S. is at risk of strategic overextension when it must defend its extensive interests throughout the world in order to maintain its hegemonic status (17); and third, preponderance as a strategy will be obsolete in the emerging multipolar world, China, Japan, Germany and Russia being the potential new great powers. The balance of power alternative to preponderance is "offshore balancing" (20). The premise of the offshore balancing strategy "is that it will become increasingly more difficult, dangerous, and costly for the United States to maintain order in, and control over, the international system" (21). As an insular great power geostrategically shielded from most foreign threats, the U.S. is in position to disengage itself from many of its military commitments and global leadership role, thus avoiding overextension. Offshore balancing lets the U.S. stand to the side and achieve relative gains while other, less insulated powers quarrel amongst themselves; it also lessens the U.S. risk of war by allowing the U.S. to act last, when the situation is clear (20–22). Geostrategic concerns are paramount in offshore balancing; other issues such as "market and global economic welfare imperatives" are to be subordinate (24). U.S. power and strategic choice are maximized through offshore balancing (24).

21. Mastanduno, Michael. "Preserving the Unipolar Moment: Realist Theories and U.S. Grand Strategy after the Cold War." International Security, v. 21, no. 4, spring 1997: 49–88.

Mastanduno offers a discussion of realism and its two major variants, the balance of power theory and the balance of threat theory, and how these theories apply to different aspects of U.S. foreign policy. Realism is not itself a theory, but instead a "research program that contains a core set of assumptions from which a variety of theories and explanations can be developed" (50). Realist assumptions include an anarchic international system and that states are "like units" (52). Balance of Power theory states that a hegemonic state will "stimulate the rise of new great powers" or the formation of coalitions that will balance against its preponderance (54). The rational course of action under this theory is to accept the "inevitability of multipolarity" and make the most of it, by adopting the position of offshore balancer (see Layne)(56). Balance of Threat theory assert that states are not threatened by power (aggregate resources) alone; the presence of other considerations such as "geographic proximity, offensive capability, and aggressive intentions" is necessary to constitute a threat (59). The rational strategy under this theory would be to "pursue policies that signal restraint and reassurance"—be nonthreatening, in other words (59). Balance of power guides U.S. foreign economic policy while balance of threat informs U.S. security policy, and the two theories thus applied has worked together in the scheme to preserve U.S. global primacy (51). To "dissuade" and delay challenges to U.S. hegemony, the U.S. must not allow economic conflicts to undermine security relations; the U.S. must be willing to shoulder the costs of a "global engagement strategy", and the U.S. must consult and get the cooperation of its allies (a multilateral approach) and refrain from preaching and imposing U.S. values (87–8).

22. Maynes, Charles William. "America's Fading Commitments." World Policy Journal, v. 16, summer 1999: 11–22.

Maynes traces the American attitude toward multilateralism since the Second World War. Multilateralism and international institutions like the UN have fallen out of favor among the U.S. political elite since the 1980s, due to the restrictions multilateralism places on America's freedom of action. To maintain that freedom, America has moved toward unilateralism ("American isolationism in another form") by acting alone or through dominating its alliances (17). Maynes argues that the multilateral experiment cannot be abandoned (21). Globalization brings new transnational problems that must be dealt with multilaterally, and the balance-of-power approach to foreign policy is too prone to catastrophic failure to be completely relied upon (20–21). America's unilateral approach also creates resentment among other states (22). Despite appropriate concerns about the erosion of sovereignty and the erosion of democratic control, America must revive the Wilsonian commitment to international organizations and international law (also liberal internationalism), for "the hope for a more orderly and peaceful world lies in the commitment to progressive multilateralism . . . [a hope which] will never be fulfilled unless the most powerful country in the world does its share" (22).

23. Maynes, Charles William. "'Principled' Hegemony." World Policy Journal, v. 14, fall 1997: 31–36.

America has the ability to deter attacks against itself, but often lacks the will and resources to compel other states to act in accordance with its wishes (35). Maynes suggests limiting the obligations of principled hegemony (specifically in the human rights area) by restricting the U.S. role to providing logistical and political assistance and acting as an example, instead of taking over other states' responsibilities, acting as global or regional policeman, or imposing American views (35–6)

24. Maynes, Charles William. "The New Pessimism." Foreign Policy, no. 100, fall 1995: 33–49.

Influential authors informed by Hobbesian realist assumptions express an unwarranted mood of pessimism for America's future, Mayne asserts. The state of the world is better than it has been for decades and there is much America can do for a better future. The international system is "structurally sound" because no great power is seeking the hegemonic position (a goal repudiated by the Bush administration)(44). Wars and conflicts are now more numerous but on a much smaller scale—war doesn't pay like it used to; there is also no ideology fueling a drive for world supremacy (43). The U.S. should use this "moment of unusual structural stability in world affairs" to "found a structure of peace for the future"(44), by devising a European structure that would involve both Germany and Russia and to fully integrate China into the international system (45-6). The American goal must not be to counter the power of these emerging great powers, but "to channel it in directions that are more benign and that respect the rights of [their] neighbors" (46).

25. Maynes, Charles William. "The Perils of (and for) an Imperial America." Foreign Policy, no. 111, summer 1998: 36–48.

America leads the world economically, militarily, and politically (37). It already carries the burden of "a totally disproportionate share of the expense of maintaining the common defense" as well as being the "world economic stabilizer" (37). Yet America should NOT go further and attempt to pursue a policy of world hegemony, for four reasons: "domestic costs, impact on the American character, international backlash, and lost opportunities" (39). Since there is "no clear geographical limit to the obligations" imposed on an aspiring hegemon, America, should it elect to pursue world hegemony, must be prepared for huge increases in military and non-military spending, in dollars and in bloodshed (40). Hegemony can be attempted "only by using the volunteer army," which would exacerbate the social fragmentation between those who reap benefits from globalization, and those who have to pay the price (42). Dangerous too is the arrogance supreme power brings, and from which America already suffers. Unilateral actions such as economic sanctions and dictates to the U.N. and other countries provoke alienation and resistance, making other countries less cooperative (44). A policy of hegemony "will guarantee that in time America will become outnumbered and overpowered" (46). America should not waste this post-Cold War moment on pursuing hegemony, but use the opportunity to try to forge a new relationship among great powers.

26. "Old Challenges in a New Era: Addressing America's Cold War Legacy, Defense, Economic & International Security Concerns." Washington, Institute for Foreign Policy Analysis, 1995.

During the Cold War, ideology was the dominant factor governing international relations. But economic considerations have taken the place of ideology with the collapse of the Soviet Union and following globalization. Unlike during the Cold War era, the transfers of arms and defense technologies to other states are being made largely on the basis of economic considerations, not ideology. A laissez-faire approach to arms transfers might have negative impacts on regional stability and detrimental effects on future international commercial relations and overall political stability in the long term (Chapter 1).

Even though the U.S. was the leader of the globalization of the international economic system, it failed to adopt internal policies to maintain its competitiveness in the world market. In reality, however, the United States considerably depends on importation. Consequently, it is demanded that the United States continues to improve its economic competitiveness in international markets if it is to reverse the trend of dependency. (Chapter 2)

The increasing competition incurred from internationalization and interdependence of trade transformed the structure of the U.S. economy. For example, wages of U.S. workers were adjusted to the equilibrium of global wage levels. This structural transfiguration of the U.S. economy from industrial era to information age resulted in U.S. defense downsizing. The U.S. defense drawdown appears prima facie to have negative impacts on the national job market. The impact upon the U.S. job market as a whole is, however, minimal in the context and also can be ameliorated with continued economic growth. (Chapter 3)

Today's defense industrial base was formed during World War II, and evolved during the quasi-warlike period of the Soviet Union threat. The strategy of the U.S. military against Soviet quantitative military advantages was technological innovation with qualitatively superior weapon systems. This also demanded large-scale industrial production of products and a massive modernization of industry. But with the collapse of the Soviet Union, the primary role of defense industry disappeared and left dichotomous problems: "how to reduce the size of the US defense industrial establishment without losing the capability to support the armed forces in the near-term surge by major powers such as Russia and China, or to respond to provocations from major regional states and to concurrently facilitate futuristic armaments production needed for long-term security needs." (Chapter 4)

Regarding the direction of U.S. military industry, "the key objective of U.S. defense industrial policy must be the preservation of critical design, engineering, and production skills in the United States economy." Moreover, "long-term U.S. defense production is rooted in maintaining a robust manufacturing base within the United States. Failure to preserve a diverse manufacturing base will eventually result in increased U.S. vulnerability to foreign veto over U.S. security-related decisions." (Chapter 5)

U.S. foreign dependency on military production will naturally increase as the United States moves toward a unified commercial/defense industrial base and prime manufacturers continue to reorganize their supplier networks. Within this framework, long lead-time products such as aircraft, submarines, aircraft carriers, and tanks are not vulnerable to foreign suppliers who might prove reluctant to provide parts for U.S. defense production if tensions develops in selected international relationships. The United States currently has the technology to reestablish industries if required but at a cost. The United States is more vulnerable to stoppage of critical parts and components for electric equipment and combat consumables needed for quick-response intervention operations. In the long-term, U.S. vulnerability will depend on the scope and diversity of the United States industrial base." (Chapter 7)

Preserving international stability is of great importance to the U.S. political, economic and military capabilities. After the collapse of the Soviet Union, the security condition of the world has been transformed, triggering a dispute about how much military capability should be retained under the new uncertain world order. The Clinton Administration's Bottom-Up Review (BUR) postulated the United States must be able to fight two nearly simultaneous major regional conflicts (MRCs). But the U.S. force structure planning has been complicated along with the continuous change of the World and the diversity of potential missions unlike during the Cold War. "As a result of the changes in global stability and Allied force levels, three questions need to be reexamined. 1) what are the critical international interests of the United States, 2) what are the emerging threats to international stability, and 3) what military capability does the United States need to defend those interests." (Chapter 8)

"The twin goals of maintaining a viable U.S. defense industrial base and promoting international stability are not mutually exclusive. As long as discretion is exercised, transfers of U.S. arms to non-aggressive states is more desirable than the alternatives of allowing other arms-exporting states to dominate the trade, or cutting off international arms supplies and encouraging the development of indigenous arms industries." (Chapter 9)

27. Olsen, Edward A. "In Defense of International Abstention." Strategic Review, v. 24, spring 1996: 58–63.

Olsen advocates the return of American foreign policy to its pre-Second World War program of "abstention, benign neglect, and non-interventionism within a framework of highly selective engagement" (58). The U.S. was pulled into a collective approach to security by the special circumstances of the Second World War and the Cold War, and even now retains this "anachronistic" pursuit of world leadership with little concern for national self-interest (58-9). Now that the Cold War is over, the U.S. should return to a more "normal" role in world affairs by disengaging itself from the "permanent allies" and "entangling alliances" frowned upon by the Founding Fathers (59–61). A policy of disengagement and non-intervention is not isolationism; non-intervention merely provides the kind of "strategic independence" that allows America to get involved "when Americans—not other countries or international organizations" decide it is wise (59). Less intervention overseas, less foreign aid, and fewer entanglements will let the U.S. shed burdens its allies can and should carry on their own, and "maximize U.S. geo-economic influence through a demilitarization of U.S. involvement overseas," as well as grant the U.S. a "more benign and unprovocative image", facilitate "trade and investment, and permit a wholesale reduction in obligations without calling into question American prestige and credibility" (63).

28. Pfaff, William. "The Coming Clash of Europe with America." World Policy Journal, v. 15, winter 1998/99: 1–9.

The Atlanticist dream of an American-European political, economic, and security union is unlikely to be realized due to the oncoming Western European versus American clash over economic and industrial competition (1). The euro (EU common currency), if successful, will draw investments away from U.S. securities as well as become a "powerful rival for denominating international trade products" (3). Europe is also expected to resist the globalization trend of mergers in strategic industries such as aerospace and other high-technology sectors to achieve and maintain the "industrial and economic guarantees of sovereignty" (5). European economic and industrial interests serve to make European countries more economically and politically integrated as a union, as EU institutions and policies develop to maintain these interests; further, these same interests will become a "new and fundamental factor of U.S.-EU rivalry and competition," forming an obstacle to trans-atlantic integration (3). Europe does not wish conflict with the U.S., but these vital interests render conflict almost inevitable (1). On a slightly different note, Pfaff argues against an American claim on hegemony, because hegemony is an "inherently unstable" position that provokes resistance, because most of the world does not accept the idea of American exceptionalism, and because American public opinion does not support the kind of expenditure necessary for hegemonic pursuit. (6–7).

29. Rielly, John E. "Americans and the World: A Survey at Century's End." Foreign Policy, no. 114, spring 1999: 97–113.

The latest quadrennial foreign policy opinion survey of the American public and leadership, sponsored by the Chicago Council on Foreign Relations, finds three major trends (1). First, the American public prefers a multilateral approach in U.S. response to crises abroad, while the leadership is more willing to take unilateral action (112,100). Second, although the public recognizes many vital American interests around the world, it is disinclined to send troops or money overseas except to defend national self-interests—a position Rielly calls "guarded engagement" (105). Altruistic internationalist causes (such as promoting human rights and democracy and defending allies' security) are low priority. Guarded engagement "could prove problematic if global leadership requires the United States to make tougher choices in the next century" as the "world's only superpower" (113). Third, there is a marked contrast between public pessimism (major concern being international violence) and leadership optimism for the 21st century world (112). The survey also finds that both the public and leadership groups are upbeat about globalization (105), and that both are viewing "economic rather than military power as the most significant measure of global strength" (97).

30. Rosati, Jerel A. "United States Leadership into the Next Millennium: A Question of Politics." International Journal, v. 52, spring 1997: 297–315.

The "constraints and political uncertainty faced by [American] presidents in today's domestic political environment does not bode well for a strong proactive foreign policy in the future" (310). No longer do presidents have the "automatic or long-lasting" support behind their foreign policy like they did in the Cold War era (307): now they must deal with a contentious public (307) and a more assertive Congress which increasingly involves itself in foreign policy (308). In addition, presidential policies are constrained by what bureaucracies, usually more oriented to the past than the present, are "able and willing to implement" (309). Finally, the personal qualities of the president also determine the success of presidential foreign policy—whether the president has the persuasive power, professional reputation, public prestige, and ability to make good choices (311). The result of these combined factors is that U.S. foreign policy "has tended to become increasingly reactive—as opposed to proactive—and, hence, incoherent and inconsistent over time," rendering the exercise of the much-advocated sustained U.S. global leadership very difficult (306).

31. Rosenthal, Joel H. "Henry Stimson's Clue: Is Progressive Internationalism on the Wane?" World Policy Journal, v. 14, fall 1997: 53–62.

Rosenthal explicates and distinguishes the philosophies of conservative and progressive internationalism, and concludes that "a realist foreign policy and a 'progressive' social agenda did not have to be mutually exclusive". (61). Conservative internationalism is "conservative in that it sought modest, incremental change in international relations" and maintains the state-centered model in which nations have sovereign control over their own territories and domestic policies (56). Conservatives are concerned with promoting American geopolitical and mercantilist interests, not radical world reformation (56). Progressive internationalism takes its cue from the American Progressive movement and "sought to extend the ideals and achievements of the Progressive movement" to the world, as reflected in its emphasis on political democracy, and social and economic justice worldwide (55–7). Progressives also envision a "One World" international structure. Rosenthal then writes that "the story of American internationalism is a history of how 'national interests' grow out of and are defined by domestic considerations" (54). Citing Morgenthau's idea that "international power depended on domestic power and that a key factor in determining domestic power was the presence or absence of moral principles," Rosenthal observes that even realists, of whom Morgenthau is a prime representative, accept that power rests not only on military and economic might, but also has a moral basis—legitimacy (54). Working for and achieving social progress at home is "a prerequisite" in the extension of American power and interests abroad (61). Thus although conservative internationalism is the more mainstream policy, "progressive aspirations cannot and should not be jettisoned," for these aspirations of equality in freedom and opportunity constitute the "purpose of American politics . . . [and] for various historical, geographic, cultural and technological reasons, 'the area within which the United States must defend and promote its purpose [had] become world-wide" (61). It is the American purpose and ethical obligation to deliver on the progressive philosophy, domestically and globally (the latter by example), in its role as the "indispensable nation" (62). In short, moral principles cannot be ignored in foreign policy.

32. Rubinstein, Alvin Z. "The New Moralists on a Road to Hell." Orbis, v. 80, spring 1996: 277–295.

American policy on aid to needy nations and especially on military intervention against political injustices (like ethnic violence) has come under the negative influence of a group Rubinstein calls the "new moralists" (277). The new moralists are a "disparate group of influential notables in the media, academy, and think tanks," who want to use U.S. military power to "spread democracy, protect the victimized, and promote economic development," even where the U.S. has no strategic stake (277). New moralists assume that the U.S., as the sole world superpower, must shoulder global leadership; that the international community is willing to follow its lead; that civil and ethnic conflicts must be stopped before "they lead to great-power wars" and that the U.S. has a "moral responsibility" to promote democracy and defend the downtrodden (278). They view national interest through a moral, not strategic, framework (278). Rubinstein criticizes the new moralists for misusing historical evidence and for wrongly claiming international support (286–7). Foreign policy "must be affordable, supportable, and demonstrably in the best interests of the country at large," and based on "sober calculations of fundamental U.S. strategic, economic and political interests" (293). "Except in cases of direct threats to the survival or vital interests of the United States, the determination of which moral goal(s) to emphasize is a matter of choice" (294). Further, the moral dimensions of foreign policy must be carefully handled with the proper perspective and sound priorities, in order to prevent trivialization, indifference, and self-righteousness (292).

33. Rubinstein, Alvin Z. "NATO Enlargement vs. American Interests." Orbis, v. 42, winter 1998: 37–48.

NATO enlargement is not in the U.S. interest. The decision to admit Poland, Hungary and the Czech Republic into NATO was based on Clinton's bid for votes from voters with strong ties to Central and Eastern Europe, and not on a cost-benefit policy analysis (37). NATO enlargement will cost the U.S. money, add to NATO's security burden, and force the new members to divert money from economic and social development in order to upgrade their defense system to NATO standards (38–40). Given the new challenges and uncertainties facing the U.S. in East Asia, it is unwise for the U.S. to take on "unnecessary responsibilities" in Europe, where the situation is stable (43). Introducing new elements into NATO will disrupt its "secure strategic environment" by affecting power structures and member cohesion, possibly resulting in detrimental consequences (44). The key concern here is Germany. Admitting the Central and Eastern European members will once again put Germany in the center of Europe, with the potential for rekindling adversarial Franco-German and Russo-German relationships, as well as undermining European integration as France and Britain assess Germany's new, more important status (45). The addition of new members, all "heavily dependent on Germany," may affect intra-NATO politics (45). Finally, "any geopolitical development . . . that transforms Germany from an ordinary nation-state into a strategic hub . . . will pose problems for America's presently unchallenged dominance"; in an enlarged NATO where Germany has NATO members as a buffer against Russia (thus reducing its security reliance on the U.S.), America may well lose its leverage in NATO to Germany (45).

34. Ruggie, John Gerard. "The Past as a Prologue?" International Security, v. 21, Spring 1997: 89–125.

Ruggie uses three past reconstruction periods in international policy, 1919, 1945, and post-1947 to predict future trends (109). He contends that in all three instances American leaders advocated "multilateral organizing principles . . . to animate the support of the American public" (117). He states that these principles are embedded in American nationalism and by their nature appeal to the public. "Multilateral organizing principles are singularly compatible with America's own form of nationalism, on which its sense of political community is based" (109). However the author is hesitant to define these acts as "mere rhetoric" or idealism (117). He asserts that various factors must be taken into account depending on the complexity of each situation, with special focus on "strategic interests and collective identity" (124). Ruggie argues that the outlook for American foreign policy should be not simply defined by historical instances or past successes but in terms of the existing situation and political climate.

35. Schild, George. "America's Foreign Policy Pragmatism." Aussenpolitik, v. 46, 1st Quarter 1995: 32–40.

Schild discusses American foreign policy transition from isolationism (33) to internationalism (34). The author states that isolationism "does not mean the complete decoupling of the United States from Europe and from the world" but rather "refusal to enter into lasting political commitments" (33). The change in U.S. foreign policy from isolationism to internationalism was a result of four factors. The era of isolationism between the two world wars caused a belief in the American population that it left the country unprepared for attack, as in the case of Pearl Harbor. The policy failed to provide economic growth and the development of new weapons expanded defense borders beyond American coastlines. Finally, the Cold War created an adversary in which the general public accepted the Soviet Union as an enemy (34). The combination of these factors led to the emergence of internationalism, defined as universal or transnational interests (34). However, Schild declares that since the end of the Cold War the trend toward isolationism has re-emerged, a trend he calls "pragmatic foreign policy" (33).

36. Schwabe, William. "Future Worlds and Roles: A Template to Help Planners Consider Assumptions About the Future Security Environment." Rand Corporation, 1995.

Schwabe discusses nine possible future roles for the U.S. concerning international security. He explains the origin of his roles by distinguishing between possible future worlds and possible U.S. roles. Possible future worlds include "new era" denoting improvements in economic and political structures, "baseline" referring to status quo levels which continue in the same fashion as it has since World War Two and "Malthusian" meaning deterioration in which the international system is failing and all countries struggle (2). Potential roles for the U.S. encompass leadership, co-equal, and second tier (3). The leadership function maintains that the U.S. will continue the role it has assumed for the past half century, dominating in many aspects of international relations and security. The co-equal option posits that the U.S. will maintain its comparative advantage in some aspects but recognize equivalent or superior ability of other first tier countries. In this respect the U.S. will "abandon the modern version of manifest destiny and comes to see greater value and security in not having to lead" (6). The second tier role presumes that the U.S. will decline in status, falling below other leading industrialized nations. Schwabe does not hypothesize on which of these possibilities will occur.

37. Schwenninger, Sherle R. "Clinton's World Order: U.S. Foreign Policy is Hastening—by accident—Arrival of the post-American Century." Nation, v. 266, Feb. 1998: 17–20.

Since President Clinton has taken office a "new global order" has taken shape (17). Schwenninger states that Clinton's policy of "political isolation and economic strangulation have hardened into an ideological commitment" (18). The author explains his theory through examples of U.S. economic trade agreements and various attempts at sanctions. He notes that American sanction policies especially have done more to strain U.S.-European relations than they have altered behavior of condemned countries. Schwenninger continues by saying, "It (the Clinton Administration) has mismanaged this period of U.S. dominance in world affairs by pushing ideologically driven initiatives (like NATO expansion), which will bring little if any lasting benefit to U.S. interests or the larger cause of a stable world order" (20). The author promotes U.S. foreign policy that includes labor and environmental protections, more extensive domestic measures to insure the majority of Americans benefit, and when needed international regulatory structures needed to oversee international capital flows (19–20).

38. Shain, Yossi. "Multicultural Foreign Policy." Foreign Policy, no. 100, Fall 1995: 69–87.

In the past century America's population has expanded considerably. Ethnic groups living in America have altered the shape and function of U.S. foreign policy. Those involved in U.S. foreign political affairs have recognized this wave of influence and have acknowledged the resurgence of Wilsonianism (70). However, this presents a foreign policy conundrum: foreign policymakers must take into account the demands of citizens but avoid undermining national cohesiveness due to ethnic strains. With increasingly powerful ethnic influences such as diasporic lobbies, "one should expect to see strong ramifications in U.S. foreign affairs, including a redefinition of U.S. national interest". (73) Shain states two ideologies that ethnic communities encounter when compelled by ethnic and U.S. interests. Isolationists consider their culture superior to American culture and reject cultural assimilation in the U.S. (75). Integrationists endorse a vision of pluralist democracy that includes cultural and political recognition from main stream institutions (78). American policymakers will have to carefully consider these factors when creating and implementing foreign policy.

39. Sloan, Stanley, R. "The U.S. Role in the Twenty-first Century World: Toward a New Consensus?" Foreign Policy Association, 1998: 64 p.

Sloan contends that U.S. foreign policy in the post-Cold War era must be directed by executive leadership with the acknowledgment of scholars, analysts, and Congress. A crucial element in comprehending America's new role is to understand world interdependency. Sloan proposes U.S. interests can be "affected by developments in any region of the globe" (5). Sloan suggests that the U.S. has been experiencing an "escapist" period in foreign policy (36). He contends that escapism is a result of America's uncertain international role in the future and a misunderstanding of U.S. foreign objectives. He recommends the current Administration explicitly defining America's foreign policy agenda based on common values, goals, and interests (59). The author reveals that this endeavor would "reflect post-cold-war realities and would restore flexibility to U.S. policymaking" (59).

40. Travers, Russell, E. "A new Millennium and a Strategic Breathing Space." Washington Quarterly, v. 20, Spring 1997: 97–114.

In a reevaluation of threats against U.S. security Travers suggests eight general policy prescriptions to succeed during the post Cold War period. Included in his recommendations are rejection of isolationist and instant gratification policies which he depicts as being two major mistakes in U.S. history (110–111). He promotes the use of newly defined sovereignty combined with neo-Wilsonian ideals "because it is in the U.S. national interest to help build such a world" (112). The author also suggests minimizing future threats by addressing potential vulnerabilities including possible domestic problems. He states that this can be accomplished by creating a exceptional intelligence community with early warning systems to thwart domestic and international threats. Military preparedness should include readiness in low intensity conflicts with small force packages of highest-end U.S. technology integrated with 1980s- and 1990s-vintage weapons (112). Essentially, Travers concludes that the U.S. maintains a favorable strategic position in the post Cold War era.

41. United States Senate, Committee on Foreign Relations. "U.S. National Goals and Objectives in International Relations in the Year 2000 and Beyond." Hearing, 104th Congress, 1st Session, July 13, 1995. Prepared Statement by Henry Kissinger, 12–22.

Kissinger states that every major nation finds itself in a transitional stage. "The current world contains six or seven major global players whose ability to affect nonmilitary decisions is essentially comparable" (13). For this reason Kissinger believes that there are two stable options for U.S. policy makers: hegemony or equilibrium. Hegemony would allow the U.S. to dominate in the international sphere but has been recently rejected by the American public (13). The equilibrium or "balance of power" approach has also been dismissed by U.S. society due to endless tension that many feel it causes (13). However, Kissinger maintains that "the reality is that the emerging world order will have to be based on some concept of equilibrium . . . among its various regions" (13). He also argues that the U.S. will be forced to impose a variety of foreign policy initiatives, based on U.S. relations and each nation's political agenda. Concerning countries with which we share common values and principles, Kissinger suggests emphasis on democratic principles to usher in the new world order (17). In the case of nontraditional U.S. allies he asserts that we must avoid containment policies of a generation ago. Containment may allow or possibly promote unified defiance. (21). Kissinger stresses the need for a well developed and supported international policy, blind to partisanship. "The national interest of the United States does not change every four years; foreign leaders judge our country by its insight and its constancy" (22).

42. Van Heuven, Marten. "Europe in 2006: A Speculative Sketch." Rand, 1997: 16 p.

U.S. foreign policy with respect to Europe in the next decade should be founded on "the fact that a secure, stable, and prosperous Europe is vital to American security and well-being" (13). Europe and America have had a long record of cooperation as a result of similar interest and values. For this reason political, financial, and social stability in Europe is essential to prosperity in America. Van Heuven stresses that because of our historical partnership bipartisanship should not muddle U.S. foreign policy objective in the region (15). Emphasis on pragmatic policies such as those concerning the EU and open markets should continue to be the American objective (15). In closing the author states that there is a need for greater public discussion about what the U.S. role should be concerning Europe.

43. Weston, Charles. "Key U.S. Foreign Policy Interests." Aussenpolitik, v. 48, no. 1, 1997: 49–57.

Since the end of the Cold War the U.S. has remained the only influence capable of international influence. Changes in America politically and domestically have influenced U.S. foreign policy decisions. Weston states that the current Administration's policy combines "idealism with pragmatism and emphasizes democracy and human rights", a reflection of public sentiment (52). Despite international engagements such as Bosnia, "Washington is not at all keen about the idea of an offensive and worldwide interventionism" (52). The author concludes that to overcome international challenges faced in the 21st century the U.S. must lead alliances with examples of coordination and cooperation (57).

Mr. CLELAND. Mr. President, James Lindsay of the Brookings Institution, I think, well summed up where we in Congress are today in this great debate on America's proper role in the world in the Winter 2000 Brookings Review, where he wrote:

> Much like friends who agree to dine but can't agree on a restaurant, foreign policy elites agree that the United States should do something, just not what. Congress naturally reflects this dissensus, which makes it difficult for the institution to function. Divided by chamber, party, ideology, region, committee, and generation, Congress lists toward paralysis whenever a modicum of agreement and a sense of proportion are absent.

In a nutshell, attempting to overcome this "dissensus" and "paralysis" is what Senator ROBERTS and I are trying to do in these dialogs. I'd like at this point to yield to the distinguished Senator from Kansas for his comments.

Mr. ROBERTS. Mr. President, I thank the Senator for yielding.

Mr. President, Senator CLELAND has very effectively outlined the evolution of our nation's foreign policy, from Washington and Adams (chary of foreign involvement and alliances) to the Monroe Doctrine to Wilson's idealism and all of the so called "ism's"—economism, realism, humanitarianism, minimalism, unilateralism, regionalism, isolationism with intervention and non intervention tossed in. Now, that is quite a foreign policy tossed salad.

But, the point is, discussion and definition must preface clarity, purpose and consensus and Senator CLELAND has done just that along with a Clelandism, a new concept he will define in his closing remarks, "Realistic Restraint."

In setting the framework for discussion on the global role our nation will play in the 21st century, the benchmark used by virtually all observers is the post-cold-war period.

Ashton Carter, professor of science and international affairs at the John F. Kennedy School of Government at Harvard and an Assistant Secretary of Defense for International Security Policy in the first Clinton administration, put it very well when he recently wrote:

> The kindest thing that might be said of American behavior ten years into the post-Cold War world is that it is A-STRATEGIC, responding dutifully to the (crisis du jour) with little sense of priority or consistency.
>
> A less charitable characterization would be that the United States has its priorities but they are backwards, too often placing immediate intervention in minor conflicts over a "preventive-defense strategy focused on basic, long term threats to security.
>
> This formula has become awkward, even embarrassing, as the years go by. It is an admission that we do not know where we are going strategically, only whence we have come. It is time to declare an end to the end.

In his recent article, "Adapting U.S. Defense to Future Needs," Professor Carter has recommended identifying an "A-list" of security priorities to fill the current strategic vacuum. I was struck by the similarity between Professor Carter's A, B, and C lists determining threats to our national security and the recommendations by the Commission on America's National Interests four years previous that I mentioned in my opening remarks.

And, Professor Carter did us another favor in his article by quoting George

Marshall at the time of America's previous great strategic transition following the Second World War. In 1947 at Princeton University, General Marshall said:

> Now that an immediate peril is not plainly visible, there is a natural tendency to relax and to return to business as usual. But, I feel that we are seriously failing in our attitude toward the international problems whose solution will largely determine our future.

The report by the Commission on America's National Interests in 1996 expressed a similar view:

> The confusion, crosscurrents, and cacophony about America's role in the world today is strikingly reminiscent of two earlier experiences in this century: the years after 1918 and those after 1945. We are experiencing today the third post-war transition of the twentieth century. In the twenty years after 1918, American isolationists forced withdrawal from the world. America's withdrawal undermined the World War I peace settlement in Europe and contributed mightily to the Great Depression, the rise of fascism in Germany and Italy, and the resumption of war in Europe after what proved to be but a two-decade intermission. After 1945, American leaders were determined to learn and apply those lessons of the interwar period. Individuals who are known now as the "wise men," including Presidents Harry Truman and Dwight Eisenhower, Secretaries of State George Marshall and Dean Acheson, and Senator Arthur Vandenberg, fashioned a strategy of thoughtful, deep American engagement in the world in ways they judged vital to America's well-being. As a result, two generations of Americans have enjoyed five decades without world war, in which America experienced the most rapid economic growth in history, and won a great victory in the Cold War.

To address this historical challenge and responsibility, what did the Commission recommend? We recommended the following:

> Challenges to American national interests in the decade ahead. Developments around the world pose threats to U.S. interests and present opportunities for advancing Americans' well-being. Because America's resources are limited, U.S. foreign policy must be selective in choosing which issues to address. The proper basis for making such judgments is a lean, hierarchical conception of what U.S. national interests are and are not. Media attention to foreign affairs tends to fixate on issues according to the vividness of a threat, without pausing to ask whether the U.S. interest threatened is really important. Thus second- and third-order issues like Bosnia or Haiti become a consuming focus of U.S. foreign policy to the neglect of issues of higher priority, like China's international role or the unprecedented risks of nuclear proliferation.
>
> Based on its assessment of specific threats to and opportunities for U.S. national interests in the final years of the century, the Commission has identified five cardinal challenges for the next U.S. president: To cope with China's entry onto the world stage; to prevent loss of control of nuclear weapons and nuclear weapons-usable materials, and to contain biological and chemical weapons proliferation; to maintain sound strategic partnerships with Japan and the European allies; to avoid Russia's collapse into civil war or reversion to authoritarianism; and to maintain singular U.S. leadership, military capabilities, and international credibility.

Note the similarity in agreement in regard to Professor Carter's recent article in which he says, 4 years later:

> The public imagination, reflected in the press, abhors the post-Cold War's conceptual vacuum. Under CNN's relentless gaze, and in the absence of any widely accepted strategic principles, the accumulation of a decade's worth of telegenic events has begun to furnish the public with a conception of strategic priorities that differs from an A-list as defined here. Citizens watching the news (and even those few who still read it) can be forgiven if they have begun to get the impression that the security challenges of the new era (the post-Post-Cold War era) arise in such places as Kosovo, Bosnia, East Timor, Haiti, Rwanda and Somalia. These are the issues that have dominated the security headlines in the 1990s. Indeed, there is even talk of the post-Cold War's first presidential doctrine, the so-called "Clinton Doctrine", dealing with precisely this issue. According to President Bill Clinton: "Whether you live in Africa or Central Europe or any other place, if somebody comes after innocent civilians and tries to kill them en masse because of their race, their ethnic background or their religion, and it is within our power to stop it, we will stop it."
>
> The Kosovos and their ilk are undoubtedly important problems: they represent not only atrocities that offend the human conscience, but if allowed to fester can undermine the foundations of regional and international stability. However, it is also true that such problems, while serious, do not threaten America's vital security interests.

Carter went on to say there are four dangers that he puts on the A list, the top priority concerns in regard to vital national security interests: No. 1, the danger that Russia might descend into chaos, isolation and aggression as Germany did after the First World War; No. 2, the danger that Russia and other Soviet successor States might lose control of the nuclear and chemical and biological weapons legacy of the former Soviet Union; No. 3, the danger that, as China emerges, it could spawn hostility rather than becoming engaged in the international system; the danger that the weapons of mass destruction will proliferate and present a direct military threat to U.S. forces and territory; and finally, the danger that catastrophic terrorism of unprecedented scope and intensity might occur on U.S. territory.

Professor Carter indicated these A-list problems do not take the form of traditional military threats and they have not, as a general rule, made headlines or driven our defense programs during the decade-old post-cold-war era. While neither imminent nor certain, the A-list problems will, to quote Marshall again, "largely determine our future."

Both Professor Carter and the commission report go on to stress many additional policy recommendations. I commend both the report and the article to my colleagues.

In trying to better prioritize our national security obligations, I think we are faced with two clear policy alternatives: The first I call the so-called Powell doctrine, named after retired Joint Chiefs Chairman, General Colin Powell, who focused on the dangers of military engagement and recommended limiting commitments that put America's men and women in uniform in harm's way to absolutely vital national interests; the second being the so-called Clinton doctrine, which emphasizes more of a global policing role for the United States.

This debate does recall others. It was 40 years ago that President Eisenhower's emphasis on strategic deterrence was challenged by President John Kennedy's advocacy of something called "flexible response." However, the difference is that once in office, the Kennedy administration increased defense spending, while in the last 10 years after engagement and sending more American service men and women overseas than any other President took place in tandem with cutting our military by one-third.

Our current Chairman of the Joint Chiefs of Staff, Gen. Henry Shelton summed up the situation very well when he told the John F. Kennedy School of Government recently:

> The military makes a great hammer in America's foreign policy tool box, but not every problem we face is a nail.

He went on to say:

> As a world superpower, can we dare to admit that force cannot solve every problem we face. I think that the decision to use force is probably the most important decision our nation's leaders can make. The fundamental purpose of our military forces is to fight and win the nation's wars.

General Shelton went on to echo what both the commission on America's interests and Professor Carter have said: Military intervention should be used for vital national interests, important national interests, and they have been used for humanitarian efforts. But the general cautioned that such efforts should be limited in duration and clearly defined.

The general referred to the Dover test, named after Dover Air Force Base, the point of entry of the bodies of service members that are killed in action overseas. The general said: The question is, Is the American public prepared for the sight of our most precious resources coming home in flagged-draped caskets into Dover?

He said this should be among the first things raised by Washington decisionmakers. Both Senator CLELAND and I agree very strongly.

The historical analogies aside, there is one clear difference in today's global world and what faced our political and military leaders of yesterday. That is what I call the information age of the CNN effect. Joseph S. Nye, former Assistant Secretary of Defense for International Security Affairs, said in a recent article:

> Today the free flow of information and shortened news cycles have a huge impact on

public opinion, placing some items at the top of the public agenda that might otherwise warrant a lower priority. Our political leaders are finding it harder than ever to maintain a coherent set of priorities on foreign policy issues that determine what is in the national interest.

The so-called "CNN effect" makes it harder to keep some items off the top of the public agenda that might otherwise warrant a lower priority. Now, with the added interactivity of activist groups on the Internet, it will be harder than ever for leaders in democracies to maintain a consistent agenda of priorities.

In closing, let me say that while this forum is intended to focus on debate and discussion, events of the day have a way of forcing the agenda.

I paraphrase from the distinguished admiral who heads up the Defense Intelligence Agency when he said before a recent hearing: We must pay attention to uncertainties in regard to Russia, China, Europe, the Middle East, and Korea. They must be addressed. We must deal with rogue states and individuals who do not share our vision of the future and are willing to engage in violence. Rapid technology development and the proliferation in information technology, biotechnology, and communications, tactical weapons, weapons of mass destruction, pose a significant threat. A 50-percent reduction in global defense spending means both our adversaries and allies have not kept pace with the United States, but as we see after the war in Kosovo, it will result in asymmetric threats from our adversaries and reduced help from our allies. Demographic developments will stress the infrastructure and leadership in Africa, Asia, and Latin America. Disparities in global weather and resource distribution will get worse. The reaction to the United States and western dominance will spur anti-U.S. sentiments now more pronounced since Kosovo, the law of unintended effects. International drug cultivation and production and transport and use will remain a major source of crime and instability. And lastly, ethnic and religious and cultural divisions will remain a prime motivation for conflict.

To be sure, the Senate of the United States cannot solve all the problems, but these problems do indeed comprise current and emerging threats to our national security, international stability, and to peace. The question is, Can we reach consensus in this body to address them in a rational fashion as the leader in the free world?

I think my colleague has some closing remarks, as I do.

Mr. CLELAND. Mr. President, may I say my colleague from Kansas, as he so often does, put his finger right on it. The question is one of priorities. I appreciate him pointing out the CNN effect. The extent to which this country can respond to each and every problem in the world is limited. We have to recognize that; therefore, we must insist on dealing with our top priorities.

I deeply appreciate the wonderful quote of General Shelton which I first heard at an Armed Services Committee hearing, that we have, in effect, a great hammer, but not every problem in the world is a nail. What a great way to phrase that particular point of view.

I appreciate Senator ROBERTS' mentioning General Powell, one of my personal heroes. I once had the pleasure of visiting him in the Pentagon when he was Chairman of the Joint Chiefs of Staff. We spoke about the purpose of the American military. He said: My purpose is to give the President of the United States the best advice I can on how to use the American military to stay out of war; but if we get in war, win and win quickly.

That is still probably the finest definition of the mission statement of our military forces I have ever heard.

So I thank the Senator from Kansas for his insight and for his timely remarks.

I will now conclude my prepared remarks today by offering some preliminary thoughts as we begin this dialogue on the U.S. global role. As I said at the outset, I certainly do not have any final judgments or answers to this critical question. In my view, no one has, or can have, all of the answers right now because so many of the elements of the post-cold-war world—including its geopolitical alignments, "rules of the game" in dispute resolution and trade, and the role of non-national actors, including non-governmental organizations, the news media and unfortunately transnational terrorists—are in flux. But we cannot let this lack of certainty and finality deter our efforts to find the best set of policies we can now develop, not when challenges or potential challenges to our national interests continue to arise, not when the people of America are asked to sustain whatever policy we here espouse.

I might say, as a Vietnam veteran who almost came back in a body bag, the Dover test, the Dover, DE test, or the ability of this country to measure the rightness of our actions based on the price we are willing to pay, is a powerful one.

When our sons and daughters in the military are asked to put their family life on hold and their lives on the line in support of whatever the civilian authorities determine, they have a right to ask us if those policies are worth it.

I have been deeply disturbed by the tenor of our recent debates in the Congress and with the administration on a host of important national security issues. Most recently, the Senate failed to ratify the Comprehensive Test Ban Treaty after little meaningful debate and no Senate hearings. This was one of the most consequential treaties of the decade, and it was sadly reduced to sound-bite politics and partisan rancor.

In addition to the CTBT, the Senate has made monumental decisions on our policies in the Balkans and the Persian Gulf, funding for the Wye River Accords and the future of NATO and the United Nations, all without a comprehensive set of American goals and policies. Simply put, I do not believe we can afford to continue on a path of partisanship and division of purpose without serious damage to our national interests.

In addition, as the ranking member of the Senate Armed Services Personnel Subcommittee, I have been heavily involved in trying to improve the quality of life for our servicemen and women through such steps as increasing pay and enhancing health and education benefits. It is my deeply held view that not only do we need to take such action to address some disturbing trends in armed forces recruitment and retention, but we owe these individuals nothing less in recognition of their service.

However, as important as these other factors are, the ultimate quality of life issues center on decisions made by national security decisionmakers here in Washington relating to the deployment of our forces abroad. It is these deployments which separate families, disrupt lives, and in those cases which involve hostilities, endanger the service member's life itself. This is not to say that I believe our soldiers, sailors, airmen, and marines are not fully prepared to do whatever we ask of them. But we on this end owe them nothing less than a full and thorough consideration each and every time we put them into harm's way.

There are thirteen military installations in Georgia, and I visit the troops whenever I can. When I go to these bases, I see weary and beleaguered families who are doing their best to make it through the weeks and months without their husbands or wives. They are, indeed, on the point of the spear of this Nation's military force. They are paying a heavy toll for our military engagements around the world. It is a price they are ready to pay, but one I want the Senate to understand and appreciate as we continue in our commitment of troops aboard.

For what it is worth, based on what I have seen and heard to date, I believe we in positions of foreign policy making responsibility in the United States need to be much more mindful of such traditional realist diplomatic precepts as "balance of power" and "equilibrium." This is not to say that I believe our distinctly American approach to foreign policy, dominated throughout by idealist considerations and in most of the 20th century by what is often called Wilsonian internationalism has been wrong-headed or unfounded. Clearly, for the most part, it has served us well in advancing our vital national interests, whether those were securing our national independence, promoting the spread of self-determination and democracy, or defeating Soviet communism.

But the post-cold-war period is a new day for America as well as the world. In my view, we need not, and certainly will not, renounce our ideals, but in this new era, those ideals must be grounded in a policy which realistically gauges what price Americans can or should pay in support of our global role.

We have to ask the Dover, DE test: How many body bags do we want to see coming home? We have to ask what price we are going to pay for our military. We cannot continue to downsize our American military by a third and increase our commitments abroad by 300 percent, whether or not our commitments abroad are actually sustainable over a period of time.

Last, I am struck by the words of the conservative editor of the National Interest, Owen Harries:

> I advocate restraint because every dominant power in the last four centuries that has not practiced it—that has been excessively intrusive and demanding—has ultimately been confronted by a hostile coalition of other powers. Americans may believe that their country, being exceptional, need have no worries in this respect. I do not agree. It is not what Americans think of the United States but what others think of it that will decide the matter.

Mr. President, I appreciate the indulgence of the Senate for our discussion here, and I thank my colleague for his tremendous insight and his marvelous research into the challenges we face in America's global role today. I look forward to continuing this discussion and this dialog in the coming weeks.

The PRESIDING OFFICER (Mr. FITZGERALD). The Senator from Kansas.

Mr. ROBERTS. Mr. President, in closing, I again thank my colleague for undertaking this effort. As usual, his remarks have been on point. They have provided focus. They have been very thought provoking.

I would like to recount a personal experience. Last spring, Senator STEVENS led a Senate delegation to the Balkans, to Macedonia. Obviously, we didn't go into Kosovo at that particular time. Along with other Senators, we visited the Albanian refugees and the various refugee camps. This one was Brazda.

Standing in the cold and in the mud amidst a circle of refugees, there came an old man with a stocking cap. It was pulled over his head. He was recounting, through his interpreter, his tale of human misery. He had refused to join his wife and family in fleeing their home. He didn't want to leave home. He urged them to leave the home because of his worry about their safety.

Two sons had fled to the mountains. He did not know, since he fled at the last moment, where his family was. He was wearing the shoes of a long-time friend who was killed in the violence. His home was burned. His savings and life's wherewithal were destroyed. And with tears in his eyes he grabbed me by the lapels and he said: "I believe in God, I believe in America, and I believe in you." That face will always be with me.

Yet today, we see the continuing ethnic violence so prevalent in that part of the world. The Senator from Georgia mentioned Samuel P. Huntington's book, "The Clash of Civilizations: The Remaking of the World Order." The central theme of that book is that culture and cultural identities, which we see so prevalent in the Balkans and in other places around the globe, which at the broadest level are civilization identities, are shaping the patterns of cohesion, disintegration, and conflicts in the post-cold-war world.

We should focus on that. I recommend his book to every Senator. It should be required reading. He has five corollaries to his main point which will help us shape our future foreign and defense policy:

One, in the post-cold war world, for the first time in history, global politics has become multipolar, multicivilizational; Westernization is not producing a universal civilization—a shock, perhaps, to many who call themselves decisionmakers in regard to Western civilization.

Two, the balance of power among civilizations is shifting. The West is declining in relative influence. Asian civilizations are expanding their economic, military, and political strength. The Nations of Islam are exploding demographically, with destabilizing consequences for Muslim countries and their neighbors, and nonwestern civilizations generally are reaffirming the value of their own cultures.

Three, a civilization-based world order is emerging. Societies sharing cultural affinities tend to really cooperate with each other. Efforts to shift societies from one civilization to another are unsuccessful. And countries group themselves around the lead or core states of their civilization. The West's universalist pretensions increasingly bring it into conflict with other civilizations.

Finally, the survival of the West depends on Americans reaffirming their Western identity and westerners accepting their civilization as unique but not universal, and uniting to renew and preserve it against challenges from nonwestern societies. Avoidance of global war of civilizations depends on world leaders accepting and cooperating to maintain the multicivilizational character of global politics.

Simply put, Samuel Huntington says, leaders in Western nations, Members of the Senate, the President of the United States and his Cabinet, maybe we ought to concentrate on strengthening and preserving our values where they are cherished, they have been nourished, and they work well, instead of trying to impose them on countries where they are not welcome. If we do that, we will take a giant step in trying to set appropriate priorities in regard to our vital national security interests.

I thank the Senator from Georgia. We have concluded our remarks. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AFFORDABLE EDUCATION ACT OF 1999—Continued

The PRESIDING OFFICER. Under the previous order, the Senate will continue with the consideration of S. 1134.

Mr. LOTT. Mr. President, as I indicated earlier today, I will attempt again now to see if we can work out an agreement as to how to proceed on the education savings account issue. I am prepared to continue working to try to work something out. I think it is perfectly legitimate—in fact, essential—that Senators be able to express themselves on education matters as a whole and specifically as it relates to this bill.

I think education amendments or education-related tax amendments that relate to this bill are very much in order. I support that all the way. But if it goes beyond that, then you get off into all kinds of other issues, and we will have an opportunity for that before this year is over. We have a long way to go. But I hope we can get serious consideration, good debate and amendments, on this education savings account bill and then move forward to other issues.

I am continuing to be hopeful that we can get an agreement to proceed on the Export Administration Act which does have bipartisan support. But we are working with the key members of the Armed Services Committee, the Governmental Affairs Committee, and the Intelligence Committee to make sure legitimate concerns are addressed about national security, intelligence, and how the concurrence process works between Commerce and State and Defense. We still are hopeful we can get an agreement worked out for that.

For now, I renew my request and ask unanimous consent that all amendments be relevant to the subject matter of education or related to education taxes on the education savings account bill.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, we have been able to consider every piece of legislation so far this year in this session of Congress under unanimous consent agreements.

This is the first amendable vehicle that Members have had to try to amend this year. There is no attempt by the minority to filibuster, to delay this bill in any manner. Members on our side simply want the bill considered in the regular order, open to amendment.

Like the majority leader, I had the good fortune of serving in the House of Representatives. I loved my job in the House of Representatives, but there we worked under different rules. We had a Rules Committee. Before any bill came to the House floor—in fact, the majority leader served on the Rules Committee—there had to be a rule on that bill as to how long the debate would take, how many amendments would be offered, and how long for each amendment. Those are not the rules that have governed the Senate for 200-plus years, and they should not be the rules that govern the Senate today.

We have clearly heard what the majority leader said today, that other things we may want to bring up will be scheduled at a later time. But we are not part of that scheduling process. There are issues we believe are necessary now in this country to be the subject of legislation. The only way we can do that is through the amendment process. We believe the minority should be entitled to offer amendments of their choosing. There is no germaneness requirement, nor is there any necessity that there be a rules committee such as in the House of Representatives. Just because a Member's amendment may not be relevant does not mean it is not important and it is not something about which we should be able to talk.

I say to the majority leader, we object. I would hope he would reconsider and allow this matter to proceed in the regular order so amendments can be offered.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I object.

Mr. WELLSTONE. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, I do truly regret this objection. But as I have indicated before, we will keep working to see if we can find a way to get an agreement to proceed.

I say to my colleagues, and to the American people, what is a more important issue than education? In most polls, the people indicate the issue they really are concerned about the most—or certainly in the top three—is education. Also, the indications across the board have been that people support the idea of having an opportunity to save for their children's education, not only for higher education but in some respects even more importantly K through the 12th grade. This would allow parents to set aside up to $2,000 per year per child of their own money for their own children's education needs.

I emphasize, what we are trying to work out does not restrict amendments on education, or education tax issues. Senators who have ideas about education—local control of education, or other ways we can help the children's education—boy, I can think of a lot of amendments that would be applicable here.

What I do not think we should do in an education debate is get into a whole raft of other important issues—maybe foreign trade issues, maybe just foreign policy issues, maybe trade amendments, maybe defense amendments, gun amendments—a whole myriad of amendments that Senators could come up with that they would want to put on this bill, perhaps because it is the first bill.

Under Senate rules, Senators will have the opportunity to offer whatever amendments they may be working on as we go through the year. It is just that I think sometimes we get into a position where we start offering the same amendments over and over again. What I am trying to do is get a process to get us to focus on education, have a good debate, have amendments, and when that is over, pass this legislation that, again, has bipartisan support.

There is broad support for the education savings account idea. But I will continue to work with Senators on both sides of the aisle. I think I am offering a reasonable request. I hope we can get something worked out between now and next Tuesday as to how to proceed.

CLOTURE MOTION

Mr. LOTT. However, in order to be prepared to try to get an indication of where Senators are—are Senators for savings education accounts or not?—I do send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant bill clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 124, S. 1134, The Affordable Education Act of 1999:

Trent Lott, William V. Roth, Jr., Paul Coverdell, Slade Gorton, Kay Bailey Hutchison, Rod Grams, Pete Domenici, Gordon Smith, Conrad R. Burns, Don Nickles, Mike Crapo, Sam Brownback, Frank H. Murkowski, Rick Santorum, Judd Gregg, Tim Hutchinson.

Mr. LOTT. Mr. President, this cloture vote then will occur on Tuesday, unless we get something worked out where we could vitiate that agreement, as we did 3 weeks ago on the bankruptcy reform legislation. We had a cloture motion, we saw good faith on both sides, we got an agreement worked out, and we vitiated that vote.

In the meantime, I ask unanimous consent the mandatory quorum under rule XXII be waived and the cloture vote occur at 2:15 on Tuesday.

Mr. REID. Mr. President, would the leader consider having that vote at 2:30 instead of at 2:15? We have a request for that.

Mr. LOTT. I amend my request to put it at 2:30 on Tuesday.

The PRESIDING OFFICER. Is there objection?

The Senator from Nevada.

Mr. REID. Reserving the right to object, I say sincerely to the majority leader and to the majority that we should be given the opportunity to go forward on this bill. We are very anxious to move forward. We believe there is a lot to be done in education. We certainly want to do that, but we want to proceed under the regular rules of the Senate. That does not seem to be asking too much. We are not going to object to the waiver of the quorum and those kinds of things, but I will say, if we are not able to work something out before Tuesday at 2:30, I will recommend to all Democratic Senators, all the minority, that we vote against invoking cloture on this issue. That would be too bad.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, in light of the agreement, there will be no further votes today. We do have a number of Senators who have requested time during morning business, and I will have a unanimous consent on that momentarily.

The Senate will be in session on Monday debating this very important issue, education, and education for our children at the 4th-grade level, the 8th-grade level, and the 10th-grade level, and the merits of being able to save a little of your own money for your own children's education. I find it hard to believe that every Democrat is going to walk down and vote against going forward on education savings accounts—I think that is going to be hard to explain—because they want to offer an unrelated, nongermane amendment. But if the Democrats are prepared to do that, then we will just have to deal with that. The next rollcall vote, however, will occur then at 2:30 on Tuesday.

EXTENSION OF MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent the period for morning business be extended until 5 p.m. with Senators permitted to speak for up to 10 minutes each, with the following exceptions in the following order: Senator GRASSLEY for 20 minutes; Senator

WELLSTONE for 20 minutes; Senator MACK for 15 minutes; Senator DOMENICI for 15 minutes; Senator MURKOWSKI for 10 minutes; Senator GORTON for 5 minutes; Senator WYDEN for 10 minutes; and Senator KERREY for 20 minutes.

I further ask unanimous consent that following these times, the majority leader be recognized as under the provisions of the earlier agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

DECISION IN THE FSC CASE

Mr. GRASSLEY. Mr. President, as chairman of the International Trade Subcommittee, I rise to express extreme disappointment about a very adverse decision to the United States handed down in Geneva today by the World Trade Organization appellate body in the Foreign Sales Corporation case, sometimes called the FSC case.

I suppose I should not be standing here on the floor crying about the United States losing a case before the World Trade Organization because we win most of these cases. The reason I am so disappointed in this one is that I think there is a fundamental misunderstanding of the purpose of our Foreign Sales Corporation tax law. From that standpoint, when we rely so much on income taxes and the European Community relies so much on value-added taxes, this sales corporation tax law is to equalize the playing field between Europe and the United States on a lot of key manufactured products.

The appellate body decision essentially means the Foreign Sales Corporation rules in our Tax Code violate the WTO rules. As I indicated, the appellate body fundamentally misunderstood the nature and the intent of the Foreign Sales Corporation plan. The FSC plan was designed to address the competitive disadvantage faced by United States businesses that compete with foreign firms in European countries that have value-added tax regimes. When products from countries with a value-added tax regime are exported, they typically get rebates. However, in the United States, because we rely upon the corporate income tax and not on a value-added tax, our exporting firms don't enjoy this type of tax benefit. This obviously makes our exports less competitive in world markets. The FSC rules were designed, then, to create a level playing field with these European tax systems.

The appellate body decision is a very serious development because it comes at a time when the World Trade Organization itself is under attack. In my view, these attacks are unwarranted and unjustified, but politically we have to deal with them. It will probably be the case, in one or the other body of this Congress, that we will even be voting this year on the issue of whether or not the United States ought to stay as a member of the World Trade Organization. I think they should, but this case could impact that decision.

Of course, we must not allow this setback to undermine either the World Trade Organization or our support for this vital institution. I will do everything I can to make sure this does not happen. In the meantime, I strongly urge President Clinton to attempt to negotiate a settlement with the European Union that modifies or overturns this appellate body's decision. This should be President Clinton's No. 1 priority at the G-8 summit in Okinawa later this year.

I also call upon the European Union not to take any retaliatory action against the United States until we, through our President, have the opportunity to personally discuss this case in Okinawa at the summit there.

We must make sure we observe the rule of law in this case and in every case involving international trade disputes. We expect no less from our trading partners, and we must do the same. And since we win the vast majority of these cases, we find ourselves not in a bad position by taking this moral stand.

But I hope when we address this case, we bear in mind that while the outcome of the case itself is very important, there is something else at stake; that is, the integrity of our international trading system. We must remember that the WTO benefits every farmer and every business that sells its goods and services in foreign markets. If we did not have a WTO and, more importantly, the discipline in the rule of law in international trade that goes with it, we would have only the rule of the jungle. Those who would suffer the most would be the small exporters.

In the United States, two-thirds of all businesses that export have 20 or fewer employees. It is, then, the WTO that prevents these small firms from being dominated by their larger competitors in the international marketplace.

Let's make sure we get an appropriate and fair resolution of this case, and let's make sure we maintain our strong support for the World Trade Organization.

Mr. ROTH. Mr. President, I am extremely disappointed by the WTO appellate body's decision on the FSC. The panelists completely ignored economic reality. The FSC is not an export subsidy. It is a remedy for the competitive disadvantage our firms face in the marketplace due to the tax practices of other WTO members, particularly the members of the European Union.

That said, the real problem here is not the appellate body's decision, but the underlying WTO rules. That, and the perverse decision by the European Commission, over the objection of many of its own firms and member countries, to reopen this trade dispute 20 years after we had reached a satisfactory settlement of these issues.

Other WTO members, particularly in the European Union, employ a territorial-based tax system that does not tax foreign source income, including income from exports. That system affords a competitive advantage to firms operating in those jurisdictions that the U.S. tax system, based on worldwide reporting of income, does not. The WTO rules currently permit the use of territorial based tax systems, despite the competitive benefits they confer on products exported from those countries. That is what the FSC and the DISC before it were designed to offset.

I want to be absolutely clear about my view on this. While I fully expect we will live up to our obligations, no resolution of this issue can leave our firms, our farmers, and the American worker at a permanent competitive disadvantage in the marketplace.

Indeed, I thought we had put this issue to rest with our European counterparts 20 years ago. But, they saw fit to abrogate the agreement we had reached to resolve our prior dispute over the trade effects of their tax system and our attempts to redress those effects. That agreement included the understanding that, in the future, we would take our differences over tax policy to fora that were specifically designed for that purpose, and not the GATT or the WTO.

The reason for that understanding was simple. The GATT and the WTO are essentially agreements to reduce trade barriers and avoid other discriminatory trade practices. Nothing in those rules was intended to force a member country to choose between competing tax systems. Yet, that is the net effect of the current ruling.

The Europeans' action raises a far broader point about the conduct of their trade policy. The decision to abrogate our 20-year-old agreement and bring the FSC case, by all accounts, was not made at the behest of the EU member countries. Nor was it made at the insistence of EU firms complaining that the FSC somehow put them at a commercial disadvantage. That is because European firms understand that they already benefit from the territorial-based tax systems and the FSC was simply a way of providing equivalent treatment under our system of taxation. In fact, a number of those European-based firms have U.S. subsidiaries that take advantage of the FSC as well.

The decision to bring the FSC case was made at the European Commission without consideration either for its political impact here or for its impact on the trading system. In that sense, the decision to bring the FSC case fits with the Commission's attitude on our disputes on bananas and beef and on other WTO disputes. The Commission seems to have forgotten that the European Union member countries are, along with the United States, among the principal beneficiaries of the WTO system and that the Commission bears the responsibility to shore the system up, rather than engaging in tactics designed to weaken it.

Both the Commission's decision to flout the WTO rules in the beef and bananas disputes and the reckless decision to bring the FSC case are deeply inconsistent with that responsibility. This case was brought, not for any European constituency, but for the Commission's own petty political interest in balancing its losses before the WTO with a few wins, regardless of the larger consequences for the trading system.

This issue must be made a top priority in discussions at the upcoming G–8 summit. President Clinton must make the political point to his European counterparts that they, not the Commission, are responsible for setting the course of the European Union's trade policy and that this issue needs to be resolved in terms that ensure a level-playing field for American workers, farmers, and firms. As chairman of the Finance Committee, I am committed to making that happen.

STABILIZING CRUDE OIL PRICES

Mr. GRASSLEY. Mr. President, I rise to speak about the gouging of the American consumer, particularly high energy users and, probably most importantly, working Americans who are paying such high gasoline prices because of OPEC. I do this in the context of supporting a resolution Senator ASHCROFT is offering the Senate. I do this not only because he is my good friend but because he knows the impact on working Americans and on agriculture.

This is a sense-of-the-Senate resolution to communicate to the leaders of the OPEC nations and even non-OPEC cartel producers, prior to the next meeting of the OPEC nations in March, the importance of stabilizing crude oil prices.

I appreciate the importance of the message by my good friend from Missouri. He realizes the significance of this issue because he is from a State with vital interests in the health and well-being of the agricultural economy and the transportation industry. The soaring prices of diesel fuel and of gasoline have had an especially detrimental effect upon farmers and truckers whose livelihood is tied closely to the input costs.

We in the Senate should not stand idly by while a foreign monopoly dictates our States' economic stability.

Remember, if oil company CEOs were doing this sort of OPEC price fixing, they would be in prison for violating the antitrust laws. We obviously can't apply our law to foreign countries in the sense that their leaders are violating them. But it is antithetical to the principles of free trade and markets, even to the WTO. Saudi Arabia wants to get into the WTO. We should not be supporting their entry into the WTO if they are using their economic power in a way that is antithetical to the very organization they want to join.

Just in the past month, gasoline prices in my State have taken their biggest jump in 10 years. We now pay an average of $1.38 a gallon for gas, an average of 17 cents higher than last month and 48 cents higher than in February a year ago. Diesel prices in my State are averaging $1.45, which is 12 cents more than last month and 43 cents higher than a year ago.

When considering the family farmers' plight, OPEC's action creates a harsh duty that is applied to every bushel of corn, soybeans, and any other agricultural product produced in the United States. Anyone who is farming can tell you that fuel expenditures are always one of the most costly inputs on the farm.

The agricultural industry has not fared as well in recent years. Just last year, prices for all kinds of livestock and grain commodities were at their lowest since the 1970s. The outlook for the next year is, at best, mixed. At a time when margins on farm products are already tight, OPEC has consciously increased the price of petroleum products and expenditures within our agricultural community. It is not the free forces of the marketplace that are doing this. These are political decisions that we ought to stand firmly against.

But this isn't just about family farmers and truckers. Sometimes we forget that trucking impacts almost every industry. While farmers and truckers might feel the most immediate impact from this action in my home State of Iowa, it is really true that all consumers will eventually feel the far-reaching effects of OPEC's marketplace shenanigans. In Iowa alone, trucks transport freight for 4,438 manufacturing companies, supply goods to 19,500 retail stores, and stock almost 9,000 wholesale trade companies.

Trucks supply goods to 2,359 agricultural businesses and deliver the produce and products to market. Annually, trucks transport approximately 160 million tons in and out of Iowa. Eighty-three percent of all manufactured freight transported in Iowa is carried by trucks, and over 75 percent of all communities in Iowa depend entirely on trucks for the delivery of the products my constituents use every day.

OPEC's action has and will continue to drive up costs for transportation, and the bottom line is that the consumer will eventually be forced to bear the burden of the cost. As anyone can see, this situation has the ability to have a substantial detrimental impact on the economies of Iowa and the entire Nation.

For this reason, I have tried to address this problem from every angle available to me. I recently wrote to Energy Secretary Bill Richardson and asked him to encourage the President to use the Strategic Petroleum Reserve to stabilize the price of petroleum products. As he is well aware, the President has the power to use the reserve when a very sharp increase in petroleum prices threatens the Nation's economic stability. In my opinion, the current situation meets this test. At the very least, the option should be heavily weighed.

I also sent a letter to Mr. Stanley Fisher, First Deputy Managing Director of the International Monetary Fund, to ask that the market-distorting behavior of the 11 members of OPEC be weighed when these nations apply for loans. Twenty percent of the IMF money comes from the American taxpayers. We should not be using U.S. taxpayers' money to further the causes of an economy that is anticompetitive and is strangling the economy of the very taxpayers who support the IMF.

IMF is an international organization of 182 member nations. Each member of the Organization of Petroleum Exporting Countries also belongs to the International Monetary Fund.

Due to the fact that the IMF's purpose is to promote monetary cooperation and economic growth, I find it disheartening that the member nations of OPEC have chosen a course of action which adversely affects economic growth and stability in the United States. It is for this reason I ask the IMF to consider developing criteria to judge market-distorting behavior which would be weighed when nations exhibiting monopolistic behavior apply for loans through the IMF.

I also spoke out against Saudi Arabia previously in my remarks and about their joining the World Trade Organization. I have made this a formal request of U.S. Trade Representative Charlene Barshefsky.

As we all know, we have become far too dependent upon foreign oil. For a very long time, I have been a leading advocate for the development and expanded use of renewable sources of energy, especially corn-based ethanol as well as wind energy and biomass. I have been successful in getting tax credits applied to these alternative forms of energy. I thank my colleagues for their support of that.

You have all heard me say that not only is clean-burning ethanol good for the rural economy and the environment, it helps to reduce America's dangerous and expensive dependence on foreign sources of energy. I am disappointed it took a crisis to make some people aware of this unhealthy addiction, but now we should all see how our dependence on foreign crude can impact our economy and why we should seek to develop domestically-based renewable fuel sources.

This is a very important issue, and I applaud the resolution offered by the Senator from Missouri. I thank him for bringing the resolution to the floor and for helping to bring this issue to the attention of the Clinton-Gore administration, which needs to finally get on top of this growing problem.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 4 minutes remaining.

Mr. GRASSLEY. I will reserve that for use at a later time.

Mr. REID. Mr. President, I ask unanimous consent to proceed under the leader's time.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE PROCEDURE

Mr. REID. Mr. President, I want to carry on a little bit regarding the colloquy we have had on the floor during the day about the need for us to proceed as the Senate has always worked in the 200-plus years of this Republic. I asked staff during this intermission time to pull for me at random a bill we worked on when we were in the majority. They chose a bill that doesn't have a really sexy title but which is very important; it is called the Enterprise Zone Tax Incentives Act. On that piece of legislation, there were 109 amendments filed. This bill was taken up on September 25, 1992.

We completed this bill 3 or 4 days later and it was passed. The Enterprise Zone Tax Incentive Act dealt with scholarship tax, dental schools, tractors—many things that really weren't relevant or germane to this particular piece of legislation. But we dealt with it. We allowed the minority to offer whatever amendments they wanted, and we proceeded with the legislation. That is what we need to do. That is what the Senate is all about. I hope everybody will understand we are not asking to break some new territory, new ground, or do something that was never done before. We simply want to say that once in a while we need a piece of legislation to which we can offer amendments.

Now, we are very happy to be discussing education. I believe it is the most important issue facing the country today, and my pet project on which I have worked for a number of years with the Senator from New Mexico, Mr. BINGAMAN, is high school dropouts. Three-thousand kids a day—500,000 children each year—drop out of school in America.

That is something we need to work on. That is only one aspect of education that is important. We know about school construction. We know about smaller class sizes. There are lots of things we need to do in education. There are other important things we need to work on. I think we should have a debate about Social Security. I think we have to do something right away about Medicare and the attachment of prescription drug benefits. Which is very important to our seniors.

In the 35 years since Medicare came into being, we now have people's lives being saved as a result of people being able to get prescription drugs. Senior citizens have an average of 18 different prescriptions filled during a period of a year. That is the average. Some have more than that. We need to do something about prescription drug benefits.

Certainly we need to do something to have reasonable gun control. All we are asking is that you are not able to buy weapons at gun shows without a background check. With pawnshops, the same should apply, as it applies every place else where you buy a gun in stores.

We think we should do something updating the minimum wage. We think there are so many issues that deserve our attention, notwithstanding the terrible health care delivery system we have in this country. Over 40 million people have no health insurance. Every year it is going up 1.5 million.

We need to pass a comprehensive Patients' Bill of Rights. The lucky people are those with insurance, but even they aren't being treated fairly.

Referring again to the Enterprise Zone Tax Incentive Act, H.R. 11, in September of 1992, we spent less than 4 days on this piece of legislation. We dealt with 109 amendments and passed a bill.

If we had gone to work on this education bill on Monday, the bill would have been completed today. But the way things are happening, we are not working the will of the Senate, and we are not working the will of the people of this country. I think we need to do that as quickly as possible.

Mr. WELLSTONE. Mr. President, will the Senator from Nevada yield for a quick question?

Mr. REID. Yes.

Mr. WELLSTONE. He can answer them in a relatively brief fashion, I think.

First of all, is it not true that when his party was the majority party in the Senate the minority party would come out with many amendments to a piece of legislation and sometimes we would have 100 amendments?

I want to get to the definition of what "relevant" means so people following this will know what that definition is.

Is it not true that we would have many amendments and we would basically debate these amendments and then after several days of hard work, even if we had to work 14 hours a day, we would go forward and pass that legislation? That is one of the ways you represent people back home. If there is a compelling issue, you offer an amendment to a piece of legislation and you hope to pass it.

I remember the amendment on mental health parity that I offered with Senator DOMENICI. It was an amendment on housing on the veterans appropriations bill.

Will the Senator from Nevada not agree with me that is the way the Senate has always conducted its business?

Mr. REID. The answer is yes. They have the right to offer amendments. Sometimes they offer an amendment and debate it.

I see my friend, who I came to Congress with in 1982, from Florida, the senior Senator from Florida. I have been talking about this H.R. 11. On that particular piece of legislation, the Senator from Florida offered five amendments.

The Senator from Florida had some good reasons to offer every one of these amendments. For example, you would ask: Why did he offer an amendment dealing with tractors to the Enterprise Zone Tax Incentive Act? I don't know. I am sure he had a good reason for doing so. They had a right to offer the amendments, and they offered them.

Mr. WELLSTONE. Mr. President, on this particular piece of legislation that Senator COVERDELL introduced, which we have been debating, will the Senator from Nevada not agree with me that the kind of amendment, for example, I wanted to offer to this legislation dealing with the hunger of children, dealing with the poverty of children, dealing with how to deal with the violence in children's lives in their homes would not be considered to be by the definition of "relevant" relevant? Yet it affects education and children's lives. There have been hardly any opportunities over the whole last year to come out on the floor with amendments to different pieces of legislation. Is that not true? So it gets to the point where you can't even represent people back in the State as a Senator.

Mr. REID. Mr. President, I believe there are times when we should enter into unanimous consent agreements to move legislation. We have been willing to do that. We have done that time after time in an effort to complete things that are important.

As I said earlier, I say to my friend from Minnesota, we need opportunities. It should be all the time, but I will settle for opportunities once in awhile to have a bill on which we can offer amendments. We might want to offer an amendment dealing with tractors. I should be able to do that.

CAPITOL HILL SECURITY

Mr. WELLSTONE. Mr. President, I come to the floor to raise a question which I can't believe I have to keep raising over and over again.

Many of us attended the services for Officer Chestnut and Agent Gibson. They were part of the Capitol Hill police force. They were here every day not only protecting Senators and Representatives but the public. I started speaking about this before. We had the 1-week break. I want to come back to this again. This is the one issue on which I want to focus.

We made a commitment to do everything we could possibly do to make sure the officers were as safe as possible and would never have to go through this kind of hell again, for families and for loved ones, and that the public would be safe. Part of that commitment was the idea that surely at the different stations, especially those with the most public, we would have at least two officers.

This morning, again—I think it is the Second Street or C Street entrance, the barricaded part of the Hart Building—at about 10 o'clock in the morning when I came in there was one police officer with all sorts of people. There must have been about 20 people streaming in. That one officer is in peril, and the public is in peril.

I cannot believe we have not lived up to our commitment. I say to colleagues that it is pretty simple. I think the Senate Sergeant at Arms said this: A, we need to pass a supplemental appropriations bill so that you can use overtime in the short run to do the staffing so we have two officers at each one of these stations, or each one of these posts; and, B—I applauded the Senate Sergeant at Arms—we need to hire about 100 more officers so that on a permanent basis we can staff and have two officers at each one of these posts.

I am telling you, colleagues, what we have done is absolutely unconscionable, or what we have not done. How in the world can whoever makes these appropriations decisions—given all we have been through, given all of our concern and all of the commitment we have made, given the service we attended for the two officers who were slain—how can we not put the resources into this so our officers are safe, and, for that matter, so we are safe and the public is safe?

I for the life of me don't get it. I honest to goodness don't get it. I think that every day I am going to come out and mention this. I can't believe this.

Mr. REID. Mr. President, will the Senator yield?

The Senator from Minnesota knows I support him on this issue. I am the only former Capitol Hill police officer serving in the Senate. I know the importance of the issue on which he has spoken. I followed the Senator on a number of occasions, and I back up everything he said. I agree with him.

Mr. WELLSTONE. Having talked to the Senate Sergeant at Arms, I think that Senators who care about this issue—and I think all do—need to make sure our voices are heard. We support the Capitol Police.

On the House side, there seems to be some slowness on a decision about whether or not we will pass through the supplemental appropriations bill and whether or not we will do the job here.

I say to colleagues one more time, I think this is a scandal. I think it is an absolute scandal. We have two officers that have lost their lives. I believe we have made a commitment to the police officers and to their families. I think we have to do much better. It won't happen right away, but at least the decisions need to be made so we can do the staffing to make sure we have two officers at each post.

Mr. REID. Mr. President, I ask unanimous consent that following Senator MACK, the Senator from South Carolina, Mr. HOLLINGS, be recognized for 15 minutes as if in morning business.

Mr. MACK. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, we will make sure that Senator HOLLINGS has 15 minutes.

I ask unanimous consent that the Senator from South Carolina be allowed to speak for 15 minutes, following Senator MURKOWSKI. The Senator from Washington has agreed to allow the Senator to speak before him. That will be about 30 minutes from now.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

TANF SURPLUS SHOULD FIGHT POVERTY

Mr. WELLSTONE. Mr. President, there was a press conference today held by the National Campaign for Jobs and Income. There were some very dramatic findings reported. This is directly relevant to the debate we were having with the majority leader. They reported today in a prosperous country, we still have about 35 million poor Americans and 13 million of those Americans are children. They reported that while the administration and other Senators and Representatives boast about having cut the welfare rolls in half, we actually have just made a small, hardly any, dent in reducing poverty.

Remember, the goal of the welfare bill was to move people from welfare to economic self-sufficiency.

They report that the poorest children in America are getting poorer. That is worth repeating: The poorest children in America are getting poorer.

They report there is a whole group of people, mothers and children, remaining in poverty. Many are families under tremendous stress and strain. Perhaps a mother has struggled with substance abuse; a mother who is a single parent has a severely disabled child; a mother has been battered, beaten up over and over again. About every 13 seconds in America, a woman is battered in her home.

There is precious little evidence these families will be able to move to work. Pretty soon, depending on the State, they will be pushed off a cliff. We have no safety net left as a result of the welfare bill.

They report there is not one State in the country where the average earnings is even close to the poverty level income. The vast majority of the jobs are barely above minimum-wage jobs, and after 1 year the families lose their health care coverage and are not able to get good child care for their children, sometimes not any child care.

Given those findings, I think it should give Members pause that we are actually seeing an increase in the poverty of the poorest children in America; it should give Members pause.

It is amazing that State governments with the TANF money have about $7 billion they have not spent—$7 billion. There are all the needs for affordable child care, for training, especially for additional support services for families that are under unbelievable strain, are mainly women and children in need of affordable housing, sometimes transportation. All of this compelling need and these families are under tremendous pressure trying to survive under very difficult conditions, and the money we have allocated to these States, $7 billion, is not being spent. Albeit, some of it can be put in a rainy day fund and maybe should be because who knows if the business cycle will stay up forever.

Six States—Connecticut, Kansas, Minnesota, New York, Texas, and Wisconsin—transferred $800 million from the TANF surpluses to funding programs other than those that serve poor families. Quite often it ends up as general tax rebates, not to the poor. This year, Minnesota is doing much better with the TANF money. Last year, I am not proud of what the Minnesota Government did.

My point is simple:

No. 1, the amount of unspent TANF money in the States has reached $7 billion, an enormous amount of money.

No. 2, this money has been unspent despite the persistent level of poverty that exists in our country, especially among women and children. And for children, the poorest of poor children, their poverty has increased and some of the States are not spending the money to help them.

No. 3, these low-income families are not receiving the services and the support they need to move out of poverty, which is what this bill was supposed to be all about.

No. 4, although some States are developing innovative programs, other States are diverting TANF money to pay for tax cuts or other programs that are not even targeted to the poor.

No. 5, in a time of unprecedented economic growth, there are all sorts of ways in which the States could be using this money to invest in children, to make sure that families can move from welfare to economic self-sufficiency, and they are not.

Conclusion: Don't we write the checks? Doesn't this money come from the Congress and the Federal Government? I think we have the responsibility to ensure that the States are spending the TANF money in ways that meet the goals of the program, which is to move families out of welfare into jobs so they can support themselves.

We should insist that the TANF money is spent to help struggling families—not put into a surplus, or not to be given back as tax rebates to citizens across the board. I think it is an abuse of the program.

In this TANF reauthorization, that will be my work as a Senator. I hope other Senators will join. I oppose the bill. I am glad I oppose the bill. Those in favor of the bill should be the first to want to make sure the money is spent the way it is supposed to be spent. We should insist on accountability.

Second, I will come back with an amendment. That is what the debate with the majority leader is about. I am a Senator most vocal about having the right to bring amendments to this bill. I want an amendment that says we should have a policy evaluation of what is happening to the poor children.

Don't tell me that is not relevant to their education, but it wouldn't be relevant to this piece of legislation as defined by the definition of "relevant." It would be an amendment, and I do not have a right to offer that amendment—so says the majority leader.

But this is compelling. The poverty of children is compelling. The poverty of the poorest of children is compelling. As a Senator who spent most of his adult life working in many of these communities, I want to have some amendments that deal with the poverty of children and I want to have the right to introduce those amendments to this bill. As a Senator from Minnesota, I don't want to continue to be shut out, by the majority, of my right to come out here and fight for people. Basically, that has been the strategy for almost this whole last year.

I hope Democrats will, basically, not let themselves be rolled. I hope Democrats will say: As Democrats, as the minority party, we are going to insist on the same rights as the minority party had when we were the majority. It is a very important principle. But it is not just insider politics. It is all about whether or not, when you go home to your State and meet with people, and you know their problems, you want to do better for people—it is whether or not you can be a legislator and come out here with amendments and debate and fight for people for whom you want to fight. So if there is no agreement, I certainly hope the Democrats will support one another on what I think is a very important question.

Back to the substantive issue, I hope my colleagues will take a look at what is being done to this welfare bill with this TANF money. We have some troubling data from which we cannot turn our gaze. Most of these families who are now working, 670,000 people, are no longer covered by medical assistance since this bill was passed because after 1 year they are off. Hardly any of these mothers have living-wage jobs. We just had a report a few weeks ago that the child care situation for their children ranges from dangerous to barely adequate. Just because they are poor children does not mean they are not entitled to good child care.

We have had this dramatic decline in food stamp participation. We have no idea why. It is certainly not because there has been much of a decrease in poverty. We see the rise of hunger and the use of food shelves in our country. But the States have $7 billion they are sitting on. They came here and said: Trust us, just give us the money; we will do the best with it.

But quite often low-income families, poor families, whether they are people of color or white people, do not have much clout. It is up to us to say: We are a national community. There are certain values we hold dear. There are certain things as a national community we hold dear. One of them is, by gosh, there are going to be some standards everyone is going to have to meet because whether a child eats or not, whether or not there is decent housing, whether or not a family is able to make ends meet, whether or not children are able to look forward to a good life, should not depend on the State in which they live.

We make a commitment as a national community, especially to the most vulnerable citizens in our country, who are children, who are poor children.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Florida is recognized.

COMMEMORATING THE FOURTH ANNIVERSARY OF THE BROTHERS TO THE RESCUE SHOOTDOWN

Mr. MACK. Mr. President, I come to the floor today to commemorate four brave Americans. Theirs is a story of courage, it is a story of heroism, and it is a story of freedom.

Four years ago today, on February 24, 1996, Fidel Castro sent Cuban MiG fighters into the Florida Straits and killed Carlos Costa, Armando Alejandre, Mario de la Peña, and Pablo Morales.

These men were members of a humanitarian organization known as "Brothers to the Rescue." These volunteers search the Florida Straits for rafters. Too many Cubans die each year in their flight to freedom. The Brothers try to save lives.

So my thoughts and prayers today are with the families of the brave and courageous humanitarians who lost their lives 4 years ago. I know this day must be especially difficult for the families—today reminds them of the terrible loss suffered, and today also marks another year passed without closure.

People need to be able to put the past behind them and move on. But when the President and his administration give assurances and advice, and American families trust and obey this advice only to be dragged along and let down, the administration commits a great injustice.

Think for a moment about Armando's sister or Mario's mother, or any other family member. Think for a moment, how you would feel if your brother or son was murdered while volunteering with a humanitarian organization—killed by state-of-the-art fighter jets flown by the air force of one of the world's last totalitarian dictators? I know the pain for me would be unbearable.

I join with the families today in remembering these brave men. I want to tell their story of freedom, their story of courage, and their story of heroism.

Armando came to the United States from Cuba as a child. He so loved his life here, his freedom, that he joined the U.S. Marine Corps and volunteered for a tour in Vietnam. He volunteered to fight for his adopted home. He survived his tour only to be murdered by Fidel Castro. He was 45 years old. His wife of 21 years and his daughter have now lived with the struggle for justice for 4 years. They are in our thoughts today.

Carlos, a Florida native, was 29 years old when the Cuban government shot him out of the sky. He was always interested in aviation and dreamed of one day overseeing the operations of a major airport. He received his college degree from Embry-Riddle Aeronautical University and worked for the Dade County Aviation Department. His parents and sister today are in our thoughts.

Mario, a New Jersey native, was only 24 years old when Castro's MiGs took his life. He was in his last semester at Embry-Riddle, working toward his dream of becoming an airline pilot. His parents and brother are in our thoughts today.

Pablo left Cuba on a raft in 1992, and the Brothers to the Rescue saved his life. Indebted to these heroic pilots, he joined them and began training to obtain his pilot's license. Pablo often talked of his family still in Cuba and how much he missed them. Since his death, there are reports that they have been persecuted and discriminated against. Our thoughts are with his family in Cuba today.

Remember, as you think of these men this afternoon, what they were doing when they lost their lives—they were working to save the lives of others. This humanitarian effort must have so enraged Fidel Castro that he ordered the interception of these small, unarmed aircraft by his huge fighter jets to be blown from the sky with air-to-air missiles.

Two days after their murder four days ago, the President so moved by this tragedy said on national television:

> I am asking that Congress pass legislation that will provide immediate compensation to the families, something to which they are entitled under international law, out of Cuba's blocked assets here in the United States.

Mr. President, I ask unanimous consent to have printed in the RECORD two items which detail this President's request for legislation. First, a transcript of ABC Breaking News February 26, 1996, with Peter Jennings; and second, the White House press release dated February 26, 1996 in which the President requests this legislation from the Congress. I ask that this be printed immediately following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MACK. Two months later the Congress passed the bill—the Anti-Terrorism Act of 1996—and the President signed it in a large ceremony on the White House lawn.

The Brothers' families wanted to understand the new rules before they chose to proceed with any civil suit. They met with officials from the U.S. State Department to clarify the meaning of the new law.

In their meeting at the State Department, the families were told the U.S. Government encouraged them to file the civil lawsuit against the Cuban government.

Mr. President, I ask unanimous consent that an affidavit by Maggie Khule which documents State Department support for the lawsuit be printed in the RECORD immediately following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. MACK. Mr. President, they took the Cuban Government to court. It took a long time, but eventually they won. In December of 1997, almost 2 years ago, a United States Federal court entered judgments against Cuba for the murders of their family members. Justice seemed to be won. The end appeared to be near. But the very same U.S. Government and the same Clinton administration that encouraged the families to postpone closure and pursue legal justice began to oppose them. They entered the lawsuit on the side of Fidel Castro.

I quote from Maggie Khule's testimony of last October before the Senate Judiciary Committee, and Maggie Khule is the sister of Armando Alejandre:

> No words can possibly explain our shock when we went to court and found U.S. attorneys sitting down at the same table as Cuba's attorneys. How can you explain to a mother who has lost her son, to a wife who has lost her husband, to a daughter who has lost her father, that their own government is taking the murderer's side? . . . The Clinton administration has shut its doors to us. Secretary of State Albright, for example, won't meet with us on any of our other concerns because, to quote an aide, "We are on the opposing side of this civil action." Are we? We thought we were the victims' families, victims ourselves. We thought we were Americans entitled to protection from our own country. We thought Cuba was the terrorist, the guilty party.

Mr. President, I ask my colleagues to take a moment from their busy schedules today, on this fourth anniversary of the murder of four brave humanitarians, and think about the blight of terrorism and the cost it has extracted from too many families of our country.

Think also this afternoon about what we ask to deter terrorism and promote justice. I want to read one more quote, this time from a Federal judge who heard the case brought by the families against Cuba. After observing this administration's change of position from support to opposition, he states the following in the March 1999 ruling:

> The court notes with great concern that the very President who in 1996 decried this terrorist action by the Government of Cuba now sends the Department of Justice to argue before this court that Cuba's blocked assets ought not to be used to compensate the families of the U.S. nationals murdered by Cuba. The executive branch's approach to this situation has been inconsistent at best. It apparently believes that shielding a terrorist state's assets are more important than compensating for the loss of American lives.

Mr. President, I ask unanimous consent that this section of the court's decision be printed in the RECORD following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. MACK. Mr. President, the story of these four brothers, the Brothers to the Rescue, is a story of heroism and freedom. These men risked their lives for their own freedom as well as for the freedom of others, and their families have fought tirelessly for justice. I hope my colleagues will think about these courageous families. We must, indeed, honor them and their memories and the memories of their loved ones this afternoon.

Mr. President, I yield the floor.

TRANSCRIPT FROM ABC NEWS, FEBRUARY 26, 1996

EXHIBIT 1

ANNOUNCER. This is a special report from ABC News.

* * * * *

Pres. BILL CLINTON. Good afternoon. Two days ago, in broad daylight, and without justification, Cuban military aircraft shot down two civilian planes in international airspace. Search and rescue efforts by the Coast Guard, which began immediately after we received word of the incident, have failed to find any of the four individuals who were aboard the airplanes.

These small airplanes were unarmed, and clearly so. Cuban authorities knew that. The planes posed no credible threat to Cuba's security. Although the group that operated the planes had entered Cuban airspace in the past on other flights, this is no excuse for the attack and provides—let me emphasize—no legal basis under international law for the attack. We must be clear, this shooting of civilian aircraft out of the air was a flagrant violation of international law.

Saturday's attack is further evidence that Havana has become more desperate in its efforts to deny freedom to the people of Cuba.

Also on Saturday, the Cuban Council, a broad group that wants to bring democracy to Cuba, had planned a day of peaceful discussion and debate. Instead, in the days leading up to this gathering, scores of activists were arrested and detained. Two have already been sentenced to long prison terms. They join about 1,000 others in Cuba who are in jail solely because of their desire for freedom.

Now the downing of these planes demands a firm response from both the United States and the international community.

I am pleased that the European Union today strongly condemned the action.

Last night, on my instructions, Ambassador Albright convened an emergency session of the United Nations Security Council to condemn the Cuban action and to present the case for sanctions on Cuba until it agrees to abide by its obligation to respect civilian aircraft and until it compensates the families of the victims.

Today I am also ordering the following unilateral actions.

First, I am asking that Congress pass legislation that will provide immediate compensation to the families—something to which they are entitled under international law—out of Cuba's block assets here in the United States. If Congress passes this legislation, we can provide the compensation immediately.

Second, I will move promptly to reach agreement with the Congress on the pending Helms-Burton Cuba legislation so that it will enhance the embargo in a way that advances the cause of democracy in Cuba.

Third, I have ordered that Radio Marti expand its reach. All the people of Cuba must be able to learn the truth about the regime in Havana, the isolation it has earned for itself through its contempt for basic human rights and international law.

Fourth, I am ordering that additional restrictions be put on travel in the United States by Cuban officials who reside here and that visits by Cuban officials to our country be further limited.

Finally, all charter air travel from the United States to Cuba will be suspended indefinitely.

These deliberate actions are the right ones at this time. They respond to Havana in a way that serves our goals of accelerating the arrival of democracy in Cuba, but I am not ruling out any further steps in the future, should they be required.

Saturday's attack, was an appailing reminder of the nature of the Cuban regime—repressive, violent, scornful of international law. In our time democracy has swept the globe, from the Philippines exactly 10 years ago, to Central and Eastern Europe, to South Africa, to Haiti, to all but one nation in our hemisphere. I will do everything in my power to see that this historic tide reaches the shores of Cuba.

And let me close by extending, on behalf of our family and our country, our deepest condolences to those in the families of those who lost their lives.

Thank you very much.

[From The White House, Office of the Press Secretary, Feb. 26, 1996]

Fact Sheet on Cuba

The President has directed his Administration to take the following steps immediately in response to the Cuban Government's blatant violation of international law:

Seek rapid international condemnation of Cuba's actions.

The European Union today strongly condemned the Cuban shootdown.

The United States will seek United Nations Security Council condemnation and press that sanctions be imposed until Cuba provides compensation to the families of victims and abides by international law.

The United States will seek condemnation of Cuba by the International Civil Aviation Organization and other relevant international bodies.

Move promptly to reach agreement with Congress on the pending Helms-Burton Cuba legislation so that it will enhance the effectiveness of the embargo in a way that advances the cause of democracy in that country.

Request the Congress to pass legislation authorizing payment of compensation to the families of victims out of Cuban blocked accounts in New York.

Restrict the movement of Cuban diplomats in the U.S. and tighten criteria for issuing visas to employees of the Cuban government.

Increase support for Radio Marti to overcome jamming by Cuba.

Indefinitely suspend all commercial charter flights to Cuba.

Exhibit 2

[In the U.S. District Court for the Southern District of Florida, Southern Division, Civil Nos. 96–10126, 96–10127, 96–10128 Judge King]

Marlene Alejandre, et al., plaintiffs, *v.* The Republic of Cuba and The Cuban Air Force, defendants

Declaration of Margarita A. Khuly

Margarita A. Khuly, pursuant to 28 U.S.C. §1746, declares the following under penalty of perjury:

1. My name is Margarita Alejandre Khuly, my Social Security No. 2924, and my address is 7501 SW 62, Miami-Dade County, Florida 33143.

2. My brother, Armando Alejandre, was murdered by the government of Cuba on February 24, 1996. He and three other men were shot down by the Cuban Air Force over international waters while flying two small, unarmed civilian aircraft on a humanitarian mission.

3. On August 22, 1996, I attended a meeting at the United States Department of State, Cuba Desk, to discuss issues related to the shoot down. Also present were the following relatives of the murdered men: Marlene Alejandre, Mario de la Pena, Miriam de la Pena, Jorge Khuly, Mirta Mendez, Richard Mendez and Nelson Morales.

4. The meeting was chaired by Michael E. Ranneberger, Coordinator, Office of Cuban Affairs, United States Department of State. Others US government officials present included Hal Eren, OFAC; Robert Malley, NSC; Lula Rodriguez, State, and Susana Valdez, WH liaison.

5. The issues discussed at this meeting included the forthcoming humanitarian payments from the United States government to each family of the four murder victims.

6. The families had been asked to bring with them to this meeting personal and financial institution information so that the United States government would directly transfer the humanitarian payments to individual bank accounts. A handwritten handout requesting these facts and distributed at the meeting was to be filled out and mailed to R. Richard Newcomb, OFAC.

7. Several concerns related to these humanitarian payments were discussed at this meeting Very important was the one dealing with limitations, if any, contingent upon acceptance of the humanitarian payments.

8. Miriam de la Pena specifically asked Mr. Ranneberger that if accepting President Clinton's humanitarian payments meant the families would then be restricted in seeking other measures of justice, including legal and financial ones.

9. Mr. Ranneberger replied that no, the payments were meant to be a "gesture" on the President's part. He stated that the US government did not want to offend the families, only ease their pain, and that the payments in no way were meant to put a value on the four murdered men's lives.

10. Other family members then posed questions asking for additional clarification on any conditions tied to the humanitarian payments. it was specifically asked if any signed releases were to be requested from the families upon acceptance of the monies.

11. Mr. Ranneberger reassured the families again by stating that accepting the humanitarian payments did not make them incur any obligations, legal or otherwise, and that they were free to pursue any other avenues they desired in their search for justice.

12. The possibility of legal action against the government of Cuba was brought up by the families and Mr. Ranneberger said that the US government not only did not oppose this, but encouraged them to seek justice through US and international courts.

13. Richard Mendez brought up the figure the US government had advised the families they would be receiving and commented that the amount was so small it was meaningless. Mr. Ranneberger responded that this figure was intended as a humanitarain gesture, not as compensation.

I declare under penalty of perjury that the foregoing is true and correct.

Date: January 12, 1999.

Margarita Alejandre Khuly.

Exhibit 3

[U.S. District Court, Southern District of Florida, Case Nos. 96–10126–Civ–King, 96–10127–Civ–King, 96–10128–Civ–King]

Marlene Alejandre, Individually and as Personal Representative of the Estate of Armando Alejandre, Deceased, plaintiff, *v.* the Republic of Cuba and the Cuban Air Force, defendants, *v.* AT&T Corporation, AT&T of Puerto Rico, Inc., Global One Communications, L.L.C., Sprint Corporation, Wiltel, Inc., Telefonica Larga Distancia de Puerto Rico, Inc., MCI International, Inc., IDB Worldcom Services, Inc., MCI Worldcom, Inc., Citigroup Inc. and its Subsidiaries, and the Chase Manhattan Corporation and its Subsidiaries, garnishees

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Mirta Mendez, as Personal Representative of the Estate of Carlos Alberto Costa, Deceased, plaintiff, *v.* the Republic of Cuba and the Cuban Air Force, defendants, *v.* AT&T Corporation, AT&T of Puerto Rico, Inc., Global One Communications, L.L.C., Sprint Corporation, Wiltel, Inc., Telefonica Larga Distancia de Puerto Rico, Inc., MCI International, Inc., IDB Worldcom Services, Inc., MCI Worldcom, Inc., Citigroup Inc. and its Subsidiaries, and the Chase Manhattan Corporation and its Subsidiaries, garnishees.

Mario T. de la Pena and Miriam de la Pena, Individually and as Personal Representatives of the Estate of Mario M. de la Pena, Deceased, plantiff, *v.* the Republic of Cuba and the Cuban Air Force, defendants, *v.* AT&T Corporation, AT&T of Puerto Rico, Inc., Global One Communications, L.L.C., Sprint Corporation, Wiltel, Inc., Telefonica Larga Distancia de Puerto Rico, Inc., MCI International, Inc., IDB Worldcom Services, Inc., MCI Worldcom, Inc., Citigroup Inc. and its Subsidiaries, and the Chase Manhattan Corporation and its Subsidiaries, garnishees.

* * * * *

The Court concludes that, contrary to the President's intention in executing the waiver, Congress did not intend to give the President the broad authority to waive the new subsection (f)(1) when it gave him the power to waive "the requriements of this section." In so ruling, the Court gives considerable weight to the fact that the larger part of the available legislative history supports this interpretation. Also persuasive is the fact that section 117 is the outgrowth of the 1996 AEDPA amendments to the FSIA. Congress therein expressly waived the jurisdictional immunity of terrorist foreign states, and also their immunity from attachment or execution. Congress later clarified the mechanism through which the victims of an attack by a terrorist foreign state may sue for compensatory and punitive damages. By enacting section 117, Congress expanded the property subject to attachment/execution, giving the victims a larger pool of assets from which to satisfy any judgment in their favor. All of these legislative enactments are guided by a single purpose: to provide an executable judicial remedy to the nationals of the United States attacked by a terrorist foreign state. Had Congress intended to give the President the authority single-handedly to impede achievement of this goal, it could have done so more clearly in section 117(d). Its failure unambiguously to do so favors a narrow reading, both in light of legislative history and the fact that Congress usually specifies the waiver authority it grants with greater clarity. The President cannot simply express his intention to execute a law a certain way if that action is not allowed by the legislative authority to which it is made pursuant.[16] If the Government, the Garnishees, Non-Party ETECSA, or any other individual or entity objects to this Court's interpretation of this unclear legislative mandate, it should turn to Congress and have that government branch clearly enunciate a broad waiver authority in an amended section 117(d). It is this Court's responsibility to interpret the law as written; only Congress can re-write the law.

* * * * *

FOOTNOTE

[16] The Court notes with great concern that the very President who in 1996 decried this terrorist action by the Government of Cuba now sends the Department of Justice to argue before this Court that Cuba's blocked assets ought not be used to compensate the families of the U.S. nationals murdered by Cuba. The Executive branch's approach to this situation has been inconsistent at best. It now apparently believes that shielding a terrorist foreign states' assets are more important than compensating for the loss of American lives.

The **PRESIDING OFFICER.** Under the previous order, the Senator from New Mexico is recognized.

THE BUDGET PLAN

Mr. **DOMENICI.** Mr. President, I want to spend a little time talking about what has transpired with the U.S. budget over the last 35 years, and I will focus mostly on the last 5 years.

I think everyone knows that next month we begin the process of producing a congressional budget plan for the fiscal year that begins this coming October. The Senate Budget Committee, which I have been honored to chair, will complete its hearings next week on the President's budget which was submitted to Congress earlier this month. Before we begin the task of producing that budget blueprint, I thought it might be of interest to some of my colleagues and some of those who might be watching to briefly review some facts surrounding the Federal budget.

One can provide different interpretations of numbers, but a number is a very stubborn thing. It is what it is. Using the help of some charts, I will provide a very brief historical overview of the Federal budget today.

Chart No. 1 is the total budget surplus and deficit over the last 30 years. After nearly 30 years of Federal deficit spending—and my colleagues can see the surplus/deficit excluding Social Security is in green and the total budget surplus is in red. The green, as one can see, starting back in 1965 and going all the way to 1998, is constantly below the line, meaning we have been in deficit for that whole period of time.

We finally reported a balanced budget, under the unified budget process in 1998, of nearly $70 billion. Last year, in 1999, we once again successfully achieved a unified budget surplus of $125 billion. But more importantly—noting the green line on this chart—we will be able to balance the budget not counting the Social Security surplus. The red line is the total budget surplus and the green is Social Security balances.

Here is the way the budget goes. We now have a surplus above zero in both the Social Security and in the non-Social Security accounts of our Government. Last year, we actually achieved a surplus—not very much—of $1 billion, and certainly that is substantially better than when we were approaching $300 billion in deficits.

For the current fiscal year, we expect a surplus of $176 billion, and, of that, nearly $23 billion excludes the Social Security moneys, meaning we have some money left over in surplus after we put all the money in the Social Security trust fund that is required by law.

Projections for the near future remain positive. Of course, depending on what policies we enact relating to taxes or spending, the Social Security surpluses will continue to accumulate over the next decade, and the rest of Government also is expected and projected to see surpluses as far as the eye can see.

By the year 2005, the Congressional Budget Office expects the surplus to be between $270 billion and $300 billion. One thing that this job has taught me is to be very careful in statements about the long term. I could spend some time suggesting that these long-term surpluses are very reliable and credible, but I will do that at another time. Today, instead of statements about the long term, what I want to do is talk about—rather than pontificating about the future and what we might expect—about what has passed, just so there will be an understanding of whether or not Congress and the Senate and the Budget Committee and the appropriators and everybody in this body ought to be proud of what we have accomplished in terms of controlling the spending of our National Government.

So here is chart No. 2. It has a lot of things on it. I just put it up because it shows, in five intervals over the last 30 years, the major components of the budget. We can clearly see that total Federal spending has increased, to where this year the Federal Government is likely to spend $1.8 trillion.

In terms of the totality of the budget—in all of its components: Military, entitlements, the 13 appropriations bills—it has been going up every year. Now we are at about $1.8 trillion. That is an interesting number because if there is a $4 trillion surplus—just to compare—that means we will have more than 2 full years of the Federal budget in surplus during the next decade. That is a rather profound and major change in things over the past 35 years.

The country has grown over the last 30 years, and it has grown faster than Government spending. So while we reached a peak of nearly 23 percent of our gross domestic product in 1985, today it has declined almost 5 full percent; that is, we are now at 18.5 percent of our gross domestic product in the total spending of the American Government, including interest on the debt, entitlements, Social Security, and 13 appropriations bills—and, obviously, one of those is the defense bill.

This bar chart points out a phenomenon of which I think we are all aware. Let's just look at it for 1 minute. Entitlement spending today represents 55 percent of all Federal spending. If we add paying the interest on our national debt as another entitlement—and it might be that, so let's add it in—then 77 percent of what we spend every year is either mandatory spending or an entitlement.

I did not go back in history to equate the percentages under other Presidents, but suffice it to say, not too long ago, in the era of, let's say, President Kennedy's tenure, clearly, about 40 percent of the entire Federal budget was entitlements; and now we are up to 77 percent.

Let's look at the third chart: Growth in Total Outlays. This is very important. For those who wonder about how poorly we do or how well we do when we finally finish all our work—it might not look pretty; it may take too long; there may be a lot of scuffling on the appropriations bills—I would like very much to make sure we all take a good, careful look at this chart and see what we have really been doing that has contributed to the great fiscal policy of this country and to our position today of low interest rates and sustained economic growth.

This is a very dramatic chart. It is very simple but very dramatic. The blue on the chart is what is called nominal growth, and the red is real growth. The nominal growth includes inflation, plus the growth beyond inflation. It is very interesting what we have done. Because we think it makes the most sense, we have gone back to 1965 and done this on 5-year intervals. So we have taken 5-year intervals and then taken the average for that 5-year interval.

It is rather dramatic to see what is shown on the chart, without any explanation—the dramatic reduction in the percentage of growth in actual total outlays year after year. It was not long ago we were talking about deficits as far as the eye could see. Now, as this chart shows, as the reality of the years 1995 through 2000 has become true, we are beginning to see rather large surpluses.

I might add, by way of taxes—with which I do not think we did much in these charts—even though taxes, for certain Americans, may be lower than 15 or 20 years ago, but the percent of our gross domestic product that goes to taxes is the highest since the end of the Second World War. So it is obvious, if your taxes are the highest and your growth in Government is the lowest, you begin to develop a rather good surplus. It is kind of easy to see that much of that surplus is because we are taxing the American people at a higher percent of our total production than we ever have since the Second World War when we had all kinds of taxes.

Let's just look at this chart and take a couple of years. Growing at an annual rate of nearly 12.2 percent in the late 1970s, the total Government spending right now that we can tell you already occurred—as I said in my opening remarks, we are not predicting. Numbers that are behind us are hard to throw away.

For the years 1995 to 2000, the total amount of growth in our Government, including appropriated accounts, is 3.1 percent; and of that, the real growth—that is, noninflationary growth—is 1.3 percent.

Just compare that quickly with other periods of time shown on the chart. Pick any interval you like. From 1980 to 1985, the nominal growth was 9.9 percent, the real growth was 3.6 percent—almost three times as much in real growth as it was from 1995 to the year 2000.

If today I sound as if I am trying to convince somebody of something, I address this to a number of Senators because there are some who say we are overspending everywhere and some who say the appropriated accounts are out of control. My friend, if they are out of control when they are part of a Government growth that is 1.3 percent in real growth, what were they when it was 5.8 percent? It was unexplainable. There is no word for it.

If we are out of control now—and for those who are interested, the years 1990 to 1995 were not too shabby either. In fact, from 1990 to 1995, it was 1 percent real growth and 3.9 percent for a combination of real growth and inflation. That is just slightly higher in its totality than the period from 1995 to 2000.

I remind Senators that for the period 1995 to 2000—the occupant of the Chair knows this; Senator HOLLINGS knows this—we had a lot of emergency money we put in. We had an agricultural emergency 3 years in a row. We had some military emergencies where we got into wars, and we had not funded them, so we put them in as emergencies. They can be whatever you want, but when the year is finished they are part of the total outlays. If, in fact, you allocated the money, and put it in an appropriations bill, it would eventually be spent, whether it was an emergency or whatever, and that is the reason we talk about total outlays.

The fourth chart only shows the red, which depicts real growth. For some people—not me at this point; I am not sure everything should increase by the rate of inflation every year—but some people think that should be the policy of our Government.

What we are looking at here in each of these years is: What was the real outlay growth, on average, over the 5-year intervals, meaning without inflation? It is pretty simple. If we took the 35-year average, and we drew a line—looking at the years 1965 to 1970, it was almost 6 percent—but the average for the 35 years is 3.1 percent. Looking at the last decade, real growth for the years 1990 to 1995 was 1 percent; from 1995 to 2000, it was 1.3 percent.

Frankly, somebody did something right. If we are talking about restraining expenditures of Government so as to produce a fiscal policy that puts us in balance and ultimately creates a surplus—I know my dear friend, Senator HOLLINGS, is here and his and my definition of "surplus" may differ, but I think anybody who looked at this would say we are surely moving in a direction different from what we did for most of the last 35 years.

In terms of how much we are letting Government grow, the fifth chart shows major components of the entitlements and other mandatory programs. The 35-year average annual rate of growth of Government spending has been about 3.1 percent.

The PRESIDING OFFICER. The Senator's 15 minutes have expired.

Mr. DOMENICI. I ask unanimous consent for an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. This chart shows the various entitlement spendings. It is over 55 percent of all Federal spending today. Three-quarters of it is just three programs: Social Security, Medicare, and Medicaid.

Let's move on to the Growth in Entitlements and Mandatories. Many of us are of the impression that it is the entitlement programs that are out of control. I admit, looking at this chart, one would see where it wasn't too long ago when they were out of control. Let's take 1970–75. The growth was 18.5 percent nominal growth. In 1980–85, it was 9, and in 1985–90, it was 6.9. In 1990–95, it was 5.5. Here we are in 1995–2000, in entitlement programs, 4.5 percent nominal and, without inflation, the growth was 2.6 percent. If we can continue growth in this manner, which is principally predicated upon controlling the costs of health care, which the Government pays for partially or totally, we can keep our government under control and the costs can continue to come down.

National defense is something we ought to be concerned about because we have thrown some numbers around and some percentages. The facts are before us, and they don't look too good. The truth is, since the 1985–90 era, everything since that time has been no growth in defense rather than growth. If you are looking at the chart turned upside down, when it comes to the last decade, defense spending starts to come out on the negative side, meaning year after year the outlays for defense have gone down rather than up, and these are the numbers. We are doing a little better in the 5 years of 1995–2000 than we did in 1990–95, but it is clear that if, in fact, we think we have been really increasing defense in terms of outlays, as we finally get them accounted for, it is obvious we have a long way to go if we are going to say we have increased defense spending. I am not saying we must. I am merely giving some facts as they show up here.

In summary, the data suggests to me that we have been successful in controlling the rate of Federal spending. And while we must continue to be vigilant and very careful, in this time of projected budget surpluses, to avoid returning to an era of expansive Government spending, I do not think we should dismiss what these charts show. We have been successful in controlling Government spending, and we have been most successful in the last decade, very successful in the last 5 years. There are many institutions, entities, and people who can take some credit for what has happened to the American economy, but I believe it is fair to say that the Budget Committee of the Senate, not always under my chairmanship but under the chairmanship of others, has been part of a decade of tremendous pressure to reduce the expenditures of Government and thus create a surplus.

If the surplus is good—and, frankly, it looks as if the American people have understood loud and clear that the debt is not good. I would assume if the debt is not good, they must think surpluses are good. Indeed, we do. Much of the surplus is going to that accumulated debt. As a matter of fact, I close by saying, while the two parties and the President disagree on many things, it is good for America that we have agreed on one thing; that is, the Social Security surplus is going to the Social Security trust fund, not into the general coffers of Government to be spent. That alone will dramatically reduce the debt we owe to the public.

As a matter of fact, if we continue for the next decade to apply the Social Security surpluses, which I am rather confident will continue to occur, then we will have in a decade reduced the debt of the American people by somewhere around 70 percent, which is not very shabby, if you talk about one decade, one group of people reducing the debt that much.

I thank the Senate for permitting me to speak. I will come to the floor at a later time and express why I am convinced the surpluses are for real and that, as a matter of fact, they are apt to be more rather than less over the next decade because of what is happening in the American economy.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, I ask unanimous consent for an additional 5 minutes on my allotted time.

The PRESIDING OFFICER. Without objection, it is so ordered.

PUBLIC DEBT

Mr. HOLLINGS. Mr. President, the reason I asked for the extra time is, in addressing the Senate with respect to the Education Savings Act, I was going to make the point that we weren't saving and we had no money for this particular act. The act will cost the government $2 billion. But the distinguished Senator from New Mexico, the chairman of our Budget Committee, says the Senator from South Carolina sees the surplus differently than he sees a surplus. Let me go right to the minute here on 2/23, the public debt to the penny.

You can go to the Internet and, under the law, find that the Department of Treasury lists to the penny and by the minute the exact amount of the public debt. It isn't what the Senator from New Mexico calls a debt or surplus. It isn't what the Senator from South Carolina calls a debt or surplus. It is what we call a debt under the Public Law. The public debt to the minute right now—I just took it off the Internet two minutes ago—is $5,744,135,736,409.24

I ask unanimous consent to print this in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE PUBLIC DEBT TO THE PENNY

	Amount
Current Month:	
02/23/2000	$5,744,135,736,409.24
02/22/2000	5,742,317,374,668.82
02/18/2000	5,739,814,030,329.64
02/17/2000	5,708,609,026,361.46
02/16/2000	5,704,636,239,474.18
02/15/2000	5,705,355,135,074.08
02/14/2000	5,693,874,593,019.53
02/11/2000	5,692,488,848,706.09
02/10/2000	5,692,476,887,663.77
02/09/2000	5,690,617,208,881.34
02/08/2000	5,694,611,209,189.87
02/07/2000	5,693,618,340,748.18
02/04/2000	5,691,096,297,325.05
02/03/2000	5,690,372,687,653.89
02/02/2000	5,702,134,559,981.88
02/01/2000	5,702,651,446,667.03
Prior Months:	
01/31/2000	5,711,285,168,951.46
12/31/1999	5,776,091,314,225.33
11/30/1999	5,693,600,157,029.08
10/29/1999	5,679,726,662,904.06
Prior Fiscal Years:	
09/30/1999	5,656,270,901,615.43
09/30/1998	5,526,193,008,897.62
09/30/1997	5,413,146,011,397.34
09/30/1996	5,224,810,939,135.73
09/29/1995	4,973,982,900,709.39
09/30/1994	4,692,749,910,013.32
09/30/1993	4,411,488,883,139.38
09/30/1992	4,064,620,655,521.66
09/30/1991	3,665,303,351,697.03
09/28/1990	3,233,313,451,777.25
09/29/1989	2,857,430,960,187.32
09/30/1988	2,602,337,712,041.16
09/30/1987	2,350,276,890,953.00

Source: Bureau of the Public Debt.

Mr. President, The Department of Treasury said we began the 1999 fiscal year with a debt of $5,478,704,000,000, and we ended it, not with a surplus, but with a deficit of $5,606,486,000,000.

Now, it is not any monkeyshine on this Senator's part. It is the monkeyshine on the part of the majority of this body, all running around calling surplus, surplus, surplus, when there isn't any surplus.

Let's go directly to yesterday's release by the Department of Treasury. We find, on table 6, page 20 that they began the year with a debt, as I have just reported, of $5,606,486,000,000. Now, at the close of the month, as of January, it was $5,660,780,000,000. The Treasury Department, beginning October 1 of last year, fiscal year 2000, has already borrowed $54 billion. Please, let's tell the Secretary of the Treasury that if we have surpluses, quit borrowing money. What is he borrowing money for? It is time this charade stops.

I will ask unanimous consent to print in the RECORD HOLLINGS' budget realities.

There being no objection, the material was ordered to be printed in the Record, as follows:

HOLLINGS' BUDGET REALITIES

[In billions]

President and years	U.S. budget (outlays)	Borrowed trust funds	Unified deficit with trust funds	Actual deficit without trust funds	National debt	Annual increases in spending for interest
Truman:						
1946	55.2	-5.0	-15.9	-10.9	271.0	
1947	34.5	-9.9	4.0	+13.9	257.1	
1948	29.8	6.7	11.8	+5.1	252.0	
1949	38.8	1.2	0.6	-0.6	252.6	
1950	42.6	1.2	-3.1	-4.3	256.9	
1951	45.5	4.5	6.1	+1.6	255.3	
1952	67.7	2.3	-1.5	-3.8	259.1	
1953	76.1	0.4	-6.5	-6.9	266.0	
1954	70.9	3.6	-1.2	4.8	270.8	
Eisenhower:						
1955	68.4	0.6	-3.0	-3.6	274.4	
1956	70.6	2.2	3.9	+1.7	272.7	
1957	76.6	3.0	3.4	+0.4	272.3	
1958	82.4	4.6	-2.8	-7.4	279.7	
1959	92.1	-5.0	-12.8	-7.8	287.5	
1960	92.2	3.3	0.3	-3.0	290.5	
1961	97.7	-1.2	-3.3	-2.1	292.6	
1962	106.8	3.2	-7.1	-10.3	302.9	9.1
Kennedy:						
1963	111.3	2.6	-4.8	-7.4	310.3	9.9
1964	118.5	-0.1	-5.9	-5.8	316.1	10.7
Johnson:						
1965	118.2	4.8	-1.4	-6.2	322.3	11.3
1966	134.5	2.5	-3.7	-6.2	328.5	12.0
1967	157.5	3.3	-8.6	-11.9	340.4	13.4
1968	178.1	3.1	-25.2	28.3	368.7	14.6
1969	183.6	0.3	3.2	+2.9	365.8	16.6
1970	195.6	12.3	-2.8	-15.1	380.9	19.3
Nixon:						
1971	210.2	4.3	-23.0	-27.3	408.2	21.0
1972	230.7	4.3	-23.4	-27.7	435.9	21.8
1973	245.7	15.5	-14.9	30.4	466.3	24.2
1974	269.4	11.5	-6.1	17.6	483.9	29.3
1975	332.3	4.8	-53.2	-58.0	541.9	32.7
Ford:						
1976	371.8	13.4	-73.7	-87.1	629.0	37.1
1977	409.2	23.7	-53.7	-77.4	706.4	41.9
Carter:						
1978	458.7	11.0	-59.2	-70.2	776.6	48.7
1979	504.0	12.2	-40.7	-52.9	829.5	59.9
1980	590.9	5.8	-73.8	-79.6	909.1	74.8
1981	678.2	6.7	-79.0	-85.7	994.8	95.5
Reagan:						
1982	745.8	14.5	128.0	-142.5	1,137.3	117.2
1983	808.4	26.6	-207.8	-234.4	1,371.7	128.7

HOLLINGS' BUDGET REALITIES—Continued

[In billions]

President and years	U.S. budget (outlays)	Borrowed trust funds	Unified deficit with trust funds	Actual deficit without trust funds	National debt	Annual increases in spending for interest
1984	851.9	7.6	-185.4	-193.0	1,564.7	153.9
1985	946.4	40.5	-212.3	-252.8	1,817.5	178.9
1986	990.5	81.9	-221.2	-303.1	2,120.6	190.3
1987	1,004.1	75.7	-149.8	-225.5	2,346.1	195.3
1988	1,064.5	100.0	-155.2	-255.2	2,601.3	214.1
1989	1,143.7	114.2	-152.5	-266.7	2,868.3	240.9
Bush:						
1990	1,253.2	117.4	-221.2	-338.6	3,206.6	264.7
1991	1,324.4	122.5	-269.4	-391.9	3,598.5	285.5
1992	1,381.7	113.2	-290.4	-403.6	4,002.1	292.3
1993	1,409.5	94.2	-255.1	-349.3	4,351.4	292.5
Clinton:						
1994	1,461.9	89.0	-203.3	-292.3	4,643.7	296.3
1995	1,515.8	113.3	-164.0	-277.3	4,921.0	332.4
1996	1,560.6	153.4	-107.5	-260.9	5,181.9	344.0
1997	1,601.3	165.8	-22.0	-187.8	5,369.7	355.8
1998	1,652.6	178.2	69.2	-109.0	5,478.7	363.8
1999	1,703.0	251.8	124.4	-127.4	5,606.1	353.5
2000	1,769.0	234.9	176.0	-58.9	5,665.0	362.0
2001	1,839.0	262.0	177.0	-85.0	5,750.0	371.0

* Historical Tables, Budget of the US Government FY 1998; Beginning in 1962 CBO's 2001 Economic and Budget Outlook.

Mr. President, the distinguished Senator, chairman of the Budget Committee, says we ended 1998 with a surplus of almost $70 billion (it was $69.2). But in order to state that figure, he had to borrow $178.2 billion from the trust funds: Social Security, highway, airport, military retirees, civil service retirees, etc.—even Medicare. And then he says that we ended last year with a surplus of $124.4 billion, but he had to borrow $251.8 billion from the trust funds. So the actual deficit for the fiscal year 1998 was $109 billion, and 127.4 billion for 1999. Here are the numbers so everyone can see. Yes, we reduced the deficit each year in that 4- to 5-year period—until last year. The debt went from $109 billion to $127.4 billion. So that was an increase.

Mr. President, let me state very clearly what has been going on. They used to talk of a unified budget and a unified deficit. Now, they talk about off-budget and on-budget, and public debt. This misleads the public because it is the U.S. Department of Treasury—not the CBO, Senator HOLLINGS or Senator DOMENICI—that keeps the official records. They have actual accountants. You know, economists can lie, but accountants can't. They have to keep the actual record and give you the truth.

Let me get the borrowed trust funds chart and show you exactly what is going on. They thought they could borrow enough from the other trust funds to say they are not going into Social Security but, of course, they are. At the end of the fiscal year, we already owe $855 billion to Social Security, $181 to Medicare, $141 to military retirees, and $492 billion to civilian retirement. You can go right on down. We owe $1.869 trillion to the trust funds.

Now, you can talk about the wonderful record, but this is what the Senator from South Carolina is looking at because that is the actual debt. Just in 2000, we will owe $1 trillion to Social Security, but by 2013, that figure jumps to nearly $4 trillion. Think of the inflationary pressure when the Baby Boomers start to retire and we have to redeem these bonds.

Now, what I have done is I have gone to each one of the trust funds. I won't take the time to go through all of them. "But there is hereby created on the books of the Treasury of the United States a trust fund to be known as the Federal Old-Age and Survivors . . ."—and so forth and so on. Mr. President, on page 2 of the act, section (b), "there is hereby created on the books of the Treasury of the United States a trust fund to be known as the Federal Disability Insurance Trust Fund."

Mr. President, what we did in 1983 was gradually raise the Social Security payroll tax to 6.25 for employees and 6.25 for employers, for 12½ percent. In 1983, if you had said we are going to vote for increased taxes for food stamps or for Kosovo or for courthouses or for dredging or for ships that the Department of Defense said they don't need, and those kinds of things, you could not have gotten a vote on the floor of the Senate. We passed the increase assuming the money would be put in trust. But they have been spending it.

We have a way so they won't spend it—what we call the lockbox—and they won't let us vote on it. Anytime, anywhere they want to vote on a real lockbox, call this Senator up. I have had it drawn up by the Administrator of Social Security, Ken Apfel. I worked with him when he was on the Budget Committee, together with the Senator from New Mexico, the present chairman of the Budget Committee.

I tried for some time to take Social Security off budget and it was blocked in the Budget Committee. But I finally got it passed, with one dissenting vote from the Senator from Texas. That is the best way I could do it.

Section 13301. I ask unanimous consent to have this one-page summary printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Subtitle C—Social Security

SEC. 13301. OFF-BUDGET STATUS OF OASDI TRUST FUNDS.

(a) EXCLUSION OF SOCIAL SECURITY FROM ALL BUDGETS.—Notwithstanding any other provision of law, the receipts and disbursements of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund shall not be counted as new budget authority, outlays, receipts, or deficit or surplus for purposes of—

(1) the budget of the United States Government as submitted by the President,

(2) the congressional budget, or

(3) the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) EXCLUSION OF SOCIAL SECURITY FROM CONGRESSIONAL BUDGET.—Section 301(a) of the Congressional Budget Act of 1974 is amended by adding at the end the following: "The concurrent resolution shall not include the outlays and revenue totals of the old age, survivors, and disability insurance program established under title II of the Social Security Act or the related provisions of the Internal Revenue Code of 1986 in the surplus or deficit totals required by this subsection or in any . . .

So it is against the real trust and against the law itself. But we continue to violate that law. Everybody knows the practice in the Government under the 1994 Pension Reform Act is that you can't use pension money to pay off the company debt. We all know Denny McLain, the famous pitcher formerly with the Detroit Tigers. He did that and was charged with a felony. If you can find him, tell him to, instead of paying off the company debt, run for the Senate. Instead of a jail term, you will get the good government award.

You can say the public debt is down, but it is like paying off the MasterCard with the Visa card. You still owe the same amount of money. That is what we have been doing. We play a shabby game up here talking about surpluses. Yesterday, the Secretary of Commerce came to my office wanting to talk about surplus. I said: Mr. Secretary, we don't have any surplus. I said: Look at the President's budget itself.

Here it is right here on page 420. You can see it. I ask unanimous consent that this one page be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TABLE S–14.—FEDERAL GOVERNMENT FINANCING AND DEBT

[In billions of dollars]

	1999 actual	Estimate													
		2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Financing:															
Surplus or deficit (−)	124	167	184	186	185	195	215	256	292	314	329	363	403	443	479
(Social Security solvency lock-box: Off-budget)	124	148	160	172	184	195	214	224	239	250	260	272	280	295	309
(Social Security interest savings transfer)													100	118	138
(Medicare solvency debt reduction reserve)			15	13				30	52	64	69	91	22	30	32
(On-budget)	1	19	9	1	*	*	2	1	1	*	*	*	*	*	*
Means of financing other than borrowing from the public:															
Changes in:															
Treasury operating cash balance	−18	16													
Checks outstanding, deposit funds, etc.	−6	1	2												
Seigniorage on coins	1	1	2	2	2	2	2	2	2	2	2	2	2	2	2
Less Social Security equity purchases													−52	−66	−83
Less: Net financing disbursements:															
Direct loan financing accounts	−19	−29	−18	−18	−17	−16	−16	−16	−16	−15	−15	−15	−16	−16	−16
Guranteed loan financing accounts	5	*	1	1	1	2	2	2	2	2	2	2	3	3	3
Total, means of financing other than borrowing from the public	−36	−9	−13	−15	−14	−12	−12	−12	−12	−12	−11	−11	−63	−78	−95
Total, repayment of publicly held debt	89	157	171	171	170	183	203	243	280	302	318	352	340	365	384
Change in debt held by the public	−89	−157	−171	−171	−170	−183	−203	−243	−280	−302	−318	−352	−340	−365	−384
Debt Subject to Statutory Limitation, End of Year:															
Debt issued by Treasury	5,578	5,658	5,742	5,828	5,921	6,009	6,096	6,185	6,268	6,347	6,424	6,502	6,595	6,693	6,794
Adjustment for Treasury debt not subject to limitation and agency debt subject to limitation	−15	−15	−15	−15	−15	−15	−15	−15	−15	−15	−15	−15	−15	−15	−15
Adjustment for discount and premium	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6
Total, debt subject to statutory limitation	5,568	5,648	5,732	5,819	5,912	5,999	6,086	6,175	6,258	6,337	6,414	6,492	6,585	6,683	6,785
Debt Outstanding, End of Year:															
Gross Federal debt:															
Debt issued by Treasury	5,578	5,658	5,742	5,828	5,921	6,009	6,096	6,185	6,268	6,347	6,424	6,502	6,595	6,693	6,794
Debt issued by other agencies	29	28	27	27	25	24	23	22	20	20	20	20	20	20	20
Total, gross Federal debt	5,606	5,686	5,769	5,855	5,974	6,034	6,118	6,206	6,288	6,367	6,444	6,522	6,615	6,713	6,815
Held by:															
Debt securities held as assets by Government accounts	1,973	2,210	2,464	2,721	2,984	3,253	3,541	3,872	4,234	4,615	5,010	5,440	5,873	6,335	6,821
Social Security	855	1,004	1,164	1,338	1,522	1,717	1,930	2,154	2,392	2,641	2,899	3,170	3,498	3,843	4,206
Federal employee retirement	643	681	717	754	789	824	858	891	922	952	980	1,006	1,034	1,063	1,093
Other	475	525	582	630	672	712	752	828	920	1,023	1,131	1,263	1,341	1,429	1,523
Debt securities held as assets by the public	3,633	3,476	3,305	3,134	2,963	2,781	2,578	2,334	2,054	1,752	1,434	1,082	742	377	

* $500 million or less

Mr. President, there are not any surpluses as far as the eye can see, as the chairman of the Budget Committee just said, but deficits as far as the eye can see. The total gross Federal debt starts off in the year 2000 at $5.606 trillion. The next year, it goes to $5.686 trillion, so it goes up $80 billion. It ends up at $6.815 trillion. So it goes up $1.2 trillion over this period until 2013—as far as the eye can see. The debt is up, up, up, and away. There is no, no, no surplus.

Every year since President Clinton has been in office, we have spent more in Congress than the President's budget, which I have in my hand. Both sides are now calling for a tax cut. The Democratic side is talking about $350 billion; the Republican side is talking about $750 billion. I will never forget when the President was going to give his State of the Union Address, and the distinguished majority leader, the Senator from Mississippi, said: Good gosh, that is going to cost us a billion dollars a minute.

Well, the distinguished President talked for an hour and a half, so that is $90 billion. George W. Bush has a $90 billion a year tax cut, which is $900 billion over the next 10 years.

We are spending that kind of money right now; 90 and 90—that is $180 billion-plus. If we weren't paying $365 billion in interest costs on the national debt, I could give you the Republican program and the Democratic program and have $185 billion to pay down the debt. We may not have a Senate session tomorrow, Saturday, Sunday, or Monday, but the first thing at 8 o'clock tomorrow morning, the Treasurer is going to borrow a billion dollars and add it to the debt—on Sunday, Christmas Day, each day of the year of 2000. The actual fact is there is no surplus.

It is time that the media and we in the Congress and Government tell the American people the truth. There is no surplus. I wish there were some.

Now you have this particular bill coming along. I have each one of these particular trust funds. I could go down the entire list of them—not only the Social Security, but I could go down the Medicare. The Medicare trust fund is hereby created. Again, the Federal supplementary medical insurance trust fund—report immediately to Congress whenever the board is of the opinion that the amount of the trust fund is unduly small.

We were very careful in the legislation, but not in the actual fact and the actual treatment.

We have each one of these trust funds—the particular language on military retirement, civil service retirement, and unemployment compensation. The employers of America are paying in their particular amounts to the trust fund—and the employees for unemployment compensation.

There isn't any question. I can show you exactly the language of the court and how they treat these trust funds when they get involved—not in a political discussion but in the legality of it.

I quote from the court:

> State unemployment funds deposited in the Federal unemployment trust fund are a continuing appropriations for a specific purpose and the Federal Government does not obtain title to the money by depositing it in trust for the State Unemployment Reserve Commission which is bound to administer the money in accordance . . . with the law.

That is exactly the way the Treasurer of the United States is bound to adhere. But that isn't what we do. We keep talking about a surplus and the public debt, which I put in the RECORD as reported by the minute.

It goes up. It is an astounding figure—$894,000 every minute. That is how much the debt, that is how much the deficit goes up every minute, not a surplus—$894,000.

That is the tragedy of this particular charade that goes on. We brought up a tax bill in the Senate, and everybody knows under the Constitution that it has to resonate in the House. So it is not going anywhere. We put that up to debate it. We don't fund it. Then we put cloture on as if we are delaying something. We are delaying the nonsense. We ought to pull the bill down. The bill is nothing. It is not going anywhere, and everybody knows that. But we are supposed to fool the press upstairs. They report that we are going to have a cloture vote, and we are working, and everything else like that. The game plan here is the Presidential race. Don't do anything to upset the applecart. We have our candidate. We have given him the $70 million. We have another $70 million, and we are headed for the brass ring, and just do not have anything happen in Washington in the Congress to upset our pell-mell for the White House.

It is a tragic thing. We have these trust funds. They talk about Social Security. These are just in trust for Social Security.

In fact, the "other" is on here. The Senator from Alaska is here. He knows good and well that we pay in there under "other" for nuclear storage and the waste storage fund. The private power companies have been paying into that over the years. We have $19 billion in there. But we can't spend it. We are supposed to spend it in trust only for that. We haven't put it at Yucca Mountain. So we have to hold up. That is part of this $59 billion "other." We have the Federal Financing Bank held in trust.

When the day of reckoning comes when we can stop increasing the debt—everybody is talking about paying down the debt—if we can just stop increasing it, oh, boy, then we would have set a record in this particular Congress because the debt has been going up, up, and away with the consequent interest costs, which is like taxes. When I pay gasoline taxes, I get a highway. I pay a sales tax, and I can go ahead and get a school, or whatever it is. When I pay interest costs, or interest taxes, I get absolutely nothing. The Government and the economy thereby is in real trouble.

That is the state of the Union.

I thank the distinguished Chair for his indulgence.

The PRESIDING OFFICER (Mr. ROBERTS). The time of the distinguished Senator has expired.

The distinguished Senator from Alaska is recognized.

Mr. MURKOWSKI. Mr. President, I listened to my colleague from South Carolina outline the state of the budget. I concur with his pointed criticism of whether or not we have a sound surplus, or whether it is somewhat realistic.

He points out the $19 billion that has been paid by the ratepayers into the nuclear waste fund, as an example. He and I both know that money has gone into the general fund. It is basically not in escrow. It is not in a reserve account.

When the administration or the Government ever addresses that responsibility, we will have to appropriate that money someplace because it has been spent. As an old banker, I can tell you that interest is like a horse that eats while you sleep. It goes on Saturday night, Sunday morning, and Sunday night. As a consequence, we often find ourselves in the position where the interest exceeds the principal. When that happens, you are broke.

I am certainly sympathetic to the points raised by my colleague.

(The remarks of Mr. MURKOWSKI pertaining to the introduction of S. 2098 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The distinguished Senator from Oregon.

PRESCRIPTION DRUGS AFFORDABILITY

Mr. WYDEN. Mr. President, for many months now, I and other Members of this body have been coming to the floor to talk about the need for prescription drug coverage for our older people under Medicare. I have brought to the floor on more than 20 occasions specific cases of older people who, in so many instances, are walking an economic tightrope, trying to balance their food costs against their prescription drug bill, their prescription drug bill against some other necessity. More and more of these older people and their families simply cannot make ends meet.

I wish to address the question of whether this country can afford to cover prescription drugs for older people under Medicare. I submit this Nation cannot afford not to cover these essential health care services.

We talked on the floor about the important drugs such as Lipitor, a cholesterol-lowering drug used by many older people. These drugs are absolutely key to keeping older people well. There is no question that right now if the Government were to pick up the costs of these medicines there would be additional costs, but the savings generated as a result of extending prescription drug coverage to older people, in my view, would be staggering.

I continually cite the exciting contributions made by these new medicines that prevent strokes. They are known as anticoagulant drugs. For an older person, it might cost perhaps $1,000 a year to pay for the drugs, anticoagulant drugs that prevent these strokes, but if you prevent a stroke you could save upwards of $100,000 through an investment that is just a small fraction of those costs.

I am very hopeful it will now be possible to reconcile the various bills that cover prescription drugs for older people. Senator DASCHLE has talked to me on a number of occasions, even a few hours ago, indicating he is very interested in seeing the Congress come together on a bipartisan basis and enact this legislation to meet the needs of older people and better utilize the dollars that are available for health care in this country.

The stories we have accumulated from home are tragic. I heard yesterday from an older woman in Tillamook, OR. She recently took another senior, an 80-year-old woman, to the emergency room. This 80-year-old woman said she could not afford the one medication she needed to control her high blood pressure. As a result, she almost died.

From what we are seeing across this country, we either now go forward and make a well-targeted investment to make sure vulnerable seniors get help with prescription drugs or we end up with vastly more people suffering and much increased costs.

I have received scores of letters from across rural Oregon. These are from people who have to drive 40 miles,, 50 miles to a pharmacy. They don't have big health plans that negotiate discounts for them.

In Baker City, OR, I have been told by an older couple they are getting by on $200, the two of them, for their entire month after they are done paying their prescription drug bills. There is not a one of us in the Senate who could live in that kind of arrangement where they essentially had only a couple of hundred dollars a month to pay for their food and shelter and other essentials. A country as good and rich and strong as ours is capable of addressing this need. I think it can be done using an approach that relies on marketplace forces.

I particularly wish to praise my colleague from Maine, Senator SNOWE. I have been able to team up with her on this prescription drug issue for 14 months. When we started in the Budget Committee, I think a lot of folks looked at us and said, Senator SNOWE, Senator WYDEN, they are well meaning but there is no chance this prescription drug issue is going to be addressed.

We have seen over the last few months tremendous progress. There is not a Member of Congress, Democrat or Republican, who goes home and doesn't get asked about this issue. We have a chance to bring the various bills together. Senator DASCHLE wishes to do so, and I know a number of Republicans want to do so as well. Our colleagues in the Senate recognize this ought to be a voluntary program. A lot of lessons have been learned since the catastrophic care issue came before the Congress. This is not going to be a mandatory program. This is not going to be a one-size-fits-all program from Washington. This is going to be based on voluntary choice. We are going to use the dollars that are raised for this program to pick up the prescription drug portion of a senior citizen's private health insurance.

I am not talking about a federalized health care system. We are talking about using private health insurance, making sure older people have a variety of choices and offerings. As a result of those choices and offerings, they can have some big bargaining power.

What happens right now is the health plans, the HMOs, big buyers, go out and negotiate a discount. If you are an older person in rural Nebraska or rural Oregon and you don't have prescription drug coverage, you walk into the Rite Aid or a Fred Meyer or one of your drugstores and you, in effect, have to subsidize the big buyers who are in a position to negotiate discounts. We can use private marketplace forces, the way the Snowe-Wyden legislation does, and the way several of the other bills do, to make sure older people have the kind of bargaining power that makes these prescription drugs more affordable.

I am very pleased that this issue has become a bigger priority in the Congress in the last few weeks. I think now is going to be a test of whether we can, as Senator DASCHLE and others have suggested, reconcile the various bills that have been introduced on this issue. I do not expect to have the last word on this matter.

Senator SNOWE and I are very proud the financing of our legislation received 54 votes in the Senate when it came up last year. On the Snowe-Wyden amendment, we saw Senator WELLSTONE vote for it, Senator SANTORUM vote for it, Senator KENNEDY vote for it, and Senator ABRAHAM vote for it. That is a pretty good coalition. That is the kind of coalition we can build if we pick up on the counsel of Senator DASCHLE, and I know a number of Republican leaders, to come together and reconcile these various bills.

I intend to keep coming to the floor and reading these cases. Our friend, Senator KERREY, is here. I know he is going to be speaking on an important issue, and I do not want to detain him. I think in this country we are now seeing older people break their pills in half because they cannot afford to pick up the cost of medicine when we have, as we saw in Tillamook, OR, 80-year-old women being taken to emergency rooms and not able to afford their medicine. It is wrong. It is just wrong for this Congress to not address this issue in a bipartisan way this year.

This is not one we ought to put off until after the election and see it used as a political football. It should not be used as fodder for the campaign trail because if it is, too many older people who cannot afford their medicine are going to suffer.

We have a chance to move on a bipartisan basis to reconcile these various bills. I intend to keep coming to the floor of this body again and again to describe these cases, to show how urgent the need is. The President at the State of the Union Address made it clear he was extending the olive branch to both political parties to work with him on this issue. We ought to seize, on a bipartisan basis, the opportunity to use private health insurance, not some federalized Government program, to make sure we meet the needs of older people for prescription medicine.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Nebraska is recognized.

CONFRONTING NUCLEAR THREATS

Mr. KERREY. Mr. President, a few weeks ago, former Secretary of State Henry Kissinger joined what has become a chorus of distinguished citizens and representatives who are suggesting the decision to deploy the national missile defense system be postponed until after the November 7 Presidential election. Although it may be that a delay is necessitated for other reasons, I hope we do not allow the approach of a Presidential election to prevent us from making important foreign policy decisions.

Not only do I believe this to be a precedent which would hamper future Presidential decisionmaking, but it also ignores the fact that this is a tough decision for any President to make anytime, regardless of the circumstances. It also ignores that it takes time for a new Commander in Chief at the helm of the ship to get his or her foreign policy sea legs. Such a delay could jeopardize our capacity to deploy NMD in a timely fashion.

In his argument, Secretary Kissinger referred to "congressionally imposed deadline." This is a commonly made mistake about what Congress did last year. All we called for was deployment of national missile defense "as soon as it is technologically possible." The administration has said this decision could be made as early as June and has recently indicated this could slip to late summer.

Of the four criteria that will be used by President Clinton to make his decision, the most difficult to quantify is the impact on other arms control agreements. Specifically, the impact most feared is that deployment of this missile defense system would be regarded by the Russians as a violation of the 1972 Anti-Ballistic Missile Treaty.

While I can make a very strong argument that deployment of NMD is permitted under the terms of this treaty, this argument will diminish in importance if the Russian Government abrogates other treaties by modifying their strategic nuclear weapons. This includes the very real and destabilizing prospect of re-MIRVing their missiles or converting single-warhead missiles to multiwarhead missiles. This is why the United States is attempting, and thus far without success, to persuade Russia to allow a modification of the 1972 Anti-Ballistic Missile Treaty in order to build NMD and avoid potentially serious conflict between the United States and the Russian Government. We have met considerable resistance, not only from the Russians but also from allies who regard our analysis of the ballistic missile threat to be flawed.

To be clear, the new threat is real. We cannot afford to ignore the real threat that an accidental or rogue nation launch of ballistic missiles carrying nuclear weapons poses to the survival of our Nation. The need to build this defensive system, which is still being tested for feasibility and reliability, derives from the national intelligence estimate and an external panel headed by Donald Rumsfeld. Both have concluded that the threat of rogue nation or unauthorized launch of a nuclear, biological, or chemical weapon at the United States of America is real.

As a consequence, we have begun testing a system which would protect Americans against this threat. A test schedule for May will be critically important to demonstrate feasibility and reliability, one of the four Presidential conditions needed for deployment. Given the risk/reward ratio of defending against nuclear weapons, the current cost estimates over 10 years of an amount that is less than 1 percent of our national defense budget and the unlikely reassessment of this threat, all that would stand in the way of a Presidential decision to deploy would be the potential adverse impact on other agreements.

The President will face this question: Will a decision to deploy NMD result in other nations, especially Russia, reacting in a manner that would produce a net increase in proliferation activity and thus increase the potential for rogue or unauthorized launch of nuclear, chemical, or biological weapons?

We are more likely to resolve this potential conflict in a way that increases the safety and security of Americans if President Clinton does not delay the decision until after the November 7 election. This is a decision that should be made on the basis of the current facts and the four criteria for deployment previously outlined by the administration.

To be successful, we should also consider an alternative negotiating strategy that would pose a win-win for both the United States and Russia. It would reduce the threat of weapons of mass destruction. It would improve the relations between the United States and Russia. And it would enable the United States to redirect money from maintaining our current nuclear weapons stockpile to our conventional forces, where a real strain can be seen in recruitment, readiness, and capability.

To spur constructive action, we must force ourselves to remember this grim truth: The only thing capable of killing every man, woman, and child in the United States of America is the Russian nuclear stockpile. We must remember the threat no longer comes from a deliberate attack. Instead, these weapons now present two new and very dangerous threats.

The first is the possibility of an accidental or unauthorized launch of a Russian nuclear weapon. During the cold war, we worried about the military might of the Soviet Union, but today we worry about the military weakness of Russia and her ever-decreasing ability to control the over 6,000 strategic nuclear warheads in her arsenal. There are numerous stories that have emerged out of Russia over the past few years highlighting the vulnerability of these weapons. There are stories of major security breaches at sensitive nuclear facilities. There are stories of unpaid Russian soldiers attempting to sell nuclear-related material in order to feed their families. And there are stories of the continuing decay of the command and control infrastructure needed to maintain the nuclear arsenal of Russia. Each of these demonstrates the vulnerability of the Russian arsenal to an accidental launch based on a technical error or miscalculation or the unauthorized use of a weapon by a rogue group or disgruntled individual.

The second threat posed by the nuclear legacy of the cold war is the danger of the proliferation of material, technology, or expertise. Consider just the case of North Korea. Last summer, North Korea held the world's attention as a result of indications that they were preparing to test a long-range Taepo Dong ballistic missile. Through skillful diplomacy, the United States was able to convince the North Koreans to halt their missile testing program.

However, the stability of the entire east Asian region was in jeopardy as a result of the possibility of such a test. North Korea is one of the most backward countries in the world. It is a country where millions of its own citizens have starved to death. Yet this country was able to affect the actions of the United States, Japan, and China as a result of their ability to modify what is, in truth, outdated Soviet missile technology. As has been indicated publicly, the Taepo Dong is little more than a longer range version of the 1950s Soviet Scud missile. One can only imagine the consequences to our security if North Korea had a nuclear capability and the means to deliver it. But this illustrates the threat posed by proliferation. Without real management of these materials and technology—much of it Russian in origin—it will become easier for third and fourth rate powers to drastically affect our own security decisions.

Both of these threats—accidental or unauthorized launch and proliferation of these weapons to rogue nations—present a new challenge to the United States. It is a challenge very different from the cold war standoff of two nuclear superpowers. Classic deterrence, better known as mutual assured destruction, was the bedrock of our policy to confront nuclear threats during the cold war. Mutual assured destruction was based on the premise that our enemies would not dare to attack the United States as long as they knew that such an attack would be met with an overwhelming, deadly response by the United States. This theory, however, provides no safety from an accidental launch caused by the failure of outdated technology. It provides no safety net from the use of these weapons by a terrorist state whose only objective is the death of as many Americans as possible.

We need to develop a completely new and comprehensive approach to confront these threats. National missile defense will not add to our security if it is built as a stand alone venture. As part of a comprehensive approach it most assuredly can. To succeed, we should work with Russia to develop a new strategic partnership. We need a partnership based on cooperation, not confrontation—a partnership that builds on the many areas of mutual concern, not those that divide—a partnership that recognizes the nuclear legacy of the cold war threatens all of us, and that only by working together can we truly reduce this threat.

The possibility of a new approach where our interests intersect with those of Russia can be seen in a proposal made by Russia to our arms control negotiators in Geneva. The Russians offered to reduce the number of strategic nuclear warheads to 1,500 on each side. We rejected the offer based on an assessment of minimum deterrence levels that are 500 to 1,000 strategic warheads higher. But this assessment has been overtaken by events in Russia which now make it likely the Russians will be unable to safely maintain more than a few hundred of their own nuclear weapons.

As the Russian capability to maintain their stockpile dwindles, it is natural to assume our threshold for deterrence will also significantly decrease. Thus, by keeping more weapons than we need to defend our national interests, we are encouraging the Russians to maintain more weapons than they are able to control. The net effect is to increase the danger of the proliferation or accidental use of these deadly weapons which decreases the effectiveness of national missile defense.

So, here is the outline of a win-win proposal to the Russians. We jointly agree to make dramatic reductions in the U.S. and Russian nuclear arsenal. We jointly agree that national missile defense is an essential part of a strategy to reduce the threat of nuclear weapons. And, we jointly agree that parallel reductions in our nuclear forces must include arrangements—and a Congressional commitment to provide funding—to secure and manage the resultant nuclear material.

We are fortunate that we will not begin from scratch on this problem. We can build upon one of the greatest acts of post-cold war statesmanship: the Nunn-Lugar Cooperative Threat Reduction Program. To facilitate these dramatic reductions, we must look for ways to expand upon the success of this program, to enlist new international partners, and to work with the Russians to find new solutions to the problems of securing nuclear material. Additionally, we should continue our lab-to-lab efforts that are assisting the transition of Russian nuclear facilities and workers from military to civilian purposes. These are the practical, on the ground programs that will help us reduce the chance of the proliferation of nuclear materials and know-how.

In exchange for deep nuclear reductions and technical assistance, the Russians would agree to changes in the ABM Treaty. With this alternative, the President would not have to choose between national missile defense and future cooperation with Russia. Instead, by working in cooperation with Russia on a comprehensive basis, we will be able to deploy a limited NMD system designed to protect the United States from accidental or rogue state ballistic missile launches.

We can reach such an agreement with Russia because the Russian people now know they are not immune from the threats of extremism. Their security is also endangered by the proliferation of weapons of mass destruction to terrorists and rogue states. This now presents us with an opportunity to begin to work with Russia diplomatically to confront this emerging threat from countries like North Korea, Iran, and Iraq. Former Secretary of Defense William Perry's success in halting North Korea's missile testing program highlights the potential power of diplomacy to reduce these threats. But by developing a strategic partnership with Russia, and working cooperatively to bring change in North Korea, to end Saddam Hussein's brutal regime, or to foster real reform in Iran, we will reduce nuclear dangers and create a safer world.

So as President Clinton considers his decision about NMD, I hope he considers an alternative strategy that embraces a comprehensive approach to the threats we face in today's world. Now is the time to reach out to Russia and to create a partnership that will build the basis for securing the post-cold war peace for our children.

Mr. President, in the aftermath of the administration's rejection of the offer to substantially reduce strategic weapons, the issue of a previous analysis of the minimum deterrence done by then-Chairman of the Joint Chiefs of Staff, General Shalikashvili, was raised. I say to my colleagues, I intend to read carefully that report and revisit the floor with an opportunity to discuss what I believe is a rational minimum deterrence level necessary to protect the people of the United States of America. Obviously, that must be a concern of ours as well.

But I believe there is a historic opportunity. It will be difficult for us to seize that opportunity if Republicans and Democrats do not agree that still the most important thing for all of us to do is to make certain the safety and security of the American people are secured through not only our policies but our active efforts.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Iowa is recognized.

MONITORING DRUG POLICY

Mr. GRASSLEY. Mr. President, while we were away for the winter break, the annual high school survey on drug use trends among 8th, 10th, and 12th graders came out. This annual Monitoring the Future study, released on December 17, revealed little change in trends of illicit drug use among our young people. The administration has tried to put a happy face on the results. But there is little to be happy about.

Although the Monitoring the Future study found that the increase in drug use among teens has slowed down, what the data show is that use and experimentation remain at high levels. You can see from this chart that we still face the discouraging fact that nearly 50 percent of our high school seniors reported use of marijuana, not only in 1999, but in the 2 previous years as well. In fact, 12th grader use of marijuana is at its highest since 1992. In addition, 23 percent of the high school seniors questioned in the past 3 years, reported that they had used marijuana in the past 30 days. Sadly, the study also found that the percentage of 10th graders who reported use of marijuana increased from 39.6 percent in 1998 to nearly 41 percent in 1999. Hardly news to find comfort in.

Marijuana remains a gateway drug for even worse substances and this next chart shows overall illicit drug use among high school seniors. You can see in this second chart that, in 1999, nearly 55 percent of 12th graders reported using an illicit drug in their lifetime. What that "lifetime" means is that 55 percent of 17-year-olds have at least tried marijuana or other dangerous, illicit drugs. That's an appalling figure. You can also see that this number is the highest it's been since 1992. With the Office of National Drug Control Policy's recent blitz of ads through the National Youth Anti-Drug Media Campaign, these high numbers are truly disappointing. It seems though, as the news gets worse, the press releases get happier. But it's still double-speak.

Another upsetting finding was the increase in the use of the "club drug," Ecstacy. Use of Ecstacy among 10th graders increased from 3.3 percent in 1998 to 4.4 percent in 1999. In addition, use among 12th graders increased from 1.5 percent in 1998 to 2.5 percent in 1999. The increase in the use of these so called club drugs, such as Ecstacy, is particularly disturbing. This is so, because club drugs are frequently referred to as recreational drugs and are perceived by many young people as harmless. On December 23 of this past year, we were given a glimpse of the sheer magnitude and severity of the market for Ecstacy, when Customs officials seized 700 pounds of Ecstacy. These 700 pounds would have been enough to provide 1 million kids each with a single dose. Unfortunately, Ecstacy is quickly becoming the drug of choice among our young people. And it too is a gateway to wider drug use. Parents need to take a harder look at what their children are being exposed to.

Last session I gave a floor statement on one particular club drug, that is frequently used in sexual assault cases, called GHB. I am pleased to learn from this year Monitoring the Future study that in next year's survey, young people will be questioned about use of GHB. But the issue is not this drug or that drug but the climate that encourages use and recruits kids into the drug scene. We must work to reverse the trend to normalize and glamorize drug use that has taken root in recent years.

There is an encouraging decline in the use of inhalants among 8th and 10th graders. And, use of crack cocaine among 8th and 10th graders is down slightly. In addition, 12th graders reported a significant decrease in the use of crystal meth from 3 percent in 1998 to about 2 percent in 1999.

As we begin not only a new year but a new millennium, we are faced with the difficult challenge of making the 21st century safe for our young people. Although we have made some progress, these study results leave our young people facing an uncertain future. We cannot be satisfied with unchanging trends in teenage drug use. We have not seen a significant decline in drug use among our country's young people since 1992. In fact, what we have seen are dramatic increases. This fact makes me pause and wonder what we have been doing for the past 8 years. Whatever it is, it has failed to make the difference we need to be seeing. We need to move toward significant decreases in use. We need coherent, sound, accountable efforts. We must not neglect our duties in keeping our young people drug free. We are not in any position to let our guard down. We need policies and strategies that make a difference.

WHY CHINA SHOULD JOIN THE WTO

Mr. GRASSLEY. Mr. President, the Senate will soon make a very important and historic decision about whether to grant permanent normal trade relations status to China. This decision would pave the way for China's accession to the WTO. China's likely accession to the WTO is one of the most pivotal trade developments of the last 150 years. It is also perhaps the single most significant application of the most-favored-nation principle, or nondiscrimination principle, in modern trade history.

I believe we should approve permanent normal trade relations for China. I also strongly believe China should be admitted to the World Trade Organization. Because this is such an important matter, I would like to address this issue today in a careful and thorough way.

I have two main points. First, The Core principle of the WTO, the principle of nondiscrimination, or most-favored-nation treatment, is the only way we have to keep markets open to everybody.

We should seek the broadest possible acceptance of this basic principle of non-discrimination in trade. History shows that when countries trade with each other on a nondiscriminatory basis, everyone wins. History also shows that free and open trade is one of the most effective ways to keep the peace.

Second and lastly I also support China's entry into the WTO because it is in our national self-interest to have a rules-based world trading system that includes China.

Mr. President, I would like to say a few words about my first point, that everyone wins when we have nondiscriminatory trade, which gives us a better chance to keep the peace.

Most-favored-nation treatment, or what we now call normal trade relations, started with Britain and France in the 1860s. These two nations negotiated free trade agreements based on the most-favored-nation principle of nondiscrimination, which later became the cornerstone of the GATT, and, in 1993, the WTO.

The results of these early international trade treaties was spectacular. It began a new era of free trade that led to a great increase in wealth around the world. Unfortunately, this hey-day of free trade didn't last long. It ended in about 1885, when Europe turned inward, and retreated from the free-trade principle.

Just 30 years after Europe abandoned the nondiscrimination principle in trade, the war "to end all wars" ravaged most of the continent. Events following the First World War also massively disrupted international trading relationships. Many countries pursued beggar-thy-neighbor trade policies, including harsh trade restrictions.

When the Great Depression set in, many countries adopted extreme forms of protectionism in a misguided attempt to save jobs at home. The worst of these misguided laws was the Smoot-Hawley Tariff Act in 1930, which was enacted into law by the 71st Congress.

The act started out with good intentions. Its aim was to help the American farmer with a limited, upward revision of tariffs on foreign produce. But it had the exact opposite result. It strangled foreign trade. It deepened and widened the severity of the Depression. Other countries faced with a deficit of exports to pay for their imports responded by applying quotas and embargoes on American goods.

Mr. President, I went back to the historical record to see what happened to United States agricultural exports when other countries stopped buying our agricultural products after we enacted that tariff. I was shocked by the depth and severity of the retaliation.

In 1930, the United States exported just over $1 billion worth of agricultural goods. By 1932, that amount had been cut almost in half, to $589 million. Barley exports dropped by half. So did exports of soybean oil. Pork exports fell 15 percent. Almost every American export sector was hit by foreign retaliation, but particularly agriculture.

As U.S. agricultural exports fell in the face of foreign retaliation, farm prices fell sharply, weakening the solvency of many rural banks. Their weakened condition undermined depositor confidence, leading to depositor runs, bank failures, and ultimately, a contraction of the money supply.

Mr. President, I'm not saying that if we hadn't abandoned the nondiscrimination principle we wouldn't have had a depression. But it wouldn't have lasted as long. It wouldn't have hit as hard. It wouldn't have destroyed as many lives.

President Roosevelt attempted to correct this mistake with a major shift in policy in 1934 with the Reciprocal Trade Agreements Act. This legislation authorized the President to negotiate trade liberalizing agreements on a bilateral basis with our trading partners.

But the damage was done. The Reciprocal Trade Agreements Act was too little, too late.

Although 31 bilateral agreements were signed, the outbreak of the Second World War completely shattered any hope of a more cooperative international trading environment. I don't think it is a coincidence that another World War closely followed the Depression. If political tensions were not inflamed by severe economic pressures, and made worse by unnecessary and destructive trade disputes, perhaps the history of the first half of the 20th century would have been different.

Free trade alone may not keep the peace. But it makes it a lot harder to go to war.

At the end of World War II, the United States led the effort to once again construct a world trading system based on the Most-Favored-Nation principle of nondiscrimination. We succeeded with the launch of the GATT, in 1947.

Now, once again, we have a world trade system that increases our collective wealth through nondiscriminatory free trade. We also have a world trade system that helps keep the peace. The fact that the cold war never ignited to a hot conflict is due in large part to the success of the GATT in forging closer economic ties at a time when world political tensions were escalating over other issues.

Mr. President, we finally got it just about right. But we still don't have a world trade system that includes the world's most populous nation, and one of its most dynamic economies. China's absence from the global trade forum matters because we still have not managed to rid the world of political tensions and destabilizing trade disputes.

We could still easily lose it all, just as Europe did in 1885, and as we did in 1930. Increasingly, many of these disputes and tensions will involve, or at least affect, both China and the United States. There are a few Members here who may remember the pressures on the world trading system we had in the early 1970s. Back then, we had a major world recession and two major oil price shocks.

These pressures led to the so-called "New Protectionism," when countries increasingly resorted to non-tariff barriers to trade, such as quotas, voluntary export restraint agreements, industrial and agricultural subsidies, and orderly restraint agreements. The heightened tensions brought about by the "New Protectionism" were potentially very destabilizing.

It was only with the conclusion of the Uruguay round of global trade negotiations in 1993 that we finally reversed the dangerous course of this "New Protectionism," and got free trade back on track. Our experience in the 1970s, when we could have easily lost most of our progress in opening new global markets, demonstrates why it's so important to expand and strengthen the world trade system as much as we can.

China was not a GATT member in the 1970s. The disciplines were much weaker. Important sectors like agriculture weren't covered. Dispute resolution was largely unenforceable.

Today, that is all changed. Disciplines are stronger. Disputes can be settled and effectively enforced. For the first time, we now have rules that cover agriculture. And now China is ready to end a fifty-year period of going its own way on trade policy.

Mr. President, rules and disciplines are meaningless unless they are widely accepted and broadly applied. We cannot have an effective, open world trade system that excludes China. It's as simple as that.

There is one more reason why China's entry into the WTO is in our vital national interest. For the first time in history, China would be bound by enforceable international trade rules. I would like to briefly explain why this development is so important.

Because of the economic reforms of the 1990s, China's leaders have sparked an economic renewal that has lead to growth rates of 7–10 percent every year of the last decade, easily dwarfing the growth rates of our own super-heated economy. As a consequence of its new prosperity, China is buying a great deal of everything, especially agricultural products.

But because about one-third of China's economic activity is generated and controlled by state-owned enterprises, it often manipulates its markets in a way that harms its trading partners. Take just one example well known to the soybean farmers in my own state of Iowa. In 1992, China's soybean oil consumption shot up from about 750,000 metric tons to about 1.7 million metric tons. Keeping pace with this increased new demand, soybean oil imports also more than doubled.

In order to keep up with surging domestic demand, China imported more soybeans and soybean meal, much of it from the United States, and much of that amount from Iowa. When China's soybean imports hit their peak in 1997, soybean meal in the United States was trading at an average base of about $240.00 per ton. This means our farmers were getting between $7.00 and $8.50 per bushel for their soybeans. Everyone was better off. China's consumers got what they wanted. America's soybean growers prospered. This is the way trade is supposed to work.

But suddenly, China's state-run trading companies arbitrarily shut off imports of soybeans. Soybean meal that was selling in 1997 for $240.00 per ton in the United States plummeted to $125.00 per ton by January 1999. Soybeans selling for $8.00 per bushel in 1997 fell to $4.00 per bushel by July 1999. You can imagine what happened on the farm. With the loss of that income, combined with other factors, farmers were unable to pay their bills. Many lost their farms. Many are still struggling to recover.

Mr. President, what happened in China shows what occurs when protectionism, trade barriers, tariffs, and government-run controls take the place of free markets. Trade is distorted. Consumers abroad have less choice. American farm families suffer. It also demonstrated how important China's entry into the WTO is for America's farmers.

With a new bilateral market access agreement in place, and with meaningful protocol agreements that should soon be in place, China won't be able to use state trading enterprises to arbitrarily restrict and manipulate agricultural trade—and trade in other products—once it enters the WTO.

Let me say one final word. When we trade with other countries, we export more that farm equipment, soybeans, or computer chips. We export part of our society. Part of our American values and ideals. This is good for the WTO. It is good for China. It is good for the United States. And I believe it will help keep the peace.

Mr. President, we seldom get a real change in Congress to make this a better and safer world, but this is one of those rare moments. I urge my colleagues to join me in supporting China's admission to the WTO.

The PRESIDING OFFICER. Under the previous order, the Senator from Washington is recognized for 5 minutes.

DISMANTLING THE COLUMBIA-SNAKE HYDROELECTRIC SYSTEM

Mr. GORTON. Mr. President, last Friday, Oregon governor John Kitzhaber announced his support for a radical Clinton-Gore administration proposal to begin dismantling the Columbia-Snake hydroelectric system by removing four hydroelectric dams in southeastern Washington. That same day, in Seattle, campaigning for president, Bill Bradley also announced his support for this proposal.

Is support for destroying the Columbia hydro system now a litmus test for the Democratic Party and its candidates for public office? I hope not, because the importance of salmon recovery and the value of our Northwest hydro system is too important to every family and community in our region.

The Clinton-Gore administration—most prominently through Interior Secretary Bruce Babbitt—has aggressively advocated dismantling dams. Specifically, the administration has devoted significant agency resources to study removal of the four Snake River dams in Washington. Even the U.S. Fish and Wildlife Service has publicly endorsed dam-breaching. Several other agencies list it as a serious "option" to recovery Pacific Northwest salmon.

I will state here again—as I have many times already—no proposal to remove Snake or Columbia River dams will pass in Congress while I am Senator. I know that my colleagues, Senator GORDON SMITH of Oregon, Senator MIKE CRAPO and Senator LARRY CRAIG, as well as Governor Dirk Kempthorne of Idaho share my view.

In addition, last year, Republican members in the House for Washington, Idaho, Oregon, and Alaska—led by my friend Congressman Doc Hastings—cosponsored a House resolution expressing opposition to the removal of dams on the Columbia and Snake Rivers. Scores of Washington State Senators and state legislators appeared at a rally last year in support of the dams. And unlike the Democratic presidential candidates, my friend governor George W. Bush has stated that he would not approve of such a proposal.

I particularly commend Governor Gary Locke for stating his opposition to this unwise position. Governor Locke has been especially courageous and thoughtful in representing the best interest of his constituents in spite of the criticism of many of his own supporters. Removing dams from the Columbia hydro system is bad policy. It is bad for people. It costs too much. And the value to salmon is highly questionable. What is certain is that dam removal will make the Northwest a dirtier place to live as it will put tens of thousands of added trucks on the road and as clean hydro power is replaced with coal or gas burning energy.

The case against breaching the Snake River dams is bolstered by evidence found in the Corps of Engineers own feasibility study. The Corps found that with existing dam conditions, the average survival rate through all four dams and reservoirs on the Snake River for juvenile salmon is already over 80 percent, and for adult salmon is 88–94 percent. In addition, in the dozens of appendices, summaries, charts, glossy brochures, and documents, there is little, if any, concrete, verifiable biological or scientific data in the Corps' study that shows that the removing of even one inch of these dams would restore salmon runs.

At the same time, much of the Corps' own evidence in the feasibility study verifies that the economic and social effects caused by dam breaching would be devastating to the region. The Corps' cost estimates, which are unrealistically low, assume that the economic impact measured in lowered farmland values, pump modification costs, and irrigation wells would exceed $230 million.

Replacing lost hydropower with other energy forms would increase electricity costs to local ratepayers by as much as $291 million per year. And increased highway and rail traffic costs would cost industries an additional $24 million per year, and $100 to $200 million a year to replace barging with trucking and rail. On top of that, the government, through your taxpayer dollars, would have to find an estimated $1 billion just to accomplish the job of removing the dams.

Throughout the study, the Corps acknowledges that breaching the dams would have an adverse effect on the environment, resident fish and wildlife, clean air, higher water temperatures, specifically through 50 to 75 million cubic yards of eroding sediment, increased dust and emissions from replacing hydroelectric power with natural gas, and increased annual pollution and safety concerns from highway and rail traffic.

What the Corps didn't say in the study is that today, the Columbia and Snake Rivers provide a transportation corridor that moves more than $13 billion in cargo comprised of exports and imports to and from 43 states. This system in 1997 alone handled 43 percent of all U.S. wheat exports and 11 percent of U.S. corn exports. That's a significant amount of food for the world that would have to be transported in other ways.

All of this comes at a time when the Bonneville Power Administration is reporting impending energy shortages for the Pacific Northwest and the Secretary of the Energy is traveling to the Middle East to try for cheaper oil to counteract increasing gasoline and oil prices.

Also lost on this administration and other dam removal advocates is the fact that salmon populations are declining everywhere including in watersheds where there are *no* dams. The National Academy of Sciences studied Northwest salmon issues and found that in river basins like the Chehalis basin and the Willapa basin where there are no dams, the decline of salmon populations, per capita, is identical to that of the Columbia River. Native salmon runs on the East Coast are in more serious decline than many in the Pacific Northwest and yet almost none of those salmon runs are from rivers containing hydroelectric dams. But are we still to believe that destroying the Columbia hydro system is necessary to save salmon?

And let's be clear about one more thing. Today, the dam removal advocates focus only on four dams that generate power for BPA on the Snake River. But let nobody be fooled. They and their political allies among the national environmental groups mean to destroy more of the Columbia hydro system than just these four dams.

If removing these four dams on the Snake River—dams containing fish passage facilities—is necessary to comply with the Endangered Species Act and other laws, then surely, Grand Coulee Dam without fish passage facilities blocking hundreds of miles of pristine salmon habitat must come down. Perhaps the Oregon Governor can explain why Oregon's Hells Canyon dam on the Snake River and with no fish passage capacity can survive under his criteria.

This debate is about preserving or dismantling the Columbia River hydro system. I will fight to preserve this system and fight to restore salmon runs within the context of this system.

I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BENNETT). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. I thank the Chair.

(The remarks of Mr. DODD pertaining to the submission of S. Con. Res. 82 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

THE REMARKS OF KING JUAN CARLOS AT THE LIBRARY OF CONGRESS

Mr. DODD. Mr. President, I have the pleasure to be the chairman of the U.S.-Spain Council, which is a council formed in 1996 between the American and Spanish governments and made up of members of the private and public sectors. This council meets once a year to discuss issues of common interest, and also to work on what we call a triangulation, utilizing the tremendous knowledge, awareness, and influence of Spain in the Americas to enter into cooperative efforts with the United States to improve economic conditions and strengthen democratic institutions in the Western Hemisphere.

This past couple of days we have had the pleasure of hosting King Juan Carlos of Spain and his wife, Queen Sofia. This morning, I had the privilege of being in attendance at the Library of Congress to hear an address in the Great Hall by King Juan Carlos. This was a remarkable address that I thought my colleagues might enjoy reading.

I was tremendously pleased that we were joined at a reception prior to the King's address by our majority leader, Senator LOTT, who made excellent remarks welcoming the King to the Library of Congress, and by Senator DASCHLE, who commented on the unique cooperative relationships that the two countries have enjoyed. Senator TED STEVENS, chairman of the Appropriations Committee, who, of course, is also the head of the commission that deals with the Library of Congress, also shared some of his thoughts. In addition, a number of our colleagues were present to speak with King Juan Carlos, including the chairman of the Armed Services Committee, Senator WARNER, Senator BAYH, and Senator BOB GRAHAM, who, in fact, was my predecessor as the U.S. Chairman of the U.S.-Spain Council. It was a very worthwhile gathering.

I feel fortunate to have attended this morning's address. In his address, King Juan Carlos spoke about the defining moments and opportunities in a nation's history. His Majesty, himself, has been involved in several of the defining moments in Spain's history. In the wake of Tuesday's terrorist assault against Democracy in Spain, it is comforting to see firsthand the dedication to peace and nonviolence that His Majesty King Juan Carlos personifies. Throughout his reign, King Juan Carlos has been a uniting force in his country—forever championing human rights and consensus building. That is not to say, however, that he has given in to the demands of terrorist rebels. In fact, 25 years ago, shortly after taking office, rebels stormed the Parliament of Spain, held lawmakers hostage, and attempted a coup d'etat. As a young ruler, King Juan Carlos stood up to the rebels and replied that the coup would succeed only over his dead body. The rebels stood down only days later.

Once again, Spain finds itself under terrorist attack. I am confident that under the spirit of leadership engendered by King Juan Carlos, Spanish authorities will restore trust and order to Spanish daily life and silence terrorist bombs once and for all.

This is not to say that Spain finds itself in a precarious world position today. In the new millennium, Spain is a cultural, economic, and world leader in the European arena. As the European Union becomes more interconnected, and the Euro becomes the currency of trade in Europe, Spain will assuredly step up to its leadership position. As His Majesty states, Spain is not only focused on European relations. Spain historically has been an Atlantic nation and thus enjoys rich historic and economic ties with the United States and Latin America. Without doubt, the United States will continue to support warm relations with Spain in the future.

I hope that my colleagues will take the time to read in full the eloquent remarks of King Juan Carlos and I ask unanimous consent that his remarks be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ADDRESS BY H.M. THE KING AT THE UNITED STATES LIBRARY OF CONGRESS, FEBRUARY 24, 2000

Senators, Members of Congress, Director of the Library of Congress, Ladies and Gentleman,

The opportunity that you have given me to speak today in this solemn and historic building, under the dome that stores so much human knowledge, fills me with deep satisfaction.

The books that surround us are codified forms of the memory and of the experience of the best that humankind has accomplished in this world. This is a place that undoubtedly inspires excellence, which invites people to learn from the past, and to plan for the future with hope and energy. We stand here before history, and a past whose calm and profound presence enlightens us.

Therefore, allow me first of all to pay tribute to those who, at the inception of the young American nation, made their passionate struggle to establish forms of government more just than those which had until then been commonly accepted, compatible with a far-reaching yearning for knowledge and a continuous thirst for new findings, and scientific discoveries.

George Washington, Thomas Jefferson and Benjamin Franklin were, in this sense, three archetypes of the men who built the foundations of the incipient United States of America upon ideals of freedom and democracy that were truly revolutionary for their times, and were also spurred by a continuous search for scientific knowledge.

It was they who were mainly responsible for ensuring that the thirteen original colonies, once Independence had been attained, did not content themselves with merely maintaining the model of rural society that had formed them. From the start they inculcated in them—through their own example of encyclopedists avid for new learning—those features which still seem to me the most significant and permanent of this great country: the search for scientific discovery, the accumulation of knowledge, always in permanent expansion driving forward the everchanging frontiers of the human mind.

Thus, it is not surprising that the leading role of the United States at the beginning of this new millennium is precisely based on the great scientific and technological advantage achieved by the urge for discovery instilled in it by the Founding Fathers.

In the lives of nations, great historic opportunities sometimes arise which must be put to good advantage. The honour and glory fell to Spain for having been the country that, through the discovery of 1492, and the subsequent colonial expansion, laid the groundwork for the emergence of the community of nations that, on both sides of the Atlantic, shares today the same human and political values.

Spaniards at the close of the 15th century and beginning of the 16th, actively joined and, in many occasions, led the great political, social and scientific movements of their age. Similarly, it is Spain's aim at the dawn of the 21st, century to play a prominent role in an age, in which, once again, we are witnessing great transformations. Motivated by technological and scientific progress and an extraordinary change on the international political scene, these transformations light up a new century that has been born under the sign of globalization.

During the final years of the 20th century, the bipolarity that had divided the world in two blocks since the second World War, disappeared.

Although it is still too soon to venture a historic judgment, we can nevertheless assert that this development has contributed remarkably to accelerating the process of globalisation, by allowing a greater integration of the economies and increasingly free communications between nations.

The gigantic leap forward by communication and information technologies over the past few years has also played a part. In a progressively integrated and inter-dependent world, the "new economy" is a daily reality.

But the great advances in science and technology in recent times, and the good performance of the economies of our respective countries, must not allow us to forget that a large part of the world population lives in poverty.

Globalisation, the phenomenon of the "new economy", is sustained by free-trade and free-market principles. We must support these principles since they constitute the foundations of the economic prosperity of nations; but we must also ensure that they are compatible with the values that we all share, and which find their most worthy expression in the respect for rights, for all fundamental human rights, including appropriate working conditions.

In this new international context, Spain looks with special interest towards Europe and the Atlantic. After years of absence, Spain is once more actively involved in the political life of Europe.

Accession to the European Union constituted a watershed in the recent history of my country. Within a short time, Spaniards made an exceptional effort to adapt their entire economic, industrial, and even social structures to the regulations of the new environment where we have chosen to live.

We can say, and I as a Spaniard am proud to do so, that this effort has been rewarded by considerable success. Spain today is an open and modern country, with a plural, highly-motivated and thriving society, which faces the future with optimism and aims to play a leading role in the community of developed nations.

It is precisely because we are aware of the enormously positive effect that accession to the European Union has had on our country, that Spaniards from the outset have been resolutely in favour of enlargement to the countries of Central and Eastern Europe.

Europeans now have the opportunity and the moral obligation to incorporate into the ambitious project now under construction those countries that, on account of unfair historical circumstances, remained isolated from what had always been their political, economic and cultural environment. The possibility of extending respect for values shared by us all to Central and Eastern Europe, together with the economic progress of their people, is the best guarantee for peace and stability for the future of our continent.

Besides being a European country, Spain has historically been and Atlantic nation. Our history is closely bound up with the Transatlantic link that unites the two shores. European unity cannot be built to the detriment or at the expense of the relationship with the United States. Today, as in the past, Transatlantic relations must constitute one of the focal points of our international relations.

Spain's Atlantic vocation is not confined to the northern hemisphere. Obviously, Spain feels particularly concerned with everything that happens in Latin America. This region currently presents very encouraging results, both in respect of political and economic progress, although many problems are still pending, such as poverty and social inequality.

The high degree of inter-relationship that exists between the Iberian peoples on both sides of the Atlantic cannot be explained solely in terms of the long period of time during which they formed a single nation. Once the countries that today make up what we call Latin America reached their independence, close ties were still preserved between our peoples. These ties continue to be very strong today, as shown by our active participation in initiatives such as the Ibero-American Summits, the promotion of relations between the European Union and these countries, and the resolute commitment of Spanish businessmen to the future of Latin America.

But today's Hispanic world has expanded far beyond its geographical and political boundaries. It has become a major force, even in the United States, where it has taken on special importance.

The Hispanic community in this country has an ever-growing presence. This presence is not only the result of its strong demographic growth, but rather constitutes a development with major social and political repercussions, on account of the progressively bigger role of the individuals that make it up.

The United States should not forget that the Union was formed with the Southern states, on whose people the Hispanic imprint was deeply stamped. In short, the Hispanic world is an integral part of the history of the United States.

Allow me to quote the words of: President Kennedy. In a speech delivered in 1961, he said: "Unfortunately, too many Americans think that America was discovered in 1620, when the pilgrims came to my state, and they forget the immense adventure of the 16th century and beginning of the 17th in the South and South-western part of the United States."

Perhaps President Kennedy's words would not respond to today's reality. I am sure that the Hispanic community I mentioned earlier, and which is nowadays evermore flourishing and influential, will ensure that the enormous colonising task undertaken by its ancestors in the 16th and 17th centuries in what today are the Southern and South-western states of this country is given due recognition by fellow Americans.

There is a very large Spanish section in the Library of Congress. Therefore this is a good place to recall that on territory that is now American, two great cultural vectors meet: one coming from Northern, Anglo-Saxon Europe, the other from the Mediterranean, what we could call the Latin and Iberian culture.

It is precisely on our collaboration with, and on the support of this noble institution, the Library of Congress, that I place my highest hopes for recognition of a new awareness of Spain's historic role in creating and forming the personality of the American nation.

The widely recognized academic authority of the Library, the new data-processing methods that give it an enormous capacity for disseminating its bibliographical and documentary treasures, as well as its plans for collaboration with the most important libraries of our country, are our best guarantee for success.

Honorable Senators, Honorable Representatives, a good knowledge of our past will enable us to better understand our future.

In 1840, Alexis de Tocqueville, in his work Democracy in America, wrote, "America is a country of wonders; everything there is in constant change, and all change seems to be progress."

We are now in the first year of a new century and are living in times of great change. Therefore let us live up to the spirit that Tocqueville saw in 19th Century America and let us ensure that all change will constitute progress, so that the words with which the illustrious Frenchmen described those Americans will ring true: "In America man seems to have no natural limits to his efforts; in his eyes, everything that has not already been achieved is because it has not yet been attempted".

Thank you very much.

Mr. DODD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The following statement was printed in the RECORD at the request of Mr. DASCHLE.)

EXPLANATION OF MISSED VOTES

Mr. BAUCUS. Mr. President, I regret I was unable to vote on the Iran Nonproliferation Act and two judicial nominations, but it was necessary for me to be in Montana today.

I traveled back to Montana to join with Montana farmers, Montana business people, and Montana government officials, and Montana economic development experts in Great Falls and Helena to greet a high-level Chinese agriculture purchasing delegation. This group is led by the Chairman of COFCO, the China National Cereals, Oils, and Feedstuffs Import and Export Corporation, and includes senior Chinese government officials. We provided this Chinese delegation with information about the opportunities Montana presents and educated them about the high quality and competitive agricultural products and value-added food products in our state.

I have been working for over 20 years to expand trade and open markets overseas for Montana and American agricultural commodities, value-added agricultural products, manufactured goods, and services. Increasing exports brings benefits to our farmers, our workers, and our communities in Montana.

China, in particular, represents a market of almost unlimited potential. I have worked hard for the last 10 years to expand trading relations between the United States and China. This year, I am leading the fight to grant China Permanent Normal Trade Relations status, PNTR. The full implementation of this agricultural agreement is a vital part of this effort to bring China into the WTO. It will ensure that Montana and the rest of America will benefit from the unique opportunities in China. The delegation that I brought to Montana this week is only the first step along the road to increased exports to China.

The outcome of today's vote on the Iran Nonproliferation Act would not have changed had I been present. This measure passed, 98-0, and I strongly support it. I do so for three reasons: it requires the President to report to Congress on foreign entities where there is "credible information" that they have transferred certain goods, services or technologies to Iran; it authorizes the President to impose measures against these entities; and it prohibits "extraordinary" U.S. payments to the Russian Space Agency until certain conditions are met. I voted for a similar bill in 1998, legislation which passed the Senate, 90–4, and was subsequently vetoed by the President.

I also support the outcome of the other rollcall votes that occurred in the Senate today, for the confirmation of two Federal judges. Kermit Bye, nominated to be U.S. Circuit Judge for the 8th Circuit, and George Daniels, nominated for District Judge of the southern district of New York, are both highly qualified judges. Both were confirmed today, by votes of 98–0. In both cases, my vote would have made the outcome 99–0.

Although I regret that I was unable to cast these three votes, I am pleased to have advanced the economic well-being of my state by continuing my fight to open markets for Montana agriculture.

INTERNET PRIVACY

Mr. HOLLINGS. Mr. President, I want to bring to the Senate's attention an article from today's TheStreet.Com entitled "DoubleClick Exec Says Privacy Legislation Needn't Crimp Results." For many Americans, the fear of a loss of personal privacy on the Internet represents the last hurdle impeding their full embrace of this exciting and promising new medium. In addition, many other Internet users unfortunately are today unaware of the significant amount of information profiling that is occurring every time they visit a web site. Notwithstanding the significant privacy concerns raised by such surreptitious activity, many companies continue to oppose even a basic regulatory framework that would ensure the protection of consumers' privacy on the Internet—a basic framework that has been successfully adopted with respect to other areas of our economy. That is why I was so pleased to see a leading Internet Executive from DoubleClick state that his company would not "face an insurmountable problem" in attempting to operate under strict privacy rules. Complying with such rules is "not rocket science," the executive stated, "It's execution." Obviously, what this gentleman has asserted is that strict privacy rules would not impede the basic functionality and commercial activity on the Internet. I look forward to working with my colleagues on the Commerce Committee to draft legislation in this area and hope that others in industry will join DoubleClick's apparent willingness to implement pro-consumer privacy rules.

I ask unanimous consent that an article entitled "DoubleClick Exec Says Privacy Legislation Needn't Crimp Results" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Street.Com, February 24, 2000]

DOUBLECLICK EXEC SAYS PRIVACY LEGISLATION NEEDN'T CRIMP RESULTS

(By George Mannes)

The worst-case scenario for DoubleClick (Nasdaq:*DCLK—news*) may not be so bad after all.

The Internet advertising company has suffered a barrage of negative publicity recently over the information it gathers on people's online activities. News that the Federal Trade Commission is conducting an informal inquiry into the company's data-collection policies was among the developments that prompted a 23% decline in the stock's price over the past week. (It rose 1 47/64 Wednesday to close at 85 55/64.)

But at a Wall Street conference Wednesday, a DoubleClick executive at the eye of the data-collection storm told investment professionals that even the worst outcome for DoubleClick wouldn't present a major hurdle to its business plans.

ROCKET SCIENCE

Jonathan Shapiro, senior vice president and head of the company's Abacus Online Alliance, told a group of attendees at the eMarketing2000 conference hosted by C.E. Unterberg Towbin that DoubleClick would be able to find a way to operate under stricter privacy rules. "It's not rocket science," Shapiro said. "It's execution."

Shapiro's comments come in the wake of assertions by activists and at least one senator that, to protect people's privacy online, DoubleClick and other online marketers should be restricted from continuing current information-collection policies. That hasn't sat well with DoubleClick, whose president suggested last week that such restrictions would hurt the company and threaten the financial health of all Internet companies relying on advertising revenue.

As part of its strategy to help marketers finely target their advertising messages, DoubleClick is in the process of merging anonymous profiles of the online behavior of millions of Web surfers with information from its recently acquired subsidiary Abacus Direct. The company's goal is to tie as many of the anonymous online profiles as it can to its Abacus database, which details the names and off-line purchasing habits of millions of consumers.

OPTING OUT

At issue is how easily DoubleClick will be able to attach names and addresses to its anonymous online profiles. The company hopes it will be able to continue its current "opt-out" process. Under that procedure, if people register by name at a DoubleClick-affiliated site such as Alta Vista, DoubleClick can attach that name to the information it gathers from different sites and through Abacus Direct, assuming the person has been sufficiently warned and hasn't specifically refused to the arrangement, or "opted out." In contrast, the privacy bill that Sen. Robert Torricelli (D., NJ) introduced this month would prevent DoubleClick from collecting personally identifiable information unless surfers have "opted in," or specifically agreed to tha arrangement.

But even if DoubleClick were required to switch from opt-in to opt-out, the company wouldn't face an insurmountable problem, according to Shapiro. "If we have to go to opt-in . . . we'll get people to opt in," he told a small group of investors at a breakout session.

Asked how the company would be able to do this, Shapiro made it sound like no big deal. "You'd do a value exchange," he said, outlining a scenario in which the company could easily get 20 online merchants with which it does business to each contribute a $10-off to a coupon book. Then DoubleClick could use that coupon book as an incentive to have online consumers opt in. The merchants, not DoubleClick, would absorb the cost of the coupons, and consumers would benefit by receiving a $200 value, he said.

LIFTING THE GLOOM

Shapiro's comments stand in contrast to the gloomy statements made last week by DoubleClick President Kevin Ryan who said if companies were forced to get Internet surfers to opt in, "it would be extremely hard for the Internet to be successful." Ryan may have been talking about having to get permission even to create anonymous online data, not just personally identifiable profiles.

But a reading of Torricelli's bill, as well as an FTC complaint filed by the Electronic Privacy Information Center indicates that proponents of opt-in want it only for personally identifiable information. "If there's a realistic assurance that the information collected will remain anonymous and not be tied to an actual identity, there is no real need for an affirmative opt-in," says David Sobel, general counsel for EPIC.

In a further indication that opt-in isn't a life-or-death issue for DoubleClick, Shapiro said the company wouldn't have to personally identify all the now-anonymous surfers in its database before the Abacus information would be useful. What DoubleClick will be able to do, he said, is to use a sample of identifiable surfers—for whom it has personally identifiable purchasing histories and online habits—to make an educated guess at the buying habits of surfers who remain anonymous. DoubleClick believes that tactic will be possible using information from about 5 million personally identifiable Internet users—a sample size the company hopes to amass by the end of the year. So far, the company has between 100,000 and 200,000 profiles in its combined off-line-online database, Shapiro said.

But that doesn't mean the company would be ready to quit after collecting 5 million of these profiles. "We would like to, over time, learn who people are," Shapiro said.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, February 23, 2000, the Federal debt stood at $5,744,135,736,409.24 (Five trillion, seven hundred forty-four billion, one hundred thirty-five million, seven hundred thirty-six thousand, four hundred nine dollars and twenty-four cents).

One year ago, February 23, 1999, the Federal debt stood at $5,619,948,000,000 (Five trillion, six hundred nineteen billion, nine hundred forty-eight million).

Five years ago, February 23, 1995, the Federal debt stood at $4,837,337,000,000 (Four trillion, eight hundred thirty-seven billion, three hundred thirty-seven million).

Ten years ago, February 23, 1990, the Federal debt stood at $2,992,887,000,000 (Two trillion, nine hundred ninety-two billion, eight hundred eighty-seven million) which reflects a doubling of the debt—an increase of almost $3 trillion—$2,751,248,736,409.24 (Two trillion, seven hundred fifty-one billion, two hundred forty-eight million, seven hundred thirty-six thousand, four hundred nine dollars and twenty-four cents) during the past 10 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-7641. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Adhesives and Components of Coatings" (Docket No. 92F-0443), received February 17, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-7642. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical devices; Reclassification and Codification of Neodymium: Yttrium: Aluminum: Garnet (Nd: YAG) Laser for Peripheral Iridotomy" (Docket No. 93P-0277), received February 17, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-7643. A communication from the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, a report relative to the designation of an Acting Assistant Secretary for Pension and Welfare Benefits; to the Committee on Health, Education, Labor, and Pensions.

EC-7644. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report for fiscal year 1999 on the implementation of the authority and use of fees collected under the Prescription Drug User Fee Act of 1992; to the Committee on Health, Education, Labor, and Pensions.

EC-7645. A communication from the Director, Corporate Policy and research Department, Pension Benefit Guaranty Corporation transmitting, pursuant to law, the report of a rule entitled "Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits", received February 17, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-7646. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to emergency funds made available under the Low-income Home Energy Assistance Act of 1981; to the Committee on Health, Education, Labor, and Pensions.

EC-7647. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations; 65 FR 7440; 02/15/2000" (Docket No. FEMA-7305), received February 17, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-7648. A communication from the Chairman, Board of Governors of the Federal Reserve System transmitting, pursuant to law, its Monetary Policy Report; to the Committee on Banking, Housing, and Urban Affairs.

EC-7649. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations; 65 FR 7443; 02/15/2000", received February 17, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-7650. A communication from the Executive Director, Emergency Steel Guarantee Loan Board transmitting, pursuant to law, the report of a rule entitled "Loan Guarantee Decisions; Availability of Environmental Information" (RIN3003-ZA00), received February 17, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-7651. A communication from the Executive Director, Emergency Steel Guarantee Loan Board transmitting, pursuant to law, the report of a rule entitled "Loan Guarantee Decisions; Availability of Environmental Information; Correction" (RIN3003-ZA00), received February 17, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-7652. A communication from the Executive Director, Emergency Steel Guarantee Loan Board transmitting, pursuant to law, the report of a rule entitled "Loan Guarantee Decision; Application Deadline" (RIN3003-ZA00), received February 17, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-7653. A communication from the Executive Director, Emergency Oil and Gas Guaranteed Loan Board transmitting, pursuant to law, the report of a rule entitled "Loan Guarantee Decision; Application Deadline" (RIN3003-ZA00), received February 17, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-7654. A communication from the Executive Director, Emergency Oil and Gas Guaranteed Loan Board transmitting, pursuant to law, the report of a rule entitled "Loan Guarantee Decision; Availability of Environmental Information; Correction" (RIN3003-ZA00), received February 17, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-7655. A communication from the Executive Director, Emergency Oil and Gas Guaranteed Loan Board transmitting, pursuant to law, the report of a rule entitled "Loan Guarantee Decision; Availability of Environmental Information" (RIN3003-ZA00), received February 17, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-7656. A communication from the General Counsel, National Credit Union Administration transmitting, pursuant to law, the report of a rule entitled "12 CFR Parts 702, 741, and 747; Prompt Corrective Action", received February 22, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-7657. A communication from the General Counsel, National Credit Union Administration transmitting, pursuant to law, the report of a rule entitled "12 CFR Parts 701, 715, and 741; Supervisory Committee Audits and Verification", received February 22, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-7658. A communication from the General Counsel, National Credit Union Administration transmitting, pursuant to law, the report of a rule entitled "12 CFR Parts 701; Statutory Lien", received February 22, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-7659. A communication from the Director, National Institute of Standards and Technology, Department of Commerce transmitting, pursuant to law, the report of donated educationally useful Federal Equipment; to the Committee on Commerce, Science, and Transportation.

EC-7660. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Atmore, AL; Docket No. 99-ASO-29 (2-18/2-17)" (RIN2120-AA66) (2000-0042), received February 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7661. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Lake Jackson , TX; Direct Final Rule; Confirmation of Effective Date; [2-17/2-17]" (RIN2120-AA66) (2000-0043), received February 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7662. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Carrizo Springs, TX; Direct Final Rule; Confirmation of Effective Date; Docket No. 99-ASW-29 [2-17/2-17]" (RIN2120-AA66) (2000-0045), received February 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7663. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Del Rio, TX; Direct Final Rule; Confirmation of Effective Date; Docket No. 99-ASW-31 [2-17/2-17]" (RIN2120-AA66) (2000-0046), received February 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7664. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Uvalde, TX; Direct Final Rule; Request for Comments; Docket No. 2000-ASW-04" (RIN2120-AA66) (2000-0048), received February 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7665. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Artesia, NM; Direct Final Rule; Confirmation of Effective date; Docket No. 99-ASW-30 [2-17/2-17]" (RIN2120-AA66) (2000-0047), received February 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7666. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Port Lavaca, TX; Direct Final Rule; Request for Comments; Docket No. 2000–ASW–03 [2–17/2–17]" (RIN2120–AA66) (2000–0049), received February 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7667. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Jasper, TX; Direct Final Rule; Request for Comments; Docket No. 2000–ASW–05 [2–17/2–17]" (RIN2120–AA66) (2000–0050), received February 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7668. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Bonham, TX; Direct Final Rule; Correction; Docket No. 99–ASW–34 [2–17/2–17]" (RIN2120–AA66) (2000–0051), received February 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7669. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Russian Mission, AK; Docket No. 99–AAL–17 [2–16/2–17]" (RIN2120–AA66) (2000–0038), received February 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7670. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class D Airspace; Grand Forks AFB, ND; Docket No. 99–AGL–56 [2–18/2–17]" (RIN2120–AA66) (2000–0040), received February 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7671. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Connersville, IN; Docket No. 99–AGL–55 [2–18/2–17]" (RIN2120–AA66) (2000–0041), received February 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7672. A communication from the Special Assistant to Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Review of the Commissioner's Broadcast and Cable Equal Employment Opportunity Rules and Policies and Termination of the EEO Streamlining Proceeding" (MM Docket No. 98–204, 96–16, FCC 00–20), received February 23, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7673. A communication from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation relative to the International Monetary Fund; to the Committee on Foreign Relations.

EC–7674. A communication from the Secretary, Judicial Conference of the United States, transmitting a draft of proposed legislation relative to judgeships; to the Committee on the Judiciary.

EC–7675. A communication from the Chairman of the U.S. International Trade Commission, transmitting a draft of proposed legislation relative to the authorization of appropriations for the Commission for fiscal year 2001; to the Committee on Finance.

EC–7676. A communication from the Assistant Secretary, Indian Affairs, Department of the Interior transmitting, pursuant to law, a report entitled "Economic Development Plan for the Ponca Tribe of Nebraska"; to the Committee on Indian Affairs.

EC–7677. A communication from the President of the United States of America, transmitting, pursuant to law, a report relative to the safeguard action taken with respect to imports of line pipe; to the Committee on Finance.

EC–7678. A communication from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture transmitting, pursuant to law, the report of a rule entitled "Tomatoes Grown in Florida; Partial Exemption from Handling Regulation for Producer Field-Packed Tomatoes" (Docket Number FV98–966–2 FIR), received February 23, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7679. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Polyoxyethylated Sorbitol Fatty Acid Esters; Tolerance Exemption" (FRL # 6490–8), received February 23, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7680. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Ethoylated Propoxylated C12–C15 Alcohols; Tolerance Exemption (OPPTS)" (FRL # 6491–3), received February 23, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7681. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Dimethyl Silicone Polymer with Silica; Silane, Dichloromethyl-, Reaction Product with Silica; Hexamethyldisilizame, Reaction Product with Silica; Tolerance Exemptions (OPPTS)" (FRL # 6490–9), received February 23, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7682. A communication from the President and Chairman, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Mexico; to the Committee on Banking, Housing, and Urban Affairs.

EC–7683. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Trawling in Stellar Sea Lion Critical Habitat in the Central Aleutian District of the Bering Sea and Aleutian Islands", received February 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7684. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock by Vessels Not Participating in Cooperatives that are Catching Pollock for Processing by the Inshore Component in the Bering Sea Subarea of the Bering Sea and Aleutian Islands", received February 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7685. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Cloture of the Commercial Run-Around Gillnet Fishery for King Mackerel in the Florida West Coast Subzone", received February 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7686. A communication from the Acting Assistant Administrator, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands; Final 2000 Harvest Specifications for Groundfish", received February 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7687. A communication from the Deputy Assistant Administrator, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Implement the Approved Measures in Amendment 16A to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico" (RIN0648–AK31), received February 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7688. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final 2000 Harvest Specifications for the Gulf of Alaska Groundfish Fisheries", received February 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7689. A communication from the Special Assistant to Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, Mitchell, NE, Lovelock and Elko, NV" (MM Docket No. 99–164, 99–165, 99–166), received February 23, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7690. A communication from the Special Assistant to Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, Silverton and Bayfield, CO" (MM Docket No. 99–76, RN–9400), received February 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7691. A communication from the Special Assistant to Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, Cedar Park and Killeen, TX" (MM Docket No. 98–176), received February 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7692. A communication from the Secretary, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Children's Online Privacy Protection Rule; 16 CFR Part 312" (RIN3084–AA84), received February 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7693. A communication from the Special Assistant to Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM

Broadcast Stations, Walton and Livingston, NY" (MM Docket No. 99-10, RN-9688), received February 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7694. A communication from the Special Assistant to Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, Stanfield, OR" (MM Docket No. 99-44, RM-9469), received February 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7695. A communication from the Chairman of the Surface Transportation Board, transmitting, pursuant to law, the report of a rule entitled "Class Exemption for Motor Passenger Intra-Corporate Family Transactions" (STB Finance Docket No. 33685), received February 23, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7696. A communication from the Legal Advisor, Cable Services Bureau, Federal Communications Commission transmitting, pursuant to law, the report of a rule entitled "Implementation of the Cable Television Consumer Protection Act of 1992" (CS Docket No. 98-82, FCC 99-288 and MM Docket No. 92-264, FCC 99-289), received February 23, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7697. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model MD-11 Series Airplanes; Docket No. 99-NM-171 [2-17/2-17]" (RIN2120-AA64) (2000-0094), received February 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7698. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model MD-11 Series Airplanes; Docket No. 99-NM-174 [2-17/2-17]" (RIN 2120-AA64) (2000-0088), received February 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7699. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model MD-11 and MD-11F Series Airplanes; Docket No. 99-NM-173 [2-17/2-17]" (RIN 2120-AA64) (2000-0089), received February 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7700. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model MD-11 Series Airplanes; Docket No. 99-NM-170 [2-17/2-17]" (RIN 2120-AA64) (2000-0091), received February 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7701. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model MD-11 Series Airplanes; Docket No. 99-NM-172 [2-17/2-17]" (RIN 2120-AA64) (2000-0090), received February 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7702. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model MD-11 Series Airplanes; Docket No. 99-NM-168 [2-17/2-17]" (RIN 2120-AA64) (2000-0093), received February 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7703. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model MD-11 Series Airplanes; Docket No. 99-NM-169 [2-17/2-17]" (RIN 2120-AA64) (2000-0092), received February 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7704. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model MD-90-30 Series Airplanes; Docket No. 99-NM-210 [2-16/2-17]" (RIN 2120-AA64) (2000-0085), received February 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7705. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Multiple Federal Airways in the Vicinity of Bellingham, WA; Docket No. 99-ANM-13 [2-18/2-17]" (RIN 2120-AA66) (2000-0039), received February 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7706. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls Royce plc RB211-524H-36 Series Turbofan Engines; Request for Comments; Docket No. 2000-NE-01 [2-16/2-17]" (RIN 2120-AA64) (2000-0083), received February 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7707. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Aircraft Engines CF34 Series Turbofan Engines; Docket No. 98-ANE-19 [2-17/2-17]" (RIN 2120-AA64) (2000-0097), received February 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7708. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law; the report of a rule entitled "Airworthiness Directives; Industrie Aeronautiche e Meccaniche Model Piaggio P-180 Airplanes; Docket No. 99-CE-34 [2-16/2-17]" (RIN 2120-AA64) (2000-0086), received February 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7709. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Partenavia Costruzioni Aeronauticas S.p.A. Models AR68TP 300 Spartacus and AP68TP 600 Viator Airplanes; Docket No. 99-CE-37 [2-16/2-17]" (RIN 2120-AA64) (2000-0084), received February 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7710. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fairchild Aircraft, Inc. SA226 and SA227 Series Airplanes; Docket No. 99-CE-59 [2-17/2-17]" (RIN 2120-AA64) (2000-0095), received February 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7711. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Model SE 3130, SA 3180, SE 313B, SA 318B, and SA 318C Helicopters; Docket No. 98-SW-65 [2-15/2-17]" (RIN 2120-AA64) (2000-0082), received February 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7712. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; MD Helicopters, Inc. Model 500N and 600N Helicopters; Request for Comments; Docket No. 99-SW-71 [2-15/2-17]" (RIN 2120-AA64) (2000-0081), received February 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7713. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bell Helicopter Textron Canada Model 407 Helicopters; Request for Comments; Docket No. 99-SW-79 [2-17/2-17]" (RIN 2120-AA64) (2000-0087), received February 17, 2000; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted:

By Mr. WARNER for the Committee on Armed Services.

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. William N. Searcy, 9559

The following named officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Ralph S. Clem, 2429
Brig. Gen. John M. Danahy, 2107
Brig. Gen. Joseph G. Lynch, 4963
Brig. Gen. Jeffrey M. Musfeldt, 8617
Brig. Gen. Robert B. Siegfried, 5248

To be brigadier general

Col. Gerald A. Black, 3573
Col. Richard B. Ford, 5811
Col. Jack C. Ihle, 1006
Col. Keith W. Meurlin, 1682
Col. Betty L. Mullis, 0954
Col. Scott R. Nichols, 8603
Col. David A. Robinson, 7497
Col. Richard D. Roth, 8023
Col. Randolph C. Ryder, Jr., 0160
Col. Joseph L. Shaefer, 8844
Col. Charles E. Stenner, Jr., 3274
Col. Thomas D. Taverney, 6191
Col. James T. Turlington, 4611

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Curtis M. Bedke, 9014

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. David E. Clary, 9098
Col. Michael A. Collings, 3659
Col. Scott S. Custer, 2467
Col. Daniel J. Darnell, 0600
Col. Duane W. Deal, 0812
Col. Vern M. Findley II, 2123
Col. Douglas M. Fraser, 7505
Col. Dan R. Goodrich, 2370
Col. Gilbert R. Hawk, 6206
Col. Raymond E. Johns Jr., 3483
Col. Timothy C. Jones, 7733
Col. Perry L. Lamy, 4559
Col. Edward L. Mahan Jr., 6388
Col. Roosevelt Mercer Jr., 3054
Col. Gary L. North, 9194
Col. John G. Pavlovich, 9032
Col. Allen G. Peck, 1135
Col. Michael W. Peterson, 5177
Col. Teresa M. Peterson, 1094
Col. Gregory H. Power, 4129
Col. Anthony F. Przybyslawski, 7898
Col. Ronald T. Rand, 8658
Col. Steven J. Redmann, 1838
Col. Loren M. Reno, 7129
Col. Jeffrey R. Riemer, 4731
Col. Jack L. Rives, 0540
Col. Marc E. Rogers, 4472
Col. Arthur J. Rooney Jr., 6482
Col. Stephen T. Sargeant, 1024
Col. Darryl A. Scott, 3767
Col. James M. Shamess, 8898
Col. William L. Shelton, 0678
Col. John T. Sheridan, 8566
Col. Toreaser A. Steele, 6197
Col. James W. Swanson, 6954
Col. George P. Taylor, Jr., 9111
Col. Gregory L. Trebon, 3693
Col. Loyd S. Utterback, 9704
Col. Frederick D. VanValkenburg Jr., 4600
Col. Dale C. Waters, 4174
Col. Simon P. Worden, 2998

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Bruce H. Barlow, 0873

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be major general, medical corps

Brig. Gen. Kevin C. Kiley, 4471
Birg. Gen. Darrel R. Porr, 8386

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Gordon S. Holder, 2235

(The above nominations were reported with the recommendation that they be confirmed.)

Mr. WARNER. Mr. President, for the Committee on Armed Services, I report favorably nomination lists which were printed in the RECORDS of the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning Joseph G. Baillargeon, Jr., and ending David L. Phillips, Jr., which nominations were received by the Senate and appeared in the Congressional Record on November 16, 1999.

Air Force nomination of Mark K. Wells, which was received by the Senate and appeared in the Congressional Record of February 1, 2000.

Air Force nominations beginning William P. Abraham and ending Kenneth C. Y. Yu, which nominations were received by the Senate and appeared in the Congressional Record on February 1, 2000.

Air Force nominations beginning Laraine L. Acosta and ending Roger A. Wujek, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2000.

Air Force nominations beginning Synya K. Balanon and ending Edward K. Yi, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2000.

Air Force nominations beginning Charles G. Beleny and ending Kristen A. Fultsganey, which nominations were received by the Senate and appeared in the Congressional Record on February 7, 2000.

Army nominations beginning Richard T. Brittingham and ending William D. Stewart, Jr., which nominations were received by the Senate and appeared in the Congressional Record on November 16, 1999.

Army nominations beginning Stephen C. Alsobrook and ending Henry E. Zeranski, Jr., which nominations were received by the Senate and appeared in the Congressional Record on November 16, 1999.

Army nomination of Andre H. Sayles, which was received by the Senate and appeared in the Congressional Record of February 1, 2000.

Army nominations beginning Thomas E. Ayres and ending Joel E. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2000.

Army nominations beginning Wayne E. Caughman and ending Calvin B. Wimbish, which nominations were received by the Senate and appeared in the Congressional Record on February 7, 2000.

Army nomination of Jeffrey S. MacIntire, which was received by the Senate and appeared in the Congressional Record on February 9, 2000.

Army nominations beginning John J. Fitch and ending *Timothy L. Watkins, which nominations were received by the Senate and appeared in the Congressional Record on February 9, 2000.

Navy nominations beginning Terry C. Pierce and ending Frank G. Riner, which nominations were received by the Senate and appeared in the Congressional Record on November 16, 1999.

Navy nominations beginning Brad Harris Douglas and ending Marc A. Stern, which nominations were received by the Senate and appeared in the Congressional Record on November 16, 1999.

Navy nominations beginning Dean J. Giordano and ending William K. Nesmith, which nominations were received by the Senate and appeared in the Congressional Record on February 7, 2000.

Navy nominations beginning David R. Allison and ending Steve R. Wilkinson, which nominations were received by the Senate and appeared in the Congressional Record on February 7, 2000.

Navy nominations beginning Raquel C. Bono and ending Mil A. Yi, which nominations were received by the Senate and appeared in the Congressional Record on February 8, 2000.

Navy nomination of Rabon E. Cooke, which was received by the Senate and appeared in the Congressional Record of February 9, 2000.

Navy nomination of Amy J. Potts, which was received by the Senate and appeared in the Congressional Record of February 9, 2000.

Marine Corps nomination of Joseph B. Davis, Jr., which was received by the Senate and appeared in the Congressional Record of November 16, 1999.

Marine Corps nominations beginning Michael C. Albo and ending Richard W. Yoder, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2000.

Marine Corps nominations beginning Christopher F. Ajinga and ending Joan P. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record on February 9, 2000.

Marine Corps nominations beginning Joe H. Adkins, Jr., and ending Christopher M. Zuchristian, which nominations were received by the Senate and appeared in the Congressional Record on February 9, 2000.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SPECTER (for himself, Mr. TORRICELLI, Mr. THURMOND, Mr. BIDEN, Mr. GRASSLEY, Mr. FEINGOLD, Mr. HELMS, Mr. SCHUMER, and Mr. SESSIONS):

S. 2089. A bill to amend the Foreign Intelligence Surveillance Act of 1978 to modify procedures relating to orders for surveillance and searches for foreign intelligence purposes, and for other purposes; to the Committee on the Judiciary.

By Mr. CAMPBELL (for himself, Mr. LOTT, Mr. DASCHLE, Mr. CRAIG, Mr. BUNNING, Ms. SNOWE, Mr. CONRAD, Ms. LANDRIEU, Mr. KERREY, and Mr. GREGG):

S. 2090. A bill to amend the Internal Revenue Code of 1986 to impose a 1 year moratorium on certain diesel fuel excise taxes; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2091. A bill to amend the Act that authorized construction of the San Luis Unit of the Central Valley Project, California, to facilitate water transfers in the Central Valley Project; to the Committee on Energy and Natural Resources.

By Mr. SCHUMER (for himself and Mr. KYL):

S. 2092. A bill to amend title 18, United States Code, to modify authorities relating to the use of pen registers and trap and trace devices, to modify provisions relating to fraud and related activities in connection with computers, and for other purposes; to the Committee on the Judiciary.

By Mr. DOMENICI (for himself, Mr. BINGAMAN, Mr. BAUCUS, and Mr. DASCHLE):

S. 2093. A bill to amend the Transportation Equity Act for the 21st Century to ensure that full obligation authority is provided for the Indian reservation roads program; to the Committee on Environment and Public Works.

By Mr. KENNEDY:

S. 2094. A bill to amend the Energy Policy and Conservation Act to ensure that petroleum importers, refiners, and wholesalers accumulate minimally adequate supplies of home heating oil to meet reasonably foreseeable needs in the northeastern States; to the Committee on Energy and Natural Resources.

By Mrs. FEINSTEIN:

S. 2095. A bill to provide for the safety of migrant seasonal agricultural workers; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BAYH:

S. 2096. A bill to amend the Internal Revenue Code of 1986 to provide an income tax credit to long-term caregivers; to the Committee on Finance.

By Mr. BURNS (for himself, Mr. GRAMM, Mr. LOTT, Mr. STEVENS, Mr. CRAPO, Mr. HUTCHINSON, Mr. ALLARD, Mr. BUNNING, Ms. SNOWE, Ms. COLLINS, and Mr. GRASSLEY):

S. 2097. A bill to authorize loan guarantees in order to facilitate access to local television broadcast signals in unserved and underserved areas, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MURKOWSKI (for himself and Ms. LANDRIEU):

S. 2098. A bill to facilitate the transition to more competitive and efficient electric power markets, and to ensure electric reliability; to the Committee on Energy and Natural Resources.

By Mr. REED:

S. 2099. A bill to amend the Internal Revenue Code of 1986 to require the registration of handguns, and for other purposes; to the Committee on Finance.

By Mr. EDWARDS (for himself, Mr. LAUTENBERG, and Mr. TORRICELLI):

S. 2100. A bill to provide for fire sprinkler systems in public and private college and university housing and dormitories, including fraternity and sorority housing and dormitories; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MACK (for himself and Mr. BENNETT):

S. 2101. A bill to promote international monetary stability and to share seigniorage with officially dollarized countries; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. INOUYE (for himself, Mrs. FEINSTEIN, and Mrs. BOXER):

S. 2102. A bill to provide to the Timbisha Shoshone Tribe a permanent land base within its aboriginal homeland, and for other purposes; to the Committee on Indian Affairs.

By Mr. GRAMM (for himself and Mrs. HUTCHISON):

S. 2103. A bill to amend the Internal Revenue Code of 1986 to provide equitable treatment for associations which prepare for or mitigate the effects of natural disasters; to the Committee on Finance.

S. 2104. A bill to amend the Tax Reform Act of 1984; to the Committee on Finance.

By Mr. HATCH (for himself and Mr. LEAHY):

S. 2105. A bill to amend chapter 65 of title 18, United States Code, to prohibit the unauthorized destruction, modification, or alteration of product identification codes used in consumer product recalls, for law enforcement, and for other purposes; to the Committee on the Judiciary.

By Mr. ASHCROFT:

S. 2106. A bill to increase internationally the exchange and availability of information regarding biotechnology and to coordinate a federal strategy in order to advance the benefits of biotechnology, particularly in agriculture; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HELMS (for himself and Mr. SMITH OF OREGON):

S. Res. 259. A resolution urging the decommissioning of arms and explosives in Northern Ireland; to the Committee on Foreign Relations.

By Mr. BOND (for himself, Mr. HOLLINGS, Mr. COCHRAN, Mr. DASCHLE, Mr. HATCH, Mr. KENNEDY, Mr. HUTCHINSON, Mr. BREAUX, Mr. DEWINE, Mrs. LINCOLN, Mrs. MURRAY, and Mr. INOUYE):

S. Res. 260. A resolution to express the sense of the Senate that the Federal investment in programs that provide health care services to uninsured and low-income individuals in medically under served areas be increased in order to double access to care over the next 5 years; to the Committee on Appropriations.

By Mr. HELMS (for himself, Mr. BIDEN, Mr. ROTH, Mr. LOTT, and Mr. DODD):

S. Res. 261. A resolution expressing the sense of the Senate regarding the detention of Andrei Babitsky by the Government of the Russian Federation and freedom of the press in Russia; considered and agreed to.

By Mr. WELLSTONE:

S. Res. 262. A resolution entitled the "Peaceful Resolution of the Conflict in Chechnya"; considered and agreed to.

By Mr. DODD:

S. Con. Res. 82. A concurrent resolution condemning the assassination of Fernando Buesa and Jorge Diez Elorza, Spanish nationals, by the Basque separatist group, ETA, and expressing the sense of the Congress that violent actions by ETA cease; to the Committee on Foreign Relations.

By Mr. BROWNBACK (for himself and Mr. WELLSTONE):

S. Con. Res. 83. A concurrent resolution commending the people of Iran for their commitment to the democratic process and positive political reform on the occasion of Iran's parliamentary elections; considered and agreed to.

By Mr. WARNER (for himself and Mr. INOUYE):

S. Con. Res. 84. A concurrent resolution expressing the sense of Congress regarding the naming of aircraft carrier CVN–77, the last vessel of the historic "NIMITZ" class of aircraft carriers, as the U.S.S. Lexington; to the Committee on Armed Services.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTION

By Mr. SPECTER (for himself, Mr. TORRICELLI, Mr. THURMOND, Mr. BIDEN, Mr. GRASSLEY, Mr. FEINGOLD, Mr. HELMS, Mr. SCHUMER, and Mr. SESSIONS):

S. 2089. A bill to amend the Foreign Intelligence Surveillance Act of 1978 to modify procedures relating to orders for surveillance and searches for foreign intelligence purposes, and for other purposes; to the Committee on the Judiciary.

THE COUNTERINTELLIGENCE REFORM ACT OF 2000

Mr. SPECTER. Mr. President, I have sought recognition to introduce legislation which would correct procedures under the Foreign Intelligence Surveillance Act. I offer this bill on behalf of Senator TORRICELLI, Senator THURMOND, Senator BIDEN, Senator GRASSLEY, Senator FEINGOLD, Senator HELMS, Senator SCHUMER, and Senator SESSIONS.

This is legislation which is designed to correct a very pressing problem. This bill refines the Foreign Intelligence Surveillance Act to enable the appropriate investigations of espionage to avoid the very serious mistakes which were made during the investigation of Dr. Wen Ho Lee. The references to Dr. Lee's investigation are made only for the purpose of illustrating the procedural problems which this legislation is designed to correct. The determination as to whether or not Mr. Wen Ho Lee is guilty will remain for the court of competent jurisdiction where he has been indicted.

There was information released into the public domain at Mr. Lee's bail hearing which underscores the tremendous importance of this particular case. Dr. Stephen Younger, assistant laboratory director for nuclear weapons at Los Alamos, testified at Dr. Lee's bail hearing on December 13, 1999, and said:

> These codes and their associated databases and the input file, combined with someone that knew how to use them, could, in my opinion, in the wrong hands, change the global strategic balance.

It is hard to have any item of greater importance than changing the global strategic balance.

Dr. Younger further testified:

> They enable the possessor to design the only objects that could result in the military defeat of America's conventional forces . . . They represent the gravest possible security risk to . . . the supreme national interest.

Again, it is hard to find more forceful language as to the seriousness of this particular matter than the potential military defeat of America's conventional forces.

During the course of this investigation, there were very serious time lapses while the FBI sought to get a warrant on Dr. Lee under the Foreign Intelligence Surveillance Act.

The FBI made the FISA request in June of 1997. It was refused by the Department of Justice on August 12, 1997, and then FBI Director Freeh sent FBI Assistant Director John Lewis to talk personally to Attorney General Reno. Attorney General Reno then appointed a Department of Justice subordinate named Daniel Seikaly, who reviewed the matter and rejected it. Attorney General Reno, as she conceded in testimony presented to the Judiciary Committee on June 8, 1999, did not follow up on the matter, leaving this very important request rejected.

The proposed legislation would require that when the Director of the FBI makes a request for a FISA warrant that the Attorney General personally must make the decision as to whether the FISA warrant request should be submitted to the court for action. The legislation further provides that when the Attorney General declines to submit the FISA application to the court, the rejection must be in writing. This would give the FBI Director a roadmap, so to speak, as to what additional information is necessary to have the warrant request submitted to the court.

After the Department of Justice declined to submit the FISA warrant to the court, the FBI investigation of the case was inactive for some 16 months. It took from August of 1997 to December of 1997 for the FBI Headquarters to send a letter regarding the FISA request to the FBI Albuquerque Field Office, where it lay dormant until November of 1998. From the time the FISA application was not forwarded to the court to the time the FBI office in Albuquerque finally acted, some 16 months elapsed. These 16 months were very crucial with respect to the activities of Dr. Lee.

This legislation further provides that when the Attorney General rejects a FISA application in writing, the Director of the FBI has the obligation to personally supervise the matter.

The Department of Energy then initiated a polygraph of Dr. Lee, in a very unusual way, that has since been criticized by the President's Foreign Intelligence Advisory Board. The Department of Energy represented that Dr. Lee passed the polygraph when, in fact, he had not. The Secretary of Energy even made an announcement on national television to the effect that Dr. Lee had passed the polygraph when, in fact, he had not. That threw the FBI off course, thinking that a passed polygraph exonerated the suspect. This legislation provides that an agency such as the Department of Energy may not take action on a polygraph, that these matters are to be left to the FBI, which has the paramount authority to investigate these matters.

The FBI then conducted another polygraph, but not until February 10, 1999, some 6 weeks after the polygraph he allegedly passed. Even though Dr. Lee failed this second polygraph, no action was taken to terminate Dr. Lee until March 8. In the interim, he deleted many of the files that are in issue. These deletions took place on January 20, February 9, 11, 12, and 17, all to the potential prejudice of the United States. Dr. Lee did not have a search warrant executed until April 9, which is a very long lapse before any official action had been taken.

The legislation further provides that when a suspect is left in place for the purpose of the investigation, the FBI must make this request in writing and that to that agency. The agency, such as the Department of Energy, must then formulate a plan within 30 days to structure how that suspect will be left in place while minimizing the exposure of classified information to that person.

One of the reasons given by the Department of Justice in declining to go forward with the FISA application was that Dr. Lee was not "currently engaged" in objectionable activities—to use mild words. This bill changes that requirement to probable cause on the totality of the circumstances.

That is a brief summary of what this legislation would do. It is the view of the sponsors of this bill that it is very important for it to move forward so that on pending espionage investigations we do not have the lapses that occurred in this very important case.

I am pleased to note that all the members of the Judiciary Subcommittee have joined in cosponsoring this legislation. I thank my colleague, Senator TORRICELLI, for his cooperation. Senator THURMOND, Senator GRASSLEY, and Senator SESSIONS have all cosponsored among the Republican members, as have Senators FEINGOLD and SCHUMER, in addition to Senator TORRICELLI. Senator BIDEN was consulted specially and is a cosponsor because he was the author of the Foreign Intelligence Surveillance Act back in 1978. Senator HELMS has asked to be added as a cosponsor, which he has.

The subcommittee has had some substantial difficulty in "birth" pains; it has not really been born, to the extent that the subcommittee has not been funded. We have worked really from our own personal staffs. We have had three fellows and one detailee. We have completed a very lengthy detailed report, some 65 pages, which is the product of extraordinary work by Mr. Doman McArthur of my staff, in collaboration with Senator TORRICELLI's staff and the staffs of others. We have gone through the 65-page report with a fine-tooth comb to be sure that it is precise, exact, and does not make any disclosures as to any classified information.

The subcommittee has deferred holding hearings on the Wen Ho Lee matter, which had been scheduled for December, at the specific request of Director Freeh. Director Freeh met with TORRICELLI and myself and requested that the hearings on Dr. Lee not go forward substantively, which might cause some problem with the pending prosecution. We do have hearings scheduled on the legislation for March 7, 8 and 21. I have already informed FBI Director Freeh of our intentions to proceed with those hearings, which will be on the substance as to how the act should be reformed. We have given notice to Director Freeh that we would appreciate his presence as a witness. He has said he would be glad to attend.

That is a very brief statement of a very complex matter. It is my hope we will have the final clearance from the Department of Justice to be able to file the full 65-page report which will elaborate upon the brief summary which I have presented.

I am delighted to yield to my very distinguished colleague from New Jersey, Senator TORRICELLI, the ranking member of the subcommittee.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. TORRICELLI. Mr. President, I thank Senator SPECTER for yielding time to me. I also thank him for his perseverance and diligence in working on this issue over the course of the last several months.

I also express particular thanks to Senator BIDEN who in reviewing this legislation made very important additions and allowed us to proceed on a bipartisan basis for what I think is an important and worthwhile change in the laws dealing with foreign intelligence surveillance.

The origins of this legislation—part of the Judiciary Committee's oversight—is the question of how the Department of Justice handled allegations of Chinese espionage at our most important National Laboratories.

The focus of this review, of course, had to do with the case of Dr. Wen Ho Lee, a scientist who was charged in December with 59 counts of illegally removing secrets from computer information at the Los Alamos Laboratory. It appears that Dr. Lee was the subject of interest or investigations for espionage for over 17 years. He was dealing with the most important weapons secrets possessed by his government critical to the security of the United States.

It would be difficult for anyone in this Government to explain to the American people why, despite 17 years of investigation and some reasons for considerable doubt all during this time, he was permitted to continue with his job and retain access to highly classified information.

Much is still to be learned about this case. A criminal case is proceeding and an investigation. That is for, in some instances, others to deal with. That does not mean we do not already know some things that can change the conduct in this Government and the laws under which we govern ourselves. We have learned through this investigation that this was all made possible by a series of procedural and investigative errors that gave Dr. Lee this opportunity to download this highly classified material to an unsecured computer.

In truth, we do not yet know whether or not, when this unguarded material was in an unsecured computer, in fact it got to foreign agents or other interested parties other than people with proper clearance in the U.S. Government. We do not know. We may never know. But we do know this after interviewing many witnesses and thousands of documents: There was a startling, almost unbelievable failure of coordination and communication between the Department of Justice, the FBI, and the Department of Energy in dealing with this matter, and only through that lack of coordination was an allegation of possible espionage able to lead to 17 years of continued access and the possibility that this information was compromised.

As early as 1982, the FBI was aware that Dr. Lee was engaged in suspicious activities. Yet both at that time and in the years that followed there was no action taken to limit access to classified material. The Department of Energy detected Dr. Lee transferring an inordinate number of systems from a secured system to an unsecured system in 1993 and 1994. Personnel responsible for reporting that information failed to do so.

In 1997, the FBI had an opportunity to stop Dr. Lee, but they were stymied by the denial of the Department of Justice of a request submitted by the FBI for a warrant to further investigate Dr. Lee. It is this failure that brings us here today.

The evidence supporting a FISA request for their warrant was overwhelming. It had been building for years. No single piece of evidence may have been sufficient to warrant a criminal case, but they were more than sufficient to raise a proper level of suspicion to support the issuing of a warrant.

Now we know that the request for this warrant, a FISA application, was never even considered by the Attorney General of the United States. When the Director of the Federal Bureau of Investigation, Mr. Freeh, sent a personal representative to meet with the Attorney General to express his concern about the warrant application, which he was right and proper to do, the Attorney General delegated the matter to a subordinate who was unfamiliar with the matter and who had never processed a similar request—no experience, no knowledge, no involvement—and the final disposition of the matter, therefore, was predictable. The request was denied. The warrant was not issued, and an opportunity potentially to either apprehend someone committing a criminal act or to have prevented further damage, if any occurred, was lost.

Unfortunately, this problem was compounded in that when the FBI was denied this warrant, in my judgment, the matter should have been appealed but it was allowed to languish, and then further hampered by the Department of Energy which conducted a polygraph of Dr. Lee, and then, incredibly, unbelievably incorrectly concluded that he had passed the test.

It is a series of compounded errors of procedure and judgment. It is difficult for the Congress to legislate good judgment for the proper execution of responsibilities. If we cannot do so, we can at least design the laws to provide for greater accountability.

That is, indeed, what is being done by my colleagues. Under the legislation we are now introducing, Senator SPECTER and I have written amendments to the Foreign Intelligence Surveillance Act to provide that upon the personal request of the Director of the FBI, the Attorney General must personally review the FISA requests—no subordinate, no uninformed associate. This is a matter of national security. The Attorney General has no greater responsibility than protecting the secrets of the U.S. Government. This matter belongs on the Attorney General's desk, and under this legislation that is where it will rest.

There are those who may argue that making the Attorney General directly responsible will somehow provide an avalanche of work, that they will not be able to deal with all of these matters. Appropriately, the legislation has been designed so this provision is triggered only by the personal request from the Director of the FBI—no subordinate, no associate, no one else in the Government. So the number of cases will be extremely limited. But when asked by the Director of the FBI, one person, and one person in this Government alone, will have direct responsibility.

Second, the legislation requires that if the Attorney General decides not to forward a FISA application to the court, that decision must be communicated in writing to the FBI Director along with specific recommendations as to 'what investigative steps should be undertaken to meet the probable cause requirements. Matters of national security on this level cannot fall in departmental cracks—not get lost somewhere between Justice and the FBI. This will ensure that in those cases when the Attorney General has personally rejected this request the reasons will be stated; the FBI will be told why and then given a chance to return having met the appropriate probable cause standard.

Third, the legislation requires that the FBI Director must personally supervise the implementation of the Attorney General's recommendations to ensure once again that in the highest levels of the U.S. Government these unusual but critical cases of national security dealing with foreign espionage are dealt with not by subordinates, but that this Congress can hold people for which it has responsibility, oversight, and votes to confirm—such as the Attorney General and the FBI Director—directly accountable.

I believe these are appropriate responses to what we have learned to date out of this investigation. But I conclude by saying both what this legislation is and what it is not.

This legislation is not an attempt to lower the probable cause standard for what is required for a warrant and a FISA application. Probable cause is a standard of law. It should be taken seriously. The rights of no citizen should be violated by an intrusive or curious government. The standard remains.

What is being changed here is accountability, not a lessening of civil liberties. We simply want to know that the standard which has always existed of probable cause will be used, that procedures will be followed, that people will be held accountable, not that the Government is any more or any less intrusive. The probable cause standard remains the cornerstone of American liberties to ensure that the Government has reason and merit as a matter of law to involve itself in the privacy of our citizens.

I proudly offer this legislation with Senator SPECTER. I believe it is a good and appropriate response. I thank the Senator for his patience in the drafting. I listened to my colleagues, particularly on this side of the aisle, with relatively modest changes we have recommended, all of which the Senator has incorporated. I look forward to the committee and then the Senate enacting this legislation.

Mr. BIDEN. FISA, the Foreign Intelligence Surveillance Act of 1978, is a very vital part of our arsenal to combat terrorism and espionage. For 20 years, it has enabled the FBI to keep track of major threats to our security while preserving the constitutional rights of Americans. Basically, it provides for a sort of super search warrant, allowing the FBI, under certain unique circumstances, to eavesdrop upon activities, after showing a probable cause to a Federal judge, without having to disclose this eavesdropping in ways that they would have to under a normal warrant for a wiretap or a physical search.

FISA has been very useful to deal with terrorism, and also with espionage cases.

Senator SPECTER has undertaken an effort to look into what may or may not have transpired at our National Laboratories in the celebrated case of Wen Ho Lee and others. This has been the subject of some very legitimate discussion, and occasionally some partisan discussion. But knowing Senator SPECTER as long as I have, I do not doubt his desire to look into these cases that have transpired, and the consequences of any leakage of classified information from any of our National Laboratories, for the primary purpose of seeing to it that it does not happen again, if in fact it did happen, as well as to determine what did happen.

Senator SPECTER and Senator TORRICELLI have been looking into these recent cases, especially, as I said, the case of Wen Ho Lee at Los Alamos National Laboratory. As a result of that inquiry, Senator SPECTER is proposing what I think is a very important series of sensible amendments to this act we call FISA. I am pleased to cosponsor this bill, having been an original author of that legislation in 1978, along with Birch Bayh and others.

The initial bill with which Senator SPECTER approached me and others had a few areas where I thought it could be improved. I wish to publicly thank Senator SPECTER for agreeing to the changes I suggested in his proposed legislation.

One of the dilemmas that exists, in the debate about whether the Attorney General and the Justice Department and/or the FBI were reading from the same page in the hymnal on how to investigate the Wen Ho Lee case, is the issue of whether the FBI communicated enough information to the Attorney General so that, under the reading of the FISA law, the Attorney General could conclude that there was sufficient reason to get a search or electronic surveillance court order. There has been a little bit of disagreement, at a minimum, between the FBI and the Justice Department as to who said what, when, and what request was made when. It has led to a serious political controversy. I think it has also led, as a consequence, on both sides of the aisle, to some posturing and partisanship about a significant national security issue.

One of Senator SPECTER's most important ideas in this bill, one which is going to seem commonsensical to most Americans, is to make it clear that if something is of such consequence that the Director of the FBI believes there should be a FISA hearing and authority granted to allow the FBI to use invasive measures to eavesdrop upon conversations and/or get records, for example, from computer data and the like, if it is that important, the FBI Director can, under this new amendment to FISA, put that request in writing to the Attorney General and the Attorney General, whoever that may be, then has to personally sign off or not sign off, so we avoid this debate that is taking place now about whether second level people or third level people made the right judgment or wrong judgment, and whether or not there was any malfeasance.

So this is a very practical solution. If this legislation had been in place 3 years ago, 5 years ago, there would be no doubt as to what happened. Had the FBI said this is critical and this is national security, the Attorney General personally would have had to say yes or no. That is where the record is unclear in the Wen Ho Lee case. This bill would eliminate such doubt in future similar cases if and when they arise, and they surely will arise.

Section 2 of this bill permits the judge to consider the past activities of the target of an investigation—that is, the person upon whom they want to eavesdrop and/or whose records they want to secretly examine. So, for example, the Attorney General would be able to say, in a closed FISA hearing: Your Honor, not only do we think this is justified because of some current activity, but we can show you evidence that in 1991 they were engaged in this suspicious activity, in 1993 they were engaged in that, in 1995 they were engaged in this, therefore lending greater credibility to the argument that a FISA court order should be issued by the judge.

Again, in this Wen Ho Lee case, and other cases that Senator SPECTER has examined, there has been discussion of the fact that sometimes these folks had been under investigation before. Would that not lend greater weight to the need for this FISA request to be granted? So we clear that up in this legislation, rather than only allowing the target's current activity to be brought up.

Section 3 of this proposal requires the FISA court to be told if the target of a proposed search or surveillance has a relationship with a Federal law enforcement or intelligence agency. This came up in this case as well. The case is being investigated. It turns out at some point one of the persons in the past had been also a source for the FBI. The FBI had gone to this person and said: Will you be a source for us, looking into the possibility of some illegal activity? Then that very person becomes the target, and that very person is never able to tell, nor does the FBI or the CIA say: By the way, Your Honor, we were working with them. That is why they went ahead and did the following.

Up to now, when the Federal Government has asked for a FISA court judge to give this surveillance authority, it has not been required to say: By the way, Your Honor, this person in the past had worked with us as a source, as a person cooperating with us.

This is a new and useful protection for Americans, because the conduct that might seem suspicious could be a result of what the law enforcement agency had actually asked them to do. It seems only fair to the target to be able to have that information known to the judge.

This is typical of the Senator from Pennsylvania, that he looks out for individual rights as well as the interests of law enforcement.

There are several other interesting provisions in this bill, including some to improve relations between the FBI and other agencies, and I am sure there will be further refinements in this bill when it is considered by the Judiciary Committee. The important thing is that Senator SPECTER is working, I think effectively and in a bipartisan manner, to ensure that his inquiry into the Wen Ho Lee case leads to useful changes and not just to partisan recriminations. I compliment him on that, because the purpose of oversight is not only to find out who struck John but, in the national interest, to find the best way to prevent something such as this from happening again. So I compliment him and again thank him for acceding to the more than several changes I asked for in this legislation.

I think the amendments to existing law that this bill will enact are good amendments. I think America will be well served, and I would argue that the individual rights of Americans will be in no greater jeopardy after this passes than they ever were. They are protected; they will continue to be protected; and some of these changes will even help to further protect the rights of individual Americans.

I yield the floor.

By Mr. CAMPBELL (for himself, Mr. LOTT, Mr. DASCHLE, Mr. CRAIG, Mr. BUNNING, Ms. SNOWE, Mr. CONRAD, Ms. LANDRIEU, Mr. KERREY, and Mr. GREGG):

S. 2090. A bill to amend the Internal Revenue Code of 1986 to impose a 1 year moratorium on certain diesel fuel excise taxes; to the Committee on Finance.

THE AMERICA'S TRANSPORTATION RECOVERY ACT OF 2000

Mr. CAMPBELL. Mr. President, today I am introducing America's Transportation Recovery Act of 2000 to address the skyrocketing prices of fuel which supports our Nation's truckers, farmers, public transportation, and other users. This bill would temporarily suspend the Federal excise tax on diesel fuel for 1 year, or until the price of crude oil is reduced to the December 31, 1999, price.

I am pleased to be joined by many of my colleagues and add as original cosponsors to this bill both the majority leader, Senator LOTT, and the minority leader, Senator DASCHLE, as well as Senators CRAIG, FEINSTEIN, CONRAD, BUNNING, LANDRIEU, and KERREY of Nebraska.

The current fuel crisis is an example of how a discussion leans toward economic factors and international price fixing rather than focusing on the daily effect on American people.

Early this week, as Members know, nearly 300 truck drivers drove from all over the east coast—in fact, some from as far away as Texas—to rally at the steps of the Capitol. Their cause was the increasing price of diesel fuel, which is increasing their costs to the point that many may go out of business.

I know the trucking life. I put myself through college by driving an 18-wheeler. Just last December, I renewed my

CDC driver's license. Although I don't drive commercially anymore, it does keep me in touch with the working men and women in the trucking industry. Since I own a small rig, I know firsthand how the fuel crisis impacts those who depend on it because my fuel bills have doubled in the last year alone, as have theirs.

When private citizens give their time to come to Washington, the issue is not about profit margins, stock prices, or other abstract matters; it is because they are fighting for their lives. Long-distance drivers, as Members probably know, need between 200 and 400 gallons of diesel every 24 hours. Add that to truck payments, permits, insurance, upkeep, road fees, and the many other costs for independent trucking, and many are barely scraping by. It is no wonder the price increase is putting so many out of business. The only way they can survive is to pass it on to the consumer. Most of them cannot do that because the small independents are, more often than not, subcontracting to other firms.

At Tuesday's rally, one driver told me he knew of two men who had gone bankrupt in the last week alone. Any person viewing the television coverage of the rally could not help but be moved by the young couple living in their truck with two small children, both under the age of 3, because they could not make house payments. Yet another driver told me he had only $8 to his name and made it here for the rally.

Many people think this probably does not affect them. Think about this: About 95 percent or more of everything in America, everything we buy, comes by truck. It may also be on a train, airplane, or ship, but from the point of origin to the point of delivery is often by truck. These people don't want handouts; they don't want food stamps; they don't want to be on welfare; they want to work. If those rigs stop rolling, very simply, the Nation stops rolling, too.

These trucks don't run on solar energy, as was mentioned this morning in our Energy Committee hearing by Senator CRAIG, and they don't run on wind power; they run on diesel fuel. This problem extends to our farmers and ranchers. The increased costs to our farmers and ranchers, coupled with declining commodity prices, makes it very difficult for them to run a farm.

In past Congresses, we have had to pass emergency agriculture relief packages which have allowed the smaller producers to receive enough assistance to get by financially one more year. Now, along with the truckers in public transportation, farmers will probably see future diesel prices nearing $2 a gallon as they go into this year's planting season.

We cannot let this Nation come to a standstill because we are captive to foreign oil cartels. Not too many years ago, we fought a war in the Middle East to protect oil-producing countries from the Iraqi invasion. Our young men and women make up the bulk of the military might for many nations today. They put their lives on the line to protect some of the Arab countries against their own cousins, and now we are being repaid for our generosity by the rising cost of fuel from OPEC.

Certainly, if there is anyone who thinks there is not a national security component to being 55-percent dependent on foreign oil, they need to think again. The fact that we are too dependent on foreign oil and we currently have no national energy policy is a point of discussion for another day.

Right now, we face a crisis we need to do something about. That is why I and my colleagues are introducing this bill. This bill will temporarily suspend the excise tax on diesel fuel for 1 year, which is 24.4 cents a gallon, in an effort to ease the burdens on so many Americans based on our lack of a national long-term energy policy. This will help primarily truckers, farmers, and public transportation but in the long run will help everybody. While it does not address the long-term problem of our insufficient domestic oil supply, it will provide emergency temporary relief. I believe it is a modest and yet essential step.

At a time when our citizens are being shaken down by a foreign oil cartel and then again by rising taxes, it is somewhat offensive to go through the same kind of a shakedown twice. The Government is currently running a surplus, taking in more tax money than we are spending. We will have several years of surplus money, and I am sure we can afford to give a short-term break to the hard-working Americans who deliver our food and take our children to and from school as well as pick up our garbage.

This particular tax, as I understand, was never supposed to be permanent. It was imposed as a deficit reduction measure, and we simply do not have a deficit nor will we have in years to come. I urge my colleagues to support this legislation with prompt passage, to provide immediate relief for America's truckers, farmers, and other diesel fuel users.

I ask unanimous consent the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2090

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "America's Transportation Recovery Act of 2000".

SEC. 2. 1 YEAR MORATORIUM ON CERTAIN DIESEL FUEL EXCISE TAXES.

(a) IN GENERAL.—Section 4081(d) of the Internal Revenue Code of 1986 (relating to termination) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively,

(2) by inserting after paragraph (1) the following new paragraph:

"(2) DIESEL FUEL.—The rate of tax specified in subsection (a)(2)(A)(iii) with respect to diesel fuel shall be—

"(A) zero during the 1 year period beginning on the date of the enactment of this paragraph, and

"(B) 4.3 cents per gallon after September 30, 2005.", and

(3) by striking "clauses (i) and (iii) of subsection (a)(2)(A)" in paragraph (1) and inserting "subsections (a)(2)(A)(i) and (a)(2)(A)(iii) with respect to kerosene".

(b) CONFORMING AMENDMENTS.—

(1) Subclause (I) of section 4041(a)(1)(C)(iii) of the Internal Revenue Code of 1986 (relating to rate of tax on certain buses) is amended by striking "shall be 7.3 cents per gallon (4.3 cents per gallon after September 30, 2005)." and inserting "shall be—

"(aa) zero during the 1 year period beginning on the date of the enactment of the American Transportation Recovery Act of 2000,

"(bb) 7.3 cents per gallon after the end of the 1 year period under item (aa), and before October 1, 2005, and

"(cc) 4.3 cents per gallon after September 30, 2005.".

(2) Section 4081(c)(6) of such Code is amended by inserting "(other than paragraph (5))" after "subsection".

(3) Section 6412(a)(1) of such Code is amended—

(A) by inserting "(the date of the enactment of the American Transportation Recovery Act of 2000, in the case of diesel fuel)" after "October 1, 2005" both places it appears,

(B) by inserting "(the date which is 6 months after the date of the enactment of such Act, in the case of diesel fuel) after "March 31, 2006" both places it appears, and

(C) by inserting "(the date which is 3 months after the date of the enactment of such Act, in the case of diesel fuel) after "January 1, 2006".

(4) Section 6427(f)(4) of such Code is amended by inserting "(during the 1 year period beginning on the date of the enactment of the American Transportation Recovery Act of 2000, in the case of diesel fuel)" after "September 30, 2007".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this section.

(2) DECREASE IN CRUDE OIL PRICES.—If the Secretary of Treasury determines that the average refiner acquisition costs for crude oil are equal to or less than such costs were on December 31, 1999, the amendments made by this section shall cease to take effect and the Internal Revenue Code shall be administered as if such amendments did not take effect.

By Mrs. FEINSTEIN:

S. 2091. A bill to amend the Act that authorized construction of the San Luis Unit of the Central Valley Project, California, to facilitate water transfers in the Central Valley Project; to the Committee on Energy and Natural Resources.

THE CONSTRUCTION OF THE SAN LUIS UNIT OF THE CENTRAL VALLEY PROJECTS

Mrs. FEINSTEIN. Mr. President, today I introduce a bill to amend the legislation that authorized construction of the San Luis Unit of the Central Valley Project in California. Enactment of this bill would allow water districts in the San Luis Unit of the Central Valley Project to supplement their federal water supplies with purchases of water from the State Water Project. At present, federal law prohibits the delivery of non-federal water to districts in the San Luis Unit until certain conditions are met.

The San Luis Unit is the last component created by federal law in the Central Valley Project, which is the largest Bureau of Reclamation project in the United States. Water service to districts in the San Luis Unit is often curtailed because of limitations imposed in pumping in the Sacramento-San Joaquin Delta.

It is customary for water districts in the San Luis Unit to supplement their supplies through purchases on the open market. However, current federal law prohibits them from purchasing supplies from the State Water Project and having these delivered over federal facilities. Making such deliveries is relatively easy because state and federal project conveyance facilities are interconnected. Prohibiting purchase of state water for delivery over federal facilities limits the opportunities available for San Luis Unit districts to obtain as large a supplemental supply as they would like.

Mr. President, this bill has already passed the House as H.R. 3077. It will impose no additional costs on the federal government. It contains provisions which assure that the additional water obtained by districts in the San Luis Unit cannot be used in a manner that would exacerbate current groundwater drainage problems. It is consistent with the provisions in the Central Valley Project Improvement Act that sought to encourage the exchange of water by willing sellers to provide additional supplies at reasonable cost to willing buyers. I urge the Senate to pass this bill.

By Mr. SCHUMER (for himself and Mr. KYL):

S. 2092. A bill to amend title 18, United States Code, to modify authorities relating to the use of pen registers and trap and trace devices, to modify provisions relating to fraud and related activities in connection with computers, and for other purposes; to the Committee on the Judiciary.

HIGH TECH CRIME BILL

• Mr. SCHUMER. Mr. President, I rise today to introduce with my friend from Arizona, Senator KYL, a high tech crime bill aimed at combating computer crime. For the past nine months I have been discussing with law enforcement and computer crime experts how best to address the growing threat that computer crimes pose to our increasingly networked society.

Many of the best solutions are far-reaching and complex and will only be achieved through sustained and thoughtful hard work on an international level by both government and the private sector in the years ahead. There are, however, modes changes to existing laws that can be made now, which will serve as a significant first step in a much-needed effort to give law enforcement to tools they need to effectively fight cybercrime. The legislation that Senator KYL and I are introducing today will, among other things, make the following changes to existing law.

We must update our laws governing the use of what are called pen registers (which record the numbers dialed on a phone line) and trap and trace devices (which capture incoming electronic impulses that identify the originating number). These laws have become outdated and their procedures are too slow for the speed of criminals online.

Under current law, investigators must obtain a trap and trace order in each jurisdiction through which an electronic communication is made. Thus, for example, to trace on online communication between two terrorists that starts at a computer in New York, goes through a server in New Jersey, bounces off a computer in Wisconsin, and then ends in San Francisco, investigators may be forced to go successively to a court in each jurisdiction for an order permitting the trace (not to mention having to approach each provider along the way). In the recent Denial of Service attacks, hackers utilized dozens or even hundreds of "zombie" computers from which the attacks on specific sites were then launched. No doubt, these computers were located all over the country, and tracing them quickly under current law is therefore virtually impossible.

This legislation will amend current law to authorize the issuance of a single order to completely trace an online communication to its source, regardless of how many intermediate sites it passes through. Law enforcement must still meet the exact same burden to obtain such an order; the only difference is that they will not have to repeat this process over and over each time a communication passes to a new carrier in a different Jurisdiction.

One deficiency of the Computer Fraud and Abuse Act, 18 U.C.C. §1030, is its requirement of proof of damages in excess of $5,000. In several cases, prosecutors have found that while computer intruders had attempted to harm computers vital to our critical infrastructures, such as telecommunications and financial services, damages of $5,000 could not be proven. Nevertheless, these intrusions pose a great risk of harm to our country and must be prosecuted, punished, and deterred.

The Schumer-Kyl bill will unambiguously permit federal jurisdiction at the outset of an unauthorized intrusion into critical infrastructure systems rather than having investigators wait for any damage assessment. Crimes that exceed the $5,000 limit will be prosecuted as felonies, while crimes below that amount will be defined as misdemeanors. The bill will also clarify that a $5,000 loss resulting from a computer attack may include the costs of responding to the offense, conducting a damage assessment, restoring a system to its original condition, and any lost revenue or costs incurred as a result of an interruption in service. The $5,000 requirement should not serve as a barrier to the prosecution of serious computer criminals who threaten our country's networks.

This legislation will also modify a directive to the sentencing commission contained in the Antiterrorism and Effective Death Penalty Act of 1999, which required a mandatory minimum sentence of six months' imprisonment for certain violations of section 1030. Computer intrusions that violate the statute vary in their severity and maliciousness. All violations should be punished, but under the current regime the mandatory imprisonment applies to some misdemeanor charges, even where the attack caused no damage. As a result, some prosecutors have declined to bring cases, knowing that the result would be mandatory imprisonment. We should insure that federal prosecutors are bringing cases under section 1030, but we also should insure that the sentences being meted out fit the crime.

Often the most technologically savvy individuals are juveniles who have grown up with computers always at their fingertips. Unfortunately, certain juveniles are committing the most serious computer crimes and wreaking havoc on our critical infrastructures. For example, one juvenile hacker caused an airport in Worcester, Massachusetts to shut down for over six hours when its telecommunications connections were brought down. Similarly, two California teenagers broke into sensitive military computers, including those at Lawrence Livermore National Laboratory and the U.S. Air Force.

As a longer term strategy, we need to do a better job of teaching our children from a very young age that, like anywhere else, certain conduct on the Internet is wrong and illegal. But we also need to send a clear message that crimes on the Internet will have real consequences. This legislation will amend 18 U.S.C. §1030 to give federal law enforcement authorities the power to investigate and prosecute juvenile offenders of computer crimes in appropriate cases. The bill will make juveniles fifteen years of age or older who commit the most serious violations of section 1030 eligible for federal prosecution in cases where the Attorney General certifies that such prosecution is appropriate. In conjunction with the elimination of the six-month mandatory minimum, this legislation will provide a balanced, measured approach to juvenile hacking crimes.

Again, these are just the first steps that should be taken in a very long battle against cybercrime that many of us will wage for years to come. And while we fight computer crime by modifying our criminal laws, we also should seek concomitant ways to fully protect the fundamental rights of innocent individuals on the Internet.

I want to thank Senator KYL for joining me in introducing this bill. As chairman of the Subcommittee on Technology, Terrorism, and Government Information, I know that he cares deeply about these issues and I look forward to working with him on this commonsense, bipartisan legislation.●

By Mr. DOMENICI (for himself, Mr. BINGAMAN, Mr. BAUCUS, and Mr. DASCLE):

S. 2093. A bill to amend the Transportation Equity Act for the 21st Century to ensure that full obligation authority is provided for the Indian reservation roads program; to the Committee on Environment and Public Works.

THE TRANSPORTATION EQUITY ACT FOR THE 21ST CENTURY AND INDIAN RESERVATION ROADS

● Mr. DOMENICI. Mr. President, I am pleased today to be joined by my colleagues JEFF BINGAMAN and MAX BAUCUS in introducing legislation to preserve precious dollars allocated by the Congress and the President for construction of Indian reservation roads.

There is no doubt that the Indian reservation road system is the poorest in our nation, and every federal dollar allocated for improving this situation should be directed to our nation's Indian reservations. The lack of adequate roads and bridges is a chronic problem on Indian reservations, where unemployment averages 35 percent and more than half of American Indians live in hard poverty.

Since 1982, when my Senate amendment added Indian roads to our federal highway trust fund accounts, all funds allocated for Indian roads have been used for that purpose. In ISTEA, which preceeded the enactment of the Transportation Efficiency Act for the 21st Century (TEA-21), the Indian Reservation Roads (IRR) program reached a level of $191 million per year.

Many of us in Congress worked hard to increase this IRR funding to $225 million in the first year of TEA-21 (FY 1998), and $275 million each year thereafter, through FY 2003. Unfortunately, a little noticed provision for Federal Lands Highways, placing an "obligation limitation" on the IRR program, has resulted in the transfer of funds intended for Indian reservations to be transferred to the 50 states.

In FY 1998, the amount deducted for this transfer to states from the IRR program was $24.2 million. In FY 1999, it was $31.7 million; and in FY 2000, the obligation limitation resulted in a loss of $34.9 million that could have been used for Indian reservation road building.

In all previous enacting legislation since 1982, federal funds intended for IRR programs have been used for IRR purposes. Only in TEA-21 was this changed due to the application of the obligation limitation to Federal Lands Highways and the IRR program.

Our bill will simply exclude the IRR program from this annual deduction that has totaled, in the past three years, more than $90 million. This money, while helpful to many states, is more badly needed on Indian reservations and should be preserved for that purpose. By excluding the IRR program from this obligation limitation provision, we will be increasing federal funds for Indian roads without increasing the cost of the total program. We will be focusing the funds for Indian roads on Indian roads, as we have intended since the IRR program first became part of our federal highway trust fund in 1982.

I urge my colleagues to join us in redirecting funds intended for Indian road construction to be dedicated to that purpose.●

Mr. BINGAMAN. Mr. President, I am pleased to join today with my good friend and colleague from New Mexico, Senator DOMENICI, to introduce this bill along with Senator BAUCUS. This bill assures that our Native American communities have the funding they need for critical transportation projects. Our bill will fund the Indian Reservation Road Program for the next three years with at least $275 million per year, the full amount authorized by Congress.

Mr. President, since I came to the Senate in 1983, I've worked hard to promote economic development and create new jobs for my state of New Mexico. One thing I learned very quickly is that you can't expect to attract new industry unless you have the basic infrastructure to support residential and commercial needs. The most important infrastructure needs include transportation, power, communications, water and sewers. Without these basic services at affordable rates, opportunities to create good jobs will simply not develop.

Today our country is fortunate to have one of the strongest economies in history. Our recent advances in job creation and economic growth are accomplishments that all Americans should be proud of. Unfortunately, as many of us know, some sectors of our nation continue to lag behind the wave of economic prosperity that has swept the nation. In particular, I remain concerned about our Native American communities. Unemployment rates today in Indian Country frequently top 30, 40, and even 50 percent. Mr. President, the nation must not stand by while Indian Country is literally being left behind. Perhaps more than any other community in America, the Tribes and Alaska Native Villages suffer from inadequate infrastructure.

This year I am pleased to be working with President Clinton, Senators DASCHLE, DOMENICI, and others on a number of new programs and initiatives to help the Native American Communities enjoy the same level of economic prosperity as the rest of America. In this respect, the Tribes are no different than the rest of America—to promote their economic development basic infrastructure must first be in place. The President's initiative recognizes this fact. The bill we are introducing today addresses one element of that initiative—the need for basic transportation, including roads and transit. This bill will help promote transportation on every reservation in America by fully funding the Indian Reservation Roads Program.

First established in 1928, the Indian Reservation Roads program is one of the ways America meets its special responsibility to help Native Americans achieve self sufficiency and self determination. The goal of the Indian Reservation Roads program is to provide safe and economic means of transportation throughout Indian Country. Over the years, the program has been reauthorized and modified to help meet the Tribes' needs for basic transportation infrastructure. Most recently, the program was reauthorized for six years in 1998. The program is playing a critical role in economic development, self-determination, and employment of Native Americans in 33 states, including the Alaska Native Villages.

Currently, the reservation roads system comprises 25,700 miles of BIA- and Tribal-owned roads and 25,600 miles of state, county and local roads. There are also 740 bridges on the system and even one ferry boat in the state of Washington. These public roads and transit system are, of course, used by everyone, not just Native Americans. To give the Senate some perspective of the magnitude of this system, the 51,000 total miles on the Indian Reservation Road system are more miles of public roads than there are in 15 states. If you consider only roads on the Federal Aid Highway system, the Indian road system has more miles than the state of California.

Unfortunately, Mr. President, many of the roads on the IRR system are among the worst in the nation. Of the 25,700 miles owned by BIA and Tribes, two thirds or 18,000 miles are not paved and 12,000 are unimproved dirt roads. Currently, 190 of the 740 bridges are listed as deficient, presenting serious safety concerns. The estimated backlog in road and bridge construction alone is $4 billion, and that doesn't even start to include transit needs. When roads are as bad as these, people can't get to work, children in school buses can't get to school, and seniors can't get to their doctors or hospitals.

Mr. President, in 1998, under the able guidance of the late Senator Chafee and Senator BAUCUS, Congress produced the Transportation Equity Act for the Twenty-First Century, or TEA-21. Through its many transportation programs, TEA-21 has already had major impacts on transportation, both highways and transit, in my state and around the country. The bill increased funding for state highway programs by an average of fifty percent above the levels in the previous six-year bill, ISTEA. Some states, because of population growth, are seeing increases of seventy, eighty and even ninety percent over the levels in ISTEA.

Unfortunately, funding for the Indian Reservation Roads Program did not receive the same magnitude of increase as TEA-21 provided for the states.

The full impact of TEA-21 on the Indian Road program has only recently become clear. In the last year of ISTEA, the program was funded at nearly $220 million. Now, under TEA-21, the authorization level was increased to $275 million, but for the first time, the program was subject to an obligation limitation, which reduces the funding this year by $35 million.

Thus, despite the massive infusion of transportation funding to the states, funding for Indian Country was inexplicably left behind. While the states averaged a fifty percent increase in annual highway funding, the tribes got less than half that—only about a twenty percent increase. Mr. President, though TEA-21 strived for equity in funding, we fell short of equity when it came to Native Americans.

Our bill is very simple. It provides a very narrow exemption to the obligation limitation in TEA-21 to assure that the full authorized amount, $275 million, is available to help meet critical transportation needs in Indian Country. The exemption would only apply to the remaining three years of TEA-21. A number of other programs in TEA-21 already have this exemption, and I believe that Congress should make good on its commitment to the tribes to provide the Indian Road Program the full amount authorized. This increase in funding would bring the program roughly up to parity with the increase that the state highway programs are already receiving in TEA-21.

Mr. President, I fully appreciate that a few Senators may have concerns about changing any aspect of the funding distribution in TEA-21. However, I believe a strong argument can be made in this unique case. First, nobody can dispute the incredible needs for transportation infrastructure in Indian Country, which suffers, as I said, a backlog of at least $4 billion. Second, the effect of our bill on all other highway programs in TEA-21, including state highway funding, is truly minimal; its impact amounts to only about one-tenth of one percent. Third, this is an issue of basic fairness. This change would provide both the states and the IRR roughly the same 50 percent increase in their transportation funding above the levels in ISTEA. And finally, I believe we made a commitment to the tribes when we authorized funding of $275 million. Congress should make good on that commitment.

In closing, I look forward to working with the distinguished Chairman of the Environment and Public Works Committee, Senator SMITH, and the Ranking Member, Senator BAUCUS, as well as with the Chairman of the Transportation and Infrastructure Subcommittee, Senator VOINOVICH, to correct this serious inequity in what is otherwise an outstanding transportation bill.

Mr. President, state highway departments recognize how important this program is to both the tribes and the states. I recently received a letter from Mr. Pete K. Rahn, Secretary of the New Mexico State Highway and Transportation Department. In his letter, Secretary Rahn indicates his support for this bill. He goes on to say that the department recognizes that the bill will result in a slight reduction in the federal funds, which flow directly to the state of New Mexico. However, he continues, the department also recognizes that the benefit realized by the state as a whole, by the substantial increase in funds to the state's tribes for road improvements, far outweigh this reduction. I want to thank Secretary Rahn for expressing his support for this bill.

I have a similar letter addressed to Senator BAUCUS from Connie Niva, Chair of the State of Washington Transportation Commission, along with a resolution in support of lifting the obligation limitation from the Indian Reservation Road Program.

Mr. President, I ask unanimous consent that the letter from Secretary Rahn, the letter and a resolution from the Washington Transportation Commission, letters from Mr. Kelsey A. Begaye, President of the Navajo Nation, and Mr. David McKinney, Executive Director of the Intertribal Transportation Association, and a resolution from the Affiliated Tribes of Northwest Indians be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NEW MEXICO STATE HIGHWAY
AND TRANSPORTATION DEPARTMENT,
Santa Fe, NM, February 21, 2000.

Hon. JEFF BINGAMAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR BINGAMAN: The purpose of this letter is to indicate my support for the bill that you and Senators Domenici and Baucus have introduced to exempt the Indian Reservation Road Fund from the obligation limitation by amending section 1102(b) of TEA-21 to include the IRR in the list of exceptions.

We recognize that this will result in a slight reduction in the federal funds, which will flow directly to the state of New Mexico. However, we also recognize that the benefit realized by the state as a whole, by the substantial increase in funds to the state's tribes for road improvements, far outweighs this reduction.

If you have any questions, or would like clarification on these matters please contact Richard Montoya of my staff.

Sincerely,

PETE K. RAHN,
Secretary.

STATE OF WASHINGTON,
TRANSPORTATION COMMISSION,
Olympia, WA, February 18, 2000.

Hon. MAX BAUCUS,
Ranking Minority Member, Senate Environment and Public Works Committee, Washington, DC.

DEAR SENATOR BAUCUS: The Washington State Transportation Commission has adopted enclosed Resolution No. 600 supporting Resolution #99-23 of the Affiliated Tribes of Northwest Indians (ATNI). The Commission joins with ATNI in recommending that the United States Congress remove the obligation ceiling limitation requirement of TEA-21 from the Indian Reservation Roads (IRR) Program.

This is an issue of vital concern to all tribes of Washington State, and it is an issue of fundamental fairness. When Congress enacted the Transportation Equity Act for the 21st Century (TEA-21) on June 9, 1998, it changes the way in which obligation limits were set for the IRR Program. Instead of having limits set at 100% of authorized levels as they were under previous highway acts, limitation for the IRR Program is now calculated similar to states. For tribes, the change has removed $90 million from their total authorization in the past three years, and an additional $120 million is expected to be lost during the remainder of the authorization period. While the total authorization for the state of Washington is similarly reduced, states have the opportunity to carry over unused authorizations to subsequent years. On the other hand, the authorized amounts deducted from the IRR Program are redistributed to states rather than back to the program. For the state of Washington, there is a net outflow of funding. More is lost from the IRR Program than the state receives back in redistributed authorization.

Thank you for considering this request of such great impact to the tribes of our state. If you have any questions, please call me.

Sincerely,

CONNIE NIVA,
Chair.

RESOLUTION NO. 600 OF THE WASHINGTON STATE TRANSPORTATION COMMISSION

Whereas, the Washington State Transportation Commission serves as the board of directors of the Washington State Department of Transportation, providing oversight to ensure the Department delivers quality transportation facilities and services in a cost-effective manner; and,

Whereas, the Washington State Transportation Commission also proposes policies, plans and funding to the legislature which will promote a balanced, inter-modal transportation system which moves people and goods safely and efficiently; and, Whereas, it is a policy objective of the Washington State Transportation Commission to cooperate and coordinate with public and private transportation partners so that systems work together cost effectively; and,

Whereas, there are 28 Indian tribal governments recognized by the federal government within the state of Washington; and,

Whereas, these tribal governments develop and improve the road systems for their communities with funding provided under the federal Indian Reservation Roads program; and,

Whereas, many state highways and local roads are linked directly to tribal road systems, providing access to Indian reservations, and recognized by the Bureau of Indian Affairs as public roads within the Indian Reservation Roads Program; and,

Whereas, it has been brought to the attention of the Commission that under the Intermodal Surface Transportation Efficiency Act of 1991, funding apportioned from the Highway Trust Fund to the Indian Reservation Roads Program was not subject to a limitation on obligations as is the case with distributions to states from the fund; and,

Whereas, the Commission further understands that funding authorized under the Transportation Equity Act for the 21st Century now subjects distributions to the Indian Reservation Roads Program to a limitation on obligations; and,

Whereas, as a result of this change in law, some $90 million in obligation authority vitally needed to reverse the deplorable condition of Indian Reservation Roads has been lost to Indian tribal governments than would otherwise have been distributed; and,

Whereas, this change in law adversely impacts the Indian Reservation Roads Program within the state of Washington; and,

Whereas, the Affiliated Tribes of Northwest Indians has by resolution, recommended removal of the obligation ceiling limitation requirement for the Indian Reservation Roads Program.

Now, therefore, be it *Resolved*, That Washington State Transportation Commission joins with the Affiliated Tribes of Northwest Indians in recommending removal of the obligation ceiling limitation requirement of TEA-21 from the Indian Reservation Roads Program.

Now, therefore, be it finally *Resolved*, That the Washington State Transportation Commission supports Resolution #99-23 of the Affiliated Tribes of Northwest Indians, adopted February 10, 1999, at their 1999 Winter Conference in Portland, Oregon.

Adopted this 17th day of February, 2000.

THE NAVAJO NATION,
Window Rock, AZ, February 23, 2000.

Re proposed legislation for the indian reservations roads program.

Hon JEFF BINGAMAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR BINGAMAN: I am submitting this letter on behalf of the Navajo Nation in support of your efforts to assist the Navajo Nation and Indian Country regarding the Indian Reservation Roads (IRR) Program. Particularly, the effort to correct the TEA-21, which has imposed an obligation limitation on the IRR Program. The obligation limitation would further underfund an important element in economic and community development on the Navajo Nation and Indian Country.

I thank you in advance for your continued support on issues affecting the Navajo Nation and Native Americans across the United States. If you have any additional questions on the IRR Program, please contact Mr. Paulson Chaco, Director of Navajo Nation Department of Transportation.

Sincerely,
KELSEY A. BEGAYE,
President.

INTERTRIBAL TRANSPORTATION ASSOCIATION, NATIONAL HEADQUARTERS,
Stillwater, OK, February 18, 2000.

Subject: Supporting Senator Bingaman's proposed legislation for the Indian reservation roads (IRR) program.

Mr. DAN ALPERT,
Office of Senator Bingaman,
Washington, DC.

The Intertribal Transportation Association is in support of Senator Bingaman's proposed Legislation that will assure that the Indian Reservation Roads (IRR) program is funded at the fully authorized level for the remaining three years of TEA-21.

Sincerely,
DAVID MCKINNEY,
Executive Director.

RESOLUTION NO. 99-23 OF THE AFFILIATED TRIBES OF NORTHWEST INDIANS

Whereas, the Affiliated Tribes of Northwest Indians (ATNI) are representatives of and advocates for national, regional, and specific Tribal concerns; and

Whereas, the Affiliated Tribes of Northwest Indians is a regional organization comprised of American Indians in the states of Washington, Idaho, Oregon, Montana, Nevada, northern California, and Alaska; and

Whereas, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of Affiliated Tribes of Northwest Indians; and

Whereas, transportation impacts virtually every aspect of a community, such as economic development, education, healthcare, travel, tourism, planning, land use and employment opportunities; and

Whereas, the Affiliated Tribes of Northwest Indians is aware that the Transportation Equity Act for the 21st Century (TEA-21) has been signed into law by the U.S. President and limits the obligation of Indian Reservation Road (IRR) funding to 90%; and

Whereas, the obligation ceiling limitation thus far has eliminated over $58 million from the IRR program which will lose another $31 million if the limitation is not removed in the FY 2000 appropriations Act; and

Whereas, this limitation is inconsistent with all prior transportation Acts, and seriously impacts the ability of Indian Tribes and the Bureau of Indian Affairs to provide the American Indian people with safe and decent access to health care, education, employment, tourism, and economic development; now

Therefore be it *resolved*, the Affiliated Tribes of Northwest Indians strongly recommends the U.S. Congress remove the obligation limitation contained in TEA-21 for the IRR program in its deliberations for the FY 2000 and subsequent Department of Transportation Appropriations Acts.

By Mr. KENNEDY:

S. 2094. A bill to amend the Energy Policy and Conservation Act to ensure that petroleum importers, refiners, and wholesalers accumulate minimally adequate supplies of home heating oil to meet reasonably foreseeable needs in the northeastern states; to the Committee on Energy and Natural Resources.

STABLE OIL SUPPLY (SOS) HOME HEATING ACT

● Mr. KENNEDY. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2094

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Stable Oil Supply (SOS) Home Heating Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) more than 35 percent of families in the northeastern United States depend on oil to heat their homes each winter, and most of those families have no practical alternative to paying the going price for heating oil or seeking public or private assistance to pay for heating oil;

(2) consumers experienced sudden and dramatic increases in prices for home heating oil during the winters of 1989, 1996, and 1999, causing hardship to families and other people of the United States, including people on fixed and low incomes, people living in rural areas, the elderly, farmers, truckers and the driving public, and governments that pay home heating oil bills;

(3) a substantial part of each sudden increase in home heating oil prices has been caused by vastly inadequate supplies of home heating oil accumulated during the summer, fall, and winter months by importers, refiners, and wholesalers; and

(4) increased stability in home heating oil prices is necessary to maintain the economic vitality of the Northeast.

(b) PURPOSE.—The purpose of this Act is to ensure that minimally adequate stocks of home heating oil are accumulated in the Northeast to meet reasonably foreseeable demand during each winter while protecting consumers from sudden increases in the price of home heating oil.

SEC. 3. DEFINITIONS.

Section 152 of the Energy Policy and Conservation Act (15 U.S.C. 6232) is amended—

(1) by redesignating paragraphs (2), (3), (4), (5), (6), (7), (8), (9), (10), and (11) as paragraphs (3), (4), (5), (8), (9), (10), (11), (12), (13), and (14);

(2) by inserting after paragraph (1) the following:

"(2) HOME HEATING OIL.—

"(A) IN GENERAL.—The term 'home heating oil' means distillate fuel oil.

"(B) INCLUSIONS.—The term 'home heating oil' includes No. 1 and No. 2 diesel and fuel oils.";

(3) by inserting after paragraph (5) (as redesignated by paragraph (1)) the following:

"(6) NORTHEAST.—The term 'Northeast' means the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, and New Jersey.

"(7) PRIMARY HEATING OIL INVENTORY.—

"(A) IN GENERAL.—The term 'primary heating oil inventory' means a heating oil inventory held by an importer, refiner, or wholesaler.

"(B) EXCLUSION.—The term 'primary heating oil inventory' does not include any inventory held by a retailer for the direct sale to an end user of home heating oil."; and

(4) by adding at the end the following:

"(15) WHOLESALER.—The term 'wholesaler' means any person that—

"(A) owns, operates, leases, or otherwise controls a bulk terminal having a total petroleum storage capacity of 50,000 barrels or more;

"(B) stores home heating oil; and

"(C)(i) resells petroleum products to retail businesses that market the petroleum products to end users; or

"(ii) receives petroleum products by tanker, barge, or pipeline.

"(16) WINTER SEASON.—The term 'winter season' means the months of November through March.".

SEC. 4. HOME HEATING OIL RESERVE FOR THE NORTHEAST.

Part B of the Energy Policy and Conservation Act (15 U.S.C. 6231 et seq.) is amended by inserting after section 157 the following:

"SEC. 157A. VOLUNTARY PLANS FOR HOME HEATING OIL RESERVE.

"(a) SUBMISSION AND DEVELOPMENT OF VOLUNTARY PLANS.—Importers, refiners, and wholesalers that hold primary heating oil inventories for sale to markets in the Northeast, acting individually or in 1 or more groups, should, for the purposes of ensuring stability in energy fuel markets and protecting consumers from dramatic swings in price—

"(1) develop voluntary plans, in consultation with interested individuals from nonprofit organizations and the public and private sectors, to maintain readily available minimum product inventories of heating oil in the Northeast, possibly in combination with the hedging of future inventories, to mitigate the risk of severe price increases to consumers and to reduce adverse impacts on the regional and national economies; and

"(2) submit the voluntary plans to the Secretary not later than 180 days after the date of enactment of this section.

"(b) CERTIFICATION AND REPORT.—

"(1) IN GENERAL.—If the Secretary determines that a plan submitted under subsection (a)—

"(A) is likely to achieve the purposes of this Act, the Secretary shall so certify, and the importer, refiner, or wholesaler shall implement the plan; or

"(B) is not likely to achieve the purposes of this section, the Secretary shall issue a statement explaining why the plan does not appear likely to achieve those purposes.

"(2) REPORT.—Not later than 240 days after the date of enactment of this section, the Secretary shall submit to Congress a report describing the findings and reasons for a certification or failure to certify a plan under this subsection.

"(c) DEFENSE TO ANTITRUST ACTIONS.—

"(1) IN GENERAL.—There shall be available as a defense to a civil or criminal action brought under the antitrust laws (or any similar State law) with respect to an action taken to develop and carry out a voluntary plan under subsection (a) by an importer, refiner, or wholesaler the fact that—

"(A) the action is taken—

"(i) in the course of developing the voluntary plan; and

"(ii) in the course of carrying out the voluntary plan, if the voluntary plan is certified by the Secretary under subsection (b);

"(B) the action is not taken for the purpose of injuring competition; and

"(C) the importer, refiner, or wholesaler is in compliance with this section.

"(2) LIMITATION.—Except in the case of an action taken to develop a voluntary plan, the defense provided in paragraph (1) shall be available only if the person asserting the defense demonstrates that the action was specified in, or within the reasonable contemplation of, a voluntary plan certified by the Secretary.

"(3) BURDEN OF PROOF.—A person interposing the defense under paragraph (1) shall have the burden of proof, except that the burden shall be on the person against which the defense is asserted with respect to whether an action is taken for the purpose of injuring competition.

"(d) REPORT.—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Secretary shall submit to Congress a report describing the results of the implementation of all voluntary plans certified under this section, including specific compliance by importers, refiners, and wholesalers that serve the Northeast market with respect to the adequacy of the home heating oil supply.

"(e) PLAN ADOPTED BY SECRETARY.—If, by the date that is 240 days after the date of enactment of this section, for each importer, refiner, and wholesaler in the Northeast, a certified plan is not implemented in accordance with subsection (b), the Secretary shall adopt and implement a plan in accordance with section 157B.

"SEC. 157B. HOME HEATING OIL RESERVE FOR THE NORTHEAST.

"(a) ESTABLISHMENT OF PRIVATE HOME HEATING OIL RESERVES.—If a certified plan described in section 157A is not implemented in accordance with that section for each importer, refiner, and wholesaler that stores home heating oil for sale in the Northeast, not later than 300 days after the date of enactment of this section, the Secretary shall establish a private home heating oil reserve for the Northeast in accordance with this section.

"(b) INVENTORY.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall periodically monitor supply levels as necessary to ensure that each importer, refiner, and wholesaler of home heating oil that stores home heating oil for sale in the Northeast shall have in inventory and readily available to refiners in the Northeast a quantity of home heating oil that the Secretary determines is equal to the quantity that each importer, refiner, or wholesaler may reasonably be expected to require to supply the needs of its customers during the present or following winter season without subjecting consumers to sudden price increases that are due in part to inadequate buildup of heating oil inventories.

"(2) LIMITATION.—The Secretary shall not require any importer, refiner, or wholesaler to store any product under paragraph (1) in a quantity greater than 95 percent of the average storage capacity for home heating oil reasonably available to the importer, refiner, or wholesaler during the preceding 2 years.

"(3) INCREASED INVENTORY.—If the Secretary determines that an inventory of home heating oil does not meet the requirement of under paragraph (1), the Secretary may direct an importer, refiner, or wholesaler to acquire, store, and maintain in readily available inventories any quantity of home heating oil that the Secretary determines to be necessary to supply heating oil needs in the Northeast without subjecting consumers to sudden price increases that are due in part to inadequate buildup of heating oil inventories.

"(4) REGULATIONS.—As soon as practicable after the date of enactment of this section, the Secretary shall promulgate regulations necessary to carry out this section, including regulations that—

"(A) authorize civil penalties to enforce this section; and

"(B) provide that the Secretary shall cooperate with State energy authorities in carrying out this section.

"(c) EXCESS INVENTORY.—At the end of each winter season, the Administrator of the Environmental Protection Agency shall take appropriate and reasonable action to enable importers, refiners, and wholesalers of home heating oil to sell any remaining excess inventories of heating oil that the importers, refiners, and wholesalers may have.

"(d) IMPLEMENTATION.—In implementing this section, the Secretary shall ensure, to the maximum extent practicable, that the manner of implementation supports the maintenance of an economically sound and competitive petroleum industry.

"(e) REPORT.—Not later than 1 year after the implementation of a plan under this section, the Secretary shall submit to Congress a report describing the results of the implementation of the plan, including specific compliance by importers, refiners, and wholesalers in the Northeast with respect to home heating oil supply buildup.".●

By Mrs. FEINSTEIN:

S. 2095. A bill to provide for the safety of migrant seasonal agricultural workers; to the Committee on Health, Education, Labor, and Pensions.

THE FARM WORKER TRANSPORTATION SAFETY ACT

Mrs. FEINSTEIN. Mr. President. I rise to introduce legislation to give farm workers what so many of us take for granted—a safe commute to work.

Today, many farm workers are still being transported to fields in crowded vans lacking basic safety equipment. There are reports of vans originally designed for 10 people, transporting up to 20 passengers with no access to seat belts. People should not have to put their lives at risk to travel to a job site.

According to the latest United States Department of Labor statistics, farm occupations have the second highest work-related fatalities, and 45 percent of these fatalities are vehicular related.

Nationally, 533 farm workers were killed in transportation incidents between 1994 and 1998. And farm workers are 4 times more likely to be killed in on-the-job highway traffic accidents than a typical worker.

The following are just a few of the recent accidents involving farm workers traveling in vehicles without seatbelts.

Just two weeks ago, on February 10, 14 people were injured when a car ran a stop sign and crashed into a van carrying farm workers in Tulare County, California. Authorities cited the driver of the van three months ago for illegally transporting workers—but at the time of the accident, he still had not received certification to transport workers.

On September 10, 1999, 13 people were injured south of Fresno when an unlicensed van driver failed to stop for a posted stop sign and collided with another car. The van had seven seats—all with seatbelts—but four passengers were seated on the floor.

On August 9, 1999, thirteen tomato field workers were killed when the van transporting them home slammed into a tractor-trailer truck in rural southwest Fresno County, California. Most of the victims in this horrific crash rode on three bare benches in the back of the van.

On July 23, 1999, one man was killed and more than 40 people injured when a big-rig crashed into a Greyhound bus and a farm worker van on Highway 99 in Tulare County, California. The victim rode in the farm-labor van, packed with 19 other passengers.

This is a national problem which calls for Federal action. Farm workers live all over the country, and have work that frequently carries them across state lines.

Unfortunately, existing Federal laws leave farm workers inadequately protected.

Regulations issued under the Migrant and Season Agricultural Worker Protection Act (MSPA) prohibit transport of migrant workers unless the vehicles have adequate service brakes, parking brakes, steering mechanisms, windshield wipers, tires, and review mirrors. But, believe it or not, the law does not mandate seating positions or an operational seatbelt for each passenger.

The Farm Worker Safety Transportation Act of 2000 will make it illegal to transport farm workers unless each passenger has a designated seat with an operational seatbelt. This applies no matter how the vans are purchased or modified.

Federal law now requires vans manufactured with up to 10 passenger seats to have operational seatbelts for each seat. However, after a new van is sold to its first owner, the owner can legally remove the rear seats and install bare benches. Similarly, Federal law permits an individual to purchase a van with an empty cargo hold and install benches without seatbelts.

The legislation will direct the Department of Transportation to develop interim seat and seatbelt standards for vans or trucks without seats that are converted for the transport of farm workers.

After a seven-year transition period, the commercial vehicles that transport farm workers will have to meet the same seat and seatbelt standards as a new vehicles.

A farm worker should have access to a safe commute whether he or she is traveling to a field in Arizona, California, Washington, or Florida.

I look forward to working with my colleagues to enact this sensible, practical legislation that will save lives.

By Mr. BAYH:

S. 2096. A bill to amend the Internal Revenue Code of 1986 to provide an income tax credit to long-term caregivers; to the Committee on Finance.

THE CAREGIVERS ASSISTANCE AND RESOURCES ENHANCEMENT (CARE) TAX CREDIT ACT

Mr. BAYH. Mr. President, America is aging—we are all living longer and generally healthier and more productive lives. In the next 30 years, the number of Americans over the age of 65 will double. For most Americans this is good news. However, for some families aging comes with unique financial obstacles. More and more middle income families are forced to choose between providing educational expenses for their children, saving for their own retirement, and providing medical care for their parents and grandparents. When a loved one becomes ill and needs to be cared for nothing is more challenging then deciding how the care they need should be provided. Today, I rise to make that decision easier and to strengthen one option for long-term care—caring for a loved one at home.

The bill I introduce today, the Care Assistance and Resource Enhancement Tax Credit, provides caregivers with a $3,000 tax credit for the services they provide. I am introducing this bill in order to encourage families to take care of their loved ones, make it more affordable for seniors to stay at home and receive the care they need, and save the government billions of dollars currently spent on institutional care. Through this tax credit we accomplish all that while emphasizing family values.

There are over 22 million people providing unpaid help with personal needs or household chores to a relative or friend who is at least 50 years old. In Indiana alone, there are 568,300 caregivers. They do this work without any compensation. They do not send the government a bill for their services or get reimbursed for their expenses by a private company. They do it because they care. As a result of their compassion, the government saves billions of dollars. For example, the average cost of a nursing home is $46,000 a year. The government spent approximately $32 billion in formal home health care costs and $83 billion in nursing home costs. If you add up all the private sector and government spending on long-term care it is dwarfed by the amount families spend caring for loved ones in their homes. As a study published by the Alzheimers Association indicated, caregivers provide $196 billion worth of care a year.

I held a field hearing in my state, Indiana, last August to discuss ways to make long-term care more affordable. At this hearing I heard from three caregivers who are providing care for a family member. Mrs. Linda McKinstry takes care of her husband who had been diagnosed with Alzheimers two years ago. Mr. and Mrs. Cahee are caregivers for Mr. Cahee's mother who also has Alzheimers. They all echoed the need for financial relief and support services. They spoke of the financial and emotional stress associated with taking care of a loved one. After hearing their stories, it became clear that their efforts are truly heroic and we should be doing all that we can at the federal level to provide the support they need to keep their families together.

At a time when people are becoming skeptical of the government, Congress needs to help people meet the challenges they face in their daily lives. This tax credit does that. It will serve 1.2 million older Americans, over 500,000 non-elderly adults, and approximately 250,000 children a year. I encourage you to take notice of the work done by caregivers and join me in supporting this legislation and giving caregivers the gratitude they deserve.

Thank you, Mr. President.

By Mr. MURKOWSKI (for himself and Ms. LANDRIEU):

S. 2098. A bill to facilitate the transition to more competitive and efficient electric power markets, and to ensure electric reliability; to the Committee on Energy and Natural Resources.

ELECTRIC DEREGULATION LEGISLATION

Mr. MURKOWSKI. Mr. President, I rise to introduce an electric deregulation bill, which it is my sincere hope will reduce the burdens on our electric ratepayers and consumers throughout this country by promoting competition and reliability in the electric power industry.

First, let me say competition isn't the goal of the legislation. Instead, competition is the means to achieve the goal of assuring customers reliable and reasonably-priced electricity.

We have seen the benefits of competition in other industries such as natural gas, telecommunications, trucking, and even in the airlines. In each case, competition reduced prices. That was the objective—to enhance supply and to encourage innovation.

There is every reason to expect that competition in the electric industry will benefit consumers. The Department of Energy agrees. It is projecting consumer savings in the area of $20 billion per year. That is not hay. That would be a significant savings to the consumers in this country, particularly important at a time when we are seeing spiking rates in oil, high gasoline prices, high heating oil prices, and high diesel fuel prices, as noted by the trucking industry that recently demonstrated here in Washington, DC. Heating oil prices are spiraling in the Northeast corridor.

We are talking about, through electric deregulation, trying to bring about consumer savings of $20 billion per year or more. Progress has already been made in this area, both in retail competition and wholesale competition because there has been innovation. Twenty-four States have already adopted retail competition. That covers nearly 60 percent of our consumers. All other States are now giving it consideration. As a consequence of the innovation of the States, we are now seeing retail competition becoming a reality.

The Federal Energy Regulatory Commission has created wholesale competition in the interstate market through Order 888.

The legislative task we face—I, as chairman of the Energy and Natural Resources Committee, and my colleagues on that committee, both the minority and the majority—will be significant. We look forward to the task ahead. It will call for the examination of this bill, as a comprehensive bill, to try to address the various concerns, as well as take up the other bills.

However, I recognize there will be certain areas on which we will not be able to reach agreement. We can set them aside and proceed on what we can agree on, then go back one more time and look at those items we are still hung up on to see if we can generate any consensus. At that point, we can see what we have. Hopefully, it will be still meaningful.

As I said, the legislative task before the Senate is building on the progress that has been made with the States, not halting State progress on retail competition, and not interfering with the FERC process on wholesale competition.

The question is: How do we get there from here? How do we move the electric power industry from regulation to competition? Some argue we should preempt the States; I don't think so. Some say that we should substitute FERC regulation for State regulation; I don't think so. Others have the theory that one size fits all; I don't think so.

I think the States and the innovative attitudes coming out of the States indicate that one size does not fit all. We do not want to simply substitute one regulation for another. That is not deregulation. If that is done, it is just "different" regulation. Moreover, what may work in one State undoubtedly won't work in another State and the consumers would be harmed.

To me, the answer is obvious. For consumers to enjoy the benefits of competition, we have to let the free market system work. We have seen that time and time again. We must stop having regulators pick the winners and losers, regulators making decisions that should be made in the marketplace.

I have long said the best way to move toward market competition is to deregulate in those areas we can, streamline what we cannot deregulate, and facilitate States moving forward on retail competition.

I would prefer deregulating the entire electric power industry. However, I recognize some regulation must remain because it is necessary to protect consumers. Traditionally, States have regulated retail matters directly affecting consumers and FERC has regulated matters in interstate commerce. The legislation I introduce today retains this traditional division of authority between the States and FERC.

I believe that where regulation is necessary, it should be pursued by the unit of government that is closest to the consumer. The government that is closest to the citizen, is the government that will be the most responsive to citizens. Citizens go down to city hall; citizens will go down to the legislative body. That is where citizens are closest to their government, and those are the people to whom taxpayers can reach out and hold responsible—or wring their neck if necessary.

I believe that FERC should only regulate that which cannot be regulated by States because it is in interstate commerce. I repeat that: In my opinion, as represented in this bill, FERC should regulate only that which cannot be regulated by States because it is in interstate commerce.

I will highlight the important provisions of the legislation I have introduced today. One key element is the creation of a clear division of responsibility between the States and the Federal Government. States are responsible for retail matters affecting consumers in their State, including retail competition, and FERC is responsible for interstate matters, including wholesale competition. By creating this jurisdictional "bright line," so to speak, I think we will clear up the current confusion in the jurisdiction that has resulted in litigation which is slowing down progress on competition. In the future, if there is a problem, we will know whom to hold responsible.

Oftentimes in this business, accountability is pretty hard to find. We have designed this so we will be able to hold those responsible for their actions, and they will not be able to hide under a rock.

This legislation also includes provisions that will protect electric reliability which is so important to consumers in our economy.

I am pleased to say Senator LANDRIEU is joining me in this bipartisan legislation. The Senator from Louisiana has been very diligent in our Energy Committee.

The legislation protects electric reliability in two ways: First, it creates a comprehensive, reliability organization that has clear enforcement authority. This will help in the short term. Second, by promoting competition, it ensures reliability over the long run, because the market will respond to consumer needs.

The legislation also includes provisions to ensure that States and State public utility commissions will continue to be fully able to protect consumers.

The legislation has provisions which will provide access to all interstate transmission lines, not just those covered by investor-owned utilities. Removing gaps in transmission access will promote competition in the wholesale power market.

The legislation also addresses a number of other important issues including PURPA repeal, PUHCA repeal, assuring funding for nuclear power plant decommissioning, and authority to construct new transmission lines.

There are other important issues that need to be addressed during the legislative process. For example, we need to look at ways to streamline and speed up the merger review process. Utilities are rightfully distressed that FERC's process is far too cumbersome, takes far too long to complete, and as a consequence is far too expensive. And these costs are just passed on to consumers. FERC is retained to do their analysis and make their decisions in a timely manner. These drawn out decisions, for all practical purposes, are simply allowing full employment for far too many lawyers.

We also need to consider the creation of a universal service fund, similar to that which Congress included in the telecommunications legislation. This would help areas of the United States which do not yet have access to reliable and affordable electricity. Yes, there are regions in the United States where electricity is not taken for granted. My State of Alaska is one.

There is a related tax issue which must also be addressed in the context of comprehensive legislation. That is the tax-exempt municipal bond issue, creating a level competitive playing field between investor-owned utilities and municipally-owned utilities.

Because this is important to both municipally-owned and investor-owned utilities, I will talk about the problem for a moment. First, under the U.S. Tax Code, municipally-owned utilities can issue tax-exempt bonds to build new generation, transmission, and distribution facilities, but investor-owned utilities cannot issue tax-exempt bonds for these purposes. This gives municipally-owned utilities a taxpayer-provided competitive advantage to the extent they are able to use the facilities built with tax-exempt bonds to compete against private power which cannot use tax-exempt bonds.

On the flip side, under the Tax Code, municipal tax-exempt bonds are subject to a private-use limitation. This means that if municipal utilities go too far in competing against private utilities, if they exceed their "private use" limitation allowed by the IRS, their bonds are subject to retroactive taxation. This limits the ability of municipal utilities to compete in the market. I assume we will hear from them on that. There has to be some equity in this process.

The bottom line? We have a Tax Code that is not consistent with today's competitive environment. Both municipal utilities and private utilities are at risk. The issue must be addressed. It is not necessarily part of the legislation I am introducing today because the Tax Code issue is before the Finance Committee. I admit I am a member of that committee. Both the administration and Senator GORTON have legislative proposals pending before the Finance Committee.

But I call, finally, upon industry—private power and public power—to come and try to work out their differences on this and to bring Congress a compromise proposal that both sides can live with because it is something that simply has to be addressed. It is better to have the parties resolve it than have a dictate from the Congress.

There are other issues of regional consideration that will need to be addressed as part of comprehensive legislation. We need to resolve the role of the Federal power marketing administrations in the marketplace, including the Bonneville Power Administration. We also need to address the role of one of the largest utilities in the United States, the TVA.

I look forward to working with Senators from the Northwest—I see one on the floor—to address the Bonneville Power Administration issue, and the Senators from the South to address the Tennessee Valley Authority issue. I am convinced by promoting competition and protecting reliability this legislation will benefit the consumers, the economy, and our international competitors.

I, again, thank Senator LANDRIEU of Louisiana for cosponsoring this legislation.

To reiterate, I rise to introduce legislation to promote competition in the electric power industry. This legislation is bipartisan, it is cosponsored by Senator LANDRIEU.

Let me first say that competition is not the goal of this legislation. Instead, competition is the means to achieve the goal of assuring consumers reliable and reasonably-priced electricity.

We have seen great benefits from bringing competition to other industries such as natural gas, telecommunications, trucking and airlines. In each case, competition reduced prices, enhanced supply and encouraged innovation. There is every reason to expect that increased competition in the electric power industry will likewise benefit consumers. The Department of Energy agrees. It has projected consumer savings of $20 billion per year.

Great progress has already been made in both retail competition and wholesale competition. To date, retail competition programs have been adopted by 24 States, which cover 60 percent of U.S. consumers. All of the remaining States are now considering what kind of retail program would best meet their local needs. Competition has been brought to the interstate wholesale market through the enactment of the Energy Policy Act of 1992 and FERC's subsequent issuance of Orders No. 888 and 889.

So the legislative task facing Congress is to build on this progress, not to halt State progress on retail competition or to interfere with FERC progress on wholesale competition.

The question is: How do we get there from here? How do we move the electric power industry from regulation to competition? Should we preempt the States and substitute Federal regulation for State regulation, as some argue? Or should we instead deregulate to allow the market to operate?

To me the answer is obvious: Competition must be market-based, not government-run. We must stop having regulators pick winners and losers, making decisions that ought to be made by the marketplace. Substituting one regulator for another—Federal for State—is not deregulation. It's just different regulation. Creating a one-size-fits-all Federal solution may work in some States, but it will not work in all States. For the market to work and for consumers to enjoy the benefits of competition, we need to free the market from undue government interference.

I have long said that the best way to move toward market competition is to deregulate what we can, streamline what we cannot deregulate, and to facilitate States moving forward on retail competition.

While I would like to deregulate the entire electric power industry, I recognize that some regulation will remain necessary to protect consumers. Where regulation is necessary, I believe that it should be performed by the unit of government closest to the consumer. However, where the matter to be regulated is in interstate commerce, FERC must be the regulatory agency. Traditionally, States have regulated retail matters directly affecting consumers, and the FERC has regulated wholesale sales and transmission in interstate commerce. The legislation I am today introducing retains this traditional division of authority between the States and the FERC.

I will now outline the key provisions of the legislation.

One key element of this legislation is the creation of a clear division of authority between the States and the Federal government. The legislation makes it clear that States are responsible for retail matters affecting consumers in their State, and the FERC is responsible for interstate matters. Thus, States will continue to be responsible for retail competition, and the FERC will continue to be responsible for wholesale competition.

This clarification is necessary because when the Federal Power Act was created in 1935, Congress did not foresee the current market and industry structure. As a result, there are now ambiguities as to the split in jurisdiction between the States and the Federal government. This has resulted in uncertainty and increasing litigation. Creating a jurisdictional "bright line" will help both States and the FERC move forward with their efforts to promote competition in their respective jurisdictions. Moreover, by creating clear lines of accountability, if things don't work right we will know exactly where to point the finger.

Another major aspect of this legislation is that it will protect the reliability of our electric power system. The legislation does so in two different ways. First it creates a grid-wide reliability organization that is given the enforcement authority necessary to assure reliability. The language in the legislation is the industry-supported North American Electric Reliability Council proposal, plus additional reliability provisions proposed by Western Governors, State public utility commissions and State energy officials. However, as much as this new organization will help ensure reliability, it is not the long-term solution. The real solution is to promote competition, and that can only be accomplished though comprehensive legislation such as this.

This legislation also includes provisions to provide access to all interstate transmission lines, not just those owned by investor-owned utilities. Under the Federal Power Act, Federally-owned utilities, State-owned utilities, municipally-owned utilities and cooperatively-owned utilities are all exempt from FERC's nondiscriminatory open access transmission program. These exempt utilities do not have to provide access to the transmission grid which adversely affects competition in the interstate wholesale power market. This legislation corrects that problem.

Another important aspect of this legislation is its confirmation that States are not prevented from protecting consumers on a variety of retail matters such as: distribution system reliability; safety; obligation to serve; universal service; assured service to low-income, rural and remote consumers; retail seller performance standards; and protection against unfair business practices.

There are similar provisions which confirm that States are not prevented from imposing a public interest charge to fund State programs such as: ensuring universal electric service, particularly for consumers located in rural and remote areas; environmental programs, renewable energy conservation programs; providing recovery of industry transition costs; providing transition costs for electricity workers hurt by restructuring; and research and development on electric technologies.

By including these provisions, my legislation will ensure that States and State public utility commissions are fully capable of protecting consumers and promoting the public interest.

The legislation also contains a number of other important provisions including repeal of PURPA's mandatory purchase requirement, repeal of PUHCA and assuring funding for nuclear power plant decommissioning.

One provision in this legislation that I expect to be controversial is eminent domain authority to construct new interstate transmission lines. The provisions of the bill make this construction authority available in situations where there is a regional transmission planning process that provides for full public input, and is reviewed and approved by the FERC; and the transmission project cannot otherwise be constructed either because the State does not have the necessary authority, or because the State has delayed action for more than one year; and the FERC, through a formal public process with all legal rights protected, finds that the new transmission line is in the public convenience and necessity.

When authorizing this construction, the legislation gives the FERC full authority to impose any requirements that are necessary to protect the public interest.

You might ask: Why include such a potentially controversial provision? There are three reasons.

The first reason is supply. We must have transmission lines if we are going to get electricity to consumers and industry. It is a simple fact of physics that you can't move electricity without power lines.

The second reason is market power. As you know, market power exists where there is more demand than an existing transmission line can handle—a bottleneck. There are two possible ways to address a bottleneck. The first is full regulation of the bottleneck transmission facility, with regulators picking the winners and losers. But that does not solve the problem, it just allocates the problem. The other is the free market approach. Let those who want to move their electric power to market build a new transmission line around the bottleneck—or at least have a credible threat to build if the owner of the bottleneck transmission line does not offer them a fair deal.

The third reason is reliability. Based on events over that past several years, it is clear that we need to enhance our transmission system if we are going to meet consumer needs during peak periods of demand.

For those who think eminent domain is a brand-new idea for energy facilities—it isn't. The Federal Power Act already gives Federal eminent domain for hydroelectric dams and their associated electric transmission lines. Similarly, the Natural Gas Act gives Federal eminent domain for interstate natural gas pipelines. If it works for interstate natural gas pipelines, it will work for interstate electric transmission lines.

Turning now to regional transmission organizations, the legislation I am today introducing retains the RTO provisions that were in my draft bill. While Order No. 2000 has many good aspects—its voluntary nature, flexibility, open architecture and transmission incentives—it does have some serious deficiencies. I am especially concerned about two key issues.

First, Order No. 2000 prohibits any active ownership of the RTO by a utility or market participant after a five year transition period. Oddly, this applies even to someone who only owns transmission. Clearly, this will discourage participation in RTOs by transmission owners.

Second, by denying transmission owners the ability to design and file complete transmission rates with FERC, Order No. 2000 creates confusion at best, and at worst it may deny transmission owners their rights under law to recover all of their prudently incurred costs.

If these and other deficiencies are not corrected, FERC Order No. 2000 may be litigated for years, creating great uncertainty in RTO formation. In light of the increasing concerns about grid reliability, delay in RTO formation would be particularly troublesome as Order No. 2000 makes RTOs directly responsible for short-term reliability.

Let me mention some significant matters that need to be addressed during the legislative process.

For example, there is the important issue of streamlining and speeding up the FERC merger review process. Utilities are rightfully distressed that FERC's process takes far too long and is much too cumbersome.

We also need to consider the creation of a universal service fund—similar to that which Congress included in the telecommunications legislation. This would help areas which do not have access to reliable and affordable electricity. And yes, there are regions of the United States where electricity is not taken for granted.

Another controversial issue that we must deal with in the context of comprehensive legislation is the tax-exempt municipal bond issue, creating a level competitive playing field between investor-owned utilities and municipally-owned utilities. Under the U.S. Code municipally-owned utilities can issue tax-exempt bonds to build new generation, transmission and distribution facilities, but investor-owned utilities cannot issue tax-exempt bonds for these purposes. This gives municipally-owned utilities a taxpayer-provided competitive advantage to the extent they are able to use facilities built with tax-exempt bonds to compete against private power—who cannot use tax-exempt bonds in the same way. But on the flip-side—under the tax code municipal tax-exempt bonds are subject to a "private use" limitation. This means that if municipal utilities go too far in competing against private utilities—if they exceed their "private use" limitation allowed by the IRS regulation—then their bonds are subject to retroactive taxation. This limits the ability of municipal utilities to compete in the market. The bottom line? We have a tax code that is not consistent with today's competitive environment, putting both municipal utilities and private utilities at risk.

Although this issue must be addressed, it is not a part of the legislation I am introducing because it is a tax code issue that is now before the finance committee. Both the Administration and Senator GORTON have legislative proposals pending before the finance committee. I call upon the industry—private power and public power—to work out their differences and to bring Congress a compromise proposal—that both sides can live with.

There are also a number of other regional issues that will need to be addressed as a part of comprehensive legislation. For example, we need to resolve the role of the Federal power marketing administrations in he marketplace—including the Bonneville Power Administration. We also need to address the role of one of the largest utilities in the United States—the Tennessee Valley Authority.

I am convinced that by promoting competition in the electric power industry and by addressing the reliability issue, this legislation will benefit consumers, our economy and our international competitiveness. Like the Secretary of Energy, I believe that it is now time to move forward with legislation. I hope that my colleagues agree.

By Mr. REED:

S. 2099. A bill to amend the Internal Revenue Code of 1986 to require the registration of handguns, and for other purposes; to the Committee on Finance.

HANDGUN SAFETY AND REGISTRATION ACT OF 2000

• Mr. REED. Mr. President, I rise today to introduce the Handgun Safety and Registration Act of 2000, which would enable law enforcement agencies nationwide to more easily trace handguns used in crime, and provide background checks and registration by law enforcement of all primary and secondary transfers of handguns, including retail sales, Internet sales, gun shows, and all other private transfers.

This legislation is supported by Handgun Control, Inc., the Violence Policy Center, the NAACP, and Physicians for Social Responsibility.

Many Americans are unaware that there is a successful federal weapons registration system already in place under the 1934 National Firearms Act (NFA). The NFA requires registration of all machine guns, short-barrel shotguns and short-barrel rifles, silencers, bombs, grenades, and other specialized weapons. The NFA is successfully and efficiently administered by the Department of the Treasury's Bureau of Alcohol, Tobacco and Firearms (ATF).

The Handgun Safety and Registration Act would require the registration of all handguns under the NFA within one year of enactment. I know some of my colleagues may question why this bill is needed. First, the bill would help law enforcement more effectively trace handguns used in crime by making registration data available on-line to state and local law enforcement agencies. Tracing methods used today are extremely cumbersome and favor the criminal over the police. When a gun used to commit a crime is recovered, a state or local law enforcement agency contacts ATF with the name of the manufacturer and the serial number of the handgun—if it has not been removed by the criminal. ATF in turn contacts the manufacturer, which provides the name of the wholesale or retail dealer to whom the handgun was sold. ATF then contacts the dealer to obtain the name of the individual or another retail dealer who purchased the handgun.

All too often, this is where the trail goes cold, and another gun crime may go unsolved. If the individual handgun owner has sold the gun to another person in a private sale, there is no way for law enforcement to follow the path of the handgun without time-consuming detective work and a good deal of luck. Subsequent private transfers or gun show sales are similarly unrecorded, making law enforcement's job even more difficult. Even before the first retail sale, law enforcement is completely dependent upon the record keeping of gun manufacturers and gun dealers to follow the trail of a handgun from manufacture to criminal use. There is no law enforcement database of handgun production or sales in the United States. The Handgun Safety and Registration Act would give the advantage back to the police by making handgun registration data available to law enforcement in an easily accessible format.

Mr. President, in addition to improving law enforcement's tracing capabilities, the Handgun Safety and Registration Act would help prevent handguns from ending up in the possession of people who are likely to commit gun crimes. The bill would require registration of all handguns, including those currently in private possession, and would make it a felony for any person to transfer a handgun to another individual without prior law enforcement approval. As it currently does for all NFA weapons, ATF would conduct a background check on the transferee through the National Crime Information Center (NCIC), the Treasury Enforcement Communications System (TECS), and the National Law Enforcement Tracking System (NLETS). This would provide a clear incentive for all handgun owners and dealers to exercise great caution when they choose to sell or otherwise transfer a handgun to another person.

It is my hope that by requiring registration of all handguns under the National Firearms Act, we can give law enforcement officials the tools to conduct faster and more reliable tracing of handguns used in crime, and prevent handguns from falling into criminal hands in the first place. The Handgun Safety and Registration Act of 2000 would accomplish these goals without restricting in any way the possession or sale of hunting rifles or shotguns used by law-abiding sportsmen across the country.

I encourage my Senate colleagues to support this important legislation as we seek effective ways to help law enforcement reduce gun violence in America.•

By Mr. EDWARDS (for himself, Mr. LAUTENBERG, and Mr. TORRICELLI):

S. 2100. A bill to provide for fire sprinkler systems in public and private college and university housing and dormitories, including fraternity and sorority housing and dormitories; to the Committee on Health, Education, Labor, and Pensions.

COLLEGE FIRE PREVENTION ACT

• Mr. EDWARDS. Mr. President, today with my colleagues Senator LAUTENBERG and Senator TORRICELLI, I introduce the College Fire Prevention Act. This measure would provide federal matching grants for the installation of fire sprinkler systems in college and university dormitories and fraternity and sorority houses.

Mr. President, the tragic fire that occurred at Seton Hall University on Wednesday, January 19th of this year will not be long forgotten. Sadly, three freshman, all 18 years old, died. Fifty-four students, two South Orange firefighters and two South Orange police officers were injured. The dormitory, Boland Hall, was a six-story, 350 room structure built in 1952 that housed approximately 600 students. Astonishingly, the fire was contained to the third floor lounge of Boland Hall. This dormitory was equipped with smoke alarms but no sprinkler system.

Unfortunately, the Boland Hall fire was not the first of its kind. And it reminded many people in North Carolina of their own tragic experience with dorm fires. In 1996, on Mother's Day and Graduation Day, a fire in the Phi Gamma Delta fraternity house at the University of North Carolina at Chapel Hill killed five college juniors and injured three others. This fraternity house was 70 years old. The National Fire Protection Association identified several factors that contributed to the tragic fire, including the lack of fire sprinkler protection.

Sadly, there have been countless other dorm fires. On December 9, 1997, a student died in a dormitory fire at Greenville College in Greenville, Illinois. The dormitory, Kinney Hall, was built in the 1960s and had no fire sprinkler system. On January 10, 1997, a student died at the University of Tennessee at Martin. The dormitory, Ellington Hall, had no fire sprinkler system. On January 3, 1997, a student died in a dormitory fire at Central Missouri State University in Warrensburg, Missouri. On October 21, 1994, five students died in a fraternity house fire in Bloomsburg, Pennsylvania. The list goes on and on. In a typical year between 1980 and 1997, the National Fire Protection Association estimates there were an average of 1,800 fires at dormitories, fraternities, and sororities, involving 1 death, 69 injuries, and 8.1 million dollars in property damage.

So now we must ask, what can be done? What can we do to curtail these tragic fires from taking the lives of our children . . . our young adults? We should focus our attention on the lack of fire sprinklers in college dormitories and fraternity and sorority houses. Sprinklers save lives. Indeed, the National Fire Protection Association has never recorded a fire that killed more than 2 people in a public assembly, educational, institutional, or residential building where a sprinkler system was operating properly.

Despite the clear benefits of sprinklers, many college dorms do not have them. New dormitories are generally required to have advanced safety systems such as fire sprinklers. But such requirements are rarely imposed retroactively on existing buildings. In 1997, over 90 percent of the campus building fires reported to fire departments occurred in buildings where there were smoke alarms present. However, only 28 percent of them had fire sprinklers present.

At my state's flagship university at Chapel Hill, for example, only six of the 29 residence halls have sprinklers. A report published by The Raleigh News & Observer in the wake of the Seton Hall fire also noted that only seven of 19 dorms at North Carolina State University are equipped with the life-saving devices, and there are sprinklers in two of the 10 dorms at North Carolina Central University. At Duke University, only five of 26 dorms have sprinklers.

Mr. President, the legislation I introduce today authorizes the Secretary of Education, in consultation with the United States Fire Administration, to award grants, on a competitive basis, to States, private or public colleges or universities, fraternities, or sororities to assist them in providing fire sprinkler systems for their student housing and dormitories. These entities would be required to produce matching funds equal to one-half of the cost. This legislation authorizes $100 million for fiscal years 2001 through 2005.

In North Carolina, we decided to initiate a drive to install sprinklers in our public college and university dorms. The overall cost is estimated at $57.5 million. Given how much it is going to cost North Carolina's public colleges and universities to install sprinklers, I think it's clear that the $100 million that this measure authorizes is just a drop in the bucket. But my hope is that by providing this small incentive we can encourage more colleges to institute a comprehensive review of their dorm's fire safety and to install sprinklers. All they need is a helping hand. With this modest measure of prevention, we can help prevent the needless and tragic loss of young lives.

Mr. President, parents should not have to worry about their children living in fire traps. When we send our children away to college, we are sending them to a home away from home where hundreds of other students eat, sleep, burn candles, use electric appliances and smoke. We must not compromise on their safety. As the Fire Chief from Chapel Hill wrote me: "Parents routinely send their children off to college seeking an education unaware that one of the greatest dangers facing their children is the fire hazards associated with dormitories, fraternity and sorority houses and other forms of student housing. . . . The only complete answer to making student-housing safe is to install fire sprinkler systems." In short, the best way to ensure the protection of our college students is to install fire sprinklers in our college dormitories and fraternity and sorority houses. My proposal has been endorsed by the National Fire Protection Association and the College Parents of America. I ask all of my colleagues to join me in supporting this important legislation. Thank you.

Mr. President, I ask unanimous consent that a copy of the legislation, the letters of support and a partial list of fatal college fires be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2100

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "College Fire Prevention Act."

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) On Wednesday, January 19, 2000, a fire occurred at a Seton Hall University dormitory. Three male freshmen, all 18 years of age, died. Fifty-four students, 2 South Orange firefighters, and 2 South Orange police officers were injured. The dormitory was a 6-story, 350-room structure built in 1952, that housed approximately 600 students. It was equipped with smoke alarms but no fire sprinkler system.

(2) On Mother's Day 1996 in Chapel Hill, North Carolina, a fire in the Phi Gamma Delta Fraternity House killed 5 college juniors and injured 3. The 3-story plus basement fraternity house was 70 years old. The National Fire Protection Association identified several factors that contributed to the tragic fire, including the lack of fire sprinkler protection.

(3) It is estimated that in a typical year between 1980 and 1997, there were an average of 1,800 fires at dormitories, fraternities, and sororities, involving 1 death, 69 injuries, and $8,100,000 in property damage.

(4) Within dormitories the number 1 cause of fires is arson or suspected arson. The second leading cause of college building fires is cooking, while the third leading cause is smoking.

(5) The National Fire Protection Association has no record of a fire killing more than 2 people in a completely fire sprinklered public assembly, educational, institutional, or residential building where the sprinkler system was operating properly.

(6) New dormitories are generally required to have advanced safety systems such as fire sprinklers. But such requirements are rarely imposed retroactively on existing buildings.

(7) In 1997, over 90 percent of the campus building fires reported to fire departments occurred in buildings where there were smoke alarms present. However, only 28 percent had fire sprinklers present.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act $100,000,000 for each of the fiscal years 2001 through 2005.

SEC. 4. GRANTS AUTHORIZED.

(a) PROGRAM AUTHORITY.—The Secretary of Education, in consultation with the United States Fire Administration, is authorized to award grants, on a competitive basis, to States, private or public colleges or universities, fraternities, or sororities to assist them in providing fire sprinkler systems for their student housing and dormitories.

(b) MATCHING FUNDS REQUIREMENT.—The Secretary of Education may not award a grant under this section unless the entity receiving the grant provides, from State, local, or private sources, matching funds in an amount equal to not less than one-half of the cost of the activities for which assistance is sought.

SEC. 5. PROGRAM REQUIREMENTS.

(a) AWARD BASIS.—In awarding grants under this Act the Secretary of Education shall take into consideration various fire safety factors and conditions that the Secretary determines appropriate.

(b) LIMITATION ON ADMINISTRATIVE EXPENSES.—An entity that receives a grant under this Act shall not use more than 4 percent of the grant funds for administrative expenses.

SEC. 6. DATA AND REPORT.

The Comptroller General shall—

(1) gather data on the number of college and university housing facilities and dormitories that have and do not have fire sprinkler systems and other forms of built-in fire protection mechanisms; and

(2) report such data to Congress.

TOWN OF CHAPEL HILL,
FIRE DEPARTMENT,
Chapel Hill, NC, February 15, 2000.
Sen. JOHN EDWARDS,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR EDWARDS, One of the most unrecognized fire safety problems in America today is university and college student housing. Parents routinely send their children off to college seeking an education unaware that one of the greatest dangers facing their children is the fire hazards associated with dormitories, fraternity and sorority houses and other forms of student housing. We in Chapel Hill experienced a worst-case scenario, when in 1996 a fire in a fraternity house on Mother's Day/Graduation Day claimed five young lives and injured three more. We recognized the only complete answer to making student-housing safe is to install fire sprinkler systems.

I have had the privilege of reading a draft copy of your legislation creating a matching grants program for universities, colleges and fraternity/sorority house who take the life-saving step of installing fire sprinkler systems. I strongly urge you to introduce this legislation and I pledge to assist your staff in promoting this important bill and help to develop bi-partisan support for it. Your proposed legislation is the only real solution to the fire threat in student housing.

After ten years of being responsible for fire protection at the University of North Carolina—Chapel Hill, I am convinced that where students reside, alarms systems are not enough, clear exit ways are not enough, quick fire department response is not enough and educational programs are not enough. The only way you can insure fire safety for college student housing is to place a fire sprinkler system over them. Thank you for recognizing the magnitude of this threat and for proposing the solution to it.

Tell me how we can help.

Sincerely,

DANIEL JONES,
Fire Chief.

COLLEGE PARENTS OF AMERICA,
Washington, DC, February 15, 2000.
Hon. JOHN EDWARDS,
U.S. Senate,
Washington, DC.

DEAR SENATOR EDWARDS: College Parents of America (CPA) would like to commend you on the introduction of grant legislation to encourage public and private colleges, universities, fraternities and sororities to install sprinkler systems in all dormitories and other forms of group housing.

Today college parents represent an estimated 12 million households. An additional 24 million households are currently saving and otherwise preparing children for college. College Parents of America is the only national membership association dedicated to helping these parents prepare for and put their children through college easily, economically and safely.

College Parents of America places a high priority on ensuring safety in student housing. In fact, CPA is urging parents and students during their college evaluation process to make sure there are smoke alarms, sprinkler systems and scheduled drills in all campus housing and classroom buildings. While the financing and installation of smoke alarms are relatively easy, funding is cited as a challenge in the installation of sprinkler systems in many older residential buildings on the nation's campuses. Your grant legislation will provide a vehicle for institutions to ensure all student residential facilities have adequate sprinkler safety systems. As a result, the grant legislation will not only save millions of dollars annually from property damage, but also save young lives.

Please let me know how and when I can provide assistance. I look forward to working together to pass this important piece of legislation.

Sincerely,

RICHARD M. FLAHERTY.

NATIONAL FIRE
PROTECTION ASSOCIATION,
Arlington, VA, February 23, 2000.
Sen. JOHN EDWARDS,
U.S. Senate, Senate Hart Building,
Washington, DC.

DEAR SENATOR EDWARDS: On behalf of the National Fire Protection Association (NFPA) and its 68,000 members, we are pleased to support your legislative efforts to provide federal assistance for the installation of fire sprinkler systems in college and university housing and dormitories.

Our statistics show that properly installed and maintained fire sprinkler systems have a proven track record of protecting lives and property in all types of occupancies. In particular, the retrofitting of fire sprinkler systems in college and university housing will greatly improve the safety of these public and private institutions.

Thank you for the opportunity to be of assistance in this important initiative.

Sincerely,

ANTHONY R. O'NEILL,
Vice President, Government Affairs.

NFPA FIDO SUMMARY REPORT FATAL COLLEGE/UNIVERSITY FRATERNITY AND SORORITY HOUSE FIRES REPORTED TO U.S. FIRE DEPARTMENTS

Date	Location	Deaths	Injuries
March 24, 1973	Auburn University, Auburn, AL	1	0
February 23, 1974	Kents Hill School, Readfield, ME	1	0
March 16, 1975	Kappa Sigma Fraternity House, Burlington, VT	1	1
July 22, 1975	Tank Hall MIT Dormitory, Cambridge, MA	1	0
January 8, 1976	Alpha Rho Chi Fraternity House, Columbus, OH	2	6
April 5, 1976	Wilmarth Dorm, Skidmore College, Saratoga Springs, NY	1	27
August 29, 1976	Kappa Sigma Fraternity House, Baldwin City, KS	5	2
December 13, 1977	Providence College, Providence, RI	10	16
January 14, 1978	Alpha Tau Omega Fraternity House, University Park, TX	1	2
March 4, 1979	Slippery Rock State College, Slippery Rock, PA	1	3
April 5, 1980	Sigma Alpha Epsilon Fraternity House, Eugene, OR	1	1
July 2, 1980	Dncer Hall University of North Iowa, Cedar Falls, IA	1	0
September 20, 1981	Davis Dormitory Texas College, Tyler, TX	1	8
March 16, 1982	Dormitory University of Chicago, Chicago, IL	1	0
September 9, 1982	Phi Kappa Theta Fraternity House, Philadelphia, PA	1	8
September 18, 1982	Dormitory Clark University, Worcester, MA	1	3
May 28, 1983	Alpha Epsilon Fraternity House, Bridgewater, MA	1	1
December 11, 1983	Lambda Chi Alpha Fraternity House, Austin, TX	1	1
January 6, 1984	Pi Kappa Alpha Fraternity House, Thibodaux, LA	1	0
April 11, 1984	Phi Gamma Delta Fraternity House, Lexington, VA	1	0
October 21, 1984	Zeta Beta Tau Fraternity House, Bloomington, In	1	30
December 20, 1984	Prometheus House (Pi Kappa Sigma), Geneseo, NY	1	0
March 3, 1985	Alpha Tau Omega Fraternity House, San Jose, CA	1	1
April 19, 1986	Delta Kappa Epsilon Fraternity House, Danville, KY	1	0
November 29, 1986	Russell Apt. Building Busch Campus, N. Brunswick, NJ	1	1
April 12, 1987	Wesley College-Williams College	1	4
September 8, 1990	Phi Kappa Sigma Fraternity House, Berkeley, CA	3	2
December 8, 1990	Lambda Chi Fraternity House, Erie PA	1	4
February 13, 1992	Phi Kappa Theta Fraternity House, California, PA	1	0
October 24, 1993	Alpha Xi Delta Sorority House, LaCrosse, WI	1	2
October 21, 1994	Beta Sigma Delta Fraternity House, Bloomsburg, PA	5	0
May 12, 1996	Phi Gamma Delta Fraternity House, Chapel Hill, NC	5	3
October 19, 1996	Phi Delta Theta Fraternity House, Delaware, OH	1	0
January 3, 1997	CMSU-Foster-Knox Hall, Warrensburg, MO	1	0
January 10, 1997	Hannings Ln-UTM-Ellington Hall, Martin, TN	1	5
February 20, 1997	Gramercy Park-School of Visual Arts, Brooklyn, NY	1	0
December 9, 1997	Greenville College-Kinney Hall, Greenville, IL	1	0

This table lists fatal college dormitory and fraternity and sorority houses fires and associated losses reported to the National Fire Protection Association's Fire Incident Data Organization. This listing should not be considered complete since only those incidents for which information was collected by the National Fire Protection Association were listed.

Revised: 3/99•

Mr. LAUTENBERG. Mr. President, today I am pleased to join my colleague from North Carolina, Senator EDWARDS, in introducing the College Fire Prevention Act.

On Wednesday, January 19, 2000, a fire raged through a dormitory at Seton Hall University, claiming the lives of three students and injuring 58 others, including at least 54 students, two police officers and two firefighters. The dormitory, Boland Hall, was built in 1952, and although it was equipped with smoke detectors, it was not required to be equipped with a fire sprinkler system.

Nothing is as painful as a senseless accident that takes the lives of young people. And unfortunately, the Seton Hall community is not alone in its grief. In fact, in the last decade, 18 young people lost their lives in dormitory fires. We must do all we can to prevent future tragedies. Students have a fundamental right to pursue an education in a safe, secure environment. Parents have a right to know that their children are protected from harm while on school property.

That is why I am pleased to be an original cosponsor of this legislation to provide Federal matching grants for the installation of fire sprinkler systems in student housing. This bill authorizes the Secretary of Education, in consultation with the U.S. Fire Administration, to award grants to equip dormitories, sorority, and fraternity houses with fire sprinkler systems.

I thank Senator EDWARDS for sponsoring this important legislation, and I look forward to working with him to ensure that student housing is as safe as possible.

By Mr. INOUYE (for himself, Mrs. FEINSTEIN, and Mrs. BOXER):

S. 2102. A bill to provide to the Timbisha Shoshone Tribe a permanent land base within its aboriginal homeland, and for other purposes; to the Committee on Indian Affairs.

TIMBISHA SHOSHONE HOMELAND ACT

• Mr. INOUYE. Mr. President, I am pleased to rise today to join with my distinguished colleagues from California, Senator FEINSTEIN and Senator BOXER, in introducing legislation that would provide a permanent land base for the Timbisha Shoshone Tribe.

For thousands of years the Timbisha Shoshone Tribe has lived in and around the area that is now Death Valley National Park. For many years, the Tribe sought unsuccessfully to obtain a base of trust land within its aboriginal homeland area. In 1994, when the Congress enacted the California Desert Protection Act, P.L. 103-433, it set in motion a process to address the need of the Tribe for a recognized land base. Section 705(b) of the Act provided that—

> The Secretary, in consultation with the Timbisha Shoshone Tribe and relevant Federal agencies, shall conduct a study, subject to the availability of appropriations, to identify lands suitable for a reservation for the Timbisha Shoshone Tribe that are located within the Tribe's aboriginal homeland area within and outside the boundaries of Death Valley National Monument and the Death Valley National Park as described in part A of this subchapter.

The study report, which finally was completed late in 1999, set forth recommendations for legislation that would implement a comprehensive, integrated plan for a permanent Homeland for the Tribe. The legislation that we introduce today would give substance to those recommendations.

Briefly, the bill provides for the transfer of several separate parcels of land, currently administered by the Department of the Interior and comprising approximately 7,500 acres, in trust for the Timbisha Shoshone Tribe. These parcels include: 300 acres at Furnace Creek in Death Valley National Park encompassing the present Timbisha Village Site, subject to jointly developed land use restrictions designed to ensure compatibility and consistency with tribal and Park values, needs and purposes; 1,000 acres of land now managed by the Bureau of Land Management at Death Valley Junction, California, east of the Park; 640 acres of land now managed by the Bureau of Land Management in an area identified as Centennial, California, west of the Park; 2,800 acres of land now managed by the Bureau of Land Management and classified as available for disposal near Scotty's Junction, Nevada, northeast of the Park; and 2,800 acres now managed by the Bureau of Land Management and classified as available for disposal near Lida, Nevada, north of the Park.

This legislation also authorizes the Secretary of the Interior to purchase from willing sellers two parcels of approximately 120 acres of former Indian allotted lands in the Saline Valley, California, at the edge of the Park, and the 2,430 acre Lida Ranch near Lida, Nevada.

The legislation would designate an area primarily in the western part of Death Valley National Park as the Timbisha Shoshone Natural and Cultural Preservation Area, within which low impact, environmentally sustainable, tribal traditional uses, activities and practices will be authorized subject to existing law and a jointly established management plan agreed upon by the Tribe, the National Park Service and the Bureau of Land Management.

Mr. President, this legislation will at long last provide the Timbisha Shoshone Tribe with land on which its members can live permanently and govern their affairs in a modern community, and will formally recognize the Tribe's contributions to the history, culture, and ecology of the Death Valley National Park and the surrounding area.

It will ensure that the resources within the Park are protected and enhanced by cooperative activities within the Tribe's ancestral homeland, and by partnerships between the Tribe and the National Park Service and the Bureau of Land Management, all of which will be consistent with the purposes and values for which the Park was established.

Mr. President, the legislation we are introducing today is incomplete in that certain map references and specific acreage numbers are still being determined by the Department. However, these are minor concerns that will be addressed in the coming weeks. It is vitally important that this legislation be introduced so that a hearing can be scheduled and all interested parties will have the opportunity to review this measure prior to the hearing.•

By Mr. HATCH (for himself and Mr. LEAHY):

S. 2105. A bill to amend chapter 65 of title 18, United States Code, to prohibit the unauthorized destruction, modification, or alteration of product identification codes used in consumer product recalls, for law enforcement, and for other purposes; to the Committee on the Judiciary.

ANTI-TAMPERING ACT OF 2000

Mr. HATCH. Mr. President, I rise today to introduce with my good friend from Vermont, the distinguished Ranking Minority Member of the Senate Judiciary Committee, Senator LEAHY, the "Anti-Tampering Act of 2000." In short, this bill prohibits tampering with product identification codes—a practice that threatens the health and safety of US consumers, frustrates legitimate forensic activities of law enforcement, and impairs manufacturers' ability to protect their distribution channels, thereby exposing them to significant product liability exposure.

Let me take just a moment to explain the need for this bill. Manufacturers code their products in order to protect their consumers and to assist law enforcement in investigating consumer complaints, as well as in conducting recalls of tampered products. These codes assist the manufacturer and law enforcement in tracing goods back to a particular lot, batch or date of production. They include batch codes, expiration dates, lot numbers, and other information that one can typically see imprinted on the bottom or side of most products.

Legitimate goods produced by manufacturers are obtained by "illegitimate decoders", frequently by fraud, theft or false pretenses. These decoders then decode and otherwise tamper with product labeling to avoid detection so that they may sell these ill-gotten goods to unauthorized points of sale. The frightening aspect of this activity, Mr. President, is that a substantial portion of the US-made goods sold by illegitimate decoders have been adulterated or otherwise tampered with after manufacture, and present health and safety risks to consumers.

Incredible as it may seem, thieves routinely tamper with product identification codes on stolen goods; counterfeiters affix fake codes on gray market goods that are then mixed with counterfeits; and distributors who have broken their distribution contracts with manufacturers typically obliterate product identification codes.

Because gray market activity is largely lawful in the US, the diverters' distribution channels have been used by professional thieves and counterfeiters to traffic in their illegal merchandise. There appears to be a connection between counterfeit and decoded imports, and anti-counterfeiting enforcement efforts will be frustrated unless greater controls are placed on the importation of such decoded products. Regrettably, gray market networks are increasingly being used for the distribution and sale of counterfeit goods. Distributors have been found to sell counterfeit goods—from baby shampoo to infant formula to cosmetics and fragrances—purchased through gray market channels.

In short, Mr. President, goods are decoded to hide evidence of fraudulent, unlawful conduct and to traffic in stolen, counterfeit, misbranded, out-of-date and unlawfully diverted merchandise.

Let me offer you a few examples of the significant health and safety risks presented by this activity. As noted by the International Formula Council, product identification codes are, without question, the single most important factor in a successful recall. In recent years, this link between product coding and consumer protection has become increasingly evident. Following the Tylenol poisonings of 1982, product coding enabled Johnson & Johnson to identify the tainted production lots and issue a nationwide recall of potentially dangerous products. Similarly, the manufacturers of automobiles, toys, food products and other consumer goods have consistently relied upon product coding to identify and recall goods that fail to meet consumer quality and safety standards.

Last year, the FDA used product codes to quickly identify a shipment of contaminated strawberries that had caused an outbreak of hepatitis in Michigan schools. More recently, the Slim Fast Corporation relied on product codes to identify and recall 192,000 cans of its ready-to-drink diet shakes because, according to the New York Times (Apr. 18, 1999), some of the cans might have been filled with a diluted cleaning solution. In addition, this summer, a leading manufacturer of infant formula used its product codes to identify and recall 7,000 cases of infant formula after a labeling error resulted in distribution of infant formula cans that may have contained an adult nutritional supplement that could have been harmful to infants. (USA Today, June 9, 1999.)

An undercover investigation by the Food and Drug Administration's Office of Criminal Investigation in New York involved wholesale purchases of expensive fertility drugs. Fraudulent code numbers appeared on the counterfeit packaging containing these injectible products. Although laboratory analysis indicated the presence of the active ingredient in these products, the FDA was not able to determine the place or conditions of their manufacture because of the absence of legitimate batch code data.

Fraudulent product identification coding has even been used in schemes involving bulk food products such as metric tons of frozen shrimp. For instance, a Florida indictment charged an importer with criminal offenses involving the repeated "washing, mixing and soaking" of putrid and decomposed shrimp in a solution containing copper sulfate, chlorine, lemon juice and other chemicals to conceal the inferiority of the product. Central to this scheme was the "re-coding" of product lots as they were repeatedly rejected by buyers, chemically treated, and re-sold to others who did not know the products' history.

In short, without product coding, the task of identifying and recalling defective goods becomes infinitely more difficult and often impossible, leaving consumers exposed to potential harm, illness and even death. According to the U.S. Consumer Product Safety Commission, there were 273 product recalls last year and, on average, one high profile recall each week.

In addition to the health and safety risks presented by this conduct, Mr. President, there is an additional, equally significant public policy interest served by this bill: codes play a vital part in traditional law enforcement activities. They assist law enforcement in investigating criminal activity, and they further aid in tracking stolen goods. They play a critical role in certain criminal investigations, allowing law enforcement officers to pinpoint the location and in some cases—including the World Trade Center bombing—the identity of the offender. In cases of stolen or tainted goods, product codes point to the source of the product and the site of the crime.

Unfortunately, Mr. President, there is no single federal statute that adequately addresses the problem of product identification code tampering of all consumer products. Federal law only applies to a limited category of consumer products. Moreover, federal law only applies if the decoder or tamperer exhibits criminal intent to harm the consumer. It does not address the vast majority of decoding cases that could result in harm to the consumer, but do not involve the specific intent to harm the consumer. Moreover, violations of current federal law result in only a misdemeanor.

By criminalizing tampering with product identification codes, we hope to send a clear message to the professional criminals: We value the lives and well being of Americans and will not tolerate this conduct any more on our soil. You, the professional criminal, will persist in this activity at your economic and personal peril.

Under the bill, tampering with product codes of pharmaceuticals, over-the-counter medicines consumer products, health and beauty aids, and other goods will constitute a criminal offense. Criminalizing this conduct will result in strengthened law enforcement tools, greater consumer protections and greater security for manufacturers' products.

Mr. President, I believe it would be instructive to identify what this bill does not do, as there has been some misinformation about this measure. The bill does not restrict, prohibit, criminalize or otherwise impair lawful, arms-length diversion activity. In short, Mr. Chairman, the bill does not affect the legality or illegality of the gray market. It simply prohibits tampering with product identification codes. Diverters can continue to engage in parallel importing to the same extent after passage of this measure as they have in the past. However, to be clear, Mr. Chairman, they must do so without obliterating the product identification codes or affixing fake codes on the goods.

Moreover, unintentional acts of decoding or other activities associated with decoded products are not subject to criminal or civil action, because the bill provides for a knowledge standard and protection for innocent violators. Thus, the innocent store clerk who merely scans merchandise at the check out counter and unwittingly permits the sale of decoded merchandise need not worry. Nor should either the innocent trucker who transports this merchandise or the innocent distributor who engages in distributing this merchandise to the retailer have cause for concern.

Others have expressed concern that enactment of the bill will result in the end of discount retailers and discount prices. It is difficult to understand this objection. I cannot conceive why discounting would require altering the expiration dates or the source identifiers of the goods, unless all discounts are illegally diverted or are product that should be recalled. But risking the health and safety of American consumers, or selling them inferior or fake goods to keep alive a certain brand of "discounting" does not seem like much of a bargain to me. Discounts are routinely offered when inventories build up or styles change. Manufacturers and retailers will continue to discount when this bill is enacted. But consumers will have greater assurance that the discount they are receiving is not coming with an offsetting risk that the product is contaminated or defective.

Finally, Mr. President, some argue that the bill's application to all products is unnecessarily broad. The bill's several important public policy goals require that it apply to all products. Let me explain why. The bill is intended to ensure effective and targeted product recalls, to enhance law enforcement investigations, and to protect American consumers and the legitimate businesses who serve them from the depredations of illegitimate diverters. Product recalls apply to all products and law enforcement investigations implicate all products. For instance, the codes on the batteries in the Olympic Park bombing in Atlanta, Georgia were used to exonerate the security guard then under suspicion in that case, Richard Jewell. The code on the microprocessor chip on the bomb in the Pan Am air crash linked the bombing to terrorists. And even on a more pedestrian level, the code on a crowbar in a recent New York burglary led police to the criminal.

So, Mr. President, I am pleased to introduce this important measure today. It enjoys the strong backing of the Coalition Against Product Tampering (CAPT). The CAPT is a coalition of private sector companies, consumer groups, unions and law enforcement agencies which are concerned about product decoding and product tampering and the role these activities play in fueling and supporting other criminal enterprises, including money laundering, organized retail theft, and counterfeiting. I would ask unanimous consent, Mr. President, that the CAPT's membership list be included in the record after my remarks. I have received numerous members of this group expressing their support for the legislation introduced today.

In conclusion, Mr. President, law enforcement, consumer groups, unions, and others agree with me that intentional decoding of products threatens the health and safety of American consumers. According to the National Association of Manufacturers, manufacturers cannot conceive of a single legitimate reason to decode products. Nor can I. The "Anti-Tampering Act of 2000" I am introducing today is a narrowly tailored approach to this problem and should be enacted.

I ask unanimous consent that the text of the bill and a section-by-section analysis of the legislation appear in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2105

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Antitampering Act of 2000".

SEC. 2. PROHIBITION OF UNAUTHORIZED ALTERATION OF PRODUCT IDENTIFICATION CODES.

(a) IN GENERAL.—Chapter 65 of title 18, United States Code, is amended by inserting after section 1365 the following:

"§ 1365A. Tampering with product identification codes

"(a) Definitions.—In this section—

"(1) the term 'consumer'—

"(A) means—

"(i) the ultimate user or purchaser of a good; or

"(ii) any hotel, restaurant, or other provider of services that must remove or alter the container, label, or packaging of a good in order to make the good available to the ultimate user or purchaser; and

"(B) does not include any retailer or other distributor who acquires a good for resale;

"(2) the term 'flea market' means any location, other than a permanent retail store, at which space is rented or otherwise made available for the conduct of business of a transient or limited vendor;

"(3) the term 'good' means any article, product, or commodity that is customarily produced or distributed for sale, rental, or licensing in interstate or foreign commerce, and any container, packaging, label, or component thereof;

"(4) the term 'manufacturer' means—

"(A) the original manufacturer of a good; and

"(B) any duly appointed agent or representative of that manufacturer acting within the scope of its agency or representation;

"(5) the term 'product identification code'—

"(A) means any visible number, letter, symbol, marking, date (including an expiration date), or code that is affixed to or embedded in any good, by which the manufacturer of the good may trace the good back to a particular lot, batch, date of production, or date of removal;

"(B) does not include—

"(i) copyright management information (as defined in section 1202(c) of title 17) conveyed in connection with copies or phonorecords of a copyrighted work or any performance or display of a copyrighted work;

"(ii) other codes or markings on the good; or

"(iii) a Universal Product Code; and

"(C) does not include any trademark or copyright notice by itself or any item listed in subparagraph (A) that is affixed to, superimposed on, or embedded in a trademark or copyright notice;

"(6) the term 'transient or limited vendor' does not include a person who sells by sample, catalog, or brochure for future delivery to the purchaser;

"(7) the term 'Universal Product Code' means a 12-digit, all numeric code that identifies the consumer package consisting of—

"(A) a 1-digit number system character;

"(B) a 5-digit manufacturer identification number;

"(C) a 5-digit item code;

"(D) a 1-digit check number; and

"(E) the bar code symbol that encodes the 12-digit Universal Product Code; and

"(8) the term 'value' means the face, par, or market value, whichever is the greatest.

"(b) Prohibited Acts.—Except as provided in subsection (d) or as otherwise expressly authorized under any other provision of Federal law, it shall be unlawful for any person, other than the consumer or the manufacturer of a good, knowingly and without the authorization of the manufacturer—

"(1) to directly or indirectly alter, conceal, remove, obliterate, deface, strip, or peel any product identification code affixed to or embedded in a good and visible to the consumer;

"(2) to directly or indirectly affix to or embed in a good a product identification code that is visible to the consumer and that is intended by the manufacturer for a different good, such that the code no longer accurately identifies the lot, batch, date of production, or date of removal of the good;

"(3) to directly or indirectly affix to or embed in a good any number, letter, symbol, marking, date, or code intended to simulate a product identification code that is otherwise visible to the consumer;

"(4) to import, reimport, export, sell, offer for sale, hold for sale, distribute, or broker a good—

"(A) in a case in which the person knows that the product identification code, which otherwise would be visible to the consumer, has been altered, concealed, removed, obliterated, defaced, stripped, peeled, affixed, or embedded in violation of paragraph (1) or (2); or

"(B) in a case in which the person knows that the good bears a number, letter, symbol, marking, date, or code in violation of paragraph (3); or

"(5) to sell, offer for sale, or knowingly permit the sale at a flea market of—

"(A) baby food, infant formula, or any other similar product manufactured and packaged for sale for consumption by a child who is less than 3 years of age; or

"(B) any food, drug, device, or cosmetic (as those terms are defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321));

unless that person keeps for public inspection written documentation identifying such person as an authorized representative of the manufacturer or distributor of the food, drug, device, or cosmetic.

"(c) Applicability.—The prohibitions set forth in paragraphs (1) through (4) of subsection (b) shall apply to visible product identification codes (or simulated product identification codes in a case to which subsection (b)(3) applies) affixed to, or embedded in, any good held for sale or distribution in interstate or foreign commerce or after shipment therein, including any good held in a United States Customs Service bonded warehouse or foreign trade zone.

"(d) Exceptions.—

"(1) Universal product code codes.—Nothing in this section prohibits a person from affixing a Universal Product Code, security tag, or other legitimate pricing or inventory code or other information required by Federal or State law, if such code or information does not (or can be removed so as not to) permanently alter, conceal, remove, obliterate, deface, strip, or peel any product identification code.

"(2) Repackaging for resale.—Nothing in this section prohibits a person from removing a good from a primary package or container and repackaging the good in another package or container, or from placing a good and its original packaging within new packaging, if—

"(A) the good retains its original product identification code, which has not been permanently altered, concealed, or removed;

"(B) the repackaging is in full compliance with all applicable Federal laws and regulations, including section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331); and

"(C) a new package includes a label that clearly states—

"(i) that the good has been repackaged; and

"(ii) the name of the repacker.

"(e) Criminal Penalties.—Any person who willfully violates this section—

"(1) shall be fined under this title, imprisoned not more than 1 year, or both;

"(2) shall be fined under this title, imprisoned not more than 5 years, or both, if the total value of the good or goods involved in the violation is greater than $10,000;

"(3) shall be fined under this title, imprisoned not more than 10 years, or both, if—

"(A) the person acts with reckless disregard for the health or safety of the public and under circumstances manifesting extreme indifference to such risk; and

"(B) the violation threatens the health or safety of the public;

"(4) shall be fined under this title, imprisoned not more than 20 years, or both, if—

"(A) the person acts with reckless disregard for the risk that another person will be placed in danger of death or bodily injury and under circumstances manifesting extreme indifference to such risk; and

"(B) serious bodily injury to any individual results;

"(5) shall be fined under this title, imprisoned for any term of years or for life, or both, if—

"(A) the person acts with reckless disregard for the risk that another person will be placed in danger of death or bodily injury and under circumstances manifesting extreme indifference to such risk; and

"(B) the death of an individual results; and

"(6) with respect to any second or subsequent violation of this section, be convicted of a felony, and be subject to twice the maximum term of imprisonment that would otherwise be imposed under this subsection, fined under this title, or both.

"(f) Injunctions and Impounding, Forfeiture, and Disposition of Goods.—

"(1) Injunctions and impounding.—In any prosecution under this section, upon motion of the United States, the court may—

"(A) grant 1 or more temporary, preliminary, or permanent injunctions on such terms as the court determines to be reasonable to prevent or restrain the alleged violation; and

"(B) at any time during the proceedings, order the impounding, on such terms as the court determines to be reasonable, of any good that the court has reasonable cause to believe was involved in the violation.

"(2) Forfeiture and disposition of goods.—Upon conviction of any person of a violation of this section, the court shall—

"(A) order the forfeiture of any good involved in the violation or that has been impounded under paragraph (1)(B); and

"(B) either—

"(i) order the destruction of each good forfeited under subparagraph (A);

"(ii) order the disposal of the good by delivery to such Federal, State, or local government agencies as, in the opinion of the court, have a need for such good, or by gift to such charitable or nonprofit institutions as, in the opinion of the court, have a need for such good; or

"(iii) order the return of the goods involved upon the request of any interested party.

"(g) Civil Remedies.—

"(1) In general.—Any person who is injured by a violation of this section, or demonstrates the likelihood of such injury, may bring a civil action in an appropriate district court of the United States against the alleged violator.

"(2) Injunctions and impounding and disposition of goods.—In any action under paragraph (1), the court may—

"(A) grant 1 or more temporary, preliminary, or permanent injunctions upon the posting of a bond at least equal to the value of the goods affected on such terms as the court determines to be reasonable to prevent or restrain the violation;

"(B) at any time while the action is pending, order the impounding of the goods affected—

"(i) if the court has reasonable cause to believe the goods were involved in the violation;

"(ii) upon the posting of a bond at least equal to the value of the goods affected; and

"(iii) on other terms such as the court determines to be reasonable; and

"(C) as part of a final judgment or decree, in the court's discretion—

"(i) order the destruction of any good involved in the violation or that has been impounded under subparagraph (B);

"(ii) order the disposal of the good—

"(I) by delivery to such Federal, State, or local government agencies as, in the opinion of the court, have a need for such good; or

"(II) by gift to such charitable or nonprofit institutions as, in the opinion of the court, have a need for such good, if such disposition would not otherwise be in violation of law, and if the manufacturer consents to such disposition; or

"(iii) order the return of the goods involved in the violation to the manufacturer upon the request of any interested party.

"(3) Damages.—

"(A) In general.—Subject to subparagraph (B), in any action under paragraph (1), the plaintiff shall be entitled to recover—

"(i) the actual damages suffered by the plaintiff as a result of the violation, and;

"(ii) any profits of the violator that are attributable to the violation and are not taken into account in computing the actual damages.

"(B) Statutory damages.—In any action under paragraph (1), the plaintiff may elect, at any time before final judgment is rendered, to recover, instead of actual damages and profits described in subparagraph (A), an award of statutory damages for any violation under this section in an amount equal to—

"(i) not less than $500 and not more than $100,000, with respect to each type of goods involved in the violation; and

"(ii) if the court finds that the violation threatens the health and safety of the public, not less than $5,000 and not more than $1,000,000, with respect to each type of good involved in the violation.

"(C) Proof of damages.—In establishing the violator's profits, the plaintiff shall be required to present proof only of the violator's sales, and the violator shall be required to prove all elements of cost or deduction claimed.

"(4) Costs and attorney's fees.—In any action under paragraph (1), in addition to any damages recovered under paragraph (3), the court in its discretion may award the prevailing party its costs of the action and its reasonable attorney's fees.

"(5) Repeat violations.—

"(A) Treble damages.—In any case in which a person violates this section within 3 years after the date on which a final judgment was entered against that person for a previous violation of this section, the court, in an action brought under this subsection, may increase the award of damages for the later violation to not more than 3 times the amount that would otherwise be awarded under paragraph (3), as the court considers appropriate.

"(B) Burden of proof.—A plaintiff that seeks damages as described in subparagraph (A) shall bear the burden of proving the existence of the earlier violation.

"(6) Limitations on actions.—No civil action may be commenced under this section later than 3 years after the date on which the claimant discovers or has reason to know of the violation.

"(7) Innocent violations.—In any action under paragraph (1), the court in its discretion may reduce or remit the total award of damages or award no damages in any case in which the violator sustains the burden of proving, and the court finds, that the violator was not aware and had no reason to believe that the acts of the violator constituted a violation.

"(h) Enforcement Actions.—

"(1) In general.—Subject to paragraphs (2) and (3), the Attorney General and the Secretary of the Treasury shall enforce the requirements of this section.

"(2) Agency discretion.—The head of a department or agency of the Federal Government (including the Commissioner of Food and Drugs and the Secretary of Agriculture) may investigate any violation of this section involving a good that is regulated by a provision of law administered by that department or agency.

"(3) Customs service.—

"(A) In general.—The United States Customs Service shall—

"(i) seize any good imported, reimported, or offered for import into the United States in violation of subsection (b)(4);

"(ii) promptly notify the manufacturer or duly appointed agent or representative of the seizure; and

"(iii) destroy or dispose of the goods in accordance with the procedures set forth in section 526(e) of Tariff Act of 1930 (19 U.S.C. 1526(e)).

"(B) Voluntary disclosures.—In order to assist the United States Customs Service in carrying out its obligations under this paragraph, any domestic or foreign manufacturer may voluntarily record with the United States Customs Service—

"(i) its name and address;

"(ii) a description of its goods and product identification codes; and

"(iii) such other information as may facilitate the enforcement of this section.".

(b) Conforming Amendment.—The table of sections for chapter 65 of title 18, United States Code, is amended by inserting after the item relating to section 1365 the following:

"1365A. Tampering with product identification codes.".

(c) Regulatory Authority.—Not later than 6 months after the date of enactment of this Act, the Attorney General, after consultation with the Secretary of the Treasury, the Commissioner of Food and Drugs, and the head of any other department or agency of the Federal Government that the Attorney General determines to be appropriate, shall issue such rules and regulations as may be necessary to implement section 1365A of title 18, United States Code, as added by this section.

SEC. 3. ATTORNEY GENERAL REPORTING REQUIREMENTS.

Section 2320(f) of title 18, United States Code, is amended—

(1) by striking "of title 18" each place that term appears;

(2) by inserting "tampering with product identification codes (as defined in section 1365A)," after "involve"; and

(3) in paragraph (4), by inserting "1365A," after "sections".

SEC. 4. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 6 months after the date of enactment of this Act.

Supporters of the Anti-Tampering Act of 1999

MANUFACTURERS AND BUSINESS TRADE ASSOCIATIONS

3M
Abott Laboratories
American Home Products Corp.
Allied Domecq Spirits & Wine (USA)
Bose Corporation
Bristol-Myers Squibb Co.
Chanel, Inc.
Compar
Converse Inc.
Cosmair
Estee Lauder, Inc.
Ford Motor Company
Giorgio
Givenchy
Intel Corporation
International Business Machines Corp.
John Paul Mitchell Systems
Joseph E. Seagram & Sons, Inc.
Matrix Essentials
Maytag Corporation
Motorola, Inc.
NEXXUS Products Co.
Nocopi Technologies, Inc.
Novartis
Novell, Inc.
O.C. Tanner Company
Optical Security Inc.
Oreck Corporation
Pfizer Inc.
Rolex Watch U.S.A., Inc.
SICPA
Stanley Works
The Proctor & Gamble Company
Warner-Lambert Co.
American Academy of Pediatrics
American College of Nurse-Midwives
American Beauty Association
American Health and Beauty Aids Institute
American Home Appliances Association
American Watch Association
Association of Women's Health, Obstetric and Neonatal Nurses
Coalition to Preserve the Integrity of American Trademarks
Consumer Electronic Manufacturers Association
Consumer Health Care Products Association
Cosmetic, Toiletry and Fragrance Association
Distilled Spirits Council of the United States, Inc.
Grocery Manufacturers of America
International Formula Council
National Association of Beverage Importers
National Association of Manufacturers
National Association of Neonatal Nurses
National Association of Wholesaler-Distributors
National Food Processors Association
Wine and Spirits Wholesalers of America, Inc.

CONSUMER GROUPS AND UNIONS

National Consumers League
PACE, Paper, Allied-Industrial, Chemical & Energy Workers International Union, AFL–CIO
Service Employees International Union, AFL–CIO

U.S. LAW ENFORCEMENT

Construction Industry's Crime Prevention Program of Southern California
Fraternal Order of Police
Ohio Patrolmen's Benevolent Association

The "Anti-Tampering Act of 2000"—Section-by-Section Analysis

SECTION 1. SHORT TITLE

The bill may be cited as the "Anti-Tampering Act of 2000."

SECTION 2. UNAUTHORIZED ALTERATION OF PRODUCT IDENTIFICATION CODES PROHIBITED

Subsection (a). In general

Section 2 of the bill amends Title 18 of the United States Code to create a new section 1365A prohibiting for all goods the intentional removal or alteration of product identification codes, as well as the affixing of fake codes, as follows:

Section 1365A(a). Definitions. New section 1365A(a) of Title 18 sets forth the definitions of the relevant terms used in new section 1365A. By definition, the prohibitions contained in the bill would not apply to the ultimate user or purchaser of the good, to any hotel, restaurant or other provider of services that alters the packaging in order to make it available to the ultimate consumer, or any retailer or distributor who acquires a good for resale.

Under this subsection, the definition of product identification code includes any visible number, letter, symbol, marking, date (including an expiration date), or code that is affixed to or embedded in any good by which the manufacturer may trace the good back to a particular lot, batch, date of production or date of removal. It specifically excludes (1) copyright management information conveyed in connection with copies or phonorecords of a copyrighted work or encryption information, (2) any or all other codes or markings on the good, (3) a Universal Product Code, and (4) trademark or copyright notices, including notices that are affixed to, superimposed on or embedded in product identification codes.

Section 1365A(b). Prohibited Acts. Section 1365A(b) sets forth the activities that are prohibited. It seeks to target and prohibit each phase of the decoding process—the act of decoding, the affixing of fake codes, and the distribution of the decoded or falsely coded product. The bill includes a knowledge standard that applies throughout the decoding to distribution process.

Specifically, this subsection prohibits the intentional alteration or removal of any visible product identification code. It also prohibits the intentional affixing of any fake or simulated code upon any good, label, container, packaging, or component thereof. The prohibition does not apply to the original manufacturer or the final consumer. This subsection further prohibits the importation, re-importation, exportation, sale, offering or holding for sale, distribution, or brokering of goods or components thereof whose product identification codes have been altered, concealed, removed or falsified.

In addition, this subsection prohibits selling, offering for sale, or knowingly permitting the sale at flea markets of certain products, including baby food, infant formula, and other products covered by the Federal Food, Drug, and Cosmetic Act, except by authorized representatives of the manufacturer or distributor.

Section 1365A(c). Applicability to Goods Held in Free Trade Zones. Section 1365A(c) extends the prohibitions against decoding and false coding to all goods held for sale or distribution in interstate or foreign commerce, including goods held in Customs bonded warehouses and free trade zones.

Section 1365A(d). Exclusions. The bill excludes from section 1365A the act of affixing genuine Universal Product Codes, security tags or other legitimate pricing or inventory codes that can be removed without damaging the product identification code. It also excludes from section 1365A certain types of repackaging activities. The bill will permit the removal of shipping containers and the repackaging of goods for the purpose of selling the goods in different quantities. The exception would apply only if each retail item retains its original product identification code, the repackaging is in full compliance with all applicable laws and regulations, and the new package includes a label stating that the good has been repackaged and containing the name of the repacker.

Section 1365A(e). Criminal penalties. Section 1365A(e) imposes criminal penalties on any person who knowingly and willfully engages in decoding violations. This subsection imposes fines pursuant to the schedule of fines set forth in Title 18. A person violating the Act could be imprisoned up to one year for the first offense; up to 5 years if the value of the goods exceed $10,000; up to 10 years if the violation threatens public health and safety; up to 20 years if the violation results in bodily injury; and up to life imprisonment if a death results from the violation. If there are subsequent violations, the bill imposes twice the term of imprisonment that would otherwise be imposed.

Section 1365A(f). Injunctions and Impounding, Forfeiture, and Disposition of Goods. This section authorizes the court in its discretion, upon motion of the United States, to grant injunctive relief to prevent or restrain the alleged violation, and impound goods that the court has reasonable cause to believe are involved in the violation. This section also requires the court upon conviction to order the forfeiture of any goods involved in the violation and either the destruction, disposal or return of the goods involved.

Section 1365A(g). Civil Remedies. Section 1365A(g) provides consumers and manufacturers who are injured or threatened with injury with a civil right of action against persons who knowingly engage in decoding activities.

Paragraph (2) further authorizes the court at its discretion to issue injunctions, and to impound the goods in the custody of the defendant. As part of a final judgment or decree, the court may order the destruction, disposal or return to the manufacturer of the goods involved in the violation of this section. The goods may also be delivered to a government agency or provided as gifts to charitable institutions, if the manufacturer consents to the disposition.

Paragraph (3) sets forth the civil damages available to persons injured or who can demonstrate the likelihood of injury by violations of the Act. These damages include actual damages and profits, or, upon election by the plaintiff, statutory damages in an amount not less than $500 and not more than $100,000 for each type of goods involved in the violation. Available statutory damages are increased to not less than $5,000 and not more than $1,000,000 in cases in which the violation threatens the health and safety of the public. In addition, paragraph (5) allows the civil plaintiff to seek treble damages in the event of repeat violations made within 3 years of the original violation. Paragraph (7) also authorizes the court to reduce or eliminate the total damages award, or award no damages, if the violator sustains the burden of proving, and the court finds, that the violator was not aware and had not reason to believe the acts of the violator constituted a violation.

Paragraph (4) provides that the court in its discretion may award the prevailing party its costs and attorneys' fees.

Paragraph (6) imposes a three-year statute of limitations on the filing of a civil action. The limitation begins running from the date on which the claimant discovers or has reason to know of the violation.

Section 1365A(h). Enforcement actions. Section 1365A(h) requires the Attorney General and Secretary of Treasury to enforce the requirements of this new section of Title 18. It also authorizes the head of a department or agency of the Federal Government (including the Secretary of Agriculture and the Commissioner of the Food and Drug Administration) to investigate alleged violations involving goods regulated by their respective agencies.

This section also requires Customs Service officials to seize decoded products, notify the manufacturer of such seizure, and destroy or dispose of such goods. In order to facilitate this Customs seizure, the manufacturer would be permitted to record with the Customs Service any relevant information concerning product identification codes.

Subsection (b). Conforming amendments

Subsection (b) makes a conforming amendment to Title 18 to include the title of new section 1365A in the table of sections for chapter 65 of Title 18.

Subsection (c). Regulatory authority

Subsection (c) of the bill requires the Attorney General, after consultation with the Secretary of the Treasury, the FDA Commissioner, and the head of any other department or agency of the Federal Government the Attorney General determines appropriate, to issue regulations implementing new section 1365A of Title 18 within six months of enactment.

SECTION 3. ATTORNEY GENERAL REPORTING REQUIREMENTS

Section 3 of the bill requires the Attorney General to include in his or her reports to Congress on the business of the Department of Justice all actions taken by the Department regarding product decoding.

SECTION 4. EFFECTIVE DATE

Section 4 of the bill states that the bill will become effective six months after enactment.

Mr. LEAHY. Mr. President, I am joining forces with my good friend Senator HATCH on a Judiciary Committee bill that would prohibit improper tampering with product identification codes.

Manufacturers code their products in order to protect their consumers and to assist law enforcement in investigating consumer complaints, as well as in conducting recalls of tampered products. These codes assist the manufacturer and law enforcement in tracing goods back to a particular lot, batch or date of production. They include batch codes, expiration dates, lot numbers, and other information that one can typically see imprinted on the bottom or side of most products.

This product identification codes are extremely important in terms of product recall. There were over 250 product recalls last year—including two recent product recalls, one of ready-to-eat diet shakes and the other regarding the recall of 7,000 cases of infant formula. Also, product codes were of great help regarding the Tylenol poisonings of 1982 and the contaminated strawberry incident in Michigan in which school children became ill.

Forensic experts have used product identification codes in investigating numerous crimes including the bombing of the World Trade Center in New York City. Sometimes product codes are used to exonerate the innocent. For example, the product codes in the batteries involved in the Olympic Park, Atlanta, bombing helped exonerate the security guard, Richard Jewell, under suspicion in that case.

Product codes have been fraudulently altered regarding medicines, fertility drugs, and even bulk frozen shrimp. This makes it very difficult to trade back these products and to determine their safety. This bill addresses those concerns.

This bill contains significant improvements over a version introduced in the other body some time ago. Wholesalers were worried that they could not repackage goods—together into "sale baskets"—to be sold at discount prices. This bill permits the resale of products at discounted prices. Each individual item would have to keep the original code but the prices could be changed depending on competitive market forces.

It is important that manufacturers not be able to control prices by operation of this bill. Consumers interested in bargains need to be able to get the best bargain they can get. This bill does not prevent the reselling of overstocked, or other, goods to discount retailers.

The bill also makes clear that any innocent alterations of product identification codes are not subject to the criminal provisions.

The bill contains a provision unrelated to product identification codes which I want to discuss for a moment. The bill prohibits at flea markets the sale of baby food, infant formula, or similar products made for consumption of children under three years of age. It also prohibits the sale of drugs, medical foods, cosmetics, and medical devices as defined in the Federal Food, Drug and Cosmetic Act at flea markets unless the seller keeps for public inspection written documentation identifying the seller person as an authorized representative of the manufacturer or distributor of the food, drug, device, or cosmetic.

This appears to be a reasonable policy but I am very interested in the views of my colleagues on this matter as there may be other ways to achieve the goals of these flea market provisions. I intend to work closely with the Committee Chairman, Senator HATCH, and my other colleagues regarding this bill.

ADDITIONAL COSPONSORS

S. 282

At the request of Mr. MACK, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 282, a bill to provide that no electric utility shall be required to enter into a new contract or obligation to purchase or to sell electricity or capacity under section 210 of the Public Utility Regulatory Policies Act of 1978.

S. 285

At the request of Ms. COLLINS, her name was added as a cosponsor of S. 285, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 353

At the request of Mr. GRASSLEY, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 353, a bill to provide for class action reform, and for other purposes.

S. 577

At the request of Mr. HUTCHINSON, his name was added as a cosponsor of S. 577, a bill to provide for injunctive relief in Federal district court to enforce State laws relating to the interstate transportation of intoxicating liquor.

S. 860

At the request of Mr. GRAHAM, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 860, a bill to require country of origin labeling of perishable agricultural commodities imported into the United States and to establish penalties for violations of the labeling requirements.

S. 882

At the request of Mr. MURKOWSKI, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 882, a bill to strengthen provisions in the Energy Policy Act of 1992 and the Federal Nonnuclear Energy Research and Development Act of 1974 with respect to potential Climate Change.

S. 1016

At the request of Mr. DEWINE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1016, a bill to provide collective bargaining for rights for public safety officers employed by States or their political subdivisions.

S. 1037

At the request of Mrs. BOXER, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1037, a bill to amend the Toxic Substances Control Act to provide for a gradual reduction in the use of methyl tertiary butyl ether, and for other purposes.

S. 1158

At the request of Mr. HUTCHINSON, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 1158, a bill to allow the recovery of attorney's fees and costs by certain employers and labor organizations who are prevailing parties in proceedings brought against them by the National Labor Relations Board or by the Occupational Safety and Health Administration.

S. 1448

At the request of Mr. HUTCHINSON, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 1448, a bill to amend the Food Security Act of 1985 to authorize the annual enrollment of land in the wetlands reserve program, to extend the program through 2005, and for other purposes.

S. 1464

At the request of Mr. HAGEL, the names of the Senator from Kentucky (Mr. MCCONNELL) and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S. 1464, a bill to amend the Federal Food, Drug, and Cosmetic Act to establish certain requirements regarding the Food Quality Protection Act of 1996, and for other purposes.

S. 1642

At the request of Mr. COCHRAN, the names of the Senator from Indiana (Mr. LUGAR) and the Senator from Georgia (Mr. CLELAND) were added as cosponsors of S. 1642, a bill to amend part F of title X of the Elementary and Secondary Education Act of 1965 to improve and refocus civic education, and for other purposes.

S. 1680

At the request of Mr. ASHCROFT, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 1680, a bill to provide for the improvement of the processing of claims for veterans compensation and pensions, and for other purposes.

S. 1690

At the request of Mr. MACK, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 1690, a bill to require the United States to take action to provide bilateral debt relief, and improve the provision of multilateral debt relief, in order to give a fresh start to poor countries.

S. 1706

At the request of Mrs. HUTCHISON, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 1706, a bill to amend the Federal Water Pollution Control Act to exclude from stormwater regulation certain areas and activities, and to improve the regulation and limit the liability of local governments concerning co-permitting and the implementation of control measures.

S. 1763

At the request of Mr. ALLARD, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 1763, a bill to amend the Solid Waste Disposal Act to reauthorize the Office of Ombudsman of the Environmental Protection Agency, and for other purposes.

S. 1805

At the request of Mr. KENNEDY, the names of the Senator from Maine (Ms. COLLINS), the Senator from Florida (Mr. GRAHAM), the Senator from New York (Mr. MOYNIHAN), the Senator from Washington (Mrs. MURRAY), the Senator from Minnesota (Mr. WELLSTONE) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 1805, a bill to restore food stamp benefits for aliens, to provide States with flexibility in administering the food stamp vehicle allowance, to index the excess shelter expense deduction to inflation, to authorize additional appropriations to purchase and make available additional commodities under the emergency food assistance program, and for other purposes.

S. 1900

At the request of Mr. LAUTENBERG, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 1900, a bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued by Amtrak, and for other purposes.

S. 1921

At the request of Mr. CAMPBELL, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 1921, a bill to authorize the placement within the site of the Vietnam Veterans Memorial of a plaque to honor Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service.

S. 1969

At the request of Mr. CRAIG, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 1969, a bill to provide for improved management of, and increases accountability for, outfitted activities by which the public gains access to and occupancy and use of Federal land, and for other purposes.

S. 2003

At the request of Mr. JOHNSON, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 2003, a bill to restore health care coverage to retired members of the uniformed services.

S. 2026

At the request of Mrs. BOXER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2026, a bill to amend the Foreign Assistance Act of 1961 to authorize appropriations for HIV/AIDS efforts.

S. CON. RES. 34

At the request of Mr. SPECTER, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. Con. Res. 34, a concurrent resolution relating to the observance of "In Memory" Day.

S. CON. RES. 60

At the request of Mr. KERREY, his name was added as a cosponsor of S. Con. Res. 60, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. *Wisconsin* and all those who served aboard her.

S. CON. RES. 81

At the request of Mr. ROTH, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. Con. Res. 81, a concurrent resolution expressing the sense of the Congress that the Government of the People's Republic of China should immediately release Rabiya Kadeer, her secretary, and her son, and permit them to move to the United States if they so desire.

S. RES. 87

At the request of Mr. DURBIN, the names of the Senator from Nevada (Mr. BRYAN) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. Res. 87, a resolution commemorating the 60th Anniversary of the International Visitors Program.

S. RES. 128

At the request of Mr. COCHRAN, the names of the Senator from Florida (Mr. GRAHAM), the Senator from South Carolina (Mr. THURMOND) and the Senator from Tennessee (Mr. THOMPSON) were added as cosponsors of S. Res. 128, a resolution designating March 2000, as "Arts Education Month."

S. RES. 237

At the request of Mrs. BOXER, the names of the Senator from Delaware (Mr. BIDEN), the Senator from Vermont (Mr. LEAHY), and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. Res. 237, a resolution expressing the sense of the Senate that the United States Senate Committee on Foreign Relations should hold hearings and the Senate should act on the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

SENATE CONCURRENT RESOLUTION 82—CONDEMNING THE ASSASSINATION OF FERNANDO BUESA AND JORGE DÍEZ ELORZA, SPANISH NATIONALS, BY THE BASQUE SEPARATIST GROUP, ETA, AND EXPRESSING THE SENSE OF THE CONGRESS THAT VIOLENT ACTIONS BY ETA CEASE

Mr. DODD submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 82

Whereas on February 22, 2000, the Basque terrorist group ETA killed Fernando Buesa, the leader of the Basque Socialist Party, and Jorge Díez Elorza, a member of his escort, in a cowardly bomb attack;

Whereas this heinous crime displays absolute contempt for human rights and the right to life by those individuals who practice terrorism and threaten freedom, peace, liberty, and the peaceful coexistence of the Basque people and the people of Spain; and

Whereas Spain is a democracy where the rule of law is enforced and terrorist acts are not tolerated: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) strongly condemns and denounces those responsible for the cowardly bombing that killed Fernando Buesa and Jorge Díez Elorza;

(2) strongly shares the determination of the Spanish people that the perpetrators of this vile act will be brought swiftly to justice so that Spain may demonstrate its opposition to acts of terror;

(3) calls again on ETA and those responsible for this act to renounce violence and terrorism which have taken so many lives; and

(4) continues to cherish the strong friendship between Spain and the United States.

Mr. DODD. Mr. President, I know I will be joined by every Member of the Senate as I express my deepest condolences to the families of Fernando Buesa and Jorge Díez Elorza, who were tragically killed in Tuesday's bombing attack by the Spanish terrorist group ETA in Vitoria, Spain. I point out Fernando Buesa was the head of the Socialist Party in the Basque Assembly, so he was a political leader of some note and a highly respected leader in his own country. In the aftermath of this attack on human rights and peaceful coexistence, I also offer my thoughts and prayers to the people of Spain and the Spanish community around the world.

Reports of terrorist violence in Spain are becoming far too common. It was only one month ago that an ETA car bomb in central Madrid killed one man and injured innocent children on their way to school. This cowardly type of terrorist expression must be stopped.

Over a year ago, I was pleased when I heard reports of the historic ETA cease-fire. Under this cease-fire, Spain remained free of terrorist violence for 14 months and enjoyed the increase in tourism that peace affords. Unfortunately, in December of 1999, ETA renounced its cease-fire, once again plunging Spain into the horrific terrorist violence that marked its past.

I believe that a majority of the people in Spain, both Basque and Spanish, are tired of this endless violence. It is time for ETA to renew its cease-fire and negotiate a peace agreement with the Spanish government. Only then can the senseless violence that threatens to destroy Spain's booming economy be stopped.

Last night, at a White House dinner I attended in honor of King Juan Carlos and Queen Sofia of Spain, after-dinner dancing was suspended in memory of the killed. In this vein, I ask that we as a body reaffirm our commitment to human rights by condemning this most recent attack in Spain.

Today, I submit a resolution that denounces the terrorist activities that killed Fernando Buesa and Jorge Díez Elorza, calls again on ETA to renounce the use of violence and terrorism which have taken so many lives, and pledges continued alliance between Spain and the United States, and ask it to be referred to the appropriate committee. I urge my colleagues to support this resolution.

SENATE CONCURRENT RESOLUTION 83—COMMENDING THE PEOPLE OF IRAN FOR THEIR COMMITMENT TO THE DEMOCRATIC PROCESS AND POSITIVE POLITICAL REFORM ON THE OCCASION OF IRAN'S PARLIAMENTARY ELECTIONS

Mr. BROWNBACK (for himself and Mr. WELLSTONE) submitted the following concurrent resolution; which was considered and agreed to.

S. CON. RES. 83

Whereas the Islamic Republic of Iran held parliamentary elections on February 18, 2000;

Whereas more than 75 percent of the approximately 39,000,000 eligible voters cast ballots in the elections;

Whereas preliminary results indicate that reformers have won a parliamentary majority, freeing Iran's parliament, the Majlis, of hard-line domination for the first time since the 1979 Iranian revolution;

Whereas reformers won elections despite concerted efforts by hard-line Iranian clergy to ban reformist forces from the ballot; and

Whereas the elections show a clear preference by a majority of Iranian voters for democracy, rule of law, and improved relations with Western nations: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) commends the people of Iran for their commitment to the democratic process;

(2) congratulates reformist parliamentarians on their recent electoral victory;

(3) reaffirms the desire of the United States to see free, democratic political development, the restoration of the rule of law, and full civil and political rights for all Iranians; and

(4) calls on the Government of Iran to rejoin the community of nations and renounce terrorism, opposition to the Middle East peace process, and the development and acquisition of weapons of mass destruction.

SENATE CONCURRENT RESOLUTION 84—EXPRESSING THE SENSE OF CONGRESS REGARDING THE NAMING OF AIRCRAFT CARRIER CVN-77, THE LAST VESSEL OF THE HISTORIC "NIMITZ" CLASS OF AIRCRAFT CARRIERS, AS THE U.S.S. "LEXINGTON"

Mr. WARNER (for himself and Mr. INOUYE) submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. CON. RES. 84

Whereas over the last three decades Congress has authorized and appropriated funds for a total of 10 "NIMITZ" class aircraft carriers;

Whereas the last vessel in the "NIMITZ" class of aircraft carriers, CVN-77, is currently under construction and will be delivered in 2008;

Whereas the first nine vessels in this class proudly bear the following names:

(1) U.S.S. Nimitz (CVN-68).
(2) U.S.S. Dwight D. Eisenhower (CVN-69).
(3) U.S.S. Carl Vinson (CVN-70).
(4) U.S.S. Theodore Roosevelt (CVN-71).
(5) U.S.S. Abraham Lincoln (CVN-72).
(6) U.S.S. George Washington (CVN-73).
(7) U.S.S. John C. Stennis (CVN-74).
(8) U.S.S. Harry S. Truman (CVN-75).
(9) U.S.S. Ronald Reagan (CVN-76).

Whereas it is now time to recommend to the President, as Commander in Chief of the Armed Forces, an appropriate name for the final vessel in the "NIMITZ" class of aircraft carriers;

Whereas over the last 25 years the vessels in the "NIMITZ" class of aircraft carriers have served as one of the principal means of United States diplomacy and as one of the principal means for the defense of the United States and our allies around the world;

Whereas the name bestowed upon aircraft carrier CVN-77 should embody the American spirit and provide a lasting symbol of the American commitment to freedom;

Whereas for the citizens of the United States, the name "Lexington" has been synonymous with defense of freedom from the very first battle of the War of the American Revolution and is taught to American schoolchildren as the place of the "shot heard round the world", at which our forebears mustered the courage to gain independence;

Whereas the name "Lexington" has been associated with naval aviation from its origins in the 1920s, when President Harding bestowed the name "Lexington" on the second aircraft carrier in United States history;

Whereas that vessel, the U.S.S. Lexington (CV-2), also known as the "Fighting Lady", saw active service from 1927 until lost in 1942 during the historic Battle of the Coral Sea;

Whereas immediately after that loss, President Franklin D. Roosevelt saw fit to bestow the name "Lexington" on a successor aircraft carrier in order to carry on the fighting spirit to preserve freedom;

Whereas that successor aircraft carrier, the U.S.S. Lexington (CV-16), joined the fleet in 1943 and earned 11 battle stars during the Pacific campaigns of World War II as she helped carry the fight to the enemy;

Whereas the U.S.S. Lexington (CV-16) continued her service to the United States after World War II, conducting numerous deployments during the Cold War and completing her 48 years of service as a training aircraft carrier for student aviators; and

Whereas upon the completion of her service and in keeping with the traditions of the Navy, the U.S.S. Lexington (CV-16) was stricken from the Navy Vessel Register on November 30, 1991: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the aircraft carrier CVN-77 should be named the U.S.S. Lexington—

(1) in order to honor the men and women who served in the Armed Forces of the United States during World War II, and the incalculable number of United States citizens on the home front during that war, who mobilized in the name of freedom, and who are today respectfully referred to as the "Greatest Generation"; and

(2) as a special tribute to the 16,000,000 veterans of the Armed Forces who served on land, sea, and air during World War II, of whom less than 6,000,000 remain alive today, and serve as a lasting symbol of commitment to freedom as they pass on and proudly take their place in history.

SENATE RESOLUTION 259—URGING THE DECOMMISSIONING OF ARMS AND EXPLOSIVES IN NORTHERN IRELAND

Mr. HELMS (for himself and Mr. SMITH of Oregon) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 259

Whereas the Good Friday Agreement was signed on April 10, 1998, to bring about a peaceful settlement to the conflict in Northern Ireland;

Whereas in a referendum on May 22, 1998, the people of Northern Ireland and the Republic of Ireland voted overwhelmingly in favor of the Good Friday Agreement;

Whereas the Good Friday Agreement provides for the devolution of government from the United Kingdom to local institutions in Northern Ireland and the establishment of a North/South Ministerial Council and a British-Irish Council, and consists of provisions on decommissioning, human rights, policing, and prisoners;

Whereas much progress has been made in the establishment of both the indigenous Northern Ireland institutions and the North/South and British-Irish bodies, hundreds of prisoners from both communities have been released, and a plan for the restructuring of the police force has been put forth;

Whereas the Independent International Commission on Decommissioning (the Commission), led by General John de Chastelain, was established to facilitate the process of decommissioning of paramilitary arms as called for in the Good Friday Agreement;

Whereas the two principal loyalist paramilitary organizations, the Ulster Volunteer Force (UVF) and the Ulster Freedom Fighters (UFF), informed the Commission that they are prepared to move on decommissioning if the Irish Republican Army (IRA) makes clear that the war is over and it will also decommission;

Whereas the Commission's January 31, 2000, report on decommissioning states that though the IRA emphasized that it poses no threat to the peace process, it has not provided any information as to when decommissioning will begin;

Whereas the leader of the Social Democratic and Labor Party, John Hume, has called upon the IRA to "demonstrate for all to see its patriotism and desire to move the situation forward by strengthening the peace process through beginning voluntarily the process of decommissioning";

Whereas on February 11, 2000, due to the decommissioning impasse, the British Secretary of State for Northern Ireland, Peter Mandelson, suspended the Northern Ireland Executive and resumed direct control over the province;

Whereas on February 11, 2000, the Commission issued a report noting the "IRA's recognition that the issue of arms needs to be dealt with in an acceptable way and that this is a necessary objective of a genuine peace process"; and

Whereas recent polls indicate that the overwhelming majority of the people in Northern Ireland and the Republic of Ireland support decommissioning by all paramilitary organizations: Now, therefore, be it

Resolved, That the Senate—

(1) stresses the importance of decommissioning of weapons held by paramilitaries on all sides without conditions to the success of the peace process in Northern Ireland;

(2) calls upon the Irish Republican Army to make a firm commitment and offer a specific timetable as to when decommissioning of all of their arms and explosives will begin; and

(3) urges the loyalist paramilitary organizations to respond to such an IRA proposal by immediately beginning the process of decommissioning all of their weapons.

Mr. HELMS. Mr. President, I am certainly not alone in my disappointment at the recent turn of events in Northern Ireland. It is a disheartening development. With the signing of the Good Friday Agreement in April 1998 and the overwhelming desire for peaceful resolution of the conflict—in both Northern Ireland and the Republic of Ireland—the prospects for peace in that troubled region had never seemed better.

The Good Friday Agreement, like all negotiated peace settlements, offers incentives to all parties but it also requires compromises—compromises that most people are willing to make, and have made, in order for peace. I do not pretend to speak for any side in Northern Ireland, but I can imagine that it was difficult for many in the Unionist community to see convicted IRA bombers walk free from prison.

And it was certainly difficult for many in the nationalist community to accept the principal of continued British sovereignty over Northern Ireland. But David Trimble, John Hume, and other honorable men and women have fulfilled their obligations under the Good Friday Agreement in order to give peace the opportunity to take root in Northern Ireland.

The current crisis stems from the refusal of one organization—the Irish Republican Army—to begin the process of decommissioning of their weapons and explosives. The IRA claims it has done enough by keeping its guns silent, by not setting off bombs, by adhering to a cease-fire. But, Mr. President, what kind of democratic system exists when one organization maintains a massive arsenal for potential use in the event that it is dissatisfied with the political process? Is that considered a genuine peace? I maintain that it is not, and it should not be accepted by people in this country.

Let me clear, the IRA's political wing, Sinn Fein, signed onto decommissioning in the Good Friday Agreement. As the Agreement states: "all participants accordingly reaffirm their commitment to the total disarmament of all paramilitary organizations" and to "use any influence they may have, to achieve the decommissioning of all paramilitary arms within two years", which is May 22 of this year.

Now, Sinn Fein's leader Gerry Adams has said that his organization "has no further room to move", which I find quite interesting, considering that members of his party were allowed to participate in the local governing structures established by the Good Friday Agreement (but do not seem to be willing to convince the IRA it must fulfill its obligations as well).

I suggest that Mr. Adams be advised that he cannot have it both ways. And to those whose excuse is that the deadline for decommissioning is still three months off (May 22, 2000), I would remind them that there is an established body designed to manage this process and that the IRA refused to make any commitment or offer any timetable for decommissioning to this institution. It is difficult to believe that on May 21, 2000, the IRA would have, in any event, turned over its hundreds of guns, its tons of Semtex, which it maintains as a veto on peace.

We are at a critical point: due to lack of commitment by the IRA on decommissioning, the British government had no choice but to suspend the indigenous institutions of Northern Ireland. Why? Let me merely recite the obvious: Why should Sinn Fein be allowed to participate in legitimate, elected governing bodies when the IRA refuses to disarm? How can we expect the unionist community to deal with Sinn Fein officials in this capacity when the IRA has turned its back on this crucial part of the peace process?

Sinn Fein and the IRA continue to raise the bar; after demanding that the Northern Ireland Executive and Northern Ireland Assembly be established before beginning decommissioning, they now state that if the British withdraw their troops from bases in Northern Ireland, they might consider handing in their weapons. I would remind them that there is an agreement, there is a process that they have signed onto—from which they have benefitted. Their prisoners have been released. Plans for a drastic overhaul of the Royal Ulster Constabulary have been put forth. Cross border institutions have been established and are functioning.

They must abide by their obligations as well. Mr. President, Sinn Fein and the IRA must understand that if they do not, they will not have the support of the United States.

Today I am offering a resolution stressing the importance of decommissioning to the success of the peace in Northern Ireland and calling on the IRA to commit to the process and to offer a timetable as to when they will turn in their arms and explosives. And although the loyalist paramilitary organizations have significantly fewer weapons in their possession, they must fulfill their promise to disarm as well. The two main loyalist paramilitaries have stated that they will disarm when the IRA begins to do so. If the IRA moves on decommissioning, these organizations should respond immediately.

This is an historic moment in Northern Ireland—the best chance for peace in a quarter of a century. Let us not waste it. We must encourage those who are working for peace. But more importantly, we must make clear to those who want to destroy this opportunity by clinging to old and violent means, they can not succeed.

SENATE RESOLUTION 260—TO EXPRESS THE SENSE OF THE SENATE THAT THE FEDERAL INVESTMENT IN PROGRAMS THAT PROVIDE HEALTH CARE SERVICES TO UNINSURED AND LOW-INCOME INDIVIDUALS IN MEDICALLY UNDER SERVED AREAS BE INCREASED IN ORDER TO DOUBLE ACCESS TO CARE OVER THE NEXT 5 YEARS

Mr. BOND (for himself, Mr. HOLLINGS, Mr. COCHRAN, Mr. DASCHLE, Mr. HATCH, Mr. KENNEDY, Mr. HUTCHINSON, Mr. BREAUX, Mr. DEWINE, Mrs. LINCOLN, Mrs. MURRAY, and Mr. INOUYE) submitted the following resolution; which was referred to the Committee on Appropriations:

S. RES. 260

Whereas the uninsured population in the United States continues to grow at over 100,000 individuals per month, and is estimated to reach over 53,000,000 people by 2007;

Whereas the growth in the uninsured population continues despite public and private efforts to increase health insurance coverage;

Whereas nearly 80 percent of the uninsured population are members of working families who cannot afford health insurance or cannot access employer-provided health insurance plans;

Whereas minority populations, rural residents, and single-parent families represent a disproportionate number of the uninsured population;

Whereas the problem of health care access for the uninsured population is compounded in many urban and rural communities by a lack of providers who are available to serve both insured and uninsured populations;

Whereas community, migrant, homeless, and public housing health centers have proven uniquely qualified to address the lack of adequate health care services for uninsured populations, serving over 4,500,000 uninsured patients in 1999, including over 1,000,000 new uninsured patients who have sought care from such centers in the last 3 years;

Whereas health centers care for nearly 7,000,000 minorities, nearly 600,000 farmworkers, and more than 500,000 homeless individuals each year;

Whereas health centers provide cost-effective comprehensive primary and preventive care to uninsured individuals for less than $1.00 per day, or $350 annually, and help to reduce the inappropriate use of costly emergency rooms and inpatient hospital care;

Whereas current resources only allow health centers to serve 10 percent of the Nation's 44,000,000 uninsured individuals;

Whereas past investments to increase health center access have resulted in better health, an improved quality of life for all Americans, and a reduction in national health care expenditures; and

Whereas Congress can act now to increase access to health care services for uninsured and low-income people together with or in advance of health care coverage proposals by expanding the availability of services at community, migrant, homeless, and public housing health centers: Now, therefore, be it

Resolved,

SECTION 1. SHORT TITLE.

This resolution may be cited as the "Resolution to Expand Access to Community Health Centers (REACH) Initiative".

SEC. 2. SENSE OF THE SENATE.

It is the sense of the Senate that appropriations for consolidated health centers under section 330 of the Public Health Service Act (42 U.S.C. 254b) should be increased by 100 percent over the next 5 fiscal years in order to double the number of individuals who receive health care services at community, migrant, homeless, and public housing health centers.

Mr. BOND. Mr. President, I rise today to talk about the hot topic in the world of health care—health care access. Many people see this as the biggest problem in health care today.

Part of the problem, and the part that has received the most attention, is that too many Americans lack health insurance—about 44 million Americans aren't covered by any type of health plan. But an equally serious part of the problem is many people's simple inability to get access to a health care provider. Even if they have insurance, a young couple with a sick child is out of luck if they can't get in to see a pediatrician or another health care provider. And in too many urban and rural communities across the country, there just aren't enough doctors to go around.

Several plans have been proposed recently on how to deal with the health care access problem. Senator Bradley has a plan. The Vice President has one. There's also a bipartisan proposal for tax credits to help people buy health insurance. All of these plans have at least 3 things in common.

First, they all address a worthwhile goal. I think we all want to see that people have access to good health care, even if we might disagree on how to get there.

Second, they're all very ambitious. Senator Bradley in fact is basically proposing to use close to the entire $1 trillion surplus to provide people with health insurance.

The third thing these plans have in common—and perhaps the most important thing—is that they probably have little chance of becoming law this year. Whether because of policy differences or political differences, it's just not likely that they will pass.

So today, we're launching a bipartisan effort—called the REACH Initiative—that does have a chance this year. There's no need to wait for an election—we can do it now.

Our proposal builds on the crucial work that organizations known as community health centers have been doing to ensure better access to health care. Health centers are private nonprofit clinics that provide primary care and preventive health care services in medically-underserved urban and rural communities across the country. Partially with the help of federal grants, health centers provide basic care for about 11 million people every year, 4 million of whom are uninsured.

The goal of the REACH Initiative is simple—to make sure more people have access to health care. We plan to achieve this by doubling federal funding for community health centers over a period of five years. We believe this will allow up to 10 million more women, children, and others in need to receive care at health centers. If we are successful with the REACH Initiative, we can practically double the number of uninsured and underinsured people that health centers care for.

The REACH Initiative basically recognizes the key contributions that community health centers have already made in addressing the health care access problems. But there is so much more that can still be done.

Now, out of all the ways we can address health care access problems, why are health centers a good solution and a worthwhile target for additional funding?

1. Health centers are an existing program that produces results. Too many health care proposals want to practically start from scratch, and make breathtakingly revolutionary changes. When I look at the health system and its admittedly huge problems, I sometimes think that might not be a bad idea. But it's also extremely risky. We need to remember that despite the many flaws in our health system, many people are pleased with it. We should be wary about making too radical changes that could interfere with what's right in our system. Instead, we can expand an existing part of the system that's been proven to provide cost-effective, high-quality care.

2. Health centers play a crucial role in health care, and are vastly underappreciated. It's amazing to me how few people are aware of the types of services community health centers provide, and just how prominent they are in health care. After all, health centers care for close to one out of very 20 Americans, one out of every 12 rural residents, one out of every 6 low-income children, and one of every 5 babies born to low-income families.

3. Health centers truly target the health care access problem. By definition, health centers must be located in "medically underserved" communities—which simply means places where people have serious problems getting access to health care. So health centers attack the problem right at this source. Unlike other health care proposals, the REACH Initiative doesn't create problems of "crowding out" private insurance by replacing private dollars spent on health insurance with federal dollars.

4. Health centers are relatively cheap. Health centers can provide primary and preventive care for one person for less than $1 dollar per day—about $350 per year. Even better, health centers are able to leverage each grant dollar from the federal government into additional funding from other sources—meaning they can effectively turn one grant dollar into several dollars that can be used to address health care problems. With an extra billion dollars a year—the goal of the REACH Initiative in its fifth year—health centers could be caring for an additional 10 million people.

5. Expanding health center access would not be a government takeover of health care. New funding within the REACH Initiative. But this new funding would not go to create a huge new government bureaucracy. Instead, the REACH Initiative would invest additional funds in private organizations that have consistently proven themselves to be efficient, high-quality, and cost-effective health care providers.

To me, all of these reasons point to one logical conclusion—a need for drastically increased funding for health centers. Health centers are already helping millions of Americans get health care. But they can still help millions more—pregnant women, children, and anyone else who desperately needs care.

At the start of my remarks, I said that we were here to talk about and address the problem of health care access—but that's sort of a cold way to talk about it. So let me try again, but this time in human terms.

We're here to introduce the REACH Initiative to make sure that a young woman who has just found out she's pregnant—but who doesn't have health insurance—has a place to get prenatal care so she doesn't risk her health and her baby's health by waiting until late in the pregnancy.

We're here to introduce the REACH Initiative to make sure that a 6-year-old boy living in a heavily rural Missouri community—where there wouldn't otherwise be any health care providers at all—has a place to get regular checkups so he can stay health at home and in school.

We're here to make sure that a young couple without anywhere else to go has a place to get their infant daughter immunized to protect her from a variety of dreaded diseases.

These individuals, and millions more like them, are the reasons why we must make the goal of the REACH Initiative—doubled funding for community health centers—a reality.

SENATE RESOLUTION 261—EXPRESSING THE SENSE OF THE SENATE REGARDING THE DETENTION OF ANDREI BABITSKY BY THE GOVERNMENT OF THE RUSSIAN FEDERATION AND FREEDOM OF THE PRESS IN RUSSIA

Mr. HELMS (for himself, Mr. BIDEN, Mr. ROTH, Mr. LOTT, and Mr. DODD) submitted the following resolution; which was considered and agreed to:

S. RES. 261

Whereas Andrei Babitsky, a dedicated and professional journalist for Radio Free Europe/Radio Liberty (RFE/RL) for the last 10 years, reported on the 1994–1996 and the current Russo-Chechen wars;

Whereas on December 27, 1999, the Russian Information Committee (RIC) in Chechnya accused Babitsky of "conspiracy with Chechen rebels" after he broadcast a story that shed unfavorable light on Russian military actions in Chechnya;

Whereas on January 8, 2000, Russian security agents raided Babitsky's apartment in Moscow and confiscated several items and later ordered his wife, Ludmila Babitskaya, to report to a local militia station in Moscow after she attempted to pick up photographs taken by her husband in Chechnya;

Whereas on January 18, 2000, Babitsky was reportedly detained by Russian authorities in Moscow but later reports indicated that he was not formally arrested until January 27, 2000;

Whereas on January 26, 2000, Russian presidential spokesman Sergei Yastrzhembsky said that Babitsky "left Grozny and then disappeared" and declared that Russian security services had no idea as to his whereabouts and that "his security is not guaranteed";

Whereas on January 28, 2000, Russian media officials told RFE/RL that Babitsky would be released with apologies after having been charged with participating in "an illegal armed formation";

Whereas on February 2, 2000, Moscow officials announced that Babitsky would be transferred from Naursky district near Chechnya to Gudermes and then to Moscow where he would then be released on his own recognizance;

Whereas on February 3, 2000, Russian presidential spokesman Sergei Yastrzhembsky said that Russian officials exchanged Babitsky for 3 Russian prisoners of war and on the same day, Vladimir Ustinov, acting Russian prosecutor general, said Babitsky had been released and had gone over to the Chechens on his own accord;

Whereas the Government of the Russian Federation has repeatedly issued contradictory statements on the detention of Andrei Babitsky and provided neither a credible accounting of its detention of Babitsky nor any credible evidence of his well-being;

Whereas United Nations High Commissioner for Human Rights Mary Robinson stated on February 16 that Russian behavior in Chechnya and the detention of Andrei Babitsky appears to violate the Geneva conventions to which Russia is a signatory;

Whereas on February 16, 2000, Russian Human Rights Commissioner Oleg Mironov denounced Moscow's handling of Babitsky as a violation of Russian law and international law and stated that the situation surrounding Babitsky signals "that the same thing may happen to every reporter";

Whereas the Union of Journalists in Russia declared on February 16 that the case of Andrei Babitsky is "not an isolated episode, but almost a turning point in the struggle for a press that serves society and not the authorities" and that "the threat to freedom of speech in Russia has for the first time in the last several years transformed into its open and regular suppression";

Whereas freedom of the press is both a central element of democracy as well as a catalyst for democratic reform;

Whereas the Government of the Russian Federation has repeatedly violated the principles of freedom of the press by subjecting journalists who question or oppose its policies to censorship, intimidation, harassment, incarceration, and violence; by restricting beyond internationally accepted limits their access to information; and by issuing misleading and false information; and

Whereas the Government of the Russian Federation has egregiously restricted the efforts of journalists to report on the indiscriminate brutality of Russia's use of force in Chechnya: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the detention of Andrei Babitsky by the Government of the Russian Federation and the misinformation the Government of the Russian Federation has issued concerning this matter—

(A) constitute reprehensible treatment of a civilian in a conflict zone in violation of the Geneva Conventions and applicable protocols; and

(B) demonstrate the Government of the Russian Federation's intolerance toward a free and open press;

(2) the conduct of the Government of the Russian Federation leaves it responsible for the safety of Andrei Babitsky;

(3) the Government of the Russian Federation should take steps to secure the safe return of RFE/RL reporter Andrei Babitsky to his family;

(4) the Government of the Russian Federation should provide a full accounting of Mr. Babitsky's detention and the charges he may face; and

(5) the Russian authorities should immediately halt their harassment of journalists, foreign and domestic, who cover the war in Chechnya and any other event in the Russian Federation and should fully adhere to the Universal Declaration of Human Rights, which declares in Article 19 that "everyone has the right to freedom of opinion and expression; this right includes the freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers".

SENATE RESOLUTION 262—ENTITLED THE "PEACEFUL RESOLUTION OF THE CONFLICT IN CHECHNYA"

Mr. WELLSTONE submitted the following resolution; which was considered and agreed to:

S. RES. 262

Whereas the people of Chechnya are exercising the legitimate right of self-defense against the indiscriminate use of force by the Government of the Russian Federation;

Whereas the Government of the Russian Federation has used disproportionate force in the bombings of civilian targets Chechnya which has resulted in the deaths of thousands of innocent civilians and the displacement of well over 250,000 others;

Whereas the Government of the Russian Federation has refused to engage in negotiations with the Chechen resistance toward a just peace and instead has charged Chechen President Aslan Maskhadov with armed mutiny and issued a warrant for his arrest;

Whereas Russian authorities deny access to regions in and around Chechnya by the international community, including officials of the United Nations, Organization for Security Cooperation in Europe and the Council of Europe, and maintain a virtual ban on access to Chechen civilians by media and international humanitarian organizations, including the International Federation of the Red Cross;

Whereas these restrictions severely limited the ability of these organizations to ascertain the extent of the humanitarian crisis and to provide humanitarian relief;

Whereas even limited testimony and general investigation organizations credibly report widespread looting, summary executions, detentions, denial of safe passage to fleeing civilians, torture and rape committed by Russian soldiers;

Whereas there are credible reports of specific atrocities committed by Russian soldiers in Chechnya, including the rampages in Alkhan-Yurt where 17 persons were killed in December 1999 and in the Staropromyslovsky district of Grozny where 44 persons killed in December 1999; and the rapes of Chechnya prisoners in the Chernokosovo detention camp;

Whereas these credible reports indicate clear violations of international human rights standards and law that must be investigated, and those responsible must be held accountable;

Whereas United Nations High Commissioner for Human Rights Mary Robinson proposed on February 20, 2000, the prosecution of Russian military commanders for overseeing "executions, tortures, and rapes"; and

Whereas the Senate expresses its concern over the conflict and humanitarian tragedy in Chechnya, and its desire for a peaceful resolution and durable settlement to the conflict: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the Government of the Russian Federation—

(A) immediately cease its military operations in Chechnya and initiate negotiations toward a just peace with the leadership of the Chechnya Government, including President Aslan Maskhadov;

(B) allow into and around Chechnya international missions to monitor and report on the situation there and to investigate alleged atrocities and war crimes;

(C) allow international humanitarian agencies immediate full and unimpeded access to Chechen civilians, including those in refugee, detention and so called "filtration camps" or any other facility where citizens of Chechnya are detained; and

(D) investigate fully the atrocities committed in Chechnya including those alleged in Alkhan-Yurt, and Grozny, and initiate prosecutions against those officers and soldiers accused.

(2) the President of the United States of America—

(A) should promote peace negotiations between the Government of the Russian Federation and the leadership of the Chechen Government, including President Aslan Mashkadov, through third party mediation by the OSCE, United Nations or other appropriate parties;

(B) endorse the call of the United Nations High Commissioner for Human Rights for an investigation of alleged war crimes committed by the Russian military in Chechnya; and

(C) should take tangible to demonstrate to the Government of the Russian Federation that the United States strongly condemns its brutal conduct in Chechnya and its unwillingness to find a just political solution to the conflict in Chechnya.

AMENDMENTS SUBMITTED

AFFORDABLE EDUCATION ACT OF 1999

MURRAY AMENDMENT NO. 2821

(Ordered to lie on the table.)

Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill (S. 1134) to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes; as follows:

Strike title I and insert the following:

TITLE I—CLASS SIZE REDUCTION

SEC. 101. PROGRAMS.

Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.) is amended—

(1) by redesignating part E as part F;

(2) by redesignating sections 2401 and 2401 as sections 2501 and 2502, respectively; and

(3) by inserting after part D the following:

“PART D—CLASS SIZE REDUCTION

“SEC. 2401. GRANT PROGRAM.

“(a) Purpose.—The purpose of this section is to reduce class size through use of fully qualified teachers.

“(b) Allotment to States.—From the amount made available to carry out this part under section 2402 for a fiscal year, the Secretary—

“(1) shall make available a total of $3,600,000 to the Secretary of the Interior (on behalf of the Bureau of Indian Affairs) and the outlying areas for activities carried out in accordance with this section; and

“(2) shall allot the remainder by providing to each State the same percentage of that remainder as the State received of the funds provided to States under section 307(a)(2) of the Department of Education Appropriations Act, 1999.

“(c) Allocation to Local Educational Agencies.—

“(1) Allocation.—Each State that receives funds under this section shall allocate 100 percent of such funds to local educational agencies, of which—

“(A) 80 percent of such funds shall be allocated to such local educational agencies in proportion to the number of children, age 5 through 17, from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved, who reside in the school district served by such local educational agency for the most recent fiscal year for which satisfactory data are available, compared to the number of such children who reside in the school districts served by all the local educational agencies in the State for that fiscal year; and

“(B) 20 percent of such funds shall be allocated to such local educational agencies in accordance with the relative enrollments of children, age 5 through 17, in public and private nonprofit elementary schools and secondary schools within the areas served by such agencies.

“(2) Exception.—Notwithstanding paragraph (1) and subsection (d)(2)(B), if the award to a local educational agency under this section is less than the starting salary for a new fully qualified teacher for a school served by that agency who is certified or licensed within the State, has a baccalaureate degree, and demonstrates the general knowledge, teaching skills, and subject matter knowledge required to teach in the content areas in which the teacher teaches, that agency may use funds made available under this section to—

“(A) help pay the salary of a full- or part-time teacher hired to reduce class size, which may be done in combination with the expenditure of other Federal, State, or local funds; or

“(B) pay for activities described in subsection (d)(2)(A)(iii) that may be related to teaching in smaller classes.

“(d) Use of Funds.—

“(1) Mandatory uses.—Each local educational agency that receives funds under this section shall use such funds to carry out effective approaches to reducing class size through use of fully qualified teachers who are certified or licensed within the State, have baccalaureate degrees, and demonstrate the general knowledge, teaching skills, and subject matter knowledge required to teach in the content areas in which the teachers teach, to improve educational achievement for both regular and special needs children, with particular consideration given to reducing class size in the early elementary grades for which some research has shown class size reduction is most effective.

“(2) Permissible uses.—

“(A) In general.—Each such local educational agency may use funds made available under this section for—

“(i) recruiting (including through the use of signing bonuses, and other financial incentives), hiring, and training fully qualified regular and special education teachers (which may include hiring special education teachers to team-teach with regular teachers in classrooms that contain both children with disabilities and non-disabled children) and teachers of special needs children, who are certified or licensed within the State, have a baccalaureate degree and demonstrate the general knowledge, teaching skills, and subject matter knowledge required to teach in the content areas in which the teachers teach;

“(ii) testing new teachers for academic content knowledge, and to meet State certification or licensing requirements that are consistent with title II of the Higher Education Act of 1965; and

“(iii) providing professional development (which may include such activities as promoting retention and mentoring) for teachers, including special education teachers and teachers of special needs children, in order to meet the goal of ensuring that all teachers have the general knowledge, teaching skills, and subject matter knowledge necessary to teach effectively in the content areas in which the teachers teach, consistent with title II of the Higher Education Act of 1965.

“(B) Limitation on testing and professional development.—

“(i) In general.—Except as provided in clause (ii), a local educational agency may use not more than a total of 25 percent of an the funds received by the agency under this section for activities described in clauses (ii) and (iii) of subparagraph (A).

“(ii) Waivers.—A local educational agency may apply to the State educational agency for a waiver that would permit the agency to use more than 25 percent of the funds the agency receives under this section for activities described in subparagraph (A)(iii) for the purpose of helping teachers who have not met applicable State and local certification or licensing requirements become certified or licensed if—

“(I) the agency is in an Ed-Flex Partnership State under the Education Flexibility Partnership Act of 1999; and

“(II) 10 percent or more of teachers in elementary schools served by the agency have not met the certification or licensing requirements, or such requirements have been waived for 10 percent or more of the teachers.

“(iii) Use of funds under waiver.—If the State educational agency approves the local educational agency's application for a waiver under clause (ii), the local educational agency may use the funds subject to the conditions of the waiver for activities described in subparagraph (A)(iii) that are needed to ensure that at least 90 percent of the teachers in the elementary schools are certified or licensed within the State.

“(C) Use of funds by agencies that have reduced class size.—Notwithstanding subparagraph (B), a local educational agency that has already reduced class size in the early elementary grades to 18 or fewer children (or has already reduced class size to a State or local class size reduction goal that was in effect on the day before the date of enactment of the Department of Education Appropriations Act, 2000, if that goal is 20 or fewer children) may use funds received under this section—

“(i) to make further class size reductions in kindergarten through third grade;

“(ii) to reduce class size in other grades; or

“(iii) to carry out activities to improve teacher quality, including professional development.

“(D) Professional development by agencies that have reduced class size.—If a local educational agency has already reduced class size in the early elementary grades to 18 or fewer children and intends to use funds provided under this section to carry out activities to improve teacher quality, including professional development activities, the State shall make the funds available under subsection (c) to the local educational agency.

“(3) Supplement, not supplant.—Each such agency shall use funds made available under this section only to supplement, and not to supplant, State and local funds expended for activities described in this section.

“(4) Limitation on use for salaries and benefits.—

“(A) In general.—Except as provided in subparagraph (B), no funds made available under this section may be used to increase the salaries or provide benefits, other than participation in professional development and enrichment programs, for teachers who are not hired under this section.

“(B) Exception.—Funds made available under this section may be used to pay the salaries of teachers hired under section 307 of the Department of Education Appropriations Act, 1999.

"(e) Reports.—

"(1) State activities.—Each State receiving funds under this section shall prepare and submit to the Secretary a biennial report on activities carried out in the State under this section that provides the information described in section 6202(a)(2) with respect to the activities.

"(2) Progress concerning class size and qualified teachers.—Each State and local educational agency receiving funds under this section shall publicly report to parents on—

"(A) the agency's progress in reducing class size, and increasing the percentage of classes in core academic areas taught by fully qualified teachers who are certified or licensed within the State, have baccalaureate degrees, and demonstrate the general knowledge, teaching skills, and subject matter knowledge required to teach in the content areas in which the teachers teach; and

"(B) the impact that hiring additional fully qualified teachers and reducing class size, has had, if any, on increasing student academic achievement.

"(3) Professional qualifications.—Each school receiving funds under this section shall provide to parents, upon request, information about the professional qualifications of their child's teacher.

"(f) Private Schools.—If a local educational agency uses funds made available under this section for professional development activities, the agency shall ensure the equitable participation of private nonprofit elementary schools and secondary schools in such activities in accordance with section 6402. Section 6402 shall not apply to other activities carried out under this section.

"(g) Administrative Expenses.—A local educational agency that receives funds under this section may use not more than 3 percent of such funds for local administrative costs.

"(h) Request for Funds.—Each local educational agency that desires to receive funds under this section shall include in the application required under section 2208 a description of the agency's program to reduce class size by hiring additional fully qualified teachers.

"(i) Certification, Licensing, and Competency.—No funds made available under this section may be used to pay the salary of any teacher hired with funds made available under section 307 of the Department of Education Appropriations Act, 1999, unless, by the start of the 2000–2001 school year, the teacher is certified or licensed within the State and demonstrates competency in the content areas in which the teacher teaches.

"(j) Definition.—In this section, the term 'certified' includes certification through State or local alternative routes.

"SEC. 2402. AUTHORIZATION OF APPROPRIATIONS.

"(a) Fiscal Year 2001.—There is authorized to be appropriated to carry out this part $1,200,000,000 for fiscal year 2001.

"(b) Other Fiscal Years.—There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal years 2002 through 2005.".

NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION ACT AMENDMENTS OF 1999

CAMPBELL AMENDMENT NO. 2822

(Ordered to lie on the table.)

Mr. CAMPBELL submitted an amendment intended to be proposed by him to the bill (S. 400) to provide technical corrections to the Native American Housing Assistance and Self-Determination Act of 1996, to improve the delivery of housing assistance to Indian tribes in a manner that recognizes the right of tribal self-governance, and for other purposes; as follows:

On page 19, strike lines 2 through 10 and insert the following:

Section 104(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4114(b)) is amended—

(1) by striking "Davis-Bacon Act (40 U.S.C. 276a-276a-5)" and inserting "Act of March 3, 1931 (commonly known as the 'Davis-Bacon Act') (46 Stat. 1494, chapter 411; 40 U.S.C. 276a et seq.)"; and

(2) by adding at the end the following:

"(3) Application of tribal laws.—Paragraph (1) shall not apply to any contract or agreement for assistance, sale, or lease pursuant to this Act, if such contract or agreement is otherwise covered by 1 or more laws or regulations adopted by an Indian tribe that requires the payment of not less than prevailing wages, as determined by the Indian tribe.".

NOTICE OF HEARING

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources. The purpose of this hearing is to receive testimony on S. 972, a bill to amend the Wild and Scenic Rivers Act to improve the administration of the Lamprey River in the State of New Hampshire; S. 1705, a bill to direct the Secretary of the Interior to enter into land exchanges to acquire from the private owner and to convey to the State of Idaho approximately 1,240 acres of land near the City of Rocks National Reserve, Idaho, and for other purposes; S. 1727, a bill to authorize funding for the expansion annex of the historic Palace of the Governors, a public history museum located, and relating to the history of Hispanic and Native American culture, in the Southwest and for other purposes; S. 1849, a bill to designate segments and tributaries of White Clay Creek, Delaware and Pennsylvania, as a component of the National Wild and Scenic Rivers System; and S. 1910, a bill to amend the Act establishing Women's Rights National Historical Park to permit the Secretary of the Interior to acquire title in fee simple to the Hunt House located in Waterloo, New York.

The hearing will take place on Wednesday, March 8 at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD–364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Jim O'Toole or Kevin Clark of the Committee staff at (202) 224–6969.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry, be authorized to meet during the session of the Senate on Thursday, February 24, 2000. The purpose of this meeting will be to discuss risk management/crop insurance and possibly other issues before the Agriculture Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, February 24, 2000, at 10 a.m., in open session to receive testimony on the National Security Implications on export controls and to examine S. 1712, the Export Administration Act of 1999.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, February 24, 2000, to conduct a hearing on pending nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the Senate Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, February 24 at 9:30 a.m. to conduct an oversight hearing regarding energy supply issues relating to crude oil, heating oil, and transportation fuels. The hearing will examine such issues as the recent price spikes in the Northeast Region as well as predicted gasoline prices during the peak summer months. The committee will examine the short and long term causes as well as the potential fixes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the Senate

Committee on Finance be authorized to meet during the session of the Senate on Thursday, February 24, 2000, at 10 a.m. to hear testimony regarding Medicare Reform: Issues and Options.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, February 24, 2000, at 10 a.m., in SD226.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate on Thursday, February 24, 2000, beginning at 9 a.m. in room 428A of the Russell Senate Office Building to hold a hearing entitled "The President's Fiscal Year 2000 Budget Request for the Small Business Administration."

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, February 24, 2000, at 2 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Governmental Affairs Committee be authorized to meet during the session of the Senate on Thursday, February 24, 2000, 9:30 a.m., for a hearing entitled "Day Trading: Everyone Gambles But The House."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AFRICAN AFFAIRS

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the Subcommittee on African Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, February 24, 2000, at 2:30 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FORESTS AND PUBLIC LANDS

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Lands of the Senate Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, February 24, 2000, at 2:30 p.m. to conduct a hearing. The subcommittee will receive testimony on S. 1722, a bill to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for sodium that may be held by an entity in any one State, and for other purposes; and its companion bill, H.R. 3063, a bill to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for sodium that may be held by an entity in any one State, and for other purposes; and S. 1950, a bill to amend the Mineral Leasing Act of 1920 to ensure the orderly development of coal, coalbed methane, natural gas, and oil in the Power River Basin, Wyoming and Montana, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HOUSING AND TRANSPORTATION

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Transportation of the Committee on Banking, Housing and Urban Affairs be authorized to meet during the session of the Senate on Thursday, February 24, 2000, to conduct a hearing on "HUD's community Builders Program."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PERSONNEL

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, February 24, 2000, at 2:30 p.m. in open session to receive testimony on Department of Defense Policies pertaining to recruiting and retention in review of the defense authorization request for fiscal year 2001 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the Subcommittee on Transportation and Infrastructure be authorized to conduct a hearing on the Army Corps of Engineers FY 2001 budget on Thursday, February 24, 2000, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. LEAHY. Mr. President, I ask unanimous consent that Ben Hubbard of my staff be given privileges of the floor throughout the day and for any subsequent votes today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTS. Mr. President, I ask unanimous consent that the privilege of the floor be granted to Scott Kindsvater, an outstanding pilot. He is a major in the Air Force who happens to come from Dodge City, KS, America. He is a congressional fellow from the Air Force, serving in my office in regard to this particular issue.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE NEED FOR RESPONSIBLE MILITARY HEALTH CARE REFORM

• Mr. McCAIN. Mr. President, I wish to express the need to support responsible, significant, military health care reform. I commend the Chairman of the Armed Services Committee and Republican leadership for making enactment of military health care reform a top priority in the Senate.

Our nation's military health care delivery system cries out for strong, meaningful reform. The military health care delivery system is facing some very unique challenges.

One of the critical challenges is how best to reconfigure the military health care delivery system so that it might continue to meet its military readiness and peace-time obligations at a time of continuous change for our base and force structure. In the process of deciding how to proceed, I met with and heard from many military family members, veterans and military retirees from around the country. I was inundated with suggestions for reform. In every meeting and every letter, I encountered retired service men and women who have problems with every aspect of the military medical care system—with long waiting periods, with access to the right kind of care, with access to needed pharmaceutical drugs, and with the broken promise of lifetime health care for military retirees and their spouses. I heard these concerns expressed as I have traveled across the United States over the past several months.

My distinguished colleagues, the Republican Leader, Senator LOTT, Armed Services Committee Chairman, Senator WARNER, and Ranking Member, Senator LEVIN, introduced a bill that also addresses the military health care system. The bill is S.2087, the "Military Health Care Improvements Act of 2000." I applaud my colleagues in rising to this challenge, and I am pleased to see that portions of legislation I introduced last month were included in their bill. However, I can not cosponsor this legislation because it does not do enough to reform the military health care delivery system for our veterans, especially our oldest veterans, retirees, and survivors.

I have several concerns with the legislation introduced yesterday.

One of the areas of greatest concern among military retirees and their families is the "broken promise" of lifetime medical care, especially for those over-age 65. S. 2087 fails to meet what I think is the most important requirement, the restoration of the broken promise of free lifetime medical care promised to retirees and their families who entered the service prior to June 7, 1956. The major veteran service organizations share my view that the number one priority is to take care of these older military retirees and their spouses who were promised lifetime medical care benefits. I was proud to be an original cosponsor of S.2003 that restores the broken promise given to retirees who entered the service prior to June 7, 1956. I pledge to work with the Chairman and Ranking Member of the Committee on Armed Services to fully restore the broken promise to our over-65 military retirees and their families.

In addition, there are some significant differences between S. 2013, the "Honoring Health Care Commitments to Service Members Past and Present Act of 2000" that I introduced in January with Senators COVERDELL, ROBB, HAGEL, JEFFORDS and BINGAMAN, and the health care bill being introduced yesterday.

My legislation would help repair the "broken promise" given to Medicare-eligible military retirees and their families by restoring their access to military health care that was taken away when they turned 65. Additionally, S. 2013 offers health care options to retirees and would provide additional benefits to active duty servicemembers and their families. The hallmark of this legislation is that it offers several new choices to retirees and their families in their health care delivery services.

S. 2013 was drafted with the help of The Military Coalition and The National Military and Veteran's Alliance. The Military Coalition has strongly endorsed S. 2013, stating, "We applaud your leadership in introducing comprehensive legislation aimed at correcting serious inequities in the military health care benefit."

While S. 2087 promotes enrollment expansion in the Federal Employees Health Benefit Program (FEHBP) demonstration for Medicare eligible beneficiaries, it caps the enrollment levels to just 66,000 personnel. This would preclude world-wide or even nation-wide enrollment, a feature offered in my bill.

Additionally, S. 2087 expands TRICARE Senior Prime sites to only the major medical centers, not nationwide like my bill. This would exclude hundreds of thousands of our retired servicemembers, only addressing the needs of Medicare-eligible retirees and their spouses who happen to live near a small number of hospitals.

Finally, S. 2087 only has a mail-order option for pharmacy requirements of our Medicare-eligible retirees and their families and requires a $150 deductible. My bill offers both a mail order and a retail pharmacy option. The mail order option only helps Medicare-eligible retirees who require long-term medication like blood pressure bills. However, if the retiree or spouse needs medication in a timely manner, it makes sense for them to be able to drive or walk to their local pharmacy and have their prescription filled. The bill I have offered allows for this option, The one introduced by my colleagues yesterday does not.

Mr. President, I commend my colleagues for their efforts to address many of these important military health care challenges. Not lost on any of us is the urgent need to address the over-age 65 issue since there are reportedly 4,000 World War II, Korean and Vietnam War-era military retirees dying every month. It is imperative that as changes are made to our nation's military force and continue to be made in the future with regard to base structure, that Congress not only stay focused on bringing health care costs under control, but that steps be taken to retain the health care coverage so critical to our nation's active duty personnel, their families, retirees, and survivors. While the world situation necessitates a modified force and base structure transformed for the new millennium, it should not carry with it an abandonment of the responsibility that our nation has to assist those who have served our country to obtain access to the health care services they need.

Make no mistake, retiree health care is a readiness issue, as well. Today's servicemembers are acutely aware of retirees' disenfranchisement from military health coverage, and exit surveys cite this issue with increasing frequency as one of the factors in members' decisions to leave service. In fact, a recent GAO study found that "access to medical and dental care in retirement" was a significant source of dissatisfaction among active duty officers in retention-critical specialties.

I pledge to work closely with the Armed Services Committee, my respected colleagues from the committee, and from both sides of the aisle who have cosponsored my bill, as well as groups like the Military Coalition and the National Military Veterans Alliance, to work out our differences and not abandon the health care coverage needs of our nation's military retirees, their families, and survivors. We must pass comprehensive military health care reform to fulfill our broken promise to our military retirees, while bolstering retention and readiness among today's servicemembers by assuring them that retention promises will be fulfilled once their active service is over.

Mr. President, this year will be, in the words of the Joint Chiefs, the year of health care reform. Whether my legislation, S. 2013—fully supported by the major veteran service organizations representing over 9 million members—is successful or not will depend on several factors: Congress' ability to realize real health care reform and provide the necessary resources, the Pentagon's ability to work with private industry to control costs on pharmaceuticals and health insurance plans, and the military retirees who utilize the system coming together and galvanizing support for the future of military health care. We can not abandon the "greatest generation" who are responsible for the successes and riches we currently enjoy in this great country.•

IN MEMORY OF "PEANUTS" CREATOR CHARLES SCHULZ

• Mrs. FEINSTEIN. Mr. President, on February 12, we lost the creator of the world's most popular comic strip, Charles Schulz. The "Peanuts" comic strip was a daily staple for millions of people—not only in America but around the world.

While Charles Schulz' legions of fans mourn the loss of his creative genius, he was also a man with a wonderful family who cared deeply about him. I want to express my deep sympathy to his wife, Jeanne Schulz, his five children (Monte, Craig, Meredith, Amy, and Jill), his two stepchildren and 18 grandchildren. Our hearts are with you.

For half a century, the "Peanuts" comic-strip has been part of the fabric of our national culture. Charles Schulz' illustrations have inspired us with its wry humor and endearing cast of characters. Who has not been touched by the trials and tribulations of Charlie Brown, Snoopy, Linus, Lucy, and the rest of the Peanuts family?

Here is what some of Charles Schulz' peers had to say about his legacy.

Rob Rogers, editorial cartoonist of the Pittsburgh Post-Gazette, said of Charles Schulz' legacy to his profession:

> Schulz revolutionized the comic strip. Not just with his simple and accessible art style but also his strong character development. He combined the innocence of childhood with the cynicism of adulthood to create realistic, idiosyncratic and empathetic icons.

Cartoonist Mort Walker, the creator of "Beetle Bailey" said of Schulz:

> What he brought to the strips was a whole new attitude . . . [He] brought in pathos, failure, rejection, all that stuff, and somehow made it funny.

As one writer observed, Charlie Brown taught me

> it's OK to lose. Losing doesn't mean giving up hope. No mater how many times he missed the football, lost the big game, or heard Lucy call him a blockhead, he still believed in himself. This is the lesson that helped me get through childhood and now helps me deal with the tangled kite strings of adulthood.

Charles Schulz was born in Minneapolis, MN on November 26, 1922, and was raised in St. Paul. He acquired an interest in cartooning while a teenager, but was drafted as an army infantryman in World War II before he could fulfill his career ambition.

In 1947, Schulz started a feature in the St. Paul Pioneer Press called "Li'l Folks." It was syndicated as Peanuts, launching an unprecedented 50-year run of over 18,000 comic strip installments.

At its peak, Peanuts appeared in close to 3,000 newspapers in 75 countries and was published in over 20 different languages to more than 355 million daily readers. Charles Schulz' television special, "A Charlie Brown Christmas," has run for 34 consecutive years. In all, more than 60 animated specials have been created based on "Peanuts" characters. Four feature films, 1,400 books, and a hit Broadway musical about the "Peanuts" characters also have been produced.

Charles Schulz' achievements are all the more remarkable because, throughout his career, he had worked without any artistic assistants, unlike most syndicated cartoonists. Schulz painstakingly drew every line and frame in his comic strip for 50 years, and unparalleled commitment to his art and profession.

In 1994, while speaking before the National Cartoonists Society, Charles Schulz said of his comic strip, "There's still a market for things that are clean and decent." Charles Schulz has given generations of children a cast of colorful characters to grow up with and to teach the small and large lessons of life.

In his farewell strip, Charles Schulz wrote, "Charlie Brown, Snoopy, Linus, Lucy . . . how can I ever forget them . . ." These characters will stay with us forever and we will certainly never forget their creator, Charles Schulz.

There is still something we can do for Charles Schulz and his family.

For the past several months, I have worked on legislation to award Charles Schulz the Congressional Gold Medal for his outstanding career and community service.

In fact, on Thursday, February 10, just 2 days before Charles Schulz' passing, I formally introduced the legislation to award him the Gold Medal. While Charles Schulz can no longer personally receive this honor, the posthumous award would be the proper gesture to his wife Jeanne, their children, and to the millions of "Peanuts" fans around the world.

As the world's preeminent cartoonist, Charles Schulz is more than qualified to join the 17 other Americans who have received the Congressional Gold Medal for their contribution to the Arts.

I urge my Senate colleagues to join me in posthumously awarding Charles Schulz the Congressional Gold Medal. This would be one small token of our nation's great appreciation of this man who gave us all so much.•

RECOGNITION OF WIND RIVER MIDDLE SCHOOL'S MS. TRACI ECCLES

• Mr. GORTON. Mr. President, last month I had the pleasure of visiting Wind River Middle School in Stevenson, WA. One of the reasons why the students at this school excel is because of its teachers and the commitment they demonstrate each day in their classrooms. One of the teachers who has made a tremendous impact on the education of her students is Ms. Traci Eccles. Ms. Eccles is a dedicated professional, a staff leader, a team player and most importantly, a teacher who encourages her students to grow. I would like to take this opportunity to recognize Ms. Eccles' commitment to her students and award her with my 32d Innovation in Education Award.

As a teacher of language arts to 7th and 8th grade students for more than a decade, she is constantly working to improve the lives of her students. She has also teamed up with her colleagues to create school-wide programs on topics such as health and nutrition, student tolerance, and a hands-on study of the respective decades of the 20th century.

Six years ago, Ms. Eccles and her colleagues wanted to create more tolerance amongst their students and started a program to examine intolerance in the world and its impact. Eighth grade students must read a book by Elie Weisel, titled "Night," that tells the stories of human suffering and degradation during the Holocaust. The students must also keep journals and take part in discussions of current events.

Student reaction to the Tolerance Unit has been profound. At the end of the unit, teachers can see a much higher level of awareness among students reflected in how they treat and respond to each other. I applaud Ms. Eccles and her colleagues for taking the initiative and developing a program that has impacted their students such a positive way.

In addition, Ms. Eccles took on another project to give students a first-hand look at their country's history through a program called the Decades Unit. The entire school is divided into different groups and participates in a week long program where students put together historical fashion shows, learn and perform popular dances of each decade, and create a time-line outlining significant events in United States history.

Ms. Eccles' great work deserves our recognition. Through their creative ideas, dedication and hard work, Ms. Eccles and her fellow teachers have improved the lives of our children and created a greater sense of community and togetherness in their school.

My many visits to schools around Washington state have shown me that the people who see our kids everyday are the ones who should have the greatest say in their education. It is teachers like Ms. Eccles who are both the true strength of our education system and who can prepare our kids with a foundation for the future. I will continue my work to give teachers like Ms. Eccles more freedom to innovate and improve the lives of our children.•

CELEBRATE AFRICAN AMERICAN HISTORY MONTH

• Mr. KOHL. Mr. President, in many ways, the life of Carter Woodson represents the history of his race in America.

As a young man in the late 1800s, he worked in the fields and in a coal mine. He took a break from the grueling work to educate himself, enroll in high school and graduate after only two years of instruction. He went back to the coal mines to support himself, attending school when he could, and eventually earned a doctorate in history from Harvard University. Mr. Woodson went on to become a passionate student and teacher of Black History, establishing an annual reflection on his culture's accomplishments and resilience: Black History Month.

In celebration of this month, I would like to recognize another leader who has worked hard to chronicle the history of people of African heritage: Dr. James Cameron, founder of America's Black Holocaust Museum, located in Milwaukee. This museum is dedicated to documenting the injustices that African Americans have suffered, and to remind us at how far we've come as a society from the racism of the past.

Dr. Cameron, the only known living survivor of a lynch mob attack in the country, founded America's Black Holocaust Museum in 1988 after an inspirational visit to the Yad Vashem Jewish Holocaust Memorial in Israel—just as this museum was constructed to remind us of the atrocities committed against Jewish people during World War II, Dr. Cameron wanted to ensure that Americans would not forget what kind of inhumanity African Americans have endured.

Today, as I discovered on my own visit to the museum, it has grown to become a major educational and cultural center for the nation which thousands of people of many different backgrounds visit each year. It regularly hosts prominent exhibitions such as historical artifacts collected from a wrecked slave ship and a Smithsonian exhibit on the civil rights movement. America's Black History Museum also prepares educational material for teachers and worked with UW-Milwaukee to offer an on-site, for-credit course to undergraduate and graduate students.

The work of Dr. Cameron, and this month established by the hard work of Mr. Woodson, remind us that the protection of civil rights and civil liberties for all should continue to be a top priority. I strongly believe in equality of opportunity for everyone, regardless of race, creed, or gender. Everyone should have the same equal chance to get an education or a job, or to own a home or live in the neighborhood of their choice. In other words, we all deserve a place at the starting line so that we can then use our own abilities, hard work and dedication to succeed in life.

Of course, our country has yet to fully live up to the promise of equal opportunity for all. While Congress tries to find ways to address the crisis of discrimination, it is very important that everyone remember that we also have to respond on a personal level. No matter what answers Congress comes up with here in Washington, people need to try to be role models and lead by example. By teaching us about the racial injustices of the past, celebrating the resilience of African Americans and educating us about how to move forward from the prejudice and bias that plagues much of Black History, America's Black Holocaust Museum is one such example.

This month, let's all take a moment to reflect on the history African Americans and the many lessons that it teaches us about equality, dignity and harmony. The dedication of Carter Woodson and James Cameron to helping us remember deserves nothing less.●

RETIREMENT OF SERGEANT MAJOR ANNETTE H. CASHAW

● Mr. ROBB. Mr. President, today I rise to honor Sergeant Major Annette Cashaw who will retire from the United States Army in June 2000, after more than 26 years of dedicated service.

Serving in positions of increasing trust and responsibility, Sergeant Major Cashaw has displayed remarkable leadership, technical knowledge, and superb planning abilities throughout her entire career. Sergeant Major Cashaw's exceptional abilities were notably acknowledged when she was selected as the First Sergeant for the Data Systems Unit, White House Communications Agency. In addition to being responsible for 141 joint service personnel, she ensured that 9 million dollars in hand receipt items were maintained without loss. Her direct involvement in maintenance operations resulted in a net saving of over one hundred thousand dollars to the Army.

Upon completion of the Sergeant's Major Academy, Sergeant Major Cashaw assumed the position of Sergeant Major for the Army's largest software development organization, the Information Systems Software Development Center at Fort Lee. Her exemplary performance of duty there resulted in her selection as the Secretary of the General Staff (a position normally held by a Major) for the 19th Theater Army Area Command in Korea.

Sergeant Major Cashaw culminated her career as the Sergeant Major of the U.S. Army Information Systems Software Center. Her expert knowledge of all Army regulations and policies made her invaluable to the entire command. Soldiers benefitted from her mentoring and went on to win CECOM 2nd Quarter, 3rd Quarter, and 4th Quarter boards and CECOM soldier of the year in 1998.

I am honoring Sergeant Major Cashaw on the Senate floor today as a way of thanking her for her faithful and honorable service to the Army and to the citizens of the United States.●

IN RECOGNITION OF MARY ANAYA

● Mr. BINGAMAN. Mr. President, I rise today to recognize Ms. Mary Anaya of Roswell, New Mexico, who recently retired from the City Council after 18 years of service. As a long time resident, city councilor and community leader, Ms. Anaya has worked to better the Roswell community while holding true to her convictions with courage and grace. Though her tenacity alone is commendable, there is much more that deserves recognition.

Ms. Anaya, who represented Ward 5, is an example of a true representative, always putting her constituents' needs first. During the time she served on the council, the people of Ward 5 could depend on her thoughtful and considerate insight, knowing that their interests were being diligently represented.

Roswell's Ward 5 is comprised of many of the city's low-income residents. Ms. Anaya was a champion of issues her constituents faced on a daily basis. She was an advocate of quality of life issues, such as health care, housing and community development. She worked tirelessly to improve primary health care, and as a result of her hard work, a primary health care facility, La Casa de Buena Salud, was built in Roswell. Ms. Anaya was instrumental to the project's success. Furthermore, she spearheaded projects to rehabilitate housing for the elderly and low-income residents in Ward 5. Everyone deserves decent housing, and many of the citizens of Ward 5 benefitted from Ms. Anaya's work for this right. The creation of recreational areas was an issue that she dedicated much of her time to, making places for the community's children to play. She also worked to improve the city's infrastructure, making the streets safer for the entire Roswell community. Ms. Anaya always worked on behalf of the citizens of Roswell, and it is clear that because of her dedication, many people live a better life.

As a council member, Ms. Anaya was an advocate for Hispanic causes. When an English-only speaking rule in the school system threatened the educational opportunities of the students, Ms. Anaya rose to overturn the rule. She also fought to increase the hiring of Hispanics by the City of Roswell, and her efforts were rewarded when the City hired their first Hispanic employee. As the Roswell Daily Record states: "Many people believe that over 50 years she and her husband, Pete, have helped advance Hispanic causes in Roswell more than anyone else in the city and have done it in a positive, productive way. We agree."

Mary Anaya deserves special recognition for her steadfast work on behalf of the citizens of Roswell. She performed her civic duties with pride and joy, always working with a smile. On the council, she was an asset to Roswell, and as a citizen, she is an asset to us all. Her work will be appreciated for generations to come.●

NATIONAL TRIO DAY

● Mr. KOHL. Mr. President, I rise today to bring my colleagues' attention to the celebration of National TRIO Day. National TRIO Day was designated by concurrent resolution on February 24, 1986, by the 99th Congress and is celebrated on the last Saturday of February each year as a day of recognition for the Federal TRIO Program.

The Federal TRIO Program—consisting of the Talent Search, Upward Bound, Upward Bound Math/Science, Veterans Upward Bound, Student Support Services, Ronald E. McNair Postbaccalaureate Achievement Program, and Educational Achievement Centers—was established over 30 years ago to assist low-income students overcome class, social, and cultural barriers to higher education.

Currently, 2,000 colleges, universities, and community agencies sponsor TRIO Programs, and over 780,000 low-income students between the ages of 11 and 27 benefit from the services of the TRIO Programs. Most come from families in which neither parent graduated from college. These students, motivated by their hopes and aspirations, are living symbols of the American dream. Helping to lift them out of poverty benefits not only benefits the students themselves, but our entire nation.

There are 62 TRIO Programs in Wisconsin and I have seen these programs work at the local level. One inspirational story involves Dr. Lo from La Crosse, Wisconsin. As a child, Dr. Lo fled a refugee camp in war-torn Laos with his family and came to live in Wisconsin. Dr. Lo, with hard work and the benefit of two TRIO programs, graduated from UW-La Crosse with a Bachelor of Science Degree in Biology and went on to earn a Doctor of Naturopathic Medicine degree from Bastyr University in Seattle, Washington. He returned to Wisconsin to contribute to the La Crosse community through private practice at the La Crosse Natural Health Center, Habitat for Humanity Family Selection Committee, and as a member of the Equal Opportunity Commission for the city of La Crosse.

There is no limit to what TRIO participants can accomplish. Program graduates have become successful in all spheres of society and have gone on to enjoy careers as doctors, lawyers, astronauts, television reporters, actors, state politicians and Members of Congress, to list a few. Indeed, two of our colleagues in the House of Representatives, Representative HENRY BONILLA and Representative ALBERT R. WYNN are graduates of the TRIO Programs.

I have long supported TRIO and will continue to push for increased funding for these important programs. I am proud to celebrate National TRIO Day and call much deserved attention to these vital programs. I also encourage my colleagues to visit the TRIO Programs in their states and learn for themselves how successful these programs are for our Nation's students.•

THE CALENDAR

Mr. BROWNBACK. Mr. President, I have a series of unanimous consent requests to put in front of the Senate as we proceed to close down the Senate this evening.

COMMENDING THE PEOPLE OF IRAN

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 83 submitted by myself and Senator WELLSTONE.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

> A concurrent resolution (S. Con. Res. 83) commending the people of Iran for their commitment to the democratic process and positive political reform on the occasion of Iran's parliamentary elections.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. BROWNBACK. Mr. President, earlier today the Senate voted on H.R. 1883, the Iran Nonproliferation Act of 2000. That bill will shortly be voted on by the House and sent to the President. I hope he will sign it because it is an important signal that the United States will not tolerate the proliferation of weapons of mass destruction and the means of delivering them. We will not tolerate trafficking in missiles and the technology with which to build them. I believe that is an important signal for us to send.

I also think it is important we recognize what took place this week in Iran. This threat occurred, but in the midst of this, 80 percent of the people in Iran turned out to vote. They are not interested in the entrenched policies of Ayatollah Khomeini and his harsh legacy. Reformers dominated in the polls. Despite the best efforts of the hardline clerical institutions to disqualify and intimidate popular candidates, the Iranian people had the courage of their convictions. They want economic liberalization, they want freedom of the press, and they want personal liberty.

We in the United States obviously share those convictions and are obviously heartened by what took place at the polls this week in Iran. It should be noted and applauded, and this resolution does just that.

We say to the Iranian people: Congratulations. Thank you. This is a good step in moving forward. At the same time, we want to say we will not tolerate weapons of mass destruction and the means of delivering these weapons. We want to send those clear signals.

There is another thing which is going on in Iran. Earlier today, I had a press conference with several other people about three men—Sirus Zabihi-Moghaddam, Hedayat Kashefi-Najafabadi, and Manuchehr Khulusi—three Baha'is who are on death row in prison facing imminent execution for the simple reason of practicing their faith. That is it. They are on death row facing imminent death for daring to practice their faith.

This cannot be tolerated. There are nearly 300,000 Baha'is in Iran. It is the largest religious minority in the country. They have suffered continuous persecution for their peaceful beliefs. I remind the Iranian people who have voted for freedom this week that this is part of it. This is also something they have signed on to.

Nearly 50 years ago, the General Assembly of the United Nations—of which Iran is a member—adopted the Universal Declaration of Human Rights. Since that time, this Universal Declaration has become the bedrock document for human rights. However, the Iranian Government continues to be an egregious violator.

I wish to read one portion of this document. Article 18 of the Universal Declaration of Human Rights states:

> Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

This hour, I call on the Government of Iran—from whom the people of Iran, by their clear vote this week, are seeking change—to ensure the safety of these three individuals.

This hour, I call for the release of these individuals—Sirus Zabihi-Moghaddam, Hedayat Kashefi-Najafabadi, and Manuchehr Khulusi—whose only crime was a sincere expression of their faith, which is a universal fundamental right.

Most importantly, I call upon the Government of Iran to provide freedom of religion to its people—who are yearning for change, as witnessed by the vote this week—including their peaceful yet brutalized Baha'is community. I ask for their freedom to express their faith as they see fit.

Our resolution is in addition to the bill that passed earlier today. It congratulates the Iranian people and says: Let's take other steps forward. No weapons of mass destruction. But, also, let's recognize religious freedom, as in the Universal Declaration of Human Rights, which the Iranian Government has signed on to.

Mr. President, I ask unanimous consent that the resolution, S. Con. Res. 83, be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements related to the concurrent resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Con. Res. 83) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. CON. RES. 83

Whereas the Islamic Republic of Iran held parliamentary elections on February 18, 2000;

Whereas more than 75 percent of the approximately 39,000,000 eligible voters cast ballots in the elections;

Whereas preliminary results indicate that reformers have won a parliamentary majority, freeing Iran's parliament, the Majlis, of hard-line domination for the first time since the 1979 Iranian revolution;

Whereas reformers won elections despite concerted efforts by hard-line Iranian clergy to ban reformist forces from the ballot; and

Whereas the elections show a clear preference by a majority of Iranian voters for democracy, rule of law, and improved relations with Western nations: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) commends the people of Iran for their commitment to the democratic process;

(2) congratulates reformist parliamentarians on their recent electoral victory;

(3) reaffirms the desire of the United States to see free, democratic political development, the restoration of the rule of law, and full civil and political rights for all Iranians; and

(4) calls on the Government of Iran to rejoin the community of nations and renounce terrorism, opposition to the Middle East peace process, and the development and acquisition of weapons of mass destruction.

DETENTION OF ANDREI BABITSKY BY THE GOVERNMENT OF THE RUSSIAN FEDERATION AND FREEDOM OF THE PRESS IN RUSSIA

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 261, submitted earlier by Senators HELMS, BIDEN, ROTH, LOTT, and DODD.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 261) expressing the sense of the Senate regarding the detention of Andrei Babitsky by the Government of the Russian Federation and freedom of the press in Russia.

There being no objection, the Senate proceeded to consider the resolution.

Mr. HELMS. Mr. President, during the past 5 months the Government of Russia has waged a brutal war against Chechnya. The Kremlin's indiscriminate use of force has left countless thousands of innocents dead and hundreds of thousands homeless on the icy plains and in the snow-covered mountains of the Caucasus.

We all have seen the photos of Grozny, a city subjected to a travesty not witnessed in Europe since the siege of Stalingrad and the leveling of Warsaw in World War II. Indeed, what has been done to Grozny surpasses even the havoc Milosevic wrought upon the towns and cities of Bosnia-Herzegovina and Kosovo. It is difficult to believe, but it is true.

In a time when Western Governments have turned a blind eye to this conflict, the ability of journalists to report objectively on the horrors of this war becomes all the more important to the effort to bring an end to this violence and establish a just peace.

Russian President Vladimir Putin appears to recognize this only too well. As a consequence, freedom of the press, a cornerstone of democracy, has become another victim of his government and his war against Chechnya.

Mr. President, the Russian government is today systematically censoring the press and attempting to use it to disseminate misinformation about public events. Journalists in Russia who report on the war and other matters in a manner contradicting the Putin Government do so at great risk. They are subject to intimidation, harassment, detention, and even violence by Russian authorities.

In one recent case, Russian police attempted to arrest a journalist and send him off to a psychiatric hospital, a ghoulish effort reminiscent of Putin's not to distant career in the Soviet KGB.

Nowhere has this suppression of the free press become more blatant and cruel than in the case of Andrei Babitsky, a ten year veteran journalist of our own Radio Liberty and Radio Free Europe.

Babitsky courageously and objectively covered the 1994–1996 Russo-Chechen war as well as the current conflict. For his accounts of the atrocities committed by Russian military and the resilience of the Chechen resistance, he has paid an extremely high price.

In mid-January, he was seized in Chechnya by Russian forces and detained. That is the last heard from him directly.

The Russian Government's response to inquiries about Babitsky's health and whereabouts have been contradictory and dismissive.

After nearly three weeks of asserting that Babitsky had not been detained, that he was about to be freed—and, indeed, that he had been freed, a Kremlin spokesman summarily announced on February 3 that his government exchanged Babitsky for three Russian prisoners of war held by the Chechen resistance.

Chechen authorities deny that such an exchange ever took place. And, the Kremlin has not provided one iota of credible evidence backing its version of events. Today, the fate of Andrei Babitsky remains unknown. He is a father with a loving and courageous wife and two children. We must pray that Babitsky will return safely to his family.

Mr. President, it is with Andrei Babitsky in mind, I, along with Senator BIDEN, the Majority Leader, and Senator ROTH, send to the desk a resolution concerning the state of freedom of press in Russia. This resolution recounts the facts as we know them in the case of Andrei Babitsky, and it underscores that his detention and disappearance are not isolated incidents but part of the Russian government's broader and systematic repression of the press.

It expresses our belief that—and at that this point I shall read the concluding elements of the pending resolution:

(1) The detention of Andrei Babitsky by the Government of Russia and the misinformation it has issued concerning this matter constitute reprehensible treatment of a civilian in a conflict zone, in violation of the principles set forth in Protocol I to the Geneva Conventions, and demonstrate the [Russian] Government's intolerance toward a free and open press;

(2) The conduct by the Government of Russia leaves it responsible for the safety of Andrei Babitsky;

(3) The Government of Russia should take steps to secure the safe return of RFE/RL reporter Andrei Babitsky to his family;

(4) The Government of Russia should provide a full accounting of Mr. Babitsky's detention and the charges he faced; and

(5) The Russian authorities should immediately halt its harassment of journalists, foreign and domestic, who cover the war in Chechnya and any other event in the Russian Federation and should fully adhere to the Universal Declaration of Human Rights which declares in Article 19 that "everyone has the right to freedom of opinion and expression; this right includes the freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."

No principle lies deeper in the heart of democracy than the right to free speech. And the embodiment of that principle is a free press. Not only is freedom of the press a cornerstone of democracy, it is a key catalyst of democratic reform. Russia will not become a democracy if the Kremlin continues to repress, intimidate, harass, and brutalize those journalists who do not share its point view. Our ability to help Russia evolve into a democracy cannot be effective if we ignore such systematic repression of the press.

I call upon my colleagues to join me in supporting this resolution.

Allow me to close on one point related to the disappearance of Andrei Babitsky, freedom of the press in Russia and the relationship between Washington and Moscow.

It has become public knowledge that some in these two capitals contemplate a summit meeting in the near future between President Clinton and President Vladimir Putin. If our government is serious about determining the facts surrounding Andrei Babitsky's fate, if our government is serious about protecting other journalists from such abuse, and if our government is serious about promoting democratic reform in Russia, the administration will promptly dismiss such proposed summits until Putin has provided a full and credible accounting of Babitsky's detention and his current whereabouts.

It is premature to consider summit meetings at a time when the Russian government remains contemptuously dismissive of Babitsky and our concerns about his safety, not to mention the international community's call for a just peace in Chechnya.

The administration has repeatedly stated that the Kremlin will isolate itself through its barbaric conduct in Chechnya. Now is the time for the administration to live up to its own words.

Mr. BIDEN. Mr. President, I am pleased to join the chairman of the Foreign Relations Committee, Senator HELMS, in supporting a resolution regarding Andrei Babitsky, a reporter for Radio Liberty, who has been missing in Russia since January.

Mr. Babitsky is a veteran reporter for Radio Liberty, the U.S.-funded radio broadcasting organization based in Prague. He has reported on Russia for over a decade, and reported on the Russo-Chechen war from 1994 to 1996 and over the past several months.

In mid-January, Mr. Babitsky disappeared in Chechnya. Since then, Russian officials have issued contradictory statements about Mr. Babitsky's whereabouts and well-being. On January 26, a Russian presidential spokesman stated that Babitsky "left Grozny and then disappeared," and that Russian officials had no knowledge of his whereabouts. Two days later, Russian authorities acknowledged to officials from Radio Free Europe/Radio Liberty that Mr. Babitsky had been detained, but that he would soon be released. Just a few days after that, Russian officials stated that, instead of being released, Mr. Babitsky had been handed to Chechen rebels in exchange for three Russian prisoners of war.

It is now late February. Mr. Babitsky still has not been heard from, and the Russian government has yet to provide a credible accounting of his whereabouts.

The actions and statements of the Government of the Russian Federation are deeply troubling, not only because of what they may mean for Mr. Babitsky's well-being, but for what they may portend about the freedom of the press in Russia today. Mr. Babitsky is a journalist, working for an American-supported news organization. His detention by the Russian authorities, and his reported exchange with the Chechens, violates fundamental norms embodied in the Geneva Conventions and applicable protocols. Equally troubling, the detention and mistreatment of a working journalist is a chilling indication that the Government of the Russian Federation is not committed to a fundamental human right: freedom of the press. These are not just the words of one United States Senator. In Russia itself, a leading journalists' union has stated that the Babitsky case is "not an isolated episode, but almost a turning point in the struggle for a press that serves society and not the authorities."

Several weeks ago, the chairman and I wrote to Acting President Putin and urged Mr. Babitsky's release. Several other senators and members of the other body have expressed similar views. Additionally, the Secretary of State has raised this matter with senior Russian officials. In Russia, Europe and the United States, there has been universal condemnation of the Russian Government for its actions in this matter.

Today we have decided to call additional attention to Mr. Babitsky's plight by introducing this sense of the Senate resolution, which criticizes the Government of the Russian Federation for its actions in the Babitsky matter and calls on Moscow to provide a full accounting of his detention.

I hope it will get the attention of the Russian Government. I hope it will help lead to the truth about the whereabouts of Mr. Babitsky. I urge my colleagues to support it.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 261) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 261

Whereas Andrei Babitsky, a dedicated and professional journalist for Radio Free Europe/Radio Liberty (RFE/RL) for the last 10 years, reported on the 1994–1996 and the current Russo-Chechen wars;

Whereas on December 27, 1999, the Russian Information Committee (RIC) in Chechnya accused Babitsky of "conspiracy with Chechen rebels" after he broadcast a story that shed unfavorable light on Russian military actions in Chechnya;

Whereas on January 8, 2000, Russian security agents raided Babitsky's apartment in Moscow and confiscated several items and later ordered his wife, Ludmila Babitskaya, to report to a local militia station in Moscow after she attempted to pick up photographs taken by her husband in Chechnya;

Whereas on January 18, 2000, Babitsky was reportedly detained by Russian authorities in Moscow but later reports indicated that he was not formally arrested until January 27, 2000;

Whereas on January 26, 2000, Russian presidential spokesman Sergei Yastrzhembsky said that Babitsky "left Grozny and then disappeared" and declared that Russian security services had no idea as to his whereabouts and that "his security is not guaranteed";

Whereas on January 28, 2000, Russian media officials told RFE/RL that Babitsky would be released with apologies after having been charged with participating in "an illegal armed formation";

Whereas on February 2, 2000, Moscow officials announced that Babitsky would be transferred from Naursky district near Chechnya to Gudermes and then to Moscow where he would then be released on his own recognizance;

Whereas on February 3, 2000, Russian presidential spokesman Sergei Yastrzhembsky said that Russian officials exchanged Babitsky for 3 Russian prisoners of war and on the same day, Vladimir Ustinov, acting Russian prosecutor general, said Babitsky had been released and had gone over to the Chechens on his own accord;

Whereas the Government of the Russian Federation has repeatedly issued contradictory statements on the detention of Andrei Babitsky and provided neither a credible accounting of its detention of Babitsky nor any credible evidence of his well-being;

Whereas United Nations High Commissioner for Human Rights Mary Robinson stated on February 16 that Russian behavior in Chechnya and the detention of Andrei Babitsky appears to violate the Geneva conventions to which Russia is a signatory;

Whereas on February 16, 2000, Russian Human Rights Commissioner Oleg Mironov denounced Moscow's handling of Babitsky as a violation of Russian law and international law and stated that the situation surrounding Babitsky signals "that the same thing may happen to every reporter";

Whereas the Union of Journalists in Russia declared on February 16 that the case of Andrei Babitsky is "not an isolated episode, but almost a turning point in the struggle for a press that serves society and not the authorities" and that "the threat to freedom of speech in Russia has for the first time in the last several years transformed into its open and regular suppression";

Whereas freedom of the press is both a central element of democracy as well as a catalyst for democratic reform;

Whereas the Government of the Russian Federation has repeatedly violated the principles of freedom of the press by subjecting journalists who question or oppose its policies to censorship, intimidation, harassment, incarceration, and violence; by restricting beyond internationally accepted limits their access to information; and by issuing misleading and false information; and

Whereas the Government of the Russian Federation has egregiously restricted the efforts of journalists to report on the indiscriminate brutality of Russia's use of force in Chechnya: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the detention of Andrei Babitsky by the Government of the Russian Federation and the misinformation the Government of the Russian Federation has issued concerning this matter—

(A) constitute reprehensible treatment of a civilian in a conflict zone in violation of the Geneva Conventions and applicable protocols; and

(B) demonstrate the Government of the Russian Federation's intolerance toward a free and open press;

(2) the conduct of the Government of the Russian Federation leaves it responsible for the safety of Andrei Babitsky;

(3) the Government of the Russian Federation should take steps to secure the safe return of RFE/RL reporter Andrei Babitsky to his family;

(4) the Government of the Russian Federation should provide a full accounting of Mr. Babitsky's detention and the charges he may face; and

(5) the Russian authorities should immediately halt their harassment of journalists, foreign and domestic, who cover the war in Chechnya and any other event in the Russian Federation and should fully adhere to the Universal Declaration of Human Rights, which declares in Article 19 that "everyone has the right to freedom of opinion and expression; this right includes the freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers".

PEACEFUL RESOLUTION OF THE CONFLICT IN CHECHNYA

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 262, introduced earlier today by Senator WELLSTONE.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 262) entitled "Peaceful Resolution of the Conflict in Chechnya."

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 262) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 262

Whereas the people of Chechnya are exercising the legitimate right of self-defense against the indiscriminate use of force by the Government of the Russian Federation;

Whereas the Government of the Russian Federation has used disproportionate force in the bombings of civilian targets in Chechnya which has resulted in the deaths of thousands of innocent civilians and the displacement of well over 250,000 others;

Whereas the Government of the Russian Federation has refused to engage in negotiations with the Chechen resistance toward a just peace and instead has charged Chechen President Aslan Maskhadov with armed mutiny and issued a warrant for his arrest;

Whereas Russian authorities deny access to regions in and around Chechnya by the international community, including officials of the United Nations, Organization for Security and Cooperation in Europe and the Council of Europe, and maintain a virtual ban on access to Chechen civilians by media and international humanitarian organizations, including the International Federation of the Red Cross;

Whereas these restrictions severely limited the ability of these organizations to ascertain the extent of the humanitarian crisis and to provide humanitarian relief;

Whereas even limited testimony and general investigation by international organizations credibly reported widespread looting, summary executions, detentions, denial of safe passage to fleeing civilians, torture and rape committed by Russian soldiers;

Whereas there are credible reports of specific atrocities committed by Russian soldiers in Chechnya, including the rampages in Alkhan-Yurt where 17 persons were killed in December 1999 and in the Staropromyslovsky district of Grozny where 44 persons were killed in December 1999; and the rapes of Chechen prisoners in the Chernokosovo detention camp;

Whereas these credible reports indicate clear violations of international human rights standards and law that must be investigated, and those responsible must be held accountable; and

Whereas United Nations High Commissioner for Human Rights Mary Robinson proposed on February 20, 2000, the prosecution of Russian military commanders for overseeing "executions, tortures, and rapes"; and

Whereas the Senate expresses its concern over the conflict and humanitarian tragedy in Chechnya, and its desire for a peaceful resolution and durable settlement to the conflict: Now, therefore, be it.

Resolved, That it is the Sense of the Senate that—

(1) the Government of the Russian Federation—

(A) immediately cease its military operations in Chechnya and initiate negotiations toward a just peace with the leadership of the Chechen Government, including President Aslan Maskhadov;

(B) allow into and around Chechnya international missions to monitor and report on the situation there and to investigate alleged atrocities and war crimes;

(C) allow international humanitarian agencies immediate full and unimpeded access to Chechen civilians, including those in refugee, detention and so called "filtration camps" or any other facility where citizens of Chechnya are detained; and

(D) investigate fully the atrocities committed in Chechnya including those alleged in Alkhan-Yurt, and Grozny, and initiate prosecutions against those officers and soldiers accused.

(2) the President of the United States of America—

(A) should promote peace negotiations between the Government of the Russian Federation and the leadership of the Chechen Government, including President Aslan Mashkadov, through third party mediation by the OSCE, United Nations or other appropriate parties;

(B) endorse the call of the United Nations High Commissioner for Human Rights for an investigation of alleged war crimes committed by the Russian military in Chechnya; and

(C) should take tangible steps to demonstrate to the Government of the Russian Federation that the United States strongly condemns its brutal conduct in Chechnya and its unwillingness to find a just political solution to the conflict in Chechnya.

ORDER FOR STAR PRINT—S. 824

Mr. BROWNBACK. Mr. President, I ask unanimous consent that a star print of S. 824 be made with the changes that are at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, FEBRUARY 28, 2000

Mr. BROWNBACK. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 12 noon on Monday, February 28. I further ask consent that on Monday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to a period for the transaction of morning business until 2 p.m., with Senators speaking for up to 5 minutes each, with the following exceptions: Senator DURBIN, or his designee, from 12 noon until 1 p.m.; Senator THOMAS, or his designee, from 1 to 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Following morning business, I ask unanimous consent that the Senate resume consideration of S. 1134 and that the majority leader be immediately recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BROWNBACK. For the information of all Senators, the Senate will convene at 12 noon on Monday and will be in a period of morning business until 2 p.m. Following morning business, the Senate will resume debate on the education savings accounts legislation. As a reminder, cloture was filed on the bill today with the cloture vote scheduled to occur at 2:30 p.m. on Tuesday, February 29. Pursuant to rule XXII, all first-degree amendments must be filed by 1 p.m. on Monday. For the information of all Senators, the leader has announced there will be no rollcall votes during Monday's session of the Senate.

ADJOURNMENT UNTIL MONDAY, FEBRUARY 28, 2000

Mr. BROWNBACK. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:55 p.m., adjourned until Monday, February 28, 2000, at 12 noon.

NOMINATIONS

Executive Nominations Received by the Senate February 24, 2000:

DEPARTMENT OF STATE

PATRICK FRANCIS KENNEDY, OF ILLINOIS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE EUROPEAN OFFICE OF THE UNITED NATIONS, WITH THE RANK OF AMBASSADOR, VICE GEORGE EDWARD MOOSE.

NATIONAL SCIENCE FOUNDATION

NINA V. FEDOROFF, OF PENNSYLVANIA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2006, VICE CLAUDIA I. MITCHELL-KERNAN.

DIANA S. NATALICIO, OF TEXAS, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2006. (REAPPOINTMENT)

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF AGRICULTURE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

MATTIE R. SHARPLESS, OF THE DISTRICT OF COLUMBIA

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

PETER O. KURZ, OF MARYLAND
KENNETH J. ROBERTS, OF MISSOURI

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF AGRICULTURE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

ALLAN P. MUSTARD, OF WASHINGTON
HOWARD R. WETZEL, OF VIRGINIA

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS TWO, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

NANCY M. MC KAY, OF VIRGINIA

DEPARTMENT OF COMMERCE

BRIAN I. MC CLEARY, OF VIRGINIA

DEPARTMENT OF STATE

FRANK JOSEPH LEDAHAWSKY, OF WEST VIRGINIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

MARGARET MCFADDIN HARRITT, OF VIRGINIA
DIANE M. LEACH, OF VIRGINIA
CARRIE A. THOMPSON, OF CONNECTICUT
ANNETTE ELIZABETH TUEBNER, OF VIRGINIA
ROGER YOCHELSON, OF MASSACHUSETTS

DEPARTMENT OF COMMERCE

JAMES F. SULLIVAN, OF FLORIDA
MARILYN J. TAYLOR, OF TEXAS

DEPARTMENT OF STATE

DONNA MICHAELS, OF WASHINGTON
SUSAN BUTLER NIBLOCK, OF TENNESSEE

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

PATRICIA O. ATTKISSON, OF VIRGINIA
COURTNEY E. AUSTRIAN, OF THE DISTRICT OF COLUMBIA
VEOMAYOURY BACCAM, OF IOWA
DOUGLASS R. BENNING, OF NEW YORK
MARIA E. BREWER, OF INDIANA
KERRY L. BROUGHAM, OF CALIFORNIA
JULIE J. CHUNG, OF CALIFORNIA
CARMELA A. CONROY, OF WASHINGTON
JOSEPH GALLAZZI, OF FLORIDA
DAVID J. GREENE, OF NEW YORK
RAYMOND F. GREENE, III, OF MARYLAND
DEBORAH GUIDO-O'GRADY, OF VIRGINIA
JANE J. HELLER, OF CALIFORNIA
CHARLES W. LEVESQUE, OF ILLINOIS
ALAN D. MELTZER, OF NEW YORK
DAVID TIMOTHY NOBLES, OF CALIFORNIA
PATRICK RAYMOND O'REILLY, OF CONNECTICUT
DAVID D. POTTER, OF SOUTH DAKOTA
VANGALA S. RAM, OF CALIFORNIA
ERIC NATHAN RICHARDSON, OF MICHIGAN
TAYLOR VINSON RUGGLES, OF VIRGINIA
THOMAS LEONARD SCHMITZ, OF SOUTH DAKOTA
JONATHAN L.A. SHRIER, OF FLORIDA
STEPHANIE FAYE SYPTAK, OF TEXAS
MARK TESONE, OF CALIFORNIA
HEATHER ROACH VARIAVA, OF IOWA
MICHAEL ANTHONY VEASY, OF TENNESSEE
GLENN STEWART WARREN, OF CALIFORNIA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENTS OF COMMERCE AND STATE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DENA J. AYERVAIS, OF VIRGINIA
GREGORY J. BACHMAN, OF VIRGINIA
JUSTIN E. BAER, OF MARYLAND
BRIAN J. BARNA, OF VIRGINIA
JANICE M. BRUCE, OF MARYLAND
MONICA BARRAGAN-SMITH, OF VIRGINIA
DAVID N. BAYNARD, OF VIRGINIA
KIMBERLY M. BLOUNT, OF MARYLAND
DAN R. BOLL, OF VIRGINIA
VICKY A. BURGESS, OF VIRGINIA
CHRISTINE A. CAMPBELL, OF FLORIDA
ROBERT MICHAEL CAMPIONE, OF VIRGINIA
JANICE K. CHRISTIANSEN, OF VIRGINIA
RICHARD N. COLLINS, OF CONNECTICUT
NANCY L. CULLINAN, OF VIRGINIA
JOSEPHINE J. DUMM, OF VIRGINIA
CHRISTIAN A. EADES, OF MARYLAND
ANGELA K. ENG, OF VIRGINIA
ROGER M. ERVIN, OF THE DISTRICT OF COLUMBIA
TODD C. FAULK, OF VIRGINIA
MARY SUSAN GALIARDI, OF VIRGINIA
THOMAS C. GEDDES, OF VIRGINIA
KELLY A. GEORGE, OF VIRGINIA
KURT B. HALLBERG, OF VIRGINIA
MALCOLM E. HARRISON, OF VIRGINIA
EDEN HEINSHEIMER, OF THE DISTRICT OF COLUMBIA
FINN HOLM-OLSEN, OF VIRGINIA
CHRISTOPHER C. INTAGLIATA, OF VIRGINIA
JOHN H. JACOBS, OF MARYLAND
DEBBIE ANN JAMES, OF MARYLAND
TRACY A. KAHN, OF VIRGINIA
DAVID L. KELLER, OF VIRGINIA
SAMUEL R. KOZLOFF, OF FLORIDA
MICHAEL J. KRESSE, OF VIRGINIA
CYNTHIA ANN LANDRUM, OF THE DISTRICT OF COLUMBIA
PAUL D. LENSINK, OF VIRGINIA
R. SHANE LINDER, OF VIRGINIA
ROBERT F. LITVIAK, OF VIRGINIA
GEOFFREY H. LYON, OF VIRGINIA
CHRISTOPHER M. MARTIN, OF VIRGINIA
MARTIN J. MC ANDREW, OF VIRGINIA
STEPHEN N. MC FARLAND, OF VIRGINIA
PAULO MENDES, OF MARYLAND
PILAR MILLER, OF VIRGINIA
STEVEN MARK MOUTON, OF VIRGINIA
CHARLES BENJAMIN NANTZ, III, OF VIRGINIA
DANIEL J. O'CONNOR, OF VIRGINIA
RENEE D. ODEN, OF VIRGINIA
CATERINA C. PANOS, OF MARYLAND
SHEETAL T. PATEL, OF VIRGINIA
ROBERT P. PEACOCK, OF VIRGINIA
SUSAN M. PEARSON, OF VIRGINIA
D. GEOFFREY PECK, OF VIRGINIA
LEIGH CLARE POWELL, OF VIRGINIA
KENNETH B. REIDBORD, OF PENNSYLVANIA
JAMES C. RIGASSIO, OF NEW JERSEY
JOHN SCOTT RITCHIE, OF VIRGINIA
DAVID WAYNE ROCHE, OF VIRGINIA
CYNTHIA S. RODRIGUEZ-KNOX, OF MARYLAND
KATHLEEN F. SCHMIDT, OF VIRGINIA
SALLY J. SCHNEIDER, OF VIRGINIA
BONNIE J. SKOVLIN-HUELLER, OF VIRGINIA
ANNETTE L. SOWARD, OF VIRGINIA
MAREN SMITH, OF VIRGINIA
VICTORIA STEWART-MOORE, OF MARYLAND
E. JEAN SWINDLE, OF VIRGINIA
LEONARD EDWARD TAGG, OF VIRGINIA
NICHOLAS TERRIGNO, OF VIRGINIA
JAMES R. THOMPSON, III, OF THE DISTRICT OF COLUMBIA
RICHARD M. TIMBERLAKE, OF VIRGINIA
DAVID S. WISENANT, OF VIRGINIA
MINOY WIREN, OF VIRGINIA
RUSSELL G. WOODY, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE AS INDICATED, EFFECTIVE OCTOBER 18, 1992:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

LEO R. WOLLEMBORG, OF NEW YORK

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AND FOR APPOINTMENT AS A CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE AS INDICATED, EFFECTIVE NOVEMBER 28, 1993:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, AND CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

ARLYNE E. HEERLEIN, OF OHIO

THE FOLLOWING-NAMED CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE AS INDICATED, EFFECTIVE JUNE 30, 1994:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

JAMES T.L. DANDRIDGE, II, OF ALABAMA

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE AS INDICATED, EFFECTIVE AUGUST 28, 1994:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

DANIEL MC GAFFIE, OF CALIFORNIA

THE FOLLOWING-NAMED CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE AS INDICATED, EFFECTIVE DECEMBER 7, 1997:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

CHRISTINE DEBORAH SHELLY, OF FLORIDA

THE FOLLOWING NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE AS INDICATED, EFFECTIVE NOVEMBER 21, 1999:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

MARGARET M. DEAN, OF ILLINOIS
JOHN SEABURY FORD, OF OHIO

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE AS INDICATED, EFFECTIVE NOVEMBER 21, 1999:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

NANCY MORGAN SERPA, OF NEW JERSEY

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JAMES F. BARNETTE, 4440
BRIG. GEN. GILBERT R. DARDIS, 0949
BRIG. GEN. DAVID B. POYTHRESS, 3685
BRIG. GEN. JOSEPH K. SIMEONE, 3044
BRIG. GEN. RICHARD E. SPOONER, 4100
BRIG. GEN. STEVEN W. THU, 9509
BRIG. GEN. BRUCE F. TUXILL, 5326

To be brigadier general

COL. SHELBY G. BRYANT, 2753
COL. KENNETH R. CLARK, 5408
COL. GREGORY B. GARDNER, 6945
COL. JOHN B. HANDY, 8277
COL. JON D. JACOBS, 6306
COL. CLIFTON W. LESLIE, JR., 1211
COL. JOHN A. LOVE, 4350
COL. DOUGLAS R. MOORE, 5347
COL. EUGENE A. SEVI, 2584
COL. DAVID E.B. STROHM, 5869
COL. HARRY M. WYATT, III, 1527

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 3069 AND IN ACCORDANCE WITH ARTICLE II, SECTION 2 OF THE CONSTITUTION OF THE UNITED STATES:

To be brigadier general, nurse corps

COL. WILLIAM T. BESTER, 1712

CONFIRMATIONS

Executive Nominations Confirmed by the Senate February 24, 2000:

THE JUDICIARY

KERMIT BYE, OF NORTH DAKOTA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE EIGHTH CIRCUIT.

GEORGE B. DANIELS, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK.

SENATE—*Monday, February 28, 2000*

The Senate met at 12:04 p.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Lord God, source of righteousness and the One who is always on the side of what is right, we confess that there are times when we assume we know what is right without seeking Your guidance.

Lord, give us the humility to be more concerned about being on Your side than recruiting You to be on our side. Clear our minds so we can think Your thoughts. Help us to wait on You, to listen patiently for Your voice, to seek Your will through concentrated study and reflection. May discussion move us to deeper truth and debate become the blending of various aspects of Your revelation communicated through others. Free us from the assumption that we have an exclusive on the dispatches of Heaven and that those who disagree with us must be against You.

Above all else, we commit this day to seek what is best for our Nation. Give us the greatness of being on Your side and the delight of being there together. In Your righteous name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable PAT ROBERTS, a Senator from the State of Kansas, led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. ROBERTS). Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 2 p.m. with Senators permitted to speak therein for up to 5 minutes each. Under the previous order, the time until 1 p.m. shall be under the control of the Senator from Illinois, Mr. DURBIN, or his designee.

The distinguished Senator from Nevada is recognized.

Mr. REID. I am going to use some time that has been set aside for Senator DURBIN.

PRESCRIPTION DRUG AFFORDABILITY

Mr. REID. Mr. President, older Americans pay the highest prescription drug costs in the entire world. Because of the high cost and the lack of coverage, many of our seniors are being forced to make tough choices. In fact, one in eight seniors is forced to choose between buying food and buying medicine. Many seniors simply do not take drugs their doctors prescribe because they cannot afford them. Some seniors do not fill one or more of their prescriptions. Others divide their pills in half. Others, instead of taking half a pill a day, skip days and take them every other day. Some older Americans do not buy their own prescription medicine so they can buy the prescription medicine their spouse needs.

In a country that is blessed with the economy that we have, and some of the best medical researchers in the world, it is disgraceful that lifesaving drugs are not being made accessible to our seniors. Prescription drugs are a necessary component of modern medicine, and our seniors are dependent on them to maintain healthy lives.

It used to be, before Medicare came into being, that 4 out of every 10 seniors who were hospitalized had no health insurance. Now virtually all have health insurance. At the time we started Medicare, it was not necessary that we have a prescription drug benefit. Thirty-five years later, it is absolutely important.

I have in hand a couple of communications I have received from people from Nevada. Let me share with you what Michael Rose said:

> I am aware that Medicare reform will be the congressional agenda this year and I would like to share my thoughts with you.

Skipping one paragraph and getting to the meat of this communication:

> I cannot afford the 5 medications that I currently take if I have to get care elsewhere. Although I will be on the Medicare rolls as of January 2000, I will still not be able to afford my meds. As a manic-depressive, this means that I cannot afford sanity and I am scared beyond your wildest dreams about what will happen to me when the medications run out because I can't afford them.
>
> Please vote in favor of including prescription drugs in any Medicare reform package that is considered by the Senate.

Mr. President, I repeat what he says: I will not be able to afford sanity. He takes pills to keep himself sane.

I have a communication from Gail Rattigan, who is a registered nurse. She lives in Henderson, NV.

> Senator REID: I am a [registered nurse] who recently cared for an 82 year old woman who tried to commit suicide because she couldn't afford the medications her doctor had told her were necessary to prevent a stroke. It would be much more cost effective for the government to pay for medications that prevent these serious illnesses than expensive hospitalizations. These include but are not limited to blood pressure medications, anti-stroke anticoagulants, and cholesterol medications. The government's current policy of paying for medications only in the hospital is backward. Get into health promotion and disease promotion and save money. Please share this message with your republican colleagues. Thanks for your support. Sincerely, Gail Rattigan.

She is right. We need to move on and do something about giving senior citizens who are on Medicare prescription drug benefits. We need to do that at the earliest possible time.

The PRESIDING OFFICER. The distinguished Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I ask unanimous consent to speak in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMANENT NORMAL TRADE RELATIONS FOR CHINA

Mr. BAUCUS. Mr. President, I would like to respond to comments made over the past week in the press and elsewhere questioning Vice President GORE's support of the superb agreement negotiated by Ambassador Barshefsky with China as part of the WTO accession process. I have spoken with the Vice President. I am totally confident that he fully supports the Administration's position. He believes that the bilateral agreement is an excellent one. He believes that it is vital that the Congress approve permanent normal trade relations status as early as possible this year.

The Vice President sent a letter outlining his position to Jerry Jasinowski, President of the National Association of Manufacturers, on February 18. I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> FEBRUARY 18, 2000.
>
> Mr. JERRY JASINOWSKI,
> *President, National Association of Manufacturers, Washington, DC.*
>
> DEAR JERRY: As our country turns its attention to the issue of trade, and whether Congress should approve permanent, normalized trade relations with China, I want to share my views.
>
> As I have said publicly and privately, I support the agreement reached by our Administration on the terms under which China will be permitted to accede to the

World Trade Organization. This agreement was negotiated in order to secure economic and security benefits. Specifically, this agreement obtains meaningful benefits for American workers and companies by expanding and opening the Chinese market. Moreover, this agreement will advance our goal of opening up China to the world. I believe that Congress should enact legislation to secure these goals—in the form in which they have been negotiated—this year.

I want you to also understand that I firmly believe in fair and balanced trade agreements. And I agree with President Clinton that future trade negotiations ought to include in the fabric of the agreement both labor and environmental components. Moreover, as I have publicly said to both business and labor audiences, in the future I will insist on the authority to enforce workers' rights and environmental protections in those agreements.

Sincerely,

AL GORE.

In this letter, the Vice President made his position clear: "I believe the Congress should enact legislation to secure these goals—in the form in which they have been negotiated—this year." A simple, unambiguous, clear, and direct statement.

I don't understand what the ruckus is all about, and why this issue took on such undue proportions at the Senate Finance Committee hearing last Wednesday. The Vice President's remarks were clear. Ambassador Barshefsky's explanation of the Vice President's position was equally clear.

As far as I am concerned, this issue is closed. Those of us leading the effort in the Congress to secure passage of PNTR this year know that the Vice President will be fully engaged on this issue, along with the President, Ambassador Barshefsky, Secretary Daley, and other members of the Cabinet. We all need to devote our attention now to prompt passage of PNTR.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESCRIPTION DRUGS AFFORDABILITY

Mr. JOHNSON. Mr. President, I come to the floor today to join my colleagues who have been talking over this past week or so about one of the most critical issues facing America today relative to health care, and that is the lack of affordability and lack of access to prescription drugs for all of our citizens, but particularly for seniors in America.

As I go home across my State of South Dakota, one of the issues I hear the most about in every community I go to—large and small—is the cost of prescription drugs.

Medicare was created by President Lyndon Johnson as one of the Great Society programs back in the 1960s. At that time, the great unmet health care need for American seniors was the cost of hospitalization. Medicare is not a perfect program, but it has gone a long way toward solving the enormous problem seniors faced at that time—the cost of hospitalization. But no prescription drug benefit was added back then, and medicine has changed radically over the course of the last 35 years. There is a greater reliance on prescription drugs now. Drugs have become increasingly sophisticated. People are living longer. The quality of their lives have been enhanced by the availability—where they can afford it—of prescription drugs. But now the cost of prescription drugs is the highest expenditure and highest financial burden of all on seniors' health care needs next only to the cost of health insurance premiums themselves. Yet while there is a great deal of rhetoric around Washington, there has been too little action up until now on this profound issue.

I wind up talking to a great many seniors in particular on this issue. In my home State of South Dakota where we have a lot of people who are former farmers, ranchers, small business people, and employees of small business who had no deluxe pension plan or health plan to fall back on, for a great many of them Social Security is their lion's share if not their total retirement benefit. Medicare is their key health care benefit.

Thirty-five percent of seniors in America today have no Medigap coverage whatsoever. In South Dakota that rate would be even higher, and people wind up caught in a terrible predicament. It has put a tremendous financial burden on a great many people who very frequently have hundreds of dollars a month in prescription drug costs. But the problem is all the more challenging for the great many South Dakotans I talk to who have no Medigap policy, who cannot afford that, and then who wind up literally choosing between groceries and staying on their prescriptions. What happens then is all too often they either don't fill the prescription or they take half of the pills or they don't take the pill until they become ill again at which time again they show up at the emergency room with an acute illness. Then the Medicare picks up the tab. Then the taxpayers pick up that cost at a much higher cost than would have been the instance if they had been able to stay on prescription drugs in the first place.

We wind up with a growing problem, which is the inflationary rate for the cost of prescription drugs. They are going up far higher than the rate of inflation for the rest of the economy. People are on relatively fixed incomes. They are on Social Security and do not have the means oftentimes to pay for any of these bills at all, or pay for enough of them. All too often what little COLA—cost-of-living adjustment—comes along with Social Security is either consumed entirely by the Medicare premium increase or other cost-of-living increases before they even get to deal with the cost of prescription drugs.

I was in a community in South Dakota not too long ago talking to some seniors at a senior center. This is a phenomenon I had never heard ever before, frankly, where they were telling me—these are some seniors who are a little better off than many of the people I talked to; they have a little more financial means—they were going to Texas and to Arizona to snowbird during the winter, but they are paying for the entire cost of their snowbird expense by going across the line to Mexico and buying their prescription drugs for less than half of what they were paying in the United States. The prescription drugs they are buying in foreign countries for half the price are the same branded FDA-approved drugs that people buy in the U.S.

It is an outrage when you think about American citizens having to go to Canada, having to go to Mexico, and going other places to get their medication cheaper. It seems sometimes that nobody in the industrialized democratic world pays bills anything like our seniors pay or our citizens in general pay for prescription drugs because it isn't only seniors, although clearly seniors who comprise about 12 percent of the United States population consume well over a third of the prescription drugs. That isn't surprising given the fact that as people grow older they run into health care problems that are more intense and that will require the attention of prescription drugs. But there has to be a remedy for this.

I appreciate we are talking now about a Medicare benefit that would include prescription drugs. But, frankly, the bipartisan agreement isn't there yet. I am hopeful it will be during the course of this short legislative year.

There are a lot of people out there who I think are cynical about how much Congress is going to accomplish this year given the fact it is a Presidential year, and all too often time is spent trying to paint differences, drawing lines and drawing the parties apart than coming together in a bipartisan kind of cooperation that I think the American public deserve and what they want to see happen. I think most Americans are not left- or right-wingers, but they want the Government to work fairly efficiently and come together on these key issues.

This is one where I believe we can find some common ground on—not necessarily with huge public expenditures, although if we are going to have a

Medicare benefit in the end some additional budgetary implications are certainly involved. And, yes, I think it can be addressed without some massive bureaucracy. We can do that as well, although I worry some when I see these "Flo ads" on TV paid by the pharmaceutical industry having to hire an actress to portray a senior by the name of Flo who then goes on about her worries that somehow the Government might do something about prescription drugs and that would be having the Government enter the medicine chest. This is a fear tactic. It is designed to make people worry that if Congress does anything about the cost of prescription drugs somehow that will involve some sort of intrusive federalization of our health care. That is a foolish argument and, unfortunately, one that is backed by millions of dollars of TV ads and one that I think is cynical in terms of trying to dissuade people from believing that there are steps we can take so the United States no longer is the only democracy in the world paying the kind of bills that we pay.

I had a study done by one of our committees in the other body to look at the prescription drug costs in South Dakota, and to also look at costs around the world. This is no surprise. I have long heard talk about going to Winnipeg and going to Mexico to buy drugs for less. I thought perhaps that was anecdotal, and that perhaps it was a systemic situation, but in fact it is reality.

The recent studies indicate that if you go to Canada, or to Mexico, or to France, or to Britain, or to Germany, or to Italy, or to virtually any other industrialized democracy, the cost of prescription drugs is about half what it is in the United States. Nobody pays the kind of bills we pay in the United States. We pay about double what anybody else in the industrialized world pays. That to me is so utterly unacceptable and unfair. This all comes at a time of great national prosperity overall—though you wouldn't always know that in rural America. The great pharmaceutical industry is making profits running about three times higher than any other sector of the American economy. They are enormous profits. Of course, we always hear pleas that if we had to develop drugs at a reasonable price, as everything else in the world, that would negatively impact our ability to do research. It is nonsense. The profits being earned are far higher than a research budget. We want the pharmaceutical industry to make a reasonable profit. We want them to invest money in research. But they make money off research. That is what gives them new things to sell.

I don't think that some reduced cost for American citizens in line with what everyone else in the world is paying is going to have some sort of catastrophic consequence with the pharmaceutical industry at all. All we are looking at is a fair deal, one more consistent with what everybody else gets.

There are a couple of ways to approach this. Keeping in mind that if we do nothing not only is the current severe problem going to grow even worse, it is going to grow worse because the inflationary numbers for prescription drugs are increasingly going up far higher than the rate of inflation.

There are a couple of different responses that I think we could take in this that do not require us to wait around until we reach some sort of grand, bipartisan compromise under the entire revamping of Medicare. Something is going to have to be done long term about Medicare. We all know that. I am not sure if this is the year it is likely to happen as we get into sort of a Presidential-politics-strewn year and it doesn't even happen. We don't have to wait until then to do something.

I sponsored, with my colleague Senator KENNEDY, S. 731, the Prescription Drug Fairness For Seniors Act. There is a corresponding bill in the House of Representatives, H.R. 664, with over 140 cosponsors.

This legislation simply says to the pharmaceutical industry that we will not set prices, we will not have a bureaucracy sitting in the basement of a building in Washington trying to figure out a fair profit. Some suggest that is what we ought to do. We have done that with utilities. Many States have public utility commissions. Recognizing there is no competition in certain sectors of America's economies, they set what a fair profit is and what the prices and profit will be. That is not where I am going with this legislation despite the fact many other countries do.

This legislation is consistent with free market. It is nonbureaucratic. It simply says to the pharmaceutical industry, if this industry is going to sell their products to other favored buyers, then cut Medicare beneficiaries, seniors and the disabled on Medicare, in on the deal, too. Right now a large HMO or Federal agency, is buying prescription drugs at 40 percent to 50 percent less than what everybody else in the U.S. is paying.

This proposal does not provide free drugs for anyone, but it does put American seniors and those disabled individuals on Medicare, who are the ones that purchase the majority of prescription drugs in this country, on the same playing field as citizens of other nations, who pay less. When the pharmaceutical industry sells their products to favored customers such as large HMOs, Federal agencies, or other countries for that matter, they are not selling the drugs at a loss. They are making a very handsome profit. We are suggesting if that is enough profit for the industry from those customers, why not the same for American citizens? Why not give the same price system to American citizens?

Perhaps their negotiated price will go up; it cannot go higher than what it already is for American citizens. We are suggesting, do not discriminate against American citizens, and certainly not against American seniors. This legislation involves no price fixing, it involves no bureaucracy, it involves no tax dollars.

I am pleased in my home State of South Dakota, we now have over 5,000 citizens who have written to me asking to be named as "Citizen Cosponsors" my legislation, S. 731, the Prescription Drug Fairness for Seniors Act. I invite other people and my fellow colleagues who believe we need to do something about this issue now, who believe there should be no discrimination against American seniors, to join me as a Citizen Cosponsor. Contact me at my office in Washington. I am happy to sign citizens and my colleagues on. We will indicate to the world this is not an issue that will go away. It is an issue that has enormous grass roots support and one that we can do something now about to help with the skyrocketing cost of prescription drugs.

We have a second bill, as well, that Senator DORGAN, my colleague from North Dakota, has been the principal sponsor of that takes a somewhat similar tact—again, involving no bureaucracy, no tax dollars. I call it "what is good for the goose is good for the gander" legislation, but the formal name of the bill is the International Prescription Drug Parity Act, S. 1191.

This legislation says if companies sell these drugs to Canada, Mexico, or elsewhere, allow our pharmacies to reimport these drugs back into the United States. Currently, a citizen can go to these other countries and pick up about a month's supply of drugs for their own personal use, but that is it.

We would monitor the drugs to make sure they are not tampered with; that is not an insurmountable problem.

In effect, every other country in the Western World seems to have found a way to address this issue, except the U.S. The world's greatest democracy, the world's greatest economic and military power, is the only country that seems not to have found something to address these costs. We say let the drugs be imported back into the United States. We will ride piggyback on the progressive policies of other countries where the drugs have been sold for profit, but are branded FDA-approved drugs; bring them back into the United States. Why should South Dakotans have to get on a bus and go to Winnipeg? Why should they have to take a side trip during the wintertime to Mexico? Why should any of this be necessary? This is foolishness. We deserve far better.

There are some who say this is common sense; why is there any controversy? The resistance to some of this legislation has been fierce. The pharmaceutical industry has been running attack ads against my colleagues in the other body who have sponsored this legislation. Television ads, radio ads, and print ads can be intimidating. I am hopeful we can sit down at the table together.

I don't want to demonize or villainize the pharmaceutical industry. We are proud of the research and development that they do. We want them to continue doing that. We want them to continue to make a profit. This is not some sort of confiscatory plan. We want them to sit down in good faith. If not, we will proceed anyway. This issue has become too serious. It has to do with the health care integrity of our Nation.

I believe we can make progress with these two middle-of-the-road kind of bills, while at the same time working with the President who, to his great credit, has been talking about ways we can add Medicare prescription drug coverage to our health care system in this country. If we do that, we will have resolved one of the most severe problems our country faces this year.

We need to go on to broader range Medicare reforms. There are things that will have to happen with Social Security, as well. We all know that and hopefully we can reach some bipartisan resolution of those issues. In the meantime, every single day that goes by, there are South Dakota seniors and disabled individuals with high prescription drug bills, seniors from all over the country, who are skipping meals, who are not taking the drugs they should be taking, who are making terrible choices that the citizens of the world's richest democracy should not be compelled to make. It is just unconscionable that people are given these choices. We should not have to make those decisions. We should not have people showing up with acute illnesses in our emergency room where taxpayers then pick up the tab because they were not able to afford the prescription drugs they need.

There are a great many core issues we need to debate this year, from world trade issues to the scope and the nature of the Federal budget, to education and so on. However, I submit that among the very top tier of issues we need to resolve before this Congress goes home this fall, before it returns to more politics and campaigning, is to take up these two bills and to pass needed legislation to address the issue of prescription drug affordability.

I have no ego involved in the sponsorship here. We need to deal constructively now, this year, with the cost of prescription drugs, certainly for seniors, and hopefully for the entire American public. If we do that, this will have been a year well spent.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KYL). Without objection, it is so ordered.

THE REACH INITIATIVE

Mr. BOND. Mr. President, I rise today to talk about one of the hot topics in the world of health care—health care access. Many people see this as the biggest problem in health care today.

Part of the problem, and the part that has received the most attention, is that too many Americans lack health insurance—about 44 million Americans are not covered by any type of health plan. But an equally serious part of the problem is many people's simple inability to get access to a health care provider. Even if they have insurance, a young couple with a sick child is out of luck if they cannot get in to see a pediatrician or another health care provider. And in too many urban and rural communities across the country, there just are not enough doctors to go around.

Several plans have been proposed recently on how to deal with the health care access problem. Senator Bradley has a plan. The Vice President has one. There's also a bipartisan proposal for tax credits to help people buy health insurance. All of these plans have at least three things in common:

First, they all address a worthwhile goal. I think we all want to see that people have access to good health care, even if we might disagree on how to get there.

Second, they are all very ambitious. Senator Bradley in fact is basically proposing to use close to the entire $1 trillion surplus to provide people with health insurance.

The third thing these plans have in common—and perhaps the most important thing—is that it will be difficult or impossible for them to become law this year. Whether because of policy differences or political differences, it is just not likely that they will pass.

So last week, we launched a bipartisan effort—along with Senators HOLLINGS, COCHRAN, LINCOLN, HATCH, HUTCHINSON of Arkansas, I and other Senators—called the REACH Initiative, that does have a chance this year. There is no need to wait for an election, we can do it now.

Our proposal builds on the crucial work that organizations known as community health centers have been doing to ensure better access to health care. Health centers are private nonprofit clinics that provide primary care and preventive health care services in medically-underserved urban and rural communities across the country. Partially with the help of Federal grants, health centers provide basic care for about 11 million people every year, 4 million of whom are uninsured.

The goal of the REACH Initiative is simple—to make sure more people have access to health care. We plan to achieve this by doubling Federal funding for community health centers over a period of 5 years. We believe this will allow up to 10 million more women, children, and others in need to receive care at health centers. If we are successful with the REACH Initiative, we can practically double the number of uninsured and underinsured people cared for at health centers.

I am pleased that 12 colleagues—led by my good friend from South Carolina, Senator HOLLINGS—have joined me to introduce this resolution calling for doubled health center funding over 5 years.

The REACH Initiative basically recognizes the key contributions that community health centers have already made in addressing the health care access problems. But there is so much more that can still be one.

Now, out of all the ways we can address health care access problems, why are health centers a good solution and a worthwhile target for additional funding?

No. 1, they are building on an existing program that produces results. Too many health care proposals want to start practically from scratch, and make breathtakingly revolutionary changes. When I look at the health system and its admittedly huge problems, I sometimes think that might not be a bad idea. But it is also extremely risky. We need to remember that despite the many flaws in our health system, many people are pleased with it. We should be wary about making too radical changes that could interfere with what is right in our system. Instead, we can expand an existing part of the system that has been proven to provide cost-effective, high-quality care.

No. 2, health centers play a crucial role in health care, and are vastly underappreciated. It is amazing to me how few people know what community health centers are. After all, health centers care for close to one out of every 20 Americans, one out of every 12 rural residents, one out of every 6 low-income children, and one of every 5 babies born to low-income families.

No. 3, health centers truly target the health care access problem. By definition, health centers must be located in "medically underserved" communities—which simply means places where people have serious problems getting access to health care. So health centers attack the problem right at its source. Unlike other health care proposals, the REACH Initiative does not create problems of "crowding out" private insurance by replacing private dollars spent on health insurance with Federal dollars. The health centers are partially funded by those patients who do have health insurance.

No. 4, they are relatively cheap. Health centers can provide primary and preventive care for one person for less than $1 per day—about $350 per year. That's just about the best value you will ever see in health care. Even better, health centers are able to leverage each grant dollar from the Federal Government into additional funding from other sources—meaning they can effectively turn one grant dollar into several dollars that can be used to address health care problems. With an extra billion dollars a year—the goal of the REACH Initiative in its fifth year—health centers could be caring for an additional 10 million people.

No. 5, this initiative is not a government takeover of health care. Admittedly, our plan calls for more government spending. This is of course true for most plans that try to deal with health access problems. But this new funding would not go to create a huge new bureaucracy. Instead, the REACH Initiative would invest additional funds into private organizations that have consistently proven themselves to be efficient, high-quality, and cost-effective health care providers.

To me, all of these reasons point to one logical conclusion—a need for drastically increased funding for health centers. Health centers are already helping millions of Americans get health care. But they can still help millions more—pregnant women, children, and anyone else who desperately needs care.

Simply put, we must reach the goal of the REACH initiative—doubled funding for health care centers within 5 years—and we can and should make it happen.

Let me close with what this means in human terms.

The REACH initiative will help make sure that a young woman who has just found out she is pregnant but does not have health insurance has a place to get prenatal care so she does not risk her health and the baby's health by waiting until late in the pregnancy.

The REACH initiative will help make sure that a 6-year-old boy who is living in a deep rural Missouri community, a community that otherwise would not have any health care providers at all, has a place to get regular checkups so he can stay healthy at home and in school.

The REACH initiative will help make sure a young couple without anyplace to go will be able to get their infant daughter immunized to protect her from a variety of dreaded diseases.

The REACH initiative will make sure Americans like Denise Hall, a Washington, DC, resident, and her children have a place to get needed care. Denise joined us for our announcement last week and talked about her reliance on health care centers. The REACH initiative will make sure she and her children have a place to get needed care. Denise, at our press conference kicking off the REACH initiative, said she is an out-of-work mother of two who is working to improve her job skills so she can rejoin the workforce. But for the moment, she and her children simply have nowhere to go for health care needs other than a local community health center.

These Americans, and millions like them, are the reasons why we must make the REACH initiative—doubled funding for community health centers—become a reality. I invite my colleagues to join me and 12 others who cosponsored this resolution, and 29 distinguished health care organizations, in support of the REACH initiative. If we work together, we can make a difference and serve those who are in the greatest need of access to health care and who, without community health centers, will not have that access.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, what is the current status of business?

The PRESIDING OFFICER. The Senator from Wyoming is notified that under the previous order, time until 2 p.m. is under the control of the Senator from Wyoming or his designee.

EXCESSIVE REGULATION BY THE CLINTON ADMINISTRATION

Mr. THOMAS. Mr. President, we have seen in the last several months, and I suspect we will continue to see from now until the end of this administration, a considerable effort to implement programs that bypass the Congress, programs that, indeed, bypass public input into those programs.

We have seen a great many Executive orders regarding regulations that have had limited, if any, public input. We have seen the use of the Antiquities Act and a number of other activities of this kind.

It is important that we remember the constitutional requirements of this Government, that there is a division within Government. That is what the legislative, executive, and judicial branches were designed to do, and they were purposely put in place to ensure that none of the three branches developed a domineering position and became a czar of the Government.

It is terribly important we take a look at this in Congress; that we ensure, to the extent we can, that this does not happen; that there is, indeed, as we move forward with various programs—whether they be regulatory, whether they be legislative—an opportunity for people to participate.

The current regulatory system encompasses more than 50 Federal agencies, more than 126,000 workers, and annual spending of more than $14 billion in the area regulations.

From April 1, 1996, until March 31, 1999, Federal agencies issued nearly 13,000 final rules. Of these, 188 were major final rules that each carried an annual cost of more than $100 million in our Nation's economy.

The paperwork burden of these Federal regulations is approaching $190 billion annually. A recent study by the American Enterprise Institute concluded that all EPA rules promulgated between mid-1982 and mid-1996 under environmental statutes such as Superfund, the Clean Water Act, Toxic Substances Control Act, and the Federal Insecticide, Fungicide and Rodenticide Act, have had negative net benefits; that is, they hurt more than they helped.

When these regulations come into place, we hear that there is going to be a partnership, a partnership between the communities, a partnership between the State, a partnership with the Federal Government. Unfortunately, it has been our experience, particularly in the area of public lands, the partnership is a little one sided, a one-horse, one-dog arrangement, not an equal partnership.

One example is the clean water action plan, an Executive order establishing 111 key actions designed to improve the Nation's remaining water impairment problems. Everyone wants to do that. Imagine putting into place in one move 111 different regulatory actions, done without the NEPA process, without the process of input, without the process of having public discussion.

The administration has requested roughly $2 billion annually since 1998 for implementation. It has been an interesting process, particularly with EPA and the Committee on Environment and Public Works, which is taking a strong look at this and, in one instance, declared this agency had gone beyond its statutory authority.

One of the difficulties is, first of all, the nonpoint source idea which was never authorized in the Clean Water Act. It was only point sources which were authorized.

What is happening now is they have moved toward an implementation of the plan that is designed more to control the land use than, in fact, to control nonpoint source water.

The Environmental Protection Agency structured the plan around data that the GAO, the Government auditing organization, has criticized. In 1999, GAO cautioned the methodology used in determining both impairment levels and impacts from nonpoint source was underfunded and, consequently, results were very possibly inaccurate.

Specifically, GAO highlighted concerns relating to how the agency identified waters polluted by nonpoint sources, the need for more data to develop cost estimates, and the extent to which the Federal Government contributes to water pollution.

Instead of pulling back, having found out this information, EPA is moving forward with the implementation of the program. States and impacted industries have complained to EPA through the Congress, through the committees, that EPA's plan places a financial burden and amounts to an unfunded mandate.

This could be reasonable, if they went through the process of involving people before putting the regulations in place. But when the regulations are put there by fiat, certainly that is not something we expect to happen and should not allow to happen in our system of government.

Even USDA wrote a letter, saying when they were doing these activities in the old Soil Conservation Service, they were much more efficient. When we questioned EPA about that, they got the Secretary of the Department of Agriculture to change his mind and say: I really did not mean that at all.

Of course, 2 weeks ago I was in Wyoming for a week. Half of Wyoming belongs to the Federal Government. Much of our State is in public ownership. The use of those lands is vital to the economy. A multiple-use concept is what has made these lands useful, not only to preserve the environment, which can be done, but as well to be able to use them for hunting, recreation, grazing, mineral production—all the things that go together to make up an economy in the West.

Now we are faced with some other propositions. In this case, the Forest Service has declared by regulatory fiat that there would be 40 million acres dedicated to roadless areas. Of course, we have roadless areas in the public lands. We have wilderness that has been set aside by congressional action. By the way, when it was set aside in Wyoming, the statute also said there would be no more wilderness set aside unless Congress made that proposal.

It has been very difficult. We have had several hearings with the Secretary of Agriculture and the Chief of the Forest Service to determine what "roadless" means, whether or not it is another way of having wilderness areas. The interesting part of it is, most of the lands that have been structured in this plan for roadless areas have roads on them; they are not roadless at all. But the Forest Service has done nothing to identify or solicit cooperating non-Federal agencies in the EIS.

Several of our States have asked to be cooperating agencies, which is what the Environmental Quality Group in the White House has said they are going to implement in all these kinds of programs, but the Forest Service has said: No, we are not going to have the States; we are not going to have the counties; we are not going to have these non-Federal agencies participate.

Hearings were held. Actually, they were not hearings; they were information systems. People were invited to come, but there was no information there. They were asked to respond to something without knowing what was being done. So there was really not public involvement of that kind.

The other thing is that we already have forest plans in place. Each forest is required to have a forest plan. I have no objection to the idea of limited roads, but it ought to be done in a way in which people can participate, and it ought to be done in a way in which Congress can participate. We are finding more and more of that happening in this so-called land legacy that is being put forth by the administration.

Last week, the Secretary of the Interior announced there would be literally millions of acres of Bureau of Land Management lands that would be set aside simply for their scenic value. That is very important to western public land States, where much of that land is part of our economy. It can be preserved for the environment. However, we also have to have multiple use. Those things will go together.

The Antiquities Act is another. In 1996, we put into law the Congressional Review Act which requires regulations be submitted to the Congress. They are interpreted by OMB. Those that have over $100 million of value or cost are submitted to the Congress, with an opportunity to take a look—oversight—to see if those regulations are carrying out the spirit of the legislation which authorized them or, indeed, to see if in some cases they are being put into place without any statutory or regulatory authority.

Unfortunately, it has not worked well. The idea was to have it come to the Congress. It has to go through OMB first to decide whether it has the $100 million impact. Then it comes to the Congress, but the Congress has not had an opportunity to deal with it.

Unfortunately, from April 1 of 1996 until March 1 of 1999, Federal agencies issued, as I said before, 13,000 final rules. And 188 fell within this category of $100 million. Unfortunately, not one has been changed by the Congress because this bill is not workable.

We have to make it work. We need to create a congressional regulatory analysis group that has the opportunity to look into these bills. Much like CBO, Congress needs an entity to take a look at them. Right now, unfortunately, it does not work. I think certainly we have to do something to keep this administration from running roughshod over my constituents' interests, the Presiding Officer's constituents' interests, and others. There needs to be this balance. I think the Congressional Review Act could be that balance, if it has some changes.

Mr. President, I yield to the Senator from Utah for 15 minutes.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I rise to note two events, one historic today and one somewhat historic tomorrow—one looking a little bit back with some nostalgia and the other looking back with some degree of finality.

THE 150TH ANNIVERSARY OF THE UNIVERSITY OF UTAH

Mr. BENNETT. Mr. President, today, the 28th of February, is the 150th anniversary of the founding of the University of Utah. We look back with nostalgia but also look forward with great excitement at the future of that particular university.

It is a university to which I am attached both in personal life and by legacy. Both of my parents graduated from the University of Utah. My two brothers and two sisters attended the University of Utah. I graduated from the University of Utah. My wife attended the University of Utah. We are a Utah family.

The university started on the 28th of February, 1850. For those who understand Utah history, they will realize that the State, at least to the degree it is now, began on the 24th of July, 1847. So for those who founded the State, to focus on the creation of the University of Deseret, as they then called it, so quickly after they arrived in Salt Lake Valley is a testimony to their vision and their determination to make higher education a very key part of their lives.

At that time, there was no infrastructure in the community. There were barely farmhouses and farms that had been created. The first classes of the University of Deseret were held in private homes.

The university has come a long way since that time. It is now recognized as one of the premier universities in the United States in a number of areas. The one that they are perhaps best known for is in medicine. The University of Utah is the site of the first artificial heart. It has been the site of other medical breakthroughs. It is currently the home of the Huntsman Cancer Center—a $100 million gift from the Huntsman family to fight cancer in the United States. The Huntsman family decided that the medical school at the University of Utah was sufficiently in the forefront that it would be the place they would have the Huntsman Cancer Center.

One other interesting thing that goes back to the founding of the University of Deseret that I think we need to recognize with respect to what the University of Utah is and can do in the future is its physical proximity to the genealogical records that are maintained by the Church of Jesus Christ of Latter-day Saints.

A few months ago, I had a medical researcher come into my office in Salt Lake City, a man who by virtue of his credentials could have gone virtually anywhere in the world, to tell me how excited he was to be at the University of Utah.

His specialty, an area of greatest medical concern, is dealing with the disease of diabetes. He went on to point out to me how diabetes many times is the disease that then causes other diseases. He said, statistically people may die from something other than diabetes but, in fact, it was the diabetes in the first instance that caused them to get whatever it was to which they were recorded as having succumbed. He said: The reason I am excited about being at the University of Utah is that the records available in the family history library of the Church of Jesus Christ of Latter-day Saints make it possible for researchers at the University of Utah to trace the family history of people with this particular disease in a way no other body of data can. It is a unique experience to be here where you have that kind of link.

Of course, when the University of Deseret was founded, it was founded with the full support and, indeed, almost sole support of the leaders of the Church of Jesus Christ of Latter-day Saints. So it is appropriate even now, as the university has become a State institution, certainly separate from the church and any of its hierarchy, that there is still the kind of intellectual synergy that can come out of the proximity of the university and the work the church is doing in another area.

The University of Utah stands as the flagship research school in my State and, if I may be parochial a little, perhaps for a large part of the West. There are many things done at the University of Utah that radiate beyond our State borders, not only in medicine but in other fields as well. We have a first-class law school to go with the medical school. We give Ph.D. degrees in a wide variety of subjects. The University of Utah is proud to have been in this business for 150 years. I am proud, as a Utah man, to stand on the floor of the Senate and pay tribute to the university and to those farsighted individuals who founded it 150 years ago today.

Mr. HATCH. Mr. President, today I would like to offer congratulations to the University of Utah on the 150th anniversary of its founding.

In 1850, just three years after the pioneers reached the dusty and desolate Salt Lake Valley, the General Assembly of the State of Deseret passed an ordinance to create the first university to be established west of the Missouri. Despite some stressful financial times, it persevered; and, in 1892, the territorial legislature changed its name to the University of Utah.

The Utah pioneers began an institution that would serve as the intellectual and cultural cornerstone for the state of Utah and for the West. With its humble beginnings in a private home, the University of Utah has become the embodiment of the pioneering spirit that conceived it.

The University of Utah—the "U"—has led the way in a number of areas, including research, teaching, and public service.

Academically, the University makes significant contributions in the West and in the nation. The Honors Program is the third oldest in the nation. The graduate school of Architecture has the Intermountain West's only program in historical preservation. The College of Humanities has the Intermountain West's only joint master of public administration in Middle East studies.

Additionally, the University of Utah's work in health sciences, where the first artificial heart was developed, in supercomputing and computer modeling, and in cosmic-ray research, where the U is home to the one-of-a-kind "Fly's Eye," has contributed significantly to the University's growing reputation both nationally and internationally. The University of Utah currently ranks in the first tier of American research institutions according to the Carnegie Foundation.

Henry Eyring, a world renowned chemist and professor noted in 1946 that, "the stature of the university would rise through advancements of science and technology." And so it has. The faculty and students representing all 50 states and 102 foreign countries have built the U into a premier research institution.

A pioneer in computer graphics, David Evans, after studying electrical engineering at the University, became chair in 1965 of the fledgling department of computer science. He oversaw the education of individuals who went on to groundbreaking careers in computing including, Alan Kay, vice president of Disney Imagineering; Jim Clark, founder of Silicon Graphics, Inc.; John Warnock, co-founder of Adobe Systems; and, Edwin Catmull: co-founder of Pixar.

The medical school, started in 1905, has made great strides in medicine that are recognized throughout the world. Dr. Philip Price, former chair of the Department of Surgery said, "The essence of the pioneer spirit as I see it, is the courage to tackle an un-ideal situation, trying hard with faith and intelligence to build something ideal out of it. That's what I would like to see done, and have a part in."

In 1946, the U.S. Public Health Service awarded its first grant to a medical school so that the University of Utah could study muscular dystrophy. The receipt of this first grant for medical research set the stage for the University's subsequent success in medical research.

Dr. Willem Kolff began the division of Artificial Organs and the Institute for Biomedical Engineering in 1967. His pioneering work on both an artificial kidney and heart led to a number of medical breakthroughs, including the world's first artificial heart transplanted into Dr. Barney Clark in 1982.

That was a great thrill for all of us from Utah.

More recently, there have been a number of major leaps taken in genetic research at the Eccles Institute of Human Genetics. Scientists have found dozens of genes for human diseases including cancer, heart disease, neurological conditions, birth defects, and blindness. And, the Huntsman Cancer Institute is becoming an international leader in the discovery of new ways to diagnose, treat, cure, and prevent cancer.

The University of Utah has also played a central role in the development of Utah in the arts and athletics. In 1948, the Utah Symphony was invited to make its home on the campus, establishing the University as home for various cultural events for the public. For the past decade, the Modern Dance Department ranks among the top three in North America along with the ballet program, which is the nation's first college ballet degree program.

The University of Utah's skiing and women's gymnastics programs have each won ten national titles, and the Runnin' Utes basketball team made it to the NCAA national championship finals in 1998. The football team has made numerous bowl game appearances.

Of course, to me, as an alumnus of BYU, the best thing to come out of the University of Utah was in 1875 when the University's Provo branch was split off to become the Brigham Young Academy and eventually Brigham Young University. It would be impossible for any Utahn not to at least mention this historic rivalry.

It is difficult to do justice to the myriad of accomplishments of the University of Utah's faculty and alumni in this brief statement.

Suffice it to say that, after 150 years, the University of Utah still draws on the courageous and adventurous spirit of Utah's pioneers. The achievements and ideas of the faculty and graduates have multiplied across the geographic and academic frontiers of our country. The University's proud heritage and traditions have established its values and lighted the path; but, without a doubt, the trail is still being blazed.

I might add that as a young boy living in Pittsburgh, PA, wanting to support anything from Utah, I can remember the great University of Utah championship basketball teams with Arnie Ferrin, Vern Gardner, Wat Misaka, and others who were terrific athletes who made the University of Utah a household name in basketball during those years. Of course, they have been an inspiration to me ever since. In fact, it has been a thrill for me to meet some of those people, and especially become a friend of the great Arnie Ferrin who was the University of Utah's great All American during those years and later played professional basketball as well.

Again, my congratulations to the students, alumni, faculty, and administrators of the University of Utah on reaching this significant milestone. It is a great university. I support it very strongly, and I think everyone in Utah does as well. I am grateful to be able to make this statement on its behalf.

I yield the floor.

THE Y2K COMMITTEE

Mr. BENNETT. Mr. President, as I said, I have two items to commemorate. That is the first one, an item of some nostalgia looking forward. The second one actually is tomorrow, but I will take advantage of being here now to talk about something that comes to an end tomorrow.

The Presiding Officer was intimately involved, as he served as a member of the Senate's Special Committee on the Year 2000 Technology Problem, a committee that officially goes out of existence tomorrow. There were many who said, when the committee was formed: There is nothing so permanent as a temporary government program. You will find an excuse somehow, some way, to keep this committee alive for years.

It is with some pride I point out that we are not doing that. The committee was organized to deal with the year 2000 technology problem. The committee dealt with the problem. The committee was scheduled to go out of existence on February 29, when presumably the problem would be behind us. The problem is behind us, and the committee will disband as of tomorrow.

I pay tribute to the vice chairman of the committee, CHRISTOPHER DODD, the Senator from Connecticut. As chairman of the committee, I could not ask for a better partner. I could not ask for a more cooperative or dedicated partner in working on this particular problem. We acknowledge the other members of the committee, starting with the distinguished occupant of the Chair, Senator KYL from Arizona; Senator MOYNIHAN from New York; Senator SMITH from Oregon; Senator EDWARDS from North Carolina, who was preceded on the committee by Senator BINGAMAN from New Mexico; Senator LUGAR from Indiana, who was preceded on the committee by the junior Senator from Maine, Ms. COLLINS; and then, of course, the two ex officio members of the committee who attended committee hearings, paid attention to the committee activities, and contributed significantly to it, that is, the chairman and ranking member of the Senate Appropriations Committee, Senator STEVENS and Senator BYRD.

There are many people who say: Well, you really didn't have a problem, did you? You formed this committee, and then, look, nothing happened with respect to Y2K.

It reminds me a little of the story attributed to Bob Hope, who said: You know, I really don't appreciate the way the Army treats me when I go out on these USO tours over the holidays. At Christmas, I go all around the world to put on shows for the GIs. They tell me I am going into dangerous parts of the world, so they use me as a pin cushion; they fill me full of shots before I go. It is a complete waste of time because I have never gotten sick once in any of these places.

I think that can be said to a certain extent with respect to the Y2K problem. Many people are saying: Gee, you wasted all our time and money. Look, nothing happened.

The record is fairly clear that had we, as a Nation, not focused on this issue and dealt with it, we would have had very significant problems.

When the committee was formed, I set one goal, among others, which I believe we very much met and I feel very proud about having achieved. As we looked out over the Nation and, indeed, the world with respect to the Y2K problem, the one thing that was clear was that no one knew the extent of the problem. No one knew how it was going to play out, and there was no place one could go to get that information. So I challenged the staff as well as the members of the committee.

I said: If we do nothing else in this committee, we will become the repository of accurate information about Y2K. All over the world, people will know that if they want to find the best source of where things are with respect to Y2K, they will want to come to the Senate Special Committee on the Year 2000 Technology Problem.

I believe we met that challenge. I believe by the last few months of Y2K, it was recognized virtually around the world that the Senate reports on Y2K were the most authoritative, the most complete, and ultimately the most dependable.

A lot of people don't realize we were saying in those last few months: There will not be a Y2K problem in the United States. I used to say that in speeches, and I would have people challenge me: How can you say that? Sometimes they would quote my own earlier speeches back to me because early on I was raising the alarm and predicting significant problems. I was predicting those problems on the basis of the information then available. But as the committee fulfilled its function and became the repository of accurate information, committee spokesmen and women would stand and say again and again: We are probably not going to have any serious problems in the United States.

Then people said to us: Well, why did you miss it overseas? There weren't serious problems overseas?

I have two observations on that. First, we did not have the same degree of accurate information about situations overseas that we had in the United States. We were unable to reach the same level in dealing with information that came from outside the country as we did from information within the country. Second, we had more problems overseas than the press has reported. There were many people who were simply embarrassed about their Y2K problem and didn't talk about it. Indeed, we had some examples before the committee of problems that did exist and were later denied simply because of the embarrassment people would feel if they admitted they had had difficulties.

The ultimate question is: Was it worth it? Did we, in fact, make a contribution worth the amount of money we spent to staff this committee? I say without any hesitation, yes, it was very much worth it. We are seeing benefits over and above the contribution the committee made to alleviating the problem.

John Hamre, Deputy Secretary of Defense, has publicly stated: If it were not for the process we went through to deal with Y2K in the Defense Department, we would have had serious Y2K problems and we would not have the information we now have.

In responding to the pressure from Y2K, the Defense Department, for the first time in its history, now has an inventory of all of their computer systems together with a ranking as to which of those systems are mission critical and which are not. One might think in a straight management assignment the Defense Department would have that information anyway. They did not have it before we caused them, in an effort to respond to the inquiries from the committee, to go through the process of gathering it.

Alan Greenspan has been quoted as saying that in American industry at large, the effect of the Y2K remediation activity has caused American business men and women to understand their vulnerability and dependability on computers in a way they never understood before and that the investment of bringing everything up to the highest possible level is an investment that will pay significant financial dividends for the economy in the years ahead.

So as I look back on those activities and those accomplishments, I express satisfaction for the work of the committee, a degree of satisfaction for whatever contribution I may have been able to make as its chairman but ultimately enormous gratitude to the members of the committee and to the members of the staff.

When Senator DODD and I were appointed, respectively, as vice chairman and chairman of this group, we made the determination we would not have a partisan staff. While it was partisan in the formal sense that there was a minority director and so on, it was housed in the same facility; the members of the staff were majority or minority and worked together on a daily basis. We had a number of detailees from a variety of agencies who came to us and brought a level of professional expertise we could never have achieved in any other way. We maintained throughout the entire exercise a determination to get the job done that was not interfered with by any attempt at staff bickering or posturing for any partisan purposes.

I pay tribute to Senator DODD for his willingness to join me and, indeed, for his leadership in pushing me in that direction, and to the people whom he appointed as minority members of the staff. I also pay tribute to the administration and John Koskinen, who held the position on behalf of the President. There, also, there was no partisanship and no posturing for any partisan advantage.

For the sake of the record, I want to read into the RECORD the names of the staffers who helped us with this accomplishment. They are: Robert Cresanti, staff director. Before being staff director, he worked with me on the Banking Committee to raise the initial alarm with respect to this possibility. T.M. Wilke Green, appointed by Senator DODD as minority staff director; John B. Stephenson, who came from the GAO, the deputy staff director. Then we had Thomas Bello, professional staff; Tania Calhoun, committee counsel; James P. Dailey, professional staff; Paul Hunter, professional staff—these people were absolutely magnificent in the degree of expertise and professionalism they brought to us—Unice Lieberman, minority press secretary; Sara Jane MacKay, legislative correspondent; Don Meyer, press secretary; J. Paul Nicholas, professional staff; Frank Reilly, professional staff; Noelle Busk Ringel, our archivist. The clerk was Amber Sechrist, who came out of my office in a very professional and solid way. We also had Ronald Spear, professional staff, and Deborah Steward, GPO representative.

To all of these men and women, I pay tribute and extend my warmest thanks and gratitude for the work they have done. Tomorrow, off the presses will come "Y2K Aftermath—Crisis Averted, Final Committee Report." With the issuance of this report, the committee no longer exists. But as Secretary Hamre, Chairman Greenspan, and others have said, the benefits of the committee will live on over and above whatever benefits we had for averting the crisis.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

COMMENDING THE Y2K SPECIAL COMMITTEE

Mr. STEVENS. Mr. President, I am pleased to have been here as Senator BENNETT presented his report. He does deserve the credit he has rightly claimed, and his committee has done its work very well. I am most pleased to be able to congratulate him for a job well done.

GENERAL JOE RALSTON

Mr. STEVENS. Mr. President, later today I will join Senators IONUYE, WARNER and LEVIN in hosting a reception to bid farewell to Joe and Dede Ralston, as General Ralston concludes his second tour as Vice Chairman of the Joint Chiefs.

Happily, this event does not signify General Ralston's retirement, but his advancement to the position of Supreme Allied Commander Europe, in charge of all NATO forces, and all U.S. Forces stationed in Europe.

Joe Ralston has pursued a career of firsts, and breakthrough leadership success. His assignment as the first Air Force officer to command NATO is typical, and indicative, of his tremendous talents, and force of personality.

Remarkably, Joe Ralston has achieved success in several distinct military disciplines over his career, spanning more than 34 years.

Joe Ralton's military career is founded in his experience as a combat and command pilot during the Vietnam war. During two combat tours, in F-105 fighters and F-105 wild weasel jets, Joe honed his warfighting skills.

In the 1980's and early 1990's General Ralston played a key role in the technological revolution in air warfare. While many of these programs are still very sensitive, the direct impact of General Ralston's service in technology development and acquisition played a prominent role in our victories in Desert Storm and Kosovo.

Moving into more senior leadership positions, General Ralston contributed to reorganization of the Air Force during his tenure as commander of the 11th Air Force, Air Force Deputy Chief of Staff of Plans and Operations and Commander of the Air Combat Command.

Most recently, General Ralston served with great distinction as Vice Chairman of the Joint Chiefs.

Over these past four years, General Ralston has left and indelible mark on our nation's military, now, and for many years ahead.

An architect of the 1997 Quadrennial Defense Review, General Ralston helped shape the force structure and training doctrine now followed by our Nation's Armed Forces.

The modernization plan presented in the QDR has moved us forward on recaptilizing our air and naval forces, and achieving Secretary Cohen's goal of $60 billion for procurement for FY 2001.

These accomplishments proceeded during a period of overseas military activity across the globe unmatched since the end of the Second World War.

My colleagues here recognize that I have not always supported this administration's policies in the deployment of U.S. Forces overseas.

Regardless of how and why those deployments commenced, the performance and success of the U.S. military in these assignments reflects the leadership that General Ralston and all the Joint Chiefs have provided.

Looking ahead, to the continued opportunity for service General Ralston has accepted in moving to the Supreme Allied Commander job, this will be his toughest challenge.

General Ralston proceeds to Brussels following another great American Commander, General Wes Clark.

Having visited General Clark many times at his headquarters, and in the Balkans, there is no question that he provided the glue that held the alliance together in Bosnia and Kosovo.

General Clark did so facing limitations unlike those encountered by any previous alliance commander. He merits our accolades.

General Ralston succeeds General Clark in an era where our allies must decide the nature of their military forces in the future, and the role of Europe, compared to NATO, in future security matters.

To me, there is no officer in the U.S. military today better prepared, by experience or temperament, to accept this challenge.

While that is a strong claim, I make this comment to the Senate based on my personal experience in watching General Ralston command.

Catherine and I have known Joe and Dede Ralston since 1992, when they arrived in Alaska to take on the responsibility of commanding all U.S. military forces in my State.

Joe immediately established himself as not just a military commander, but a real Alaskan.

In fact, as Joe and Dede saw the close of this assignment as Vice Chairman of the Joint Chiefs approaching, they made plans to establish a home in Alaska—coming home as neighbors.

While disappointed that we cannot look forward to their imminent return to Alaska, I join all Alaskans in congratulating General Ralston on the successful conclusion of his tenure as Vice Chairman of the Joint Chiefs, and wishing him well as he proceeds to this next position of military and diplomatic responsibility.

I am confident that I can also speak for my colleagues here in the Senate in that wish, and commitment to work with General Ralston to meet the needs of our own military forces in Europe, and foster continued close ties with NATO.

Let me also take one moment to welcome General Ralston's successor as Vice Chairman, General Dick Myers.

Senator INOUYE and I enjoyed a close relationship with General Myers during his tenure as commander of the Pacific Air Forces, which included units in our States of Alaska and Hawaii.

Most recently, General Myers served as Commander in Chief of the U.S. Space Command. I know he will bring the same skills and judgment to this position that he demonstrated in these earlier assignments.

All Senators are invited to the reception at 5 p.m. this afternoon in S–128, in honor of the conclusion of General Ralston's tenure as Vice Chairman.

Thank you, Mr. President, for the opportunity to take just a few minutes to express why so many of us are sad to see Joe and Dede leave Washington, but proud of their service, and the new challenges they will assume on behalf of our Nation.

I yield the floor.

Mr. THOMAS. Mr. President, I yield to the Senator from Iowa for 15 minutes.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

ENERGY PRICES

Mr. GRASSLEY. Mr. President, presently we are experiencing the country's highest petroleum prices this decade. And there is every indication the price is going to go higher and higher. I think we need to start looking at why and not look at where to place blame. I think we have to find a common sense solution to the situation because it's not going to get any better in the short term even if OPEC decides to pump more oil and ship more oil to the United States. The fact of the matter is that regardless whether OPEC complies with our wishes there are still two reasons we are bound to face a similar dilemma again in the future.

The No. 1 reason is that the United States and other energy-consuming nations are going to continue to consume a greater amount of gasoline and petroleum products over the next several decades. The demand is going to increase.

The second reason is that as long as OPEC remains a powerful cartel willing to violate the principles of a free marketplace and continue its stranglehold on the production of oil, it will be able to radically effect our economy and financial stability.

As I look at how this administration is responding to the high price of oil, all I can see is that Secretary of Energy Richardson has been dispatched to the various oil-producing nations. The administration in a sense is having the Secretary get down on his knees and beg for OPEC nations to produce more oil. Even if he is successful—some indications are that he might be to the tune of 1 million or 1½ million barrels—it is going to be another 60 days before that oil makes any impact on the price of gasoline at the pump in my State of Iowa or anyplace in the United States. Regardless of whether he is successful or not, this is a pretty poor energy policy.

Every time the price of oil gets so high that administration sends the Secretary of Energy around to beg for more oil to be produced, we ought to be looking at what we can do to be energy independent. This sort of extreme energy policy that President Clinton has seemingly implemented is gouging the consumers of America.

One example of something the President could do right now would be to develop greater reliance upon alternative energy and renewable sources. The President should be relying upon the ethanol and other renewable fuels instead of the ability of his Energy Secretary to be persuasive.

I am not only speaking for the economy of my State when I make this point about ethanol. I am talking about all renewable fuels. Ethanol is one of those renewable fuels. The reason I continue to hound the administration about ethanol is that right now the Environmental Protection Agency has an opportunity, if the President would bring it to their attention—and I called upon him in a letter last year to do this—to eliminate MTBE from gasoline nationwide and replace it with ethanol.

MTBE, a nonrenewable source of oxygenated fuel which is a competitor to ethanol, is already documented as poisoning water and has been outlawed in the State of California. The EPA should make the decision that MTBE ought to be outlawed in all 50 States, as the Governor of California has decided to do in the State of California. This action would encourage the production of ethanol and fill the void which MTBE has left in California.

The amount of ethanol that could be marketed in California is equal to the use of ethanol in all 50 States right now. The President, in making that decision, would be able to not only continue to use oxygenated fuel to clean up the air, he could also help agriculture, create new jobs, and make us less dependent upon foreign sources of oil, which strengthens our economy and national security. Obviously, since one-third of our trade deficit comes from the importation of oil, he would also reduce our trade deficit by relying on renewable fuels. But the most important aspect is that to the extent which we rely on domestically produced renewable sources of energy, we would not be forced to plead with OPEC every time they meet and decide they are going to gouge the American consumer.

Just the fact that the members of OPEC, many being Arab nations, agreed to reduce production and dramatically increase our cost bothers me tremendously. Is this how they show their respect for the Americans who shed their blood in the Persian Gulf war so that the region would not be dominated by Saddam Hussein? This surely is true of Kuwait, the third leading exporter of oil in the world. Kuwait ought to show a little sense of gratitude to the American military and American taxpayers for saving them from that sort of dominance. But this only goes to show me we are actually dealing with a domestic problem. We seemingly cannot force OPEC to act reasonable, because if these nations want to continue their monopolistic practice, unless we are willing to take retaliatory action, we are going to be beholding to them. Consequently, this extreme policy of having no domestic policy on energy is devastating the consumers of America. We need to have that reliance upon alternative fuels.

Another glaring problem with the Administration's energy policy is their policy has reduced the domestic production of energy, oil, natural gas, et cetera, by limiting the areas in the United States where exploration can take place.

If they had anticipated $30 oil, I don't think they would have followed that policy. They had other thoughts in mind when they adopted that policy and restricted the exploration of oil. Consequently, they have put the United States in a position where we have not had much drilling going on in the continental U.S. or offshore. Now we are paying the price.

In addition, there is a lot of regulatory red tape involved with the Federal Energy Regulatory Commission. One of the pipeline companies put in an application to build a pipeline to the Northeast. The Federal Energy Regulatory Commission put so many conditions upon the building of that pipeline, it became too costly and the pipeline company decided not to build.

If one wonders why the price is $2 a gallon for heating oil in New England—when a year ago it was only about 60 cents—it is because of a regulatory policy that makes it almost impossible for people who are willing to invest to derive economic benefit from their investment.

We ought to look at some of the regulations of this administration that tend to discourage exploration, that prohibit exploration, or that have made it very difficult to deliver the product from the refineries to the consumers.

OPEC's attempt to drive up the price of oil, at great cost to the US consumer, is causing economic instability which also serves to injure our national security. The United States has long been the locomotive preserving peace around the world and when we are in jeopardy, peace is in jeopardy.

The concept of world peace promoted by the US has led to an era of trying to free up trade internationally through the World Trade Organization. There are countries in OPEC who want to belong to the World Trade Organization. By simultaneously being a member of the petroleum exporting countries, and being a part of that organization, their whole approach to determining price is antithetical to the free trade principles of the World Trade Organization. I don't think we ought to be supportive of OPEC nations joining the World Trade Organization if they don't want to follow the principles of free trade established within the WTO, which are contrary to OPEC's recent monopolistic action.

There is also $415 million of the taxpayers' money that the administration hopes to provide to some of the OPEC nations in the form of foreign aid. While we have traditionally done this for three or four decades, should we continue to give taxpayers' money, paid for by working men and women in this country, to the very same countries that have imposed egregious oil prices upon those same men and women? And at the same time encourage those consumers and working people of America, every day when they go to work, to pay more taxes into the Federal Treasury even though the price of gasoline continues to increase?

There is a third lever we can use against some of these countries. Mr. President, 20 percent of all the money for International Monetary Fund loans comes from the American taxpayer. We should encourage the International Monetary Fund to review the anti-competitive energy policy exhibited by foreign states as a factor when considering approval for loans. At the very least our 20% contribution should be conditioned on this criteria. We should not stand by while the same countries who gouge American taxpayers benefit from our 20 percent contribution.

I hope we use all the leverage we can against OPEC, but the only real solution is ultimately less reliance upon imported sources of oil and more on domestic production and/or renewable fuels.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COVERDELL). Without objection, it is so ordered.

AFFORDABLE EDUCATION ACT OF 1999—Resumed

Mr. LOTT. Mr. President, what is the pending business?

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1134) to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes.

Mr. LOTT. Mr. President, I advise my colleagues on both sides of the aisle that I have had some discussions this morning with Senator DASCHLE and I think we are making some progress on getting an agreement as to how we can proceed on the education savings account legislation. In our discussions this morning, we talked about the possibility of going forward with an agreement that education amendments and education tax-related amendments would be in order, plus one amendment by Senator WELLSTONE. I thought that was an excellent way to proceed.

I am about to enter that as a unanimous consent request. I understand there still may be need to have some further discussions, but I hope we can get this worked out. If we do, it will mean we can vitiate the cloture vote that is scheduled for tomorrow, now at 2:30.

So I renew my request of last Thursday and ask consent that all amendments be relevant to the subject matter of education or related to education taxes, with the exception of the Wellstone amendment regarding a report on a TANF program, and that time with respect to that amendment be limited to 2 hours equally divided and it be subject to relevant second-degree amendments.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, reserving the right to object, I think progress has been made over the weekend. I, of course, would prefer to have the bill brought up and have no restrictions on amendments that could be offered. It does not appear we are going to be able to do that. Therefore, I hope during the next few hours, certainly before the scheduled cloture vote tomorrow, we can work something out and proceed on a unanimous consent basis. I hope it does not come to a point where we have to have the cloture vote.

That being the position of the minority, I object at this time.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, then I hope we can come to an agreement on the bill. This is important education legislation that does have bipartisan support. I believe we are close to getting an agreement. I appreciate what Senator REID has been doing to try to bring about an agreement, including the amendment by Senator WELLSTONE that has basically already been agreed to.

However, if an agreement cannot be reached on the subject matter on which Members may offer amendments, then Senators are reminded there will be a cloture vote to occur tomorrow.

With that in mind, I now ask unanimous consent that the cloture vote be scheduled for 3:30 instead of 2:30 p.m. on Tuesday, if it is necessary to have that vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. With these final negotiations going on, then, I ask the bill be open for debate only until 4 p.m. and that at 4 p.m. I be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I realize we have at least one more Senator on the floor who wishes to speak, but I want to take a moment to speak on this legislation. This is legislation about which I feel very strongly. I believe the American people support it.

It is a bill we debated a couple of years ago. It did pass the House and Senate, but it was vetoed by the President. At that time, I had some discussions with the White House that indicated they understood this had a lot of appeal and, while it is opposed by some people—specifically, I guess, teachers' unions—that it has overwhelming appeal. And it does.

Let me explain to those who may be listening basically what this legislation will do. It is not just about tax relief, although tax relief is very important for parents who want to help their children. It also is very much about education, quality education. Under this legislation, parents would be able to save up to $2,000 a year per child for their educational needs, K–12. That is the gist of it. I cannot understand some of the comments I have heard about how this is bad educational policy, that it was bad education policy 2 years ago, and it is still bad educational policy. Excuse me. What is bad about this? To allow people to save for their own children's educational needs?

We are not talking about a massive amount of money. We are talking about a bill, also, that has offsets to pay for it. But you are talking about up to $2,000 a year, with the interest of course receiving special tax consideration, where that money can be used for children's educational needs at the fourth grade, if they need some remedial reading attention, or at the eighth grade, if they need a computer, or maybe it is even just clothes, I guess. Whatever the educational needs of your children would be—and I am not sure it would be applicable to clothes but supplies, tutors—I can think of a lot of things that could be done for our children at a critical age.

We talk now about the need to have early intervention, that a lot of children by the time they start the first grade or kindergarten, they are already 2 years behind the curve. So we are looking now at what can we do for early intervention to help our children be ready to begin school.

We are also continuing to look at statistics that are not very encouraging when it comes to reading and arithmetic and basic education at the elementary and secondary level: Fourth grade, eighth grade, tenth grade. What really is amazing to me is we do allow for tax considerations for parents to save for their children's educational needs in college. So it is OK for college, but it is not all right for elementary and secondary. Yet for higher education in America, there are scholarship programs, there are loan programs, there are grant programs, and there are supplemental grant programs. For any student in America who wants to get a college education, whether it is a community college or whether it is a special training program or higher education, there is financial assistance available but not for elementary and secondary. I do not understand that. A lot of the needs are at that level.

So we are saying yes to higher education but no to K–12. If we do not help our children, our own children, along the way when they have extra needs, then they are not going to be ready for college or, when they graduate from high school, they are not going to be ready to be trained.

I meet with corporate executives, people from the high-tech industries, and they say: We are really worried; the children now coming out of high school are not even ready to learn. They cannot be trained to work in Silicon Valley because they do not have the basics.

I am not saying this one bill will totally solve that, but I am saying it is one more option, it is one more part of improving education in America. So I think it is good educational policy. I think it is good for our parents. I think it also provides tax relief.

Some people will say that a lot of workers cannot save for their own children. Maybe that is true, although I think it would be a real incentive for people, even at a low income level, to be able to put aside just a little bit. It does not have to be $2,000; maybe it is only a couple of hundred. But it would be their money which they could use to help their children. Should not we provide that incentive?

By the way, what about middle-income parents? There are a lot of programs that will help low-income children. Of course, children of parents who have plenty of income, they do not need our assistance. But what about the family where the father works in a shipyard and makes $37,000 a year? Should he not be able to do a little something for his own children?

I urge my colleagues, as I know Members on both sides of the aisle already recognize this is important legislation, take a look at it. Tell me you can go back and tell your constituents you are against parents of children K–12 being able to save a little to help their children at that level. I do not believe you can do that.

This is not a costly bill. This is a bill that has offsets. This is a bill that is a plus all the way down the line. I believe before we are done, this legislation is going to pass and it is going to pass overwhelmingly when we get to the final vote, as it should.

I commend Senator COVERDELL and the bipartisan group that has worked on this legislation, brought it to the floor once before and back here now. But I felt compelled to say something because I had seen this quote saying this is bad educational policy. For the life of me, I cannot explain why that would be true. This is good policy across the board.

I urge my colleague to keep up the good work. I will continue to work with my colleagues on both sides of the aisle and with the leadership to come up with a process that is fair, where education amendments can be offered, where education tax amendments can be offered, now where the Wellstone amendment can be offered. If we can work out a couple of other agreements, certainly I will be prepared to try to do that because I think this is important and the legislation is good.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. FRIST). The Senator from Nevada.

Mr. REID. Mr. President, the New York Times reported last Wednesday that education stands out as the single most important issue nationally, and voters support action at the national level to improve the Nation's schools. I agree with the leader. It is important we talk about education. My own feeling, and I have mentioned this previously, is we should talk about all aspects of education. There are a lot of things that need to be done.

Overwhelmingly, the American people support a national role in education. I hope as we proceed down this legislative road dealing with education that we are allowed to go beyond what the Senator from Georgia, Mr. COVERDELL, has suggested. We need to go beyond this. That is why we are working so hard to get an agreement to go beyond this.

We have to make sure we talk about why kids are dropping out of school at the rate they are, why school construction is not taking place where it is needed, why we are not able to reduce class size. As this debate goes forward, let's make sure it covers all education, not just a little bit of education which we all agree needs to be looked at, but let's broaden our scope.

In light of the fact the Senator from Arizona has something scheduled, I will cut my remarks short.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I thank the Senator from Nevada. I appreciate his willingness to allow me to move forward.

Also, what Senator LOTT told us is extremely important. His point is this is an act that is not going to be opposed by very many Senators once we can get it to the floor for a vote. It is the procedural maneuvering that is going on right now by some who want to gain an advantage in this debate to propose some of their own extracurricular ideas that have nothing to do with the bill that is holding us up from considering the bill.

I hope, along with the majority leader, we can get quickly to the consideration of this important legislation because, as he correctly noted, once we begin debate on this bill and have an opportunity to vote on it, it is going to receive overwhelming support from Members on both sides of the aisle in the Senate.

I want to speak for a moment on an amendment which I intend to offer, but before I do that, I commend the Senator from Georgia, Mr. COVERDELL, for his work on S. 1134. He has made a valiant effort, over a long period of time, to bring reform to our educational system.

He particularly wants to give all parents more choice in deciding where to send their children and to give them more of their own money with which to do so, or perhaps I should say to allow them to keep more of their own money in order to have those choices.

The number of Americans and, as I said, Senators of both parties who agree with Senator COVERDELL is growing every day.

His education IRA legislation, which was vetoed in 1998, is now a vital component of S. 1134. As noted by the majority leader, it will allow parents, grandparents, labor unions, churches, synagogues, employers, or others to contribute to tax-free savings accounts to provide for a child's education from kindergarten through high school.

According to a 1998 report from Congress' Joint Committee on Taxation, 14 million families—a majority of them low and middle income—are currently denied these benefits because of the Clinton veto of this bill in 1998. These are the families who will benefit from this legislation.

As one cosponsor of the vetoed bill, Democratic Senator TORRICELLI, lamented in an op-ed in the New York Times:

> With one stroke of a pen . . . an effort to begin a vast reform of American education has ended.

The Coverdell education IRA would extend a provision which I supported in the Balanced Budget Act of 1997 which allowed parents to save $500 per year tax free for their children's college education.

However, all levels of education, not just college, need the incentives to improve that market-oriented reforms such as parental school choice supply.

The real crisis in education, as former Education Secretary Bill Bennett has observed, "is at the primary and secondary levels."

As the majority leader said a moment ago, all of the help we provide for college students goes for nought if our students are not prepared by the time they get to the college level. So we need to be focusing now on the primary and secondary levels.

This resurrected Coverdell-Torricelli education IRA will allow families to save up to $2,000 a year in a special education savings account for each of their children.

The contributions will be in after-tax dollars, but the interest generated will be tax free, as long as any deductions from the account are used to pay for school expenses.

The President may resist it, but we have to develop a unified student assistance funding system that guarantees choice to struggling parents of all income levels with children in all grade levels, from kindergarten through college.

Again, as Senator TORRICELLI said,

> For real reform to take place, both Democrats and Republicans, liberals and conservatives, must look beyond their narrow agendas and partisan political interests and seek out new proposals. Our schoolchildren deserve nothing less.

I could not say it better.

With that background, let me discuss the amendment which I will be offering to S. 1134. As the whole theory of this is to put resources where they will help the most, I have prepared an amendment which in a very narrow but important way will do precisely that. We call our amendment the Apples for Three Million Teachers Tax Credit Relief Act of 2000, first introduced on January 24 of this year, with Senator BUNNING and Senator FRED THOMPSON as cosponsors.

In the House, Representative MATT SALMON introduced companion legislation, H.R. 1710, which currently has 38 cosponsors, including the majority leader, DICK ARMEY.

What will this amendment do? It will provide an annual tax credit of up to $100 for public and private teachers' unreimbursed classroom expenditures that are qualified under the Internal Revenue Code.

What does that mean? We know that teachers routinely every year pay for a lot of their supplies for their classrooms to help instruct their children, things they know will be useful in their instruction but which are not provided by their local school districts. There is currently a tax deduction allowed—which I will talk more about in the future—but it does not work as well for these particular taxpayers.

Our amendment provides a $100 tax credit right off the top for these school supplies which these teachers are taking to their classrooms.

Thomas Jefferson once said "an educated citizenry is essential for the preservation of democracy."

As the son and brother of teachers devoted to their students, I know firsthand of the public spiritedness and commitment of these professionals to their students.

It falls to our teachers to inculcate the academic values and analytic skills that make good citizenship possible, of which Thomas Jefferson spoke.

In talking with teachers, both public and private, I have come to learn that a lot of them use their own money to cover the cost of classroom materials that are not supplied by their schools. Some have used money from the family budget to purchase these needed classroom supplies, and they would do it again. It seems to me we should not expect them to pay for these things out of their own pockets, or at least to give some Federal financial assistance when they do, particularly those who are on a teacher's rather modest income.

To put this in perspective, in 1996, according to a study by the National Education Association, the average K-12 teacher spent $408 annually on those classroom materials which they thought they needed for their classroom instruction but which were not supplied by the schools. They spend $408 on average per year. That includes everything from books, workbooks, erasers, pens, pencils, paper, and other equipment.

Under current law, a tax deduction is allowed for such expenses but only if the teacher itemizes and only if expenses exceed 2 percent of the teacher's adjusted gross income.

I commend Senator SUSAN COLLINS for her successful amendment to the Taxpayer Relief Act which eliminates this 2-percent threshold. I look forward to working with her to give our teachers needed relief from their out-of-pocket cost for classroom expenditures.

A deduction reduces taxable income. A credit will give teachers relief dollar for dollar spent, in the case of my amendment, up to the $100 annual limit.

This isn't the solution, but it is a small first step which I think would be very much appreciated by our hardworking and sacrificing teachers.

There is no absolute linkage between these personal contributions to school supplies and the quality of the teaching. However, there likely is some correlation, given the degree of commitment evidenced by these teachers who are spending their own money on their students.

We will be helping the best teachers. I believe this will promote high-quality instruction.

A similar provision enacted by the Arizona legislature in 1997 has been very well received by our teachers. Incidentally, it was recently upheld in terms of its constitutionality by the Arizona Supreme Court.

I urge my colleagues to join me in supporting this bill and in supporting the amendment I will be offering. I think it is important that our teachers at least be partially reimbursed for some of the financial sacrifices they made to educate our Nation's children. If we are serious about getting dollars to the classrooms that need it, this is really an excellent way to do it.

Again, I commend my colleague, Senator COVERDELL, for all his efforts in this regard and look forward to working with him in the future as we get this legislation up for debate and, importantly, for a vote in the Senate.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. First, Mr. President, I thank the Senator from Arizona. Those were very good remarks. But they were also generous as in regard to our effort. I deeply appreciate it, along with his work.

I say to the Senator from Iowa, Mr. GRASSLEY, that Senator REID curtailed his remarks in order to assist Senator KYL. He would like to finish those remarks. I do not think he intends for them to be very long. Then the Senator from Iowa would be next in the queue, if that would be all right.

Mr. REID. Mr. President, my appreciation to my friend from Georgia for his courtesy.

First of all, in brief response to my friend from Arizona when he mentioned—I made a note here—political maneuvering by the minority to keep this bill from moving forward, the fact is we are not maneuvering anything. We are willing to go forward on this legislation and have it treated the same as all legislation has been treated for more than two centuries in the Senate—move forward on the legislation and allow amendments. But recognizing that the majority is not going to allow us to do that, we are trying to work out some kind of compromise so there will be the ability to offer some amendments. I am hopeful we can do that. Certainly I hope so.

I talk about the need for us to discuss education. We need to discuss education but not just a piece of education here and a piece of education there. We need to talk about education in general.

Overwhelmingly, as I mentioned earlier, the American people support a national role on education. The New York Times reported last Wednesday it is the most important issue facing the

American people. When we talk about a national role, we are not talking about interference with decisions by local communities when it comes to schools. We are talking about giving them the resources—that is, school districts—to reduce class size, to strengthen the connection with parents, teachers, and students. We are talking about giving our children the best teachers in the world and programs to help schools attract and keep those teachers. We are talking about giving communities the resources to build new schools and to repair those crumbling schools that are all around us.

I believe in public education. I was educated in public schools. My father never graduated from the eighth grade. My mother never graduated from high school. But as a result of the public school system we have in America, I was able to achieve the American dream of getting a good education.

We should give all of our young people the tools to achieve their dreams. We can help them do this by modernizing our schools, raising our expectations and standards, and reducing class size. That is the right thing to do.

When we talk about political maneuvering, we are not maneuvering anything political. We simply want to go forward and treat the Senate as the Senate and not the House of Representatives. We should have been allowing amendments on this legislation last week. We would have been drawing this debate to a close today. But we are not doing that. Instead of that—because of the political maneuvering going on with the majority, not the minority—we are unable to move forward. I hope we can set aside partisan differences and move forward on this legislation. If we do so, the people who will benefit the most are the American people.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I rise to speak about some provisions in this bill I have long backed to improve education. But before I point my remarks directly to those few provisions of the bill, I would like to put this whole thing into context, if I could.

No. 1, the American people are very concerned about education in the United States. If there is any one thing they want the Congress, the State legislatures, and the local schools and municipalities to address, it is the problem of education. I am convinced they want the decisionmaking to be done at the local level, but they would like to have both moral leadership and some resources to come from Washington.

I happen to be one who believes those resources that come from Washington, to the extent they are given to States and local communities with few strings attached—less redtape and less paperwork—the better off we are.

But I think, in the context of even more money, we want to think in terms of, if the money were the sole solution to the problems of education, then that would be an easy solution: Just appropriate more money. I think in terms of the $5,500 per student per year spent in my State of Iowa and the fact that our graduates end up either first, second, or third on the ACT scores in our competition with Minnesota and Wisconsin. For 7 or 8 years in a row, our graduates have ended up first in the SATs. That is the result. We ought to be concerned about results and not about process when we look at spending the taxpayers' dollars.

Compare, on the one hand, that $5,500 per year spent by the State of Iowa—still, my State legislators would say: There is a lot of concern about the need to do more to improve the product of our educational system in our State—with the approximately $11,000 that is spent in the District of Columbia—almost twice the amount spent in my State—and look at the massive dropout rate from the high schools in the District of Columbia. You can only conclude that there has to be a lot done in the District of Columbia other than just spending more money because if you looked at just more money being the solution to the educational problems, then I would quickly conclude that the District of Columbia ought to be doing much better than my State of Iowa.

People are very concerned about education. So in each one of our State capitals, and in the Congress of the United States, there is a great deal of time being spent on education, as there ought to be. We believe every child is entitled to a good education, entitled to that good education in a crime-free environment and with the best of teachers.

We also have to remember a basic principle: Education is all about children. The product of our schools is what matters. Does the process have the children in mind, or are there sometimes special interests beyond just the children's welfare to which we give too much attention?

We have seen studies indicating that whatever we do in the schools, spending money or a policy other than spending money, one of the best things we can do to enhance the environment of learning is to get parents involved in the education of their children, checking the homework, talking about it at the dinner table, in every respect encouraging that child in that family to learn, and also being supportive of the educational environment the child comes from, whether it be the public school or the private school, or some other learning environment of which that child might be a part. We have to make sure we have the educational result that no child will fall through the cracks and, for those who do, that there is a process which results in getting that child the best possible education so they can succeed in life as well.

This bill is all about encouraging families to save money for the education of their kids from kindergarten through graduate school, planning for the future, not relying upon somebody else. With present tax dollars, less than 50 percent of the education dollar is spent in the classroom. That means we have to look at the allocation of resources within education and decide is it better to spend that on administration or is it better to spend it on teachers in the classroom, the ones who have the hands-on contact with the minute-by-minute education of everybody in that classroom. We have to have accountability for education dollars. I am not sure we have that accountability today, when we are spending less in the classroom than we ought to be spending and more on other aspects of education than we ought to be spending.

This bill is concerned with our children. When you are concerned about our children, you are concerned about the future. When you are concerned about the future of American children, you are concerned about America's future and our place in the world, our ability to lead the world, and our ability, individually and the country as a whole, to be economically competitive in the global environment in which we are now competing.

Too many people look to Washington for the answer. They might say: Well, if you're saying people shouldn't look to Washington for an answer, they ought to look to their parents, they ought to look to their local or private school, why this legislation?

Well, this legislation is all about empowering families, empowering parents. It is not concerned with process. It is concerned with giving parents choice. Basically, all the money that comes into the Federal Treasury is taxpayers' money. It comes from that individual working man or woman in America who pays taxes. This is about giving them some control over their own resources. It is about giving them choice. It is about not having help come from Washington with a lot of redtape connected with it to create more paperwork for the teachers than maybe the dollars they receive are worth.

This definitely is not about making education policy in Washington, DC—pouring one mold in Washington and making all policy out of that mold. If we were to do that, we would be saying the problems of New York City can be solved in exactly the same way as they can be solved in Waterloo, IA. One of two things is going to happen. Either we are going to fail in one place and succeed in another or, simultaneous with that, if we get the taxpayers' money's worth in New York, we won't get their money's worth in Waterloo. So consequently, it is about saying that our country is so geographically vast and our population so heterogeneous that you shouldn't pour one mold in Washington and expect to accomplish the same amount of good wherever you are in the United States with those same taxpayer dollars.

This is a way of saying to the American people: We give you an encouragement to save. We give you a tax incentive to save for the education of your children. What meets the educational policy needs of your family, the needs of your child, in the final analysis it is made by the family for which these resources should be used, empowering the family, involving the family to a greater extent in the education of their children, and also giving them the resources to meet those needs. It is not one size fits all. If we have 110 million different taxpayers in America, then this gives the possibility of 110 million different answers to the problems of education in America.

With that background, I will speak about the two or three provisions of this legislation that I have been involved in, some of which were in the tax bill that had been vetoed in the past. In particular, I mention the tax deduction for student loan interest beyond its current 60-month payment restriction.

Everybody who is paying attention to this legislation knows that the important part of this bill is expanding the education savings account from $500 per year to $2,000 per year. In conjunction with this, we are trying to do some things that have other tax benefits to help education, some for kindergarten through 12 and some for higher education. What I am speaking about regarding my involvement is eliminating the 60-month payment restriction for which I fought 6 years and finally got adopted in 1997, the provisions of our Tax Code that reinstitute the deductibility of interest on student loans.

To fit that into the overall revenue-neutrality provisions of the budget law, we had to cap it at 60 months. This legislation would remove that 60-month cap. As the cost of higher education continues to rise, the levels of student debt are spiraling upward. Students and their families are finding that financing a higher education is burdensome. Some students, due to financial concerns, are unable to receive the education they need.

We have a duty to assist them in their need and, in so doing, send a clear message that the Congress understands their hardships and values their efforts in improving themselves through college. Also, it gives me an opportunity to establish a principle involved in this legislation beyond just the economic points of view we are trying to make about getting an education and the economic value of that—that is, to send a clear signal to the young people of America that borrowing money to enhance their intellect is just as important, as far as the Tax Code of this country is concerned, as borrowing money for capital investment in some business. And it seems to me that parity is legitimate. Eliminating the 60-month payment restriction will eliminate costly reporting requirements that are currently required for both lenders and borrowers. That is an additional benefit to taking that 60-month limit off.

Under the Taxpayer Relief Act of 1997, we succeeded in reinstating the tax deduction of interest on student loans, which had been eliminated 11 years previously. This brought much needed relief to students and their families. I spoke about the budget constraints we had in 1997, which today we would not have and we don't have. So we put that 60-month payment restriction in place for revenue neutrality. Our current budget situation makes it possible to reevaluate this limitation. As the price of going to college has continued to spiral upward, student debt has risen to very high levels.

The current restriction hurts some of the most needy borrowers. It hurts those who, due to limited means, have borrowed most heavily. It also weighs heavily on those who have dedicated themselves to a career in public service, despite oftentimes lower pay that is connected with that—as an example, teachers. By eliminating the 60-month payment restriction, we will be assisting these most deserving borrowers, while rewarding civic involvement as well.

Also in this bill are provisions for assistance in school construction. Last week, a Member on the other side of the aisle asked why we are not talking about school construction and repairs. My simple answer is: Read the bill. If they did, they would find that it contains some very helpful school construction and rehabilitation incentives. School districts across the country today are struggling to fix some of the wornout rungs in a fundamentally American institution, the public schools—the ladder by which people go up the economic scale. In fact, school districts nationwide spent $18.7 billion on school construction in the last year for which we have figures, 1996. Building and repairing U.S. elementary and secondary schools requires massive capital to keep up with growing enrollments, aging buildings, and modernization needs.

My State's reputation for educational excellence has gained national prominence, as I have already referred to, throughout the 20th century. Even in my State, we have local school districts that have tremendous needs, and this bill will help them to accomplish a good building environment for the next century.

As America prepares to enter this new century—and we have—we must work to strengthen our schools and ensure our classrooms are wired to deliver a 21st century quality education. That includes fixing basic structural damage and, even more so, installing modern communications and computer equipment. But whether it is repairing leaky roofs or removing hazardous asbestos or fixing the structure, everything needs a high-tech facelift at this particular time.

Expanding greater access to affordable capital, which this bill does, will relieve pressure on the local tax base and help more school districts build and repair their schools. Initiatives in this bill do that, and I have sponsored some of those initiatives. They build on something that already works. They build upon the principle to establish tax-exempt bonds. In fact, the single most important source of funding for investment in public school construction and rehabilitation is the tax-exempt bond market. Iowa school districts were issued over $625 million in tax-exempt bonds in the last year we have figures for, which is 1998.

Whether rural or suburban or urban schools, these school districts from coast to coast are facing substantial school construction costs. The greater the flexibility the better. One size fits all won't work, whether it is in capital investment in schools or investment in personal education. That is why my plan is designed to give local school districts greater leeway to secure critical funding.

This legislation would allow school districts to partner with private investors, allowing school districts to tap deep pockets in the private sector and leverage private dollars to improve public schools. Second, it would expand the volume of school construction costs that a small school district could issue annually. This will allow smaller rural and suburban schools a better opportunity to manage the high cost of replacing or repairing aging facilities.

In conclusion, I think all of these steps, along with a lot more in this bill, are important first steps. If and when we are able to pass a more comprehensive tax relief measure, I hope to build upon these initiatives and provide even more school construction assistance to our local communities.

Unlike a lot of proposals from this administration for school construction that require local school districts to get permission from Federal Government bureaucracies, the incentives in our bill empower local people, people on the local school board, and they preserve local control. Without a doubt, that is what the people of this country want. They do not want the dictation of educational policy from Washington, DC. They do not want, as a local school board, to come hat-in-hand to some Washington bureaucrat to get permission to get a little bit of help for fixing a crack in the wall or wiring for some high-tech improvement. They want to be able to decide the needs for their community. Why should they be the ones to do that? Because they are the only ones who know about it. There is no way, no matter how intelligent a Washington bureaucrat might be, that they would know the needs of all the local school districts of our country.

This is a very good bill that will enhance education in America. This bill will provide, through tax incentives, about $8 billion in education assistance to the American people, with local control of that money. It deserves our strong support.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, the subject, of course, is education and I wanted to come to the floor for a few moments to visit about this issue. I am a product of a small public school in Regent, ND. I graduated in a high school class of 9. I always kid that I was in the top 5 of my class; I won't tell exactly where in that 5, though. I went to college and to graduate school and, through a strange set of circumstances, I made my way to the Congress and finally to the Senate.

I am proud to stand on the floor of the Senate and discuss education. I don't pretend that I know more than anybody else in the Senate on the subject. I don't pretend to have all of the answers. But I do hope that when we debate education—and most parents in this country want us to debate how to improve public schools—I hope we will be able to debate all of the good ideas that exist in this Chamber, not only some or a few.

It is my hope that, shortly, we will have an agreement by which we will be able to consider all of the good ideas that exist in this Chamber to improve and strengthen education in this country.

Thomas Jefferson used to say that anyone who believes a country can be both ignorant and free believes in something that never was and never can be. He understood the value of education, as I am sure most of my colleagues do. I understand the value of a quality education. I want every young child in this country to be able to go through a classroom door that we are proud of, into a classroom that will allow young children to be the best they can be. Regrettably, that doesn't happen all across our country. We have some wonderful schools and some excellent teachers, but we have some challenges as well.

Let me start with this premise: Those who suggest the public education system in this country has collapsed and is unworkable are wrong—just wrong. We have many fine public schools in America. We have some outstanding teachers in our country. We need to have more. There are some significant areas of concern in some schools. Some inner-city schools and BIA schools on Indian reservations, for example, have physical facilities that should be cause for great concern.

Mr. President, decade after decade, we hear the debate that the school system in this country is collapsing, and that somehow public schools are not making the grade. In fact, however, the evidence shows that we have many fine public schools in this country.

The public school system has allowed the United States of America to progress and do things that virtually no other country has done. Why? Because we have an educated population.

Some while ago, a periodical described the progress in our country. They said we have spliced genes, we have split the atom, we have cloned sheep, we invented plastic, the silicon chip, radar, television, and computers. We built airplanes; we learned to fly them. We built rockets and flew to the Moon. We cured polio. We cured smallpox. And this country is hardly out of breath.

Did that come from a country that didn't educate its people? No. All of those advancements are a result of our investments in education in America—an investment in a system of public education in which we decided as a nation that every young child should be allowed to become the best he or she could be. We do not say to children somewhere along the line: All right, here is what you are going to do and become. Instead, we've said every child has the opportunity to be the best they can be in this system of ours.

Is it an accident that we stand at this precipice in history with the strongest economy in the world? Is it an accident that we invented television, that we invented the computer, and that we are the center of the high-tech industry? It is, in my judgment, a direct result of the educational system.

I am a little tired sometimes of hearing people denigrate the system of public education in our country. There is a lot to be said for public education.

I'm reminded of the old saying that bad news travels halfway around the world before good news gets its shoes on. Never is that more evident than in the debate on education among politicians. They can't bump each other fast enough to get to a place to make a speech about how bad our schools are.

Yes, some of our schools are not up to par. Some of our schools are in terrible need of repair. Some of our schools need reform. Yes; that is true. But I go into a lot of schools, and I see some remarkable places of learning.

I have a couple of children in school. I deeply admire their teachers. They do more homework than I did when I was in school. They are studying subjects at a higher level than I did when I was in their grade in school.

When we debate this subject of education, let's debate it based on the facts. I intend to bring a book to the floor by a researcher who compares the test scores of children in school now to children in schools a decade ago and to children in other countries, and who evaluates what, in fact, is happening to our system of public education. Is it, in fact, collapsing? Are test scores among the same group of students actually increasing?

Said another way, perhaps only the top 25 percent of the kids in high school took a college entrance exam not too many years ago. Now somewhere around 60 percent do. Has the average score dropped? Sure. That is because you have the top 60 percent rather than the top 25 percent taking the exam. Compare the top 25 percent of today to the top 25 percent a decade ago. Have the scores decreased? No. They have not at all.

There is a lot to be commended in our system of public education. I don't want to hear people talk about how awful it is because it is not awful. In my judgment, it has created a country that is the best in the world.

But let me talk about the challenges because they exist. That is part of what we want to address.

As I said, I come from a town of 300, and a high school that had 40 kids combined in all four grades. So I know something about small schools. I visited an inner-city school—something with which I was totally unfamiliar. When I went in the front door of that school, there were two metal detectors and armed security guards sitting at the front door. There was a shooting at this school some weeks after I had been there. One kid bumped another at a water fountain, and the other kid pulled a gun and shot him three or four times. This is a school with metal detectors and armed guards.

Does that school have a serious challenge? You bet your life it does.

In my State of North Dakota, there are two schools I have described before. If people have heard this already, I am sorry, but it is important. Among the issues we will discuss, now that we have an agreement, is not only the proposal brought to the floor by Senator COVERDELL and others to provide a tax cut for education savings accounts, but also ones to provide some help to improve and renovate schools and to reduce classroom size.

Let me talk about the Cannon Ball School. I am probably the only one in the Senate who has been to the Cannon Ball School, which is about 40 miles south of Mandan, ND, on the edge of the Standing Rock Sioux Indian Reservation. It is not a BIA school; it is a public school with mostly Indian students. And since it is on Indian land it has almost no tax base to support it.

The school has roughly 160 kids, most of them young Native American children. Much of the building is 90 years old; some of it is newer. Most of the classrooms do not have the capability to be wired for the Internet, so we do not have high-tech education. It has 160 kids, 2 bathrooms, and 1 water fountain. When I went there, they were using the old boiler room as a sort of make-do classroom, except a couple times a week they had to evacuate that temporary classroom because of a backed-up sewer system.

In the classrooms, the desks are an inch apart, with kids crowded into the little classrooms. How would Members feel if their daughter or son were walking into that classroom? Would they feel their children had an opportunity for a good education?

A little girl named Rosie Two Bears, who was a third grader at the time, said to me: Mr. Senator, are you going to build me a new school?

No, I am not able to build you a new school, not by myself. But I hope the actions of the Senate will give Rosie the opportunity to have a new school. I hope every young Rosie who is walking into a classroom in this country has parents who believe they are sending a child into a classroom of which they are proud, not one that is crowded with 30 or 40 children, but a classroom in which a teacher can pay attention to those children and give the children a good education, a classroom connected to the future with new technology, a classroom in a building that is safe, a classroom where that child can learn to be the best she or he can become.

That is not the case, regrettably, in Cannon Ball, ND, and those poor folks who run the school cannot do a thing about it because they don't have a tax base with which to issue a bond to renovate that school or build a new one. We ought to do something to help schools like this one, by providing funding for new teachers to reduce class size and to build new classrooms to reduce overcrowding.

Some will say that this is a bureaucrat's approach to solving the problems at Cannon Ball Elementary School. If we say let's provide help to a school such as that, so that child can go to a good school, we are told that we want bureaucrats to run our public education system. That is not the case at all—not a bit.

I am not embarrassed as a country for having goals and aspirations for our children. Some want to brag that we as a country, the United States of America, have no national goals in education; good for us. Don't count me among those who pat themselves on the back for having no national goals or no national aspirations for what we want to get out of our public school system.

Has anybody been to the Ojibwa School? Probably not. The Ojibwa School has trailers sitting out on a hillside on the Turtle Mountain Indian Reservation. It is a BIA-funded school. We have a responsibility to these schools to do better. This school has been deemed unsafe by everybody. God forbid that someday there should be a fire that sweeps across those temporary classrooms with their wooden fire escapes, taking the lives of children. Everybody says: Why doesn't somebody stand up and take notice of that? They did. Study after study after study has found this school to be unsafe. Those children have to go out in the freezing cold weather in North Dakota between these mobile, temporary classrooms. Does anyone in the Senate volunteer to have their children attend that school? I don't think so.

Where are the resources to give those kids a decent school building? Maybe from some bureaucrat? Is it by the local school district? By the tribal council? How about the State legislature? No, no, no, in every case. How about from us? Could we in the Congress do something for the young school children in the Ojibwa School?

We have a list of those schools for which the federal government has responsibility. This is a federal trust responsibility that we have for Indian schools, and we are not meeting it. Why? Because we don't have the will to put up the money to build a decent school for those children.

Everyone in the room knows what makes a good education: A good teacher who knows how to teach, a child who wants to learn, parents who care about that child's education, and a safe and effective learning environment. We know what works.

We will, because of this unanimous consent agreement that was just reached, be able to address not just the question proposed by the Senator from Georgia regarding providing tax-favored education saving accounts for K–12 education.

In conclusion, I fully support and feel very strongly about the need to address the issue of reducing class size. We know a teacher does much better for students when she or he is teaching a class of 15 children rather than 35 children. We know that. That is not rocket science. We also know that a child who goes into a classroom that is in decent repair, in a good school building of which we can be proud, has a better opportunity to learn. We know that. To fail to address those two major issues is to fail on the subject of education. We will have an opportunity to debate that. I intend to debate those issues.

An additional point. I believe every school in this country ought to provide a report card to parents about how it is doing. I am a parent. My children are in school. I get report cards. I am able to open the mail and get a report card that gives me a grade for how my children are performing in mathematics, in English literature, and so on. That is very helpful for a parent. Parents can talk to their children all day long when they get home from school: What did you do in school today? What did you learn? And you get one-word answers, as we know. So a report card is a very important tool to let parents know how their children are doing in school.

But what about a report card on the school itself? Why don't parents, as taxpayers, have an opportunity to get a report card that says: This is how your school is doing versus other schools in the State; this is how your school is doing versus other schools in the school district, the State, and the Nation; so parents and taxpayers can compare their school to other schools? A school report card would give a parent information, not only about their child, but also information about their child's school, which is very important to their children's education.

So I intend to offer an amendment that would provide that report card. It is not intrusive, in my judgment. It would empower parents, give parents information about what they are getting for their tax dollars, what kind of school they are producing for their children to attend.

Let me say to the Senator from Georgia, as I have on past occasions, that he is a serious legislator. He brings ideas to the floor, some of which I disagree with strongly. Occasionally I have supported his ideas. But we are on the right subject. Education is the right subject. It is our future. It is our children. The unanimous consent agreement now gives us the opportunity in the next couple of days to address all the ideas for improving education. Instead of getting the worst of what each has to offer, maybe we can get the best of what both have to offer in this Chamber. That would be a refreshing change.

I yield the floor.

Mr. COVERDELL. Mr. President, I renew the leader's request of a few minutes ago, which is that all amendments be relevant to the subject matter of education and/or related to education taxes with the exception of a Wellstone amendment regarding a TANF program, the time with respect to that amendment be limited to 2 hours equally divided, subject to a relevant second-degree amendment, and the amendment filed at the desk by Senator BOB GRAHAM, which is amendment No. 2843.

Mr. REID. Mr. President, reserving the right to object—I will not object—I am very happy that we have been able to arrive at a point where within the next few minutes we will be able to start debating education issues.

I extend my appreciation to the Senator from Georgia and to the majority leader for this agreement. I think it is something with which we can work. I look forward to a good debate in the next few days on education and education-related matters.

Mr. COVERDELL. I appreciate the remarks of the Senator from Nevada.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, having just reached an agreement, I now ask unanimous consent that the scheduled cloture vote for Tuesday be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, I hope Members will be prepared to offer their amendments with votes to occur beginning on Tuesday. It is the leader's hope the Senate can conclude this bill by Wednesday evening. In the meantime, I look forward to vigorous debate and thank all Members for their cooperation.

I mentioned to the Senator from Nevada a little earlier that as we move forward with this bill, if we can get some parameters around the debate and equally divided limits on the amendments. I think that would be useful for everybody. But we will proceed at the appropriate time.

Mr. REID. Mr. President, I say to my friend from Georgia that we are ready to start offering amendments this afternoon. We hope to be able to do that, and with notification to the leader, we hope there can be some votes tomorrow morning, or at least when we finish our conferences. We expect to have at least one amendment offered today. That would take a little while in the morning but is something we think we can get our teeth into and work quickly.

Mr. COVERDELL. Mr. President, it is my understanding the first amendment is by Senator DODD of Connecticut. If Senator REID could offer it in his behalf, we could begin that debate—we can confer about this—at 9:30 in the morning. That is what I think is the schedule.

Mr. REID. That seems appropriate.

Mr. President, I extend my appreciation to the Senator from North Dakota. He has been a leader in education, both in the House and the Senate. I always look forward to what he has to say during debate on education.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Georgia.

Mr. COVERDELL. I thank the Senator for his remarks. There are a couple of comments I want to make but I know Senator FRIST, from Tennessee, is pressed so I am going to yield the floor so he can begin.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. FRIST. Madam President, it is a pleasure to be opening this second session of the 106th Congress with a bill that is, I believe, so important in our step-by-step approach to improving education, which is something I think both sides of the aisle feel strongly about. From the statements we have heard today and at the end of last week, and we will hear again and again, nothing is more important to America's future than addressing the education needs of our children. That is so for all the obvious reasons. There is nothing more important than education as we look at the preparation for quality of life, for looking at our Nation's overall economic prosperity domestically, but also as we look at issues such as global competitiveness.

As we heard this afternoon, every child in America does deserve the right to a drug-free classroom, to a violence-free classroom, with a highly qualified teacher at the head of that class. As a father of three young boys, 16, 14, and 12, I think a lot about education. I think a lot about how students can be best prepared for a future that is increasingly sophisticated in technology, information technology, and a global economy where competitiveness is not only with other people in the community but other people across the State, across the country, and across the world.

It comes back to that basic principle of local involvement, how we can step away from thinking education needs to be controlled by either us in the Senate or Washington, DC, or bureaucrats; and recognize it is that local control, those local schools that can best identify the needs of a local community with the involvement of parents who care the most about the education of their own children, and the involvement of principals in a local community. That is why last year my colleagues and I introduced legislation which we called Ed-Flex, which basically returns that power back to local communities, recognizing how limited we are, being right in Washington, DC, even assuming we can micromanage what goes on in Alamo, TN, or Soddy or Daisy, TN. It is those principals, those teachers, those parents, those superintendents, those districts that can best identify what the needs are of that community.

Ed-Flex allowed schools to use Federal money. That particular bill did not include new Federal money. Although I might add, we in the Senate, under Republican leadership—and I am very proud of this—did increase Federal spending last year by $500 million above what the President of the United States wanted or requested. The Republican leadership in the Senate sent a strong message: Yes, if we have local control, improved flexibility, and strong accountability, we will continue to invest, and invest heavily, in education across this country.

Ed-Flex took the same amount of money we had, but basically stripped away all the Washington redtape, freeing the shackles of these excessive, burdensome regulations that were added here in Washington, DC, but really handcuffing our teachers whose goal, whose profession is to educate people in that classroom, children in that classroom.

Ed-Flex was a first step. Issues such as school safety are, again, very important issues that have to be addressed if that right really does include being in a classroom that is violence free and drug free. It is time we extend this concept of empowerment of families, of parents, of using resources locally so they can be directed where the needs are. That is what this legislation does.

I am pleased because this is a continuation of a process. Again, this particular bill doesn't answer all the education challenges we have, but it continues that process by giving significant relief to American families, to parents as they pursue the educational opportunities which we all—both sides of the aisle—know are so important.

I had the opportunity of presiding over the previous hour, and again you hear this particular bill does not do enough to improve all K–12 education, or all education. Yes, this particular bill is not intended to solve all of the problems or all of the challenges of education. But it does very specifically address a number of them.

At the same time this discussion on the floor continues, we are debating in committee what is called ESEA, although a lot of people are just getting familiar with what those letters mean. ESEA is the Elementary and Secondary Education Act. We are reauthorizing that large act, which addresses many of the other issues in education. This particular bill will likely be debated actively in committee within the next several weeks and then brought to the floor to follow the current bill about which we are talking.

It is this combination of the bill we are talking about on the floor—and I will come to a few more of the details in this bill—and the more comprehensive legislation of ESEA that I believe put together, building on Ed-Flex last year, building on the additional $500 million investment this body put in above the President, that moves us towards the goal on the right track with the right principles of local control, strong accountability, and increased flexibility that ultimately will improve our American education system. That is true especially where we need the improvement the most, and that is kindergarten through the 12th grade.

The ESEA, or the Elementary and Secondary Education Act, addresses issues on the spending side of the ledger. The bill we are addressing today addresses the tax-related issues associated with education as well as the savings side of education. We had hearings in the Senate a couple of weeks ago. My colleague from Tennessee, Senator THOMPSON, held hearings on the rising cost of college, how that can be addressed today.

One of the things that came out of those hearings is that we should do all we can to empower parents and students to save enough for a college education.

What do we have today? Under current law, a family can contribute $500 per year into an education IRA. I do not want to diminish that because it is very important. It again came from this particular body, of which I am very proud. But I think we can extend it. We have an opportunity to extend that limit in one part of this bill.

Last week in Tennessee, I had an opportunity to visit three different K-12 public schools. The teachers and parents who had come said: Senator FRIST, we don't want you to be telling us how many computers we can have, what kind of computers, and where to hook them up. We want you to help us to be free to spend the resources we have. And can't you help us save a little bit for our children's education in the future? Isn't there something you can do in terms of legislation?

IRAs are tremendous savings vehicles. The regular IRAs we have today simply do not help the conscientious people of Tennessee save enough money for their children's education because when you take money out of these traditional IRAs, you pay a significant penalty for early withdrawal. Therefore, the only savings vehicle we have today is the education IRA. But as I mentioned, the limit on maximum contributions is $500 a year, and that comes down to about $40 a month. I do not know about my colleagues, but that is about what my cable bill is each month.

In addition to raising that contribution limit for education IRAs, this bill will also allow the American family for the first time to use some of those education savings for expenses that are associated with K-12 education. Currently, with an education IRA as presently designed, one cannot use that money for K-12 expenses. I have heard a number of my colleagues claim that allowing families to use some of their own money for elementary and secondary education is a backdoor attempt for a voucher debate. I hate to hear that almost fearmongering of: Let's not talk about the issues at hand because what you are really talking about is vouchers, when they are totally disassociated.

It comes down to whose money is this? It is the family's money; it is their money to begin with. This whole debate on vouchers can be held on some other day.

I want to make it clear this savings proposal we are debating is no more a voucher proposal than a tax cut is a voucher proposal.

As chairman of the Senate Budget Committee's Task Force on Education, I had the opportunity to listen to people who were bringing before that task force creative solutions to the problems which plague our Nation's schools today. Although, again, we need to address that in a comprehensive manner, which we are doing, I believe expanding the education savings account is a positive, constructive first step, not a final solution.

It does move us in the important direction of empowering parents, children, and that parent-child team. Again, the concept is very different than a Washington, DC, one size fits all strategy or more mandates out of Washington. What we are doing is locally empowering that parent-child team. Who best can identify the local needs of that child? It might also be an individual with a disability. For the first time, we allow these K-12 funds to be used for the purchase of technology to make learning easier. Or we are empowering for the first time that parent and that child, through a savings account, to use those resources for afterschool tutoring for that child who cannot quite keep up or does not quite understand what the teacher is trying to say.

On the issue of expansion of the definition of qualified education expenses, again, it has been talked about, but I want to make the point that you can do these things for higher education, but it is K-12 for which you cannot use these funds. Therefore, this expansion of definitions is critically important. It can be used for fees, it can be used for academic tutoring as I mentioned, for books, or for supplies. It can be used for the cost of computers or technology, for those individuals with disabilities. It might be a tool that allows one either to hear a little bit better or to express one's self if one is unable to talk. Home schooling expenses, again, can qualify. We all know it is parents who know best and who care the most about their children's future.

The President signed in 1997 the Taxpayer Relief Act which authorized new education IRAs for those higher education expenses. I have been very supportive of that, and this body has been very supportive of that. What we want to do now is take those moneys and apply it to K-12.

Higher education in this country is the envy of the world. There is no question about it. We have the greatest higher education system of all 140 or 150 countries anywhere in the world. But what about kindergarten through 12? Are we the best? No. Are we in the top four or five? I can tell you what TIMSS, the Third International Math and Science Study, shows.

Looking at math and science and the 12th grade where one would think we would be the very best with the prosperity and the freedoms we have and our emphasis on education and the best higher education, surely in the 12th grade we are the best. In math and science, which we know pretty well are the backbone of technology and job creation of the future, we are not first in the world. We are not 5th in the world. We are not 8th in the world. We are not 12th in the world. We are not 15th in the world. We are not 18th in the world. But we are 19th and 20th in the world when it comes to the 12th grade. We are failing in K-12.

There are a number of issues we can talk about, and I know there are other Members on the floor who want to speak, but I do want to mention the employer-sponsored aspect of this bill. We will talk a lot about the education savings account as we go forward, but in addition, this bill extends the tax exclusion for employer-provided educational assistance and restores the exclusion for employer-provided educational assistance at the graduate level.

The Senator from Iowa was just in the Chamber and emphasized a very important point that can be overlooked but should not because it is a very important part of the bill, in that the bill eliminates the limit on the number of months a taxpayer may deduct the interest costs that he or she must pay on his or her student loan.

As a reminder, currently a taxpayer can only deduct the interest on his or her loan for 5 years, regardless of how long he or she must pay interest on that loan. The provision allows taxpayers to deduct the interest that must be paid on a student loan for the lifetime of that loan.

In closing, I want to mention that the bill itself does provide help for all of those schools, as well as those school districts in need of school construction, school modernization. Thus, I am pleased the majority leader has brought this bill before the Senate for early consideration. I applaud his decision to do so. It builds upon what we did in the last session. It sets us on the right track focusing on K-12 education, and there is no more important issue as we look to the future than education.

If we can complete action on this particular bill and then complete action on the Elementary and Secondary Education Act, we will have addressed both the spending side of the equation, as well as the tax side of the equation, both of which are important to improving and strengthening education in this country. We can do all of that before Easter.

I compliment the Senator from Georgia, who has worked on this particular issue during the whole period I have been in the Senate. His leadership is impressive. He is a mentor to many of us on education. I appreciate his hard work. I urge my colleagues to support this very important bill in order to expand education opportunities for families and students, yes, in Tennessee but all across America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. I thank the Senator from Tennessee for his remarks and generous comments on our efforts.

I enjoy very much working with him. I am very complimentary of his work in education on the Budget Committee and on the Educational Flexibility Act which was a historic accomplishment by the Congress. I thank the Senator so much for being here today.

I yield the floor. I note the Senator from Texas is seeking recognition.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Madam President, thank you very much for allowing me to speak. I am very pleased to support the bill. Of course, I acknowledge the leadership of Senator COVERDELL and Senator ROTH. They have been the leaders in trying to give more choices to more parents in our country to do what is best for their children.

In Washington, sometimes we get a one-size-fits-all mentality, but everyone knows that every child in this country is different and every child has different needs. What we should be doing in Washington is giving parents the ability to choose what is best for their particular child. That is what S. 1134 does.

The Affordable Education Act of 1999 is exactly what this country needs to empower parents to do the best for their children. Our goal is to give every child the opportunity to succeed in this country. No child can succeed without a good education.

This bill is simple and it is compelling. We have in the law now an education IRA. It allows post-tax contributions to be invested and then used tax free for college tuition and other costs. This is a great idea.

Once again, Senator COVERDELL and Senator ROTH led us to pass this bill. It creates an added incentive for Americans to save, particularly at a time when Americans have a negative savings rate. It encourages more Americans to think about and plan for and pay for college for their children. More college-educated Americans mean more higher-income Americans; it means more tax revenues to offset the lost revenues. If ever there was a win-win tax policy, this is it.

So why would anyone oppose expanding this tremendously successful program for K through 12 education expenses? We have a high school dropout rate that is unacceptably high for the greatest country on Earth. We have children who are unable to afford basic supplies, much less computers. We have children literally trapped in failed schools.

I support this bill because I support the ability of parents to choose what is best for their children. This bill ensures the maximum possible flexibility for parents. If they wish to save for college and use the proceeds to pay for college tuition on a tax-free basis, they can do that. If they want to use the proceeds to purchase band uniforms for their child, they can do that—or books or computers or anything that would relate to the education or development of their children.

And yes, parents can use the accounts for private or parochial school tuition—which forms the core of the opposition to this bill by the President and our colleagues on the other side of the aisle.

I am not going to apologize for supporting a bill that allows working families to save their own hard-earned money to send their children to the school that will give them the best choice and the best start in life. It takes not one penny from the public schools in this country.

I do not apologize for supporting that because I know working-class Texans who have told me they want the choice to send their child to a school that they think is the best.

Choice is what this bill is all about. Choice is at the heart of a provision that I offered to this bill last year, which was passed on the Senate floor before being vetoed by President Clinton. That amendment would, for the first time, make Federal funds available for public single-sex schools and classrooms as long as comparable educational opportunities were made available for students of both sexes.

The Senate overwhelmingly approved this amendment on two previous occasions. I am confident it will again because I am going to bring it up on the reauthorization of the Elementary and Secondary Education Act scheduled to be taken up later this year in the Senate.

I might say, Senator COLLINS, who is sitting in the Chair today, is a very strong supporter of this amendment. I appreciate her leadership on this issue. She has talked to parents in Maine who have wanted to be able to send their children to a single-sex classroom because they know that child would be able to do better in that environment, but they have been discouraged by the Department of Education.

So because of that experience, because Senator COLLINS listened to her constituents in Maine, we are now going to team up and let every child in America have the choice that the parent in Maine wants for her child.

I offered that provision to help remove the cloud of doubt that was hanging over the education community about what the Federal Government would do if parents decided this is what they wanted, and they went to the school board and asked for the authorization of a same-gender school or classroom.

The amendment is simple. It adds the establishment and operation of same-gender schools and classrooms to the list of allowable uses for funds under title VI, the Federal innovation education block grant program. This amendment is necessary because for too long the Department of Education has discouraged States and public schools from pursuing voluntary single-sex programs, despite the clear benefits that such programs have for some students and despite the fact that they would only be offered where parents asked for it and support it.

Ask almost any student or graduate of a same-gender school, most of whom are from private or parochial schools, and they will almost all tell you—enthusiastically—that they were enriched and strengthened by their experience.

Surveys and studies of students show that at certain levels of education, for some students, both boys and girls enrolled in same-gender programs tend to be more confident, more focused on their studies, and ultimately more successful in school, as well as later in their careers. Both sexes report feeling a camaraderie and a sense of peer and teacher support that they do not encounter to the same degree in coeducational classrooms. Teachers, too, report fewer control and discipline problems—something almost any teacher will tell you can consume a good part of classtime. Inevitably, these positive student attitudes translate into academic results.

Study after study has demonstrated that girls and boys in same-gender schools, on average, are academically more successful and ambitious than their coeducational counterparts. These results and benefits of same-gender education for hundreds of thousands of American students and their families can be an option in public schools as well as parochial and private.

Susan Estrich, a professor of law at the University of California, stated in a recently syndicated article regarding the amendment:

> Without boys in the classroom, researchers have found, girls speak up more, take more science and math, and end up getting more Ph.D.s and serve on more corporate boards. While the benefits of single-sex education for boys have been less well-documented, there is at least anecdotal evidence that boys' schools in the inner cities, where discipline is stressed and positive male role models emphasized, may result in lower dropout rates and higher test scores.

I believe this is an idea that should be an option for every parent. It is not a mandate. It is not even a recommendation. It is just an option. Why not let the parents have the full range of choices in public school? That is what the innovation provision of title VI is supposed to do.

We also hear a lot on the Senate floor about the need to hire more teachers and to reduce class size. Many on the other side of the aisle think the answer to the growing teacher shortage is to simply have the Federal Government hire more teachers, pay for a fraction of their salaries, and force local school districts to pick up the rest. I think there is a better approach and one that will not only ensure that more teachers are hired but that better teachers are also hired, teachers with real-world experience and knowledge that can be translated into the classroom.

Called Careers to Classrooms, my proposal would build on a tremendously successful Department of Defense program that takes experienced, qualified military service men and women and helps them transition into the classroom as teachers. The program seeks out and helps place members of the military, with at least 10 years of service and skills, in high-need areas such as math, science, computers, and language skills. It also helps many of them with stipends while they get their certification, which usually comes through a streamlined certification process.

Careers to Classrooms takes this successful model and applies it to civilian professionals interested in sharing their knowledge with public school students. Under this program, individuals with demonstrable skills in high-need areas, such as computers or foreign languages, would be helped to find a school that has a need for teachers in their field. It would provide assistance to the school to hire the individual while they obtain their certification—again, under a streamlined process.

This is another example of a win-win for a career person who would like to go into a different career, would like to go into teaching, happens to be able to speak French or Russian or Italian or Chinese, and would like to offer that to a school that can't offer it to students because they don't have a qualified teacher. This approach is far less costly than simply paying the salaries of new teachers regardless of their expertise or background.

While there is no question our teachers need to be paid, and paid well, this is an area that has been left to the discretion of our States and local school districts throughout the history of this Nation. Our Nation's parents and their children do not need more Federal control, more bureaucracy, and more redtape.

I had a teacher come to one of my townhall meetings in a small town in north Texas. The teacher was about to go out of her mind. She brought me the number of forms she has to fill out. It was this tall—this tall—with pages she has to fill out just to be a teacher in this very small school district in north Texas.

That is not what our teachers need. What we need is to empower our parents with greater choices to find the education path that is best for each individual child in this country. We need to give teachers the ability to teach rather than have more Federal mandates. We need to make options available, and we need to do it in an innovative and flexible manner.

Heaping more money on a failed system has been exhaustive to our teachers, to our principals, to our superintendents, to our parents, and to our children. The policies of the past have failed. The Affordable Education Act and the two additional proposals I have outlined are policies of the future, policies that will enable every child in this country to fulfill his or her potential.

That is our goal. How we get there is the debate we are having today. I want to do it with flexibility, with options and empowerment of parents. That is what Senator COVERDELL and Senator ROTH are giving us the opportunity to pass. I urge my colleagues to support this very good piece of legislation.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Madam President, I thank the Senator from Texas for her generous remarks and also the thoroughness with which she has described this legislation and her amendment.

If the Chair is willing, I am glad to assume the Chair so the Senator from Maine might participate in this debate, if that is appropriate.

(Senator COVERDELL assumed the Chair.)

The PRESIDING OFFICER. The Chair recognizes the Senator from Maine.

Ms. COLLINS. I thank the Presiding Officer for his generosity in assuming the Chair so I may debate this extremely important issue. The Senator from Georgia has been such a strong leader in the Senate on education issues. I have been very pleased to work with him on a number of education issues. I know how committed he is to improving education for all American children. I am delighted to join in this debate today.

The PRESIDING OFFICER. The Chair thanks the Senator.

Ms. COLLINS. Mr. President, improving education for all American children is our No. 1 priority in the Senate. It is No. 1 on our Republican plan.

Education is more important than ever before in our history. While education has always been the engine of social and economic progress, today it assumes more importance than ever before. Education is critical to allow people to fully participate in our increasingly technological society. Education is critical to narrowing the gap between the rich and the poor in this country, which is largely an educational gap. In fact, an individual with a college degree can expect to earn, on average, $17,000 more a year than an individual who only has a high school degree. Increasingly, education is important not only to our quality of life, not only to technological and medical breakthroughs, but to narrowing the gaps in our society and ensuring that everyone is able to have the quality of life he or she wishes to have.

By working with our parents, our teachers, our communities, and our States, our goal is to strengthen our schools so that every American child has the opportunity for a good education, so that no child, in the words of Texas Governor George Bush, is left behind. That is our goal.

A good education is a ladder of opportunity. It turns dreams into reality, it is responsible for improvements in our quality of life, and it enables a child to achieve his or her full potential. That is why I am a strong supporter of the Affordable Education Act, the legislation we are debating today.

The Presiding Officer knows I am a very strong supporter of public education. I would not support a bill I thought in any way weakened public education. The last time this bill was debated on the Senate floor—and again today—I heard suggestions that somehow this bill was a backdoor attempt at vouchers. Nothing could be further from the truth. In fact, this legislation will allow American families to save for their children's future education—to save for college, for example. It will allow them to use the money they put aside to supplement public education in K through 12, to hire a tutor, for example, to pay for a school trip, to help to afford extra help by way of buying a computer. This will help parents help their own children with their own money that they are putting aside in an educational savings account.

I am particularly interested in this legislation because I think it will help parents afford higher education, which often seems to be an obstacle that many families question they can afford.

Creating the educational IRA, as this Congress did, was an important first step in encouraging families to save for higher education. But we need to go further, and the Affordable Education Act contains significantly improved benefits for families using educational IRAs to save for postsecondary education.

In the State of Maine, we have a terrific record of encouraging our students to complete high school. We have one of the best records in the country. But, unfortunately, we don't do as well encouraging students to go beyond high school. In that area, we lag behind other States. Yet we know how important higher education is. It is more important than ever before. As I talk with students and their families, school administrators, and teachers, I find that too many Maine families believe education beyond high school is simply beyond their means. This legislation will help them save for the cost of higher education. It will increase the annual amount a family can contribute to an educational IRA from $500 to $2,000.

Now, let's look at what that means and the difference that can make. That means if a family were saving the maximum amount of $2,000 each year for 18 years, starting at the child's birth, at a return of about 8 percent per year, they would have about $75,000 to pay for a college education. Now, that contrasts sharply with the $19,000 they would have under current law. That is important because $75,000 is an awful lot closer to the average cost of attending a private college for 4 years than $19,000 would be.

The Affordable Education Act also makes some important changes and improvements in prepaid tuition plans. That is another way we can help American families better afford higher education. Some of the provisions in this bill were originally proposed in legislation I introduced called the Savings For Scholars legislation.

For example, families will be allowed to roll over accounts without incurring tax liability from one prepaid plan to another. So if they move from one State to another with a different variation, they don't lose the benefits of that plan.

The legislation includes first cousins among the family members to whom a plan can be transferred should it not be needed or used by the child who was the original beneficiary. It will provide greater incentives for grandparents to establish prepaid tuition or to participate in prepaid tuition plans.

Another provision of this legislation, which I think is very important, is that it will eliminate the 60-month limit on the deduction of student loan interest. The second bill I introduced as a new Senator in 1997 allowed students to deduct the interest on their student loans. I am very pleased that a version of my legislation—and there were many others supporting that approach as well—was incorporated into the 1997 Tax Relief Act. But we found that there was a 60-month limit put on how long someone could deduct the interest on a student loan. This legislation eliminates that 60-month limit. That is going to be very important to students who attend graduate or professional school or who otherwise have incurred a large debt burden.

The impetus for the legislation I introduced back in 1997 came from my experience while working at a small college in Maine. Most of the students of this college—Husson College in Bangor, ME—were first-generation college students, the first members of their family to attend college. Eighty-five percent of them received some sort of student loan in order to be able to afford college. What I found is that many of them were graduating with a mountain of debt. They were worried about how they were going to be able to pay off those student loans. Allowing them to deduct that interest every month when they write that check, knowing they will be able to deduct that interest, is an enormous help to them. By eliminating that 60-month limit, we will help even more students and help make higher education that much more affordable.

Another important provision of the Affordable Education Act is the provision dealing with the National Health Corps scholarships exclusion. Because Maine is underserved in many of our rural areas for health care providers, this provision is particularly important to our State. What it would do is allow health care providers who had received these National Health Corps scholarships to exclude the cost of that scholarship from their gross income.

I have touched on just some of the very important provisions of this legislation. We know that investing in education and making it easier for families to afford education, whether it is helping at the K through 12 level or making higher education more affordable, is a good investment, that it is the surest and best way for us to build our country's assets for the future. We need to help more American families afford higher education. We need to strengthen our educational system. That is what this legislation will accomplish.

I urge all of my colleagues to join in supporting this legislation, which will make a real difference to so many American families.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER (Ms. COLLINS).

Mr. CRAIG. Madam President, thank you very much. I am extremely pleased to be able to come to the floor this afternoon to join my colleague in support of S. 1134, the Affordable Education Act.

A few moments ago, I was in our TV studio cutting a tape, as many of us oftentimes do, to send back to our constituents or to speak out on a given issue in which a group has asked us to become involved. I was cutting a tape on a project that is a nationwide project called Safe Place. You have probably seen that triangular, yellow sign that shows a child inside that is on the glass or door of a small business, a fire station, or a city hall. It says "Safe Place," and designates that particular location as ready to receive a child in crisis, a child who has had a crisis within its home or with its peers in the community and feels at risk and therefore seeks a safe sanctuary, a haven.

I have also asked our colleagues to support the third week of March for the second year in a row as National Safe Place Week.

The reason I say that in the context of the Affordable Education Act is that we Americans recognize the value of our young people. We recognize they are without question our most important asset and that we have a fundamental responsibility to them as a culture and as a society.

When I speak about Safe Place, that is one of the first things we think of as a parent and as a community. Are our children safe within our homes, safe within our suburbs, or safe within our communities? The next thing we begin to think about after their safety is their well-being beyond safety. I think we all recognize that beyond safety comes education as a major part of a child's well-being; therefore, early on as a country we began to establish a general educational system so that all of our young people could be more educated and more prepared than the generation before them.

Education has become a profound part of all levels of our government. While we recognize education is still the primary responsibility of State and local units of government, we have also said the family unit has as its major responsibility not only the haven of safety and security but the responsibility of assuring its young people an education and that we in government would help facilitate that, we would help make that happen. But most important is to empower the parent and the family in a way that allows them to bring on that fundamental and basic responsibility of providing for their children and their education.

S. 1134, the Affordable Education Act, looks at some primary concerns, and it recognizes our Tax Code penalizes the family for saving money to defray a child's educational expenses.

Is it fair to penalize them for wanting a better future for their children as a part of what I think is the fundamental responsibility of a human culture? Of course it is not. By expanding the educational IRA, we are doing something substantive to address a parent's concern about his or her child's education.

Opponents of this bill claim we are not helping education as a whole but only giving a subsidy to private schools. Shame on them. Shame on them for trying to narrow the debate when the fundamental debate is to broaden the issue and to expand the ability of families to provide for their children's education.

It is simply not the case that we offer a subsidy to the private school. The money parents can save with these accounts can be used toward books, supplies, and other "qualified educational expenses" at a public or a private school.

Why should we stand in the way of a parent's responsibility, that I think I have appropriately explained, in fulfilling the needs of their child in his or her educational desires?

This bill also benefits public education by changing the formula for local government bonds so more money would go to benefit public school construction. What is wrong with that? We have already heard about a deficit in the safety of some of our old educational structures or the need to expand and improve or to build new educational structures.

It is true, though, that this bill would benefit parents who do not send their children to public schools, as the money from these savings accounts can be used to help defray expenses incurred at a private school or for home schooling. Yes, let me repeat that: Home schooling. What is wrong with allowing and empowering the parent to work for the education of their children?

This again comes down to the issue of fairness. Instead of being selective and saying all children have to march down this single Federal national public tightrope because that is the only way they can get an education, we are saying that is simply not true.

Thousands and thousands of American families today are demonstrating just that. They want the flexibility of choice to send their child where they think that child will receive the best education. Why shouldn't we have the intelligence—maybe there is another word that fits better—to allow that parent to do as he or she wishes and to improve their ability to do so with this kind of law, for these parents to decide if their children would learn better wherever they chose to place them? We in Washington should not penalize them for making every effort to ensure their child receives a quality education.

This bill allows parents, many of whom are of lower or middle class, to use up to $2,000 tax free to help their child learn the way the parent wants them to learn—not a Washington bureaucrat, not a labor union leader, but the parent. That is where the fundamental and primary responsibility lies.

In the end, it comes down to this essential question: Should we be taxing the money parents use to further their child's education or should we give them an opportunity by allowing them to put away a tax-free dollar in that benefit? I, for one, do not believe we should tax in this area. This is the same as levying a punitive tax on education.

We all know the old axiom: When you tax something, you get less of it. It is just very fundamental and very simple to understand. This legislation goes a long way toward offering parents that opportunity to advance their child's education.

I know of no other issue today that is more important than the general issue of education. When I am home in my State of Idaho, holding town meetings or visiting with the citizens of my State, education is the issue. There is no question they express great concern, either about the safety of their schools, the quality of the education being provided, or the expense of a college education today. All Americans hope for a better life for their children than the one they led. They are absolutely sure that better life will come through fulfilling an American dream that offers an optimum educational experience. That is why this legislation, S. 1134, is so important.

The sanctuary of security is our first parental instinct; our second is to try to provide the very best opportunities for our children. Those opportunities will only come and a parent will only be able to provide for the very best if they have the greatest of flexibility to assure that child has the better educational experience. That is what this legislation is about.

I thank my colleague from Georgia for the leadership he has taken in working to empower America's families to put away in a nontaxed environment just a little bit to ensure the opportunity of their children to secure the education of their choice.

I yield the floor.

Mr. COVERDELL. I thank the Senator from Idaho for his support of the legislation, his remarks, and the generous kindness he has extended to me.

Madam President, I think it might be of use to those listening to take just another moment to frame the totality of the legislation, a little bit about who are the sponsors of the legislation, and then to respond to some of the critiques we have heard from the other side of the aisle. I first want to make clear, this is a bipartisan legislative effort. The chief cosponsor of this legislation is Senator TORRICELLI of New Jersey.

When this legislation was before the Senate last, it received 59 favorable votes, Republican and Democrat.

The first point is this is a bipartisan bill. It has received significant passionate and dedicated support from both sides of the aisle. There is no one who has fought harder for the legislation, as I said, than Senator TORRICELLI from New Jersey. He has been rather courageous about it, candidly.

The second point I wish to make is to frame the nature of the overall bill. The component that gets talked about the most is the education savings account, which we know will benefit about half the elementary school population in the United States. Fourteen million families, we estimate, will open an education savings account for their children. They will be the parents of about 20 million kids. That is just under half the entire population going to kindergarten through high school. Over the next 10 years, we are saying to these 14 million families, if you put the money in your savings account, we will not tax the interest buildup. That is not a large sum of money. It is, over 5 years, about $1.3 billion. Over 10 years, it is about $2.4 billion that we would not have taxed out of these savings accounts. We would have left it in the savings accounts.

I have said this many times. It is amazing to me how a small incentive makes Americans do big things. By saying to these families we will not tax the interest in your account, we estimate they will save, over 10 years, $12 billion. I asked a Senator the other day in the debate on how many Federal programs can we get a 10-to-1 return? Not many.

We are forfeiting $2.5 billion in taxes and, in return, we are getting $12 billion voluntarily put forward to help schools all across the land. That would be one of the largest influxes of new resources behind education in the last 10 or 15 years. We have not had to appropriate anything to do it; no Governor did, no local community did. By simply saying we are not going to tax that interest, people step up to the bar.

As has been mentioned in the debate by several Senators, that is a very powerful component of the legislation. But it will also help 1 million employees advance their education because we are allowing the employer a tax incentive, up to $5,200 a year, that can be spent on an employee's continuing education and it would not be taxed. We are helping students who are in prepaid State tuition plans all across the country because we are not going to tax those proceeds. How many? About a million students. A million employees. This is beginning to add up to real numbers in America—14 million families.

On school construction, we are using the proposal of Senator GRAHAM of Florida, on the other side of the aisle, to help local communities with the problems of school construction.

The Senator who is now acting as our Chair talked about the health care benefits that are in the legislation and the fact we are allowing, through the life of a loan, the deductibility of the interest for hundreds of thousands of students who have large debt when they get out of college.

The point I am making is it is a very broad policy, and it is supported strongly by Members of both parties.

In the debate last week, several people who have objected to the legislation did so on the grounds that it would allow a family attending a parochial school or a private school or a home school to use the proceeds of their own account to help pay for that. That is extremely puzzling to me.

Ninety percent of America's students are in public schools. Only 10 percent or less are in private or parochial schools. The major beneficiary of the savings accounts will be families in public schools. Seventy percent of the people who open these accounts will be helping their children who are in public schools. Thirty percent will be helping their children who are in a private, parochial, or home school.

The division of the money being saved is higher for those in a parochial or private school because they know they have an extra burden to bear and they will tend to save a little more. So the distribution of the $12 billion will be about equal—$6 billion to public school students and $6 billion to private and parochial school students.

The comment was made on the other side this past week that somehow the parents or families in parochial or private schools are wealthy and they do not deserve any incentive or public attention. Nothing could be further from the truth.

There is a study out from New York that the demographics of the student body of a parochial or private school are virtually identical to the demographics of the student body in the public system. In parochial schools, about 60 percent of the families make less than $40,000 a year. In private schools, 60 percent make, according to the Census Bureau, less than $50,000 a year.

With regard to private and parochial schools, we have parents who, for whatever reason, have decided they have to make a special effort to deal with the education of their children because, remember, all of these families are paying State taxes and local taxes for their school system. If they have decided to go to another school, they are still paying for the public school system. They have to reach down and pay another bill to get in this other system.

They are not wealthy. I think it was offensive to hear these families described as people driving around in a long limousine dropping Johnny off at the school. We will discuss this more during the course of the debate, but the Chair recognizes that when scholarships have been offered in Washington, DC, or in other parts of the country, the principal applicants are African Americans who are struggling to educate their children. These are not rich families. They should not be characterized as such.

Senator COLLINS and I had a long discussion—not a debate—about whether this is a voucher or not. As was concluded by the Senator from Maine, it is not a voucher. It will help people who have already made a decision. It will help people in public schools, but statistically insignificant is the number of people who might, because they have a savings account, change schools. I am sure it will happen, but it would be insignificant. And when it does happen, who is to say it should not?

In my State, there is a huge debate raging in the general assembly about school accountability. Legislation that is likely to pass, which has been offered by a Democratic Governor, says schools are either making it or not, and if they are not, those children have a right to escape that school.

If that becomes a law in my home State, then I want this kind of tool. It is just a tool to help families deal with that situation. The first thing that comes up is, if the school is not preparing our students and it is closed, who deals with the transportation? There will be all kinds of commensurate costs that occur for the students who have to go somewhere else. This kind of tool will help them deal with that.

This debate is raging across the country. A little earlier, the Senator from North Dakota was complimentary of the public school system and I believe justifiably so. But the fact of life is, as the Senator from Tennessee alluded to, 40 percent of the students coming out of K–12 all across America cannot effectively read. We do have some problems.

This legislation will help a student, whether they are in a public setting or a private setting. Tutors and computers have been mentioned. The poor in our country are shortchanged. The President has alluded to it, and the Vice President alluded to the digital divide, they call it. This helps close the divide because it makes funds available to the family to begin to make high-tech equipment available to their kids, as well as to those in better systems.

I close with a reminder that there is a piece of this legislation for which the reach is almost impossible for any of our estimators to figure. This IRA account is different than others because it allows sponsors. In other words, a child can have an account opened for her or him by a grandmother, a sister, a neighbor, an employer, a benevolent association, a labor organization. There is no limit to it when this becomes law—and it will—and people begin to understand: I can help this child over here; I can help the children of my employees; we can help the children of the people who belong to this union or church.

I used an example in the last debate a couple of years ago about the loss of a couple of police officers in Atlanta. I thought at the time—because everybody wants to help—if we had been able to open this account for the children of those officers, when they reached high school or junior high or college, the community easily could have provided a benefit of enormous consequences to the families of the fallen officers. I believe we will see that kind of imagination begin to take root.

The value of those contributions are not in any of these numbers. No one knows how many friends and neighbors and organizations and employers will begin to seize on this. I know it will be a lot because this kind of thing is in the American gut. It is a tool that Americans instinctively will use.

I was about a third of the way through this debate last time when I remembered my father and I had opened a savings account for my two sets of twin nieces and nephews. At the time we opened it, we did not have two nickels to rub together. But we would put about $25 a month in it. If this had been the law, we would have had two to three times the amount of resources available when those children began to use it for school. As it was, it was not a lot of money. I think it probably got up to $5,000 to $8,000. But you know what. It made a difference. We did not have much money, but we found a way to put a few dollars away. A lot of other Americans will, too.

With this legislation, no one gets hurt. Everybody gets helped: Public, private, parochial, home, whatever. No one is being gouged. No one is paying a price at the expense of somebody else. As I mentioned a moment ago, in America it is intuitive in our nature to step forward.

The last thing I will say is, the dollars in these savings accounts have a—who knows?—3-to-1 value, 10-to-1 value. I do not know what it is, but these dollars are worth more than public dollars, a lot more, because they are laser-beam managed.

First of all, mom and dad are going to get a statement from whichever savings and loan it is to remind them every month how much money is in that account, which will also remind them of their responsibility for educating those children. It is just an automatic reminder.

The second thing that makes it so valuable is that no one knows the unique need of the child better than the parent or the sponsor of these accounts.

So this money goes right to the target, whether it is a special education need, a medical need, a tutor, a home computer, whatever. Public dollars are hard to direct that way. They build the buildings; they hire the staff; they hire the teachers, and much good is done from it, but it is hard to put them right on the dime. It reminds you of one of these missiles we saw in Kosovo—going right down the chimney. That is exactly where these dollars will go.

As has been said, we already have a savings account for higher education. That is good. This makes that account four times larger. In other words, higher education will benefit from this as well because many families will save for K through 12, and then they will not have to use that money. It will be there for college. But as the Chair noted, $75,000 versus $19,000 is a big difference.

Because there is so much trouble in K through 12, there are families who will have to use it and need it at an earlier time. If that is the case, they should have the ability to do that. It seems illogical to me to try to push away the options and requirements and needs of families, of children who are in kindergarten through high school.

That is where America's problem is right now. We will fix it. I am an optimist about this. I am not a pessimist. We will fix it. But remember, every day we wait on this we leave someone else behind. In my view, in this land of freedom, any child who is denied the fundamental skills of an education means there is one more among us who is not truly free and cannot enjoy the benefits of citizenship in the United States. There is no higher work for us than to keep that from happening every time we can.

Madam President, with that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COVERDELL). Without objection, it is so ordered.

AMENDMENT NO. 2854

(Purpose: To amend the Internal Revenue Code of 1986 to eliminate the 2-percent floor on miscellaneous itemized deductions for qualified professional development expenses of elementary and secondary school teachers and to allow a credit against income tax to elementary and secondary school teachers who provide classroom materials)

Ms. COLLINS. Mr. President, I call up amendment No. 2854 and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS], for herself, Mr. KYL, and Mr. COVERDELL, proposes an amendment numbered 2854.

Ms. COLLINS. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title II, insert:

SEC. . 2-PERCENT FLOOR ON MISCELLANEOUS ITEMIZED DEDUCTIONS NOT TO APPLY TO QUALIFIED PROFESSIONAL DEVELOPMENT EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) IN GENERAL.—Section 67(b) (defining miscellaneous itemized deductions) is amended by striking "and" at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting ", and", and by adding at the end the following new paragraph:

"(13) any deduction allowable for the qualified professional development expenses paid or incurred by an eligible teacher.".

(b) DEFINITIONS.—Section 67 (relating to 2-percent floor on miscellaneous itemized deductions) is amended by adding at the end the following new subsection:

"(g) QUALIFIED PROFESSIONAL DEVELOPMENT EXPENSES OF ELIGIBLE TEACHERS.—For purposes of subsection (b)(13)—

"(1) QUALIFIED PROFESSIONAL DEVELOPMENT EXPENSES.—

"(A) IN GENERAL.—The term 'qualified professional development expenses' means expenses—

"(i) for tuition, fees, books, supplies, equipment, and transportation required for the enrollment or attendance of an individual in a qualified course of instruction, and

"(ii) with respect to which a deduction is allowable under section 162 (determined without regard to this section).

"(B) QUALIFIED COURSE OF INSTRUCTION.—The term 'qualified course of instruction' means a course of instruction which—

"(i) is—

"(I) directly related to the curriculum and academic subjects in which an eligible teacher provides instruction, or

"(II) designed to enhance the ability of an eligible teacher to understand and use State standards for the academic subjects in which such teacher provides instruction,

"(ii) may—

"(I) provide instruction in how to teach children with different learning styles, particularly children with disabilities and children with special learning needs (including children who are gifted and talented), or

"(II) provide instruction in how best to discipline children in the classroom and identify early and appropriate interventions to help children described in subclause (I) to learn,

"(iii) is tied to challenging State or local content standards and student performance standards,

"(iv) is tied to strategies and programs that demonstrate effectiveness in increasing student academic achievement and student performance, or substantially increasing the knowledge and teaching skills of an eligible teacher,

"(v) is of sufficient intensity and duration to have a positive and lasting impact on the performance of an eligible teacher in the classroom (which shall not include 1-day or short-term workshops and conferences), except that this clause shall not apply to an activity if such activity is 1 component described in a long-term comprehensive professional development plan established by an eligible teacher and the teacher's supervisor based upon an assessment of the needs of the teacher, the students of the teacher, and the local educational agency involved, and

"(vi) is part of a program of professional development which is approved and certified by the appropriate local educational agency as furthering the goals of the preceding clauses.

"(C) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' has the meaning given such term by section 14101 of the Elementary and Secondary Education Act of 1965, as in effect on the date of the enactment of this subsection.

"(2) ELIGIBLE TEACHER.—

"(A) IN GENERAL.—The term 'eligible teacher' means an individual who is a kindergarten through grade 12 classroom teacher in an elementary or secondary school.

"(B) ELEMENTARY OR SECONDARY SCHOOL.—The terms 'elementary school' and 'secondary school' have the meanings given such terms by section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801), as so in effect.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. . CREDIT TO ELEMENTARY AND SECONDARY SCHOOL TEACHERS WHO PROVIDE CLASSROOM MATERIALS.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

"SEC. 30B. CREDIT TO ELEMENTARY AND SECONDARY SCHOOL TEACHERS WHO PROVIDE CLASSROOM MATERIALS.

"(a) ALLOWANCE OF CREDIT.—In the case of an eligible teacher, there shall be allowed as a credit against the tax imposed by this chapter for such taxable year an amount equal to the qualified elementary and secondary education expenses which are paid or incurred by the taxpayer during such taxable year.

"(b) MAXIMUM CREDIT.—The credit allowed by subsection (a) for any taxable year shall not exceed $100.

"(c) DEFINITIONS.—

"(1) ELIGIBLE TEACHER.—The term 'eligible teacher' means an individual who is a kindergarten through grade 12 classroom teacher, instructor, counselor, aide, or principal in an elementary or secondary school on a full-time basis for an academic year ending during a taxable year.

"(2) QUALIFIED ELEMENTARY AND SECONDARY EDUCATION EXPENSES.—The term 'qualified elementary and secondary education expenses' means expenses for books, supplies (other than nonathletic supplies for courses of instruction in health or physical education), computer equipment (including related software and services) and other equipment, and supplementary materials used by an eligible teacher in the classroom.

"(3) ELEMENTARY OR SECONDARY SCHOOL.—The term 'elementary or secondary school' means any school which provides elementary education or secondary education (through grade 12), as determined under State law.

"(d) SPECIAL RULES.—

"(1) DENIAL OF DOUBLE BENEFIT.—No deduction shall be allowed under this chapter for any expense for which credit is allowed under this section.

"(2) APPLICATION WITH OTHER CREDITS.—The credit allowable under subsection (a) for any taxable year shall not exceed the excess (if any) of—

"(A) the regular tax for the taxable year, reduced by the sum of the credits allowable under subpart A and the preceding sections of this subpart, over

"(B) the tentative minimum tax for the taxable year.

"(e) ELECTION TO HAVE CREDIT NOT APPLY.—A taxpayer may elect to have this section not apply for any taxable year.".

(b) CLERICAL AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

"Sec. 30B. Credit to elementary and secondary school teachers who provide classroom materials.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

Ms. COLLINS. Mr. President, I rise to offer an amendment to the Affordable Education Act on behalf of myself, the Presiding Officer—Senator COVERDELL—and my good friend from Arizona, Senator KYL.

We worked together to craft this amendment to help our public school teachers when they either pursue professional development at their own expense or when they purchase supplies for their classrooms.

Our legislation has two major provisions. First, it will allow teachers to deduct their professional development expenses without subjecting the deduction to the existing 2-percent floor that is in our Tax Code. Second, it will grant teachers a tax credit of up to $100 for books, supplies, and other equipment they purchase for their students. That is very common. As Senator KYL noted earlier today, a study by the National Education Association indicates the average schoolteacher teaching K through the 12th grade spends more than $400 annually on supplies for the classroom.

Our amendment would reward teachers for undertaking these activities that are designed to make them better teachers or to provide better supplies for their students. It is an example of a way that we can say thank you to teachers who do much for our children.

Provisions similar to both of these components of our amendment were included in last year's tax bill. In this amendment, the definition of "acceptable professional development activities" has been changed to reflect the definition included in the Teacher Empowerment Act that Senator GREGG of New Hampshire and I introduced last year, and which we expect to be included in the reauthorization of the Elementary and Secondary Education Act, which the Committee on Health, Education, Labor, and Pensions is about to mark up. This definition sets high standards for the quality of professional development activities covered by our amendment, ensuring that such programs will help teachers truly excel in the classroom.

While our amendment provides financial relief for our dedicated teachers, its real beneficiaries are our Nation's students. Other than involved parents, which we all know to be the most important component, a well-qualified and dedicated teacher is the single most important prerequisite for student success. Educational researchers have repeatedly demonstrated the close relationship between qualified teachers and successful students. Moreover, teachers themselves understand how important professional development is to maintaining and expanding their levels of competence. When I meet with teachers from Maine, they always tell me of their need for more professional development and the scarcity of financial support for this very worthy pursuit. The willingness of Maine's teachers to reach deep into their own pockets to fund their own professional development impresses me deeply.

For example, an English teacher in Bangor, who serves on my Educational Policy Advisory Committee, told me of spending her own money to attend a curriculum conference. She then came back and shared that information with all of the English teachers in her department. She is not alone. She is typical of teachers who are willing to pay for their own professional development as well as to purchase supplies and materials to enhance their teaching.

Let me explain how our amendment would work in terms of real dollars when it comes to professional development. In 1997, the average yearly salary for a teacher was about $38,000. Under current law, a teacher earning this amount could not deduct the first $770 in professional development expenses he or she paid for out of pocket. So imagine, you are a teacher who is making about $38,000 a year and you are spending more than $700 in order to take a course to improve your teaching to help you be a better teacher. Yet because you don't reach that 2-percent floor that is in the existing Tax Code, you don't get a tax break for that first $770. You have to spend more than that before you can get the deduction. Our amendment would change that. It would see to it that teachers receive tax relief for all such expenses. Under our amendment, that $770 would be a deduction on the teacher's income tax form.

I greatly admire the many teachers who have voluntarily financed the additional education they need to improve their schools and to serve their students better. I greatly admire those teachers who reach into their own pockets to buy supplies, paints, books, all sorts of materials that are lacking in their classroom. We should reward those teachers. Let us change the Tax Code to recognize and reward their sacrifice and to encourage more teachers to take the courses they need or to help supplement the supplies in their classroom.

I hope these changes in our Tax Code will encourage more teachers to undertake the formal course work in the subject matter they teach, or to complete graduate degrees in either a subject matter or in education, or to attend conferences to give them more ideas for innovative approaches to presenting the course work they teach in perhaps a more challenging manner.

This amendment will reimburse teachers for just a small part of what they invest in our children's future. This money will be money well spent. Investing in education helps us to build one of the most important assets for our country's future; that is, a well-educated population. We need to ensure that our public schools have the very best teachers possible in order to bring out the very best in our students. Adopting this amendment is the first step toward that goal. It will help us in a small way recognize the many sacrifices our teachers make each and every day.

I am very pleased to have had the opportunity to work with the Senator from Georgia and the Senator from Arizona on this amendment. They have both been great leaders in education and in coming up with innovative ways to use our Tax Code to encourage better teaching. I urge all of my colleagues to join us in support of this modest but important effort.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

(Ms. COLLINS assumed the Chair.)

Mr. COVERDELL. Madam President, I ask unanimous consent that the order for the quorum be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. COVERDELL. Madam President, I ask unanimous consent that there be a period for the transaction of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

BRAD SMITH'S NOMINATION TO THE FEC

Mr. DASCHLE. Madam President, I want to speak briefly on a matter we will probably have the opportunity to discuss in greater detail at a later time. That has to do with the nomination of Bradley Smith to be a Commissioner on the Federal Election Commission.

The President has made this nomination with the greatest reluctance. He delayed it for many months while fending off hard lobbying on behalf of Mr. Smith by my colleagues on the other side of the aisle.

In the end, the President forwarded this nomination to us, acknowledging the Republican leadership's strongly held view that, under standard practice for FEC appointments, each party is entitled to have the President nominate its choice for a Commission seat allocated by law to that party.

I understand the President's decision. He did what he believes that he, as President, was required to do, notwithstanding his concerns about the suitability of Mr. Smith.

Now we, as Senators, must do what we are required to do by the Constitution—to consider this nomination on the merits.

I have examined the candidacy of Mr. Smith carefully, guided by only one question—indeed the only question that should guide us: Is he qualified, as Commissioner of the FEC, to enforce the laws we have passed to control federal campaign fundraising and spending?

In my view, Mr. Smith's complete disdain for federal election law renders him unqualified for the role of an FEC Commissioner, whose principal job is to administer the Federal Election Campaign Act as enacted by Congress and upheld by the courts.

Madan President, the American people must be able to trust that we, as legislators, mean what we say when we write the laws of the land. They should [illegible] fear that we are passing laws professing the noblest motives, while actively working against those laws by whatever means we can find.

Nowhere is there a more critical need for this consistency of purpose than in our consideration, enactment and oversight of laws governing campaign finance.

We are, after all, candidates, and also party leaders, directly affected, in our own campaigns and political activities, by the operation of the Federal Election Campaign Act. Few laws that we pass as elected officials more acutely raise the spector of conflict of interest—that we might structure rules and encourage enforcement policies designed more to serve our own interests than the public interest.

Why would the public not be suspicious, observing our failure session-after-session to enact comprehensive campaign finance reform?

Now our Republican colleagues would like the Senate to confirm Mr. Smith. He comes to them highly recommended by those who would oppose meaningful controls on campaign finance. And he has earned the respect of those in the forefront of the fight against reform.

Why? Because he believes that "the most sensible reform . . . is repeal of the Federal Election Campaign Act." Because he believes that most of the problems we have faced in controlling political money have been "exacerbated or created by the Federal Election Campaign Act." Because he believes that the federal election law is "profoundly undemocratic and profoundly at odds with the First Amendment." And because—and I quote again—"people should be allowed to spend whatever they want."

This is the man our colleagues on the other side of the aisle would like us to seat on the Federal Election Commission, charged with the enforcement of the very laws he believes are undemocratic and should be repealed.

This is not just asking the fox to guard the chicken coop. It is inviting the fox inside and locking the door behind him.

What would be better calculated to promote and spread public cynicism about our commitment to campaign finance reform—indeed, cynicism about our commitment to responsible enforcement of the law already on the books—than confirmation of this nominee?

In considering this nomination, we are bound by the law we passed that speaks specifically to the qualifications required of an FEC Commissioner. That law states that Commissioners should be "chosen on the basis of their experience, integrity, impartiality and good judgment."

Certainly a fair, and in my view fatal, objection could be raised to the Smith nomination on the grounds that he lacks the prerequisite quality of "impartiality." He would be asked, as a Commissioner, to apply the law evenhandedly, in accord with our intent, without regard to his own opinions about the wisdom of the legislative choice we have made. Yet Mr. Smith has made his academic and journalistic reputation out of questioning that choice.

How will he reconcile that conflict, between his strongly held views and ours, in the often difficult cases the FEC must decide? When the Commission must enforce our contribution and spending limits, what degree of impartiality can be expected of a Commissioner who believes, in his words, that "people should be allowed to spend whatever they want on politics"?

I am concerned, too, about the requirement of judgment. For Mr. Smith has insisted for years that the Federal campaign finance laws are an offense against the First Amendment of the Constitution, undemocratic and in need of repeal. The Supreme Court has held in clear terms to the contrary.

Perhaps Mr. Smith imagined that the Court's jurisprudence had changed. If so, he is seriously mistaken, as made plain by the Court's decision only weeks ago in the Shrink Missouri PAC decision effectively to affirm Buckley v. Valeo.

A commissioner who neither understands nor acknowledges the constitutional law of the land is poorly equipped to balance real First Amendment guarantees against real Congressional authority to limit campaign spending in the public interest. This is particularly true where he questions our laws, not merely on constitutional grounds, but on the sweeping claim that they are undemocratic.

Mr. Smith is an energetic advocate for his views. We can respect his wish to express those views, and some indeed may agree with them. But this nomination places at issue whether he is the proper choice to act not as warrior in his own cause, but as agent of the public, as a faithful, impartial administrator of the law.

I must conclude that he is not the right choice, not even close, and so I will oppose that nomination, and I will vote against confirmation.

I yield the floor.

ADVANCE NOTICE OF PROPOSED RULEMAKING

Mr. THURMOND. Mr. President, pursuant to Section 304(b) of the Congressional Accountability Act of 1995 (2 U.S.C. sec. 1384(b)), an advance notice of proposed rulemaking was submitted by the Office of Compliance, U.S. Congress. The notice relates to regulations under the Veterans Employment Opportunities Act of 1998, which affords to covered employees of the legislative branch the rights and protections of selected provisions of veterans' preference law.

Section 304(b) requires this notice to be printed in the CONGRESSIONAL RECORD; therefore, I ask unanimous consent that the notice be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE VETERANS EMPLOYMENT OPPORTUNITIES ACT OF 1998: EXTENSION OF RIGHTS AND PROTECTIONS RELATING TO VETERANS' PREFERENCE UNDER TITLE 5, UNITED STATES CODE, TO COVERED EMPLOYEES OF THE LEGISLATIVE BRANCH—ADVANCE NOTICE OF PROPOSED RULEMAKING

SUMMARY

The Board of Directors of the Office of Compliance ("Board") invites comments from employing offices, covered employees, and other interested persons on matters arising from the issuance of regulations under section 4(c)(4) of the Veterans Employment Opportunities Act of 1998 ("VEO"), Pub.L. 105–339, 112 Stat. 3186, codified at 2 USC §1316a.

The provisions of section 4(c) will become effective on the effective date of the Board regulations authorized under section 4(c)(4). VEO §4(c)(6). Section 4(c)(4) of the VEO directs the Board to issue regulations to implement section 4. Section 304 of the Congressional Accountability Act of 1995 ("CAA"), Pub. L. 104–1, 109 Stat. 3, prescribes the procedure applicable to the issuance of substantive regulations by the Board. Upon initial review, the Board has concerns that a plain reading of VEO may yield regulations that are the same as the regulations of the executive branch yet provide veterans' preference rights and protections to no currently "covered employee" of the legislative branch. If that is the case, questions arise over the nature and scope of the Board's authority to modify the regulations in order to achieve a more effective implementation of veterans' preference rights and protections to "covered employees."

The Board issues this Advance Notice of Proposed Rulemaking ("ANPR") to solicit comments from interested individuals and groups in order to encourage and obtain participation and information in the development of regulations.

Dates: Interested parties may submit comments within 30 days after the date of publication of this Advance Notice in the Congressional Record.

Addresses: Submit written comments (an original and 10 copies) to the Chair of the Board of Directors, Office of Compliance, Room LA 200, John Adams Building, 110 Second Street, S.E., Washington, DC 20540–1999. Those wishing to receive notification of receipt of comments are requested to include a self-addressed, stamped post card. Comments may also be transmitted by facsimile machine to (202) 426–1913. This is not a toll-free call. Copies of comments submitted by the public will be available for review at the Law Library Reading Room, Room LM–201, Law Library of Congress, James Madison Memorial Building, Washington, DC, Monday through Friday, between the hours of 9:30 a.m. and 4:00 p.m. For further information contact: Executive Director, Office of Compliance at (202) 724–9250. This notice is also available in the following formats: large print, Braille, audiotape, and electronic file on computer disk. Requests for this notice in an alternative format should be made to Mr. Rick Edwards, Director, Central Operations Department, Office of the Senate Sergeant at Arms, (202) 224–2705.

BACKGROUND

The Veterans Employment Opportunity Act of 1998[1] "strengthen[s] and broadens"[2] the rights and remedies available to military veterans who are entitled, under the Veterans' Preference Act of 1944[3](and its amendments), to preferred consideration in appointment to the federal civil service of the executive branch and in retention during reductions in force ("RIFs"). In addition, and most relevant to this ANPR, VEO affords to "covered employees" of the legislative branch (as defined by section 101 of the CAA (2 USC §1301)) the rights and protections of selected provisions of veterans' preference law. VEO §4(c)(2). The selected statutory sections made applicable to such legislative branch employees by VEO may be summarized as follows.

A definitional section prescribes the categories of military veterans who are entitled to preference ("preference eligible"). 5 USC §2108. Generally, a veteran must be disabled or have served on active duty in the Armed Forces during certain specified time periods or in specified military campaigns to be entitled to preference. In addition, certain family members (mainly spouses, widow[er]s, and mothers) of preference eligible veterans are entitled to the same rights and protections.

In the appointment process, a preference eligible individual who is tested or otherwise numerically evaluated for a position in the competitive service is entitled to have either 5 or 10 points added to his/her score, depending on his or her military service, or disabling condition. 5 USC §3309. Where experience is a qualifying element for the job, a preference eligible individual is entitled to credit for having relevant experience in the military or in various civic activities. 5 USC §3311. Where physical requirements (age, height, weight) are a qualifying element, preference eligible individuals (including those who are disabled) may obtain a waiver of such requirements in certain circumstances. 5 USC §3312. For certain positions in the competitive service (guards, elevator operators, messengers, custodians), only preference eligible individuals can be considered for hiring, unless no one else is available. 5 USC §3310.

Finally, in prescribing retention rights during RIFs, the sections in subchapter I of chapter 35 of Title 5, USC, with a slightly modified definition of "preference eligible," require that employing agencies give "due effect" to the following factors: (a) employment tenure (i.e., type of appointment); (b) veterans' preference; (c) length of service; and, (d) performance ratings. 5 USC §§3501, 3502. Such considerations also apply where RIFs occur in connection with a transfer of agency functions from one agency to another. 5 USC §3503. In addition, where physical requirements (age, height, weight) are a qualifying element for retention, preference eligible individuals (including those who are disabled) may obtain a waiver of such requirements in certain circumstances. 5 USC §3504.

Section 4(c)(4)(A) of the VEO authorizes the Board of Directors of the Office of Compliance established under the CAA to issue regulations to implement section 4(c) of the VEO pursuant to the rulemaking procedures of section 304 of the CAA, 2 USC §1384. Pursuant to that authority, the Board invites comments before promulgating proposed rules under section 4 of the VEO.

Section 4(c)(4)(B) of the VEO specifies that these regulations "shall be the same as substantive regulations (applicable with respect to the executive branch) promulgated to implement . . . [the referenced statutory provisions] . . . except to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section." Section 4(c)(4)(C) further states that the "regulations issued under subparagraph (A) shall be consistent with section 225 of the Congressional Accountability Act of 1995 (2 USC §1361)."

INTERPRETATIVE ISSUES

The Board has identified and reviewed the regulations issued by the Office of Personnel Management (OPM) to implement the relevant provisions of the veterans' preference laws. These regulations are integrated into the body of personnel regulations in Title 5 of the Code of Federal Regulations (CFR) issued by OPM under its authority to oversee and regulate civilian employment in the executive branch. See 5 USC §§1103, 1104, 1301, 1302. The Board's review has raised a number of interpretative issues concerning the identity of legislative branch employees affected by the statute and regulations; potential legal and factual bases, if any, for modification of the regulations; and the scope of the Board's statutory authority to promulgate certain of the regulations in place in the executive branch. Before discussing those issues, the Board summarizes below the pertinent executive branch regulations which implement the statutory sections of veterans' preference law made applicable to covered legislative branch employees by VEO.

5 CFR Part 211 implements the definitional section, 5 USC §2108, declaring the requirements that a military veteran or his family member must meet to be considered "preference eligible."

5 CFR §332.401 and §337.101 implement 5 USC §3309 which, in the appointment process, requires that a preference eligible individual who is tested or otherwise numerically evaluated for a position in the competitive service is entitled to have either 5 or 10 points added to his/her score.

5 CFR §337.101 also implements 5 USC §3311, which provides that, where experience is a qualifying element for the job, a preference eligible individual is entitled to credit for having relevant experience in the military or in various civic activities.

Subpart D of Part 330, 5 CFR, implements 5 USC §3310, which restricts to preference eligible individuals the positions of guards, elevator operators, messengers, and custodians in the competitive service.

5 CFR §339.204 and §339.306 implement 5 USC §3312, which provides that, where physical requirements (age, height, weight) are a qualifying element for an examination or appointment in the competitive service, preference eligible individuals (including those who are disabled) may obtain a waiver of such requirements in certain circumstances.

Finally, Part 351 of 5 CFR implements those provisions of subchapter I of chapter 35 of 5 USC, which prescribe retention rights during RIFs, including those instances where an agency function is transferred to another agency.

First. The statutory rights and protections that are applicable under VEO envision that veterans' preference is to be accorded in appointments to the "competitive service." This presents an interpretative issue for the Board in proposing regulations that "are the same" as those in the executive branch because there is a substantial question whether any covered employee, as defined by VEO §4(c)(1), encumbers a position in the "competitive service." The "competitive service," as the term is used in the relevant statutes, is not a generic term descriptive of any personnel system in which applicants vie for appointment. Rather, the competitive service is an integral, specifically defined component of the federal civil service system, in which, for over a century, appointment to employment (mainly in the executive branch) has been determined through competitive examinations.

In the competitive service, Congress has prescribed that the "selection and advancement shall be determined solely on the basis of relative ability, knowledge, and skills, after fair and open competition." 5 USC §2301(b)(1). Toward this end, Congress gave the President the authority to prescribe rules "which shall provide, as nearly as conditions of good administration warrant, for . . . open, competitive examinations for testing applicants for appointment in the competitive service . . . ." 5 USC §3304(a)(1) (emphasis supplied). In addition, OPM has been granted authority, "subject to rules prescribed by the President under this title for the administration of the competitive service, [to] prescribe rules for, control, supervise, and preserve the records of, examinations for the competitive service." 5 USC §1302(a).

In this setting, the "competitive service" has a specific meaning. Congress has enacted a three-fold definition: First, the competitive service consists of "all civil service positions in the executive branch," with exceptions for (a) positions specifically excepted from the competitive service by statute (known as the excepted service[4]); (b) positions requiring Senate confirmation, and (c) positions in the Senior Executive Service.[5] 5 USC §2102(a)(1) (A)-(C) (emphasis added). Second, the competitive service includes "civil positions not in the executive branch which are specifically included in the competitive service by statute." 5 USC §2102(a)(2). Third, the competitive service encompasses those "positions in the government of the District of Columbia which are specifically included in the competitive service by statute." 5 USC §2102(a)(3).

Arguably, the Board should take these statutory definitions into account in promulgating regulations. Under VEO, the regulations issued by the Board must be consistent with section 225 of the CAA (2 USC §1361), which in part requires as a rule of construction that, except where inconsistent with definitions and exemptions provided in the CAA, the definitions and exemptions in the laws made applicable by the CAA shall also apply. Applying this rule of construction to the foregoing definitions arguably yields the following conclusions. The first definition may not be relevant because legislative branch employees are not part of the executive branch. Similarly, the third definition may not be relevant because it pertains to employees of the government of the District of Columbia. In contrast, the second definition is arguably relevant because it includes "civil positions not in the executive branch," within which category falls the legislative branch (and the judicial branch). However, upon an initial review of those legislative offices in which "covered employees" as defined by VEO can be employed,[6] it may be that no "covered employee" in the legislative branch satisfies the qualification in the second definition that the job position be "specifically included in the competitive service by statute." Accordingly, insofar as

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Footnotes at end of article.

the statute authorizes the Board to propose substantive regulations that are the same as the regulations of the executive branch, the Board could end up proposing regulations that apply to no one.

On the other hand, VEO mirrors the rulemaking provisions of the CAA in directing the Board upon good cause shown to modify executive branch regulations if it would be more "effective for the implementation of rights and protections" made applicable to covered employees.[7] Under this approach, the statute may authorize proposing modifications of the executive branch regulations to take account of the void in competitive service positions for covered employees. In other words, if the regulations are essentially ineffective because in practice they afford rights and protections to no one, should the Board authorize modifications that make them effective by applying the rights and protections of veterans' preference laws to some arguably analogous employees? If so, as a factual and legal matter, what modifications to the regulations does the statute authorize?

Second. While the applicable statutory appointment provisions (5 USC §§3309–3312) are directed with particularity to the competitive service, the applicable statutory retention provisions (5 USC chapter 35, subchapter I) with one exception are not. Section 3501(b) states that subchapter I "applies to each employee in or under an Executive agency," without singling out the competitive service for specific coverage. Only §3504, which provides for waiver of physical requirements (including age, height, weight) for job retention purposes, is directed specifically to competitive service positions. Nonetheless, OPM has written major portions of the implementing regulations (found principally in 5 CFR Part 351) in terms of the competitive service and the excepted service. See, e.g., 5 CFR §351.501 (order of retention for competitive service), §351.502 (order of retention for excepted service). Were the Board simply to propose regulations that are the same as the executive branch's without modifications, there may not be any covered employees in the legislative branch who are in the competitive service or the excepted service, as defined by statute and regulation. Therefore, once again the issue of whether the statute authorizes a modification of these regulations arises.

Third. A survey of the regulations indicates that some of the rules promulgated by OPM[8] derive not from the statutory sections concerning veteran's preference that have been made applicable to the legislative branch through VEO but from OPM's overarching statutory authority to regulate and supervise civilian employment policies and practices in the executive branch pursuant to 5 USC §§1302–04. This latter supervisory authority arguably has not been bestowed upon the Board with respect to personnel management in the legislative branch. Therefore, a question is presented whether the Board's authority over veterans' preference is coextensive with OPM's authority to regulate personnel management in the executive branch. The Board must identify what parts of the veterans' preference regulations are an exercise of OPM's supervisory authority that arguably has not been bestowed upon the Board with respect to personnel management in the legislative branch, or determine that the statute authorizes the Board to exercise authority coextensive with OPM's authority to promulgate regulations governing the statutory sections made applicable through VEO.

Fourth. There is some indication that the Senate Committee on Veterans' Affairs was aware of the problem of applying the rights and protections of veterans' preference, including the regulations, to the legislative branch. The Senate Committee Report that accompanied the VEO bill included the following comment: "The Committee notes that the requirement that veterans' preference principles be extended to the legislative and judicial branches does not mandate the creation of civil service-type evaluation or scoring systems by these hiring entities. It does require, however, that they create systems that are consistent with the underlying principles of veterans' preference laws."[9] But in enacting the legislation Congress took no further steps to codify this precatory statement nor did it (or the Committee) provide any explanation of the intent of this highly general comment.[10] Therefore, the question is presented whether the statute requires the creation of "systems that are consistent with the underlying principles of veterans' preference laws"? If so, how is this to be effectuated? If not, what effect if any does this Committee comment have?

Fifth. By virtue of the selectivity with which Congress made veterans' preference laws applicable, there are regulations relating to veterans' preferences in Title 5 CFR that are not being considered because they are linked to statutory provisions not made applicable by VEO. Examples include regulations in Part 302 pertaining to the excepted service,[11] which were promulgated to implement 5 USC §3320; those regulations in Part 332 that implement 5 USC §3314 and §3315, which afford rights to preference eligible individuals who either have resigned or have been separated or furloughed without delinquency or misconduct; and those regulations in Subpart D of Part 315 that implement 5 USC §3316, which addresses the reinstatement rights of preference eligible individuals. The task of promulgating regulations that are the "same" as those of the executive branch will entail in part identifying and excluding those whose statutory underpinning has not been made applicable by VEO to the legislative branch.

REQUEST FOR COMMENT

In order to promulgate regulations that properly fulfill the directions and intent of these statutory provisions, especially in light of the foregoing analysis, the Board needs comprehensive information and comment on a variety of topics. The Board has determined that, before publishing proposed regulations for notice and comment, it will provide all interested parties and persons with this opportunity to submit comments, with supporting data, authorities and argument, as to the content of and bases for any proposed regulations. The Board wishes to emphasize, as it did in the development of the regulations issued to implement sections 202, 203, 204, 205, and 220 of the CAA, that commentors who propose a modification of the regulations promulgated by OPM for the executive branch, based upon an assertion of "good cause," should provide specific and detailed information and the rationale necessary to meet the statutory requirements for good cause to depart from the executive branch's regulations. It is not enough for commentors simply to propose a revision to the executive branch's regulations or to request guidance on an issue; rather, if commentors desire a change in the executive branch's regulations, they must explain the legal and factual basis for the suggested change. The Board must have these explanations and information if it is to be able to evaluate proposed regulations and make proposed regulatory changes. Failure to provide such information and authorities will greatly impede, if not prevent, adoption of proposals suggested by commentors.

So that it may make more fully informed decisions regarding the promulgation and issuance of regulations, in addition to inviting and encouraging comments on all relevant matters, the Board specifically requests comments on the following issues:

(1) What positions, if any, of the legislative branch encumbered by "covered employees" (as defined by §4(c)(1) of VEO) fall within the meaning of the "competitive service" as the latter term is used in 5 USC §§3309–3312?

(2) In the absence of any such "competitive service" positions in the legislative branch, what, if any, positions held by "covered employees" are subject to a merit-based system of appointment (which may include examinations, testing, evaluation, scoring and such other elements that are common to the "competitive service" of the executive branch)?

(3) Does VEO authorize the Board to extend the rights and protections of veterans' preference for purposes of appointment to those positions identified in (2) above notwithstanding they are not technically "competitive service" positions?

(4) In order to provide for effective implementation of veterans' preference rights, could the Board, under the "good cause" provision of §4(c)(4)(B) of VEO, modify the most relevant substantive regulations of the executive branch pertaining to veterans' preference in the appointment of "covered employees" so as to make them applicable to the legislative branch without reference to the "competitive service"?

(5) How would the rights and protections of subchapter I of chapter 35, Title 5 USC (pertaining to retention during RIFs), be applied to "covered employees" (as defined by §4(c)(1) of VEO)?

(6) Does VEO authorize the Board to extend the rights and protections of veterans' preference for purposes of retention during reductions in force to "covered employees" holding positions that are not technically within the "competitive service" or the "excepted service"?

(7) In order to provide for effective implementation of veterans' preference rights, could the Board, under the "good cause" provision of §4(c)(4)(B) of VEO, modify the most relevant substantive regulations of the executive branch pertaining to veterans' preference in the retention of "covered employees" during reductions in force so as to make them applicable to the legislative branch without reference to the "competitive service" or the "excepted service"?

(8) In view of the fact that VEO does not explicitly grant the Board the authority exercised by OPM under 5 USC §1103, §1104, §1301 and §1302 to execute, administer, and enforce the federal civil service system, does the Board have the authority to propose regulations that would vest the Board with responsibilities similar to OPM's over employment practices involving covered employees in the legislative branch?

(9) Is the Board empowered by the statute to give effect to the comment in the legislative history that employing offices of the legislative branch should "create systems that are consistent with the underlying principles of veterans' preference laws," as discussed by the Senate Report accompanying the bill enacted as VEO (Sen. Rept. 105–340, 105th Cong., 2d Sess., at 17 (Sept. 21, 1998)? If so, how should such effect be given?

(10) Under VEO, what steps, if any, must employing offices of the legislative branch

take to "create systems that are consistent with the underlying principles of veterans' preference laws," as discussed by the Senate Report accompanying the bill enacted as VEO (Sen. Rept. 105–340 (105th Cong., 2d Sess. Sept. 21, 1998), at 17)?

(11) With respect to positions restricted to preference eligible individuals under 5 USC §3310, namely guards, elevator operators, messengers, and custodians, the Board seeks information and comment on the following issues and questions:

(a) The identity, in the legislative branch, of guard, elevator operator, messenger, and custodian positions within the meaning of these terms under 5 USC §3310.

(b) The identity of covered employing offices responsible for personnel decisions affecting employees who fill positions of guard, elevator operator, messenger, and custodian within the meaning of 5 USC §3310 and the implementing regulations.

(c) Would police officers and other employees of the United State Capitol Police be considered "guards" under the application of the rights and protections of this section to covered employees under VEO?

(d) Whether the current methods of hiring include an entrance examination within the meaning of 5 CFR §330.401 and, if not, whether the affected employing offices believe that the statute mandates the creation of such an examination and/or allows such an examination to be required of the employing offices?

(e) What changes, if any, in the regulations are required to effectuate the rights and protections of 5 USC §3310 as applied by VEO?

(12) Which executive branch regulations, if any, should not be adopted because they are promulgated to implement inapplicable statutory provisions of veterans' preference law or are otherwise inapplicable to the legislative branch?

(13) What modification, if any, of the executive branch regulations would make them more effective for the implementation of the rights and protections made applicable under VEO as provided by VEO §4(c)(4)(B)?

Signed at Washington, D.C. on this 16th day of February, 2000.

GLEN D. NAGER,
Chair of the Board,
Office of Compliance.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Madam President, at the close of business Friday, February 25, 2000, the Federal debt stood at $5,748,251,779,017.69 (Five trillion, seven hundred forty-eight billion, two hundred fifty-one million, seven hundred seventy-nine thousand, seventeen dollars and sixty-nine cents).

One year ago, February 25, 1999, the Federal debt stood at $5,620,928,000,000 (Five trillion, six hundred twenty billion, nine hundred twenty-eight million).

Fifteen years ago, February 25, 1985, the Federal debt stood at $1,695,295,000,000 (One trillion, six hundred ninety-five billion, two hundred ninety-five million).

Twenty-five years ago, February 25, 1975, the Federal debt stood at $496,984,000,000 (Four hundred ninety-six billion, nine hundred eighty-four million) which reflects a debt increase of more than $5 trillion—$5,251,267,779,017.69 (Five trillion, two hundred fifty-one billion, two hundred sixty-seven million, seven hundred seventy-nine thousand, seventeen dollars and sixty-nine cents) during the past 25 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–7714. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Adhesives and Components of Coatings and Paper and Paperboard Compounds" (Docket No. 92F–0111), received February 24, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–7715. A communication from the Board Members, Railroad Retirement Board, transmitting the justification of budget estimates for fiscal year 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–7716. A communication from the President, James Madison Memorial Fellowship Foundation, transmitting the annual report for fiscal year 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–7717. A communication from the Managing Director, Federal Housing Finance Board, transmitting, pursuant to law, the report of a rule entitled "Reorganization of Federal Housing Finance Board Regulations" (RIN3069–AA87), received February 24, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–7718. A communication from the Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Reporting and Procedures: Mandatory License Application Form for Unblocking Funds Transfers" (31 CFR 501.801), received February 23, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–7719. A communication from the Deputy Chief, National Forest System, Department of Agriculture transmitting, pursuant to law, detailed boundary maps for the East Fork Jemez and Pecos Rivers, NM; to the Committee on Energy and Natural Resources.

EC–7720. A communication from the Secretary of Energy, transmitting the "Advanced Automotive Technologies" annual report for fiscal year 1997; to the Committee on Energy and Natural Resources.

EC–7721. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the OMB cost estimate for pay-as-you-go calculations; to the Committee on the Budget.

EC–7722. A communication from the Assistant Secretary, Indian Affairs, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "25 CFR part 170, Distribution of Fiscal Year 2000 Indian Reservation Roads Funds" (RIN1076–AD99), received February 24, 2000; to the Committee on Indian Affairs.

EC–7723. A communication from the Assistant Attorney General, Office of Justice Programs transmitting, pursuant to law, the report of a rule entitled "Timing of Police Corps Reimbursement of Educational Expenses" (RIN1121–AA50), received February 24, 2000; to the Committee on the Judiciary.

EC–7724. A communication from the Assistant Attorney General, Legislative Affairs transmitting a draft of proposed legislation to amend the Inspector General Act; to the Committee on the Judiciary.

FOOTNOTES

[1] Pub. L. 105–339 (Oct. 31, 1998).

[2] Sen. Rept. 105–340, 105 Cong., 2d Sess. at 19 (Sept. 21, 1998).

[3] Act of June 27, 1944, ch. 287, 58 Stat. 387, amended and codified in various provisions of Title 5, USC.

[4] Generally, these are positions that are excepted by law, by executive order, or by the action of OPM placing a position or group of positions in what are known as excepted service Schedules A, B, or C. For example, certain entire agencies such as the Postal Service, the Federal Bureau of Investigation, and the Central Intelligence Agency are excepted by law. In other cases, certain jobs or classes of jobs in an agency are excepted by OPM. 5 CFR Part 213. This includes attorneys, chaplains, student trainees, and others.

[5] These generally are high-level, managerial positions in the executive department whose appointment does not require Senate confirmation. See 5 USC §3123 (a)(2), which defines the term "Senior Executive Service position."

[6] The definition of "covered employee" under section VEO §4(c)(1) has the same meaning as the term under section 101 of the CAA, 2 USC §1302, which includes any employee of the House of Representatives, the Senate, the Capitol Guide Service, the Capitol Police, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, the Office of Compliance, or the Office of Technology Assessment. Under VEO §4(c)(5), the following employees are excluded from the term "covered employee": (A) presidential appointees confirmed by the Senate, (B) employees appointed by a Member of Congress or by a committee or subcommittee of either House of Congress, and (C) employees holding positions the duties of which are equivalent to those in Senior Executive Service.

[7] Compare VEO §4(c)(3)(B) with CAA §§202(d)(2), 203(c)(2), 204(c)(2), 205(c)(2), 206(c)(2), 210(e)(2), 215(d)(2), 220(d)(2)(A).

[8] See, e.g. 5 CFR §351.205 ("The Office of Personnel Management may establish further guidance and instructions for planning, preparation, conduct and review of reductions in force through the Federal Personnel Manual System. OPM may examine an agency's preparations for reduction in force at any stage.").

[9] Sen. Rept. 105-340, 105 Cong., 2d Sess. at 17 (Sept. 21, 1998).

[10] Compare Administrative Office of the United States Courts Personnel Act of 1990, Pub. L. 101–474, 104 Stat. 1097, §3. Individuals in this office of the judicial branch are afforded the right to veterans' preference "in a manner and to an extent consistent with preference accorded to preference eligibles in the executive branch." §3(a)(11). However, the Congress also empowered the Director the Administrative Office to establish by regulation a personnel management system that parallels many of the features of the executive branch's personnel system regulated by OPM. VEO contains no comparable provisions giving similar powers to the Board or any other legislative branch entity.

[11] For a description of the "excepted service," see note 4 *infra*.

EC-7725. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting a report relative to the Chemical Weapons Convention Implementation Act of 1998; to the Committee on Foreign Relations.

EC-7726. A communication from the Assistant Secretary for Planning and Analysis, Department of Veterans Affairs, transmitting a draft of proposed legislation entitled "Veterans' Compensation Cost-of-Living Adjustment Act of 2000"; to the Committee on Veterans' Affairs.

EC-7727. A communication from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury transmitting, pursuant to law, the report of a rule entitled "Importation of Chemicals Subject to the Toxic Substances Control Act" (RIN1515-AC04), received February 24, 2000; to the Committee on Finance.

EC-7728. A communication from the Commissioner of Social Security, transmitting a draft of proposed legislation relative to Social Security; to the Committee on Finance.

EC-7729. A communication from the Administrator, Risk Management Agency, Department of Agriculture transmitting, pursuant to law, the report of a rule entitled "Common Crop Insurance Regulations; Forage Production Crop Provisions; and Forage Seeding Crop Provisions", received February 24, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7730. A communication from the Administrator, Risk Management Agency, Department of Agriculture transmitting, pursuant to law, the report of a rule entitled "General Administrative Regulations, Subpart-L Reinsurance Agreement-Standards for Approval; Regulations for the 1997 and Subsequent Reinsurance Years", received February 24, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7731. A communication from the Secretary of Defense, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC-7732. A communication from the Executive Director, Committee for Purchase from People who are Blind or Severely Disabled, transmitting, pursuant to law, the report of a rule relative to additions to the Procurement List, received February 24, 2000; to the Committee on Governmental Affairs.

EC-7733. A communication from the Director, Office of Administration, Executive Office of the President, transmitting, pursuant to the Federal Manager's Financial Integrity Act, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC-7734. A communication from the Chief Financial Officer, Export-Import Bank, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 1999, through September 30, 1999; to the Committee on Governmental Affairs.

EC-7735. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-225, "Government Employer-Assisted Housing Amendment Act of 1999"; to the Committee on Governmental Affairs.

EC-7736. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-262, "Transfer of Jurisdiction over Georgetown Waterfront Park for Public and Recreational Purposes, S.O. 84-230, Temporary Act of 1999"; to the Committee on Governmental Affairs.

EC-7737. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-250, "Department of Health Functions Clarification Temporary Act of 1999"; to the Committee on Governmental Affairs.

EC-7738. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-254, "District of Columbia Housing Authority Act of 1999"; to the Committee on Governmental Affairs.

EC-7739. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-256, "Retail Electric Competition and Consumer Protection Act of 1999"; to the Committee on Governmental Affairs.

EC-7740. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Hurricane Floyd Property Acquisition and Relocation Grants; 65 FR 7270; 02/11/2000", received February 17, 2000; to the Committee on Environment and Public Works.

EC-7741. A communication from the Assistant Administrator, Office of Administration and Resources Management, Environmental Protection Agency, transmitting, pursuant to law, a report relative to the designation of an Acting Deputy Administrator and the nomination of a Deputy Administrator; to the Committee on Environment and Public Works.

EC-7742. A communication from the Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Endangered Status for the Armored Snail and Slender Campeloma" (RIN1018-AF29), received February 18, 2000; to the Committee on Environment and Public Works.

EC-7743. A communication from the Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Delisting of the Dismal Swamp Southeastern Shrew", received February 22, 2000; to the Committee on Environment and Public Works.

EC-7744. A communication from the Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for the 'Sylvilagus bachmani riparius' (riparian Brush Rabbit) and 'Neotoma fuscipes Riparia' (riparian or San Joaquin Valley woodrat)" (RIN1018-AE40), received February 16, 2000; to the Committee on Environment and Public Works.

EC-7745. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled "Use of Collected PM2.5 Data and Parameter Occurrence Codes"; to the Committee on Environment and Public Works.

EC-7746. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled "Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities; State of California's Authorization Application"; to the Committee on Environment and Public Works.

EC-7747. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled "Limited Request for Pre-Proposals Pilot Projects on Improved Drinking Water Management and Source Protection in Honduras"; to the Committee on Environment and Public Works.

EC-7748. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled "Placement of Proceeds from CERCLA Settlements in Special Accounts"; to the Committee on Environment and Public Works.

EC-7749. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Indiana" (FRL # 6538-5), received February 15, 2000; to the Committee on Environment and Public Works.

EC-7750. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Tennessee: Approval of 111(d) Plan for Municipal Solid Waste Landfills in Knox County" (FRL # 6539-6), received February 15, 2000; to the Committee on Environment and Public Works.

EC-7751. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans: Indiana" (FRL # 6538-5), received February 15, 2000; to the Committee on Environment and Public Works.

EC-7752. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Volatile Organic Compound Emission Standards for Architectural Coatings" (FRL # 6539-2), received February 15, 2000; to the Committee on Environment and Public Works.

EC-7753. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Technical Amendment: Requirements for Preparation, Adoption, and Submittal of State Implementation Plans" (FRL # 6540-1), received February 15, 2000; to the Committee on Environment and Public Works.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-416. A resolution adopted by the Council of the Borough of Ship Bottom, NJ relative to the disposal of dredge materials at the Mud Dump site; to the Committee on Environment and Public Works.

POM-417. A petition from a citizen of the District of Columbia relative to the District of Columbia Housing Authority Act of 1999; to the Committee on Governmental Affairs.

POM-418. A resolution adopted by the National Conference of Insurance Legislators Executive Committee relative to the Federalism Act; to the Committee on Governmental Affairs.

POM-419. A resolution adopted by the Municipal Assembly of San Juan, PR relative to Vieques, PR; to the Committee on Armed Services.

RESOLUTION 35

Whereas, The Municipal Assembly of San Juan approved a resolution the 29 of April of 1999 requiring the United States Navy to cease immediately and permanently all military practices, bombardments and exercises in Vieques, as well as their total withdrawal from that island, returning to the people of Puerto Rico the lands that the Navy now occupies.

Whereas, The Assembly recognizes that the military practices, exercises, and bombardments in Vieques and its surroundings have been continuous during the last 50 years, affecting the 9,300 residents of that Municipality negatively;

Whereas, In addition to the continuous threat to the safety, health and human life that these military exercises mean in Vieques, they have had a harmful effect on the environment as a whole and in particular, on marine life and the natural beauty of this island.

Whereas, In an historical effort of solidarity regarding the suffering of the people of Vieques, the political, religious, and civic leadership of Puerto Rico, came together with the purpose of calling for the immediate cease of all military exercises by the Navy on soil and beaches of Vieques and for the unconditional and immediate exit of the Navy from this island-municipality, and hereby petition President, Hon. William Jefferson Clinton to that effect.

Whereas, The Mayor of San Juan, Hon. Sila M. Calderón, has made a particular effort to this effect as have other Puerto Rican leaders in Puerto Rico and in the United States.

Whereas, President Clinton has received pressures from the Pentagon and certain congressional leaders favoring the permanency of the Navy on Vieques, and has disappointed the people of Puerto Rico who had placed their hope in him. President Clinton emitted a decision, which permits the Navy to continue with their war exercises in Vieques for approximately five years. This decision does not establish a specific date for the absolute and total exit of the Navy from Vieques.

Whereas, The action taken by President Clinton is unacceptable to this City Council, as it is for all the Puerto Rican people who are allied in brotherhood with the people of Vieques: Now, therefore, be it

Resolved by the San Juan City Council:

Section 1, To express strong rejection of the President of the United States, Hon. William Jefferson Clinton's decision on the case of Vieques; to support the actions accomplished by the Puerto Rican leadership and in particular by the people of Vieques, for the Navy to leave that territory as soon as possible without imposing conditions; to support the negotiations of the Mayor of San Juan, Hon. Sila M. Calderón, in connection with this matter; and to urge the members of congress and elected officials of New York and other states to join the people of Puerto Rico in this effort.

Section 2, To send a copy of this resolution, duly translated to the English Language, to the President of the United States, Hon. William Jefferson Clinton; to the Congress, and to the press.

Section 3, This resolution will come into effect immediately after its approval.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. GRAMM (for himself, Mr. Grams, Mr. Schumer, and Mr. Mack):

S. 2107. A bill to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to reduce securities fees in excess of those required to fund the operations of the Securities and Exchange Commission, to adjust compensation provisions for employees of the Commission, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. TORRICELLI:

S. 2108. A bill to provide for disclosure of fire safety standards and measures with respect to campus buildings, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. TORRICELLI:

S. 2109. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to require local educational agencies and schools to implement integrated pest management systems to minimize the use of pesticides in schools and to provide parents, guardians, and employees with notice of the use of pesticides in schools, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KYL:

S. 2110. A bill to amend title XVIII of the Social Security Act to provide for payment of claims by health care providers against insolvent Medicare+Choice Organizations, and for other purposes; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2111. A bill to direct the Secretary of Agriculture to convey for fair market value 1.06 acres of land in the San Bernardino National Forest, California, to KATY 101.3 FM, a California corporation; to the Committee on Energy and Natural Resources.

By Mr. TORRICELLI (for himself, Mr. Jeffords, Mrs. Murray, Mr. Kerry, and Ms. Landrieu):

S. 2112. A bill to provide housing assistance to domestic violence victims; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ASHCROFT (for himself, Mr. Abraham, Mr. Grassley, Mr. Santorum, Mr. Hutchinson, Mr. Smith of New Hampshire, and Mr. Grams):

S. Res. 263. A resolution expressing the sense of the Senate that the President should communicate to the members of the Organization of Petroleum Exporting Countries ("OPEC") cartel and non-OPEC countries that participate in the cartel of crude oil producing countries, before the meeting of the OPEC nations in March 2000, the position of the United States in favor of increasing world crude oil supplies so as to achieve stable crude oil prices; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KYL:

S. 2110. A bill to amend title XVIII of the Social Security Act to provide for payment of claims by health care providers against insolvent Medicare+Choice Organizations, and for other purposes; to the Committee on Finance.

BANKRUPTCY OF PREMIER HMO

Mr. KYL. Mr. President, I rise to bring to the attention of the Senate a serious problem facing many thousands of Medicare beneficiaries in Arizona. On November 16, 1999, Premier Health Care of Arizona went into receivership. The health care of more than 20,000 Medicare beneficiaries who were enrolled in Premier has been affected by this solvency.

Since Premier Medicare HMO was placed in receivership, I have been advised that some non-contract providers—providers outside of the HMO network—have asserted that Medicare beneficiaries are personally liable for unpaid claims and have referred the outstanding claims to collection agencies.

These unpaid claims—some of which may date back more than six months and amount to significant sums of money—have made it difficult for many contract and non-contract providers to continue to provide care to Medicare beneficiaries. Because Premier operated in a largely rural area where few alternative providers were accessible, this has created a dire health-care delivery situation for Medicare beneficiaries.

Mr. President, today I introduce legislation that addresses the Arizona situation, as well as future Medicare+Choice insolvencies, wherever they may occur. This legislation mandates that, after a Medicare+Choice goes into receivership, the receiver—in this case, the state insurance commissioner—may apply to the Secretary of HHS for payment of all valid, unpaid provider claims for items or services furnished to Medicare enrollees before the date the receiver was appointed.

Contract providers will be paid at their contract rate, while non-contract providers will be paid for the "reasonable cost" of the covered item or service. Amounts needed to make these payments will be paid out of the Part A or Part B trust fund, as is appropriate based on which fund would have paid the claim on a fee-for-services basis.

To recover these amounts paid to providers, the bill establishes that HCFA will become a creditor of the receivership estate and assumes the priority position of the respective providers it has paid.

The bill also mandates that Medicare+Choice enrollees may not be held liable to contract or non-contract providers for any claims that are unpaid by the Medicare+Choice organization.

While the regulation of state-licensed Medicare+Choice organizations is primarily a state responsibility, the Medicare law makes clear that the Secretary of Health and Human Services and the administrator of HCFA have an ongoing "responsibility to ensure that it (HCFA) contracts only with fiscally-sound Medicare+Choice organizations."

To this end, Section 1857(d) gives the Secretary the right to audit and inspect any books and records that pertain either to the ability of the Medicare HMO to bear the risk of potential financial loss, or to the quality and timeliness of services provided for Medicare beneficiaries. See 42 CFR 422.502, 516 and 552.

My bill strengthens current law and regulation by requiring that, once HCFA determines that a Medicare+Choice organization may not be able to bear the risk of financial losses, the Secretary must promptly notify the appropriate state officials and provide those officials with the information on which that determination is based.

The bill also strengthens current law by requiring that, when Medicare+Choice organizations fail to provide prompt payments to providers, the Secretary must pay providers directly. Under my bill, if the Medicare+Choice plan fails to provide prompt payment of 10 percent of claims submitted for services and supplies furnished to enrollees within 60 days of the date on which the claim was submitted, the Secretary must pay contract and non-contract providers directly—there is no discretion as there is in current law.

To avoid a repeat of this problem with other carriers in the future, the bill requires that Medicare+Choice organizations post a surety bond of no less than $500,000, as well as meet any additional requirements related to bonding or escrow accounts that the Secretary deems necessary. The bond requirement may be waived if a comparable surety bond is required under state law.

Mr. President, this legislation will enable the government to fulfill its promise to those seniors who have chosen to receive their Medicare coverage through a Medicare+Choice organization. It will prevent seniors from being billed for covered services and providers from losing large sums in unpaid bills.

If providers aren't paid, many may be unwilling—or unable—to continue providing care. If quality care is not available through experienced providers, or if seniors are the subject of legal action for the bills of insolvent Medicare+Choice organizations, beneficiaries will lose confidence in the Medicare+Choice programs, and ultimately, in Medicare fee-for-service as well. We simply can't let that happen.

The Congress must ensure that providers are paid and Medicare beneficiaries are protected. This is a commitment we have made to seniors—it is a commitment we must fulfill.

By Mrs. FEINSTEIN:

S. 2111. A bill to direct the Secretary of Agriculture to convey for fair market value 1.06 acres of land in the San Bernardino National Forest, California to KATY 101.3 FM, a California corporation; to the Committee on Energy and Natural Resources.

LAND CONVEYANCE TO KATY

Mrs. FEINSTEIN. Mr. President. I am pleased to introduce this bill today to assist Katy Gill, the owner of KATY radio, a station broadcasting out of a one acre parcel of the San Bernardino Forest and acting as an important public service announcement source for the residents of Idylwood, California.

KATY radio has been caught up in some unfortunate circumstances involving an antennae site that the station had at one time, been leasing from GTE. When GTE decided to move out of the area, KATY was no longer able to legally operate. This bill will allow KATY to purchase at fair market value the title to 1.06 acres of land in San Bernardino National Forest so that the station could continue broadcasting.

This legislation is supported by the Forest Service and KATY radio station listeners throughout Idylwood, California. I know of no opposition to such legislation. Representatives MARY BONO, JERRY LEWIS and DON YOUNG have introduced similar legislation in the House. I look forward to working with my colleagues in the House and the relevant Senate committee members to ensure that we address this issue before the end of the 106th Congress.

By Mr. TORRICELLI (for himself, Mr. JEFFORDS, Mrs. MURRAY, Mr. KERRY, and Ms. LANDRIEU):

S. 2112. A bill to provide housing assistance to domestic violence victims; to the Committee on Banking, Housing, and Urban Affairs.

THE DOMESTIC VIOLENCE AND SEXUAL ASSAULT VICTIM'S HOUSING ACT

• Mr. TORRICELLI. Mr. President, I rise with my colleagues Senator JEFFORDS, Senator LANDRIEU, Senator MURRAY, and Senator KERRY to introduce "The Domestic Violence and Sexual Assault Victim's Housing Act of 2000." This legislation provides funding for shelter assistance to women and children fleeing domestic violence, stalking, and sexual assault. Due to the fact that domestic violence victims often have no safe place to go and financial obstacles make it difficult to rebuild lives, this funding is needed to help support a continuum between emergency shelter and independent living.

In my home state of New Jersey, one act of domestic violence occurs approximately every six minutes and thirty-seven seconds. Nationally, it is estimated that a woman is beaten every fifteen seconds. Yet, many individuals and families fleeing domestic violence are forced to return to their abusers because of inadequate shelter or lack of money. Half of all homeless women and children are fleeing domestic violence. Even if they leave their abusers to go to a shelter, they often return home because the isolation from familiar surroundings, friends, and neighborhood resources makes them feel even more vulnerable. Shelters and transitional facilities are often located far from a victim's neighborhood. And, if emergency shelter is available, a supply of affordable housing and services are needed to keep women from having to return to a violent home.

The issue of homelessness for battered women goes beyond the ability to find a space in a domestic violence shelter. Because women escaping abusers often leave suddenly, they often have no money saved for a security deposit and first month's rent. This is especially problematic in New Jersey as rents are so expensive. New Jersey is the second most expensive state in the nation to rent a two-bedroom apartment and 45 percent of all New Jersey renters cannot afford the State's average rent for a two-bedroom apartment. And, many battered women may have to leave their jobs because of workplace stalking by their abusers. Women who leave violent situations often incur additional expenses as they must purchase clothing, cookware, and furniture. The lack of financial security hinders their ability to secure safe, decent, and affordable housing for themselves and their families.

This is why Senator's JEFFORDS, LANDRIEU, MURRAY, KERRY and I are introducing "The Domestic Violence and Sexual Assault Victim's Housing Act of 2000." Under current law, domestic violence shelters must apply for federal homeless assistance along with other organizations assisting the general homeless population. This legislation creates a specific grant targeted towards shelters providing assistance to individuals and families fleeing domestic violence, stalking, and sexual assault only. Funding is authorized through the Stewart B. McKinney Homeless Assistance Act for five years beginning at $50 million for fiscal year 2001. Non-profit, community-based housing organizations receive the funds through a competitive grant process administered by the Department of Housing and Urban Development. Groups would use the grant to provide emergency and transitional housing or direct financial assistance for rent, security deposit, and first month's rent. In addition, the legislation also requires organizations to provide a 25 percent match in funds for services such as child care, employment assistance, and healthcare. This assistance helps provide a stable home base so that those fleeing domestic violence learn new job skills, work full-time jobs, or search for adequate child care.

The Domestic Violence and Sexual Assault Victim's Housing Act of 2000 is supported by the National Coalition Against Domestic Violence and the NOW Legal Defense and Education Fund. Senators JEFFORDS, LANDRIEU, MURRAY, KERRY and I look forward to working with them and all others interested in helping us address the continuing national epidemic of domestic violence. I urge my colleagues to join us in our efforts to prevent victims of domestic violence from having to choose between violence and homelessness.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2112

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Domestic Violence and Sexual Assault Victims' Housing Act".

SEC. 2. FINDINGS.

Congress finds as follows:

(1) Housing can prevent domestic violence and mitigate its effects. The connection between domestic violence and housing is overwhelming. Of all homeless women and children, 50 percent are fleeing domestic violence.

(2) Among cities surveyed, 44 percent identified domestic violence as a primary cause of homelessness.

(3) Women's poverty levels aggravate the problems of homelessness and domestic violence. Two out of three poor adults are women. Female-headed households are six times poorer than male-headed households. In 1996, of the 7,700,000 poor families in the country, 4,100,000 of them were single female-headed households. In addition, 5,100,000 poor women who are not in families are poor.

(4) Almost 50 percent of the women who receive Temporary Assistance to Needy Families funds cite domestic violence as a factor in the need for assistance.

(5) Many women who flee violence are forced to return to their abusers because of inadequate shelter or lack of money. Even if they leave their abusers to go to a shelter, they often return home because the isolation from familiar surroundings, friends, and neighborhood resources makes them feel even more vulnerable. Shelters and transitional housing facilities are often located far from a domestic violence victim's neighborhood. While this placement may be deliberate to protect domestic violence victims from their abusers, it can also be intimidating and alienating for a woman to leave her home, community, cultural support system, and all that she knows for shelter way across town. Thus, women of color and immigrant women are less likely to become shelter residents.

(6) Women who do leave their abusers lack adequate emergency shelter options. The overall number of emergency shelter beds for homeless people is estimated to have decreased by an average of 3 percent in 1997 while requests for shelter increased on the average by 3 percent. Emergency shelters struggle to meet the increased need for services with about 32 percent of the requests for shelter by homeless families going unmet. In fact 88 percent of cities reported having to turn away homeless families from emergency shelters due to inadequate resources for services.

(7) Battered women and their children comprise an increasing proportion of the emergency shelter population. Many emergency shelters have strict time limits that require women to find alternative housing immediately forcing them to separate from their children.

(8) A stable, sustainable home base is crucial for women who have left situations of domestic violence and are learning new job skills, participating in educational programs, working full-time jobs, or searching for adequate child care in order to gain self-sufficiency. Transitional housing resources and services provide a continuum between emergency shelter provision and independent living.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

For purposes of section 4, the authorization of appropriations under section 429(a) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11389(a)) shall be increased by $50,000,000 for fiscal year 2001 and by such sums as may be necessary for fiscal years 2002 through 2005.

SEC. 4. USE OF AMOUNTS FOR HOUSING ASSISTANCE FOR VICTIMS OF DOMESTIC VIOLENCE, STALKING, OR ADULT OR CHILD SEXUAL ASSAULT.

(a) IN GENERAL.—The additional amounts to be made available by section 3 under section 429 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11389) shall be made available by the Secretary only to qualified, nonprofit, nongovernmental organizations (as such term is defined in section 5) only for the purpose of providing supportive housing (as such term is referred to in subchapter IV of part C of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11384)) and tenant-based rental assistance, financial assistance for security deposit, first month's rent, or ongoing rental assistance on behalf of individuals or families victimized by domestic violence, stalking, or adult or child sexual assault (as such terms are defined in section 5) who have left or are leaving a residence as a result of the domestic violence, stalking, or adult or child sexual assault. Each organization shall be required to supplement the assistance provided under this subsection with a 25 percent match of funds for supportive services (as such term is referred to in subchapter IV of part C of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11385)) from sources other than this subsection. Each organization shall certify to the Secretary its compliance with this subsection and shall include with the certification a description of the sources and amounts of such supplemental funds.

(b) DETERMINATION.—For purposes of subsection (a), an individual or a family victimized by domestic violence, stalking, or adult or child sexual assault shall be considered to have left or to be leaving a residence as a result of domestic violence, stalking, or adult or child sexual assault if the qualified, nonprofit, nongovernmental organization providing support, including tenant-based rental assistance, financial assistance for security deposit, first month's rent, or ongoing rental assistance under subsection (a) determines that the individual or member of the family who was a victim of the domestic violence, stalking, or adult or child sexual assault reasonably believes that relocation from such residence will assist in avoiding future domestic violence, stalking, or adult or child sexual assault against such individual or another member of the family.

(c) ALLOCATION.—Amounts made available pursuant to subsection (a) shall be allocated by the Secretary on the basis of a national competition among the qualified, nonprofit, nongovernmental organizations that submit applications to the Secretary that best demonstrate a need for such assistance, including the extent of service provided to underserved populations as defined in section 2003(7) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-2(7)) and the ability to undertake and carry out a program under subsection (a), as the Secretary shall determine. Of the total funds appropriated under section 3 in any of the enumerated fiscal years, at least 5 percent shall be used for grants to Indian tribes or Indian tribal organizations that provide emergency shelter, transitional housing, or permanent housing or supportive services to individuals or families victimized by domestic violence, stalking, or adult or child sexual assault and Indian tribes or Indian tribal organizations which receive such grants may apply for and receive other grants from the total funds appropriated under this Act. All other grants awarded shall go to qualified, nonprofit, nongovernmental organizations. If, at the end of the 6th month of any fiscal year for which sums are appropriated under section 3, the amount appropriated has not been made available to a qualified, nonprofit, nongovernmental organization under subsection (a) for purposes outlined therein, the Secretary shall reallot such amount to qualified, nonprofit, nongovernmental organizations that are eligible for funding under subchapter IV of part C of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11381–11389). Funds made available by the Secretary through reallotment under the preceding sentence shall remain available for expenditure until the end of the fiscal year following the fiscal year in which such funds become available for reallotment.

SEC. 5. DEFINITIONS.

For purposes of this Act:

(1) DOMESTIC VIOLENCE.—The term "domestic violence" includes acts or threats of violence or extreme cruelty (as such term is referred to in section 216 of the Immigration and Nationality Act (8 U.S.C. 1186a)), not including acts of self-defense, committed by a current or former spouse of the victim, by a person with whom the victim has a child in common, by a person who is cohabiting with or has cohabited with the victim, by a person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction, or by any other person against a victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

(2) FAMILY VICTIMIZED BY DOMESTIC VIOLENCE, STALKING, OR ADULT OR CHILD SEXUAL ASSAULT.—

(A) IN GENERAL.—The term "family victimized by domestic violence, stalking, or adult or child sexual assault" means a family or household that includes an individual who has been determined under subparagraph (B) to have been a victim of domestic violence, stalking, or adult or child sexual assault, but does not include any individual described in paragraph (1), (2), or (3) who committed the domestic violence, sexual assault, or adult or child sexual assault. The term includes any such family or household in which only a minor or minors are the individual or individuals who was or were a victim of domestic violence, stalking, or sexual assault only if such family or household also includes a parent, stepparent, legal guardian, or other responsible caretaker for the child.

(B) DETERMINATION THAT FAMILY OR INDIVIDUAL WAS A VICTIM OF DOMESTIC VIOLENCE, STALKING, OR ADULT OR CHILD SEXUAL ASSAULT.—For purposes of subparagraph (A), a determination under this subparagraph is a determination that domestic violence, stalking, or adult or child sexual assault has been committed, which is made by any agency or official of a State, Indian tribe, tribal organization, or unit of general local government based upon—

(i) information provided by any medical, legal, counseling, or other clinic, shelter, sexual assault program or other program or entity licensed, recognized, or authorized by the State, Indian tribe, tribal organization, or unit of general local government to provide services to victims of domestic violence, stalking, or adult or child sexual assault;

(ii) information provided by any agency of the State, Indian tribe, tribal organization, unit of general local government, or qualified, nonprofit, nongovernmental organization that provides or administers the provision of social, medical, legal, or health services;

(iii) information provided by any clergy;

(iv) information provided by any hospital, clinic, medical facility, or doctor licensed or authorized by the State, Indian tribe, tribal organization, or unit of general local government to provide medical services;

(v) a petition, application, or complaint filed in any State, Federal, or tribal court or administrative agency, documents or records of action or decision of any court, law enforcement agency, or administrative agency, including any record of any protective order, injunction, or temporary or final order issued by civil or criminal courts, any self-petition or any police report; or

(vi) any other reliable evidence that domestic violence, stalking, or adult or child sexual assault has occurred.

A victim's statement that domestic violence, stalking, or adult or child sexual assault has occurred shall be sufficient unless the agency has an independent, reasonable basis to find the individual not credible.

(3) INDIAN TRIBE.—The term "Indian tribe" shall have the same meaning given the term in section 2002(3) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-2(3)).

(4) QUALIFIED, NONPROFIT, NONGOVERNMENTAL ORGANIZATION.—The term "qualified, nonprofit, nongovernmental organization" means a private organization that—

(A) is organized, or has as one of its primary purposes, to provide emergency shelter, transitional housing, or permanent housing for victims of domestic violence, stalking, or adult or child sexual assault or is a medical, legal, counseling, social, psychological, health, job training, educational, life skills development, or other clinical services program for victims of domestic violence, stalking, or adult or child sexual assault that undertakes a collaborative project with a qualified, nonprofit, nongovernmental organization that primarily provides emergency shelter, transitional housing, or permanent housing for low-income people;

(B) is organized under State, tribal, or local laws;

(C) has no part of its net earnings inuring to the benefit of any member, shareholder, founder, contributor, or individual;

(D) is approved by the Secretary as to financial responsibility; and

(E) demonstrates experience in providing services to victims of domestic violence, stalking, or adult or child sexual assault.

(5) SECRETARY.—The term "Secretary" means the Secretary of Housing and Urban Development.

(6) SEXUAL ASSAULT.—The term "sexual assault" means any conduct proscribed by chapter 109A of title 18, United States Code, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States, on an Indian reservation, or in a Federal prison and includes both assaults committed by offenders who are strangers to the victims and assaults committed by offenders who are known to the victims or related by blood or marriage to the victim.

(7) STALKING.—The term "stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear death, sexual assault, or bodily injury to himself or herself or a member of his or her immediate family, when the person engaging in such conduct has knowledge or should have knowledge that the specific person will be placed in reasonable fear of death, sexual assault, or bodily injury to himself or herself or a member of his or her immediate family and when the conduct induces fear in the specific person of death, sexual assault, or bodily injury to himself or herself or a member of his or her immediate family.

(8) STATE.—The term "State" means the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, and any other territory or possession of the United States.

(9) TRANSITIONAL HOUSING.—The term "transitional housing" includes short-term housing and is given the meaning of subchapter IV, part C of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11384(b)).

(10) TRIBAL ORGANIZATION.—The term "tribal organization" means a private, nonprofit, nongovernmental, or tribally chartered organization—

(A) whose primary purpose is to provide emergency shelter, transitional housing, or permanent housing or supportive services to individuals or families victimized by domestic violence, stalking, or adult or child sexual assault;

(B) that operates within the exterior boundaries of an Indian reservation; and

(C) whose board of directors reflects the population served.

(11) UNIT OF GENERAL LOCAL GOVERNMENT.—The term "unit of general local government" has the meaning given the term in section 102(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)).●

ADDITIONAL COSPONSORS

S. 60

At the request of Mr. GRASSLEY, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 60, a bill to amend the Internal Revenue Code of 1986 to provide equitable treatment for contributions by employees to pension plans.

S. 132

At the request of Ms. SNOWE, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 132, a bill to amend the Internal Revenue Code of 1986 to provide comprehensive pension protection for women.

S. 309

At the request of Ms. LANDRIEU, her name was added as a cosponsor of S. 309, a bill to amend the Internal Revenue Code of 1986 to provide that a member of the uniformed services shall be treated as using a principal residence while away from home on qualified official extended duty in determining the exclusion of gain from the sale of such residence.

S. 345

At the request of Mr. ALLARD, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 542

At the request of Mr. ABRAHAM, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 542, a bill to amend the Internal Revenue Code of 1986 to expand the deduction for computer donations to schools and allow a tax credit for donated computers.

S. 577

At the request of Mr. HATCH, the names of the Senator from South Carolina (Mr. THURMOND), the Senator from Texas (Mrs. HUTCHISON), the Senator from Georgia (Mr. CLELAND), and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 577, a bill to provide for injunctive relief in Federal district court to enforce State laws relating to the interstate transportation of intoxicating liquor.

S. 660

At the request of Mr. BINGAMAN, the names of the Senator from Georgia (Mr. CLELAND) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 660, a bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the medicare program of medical nutrition therapy services furnished by registered dietitians and nutrition professionals.

S. 792

At the request of Mr. MOYNIHAN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 792, a bill to amend title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide States with the option to allow legal immigrant pregnant women, children, and blind or disabled medically needy individuals to be eligible for medical assistance under the medicaid program, and for other purposes.

S. 820

At the request of Mr. L. CHAFEE, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 820, a bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent motor fuel excise taxes on railroads and inland waterway transportation which remain in the general fund of the Treasury.

S. 1109

At the request of Mr. MCCONNELL, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1109, a bill to conserve global bear populations by prohibiting the importation, exportation, and interstate trade of bear viscera and items, products, or substances containing, or labeled or advertised as containing, bear viscera, and for other purposes.

S. 1128

At the request of Mr. KYL, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Maine (Ms. SNOWE), and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 1128, a bill to amend the Internal Revenue Code of 1986 to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers, to provide for a carryover basis at death, and to establish a partial capital gains exclusion for inherited assets.

S. 1262

At the request of Mr. REED, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1262, a bill to amend the Elementary and Secondary Education Act of 1965 to provide up-to-date school library medial resources and well-trained, professionally certified school library media specialists for elementary schools and secondary schools, and for other purposes.

S. 1357

At the request of Mr. JEFFORDS, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 1357, a bill to amend the Internal Revenue Code of 1986 to enhance the portability of retirement benefits, and for other purposes.

S. 1593

At the request of Mr. DODD, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1593, a bill to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform.

S. 1696

At the request of Mr. MOYNIHAN, the name of the Senator from Texas (Mr. GRAMM) was added as a cosponsor of S. 1696, a bill to amend the Convention on Cultural Property Implementation Act to improve the procedures for restricting imports of archaeological and ethnological material.

S. 1762

At the request of Mr. COVERDELL, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 1762, a bill to amend the Watershed Protection and Flood Prevention Act to authorize the Secretary of Agriculture to provide cost share assistance for the rehabilitation of structural measures constructed as part of water resources projects previously funded by the Secretary under such Act or related laws.

S. 1946

At the request of Mr. INHOFE, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 1946, a bill to amend the National Environmental Education Act to redesignate that Act as the "John H. Chafee Environmental Education Act", to establish the John H. Chafee Memorial Fellowship Program, to extend the programs under that Act, and for other purposes.

S. 2003

At the request of Mr. JOHNSON, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 2003, a bill to restore health care coverage to retired members of the uniformed services.

S. 2018

At the request of Mrs. HUTCHISON, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2018, a bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the medicare program.

S. 2031

At the request of Mr. DODD, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 2031, a bill to amend the Fair Labor Standards Act of 1938 to prohibit the issuance of a certificate for subminimum wages for individuals with impaired vision or blindness.

S. 2037

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2037, a bill to amend title XVIII of the Social Security Act to extend the option to use rebased target amounts to all sole community hospitals.

S. 2050

At the request of Mr. ROBB, his name was added as a cosponsor of S. 2050, a bill to establish a panel to investigate illegal gambling on college sports and to recommend effective countermeasures to combat this serious national problem.

S. RES. 87

At the request of Mr. DURBIN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. Res. 87, a resolution commemorating the 60th Anniversary [illegible] the International Visitors Program.

S. RES. 128

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. Res. 128, a resolution designating March 2000, as "Arts Education Month."

S. RES. 248

At the request of Mr. ROBB, the names of the Senator from North Carolina (Mr. EDWARDS), the Senator from New York (Mr. MOYNIHAN), and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of S. Res. 248, a resolution to designate the week of May 7, 2000, as "National Correctional Officers and Employees Week."

SENATE RESOLUTION 263—EXPRESSING THE SENSE OF THE SENATE THAT THE PRESIDENT SHOULD COMMUNICATE TO THE MEMBERS OF THE ORGANIZATION OF PETROLEUM EXPORTING COUNTRIES ("OPEC") CARTEL AND NON-OPEC COUNTRIES THAT PARTICIPATE IN THE CARTEL OF CRUDE OIL PRODUCING COUNTRIES, BEFORE THE MEETING OF THE OPEC NATIONS IN MARCH 2000, THE POSITION OF THE UNITED STATES IN FAVOR OF INCREASING WORLD CRUDE OIL SUPPLIES SO AS TO ACHIEVE STABLE CRUDE OIL PRICES

Mr. ASHCROFT (for himself, Mr. ABRAHAM, Mr. GRASSLEY, Mr. SANTORUM, Mr. HUTCHINSON, Mr. SMITH of New Hampshire, and Mr. GRAMS) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 263

Whereas the United States currently imports roughly 55 percent of its crude oil;

Whereas ensuring access to and stable prices for imported crude oil for the United States and major allies and trading partners of the United States is a continuing critical objective of United States foreign and economic policy for the foreseeable future;

Whereas the 11 countries that make up the Organization of Petroleum Exporting Countries ("OPEC") produce 40 percent of the world's crude oil and control 77 percent of proven reserves, including much of the spare production capacity;

Whereas beginning in March 1998, OPEC instituted 3 tiers of production cuts, which reduced production by 4,300,000 barrels per day and have resulted in dramatic increases in crude oil prices;

Whereas in August 1999, crude oil prices had reached $21 per barrel and continued rising, exceeding $25 per barrel by the end of 1999 and $27 per barrel during the first week of February 2000;

Whereas crude oil prices in the United States rose $14 per barrel during 1999, the equivalent of 33 cents per gallon;

Whereas the increase has translated into higher prices for gasoline and other refined petroleum products; in the case of gasoline, the increases in crude oil prices have resulted in a penny-for-penny passthrough of increases at the pump;

Whereas increases in the price of crude oil result in increases in prices paid by United States consumers for refined petroleum products, including home heating oil, gasoline, and diesel fuel;

Whereas increases in the costs of refined petroleum products have a negative effect on many Americans, including the elderly and individuals of low income (whose home heating oil costs have doubled in the last year), families who must pay higher prices at the gas station, farmers (already hurt by low commodity prices, trying to factor increased costs into their budgets in preparation for the growing season), truckers (who face an almost 10-year high in diesel fuel prices), and manufacturers and retailers (who must factor in increased production and transportation costs into the final price of their goods): Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the President should immediately communicate to the members of the Organization of Petroleum Exporting Countries ("OPEC") cartel and non-OPEC countries that participate in the cartel of crude oil producing countries that—

(A) the United States seeks to maintain strong relations with crude oil producers around the world while promoting international efforts to remove barriers to energy trade and investment and increased access for United States energy firms around the world;

(B) the United States believes that restricting supply in a market that is in demand of additional crude oil does serious damage to the efforts that OPEC members have made to demonstrate that they represent a reliable source of crude oil supply;

(C) the United States believes that stable crude oil prices and supplies are essential for strong economic growth throughout the world; and

(D) the United States seeks an immediate lifting of the OPEC crude oil production quotas;

(2) the President should review administrative policies that may put an undue burden on domestic crude oil producers, and should consider lifting unnecessary regulations that interfere with the ability of United States energy industries to supply a greater percentage of the energy needs of the United States; and

(3) the Senate, when it considers the fiscal year 2001 Federal budget, should appropriate sufficient funds for the development of alternative energy resources, including measures to increase the use of biofuels and other renewable resources, to reduce the dependence of the United States on foreign energy sources.

AMENDMENTS SUBMITTED

THE AFFORDABLE EDUCATION ACT OF 1999

HATCH AMENDMENT NO. 2823

(Ordered to lie on the table)

Mr. HATCH submitted an amendment intended to be proposed by him to the bill (S. 1134) to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount amount of contributions to such accounts; and for other purposes; as follows:

At the end of title II, insert:

SEC. . DEDUCTION FOR CERTAIN PROFESSIONAL DEVELOPMENT AND INCIDENTAL EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) DEDUCTION ALLOWED WHETHER OR NOT TAXPAYER ITEMIZES OTHER DEDUCTIONS.—Subsection (a)(2) of section 62 (defining adjusted gross income) is amended by adding at the end the following new subparagraph:

"(D) CERTAIN PROFESSIONAL DEVELOPMENT AND INCIDENTAL EXPENSES FOR TEACHERS.—The deductions allowed by section 162 which consist of qualified professional development expenses paid or incurred by an eligible teacher.".

(b) DEFINITIONS.—Section 62 is amended by adding at the end the following new subsection:

"(d) QUALIFIED PROFESSIONAL DEVELOPMENT EXPENSES OF ELIGIBLE TEACHERS.—For purposes of subsection (a)(2)(D)—

"(1) QUALIFIED PROFESSIONAL DEVELOPMENT EXPENSES.—

"(A) IN GENERAL.—The term 'qualified professional development expenses' means—

"(i) expenses for tuition, fees, books, supplies, equipment, and transportation required for the enrollment or attendance of an individual in a qualified course of instruction, and

"(ii) qualified incidental expenses.

"(B) QUALIFIED COURSE OF INSTRUCTION.—The term 'qualified course of instruction' means a course of instruction which—

"(i) is—

"(I) at an institution of higher education (as defined in section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088), as in effect on the date of the enactment of this subsection), or

"(II) a professional conference, and

"(ii) is part of a program of professional development which is approved and certified by the appropriate local educational agency as furthering the individual's teaching skills.

"(C) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' has the meaning given such term by section 14101 of the Elementary and Secondary Education Act of 1965, as so in effect.

"(D) QUALIFIED INCIDENTAL EXPENSES.—

"(i) IN GENERAL.—The term 'qualified incidental expenses' means expenses in an amount not to exceed $125 for any taxable year for books, supplies, and equipment related to instruction, teaching, or other educational job-related activities of an eligible teacher.

"(ii) SPECIAL RULE FOR HOMESCHOOLING.—Such term shall include expenses described in subparagraph (A) in connection with education provided by homeschooling if the requirements of any applicable State or local law are met with respect to such education.

"(2) ELIGIBLE TEACHER.—

"(A) IN GENERAL.—The term 'eligible teacher' means an individual who is a kindergarten through grade 12 classroom teacher, instructor, counselor, aide, or principal in an elementary or secondary school.

"(B) ELEMENTARY OR SECONDARY SCHOOL.—The terms 'elementary school' and 'secondary school' have the meanings given such terms by section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801), as so in effect.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

HATCH (AND MACK) AMENDMENT NO. 2824

(Ordered to lie on the table.)

Mr. HATCH (for himself, and Mr. MACK) submitted an amendment intended to be proposed by them to the bill, S. 1134, supra; as follows:

At the end of title II, insert:

SEC. . ELIMINATION OF MARRIAGE PENALTY IN PHASEOUT OF EDUCATION LOAN INTEREST DEDUCTION.

(a) IN GENERAL.—Subparagraph (B) of section 221(b)(2) (relating to limitation based on modified adjusted gross income) is amended—

(1) by striking "$60,000" in clause (i)(II) and inserting "$80,000", and

(2) by inserting "($30,000 in the case of a joint return)" after "$15,000" in clause (ii).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

ABRAHAM (AND WYDEN) AMENDMENT NO. 2825

(Ordered to lie on the table.)

Mr. ABRAHAM (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by them to the bill, S. 1134, supra; as follows:

At the appropriate place, insert:

SEC. . EXPANSION OF DEDUCTION FOR COMPUTER DONATIONS TO SCHOOLS.

(a) EXTENSION OF AGE OF ELIGIBLE COMPUTERS.—Section 170(e)(6)(B)(ii) (defining qualified elementary or secondary educational contribution) is amended by striking "2 years" and inserting "3 years".

(b) REACQUIRED COMPUTERS ELIGIBLE FOR DONATION.—Section 170(e)(6)(B)(iii) (defining qualified elementary or secondary educational contribution) is amended by inserting ", the person from whom the donor reacquires the property," after "the donor".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made in taxable years ending after the date of the enactment of this Act.

SEC. . CREDIT FOR COMPUTER DONATIONS TO SCHOOLS AND SENIOR CENTERS.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business related credits) is amended by adding at the end the following:

"SEC. 45D. CREDIT FOR COMPUTER DONATIONS TO SCHOOLS AND SENIOR CENTERS.

"(a) GENERAL RULE.—For purposes of section 38, the computer donation credit determined under this section is an amount equal to 30 percent of the qualified computer contributions made by the taxpayer during the taxable year as determined after the application of section 170(e)(6)(A).

"(b) QUALIFIED COMPUTER CONTRIBUTION.—For purposes of this section, the term 'qualified computer contribution' has the meaning given the term 'qualified elementary or secondary educational contribution' by section 170(e)(6)(B), except that—

"(1) such term shall include the contribution of a computer (as defined in section 168(i)(2)(B)(ii)) only if computer software (as defined in section 197(e)(3)(B)) that serves as a computer operating system has been lawfully installed in such computer, and

"(2) notwithstanding clauses (i) and (iv) of section 170(e)(6)(B), such term shall include the contribution of computer technology or equipment to multipurpose senior centers (as defined in section 102(35) of the Older Americans Act of 1965 (42 U.S.C. 3002(35)) described in section 501(c)(3) and exempt from tax under section 501(a) to be used by individuals who have attained 60 years of age to improve job skills in computers.

"(c) Increased Percentage for Contributions to Entities in Empowerment Zones, Enterprise Communities, and Indian Reservations.—In the case of a qualified computer contribution to an entity located in an empowerment zone or enterprise community designated under section 1391 or an Indian reservation (as defined in section 168(j)(6)), subsection (a) shall be applied by substituting '50 percent' for '30 percent'.

"(d) Certain Rules Made Applicable.—For purposes of this section, rules similar to the rules of paragraphs (1) and (2) of section 41(f) shall apply.

"(e) Termination.—This section shall not apply to taxable years beginning on or after the date which is 3 years after the date of the enactment of the [New Millennium Classrooms Act]."

(b) Current Year Business Credit Calculation.—Section 38(b) (relating to current year business credit) is amended by striking "plus" at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting ", plus", and by adding at the end the following:

"(13) the computer donation credit determined under section 45D(a)."

(c) Disallowance of Deduction by Amount of Credit.—Section 280C (relating to certain expenses for which credits are allowable) is amended by adding at the end the following:

"(d) Credit for Computer Donations.—No deduction shall be allowed for that portion of the qualified computer contributions (as defined in section 45D(b)) made during the taxable year that is equal to the amount of credit determined for the taxable year under section 45D(a). In the case of a corporation which is a member of a controlled group of corporations (within the meaning of section 52(a)) or a trade or business which is treated as being under common control with other trades or businesses (within the meaning of section 52(b)), this subsection shall be applied under rules prescribed by the Secretary similar to the rules applicable under subsections (a) and (b) of section 52."

(d) Limitation on Carryback.—Subsection (d) of section 39 (relating to carryback and carryforward of unused credits) is amended by adding at the end the following:

"(9) No carryback of computer donation credit before effective date.—No amount of unused business credit available under section 45D may be carried back to a taxable year beginning on or before the date of the enactment of this paragraph."

(e) Clerical Amendment.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 45C the following:

"Sec. 45D. Credit for computer donations to schools and senior centers."

(f) Effective Date.—The amendments made by this section shall apply to contributions made in taxable years beginning after the date of the enactment of this Act.

TORRICELLI AMENDMENT NO. 2826

(Ordered to lie on the table.)

Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill, S. 1134, supra; as follows:

At the end of title II, add the following:

SEC. . CERTIFIED TEACHER CREDIT.

(a) Findings.—Congress makes the following findings:

(1) Studies have shown that the greatest single in-school factor affecting student achievement is teacher quality.

(2) Most accomplished teachers do not get the rewards they deserve.

(3) After adjusting amounts for inflation, the average teacher salary for 1997–1998 of $39,347 is just $2 above what it was in 1993. Such salary is also just $1,924 more than the average salary recorded in 1972, a real increase of only $75 per year.

(4) While K–12 enrollments are steadily increasing, the teacher population is aging. There is a need, now more than ever, to attract competent, capable, and bright college graduates or mid-career professionals to the teaching profession.

(5) The Department of Education projects that 2,000,000 new teachers will have to be hired in the next decade. Shortages, if they occur, will most likely be felt in urban or rural regions of the country where working conditions may be difficult or compensation low.

(6) If our students are to receive a high quality education and remain competitive in the global market we must attract talented and motivated people to the teaching profession in large numbers.

(b) General Rule.—Subpart C of part IV of subchapter A of chapter 1 (relating to refundable credits) is amended by redesignating section 35 as section 36 and by inserting after section 34 the following new section:

"SEC. 35. CERTIFIED TEACHER CREDIT.

"(a) Allowance of Credit.—

"(1) In general.—In the case of an eligible teacher, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year $5,000.

"(2) Year credit allowed.—The credit under paragraph (1) shall be allowed in the taxable year in which the individual becomes a certified individual.

"(b) Definitions.—For purposes of this section—

"(1) Eligible teacher.—

"(A) In general.—The term 'eligible teacher' means a certified individual who is a kindergarten through grade 12 classroom teacher, instructor, counselor, aide, or principal in an elementary or secondary school on a full-time basis for an academic year ending during a taxable year.

"(B) Certified individual.—The term 'certified individual' means an individual who has successfully completed the requirements for advanced certification provided by the National Board for Professional Teaching Standards.

"(2) Elementary or secondary school.—The term 'elementary or secondary school' means a public elementary or secondary school which—

"(A) is located in a school district of a local educational agency which is eligible, during the taxable year, for assistance under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.), and

"(B) during the taxable year, the Secretary of Education determines to have an enrollment of children counted under section 1124(c) of such Act (20 U.S.C. 6333(c)) in an amount in excess of an amount equal to 40 percent of the total enrollment of such school.

"(c) Verification.—The credit allowed by subsection (a) shall be allowed with respect to any certified individual only if the certification is verified in such manner as the Secretary shall prescribe by regulation.

"(d) Election To Have Credit Not Apply.—A taxpayer may elect to have this section not apply for any taxable year.".

(c) Conforming Amendments.—

(1) Section 1324(b)(2) of title 31, United States Code, is amended by striking "or" before "enacted" and by inserting before the period at the end ", or from section 35 of such Code".

(2) The table of sections for subpart C of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 35 and inserting the following:

"Sec. 35. Certified teacher credit.

"Sec. 36. Overpayments of tax."

(d) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

MACK (AND HATCH) AMENDMENT NO. 2827

(Ordered to lie on the table.)

Mr. MACK (for himself and Mr. Hatch) submitted an amendment intended to be proposed by them to the bill, S. 1134, supra; as follows:,

In subsection (a) of section 101, add at the end the following:

(4) Elimination of the marriage penalty in the reduction in permitted contributions.—Section 530(c)(1) (relating to reduction in permitted contributions based on adjusted gross income) is amended—

(A) by striking "$150,000" in subparagraph (A)(ii) and inserting "$190,000", and

(B) by striking "$10,000" in subparagraph (B) and inserting "$30,000".

GRAMM AMENDMENT NO. 2828

(Ordered to lie on the table.)

Mr. GRAMM submitted an amendment intended to be proposed by him to the bill, S. 1134, supra; as follows:

Strike section 303.

ROBB AMENDMENTS NOS. 2829–2830

(Ordered to lie on the table.)

Mr. ROBB submitted two amendments intended to be proposed by him to the bill, S. 1134, supra; as follows:

Amendment No. 2829

Beginning on page 4, strike subsection (b) and insert:

(b) Tax-Free Expenditures for Elementary and Secondary School Expenses.—

(1) In general.—Section 530(b)(2) (defining qualified higher education expenses) is amended to read as follows:

"(2) Qualified education expenses.—

"(A) In general.—The term 'qualified education expenses' means—

"(i) qualified higher education expenses (as defined in section 529(e)(3)), and

"(ii) qualified elementary and secondary education

expenses (as defined in paragraph (5)). Such expenses shall be reduced as provided in section 25A(g)(2).

"(B) Qualified state tuition programs.—Such term shall include any contribution to a qualified State tuition program (as defined in section 529(b)) on behalf of the designated beneficiary (as defined in section 529(e)(1));

but there shall be no increase in the investment in the contract for purposes of applying section 72 by reason of any portion of such contribution which is not includible in gross income by reason of subsection (d)(2).".

"(2) QUALIFIED ELEMENTARY AND SECONDARY EDUCATION EXPENSES.—

Section 530(b) (relating to definitions and special rules), as amended by subsection (a)(2), is amended by adding at the end the following new paragraph:

"(5) QUALIFIED ELEMENTARY AND SECONDARY EDUCATION EXPENSES.—

"(A) IN GENERAL.—The term 'qualified elementary and secondary education expenses' means—

"(i) expenses for academic tutoring, special needs services, books, supplies, computer equipment (including related software and services), and other equipment which are incurred in connection with the enrollment or attendance of the designated beneficiary of the trust as an elementary or secondary school student at a public school, and

"(ii) expenses for transportation, and supplementary items and services (including extended day programs) which are required or provided by a public school in connection with such enrollment or attendance

"(B) SCHOOL.—The term 'school' means any public school which provides elementary education or secondary education (kindergarten through grade 12), as determined under State law.".

(3) SPECIAL RULES FOR APPLYING EXCLUSION TO ELEMENTARY AND SECONDARY EXPENSES.—Section 530(d)(2) (relating to distributions for qualified higher education expenses) is amended by adding at the end the following new subparagraph:

"(E) SPECIAL RULES FOR ELEMENTARY AND SECONDARY EXPENSES.—

"(i) IN GENERAL.—The aggregate amount of qualified elementary and secondary education expenses taken into account for purposes of this paragraph with respect to any education individual retirement account for all taxable years shall not exceed the sum of the aggregate contributions to such account for taxable years beginning after December 31, 1999, and before January 1, 2004, and earnings on such contributions.

"(ii) SPECIAL OPERATING RULES.—For purposes of clause (i)—

"(I) the trustee of an education individual retirement account shall keep separate accounts with respect to contributions and earnings described in clause (i), and

"(II) if there are distributions in excess of qualified elementary and secondary education expenses for any taxable year, such excess distributions shall be allocated first to contributions and earnings not described in clause (i).".

(4) CONFORMING AMENDMENTS.—Section 530 is amended—

(A) by striking "higher" each place it appears in subsections (b)(1) and (d)(2), and

(B) by striking "HIGHER" in the heading for subsection (d)(2).

AMENDMENT NO. 2830

Strike section 101 and insert:

SEC. 101. MODIFICATIONS TO EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS.

(a) MAXIMUM ANNUAL CONTRIBUTIONS.—

(1) IN GENERAL.—Section 530(b)(1)(A)(iii) (defining education individual retirement account) is amended by striking "$500" and inserting "the contribution limit for such taxable year".

(2) CONTRIBUTION LIMIT.—Section 530(b) (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

"(4) CONTRIBUTION LIMIT.—The term 'contribution limit' means $500 ($2,000 in the case of any taxable year beginning after December 31, 2000, and ending before January 1, 2004)."

(3) CONFORMING AMENDMENT.—Section 4973(e)(1)(A) is amended by striking "$500" and inserting "the contribution limit (as defined in section 530(b)(4)) for such taxable year".

(b) WAIVER OF AGE LIMITATIONS FOR CHILDREN WITH SPECIAL NEEDS.—Section 530(b)(1) (defining education individual retirement account) is amended by adding at the end the following flush sentence:

"The age limitations in the preceding sentence and paragraphs (5) and (6) of subsection (d) shall not apply to any designated beneficiary with special needs (as determined under regulations prescribed by the Secretary)."

(c) ENTITIES PERMITTED TO CONTRIBUTE TO ACCOUNTS.—Section 530(c)(1) (relating to reduction in permitted contributions based on adjusted gross income) is amended by striking "The maximum amount which a contributor" and inserting "In the case of a contributor who is an individual, the maximum amount the contributor".

(d) TIME WHEN CONTRIBUTIONS DEEMED MADE.—

(1) IN GENERAL.—Section 530(b) (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

"(5) TIME WHEN CONTRIBUTIONS DEEMED MADE.—An individual shall be deemed to have made a contribution to an education individual retirement account on the last day of the preceding taxable year if the contribution is made on account of such taxable year and is made not later than the time prescribed by law for filing the return for such taxable year (not including extensions thereof)."

(2) EXTENSION OF TIME TO RETURN EXCESS CONTRIBUTIONS.—Subparagraph (C) of section 530(d)(4) (relating to additional tax for distributions not used for educational expenses) is amended—

(A) by striking clause (i) and inserting the following new clause:

"(i) such distribution is made before the 1st day of the 6th month of the taxable year following the taxable year, and", and

(B) by striking "DUE DATE OF RETURN" in the heading and inserting "JUNE".

(e) COORDINATION WITH HOPE AND LIFETIME LEARNING CREDITS AND QUALIFIED TUITION PROGRAMS.—

(1) IN GENERAL.—Section 530(d)(2)(C) is amended to read as follows:

"(C) COORDINATION WITH HOPE AND LIFETIME LEARNING CREDITS AND QUALIFIED TUITION PROGRAMS.—

"(i) CREDIT COORDINATION.—

"(I) IN GENERAL.—Except as provided in subclause (II), subparagraph (A) shall not apply for any taxable year to any qualified higher education expenses with respect to any individual if a credit is allowed under section 25A with respect to such expenses for such taxable year.

"(II) SPECIAL COORDINATION RULE.—In the case of any taxable year beginning after December 31, 2000, and before January 1, 2004, subclause (I) shall not apply, but the total amount of qualified higher education expenses otherwise taken into account under subparagraph (A) with respect to an individual for such taxable year shall be reduced (after the application of the reduction provided in section 25A(g)(2)) by the amount of such expenses which were taken into account in determining the credit allowed to the taxpayer or any other person under section 25A with respect to such expenses.

"(ii) COORDINATION WITH QUALIFIED TUITION PROGRAMS.—If the aggregate distributions to which subparagraph (A) and section 529(c)(3)(B) apply exceed the total amount of qualified higher education expenses otherwise taken into account under subparagraph (A) (after the application of clause (i)) with respect to an individual for any taxable year, the taxpayer shall allocate such expenses among such distributions for purposes of determining the amount of the exclusion under subparagraph (A) and section 529(c)(3)(B)."

(2) CONFORMING AMENDMENTS.—

(A) Subsection (e) of section 25A is amended to read as follows:

"(e) ELECTION NOT TO HAVE SECTION APPLY.—A taxpayer may elect not to have this section apply with respect to the qualified tuition and related expenses of an individual for any taxable year."

(B) Section 135(d)(2)(A) is amended by striking "allowable" and inserting "allowed".

(C) Section 530(b)(2)(A) is amended by striking ", reduced as provided in section 25A(g)(2)".

(D) Section 530(d)(2)(D) is amended—

(i) by striking "or credit", and

(ii) by striking "CREDIT OR" in the heading.

(E) Section 4973(e)(1) is amended by adding "and" at the end of subparagraph (A), by striking subparagraph (B), and by redesignating subparagraph (C) as subparagraph (B).

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 101A. EXPANSION OF INCENTIVES FOR PUBLIC SCHOOLS.

(a) FINDINGS.—Congress makes the following findings:

(1) Record numbers of students are enrolled in our Nation's elementary and secondary schools and that record is expected to be broken every year through 2007. The record numbers are straining many school facilities. Addressing that growth will require an increasing commitment of resources to build and modernize schools, and to hire and train new teachers. In addition, the increasing use of technology in the workplace is creating new demands to incorporate computers and other high-technology equipment into the classroom and into curricula.

(2) The General Accounting Office (in this section referred to as the "GAO") has performed a comprehensive survey of the Nation's public elementary and secondary school facilities and has found severe levels of disrepair in all areas of the United States. The GAO report concluded that more than 14,000,000 children attend schools in need of extensive repair or replacement, 7,000,000 children attend schools with life safety code violations, and 12,000,000 children attend schools with leaky roofs.

(3) The General Accounting Office has found the problem of crumbling schools transcends demographic and geographic boundaries. At 38 percent of urban schools, 30 percent of rural schools, and 29 percent of suburban schools, at least one building is in need of extensive repair or should be completely replaced.

(4) The condition of school facilities has a direct effect on the safety of students and teachers and on the ability of students to learn. Academic research has provided a direct correlation between the condition of school facilities and student achievement. At Georgetown University, researchers have found the test scores of students assigned to

schools in poor condition can be expected to fall 10.9 percentage points below the test scores of students in buildings in excellent condition. Similar studies have demonstrated up to a 20 percent improvement in test scores when students were moved from a poor facility to a new facility.

(5) Furthermore, a recent study by the Environmental Working Group concluded that portable trailers, utilized by many school districts to accommodate school over-crowding, can "expose children to toxic chemicals at levels that pose an unacceptable risk of cancer or other serious illnesses." Because ventilation in portable trailers is poor, the pollution through the build-up of toxins can be significant. This is particularly hazardous to those children who have asthma. The prevalence of asthma in children increased by 160 percent between 1980 and 1994. The report also stated, "Schools are facing two epidemics: an epidemic of deteriorating facilities and an epidemic of asthma among children."

(6) The General Accounting Office has found most schools are not prepared to incorporate modern technology in the classroom. Forty-six percent of schools lack adequate electrical wiring to support the full-scale use of technology. More than a third of schools lack the requisite electrical power. Fifty-six percent of schools have insufficient phone lines for modems.

(7) The Department of Education has reported that elementary and secondary school enrollment, already at a record high level, will continue to grow over the next 10 years, and that in order to accommodate this growth, the United States will need to build an additional 2,400 schools.

(8) The General Accounting Office has determined the cost of bringing schools up to good, overall condition to be $112,000,000,000, not including the cost of modernizing schools to accommodate technology, or the cost of building additional facilities needed to meet record enrollment levels.

(9) Schools run by the Bureau of Indian Affairs (in this section referred to as the "BIA") for Native American children are also in dire need of repair and renovation. The General Accounting Office has reported that the cost of total inventory repairs needed for BIA facilities is $754,000,000. The December 1997 report by the Comptroller General of the United States states that, "Compared with other schools nationally, BIA schools are generally in poorer physical condition, have more unsatisfactory environmental factors, more often lack key facilities requirements for education reform, and are less able to support computer and communications technology."

(10) Across the Nation, schools will need to recruit and hire an additional 2,000,000 teachers during the period from 1998 through 2008. More than 200,000 teachers will be needed annually, yet current teacher development programs produce only 100,000 to 150,000 teachers per year. This level of recruitment is simply the level needed to maintain existing student-teacher ratios.

(11) The rapid growth in the student population, in addition to the imminent shortage of qualified teachers and recent efforts by Congress to help States reduce class size, present urgent infrastructure needs across the Nation.

(12) State and local financing mechanisms have proven inadequate to meet the challenges facing today's aging school facilities. Large numbers of local educational agencies have difficulties securing financing for school facility improvement.

(13) The Federal Government has provided resources for school construction in the past. For example, between 1933 and 1939, the Federal Government assisted in 70 percent of all new school construction.

(14) The Federal Government can support elementary and secondary school facilities without interfering in issues of local control, and should help communities leverage additional funds for the improvement of elementary and secondary school facilities.

(b) PUBLIC SCHOOL MODERNIZATION.—Chapter 1 is amended by adding at the end the following new subchapter:

"Subchapter X—Public School Modernization Provisions

"Part I. Credit to holders of qualified public school modernization bonds.

"Part II. Qualified school construction bonds.

"Part III. Incentives for education zones.

"PART I—CREDIT TO HOLDERS OF QUALIFIED PUBLIC SCHOOL MODERNIZATION BONDS

"Sec. 1400F. Credit to holders of qualified public school modernization bonds.

"SEC. 1400F. CREDIT TO HOLDERS OF QUALIFIED PUBLIC SCHOOL MODERNIZATION BONDS.

"(a) ALLOWANCE OF CREDIT.—In the case of a taxpayer who holds a qualified public school modernization bond on a credit allowance date of such bond which occurs during the taxable year, there shall be allowed as a credit against the tax imposed by this chapter for such taxable year an amount equal to the sum of the credits determined under subsection (b) with respect to credit allowance dates during such year on which the taxpayer holds such bond.

"(b) AMOUNT OF CREDIT.—

"(1) IN GENERAL.—The amount of the credit determined under this subsection with respect to any credit allowance date for a qualified public school modernization bond is 25 percent of the annual credit determined with respect to such bond.

"(2) ANNUAL CREDIT.—The annual credit determined with respect to any qualified public school modernization bond is the product of—

"(A) the applicable credit rate, multiplied by

"(B) the outstanding face amount of the bond.

"(3) APPLICABLE CREDIT RATE.—For purposes of paragraph (1), the applicable credit rate with respect to an issue is the rate equal to an average market yield (as of the day before the date of issuance of the issue) on outstanding long-term corporate debt obligations (determined under regulations prescribed by the Secretary).

"(4) SPECIAL RULE FOR ISSUANCE AND REDEMPTION.—In the case of a bond which is issued during the 3-month period ending on a credit allowance date, the amount of the credit determined under this subsection with respect to such credit allowance date shall be a ratable portion of the credit otherwise determined based on the portion of the 3-month period during which the bond is outstanding. A similar rule shall apply when the bond is redeemed.

"(c) LIMITATION BASED ON AMOUNT OF TAX.—

"(1) IN GENERAL.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

"(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(B) the sum of the credits allowable under part IV of subchapter A (other than subpart C thereof, relating to refundable credits).

"(2) CARRYOVER OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.

"(d) QUALIFIED PUBLIC SCHOOL MODERNIZATION BOND; CREDIT ALLOWANCE DATE.—For purposes of this section—

"(1) QUALIFIED PUBLIC SCHOOL MODERNIZATION BOND.—The term 'qualified public school modernization bond' means—

"(A) a qualified school construction bond, and

"(B) a qualified zone academy bond.

"(2) CREDIT ALLOWANCE DATE.—The term 'credit allowance date' means—

"(A) March 15,

"(B) June 15,

"(C) September 15, and

"(D) December 15.

Such term includes the last day on which the bond is outstanding.

"(e) OTHER DEFINITIONS.—For purposes of this subchapter—

"(1) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' has the meaning given to such term by section 14101 of the Elementary and Secondary Education Act of 1965. Such term includes the local educational agency that serves the District of Columbia but does not include any other State agency.

"(2) BOND.—The term 'bond' includes any obligation.

"(3) STATE.—The term 'State' includes the District of Columbia and any possession of the United States.

"(4) PUBLIC SCHOOL FACILITY.—The term 'public school facility' shall not include any facility which is not owned by a State or local government or any agency or instrumentality of a State or local government.

"(f) CREDIT INCLUDED IN GROSS INCOME.—Gross income includes the amount of the credit allowed to the taxpayer under this section (determined without regard to subsection (c)) and the amount so included shall be treated as interest income.

"(g) BONDS HELD BY REGULATED INVESTMENT COMPANIES.—If any qualified public school modernization bond is held by a regulated investment company, the credit determined under subsection (a) shall be allowed to shareholders of such company under procedures prescribed by the Secretary.

"(h) CREDITS MAY BE STRIPPED.—Under regulations prescribed by the Secretary—

"(1) IN GENERAL.—There may be a separation (including at issuance) of the ownership of a qualified public school modernization bond and the entitlement to the credit under this section with respect to such bond. In case of any such separation, the credit under this section shall be allowed to the person who on the credit allowance date holds the instrument evidencing the entitlement to the credit and not to the holder of the bond.

"(2) CERTAIN RULES TO APPLY.—In the case of a separation described in paragraph (1), the rules of section 1286 shall apply to the qualified public school modernization bond as if it were a stripped bond and to the credit under this section as if it were a stripped coupon.

"(i) TREATMENT FOR ESTIMATED TAX PURPOSES.—Solely for purposes of sections 6654 and 6655, the credit allowed by this section to a taxpayer by reason of holding qualified public school modernization bonds on a credit allowance date shall be treated as if it were a payment of estimated tax made by the taxpayer on such date.

"(j) Credit May Be Transferred.—Nothing in any law or rule of law shall be construed to limit the transferability of the credit allowed by this section through sale and repurchase agreements.

"(k) Credit Treated as Allowed Under Part IV of Subchapter A.—For purposes of subtitle F, the credit allowed by this section shall be treated as a credit allowable under part IV of subchapter A of this chapter.

"(l) Reporting.—Issuers of qualified public school modernization bonds shall submit reports similar to the reports required under section 149(e).

"(m) Termination.—This section shall not apply to any bond issued after September 30, 2005.

"PART II—QUALIFIED SCHOOL CONSTRUCTION BONDS

"Sec. 1400G. Qualified school construction bonds.

"SEC. 1400G. QUALIFIED SCHOOL CONSTRUCTION BONDS.

"(a) Qualified School Construction Bond.—For purposes of this subchapter, the term 'qualified school construction bond' means any bond issued as part of an issue if—

"(1) 95 percent or more of the proceeds of such issue are to be used for the construction, rehabilitation, or repair of a public school facility or for the acquisition of land on which such a facility is to be constructed with part of the proceeds of such issue,

"(2) the bond is issued by a State or local government within the jurisdiction of which such school is located,

"(3) the issuer designates such bond for purposes of this section, and

"(4) the term of each bond which is part of such issue does not exceed 15 years.

"(b) Limitation on Amount of Bonds Designated.—The maximum aggregate face amount of bonds issued during any calendar year which may be designated under subsection (a) by any issuer shall not exceed the sum of—

"(1) the limitation amount allocated under subsection (d) for such calendar year to such issuer, and

"(2) if such issuer is a large local educational agency (as defined in subsection (e)(4)) or is issuing on behalf of such an agency, the limitation amount allocated under subsection (e) for such calendar year to such agency.

"(c) National Limitation on Amount of Bonds Designated.—There is a national qualified school construction bond limitation for each calendar year. Such limitation is—

"(1) $11,800,000,000 for 2001,

"(2) $11,800,000,000 for 2005, and

"(3) except as provided in subsection (f), zero after 2001 and before 2005, and after 2005.

"(d) Sixty-Five Percent of Limitation Allocated Among States.—

"(1) In general.—Sixty-five percent of the limitation applicable under subsection (c) for any calendar year shall be allocated among the States under paragraph (2) by the Secretary. The limitation amount allocated to a State under the preceding sentence shall be allocated by the State to issuers within such State and such allocations may be made only if there is an approved State application.

"(2) Allocation formula.—The amount to be allocated under paragraph (1) for any calendar year shall be allocated among the States in proportion to the respective amounts each such State received for Basic Grants under subpart 2 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6331 et seq.) for the most recent fiscal year ending before such calendar year. For purposes of the preceding sentence, Basic Grants attributable to large local educational agencies (as defined in subsection (e)) shall be disregarded.

"(3) Minimum allocations to states.—

"(A) In general.—The Secretary shall adjust the allocations under this subsection for any calendar year for each State to the extent necessary to ensure that the sum of—

"(i) the amount allocated to such State under this subsection for such year, and

"(ii) the aggregate amounts allocated under subsection (e) to large local educational agencies in such State for such year,

is not less than an amount equal to such State's minimum percentage of the amount to be allocated under paragraph (1) for the calendar year.

"(B) Minimum percentage.—A State's minimum percentage for any calendar year is the minimum percentage described in section 1124(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6334(d)) for such State for the most recent fiscal year ending before such calendar year.

"(4) Allocations to certain possessions.—The amount to be allocated under paragraph (1) to any possession of the United States other than Puerto Rico shall be the amount which would have been allocated if all allocations under paragraph (1) were made on the basis of respective populations of individuals below the poverty line (as defined by the Office of Management and Budget). In making other allocations, the amount to be allocated under paragraph (1) shall be reduced by the aggregate amount allocated under this paragraph to possessions of the United States.

"(5) Allocations for Indian schools.—In addition to the amounts otherwise allocated under this subsection, $200,000,000 for calendar year 2001, and $200,000,000 for calendar year 2005, shall be allocated by the Secretary of the Interior for purposes of the construction, rehabilitation, and repair of schools funded by the Bureau of Indian Affairs. In the case of amounts allocated under the preceding sentence, Indian tribal governments (as defined in section 7871) shall be treated as qualified issuers for purposes of this subchapter.

"(6) Approved state application.—For purposes of paragraph (1), the term 'approved State application' means an application which is approved by the Secretary of Education and which includes—

"(A) the results of a recent publicly-available survey (undertaken by the State with the involvement of local education officials, members of the public, and experts in school construction and management) of such State's needs for public school facilities, including descriptions of—

"(i) health and safety problems at such facilities,

"(ii) the capacity of public schools in the State to house projected enrollments, and

"(iii) the extent to which the public schools in the State offer the physical infrastructure needed to provide a high-quality education to all students, and

"(B) a description of how the State will allocate to local educational agencies, or otherwise use, its allocation under this subsection to address the needs identified under subparagraph (A), including a description of how it will—

"(i) give highest priority to localities with the greatest needs, as demonstrated by inadequate school facilities coupled with a low level of resources to meet those needs,

"(ii) use its allocation under this subsection to assist localities that lack the fiscal capacity to issue bonds on their own, and

"(iii) ensure that its allocation under this subsection is used only to supplement, and not supplant, the amount of school construction, rehabilitation, and repair in the State that would have occurred in the absence of such allocation.

Any allocation under paragraph (1) by a State shall be binding if such State reasonably determined that the allocation was in accordance with the plan approved under this paragraph.

"(e) Thirty-Five Percent of Limitation Allocated Among Largest School Districts.—

"(1) In general.—Thirty-five percent of the limitation applicable under subsection (c) for any calendar year shall be allocated under paragraph (2) by the Secretary among local educational agencies which are large local educational agencies for such year. No qualified school construction bond may be issued by reason of an allocation to a large local educational agency under the preceding sentence unless such agency has an approved local application.

"(2) Allocation formula.—The amount to be allocated under paragraph (1) for any calendar year shall be allocated among large local educational agencies in proportion to the respective amounts each such agency received for Basic Grants under subpart 2 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6331 et seq.) for the most recent fiscal year ending before such calendar year.

"(3) Allocation of unused limitation to state.—The amount allocated under this subsection to a large local educational agency for any calendar year may be reallocated by such agency to the State in which such agency is located for such calendar year. Any amount reallocated to a State under the preceding sentence may be allocated as provided in subsection (d)(1).

"(4) Large local educational agency.—For purposes of this section, the term 'large local educational agency' means, with respect to a calendar year, any local educational agency if such agency is—

"(A) among the 100 local educational agencies with the largest numbers of children aged 5 through 17 from families living below the poverty level, as determined by the Secretary using the most recent data available from the Department of Commerce that are satisfactory to the Secretary, or

"(B) 1 of not more than 25 local educational agencies (other than those described in subparagraph (A)) that the Secretary of Education determines (based on the most recent data available satisfactory to the Secretary) are in particular need of assistance, based on a low level of resources for school construction, a high level of enrollment growth, or such other factors as the Secretary deems appropriate.

"(5) Approved local application.—For purposes of paragraph (1), the term 'approved local application' means an application which is approved by the Secretary of Education and which includes—

"(A) the results of a recent publicly-available survey (undertaken by the local educational agency or the State with the involvement of school officials, members of the public, and experts in school construction and management) of such agency's needs for public school facilities, including descriptions of—

"(i) the overall condition of the local educational agency's school facilities, including health and safety problems,

"(ii) the overcrowded conditions of the agency's schools and the capacity of such schools to house projected enrollments, and

"(iii) the extent to which the agency's schools offer the physical infrastructure needed to provide a high-quality education to all students,

"(B) a description of how the local educational agency will use its allocation under this subsection to address the needs identified under subparagraph (A), including a description of how the agency will—

"(i) give high priority to localities with the greatest needs, as demonstrated by inadequate school facilities coupled with a low level of resources to meet those needs,

"(ii) use its allocation under this subsection to assist localities that lack the fiscal capacity to issue bonds on their own,

"(iii) ensure that its allocation under this subsection is used only to supplement, and not supplant, the amount of school construction, rehabilitation, and repair in the State that would have occurred in the absence of such allocation, and

"(iv) ensure that the needs of both rural and urban areas are recognized, and

"(C) a description of how the local educational agency will ensure that its allocation under this subsection is used only to supplement, and not supplant, the amount of school construction, rehabilitation, or repair in the locality that would have occurred in the absence of such allocation.

A rule similar to the rule of the last sentence of subsection (d)(6) shall apply for purposes of this paragraph.

"(f) CARRYOVER OF UNUSED LIMITATION.—If for any calendar year—

"(1) the amount allocated under subsection (d) to any State, exceeds

"(2) the amount of bonds issued during such year which are designated under subsection (a) pursuant to such allocation,

the limitation amount under such subsection for such State for the following calendar year shall be increased by the amount of such excess. A similar rule shall apply to the amounts allocated under subsection (d)(5) or (e).

"(g) SPECIAL RULES RELATING TO ARBITRAGE.—

"(1) IN GENERAL.—A bond shall not be treated as failing to meet the requirement of subsection (a)(1) solely by reason of the fact that the proceeds of the issue of which such bond is a part are invested for a temporary period (but not more than 36 months) until such proceeds are needed for the purpose for which such issue was issued.

"(2) BINDING COMMITMENT REQUIREMENT.—Paragraph (1) shall apply to an issue only if, as of the date of issuance, there is a reasonable expectation that—

"(A) at least 10 percent of the proceeds of the issue will be spent within the 6-month period beginning on such date for the purpose for which such issue was issued, and

"(B) the remaining proceeds of the issue will be spent with due diligence for such purpose.

"(3) EARNINGS ON PROCEEDS.—Any earnings on proceeds during the temporary period shall be treated as proceeds of the issue for purposes of applying subsection (a)(1) and paragraph (1) of this subsection.

"PART III—INCENTIVES FOR EDUCATION ZONES

"Sec. 1400H. Qualified zone academy bonds.

"SEC. 1400H. QUALIFIED ZONE ACADEMY BONDS.

"(a) QUALIFIED ZONE ACADEMY BOND.—For purposes of this subchapter—

"(1) IN GENERAL.—The term 'qualified zone academy bond' means any bond issued as part of an issue if—

"(A) 95 percent or more of the proceeds of such issue are to be used for a qualified purpose with respect to a qualified zone academy established by a local educational agency,

"(B) the bond is issued by a State or local government within the jurisdiction of which such academy is located,

"(C) the issuer—

"(i) designates such bond for purposes of this section,

"(ii) certifies that it has written assurances that the private business contribution requirement of paragraph (2) will be met with respect to such academy, and

"(iii) certifies that it has the written approval of the local educational agency for such bond issuance, and

"(D) the term of each bond which is part of such issue does not exceed 15 years.

Rules similar to the rules of section 1400G(g) shall apply for purposes of paragraph (1).

"(2) PRIVATE BUSINESS CONTRIBUTION REQUIREMENT.—

"(A) IN GENERAL.—For purposes of paragraph (1), the private business contribution requirement of this paragraph is met with respect to any issue if the local educational agency that established the qualified zone academy has written commitments from private entities to make qualified contributions having a present value (as of the date of issuance of the issue) of not less than 10 percent of the proceeds of the issue.

"(B) QUALIFIED CONTRIBUTIONS.—For purposes of subparagraph (A), the term 'qualified contribution' means any contribution (of a type and quality acceptable to the local educational agency) of—

"(i) equipment for use in the qualified zone academy (including state-of-the-art technology and vocational equipment),

"(ii) technical assistance in developing curriculum or in training teachers in order to promote appropriate market driven technology in the classroom,

"(iii) services of employees as volunteer mentors,

"(iv) internships, field trips, or other educational opportunities outside the academy for students, or

"(v) any other property or service specified by the local educational agency.

"(3) QUALIFIED ZONE ACADEMY.—The term 'qualified zone academy' means any public school (or academic program within a public school) which is established by and operated under the supervision of a local educational agency to provide education or training below the postsecondary level if—

"(A) such public school or program (as the case may be) is designed in cooperation with business to enhance the academic curriculum, increase graduation and employment rates, and better prepare students for the rigors of college and the increasingly complex workforce,

"(B) students in such public school or program (as the case may be) will be subject to the same academic standards and assessments as other students educated by the local educational agency,

"(C) the comprehensive education plan of such public school or program is approved by the local educational agency, and

"(D)(i) such public school is located in an empowerment zone or enterprise community (including any such zone or community designated after the date of the enactment of this section), or

"(ii) there is a reasonable expectation (as of the date of issuance of the bonds) that at least 35 percent of the students attending such school or participating in such program (as the case may be) will be eligible for free or reduced-cost lunches under the school lunch program established under the Richard B. Russell National School Lunch Act.

"(4) QUALIFIED PURPOSE.—The term 'qualified purpose' means, with respect to any qualified zone academy—

"(A) constructing, rehabilitating, or repairing the public school facility in which the academy is established,

"(B) acquiring the land on which such facility is to be constructed with part of the proceeds of such issue,

"(C) providing equipment for use at such academy,

"(D) developing course materials for education to be provided at such academy, and

"(E) training teachers and other school personnel in such academy.

"(b) LIMITATIONS ON AMOUNT OF BONDS DESIGNATED.—

"(1) IN GENERAL.—There is a national zone academy bond limitation for each calendar year. Such limitation is—

"(A) $400,000,000 for 1998,

"(B) $400,000,000 for 1999,

"(C) $400,000,000 for 2000,

"(D) $400,000,000 for 2001, and

"(C) except as provided in paragraph (3), zero after 2001.

"(2) ALLOCATION OF LIMITATION.—

"(A) ALLOCATION AMONG STATES.—

"(i) 1998 AND 1999 LIMITATIONS.—The national zone academy bond limitations for calendar years 1998 and 1999 shall be allocated by the Secretary among the States on the basis of their respective populations of individuals below the poverty line (as defined by the Office of Management and Budget).

"(ii) LIMITATION AFTER 1999.—The national zone academy bond limitation for any calendar year after 1999 shall be allocated by the Secretary among the States in the manner prescribed by section 1400G(d); except that in making the allocation under this clause, the Secretary shall take into account—

"(I) Basic Grants attributable to large local educational agencies (as defined in section 1400G(e)(4)).

"(II) the national zone academy bond limitation.

"(B) ALLOCATION TO LOCAL EDUCATIONAL AGENCIES.—The limitation amount allocated to a State under subparagraph (A) shall be allocated by the State education agency to qualified zone academies within such State.

"(C) DESIGNATION SUBJECT TO LIMITATION AMOUNT.—The maximum aggregate face amount of bonds issued during any calendar year which may be designated under subsection (a) with respect to any qualified zone academy shall not exceed the limitation amount allocated to such academy under subparagraph (B) for such calendar year.

"(3) CARRYOVER OF UNUSED LIMITATION.—If for any calendar year—

"(A) the limitation amount under this subsection for any State, exceeds

"(B) the amount of bonds issued during such year which are designated under subsection (a) (or the corresponding provisions of prior law) with respect to qualified zone academies within such State,

the limitation amount under this subsection for such State for the following calendar year shall be increased by the amount of such excess. Any carryforward of a limitation amount may be carried only to the first 2 years (3 years for carryforwards from 1998 or 1999) following the unused limitation year. For purposes of the preceding sentence, a limitation amount shall be treated as used on a first-in first-out basis."

(c) REPORTING.—Subsection (d) of section 6049 (relating to returns regarding payments of interest) is amended by adding at the end the following new paragraph:

"(8) REPORTING OF CREDIT ON QUALIFIED PUBLIC SCHOOL MODERNIZATION BONDS.—

"(A) IN GENERAL.—For purposes of subsection (a), the term 'interest' includes amounts includible in gross income under section 1400F(f) and such amounts shall be treated as paid on the credit allowance date (as defined in section 1400F(d)(2)).

"(B) REPORTING TO CORPORATIONS, ETC.—Except as otherwise provided in regulations, in the case of any interest described in subparagraph (A) of this paragraph, subsection (b)(4) of this section shall be applied without regard to subparagraphs (A), (H), (I), (J), (K), and (L)(i).

"(C) REGULATORY AUTHORITY.—The Secretary may prescribe such regulations as are necessary or appropriate to carry out the purposes of this paragraph, including regulations which require more frequent or more detailed reporting."

(d) CONFORMING AMENDMENTS.—

(1) Subchapter U of chapter 1 is amended by striking part IV, by redesignating part V as part IV, and by redesignating section 1397F as section 1397E.

(2) The table of subchapters for chapter 1 is amended by adding at the end the following new item:

"Subchapter X. Public school modernization provisions."

(3) The table of parts of subchapter U of chapter 1 is amended by striking the last 2 items and inserting the following item:

"Part IV. Regulations."

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to obligations issued after December 31, 1999.

(2) REPEAL OF RESTRICTION ON ZONE ACADEMY BOND HOLDERS.—In the case of bonds to which section 1397E of the Internal Revenue Code of 1986 (as in effect before the date of the enactment of this Act) applies, the limitation of such section to eligible taxpayers (as defined in subsection (d)(6) of such section) shall not apply after the date of the enactment of this Act.

SEC. 101C. PUBLIC SCHOOL REPAIR AND RENOVATION.

Title XII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8501 et seq.) is amended to read as follows:

"TITLE XII—PUBLIC SCHOOL REPAIR AND RENOVATION

"SEC. 12001. FINDINGS.

"Congress finds the following:

"(1) The General Accounting Office estimated in 1995 that it would cost $112,000,000,000 to bring our Nation's school facilities into good overall condition.

"(2) The General Accounting Office also found in 1995 that 60 percent of the Nation's schools, serving 28,000,000 students, reported that 1 or more building features, such as roofs and plumbing, needed to be extensively repaired, overhauled, or replaced.

"(3) The National Center for Education Statistics reported that the average age for a school building in 1998 was 42 years and that local educational agencies with relatively high rates of poverty tend to have relatively old buildings.

"(4) School condition is positively correlated with student achievement, according to a number of research studies.

"(5) The results of a recent survey indicate that the condition of schools with large proportions of students living on Indian lands is particularly poor.

"(6) While school repair and renovation are primarily a State and local concern, some States and communities are not, on their own, able to meet the burden of providing adequate school facilities for all students, and the poorest communities have had the greatest difficulty meeting this need. It is, therefore, appropriate for the Federal Government to provide assistance to high-need communities for school repair and renovation.

"SEC. 12002. PURPOSE.

"The purpose of this title is to assist high-need local educational agencies in making urgent repairs and renovations to public school facilities in order to—

"(1) reduce health and safety problems, including violations of State or local fire codes, faced by students; and

"(2) improve the ability of students to learn in their school environment.

"SEC. 12003. AUTHORIZED ACTIVITIES.

"(a) IN GENERAL.—A recipient of a grant or loan under this title shall use the grant or loan funds to carry out the purpose of this title by—

"(1) repairing or replacing roofs, electrical wiring, or plumbing systems;

"(2) repairing, replacing, or installing heating, ventilation, or air conditioning systems;

"(3) ensuring that repairs and renovations under this title comply with the requirements of section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 relating to the accessibility of public school programs to individuals with disabilities; and

"(4) making other types of school repairs and renovations that the Secretary may reasonably determine are urgently needed, particularly projects to correct facilities problems that endanger the health and safety of students and staff such as violations of State or local fire codes.

"(b) LIMITATION.—The Secretary shall not approve an application for a grant or loan under this title unless the applicant demonstrates to the Secretary's satisfaction that the applicant lacks sufficient funds, from other sources, to carry out the repairs or renovations for which the applicant is requesting assistance.

"SEC. 12004. GRANTS TO LOCAL EDUCATIONAL AGENCIES WITH HIGH CONCENTRATIONS OF STUDENTS LIVING ON INDIAN LANDS.

"(a) GRANTS AUTHORIZED.—From funds available under section 12008(a), the Secretary shall award grants to local educational agencies to enable the agencies to carry out the authorized activities described in section 12003 and subsection (e).

"(b) ELIGIBILITY.—A local educational agency is eligible for a grant under this section if the number of children determined under section 8003(a)(1)(C) of this Act for that agency constituted at least 50 percent of the number of children who were in average daily attendance at the schools of the agency during the preceding school year.

"(c) ALLOCATION OF FUNDS.—The Secretary shall allocate funds available to carry out this section to eligible local educational agencies based on their respective numbers of children in average daily attendance who are counted under section 8003(a)(1)(C) of this Act.

"(d) APPLICATIONS.—Each eligible local educational agency that desires to receive a grant under this section shall submit an application to the Secretary that includes—

"(1) a statement of how the agency will use the grant funds;

"(2) a description of the steps the agency will take to adequately maintain the facilities that the agency repairs, renovates, or constructs with those funds; and

"(3) such other information and assurances as the Secretary may reasonably require.

"(e) CONSTRUCTION OF NEW SCHOOLS.—In addition to any other activity authorized under section 12003, an eligible local educational agency may use grant funds received under this section to construct a new school if the agency demonstrates to the Secretary's satisfaction that the agency will replace an existing school that is in such poor condition that renovating the school will not be cost-effective.

"SEC. 12005. GRANTS TO HIGH-POVERTY LOCAL EDUCATIONAL AGENCIES.

"(a) GRANTS AUTHORIZED.—From funds available under section 12008(b)(1), the Secretary shall make grants, on a competitive basis, to local educational agencies with poverty rates of 20 percent or greater to enable the agencies to carry out the authorized activities described in section 12003.

"(b) CRITERIA FOR AWARDING GRANTS.—In making grants under this section, the Secretary shall consider—

"(1) the poverty rate, the need for school repairs and renovations, and the fiscal capacity of each local educational agency; and

"(2) such other factors as the Secretary determines appropriate.

"(c) APPLICATIONS.—Each eligible local educational agency that desires to receive a grant under this section shall submit an application to the Secretary that includes—

"(1) a description of the agency's urgent need for school repair and renovation and of how the agency will use funds available under this section to meet those needs;

"(2) information on the fiscal effort that the agency is making in support of education and evidence demonstrating that the agency lacks the capacity to meet the agency's urgent school repair and renovation needs without assistance made available under this section;

"(3) a description of the steps the agency will take to adequately maintain the facilities that the agency repairs or renovates with the assistance; and

"(4) such other information and assurances as the Secretary may reasonably require.

"SEC. 12006. SCHOOL RENOVATION GRANTS AND LOANS.

"(a) GRANTS AND LOANS.—From funds available under section 12008(b)(2), the Secretary shall make grants, and shall pay the cost of loans made, on a competitive basis, to local educational agencies that lack the ability to fund urgent school repairs without a grant or loan provided under this section, to enable the agencies to carry out the authorized activities described in section 12003.

"(b) LOAN PERIOD.—Each loan under this section shall be for a period of 7 years and shall carry an interest rate of 0 percent.

"(c) CRITERIA FOR MAKING GRANTS AND LOANS.—In making grants and loans under this section, the Secretary shall consider—

"(1) the extent of poverty, the need for school repairs and renovations, and the fiscal capacity of each local educational agency; and

"(2) such other factors as the Secretary determines appropriate.

"(d) Applications.—Each eligible local educational agency that desires to receive a grant or loan under this section shall submit an application to the Secretary that includes the information described in section 12005(c).

"(e) Credit Standards.—In carrying out this section, the Secretary—

"(1) shall not extend credit without finding that there is reasonable assurance of repayment; and

"(2) may use credit enhancement techniques, as appropriate, to reduce the credit risk of loans.

"SEC. 12007. PROGRESS REPORTS.

"The Secretary shall require recipients of grants and loans under this title to submit progress reports and such other information as the Secretary determines necessary to ensure compliance with this title and to evaluate the impact of the activities assisted under this title.

"SEC. 12008. AUTHORIZATION OF APPROPRIATIONS.

"(a) Grants Under Section 12004.—For the purpose of making grants under section 12004, there are authorized to be appropriated $50,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(b) Grants Under Section 12005 and Grants and Loans Under Section 12006.—For the purpose of making grants under section 12005, and grants and loans under section 12006, there are authorized to be appropriated $1,250,000,000 for fiscal year 2001 and such sums as may be necessary for each of the succeeding 4 fiscal years, of which—

"(1) 10 percent shall be available for grants under section 12005; and

"(2) 90 percent shall be available to make grants and to pay the cost of loans under section 12006.

"(c) Limitation on Loan Volume.—Within the available resources and authority, gross obligations for the principal amount of direct loans offered by the Secretary under section 12006 for fiscal year 2001 shall not exceed $7,000,000,000, or the amount specified in an applicable appropriations Act, whichever is greater.

"SEC. 12009. DEFINITIONS.

"For the purpose of this title, the following terms have the following meanings:

"(1) Local educational agency.—The term 'local educational agency' has the meaning given that term in section 14101(18)(A) and (B) of this Act.

"(2) Public school facility.—

"(A) In general.—The term 'public school facility' means a public building whose primary purpose is the instruction of public elementary or secondary students.

"(B) Exclusions.—The term excludes athletic stadiums or any other structure or facility intended primarily for athletic exhibitions, contests, games, or events for which admission is charged to the general public.

"(3) Repair and renovation.—The term 'repair and renovation' used with respect to an existing public school facility, means the repair or renovation of the facility without increasing the size of the facility.".

SEC. 101D. USE OF NET PROCEEDS.

Notwithstanding any other provision of law—

(1) section 439(a) of the General Education Provisions Act shall apply with respect to the construction, reconstruction, rehabilitation, or repair of any school facility to the extent funded by net proceeds obtained through any provision enacted or amended by this Act,

(2) such net proceeds may not be used to fund the construction, reconstruction, rehabilitation, or repair of any stadium or other facility primarily used for athletic or nonacademic events, and

(3) such net proceeds may be used to build small schools or create smaller learning environments within existing public school facilities.

ROTH AMENDMENTS NOS. 2831-2836

(Ordered to lie on the table.)

Mr. ROTH sumbitted six amendments intended to be proposed by him to the bill, S. 1134, supra; as follows:

Amendment No. 2831

Strike all after the first word and insert:

1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Affordable Education Act of 2000".

(b) Amendment of 1986 Code.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title; amendment of 1986 Code; table of contents.

TITLE I—EDUCATION SAVINGS INCENTIVES

Sec. 101. Modifications to education individual retirement accounts.

Sec. 102. Modifications to qualified tuition programs.

TITLE II—EDUCATIONAL ASSISTANCE

Sec. 201. Extension of exclusion for employer-provided educational assistance.

Sec. 202. Elimination of 60-month limit on student loan interest deduction.

Sec. 203. Exclusion of certain amounts received under the National Health Service Corps Scholarship Program and the F. Edward Hebert Armed Forces Health Professions Scholarship and Financial Assistance Program.

TITLE III—LIBERALIZATION OF TAX-EXEMPT FINANCING RULES FOR PUBLIC SCHOOL CONSTRUCTION

Sec. 301. Additional increase in arbitrage rebate exception for governmental bonds used to finance educational facilities.

Sec. 302. Treatment of qualified public educational facility bonds as exempt facility bonds.

Sec. 303. Federal guarantee of school construction bonds by Federal Housing Finance Board.

TITLE I—EDUCATION SAVINGS INCENTIVES

SEC. 101. MODIFICATIONS TO EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS.

(a) Maximum Annual Contributions.—

(1) In general.—Section 530(b)(1)(A)(iii) (defining education individual retirement account) is amended by striking "$500" and inserting "the contribution limit for such taxable year".

(2) Contribution limit.—Section 530(b) (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

"(4) Contribution limit.—The term 'contribution limit' means $500 ($2,000 in the case of any taxable year beginning after December 31, 2000, and ending before January 1, 2004)."

(3) Conforming amendment.—Section 4973(e)(1)(A) is amended by striking "$500" and inserting "the contribution limit (as defined in section 530(b)(4)) for such taxable year".

(b) Tax-Free Expenditures for Elementary and Secondary School Expenses.—

(1) In general.—Section 530(b)(2) (defining qualified higher education expenses) is amended to read as follows:

"(2) Qualified education expenses.—

"(A) In general.—The term 'qualified education expenses' means—

"(i) qualified higher education expenses (as defined in section 529(e)(3)), and

"(ii) qualified elementary and secondary education expenses (as defined in paragraph (5)).

"(B) Qualified state tuition programs.—Such term shall include any contribution to a qualified State tuition program (as defined in section 529(b)) on behalf of the designated beneficiary (as defined in section 529(e)(1)); but there shall be no increase in the investment in the contract for purposes of applying section 72 by reason of any portion of such contribution which is not includible in gross income by reason of subsection (d)(2)."

(2) Qualified elementary and secondary education expenses.—Section 530(b) (relating to definitions and special rules), as amended by subsection (a)(2), is amended by adding at the end the following new paragraph:

"(5) Qualified elementary and secondary education expenses.—

"(A) In general.—The term 'qualified elementary and secondary education expenses' means—

"(i) expenses for tuition, fees, academic tutoring, special needs services, books, supplies, computer equipment (including related software and services), and other equipment which are incurred in connection with the enrollment or attendance of the designated beneficiary of the trust as an elementary or secondary school student at a public, private, or religious school, and

"(ii) expenses for room and board, uniforms, transportation, and supplementary items and services (including extended day programs) which are required or provided by a public, private, or religious school in connection with such enrollment or attendance.

"(B) Special rule for homeschooling.—Such term shall include expenses described in subparagraph (A)(i) in connection with education provided by homeschooling if the requirements of any applicable State or local law are met with respect to such education.

"(C) School.—The term 'school' means any school which provides elementary education or secondary education (kindergarten through grade 12), as determined under State law.".

(3) Special rules for applying exclusion to elementary and secondary expenses.—Section 530(d)(2) (relating to distributions for qualified higher education expenses) is amended by adding at the end the following new subparagraph:

"(E) Special rules for elementary and secondary expenses.—

"(i) In general.—The aggregate amount of qualified elementary and secondary education expenses taken into account for purposes of this paragraph with respect to any education individual retirement account for all taxable years shall not exceed the sum of the aggregate contributions to such account for taxable years beginning after December 31, 2000, and before January 1, 2004, and earnings on such contributions.

"(ii) Special operating rules.—For purposes of clause (i)—

"(I) the trustee of an education individual retirement account shall keep separate accounts with respect to contributions and earnings described in clause (i), and

"(II) if there are distributions in excess of qualified elementary and secondary education expenses for any taxable year, such excess distributions shall be allocated first to contributions and earnings not described in clause (i)."

(4) Conforming amendments.—Section 530 is amended—

(A) by striking "higher" each place it appears in subsections (b)(1) and (d)(2), and

(B) by striking "HIGHER" in the heading for subsection (d)(2).

(c) Waiver of Age Limitations for Children With Special Needs.—Section 530(b)(1) (defining education individual retirement account) is amended by adding at the end the following flush sentence:

"The age limitations in subparagraphs (A)(ii) and (E) and paragraphs (5) and (6) of subsection (d) shall not apply to any designated beneficiary with special needs (as determined under regulations prescribed by the Secretary)."

(d) Entities Permitted To Contribute to Accounts.—Section 530(c)(1) (relating to reduction in permitted contributions based on adjusted gross income) is amended by striking "The maximum amount which a contributor" and inserting "In the case of a contributor who is an individual, the maximum amount the contributor".

(e) Time When Contributions Deemed Made.—

(1) In general.—Section 530(b) (relating to definitions and special rules), as amended by subsection (b)(2), is amended by adding at the end the following new paragraph:

"(6) Time when contributions deemed made.—An individual shall be deemed to have made a contribution to an education individual retirement account on the last day of the preceding taxable year if the contribution is made on account of such taxable year and is made not later than the time prescribed by law for filing the return for such taxable year (not including extensions thereof)."

(2) Extension of time to return excess contributions.—Subparagraph (C) of section 530(d)(4) (relating to additional tax for distributions not used for educational expenses) is amended—

(A) by striking clause (i) and inserting the following new clause:

"(i) such distribution is made before the 1st day of the 6th month of the taxable year following the taxable year, and", and

(B) by striking "DUE DATE OF RETURN" in the heading and inserting "CERTAIN DATE".

(f) Coordination With Hope and Lifetime Learning Credits and Qualified Tuition Programs.—

(1) In general.—Section 530(d)(2)(C) is amended to read as follows:

"(C) Coordination with hope and lifetime learning credits and qualified tuition programs.—

"(i) Credit coordination.—

"(I) In general.—Except as provided in subclause (II), subparagraph (A) shall not apply for any taxable year to any qualified higher education expenses with respect to any individual if a credit is allowed under section 25A with respect to such expenses for such taxable year.

"(II) Special coordination rule.—In the case of any taxable year beginning after December 31, 2000, and before January 1, 2004, subclause (I) shall not apply, but the total amount of qualified higher education expenses otherwise taken into account under subparagraph (A) with respect to an individual for such taxable year shall be reduced (after the application of the reduction provided in section 25A(g)(2)) by the amount of such expenses which were taken into account in determining the credit allowed to the taxpayer or any other person under section 25A with respect to such expenses.'

"(ii) Coordination with qualified tuition programs.—If, with respect to an individual for any taxable year—

"(I) the aggregate distributions during such year to which subparagraph (A) and section 529(c)(3)(B) apply, exceed

"(II) the total amount of qualified higher education expenses (after the application of clause (i)) for such year,

the taxpayer shall allocate such expenses among such distributions for purposes of determining the amount of the exclusion under subparagraph (A) and section 529(c)(3)(B)."

(2) Conforming amendments.—

(A) Subsection (e) of section 25A is amended to read as follows:

"(e) Election Not To Have Section Apply.—A taxpayer may elect not to have this section apply with respect to the qualified tuition and related expenses of an individual for any taxable year."

(B) Section 135(d)(2)(A) is amended by striking "allowable" and inserting "allowed".

(C) Section 530(d)(2)(D) is amended—

(i) by striking "or credit", and

(ii) by striking "CREDIT OR" in the heading.

(D) Section 4973(e)(1) is amended by adding "and" at the end of subparagraph (A), by striking subparagraph (B), and by redesignating subparagraph (C) as subparagraph (B).

(g) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 102. MODIFICATIONS TO QUALIFIED TUITION PROGRAMS.

(a) Eligible Educational Institutions Permitted To Maintain Qualified Tuition Programs.—

(1) In general.—Section 529(b)(1) (defining qualified State tuition program) is amended by inserting "or by 1 or more eligible educational institutions" after "maintained by a State or agency or instrumentality thereof".

(2) Private qualified tuition programs limited to benefit plans.—Clause (ii) of section 529(b)(1)(A) is amended by inserting "in the case of a program established and maintained by a State or agency or instrumentality thereof," before "may make".

(3) Conforming amendments.—

(A) Sections 72(e)(9), 135(c)(2)(C), 135(d)(1)(D), 529, 530(b)(2)(B), 4973(e), and 6693(a)(2)(C) are each amended by striking "qualified State tuition" each place it appears and inserting "qualified tuition".

(B) The headings for sections 72(e)(9) and 135(c)(2)(C) are each amended by striking "QUALIFIED STATE TUITION" and inserting "QUALIFIED TUITION".

(C) The headings for sections 529(b) and 530(b)(2)(B) are each amended by striking "Qualified state tuition" and inserting "Qualified tuition".

(D) The heading for section 529 is amended by striking "**STATE**".

(E) The item relating to section 529 in the table of sections for part VIII of subchapter F of chapter 1 is amended by striking "State".

(b) Exclusion From Gross Income of Education Distributions From Qualified Tuition Programs.—

(1) In general.—Section 529(c)(3)(B) (relating to distributions) is amended to read as follows:

"(B) Distributions for qualified higher education expenses.—For purposes of this paragraph—

"(i) In-kind distributions.—No amount shall be includible in gross income under subparagraph (A) by reason of a distribution which consists of providing a benefit to the distributee which, if paid for by the distributee, would constitute payment of a qualified higher education expense.

"(ii) Cash distributions.—In the case of distributions not described in clause (i), if—

"(I) such distributions do not exceed the qualified higher education expenses (reduced by expenses described in clause (i)), no amount shall be includible in gross income, and

"(II) in any other case, the amount otherwise includible in gross income shall be reduced by an amount which bears the same ratio to such amount as such expenses bear to such distributions.

"(iii) Exception for institutional programs.—In the case of any taxable year beginning before January 1, 2004, clauses (i) and (ii) shall not apply with respect to any distribution during such taxable year under a qualified tuition program established and maintained by 1 or more eligible educational institutions.

"(iv) Treatment as distributions.—Any benefit furnished to a designated beneficiary under a qualified tuition program shall be treated as a distribution to the beneficiary for purposes of this paragraph.

"(v) Coordination with hope and lifetime learning credits.—

"(I) In general.—Except as provided in subclause (II), clause (i) shall not apply for any taxable year to any qualified higher education expenses with respect to any individual if a credit is allowed under section 25A with respect to such expenses for such taxable year.

"(II) Special coordination rule.—In the case of any taxable year beginning after December 31, 2000, and before January 1, 2004, subclause (I) shall not apply, but the total amount of qualified higher education expenses otherwise taken into account under clause (i) with respect to an individual for such taxable year shall be reduced (after the application of the reduction provided in section 25A(g)(2)) by the amount of such expenses which were taken into account in determining the credit allowed to the taxpayer or any other person under section 25A with respect to such expenses.

"(vi) Coordination with education IRAs.—If, with respect to an individual for any taxable year—

"(I) the aggregate distributions to which clauses (i) and (ii) and section 530(d)(2)(A) apply, exceed

"(II) the total amount of qualified higher education expenses otherwise taken into account under clauses (i) and (ii) (after the application of clause (iv)) for such year,

the taxpayer shall allocate such expenses among such distributions for purposes of determining the amount of the exclusion under clauses (i) and (ii) and section 530(d)(2)(A)."

(2) Conforming amendments.—

(A) Section 135(d)(2)(B) is amended by striking "section 530(d)(2)" and inserting "sections 529(c)(3)(B)(i) and 530(d)(2)".

(B) Section 221(e)(2)(A) is amended by inserting "529," after "135,".

(c) Rollover to Different Program for Benefit of Same Designated Beneficiary.—Section 529(c)(3)(C) (relating to change in beneficiaries) is amended—

(1) by striking "transferred to the credit" in clause (i) and inserting "transferred—

"(I) to another qualified tuition program for the benefit of the designated beneficiary, or

"(II) to the credit",

(2) by adding at the end the following new clause:

"(iii) Limitation on certain rollovers.—Clause (i)(I) shall only apply to the first 3 transfers with respect to a designated beneficiary.", and

(3) by inserting "or programs" after "beneficiaries" in the heading.

(d) Member of Family Includes First Cousin.—Section 529(e)(2) (defining member of family) is amended by striking "and" at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and by inserting "; and", and by adding at the end the following new subparagraph:

"(D) any first cousin of such beneficiary."

(e) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

TITLE II—EDUCATIONAL ASSISTANCE

SEC. 201. EXTENSION OF EXCLUSION FOR EMPLOYER-PROVIDED EDUCATIONAL ASSISTANCE.

(a) In General.—Section 127(d) (relating to termination of exclusion for educational assistance programs) is amended by striking "December 31, 2001" and inserting "June 30, 2004".

(b) Repeal of Limitation on Graduate Education.—

(1) In general.—The last sentence of section 127(c)(1) is amended by striking ", and such term also does not include any payment for, or the provision of any benefits with respect to, any graduate level course of a kind normally taken by an individual pursuing a program leading to a law, business, medical, or other advanced academic or professional degree".

(2) Effective date.—The amendment made by paragraph (1) shall apply with respect to expenses relating to courses beginning after December 31, 2000.

SEC. 202. ELIMINATION OF 60-MONTH LIMIT ON STUDENT LOAN INTEREST DEDUCTION.

(a) In General.—Section 221 (relating to interest on education loans) is amended by striking subsection (d) and by redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively.

(b) Conforming Amendment.—Section 6050S(e) is amended by striking "section 221(e)(1)" and inserting "section 221(d)(1)".

(c) Effective Date.—The amendments made by this section shall apply with respect to any loan interest paid after December 31, 2000.

SEC. 203. EXCLUSION OF CERTAIN AMOUNTS RECEIVED UNDER THE NATIONAL HEALTH SERVICE CORPS SCHOLARSHIP PROGRAM AND THE F. EDWARD HEBERT ARMED FORCES HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM.

(a) In General.—Section 117(c) (relating to the exclusion from gross income amounts received as a qualified scholarship) is amended—

(1) by striking "Subsections (a)" and inserting the following:

"(1) In general.—Except as provided in paragraph (2), subsections (a)", and

(2) by adding at the end the following new paragraph:

"(2) Exceptions.—Paragraph (1) shall not apply to any amount received by an individual under—

"(A) the National Health Service Corps Scholarship Program under section 338A(g)(1)(A) of the Public Health Service Act, or

"(B) the Armed Forces Health Professions Scholarship and Financial Assistance program under subchapter I of chapter 105 of title 10, United States Code."

(b) Effective Date.—The amendments made by subsection (a) shall apply to amounts received in taxable years beginning after December 31, 1993.

TITLE III—LIBERALIZATION OF TAX-EXEMPT FINANCING RULES FOR PUBLIC SCHOOL CONSTRUCTION

SEC. 301. ADDITIONAL INCREASE IN ARBITRAGE REBATE EXCEPTION FOR GOVERNMENTAL BONDS USED TO FINANCE EDUCATIONAL FACILITIES.

(a) In General.—Section 148(f)(4)(D)(vii) (relating to increase in exception for bonds financing public school capital expenditures) is amended by striking "$5,000,000" the second place it appears and inserting "$10,000,000".

(b) Effective Date.—The amendment made by subsection (a) shall apply to obligations issued in calendar years beginning after December 31, 2000.

SEC. 302. TREATMENT OF QUALIFIED PUBLIC EDUCATIONAL FACILITY BONDS AS EXEMPT FACILITY BONDS.

(a) Treatment as Exempt Facility Bond.—Subsection (a) of section 142 (relating to exempt facility bond) is amended by striking "or" at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting ", or", and by adding at the end the following new paragraph:

"(13) qualified public educational facilities."

(b) Qualified Public Educational Facilities.—Section 142 (relating to exempt facility bond) is amended by adding at the end the following new subsection:

"(k) Qualified Public Educational Facilities.—

"(1) In general.—For purposes of subsection (a)(13), the term 'qualified public educational facility' means any school facility which is—

"(A) part of a public elementary school or a public secondary school, and

"(B) owned by a private, for-profit corporation pursuant to a public-private partnership agreement with a State or local educational agency described in paragraph (2).

"(2) Public-private partnership agreement described.—A public-private partnership agreement is described in this paragraph if it is an agreement—

"(A) under which the corporation agrees—

"(i) to do 1 or more of the following: construct, rehabilitate, refurbish, or equip a school facility, and

"(ii) at the end of the term of the agreement, to transfer the school facility to such agency for no additional consideration, and

"(B) the term of which does not exceed the term of the issue to be used to provide the school facility.

"(3) School facility.—For purposes of this subsection, the term 'school facility' means—

"(A) school buildings,

"(B) functionally related and subordinate facilities and land with respect to such buildings, including any stadium or other facility primarily used for school events, and

"(C) any property, to which section 168 applies (or would apply but for section 179), for use in the facility.

"(4) Public schools.—For purposes of this subsection, the terms 'elementary school' and 'secondary school' have the meanings given such terms by section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801), as in effect on the date of the enactment of this subsection.

"(5) Annual aggregate face amount of tax-exempt financing.—

"(A) In general.—An issue shall not be treated as an issue described in subsection (a)(13) if the aggregate face amount of bonds issued by the State pursuant thereto (when added to the aggregate face amount of bonds previously so issued during the calendar year) exceeds an amount equal to the greater of—

"(i) $10 multiplied by the State population, or

"(ii) $5,000,000.

"(B) Allocation rules.—

"(i) In general.—Except as otherwise provided in this subparagraph, the State may allocate the amount described in subparagraph (A) for any calendar year in such manner as the State determines appropriate.

"(ii) Rules for carryforward of unused limitation.—A State may elect to carry forward an unused limitation for any calendar year for 3 calendar years following the calendar year in which the unused limitation arose under rules similar to the rules of section 146(f), except that the only purpose for which the carryforward may be elected is the issuance of exempt facility bonds described in subsection (a)(13)."

(c) Exemption From General State Volume Caps.—Paragraph (3) of section 146(g) (relating to exception for certain bonds) is amended—

(1) by striking "or (12)" and inserting "(12), or (13)", and

(2) by striking "and environmental enhancements of hydroelectric generating facilities" and inserting "environmental enhancements of hydroelectric generating facilities, and qualified public educational facilities".

(d) Exemption From Limitation on Use for Land Acquisition.—Section 147(h) (relating to certain rules not to apply to mortgage revenue bonds, qualified student loan bonds, and qualified 501(c)(3) bonds) is amended by adding at the end the following new paragraph:

"(3) Exempt facility bonds for qualified public-private schools.—Subsection (c) shall not apply to any exempt facility bond issued as part of an issue described in section 142(a)(13) (relating to qualified public educational facilities)."

(e) Conforming Amendment.—The heading for section 147(h) is amended by striking "Mortgage Revenue Bonds, Qualified Student Loan Bonds, and Qualified 501(c)(3) Bonds" and inserting "Certain Bonds".

(f) Effective Date.—The amendments made by this section shall apply to bonds issued after December 31, 2000.

SEC. 303. FEDERAL GUARANTEE OF SCHOOL CONSTRUCTION BONDS BY FEDERAL HOUSING FINANCE BOARD.

(a) In General.—Section 149(b)(3) (relating to exceptions) is amended by adding at the end the following new subparagraph:

"(E) Certain guaranteed school construction bonds.—Any bond issued as part of an issue 95 percent or more of the net proceeds of which are used for public school construction shall not be treated as federally guaranteed for any calendar year by reason of any guarantee by the Federal Housing Finance Board (through any Federal Home Loan Bank) under the Federal Home Loan

Bank Act (12 U.S.C. 1421 et seq.), as in effect on the date of the enactment of this subparagraph, to the extent the face amount of such bond, when added to the aggregate face amount of such bonds previously so guaranteed for such year, does not exceed $500,000,000."

(b) Effective Date.—The amendment made by this section shall apply to bonds issued after December 31, 2000.

Amendment No. 2832

Beginning on page 3, line 1, strike all through page 18, line 12, and insert:

TITLE I—EDUCATION SAVINGS INCENTIVES

SEC. 101. MODIFICATIONS TO EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS.

(a) Maximum Annual Contributions.—

(1) In general.—Section 530(b)(1)(A)(iii) (defining education individual retirement account) is amended by striking "$500" and inserting "the contribution limit for such taxable year".

(2) Contribution limit.—Section 530(b) (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

"(4) Contribution limit.—The term 'contribution limit' means $500 ($2,000 in the case of any taxable year beginning after December 31, 2000, and ending before January 1, 2004)."

(3) Conforming amendment.—Section 4973(e)(1)(A) is amended by striking "$500" and inserting "the contribution limit (as defined in section 530(b)(4)) for such taxable year".

(b) Tax-Free Expenditures for Elementary and Secondary School Expenses.—

(1) In general.—Section 530(b)(2) (defining qualified higher education expenses) is amended to read as follows:

"(2) Qualified education expenses.—

"(A) In general.—The term 'qualified education expenses' means—

"(i) qualified higher education expenses (as defined in section 529(e)(3)), and

"(ii) qualified elementary and secondary education expenses (as defined in paragraph (5)).

"(B) Qualified state tuition programs.—Such term shall include any contribution to a qualified State tuition program (as defined in section 529(b)) on behalf of the designated beneficiary (as defined in section 529(e)(1)); but there shall be no increase in the investment in the contract for purposes of applying section 72 by reason of any portion of such contribution which is not includible in gross income by reason of subsection (d)(2)."

(2) Qualified elementary and secondary education expenses.—Section 530(b) (relating to definitions and special rules), as amended by subsection (a)(2), is amended by adding at the end the following new paragraph:

"(5) Qualified elementary and secondary education expenses.—

"(A) In general.—The term 'qualified elementary and secondary education expenses' means—

"(i) expenses for tuition, fees, academic tutoring, special needs services, books, supplies, computer equipment (including related software and services), and other equipment which are incurred in connection with the enrollment or attendance of the designated beneficiary of the trust as an elementary or secondary school student at a public, private, or religious school, and

"(ii) expenses for room and board, uniforms, transportation, and supplementary items and services (including extended day programs) which are required or provided by a public, private, or religious school in connection with such enrollment or attendance.

"(B) Special rule for homeschooling.—Such term shall include expenses described in subparagraph (A)(i) in connection with education provided by homeschooling if the requirements of any applicable State or local law are met with respect to such education.

"(C) School.—The term 'school' means any school which provides elementary education or secondary education (kindergarten through grade 12), as determined under State law."

(3) Special rules for applying exclusion to elementary and secondary expenses.—Section 530(d)(2) (relating to distributions for qualified higher education expenses) is amended by adding at the end the following new subparagraph:

"(E) Special rules for elementary and secondary expenses.—

"(i) In general.—The aggregate amount of qualified elementary and secondary education expenses taken into account for purposes of this paragraph with respect to any education individual retirement account for all taxable years shall not exceed the sum of the aggregate contributions to such account for taxable years beginning after December 31, 2000, and before January 1, 2004, and earnings on such contributions.

"(ii) Special operating rules.—For purposes of clause (i)—

"(I) the trustee of an education individual retirement account shall keep separate accounts with respect to contributions and earnings described in clause (i), and

"(II) if there are distributions in excess of qualified elementary and secondary education expenses for any taxable year, such excess distributions shall be allocated first to contributions and earnings not described in clause (i)."

(4) Conforming amendments.—Section 530 is amended—

(A) by striking "higher" each place it appears in subsections (b)(1) and (d)(2), and

(B) by striking "higher" in the heading for subsection (d)(2).

(c) Waiver of Age Limitations for Children With Special Needs.—Section 530(b)(1) (defining education individual retirement account) is amended by adding at the end the following flush sentence:

"The age limitations in subparagraphs (A)(ii) and (E) and paragraphs (5) and (6) of subsection (d) shall not apply to any designated beneficiary with special needs (as determined under regulations prescribed by the Secretary)."

(d) Entities Permitted To Contribute to Accounts.—Section 530(c)(1) (relating to reduction in permitted contributions based on adjusted gross income) is amended by striking "The maximum amount which a contributor" and inserting "In the case of a contributor who is an individual, the maximum amount the contributor".

(e) Time When Contributions Deemed Made.—

(1) In general.—Section 530(b) (relating to definitions and special rules), as amended by subsection (b)(2), is amended by adding at the end the following new paragraph:

"(6) Time when contributions deemed made.—An individual shall be deemed to have made a contribution to an education individual retirement account on the last day of the preceding taxable year if the contribution is made on account of such taxable year and is made not later than the time prescribed by law for filing the return for such taxable year (not including extensions thereof)."

(2) Extension of time to return excess contributions.—Subparagraph (C) of section 530(d)(4) (relating to additional tax for distributions not used for educational expenses) is amended—

(A) by striking clause (i) and inserting the following new clause:

"(i) such distribution is made before the 1st day of the 6th month of the taxable year following the taxable year, and", and

(B) by striking "due date of return" in the heading and inserting "certain date".

(f) Coordination With Hope and Lifetime Learning Credits and Qualified Tuition Programs.—

(1) In general.—Section 530(d)(2)(C) is amended to read as follows:

"(C) Coordination with hope and lifetime learning credits and qualified tuition programs.—

"(i) Credit coordination.—

"(I) In general.—Except as provided in subclause (II), subparagraph (A) shall not apply for any taxable year to any qualified higher education expenses with respect to any individual if a credit is allowed under section 25A with respect to such expenses for such taxable year.

"(II) Special coordination rule.—In the case of any taxable year beginning after December 31, 2000, and before January 1, 2004, subclause (I) shall not apply, but the total amount of qualified higher education expenses otherwise taken into account under subparagraph (A) with respect to an individual for such taxable year shall be reduced (after the application of the reduction provided in section 25A(g)(2)) by the amount of such expenses which were taken into account in determining the credit allowed to the taxpayer or any other person under section 25A with respect to such expenses.

"(ii) Coordination with qualified tuition programs.—If, with respect to an individual for any taxable year—

"(I) the aggregate distributions during such year to which subparagraph (A) and section 529(c)(3)(B) apply, exceed

"(II) the total amount of qualified higher education expenses (after the application of clause (i)) for such year,

the taxpayer shall allocate such expenses among such distributions for purposes of determining the amount of the exclusion under subparagraph (A) and section 529(c)(3)(B)."

(2) Conforming amendments.—

(A) Subsection (e) of section 25A is amended to read as follows:

"(e) Election Not To Have Section Apply.—A taxpayer may elect not to have this section apply with respect to the qualified tuition and related expenses of an individual for any taxable year."

(B) Section 135(d)(2)(A) is amended by striking "allowable" and inserting "allowed".

(C) Section 530(d)(2)(D) is amended—

(i) by striking "or credit", and

(ii) by striking "credit or" in the heading.

(D) Section 4973(e)(1) is amended by adding "and" at the end of subparagraph (A), by striking subparagraph (B), and by redesignating subparagraph (C) as subparagraph (B).

(g) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 102. MODIFICATIONS TO QUALIFIED TUITION PROGRAMS.

(a) Eligible Educational Institutions Permitted To Maintain Qualified Tuition Programs.—

(1) In general.—Section 529(b)(1) (defining qualified State tuition program) is amended by inserting "or by 1 or more eligible educational institutions" after "maintained by

a State or agency or instrumentality thereof".

(2) PRIVATE QUALIFIED TUITION PROGRAMS LIMITED TO BENEFIT PLANS.—Clause (ii) of section 529(b)(1)(A) is amended by inserting "in the case of a program established and maintained by a State or agency or instrumentality thereof," before "may make".

(3) CONFORMING AMENDMENTS.—

(A) Sections 72(e)(9), 135(c)(2)(C), 135(d)(1)(D), 529, 530(b)(2)(B), 4973(e), and 6693(a)(2)(C) are each amended by striking "qualified State tuition" each place it appears and inserting "qualified tuition".

(B) The headings for sections 72(e)(9) and 135(c)(2)(C) are each amended by striking "QUALIFIED STATE TUITION" and inserting "QUALIFIED TUITION".

(C) The headings for sections 529(b) and 530(b)(2)(B) are each amended by striking "QUALIFIED STATE TUITION" and inserting "QUALIFIED TUITION".

(D) The heading for section 529 is amended by striking "**STATE**".

(E) The item relating to section 529 in the table of sections for part VIII of subchapter F of chapter 1 is amended by striking "State".

(b) EXCLUSION FROM GROSS INCOME OF EDUCATION DISTRIBUTIONS FROM QUALIFIED TUITION PROGRAMS.—

(1) IN GENERAL.—Section 529(c)(3)(B) (relating to distributions) is amended to read as follows:

"(B) DISTRIBUTIONS FOR QUALIFIED HIGHER EDUCATION EXPENSES.—For purposes of this paragraph—

"(i) IN-KIND DISTRIBUTIONS.—No amount shall be includible in gross income under subparagraph (A) by reason of a distribution which consists of providing a benefit to the distributee which, if paid for by the distributee, would constitute payment of a qualified higher education expense.

"(ii) CASH DISTRIBUTIONS.—In the case of distributions not described in clause (i), if—

"(I) such distributions do not exceed the qualified higher education expenses (reduced by expenses described in clause (i)), no amount shall be includible in gross income, and

"(II) in any other case, the amount otherwise includible in gross income shall be reduced by an amount which bears the same ratio to such amount as such expenses bear to such distributions.

"(iii) EXCEPTION FOR INSTITUTIONAL PROGRAMS.—In the case of any taxable year beginning before January 1, 2004, clauses (i) and (ii) shall not apply with respect to any distribution during such taxable year under a qualified tuition program established and maintained by 1 or more eligible educational institutions.

"(iv) TREATMENT AS DISTRIBUTIONS.—Any benefit furnished to a designated beneficiary under a qualified tuition program shall be treated as a distribution to the beneficiary for purposes of this paragraph.

"(iv) COORDINATION WITH HOPE AND LIFETIME LEARNING CREDITS.—

"(I) IN GENERAL.—Except as provided in subclause (II), clause (i) shall not apply for any taxable year to any qualified higher education expenses with respect to any individual if a credit is allowed under section 25A with respect to such expenses for such taxable year.

"(II) SPECIAL COORDINATION RULE.—In the case of any taxable year beginning after December 31, 2000, and before January 1, 2004, subclause (I) shall not apply, but the total amount of qualified higher education expenses otherwise taken into account under clause (i) with respect to an individual for such taxable year shall be reduced (after the application of the reduction provided in section 25A(g)(2)) by the amount of such expenses which were taken into account in determining the credit allowed to the taxpayer or any other person under section 25A with respect to such expenses.

"(v) COORDINATION WITH EDUCATION IRAS.—If, with respect to an individual for any taxable year—

"(I) the aggregate distributions to which clauses (i) and (ii) and section 530(d)(2)(A) apply, exceed

"(II) the total amount of qualified higher education expenses otherwise taken into account under clauses (i) and (ii) (after the application of clause (iv)) for such year,

the taxpayer shall allocate such expenses among such distributions for purposes of determining the amount of the exclusion under clauses (i) and (ii) and section 530(d)(2)(A)."

(2) CONFORMING AMENDMENTS.—

(A) Section 135(d)(2)(B) is amended by striking "section 530(d)(2)" and inserting "sections 529(c)(3)(B)(i) and 530(d)(2)".

(B) Section 221(e)(2)(A) is amended by inserting "529," after "135,".

(c) ROLLOVER TO DIFFERENT PROGRAM FOR BENEFIT OF SAME DESIGNATED BENEFICIARY.—Section 529(c)(3)(C) (relating to change in beneficiaries) is amended—

(1) by striking "transferred to the credit" in clause (i) and inserting "transferred—

"(I) to another qualified tuition program for the benefit of the designated beneficiary, or

"(II) to the credit",

(2) by adding at the end the following new clause:

"(iii) LIMITATION ON CERTAIN ROLLOVERS.—Clause (i)(I) shall only apply to the first 3 transfers with respect to a designated beneficiary.", and

(3) by inserting "OR PROGRAMS" after "BENEFICIARIES" in the heading.

(d) MEMBER OF FAMILY INCLUDES FIRST COUSIN.—Section 529(e)(2) (defining member of family) is amended by striking "and" at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and by inserting "; and", and by adding at the end the following new subparagraph:

"(D) any first cousin of such beneficiary."

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

AMENDMENT NO. 2833

Beginning on page 18, line 15, strike all through page 19, line 9, and insert:

SEC. 201. EXTENSION OF EXCLUSION FOR EMPLOYER-PROVIDED EDUCATIONAL ASSISTANCE.

(a) IN GENERAL.—Section 127(d) (relating to termination of exclusion for educational assistance programs) is amended by striking "December 31, 2001" and inserting "June 30, 2004".

(b) REPEAL OF LIMITATION ON GRADUATE EDUCATION.—

(1) IN GENERAL.—The last sentence of section 127(c)(1) is amended by striking ", and such term also does not include any payment for, or the provision of any benefits with respect to, any graduate level course of a kind normally taken by an individual pursuing a program leading to a law, business, medical, or other advanced academic or professional degree".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to expenses relating to courses beginning after December 31, 2000.

AMENDMENT NO. 2384

Beginning on page 21, line 4, strike all through page 27, line 10, and insert:

TITLE III—LIBERALIZATION OF TAX-EXEMPT FINANCING RULES FOR PUBLIC SCHOOL CONSTRUCTION

SEC. 301. ADDITIONAL INCREASE IN ARBITRAGE REBATE EXCEPTION FOR GOVERNMENTAL BONDS USED TO FINANCE EDUCATIONAL FACILITIES.

(a) IN GENERAL.—Section 148(f)(4)(D)(vii) (relating to increase in exception for bonds financing public school capital expenditures) is amended by striking "$5,000,000" the second place it appears and inserting "$10,000,000".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to obligations issued in calendar years beginning after December 31, 2000.

SEC. 302. TREATMENT OF QUALIFIED PUBLIC EDUCATIONAL FACILITY BONDS AS EXEMPT FACILITY BONDS.

(a) TREATMENT AS EXEMPT FACILITY BOND.—Subsection (a) of section 142 (relating to exempt facility bond) is amended by striking "or" at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting ", or", and by adding at the end the following new paragraph:

"(13) qualified public educational facilities."

(b) QUALIFIED PUBLIC EDUCATIONAL FACILITIES.—Section 142 (relating to exempt facility bond) is amended by adding at the end the following new subsection:

"(k) QUALIFIED PUBLIC EDUCATIONAL FACILITIES.—

"(1) IN GENERAL.—For purposes of subsection (a)(13), the term 'qualified public educational facility' means any school facility which is—

"(A) part of a public elementary school or a public secondary school, and

"(B) owned by a private, for-profit corporation pursuant to a public-private partnership agreement with a State or local educational agency described in paragraph (2).

"(2) PUBLIC-PRIVATE PARTNERSHIP AGREEMENT DESCRIBED.—A public-private partnership agreement is described in this paragraph if it is an agreement—

"(A) under which the corporation agrees—

"(i) to do 1 or more of the following: construct, rehabilitate, refurbish, or equip a school facility, and

"(ii) at the end of the term of the agreement, to transfer the school facility to such agency for no additional consideration, and

"(B) the term of which does not exceed the term of the issue to be used to provide the school facility.

"(3) SCHOOL FACILITY.—For purposes of this subsection, the term 'school facility' means—

"(A) school buildings,

"(B) functionally related and subordinate facilities and land with respect to such buildings, including any stadium or other facility primarily used for school events, and

"(C) any property, to which section 168 applies (or would apply but for section 179), for use in the facility.

"(4) PUBLIC SCHOOLS.—For purposes of this subsection, the terms 'elementary school' and 'secondary school' have the meanings given such terms by section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801), as in effect on the date of the enactment of this subsection.

"(5) ANNUAL AGGREGATE FACE AMOUNT OF TAX-EXEMPT FINANCING.—

"(A) IN GENERAL.—An issue shall not be treated as an issue described in subsection (a)(13) if the aggregate face amount of bonds issued by the State pursuant thereto (when added to the aggregate face amount of bonds previously so issued during the calendar year) exceeds an amount equal to the greater of—

"(i) $10 multiplied by the State population, or

"(ii) $5,000,000.

"(B) ALLOCATION RULES.—

"(i) IN GENERAL.—Except as otherwise provided in this subparagraph, the State may allocate the amount described in subparagraph (A) for any calendar year in such manner as the State determines appropriate.

"(ii) RULES FOR CARRYFORWARD OF UNUSED LIMITATION.—A State may elect to carry forward an unused limitation for any calendar year for 3 calendar years following the calendar year in which the unused limitation arose under rules similar to the rules of section 146(f), except that the only purpose for which the carryforward may be elected is the issuance of exempt facility bonds described in subsection (a)(13)."

(c) EXEMPTION FROM GENERAL STATE VOLUME CAPS.—Paragraph (3) of section 146(g) (relating to exception for certain bonds) is amended—

(1) by striking "or (12)" and inserting "(12), or (13)", and

(2) by striking "and environmental enhancements of hydroelectric generating facilities" and inserting "environmental enhancements of hydroelectric generating facilities, and qualified public educational facilities".

(d) EXEMPTION FROM LIMITATION ON USE FOR LAND ACQUISITION.—Section 147(h) (relating to certain rules not to apply to mortgage revenue bonds, qualified student loan bonds, and qualified 501(c)(3) bonds) is amended by adding at the end the following new paragraph:

"(3) EXEMPT FACILITY BONDS FOR QUALIFIED PUBLIC-PRIVATE SCHOOLS.—Subsection (c) shall not apply to any exempt facility bond issued as part of an issue described in section 142(a)(13) (relating to qualified public educational facilities)."

(e) CONFORMING AMENDMENT.—The heading for section 147(h) is amended by striking "MORTGAGE REVENUE BONDS, QUALIFIED STUDENT LOAN BONDS, AND QUALIFIED 501(c)(3) BONDS" and inserting "CERTAIN BONDS".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after December 31, 2000.

SEC. 303. FEDERAL GUARANTEE OF SCHOOL CONSTRUCTION BONDS BY FEDERAL HOUSING FINANCE BOARD.

(a) IN GENERAL.—Section 149(b)(3) (relating to exceptions) is amended by adding at the end the following new subparagraph:

"(E) CERTAIN GUARANTEED SCHOOL CONSTRUCTION BONDS.—Any bond issued as part of an issue 95 percent or more of the net proceeds of which are used for public school construction shall not be treated as federally guaranteed for any calendar year by reason of any guarantee by the Federal Housing Finance Board (through any Federal Home Loan Bank) under the Federal Home Loan Bank Act (12 U.S.C. 1421 et seq.), as in effect on the date of the enactment of this subparagraph, to the extent the face amount of such bond, when added to the aggregate face amount of such bonds previously so guaranteed for such year, does not exceed $500,000,000."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued after December 31, 2000.

AMENDMENT NO. 2835

Beginning on page 27, line 11, strike all through page 51, line 3.

AMENDMENT NO. 2836

On page 19, line 21, strike "December 31, 1999" and insert "December 31, 2000".

THE TEACHER PROFESSIONAL DEVELOPMENT ACT

DORGAN AMENDMENT NO. 2837

(Ordered to be referred to the Committee on Finance.)

Mr. DORGAN submitted an amendment intended to be proposed by him to the bill (S. 1124) to amend the Internal Revenue Code of 1986 to eliminate the 2-percent floor on miscellaneous itemized deductions for qualified professional development expenses of elementary and secondary school teachers; as follows:

At the end, add the following:

TITLE —STANDARDIZED SCHOOL REPORT CARDS

SEC. 01. SHORT TITLE.

This title may be cited as the "Standardized School Report Card Act".

SEC. 02. FINDINGS.

Congress makes the following findings:

(1) According to the report "Quality Counts 99", by Education Week, 36 States require the publishing of annual report cards on individual schools, but the content of the report cards varies widely.

(2) The content of most of the report cards described in paragraph (1) does not provide parents with the information the parents need to measure how their school or State is doing compared with other schools and States.

(3) Ninety percent of taxpayers believe that published information about individual schools would motivate educators to work harder to improve the schools' performance.

(4) More than 60 percent of parents and 70 percent of taxpayers have not seen an individual report card for their area school.

(5) Dissemination of understandable information about schools can be an important tool for parents and taxpayers to measure the quality of the schools and to hold the schools accountable for improving performance.

SEC. 03. PURPOSE.

The purpose of this title is to provide parents, taxpayers, and educators with useful, understandable school report cards.

SEC. 04. REPORT CARDS.

(a) STATE REPORT CARDS.—Each State educational agency receiving assistance under the Elementary and Secondary Education Act of 1965 shall produce and widely disseminate an annual report card for parents, the general public, teachers and the Secretary of Education, in easily understandable language, with respect to elementary and secondary education in the State. The report card shall contain information regarding—

(1) student performance in language arts and mathematics, plus any other subject areas in which the State requires assessments, including comparisons with students from different school districts within the State, and, to the extent possible, comparisons with students throughout the Nation;

(2) attendance and graduation rates;

(3) professional qualifications of teachers in the State, the number of teachers teaching out of field, and the number of teachers with emergency certification;

(4) average class size in the State;

(5) school safety, including the safety of school facilities, incidents of school violence and drug and alcohol abuse, and the number of instances in which a student was determined to have brought a firearm to school under the State law described in the Gun-Free Schools Act of 1994;

(6) to the extent practicable, parental involvement, as measured by the extent of parental participation in school parental involvement policies described in section 1118(b) of the Elementary and Secondary Education Act of 1965;

(7) the annual school dropout rate, as calculated by procedures conforming with the National Center for Education Statistics Common Core of Data;

(8) student access to technology, including the number of computers for educational purposes, the number of computers per classroom, and the number of computers connected to the Internet; and

(9) other indicators of school performance and quality.

(b) SCHOOL REPORT CARDS.—Each school receiving assistance under the Elementary and Secondary Education Act of 1965, or the local educational agency serving that school, shall produce and widely disseminate an annual report card for parents, the general public, teachers and the State educational agency, in easily understandable language, with respect to elementary or secondary education, as appropriate, in the school. The report card shall contain information regarding—

(1) student performance in the school in language arts and mathematics, plus any other subject areas in which the State requires assessments, including comparisons with other students within the school district, in the State, and, to the extent possible, in the Nation;

(2) attendance and graduation rates;

(3) professional qualifications of the school's teachers, the number of teachers teaching out of field, and the number of teachers with emergency certification;

(4) average class size in the school;

(5) school safety, including the safety of the school facility, incidents of school violence and drug and alcohol abuse, and the number of instances in which a student was determined to have brought a firearm to school under the State law described in the Gun-Free Schools Act of 1994;

(6) parental involvement, as measured by the extent of parental participation in school parental involvement policies described in section 1118(b) of the Elementary and Secondary Education Act of 1965;

(7) the annual school dropout rate, as calculated by procedures conforming with the National Center for Education Statistics Common Core of Data;

(8) student access to technology, including the number of computers for educational purposes, the number of computers per classroom, and the number of computers connected to the Internet; and

(9) other indicators of school performance and quality.

(c) MODEL SCHOOL REPORT CARDS.—The Secretary of Education shall use funds made available to the Office of Educational Research and Improvement to develop a model school report card for dissemination, upon request, to a school, local educational agency, or State educational agency.

(d) DISAGGREGATION OF DATA.—Each State educational agency or school producing an annual report card under this section shall disaggregate the student performance data reported under section 4(a)(1) or 4(b)(1), as appropriate, in the same manner as results are disaggregated under section 1111(b)(3)(I) of the Elementary and Secondary Education Act of 1965.

THE AFFORDABLE EDUCATION ACT OF 1999

COVERDELL AMENDMENTS NOS. 2838–2840

(Ordered to lie on the table.)

Mr. COVERDELL submitted three amendments intended to be proposed by him to the bill, S. 1134, supra; as follows:

Amendment No. 2838

At the appropriate place, insert the following:

TITLE —STUDENT SAFETY AND FAMILY CHOICE

SEC. . STUDENT SAFETY AND FAMILY SCHOOL CHOICE.

(a) In General.—Subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) is amended by inserting after section 1115A of such Act (20 U.S.C. 6316) the following:

"SEC. 1115B. STUDENT SAFETY AND FAMILY SCHOOL CHOICE.

"(a) In General.—Notwithstanding any other provision of law, if a student is eligible to be served under section 1115(b), or attends a school eligible for a schoolwide program under section 1114, and becomes a victim of a violent criminal offense, including drug-related violence, while in or on the grounds of a public elementary school or secondary school that the student attends and that receives assistance under this part, then the local educational agency may use funds provided under this part or under any other Federal education program to pay the supplementary costs for such student to attend another school. The agency may use the funds to pay for the supplementary costs of such student to attend any other public or private elementary school or secondary school, including a religious school, in the same State as the school where the criminal offense occurred, that is selected by the student's parent. The State educational agency shall determine what actions constitute a violent criminal offense for purposes of this section.

"(b) Supplementary Costs.—The supplementary costs referred to in subsection (a) shall not exceed—

"(1) in the case of a student for whom funds under this section are used to enable the student to attend a public elementary school or secondary school served by a local educational agency that also serves the school where the violent criminal offense occurred, the costs of supplementary educational services and activities described in section 1114(b) or 1115(c) that are provided to the student;

"(2) in the case of a student for whom funds under this section are used to enable the student to attend a public elementary school or secondary school served by a local educational agency that does not serve the school where the violent criminal offense occurred but is located in the same State—

"(A) the costs of supplementary educational services and activities described in section 1114(b) or 1115(c) that are provided to the student; and

"(B) the reasonable costs of transportation for the student to attend the school selected by the student's parent; and

"(3) in the case of a student for whom funds under this section are used to enable the student to attend a private elementary school or secondary school, including a religious school, the costs of tuition, required fees, and the reasonable costs of such transportation.

"(c) Construction.—Nothing in this Act or any other Federal law shall be construed to prevent a parent assisted under this section from selecting the public or private, including religious, elementary school or secondary school that a child of the parent will attend within the State.

"(d) Consideration of Assistance.—Subject to subsection (h), assistance made available under this section that is used to pay the costs for a student to attend a private or religious school shall not be considered to be Federal aid to the school, and the Federal Government shall have no authority to influence or regulate the operations of a private or religious school as a result of assistance received under this section.

"(e) Continuing Eligibility.—A student assisted under this section shall remain eligible to continue receiving assistance under this section for at least 3 academic years without regard to whether the student is eligible for assistance under section 1114 or 1115(b).

"(f) Tuition Charges.—Assistance under this section may not be used to pay tuition or required fees at a private elementary school or secondary school in an amount that is greater than the tuition and required fees paid by students not assisted under this section at such school.

"(g) Special Rule.—Any school receiving assistance provided under this section shall comply with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and not discriminate on the basis of race, color, or national origin.

"(h) Assistance; Taxes and Other Federal Programs.—

"(1) Assistance to families, not schools.—Assistance provided under this section shall be considered to be aid to families, not schools. Use of such assistance at a school shall not be construed to be Federal financial aid or assistance to that school.

"(2) Taxes and determinations of eligibility for other federal programs.—Assistance provided under this section to a student shall not be considered to be income of the student or the parent of such student for Federal, State, or local tax purposes or for determining eligibility for any other Federal program.

"(i) Part B of the Individuals With Disabilities Education Act.—Nothing in this section shall be construed to affect the requirements of part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

"(j) Maximum Amount.—Notwithstanding any other provision of this section, the amount of assistance provided under this part for a student shall not exceed the per pupil expenditure for elementary or secondary education, as appropriate, by the local educational agency that serves the school where the criminal offense occurred for the fiscal year preceding the fiscal year for which the determination is made.".

SEC. . TRANSFER OF REVENUES.

(a) In General.—Notwithstanding any other provision of Federal law, a State, a State educational agency, or a local educational agency may transfer any non-Federal public funds associated with the education of a student who is a victim of a violent criminal offense while in or on the grounds of a public elementary school or secondary school served by a local educational agency to another local educational agency or to a private elementary school or secondary school, including a religious school.

(b) Definitions.—For the purpose of subsection (a), the terms "elementary school", "secondary school", "local educational agency", and "State educational agency" have the meanings given such terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

Amendment No. 2837

At the appropriate place, add the following:

TITLE —TEACHER LIABILITY PROTECTION

SECTION . SHORT TITLE.

This Act may be cited as the "Teacher Liability Protection Act of 1999".

SEC. . FINDINGS AND PURPOSE.

(a) Findings.—Congress makes the following findings:

(1) The ability of teachers, principals and other school professionals to teach, inspire and shape the intellect of our Nation's elementary and secondary school students is deterred and hindered by frivolous lawsuits and litigation.

(2) Each year more and more teachers, principals and other school professionals face lawsuits for actions undertaken as part of their duties to provide millions of school children quality educational opportunities.

(3) Too many teachers, principals and other school professionals face increasingly severe and random acts of violence in the classroom and in schools.

(4) Providing teachers, principals and other school professionals a safe and secure environment is an important part of the effort to improve and expand educational opportunities.

(5) Clarifying and limiting the liability of teachers, principals and other school professionals who undertake reasonable actions to maintain order, discipline and an appropriate educational environment is an appropriate subject of Federal legislation because—

(A) the national scope of the problems created by the legitimate fears of teachers, principals and other school professionals about frivolous, arbitrary or capricious lawsuits against teachers; and

(B) millions of children and their families across the Nation depend on teachers, principals and other school professionals for the intellectual development of the children.

(b) Purpose.—The purpose of this Act is to provide teachers, principals and other school professionals the tools they need to undertake reasonable actions to maintain order, discipline and an appropriate educational environment.

SEC. . PREEMPTION AND ELECTION OF STATE NONAPPLICABILITY.

(a) Preemption.—This Act preempts the laws of any State to the extent that such laws are inconsistent with this Act, except that this Act shall not preempt any State law that provides additional protection from liability relating to teachers.

(b) Election of State Regarding Nonapplicability.—This Act shall not apply to any civil action in a State court against a teacher in which all parties are citizens of the State if such State enacts a statute in accordance with State requirements for enacting legislation—

(1) citing the authority of this subsection;

(2) declaring the election of such State that this Act shall not apply, as of a date certain, to such civil action in the State; and

(3) containing no other provisions.

SEC. . LIMITATION ON LIABILITY FOR TEACHERS.

(a) Liability Protection for Teachers.—Except as provided in subsections (b) and (c), no teacher in a school shall be liable for harm caused by an act or omission of the teacher on behalf of the school if—

(1) the teacher was acting within the scope of the teacher's employment or responsibilities related to providing educational services;

(2) the actions of the teacher were carried out in conformity with local, State, or Federal laws, rules or regulations in furtherance of efforts to control, discipline, expel, or suspend a student or maintain order or control in the classroom or school;

(3) if appropriate or required, the teacher was properly licensed, certified, or authorized by the appropriate authorities for the activities or practice in the State in which the harm occurred, where the activities were or practice was undertaken within the scope of the teacher's responsibilities;

(4) the harm was not caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by the teacher; and

(5) the harm was not caused by the teacher operating a motor vehicle, vessel, aircraft, or other vehicle for which the State requires the operator or the owner of the vehicle, craft, or vessel to—

(A) possess an operator's license; or

(B) maintain insurance.

(b) Concerning Responsibility of Teachers to Schools and Governmental Entities.—Nothing in this section shall be construed to affect any civil action brought by any school or any governmental entity against any teacher of such school.

(c) Exceptions to Teacher Liability Protection.—If the laws of a State limit teacher liability subject to one or more of the following conditions, such conditions shall not be construed as inconsistent with this section:

(1) A State law that requires a school or governmental entity to adhere to risk management procedures, including mandatory training of teachers.

(2) A State law that makes the school or governmental entity liable for the acts or omissions of its teachers to the same extent as an employer is liable for the acts or omissions of its employees.

(3) A State law that makes a limitation of liability inapplicable if the civil action was brought by an officer of a State or local government pursuant to State or local law.

(d) Limitation on Punitive Damages Based on the Actions of Teachers.—

(1) General rule.—Punitive damages may not be awarded against a teacher in an action brought for harm based on the action of a teacher acting within the scope of the teacher's responsibilities to a school or governmental entity unless the claimant establishes by clear and convincing evidence that the harm was proximately caused by an action of such teacher which constitutes willful or criminal misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed.

(2) Construction.—Paragraph (1) does not create a cause of action for punitive damages and does not preempt or supersede any Federal or State law to the extent that such law would further limit the award of punitive damages.

(e) Exceptions to Limitations on Liability.—

(1) In general.—The limitations on the liability of a teacher under this Act shall not apply to any misconduct that—

(A) constitutes a crime of violence (as that term is defined in section 16 of title 18, United States Code) or act of international terrorism (as that term is defined in section 2331 of title 18, United States Code) for which the defendant has been convicted in any court;

(B) involves a sexual offense, as defined by applicable State law, for which the defendant has been convicted in any court;

(C) involves misconduct for which the defendant has been found to have violated a Federal or State civil rights law; or

(D) where the defendant was under the influence (as determined pursuant to applicable State law) of intoxicating alcohol or any drug at the time of the misconduct.

(2) Rule of construction.—Nothing in this subsection shall be construed to affect subsection (a)(3) or (d).

SEC. . LIABILITY FOR NONECONOMIC LOSS.

(a) General Rule.—In any civil action against a teacher, based on an action of a teacher acting within the scope of the teacher's responsibilities to a school or governmental entity, the liability of the teacher for noneconomic loss shall be determined in accordance with subsection (b).

(b) Amount of Liability.—

(1) In general.—Each defendant who is a teacher, shall be liable only for the amount of noneconomic loss allocated to that defendant in direct proportion to the percentage of responsibility of that defendant (determined in accordance with paragraph (2)) for the harm to the claimant with respect to which that defendant is liable. The court shall render a separate judgment against each defendant in an amount determined pursuant to the preceding sentence.

(2) Percentage of responsibility.—For purposes of determining the amount of noneconomic loss allocated to a defendant who is a teacher under this section, the trier of fact shall determine the percentage of responsibility of that defendant for the claimant's harm.

SEC. . DEFINITIONS.

For purposes of this Act:

(1) Economic loss.—The term "economic loss" means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

(2) Harm.—The term "harm" includes physical, nonphysical, economic, and noneconomic losses.

(3) Noneconomic losses.—The term "noneconomic losses" means losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation and all other nonpecuniary losses of any kind or nature.

(4) School.—The term "school" means a public or private kindergarten, a public or private elementary school or secondary school (as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)), or a home school.

(5) State.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

(6) Teacher.—The term "teacher" means a teacher, instructor, principal, administrator, or other educational professional, that works in a school.

SEC. . EFFECTIVE DATE.

(a) In General.—This Act shall take effect 90 days after the date of enactment of this Act.

(b) Application.—This Act applies to any claim for harm caused by an act or omission of a teacher where that claim is filed on or after the effective date of this Act, without regard to whether the harm that is the subject of the claim or the conduct that caused the harm occurred before such effective date.

Amendment No. 2840

On page 3, strike lines 13 through 16, and insert:

"(4) Contribution limit.—The term 'contribution limit' means $2,000."

KYL AMENDMENTS NOS. 2841-2842

(Ordered to lie on the table.)

Mr. KYL submitted two amendments intended to be proposed by him to the bill, S. 1134, supra; as follows:

Amendment No. 2841

At the end of title II, insert:

SEC. . ELECTION OF CREDIT OR ABOVE-THE-LINE DEDUCTION TO ELEMENTARY AND SECONDARY SCHOOL TEACHERS WHO PROVIDE CLASSROOM MATERIALS.

(a) Credit Allowed.—

(1) In general.—Subpart B of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

"SEC. 30B. CREDIT TO ELEMENTARY AND SECONDARY SCHOOL TEACHERS WHO PROVIDE CLASSROOM MATERIALS.

"(a) Allowance of Credit.—In the case of an eligible teacher, there shall be allowed as a credit against the tax imposed by this chapter for such taxable year an amount equal to the qualified elementary and secondary education expenses which are paid or incurred by the taxpayer during such taxable year.

"(b) Maximum Credit.—The credit allowed by subsection (a) for any taxable year shall not exceed $100.

"(c) Definitions.—

"(1) Eligible teacher.—The term 'eligible teacher' means an individual who is a kindergarten through grade 12 classroom teacher, instructor, counselor, aide, or principal in an elementary or secondary school on a full-time basis for an academic year ending during a taxable year.

"(2) Qualified elementary and secondary education expenses.—The term 'qualified elementary and secondary education expenses' means expenses for books, supplies (other than nonathletic supplies for courses of instruction in health or physical education), computer equipment (including related software and services) and other equipment, and supplementary materials used by an eligible teacher in the classroom.

"(3) Elementary or secondary school.—The term 'elementary or secondary school' means any school which provides elementary education or secondary education (through grade 12), as determined under State law.

"(d) SPECIAL RULES.—

"(1) DENIAL OF DOUBLE BENEFIT.—No deduction shall be allowed under this chapter for any expense for which credit is allowed under this section.

"(2) APPLICATION WITH OTHER CREDITS.—The credit allowable under subsection (a) for any taxable year shall not exceed the excess (if any) of—

"(A) the regular tax for the taxable year, reduced by the sum of the credits allowable under subpart A and the preceding sections of this subpart, over

"(B) the tentative minimum tax for the taxable year.

"(e) ELECTION TO HAVE CREDIT NOT APPLY.—A taxpayer may elect to have this section not apply for any taxable year.".

(2) CLERICAL AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

"Sec. 30B. Credit to elementary and secondary school teachers who provide classroom materials.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2000.

(b) ABOVE-THE LINE DEDUCTION ALLOWED.—

(1) IN GENERAL.—Subsection (a)(2) of section 62 (defining adjusted gross income) is amended by adding at the end the following new subparagraph:

"(D) CERTAIN ELEMENTARY AND SECONDARY EDUCATION EXPENSES.—The deductions allowed by section 162 which consist of qualified elementary and secondary education expenses paid or incurred by an eligible teacher.".

(2) DEFINITIONS.—Section 62 is amended by adding at the end the following new subsection:

"(d) QUALIFIED ELEMENTARY AND SECONDARY EDUCATION EXPENSES OF ELIGIBLE TEACHERS.—For purposes of subsection (a)(2)(D)—

"(1) IN GENERAL.—The terms 'eligible teacher' and 'qualified elementary and secondary education expenses' have the meanings given such terms by section 30B(c).

"(2) COORDINATION WITH CREDIT.—An individual shall not be treated as an eligible teacher for any taxable year, unless the taxpayer elects not to have section 30B apply for the taxable year.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2000.

AMENDMENT NO. 2842

At the end of title II, insert:

SEC. . CREDIT TO ELEMENTARY AND SECONDARY SCHOOL TEACHERS WHO PROVIDE CLASSROOM MATERIALS.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

"SEC. 30B. CREDIT TO ELEMENTARY AND SECONDARY SCHOOL TEACHERS WHO PROVIDE CLASSROOM MATERIALS.

"(a) ALLOWANCE OF CREDIT.—In the case of an eligible teacher, there shall be allowed as a credit against the tax imposed by this chapter for such taxable year an amount equal to the sum of the qualified elementary and secondary education expenses which are paid or incurred by the taxpayer during such taxable year.

"(b) MAXIMUM CREDIT.—The credit allowed by subsection (a) for any taxable year shall not exceed $100.

"(c) DEFINITIONS.—

"(1) ELIGIBLE TEACHER.—The term 'eligible teacher' means an individual who is a kindergarten through grade 12 classroom teacher, instructor, counselor, aide, or principal in an elementary or secondary school on a full-time basis for an academic year ending during a taxable year.

"(2) QUALIFIED ELEMENTARY AND SECONDARY EDUCATION EXPENSES.—The term 'qualified elementary and secondary education expenses' means amounts paid for books, supplies (other than nonathletic supplies for courses of instruction in health or physical education), computer equipment (including related software and services) and other equipment, and supplementary materials used by an eligible teacher in the classroom.

"(3) ELEMENTARY OR SECONDARY SCHOOL.—The term 'elementary or secondary school' means any school which provides elementary education or secondary education (through grade 12), as determined under State law.

"(d) SPECIAL RULES.—

"(1) DENIAL OF DOUBLE BENEFIT.—No deduction shall be allowed under this chapter for any expense for which credit is allowed under this section.

"(2) APPLICATION WITH OTHER CREDITS.—The credit allowable under subsection (a) for any taxable year shall not exceed the excess (if any) of—

"(A) the regular tax for the taxable year, reduced by the sum of the credits allowable under subpart A and the preceding sections of this subpart, over

"(B) the tentative minimum tax for the taxable year.

"(e) ELECTION TO HAVE CREDIT NOT APPLY.—A taxpayer may elect to have this section not apply for any taxable year.".

(b) CLERICAL AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

"Sec. 30B. Credit to elementary and secondary school teachers who provide classroom materials.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

GRAHAM AMENDMENTS NOS. 2843–2844

(Ordered to lie on the table.)

Mr. GRAHAM submitted two amendments intended to be proposed by him to the bill, S. 1134, supra; as follows:

AMENDMENT NO. 2843

At the appropriate place, insert:

TITLE —ADDITIONAL REVENUE OFFSETS

SEC. . EXTENSION OF HAZARDOUS SUBSTANCE SUPERFUND EXCISE TAXES.

(a) IN GENERAL.—Section 4611(e) is amended to read as follows:

"(e) APPLICATION OF HAZARDOUS SUBSTANCE SUPERFUND FINANCING RATE.—The Hazardous Substance Superfund Financing rate under this section shall apply after December 31, 1986, and before January 1, 1996, and after February 29, 2000."

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on March 1, 2000.

SEC. . EXTENSION OF CORPORATE ENVIRONMENTAL INCOME TAX.

(a) IN GENERAL.—Section 59A(e) is amended to read as follows:

"(e) APPLICATION OF TAX.—The tax imposed by this section shall apply to taxable years beginning after December 31, 1986, and before January 1, 1996, and to taxable years beginning after December 31, 1999."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1999.

SEC. . REPEAL OF LOWER-OF-COST-OR-MARKET METHOD OF ACCOUNTING FOR INVENTORIES.

(a) IN GENERAL.—Section 471 (relating to general rule for inventories) is amended by redesignating subsection (b) as subsection (c) and by inserting after subsection (a) the following new subsection:

"(b) CERTAIN WRITE-DOWNS NOT PERMITTED; USE OF MARK-DOWNS REQUIRED UNDER RETAIL METHOD.—

"(1) IN GENERAL.—A taxpayer—

"(A) may not use the lower-of-cost-or-market method of accounting for inventories, and

"(B) may not write-down items by reason of being unsalable at normal prices or unusable in the normal way because of damage, imperfections, shop wear, changes of style, odd or broken lots, or other similar causes.

Subparagraph (B) shall not apply to a taxpayer using a mark-to-market method of accounting for both gains and losses in inventory values.

"(2) MARK-DOWNS REQUIRED TO BE TAKEN INTO ACCOUNT UNDER RETAIL METHOD.—The retail method of accounting for inventories shall be applied by taking into account mark-downs in determining the approximate cost of the inventories.

"(3) EXCEPTION FOR CERTAIN SMALL BUSINESSES.—Paragraph (1) shall not apply to any taxpayer for any taxable year if, for all prior taxable years ending on or after the date of the enactment of this subsection, the taxpayer (or any predecessor) met the $5,000,000 gross receipts test of section 448(c).

"(4) REGULATIONS.—The Secretary shall prescribe such regulations as may be appropriate to carry out the purposes of this subsection, including regulations relating to wash-sale-type transactions."

(b) CONFORMING AMENDMENTS.—

(1) Clause (iii) of section 312(n)(4)(C) is amended to read as follows:

"(iii) INVENTORY AMOUNT.—The inventory amount of assets under the first-in, first-out method authorized by section 471 shall be determined using the method authorized to be used by the taxpayer under such section."

(2) Subparagraph (C) of section 1363(d)(4) is amended to read as follows:

"(C) INVENTORY AMOUNT.—The inventory amount of assets under a method authorized by section 471 shall be determined using the method authorized to be used by the corporation under such section."

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this subsection.

(2) CHANGE IN METHOD OF ACCOUNTING.—In the case of any taxpayer required by this section to change its method of accounting for its first taxable year beginning after the date of the enactment of this subsection—

(A) such change shall be treated as initiated by the taxpayer,

(B) such change shall be treated as made with the consent of the Secretary of the Treasury, and

(C) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account ratably over the 4-taxable year period beginning with the first taxable year beginning after such date.

SEC. . DISALLOWANCE OF NONECONOMIC TAX ATTRIBUTES.

(a) In General.—Section 7701 is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) Disallowance of Noneconomic Tax Attributes.—

"(1) In general.—In determining liability for any tax under subtitle A, noneconomic tax attributes shall not be allowed.

"(2) Noneconomic tax attribute.—For purposes of this subsection, a noneconomic tax attribute is any deduction, loss, or credit claimed to result from any transaction unless—

"(A) the transaction changes in a meaningful way (apart from Federal income tax consequences) the taxpayer's economic position, and

"(B)(i) the present value of the reasonably expected potential income from the transaction (and the taxpayer's risk of loss from the transaction) are substantial in relationship to the present value of the tax benefits claimed, or

"(ii) in the case of a transaction which is in substance the borrowing of money or the acquisition of financial capital, the deductions claimed with respect to the transaction for any period are not significantly in excess of the economic return for such period realized by the person lending the money or providing the financial capital.

"(3) Presumption of noneconomic tax attributes.—For purposes of paragraph (2), the following factors shall give rise to a presumption that a transaction fails to meet the requirements of paragraph (2):

"(A) The fact that the payments, liabilities, or assets that purport to create a loss (or other benefit) for tax purposes are not reflected to any meaningful extent on the taxpayer's books and records for financial reporting purposes.

"(B) The fact that the transaction results in an allocation of income or gain to a tax-indifferent party which is substantially in excess of such party's economic income or gain from the transaction.

"(4) Treatment of built-in loss.—The determination of whether a transaction results in the realization of a built-in loss shall be made under subtitle A as if this subsection had not been enacted. For purposes of the preceding sentence, the term 'built-in loss' means any loss or deduction to the extent that such loss or deduction had economically been incurred before such transaction is entered into and to the extent that the loss or deduction was economically borne by the taxpayer.

"(5) Definition and special rules.—For purposes of this subsection—

"(A) Tax-indifferent party.—The term 'tax-indifferent party' means any person or entity exempt from tax under subtitle A. A person shall be treated as a tax-indifferent party with respect to a transaction if, by reason of such person's method of accounting, the items taken into account with respect to the transaction have no substantial impact on such person's liability under subtitle A.

"(B) Series of related transaction.—A transaction which is part of a series of related transactions shall be treated as meeting the requirements of paragraph (2) only if—

"(i) such transaction meets such requirements without regard to the other transactions, and

"(ii) such transactions, if treated as 1 transaction, would meet such requirements. A similar rule shall apply to a multiple step transaction with each step being treated as a separate related transaction.

"(C) Normal business transactions.—In the case of a transaction which is an integral part of a taxpayer's trade or business and which is entered into in the normal course of such trade or business, the determination of the potential income from such transaction shall be made by taking into account its relationship to the overall trade or business of the taxpayer.

"(D) Treatment of fees.—In determining whether there is risk of loss from a transaction (and the amount thereof), potential loss of fees and other transaction expenses shall be disregarded.

"(E) Treatment of economic return enhancements.—The following shall be treated as economic returns and not tax benefits:

"(i) The credit under section 29 (relating to credit for producing fuel from a nonconventional source).

"(ii) The credit under section 42 (relating to low-income housing credit).

"(iii) The credit under section 45 (relating to electricity produced from certain renewable resources).

"(iv) The credit under section 1397E (relating to credit to holders of qualified zone academy bonds) or any similar program hereafter enacted.

"(v) Any other tax benefit specified in regulations.

"(F) Exceptions for nonbusiness transactions.—

"(i) Individuals.—In the case of an individual, this subsection shall only apply to transactions entered into in connection with a trade or business or activity engaged in for profit.

"(ii) Charitable transfers.—This subsection shall not apply in determining the amount allowable as a deduction under section 170, 545(b)(2), 556(b)(2), or 642(c).

"(6) Economic substance doctrine, etc., not affected.—The provisions of this subsection shall not be construed as altering or supplanting any rule of law referred to in section 6662(i)(2)(B) and the requirements of this subsection shall be construed as being in addition to any such rule of law."

(b) Increase in Substantial Underpayment Penalty With Respect to Disallowed Noneconomic Tax Attributes.—Section 6662 (relating to imposition of accuracy-related penalty) is amended by adding at the end the following new subsection:

"(i) Increase in Penalty in Case of Disallowed Noneconomic Tax Attributes.—

"(1) In general.—In the case of the portion of the underpayment to which this subsection applies—

"(A) subsection (a) shall be applied with respect to such portion by substituting '40 percent' for '20 percent', and

"(B) subsection (d)(2)(B) and section 6664(c) shall not apply.

"(2) Underpayments to which subsection applies.—This subsection shall apply to an underpayment to which this section applies by reason of paragraph (1) or (2) of subsection (b) to the extent that such underpayment is attributable to—

"(A) the disallowance of any noneconomic tax attribute (determined under section 7701(m)), or

"(B) the disallowance of any other benefit—

"(i) because of a lack of economic substance or business purpose for the transaction giving rise to the claimed benefit,

"(ii) because the form of the transaction did not reflect its substance, or

"(iii) because of any other similar rule of law.

"(3) Increase in penalty not to apply if compliance with disclosure requirements.—Paragraph (1)(A) shall not apply if the taxpayer—

"(A) discloses to the Secretary within 30 days after the closing of the transaction appropriate documents describing the transaction, and

"(B) files with the taxpayer's return of tax imposed by subtitle A—

"(i) a statement verifying that such disclosure has been made,

"(ii) a detailed description of the facts, assumptions of facts, and factual conclusions with respect to the business or economic purposes or objectives of the transaction that are relied upon to support the manner in which it is reported on the return,

"(iii) a description of the due diligence performed to ascertain the accuracy of such facts, assumptions, and factual conclusions,

"(iv)(I) a statement (signed by the senior financial officer of the corporation under penalty of perjury) that the facts, assumptions, or factual conclusions relied upon in reporting the transaction are true and correct as of the date the return is filed, to the best of such officer's knowledge and belief, and

"(II) if the actual facts varied materially from the facts, assumptions, or factual conclusions relied upon, a statement describing such variances,

"(v) copies of any written material provided in connection with the offer of the transaction to the taxpayer by a third party,

"(vi) a full description of any express or implied agreement or arrangement with any advisor, or with any offeror, that the fee payable to such person would be contingent or subject to possible reimbursement, and

"(vii) a full description of any express or implied warranty from any person with respect to the anticipated tax results from the transaction."

(c) Effective Date.—The amendments made by this section shall apply to transactions after the date of the enactment of this Act.

Amendment No. 2844

Beginning on page 15, line 16, strike all through page 16, line 17, and insert:

"(iv) Coordination with hope and lifetime learning credits.—The total amount of qualified higher education expenses otherwise taken into account under clause (i) with respect to an individual for any taxable year shall be reduced (after the application of the reduction provided in section 25A(g)(2)) by the amount of such expenses which were taken into account in determining the credit allowed to the taxpayer or any other person under section 25A with respect to such expenses.

FEINSTEIN AMENDMENTS NOS. 2845–2846

(Ordered to lie on the table.)

Mrs. FEINSTEIN submitted two amendments intended to be proposed by her to the bill, S. 1134, supra; as follows:

Amendment No. 2845

At the appropriate place, insert the following:

SEC. . ACHIEVEMENT STANDARDS AND ASSESSMENT OF STUDENT PERFORMANCE.

In order to receive Federal funds under the Elementary and Secondary Education Act of

1965 each local educational agency and State educational agency shall—

(1) require that students served by the agency be subject to State achievement standards in the core curriculum at key transition points, to be determined by the State, for all kindergarten through grade 12 students; and

(2) assess student performance in meeting the State achievement standards.

Amendment No. 2846

At the appropriate place, insert the following:

SEC. . POLICY PROHIBITING SOCIAL PROMOTION.

(a) Policy.—No education funds appropriated under the Elementary and Secondary Education Act of 1965 shall be made available to a local educational agency in a State unless the State demonstrates to the Secretary of Education that the State has adopted a policy prohibiting the practice of social promotion.

(b) Definition.—In this section, the term "practice of social promotion" means a formal or informal practice of promoting a student from the grade for which the determination is made to the next grade when the student fails to achieve a minimum level of achievement and proficiency in the core curriculum for the grade for which the determination is made.

(c) Waiver Prohibited.—Notwithstanding any other provision of law, the Secretary of Education may not waive the provisions of this section.

GRAHAM AMENDMENT NOS. 2847–2848

(Ordered to lie on the table.)

Mr. GRAHAM submitted two amendments intended to be proposed by him to the bill, S. 1134, supra; as follows:

Amendment No. 2847

At the appropriate place, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Transition to Teaching Act".

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) School districts will need to hire more than 2,000,000 teachers in the next decade. The need for teachers in the areas of mathematics, science, foreign languages, special education, and bilingual education, and for those able to teach in high-poverty school districts will be particularly high. To meet this need, talented Americans of all ages should be recruited to become successful, qualified teachers.

(2) Nearly 28 percent of teachers of academic subjects have neither an undergraduate major nor minor in their main assignment fields. This problem is more acute in high-poverty schools, where the out-of-field percentage is 39 percent.

(3) The Third International Math and Science Study (TIMSS) ranked United States high school seniors last among 16 countries in physics and next to last in mathematics. It is also evident, mainly from the TIMSS data, that based on academic scores, a stronger emphasis needs to be placed on the academic preparation of our children in mathematics and science.

(4) One-fourth of high-poverty schools find it very difficult to fill bilingual teaching positions, and nearly half of public school teachers have students in their classrooms for whom English is a second language.

(5) Many career-changing professionals with strong content-area skills are interested in a teaching career, but need assistance in getting the appropriate pedagogical training and classroom experience.

(6) The Troops to Teachers model has been highly successful in linking high-quality teachers to teach in high-poverty districts.

SEC. 3. PURPOSE.

The purpose of this Act is to address the need of high-poverty school districts for highly qualified teachers in particular subject areas, such as mathematics, science, foreign languages, bilingual education, and special education, needed by those school districts, by—

(1) continuing and enhancing the Troops to Teachers model for recruiting and supporting the placement of such teachers; and

(2) recruiting, preparing, placing, and supporting career-changing professionals who have knowledge and experience that will help them become such teachers.

SEC. 4. PROGRAM AUTHORIZED.

(a) Authority.—Subject to subsection (b), the Secretary is authorized to use funds appropriated under subsection (c) for each fiscal year to award grants, contracts, or cooperative agreements to institutions of higher education and public and private nonprofit agencies or organizations to carry out programs authorized by this Act.

(b) Troops to Teachers.—

(1) In general.—Before making awards under subsection (a) for any fiscal year, the Secretary shall first—

(A) consult with the Secretary of Defense and the Secretary of Transportation regarding the appropriate amount of funding needed to continue and enhance the Troops to Teachers program; and

(B) upon agreement, transfer that amount to the Defense Activity for Non-Traditional Education Support (DANTES) to carry out the Troops to Teachers program.

(2) Continuation of program.—The Secretary may enter into a written agreement with the Departments of Defense and Transportation, or take such other steps as the Secretary determines are appropriate to ensure effective continuation of the Troops to Teachers program.

(c) Authorization of Appropriations.—For the purpose of carrying out this Act, there are authorized to be appropriated $18,000,000 for each of fiscal years 2000 through 2005.

SEC. 5. APPLICATION.

Each applicant that desires an award under section 4(a) shall submit an application to the Secretary containing such information as the Secretary requires, including—

(1) a description of the target group of career-changing professionals upon which the applicant will focus in carrying out its program under this Act, including a description of the characteristics of that target group that shows how the knowledge and experience of its members are relevant to meeting the purpose of this Act;

(2) a description of how the applicant will identify and recruit program participants;

(3) a description of the training that program participants will receive and how that training will relate to their certification as teachers;

(4) a description of how the applicant will ensure that program participants are placed and teach in high-poverty local educational agencies;

(5) a description of the teacher induction services (which may be provided through existing induction programs) the program participants will receive throughout at least their first year of teaching;

(6) a description of how the applicant will collaborate, as needed, with other institutions, agencies, or organizations to recruit, train, place, and support program participants under this Act, including evidence of the commitment of those institutions, agencies, or organizations to the applicant's program;

(7) a description of how the applicant will evaluate the progress and effectiveness of its program, including—

(A) the program's goals and objectives;

(B) the performance indicators the applicant will use to measure the program's progress; and

(C) the outcome measures that will be used to determine the program's effectiveness; and

(8) an assurance that the applicant will provide to the Secretary such information as the Secretary determines necessary to determine the overall effectiveness of programs under this Act.

SEC. 6. USES OF FUNDS AND PERIOD OF SERVICE.

(a) Authorized Activities.—Funds under this Act may be used for—

(1) recruiting program participants, including informing them of opportunities under the program and putting them in contact with other institutions, agencies, or organizations that would train, place, and support them;

(2) training stipends and other financial incentives for program participants, not to exceed $5,000 per participant;

(3) assisting institutions of higher education or other providers of teacher training to tailor their training to meet the particular needs of professionals who are changing their careers to teaching;

(4) placement activities, including identifying high-poverty local educational agencies with a need for the particular skills and characteristics of the newly trained program participants and assisting those participants to obtain employment in those local educational agencies; and

(5) post-placement induction or support activities for program participants.

(b) Period of Service.—A program participant in a program under this Act who completes his or her training shall serve in a high-poverty local educational agency for at least 3 years.

(c) Repayment.—The Secretary shall establish such requirements as the Secretary determines appropriate to ensure that program participants who receive a training stipend or other financial incentive under subsection (a)(2), but fail to complete their service obligation under subsection (b), repay all or a portion of such stipend or other incentive.

SEC. 7. EQUITABLE DISTRIBUTION.

To the extent practicable, the Secretary shall make awards under this Act that support programs in different geographic regions of the Nation.

SEC. 8. DEFINITIONS.

In this Act:

(1) High-poverty local educational agency.—The term "high-poverty local educational agency" means a local educational agency in which the percentage of children, ages 5 through 17, from families below the poverty level is 20 percent or greater, or the number of such children exceeds 10,000.

(2) Program participants.—The term "program participants" means career-changing professionals who—

(A) hold at least a baccalaureate degree;

(B) demonstrate interest in, and commitment to, becoming a teacher; and

(C) have knowledge and experience that are relevant to teaching a high-need subject area in a high-need local educational agency.

AMENDMENT NO. 2848

At the end of title III, add:

SEC. . SPENDING REQUIREMENT FOR PUBLIC SCHOOL CONSTRUCTION ISSUE.

(a) IN GENERAL.—Paragraph (4)(C) of section 148(f) (relating to required rebate to the United States) is amended by adding at the end the following new clause:

"(xviii) 4-YEAR SPENDING REQUIREMENT FOR PUBLIC SCHOOL CONSTRUCTION ISSUE.—

"(I) IN GENERAL.—In the case of a public school construction issue, the spending requirements of clause (ii) shall be treated as met if at least 10 percent of the available construction proceeds of the construction issue are spent for the governmental purposes of the issue within the 1-year period beginning on the date the bonds are issued, 30 percent of such proceeds are spent for such purposes within the 2-year period beginning on such date, 50 percent of such proceeds are spent for such purposes within the 3-year period beginning on such date, and 100 percent of such proceeds are spent for such purposes within the 4-year period beginning on such date.

"(II) PUBLIC SCHOOL CONSTRUCTION ISSUE.—For purposes of this clause, the term 'public school construction issue' means any construction issue if no bond which is part of such issue is a private activity bond and all of the available construction proceeds of such issue are to be used for the construction (as defined in clause (iv)) of public school facilities to provide education or training below the postsecondary level or for the acquisition of land that is functionally related and subordinate to such facilities.

"(III) OTHER RULES TO APPLY.—Rules similar to the rules of the preceding provisions of this subparagraph which apply to clause (ii) shall apply to this clause."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to obligations issued after December 31, 1999.

SEC. . TREATMENT OF PUBLIC SCHOOL CONSTRUCTION BONDS AS QUALIFIED TAX-EXEMPT OBLIGATIONS.

(a) IN GENERAL.—Clause (i) of subsection (b)(3)(B) of section 265 (relating to expenses and interest relating to tax-exempt income) is amended to read as follows:

"(i) IN GENERAL.—For purposes of subparagraph (A), the term 'qualified tax-exempt obligation' means a tax-exempt obligation—

"(I) which is issued after August 7, 1986, by a qualified small issuer, is not a private activity bond (as defined in section 141), and is designated by the issuer for purposes of this paragraph, or

"(II) which is a public school construction bond (within the meaning of section 148(f)(4)(C)(xviii)) issued by a qualified small education bond issuer (as defined in subparagraph (F))."

(b) DEFINITION OF QUALIFIED SMALL EDUCATION BOND ISSUER.—Subsection (b)(3) of section 265 is amended by adding at the end the following new subparagraph:

"(F) QUALIFIED SMALL EDUCATION BOND ISSUER.—For purposes of subparagraph (B)(i)(II), the term 'qualified small education bond issuer' means, with respect to bonds issued during any calendar year, any issuer if the reasonably anticipated amount of public school construction bonds which will be issued by such issuer during such calendar year does not exceed $25,000,000."

(c) CONFORMING AMENDMENT.—Section 265(b)(3)(B)(ii) is amended by striking "(i)(II)" in the matter preceding subclause (I) and inserting "(i)".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 1999.

KENNEDY AMENDMENT NO. 2849

(Ordered to lie on the table.)

Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill, S. 1134, supra; as follows:

Beginning on page 5, line 14, strike all through page 6, line 12, and insert:

"(i) expenses for tuition, fees, academic tutoring, special needs services, books, supplies, computer equipment (including related software and services), and other equipment which are incurred in connection with the enrollment or attendance of the designated beneficiary of the trust as an elementary or secondary school student at a public school, and

"(ii) expenses for room and board, uniforms, transportation, and supplementary items and services (including extended day programs) which are required or provided by a public school in connection with such enrollment or attendance.

DODD AMENDMENT NO. 2850

(Ordered to lie on the table.)

Mr. DODD submitted an amendment intended to be proposed by him to the bill, S. 1134, supra; as follows:

On page 5, line 14, strike "tuition, fees,".

KENNEDY AMENDMENT NO. 2851

(Ordered to lie on the table.)

Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill, S. 134, supra; as follows:

Beginning on page 4, line 3, strike all through page 8, line 4.

BIDEN AMENDMENT NO. 2852

(Ordered to lie on the table.)

Mr. BIDEN submitted an amendment intended to be proposed by him to the bill, S. 1134, supra. as follows:

At the end of title II, add the following:

SEC. . MODIFICATION OF LIFETIME LEARNING CREDIT AND OPTIONAL DEDUCTION FOR TUITION EXPENSES.

(a) MODIFICATION OF LIFETIME LEARNING CREDIT.—

(1) INCREASE IN PERCENTAGE.—Section 25A(c)(1) (relating to per taxpayer credit) is amended by striking "20 percent" and inserting "28 percent".

(2) LIMITATION BASED ON MODIFIED ADJUSTED GROSS INCOME.—

(A) IN GENERAL.—Section 25A(d)(2) (relating to amount of reduction) is amended to read as follows:

"(2) AMOUNT OF REDUCTION.—

"(A) HOPE SCHOLARSHIP.—In the case of the Hope Scholarship credit, the amount determined under this paragraph is the amount which bears the same ratio to the amount which would be so taken into account as—

"(i) the excess of—

"(I) the taxpayer's modified adjusted gross income for such taxable year, over

"(II) $40,000 ($80,000 in the case of a joint return), bears to

"(ii) $10,000 ($20,000 in the case of a joint return).

"(B) LIFETIME LEARNING.—In the case of the Lifetime Learning credit, the amount determined under subparagraph (A) shall be determined by substituting '$50,000 ($100,000 in the case of a joint return)' for '$40,000 ($80,000 in the case of a joint return)' in clause (i)(II) of such subparagraph.".

(B) CONFORMING AMENDMENT.—Section 25A(h)(2)(A) is amended by striking "the $40,000 and $80,000 amounts" and inserting "each dollar amount".

(b) DEDUCTION FOR QUALIFIED TUITION AND RELATED EXPENSES IN LIEU OF LIFETIME LEARNING CREDIT.—

(1) IN GENERAL.—Part VII of subchapter B of chapter 1 is amended by redesignating section 222 as section 223 and inserting after section 221 the following new section:

"SEC. 222. QUALIFIED TUITION EXPENSES.

"(a) ALLOWANCE OF DEDUCTION.—In the case of an individual, there shall be allowed as a deduction for the taxable year an amount equal to the lesser of—

"(1) the qualified tuition and related expenses (within the meaning of section 25A(c)) paid by the taxpayer for the taxable year, or

"(2) $10,000 ($5,000 in the case of taxable years beginning in 2001 or 2002).

"(b) SPECIAL RULES.—

"(1) IN GENERAL.—Rules similar to the rules of section 25A(g) shall apply for purposes of this section.

"(2) RULES FOR DETERMINING EXPENSES.—Rules similar to the rules of section 25A(c)(2) shall apply for purposes of determining the qualified tuition and related expenses to be taken into account under subsection (a).

"(c) LIMITATION BASED ON MODIFIED ADJUSTED GROSS INCOME.—The amount which would (but for this subsection) be taken into account under subsection (a) for the taxable year shall be reduced (but not below zero) by the amount determined under section 25A(d)(2)(B) by applying the modified adjusted gross income as defined in section 25A(d)(3) and determined without regard to the deduction under this section.

"(d) COORDINATION WITH CERTAIN CREDITS.—No deduction shall be allowed under this section with respect to the qualified tuition and related expenses of any individual unless a taxpayer elects not to have section 25A apply for the taxable year with respect to—

"(1) such individual, in the case of the Hope Scholarship credit, and

"(2) the taxpayer, in the case of the Lifetime Learning credit.

"(e) COORDINATION WITH EXCLUSIONS.—No deduction shall be allowed under this section with respect to an individual for any taxable year if any portion of any distribution during such taxable year from an education individual retirement account is excluded from gross income under section 530(d)(2).".

(2) DEDUCTION ALLOWED WHETHER OR NOT TAXPAYER ITEMIZES OTHER DEDUCTIONS.—Section 62(a) (defining adjusted gross income) is amended by inserting after paragraph (17) the following new paragraph:

"(18) QUALIFIED TUITION AND RELATED EXPENSES.—The deduction allowed by section 222.".

(3) CONFORMING AMENDMENT.—The table of sections for part VII of subchapter B of chapter 1 is amended by striking the last item and inserting the following new items:

"Sec. 222. Qualified tuition and related expenses.
"Sec. 223. Cross reference."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to expenses paid in taxable years beginning after December 31, 2000.

GRAHAM AMENDMENT NO. 2853

(Ordered to lie on the table.)

Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill, S. 1134, supra; as follows:

At the appropriate place, add the following:

TITLE —TRANSITION TO TEACHING

SEC. 1. SHORT TITLE.

This title may be cited as the "Transition to Teaching Act".

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) School districts will need to hire more than 2,000,000 teachers in the next decade. The need for teachers in the areas of mathematics, science, foreign languages, special education, and bilingual education, and for those able to teach in high-poverty school districts will be particularly high. To meet this need, talented Americans of all ages should be recruited to become successful, qualified teachers.

(2) Nearly 28 percent of teachers of academic subjects have neither an undergraduate major nor minor in their main assignment fields. This problem is more acute in high-poverty schools, where the out-of-field percentage is 39 percent.

(3) The Third International Math and Science Study (TIMSS) ranked United States high school seniors last among 16 countries in physics and next to last in mathematics. It is also evident, mainly from the TIMSS data, that based on academic scores, a stronger emphasis needs to be placed on the academic preparation of our children in mathematics and science.

(4) One-fourth of high-poverty schools find it very difficult to fill bilingual teaching positions, and nearly half of public school teachers have students in their classrooms for whom English is a second language.

(5) Many career-changing professionals with strong content-area skills are interested in a teaching career, but need assistance in getting the appropriate pedagogical training and classroom experience.

(6) The Troops to Teachers model has been highly successful in linking high-quality teachers to teach in high-poverty districts.

SEC. 3. PURPOSE.

The purpose of this title is to address the need of high-poverty school districts for highly qualified teachers in particular subject areas, such as mathematics, science, foreign languages, bilingual education, and special education, needed by those school districts, by recruiting, preparing, placing, and supporting career-changing professionals who have knowledge and experience that will help them become such teachers.

SEC. 4. PROGRAM AUTHORIZED.

(a) AUTHORITY.—The Secretary is authorized to use funds appropriated under subsection (b) for each fiscal year to award grants, contracts, or cooperative agreements to institutions of higher education and public and private nonprofit agencies or organizations to carry out programs authorized by this title.

(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this title, there are authorized to be appropriated $18,000,000 for each of fiscal years 2001 through 2006.

SEC. 5. APPLICATION.

Each applicant that desires an award under section 4(a) shall submit an application to the Secretary containing such information as the Secretary requires, including—

(1) a description of the target group of career-changing professionals upon which the applicant will focus in carrying out its program under this title, including a description of the characteristics of that target group that shows how the knowledge and experience of its members are relevant to meeting the purpose of this title;

(2) a description of how the applicant will identify and recruit program participants;

(3) a description of the training that program participants will receive and how that training will relate to their certification as teachers;

(4) a description of how the applicant will ensure that program participants are placed and teach in high-poverty local educational agencies;

(5) a description of the teacher induction services (which may be provided through existing induction programs) the program participants will receive throughout at least their first year of teaching;

(6) a description of how the applicant will collaborate, as needed, with other institutions, agencies, or organizations to recruit, train, place, and support program participants under this title, including evidence of the commitment of those institutions, agencies, or organizations to the applicant's program;

(7) a description of how the applicant will evaluate the progress and effectiveness of its program, including—

(A) the program's goals and objectives;

(B) the performance indicators the applicant will use to measure the program's progress; and

(C) the outcome measures that will be used to determine the program's effectiveness; and

(8) an assurance that the applicant will provide to the Secretary such information as the Secretary determines necessary to determine the overall effectiveness of programs under this title.

SEC. 6. USES OF FUNDS AND PERIOD OF SERVICE.

(a) AUTHORIZED ACTIVITIES.—Funds under this title may be used for—

(1) recruiting program participants, including informing them of opportunities under the program and putting them in contact with other institutions, agencies, or organizations that would train, place, and support them;

(2) training stipends and other financial incentives for program participants, not to exceed $5,000 per participant;

(3) assisting institutions of higher education or other providers of teacher training to tailor their training to meet the particular needs of professionals who are changing their careers to teaching;

(4) placement activities, including identifying high-poverty local educational agencies with a need for the particular skills and characteristics of the newly trained program participants and assisting those participants to obtain employment in those local educational agencies; and

(5) post-placement induction or support activities for program participants.

(b) PERIOD OF SERVICE.—A program participant in a program under this title who completes his or her training shall serve in a high-poverty local educational agency for at least 3 years.

(c) REPAYMENT.—The Secretary shall establish such requirements as the Secretary determines appropriate to ensure that program participants who receive a training stipend or other financial incentive under subsection (a)(2), but fail to complete their service obligation under subsection (b), repay all or a portion of such stipend or other incentive.

SEC. 7. EQUITABLE DISTRIBUTION.

To the extent practicable, the Secretary shall make awards under this title that support programs in different geographic regions of the Nation.

SEC. 8. DEFINITIONS.

In this title:

(1) HIGH-POVERTY LOCAL EDUCATIONAL AGENCY.—The term "high-poverty local educational agency" means a local educational agency in which the percentage of children, ages 5 through 17, from families below the poverty level is 20 percent or greater, or the number of such children exceeds 10,000.

(2) PROGRAM PARTICIPANTS.—The term "program participants" means career-changing professionals who—

(A) hold at least a baccalaureate degree;

(B) demonstrate interest in, and commitment to, becoming a teacher; and

(C) have knowledge and experience that are relevant to teaching a high-need subject area in a high-need local educational agency.

COLLINS (AND OTHERS) AMENDMENT NO. 2854

Ms. COLLINS (for herself, Mr. KYL, and Mr. COVERDELL) proposed an amendment to the bill, S. 1134, supra; as follows:

At the end of title II, insert:

SEC. . 2-PERCENT FLOOR ON MISCELLANEOUS ITEMIZED DEDUCTIONS NOT TO APPLY TO QUALIFIED PROFESSIONAL DEVELOPMENT EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) IN GENERAL.—Section 67(b) (defining miscellaneous itemized deductions) is amended by striking "and" at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting ", and", and by adding at the end the following new paragraph:

"(13) any deduction allowable for the qualified professional development expenses paid or incurred by an eligible teacher.".

(b) DEFINITIONS.—Section 67 (relating to 2-percent floor on miscellaneous itemized deductions) is amended by adding at the end the following new subsection:

"(g) QUALIFIED PROFESSIONAL DEVELOPMENT EXPENSES OF ELIGIBLE TEACHERS.—For purposes of subsection (b)(13)—

"(1) QUALIFIED PROFESSIONAL DEVELOPMENT EXPENSES.—

"(A) IN GENERAL.—The term 'qualified professional development expenses' means expenses—

"(i) for tuition, fees, books, supplies, equipment, and transportation required for the enrollment or attendance of an individual in a qualified course of instruction, and

"(ii) with respect to which a deduction is allowable under section 162 (determined without regard to this section).

"(B) QUALIFIED COURSE OF INSTRUCTION.—The term 'qualified course of instruction' means a course of instruction which—

"(i) is—

"(I) directly related to the curriculum and academic subjects in which an eligible teacher provides instruction, or

"(II) designed to enhance the ability of an eligible teacher to understand and use State standards for the academic subjects in which such teacher provides instruction,

"(ii) may—

"(I) provide instruction in how to teach children with different learning styles, particularly children with disabilities and children with special learning needs (including children who are gifted and talented), or

"(II) provide instruction in how best to discipline children in the classroom and identify early and appropriate interventions to help children described in subclause (I) to learn,

"(iii) is tied to challenging State or local content standards and student performance standards,

"(iv) is tied to strategies and programs that demonstrate effectiveness in increasing student academic achievement and student performance, or substantially increasing the knowledge and teaching skills of an eligible teacher,

"(v) is of sufficient intensity and duration to have a positive and lasting impact on the performance of an eligible teacher in the classroom (which shall not include 1-day or short-term workshops and conferences), except that this clause shall not apply to an activity if such activity is 1 component described in a long-term comprehensive professional development plan established by an eligible teacher and the teacher's supervisor based upon an assessment of the needs of the teacher, the students of the teacher, and the local educational agency involved, and

"(vi) is part of a program of professional development which is approved and certified by the appropriate local educational agency as furthering the goals of the preceding clauses.

"(C) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' has the meaning given such term by section 14101 of the Elementary and Secondary Education Act of 1965, as in effect on the date of the enactment of this subsection.

"(2) ELIGIBLE TEACHER.—

"(A) IN GENERAL.—The term 'eligible teacher' means an individual who is a kindergarten through grade 12 classroom teacher in an elementary or secondary school.

"(B) ELEMENTARY OR SECONDARY SCHOOL.—The terms 'elementary school' and 'secondary school' have the meanings given such terms by section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801), as so in effect.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. . CREDIT TO ELEMENTARY AND SECONDARY SCHOOL TEACHERS WHO PROVIDE CLASSROOM MATERIALS.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

"SEC. 30B. CREDIT TO ELEMENTARY AND SECONDARY SCHOOL TEACHERS WHO PROVIDE CLASSROOM MATERIALS.

"(a) ALLOWANCE OF CREDIT.—In the case of an eligible teacher, there shall be allowed as a credit against the tax imposed by this chapter for such taxable year an amount equal to the qualified elementary and secondary education expenses which are paid or incurred by the taxpayer during such taxable year.

"(b) MAXIMUM CREDIT.—The credit allowed by subsection (a) for any taxable year shall not exceed $100.

"(c) DEFINITIONS.—

"(1) ELIGIBLE TEACHER.—The term 'eligible teacher' means an individual who is a kindergarten through grade 12 classroom teacher, instructor, counselor, aide, or principal in an elementary or secondary school on a full-time basis for an academic year ending during a taxable year.

"(2) QUALIFIED ELEMENTARY AND SECONDARY EDUCATION EXPENSES.—The term 'qualified elementary and secondary education expenses' means expenses for books, supplies (other than nonathletic supplies for courses of instruction in health or physical education), computer equipment (including related software and services) and other equipment, and supplementary materials used by an eligible teacher in the classroom.

"(3) ELEMENTARY OR SECONDARY SCHOOL.—The term 'elementary or secondary school' means any school which provides elementary education or secondary education (through grade 12), as determined under State law.

"(d) SPECIAL RULES.—

"(1) DENIAL OF DOUBLE BENEFIT.—No deduction shall be allowed under this chapter for any expense for which credit is allowed under this section.

"(2) APPLICATION WITH OTHER CREDITS.—The credit allowable under subsection (a) for any taxable year shall not exceed the excess (if any) of—

"(A) the regular tax for the taxable year, reduced by the sum of the credits allowable under subpart A and the preceding sections of this subpart, over

"(B) the tentative minimum tax for the taxable year.

"(e) ELECTION TO HAVE CREDIT NOT APPLY.—A taxpayer may elect to have this section not apply for any taxable year.".

(b) CLERICAL AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

"Sec. 30B. Credit to elementary and secondary school teachers who provide classroom materials.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION ACT AMENDMENTS OF 1999

CAMPBELL AMENDMENT NO. 2855

Mr. COVERDELL (for Mr. CAMPBELL) proposed an amendment to the bill (S. 400) to provide technical corrections to the Native American Housing Assistance and Self-Determination Act of 1986, to improve the delivery of housing assistance to Indian tribes in a manner that recognizes the right of tribal self-governance, and for other purposes; as follows:

On page 19, strike lines 2 through 10 and insert the following:

Section 104(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4114(b)) is amended—

(1) by striking "Davis-Bacon Act (40 U.S.C. 276a-276a-5)" and inserting "Act of March 3, 1931 (commonly known as the 'Davis-Bacon Act') (46 Stat. 1494, chapter 411; 40 U.S.C. 276a et seq.)"; and

(2) by adding at the end the following:

"(3) APPLICATION OF TRIBAL LAWS.—Paragraph (1) shall not apply to any contract or agreement for assistance, sale, or lease pursuant to this Act, if such contract or agreement is otherwise covered by 1 or more laws or regulations adopted by an Indian tribe that requires the payment of not less than prevailing wages, as determined by the Indian tribe.".

AFFORDABLE EDUCATION ACT OF 1999

COLLINS (AND OTHERS) AMENDMENT NO. 2856

(Ordered to lie on the table.)

Ms. COLLINS (for herself, Mr. KYL, and Mr. COVERDELL) submitted an amendment intended to be proposed by her to the bill, S. 1134, supra; as follows:

At the end of title II, insert:

SEC. . 2-PERCENT FLOOR ON MISCELLANEOUS ITEMIZED DEDUCTIONS NOT TO APPLY TO QUALIFIED PROFESSIONAL DEVELOPMENT EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) IN GENERAL.—Section 67(b) (defining miscellaneous itemized deductions) is amended by striking "and" at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting ", and", and by adding at the end the following new paragraph:

"(13) any deduction allowable for the qualified professional development expenses paid or incurred by an eligible teacher.".

(b) DEFINITIONS.—Section 67 (relating to 2-percent floor on miscellaneous itemized deductions) is amended by adding at the end the following new subsection:

"(g) QUALIFIED PROFESSIONAL DEVELOPMENT EXPENSES OF ELIGIBLE TEACHERS.—For purposes of subsection (b)(13)—

"(1) QUALIFIED PROFESSIONAL DEVELOPMENT EXPENSES.—

"(A) IN GENERAL.—The term 'qualified professional development expenses' means expenses—

"(i) for tuition, fees, books, supplies, equipment, and transportation required for the enrollment or attendance of an individual in a qualified course of instruction, and

"(ii) with respect to which a deduction is allowable under section 162 (determined without regard to this section).

"(B) QUALIFIED COURSE OF INSTRUCTION.—The term 'qualified course of instruction' means a course of instruction which—

"(i) is—

"(I) directly related to the curriculum and academic subjects in which an eligible teacher provides instruction, or

"(II) designed to enhance the ability of an eligible teacher to understand and use State standards for the academic subjects in which such teacher provides instruction,

"(ii) may—

"(I) provide instruction in how to teach children with different learning styles, particularly children with disabilities and children with special learning needs (including children who are gifted and talented), or

"(II) provide instruction in how best to discipline children in the classroom and identify early and appropriate interventions to help children described in subclause (I) to learn,

"(iii) is tied to challenging State or local content standards and student performance standards,

"(iv) is tied to strategies and programs that demonstrate effectiveness in increasing student academic achievement and student performance, or substantially increasing the knowledge and teaching skills of an eligible teacher,

"(v) is of sufficient intensity and duration to have a positive and lasting impact on the performance of an eligible teacher in the classroom (which shall not include 1-day or short-term workshops and conferences), except that this clause shall not apply to an activity if such activity is 1 component described in a long-term comprehensive professional development plan established by an eligible teacher and the teacher's supervisor based upon an assessment of the needs of the teacher, the students of the teacher, and the local educational agency involved, and

"(vi) is part of a program of professional development which is approved and certified by the appropriate local educational agency as furthering the goals of the preceding clauses.

"(C) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' has the meaning given such term by section 14101 of the Elementary and Secondary Education Act of 1965, as in effect on the date of the enactment of this subsection.

"(2) ELIGIBLE TEACHER.—

"(A) IN GENERAL.—The term 'eligible teacher' means an individual who is a kindergarten through grade 12 classroom teacher in an elementary or secondary school.

"(B) ELEMENTARY OR SECONDARY SCHOOL.—The terms 'elementary school' and 'secondary school' have the meanings given such terms by section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801), as so in effect.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will meet on March 1, 2000, in SD-192 at 9 a.m. The purpose of this meeting will be to discuss the agriculture trade agreement with China.

COMMITTEE OR AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will meet on March 2, 2000, in SR-328A a 10 a.m. The purpose of this meeting will be to discuss risk management/crop insurance and possibly other issues before the agriculture committee.

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing will take place on Friday March 10, 2000, at 9 a.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 1892, a bill to authorize the acquisition of the Valles Caldera, to provide for an effective land and wildlife management program for this resource within the Department of Agriculture, and for other purposes. In addition, testimony will be taken from the Government Accounting Office and the Forest Service on the Government Accounting Office review of the Forest Service's appraisal for the acquisition of the Valles Caldera.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Mike Menge or Bill Eby at (202) 224-6170.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. THOMAS. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on Monday, February 28, at 2 p.m., to receive testimony on ballistic missile defense programs and issues in review of the defense authorization request for fiscal year 2001 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Monday, February 28, 2000, at 4 p.m., in open session to receive testimony on the national security implications of export controls and to examine S. 1712, the Export Administration Act of 1999.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Monday, February 28, 2000, to conduct a hearing on the Competitive Market Supervision Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

AFRICAN AMERICAN HISTORY MONTH

• Mr. LEVIN. Mr. President, every February nationwide we celebrate African American History Month. We do so because in 1926, Dr. Carter G. Woodson, son of former slaves, proposed such a recognition as a way of preserving the history of the Negro and recognizing the enormous contributions of a people of great strength, dignity, faith and conviction—a people who rendered their achievements for the betterment and advancement of a Nation once lacking in humanity towards them. Throughout the Nation, we celebrate the many important contributions African Americans have made in all facets of American life.

Lerone Bennett, editor, writer and lecturer recently reflected on the life and times of Dr. Woodson. In an article he wrote earlier this month for Johnson's Publications, Bennett tells us that one of the most inspiring and instructive stories in African American history is the story of Woodson's struggle and rise from the coal mines of West Virginia to the summit of academic achievement:

> At 17, the young man who was called by history to reveal Black history was an untutored coal miner. At 19, after teaching himself the fundamentals of English and arithmetic, he entered high school and mastered the four-year curriculum in less than two years. At 22, after two-thirds of a year at Berea College [in Kentucky], he returned to the coal mines and studied Latin and Greek between trips to the mine shafts. He then went on to the University of Chicago, where he received bachelor's and master's degrees, and Harvard University, where he became the second Black to receive a doctorate in history. The rest is history—Black history.

Mr. President, in keeping with the spirit and the vision of Dr. Carter G. Woodson, I would like to pay tribute to two courageous women, claimed by my home state of Michigan, who played significant roles in addressing American injustice and inequality. These are two women of different times who would change the course of history.

Mr. President, Sojourner Truth, who helped lead our country out of the dark days of slavery, and Rosa Parks, whose dignified leadership sparked the Montgomery Bus Boycott and the start of the Civil Rights movement are indelibly echoed in the chronicle of not only the history of this Nation, but are viewed with distinction and admiration throughout the world.

Sojourner Truth, though unable to read or write, was considered one of the most eloquent and noted spokespersons of her day on the inhumanity and immorality of slavery. She was a leader in the abolitionist movement, and a ground breaking speaker on behalf of equality for women. Michigan recently honored her with the dedication of the Sojourner Truth Memorial Monument, which was unveiled in Battle Creek, Michigan on September 25, 1999. I commend Dr. Velma Laws-Clay who headed the Monument Steering Committee and Sculptor Tina Allen for making their dream, a true monument to Sojourner Truth, a reality.

Mr. President, Sojourner Truth had an extraordinary life. She was born Isabella Baumfree in 1797, served as a slave under several different masters, and was eventually freed in 1828 when New York state outlawed slavery. She continued to live in New York and became strongly involved in religion. In

1843, Baumfree, in response to a command from God, changed her name to Sojourner Truth and dedicated her life to traveling and lecturing. She began her migration West in 1850, where she shared the stage with other abolitionist leaders such as Frederick Douglass.

In 1851, Sojourner Truth delivered her famous "Ain't I a Woman?" speech at the Women's Convention in Akron, Ohio. In the speech, Truth attacked both racism and sexism. Truth made her case for equality in plain-spoken English when she said,

> Then that little man in black there, he says women can't have as much rights as men, cause Christ wasn't a woman? Where did your Christ come from? Where did your Christ come from? From God and a woman! Man had nothing to do with Him.

By the mid-1850s, Truth had settled in Battle Creek, Michigan. She continued to travel and speak out for equality. During the Civil War, Truth traveled throughout Michigan, gathering food and clothing for Negro volunteer regiments. Truth's travels during the war eventually led her to a meeting with President Abraham Lincoln in 1864, at which she presented her ideas on assisting freed slaves. Truth remained in Washington, D.C. for several years, helping slaves who had fled from the South and appearing at women's suffrage gatherings. Due to bad health, Sojourner Truth returned to Battle Creek in 1875, and remained there until her death in 1883. Sojourner Truth spoke from her heart about the most troubling issues of her time. A testament to Truth's convictions is that her words continue to speak to us today.

Mr. President, on May 4, 1999 legislation was enacted which authorized the President of the United States to award the Congressional Gold Medal to Rosa Parks. The Congressional Gold Medal was presented to Rosa Parks on June 15, 1999 during an elaborate ceremony in the U.S. Capitol Rotunda. I was pleased to cosponsor this fitting tribute to Rosa Parks—the gentle warrior who decided that she would no longer tolerate the humiliation and demoralization of racial segregation on a bus. Her personal bravery and self-sacrifice are remembered with reverence and respect by us all.

Forty four years ago in Montgomery, Alabama the modern civil rights movement began when Rosa Parks refused to give up her seat and move to the back of the bus. The strength and spirit of this courageous woman captured the consciousness of not only the American people but the entire world.

My home state of Michigan proudly claims Rosa Parks as one of our own. Rosa Parks and her husband made the journey to Michigan in 1957. Unceasing threats on their lives and persistent harassment by phone prompted the move to Detroit where Rosa Parks's brother resided.

Rosa Parks' arrest for violating the city's segregation laws was the catalyst for the Montgomery bus boycott. Her stand on that December day in 1955 was not an isolated incident but part of a lifetime of struggle for equality and justice. For instance, twelve years earlier, in 1943, Rosa Parks had been arrested for violating another one of the city's bus related segregation laws, which required African Americans to pay their fares at the front of the bus then get off of the bus and re-board from the rear of the bus. The driver of that bus was the same driver with whom Rosa Parks would have her confrontation 12 years later.

The rest is history—the boycott which Rosa Parks began was the beginning of an American revolution that elevated the status of African Americans nationwide and introduced to the world a young leader who would one day have a national holiday declared in his honor, the Reverend Martin Luther King Jr.

Mr. President, we have come a long way toward achieving justice and equality for all. But we still have work to do. In the names of Rosa Parks, Sojourner Truth, Dr. Carter G. Woodson, Dr. Martin Luther King, Jr., and many others, let us rededicate ourselves to continuing the struggle on Civil Rights and to human rights.●

TRIBUTE TO SERGEANT MAJOR CHARLES J. JOHNSON

● Mr. HUTCHINSON. Mr. President, I rise today to honor Command Sergeant Major Charles J. Johnson of the U.S. Army Communication-Electronics Command who is retiring from the United States Army after 30 years of active duty. Sergeant Major Johnson is an exceptional leader, a "soldier's" soldier and has served this great country with honor and dignity. He understands soldiering, leadership and selfless service. He is known for his dedication and integrity. He has tackled the tough issues that our Army has faced the passed few years while consistently focused on the proper care and concern for our soldiers and families. Through his hard work and efforts and the most significant contributions he has made our United States Army enters this new millennium as a strong, well-trained, proud fighting force. This wonderful American deserves a tremendous praise and thanks from a nation for which he has given so much and loves.

Sergeant Major Johnson was born on August 8, 1949. He was raised in Canton, Georgia, and entered the Army in April 1970 at Fort Knox, Kentucky, where he was trained in Basic Soldiering and Basic Combat Skills. Upon the completion of Basic Training he received advanced individual training as a Communications Center Specialist at Fort Gordon, Georgia. Throughout his career, Sergeant Major Johnson continued his military education completing numerous military schools but most notable: Defense Race Relations Institute, Advance Noncommissioned Course, Organizational Effectiveness Staff Officers Course, First Sergeant Course and the United States Army Sergeants Major Academy. Sergeant Major Johnson was also awarded a Bachelor of Science Degree from the University of Maryland.

Sergeant Major Johnson's initial assignment was with the Defense Communications Agency Southwest Asia Mainland Region (Vietnam). He was assigned to the Defense Communication Agency in Washington, DC, following duty in Vietnam. Sergeant Major Johnson has served over 24 years overseas to include six tours in Germany, one tour in Korea, and another combat tour in Southwest Asia.

Sergeant Major Johnson has served with distinction in every leadership position from Team Chief to Command Sergeant Major. He served as a First Sergeant of B Company, 440th Signal Battalion (Darmstardt, Germany) and as Command Sergeant Major of the 44th Signal Battalion (Mannheim, Germany), 22d Signal Brigade (Corps) (Darmstardt, Germany), U.S. Army Garrison, Fort Monmouth, New Jersey, and the Command Sergeant Major of the 1st Signal Brigade "Voice of the ROK" in Yongsan, Korea. Sergeant Major Johnson also served as an instructor at the Infantry Center and School at Fort Benning, Georgia and on both the Equal Opportunity and Organizational Effectiveness Staffs at Headquarters, V Corps in Frankfurt, Germany.

Sergeant Major Johnson's awards and decorations include the Legion of Merit, Bronze Star Medal (with oak leaf cluster), Meritorious Service Medal (with fourth oak leaf cluster), Army Commendation Medal (with oak leaf cluster), Army Achievement Medal, Good Conduct Medal (10 Awards), Military Outstanding Volunteer Service Medal and numerous service and campaign medals for service in both Southeast and Southwest Asia. He has also been awarded the German Marksman Award and the Signal Corps Regimental Medal, the Silver Order of Mercury.●

NATIONAL YOUNG FARMER AWARD

● Mr. ASHCROFT. Mr. President, it is with great pleasure that I recognize and congratulate Mr. and Mrs. David Herbst, on receiving the National Young Farmer Award from the American Farm Bureau Federation. From their farm near Chaffee, Missouri, David and Leslie Herbst have set an example to our nation's agricultural industry about productive farming, land management, and environmental conservation.

The National Young Farmer Award is the highest award given for outstanding achievements, and it is given only to one farmer each year. David and Leslie Herbst were selected from a field of nominees submitted by state Farm Bureaus across the nation. It is an honor for Missouri to have such prominent examples of excellence in farming.

This prestigious award, presented to David and Leslie, is accompanied by some impressive prizes, including a 2000 Dodge Ram 4x4 truck and an Arctic Cat all terrain vehicle. They also won registration to conferences that will give them an opportunity to share their successes and perspectives on farming with other young farmers and ranchers.

David and Leslie are continuing the tradition of family farming in southeast Missouri. They are the fourth generation of Herbsts to farm in the region, and they have been particularly successful with a unique approach to environmental protection that will preserve their land and keep it fertile for future generations.

When I look to Missouri, I do not see a state defined only by its geography—spanning from the Missouri River to the Mississippi River. Nor do I simply define Missouri by its economic diversity—a state leading in farming and industry. I see the definition of Missouri as a place where Missourians, like the Herbsts, can work together to give the next generation more opportunity than we have today. It is a state of ascending opportunity.

Because of David and Leslie's careful stewardship of their land, prudent planning, and perseverance through the market crises of recent years, they will be able to advise the next generation of Missourians to continue the traditions of family farming and agri-business. The Herbsts can truly say "the best is yet to come."

It is my honor to wish David and Leslie continued success in agriculture. They have set an inspiring example for farmers across the nation, and indeed in Missouri.●

JIM GOODMON—VISIONARY

● Mr. HELMS. Mr. President, back in the mid-1960s, I was enjoying life as one of the guys active in the management of a very successful television station in my hometown of Raleigh. The company, Capitol Broadcasting Company, had been founded by a remarkable gentleman, Mr. A.J. Fletcher, born in the mountains of Western North Carolina, son of a circuit-riding Baptist preacher whose ministry included hundreds of mountain families who attended the many churches under the watchcare of the Reverend Mr. Fletcher.

Those were hard scrabble times and by today's standards, just about everybody whom Reverend Fletcher's ministry served was poor.

A.J. Fletcher had nonetheless begun a lifetime love affair with the music of opera. So he headed east, to Raleigh and Wake County; virtually penniless he nonetheless studied law at night and in the process developed an instinctive knowledge of business and investment. In the years that followed, neither A.J. Fletcher nor anyone else in his family ever lived another hard-scrabble day.

Mr. President, I developed a high respect and genuine friendship for and with Mr. Fletcher. What I have recited up to this point is intended to be a lead-in to a magazine article about one of Mr. Fletcher's remarkable grandsons, James Fletcher Goodmon who today is president and CEO of Capitol Broadcasting Company.

I will get to the article in a moment, Mr. President, but I am obliged to mention my earliest impressions of Jim Goodmon when he was in high school in Raleigh and worked every possible minute of every day (and night) that he could manage at the television station (WRAL–TV) which was to become the flagship station-to-be of an expanded Capitol Broadcasting Company.

I saw young Jim Goodmon frequently back in those days (and nights) as he concentrated on learning everything possible about the mysteries of keeping a television station on the air. Many times he was covered with grease, many times he was bound to have been tired, but Jim Goodmon was then, as he is today, a hard-charger. Grandpa Fletcher was proud of Jim—and so was I. I sensed back then that Jim Goodmon would one day be a leader in television—as he certainly has turned out to be.

A few words about Jim Goodmon's family. After attending Duke University, Jim Goodmon found a bride—a lovely one and a hard-charger herself—across the mountains in Tennessee. Barbara Lyons was a registered nurse then. Now, years later, Barbara Lyons Goodmon genuinely cares about people. She and Jim have three children and one grandchild. They complement each other; both stay busy but never so busy that they cannot help each other in their myriad of projects.

What I have stated is scarcely more than a snapshot of a remarkable family. Mr. A.J. Fletcher is long gone from the scene but I have a hunch that he is looking down from a Cloud Nine somewhere, nodding his approval of the way Jim and Barbara are doing things.

Let me hurriedly add that Jim Goodmon is president and owner of the Durham Bulls baseball team which plays its home games in its dandy new stadium about 20 miles away in Durham—and then I will proceed to calling attention to a profile about Jim Goodmon published in the latest issue of the magazine, Region Focus.

The article, by Betty Joyce Nash, is entitled "James F. Goodmon, an industry visionary and community cheerleader defines the future." Mr. President, I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PROFILE/JAMES F. GOODMON—AN INDUSTRY VISIONARY AND COMMUNITY CHEERLEADER DEFINES THE FUTURE

Jim Goodmon was fighting fatigue and a cold. He had just flown back to Raleigh, N.C., from Colorado where he helped pitch the Raleigh-Durham-Chapel Hill Triangle area as the site of the 2007 Pan American Games. Goodmon played a key role in luring the 1999 Special Olympics to the Triangle, so why not the Pan Am games?

It wasn't meant to be. San Antonio was chosen instead of the Triangle. But that's irrelevant, Goodmon says, his spirit hardly dampened by the loss, the jet lag, or sniffles. North Carolina, he says, showed initiative in planning and promoting the future.

"What's important is that we were working on something in 2007 and not for next week," says Goodmon, president and chief executive officer of Capitol Broadcasting Co. Inc. in Raleigh. Goodmon's grandfather, A.J. Fletcher, started the company in 1939 to serve the community. Still a family-owned enterprise, Capitol is a rarity in the rapidly consolidating broadcast industry.

So far, Goodmon has invested nearly $4 million to make Capitol's WRAL the nation's first television station to transmit television signals digitally. These high-definition transmissions provide flawless pictures and "surround" sound. WRAL–HD, the "HD" stands for high-definition, went on the air in 1996. Goodmon is still charged by the potential he sees in this medium. "Not a day goes by that I'm not amazed that we can send pictures through the air," he says.

Capitol's other holdings include minor league baseball teams in Durham, N.C., and Myrtle Beach, S.C., a satellite communications firm, and office developments in downturn Durham.

But Goodmon's future includes a big role as community cheerleader. A sports fan, Goodmon tirelessly cheers for the Triangle. He is also president of his family's 50-year-old philanthropic foundation—the A.J. Fletcher Foundation—and is a chief promoter of Gov. Jim Hunt's Smart Start program for preschool-aged children.

"If you want to make a difference in the future, what's better than investing in kids?" he asks.

Despite his prominent role in the community, Goodmon likes to work behind the scenes, says longtime friend Smedes York. A former Raleigh mayor who has known Goodmon since high school, York was also a member of the committee that tried to lure the Special Olympics and Pan Am Games to the Triangle. Goodmon is serious about this commitment to making things happen, York says, and backs up his promises with resources.

"He'll pick up two or three key things and put his time and resources into those," York says. "He's not just talking. He's putting up major money and people in his organization he'll assign to work on these tasks."

Goodmon may have a preference for the background, but he is a natural leader. For instance, he persuaded the owner of the new Hurricanes hockey team to use the name "Carolina" Hurricanes, not "Raleigh" Hurricanes.

While others might wring hands, Goodmon acts, says colleague Ben Waters. Waters should know. He is Capitol's vice president of administration and often is responsible for getting Goodmon's projects off the ground. One night in 1985, Waters recalls, Goodmon called him and asked if he had seen a news show about Ethiopia's starving children. Goodmon gave him a task.

"He said, 'Find out how we can help them. We can't sit back and not do anything,'" Waters remembers. Although Capitol was too late to aid Ethiopia, a program to funnel aid through a religious organization to another famine hot spot is ongoing.

The son of Fletcher's only daughter, Goodmon's legacy as a leader began at a young age. He was 12 years old when he took his first job as a gravedigger at a cemetery owned by his family. He earned 35 cents an hour. At age 13, he began his career in broadcasting by working odd jobs at WRAL. By age 15, he ran a camera as a member of the television production crew. U.S. Sen. Jesse Helms, R–N.C., one of Goodmon's supervisors back then, remembers him well.

"I can see him now," Helms recalls of the young Goodmon. "I did a lot of evening work to catch up with my correspondence and I'd see him every evening in that engineering department. He could show some of our full-time engineers how to do it."

The love of technology carried Goodmon to Duke University where he studied engineering. But he left without a degree in 1965 to join the U.S. Navy. The technology bug stayed with him.

A serviceman stationed in Memphis, Tenn., Goodmon also worked at a local television station. And it was in this city that he met his wife, Barbara, on a blind date. They played card games.

"Jim always said the reason he kept coming back to visit was that we had a color TV," Barbara Goodmon laughs. He often visited after he got off work at the television station. But when it was time to go, she had to help him start his car, an Austin Healy.

"The only way he could start it was to get underneath it," she says. "I would get under the hood and hold something while he started it."

The couple is still a formidable team when it comes to starting projects. As a member of the board of the Salvation Army, the matriarch has rallied family members to serve in soup kitchens and to participate in a variety of community projects. Although the couple's work is now less hands-on, it is more extensive. Their work with Healing Place is a prime example. The facility plans to offer shelter and rehabilitation services when it opens in November.

Healing Place was boosted by the A.J. Fletcher Foundation, which provided start-up office space and supplies. Capitol paid an employee to act as the facility's director. And the community ponied up $4.5 million for the project.

Sowing the seeds of self-sufficiency is a hallmark of the foundation, which now spends about $3.5 million a year to help fund worthy North Carolina projects and fledgling organizations. "That's part of my future thing—getting things started," says Goodmon.

His energy appears limitless.

"He is up and down on the computer during the night with ideas," his wife says. "The people who work for him say, 'We know how much he's been doing according to how many e-mails he has sent.'"

That relentless pace took its toll on Goodmon and led to a heart attack five years ago. He says the experience clarified his vision and forced him to work more efficiently and delegate better. Although always family-centered, he has a renewed commitment to spending time with family members, particularly his grandson, who is a toddler. He also watches Durham Bulls baseball games and attends movies with his family.

Still, Goodmon's vision is in high definition as he plugs his energy into projects that will make a difference 10 years into the future. "Things don't just happen right; things don't just come out right by themselves," Goodmon says. "You have to work on it."●

NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION ACT AMENDMENTS OF 1999

Mr. COVERDELL. Madam President, I ask unanimous consent that the Senate now proceed to consideration of Calendar No. 374, S. 400.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 400) to provide technical corrections to the Native American Housing Assistance and Self-Determination Act of 1996, to improve the delivery of housing assistance to Indian tribes in a manner that recognizes the right of tribal self-governance, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Indian Affairs, with an amendment in the nature of a substitute to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Native American Housing Assistance and Self-Determination Act Amendments of 1999".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Restriction on waiver authority.
Sec. 3. Assistance to families that are not low-income.
Sec. 4. Elimination of waiver authority for small tribes.
Sec. 5. Labor standards.
Sec. 6. Environmental compliance.
Sec. 7. Oversight.
Sec. 8. Allocation formula.
Sec. 9. Hearing requirement.
Sec. 10. Performance agreement time limit.
Sec. 11. Technical and conforming amendments.

SEC 2. RESTRICTION ON WAIVER AUTHORITY.

(a) IN GENERAL.—Section 101(b)(2) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111(b)(2)) is amended by striking "if the Secretary" and all that follows through the period at the end and inserting the following: "for a period of not more than 90 days, if the Secretary determines that an Indian tribe has not complied with, or is unable to comply with, those requirements due to exigent circumstances beyond the control of the Indian tribe.".

(b) LOCAL COOPERATION AGREEMENT.—Section 101(c) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111(c)) is amended by adding at the end the following: "The Secretary may waive the requirements of this subsection and subsection (d) if the recipient has made a good faith effort to fulfill the requirements of this subsection and subsection (d) and agrees to make payments in lieu of taxes to the appropriate taxing authority in an amount consistent with the requirements of subsection (d)(2) until such time as the matter of making such payments has been resolved in accordance with subsection (d).".

SEC. 3. ASSISTANCE TO FAMILIES THAT ARE NOT LOW-INCOME.

Section 102(c) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4112(c)) is amended by adding at the end the following:

"(6) CERTAIN FAMILIES.—With respect to assistance provided by a recipient to Indian families that are not low-income families under section 201(b)(2), evidence that there is a need for housing for each such family during that period that cannot reasonably be met without such assistance.".

SEC. 4. ELIMINATION OF WAIVER AUTHORITY FOR SMALL TRIBES.

Section 102 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4112) is amended—

(1) by striking subsection (f); and

(2) by redesignating subsection (g) as subsection (f).

SEC. 5. LABOR STANDARDS.

Section 104(b)(1) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4114(b)(1)) is amended—

(1) by inserting "relating to 12 or more units of housing assisted under this Act" after "lease"; and

(2) by striking "Davis-Bacon Act (40 U.S.C. 276a-276a-5)" and inserting "Act of March 3, 1931 (commonly known as the 'Davis-Bacon Act') (46 Stat. 1494, chapter 411; 40 U.S.C. 276a et seq.)".

SEC. 6. ENVIRONMENTAL COMPLIANCE.

Section 105 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4115) is amended by adding at the end the following:

"(d) ENVIRONMENTAL COMPLIANCE.—The Secretary may waive the requirements under this section if the Secretary determines that a failure on the part of a recipient to comply with provisions of this section—

"(1) will not frustrate the goals of the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.) or any other provision of law that furthers the goals of that Act;

"(2) does not threaten the health or safety of the community involved by posing an immediate or long-term hazard to residents of that community;

"(3) is a result of inadvertent error, including an incorrect or incomplete certification provided under subsection (c)(1); and

"(4) may be corrected through the sole action of the recipient.".

SEC. 7. OVERSIGHT.

(a) REPAYMENT.—Section 209 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4139) is amended to read as follows:

"SEC. 209. NONCOMPLIANCE WITH AFFORDABLE HOUSING REQUIREMENT.

"If a recipient uses grant amounts to provide affordable housing under this title, and at any time during the useful life of the housing the recipient does not comply with the requirement under section 205(a)(2), the Secretary shall take appropriate action under section 401(a).".

(b) AUDITS AND REVIEWS.—Section 405 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4165) is amended to read as follows:

"SEC. 405. REVIEW AND AUDIT BY SECRETARY.

"(a) REQUIREMENTS UNDER CHAPTER 75 OF TITLE 31, UNITED STATES CODE.—An entity designated by an Indian tribe as a housing entity shall be treated, for purposes of chapter 75 of title 31, United States Code, as a non-Federal

entity that is subject to the audit requirements that apply to non-Federal entities under that chapter.

"(b) ADDITIONAL REVIEWS AND AUDITS.—

"(1) IN GENERAL.—In addition to any audit or review under subsection (a), to the extent the Secretary determines such action to be appropriate, the Secretary may conduct an audit or review of a recipient in order to—

"(A) determine whether the recipient—

"(i) has carried out—

"(I) eligible activities in a timely manner; and

"(II) eligible activities and certification in accordance with this Act and other applicable law;

"(ii) has a continuing capacity to carry out eligible activities in a timely manner; and

"(iii) is in compliance with the Indian housing plan of the recipient; and

"(B) verify the accuracy of information contained in any performance report submitted by the recipient under section 404.

"(2) ONSITE VISITS.—To the extent practicable, the reviews and audits conducted under this subsection shall include onsite visits by the appropriate official of the Department of Housing and Urban Development.

"(c) REVIEW OF REPORTS.—

"(1) IN GENERAL.—The Secretary shall provide each recipient that is the subject of a report made by the Secretary under this section notice that the recipient may review and comment on the report during a period of not less than 30 days after the date on which notice is issued under this paragraph.

"(2) PUBLIC AVAILABILITY.—After taking into consideration any comments of the recipient under paragraph (1), the Secretary—

"(A) may revise the report; and

"(B) not later than 30 days after the date on which those comments are received, shall make the comments and the report (with any revisions made under subparagraph (A)) readily available to the public.

"(d) EFFECT OF REVIEWS.—Subject to section 401(a), after reviewing the reports and audits relating to a recipient that are submitted to the Secretary under this section, the Secretary may adjust the amount of a grant made to a recipient under this Act in accordance with the findings of the Secretary with respect to those reports and audits.".

SEC. 8. ALLOCATION FORMULA.

Section 302(d)(1) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4152(d)(1)) is amended—

(1) by striking "The formula," and inserting the following:

"(A) IN GENERAL.—Except with respect to an Indian tribe described in subparagraph (B), the formula"; and

(2) by adding at the end the following:

"(B) CERTAIN INDIAN TRIBES.—With respect to fiscal year 2000 and each fiscal year thereafter, for any Indian tribe with an Indian housing authority that owns or operates fewer than 250 public housing units, the formula under subparagraph (A) shall provide that if the amount provided for a fiscal year in which the total amount made available for assistance under this Act is equal to or greater than the amount made available for fiscal year 1996 for assistance for the operation and modernization of the public housing referred to in subparagraph (A), then the amount provided to that Indian tribe as modernization assistance shall be equal to the average annual amount of funds provided to the Indian tribe (other than funds provided as emergency assistance) under the assistance program under section 14 of the United States Housing Act of 1937 (42 U.S.C. 1437l) for the period beginning with fiscal year 1992 and ending with fiscal year 1997.".

SEC. 9. HEARING REQUIREMENT.

Section 401(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4161(a)) is amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively, and indenting each such subparagraph 2 ems to the right;

(2) by striking "Except as provided" and inserting the following:

"(1) IN GENERAL.—Except as provided";

(3) by striking "If the Secretary takes an action under paragraph (1), (2), or (3)" and inserting the following:

"(2) CONTINUANCE OF ACTIONS.—If the Secretary takes an action under subparagraph (A), (B), or (C) of paragraph (1)"; and

(4) by adding at the end the following:

"(3) EXCEPTION FOR CERTAIN ACTIONS.—

"(A) IN GENERAL.—Notwithstanding any other provision of this subsection, if the Secretary makes a determination that the failure of a recipient of assistance under this Act to comply substantially with any material provision (as that term is defined by the Secretary) of this Act is resulting, and would continue to result, in a continuing expenditure of Federal funds in a manner that is not authorized by law, the Secretary may take an action described in paragraph (1)(C) before conducting a hearing.

"(B) PROCEDURAL REQUIREMENT.—If the Secretary takes an action described in subparagraph (A), the Secretary shall—

"(i) provide notice to the recipient at the time that the Secretary takes that action; and

"(ii) conduct a hearing not later than 60 days after the date on which the Secretary provides notice under clause (i).

"(C) DETERMINATION.—Upon completion of a hearing under this paragraph, the Secretary shall make a determination regarding whether to continue taking the action that is the subject of the hearing, or take another action under this subsection.".

SEC. 10. PERFORMANCE AGREEMENT TIME LIMIT.

Section 401(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4161(b)) is amended—

(1) by striking "If the Secretary" and inserting the following:

"(1) IN GENERAL.—If the Secretary";

(2) by striking "(1) is not" and inserting the following:

"(A) is not";

(3) by striking "(2) is a result" and inserting the following:

"(B) is a result";

(4) in the flush material following paragraph (1)(B), as redesignated by paragraph (3) of this section—

(A) by adjusting the margin 2 ems to the right; and

(B) by inserting before the period at the end the following: ", if the recipient enters into a performance agreement with the Secretary that specifies the compliance objectives that the recipient will be required to achieve by the termination date of the performance agreement"; and

(5) by adding at the end the following:

"(2) PERFORMANCE AGREEMENT.—The period of a performance agreement described in paragraph (1) shall be for 1 year.

"(3) REVIEW.—Upon the termination of a performance agreement entered into under paragraph (1), the Secretary shall review the performance of the recipient that is a party to the agreement.

"(4) EFFECT OF REVIEW.—If, on the basis of a review under paragraph (3), the Secretary determines that the recipient—

"(A) has made a good faith effort to meet the compliance objectives specified in the agreement, the Secretary may enter into an additional performance agreement for the period specified in paragraph (2); and

"(B) has failed to make a good faith effort to meet applicable compliance objectives, the Secretary shall determine the recipient to have failed to comply substantially with this Act, and the recipient shall be subject to an action under subsection (a).".

SEC. 11. TECHNICAL AND CONFORMING AMENDMENTS.

(a) TABLE OF CONTENTS.—Section 1(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 note) is amended in the table of contents—

(1) by striking the item relating to section 206; and

(2) by striking the item relating to section 209 and inserting the following:

"209. Noncompliance with affordable housing requirement.".

(b) CERTIFICATION OF COMPLIANCE WITH SUBSIDY LAYERING REQUIREMENTS.—Section 206 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4136) is repealed.

(c) TERMINATIONS.—Section 502(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4181(a)) is amended by adding at the end the following: "Any housing that is the subject of a contract for tenant-based assistance between the Secretary and an Indian housing authority that is terminated under this section shall, for the following fiscal year and each fiscal year thereafter, be considered to be a dwelling unit under section 302(b)(1).".

AMENDMENT NO. 2855

(Purpose: To ensure that laws or regulations relating to the payment of prevailing wages that are adopted by Indian tribes are not superseded by certain provisions of Federal law)

Mr. COVERDELL. Madam President, Senator CAMPBELL has an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. COVERDELL], for Mr. CAMPBELL, proposes an amendment numbered 2855.

Mr. COVERDELL. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 19, strike lines 2 through 10 and insert the following:

Section 104(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4114(b)) is amended—

(1) by striking "Davis-Bacon Act (40 U.S.C. 276a-276a-5)" and inserting "Act of March 3, 1931 (commonly known as the 'Davis-Bacon Act') (46 Stat. 1494, chapter 411; 40 U.S.C. 276a et seq.)"; and

(2) by adding at the end the following:

"(3) APPLICATION OF TRIBAL LAWS.—Paragraph (1) shall not apply to any contract or agreement for assistance, sale, or lease pursuant to this Act, if such contract or agreement is otherwise covered by 1 or more laws or regulations adopted by an Indian tribe that requires the payment of not less than prevailing wages, as determined by the Indian tribe.".

Mr. COVERDELL. I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2855) was agreed to.

Mr. COVERDELL. Madam President, I ask unanimous consent that the substitute amendment, as amended, be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment, as amended, was agreed to.

Mr. COVERDELL. Madam President, I ask unanimous consent that the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 400), as amended, was read the third time and passed, as follows:

S. 400

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Native American Housing Assistance and Self-Determination Act Amendments of 2000".

(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Restriction on waiver authority.
Sec. 3. Assistance to families that are not low-income.
Sec. 4. Elimination of waiver authority for small tribes.
Sec. 5. Labor standards.
Sec. 6. Environmental compliance.
Sec. 7. Oversight.
Sec. 8. Allocation formula.
Sec. 9. Hearing requirement.
Sec. 10. Performance agreement time limit.
Sec. 11. Technical and conforming amendments.

SEC 2. RESTRICTION ON WAIVER AUTHORITY.

(a) In General.—Section 101(b)(2) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111(b)(2)) is amended by striking "if the Secretary" and all that follows through the period at the end and inserting the following: "for a period of not more than 90 days, if the Secretary determines that an Indian tribe has not complied with, or is unable to comply with, those requirements due to exigent circumstances beyond the control of the Indian tribe.".

(b) Local Cooperation Agreement.—Section 101(c) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111(c)) is amended by adding at the end the following: "The Secretary may waive the requirements of this subsection and subsection (d) if the recipient has made a good faith effort to fulfill the requirements of this subsection and subsection (d) and agrees to make payments in lieu of taxes to the appropriate taxing authority in an amount consistent with the requirements of subsection (d)(2) until such time as the matter of making such payments has been resolved in accordance with subsection (d).".

SEC. 3. ASSISTANCE TO FAMILIES THAT ARE NOT LOW-INCOME.

Section 102(c) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4112(c)) is amended by adding at the end the following:

"(6) Certain families.—With respect to assistance provided by a recipient to Indian families that are not low-income families under section 201(b)(2), evidence that there is a need for housing for each such family during that period that cannot reasonably be met without such assistance.".

SEC. 4. ELIMINATION OF WAIVER AUTHORITY FOR SMALL TRIBES.

Section 102 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4112) is amended—

(1) by striking subsection (f); and

(2) by redesignating subsection (g) as subsection (f).

SEC. 5. LABOR STANDARDS.

Section 104(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4114(b)) is amended—

(1) by striking "Davis-Bacon Act (40 U.S.C. 276a–276a–5)" and inserting "Act of March 3, 1931 (commonly known as the 'Davis-Bacon Act') (46 Stat. 1494, chapter 411; 40 U.S.C. 276a et seq.)"; and

(2) by adding at the end the following:

"(3) Application of tribal laws.—Paragraph (1) shall not apply to any contract or agreement for assistance, sale, or lease pursuant to this Act, if such contract or agreement is otherwise covered by 1 or more laws or regulations adopted by an Indian tribe that requires the payment of not less than prevailing wages, as determined by the Indian tribe.".

SEC. 6. ENVIRONMENTAL COMPLIANCE.

Section 105 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4115) is amended by adding at the end the following:

"(d) Environmental Compliance.—The Secretary may waive the requirements under this section if the Secretary determines that a failure on the part of a recipient to comply with provisions of this section—

"(1) will not frustrate the goals of the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.) or any other provision of law that furthers the goals of that Act;

"(2) does not threaten the health or safety of the community involved by posing an immediate or long-term hazard to residents of that community;

"(3) is a result of inadvertent error, including an incorrect or incomplete certification provided under subsection (c)(1); and

"(4) may be corrected through the sole action of the recipient.".

SEC. 7. OVERSIGHT.

(a) Repayment.—Section 209 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4139) is amended to read as follows:

"SEC. 209. NONCOMPLIANCE WITH AFFORDABLE HOUSING REQUIREMENT.

"If a recipient uses grant amounts to provide affordable housing under this title, and at any time during the useful life of the housing the recipient does not comply with the requirement under section 205(a)(2), the Secretary shall take appropriate action under section 401(a).".

(b) Audits and Reviews.—Section 405 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4165) is amended to read as follows:

"SEC. 405. REVIEW AND AUDIT BY SECRETARY.

"(a) Requirements Under Chapter 75 of Title 31, United States Code.—An entity designated by an Indian tribe as a housing entity shall be treated, for purposes of chapter 75 of title 31, United States Code, as a non-Federal entity that is subject to the audit requirements that apply to non-Federal entities under that chapter.

"(b) Additional Reviews and Audits.—

"(1) In general.—In addition to any audit or review under subsection (a), to the extent the Secretary determines such action to be appropriate, the Secretary may conduct an audit or review of a recipient in order to—

"(A) determine whether the recipient—

"(i) has carried out—

"(I) eligible activities in a timely manner; and

"(II) eligible activities and certification in accordance with this Act and other applicable law;

"(ii) has a continuing capacity to carry out eligible activities in a timely manner; and

"(iii) is in compliance with the Indian housing plan of the recipient; and

"(B) verify the accuracy of information contained in any performance report submitted by the recipient under section 404.

"(2) Onsite visits.—To the extent practicable, the reviews and audits conducted under this subsection shall include onsite visits by the appropriate official of the Department of Housing and Urban Development.

"(c) Review of Reports.—

"(1) In general.—The Secretary shall provide each recipient that is the subject of a report made by the Secretary under this section notice that the recipient may review and comment on the report during a period of not less than 30 days after the date on which notice is issued under this paragraph.

"(2) Public availability.—After taking into consideration any comments of the recipient under paragraph (1), the Secretary—

"(A) may revise the report; and

"(B) not later than 30 days after the date on which those comments are received, shall make the comments and the report (with any revisions made under subparagraph (A)) readily available to the public.

"(d) Effect of Reviews.—Subject to section 401(a), after reviewing the reports and audits relating to a recipient that are submitted to the Secretary under this section, the Secretary may adjust the amount of a grant made to a recipient under this Act in accordance with the findings of the Secretary with respect to those reports and audits.".

SEC. 8. ALLOCATION FORMULA.

Section 302(d)(1) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4152(d)(1)) is amended—

(1) by striking "The formula," and inserting the following:

"(A) In general.—Except with respect to an Indian tribe described in subparagraph (B), the formula"; and

(2) by adding at the end the following:

"(B) Certain indian tribes.—With respect to fiscal year 2000 and each fiscal year thereafter, for any Indian tribe with an Indian housing authority that owns or operates fewer than 250 public housing units, the formula under subparagraph (A) shall provide that if the amount provided for a fiscal year in which the total amount made available for assistance under this Act is equal to or greater than the amount made available for fiscal year 1996 for assistance for the operation and modernization of the public housing referred to in subparagraph (A), then the amount provided to that Indian tribe as modernization assistance shall be equal to the average annual amount of funds provided to the Indian tribe (other than funds provided as emergency assistance) under the assistance program under section 14 of the United States Housing Act of 1937 (42 U.S.C. 1437*l*) for the period beginning with fiscal year 1992 and ending with fiscal year 1997.".

SEC. 9. HEARING REQUIREMENT.

Section 401(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4161(a)) is amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively, and indenting each such subparagraph 2 ems to the right;

(2) by striking "Except as provided" and inserting the following:

"(1) In General.—Except as provided";

(3) by striking "If the Secretary takes an action under paragraph (1), (2), or (3)" and inserting the following:

"(2) Continuance of Actions.—If the Secretary takes an action under subparagraph (A), (B), or (C) of paragraph (1)"; and

(4) by adding at the end the following:

"(3) Exception for Certain Actions.—

"(A) In General.—Notwithstanding any other provision of this subsection, if the Secretary makes a determination that the failure of a recipient of assistance under this Act to comply substantially with any material provision (as that term is defined by the Secretary) of this Act is resulting, and would continue to result, in a continuing expenditure of Federal funds in a manner that is not authorized by law, the Secretary may take an action described in paragraph (1)(C) before conducting a hearing.

"(B) Procedural Requirement.—If the Secretary takes an action described in subparagraph (A), the Secretary shall—

"(i) provide notice to the recipient at the time that the Secretary takes that action; and

"(ii) conduct a hearing not later than 60 days after the date on which the Secretary provides notice under clause (i).

"(C) Determination.—Upon completion of a hearing under this paragraph, the Secretary shall make a determination regarding whether to continue taking the action that is the subject of the hearing, or take another action under this subsection.".

SEC. 10. PERFORMANCE AGREEMENT TIME LIMIT.

Section 401(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4161(b)) is amended—

(1) by striking "If the Secretary" and inserting the following:

"(1) In General.—If the Secretary";

(2) by striking "(1) is not" and inserting the following:

"(A) is not";

(3) by striking "(2) is a result" and inserting the following:

"(B) is a result";

(4) in the flush material following paragraph (1)(B), as redesignated by paragraph (3) of this section—

(A) by adjusting the margin 2 ems to the right; and

(B) by inserting before the period at the end the following: ", if the recipient enters into a performance agreement with the Secretary that specifies the compliance objectives that the recipient will be required to achieve by the termination date of the performance agreement"; and

(5) by adding at the end the following:

"(2) Performance Agreement.—The period of a performance agreement described in paragraph (1) shall be for 1 year.

"(3) Review.—Upon the termination of a performance agreement entered into under paragraph (1), the Secretary shall review the performance of the recipient that is a party to the agreement.

"(4) Effect of Review.—If, on the basis of a review under paragraph (3), the Secretary determines that the recipient—

"(A) has made a good faith effort to meet the compliance objectives specified in the agreement, the Secretary may enter into an additional performance agreement for the period specified in paragraph (2); and

"(B) has failed to make a good faith effort to meet applicable compliance objectives, the Secretary shall determine the recipient to have failed to comply substantially with this Act, and the recipient shall be subject to an action under subsection (a).".

SEC. 11. TECHNICAL AND CONFORMING AMENDMENTS.

(a) Table of Contents.—Section 1(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 note) is amended in the table of contents—

(1) by striking the item relating to section 206; and

(2) by striking the item relating to section 209 and inserting the following:

"209. Noncompliance with affordable housing requirement.".

(b) Certification of Compliance With Subsidy Layering Requirements.—Section 206 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4136) is repealed.

(c) Terminations.—Section 502(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4181(a)) is amended by adding at the end the following: "Any housing that is the subject of a contract for tenant-based assistance between the Secretary and an Indian housing authority that is terminated under this section shall, for the following fiscal year and each fiscal year thereafter, be considered to be a dwelling unit under section 302(b)(1).".

ORDERS FOR TUESDAY, FEBRUARY 29, 2000

Mr. COVERDELL. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Tuesday, February 29. I further ask unanimous consent that on Tuesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume debate on S. 1134, the education savings account bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. I further ask unanimous consent that the Senate stand in recess from the hours of 12:30 p.m. to 2:15 p.m. for the weekly policy conferences to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. COVERDELL. Madam President, for the information of all Senators, tomorrow the Senate will resume consideration of the education savings account legislation. It is expected that a special education amendment may be offered tomorrow morning. Other amendments are expected to be offered and debated during tomorrow's session, with votes occurring throughout the day. Due to the pending agreement, the cloture vote for tomorrow has been vitiated. It is hoped that the education savings account bill can be completed by midweek, and therefore Senators are encouraged to work with the bill managers to offer their amendments in a timely manner.

ADJOURNMENT UNTIL TUESDAY, FEBRUARY 29, 2000

Mr. COVERDELL. Madam President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:01 p.m., adjourned until Tuesday, February 29, 2000, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate February 28, 2000:

THE JUDICIARY

NICHOLAS G. GARAUFIS, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NEW YORK VICE CHARLES P. SIFTON, RETIRED.

GERARD E. LYNCH, OF NEW YORK, TO BE A UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK VICE JOHN E. SPRIZZO, RETIRED.

DEPARTMENT OF JUSTICE

DANIEL MARCUS, OF MARYLAND, TO BE ASSOCIATE ATTORNEY GENERAL, VICE RAYMOND C. FISHER.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, February 29, 2000 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 1

9 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the agriculture trade agreement with China.
SD-192

9:30 a.m.
Energy and Natural Resources
To hold hearings on the President's proposed budget estimates for fiscal year 2001, focusing on the Department of the Interior.
SD-366

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Federal Emergency Management Agency, and Chemical Safety Board.
SD-138

Health, Education, Labor, and Pensions
Business meeting to markup S. 2, to extend programs and activities under the Elementary and Secondary Education Act of 1965, and to consider pending nominations.
SD-430

Armed Services
To hold hearings on proposed legislation authorizing funds for fiscal year 2001 for the Deparment of Defense and the Future Years Defense Program.
SH-216

Appropriations
Interior Subcommittee
To hold hearings on the proposed budget estimates for fiscal year 2001 for the Indian Health Service, Department of Health and Human Services.
SD-124

Intelligence
To hold closed hearings on pending intelligence matters.
SH-219

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the legislative recommendation of the Disabled American Veterans.
345 Cannon Building

Judiciary
To hold hearings to examine Cuba's oppressive government.
SD-226

10:30 a.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of John Goglia, of Massachusetts, to be a Member of the National Transportation Safety Board; and Carol Jones Carmody, of Louisiana, to be a Member of the National Transportation Safety Board.
SR-253

10:45 a.m.
Foreign Relations
To hold hearings to examine the war in Chechnya, focusing on Russia's conduct, the humanitarian crisis and United States policy.
SD-419

1 p.m.
Environment and Public Works
Fisheries, Wildlife, and Drinking Water Subcommittee
To hold hearings to examine the Environmental Protection Agency's proposed rules regarding changes in the total maximum daily load and NPDES permit programs pursuant to the Clean Water Act.
SD-406

2 p.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense, focusing on Navy and Marine Corps programs.
SD-192

Judiciary
Administrative Oversight and the Courts Subcommittee
To hold hearings to examine contractual mandatory binding arbitration.
SD-226

Foreign Relations
To hold hearings on the nominations of N. Cinnamon Dornsife, of the District of Columbia, to be United States Director of the Asian Development Bank, with the rank of Ambassador, and Earl Anthony Wayne, of Maryland, to be Assistant Secretary of State Economic and Business Affairs.
SD-419

2:30 p.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to examine certain internet issues for the next generation.
SR-253

Indian Affairs
To hold oversight hearings on the National Association of Public Administrators' Report on Bureau of Indian Affairs Management Reform.
SR-485

MARCH 2

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on legislative recommendations of the Jewish War Veterans, Paralyzed Veterans of America, Blinded Veterans Association, and the Non Commissioned Officers Association.
345 Cannon Building

Energy and Natural Resources
To hold hearings on the President's proposed budget estimates for fiscal year 2001, focusing on the Department of Energy.
SD-366

10 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of State.
S-146 Capitol

Appropriations
Transportation Subcommittee
To hold hearings to examine the implementation of the Driver's Privacy Protection Act, focusing on the positive notification requirement.
SD-192

Governmental Affairs
To hold hearings to examine cyber attacks, focusing on the safety of the government.
SD-342

Foreign Relations
Near Eastern and South Asian Affairs Subcommittee
To hold hearings to examine international trafficking in women and children.
SD-419

Agriculture, Nutrition, and Forestry
Business meeting to consider pending calendar business.
SR-328A

Health, Education, Labor, and Pensions
To hold hearings to examine the Ryan White Care Act, focusing on the challenges of an evolving HIV/AIDS epidemic.
SD-430

Judiciary
Business meeting to consider pending calendar business.
SD-226

Banking, Housing, and Urban Affairs
To hold hearings to examine the Financial Accounting Standards Board's pooling accounting regulation.
SD-628

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

10:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings to examnine certain issues relating to the America Online/Time Warner merger.
SR–253

2 p.m.
Intelligence
To hold closed hearings on pending intelligence matters.
SH–219

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold oversight hearings on the United States Forest Service's proposed revisions to the regulation governing National Forest Planning.
SD–366

Armed Services
SeaPower Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 2001 for the Department of Defense, focusing on shipbuilding procurement and research and development programs and the Future Years Defense Program.
SR–222

MARCH 3

9:30 a.m.
Armed Services
Readiness and Management Support Subcommittee
To hold hearings to examine the management of Air Force depot maintenance.
SR–222

Joint Economic Committee
To hold hearings to examine the current United States employment situation.
1334 Longworth Building

10 a.m.
Banking, Housing, and Urban Affairs
Business meeting to consider S. 2097, to authorize loan guarantees in order to facilitate access to local television broadcast signals in unserved and underserved areas; S. 1452, to modernize the requirements under the National Manufactured Housing Construction and Safety Standards of 1974 and to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes; the nomination of Kathryn Shaw, of Pennsylvania, to be a Member of the Council of Economic Advisers; and the nomination of Jay Johnson, of Wisconsin, to be Director of the Mint.
SD–628

MARCH 7

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the legislative recommendations of the Retired Enlisted Association, Gold Star Wives of America, Military Order of the Purple Heart, Air Force Sergeants Association, and the Fleet Reserve Association.
345 Cannon Building

Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Secretary of the Senate, and the Sergeant at Arms.
SD–124

Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 1755, to amend the Communications Act of 1934 to regulate interstate commerce in the use of mobile telephones.
SR–253

10 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Federal Bureau of Investigation, Drug Enforcement Administration, and Immigration and Naturalization Service, all of the Department of Justice.
SD–192

Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Food and Drug Administration.
SD–138

Environment and Public Works
Transportation and Infrastructure Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 2001 for the Department of Transportation, focusing on the Federal Highway Administration.
SD–406

2:30 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on the President's proposed budget request for fiscal year 2001 for the Bureau of Reclamation of the Department of the Interior, and the Bonneville Power Administration, the Southeastern Power Administration, the Southwestern Power Administration, and the Western Area Power Administration, all of the Department of Energy.
SD–366

MARCH 8

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the National Science Foundation, and the Office of Science and Technology Policy.
SD–138

Indian Affairs
Business meeting to consider pending committee business, and will be followed by an open hearing on the reauthorization of the Health Care Improvement Act.
SR–485

10 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense, focusing on medical programs.
SD–192

2:30 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on S. 972, to amend the Wild and Scenic Rivers Act to improve the administration of the Lamprey River in the State of New Hampshire; S. 1705, to direct the Secretary of the Interior to enter into land exchanges to acquire from the private owner and to convey to the State of Idaho approximately 1,240 acres of land near the City of Rocks National Reserve, Idaho; S. 1727, to authorize for the expansion annex of the historic Palace of the Governors, a public history museum located, and relating to the history of Hispanic and Native American culture, in the Southwest and for other purposes; S. 1849, to designate segments and tributaries of White Clay Creek, Delaware and Pennsylvania, as a component of the National Wild and Scenic Rivers System; and S. 1910, to amend the Act establishing Women's Rights National Historical Park to permit the Secretary of the Interior to acquire title in fee simple to the Hunt House located in Waterloo, New York.
SD–366

MARCH 9

10 a.m.
Judiciary
Business meeting to consider pending calendar business.
SD–226

Appropriations
Transportation Subcommittee
To hold hearings on the Department of Transportation Program oversight.
SD–124

Governmental Affairs
Oversight of Government Management, Restructuring and the District of Columbia Subcommittee
To hold hearings to examine managing human capital in the 21st century.
SD–342

MARCH 10

9 a.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on S. 1892, to authorize the acquisition of the Valles Caldera, to provide for an effective land and wildlife management program for this resource within the Department of Agriculture.
SD–366

9:30 a.m.
Armed Services
Readiness and Management Support Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 2001 for the Department of Defense and the Future Years Defense Program, focusing on the Service's infrastructure accounts and Real Property Maintenance Programs and the National Defense Construction Request.
SR–222

MARCH 15

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the Legislative recommendation of the Veterans of Foreign Wars.
345 Cannon Building

MARCH 21

10 a.m.

Appropriations

Commerce, Justice, State, and the Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Federal Communications Commission and the Securities and Exchange Commission.

S-146 Capitol

10:30 a.m.

Indian Affairs

To hold hearings on S. 2102, to provide to the Timbisha Shoshone Tribe a permanent land base within its aboriginal homeland.

SR-485

MARCH 22

9:30 a.m.

Appropriations

Interior Subcommittee

To hold hearings on the President's proposed budget request for fiscal year 2001 for the Forest Service, Department of Agriculture.

SD-124

Indian Affairs

To hold hearings on the nomination of Thomas N. Slonaker, of Arizona, to be Special Trustee, Office of Special Trustee for American Indians, Department of the Interior.

SR-485

Commerce, Science, and Transportation

To hold hearings on the nomination of Susan Ness, of Maryland, to be a Member of the Federal Communications Commission.

SR-253

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs on the Legislative recommendation of the Vietnam Veterans of America, the Retired Officers Association, American Ex-Prisoners of War, AMVETS, and the National Association of State Directors of Veterans Affairs.

345 Cannon Building

2:30 p.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings to examine recent program and management issues at NASA.

SR-253

MARCH 23

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Environmental Protection Agency.

SD-138

10 a.m.

Appropriations

Commerce, Justice, State, and the Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the National Oceanic and Atmospheric Administration of the Department of Commerce, and the Securities and Exchange Commission.

S-146 Capitol

Banking, Housing, and Urban Affairs

To hold oversight hearings on the Monetary Policy Report to Congress pursuant to the Full Employment and Balanced Growth Act of 1978.

SH-216

MARCH 28

9:30 a.m.

Commerce, Science, and Transportation

Communications Subcommittee

To hold hearings to examine the current state of deployment of hi-speed Internet technologies, focusing on rural areas.

SR-253

MARCH 29

9:30 a.m.

Indian Affairs

Business meeting to consider pending calendar business; to be followed by hearings on S. 1967, to make technical corrections to the status of certain land held in trust for the Mississippi Band of Choctaw Indians, to take certain land into trust for that Band.

SR-485

Appropriations

Interior Subcommittee

To hold hearings on the President's proposed budget request for fiscal year 2001 for the Department of the Interior.

SD-124

10 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense, focusing on Air Force programs.

SD-192

MARCH 30

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Housing and Urban Development.

SD-138

APRIL 4

9:30 a.m.

Appropriations

Interior Subcommittee

To hold hearings on the President's proposed budget request for fiscal year 2001 for the Bureau of Indian Affairs and Office of the Special Trustee, Department of the Interior.

SD-138

APRIL 5

9:30 a.m.

Indian Affairs

To hold hearings on S. 612, to provide for periodic Indian needs assessments, to require Federal Indian program evaluations.

SR-485

10 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense, focusing on Army programs.

SD-192

APRIL 6

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Veterans Affairs.

SD-138

APRIL 11

9:30 a.m.

Appropriations

Interior Subcommittee

To hold hearings on the President's proposed budget request for fiscal year 2001 for the Department of Energy.

SD-138

APRIL 12

9:30 a.m.

Indian Affairs

To hold hearings on S. 611, to provide for administrative procedures to extend Federal recognition to certain Indian groups, and will be followed by a business meeting to consider pending committee business.

SR-485

10 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense, focusing on missile defense programs.

SD-192

APRIL 13

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the National Aeronautics and Space Administration.

SD-138

APRIL 26

10 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense.

SD-192

SEPTEMBER 26

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs on the Legislative recommendation of the American Legion.

345 Cannon Building

POSTPONEMENTS

MARCH 15

9:30 a.m.

Indian Affairs

Business meeting to consider pending calendar business; to be followed by hearings on the proposed Indian Health Care Improvement Act.

SR–485

APRIL 19

9:30 a.m.

Indian Affairs

Business meeting to consider pending calendar business; to be followed by hearings on S. 611, to provide for administrative procedures to extend Federal recognition to certain Indian groups.

SR–485

HOUSE OF REPRESENTATIVES—*Tuesday, February 29, 2000*

The House met at 12:30 p.m.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1883. An act to provide for the application of measures to foreign persons who transfer to Iran certain goods, services, or technology, and for other purposes.

The message also announced that the Senate has passed a bill and a concurrent resolution of the following titles in which concurrence of the House is requested:

S. 400. An act to provide technical corrections to the Native American Housing Assistance and Self-Determination Act of 1996, to improve the delivery of housing assistance to Indian tribes in a manner that recognizes the right of tribal self-governance, and for other purposes.

S. Con. Res. 83. Concurrent resolution commending the people of Iran for their commitment to the democratic process and positive political reform on the occasion of Iran's parliamentary elections.

The message also announced that pursuant to the provisions of Public Law 106–79, the Chair, on behalf of the President pro tempore, appoints the following Senators to the Dwight D. Eisenhower Memorial Commission—

The Senator from Hawaii (Mr. INOUYE); and

The Senator from Rhode Island (Mr. REED).

MORNING HOUR DEBATES

The SPEAKER. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

CREATING LIVABLE COMMUNITIES

Mr. BLUMENAUER. Mr. Speaker, a livable community is one where our families are safe, healthy, and economically secure. The Federal Government has an obligation to be the best partner it can in helping create and maintain livable communities. A critical element in creating the climate in which a livable community can thrive is reducing the threat of gun violence.

Since Richard Nixon was President of the United States, over a million Americans have lost their lives to gun violence. This is more than all the deaths in all the American wars since the Civil War. For every gun death, there are three to four injuries.

Mr. Speaker, this is clearly a major threat to the health of our communities. One hesitates to put a dollar cost on such tragedy, but the fact is gun deaths are the most expensive trauma-related deaths, costing over a third of a million dollars.

For each child shot by a gun, those injuries total what it would take to send them to college for a year. The total costs are over $4 billion a year. If we add all of the indirect costs, lost of productivity, it is over $100 billion by some estimates. It is important to note that no family today is safe from gun violence, whether it is in Jonesboro, Arkansas, whether it is in the high school in Columbine, Colorado, in my State of Oregon, in Springfield.

Mr. Speaker, this morning, as I was walking to this Chamber, I was given a notice that in Mount Morris Township, Michigan, this morning a first grader was shot by another pupil, a first grade child.

It is important for us to not be paralyzed in this Chamber and assume there is nothing we can do to reduce gun violence. There are a number of simple commonsense steps. I hope that the leadership in this Chamber will bring forward simple, commonsense gun violence provisions that passed the Senate and should find their way to the floor of this House.

There are other examples of what we can do. Yesterday's Washington Post had an article about the smart gun technology that the Clinton administration has proposed to invest in, a gun that can only be fired by one authorized person. In Maryland, Governor Glendening is proposing that there only be sold smart guns in 3 years.

Both of these proposals have merit and deserve serious attention by Congress and the Maryland Legislature. But there is another area that requires no massive legislation. And that is simple, for the Federal Government to lead by example to do what we are asking the rest of America to do.

Mr. Speaker, every year, the government purchases thousands of weapons for the men and women in law enforcement. If we decreed that only smart guns would be purchased from this point forward, we could use the market forces, the vast potential for sales to government to encourage, to incent the private sector to provide that need.

This is critical for men and women in law enforcement. One out of every six law enforcement officials who dies in the line of duty is killed by their own service revolver or by a service revolver of one of their colleagues. It would build a market for smart gun technology. It would send a signal that it is safe enough and important enough for law enforcement, that it is the right thing to do for private citizens.

Every day in the United States, over a million children go home to homes where there are loaded guns that they have access to. There are over a third of a million firearm deaths every year in this country. If we take the simple, common sense approach to have smart gun technology available, we can make a significant step towards reducing that carnage. For the Federal Government, to lead by example, by putting its money where our mouth is, would be an important step.

Mr. Speaker, and last, and by no means least, as I mentioned, I do hope that the leadership in this assembly will enable us to vote on the Senate-passed provisions to take those simple steps towards safe gun storage, reducing the magazine size for automatic weapons to 10 or fewer bullets, and having background checks at gun shows. These are things that can make our families safer, healthier, and more economically secure.

GRANTING CHINA PERMANENT MOST FAVORED NATION TRADE STATUS

The SPEAKER pro tempore (Mrs. BIGGERT). Under the Speaker's announced policy of January 19, 1999, the gentleman from Virginia (Mr. WOLF) is recognized during morning hour debates for 5 minutes.

Mr. WOLF. Madam Speaker, I rise today to voice my concern about granting China permanent normal trade relations. According to the recently released 1999 State Department human rights report on China, it says, "human rights deteriorated markedly throughout the year." Every Member ought to read the report before they vote.

The State Department's human rights report describes the People's Republic of China as "an authoritarian

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

state in which the Chinese Communist party is the paramount source of power." Did my colleagues know that the human rights report, it says that the Chinese Government carries out "numerous executions after summary trials"? Did my colleagues know that more people were executed in China last year than anywhere else in the world? My goodness, this Congress and this administration wants to give China MFN. For example, the State Department reports that a radio station in China reported that eight people were arrested and quickly executed right after being sentenced.

Do my colleagues know that the report says that China has still not accounted for those missing or detained in connection with the 1989 Tiananmen Square demonstrators? Eleven years. The moms and dads do not know where their children are. And this administration and this Congress wants to grant China permanent trade status? Shame.

Do my colleagues know that the State Department says that the Chinese Government has, "Intensified its efforts to suppress this dissent."? The report says that by last year's end almost all the leaders of the China Democracy Party were serving long prison terms or were in custody without formal charges.

Do the Members of this body know that the report says that the Chinese Government sentenced numerous leaders of the Falun Gong spiritual movement to long prison terms and sent them to psychiatric hospitals? Do the Members know, does the Clinton administration know, does anybody care? The American people care. I do not know who cares up here or in the administration.

Do my colleagues know that the State Department reports that the Chinese Government ignores its own laws that are supposed to provide for fundamental human rights? Do my colleagues know that the report says the Chinese Government ignores these laws in practice with abuses that include extrajudicial killings, torture, mistreatment of prisoners, forced confessions, arbitrary arrests, detention and lengthy incommunicado detention? I have been in Beijing Prison Number One, and I can tell my colleagues that it is grim.

Do my colleagues know the report says the Chinese Government continues to restrict freedom of religion and has intensified controls on unregistered churches? Do my colleagues know that the report says the government infringes on its citizens' privacy rights, freedom of movement, freedom of press, freedom of free assembly?

Do my colleagues know that the report speaks to violence against women, including coercive family planning practices, which sometimes include forced abortions and forced sterilization? They track the women down and force them to have an abortion. The report speaks to trafficking, prostitution, discrimination against women, trafficking in women and children, abuse of children, discrimination against disabled and minorities. These are all problems. This is in the State Department report that every Member ought to read.

Do my colleagues know the report says that the Chinese Government continues to restrict tightly workers' rights and forced labor in prison facilities remains a problem? Do my colleagues know the report says child labor persists in China?

Do my colleagues know the report says that "Particularly serious human rights abuses persist in minority areas, especially in Tibet."? The Chinese government has plundered Tibet. They are persecuting the Muslims; they are persecuting the Catholic Church; they are persecuting the Protestant Church. Do my colleagues know that the report says that unapproved religious groups, including Protestant and Catholic groups, continue to experience varying degrees of official interference, repression and prosecution?

Do my colleagues know the report says that the Chinese "government continues to require all places of religious activity to register with the government."? Do my colleagues know the report says that Chinese authorities, guided by national policy, make strong efforts to control unapproved Catholic and Protestant churches? Religious services were broken up and house church leaders or adherents were harassed and fined, detained, beaten and tortured? This is in the State Department report.

I could go on with other examples of human rights abuses by the Chinese Government, but I would end by asking if my colleagues know that the Chinese Government refuses to allow Catholics to recognize the authority of the Pope in matters of faith and morals?

Do my colleagues know the report says that numerous Catholic bishops and believers have been imprisoned and beaten? Do my colleagues know the report says that in May of last year, Bishop Yan Weiping was found dead in Beijing shortly after being released from prison? Do my colleagues know, looking at this picture, that this report says that the whereabouts of some of these bishops, like Bishop Su, reportedly arrested in 1997, are still unclear?

Every Member ought to read this report. And after reading this report, I know my colleagues will be with the American people and they will not support permanent normal trade relations for China.

A NINTH TIME ZONE FOR GUAM AND THE NORTHERN MARIANAS

The SPEAKER pro tempore (Mrs. BIGGERT). Under the Speaker's announced policy of January 19, 1999, the gentleman from Guam (Mr. UNDERWOOD) is recognized during morning hour debates for 5 minutes.

Mr. UNDERWOOD. Madam Speaker, I rise today to speak to a bill which I will introduce that fills a time void which has long existed, and that is the naming of a time zone which exists under the American flag but which has no official title.

Wherever the flag behind us flies there is a title for each time zone in which it flies, whether it is in the Virgin Islands and Puerto Rico, with its Atlantic time zone; this city, with its eastern time zone; Chicago, with central time; Denver, with mountain time; Los Angeles, with Pacific time; Honolulu, with Hawaii standard time; Anchorage, with Alaska standard time; and even Pango Pango and American Samoa, with Samoa standard time. But there was a ninth time zone, where Guam sits and the Commonwealth of the Northern Marianas sits as well; and where there is no official title for this time zone. Not that there is no time there, but that there is no specific name for this time zone.

Perhaps this is an oversight. The fact that this time zone is on the other side of the international date line and could appropriately claim the title of being the first American time zone, could get the competitive spirits of those in the Atlantic time zone aroused. But when information is being sent out about changes in national time or announcements concerning time, this ninth time zone, in geography going west but first in terms of time, frequently gets ignored. After all, the existing law only allows for eight time zones under the American flag.

Consequently, Madam Speaker, I am introducing today a bill which fills the void, which corrects this oversight, and which appropriately designates each and every American time zone. If all Americans count, then all Americans should be included in time, in political participation, and in the national census. Each and every time we look at the clock or look at our watch, we should recognize that there exists nine time zones.

□ 1245

The unique feature of this particular piece of legislation is that it is responsive to a quandary that does not quite exist in the other time zones. We have two jurisdictions with two distinct names. We have Guam and we have the Northern Marianas. We could call it the Guam slash or dash Marianas time zone. However, in time, Guam would take center stage and the remainder of the Marianas would be ignored. Or we could call it the Marianas time zone, but that would be taken as a signal that Guam is not included.

Therefore, in honor of the historical unity of both Guam and the Northern

Marianas and the people who were the original inhabitants of the entire island chain, I have designated in this legislation this new time zone as Chamorro Standard Time. The word "Chamorro" refers to the indigenous people, possesses a proud cultural heritage, and forms the basis of the underlying historical and cultural connection between the people of Guam and the people of Luta, Tinian, Saipan, Agrigan, and other islands in the Northern Marianas.

ManChamorro ham todu gi tinituhon. We were Chamorros in the beginning.

ManChamorro ham esta pa'go. We are still Chamorros today.

This amendment to the Calder Act has been discussed with Federal officials in NIST of the Department of Commerce, and we anticipate only support for this effort.

Madam Speaker, I ask all of my colleagues to cosponsor and pass this legislation quickly, dare I say it, in a timely way. Let us not waste any time. Let us take the time to make time for all Americans.

ELIMINATION OF MARRIAGE TAX PENALTY

The SPEAKER pro tempore (Mrs. BIGGERT). Under the Speaker's announced policy of January 19, 1999, the gentleman from Illinois (Mr. WELLER) is recognized during morning hour debates for 5 minutes.

Mr. WELLER. Madam Speaker, today is a big day. The House Committee on Ways and Means is going to act on another item on our agenda, an issue of fairness; and today, in the House Committee on Ways and Means, we are going to move forward on an item on the Republican agenda which helps 800,000 senior citizens, senior citizens over the age of 65, who because they need to work or want to work, they want to be active longer, or maybe they have two pensions, had their Social Security benefits taxed away. And that is called the earnings limit, or the earnings penalty.

Today we are going to pass legislation which will wipe out that unfair quirk in Federal law which taxes away two-thirds of the Social Security benefits of 800,000 senior citizen who happen to earn more than $17,000 a year.

We can all think of seniors that we know in our local communities who have to work, maybe they are waitresses, maybe they work or have a little hobby or they set aside some money and saved and invested well that they are making more than $17,000 a year, and today they are punished; they are penalized.

We are going to pass legislation which deserves bipartisan support which wipes out the earnings limit for 800,000 senior citizens. That is a big victory as we work to bring about fairness to every American.

Today I want to talk about another issue of fairness, an issue which this House has voted to address, an issue which responds to a fundamental question of fairness, the difference between right and wrong; and that is, is it right, is it fair that under our Tax Code 25 million married working couples on average pay $1,400 more in higher taxes just because they are married?

Is it right that a working married couple with an identical income, identical circumstances, pays higher taxes than a couple that lives together outside of marriage with identical circumstances? Of course not. It is wrong; it is unfair that under our Tax Code a working married couple pays more in taxes just because they are married.

I want to introduce to my colleagues in the House Shad and Michelle Hallihan, two public school teachers from Joliet, Illinois. Shad and Michelle, of course, teach public school; they just had a little baby, a young couple, a nice couple. They suffer the marriage tax penalty just because they are married.

They have a combined income of about $62,000. They are two public school teachers supposed to have identical incomes of about $30,000 each. They are middle class. Well, they pay the average marriage tax penalty.

Michelle pointed out to me, she said, Congressman, as you work to eliminate that marriage tax penalty, let your colleagues in the Congress know that that marriage tax penalty that the Hallihans pay would buy about 4,000 diapers for their newborn child.

It is real money for real people. And for other families in Joliet, Illinois, the hometown of Michelle and Shad Hallihan, that $1,400, the average marriage tax penalty, is 1 year's tuition at Joliet Junior College or a local community college. It is 3 months' of daycare at a local childcare center in the south suburbs of Chicago. It is 7 months' worth of car payments. It is a washer and a dryer for couples like Michelle and Shad. And they are a beautiful couple. They are young.

But the marriage tax penalty is suffered by the elderly, as well. We have all heard the stories about elderly couples who get divorced because they can save money. Well, the marriage tax penalty punishes young and old just because they are married. And this House has done something about that. We have been working over the last several years to wipe out the marriage tax penalty. And 230 Members of this House joined together to cosponsor H.R. 6, the Marriage Tax Elimination Act, legislation which wipes out the marriage tax penalty for couples like Michelle and Shad Hallihan.

I am proud to say that this House voted, in fact 48 Democrats joined with every House Republican to vote to wipe out the marriage tax penalty, benefiting 25 million married, working couples who suffer the marriage tax penalty.

Our legislation will essentially wipe out the marriage tax penalty for Shad and Michelle Hallihan. We do it in several ways. It has three key components. It is legislation designed to help everybody who suffers the marriage tax penalty, and we do it in three approaches.

One is, first we help the working poor. Those who participate in the earned income credit, which helps those working poor families, particularly with children, well, there is a marriage penalty and we adjust the income threshold so that working, married couples who participate in earned income credit will see their marriage penalty eliminated.

Let us remember that the biggest part of the marriage tax penalty is caused when we have a husband and wife like Shad and Michelle Hallihan, who, because they are married, they file jointly, they combine their income. We eliminate the marriage tax penalty by widening the 15 percent tax bracket as well as doubling the standard deduction.

The Senate needs to act. I hope the Senate will join us and move in a quick way, a timely way, and in a bipartisan way to join us in wiping out the marriage tax penalty.

IMPROVING BUDGET PROCESS—KEEPING SOCIAL SECURITY AND MEDICAID SOLVENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Michigan (Mr. SMITH) is recognized during morning hour debates for 5 minutes.

Mr. SMITH of Michigan. Madam Speaker, I would like to talk today about a couple of challenges facing this country.

One challenge is, is there a way to improve our budget process? Should we go to a biennial budget or other techniques that might be used to better serve the taxpayers of this country? And the second issue is the tremendous challenge of keeping Social Security and Medicare solvent.

On page 46 of yesterday's Roll Call, I wrote an article: "Entitlement Reform the Way to Go."

Madam Speaker, I include for the RECORD a copy of the article on page 46 of yesterday's Roll Call:

THE ONE THING I WOULD CHANGE ABOUT CONGRESS . . . ENTITLEMENT REFORM THE WAY TO GO

(By Rep. Nick Smith)

For 224 years, Congress has wrestled with the budget. As an ex-wrestler and current Budget Committee member, I know that can be both strenuous and challenging.

This has led some Members to seek a "quick fix" in an attempt to end the annual struggle. Biennial budgeting, however, is a mirage that distracts us from the real budget problems we face.

Biennial budgeting would be an enormous change in our budget processes, the biggest since at least 1974. The effects on the budget struggle would be far-reaching and very largely negative from the Congressional perspective. Biennial budgeting will deprive Congress of much of the leverage it needs to compete equally with the administration. Specifically, Congress gives up.

Reconciliation in off years. The Congressional majority could lose much of its power in election years to use reconciliation. This will endanger its priorities in election years and would rule over the House tax cut strategy for this year.

Congress could include multiple reconciliation instructions in a biennial budget resolution, but this deprives Congress of flexibility needed to react to changing political and economic needs. The majority would have to fashion its political strategy for the next two years just three months after the preceding election.

Control over the agencies. The annual budget process allows Congress to express its will to government agencies. I know that we were more eager to cooperate with Congress at budget time when I was a member of the Nixon administration. Biennial budgeting will reduce our leverage to hold agencies accountable and encourage defiance.

Budget accuracy and flexibility. Economic forecasting is highly uncertain. The Congressional Budget Office estimate for fiscal 2000 two years ago was for a $70 billion unified budget deficit. That's $240 billion off the current fiscal 2000 estimate of a $170 billion unified budget surplus. The estimate has shifted by $40 billion just since October 1999.

This uncertainty means, the President would bargain for high second-year spending, and we would frequently need or be tempted to reopen the budget. When we reopen the budget, we would find ourselves with little leverage against a pre-funded administration that can resist unwanted budget modification with near impunity. When revenue is lower or spending is higher than projected, the pressure to increase fees, taxes and borrowing, rather than cut the administration, would be considerable.

Leverage over spending. Congress will inevitably grapple with supplemental spending requests in the off years. In the absence of pressure to produce a complete budget, an administration will always have poll-tested and politically-motivated requests in off years that will be hard to fend off in the absence of broader budget issues.

As a result, we will pass supplemental appropriations bills in most years that will grow as Members add their own pet election-year projects. All of this threatens even the very modest spending restraint that we've been able to exercise over the last five years.

I find it surprising, then, to hear of growing support for moving from our current annual budget to a biennial budget process. It does seem sometimes that we are on a budget treadmill that never stops. There is no solution, however, in ducking our responsibilities to exercise the power the Constitution grants us. Power atrophies unless it is used, and that is what will surely continue to happen to Congressional power if we adopt biennial budgeting.

Members interested in getting a handle on the budget should focus on substance rather than process. The truth is that the discretionary potion of the budget—which is the substance of the 13 annual appropriations bills—makes up just one-third of total federal spending.

The rest of our spending—chiefly, entitlement programs—is on automatic pilot and rising faster than inflation. This growth in entitlement spending puts enormous pressure on the other parts of the budget and will inevitably necessitate higher taxes or a return to excessive government borrowing.

Acting promptly and boldly will bring benefits as well. The unremarked secret of our current budget surplus is the welfare reforms enacted in 1996 and the Medicare changes enacted in 1997. To be blunt, we would still be in deficit without these reforms. But in both cases, one could also argue that the programs have been strengthened.

I have long believed that there are similar opportunities to improve our largest entitlement, Social Security, which is now 23 percent of total federal spending. As chairman of the Budget Committee Task Force on Social Security, I helped develop 18 unanimous and bipartisan findings that could serve as the basis for reform.

After the completion of the task force's business, I also introduced the bipartisan Social Security Solvency Act (H.R. 3206), which is scored to keep Social Security solvent based on these findings.

The effect of this reform (or of similar reforms such as the 21st Century Retirement Act (H.R. 1793)) would be to dramatically reduce the growth of government spending for decades to come. The charts on this page show how significant reform can be.

The first chart shows that federal spending will rise to nearly 35 percent of the nation's gross domestic product without changes in our entitlement programs, about 75 percent higher than it is today. Needless to say, giant tax increases will be needed to sustain this level of spending.

In contrast, the second chart shows what could happen if we simply adopt the Social Security Solvency Act. Under this scenario, we would experience a gradual reduction in federal spending as we shift to a retirement system based partly on worker-owned accounts starting at 2.5 percent of income and partly on traditional government-paid benefits.

This legislation would also fully restore the program's shaky finances and create opportunities for workers to live better in retirement by making full use of the power of compound interest.

This is not easy work. But if we do nothing, taxes will have to rise to the equivalent of 40 percent of payroll by 2040 to pay for Social Security, Medicare and Medicaid. Social Security and our other entitlement programs are complicated and alteration carries political risk.

The benefits from this effort, however, will also be substantial. Sound reforms will allow Congress to master the federal budget where gimmicky process reforms such as biennial budgeting are bound to fail.

Madam Speaker, what we are faced with in this country is an expanding cost of Social Security and Medicare. The two greatest challenges that the United States faces is the increased cost of the entitlement programs.

We have played around for the last 5 years desperately trying to reduce the expansion and increase of discretionary programs. But the entitlement programs account for almost two-thirds of Federal spending. One-third of Federal spending, the 13 appropriation bills that we agonize, that we argue, that we debate for almost 8 months of the year, only account for one-third of total Federal spending.

We have been successful in starting to slow down the increase in that expending. So some years, in fact, it has been less than inflation. Generally, it is about inflation.

But the challenges that we are facing with Social Security and Medicaid are the hugest challenges we can say for future taxpayers. Because if we do not do something, Madam Speaker, if we do not force ourselves to deal with these kind of problems, because of the fact that life spans are increasing dramatically and because of the fact that the birth rate has substantially been reduced in the last 50 years, that means that fewer young people, fewer workers in this country are asked to pay a higher FICA tax to support the senior program.

The actuaries give an estimate that, if we are to continue the programs as they exist today, within 40 years, our payroll tax, our FICA tax, will be approximately 40 percent. Right now it is 15.3 percent. That is our FICA tax for senior programs.

Some people say, well, that would be unreasonable; that cannot happen. All we have to do is look at what is happening in countries around the world. Czechoslovakia, Japan, other countries in Europe are approaching already 40 percent payroll tax to support their senior program.

The country of France has an effective payroll charge, a payroll deduction, of 70 percent of what each worker in France earns to support their senior program. I mean, it is no wonder that France has such a tough time competing.

If we allow our entitlement programs to go on the way they are without some modification, without some change, without greater priority to use the surpluses for those programs, but we cannot do it with the surpluses alone, put all of the $4 trillion surpluses that we expect over the next 10 years and it will be less than half enough to pay for the unfunded liability of Social Security alone, let alone Medicare and Medicaid.

I just cannot urge my colleagues enough or the American people to look at the consequences of what is going to happen if we do not deal with these important programs. Number one, Social Security, probably is the most successful program that we have in terms of making sure our senior population does not live out the remaining years of their lives in poverty. So I think we cannot afford to let it go by the wayside.

Neither can we afford to put off the decision. The longer we put off the decision on Social Security, the greater and more drastic the changes are going to have to be.

We should have done it 4 years ago. We should have done it 6 years ago.

How do we develop the leadership in the United States to make the tough decisions that need to be made to change these programs? I mean, I appreciate the political vulnerability that any politician goes through if they suggest change in a popular program. We have approximately 12 percent of our seniors that depend almost entirely just on their Social Security check.

I urge my colleagues to read this article in Roll Call. I ask my colleagues and the President of the United States to be more aggressive coming forward with programs and proposals that can be scored to keep Social Security solvent for at least the next 75 years.

RECESS

The SPEAKER pro tempore. There being no further requests for morning hour debates, pursuant to clause 12, rule I, the House will stand in recess until 2 p.m.

Accordingly (at 12 o'clock and 58 minutes p.m.) the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. EMERSON) at 2 p.m.

PRAYER

The Reverend Joseph S. Edmonds, First Baptist Church of Ballston, Arlington, Virginia, offered the following prayer:

Almighty God, from everlasting to everlasting, Thou art God. We thank Thee for Thy presence and for Thy love.

Help us to lift up our eyes unto the hills, from whence cometh our help. Our help cometh from the Lord, which have made heaven and earth.

We thank Thee for enabling our forefathers to establish freedom of speech, freedom to worship Thee, freedom from want and freedom from fear.

We thank Thee for those who represent the American people in this House. I pray they will have the faith and courage of our fathers to make correct decisions. May they be a bridge to peace and justice in this troubled world, and may they bring joy and fulfillment to the American people. In Jesus' name, amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from California (Mr. LANTOS) come forward and lead the House in the Pledge of Allegiance.

Mr. LANTOS led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

THE REVEREND JOSEPH S. EDMONDS

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute.)

Mr. MORAN of Virginia. Madam Speaker, it is my distinct honor to introduce this morning's guest chaplain, the Reverend Joseph S. Edmonds. Actually, it is not morning. It is now afternoon. Reverend Edmonds serves as pastor of the First Baptist Church of Ballston in Arlington, which is just across the Potomac, in the 8th District of Virginia.

Madam Speaker, Reverend Edmonds was born in Grenta, Virginia, spent his childhood in the District of Columbia, not far from this very building. After attending public school in D.C., Reverend Edmonds obtained his undergraduate degree from Carson-Newman College in Tennessee and earned a Masters of Divinity at Southeastern Baptist Theological Seminary in North Carolina.

Reverend Edmonds has been serving the Ballston community for over 10 years. He has been, and continues to be, a true shepherd to his congregation. Many have benefited from his spiritual guidance and generous spirit. Before moving to the Ballston area, Reverend Edmonds served communities in Maryland, D.C., and Florida.

On behalf of our district, I am pleased to welcome Reverend Edmonds here today.

RECOGNITION OF OCTORARA BOYS SOCCER CHAMPIONS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, I rise today to honor some athletes from my district in Pennsylvania, the Octorara High School Boys Varsity Soccer Team. These outstanding young men are the 1999 Boys Double A Pennsylvania Soccer Champions.

Winning this State championship is no small feat. Octorara is not a large district, and they went up against some of Pennsylvania's traditional powerhouses. But what they lacked in size, they made up for in heart and determination.

Victory by victory, this team built a winning season and made it into a championship year. They were ably lead by their coaches, Chip Smallwood, Ken Baldt, and Paul Wood. The team is in Washington today with their principal, Hank Detering, receiving many well-deserved congratulations.

Madam Speaker, I just want to say that those of us from back home who watched this team fight its way to the top are very, very proud of them. So welcome to Washington, Octorara Braves. Let us do it again this year.

HAIDER'S INFLUENCE SEEN UNDIMINISHED

(Mr. LANTOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANTOS. Madam Speaker, in a few days, we in this House will be voting on a resolution I introduced concerning the new government of Austria. Since the leader of this party, which is the Austrian government, the racist, xenophobic, neo-Nazi party has now resigned, it may be useful to ask why did he do so. He did not do so because he does not want to be part of the unpleasant political decisions that will have to be taken in Austria, tax increases, cutbacks on spending, layoffs of large numbers of government employees, but he is still the top man of this racist, xenophobic political party.

One of his principal allies, Deputy Speaker of Parliament Prinzhorn, yesterday said the following about his resignation: "It is not a resignation. He is a provincial governor and remains our strong man. It is a step backwards which is necessary in order to make two solid steps forward."

I am urging all of my colleagues who have not yet cosponsored this resolution to come on board. We cannot allow the new Europe to have governments in which neofascist parties play a key role. The European Union has expressed itself; it is time we do so.

TIME TO REPEAL THE SOCIAL SECURITY EARNINGS LIMIT

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Madam Speaker, it has been said that the time to fix the roof is when the sun is shining. Our economy is shining brightly, and it is time to fix much of the unfairness in our Tax Code.

Right now our government unfairly punishes working seniors through the social security earnings limit. Americans have a strong work ethic. We have a strong desire to contribute to our surroundings. Yet, after the age of 65, our government punishes senior citizens who wish to stay in the work force.

Social security was designed to give some protection to senior citizens. It was not designed to be a program that would punish those who chose to keep working past the age of 65. Right now in this country more than 800,000 working senior citizens lose part or all of their social security benefits because of this earnings limit. This is ridiculous.

This week the Republicans in the House will bring up a bill that would repeal the social security earnings limit, and I hope the President will sign it. The time has come to give working seniors a break and repeal the social security earnings limit.

CRIMES OF THE FBI AT WACO, TEXAS, AND RUBY RIDGE, IDAHO

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Madam Speaker, reports say that the FBI lied to Congress about Waco. They withheld a memo that "warned FBI bosses to not use teargas because it would provoke a massive disaster."

Let us tell it like it is. The FBI and Janet Reno must answer for the 80 murders at Waco. The FBI and Janet Reno must answer for the murders of the Weaver family in Idaho.

And another thing. Congress must grow a backbone. Do Members realize when the FBI is accused of committing a crime, the FBI investigates the FBI and finds no crime? Beam me up. I yield back the crimes of the FBI at Waco, Texas, and Ruby Ridge, Idaho.

CONDEMNING RELIGIOUS AND RACIAL INTOLERANCE AT BOB JONES UNIVERSITY

(Mr. CROWLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CROWLEY. Madam Speaker, I come to the floor today to denounce Bob Jones University, an institution of higher learning, for preaching hatred and practicing racism, religious intolerance, and segregation.

Today, along with the gentleman from Michigan (Mr. CONYERS), I am introducing a resolution condemning the discriminatory practices prevalent at Bob Jones University. Bob Jones University espouses hate-filled, racist and anti-Catholic views upon its students.

While officials there say they are not anti-Catholic and they do not preach anything other than what is in the Bible, their own online magazine calls Catholicism "a satanic counterfeit," and says, "Papists are doing the work of the devil."

The University states that it is their First Amendment right to speak their beliefs. I support the First Amendment, but I do not support using a school to indoctrinate hate, segregation, and intolerance into today's youth.

We have seen, all too often in the past year, the results of hate: a school shooting targeted at a prayer group in Paducah, Kentucky; the shooting at a Jewish daycare center; the race-targeted killings in Illinois.

Hate propaganda may be free speech, but it must not be sanctioned by this body. We must loudly denounce it. As a Nation, we have fought too hard and come too far not to end discrimination and bigotry based on race and religion.

INTERNATIONAL ABDUCTION

(Mr. LAMPSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMPSON. Madam Speaker, I rise today to begin my series of one-minutes that recognize the enormous problem that this Nation has with children who have been abducted internationally. There are over 10,000 American children who have been taken to foreign countries, like Saif Ahmed from my district.

My constituent, Melanie Al Mufti, was awarded sole custody of her son in 1998, but he was abducted by his father, Sayed Ahmed, to Cairo, Egypt, that same year. He was ordered to return the child to Texas, but instead, he ignored the order, and since then there is an FBI warrant out for his arrest.

Melanie contacted me that year, and I have been working closely with her ever since. She has worked with the Egyptian courts. I have worked with the Egyptian government, even spoken with President Mubarak. Yet Melanie has not had contact with her son since his abduction.

Melanie and parents like her need our help. I will be introducing bills that will focus on reuniting parents with their children. Madam Speaker, it is time for Congress, the media, and the American people to stand up for Melanie and Saif and the other American families who are being kept apart. We must bring our children home.

THE FEDERAL GOVERNMENT MUST INSTITUTE AN INVESTIGATION IN THE CASE OF AMADOU DIALLO

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Speaker, last week the Amadou Diallo family suffered a double tragedy, the loss of their son with 41 shots and 19 bullets to the body, and then a sense of injustice in our judicial system.

This is not a comment on that judicial process or the deliberations of the jury. It is simply a statement to America that we must stop tolerating man's inhumanity to man: an unarmed individual, an immigrant seeking only opportunity, not definitively told that police were asking him to stop, and in front of his own home.

I applaud the New Yorkers who have marched in peace, and I ask for Americans to join hands in peace, but at the same time, it is now appropriate for the Federal government to move in and to do a thorough and rightful investigation to determine whether or not Mr. Diallo's civil rights were violated.

Only when America understands that we are truly one America and that every life is precious, no matter how you came to this country, will we meet the promise for Americans for the 21st century.

COMMUNICATION FROM STAFF MEMBER OF HON. JAMES A. TRAFICANT, JR., MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Claire M. Maluso, senior counsel of Hon. JAMES A. TRAFICANT, Jr., Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 22, 2000.

Hon. J. DENNIS HASTERT,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule VIII of the Rules of the House that I have received a subpoena for testimony before the grand jury issued by the United States District Court for the Northern District of Ohio.

Sincerely,

CLARIE M. MALUSO.

COMMUNICATION FROM PRODUCTION OPERATIONS MANAGER, OFFICE OF COMMUNICATIONS MEDIA, OFFICE OF CHIEF ADMINISTRATIVE OFFICER

The SPEAKER pro tempore laid before the House the following communication from Gary Denick, production operations manager, Office of Communications Media, Office of Chief Administrative Officer:

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER, HOUSE OF REPRESENTATIVES,
Washington, DC, February 17, 2000.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony issued by the Superior Court of the District of Columbia.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

GARY DENICK,
Production Operations Manager,
Office of Communications Media.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that she will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules, but not before 6 p.m. today.

DESIGNATING WILSON CREEK IN NORTH CAROLINA AS COMPONENT OF NATIONAL WILD AND SCENIC RIVERS SYSTEM

Mr. SHERWOOD. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1749) to designate Wilson Creek in Avery and Caldwell Counties, North Carolina, as a component of the National Wild and Scenic Rivers System, as amended.

The Clerk read as follows:

H.R. 1749

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF WILSON CREEK IN NORTH CAROLINA AS A WILD, SCENIC, AND RECREATIONAL RIVER.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following new paragraph:

"(161) WILSON CREEK, NORTH CAROLINA.—(A) The 23.3 mile segment of Wilson Creek in the State of North Carolina from its headwaters to its confluence with Johns River, to be administered by the Secretary of Agriculture in the following classifications:

"(i) The 2.9 mile segment from its headwaters below Calloway Peak downstream to the confluence of Little Wilson Creek, as a scenic river.

"(ii) The 4.6 segment from Little Wilson Creek downstream to the confluence of Crusher Branch, as a wild river.

"(iii) The 15.8 segment from Crusher Branch downstream to the confluence of Johns River, as a recreational river.

"(B) The Forest Service or any other agency of the Federal Government may not undertake condemnation proceedings for the purpose of acquiring public right-of-way or access to Wilson Creek against the private property of T. Henry Wilson, Jr., or his heirs or assigns, located in Avery County, North Carolina (within the area 36°, 4 min., 21 sec. North 81°, 47 min., 37° West and 36°, 3 min., 13 sec. North and 81° 45 min. 55 sec. West), in the area of Wilson Creek designated as a wild river.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHERWOOD) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHERWOOD).

Mr. SHERWOOD. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 1749 was introduced by our esteemed colleague, the gentleman from North Carolina (Mr. BALLENGER), and would designate Wilson Creek in Avery and Caldwell Counties, North Carolina, as a component of the National Wild and Scenic Rivers System.

When the Subcommittee on Forests and Forest Health held a hearing on August 3, 1999, the gentleman from North Carolina (Mr. BALLENGER) and the Forest Service testified in support of the bill. The bill was amended at subcommittee to make a technical correction.

Both the subcommittee and the full committee favorably reported this bill, as amended by voice vote.

□ 1415

I strongly urge passage of H.R. 1749.

Madam Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, first I would like to certainly commend the gentleman from North Carolina (Mr. BALLENGER), my good friend, for his sponsorship of this legislation.

Madam Speaker, H.R. 1749 would designate 23.3 miles of Wilson Creek in Avery and Caldwell Counties, North Carolina, as a component of the National Wild and Scenic Rivers System. Approximately 2.9 miles would be designated as scenic, 4.6 miles as wild, and 15.8 miles as recreational area.

The Forest Service deemed the creek, which is rich in aquatic and plant life, eligible and suitable for wild and scenic status since 1990. There is a great deal of local support in this legislation, and I urge my colleagues to support it.

Madam Speaker, I reserve the balance of my time.

Mr. SHERWOOD. Madam Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. BALLENGER), the author of the bill.

Mr. BALLENGER. Madam Speaker, I rise today in support of my bill, H.R. 1749, to designate Wilson Creek in my congressional district as a Wild and Scenic River. And I want to thank the gentleman from Alaska (Chairman YOUNG) and the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE), chairwoman of the subcommittee, for their support of this bill and their diligent efforts to get this bill to the floor.

Madam Speaker, I would like to invite any of my colleagues from Congress that get to our area, if they want to see something fabulously beautiful, look at the Wilson Creek. Wilson Creek is a free-flowing, crystal clear waterway which passes through some of the most beautiful scenery in the Nation. It provides pristine habitat for a multitude of fish species and plant life which live within the creek and along its banks.

From its headwaters below Calloway Peak on Grandfather Mountain in Avery County, to where it empties into Johns River in Caldwell County, Wilson Creek meets and exceeds all the requirements for such an important designation.

Specifically, my bill would designate 23.3 miles of Wilson Creek as a Wild and Scenic River. And in my opinion, having this creek designated as Wild and Scenic would help maintain its natural beauty while helping to improve the quality of recreational opportunities like hunting, fishing, camping, canoeing, and other activities for thousands of people who visit it each year.

Madam Speaker, the potential designation of Wilson Creek as a Wild and Scenic River has received tremendous support from the County Commissioners of both Avery and Caldwell Counties, as well as the local residents and outdoor enthusiasts. In fact, when I met with the County Commissioner in Caldwell and Avery Counties prior to the introduction of my bill, I was presented with letters of support from local residents, positive newspaper articles and editorials, and a letter from the U.S. Forest Service which indicated a willingness to help us in this effort.

Madam Speaker, I am convinced that the designation of Wilson Creek as a Wild and Scenic River is well supported within the communities which surround it. I know CBO is trying to find some cost for it. They have not been able to. There is no expense. And I believe this is an excellent bill that would do much to preserve Wilson Creek, making it both a natural asset and a natural treasure, and I urge its passage.

Mr. BURR of North Carolina. Madam Speaker, I rise today in support of H.R. 1749, designating Wilson Creek in northwest North Carolina as a wild and scenic river.

Madam Speaker, one of the hidden beauties—and there are few—of the ever changing North Carolina congressional district map is that in any given election, with the blessing of the electorate, the members of our delegation are given the honor of serving different parts of different counties for short periods of time. During my first two terms of Congress, I had the opportunity to serve parts of Caldwell County that we are honoring today.

Although the majority of the legwork here in Washington was done by my colleague Mr. BALLENGER and his staff, the reason the designation is becoming a reality is the process by which it matured. You see, Mr. Speaker, this was not a decision forced upon the people of Avery and Caldwell County by a Federal bureaucracy with little or no local input. This project has been the result of local initiative, spearheaded by county commissioners and community leaders. These officials, at every step of the way, explained the process and benefits of wild and scenic designation to the local community and landowners, enlisting the advice and counsel of the local U.S. Forest Service. The professionalism of Forest Supervisor John Ramey, District Ranger Mike Anderson and Recreation Planner Kathy Ludlow quickly put to rest any misconceptions or fears the local community may have harbored towards seeking this Federal designation.

Madam Speaker, this designation will do more than protect the 23 miles of river which rolls through the shadow of Grandfather Mountain. What also is being affirmed here is an example of how our Federal conservation policy should be administered—from local decisions by local leaders working in partnership with the Federal Government towards a universal goal of preserving the most pristine and natural resources of our country.

I thank Mr. BALLENGER for bringing this bill forward and I ask for its immediate approval.

Mr. FALEOMAVAEGA. Madam Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. SHERWOOD. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the bill, H.R. 1749, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

INDIAN TRIBAL ECONOMIC DEVELOPMENT AND CONTRACT ENCOURAGEMENT ACT OF 1999

Mr. SHERWOOD. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 613) to encourage Indian economic development, to provide for the disclosure of Indian tribal sovereign immunity in contracts involving Indian tribes, and for other purposes.

The Clerk read as follows:

S. 613

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Tribal Economic Development and Contract Encouragement Act of 1999".

SEC. 2. CONTRACTS AND AGREEMENTS WITH INDIAN TRIBES.

Section 2103 of the Revised Statutes (25 U.S.C. 81) is amended to read as follows:

"SEC. 2103. (a) In this section:

"(1) The term 'Indian lands' means lands the title to which is held by the United States in trust for an Indian tribe or lands the title to which is held by an Indian tribe subject to a restriction by the United States against alienation.

"(2) The term 'Indian tribe' has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

"(3) The term 'Secretary' means the Secretary of the Interior.

"(b) No agreement or contract with an Indian tribe that encumbers Indian lands for a period of 7 or more years shall be valid unless that agreement or contract bears the approval of the Secretary of the Interior or a designee of the Secretary.

"(c) Subsection (b) shall not apply to any agreement or contract that the Secretary (or a designee of the Secretary) determines is not covered under that subsection.

"(d) The Secretary (or a designee of the Secretary) shall refuse to approve an agreement or contract that is covered under subsection (b) if the Secretary (or a designee of the Secretary) determines that the agreement or contract—

"(1) violates Federal law; or

"(2) does not include a provision that—

"(A) provides for remedies in the case of a breach of the agreement or contract;

"(B) references a tribal code, ordinance, or ruling of a court of competent jurisdiction that discloses the right of the Indian tribe to assert sovereign immunity as a defense in an action brought against the Indian tribe; or

"(C) includes an express waiver of the right of the Indian tribe to assert sovereign immunity as a defense in an action brought against the Indian tribe (including a waiver that limits the nature of relief that may be provided or the jurisdiction of a court with respect to such an action).

"(e) Not later than 180 days after the date of enactment of the Indian Tribal Economic Development and Contract Encouragement Act of 1999, the Secretary shall issue regulations for identifying types of agreements or contracts that are not covered under subsection (b).

"(f) Nothing in this section shall be construed to—

"(1) require the Secretary to approve a contract for legal services by an attorney;

"(2) amend or repeal the authority of the National Indian Gaming Commission under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.); or

"(3) alter or amend any ordinance, resolution, or charter of an Indian tribe that requires approval by the Secretary of any action by that Indian tribe.".

SEC. 3. CHOICE OF COUNSEL.

Section 16(e) of the Act of June 18, 1934 (commonly referred to as the "Indian Reorganization Act") (48 Stat. 987, chapter 576; 25 U.S.C. 476(e)) is amended by striking ", the choice of counsel and fixing of fees to be subject to the approval of the Secretary".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHERWOOD) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHERWOOD).

Mr. SHERWOOD. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, Senate 613, authored by Senator CAMPBELL of Colorado, would amend existing law to provide that the Secretary of Interior approve only those Indian land contracts which encumber Indian lands for a period of 7 or more years. Senate 613 would update Federal laws enacted in 1872 by removing antiquated and unnecessary Indian land contract approval requirements which apply to "all" contracts, irrespective of their brevity or insignificance.

We must maintain some Federal control over contracts which encumber Indian lands for 7 or more years because of the trust responsibility incurred by the Federal Government when the land was initially taken into trust.

Madam Speaker, this bill was passed unanimously in the Senate and is long overdue. I urge my fellow Members to support it and thus forward it to the President for his signature.

Madam Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, Senate bill 613 would amend provisions of law requiring certain contracts made with Indian tribes to be approved by the Secretary of the Interior. The current law, commonly referred to as Section 81, was enacted in 1872 in response to concerns that Indian tribes were being taken advantage of by non-Indian attorneys in bringing claims against the United States for treaty violations.

Numerous contracts were signed between attorneys and Indian tribes which provided for exorbitant attorneys' fees. For decades, the Bureau of Indian Affairs interpreted Section 81 as applying solely to such tribe-attorney contracts.

During the 1980's, several Federal Court cases ruled the Secretary of the Interior was required to approve any contract that was found to be, and I quote, "relative to Indian lands." End of quote. Because of the ambiguity of this phrase, more and more contracts were submitted for Secretarial approval. Today, the Secretary of the Interior is asked to approve contracts for everything from construction of a new building to the purchase of tribal office supplies. The Bureau of Indian Affairs is overwhelmed by these unnecessary requests and the process severely hinders economic development on Indian lands.

Madam Speaker, Senate bill 613 would eliminate the current requirement that tribes seek approval for contracts between Indian tribes and attorneys, unless the tribe's constitution requires such approval. The bill instead provides that only contracts that encumber Indian lands for 7 or more years be approved by the Secretary of the Interior. Additionally, this bill explicitly leaves in place the National Indian Gaming Commission's authority to review and approve Indian gaming agreements.

Madam Speaker, I am concerned about one provision of the bill which affects the sovereign immunity of Indian tribes. This bill requires that contracts which continue to be approved include remedies for breach of contract, disclosure of tribe sovereign immunity, or express waiver of the right to assert immunity as a defense.

Recent Supreme Court cases have strongly affirmed that notions of sovereignty that existed when the Constitution was formed have lost none of their relevance in the subsequent two centuries. A most basic component of sovereignty is the right to decide for itself when and under what circumstances a sovereign will be sued. These provisions would force Indian tribes to address, disclose, or waive their sovereign immunity in basic contracts, where a State or the Federal Government would not be required to do so.

Madam Speaker, I also note that this bill defines the term "Indian tribes" using the definition from the Indian Self-Determination and Education Assistance Act. That definition of the tribe includes, and I quote, "any Alaska native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Act." End of quote.

Senate bill 613 has no application on Alaska, and the Alaska Corporation does not possess "Indian lands" as such lands are defined in this bill. It is unfortunate that the Senate has not been more careful in the drafting of Senate bill 613. There is no reason to confuse the matters by references to tribes and the corporations in Alaska, especially since the bill has no impact or application to the State of Alaska and the treatment of the Native Alaskans.

However, Madam Speaker, since this bill does have the support of the administration and the National Congress of the American Indians, I urge support of this legislation.

Madam Speaker, I reserve the balance of my time.

Mr. SHERWOOD. Madam Speaker, I yield back the balance of my time.

Mr. FALEOMAVAEGA. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the Senate bill, S. 613.

The question was taken.

Mr. SHERWOOD. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE RESOLUTION 396

Mr. BLUMENAUER. Madam Speaker, I ask unanimous consent to remove my name as a cosponsor of H. Res. 396.

The SPEAKER pro tempore (Mrs. EMERSON). Is there objection to the request of the gentleman from Oregon?

There was no objection.

LOWER SIOUX INDIAN COMMUNITY LAND TRANSFER

Mr. SHERWOOD. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2484) to provide that land which is owned by the Lower Sioux Indian Community in the State of Minnesota but which is not held in trust by the United States for the Community may be leased or transferred by the Community without further approval by the United States.

The Clerk read as follows:

H.R. 2484

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. APPROVAL NOT REQUIRED TO VALIDATE LAND TRANSACTIONS.

(a) IN GENERAL.—Notwithstanding any other provision of law, without further approval, ratification, or authorization by the United States, the Lower Sioux Indian Community in the State of Minnesota, may lease, sell, convey, warrant, or otherwise transfer all or any part of the Community's interest in any real property that is not held in trust by the United States for the benefit of the Community.

(b) TRUST LAND NOT AFFECTED.—Nothing in this section is intended or shall be construed to—

(1) authorize the Lower Sioux Indian Community in the State of Minnesota to lease, sell, convey, warrant, or otherwise transfer all or any part of an interest in any real property that is held in trust by the United States for the benefit of the Community; or

(2) affect the operation of any law governing leasing, selling, conveying, warranting, or otherwise transferring any interest in such trust land.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHERWOOD) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHERWOOD).

Mr. SHERWOOD. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H.R. 2484, legislation which will give the Lower Sioux Indian Community in Minnesota the right, without further approval from the Federal Government, to lease or sell land which the tribe has bought but which has not been taken into trust.

Existing Federal law enacted in 1834 provides that an Indian tribe may not lease, sell, or otherwise convey land which it has acquired unless conveyance is approved by Congress. This antiquated law applies even though the land was purchased by the tribe with its own money, and even though the land is located outside the tribe's reservation, and even though the land has never been taken into trust for the tribe.

The Lower Sioux Community has found this law to be a major detriment to economic development. The law puts the tribe at a distinct disadvantage, because it finds that it cannot develop or use land which it has acquired to its full advantage.

H.R. 2484 will allow the Lower Sioux Indian Community to use the fee land it has purchased just like any other landowner, without having to come to Congress any time it wants to sell, lease, or even mortgage that land.

Madam Speaker, this is important to this small Minnesota tribe and I recommend its adoption.

Madam Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I certainly want to commend the gentleman from Minnesota (Mr. MINGE), my good friend, for sponsoring of this legislation. This legislation would permit the Lower Sioux Indian Community in Minnesota to lease or sell certain lands the tribe currently holds in fee status without further approval by the United States Government.

This provision would apply only to lands held in fee by the tribe and not lands held in trust by the United States for the tribe's benefit.

Current law and regulations established to protect Indian lands from alienation have been, in some instances, interpreted in a very restrictive manner. The Lower Sioux Indian Community has had trouble leasing and selling land which is not held in trust but in fee status without receiving prior approval of the Secretary of the Interior. This legislation would allow the tribe to make decisions and use land it has purchased and holds in fee status in the same manner as any other landowner, without having to commit to additional congressional or Secretarial approval.

Madam Speaker, although no formal administration views have been received by us on this legislation, I have been told informally by the Bureau of Indian Affairs that they do support the legislation, provided it does deal solely with lands held in fee status.

Not all tribes have encountered problems like this, Madam Speaker, when selling or leasing fee land. However, we need to address the problems faced by the Lower Sioux Indian Community of Minnesota, and I do urge my colleagues to support this legislation.

□ 1430

Mr. FALEOMAVAEGA. Madam Speaker, I yield such time as he may consume to the gentleman from Mississippi (Mr. MINGE) in response to this bill.

Mr. MINGE. Madam Speaker, I would like to thank the Speaker and I would like to thank the Chair and the ranking member of the subcommittee for moving this legislation through the committee.

I would also like to report that I am familiar with the Indian tribe that is involved here, the Lower Sioux community. It is in my congressional district. It is a relatively small Indian community, Native American community; but I would like to emphasize it is very well administered. It has acquired this land and feels that, in order to remove a cloud from title, this act of Congress is necessary.

I would like to suggest to the subcommittee that it consider legislation that deals with this type of situation because I expect that the Lower Sioux community is not the only Native American group in the United States that faces this type of obstacle, to the disposition of land, that it has purchased which has not been in trust status which is off of its reservation area.

As we see here in the 21st century, we have a number of Native American communities that are becoming more prosperous. They are engaging in commerce. I think that it would certainly facilitate the activities of these communities if, in these fairly well-defined situations where there is not a concern about any abuse in connection with the assets of the community, that they had the flexibility to, on their own, make these transfers and not have the cloud on title that exists in situations such as this one.

I have worked with the community in crafting this legislation, with the administration, and also with the committee and subcommittee staff. I would like to express my appreciation to the staff, members of both the committee and the subcommittee.

At the request of the Lower Sioux Indian Community I have sponsored legislation that would exempt land owned in fee by the Community from the effect of the Indian Nonintercourse Act, 25 U.S.C. 177 (1994) (INA). In recent years, the Community has acquired several parcels of property outside the boundaries of its Reservation. It is likely that not all of those parcels will not be needed for the development which the Community contemplates. Therefore, the Community should have the ability to dispose of any unneeded portions of fee land as and when appropriate purchasers may appear. At present it is unclear whether the INA prohibits such transactions absent an Act of Congress. It was this problem which prompted the Community to seek legislation that will permit similar conveyances without resorting to the cumbersome and time-consuming legislative process each time an individual sale is agreed to.

The terms of the INA does not distinguish between fee land and trust land. My bill states that "No conveyance of lands from any tribe of Indians shall be of any validity unless the same be made by treaty or convention entered into pursuant to the Constitution." In the past, this has been interpreted to mean that Congress must either give direct approval or must establish the process for giving such approval. Although Congress has allowed the Secretary of the Interior to approve the conveyance of lands owned in trust for tribes by the United States, Congress has never set up any process for approving the conveyance of fee lands.

The "clouding" effect of the INA is illustrated in a discussion contained in a brief filed with the United States Supreme Court by the United States Department of Justice, in Cass County, Minnesota v. Leech Lake Band of Chippewa Indians. The brief observed that "[i]n recent times, Congress and the Executive Branch have assumed that the INA requires congressional approval of sales of all tribally owned lands, whether or not those lands are within a reservation". [Brief of the United States as Amicus Curiae, supporting Respondent, Case No. 97–174 (January, 1998), at 28 (footnote 13).] Congress repeatedly has passed legislation allowing individual fee parcels of tribal land to be sold. Congress has on several occasions in recent years adopted legislation similar to that which the Community seeks.

For example, P.L. 86–505, § 1, 74 Stat. 199, authorizing the Navajo Tribe to dispose of its fee lands without federal approval; P.L. 101–630, 104 Stat. 4531, authorizing the sale of a parcel of land owned in fee simple by the Rumsey Indian Rancheria; P.L. 101–379, § 11, 104 Stat. 473, authorizing the Eastern Band of Cherokee Indians to convey a particular parcel of its fee land; P.L. 102–497, § 4, 106 Stat. 3255, authorizing the Mississippi Band of Choctaw Indians to convey certain lands which it owned in fee.

The Supreme Court has never ruled that the wording of the INA does not apply to fee lands. In fact, in a case decided just last year, the Court made a point of saying that the question is open: "This Court has never determined whether the Indian Nonintercourse Act . . . applies to land that has been rendered alienable. . . . Cass County v. Leech Lake Bank," U.S., 118 S.Ct. 1904 (1998). The assumption has been, and still is, that the Act prevents the sale of fee land without congressional approval. This is the legal position of the United States, citing the amicus brief of the United States in the Cass County case. And the Department of the Interior has taken the position that it cannot not give the Lower Sioux Community permission to sell fee land because Congress has not given the Department that authority.

Most importantly, purchasers assume that the consent of Congress is required before tribal fee land can be sold. The effect of all this is that the Lower Sioux Community is stymied. The wording of the INA seems to say that congressional permission is needed to sell fee land; the Justice Department acknowledges that; the Department of the Interior acknowledges that; Congress has acknowledged that; and purchasers acknowledge that. This bill will solve that problem for the Lower Sioux Indian Community. This is a matter of fairness.

Mr. FALEOMAVAEGA. Madam Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. SHERWOOD. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the bill, H.R. 2484.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SHERWOOD. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1749, S. 613, and H.R. 2484, the three bills just debated.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

SPECIAL ORDERS

HERITAGE AND HORIZONS: THE AFRICAN AMERICAN LEGACY AND THE CHALLENGES OF THE 21ST CENTURY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentlewoman from Ohio (Mrs. JONES) is recognized for 60 minutes as the designee of the minority leader.

Mrs. JONES of Ohio. Madam Speaker, it is always a great opportunity for me to have opportunity to address the Congress in a special order, particularly when the gentlewoman from Missouri (Mrs. EMERSON) is the Speaker pro tempore.

Our theme today is Heritage and Horizons: The African American Legacy and the Challenges of the 21st Century. As we come to the close of the celebrated African American history month, it is a great opportunity for the Congressional Black Caucus to organize a special order to celebrate black history. I want to thank the gentleman from South Carolina (Chairman CLYBURN) for designating me to organize this special order.

I took up the mantle after my predecessor, the Congressman from the 11th Congressional District of Ohio, Congressman Louis Stokes, who had this responsibility for his 30 years in Congress.

The theme for this year's Black History Special Order is Heritage and Horizons: The African American Legacy and the Challenges of the 21st Century.

As we embark upon a new millennium, I believe it painful and powerful that this theme allows us to pay tribute to our past and allows us to make plans for our future. The question is how do we plan for our future. One way is to plan for our future by giving tribute to our past, learning the lessons of our past and paying tribute to our successes as a people.

I believe the past can serve as a blueprint for future generations on how to get things done.

There are many events that have shaped and defined the African American experience in America today that never should be forgotten. What should never be forgotten is the sacrifice that others have made to ensure future generations' success.

For that reason, I have chosen to highlight my predecessor, the former Representative, Congressman Louis Stokes. He retired from Congress on January 2, 1999. He currently serves as senior counsel at Squire, Sanders and Dempsey, a worldwide law firm based in Washington, D.C. He is also a member of the faculty at Case-Western Reserve University in Cleveland, Ohio, where he is a senior visiting scholar at the Mandel School of Applied Social Sciences.

On November 6, 1968, Louis Stokes was elected to the United States Congress on his first bid for public office. By virtue of his election, he became the first African American Member of Congress from the State of Ohio. First sworn in at the 91st Congress, Congressman Stokes served 15 consecutive terms in the United States House of Representatives. When he retired at the end of the 105th Congress, he became the first African American in the history of the United States Congress to retire having completed 30 years in office.

In the 105th Congress, Representative Stokes was a member of the Committee on Appropriations where, by virtue of his seniority, he was the third-ranking minority member of the full committee and the ranking minority member of the Subcommittee on VA, HUD and Independent Agencies. In addition, he served as a member of the Subcommittee on Labor, Health and Human Services and Education.

He was the ninth Ranking Democratic Member of Congress. By virtue of his seniority, Congressman Stokes also served as the Dean of the Ohio Congressional Delegation. He is also a founding member of the Congressional Black Caucus and chaired the CBC Health Braintrust.

He was born February 23, 1925 in Cleveland, Ohio to the late Charles and Louise Stokes. His father died when he was a young boy and Louis and his brother, the late Ambassador Carl B. Stokes, were reared by their young widowed mother.

Stokes was educated in the Cleveland public schools, graduating from Central High School. Following 3 years in the United States Army, from 1943 to 1946, he returned to Cleveland and utilized the G.I. bill to attend Western Reserve University. He received his Doctor of Laws degree from Cleveland Marshall Law School in 1953.

Prior to his election to the United States Congress, Congressman Stokes practiced law for 14 years in Cleveland. He was chief trial counsel for the firm of Stokes, Character, Terry, Perry, Whitehead, Young and Davidson. As a practicing lawyer, Representative Stokes participated in three cases in the United States Supreme Court, including the landmark "stop and frisk" case of Terry versus Ohio.

Congressman Stokes' younger brother, the late Carl B. Stokes, made history in 1967 when he was elected mayor of Cleveland, serving with distinction as the first black mayor of a major American city. Carl Stokes also enjoyed a career as an award-winning broadcaster and municipal court judge. In 1994, he was appointed by President Bill Clinton as U.S. Ambassador to the Republic of Seychelles. Ambassador Stokes died in April 1996.

Louise Stokes, a proud mother who always encouraged her sons to get an education, lived to witness many of her sons' historic achievements. Prior to her death in 1978, she was the recipient of numerous awards, including Cleveland's "Woman of the Year" award in 1968 and Ohio's "Mother of the Year" award in 1969.

Let us talk a little bit about Congressman Louis Stokes' congressional career. In his first term in public office, he served as a member of the Committee on Education and Labor in the House, Committee on un-American Activities, later renamed the House Committee on Internal Security.

In his second term, he was appointed the first African American to sit on the Committee on Appropriations in the House. On February 8, 1972, Louis Stokes was elected as the chairman of the Congressional Black Caucus. He served two consecutive terms.

In addition to his seat on the powerful Committee on Appropriations, on February 5, 1975, he was elected by the Democratic Caucus to serve on the newly formed House Committee on Budget. He was re-elected to the Committee on Budget twice, serving a total of 6 years.

On September 21, 1976, Representative Stokes was appointed by Speaker Carl Albert to serve on the House Select Committee on Assassinations. The committee had a mandate to conduct an investigation and study of the circumstances surrounding the deaths of President John F. Kennedy and Dr. Martin Luther King, Jr. On March 8, 1977, Speaker Thomas P. O'Neill appointed Congressman Stokes as chairman of this committee. On December 31, 1978, Congressman Stokes completed these historic investigations and filed with the House of Representatives 27 volumes of hearings, a final report, and recommendations for administrative and legislative reform.

In February of 1980, in the 96th Congress, Congressman Stokes was appointed by Speaker O'Neill to the House Committee on Standards of Official Conduct, also known as the Ethics Committee. In the 97th, 98th, and 102nd Congresses, he was elected chairman of this committee. Also, in the 101st Congress, Representative Stokes was appointed by Speaker Wright to serve on the Ethics Task Force.

In February of 1983, the 98th Congress, Representative Stokes was appointed by Speaker O'Neill to the House Permanent Select Committee on Intelligence. In the 99th Congress, Representative Stokes was elected chairman of the Subcommittee on Program and Budget Authorization for the committee. In January of 1987, the 100th Congress, House Speaker Jim Wright appointed Congressman Stokes as chairman of the Permanent Select Committee on Intelligence. In the 100th Congress, Representative Stokes was also appointed to serve on the House Select Committee to Investigate Covert Arms Transactions with Iran, and the Pepper Commission on Comprehensive Health Care.

As a result of the 1990 census and the redistricting mandate in 1992, the 21st Congressional District of Ohio was redesignated as the 11th Congressional District. In the 103rd Congress, which commenced in January of 1993, Congressman Stokes was elected to chair the House Committee on Appropriations Subcommittee on VA, HUD and Independent Agencies. He also served as a member of the Subcommittee on Labor, Health and Human Services and Education, and the Subcommittee on the District of Columbia.

Congressman Stokes is married to Jeanette (Jay) Stokes. He has children: Shelley, Angela, Louis, and Lorene. Angela is an elected official in Cleveland in the Cleveland municipal court. Shelley and Louis C. are both involved in broadcasting, one in New York and the other in Michigan.

He has several grandchildren. He is a graduate of the Cleveland public schools, Case-Western Reserve University, and Cleveland Marshall College of Law where he received his doctor of law.

He has been given numerous designations and honors, among them, the 100 Most Influential Black Americans/Black Achievement Award. The Louis Stokes Bridge was named in his honor, which is a bridge over Lake Shore Boulevard over Euclid Creek; Louis Stokes Telecommunications Center/Cuyahoga Community College; the Central High School Hall of Fame; the Louis Stokes Community Center; the Louis Stokes Wing of the Cleveland Public Library. A street is called Stokes Boulevard in the city of Cleveland named after him and his brother. There is a Louis Stokes Health Sciences Center at Case-Western Reserve University. There is a Louis Stokes HUD Hall of Fame. He has been given the award by the National Minority Transplant Hall of Fame. There is a Louis Stokes Head Start Day Care Center. There is a Stokes Rapid Transit Station in Windermere. There is a Louis Stokes Health Sciences Library at Howard University. There is a Stokes Web site.

There is a Stokes Family Library and Museum, which is housed at the Cuyahoga Metropolitan Housing Authority in the area where Congressman Stokes grew up as a boy. There is a Louis Stokes Cleveland Department of

Veterans Affairs Medical Center. There is a Louis Stokes building at the National Institutes of Health.

He has received more than 23 honorary degrees from colleges and universities across this country.

I would like to particularly personally pay tribute to Congressman Louis Stokes. It is through his support and encouragement that I stand here on the floor of the House of Representatives today. I can only recall with great admiration all of the wonderful things that he did on my behalf and on behalf of the 11th Congressional District. For me to be able to stand, the daughter of a skycap for United Airlines and the daughter of a woman who worked in a factory, standing here as a Member of the House of Representatives, one of 39 African Americans who serve in the House of Representatives, and in fact the first African American woman to serve in the House of Representatives from the State of Ohio.

It gives me great pleasure to be able to recognize and give Congressman Stokes his roses while he can still smell them on this February 29, the year 2000, as the CBC honors Black History Month.

FORMER CONGRESSMAN LOUIS STOKES

Former Congressman Louis Stokes retired from Congress on January 2, 1999. He is currently Senior Counsel at Squire, Sanders and Dempsey L.L.P., a world-wide law firm based in Washington, D.C. He is also a member of the faculty at Case-Western Reserve University, Cleveland, Ohio, where he is Senior Visiting Scholar at the Mandel School of Applied Social Sciences.

On November 6, 1968, Louis Stokes was elected to the United States Congress on his first bid for public office. By virtue of his election, he became the first African American Member of Congress from the State of Ohio. First sworn in at the 91st Congress, Representative Stokes served fifteen consecutive terms in the United States House of Representatives. When he retired at the end of the 105th Congress, he became the first African American in the history of the U.S. Congress to retire having completed 30 years in office.

In the 105th Congress, Representative Stokes was a member of the Appropriations Committee where, by virtue of his seniority, he was the third ranking minority member of the full committee, and the ranking minority member of the Subcommittee on Veterans Affairs-Housing and Urban Development-Independent Agencies. In addition, he served as a member of the Subcommittee on Labor-Health and Human Services-Education. In the Congress, Representative Stokes ranked eleventh overall in House seniority. He was the ninth ranking Democratic Member of Congress. By virtue of his seniority, Congressman Stokes also served as Dean of the Ohio Congressional Delegation. He is also a founding member of the Congressional Black Caucus (CBC) and chaired the CBC Health Braintrust.

BACKGROUND

Congressman Stokes was born on February 23, 1925, in Cleveland, Ohio, to the late Charles and Louise Stokes. His father died when he was a young boy and Louis and his brother, the late Ambassador Carl B. Stokes, were reared by their young widowed mother. Stokes was educated in the Cleveland Public Schools, graduating from Central High School. Following three years in the United States Army from 1943 to 1946, he returned to Cleveland and utilized the G.I. Bill to attend Western Reserve University. He received his Doctor of Laws Degree from Cleveland Marshall Law School in 1953.

Prior to his election to the United States Congress, Congressman Stokes practiced law for fourteen years in Cleveland. He was chief trial counsel for the firm of Stokes, Character, Terry, Perry, Whitehead, Young and Davidson. As a practicing lawyer, Representative Stokes participated in three cases in the United States Supreme Court, including the landmark "stop and frisk" case of Terry v. Ohio.

Congressman Stokes' younger brother, the late Carl B. Stokes, made history in 1967 when he was elected Mayor of Cleveland, serving with distinction as the first black mayor of a major American city. Carl Stokes also enjoyed a career as an award-winning broadcaster and municipal court judge. In 1994, he was appointed by President Bill Clinton as U.S. Ambassador to the Republic of Seychelles. Ambassador Stokes died in April 1996. Louise Stokes, a proud mother who always encouraged her sons to get an education, lived to witness many of her sons' historic achievements. Prior to her death in 1978, she was the recipient of numerous awards including Cleveland's "Woman of the Year" award in 1968 and Ohio's "Mother of the Year" award in 1969.

CONGRESSIONAL CAREER

During his first term in public office (91st Congress), Congressman Stokes served as a member of the Education and Labor Committee and the House Un-American Activities Committee, later re-named the House Internal Security Committee. In his second term in office (92nd Congress), he was appointed the first black Member ever to sit on the Appropriations Committee of the House. On February 8, 1972, Louis Stokes was elected as Chairman of the Congressional Black Caucus. He served two consecutive terms in this office. In addition to his seat on the powerful Appropriations Committee, on February 5, 1975, he was elected by the Democratic Caucus to serve on the newly formed Budget Committee of the House. He was reelected to the Budget Committee twice, serving a total of six years.

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PERSONAL INFORMATION

Birthdate: February 23, 1925.

Wife: Jeanette (Jay) Stokes.

Children: Shelley, Angela, Louis C. and Lorene.

Grandchildren: Brett S., Eric S., and Grant W. Hammond; Kelley C. and Kimberly L. Stokes; Alexandra F. and Nicolette S. Thompson.

Education: Cleveland Public Schools (Giddings and Central High School), Western Reserve University, Cleveland Marshall Law School (The Cleveland State University)—Doctor of Jurisprudence.

DESIGNATIONS AND HONORS

Throughout his tenure in the United States Congress, Representatives Stokes has played a pivotal role in the quest for civil rights, equality and social and economic justice. He is the recipient of countless awards and honors which recognize his strong leadership and commitment.

100 Most Influential Black Americans/Black Achievement Award. Each year since 1971, Congressman Stokes has been named by Ebony Magazine as one of the "100 Most Influential Black Americans." In 1979, he was nominated by Ebony in three categories for the Second Annual American Black Achievement Awards. His nomination was based upon his becoming the first African American to head a major congressional investigation and to preside over nationally televised hearings which revealed new facts on the assassination of Dr. Martin Luther King, Jr., and President John F. Kennedy.

William Dawson Award. Congressman Stokes has twice received the Congressional Black Caucus' William L. Dawson Award. In 1980, Congressman Stokes was presented the prestigious award in recognition of his "unique leadership in the development of legislation." In 1994, he received the second Dawson Award for "significant research, organizational and leadership contributions in the development of legislation that addresses the needs of minorities in the United States."

Louis Stokes Bridge. On June 24 1988, the Board of County Commissioners Cuyahoga County dedicated the Lake Shore Boulevard Bridge over Euclid Creek as the "Louis Stokes Bridge," in recognition of Congressman Stokes' leadership in public service, and his support for federal funding to support road and bridge improvement projects.

Louis Stokes Telecommunications Center/Cuyahoga Community College. On September 24, 1988, Cuyahoga Community College designated the Louis Stokes Telecommunications Center in the Unified Technologies Center in honor of Congressman Stokes.

Central High School Hall of Fame. On March 30, 1990, Congressman Stokes' alma mater, Central High School (now Central Middle School) recognized his historic achievements by presenting him with the school's Alumnus Award and including him into the school's Hall of Fame. On that occasion, the school also dedicated its auditorium as the "Louis Stokes Auditorium."

Louis Stokes Community Center. On September 5, 1992, in recognition of the achievements of Ohio's first and only African American to serve in the United States Congress, the community center in Outhwaite Homes was renamed as the "Louis Stokes Community Center" by the Cuyahoga Metropolitan Housing Authority.

Louis Stokes Wing/Cleveland Public Library. On January 19, 1994, the Cleveland Public Library Board of Trustees unanimously adopted a resolution to name the new Cleveland Public Library East Wing in honor of Congressman Stokes. The resolution stated that his career "has extended into areas of law, civil rights, support for education and public libraries, and congressional, national and local leadership on a wide range of issues important to the Cleveland area and the nation."

Stokes Boulevard—Cleveland, Ohio. To mark Congressman Stokes' historic achievements in the United States Congress, the City of Cleveland voted on June 6, 1994 to designate East 107th Street and portion of Fairhill Road as "Stokes Boulevard." Appropriate signs mark this special salute to Congressman Stokes.

Case Western Reserve University/Louis Stokes Health Sciences Center. Case Western Reserve University honored Congressman Stokes on June 24, 1994 with the dedication of the "Louis Stokes Health Science Center." Congressman Stokes was lauded for his work "to improve the lives of all Americans and to ensure the full participation of members of minority groups in the many initiatives in health, science, education, and public welfare."

Louis Stokes HUD "Hall of Fame." On April 5, 1995, the U.S. Department of Housing and Urban Development inducted Congressman Stokes into the nation's first "Public Housing Hall of Fame." Located in HUD's Washington, D.C. Headquarters, the Hall of Fame recognizes Congressman Stokes as a strong advocate of safe and affordable housing for America's families.

National Minority Transplant Hall of Fame. On September 18, 1996, Congressman Stokes was chosen for inclusion in the first National Minority Transplant Hall of Fame. The designation recognizes Stokes' strong leadership in the area of organ transplant education and awareness.

Louis Stokes Head Start Day Care Center. Dedicated during the weekend of June 20, 1997, the "Louis Stokes Head Start Center" was built specifically to serve the needs of pre-school children in the Metropolitan Cleveland Area. The Center was named for Congressman Stokes for his dedication in fighting for the rights of Cleveland's disadvantaged.

Stokes Rapid Transit Station/Windermere. On November 17, 1997, Cleveland's Regional Transit Authority designated the Windermere Rapid Transit Station as the "Louis Stokes Station at Windermere" in honor of Congressman Stokes for his support for public transit.

Louis Stokes Health Sciences Library/Howard University. Howard University voted to recognize Congressman Stokes for his strong leadership in the United States Congress. On August 11, 1998, Howard University paid tribute to "one of our nation's most prolific Members of Congress" by naming their new health sciences library "The Louis Stokes Health Science Center."

Stokes Web Site. On August 11, 1998, top executives from Cleveland's business community announced that a web site will be set up in Congressman Stokes' name to inform young people of internships, scholarships and job training opportunities. The site will be called the "Living Legacy Project: Aim High." Stokes was known for autographing photos for young students with the phrase "Aim High!"

The Stokes Family Library and Museum. Unveiled during Cuyahoga Metropolitan Housing Authority's Louis Stokes Day 1998, on September 12, 1998, Congressman Stokes' boyhood home in the Outhwaite housing projects will be transformed into the "Stokes Family Library and Museum." The Library will serve as a home for many of the Congressman's awards and memorabilia for organizations around the country.

Louis Stokes Cleveland Department of Veteran Affairs Medical Center. On October 6, 1998, on the floor of the United States House of Representatives, Congressman Stokes was honored with the naming of the Cleveland Department of Veteran Affairs Medical Center in his honor. The designation recognizes a lawmaker who worked tirelessly on behalf of the nation's veterans and other citizens throughout his 30-year career.

Louis Stokes Building, National Institutes of Health. On October 20, 1998, the House of Representatives voted for passage of an Omnibus Appropriations Bill to fund the Departments of Labor-Health and Human Services-Education. The bill includes language designating Building #50, the Consolidated Laboratories Building on the campus of the National Institutes of Health, in honor of Congressman Stokes. The renaming honors Congressman Stokes for his staunch leadership on the health front.

Honorary Degrees. Congressman Stokes is the recipient of 23 honorary Degrees from colleges and universities across the nation. The degrees were conferred upon Congressman Stokes in recognition of his national leadership and strong commitment to public service.

Madam Speaker, it gives me great pleasure to yield to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Madam Speaker, I thank the gentlewoman from Ohio (Mrs. JONES) for yielding to me. Even more so, I thank her for the leadership she is showing in making sure that the month of February does not go by without yet another black history celebration in the name of her predecessor, I must say who was always in charge of this particular feature on the House floor when he was here.

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And you follow in his footsteps in many ways, I say to the gentlewoman from Ohio, and this is a wonderful one which both honors him and to make sure that the Congressional Black Caucus is once again heard on this floor for Black History Month and all that it stands for.

If I may say to the gentlewoman, I would like to discuss two subjects this afternoon related to black history. One is some finished business that this House finished only this month, and the other is tragically unfinished.

The finished business has to do with a bill that was passed on the floor on February 16 that will allow the home of Carter G. Woodson to become a national historic site under the National Park Service. The reason that this was so important is that Carter G. Woodson is the father of black history, the man who discovered black historiography, the second black person to receive a Ph.D. from Harvard in the early part of this century, and yet his house, which is a gorgeous Victorian house, stands closed, virtually boarded up.

So here we are celebrating Black History Month every year and right there in the Shaw district, a historic part of the district which was the virtual seat of black America, is the home of the man who is responsible for what was, when I was a child called Negro History Week and has developed into Black History Month, closed. With the bill that the House passed just before we recessed, Carter G. Woodson's home will be open to the public the way Frederick Douglass' home is open to the public in this city and the way that Mary McLeod Bethune's home is open to the public, and will be kept open under the National Park Service, as it deserves.

This man was of immense importance. Without uncovering black history we could never have gotten to the civil rights remedies, because the portrayals of African Americans were so pervasively stereotyped and negative after slavery, with Jim Crow and all that it stood for, that Carter G. Woodson's work looms much larger than life. He started the Association for the Study of Negro Life and History, which continues his work today. They would like to occupy this house when it is fully renovated. He used his house not only to live but to train researchers. It is a glorious history in and of itself.

May I say to the gentlewoman, I would like to remark on some unfinished business having to do with African Americans. This is a majority black city. Historically it was the capital of black intellectual life because of Howard University and because freed and runaway slaves often found their way here. The Capitol where we now debate was built with the help of slave labor. A glorious kind of intellectual leadership emanated from this city. It always had a large black population, probably because it was so close to the South and, therefore, there was a large segment of freed slaves and a large segment of runaway slaves, one of whom was my great grandfather.

This city has been the home of Benjamin Banneker, who of course helped design the city, and of many great African Americans; Charles Drew, who is responsible for the discovery of the blood bank and the use of stored blood; Duke Ellington, whose 100th birthday we celebrated last year; Frederick Douglass; Mary McLeod Bethune; Senator Edward Brooke, who graduated from the same high school I graduated from, Dunbar High School; and yet, Madam Speaker, this is the only part of the United States where black and white people do not enjoy the full privileges of citizenship.

This used to be the place where people from the South came escaping the harshness of segregation and terrible discrimination. We who live in the District, particularly we who are native Washingtonians, have seen the whole of the South come into its own, with people able to vote, as models for self-government throughout the South, and yet in this town, where the majority of the population is African American, there is still not the same basic rights that blacks throughout the South have finally been able to win.

I am the only representative of the District of Columbia. Although I won the right to vote on the House floor, that vote was taken from me when the majority assumed power. We do not have a full voting representative in this House. We have no voting representative in this House. Does this not sound like the Old South? This is the new capital. This is the capital of the United States I am talking about.

There is rage in this town, particularly because more than 60 percent of the people are African Americans and have seen their folks down home come into full citizenship, while in this town we still exist without the basic rights that everybody else takes for granted. We saw the Congressional Black Caucus expanded by 50 percent, largely from people from the old Confederate States, sent here by whites and African Americans; and yet we cannot send a full voting Member to this House, even though we pay full Federal income tax.

What we have done is to sue in court. And I say to my colleagues, every time an attempt is made to attach a rider to the appropriation of the District of Columbia, consisting of our money not these other Members, democracy is defamed in the United States. And that is why my colleagues will see me on this floor and will always see me on this floor as long as I am a Member of this House reminding my fellow colleagues of that defamation of democracy. The court suit we have brought intends to rectify this situation, since we have not been able to get it rectified in this body.

Some have said that the reason the District has never had its full rights is because of its large African American population. I am not so sure of that. Until the 1970s, this city was majority white. The city, the Jim Crow-segregated city in which I grew up, the segregated schools that I went to, was in a majority white city, and this body was willing to deny those whites their full rights in the House, the Senate, and their full home rule as much as they are willing to deny it to blacks.

And yet there may well be something to the notion that the city always had a large black population. If we look at the history books, that seems to have influenced the way the Congress looked at the District of Columbia. Well, the Congress needs to take that taint off of it. It needs to grant my white constituents and my black constituents the same rights that their white constituents, their Hispanic constituents, and their black constituents have.

Until that happens, until that happens I will not, I will not let an appropriate opportunity go by to remind this body that we have not lived up to our stated ideals. One appropriate time to inject that reminder into the record is during Black History Month, in a largely black city where black citizens and white citizens and citizens of every background wait, no longer patiently, but wait for the same rights that many other Americans have.

Madam Speaker, I thank the gentlewoman for yielding to me.

Mrs. JONES of Ohio. Madam Speaker, as part of our special hour I would now like to yield to the gentleman from Maryland (Mr. Cummings).

Mr. CUMMINGS. Madam Speaker, I want to thank the gentlewoman for yielding to me, and I also want to thank the gentlewoman from Washington, D.C. for her words.

There is absolutely no question that she is absolutely right, and we in the Congressional Black Caucus and many others in this great body stand with her and behind her. And I want to commend her for constantly keeping an issue that is so significant and very important, and one that shows the contradictions of this country and what we are doing in this Congress, shows it up so clearly. I want to thank her for all that she does every day to keep us aware of the situation that we find ourselves in in the very place where we write the laws. So I thank her.

I want to go on to say, Madam Speaker, that this month, through a series of Dear Colleague Letters, I saluted several famous African American Marylanders, and today I rise again to recognize African Americans from my home district of Baltimore, Maryland, for their significant contributions to the American political and educational process, and for distinguishing themselves as the first African Americans to achieve in their chosen professions.

The recognition of these individuals comes as we nationally observe Black History Month. This year's theme, Heritage and Horizons, the African American Legacy and the Challenges of the 21st Century, is most appropriate to these Baltimorians who, by accepting the challenges and overcoming the obstacles of their day, have prepared us to meet the challenges facing us in this new millennium.

I cite Roberta B. Sheridan, the daughter of a life-long resident of Baltimore and educated as a teacher. She was dedicated to public education. Even though she was denied the opportunity to teach in the black public schools, because African Americans at that time were deemed unqualified, she persisted in her efforts. With the help of the African American community, a campaign was waged to allow African Americans to teach in black public schools. This campaign resulted in the appointment of Roberta Sheridan in 1888 as the first African American teacher in a Baltimore City public school. Indeed, in the State of Maryland.

Her goal was to ensure that African Americans received a quality education, and she sought to end the educational inadequacies fostered by white teachers who dominated the education of blacks following the Civil War.

I also cite Harry S. Cummings, no relation, from Baltimore's ward 11, one of the two first African American males to graduate from the University of Maryland School of Law in 1889. Mr. Cummings' career focused on the legal, educational, and political professions. He was known as the father of the Colored Polytechnic Institute because he introduced a measure for establishing this educational facility and other high schools for African Americans in this area.

Politically he was successful in becoming the first African American to be elected to the Baltimore City Council in 1890. In 1904, he had the distinction of seconding the nomination of Theodore Roosevelt at the Republican National Convention in Chicago. He received acclaim for his speech. In 1907, he was again elected to a 4-year term to the Baltimore City Council, representing the 17th ward. He served two additional terms in 1911 and 1915. As a fellow University of Maryland graduate, I am pleased to honor him.

I also cite Thurgood Marshall, lawyer and product of a Baltimore black middle class and the impetus for the Civil Rights movement in the United States. Beginning his career, he served as counsel to the Baltimore branch of the NAACP. He argued cases before the United States Supreme Court 32 times, winning 29 cases. He is probably most famous for Brown versus Board of Education, which we won in 1954.

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With this success, doors were opened ending segregated schools and educational inequalities for African Americans. Using the legal process, Thurgood Marshall's legacy was to ensure that African Americans would no longer be excluded from participating in the American fabric because of discrimination.

When asked for a definition of "equal," Marshall stated, "Equal means getting the same thing at the same time in the same place."

Thurgood Marshall's achievements culminated in his appointment as the Nation's first African American Supreme Court justice on August 30, 1967. Because of his achievements, I have urged adoption of my resolution urging the United States Postal Service to issue a commemorative stamp in his honor because he is immediately deserving of this recognition.

Finally, I cite Parren J. Mitchell, a native Baltimorean, who represents several firsts. He was the first African American to graduate from the University of Maryland Graduate School with a master's degree in sociology. Coming from a family involved in local politics and community affairs, he embarked upon an educational, human resources, and political career. He was Maryland's first black Representative to the United States House of Representatives from Baltimore's 7th Congressional District and one of my predecessors to this body.

Elected to the 92d Congress beginning in 1971, he remained in the House for seven succeeding Congresses until 1987. He enjoyed a successful Congressional career, serving as chairman of the Committee on Small Business for the 97th, 98th, and 99th Congresses. He was instrumental in the formation of the House Black Caucus, now known as the Congressional Black Caucus, to bring to the attention of Congress and the President of the United States legislative concerns primarily affecting African Americans.

I am honored to recognize these African Americans from my district of Baltimore who were the firsts, who dared to meet the challenges of their day, who paved the way and opened doors to ensure equal opportunities for African Americans and their succeeding generations. Indeed, they represent a legacy that gives us hope and confirmation that African Americans continue to succeed and contribute to this wonderful American structure.

As we live today, as we look at our pasts, and as we look to our future, we can take pride in the rich heritage that these individuals have bequeathed to all of us as Americans.

Mrs. JONES of Ohio. Madam Speaker, it gives me great pleasure at this time to yield to the gentleman from Chicago (Mr. DAVIS).

Mr. DAVIS of Illinois. Madam Speaker, I thank the gentlewoman very much for yielding.

Madam Speaker, I want to first of all thank the gentlewoman from California (Mrs. JONES) for organizing this special order and certainly for giving me the opportunity to share in it with her and the gentlewoman from Washington, D.C. (Ms. NORTON) and the gentleman from Maryland (Mr. CUMMINGS).

Madam Speaker, I am pleased to join my colleagues in paying tribute to the rich legacy and heritage that our ancestors have contributed to American life. I want to use the few minutes that I have to pay homage to the African American church.

There are many outstanding religious institutions in the district that I live and represent, notwithstanding even the one that I hold membership in, the New Galilee Missionary Baptist Church, under the leadership of the Reverend Charlie Murray, where they let me serve as a member of the deacon board sometimes when I am there.

But I really want to use the few minutes that I have to pay homage to two other churches, Quinn Chapel African Methodist Episcopal Church, under the leadership of Reverend Thomas Higgonbotham, and the First Baptist Congregational Church, under the leadership of Dr. Arthur Griffin, both located in the 7th Congressional District of Illinois.

These two churches have followed the historical tradition of the black church as being the most stable, viable, and reliable entity in black life. Throughout slavery, segregation, black codes, and injustice, the church has served as the major instrument for hope and for change. It was the black church that produced some of our greatest leaders, educators, theologians, scientists, and administrators.

Quinn Chapel was formed in 1847 under the leadership of the Reverend George Johnson. The church was named in honor of the renowned Bishop William Paul Quinn. Bishop Quinn was one of the most prolific circuit-riding preachers in the 1800s who personally organized 97 AME churches, prayer bands, and temperance societies.

It is interesting to note that Quinn Chapel's first community project focused on the abolition of slavery; and, ironically, Quinn Chapel became a stop on the Underground Railroad. For over 150 years during race riots, depressions, recessions, the great Chicago Fire of 1871, and a myriad of other natural disasters and human crises, African Americans came to Quinn Chapel for protection, information, support, and inspiration.

Quinn Chapel was the birthplace of Provident Hospital of Chicago, organized by Dr. Daniel Hale Williams in 1891. Dr. Williams was the first surgeon to successfully operate on a human heart, and Provident was the first United States hospital where African American nurses could be trained and employed.

In addition, it was Quinn Chapel who initiated in 1898 the first known retirement home for African Americans. Most recently, Quinn Chapel was one of the locations that hosted a regional Congressional Black Caucus hearing on law enforcement misconduct.

Similarly, the First Baptist Congregational Church, formally known as the Union Park Congregational Church, was founded in 1851 under the leadership of Philo Carpenter. Philo Carpenter and a group of 48 abolitionist members left the parent church, the Third Presbyterian, over the issue of slavery. The departing members felt that the General Assembly had not adopted a strong enough position against slavery. Ironically, the church also served as a stop along the Underground Railroad.

Carpenter was Chicago's first druggist, opening a drugstore in a small log home on the bank of the river at the point that is now Lake Street. In addition to meeting the congregants' need for spirituality, the church was instrumental in forming several institutions of higher learning.

Among the black colleges founded by this church include Dilliard University in Louisiana, Fisk University in Tennessee, LeMoyne-Owen College in Tennessee, Talladega College in Alabama, Tougaloo College in Mississippi, and Huston-Tillotson College in Texas.

Obviously, these colleges represent some of the finest institutions of higher education. And so this church like Quinn Chapel has been instrumental in shaping the minds of some of our greatest thinkers and leaders.

I attended a meeting just last week of another church at the Rock of Ages Missionary Baptist Church in Maywood, Illinois, where Reverend Marvin Wiley had more than a thousand residents come out to talk about community development.

I also take this opportunity to highlight the work of Reverend Bill Winston at the Living Word Christian Center in Forest Park, Illinois.

Madam Speaker, these churches have all helped to set the standards by which other institutions have learned to live. Even today, they continue to inspire through the three cornerstones of life: faith, hope, and love. Because of the contributions of Quinn Chapel AME and First Baptist Congregational, Chicago is indeed a better place in which to live. But more importantly, the United States of America and people throughout the world have benefited from the shining light that has emanated from these institutions.

And so I thank my colleague for the opportunity to share this moment with her and again commend her for putting this special order together.

Mrs. JONES of Ohio. Madam Speaker, I thank the gentleman from Illinois (Mr. DAVIS) and all my other colleagues for supporting me in this process.

I am expecting a couple more of my colleagues, so I am going to proceed with a few more things that I have in front of me until they get here.

It is appropriate today that I recognize or memorialize from the 11th Congressional District of Ohio a gentleman by the name of Gus Joiner. Mr. Joiner's funeral is today at the Second Tabernacle Baptist Church in Cleveland, Ohio. Unfortunately, I could not be there. But it would be appropriate at this time that I talk a little bit about Mr. Joiner right here on the floor of the Congress.

"Gus Joiner, a former union organizer," and this comes from the obituary section of the Cleveland Plain Dealer, "who became chairman of the Legislative Committee of the Federation of Retired Workers in Cleveland, died Friday at Hospice of the Western Reserve."

The 90-year-old Cleveland resident spent his life fighting unfair labor practices, racism and injustice. He also encouraged others to stand up for their rights.

Mr. Joiner, who worked for the Euclid Road Machinery Co. from the 1940s to the 1970s, once went to court to force the independent union at the company to allow non-Caucasians into its ranks. Later, he was instrumental in bringing his fellow workers under the umbrella of the United Auto Workers as Local 426.

After retiring in 1976, he joined the Federation of Retired Workers and spoke out on behalf of senior citizens throughout Greater Cleveland. He showed up at Cleveland City Council committee meetings to share his views on pending legislation and attended hearings to protest the rising cost of utilities.

His most recent crusade was to preserve Madonna Hall, an inner-city nursing home, as a charitable asset of the State of Ohio. Mr. Joiner, chairman of the nursing home's board until stepping down from the unpaid position in 1997, led the trustees' battle against attempts by the home's landlords to claim ownership and sell the nursing home.

"He was the crusader," said Mary Davis, the lawyer who represented him in a lawsuit filed in conjunction with the case. "He had a sense of what was right and what was fair. It's not that often you see somebody willing to risk themselves for what's right or put themselves on the line for what they believe in. He was a person of such extraordinary faith that everything is going to work out OK. When you look at the difficulty of his life, he turned to joy, thanksgiving and celebration rather than bitterness."

Mr. Joiner, an Alabama native, was a teenager when he started working at a coal company's coke yard in Virginia. He moved on to Chicago to work in the stockyards, but was laid off during the Depression. For a while, he hopped freight trains and rode the rails in search of work.

In the 1930s, he joined relatives in West Virginia, where he worked in the coal mines and organized labor unions under volatile circumstances. As a local officer and organizer with the United Mine Workers out of Fairmount, W. Va., he once chaired the speakers' platform with legendary UMW President John L. Lewis at a state convention. Mr. Joiner also worked undercover to help organize unions in the western Pennsylvania communities of Johnstown and Uniontown.

During World War II, he worked in the Navy yard in Norfolk, Va. By the mid-1940s, he was in Cleveland and working at Euclid Road Machinery.

Mr. Joiner considered voting not only a right, but a responsibility. He voted in every primary and general election for 66 years, including the general election of November 1999.

He had been church treasurer, Audit Committee chairman and trustees secretary at the Second Tabernacle Baptist Church in Cleveland, where he was a member for more than 50 years. In 1972, he was named the parish's Man of the Year. He also was a trustee of the United Black Fund.

When his children were younger, Mr. Joiner participated in PTA activities at John Hay High School, where he complained about the better resources given to the white West Side schools.

"He was an advocate for us if we had any trouble or problem at school," said his daughter, Margaret of Cleveland. "That same zeal he used to make sure the little person wasn't trampled, he used to defend his children."

Mr. Joiner and his wife, Mildred, who died 15 years ago, raised seven daughters and a son.

In addition to Margaret, Mr. Joiner is survived by daughters, Mary Heard, Betty Pittman, Barbara, Victoria and Kathryn, all of Cleveland, and Carolyn Williams of Albany, N.Y.; son, Franklin of Cleveland; 12 grandchildren; 14 great-grandchildren; and a sister.

I stand here with pride, even on the day of the memorial services of Mr. Joiner, to talk about this wonderful 90-year-old man that I knew all the time that I grew up in the city of Cleveland, as well as part of my public life. I am glad that I had the opportunity to get to know him as well as to memorialize him in the RECORD of the United States Congress.

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Madam Speaker, it gives me great pleasure to yield to the gentlewoman from Indiana (Ms. CARSON).

Ms. CARSON. I thank the gentlewoman from Ohio (Mrs. JONES) a member of this august body for whom I have the greatest admiration and the respect for in terms of her commitment to justice and equality for all people. I am very happy that my distinguished colleague has allowed me to be just a very brief part of this black history celebration in the month of February that was inspired by Carter G. Woodson many years ago, first as the Negro History Week, if you will, and later extended to a whole month.

It is ironic, I believe, that it is in the shortest month of the year, that is, the month of February, given that we have so many virtues to extol of so many African Americans who have done a yeoman's job in building this great Nation in which we all enjoy freedom. Very briefly, let me pay a special tribute to a young man, a young man who at the age of 108 years old just last year made his transition, Dr. John Morton-Finney.

At the time of his transition he was believed to be the oldest practicing attorney in the whole United States. But even more importantly, John Morton-Finney was the first teacher to join the staff of Crispus Attucks High School when it was opened in 1927, an African American school in my district for which I am a proud graduate that was built on the bedlam of racism but indeed produced some of the most outstanding scholars and noted sportsmen that this country has ever known.

John Morton-Finney finally had the education center in Indianapolis named for him after a year of my insistence that began because John Morton-Finney's work, his life, his legacy is a hallmark in terms of the contributions of African Americans in my particular district; and it stands there as a beacon of hope, a beacon of testimony, a beacon of illustration of what people can be if they decide that that is what they want to be.

John Morton-Finney had over 30 earned degrees. He headed up the language department. He was a quasi-scientist, quasi-inventor and just a noble, noble individual. I am so happy that our school board in Indianapolis finally got around to paying due where due was certainly earned because in the course of an ordinary life, many of us would leave some things undone, but in the life of John Morton-Finney it is a challenge to figure out what in the world it was that he did not do or what it was that he left unaccomplished and that is merely one of the qualities of his life so worth celebrating, especially in this month of African American history celebration for their contributions. I want to thank my colleagues that preceded me and thank the gentlewoman from Ohio specifically for bringing this to the floor of the United States Congress, to the ears and eyes of America and certainly for allowing little old me from Indianapolis, Indiana to have just an infinitesimally small part of this very vital process.

Mrs. JONES of Ohio. I would like to thank my colleague for being so modest but as she sits here she is the one who had the idea of awarding Rosa Parks the Gold Medal.

Madam Speaker, I await the chairman of the CBC, and so I have a poem that I am going to attempt to do very quickly in his absence. The author is Gloria Wade-Gayles. The poem is entitled And The Women Gathered. I think it is appropriate that I do this poem right now because it talks about black history and then we are on the brink of the month of March, which happens to be Women's History Month as well.

I want to give my best at doing this piece of poetry. I would also like to give appropriate credit to my former chief of staff, Marcia Fudge, the national president of Delta Sigma Theta Sorority Inc., who is now the mayor of Warrensville Heights, Ohio. It is as a result of her love of poetry that I even learned about this particular poem. I think Gloria Wade-Gayles does a fabulous job of writing. It is entitled And the Women Gathered.

AND THE WOMEN GATHERED

(By Gloria Wade-Gayles)

And the women gathered.
And the women gathered.
And the women gathered.
Thin women
Stout women
Short women
Tall women
Young women
Not so young women
Flat chested women
Big bosomed women
Women with blue eyes
Green eyes
Brown eyes
Women with silky hair
Curly hair
Bleached hair
Permed hair
Graying hair
And the women gathered.
Coming by planes
Buses
Vans
Cars
Trains
And strong feet never tired
To gather for freedom
Married women
Divorced women
Single women
Widowed women
The women gathered
Cocoa
Cream
Nut brown
Beige
Caramel
Fudge
Blackberry black
As different as the stars that grace the night
The women gathered
As one constellation.
And the world took notice
That women are warriors
(Always have been even in the beginning)
And so they gathered as women will
In the very eye of the storm
Pushing against its fury
With their own
And the world took notice
That women birth babies
And revolutions
The women gathered
Ten thousand Rosas inspired by one
You saw them.
You saw them.
You saw them.
You saw them.
The world saw them.
Montage from the movement: Headlines
Montgomery, Alabama
December 1, 1955, Rosa Parks, a seamstress in Montgomery, Alabama refused to surrender her seat to a white man when ordered by a local bus driver. The Montgomery bus boycott begins. Blacks walk, walk, and walk for freedom and dignity.
Women were there.
Greensboro, North Carolina
February 1, 1960. Students sit in at lunch counters and are refused service. Return. Are arrested.
A wave of sit-ins spreads to 15 cities in five southern States.
Women were there.
May 4, 1961. The freedom rides begin. Blacks and whites ride together on a chartered bus. Savage beatings, arson, legal harassment.
Women were there.
Birmingham, April 3, 1963.
Bull Connor turns on water hoses and unleashes ferocious dogs. Physical violence. Mass arrests.
Bombings.
Women were there.
Birmingham, September 15, 1963.
Four young black girls are killed in church bombing. Mississippi, summer of 1964.
Civil rights activists, blacks and whites invade the State, registering voters establishing freedom Schools.
The South.
During the course of one year, 80 people were physically assaulted, 30 buildings bombed, 1,000 arrested and five murdered.
Women were there.
Throughout the movement,
Women sang the songs passionately.
"We shall not. We shall not be moved.
"Woke up this morning with my mind stayed on freedom.
"Ain't gonna let nobody turn me round, turn me round.
"And before I'll be a slave, I'll be buried in my grave, and go home to the Lord and be free."
And the women gathered.
In need of empowerment for themselves but they gathered to change the South.
They gathered because women do not sleep through nightmares.
We shall not call the roll.
It is as long as the Nile
Where civilization was born.
We shall not call the roll.
The women wore their courage
And not their names.
It is that way with women.
And so we say.
Women warriors
Trailblazers
Torchbearers
Activists
Thinkers
Movers and shakers
Dreamers
Revolutionaries
We salute you.
And we promise
That we will not
Sleep through the nightmares
Of homelessness, unemployment,
Poverty, violence against children, women, men, Ignorance
Oppression of all kinds.
We promise that
A new generation
Of women
Will gather.
We are that generation.

Ms. PELOSI. Madam Speaker, as we celebrate Black History Month, there is much to celebrate. The economic climate is improving significantly. African American businesses are borrowing, investing, and building capital at record levels. For African Americans, median household income is up, the poverty rate is sharply down, and the unemployment rate is down to the lowest level on record (8.1 percent).

However, despite our economic progress and electoral gains, we still have not achieved all we can. In addition to the disparity of income in our country, one important area we must address is environmental justice—a significant human rights issue for this century. The issue of environmental justice stems from the concern that impoverished communities, frequently comprised of people of color, suffer larger and disproportionate environmental risks compared to other Americans. The environmental justice movement also concerns inequality, including wealth and income disparities, inadequate schools, gaps in medical services, uneven economic opportunities and investment inequities.

In recent years, America has significantly improved its air and water quality and reduced waste disposal and toxic chemicals. However, the improvements have been uneven and the benefits skewed. These factors cause troubling health problems and threaten all our other progress. The fight for a healthy environment has been led by many local grassroots leaders. In San Francisco, Linda Richardson has helped lead the fight to address these problems and achieve environmental justice. Mrs. Richardson founded Southeast Alliance for Environmental Justice, a San Francisco based environmental organization. She also is a member of the San Francisco Planning Commission and an expert on the impact of environmental pollutants on poor communities.

Her work has demonstrated the importance of implementing safe, healthy, and equitable environmental policies to bring about environmental justice. Thanks to this grassroots work, Americans now realize that it is no longer tolerable for pollution and environmental toxins to prey heavily on our Nation's vulnerable population, including impoverished Americans; minorities; and our children.

Despite this realization, too many still take our Nation's environmental health for granted. For example, each year, more than 2.2 billion pounds of pesticides are used on crops, lawns, and public spaces. Consumers Union reports that many children are eating fruits and vegetables with unsafe levels of pesticide residues. This residue is dangerous and plagues our children at every meal. Our children are our most important resource.

Mrs. Richardson is committed to ensuring that our civil rights include the right to live in a clean and healthy environment. I commend her work and believe that a nation that preserves its environmental health establishes the foundation for a healthy, stable, and prosperous society. To complement the work of grassroots leaders, my colleagues joined me to request an increased budget for the Environmental Protection Agency to employ trained staff with a civil rights background. Our vision cannot be achieved without the combined force of private and public sector work toward the same goals.

To commemorate Black History Month, we should join together to organize, educate, and fight for better environmental, health, education, and economic outcomes for all Americans. While we work to adequately fund enforcement activities and implement safe environmental policies, we must also demand funding initiatives in infant mortality, heart disease, AIDS, immunizations, cancer screening and management to eliminate racial health disparities. Let's follow Linda's success and work to implement a more progressive vision that eliminates environmental injustice.

Mr. BISHOP. Madam Speaker, first, I appreciate the opportunity to join my colleagues in recognizing Black History Month, and I thank

Congresswoman, JONES for arranging this year's Special Order to remember the far-reaching role that black Americans have played through the centuries in making our country what she was, what she is, and what she will be.

Our topic is, "Heritage and Horizons: The African American Legacy and the Challenges of the 21st Century."

This is a big subject!

The legacy is certainly big—as so is the challenge!

Historian Benjamin Quarles has pointed out in his ground-breaking work on black history that, except for native American Indians, blacks are the country's oldest ethnic minority. In fact, the roots of black Americans sink deeper in the histories of the 13 original colonies than any other group from across the Atlantic.

America was born in diversity, and many groups have played a part in the country's phenomenal growth and development. And the part played by Americans of African descent has been huge. We are just now beginning to understand the impact that black America has had on every period in the country's history.

It's an historic fact that America could not have emerged as a great world industrial power as quickly or as forcefully as she did without the presence of a skilled black labor force, or without the contributions made by black Americans in every field, including the sciences, technology, exploration, business, religion, government and politics, the military, the arts, and in all aspects of our society.

As I took the floor this evening, I found myself thinking of Henry Flipper.

Some of you will recognize the name Henry Flipper—who was born in Thomasville, Georgia, which is located in an area of southwest Georgia that I have the privilege of representing—is remembered as the first black graduate of West Point, who went on to serve with distinction as a young military officer on the western frontier, and who was wrongly forced out of the service on the basis of false charges, even though he had been fully exonerated from those charges.

When he died in Atlanta in 1940, he was a forgotten man, and was buried in an unmarked grave. But, in recent years, historians have dug more deeply into his life. And what they have found is truly remarkable.

In spite of his bitter setback in the Army, historians have learned that he made enormous contributions to America's growth in the late 1800's and early 1900's. He helped develop the railroad in the West. He had a pioneering role in developing the oil industry. As an engineer, inventor, surveyor, and, later in his career, as a top advisor to the U.S. Secretary of the Interior, he played a big part in the country's Westward expansion.

Although born in servitude, he helped change the face of America.

There are countless examples of African-Americans who have made a real impact on the country's history. Henry Flipper is just one of many great black leaders produced by my own state of Georgia. Dr. Martin Luther King, Jr. is another. As the leading figure in the Civil Rights Movement, he played a big role in the transformation that took place in our country in the middle of the 20th Century.

Their stories all tell us that our country's unique diversity has been a great source of strength, and should be celebrated. In fact, America's heroes are not limited to any race, or creed, or gender or national background. We find examples of greatness among all people in this patchwork of cultures that has become the strongest, freest, and most productive nation the world has ever known.

By observing Black History Month, we learn more about our history; we celebrate our diversity; and we become inspired and motivated by Americans who have helped lead the way toward fulfilling the country's great promise of equality of opportunity and justice for all.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise to represent the citizens of the Thirtieth Congressional District to pay honor and tribute to scores of African-Americans who have paved the way for the realization of the American dream.

African-American history is American history. Even before there was a United States, Crispus Attucks became the first American martyr when he was killed during the Boston Massacre of 1770, fighting against taxation without representation. Over 5,000 black soldiers and sailors fought in the American Revolution, only to be told that they were only three-fifths human when the Constitution was ratified.

Africans transplanted to America endured centuries of oppression, beginning before they even set foot on the American shore. The middle passage was a terrible, often fatal voyage of slaves from Africa to the New World. Africans were herded like livestock into the lower decks of a ship, where they were shackled together in inhumane conditions, fed only substance portions, and thrown overboard in shark infested waters if they got sick, weak, or the weight of the ship was simply too heavy. Once here, they were subjected to every oppressive tactic known to man, from the spirit breaking submission demanded on the plantation, to the family breaking practice of slave breeding and trading, to the mind numbing laws forbidding slave education.

Yet, even in the days when it seemed that "hope unborn had died", Africans in America reached amazing heights of achievement in all areas of endeavor, from science and medicine to politics and education, from Benjamin Banneker and Daniel Hale Williams to Shirley Chisholm and Martha Collins. Over stony roads, African-Americans have trod over the obstacles to success, each time redefining the American Dream as they fought on to victory.

I would like to take this special opportunity to highlight the enormous contribution to African-American history, and thus, American history, by African-Americans from Texas, and, in many cases, from my district. Maynard Jackson, who went on to become the first and one of the most successful mayors of Atlanta, was born in Dallas in 1938. As mayor of Atlanta, he laid the foundation for the new South's centerpiece city by ensuring that all races were allowed to take part in Atlanta's economic opportunity.

"Blind" Lemon Jefferson used Dallas as a base to launch an extraordinary blues career, during which he made over 100 recordings of his intricate melodic rhythms and influenced countless artists, including B.B. King. Before Rafer Johnson went on to be a gold medalist and a world decathlon record holder, he also lived in Dallas.

Dallas native Bobby Seale went on to lead tens of thousands of African-Americans toward heightened political consciousness. Dallas served as a launching pad for James Farmer, the noted Congress of Racial Equality leader and winner of the Presidential Medal of Freedom. And as the first black mayor of Dallas, Mayor Ron Kirk continues to lead the city into unprecedented economic success.

North Dallas has produced extraordinary African-Americans. Dallas native Ernie Banks set records in baseball and was voted the "Greatest Chicago Cubs Player of All Time". Austin native Bill Picket was the first black working cowboy, and revolutionized the genre with his unique style of bulldogging. From my birthplace, Waco, TX native Monroe Majors became the first black to practice medicine west of the Rocky Mountains, and Jules Bledsoe changed the face of opera through his groundbreaking production, "Showboat."

Madam Speaker, I have just scratched the surface of North Texas African-American contributions to the American fabric. From Al Lipscomb, who led the fight to make Dallas elected officials more representative of the populace, to Royce West and John Wiley Price, who led the fight for justice in Dallas today. As I look to the dawn of a new century, I am proud to be a part of America's esteemed legacy of African-American achievement.

Mr. CLYBURN. Madam Speaker, I rise today on the last day of Black History Month to share with you a tribute to Dr. Martin Luther King, Jr. The remarks to follow were given by my good friend and esteemed colleague, Representative JOHN SPRATT from the Fifth Congressional District of South Carolina. Representative SPRATT's remarks on the late Dr. King bring a very refreshing and much-needed view on the subject of America and where we ought to be heading as we enter the new Millennium. Our home State of South Carolina is involved in a national debate, as I've spoken about recently, regarding the confederate battle flag flying atop the Statehouse in Columbia. Were we all to read Representative SPRATT's remarks and take them into close consideration, we might be one step closer to understanding the past and moving towards the future that Dr. Martin Luther King, Jr. envisioned for our nation.

Madam Speaker, I submit for the RECORD the following remarks given by Representative JOHN SPRATT on January 17, 2000, at the Mt. Prospect Baptist Church in Rock Hill, South Carolina.

TRIBUTE TO DR. MARTIN LUTHER KING, JR.—REMARKS OF U.S. REPRESENTATIVE JOHN SPRATT, MT. PROSPECT BAPTIST CHURCH, ROCK HILL, SOUTH CAROLINA, JANUARY 17, 2000

Martin Luther King, Jr. was born January 15, 1929. He was 26, in the pulpit of Dexter Avenue Baptist Church less than two years, when he was drafted to lead the Montgomery bus boycott. He was 39 the night he told the sanitation workers in Memphis that God had taken him up on the top of the mountain and let him see the promised land. "Mine eyes have seen the glory of the coming of the Lord," he said. "I'm not fearing any man."

He would have been 71 on Saturday, had he lived. But the next day in Memphis, he stepped out onto the deck of the Lorraine Motel, and a gunman, filled with the venom he had tried all his life to pacify, fired a rifle bullet through his jaw, and killed him instantly.

American history is pock-mocked with violence, but it is also marked by turning points where God gave us great leaders who steered us in the right direction. George Washington was one. Abraham Lincoln, another. Franklin Roosevelt lifted us out of the Depression, assuring us we had "nothing to fear but fear itself." Martin Luther King, Jr. called us to "rise up and live out the true meaning of our creed, that all men are created equal."

There were Americans then, and there are Americans now, who have never understood that Dr. King was speaking to them when he stood on the steps of the Lincoln Memorial. But surely everyone can be thankful for this: that when African-Americans demanded their rights, they did not rally behind a leader filled with bitterness and belligerence; they turned to this man who told his followers, "The means we use must be as pure as the ends we seek."

Langston Hughes wrote, "We too sing America," but it was Martin King, Jr. who showed how. He brought audiences to their feet merely by reciting "My Country 'Tis of Thee." In a voice that sounded like the trumpet of Gideon, he called on America to let freedom ring, and all who heard it never forgot it.

At his funeral, they called him "a warrior for peace." A leader willing to die for his cause but not willing to kill. A protester who was also a peacemaker. A black man, of an oppressed people, who reached out to everyone, even his enemies, because his objective was not to win but to reconcile. He was a Nobel Prize winner who could have become a messianic figure, and preached in pulpits all over the country, but he chose to go to his death marching with the garbagemen of Memphis.

His greatest achievement was, in his words, "a method of struggle that made it possible to stand up against an unjust system and fight it with all your might, yet never stoop to violence and hatred in the process." He gave Gandhi credit for helping him understand the philosophy of nonviolent protest. But he believed that this spirit was rooted in the black church, in three centuries of Christian stoicism when African-Americans were gripped in bondage.

In the dark days of the Montgomery Bus Boycott, Martin Luther King, Jr. told his congregation at Dexter Avenue Baptist Church, "You who protest courageously, yet with dignity and Christian love, when the history books are written in the future, the historian will have to say, 'There was a great people, a black people, who injected new meaning and dignity into the veins of civilization.'"

This national holiday is not created out of magnanimity. It is created out of respect for a people who have earned it, to honor a man who belongs with the greatest American leaders.

We honor only two other Americans with national holidays bearing their names: George Washington and Abraham Lincoln. I am proud to say I voted for law designating this day, but I will be first to admit that all it does is make the third Monday in January a legal holiday. This can become just another "day off" unless we make it "a day on," a time to reach into our souls and ask what we can do to make the dream a reality.

Lyndon Johnson explained why this day matters long before it was ever designated, thirty-five years ago. The week after Bloody Sunday in Selma, Alabama, LBJ addressed the nation on television. John Lewis had been beaten into the ground after crossing the Edmund Pettus Bridge, but he was watching, and as LBJ spoke, his spirit soared. This, he says, was the "strongest civil rights speech any president ever made."

LBJ began by saying, "At times history and fate meet at a single place to shape a turning point in man's unending search for freedom. So it was at Lexington and Concord. So it was a century ago at Appomattox. So it was last week at Selma, Alabama."

"Rarely," he said, "in any time does an issue lay bare the heart of America itself . . . But the issue of equal rights for American Negroes is such an issue. Should we defeat every enemy, should we double our wealth and conquer the stars, and still be unequal to this issue, we will have failed as a people and as a nation."

After thirty-five years, LBJ's words still ring true. The stakes are the same, and failure is not an option. That's why this holiday and what it's about are vitally important, not just to African-Americans but to all Americans.

Last spring, I went with my colleague and friend, John Lewis, on a pilgrimage to Selma, and to Birmingham and Montgomery. We prayed in the church in Birmingham, where the lives of four girls were cruelly cut short by dynamite, exploded in the midst of a Sunday morning worship. We sat in the pews at Dexter Avenue Baptist Church, and listened to Dr. King tell his congregation during the bus boycott: "The tension in this city is not between white people and black people. The tension is, at bottom, between justice and injustice, between the forces of light and the forces of darkness." And on the anniversary of Bloody Sunday, we marched, arm-in-arm, across the Edmund Pettus Bridge.

On the way back, a reporter asked why I had made the trip, and I told him I thought everyone should come to Birmingham and Selma. Everyone should know the Edmund Pettus Bridge as well as Concord Bridge in Massachusetts; and everyone should know what happened in Kelly-Ingram Park as well as what happened on Lexington Green.

If you fast forward thirty-five years from LBJ's speech, you have to say we have come a long way. Dr. King's mission is far from finished; but that doesn't make the accomplishments of the civil rights movement any less momentous. We should not let ourselves or our children diminish what was achieved in the 50's, 60's, and 70's, or say that race relations are no better now than then. We grew up in the segregated South. We know better.

And besides, we have to remember how far we've come because it inspires us to keep going. We should remember Philip Randolph, telling the Judiciary Committee that "when Negro Americans travel the highways of this country, we are stalked by humiliation." And remember how Rosa Parks, a seamstress in Montgomery, helped put an end to that indignity. When we think there is little we as ordinary citizens can do, heroines like Rosa Parks remind us we are wrong.

They remind us also that Martin Luther King, Jr. would have accomplished little or nothing, but for those who stood behind him and those who charged ahead, as shock troops of the movement. They were ordinary Americans like Dub Massey and Jim Wells and the Friendship Nine. But it was, in Dr. King's words, "their sublime courage, their willingness to suffer, their amazing discipline in the midst of almost inhuman provocation" that gave us the Civil Rights Act of 1964.

Among the early protesters was a young woman named Diane Nash, an organizer of SNCC. At the time of the Rock Hill sit-ins, SNCC was in dire financial straits, and meeting to discuss how they could keep going. One of the Friendship protesters, Tom Gaither, used the single phone call allowed him at the jail to call SNCC collect in Atlanta. Gaither called to tell SNCC that the Friendship students didn't want bail and wouldn't be asking SNCC for bond money. They were going to serve out their thirty days in jail. This became a precedent for the whole movement, and so inspired SNCC that four of those at the meeting in Atlanta drove to Rock Hill, sat-in at McCrory's, and joined the Friendship Nine in the county jail.

Diane Nash was among them, and today, she issues us a caveat. She says that "the movement made Martin rather than Martin making the movement." She says this not to diminish Dr. King, but so that "young people will not think that this was his movement, and say 'I wish we had a Martin Luther King today to lead us . . . If people know how the movement started and why it succeeded," says Diane Nash, "they will be more likely to ask the right question, which is: 'What can I do?'"

Every community needs stories of sublime courage, discipline, and principle like these. These are our epic poems, and we should be telling them and teaching them because they build respect; they show us we are stronger than we think; they inspire our better selves.

Those who want to keep the Confederate flag flying over our Capitol claim it as their heritage. But Confederate veterans served in the General Assembly from 1866 to the early 1920s, and never resolved to raise their old battle flag over the dome of the Capitol. If we want to preserve our heritage, what about the motherlode of heritage in the civil rights movement? In a country where there is too much violence in the home, in the schools, on the streets, here is a rich history of nonviolence worth our study.

Every school child in South Carolina should know stories like these. They should know the story of those black children in Clarendon County who walked miles to school every day, as busses full of white children passed them by. They should not study South Carolina history without learning the name of Levi Briggs and those brave parents who put their lives on the line to correct this inequity, and went on to the Supreme Court with Briggs v. Elliott. They should know the twisted road to school integration and the quiet heroes, like Matthew Perry and Judge Waring, who helped clear the way.

We should teach character, teach it by telling the stories of Rosa Parks and Levi Briggs, John Lewis, and the Friendship Nine. And while we are at it, we should preach persistence, to our children and ourselves. For one of our country's virtues has been our capacity to struggle endlessly with our problems, and never be completely satisfied with our solutions. We have to keep seeking solutions; and even if we never see closure, never give up in the search for a society that matches our ideals and principles. In the realm of racial justice and equality, progress has been slow, and it has been uneven, but we have not just been spinning our wheels in a rut of racism. We have made progress.

Look, for instance, at the difference the Voting Rights Act has made. Take the Congress. In 1965, John Lewis was spearheading

SNCC, in the streets protesting. Today he is in the Congress, Chief Deputy Whip on the Democratic side. He serves there alongside 38 other African-Americans, Jim Clyburn among them, the first black elected to Congress from South Carolina since 1896. Charlie Rangel of New York is another; if Democrats gain control of the House in the next election, Charlie will take the chair of the House Ways and Means Committee, the most powerful committee in Congress.

America is better for all Americans, but it is still not what it ought to be; and old symbols, like the flag flying over our Capitol, are too much to be dismissed as mere "vestiges of the past." We stand on the doorstep of America's fourth century, three hundred years from the day the first African slave set foot on this soil, and we cannot say this is the country we want it to be.

Dr. King liked to say that he wanted more than "just physical proximity with no spiritual affinity." He wanted a country where "not only elbows but hearts rub together." We cannot say that we are such a society, nor can we say that we will become one by laissez-faire policies, benign neglect, or mere evolution. Martin Luther King, Jr. warned us years ago from his cell in the Birmingham jail that "human progress never rolls in on wheels of inevitability. It comes from the tireless, persistent efforts of men willing to be co-workers with God.

Now that we have reached certain goals, I think we need a higher goal. Americans have always believed that we have, in the words of Franklin D. Roosevelt, a rendezvous with destiny. At a time when most people in the world lived barely above the level of animals, Americans showed that government of the people is the only government for the people. We showed that when church and state are separated, both fare better. We showed that when people from countries like Ireland are liberated from strife and prejudice, they thrive in a tolerant land. We showed that free education, made available to all, is like a rising tide; it lifts all the boats in a society. We showed that people can come from the simplest backgrounds, like Martin Luther King, Jr., the grandson of slaves and sharecroppers, and give birth to great things.

Now that the barriers that segregated us have been removed, our challenge, and I think God's purpose for us, is to show the world—from Belfast to Bosnia, from Cape Town to East Timor, that different races and ethnic groups need not cripple and debilitate a country; they can make a country richer and stronger; that we can not only co-exist, but thrive on our differences.

This is our heritage, and it should be our mission, our creed, our high calling. If as a people we can embrace this goal, we can make our country that shining city on a hill that the Puritans set out to build three hundred years ago. We can make our country the country Martin Luther King, Jr. dreamed of, "where justice rolls down like waters and righteousness like a mighty stream."

Our goal does not have to be a completely color-blind, totally homogenized society. That's too utopian, and frankly, I think, too bland. I think our richness as a people derives from our differences. I think it is enough to strive for a plural, multi-racial society, where the visible differences of race, color, and culture no longer carry the stigma of somehow not being a full-fledged American.

If we make this our goal, we can put the flag flying over our State Capitol in perspective. It's a wedge issue, and we need to be rid of it, so that we can get on with far more important tasks, because time is running short. Halfway through this new century, our population is expected to hit 400 million. Fifty-three percent will be white. Twenty-five percent will be Hispanic, 14 percent will be black, 9 percent Asian, and one percent American Indian. Our existence as a people is moving toward a level of complexity the world has never seen before. In the 21st Century, the United States will be the world's nation; the American canvass will be painted with colors from every shade of the earth.

Surely, we do not want this racially more diverse America to be a racially more divided America.

Surely, we want the world to look to America in this century, as it did in the last, and see that future works, see many races not only surviving but thriving, richer as a culture and as a country because of our differences.

Two years ago, I went to Bosnia to visit our troops in a forlorn place, ripped asunder by ethnic warfare. When I landed at Tuzla, I was met by Major General Morgan, an African-American, who commanded our troops there. When I went to Sarajevo, I was met by General Shinseki, a Japanese-American, who commanded the entire NATO mission. I doubt that any racial message was intended by the assignment of these two officers. But I have to tell you, I was proud to see my country making that statement in that ethnic-torn part of the world. And I believe that America can cast that beacon, that sign of hope, that message of racial harmony, all over the world.

How do we plot the route to an interracial society over the next fifty years? Well, there are lots of ways. But on the map of racial progress, education is the name of almost every road. Almost all studies come to one conclusion: education is our best solution and our greatest challenge.

For one thing, the public schools right now have a racial or ethnic composition comparable to what the whole nation will look like in 2020. The school age population is 66 percent white, 15 percent black, 14 percent Hispanic, and 4 percent Asian. The future of diversity in this country will depend heavily on how well the schools work out the issues of full and equal inclusion.

In saying this, I am not shifting the burden onto teachers and school administrators. I am speaking to all of us as parents, to churches, to people, to the whole community. All of us have to pitch in and make our public schools second to none, up to the challenge of educating every child to the limit of his potential.

Which brings me to my last point. Americans need to realize that though we came over here on different ships, we are all in the same boat now. The burden of change should not rest on African-Americans alone. The burden should rest on all of us if we believe our creed.

In that connection, let me commend the City of Rock Hill, the Council, and Mayor Doug Echos, in particular, for sponsoring "No Room for Racism," and for your resolution on the Flag.

No Room for Racism may be mostly dialogue, but I believe it is dialogue that we need I believe that efforts like this can blossom, so that one day, ours is country where all sing America. And I believe it is God's purpose, Dr. King's dream, and our duty to make it just that.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in recognition of Black History Month. I thank my colleagues of the Congressional Black Caucus very much for their leadership on this very special order and tribute to black history and appreciate tremendously these members who have joined me on the floor of the House to acknowledge this very special month.

I am thrilled to stand here on the House floor as an American and as an African-American Member of Congress. In the 211 years of Congressional history there have been only 105 African-American Members of Congress. 101 African-Americans have been elected to the House of Representatives, and only 4 have been elected to the Senate. I am boldly able to stand here today, Madam Speaker, because other courageous and brave African-American pioneers stood valiantly before me. During Black History Week, but most importantly throughout the year, I am reminded of the legendary achievements that have paved the way for my colleagues and I.

This year marks the first Black History Month celebration of the 21st Century. Appropriately, the Association for the Study of African American Life and History has labeled "Heritage and Horizon—The African American Legacy and Contributions of the 21st Century" as the theme for this year's celebration. I think you will agree, African-Americans have played an integral part in the development and prosperity of our nation. Tonight, I would like my remarks to reflect the rich legacy of the African-American experience, and its relationship to American history.

Seventy-four years ago, a bold and daring scholar had a vision to honor the Legacy of African-Americans. As you know, this legendary scholar, Carter G. Woodson founded what was then called "Black History Week." Now, our nation celebrates the entire month of February as Black History Month. And if I might quote my 14-year-old son Jason Lee, "we should not be regulated even by a month, for African American history is a history of a people and the history of America."

So I would hope that as we take to the floor of the House on the last day of this month, my colleagues will join me in additional days in which we will spend talking about African American history, and I would hope that we would begin to explain to the American people how intimately woven this history is with America. As we recall African-American history, we should not be afraid to say that it is American history, and we should not be afraid to recount it over and over again, not out of hatred or hatefulness, but out of the need to educate and to allow this country to move forward and to build upon the richness of its diversity and to solve some of the very problems that we confront today.

African-American history is rightfully recounting the contributions of great Americans. Americans who dared to change not only their individual community, but also their surrounding nation. As I recall the legacy of African-Americans, I remember the brave and bold leaders of our past. There is no shortage of articulate, influential African-American leaders in our nation's history. These individuals influenced both the African-American community and our society at large in powerful ways as they fought to win freedom, fair treatment, and better lives for all of America. For example, brave men like Nat Turner, Gabriel

Prosser, and Denmark Vesey, who organized and led doomed but valiant slave rebellions against brutal slave owners. Abolitionists like Frederick Douglas and Sojourner Truth, who undermined the institution of slavery by speaking, writing, and lobbying against it—at considerable personal risk. And brave individuals like Harriet Tubman, who risked her life and her hard-won freedom to return to slave-holding states to lead other African-Americans north to freedom along the Underground Railroad. And the Civil War, where over 200,000 African-American men fought in the Union Army and Navy—to free their enslaved brethren, and prove that African-Americans too were committed to Democracy and the preservation of America.

And in the early 1900s, African-Americans like Booker T. Washington, W.E.B. DuBois, and Mary Church Terrell shaped attitudes within the African-American community and won the respect of all Americans across the country. Also, Marcus Garvey led what was labeled the Black Nationalist movement and fought institutional racism in the United States.

In the 1920s, '30s, and '40s, A. Philip Randolph worked to organize African-American workers and end the division of the labor movement along racial lines. He also worked diligently to end discrimination in the military and the government.

And after World War II, African-American leaders like Charles Hamilton Houston, William Henry Hastie, A. Leon Higginbotham, Jr., Thurgood Marshall, Martin Luther King, Adam Clayton Powell, Jr., and Malcolm X made significant marks on American history—in our courts, our schools, our government, our politics, and in foreign affairs. African-American women like Fannie Lou Hamer, Shirley Chisholm, and Barbara Jordan, one of my personal heroes, broke old barriers and won the respect of millions of Americans for integrity, their intelligence, their dedication, and their professional accomplishments.

This recitation of African-American leaders is by no means all-inclusive! In fact, it touches upon only a few of the vast amount of African-American leaders who have shaped this country's history and added to the legacy of African-American accomplishments in America. I mention these names to merely observe the fact that African-Americans have always played an integral part in the history of the United States.

As part of this annual observation of Black History Month, it is vital to remind America that in the face of racism, discrimination, and violence, many African-Americans have changed the very fabric of this nation. I would like to stress that all of America can draw great satisfaction and strength from this history. It is important, because as we embrace this history, it provides not only inspiration for African-Americans, but also all of America on the dawn of the 21st Century.

Madam Speaker, I believe that we must speak about African-American history throughout the year, because there are still many barriers that America has yet to hurdle and face at the dawn of the 21st century. America has not accepted in a collective and collaborative fashion that African American history is a history of America. Issues that impact our communities such as increased funding for nutrition programs, affirmative action, the Voter's Rights Act, reparations for African-Americans, racial profiling, equitable funding for Historically Black College and Universities, equitable training and funds to children for access to the Internet, and a multitude of other critical issues are concerns that Americans must join together and combat. If America embraces African-American History as American History, we would go so much further in solving these problems and many other critical problems.

In closing, I strongly feel that all Americans must have a better understanding of each other. Our rich diversity has been (at the same time) the reason for our continued struggles and progress. We must learn each other's history! African-American history must be the kind of history that is living; that is accepted; that is widespread; and that all people can understand. This great nation must embrace this rich history of the past and the present, and use it as a guide for reshaping America's future.

Mrs. JONES of Ohio. Madam Speaker, I thank my colleagues for this opportunity to present issues with regard to Black History Month this year. Our theme again was Heritage, Horizons, Accepting the Challenges of the 21st Century.

ACCOMPLISHMENTS AND LEGISLATIVE AGENDA OF REPUBLICAN CONGRESS REGARDING EDUCATION

The SPEAKER pro tempore (Mrs. EMERSON). Under the Speaker's announced policy of January 6, 1999, the gentleman from Pennsylvania (Mr. GOODLING) is recognized for 60 minutes as the designee of the majority leader.

Mr. GOODLING. Madam Speaker, I rise today to talk about the accomplishments of the Republican Congress with respect to education and to address areas where we believe the administration is simply wrong in the proposals that they put forward for improving education in this country.

The recent budget submission by the President included the same old pattern of creating new programs where Washington is in control and the people who know best at the State and local level are left out of the decision-making process. Before I came to the Congress of the United States, I was a high school principal and then a superintendent of schools, and I was both during the time when the well-intentioned programs of the 1960s, coming from the Federal Government, back to local educators, were supposed to have closed the achievement gap.

It was very obvious that it was not going to happen. So when I came to the Congress, I knew what was wrong, I thought I knew how to fix it, but it was very, very difficult to talk about quality. It was very difficult to talk about giving flexibility to local districts who knew better how to make the changes than we did in Washington. And so for 20 years, not very much changed. Even though in the first 10 years, every Head Start study indicated that it was not doing what we had intended it to do. Instead of being a program to have preschoolers become reading ready and school ready, it turned out to be a poverty jobs program, it turned out to be a baby-sitting program. And it was so obvious because we were talking about quantity, how many children could we cover rather than quality, and every time I would say, "But if you're covering those children with mediocrity, you're not helping them at all."

First let me talk a little bit about what all Americans can agree upon in relationship to a basic education policy. All Americans agree that a high quality education for their children is important. All Americans agree that safe schools, good discipline, high academic standards, parental involvement and responsibility, well-prepared teachers, appropriate school buildings, access to higher education and training and assistance for children with special needs are certainly worthy objectives.

Most Americans agree that decisions on local school policy should be determined locally. Most Americans agree that equitable funding for our schools is ideal. Most Americans agree that the role of the Federal Government is limited but necessary. Now, where do we, the Republican majority, disagree with the administration? The problem begins when we talk about you how do we achieve these goals.

The President believes that the Federal Government should create a new program for every identifiable education problem. So in his State of the Union address, he said, hire more teachers. This is the Federal Government speaking. Establish Federal accountability measures. End social promotion, provide afterschool and summer school support. Shut down schools that do not perform, require teachers to have majors in the subjects they teach, require local school report cards, offer parents a choice of public schools their children attend. It took him a long time to get to that point. Support more charter schools. Require consistent discipline policies, and provide funds to build or modernize local schools.

Now, we agree with many of the goals that the President has outlined. Where we disagree is that creating a new program every time you think you have an identifiable problem will not solve the problem, particularly if it is coming from Washington, D.C. with a one size fits all for the local school districts. So we agree with many of the goals the President has outlined, but we do disagree with the need to create new programs every year to address these goals.

Why do we disagree? First of all, we have to understand that States and local communities are so far ahead of us when it comes to school reform, way ahead of anything that we can even think about on the Federal level. So States and local communities are already taking action to build new schools, repair old ones, hire new teachers, close schools that do not work, raise standards for teachers, offer public school choice, open charter schools, hold schools accountable for academic progress. We believe that the best way to support local schools and communities is by providing flexibility in how States and local governments use Federal funds, increasing funding for special education and sending more Federal dollars directly to the classroom.

□ 1530

When we became the majority, we set seven key goals, and those seven key goals are reflected in every piece of legislation that we have put forward. Those goals are on this chart.

First of all, hopefully we have everyone now talking about quality instead of quantity; and as I said, it took 20 years to get that message across. The important thing was the quality of the program. It was very obvious in Head Start that you could not hire early childhood people, because there are not many, first of all, who are early-childhood prepared, at $10,000. But the idea was let us see how many students we can get there, and we will use all the money to get the children there; and we will not worry about the quality of the program. In our last two reauthorizations of Head Start, with help from the Democrats, we have changed that; and we moved the programs toward quality.

Better teaching. I have tried to impress upon the President over and over again, I do not care what he says about 100,000 new teachers. First of all, there are about 14,000 school districts, there are about 1 million school buildings, so 100,000 does not go very far. But it does not matter whether your pupil-teacher ratio is 30 to 1, 20 to 1, 10 to 1, or this famous figure, and I don't know where they got it, of 18 to 1. That does not matter unless there is a quality teacher in the classroom.

They went through this exercise in California, spent billions of dollars as a matter of fact, and what happened? They reduced the class size in the early grades; and in Los Angeles alone, 33 percent of all the new people they had to hire in order to put somebody in with these new classrooms they just created had no qualifications whatsoever to be teaching.

Local control. If you do not have the local people very much involved, that includes parents, that includes administrator, school boards, I will guarantee you, there is nothing from the Federal level that we will do to reform and improve education on the local level. That has to be done on the local level.

Accountability. Again, when I got two pennies from Washington D.C. as a school administrator, I had to make sure that even though it did not help at all it had to be spent according to the way the Federal Government said it had to be spent. So if I got $15 for this program and $1,000 for that program, do not ever commingle one of those programs or you are in real trouble with the Federal Government. Even though combining some of those programs would have produced outstanding programs, you just could not do it.

Accountability. The auditors did not come to see whether as a matter of fact anything good was happening. They came to see where you were spending the dollars. I thought well, gee, we ought to be able to do something about that. But, do you realize, I found for those 20 years the most important thing was the money is going to the right place. It did not matter whether we were accomplishing anything.

So accountability is one of our key goals. If we give you the flexibility in the local level, you have to show us that every child has improved academically. That is what it should be all about.

Dollars to the classroom. Again, every time we create a Federal program, we create a Federal bureaucracy; and then that goes out, and they must create a State bureaucracy; and by the time the money gets down to the local school district, there is not much left. So, of course, we have been saying over and over again that 95 percent of all dollars should get down to that classroom.

Then basic academics. We got carried away with so many fads, it was unbelievable, and got far away from basic academics. Now every piece of legislation that we bring forth to this floor includes the fact that we must return to basic academics.

Parental involvement and responsibility. The first and most important teacher has to be some adult in that child's home, whether it is a mother, a father, an aunt, an uncle. That is where it all begins, and that parent must be the child's first and most important teacher.

So we seek effectiveness; we seek results in all Federal education programs. Federal programs should result in increased student achievement, or they should be eliminated. The whole purpose of Title I, and we have already spent $120 billion on Title I, the whole purpose of Title I was to close the achievement gap; and every study shows we have made no headway, after $120 billion and all these years.

Let me then move on to what we have done in the 105th Congress and what we are trying to do in the 106th Congress. Of the many legislative accomplishments that occurred during the 105th Congress, I am proud of several bills that address those seven basic goals. Let me point those out.

First of all, in a bipartisan and bicameral fashion, as a matter of fact, we dealt with the Individuals With Disabilities Education Act, the amendments of 1997. Here again, we were so overly prescriptive that it was very difficult for the local districts to really do the kind of thing that they needed to do to help the children with special needs.

What we basically did as a matter of fact was take most of the other money that they had for all the other students and cause them to have to spend it on a program that we mandated and a program that we said we would send 40 percent of the excess costs, and we sent 6 percent by the time I became chairman. We will be up to about 15 or 16 percent this year. All that other money has to be raised locally and taken from every other program.

First of all, let me indicate what we have done with the Individuals With Disabilities Education Act. In that reauthorization, schools were made safer for all students by improving the procedure for quickly removing dangerous students from the classroom. Parent participation in key decision-making meetings was strengthened. Mediation was offered to resolve disputes. Sometimes millions of dollars were spent on attorney fees with nothing accomplished as far as giving the child a better education.

Costly referrals to special education were cut. Over-identification is a major problem. We will never get to 40 percent if they keep over-identifying special education students. It is a disaster for the child who is over-identified and put into a special education class, many times with a mere reading difficulty that could be handled without becoming a special education student for life. Costly referrals to special education were cut, schools were given more flexibility, and most importantly, education programs for children with disabilities were improved.

The Higher Education Act Amendments of 1998, I am very proud of those. With that enactment, students received the lowest interest rate on student loans in 17 years. The maximum student award under the Pell Grant Program was authorized at the highest level in history. The Work Study Program was expanded to address the literacy needs of the community. The Work Study Program would have been the ideal program without getting into AmeriCorp, which had to turn right around and set up a bureaucracy in Washington and several bureaucracies in every State, when all you had to do was say if you are going to get any work-study money, you will do community service and you will determine what the percentage of that community service will be. That bureaucracy is already set up. You did not need to create anything new in order to do that.

A performance-based organization was created within the Department of Education in order to improve, simplify, and streamline the cumbersome student aid process. This administration decided that 100 percent of student aid should be done through the Federal Government. Now, you tell me one program that we have done very well. I cannot name one, and I doubt whether you can.

Well, obviously we could not become the biggest bank in the world; and of course, they got into all sorts of trouble with only having about 30 percent of the loans. So we tried to improve that, because we indicated that this body will move in that department and see whether they cannot straighten out the problems that are there, people who know how to deal with student aid.

The enactment of the Head Start Amendments of 1998 I mentioned earlier. We spent $53 billion, and we never expected quality in the program. So for year after year after year, the children most in need who needed an early childhood program, who needed a program to help them become reading ready, did not get it. Not only did they not get it, but we left the parent out altogether, and in many instances we had to improve the parent's parenting skill, we had to improve the parent's literacy skills so they could be the child's first and most important teacher.

We changed that with our Head Start bill. The first reauthorization 5 or 6 years ago, I was only able to get 25 percent of any new money going to quality. The last reauthorization, with the help of the Secretary downtown, we got up to 60 percent, saying that these programs must improve. The Secretary has also closed a lot of programs that, as a matter of fact, were not doing the job. We adopted new performance standards and new measures by which we determined whether they are meeting those performance standards, and we required that the majority of Head Start teachers have a college degree.

One of the problems we found in Title I, for instance, was that in one State, they used I think something like 60 percent of all that money to hire teacher aides, and that is no problem if they are doing things teacher aides would normally do. But do you realize that they did not even have to have a high school diploma? They did not even have to have a GED. In many instances they were actually doing the teaching.

The enactment of charter school legislation has been very important, because it gives some parents choice in the public education of their children. I can take you two blocks from the Capitol and show you an outstanding charter school. But in that charter school, everybody knows what the rules and regulations are, parents included. Everybody knows that you are going to be well disciplined, everyone knows you are going to do your homework, everyone knows that the parent must be involved. And it has changed things completely for all of those children, and they have a long waiting list.

Charter schools legislation signed into law increased the authorization level from $15 million to $100 million while curtailing the funds available to the Department of Education for national activities. We want the money to get out there where the local charter schools are. The legislation also encouraged more private capital investments into charter schools and ensured the charter schools received their fair share of the Federal education dollar.

We passed the A+ Education Savings Account legislation. Unfortunately, it got vetoed. What a tragedy. If it had become law, the legislation would have allowed parents, grandparents, friends, scholarship sponsors, companies, or charities to open an account for a child's educational needs for attendance wherever that child could get the best education. Unfortunately, it was vetoed. We will try again this year.

Prohibiting new Federal tests was very, very important. Again, it was a fast track effort put on by the administration to come up with a Federal test, which had to mean that there had to be a Federal program of what it is you are going to teach in order to use the Federal test. But where the administration was wrong, if you are going to test your students, first of all someone must determine what those standards are. If these are new, higher standards you are going to teach to, and certainly in the 21st century we have to do that, then you have to design those. Then you have to prepare the teacher to teach to the new standards. Then you have to test the teacher to see whether they are ready to teach to the new standards.

Now, after you have done all that, then you get around to testing the student. Otherwise, you spend the $100 million that the President was talking about to tell 50 percent of our students one more time what they have heard all their lives: you are not doing very well. It would be so much better to take $100 million and help them do far better.

We enacted the Workforce Investment Act. The first thing I discovered was that we had at least 100 or 150 job-training programs coming from the Federal Government, from all departments, from all agencies, with no one having any idea what the other was doing.

□ 1545

So we consolidated 60 of those Federal training programs through the establishment of three block grants to the States for adult employment and training, for disadvantaged youth, and for adult education and literacy programs. We emphasized long-term academic improvement and occupational training while eliminating numerous Federal requirements, including duplicative and costly planning, paperwork, and reporting requirements.

We are not interested in the process. That is what they were interested in all the time before. We are interested in outcome. We are interested in accomplishments. We are interested in achievement. We are interested in results, not process.

We enacted the Vocational Technical Education Act, that provides approximately 7 to 10 percent of the funding for vocational technical education programs for secondary students, with more dollars going directly to the local level. Again, we emphasized strong academics and State and local flexibility in the use of funds.

Every time we talk about flexibility, we say to the local and State, show us how every child is going to improve academically and prove to us, and then we give them the flexibility to design the program to meet their specific needs at their local level.

Passing the Dollars to the Classroom Act, this legislation consolidated 31 programs top down from Washington down to the State and then to the local government, and we consolidated 31 of those top-down, Washington-based Federal education programs into a single grant to States, giving State and local decision-makers authority in how to distribute the money within each State. And we said, 95 percent of it must get to the classroom.

In the 106th Congress, as we started this 106th Congress, we began by reviewing the programs under the Elementary and Secondary Education Act. For more than three decades, the Federal government has spent in excess of $185 billion to the States through scores of Washington-based education programs. Has the enormous investment helped improvement student achievement? Unfortunately, we have no evidence that it has. After 30 years and more than $128 billion, Title I has not had the desired effect of closing achievement gaps between those who have and those who do not.

That is why we must continue our commitment to quality teaching, greater respect for local control and increased flexibility, bolstering basic academics, sending more dollars to the classroom, and fostering parent responsibility and involvement.

Our commitment to these goals was most clearly evident early in 1999, with the successful enactment of the Education Partnership Flexibility Act, known as Ed-Flex. Thanks to our efforts and with help from 50 Governors, the President decided that it was a good idea, after objecting to it early on.

Ed-Flex gives schools and school districts more freedom to tailor Federal education programs to meet their needs and remove obstructions to reform. It is designed to make categorical Federal programs work better at the local level. One size does not fit all. The local government knows best. But States will have to follow Federal priorities and requirements that may or may not address the needs of children in their State unless they have that flexibility.

It is time to modernize the Federal education funding mechanism investment so it reflects the needs of schools and school districts in the 21st century. With the passage of Ed-Flex, we turned our attention to teacher quality.

Let me just indicate that Ed-Flex was a possibility for 12 States for many years. When we passed a reauthorization years ago, we said to 12 States, if they can prove to us that they can have the flexibility to get waivers from the Federal requirements and use those Federal dollars and improve the academic achievement of all their students, they may have that flexibility.

A couple of the States really took advantage of that and did an outstanding job. Unfortunately, not all 12 took advantage, because it really takes a lot of ingenuity on the State and local level. They have to do the planning. No one is doing it for them. They have to determine how they are going to have every child improve their academic standing.

The State of Texas I believe got more than 4,000 waivers. They now can show that their Hispanic and black students are above the average of all their students because they made that commitment. They said, give us the flexibility and we will show you that we can improve the academic achievement of all of our students.

We all know that after parents, the most important factor in a child's academic success is the quality of the teacher in the classroom. We have passed the Teacher Empowerment Act, and it allows schools to find the right balance for teacher class size, not us, for teacher quality, not us, by giving schools flexibility in deciding how best to meet the needs of their teacher corps and enhance their professional skills.

With the first group of the 100,000 teachers, no requirements were made that they had to have anything other than the ability, I suppose, to get up in the morning and go and report to the school, nothing else. So what they found in those first hirings, as a matter of fact, they found an awful lot of people who went into that classroom with no qualifications whatsoever.

This act allows schools to find that right balance, whether they need in-depth in service training, and not some of the nonsense that goes on where they take an afternoon off or an evening off and somehow or other they are going to improve the quality of teaching, but in depth.

I can give an example of how that works. I recently visited in Gettysburg, Pennsylvania, an advanced physics-calculus combined program. That would not have been possible several years ago because they would not have had the teacher in that classroom that could possibly have handled that assignment. But because of the opportunity for a couple of those teachers to go to an in depth program two summers in a row for the entire summer, they have one of the most outstanding combined programs I have seen in advanced calculus and physics. Again, the quality of the teacher made the difference.

I like to remind all of my Congresswomen here in the Congress that 60 percent of that class were women. Only 40 percent were men.

The Teacher Empowerment Act holds schools accountable by ensuring that these funds are used to increase student achievement through high quality teaching, and ensures that parents are given information on the quality of their child's teacher.

When I was negotiating with the administration at the end of last year, as we were going through this budget process and got into this 100,000 teacher business, the very day we began negotiating a New York newspaper, the entire front page said, "Parents, you are being cheated. Do you recognize 50 percent of all the teachers are not qualified to teach in the subject area in which they are teaching?" That made it a little bit easier to get my point across when I was trying to make them understand that it is the quality of the teacher in the classroom, not necessarily the pupil-teacher ratio.

Most importantly, the Teacher Empowerment Act is not a Washington-knows-best program because it allows schools to spend these funds on what meets their individual needs.

The third piece of legislation that successfully passed the House was the Student Results Act. This legislation authorizes and reforms Title I. We are working at the present time on the whole reauthorization of the Elementary and Secondary Education Act.

Unlike the way we have done it in the past, in the past we usually said, we will just take this whole lump and just give it more money, and somehow something is going to happen that is going to be better. We said, we are going to look at each individual program in the Elementary and Secondary Education Act. We are going to see how well it is doing. If it is not doing well, we are going to get rid of it, or find a way to improve it so it does well.

In the Student Results Act, we reformed Title I education for the disadvantaged and many of the other categorical K through 12 programs by targeting at helping disadvantaged children.

The Student Results Act was put together with four overarching principles in mind: quality, accountability, choice, and flexibility. For too long we have maintained low expectations for Title I and the disadvantaged students it serves. We really do not expect enough from any student, unfortunately, but it is particularly true in the case of disadvantaged students.

We have spent nearly $120 billion, as I said before, in Title I since its inception, yet it continues to be the subject of study after study pointing to its ineffectiveness. We failed to focus enough on quality reforms, and with enactment of the Student Results Act, we usher in a new era of high expectations for all children and for children served by this key program.

In many Title I schools, the most disadvantaged children are taught by the least qualified teacher and teacher aides. The Student Results Act makes it clear that disadvantaged children deserve the same high quality teachers and teacher aides as all other students.

The Student Results Act includes other quality reforms, like rewarding excellence by allowing States to reserve up to 30 percent of their new Title I funds to provide cash rewards to the schools if they are making substantial progress in closing that achievement gap.

Finally, the bill reduces bureaucratic overhead and ensures that more dollars reach the classroom than ever before. As the saying goes, we want to make sure more of this money gets into the hands of classroom teachers who actually know the names of the children in the classroom.

In order to ensure quality, we need to have accountability. We retain State and local standards and assessment provisions that are part of current law, and we applaud the efforts of States and localities to build strong standards-based systems. We build upon these important provisions by ensuring that vital information about the academic performance of Title I schools is provided to parents and the tax-paying public.

The bill does not provide for more accountability to the Federal government. It does insist upon more accountability to parents. We intend to shine a bright light on the Title I program and give parents real, understandable information about how their children and their schools are performing.

For those programs that do not meet the test of high quality and increased accountability, we have included new and innovative public school choice provisions in the bill. Why should children have to go to a failing school when everybody is reporting that it is a failing school? The Student Results Act says that children attending schools classified as low-performing must be given the opportunity to attend a higher quality public school in their area. This enshrines in law a very simple commonsense concept: Children should not be forced to attend failing schools.

The Student Results Act sends a powerful message to failing schools throughout this Nation that enough is enough, they must improve or their children will leave to attend another school.

Finally, on October 21 the House passed a far-reaching education reform bill called the Straight A's Act. For those States or school districts that choose to participate, it is not a mandate, but if they choose to participate, Straight A's will fundamentally change the relationship between the Federal government and the State. Straight A's will untie the hands of those States that have strong accountability systems in place in exchange for meeting student performance improvement targets.

This sort of accountability for performance does not exist in current law. States must improve achievement to participate in Straight A's, and if their scores go down for the first 3 years, they get kicked out before the 5-year agreement that they thought they made with the Federal government. We are not going to wait 5 years. Currently, nothing happens to States that decline for 3 years.

Straight A's frees States to target all of their Federal dollars on disadvantaged students and narrowing achievement gaps. Under current law, States could not target more Federal dollars for this purpose. They could not combine any of the funds coming from the Federal level for different programs. This legislation will reward those States that significantly narrow achievement gaps with a 5 percent reward, an incentive that does not exist under current law.

With the enactment of Straight A's, all students, especially the disadvantaged students who were the focus of Federal legislation in 1965, may finally receive effective instruction and be held to high standards.

□ 1600

For too long, States and schools have been able to hide behind average test scores and to show they are helping disadvantaged children, merely by spending more money in the right places, and that must come to an end when States participate in Straight A's, if they so choose to participate.

States and school districts must focus on the most effective way of improving achievement, not on just complying with how the Federal Government says they have to spend their money. Schools should be free to focus on improving teacher quality, implementing research-based instruction and operating effective after-school programs.

Federal process requirements have huge amounts of paperwork for people at the local level and distract from improving student learning. Madam Speaker, as I said before, we want to hear about results. We are not interested in process.

I would encourage everyone to listen carefully when people talk about accountability. Are they talking about accountability for process, making sure States and districts meet Federal guidelines and priorities, the checkoff system, or are they talking about accountability for real gains in academic achievement? Will achievement gaps close as a result, or will States just have to fill out a lot of paperwork about numbers of children served without any mention of improvements?

By giving States a choice to do so, the opportunity to build on their successes and improve the achievement of all of their students, the Federal Government can lend a helping hand rather than a stranglehold.

We started the year with Ed-Flex, which passed with overwhelming bipartisan majorities of both houses and is now law. As I said, Ed-Flex provides for flexibility to all 50 States to control how they design Federal programs and help them adapt to their own unique needs.

Next, we followed up with the Teacher Empowerment Act, which passed the House with bipartisan support. And the bill emphasizes the single most important factor in improving education in this Nation, which is the quality of the teaching force.

We then moved to the Student Results Act, a bill to extend Title I and other programs targeted at the disadvantaged, which also passed the House with overwhelming bipartisan support. That bill emphasized quality, accountability, school choice and increases local control and flexibility.

Finally, the House passed our Straight A's bill, that gives States and localities unprecedented flexibility in return for accountability.

How about the rest of the 106th Congress? Well, we will have to conclude our reauthorization of the Elementary and Secondary Education Act with bills targeted at improving some of the major education programs beyond Title I; school technology, drug free school, impact aid and the Title VI block grant and a bill to improve the literary skills of all Americans.

One of the problems we have had over the years is we have not thought in terms of family literacy. We sort of put an adult literacy over here and a children's literacy over here. I will guarantee you we have learned you cannot break the cycle of illiteracy or functional illiteracy, unless you deal with the entire family. And you see, functional illiteracy today is not what it was 10, 15 years ago. Functional illiteracy today in our society in this 21st century is if you cannot read, write, comprehend on a 12th grade level, and that is a functional illiterate.

We have to do much more, and we have to do it jointly with the entire family. Family literacy is what we need to talk about. Priority will be given to proposals that increase flexibility and the operation of Federal education programs.

We will attach a higher priority to support local schools in their effort to make their schools safe, drug free and orderly, as we streamline technology needs and applications.

Madam Speaker, we will work to promote literacy for children and their parents. We will expect quality research that will benefit local schools and improve the quality of education for all children. At the end of the reauthorization process, we will have a much improved Elementary Secondary Education Act. The programs we include will be those that ensure that our children will receive a quality education by, again, emphasizing those seven key goals that I originally outlined: Quality, better teaching, local control, accountability, dollars to the classroom, basic academic, parental involvement and responsibility.

Let me take a quick look at the President's budget. I have it up here. We have some real differences. Here on my chart is what we believe. Here is the President's side of this chart. I want to talk very briefly about this.

As I indicated, the Republican-sponsored Teacher Empowerment Act, which got bipartisan support, compared to the President's teaching to a higher standards initiative is the best example of our fundamental difference in philosophy.

We say quality first, highly qualified teachers in every classroom. The administration says quantity before quality, put more teachers in classrooms, no matter whether they are qualified or not.

We say flexibility with accountability. We give you the freedom if you show us that you produce results. The administration says reduce freedom, increase requirements. We say State-design standards and assessments. The administration says federally-designed, one-size-fits-all; the national test as an example.

We say State and local schools design school discipline standards. The administration says, discipline standards determined by Washington bureaucrats who probably were never in a classroom as an adult beyond higher education.

We say increase IDEA funding. As I mentioned before, when the Individuals for Disability Education Act was passed, the local school districts were led to believe that if they participate in that program and make sure that children with disabilities have an equal opportunity for a good education, the Federal Government will supply 40 percent of the excess funds to educate a special needs child.

Madam Speaker, we have to understand if a school district's average per pupil expenditure might be $7,500, a special needs child may be $15,000, may be $20,000, may be $100,000, the local school district has had to pick up most of that extra expenditure, even though we said we would send 40 percent of the excess costs.

Well, depending where you are, just in a small city, like I represent, in York, Pennsylvania, if we were sending them 40 percent of excess costs, they would get a million dollars extra every year. They could talk about teacher quality. They could talk about pupil-teacher ratio reduction. They could talk about improving their school buildings, because they would be getting what was promised.

And for 20 years I pleaded and pleaded and pleaded and pleaded and got nowhere. Finally, we started making some improvements. But not because of the President's budget, because the last 2 years he sent a budget up that reduced our spending on special education, if we consider the number of new students that come in and we include inflation.

Fortunately, by the time we were finished going through the authorization process and the appropriations process, we have dramatically increased that expenditure so that those local school districts then can get this money and spend it on the special needs children, without totally raising all of that money on the local level and taking it away from every other education program.

Our Teacher Accountability Act supports local decision-making, provides greater flexibility, reforming the tenure system, tests teachers, provides for signing bonuses or differential pay for teachers in high-needs subject areas, provides incentives to teachers with a record of success in helping low-achievement students improve their academic success, helps them recruit fully qualified teachers, rewards schools and local education agencies for reducing the number of unqualified teachers that are teaching in their schools, helps them hire quality teachers and provide quality professional development.

Now, contrast that, again, with what the administration would do. The new Washington control programs address many of the same issues that I just mentioned, but the programs will be directed by bureaucrats in Washington and not based on peculiar needs of each local school district.

Washington will decide who receives the funds. Washington will decide the amount of funds that are needed to address a specific problem. Washington will dictate how the funds must be spent.

We are moving in the right direction, and I am hopeful that by the time we finish reauthorization of the Elementary Secondary Education Act we, in the near future, will begin to see a closing of that academic achievement gap. Something that was well intentioned with the legislation in 1965; unfortunately, it has not worked.

This is a chart indicating just what we have been able to do, what the President has said in relationship to the funding for special ed and what we were able to do in the House and the Senate in the appropriation process. Here we see 1997, and the yellow is the President's request. The orange is what we were able to do. We got up above $3 million in 1997 for special ed money going back. In 1998, this was the President's request. This is what we were able to do in the Congress.

In 1999, we can again see we went up. And in the year 2000, the present year that we are in, we are now up to $5 million that will go back to these local school districts.

IDEA funding is probably the most important thing we can do to help local school districts because it gives them, then, the opportunity to use the hard-earned tax money that they have to go out and get for their entire education program.

As I mentioned, my small city of York would receive a million dollars extra. Let me talk about a couple of the other areas.

Los Angeles, for instance, they actually receive $23 million. If they got the 40 percent of excess costs, they would get $118 million. That would free up $95 million that they must raise locally to meet these Federal mandates.

Chicago, $41 million. If they got their 40 percent they would get $212 million. It would give them $170 million. And they have taken great steps in Chicago to try to improve that school system to make sure that all of those children have an opportunity to achieve and get a piece of the American dream.

New York City, $41 million. $212 million, 170 million if they got the 40 percent.

In Miami, they receive $10 million. With 40 percent, they would get $55 million. That means a 44 million increase.

Washington, D.C., right where we are, they get $3 million. If they got the 40 percent, they would get $15 million. $12 million locally in order to improve the academic achievement of all their students.

In St. Louis, they get $2 million. If they got 40 percent, they would get $10 million, and that is again a dramatic increase for them to use to improve their schools locally.

So large cities across this country would see a dramatic increase; and, therefore, we do not have to go out and tell them we want them to reduce the pupil-teacher ratio, we want them to have a qualified teacher, we want them to improve their school building. They would have the money to do it. We take that money from them with our mandate because we do not send what we promised we would send.

Again, I hope by the time we finish the reauthorization of the Elementary and Secondary Education Act in the near future, we will see that gap closed. It is tragic to see as many as 50 percent of our students not receiving the education they will need to compete in the 21st century.

□ 1615

Last year I had to cast one of the worst votes I had to cast. We needed to change our immigration laws so that we could bring qualified people in to do the jobs that exist in this country, in this high-tech 21st Century. What a tragedy. What a tragedy. I hope no one will ever have to cast a vote of that nature in the future, because I hope we will do something about making sure that that 50 percent that are not getting an opportunity to get a part of this 21st Century American dream will get that opportunity.

The answers are at the local level with State efforts. We are here to add assistance. We should not be here to complicate the problems that they have on the State and local level. I think by the time we pass the Elementary and Secondary Education Act and it becomes law, we will be on the right road to ensure academic achievement for all students no matter where they live, who they are, no matter what their disability may be. All will have an opportunity for a quality education.

RECESS

The SPEAKER pro tempore (Mr. WELDON of Florida). Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6 p.m.

Accordingly (at 4 o'clock and 15 minutes p.m.), the House stood in recess until approximately 6 p.m.

□ 1801

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEASE) at 6 o'clock and 1 minute p.m.

INDIAN TRIBAL ECONOMIC DEVELOPMENT AND CONTRACT ENCOURAGEMENT ACT OF 1999

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 613.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the Senate bill, S. 613, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 406, nays 2, not voting 26, as follows:

[Roll No. 26]

YEAS—406

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kasich
Kelly
Kennedy
Kildee
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Miller (FL)
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
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Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Chenoweth-Hage
Strickland

NOT VOTING—26

Barton
Brown (OH)
Campbell
Capps
Cook
Deutsch
Ehrlich
Gibbons
Hulshof
Kaptur
Kilpatrick
Lofgren
Millender-McDonald
Miller, Gary
Murtha
Owens
Oxley
Paul
Portman
Roybal-Allard
Rush
Shimkus
Shows
Vento
Waters
Wexler

□ 1825

Mr. STRICKLAND changed his vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. CAMPBELL. Mr. Speaker, I regret that I was not present for rollcall vote No. 26 because I was unavoidably detained. Had I been present, I would have voted "yes."

Mr. PORTMAN. Mr. Speaker, due to a previous commitment in my district, I was absent for rollcall vote No. 26.

Had I been present, I would have voted "yea."

Mr. DEUTSCH. Mr. Speaker, I was unavoidably absent from the Chamber today during rollcall vote No. 26 on S. 613. Had I been present I would have voted "yea."

PERSONAL EXPLANATION

Mr. BALDACCI. Mr. Speaker, on Wednesday, February 16, 2000, I was traveling in my district with Energy Secretary Bill Richardson, examining the devastating impact that high fuel and heating oil prices are having on Maine people. As a result, I missed four votes. Had I been present, I would have voted in the following way:

Rollcall vote 22, yea; rollcall vote 23, nay; rollcall vote 24, aye; and rollcall vote 25, no.

GIL HODGES BELONGS IN BASEBALL HALL OF FAME

(Mr. WEINER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEINER. Mr. Speaker, earlier this month the Bay News in Brooklyn had this headline on their newspaper. It says, "Get Gil In. Brooklynites Demand, Put Hodges in the Hall of Fame."

Well, today, the veterans committee of major league baseball announced, once again, that Gil Hodges had been passed over. This is an outrage.

In fact, we all know that Gil Hodges was the first major league player to ever hit four home runs in a game. And those of us who are Met fans know that he was the first Met to ever hit a home run and, of course, the manager of the "Miracle Mets" of 1969.

But even the casual baseball fan knows that Gil Hodges deserves to be in the Hall of Fame. They know that he ranks 38 in home runs, with over 370; six seasons with 30-plus home runs. He hit twice, more than 40 home runs. He had a lifetime slugging percentage of nearly 500, and nine times he exceeded a 500 slugging percentage. He was a Gold Glove winner. He played on seven pennant winners and two World Series champions.

He was a hero to the people of Brooklyn and a baseball player that deserves to be in the Hall of Fame.

The Bay News said, "Get Gil In." All Brooklynites agree. The Committee on Veterans Affairs' should heed that call.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

U.S., INDIA, AND CHINA: TIME FOR NEW RELATIONSHIP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, in the latter part of March, President Clinton is scheduled to travel to India. His trip will mark the first visit by an American President to the world's largest democracy since 1978. I would say that a visit to India by the leader of the free world is long overdue, and I want to express my appreciation to the President for making this historic trip.

Mr. Speaker, my purpose this evening is to suggest that the President devote significant time during the trip to developing closer bilateral cooperation on defense and security issues to respond to common threats and challenges. This is an area where the need for a U.S.-India partnership is growing increasingly urgent. For years we have seen how many of the same forces of international terrorism that threaten American interests also pose a direct threat to India's security.

Another common threat faced by India and the United States emanates from the People's Republic of China. In the last week, we have seen China threatening Taiwan with military force, belying Beijing's claims to favor peaceful reunification. This is, unfortunately, a familiar pattern. U.S. naval officials in the Pacific are currently trying to defuse the situation, and the administration is obviously concerned about the implications that Beijing's saber-rattling will have in a variety of areas. In this House just a few weeks ago, we passed the Taiwan Security Enhancement Act, which I supported.

Mr. Speaker, I believe it is time for the United States to stop basing so much of our Asia policy on the hope of achieving a strategic partnership with China. Instead, I believe we should recognize the benefits of closer defense ties with India, a country which, unlike China, is a democracy and which, also in contrast to China, does not threaten its neighbors with the kinds of rhetoric and actions that Beijing has most recently demonstrated with regard to Taiwan.

Toward this end, President Clinton's upcoming trip to India offers an opportunity to embark upon a new direction in U.S. policy in Asia. It is an opportunity to confront the threat posed by China to regional and independent national security and to make responses to this threat a higher priority.

Mr. Speaker, India faces a very serious threat from China. The two countries share a border of approximately a thousand miles. In the 1960s, China initiated a border war against India and continues to occupy Indian territory. More recently, we have seen China providing missile development and nuclear technology assistance to Pakistan as well as other unstable regimes. Pakistan, a country currently ruled by military dictatorship, launched a border conflict against India last year in Kashmir and continues to threaten India in a number of ways, including by providing support and a base for terrorist movements active in Kashmir. By aiding Pakistan, China is indirectly, but in a very real sense, threatening its neighbor India.

India, on the other hand, Mr. Speaker, does not engage in proliferation activities. India has developed its own indigenous nuclear weapon and missile systems, but it does not share the sensitive technology with other nations, much less with unstable regimes that support international terrorism. India does not seek to promote tensions among neighboring countries, as China has cynically done in the India-Pakistan dispute.

Given Chinese behavior and the common threat it poses to the United States and India, I believe that President Clinton should use his trip to India as the occasion to launch a new Indo-U.S. defense partnership. I will be calling on the President to take this much-needed action.

While this is a bold new step, I believe we can lay the groundwork now for a far-reaching alliance between the United States and India, including greatly expanded International Military Education and Training, joint exercises and other military and political links that the U.S. currently maintains with our key democratic allies around the world. Such a partnership may take some time to fully develop, but now is the time for launching it and also pondering the details.

Finally, Mr. Speaker, I maintain my view that the President should not go to Pakistan on his trip to South Asia. It is important that the administration continue to send the message to Islamabad that we are very concerned about Pakistan's role in promoting instability in Kashmir, about the links between Pakistan and terrorist organizations, and the crushing of civilian government by the military junta now in power.

Currently, Pakistan is not on the President's South Asia itinerary. Mr. Speaker, Pakistan has done nothing to deserve a visit by the President of the United States.

CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore (Mr. SIMPSON). Under a previous order of the House, the gentleman from New Mexico (Mr. UDALL) is recognized for 5 minutes.

Mr. UDALL of New Mexico. Mr. Speaker, Americans understand that, without campaign finance reform, attempts to restructure our healthcare system, create a prescription drug benefit, improve our communities, protect our environment will all be for naught. The big, important issues will remain trapped by the pressures of special interests and big-money politics.

The fight for campaign finance reform will not go away. I personally pledge to continue to make campaign finance reform one of Congress's most urgent priorities. However, opponents of real reform continue to create a legislative logjam. Deadlines are set and ignored.

June will mark the fifth anniversary of President Clinton and then House Speaker Newt Gingrich shaking hands before a group of senior citizens and pledging to create a bipartisan campaign finance reform commission. As we all know, nothing ever came of it.

This last session, I was very encouraged when the Shays-Meehan bill passed the House by a large bipartisan vote. This important legislation, while not the ultimate solution, is a significant step forward. It would ban soft money contributions and deal with sham issue ads, which are so prevalent.

Despite the House's action, Shays-Meehan has met its death in the Senate. The other body was unable to terminate debate on this crucial issue. We lost the opportunity to make a real change.

I am fortunate to represent a very historic congressional district in northern New Mexico. During the winter recess, I traveled around my district and spoke to the people. In gathering after gathering, the issue of campaign finance reform kept coming up. I assured them that I would fight to put campaign finance reform on the front burner.

Voters in my State are so concerned that they are pushing for a publicly financed State system, which will be voted on in November. This constitutional amendment has solid grassroots support.

The State senator that introduced this constitutional amendment, Dede Feldman, and her colleagues in the State legislature should be applauded for having the courage to bring this issue to the forefront.

I had the opportunity today to proudly march with Granny D, the campaign finance reform champion who arrived in our Nation's capital. The determination of this 90-year-old woman and her crusade for reform is truly inspiring. I want to thank Granny D for her courageous efforts.

I honestly believe that, if our country's founders were here to witness today's campaigns, they would join us in this endeavor. Indeed, Alexander Hamilton wrote: "It will not be alleged that an election law could have been framed and inserted in the Constitution which would have been applicable to every probable change in the situation of the country; and it will not therefore not be denied that a discretionary power over elections ought to exist somewhere."

We have got to reform this system and preserve our precious democracy.

SACAJAWEA GOLDEN DOLLAR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

Mr. METCALF. Mr. Speaker, the United States Mint has done a tremendous job of accelerating the production and shipment of the new Sacajawea Golden Dollars. The new coin is golden in color, with a smooth edge; and on the face of the coin is a picture of Sacajawea, the Native American woman who helped the Lewis and Clark expedition.

The Sacajawea Golden Dollar has been a huge success with the public since its release on January 26. In fact, there has been so much demand for the new coin that the U.S. Mint has doubled their production to five million Golden Dollars a day. By the end of February, there will be 200 million Golden Dollars in circulation. And by the end of this year, there will be, are you ready for this, one billion in circulation.

This is great news for the taxpayers. For it only costs the U.S. Mint about 12 cents to make a Sacajawea Golden Dollar. Then the Mint sells the coins to banks for one full dollar. This results in a direct profit to the Treasury of 88 cents on each coin issued.

At the end of this year, when one billion Golden Dollars are in circulation, the United States Treasury will have made a profit of over $800 million. That profit will be eligible to help reduce our $5.7 trillion national debt. That is right, the Treasury makes its profit from issuing coins, which helps to lower the debt of the Nation. How we have allowed ourselves to accrue such an enormous debt is a story for another time.

What I want to talk about is one of the mechanisms that allowed this monstrosity to happen and to try to ensure that it does not happen again. Many people assume that when the Government runs out of money it just fires up the printing presses and prints more money. This assumption is simply not true.

When the Government runs out of money, it borrows money at interest to feed its insatiable appetite. This is the foundation of our debt money system. Yes, our money system is a debt-based money system. That is why the interest payments on our $5.7 trillion debt was over $215 billion last year.

Simply, the Federal Government must stop spending more than it receives in taxes. Except in wartime and dire emergencies, it is unacceptable for the Government to spend beyond its means.

One way to minimize this debt trap would be for the Federal Reserve to buy zero-interest bonds. The process would work by allowing the Federal Reserve, or its surrogate, to buy zero-interest mortgages on needed State and local government infrastructure improvements. These mortgages would be amortized over a period of up to 30 years, depending upon the nature of the improvement.

My bill, H.R. 2777, the Transportation Infrastructure and Local Government Capital Enhancement Act, would provide the Federal Reserve Board a replacement mechanism to accommodate the needed increases in the money supply without using debt money.

□ 1845

CURBING AMERICA'S DEPENDENCE ON FOREIGN OIL

The SPEAKER pro tempore (Mr. SIMPSON). Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, almost everyone is understandably upset about the recent rise in the price of gasoline. The really sad thing is that we could easily bring these prices down or at least keep them from going up further.

We have become far too dependent on foreign oil, with slightly over half, in fact some estimates as high as 60 percent of our oil coming from other countries. This endangers our national security, in addition to hurting us in the pocketbook.

We are sitting on many billions of barrels of oil in Alaska and offshore other States, but some extremists do not want us to drill for any oil, cut any trees or dig for any coal. In fact, one environmentalist once told me he hoped the price of gas would go to 3 or $4 a gallon so more people would be forced to use mass transit and there would be less pollution.

We could drill for oil on less than 1 percent of the Arctic Wildlife Refuge in Alaska and potentially get billions of barrels of oil and billions more offshore from other States.

In 1998, the U.S. geologic survey estimated that the coastal plain of this Arctic Wildlife Refuge, an area set aside by Congress for evaluation of its oil and gas potential, could have up to 16 billion barrels of recoverable oil. This is equivalent to 30 years of Saudi oil imports.

The House Resources Committee web page states that "ANWR consists of 19 million acres in the northeastern corner of the State, of which 8 million has been designated as wilderness. The coastal plain of ANWR, designated as a study area for possible oil development in 1980, comprises 1.5 million acres, or 0.4 percent of the total acreage of Alaska. This debate centers on development which would affect only 2,000 acres within that 1.5 million acres with the potential to produce the largest unexplored onshore geologic structures known in the United States."

The Arctic Wildlife Refuge is almost 19.8 million acres, 1.5 million acres of which is flat, brown tundra without a tree or bush on it and very few animals. Yet the groups opposed to drilling never show pictures of this flat, brown tundra. They almost always show pictures of the Brooks Range which is mountainous with trees and animals, but no one has ever advocated oil exploration there.

The less than 1 percent area where the oil is can be explored without cutting one tree or bush or harming a single animal. Offshore oil can now also be produced in a very environmentally safe way.

I voted several years ago to require double hulls on oil tankers and have voted for many other environmental bills. But you cannot just shut down development of natural resources without destroying jobs, driving up prices, and hurting poor and working people most of all.

Often what is behind much of what happens here is big money. Some of these environmental extremists are some of the best friends extremely big business has.

I wonder if some companies which want us to import a lot of oil, or possibly the OPEC countries themselves, or possibly oil companies with big investments elsewhere simply do not want us drilling in Alaska because they would lose big money.

Are they supporting and funding some of these environmental groups because it is to their monetary advantage to do so?

I mean, if you are talking about drilling on only a couple of thousand or a few thousand acres out of an area many millions of acres in size and you can do so in a completely safe way environmentally, why do these people keep fighting it?

Almost all of these radical environmentalists come from wealthy families. But they will be hurting the poor and working people the most if they keep these oil prices from coming down.

Mr. Speaker, we should open up this less than 1 percent area of ANWR and certain other offshore areas, get many millions barrels of oil and become less dependent on foreign oil in the process.

If we do not, gas prices in the future could go even higher or not come down and millions of poor and working people will be the ones who are hurt the most.

IN MEMORIAM KENNETH L. MADDY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. LEWIS) is recognized for 5 minutes.

Mr. LEWIS of California. Mr. Speaker, this is a humble attempt on my part to remember the life and contributions of a great leader in California, one Ken L. Maddy.

Mr. Speaker, all of California can be proud of the favorite son Fresno sent to Sacramento three decades ago. A legislator's legislator, Ken Maddy never was far from the Central Valley district and the agricultural industry he represented. He was elected to the assembly in 1970 in a district with a little over 30 percent Republican registration. As the Democrats of Fresno loved him, the Republicans of Sacramento looked to him for leadership. Senate Republican leader Ken Maddy became known as the "go-to guy" for both Governors Deukmejian and Pete Wilson.

Senator Maddy combined grace with good looks. He loved people, and he loved life. Few men will ever match the positive impact he had on California politics. He believed in governing and the role of compromise in legislative politics. Smart, dedicated, trustworthy, Ken Maddy simply reflected the very best that California has to offer public affairs.

His special passion for horses and racing went back to his teenage years as a groom at Hollywood Park. Among many highlights of his legislative career, which ranged from efforts to strengthen our criminal justice system, to impacting ethics standards for State legislators, to preserving private property rights, are the real highlights, the California Center for Equine Health and Performance and the Equine Analytical Chemistry Laboratory at the University of California at Davis. Senator Maddy's private pride and joy was a horse named Work the Crowd. The California-bred champion filly now grazes in green pastures in the valley. Raising a brood of California champions, Work the Crowd probably wonders where her Ken has gone.

Senator Ken Maddy was a proud graduate of Fresno State and served as a member of the President's Club and the Bulldog Club. In 1999, the Kenneth L. Maddy Institute of Public Policy was dedicated at CSU-Fresno as a vital training ground for the next generation of Valley political leaders. He graduated from UCLA Law School in 1963, and in 1998 he was recognized as one of UCLA's outstanding graduates.

Ken Maddy, one of the most respected legislators to ever grace California's capital. On February 18, 2000, this prince of a leader, who dreamed of the sport of kings, passed on to be remembered forever by those who care about politics, the profession he loved.

CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Wisconsin (Mr. KIND) is recognized for 60 minutes.

Mr. KIND. Mr. Speaker, I rise tonight to take a few moments along with a couple of my colleagues to talk about a very important issue that comes and goes in this institution of ours and we are hoping to be able to resurrect it again yes, even during this presidential election year, one that we hope will never go away until Congress gets it right, and that is the issue of campaign finance reform and the necessity to enact common sense reform to get the big money and the influence of money out of our political process.

There have been two very important events so far this year, Mr. Speaker, in regards to the campaign finance reform debate that we are having throughout the Nation. One is a very important Supreme Court decision that was just handed down on January 24 of this year whereby the court basically upheld the constitutional authority of State legislatures and this body to be able to place campaign contribution limitations in the political process.

This is an important holding that the Supreme Court again resolved after the seminal case of Buckley v. Valeo during the 1970s in which the court upheld the ability of legislators to impose contribution limitations because oftentimes in this body during the course of campaign finance reform debates, one of the chief arguments against doing anything in an attempt to get the big money out, is that we have a free speech concern and a first amendment that we would be infringing upon if we start taking the big money out of the political process.

And lo and behold, now the Supreme Court this year basically said no to that argument. I think it gives new life and a breath of fresh air to the whole campaign finance reform debate. Hopefully it will provide more impetus to the cause across the country and more political courage quite frankly here in Washington to do the right thing.

The other event in regards to finance reform occurred today, actually on the steps of this Capitol where Granny D finished her long trek across the country in support of campaign finance reform. It is a marvelous story for my colleagues who have not heard about it yet. It is receiving a lot of attention nationally today since she concluded her long walk.

I brought with me today a picture that I was able to download off her Web site. It shows a picture of Granny D, a 90-year-old grandmother of eight, I believe, and a great grandmother of 12, someone who has arthritis and emphysema but felt strongly enough about the cause of campaign finance reform that she decided to make it a national issue by dedicating herself to walking across the country, starting out in Pasadena during the Rose Bowl of January 1 of 1999 last year and then traversing over 3,100 miles, traveling through 12 different States, receiving a lot of local media attention along her way, encouraging individuals to contact their representatives at the State and national level to impress upon them the urgency of campaign finance reform.

And now today she finally walked into Washington, D.C. and walked right up to the steps of this Capitol and delivered a marvelous, marvelous speech. I think a real inspiration for the cause of citizen advocacy and participation in our democratic process, especially given her own story. I will go into a little bit more detail but recognizing one of my colleagues' time constraints who would like to join in this discussion tonight, I yield to my good friend, the gentleman from Maine (Mr. ALLEN), who I came to Congress with. And we helped form a freshman bipartisan task force on campaign finance reform that he took a real leadership role in. And he has been a strong advocate for enacting finance reform with Shays-Meehan that did pass this body last year already and then languished in the United States Senate. I am glad he is here to join us this evening.

Mr. ALLEN. I thank the gentleman from Wisconsin for putting together this special order. This has been an issue that you and I and others have been working on since we first came to Congress. We started, as you mentioned, with that freshman bipartisan task force, six Republicans and six Democrats; and over a period of several months, we negotiated out a bill that would ban soft money and make other changes in this system. But it would get the biggest of the big money out of politics, those soft money contributions to the national parties from wealthy individuals, corporations and labor unions.

As my colleagues will recall, in 1998, the freshmen on both sides of the aisle helped to drive that issue hard enough so the Republican leadership had to bring it up. And when it finally came up, we had a debate over several weeks and finally at last, the freshman bill did not pass but the Shays-Meehan bill did pass in 1998 and then, of course, we passed it again last year. But in 1998, if you add together those Members who voted for the freshman soft money ban with those Members who voted for the Shays-Meehan bill, some 352 Members, or 81 percent of the House, voted to ban soft money.

Unfortunately, that bill did not make it through the Senate in the 105th Congress; and so last year, in September, we did it again. In the House, we passed the Shays-Meehan bill in strong bipartisan fashion by a margin of 252-177. But to date, the other body, Members in the other body have blocked campaign finance reform from being passed.

Now, today, Granny D, Doris Haddock, who walked from California to the steps of the Capitol in Washington, arrived in her 14-month campaign to publicize this issue and urge this Congress to act. I went down to Pennsylvania Avenue and walked with her and hundreds of others up the last stretch to get to the Capitol.

You have to admire her. When she made this commitment, made this decision, she was 88 years old. She trained for this activity to make sure that she was going to be able to walk 10 miles a day carrying a 25-pound pack on her back, and she did it. She got publicity all across this country. That kind of public determination, that kind of perseverance is what we need to help create the public energy to pass campaign finance reform in the other body. We need a law. We need a bill that will get rid of soft money once and for all. Let me just say a word about that.

□ 1900

The so-called hard money contributions are the contributions that are limited, that go directly to campaigns, directly to individual candidates. But that system of limits is completely undermined if wealthy individuals, corporations, and labor unions can give unlimited amounts of money to the national parties, which can then be used to run TV ads in the districts of individual Members. So this system does not work; these rules do not work anymore.

Last year I warned that a failure to pass campaign finance reform would unleash a deluge of soft money contributions in this 2000 cycle, and, unfortunately, it has come true. The national political party committees raised a record $107 million in soft money contributions during the 1999 calendar year. That is 81 percent more than the $59 million they raised during the last comparable presidential election period in 1995.

Now, the opponents, the opponents, the big money coalition which tries to call itself the Free Speech Coalition, are always trying to argue that campaign finance reform's reasonable limitations on what individuals can give is a violation of the First Amendment, and, as the gentleman from Wisconsin (Mr. KIND) just pointed out, not true.

The Supreme Court, in Nixon versus Shrink Missouri Government PAC, reaffirmed the constitutionality of contribution limits. It reaffirmed its view that the Government has a compelling interest in enacting contribution limits in order to protect the integrity of our democratic system. The Court reaffirmed that large donations can corrupt this process or create the appearance of corruption.

It is time to change this system. We have gone too far, allowing unlimited contributions to the national parties. This has been a position almost universally supported on the Democratic side of the aisle. Fortunately, we have had enough Republicans in the House who will come over and support campaign finance reform to achieve victory here. But victory here is not enough, because victory in the House alone does not make a law. We need to have enough public support, enough public pressure, to get this through the Senate.

I believe that when you look at what Granny D has accomplished, when you look at the Supreme Court opinion in Nixon versus Shrink Missouri Government PAC, that we are seeing a crescendo of support for campaign finance reform. It is incumbent upon all of us here to keep working on this issue, to keep talking about this issue, to keep reminding the voters that until we get campaign finance reform, we cannot, we cannot trust this system to produce the kind of results that we expect a democratic system to produce.

There is too much money in politics; there is too much big money in this system, and we have to get the biggest of the big money out of this system so that the people can have some confidence again that we are doing the public's business, and not the business of our largest contributors.

We still have the opportunity, we have most of a year, to enact real campaign finance reform this year and to stop the flow of big money, of soft money, to the national parties. We need bipartisan support in order to do that; we need support on both the House and the Senate side in order to do that. I think this is the year.

This is an important day. Granny D has made it an important day. I want to thank the gentleman from Wisconsin for his leadership on this issue, for helping to push this issue, and for holding this special order tonight.

Mr. KIND. I wanted to reciprocate that and thank my good friend from Maine for the work and leadership he has brought to this Congress for the cause of campaign finance reform. In fact, the great State of Maine has really led the revolution sweeping across the country right now by passing their own public referendum, going to public financing of State campaigns. It is already being used as a model in the many other State referenda today.

Mr. ALLEN. If the gentleman would yield for a moment, what we are doing in Maine is interesting and exciting. The 2002 elections will be the first where we have what we call the Clean Elections. The bill has been upheld by the court. Candidates for the State legislature and candidates for Governor can opt, can choose, to be a Clean Elections candidate. If they get the requisite number of signatures and a certain number of $5 contributions, that is all, $5 contributions, they will qualify for public financing.

I hope and pray that this system will be one way to reduce the influence of money in politics. I think it is a very interesting experiment, and I hope in time other States will follow Maine's lead.

Mr. KIND. It is an exciting development. It is going to be that type of snowball effect, sweeping across the country, with State legislatures each taking their own approach to financial reform, which will hopefully put more pressure to bear on the United States Congress to act.

It seems every session of Congress we have a discussion and debate about campaign finance reform, trying to get the big money out of the political process; but for one reason or another it has always come up short, most recently in the United States Senate where we ended up eight votes short of being able to break the filibuster over there. It is almost inconceivable that we have a majority of Members in the House and even in the Senate and a President down Pennsylvania Avenue who is more than willing to sign the legislation if it can pass the Congress, but it is being held up by a small vocal minority in the Senate filibustering it. Of course, we need 60 votes in order to break the filibuster and bring the legislation to the floor.

But I am sure my friend from Maine and also my good friend from New Jersey who has joined us for tonight's discussion would concur with me if we dedicated tonight's special order in honor of Doris Haddock, Granny D, given her marvelous triumph and achievement, what she has accomplished and brought to our doorstep here today.

I would like to recognize the freshman Member from New Jersey (Mr. HOLT), who is also serving with me on the Committee on Education and the Workforce, bringing an important perspective on education issues based on his scientific background, but also someone who has taken up the cause and has turned into a real leader in his own right on the need for finance reform.

Mr. HOLT. I thank the gentleman from Wisconsin, my friend, for organizing this special order.

As a freshman Member of Congress, it is fairly recent since I campaigned for election to this august body, and I still vividly remember running for Congress, a challenging experience, but a wonderful experience. It reminds one of what a magnificent place America is, full of hard-working and talented people. It reminds you that the citizens here truly care about the important issues facing each other and that we as a society can work to solve them.

But running for Congress also reminds you, reminds me, of something else, that our campaign finance system is broken and needs to be fixed desperately. We know it; the people know it. The only 38 percent of the voters who turn out to vote are sending a message in that way.

It is a campaign system where wealthy corporations can donate millions of dollars to political parties and drown out the voice of ordinary citizens. It is a campaign system where special interests can spend an unlimited amount of money on attack ads, I know, I have seen it, to smear and distort a candidate's record; and that is wrong. It is a campaign system where we as elected representatives have to spend an inordinate amount of time raising money, instead of addressing the issues.

Campaign expenditures have just gotten out of hand. In primary and general elections combined in the year 1976, all candidates for U.S. Congress spent a total of $115 million. Twenty-two years later, at the most recent congressional election in 1998, candidates spent $740 million, more than six times what was spent 22 years earlier. I am sure the amount of money in this year, 2000, will be even higher.

When you look at the low voter turnout and widespread cynicism, you realize that we have to deal with this key issue that has to do with trust in the Government. How can we hope to deal with the big problems that we face, whether it is Social Security, health care, transportation issues, defense issues, international affairs, where these are solutions that we seek as a society, together? How can we hope to have solutions to these problems that the people will have faith in if they feel that solutions are determined by special interests? People understand that their voices are being drowned out.

The gentleman from Wisconsin (Mr. KIND) spoke earlier about the recent Supreme Court decisions, and I think there is cause for hope here.

The opponents of campaign finance reform always trot out the First Amendment guarantee of free speech. Well, the Supreme Court back in 1976 under Buckley v. Valeo gave them some support for that line of reasoning, that speech as spending could not be restricted. But last month in Nixon v. Shrink the court did hold up a statutory cap on gifts and donations to campaigns. That makes sense. But although it did not formally reexamine the issue of spending, the comments of the Justices give us cause for hope that they will allow some changes in the way campaign spending is regulated.

Recently in an article in the Washington Post, former Chairman of the Federal Communications Commission, Newton Minow, and Craig LaMay, Northwestern University journalism professor, wrote a very interesting piece, pointing out, they say, that a lawyer arguing a case in the Supreme Court is limited to 30 minutes of oral argument. Members of the House of Representatives, as we well know, are limited in the time we have available to speak. In Illinois, voters are given 5 minutes to complete their ballots. In none of these cases can the individual, no matter how well heeled, buy additional time. The process of governing ourselves is something that requires every citizen and is due to every citizen; and it should not be reapportioned according to the resources of those citizens.

So elections, say LaMay and Minow, are just as susceptible to distortion and destruction as any other institution would be if its rules allotted free speech according to one's ability to pay.

Well, it is a special pleasure to talk about this subject today, because we take some hope not only from the Supreme Court's words of a month ago, but a great deal of hope from the actions of Doris Haddock, Granny D. I, too, walked with Granny D today on her last mile, and stood with her as she gave a rousing and moving and very thoughtful speech on the steps of this Capitol. We applaud her; and I think it is appropriate, as you say, that we dedicate tonight's discussion to her.

She reminds us that we need to overhaul the current system and that it may be difficult; but step by step, we can do it. One of the best ways to do it is to start right now with what is in front of us, which is the ban on soft money. It is one of the essential steps and one of the first steps to begin restoring people's faith in government.

I would like to point out that on the day I was sworn in, the first thing I did was seek out my colleague, the gentleman from Connecticut (Mr. SHAYS), Republican cosponsor of the Shays-Meehan campaign finance bill, seek out the gentleman from Massachusetts (Mr. MEEHAN), and sit down with them and let them know that I take that to be the most important step we can take to restoring trust in government. So I joined with a large majority, a bipartisan majority of people here, in supporting the Shays-Meehan Campaign Finance Reform Act.

It now appears that this legislation is going to have trouble getting out of Congress this year, but we who care about government, and that is millions of people, and care that we have a government that is responsive to the people, rather than special interests, should not let up.

Granny D did not let up; and she made it clear she was not walking for Republicans; she was not walking for Democrats. She was walking for her children and her grandchildren and all of the other millions of people that they symbolize who want a government of the people.

□ 1915

I am delighted that the gentleman is doing this. I am pleased to join with the gentleman to talk about this great need to take some concrete steps to restore trust in our government. We look to the other body to finish the work that we have begun, but we cannot stop there. There are some other steps we need to take so that we have campaigns financed in a way that give everyone a voice in how they find solutions to the tough problems facing our society.

Mr. KIND. If the gentleman will yield back.

Mr. HOLT: I would be pleased to yield to the gentleman.

Mr. KIND. I commend the gentleman, again, for the gentleman's work, for the gentleman's contribution to this important issue. I think what we need, and was demonstrated a little bit on the steps of the Capitol, is a Granny D revolution in the country. She started that in no small part by committing herself to a cause that she feels very strongly in.

The gentleman is absolutely right, it was not a partisan issue, the Granny D; it was an American issue. It was an issue about the future of her grandchildren and her great-grandchildren and the stake of her democratic government that she loves so well, that she was willing to, even though she has emphysema and is arthritic, walk over 3,100 miles for this cause. It is such a marvelous story.

I do not know if the gentleman had an opportunity yet to tap into her Web site, but she put together a very good Web site, a lot of neat pictures. I would like to share the Web site address with any colleagues who are listening here tonight. It is www.GrannyD.com. Could not get any easier than that.

I would encourage those who are listening to take a little bit of time, a few minutes, and page through that Web site. It displays the beginning and the end of her journey. What a great story it has been.

Mr. HOLT. Mr. Speaker, if the gentleman will yield.

Mr. KIND. I am happy to yield to the gentleman.

Mr. HOLT. On that subject, this was not a stunt. She was out there with the American people. She brought with her what she learned along the way. In a particularly moving part of her speech today on the steps, she talked about finishing her walk yesterday and starting her walk today at Arlington Cemetery.

As the gentleman knows, she walked in 10-mile segments approximately all across the country. She said those spirits were with her today as she walked through Washington and as she stood on the steps of the Capitol.

These are people who had fought for American ideals. She wondered, in fact, she was quite sure that they did not fight and die for a government that goes to the highest bidder, for a government where special wealthy interests have more voice than the common people, where we have, as some say, auctions, rather than elections.

It was moving when she put it in that context and when she put it in the context of all that she had heard from people in Arizona and in New Mexico and in Texas and in Tennessee and West Virginia. It was not a stunt. This is an effort to recapture what is great about the American government.

Mr. HOLT. And I had a chance to listen to her speech and also jot down some of the factors that motivated her for embarking upon this cause. Just to recite a few of those tonight: she was concerned that government is being corrupted through campaign contributions made by the big contributors, the big money going into campaigns that results, in her words, in a quid pro quo response from elected officials.

That has been a common theme during her talks or speech today as the growing cynicism and the perception of corruption in the political process. And it is a theme that is reiterated in the recent Supreme Court decision, Nixon v. Shrink Missouri Government, in which the Justices in a six to three decision basically said legislators have the constitutional authority to limit the amount of money coming into campaigns, not only to combat corruption in the political process, but also to deal with the appearance of corruption in the political process.

That is an important point. Again, the opponents of reform are always quick to come down to the House floor arguing against a piece of legislation by trying to turn the issue around, by pointing to us and saying listen, RUSH HOLT, you have accepted campaign contributions. Do you feel corrupted? Do you feel like you are influenced now because of those contributions? Asking us to specifically cite instances of corruption that might be going on in the halls of this great body.

The Supreme Court says that is really beside the point. It could be one justification, a constitutional underpinning for why Congress feels the need to limit the amount flowing into campaigns. But there is also another very important reason, and that is the appearance of corruption, that all this money flowing into the campaigns have on the American people, on people like Granny D, who cited it.

It is really giving cause, I feel, to the growing cynicism that is permeating our society and why we are seeing voter participation declining election year after election year. It is because they feel a disempowerment.

A couple of other reasons that she cited, she feels that the politicians today do not give enough concern to people who do not contribute the big money, no matter how important the issue might be. She also saw an opportunity to do something about it, and she did. She felt politically powerless, this is in her words, something that no American should ever feel.

She sees the three most important things that our government must do in regards to financial reform is, A, banning the soft money; B, enacting the public financing of an election, starting at local levels and working up, just as the State of Maine has done, and we will see it play out this year for the first time during an election cycle; and, finally, the right to free political advertising on a controlled scale.

Finally, these are ideas that we have been working with in the context of finance reform, ideas that she again cited in support of her cause for finance reform.

But during the course of her travels, she was interviewed by the national media numerous times. Some of the early morning talk shows had her on, Eyewitness. She said she met a lot of wonderful people who would feed and house her at different times in different States. She went through four pairs of sneakers during her 3,100-mile hike.

The people around the country would come up to her and say things such as, you are walking for me, Granny. You are my voice. You are my face. God bless you. And get this, she even caught pneumonia in Arizona, of all places. She needs to come and visit my great State of Wisconsin before she gets some real pneumonia. But she recovered. After she recovered, she kept going with her walk.

Her intent was actually to conclude her walk on the steps of the Capitol on February 24, which was her 90th birthday. Unfortunately, she was a few days late in arriving, but her message was as strong arriving today as it would have been even on the 24th.

Her message focuses on getting people to contact their Federal representatives to get them to support Shays-Meehan on the House side and the McCain-FEINGOLD bill on the Senate side. During her walk she gained increasing support from both public and national leaders.

Granny D's concern is that the government is being corrupted through money from large contributors. Just to quote a couple of statements that she made during a New Hampshire town hall meeting last October, 1999, she said,

> First, we do need to get soft money out of our elections with the Federal law. A minority of Senators did not want to take their medicine last week when they killed the McCain-Feingold bill in Washington, so we will have to make them take their pill when they come home for reelection. If they won't get soft money out of the system, and they have turned down opportunities to do so 4 years in a row, then it is simply time for us to get them out of the system.

That I think is a very important point, because in all issues such as this it ultimately becomes an election issue, and what campaigns and elections are all about: who you support for the issues that you want to see pursued and enacted in the United States Congress.

Until there are enough Americans, I feel, that feel strongly enough about the appearance of corruption or even the corruption itself in the political process and start holding their representatives' feet to the fire and make this an election year issue, I am afraid it is going to continue to languish, and it will continue to meet excuse after excuse for failing to enact it.

That is why I think good policy is making good politics, even in the presidential campaigns today. We have seen Senator McCAIN talking about this issue. He is the chief cosponsor, along with my Senator, RUSS FEINGOLD, from Wisconsin driving this issue in the Senate for many years already. I think that has been resonating with the American people, and why he has been receiving the support that he has during the course of the campaign season.

Vice President AL GORE has also been a champion of McCain-Feingold and Shays-Meehan, and is fully supportive of the reform bill. Senator Bill Bradley, another presidential candidate, is in strong support of campaign finance reform.

I think in this instance, in this election year, good policy is going to make for good politics.

Mr. HOLT. Mr. Speaker, will the gentleman yield?

Mr. KIND. I yield to the gentleman from New Jersey.

Mr. HOLT. Mr. Speaker, the gentleman commented a few moments ago that Granny D spoke about a feeling of powerlessness. I hope she does not feel powerless now as she sees the thousands of people who joined her on the steps of the Capitol, who are joining her on her web site, who are joining her at every stage here.

It is interesting, many of them carried signs and chanted, "Granny D speaks for me." It is perhaps ironic that a rather diminutive 90-year-old has such a powerful voice. In fact, when she stood up to the microphone she did have a powerful voice, but an even more powerful voice in her actions.

She spoke about this cynicism that people have. I hasten to say that our colleagues here are honorable people, almost all driven by real altruism. But there is a perception out there in the country, and this is what the gentleman spoke about when he talked about the Supreme Court, a perception that is crippling, crippling our democracy, a perception that anything that comes out of Congress is determined by the wealthy special interests. We need to take action on that. I really commend the gentleman for doing this.

Some States are doing some things. In New Jersey, we have public financing of the gubernatorial campaigns. It works well. It is not a perfect solution. The soft money ban that we have been talking about this evening is not a complete solution, but it certainly is a good first step.

Mr. KIND. Mr. Speaker, with the remaining moments that we have in this special order, I would like to get into a little bit of the teeth, the meat of what the Supreme Court ruled last month in upholding the ability of legislators to impose limitations on the amount of money flowing into the campaigns. It was a 6 to 3 decision, which is a very good, decisive decision.

The opinion was written by Justice Souter. I would just like to pull out a few of the quotes that Justice Souter used within his majority opinion.

One is getting at the appearance of corruption, in which he wrote, "The prevention of corruption and the appearance of corruption was found to be a constitutionally sufficient justification". In that he was referring to Buckley v. Valeo, the 1970 Supreme Court decision.

He also went on to write,

> In speaking of improper influence and opportunities for abuse in addition to quid pro quo arrangements, we recognize the concern, not confined to bribery of public officials, but extending to the broader threat from politicians too compliant with the wishes of large contributors. These were the obvious points behind a recognition that the Congress could constitutionally address the power of money to influence governmental action in ways less blatant and specific than bribery.

Justice Souter also went on to write,

> Democracy works only if the people have faith in those who govern, and that faith is bound to be shattered when high officials and their appointees engage in activities which arouse suspicions of malfeasance and corruption.

What was also interesting in the decision, Chief Justice Rehnquist joined the majority in the 6–3 decision, but also Justice Stevens' concurring opinion that he wrote. It is relatively short, and I would like to quote liberally from that concurring opinion, because I think what he had to write makes a lot of sense and is the direction that we would like to see the constitutional analysis, at least in finance reform, go in this country.

Justice Stevens wrote, "Justice Kennedy," who wrote a dissenting opinion,

> Suggests that the misuse of soft money tolerated by this Court's misguided decision in Colorado Republican Federal Campaign Comm. v. Federal Election Commission . . . demonstrates the need for a fresh examination of the constitutional issues raised by Congress' enactment of the Federal Election Campaign Acts of 1971 and 1974 and this Court's resolution of those issues in Buckley v. Valeo.

□ 1930

"In response to his call for a new beginning, therefore, I make one simple point." And it is a point I felt was not just simple but really gets to the heart of it, and I decided to blow it up here tonight to emphasize the importance of it in the underlying decision. "I make one simple point. Money is property; it is not speech."

Mr. Speaker, that, I think, has been the main crux of the opposition, or at least the opponents' argument to campaign finance reform, is that we cannot do this. We cannot limit the amount of money coming into campaigns. We cannot ban the soft money contributions, the unlimited unregulated millions of dollars that are flooding the parties' campaign coffers every election season, because it would be an infringement on the First Amendment freedom of speech clause. Here we have a Court basically saying, no, that argument does not hold water.

Justice Stevens got more direct to the point where he says: Money is property. Let us not fool ourselves. It is not speech.

Justice Stevens went on to write in his concurring opinion: "Speech has the power to inspire volunteers to perform a multitude of tasks on a campaign trail, on a battleground, or even on a football field." I think he was referring to Vince Lombardi on that last one.

> Money, meanwhile, has the power to pay hired laborers to perform the same tasks. It does not follow, however, that the First Amendment provides the same measure of protection to the use of money to accomplish such goals as it provides to the use of ideas to achieve the same results.

Finally, he wrote,

> Reliance on the First Amendment to justify the invalidation of campaign finance regulations is the functional equivalent of the Court's candid reliance on the doctrine of substantive due process as articulated in the two first prevailing opinions in Moore versus East Cleveland. The right to use one's own money to hire gladiators or to fund speech by proxy certainly merits significant constitutional protection. These property rights, however, are not entitled to the same protection as the right to say what one pleases.

I think it was such a strong concurring opinion that Justice Stevens wrote that I wanted to share that. But Justice Breyer also in a concurring opinion brought up another valid point. He acknowledges that speech is not money, or money is not speech, but he said, "On the one hand, a decision to contribute money to a campaign is a matter of First Amendment concern. Not because money is speech, it is not, but because it enables speech." And that is why the Court in their holding opinion said that so long as the contribution limits do not get so ridiculously low that it inhibits or prevents an individual being able to communicate or get their message out, it will then withstand constitutional scrutiny by our third branch, the highest Court in the land.

So, Mr. Speaker, I thought that was a very important Supreme Court decision that hopefully will have reverberations throughout the context of campaign finance reform. And why is this important? Because the lid has just blown off any type of semblance of control or limitations in the amount of money coming into campaigns.

I brought with me a chart to illustrate what I am talking about. This chart demonstrates the amount of soft money contributions that have been flowing into the parties' campaigns over the last few presidential election years. Notice in 1987–1988 presidential campaign there was roughly $45 million in soft money contributions. That is when the political parties first started realizing there is a huge gaping loophole that exists in campaign finance reforms, and they started taking advantage of it back in the 1988 presidential campaign.

That soon escalated to $86 million in the 1992 campaign. It jumped to $262 million in the 1996 presidential campaign. And according to current estimates of the amount of soft money that is being raised in the current presidential campaign, we are on pace of more than doubling the 1996 soft money contributions; anywhere from $500 million up to $750 million in soft money contributions.

Mr. Speaker, that is what I mean by the lid has just been blown off. They are driving truckloads of money through the loophole that exists right now with campaign financing. And if it is not creating the potential for corruption in the political process, it certainly has created already the appearance of corruption in the political process.

That, I think, is a compelling reason enough by itself to fight for campaign finance reform so we can restore a little bit of dignity and integrity to our government and hopefully instill a little bit of faith with the American people that there is not this big "for sale" sign hanging over the United States Congress and we are going to the largest contributor.

That is not what our founders intended this government to mean. It was envisioned to be a process that all Americans could feel they could participate in. But so long as there is the appearance that it is the big money contributors that are gaining access, that are controlling the agenda, and also controlling the outcome of the agenda, I think we are going to only see more and more cynicism growing throughout this country.

I yield to the gentleman, again.

Mr. HOLT. Mr. Speaker, I thank my friend. Talking politically for a moment, the cynics say we will not do anything, it does not poll. The opinion polls, when we ask people what do they care about, the pollsters come back and say campaign finance reform is way down the list. It does not poll. Let me tell my colleagues that certainly in my district, and certainly in all the districts that Granny D walked through, it is very much on people's minds.

It is not clear in people's minds how to deal with it, but they know we must deal with it. It is not just a political issue on a list of items. It is not just another item for a plank in a political platform. This is fundamental to our democracy. It is fundamental to our system of government and people understand that.

That is why this is of utmost importance. So that we can be able, so that we can deal with these other tough problems that we as a country face. We have got to get on with it.

Mr. KIND. Mr. Speaker, I thank my friend, again. Again, coming back to what Justice Souter wrote in his majority opinion Nixon v. Shrink last month, writing for the majority perhaps he said it best, that countering the perception that politicians are being bought is a proper justification for regulating donations. Directly quoting from his opinion, he said, "Leave the perception of impropriety unanswered and the cynical assumption that large donors call the tune would jeopardize the willingness of voters to take part in democratic government."

That, I think, basically summarizes the crux of what the Supreme Court was getting at saying: Congress, hey, you have the ability under the Constitution to limit contributions. And after this recent Supreme Court decision, the chief obstacle to achieving a less corrupt campaign finance system is not the U.S. Constitution but the people hiding behind it and using that Constitution as an excuse for inaction. And that, I think, is our chief obstacle that we face today.

A willing Congress can now take action to solve the problem of big money and the influence of money in our political process. The political will, not the constitutional authority, is really the only missing ingredient that we have here today. And I feel in my analysis of the Supreme Court decision, and a lot of constitutional experts who looked at it as well, basically view this recent decision as giving us the green light for the ban on soft money contributions. All the underlying justifications for upholding spending limits in the State of Missouri I feel has the same constitutional application to what we were trying to accomplish in this session of Congress, and that is just an out-and-out ban on soft money contributions before it becomes unmanageable and before, what I think, decent people do indecent things for the sake of the money race that has come to dominate and become all-important in these type of political campaigns.

So that, I think, is really the challenge that we face today. I cannot emphasize this enough, that until the American people really start holding their representatives' feet to the fire on this issue and start making it an election issue, until they are going to go out and support people who are in favor of reform who are no longer going to try to defend the status quo, the status quo that I feel is not working the way it should for the average person back home in my district in western Wisconsin, I do not think we are going to see a strong political push then to overcome the resistance that we still encounter in the United States Senate on this issue. I am happy to yield.

Mr. HOLT. Mr. Speaker, I think that the gentleman's class came to Congress a couple of terms ago, including the gentleman from Maine (Mr. ALLEN) and the gentleman deserves a lot of credit for this. He has gotten some reinforcement from our class, this freshman class, and this one representative from New Jersey is going to be with them all the way until we can get good sensible campaign finance reform. The people want it. We need it for the sake of our democracy.

And I thank the gentleman from Wisconsin very much for all that he is doing. I thank the gentleman from Maine (Mr. ALLEN) for his efforts. And, of course, I want to thank the gentleman from Massachusetts (Mr. MEEHAN) and the gentleman from Connecticut (Mr. SHAYS) who have carried the banner for this here in the House of Representatives.

Mr. KIND. Mr. Speaker, I thank the gentleman again for his participation tonight and also for the work that he is doing for the sake of getting finance reform finally passed and signed and enacted into law in this country.

What I would like to do is with the remaining minutes that we have left is to cite a Time Magazine article that came out on February 7, 2000. It was a special investigation Time Magazine and it is titled "Big Money in Politics: Who Gets Hurt?"

It is very insightful, I think, investigation and review of some of the issues that we have been working on here in Congress and what the authors, at least, the investigators feel is the influence of money with these issues.

The article is entitled "How the Little Guy Gets Crunched" and they cite specific chapter and verse and list specific instances that they feel has a direct correlation between the large money contributors and the influence or outcome of legislation or access and action in Washington and the impact that it has on smaller people who do not write the big checks throughout the country.

The case that they cite, they reviewed, is the issue of the banana wars that is going on between the United States and the European Union right now. I believe it is an important WTO issue, however, where the EU has been found in violation of World Trade Organization rules by prohibiting the importation of bananas from certain areas in Central and South America. But the authors of this article point as one of the underlying causes of why the United States was quick to react and to condemn the European Union and even apply trade sanctions, which we are allowed to do when we have a violation of WTO, is because of the family ownership of the Chiquita company and their role in the political process.

In fact, they tracked the amount of contributions that the owner of Chiquita has made in the course of campaigns starting back in 1991 and continuing through 1999, and the amount of sums that have been given, which really are extraordinary from one family in this country. Just to cite a couple of years, in 1996, the owners of Chiquita contributed $736,000 to the Republican Party, $114,000 to the Democrats. 1997, they contributed $460,000 to the Republican Party, $116,000 to Democrats. 1998, they contributed $1.1 million to the Republican Party, $217,000 to the Democratic Party. 1999, $555,000 to the Republican Party and $260,000 to the Democratic Party.

Again, I think the point the authors are making in this Time Magazine article is that if this is not buying influence and access to government decision-making, the appearance sure stinks and it is giving this appearance of corruption and that the United States is not moral holy ground when it comes to our dispute with the European Union over this banana fight. And then they cite specific examples of individual entrepreneurs, small business owners in the country who have been adversely affected because of the sanctions that are now applied against the European Union because of their violation of import quotas on bananas.

One individual in particular, Timothy Dove, has a small business in Somerset, Wisconsin, Action Battery, whereby he has to import batteries from Germany in order to service his business and to keep him in business. It just so happened that the Trade Representative's designation of certain items now that we are going to be hitting with sanctions because of this banana war applies to those batteries that he needs to import in order to keep his business vibrant and strong and to keep it coming.

□ 1945

Now, here is a little guy who is trying to provide for his family with a small business back in Wisconsin, and all of a sudden he gets caught up in this gargantuan trade war between the United States and the European Union over bananas. If he would have woke up one morning and someone said that bananas were going to have a devastating and adverse impact on his health and his life, he would have thought they were crazy. But because of these effects of the sanctions now that are being applied and the designation of items that are being hit with sanctions coming from the European Union, his business now is in jeopardy of surviving.

And Mr. Dove is not a big contributor to either of the political parties. The authors, again, in this article insinuate that the reason why he is the one getting hurt in this big banana war more than someone else is because he is not a big contributor to the political parties.

This is just a very interesting article that Time magazine reported on that the authors had investigated. Again, it gets back to what the Supreme Court in their decision in Nixon was basically saying, that if there is not reason enough not to prevent corruption from occurring in the political process to justify campaign finance reform, there is certainly enough reason because of the appearance of corruption that other people sitting back in Wisconsin, for instance, the Mr. Doves throughout the country have towards the political process that adds to the cynicism and I think disenchantment and eventually disenfranchisement of their participation in the political process.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). The Chair would remind all Members to refrain from characterizing the Senate action or inaction.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES ON MARCH 8, 2000

Mr. SESSIONS (during special order of Mr. KIND), from the Committee on Rules, submitted a privileged report (Rept. No. 106-505) on the resolution (H. Res. 425) providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1827, GOVERNMENT WASTE CORRECTIONS ACT, 1999

Mr. SESSIONS (during special order of Mr. KIND), from the Committee on Rules, submitted a privileged report (Rept. No. 106-506) on the resolution (H. Res. 426) providing for consideration of the bill (H.R. 1827) to improve the economy and efficiency of government operations by requiring the use of recovery audits by Federal agencies, which was referred to the House Calendar and ordered to be printed.

NIGHT-SIDE CHAT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Colorado (Mr. McINNIS) is recognized for 60 minutes.

Mr. McINNIS. Mr. Speaker, this evening during the next hour I would like to have a night-side chat with my colleagues in regards to a number of different issues.

The first issue that I would like to start out with is the death tax or the estate tax. Then I would like to move on and cover a few points on the marriage penalty tax, move from there to an issue that I think has become fundamentally important to the defense of this country, and that is the missile defense. In fact, tonight I intend to spend a good deal of time discussing the missile defense of the United States of America.

Then if we have an opportunity, I would like to move on to the Social Security earnings limitation repeal. The gentleman from Florida (Mr. SHAW) has stepped forward. And I think tomorrow we will see a very close to a unanimous vote to lift the earnings cap for those people between 65 and 70 years old who are being unfairly penalized by the tax law.

So I do publicly want to congratulate the gentleman from Florida (Mr. SHAW), and I would also like to congratulate the gentleman from Texas (Mr. JOHNSON). Both of those gentlemen have worked very hard.

I also want to congratulate the Democrats who have finally come on board with the Republican bill to help us get rid of this unfair taxation. Then if we have a little time after that, I would like to talk about the Internet, a taxation on the Internet. So there are a number of issues tonight on our night-side chat that we can discuss.

But let us first start with the death tax. What is the death tax, number one? Number two, what property does this tax tax that has not already been taxed? In this country, there is a tax called the estate tax. If one's accumulation of property during one's lifetime, property, by the way, of which one already has paid taxes upon at least once, if that property accumulates over a certain amount of money, the Government comes in after one's death and mandates upon one's surviving members, one's family, that an additional tax be levied on this property that has already been taxed.

It is probably in our Tax Code the most unfair, punitive tax that we have got. There is no basis of justification to go and tax somebody upon their death, their estate upon their death, on property that throughout their entire lifetime they have paid taxes after taxes after taxes. It is as if the Government just did not get enough.

Now, one would ask, why is something like that in our Tax Code? Why is it not easy just to take it out? Well, I can tell you. The Clinton administration, and, frankly, most of the Democrats in the House, have opposed taking or getting rid of the estate tax. They say it is a tax for the rich.

Well, what I invite those people to do is come out, for example, to the State of Colorado or go to any State in the Union and take a look at small businesses that are now being impacted by the death tax. Take a look at what happens to families from the personal level when the Government comes into their life after having taxed their property throughout their life and says we have got to take one more hit at the deceased. We need to go in and assess a tax simply based on the reason that they died.

This tax has devastating impacts. I will give my colleagues an example. I have a good friend of mine who is now deceased. But this friend, we will call him Mr. Joe. Mr. Joe years and years ago started out as a bookkeeper in a local construction company. He worked very, very hard in that construction company. After a while, he got an opportunity through years of hard work to buy some stock in the construction company. He was not a wealthy man. But he and his family, his wife, they scraped together a few pennies here, a few pennies there. They watched their expenses, and they invested in stock.

Well, 5 or 6 years ago, in some of his investments, he sold some of those investments, and he was hit with a tax called capital gains.

Now, most of the citizens of this country will be assessed a capital gains taxation. If one's mutual funds, if one bought property, if one owns stock outside of mutual funds, it is a gain upon property that one has made, and they give a capital tax on it.

So that is what they did when Mr. Joe sold his property. He was hit with a capital gains taxation at that time, which was around the rate of 28 percent.

So take out a pencil, figure out that Mr. Joe, who had worked throughout his entire life, had accumulated property, sold a portion of that property, and on the profit on that property, 28 percent taxation.

Unfortunately, my friend Mr. Joe became terminally ill within a month or so after the sale of this property. Even more unfortunate was that he passed away 2 or 3 months after that. The Government then came in to that family and said we realize that your father in this case has paid on time as a responsible citizen of this country taxes on the property that now belongs to the estate. But we are here for a second dip in the pot. The Government has come back, and we think it is necessary to tax the estate of the deceased person. What did they do to that estate? Exactly what they did to that estate, they hit it with taxes which, when you add it to the capital gains tax, gives it an effective tax rate of about 72 percent. Seventy-two percent on that estate is what was paid in taxation.

Now, let me tell you where the hardship comes in. Number one, 72 percent, imagine, you kind of figure out in your own mind what property you have in your home, what property you and your family has in your home that you own. Then try to determine 72 percent of it that you would like to cut out of it to give to the Government, even though you already paid taxes on it.

What happened to the estate is, of course they did not have the cash to pay for the 72 percent. They had to sell assets. They had to go out and sell more of the property to pay the 72 percent tax rate that was imposed upon them.

What happens? What happens to the death tax money? Where does it go? I will tell you exactly where it goes. It goes to the bureaucracy in Washington, D.C. That money is transferred from your communities. In this particular case, it was transferred out of a small community in Colorado in my district, the mountains of Colorado; and it was sent, transferred to Washington D.C. to be distributed amongst the bureaucrats and the agencies in Washington, D.C.

Where would that money have gone had it not been transferred to Washington, D.C. through that death tax? That is a legitimate question. Where would it have gone? Do you know where it would have gone and where it did go? Prior to the tax, prior to the Federal Government stepping into that community, prior to the Federal Government stepping into that estate and taking that money, that money stayed in the community of that small town in the mountains of Colorado.

That was the money that helped fund the local church. That was the money that helped fund the jobs for many, many people in that community. That was the money that bought property and made rental units available in that community.

Now what has happened to that money? It is no longer in that community. It has gone on to Washington, D.C. Because Washington, D.C. is here in the East, they seem to think they know better. They seem to think they need to take one more punch at you, one more punch on the estate tax.

Now we have heard a lot of rhetoric lately. In fact we have even heard some of the rhetoric from the Democrats. Let me make a note here. I compliment the Democrats tomorrow for coming over and assisting us in passing and getting rid of the earnings limitation on Social Security. I wished they would have joined us earlier, but they are joining us, and they should deserve credit for that.

I am not attempting to be partisan here, but I want to make a clear distinction on what is happening on this death tax; and that is, we are not getting help to eliminate this death tax from the Democratic leadership or from the Democratic administration. In fact, let me tell my colleagues exactly what has happened in the last couple of weeks.

I sit on the Committee on Ways and Means; and on this committee, we do all the taxation. We deal with all the taxation issues. It is probably the most powerful committee in the House of Representatives. In looking at that, we get the President's budget. We just got the President's budget a couple of weeks ago.

Do my colleagues know what the Democrats have done with the death tax? I was in hopes that the Democrats, while I did not really expect them, their leadership to move the party to get rid of the death tax, which is the most unfair tax we have in the system. That was too good to be true to expect them to join us, the Republicans, in our effort to eliminate the tax. I expected them probably to stay neutral.

We hear a little rhetoric about how it is unfair, but they really would not change. I was very surprised. More than surprised, I was extremely disappointed that the President in his budget, the Democrats through the President in that budget, not only did not stay neutral on the death tax, they are actually increasing the death tax. That is right.

For any of you people out there that own a small farm or a ranch or a business or a home in an area where you have seen vast depreciation, hold on to your britches because the Clinton budget increases your taxes by almost $10 billion, a $10 billion increase in the death tax in this country.

Come on. How much more can one beat out of a person? Let us be fair to the citizens of this country. I know the bureaucracy in Washington is hungry. I know it is constantly looking for some more money to eat up, some more money to take out of our local communities and transfer out of our States to Washington, D.C. But a $10 billion increase in the death tax, it is unfair. It is not right.

You are being unfair to the American people. You do not need that additional taxation. You do not need to go out there and seek 10 billion more dollars off the grieving families and off the estates of these families.

Let us be fair. Let us support things like eliminating that death tax. It is unfair. I can give my colleagues example after example. In fact, my colleagues here on the House floor can think of it in their own mind, think about their own communities. Ask the question: Is SCOTT MCINNIS in his night-side chat correct? Where is that money? Is the money in my community really going to Washington, D.C. because one of our citizens died and happened to leave an estate that the Government decided it should tax? Of course he is right. Of course that is where the money goes.

We need to have the American people be fully aware of the facts. The facts are these: Republicans will continue their fight to eliminate the death tax in this country. But the Democratic administration that we have right now will continue its efforts to increase the death tax.

For some of my colleagues on the Democratic side, if they do not believe me, look it up in the budget. It is right there: $10 billion. $10 billion.

Tonight is a good night to talk about some of these taxes. But, Mr. Speaker, as we go back to our districts, as most of us do every weekend, I certainly do every weekend, there is tax relief out there that I as a Republican am proud that the Republican Party put into place.

□ 2000

Most American citizens do not realize that probably the largest tax break they have gotten in years just happened a couple of years ago thanks to the efforts of the Republicans. And, frankly, we had some conservative Democrats who came across the aisle and supported us on it as well. That is the tax on the sale of a principal residence, on a home.

Under the old law, if a person bought a home for, say, $10, and then that home was sold for $15 and there was a $5 profit, that person had to pay taxes on that $5 capital gain. That word capital gain comes back. There was an assessed tax on that capital gain unless an individual was, one, over 55 years of age; two, the amount of the gain did not exceed $150,000; and, three, an individual only got one exemption. Once a lifetime.

Everybody out there who is a homeowner should listen up because it is important. We have seen appreciation of real property values, of homes. We have seen appreciation in this country, and we have great news, thanks to the Republican efforts on this side. And I keep coming back to this because I am proud of it and I like boasting about it. I do not mind saying it is the Republicans that did this because we did. Now, a person owning a home that sells that home for a profit, and that is the principal residence that they have lived in for the last 3 of 5 years, they get to take that amount of money, up to $250,000 per person, $500,000 per couple, and it is exempted from any taxes. It is exempt. That person gets to take that money and put it into their pocket.

Now, under the old law, the taxes could be deferred by buying a house of equal or greater value. That is not a requirement under the law we passed here a couple of years ago. We simply said that when an individual makes the profit, up to $250,000 per person, they can put it in their pocket. And by the way, there is no age limitation. And by the way, we allow that individual to renew this effort. This can be done every couple of years. A person can go and get this tax break.

This is significant. And every homeowner in this country should know about it because at some point or another they will have a big smile on their face because they are going to be able to put a lot of cash, if their property has appreciated, right into their pocket without sending that money to the bureaucracy in Washington, D.C.

I want to talk about one other tax issue that I think is important and that is unfair. Marriage couples. I represent the Third Congressional District of the State of Colorado. That is the mountains. Essentially the mountains in the State of Colorado. Out there I have almost 70,000 people, in fact, 69,766 people, who live in the Third Congressional District of Colorado that have an additional penalty on their taxes simply because they are married. Simply because they are married. I could not believe it.

This bill that we passed, that we put together on the Republican side, said, hey, Democrats, Republicans, unaffiliated, whatever, let us stand up and get rid of the marriage tax penalty in our Tax Code. We are a country whose foundation is family. We encourage family. We want our young people to have families. We want them to be married. We want to go back to the cycle of family's right; family's number one. We say that, but on the other hand our Tax Code taxes them, taxes them for being married.

Well, the Republicans in this House, with some Democrats, 40 or so Democrats, passed a bill a couple of weeks ago to eliminate the marriage penalty. Now, I think the President is probably going to veto it. I cannot imagine that he would, but he is probably going to do it. And I was frankly really surprised that some of the Democrats would vote against this. Come on, how do they go back to their districts and look somebody in the eye and say, "You're getting married? Congratulations. Time to take a little more money out of your pocket and transfer it to the bureaucracy in Washington, D.C."

It is an unfair tax. We ought to do something about it. We ought to eliminate it. And to the Democrats that voted no, they will probably have another chance this session to vote on that bill again when it comes back out of conference, and I hope they support us. I hope they stand up and vote and I hope they have the courage to say, look, it is an unfair tax.

Politics aside, election year aside, let us be fair to the taxpayers. Let us let married couples not be penalized for being married. Let us let families who have had a death in their family not get an additional death tax. We can do something. We showed that we could do something on the capital gains when a home is sold and it has not brought the government to its knees. That money has not been buried in the ground somewhere. It is recirculated in the communities. We have helped the homeowner, now we can help the married couple and now we can help the families of the deceased by revisiting these tax codes and by eliminating these unfair penalties on these people.

Now, let me cap off, before I get into something that I think is extremely serious, extremely serious, by once again to publicly commend my fine colleague, the gentleman from the State of Florida (Mr. SHAW), and my fine upstanding colleague, the gentleman from the State of Texas (Mr. SAM JOHNSON), on their efforts today in the Committee on Ways and Means, which passed unanimously, unanimously, the Democrats joined us, in eliminating the earnings cap for those on Social Security between the ages of 65 and 70.

Over 70 that cap was lifted, but between 65 and 70 citizens were actually penalized if they had worked all their lives and decided they wanted to continue to work between the ages of 65 and 70. They were penalized under the Social Security System. Today, that bill passed out of the Committee on Ways and Means under the leadership of the gentleman from Florida and the gentleman from Texas. Tomorrow we will have it on the House floor, and I would expect that tomorrow we will have a strong vote.

It is not assured. I was surprised on the marriage penalty and doing away with that. I thought everybody would vote for that, but some of our colleagues on the Democratic side voted against it. But tomorrow I hope my colleagues on the Democratic side will join us and get rid of that earnings cap. I hope they will join us, put aside the election year, put aside the partisanship and join us and let us get rid of it. Let us make the Tax Code fair for everybody.

So a recap real carefully on these tax issues. Number one, we need to eliminate the death tax. It is unfair, it is unjustified, it is punitive, meaning it is a penalty. It is a penalty on the taxpayers of this country to be taxed on property they have already paid taxes on simply because they die.

Number two, we need to recognize that the Congress under the Republican leadership passed successfully for every homeowner in this country an opportunity for them to take the profit from their home and put it right into their pocket.

Number three, we need to eliminate the marriage penalty. It is unfair, fundamentally unfair, for us, as the government of this country, for the bureaucracy in Washington, D.C., to penalize a couple because they are married. It should be the policy of this Congress and every other Congress to follow that we encourage marriage in this country; that we tell people to go out and focus on that family and not worry about being penalized by the government.

And, finally, let me wrap this portion of the comments up by saying that I hope tomorrow we have uniform support on this House floor to eliminate the earnings cap on Social Security. And any of my colleagues out there who have constituents out there between the ages of 65 and 70, they know exactly what we are talking about. Tomorrow's debate should be short, it should be to the point, because the issue is right.

Let us move on. I want to visit this evening in some depth here for the next half-hour or so about missile defense. And I think really the best way to get into this, and I do not like reading a script when I speak on my night-side chats, but I think it is probably an appropriate entry or a lead or a path to follow when we talk about the missile defense of this country.

First, let me precede the reading of these articles with a very strong statement. Every other country in the world, every nation in the world understands this message: The United States of America has the fundamental right, the fiduciary responsibility, and the obligation to defend its citizens. And we will defend our citizens. And as a part of that defense, they should not dare criticize this country for putting together a missile defense system to take down an incoming missile into this country. Not offensive, defensive.

We have an obligation. My colleagues on this floor, each and every one of us, share that responsibility to be sure that our generation, the next generation, and the generations to follow have the weapons and the tools to defend themselves from aggressors of freedom and against freedom. It is our fundamental obligation as Congressmen of the United States of America.

Let me begin. An article in the Dallas Morning News, that is where I pulled it down from, written by William Safire. Think about this, because this article is really pertinent tonight. As my colleagues know, we have several primaries going on across the country as I now speak. We have three of them, Washington, North Dakota, and Virginia. We know that in the next few months we are going to pick the next President of the United States. So this article kind of plays into that.

For a moment I want my colleagues here to imagine that they are going to be the President of the United States. Just try to put in our minds that we are going to be the President of the United States. Let us start the article.

"Imagine that you are the next United States President and this crisis arises: The starving army of North Korea launches an attack on South Korea imperilling other 30,000 troops. You threaten a massive air assault. Pyongyang counter threatens to put a nuclear missile into the State of Hawaii. You say that that would cause you to strike back and destroy North Korea. Its undeterred leaders dare you to make the trade. You decide.

"Or this crisis: Saddam Hussein invades Saudi Arabia. You warn of a Desert Storm II. He says he has a weapon of mass destruction on a ship near the United States and is ready to sacrifice Baghdad if you are ready to lose New York City. You decide.

"Or this: China, not now a rogue State, goes into an internal convulsion and an irrational warlord attacks Taiwan."

Now, let me leave the article for a minute. Did my colleagues read the paper today? In the last 48 hours, China has threatened the United States of America with a missile attack if in fact we go to the defense of Taiwan. So when this article was written it was just an "imagine yourself in that place." But, in fact, in the last 48 hours, China has made that threat to the United States. So it is fairly realistic. Let us go back to the article.

"Or this: China goes into the internal convulsion and an irrational warlord attacks Taiwan. You threaten to intervene. Within 10 minutes you threaten to intervene. But all of a sudden you discover that China has missiles targeted on several major United States cities. You have a decision to make. Before you make the decision on North Korea, on Saddam Hussein, on China, remember this; that in 1998 the Central Intelligence Agency told your predecessor that it was highly unlikely that any rogue state, except possibly North Korea, would have a nuclear weapon capable of hitting any of the contiguous 48 States within 10 to 12 years."

□ 2015

That is some exception. Apparently, our strategic assessors are untroubled at the prospect of losing Pearl Harbor again. So we are talking about the 48 States that have no missile defense in place, no missile defense in place.

The CIA assured your predecessor you would have 5 years' warning about the other nations' weapons development before you would have to deploy a missile defense system, but the CIA's record of prediction is poor.

President George Bush was assured that Saddam would have no nuclear capability for the next 10 years. When we went in after we invaded Kuwait, we discovered it to be less than a year away. And India, despite our extensive satellite and surveillance, surprised us with its recent nuclear explosion.

Six months ago, the Congress decided to get a second opinion about how vulnerable the United States is. Donald Rumsfeld, a former Secretary of Defense, was named to lead the bipartisan commission to assess the ballistic threat to the United States. Its nine members are former high government officials, military officers, and scientists of unassailable credibility.

Clearly, forever a national secret, these men with command experience had the advantage denied to CIA analysts. The unclassified summary of this T&B's 300-page report was released recently. This report just came out and it was a shocker. The direct threat to America, it concluded, by a ballistic missile attack is broader, more mature, and evolving more rapidly than has been reported in estimates and reports by the intelligence community. Not only Iran and other terrorist states capable of producing a nuclear-tipped missile within 5 years of ordering it up, they are capable of skipping the test and fine-tuning what we have depended on as our cushion to get our defenses up.

That means the Commission concluded that the warning time the United States would have to develop and deploy a missile defense is near zero. That means, I will repeat, that the time the United States of America will have to develop and deploy a missile defense system is not 5 years, not 10 years, it is close to 0.

Let us set aside our preoccupation with executive privileges and hospital lawsuits long enough to consider the consequences of the judgment of this report. The United States no longer has the luxury of several years to put up a missile defense. We no longer have the luxury of several years to put a missile defense system up. If we do not decide now to deploy a rudimentary shield, we run the risk of Iran or North Korea or Libya building or buying the weapon that will enable it to get them to drop it upon the United States of America.

The Commission was charged only with assessing the new threat and not about what we should do to meet the danger. Nine serious men concluded unanimously that our intelligence agencies, on which we spend $27 billion a year, have misled us. Smiling, the director of the Central Intelligence Agency responded that we need to keep challenging our assumptions.

Wrong. We need to defend ourselves from the likely prospect of a surprise nuclear blackmail. A first step is egregious, the naval theater defense, but that requires the President to redefine a 1972 treaty with the Soviets, the anti-ballistic missile treaty that he thinks requires us to remain forever naked to all our potential enemies.

The crisis is not likely to occur as Bill Clinton's sands run out. His successor would be the one to pay, the new President will be the one to pay, in the coin of diplomatic paralysis caused by unconscionable lack of preparedness for this President's failure to heed the warning time in 1998.

Let me move on to another article and just summarize a couple parts of it. This article was written by the Columbus Dispatch. The headline was, "No Shield: The U.S. is Subject to the Threat of Missiles." A chilling paradox of U.S. defense strategies suggests that a Columbus sailor on a Navy ship in the Pacific would be safer from a North Korean missile attack than his parents who work in downtown. It talks in this article about the Rumsfeld assessment. But I like the conclusion of it.

This is the conclusion of that article: One thing is sure, while the United States debates the cost of an anti-missile defense, rogue nations are sparing no expense to make the missiles threat a reality.

Finally, let me go to the Wall Street Journal and then I will leave the articles. Tuesday, February 15, just about a couple weeks ago, under the editorial called the November Missile Defense. Let me just read a couple of paragraphs from that article.

"An influential member of the Russian Duma said this month that a compromise on the Anti-ballistic Missile Treaty was possible and would probably include steep cuts in the limits on strategic warheads and an end to the ban on MIRVs, missiles that can hit more than one target.

"It's absurd enough that the administration is asking Russia's permission for the United States to build a defense against terrorists or rogue states," a system for its citizens, asking Russia's permission to do this, but, on top of that, for the United States to build a defense and to pay for it by agreeing with Russia to cut our nuclear arsenal.

What that paragraph said and what it refers to is there is a treaty called the Anti-ballistic Missile Treaty. Back in the 1970s, the thought for nuclear deterrent was that if the two countries, the two superpowers, which were Russia and the United States, and that is all that that treaty involved and it did not imagine a North Korea or Libya or Saddam Hussein with nuclear weapons, this treaty, when it was drafted in 1972 or so, said, hey, the best way to stop a nuclear attack is for the two superpowers, Russia and the United States, to agree not to build a defense against each other, so that Russia would have the incentive not to fire missiles upon the United States because they could not defend themselves and the United States had the incentive not to fire missiles on Russia because the United States could not defend itself.

I think it was absurd. The fact is it was signed. It has been in effect. But times have changed. Times have changed dramatically. Number one, Russia is no longer the superpower that it was. Number two, China now has the capability to deliver nuclear missiles into many of the cities of the contiguous 48 States in the United States.

We now know that several countries, including India and Pakistan, have nuclear weapons. We know that these weapons can fall into the hands of the wrong people. And yet we continue in this country to have some of our leaders who resist our country's efforts and, frankly, the Republican's efforts, to put into place a missile defense system.

How many of you have ever heard of NORAD or Colorado Springs, Cheyenne Mountain in Colorado Springs? I will give you an example of what could happen today. In Colorado Springs, Colorado, we have NORAD, the defense command system, inside our granite mountain called Cheyenne Mountain;

and within that mountain, through our intelligence services, we can detect almost anywhere in the world, well, we can detect anywhere in the world a missile launch.

Within a few seconds, we can advise the military leaders and the President of the United States that, one, a missile has been launched; two, the speed of the missile; three, the direction of the missile; four, the most likely target of the missile; and five, the most likely time of arrival of the missile. We can detect all of that anywhere in the world. The United States knows it.

But then what can they tell the President? When the President says, what do I do, the answer from the military is, there is nothing we can do, Mr. President, because we do not have a missile defense system in this country.

The CIA reported this month, again from the Wall Street Journal article, that the threat of a missile attack is higher than ever as more and more terrorists and rogue states have the ability to build or buy long-range ballistic missiles. We ought to think about that. We ought to think about the threat to this country.

Now, some people would say to you, well, we do not have the technology to defend ourselves. We do have the technology. We have come a long ways. And we had a shot, we did a test about a month ago, and the test failed. But we have discovered where the fallacies are. We have the technology available. Now remember what we are trying to do. We are trying to intercept a missile. It is like hitting a bullet with a bullet, and they are going at a combined speed of several thousand miles an hour, and you have got to bring the two of them together. But we will have the technology in a very short period of time. So we need to determine what kind of missile defense system will work for this country.

Now, my opinion is, although Ronald Reagan got lots of criticism and so on, I think the best missile defense system this country can deploy over a period of time is a space-generated defense. Why? Now listen. Just listen. If we have a land-based missile defense system versus a ship-based system, where you can move the system around, if we have a land-based system, you have to destroy that missile, you cannot destroy it on the launching pad.

Let us say, for example, China launches a missile, as they have threatened to do in the last 24 hours. Let us say they launch a missile. We then have to wait for that missile. We track it as it comes across the ocean; and as it gets close to the United States, we have to start taking shots to try to bring that missile down. If we hit the missile down, it explodes over the top of us.

They may have a missile headed for Cheyenne Mountain in Colorado Springs and we detonate it over the city of Los Angeles. You could have nuclear fallout. There is a danger to that. And if you miss it and you continue to miss it, it is going to hit its target.

Now a space-based system, number one, is mobile. Number two, it could move over the top of China. We could then move it over Iraq. We could move it over North Korea. We have the opportunity to move the defensive system around.

The thing I like the best about it is, with the advancing technology, we could destroy the missile on its launching pad so the missile blows up in China or over China or over the ocean as it arcs over instead of over the lands of the United States.

The facts are very simple in what we face today. Number one, we are subject to a missile attack from our countries. Do not let other people joke to you about it.

I just came back from Europe. I am a member of the parliamentary arm of NATO, and the NATO delegation just came back. I was amazed that our colleagues in NATO who are afraid of Russia who stand there and criticize the United States of America for saying we have an obligation to build a missile defense system.

Well, let me tell you, Europe, you better get off dead center; and you better put in place a missile defense system because you are going to be subject to the same kind of threats that the United States is; and instead of criticizing the United States, you ought to step forward and say we are going to do what the United States is doing; we are going to defend our countries. And frankly, I think your citizens will feel you have an obligation to defend them from a missile attack.

Second, of all, at these NATO meetings, I am surprised how many people think we ought to curry the favor of Russia. Russia does not have the best interest of the United States of America at hand. We should not let Russia drive the decision as to whether or not we will in this country deploy a missile defense system to protect the citizens of the United States. We are not one to pick a fight with Russia. In fact, we ought to tell Russia to step aside. We are not looking for a fight, but what we are saying to Russia is do not attack the United States.

We are also saying to every terrorist organization out there, at least from the ballistic missile point of view, that, if you attack the United States with a ballistic missile, we will have the capability to shoot it down. You want to know what a deterrent is? The deterrent is, if you take a shot at America, it will not work. So why take the shot? If have you got a weapon and you want to shoot your neighbor or take down your neighbor, but you cannot pierce the defense system that your neighbor has, how good is the weapon that you have?

That is what we need to do. We have an obligation to defend this country. So, again, let us come back to it. In this country, we should have no shame for being the strongest military power in the world. We should feel no shame in this country for saying that we might need to build a missile defense system to protect the people of the United States of America.

And, frankly, to our friends in Europe and to the free countries throughout the world, I have no objection whatsoever for the United States to share our technology with you so that you can defend your own countries. Join us in the battle. Join us in the effort.

□ 2030

Nothing is better for this world than peace. But peace does not come free. We have to take steps, preventative steps to preserve the peace. In doing that, the United States should proceed full speed ahead with a missile defense system. Do not buy into the argument that the technology will never be here. The technology is very close. In fact, as many of my colleagues know, two or three of the tests have been successful. The last test about a month ago was not successful but we think we know why. We think in this country that for a relatively inexpensive price, we can defend the citizens of this country from a missile attack. We ought to do it. We have that obligation. When you talk to most citizens in the United States and you say, hey, if Russia fires an incoming missile, what do we do about it, most of our citizens think we already have a missile defense system. We do not. We need to step forward and do something to protect the borders of this country.

Let me move on and talk again. I mentioned that I have just completed a NATO trip over in the European continent. I also had the opportunity on this trip to go down to the Aviano Air Base in Italy and also to visit our intelligence and our naval base in Rota, Spain. I have got to take a minute to the American people and tell them about our armed services. I could not be more proud of the military of the United States of America. We can enjoy the freedoms we have today because we have got a lot of young men and women out there standing in harm's way, and the taxpayers of this country and the citizens of this country really truly have stepped forward and given these young people the apparatus and the kind of backing that they need to go and stand in that harm's way.

When I was at the Aviano Air Base in Italy, I was so proud of our military men and women. Those people that man those aircraft, that maintain those aircraft, that handle our community relations, that do our maintenance work, all of that team down there is exactly that. It is a team, an Air Force that works with an Army, that works with a Navy, that works with a Marine Corps.

When we went on to Rota, Spain and studied the intelligence, and by the way, the motto of that, "In God we trust, all others we monitor," I am very proud of them. Our Navy sailors out there, our intelligence-gathering operation down there, the soldiers and the sailors, the people we have in these military bases throughout the world, you have got a lot to be proud of.

Without question, the United States of America is by far the most powerful military operation in the history of the world. We are going to have some people who bash us for being strong, who criticize us for having a strong military, who say, you are trying to act like Rambo. Let me give Members an example that I gave to a classroom the other day. I went to a local high school in my district and I was talking about military and the importance for the preservation of freedom, that the best way to maintain peace is to be strong and that you have got to be number one.

I had one of the students question me, so I will use this example. There was a lady in there, I asked the young lady, I said, if you were a black belt in karate and everybody in your class knew that you were a black belt in karate and they knew that if they decided to take your lunch or if they decided to fight you, that you would break their neck, how many fights do you think you would be in under those circumstances? The answer is pretty easy. Probably none, because you are in shape, you are strong, and they know that if they dare come after you, there will be severe consequences to pay.

Thanks to the hundreds of thousands of dedicated men and women, and thanks to the hundreds of millions of American citizens who think the United States should be militarily strong, I think our military, relatively speaking, is in good shape. And I think we have got a lot to be proud of. I know that all of my colleagues in this room have constituents, many of whom may be serving in these bases, these overseas bases, and I know that many of them on both sides of the aisle join me in patting them on the back and saying thanks for what you do for our country. You are out there on the front lines and we are going to support you, and we need to support these people, and one way we can support them is to let them know that despite the efforts of some countries that want to see the demise, see the destruction of the United States of America, we will prevail.

Freedom will always come out on top. But freedom can never survive if you do not have freedom with strength. Freedom with strength. That is what our young men and women who serve in the military, all men and women who serve in our military throughout the world are doing for this country. You are doing a task of which I could not thank you enough for. I wanted to let you all know how proud I am of you.

Let me talk just for a couple of minutes, move on in my subject here of what I would like to talk to you about in our next night-side chat, and that is, let us talk about the Internet. I want to tell you a little more about my experience with the Internet and what we are seeing in this what I would say the second industrial revolution of the world. It is absolutely incredible, and most all of us on this House floor have experienced it. I want to spend the better part of an hour in the next few nights talking about this new second industrial revolution.

Mr. Speaker, let me conclude my remarks this evening by simply doing just a summary of what we discussed. Let us go in reverse order. First of all, the missile defense system. It is imperative that the United States of America prepare itself for a missile defense system. We must deploy, in the near future, a missile defense system to protect the citizens of the United States of America, and we should be prepared to share that technology with our friends around the world so that they do not face the threat of terrorists or rogue nations firing a missile into the United States. If you do not think this is serious, take a look at the headline in the Washington Times this morning which discusses in detail the threat from China to launch a missile attack against the United States, a threat made in the last 48 hours.

We talked before the missile defense about taxes. I have urged my Democrat colleagues to come across the aisle in a nonpartisan fashion tomorrow and support the Republican bill to do away with the cap on Social Security earnings. I urge those Democrat colleagues of mine who voted against the marriage tax penalty, in other words, to go ahead and keep the marriage tax penalty, to drop your opposition, come across the aisle and join us in support of that bill, the Republican bill to eliminate the marriage tax penalty. It is unfair. It is not right for us under our tax code from the bureaucracy in Washington, D.C., to tax people simply because they are married. Help us get rid of that. We can do it this year. Let us do it this year.

We talked about the death tax. It is the most punitive, unfair tax in our system. There is no justification for the government to go to the estate of the deceased and take property over which the taxes have already been paid in several instances over and over again and taxing that property simply because there has been a death. It is ruining family farms, it is ruining ranches and small business in this country. It is transferring money from our small communities in all of our respective States, it is transferring that money to the bureaucracy in Washington, D.C.

Let us be a bureaucrat's worst nightmare. Let us cut out some of these taxes, the death tax. Let us get rid of the marriage penalty tax. It is not right. Let us get rid of that cap on Social Security earnings. It is time for us to reform some of these unfair elements of the tax code of this country. We can afford to do it. We have a surplus. Let us be fair to the taxpayers of this country. Let us be fair to every citizen in this country. Do not penalize them for being married. Do not penalize their estate because they died. Be fair to them on the Social Security earnings cap.

Mr. Speaker, I have enjoyed the evening with my colleagues and I look forward to further discussions.

ON BOB JONES UNIVERSITY AND HOUSE CHAPLAIN CONTROVERSIES

The SPEAKER pro tempore (Mr. TOOMEY). Under the Speaker's announced policy of January 6, 1999, the gentleman from Iowa (Mr. GANSKE) is recognized for 60 minutes.

Mr. GANSKE. Mr. Speaker, as an Iowa Republican Congressman who is Catholic and has been supported by Christian conservatives as well as moderates, I feel compelled to comment on the Bob Jones University and the House Chaplain controversies.

Mr. Speaker, I went to Catholic grade school in the 1950s and early 1960s. I remember what a big deal it was when JFK was elected President. In those days, there were still discriminations against Catholics and terrible stories told about my faith. To be fair, Mr. Speaker, Catholics were not always tolerant, either.

My mother came from an Irish-Catholic Democrat family. Older Catholics today still have vivid memories of anti-Catholicism. Our country's anti-Catholicism history goes way back before the virulent "Know-Nothings" just before the Civil War. In the early days of my party, the GOP did not do much to reassure Catholics that the Republican Party was a place where they could be comfortable.

But times change. Along came the Ecumenical Council, Christians of all creeds became more tolerant, and now even Garrison Keillor can make jokes about the foibles of Catholics and Lutherans in Lake Wobegone.

I certainly believe that my Lutheran mother-in-law and father-in-law have every bit as good a chance to go to heaven as my Catholic relatives do, maybe better in light of all their good works, but do not let us get into good works versus faith.

So when Governor Bush spoke at Bob Jones University and its anti-Catholicism was publicized, Catholics were reminded of past discrimination and were really disappointed that he did not immediately label these views bigoted in no uncertain terms when he found out about those views.

Bob Jones University President is Bob Jones, III, and this is how he describes the one billion-member Roman Catholic Church: "A cult which calls itself Christian."

This is on the official Bob Jones University Web site: "The Roman church is not another Christian denomination. It is a satanic counterfeit, an ecclesiastic tyranny over the souls of men, not to bring them to salvation, but to hold them bound in sin and hurl them into eternal damnation. It is the old harlot in the Book of Revelation, the mother of harlots."

Calling Pope John Paul the "antichrist," saying that the Eucharist is "cannibalism," calling my church a "harlot," is deeply hurtful and mean and insulting. I must say I find Bob Jones' racism equally offensive. Governor Bush has been rightly criticized for not calling a bigot a bigot. In the spirit of bipartisanship critique, I hasten to add that AL GORE and Bill Bradley should be roundly criticized for not condemning Al Sharpton for his anti-Jewish bigotry as well.

□ 2045

All this brings us to the current "holy war" in this House of the people over the replacement of the House chaplain.

Reverend Ford, the well-liked Lutheran current House chaplain, is retiring. A bipartisan House committee, nine Republicans and nine Democrats, recommended three candidates for chaplain to Speaker HASTERT, Majority Leader ARMEY and Minority Leader GEPHARDT.

It is well-known that a priest had received the most votes by the bipartisan committee, only three of which on the committee were Catholic. It should be noted that there has never been a Catholic House chaplain in the 211 years there has been a House chaplain, and, for that matter, there has never been a rabbi or a woman chaplain.

The Speaker and Majority Leader rejected the priest and went further down the list and chose Reverend Wright, who is a good man. Now, I want to be very clear about my thoughts on this. I know DENNY HASTERT and DICK ARMEY personally, and they are not anti-Catholic, but there is no question that this is a mess. Coupled with the Bob Jones University fiasco, Catholics in my district and around the country are shaking their heads in dismay.

So, Mr. Speaker, here is my unsolicited advice for ending this "holy war" that belongs in a long-ago past:

First, Reverend Wright should see that to become chaplain under these circumstances would impair his ministry. He should voluntarily remove himself from consideration.

Then, Mr. Speaker, we can do one of two things: We could abolish the position and simply have a rotating voluntary ministry, or we could keep the position but start over completely.

We should start over with an entirely new committee, look at an entirely new slate of candidates, and make the committee decision final. That way, if a Catholic is chosen, no one can say that the Speaker has pandered to the Catholics; if a Catholic is not chosen, no one can say that he is anti-Catholic. But the Speaker should not, I repeat, should not ask for a party line vote.

As for myself, if Reverend Wright comes up for a vote, I will vote "present," not against Reverend Wright per se, but in disgust with the whole way this has been handled on both sides of the aisle.

Before I close, I want to say this: It is not fair to paint evangelicals and Christian conservatives with the broad brush of Bob Jones. My wife and I and our children have worshipped many times at evangelical churches and have been made welcome. The evangelical ministers that I know, like Pastor John Palmer in Des Moines, do not have a racist or bigoted bone in their bodies. To the contrary, they have reached out to minority churches, reached out to Jews and to Catholics in Des Moines.

During the Iowa caucuses I got to know and respect Gary Bauer. What he wrote today in the New York Times is true. I quote Mr. Bauer. He says, "The so-called religious right is not a mindless mob that marches in lockstep at the command of this or that organizational leader. Though some may conjure up imaginary conservative conspiracies in order to frighten voters or divert attention from presidential scandals, social and culturally conservative voters, not all of whom happen to be evangelicals or necessarily even religious, are a diverse, independent-minded bunch."

Mr. Speaker, the Republican Party I belong to is tolerant, respecting all people and all religions. I am proud to be a Republican. We are the party of Ronald Reagan and Teddy Roosevelt. We are the party of Abraham Lincoln, and we are not the party of Bob Jones.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. KILPATRICK (at the request of Mr. GEPHARDT) for today and March 1 on account of a family emergency.

Ms. MILLENDER-MCDONALD (at the request of Mr. GEPHARDT) for today and the balance of the week on account of illness.

Mr. GIBBONS (at the request of Mr. ARMEY) for today on account of personal reasons.

Mr. GARY MILLER of California (at the request of Mr. ARMEY) for today on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BALDACCI) to revise and extend their remarks and include extraneous material:

Mr. PALLONE, for 5 minutes, today.

Mr. UDALL of New Mexico, for 5 minutes, today.

The following Members (at the request of Mrs. BONO) to revise and extend their remarks and include extraneous material:

Mr. BURTON of Indiana, for 5 minutes, today and March 1.

Mr. NORWOOD, for 5 minutes, today and March 1.

Mr. JONES of North Carolina, for 5 minutes, March 1.

Mr. METCALF, for 5 minutes, today.

Mr. DIAZ-BALART, for 5 minutes, March 1.

Mr. DUNCAN, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. LEWIS of California, for 5 minutes, today.

SENATE BILL AND CONCURRENT RESOLUTION REFERRED

A bill and concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 400. An act to provide technical corrections to the Native American Housing Assistance and Self-Determination Act of 1996, to improve the delivery of housing assistance to Indian tribes in a manner that recognizes the right of tribal self-governance, and for other purposes; to the Committee on Banking and Financial Services.

S. Con. Res. 83. Concurrent resolution commending the people of Iran for their commitment to the democratic process and positive political reform on the occasion of Iran's parliamentary elections; to the Committee on International Relations.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that the committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 149. An act to make technical corrections to the Omnibus Parks and Public Lands Management Act of 1996 and to other laws related to parks and public lands.

BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that the committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 764. To reduce the incidence of child abuse and neglect, and for other purposes.

ADJOURNMENT

Mr. GANSKE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 50 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 1, 2000, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for official foreign travel during the second quarter of 1995, first, second, third, and fourth quarters of 1998 and 1999, by Committees of the U.S. House of Representatives, as well as a consolidated report of foreign currencies and U.S. dollars utilized for speaker-authorized official travel during first quarter of 2000, pursuant to Public Law 95–384, and for miscellaneous groups in connection with official foreign travel during the calendar year 1999 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1, AND MAR. 31, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Caleb McCarry	1/21	1/30	Cuba		729.00						729.00
							969.00				969.00
Grover Joseph Rees	1/18	1/25	Peru		1,414.00						1,414.00
							2,846.00				2,846.00
Hon. Alcee Hastings	2/18	2/21	Austria		528.00						528.00
Commercial airfare							3,911.69				3,911.69
Hon. Doug Bereuter	2/17	2/21	Israel		1,154.00						1,154.00
Commercial airfare							2,110.11				2,110.11
Hon. Howard Berman	2/15	2/21	Israel		1,684.00						1,684.00
Commercial airfare							6,265.00				6 265.00
Richard Kessler	2/15	2/21	Israel		1,684.00						1 684.00
Commercial airfare							4,993.00				4,993.00
Hon. Bob Clement	1/4	1/6	Italy		796.00						796.00
	1/6	1/8	Macedonia		372.00						372.00
	1/8	1/9	Azerbaijan		346.00						346.00
	1/9	1/12	Belgium		170.00						170.00
Richard Garon	1/12	1/15	Syria		750.00						750.00
Commercial airfare							3,329.22				3,329.22
Michael Van Dusen	1/12	1/15	Syria		801.00						801.00
	1/15	1/16	Cyprus		146.00						146.00
Commercial airfare							4,789.17				4,789.17
Hon. Doug Bereuter	1/7	1/11	South Korea		912.00						912.00
	1/12	1/18	Australia		1,655.00						1,655.00
Commercial airfare							2,434.00				2,434.00
	1/23	1/25	England		300.00						300.00
Commercial airfare							583.44				583.44
Mark Gage	1/3	1/7	Kazakhstan		944.00						944.00
			Uzbekistan		702.00						702.00
			Turkmenistan		944.00						944.00
Commercial airfare							6,319.00				6,319.00
Hon. Eni F.H. Faleomavaega	1/6	1/10	South Korea		912.00						912.00
Commercial airfare							3,269.00				3,269.00
Carol Reynolds	1/5	1/11	South Korea		1,153.00						1,153.00
Commercial airfare							3 825.00				3,825.00
Cliff Kupchan	1/4	1/7	Kazakhstan		1,014.00						1,014.00
	1/7	1/10	Uzbekistan		772.00						772.00
	1/10	1/13	Turkmenistan		1,014.00						1,014.00
Commercial airfare							6,319.00				6,319.00
Grover Joseph Rees	2/17	2/20	Marshall Islands		740.00						740.00
Commercial airfare							4,787.98				4,787.98
Paul Berkowitz	2/17	2/20	Marshall Islands		614.88						614.88
Commercial airfare							4,229.00				4,229.00
Deborah Bodlander	1/3	1/10	Israel		2,149.00						2,149.00
Commercial airfare							4,721.00				4,721.00
Hon. Eni F.H. Faleomavaega	1/12	1/13	Malaysia		162.00						162.00
Commercial airfare							3,957.56				3,957.56
John Mackey	1/12	1/15	Columbia		352.00						352.00
Commercial airfare							1,752.00				1,752.00
Peter Brookes	1/5	1/7	Thailand		380.00						380.00
	1/7	1/12	Vietnam		1,140.00						1,140.00
	1/12	1/15	Cambodia		620.00						620.00
	1/15	1/17	Malaysia		224.00						224.00
	1/17	1/20	Indonesia		591.00						591.00
Commercial airfare							4,888.50				4,888.50
	1/5	1/7	Thailand		380.00						380.00
	1/7	1/12	Vietnam		1,140.00						1,140.00
	1/12	1/15	Cambodia		560.00						560.00
	1/15	1/17	Malaysia		224.00						224.00
	1/17	1/20	Indonesia		591.00						591.00
Commercial airfare							4,888.50				4,888.50
Elana Bruitman	1/5	1/7	Thailand		380.00						380.00
	1/7	1/9	Vietnam		382.18						382.18
Commercial airfare							3,586.00				3,586.00
John Mackey	2/15	2/19	South Africa		635.00						635.00
	2/19	2/21	Nigeria		515.00						515.00
Commercial airfare							6,289.20				6,289.20
Cliff Kupchan	2/15	2/19	South Africa		635.00						635.00
	2/19	2/21	Nigeria		515.00						515.00
Commercial airfare							6,289.20				6,289.20
Lester Munson	2/15	2/19	South Africa		635.00						635.00
	2/19	2/21	Nigeria		515.00						515.00
Commercial airfare							6,289.20				6,289.20
Vincent Morelli	1/19	1/21	Nicaragua		297.50						297.50
Commercial airfare							1,547.00				1,547.00
Paul Bonicelli	1/19	1/21	Nicaragua		297.50						297.50
	1/21	1/23	El Salvador		150.00						150.00
Commercial airfare							1,538.00				1,538.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1, AND MAR. 31, 1998—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
David Adams	1/19	1/21	Nicaragua		297.50						297.50
	1/21	1/23	El Salvador		150.00						150.00
Commercial airfare							1,538.00				1,538.00
Michael Ennis	1/4	1/7	Sri Lanka		584.00						584.00
	1/7	1/12	India		923.00						923.00
	1/12	1/15	Pakistan		555.00						555.00
Commercial airfare							6,939.90				6,939.90
Richard Kessler	1/4	1/7	Sri Lanka		584.00						584.00
	1/7	1/12	India		1,179.004						1,179.00
	1/12	1/15	Pakistan		555.00						555.00
Commercial airfare							6,939.90				6,939.90
Robert Hathaway	1/4	1/7	Sri Lanka		584.00						584.00
	1/7	1/12	India		1,179.00						1,179.00
	1/12	1/15	Pakistan		555.00						555.00
Commercial airfare							6,939.90				6,939.90
John Walker Roberts	1/7	1/12	India		1,202.00						1,202.00
	1/12	1/15	Pakistan		555.00						555.00
Commercial airfare							6,447.90				6,447.90
Hon. Benjamin Gilman	1/15	1/18	Belgium		852.00						852.00
	1/18	1/20	France		598.00						598.00
	1/20	1/22	Poland		556.00						556.00
Hon. Leana Ros-Lehtinen	1/15	1/18	Belgium		852.00						852.00
	1/18	1/20	France		598.00						598.00
Commercial airfare							377.20				377.20
Hon. Kevin Brady	1/16	1/18	Belgium		568.00						568.00
Commercial airfare							5,069.21				5,069.21
Hon. Robert Wexler	1/15	1/18	Belgium		852.00						852.00
	1/18	1/20	France		598.00						598.00
	1/20	1/22	Poland		556.00						556.00
Richard Garon	1/15	1/18	Belgium		792.00						792.00
	1/18	1/20	France		548.00						548.00
	1/20	1/22	Poland		456.00						456.00
Francis Record	1/18	1/20	France		498.00						498.00
	1/20	1/22	Poland		406.00						406.00
Commercial airfare							1,871.00				1,871.00
Hillel Weinberg	1/15	1/18	Belgium		572.00						572.00
	1/18	1/20	France		532.00						532.00
	1/20	1/22	Poland		344.00						344.00
Robert King	1/15	1/18	Belgium		852.00						852.00
	1/18	1/20	France		598.00						598.00
	1/20	1/22	Poland		556.00						556.00
Linda Solomon	1/15	1/18	Belgium		852.00						852.00
	1/18	1/20	France		598.00						598.00
	1/20	1/22	Poland		556.00						556.00
Parker Brent	1/15	1/18	Belgium		852.00						852.00
	1/18	1/20	France		598.00						598.00
	1/20	1/22	Poland		556.00						556.00
Committee Total					60,819.56		142,848.78				203,668.34

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BEN GILMAN, Chairman, Feb. 8, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1998

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Gary Ackerman	4/2	4/3	Colombia		271.00						271.00
	4/3	4/5	Chile		548.00						548.00
	4/5	4/7	Argentina		546.00						546.00
	4/7	4/9	Peru		612.00						612.00
Commercial airfare							1,360.76				1,360.76
	5/23	5/26	Israel		1,260.00						1,260.00
David Adams	4/2	4/3	Colombia		271.00						271.00
	4/3	4/5	Chile		548.00						548.00
	4/5	4/7	Argentina		546.00						546.00
	4/7	4/9	Peru		612.00						612.00
	5/24	5/27	Japan		678.00		5,449.00				6,127.00
	5/27	5/31	South Korea		848.00						848.00
Curtis Banks	5/7	5/9	Costa Rica		398.00						398.00
Hon. Cass Ballenger	4/2	4/3	Colombia		242.00						242.00
	4/3	4/5	Chile		328.00						328.00
	4/5	4/7	Argentina		311.00						311.00
	4/7	4/9	Peru		380.00						380.00
Parker Brent	4/2	4/3	Colombia		271.00						271.00
	4/3	4/5	Chile		548.00						548.00
	4/5	4/7	Argentina		546.00						546.00
	4/7	4/9	Peru		612.00						612.00
	5/23	5/26	Israel		1,260.00						1,260.00
Deborah Bodlander	5/23	5/26	Israel		1,260.00						1,260.00
Elana Broitman	4/1	4/9	China		1,394.00		4,113.00				5,507.00
Peter Brookes	5/24	5/27	Japan		678.00		5,449.00				6,127.00
	5/27	5/31	South Korea		823.00						823.00
Hon. Pat Danner	4/2	4/3	Colombia		271.00						271.00
	4/3	4/5	Chile		548.00						548.00
	4/5	4/7	Argentina		546.00						546.00
	4/7	4/9	Peru		612.00						612.00
Hon. Eni Faleomavaega	4/2	4/3	Colombia		271.00						271.00
	4/3	4/5	Chile		548.00						548.00
	4/5	4/7	Argentina		546.00						546.00
	4/7	4/9	Peru		612.00						612.00
Rich Garon	4/2	4/3	Colombia		271.00						271.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1998—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	4/3	4/5	Chile		498.00						498.00
	4/5	4/7	Argentina		496.00						496.00
	4/7	4/9	Peru		552.00						552.00
	5/7	5/9	Costa Rica		398.00						398.00
	5/23	5/26	Israel		1,080.00						1,080.00
Kristen Gilley	4/2	4/9	China		1,344.00						1,344.00
	4/9	4/11	Hong Kong		684.05		4,557.00				5,241.05
Hon. Benjamin Gilman	4/2	4/3	Colombia		271.00						271.00
	4/3	4/5	Chile		548.00						548.00
	4/5	4/7	Argentina		546.00						546.00
	4/7	4/9	Peru		612.00						612.00
	5/7	5/9	Costa Rica		468.00						468.00
	5/23	5/26	Israel		1,260.00						1,260.00
Hon. Alcee Hastings	4/23	4/25	Spain		645.00		3,718.43				4,363.43
Robert Hathaway	5/24	5/26	China		514.00						514.00
	5/26	5/30	North Korea		1,016.00						1,016.00
	5/30	6/1	Japan		552.00						552.00
	6/1	6/2	South Korea		262.00						262.00
John Herzberg	4/2	4/7	Bosnia		1,505.00		4,161.00				5,666.00
	4/7	4/8	Croatia		262.00						262.00
	4/8	4/9	Bosnia		301.00						301.00
	4/9	4/10	Croatia		254.00						254.00
	5/25	5/28	Austria		513.00		5,351.84				5,864.84
	5/28	5/30	Belgium		440.00						440.00
Celes Hughes	5/26	5/28	Austria		513.00		5,351.84				5,864.84
	5/28	5/30	Belgium		440.00						440.00
Kenneth Katzman	4/23	5/26	Israel		1,182.71						1,182.71
Allison Kiernan	5/23	5/26	Israel		1,260.00						1,260.00
Hon. Robert King	5/23	5/26	Israel		1,260.00						1,260.00
Mark Kirk	4/1	4/9	Bosnia		2,750.00		5,602.00				8,352.00
	4/10	4/14	Yugoslavia								
	4/15	4/15	Israel								
	4/16	4/19	Jordan		1,200.00						1,200.00
Clifford Kupchan	4/2	4/7	Bosnia		1,505.00		4,161.00				5,666.00
	4/7	4/8	Croatia		301.00						301.00
	4/8	4/9	Bosnia		301.00						301.00
	4/10	4/14	Serbia/Montenegro		293.00						293.00
John Mackey	4/2	4/3	Colombia		271.00						271.00
	4/3	4/5	Chile		548.00						548.00
	4/5	4/7	Argentina		546.00						546.00
	4/7	4/9	Peru		612.00						612.00
	4/16	4/16	Colombia		243.00						243.00
	4/17	4/20	Chile		999.00						999.00
	5/28	5/30	Italy		516.00						516.00
	5/30	6/1	Ireland		393.30		2,295.00				2,688.30
Caleb McCarry	4/2	4/3	Colombia		271.00						271.00
	4/3	4/5	Chile		548.00						548.00
	4/5	4/7	Argentina		546.00						546.00
	4/7	4/9	Peru		612.00						612.00
	5/7	5/9	Costa Rica		330.00						330.00
Stephen Rademaker	5/24	5/26	China		514.00						514.00
	5/26	5/30	North Korea		1,016.00						1,016.00
	5/30	6/1	Japan		552.00						552.00
	6/1	6/2	South Korea		262.00						262.00
Grover Joseph Rees	5/25	5/27	Indonesia		494.00		4,549.00				5,043.00
Francis Record	5/24	5/27	Japan		628.00		5,449.00				6,077.00
	5/27	5/31	South Korea		648.00						648.00
Hon. Dana Rohrabacher	4/5	4/8	Taiwan		805.00		2,968.02				3,773.02
	4/8	4/14	Thailand		1,140.00						1,140.00
	4/14	4/15	Malaysia		102.00						102.00
	4/15	4/17	Philippines		198.00						198.00
Kimberly Roberts	4/2	4/3	Colombia		271.00						271.00
	4/3	4/5	Chile		548.00						548.00
	4/5	4/7	Argentina		546.00						546.00
	4/7	4/9	Peru		612.00						612.00
Hon. Marshall Sanford	4/2	4/3	Colombia		271.00						271.00
	4/3	4/5	Chile		548.00						548.00
	4/5	4/7	Argentina		546.00						546.00
	4/7	4/9	Peru		612.00						612.00
Hon. Christopher Smith	5/25	5/27	Indonesia		494.00		4,601.00				5,095.00
Hillel Weinberg	5/25	5/28	Austria		483.00		5,351.84				5,834.84
	5/28	5/30	Belgium		410.00						410.00
Committee total					64,178.06		74,488.73				138,666.79

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BEN GILMAN, Chairman, Feb. 8, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1998

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
David Adams	8/10	8/12	Venezuela		265.00		4,162.50				4,427.50
	8/13	8/15	Argentina		966.00						966.00
Paul Bonicelli	8/10	8/12	Venezuela		265.00		4,162.50				4,427.50
	8/13	8/15	Argentina		966.00						966.00
Hon. Matt Salmon	7/1	7/6	Israel		1,719.00		5,544.00				7,263.00
Hillel Weinberg	7/1	7/8	Israel		1,087.00		5,169.99				6,256.99
Kristen Gilley	7/6	7/8	Czech Republic		450.00						450.00
	7/8	7/11	United Kingdom		1,260.00		6,115.47				7,375.47
Mark Kirk	6/30	7/5	Yugoslavia		747.00		5,796.00				6,543.00
	7/6	7/9	Czech Republic		393.88						393.88

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1998—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	7/9	7/11	United Kingdom		1,190.00						1,190.00
Richard Garon	6/30	7/4	Yugoslavia		550.00		4,171.18				4,721.18
John Herzberg	6/30	7/4	Yugoslavia		550.00		4,171.18				4,721.18
Maria Pica	6/30	7/4	Yugoslavia		500.00		4,171.18				4,671.18
Lester Munson	8/23	8/26	South Africa		532.00		7,532.80				8,064.80
	8/26	8/28	Zimbabwe		368.00						368.00
Peter Mamacos	8/23	8/26	South Africa		434.00		7,454.93				7,888.93
	8/26	8/29	Zimbabwe		552.00						552.00
Hon. Eni Faleomavaega	6/27	7/3	French Polynesia		105.45		3,163.52				3,268.97
Caleb McCarry	8/11	8/13	Haiti				907.00				907.00
Denis McDonough	8/12	8/16	Cuba		375.00		1,387.39				1,762.39
	8/16	8/20	Mexico		1,027.00						1,027.00
Hon. Jay Kim	8/9	8/15	South Korea		1,484.00		3,999.00				5,483.00
Ronald Crump	8/9	8/15	South Korea		1,484.00		4,087.00				5,571.00
Hon. Alcee Hastings	8/9	8/12	Jordan		829.00						829.00
	8/13	8/14	Turkey		452.00						452.00
	8/15	8/16	Kyrgyzstan		558.00						558.00
	8/17	8/18	Mongolia		354.00						354.00
	8/19	8/20	China		552.00						552.00
	8/21	8/23	South Korea		524.00						524.00
Mark Gage	8/9	8/12	Jordan		779.00						779.00
	8/13	8/14	Turkey		422.00						422.00
	8/15	8/16	Kyrgyzstan		478.00						478.00
	8/17	8/18	Mongolia		329.00						329.00
	8/19	8/20	China		261.00						261.00
	8/21	8/23	South Korea		484.00						484.00
	6/28	7/2	Ukraine		613.00		4,736.18				5,349.18
	7/2	7/6	Moldova		613.00						613.00
Elana Broitman	6/29	7/2	Ukraine		700.00		4,509.17				5,209.17
Clifford Kupchan	6/28	7/2	Ukraine		680.00		4,736.18				5,416.18
	7/2	7/6	Moldova		680.00						680.00
Paul Berkowitz	7/18	7/21	Germany		600.00		5,511.11				6,111.11
	8/10	8/18	India		2,201.00		5,850.52				8,051.52
	8/19	8/20	Nepal								
	8/20	8/21	Thailand		190.00						190.00
Stephen Rademaker	7/8	7/10	Panama		334.00		1,323.00				1,657.00
	8/3	8/4	Canada		184.00		293.61				477.61
John Mackey	7/8	7/10	Panama		334.00		1,323.00				1,657.00
Thomas Sheehy	6/28	7/4	Congo		1,240.00		7,179.77				8,419.77
	7/4	7/6	Uganda		310.00						310.00
Gregory Simpkins	6/28	7/4	Congo		1,240.00		7,179.77				8,419.77
	7/4	7/6	Uganda		310.00						310.00
Amos Hochstein	6/28	7/4	Congo		1,240.00		7,179.77				8,419.77
	7/4	7/6	Uganda		310.00						310.00
Jodi Christiansen	6/28	7/4	Congo		1,240.00		7,179.77				8,419.77
	7/4	7/6	Uganda		310.00						310.00
Hon. Christopher Smith	8/12	8/16	Thailand		760.00		4,638.00				5,398.00
Joseph Rees	7/7	7/9	Czech Republic		355.00		4,988.22				5,343.22
	7/9	7/11	Switzerland		440.00						440.00
	8/13	8/18	Thailand		760.00		3,858.00				4,618.00
	8/18	8/21	Philippines		594.00						594.00
Robert King	7/4	7/7	Germany		916.00		1,203.11				2,119.11
	7/7	7/10	Czech Republic		846.00				716.52		1,562.52
	7/10	7/14	Poland		1,112.00						1,112.00
Lester Munson	7/8	7/12	Morocco		447.20		4,834.25				5,281.45
	7/12	7/13	Algeria								
Celes Hughes	7/8	7/12	Morocco		447.20		4,834.25				5,281.45
	7/12	7/13	Algeria								
Maria Pica	8/10	8/13	China		718.00		4,846.00				5,564.00
	8/13	8/19	North Korea		1,028.00						1,028.00
	8/19	8/24	China		408.00						408.00
Mark Kirk	8/10	8/13	China		828.00		4,846.00				5,674.00
	8/13	8/19	North Korea		1,428.00						1,428.00
	8/19	8/24	China		408.00						408.00
Peter Brookes	8/10	8/13	China		828.00		4,846.00				5,674.00
	8/13	8/19	North Korea		1,428.00						1,428.00
	8/19	8/24	China								
Committee total					50,372.73		167,891.32		716.52		218,980.57

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BEN GILMAN, Chairman, Feb. 8, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1998

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Cass Ballenger	11/29	12/1	Nicaragua		[3] 74.00						74.00
Paul Berkowitz	12/7	12/10	Taiwan		934.50						934.50
	12/10	12/12	Hong Kong		694.00						694.00
	12/12	12/15	Thailand		[3] 720.00						720.00
Commercial airfare							4,266.46				4,266.46
Hon. Cass Ballenger	12/1	12/2	Mexico		[3] 188.99						188.89
	12/2	12/4	El Salvador		[3] 30.00						30.00
	12/4	12/6	Nicaragua		[3] 176.25						176.25
Paul Berkowitz	12/3	12/4	India		365.25						365.25
	12/4	12/7	Nepal		712.00						712.00
	12/8	12/10	Bhutan		312.00						312.00
	12/11	12/13	India		385.00						385.00
Commercial airfare							7,408.70				7,408.70
Deborah Bedlander	11/15	11/19	Qatar		900.00						900.00
Commercial airfare							5,697.90				5,697.90

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1998—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	12/2	12/6	England		1,416.00						1,416.00
Malik Chaka	12/3	12/6	Senegal		687.50						687.50
Commercial airfare							4,220.78				4,220.78
Jodi Christiansen	11/29	12/1	Nicaragua		187.50						187.50
Theodros Dagne	11/21	11/25	Cote d'Ivoire		625.00						625.00
	11/25	11/28	Ghana		[3] 634.00						634.00
	11/28	12/1	Nigeria		[3] 970.00						970.00
	12/1	12/3	Mali		250.00						250.00
	12/3	12/5	Senegal		487.50						487.50
	12/6	12/8	Rwanda		264.00						264.00
Commercial airfare							9,383.49				9,383.49
John Herzberg	11/5	11/9	Serbia-Montenegro		596.00						596.00
	11/9	11/11	Bosnia-Herzegovina		[3] 542.00						542.00
	11/11	11/13	Austria		376.00						376.00
Commercial airfare							4,517.76				4,517.76
Amos Hochstein	12/9	12/12	Turkey		[3] 443.00						443.00
	12/2	12/13	Qatar		[3] 159.00						159.00
	12/13	12/15	Saudi Arabia		[3] 72.00						72.00
Commercial airfare							6,332.54				6,332.54
Celes Hughes	12/7	12/9	Jordan		438.00						438.00
	12/9	12/12	Turkey		563.00						563.00
	12/12	12/13	Qatar		199.00						199.00
	12/13	12/15	Saudi Arabia		[3] 272.00						272.00
Commercial airfare							6,485.00				6,485.00
Kenneth Katzman	12/7	12/9	Jordan		[3] 423.00						423.00
	12/9	12/12	Turkey		[3] 513.00						513.00
	12/12	12/13	Qatar		199.00						199.00
	12/13	12/15	Saudi Arabia		[3] 272.00						272.00
Commercial airfare							6,485.00				6,485.00
Mark Kirk	11/5	11/9	Serbia-Montenegro		650.00						650.00
Commercial airfare							4,576.76				4,576.76
John Mackey	11/10	11/12	Belgium		498.00						498.00
	11/12	11/13	United Kingdom		315.00						315.00
	11/13	11/17	Ireland		892.00						892.00
Commercial airfare							4,811.48				4,811.48
	12/5	12/11	Ireland		1,431.00						1,431.00
Commercial airfare							6,605.52				6,605.52
Caleb McCarry	11/11	11/13	Nicaragua		[3] 366.00						366.00
Commercial airfare							1,176.00				1,176.00
	11/29	12/1	Nicaragua		[3] 137.50						137.50
Denis McDonough	11/11	11/13	Nicaragua		[3] 366.00						366.00
Commercial airfare							1,176.00				1,176.00
Hon. Robert Menendez	11/29	12/1	Nicaragua		187.50						187.50
Hon. Donald Payne	11/21	11/25	Cote d'Ivoire		625.00						625.00
	11/25	11/28	Ghana		696.00						696.00
	11/28	12/1	Nigeria		831.00						831.00
	12/1	12/3	Mali		[3] 50.00						50.00
	12/3	12/5	Senegal		[3] 100.00						100.00
Maria Pica	11/5	11/9	Serbia		596.00						596.00
	11/9	11/11	Bosnia		554.00						554.00
	11/11	11/13	Austria		376.00						376.00
Commercial airfare							4,517.76				4,517.76
Stephen Rademaker	12/7	12/9	Jordan		438.00				66.84		504.84
	12/9	12/12	Turkey		563.00						563.00
	12/12	12/13	Qatar		199.00						199.00
	12/13	12/15	Saudi Arabia		286.00						286.00
Commercial airfare							6,485.00				6,485.00
Francis Record	11/9	11/13	Kazakstan		1,100.00						1,100.00
Commercial airfare							5,443.54				5,443.54
	12/7	12/9	Jordan		388.00						388.00
	12/10	12/11	Turkey		413.00						413.00
	12/11	12/12	Qatar		149.00						149.00
	12/12	12/16	Saudi Arabia		72.00						72.00
Commercial airfare							6,485.00				6,485.00
Grover Joseph Rees	12/7	12/10	Taiwan		589.50						589.50
	12/10	12/12	Hong Kong		584.00						584.00
	12/12	12/15	Thailand		960.00						960.00
Commercial airfare							4,053.46				4,053.46
Hon. Dana Rohrabacher	11/30	12/2	Kuwait		676.00						676.00
	12/2	12/5	Taiwan		1,180.00						1,180.00
	12/5	12/11	Philippines		804.00						804.00
Commercial airfare							6,378.89				6,378.89
Committee total					33,152.99		106,507.04		66.84		139,726.87

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Represents refund of unused per diem.

BEN GILMAN, Chairman, Feb. 8, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1999

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Gary Ackerman	1/10	1/12	Finland		568.00						568.00
	1/12	1/14	Germany		508.00						508.00
	1/14	1/16	France		502.00						502.00
Commercial airfare							1,164.00				1,164.00
Hon. Cass Ballenger	2/13	2/14	El Salvador		115.70						115.70
	2/14	2/15	Panama		149.30						149.30
	2/15	2/16	Colombia		123.00						123.00
	2/16	2/18	Venezuela		163.00						163.00
	2/18	2/21	Mexico		389.00						389.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1999—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Doug Bereuter	1/9	1/11	South Korea		136.00						136.00
	1/11	1/14	Indonesia		699.00						699.00
	1/14	1/16	China		334.00						334.00
Paul Berkowitz	2/14	2/18	India		867.10						867.10
Commercial airfare							6,744.18				6,744.18
Deborah Bodlander	1/9	1/13	Yemen		1,132.00						1,132.00
	1/13	1/15	Egypt		417.00						417.00
	1/15	1/18	Lebanon		190.00						190.00
	1/18	1/23	Israel		1,465.00						1,465.00
Commercial airfare							6,524.00				6,524.00
	3/7	3/10	Qatar		597.00						597.00
Commercial airfare							6,015.40				6,015.40
Hon. Kevin Brady	1/14	1/16	France		502.00						502.00
	1/16	1/18	Austria		480.00						480.00
Commercial airfare							3,137.20				3,137.20
Parker Brent	1/10	1/12	Finland		568.00						568.00
	1/12	1/14	Germany		508.00						508.00
	1/14	1/16	France		502.00						502.00
	1/16	1/18	Austria		480.00						480.00
Peter Brookes	1/10	1/13	Australia		517.00						517.00
	1/14	1/16	New Zealand		300.00						300.00
Commercial airfare							8,213.70				8,213.70
Hon. John Cooksey	2/12	2/14	United Kingdom		623.28						623.28
	2/14	2/16	Jerusalem		360.50						360.50
	2/16	2/17	Turkey		88.00						88.00
	2/17	2/19	Bahrain		390.64						390.64
	2/19	2/20	Turkey		181.31						181.31
	2/20	2/21	Ireland		264.00						264.00
Hon. Joseph Crowley	2/25	2/28	Colombia		386.00						386.00
Commercial airfare							1,651.40				1,651.40
Michael Ennis	1/10	1/11	South Korea		136.00						136.00
	1/11	1/14	Indonesia		661.00						661.00
	1/14	1/16	Hong Kong		334.00						334.00
	1/16	1/18	Taiwan		667.50						667.50
Richard Garon	1/10	1/12	Finland		568.00						568.00
	1/12	1/14	Germany		508.00						508.00
	1/14	1/16	France		502.00						502.00
	1/16	1/18	Austria		480.00						480.00
	1/27	1/28	Dominican Republic		161.00						161.00
Kristin Gilley	1/9	1/13	Yemen		962.00						962.00
	1/13	1/15	Egypt		452.00						452.00
	1/15	1/18	Lebanon		400.00						400.00
	1/18	1/22	Israel		1,415.00						1,415.00
Commercial airfare							6,524.16				6,524.00
Hon. Benjamin Gilman	1/10	1/12	Finland		568.00						568.00
	1/12	1/14	Germany		508.00						508.00
	1/14	1/16	France		502.00						502.00
	1/16	1/18	Austria		480.00						480.00
	1/27	1/28	Dominican Republic		161.00						161.00
Charisse Glassman	2/24	3/1	Nigeria		1,532.00						1,532.00
	3/1	3/2	Cape Verde		75.00						75.00
Jason Gross	2/13	2/16	Greece		625.00						625.00
	2/16	2/17	Cyprus		200.00						200.00
	2/17	2/18	Greece		124.00						124.00
	2/18	2/20	Turkey		678.00						678.00
Commercial airfare							2,714.72				2,714.72
	3/29	3/30	United Kingdom		315.00						315.00
	3/30	4/1	Ireland		412.00						412.00
	4/1	4/3	United Kingdom		520.00						520.00
Commercial airfare							5,824.23				5,824.23
John Herzberg	1/10	1/12	Finland		568.00						568.00
	1/12	1/14	Germany		508.00						508.00
	1/14	1/16	France		502.00						502.00
	1/16	1/18	Austria		480.00						480.00
	1/14	1/16	Greece		626.00						626.00
Commercial airfare							2,714.72				2,714.72
Hon. Earl Hilliard	1/10	1/12	Finland		568.00						568.00
	1/12	1/14	Germany		508.00						508.00
	1/14	1/16	France		502.00						502.00
	1/16	1/18	Austria		480.00						480.00
Charmaine Houseman	2/24	3/1	Nigeria		1,532.00						1,532.00
	3/1	3/2	Cape Verde		117.52						117.52
Robert King	1/10	1/12	Finland		568.00						568.00
	1/12	1/14	Germany		508.00						508.00
	1/14	1/16	France		502.00						502.00
	1/16	1/18	Austria		480.00						480.00
Hon. Barbara Lee	2/25	2/27	Nigeria		1,255.00						1,255.00
Commercial airfare							3,726.60				3,726.60
John Mackey	1/10	1/12	Finland		568.00						568.00
	1/12	1/14	Germany		508.00						508.00
	1/14	1/16	France		502.00						502.00
	1/16	1/18	Austria		480.00						480.00
	2/14	2/18	Colombia		950.00						950.00
	2/18	2/21	Mexico		455.00						455.00
Commercial airfare							1,439.67				1,439.67
	3/29	3/30	United Kingdom		315.00						315.00
	3/30	4/3	Ireland		824.00						824.00
Commercial airfare							5,087.68				5,087.68
Caleb McCarry	1/27	1/28	Dominican Republic		111.00						111.00
	2/26	2/28	Colombia		331.00						331.00
Commercial airfare							1,662.40				1,662.40
Dennis McDonough	1/27	1/28	Dominican Republic		91.00						91.00
	2/26	2/28	Colombia		386.00						386.00
Commercial airfare							702.40				702.40
Hon. Cynthia McKinney	12/27	12/28	United Kingdom		365.00						365.00
	1/1	1/2	Burundi		197.00						197.00
Commercial airfare							7,700.92				7,700.92
	2/4	2/7	Netherlands		754.87						754.87
Commercial airfare							4,780.47				4,780.47
Hon. Gregory Meeks	2/24	3/1	Nigeria		1,532.00						1,532.00
	3/1	3/2	Cape Verde		117.52						117.52

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1999—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Lester Munson	2/24	3/1	Nigeria		1,532.00						1,532.00
	3/1	3/2	Cape Verde		117.52						117.52
Hon. Donald Payne	2/24	3/1	Nigeria		1,532.00						1,532.00
	3/1	3/2	Cape Verde		117.52						117.52
Alfred Prados	1/9	1/13	Yemen		650.14						650.14
	1/13	1/15	Egypt		81.96						81.96
	1/15	1/18	Lebanon								
	1/18	1/23	Israel		904.92						904.92
Commercial airfare							6,524.16				6,524.16
Joseph Rees	1/24	1/25	Taiwan		217.00						217.00
	1/25	1/30	Vietnam		541.00						541.00
	1/30	1/31	Phillippines		198.00						198.00
Commercial airfare							3,931.40				3,931.40
Walker Roberts	1/10	1/13	Australia		517.00						517.00
	1/14	1/16	New Zealand		300.00						300.00
Commercial airfare							8,213.70				8,213.70
	2/14	2/16	Greece		626.00						626.00
	2/16	2/18	Turkey		200.00						200.00
Commercial airfare							2,714.72				2,714.72
Hon. Dana Rohrabacher	2/20	2/21	Marshall Islands		185.00						185.00
Hon. Edward Royce	2/25	3/1	Nigeria		1,532.00						1,532.00
	3/1	3/2	Cape Verde		117.52						117.52
Thomas Sheehy	2/24	3/1	Nigeria		1,532.00						1,532.00
	3/1	3/2	Cape Verde		75.00						75.00
Linda Solomon	1/10	1/12	Finland		568.00						568.00
	1/12	1/14	Germany		508.00						508.00
	1/14	1/16	France		502.00						502.00
	1/16	1/18	Austria		480.00						480.00
Hillel Weinberg	1/10	1/12	Finland		404.00						404.00
	1/12	1/14	Germany		319.00						319.00
	1/14	1/16	France		320.00						320.00
	1/16	1/18	Austria		288.00						288.00
Hon. Robert Wexler	1/17	1/21	Czech Republic		928.00						928.00
Commercial airfare							2,201.05				2,201.05
Committee total					64,652.54		97,198.16				161,850.70

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BEN GILMAN, Chairman, Feb. 8, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1999

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Cass Ballenger	5/28	5/30	Venezuela		205.00						205.00
	5/30	5/31	Honduras		152.00						152.00
	5/31	6/2	El Salvador		320.00						320.00
Paul Berkowitz	3/29	3/30	Italy		273.00						273.00
	3/30	4/3	India		1,476.00						1,476.00
	4/3	4/4	Czech Republic		127.00						127.00
	4/4	4/8	Switzerland		1,100.00						1,100.00
Commercial airfare							1,898.05				1,898.05
Nancy Bloomer	3/27	3/28	Italy		328.00						328.00
	3/28	3/30	Israel		658.00						658.00
	3/30	4/1	Egypt		452.00						452.00
	4/1	4/3	Jordan		588.00						588.00
	4/3	4/5	Tunisia		358.00						358.00
	4/5	4/8	Morocco		569.00						569.00
Deborah Bodlander	3/27	3/28	Italy		228.00						228.00
	3/28	3/30	Israel		578.00						578.00
	3/30	4/1	Egypt		337.00						337.00
	4/1	4/3	Jordan		448.00						448.00
	4/3	4/5	Tunisia		238.00						238.00
	4/5	4/8	Morocco		501.00						501.00
Paul Bonicelli	5/28	5/30	Venezuela		360.00						360.00
	5/30	5/31	Honduras		152.00						152.00
	5/31	6/2	El Salvador		320.00						320.00
Peter Brookes	3/28	3/30	Japan		502.00						502.00
	3/30	4/1	South Korea		476.00						476.00
	4/1	4/4	Taiwan		955.50						955.50
Commercial airfare							2,971.20				2,971.20
Malik Chaka	6/2	6/5	Kenya		780.00						780.00
	6/5	6/7	Sudan				714.28				714.28
	6/7	6/7	Kenya								
	6/7	6/7	Amsterdam								
Commercial airfare							4,951.09				4,951.09
Marion Chambers	3/26	3/28	Turkmenistan		382.00		114.00				496.00
	3/28	4/1	Uzbekistan		1,063.00		106.00				1,169.00
	4/1	4/2	Kazakhstan		783.00						783.00
	4/3	4/5	Kyrgystan		272.00						272.00
	4/5	4/6	Kazakhstan								
Commercial airfare							6,407.59				6,407.59
Mark Clack	3/30	4/1	Egypt		452.00						452.00
	4/1	4/3	Jordan		588.00						588.00
	4/3	4/5	Tunisia		358.00						358.00
	4/5	4/8	Morocco		661.00						661.00
Michael Ennis	3/26	3/28	Turkmenistan		382.00		114.00				496.00
	3/28	4/1	Uzbekistan		1,063.00		106.00				1,169.00
	4/1	4/2	Kazakhstan		783.00						783.00
	4/3	4/5	Kyrgystan		272.00						272.00
	4/5	4/6	Kazakhstan								
Commercial airfare							6,407.59				6,407.59

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1999—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Enri Faleomavaega	4/3	4/5	South Korea		576.00						576.00
	4/5	4/8	Australia		354.00						354.00
	4/8	4/11	New Zealand		259.00						259.00
Commercial airfare							799.67				799.67
Hon. Sam Gejdenson	5/28	5/30	Lithuania		397.00						397.00
	5/30	6/1	Belarus		492.00						492.00
Commercial airfare							4,508.58				4,508.58
Hon. Benjamin Gilman	3/27	3/28	Italy		328.00						328.00
	3/28	3/30	Israel		658.00						658.00
	3/30	4/1	Egypt		452.00						452.00
	4/1	4/3	Jordan		588.00						588.00
	4/3	4/5	Tunisia		358.00						358.00
	4/5	4/8	Morocco		661.00						661.00
Charisse Glassman	6/1	6/5	Kenya		900.00						900.00
	6/5	6/7	Sudan				714.28				714.28
	6/7	6/7	Kenya								
	6/7	6/7	Amsterdam								
Commercial airfare							5,960.25				5,960.25
Hon. Alcee Hastings	4/22	4/24	Denmark		720.25						720.25
Commercial airfare							4,411.01				4,411.01
	6/11	6/14	Haiti		455.50						455.50
Hon. Earl Hilliard	3/27	3/28	Italy		328.00						328.00
	3/28	3/30	Israel		658.00						658.00
	3/30	4/1	Egypt		452.00						452.00
	4/1	4/3	Jordan		588.00						588.00
	4/3	4/5	Tunisia		358.00						358.00
	4/5	4/8	Morocco		661.00						661.00
Amos Hochstein	3/27	3/28	Italy		300.00						300.00
	3/28	3/30	Israel		587.00						587.00
	5/28	5/30	Finland		384.00						384.00
	5/30	6/1	Belgium		438.00						438.00
Commercial airfare							4,369.46				4,369.46
Hon. Amo Houghton	6/15	6/17	South Africa				5,559.31				5,559.31
Hon. Barbara Lee	4/1	4/4	South Africa								
	4/5	4/7	Ghana								
	4/8	4/10	South Africa								
Commercial airfare							8,019.20				8,019.20
John Mackey	5/27	6/1	Spain		1,347.50						1,347.50
Commercial airfare							2,862.84				2,862.84
Michelle Maynard	5/28	5/30	Lithuania		297.00						297.00
	5/30	6/1	Belarus		342.00						342.00
Commercial airfare							4,697.58				4,697.58
Caleb McCarry	5/29	5/30	Ecuador		325.00						325.00
	5/30	5/31	Peru		103.00						103.00
	5/31	5/31	Aruba		73.00						73.00
	5/31	6/1	Curacao		177.00						177.00
	6/1	6/3	Panama		323.00						323.00
Commercial airfare							2,109.62				2,109.62
Denis McDonough	5/29	5/30	Ecuador		325.00						325.00
	5/30	5/31	Peru		103.00						103.00
	5/31	6/2	Colombia		386.00						386.00
Commercial airfare							856.20				856.20
Kathleen Moazed	3/30	4/1	South Korea		476.00						476.00
	4/1	4/2	China		276.00						276.00
	4/2	4/3	Hong Kong		297.00						297.00
	4/3	4/5	Vietnam		456.00						456.00
Commercial airfare							6,625.88				6,625.88
Lester Munson	3/27	3/28	Italy		328.00						328.00
	3/28	3/30	Israel		658.00						658.00
	3/30	4/1	Egypt		452.00						452.00
	4/1	4/3	Jordan		588.00						588.00
	4/3	4/5	Tunisia		350.00						350.00
	4/5	4/8	Morocco		569.00						569.00
Hon. Donald Payne	6/4	6/6	Kenya		750.00						750.00
	6/6	6/7	Sudan				714.28				714.28
	6/7	6/7	Kenya								
	6/7	6/7	Amsterdam								
Commercial airfare							5,752.00				5,752.00
Stephen Rademaker	3/28	3/30	Japan		502.00						502.00
	3/30	4/1	South Korea		476.00						476.00
	4/1	4/2	Taiwan		409.50						409.50
Commercial airfare							3,132.73				3,132.73
	6/1	6/3	Panama		348.00						348.00
Commercial airfare							1,694.00				1,694.00
Grover Joseph Rees	4/3	4/5	Czech Republic		400.00						400.00
	4/5	4/8	Switzerland		900.00						900.00
Commercial airfare							4,493.73				4,493.73
	5/30	5/31	Singapore		233.00						233.00
	5/31	6/10	Indonesia		1,627.00						1,627.00
	6/10	6/11	Singapore		254.00						254.00
Commercial airfare							4,344.40				4,344.40
John Walker Roberts	3/28	3/30	Japan		502.00						502.00
	3/30	4/1	South Korea		476.00						476.00
	4/1	4/4	Taiwan		955.50						955.50
Commercial airfare							3,864.73				3,864.73
Kimberly Roberts	3/27	3/28	Italy		328.00						328.00
	3/28	3/30	Israel		658.00						658.00
	3/30	4/1	Egypt		452.00						452.00
	4/1	4/3	Jordan		588.00						588.00
	4/3	4/5	Tunisia		358.00						358.00
	4/5	4/8	Morocco		569.00						569.00
Hon. Mark Sanford	5/28	5/30	Venezuela		205.00						205.00
	5/30	5/31	Honduras		152.00						152.00
	5/31	6/2	El Salvador		320.00						320.00
Hon. Tom Tancredo	6/2	6/2	Amsterdam		900.00						900.00
	6/2	6/5	Kenya								
	6/5	6/7	Sudan				714.28				714.28
	6/7	6/7	Kenya								
	6/7	6/7	Amsterdam								
Commercial airfare							6,961.09				6,961.09
Hillel Weinberg	5/28	5/30	Finland		384.00						384.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1999—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	5/30	6/1	Belgium		438.00						438.00
Commercial airfare							4,467.73				4,467.73
Peter Yeo	3/30	4/1	South Korea		476.00						476.00
	4/1	4/2	China		276.00						276.00
	4/2	4/3	Hong Kong		297.00						297.00
	4/3	4/5	Vietnam		456.00						456.00
Commercial airfare							6,625.88				6,625.88
Committee total					54,434.75		118,048.53				172,483.28

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BEN GILMAN, Chairman, Feb. 8, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND THE WORKFORCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1999

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Carlos Romero-Barcelo[3]	8/28	8/30	Slovakia		589.00		60.00		52.00		701.00
	8/31	9/2	Romania		548.00		55.00		72.00		675.00
	9/2	9/4	Bulgaria		593.00		60.00		72.00		725.00
	9/4	9/6	Hungary		603.00		90.00		52.00		745.00
	9/6	9/7	Netherlands		207.00		30.00		32.00		269.00
Hon. Lynn C. Woolsey[4]	8/7	8/11	Armenia		600.00		(5)				600.00
Commercial airfare							3,368.10				3,368.10
Committee total					3,140.00		3,663.10		280.00		7,083.10

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] To participate in CODEL Mica.

[4] To participate in CODEL Morella.

[5] Military air transportation.

BILL GOODLING, Chairman, Feb. 2, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1999

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
David Adams	8/8	8/10	Japan		522.00						522.00
	8/10	8/11	Hong Kong		297.00						297.00
	8/11	8/14	China		621.00						621.00
	8/14	8/18	Mongolia		483.00						483.00
Commercial airfare							6,514.68				6,514.68
Hon. Cass Ballenger	8/29	8/30	Venezuela		103.65						103.65
	8/30	9/1	Colombia		108.65						108.65
	9/1	9/3	Nicaragua		402.65						402.65
Hon. Doug Bereuter	8/31	9/3	Australia		664.00		178.02				842.02
Paul Berkowitz	7/3	7/4	Thailand		796.00						796.00
	7/5	7/6	Cambodia		472.00						472.00
	7/7	7/8	Laos								
	7/8	7/10	Thailand								
Commercial airfare							4,753.40				4,753.40
	8/8	8/10	Taiwan		530.00						530.00
	8/10	8/12	Thailand		498.00						498.00
	8/13	8/17	Australia		1,078.67						1,078.67
	8/17	8/20	New Zealand		713.19						713.19
Nancy Bloomer	7/8	7/10	United Kingdom		766.00						766.00
Commercial airfare							534.52				534.52
Deborah Bodlander	7/3	7/6	Syria		540.00						540.00
	7/6	7/10	Lebanon		70.00						70.00
Commercial airfare							6,924.71				6,924.71
Paul Bonicelli	8/17	8/19	Venezuela		514.94						514.94
Commercial airfare							1,521.40				1,521.40
Parker Brent	8/8	8/10	Taiwan		530.00						530.00
	8/10	8/12	Thailand		498.00						498.00
	8/13	8/17	Australia		1,078.67						1,078.67
	8/17	8/20	New Zealand		713.19						713.19
Peter Brookes	8/8	8/10	Taiwan		530.00						530.00
	8/10	8/12	Thailand		498.00						498.00
	8/13	8/17	Australia		1,078.67						1,078.67
	8/17	8/20	New Zealand		713.19						713.19
Thomas Callahan	7/8	7/11	South Africa		208.50						208.50
Commercial airfare							7,280.11				7,280.11
	8/17	8/24	Ethiopia		1,421.00						1,421.00
	8/24	8/25	Saudi Arabia		166.00						166.00
	8/25	8/28	Eritrea		524.00						524.00
Commercial airfare							6,641.81				6,641.81
Hon. Tom Campbell	7/5	7/8	Zimbabwe		477.00						477.00
	7/8	7/11	South Africa		300.00						300.00
Commercial airfare							3,632.11				3,632.11
	8/8	8/10	Taiwan		530.00						530.00
	8/10	8/12	Thailand		498.00						498.00
	8/13	8/17	Australia		1,078.67						1,078.67
	8/17	8/20	New Zealand		713.19						713.19
	9/10	9/12	Haiti		183.00						183.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1999—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Sean Carroll	8/29	8/30	Venezuela		283.65						283.65
	8/30	9/1	Colombia		386.00						386.00
	9/1	9/3	Nicaragua		427.50						427.50
Malik Chaka	8/8	8/9	Guinea		1,450.00						1,450.00
	8/9	8/11	Sierra Leone								
	8/11	8/16	Guinea								
Commercial airfare							4,379.40				4,379.40
Mark Clack	8/8	8/9	Guinea		1,450.00						1,450.00
	8/9	8/11	Sierra Leone								
	8/11	8/16	Guinea								
Commercial airfare							4,379.40				4,379.40
Theodore Dagne	7/5	7/8	Zimbabwe		477.00						477.00
	7/8	7/11	South Africa		300.00						300.00
Commercial airfare							7,280.11				7,280.11
Hon. William Delahunt	9/1	9/2	Nicaragua		232.50						232.50
Commercial airfare							1,127.60				1,127.60
Michael Ennis	8/21	8/24	Turkey		579.00						579.00
	8/24	8/25	Armenia		300.00						300.00
	8/26	8/30	Georgia		300.00						300.00
	8/30	9/2	Azerbaijan		808.00						808.00
Commercial airfare							5,926.60				5,926.60
Hon. Eni Faleomavaega	8/9	8/10	Taiwan		265.00		2,060.76				2,325.76
	8/10	8/12	Thailand		498.00						498.00
	8/13	8/17	Australia		1,078.67						1,078.67
	8/17	8/20	New Zealand		713.19						713.19
	9/10	9/12	Haiti		183.00						183.00
Mark Gage	8/28	8/31	Slovak Republic		519.50						519.50
	8/31	9/2	Romania		492.00						492.00
	9/2	9/4	Bulgaria		190.00						190.00
	9/4	9/6	Hungary		553.00						553.00
	9/6	9/7	Netherlands		207.00						207.00
Rich Garon	8/8	8/10	Taiwan		530.00						530.00
	8/10	8/12	Thailand		498.00						498.00
	8/13	8/17	Australia		1,078.67						1,078.67
	8/17	8/20	New Zealand		713.19						713.19
Kristen Gilley	8/8	8/10	Taiwan		530.00						530.00
	8/10	8/12	Thailand		498.00						498.00
	8/13	8/17	Australia		1,325.43						1,325.43
	8/17	8/19	New Zealand		641.14						641.14
Commercial airfare							3,624.41				3,624.41
Hon. Benjamin Gilman	7/8	7/10	United Kingdom		766.00						766.00
Commecial airfare							534.52				534.52
	8/8	8/10	Taiwan		530.00						530.00
	8/10	8/12	Thailand		498.00						498.00
	8/13	8/17	Australia		1,078.67						1,078.67
	8/17	8/20	New Zealand		713.19						713.19
Charisse Glassman	7/5	7/8	Zimbabwe		477.00						477.00
	7/8	7/11	South Africa		300.00						300.00
Commercial airfare							6,008.17				6,008.17
	9/10	9/12	Haiti		183.00						183.00
Jason Gross	8/24	8/25	Macedonia		160.00						160.00
	8/25	8/27	Serbia		494.00						494.00
	8/27	8/28	Montenegro								
	8/28	8/31	Bosnia		602.00						602.00
Commerical airfare							4,638.40				4,638.40
Hon. Alcee Hastings	8/8	8/10	Taiwan		530.00						530.00
	8/10	8/12	Thailand		498.00						498.00
	8/13	8/17	Australia		1,078.67						1,078.67
	8/17	8/20	New Zealand		713.19						713.19
John Heizberg	8/24	8/25	Macedonia		160.00						160.00
	8/25	8/27	Serbia		238.00						238.00
	8/27	8/28	Montenegro		250.00						250.00
	8/29	8/31	Bosnia		602.00						602.00
Commercial airfare							4,638.40				4,638.40
Amos Hochstein	7/3	7/6	Syria		612.00						612.00
	7/6	7/10	Lebanon		105.00						105.00
Commercial airfare							6,924.71				6,924.71
Mark Kirk	8/24	9/1	Yugoslavia		1,032.35						1,032.35
Commercial airfare							4,638.40				4,638.40
John Mackey	8/8	8/10	Taiwan		530.00						530.00
	8/10	8/12	Thailand		498.00						498.00
	8/12	8/14	Ireland		380.00						380.00
Commercial airfare							2,685.20				2,685.20
	8/30	8/31	Slovak Republic		293.50						293.50
	8/31	9/2	Romania		492.00						492.00
	9/2	9/4	Bulgaria		250.00						250.00
	9/4	9/6	Hungary		502.00						502.00
	9/6	9/7	Netherlands		207.00						207.00
Commercial airfare							2,340.85				2,340.85
Caleb McCarry	8/29	8/30	Venezuela		283.65						283.65
	8/30	9/1	Colombia		386.00						386.00
	9/1	9/3	Nicaragua		427.50						427.50
	9/10	9/12	Haiti		118.00						118.00
Hon. Cynthia McKinney	8/26	8/28	Democratic Republic of Congo		579.00		197.21				776.21
Commercial airfare							6,043.40				6,043.40
Kathleen Moazed	8/23	8/26	Armenia		400.00						400.00
	8/26	8/30	Georgia		300.00						300.00
	8/30	9/2	Azerbaijan		950.00						950.00
Commercial airfare							5,924.63				5,924.63
Vince Morelli	8/17	8/19	Venezuela		541.94						541.94
Commercial airfare							1,521.40				1,521.40
Hon. Donald Payne	7/5	7/8	Zimbabwe		477.00						477.00
	7/8	7/11	South Africa		300.00						300.00
Commercial airfare							5,704.17				5,704.17
	9/10	9/12	Haiti		183.00						183.00
Joseph Rees	8/9	8/11	Switzerland		3,200.00						3,200.00
	8/11	8/14	Macedonia								
	8/14	8/18	Kosovo								
	8/18	8/19	Macedonia								
	8/19	8/24	Italy								
Commercial airfare							5,031.39				5,031.39

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1999—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Matthew Reynolds	8/8	8/10	Japan		522.00						522.00
	8/10	8/11	Hong Kong		297.00						297.00
	8/11	8/14	China		621.00						621.00
	8/14	8/18	Mongolia		388.00						388.00
Commercial airfare							6,514.68				6,514.68
Hon. Dana Rohrabacher	8/28	8/31	Slovak Republic		589.50						589.50
	8/31	9/2	Romania		522.00						522.00
	9/2	9/4	Bulgaria		250.00						250.00
	9/4	9/6	Hungary		502.00						502.00
	9/6	9/7	Netherlands		207.00						207.00
Linda Solomon	8/8	8/10	Taiwan		530.00						530.00
	8/10	8/12	Thailand		498.00						498.00
	8/13	8/17	Australia		1,078.67						1,078.67
	8/17	8/20	New Zealand		713.19						713.19
Committee total					68,065.29		130,104.57				198,169.86

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BEN GILMAN, Chairman, Feb. 8, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND THE WORKFORCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1999

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

FOR HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BILL GOODLING, Chairman, Feb. 2, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1999

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Amit Sachdev	12/5	12/11	Switzerland		1,400.00		1,882.42				3,282.42
Richard Frandsen	12/7	12/14	Switzerland		1,650.00		4,953.17				6,603.17
Alison Taylor	11/28	12/6	China		2,057.00		3,161.70				5,218.70
Robert Meyers	11/28	11/6	China		2,057.00		2,172.45				4,229.45
Hon. Nathan Deal	11/20	11/21	Moldova		225.00						225.00
	11/21	11/24	Russia		1,143.00						1,143.00
Hon. Joe Barton	11/20	11/21	Moldova		225.00						225.00
	11/21	11/24	Russia		1,125.00						1,125.00
Committee total					9,882.00		12,169.74				22,051.74

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

TOM BLILEY, Chairman, Jan. 31, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1999

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Kevin Long	10/14	10/18	Spain		927.00		4,197.26				5,124.26
William O'Neill	10/14	10/18	Spain		927.00		4,197.26				5,124.26
Andrew Su	10/14	10/18	Spain		927.00		1,446.26				2,373.26
Kevin Long	11/4	11/6	Colombia		486.00		1,744.45				2,230.45
Gilbert Macklin	11/4	11/6	Colombia		486.00		1,744.45				2,230.45
Committee total					3,753.00		13,329.68				17,082.68

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAN BURTON, Chairman, Jan. 31, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1999

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
David Abramowitz	12/14	12/17	Argentina		825.00						825.00
	12/17	12/18	Paraguay		135.00						135.00
	12/18	12/20	Brazil		474.00						474.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1999—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Commercial airfare							4,032.45				4,032.45
Hon. Cass Ballenger	12/2	12/4	Curacao		455.06						455.06
	12/4	12/6	Aruba		353.60						353.60
	12/6	12/8	Ecuador		310.04						310.04
	12/8	12/10	Panama		295.23						295.23
Peter Brookes	12/6	12/9	Philippines		627.00						627.00
	12/9	12/11	Singapore		398.00						398.00
	12/11	12/12	Hong Kong		594.00						594.00
Commercial airfare							6,605.79				6,605.79
Hon. Tom Campbell	11/21	11/22	Thailand		747.00						747.00
	11/22	11/26	Burma		626.00						626.00
	11/26	12/1	Vietnam		1,390.00						1,390.00
	12/1	12/2	Thailand								
Commercial airfare							3,053.45				3,053.45
Malik Chaka	12/2	12/8	Cote d'Ivoire		1,027.00						1,027.00
	12/8	12/9	France		283.00						283.00
Commercial airfare							6,385.94				6,385.94
Mark Clack	11/29	12/2	Nigeria		835.00						835.00
	12/2	12/3	Ghana		200.00						200.00
Commercial airfare							5,974.20				5,974.20
David Fite	12/8	12/9	Philippines		209.00						209.00
	12/9	12/11	Singapore		398.00						398.00
	12/11	12/13	Hong Kong		594.00						594.00
	12/13	12/16	China		693.00						693.00
Commercial airfare							6,605.79				6,605.79
Mark Gage	11/29	12/3	Russia		1,450.00						1,450.00
Commercial airfare							5,003.61				5,003.61
Sam Gejdenson	11/30	12/2	Nigeria		900.00						900.00
	12/2	12/3	Ghana		200.00						200.00
Commercial airfare							6,054.45				6,054.45
Kristen Gilley	12/14	12/17	Argentina		825.00						825.00
	12/17	12/18	Paraguay		135.00						135.00
	12/18	12/20	Brazil		474.00						474.00
Commercial airfare							4,032.45				4,032.45
Charisse Glassman	11/19	11/20	Thailand		747.00						747.00
	11/21	11/26	Burma		626.00						626.00
	11/27	11/29	Vietnam		754.00						754.00
	11/30	12/1	Thailand								
Commercial airfare							5,148.45				5,148.45
Hon. Barbara Lee	11/29	12/2	Nigeria		900.00						900.00
	12/2	12/3	Ghana		200.00						200.00
Commercial airfare							6,274.20				6,274.20
John Mackey	11/4	11/6	Colombia		486.00						486.00
Commercial airfare							1,744.45				1,744.45
	12/14	12/17	Argentina		825.00						825.00
	12/17	12/18	Paraguay		135.00						135.00
	12/18	12/20	Brazil		474.00						474.00
Commercial airfare							4,032.45				4,032.45
	12/2	12/3	United Kingdom		349.00						349.00
	12/3	12/4	Ireland		311.00						311.00
Commercial airfare							5,006.55				5,006.55
Kathleen Moazed	11/13	11/17	England		1,150.00				420.00		1,570.00
Commercial airfare					5,029.66						5,029.66
Larry Nowels	11/21	11/22	Thailand		747.00						747.00
	11/22	11/26	Burma		626.00						626.00
	11/26	12/1	Vietnam		1,155.00						1,155.00
	12/1	12/2	Thailand								
Commercial airfare							4,596.45				4,596.45
Hon. Donald Payne	11/20	11/21	Thailand		249.00						249.00
	11/21	11/26	Burma		626.00						626.00
	11/27	11/28	Thailand								
Commercial airfare							10,469.20				10,469.20
Douglas Rasmussen	11/21	11/22	Thailand		747.00						747.00
	11/22	11/26	Burma		626.00						626.00
	11/26	12/1	Vietnam		1,135.00						1,135.00
	12/1	12/2	Thailand								
Commercial airfare							4,937.45				4,937.45
Grover Joseph Rees	11/22	11/25	Switzerland		833.00						833.00
Commercial airfare							4,138.24				4,138.24
	12/12	12/15	Philippines		573.00						573.00
	12/15	12/19	Vietnam		398.00						398.00
	12/20	12/20	Japan		105.00						105.00
Commercial airfare							4,214.76				4,214.76
Francis Record	10/29	10/31	Germany		602.00						602.00
Commercial airfare							5,067.01				5,067.01
John Walker Roberts	12/6	12/9	Philippines		627.00						627.00
	12/9	12/11	Singapore		398.00						398.00
	12/11	12/13	Hong Kong		594.00						594.00
	12/14	12/16	China		543.00						543.00
Commercial airfare							7,055.79				7,055.79
Hon. Edward Royce	11/20	11/21	Moldova		225.00						225.00
	11/21	11/24	Russia		797.00						797.00
	11/24	11/25	Norway		276.00						276.00
Tanya Shamson	11/29	12/3	Russia		1,450.00						1,450.00
Commercial airfare							5,003.61				5,003.61
Thomas Sheehy	12/2	12/8	Cote d'Ivoire		1,027.00						1,027.00
Commercial airfare							4,355.13				4,355.13
Hon. Christopher Smith	11/22	11/24	Switzerland		536.00						536.00
Commercial airfare							4,138.24				4,138.24
	12/16	12/18	Vietnam		366.00						366.00
	12/19	12/19	Japan		150.00						150.00
Commercial airfare							4,045.20				4,045.20
Hillel Weinberg	10/29	10/31	Germany		434.00						434.00
Commercial airfare							4,417.01				4,417.01
	11/29	11/30	Portugal		166.00						166.00
	11/30	12/3	Belgium		826.00						826.00
Commercial airfare							4,470.00				4,470.00
Peter Yeo	12/8	12/9	Philippines		209.00						209.00
	12/9	12/11	Singapore		398.00						398.00
	12/11	12/13	Hong Kong		594.00						594.00
	12/13	12/16	China		693.00						693.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1999—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Commercial airfare							6,605.79				6,605.79
Committee total					46,170.59		143,468.11		420.00		190,058.70

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[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BEN GILMAN, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RESOURCES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1999

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Robert Howarth	11/12	11/24	Brazil		2,150.00		4,552.45				6,702.45
Kurt Christensen	11/24	12/5	Morocco		1,800.00		1,481.39				3,281.39
John Rishel	11/24	12/5	Morocco		1,800.00		1,481.39				3,281.39
Hon. Richard Pombo[3]	12/11	12/18	South Africa/Zimbabwe/Botswana/Mozambique.		400.00		(4)				400.00
Hon. James Hansen[3]	12/11	12/18	South Africa/Zimbabwe/Botswana/Mozambique.		400.00		(4)				400.00
Hon. Neil Abercrombie[3]	12/11	12/18	South Africa/Zimbabwe/Botswana/Mozambique.		400.00		(4)				400.00
Hon. John Doolittle[3]	12/11	12/18	South Africa/Zimbabwe/Botswana/Mozambique.		400.00		(4)				400.00
Hon. Calvin Dooley[3]	12/11	12/18	South Africa/Zimbabwe/Botswana/Mozambique.		400.00		(4)				400.00
Hon. Robert Underwood[3]	12/11	12/18	South Africa/Zimbabwe/Botswana/Mozambique.		400.00		(4)				400.00
Hon. Barbara Cubin[3]	12/11	12/18	South Africa/Zimbabwe/Botswana/Mozambique.		400.00		(4)				400.00
Hon. Helen Chenoweth-Hage[3]	12/11	12/18	South Africa/Zimbabwe/Botswana/Mozambique.		400.00		(4)				400.00
Hon. Eni Faleomavaega[3]	12/11	12/18	South Africa/Zimbabwe/Botswana/Mozambique.		400.00		(4)				400.00
Lloyd Jones[3]	12/11	12/18	South Africa/Zimbabwe/Botswana/Mozambique.		400.00		(4)				400.00
Christine Kennedy[3]	12/11	12/18	South Africa/Zimbabwe/Botswana/Mozambique.		400.00		(4)				400.00
Elizabeth Megginson[3]	12/11	12/18	South Africa/Zimbabwe/Botswana/Mozambique.		400.00		(4)				400.00
Robert Howarth[3]	12/11	12/18	South Africa/Zimbabwe/Botswana/Mozambique.		400.00		(4)				400.00
Todd Willens[3]	12/11	12/18	South Africa/Zimbabwe/Botswana/Mozambique.		400.00		(4)				400.00
Jean Flemma[3]	12/11	12/18	South Africa/Zimbabwe/Botswana/Mozambique.		400.00		(4)				400.00
Joycelyn Johnson[3]	12/11	12/18	South Africa/Zimbabwe/Botswana/Mozambique.		400.00		(4)				400.00
Committee total					12,150.00		7,515.23				19,665.23

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[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Incomplete per diem information. Totals not available from Department of State.
[4] Not available.

DON YOUNG, Chairman, Jan. 25, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1999

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign[2] currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

FOR HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

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[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

LAMAR SMITH, Jan. 31, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON VETERANS' AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1999

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

FOR HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

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[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BOB STUMP, Chairman, Jan. 30, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1999

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

FOR HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BILL ARCHER, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1999

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Pat Murray	11/14	11/22	Europe				1,700.00				1,700.00
Commercial airfare							4,939.84				4,939.84
Jay Jakub	11/14	11/22	Europe				1,700.00				1,700.00
Commercial airfare							4,939.84				4,939.84
John Stopher	11/12	11/20	Asia				1,828.00				1,828.00
Commercial airfare							6,139.85				6,139.85
Timothy Sample	11/29	12/7	Asia				1,650.00				1,650.00
Commercial airfare							5,335.35				5,335.35
Michael Meermans	11/29	12/7	Asia				1,650.00				1,650.00
Commercial airfare							5,335.35				5,335.35
John Millis	12/7	12/15	South America				2,052.00				2,052.00
Commercial airfare							2,424.45				2,424.45
Chris Barton	12/7	12/15	South America				2,052.00				2,052.00
Commercial airfare							2,424.45				2,424.45
Tom Newcomb	12/7	12/11	South America				972.00				972.00
Commercial airfare							1,744.45				1,744.45
Committee total							46,887.58				46,887.58

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BILL McCOLLUM, Chairman, Feb. 8, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HOUSE DELEGATION TO JAPAN, AUSTRALIA, AND NEW ZEALAND, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 27 AND DEC. 7, 1999

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Hastert	11/28	11/30	Japan								
Hon. Boehlert	11/28	11/30	Japan								
Hon. Pryce	11/28	11/30	Japan								
Hon. Largent	11/28	11/30	Japan								
Hon. Coburn	11/28	11/30	Japan								
Hon. Wamp	11/28	11/30	Japan								
Hon. Doyle	11/28	11/30	Japan								
Hon. Sandford	11/28	11/30	Japan								
Hon. Stupak	11/28	11/30	Japan								
Hon. Cramer	11/28	11/30	Japan								
Hon. Blunt	11/28	11/30	Japan								
Hon. Isakson	11/28	11/30	Japan								
Scott Palmer	11/28	11/30	Japan								
John Feehery	11/28	11/30	Japan								
David Hobbs	11/28	11/30	Japan								
Bill Inglee	11/28	11/30	Japan								
Sam Lancaster	11/28	11/30	Japan								
Martha Morrison	11/28	11/30	Japan								
Shanti Ochs	11/28	11/30	Japan								
Chris Scheve	11/28	11/30	Japan								
Dwight Comedy	11/28	11/30	Japan								
Bill Livingood	11/28	11/30	Japan								
Dr. John Eisold	11/28	11/30	Japan								
Hon. Hastert	11/30	12/4	Australia		992.00						992.00
Hon. Boehlert	11/30	12/4	Australia		992.00						992.00
Hon. Pryce	11/30	12/4	Australia		992.00						992.00
Hon. Largent	11/30	12/4	Australia		992.00						992.00
Hon. Coburn	11/30	12/4	Australia		992.00						992.00
Hon. Wamp	11/30	12/4	Australia		992.00						992.00
Hon. Doyle	11/30	12/4	Australia		992.00						992.00
Hon. Sandford	11/30	12/4	Australia		992.00						992.00
Hon. Stupak	11/30	12/4	Australia		992.00						992.00
Hon. Cramer	11/30	12/4	Australia		992.00						992.00
Hon. Blunt	11/30	12/4	Australia		992.00						992.00
Hon. Isakson	11/30	12/4	Australia		992.00						992.00
Scott Palmer	11/30	12/4	Australia		992.00						992.00
John Feehery	11/30	12/4	Australia		992.00						992.00
David Hobbs	11/30	12/4	Australia		992.00						992.00
Bill Inglee	11/30	12/4	Australia		992.00						992.00
Sam Lancaster	11/30	12/4	Australia		992.00						992.00
Martha Morrison	11/30	12/4	Australia		992.00						992.00
Shanti Ochs	11/30	12/4	Australia		992.00						992.00
Chris Scheve	11/30	12/4	Australia		992.00						992.00
Dwight Comedy	11/30	12/4	Australia		992.00						992.00
Bill Livingood	11/30	12/4	Australia		992.00						992.00
Dr. John Eisold	11/30	12/4	Australia		992.00						992.00
Hon. Hastert	12/4	12/7	New Zealand		826.00						826.00
Hon. Boehlert	12/4	12/7	New Zealand		826.00						826.00
Hon. Pryce	12/4	12/7	New Zealand		826.00						826.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HOUSE DELEGATION TO JAPAN, AUSTRALIA, AND NEW ZEALAND, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 27 AND DEC. 7, 1999—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Largent	12/4	12/7	New Zealand		826.00						826.00
Hon. Coburn	12/4	12/7	New Zealand		826.00						826.00
Hon. Wamp	12/4	12/7	New Zealand		826.00						826.00
Hon. Doyle	12/4	12/7	New Zealand		826.00						826.00
Hon. Sandford	12/4	12/7	New Zealand		826.00						826.00
Hon. Stupak	12/4	12/7	New Zealand		826.00						826.00
Hon. Cramer	12/4	12/7	New Zealand		826.00						826.00
Hon. Blunt	12/4	12/7	New Zealand		826.00						826.00
Hon. Isakson	12/4	12/7	New Zealand		826.00						826.00
Scott Palmer	12/4	12/7	New Zealand		826.00						826.00
John Feehery	12/4	12/7	New Zealand		826.00						826.00
David Hobbs	12/4	12/7	New Zealand		826.00						826.00
Bill Inglee	12/4	12/7	New Zealand		826.00						826.00
Sam Lancaster	12/4	12/7	New Zealand		826.00						826.00
Martha Morrison	12/4	12/7	New Zealand		826.00						826.00
Shanti Ochs	12/4	12/7	New Zealand		826.00						826.00
Chris Scheve	12/4	12/7	New Zealand		826.00						826.00
Dwight Comedy	12/4	12/7	New Zealand		826.00						826.00
Bill Livingood	12/4	12/7	New Zealand		826.00						826.00
Dr. John Eisold	12/4	12/7	New Zealand		826.00						826.00
Committee Total											

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

J. DENNIS HASTERT, Jan. 20, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HOUSE OF REPRESENTATIVES, TRAVEL TO DENMARK, SWITZERLAND, BELGIUM, PORTUGAL, AND SPAIN, EXPENDED BETWEEN JAN. 9 AND JAN. 19, 2000

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
James Ford	1/9	1/10	Denmark		358.00						
	1/10	1/12	Switzerland		616.00						
	1/12	1/15	Belgium		790.00						
	1/15	1/17	Portugal		418.00						
	1/17	1/19	Spain		518.00						
Total					2,700.00						2,700.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMES FORD, Feb. 3, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, NATO PARLIAMENTARY ASSEMBLY TO SPAIN, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 15 AND DEC. 18, 1999

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Doug Bereuter	12/15	12/18	Spain		819.00	[3]					819.00
Hon. Tom Bliley	12/15	12/18	Spain		819.00	[3]					819.00
Hon. Porter Goss	12/15	12/18	Spain		819.00	[3]					819.00
Susan Olson	12/15	12/18	Spain		819.00	[3]					819.00
Committee total					3,276.00						3,276.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

DOUGLAS BEREUTER, Feb. 1, 2000.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6249. A letter from the Associate Administator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Walnuts Grown in California; Decreased Assessment Rate [Docket No. FV99-984-3 FIR] received January 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6250. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—N,N-diethyl-2-(4-methylbenzyloxy) ethylamine hydrochloride; Pesticide Tolerance [OPP-300964; FRL-6486-2] (RIN: 2070-AB78) received January 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6251. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Spinosad; Pesticide Tolerance [OPP-300960; FRL-6399-7] (RIN: 2070-AB78) received January 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6252. A communication from the President of the United States, transmitting supplemental budget request for fiscal year 2000; (H. Doc. No. 106-198); to the Committee on Appropriations and ordered to be printed.

6253. A communication from the President of the United States, transmitting the budget program revisions for the Commodity Credit Corporation for FY 2000 and FY 2001; (H. Doc. No. 106-199); to the Committee on Appropriations and ordered to be printed.

6254. A communication from the President of the United States, transmitting a request for supplemental appropriations for the Department of Defense; (H. Doc. No. 106-201); to the Committee on Appropriations and ordered to be printed.

6255. A letter from the Chairperson, Joint Committee on Judicial Administration, District of Columbia Courts, transmitting the "Planning and Budgeting Difficulties During Fiscal Year 1998"; to the Committee on Appropriations.

6256. A letter from the Assistant Secretary of the Army (Installations, Logistics and Financial Management), Department of Defense, transmitting notification of munitions disposal, pursuant to 50 U.S.C. 1512(4); to the Committee on Armed Services.

6257. A letter from the Assistant Secretary of Defense, Strategy and Threat Reduction, transmitting a report providing responses to certain questions having to do with the elimination of Russian SS–18 ICBMs, Russian contributions to the Strategic Offensive Arms Elimination program, and possible support to the elimination of Russian tactical nuclear weapons; to the Committee on Armed Services.

6258. A letter from the Captain, Judge Advocate General's Corps, Director of Legislation, Department of the Navy, transmitting the proposed transfer of the ex-NEW JERSEY; to the Committee on Armed Services.

6259. A letter from the Acting Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Manufacturing Technology Program [DFARS Case 99–D302] received January 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6260. A letter from the Acting Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Paid Advertisements [DFARS Case 99–D029] received January 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6261. A letter from the Acting Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Institutions of Higher Education [DFARS Case 99–D303] received January 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6262. A letter from the Acting Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Authority Relating to Utility Privatization [DFARS Case 99–D309] received January 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6263. A letter from the Director, Secretary of Defense, transmitting the Department's final rule—Air Force Privacy Act Program [Air Force Instruction 37–132] received January 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6264. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Public Housing Assessment System (PHAS) Amendments to the PHAS [Docket No. FR–4497–F–05] (RIN: 2577–AC08) received January 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

6265. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the 1998 Annual Report; to the Committee on Banking and Financial Services.

6266. A letter from the Director, Office of Management and Budget, transmitting reports as required by the Balanced Budget and Emergency Deficit Control Act of 1985 and subsequently amended; to the Committee on the Budget.

6267. A letter from the Director, Office of Management and Budget, transmitting separate appropriations and pay-as-you-go reports, as required by the Balanced Budget and Emergency Deficit Control Act of 1985, as amended; to the Committee on the Budget.

6268. A letter from the Director, Office of Management and Budget, transmitting reports, as required by the Balanced Budget and Emergency Deficit Control Act of 1985, as amended; to the Committee on the Budget.

6269. A letter from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting the annual report of the Office of Juvenile Justice and Delinquency Prevention for Fiscal Year 1998, pursuant to 42 U.S.C. 5617; to the Committee on Education and the Workforce.

6270. A letter from the Secretary of Health and Human Services, transmitting the FY 1996 and 1997 reports describing the activities and accomplishments of programs for persons with developmental disabilities and their families, pursuant to 42 U.S.C. 6006(c); to the Committee on Commerce.

6271. A letter from the Department of Commerce, transmitting the Department's final rule—Notice of Availability of Funds [Docket No. 981203295–9313–03] (RIN: 0660–ZA06) received January 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6272. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting notification that Performance Profiles of Major Energy Producers 1998 has been completed; to the Committee on Commerce.

6273. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Secondary Direct Food Additives Permitted in Food for Human Consumption [Docket No. 99F–2907] received January 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6274. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Amendments for Testing and Monitoring Provisions [FRL–6523–6] (RIN: 2060–AG21) received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6275. A letter from the Director, Office of Regulatory and Management Information, Environmental Protection Agency, transmitting the Administration's final rule—Pollution Prevention Grants and Announcement of Financial Assistance Programs Eligible for Review; Notice of Availability [OPPTS–099283; FRL–6398–8] received January 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6276. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Delaware—Minor New Source Review and Federally Enforceable State Operating Permit Program [DE–031–1029; FRL–6522–6] received January 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6277. A letter from the Chief Financial Officer, National Aeronautics and Space Administration, transmitting the annual report of compliance activities undertaken by the Department for mixed waste streams during FY 1999, pursuant to 42 U.S.C. 6965; to the Committee on Commerce.

6278. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

6279. A communication from the President of the United States, transmitting the Continuation of the National Emergency Relating to CUBA and the Emergency Authority Relating to the Regulation of the Anchorage and Movement of Vessels; (H. Doc. No. 106–202;) to the Committee on International Relations and ordered to be printed.

6280. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

6281. A letter from the Chairman, Japan-United States Friendship Commission, transmitting the Commission's annual report for fiscal year 1999, pursuant to 22 U.S.C. 2904(b); to the Committee on International Relations.

6282. A communication from the President of the United States, transmitting a report justifying the reasons for the extension of locality-based comparability payments to categories of positions that are in more than one executive agency, pursuant to 5 U.S.C. 5304(h)(2)(C); to the Committee on Government Reform.

6283. A letter from the Secretary of Education, transmitting Acquisition cost of surplus real or related personal property conveyed to educational institutions during the preceeding fiscal year, pursuant to 40 U.S.C. 484(o)(1); to the Committee on Government Reform.

6284. A letter from the Secretary of Energy, transmitting the semiannual report on activities of the Inspector General for the period April 1, 1999, through September 30, 1999 and the Semiannual Report on Inspector General Audit Reports for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(d); to the Committee on Government Reform.

6285. A letter from the Secretary of Labor, transmitting Semiannual report of the Inspector General, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(d); to the Committee on Government Reform.

6286. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of Transmittal of D.C. ACT 13–247, “ Police Recruiting and Retention Enhancement Amendment Act of 1999” received February 25, 2000, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6287. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–225, “Government Employer-Assisted Housing Amendment Act of 1999” received February 23, 2000, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6288. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–250, “Department of Health Functions Clarification Temporary Act of 1999” received February 23, 2000, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6289. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–254, “District of Columbia Housing Authority Act of 1999” received February 23, 2000, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6290. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13-256, "Retail Electric Competition and Consumer Protection of 1999" received February 23, 2000, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

6291. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13-262, "Transfer of Jurisdiction over Georgetown Waterfront Park for Public Park and Recreational Purposes, S.O. 84-230, Temporary Act of 2000" received February 23, 2000, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

6292. A letter from the Comptroller General of the United States, transmitting a copy of his report for FY 1999 on each instance a Federal agency did not fully implement recommendations made by the GAO in connection with a bid protest decided during the fiscal year, pursuant to 31 U.S.C. 3554(e)(2); to the Committee on Government Reform.

6293. A letter from the Director, Congressional Budget Office, transmitting the report to waive deduction of pay requirement for a reemployed annuitant; to the Committee on Government Reform.

6294. A letter from the Chairman, Consumer Product Safety Commission, transmitting the report that the U.S. Consumer Product Safety Commission (CPSC) management control systems provide reasonable assurance that the agency is achieving the objectives of the Federal Managers Integrity Act (FMFIA); to the Committee on Government Reform.

6295. A letter from the Assistant Secretary—Policy, Management and Budget, Department of the Interior, transmitting the inventory of commercial activities prepared in accordance with the Federal Activities Reform (FAIR) Act of 1998; to the Committee on Government Reform.

6296. A letter from the Acting Deputy Associate Administrator for Acquisition Policy, Department of Defense, National Aeronautics and Space Administration, transmitting the Department's final rule—Federal Acquisition Circular 97-15; Introduction—received January 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6297. A letter from the Chief Counsel, Foreign Claims Settlement Commission, Department of Justice, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1999, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

6298. A letter from the Assistant Secretary for Budget and Programs, Department of Transportation, transmitting copies of the inventories of commercial positions in the Department of Transportation; to the Committee on Government Reform.

6299. A letter from the Chairman, Federal Communications Commission, transmitting the FY1999 Federal Managers' Financial Integrity Act (FMFIA) Annual Report for the Federal Communications Commission; to the Committee on Government Reform.

6300. A letter from the Managing Director, Federal Communications Commission, transmitting the commercial inventory submission; to the Committee on Government Reform.

6301. A letter from the Chairman, Federal Housing Finance Board, transmitting the statement that the Federal Housing Finance Board's (Finance Board) management accountability and controls are adequate and effective and that there are no material weaknesses; to the Committee on Government Reform.

6302. A letter from the Comptroller General, General Accounting Office, transmitting reports released in November 1999; to the Committee on Government Reform.

6303. A letter from the Comptroller General, General Accounting Office, transmitting the report on GAO employees detailed to congressional committees as of January 21, 2000; to the Committee on Government Reform.

6304. A letter from the Comptroller General, General Accounting Office, transmitting reports issued or released in October 1999; to the Committee on Government Reform.

6305. A letter from the Administrator, General Services Administration, transmitting the 6-month report in compliance with the Inspector General Act Amendments of 1988, pursuant to 5 app.; to the Committee on Government Reform.

6306. A letter from the President, Institute of Peace, transmitting the report pursuant to the Inspector General Act of 1978 and the Federal Managers' Financial Integrity Act; to the Committee on Government Reform.

6307. A letter from the Acting Deputy Associate Administrator for Acquisition Policy, National Aeronatics and Space Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Technical Amendments [FAC 97-15; Item XI] received January 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6308. A letter from the Acting Deputy Associate Administrator for Acquisition Policy, National Aeronautics and Space Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Small Entity Compliance Guide—received January 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6309. A letter from the Archivist, National Archives and Records Administration, transmitting the Federal Managers' Financial Integrity Act (Integrity Act) report for fiscal year 1999; to the Committee on Government Reform.

6310. A letter from the Chairman, National Endowment for the Arts, transmitting the annual Integrity Act report for 1999; to the Committee on Government Reform.

6311. A letter from the Chairman and General Counsel, National Labor Relations Board, transmitting the Agency's Fiscal Year 1999 report on the adequacy of management controls and conformance of financial systems; to the Committee on Government Reform.

6312. A letter from the Chairwoman, National Mediation Board, transmitting the FY 1999 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

6313. A letter from the Chairman, National Transportation Safety Board, transmitting a copy of the annual report of meetings in compliance with the Government in the Sunshine Act during the calendar year 1999, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

6314. A letter from the Inspector General, Railroad Retirement Board, transmitting the Semiannual Report of our activities and accomplishments from April 1, 1999 through September 30, 1999, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(d); to the Committee on Government Reform.

6315. A letter from the Secretary of the Treasury, transmitting two Semiannual Reports for the six months ended September 30, 1999, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(d); to the Committee on Government Reform.

6316. A letter from the Secretary of Defense, transmitting the the FY 1999 Annual Statement of Assurance; to the Committee on Government Reform.

6317. A letter from the Secretary of Transportation, transmitting the annual report for the period ending September 30, 1999 in accordance with the Inspector General Act Amendments of 1988, pursuant to 5 app.; to the Committee on Government Reform.

6318. A letter from the Secretary of Transportation, transmitting the revised performance goals and corporate management strategies for the Department of Transportation's fiscal year (FY) 2000 Performance Plan; to the Committee on Government Reform.

6319. A letter from the Chairman, Securities and Exchange Commission, transmitting the report of compliance for the fiscal year ending September 30, 1999; to the Committee on Government Reform.

6320. A letter from the Chairman, U.S. Merit Systems Protection Board, transmitting the Merit Systems Protection Board's Annual Report to Congress regarding the Government in the Sunshine Act; to the Committee on Government Reform.

6321. A letter from the Chairman, United States Postal Service, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1999, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

6322. A letter from the the Chief Administrative Officer, transmitting Statement of Disbursements of the House as Compiled by the Chief Administrative Officer from October 1, 1999 through December 31, 1999, pursuant to 2 U.S.C. 104a; (H. Doc. No. 106—200); to the Committee on House Administration and ordered to be printed.

6323. A letter from the Deputy Chief, National Forest System, Department of Agriculture, transmitting detailed boundary maps for the following rivers added to the National Wild and Scenic Rivers System by the Omnibus Oregon Wild and Scenic Rivers Act of 1988: Upper Deschutes and Metolius Rivers on the Deschutes National Forest; North Folk Malheur and Malheur Rivers on the Malheur National Forest; and Chetco and Elk Rivers on the Siskiyou National Forest; to the Committee on Resources.

6324. A letter from the Chief of Staff, National Indian Gaming Commission, transmitting the Commission's final rule—Issuance of Certificates of Self Regulation to Tribes for Class II Gaming (RIN: 3141-AA04) received January 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6325. A letter from the Acting Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands; Final 2000 Harvest Specifications for Groundfish [Docket No. 000211040-0040-01; I.D. 111899B] received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6326. A letter from the Chief Counsel, Foreign Claims Settlement Commission of the United States, transmitting Operations under the International Claims Settlement Act of 1949, as amended, pursuant to 22 U.S.C. 1622 and 1622a; to the Committee on the Judiciary.

6327. A letter from the Assistant Secretary and Commissioner of Patents and Trademarks, Department of Commerce, transmitting the Department's final rule—Complaints regarding Invention Promoters

[Docket No. 000105007-0007-01] (RIN: 0651-AB12) received January 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6328. A letter from the Assistant Attorney General for Administration, Department of Justice, transmitting the fifth annual report on the Communications Assistance for Law Enforcement Act (CALEA) of 1994, as amended; to the Committee on the Judiciary.

6329. A letter from the President and CEO, Little League Baseball Incorportated, transmitting the Annual Report of Little League Baseball, fiscal year ending September 30, 1999; to the Committee on the Judiciary.

6330. A letter from the Assistant Secretary, Department of the Army, transmitting a shore erosion plan for the Fire Island Inlet to Moriches Inlet reach of the Fire Island to Montauk Point, New York, project; to the Committee on Transportation and Infrastructure.

6331. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment of Class D Airspace; Jacksonville Whitehouse NOLF, FL [Airspace Docket No. 99-ASO-27] received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6332. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; El Paso, TX [Airspace Docket No. 99-ASW-26] received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6333. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Hebbronville, TX [Airspace Docket No. 99-ASW-24] received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6334. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Carrizo Springs, TX [Airspace Docket No. 99-ASW-29] received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6335. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Lake Jackson, TX [Airspace Docket No. 99-ASW-27] received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6336. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment of Class D Airspace; Jacksonville Whitehouse NOLF, FL [Airspace Docket No. 99-ASO-27] received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6337. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Burlington, VT [Airspace Docket No. 99-ANE-92] received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6338. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Corpus Christi, TX [Airspace Docket No. 99-ASW-22] received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6339. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Puerto Rico, PR [Airspace Docket No. 99-ASO-17] received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6340. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class D Airspace; Hobbs, NM [Airspace Docket No. 99-ASW-32] received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6341. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Marshall, MO [Airspace Docket No. 99-ACE-51] received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6342. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace: Brownsville, PA [Airspace Docket No. 99-AEA-16.FR] received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6343. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Corsicana, TX [Airspace Docket No. 2000-ASW-01] received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6344. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Stigler, OK [Airspace Docket No. 2000-ASW-02] received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6345. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Herington, KS; Correction [Airspace Docket No. 99-ACE-41] received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6346. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Malden, MO [Airspace Docket No. 99-ACE-42] received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6347. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Sikeston, MO [Airspace Docket No. 99-ACE-43] received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6348. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; HUTCHINSON, KS [Airspace Docket No. 99-ACE-48] received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6349. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Emmetsburg, IA [Airspace Docket No. 99-ACE-39] received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6350. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class D Airspace; Eglin AFB, FL [Airspace Docket No. 99-ASO-19] received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6351. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class D Airspace; Eastover, SC [Airspace Docket No. 99-ASO-18] received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6352. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class D Airspace; Jacksonville NAS Cecil Field, FL [Airspace Docket No. 99-ASO-20] received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6353. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Del Rio, TX [Airspace Docket No. 99-ASW-31] received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6354. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Artesia, NM [Airspace Docket No. 99-ASW-30] received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6355. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F27 Mark 050 Series Airplanes [Docket No. 99-NM-235-AD; Amendment 39-11484; AD 99-27-03] (RIN: 2120-AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6356. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Cessna Aircraft Company 170, 172, 175 and 177 Series Airplanes [Docket No. 99-CE-24-AD; Amendment 39-11483; AD 99-27-02] (RIN: 2120-AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6357. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney JT8D-209, -217, -217A, -217C, and -219 Series Turbofan Engines [Docket No. 98-ANE-80-AD; Amendment 39-11482; AD 99-27-01] (RIN: 2120-AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6358. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rolls-Royce Limited Dart Series Turboprop Engines [Docket No. 99-NE-30-AD; Amendment 39-11485; AD 99-27-04] (RIN: 2120-AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the

Committee on Transportation and Infrastructure.

6359. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace BAe Model ATP Airplanes [Docket No. 99–NM–201–AD; Amendment 39–11477; AD 99–26–17] (RIN: 2120–AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6360. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL–600–1A11 (CL–600), CL–600–2A12 (CL–601), and CL–600–2B16 (CL–601–3A, CL–601–3R, and CL–604) Series Airplanes [Docket No. 99–NM–166–AD; Amendment 39–11476; AD 99–26–16] (RIN: 2120–AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6361. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–9–80 Series Airplanes and Model MD–88 Airplanes [Docket No. 99–NM–05–AD; Amendment 39–11428; AD 99–24–04 C1] (RIN: 2120–AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6362. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace Model BAe 146 and Avro 146–RJ Series Airplanes [Docket No. 98–NM–331–AD; Amendment 39–11454; AD 99–25–11] (RIN: 2120–AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6363. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A319 and A320 Series Airplanes [Docket No. 96–NM–92–AD; Amendment 39–11481; AD 99–26–22] (RIN: 2120–AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6364. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace (Jetstream) Model 4101 Airplanes [Docket No. 99–NM–302–AD; Amendment 39–11478; AD 99–26–18] (RIN: 2120–AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6365. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB SF340A and SAAB 340B Series Airplanes [Docket No. 99–NM–200–AD; Amendment 39–11489; AD 99–27–08] (RIN: 2120–AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6366. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A310 and A300–600 Series Airplanes [Docket No. 99–NM–222–AD; Amendment 39–11491; AD 99–27–10] (RIN: 2120–AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6367. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace Model BAC 1–11 200 and 400 Series Airplanes [Docket No. 99–NM–31–AD; Amendment 39–11492; AD 99–27–11] (RIN: 2120–AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6368. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767–200, –300, and –300F Series Airplanes [Docket No. 97–NM–241–AD; Amendment 39–11486; AD 99–27–05] (RIN: 2120–AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6369. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Anchorage Area; St. Lucie River, Stuart, Florida [CGD07–99–058] (RIN: 2115–AA98) received January 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6370. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Temporary Drawbridge Regulations; Mississippi River, Iowa and Illinois [CGD 08–99–077] (RIN: 2125–AE47) received January 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6371. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operations Regulations; Willamette River, OR [CGD13–99–008] (RIN: 2115–AE47) received January 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6372. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Chelsea River, MA [CGD01–00–001] received January 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6373. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operations Regulations; Columbia River, OR [CGD13–99–011] (RIN: 2115–AE47) received January 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6374. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Black River, Wisconsin [CGD08–99–064] (RIN: 2115–AE47) received January 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6375. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Passaic River, NJ [CGD01–99–206] received January 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6376. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: New York Harbor and Hudson River Fireworks [CGD01–99–130] (RIN: 2115–AA97) received January 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6377. A letter from the Director of Central Intelligence and Director, Federal Bureau of Investigation, transmitting CDA Request from the Intelligence Authorization Act for Fiscal Year 1998/Section 308 re Intelligence Activities of the People's Republic of China; to the Committee on Intelligence (Permanent Select).

6378. A letter from the Secretaries of Defense and Veterans Affairs, Departments of Defense and Veterans Affairs, transmitting a report on the implementation of the health resources sharing portion of the "Department of Veterans Affairs and Department of Defense Health Resources Sharing and Emergency Operations Act," pursuant to 38 U.S.C. 8111(f); jointly to the Committees on Armed Services and Veterans' Affairs.

6379. A letter from the Secretary of Veterans Affairs and Secretary of Defense, transmitting the report for Fiscal Year 1998 regarding the implementation of the health resources sharing portion of the "Department of Veterans Affairs and Department of Defense Health Resources Sharing and Emergency Operations Act"; jointly to the Committees on Armed Services and Veterans' Affairs.

6380. A letter from the Director, Congressional Budget Office, transmitting the report on "Unauthorized Appropriations and Expiring Authorizations" by the Congressional Budget Office as of January 7, 2000, pursuant to 2 U.S.C. 602(f)(3); jointly to the Committees on the Budget and Appropriations.

6381. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Certification that the Resources Pledged by the United States at the November 17, 1999 Kosovo Donors Conference Shall Not Exceed 15 Percent of the Total Resources Pledged by All Donors; jointly to the Committees on International Relations and Appropriations.

6382. A letter from the Executive Director, Office of Compliance, transmitting copy of the annual report for calendar year 1999; jointly to the Committees on House Administration and Education and the Workforce.

6383. A letter from the Acting Assistant Secretary for Economic Development, Department of Commerce, transmitting the Department's final rule—Requirements for Economic Adjustment Grants-Revolving Loan Fund Projects under 13 CFR Part 308 and Property under Part 314 [Docket No. 991208327–9327–01] (RIN: 0610–ZA12) received January 13, 2000; jointly to the Committees on Transportation and Infrastructure and Banking and Financial Services.

6384. A letter from the Director, Office of Management and Budget, transmitting a report identifying accounts containing unvouchered expenditures that are potentially subject to audit by the Comptroller General, pursuant to 31 U.S.C. 3524(b); jointly to the Committees on Appropriations, the Budget, and Government Reform.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1749. A bill to designate Wilson Creek in Avery and Caldwell Counties, North Carolina, as a component of the National Wild and Scenic Rivers System; with an amendment (Rept. 106–500). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. S. 613. An act to encourage Indian economic development, to provide for the disclosure of Indian tribal sovereign immunity in contracts involving Indian tribes, and for other purposes (Rept. 106–501). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2484. A bill to provide that land which is owned by the Lower Sioux Indian Community in the State of Minnesota but which is not held in trust by the United States for the Community may be leased or transferred by the Community without further approval by the United States (Rept. 106–502). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOODLING: Committee on Education and the Workforce. H.R. 3222. A bill to amend the Elementary and Secondary Education Act of 1965 to improve literacy through family literacy projects; with amendments (Rept. 106–503). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOODLING: Committee on Education and the Workforce. H.R. 3616. A bill to reauthorize the impact aid program under the Elementary and Secondary Education Act of 1965 and for other purposes; with an amendment (Rept. 106–504). Referred to the Committee of the Whole House on the State of the Union.

Mr. REYNOLDS: Committee on Rules. House Resolution 425. Resolution providing for consideration of motions to suspend the rules (Rept. 106–505). Referred to the House Calendar.

Mr. SESSIONS: Committee on Rules. House Resolution 426. Resolution providing for consideration of the bill (H.R. 1827) to improve the economy and efficiency of Government operations by requiring the use of recovery audits by Federal agencies (Rept. 106–506). Referred to the House Calendar.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

(Omitted from the Record of February 16, 2000)

Mr. YOUNG of Alaska: Committee on Resources. H.R. 701. A bill to provide Outer Continental Shelf Impact Assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes, with an amendment; referred to the Committee on Agriculture for a period ending not later than March 17, 2000 for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(a), rule X; and referred to the Committee on the Budget for a period ending not later than March 31, 2000 for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(e), rule X. (Rept. 106–499, Part 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1070. Referral to the Committee on Ways and Means extended for a period ending not later than March 2, 2000.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following were introduced and severally referred, as follows:

By Mr. WOLF (for himself, Mr. DAVIS of Virginia, Mr. MORAN of Virginia, Mr. BLILEY, Mr. SISISKY, Mr. SCOTT, Mr. BATEMAN, Mr. GOODE, Mr. BOUCHER, Mr. PICKETT, and Mr. GOODLATTE):

H.R. 3699. A bill to designate the facility of the United States Postal Service located at 8409 Lee Highway in Merrifield, Virginia, as the "Joel T. Broyhill Postal Building"; to the Committee on Government Reform.

By Mr. HOUGHTON (for himself, Mr. OBERSTAR, Mr. MATSUI, Mr. BOEHLERT, Mr. ENGLISH, Mr. RAHALL, Mr. CONYERS, Mr. BACHUS, Mr. LEWIS of Georgia, Mr. BORSKI, Mr. JEFFERSON, Mr. LaTOURETTE, Mr. CLEMENT, Mr. SMITH of New Jersey, Mr. FILNER, Ms. MILLENDER-McDONALD, and Mr. BLUMENAUER):

H.R. 3700. A bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued by an intercity passenger rail carrier, and for other purposes; to the Committee on Ways and Means.

By Mr. WOLF (for himself, Mr. DAVIS of Virginia, Mr. MORAN of Virginia, Mr. BLILEY, Mr. SISISKY, Mr. SCOTT, Mr. BATEMAN, Mr. GOODE, Mr. BOUCHER, Mr. PICKETT, and Mr. GOODLATTE):

H.R. 3701. A bill to designate the facility of the United States Postal Service located at 3118 Washington Boulevard in Arlington, Virginia, as the "Joseph L. Fisher Post Office Building"; to the Committee on Government Reform.

By Mr. ALLEN (for himself, Mr. ROEMER, Mr. ACKERMAN, Mr. BALDACCI, Mrs. CAPPS, Mr. CAPUANO, Ms. CARSON, Mr. CLYBURN, Mr. DELAHUNT, Ms. DeGETTE, Mr. DOOLEY of California, Mr. FROST, Ms. LOFGREN, Mr. McGOVERN, Ms. McKINNEY, Mr. MORAN of Virginia, Mr. OLVER, Mr. OWENS, Ms. STABENOW, Mr. STUPAK, Mr. WAXMAN, and Mr. WEYGAND):

H.R. 3702. A bill to ensure excellent recruitment and training of math and science teachers at institutions of higher education; to the Committee on Education and the Workforce.

By Mr. BAKER (for himself and Mr. LEACH):

H.R. 3703. A bill to consolidate and improve the regulation of the housing-related Government-sponsored enterprises, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. BECERRA:

H.R. 3704. A bill to amend the Harmonized Tariff Schedule of the United States with respect to certain toys; to the Committee on Ways and Means.

By Mr. CLAY (for himself, Mrs. LOWEY of New York, Mr. GEPHARDT, Mr. BONIOR, Mr. KILDEE, Mr. GEORGE MILLER of California, Mr. MARTINEZ, Mr. OWENS, Mr. PAYNE, Mrs. MINK of Hawaii, Mr. ANDREWS, Mr. SCOTT, Ms. WOOLSEY, Mr. ROMERO-BARCELO, Mr. FATTAH, Mr. HINOJOSA, Mr. TIERNEY, Mr. KIND, Mr. FORD, Mr. KUCINICH, and Mr. WU):

H.R. 3705. A bill to authorize Federal financial assistance for the urgent repair and renovation of public elementary and secondary schools in high-need areas; to the Committee on Education and the Workforce.

By Mr. BEREUTER:

H.R. 3706. A bill to amend section 520 of the Housing Act of 1949 to revise the requirements for areas to be considered as rural areas for purposes of such Act; to the Committee on Banking and Financial Services.

H.R. 3707. A bill to authorize funds for the site selection and construction of a facility in Taipei Taiwan suitable for the mission of the American Institute in Taiwan; to the Committee on International Relations.

By Mr. CARDIN (for himself, Mr. JEFFERSON, Mr. STARK, and Mr. MATSUI):

H.R. 3708. A bill to amend the Internal Revenue Code of 1986 to provide that a part-time worker who otherwise meets the eligibility requirements for unemployment compensation not be precluded from receiving such compensation solely because such individual is seeking only part-time work; to the Committee on Ways and Means.

By Mr. COX (for himself, Mr. GOODLATTE, Mr. FLETCHER, Mr. DAVIS of Virginia, Mr. CAMPBELL, Mr. ROHRABACHER, Mrs. BONO, and Mr. CAMP):

H.R. 3709. A bill to make permanent the moratorium enacted by the Internet Tax Freedom Act as it applies to new, multiple, and discriminatory taxes on the Internet; to the Committee on the Judiciary.

By Ms. DeGETTE (for herself, Mr. BILBRAY, Mr. WAXMAN, Mr. BROWN of Ohio, Mr. McHUGH, Mr. GREEN of Texas, Mr. KLINK, Ms. ESHOO, Mr. STARK, Mr. FROST, Mr. MATSUI, Mr. GONZALEZ, Mr. BENTSEN, Mrs. TAUSCHER, Ms. STABENOW, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. BERMAN, Mr. LaFALCE, and Ms. MILLENDER-McDONALD):

H.R. 3710. A bill to amend title XIX of the Social Security Act to assure preservation of safety net hospitals through maintenance of the Medicaid disproportionate share hospital program; to the Committee on Commerce.

By Mr. HASTINGS of Florida:

H.R. 3711. A bill to amend the Internal Revenue Code of 1986 to impose a 1 year moratorium on certain diesel fuel excise taxes; to the Committee on Ways and Means.

By Mr. HOUGHTON (for himself and Mrs. MEEK of Florida):

H.R. 3712. A bill to direct the Secretary of the Interior to conduct a special resource study concerning the preservation and public use of sites in Auburn, New York, associated with Harriet Tubman, and for other purposes; to the Committee on Resources.

By Mr. JENKINS:

H.R. 3713. A bill to direct the Secretary of Veterans Affairs to release a reversionary interest of the United States in certain real property previously conveyed to the State of Tennessee; to the Committee on Veterans' Affairs.

H.R. 3714. A bill to extend the temporary suspension of duty on DEMT; to the Committee on Ways and Means.

By Mr. MANZULLO:

H.R. 3715. A bill to revise the article description for monochrome glass envelopes under the Harmonized Tariff Schedule of the United States; to the Committee on Ways and Means.

By Mr. MATSUI:

H.R. 3716. A bill to suspend temporarily the duty on a certain ultraviolet dye; to the Committee on Ways and Means.

By Mr. McCRERY:

H.R. 3717. A bill to suspend temporarily the duty on Vinclozolin; to the Committee on Ways and Means.

H.R. 3718. A bill to suspend temporarily the duty on Tepraloxydim; to the Committee on Ways and Means.

H.R. 3719. A bill to suspend temporarily the duty on Pyridaben; to the Committee on Ways and Means.

H.R. 3720. A bill to suspend temporarily the duty on 2-Acetylnicotinic acid; to the Committee on Ways and Means.

H.R. 3721. A bill to suspend temporarily the duty on SAMe; to the Committee on Ways and Means.

H.R. 3722. A bill to suspend temporarily the duty on Procion Crimson H-EXL; to the Committee on Ways and Means.

H.R. 3723. A bill to suspend temporarily the duty on Dispersol Crimson SF Grains; to the Committee on Ways and Means.

H.R. 3724. A bill to suspend temporarily the duty on Procion Navy H-EXL; to the Committee on Ways and Means.

H.R. 3725. A bill to suspend temporarily the duty on Procion Yellow H-EXL; to the Committee on Ways and Means.

H.R. 3726. A bill to suspend temporarily the duty on ortho-phenyl phenol ("OPP"); to the Committee on Ways and Means.

H.R. 3727. A bill to suspend temporarily the duty on 2-Methoxypropene; to the Committee on Ways and Means.

H.R. 3728. A bill to reduce temporarily the duty on 3,5-Difluroaniline; to the Committee on Ways and Means.

H.R. 3729. A bill to reduce temporarily the duty on Quinclorac; to the Committee on Ways and Means.

H.R. 3730. A bill to suspend temporarily the duty on Dispersol Black XF Grains; to the Committee on Ways and Means.

By Mr. McINTOSH:

H.R. 3731. A bill to suspend temporarily the duty on fluroxypyr 1-methylheptyl ester (FME); to the Committee on Ways and Means.

By Mrs. MINK of Hawaii:

H.R. 3732. A bill to provide for direct payment by foreign students of the information fee under section 641 of the Immigration Reform and Immigrant Responsibility Act of 1997; to the Committee on the Judiciary.

By Mr. MOLLOHAN:

H.R. 3733. A bill to reduce temporarily the duty on ethylene/tetrafluoroethylene copolymer (ETFE); to the Committee on Ways and Means.

By Mrs. MYRICK:

H.R. 3734. A bill to suspend temporarily the duty on monolite green 860; to the Committee on Ways and Means.

H.R. 3735. A bill to suspend temporarily the duty on monolite green 952; to the Committee on Ways and Means.

H.R. 3736. A bill to suspend temporarily the duty on solsperse 17260; to the Committee on Ways and Means.

H.R. 3737. A bill to suspend temporarily the duty on solsperse 17000; to the Committee on Ways and Means.

H.R. 3738. A bill to suspend temporarily the duty on solsperse 5000; to the Committee on Ways and Means.

H.R. 3739. A bill to suspend temporarily the duty on monolite blue 3R; to the Committee on Ways and Means.

H.R. 3740. A bill to suspend temporarily the duty on certain TAED chemicals; to the Committee on Ways and Means.

H.R. 3741. A bill to extend the temporary suspension of duty on a certain polymer; to the Committee on Ways and Means.

H.R. 3742. A bill to suspend temporarily the duty on isobornyl acetate; to the Committee on Ways and Means.

H.R. 3743. A bill to suspend temporarily the duty on sodium petroleum sulfonate; to the Committee on Ways and Means.

By Mr. NADLER (for himself and Mrs. MALONEY of New York):

H.R. 3744. A bill to require conveyance of Governors Island, New York, and for other purposes; to the Committee on Government Reform, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NUSSLE:

H.R. 3745. A bill to authorize the addition of certain parcels to the Effigy Mounds National Monument, Iowa; to the Committee on Resources.

By Mr. RAMSTAD:

H.R. 3746. A bill to extend the temporary suspension of duty on 4-hexylresorcinol; to the Committee on Ways and Means.

H.R. 3747. A bill to extend the temporary suspension of duty on certain sensitizing dyes; to the Committee on Ways and Means.

H.R. 3748. A bill to extend the temporary suspension of duty on certain organic pigments and dyes; to the Committee on Ways and Means.

H.R. 3749. A bill to amend the Internal Revenue Code of 1986 to temporarily reduce the rates of tax on highway gasoline, diesel fuel, and kerosene by 10 cents per gallon; to the Committee on Ways and Means.

By Mr. SAXTON:

H.R. 3750. A bill to reform the International Monetary Fund; to the Committee on Banking and Financial Services.

By Mr. SIMPSON:

H.R. 3751. A bill to extend the temporary suspension of duty on certain semi-manufactured forms of gold; to the Committee on Ways and Means.

By Mr. SPENCE (for himself and Mr. CLYBURN):

H.R. 3752. A bill to suspend temporarily the duty on 4-Nitro-o-xylene; to the Committee on Ways and Means.

By Mr. SWEENEY:

H.R. 3753. A bill to suspend temporarily the duty on certain copper foils; to the Committee on Ways and Means.

H.R. 3754. A bill to suspend temporarily the duty on certain activated carbon; to the Committee on Ways and Means.

H.R. 3755. A bill to suspend temporarily the duty on certain buff brushes; to the Committee on Ways and Means.

By Mr. UNDERWOOD:

H.R. 3756. A bill to establish a standard time zone for Guam and the Commonwealth of the Northern Mariana Islands, and for other purposes; to the Committee on Commerce.

By Mr. WEYGAND:

H.R. 3757. A bill to temporarily suspend the duty on Solvent Blue 124; to the Committee on Ways and Means.

H.R. 3758. A bill to temporarily suspend the duty on Solvent Blue 104; to the Committee on Ways and Means.

H.R. 3759. A bill to temporarily suspend the duty on Pigment Red 176; to the Committee on Ways and Means.

H.R. 3760. A bill to temporarily suspend the duty on benzenesulfonamide, 4-amino-2, 5-dimethyoxy-N-phenyl; to the Committee on Ways and Means.

H.R. 3761. A bill to temporarily suspend the duty on certain Reactive Red 180 solutions; to the Committee on Ways and Means.

By Mr. WHITFIELD:

H.R. 3762. A bill to suspend temporarily the duty on undecylenic acid; to the Committee on Ways and Means.

H.R. 3763. A bill to suspend temporarily the duty on n-Heptaldehyde; to the Committee on Ways and Means.

H.R. 3764. A bill to suspend temporarily the duty on n-Heptanoic acid; to the Committee on Ways and Means.

By Mr. WISE:

H.R. 3765. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to prevent group and individual health insurance coverage and group health plans from seeking to recover more than costs in cases of third party recoveries; to the Committee on Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WYNN (for himself, Mr. KANJORSKI, Mr. BONIOR, Mr. CONYERS, Mr. WAXMAN, Mr. DIXON, Mr. LANTOS, Mr. TOWNS, Mr. SABO, Mr. LEWIS of Georgia, Ms. DELAURO, Mr. STRICKLAND, Mr. FROST, Mr. KILDEE, Mr. PALLONE, Ms. MCKINNEY, Mr. KUCINICH, Mr. FILNER, Mr. CUMMINGS, Mr. BROWN of Ohio, Mr. ANDREWS, Ms. NORTON, Mr. HILL of Indiana, Mr. FORD, Ms. SCHAKOWSKY, Mr. ABERCROMBIE, Mr. THOMPSON of Mississippi, Ms. KAPTUR, Mr. DAVIS of Illinois, Ms. ROYBAL-ALLARD, Mr. BISHOP, Mr. UNDERWOOD, Mrs. JONES of Ohio, Mr. CAPUANO, Mr. SANDERS, Mr. DICKS, Mr. KLINK, Mr. FRANK of Massachusetts, Mr. FATTAH, Mr. DINGELL, Mr. TIERNEY, Mr. SHOWS, Ms. BROWN of Florida, Mr. KIND, Ms. RIVERS, Mr. OWENS, Mr. HINCHEY, Mr. GUTIERREZ, Mr. HILLIARD, Ms. STABENOW, Ms. KILPATRICK, Mr. MENENDEZ, Mr. EVANS, Mr. HOYER, Mr. MASCARA, Mr. JACKSON of Illinois, Ms. CARSON, Mr. BALDACCI, Mr. LEVIN, Mr. BECERRA, Ms. HOOLEY of Oregon, Mr. RUSH, and Mr. STUPAK):

H.R. 3766. A bill to ensure that the business of the Federal Government is conducted in the public interest and in a manner that provides for public accountability, efficient delivery of services, reasonable cost savings, and prevention of unwarranted Government expenses, and for other purposes; to the Committee on Government Reform.

By Mr. FRANK of Massachusetts:

H.J. Res. 88. A joint resolution proposing an amendment to the Constitution of the United States to make eligible for the Office of President a person who has been a United States citizen for twenty years; to the Committee on the Judiciary.

By Mr. EWING (for himself, Mr. HASTERT, Mr. SHIMKUS, Mr. MANZULLO, Mr. PHELPS, Mr. BARRETT of Nebraska, Mr. BOSWELL, Mr. LEACH, Mr. WELLER, Mr. GUTIERREZ, Mr. COSTELLO, Mr. EVANS, Mr. TERRY, and Ms. SCHAKOWSKY):

H. Con. Res. 256. Concurrent resolution expressing the sense of Congress with regard to the use of reformulated gasoline fuels, and for other purposes; to the Committee on Commerce.

By Mr. **PORTER** (for himself, Mr. Lantos, Mr. Smith of New Jersey, Mr. Hoyer, Mr. Neal of Massachusetts, Mr. Capuano, Mr. George Miller of California, Mr. Forbes, Mr. Wolf, Mr. Gutierrez, Mr. Evans, Mr. McDermott, Mr. Rogan, Mr. Abercrombie, Mrs. Morella, Mr. Horn, Mr. Traficant, Mr. McGovern, Mr. Waxman, Mr. Moore, Mr. Wexler, Mr. Hinchey, Mrs. Mink of Hawaii, Mr. Underwood, Mr. Visclosky, Mr. Bateman, Mrs. Lowey, Mr. Clement, Mr. Deutsch, Mr. Coyne, Mr. DeFazio, Ms. Schakowsky, Ms. Berkley, Mr. Ackerman, Mr. Frank of Massachusetts, Mr. Engel, Mr. Rahall, and Mr. Faleomavaega):

H. Con. Res. 257. Concurrent resolution concerning the emancipation of the Iranian Baha'i community; to the Committee on International Relations.

By Mr. **SHIMKUS** (for himself and Mr. Kucinich):

H. Con. Res. 258. Concurrent resolution congratulating the Republic of Lithuania on the tenth anniversary of the reestablishment of its independence from the rule of the former Soviet Union; to the Committee on International Relations.

By Mr. **SENSENBRENNER**:

H. Res. 424. A resolution providing for the consideration of the bill H.R. 1753 and the Senate amendments thereto; to the Committee on Rules.

By Mr. **BLAGOJEVICH** (for himself and Mr. LaHood):

H. Res. 427. A resolution waiving clause 2(b) of rule XXII to permit introduction and consideration of a certain bill; to the Committee on Rules.

By Mr. **CROWLEY** (for himself, Mr. Conyers, Mr. Bonior, Mr. Kennedy of Rhode Island, Mr. DeFazio, Mr. Brady of Pennsylvania, Mr. Wynn, Mr. Cummings, Mr. Jackson of Illinois, Mr. Hastings of Florida, Mr. Weiner, Mr. Roemer, Mr. Ackerman, Mr. Pallone, Mr. Lampson, Mr. Blumenauer, Ms. Schakowsky, Mr. Engel, Mr. Romero-Barceló, Mr. Dingell, Ms. Jackson-Lee of Texas, Mr. Meehan, Mrs. McCarthy of New York, Mr. Forbes, Mrs. Tauscher, Mr. Capuano, Ms. Eshoo, Mr. Rothman, Ms. Berkley, Ms. DeLauro, Mrs. Lowey, Ms. Velázquez, Mr. Green of Texas, Mr. Baldacci, Mrs. Napolitano, Mr. Lewis of Georgia, Mr. Udall of New Mexico, Mr. Nadler, Mr. Larson, Mr. Udall of Colorado, Mr. Rangel, and Mr. Holt):

H. Res. 428. A resolution condemning the discriminatory practices prevalent at Bob Jones University; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

296. The **SPEAKER** presented a memorial of the Senate of the State of Maine, relative to Senate Paper Number 926 memorializing the Congress of the United States to appropriate funds to adequately maintain and preserve the grounds and monuments of Gettysburg National Military Park; to the Committee on Resources.

297. Also, a memorial of the House of Representatives of the State of Maine, relative to Joint Resolution H.P. 1794 memorializing the President of the United States, the Secretary of the Interior, the Secretary of Commerce and the Congress of the United States to reconsider the intent to include the Atlantic salmon on the Endangered Species List as it would benefit neither the Atlantic salmon nor the people of Maine and allow Maine to continue to execute its own comprehensive plan to restore the Atlantic salmon to its waters; to the Committee on Resources.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 5: Mr. Bereuter, Mr. Walsh, Mr. Rangel, Mr. Stark, Mr. Coyne, Mr. Levin, Mr. Cardin, Mr. McDermott, Mr. Becerra, Mrs. Thurman, Mr. Castle, Mr. Spence, Mr. Wolf, Mr. Hill of Montana, Mr. Murtha, Mr. Duncan, Mr. Green of Wisconsin, Mr. Kleczka, Mr. Neal of Massachusetts, Mr. Rogan, Mr. Salmon, Mr. Hayes, Mr. Pomeroy, Mr. Cooksey, Mr. Burr of North Carolina, Mr. Edwards, Mr. Cook, Mr. Bentsen, Mr. Wamp, Mrs. Johnson of Connecticut, Mr. Rush, Mr. Lewis of Georgia, Mr. McNulty, Mr. Coble, Mr. Etheridge, Mrs. McCarthy of New York, and Mr. Strickland.

H.R. 7: Mr. Baker, Mr. Ballenger, and Ms. Pryce of Ohio.

H.R. 40: Ms. Rivers.

H.R. 59: Mr. Green of Texas and Mrs. Roukema.

H.R. 61: Mr. Kucinich.

H.R. 65: Mr. Moakley and Mr. Talent.

H.R. 73: Mr. Taylor of North Carolina and Mr. Sessions.

H.R. 107: Mrs. Fowler.

H.R. 218: Mr. Chabot, Mr. Bentsen, Mr. Istook, Mr. Simpson, and Mr. Bonilla.

H.R. 303: Mr. Moakley and Mr. Inslee.

H.R. 318: Mr. Weldon of Florida.

H.R. 329: Ms. Berkley and Mr. Gejdenson.

H.R. 347: Mr. Jenkins.

H.R. 407: Mr. Mascara.

H.R. 534: Mr. Jenkins, Mr. Jones of North Carolina, Mr. Whitfield, Mr. Bereuter, Mr. Gallegly, Mr. Baird, and Mr. Hoyer.

H.R. 612: Mr. Kildee and Ms. DeLauro.

H.R. 614: Mr. Goodlatte.

H.R. 664: Mr. Minge and Mr. Payne.

H.R. 701: Mr. Maloney of Connecticut, Mr. Rodriguez, Mr. Price of North Carolina, Mr. Gillmor, Mr. Hunter, Mr. Lipinski, Mr. Rush, Mr. Costello, Ms. Granger, Mr. Fattah, Mr. Ramstad, and Mr. Coble.

H.R. 721: Mr. Boswell and Mr. Dicks.

H.R. 740: Ms. Pelosi and Mr. Barrett of Wisconsin.

H.R. 742: Mr. Paul and Mr. Barcia.

H.R. 780: Mrs. Jones of Ohio and Mr. Frank of Massachusetts.

H.R. 783: Mr. Hunter and Mr. Stenholm.

H.R. 809: Mr. Gilman.

H.R. 827: Mr. Kildee.

H.R. 829: Mr. Udall of Colorado.

H.R. 860: Mr. Barcia, Mrs. Roukema, Mr. Thompson of California, and Mr. Hill of Indiana.

H.R. 864: Ms. Berkley and Mr. Traficant.

H.R. 865: Mr. Horn and Mr. Kolbe.

H.R. 872: Mr. Owens.

H.R. 984: Mr. Shays.

H.R. 1021: Mr. Blumenauer and Mr. Neal of Massachusetts.

H.R. 1032: Mr. Souder.

H.R. 1044: Mr. Hulshof, Mr. Wolf, Mr. Gilchrest, and Ms. Stabenow.

H.R. 1053: Mr. Hinchey.

H.R. 1055: Mr. Ney.

H.R. 1057: Mrs. Lowey.

H.R. 1070: Mr. Porter.

H.R. 1082: Mr. Minge.

H.R. 1095: Mr. Kind.

H.R. 1102: Mr. Bereuter.

H.R. 1115: Mr. Upton.

H.R. 1139: Ms. McKinney and Mr. Evans.

H.R. 1163: Mr. Baldacci.

H.R. 1179: Mr. Mascara.

H.R. 1188: Mr. Evans and Ms. McKinney.

H.R. 1194: Ms. DeLauro, Mr. Brown of Ohio, and Mr. Walden of Oregon.

H.R. 1217: Mr. McHugh, Mr. Paul, Mr. Thompson of California, and Mr. Doyle.

H.R. 1227: Mr. Costello, Ms. Carson, and Mr. Waxman.

H.R. 1248: Mr. Porter and Mr. Evans.

H.R. 1271: Ms. Stabenow, Ms. Baldwin, and Mrs. Mink of Hawaii.

H.R. 1273: Mr. Campbell.

H.R. 1285: Mr. Bentsen.

H.R. 1304: Mr. Hefley, Mr. Aderholt, Ms. DeGette, Mr. Gutierrez, and Mr. Doyle.

H.R. 1313: Mr. Farr of California.

H.R. 1325: Mr. Stump, Mr. Crane, and Mr. Lewis of Georgia.

H.R. 1363: Mr. Owens.

H.R. 1367: Mr. Ryan of Wisconsin, Mr. Leach, Mr. Evans, Mr. Barrett of Nebraska, and Mr. Nussle.

H.R. 1371: Mrs. Christensen and Mr. Ackerman.

H.R. 1443: Mr. Crowley, Mr. Maloney of Connecticut, Ms. Roybal-Allard, Mr. Delahunt, Mr. Gejdenson, and Ms. Woolsey.

H.R. 1466: Mr. Paul.

H.R. 1494: Mr. Wamp and Mr. Oxley.

H.R. 1495: Mr. Davis of Illinois and Mr. Minge.

H.R. 1515: Mr. Nadler.

H.R. 1592: Mr. Davis of Virginia, Mr. Bass, and Mr. LaTourette.

H.R. 1594: Mr. Farr of California and Mr. DeFazio.

H.R. 1617: Mr. Moran of Kansas.

H.R. 1634: Mr. Maloney of Connecticut.

H.R. 1684: Mr. Olver and Mr. Gutierrez.

H.R. 1732: Mrs. Biggert.

H.R. 1816: Ms. Rivers, Mr. Holt, Mr. Coyne, Mr. Rangel, and Mr. Allen.

H.R. 1824: Mrs. Christensen, and Ms. Kilpatrick.

H.R. 1839: Mr. Metcalf, Mr. Evans, and Ms. McKinney.

H.R. 1876: Mr. English, Mrs. Emerson, and Mr. Bryant.

H.R. 1899: Mrs. Napolitano, Mr. Cunningham, and Mr. Rodriguez.

H.R. 1976: Mr. Goss.

H.R. 1984: Ms. Berkley.

H.R. 2025: Mr. Capuano, Mr. Pallone, and Mr. Stark.

H.R. 2059: Mr. Horn.

H.R. 2107: Mr. Serrano and Ms. Kilpatrick.

H.R. 2121: Mrs. Jones of Ohio, Mrs. Bono, and Mr. Ford.

H.R. 2166: Mr. Waxman, Ms. Rivers, Mr. Gallegly, and Ms. Lee.

H.R. 2175: Mr. George Miller of California, Mr. Nadler, Mr. Neal of Massachusetts, Mr. Matsui, Ms. McKinney, Mrs. Meek of Florida, and Mr. Gejdenson.

H.R. 2221: Mr. Stearns.

H.R. 2228: Mr. Andrews.

H.R. 2289: Mr. Gallegly.

H.R. 2298: Mr. Gutierrez, Ms. Kilpatrick, Ms. McKinney, and Ms. Norton.

H.R. 2308: Mr. Weygand, Mr. Weldon of Pennsylvania, and Mr. Ose.

H.R. 2340: Mr. Gejdenson, Mr. Cramer, and Ms. DeLauro.

H.R. 2342: Mr. WELDON of Pennsylvania.

H.R. 2356: Mr. COOK.

H.R. 2380: Mr. BONIOR.

H.R. 2402: Mr. LUCAS of Kentucky.

H.R. 2446: Ms. McKINNEY.

H.R. 2457: Ms. BALDWIN, Mr. KILDEE, Ms. WOOLSEY, and Mr. FILNER.

H.R. 2459: Mr. FOLEY, Mr. BROWN of Ohio, and Mr. RILEY.

H.R. 2498: Mr. KIND, Mr. GILCHREST, and Mr. HASTINGS of Florida.

H.R. 2543: Ms. DANNER and Mr. DIAZ-BALART.

H.R. 2548: Mr. OBERSTAR, Mr. MANZULLO, Mr. KOLBE, Mr. NETHERCUTT, Mr. GILLMOR, Mr. MOLLOHAN, and Mr. DIAZ-BALART.

H.R. 2552: Ms. McKINNEY, Mr. KUCINICH, Ms. BROWN of Florida, Ms. NORTON, Mr. KENNEDY of Rhode Island, Mr. BROWN of Ohio, Mr. CROWLEY, Mr. WYNN, Mr. BARRETT of Wisconsin, Mr. OWENS, Mr. DEFAZIO, Mr. FILNER, Mrs. THURMAN, Mr. SANDLIN, Mrs. MINK of Hawaii, and Mr. ENGEL.

H.R. 2562: Mr. COBURN, Mr. WYNN, Mr. GEJDENSON, and Mr. BALDACCI.

H.R. 2564: Mr. STUPAK.

H.R. 2579: Mrs. MORELLA, Mr. GILMAN, Mr. HANSEN, Mr. BALDACCI, and Mr. PALLONE.

H.R. 2651: Mr. PICKERING.

H.R. 2655: Mr. RYUN of Kansas.

H.R. 2691: Mr. WEINER.

H.R. 2720: Mr. NEY.

H.R. 2738: Mrs. CAPPS and Mr. NADLER.

H.R. 2765: Mr. FILNER, Mr. GEJDENSON, Mr. FRANK of Massachusetts, Mr. COYNE, Mr. BARRETT of Wisconsin, and Mr. CONDIT.

H.R. 2780: Mr. LIPINSKI, Ms. STABENOW, Mr. SCHAFFER, Mr. OWENS, Ms. McKINNEY, Ms. ESHOO, and Mr. GILMAN.

H.R. 2807: Mr. BROWN of Ohio.

H.R. 2814: Mr. BILBRAY.

H.R. 2864: Ms. RIVERS.

H.R. 2865: Mrs. CLAYTON.

H.R. 2899: Mr. ENGEL.

H.R. 2915: Ms. LOFGREN.

H.R. 2965: Mr. BERMAN.

H.R. 2966: Mr. COBLE, Mr. FATTAH, Mr. TIERNEY, and Mr. WALSH.

H.R. 2992: Mr. PAUL.

H.R. 3003: Mr. DELAHUNT, Mrs. CUBIN, Mr. BAKER, Mr. REYES, and Mr. PICKETT.

H.R. 3042: Mr. WOLF.

H.R. 3059: Mr. CUNNINGHAM and Mr. HOLT.

H.R. 3115: Mr. TERRY.

H.R. 3136: Ms. McKINNEY.

H.R. 3160: Mr. CANNON, Mr. BARRETT of Nebraska, Mr. TERRY, Mr. STEARNS, Mr. STUMP, Mr. THORNBERRY, and Mr. DUNCAN.

H.R. 3174: Mr. DUNCAN.

H.R. 3193: Mrs. THURMAN, Mr. OWENS, Mr. BOUCHER, Mr. BORSKI, Ms. McKINNEY, Mr. GOODE, Mr. MOAKLEY, Mr. SANDLIN, Mr. GOSS, and Mr. STENHOLM.

H.R. 3195: Mr. NEAL of Massachusetts, Mr. REYES, Ms. SANCHEZ, Mr. COYNE, Mr. GEJDENSON, Mr. McDERMOTT, Mr. MORAN of Virginia, and Mr. MURTHA.

H.R. 3222: Mr. BARRETT of Nebraska and Mr. CLEMENT.

H.R. 3235: Mr. MARTINEZ, Mr. BERMAN, Ms. PELOSI, Mrs. NAPOLITANO, Mr. DOOLEY of California, Ms. LOFGREN, Mr. SHAW, Mr. MATSUI, Ms. BROWN of Florida, Mr. SABO, Mrs. JONES of Ohio, Mr. WEXLER, Mr. McDERMOTT, Mr. FARR of California, Mr. WAXMAN, Mr. CUNNINGHAM, Mr. FRANK of Massachusetts, and Mr. KENNEDY of Rhode Island.

H.R. 3244: Mr. GUTIERREZ, Ms. LOFGREN, and Ms. WOOLSEY.

H.R. 3249: Mr. McGOVERN, Mr. SERRANO, Mr. HINCHEY, and Mr. CONYERS.

H.R. 3250: Mr. WAXMAN, Mr. WATTS of Oklahoma, Mr. GREEN of Texas, Mr. JEFFERSON, Ms. BROWN of Florida, Mr. OWENS, Mr. FROST, Mr. STARK, Ms. HOOLEY of Oregon, Mr. MATSUI, Mr. HASTINGS of Florida, and Ms. NORTON.

H.R. 3256: Ms. MILLENDER-McDONALD.

H.R. 3300: Mr. MANZULLO, Mr. STEARNS, and Mr. HILLEARY.

H.R. 3301: Mr. TIERNEY and Mr. FALEOMAVAEGA.

H.R. 3320: Mr. GEJDENSON, Mr. UDALL of Colorado, Mrs. CLAYTON, and Mr. LANTOS.

H.R. 3439: Mr. EWING, Mr. SPENCE, Mr. DEMINT, Mr. FORD, Mr. GREEN of Texas, Mr. SMITH of Michigan, Mr. KINGSTON, Mr. SHOWS, Mr. CAMPBELL, and Mr. PETERSON of Pennsylvania.

H.R. 3444: Mr. STUMP, Mr. NEY, and Mr. COOK.

H.R. 3514: Mr. BERMAN, Mr. HORN, Mr. DEUTSCH, Mr. OLVER, Mr. GALLEGLY, and Ms. McKINNEY.

H.R. 3519: Mr. FILNER, Ms. WATERS, Mr. FROST, Mr. LAFALCE, and Mr. CUMMINGS.

H.R. 3535: Mr. FARR of California, Mr. COOK, and Mr. FRANKS of New Jersey.

H.R. 3536: Mr. CASTLE.

H.R. 3539: Mr. NORWOOD.

H.R. 3552: Mr. HUNTER.

H.R. 3571: Mr. GUTIERREZ, Mr. STUPAK, Ms. McKINNEY, and Mr. LIPINSKI.

H.R. 3573: Mr. CAPUANO, Mr. FATTAH, Mr. GILCHREST, Mr. HASTINGS of Florida, Mr. HERGER, Mr. HOEFFEL, Ms. KAPTUR, Mr. KUCINICH, Mr. LAMPSON, Mr. LANTOS, Mr. LEWIS of Georgia, Mr. McHUGH, Ms. McKINNEY, Mr. MEEHAN, Ms. MILLENDER-McDONALD, Mr. MURTHA, Mr. OLVER, Mr. OWENS, Mr. PAUL, Ms. ROYBAL-ALLARD, Mr. RYAN of Wisconsin, Mr. STRICKLAND, Mr. STUPAK, Mr. TIERNEY, Mr. UDALL of Colorado, and Mr. WALSH.

H.R. 3575: Mr. FORD, Mr. WALSH, and Mr. ETHERIDGE.

H.R. 3580: Ms. STABENOW, Mr. SWEENEY, Mrs. KELLY, Mr. MASCARA, Mr. OLVER, Mr. MURTHA, Mr. HOEFFEL, Mr. FRANK of Massachusetts, Mr. WELLER, Mr. BOEHLERT, Mr. COSTELLO, Mr. PICKERING, Mr. BALDACCI, Mr. KING, Mr. McNULTY, and Mr. MANZULLO.

H.R. 3581: Mr. CUMMINGS, Mr. CONYERS, Ms. MILLENDER-McDONALD, Mr. FILNER, MR. FRANK of Massachusetts, Ms. BROWN of Florida, and Mr. BERMAN.

H.R. 3594: Mr. WALSH, Mr. BILBRAY, Mr. MALONEY of Connecticut, Mr. GREEN of Wisconsin, Mr. BRADY of Texas, Mr. KASICH, Mr. GRAHAM, Mr. WAMP, Mr. CUNNINGHAM, Mr. HYDE, Mrs. FOWLER, Mrs. ROUKEMA, Mr. DREIER, Mr. CHAMBLISS, Mr. METCALF, Mr. COX, Mr. CANNON, Mr. MORAN of Kansas, Mr. RILEY, Mr. KNOLLENBERG, and Mr. GORDON.

H.R. 3600: Mr. FROST, Mr. GEJDENSON, Ms. DELAURO, and Mr. BERMAN.

H.R. 3608: Mrs. ROUKEMA, Mr. NADLER, Mr. SMITH of New Jersey, Mr. TRAFICANT, Mr. KLINK, Mr. ROTHMAN, Mr. SHERWOOD, Mr. HALL of Ohio, Mr. TOWNS, Mr. GUTIERREZ, Mr. PASCRELL, Mr. HOLT, Mr. SERRANO, Mr. STRICKLAND, Ms. VELÁZQUEZ, and Mr. EVANS.

H.R. 3609: Mr. SHOWS.

H.R. 3616: Mr. DOOLEY of California, Mr. RYUN of Kansas, Mr. PICKETT, Mr. HILLEARY, Mr. OSE, Mr. WEYGAND, Mr. METCALF, Mr. LEWIS of Kentucky, Mr. BARRETT of Nebraska, Mr. SMITH of Washington, Ms. WOOLSEY, Mrs. BIGGERT, Mr. GEJDENSON, Mr. BISHOP, Mr. HOEFFEL, Mr. THUNE, Mr. UDALL of New Mexico, Mr. BROWN of Ohio, Mr. GONZALEZ, and Mr. HALL of Ohio.

H.R. 3628: Ms. DELAURO, Mr. LATOURETTE, Mr. PORTER, and Mrs. MORELLA.

H.R. 3634: Mr. McGOVERN, Mr. GUTIERREZ, Mr. KENNEDY of Rhode Island, Mr. SANDERS, Mr. SERRANO, Mr. FILNER, Ms. BALDWIN, Mr. CUMMINGS, and Mr. WAXMAN.

H.R. 3639: Mr. GEPHARDT, Mr. CLAY, Mr. HULSHOF, Ms. DELAURO, Mr. GIBBONS, Mr. LAHOOD, Mr. NEAL of Massachusetts, Mr. UNDERWOOD, Mr. WOLF, Mr. COSTELLO, Mr. GUTIERREZ, Mr. UDALL of New Mexico, Mr. GONZALEZ, Mr. FRANK of Massachusetts, and Ms. KILPATRICK.

H.R. 3650: Ms. SCHAKOWSKY and Mr. ABERCROMBIE.

H.R. 3665: Mr. OLVER.

H.R. 3688: Mr. SHAYS, Mr. LUTHER, Mrs. MALONEY of New York, and Ms. ESHOO.

H.R. 3690: Mrs. McCARTHY of New York and Mr. FROST.

H.R. 3695: Mr. DEMINT, Mr. SANFORD, Mr. METCALF, and Mr. McINTOSH.

H.J. Res. 55: Mr. WATTS of Oklahoma.

H.J. Res. 56: Mr. QUINN.

H.J. Res. 86: Mr. KANJORSKI, Ms. DELAURO, Mr. COX, Mr. BEREUTER, Mr. QUINN, Mr. BROWN of Ohio, Mr. McCOLLUM, Mr. MORAN of Kansas, and Ms. MILLENDER-McDONALD.

H. Con. Res. 38: Mr. WAXMAN, Mr. FILNER, Mr. BROWN of Ohio, and Ms. PELOSI.

H. Con. Res. 60: Mr. BILIRAKIS.

H. Con. Res. 74: Mr. HOLT.

H. Con. Res. 77: Mr. McCRERY.

H. Con. Res. 115: Mr. TOWNS, Mr. OWENS, Mr. HINCHEY, Mr. QUINN, Mrs. FOWLER, Mrs. McCARTHY of New York, Mrs. MALONEY of New York, Mr. ROTHMAN, Mr. KILDEE, Mr. KUYKENDALL, Ms. KILPATRICK, Mrs. LOWEY, Mr. MENENDEZ, Mr. RANGEL, Mr. NADLER, Mr. ENGEL, Ms. JACKSON-LEE of Texas, Ms. DELAURO, Mr. WEXLER, Mr. RUSH, and Mr. BOEHLERT.

H. Con. Res. 233: Mr. COOK, and Mr. LOBIONDO.

H. Con. Res. 240: Mr. TOWNS.

H. Con. Res. 250: Mr. FROST, Mr. GONZALEZ, Mr. BROWN of Ohio, and Mr. FILNER.

H. Con. Res. 253: Mr. TIAHRT.

H. Res. 346: Ms. JACKSON-LEE of Texas, Mrs. CLAYTON, Mr. GOODLING, and Mr. FILNER.

H. Res. 396: Mr. ROEMER.

H. Res. 397: Mr. STABENOW, Mr. OWENS, Mr. BARRETT of Nebraska, Ms. MILLENDER-McDONALD, Mr. WELDON of Florida, and Mr. PICKETT.

H. Res. 420: Mr. BOEHLERT.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. Res. 396: Mr. BLUMENAUER.

SENATE—*Tuesday, February 29, 2000*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Loving Father, we ask for humility to accept leadership from You and from those called to be leaders in this Senate. We realize what a difficult task it is to work through conflicts, to work out compromises, and to work for consensus. Endow our leaders, TRENT LOTT and TOM DASCHLE, DON NICKLES and HARRY REID, with a special measure of wisdom as they seek to foster oneness in the Senate. Help all of the Senators to delight in the diversity that sheds varied shades of light on the truth and in the debate that exposes maximum solutions.

Dear Father, may the Senators never forget that they are brothers and sisters in Your eternal family. May this Senate be distinguished for its civility, courtesy, and compassion. Your spirit flourishes where men and women pray for each other, speak truth as they see it without rancor, and listen attentively to each other. Our prayer is that the bond of mutual love for You and for our beloved Nation will keep us one in the spirit of mutual trust and uncompromised trustworthiness. God, bless America and begin in the Senate. You are our Lord and Savior. Amen.

PLEDGE OF ALLEGIANCE

The Honorable PAUL COVERDELL, a Senator from the State of Georgia, led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Senator from Georgia is recognized.

SCHEDULE

Mr. COVERDELL. Mr. President, today the Senate will immediately resume consideration of the education savings accounts legislation. The pending amendment is the Collins amendment regarding tax deductibility of teacher development supplies. It is expected that the Collins amendment will be laid aside so that other amendments may be offered and debated. Therefore, Senators may anticipate votes throughout today's session of the Senate. As previously mentioned, Senators who have amendments should work with the bill managers on a time to offer those amendments. As a reminder, the Senate will recess from 12:30 to 2:15 p.m. so that the weekly party conferences may meet.

I thank my colleagues for their attention.

ORDER FOR RECESS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate stand in recess from 11 a.m. to 2:15 p.m. today to accommodate the bipartisan Governors' meeting and the weekly party conference meetings.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. COVERDELL. I yield the floor.

AFFORDABLE EDUCATION ACT OF 1999—Resumed

The PRESIDENT pro tempore. The clerk will report the bill.

The bill clerk read as follows:

A bill (S. 1134) to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes.

Pending:

Collins amendment No. 2854, to eliminate the 2-percent floor on miscellaneous itemized deductions for qualified professional development expenses of elementary and secondary school teachers and to allow a credit against income tax to elementary and secondary school teachers who provide classroom materials.

The PRESIDENT pro tempore. The able Senator from Nevada is recognized.

Mr. REID. I ask unanimous consent that the pending amendment be set aside.

The PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 2857

(Purpose: To increase funding for part B of the Individuals with Disabilities Education Act)

Mr. REID. Mr. President, I send an amendment to the desk for Senator DODD, who is in transit, cosponsored by Senator REID of Nevada and Senator DORGAN.

The PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. DODD, for himself, Mr. REID, Mr. DORGAN, Mr. KENNEDY, and Mr. REED, proposes an amendment numbered 2857:

Strike section 101 and insert the following:

SEC. 101. IDEA.

There are appropriated to carry out part B of the Individuals with Disabilities Education Act $1,200,000,000, which amount is equal to the projected revenue increase resulting from striking the amendments made to the Internal Revenue Code of 1986 by section 101 of this Act as reported by the Committee on Finance of the Senate.

Mr. REID. Mr. President, Senator DODD has worked on this issue for many years. He will be here shortly.

I am very happy we are finally getting the opportunity to have a serious debate about some of the educational problems we face in America today. It doesn't matter which of the 50 States you go to, there are problems dealing with education. I would be very happy if, rather than debating alternatives to public education, we started debating how to improve public education. More than 90 percent of the children in America go to public schools. We should be focused on how best to educate that 90-plus percent of children in America today.

The Federal Government provides 6 percent of the total education spending—roughly $38 billion. That $38 billion, by the way, is just 2 percent of the total Federal Government's budget. So we spend in America, the greatest nation in the world, the only superpower, 2 percent of our budget to educate our kids. Most Americans do not realize how little the Federal Government contributes to education.

I repeat that figure. The Federal Government spends about 2 percent of its budget on education. Within these tight budget constraints, we must focus on what works. I hope we will start talking about what works and about some of the things that maybe don't work as well and some new things we need to do in the area of education. I hope we can spend some time talking about and providing money for recruiting and training high-quality teachers, principals, and administrators. I hope we can spend some time talking about creating smaller classes and smaller learning communities in large schools. We have had experiences around the country from which we know that smaller schools work better than larger schools.

Deborah Meyer is an expert in this field. She was a school administrator in New York—a large school that is not doing well. She decided, because they were doing so poorly in all areas, that they had to do something radically different. She spoke to her superiors. They agreed to break the school up into four separate schools, with teachers who would report to separate administrators—four distinct schools. Within a very short period of time, all test scores skyrocketed. Everything about those schools improved. Having four schools instead of one school made it easier to teach the kids. The kids felt like they were part of the community.

We need to talk about how we can create smaller schools and smaller classes generally.

We all agree that we need to spend some time and provide resources so we can have schools, teachers and administrators more accountable. We have to ensure that children learn in modern, safe classrooms and repair schools in urgent need of renovation.

When I was growing up in Southern Nevada, the place we all looked to with great admiration was Boulder City, NV. It was the town that was formed as a result of Boulder Dam, now Hoover Dam. It was a wonderful community. In southern Nevada, it was one of the few places that had grass. It was a company town. They did not allow gambling. The only kind of alcohol that was allowed to be served was 3.2-percent beer. It was really a unique town in Nevada. Kids did very well on all their tests. Their athletic teams were tremendous, even though it was a small school.

A while ago, I was asked to visit that school. They wanted to show me how that school had deteriorated physically—the plan, which had been the admiration of all Nevada, had gone downhill. The gymnasium was rundown. The track where the kids would participate in athletics was in very bad shape. In some places they did not even have hot water. They could not bring in computers because the wiring was so bad.

A lot of schools are that way. There have been some improvements made to Boulder City High School, but it is still an old, old facility. It is a perfect example of a school that needs renovation. You may ask why isn't it renovated. Well, the Clark County school district, which is the seventh or eighth largest school district in America, is growing very rapidly; it is the fastest growing school district in all of America, with approximately 220,000 kids. In 1 year, to try to meet the demands of the children of Clark County, they dedicated 18 new schools—in one school district. They have to build an elementary school every month to keep up with the growth in Clark County. They need to have the resources to be able to renovate schools. They have been too busy building new schools.

That is why it is important that we do something to help local school districts renovate and build new schools. Of course, we need to expand access to technology. One way of doing that is to have modern schools. We have to ensure universal access to high-quality preschool programs and make college more affordable.

I have talked about Nevada; there is probably no better State than Nevada to see the struggles with which our public schools in this country are dealing. Today, they are having a Governor's conference in Washington. Governors from around the United States are gathered here. In the Nevada papers today, they are reporting a conversation with Governor Guinn, newly elected from Nevada. He was formerly the superintendent of schools of Clark County when it was a relatively small school district. He is saying that one of the problems they are having in Nevada is the Federal Government is not helping enough, that they are running $75 million to $80 million short just in the Clark County school district every year in the ability to take care of special ed students.

Well, that is what this amendment is all about. This amendment would provide all or part of that $75 million for the Clark County school district, so the Federal Government would, in effect, meet the obligation that it has. When it came to be that, instead of having separate school districts, setting a different standard for children who are handicapped, the Federal Government set standards. Now all school districts have to meet the same standards. Prior to that time, different school districts would have different standards for handicapped children. The agreement, or reasoning, or idea was that it would cost about 40 cents for each dollar extra to educate a handicapped child. But the Federal Government hasn't met that obligation. Now it has even dropped in recent years. Instead of 40 cents, it is 6 cents. This amendment is an effort to raise that, to take money and provide it to the handicapped children—those in need of help, the special needs children.

Clark County, as I have indicated, is exploding in population. In just 10 years, Clark County school district enrollment has more than doubled. We can pick any school to show the growth, but let's take the school called Silverado, a high school in Las Vegas. The school now has about 3,800 students, which is 42, 45 percent over capacity. It is expected to grow. Next year, they think Silverado will have over 4,000 students in it. For children at Silverado, it is not only a difficult learning environment, but just to go to a restroom is a real problem. They have the same number of restrooms that they would have for 40 percent less children. This problem at Silverado is true throughout the Clark County school district. I am sorry to report that it is this way around many parts of the country. We have the need for new schools in Clark County, some need renovations. Around many parts of the country, the need is as bad for renovating schools as for building new ones.

In Clark County, we are struggling to find qualified teachers. Last year, we had to hire almost 2,000 new schoolteachers in 1 year. That is a real job. Our university system can't produce nearly enough teachers to meet the demands—almost 2,000 new teachers in one school district. We need help in recruiting and training highly qualified teachers.

Nevada is a State—I am not happy to report—which has the highest dropout rate of any State in the country. But there is no State in the Union that should feel smug about dropout rates. In America today, 3,000 children drop out of school every day. These are children who are going to wind up being less than they could be. They certainly won't be as educated as they should be, or as productive economically as they should be; they won't be able to provide for a family the way they could. So high school dropouts is a problem. About 500,000 children drop out of school in America every year. We need to do something about that. That is a major problem that we need to address. I think and hope that this amendment would relate directly to that and provide school districts with money for those with special needs so they can use their money for other things such as renovating schools, doing something as it relates to making sure they have high quality teachers.

If we can come up with something that would keep some of those children in school—I am sure there is nothing we can do to keep all 500,000 of them in school every year, but if we can reduce the number of dropouts by 100 a day, 200 a day, 500 a day, so at the end of the year, instead of having 500,000 students dropping out of school, we would have 400,000, or 300,000. The fact is that we have to do something about this problem.

The Senator from New Mexico, Mr. BINGAMAN, and I offered amendments in the past two Congresses. The year before last we offered an amendment that passed the Senate and was killed in the House last year, I am sorry to report, on a strictly partisan vote. Our amendment dealing with dropouts was defeated. It was strictly a party-line vote.

What would our amendment have done? It would have created, within the Department of Education, a dropout czar, someone whose job it would be to focus only on high school dropouts in this country. There are programs around the country that work quite well. Many of them are very small, but we need somebody to help each school district, to be available, not to force the will of the Federal Government on local school districts, but to be available with resources to see if they can do something to help kids stay in school. If the school district wanted help, they could come to the dropout czar in the Department of Education and get help.

I hope we can look at that during this debate to see what we can do to keep kids in school. As I said, the underlying amendment that we are debating now certainly would allow us to take some of that money now being used for special education and use it for programs such as high school dropouts.

The Federal Government has no intention of taking away the ability of local school districts to make their decisions, but what we need to be is a resource, to be a resource to help public education in America today. School districts all over America are begging for our help. They recognize there is not a movement in Washington to take over local school districts.

We have to recognize that schools should be controlled at the local level. Resources should be provided by the Federal Government, and, in my opinion, far more resources than 2 percent of the Federal budget. Why? Because we need to recognize that schools all over America are struggling. They are struggling because they cannot meet the high interest payments on the bonds they had to let to borrow money to build these schools. We recognize that around the country they are having trouble passing bond issues to provide for new schools and for renovating new schools.

We know there is a shortage of teachers. We have to do a better job of making sure teachers, who are educated at teachers colleges and other university systems around the country, are well qualified and meet certain minimum standards. We have to focus on this to make sure we have high-quality teachers and good administrators.

We have to recognize that smaller classes are important. We have to recognize on a Federal level we have a national problem across this country with school construction. We have to have a national program to help local school districts.

We have recognized for years that something has to be done about accountability. Goals 2000 is a step in that direction. We have to move on to that.

We have to make sure that children are allowed to go to school in safer schools—schools where the roofs don't leak. We have to make sure that children have access to computer equipment. That is a standard. When I was going to school, you had to have teeter-totters and swings. Now you need to have computers. Expanding activities in technology is vitally important. We have to make sure there is universal access to high-quality preschool programs.

I see on the floor today my friend, the senior Senator from Massachusetts, who more than any other person in America has made sure that we have a continuing dialog on preschool programs. Head Start programs and other programs are the brainchild of the Senator from Massachusetts.

We have to continue making sure we have high-quality preschool programs, which have been long established. The better preschool programs we have, the better students we have coming to school.

The way the family situation has developed, both parents are working. Because of the need they have, it is more important than ever that there be good, high-quality preschool programs.

The amendment now before us will allow that because it will free up money that simply isn't available to local school districts. I hope the amendment offered by Senator DODD will receive bipartisan support. The $1.2 billion set forth in this bill will be used to go directly to school districts. That is what this amendment does. Again, I hope it will receive bipartisan support.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Georgia.

Mr. COVERDELL. Mr. President, I see Senator KENNEDY from Massachusetts. I wish to respond for a moment or two to the comments of Senator REID. Then I think in the comity of events it would come to the Senator from Massachusetts.

Senator REID's statements dealt with a panoply of issues related to education but not necessarily to the amendment he just submitted for Senator DODD. In a word, the amendment offered by Senator DODD basically removes the education savings accounts provision. It would make that moot.

It is premised on the statement we have all heard many times that special education which was passed in the mid-1970s was supposed to have been funded in part by the Federal Government, in part by the State governments, and in part by the local governments. But the Federal Government never fulfilled its promise.

Interestingly enough, the Democrats were in the majority until 5 years ago. For the entire time they were there when it became law and was the agreement, they consistently ignored it.

Since a Republican majority has come to the Senate, under the leadership of a number of Members on our side—but particularly I will mention today Senator GREGG of New Hampshire—there has been a consistent attempt on our side to fund this special education funding. I will give you an example.

In fiscal year 1997, the President—that is their view—requested $2.6 billion for this need that the Senator from Nevada has been describing, but we increased that to $3.1 billion or almost a new $1 billion to put into special education. In the next year, the President offered a budget of $3.2 billion, but we passed, at the prodding of the Senator from New Hampshire, $3.8 billion or $700 million more.

In fiscal 1999, the President asked for $3.8 billion, but we answered with $4.3 billion, another half billion dollars for special education. In the fiscal year 2000 budget, the President asked for $4.3 billion, but we made it $4.9 billion.

The point is that on our side we have consistently been trying to improve this account for special education. That was ignored for almost 35 years on the other side.

I have to be a little suspicious of an amendment that suddenly wraps itself around the interest of special education when they couldn't do it for some 35 years previously. It actually took a new majority to start fulfilling their pledge for special education.

As I said, the effect of the amendment would be to make moot the education savings accounts. This issue came up last week in a discussion between myself and Senator WELLSTONE of Minnesota. This $1.2 billion or $1.3 billion that we are talking about being invested in education savings accounts will produce $12 billion in savings and investments in education. It is a classic situation. If we take the $1.3 billion and commit it to that which is recommended by Senator DODD, it will be worth $1.3 billion, and we will forfeit the value of the savings buildup that can go to do all the things about which the Senator from Nevada talked. It allows a family to purchase computers. It allows families to hire tutors. It allows families to aid and abet and assist their children who need or have special education requirements. The effect of this amendment would be to forfeit and give up the accumulation of $12 billion in new resources and new assets.

That seems to me to be pretty shortsighted. Why would we forfeit one of the largest infusions of resources—I might add one of the smartest infusions of resources—coming from the families themselves? We are not having to raise taxes to do it. No State, nor Governor, nor local school district is having to do it. People are doing it on their own. They are producing smart, intelligent dollars because those dollars will be invested precisely on the need of the students.

At the appropriate time, of course, I will urge our colleagues on a bipartisan basis to defeat this amendment because the effect of it is designed to make moot the education savings accounts. That is the ultimate goal of this amendment.

As I said, when you look at the history of the failure to deal with special education, I think the Senator from New Hampshire referred to this effort as somewhat hollow in that year after year, no attention was paid to the special accounts. Suddenly, we will use it as a weapon against an education savings account, which would choke out, as I said, $12 billion in new resources. I am all for and will support in next year's budget additional funding for IDEA but not at the expense of forfeiting a voluntarily accumulated $12 billion that will come to the aid of public, private, and home schooling education all across the country.

I might add, the legislation we are debating deals with school construction. It does it in the appropriate way because it allows the decisionmaking to occur at the local area. The Senator from Nevada goes to great extent to suggest their plans will not interrupt or in any way constrain local school decisions. But the fact of the matter is, in the last 30 years quite the opposite has occurred. Most of our Federal programs have led to enormous constraints and mandates on local school districts. The education savings account goes in a completely different direction. It empowers parents and students and employers. It has no mandates.

So I remind everybody the legislation deals with education savings accounts empowering parents to help their children. It empowers employers to have programs of continuing education. It helps students who are in State-prepaid tuition plans so those resources are not lost to the tax collector. It contributes to allowing more flexibility so local school districts can be involved in school construction—this idea coming from Senator GRAHAM of Florida, from the other side of the aisle.

With that, I will yield the floor.

Mr. DURBIN. Will the Senator yield for a question?

Mr. COVERDELL. Certainly.

Mr. DURBIN. I say to the Senator, though we certainly disagree on approach, I commend him for his interest in education. One thing I found interesting in the analysis of my colleague's bill is the suggestion that most of the benefits for education will go to the wealthiest people in this country.

Will the Senator comment on that and tell me whether he believes, as I do, that though we want every family to have an opportunity, if we are going to have limited resources applied for incentives in education, we should look to working families and middle-income families—and lower income families, for that matter, who otherwise may not ever be able to send their kids off to college—as our highest priority, as opposed to the approach of the Senator, which apparently takes the wealthiest families as the highest priority.

Mr. COVERDELL. I am pleased the Senator asked the question. I do not know where he is getting the data. Let me respond in this way. The means test is identical to the one both the President and the Congress used for the higher education IRA. There is no difference. We all celebrated that IRA account. You can save up to $500 a year for your college education. All this says is it should be larger, $2,000, and it should be available for K–12. But there is no difference in the means testing.

The data I have seen over and over suggested over 70 percent of all these savings, or the use of the savings accounts, would go to families earning $75,000 or less. So if there is a pox on this means test, then there is the same one on an account which we have all been applauding for the last 2 or 3 years.

Mr. DURBIN. Will the Senator yield?

Mr. COVERDELL. I yield.

Mr. DURBIN. My argument or observation was we want all families to consider higher education and educational opportunities, regardless of what they are earning. I will just concede for the sake of this debate that the Senator from Georgia is correct, and the $500 IRA that was proposed by the administration, supported by all of us, probably does benefit those who can save. Generally, those are people in higher income categories.

My question to the Senator from Georgia is, if he is proposing a new program in addition to this, would it not be better now to focus on those who were not served by that $500 IRA and really focus on those families who may not have the benefit of it if we are going to expand our investment in education?

The Treasury Department estimates that under the Senator's bill, the wealthiest 20 percent, the upper one-fifth of families in America, will receive nearly 70 percent of the benefits. Wouldn't it be more fair, since the initial IRA, as my colleague noted, really helps those families, that additional money spent should go to working families and those who maybe have been overlooked by both the administration and the Senate to this point? Why do we want to continue this path of subsidizing families who are the wealthiest in our country?

Mr. COVERDELL. Maybe it is just a disagreement between the two of us about what constitutes wealth. I do not consider families, middle-income, earning $75,000 or less, as wealthy people. Maybe the Senator from Illinois or some other analysis does, but I do not. I think this is the backbone of the country. They are the people who bear the largest burden of the Tax Code. They are having a hard time. Their income tax is at the highest level since World War II. It is so high now that with the disposable income available to them, to do the things we expect them to do about raising their families, they cannot do any more.

So we may just have a disagreement over who is considered wealthy.

Mr. DURBIN. Will the Senator yield?

Mr. COVERDELL. I yield.

Mr. DURBIN. I say to the Senator, my guess is when we are talking about the upper 20 percent of America, we are not talking about those of $75,000 or less; we are probably talking about $75,000 annual income or more.

Mr. COVERDELL. I said that 30 percent of these accounts, as was the case with the account we have already passed, would inure to their benefit, which is not bad.

Mr. DURBIN. Less than a third?

Mr. COVERDELL. Yes. So two-thirds plus of this, in my judgment—we can disagree—is going exactly where we want it to go.

If I might add one other point, unlike the IRA we have already passed, and unlike any other IRA, this account allows sponsors. We do not know the data on that. It is a benefit to even the lower income. It allows parents, families, unions, benevolent associations, and employers to help open these accounts. From what I have seen of people trying to utilize new tools and resources, it is the struggling families who are most likely to use these accounts.

Mr. DURBIN. I will make one final comment and then I will yield the floor because I see the Senator from Massachusetts waiting. I do not disagree with the Senator from Georgia in his intent on helping families pay for education. That, too, is a concern of my colleague, Senator SCHUMER from New York, who supports the President's plan of deductibility of college expenses on your tax returns. I think that is an excellent way of increasing opportunity in education.

I do believe, if we are going to take our money and our surplus and invest it in education, we should look to those who, frankly, need the most help. I think it would be the working families. I am afraid the Senator's approach, according to the Treasury Department analysis, gives 70 percent of the benefits to families in the upper 20 percent of America. It tips the scales heavily to the wealthiest families. I agree with the Senator's comments, and I hope his bill will reflect we should direct more help to working families struggling to put their kids through college. I am afraid, as I see it, his bill does not do that.

Mr. COVERDELL. I will be very quick, and then I will yield so the Senator from Massachusetts will have his time.

Let me say, there is apparently some disagreement about the flow of the funds. Joint Tax states 70 percent of all benefits goes to families of $75,000 or less. Again, I repeat the means test is no different than the one that was established by the President and the Congress on the previous smaller savings accounts that we have implemented and, as I said, applauded.

I do appreciate the question from the Senator from Illinois and his interest, which I think is probably shared by all of us one way or the other, in making a very positive education environment for all in the United States.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank the Senator from Georgia for yielding. I, like others, have differences with the Senator, but I admire his persistence in this idea and his strong commitment to this proposal. Many of us welcome the opportunity to debate issues on education policy at this point in the session. We have been in session for a number of weeks, and we have dealt with the issues of the Marianas, bankruptcy, and one or two judges. As we come into the first of March, we are very slow and reluctant in addressing concerns of families. This is one of the issues of education.

There always seems to be some interruption. All of us are looking forward to visiting with our Governors. I am looking forward to visiting with mine. Nonetheless, sometime we ought to be about the Nation's business, and the Nation's business is the whole role of how the Federal, State, and local governments are going to provide assistance to make sure we have the best educational system.

We have a responsibility in the area of health care to ensure a full Patients' Bill of Rights so families know the information they get from the doctor is the doctor's recommendation and not an insurance agent's recommendation who is more interested in the bottom line.

We have a responsibility to debate and act on the question of prescription drugs. There is not a group of seniors in my State of Massachusetts who do not place prescription drugs as their foremost concern, and it is a legitimate concern.

We ought to be about the business of addressing those issues. These are some things on the minds of people.

We have started this debate on education policy, and we will be following up tomorrow in our Health, Education, Labor, and Pensions Committee on the reauthorization of the Elementary and Secondary Education Act.

The American people ought to understand that we provide very little out of the Federal budget to education. As my friend and colleague from Nevada has pointed out, it is about 2 percent. Most American families say: Out of $1.7 trillion, we ought to be providing more than 2 percent.

Most would want us to do it, most believe we should do it, but we have not done it. It has been resisted. I imagine we will see further resistance in the Senate debate, finding there are other priorities.

As we know, 7 to 7.5 cents of every Federal dollar goes to the local communities. We are talking about scarce resources. We have to understand we either appropriate the money or we provide tax breaks or tax incentives. It all basically comes from the budget.

What we are talking about today is $1.2 billion over the next 5 years and how it will be used. The Dodd amendment says there are public policy issues related to education that have a higher priority. He will insist the Senate vote to decide whether we are going to provide the $1.2 billion to assist local communities to offset the additional costs that are necessary for needy children, or whether the $1.2 billion will go to 7 percent of families with children in private schools.

Half the money in the Coverdell proposal, which is represented by one of these little figures on this chart, will go to benefit one of these figures and the other half will go to benefit those who go to private schools. That is not something we have admitted or stated. That is even according to Mr. COVERDELL, as he said on February 23:

> The division of the money is 50-50.

At the start of this debate, we have to ask: Where do we want the limited resources to go? Do we want to strengthen the public school systems, or do we want to divert scarce resources to the private schools? Private schools play an enormously important role in our society, but we are talking about scarce resources.

What does the Dodd amendment do? It says if we have $1.2 billion, we ought to use that $1.2 billion to help all the families in communities across the country who are burdened, in one sense, but also given an opportunity in another sense, to provide some decent education for children who have special needs. That opportunity developed in the 1970s as a result of Supreme Court cases decisions that said the guarantee by the States of educating their children also applies to special-needs children.

Our friend, Governor Weicker of the State of Connecticut, introduced legislation to help offset those additional needs for those schools. Over time, we have been trying to increase funding for special-needs children.

I take my hat off to our good friend from the State of New Hampshire, Mr. GREGG, who insists we put this as the first priority for all Government funding. Many of us believe we should increase funding for special-needs children. Senator DODD's amendment, which is so compelling, says: Look, if we have $1.2 billion, let's take that $1.2 billion and help all the communities across the country that are providing assistance to special-needs children. That is more important than taking half of that money and giving it to the private school students. I think a pretty good case can be made for that.

Senator DODD has offered an amendment in the past to do exactly that. On April 23, 1998, he offered that amendment, and it failed by a narrow margin. He was able to marshal almost half of the Senate. We are very hopeful the Dodd amendment will be successful today.

I offered a similar amendment in March of 1999 at the time the Senate was considering the $792 billion tax break bill. The tax break bill—remember that?

We listened to many of our colleagues talking about the importance of having special education and funding special education. I offered an amendment that said: All right, let's adopt what would have been part of the tax break bill to fund special education needs for the next 10 years. Do you know what that would have meant in terms of a reduction in the tax break bill? It would have reduced the total tax break for fortunate individuals and corporations by only a fifth. Four-fifths would have still gone through the Senate.

That was a pretty good opportunity to say: If we are really serious about trying to do something for special-needs children, let's go ahead and take the opportunity with real money—not authorizations, not on appropriations that may be rejected or vetoed because they have other kinds of proposals; no gimmicks—let's do something that is actually going to go to the President of the United States, something that is going to go on through and at least be considered. Not a single vote—not one vote, not five votes, not four votes, not three votes, not two votes—not a single one came from that side of the aisle.

You can imagine why many of us, when we hear these statements on the other side about the importance of special education and special needs, why we take that with a good deal of doubt.

The fact of the matter is, many of these proposals that we will have an opportunity to debate later on have some important impact on special education. In smaller classes, teachers can help identify those children with some special needs and can be separated out to be given the extra help and assistance they need, instead of the children being thrown into the situation where it makes it much more complicated and expensive.

Early involvement, through the expansion of the Head Start Program, most importantly, can get some help and assistance to those students; and, secondly, save a good deal of resources in funding.

We do not believe you ought to place one group of children against another, but some do. Those of us who have been in support of the President's program, Vice President GORE's excellent program, with an emphasis on early intervention, do not believe in pitting one child against another.

We will have the opportunity to follow Senator DODD's leadership and say: Let's just take this funding—half of the money goes to about 10 percent of the children, and half of it goes to 90 percent of the children—let's say: We find that this is sufficiently important that we are going to provide the funds for all of the special needs.

I do not want to take much time of the Senate, but I do want to review a little bit about education policy in recent times because I believe this is a matter of enormous importance and consequence. We ought to understand whether this is just a policy difference between us or whether this is something that is much more basic and fundamental.

I have here statistics going back for the last 6 years under Republican leadership, showing where the Republican leadership has been on the issue of cuts in education funding.

In the 1995 House rescissions bill, we have $1.7 billion enacted. It had been appropriated, and the President signed it. The new leadership said: We are going to go right back there under rescissions and take $1.7 billion. That was done just after the election.

In 1996, House Appropriations cut $3.9 billion below the previous year. In 1997, it was $3.1 billion below the President; in 1998, it was $200 million below the President; in 1999, $2 billion below the President; for the fiscal year 2000 House bill, $2.8 billion below the President.

You cannot say: Well, you can do anything with figures around here. That is a pretty consistent record of where the Republican leadership has been over the last 6 or 7 years on the priorities of education.

Those of us who believe in investing in children, who believe we need a partnership at the Federal, State, and local level, are not saying that money, in and of itself, is going to provide all the answers. But what we are saying is: Investing in resources is a pretty clear indication of a nation's priorities and a pretty clear indication of what is believed to be important.

Where you had 3 or 4 years ago the cutting of billions and billions of dollars, and abolishing the Department of Education, now we come out with $1.2 billion—some $300 million a year—as their first priority in the areas of education.

I have some difficulty in believing that is really what the American people want. I think the American people want us to say: Let's get the best ideas among Democrats and Republicans to get the best trained teachers and put them in every classroom in America. And let's find out how to make sure that teacher is going to stay there. Let's find out how we are going to be able to cut back on the size of larger schools so we can get students into smaller classes, which has been demonstrated to show a higher degree of academic performance.

Let's talk about afterschool programs and how they are being tied to performance in universities and how they are being tied to the private sector, where there are job opportunities with help and assistance from tutorials.

Let's talk about programs such as the one I saw just yesterday in my home city of Boston. Intel, one of the great American companies, is doing workshops to try to provide help and assistance to inner-city kids. They are going to open up programs around the country. Let's talk about what they are doing. If those programs are so good, we ought to be able to replicate them. Let's talk about how we are going to provide greater opportunities for kids to continue on into higher education.

It seems to me the American people want this debate and want it out here on the floor of the Senate. But, oh, no, we have this particular proposal.

That is why I think it is so important that we have the opportunity to vote on the Dodd proposal. What we are basically saying is: All right, $1.2 billion; let's put this in the areas of special needs. Let's go ahead and help them. That is an important area. Let's go on and provide that kind of help and assistance.

Senator DODD knows so well, as others, that before we had the IDEA, we had about 5.5 million children locked in closets who never went to school.

Now we find that children who are going to complete high school, 57 percent of the disabled youth are competitively employed within 5 years after leaving high school, compared to an employment rate of 25 percent for disabled adults who have never benefited from IDEA. When we invest in these children, we get results. The Dodd amendment is what is going to get results for some of the neediest causes for families in this country.

In my own State of Massachusetts, there are small towns where families have these kinds of challenges with regard to a particular individual. The schools have to provide those services. It provides a very significant increased burden on the taxes of those local communities. Let's say, look, wherever they are, if they are in Georgia, if they are in Illinois, if they are in Massachusetts, they are going to get some help and assistance from this particular program.

There is a priority. That has a higher priority than just providing this kind of money that is going to be scattered the way it has been indicated. That is the essence.

I see the good Senator from Connecticut, our leader on this fight time and again. We commend him for staking out, in the first real order of business, the first real order of debate, the importance and significance of this amendment and helping to provide for families who have special needs children.

I yield to the Senator from Illinois.

Mr. DURBIN. Mr. President, I thank the Senator for his presentation this morning and his leadership throughout his career in the Senate on issues of education. There is no Senator on the floor who can hold a candle to Senator KENNEDY when it comes to issues of education. He not only understands them in a better way than most of us, but he is more articulate, forceful, and committed than any Member of the Senate. It is a pleasure to join him in this debate this morning.

I think he has very convincingly laid out the case of the difference between the two parties. Our Republican friends on the opposite side of the aisle have a different view of education than Democrats do. There have been those on the Republican side who have called for abolishing the Department of Education in Washington. There have been those, as well, who have suggested that if the Federal Government has a role, it should be in supporting private schools with the so-called voucher system.

There have been those who have opposed suggestions from the President and others that if the Federal Government is to have a role, albeit a small role, it should be focused on things that are so important for every school district across America, whether it is modernizing our school buildings so the kids who presently are enrolled have an opportunity and access to the best technology to prepare them for the future, whether it means teacher training so the teachers we respect so much today can continue to develop their skills, so the children coming in the classroom really are, in many cases, taught by teachers who understand the new technology as well or better than the children.

There is a standing joke in my office that if you can't understand how the computer works, look for a teenager. I think most of us understand that young people because they have been raised in this culture and have no fear of this machinery, many times eclipse the skills and talents of even the teachers in the classroom.

Democrats believe on focusing some money on teacher training. A better trained teacher is going to do a better job in the classroom. Of course, the reduction of class size is part of this as well. I have seen school districts in my home State of Illinois and the city of Chicago, in a more Republican area in general, Du Page County, a wealthier area, where teachers tell me, with a smaller class size they can pick out the kids who need special help and make sure they keep up with the class. They can also identify the gifted kids and give them better and tougher assignments so they can improve, too. These are the issues on which Democrats have said time and again we should focus.

Our colleague, Senator DODD from Connecticut, has joined us. I am happy he is here because he has a very critical amendment. Where Senator COVERDELL's bill suggests we will focus half of the assistance in this new program on private schools where only 10 percent of our kids attend school and where he has said the vast majority of the resources in his bill will go to the wealthiest families in our country, those in the upper 20 percent, Senator DODD comes in with a much more practical and grounded alternative.

I will leave it to the Senator to explain it in detail, the idea that we would provide school districts across America, rich and poor, wherever they are located, assistance in helping to educate kids with special needs. Meet with any school board member, any school superintendent, or many teachers for that matter, and ask them about the challenges of today. They will tell you that kids with special needs, disabled kids, need special attention so they can develop their highest potential. It costs money to do it. It takes extra resources. We have made the commitment in theory. What Senator DODD suggests is we should put our money where our commitment is and say to these school districts that we will help you with these kids. We believe it is worth the investment.

At this point I see Senator DODD is on the floor and prepared to discuss his amendment. I am happy to yield to my colleague from the State of Connecticut.

Mr. DODD. Mr. President, I thank my colleague for yielding. Let me also thank our good friend, the Senator from Nevada, HARRY REID, for introducing the amendment on my behalf. Unfortunately, I was delayed this morning due to a problem with my flight. I apologize for not getting here earlier and I am grateful to my colleague for stepping in to help.

I see my good friend from Georgia is here. We have gone around on this issue in the past. I have great respect and admiration for him. We disagree on this issue, so I am sure we will have a good healthy debate about it.

In fact, we may not disagree about it at all. What I am trying to do with this amendment, I presume my friend from Georgia and others would also support. Let me briefly outline the amendment for my colleagues. While we only have a few minutes this morning, we will resume debate this afternoon.

It is somewhat ironic, in a way, that we will be meeting in about 22 minutes with the national Governors. We will gather together and have a joint meeting. I commend the leadership for arranging that.

Due to this meeting, I think it is worthy of note that the Governors are headed up by Mike Leavitt, Governor from Utah; Governor Mike Huckabee, vice chair on Human Resources from Arkansas; Governor Jim Hunt from North Carolina, who is the chair of the Committee on Human Resources; and Governor Tom Carper of Delaware, who is co-chair with Mike Leavitt of the National Governors' Association.

This letter is dated a year ago, but it was about a year ago that we engaged in a similar debate. At that time, a letter was sent to our colleague, PETE DOMENICI, chairman of the Committee on the Budget. The letter specifically addresses the issue my amendment proposes to correct or to at least offer to provide some support for special education funding. The letter says:

> As you prepare the budget resolution for the coming fiscal year, the nation's Governors urge Congress to live up to agreements already made to meet current funding commitments to states before funding new initiatives or tax cuts in the federal budget.
>
> The federal government committed to fully fund—defined as 40 percent of the costs—the Individuals with Disabilities Education Act (IDEA) when the law, formerly known as the Education of the Handicapped Act, was passed in 1975. Currently, the federal government's contribution amounts to only 11 percent, and states are funding the balance to assist school districts in providing special education and related services. Although we strongly support providing the necessary services and support to help all students succeed, the costs associated with implementing IDEA are placing an increased burden on states.
>
> We are currently reallocating existing state funds from other programs or committing new funds to ensure that students with disabilities are provided a "free and appropriate public education." In some cases, we are taking funds from existing education programs to pay for the costs of educating our students with disabilities because we believe that all students deserve an equal opportunity to learn. Therefore, Governors urge Congress to honor its original commitment and fully fund 40 percent of Part B services as authorized by IDEA so the goals of the act can be achieved.

Mr. President, I also have a letter, dated February 23, 2000, from the National School Boards Association opposing the underlying bill, the Affordable Education Act, and supporting my amendment. Specifically, I quote from the letter:

> NSBA believes that a greater benefit for children and taxpayers alike will occur if this money is spent meeting the unmet federal commitment in special education. Throughout the country, taxpayers are indirectly paying higher school and property taxes in their districts to compensate for the federal funding shortfall in the education of children with disabilities. Rather than create a tax benefit for a select few, applying these funds to special education would benefit more taxpayers and public schools.

I ask unanimous consent that the letters from the Governors, as well as the National School Boards Association, be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL GOVERNORS ASSOCIATION,
March 9, 1999.

Hon. PETE V. DOMENICI,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As you prepare the budget resolution for the coming fiscal year, the nation's Governors urge Congress to live up to agreements already made to meet current funding commitments to states before funding new initiatives or tax cuts in the federal budget.

The Federal Government committed to fully fund—defined as 40 percent of other costs—the Individuals with Disabilities Education Act (IDEA) when the law, formerly known as Education of the Handicapped Act, was passed in 1975. Currently, The Federal Government's contribution amounts to only 11 percent, and states are funding the balance to assist school districts in providing special education and related services. Although we strongly support providing the necessary services and support to help all students succeed, the costs associated with implementing IDEA are placing an increased burden on states.

We are currently reallocating existing state funds from other programs or committing new funds to ensure that students with disabilities are provided a "free and appropriate public education." In some cases, we are taking funds from existing education programs to pay for the costs of educating our students with disabilities because we believe that all students deserve an equal opportunity to learn. Therefore, Governors urge Congress to honor its original commitment and fully fund 40 percent of Part B services as authorized by IDEA so the goals of the act can be achieved.

This is such a high priority for Governors, that at the recent National Governors' Association Winter Meeting, it was a topic of discussion with the President as well as the subject of an adopted, revised policy attached. Many thanks for your consideration of this request.

Sincerely,

GOV. THOMAS R. CARPER.
GOV. MICHAEL O. LEAVITT.
GOV. JAMES B. HUNT, Jr.,
Chair, Committee on Human Resources.
GOV. MIKE HUCKABEE,
Vice Chair, Committee on Human Resources.

NATIONAL SCHOOL BOARDS ASSOCIATION,
Alexandria, VA, February 23, 2000.

Re Oppose S. 1134, the Affordable Education Act

MEMBER,
U.S. Senate,
Washington, DC.

DEAR SENATOR: On behalf of the nation's 95,000 local boards members, the National School Boards Association (NSBA) urges you to oppose S. 1134, the Affordable Education Act.

NSBA is opposed to this legislation that would expand education savings accounts to allow tax-free expenditures for K–12 public, private, and religious school tuition. NSBA believes that limited public funds could be better invested in priority areas of K–12 education. Specifically, Congress should focus scarce tax dollars on the federal government's current obligations to our nation's public schools.

The Joint Tax Committee estimated that K–12 education savings accounts come with a price tag of well over $2 billion over ten years. In addition to the expense of this program, education savings accounts would disproportionately be used by affluent families and provide very little benefits to lower and middle income families. NSBA believes that a greater benefit for children and taxpayers alike will occur if this money is spent meeting the unmet federal commitment in special education. Throughout the country, taxpayers are indirectly paying higher school and property taxes in their districts to compensate for the federal funding shortfall in the education of children with disabilities. Rather then create a tax benefit for a select few, applying these funds to special education would benefit more taxpayers and public schools.

Providing additional funds for students with disabilities will enable Congress to take a small step forward in eliminating the unfunded mandate on local school districts. This, in turn, will free up funds at the local level to help increase student achievement for all students.

NSBA urges you to oppose the education savings accounts legislation. If you have questions, please contact Dan Fuller, director of federal programs, at 703-838-6763.

Sincerely,

MICHAEL A. RESNICK,
Associate Executive Director.

Mr. DODD. Let me again make the point I made last week and will make again this afternoon. There are parts of this bill the Senator from Georgia is offering with which I have no disagreement. However, it seems to me that we are talking about relatively scarce resources. While we are in a surplus—and we all applaud this fact—we all know we don't have all the money we would like to spend in educational areas. But to have a tax break of a $1.2 billion over 5 years, the cumulative benefit, according to the Joint Committee on Taxation, would amount to $20.50—$20.50 on average.

My amendment would provide a benefit that would go back to our communities where we know from our mayors and county executives how difficult it is for local taxpayers to support the costs of special needs education. In some cases, the cost of a special needs child can be $50,000 or more per year. Now, on average, it is a lot lower, but there are cases that are not that rare, in fact where the costs are very high, that is borne by the local property taxpayers, or the State taxpayers.

We made a commitment—the Federal Government—and said: we think you ought to provide an education for all children in this country. We think it is important to educate children with disabilities. I will tell you what we will do, communities and States. If you will support this effort and put up 60 percent of the money, we will put up 40 percent of the money.

Despite the fact we made that commitment more than a quarter century ago, we have only gotten up to 12.7 percent. Now, $1.2 billion doesn't get you to 40 percent, but it gets you a lot closer. That is real tax relief, what the Governors are asking us to do, what the national school boards are asking us to do, and what our mayors and county executives have asked us to do.

I can't think of a better way to allocate $1.2 billion if we are going to do it at this juncture, do what the Governors asked us to do and what the mayors asked us to do—that is, be the partner we promised to be on special education.

My mayors in Connecticut tell me it is the most important issue to them. I asked them what we can do to help them out. They say: Help us in this area. You made the promise, so why don't you do it?

Instead, what we do too often is pit people against each other in local communities, where a family, unfortunately, has been hit with a child born with a significant disability and, all of a sudden, the cost of educating that child is high, and there are people who resent that fact locally. It creates tensions in our towns and cities. I don't think that ought to be the case. So with scarce resources, why not pitch in, why not meet the commitments we have made.

This may take a supermajority vote. I suspect there is going to be a point of order raised against this amendment that will require 60 votes. I have listened to my colleagues over and over, going back some 7, 8, 10 years ago when I first offered this amendment in the Budget Committee. I lost the amendment on a tie vote. To the credit of the majority leader, TRENT LOTT, he supported me, as did several other Republicans. However, I lost some Democratic votes on the Budget Committee. Almost every year since then, I have offered some variation of this amendment. We have come close some years, not so close in others. But all of us know when we go back to our States, this is an issue our constituents and their representatives at the local level care about, and they want the Federal Government to live up to the commitments we made so many years ago.

It is important to children with special needs. Again, I am preaching to the choir, I suspect, because all of my colleagues care about education. But if we are going to have the best educated population this country has ever produced—and I think we need to do that if we are going to succeed in the 21st century—then we have to make intelligent investments of taxpayer money when it comes to achieving that goal.

We have children with special education needs. This is an opportunity now for us to not provide a $20.50 average tax break, but to get money back to these communities that will allow them to provide the kind of educational opportunity for children with special needs who can be productive, contributing members of our society. But if children with disabilities don't get the educational tools they need, they too often face insurmountable obstacles.

Again, it is not that what the Senator from Georgia has proposed is necessarily a terrible idea; I am not suggesting that. I suggest if you have limited resources, and we have clear choices—I think most Americans when confronted with the choice of getting a $20.50 tax break over 5 years, or seeing this money go to defray local property taxes or State taxes, to live up to the commitment on special education, I believe most Americans would choose the latter; they would see this as a better investment of their tax money by reducing those costs.

So I also want to add, if I could at this point, a list of what it costs each State, the charts that will spell out in each State the special education costs. They are very high. These are very high costs in terms of what we are contributing. To give you an idea, in the State of California, in special education costs, we come up with 5 percent of the money, the State comes up with 71 percent, and the local government comes up with 24 percent. Going on down this list of various States, to give you some sense of it. In the top State I can find, Indiana, we do 17 percent, the State does 63, and the local does 20. Most of them are in the single-digit area where it is 4, 5, 6, 9 percent coming from the Federal Government.

Mr. President, I ask unanimous consent that this list of education expenditures reported by selective States on special education be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TABLE I-2—SPECIAL EDUCATION EXPENDITURES AS REPORTED BY SELECTED STATES

[19th annual report to Congress: Section I—The costs of special education]

State	Total special education expenditures*	Associated special education student count**	Average State-defined special education expenditure per student	Percentage of support by source			Confidence in data
				Federal	State	Local	
California	[A] $3,070,700,000	[D] 550,293	$5,580	5	71	24	SC
Colorado	[A] 260,337,092	[E] 76,374	3,409	9	31	60	HC
Connecticut	627,331,211	73,792	8,501	4	37	59	HC
Florida	[B] 1,470,186,078	[D] 290,630	5,059	6	56	38	C
Indiana	[B] 350,430,294	127,079	2,758	17	63	20	NC
Iowa	[B] 277,700,000	[E] 65,039	4,270	11	70	19	HC
Kansas	[B] 326,106,608	47,489	6,867	7	54	39	HC
Louisiana	427,924,416	[E] 108,317	3,951	6	94	0	C
Maine	[B] 145,000,000	30,565	4,744	8	59	33	HC

TABLE I–2—SPECIAL EDUCATION EXPENDITURES AS REPORTED BY SELECTED STATES—Continued

[19th annual report to Congress: Section I—The costs of special education]

State	Total special education expenditures*	Associated special education student count**	Average State-defined special education expenditure per student	Percentage of support by source: Federal	State	Local	Confidence in data
Maryland	757,328,777	95,752	7,909	5	26	69	HC
Massachusetts	1,065,523,416	149,431	7,131	6	30	64	HC
Michigan	[B] 1,334,000,000	[F] 188,703	7,069	6	34	60	HC
Minnesota	[A] 689,656,932	[D] 96,542	7,144	6	70	24	NC
Missouri	436,778,659	[G] 121,419	3,597	10	30	60	C
Montana	54,865,132	17,881	3,068	14	60	26	HC
Nevada	202,369,114	24,624	8,218	4	40	56	C
New Mexico	[B] 250,000,000	45,364	5,511	9	90	1	SC
North Carolina	[C] 344,809,332	142,394	2,422	15	76	9	HC
North Dakota	54,560,122	12,180	4,479	10	31	59	SC
Rhode Island	147,300,000	25,143	5,858	5	36	59	HC
South Dakota	61,618,034	15,208	4,052	13	49	38	HC
Vermont	79,155,945	[H] 10,131	7,813	5	39	56	HC
Virginia	608,692,266	[D] 129,498	4,700	9	23	68	C
Wisconsin	[A] 630,000,000	95,552	6,593	6	62	32	C
Total for all reporting States	13,929,607,674	2,581,905	5,395	7	53	40	
Total for highly confident or confident States	9,514,260,326	1,750,477	5,435	7	44	49	

*States reported for the 1993–94 school year except as designated below.

**Count of students reported by the State associated with the reported total expenditure; includes age range 3–21 except as designated below.

[A] 1992–93 [B] 1994–95 [C] 1990–91 [D] Includes age range 0–22 [E] Includes age range 0–21 [F] Includes age range 0–26 [G] Includes age range 3–22 [H] Includes age range 5–22.

Confidence in Data:

HC—Highly confident SC—Somewhat confident C—Confident NC—Not confident.

Source: CSEF Survey on State Special Education Funding Systems, 1994–95.

Mr. DODD. Mr. President, it is unfortunate, in a sense, to begin this dialog with such a piece of legislation that my friend from Georgia has offered, which I think is not well conceived in terms of the impact it could have, if we chose to dedicate it to special education.

While education may be the issue foremost in the minds of the American public, I highly doubt that the public has this legislation before us this morning in mind when they think of ways the Federal Government could be helping to improve our schools in this country.

Education savings accounts, as proposed in this legislation, represent, in my view, bad education policy, bad tax policy, and a waste of valuable Federal resources that could be so helpful if directed to public schools and special education needs. In fact, the legislation offered by our friend and colleague from Georgia offers very little to public schools.

Remember, there were 55 million kids in this country getting up and going to school a couple of hours ago. They went off to elementary and secondary schools this morning across the country; 5 million went to a private or parochial school; 50 million went to a public school. Even if we try to take every kid out of a public school and put them in a private school, they would not fit. The overwhelming majority of kids who went to school this morning went to a public school. Certainly, while we bear a responsibility to try to improve the quality of education for all children, we certainly have a unique and special responsibility to see to it that public education gets our undivided attention—at least the majority of our attention on this issue, not at the exclusion of the others.

Certainly, we have a very high degree of responsibility to see that these children are going to get the quality education they deserve. According to the Joint Tax Committee, not a partisan committee, the average benefit per child in public school would be approximately $20.50 over 5 years. I ask the question: How is the family of a public school student going to improve their child's education environment with an average benefit of $5 a year? I believe, however, that we can salvage the bill before us and make a real contribution to the work of teachers, parents, and our communities.

My amendment simply does the following: It takes the $1.2 billion in this proposal and sends it down instead to local schools to help meet the costs of special education. This straightforward proposal offers an alternative to the underlying legislation, which will make a real difference, in my view, in education and in our schools.

Upon the enactment of the Individuals With Disabilities Education Act in 1975, the Federal Government committed to our State and local governments around this country—to all 50 States—that it would contribute—we would, the Federal Government would, the Congress would—40 percent of the funds needed to provide special education services. That was 25 years ago we made that commitment.

Presently, the Federal contribution for special education is 12.7 percent of their special education costs. And that varies from State to State. The Federal contribution to special education has never risen above 13 percent. The Federal Government, today, would need to boost its IDEA funding an estimated $15.8 billion to live up to its original commitment to our Nation's special needs children in our districts and States across the country.

The amendment I offer this morning would redirect the $1.2 billion over 5 years spent by the Coverdell initiative to IDEA. These funds would directly aid State and local school districts in providing the critically important special education services children with disabilities deserve.

I often hear from school and town officials in my State of Connecticut—as I am sure the Presiding Officer does in Idaho, and my colleague from Georgia does as well—about the high costs associated with providing special education services. Our local school districts are struggling to meet the needs of their students with disabilities which at times can be overwhelming to smaller rural communities. In Connecticut, the State spends more than $700 million annually, or 18 percent of the State's overall education budget, to fund special education programs. In Torrington, CT, special education costs recently increased from $635,000 to $1.3 million over a two year period. Torrington is a relatively small, midsized, urban community in my State. It is not Hartford, Bridgeport, New Haven, or Stamford. Torrington is a small town. $1.3 million in that small town's budget goes to provide special education services. However, for my part, I believe the issue is not that special education services may cost too much. They are clearly a good investment, in my view, over the long term. Rather, the issue is that the Federal Government contributes too little.

Congress passed the IDEA legislation. I believe Congress should fulfill its commitment to our Nation's special needs children and our communities by increasing its share, as we committed to do, of special education costs before we enact legislation proposals such as the one before us that do nothing, in my view, to improve the quality of our public schools.

Over the last few years, this body has greatly strengthened the federal commitment to children with disabilities.

Since fiscal year 1998, Congress has increased special education funding by 25 percent. However, that money is spread thinly across 50 States.

Despite the Federal Government's recent increases in its support for special education services, the cost of providing these services has risen dramatically in recent years. Our recent increases in funding are not keeping pace with increased costs. Today, providing special education services to a child with a disability costs about 2.3 times that of regular education. Special education spending grew 19 percent of all school spending in 1996 across the country.

Thus, changes in enrollment in special education programs in recent years is also a key factor behind increases in costs for special education programs. In the last 5 years alone, schools' special education enrollment has increased by 12.6 percent. Today, 1 out of every 10 students in public schools receives special education services under the IDEA legislation.

In my own State of Connecticut, approximately 14 percent of all students are enrolled in special education programs. Our State and local school districts need our help. The amendment I am offering today moves us in the right direction.

According to a 1996 Gallup poll, 47 percent of those surveyed said America is spending too little of its education budget on students with special needs. Only 5 percent of those surveyed reported that too much is being spent on special needs children. The amendment I offer Senator COVERDELL's legislation would address this public concern.

By increasing the Federal contribution to States for special education services, I believe we will greatly aid State and local school districts by allowing them to reduce the disproportionate share of special education services they have had to carry for far too long. When school districts are forced to increase the amount of funds for special education, they are often forced to raise taxes or reduce funding for nonspecial education programs. These school districts need our help. More importantly, though, children with disabilities need our help more.

Demonstrating the importance of special education funding to our States, the National Governors' Association—again, I refer to the letter behind me to the Senate Budget Committee chairman—asks Congress to fulfill its commitment to special education funding before "funding new tax initiatives or tax cuts" such as being proposed by the Coverdell proposal.

Additionally, the National School Boards Association letter dated February 23 to all Senators says, "Rather than create a tax benefit for a select few, applying these funds to special education would benefit more taxpayers and public schools" across the country.

We often like to talk in this body about what the public wants and what they need. Yet here we have the National School Boards Association, those who every day have to make the tough choices deciding how to operate our schools across the Nation, asking us not to enact tax relief that would only benefit a select few and telling us what our children really need—better qualified teachers, smaller class sizes, and more funds for special education.

Today, I hope as we come back later in the afternoon to this amendment that our colleagues will rally behind us. We could accomplish a great deal. It would be a major first step in coming together in a bipartisan way to do something about which all of us have talked to our States about for many years, and that is to be a better partner when it comes to educating children with special needs. We have not been the full partner we promised to be. The costs are going up, and the local taxpayer is being saddled with that burden.

We have an obligation and I think a responsibility. We can live up this obligation this afternoon by voting for this amendment and saying that the $1.2 billion in this proposal we will given back to our States to give to these children, to these mayors, to the county executives, and to our Governors to see to it that these children and our communities will have an opportunity to meet those responsibilities.

I see that the hour for us to recess is about at hand. I will not delay the proceedings of the Senate any longer except to note that I will come back this afternoon to talk about this further and invite my colleagues to come forward on both sides of the aisle to engage in this discussion. We haven't had many votes this year. We haven't had much of an opportunity in this Congress to express what we think the priorities of the American public are and how we can fulfill them. But we all know education is right at the top of American's priorities, indicating that the American public wants this Congress, their Government, to pay attention to the needs of the educational responsibilities in our country. I think we have a chance to do that today with this amendment.

Presently, we only contribute 7 cents out of every dollar to education. Ninety-three cents comes from local and State taxes. Seven cents comes from Washington DC. But here we have a chance, with our 7 cents, if you will, to do something meaningful for our States and meaningful for these families and children with special education needs.

My sincere hope is that when the opportunity arises for us to answer the rollcall on how we stand on this issue, this body will vote overwhelmingly in support of this amendment and do something very meaningful today with a message we can give our Governors as they go back to their States, and say, Congress is a partner when it comes to special education needs.

I yield the floor. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, I will have a good bit to say about this most recent presentation by the Senator from Connecticut. Now is not the time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, it is my understanding by previous order we are to recess at 11.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 11 a.m. having arrived, the Senate stands in recess until 2:15.

Thereupon, at 11:01 a.m., the Senate recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AFFORDABLE EDUCATION ACT OF 1999—Continued

Mr. COVERDELL. Mr. President, I ask unanimous consent that the time between now and 4 p.m. be consumed in an equally divided fashion for debate on the pending Dodd amendment, and at 4 p.m. the Senate vote in relation to the Dodd amendment. I further ask consent that following the vote, the Senate resume consideration of the Collins amendment No. 2854.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, I further ask unanimous consent that following the disposition of the two above-described amendments, Senator ROBB be recognized to call up an amendment regarding school construction.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, in light of this agreement, Members of the Senate should note that the next vote will occur at 4 p.m., and a second vote regarding the Collins amendment will occur shortly thereafter.

AMENDMENT NO. 2857

Mr. COVERDELL. Mr. President, while the other side is preparing further remarks about their amendment, I want to make it very clear that the amendment offered by the Senator from Connecticut would, one, make moot the principal core of this legislation, the education savings account. It just wipes it out. No. 2, I wish to make the point that he is making moot an issue that has received extensive bipartisan support in the Senate.

The principal coauthor of the education savings accounts is Senator TORRICELLI of New Jersey. When this was last voted on before the Senate, it received 59, 60 votes—again, a very bipartisan expression in support of the education savings accounts. I want to make it clear that this amendment would have the effect of destroying a core bipartisan component.

The second point I wish to make is that the Senator from Connecticut argues the money used to create this educational IRA should be used to enhance the funding of special education. Special education, he rightfully points out, is important and represents an unfunded mandate of some 25 years.

I find it interesting that for 25 years the other side of the aisle found it acceptable to ignore the Federal responsibilities for special education, and now with a new majority, we on our side of the aisle have doubled funding for IDEA. We have an attempt to empower parents and local communities to deal with educational requirements for children, and we now find this amendment and the great need on the other side of the aisle to deal with IDEA. There is an incongruity of letting it sit there for so many years without paying attention to it and now all of a sudden it is important.

Mr. DODD. Would my colleague yield on that?

Mr. COVERDELL. I will in a moment.

No. 3, let me say to the Senator from Connecticut, first of all, I agree with the attempts to fund special education for all the reasons the Senator enumerates. But I do not find them mutually exclusive. I do not think we have to take this bipartisan education savings account legislation and throw it in the trash heap to do this.

We have increased funding over the President's proposals for special education 5 years in a row. I think we will do so again. I think this Congress will respond to the goals the Senator has enumerated and to the letter the Senator has showed us from the Governors who, indeed, think this pledge that was made a long time ago and ignored for an awfully long time should be fulfilled. So we agree on that premise. But I do not think you have to make this moot in order to do it.

The last thing I would say—and it is the Senator's amendment, so I want him to be able to conclude his debate—is that we disagree on the nature of the policy. The Senator's side of the aisle, those who do not support it—not those who do—somewhat attempts to minimize the significance of it.

I take some issue with that because we are all down here playing the laudatory band for the fact we passed an IRA for higher education that had parameters identical to the means test that applies here, but its value is only one-fourth what the value of this proposal is. I do not think you can make this an insignificant advantage to people on the one hand but say this education savings account was a great accomplishment on the other.

Frankly, I think the education savings account that we passed for $500 per year for higher education is a good thing. I supported it. I proposed it. But this is four times the value of that.

In conclusion, I think anything that causes American citizens to save is a good thing. That piece gets left out of this debate. We are going to forgive $1.2 or $3 billion over 5 years. Actually, I say to the Senator, for 10 years it is about $2.4 billion. As a result of that, Americans are going to save $12 billion. All of it is going to go to education—half of it to public education and half of it to private education. And 70 percent of the families are going to be in public education; 30 percent of the families are going to be in private education. This is going to do good things. It is going to help families who do have special education problems. I think that is good policy.

I think simultaneously we are going to address the goal of the Senator and many of us who share that goal of trying to accelerate funding for IDEA. But as I said, I do not think it has to come at the expense of this idea. Senator WELLSTONE and I got into a debate after the Senator spoke the other day, and I said: There are not many Federal expenditures that provide incentives to people to create large sums of resources that come to education. If you take this $1.2 billion, as you suggest, and move it to IDEA, it is not bad that we have done it for IDEA, but you will leave $12 billion on the table. It just evaporates. I do not think there is any need to do that.

I think having those resources in 14 million families, for 20 million children, is of enormous good and will help those families do things that are very meaningful for their children.

I have gone through this rather briefly, but it is the essence of my disagreement—not with the idea of funding IDEA or special ed but that you make them mutually exclusive.

With that, I yield the floor so the Senator may continue explaining his amendment.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, let me respond to a couple of points my friend and colleague from Georgia has raised.

First of all, going back over the history of IDEA and where the support has been and not been over the years, I will ask unanimous consent that this chart, dating from 1980 through the year 2000—over 20 years—be made a part of the RECORD. It indicates the years and what the various Presidents have requested, what was actually appropriated—the distinction between what Presidents offered and what Congress agreed to.

From 1981 through 1992, without exception, the Presidential request was lower than what Congress actually appropriated. Then in 1993, 1994, 1995, and 1996 Congress actually appropriated a little less than what the Clinton administration requested. In 1997, 1998, 1999, and 2000—my colleague is correct—the last 4 years, is where you actually have the Congress doing better than the Presidential request.

But over the 20 years, through the Reagan and Bush administrations, it was Congress that raised the amount. Most of those years in the Senate—not all, but certainly all those years in the House—the Congress was in the hands, if you will, of the Democrats. So there is a strong background of this.

As I mentioned today, in the Budget Committee I offered—and I am certainly not arguing on behalf of my party; in fact, I lost votes of my party in the Budget Committee. I think I pointed out earlier I had the support of TRENT LOTT, who was a member of the Budget Committee at the time. But when I was on the Budget Committee a number of years ago I tried to put into the budget function category a number, over a period of years—I did not care what amount of years the Congress wanted to accept; 5 years, 10 years, 15 years—with the goal in mind we would reach the 40-percent commitment we committed to in 1975. That is, that the Federal Government would be a much better partner in supporting our local communities with special education costs.

I ask unanimous consent this chart that goes from 1980, actually, through the year 2000, indicating Presidential requests and what Congress appropriated, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SPECIAL EDUCATION GRANTS TO STATES

[Budget authority in billions of dollars]

Year	President's request	Appropriation	Pres. req. vs. appropriation difference	President's proposed increase	Appropriation annual increase
1980		874.50			
1981	691.50	874.50	183.00	(183.00)	
1982	649.09	931.01	281.92	(225.41)	56.51
1983	771.70	1,017.90	246.21	(159.31)	86.89
1984	998.18	1,068.88	70.70	(19.72)	50.98
1985	1,068.88	1,135.15	66.27		66.27
1986	1,135.15	1,163.28	28.14		28.14
1987	1,135.15	1,338.00	202.86	(28.14)	174.72
1988	1,259.38	1,431.74	172.36	(78.62)	93.74
1989	1,474.24	1,475.45	1.21	42.50	43.71
1990	1,525.61	1,542.61	17.00	50.17	67.16
1991	1,615.13	1,854.19	239.06	72.52	311.58
1992	1,976.10	1,976.10		121.91	121.91
1993	2,073.30	2,052.73	(20.57)	97.21	76.63
1994	2,163.71	2,149.69	(14.02)	110.98	96.96
1995	2,353.03	2,322.92	(30.12)	203.35	173.23
1996	2,772.46	2,323.84	(448.62)	449.55	0.92
1997	2,603.25	3,109.40	506.15	279.41	785.56
1998	3,248.75	3,801.00	552.25	139.36	691.61
1999	4,020.70	4,310.70	290.00	219.70	509.70
2000	4,314.00				

Note.—Numbers in parentheses are negative.

Mr. DODD. For those who may be interested, there is a strong record of the Congress through all of the 1980s, up until 1992 actually, doing a better job in terms of what we put into special ed than the administration, which did a bit better from 1992 up through 1996; and then the Congress has done better than the President in the last 4 years in these areas.

Secondly, with regard to the point raised, again, I said earlier, there are parts of the bill offered by my friend from Georgia with which I agree. I am not offering this amendment as a substitute to his bill. It is only dealing with one part of it. There are parts of this bill of which I am very much supportive. It is like anything else, you have to make choices. Would we like to do everything? Maybe some people would like to do everything. But we can't do everything. We have all painfully learned that.

We finally have ourselves in a situation where we now have surpluses. We are moving in the right direction. The interest rates and the economy reflect the fact that we are showing much more fiscal discipline than has been the case in the past.

I am suggesting that given the choice between a $1.2 billion tax proposal, a new program that may or may not produce, even if we take the best estimates, the results that its proponents suggest—that is, $1.2 billion taken off the table—based on the evidence that has been submitted by the Joint Committee on Taxation, the benefit for people whose children go to public schools is very limited. They say $20.50 over 5 years. Those are not my numbers. Those aren't out of the Democratic National Committee or some Democratic think tank. It is the Joint Committee on Taxation, a nonpartisan committee that analyzes what the tax implications are. We use it all the time.

They are saying to us: If you are the parents of public school education children, which is where 50 million kids went to school this morning—of the 55 million kids who went to school, 50 million of them went to public schools, elementary and secondary, 5 million went to private and parochial schools—for the parents of those 50 million kids, the average benefits of all of this over 5 years is $20.50.

I pose the question, Which is the better choice? If you think you could do everything, then you ought to vote, I guess, against my amendment and hope at some later date you get a chance to vote for it. We will do everything.

I don't think we can do everything. So I am merely posing an alternative that I think would be more meaningful to our mayors, county executives, Governors. In fact, this morning, at the combination meeting of the Governors and the Senators, it was Governor Angus King, independent Governor of Maine, who stood up and said: If you want to do something about education—and, by the way, I never met him before; I still haven't met him. I don't know the man. But he stood up and said: If you guys in the Senate really want to do something about education, why don't you do something about special education and our costs? He got a standing ovation, applause from everybody in the room.

The Governor of Pennsylvania, Tom Ridge, and Governor Tom Carper of Delaware said: This is the priority. Whom can I call? Whom can I get ahold of for you to vote for your amendment, to support your amendment this afternoon? Not because they disagree with what their friend and colleague, as he is mine, is proposing here, but because they think this is a better choice, with limited resources, to go to Oklahoma, Connecticut, Florida, to Georgia, to get back to our communities. It doesn't solve the special education problem. We would have to appropriate $15 billion to get to the 40 percent obligation.

I don't want to create the illusion that I am solving that problem. We are just getting closer to it. We are at 12.7. We were at 7 percent. Then we started to inch up a little bit in terms of getting better. Now we are close to 13 percent, a far cry from 40, the $1.2 billion, and I don't have the number what it gets you to. I think probably another couple points, 2 or 3 percentage points, maybe 4 in terms of what that $1.2 billion spread out over 50 States would do. But at least it is tax relief.

My friend says we do it for higher education. There is no property tax that supports higher education. There are State revenues that do it, but on a local basis that is not where it comes from. In the case of public elementary and secondary education, for the most part it is free. There are costs associated with educating a child. I know that. But I know very few public higher educational institutions that are free. Most of them are pretty expensive today. Some have a limited amount of cost, but for most of them, it is pretty expensive.

Of course, you don't have to go to college. We would like everybody to. The law requires you go to elementary school and requires that you go to high school or at least stay in school until you are 16. For most States, I think that is true. But there is no requirement you go beyond that. So there is a distinction between what our obligations are to elementary and secondary education and what we try to achieve in higher education—obviously, a huge distinction in cost.

Although I have disagreements with the underlying proposal offered by my friend from Georgia, I believe we are trying to be all places at the same time and, as a result of that, not doing much in any.

My fundamental point is not so much to say this is not a good idea he has proposed but to say this is a better one. I don't know of a mayor in my State who hasn't asked me to do something about this issue for the last 10 years. When I go back, as I know all of our colleagues do, when I go back to them and say: What do you want me to work on this year?—I think all of us do that probably in our December-February periods; we go back and talk to the local officials who are close to our constituents in our States. I don't know of a year when this special education issue hasn't been in the top five of the items about which they say: Look, this is a tremendous cost to us. You mandated it, basically, at the Federal level in 1975. We don't disagree with you. We think we ought to provide educational opportunity for children with special needs in this country so they will maximize their potential. But you promised us, Mr. Senator, you were going to come up with 40 percent of the cost of this. You told us we have to do it. We agree with you. Now you are only up to 12 or 13 percent.

Frankly, in a lot of States, it is around 5 percent, 9 percent. I don't have every State here because not every State gives us all the numbers. Looking down this list, as I mentioned earlier, California has a $3 billion higher education cost. The Federal Government comes up with 5 percent of that. So 12.7 is a national number, but individual States are very different. In Florida, it is 6 percent; that is the Federal participation. We are way short of the 40 percent.

I don't see Oklahoma on this, for the benefit of the Presiding Officer, and I don't see Georgia. This is not a complete list of all 50 States.

As I mentioned earlier, some States are 13 percent; South Dakota is. Indiana is 17 percent; that is how much the Federal Government contributes to that price tag for special education. But an awful lot of States are at 5, 8, 7, and 4 percent—Nevada. Montana is at 14 percent; Missouri, 10 percent. It varies from State to State as to how much the Federal dollars are getting back.

My point is this: If you can't do everything, you have to make choices. What is the better choice: A new program that may or may not have the benefits its authors suggest, or to do something that every jurisdiction in this country, every taxpayer at the local level would appreciate and would dramatically, in some cases, reduce the cost of their financial obligations?

I suggest the better choice is the amendment that is pending. It would take that $1.2 billion and send it back to Oklahoma, Connecticut, Georgia, Florida, California and say: This is a downpayment on that long-term commitment. We haven't reached it yet. We are doing better, but we are not there yet.

I mentioned earlier, California has a $3.72 billion price tag on special ed. Florida has a $1.47 billion price tag on special ed. My State of Connecticut is $627 million. I have one small community, Torrington, CT, that has over $1 million in special education costs because we required it. In 1975, we said: We will educate all kids, including those with disabilities in this country. We want everybody to have at least the potential or the opportunity to maximize their potential. I don't know of a single person who wants us to retreat on that commitment.

The point of my amendment is, don't retreat on it, but also don't renege. Don't renege on the contract. The contract was to our States and our communities and our counties. Your Federal Government will be a far better partner, and we will help you reduce that financial burden we imposed upon you in 1975 and have never gotten close to paying. The $1.2 billion gets us closer.

What my friend from Georgia has offered is maybe a great idea—maybe—although I have some disagreements, but I know what this does. I know $1.2 billion going back to the 50 States of this country will categorically and unequivocally provide relief for people.

Mrs. BOXER. Will the Senator yield?

Mr. DODD. I am happy to yield.

Mrs. BOXER. First, I commend my friend because life in the Senate is about choices. I think what the Senator from Connecticut has done for this debate, in my opinion, is to have given us a very clear choice of how we want to proceed. We have known for, let's say, the last 20 years that there is not an endless cookie jar; we are going to have to make the tough choice.

What the Senator from Connecticut is suggesting is this: We have a program that is vital to perhaps the children in this country who need more help than almost any other group, children who have special ed needs. We have not met our commitment; we haven't fulfilled our promise. So I would appreciate it if the Senator from Connecticut can tell me if I am right in sort of summing up where he is coming from. He has taken the floor and has not said everything in the pending bill is bad, not at all. I know personally he agrees strongly with a couple of things.

Mr. DODD. What I have offered is an amendment to the Coverdell proposal, not a substitute. So I only address this particular issue. There are a number of other provisions in the bill that I think are admirable.

Mrs. BOXER. Those provisions would still stand. What the Senator is basically saying is that the billion-plus would go to people who essentially, for the most part, send their kids to private schools, K through 12, and rather than give them this tax writeoff, if you will, we should use the money to fulfill our commitment for special education. That is the bottom line.

I want to ask my friend two questions. I don't know if he spoke about the meeting with the Governors today, but if he has not, I think it would be an important point, since he spoke to many of us about this today—what the message of the Governors is vis-a-vis this special ed and what it would mean. He has already said what it means to my State to get more funding for special ed. We are in the hole now by several billion dollars. So this amendment is very important.

The second question, perhaps, is a more philosophical one but one to which I would be interested in hearing an answer. I think if we are honest with ourselves, we know the people who could afford to set aside $2,000 a year in our society each and every year are the ones who are living or earning more than, shall we say, most middle-class people because we know the figures. If we are honest with ourselves, to set aside $2,000—and that is after-tax money—in an account where, by the way, you don't get any real tax benefit, except the buildup is not taxed, so it comes out to roughly a few dollars a year—who are we really helping? Are we helping 95 percent of public school kids? Are we doing one thing or are we giving a nice, sweet tax benefit to people who already can set aside the money? I think there are two questions. One, if my friend can talk about the Governors and how they feel on this issue of reimbursing the States for special ed; and, two, philosophically, what is going to help more families?

Mr. DODD. Mr. President, I say to my friend from California that I did mention the Governors. The Governor of Maine stood up and made the point that this was the top priority, and I think it was one of the few moments when there was widespread applause in the room by colleagues, both Republicans and Democrats; there were a lot of nodding heads.

Obviously, Governors have a long shopping list for us. If they could do one thing in the area of education, this was the issue. TOM DASCHLE raised it: "Ironically, the next vote we are likely to have is on the issue you think is your top priority."

I talked with Governor Ridge of Pennsylvania afterwards, a Republican, and Democratic Governor Tom Carper of Delaware. Both said they are going to try to call members of the respective caucuses to urge them to vote for this amendment. They felt this would make a difference immediately for them. So I thank them. I thank the National Governors' Association. I don't have it with me, but I will get it. I have a year-old letter signed by Michael Leavitt, Governor Mike Huckabee of Arkansas, Tom Carper and Jim Hunt. It is a March 9, 1999, letter to PETE DOMENICI. I have blown it up. In part, it says:

> Therefore, Governors urge Congress to honor its original commitment and fully fund 40 percent of Part B services as authorized by IDEA so the goals of the act can be achieved.

In the first paragraph, it says:

> As you prepare the budget resolution for the coming fiscal year, the nation's Governors urge Congress to live up to agreements already made to meet current funding

commitments to States before funding new initiatives or tax cuts in the Federal budget.

So 50 State Governors say if you want to pick a priority, this is it. So, again, this isn't, as my friend from Georgia said—again, some may think you can do everything and probably will vote that way. If you can't—and hopefully you can do everything—then you have to make choices about where you should do some things.

I am glad the Senator from California raised the issue about the buildup. I think that is important. The buildup is important. Under higher education—and I drew a distinction; I think there are significant distinctions between the choice of going on to higher education and the requirement that you go to grade school and high school, at least until the age of 16—the fact that public education, where 50 million kids go to school every day is free, whereas higher education is not free, whether it is public or private, and that you don't have a property tax supporting higher education as you do elementary and public education.

When people are planning for college—not that they do it as early as they would like—they start putting that money away early, in some cases when the child is born, with full knowledge that a 4-year college education could end up costing $100,000 at many institutions in this country. So you end up with a buildup of $500 to $1,000 a year, and that is where it has value. You are not talking about a buildup in that regard, about kids who are young and starting out, I presume. What you are talking about is investing in, as I understand it, some tax-free withdrawals from this account for things like tuition fees, academic tutoring, books, room, board, supplies, equipment, and so forth. So it is going to public and private education.

If you make $150,000 a year on joint returns, this is a pretty good benefit. If you are making $30,000 or $40,000, or less, it is not much at all. The Joint Committee on Taxation said this only had a marginal benefit to people. Also, the accounting practices; can you imagine the nightmare? You are going to be taxed if you buy some things and not taxed if you buy others.

What about if it is sporting equipment to go to school; is that part of the education? What about the band outfit you may wear; is that education or not? I don't know. Maybe others feel certain they know what it is. I can see a nightmare of accounting procedures to try to determine what is truly an educational benefit and what is not quite an educational benefit.

I will finish, and then I will yield to my colleague to respond. Of course, when you start getting into this whole point, as I said, benefits to public school children and their parents, at least based on the assessments we have, are marginal at best; $5 of tax relief a year, each year, for 5 years—or 4½ or 5 years—as opposed to doing something that lowers your property tax by sending the dollars back to reduce the cost of special education and local community—I promise you that is more than $5 a year; it is significantly more for people.

Again, it is the choice I think we make. We all say we love to listen to our Governors. The Governors are in town. They met with the Senators about 3 hours ago. The Governors have said, virtually unanimously: If you want to do something to help us right away, here is the issue. They specifically said: Do this before you start off on new initiatives that may not benefit even the people you think you are going to benefit.

I urge my colleagues to support this amendment. As I said earlier, it doesn't substitute the entire bill. It merely offers a substitute to the particular provisions on payment. The other parts of the bill remain. I think this is a much wiser choice to make. I say that with all due respect to my colleague from Georgia, with whom I work jointly on so many issues. I know he is anxious to respond. I think the Senator from Florida wants to be heard as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, as I understand it, the sequence of amendments is such that there will be a Republican amendment after the amendment by Senator DODD, and then there will be a Democratic amendment by Senator ROBB, and then another Republican amendment.

I ask unanimous consent that I might offer the transition teaching amendment immediately after the Republican amendment, which will follow Senator ROBB's amendment.

Mr. DODD. Mr. President, if my colleague will withhold on that request, I know leadership has worked out a scheduling sequence. I don't want to object, but I would have to object right now without them getting involved. Why not make the comments and then come back?

Mr. GRAHAM. Mr. President, I could offer this amendment with the understanding that if there is someone who needs to go ahead of me I would yield at that time. I was on the floor this morning and now this afternoon for purposes of trying to get in the queue.

Mr. DODD. Mr. President, if the Senator will proceed and let me inquire, we will come back. I promise the Senator that I will take care of that right now.

Mr. GRAHAM. I don't have any remarks to make on this amendment.

The PRESIDING OFFICER. The Chair inquires, who is yielding time?

Mr. DODD. I am happy to yield time off my time to my friend from Florida. I will inquire, if the Senator wants to go ahead.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, on our time, I see the Senator from California is still present. I don't know if the issue of who benefits and who doesn't was thoroughly covered. I don't know that this will make a difference in the Senator's vote, but I think it is important that her question be answered.

First of all, the means test—and it is means tested as to who can participate in this, and I probably wouldn't have done it that way, but that is the politics of the day—is identical to the college account we have set, which means 70 percent of the benefits flow to people making $75,000 or less. It is the middle income and below who are the primary beneficiaries of the account.

Mrs. BOXER. Mr. President, may I say to my friend I understand that completely. But that was for the analysis on the $500.

Mr. COVERDELL. That is the analysis on this account.

Mrs. BOXER. My understanding on the $2,000 is there are fewer people in that category who could participate; and therefore, it would not benefit the middle class.

Mr. COVERDELL. The data I quoted is the data on the analysis of this account.

Mrs. BOXER. Then we have some disagreement. But we will check our chart.

I wanted to say on the issue of why this is different than the college account—I think Senator DODD very eloquently made the point—our side of the aisle has been pushing for a long time to help parents send their children to college, whether it is through Pell grants, loans, or education saving accounts for college. I remember way back during the days I was in the House I was supporting these education IRAs, but the point is that it is quite different now.

To go to a public college in California costs $5,000, $6,000, or $7,000 a year. Fortunately, we have free public schools. What we are looking at here is quite a different situation.

We know on the face of it that 95 percent of our children go to public schools. I know the Senator says this is going to help the public schools, but our research indicates this is disproportionate. We are talking about a couple of dollars in benefits. It comes down to a choice.

If I had a menu of things, I am sure I would rank money higher on the menu of things, but it doesn't compare my money to the substitute, or to the amendment which keeps a lot of good in the Senator's bill. But it just says "revenue lost" instead of being dissipated in the $7 per family over a period of time—a year—and maybe adds up to $7. It would be much better to go to our States and help with special education, whereas Senator DODD says it means it is going to result in lower property taxes because our local school districts will benefit.

Mr. COVERDELL. Will the Senator yield on that point?

Mrs. BOXER. It is the time of the Senator from Georgia. Sure.

Mr. COVERDELL. No one can certify that this is going to affect property taxes whatsoever. In fact, the doubling of IDEA, if you can find a jurisdiction that took this and lowered the property tax—I think you should listen—isn't what happened. I don't mean that we ought not to be fulfilling this obligation, but I have seen no example of the property tax being affected one way or the other as we fulfill this obligation.

I think what happens is, as we fulfill the Federal obligation, which is rather remarkable—here we are 25 years later and still haven't done it—it theoretically frees up local school districts to do other things that are important in education. I find it interesting.

The other point I was going to make to the Senator from California and to the Senator from Connecticut is they essentially inferred—and I can understand why—that the education savings account is different in a sense from the higher education and K through 12 because I think in the debate we have focused on K through 12. But there are extensive families benefitting from that. They ought to have the opportunity—the "choice"—to use those funds if they so desire. But these accounts are a college account, too.

We have taken the President's proposal and the congressional proposal and made it four times more powerful. It can be used for college. It can be used for the disabled and for dependent students following college.

My assumption is—we have to make some estimates—that many of these families will not use this in K through 12. Some will. But a large number of them will use the buildup where essentially it is broadening the scope of what people can do as they try to meet the very costs about which the Senator from California talks.

Mrs. BOXER. May I ask my friend a question on this point because this is a good debate.

What the Senator is essentially saying is somebody can open up one of these Coverdell plans.

Mr. COVERDELL. They do not call them Coverdell plans. It sounds like a wonderful idea.

Mrs. BOXER. Doesn't it sound great? I will give the Senator that. It is his idea. Come up with a Coverdell account, and they start it, say, when the child is first born. Then the child is 5. If this is for real, they start using it, but if it isn't for real, they will hold it. Who gets the tax benefit? Because they can afford to, they have another account for $2,000 for college. Now we are saying this is a family now setting aside $4,000 every year. I ask my friend.

Mr. COVERDELL. No.

Mrs. BOXER. Yes, because the Senator said there could be an addition to——

Mr. COVERDELL. No.

Mrs. BOXER. The college account.

Mr. COVERDELL. No. What I am saying is that we broaden it from $500 to $2,000. So an account can be opened for up to $2,000, whereas now it is limited to $500, A; and, B, if they chose, they could use a withdrawal somewhere through kindergarten through high school if that was important to them for whatever circumstance. They don't have to hold it for college.

Mrs. BOXER. I don't understand. I am saying to my friend that it is a second bureaucracy, if you will—a new account that can be used for college in addition to the account we are looking at for college that we already have. I think it is getting confusing. I think if we want to let people set aside funds and get a tax break for college, this is crucial.

I think at this point to expand this idea to get to K through 12, as Senator DODD pointed out, if this is on the level and people start spending it when the child is 5, they essentially have 5 years to save, whereas what we are suggesting is that people can do much better. They can take that money and use it, say, long term for 18 years, have more of a buildup and have more of a fund.

What I am fearful of, if we start with all of these, is that only the wealthiest people will be able to do it. They will do it for both. Again, we start rewarding the people in our society—God bless them, and I have nothing but respect for people who manage to make it. We are rewarding them and we are not doing a thing to help the average person.

That gets me back to where Senator DODD started with his amendment. If this is not going to do much for most of our kids—it is confusing, I agree. I started wondering—if they can get a band outfit, if that is workable, yes. I argue that is part of the school. Or a uniform? But, wait a minute, that is giving a benefit to one child. What about the kid who doesn't make the band? Then the IRS is going to have to confab and figure whether this is a discriminatory benefit. I think we are opening up a can of worms a little bit. I think Senator DODD offers us a cleaner way to spend this $1.2 billion, which is to ease the burden on the local districts.

I daresay it is only common sense. Our school boards have a certain amount of money. If they cannot meet their budgets, they are going to have to raise your taxes. Maybe this is going to help them. I assume it is going to help them. In California, we have a lid on our property tax, so this is a huge benefit for us because there is just so much we can raise in property taxes.

Since we have a finite amount of money, I think the Senator from Connecticut is offering us a chance to step back and say let's not create a new program, which now I understand you could roll into a college account, which really gets me confused, and keep it simple and use this money for special ed.

I thank my friend for being so generous in yielding to me. I thank my friend from Connecticut for, I think in many ways, bringing us back to what we have to do, and that is to make these hard choices. He is saying: Listen to what the Governors are saying. Let's take care of this problem first.

Mr. COVERDELL. I would like to respond to the Senator from California by calling into play an individual for whom I know she has enormous respect, and that is the Vice President of the United States. He says:

> Our current education IRA's simply do not meet the needs of the information age. They are limited to $500 a year.

He is right.

> And it must be used by an age of 30. In a fast moving, fast changing economy, the right skills will often cost more than $500 a year and learning must last a lifetime.

Then Vice President GORE goes on to say:

> Here is my idea. We need to create a new 401(j) account like the 401(k) plans that help you save for retirement. But this account will allow employers and employees to contribute up to $2,500 a year. . .

So he is $500 over what I am saying.

> . . . in order to pay for college or job training expenses.

Mr. DODD. Is this for elementary and secondary education?

Mr. COVERDELL. He says for college. We are for college. This account applies for college.

Mrs. BOXER. Then scratch the other part of it.

Mr. COVERDELL. Why should we do that? This is a classic example: Let's tell them what is important to them. You think it is important it only be for college. I think it ought to be up to the family to decide where and when they have a special need. Maybe they have a student who is in junior high school who suffers a very serious injury and they need assistance or they have a child who they discover has dyslexia. You do not deal with dyslexia when you are in college. You deal with it in the younger years. There are many problems associated with that.

So let's let them decide. I think the majority of them will utilize these funds at college. But there will be occasions where families have requirements that occur before that. I can think of no reason why we should arbitrarily decide: I am sorry, that is a decision we have made for you.

Mr. DODD. If I can respond to my friend?

Mr. COVERDELL. I have no idea how they are dealing with the division of time. We are doing so well.

Mr. DODD. This much I promise: If you run out of time, I will give you time. We know we have to finish at 4. I don't know if we will have a tremendous number of Senators coming over here. We will accommodate everybody wishing to be heard.

What I have offered as a substitute, with all respect, has more value. Again, I think Governors, mayors, and local taxpayers will tell you right now the cost of special education is a dominant, significant issue we ought to try to take care of. I have not suggested, except peripherally, that there are underlying problems with the Coverdell approach. But I made the case, if you cannot do everything, of the two choices, which is a better one? I think the special ed is a better one. I say that. I realize there is a difference of opinion.

But let me respond, if I can, to the issue, just freestanding, of the Coverdell proposal and why I have difficulty with that as it stands. There are 55 million children who got up this morning, from Maine to California, who went off to an elementary or secondary school in this country—55 million. Fifty million of them walked into a public school—50 million; 5 million walked into a private school or a parochial school. The question is, this bill as it stands is designed to predominantly provide a tax break for those who want to send their kids to private and parochial schools, and it is being cloaked that somehow this is great for education. You do not build a new classroom, you don't pay a teacher more, you don't reduce the size of the class, you don't wire the school with it, none of that stuff. This is all on an individual basis, where the bulk of it, 90 percent of it, goes to those who are in the income category who can afford to send their kids to private schools. We have 50 million kids and their parents who are looking to see whether or not we are going to take some of their tax money and improve the quality of education.

They do not have the choice. They do not have the choice to say, I think I will send my kid to some private boarding school in Connecticut or Georgia or some other place. They do not have that kind of money to do that. Their kids have to go to public school. That is the choice they have. They want to know whether or not their Senators are going to do anything about improving the quality of the educational institution to which they have to send their kids.

That is a big difference. You have limited money. You are going to take $1.2 billion of this, the bulk of which is going to go to those in the upper income category, and for those parents who do not have that choice, they get zilch out of this thing. My point is that is a bad idea, in my view, with limited resources. But aside from that, I think getting the money back to our communities, providing some real relief on special education is what is necessary.

I have great respect—I am a product of parochial and private education. My parents could afford to do it. They sent me to those schools. That was a choice they made. I respect them for it. But they never thought they ought to get a tax break for doing so. They understood that. They also understood there is a fundamental commitment and relationship between this institution and setting the agenda to accomplish the national purpose in education, a fundamental responsibility to public education.

The public has no other choices. I know people are upset with the quality of some of our public education institutions. I wish the newspapers and media covered good schools as well because there are an awful lot of good schools out there doing a terrific job providing a wonderful educational opportunity in the inner-city and rural America. But our obligation is to see to it that fundamentally we work on the quality of those institutions that are not doing quite as well.

My view is this distracts, it is a distraction from the real business of supporting quality public schooling in this country. Aside from tax policy, which I think is questionable as well, and different choices we could make with it, there is an underlying problem.

I ask unanimous consent the editorial in the Washington Post in its morning edition, its lead editorial today, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, February 29, 2000]

SCHOOL CHOICE FOR THE RICH

The Senate is to take up today a proposal to use the tax code to provide public funds to private schools through the back door. Most Democrats, led by the president, are rightly resisting; the proposal is bad tax and educational policy alike.

The bill whose principal sponsors are Sens. Paul Coverdell (R-Ga.) and Robert Torricelli (D-N.J.), would allow households with annual incomes of as much as $150,000 to set aside $2,000 a year per child in educational savings accounts, the earnings on which would be tax-free. Parents can already save this way for college; this would let them do so to help pay elementary and high school expenses as well.

Unlike some other pending tax cut proposals, the cost would be relatively modest, in part because not that many families could afford to take advantage of the measure. Almost all the benefit would accrue to those with well above average incomes and children in private—including sectarian—schools. The revenue forgone would represent an indirect subsidy to such schools.

The president has vetoed similar legislation in the past, and the Office of Management and Budget has indicated he is prepared to do so again. We hope he's spared the need. Some Senate Democrats think the veto threat lets them off the hook. Rather than be the heavies who block an education bill and tax cut, if given the chance to debate some education proposals of their own they'll let the measure pass, secure in the knowledge the president will block it for them down the road. But that's too stagy a way to legislate. If Congress wants to spend money on education, it should be on needier children; if it wants to promote school choice, the debate should center on helping parents who do not, by virtue of their income, have any such choice now. Lawmakers should kill this while they've got the chance.

Mr. DODD. It is entitled, "School Choice for the Rich."

The Senate is to take up today a proposal to use the tax code to provide public funds to private schools through the back door.

Fifty million kids and their parents are asking the question: What are you doing about my kids' school? I understand 5 million kids whose parents would like us to do something about tax relief for them if they go to private schools, but I think we have a higher obligation to the parents of those 50 million who have no choice. Those who made the choice of going to private school made that choice. I respect it, but the parents who send their kids to public schools are not, unfortunately, in the same category.

Mrs. BOXER. If the Senator will yield, I want to say to my friend, his education was very good. I went to public schools from kindergarten all the way through college. Even in college it only cost, in those days, $12 a semester in the State of New York university system. What an amazing thing.

We had several people wind up going to Congress from that public education system. So in my heart I understand when my friend from Connecticut says we have an obligation to the 50 million children who walk into those public schools every day—5 million go to the parochial school, 55 million in all—but we have an obligation in the public school arena.

It gets down to yet another choice. The Senator from Connecticut has given us a choice between a tax break that is predominantly going to go to the wealthiest, that is going to be very minimal, and special education. That is the choice he has laid out.

My friend also will win my vote, frankly, if he took that $1.2 billion and put it into school construction or put it into more afterschool slots or early education, early childhood development, preschool, and child care in which my friend has been so involved. We are looking to bring home a very important choice.

The Governors said: Here is the choice, Senators; before you take care of any other new programs and new bureaucracies, take care of special ed. My friend from Connecticut is listening to them and doing that, and he is further saying that before we do any of these newfangled accounts, which will be interpreted and reinterpreted by IRS agents up and down the line and may be very confusing, let's take care of our public schools.

What I am saying is, not only will I support the amendment of the Senator from Connecticut, but I will also support amendments to come that will take this money and put it into lower class sizes, to do some new construction, to train our teachers better, to get technology in the schools, to make sure we have room for every child who wants afterschool care which we know is the best crimefighting program around.

I thank my friend for coming today. His voice on this issue is very important, but I think on this one, with his interest in education and his views of concern about it and his success in it, I hope the Senate will listen to the Senator from Connecticut and do first things first: Take care of our public school kids—that is 95 percent of our kids K through 12—before we set up some newfangled ideas on which there is even debate over the facts as to who it helps.

The Senator has a paper that says to me it is only going to help the very wealthy. Senator COVERDELL says it helps if one makes $75,000. Common sense tells me if we start setting aside $2,000 a year, it "ain't" going to be my working-class people who are going to do that, I can tell you right now. They tell me they can barely make ends meet. I know what this is about.

I thank my friend for bringing more clarity to the debate. I will be supporting him.

Mr. DODD. I yield.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Georgia.

Mr. COVERDELL. Mr. President, I wish to clarify a point, if I can have the attention of the Senator from Connecticut, because I know how these things happen. We have been in touch with Governor Ridge. He does support education savings accounts and would not support an amendment that made that point moot. I know the Senator was at a meeting—he certainly supports the funding of IDEA. I did want to make it clear that he does support the education savings account, so we can clarify that one point.

Mr. DODD. I attended the Governors' meeting earlier today, and Governor Ridge said he would be glad to help out and try to convince people to vote for the amendment. I say to the Senator, with all due respect, I am also quite confident Vice President GORE does not support the Coverdell legislation, if there is any doubt about that at all.

Mr. COVERDELL. I thank the Senator from Connecticut. I yield 15 minutes to my defiant, dedicated, committed cosponsor from the other side of the aisle—I admire his courage on this issue—Senator TORRICELLI of New Jersey.

Mr. TORRICELLI. Mr. President, I thank Senator COVERDELL for not only yielding me this time but more than that, for, through these last few years, framing this debate and tirelessly bringing this issue forward. This is not the first time, it is not the second time, it may not be the third time Senator COVERDELL and I have come to the Senate floor for A+ savings accounts and, most assuredly, it will not be the last. This is going to happen.

More than simply telling the Senate of the inevitability of these savings accounts, I want us all to recognize what a positive contribution we are making to American education.

I rise in opposition to Senator DODD's amendment. Indeed, on another day, another opportunity, I not only would vote for it, I would fight for it, as I would with Senator ROBB's amendment dealing with the building of new schools, and Senator MURRAY's amendment adding new teachers and reducing class size.

The problems of American education are not such that they require a single idea or one change. This is not a system with which we need to tinker. We have compound problems. The one Senator DODD raises is among the most important. We gave an obligation to local schools without the resources to pay for special education. Senator ROBB's amendment and Senator MURRAY's amendment are important in building schools that are crumbling around us in some communities and adding new teachers. They are good ideas, they are important ideas, but so is this.

For as long as I can remember, the formula for funding American schools has been quite simple: We raise your taxes, and we spend your dollars. That will continue to dominate American education. It is the right formula. We are adding something new, though not a novel idea. Indeed, ironically the source of this idea is President Clinton. In establishing higher education savings accounts of $500, he laid the foundation for what we debate today because what was a good idea for higher education at $500 is a great idea for secondary schools at $2,000. Same idea, same formula with the same end.

This is using private money. It is using a family's own resources. By our estimation, after 5 years, $12 billion in private money will be used to educate children K through 12. That cannot be a bad thing. Yet the critics argue it is a diversion of money from the public schools. Not one dime of money that is now going to a public school goes anywhere else but to that same school on that same basis. This is new money, private money, a net increase of $12 billion.

People argue that maybe it is all new money, but it goes to a privileged few. The Congressional Budget Office argues that 70 percent of this money will be spent by families who earn less than $70,000. Does this solve the educational problems of a family in poverty who may have no money? Maybe not. Probably not. I challenge any Member of this Senate to come to this floor and tell me one educational idea that solves the educational problems of every family in every regard forever with one bill. This one does not either, but it does help many working families, working poor, middle-class families.

The family who earns $20,000, $30,000, $50,000, even $70,000 a year but wants to give their child some extra advantage in education, they want to establish a private savings account. Why should the Federal Government be charging taxes on the interest on that account? Every Member of this Senate knows that education is the great test of whether or not we preserve our quality of life, our national security, our way of life.

The Federal Government should be doing everything it can to encourage every parent in America to save every dollar they can muster to educate their child. Taxing that money is the last thing we should be doing. That is the essence of this bill: Eliminate Federal taxes on money saved for education. That cannot be a bad idea. Yet it is argued that maybe it is private money and there is no diversion. Maybe Senators are right about that. Maybe it does go to middle-class and working-class families. Maybe Senators are right about that. It is argued that it is not for a privileged few but it all does go to private schools and we have a public and private school problem. Well, wrong again.

CBO estimates that 70 percent of this money actually will go to public school students. Public school students are over 90 percent of the students in America. If we are going to help everybody, by definition, most of that money will go to public school students. That is what the research has found because this money is not just available for private school tuition. This money is available to hire public school teachers after public school is out in the afternoon to help students in math and science—something desperately needed by many of our families—for afterschool transportation, for afterschool activities of band or athletics or clubs, to buy a home computer, to buy books or, if you do not use money for any of these things, to roll it into your college account after the 12th grade when the student is going into college.

Is some of this money going for private school tuition? Yes, a minority of it, 30 percent of it. Some does go to private school tuition. I am not here to apologize for that. If, in one piece of legislation, we can add $12 billion to the national expenditure for schools, help public school students with 70 percent of this money—for computers and books and tutors—I do not rise on this floor to apologize that some of this will go to private schools, yeshivas, or parochial schools for tuition.

In many of our cities, the Catholic school is the only alternative available to many families who want something better for their child. Tuition can be $800, $700, $1,200—out of reach for many families. Who is going to these schools? What is this "idle rich" we hear about who will benefit from this bill? Ninety percent of the students in Camden and Newark and Jersey City going to parochial schools are Protestants; 80 percent of them are African American. This is not a religious opportunity. It is a competitive school, a chance for a parent to give something else to their child.

We do not ask the Federal Government to pay for it—not a dime, no public money. Personally, I do not believe in it. I think it is unconstitutional. I do not think public money can or should go directly to pay for tuitions in religious institutions. That is my belief. That is why I am for this bill because this bill does not do that—no public money. A family takes their own money, earned off the sweat of their own brow, puts it in a private account, and uses that money, which has not been taxed because of this legislation, and pays tuition. That cannot be a bad thing.

Opposition to this legislation has many aspects. In my judgment, clearly, one of them is that we do not recognize the true depths of the problem of American education. Getting more teachers, building more schools, higher standards for public schools are all part of that, but that is not enough. This is a fight that must be fought on every front simultaneously.

Second, I think many people simply do not recognize the state we would be in if we did not have private schools. We are losing a Catholic school in America every week with another school closing its doors. If we lose the parochial education system in America, it will cost $16 billion immediately to replace the system. The system must survive within constitutional bounds. That is what Senator COVERDELL and I are attempting to do with this legislation.

Third, I think there is a partisan issue. With all respect to my friend, Senator COVERDELL and his colleagues, in my personal judgment, the leadership in America on education for the last generation has been borne by the Democratic Party. We created the programs for grants, for tuition assistance, for aid to secondary schools that built libraries, built schools, and opened opportunities. It is one of the reasons why I am a Democrat. Now we have a little competition; frankly, not a lot.

The ideas are still overwhelmingly from the Democratic Party. But this idea cannot be bad simply because some Republicans are for it. That is the only argument I have heard against it. If there is going to be a competition between the Democratic and Republican Parties for leadership on education, that is good for America. If we are going to compete to convince the American people that each of us has the best formula for improving our schools, that is good for every child in America.

To the Republican Party, I say: Welcome to the fight. We have been waiting for you for a long time. But I am glad you are here.

This concept of A+ savings accounts has no parentage on a partisan basis. It is borne of Bill Clinton's concept for funding higher education. It has been adjusted by Senator COVERDELL, imaginatively, creatively, and effectively, to deal with the problems of grade schools and high schools, to help public and private schools with millions of American families.

I have been for this concept since I came to the Senate. It is a reflection of my own belief that the American standard of living is not sustainable if we do not dramatically improve the quality of instruction and the performance of our students in this generation. It is not difficult to comprehend, if the United States goes another decade being 16th of the leading 18 industrial nations in the quality of math and science instruction, if 40 percent of 4th graders effectively cannot read to national standards, if a third of our students in the 8th grade cannot meet basic science requirements, this Nation will not continue to maintain our standard of living or even our current level of national security.

Education is the great divider in the world, between the insecure and the poor and the wanting and those who exercise leadership and live behind secure borders with rising standards of living. That is our test. I can think of no more important issue for this Senate to debate.

I genuinely hope that not only will this A+ savings account legislation pass the Senate—and I have no doubt it will pass the Senate—I genuinely hope we will pass it on a bipartisan basis. But in a challenge to Republican leadership, as well, the argument that Senator DODD makes today for funding special education, and the argument that Senator MURRAY and Senator ROBB will make on class size and school construction, are arguments that not only must be heard, it is legislation that must be adopted.

Pass this legislation today and then let us return and complete the debate and meet our obligation to America's schoolchildren.

Mr. President, I yield the floor.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. How much time remains on the amendment?

The PRESIDING OFFICER. The Senator from Connecticut has 18 minutes remaining. The Senator from Georgia has 13 minutes remaining.

Mr. DODD. There are only two of us here, so I suspect we can manage this in some way if one or the other of us ends up a little short of time.

First of all, my friend from New Jersey has raised, as he always does, some compelling arguments. He is a very persuasive debater. I agree with him on a couple points. I think, first of all, maybe I should have said this at the outset of the debate, that I adhere to the admonition that Thomas Jefferson gave almost 200 years ago: Any nation that expects to be ignorant and free expects what never was and never possibly can be.

As important as education was to the development of the 19th century, it certainly is just as important now a few days into the 21st century. No issue will be more important for the development and continued success of our own country than to have a very successful educational system in our Nation. So I agree Senator TORRICELLI on that point.

My point is, I do not think we can do everything. That is my point. I would like to do a lot of things, but my concern is we have $1.2 billion in this program. If I have $1.2 billion for special ed, it does not even remotely get close to the 40 percent we promised our States we would give them for special education. We need $15.8 billion to get to 40 percent level.

I have to think, if we are going to do something about the quality of public education—my friend from New Jersey has raised class size, salaries for teachers, luring teachers into rural or urban areas where they are needed, afterschool programs that are critical, early childhood education, Head Start—there are a variety of things that all of us would say are absolutely essential if you are going to improve the quality of our public educational system. Why does this idea, why does the idea of providing some tax incentives for people have any real appeal? It is because people are concerned about the quality of public education in too many places.

If they felt there were good public schools, then they wouldn't be asking for the kind of suggestion that is being proposed in this bill. Their desire for that is rooted in the notion, somehow, that our public education is not doing very well in many places.

So what is our choice here? We take limited resources. We take a dollar, and we decide we will divide it up. And so instead of focusing on what needs to be done with the 7 cents we provide in education out of every dollar from the Federal level, instead of saying let's see what we can do to improve the structures themselves, the buildings, how we can wire schools so they are able to connect with the technologies of the 21st century, my concern is that we are taking $1.2 billion in effect off the table for a proposal that has marginal benefit.

I say again to my friends, the authors of this legislation, people making $25,000, $30,000, $35,000, $40,000 a year, if they have two or three kids, they can't put aside $4,000, $5,000, $6,000, $7,000 in these accounts. It doesn't work out that way. It is hard enough to make ends meet. The idea that they are going to put $2,000 per child in an IRA account is not realistic for them. They could put something in there, but the idea that they are going to get this tax benefit because people will maximize, that doesn't add up in my view.

I do think there is a clear distinction between higher education and elementary and secondary education. Again, schools at the elementary and secondary level that are private or parochial select who they want. You may think you have the choice, but ultimately it is theirs whether you go or not. A public school doesn't have that luxury. If you are a child who lives in a community and you show up at the door, they have to take you in whether they like you or not.

You show up at a private school, and the private school can say: You are not a nice family, nice people. I am sorry. We are not going to select you.

So there is a distinction in a sense. Our public schools must take everybody. The 50 million kids this morning who showed up at their doors have to be educated. We know too many children are not getting the quality of education they deserve. They are going to school in buildings that are falling down. They have textbooks and equipment that is antiquated. They have teachers who are not necessarily the best. Further, the salaries are significantly different from community to community in too many States. Maybe we can go around and set up private schools all over the place and say to the 50 million children presently attending public schools: We have a structure you can move into. You can't do that. Fifty million are not going to fit in the places where 5 million students presently are.

It seems to me we are not left with many choices. We have to improve public education. We have no other choice but to do that. We have no alternative. We must do that. With limited resources, is it not wiser to take these scarce resources and put them into special education accounts that would lower the property taxes; or at least allow our school boards at the local level to decide they will take the money that goes to pay for that special needs child for fixing up that school, for afterschool programs; or lower the taxes and allow parents then to have more money in their pocket to do some of the things my friends from Georgia and New Jersey would like to give them the option of doing. Then they could do whatever they want with it.

That seems to provide a greater benefit to all people, not just the ones who are selected to go to a private or parochial school, but all students. That is a better choice, if there are indeed limited resources.

I say to my good friend from New Jersey, I know he made an appeal to our Republican friends to support the Robb amendment 'and the Murray amendment. But just as he asserts that this amendment is going to be rejected and this underlying bill passed, I am fairly confident the Robb and the Murray and other offered amendments are going to be defeated when it comes time to do something on school construction and afterschool programs and the like.

Part of the argument will be, we can't afford to do everything. They are right. You can't do everything. So my choice is—I presume I may be in the minority on this—my choice is to take the $1.2 billion, give it back to the States, give it back to the localities. Give it back to them so they can reduce their costs on special education. One out of every 10 children in this country is a special needs child in our public school system—1 out of every 10. In my State, 14 percent of all students receive special education services.

These problems are growing. The cost is growing. In some of my communities in Connecticut, the cost of providing special education is more than $50,000 per year. Eighty-two percent of that cost is being borne by the local property taxpayer. We promised that community and that family we would pick up 40 percent of that $50,000.

I say to my good friends, the authors of this proposal before us, you cannot tell me with certainty what is going to happen if this legislation is passed. This is a new proposal.

With higher education, you have a choice. Higher education doesn't have a property tax base to support it. Higher education costs, at a minimum $5, $6, $7 thousand per year in my State. However, the public schools at the elementary and secondary level are free in Connecticut, as they are across the country.

So here it seems to me, with limited resources, are the choices we have to make, painful as they are, where all the ideas have some merit. I shared earlier today the letter I received 2 days ago from the National School Boards Association begging for us to offer this amendment. These are not Democrats, Republicans, conservatives, liberals. These are people at every school board across the country who are saying: Please do something about this. Please do something about this.

I am offering my colleagues this afternoon a chance to do that when we vote on this amendment.

I have already noted the letter from the National School Boards Association, dated February 23:

> Rather than create a tax benefit for a select few, applying these funds to special education would benefit more taxpayers and public schools.

That is not from a think tank. That is from the National School Boards Association letter of 3 days ago. That is the choice they would like us to make. These are the people who wrestle with education issues, not once in a while on the floor of the Senate, but every single day in every community across this country. They have said, this is our choice.

The question is, are we on their side, or are we on the side of an alternative form of education which, frankly, has some value in some people's minds, but 50 million kids don't have the choice. This is where they have to go to school, and we have to address those problems. We can run, but we can't hide. Either we do it, or it gets worse each year. The costs continue to go up.

If you can't do everything, I think this amendment offers a better idea. The National School Boards thinks it is a better idea. The National Governors' Association, Republicans and Democrats, unanimously think it is a good idea. I hope this afternoon my colleagues will agree with them.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, I believe, indeed, this debate is helpful in narrowing some of these issues. As I think I have attested, I also believe Senator DODD has a good idea, an idea that should be adopted. It simply is not an alternative to this idea.

Let me suggest to my colleagues where Senator DODD and I have common agreement and where we have differences. Senator DODD has made the point that most families could not afford to put the $2,000 in a savings account to pay for their public or private school education. I agree. It is critical to this concept that this $2,000 savings account does not rest solely on the shoulders of the mother or the father. I remember—I am not so young I cannot recall—a time when in an American community, the education of a child was generally an involvement of the larger community. It wasn't just a single mother or the father. These accounts are an opportunity to re-ignite that sense of involvement. We allow the extended family—grandparents, aunts, uncles, churches, labor unions, corporations—to put money into these accounts.

Senator DODD is right that few families will be able to put $2,000 in these accounts per year. But a lot of labor unions can go to their employers and say: We would like a little raise next year and we want money in the savings account. A lot of churches will be able to go to the parishioners and say: Thanks for giving to the church. We would like to help Johnny or Jane with their education savings accounts. A lot of parents can go to grandparents and say: At Christmas, instead of that toy, would you put $100 into the education savings accounts?

This is under the concept that educating a child is everybody's business. Even then, can we get $2,000 a year? Maybe not. But if upon the birth of a child we can get $500 or $700 and compound it, with tax-free interest, year in and year out, by the time that child is going to the eighth or ninth grade and needs a tutor after school because he or she doesn't understand the math assignment, they can afford it. By the time they are in the sixth grade and they can't afford to buy a computer, with this they could afford one. By the time they go to college, if they have spent none of this money and for 18 years they have been saving $200, $500, or $700, at compound interest, it would be significant. Does it pay for a Harvard education? No, but it gets them into the community college or a State school or it pays for part of the education. It helps. It is valuable.

More than just dollars is involved; it creates the concept of the community being involved, having the vehicle of these accounts. It is no coincidence that when Senator COVERDELL and I offered these accounts, the House sponsor was not some conservative Republican from the Deep South, with all due respect to my Southern colleagues from the Republican Party; it was Floyd Flake, a minister, African American, from Queens, NY, who has had the philosophy of the government that: I will take care of my own community; just get out of my way—if I may paraphrase him. He has a charter school; he started it himself. He would like people to be able to have these accounts to pay for some of the extra costs.

That goes to the second point Senator DODD made. We agreed on the first—everybody doesn't have $2,000. We disagree on the second. Senator DODD said public school is free. It was when Senator DODD and I went to school. It isn't anymore. How many parents tonight face their children who come home and say: I would like to be part of the band or the Latin Club or the French Club and it costs $500. Can I do that, mom?

What we built in the fifties and sixties in this extraordinary public education, funding all these tremendous activities, we have eroded. I represent communities in New Jersey where you can't get a bus home after school if you don't pay for it. You can't join the football team. Some of the books are so old, parents have to buy them themselves. These education savings accounts go to the heart of that problem. Public school is not free. Sixty percent of the African American students in our public schools don't have access to a computer. It is the new divide in American education. That includes 70 percent of Hispanic students and millions of other students from all backgrounds.

Why? What is so wrong if we allow a parent to take their own hard-earned money and put it in their own account? All we ask the Federal Government to do—my God, the minimum we can ask anybody to do—is not tax them on the interest. Let them keep the interest so a parent can buy their child something, so they can maximize. I visit public schools throughout New Jersey where children are struggling with math, science, and areas that were never approached when I was in high school. They struggle. It is hard. If you ask them the one thing they can get more out of public school, they will tell you: I wish there was somebody after school to help me with my work—a tutor.

Instead, our public school teachers, who are underpaid and overworked, leave school at 3:30 or 4 o'clock and take second jobs selling clothing, painting houses—anything to support their own families. How about an education savings account, where at the end of the day the public school teacher can work for some extra dollars doing what they do best—teaching, tutoring, helping public school students learn the math and science with which they struggle.

No, public school is not free. And $2,000 is a lot for most families. We could be wrong. Senator COVERDELL and I could be wrong. We could offer this chance to every labor union, church, and grandparent in America to help with their kids' education by putting money in every birthday, holiday, or Christmas, and maybe nobody will answer. But I don't believe that. That is not the kind of people we are. That is not the kind of communities I represent. I think people will answer. I think Floyd Flake is right. Every Member of the Senate talks about faith-based answers to problems, working hand in hand with the Government. Well, let's see. I bet the grandparents, aunts and uncles, labor unions, churches, and synagogues will come forward and use these accounts as a vehicle. But mostly, I don't want to fail because we didn't ask. This is an invitation to America to get back in your public or private school, get involved and solve the problem.

I believe these are worthwhile. Senator DODD may be right that this institution doesn't have the will or the resources to answer this problem and the special education problem and the school construction problem. If this country doesn't have the will or resources to deal with those problems, we are headed for real trouble. I believe we have the will, and I certainly believe we have the resources—not expenditures, not a dime of it, but investments, every single dollar in every investment for building a school or hiring a teacher. I will fight every day for every one of those things.

Today is the Coverdell-Torricelli legislation for private savings accounts to fund public and private schools. I am proud to be part of it. I yield to Senator COVERDELL.

Mr. COVERDELL. I am most appreciative of the extended effort on the part of the Senator from New Jersey, who brings a very powerful perspective to this debate.

The Senator from Connecticut is correct that we are constantly confronted with choices. I think this is a bad example, though, or choice of that kind of trade. What I mean is, first of all, I believe IDEA will receive added benefits this year. It has received nearly $3 billion in the last 4 years over and above the President's request. So there is a body here that agrees with those Governors and with you that this is a high priority.

The problem with the Senator's amendment is when it moves against the savings accounts, it blows away $12 billion. There are choices. You could say, well, we will spend $1.2 billion here instead of $1.2 billion over there. But by the nature of this legislation, this savings account involves 14 million families—20 million of those 55 million you are talking about—3 million or 4 million of them are in private schools, but 11 million of these children are in public schools that will benefit from these accounts.

The Senator's amendment takes that resource, which comes forward as a voluntary action on the part of families and communities, churches, synagogues, labor unions, and employers and shuts it down. That is not a good trade. Trading $1.2 billion and losing $12 billion is not a good trade. There may be a place where your choice is appropriate, but I don't believe it is where you blow away all that benefit, which this does.

It has been characterized that private schools are the chief beneficiary, and that is not the case. Several on the floor have characterized parochial schools as a "haven for the wealthy." Listen, the children attending parochial schools today are within 10 percent of the same children attending public schools, and they are from families earning $40,000 or $50,000.

These are not a bunch of wealthy folks. The demographics in the New York school system are virtually identical between the public system and the parochial system. So it is not like somebody who happens to be in a parochial school and drives up to school in a long, black limousine and a guy in knickers gets out. These are minorities. They are Hispanic. They are African Americans. They are average folks. I don't know why they are there. The public systems ought to be mighty glad it is there because it works both ways. The Senator is right. That system couldn't accept the public system, and it never will. Conversely, close it down and you make new problems for the public system because those people are paying property taxes even though their children are in the parochial system.

The point I am trying to make is that the public system will be a major benefactor. It is not a minor player. The choice the Senator is asking us to make is not $1.2 billion here or $1.2 billion there. It is $1.2 billion here or no $12 billion. Of that $12 billion, $6 billion is going to go into public schools over the next 10 years and $6 billion is going to go into private, or home, or whatever. Those are major dollars.

When the Senator from California and others talk about the benefit, they don't mention the principal. That is the point. That is how you get up to the $12 billion. The Senator is right. It is not a lot of relief that the Federal Government is giving. What is amazing to me is how little it takes to cause these families to do so much.

Mr. President, I ask unanimous consent that Senator BUNNING be added as a cosponsor to the Collins amendment No. 2854.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Connecticut.

Mr. DODD. Mr. President, if my colleague from Georgia needs another minute or two to make concluding remarks, I will be happy to yield my time, or if the Senator from New Jersey would care to be heard.

My colleagues conveniently use numbers which, obviously, sound beneficial to their argument. The fact is, according to the Joint Tax Committee, which analyzed this proposal, if you are the family of a child in a public school, the tax benefit to you over 5 years is $20.50. That is the tax benefit to a family whose child is in a public school. Is it worth taking that much off the table in the name of education and providing tax relief which is so nominal it is hardly worth mentioning?

You can make a case. You have heard it over the years. Businesses say: If you will give me this tax break, it will leverage this much more in private capital. The fact is, you still have to have a tax break. It is revenue lost.

We have come a long way in the last 7 or 8 years. We have a surplus for the first time in the last few years. We are actually on track to eliminating the national debt. The idea that we can just take $1.2 billion off the table is a flawed idea. Even if you accept the point of my colleagues and leverage private dollars, it may generate some of this activity they are talking about, but the fact is, it is $1.2 billion. It is rolling the dice, in effect.

I have suggested that there is $1.2 billion that could be used to defray the cost of special education. I know that amount would ease the burden on our school districts. As my colleagues well know, you take $1.2 billion and put it in this program, then you will come and say: Let's do something on special education. What about school construction? What about teacher salaries and smaller class sizes? Those are things we know we need to improve the quality of public education in this country. Those dollars become harder and harder to come by as we take more and more dollars off the table.

Unless you accept the notion we are going to accept everybody's idea on how to improve the quality of public education—which we are not and we have limited resources—the people who pay the taxes in this country that come into the general revenue of the Treasury know full well we can't spend their money on everything. Parents of 50 million kids have said to us: Improve the quality of public education and reduce the cost of special education. One certain way of doing that is by freeing up dollars at the local level, or reducing taxes for that local property taxpayer. I guarantee you that benefit is more than $20.50. If you are a parent of a public school child, and you get the kind of special education relief I offered, there is more tax relief for that taxpayer and that community than the $20.50 you are going to get if the Coverdell legislation is adopted.

I respect my colleagues from Georgia and New Jersey, but I come back to the point I made a moment ago. People who have children in public schools recognize that we have no choice but to try to make this system better. We have to do it or we are going to pay an awful price later this century. We are not going to have the kind of well-educated, productive citizens that we need.

I am hopeful my colleagues will recognize that the idea of reducing the cost of special education is something we can do something about today. In a few minutes we will have a chance to vote on this.

Mr. President, I ask unanimous consent that Senators REED, HARKIN, DORGAN, REID of Nevada, and KENNEDY be added as cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I yield the floor.

Mr. COVERDELL. Mr. President, how much time do we have between us?

The PRESIDING OFFICER. One minute 40 seconds.

Mr. DODD. Mr. President, I yield 1 minute 40 seconds to my colleague from Georgia.

Mr. COVERDELL. Mr. President, I graciously accept it. I will make a motion in 1 minute 40 seconds calling for a point of order against the amendment. The Senator from Connecticut knows that.

I guess it is all in the eyes of the beholder. An insignificant number of people will be beneficiaries. That insignificant number is 14 million families and 20 million children, and an individual family can expect only $20 worth of interest-free benefits.

But the point is, that, nevertheless, no matter what it is, if it is a quarter, it causes them to save $12 billion, whatever it is. It is $12 billion of new money flowing into both public and private education. That is not insignificant. Everett Dirksen said, "A billion here and a billion there, and before long it is real money." Twelve billion dollars is real money. It would be controlled by America's families to help them with the very special and unique needs that their children have through these education savings accounts.

The pending amendment, No. 2857, offered by the Senator from Connecticut, Mr. DODD, increases mandatory spending by $1.2 billion, and, if adopted, would cause the underlying bill to exceed the committee's section 302(a) allocation. Therefore, I raise a point of order against the amendment pursuant to section 302(f) of the Congressional Budget Act of 1974.

Mr. DODD. Mr. President, I move to waive the relevant portions of the Budget Act.

I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. L. CHAFEE). Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion to waive the Budget Act in relation to the Dodd amendment No. 2857. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) and the Senator from Alaska (Mr. MURKOWSKI) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 44, nays 54, as follows:

[Rollcall Vote No. 15 Leg.]

YEAS—44

Akaka
Baucus
Bayh
Bingaman
Boxer
Bryan
Chafee, L.
Cleland
Collins
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Wellstone
Wyden

NAYS—54

Abraham
Allard
Ashcroft
Bennett
Biden
Bond
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cochran
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams

Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kyl
Lott
Lugar
Mack
McConnell
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner

NOT VOTING—2

McCain
Murkowski

The PRESIDING OFFICER. On this vote, the yeas are 44, the nays are 54.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

AMENDMENT NO. 2854

The PRESIDING OFFICER. The question is on agreeing to the amendment by the Senator from Maine, Ms. COLLINS.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I apologize to the Senator from Maine. What we would like to have on this side—we understand it will be interspersed with Republican amendments, but the order of Senators offering amendments would be ROBB, BINGAMAN, GRAHAM, and WELLSTONE. The reason I make that announcement is so that Democratic Senators aren't going to be over here wondering when they can offer their amendments. These are the next four to be offered on our side.

Mr. COVERDELL. Mr. President, there will be a unanimous consent propounded after the vote on the Collins amendment, but for everybody's purposes, it is anticipated that there would be a vote on Collins shortly, maybe 30, 35 minutes. Then we would take up the Robb amendment but not vote on that until tomorrow morning around 10. I think that is the general agreement we have reached, to at least let everybody understand what we are dealing with.

I yield the floor so we may proceed with the Collins amendment.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I ask unanimous consent that Senator THURMOND be added as a cosponsor of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I rise to urge my colleagues to support the pending amendment which I have offered on behalf of myself, Senator KYL, Senator COVERDELL, Senator HATCH, Senator ABRAHAM, and Senator BUNNING. I know the hour is late and I understand if I speak very shortly I will get more votes, so I will be very brief in describing my amendment.

We have worked together to craft an amendment to help our public school teachers when they either pursue professional development at their own expense or purchase supplies for their classroom. Our amendment has two major provisions.

First, it will allow teachers to deduct their professional development expenses without subjecting the deduction to the existing 2-percent floor that is in our Tax Code. Second, it will grant teachers a tax credit of up to $100 for books, supplies, and other equipment they purchase for their students. As Senator KYL has noted, a study by the National Education Association indicates the average schoolteacher spends more than $400 a year on supplies and other materials for the classroom.

Our amendment would reward teachers for undertaking these activities that are designed to make them better teachers or to provide better supplies for their students. It is an example of a way that we can say thank you to teachers who do so much for our children.

While our amendment provides financial relief for our dedicated teachers, its real beneficiaries are our Nation's students. Other than involved parents, which we all know to be the most important component, a well-qualified and dedicated teacher is the single most important prerequisite for student success. Educational researchers have repeatedly demonstrated the close relationship between qualified teachers and successful students.

Moreover, teachers themselves understand how important professional development is to maintaining and expanding their levels of competence. When I meet with teachers from Maine, they always tell me of their need for more professional development and the scarcity of financial support for this very worthy pursuit. The willingness of Maine's teachers to reach deep into their own pockets to fund their own professional development impresses me deeply. For example, an English teacher in Bangor, who serves on my Educational Policy Advisory Committee, told me of spending her own money to attend a curriculum conference. She then came back and shared that information with all of the English teachers in her department. She is not alone. She is typical of teachers who are willing to pay for their own professional development as well as to purchase supplies and materials to enhance their teaching.

I greatly admire the many teachers who have voluntarily financed the additional education they need to improve their schools and to serve their students better. I greatly admire those teachers who reach into their own pockets to buy supplies, paints, books, all sorts of materials that are lacking in their classroom. We should reward those teachers. Let us change the Tax Code to recognize and reward their sacrifice and to encourage more teachers to take the courses they need or to help supplement the supplies in their classroom. I hope those changes in our Tax Code will encourage more teachers to undertake the formal course work in the subject matter they teach, or to complete graduate degrees in either a subject matter or in education, or to attend conferences to give them more ideas for innovative approaches to presenting the course work they teach in perhaps a more challenging manner.

This amendment will reimburse teachers for just a small part of what they invest in our children's future. This money will be money well spent. Investing in education helps us to build one of the most important assets for our country's future; that is, a well-educated population. We need to ensure that our public schools have the very best teachers possible in order to bring out the very best in our students. Adopting this amendment is the first step toward that goal. It will help us in a small way recognize the many sacrifices our teachers make each and every day.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I rise today in strong support of the amendment offered by the Senator from Maine, and I thank her for her leadership in bringing this issue before the Senate at this time.

Mr. President, no debate on tax incentives for education would be complete without a discussion of teachers and how they are taxed as professionals. In my view, the current law treatment is seriously deficient in this area.

First, let me review the technical points. Like any other professional, elementary and secondary school teachers incur a number of expenses in order to keep themselves current in their fields of knowledge. These include subscriptions to journals and other periodicals. In addition, many teachers invest in their own development by taking courses to improve their knowledge or skills. Under current law, these expenses are deductible, as miscellaneous itemized deductions. However, there are two practical limitations that effectively make these expenses non-deductible for most teachers.

The first limitation is that the total amount of a taxpayer's deductible miscellaneous expenses must exceed 2 percent of adjusted gross income before they begin to be deductible. The second hurdle is that the amount in excess of the 2 percent floor, if any, combined with all other deductions the taxpayer has, must exceed the standard deduction before any of them are deductible.

Let's consider just how difficult these limitations can be, Mr. President. I will use the example of a fifth-year high school science teacher in Utah who I will call Robin Stewart. Robin is single and makes $35,000 per year. She incurred $840 of expenses last year for science periodicals and for a course she took over the summer to increase her knowledge of chemistry.

Under current law, Robin's $840 expenditures are deductible, subject to the limitations I mentioned. The first limitation says that her expenses must exceed 2 percent of her income before they are deductible. Two percent of $35,000 is $700. Thus, only $140 of her $840 is deductible—that portion which exceeds $700.

As a single taxpayer, Robin's standard deduction for 2000 is $4,400. Her total itemized deductions, including the $140 miscellaneous deduction, fall short of this threshold. Therefore, not even the $140 is deductible for Robin. What the first limitation did not block, the second one did.

Unfortunately, Mr. President, this is the case for most of the school teachers in our nation. In 1997, the last year for which the Internal Revenue Service has statistics, only 29.9 percent of taxpayers were able to itemize their deductions. So even in the rare case where the 2 percent limitation does allow a significant deduction, chances are very good that it will not help the teacher because he or she cannot itemize.

The amendment before us is a good step in the right direction. It would remove the first limitation—the 2 percent floor on miscellaneous itemized deductions. Ideally, I would like to see the second limitation removed as well and make these kinds of expenses deductible by teachers regardless of whether or not they itemize. I hope that my colleagues on the Finance Committee will take a close look at the idea of an above-the-line deduction for teachers.

Mr. President, the second part of the amendment before us is also very important. It recognizes that many of our dedicated teachers incur personal expenses for materials for their classrooms. Under current law, these types of expenses are, once again, deductible, but only to the extent they exceed 2 percent of the taxpayer's adjusted gross income.

Many Americans may be unaware that many teachers subsidize their schools out of their own pockets. It is not unusual for teachers to have to pay for copying extra worksheets or articles, purchasing art supplies, or providing tablets and pencils to some students who are without. Many teachers buy library books, educational games, and puzzles for their classes with their own money.

Rather than treating these expenses the same as teacher development expenses, and exempting them from the 2 percent floor, this amendment goes one step further and grants a tax credit of up to $100 per taxpayer for materials the teacher supplies for his or her class. This means the teacher receives a dollar-for-dollar reduction in tax liability.

Some people may argue that teachers don't have to do this—why should they get a special tax credit?

The fact is that those teachers who love teaching and care about their students have been subsidizing their classrooms for years. They do it because our public schools frequently nickel-and-dime the classroom in order to concentrate resources on required big ticket items.

And, Mr. President, there is one key difference between school teachers and other professionals that, in my mind, justifies this tax change. Teachers—unlike lawyers, accountants, physicians, or others who may take the existing deduction—are engaged in non-profit public service.

This amendment gives proper recognition to the personal sacrifice that many of our teachers make, year after year, toward improving the education of our children.

As in the other part of this amendment, Mr. President, this provision is not perfect. I would like to see this credit also extended to those parents in Utah and throughout the country who choose to teach their children at home. Their expenditures, which likely far exceed $100, also deserve the tax credit, and I hope the Finance Committee can look for ways in other legislation to extend such a credit to parents to teach at home.

But, the Collins-Kyl-Coverdell-Hatch amendment is a good step toward recognizing the dedication of our elementary and secondary school teachers and in helping them to meet the costs of their profession.

We say that we want our public school teachers to be the best.

We say we want our children and grandchildren taught by teachers who are competent and up-to-date not only in the subject matter they are teaching, but in the pedagogy of teaching it.

We say we want teachers who know how to exploit fully new learning technologies, including the Internet.

We say we want teachers who can recognize the signs of struggling or troubled students.

We say we want teachers who can inspire our kids.

We say we want teachers who are willing to go the extra mile.

Mr. President, this amendment, offered by Senator COLLINS, is not unlike an amendment I introduced myself. This amendment, like my own, is designed to get our tax policy in sync with our goals for education.

This amendment will provide modest tax relief for teachers who, for too long, have been footing the bill for improving the quality of teaching by themselves. It is time we helped out.

I urge the adoption of this amendment.

I compliment my colleagues for the good work they are doing.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I compliment Senator HATCH for the great way in which he explained this amendment which Senators COVERDELL, COLLINS, HATCH, and myself have cosponsored.

He points out that we have goals for excellence in teaching, and this is a way to help foster those goals. We ask our teachers to do a great deal. This is one small step we can take to help those who are most willing to help their students.

I thank Senator HATCH for an excellent statement.

I also thank Senator COLLINS for the kind remarks she made last evening. It has been a pleasure to work with her. She is a real leader in education. To be able to join my amendment with her amendment as one approach which provides some relief to the teachers who are willing to take that extra step to help their students is certainly an honor for me.

To recapitulate for our colleagues because I think we are going to be voting soon, I leave it to Senator COLLINS to close the debate unless there is anyone else who would like to speak to it. The old saying of taking an apple to the teacher at school has caused us to stop and think a little bit. It is fine to take an apple to the teacher, but there is a way we can be a little bit more helpful to those teachers who go the extra mile. There may not be a direct relationship between excellence in teaching and providing some assistance to those teachers who will go out of their way to take extra supplies to their students, but I suspect there, in fact, is a connection because these are the most dedicated of all—those teachers who realize their local schools have not been able to provide quite enough in instructional materials for their kids, and out of their own family budget they are willing to make a contribution for their students' education. As I pointed out last night, the NEA estimates, according to a study, that each teacher annually spends $408 out of his or her pocket to help kids in school by taking these instructional materials to them.

These two amendments, in a small way but an important way, recognize that dedication and that contribution. In the case of my half of the amendment, it provides dollar for dollar in relief and $100 in the case of Senator COLLINS' amendment. It relieves 2 percent of the burden for itemizing it, which Senator HATCH just spoke about.

Is this going to solve all of our woes in education? No. But is it an important recognition of the job teachers do, particularly those teachers who are willing to go the extra mile? We think it is. To the degree they are willing to supplement what their schools provide for students, and it comes out of their own pockets, we think we should at least cause them no harm in that process.

That is why we provide these two elements of tax relief basically to encourage them to continue to work with their students in this way.

I conclude again by thanking Senator COVERDELL for his leadership, Senator COLLINS, and Senator HATCH. I hope my colleagues will give this amendment their overwhelming support.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I wish to join in support of this amendment. I think it is a brilliant idea and something that is overdue.

I think Senator HATCH has commented quite clearly why the present state of the law is ineffective to assist teachers who are working steadily and giving of themselves sacrificially for their classrooms and why the current tax law benefits them not very much, or almost none at all. I taught one year. I recall that we had expensive readers paid for by the government. I tried to get the disadvantaged children in the classroom to read those readers. They hated it. But there are a bunch of books there on the walls—Daniel Boone, Hardy Boys, Nancy Drew, and those kinds of books. I noticed that if I could get them to read those books, they liked it. Some of them read 30, 40, 50, or 60 books. When I went to the used bookstores, or places such as that, I would pick up books on my own and bring them back to the classroom because there was a lot of satisfaction in seeing those children actually enjoying reading a story.

I think sometimes we need to review the quality of the material we are asking our children to read. It may be scientifically sound, but most of it is boring. They don't like it; it is work to them. If you can make reading a pleasure, I think it helps.

My personal experience with that indicates to me we ought to encourage teachers to not hesitate. A teacher may bring them to Washington, and they may see prints of historical events or artwork they want to buy right then. The school board isn't going to be available to approve that. They know it will fit right within their classroom and the course they will be studying.

They invest their own money in that. I think that ought to be encouraged.

My wife taught for a number of years in public schools. She was continually buying things for her bulletin board to share with the elementary classes and to help her teach the lessons she had for that class.

There is no way some bureaucrat in Washington or even some school board member or principal is going to be available at the right time to approve that expenditure for a teacher.

We do not appreciate our teachers enough. If you haven't been in a classroom to know how hard it is, how frustrating it can be, and how burdensome the regulations are, adding the fact that the days are long and children may not be so well disposed to behave on a given day, you can't know what it is to be a teacher.

One of the most frustrating aspects is the little things teachers need that they cannot get unless they pay for them out of their own pocket. They do that continuously. But it is a source of irritation to them. They sense we are not supporting them fully in their mission.

I think this is a great amendment, I say to Senator COLLINS and Senator KYL. I think it is right on point. I could not be more pleased with it. I would like to be added as a cosponsor to it. I think it will help us in the classroom. The most important point in the education process is what occurs in a classroom, that magic moment when a teacher and child can come together and learning occurs. This will help enhance that. I am pleased to support the amendment.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. I thank all my colleagues for their excellent statements on this amendment. I ask unanimous consent the Senator from Michigan, Mr. ABRAHAM, and the Senator from Alabama, Mr. SESSIONS, be added as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The senior assistant legislative clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANTORUM). Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the amendment be laid aside and Senator ROBB be recognized to offer an amendment; further, that the debate on the Robb amendment re school construction resume at 9:30 a.m. tomorrow morning, and the time between 9:30 and 10 be equally divided in the usual form, and following the use or yielding back of time, the Senate proceed to a vote on or in relation to the amendment. Further, I ask there be no amendment in order to the amendment prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, therefore, following the Collins vote, there will be no further votes tonight, and the first vote will occur at 10 a.m. tomorrow morning.

I also ask unanimous consent—and the Senator from Nevada and I both consulted about this—that Senator CRAPO be recognized in morning business for up to 10 minutes immediately following the Collins vote.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. And following Senator CRAPO, the Senator from Montana will be recognized for 15 minutes.

Mr. COVERDELL. I so amend the unanimous consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, I believe the order of business then would be for Senator ROBB to offer his amendment. It is my understanding he is only going to talk about it briefly.

The PRESIDING OFFICER. The Senator from Virginia.

AMENDMENT NO. 2861

(Purpose: To eliminate the use of education individual retirement accounts for elementary and secondary school expenses and to expand the incentives for the construction and renovation of public schools)

Mr. ROBB. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

> The Senator from Virginia [Mr. ROBB], for himself, Mr. HARKIN, Mr. CONRAD, and Mr. LAUTENBERG, proposes an amendment numbered 2861.

Mr. ROBB. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. ROBB. Mr. President, it is my intention to make the argument as a proponent of this amendment tomorrow morning. I was prepared to make it at this time, but to accommodate our colleagues I will at this time ask unanimous consent this amendment be temporarily laid aside so we may proceed with the pending vote, and we will return to the amendment for argument first thing tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON AMENDMENT NO. 2854

Mr. COVERDELL. Mr. President, under the previously propounded unanimous consent agreement, I believe it is appropriate we move to a vote on the Collins amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2854. The yeas and nays have already been ordered. The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. McCain) and the Senator from Alaska (Mr. Murkowski) are necessarily absent.

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 16 Leg.]

YEAS—98

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McConnell
Mikulski
Moynihan
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—2

McCain
Murkowski

The amendment (No. 2854) was agreed to.

Mr. McCONNELL. Mr. President, I come to the floor to support the Affordable Education Act, which addresses an important issue facing American families today—the education of their children. It is my long-held belief that we need to make a college education more affordable, and this legislation will do that by providing tax incentives to families who save for their children's future education needs.

While I strongly support this legislative package, I want to focus on a provision which I have championed for the past six years. Section 102 of the bill makes savings in qualified state tuition plans tax free. This provision would reward savings and allow students and families who are participating in these state-sponsored plans to be exempt from federal income tax when the funds are used for qualified education purposes. This legislation also recognizes the leadership that states have provided in helping families save for college. Nationwide, 44 savings plans will be established in 2000, serving over one million savers who have contributed over $7 billion in education savings. In my state of Kentucky, over 3,000 families have established accounts, which amount to $9.3 million in savings.

This legislation will reward long-term saving by making savings for education tax-free. It is important that we not forget that compounded interest cuts both ways. By saving, participants can keep pace with, or even ahead of, tuition increases while putting a little away at a time. By borrowing, students bear added interest costs that add thousands to the total cost of tuition. Savings will have a positive impact, by reducing the need for students to borrow tens of thousands of dollars in student loans. This will help make need-based grants, which target low-income families, go much further.

Anyone with a child in college knows first-hand the expense of higher education. Throughout the 1990s, education costs have continually outstripped the gains in income. Tuition rates have not become the greatest obstacle students face in attending college. In fact, the astronomical increase in college costs has been well documented. According to a study conducted by the College Board, over the ten-year period ending in 1999–00, tuition and fees at both pubic and private four-year colleges have increased on average more than 110 percent over inflation since 1980–81, with costs at public colleges rising 51 percent compared to the 34 percent for private four-year colleges. While average, inflation-adjusted tuition has more than doubled, median family income has risen only 22 percent since 1981. To compound this problem, room and board charges are between 3.6 and 4.8 percent higher this year than last year.

Due to the high cost of education, more and more families have come to rely on financial aid to meet tuition costs. In fact, a majority of all college students utilize some amount of financial assistance. The College Board estimates that most of the growth in financial aid has been in the form of student borrowing. In 1998–99, $64.1 billion in financial aid was available to students and their families from federal, state, and institutional sources. However, despite the fact that student aid has increased in value, it has not increased enough to keep pace with the rise in tuition.

Many Kentuckians are drawn to tuition savings plans because they offer a low-cost, disciplined approach to savings. In fact, the average monthly contribution in Kentucky is just $52—clearly this benefits middle-class savers. By exempting all interest earnings from federal taxes, this legislation rewards parents who are serious about their children's future and who are committed over the long-term to the education of their children.

I would like to share an article written by Jane Bryant Quinn, a nationally syndicated financial columnist. In this article, Ms. Quinn discusses the unique tax benefit and the stable investment provided by the existing plans. Ms. Quinn noted that these plans are "a great way for parents or grandparents to build a college fund." Mr. President, I ask unanimous consent that the article be printed in the Record at the conclusion of my remarks. I encourage all of my colleagues to read it.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. McCONNELL. Mr. President, despite the Administration's objection to expanding the favorable tax treatment of these state plans, I am pleased that Congress has achieved real reform over the past several years.

In 1996, Congress took the first step in providing tax relief to families investing in these programs. In the Small Business Job Protection Act of 1996, I was able to include a provision that clarified the tax treatment of state-sponsored savings plans and the participants' investment. This measure put an end to the tax uncertainty that has hampered the effectiveness of these state-sponsored programs and helped families who are trying to save for their children's education.

In 1997, the Taxpayer Relief Act made revisions to provide increased flexibility to families saving for their children's college education. The most significant reform was to expand the definition of "qualified education costs" to include room and board, thus doubling the amount families could save tax-free.

As a result of our actions over the last several years, more and more state plans have implemented tuition savings and prepaid plans for their residents. It is projected that there will be 44 states with tuition savings plans by the year 2000. I believe that we have a real opportunity to go even further toward making college affordable to American families. It is in our best interest as a nation to maintain a quality and affordable education system for everyone. By passing this legislation, we can help families help themselves by rewarding savings. This will reduce the cost of education and will not unnecessarily burden future generations with thousands of dollars in loans.

In addition to making savings in qualified State and private college tuition plans completely tax-free, this legislation makes a number of other changes that are essential to helping families afford a quality education. Specifically, this legislation increases the contributions for K–12 education savings accounts to help families meet the expenses of a primary education. This legislation creates incentives for employer-provided educational assistance so that individuals can continue their education while working. This legislation also changes the rules for interest deductions so that qualified education loans are more affordable for students. Additionally, this legislation revises the National Health Corps Scholarships Exclusion, increases the arbitrage rebate exception on tax-exempt bonds, provides for private activity bonds for qualified education facilities, and allows the Federal Home Loan Bank to guarantee school construction bonds. These important reforms are critical to helping families save for the future.

I urge my colleagues to support this valuable legislation this year to reward those who save in order to provide a college education for their children.

Exhibit 1

[From the Washington Post, Jan. 30, 2000]

Section 529 College Savings Plans Rate an A

(By Jane Bryant Quinn)

If you haven't yet heard about state Section 529 savings plans, listen up. They're a great way for parents or grandparents to build a college fund.

These plans drip with income-tax and estate-tax breaks and offer a potential for gain that older college plans can't touch. Many top plans are open to residents of any state.

Until recently, 529s were marketed by the states themselves or by two no-load mutual-fund groups—Fidelity and TIAA-CREF—that some states have hired to manage their money.

Brokers and financial planners who work for commissions weren't paid to sell 529s, so they steered your college money somewhere else.

But now, two big brokerage firms are also in the game, selling state 529 plans to a national clientele. Merrill Lynch hitched up with Maine's NextGen program. Salomon Smith Barney has Colorado's Scholars Choice plan and will soon offer West Virginia's plan.

This creates an army of brokers prepared to tout this new form of investing to the public. Commercial sales should help get more people talking about 529s.

State 529 plans (the name refers to a section of the IRS Code) were authorized by Congress in 1996. You can invest lump sums or make regular monthly contributions. The plans come in two forms:

A prepaid tuition plan. The conservative choice. These plans guarantee that the money you save today will match the growth in tuition inflation at state-run colleges. Currently, that's an effective 3.4 percent return. You can also use the money for tuition at out-of-state schools.

A college savings plan. Here, you contribute to an investment pool that has the potential of rising faster than the college inflation rate (although there's no guarantee). You can use the money at any accredited school, for any qualified education expense.

Savings plans are currently offered by 23 states, and nine more are starting up this year. If your state doesn't have a savings plan, or has one with unattractive features, you can join one in another state.

A few states keep your money in bonds, but most provide a mix of stocks and bonds. A typical 529 account leans heavily toward stocks when the child is young, then moves automatically toward safer bonds and money-market funds as college draws near.

Some states give you a choice of accounts. Maine, for example, offers four accounts—one of which is 100 percent invested in stocks.

Under 529 rules, you can't switch your money from one account to another within the plan. To diversify, you'd contribute to more than one account, says Maine's treasurer, Dale McCormick.

Here's the beauty of 529 plans. All the earnings accumulate tax-deferred. When you take out the money for higher education, it's taxed in your child's bracket, not yours.

Some states let you deduct your contribution on your state tax return. Other states let your earnings pass tax-free.

The value of the plan is not included in your taxable estate. But you still control the money, says certified public accountant and 529 expert Joseph Hurley of Bonadio & Co. in Pittsford, N.Y.

You can change the plan's beneficiary from one family member to another (including an adult seeking further education). You can even drop the plan and take your money back.

If you spend 529 money on something other than higher education, that withdrawal will be taxed in your bracket. You'll also pay a penalty—typically 10 percent of earnings (sometimes more).

"A 10 percent penalty on earnings isn't bad," Hurley says. "If your account yielded 10 percent, you'd still net 9 percent, pretax."

Surprisingly, 529 savings plans detract little or nothing from your child's potential financial-aid award. The money is treated as belonging to the donor, not the student.

Hurley gives top marks to the plans in the following states: Arkansas (1-877-422-6553), Colorado (1-800-478-5651), Maine (1-877-563-9843), Missouri (1-888-414-6678), New Hampshire (1-800-544-1722), Utah (1-800-418-2551) and Virginia (888-567-0540). For his opinion of all the state plans, visit savingforcollege.com.

The new edition of Hurley's book, "The Best Way to Save for College," is due at the end of this month ($25.95 including shipping; order from savingforcollege.com or call 1-800-487-7624). It contains plan comparisons plus tax tips that financial salespeople aren't likely to know.

For extended information on all the state plans, call the National Association of State Treasurers at 1-877-277-6496 or visit its Web site (www.collegesavings.org).

Mr. ALLARD. Mr. President, I stand before you today to support S. 1134, the Affordable Education Act. I have been a long time supporter of the Education Savings Account. I believe that ESA's can be a very effective tool in helping parents have an impact on their child's education. The key to a child's education is parent involvement. As well intentioned as we may be here in Washington, no amount of money or regulation can accomplish what a child's parents can. I have worked and will continue to work to help provide parents the opportunity to have an increasing say in their child's education. I believe this bill will help to accomplish just that.

The changes this bill will make to the Taxpayer Relief Act of 1997 will provide flexibility and choice to parents. Parents who earn less than $95,000 a year can pay up to $2,000 a year per child into a tax exempt Education Savings Account. This is an increase of 400% from the current limit. Under current law, money that is payed into ESA's is only available to pay for higher education. This bill will make money payed into an ESA available for parents during the K–12 years of education. This legislation gives parents the flexibility to use their money on anything from college tuition to books or computers if these supplies are utilized in their child's education.

If parents would like to send their child to a private school this money will be available. Some will say that Education Savings Accounts will just benefit the rich. I strongly disagree. This bill would move all parents who want to send their child to a private school $2,000 closer to that goal. If parents want to keep their child in public school they have their ESA available to pay for any additional fees or supplies that would help educate their child.

Education is a crucial issue. In January and February I held 63 town meetings in the state of Colorado where parents spoke with me first hand about their concerns with the education system. I receive many letters from parents sharing similar sentiments every week. They tell me they are having a difficult time paying extra fees to allow their child to participate in extra curricular activities. Education Savings Accounts can help those parents set aside money to pay for activities that help build character for students. They tell me that they are having to pay for school books that they cannot afford. Education Savings Accounts can help those parents set aside money to pay for the books that their child needs. They tell me that college is becoming too expensive. Education Savings Accounts help parents set aside money to pay for their child's college tuition so that they can graduate without worrying about having to pay off loans.

This bill also addresses other needs in the area of education. Local communities that pass tax-exempt bonds must pay the government the arbitrage, or interest, that accrues on those bonds. The Affordable Education Act increases the ceiling of eligibility for retaining bond arbitrage from $10 million to $15 million. This provides more money for school construction. Relief for graduate students is also included in this bill. The sixty month limit on loan interest tax deduction for graduate students is eliminated. This helps students who are unable to pay off their loans in five years. Employers are also allowed to provide up to $5,250 a year in tax exempt income to an employee attending college or graduate school for tuition assistance. Education Savings Accounts can be extended past the age of 18 for special education students who may not start college at the age of 18 like traditional students.

This bill will also provide a positive impact in other important areas. It provides tax relief which is very important to me and my constituents by reducing taxable income for families with children. I believe it can also reduce juvenile crime by allowing parents to pay for after school care for their child. This would allow children to be involved in activities during the time of day in which children are at the greatest risk of misbehaving, the time between the end of the school day and the end of the work day when many children are unsupervised.

We have an opportunity today to begin to work towards important reform of our education system. We have passed provisions similar to this bill in the past only to see the President veto them. I hope we can overcome this "one-size-fits-all" attitude towards education and pass the Affordable Education Act. Lets put the control back in the hands of parents instead of bureaucrats. I strongly urge all my colleagues to support this bill.

• Mr. McCAIN. Mr. President, the Affordable Education Act is an important step toward returning to parents and communities the resources and responsibility to provide for their children's education, and expanding educational opportunities for millions of Americans of all ages.

As an original cosponsor of S. 14, the "Education Savings Account and School Excellence Act", portions of which are contained in this bill, I am strongly committed to strengthening and expanding education savings accounts for American families. Families should be encouraged and given incentives to save more of their money for their children's college education, but also to set aside money to meet the unique needs of the children throughout their school years.

The Affordable Education Act expands the existing tax-preferred Education Savings Accounts, which allow families to save for college expenses, to include elementary and secondary educational costs. The bill also allows corporations and other entities, in addition to individuals, to contribute to a child's ESA.

Under this bill, money saved in ESAs could be withdrawn tax-free to pay for a child's educational expenses from kindergarten through high school, not just college. Expanded ESA's could be used to hire a tutor for a child who is struggling with math, or foreign language lessons to help a child become bilingual or multilingual. ESA savings could be used to purchase a home computer or give a child with dyslexia access to a special education teacher. Expanded ESA's will help parents address their children's unique needs and concerns, and encourage their particular abilities. Expanded ESA's can help ensure each child is prepared to succeed in higher education or employment.

This bill also contains several important initiatives to provide greater access to higher education. It supports employer initiatives offering educational assistance to their employees by extending the tax exclusion for employer-paid undergraduate tuition and expanding the tax exclusion to also cover graduate-level courses. The bill helps make college more affordable by allowing private institutions to establish qualified pre-paid college tuition plans and allows certain tax-free withdrawals from qualified State tuition plans.

Unfortunately, expansion of ESA's and the other provisions noted above are only temporary in the bill before the Senate. Because these programs are important tools for families struggling to pay for the children's college and other educational expenses, I believe these initiatives should be made permanent.

Another important aspect of the bill is the new tax exclusion of certain amounts received from the National Health Corps and Armed Forces Health Professions Scholarship programs. Those who receive these scholarships will go on to provide medical and dental services in our nation's underserved areas as well as in military service.

The bill also authorizes the tax-exempt financing rules for school construction. Local communities can determine how to best use their educational resources—whether hiring new teachers, providing additional classroom services, or constructing new schools. This bill gives communities a financial break if they choose to use some of their resources for new school construction, making it possible to accomplish more with limited resources.

Finally, I note with approval that the bill contains several provisions to close existing tax loopholes for special interests in order to balance the costs of these important education initiatives. I would encourage the Senate to consider adding several more of these inequitable tax loopholes to the bill in order to make permanent the expanded ESA's and other important education incentives in this bill.

Again, I reiterate my strong support for this bill, and I urge my colleagues to support it. More important, I urge the President to consider the importance of this legislation for expanding the educational opportunities of all Americans, and I urge him to sign this bill when it reaches his desk.•

The PRESIDING OFFICER. Under the previous order, the Senator from Idaho is recognized for 10 minutes.

(The remarks of Mr. CRAPO pertaining to the introduction of S. 2118, S. 2119, S. 2120, S. 2121, and S. 2122 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. CRAPO. I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. CRAPO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. CRAPO. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia is recognized.

WHEN WILL THE CYCLE OF SCHOOL VIOLENCE END?

Mr. BYRD. Mr. President, the nightmare of violence in our nation's schools has grabbed our attention once more. This morning, a first-grade student was shot and killed by another first-grader at a Michigan elementary school. Our thoughts and prayers are with the young girl's family, with the young person who pulled the trigger, and with the twenty other students in the classroom. Tragically, once again, the notion of schools as a safe haven was shattered by the sound of gunfire, and we must now begin to face the formidable challenge of rebuilding that serene and tranquil school environment that each and every student and teacher deserves.

This tragedy begs some very basic questions of our society.

First, and perhaps most importantly, what is a first-grader doing with a loaded gun? A first-grader is six years old, maybe even seven. These are merely babes with sweet young faces who have barely begun their lives. They are still putting baby teeth under their pillows awaiting a visit from the tooth fairy. How did this child get the weapon? And what on Earth possessed the child to bring it to school?

What has gone so wrong in our nation that students feel the need to bring weapons to the public school classroom? Do they think they have to show off for their friends? Do they feel the need for power? Surely not a child in the first grade. Do they think that carrying a weapon to school gives them greater stature? I know that we, as a nation, have been struggling with these questions for many, many months, but it is time we started to reach some conclusions.

In the 315 days since the tragedy at Columbine High School, the violence has not stopped. We have seen the same tragic scene of students and teachers pouring out of schools in fear in Atlanta. In the District of Columbia, since this school year began in September, 15 public school students have been killed. According to police, eight of the fifteen slayings were precipitated by an argument in school and ended in gunfire on a neighborhood street. For some reason that we cannot seem to get our arms around, our children continue to injure and kill one another.

Why in the world are we not concentrating on this? Why is the Juvenile Justice bill, which passed this Senate in May with common-sense weapons controls, still stalled? How many children have to die before this Congress sits up and takes notice? How many lives, so full of potential, have to be snuffed out: 15, 30, 50, 100?

We need to find out why these tragedies continue to occur, and we need to find ways to stop it.

There will be a supplemental bill coming before this Senate soon which is intended to provide close to a billion dollars in aid for Colombia. The White House calls this funding an emergency. I think we have more than enough emergencies here on our home soil that demand urgent attention. It is time to get our priorities straight.

I understand that this is not something that Congress can do on its own, nor is it something that a local school board can accomplish by itself. Putting an end to school violence will take a concerted effort—from lawmakers to parents to students to clergy to community leaders. No one can be given a pass. We all share a responsibility to come together, to look past any historical differences, and to work to find real solutions that will put an end to these tragedies.

I only pray that we can.

My heart goes out to the family who must be stunned at the loss of their little girl. I can only imagine their suffering. All the potential in one tiny, small, little innocent life has been stolen in the flash of a gun. I hope that this Congress, and I hope that the electronic media, the Hollywood movie stars, the movie industry, and the whole Nation, will finally commit to taking the difficult steps that are needed to make sure something positive can come from such an incredible tragedy.

I yield the floor.

KEEP OUR PROMISE TO AMERICA'S MILITARY RETIREES

Mr. ABRAHAM. Mr. President, I join my colleagues in sponsoring, S. 2003, the Keep Our Promise to America's Military Retirees Act of 2000. I am sponsoring this legislation because I believe it is necessary if we are to fulfill our moral obligation to those who devoted their careers to safeguarding our nation's people, our homes, and our way of life.

The brave men and women of our armed forces literally put their lives on the line for this country. We owe them a debt we can never repay. But one thing we cannot do, in my opinion, is fail to live up to our explicit promise that those who made military life their career would receive, in return, lifetime medical care. That is a promise we have made; and it is a promise we must keep.

There has already been a great deal of discussion on this topic in the Administration and the Congress. In the 1998 National Defense Authorization Act, Congress expressed its sense that many retired military personnel reasonably believed that they had been promised lifetime health care in exchange for 20 or more years of service. Recruiters for the uniformed services, as agents of the United States government, had used recruiting tactics promising enrollees entering the Armed Forces prior to June 7, 1956, that they would be entitled to fully paid lifetime health care upon retirement.

Unfortunately, prior to 1956, a statutory health care plan did not exist for our military personnel. Since the establishment of CHAMPUS, and its successor, Tricare, we have seen the erosion of space-available health care at military treatment facilities for military retirees. Additionally, military health care has become increasingly difficult to obtain for military retirees as the Department of Defense reduces its health care infrastructure. As a result, military retiree's health care situation is woefully inadequate compared to health care afforded to other federal employees. Today, military retirees remain the only Federal Government personnel who have been prevented from using their employer-provided health care at or after 65 years of age. Military retirees deserve to have a health care program that is at least comparable with that of retirees from civilian employment in the Federal Government.

In statements before this Congress, our distinguished Secretary of Defense and Chairman of the Joint Chiefs have reiterated the importance of seeing to military retirees' health needs. According to Secretary Cohen, the loudest complaints he hears while traveling concern the military health care system.

I believe General Hugh Shelton expressed the correct response to these complaints when he stated, "I think that the first thing we need to do is make sure that we acknowledge our commitment to the retirees for their years of service and for what we basically committed to at the time they were recruited into the armed forces."

It is morally imperative, that we keep our promise to the brave men and women who devoted their careers to protecting our country.

But we should also keep in mind that health care is not only a top issue for retirees; it is also a major source of dissatisfaction for active duty personnel. As such it affects readiness, recruiting and retention. The availability of quality, lifetime health care is a critical recruiting incentive for the all volunteer Armed Forces.

That incentive has been undermined by the declining services provided to military retirees. In its self-proclaimed "Year of Health Care," the Department of Defense had a major opportunity to take the lead in keeping commitments to service members and start erasing the skepticism and distrust that years of broken health care promises have engendered among the retired population. Putting these initiatives in the President's budget would have made them much easier to enact. But, once again, the Administration has chosen to pass its moral responsibilities to the Congress.

For too long, this Administration has ignored the needs of the brave men and women who have defended our interests and our shores. This is unfair. What is more, in my view it is unwise to ignore the well-being of military retirees.

Well-trained, properly motivated troops have been and continue to be the single most important factor in protecting our national security. Without them we will not be able to achieve and maintain military readiness. We will not be able, as a nation, to fight and win. Under current conditions we cannot expect to maintain the levels of re-enlistment, expertise and morale we need to maintain an effective military force.

Last year this Congress took it upon itself to address the critical issue of unconscionably low military pay. I hope and believe that this year we will address the no-less critical issue of unconscionably inadequate health care services for military retirees.

This Congress and the President must take action to address the problems associated with the availability of health care for military retirees. Keeping this nation's promise and providing adequate health care for military retirees is an issue whose time has come. Every day, in hundreds of locations all over the world, our soldiers, sailors and airmen willingly serve in defense of our national interest, promoting peace and prosperity around the globe.

We have asked for the greatest sacrifice from our military retirees and today's men and women in uniform—to give one's life in defense of their nation. When people put themselves in harm's way for their country, they should not have to worry about their families' access to proper health care.

We must act upon the sense of this Congress that the United States has incurred a moral obligation to provide health care to former members of the Armed Forces who are entitled to retired or retainer pay (or its equivalent); and it is, therefore, necessary to provide quality, affordable health to such retirees.

For these reasons I am happy to join with Senators COVERDELL, JOHNSON, and 13 fellow Senators in co-sponsoring the bipartisan Keep Our Promise to America's Military Retirees Act

(S. 2003). This legislation is key to reestablishing the morale, confidence and trust of our military retirees.

I urge my colleagues to support this important legislation.

BLACK HISTORY MONTH

Mr. SCHUMER. Mr. President, during the Civil Rights movement, Dr. Carter G. Woodson's idea of a Negro History Week honoring the achievements of African Americans was extended to the entire month of February.

I rise today as a Senator from the state with the largest population of African Americans in the United States to speak on behalf of this year's Black History Month theme "Heritage and Horizons." Harlem, New York was the center of a 1930's Renaissance period. It attracted aspiring individuals from across the country and the world. It is also the birthplace of renowned African Americans who have excelled in the areas of politics and business, arts and entertainment, athletics and activism.

Since the expansion of the Negro History Week to Black History Month, countless African Americans continue to amass accomplishments and shatter barriers worthy of multiple months of tribute. Many of us know of the great strides made by Dr. Martin Luther King, Jr., Frederick Douglas, Booker T. Washington, W. E. B. DuBois, Ida B. Wells, and Rosa Parks. Many of the Members in this chamber have worked alongside Shirley Chisholm, Thurgood Marshall Sr., Charles Rangel, Clifford Alexander, Jr., and Colin Powell.

African Americans from New York have been pioneers in many different fields. In 1981, Pam McAllister Johnson was named publisher of Gannett's Ithaca (NY) Journal, making her the first African American woman to head a general circulation newspaper in the United States. In June 1995, Dr. Lonnie Bristow, a Harlem native, became the first African American appointed as president of the American Medical Association. American Express announced in February 1997 that Kenneth Chenault was named president and heir apparent to the position of CEO, making the Long Island native the highest-ranking African American executive in corporate America.

Art Hardwick, husband of Shirley Chisholm, won the 1962 State Assembly race becoming the first African American to represent Western New York. In 1971, Carmel C. Marr became the first woman of any race to serve as Commissioner of the New York State Public Service Commission. Harry Belafonte, a Harlem native, was recently honored at the Grammy's for his lifetime contributions as an actor and entertainer. Denzel Washington, born and raised in Mount Vernon, recently won a Golden Globe for his role in the movie Hurricane. The critically acclaimed author of The Women of Brewster Place, Gloria Naylor, hails from Queens, New York.

In 1957, New York City native Althea Gibson was the first African American woman to compete and win at the Wimbledon and Forest Hills. The following year, she repeated as the Wimbledon and U.S. National Tennis Champion. Former NBA coach and Brooklyn native, Lenny Wilkins, was voted into the Basketball Hall of Fame for holding the NBA record for the most regular season victories by a coach.

Almost 70 years after the Renaissance began, New York continues to be the place where African American innovators and pioneers distinguish themselves, thereby continuing the Renaissance and enhancing our country.

NOMINATION OF GEORGE DANIELS

Mr. SCHUMER. Mr. President, I am extremely pleased to rise today to speak about George Daniels, who has just been confirmed as a Federal Judge in the Southern District of New York.

George Daniels is uniquely qualified to serve in this position. His work experience is as diverse and impressive as it gets: He has been a Legal Aid Defense Attorney and a prosecutor; he has worked at a top New York Law firm and served as a Law Professor: he worked in politics as Counsel to the Mayor of New York, and, of course, he has been a Judge—first on the Criminal Court of the City of New York and then as a Justice on the Supreme Court of the State of New York. I know he has the respect and the admiration from individuals on both sides of the aisle.

I am extremely pleased to see him confirmed as a Federal Judge. I know he will be an extraordinary addition to the Southern District of New York bench.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, February 28, 2000, the Federal debt stood at $5,747,333,809,275.61 (Five trillion, seven hundred forty-seven billion, three hundred thirty-three million, eight hundred nine thousand, two hundred seventy-five dollars and sixty-one cents).

Five years ago, February 28, 1995, the Federal debt stood at $4,854,298,000,000 (Four trillion, eight hundred fifty-four billion, two hundred ninety-eight million).

Ten years ago, February 28, 1990, the Federal debt stood at $2,994,354,000,000 (Two trillion, nine hundred ninety-four billion, three hundred fifty-four million).

Fifteen years ago, February 28, 1985, the Federal debt stood at $1,698,358,000,000 (One trillion, six hundred ninety-eight billion, three hundred fifty-eight million).

Twenty-five years ago, February 28, 1975, the Federal debt stood at $499,711,000,000 (Four hundred ninety-nine billion, seven hundred eleven million) which reflects a debt increase of more than $5 trillion—$5,247,622,809,275.61 (Five trillion, two hundred forty-seven billion, six hundred twenty-two million, eight hundred nine thousand, two hundred seventy-five dollars and sixty-one cents) during the past 25 years.

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

At 2:47 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 149. An act to make technical corrections to the Omnibus Parks and Public Lands Management Act of 1996 and to other laws related to parks and public lands.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

MEASURE REFERRED

The following bill, previously received from the House of Representatives for the concurrence of the Senate, was read the first and second times by unanimous consent and referred as indicated on February 24, 2000:

H.R. 3642. An act to authorize the President to award a gold medal on behalf of the Congress to Charles M. Schulz in recognition of his lasting artistic contributions to the Nation and the world; to the Committee on Banking, Housing, and Urban Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–7754. A communication from the Secretary of the Navy, transmitting a draft of proposed legislation relative to Vieques, PR; to the Committee on Armed Services.

EC–7755. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report relative to certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to France; to the Committee on Foreign Relations.

EC–7756. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the Country Reports on Human Rights Practices for 1999; to the Committee on Foreign Relations.

EC–7757. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Childhood Blood-Lead

Screening and Lead Awareness (Educational Outreach for Indian Tribes; Notice of Funds Availability (OPPTS))" (FRL # 6491-2), received February 24, 2000; to the Committee on Indian Affairs.

EC-7758. A communication from the Chairman, Federal Election Commission, transmitting, pursuant to law, the fiscal year 2001 budget request; to the Committee on Rules and Administration.

EC-7759. A communication from the President of the United States of America, relative to the continuation of the emergency with respect to the Government of Cuba's destruction of two unarmed U.S.-registered civilian aircraft; to the Committee on Banking, Housing, and Urban Affairs.

EC-7760. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Amendments to HUD's Mortgage Review Board and Civil Money Penalty Regulations" (RIN2501-AC44) (FR-4308-I-01), received February 25, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-7761. A communication from the Congressional Review Coordinator, Regulatory Analysis and Development, Policy and Program Development, Animal and Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Pink Bollworm Regulated Areas" (Docket # 00-009-1), received February 28, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7762. A communication from the Deputy Executive Secretary, Health Care Financing Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Individual Development Accounts" (RIN0970-AC02), received February 28, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-7763. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Automatic Waiver of Certain Excise Tax" (Rev. Proc. 2000-17), received February 24, 2000; to the Committee on Finance.

EC-7764. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-247, "Police Recruiting and Retention Enhancement Amendment Act of 1999"; to the Committee on Governmental Affairs.

EC-7765. A communication from the Chief Financial Officer, Export-Import Bank transmitting, pursuant to law, the Management report as of September 30, 1999; to the Committee on Governmental Affairs.

EC-7766. A communication from the Chairman, Merit Systems Protection Board, transmitting, pursuant to law, the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC-7767. A communication from the Board Members, Railroad Retirement Board, transmitting, pursuant to law, the Commission's report under the Government in the Sunshine Act for calendar year 1999; to the Committee on Governmental Affairs.

EC-7768. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Unregulated Contaminant Monitoring Regulation for Public Water Systems; Analytical Methods for Percholated and Acetochlor; Announcement of Laboratory Approval and Performance Testing (TP) Program for the Analysis of Percholate (OW)" (FRL # 6544-6), received February 24, 2000; to the Committee on Environment and Public Works.

EC-7769. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; California State Implementation Plan; Plan Revision, South Coast Air Quality Management District (Region 9)" (FRL # 6541-9), received February 18, 2000; to the Committee on Environment and Public Works.

EC-7770. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; California State Implementation Plan; Plan Revision, South Coast Air Quality Management District" (FRL # 6540-6), received February 18, 2000; to the Committee on Environment and Public Works.

EC-7771. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; State of Iowa; Correction" (FRL # 6518-7), received February 17, 2000; to the Committee on Environment and Public Works.

EC-7772. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Georgia" (FRL # 6541-5), received February 17, 2000; to the Committee on Environment and Public Works.

EC-7773. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Final Exclusion" (FRL # 6541-1), received February 17, 2000; to the Committee on Environment and Public Works.

EC-7774. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production" (FRL # 6513-8), received February 17, 2000; to the Committee on Environment and Public Works.

EC-7775. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of the Clean Air Act, Section 112(1), Delegation of Authority to Three Local Air Agencies in Washington, Amendment (Region 10)", received February 23, 2000; to the Committee on Environment and Public Works.

EC-7776. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Louisiana: Final Authorization of State Hazardous Waste Management Program Revisions (Region 6)" (FRL # 6543-3), received February 23, 2000; to the Committee on Environment and Public Works.

EC-7777. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Missouri: Final Authorization of State Hazardous Waste Management Program Revision (Region 7)" (FRL # 6543-5), received February 23, 2000; to the Committee on Environment and Public Works.

EC-7778. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Technical Amendment to the Finding of Significant Contribution and Rulemaking for Certain States for Purposes of Reducing Regional Transport of Ozone (The NOx SIP Call Rule) (OAR)" (FRL # 6542-9), received February 23, 2000; to the Committee on Environment and Public Works.

EC-7779. A communication from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of calendar year 1999 actions taken which involve actual or potential cost in excess of $50,000; to the Committee on Commerce, Science, and Transportation.

EC-7780. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in the Shelikof Strait Conservation Area in the Gulf of Alaska", received February 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7781. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to Required Observer Coverage", received February 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7782. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Closures of Specified Groundfish Fisheries in the Gulf of Alaska", received February 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7783. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock by Vessels Not Participating in Cooperatives that are Catching Pollock for Processing by Inshore Component in the Bering Sea Subarea of the Bering Sea and Aleutian Islands Management Area", received February 28, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7784. A communication from the Assistant Administrator for Fisheries, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Spiny Dogfish Fishery Management Plan; Delay of Effectiveness" (RIN0648–AK79), received February 28, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7785. A communication from the Attorney Adviser, National Highway Traffic Safety Administration, Department of Transportation transmitting, pursuant to law, the report of a rule entitled "Anthropomorphic Test Dummy: Occupant Safety Protection" (RIN2127–AG66), received February 28, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7786. A communication from the Associate Administrator, Procurement, National Aeronautics and Space Administration transmitting, pursuant to law, the report of a rule entitled "Foreign Acquisition (Part 1825 Rewrite)", received February 28, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7787. A communication from the Under Secretary for Oceans and Atmosphere, Department of Commerce, transmitting, pursuant to law, a report entitled "1999 Activities of the Northeast Atlantic Fisheries Organization (NAFO)"; to the Committee on Commerce, Science, and Transportation.

EC–7788. A communication from the Deputy Associate Administrator for Legislative Affairs, National Aeronautics and Space Administration transmitting, pursuant to law, a correction to the "Subsonic Noise Reduction Technology" report; to the Committee on Commerce, Science, and Transportation.

EC–7789. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Jamaica Bay and Connecting Waterways, NY (CGD01–00–008)" (RIN2115–AE47) (2000–0012), received February 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7790. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Norwalk River, CT (CGD01–00–006)" (RIN2115–AE47) (2000–0011), received February 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7791. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Special Anchorage Areas/Anchorage Grounds Regulations: Los Angeles-Long Beach Harbors, CA (CGD11–99–008)" (RIN2115–AA98) (2000–0002), received February 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7792. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Tampa Bay, FL (COTP Tampa 99–042)" (RIN2115–AA97) (2000–0003), received February 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7793. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (251); Amdt. No. 1975 (2–25/2–28)" (RIN2120–AA65) (2000–0010), received February 28, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7794. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (111); Amdt. No. 1976 (2–25/2–28)" (RIN2120–AA65) (2000–0011), received February 28, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7795. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (22); Amdt. No. 1977 (2–25/2–28)" (RIN2120–AA65) (2000–0013), received February 28, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7796. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Change Controlling Agency for Restricted Areas –6901A and R–6901B; Fort McCoy, WI; Docket No. 00–AGL–5 (2–25/2–28)" (RIN2120–AA66) (2000–0057), received February 28, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7797. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation of the El Toro Marine Air Corps Air Station (MCAS) Airspace Area, and the Revision of the Santa Ana Class C Airspace Area, CA; Docket No. 99–ASW–10 (2–23/2–24)" (RIN2120–AA66) (2000–005421), received February 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7798. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Cuba, MO; Direct Final Rule; Request for Comments; Docket No. 00–ACE–3 (2–25/2–28)" (RIN2120–AA66) (2000–0058), received February 28, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7799. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Lexington, NC; Docket No. 00–ASO–7 (2–28/2–28)" (RIN2120–AA66) (2000–0059), received February 28, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7800. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Removal of Class E Airspace; Oak Harbor, WA; Docket No. 99–ANM–03 (2–28/2–28)" (RIN2120–AA66) (2000–0060), received February 28, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7801. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Hutchinson, KS; Direct Final Rule; Confirmation of Effective Date; Docket No. 99–ACE–48 (2–22/2–24)" (RIN2120–AA66) (2000–0056), received February 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7802. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Amendment of Class D Airspace; Key West, FL; Docket No. 99–ASO–28 (2–22/2–24)" (RIN2120–AA66) (2000–0055, received February 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7803. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model DC–3 and DC–4 Series Airplanes; Docket No. 99–NM–139 (2–22/2–24)" (RIN2120–AA64) (2000–0099), received February 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7804. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Cessna Aircraft Company Models 172R, 172S, 182S, 206H, and T206H Airplanes; Request for Comments; Docket No. 2000–CE–07 (2–22/2–24)" (RIN2120–AA64) (2000–0100), received February 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7805. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Hoffman Propeller Co. H027 and H04/27 Series Propellers; Request for Comments; Docket No. 98–ANE–64 (2–23/2–24)" (RIN2120–AA64) (2000–0106), received February 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7806. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Cameron Balloons Ltd., Titanium Propane Cylinders, Part Number (P/N) CB2380 and P/N CB2383; Request for Comments; Docket No. 2000–CE–08 (2–22/2–24)" (RIN2120–AA64) (2000–0104), received February 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7807. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Israel Aircraft Industries, LTD., Model Astra SPX Series Airplanes; Docket No. 99–NM–256 (2–23/2–24)" (RIN2120–AA64) (2000–0105), received February 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7808. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fokker Model F28 Mark 0070 and 0100 Series Airplanes; Docket No. 99–NM–325 (2–24/2–28)" (RIN2120–AA64) (2000–0112), received February 28, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7809. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empressa Brasileira de Areonautica S.A. Model EMB 135 and EMB 145 Series Airplanes; Docket No. 99–NM–370 (2–24/2–28)" (RIN2120–AA64) (2000–0113), received February 28, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7810. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747-100, -200, and 747SP Series Airplanes; Docket No. 98-NM-339 (2-22/2-24)" (RIN2120-AA64) (2000-0101), received February 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7811. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 767-100 Series Airplanes; Docket No. 98-NM-193 (2-22/2-24)" (RIN2120-AA64) (2000-0102), received February 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7812. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737-100, -200, -300, -400, and -500 Series Airplanes; Docket No. 98-NM-150 (2-23/2-24)" (RIN2120-AA64) (2000-0107), received February 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7813. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300-600 Series Airplanes; Docket No. 95-NM-150 (2-22/2-24)" (RIN2120-AA64) (2000-0103), received February 24, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7814. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A319, A320 and A321 Series Airplanes; Docket No. 99-NM-339 (2-24/2-28)" (RIN2120-AA64) (2000-0117), received February 28, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7815. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes; Request for Comments; Docket No. 2000-NM-51 (2-24/2-28)" (RIN2120-AA64) (2000-0116), received February 28, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7816. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; British Aerospace BAe Model ATP Airplanes; Docket No. 99-NM-344 (2-24/2-28)" (RIN2120-AA64) (2000-0114), received February 28, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7817. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; British Aerospace BAe Model ATP Airplanes; Docket No. 99-NM-344 (2-24/2-28)" (RIN2120-AA64) (2000-0114), received February 28, 2000; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-420. A concurrent resolution adopted by the General Assembly of the State of Iowa relative to appropriations for the United States Naval Fleet and the United States Flag Merchant Marine Fleet; to the Committee on Appropriations.

HOUSE CONCURRENT RESOLUTION NO. 108

Whereas, the continuing reduction of the United States armed forces is dangerously straining the ability of the United States to respond adequately to regional threats, with the United States Naval Fleet shrinking from nearly 600 ships in 1987 to less than 325 ships today; and

Whereas, the United States is currently building military ships at half the rate needed to maintain even a modest fleet, while the demands on the United States sea power forces have increased significantly since the end of the Cold War; and

Whereas, the United States is presently deploying its Navy and Marines three times as often as the United States did before the fall of the Soviet Union, while procuring fewer ships than at anytime since 1932, with the current fleet being the smallest since 1917; and

Whereas, the safety and economic prosperity of the United States are tied to the political stability of every part of the globe, and the United States faces a dangerous and challenging situation where, as the only superpower, it has an obligation to ensure that conflicts do not escalate into major military or humanitarian disasters; and

Whereas, the United States has a different and far more complex duty now than during the Cold War, and must be prepared to deploy air and sea power as well as ground troops, upon short notice; and

Whereas, because the United States has closed many military bases in the past decade, only the Naval Fleet can transport large numbers of Army and Air Force equipment, troops, and supplies around the world to support military operations that deal with threats to national security of the United States; and

Whereas, nations engaging in terrorist activities have vast supplies of chemical and biological agents, with several nations developing their own nuclear weapons; and

Whereas, the health of the economy of the United States depends on international stability as vast markets for the agricultural and manufactured products of the United States and the world's investment markets are intertwined; now therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Iowa General Assembly requests that the Congress of the United States, committed to the safety and economic security of the United States, authorize and appropriate sufficient funding to build at least 10 ships per year for the next decade; and be it further

Resolved, That the Iowa General Assembly call upon the Presidential candidates to express their commitment to rebuilding the United States Naval Fleet and the United States Flag Merchant Marine Fleet; and be it further

Resolved, That official copies of this Resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of Iowa's congressional delegation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CLELAND :

S. 2113. A bill to provide wage parity for certain Department of Defense prevailing rate employees in Georgia; to the Committee on Governmental Affairs.

By Mr. WYDEN :

S. 2114. A bill to exempt certain entries of titanium disks from antidumping duties retroactively applied by the United States Customs Service; to the Committee on Finance.

By Mr. BAUCUS (for himself, Mr. MURKOWSKI, Mr. BINGAMAN, Mr. AKAKA, Mr. WYDEN, and Mr. DORGAN):

S. 2115. A bill to ensure adequate monitoring of the commitments made by the People's Republic of China in its accession to the World Trade Organization and to create new procedures to ensure compliance with those commitments; to the Committee on Finance.

By Mr. WELLSTONE (for himself, Mr. KENNEDY, and Mr. SCHUMER):

S. 2116. A bill to amend title II of the Elementary and Secondary Education Act of 1965 to support teacher corps programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FEINGOLD (for himself and Mr. LEAHY):

S. 2117. A bill to amend title 9, United States Code, with respect to consumer credit transactions; to the Committee on the Judiciary.

By Mr. CRAPO (for himself and Mr. MCCONNELL):

S. 2118. A bill to amend title VIII of the Elementary and Secondary Education Act of 1964 to modify the computation of certain weighted student units; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CRAPO:

S. 2119. A bill to amend the Elementary and Secondary Education Act of 1965 to improve training for teachers in the use of technology; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CRAPO:

S. 2120. A bill to amend the Elementary and Secondary Education Act of 1965 to establish teacher recruitment and professional development programs for rural areas, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CRAPO:

S. 2121. A bill to provide for rural education assistance, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CRAPO:

S. 2122. A bill to amend the Elementary and Secondary Education Act of 1965 to improve provisions relating to initial teaching experiences and alternative routes to certification; to the Committee on Health, Education, Labor, and Pensions.

By Ms. LANDRIEU (for herself, Mr. MURKOWSKI, Mr. LOTT, Mr. BREAUX, and Mrs. FEINSTEIN):

S. 2123. A bill to provide Outer Continental Shelf Impact assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HARKIN (for himself, Mr. ROBB, Mr. BINGAMAN, Mrs. FEINSTEIN, Mr. KENNEDY, Mr. WELLSTONE, and Mr. DODD):

S. 2124. A bill to authorize Federal financial assistance for the urgent repair and renovation of public elementary and secondary schools in high-need areas; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LAUTENBERG (for himself, Mr. LUGAR, Mr. DURBIN, and Mr. L. CHAFEE):

S. 2125. A bill to provide for the disclosure of certain information relating to tobacco products and to prescribe labels for packages and advertising of tobacco products; to the Committee on Commerce, Science, and Transportation.

By Mr. COCHRAN (for himself, Mr. MOYNIHAN, and Mr. FRIST):

S.J. Res. 40. A joint resolution providing for the appointment of Alan G. Spoon as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

By Mr. COCHRAN (for himself, Mr. MOYNIHAN, and Mr. FRIST):

S.J. Res. 41. A joint resolution providing for the appointment of Sheila E. Widnall as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

By Mr. COCHRAN (for himself, Mr. MOYNIHAN, and Mr. FRIST):

S.J. Res. 42. A joint resolution providing for the reappointment of Manuel L. Ibanez as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself, Mr. DASCHLE, Mr. MOYNIHAN, Mr. STEVENS, Mr. BYRD, and Mr. EDWARDS):

S. Res. 264. A resolution congratulating and thanking Chairman Robert F. Bennett and Vice Chairman Christopher J. Dodd for their tremendous leadership, poise, and dedication in leading the Special Committee on the Year 2000 Technology Problem and commending the members of the Committee for their fine work; considered and agreed to.

By Mr. TORRICELLI (for himself, Mr. REID, and Mr. ROBB):

S. Con. Res. 85. A concurrent resolution condemning the discriminatory practices prevalent at Bob Jones University; to the Committee on the Judiciary.

By Mr. DEWINE:

S. Con. Res. 86. A concurrent resolution requesting that the United States Postal Service issue a commemorative postage stamp honoring the 9th and 10th Horse Cavalry Units, collectively known as the Buffalo Soldiers; to the Committee on Governmental Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN:

S. 2114. A bill to exempt certain entries of titanium disks from antidumping duties retroactively applied by the United States Customs Service; to the Committee on Finance.

LEGISLATION RELATING TO A TARIFF CLASSIFICATION

Mr. WYDEN. Mr. President, I am introducing legislation to correct a technical error made by the U.S. Customs Service, and exempt Waldron Pacific from antidumping duties which were retroactively applied by Customs to three import shipments of titanium. This bill is a companion to legislation introduced by Representative DAVID WU in the House of Representatives.

Waldron Pacific, a small business located in Lake Oswego, Oregon, is a distributor of non-ferrous alloys, such as aluminum, zinc and brass, used in the die casting and foundry industries. With just two employees, Waldron Pacific has been a very successful business operation.

When a customer of Waldron Pacific needed a certain type of titanium not available in this country, the entrepreneurial Waldron Pacific found a supplier outside the U.S., in Russia. Having no import experience, but hearing of potential antidumping duties on certain titanium products, Waldron Pacific sought a binding Classification Ruling from Customs before importing the product. Customs' Classification Ruling indicated that the proper import duty was 15%, and Waldron Pacific began importing the product to fulfill the needs of its customer. After three shipments had been imported, Customs revoked its previous Classification Ruling and applied retroactively an additional 85% antidumping duty on these shipments. The three shipments had already been imported, delivered and paid for by Waldron Pacific's customer, leaving Waldron Pacific liable to pay $42,000 in unexpected duties.

Whether or not the product should be subject to the antidumping order is not at issue nor is that the matter addressed by this legislation. The key point is that Waldron Pacific exercised due diligence in obtaining a Classification Ruling prior to importing the product, and relied upon that Classification Ruling as a basis for importing and selling the product. Even the domestic producers who are protected by the antidumping order agree that Waldron Pacific should not have to pay antidumping duties on these three shipments. Ironically, the antidumping order has since been repealed entirely. Providing Waldron Pacific relief from Customs' mistake and subsequent attempt to retroactively apply a higher tariff is a question of basic fairness.

The legislation I am introducing today would correct this technical error and exempt these import shipments from the unfair, retroactive application of antidumping duties.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2114

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT OF CERTAIN ENTRIES OF TITANIUM DISKS.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 15144) or any other provision of law, the United States Customs Service shall—

(1) not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate the entries listed in subsection (b) as exempt from antidumping duties under antidumping case number A–462–103; and

(2) not later than 90 days after such liquidation or reliquidation under paragraph (1), refund any antidumping duties paid with respect to such entries, including interest from the date of entry, if the importer of the entries files a request therefor with the Customs Service within such 90-day period.

(b) ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number	*Date of Entry*
EE1–0001115–8	January 26, 1995
EE1–0001313–9	June 23, 1995
EE1–0001449–1	September 25, 1995

By Mr. BAUCUS (for himself, Mr. MURKOWSKI, Mr. BINGAMAN, Mr. AKAKA, Mr. WYDEN, and Mr. DORGAN):

S. 2115. A bill to ensure adequate monitoring of the commitments made by the People's Republic of China in its accession to the World Trade Organization and to create new procedures to ensure compliance with those commitments; to the Committee on Finance.

CHINA-WORLD TRADE ORGANIZATION COMPLIANCE ACT

Mr. BAUCUS. Mr. President, today, I am introducing the China WTO Compliance Act, along with Senators MURKOWSKI, BINGAMAN, AKAKA, WYDEN, and DORGAN.

This bill is designed to ensure continuous and rigorous monitoring of China's WTO commitments. It also provides new mechanisms in the Congress and in the Executive Branch to make sure that China complies with those commitments.

Twenty years of negotiations with our Asian partners have demonstrated that trade agreements are often not self-executing. This is just as true with China today as it has been with Japan over these last two decades. The Congress and the Administration must both be resolutely committed to monitoring and enforcement. Only then do our trade agreements succeed and bring the desired results. Inattention by the United States leads to inaction by our trading partners. It leads to failure to achieve market opening objectives.

This bill will make sure that future Congresses and future Administrations, whether they are Democratic or Republican, will keep trade agreement compliance permanently at the top of the agenda with China. We must ensure that inattention never sets in. We must also ensure that other elements in the bilateral relationship not be allowed to prevent the United States from gaining the maximum trade and economic benefit from China's WTO promises.

Let me be clear that this bill is not designed to set conditions for the Congressional vote on granting China Permanent Normal Trade Relations status, PNTR. Rather, this bill addresses one of the major concerns that many in the Congress have. That is, China historical record in complying with bilateral trade agreements has been spotty. So, how can we be confident that compliance with this agreement will be any better? I hope that enactment of this bill will provide some reassurance to Senators and House members in this regard. I urge my Senate colleagues to join me in approving this legislation.

Let me outline the main provisions of the China WTO Compliance Act.

First, monitoring. The President must submit a detailed plan to Congress for monitoring Chinese compliance three months after China accedes to the WTO. The plan must be updated yearly and include detailed tasking responsibilities for each agency.

The General Accounting Office will be required annually to survey the top 50 American firms in each of five different categories. Companies that export non-agricultural goods to China. That export agricultural goods to China. That provide services in China. That invest in China. And that import goods from China. The purpose of the survey is to determine if China is abiding by its WTO commitments. The survey will also provide information about any problems confronted by those firms.

The International Trade Commission will report annually on United States-China bilateral export and import statistics. They will also, as best they can, seek to reconcile the different United States-source and China-source statistics.

The second element in the bill deals with compliance. USTR must submit an annual report to Congress on China's compliance with its WTO commitments. After analyzing this report, a majority vote of either the Finance Committee or the Ways and Means Committee would require USTR to initiate a Section 301 investigation of Chinese practices that do not abide by China's WTO commitments. If USTR then determines that China is violating any of those commitments, USTR shall initiate dispute settlement action at the WTO, unless there exists another more effective action. USTR shall consult with the Congress and provide an explanation of its action.

Going further, a majority vote of both the Finance Committee and the Ways and Means Committee will require USTR to initiate immediately a case under the dispute settlement mechanism of the WTO.

The bill also amends Section 301. It authorizes USTR to draw a negative inference if a country being investigated does not cooperate in providing information. This has become a serious problem with some of our trading partners. A 301 investigation can bog down when a country with a non-transparent trading regime refuses to provide detailed information. This provision provides an incentive for cooperation.

Third, the bill calls for a special WTO review of China. It is the Sense of the Congress that there should be a special multilateral process at the WTO for a thorough and comprehensive annual review of Chinese compliance. The bill directs USTR to propose that the Trade Policy Review Mechanism, the TPRM, at the WTO execute such a review of China's trade policies every year. It also directs USTR to take measures to improve the TPRM process.

Finally, institution-building in China. Coming out of half a century of communism, China does not have the institutions necessary to carry out fully its WTO obligations. This bill requires the President to submit a plan to provide assistance to China to build those institutions necessary to fulfill the obligations China has made as part of its accession to the WTO. The bill expresses the sense of the Congress, that the United States should provide such assistance through bilateral mechanisms, in particular, through appropriate non-governmental organizations. It also provides for the possibility of some multilateral assistance under the auspices of the WTO.

Finally, because a primary beneficiary of the results of successful institution-building in China would be American business, efforts shall be made to develop cost-sharing with the private sector.

There has been a lot of talk about the need to ensure full Chinese compliance with its WTO commitments. This bill is an attempt to establish a system that will do just that. We need this legislation. And we need to pass PNTR as soon as possible.

Let me conclude with a few remarks about Chinese compliance with the Agricultural Cooperation Agreement, which went into effect in December. Three weeks ago, I initiated a letter signed by 53 Senators to Chinese President Jiang Zemin. In the letter, we insisted that China proceed with full and immediate implementation of that agreement. I was pleased to announce on Monday the first purchase by China under this agreement. 50,000 metric tons of Pacific Northwest wheat. This is an important step that should be followed by other agricultural purchases.

Mr. AKAKA. Mr. President, I rise in support of the legislation introduced today by the distinguished Senators from Montana (Mr. BAUCUS) and Alaska (Mr. MURKOWSKI) entitled the "China-World Trade Organization Compliance Act."

Last November, the United States and China announced that a bilateral agreement had been reached on China's accession to the World Trade Organization (WTO). The agreement covers all agricultural products, industrial goods, and service areas. It promises to open up the Chinese market to American exports and American investment.

Nevertheless, many Americans are hesitant at embracing this accord. Part of their concern is over the requirement that in order for the United States to benefit fully from this agreement. Congress will have to pass legislation granting permanent Normal Trade Relations (NTR) status to China. Previously known as Most-Favored-Nation (MFN) trading status, NTR has been subject to an annual renewal vote each year in the Congress. This yearly vote has allowed for a full airing of American concerns over relations with China—relations which remain contentious to this day because of the Chinese government's human rights behavior, proliferation activities, trade policy, and relations with its neighbors, most especially Taiwan.

I cannot predict the result of the vote later this year on granting China permanent NTR.

I do know that a Congressional vote against China will not necessarily prevent China from joining the WTO if it concludes successfully its accession agreements with other WTO members. China still has to resolve issues with the European Union and then have its accession approved by the WTO General Council/Ministerial Conference. But I think it is reasonable to assume that later this year China will join the WTO whether or not the United States grants permanent NTR.

In light of this possibility, the legislation proposed today by my colleagues, and which I am pleased to cosponsor, is a reasonable and prudent step to take in order to ensure that the agreements which China commits to in joining the WTO are ones which China will fulfill.

The history of Chinese compliance with international agreements has not been as good as it should be. In particular, China has not successfully implemented the commitments it made in March 1995 to protect American intellectual property rights. Intellectual piracy remains a major threat to the American music, cinema, and computer software industries. The Chinese government has demonstrated an impressive ability to arrest and intimidate massive numbers of Falun Gong followers but seems unable to locate factories mass producing thousands of counterfeit CDs, videos, and computer software. Clearly, where there is a will, there is a way for the Chinese government.

In addition, the Chinese government has proven itself very adept at protecting its domestic market from foreign goods and investment, devising formal and informal barriers to trade. The concept of transparency in Chinese trade law leaves much to be desired. An October 1992 market access agreement between the United States and China has yet to be fully implemented with China eliminating some barriers while imposing new ones.

The pattern of past Chinese behavior to international trading agreements suggest that we must be vigilant in ensuring compliance with the WTO accession agreement.

The legislation we offer today is a significant step towards ensuring that China's promises are fulfilled. The bill establishes a process within the United States government for monitoring Chinese compliance with its WTO commitments. The monitoring would occur regardless of whether or not the United States grants permanent NTR to China, although surely it would have more effect if we do grant this to China.

We have lacked a process, and an agency, within the United States government with the mandate, the expertise, institutional memory, and the resources to ensure that the promise of bilateral and multilateral trade agreements are fulfilled. This legislation is a major step in starting the debate on how to ensure that promises made are promises kept.

As ranking member of the International Security, Proliferation And Federal Services Subcommittee of the Governmental Affairs Committee, I am keenly interested in the implications of the legislation for the organization of our government's trade agencies. There are several areas where I would like to work with the legislation's authors to refine their proposal. I believe that it might be appropriate to designate the United States Trade Representative's Office as the lead agency working with other agencies to monitor compliance. I intend to study further the best means for ensuring the effectiveness of this legislation.

I believe it also important that public participation in commenting on China's compliance should not be limited to business groups but include environmental, labor, and human rights organizations. The climate affecting the world economy is not solely determined by the financial bottom line.

This legislation is an important step towards a trade environment which benefits the many, not the few, and I am pleased to cosponsor it.

By Mr. WELLSTONE (for himself, Mr. KENNEDY, and Mr. SCHUMER):

S. 2116. A bill to amend title II of the Elementary and Secondary Education Act of 1965 to support teacher corps programs, and for other purposes: to the Committee on Health, Education, Labor, and Pensions.

TEACHER CORPS

• Mr. WELLSTONE. Mr. President, if there is one thing we all can agree on in education, it is that teacher quality is absolutely critical to how well children learn. Yet, the nation confronts one of the worst teacher shortages in history. With expanding enrollment, decreasing class size and one third of the nation's teachers nearing retirement age, public schools will need to hire as many as 2.2 million teachers over the next decade.

The need is greatest in specific subject areas such as mathematics, science, special education and bilingual education, all important subjects if the nation is to have an educated work force to keep it competitive in the world marketplace.

Need is also greatest in specific geographical areas such as the inner city and rural areas. Ironically, it is the most educationally and socio-economically disadvantaged students that are under served. If there is one action we can take guaranteed to help struggling schools and children, it is to provide states and school districts the means to ensure that there is a highly qualified teacher in every classroom.

My legislation, Teacher Corps, which I am proud to introduce today with my colleagues, Senators KENNEDY and SCHUMER, who for so long have fought to bring the best possible educational opportunities to all of America's children, is designed to do just that. Its components are based on a definite need and sound research concerning effective mechanisms for meeting that need.

Teacher Corps would fund collaboratives between state education agencies, local education agencies and institutions of higher education.

The collaboratives would recruit top ranked college students and qualified mid career individuals, who have not yet been trained as teachers, to teach in the nation's poorest schools in the areas of greatest need—both geographically and academically. Districts and universities would work together to only recruit candidates who have an academic major or extensive and substantive professional experience in the subject in which they will teach.

The collaboratives would provide recruits a tuition free alternative route to certification which includes intensive study and a teaching internship. The internship would include mentoring, co-teaching and advanced course work in pedagogy, state standards, technology and other areas.

After the internship period, the collaboratives would offer individualized follow up training and mentoring in the first two years of full time teaching.

Corps members that become certified will be given priority in hiring within that district in exchange for a commitment to teach in low income schools for 3 years.

A good teacher can mean the world to any child whether it is through caring or through providing children with the skills they need to open their own doors to the future. Every time I enter schools in Minnesota, I am in awe of teachers' work.

That is why it is so tragic to think that there are so many children that do not have access to qualified teachers, at the same time that many people interested in teaching are either not entering the profession or are not staying there once they have qualified.

Teacher Corps will help meet the growing need for teachers in low income urban and rural schools, and in high need subject areas such as math, science, bilingual and special education.

It will do so because Teacher Corps is rooted in three fundamental parts. Recruitment, retention and innovative, flexible, high quality training programs for college graduates and mid-career professionals who want to teach in high need areas.

The first principle is recruitment. As I mentioned before, we may need to hire as many as 2.2 million new teachers in the next decade to ensure that there are enough teachers in our schools. But, overall quantity is not the only issue. Quality and shortages in specific geographic and curriculum areas are equally critical. While there are teacher surpluses in some areas, certain states and cities are facing acute teacher shortages. In California, 1 out of every 10 teachers lacks proper credentials. 58 percent of new hires in Los Angeles are not certified.

There are also crucial shortages in some subject areas such as math, science, bilingual and special education. In my home state of Minnesota, 90 percent of principals report a serious shortage of strong candidates in at least one curriculum area. 54 percent of the mathematics teachers in the state of Idaho and 48 percent of the science teachers in Florida and Tennessee did not major in the subject of their primary assignment.

Teacher Corps would meet this need because it would recruit and train thousands of high quality teachers into the field to meet the specific teaching needs of local school districts.

It would recruit and train top college students and mid-career professionals from around the country, who increasingly want to enter the teaching profession.

More college students want to enter teaching today than have wanted to join the profession in the past 30 years. According to a recent UCLA survey, over 10 percent of all freshman say they want to teach in elementary and secondary schools.

Second, the design of the program ensures that the needs of local school districts will be considered so that only those candidates who meet the specific needs of that district will be recruited and trained. If, for example, there is a shortage of special education, bilingual, math and science teachers in a particular district, Teacher Corps would only train people with those skills. In setting up collaboratives in this way, teacher corps helps avoid the overproduction of candidates in areas where they are not needed.

Finally, Teacher Corps gives priority to high need rural, inner suburban and urban districts to ensure that new teachers will enter where they are needed most.

However, it does not help to recruit teachers into high need schools and train them if we cannot retain them in the profession. Teaching is one of the hardest, most important jobs there is. We ask teachers to prepare our children for adulthood. We ask them to educate our children so that they may be productive members of society. We entrust them with our children's minds and with their future. It is a disgrace how little support we give them in return. It is no surprise that one of the major causes of our teacher shortage is that teachers decide to change professions before retirement. 73 percent of Minnesota teachers who leave the profession, leave for reasons other than retirement. In urban schools, 50 percent of teachers leave the field within five years of when they start teaching.

To retain high quality teachers in the profession, we must give teachers the support they deserve. Teachers, like doctors need monitoring and support during the first years of their professional life. Teacher Corps offers new teachers the training, monitoring and support they need to meet the profession's many challenges. It includes methods of support that have proven effective in ensuring that teachers stay in schools. The key elements for effective teacher retention were laid out by the National Commission on Teaching and America's Future in 1996. Effective programs organize professional development around standards for teachers and students; provide a year long, preservice internship; include mentoring and strong evaluation of teacher skills; offer stable, high quality professional development.

Each of these criteria are included in the Teacher Corps program.

Further, Teacher Corps supports people who choose teaching by paying for their training. Through this financial and professional support, Teacher Corps will go a long way toward keeping recruits in teaching.

But, it is still not enough to recruit and retain teachers. Quality must be of primary importance. Research shows that the most important predictor of student success is not income, but the quality of the teacher. Despite this need, studies show that as the level of students of color and students from low-income families increases in schools, the test scores of teachers declines.

This is wrong. We are denying children from low-income areas, from racial minorities, with limited English proficiency, access to what we know works. Several studies have shown that if poor and minority students are taught by high quality teachers at the same rate as other students, a large part of the gap between poor and minority students and their more affluent white counterparts would disappear. For example, one Alabama study shows that an increase of one standard deviation in teacher test scores leads to a two-thirds reduction in the gap between black/white tests scores.

We can not turn our back on this knowledge. We must act on it. We must give low income, minority and limited English proficiency children the same opportunities that all children have and we must do it now.

The very essence of Teacher Corps is to funnel high quality teachers where they are needed most. Teacher Corps would help ensure quality by using a selective, competitive recruitment process. It would provide high quality training, professional development, monitoring and evaluations of corps member performance, all of which have been proven to increase the quality of the teaching force and the achievement of the students they teach.

Further, by creating strong connections between universities and districts and by implementing effective professional development projects within districts, we are setting up powerful structures to benefit all teachers and students.

Mr. President, we have an opportunity to do what we know works to help children who need our help most. Good teachers have an extraordinary impact on children's lives and learning. We need to be sure that all children have access to such teachers and all children have the opportunity to learn so that all children may take advantage of the many opportunities this country provides.•

By Mr. FEINGOLD (for himself and Mr. LEAHY):

S. 2117. A bill to amend title 9, United States Code, with respect to consumer credit transaction; to the Committee on the Judiciary.

• Mr. FEINGOLD. Mr. President, today I introduce the Consumer Credit Fair Dispute Resolution Act of 2000, a bill that will protect and preserve American consumers' right to take their disputes with creditors to court. This bill is identical to an amendment that I offered recently to the bankruptcy reform bill.

In recent years, credit card companies and consumer credit lenders are increasingly requiring their customers to use binding arbitration when a dispute arises. Consumers are barred by contract from taking a dispute to court, even small claims court. While arbitration can be an efficient tool to settle claims, it is credible and effective only when consumers enter into it knowingly, intelligently and voluntarily. Unfortunately, that's not happening in the credit card and consumer credit lending arenas.

One of the most fundamental principles of our justice system is the constitutional right to take a dispute to court. Indeed, all Americans have the right in civil and criminal cases to a trial by jury. The right to a jury trial in criminal cases is contained in the Sixth Amendment to the Constitution. The right to a jury trial in civil cases is contained in the Seventh Amendment, which provides "In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved. . . ."

Some argue that Americans are overusing the courts. Court dockets across the country are congested with civil cases. In part as a response to these concerns, various ways to resolve disputes have been developed, short of going to court. Alternatives to court litigation are collectively known as alternative dispute resolution, or ADR. ADR includes mediation and arbitration. Mediation and arbitration are often efficient ways to resolve disputes because the parties can have their case heard well before they would have received a trial date in court.

Mediation is conducted by a neutral third party—the mediator—who meets with the opposing parties to help them find a mutually satisfactory solution. Unlike a judge in a courtroom, the mediator has no power to impose a solution. No formal rules of evidence or procedure control mediation; the mediator and the parties mutually agree on the best way to proceed.

Arbitration also involves a third party—an arbitrator or arbitration panel. Unlike mediation but similar to a court proceeding, the arbitrator issues a decision after reviewing the arguments by all parties. Arbitration uses rules of evidence and procedure, although it may use rules that are simpler or more flexible than the evidentiary and procedural rules that the parties would follow in a court proceeding.

Arbitration can be either binding or non-binding. Non-binding arbitration means that the decision issued by the arbitrator or arbitration panel takes effect only if the parties agree to it after they know what the decision is. In binding arbitration, parties agree in advance to accept and abide by the decision, whatever it is.

Some contracts contain clauses that require arbitration to be used to resolve disputes that arise after the contract is signed. This is called "mandatory arbitration." This means that if there is a dispute, the complaining party cannot file suit in court and instead is required to pursue arbitration. "Mandatory, binding arbitration" therefore means that under the contract, the parties must use arbitration to resolve a future disagreement and the decision of the arbitrator or arbitration panel is final. The parties have no ability to seek relief in court or through mediation. In fact, if they are not satisfied with the arbitration outcome, they are probably stuck with the decision.

Under mandatory, binding arbitration, even if a party believes that the arbitrator did not consider all the facts or follow the law, the party cannot file a suit in court. The only basis for challenging a binding arbitration decision is if there is reason to believe that the arbitrator committed actual fraud. In contrast, if a dispute is resolved by a court, the parties can potentially pursue an appeal of the lower court's decision.

Mr. President, because mandatory, binding arbitration is so conclusive, it can be a credible means of dispute resolution only when all parties understand the full ramifications of agreeing to it.

But that's not what's happening in a variety of contexts—from motor vehicle franchise agreements, to employment agreements, to credit card agreements. I'm proud to have sponsored legislation addressing employment agreements and motor vehicle franchise agreements. In fact, I am the original cosponsor with my distinguished colleague from Iowa, Senator GRASSLEY, of S. 1020, which would prohibit the unilateral imposition of mandatory, binding arbitration in motor vehicle dealership agreements with manufacturers. Many of our colleagues have joined us as cosponsors.

Similar to the problem in the motor vehicle dealership franchise context, there is a growing, menacing trend of credit card companies and consumer credit lenders inserting mandatory, binding arbitration clauses in agreements with consumers. Companies like First USA Bank, American Express and Green Tree Discount Company unilaterally insert mandatory, binding arbitration clauses in their agreements with consumers, often without the consumer's knowledge or consent.

The most common way credit card companies have done this is through the use of a "bill stuffer." Bill stuffers are the advertisements and other materials that credit card companies insert into envelopes with their customers' monthly statements. Some credit card issuers like American Express have placed fine print mandatory arbitration clauses in bill stuffers. The arbitration provision is usually buried in fine print in a mailing that includes a bill and various advertising materials. It is often described in a lengthy legal document that most consumers probably don't even skim, much less read carefully.

American Express issued its mandatory arbitration provision last year. It took effect on June 1st. So, if you're an American Express cardholder and you have a dispute with American Express, as of June 1999, you can't take your claim to court, even small claims court. You are bound to use arbitration, and you are bound to the final arbitration decision. In this case, you are also bound to use an arbitration organization selected by American Express, the National Arbitration Forum.

American Express isn't the only credit card company imposing mandatory arbitration on its customers. First USA Bank, the largest issuer of Visa cards, with 58 million customers, has been doing the same thing since 1997. First USA also alerted its cardholders with a bill stuffer, containing a condensed set of terms and conditions in fine print. The cardholder, by virtue of continuing to use the First USA card, gave up the right to go to court, even small claims court, to resolve a dispute.

Mr. President, this growing practice extends beyond credit cards into the consumer loan industry. Consumer credit lenders like Green Tree Consumer Discount Company are inserting mandatory, binding arbitration clauses in their loan agreements. The problem is that these loan agreements are usually adhesion contracts, which means that consumers must either sign the agreement as is, or forego a loan. In other words, consumers lack the bargaining power to have the clause removed. More importantly, when signing on the dotted line of the loan agreement, consumers may not even understand what mandatory arbitration means. In all likelihood, they do not understand that they have just signed away a right to go to court to resolve a dispute with the lender.

It might be argued that if consumers are not pleased with being subjected to a mandatory arbitration clause, they can cancel their credit card, or not execute on their loan agreement, and take their business elsewhere. Unfortunately, that's easier said than done. As I mentioned, First USA Bank, the nation's largest Visa card issuer, is part of this questionable practice. In fact, the practice is becoming so pervasive that consumers may soon no longer have an alternative, unless they forego use of a credit card or a consumer loan entirely. Consumers should not be forced to make that choice.

Companies like First USA, American Express and Green Tree argue that they rely on mandatory arbitration to resolve disputes faster and cheaper than court litigation. The claim may be resolved faster but is it really cheaper? Is it as fair as a court of law? I don't think so. Arbitration organizations often charge exorbitant fees to the consumer who brings a dispute—often an initial filing fee plus hourly fees to the arbitrator or arbitrators involved in the case. These costs can be much higher than bringing the matter to small claims court and paying a court filing fee.

For example, the National Arbitration Forum, the arbitration entity of choice for American Express and First USA charges fees that are likely greater than if the consumer brought a dispute in small claims court. For a claim of less than $1,000, the National Arbitration Forum charges the consumer a $49 filing fee. In contrast, a consumer can bring the same claim to small claims court here in the District of Columbia for a filing fee of no more than $10. In other words, the consumer pays a fee to the National Arbitration Forum that is nearly five times more than the fee for filing a case in small claims court.

That's bad enough, but some other arbitration firms are even more expensive. The American Arbitration Association charges a $500 filing fee for claims of less than $10,000, or more if the claim exceeds $10,000, and a minimum filing fee of $2,000 if the case involves three or more arbitrators. In addition to the filing fee, it also charges a hearing fee for holding hearings other than the initial hearing—$150 to be paid by each party for each day of hearings before a single arbitrator, or $250 if the hearing is held before an arbitration panel. The International Chamber of Commerce requires a $2,500 administrative fee plus an arbitrator's fee of at least $2,500, if the claim is less than $50,000. These fees are greater if the claim exceeds $50,000. The fees could very well be greater than the consumer's claim. So, as you can see, a consumer's claim is not necessarily resolved more efficiently with arbitration. It is resolved either at greater cost to the consumer or not at all, if the consumer cannot afford the costs, or the costs outweigh the amount in dispute.

Another significant problem with mandatory, binding arbitration is that the lender gets to decide in advance who the arbitrator will be. In the case of American Express and First USA, they have chosen the National Arbitration Forum. All credit card disputes with consumers involving American Express or First USA are handled by that entity. There would seem to be a significant danger that this would result in an advantage for the lenders who are "repeat players." After all, if the National Arbitration Forum develops a pattern of reaching decisions that favor cardholders, American Express or First USA may very well decide to take their arbitration business elsewhere. A system where the arbitrator has a financial interest in reaching an outcome that favors the credit card company is not a fair alternative dispute resolution system.

There has been one important court decision on the enforceability of mandatory arbitration provisions in credit card agreements. The case arose out of a mandatory arbitration provision announced in mailings to Bank of America credit card and deposit account holders. In 1998, the California Court of Appeals ruled that the mandatory arbitration clauses unilaterally imposed on the Bank's customers were invalid and unenforceable. The California Supreme Court refused to review the decision of the lower court. As a result, credit card companies in California cannot invoke mandatory arbitration in their disputes with customers. In fact, the American Express bill stuffer notes that the mandatory, binding arbitration provision will not apply to California residents until further notice from the company. The California appellate court decision was wise and well-reasoned, but consumers in other states cannot be sure that all courts will reach the same conclusion.

My bill extends the wisdom of the California appellate decision to every credit cardholder and consumer loan borrower. It amends the Federal Arbitration Act to invalidate mandatory, binding arbitration provisions in consumer credit agreements. Now, let me be clear. I believe that arbitration can be a fair and efficient way to settle disputes. I agree we ought to encourage alternative dispute resolution. But I also believe that arbitration is a fair way to settle disputes between consumers and lenders only when it is entered into knowingly and voluntarily by both parties to the dispute after the dispute has arisen. Pre-dispute agreements to take disputes to arbitration cannot be voluntary and knowing in the consumer lending context because the bargaining power of the parties is so unequal. My bill does not prohibit arbitration of consumer credit transactions. It merely prohibits mandatory, binding arbitration provisions in consumer credit agreements.

Credit card companies and consumer credit lenders are increasingly slamming the courthouse doors shut on consumers, often unbeknownst to them. This is grossly unjust. We need to restore fairness to the resolution of consumer credit disputes. I urge my colleagues to support the Consumer Credit Fair Dispute Resolution Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

The bill follows:

S. 2117

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Consumer Credit Fair Dispute Resolution Act of 2000".

SEC. 2. CONSUMER CREDIT TRANSACTIONS.

(a) DEFINITION.—Section 1 of title 9, United States Code, is amended—

(1) in the section heading, by striking "**and 'commerce' defined**" and inserting "**, 'commerce', 'consumer credit transaction', and 'consumer credit contract' defined**"; and

(2) by inserting before the period at the end the following: "; 'consumer credit transaction', as herein defined, means the right granted to a natural person to incur debt and defer its payment, where the credit is intended primarily for personal, family, or household purposes; and 'consumer credit contract', as herein defined, means any contract between the parties to a consumer credit transaction.".

(b) AGREEMENTS TO ARBITRATE.—Section 2 of title 9, United States Code, is amended by adding at the end the following: "Notwithstanding the preceding sentence, a written provision in any consumer credit contract evidencing a transaction involving commerce to settle by arbitration a controversy thereafter arising out of the contract, or the refusal to perform the whole or any part thereof, shall not be valid or enforceable. Nothing in this section shall prohibit the enforcement of any written agreement to settle by arbitration a controversy arising out of a consumer credit contract, if such written agreement has been entered into by the parties to the consumer credit contract after the controversy has arisen.".•

By Mr. CRAPO (for himself and Mr. MCCONNELL):

S. 2118. A bill to amend Title VIII of the Elementary and Secondary Education Act of 1964 to modify the computation of certain weighted student units; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CRAPO:

S. 2119. A bill to amend the Elementary and Secondary Education Act of 1965 to improve training for teachers in the use of technology; to the Committee on Health, Education, Labor, and Pensions.

S. 2120. A bill to amend the Elementary and Secondary Education Act of 1965 to establish teacher recruitment and professional development programs for rural areas, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

S. 2121. A bill to provide for rural education assistance, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

S. 2122. A bill to amend the Elementary and Secondary Education Act of 1965 to improve provisions relating to initial teaching experiences and alternative routes to certification; to the Committee on Health, Education, Labor, and Pensions.

IMPACT AID LEGISLATION

Mr. CRAPO. Mr. President, I rise today in support of the reauthorization of the Elementary and Secondary Education Act (ESEA) and am pleased to be introducing five bills that will benefit teachers and students all across this Nation. Collectively, these measures create a package of fundamental reform to the ESEA bill. These pieces of legislation complement existing programs that have proven to work successfully in schools and they provide assistance and support in areas where educators have expressed the greatest need. And these measures represent my commitment to improving the quality of education so that all of our children can achieve their greatest potential.

First, I am introducing a measure to strengthen the Federal Impact Aid program. Specifically, my bill, which is supported by the National Association of Federally Impacted Schools, recommends increasing the weighted Federal student units for off-base military children and for civilian dependent children. Knowing that Impact Aid funds help 1.6 million federally-connected children, as well as 1,600 school districts serving over 17 million students, I am confident that my colleagues in the Senate support increases in funding for the Impact Aid program. But some of them may not be familiar with the formulas by which these funds are distributed to schools. Changing the computation of repayment will assure that funds will be distributed in a more equitable manner, reflecting the composition of local education agencies.

The simple changes, which I am proposing, will benefit children in schools where the loss of local property taxes due to a large Federal presence has placed an extra burden on local taxpayers. We must make up the difference for all the children in the Impact Aid program, not just a select few.

The second bill that I am proposing would build on the strong educational technology infrastructure already in place in school districts in nearly every state. As you know, education technology can significantly improve student achievement. Congress has recognized this fact by continually voting to dramatically increase funding for education technology. In fact, in just the programs under ESEA, federal support has grown from $52.6 million in Fiscal Year 1995, to $698 million just four years later.

But we need to do more than simply place computers in classrooms. We need to provide our educators with the skills they need to incorporate evolving educational technology in the classroom. My bill does exactly that. It will encourage states to develop and implement professional development programs that train teachers in the use of technology in the classroom. Effective teaching strategies must incorporate educational technology if we are to ensure that all children have the skills they need to compete in a high-tech workplace. An investment in professional development for our teachers is an investment in our children and our future.

Third, continuing on the lines of professional development, I am introducing a bill that outlines the essential components of mentoring programs that would improve the experience of new teachers and reduce the high turnover currently seen among beginning teachers. My legislation will ensure program quality and accountability by providing that teachers mentor their peers who teach the same subject. The mentoring programs that are created in this legislation must comply with state standards. Additionally, the bill will provide incentives, and grant states the flexibility to create alternative teacher certification and licensure programs, to recruit well-educated and talented people into the teacher profession.

The recruitment and retention of good teachers is paramount to improving our national education system. Mentor programs provide teachers with the support of a senior colleague. And under the supervision and guidance of a colleague, teachers are able to develop skills and achieve a higher level of proficiency. The confidence and experience gained during this time will improve the quality of instruction, which in turn will improve overall student achievement.

Fourth, attracting and retaining quality teachers is a difficult task, especially in rural impoverished areas. As a result, teacher shortages and high turnover are commonplace in rural communities in almost every state in the nation. The fourth education bill I am introducing today would allow the Secretary of Education to direct a portion of the general funds in ESEA to rural impoverished areas. Under this proposal, a needy rural school district could prevent the exodus of qualified teachers by first creating incentive programs to retain teachers; second, improve the quality of the teacher through enhanced professional development; and, third, hire new teachers. This bill recognizes the unique challenges facing rural school districts and allows them the option of addressing these challenges.

The final bill, is the only one being introduced today with an authorization for appropriation. It makes Federal grant programs more flexible in order to help school districts in rural communities. Under this provision, districts would be able to combine the funds from specified programs and use the money to support local or statewide education reform efforts intended to improve the achievement of elementary school and secondary school students and the quality of instruction provided. This measure asks for an authorization of $125 million for small rural and poor rural schools—a small price that could produce large results.

The goal of these bills, which I have briefly outlined, are threefold: (1) to provide teachers with the tools to grow as professionals; (2) to assist rural school districts so that they may compete competitively with other school districts that oftentimes have more money and resources; and, (3) to provide every child with unsurpassed education opportunities. Together, these are the keys to our children's success.

In reauthorizing ESEA, Congress has an extraordinary opportunity to change the course of education. We must embrace this opportunity by supporting creative and innovative reform proposals, like the ones that I have introduced here today. I am committed to working in the best interest of our children to develop an education system that is the best in the world. These bills move us in the right direction and I hope my colleagues will join me in supporting these measures. I urge the Senate Health, Education, Labor, and Pensions Committee to incorporate these provisions into the upcoming ESEA bill.

By Ms. LANDRIEU (for herself, Mr. MURKOWSKI, Mr. LOTT, Mr. BREAUX, and Mrs. FEINSTEIN):

S. 2123. A bill to provide Outer Continental Shelf Impact assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes; to the Committee on Energy and Natural Resources.

CONSERVATION AND REINVESTMENT ACT OF 1999

Ms. LANDRIEU. Mr. President, on Thursday February 17th, the House Resources Committee filed their report on a historic piece of legislation, the Conservation and Reinvestment Act, H.R. 701 which would reinvest a portion of offshore oil and gas revenues in coastal conservation and impact assistance programs, the Land and Water Conservation Fund, wildlife conservation, historic treasures and outdoor recreation. This remarkable compromise was developed by Congressmen DON YOUNG, GEORGE MILLER, BILLY TAUZIN, JOHN DINGELL, CHRIS JOHN, BRUCE VENTO, and TOM UDALL and was passed by the House Resources Committee by a vote of 37–12 on November 10, 1999. To date, the bill has accumulated over 300 co-sponsors. Hopefully, this legislation will be considered by the full House sometime this Spring.

The H.R. 701 compromise is a companion to the Senate version of the Conservation and Reinvestment Act, S. 25. Today I would like to acknowledge the remarkable work done by Mr. YOUNG, Mr. MILLER, Mr. TAUZIN, Mr. DINGELL, Mr. JOHN, Mr. VENTO, and Mr. UDALL as I, along with Senators MURKOWSKI, LOTT, BREAUX and FEINSTEIN introduce the H.R. 701 compromise in the Senate. While I would like to take a moment to note that there are some provisions of S. 25 that I along with several other co-sponsors strongly believe need to be incorporated into H.R. 701, today I am introducing the exact version that the House Resources Committee reported out on February 17th.

This compelling and balanced bi-partisan proposal: will provide a fair share of funding to all coastal states, including producing states; is free of harmful environmental impacts to coastal and ocean resources; does not unduly hinder land acquisition yet acknowledges Congress' role in making these decisions; reflects a true partnership among federal, state and local governments and reinvests in the renewable resource of wildlife conservation through the currently authorized Pittman-Robertson program by nearly doubling the Federal funds available for wildlife conservation and education programs.

This legislation provides $2.8 billion for seven district reinvestment programs. Title I authorizes $1 billion for Impact Assistance and Coastal Conservation by creating a revenue sharing and coastal conservation fund for coastal states and eligible local governments to mitigate the various impacts of OCS activities while providing funds for the conservation of our coastal ecosystems. In addition, the funds of Title I will support sustainable development of nonrenewable resources without providing incentives for new oil and gas development. All coastal states and territories will benefit from coastal impact assistance under this legislation, not just those states that host federal OCS oil and gas development. Title II guarantees stable and annual funding for the state and federal sides of the Land and Water Conservation Fund (LWCF) at its authorized $900 million level while protecting the rights of private property rights owners. The bill will restore Congressional intent with respect to the LWCF, the goal of which is to share a significant portion of revenues from offshore development with the states to provide for protection and public use of the natural environment. Title III establishes a Wildlife Conservation and Restoration Fund at $350 million through the successful program of Pittman-Robertson by reinvesting the development of nonrenewable resources into a renewable resource of wildlife conservation and education. This new source of funding will nearly double the Federal funds available for wildlife conservation. This program enjoys a great deal of support and would be enhanced without imposing new taxes. Title IV provides $125 million for the Urban Parks and Recreation Recovery program through matching grants to local governments to rehabilitate and develop recreation programs, sites and facilities. The Urban Parks and Recreation program would enable cities and towns to focus on the needs of its populations within our more densely inhabited areas with fewer greenspaces, playgrounds and soccer fields for our youth. Stable funding will provide greater revenue certainty to state and local planning authorities. Title V provides $100 million for a Historic Preservation Fund through the programs of the Historic Preservation Act, including grants to the States, maintaining the National Register of Historic Places and administering numerous historic preservation programs. Title VI provides $200 million for Federal and Indian Lands Restoration through a coordinated program on Federal and Indian lands to restore degraded lands, protect resources that are threatened with degradation and protect public health and safety. Title VII provides $150 million for Conservation Easements and Species Recovery through annual and dedicated funding for conservation easements and funding for landowner incentives to aid in the recovery of endangered and threatened species. Finally, there is up to $200 million available for the Payment In-Lieu of Taxes (PILT) program through the annual interest generated from the CARA fund.

The time has come to take the proceeds from a non-renewable resource for the purpose of reinvesting a portion of these revenues in the conservation and enhancement of our renewable resources. To continue to do otherwise, as we have over the last fifty years, is fiscally irresponsible. I want to thank the chairman of the Senate Energy Committee, Senator MURKOWSKI, the majority leader, Senator LOTT, my colleague from Louisiana, Senator BREAUX as well as the other co-sponsors of S. 25 for all their continued support and efforts in attempting to enact what may well be the most significant conservation effort of the century. I look forward to continue working with the other members of the Energy Committee on this legislation this year so that we may reach a compromise and give the country a true legacy for generations to come.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2123

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Conservation and Reinvestment Act of 1999".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Definitions.
Sec. 4. Annual reports.
Sec. 5. Conservation and Reinvestment Act Fund.
Sec. 6. Limitation on use of available amounts for administration.
Sec. 7. Budgetary treatment of receipts and disbursements.
Sec. 8. Recordkeeping requirements.
Sec. 9. Maintenance of effort and matching funding.
Sec. 10. Sunset.
Sec. 11. Protection of private property rights.
Sec. 12. Signs.

TITLE I—IMPACT ASSISTANCE AND COASTAL CONSERVATION

Sec. 101. Impact assistance formula and payments.
Sec. 102. Coastal State conservation and impact assistance plans.

TITLE II—LAND AND WATER CONSERVATION FUND REVITALIZATION

Sec. 201. Amendment of Land and Water Conservation Fund Act of 1965.
Sec. 202. Extension of fund; treatment of amounts transferred from Conservation and Reinvestment Act Fund.
Sec. 203. Availability of amounts.
Sec. 204. Allocation of Fund.
Sec. 205. Use of Federal portion.
Sec. 206. Allocation of amounts available for State purposes.
Sec. 207. State planning.
Sec. 208. Assistance to States for other projects.
Sec. 209. Conversion of property to other use.
Sec. 210. Water rights.

TITLE III—WILDLIFE CONSERVATION AND RESTORATION

Sec. 301. Purposes.
Sec. 302. Definitions.
Sec. 303. Treatment of amounts transferred from Conservation and Reinvestment Act Fund.
Sec. 304. Apportionment of amounts transferred from Conservation and Reinvestment Act Fund.
Sec. 305. Education.
Sec. 306. Prohibition against diversion.

TITLE IV—URBAN PARK AND RECREATION RECOVERY PROGRAM AMENDMENTS

Sec. 401. Amendment of Urban Park and Recreation Recovery Act of 1978.
Sec. 402. Purpose.
Sec. 403. Treatment of amounts transferred from Conservation and Reinvestment Act Fund.
Sec. 404. Authority to develop new areas and facilities.
Sec. 405. Definitions.
Sec. 406. Eligibility.
Sec. 407. Grants.
Sec. 408. Recovery action programs.
Sec. 409. State action incentives.
Sec. 410. Conversion of recreation property.
Sec. 411. Repeal.

TITLE V—HISTORIC PRESERVATION FUND

Sec. 501. Treatment of amounts transferred from Conservation and Reinvestment Act Fund.
Sec. 502. State use of historic preservation assistance for national heritage areas and corridors.

TITLE VI—FEDERAL AND INDIAN LANDS RESTORATION

Sec. 601. Purpose.
Sec. 602. Treatment of amounts transferred from Conservation and Reinvestment Act Fund; allocation.
Sec. 603. Authorized uses of transferred amounts.
Sec. 604. Indian tribe defined.

TITLE VII—CONSERVATION EASEMENTS AND ENDANGERED AND THREATENED SPECIES RECOVERY

Subtitle A—Conservation Easements

Sec. 701. Purpose.
Sec. 702. Treatment of amounts transferred from Conservation and Reinvestment Act Fund.
Sec. 703. Authorized uses of transferred amounts.
Sec. 704. Conservation Easement Program.

Subtitle B—Endangered and Threatened Species Recovery

Sec. 711. Purposes.
Sec. 712. Treatment of amounts transferred from Conservation and Reinvestment Act Fund.
Sec. 713. Endangered and threatened species recovery assistance.
Sec. 714. Endangered and Threatened Species Recovery Agreements.
Sec. 715. Definitions.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) The term "coastal population" means the population of all political subdivisions, as determined by the most recent official data of the Census Bureau, contained in whole or in part within the designated coastal boundary of a State as defined in a State's coastal zone management program under the Coastal Zone Management Act (16 U.S.C. 1451 and following).

(2) The term "coastal political subdivision" means a political subdivision of a coastal State all or part of which political subdivision is within the coastal zone (as defined in section 304 of the Coastal Zone Management Act (16 U.S.C. 1453)).

(3) The term "coastal State" has the same meaning as provided by section 304 of the Coastal Zone Management Act (16 U.S.C. 1453)).

(4) The term "coastline" has the same meaning that it has in the Submerged Lands Act (43 U.S.C. 1301 and following).

(5) The term "distance" means minimum great circle distance, measured in statute miles.

(6) The term "fiscal year" means the Federal Government's accounting period which begins on October 1st and ends on September 30th, and is designated by the calendar year in which it ends.

(7) The term "Governor" means the highest elected official of a State or of any other political entity that is defined as, or treated as, a State under the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4 and following), the Act of September 2, 1937 (16 U.S.C. 669 and following), commonly referred to as the Federal Aid in Wildlife Restoration Act or the Pittman-Robertson Act, the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 and following), the National Historic Preservation Act (16 U.S.C. 470h and following), or the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104-127; 16 U.S.C. 3830 note).

(8) The term "leased tract" means a tract, leased under section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) for the purpose of drilling for, developing, and producing oil and natural gas resources, which is a unit consisting of either a block, a portion of a block, a combination of blocks or portions of blocks, or a combination of portions of blocks, as specified in the lease, and as depicted on an Outer Continental Shelf Official Protraction Diagram.

(9) The term "Outer Continental Shelf" means all submerged lands lying seaward and outside of the area of "lands beneath navigable waters" as defined in section 2(a) of the Submerged Lands Act (43 U.S.C. 1301(a)), and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control.

(10) The term "political subdivision" means the local political jurisdiction immediately below the level of State government, including counties, parishes, and boroughs. If

State law recognizes an entity of general government that functions in lieu of, and is not within, a county, parish, or borough, the Secretary may recognize an area under the jurisdiction of such other entities of general government as a political subdivision for purposes of this title.

(11) The term "producing State" means a State with a coastal seaward boundary within 200 miles from the geographic center of a leased tract other than a leased tract or portion of a leased tract that is located in a geographic area subject to a leasing moratorium on January 1, 1999 (unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 1999).

(12) The term "qualified Outer Continental Shelf revenues" means (except as otherwise provided in this paragraph) all moneys received by the United States from each leased tract or portion of a leased tract lying seaward of the zone defined and governed by section 8(g) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(g)), or lying within such zone but to which section 8(g) does not apply, the geographic center of which lies within a distance of 200 miles from any part of the coastline of any coastal State, including bonus bids, rents, royalties (including payments for royalty taken in kind and sold), net profit share payments, and related late-payment interest from natural gas and oil leases issued pursuant to the Outer Continental Shelf Lands Act. Such term does not include any revenues from a leased tract or portion of a leased tract that is located in a geographic area subject to a leasing moratorium on January 1, 1999, unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 1999.

(13) The term "Secretary" means the Secretary of the Interior or the Secretary's designee, except as otherwise specifically provided.

(14) The term "Fund" means the Conservation and Reinvestment Act Fund established under section 5.

SEC. 4. ANNUAL REPORTS.

(a) State Reports.—On June 15 of each year, each Governor receiving moneys from the Fund shall account for all moneys so received for the previous fiscal year in a written report to the Secretary of the Interior or the Secretary of Agriculture, as appropriate. The report shall include, in accordance with regulations prescribed by the Secretaries, a description of all projects and activities receiving funds under this Act. In order to avoid duplication, such report may incorporate by reference any other reports required to be submitted under other provisions of law to the Secretary concerned by the Governor regarding any portion of such moneys.

(b) Report to Congress.—On January 1 of each year the Secretary of the Interior, in consultation with the Secretary of Agriculture, shall submit an annual report to the Congress documenting all moneys expended by the Secretary of the Interior and the Secretary of Agriculture from the Fund during the previous fiscal year and summarizing the contents of the Governors' reports submitted to the Secretaries under subsection (a).

SEC. 5. CONSERVATION AND REINVESTMENT ACT FUND.

(a) Establishment of Fund.—There is established in the Treasury of the United States a fund which shall be known as the "Conservation and Reinvestment Act Fund". In each fiscal year after the fiscal year 2000, the Secretary of the Treasury shall deposit into the Fund the following amounts:

(1) OCS revenues.—An amount in each such fiscal year from qualified Outer Continental Shelf revenues equal to the difference between $2,825,000,000 and the amounts deposited in the Fund under paragraph (2), notwithstanding section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338).

(2) Amounts not disbursed.—All allocated but undisbursed amounts returned to the Fund under section 101(a)(2).

(3) Interest.—All interest earned under subsection (d) that is not made available under paragraph (2) or (4) of that subsection.

(b) Transfer for Expenditure.—In each fiscal year after the fiscal year 2001, the Secretary of the Treasury shall transfer amounts deposited into the Fund as follows:

(1) $1,000,000,000 to the Secretary of the Interior for purposes of making payments to coastal States under title I of this Act.

(2) To the Land and Water Conservation Fund for expenditure as provided in section 3(a) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–6(a)) such amounts as are necessary to make the income of the fund $900,000,000 in each such fiscal year.

(3) $350,000,000 to the Federal aid to wildlife restoration fund established under section 3 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669b).

(4) $125,000,000 to the Secretary of the Interior to carry out the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 and following).

(5) $100,000,000 to the Secretary of the Interior to carry out the National Historic Preservation Act (16 U.S.C. 470 and following).

(6) $200,000,000 to the Secretary of the Interior and the Secretary of Agriculture to carry out title VI of this Act.

(7) $150,000,000 to the Secretary of the Interior to carry out title VII of this Act with (A) $100,000,000 of such amount transferred to the Secretary of the Interior for purposes of subtitle A of title VII and (B) $50,000,000 of such amount transferred to the Secretary of the Interior for purposes of subtitle B of title VII.

(c) Shortfall.—If amounts deposited into the Fund in any fiscal year after the fiscal year 2000 are less than $2,825,000,000, the amounts transferred under paragraphs (1) through (7) of subsection (b) for that fiscal year shall each be reduced proportionately.

(d) Interest.—

(1) In general.—The Secretary of the Treasury shall invest moneys in the Fund in public debt securities with maturities suitable to the needs of the Fund, as determined by the Secretary of the Treasury, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity.

(2) Use of interest.—Except as provided in paragraphs (3) and (4), interest earned on such moneys shall be available, without further appropriation, for obligation or expenditure under—

(A) chapter 69 of title 31 of the United States Code (relating to PILT), and

(B) section 401 of the Act of June 15, 1935 (49 Stat. 383; 16 U.S.C. 715s) (relating to refuge revenue sharing).

In each fiscal year such interest shall be allocated between the programs referred to in subparagraph (A) and (B) in proportion to the amounts authorized and appropriated for that fiscal year under other provisions of law for purposes of such programs.

(3) Ceiling on expenditures of interest.—Amounts made available under paragraph (2) in each fiscal year shall not exceed the lesser of the following:

(A) $200,000,000.

(B) The total amount authorized and appropriated for that fiscal year under other provisions of law for purposes of the programs referred to in subparagraphs (A) and (B) of paragraph (2).

(4) Title III interest.—All interest attributable to amounts transferred by the Secretary of the Treasury to the Secretary of the Interior for purposes of title III of this Act (and the amendments made by such title III) shall be available, without further appropriation, for obligation or expenditure for purposes of the North American Wetlands Conservation Act of 1989 (16 U.S.C. 4401 and following)

(e) Refunds.—In those instances where through judicial decision, administrative review, arbitration, or other means there are royalty refunds owed to entities generating revenues under this title, such refunds shall be paid by the Secretary of the Treasury from amounts available in the Fund.

SEC. 6. LIMITATION ON USE OF AVAILABLE AMOUNTS FOR ADMINISTRATION.

Notwithstanding any other provision of law, of amounts made available by this Act (including the amendments made by this Act) for a particular activity, not more than 2 percent may be used for administrative expenses of that activity. Nothing in this section shall affect the prohibition contained in section 4(c)(3) of the Federal Aid in Wildlife Restoration Act (as amended by this Act).

SEC. 7. BUDGETARY TREATMENT OF RECEIPTS AND DISBURSEMENTS.

Notwithstanding any other provision of law, the receipts and disbursements of funds under this Act and the amendments made by this Act—

(1) shall not be counted as new budget authority, outlays, receipts, or deficit or surplus for purposes of—

(A) the budget of the United States Government as submitted by the President;

(B) the congressional budget (including allocations of budget authority and outlays provided therein); or

(C) the Balanced Budget and Emergency Deficit Control Act of 1985; and

(2) shall be exempt from any general budget limitation imposed by statute on expenditures and net lending (budget outlays) of the United States Government.

SEC. 8. RECORDKEEPING REQUIREMENTS.

The Secretary of the Interior in consultation with the Secretary of Agriculture shall establish such rules regarding recordkeeping by State and local governments and the auditing of expenditures made by State and local governments from funds made available under this Act as may be necessary. Such rules shall be in addition to other requirements established regarding recordkeeping and the auditing of such expenditures under other authority of law.

SEC. 9. MAINTENANCE OF EFFORT AND MATCHING FUNDING.

(a) In General.—Except as provided in subsection (b), no State or local government shall receive any funds under this Act during any fiscal year when its expenditures of non-Federal funds for recurrent expenditures for programs for which funding is provided under this Act will be less than its expenditures were for such programs during the preceding fiscal year. No State or local government shall receive any funding under this Act with respect to a program unless the Secretary is satisfied that such a grant will be so used to supplement and, to the extent practicable, increase the level of State, local, or other non-Federal funds available for such program. In order for the Secretary to provide funding under this Act in a timely manner each fiscal year, the Secretary shall compare a State or local government's prospective expenditure level to that of its second preceding fiscal year.

(b) EXCEPTION.—The Secretary may provide funding under this Act to a State or local government not meeting the requirements of subsection (a) if the Secretary determines that a reduction in expenditures is attributable to a non-selective reduction in the expenditures in the programs of all Executive branch agencies of the State or local government.

(c) USE OF FUND TO MEET MATCHING REQUIREMENTS.—All funds received by a State or local government under this Act shall be treated as Federal funds for purposes of compliance with any provision in effect under any other law requiring that non-Federal funds be used to provide a portion of the funding for any program or project.

SEC. 10. SUNSET.

This Act, including the amendments made by this Act, shall have no force or effect after September 30, 2015.

SEC. 11. PROTECTION OF PRIVATE PROPERTY RIGHTS.

(a) SAVINGS CLAUSE.—Nothing in the Act shall authorize that private property be taken for public use, without just compensation as provided by the Fifth and Fourteenth amendments to the United States Constitution.

(b) REGULATION.—Federal agencies, using funds appropriated by this Act, may not apply any regulation on any lands until the lands or water, or an interest therein, is acquired, unless authorized to do so by another Act of Congress.

SEC. 12. SIGNS.

(a) IN GENERAL.—The Secretary shall require, as a condition of any financial assistance provided with amounts made available by this Act, that the person that owns or administers any site that benefits from such assistance shall include on any sign otherwise installed at that site at or near an entrance or public use focal point, a statement that the existence or development of the site (or both), as appropriate, is a product of such assistance.

(b) STANDARDS.—The Secretary shall provide for the design of standardized signs for purposes of subsection (a), and shall prescribe standards and guidelines for such signs.

TITLE I—IMPACT ASSISTANCE AND COASTAL CONSERVATION

SEC. 101. IMPACT ASSISTANCE FORMULA AND PAYMENTS.

(a) IMPACT ASSISTANCE PAYMENTS TO STATES.—

(1) GRANT PROGRAM.—Amounts transferred to the Secretary of the Interior from the Conservation and Reinvestment Act Fund under section 5(b)(1) of this Act for purposes of making payments to coastal States under this title in any fiscal year shall be allocated by the Secretary of the Interior among coastal States as provided in this section in each such fiscal year. In each such fiscal year, the Secretary of the Interior shall, without further appropriation, disburse such allocated funds to those coastal States for which the Secretary has approved a Coastal State Conservation and Impact Assistance Plan as required by this title. Payments for all projects shall be made by the Secretary to the Governor of the State or to the State official or agency designated by the Governor or by State law as having authority and responsibility to accept and to administer funds paid hereunder. No payment shall be made to any State until the State has agreed to provide such reports to the Secretary, in such form and containing such information, as may be reasonably necessary to enable the Secretary to perform his duties under this title, and provide such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement and accounting for Federal revenues paid to the State under this title.

(2) FAILURE TO HAVE PLAN APPROVED.—At the end of each fiscal year, the Secretary shall return to the Conservation and Reinvestment Act Fund any amount that the Secretary allocated, but did not disburse, in that fiscal year to a coastal State that does not have an approved plan under this title before the end of the fiscal year in which such grant is allocated, except that the Secretary shall hold in escrow until the final resolution of the appeal any amount allocated, but not disbursed, to a coastal State that has appealed the disapproval of a plan submitted under this title.

(b) ALLOCATION AMONG COASTAL STATES.—

(1) ALLOCABLE SHARE FOR EACH STATE.—For each coastal State, the Secretary shall determine the State's allocable share of the total amount of the revenues transferred from the Fund under section 5(b)(1) for each fiscal year using the following weighted formula:

(A) 50 percent of such revenues shall be allocated among the coastal States as provided in paragraph (2).

(B) 25 percent of such revenues shall be allocated to each coastal State based on the ratio of each State's shoreline miles to the shoreline miles of all coastal States.

(C) 25 percent of such revenues shall be allocated to each coastal State based on the ratio of each State's coastal population to the coastal population of all coastal States.

(2) OFFSHORE OUTER CONTINENTAL SHELF SHARE.—If any portion of a producing State lies within a distance of 200 miles from the geographic center of any leased tract, the Secretary of the Interior shall determine such State's allocable share under paragraph (1)(A) based on the formula set forth in this paragraph. Such State share shall be calculated as of the date of the enactment of this Act for the first 5-fiscal year period during which funds are disbursed under this title and recalculated on the anniversary of such date each fifth year thereafter for each succeeding 5-fiscal year period. Each such State's allocable share of the revenues disbursed under paragraph (1)(A) shall be inversely proportional to the distance between the nearest point on the coastline of such State and the geographic center of each leased tract or portion of the leased tract (to the nearest whole mile) that is within 200 miles of that coastline, as determined by the Secretary for the 5-year period concerned. In applying this paragraph a leased tract or portion of a leased tract shall be excluded if the tract or portion is located in a geographic area subject to a leasing moratorium on January 1, 1999, unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 1999.

(3) MINIMUM STATE SHARE.—

(A) IN GENERAL.—The allocable share of revenues determined by the Secretary under this subsection for each coastal State with an approved coastal management program (as defined by the Coastal Zone Management Act (16 U.S.C. 1451)), or which is making satisfactory progress toward one, shall not be less in any fiscal year than 0.50 percent of the total amount of the revenues transferred by the Secretary of the Treasury to the Secretary of the Interior for purposes of this title for that fiscal year under subsection (a). For any other coastal State the allocable share of such revenues shall not be less than 0.25 percent of such revenues.

(B) RECOMPUTATION.—Where one or more coastal States' allocable shares, as computed under paragraphs (1) and (2), are increased by any amount under this paragraph, the allocable share for all other coastal States shall be recomputed and reduced by the same amount so that not more than 100 percent of the amount transferred by the Secretary of the Treasury to the Secretary of the Interior for purposes of this title for that fiscal year under section 5(b)(1) is allocated to all coastal States. The reduction shall be divided pro rata among such other coastal States.

(c) PAYMENTS TO POLITICAL SUBDIVISIONS.—In the case of a producing State, the Governor of the State shall pay 50 percent of the State's allocable share, as determined under subsection (b), to the coastal political subdivisions in such State. Such payments shall be allocated among such coastal political subdivisions of the State according to an allocation formula analogous to the allocation formula used in subsection (b) to allocate revenues among the coastal States, except that a coastal political subdivision in the State of California that has a coastal shoreline, that is not within 200 miles of the geographic center of a leased tract or portion of a leased tract, and in which there is located one or more oil refineries shall be eligible for that portion of the allocation described in subsection (b)(1)(A) and (b)(2) in the same manner as if that political subdivision were located within a distance of 50 miles from the geographic center of any leased tract.

(d) TIME OF PAYMENT.—Payments to coastal States and coastal political subdivisions under this section shall be made not later than December 31 of each year from revenues received during the immediately preceding fiscal year.

SEC. 102. COASTAL STATE CONSERVATION AND IMPACT ASSISTANCE PLANS.

(a) DEVELOPMENT AND SUBMISSION OF STATE PLANS.—Each coastal State seeking to receive grants under this title shall prepare, and submit to the Secretary, a Statewide Coastal State Conservation and Impact Assistance Plan. In the case of a producing State, the Governor shall incorporate the plans of the coastal political subdivisions into the Statewide plan for transmittal to the Secretary. The Governor shall solicit local input and shall provide for public participation in the development of the Statewide plan. The plan shall be submitted to the Secretary by April 1 of the calendar year after the calendar year in which this Act is enacted.

(b) APPROVAL OR DISAPPROVAL.—

(1) IN GENERAL.—Approval of a Statewide plan under subsection (a) is required prior to disbursement of funds under this title by the Secretary. The Secretary shall approve the Statewide plan if the Secretary determines, in consultation with the Secretary of Commerce, that the plan is consistent with the uses set forth in subsection (c) and if the plan contains each of the following:

(A) The name of the State agency that will have the authority to represent and act for the State in dealing with the Secretary for purposes of this title.

(B) A program for the implementation of the plan which, for producing States, includes a description of how funds will be used to address the impacts of oil and gas production from the Outer Continental Shelf.

(C) Certification by the Governor that ample opportunity has been accorded for public participation in the development and revision of the plan.

(D) Measures for taking into account other relevant Federal resources and programs. The plan shall be correlated so far as practicable with other State, regional, and local plans.

(2) Procedure and timing; revisions.—The Secretary shall approve or disapprove each plan submitted in accordance with this section. If a State first submits a plan by not later than 90 days before the beginning of the first fiscal year to which the plan applies, the Secretary shall approve or disapprove the plan by not later than 30 days before the beginning of that fiscal year.

(3) Amendment or revision.—Any amendment to or revision of the plan shall be prepared in accordance with the requirements of this subsection and shall be submitted to the Secretary for approval or disapproval. Any such amendment or revision shall take effect only for fiscal years after the fiscal year in which the amendment or revision is approved by the Secretary.

(c) Authorized Uses of State Grant Funding.—The funds provided under this title to a coastal State and for coastal political subdivisions are authorized to be used only for one or more of the following purposes:

(1) Data collection, including but not limited to fishery or marine mammal stock surveys in State waters or both, cooperative State, interstate, and Federal fishery or marine mammal stock surveys or both, cooperative initiatives with university and private entities for fishery and marine mammal surveys, activities related to marine mammal and fishery interactions, and other coastal living marine resources surveys.

(2) The conservation, restoration, enhancement, or creation of coastal habitats.

(3) Cooperative Federal or State enforcement of marine resources management statutes.

(4) Fishery observer coverage programs in State or Federal waters.

(5) Invasive, exotic, and nonindigenous species identification and control.

(6) Coordination and preparation of cooperative fishery conservation and management plans between States including the development and implementation of population surveys, assessments and monitoring plans, and the preparation and implementation of State fishery management plans developed by interstate marine fishery commissions.

(7) Preparation and implementation of State fishery or marine mammal management plans that comply with bilateral or multilateral international fishery or marine mammal conservation and management agreements or both.

(8) Coastal and ocean observations necessary to develop and implement real time tide and current measurement systems.

(9) Implementation of federally approved marine, coastal, or comprehensive conservation and management plans.

(10) Mitigating marine and coastal impacts of Outer Continental Shelf activities including impacts on onshore infrastructure.

(11) Projects that promote research, education, training, and advisory services in fields related to ocean, coastal, and Great Lakes resources.

(d) Compliance With Authorized Uses.—Based on the annual reports submitted under section 4 of this Act and on audits conducted by the Secretary under section 8, the Secretary shall review the expenditures made by each State and coastal political subdivision from funds made available under this title. If the Secretary determines that any expenditure made by a State or coastal political subdivision of a State from such funds is not consistent with the authorized uses set forth in subsection (c), the Secretary shall not make any further grants under this title to that State until the funds used for such expenditure have been repaid to the Conservation and Reinvestment Act Fund.

TITLE II—LAND AND WATER CONSERVATION FUND REVITALIZATION

SEC. 201. AMENDMENT OF LAND AND WATER CONSERVATION FUND ACT OF 1965.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4 and following).

SEC. 202. EXTENSION OF FUND; TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.

Section 2(c) is amended to read as follows:

"(c) Amounts Transferred From Conservation and Reinvestment Act Fund.—In addition to the sum of the revenues and collections estimated by the Secretary of the Interior to be covered into the fund pursuant to subsections (a) and (b) of this section, there shall be covered into the fund all amounts transferred to the fund under section 5(b)(2) of the Conservation and Reinvestment Act of 1999.".

SEC. 203. AVAILABILITY OF AMOUNTS.

Section 3 (16 U.S.C. 4601-6) is amended to read as follows:

"APPROPRIATIONS

"Sec. 3. (a) In General.—There are authorized to be appropriated to the Secretary from the fund to carry out this Act not more than $900,000,000 in any fiscal year after the fiscal year 2001. Amounts transferred to the fund from the Conservation and Reinvestment Act Fund and amounts covered into the fund under subsections (a) and (b) of section 2 shall be available to the Secretary in fiscal years after the fiscal year 2001 without further appropriation to carry out this Act.

"(b) Obligation and Expenditure of Available Amounts.—Amounts available for obligation or expenditure from the fund or from the special account established under section 4(i)(1) may be obligated or expended only as provided in this Act.".

SEC. 204. ALLOCATION OF FUND.

Section 5 (16 U.S.C. 4601-7) is amended to read as follows:

"ALLOCATION OF FUNDS

"Sec. 5. Of the amounts made available for each fiscal year to carry out this Act—

"(1) 50 percent shall be available for Federal purposes (in this Act referred to as the 'Federal portion'); and

"(2) 50 percent shall be available for grants to States.".

SEC. 205. USE OF FEDERAL PORTION.

Section 7 (16 U.S.C. 4601-9) is amended by adding at the end the following:

"(d) Use of Federal Portion.—

"(1) Approval by congress required.—The Federal portion (as that term is defined in section 5(1)) may not be obligated or expended by the Secretary of the Interior or the Secretary of Agriculture for any acquisition except those specifically referred to, and approved by the Congress, in an Act making appropriations for the Department of the Interior or the Department of Agriculture, respectively.

"(2) Willing seller requirement.—The Federal portion may not be used to acquire any property unless—

"(A) the owner of the property concurs in the acquisition; or

"(B) acquisition of that property is specifically approved by an Act of Congress.

"(e) List of Proposed Federal Acquisitions.—

"(1) Restriction on use.—The Federal portion for a fiscal year may not be obligated or expended to acquire any interest in lands or water unless the lands or water were included in a list of acquisitions that is approved by the Congress. This list shall include an inventory of surplus lands under the administrative jurisdiction of the Secretary of the Interior and the Secretary of Agriculture for which there is no demonstrated compelling program need.

"(2) Transmission of list.—(A) The Secretary of the Interior and the Secretary of Agriculture shall jointly transmit to the appropriate authorizing and appropriations committees of the House of Representatives and the Senate for each fiscal year, by no later than the submission of the budget for the fiscal year under section 1105 of title 31, United States Code, a list of the acquisitions of interests in lands and water proposed to be made with the Federal portion for the fiscal year.

"(B) In preparing each list, the Secretary shall—

"(i) seek to consolidate Federal landholdings in States with checkerboard Federal land ownership patterns;

"(ii) consider the use of equal value land exchanges, where feasible and suitable, as an alternative means of land acquisition;

"(iii) consider the use of permanent conservation easements, where feasible and suitable, as an alternative means of acquisition;

"(iv) identify those properties that are proposed to be acquired from willing sellers and specify any for which adverse condemnation is requested; and

"(v) establish priorities based on such factors as important or special resource attributes, threats to resource integrity, timely availability, owner hardship, cost escalation, public recreation use values, and similar considerations.

"(3) Information regarding proposed acquisitions.—Each list shall include, for each proposed acquisition included in the list—

"(A) citation of the statutory authority for the acquisition, if such authority exists; and

"(B) an explanation of why the particular interest proposed to be acquired was selected.

"(f) Notification to Affected Areas Required.—The Federal portion for a fiscal year may not be used to acquire any interest in land unless the Secretary administering the acquisition, by not later than 30 days after the date the Secretaries submit the list under subsection (e) for the fiscal year, provides notice of the proposed acquisition—

"(1) in writing to each Member of and each Delegate and Resident Commissioner to the Congress elected to represent any area in which is located—

"(A) the land; or

"(B) any part of any federally designated unit that includes the land;

"(2) in writing to the Governor of the State in which the land is located;

"(3) in writing to each State political subdivision having jurisdiction over the land; and

"(4) by publication of a notice in a newspaper that is widely distributed in the area under the jurisdiction of each such State political subdivision, that includes a clear statement that the Federal Government intends to acquire an interest in land.

"(g) COMPLIANCE WITH REQUIREMENTS UNDER FEDERAL LAWS.—

"(1) IN GENERAL.—The Federal portion for a fiscal year may not be used to acquire any interest in land or water unless the following have occurred:

"(A) All actions required under Federal law with respect to the acquisition have been complied with.

"(B) A copy of each final environmental impact statement or environmental assessment required by law, and a summary of all public comments regarding the acquisition that have been received by the agency making the acquisition, are submitted to the Committee on Resources of the House of Representatives, the Committee on Energy and Natural Resources of the Senate, and the Committees on Appropriations of the House of Representatives and of the Senate.

"(C) A notice of the availability of such statement or assessment and of such summary is provided to—

"(i) each Member of and each Delegate and Resident Commissioner to the Congress elected to represent the area in which the land is located;

"(ii) the Governor of the State in which the land is located; and

"(iii) each State political subdivision having jurisdiction over the land.

"(2) LIMITATION ON APPLICATION.—Paragraph (1) shall not apply to any acquisition that is specifically authorized by a Federal law.".

SEC. 206. ALLOCATION OF AMOUNTS AVAILABLE FOR STATE PURPOSES.

(a) IN GENERAL.—Section 6(b) (16 U.S.C. 4601-8(b)) is amended to read as follows:

"(b) DISTRIBUTION AMONG THE STATES.—(1) Sums in the fund available each fiscal year for State purposes shall be apportioned among the several States by the Secretary, in accordance with this subsection. The determination of the apportionment by the Secretary shall be final.

"(2) Subject to paragraph (3), of sums in the fund available each fiscal year for State purposes—

"(A) 30 percent shall be apportioned equally among the several States; and

"(B) 70 percent shall be apportioned so that the ratio that the amount apportioned to each State under this subparagraph bears to the total amount apportioned under this subparagraph for the fiscal year is equal to the ratio that the population of the State bears to the total population of all States.

"(3) The total allocation to an individual State for a fiscal year under paragraph (2) shall not exceed 10 percent of the total amount allocated to the several States under paragraph (2) for that fiscal year.

"(4) The Secretary shall notify each State of its apportionment, and the amounts thereof shall be available thereafter to the State for planning, acquisition, or development projects as hereafter described. Any amount of any apportionment under this subsection that has not been paid or obligated by the Secretary during the fiscal year in which such notification is given and the two fiscal years thereafter shall be reapportioned by the Secretary in accordance with paragraph (2), but without regard to the 10 percent limitation to an individual State specified in paragraph (3).

"(5)(A) For the purposes of paragraph (2)(A)—

"(i) the District of Columbia shall be treated as a State; and

"(ii) Puerto Rico, the Virgin Islands, Guam, and American Samoa—

"(I) shall be treated collectively as one State; and

"(II) shall each be allocated an equal share of any amount distributed to them pursuant to clause (i).

"(B) Each of the areas referred to in subparagraph (A) shall be treated as a State for all other purposes of this Act.".

(b) TRIBES AND ALASKA NATIVE CORPORATIONS.—Section 6(b)(5) (16 U.S.C. 4601–8(b)(5)) is further amended by adding at the end the following new subparagraph:

"(C) For the purposes of paragraph (1), all federally recognized Indian tribes and Native Corporations (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)), shall be eligible to receive shares of the apportionment under paragraph (1) in accordance with a competitive grant program established by the Secretary by rule. The total apportionment available to such tribes and Native Corporations shall be equivalent to the amount available to a single State. No single tribe or Native Corporation shall receive a grant that constitutes more than 10 percent of the total amount made available to all tribes and Native Corporations pursuant to the apportionment under paragraph (1). Funds received by a tribe or Native Corporation under this subparagraph may be expended only for the purposes specified in paragraphs (1) and (3) of subsection (a).".

(c) LOCAL ALLOCATION.—Section 6(b) (16 U.S.C. 4601–8(b)) is amended by adding at the end the following:

"(6) Absent some compelling and annually documented reason to the contrary acceptable to the Secretary of the Interior, each State (other than an area treated as a State under paragraph (5)) shall make available as grants to local governments, at least 50 percent of the annual State apportionment, or an equivalent amount made available from other sources.".

SEC. 207. STATE PLANNING.

(a) STATE ACTION AGENDA REQUIRED.—

(1) IN GENERAL.—Section 6(d) (16 U.S.C. 4601–8(d)) is amended to read as follows:

"(d) STATE ACTION AGENDA REQUIRED.—(1) Each State may define its own priorities and criteria for selection of outdoor conservation and recreation acquisition and development projects eligible for grants under this Act so long as it provides for public involvement in this process and publishes an accurate and current State Action Agenda for Community Conservation and Recreation (in this Act referred to as the 'State Action Agenda') indicating the needs it has identified and the priorities and criteria it has established. In order to assess its needs and establish its overall priorities, each State, in partnership with its local governments and Federal agencies, and in consultation with its citizens, shall develop, within 5 years after the enactment of the Conservation and Reinvestment Act of 1999, a State Action Agenda that meets the following requirements:

"(A) The agenda must be strategic, originating in broad-based and long-term needs, but focused on actions that can be funded over the next 4 years.

"(B) The agenda must be updated at least once every 4 years and certified by the Governor that the State Action Agenda conclusions and proposed actions have been considered in an active public involvement process.

"(2) State Action Agendas shall take into account all providers of conservation and recreation lands within each State, including Federal, regional, and local government resources, and shall be correlated whenever possible with other State, regional, and local plans for parks, recreation, open space, and wetlands conservation. Recovery action programs developed by urban localities under section 1007 of the Urban Park and Recreation Recovery Act of 1978 shall be used by a State as a guide to the conclusions, priorities, and action schedules contained in State Action Agenda. Each State shall assure that any requirements for local outdoor conservation and recreation planning, promulgated as conditions for grants, minimize redundancy of local efforts by allowing, wherever possible, use of the findings, priorities, and implementation schedules of recovery action programs to meet such requirements.".

(2) EXISTING STATE PLANS.—Comprehensive State Plans developed by any State under section 6(d) of the Land and Water Conservation Fund Act of 1965 before the date that is 5 years after the enactment of this Act shall remain in effect in that State until a State Action Agenda has been adopted pursuant to the amendment made by this subsection, but no later than 5 years after the enactment of this Act.

(b) MISCELLANEOUS.—Section 6(e) (16 U.S.C. 460*l*–8(e)) is amended as follows:

(1) In the matter preceding paragraph (1) by striking "State comprehensive plan" and inserting "State Action Agenda".

(2) In paragraph (1) by striking "comprehensive plan" and inserting "State Action Agenda".

SEC. 208. ASSISTANCE TO STATES FOR OTHER PROJECTS.

Section 6(e) (16 U.S.C. 4601–8(e)) is amended—

(1) in subsection (e)(1) by striking ", but not including incidental costs relating to acquisition"; and

(2) in subsection (e)(2) by inserting before the period at the end the following: "or to enhance public safety within a designated park or recreation area".

SEC. 209. CONVERSION OF PROPERTY TO OTHER USE.

Section 6(f)(3) (16 U.S.C. 4601–8(f)(3)) is amended—

(1) by inserting "(A)" before "No property"; and

(2) by striking the second sentence and inserting the following:

"(B) The Secretary shall approve such conversion only if the State demonstrates no prudent or feasible alternative exists with the exception of those properties that no longer meet the criteria within the State Plan or Agenda as an outdoor conservation and recreation facility due to changes in demographics or that must be abandoned because of environmental contamination which endangers public health and safety. Any conversion must satisfy such conditions as the Secretary deems necessary to assure the substitution of other conservation and recreation properties of at least equal fair market value and reasonably equivalent usefulness and location and which are consistent with the existing State Plan or Agenda; except that wetland areas and interests therein as identified in the wetlands provisions of the action agenda and proposed to be acquired as suitable replacement property within that same State that is otherwise acceptable to the Secretary shall be considered to be of reasonably equivalent usefulness with the property proposed for conversion.".

SEC. 210. WATER RIGHTS.

Title I is amended by adding at the end the following:

"WATER RIGHTS

"Sec. 14. Nothing in this title—

"(1) invalidates or preempts State or Federal water law or an interstate compact governing water;

"(2) alters the rights of any State to any appropriated share of the waters of any body of surface or ground water, whether determined by past or future interstate compacts or by past or future legislative or final judicial allocations;

"(3) preempts or modifies any Federal or State law, or interstate compact, dealing with water quality or disposal; or

"(4) confers on any non-Federal entity the ability to exercise any Federal right to the waters of any stream or to any ground water resource."

TITLE III—WILDLIFE CONSERVATION AND RESTORATION

SEC. 301. PURPOSES.

The purposes of this title are—

(1) to extend financial and technical assistance to the States under the Federal Aid to Wildlife Restoration Act for the benefit of a diverse array of wildlife and associated habitats, including species that are not hunted or fished, to fulfill unmet needs of wildlife within the States in recognition of the primary role of the States to conserve all wildlife;

(2) to assure sound conservation policies through the development, revision, and implementation of a comprehensive wildlife conservation and restoration plan;

(3) to encourage State fish and wildlife agencies to participate with the Federal Government, other State agencies, wildlife conservation organizations, and outdoor recreation and conservation interests through cooperative planning and implementation of this title; and

(4) to encourage State fish and wildlife agencies to provide for public involvement in the process of development and implementation of a wildlife conservation and restoration program.

SEC. 302. DEFINITIONS.

(a) Reference to Law.—In this title, the term "Federal Aid in Wildlife Restoration Act" means the Act of September 2, 1937 (16 U.S.C. 669 and following), commonly referred to as the Federal Aid in Wildlife Restoration Act or the Pittman-Robertson Act.

(b) Wildlife Conservation and Restoration Program.—Section 2 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669a) is amended by inserting after "shall be construed" the first place it appears the following: "to include the wildlife conservation and restoration program and".

(c) State Agencies.—Section 2 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669a) is amended by inserting "or State fish and wildlife department" after "State fish and game department".

(d) Definitions.—Section 2 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669a) is amended by striking the period at the end thereof, substituting a semicolon, and adding the following: "the term 'conservation' shall be construed to mean the use of methods and procedures necessary or desirable to sustain healthy populations of wildlife including all activities associated with scientific resources management such as research, census, monitoring of populations, acquisition, improvement and management of habitat, live trapping and transplantation, wildlife damage management, and periodic or total protection of a species or population as well as the taking of individuals within wildlife stock or population if permitted by applicable State and Federal law; the term 'wildlife conservation and restoration program' means a program developed by a State fish and wildlife department and approved by the Secretary under section 4(d), the projects that constitute such a program, which may be implemented in whole or part through grants and contracts by a State to other State, Federal, or local agencies (including those that gather, evaluate, and disseminate information on wildlife and their habitats), wildlife conservation organizations, and outdoor recreation and conservation education entities from funds apportioned under this title, and maintenance of such projects; the term 'wildlife' shall be construed to mean any species of wild, free-ranging fauna including fish, and also fauna in captive breeding programs the object of which is to reintroduce individuals of a depleted indigenous species into previously occupied range; the term 'wildlife-associated recreation' shall be construed to mean projects intended to meet the demand for outdoor activities associated with wildlife including, but not limited to, hunting and fishing, wildlife observation and photography, such projects as construction or restoration of wildlife viewing areas, observation towers, blinds, platforms, land and water trails, water access, trail heads, and access for such projects; and the term 'wildlife conservation education' shall be construed to mean projects, including public outreach, intended to foster responsible natural resource stewardship.".

SEC. 303. TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.

Section 3 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669b) is amended—

(1) in subsection (a) by inserting "(1)" after "(a)", and by adding at the end the following:

"(2) There is established in the Federal aid to wildlife restoration fund a subaccount to be known as the 'wildlife conservation and restoration account'. Amounts transferred to the fund for a fiscal year under section 5(b)(3) of the Conservation and Reinvestment Act of 1999 shall be deposited in the subaccount and shall be available without further appropriation, in each fiscal year, for apportionment in accordance with this Act to carry out State wildlife conservation and restoration programs."; and

(2) by adding at the end the following:

"(c) Amounts transferred to the fund from the Conservation and Reinvestment Act Fund and apportioned under subsection (a)(2) shall supplement, but not replace, existing funds available to the States from the sport fish restoration account and wildlife restoration account and shall be used for the development, revision, and implementation of wildlife conservation and restoration programs and should be used to address the unmet needs for a diverse array of wildlife and associated habitats, including species that are not hunted or fished, for wildlife conservation, wildlife conservation education, and wildlife-associated recreation projects. Such funds may be used for new programs and projects as well as to enhance existing programs and projects.

"(d)(1) Notwithstanding subsections (a) and (b) of this section, with respect to amounts transferred to the fund from the Conservation and Reinvestment Act Fund so much of such amounts as is apportioned to any State for any fiscal year and as remains unexpended at the close thereof shall remain available for expenditure in that State until the close of—

"(A) the fourth succeeding fiscal year, in the case of amounts transferred in any of the first 10 fiscal years beginning after the date of enactment of the Conservation and Reinvestment Act of 1999; or

"(B) the second succeeding fiscal year, in the case of amounts transferred in a fiscal year beginning after the 10-fiscal-year period referred to in subparagraph (A).

"(2) Any amount apportioned to a State under this subsection that is unexpended or unobligated at the end of the period during which it is available under paragraph (1) shall be reapportioned to all States during the succeeding fiscal year.".

SEC. 304. APPORTIONMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.

(a) In General.—Section 4 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669c) is amended by adding at the end the following new subsection:

"(c) Amounts Transferred From Conservation and Reinvestment Act Fund.—(1) The Secretary of the Interior shall make the following apportionment from the amount transferred to the fund from the Conservation and Reinvestment Act Fund for each fiscal year:

"(A) To the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than ½ of 1 percent thereof.

"(B) To Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than ⅙ of 1 percent thereof.

"(2)(A) The Secretary of the Interior, after making the apportionment under paragraph (1), shall apportion the remainder of the amount transferred to the fund from the Conservation and Reinvestment Act Fund for each fiscal year among the States in the following manner:

"(i) ⅓ of which is based on the ratio to which the land area of such State bears to the total land area of all such States.

"(ii) ⅔ of which is based on the ratio to which the population of such State bears to the total population of all such States.

"(B) The amounts apportioned under this paragraph shall be adjusted equitably so that no such State shall be apportioned a sum which is less than ½ of 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount.

"(3) Amounts transferred to the fund from the Conservation and Reinvestment Act Fund shall not be available for any expenses incurred in the administration and execution of programs carried out with such amounts.

"(d) Wildlife Conservation and Restoration Programs.—(1) Any State, through its fish and wildlife department, may apply to the Secretary of the Interior for approval of a wildlife conservation and restoration program, or for funds to develop a program. To apply, a State shall submit a comprehensive plan that includes—

"(A) provisions vesting in the fish and wildlife department of the State overall responsibility and accountability for the program;

"(B) provisions for the development and implementation of—

"(i) wildlife conservation projects that expand and support existing wildlife programs, giving appropriate consideration to all wildlife;

"(ii) wildlife-associated recreation projects; and

"(iii) wildlife conservation education projects pursuant to programs under section 8(a); and

"(C) provisions to ensure public participation in the development, revision, and implementation of projects and programs required under this paragraph.

"(2) A State shall provide an opportunity for public participation in the development of the comprehensive plan required under paragraph (1).

"(3) If the Secretary finds that the comprehensive plan submitted by a State complies with paragraph (1), the Secretary shall approve the wildlife conservation and restoration program of the State and set aside from the apportionment to the State made pursuant to subsection (c) an amount that shall not exceed 75 percent of the estimated cost of developing and implementing the program.

"(4)(A) Except as provided in subparagraph (B), after the Secretary approves a State's wildlife conservation and restoration program, the Secretary may make payments on a project that is a segment of the State's wildlife conservation and restoration program as the project progresses. Such payments, including previous payments on the project, if any, shall not be more than the United States pro rata share of such project. The Secretary, under such regulations as he may prescribe, may advance funds representing the United States pro rata share of a project that is a segment of a wildlife conservation and restoration program, including funds to develop such program.

"(B) Not more than 10 percent of the amounts apportioned to each State under this section for a State's wildlife conservation and restoration program may be used for wildlife-associated recreation.

"(5) For purposes of this subsection, the term 'State' shall include the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.".

(b) FACA.—Coordination with State fish and wildlife agency personnel or with personnel of other State agencies pursuant to the Federal Aid in Wildlife Restoration Act or the Federal Aid in Sport Fish Restoration Act shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.). Except for the preceding sentence, the provisions of this title relate solely to wildlife conservation and restoration programs and shall not be construed to affect the provisions of the Federal Aid in Wildlife Restoration Act relating to wildlife restoration projects or the provisions of the Federal Aid in Sport Fish Restoration Act relating to fish restoration and management projects.

SEC. 305. EDUCATION.

Section 8(a) of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669g(a)) is amended by adding the following at the end thereof: "Funds available from the amount transferred to the fund from the Conservation and Reinvestment Act Fund may be used for a wildlife conservation education program, except that no such funds may be used for education efforts, projects, or programs that promote or encourage opposition to the regulated taking of wildlife.".

SEC. 306. PROHIBITION AGAINST DIVERSION.

No designated State agency shall be eligible to receive matching funds under this title if sources of revenue available to it after January 1, 1999, for conservation of wildlife are diverted for any purpose other than the administration of the designated State agency, it being the intention of Congress that funds available to States under this title be added to revenues from existing State sources and not serve as a substitute for revenues from such sources. Such revenues shall include interest, dividends, or other income earned on the forgoing.

TITLE IV—URBAN PARK AND RECREATION RECOVERY PROGRAM AMENDMENTS

SEC. 401. AMENDMENT OF URBAN PARK AND RECREATION RECOVERY ACT OF 1978.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 and following).

SEC. 402. PURPOSE.

The purpose of this title is to provide a dedicated source of funding to assist local governments in improving their park and recreation systems.

SEC. 403. TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.

Section 1013 (16 U.S.C. 2512) is amended to read as follows:

"TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND

"SEC. 1013. (a) IN GENERAL.—Amounts transferred to the Secretary of the Interior under section 5(b)(4) of the Conservation and Reinvestment Act of 1999 in a fiscal year shall be available to the Secretary without further appropriation to carry out this title. Any amount that has not been paid or obligated by the Secretary before the end of the second fiscal year beginning after the first fiscal year in which the amount is available shall be reapportioned by the Secretary among grantees under this title.

"(b) LIMITATIONS ON ANNUAL GRANTS.—Of the amounts available in a fiscal year under subsection (a)—

"(1) not more that 3 percent may be used for grants for the development of local park and recreation recovery action programs pursuant to sections 1007(a) and 1007(c);

"(2) not more than 10 percent may be used for innovation grants pursuant to section 1006; and

"(3) not more than 15 percent may be provided as grants (in the aggregate) for projects in any one State.

"(c) LIMITATION ON USE FOR GRANT ADMINISTRATION.—The Secretary shall establish a limit on the portion of any grant under this title that may be used for grant and program administration.".

SEC. 404. AUTHORITY TO DEVELOP NEW AREAS AND FACILITIES.

Section 1003 (16 U.S.C. 2502) is amended by inserting "development of new recreation areas and facilities, including the acquisition of lands for such development," after "rehabilitation of critically needed recreation areas, facilities,".

SEC. 405. DEFINITIONS.

Section 1004 (16 U.S.C. 2503) is amended as follows:

(1) In paragraph (j) by striking "and" after the semicolon.

(2) In paragraph (k) by striking the period at the end and inserting a semicolon.

(3) By adding at the end the following:

"(l) 'development grants'—

"(1) subject to subparagraph (2) means matching capital grants to units of local government to cover costs of development, land acquisition, and construction on existing or new neighborhood recreation sites, including indoor and outdoor recreational areas and facilities, support facilities, and landscaping; and

"(2) does not include routine maintenance, and upkeep activities; and

"(m) 'Secretary' means the Secretary of the Interior.".

SEC. 406. ELIGIBILITY.

Section 1005(a) (16 U.S.C. 2504(a)) is amended to read as follows:

"(a) Eligibility of general purpose local governments to compete for assistance under this title shall be based upon need as determined by the Secretary. Generally, eligible general purpose local governments shall include the following:

"(1) All political subdivisions of Metropolitan, Primary, or Consolidated Statistical Areas, as determined by the most recent Census.

"(2) Any other city, town, or group of cities or towns (or both) within such a Metropolitan Statistical Area, that has a total population of 50,000 or more as determined by the most recent Census.

"(3) Any other county, parish, or township with a total population of 250,000 or more as determined by the most recent Census.".

SEC. 407. GRANTS.

Section 1006 (16 U.S.C. 2505) is amended—

(1) in subsection (a) by redesignating paragraph (3) as paragraph (4); and

(2) by striking so much as precedes subsection (a)(4) (as so redesignated) and inserting the following:

"GRANTS

"SEC. 1006. (a)(1) The Secretary may provide 70 percent matching grants for rehabilitation, development, and innovation purposes to any eligible general purpose local government upon approval by the Secretary of an application submitted by the chief executive of such government.

"(2) At the discretion of such an applicant, a grant under this section may be transferred in whole or part to independent special purpose local governments, private nonprofit agencies, or county or regional park authorities, if—

"(A) such transfer is consistent with the approved application for the grant; and

"(B) the applicant provides assurance to the Secretary that the applicant will maintain public recreation opportunities at assisted areas and facilities owned or managed by the applicant in accordance with section 1010.

"(3) Payments may be made only for those rehabilitation, development, or innovation projects that have been approved by the Secretary. Such payments may be made from time to time in keeping with the rate of progress toward completion of a project, on a reimbursable basis.".

SEC. 408. RECOVERY ACTION PROGRAMS.

Section 1007(a) (16 U.S.C. 2506(a)) is amended—

(1) in subsection (a) in the first sentence by inserting "development," after "commitments to ongoing planning,"; and

(2) in subsection (a)(2) by inserting "development and" after "adequate planning for".

SEC. 409. STATE ACTION INCENTIVES.

Section 1008 (16 U.S.C. 2507) is amended—

(1) by inserting "(a) IN GENERAL.—" before the first sentence; and

(2) by striking the last sentence of subsection (a) (as designated by paragraph (1) of this section) and inserting the following:

"(b) COORDINATION WITH LAND AND WATER CONSERVATION FUND ACTIVITIES.—(1) The Secretary and general purpose local governments are encouraged to coordinate preparation of recovery action programs required by this title with State Plans or Agendas required under section 6 of the Land and Water

Conservation Fund Act of 1965, including by allowing flexibility in preparation of recovery action programs so they may be used to meet State and local qualifications for local receipt of Land and Water Conservation Fund grants or State grants for similar purposes or for other conservation or recreation purposes.

"(2) The Secretary shall encourage States to consider the findings, priorities, strategies, and schedules included in the recovery action programs of their urban localities in preparation and updating of State plans in accordance with the public coordination and citizen consultation requirements of subsection 6(d) of the Land and Water Conservation Fund Act of 1965.".

SEC. 410. CONVERSION OF RECREATION PROPERTY.

Section 1010 (16 U.S.C. 2509) is amended to read as follows:

"CONVERSION OF RECREATION PROPERTY

"SEC. 1010. (a)(1) No property developed, acquired, or rehabilitated under this title shall, without the approval of the Secretary, be converted to any purpose other than public recreation purposes.

"(2) Paragraph (1) shall apply to—

"(A) property developed with amounts provided under this title; and

"(B) the park, recreation, or conservation area of which the property is a part.

"(b)(1) The Secretary shall approve such conversion only if the grantee demonstrates no prudent or feasible alternative exists.

"(2) Paragraph (1) shall apply to property that is no longer a viable recreation facility due to changes in demographics or that must be abandoned because of environmental contamination which endangers public health or safety.

"(c) Any conversion must satisfy any conditions the Secretary considers necessary to assure substitution of other recreation property that is—

"(1) of at least equal fair market value, or reasonably equivalent usefulness and location; and

"(2) in accord with the current recreation recovery action plan of the grantee.".

SEC. 411. REPEAL.

Section 1015 (16 U.S.C. 2514) is repealed.

TITLE V—HISTORIC PRESERVATION FUND

SEC. 501. TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.

Section 108 of the National Historic Preservation Act (16 U.S.C. 470h) is amended—

(1) by inserting "(a)" before the first sentence;

(2) in subsection (a) (as designated by paragraph (1) of this section) by striking all after the first sentence; and

(3) by adding at the end the following:

"(b) Amounts transferred to the Secretary under section 5(b)(5) of the Conservation and Reinvestment Act of 1999 in a fiscal year shall be deposited into the Fund and shall be available without further appropriation, in that fiscal year, to carry out this Act.

"(c) At least ½ of the funds obligated or expended each fiscal year under this Act shall be used in accordance with this Act for preservation projects on historic properties. In making such funds available, the Secretary shall give priority to the preservation of endangered historic properties.".

SEC. 502. STATE USE OF HISTORIC PRESERVATION ASSISTANCE FOR NATIONAL HERITAGE AREAS AND CORRIDORS.

Title I of the National Historic Preservation Act (16 U.S.C. 470a and following) is amended by adding at the end the following:

"SEC. 114. STATE USE OF ASSISTANCE FOR NATIONAL HERITAGE AREAS AND CORRIDORS.

"In addition to other uses authorized by this Act, amounts provided to a State under this title may be used by the State to provide financial assistance to the management entity for any national heritage area or national heritage corridor established under the laws of the United States, to support cooperative historic preservation planning and development.".

TITLE VI—FEDERAL AND INDIAN LANDS RESTORATION

SEC. 601. PURPOSE.

The purpose of this title is to provide a dedicated source of funding for a coordinated program on Federal and Indian lands to restore degraded lands, protect resources that are threatened with degradation, and protect public health and safety.

SEC. 602. TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND; ALLOCATION.

(a) IN GENERAL.—Amounts transferred to the Secretary of the Interior and the Secretary of Agriculture under section 5(b)(6) of this Act in a fiscal year shall be available without further appropriation, in that fiscal year, to carry out this title.

(b) ALLOCATION.—Amounts referred to in subsection (a) year shall be allocated and available as follows:

(1) DEPARTMENT OF THE INTERIOR.—60 percent shall be allocated and available to the Secretary of the Interior to carry out the purpose of this title on lands within the National Park System, lands within the National Wildlife Refuge System, and public lands administered by the Bureau of Land Management.

(2) DEPARTMENT OF AGRICULTURE.—30 percent shall be allocated and available to the Secretary of Agriculture to carry out the purpose of this title on lands within the National Forest System.

(3) INDIAN TRIBES.—10 percent shall be allocated and available to the Secretary of the Interior for competitive grants to qualified Indian tribes under section 603(b).

SEC. 603. AUTHORIZED USES OF TRANSFERRED AMOUNTS.

(a) IN GENERAL.—Funds made available to carry out this title shall be used solely for restoration of degraded lands, resource protection, maintenance activities related to resource protection, or protection of public health or safety.

(b) COMPETITIVE GRANTS TO INDIAN TRIBES.—

(1) GRANT AUTHORITY.—The Secretary of the Interior shall administer a competitive grant program for Indian tribes, giving priority to projects based upon the protection of significant resources, the severity of damages or threats to resources, and the protection of public health or safety.

(2) LIMITATION.—The amount received for a fiscal year by a single Indian tribe in the form of grants under this subsection may not exceed 10 percent of the total amount available for that fiscal year for grants under this subsection.

(c) PRIORITY LIST.—The Secretary of the Interior and the Secretary of Agriculture shall each establish priority lists for the use of funds available under this title. Each list shall give priority to projects based upon the protection of significant resources, the severity of damages or threats to resources, and the protection of public health or safety.

(d) COMPLIANCE WITH APPLICABLE PLANS.—Any project carried out on Federal lands with amounts provided under this title shall be carried out in accordance with all management plans that apply under Federal law to the lands.

(e) TRACKING RESULTS.—Not later than the end of the first full fiscal year for which funds are available under this title, the Secretary of the Interior and the Secretary of Agriculture shall jointly establish a coordinated program for—

(1) tracking the progress of activities carried out with amounts made available by this title; and

(2) determining the extent to which demonstrable results are being achieved by those activities.

SEC. 604. INDIAN TRIBE DEFINED.

In this title, the term "Indian tribe" means an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior recognizes as an Indian tribe under section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a-1).

TITLE VII—CONSERVATION EASEMENTS AND ENDANGERED AND THREATENED SPECIES RECOVERY

Subtitle A—Conservation Easements

SEC. 701. PURPOSE.

The purpose of this subtitle is to provide a dedicated source of funding to the Secretary of the Interior for programs to provide matching grants to certain eligible entities to facilitate the purchase of permanent conservation easements in order to—

(1) protect the ability of these lands to maintain their traditional uses; and

(2) prevent the loss of their value to the public because of development that is inconsistent with their traditional uses.

SEC. 702. TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.

Amounts transferred to the Secretary of the Interior under section 5(b)(7)(A) in a fiscal year shall be available to the Secretary of the Interior without further appropriation, in that fiscal year, to carry out this subtitle.

SEC. 703. AUTHORIZED USES OF TRANSFERRED AMOUNTS.

The Secretary of the Interior may use the amounts available under section 702 for the Conservation Easement Program established by section 704.

SEC. 704. CONSERVATION EASEMENT PROGRAM.

(a) GRANTS AUTHORIZED; PURPOSE.—The Secretary the Interior shall establish and carry out a program, to be known as the "Conservation Easement Program", under which the Secretary shall provide grants to eligible entities described in subsection (c) to provide the Federal share of the cost of purchasing permanent conservation easements in land with prime, unique, or other productive uses.

(b) FEDERAL SHARE.—The Federal share of the cost of purchasing a conservation easement described in subsection (a) may not exceed 50 percent of the total cost of purchasing the easement.

(c) ELIGIBLE ENTITY DEFINED.—In this section, the term "eligible entity" means any of the following:

(1) An agency of a State or local government.

(2) A federally recognized Indian tribe.

(3) Any organization that is organized for, and at all times since its formation has been operated principally for, one or more of the conservation purposes specified in clause (i), (ii), or (iii) of section 170(h)(4)(A) of the Internal Revenue Code of 1986 and—

(A) is described in section 501(c)(3) of the Code;

(B) is exempt from taxation under section 501(a) of the Code; and

(C) is described in paragraph (2) of section 509(a) of the Code, or paragraph (3) of such section, but is controlled by an organization described in paragraph (2) of such section.

(d) TITLE; ENFORCEMENT.—Any eligible entity may hold title to a conservation easement described in subsection (a) and enforce the conservation requirements of the easement.

(e) STATE CERTIFICATION.—As a condition of the receipt by an eligible entity of a grant under subsection (a), the attorney general of the State in which the conservation easement is to be purchased using the grant funds shall certify that the conservation easement to be purchased is in a form that is sufficient, under the laws of the State, to achieve the conservation purpose of the Conservation Easement Program and the terms and conditions of the grant.

(f) CONSERVATION PLAN.—Any land for which a conservation easement is purchased under this section shall be subject to the requirements of a conservation plan to the extent that the plan does not negate or adversely affect the restrictions contained in the easement.

(g) TECHNICAL ASSISTANCE.—The Secretary of the Interior may not use more than 10 percent of the amount that is made available for any fiscal year under this program to provide technical assistance to carry out this section.

Subtitle B—Endangered and Threatened Species Recovery

SEC. 711. PURPOSES.

The purposes of this subtitle are the following:

(1) To provide a dedicated source of funding to the United States Fish and Wildlife Service and the National Marine Fisheries Service for the purpose of implementing an incentives program to promote the recovery of endangered species and threatened species and the habitat upon which they depend.

(2) To promote greater involvement by non-Federal entities in the recovery of the Nation's endangered species and threatened species and the habitat upon which they depend.

SEC. 712. TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.

Amounts transferred to the Secretary of the Interior under section 5(b)(7)(B) of this Act in a fiscal year shall be available to the Secretary of the Interior without further appropriation, in that fiscal year, to carry out this subtitle.

SEC. 713. ENDANGERED AND THREATENED SPECIES RECOVERY ASSISTANCE.

(a) FINANCIAL ASSISTANCE.—The Secretary may use amounts made available under section 712 to provide financial assistance to any person for development and implementation of Endangered and Threatened Species Recovery Agreements entered into by the Secretary under section 714.

(b) PRIORITY.—In providing assistance under this section, the Secretary shall give priority to the development and implementation of species recovery agreements that—

(1) implement actions identified under recovery plans approved by the Secretary under section 4(f) of the Endangered Species Act of 1973 (16 U.S.C. 1533(f));

(2) have the greatest potential for contributing to the recovery of an endangered or threatened species; and

(3) to the extent practicable, require use of the assistance—

(A) on land owned by a small landowner; or

(B) on a family farm by the owner or operator of the family farm.

(c) PROHIBITION ON ASSISTANCE FOR REQUIRED ACTIVITIES.—The Secretary may not provide financial assistance under this section for any action that is required by a permit issued under section 10(a)(1)(B) of the Endangered Species Act of 1973 (16 U.S.C. 1539(a)(1)(B)) or an incidental take statement issued under section 7 of that Act (16 U.S.C. 1536), or that is otherwise required under that Act or any other Federal law.

(d) PAYMENTS UNDER OTHER PROGRAMS.—

(1) OTHER PAYMENTS NOT AFFECTED.—Financial assistance provided to a person under this section shall be in addition to, and shall not affect, the total amount of payments that the person is otherwise eligible to receive under the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 and following), the wetlands reserve program established under subchapter C of that chapter (16 U.S.C. 3837 and following), or the Wildlife Habitat Incentives Program established under section 387 of the Federal Agriculture Improvement and Reform Act of 1996 (16 U.S.C. 3836a).

(2) LIMITATION.—A person may not receive financial assistance under this section to carry out activities under a species recovery agreement in addition to payments under the programs referred to in paragraph (1) made for the same activities, if the terms of the species recovery agreement do not require financial or management obligations by the person in addition to any such obligations of the person under such programs.

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SEC. 714. ENDANGERED AND THREATENED SPECIES RECOVERY AGREEMENTS.

(a) IN GENERAL.—The Secretary may enter into Endangered and Threatened Species Recovery Agreements for purposes of this subtitle in accordance with this section.

(b) REQUIRED TERMS.—The Secretary shall include in each species recovery agreement provisions that—

(1) require the person—

(A) to carry out on real property owned or leased by the person activities not otherwise required by law that contribute to the recovery of an endangered or threatened species;

(B) to refrain from carrying out on real property owned or leased by the person otherwise lawful activities that would inhibit the recovery of an endangered or threatened species; or

(C) to do any combination of subparagraphs (A) and (B);

(2) describe the real property referred to in paragraph (1)(A) and (B) (as applicable);

(3) specify species recovery goals for the agreement, and measures for attaining such goals;

(4) require the person to make measurable progress each year in achieving those goals, including a schedule for implementation of the agreement;

(5) specify actions to be taken by the Secretary or the person (or both) to monitor the effectiveness of the agreement in attaining those recovery goals;

(6) require the person to notify the Secretary if—

(A) any right or obligation of the person under the agreement is assigned to any other person; or

(B) any term of the agreement is breached by the person or any other person to whom is assigned a right or obligation of the person under the agreement;

(7) specify the date on which the agreement takes effect and the period of time during which the agreement shall remain in effect;

(8) provide that the agreement shall not be in effect on and after any date on which the Secretary publishes a certification by the Secretary that the person has not complied with the agreement; and

(9) allocate financial assistance provided under this subtitle for implementation of the agreement, on an annual or other basis during the period the agreement is in effect based on the schedule for implementation required under paragraph (4).

(c) REVIEW AND APPROVAL OF PROPOSED AGREEMENTS.—Upon submission by any person of a proposed species recovery agreement under this section, the Secretary—

(1) shall review the proposed agreement and determine whether it complies with the requirements of this section and will contribute to the recovery of endangered or threatened species that are the subject of the proposed agreement;

(2) propose to the person any additional provisions necessary for the agreement to comply with this section; and

(3) if the Secretary determines that the agreement complies with the requirements of this section, shall approve and enter with the person into the agreement.

(d) MONITORING IMPLEMENTATION OF AGREEMENTS.—The Secretary shall—

(1) periodically monitor the implementation of each species recovery agreement entered into by the Secretary under this section; and

(2) based on the information obtained from that monitoring, annually or otherwise disburse financial assistance under this subtitle to implement the agreement as the Secretary determines is appropriate under the terms of the agreement.

SEC. 715. DEFINITIONS.

In this subtitle:

(1) ENDANGERED OR THREATENED SPECIES.—The term "endangered or threatened species" means any species that is listed as an endangered species or threatened species under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533).

(2) FAMILY FARM.—The term "family farm" means a farm that—

(A) produces agricultural commodities for sale in such quantities so as to be recognized in the community as a farm and not as a rural residence;

(B) produces enough income, including off-farm employment, to pay family and farm operating expenses, pay debts, and maintain the property;

(C) is managed by the operator;

(D) has a substantial amount of labor provided by the operator and the operator's family; and

(E) uses seasonal labor only during peak periods, and uses no more than a reasonable amount of full-time hired labor.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior or the Secretary of Commerce, in accordance with section 3 of the Endangered Species Act of 1973 (16 U.S.C. 1532).

(4) SMALL LANDOWNER.—The term "small landowner" means an individual who owns 50 acres or fewer of land.

(5) SPECIES RECOVERY AGREEMENT.—The term "species recovery agreement" means an Endangered and Threatened Species Recovery Agreement entered into by the Secretary under section 714.

• Mr. MURKOWSKI. Mr. President. I rise today with my colleagues from Louisiana, Mississippi and California to introduce the Conservation and Reinvestment Act of 2000. This legislation remedies a tremendous inequity in the distribution of revenues generated by offshore oil and gas production from the Federal Outer Continental Shelf (OCS). It directs that a portion of those moneys be allocated to coastal States and communities who shoulder the responsibility for energy development off their coastlines. It also provides secure funding for a number of conservation programs.

This bill is similar to S. 25 which I cosponsored a little more than a year ago with Senators LANDRIEU and LOTT, along with a number of other Senators from both sides of the aisle. S. 25 and other proposals to spend OCS revenues are pending before the Senate Energy and Natural Resources Committee and a series of legislative hearings were held on these bills in the first session. The Committee continues to strive to reach an agreement on legislation which can be reported favorably to the floor.

Today, I am cosponsoring this bill in an effort to continue to move the process forward in the Senate. This bill is identical to the bipartisan bill reported by the House Resources Committee and which presently has 302 sponsors. At the same time, the Administration has proposed its Lands Legacy Initiative which would provide $1.4 billion annually in dedicated funding for a number of the programs funded in this bill. Given the Administration's action and anticipated passage by the House of Representatives of OCS legislation, I believe it is crucial that the Senate pass its own OCS bill.

This bill is not perfect and I have serious reservations about some of the provisions in Title 1. Title 1 provides $1 billion a year to coastal States and communities to mitigate the impacts of OCS activities off their shores. Offshore oil and gas production generates $3 to $4 billion in revenues annually for the U.S. Treasury. Yet, unlike mineral receipts from onshore Federal lands, very little of OCS oil and gas revenues are shared with coastal States. This bill remedies that disparity.

As Americans confront increasing oil and gas prices caused by this nation's reliance on foreign petroleum products, we should all recognize the importance of the OCS to this nation's energy independence. According to the Energy Information Administration, the OCS accounts for 27 to 28 percent of total U.S. oil and gas production. This production is authorized to occur off the coast of six States: parts of Alaska, parts of California; Texas, Mississippi, Alabama; and Louisiana. All Americans benefit from OCS production yet the States which produce this oil and gas off their coasts bear the burden.

It is in the long-term best interest of this country to support responsible and sustainable development of nonrenewable resources. We now import more than 55 percent of our domestic petroleum requirements and it is predicted that America will be at least 65 percent dependent on foreign energy sources by 2020. OCS development will play an important role in offsetting even greater dependence on foreign energy.

I do, however, have concerns about some of the provisions in Title 1. Title 1 places unreasonable restrictions on the use of coastal impact assistance funds by States and local governments. Like onshore mineral revenue sharing payments, the decision as to how to spend this money should be made by State and local government officials after a public process. There is no need for the Federal government to mandate that these funds be used for only certain, specific programs. Coastal impact assistance funds are just that—funds coastal States can use to offset the unavoidable impacts of OCS development. These impacts can range from shoreline erosion to the need for new schools to educate the children of oil and gas workers. And, these impacts can vary from year-to-year. It is important that the Federal government give States the flexibility they need to determine their needs and for Washington not to mandate a one-size fits all solution.

I also am concerned that Title 1 allows coastal States—without any OCS production—to receive more coastal impact assistance funds than States with OCS production. We cannot forget where this money comes from: it is generated by OCS oil and gas development. Nor can we forget the purpose of sharing these revenues with coastal States: to offset the unavoidable impacts of this OCS development. It is unfair to allow States which do not bear the burdens of this development to benefit at the expense of States off whose shores development occurs. This provision must be added to this bill.

I do want to note a few other provisions in this bill which I believe are critical. Title 2 provides $900 million a year for the Land and Water Conservation Fund (LWCF). These LWCF monies are split between Federal land acquisition and the state-side LWCF matching grant program. As to the Federal land acquisition funds, a number of sensible limitations are placed on the expenditure of this money to ensure that Federal funds are spent to address Americans' concerns about the loss of private property in many States.

Each year the Administration must submit a list to Congress of each tract of land it proposes to acquire with LWCF monies and Congress must specifically approve each project through the appropriations process. Within 30 days of the submission of this list, Congressional representatives, the Governors and local government officials must be notified of relevant purchase requests. At the same time, the local public must be notified in a newspaper that is widely distributed in the area in which the proposed acquisition is to take place.

The Administration must seek to consolidate Federal land holdings in States with checkerboard Federal land ownership patterns. It also must seek to use exchanges and conservation easements as an alternative to fee title acquisition. If the Administration identifies tracts from non-willing sellers, it must notify Congress and, unless specifically authorized by Congress, the bill prohibits adverse condemnation. The Administration must identify to Congress its authority to carry out Federal acquisitions. No purchases can occur until all actions under Federal law are completed and a copy of the final NEPA document must be sent to Congress and the Governor and local government officials must be notified that the NEPA document is available.

The bill has a number of other provisions of interest to Westerners where the vast majority of Federal land is located. The bill requires just compensation for the taking of private property and protects State water rights. It provides $200 million annually for the maintenance of Federal lands managed by the Department of the Interior or the Forest Service. It also provides up to $200 million in additional funding for the Payment in-lieu-of Taxes and Refugee Revenue Sharing programs. The bill provides the necessary funds to reduce the $10 billion backlog of willing sellers located within the boundaries of Federal land management units. Finally, the bill restricts the Federal government's regulatory ability over private lands.

This bill is not perfect but it does reflect a bipartisan consensus. It provides a starting point for Senate discussions of conflicting OCS revenue-sharing proposals. With the anticipated action of the House and the Administration's Lands Legacy Initiative, it is imperative that the Senate put forth its own proposal to distribute OCS revenues. I remain committed to working with all Senators on such a proposal.●

By Mr. LAUTENBERG (for himself, Mr. LUGAR, Mr. DURBIN, and Mr. L. CHAFEE):

S. 2125. A bill to provide for the disclosure of certain information relating to tobacco products and to prescribe labels for packages and advertising of tobacco products; to the Committee on Commerce, Science, and Transportation.

SMOKER'S RIGHT TO KNOW AND TRUTH IN TOBACCO LABELING ACT

● Mr. LAUTENBERG. Mr. President, today I introduce the Smoker's Right to Know and Truth in Tobacco Labeling Act. I am joined by my colleagues, Senator LUGAR, Senator DURBIN, and Senator CHAFEE.

Mr. President, the Smoker's Right to Know and Truth in Tobacco Labeling Act has two common-sense objectives.

First, the bill will require tobacco manufacturers to disclose the ingredients of their products to the public—including toxic and cancer-causing ingredients.

Second, our bill will replace the small health warnings on the side of a cigarette pack with larger warnings on the front and back that are simple and direct: "Cigarettes Cause Cancer." "Cigarettes are Addictive." "Smoking Can Kill You."

Of the hundreds of products for sale in America that go into the human body, tobacco products are the only ones—the only ones—for which manufacturers do not have to disclose ingredients. Even Coca-Cola, with a proud tradition of keeping its formula secret, has to list Coke's ingredients on every can.

Mr. President, manufacturers of every food product and every over-the-counter drug disclose their contents. Cigarette manufacturers do not. Yet, of any consumable product for sale in the United States, cigarettes are by far the most deadly.

One in three smokers will die from a smoking-related disease. That is more than 400,000 Americans every year. We should disclose information on cigarette ingredients to the public and provide realistic warnings about the health risks cigarettes cause.

Mr. President, how much do smokers really know about the chemicals they are inhaling with every puff of cigarette smoke? When a smoker lights a cigarette, the burning ingredients create other chemicals. Some of these are carcinogenic.

A Surgeon General's report in 1989 reported that cigarettes contain 43 carcinogens. Forty-three. The public has a right to know.

Do most smokers realize that one of these chemicals is arsenic? Yes, arsenic. I do not think most smokers know that.

Our bill will disclose that, as well as the other chemical carcinogens in cigarette smoke.

Mr. President, with all these known dangers about smoking, we should not hide the health warning labels in small type on the side of a cigarette pack. Other countries, such as Canada, Australia and Thailand, put large labels on the front of each pack. The United States should provide equal protection to consumers. The warnings should be stark, clear, and easily seen.

When cigarettes get in the hands of children, and with 3,000 children becoming regular smokers every day, we have a duty to give them the facts: "Cigarettes Cause Cancer." "Smoking is Addictive." "Smoking Can Kill You."

That is a lot more graphic and descriptive than the small print that appears today. Large and forthright warnings are more likely to be seen, read, understood, and recalled. More children—and adults—will get the message, and put down the pack rather than lighting up.

In a recent study of Canadian cigarette pack messages—similar to those required by this legislation—half of all smokers who were smoking less, or trying to quit, cited cigarette pack messages as contributing to their decisions. Larger, bolder warnings can make a difference.

Mr. President, the 106th Congress should enact this legislation. This is a bipartisan bill, and I want to thank my cosponsors, Senators LUGAR, DURBIN and CHAFEE for joining me in this effort. In the coming weeks, I expect that this bill will attract more cosponsors from both sides of the aisle.

Mr. President, I ask that the text of this bill be printed in the RECORD.

The bill follows:

S. 2125

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Smoker's Right to Know and Truth in Tobacco Labeling Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) ADVERTISEMENT.—The term "advertisement" means all newspapers and magazine advertisements and advertising inserts, billboards, posters, signs, decals, banners, matchbook advertising, point-of-purchase display material and all other written or other material used for promoting the sale or consumption of tobacco products to consumers, and advertising at an Internet site.

(2) BRAND.—The term "brand" means a variety of tobacco products distinguished by the tobacco used, tar and nicotine content, flavoring used, size of the tobacco product, filtration, or packaging.

(3) BRAND STYLE.—The term "brand style" means a variety of cigarettes distinguished by the tobacco used, tar and nicotine content, flavoring used, size of the cigarette, filtration on the cigarette, or packaging.

(4) CARCINOGEN.—The term "carcinogen" means any agent that is determined to be tumorigenic according to the National Toxicology Program or the International Agency for Research on Cancer, or that is otherwise known by the manufacturer to be tumorigenic.

(5) CIGAR.—The term "cigar" means any roll of tobacco wrapped in leaf tobacco or in any substance containing tobacco, that weighs 3 pounds or more per thousand, and is not a cigarette or little cigar.

(6) CIGARETTE.—The term "cigarette" means—

(A) any roll of tobacco wrapped in paper or tobacco leaf or in any substance not containing tobacco which is to be burned,

(B) any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging or labeling is likely to be offered to, or purchased by consumers as a cigarette described in subparagraph (A),

(C) little cigars which are any roll of tobacco wrapped in leaf tobacco or any substance containing tobacco (other than any roll of tobacco which is a cigarette within the meaning of subparagraph (A)) and as to which 1,000 units weigh not more than 3 pounds, and

(D) loose rolling tobacco that, because of its appearance, type, packaging, or labeling, is likely to be offered to, or purchased by, consumers as tobacco for making cigarettes.

(7) COMMERCE.—The term "commerce" means—

(A) commerce between any State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, or Johnston Island and any place outside thereof;

(B) commerce between points in any State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, or Johnston Island, but through any place outside thereof; or

(C) commerce wholly within the District of Columbia, Guam, the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, or Johnston Island.

(8) CONSTITUENT.—The term "constituent" means any element of tobacco or cigarette mainstream or sidestream smoke, including tar, the components of the tar, nicotine, and carbon monoxide or any other component designated by the Secretary.

(9) DISTRIBUTOR.—The term "distributor" does not include a retailer and the term "distribute" does not include retail distribution.

(10) INGREDIENT.—The term "ingredient" means any substance the use of which results, or may reasonably be expected to result, directly or indirectly, in its becoming a component of any tobacco product, including any component of the paper or filter of such product.

(11) PACKAGE.—The term "package" means a pack, box, carton, or other container of any kind in which cigarettes or other tobacco products are offered for sale, sold, or otherwise distributed to customers.

(12) PERSON.—The term "person" means an individual, partnership, corporation, or any other business or legal entity.

(13) PIPE TOBACCO.—The term "pipe tobacco" means any loose tobacco that, because of its appearance, type, packaging, or labeling, is likely to be offered to, or purchased by, consumers as a tobacco product to be smoked in a pipe.

(14) SALE OR DISTRIBUTION.—The term "sale or distribution" includes sampling or any other distribution not for sale.

(15) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(16) SMOKELESS TOBACCO.—The term "smokeless tobacco" means any product that includes cut, ground, powdered, or leaf tobacco that is intended to be placed in the oral or nasal cavity.

(17) STATE.—The term "State" includes, in addition to the 50 States, the District of Columbia, Guam, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

(18) TAR.—The term "tar" means the particulate matter from tobacco smoke minus water and nicotine.

(19) TOBACCO PRODUCT.—The term "tobacco product" means any product made of or derived from tobacco leaf for human consumption, including cigarettes, cigars, little cigars, loose tobacco, smokeless tobacco, and pipe tobacco.

(20) Trademark.—The term "trademark" means any word, name, symbol, logo, or device or any combination thereof used by a person to identify or distinguish such person's goods from those manufactured or sold by another person and to indicate the source of the goods.

(21) United States.—The term "United States" includes the States and installations of the Armed Forces of the United States located outside a State.

SEC. 3. CIGARETTE PRODUCT PACKAGE LABELING; ADVERTISING WARNINGS.

(a) Warning Labels.—

(1) In general.—It shall be unlawful for any person to manufacture, package, or import for sale or distribution within the United States any cigarettes the package of which fails to bear, in accordance with the requirements of this section, one of the following label statements:

WARNING: Cigarettes are addictive

WARNING: Tobacco smoke can harm your children

WARNING: Cigarettes cause fatal lung disease

WARNING: Cigarettes cause cancer

WARNING: Cigarettes cause strokes and heart disease

WARNING: Smoking during pregnancy can harm your baby

WARNING: Smoking can kill you

WARNING: Tobacco smoke causes fatal lung disease in non-smokers

WARNING: Quitting smoking now greatly reduces serious risks to your health

WARNING: Smoking causes sexual dysfunction.

(2) List of carcinogens.—

(A) In general.—It shall be unlawful for any person to manufacture, package, or import for sale or distribution in the United States any cigarettes the package of which fails to bear, in accordance with the requirements of this section, a statement that lists in the manner and order as required by subparagraph (B) certain carcinogens present in that cigarette brand's ingredients or constituents.

(B) Statement required.—The statement required under subparagraph (A) shall—

(i) be listed as follows:

"CANCER-CAUSING AGENTS: The following cancer-causing agents are inhaled in this product's smoke: [list of carcinogens]";

(ii) in the bracketed area in the statement described in clause (i), list carcinogens in the following categories that are present in that cigarette brand's ingredients or constituents in the following descending order—

(I) inorganic compounds;

(II) miscellaneous organic compounds;

(III) aldehydes;

(IV) carcinogenic tobacco-specific nitrosamines (TSNAs).

(V) volatile nitrosamines; and

(VI) if any other carcinogens are present, state the following: "and other carcinogens"; and

(iii) display, in bold print, the percentage of any carcinogen listed in clause (ii) relative to the average of such concentration of such carcinogen in the sales weighted average of all cigarettes marketed in the United States.

(3) Placement; typography.—

(A) Warning labels.—Each label statement required by paragraph (1) shall be located in the upper portion of the front and rear panels of the package, directly on the package underneath the cellophane or other clear wrapping. Each label statement shall comprise at least the top 33 percent of the front and rear panels of the package. The word "WARNING" shall appear in capital letters and all text shall be in conspicuous and legible 17-point bold, uncondensed, sans serif type. Notwithstanding the preceding sentence, the point size may be reduced when the longest line of text exceeds 16 typographic characters (letters and space), except that such reduced point size may never be smaller than 15-point and at least 60 percent of the area involved shall be occupied by the required text. The text shall be black on a white background, or white on a black background, in a manner that contrasts, by typography, layout, or color, with all other printed material on the package, in an alternating fashion under the plan submitted under subsection (c)(4).

(B) List of carcinogens.—Each statement required by paragraph (2) shall be located in the same place that label statements were placed on cigarette packages as of October 12, 1984. The text of the statement shall be in conspicuous and legible 9-point uncondensed, sans serif type and shall appear in a conspicuous and prominent format on 1 side of the package. The Secretary may revise type sizes for the text in such an area and in such a manner as the Secretary determines to be appropriate. The term "CANCER-CAUSING AGENTS" shall appear in bold capital letters, and the text shall be black on a white background, or white on a black background, in a manner that contrasts, by typography, layout, or color, with all other printed material on the package, except the label statement required under paragraph (1).

(4) Does not apply to foreign distribution.—The provisions of this subsection do not apply to a manufacturer or distributor of cigarettes which does not manufacture, package, or import cigarettes for sale or distribution within the United States.

(b) Package Insert.—

(1) In general.—It shall be unlawful for any person to manufacture, import, package, or distribute for sale within the United States any cigarettes unless the cigarette package includes a package insert, prepared in accordance with guidelines established by the Secretary by regulation, on carcinogens, toxins, and other substances posing a risk to human health that are contained in the ingredients and constituents of the cigarettes in such package. The Secretary shall include in such guidelines information on the health impact of smoking and smoking cessation as determined to be necessary by the Secretary to advance public health.

(2) Regulations.—The Secretary shall issue regulations requiring the package insert required by paragraph (1) to provide the information required by such paragraph (including carcinogens and other dangerous substances) in a prominent, clear fashion and a detailed list of the ingredients and constituents.

(c) Advertising Requirements.—

(1) In general.—It shall be unlawful for any manufacturer, importer, distributor, or retailer of cigarettes to advertise or cause to be advertised within the United States any cigarette, or any similar tobacco product, unless its advertising bears, in accordance with the requirements of this section—

(A) one of the label statements specified in paragraph (1) of subsection (a); and

(B) a list of carcinogens specified in paragraph (2) of subsection (a).

(2) Typography.—

(A) Warnings.—

(i) In general.—Each cigarette advertisement shall include a label statement required by subsection (a)(1) as set forth in this subparagraph.

(ii) Advertisements.—For press (including magazine and newspaper), poster and billboard advertisements, each such label statement shall comprise at least 30 percent of the area of the advertisement and shall appear in a conspicuous and prominent format and location at the top of each advertisement within the printing safety area. The Secretary may revise the required type sizes in such area in such manner as the Secretary determines appropriate to advance public health.

(iii) Text.—The word "WARNING" shall appear in capital letters, and each label statement shall appear in conspicuous, uncondensed, bold, sans serif type. The text of the label statement shall be black if the background is white and white if the background is black, under the plan submitted under paragraph (4). The label statements shall be enclosed by a rectangular border that is the same color as the letters of the statements and that is twice the width of the vertical stroke of the letter "I" in the word "WARNING" in the label statements.

(iv) Point type.—The text of such label statements shall be in a bold typeface pro rata to the following requirements:

(I) 45-point type for a whole-page broadsheet newspaper advertisement.

(II) 39-point type for a half-page broadsheet newspaper advertisement.

(III) 39-point type for a whole-page tabloid newspaper advertisement.

(IV) 27-point type for a half-page tabloid newspaper advertisement.

(V) 31.5-point type for a double page spread magazine or whole-page magazine advertisement.

(VI) 22.5-point type for a 28 centimeter by 3 column advertisement.

(VII) 15-point type for a 20 centimeter by 2 column advertisement.

(v) Billboards.—For billboard advertisements, the typeface shall be adjusted so that the text occupies 60-70 percent of the label area. The warning label on billboards that use artificial lighting shall not be less visible than other printed matter on the billboard when the lighting is in use.

(vi) All label statements.—The label statements shall be in English, except that in the case of—

(I) an advertisement that appears in a newspaper, magazine, periodical, or other publication that is not in English, the statements shall appear in the predominant language of the publication; and

(II) in the case of any other advertisement that is not in English, the label statements shall appear in the same language as that principally used in the advertisement.

(B) List of carcinogens.—Each statement required by subsection (a)(2) in cigarette advertising shall comply with the standards set forth in this subparagraph. For press, poster and billboard advertisements, each such statement shall appear in a conspicuous and prominent format and be located at the bottom of each advertisement within the printing safety area. Each such statement shall comprise not less than 15 percent of the area of the advertisement, with the text of the statement comprising not less than 60 percent and not more than 70 percent of such an area. The Secretary may designate required type sizes in such an area in such a manner as the Secretary determines appropriate to advance public health. The text of such a statement shall be black if the background is white, and white if the background is black, and shall be in type that is otherwise in contrast in typography, layout, or color with all other printed material in the advertisement.

(3) Adjustment by secretary.—The Secretary may, through a rulemaking under section 553 of title 5, United States Code, adjust the format and type sizes and content for the label statements required by this section or the text, format, and type sizes of any required tar, nicotine yield, or other constituent disclosures, or to establish the text, format, and type sizes for any other disclosures required under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et. seq.). The text of any such label statements or disclosures shall be required to appear only within the 30 percent area of cigarette advertisements provided by paragraph (2). The Secretary shall promulgate regulations which provide for adjustments in the format and type sizes of any text required to appear in such area to ensure that the total text required to appear by law will fit within such area.

(4) Marketing requirements.—

(A) In general.—The label statements specified in subsection (a)(1) shall be randomly displayed in each 12-month period, in as equal a number of times as is possible on each brand and brand style of the product and be randomly distributed in all areas of the United States in which the product is marketed in accordance with a plan submitted by the cigarette manufacturer, importer, distributor, or retailer, and approved by the Secretary.

(B) Rotation.—The label statements specified in subsection (a)(1) shall be rotated quarterly in alternating sequence in advertisements for each brand and brand style of cigarettes in accordance with a plan submitted by the cigarette manufacturer, importer, distributor, or retailer to, and approved by, the Secretary.

(C) Review of plan.—The Secretary shall review each plan submitted under subparagraph (B) and approve it if the plan—

(i) will provide for the equal distribution and display on packaging and the rotation required in advertising under this subsection; and

(ii) assures that all of the label statements required under this section will be displayed by the cigarette manufacturer, importer, distributor, or retailer at the same time.

(d) Television and Radio Advertising.—It is unlawful to advertise cigarettes on any medium of electronic communications subject to the jurisdiction of the Federal Communications Commission.

SEC. 4. LABELS AND ADVERTISING WARNINGS FOR SMOKELESS TOBACCO, CIGARS, AND PIPE TOBACCO.

(a) Warning Labels.—

(1) In general.—It shall be unlawful for any person to manufacture, package, or import for sale or distribution within the United States any smokeless tobacco product, cigar product, or pipe tobacco product, or any similar tobacco product, unless the product package bears, in accordance with the requirements of this Act, one of the following label statements:

(A) Any smokeless tobacco product shall bear one of the following label statements:

WARNING: Smokeless tobacco causes mouth cancer

WARNING: Smokeless tobacco causes gum disease and tooth loss

WARNING: Smokeless tobacco is not a safe alternative to cigarettes

WARNING: Smokeless tobacco is addictive

(B) Any cigar product shall bear one of the following label statements:

WARNING: Cigar smoke causes mouth cancer

WARNING: Cigar smoke causes throat cancer

WARNING: Cigar smoke causes lung cancer

WARNING: Cigars are not a safe alternative to cigarettes

WARNING: Cigar smoke can harm your children

(C) Any pipe tobacco product shall bear one of the following label statements:

WARNING: Pipe smoking causes mouth cancer

WARNING: Pipe smoking causes throat cancer

WARNING: Pipe smoking is not a safe alternative to cigarettes

WARNING: Pipe smoking can harm your children

(2) Requirements.—

(A) Location of label statement.—Each label statement required by paragraph (1) shall—

(i) for any smokeless tobacco or pipe tobacco product, be located on the 2 principal display panels of the product package, and comprise at least 25 percent of each such display panel; and

(ii) for any cigar product, be located on a band around each cigar that is packaged for individual sale, and for each package of cigars, be located in the upper portion of the front and rear panels of the package and comprise at least the top 33 percent of the front and rear panels of the package.

(B) Size and text of label statement.—Each label statement required by paragraph (1) shall be in 17-point bold, uncondensed, sans serif type and in black text on a white background, or white text on a black background, in a manner that contrasts by typography, layout, or color, with all other printed material on the package or band, in an alternating fashion under the plan submitted under subsection (b)(3), except that if the text of a label statement would occupy more than 70 percent of the area specified by subparagraph (A), such text may appear in a smaller type size, so long as at least 60 percent of such warning area is occupied by the label statement.

(3) Introduction.—The label statements required by paragraph (1) shall be introduced by each manufacturer, packager, importer, distributor, or retailer of smokeless tobacco products, cigar products, and pipe tobacco products concurrently into the distribution chain of such products.

(4) Does not apply to foreign distribution.—The provisions of this subsection do not apply to a manufacturer or distributor of any smokeless tobacco product, cigar product, or pipe tobacco product that does not manufacture, package, or import such products for sale or distribution within the United States.

(b) Advertisements.—

(1) In general.—It shall be unlawful for any manufacturer, packager, importer, distributor, or retailer of smokeless tobacco products, cigar products, or pipe tobacco products to advertise or cause to be advertised within the United States any such product unless its advertising bears, in accordance with the requirements of this section, one of the label statements specified in subsection (a) that is applicable to such product.

(2) Requirements.—Each label statement required by paragraph (1) shall comply with the standards set forth in this paragraph. For press and poster advertisements, each such statement and (where applicable) any required statement relating to tar, nicotine, or other constituent yield shall—

(A) comprise at least 20 percent of the area of the advertisement, and the warning area shall be delineated by a dividing line of contrasting color from the advertisement; and

(B) the word "WARNING" shall appear in capital letters and each label statement shall appear in conspicuous and legible type.

The text of the label statement shall be black on a white background, or white on a black background, in an alternating fashion under the plan submitted under paragraph (3).

(3) Display.—

(A) Random display.—The label statements specified in subsection (a)(1) shall be randomly displayed in each 12-month period, in as equal a number of times as is possible on each brand of the product and be randomly distributed in all areas of the United States in which the product is marketed in accordance with a plan submitted by the manufacturer, importer, distributor, or retailer of smokeless tobacco products, cigar products, or pipe tobacco products and approved by the Secretary.

(B) Rotation.—The label statements specified in subsection (a)(1) shall be rotated quarterly in alternating sequence in advertisements for each brand of smokeless tobacco product, cigar product, and pipe tobacco product, in accordance with a plan submitted by the tobacco product manufacturer, importer, distributor, or retailer to, and approved by, the Secretary.

(C) Review of plan.—The Secretary shall review each plan submitted under subparagraph (B) and approve it if the plan—

(i) will provide for the equal distribution and display on packaging and the rotation required in advertising under this subsection; and

(ii) assures that all of the label statements required under this section will be displayed by the manufacturer, importer, distributor, or retailer of smokeless tobacco products, cigar products, or pipe tobacco products, at the same time.

(c) Package Insert.—

(1) In general.—It shall be unlawful for any person to manufacture, import, package, or distribute for sale within the United States any smokeless tobacco product, cigar product, or pipe tobacco product unless such product, not including a cigar that is sold individually, includes a package insert, prepared in accordance with guidelines established by the Secretary by regulation, on carcinogens, toxins, and other substances posing a risk to human health that are contained in the ingredients and constituents of such product. The Secretary shall include in such guidelines information on the health impact of smoking and smoking cessation as the Secretary determines to be necessary to advance public health.

(2) Regulations.—The Secretary shall issue regulations requiring the package insert required by paragraph (1) to provide the information required by such paragraph (including carcinogens and other dangerous substances) in a prominent, clear fashion and a detailed list of the ingredients and constituents.

(d) Television and Radio Advertising.—It is unlawful to advertise smokeless tobacco product, cigar product, or pipe tobacco product on any medium of electronic communications subject to the jurisdiction of the Federal Communications Commission.

SEC. 5. AUTHORITY TO REVISE WARNING LABEL STATEMENTS.

The Secretary may, by a rulemaking conducted under section 553 of title 5, United States Code, adjust the format, type size, content, and text of any of the warning label statements required by this Act, or establish the format, type size, and text of any other disclosures required under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), or alter the list of carcinogens disclosed on label statements, if the Secretary finds that such a change would promote greater public understanding of the risks associated with the use of tobacco.

SEC. 6. TOBACCO PRODUCT INGREDIENTS AND CONSTITUENTS.

(a) GENERAL RULE.—Each person that manufactures, packages, or imports into the United States any tobacco product shall annually report, in a form and at a time specified by the Secretary by regulation—

(1) the identity of any added ingredient or constituent of the product other than tobacco, water, or reconstituted tobacco sheet made wholly from tobacco; and

(2) the nicotine, tar, and carbon monoxide yield ratings which shall accurately predict the nicotine, tar, and carbon monoxide intake from such product for average consumers based on standards established by the Secretary by regulation;

if such information is not information which the Secretary determines to be trade secret or confidential information subject to section 552(b)(4) of title 5, United States Code, and section 1905 of title 18, United States Code. The ingredients and constituents identified under paragraph (1) shall be listed in descending order according to weight, measure, or numerical count. If any of such constituents are carcinogens, or otherwise poses a risk to human health as determined by the Secretary, such information shall be included in the report.

(b) PUBLIC DISSEMINATION.—The Secretary shall review the information contained in each report submitted under subsection (a) and if the Secretary determines that such information directly affects the public health, the Secretary shall require that such information be included in a label under sections 3 and 4.

(c) OTHER SOURCES OF INFORMATION.—The Secretary shall establish a toll-free telephone number and a site on the Internet which shall make available additional information on the ingredients of such tobacco products, except information which the Secretary determines to be trade secret or confidential information subject to section 552(b)(4) of title 5, United States Code, and section 1905 of title 18, United States Code.

SEC. 7. ENFORCEMENT.

(a) IN GENERAL.—

(1) REGULATIONS.—The Secretary shall issue such regulations as may be appropriate for the implementation of this Act. The Secretary shall issue proposed regulations for such implementation within 180 days of the date of the enactment of this Act. Not later than 180 days after the date of the publication of such proposed regulations, the Secretary shall issue final regulations for such implementation. If the Secretary does not issue such final regulations before the expiration of such 180 days, the proposed regulations shall become final and the Secretary shall publish a notice in the Federal Register about the new status of the proposed regulations.

(2) CONSULTATION.—In carrying out the Secretary's duties under this Act, the Secretary shall, as appropriate, consult with such experts as may have appropriate training and experience in the matters subject to such duties.

(3) MONITORING OF COMPLIANCE.—The Secretary shall monitor compliance with the requirements of this Act.

(4) RECOMMENDATION FOR ENFORCEMENT.—The Secretary shall recommend to the Attorney General such enforcement actions as may be appropriate under this Act.

(b) INJUNCTION.—

(1) IN GENERAL.—The district courts of the United States shall have jurisdiction over civil actions brought to restrain violations of this Act. Such a civil action may be brought in the United States district court for the judicial district in which any substantial portion of the violation occurred or in which the defendant is found or transacts business. In such a civil action, process may be served on a defendant in any judicial district in which the defendant resides or may be found and subpoenas requiring attendance of witnesses in any such action may be served in any judicial district.

(2) ACTIONS BY INTERESTED PARTIES.—Any interested organization may bring a civil action described in paragraph (1). If such an organization substantially prevails in such an action, the court may award it reasonable attorney's fees and expenses. For purposes of this paragraph, the term 'interested organization' means any nonprofit organization one of whose purposes, and a substantial part of its activities, include the promotion of public health through reduction in the use of tobacco products.

(c) CIVIL PENALTY.—Any person who manufactures, packages, distributes, or advertises a tobacco product in violation of this Act shall be subject to a civil penalty of not more than $100,000 for each violation per day.

SEC. 8. REPORT TO CONGRESS BY THE SECRETARY.

Not later than 36 months after the date of enactment of this Act and biannually thereafter, the Secretary shall transmit to the Congress a report describing actions taken pursuant to this Act, current practices and methods of tobacco advertising and promotion, and recommendations if any for legislation.

SEC. 9. EFFECTIVE DATES AND CONFORMING AMENDMENTS.

(a) EFFECTIVE DATE.—This Act shall take effect on the date of the enactment of this Act, except that section 3, 4, 5 and 6 shall take effect 1 year after the date of the enactment of this Act.

(b) CONFORMING AMENDMENTS.—Effective on the date that is 1 year from the date of the enactment of this Act, the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1331 et seq.) and the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4401) are repealed.

• Mr. LUGAR. Mr. President, I wish to say a few words, and perhaps echo some of those of my colleague. I am proud to sponsor this important piece of legislation with Senator LAUTENBERG. I was a co-sponsor of a similar bill in the last Congress, and am glad to join him again in this effort. I also thank my colleagues Senator DURBIN and Senator CHAFEE for their co-sponsorship of this good policy initiative.

Let me start by saying that this bill is about health education and responsible individual decision-making. As Mayor of Indianapolis and in the U.S. Senate, I have advocated good health and fitness. I have integrated running into my daily routine and encourage my staff to do the same. In 1977, I founded the annual Dick Lugar Fitness festival in Indiana, which is an event I look forward to every year.

A good health and fitness regimen requires an assumption of personal responsibility and an active role on the part of the individual, but it also requires a knowledge of two essential components of good health—proper diet and exercise. I speak on a regular basis on the exercise component, but would like to make a couple of basic points about proper diet that are well within the scope of the federal government's responsibilities.

We have taken great strides in the area of food packaging and labeling, pointing out to consumers vitamin and fat content; caloric and cholesterol facts. We require data on tests done on artificial sweeteners. But, in a product that threatens the life of one out of three regular users, we ignore those basic principles.

Mr. President, we all know that in a food product, the discovery of even a single carcinogen can trigger media attack, consumer outrage and FDA regulation. However, under current law, a cigarette package is not even required to list its ingredients despite the presence of dozens of carcinogens. Applying a simple content labeling standard to tobacco in the interest of consistency and public health is overdue considering the massive health problems inflicted by tobacco.

As Chairman of the Senate Committee on Agriculture, Nutrition, and Forestry, which has jurisdiction over some aspects of tobacco, I believe that our government must speak consistently and clearly about tobacco's risks. That has not always been the case. In the past, our government has sent mixed messages, for example, subsidizing the cultivation of tobacco and including cigarettes in military rations, even as it warned against tobacco's dangers. If public health warnings are to be trusted, they should not be ambiguous. The small, side-panel warnings currently in use on tobacco packages are not adequate in reflecting the risks of tobacco use as we now know them. We can and we should speak the truth with a clearer voice.

Prominent labels on cigarette packages in plain English would be a steady reminder of the risks smokers face when they light up. True, almost every smoker understands that cigarettes are bad for health, but fewer know the degree of risk.

Many smokers have tried to quit, some more than once. These labels will encourage them in this endeavor and remind them why they should try again.

Most importantly, Mr. President, as Senator LAUTENBERG stated, the warnings will be prominent and readily understood by young Americans, thousands of whom light up for the first time every day.

This bill does not interfere with an adult's freedom to choose to smoke, it does not raise tobacco prices, and it does not expand government regulatory authority beyond the labeling requirement. It is a modest and conservative step, but a decisive and important step in good public policy.•

• Mr. L. CHAFEE. Mr. President, I am pleased to join Senators LUGAR, LAUTENBERG, and DURBIN today in introducing the Smoker's Right to Know and Truth in Labeling Act, which would require comprehensive and prominent labeling of cigarettes. This legislation is a commonsense and bipartisan approach to give every American a chance to make an informed decision about tobacco use.

According to the Centers for Disease Control, nearly one in five deaths annually are attributed to tobacco use, making it the single most preventable cause of premature death, disease and disability facing our nation. In fact, more Americans die each year from tobacco use than from AIDS, alcohol, drug abuse, car accidents, murders, suicides, and fires combined.

America's children are most at risk. Despite all we know about the effects of tobacco, each day, 3,000 kids become regular smokers. Of these, 1,000 will eventually die from tobacco-related illnesses. Almost 90 percent of current adult smokers began at or before age 18.

Rhode Island—which already has one of the highest rates of teen smoking in the nation—has recently seen another increase in teen smoking. Today, over 37 percent of Rhode Island's high school kids smoke cigarettes. Over 23,000 Rhode Island kids under age 18 will die prematurely from tobacco-related illnesses.

Tobacco manufacturers say that tobacco use is a matter of choice. They argue that adults, with the full knowledge of the consequences, have the right to choose to smoke. I agree. But I also believe that individuals who choose to smoke should be making informed decisions.

The Smoker's Right to Know and Truth in Tobacco Labelling Act would ensure that tobacco users understand the consequences of the choice they are making. With comprehensive labelling of cigarette packs, adults and especially minors, will know the dangers that cigarettes pose to their health and the health of their loved ones.

This legislation follows on the recent example set by Canada, which passed tough labelling guidelines that have worked as a strong disincentive to beginning this deadly habit. Under the legislation we are introducing today, there will be no mistake about the life-threatening health effects of tobacco products.

As the father of three young children, I have a personal stake in helping to pass legislation to ensure that our kids do not develop this deadly habit. I hope our colleagues in the Senate will join us in passing this important, common-sense legislation.•

By Mr. HARKIN (for himself, Mr. ROBB, Mr. BINGAMAN, Mrs. FEINSTEIN, Mr. KENNEDY, Mr. WELLSTONE, and Mr. DODD):

S. 2124. A bill to authorize Federal financial assistance for the urgent repair and renovation of public elementary and secondary schools in high-need areas; to the Committee on Health, Education, Labor, and Pensions.

THE PUBLIC SCHOOL REPAIR AND RENOVATION ACT

Mr. HARKIN. Mr. President, today we will be introducing the Public School Repair and Renovation Act. This legislation will authorize $1.3 billion in grants and no interest loans to enable school districts to make urgent repairs at our nation's public schools. I am pleased to be joined by Senators ROBB, BINGAMAN, FEINSTEIN, KENNEDY, WELLSTONE, and DODD in cosponsoring this legislation in the Senate.

The facts about the condition of our nation's schools are well known. The average age of the schools in this country is 42 years. 14 million children attend classes in buildings that are unsafe or inadequate. The General Accounting Office reports we need $112 billion to just bring our schools up to overall good condition. How can kids prepare for the 21st century in schools that didn't even make the grade in the 20th century?

It is a national disgrace that the nicest thing our kids see are shopping malls, sports arenas, and movie theaters, and the most rundown place they see is their school. What signal are we sending them about the value we place on them, their education and future?

I was disturbed by the comments of Tunisia, a Washington, D.C. 5th grader in Jonathan Kozol's book, "Savage Inequalities." This is what she said.

> It's like this. The school is dirty. There isn't any playground. There's a hole in the wall behind the principal's desk. What we need to do is first rebuild the school. Build a playground. Plant a lot of flowers. Paint the classrooms. Fix the hole in the principal's office. Buy doors for the toilet stalls in the girl's bathroom. Make it a beautiful clean building. Make it pretty. Way it is, I feel ashamed.

The legislation we are introducing would make it possible to fix the holes in the walls of Tunisia's school, put doors on the bathroom, stalls and paint the classrooms. These repairs would make Tunisia feel a little less ashamed of herself and of her school.

This legislation is part of a comprehensive two-prong strategy to modernize our nation's schools. This bill complements our continuing effort to provide tax credits for new construction and modernization projects. We have advocated school modernization tax credits that would finance $25 billion in new construction or major renovations. The Public School Repair and Renovation Act will complement that effort and I urge my colleagues to support it.

By Mr. COCHRAN (for himself, Mr. MOYNIHAN, and Mr. FRIST):

S.J. Res. 40. A joint resolution providing for the appointment of Alan G. Spoon as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

S.J. Res. 41. A joint resolution providing for the appointment of Sheila E. Widnall as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

S.J. Res. 42. A joint resolution providing for the reappointment of Manuel L. Ibáñez as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

THE SMITHSONIAN INSTITUTION BOARD OF REGENTS

Mr. COCHRAN. Mr. President, today I am introducing three Senate joint resolutions reappointing citizen regents of the Board of Regents of the Smithsonian Institution. I am pleased that my fellow Smithsonian Institution Regents, the Senator from New York (Mr. MOYNIHAN) and the Senator from Tennessee (Mr. FRIST), are cosponsors.

At its meeting on January 24, 2000, the Smithsonian Institution Board of Regents recommended the following distinguished individuals for appointment to the Smithsonian Institution Board of Regents: Mr. Manuel L. Ibáñez of Texas; Mr. Alan G. Spoon of Maryland; and Ms. Sheila E. Widnall of Massachusetts.

I ask unanimous consent that the biographies of the nominees and the text of the joint resolutions be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S.J. RES. 40

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of resignation of Louis Gerstner of New York, is filled by the appointment of Alan G. Spoon of Maryland. The appointment is for a term of 6 years and shall take effect on the date of enactment of this joint resolution.

S.J. RES. 41

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of resignation of Louis Gerstner of New York, is filled by the appointment of Alan G. Spoon of Maryland. The appointment is for a term of 6 years and shall take effect on the date of enactment of this joint resolution.

S.J. RES. 42

Resolved by the Senate and House of Representatives of the United States of America in

Congress assembled, That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of Manuel L. Ibáñez of Texas on May 4, 2000, is filled by the reappointment of the incumbent for a term of 6 years. The reappointment shall take effect on May 5, 2000.

MANUEL LUIS IBÁÑEZ

(President of Texas A&I University and Professor of Microbiology)

B.S.—1957: Wilmington College, Wilmington, Ohio (*cum laude*).

M.S.—1959: Pennsylvania State University, University Park, Pennsylvania.

Ph.D.—1961: Pennsylvania State University, University Park, Pennsylvania.

National Science Foundation Cooperative Fellowship, 1959–1961 (2 year Full Fellowship).

Postdoctoral training, 1962—University of California at Los Angeles, Nuclear Medicine.

Field of Specialization: Bacterial Physiology.

PROFESSIONAL EXPERIENCE

1961–1962: Bucknell University, Assistant Professor of Bacteriology.

5/62–11/62: UCLA, Postdoctoral trainee.

1962–1965: Interamerican Institute of Agricultural Science of the O.A.S. (Costa Rica), Senior Biochemist.

1965–1970: LSU in New Orleans, Associate Professor and Chairman, Biology.

1970–1075: LSU in New Orleans, Associate Professor of Biology.

1973: Sabbatical Leave, University of California, San Diego and Scripps Institute of Oceanography.

1975–1978: University of New Orleans, Associate Professor and Coordinator Allied Health Sciences.

1977: University of New Orleans, Professor, Biological Sciences.

1978–1982: University of New Orleans, Professor, Biological Sciences and Associate Dean of the Graduate School.

1/1/82–6/30/83: University of New Orleans, Professor, Biological Sciences and Associate Vice Chancellor for Academic Affairs.

7/1/83–3/31/85: University of New Orleans, Professor, Biological Sciences and Acting Vice Chancellor for Academic Affairs.

4/1/85–7/31/89: University of New Orleans, Professor, Biological Sciences and Vice Chancellor for Academic Affairs and Provost.

8/89: University of New Orleans, Professor Emeritus.

8/1/89–Present: Texas A&I University, Professor of Microbiology and President.

8/1/90–Present: Texas A&M University, Visiting Professor of Biochemistry.

Professional Society Memberships Past and Present: American Society for Microbiology; American Association for the Advancement of Science; Fitotecnia Latinoamericana; Society of Sigma Xi (Science); American Association of University Administrators; American Association of State Colleges and Universities; Hispanic Association of Colleges and Universities.

ALAN GARY SPOON

Communications and publishing executive; b. Detroit, June 4, 1951; s. Harry and Mildred (Rudman) S.; m. Terri Alper, June 3, 1975; children: Ryan, Leigh, Randi, B.S., MIT, 1973, M.S. 1973; J.D., Harvard U., 1976. Cons. The Boston Cons. Group, 1976–79, mgr., 1979–81, v.p., 1981; v.p., The Washington Post Co., 1984–85; v.p., contr. Washington Post, 1985–86, v.p. mktg., 1986–87; v.p. fin., CFO The Washington Post Co., 1987–89; pres. Newsweek mag., 1989–91; COO, The Washington Post Co., 1991—, pres., 1993—; dir. Info. Industry Assn., Washington, 1982–83, 88–89; bd. dirs., trustee WETA-Pub. Broadcasting, 1986–92; bd. dirs. The Riggs Nat. Bank of Washington, 1991–93, dir. Genome Scis., Inc. (HGSI), (Rockville, MD), 1998. Dir. Norwood Sch., 1989–93, chmn., 1993–95; dir Internat. Herald Tribune, 1991—, Smithsonian Nat. Mus. Natural History, Wash. D.C. 1994—, Am. Mgmt. Sys., Inc., Fairfax. VA, 1996—, Human Genome Scis. Inc., Rockville, MD. 1998—. Recipient award for scholarship and athletics Eastern Coll. Athletic Conf., and MIT, 1973. Home: 7300 Loch Edin Ct, Potomac MD 20854–4835; Office: The Washington Post Co, 1150 15th St. NW, Washington, DC 20071–0002.

SHEILA EVANS WIDNALL

Aeronautical educator, former secretary of the airforce, aeronautical educator, former university official; b. Tacoma, July 13, 1938; d. Rolland John and Genievieve Alice (Krause) Evans; m. William Soule Widnall, June 11, 1960; children: William, Ann. BS in Aero. and Astronautics, MIT, 1960, MS in Aero. and Astronautics, 1961, DSc, 1964; PhD (hon.), New Eng. Coll., 1975, Lawrence U., 1987, Cedar Crest Coll., 1988, Smith Coll., 1990, Mt. Holyoke, Coll., 1991, Ill. Inst. Tech., 1991, Columbia U., 1994, Simmons Coll., 1994, Suffolk U., 1994, Princeton U., 1994. Asst. prof. aeros. and astronautics MIT, Cambridge, 1964–70, assoc. prof., 1970–74, prof., 1974–93, head divsn. fluid mechanics, 1975–79; dir. Fluid Dynamics Rsch. Lab., MIT, Cambridge, 1979–90; chmn. faculty MIT, Cambridge, 1979–80, chairperson com. on acad. responsibility, 1991–92, assoc. provost, 1992–93; sec. USAF, 1993–97; prof. MIT, Cambridge, 1997—; trustee Sloan Found., 1998—; bd. dirs. Chemfab Inc., Bennington, VT., Aerospace Corp., L.A., Draper Labs., Cambridge; past trustee Carnegie Corp., 1984–92, Charles Stark Draper Lab. Inc.; mem. Carnegie Commn. Sci., Tech. and Govt. Contbr. articles to profl. jours.; patentee in field; assoc. editor AIAA Jour. Aircraft, 1972–75, Physics of Fluids, 1981–88, Jour. Applied Mechanics, 1983–87; emm. editorial bd. Sci., 1984–86. Bd. visitors USAF Acad., Colorado Springs, Colo., 1978–84, bed. chairperson, 1980–82; trustee Boston Mus. Scie., 1989—. Recipient Washburn award Boston Mus. Sci., 1987. Fellow AAAS (bd. dirs. 1982–89, pres. 1987–88, chmn. 1988–89), AIAA (bd. dirs. 1975–77, Lawrence Sperry award 1972, Durand Lectureship for Pub. Svc. award 1996, pres.-elect 1999—), Am. Phys. Soc. (exec. com. 1979–82); mem. ASME (Applied Mechs) award 1995, Pres. award 1999), NAE (coun. 1992–93, v.p. 1998—), NAS (panel on sci. responsibility), Am. Acad. Arts and Scis., Soc. Women Engrs. (Outstanding Achievement award 1975), Internat. Acad. Astronautics, Seattle Mountaineers. Office: MIT Bldg 33–411 77 Massachusetts Ave Cambridge, MA 02139.

ADDITIONAL COSPONSORS

S/ 345

At the request of Mr. ALLARD, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 374

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 374, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage.

S. 459

At the request of Mr. BREAUX, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 542

At the request of Mr. ABRAHAM, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 542, a bill to amend the Internal Revenue Code of 1986 to expand the deduction for computer donations to schools and allow a tax credit for donated computers.

S. 577

At the request of Mr. HATCH, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 577, a bill to provide for injunctive relief in Federal district court to enforce State laws relating to the interstate transportation of intoxicating liquor.

S. 631

At the request of Mr. DEWINE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 631, a bill to amend the Social Security Act to eliminate the time limitation on benefits for immunosuppressive drugs under the medicare program, to provide continued entitlement for such drugs for certain individuals after medicare benefits end, and to extend certain medicare secondary payer requirements.

S. 662

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 662, a bill to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program.

S. 717

At the request of Ms. MIKULSKI, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 717, a bill to amend title II of the Social Security Act to provide that the reductions in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200, adjusted for inflation.

S. 821

At the request of Mr. LAUTENBERG, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 821, a bill to provide for the collection of data on traffic stops.

S. 867

At the request of Mr. ROTH, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 867, a bill to designate a portion of the Arctic National Wildlife Refuge as wilderness.

S. 1028

At the request of Mr. HATCH, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 1028, a bill to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the United States Constitution, have been deprived by final actions of Federal agencies, or other government officials or entities acting under color of State law, and for other purposes.

S. 1044

At the request of Mr. KENNEDY, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 1044, a bill to require coverage for colorectal cancer screenings.

S. 1066

At the request of Mr. ROBERTS, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1066, a bill to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to encourage the use of and research into agricultural best practices to improve the environment, and for other purposes.

S. 1142

At the request of Ms. MIKULSKI, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1142, a bill to protect the right of a member of a health maintenance organization to receive continuing care at a facility selected by that member, and for other purposes.

S. 1196

At the request of Mr. COVERDELL, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 1196, a bill to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes.

S. 1199

At the request of Mr. LOTT, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 1199, a bill to require the Secretary of State to report on United States citizens injured or killed by certain terrorist groups.

S. 1227

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 1227, a bill to amend title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide States with the option to allow legal immigrant pregnant women and children to be eligible for medical assistance under the medical program, and for other purposes.

S. 1452

At the request of Mr. SHELBY, the names of the Senator from Nebraska (Mr. HAGEL), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Georgia (Mr. CLELAND) were added as cosponsors of S. 1452, a bill to modernize the requirements under the National Manufactured Housing Construction and Safety Standards of 1974 and to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes.

S. 1580

At the request of Mr. ROBERTS, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 1580, a bill to amend the Federal Crop Insurance Act to assist agricultural producers in managing risk, and for other purposes.

S. 1594

At the request of Mr. KERRY, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1594, a bill to amend the Small Business Act and Small Business Investment Act of 1958.

S. 1716

At the request of Mr. TORRICELLI, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1716, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to require local educational agencies and schools to implement integrated pest management systems to minimize the use of pesticides in schools and to provide parents, guardians, and employees with notice of the use of pesticides in schools, and for other purposes.

S. 1796

At the request of Mr. LAUTENBERG, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 1796, a bill to modify the enforcement of certain anti-terrorism judgements, and for other purposes.

S. 1810

At the request of Mrs. MURRAY, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1810, a bill to amend title 38, United States Code, to clarify and improve veterans' claims and appellate procedures.

S. 1900

At the request of Mr. LAUTENBERG, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1900, a bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued by Amtrak, and for other purposes.

S. 1921

At the request of Mr. CAMPBELL, the names of the Senator from Kentucky (Mr. MCCONNELL) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 1921, a bill to authorize the placement within the site of the Vietnam Veterans Memorial of a plaque to honor Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service.

S. 1984

At the request of Mr. HARKIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1984, a bill to establish in the Antitrust Division of the Department of Justice a position with responsibility for agricultural antitrust matters.

S. 2003

At the request of Mr. JOHNSON, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 2003, a bill to restore health care coverage to retired members of the uniformed services.

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 2003, supra.

S. 2004

At the request of Mrs. MURRAY, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2004, a bill to amend title 49 of the United States Code to expand State authority with respect to pipeline safety, to establish new Federal requirements to improve pipeline safety, to authorize appropriations under chapter 601 of that title for fiscal years 2001 through 2005, and for other purposes.

S. 2013

At the request of Mr. LOTT, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2013, a bill to restore health care equity for medicare-eligible uniformed services retirees, and for other purposes.

S. 2062

At the request of Mr. DEWINE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2062, a bill to amend chapter 4 of title 39, United States Code, to allow postal patrons to contribute to funding for organ and tissue donation awareness through the voluntary purchase of certain specially issued United States postage stamps.

S. 2070

At the request of Mr. FITZGERALD, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 2070, a bill to improve safety standards for child restraints in motor vehicles.

S. 2074

At the request of Mr. ASHCROFT, the names of the Senator from Idaho (Mr. CRAPO), the Senator from Nebraska (Mr. HAGEL), the Senator from Virginia (Mr. WARNER), the Senator from New

Mexico (Mr. DOMENICI), and the Senator from Georgia (Mr. COVERDELL) were added as cosponsors of S. 2074, a bill to amend title II of the Social Security Act to eliminate the social security earnings test for individuals who have attained retirement age.

S. 2076

At the request of Mr. SCHUMER, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from North Carolina (Mr. EDWARDS), the Senator from Minnesota (Mr. GRAMS), the Senator from Michigan (Mr. ABRAHAM), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Jersey (Mr. TORRICELLI), the Senator from Montana (Mr. BAUCUS), the Senator from Rhode Island (Mr. REED), the Senator from Nevada (Mr. REID), the Senator from Connecticut (Mr. DODD), and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 2076, a bill to authorize the President to award a gold medal on behalf of the Congress to John Cardinal O'Connor, Archbishop of New York, in recognition of his accomplishments as a priest, a chaplain, and a humanitarian.

S. 2083

At the request of Mr. ROBB, the names of the Senator from California (Mrs. BOXER) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 2083, a bill to amend the Internal Revenue Code of 1986 to provide a uniform dollar limitation for all types of transportation fringe benefits excludable from gross income, and for other purposes.

S. 2090

At the request of Mr. CAMPBELL, the names of the Senator from Maine (Ms. COLLINS), the Senator from Texas (Mrs. HUTCHISON), the Senator from Arizona (Mr. KYL), and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 2090, a bill to amend the Internal Revenue Code of 1986 to impose a 1 year moratorium on certain diesel fuel excise taxes.

S. CON. RES. 81

At the request of Mr. ROTH, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. Con. Res. 81, a concurrent resolution expressing the sense of the Congress that the Government of the People's Republic of China should immediately release Rabiya Kadeer, her secretary, and her son, and permit them to move to the United States if they so desire.

S. RES. 60

At the request of Mr. MACK, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Res. 60, a resolution recognizing the plight of the Tibetan people on the fortieth anniversary of Tibet's attempt to restore its independence and calling for serious negotiations between China and the Dalai Lama to achieve a peaceful solution to the situation in Tibet.

S. RES. 128

At the request of Mr. COCHRAN, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Idaho (Mr. CRAPO), the Senator from Nebraska (Mr. HAGEL), the Senator from Maryland (Mr. SARBANES), and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. Res. 128, a resolution designating March 2000, as "Arts Education Month." At the request of Mr. DURBIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. Res. 128, supra.

AMENDMENT NO. 2825

At the request of Mr. ABRAHAM, the names of the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Missouri (Mr. ASHCROFT), the Senator from Colorado (Mr. ALLARD), the Senator from Montana (Mr. BURNS), the Senator from Minnesota (Mr. GRAMS), the Senator from Washington (Mr. GORTON), the Senator from Idaho (Mr. CRAPO), and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of amendment No. 2825 intended to be proposed to S. 1134, an original bill to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes.

AMENDMENT NO. 2854

At the request of Mr. COVERDELL, the names of the Senator from Kentucky (Mr. BUNNING) and the Senator from Utah (Mr. HATCH) were added as cosponsors of amendment No. 2854 proposed to S. 1134, an original bill to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes.

At the request of Ms. COLLINS, the names of the Senator from Michigan (Mr. ABRAHAM), the Senator from Alabama (Mr. SESSIONS), and the Senator from Missouri (Mr. ASHCROFT) were added as cosponsors of amendment No. 2854 proposed to S. 1134, an original bill to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes.

SENATE CONCURRENT RESOLUTION 85—CONDEMNING THE DISCRIMINATORY PRACTICES PREVALENT AT BOB JONES UNIVERSITY

Mr. TORRICELLI (for himself, Mr. REID, and Mr. ROBB) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 85

Whereas the Senate strongly rejects the practices of racism, segregation, and intolerance based on religious beliefs;

Whereas the administration of Bob Jones University enforces a segregationist policy by prohibiting interracial couples on the Bob Jones University campus;

Whereas officials of Bob Jones University routinely disparage those of other religious faiths with intolerant and derogatory remarks;

Whereas officials of Bob Jones University have likened the Pope of the Roman Catholic Church to a "possessed demon", and branded Catholicism as a "satanic system and religion of the anti-Christ";

Whereas the Website of Bob Jones University greets visitors with the University's belief that Catholicism and Mormonism are "cults"; and

Whereas senior officials of Bob Jones University have made openly racist remarks on many occasions regarding African Americans and Asian Americans: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) condemns practices, such as those prevalent at Bob Jones University, that seek to discriminate against and divide Americans on the basis of race, ethnicity, and religion; and

(2) strongly denounces individuals who seek to subvert the American ideals of inclusion, equality, and social justice.

SENATE CONCURRENT RESOLUTION 86—REQUESTING THAT THE UNITED STATES POSTAL SERVICE ISSUE A COMMEMORATIVE POSTAGE STAMP HONORING THE 9TH AND 10TH HORSE CAVALRY UNITS, COLLECTIVELY KNOWN AS THE BUFFALO SOLDIERS

Mr. DEWINE submitted the following concurrent resolution; which was referred to the Committee on Governmental Affairs:

S. CON. RES. 86

Whereas the 9th and 10th Horse Cavalry Units, collectively known as the Buffalo Soldiers, have made key contributions to the history of the United States by fighting to defend and protect our Nation;

Whereas the 9th and 10th Horse Cavalry Units maintained the trails and protected the settler communities during the period of westward expansion;

Whereas the 9th and 10th Horse Cavalry Units, who came to be known as the Buffalo Soldiers while in combat with the Native Americans, secured land for the Union from the Native Americans;

Whereas the 9th and 10th Horse Cavalry Units were among Theodore Roosevelt's Rough Riders in Cuba during the Spanish-American War, and crossed into Mexico in 1916 under General John J. Pershing;

Whereas African-American men were drafted into the 9th and 10th Horse Cavalry Units to serve on harsh terrain and protect the Mexican Border;

Whereas these African-American units went to North Africa, Iran, and Italy during World War II and worked in many positions including paratroopers and combat engineers;

Whereas in the face of fear of a Japanese invasion, the soldiers in the 9th and 10th Cavalry units were placed along the rugged border terrain of the Baja Peninsula and protected dams, power stations, and rail lines that were crucial to San Diego's war industries; and

Whereas the 21 currently existing chapters of the 9th and 10th Cavalry Association, with 20 domestic chapters and 1 in Germany, have built a Buffalo Soldiers Memorial in Junction City, Kansas: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress requests that the United States Postal Service issue a commemorative postage stamp in honor of the 9th and 10th Horse Cavalry Units, collectively known as the Buffalo Soldiers.

● Mr. DEWINE. Mr. President, as my colleagues know, February is designated as "Black History Month." As part of the celebration of African American achievements and contributions to our country, I would like to draw your attention to the heroic and courageous acts of the African Americans who served in the Ninth and Tenth Horse Cavalry Units of the United States Army.

These units were established at the end of the Civil War and composed of former slaves. Their first charge was to maintain trails and protect settlers from Native Americans during the period of westward expansion. The units were called to combative service during the wars against the Native Americans, where they were also given the name of "Buffalo Soldiers."

During the Spanish American War, the Buffalo Soldiers were among Theodore Roosevelt's Rough Riders. In 1916, they crossed into Mexico under the direction of General John J. Pershing. At a time when the majority of the troops fighting in Mexico were from the South, these soldiers faced many internal obstacles and discriminatory actions, even while defending our country.

The Buffalo Solders were last called into service during World War II. The soldiers went to North Africa, Iran, and Italy and held various positions as combat engineers and paratroopers, among others. When the Army feared a Japanese invasion, the Buffalo Soldiers were placed along the rugged border terrain of the Baja Peninsula and protected dams, power stations, and rail lines to ensure the safety of crucial war industries in San Diego.

Currently, there are twenty-one existing chapters of the 9th and 10th Horse Cavalry associations, one in Germany and twenty in the United States.

Mr. President, I am submitting a resolution today to honor these brave men through the creation of a commemorative postage stamp. This stamp is a way to pay tribute to the Buffalo Soldiers' great acts of courage and dedication to our country. It is my hope that this stamp can serve as a reminder of their valor and to help teach future generations about their contributions to our nation. I urge my colleagues to support this measure.

An informative article about the Buffalo Soldiers in my home state of Ohio was recently featured in the Cincinnati Enquirer. I ask unanimous consent that the text of this article be reprinted in the RECORD.

The article follows:

[From the Cincinnati Enquirer, Feb. 9, 2000]

LAST OF A STORIED CAVALRY FIGHTS FOR RECOGNITION—ALL-BLACK UNIT SERVED IN WW II AFTER LONG HISTORY

(By Mark Curnutte)

In 1943, Lorenzo Denson was one of about two dozen men from Cincinnati drafted to serve in an all-black cavalry unit on the Mexican border.

"The only horse I'd ever seen was the milkman's horse on Seventh Street," he said. Shortages of men in segregated black infantry units took Mr. Denson and other Cincinnatians overseas—without their horses—to North Africa, Iran and Italy. They worked as everything from paratroopers to combat engineers. Mr. Denson was a firefighter at an airfield.

"We did our job," he said. "We did what we were told."

These Tristate men also found their way into history as the last of the Buffalo Soldiers, members of the renowned all-black cavalry units formed during the Indian wars. The U.S. Army disbanded all horseback cavalry units in 1944.

This month—Black History Month—finds Cincinnati's Buffalo Soldiers on a final ride. Like the Tuskegee Airmen and other groups of black veterans before them, the Buffalo Soldiers are trying to win recognition for contributions that they say have been overlooked for more than 50 years.

Mr. Denson, now 79, retired and living in Columbia Township, will be among a group of nine living World War II-era Buffalo Soldiers scheduled to make its first Tristate appearance Thursday at the public library in Corryville.

"We helped to win World War II," said Linwood Greene Jr., 79, of Silverton, another Buffalo Soldier.

At least 14 of Cincinnati's World War II Buffalo Soldiers are dead—none was killed in action—and chances are this piece of Tristate history would have faded away if not for George Hicks III. A retired Army veteran who's a fan of the all-black cavalry units; Mr. Hicks moved from Washington, D.C., to the Tristate a couple of years ago and immediately organized the Cincinnati-based Heartland Chapter of the Ninth and Tenth Horse Cavalry Association.

"These men are American heroes," said Mr. Hicks, 50.

There are 20 domestic chapters of the Ninth and Tenth Association and one in Germany. About 650 black cavalry veterans from World War II are still living.

"We owe a lot to George," said Mr. Denson, who appeared at the Buffalo Soldiers booth at the Indiana Black Expo in July in Indianapolis. Public reaction there added urgency to the black troopers mission.

People—black and white alike—didn't know who they were. "They thought we were actors," Mr. Denson said.

The men sported black hats with crossed cavalry swords and the No. 10 affixed to the front. With blue shirts they wore the cavalry's standard yellow neckerchief.

"Once people found out who we were and what we did, they wanted to have their pictures taken with us," Mr. Denson said.

William Snow, 77, of New Burlington will appear at the library with Mr. Denson and at least three other men.

"Overseas, we did everything we were instructed to do," said Mr. Snow, a Walnut Hills native and retired postal worker. "I was proud to be in the cavalry. I am proud to be part of the history."

The black cavalry dates to post-Civil War North America. It's first recruits in 1866 were former slaves who patrolled the frontier from Texas to Montana. They guarded settlers and protected wagon trains.

Buffalo Soldiers earned respect and their nickname from the Cheyenne, Arapahoe, Kiowa, Comanche and Apache Indians they sometimes fought, a story captured in the song "Buffalo Soldier" by the late reggae icon Bob Marley. Indians said black soldiers' hair resembled buffalo fur.

Four all-black regiments, stationed throughout the western territories, were known as some of the fiercest fighters of the Indian wars.

They were among Theodore Roosevelt's Rough Riders in Cuba during the Spanish-American War and crossed into Mexico in 1916 under Gen. John J. Pershing.

During World War II, fearing a Japanese land invasion through Mexico's Baja Peninsula, the government placed cavalry units—first white, then black—along the rugged border terrain. Armed units on horseback protected dams, power stations and rail lines important to San Diego's war industries.

Black troopers from Cincinnati were sworn in at Fort Thomas and sent to train at Camp Lockett near San Diego.

"We were trained in infantry and how to be infantry on horseback," Mr. Denson said. "When you were assigned a horse, you were instructed to treat this animal like it was your best friend."

African-Americans could not rise beyond the rank of sergeant, so all commanding officers were white.

"They treated black troopers very well," Mr. Denson said.

Patrolling the border is how Buffalo Soldiers figured they would close out the war.

But within a year of arriving in California, the cavalry troopers were put on alert to go overseas. They were put aboard a segregated train for a two-day ride to Newport News, Va.

A stop in Houston showed the men that many of their white countrymen wouldn't accept them, even though the troopers would put their lives on the line for them.

"We were in cramped quarters on the train, and the colonel got us out and had us marching up and down the platform to stretch our legs," said Mr. Greene, the Madisonville native who lives in Silverton.

"The mayor of Houston heard we were there, and he came out and said, 'Get them niggers back on the train.' And that's exactly what he said.

"So the colonel has us go back to a train car and assemble our .50-caliber machine guns. We went back out and marched until it was time to switch trains."

Many historians consider Buffalo Soldiers unsung heroes, troopers who did jobs a lot of white soldiers didn't want to.

"Blacks were second-class citizens in the military, and blacks were second-class citizens in society," said Pat O'Brien, a history professor and 20th century America expert at Emporia State University in Emporia, Kan.

Emporia is near Junction City, Kan., home of the Ninth and Tenth Cavalry Association, which is raising money to build a Buffalo Soldiers memorial there.

"In many ways, World War II—and the performance of the black soldiers—provided the context for the civil rights movement," Mr. O'Brien said. "It readily exposed the paradox—how could you fight against one thing overseas and promote it at home."

Mr. Greene, who joined the combat engineers and worked as a welder, landed at Normandy on D-Day. He was wounded six days later when the Jeep in which he was riding ran over a mine.

He took shrapnel in the head, hand and stomach. The next 14 days were a blur. He received the Purple Heart and an honorable discharge at a Cleveland hospital on Aug. 4, 1945.

Mr. Greene came home to Cincinnati and went to work as a railway mail clerk. He experienced more racism at home than he did abroad.

"I was in the same boxcars sorting the same mail, and they wouldn't let me join the union," he said.

Paul Greene, his son, was a U.S. Marine killed in Vietnam in 1966. Paul Greene was 19.

"I'm proud of my son's service to his country," Linwood Greene Jr. said slowly. "I'm proud of my service to my country."

Mr. Snow, who also received an honorable discharge, didn't think he would live to see the United States again.

"I had as much fun as I could because I thought I would be gone at any minute," he said. "God was with me. That's how I didn't get hurt."

Mr. Denson is most proud of his honorable discharge, dated Nov. 6, 1945. He also received the American Theater Ribbon, Good Conduct Medal and Victory Medal.

"The No. 1 thing is that honorable discharge. A lot of things happen in the service, and they had a lot of ways of busting you down," said Mr. Denson, who retired in 1981 from Cincinnati Public Schools as a plant operator.

Not far behind are his feelings for his unit.

"I liked the outfit. I liked the horses. I learned a lot," he said. "We didn't come in until the tail end, but we did a good job.

"No, we weren't actors. We were the real thing."●

SENATE RESOLUTION 264—CONGRATULATING AND THANKING CHAIRMAN ROBERT F. BENNETT AND VICE CHAIRMAN CHRISTOPHER J. DODD FOR THEIR TREMENDOUS LEADERSHIP, POISE, AND DEDICATION IN LEADING THE SPECIAL COMMITTEE ON THE YEAR 2000 TECHNOLOGY PROBLEM AND COMMENDING THE MEMBERS OF THE COMMITTEE FOR THEIR FINE WORK

Mr. LOTT (for himself, Mr. DASCHLE, Mr. MOYNIHAN, Mr. STEVENS, Mr. BYRD, and Mr. EDWARDS) submitted the following resolution; which was considered and agreed to:

S. RES. 264

Whereas Senator Robert F. Bennett and Senator Christopher J. Dodd had the foresight to urge Majority Leader Lott and Senator Daschle to establish the Special Committee on the Year 2000 Technology Problem under Senate Resolution on April 2, 1998;

Whereas under Chairman Bennett's and Vice Chairman Dodd's leadership, the Special Committee on the Year 2000 Technology Problem always acted in a bipartisan manner;

Whereas Chairman Bennett and Vice Chairman Dodd presided over 35 hearings on various aspects of technology infrastructure including utilities, health care, telecommunications, transportation, financial services, Government involvement, and litigation;

Whereas the Special Committee on the Year 2000 Technology Problem became the central repository for Y2K computer problem information both nationally and internationally;

Whereas Chairman Bennett and Vice Chairman Dodd guided the Senate in working with the White House, the House of Representatives, the United Nations, and other international organizations, and the private sector in addressing the Y2K computer problem;

Whereas under Chairman Bennett's and Vice Chairman Dodd's leadership, the Committee issued 3 excellent reports that quickly became the authoritative source on the progress of the Federal Government, the private sector, and foreign countries on the Y2K computer problem;

Whereas Chairman Bennett, Vice Chairman Dodd, and the committee helped the Federal Government, industry, nations, and global enterprises learn that by working together we can solve the kinds of technology problems we will likely face in the 21st century;

Whereas Chairman Bennett and Vice Chairman Dodd always conducted hearings in a thoughtful and judicious manner, with the intent of addressing key issues so that the Senate could better evaluate and solve the problem;

Whereas because of Chairman Bennett's and Vice Chairman Dodd's initiative, the Nation and the world began to take the Y2K computer problem seriously and worked to resolve the problem; and

Whereas due to Chairman Bennett's and Vice Chairman Dodd's tremendous leadership, dedication, and the work of the Special Committee on the Year 2000 Technology Problem, the first potential catastrophe of the new century was avoided: Now, therefore, be it

Resolved, That the Senate congratulates and thanks Chairman Robert F. Bennett and Vice Chairman Christopher J. Dodd—

(1) for their tremendous leadership in addressing a massive and pervasive problem; a problem that was largely unknown, but thanks to Chairman Bennett and Vice Chairman Dodd was studied, evaluated, and resolved;

(2) for presiding over the Special Committee on the Year 2000 Technology Problem which did its work in a bipartisan and fair manner; and

(3) for helping the Government and the Nation minimize the Y2K computer problem.

AMENDMENTS SUBMITTED

THE AFFORDABLE EDUCATION ACT OF 1999

DODD (AND OTHERS) AMENDMENT NO. 2857

Mr. REID (for Mr. DODD (for himself, Mr. REID, Mr. KENNEDY, and Mr. REED)) proposed an amendment to the bill (S. 1134) to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes; as follows:

Strike section 101 and insert the following:

SEC. 101. IDEA.

There are appropriated to carry out part B of the Individuals with Disabilities Education Act $1,200,000,000, which amount is equal to the projected revenue increase resulting from striking the amendments made to the Internal Revenue Code of 1986 by section 101 of this Act as reported by the Committee on Finance of the Senate.

WYDEN AMENDMENT NO. 2858

(Ordered to lie on the table.)

Mr. WYDEN submitted an amendment intended to be proposed by him to the bill, S. 1134, supra; as follows:

At the appropriate place, insert the following:

SEC. . DETENTION OF JUVENILES WHO UNLAWFULLY POSSESS FIREARMS IN SCHOOLS.

Section 4112(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7112(a)) is amended—

(1) in paragraph (4), by striking "and" at the end;

(2) by redesignating paragraph (5) as paragraph (6); and

(3) by inserting after paragraph (4) the following:

"(5) contains an assurance that the State has in effect a policy or practice that requires State and local law enforcement agencies to detain in an appropriate juvenile community-based placement or in an appropriate juvenile justice facility, for not less than 24 hours, any juvenile who unlawfully possesses a firearm in a school, upon a finding by a judicial officer that the juvenile may be a danger to himself or herself or to the community; and".

KERRY AMENDMENT NO. 2859

(Ordered to lie on the table.)

Mr. KERRY submitted an amendment intended to be proposed by him to the bill, S. 1134, supra; as follows:

On page 21, between lines 3 and 4, insert:

SEC. 204. EXCLUSION OF NATIONAL SERVICE EDUCATIONAL AWARDS.

(a) IN GENERAL.—Section 117 (relating to qualified scholarships) is amended by adding at the end the following:

"(e) QUALIFIED NATIONAL SERVICE EDUCATIONAL AWARDS.—

"(1) IN GENERAL.—Gross income for any taxable year shall not include any qualified national service educational award.

"(2) QUALIFIED NATIONAL SERVICE EDUCATIONAL AWARD.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified national service educational award' means any amount received by an individual in a taxable year as a national service educational award or other amount under section 148 of the National and Community Service Act of 1990 (42 U.S.C. 12604) to the extent such amount does not exceed the qualified tuition and related expenses (as defined in subsection (b)(2)) of the individual for such taxable year.

"(B) LIMITATION.—The total amount of the qualified tuition and related expenses (as so defined) which may be taken into account under subparagraph (A) with respect to an individual for the taxable year shall be reduced (after the application of the reduction provided in section 25A(g)(2)) by the amount of such expenses which were taken into account in determining the credit allowed to the taxpayer or any other person under section 25A with respect to such expenses."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts received in taxable years beginning after December 31, 1999.

HUTCHISON AMENDMENT 2860

(Ordered to lie on the table.)

Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill, S. 1134, supra; as follows:

At the appropriate place, insert the following:

SEC.   . CAREERS TO CLASSROOMS.

(a) DEFINITIONS.—In this section:

(1) IN GENERAL.—The terms "elementary school", "local educational agency", "secondary school", and "Secretary" have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(2) ALTERNATIVE CERTIFICATION OR LICENSURE REQUIREMENTS.—The term "alternative certification or licensure requirements" means State or local teacher certification or licensure requirements that permit a demonstrated competence in appropriate subject areas gained in careers outside of education to be substituted for traditional teacher training course work.

(3) ELIGIBLE INDIVIDUAL.—The term "eligible individual" means an individual who has received—

(A) in the case of an individual applying for assistance for placement as an elementary school or secondary school teacher, a baccalaureate or advanced degree from an institution of higher education; or

(B) in the case of an individual applying for assistance for placement as a teacher's aide in an elementary school or secondary school, an associate, baccalaureate, or advanced degree from an institution of higher education.

(4) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)

(5) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, American Samoa, the Federated States of Micronesia, Guam, the Republic of the Marshall Islands, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, the Republic of Palau, and the United States Virgin Islands.

(b) PLACEMENT PROGRAM.—The Secretary may establish a program of awarding grants to States—

(1) to enable the States to assist eligible individuals to obtain—

(A) certification or licensure as elementary school or secondary school teachers; or

(B) the credentials necessary to serve as teachers' aides; and

(2) to facilitate the employment of the eligible individuals by local educational agencies identified under subsection (c)(2) as experiencing a shortage of teachers or teachers' aides.

(c) STATES WITH ALTERNATIVE CERTIFICATION REQUIREMENTS AND TEACHER AND TEACHER'S AIDE SHORTAGES.—Upon the establishment of the placement program authorized by subsection (b), the Secretary shall—

(1) conduct a survey of States to identify those States that have alternative certification or licensure requirements for teachers;

(2) periodically request information from States identified under paragraph (1) to identify in these States those local educational agencies that—

(A) are receiving grants under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) as a result of having within their jurisdictions concentrations of children from low-income families; and

(B) are also experiencing a shortage of qualified teachers, in particular a shortage of science, mathematics, computer science, or engineering teachers; and

(3) periodically request information from all States to identify local educational agencies that—

(A) are receiving grants under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) as a result of having within their jurisdictions concentrations of children from low-income families; and

(B) are experiencing a shortage of teachers' aides.

(d) SELECTION OF ELIGIBLE INDIVIDUALS.—

(1) IN GENERAL.—Selection of eligible individuals to participate in the placement program authorized by subsection (b) shall be made on the basis of applications submitted to a State. An application shall be in such form and contain such information as the State may require.

(2) PRIORITY.—In selecting eligible individuals to receive assistance for placement as elementary school or secondary school teachers, the State shall give priority to eligible individuals who—

(A) have substantial, demonstrated career experience in science, mathematics, computer science, or engineering and agree to seek employment as science, mathematics, computer science, or engineering teachers in elementary schools or secondary schools; or

(B) have substantial, demonstrated career experience in another subject area identified by the State as important for national educational objectives and agree to seek employment in that subject area in elementary schools or secondary schools.

(e) AGREEMENT.—An eligible individual selected to participate in the placement program authorized by subsection (b) shall be required to enter into an agreement with the State, in which the eligible individual agrees—

(1) to obtain, within such time as the State may require, certification or licensure as an elementary school or secondary school teacher or the necessary credentials to serve as a teacher's aide in an elementary school or secondary school; and

(2) to accept—

(A) in the case of an eligible individual selected for assistance for placement as a teacher, an offer of full-time employment as an elementary school or secondary school teacher for not less than two school years with a local educational agency identified under subsection (c)(2), to begin the school year after obtaining that certification or licensure; or

(B) in the case of an eligible individual selected for assistance for placement as a teacher's aide, an offer of full-time employment as a teacher's aide in an elementary school or secondary school for not less than 2 school years with a local educational agency identified under subsection (c)(3), to begin the school year after obtaining the necessary credentials.

(f) STIPEND FOR PARTICIPANTS.—

(1) IN GENERAL.—The State shall pay to an eligible individual participating in the placement program a stipend in an amount equal to the lesser of—

(A) $5,000; or

(B) the total costs of the type described in paragraphs (1), (2), (3), (8), and (9) of section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087ll) incurred by the eligible individual while obtaining teacher certification or licensure or the necessary credentials to serve as a teacher's aide and employment as an elementary school or secondary school teacher or teacher aide.

(2) RELATION TO OTHER ASSISTANCE.—A stipend paid under paragraph (1) shall be taken into account in determining the eligibility of the eligible individual for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

(g) GRANTS TO FACILITATE PLACEMENT.—

(1) TEACHERS.—In the case of an eligible individual in the placement program obtaining teacher certification or licensure, the State may offer to enter into an agreement under this subsection with the first local educational agency identified under subsection (b)(2) that employs the eligible individual as a full-time elementary school or secondary school teacher after the eligible individual obtains teacher certification or licensure.

(2) TEACHER'S AIDES.—In the case of an eligible individual in the program obtaining credentials to serve as a teacher's aide, the State may offer to enter into an agreement under this subsection with the first local educational agency identified under subsection (b)(3) that employs the participant as a full-time teacher's aide.

(3) AGREEMENTS CONTRACTS.—Under an agreement referred to in paragraph (1) or (2)—

(A) the local educational agency shall agree to employ the eligible individual full time for not less than 2 consecutive school years (at a basic salary to be certified to the State) in a school of the local educational agency that—

(i) serves a concentration of children from low-income families; and

(ii) has an exceptional need for eligible individuals; and

(B) the State shall agree to pay to the local educational agency for each eligible individual, from amounts provided under this section, $5,000 per year for a maximum of 2 years.

(h) REIMBURSEMENT UNDER CERTAIN CIRCUMSTANCES.—

(1) IN GENERAL.—If an eligible individual in the placement program fails to obtain teacher certification or licensure, employment as

an elementary school or secondary school teacher, or employment as a teacher's aide as required under the agreement or voluntarily leaves, or is terminated for cause, from the employment during the 2 years of required service, the eligible individual shall be required to reimburse the State for any stipend paid to the eligible individual under subsection (f)(1) in an amount that bears the same ratio to the amount of the stipend as the unserved portion of required service bears to the 2 years of required service. A State shall forward the proceeds of any reimbursement received under this paragraph to the Secretary.

(2) OBLIGATION TO REIMBURSE.—The obligation to reimburse the State under this subsection is, for all purposes, a debt owing the United States. A discharge in bankruptcy under title 11 shall not release a participant from the obligation to reimburse the State. Any amount owed by an eligible individual under paragraph (1) shall bear interest at the rate equal to the highest rate being paid by the United States on the day on which the reimbursement is determined to be due for securities having maturities of 90 days or less and shall accrue from the day on which the eligible individual is first notified of the amount due.

(i) EXCEPTIONS TO REIMBURSEMENT PROVISIONS.—

(1) IN GENERAL.—An eligible individual in the placement program shall not be considered to be in violation of an agreement entered into under subsection (e) during any period in which the participant—

(A) is pursuing a full-time course of study related to the field of teaching at an institution of higher education;

(B) is serving on active duty as a member of the Armed Forces;

(C) is temporarily totally disabled for a period of time not to exceed 3 years as established by sworn affidavit of a qualified physician;

(D) is unable to secure employment for a period not to exceed 12 months by reason of the care required by a spouse who is disabled;

(E) is seeking and unable to find full-time employment as a teacher or teacher's aide in an elementary school or secondary school for a single period not to exceed 27 months; or

(F) satisfies the provisions of additional reimbursement exceptions that may be prescribed by the Secretary.

(2) FORGIVENESS.—An eligible individual shall be excused from reimbursement under subsection (h) if the eligible individual becomes permanently totally disabled as established by sworn affidavit of a qualified physician. The Secretary may also waive reimbursement in cases of extreme hardship to the participant, as determined by the Secretary.

ROBB (AND OTHERS) AMENDMENT NO. 2861

Mr. ROBB (for himself, Mr. HARKIN, Mr. CONRAD, and Mr. LAUTENBERG) proposed an amendment to the bill, S. 1134, supra; as follows:

Strike section 101 and insert:

SEC. 101. MODIFICATIONS TO EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS.

(a) MAXIMUM ANNUAL CONTRIBUTIONS.—

(1) IN GENERAL.—Section 530(b)(1)(A)(iii) (defining education individual retirement account) is amended by striking "$500" and inserting "the contribution limit for such taxable year".

(2) CONTRIBUTION LIMIT.—Section 530(b) (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

"(4) CONTRIBUTION LIMIT.—The term 'contribution limit' means $500 ($2,000 in the case of any taxable year beginning after December 31, 2000, and ending before January 1, 2004)."

(3) CONFORMING AMENDMENT.—Section 4973(e)(1)(A) is amended by striking "$500" and inserting "the contribution limit (as defined in section 530(b)(4)) for such taxable year".

(b) WAIVER OF AGE LIMITATIONS FOR CHILDREN WITH SPECIAL NEEDS.—Section 530(b)(1) (defining education individual retirement account) is amended by adding at the end the following flush sentence:

"The age limitations in the preceding sentence and paragraphs (5) and (6) of subsection (d) shall not apply to any designated beneficiary with special needs (as determined under regulations prescribed by the Secretary)."

(c) ENTITIES PERMITTED TO CONTRIBUTE TO ACCOUNTS.—Section 530(c)(1) (relating to reduction in permitted contributions based on adjusted gross income) is amended by striking "The maximum amount which a contributor" and inserting "In the case of a contributor who is an individual, the maximum amount the contributor".

(d) TIME WHEN CONTRIBUTIONS DEEMED MADE.—

(1) IN GENERAL.—Section 530(b) (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

"(5) TIME WHEN CONTRIBUTIONS DEEMED MADE.—An individual shall be deemed to have made a contribution to an education individual retirement account on the last day of the preceding taxable year if the contribution is made on account of such taxable year and is made not later than the time prescribed by law for filing the return for such taxable year (not including extensions thereof)."

(2) EXTENSION OF TIME TO RETURN EXCESS CONTRIBUTIONS.—Subparagraph (C) of section 530(d)(4) (relating to additional tax for distributions not used for educational expenses) is amended—

(A) by striking clause (i) and inserting the following new clause:

"(i) such distribution is made before the 1st day of the 6th month of the taxable year following the taxable year, and", and

(B) by striking "DUE DATE OF RETURN" in the heading and inserting "JUNE".

(e) COORDINATION WITH HOPE AND LIFETIME LEARNING CREDITS AND QUALIFIED TUITION PROGRAMS.—

(1) IN GENERAL.—Section 530(d)(2)(C) is amended to read as follows:

"(C) COORDINATION WITH HOPE AND LIFETIME LEARNING CREDITS AND QUALIFIED TUITION PROGRAMS.—

"(i) CREDIT COORDINATION.—

"(I) IN GENERAL.—Except as provided in subclause (II), subparagraph (A) shall not apply for any taxable year to any qualified higher education expenses with respect to any individual if a credit is allowed under section 25A with respect to such expenses for such taxable year.

"(II) SPECIAL COORDINATION RULE.—In the case of any taxable year beginning after December 31, 2000, and before January 1, 2004, subclause (I) shall not apply, but the total amount of qualified higher education expenses otherwise taken into account under subparagraph (A) with respect to an individual for such taxable year shall be reduced (after the application of the reduction provided in section 25A(g)(2)) by the amount of such expenses which were taken into account in determining the credit allowed to the taxpayer or any other person under section 25A with respect to such expenses.

"(ii) COORDINATION WITH QUALIFIED TUITION PROGRAMS.—If the aggregate distributions to which subparagraph (A) and section 529(c)(3)(B) apply exceed the total amount of qualified higher education expenses otherwise taken into account under subparagraph (A) (after the application of clause (i)) with respect to an individual for any taxable year, the taxpayer shall allocate such expenses among such distributions for purposes of determining the amount of the exclusion under subparagraph (A) and section 529(c)(3)(B)."

(2) CONFORMING AMENDMENTS.—

(A) Subsection (e) of section 25A is amended to read as follows:

"(e) ELECTION NOT TO HAVE SECTION APPLY.—A taxpayer may elect not to have this section apply with respect to the qualified tuition and related expenses of an individual for any taxable year."

(B) Section 135(d)(2)(A) is amended by striking "allowable" and inserting "allowed".

(C) Section 530(b)(2)(A) is amended by striking ", reduced as provided in section 25A(g)(2)".

(D) Section 530(d)(2)(D) is amended—

(i) by striking "or credit", and

(ii) by striking "CREDIT OR" in the heading.

(E) Section 4973(e)(1) is amended by adding "and" at the end of subparagraph (A), by striking subparagraph (B), and by redesignating subparagraph (C) as subparagraph (B).

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 101A. EXPANSION OF INCENTIVES FOR PUBLIC SCHOOLS.

(a) FINDINGS.—Congress makes the following findings:

(1) Record numbers of students are enrolled in our Nation's elementary and secondary schools and that record is expected to be broken every year through 2007. The record numbers are straining many school facilities. Addressing that growth will require an increasing commitment of resources to build and modernize schools, and to hire and train new teachers. In addition, the increasing use of technology in the workplace is creating new demands to incorporate computers and other high-technology equipment into the classroom and into curricula.

(2) The General Accounting Office (in this section referred to as the "GAO") has performed a comprehensive survey of the Nation's public elementary and secondary school facilities and has found severe levels of disrepair in all areas of the United States. The GAO report concluded that more than 14,000,000 children attend schools in need of extensive repair or replacement, 7,000,000 children attend schools with life safety code violations, and 12,000,000 children attend schools with leaky roofs.

(3) The General Accounting Office has found the problem of crumbling schools transcends demographic and geographic boundaries. At 38 percent of urban schools, 30 percent of rural schools, and 29 percent of suburban schools, at least one building is in need of extensive repair or should be completely replaced.

(4) The condition of school facilities has a direct effect on the safety of students and teachers and on the ability of students to learn. Academic research has provided a direct correlation between the condition of

school facilities and student achievement. At Georgetown University, researchers have found the test scores of students assigned to schools in poor condition can be expected to fall 10.9 percentage points below the test scores of students in buildings in excellent condition. Similar studies have demonstrated up to a 20 percent improvement in test scores when students were moved from a poor facility to a new facility.

(5) Furthermore, a recent study by the Environmental Working Group concluded that portable trailers, utilized by many school districts to accommodate school over-crowding, can "expose children to toxic chemicals at levels that pose an unacceptable risk of cancer or other serious illnesses." Because ventilation in portable trailers is poor, the pollution through the build-up of toxins can be significant. This is particularly hazardous to those children who have asthma. The prevalence of asthma in children increased by 160 percent between 1980 and 1994. The report also stated, "Schools are facing two epidemics: an epidemic of deteriorating facilities and an epidemic of asthma among children."

(6) The General Accounting Office has found most schools are not prepared to incorporate modern technology in the classroom. Forty-six percent of schools lack adequate electrical wiring to support the full-scale use of technology. More than a third of schools lack the requisite electrical power. Fifty-six percent of schools have insufficient phone lines for modems.

(7) The Department of Education has reported that elementary and secondary school enrollment, already at a record high level, will continue to grow over the next 10 years, and that in order to accommodate this growth, the United States will need to build an additional 2,400 schools.

(8) The General Accounting Office has determined the cost of bringing schools up to good, overall condition to be $112,000,000,000, not including the cost of modernizing schools to accommodate technology, or the cost of building additional facilities needed to meet record enrollment levels.

(9) Schools run by the Bureau of Indian Affairs (in this section referred to as the "BIA") for Native American children are also in dire need of repair and renovation. The General Accounting Office has reported that the cost of total inventory repairs needed for BIA facilities is $754,000,000. The December 1997 report by the Comptroller General of the United States states that, "Compared with other schools nationally, BIA schools are generally in poorer physical condition, have more unsatisfactory environmental factors, more often lack key facilities requirements for education reform, and are less able to support computer and communications technology."

(10) Across the Nation, schools will need to recruit and hire an additional 2,000,000 teachers during the period from 1998 through 2008. More than 200,000 teachers will be needed annually, yet current teacher development programs produce only 100,000 to 150,000 teachers per year. This level of recruitment is simply the level needed to maintain existing student-teacher ratios.

(11) The rapid growth in the student population, in addition to the imminent shortage of qualified teachers and recent efforts by Congress to help States reduce class size, present urgent infrastructure needs across the Nation.

(12) State and local financing mechanisms have proven inadequate to meet the challenges facing today's aging school facilities. Large numbers of local educational agencies have difficulties securing financing for school facility improvement.

(13) The Federal Government has provided resources for school construction in the past. For example, between 1933 and 1939, the Federal Government assisted in 70 percent of all new school construction.

(14) The Federal Government can support elementary and secondary school facilities without interfering in issues of local control, and should help communities leverage additional funds for the improvement of elementary and secondary school facilities.

(b) Public School Modernization.—Chapter 1 is amended by adding at the end the following new subchapter:

"Subchapter X—Public School Modernization Provisions

"Part I. Credit to holders of qualified public school modernization bonds.

"Part II. Qualified school construction bonds.

"Part III. Incentives for education zones.

"PART I—CREDIT TO HOLDERS OF QUALIFIED PUBLIC SCHOOL MODERNIZATION BONDS

"Sec. 1400F. Credit to holders of qualified public school modernization bonds.

"SEC. 1400F. CREDIT TO HOLDERS OF QUALIFIED PUBLIC SCHOOL MODERNIZATION BONDS.

"(a) Allowance of Credit.—In the case of a taxpayer who holds a qualified public school modernization bond on a credit allowance date of such bond which occurs during the taxable year, there shall be allowed as a credit against the tax imposed by this chapter for such taxable year an amount equal to the sum of the credits determined under subsection (b) with respect to credit allowance dates during such year on which the taxpayer holds such bond.

"(b) Amount of Credit.—

"(1) In general.—The amount of the credit determined under this subsection with respect to any credit allowance date for a qualified public school modernization bond is 25 percent of the annual credit determined with respect to such bond.

"(2) Annual credit.—The annual credit determined with respect to any qualified public school modernization bond is the product of—

"(A) the applicable credit rate, multiplied by

"(B) the outstanding face amount of the bond.

"(3) Applicable credit rate.—For purposes of paragraph (1), the applicable credit rate with respect to an issue is the rate equal to an average market yield (as of the day before the date of issuance of the issue) on outstanding long-term corporate debt obligations (determined under regulations prescribed by the Secretary).

"(4) Special rule for issuance and redemption.—In the case of a bond which is issued during the 3-month period ending on a credit allowance date, the amount of the credit determined under this subsection with respect to such credit allowance date shall be a ratable portion of the credit otherwise determined based on the portion of the 3-month period during which the bond is outstanding. A similar rule shall apply when the bond is redeemed.

"(c) Limitation Based on Amount of Tax.—

"(1) In general.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

"(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(B) the sum of the credits allowable under part IV of subchapter A (other than subpart C thereof, relating to refundable credits).

"(2) Carryover of unused credit.—If the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.

"(d) Qualified Public School Modernization Bond; Credit Allowance Date.—For purposes of this section—

"(1) Qualified public school modernization bond.—The term 'qualified public school modernization bond' means—

"(A) a qualified school construction bond, and

"(B) a qualified zone academy bond.

"(2) Credit allowance date.—The term 'credit allowance date' means—

"(A) March 15,

"(B) June 15,

"(C) September 15, and

"(D) December 15.

Such term includes the last day on which the bond is outstanding.

"(e) Other Definitions.—For purposes of this subchapter—

"(1) Local educational agency.—The term 'local educational agency' has the meaning given to such term by section 14101 of the Elementary and Secondary Education Act of 1965. Such term includes the local educational agency that serves the District of Columbia but does not include any other State agency.

"(2) Bond.—The term 'bond' includes any obligation.

"(3) State.—The term 'State' includes the District of Columbia and any possession of the United States.

"(4) Public school facility.—The term 'public school facility' shall not include any facility which is not owned by a State or local government or any agency or instrumentality of a State or local government.

"(f) Credit Included in Gross Income.—Gross income includes the amount of the credit allowed to the taxpayer under this section (determined without regard to subsection (c)) and the amount so included shall be treated as interest income.

"(g) Bonds Held by Regulated Investment Companies.—If any qualified public school modernization bond is held by a regulated investment company, the credit determined under subsection (a) shall be allowed to shareholders of such company under procedures prescribed by the Secretary.

"(h) Credits May Be Stripped.—Under regulations prescribed by the Secretary—

"(1) In general.—There may be a separation (including at issuance) of the ownership of a qualified public school modernization bond and the entitlement to the credit under this section with respect to such bond. In case of any such separation, the credit under this section shall be allowed to the person who on the credit allowance date holds the instrument evidencing the entitlement to the credit and not to the holder of the bond.

"(2) Certain rules to apply.—In the case of a separation described in paragraph (1), the rules of section 1286 shall apply to the qualified public school modernization bond as if it were a stripped bond and to the credit under this section as if it were a stripped coupon.

"(i) Treatment for Estimated Tax Purposes.—Solely for purposes of sections 6654 and 6655, the credit allowed by this section to a taxpayer by reason of holding qualified public school modernization bonds on a credit allowance date shall be treated as if it were a payment of estimated tax made by the taxpayer on such date.

"(j) Credit May Be Transferred.—Nothing in any law or rule of law shall be construed to limit the transferability of the credit allowed by this section through sale and repurchase agreements.

"(k) Credit Treated as Allowed Under Part IV of Subchapter A.—For purposes of subtitle F, the credit allowed by this section shall be treated as a credit allowable under part IV of subchapter A of this chapter.

"(l) Reporting.—Issuers of qualified public school modernization bonds shall submit reports similar to the reports required under section 149(e).

"(m) Termination.—This section shall not apply to any bond issued after September 30, 2005.

"PART II—QUALIFIED SCHOOL CONSTRUCTION BONDS

"Sec. 1400G. Qualified school construction bonds.

"SEC. 1400G. QUALIFIED SCHOOL CONSTRUCTION BONDS.

"(a) Qualified School Construction Bond.—For purposes of this subchapter, the term 'qualified school construction bond' means any bond issued as part of an issue if—

"(1) 95 percent or more of the proceeds of such issue are to be used for the construction, rehabilitation, or repair of a public school facility or for the acquisition of land on which such a facility is to be constructed with part of the proceeds of such issue,

"(2) the bond is issued by a State or local government within the jurisdiction of which such school is located,

"(3) the issuer designates such bond for purposes of this section, and

"(4) the term of each bond which is part of such issue does not exceed 15 years.

"(b) Limitation on Amount of Bonds Designated.—The maximum aggregate face amount of bonds issued during any calendar year which may be designated under subsection (a) by any issuer shall not exceed the sum of—

"(1) the limitation amount allocated under subsection (d) for such calendar year to such issuer, and

"(2) if such issuer is a large local educational agency (as defined in subsection (e)(4)) or is issuing on behalf of such an agency, the limitation amount allocated under subsection (e) for such calendar year to such agency.

"(c) National Limitation on Amount of Bonds Designated.—There is a national qualified school construction bond limitation for each calendar year. Such limitation is—

"(1) $11,800,000,000 for 2001,

"(2) $11,800,000,000 for 2005, and

"(3) except as provided in subsection (f), zero after 2001 and before 2005, and after 2005.

"(d) Sixty-Five Percent of Limitation Allocated Among States.—

"(1) In general.—Sixty-five percent of the limitation applicable under subsection (c) for any calendar year shall be allocated among the States under paragraph (2) by the Secretary. The limitation amount allocated to a State under the preceding sentence shall be allocated by the State to issuers within such State and such allocations may be made only if there is an approved State application.

"(2) Allocation formula.—The amount to be allocated under paragraph (1) for any calendar year shall be allocated among the States in proportion to the respective amounts each such State received for Basic Grants under subpart 2 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6331 et seq.) for the most recent fiscal year ending before such calendar year. For purposes of the preceding sentence, Basic Grants attributable to large local educational agencies (as defined in subsection (e)) shall be disregarded.

"(3) Minimum allocations to states.—

"(A) In general.—The Secretary shall adjust the allocations under this subsection for any calendar year for each State to the extent necessary to ensure that the sum of—

"(i) the amount allocated to such State under this subsection for such year, and

"(ii) the aggregate amounts allocated under subsection (e) to large local educational agencies in such State for such year,

is not less than an amount equal to such State's minimum percentage of the amount to be allocated under paragraph (1) for the calendar year.

"(B) Minimum percentage.—A State's minimum percentage for any calendar year is the minimum percentage described in section 1124(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6334(d)) for such State for the most recent fiscal year ending before such calendar year.

"(4) Allocations to certain possessions.—The amount to be allocated under paragraph (1) to any possession of the United States other than Puerto Rico shall be the amount which would have been allocated if all allocations under paragraph (1) were made on the basis of respective populations of individuals below the poverty line (as defined by the Office of Management and Budget). In making other allocations, the amount to be allocated under paragraph (1) shall be reduced by the aggregate amount allocated under this paragraph to possessions of the United States.

"(5) Allocations for Indian schools.—In addition to the amounts otherwise allocated under this subsection, $200,000,000 for calendar year 2001, and $200,000,000 for calendar year 2005, shall be allocated by the Secretary of the Interior for purposes of the construction, rehabilitation, and repair of schools funded by the Bureau of Indian Affairs. In the case of amounts allocated under the preceding sentence, Indian tribal governments (as defined in section 7871) shall be treated as qualified issuers for purposes of this subchapter.

"(6) Approved state application.—For purposes of paragraph (1), the term 'approved State application' means an application which is approved by the Secretary of Education and which includes—

"(A) the results of a recent publicly-available survey (undertaken by the State with the involvement of local education officials, members of the public, and experts in school construction and management) of such State's needs for public school facilities, including descriptions of—

"(i) health and safety problems at such facilities,

"(ii) the capacity of public schools in the State to house projected enrollments, and

"(iii) the extent to which the public schools in the State offer the physical infrastructure needed to provide a high-quality education to all students, and

"(B) a description of how the State will allocate to local educational agencies, or otherwise use, its allocation under this subsection to address the needs identified under subparagraph (A), including a description of how it will—

"(i) give highest priority to localities with the greatest needs, as demonstrated by inadequate school facilities coupled with a low level of resources to meet those needs,

"(ii) use its allocation under this subsection to assist localities that lack the fiscal capacity to issue bonds on their own, and

"(iii) ensure that its allocation under this subsection is used only to supplement, and not supplant, the amount of school construction, rehabilitation, and repair in the State that would have occurred in the absence of such allocation.

Any allocation under paragraph (1) by a State shall be binding if such State reasonably determined that the allocation was in accordance with the plan approved under this paragraph.

"(e) Thirty-Five Percent of Limitation Allocated Among Largest School Districts.—

"(1) In general.—Thirty-five percent of the limitation applicable under subsection (c) for any calendar year shall be allocated under paragraph (2) by the Secretary among local educational agencies which are large local educational agencies for such year. No qualified school construction bond may be issued by reason of an allocation to a large local educational agency under the preceding sentence unless such agency has an approved local application.

"(2) Allocation formula.—The amount to be allocated under paragraph (1) for any calendar year shall be allocated among large local educational agencies in proportion to the respective amounts each such agency received for Basic Grants under subpart 2 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6331 et seq.) for the most recent fiscal year ending before such calendar year.

"(3) Allocation of unused limitation to state.—The amount allocated under this subsection to a large local educational agency for any calendar year may be reallocated by such agency to the State in which such agency is located for such calendar year. Any amount reallocated to a State under the preceding sentence may be allocated as provided in subsection (d)(1).

"(4) Large local educational agency.—For purposes of this section, the term 'large local educational agency' means, with respect to a calendar year, any local educational agency if such agency is—

"(A) among the 100 local educational agencies with the largest numbers of children aged 5 through 17 from families living below the poverty level, as determined by the Secretary using the most recent data available from the Department of Commerce that are satisfactory to the Secretary, or

"(B) 1 of not more than 25 local educational agencies (other than those described in subparagraph (A)) that the Secretary of Education determines (based on the most recent data available satisfactory to the Secretary) are in particular need of assistance, based on a low level of resources for school construction, a high level of enrollment growth, or such other factors as the Secretary deems appropriate.

"(5) Approved local application.—For purposes of paragraph (1), the term 'approved local application' means an application which is approved by the Secretary of Education and which includes—

"(A) the results of a recent publicly-available survey (undertaken by the local educational agency or the State with the involvement of school officials, members of the public, and experts in school construction and management) of such agency's needs for public school facilities, including descriptions of—

"(i) the overall condition of the local educational agency's school facilities, including health and safety problems,

"(ii) the overcrowded conditions of the agency's schools and the capacity of such schools to house projected enrollments, and

"(iii) the extent to which the agency's schools offer the physical infrastructure needed to provide a high-quality education to all students,

"(B) a description of how the local educational agency will use its allocation under this subsection to address the needs identified under subparagraph (A), including a description of how the agency will—

"(i) give high priority to localities with the greatest needs, as demonstrated by inadequate school facilities coupled with a low level of resources to meet those needs,

"(ii) use its allocation under this subsection to assist localities that lack the fiscal capacity to issue bonds on their own,

"(iii) ensure that its allocation under this subsection is used only to supplement, and not supplant, the amount of school construction, rehabilitation, and repair in the State that would have occurred in the absence of such allocation, and

"(iv) ensure that the needs of both rural and urban areas are recognized, and

"(C) a description of how the local educational agency will ensure that its allocation under this subsection is used only to supplement, and not supplant, the amount of school construction, rehabilitation, or repair in the locality that would have occurred in the absence of such allocation.

A rule similar to the rule of the last sentence of subsection (d)(6) shall apply for purposes of this paragraph.

"(f) Carryover of Unused Limitation.—If for any calendar year—

"(1) the amount allocated under subsection (d) to any State, exceeds

"(2) the amount of bonds issued during such year which are designated under subsection (a) pursuant to such allocation,

the limitation amount under such subsection for such State for the following calendar year shall be increased by the amount of such excess. A similar rule shall apply to the amounts allocated under subsection (d)(5) or (e).

"(g) Special Rules Relating to Arbitrage.—

"(1) In general.—A bond shall not be treated as failing to meet the requirement of subsection (a)(1) solely by reason of the fact that the proceeds of the issue of which such bond is a part are invested for a temporary period (but not more than 36 months) until such proceeds are needed for the purpose for which such issue was issued.

"(2) Binding commitment requirement.—Paragraph (1) shall apply to an issue only if, as of the date of issuance, there is a reasonable expectation that—

"(A) at least 10 percent of the proceeds of the issue will be spent within the 6-month period beginning on such date for the purpose for which such issue was issued, and

"(B) the remaining proceeds of the issue will be spent with due diligence for such purpose.

"(3) Earnings on proceeds.—Any earnings on proceeds during the temporary period shall be treated as proceeds of the issue for purposes of applying subsection (a)(1) and paragraph (1) of this subsection.

"PART III—INCENTIVES FOR EDUCATION ZONES

"Sec. 1400H. Qualified zone academy bonds.

"SEC. 1400H. QUALIFIED ZONE ACADEMY BONDS.

"(a) Qualified Zone Academy Bond.—For purposes of this subchapter—

"(1) In general.—The term 'qualified zone academy bond' means any bond issued as part of an issue if—

"(A) 95 percent or more of the proceeds of such issue are to be used for a qualified purpose with respect to a qualified zone academy established by a local educational agency,

"(B) the bond is issued by a State or local government within the jurisdiction of which such academy is located,

"(C) the issuer—

"(i) designates such bond for purposes of this section,

"(ii) certifies that it has written assurances that the private business contribution requirement of paragraph (2) will be met with respect to such academy, and

"(iii) certifies that it has the written approval of the local educational agency for such bond issuance, and

"(D) the term of each bond which is part of such issue does not exceed 15 years.

Rules similar to the rules of section 1400G(g) shall apply for purposes of paragraph (1).

"(2) Private business contribution requirement.—

"(A) In general.—For purposes of paragraph (1), the private business contribution requirement of this paragraph is met with respect to any issue if the local educational agency that established the qualified zone academy has written commitments from private entities to make qualified contributions having a present value (as of the date of issuance of the issue) of not less than 10 percent of the proceeds of the issue.

"(B) Qualified contributions.—For purposes of subparagraph (A), the term 'qualified contribution' means any contribution (of a type and quality acceptable to the local educational agency) of—

"(i) equipment for use in the qualified zone academy (including state-of-the-art technology and vocational equipment),

"(ii) technical assistance in developing curriculum or in training teachers in order to promote appropriate market driven technology in the classroom,

"(iii) services of employees as volunteer mentors,

"(iv) internships, field trips, or other educational opportunities outside the academy for students, or

"(v) any other property or service specified by the local educational agency.

"(3) Qualified zone academy.—The term 'qualified zone academy' means any public school (or academic program within a public school) which is established by and operated under the supervision of a local educational agency to provide education or training below the postsecondary level if—

"(A) such public school or program (as the case may be) is designed in cooperation with business to enhance the academic curriculum, increase graduation and employment rates, and better prepare students for the rigors of college and the increasingly complex workforce,

"(B) students in such public school or program (as the case may be) will be subject to the same academic standards and assessments as other students educated by the local educational agency,

"(C) the comprehensive education plan of such public school or program is approved by the local educational agency, and

"(D)(i) such public school is located in an empowerment zone or enterprise community (including any such zone or community designated after the date of the enactment of this section), or

"(ii) there is a reasonable expectation (as of the date of issuance of the bonds) that at least 35 percent of the students attending such school or participating in such program (as the case may be) will be eligible for free or reduced-cost lunches under the school lunch program established under the Richard B. Russell National School Lunch Act.

"(4) Qualified purpose.—The term 'qualified purpose' means, with respect to any qualified zone academy—

"(A) constructing, rehabilitating, or repairing the public school facility in which the academy is established,

"(B) acquiring the land on which such facility is to be constructed with part of the proceeds of such issue,

"(C) providing equipment for use at such academy,

"(D) developing course materials for education to be provided at such academy, and

"(E) training teachers and other school personnel in such academy.

"(b) Limitations on Amount of Bonds Designated.—

"(1) In general.—There is a national zone academy bond limitation for each calendar year. Such limitation is—

"(A) $400,000,000 for 1998,

"(B) $400,000,000 for 1999,

"(C) $400,000,000 for 2000,

"(D) $400,000,000 for 2001, and

"(C) except as provided in paragraph (3), zero after 2001.

"(2) Allocation of limitation.—

"(A) Allocation among States.—

"(i) 1998 and 1999 limitations.—The national zone academy bond limitations for calendar years 1998 and 1999 shall be allocated by the Secretary among the States on the basis of their respective populations of individuals below the poverty line (as defined by the Office of Management and Budget).

"(ii) Limitation after 1999.—The national zone academy bond limitation for any calendar year after 1999 shall be allocated by the Secretary among the States in the manner prescribed by section 1400G(d); except that in making the allocation under this clause, the Secretary shall take into account—

"(I) Basic Grants attributable to large local educational agencies (as defined in section 1400G(e)(4)).

"(II) the national zone academy bond limitation.

"(B) Allocation to local educational agencies.—The limitation amount allocated to a State under subparagraph (A) shall be allocated by the State education agency to qualified zone academies within such State.

"(C) Designation subject to limitation amount.—The maximum aggregate face amount of bonds issued during any calendar year which may be designated under subsection (a) with respect to any qualified zone academy shall not exceed the limitation amount allocated to such academy under subparagraph (B) for such calendar year.

"(3) Carryover of unused limitation.—If for any calendar year—

"(A) the limitation amount under this subsection for any State, exceeds

"(B) the amount of bonds issued during such year which are designated under subsection (a) (or the corresponding provisions of prior law) with respect to qualified zone academies within such State, the limitation amount under this subsection for such State for the following calendar year shall be increased by the amount of such excess. Any carryforward of a limitation amount may be carried only to the first 2 years (3 years for carryforwards from 1998 or 1999) following the unused limitation year. For purposes of the preceding sentence, a limitation amount shall be treated as used on a first-in first-out basis."

(c) Reporting.—Subsection (d) of section 6049 (relating to returns regarding payments of interest) is amended by adding at the end the following new paragraph:

"(8) Reporting of credit on qualified public school modernization bonds.—

"(A) In general.—For purposes of subsection (a), the term 'interest' includes amounts includible in gross income under section 1400F(f) and such amounts shall be treated as paid on the credit allowance date (as defined in section 1400F(d)(2)).

"(B) Reporting to corporations, etc.—Except as otherwise provided in regulations, in the case of any interest described in subparagraph (A) of this paragraph, subsection (b)(4) of this section shall be applied without regard to subparagraphs (A), (H), (I), (J), (K), and (L)(i).

"(C) Regulatory authority.—The Secretary may prescribe such regulations as are necessary or appropriate to carry out the purposes of this paragraph, including regulations which require more frequent or more detailed reporting."

(d) Conforming Amendments.—

(1) Subchapter U of chapter 1 is amended by striking part IV, by redesignating part V as part IV, and by redesignating section 1397F as section 1397E.

(2) The table of subchapters for chapter 1 is amended by adding at the end the following new item:

"Subchapter X. Public school modernization provisions."

(3) The table of parts of subchapter U of chapter 1 is amended by striking the last 2 items and inserting the following item:

"Part IV. Regulations."

(e) Effective Date.—

(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall apply to obligations issued after December 31, 1999.

(2) Repeal of restriction on zone academy bond holders.—In the case of bonds to which section 1397E of the Internal Revenue Code of 1986 (as in effect before the date of the enactment of this Act) applies, the limitation of such section to eligible taxpayers (as defined in subsection (d)(6) of such section) shall not apply after the date of the enactment of this Act.

SEC. 101C. PUBLIC SCHOOL REPAIR AND RENOVATION.

Title XII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8501 et seq.) is amended to read as follows:

"TITLE XII—PUBLIC SCHOOL REPAIR AND RENOVATION

"SEC. 12001. FINDINGS.

"Congress finds the following:

"(1) The General Accounting Office estimated in 1995 that it would cost $112,000,000,000 to bring our Nation's school facilities into good overall condition.

"(2) The General Accounting Office also found in 1995 that 60 percent of the Nation's schools, serving 28,000,000 students, reported that 1 or more building features, such as roofs and plumbing, needed to be extensively repaired, overhauled, or replaced.

"(3) The National Center for Education Statistics reported that the average age for a school building in 1998 was 42 years and that local educational agencies with relatively high rates of poverty tend to have relatively old buildings.

"(4) School condition is positively correlated with student achievement, according to a number of research studies.

"(5) The results of a recent survey indicate that the condition of schools with large proportions of students living on Indian lands is particularly poor.

"(6) While school repair and renovation are primarily a State and local concern, some States and communities are not, on their own, able to meet the burden of providing adequate school facilities for all students, and the poorest communities have had the greatest difficulty meeting this need. It is, therefore, appropriate for the Federal Government to provide assistance to high-need communities for school repair and renovation.

"SEC. 12002. PURPOSE.

"The purpose of this title is to assist high-need local educational agencies in making urgent repairs and renovations to public school facilities in order to—

"(1) reduce health and safety problems, including violations of State or local fire codes, faced by students; and

"(2) improve the ability of students to learn in their school environment.

"SEC. 12003. AUTHORIZED ACTIVITIES.

"(a) In General.—A recipient of a grant or loan under this title shall use the grant or loan funds to carry out the purpose of this title by—

"(1) repairing or replacing roofs, electrical wiring, or plumbing systems;

"(2) repairing, replacing, or installing heating, ventilation, or air conditioning systems;

"(3) ensuring that repairs and renovations under this title comply with the requirements of section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 relating to the accessibility of public school programs to individuals with disabilities; and

"(4) making other types of school repairs and renovations that the Secretary may reasonably determine are urgently needed, particularly projects to correct facilities problems that endanger the health and safety of students and staff such as violations of State or local fire codes.

"(b) Limitation.—The Secretary shall not approve an application for a grant or loan under this title unless the applicant demonstrates to the Secretary's satisfaction that the applicant lacks sufficient funds, from other sources, to carry out the repairs or renovations for which the applicant is requesting assistance.

"SEC. 12004. GRANTS TO LOCAL EDUCATIONAL AGENCIES WITH HIGH CONCENTRATIONS OF STUDENTS LIVING ON INDIAN LANDS.

"(a) Grants Authorized.—From funds available under section 12008(a), the Secretary shall award grants to local educational agencies to enable the agencies to carry out the authorized activities described in section 12003 and subsection (e).

"(b) Eligibility.—A local educational agency is eligible for a grant under this section if the number of children determined under section 8003(a)(1)(C) of this Act for that agency constituted at least 50 percent of the number of children who were in average daily attendance at the schools of the agency during the preceding school year.

"(c) Allocation of Funds.—The Secretary shall allocate funds available to carry out this section to eligible local educational agencies based on their respective numbers of children in average daily attendance who are counted under section 8003(a)(1)(C) of this Act.

"(d) Applications.—Each eligible local educational agency that desires to receive a grant under this section shall submit an application to the Secretary that includes—

"(1) a statement of how the agency will use the grant funds;

"(2) a description of the steps the agency will take to adequately maintain the facilities that the agency repairs, renovates, or constructs with those funds; and

"(3) such other information and assurances as the Secretary may reasonably require.

"(e) Construction of New Schools.—In addition to any other activity authorized under section 12003, an eligible local educational agency may use grant funds received under this section to construct a new school if the agency demonstrates to the Secretary's satisfaction that the agency will replace an existing school that is in such poor condition that renovating the school will not be cost-effective.

"SEC. 12005. GRANTS TO HIGH-POVERTY LOCAL EDUCATIONAL AGENCIES.

"(a) Grants Authorized.—From funds available under section 12008(b)(1), the Secretary shall make grants, on a competitive basis, to local educational agencies with poverty rates of 20 percent or greater to enable the agencies to carry out the authorized activities described in section 12003.

"(b) Criteria for Awarding Grants.—In making grants under this section, the Secretary shall consider—

"(1) the poverty rate, the need for school repairs and renovations, and the fiscal capacity of each local educational agency; and

"(2) such other factors as the Secretary determines appropriate.

"(c) Applications.—Each eligible local educational agency that desires to receive a grant under this section shall submit an application to the Secretary that includes—

"(1) a description of the agency's urgent need for school repair and renovation and of how the agency will use funds available under this section to meet those needs;

"(2) information on the fiscal effort that the agency is making in support of education and evidence demonstrating that the agency lacks the capacity to meet the agency's urgent school repair and renovation needs without assistance made available under this section;

"(3) a description of the steps the agency will take to adequately maintain the facilities that the agency repairs or renovates with the assistance; and

"(4) such other information and assurances as the Secretary may reasonably require.

"SEC. 12006. SCHOOL RENOVATION GRANTS AND LOANS.

"(a) Grants and Loans.—From funds available under section 12008(b)(2), the Secretary shall make grants, and shall pay the cost of loans made, on a competitive basis, to local educational agencies that lack the ability to fund urgent school repairs without a grant or loan provided under this section, to enable the agencies to carry out the authorized activities described in section 12003.

"(b) Loan Period.—Each loan under this section shall be for a period of 7 years and shall carry an interest rate of 0 percent.

"(c) Criteria for Making Grants and Loans.—In making grants and loans under this section, the Secretary shall consider—

"(1) the extent of poverty, the need for school repairs and renovations, and the fiscal capacity of each local educational agency; and

"(2) such other factors as the Secretary determines appropriate.

"(d) Applications.—Each eligible local educational agency that desires to receive a grant or loan under this section shall submit an application to the Secretary that includes the information described in section 12005(c).

"(e) Credit Standards.—In carrying out this section, the Secretary—

"(1) shall not extend credit without finding that there is reasonable assurance of repayment; and

"(2) may use credit enhancement techniques, as appropriate, to reduce the credit risk of loans.

"SEC. 12007. PROGRESS REPORTS.

"The Secretary shall require recipients of grants and loans under this title to submit progress reports and such other information as the Secretary determines necessary to ensure compliance with this title and to evaluate the impact of the activities assisted under this title.

"SEC. 12008. AUTHORIZATION OF APPROPRIATIONS.

"(a) Grants Under Section 12004.—For the purpose of making grants under section 12004, there are authorized to be appropriated $50,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(b) Grants Under Section 12005 and Grants and Loans Under Section 12006.—For the purpose of making grants under section 12005, and grants and loans under section 12006, there are authorized to be appropriated $1,250,000,000 for fiscal year 2001 and such sums as may be necessary for each of the succeeding 4 fiscal years, of which—

"(1) 10 percent shall be available for grants under section 12005; and

"(2) 90 percent shall be available to make grants and to pay the cost of loans under section 12006.

"(c) Limitation on Loan Volume.—Within the available resources and authority, gross obligations for the principal amount of direct loans offered by the Secretary under section 12006 for fiscal year 2001 shall not exceed $7,000,000,000, or the amount specified in an applicable appropriations Act, whichever is greater.

"SEC. 12009. DEFINITIONS.

"For the purpose of this title, the following terms have the following meanings:

"(1) Local educational agency.—The term 'local educational agency' has the meaning given that term in section 14101(18)(A) and (B) of this Act.

"(2) Public school facility.—

"(A) In general.—The term 'public school facility' means a public building whose primary purpose is the instruction of public elementary or secondary students.

"(B) Exclusions.—The term excludes athletic stadiums or any other structure or facility intended primarily for athletic exhibitions, contests, games, or events for which admission is charged to the general public.

"(3) Repair and renovation.—The term 'repair and renovation' used with respect to an existing public school facility, means the repair or renovation of the facility without increasing the size of the facility.".

SEC. 101D. USE OF NET PROCEEDS.

Notwithstanding any other provision of law—

(1) section 439(a) of the General Education Provisions Act shall apply with respect to the construction, reconstruction, rehabilitation, or repair of any school facility to the extent funded by net proceeds obtained through any provision enacted or amended by this Act,

(2) such net proceeds may not be used to fund the construction, reconstruction, rehabilitation, or repair of any stadium or other facility primarily used for athletic or nonacademic events, and

(3) such net proceeds may be used to build small schools or create smaller learning environments within existing public school facilities.

NATIONAL SUSTAINABLE FUELS AND CHEMICALS ACT OF 1999

MURKOWSKI AMENDMENT NO. 2862

Mr. CRAPO (for Mr. Murkowski) proposed an amendment to the bill (S. 935) to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to authorize research to promote the conversion of biomass into biobased industrial products, and for other purposes; as follows:

In lieu of the language proposed to be inserted, insert the following:

"TITLE I—BIOMASS RESEARCH AND DEVELOPMENT ACT OF 1999

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Biomass Research and Development Act of 1999'.

"SEC. 2. FINDINGS.

"Congress finds that—

"(1) conversion of biomass into biobased industrial products offers outstanding potential for benefit to the national interest through improved strategic security and balance of payments, healthier rural economies, improved environmental quality, near-zero net greenhouse gas emissions, technology export, and sustainable resource supply;

"(2) the key technical challenges to be overcome in order for biobased industrial products to be cost competitive are finding new technology and reducing the cost of technology for converting biomass into desired biobased industrial products;

"(3) biobased fuels, such as ethanol, have the clear potential to be sustainable, low cost, and high performance fuels that are compatible with both current and future transportation systems and provide near zero net greenhouse gas emissions;

"(40 biobased chemicals—

"(A) can provide functional replacements for essentially all organic chemicals that are currently derived from petroleum; and

"(B) have the clear potential for environmentally benign product life cycles;

"(5) biobased power can provide environmental benefits, promote rural economic development, and diversify energy resource options;

"(6) many biomass feedstocks suitable for industrial processing show the clear potential for sustainable production, in some cases resulting in improved soil fertility and carbon sequestration;

"(7)(A) grain processing mills are biorefineries that produce a diversity of useful food, chemical, feed, and fuel products; and

"(B) technologies that result in further diversification of the range of value-added biobased industrial products can meet a key need for the grain processing industry;

"(8)(A) cellulosic feedstocks are attractive because of their low cost and widespread availability; and

"(B) research resulting in cost-effective technology to overcome the recalcitrance of cellulosic biomass would allow biorefineries to produce fuels and bulk chemicals on a very large scale, with a commensurately large realization of the benefit described in paragraph (1);

"(9) research into the fundamentals to understand important mechanisms of biomass conversion can be expected to accelerate the application and advancement of biomass processing technology by—

"(A) increasing the confidence and speed with which new technologies can be scaled up; and

"(B) giving rise to processing innovations based on new knowledge;

"(10) the added utility of biobased industrial products developed through improvements in processing technology would encourage the design of feedstocks that would meet future needs more effectively;

"(11) the creation of value-added biobased industrial products would create new jobs in construction, manufacturing, and distribution, as well as new higher-valued exports of products and technology;

"(12)(A) because of the relatively short-term time horizon characteristic of private sector investments, and because many benefits of biomass processing are in the national interest, it is appropriate for the Federal Government to provide precommercial investment in fundamental research and research-driven innovation in the biomass processing area; and

"(B) such an investment would provide a valuable complement to ongoing and past governmental support in the biomass processing area; and

"(13) several prominent studies, including studies by the President's Council of Advisors on Science and Technology and the National Research Council—

"(A) support the potential for large research-driven advances in technologies for production of biobased industrial products as well as associated benefits; and

"(B) document the need for a focused, integrated, and innovation-driven research effort to provide the appropriate progress in a timely manner.

"SEC. 3. DEFINITIONS.

"In this title:

"(1) Advisory committee.—The term 'Advisory Committee' means the Biomass Research and Development Technical Advisory Committee established by section 6.

"(2) Biobased industrial product.—The term 'biobased industrial product' means fuels, commercial chemicals, building materials, or electric power or heat produced from biomass.

"(3) Biomass.—The term 'biomass' means any organic matter that is available on a renewable or recurring basis, including agricultural crops and trees, wood and wood wastes and residues, plants (including aquatic plants), grasses, residues, fibers, and animal wastes, municipal wastes and other waste materials.

"(4) Board.—The term 'Board' means the Biomass Research and Development Board established by section 5.

"(5) Initiative.—The term 'Initiative' means the Biomass Research and Development Research Initiative established under section 7.

"(6) Institution of higher education.—The term 'institution of higher education' has the meaning given that term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

"(7) National laboratory.—The term 'national laboratory' means a facility or group of facilities owned, leased, or operated by a Federal agency (including a contractor of the Federal agency) for the performance of research, development, or engineering.

"(8) Point of contact.—The term 'point of contact' means a point of contact designated under section 4(d).

"(9) Processing.—The term 'processing' means the derivation of biobased industrial products from biomass, including—

"(A) feedstock production;

"(B) harvest and handling;

"(C) pretreatment or thermochemical processing;

"(D) fermentation;

"(E) catalytic processing;

"(F) product recovery; and

"(G) coproduct production.

"SEC. 4. COOPERATION AND COORDINATION IN BIOMASS RESEARCH AND DEVELOPMENT.

"(a) In General.—The Secretary of Agriculture and the Secretary of Energy shall cooperate with respect to, and coordinate, policies and procedures that promote research and development leading to the production of biobased industrial products.

"(b) Purpose.—The purpose of the cooperation and coordination shall be to—

"(1) understand the key mechanisms underlying the recalcitrance of biomass for conversion into biobased industrial products;

"(2) develop new and cost-effective technologies that would result in large-scale commercial production of low cost and sustainable biobased industrial products;

"(3) ensure that biobased industrial products are developed in a manner that enhances their economic, energy security, and environmental benefits; and

"(4) promote the development and use of agricultural and energy crops for conversion into biobased industrial products.

"(c) Areas.—In carrying out this title, the Secretary of Agriculture and the Secretary of Energy, in consultation with heads of appropriate departments and agencies, shall promote research and development to—

"(1) advance the availability and widespread use of energy efficient, economically competitive, and environmentally sound biobased industrial products in a manner that is consistent with the goals of the United States relating to sustainable and secure supplies of food, chemicals, and fuel;

"(2) ensure full consideration of Federal land and land management programs as potential feedstock resources for biobased industrial products; and

"(3) assess the environmental, economic, and social impact of production of biobased industrial products from biomass on a large scale.

"(d) Points of Contact.—

"(1) In general.—To coordinate research and development programs and activities relating to biobased industrial products that are carried out by their respective Departments—

"(A) the Secretary of Agriculture shall designate, as the point of contact for the Department of Agriculture, an officer of the Department of Agriculture appointed by the President to a position in the Department before the date of the designation, by and with the advice and consent of the Senate; and

"(B) the Secretary of Energy shall designate, as the point of contact for the Department of Energy, an officer of the Department of Energy appointed by the President to a position in the Department before the date of the designation, by and with the advice and consent of the Senate.

"(2) Duties.—The points of contact shall jointly—

"(A) assist in arranging interlaboratory and site-specific supplemental agreements for research, development, and demonstration projects relating to biobased industrial products;

"(B) serve as cochairpersons of the Board;

"(C) administer the Initiative; and

"(D) respond in writing to each recommendation of the Advisory Committee made under section 6.

"SEC. 5. BIOMASS RESEARCH AND DEVELOPMENT BOARD.

"(a) Establishment.—There is established the Biomass Research and Development Board to coordinate programs within and among departments and agencies of the Federal Government for the purpose of promoting the use of biobased industrial products by—

"(1) maximizing the benefits deriving from Federal grants and assistance; and

"(2) bringing coherence to Federal strategic planning.

"(b) Membership.—The Board shall consist of:

"(1) The point of contact of the Department of Energy designated under section 4(d)(1)(B), who shall serve as cochairperson of the Board.

"(2) The point of contact of the Department of Agriculture designated under section 4(d)(1)(A), who shall serve as cochairperson of the Board.

"(3) A senior officer of each of the following agencies who is appointed by the head of the agency and who has a rank that is equivalent to the points of contact:

"(A) The Department of the Interior.

"(B) The Environmental Protection Agency.

"(C) The National Science Foundation.

"(D) The Office of Science and Technology Policy.

"(4) At the option of the Secretary of Agriculture and the Secretary of Energy, other members appointed by the Secretaries (after consultation with members described in paragraph (1) through (3)).

"(c) Duties.—The Board shall—

"(1) coordinate research, development, and demonstration activities relating to biobased industrial products—

"(A) between the Department of Agriculture and the Department of Energy; and

"(B) with other departments and agencies of the Federal Government; and

"(2) provide recommendations to the points of contact concerning administration of this title.

"(d) Funding.—Each agency represented on the Board is encouraged to provide funds for any purpose under this title.

"(e) Meetings.—The Board shall meet at least quarterly to enable the Board to carry out the duties of the Board under subsection (c).

"SEC. 6. BIOMASS RESEARCH AND DEVELOPMENT TECHNICAL ADVISORY COMMITTEE.

"(a) Establishment.—There is established the Biomass Research and Development Technical Advisory Committee to—

"(1) advise the Secretary of Energy, the Secretary of Agriculture and the points of contact concerning—

"(A) the technical focus and direction of requests for proposals issued under the Initiative; and

"(B) procedures for reviewing and evaluating the proposals;

"(2) facilitate consultations and partnerships among Federal and State agencies, agricultural producers, industry, consumers, the research community, and other interested groups to carry out program activities relating to the Initiative; and

"(3) evaluate and perform strategic planning on program activities relating to the Initiative.

"(b) Membership.—The Committee shall consist of the following members appointed by the points of contact:

"(1) An individual affiliated with the biobased industrial products Industry.

"(2) An individual affiliated with an institution of higher education who has expertise in biobased industrial products.

"(3) 2 prominent engineers or scientists from government or academia who have expertise in biobased industrial products.

"(4) An individual affiliated with a commodity trade association.

"(5) An individual affiliated with an environmental or conservation organization.

"(6) An individual associated with State government who has expertise in biobased industrial products.

"(7) At the option of the points of contact, other members.

"(c) Duties.—The Advisory Committee shall—

"(1) above the points of contact with respect to the Initiative; and

"(2) evaluate whether, and make recommendations in writing to the Board to ensure that—

"(A) funds authorized for the Initiative are distributed and used in a manner that is consistent with the goals of the Initiative;

"(B) the points of contact are funding proposals under this title that are selected on the basis of merit, as determined by an independent panel of scientific and technical peers; and

"(C) activities under this title are carried out in accordance with this title.

"(d) Meetings.—The Advisory Committee shall meet at least quarterly to enable the Advisory Committee to carry out the duties of the Advisory Committee under subsection (c).

"SEC. 7. BIOMASS RESEARCH AND DEVELOPMENT INITIATIVE.

"(a) In General.—The Secretary of Agriculture and the Secretary of Energy, acting through their respective points of contact and in consultation with the Board, shall establish and carry out a Biomass Research and Development Initiative under which competitively-awarded grants, contracts, and financial assistance are provided to, or entered into with, eligible entities to carry out research on biobased industrial products.

"(b) Purposes.—The purposes of grants, contracts, and assistance under this section shall be to—

"(1) stimulate collaborative activities by a diverse range of experts in all aspects of biomass processing for the purpose of conducting fundamental and innovation-targeted research and technology development;

"(2) enhance creative and imaginative approaches toward biomass processing that will serve to develop the next generation of advanced technologies making possible low cost and substainable industrial products;

"(3) strengthen the intellectual resources of the United States through the training and education of future scientists, engineers, managers, and business leaders in the field of biomass processing; and

"(4) promote integrated research partnerships among colleges, universities, national laboratories, Federal and State research agencies, and the private sector as the best means of overcoming technical challenges that span multiple research and engineering disciplines and of granting better leverage from limited Federal research funds.

"(c) ELIGIBLE ENTITIES.—

"(1) IN GENERAL.—To be eligible for a grant, contract, or assistance under this section, an applicant shall be—

"(A) an institution of higher education;

"(B) a national laboratory;

"(C) a Federal research agency;

"(D) a State research agency;

"(E) a private sector entity;

"(F) a nonprofit organization; or

"(G) a consortium of 2 or more entities described in subparagraphs (A) through (E).

"(2) ADMINISTRATION.—After consultation with the Board, the Points of Contact, on behalf of the Board, shall—

"(A) publish annually 1 or more joint requests for proposals for grants, contracts, and assistance under this section;

"(B) establish a priority in grants, contracts, and assistance under this section for research that—

"(i) demonstrates potential for significant advances in biomass processing;

"(ii) demonstrates potential to substantially impact scale-sensitive national objectives such as sustainable resource supply, reduced greenhouse gas emissions, healthier rural economies, and improved strategic security and trade balances; and

"(iii) would improve knowledge of important biomass processing systems that demonstrate potential for commercial applications;

"(C) require that grants, contracts, and assistance under this section be awarded competitively, on the basis of merit, after the establishment of procedures that provide for scientific peer review by an independent panel of scientific and technical peers; and

"(D) give preference to applications that—

"(i) involve a consortia of experts from multiple institutions; and

"(ii) encourage the integration of disciplines and application of the best technical resources.

"(d) USES OF GRANTS, CONTRACTS, AND ASSISTANCE.—A grant, contract, or assistance under this section may be used to conduct—

"(1) research on process technology for overcoming the recalcitrance of biomass, including research on key mechanisms, advanced technologies, and demonstration test beds for—

"(A) feedstock pretreatment and hydrolysis of cellulose and hemicellulose, including new technologies for—

"(i) enhanced sugar yields;

"(ii) lower overall chemical use;

"(iii) less costly materials; and

"(iv) cost reduction;

"(B) development of novel organisms and other approaches to substantially lower the cost of cellulase enzymes and enzymatic hydrolysis, including dedicated cellulase production and consolidated bioprocessing strategies; and

"(C) approaches other than enzymatic hydrolysis for overcoming the recalcitrance of cellulosic biomass;

"(2) research on technologies for diversifying the range of products that can be efficiently and cost-competitively produced from biomass, including research on—

"(A) metabolic engineering of biological systems (including the safe use of genetically modified crops) to produce novel products, especially commodity products, or to increase product selectivity and tolerance, with a research priority on the development of biobased industrial products that can compete in performance and cost with fossil-based products;

"(B) catalytic processing to convert intermediates of biomass processing into products of interest;

"(C) separation technologies for cost-effective product recovery and purification;

"(D) approaches other than metabolic engineering and catalytic conversion of intermediates of biomass processing;

"(E) advanced biomass gasification technologies, including coproduction of power and heat as an integrated component of biomass processing, with the possibility of generating excess electricity for sale; and

"(F) related research in advanced turbine and stationary fuel cell technology for production of electricity from biomass; and

"(3) research aimed at ensuring the environmental performance and economic viability of biobased industrial products and their raw material input of biomass when considered as an integrated system, including research on—

"(A) the analysis of, and strategies to enhance, the environmental performance and sustainability of biobased industrial products, including research on—

"(i) accurate measurement and analysis of greenhouse gas emissions, carbon sequestration, and carbon cycling in relation to the life cycle of biobased industrial products and feedstocks with respect to other alternatives;

"(ii) evaluation of current and future biomass resource availability;

"(iii) development and analysis of land management practices and alternative biomass cropping systems that ensure the environmental performance and sustainability of biomass production and harvesting;

"(iv) land, air, water, and biodiversity impacts of large-scale biomass production, processing, and use of biobased industrial products relative to other alternatives; and

"(v) biomass gasification and combustion to produce electricity;

"(B) the analysis of, and strategies to enhance, the economic viability of biobased industrial products, including research on—

"(i) the cost of the required process technology;

"(ii) the impact of coproducts, including food, animal feed, and fiber, on biobased industrial product price and large-scale economic viability; and

"(iii) interactions between an emergent biomass refining industry and the petrochemical refining infrastructure; and

"(C) the field and laboratory research related to feedstock production with the interrelated goals of enhancing the sustainability, increasing productivity, and decreasing the cost of biomass processing, including research on—

"(i) altering biomass to make biomass easier and less expensive to process;

"(ii) existing and new agricultural and energy crops that provide a sustainable resource for conversion to biobased industrial products while simultaneously serving as a source for coproducts such as food, animal feed, and fiber;

"(iii) improved technologies for harvest, collection, transport, storage, and handling of crop and residue feedstocks; and

"(iv) development of economically viable cropping systems that improve the conservation and restoration of marginal land; or

"(4) Any research and development in technologies or processes determined by the Secretary of Agriculture and the Secretary of Energy, acting through their respective points of contact and in consultation with the Board, to be consistent with the purposes described in subsection (b) and priorities described in subsection (c)(2)(B).

"(e) TECHNOLOGY AND INFORMATION TRANSFER TO AGRICULTURAL USERS.—

"(1) IN GENERAL.—The Administrator of the Cooperative State Research, Education, and Extension Service and the Chief of the Natural Resources Conservation Service shall ensure that applicable research results and technologies from the Initiative are adapted, made available, and disseminated through their respective Services, as appropriate.

"(2) REPORT.—Not later than 5 years after the date of enactment of this title, the Administrator of the Cooperative State Research, Education, and Extension Service and the Chief of the Natural Resources Conservation Service shall report to the committees of Congress with jurisdiction over the Initiative on the activities conducted by the Services under this subsection.

"(f) AUTHORIZATION OF APPROPRIATIONS.—In addition to funding provided for biomass research and development under the general authority of the Secretary of Energy to conduct research and development and demonstration programs (which may also be used to carry out this title), there are also authorized to be appropriated $49,000,000 to the Department of Agriculture for each of the fiscal years 2000 through 2005 to carry out this title.

"SEC. 8. ADMINISTRATIVE SUPPORT AND FUNDS.

"(a) IN GENERAL.—To the extent administrative support and funds are not provided by other agencies under subsection (b), the Secretary of Energy and the Secretary of Agriculture may provide such administrative support and funds of the Department of Energy and the Department of Agriculture to the Board and the Advisory Committee as are necessary to enable the Board and the Advisory Committee to carry out this title.

"(b) OTHER AGENCIES.—The heads of the agencies referred to, or appointed under, paragraphs (3) and (4) of section 5(b) may, and are encouraged to, provide administrative support and funds of their respective agencies to the Board and the Advisory Committee.

"SEC. 9. REPORTS.

"For each fiscal year that funds are made available to carry out this title, the Secretary of Agriculture and the Secretary of Energy shall jointly transmit to Congress a detailed report on—

"(1) the status and progress of the Initiative, including a certification from the Board that funds authorized for the Initiative and distributed and used in a manner that is consistent with the goals of the Initiative; and

"(2) the general status of cooperation and research efforts carried out by each Secretary with respect to sustainable fuels, chemicals, and electricity derived from biomass, including a certification from the Board that the points of contact are funding proposals that are selected on the basis of merit, as determined by an independent panel of scientific and technical peers.

"SEC. 10. SUNSET.

"This Act and the authority conferred by this Act shall terminate on December 31, 2005.

"TITLE II—AUTHORIZATION OF APPROPRIATIONS FOR ETHANOL RESEARCH PILOT PLANT

"There are authorized to be appropriated to construct a Department of Agriculture corn-based ethanol research pilot plant a total of $14,000,000 for fiscal year 2000 and subsequent fiscal years.".

SEC. 2. TITLE.

Amend the title as to read: "To authorize research to promote the conversion of biomass into biobased industrial products, and for other purposes."

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources to consider the President's proposed FY 2001 budget for the U.S. Forest Service. The hearing will be held on Tuesday, February 29, 2000, beginning at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building in Washington, D.C.

Those who wish to submit written statements, should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC. 20510. For further information, please call Mark Rey, Professional Staff Member, at (202) 224-2878.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 9:30 a.m. on Tuesday, February 29, 2000, in open session, to receive testimony from the unified commanders on their military strategy and operational requirements in review of the defense authorization request for fiscal year 2001 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, February 29, 2000, to conduct a hearing on "the financial marketplace of the future."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, February 29, at 2:30 p.m., to conduct an oversight hearing. The committee will consider the President's proposed budget for FY2001 for the U.S. Forest Service.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate Committee on Finance be authorized to meet during the session of the Senate on Tuesday, February 29 at 10:00 a.m. to hear testimony regarding Competition in the Medicare Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, February 29, 2000 at 10:30 am to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Tuesday, February 29, 2000 at 2:30 p.m. to markup the Committee's letter to the Budget Committee regarding funding for Indian programs for FY 2001. The meeting will be held in the Committee room, 485 Russell Senate Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Tuesday, February 29, 2000 at 1:00 p.m., in SD-226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, February 29, 2000 at 2:00 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Subcommittee on National Parks, Historic Preservation and Recreation of the Senate Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, February 29 at 9:30 a.m. to conduct an oversight hearing. The subcommittee will consider the President's proposed budget for FY2001 for National Park Service programs and operations.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, February 29, 2000 at 9:30 a.m. in open session to receive testimony on the Department of Energy's fiscal year 2001 budget request for the Office of Environmental Management in review of the fiscal year 2001 defense authorization request and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO STEVE HIGDON

• Mr. McCONNELL. Mr. President, I rise today to pay tribute to fellow Kentuckian Steve Higdon on his recent success in becoming president and chief executive officer of Greater Louisville, Inc.

Steve Higdon grew up in Hikes Point and graduated from Trinity High School. He received a bachelor's degree in business administration from the University of Kentucky and began work with Yellow Freight Systems in Louisville after college.

Steve made his way to the top of the Louisville business world through hard work and determination. After his work at Yellow Freight Systems, he held several positions of leadership within the United Parcel Service (UPS), including economic development manager. Steve's work at UPS led to his involvement with Greater Louisville, Inc., and to his being hired as executive vice president for economic development and chief operating officer.

Many of Steve's colleagues have noted his extraordinary leadership skills. Steve's co-workers at UPS and colleagues within Greater Louisville, Inc. have all spoken of his drive and ambition, his work ethic and intelligence. From everything I've observed, Steve deserves all of these compliments—and more. He has taken on a huge responsibility in the Louisville community, and his past experience and success is a sign of good things to come for the city, its residents and its workers.

Steve also is involved in efforts to build a better Louisville community. He holds positions on the Workforce Investment Board, Housing Partnership Board, Kentucky Industrial Development Council, Industrial Development Research Council, and the Trinity High School Alumni association. This is further evidence that Steve's commitment to the community goes beyond mere business interests—he genuinely cares about Louisville's children and families.

Steve, on behalf of my colleagues and myself, thank you for your dedicated service to Louisville and to the people of Kentucky. I have every confidence in your ability to lead Greater Louisville, Inc. and its efforts to build great accomplishments and successes in the years to come.

Mr. President, I also ask that an article which ran in the Louisville Courier-Journal on Sunday, January 30, 2000, appear in the record following my remarks.

The article follows:

[From the Louisville Courier-Journal, Jan. 30, 2000]

Greater Louisville Grew New Leader From the Inside—Steve Higdon Loves To Deal With People

(By David Goetz)

Steve Higdon, the new man in charge of Louisville's economic future, speaks the language of development in a broadcast-quality baritone. He moves seamlessly from discussions of work-force issues to business retention to the prospects of city-county merger.

But if you watch him speak as well as listen, you can catch glimpses in his gestures of the airport baggage handler he was not too many years ago. He seems to grab his words as he speaks them bracketing them between his hands or rolling them up in front of him. Then he hands them to you, or takes them to heart, or just places them here and there like a man sorting bundles.

Higdon, 37, is the new president and chief executive officer of Greater Louisville, Inc., a hometown guy whose love of long distances shaped a business career in shipping and distribution that never took him very far from home.

He's not too far removed in years or though from the college graduate of 1987 who found himself bossing men twice his age on the loading dock of Yellow Freight Systems at 35th and Duvall streets in Louisville.

"It was the most stressful job I've ever had," Higdon recalled last week in his modest new office, a passable view of Sixth Street over his shoulder, business cards on his desk still identifying him in his former job as the non-profit corporation's head of economic development.

"I was very young and green, there were the hours, managing Teamsters whose average on the job was 25 to 30 years," Higdon continued. "The productivity goals were extremely tough."

He was young and it would have been easy to quit, Higdon said, but he had already developed a sense of having a career rather than just a job.

"I didn't know what the career was, but I knew I would have to be responsible," he said. "I knew I would have to work my way through it."

It was the beginning of a career that eventually placed Higdon with air carrier UPS and brought him into contact with the old Greater Louisville Economic Development Partnership.

There he garnered the notice and respect of entrepreneur Doug Cobb, who had signed on as president of Greater Louisville Inc., in 1997 when the partnership merged with the Chamber of Commerce to create a unified front for Louisville's business-support and economic-development efforts.

Cobb said he wasn't intentionally grooming a successor when he hired Higdon to run the development side of Greater Louisville Inc., in 1997.

"I called Steve because he had a good idea of what was going on" in Louisville, Cobb said. "But when you find out what people can do and you ask them to do more, which they do well, they just naturally grow into leadership."

Higdon is "maybe the most impressive executive I've ever worked with," Cobb said. "He's a great organizer. He knows how to figure out what needs to be done and get it done. He's good judge of talent."

Higdon has "a lot of the leadership characteristics that make the difference," said LG&E Energy Corp. executive Steve Wood, chairman of Greater Louisville, Inc.'s economic development committee.

"To be a successful executive, you have to out-work and out-think the competition, in this case, other jurisdictions competing for new business," Wood said. "I don't think you can outwork him. His energy level's extremely high, and he's as bright as they come."

Retired banker and civic leader Malcolm Chancey advocated a broader, national search for Cobb's successor, but he praised Higdon's energy and talent.

"If he has the right kind of support, he'll be successful," Chancey said. "I hope everybody will support him. I certainly will."

Higdon grew up one of four kids in a house off Klondike Lane near Hikes Point. His father was a photoengraver at the old Standard Gravure printing plant.

The Rev. David Zettel, a counselor at Trinity High School, remembers Hidgon as bright, gregarious and outgoing. "He smiled a lot," Zettle said.

Higdon was "more social than most smart guys." and he had the ability to befriend any group, said friend Tom Scanlon, now president of ScanSteel Service Center Inc. in Louisville.

Scanlon remembers exchanging words with students from a rival school in the parking lot one night after a football game. Then Higdon walked over to them.

"What looked like it was going to turn into a fight, 30 minutes later we were sitting on the hood of their car drinking beer with them," Scanlon said. "He has a look in his eye and you trust him."

Higdon started out in accounting at the University of Kentucky but found marketing more to his taste. "It was exciting. It was fun. It was creative," he said. "You got these marketing problems and there were 30, 40, 50 different ways to come up with a solution."

He had never been on a plane before, but on a whim Higdon left a summer job before his senior year to fly with a co-worker to Europe. He visited 13 countries on about $4 a day, he said, and discovered a personal maturity and a love of travel that have marked his career since.

His first job out of college was as a part-time baggage handler for Piedmont Airlines in Louisville—not for the $6 an hour, Higdon said, but for the free flights, employees got if the planes weren't full.

"I flew 100,000 miles that year. We'd fly out to L.A. for ladies night at the Red Onion, fly to Miami for the Super Bowl, all we did was travel—it was so much fun," he said. "I've worked for an airline most of my life since. Travel is the spice of life."

Even the full-time jobs at Yellow Freight and Emery Worldwide that followed had a touch of the exotic for Higdon. "Every piece of freight had a destination or an origin in cities all over the world," he said.

He was a sales manager for the local office of Emery parent CF Airfreight when UPS won landing rights in Japan and hired him to run the Louisville office of its new UniStar cargo company. His charge was finding enough freight customers to fill the overnight package-delivery jets flying to and from Japan.

"I was one of the first people hired to a significant management position from outside UPS," Higdon said. "In less than two years this was the most profitable of their 40 offices in the U.S."

UPS later named Higdon the first marketing manager of its own air-cargo division and had him create its first air-passenger charter service.

"In a real sense I've been like a corporate entrepreneur," Higdon said. "Every job I've had (with UPS) was a new job. I never went into a position where I was replacing somebody."

Doug Kuelpman, a former boss at UPS, said Higdon "understands the business world and what has to be done. He has a knack.

"I never had to tell Steve more than once about doing something, even in areas where he may not have felt well-equipped going into it. He's the kind of guy who likes to put his head down and charge."

In 1995, UPS "loaned" Higdon to the development partnership to help recruit transportation-intensive businesses. Louisville Mayor Dave Armstrong was county judge-executive at the time and worked with Higdon in an unsuccessful attempt to lure a new Harley-Davidson manufacturing plant to the area.

"We were out of the picture altogether" when he and Higdon went to work on the project, but in the end, "we were barely edged out" by Kansas City, Armstrong said. "He did a great job with that."

Higdon concentrated on a strategy for attracting high-tech industries and recruited seven computer-repair firms with 700 jobs by the end of 1996.

But while he loved his work, Higdon said, "there was never a time I felt this is where I want to be." The following year he went to Cobb for advice on starting his own company.

Instead, Cobb hired Higdon to head the business-attraction efforts of what had become Greater Louisville Inc.

His first day on the job, Oct. 8, 1997, Higdon told Cobb that UPS was planning to expand its operations and was seriously considering Columbus, Ohio, as the site.

That conversation resulted in five months of intensive negotiations that ended with the announcement that the $1 billion expansion and its 6,000 jobs were ticketed for Louisville.

As a former UPS insider, Higdon had "a good sense of what was going on" inside the company, Cobb said, and he played "a huge role" in the negotiations' success.

Higdon is credited with helping develop the innovative Metropolitan College concept that lets UPS package handlers work their night shifts while attending college.

When Cobb said last fall that he wanted to step down as president and CEO, the board of directors decided to look internally for a successor, said Ed Glasscock, chairman of the board's search committee. The aim was to maintain momentum and avoid a long adjustment period under a new executive.

They chose Higdon.

"It's not fair to characterize it as Doug naming his successor. We asked Doug for his recommendations," Glasscock said. "You had a number of independent business people on the search committee who reviewed the job description and Steve's background. We felt he matched up, not because Doug said he was the perfect candidate. We came to that conclusion independently."

Choosing a successor internally is not unusual in corporations, Higdon said, and, under Cobb, Greater Louisville Inc. adopted the corporate model in its structure and thinking.

"That's why we're successful," he said. "The mentality is we're all running a business here."

Running a business—his own—is still on Higdon's mind, though it's been pushed into the indefinite future. He said he is committed to his new job for at least three years and that has its rewards.

"I love dealing with people more than anything," he said. "Since I was a kid I loved to be out among people."•

IN MEMORY OF GEORGE A. ATHANSON

• Mr. DODD. Mr. President, on January 11, 2000, with the passing of George A. Athanson, the state of Connecticut lost a faithful and companionate public servant and one of its most colorful political figures in recent memory. Often called the "people's mayor," George was one of the longest serving and most beloved mayors in the history of Hartford, Connecticut. I would like to take a few moments to reflect on his many contributions to the city of Hartford.

George Athanson was a product of the city he came to love and serve so well. A Hartford-born son of Greek heritage, he attended Hartford Public High School, where his intelligence and personal charm won him the admiration of his peers and teachers alike. He went on to Amherst College where he graduated cum laude with a degree in political science. Following a short stint in the Marines, George returned to academia, this time to the University of Chicago law school where he received a law degree in 1955. George would also earn a masters in international relations from the University of Connecticut in 1958.

George's love for his home town and affinity for learning lead him to teaching at the University of Hartford. As a professor of history and political science, George was known for a dramatic flair that enlivened his classes—a flair that George would bring to the mayor's office with his election in 1971. His magnetic personality, energy, creativity and verve for the dramatic contributed to his tremendous popularity and resulted in one of the longest mayoral tenures in Hartford's history, from 1971 to 1981.

He considered himself a liberal Democrat and was confident that government could play a role in solving social and economic problems. George was a colorful politician with a flamboyant style. While he was hard working, his efforts were often overshadowed by the creative and novel actions he undertook to promote the city. On one occasion, George rowed across the Connecticut River holding a state flag and dressed as George Washington to protest a General Assembly vote. On another occasion, he stepped into a boxing ring with a Republican opponent to raise money for charity. And in perhaps his best known act of political theater, George showed up to promote development at Brainard Airport in Hartford dressed as the Red Baron and climbed into the cockpit of a bi-plane for photographers.

It wasn't these dramatics that made George Athanson so popular, however, but his underlying dedication to the city of Hartford. He humanized the mayor's office. George was a man of great personal strength and he used his talent and energy to bring the city together. He built and maintained lines of communication among the city's diverse racial and ethnic communities and in the process became the people's mayor.

It was fitting that in his final days in office, George continued what had become a tradition during his tenure, the delivery of the annual New Year's poem. The poems were symbolic of the man who composed them—witty, humorous and full of political insight. With tears in his eyes, George delivered his last New Year's poem in 1981 entitled Ode to the People of Hartford, which read in part:

Those stunts for charity, I did my part
"Buffoon," critics said, but where's THEIR heart?
Resolutions by the thousands, I've made my mark
Now it's time for a stroll through the park.

Indeed, George did leave his mark. He will long be remembered as a political leader of great insight, compassion, wit, and enduring affection for the people he felt so privileged to serve. My thoughts and prayers go out to his wife of 37 years, Zoe, and their son Arthur.•

CONGRATULATING THE COMMUNITY OF FILLMORE

• Mr. MOYNIHAN. Mr. President, I rise to offer my congratulations to the community of Fillmore, New York on the occasion of its sesquicentennial, and to wish them great success with their May 27 to 29 celebration of this milestone.

What is now Fillmore was originally a small settlement nestled into the corner where Cold Creek joins the Genesee River. The land was once part of the Caneadea Indian Reservation. By 1826, the Seneca Indians, who owned the land, had sold off all of the reservation. In 1850, during the Presidency of Millard Fillmore, the second New York State native to hold that distinguished office, a post office was established. Local lore has it that the citizens decided to name the settlement Fillmore in order to convince the government to establish the post office.

The first settlers were attracted to the area by timber, but the building of the Genesee Valley Canal Line connecting the Erie Canal to the Allegany River brought an economic boom to all the areas along the line, including Fillmore. With its fertile soil, the Community eventually also became a farming area.

The citizens of Fillmore are proud of their backgrounds, their community, their State and their country. It is a community with a strong work ethic. It places a high priority on education and for years has supported a superior school system that is the envy of many larger communities. It is proud of the success of its young people, both those who leave and those who stay and believes that the values instilled by the citizens of the community is one of the reasons their young people are successful in their careers, be they farmers or educators in Fillmore, government workers in Washington, business leaders in Fillmore or across the country, or professors in America's great colleges and universities.

Fillmore has contributed many of its finest young men and women to serve this country in war and peace. All of them have served their country and their community with distinction and honor. During the Memorial Day weekend sesquicentennial celebration, Fillmore will remember with pride all of those service men and women who have served and are serving. It will pay special homage to those whose service required the ultimate sacrifice.

The community is planning for its future. It is hopeful of attracting new and modern businesses to the community. It is developing community projects to improve key services and improve the environment. It intends to continue to improve its already outstanding public school by adding any needed facilities and continuing to attract outstanding teachers.

It is anticipating with excitement its next 150 years.•

THE FOURTH ANNIVERSARY OF THE 1996 TELECOMMUNICATIONS ACT

• Mr. SCHUMER. Mr. President, 4 years ago, Congress passed a landmark measure, the Telecommunications Act of 1996. This bill was passed in an attempt to break down some of the regulatory barriers among various communications sectors. It is one of the sparks that ignited our booming new economy in this information technology age.

In New York especially, the 1996 law has created competition in local telephone networks, areas previously dominated by monopolies. After an 18 month marathon of hard work by the New York State Public Service Commission and a thorough review by the Federal Communications Commission, Bell Atlantic became the first Bell operating company in the country to offer long distance service. Already, nearly one million New Yorkers have exercised their right to choose a new local telephone company. Creative new packages of local/long distance and "all distance" telecom services are being offered by many different carriers. To date, there are more than 350 competitive local exchange carriers, CLECs, in the country that are able to provide local telephone service, furthering consumer choice options.

Competition and innovation is working as we intended with the Telecom

Act, and our experience in New York is proof positive.

I commend Bell Atlantic, the newer carriers on the scene, and our own New York State Public Service Commission Chairman Maureen Helmer and her team for their hard work in bringing the benefits of competition to all New Yorkers. It has been well worth the effort, and provides a valuable road map to competition for other States.●

TRIBUTE TO LLOYD REDMAN

● Mr. McCONNELL. Mr. President, I rise today to pay tribute to Lloyd Redman on the occasion of a special recognition of his commitment to Kentucky's youth.

Lloyd Redman has led a life that is certainly worthy of recognition. First and foremost, Lloyd is a dedicated family man. He and his wife of 55 years, Loretta, are the proud parents of two children, who have blessed them with three grandchildren and one great grandchild.

Lloyd also is a tried and true Kentuckian. He grew up in Kentucky and played basketball and football at Okalona High School. After high school Lloyd played football for Western Kentucky University and the University of Louisville, where he received a bachelor of science degree in 1949, and a masters degree in 1955. Lloyd's football talent also earned him a place on the 1944 U.S. Navy team. Lloyd was skilled at baseball too, and served as captain of the U of L baseball team in 1949. He gave a great deal of his time and energy playing and coaching sports in Kentucky. Lloyd has coached at Okalona High School, Southern High School, and Durrett High School and was named "Jefferson County Football Coach of the Year" in 1959. He also coached football, basketball and softball at The Cabbage Patch for eleven years. Lloyd currently works with the Cabbage Patch Settlement House in Louisville to help provide athletic, arts and educational programs for children.

While Lloyd obviously loves youth athletics, he is equally as concerned for the educational well-being of Kentucky's children. He received administration certification from Eastern Kentucky University in 1962, and served in numerous administrative positions within the Jefferson County school system including director of adult education and administrative problems, assistant and associate superintendent, and he currently serves as a consultant at the Kentucky State Department of Education.

Lloyd Redman has had a positive influence on Kentucky's youth throughout his many years as administrator, coach, and mentor—and I am certain his concern for and service to the community and its children will not end here. Lloyd, on behalf of my colleagues and myself, thank you for your service and congratulations on your worthy efforts.●

IN RECOGNITION OF SENATOR ALAN CRANSTON

● Mrs. BOXER. Mr. President, it is my pleasure today to inform my colleagues of the recent achievement of a friend and former member of this body, Senator Alan Cranston. On Tuesday March 14, 2000, in San Francisco, Senator Cranston will receive the prestigious W. Averell Harriman Award from the Lawyers Alliance for World Security for his tireless efforts to achieve a safer, more peaceful world.

Alan Cranston served the people of California in the United States Senate, in the seat I now occupy, for 24 years. During this time he distinguished himself as one of this institution's most passionate and effective voices for the rights of ordinary people. From protecting a woman's right to choose, to fighting for adequate and affordable housing, to making certain our veterans are treated with the respect they deserve, Senator Cranston devoted his career to making this nation a stronger, more decent place.

One of the most important ways he set about making his vision for a better America a reality was by not limiting his efforts to these shores alone. Alan Cranston is very much a citizen of the world. Having witnessed the devastation of war in Europe and Japan, he has always acted on the belief that America's future cannot be guaranteed unless the world's is. And nothing threatens global security more than the continuing prevalence and proliferation of nuclear weapons.

There are few people who are more dedicated to the reduction and elimination of nuclear weapons than Alan Cranston. So deeply does he feel about this issue that he has made it his life's work. In 1995, with the guidance of President Mikhail Gorbachev and others, he launched the Nuclear Weapon Elimination Initiative. From this initial blueprint sprang the Global Security Institute. As its president, Senator Cranston and GSI are committed to educating the people of the world and their leaders about the enormous threats posed by nuclear weapons.

It is for his work with GSI, and indeed his literal lifetime of commitment to global peace, that Senator Cranston so richly deserves the W. Averell Harriman Award. Few men or women have done so much to secure a safe future for all the people of the world.●

RETIREMENT OF ROBERT DONOVAN

● Mr. DODD. Mr. President, it is with great pleasure that I rise today to recognize the 33 years of dedicated government service of Mr. Robert Donovan of Connecticut. His retirement from the Department of Housing and Urban Development on February 3, 2000 marks the end of a distinguished and highly esteemed career in public service.

In September of 1968, Mr. Donovan began his career with the Department of Housing and Urban Development as a Housing Intern in the Philadelphia Office. Two years later he moved to Hartford, Connecticut to become an Urban Renewal Representative. Over the next thirty years Mr. Donovan's dedication and commitment guided him through various roles within the Department, such as the Director of the Housing Management Division and the Director of the Multifamily Housing Division. He retired as a member of the leadership team of the Connecticut Multifamily Program Center.

For the better part of his adult life, Bob worked on behalf of countless Connecticut families. He believed that a safe, affordable home should be attainable for those who are committed to working for it. A home is more than just bricks and boards, it represents an opportunity for betterment and is the foundation for success. Bob's efforts day in and day out made that opportunity a possibility for Connecticut's citizens.

In each role that he assumed, be it representative or director, Bob remained responsive to the people he served. As a result, Bob has received a number of performance awards and accolades throughout his HUD career. He has displayed a talent for leadership and a strong dedication to service—qualities that will be missed now that he embarks upon the next chapter of his life.

It is my pleasure to add my voice to the many others who have recognized Bob's contribution to the Connecticut community. On behalf of the people of Connecticut, I am proud to thank Bob for thirty-three years of devoted service and I wish him will in his future endeavors.●

WTO APPELLATE DECISION ON FOREIGN SALES CORPORATIONS

● Mr. BAUCUS. Mr. President, I rise today to address a very serious development in foreign trade. It is a development which hurts American interests. It has been brewing for quite some time, and it finally came to a head last week in Geneva. A World Trade Organization (WTO) appeals panel ruled against us in a case the European Union brought against American tax law.

The ruling was not a complete surprise. A few months ago, the WTO ruled that our laws for Foreign Sales Corporations, usually known as FSC's, are illegal export subsidies. We appealed that decision. We lost the appeal. The WTO said that we have until October 1 of this year to come into compliance with the ruling.

Why is the WTO dealing with this case to begin with? Why isn't it sticking to its mandate, which is international trade, and stay out of tax matters?

The EU brought this case to the WTO 2 years ago. In doing so, Europe broke an agreement with us that dates back to 1981. Congress passed the FSC in 1984. I remember very well all the work that we put into crafting the rules to place U.S. exports on a more equal footing with European competition. In crafting the rules, we relied on that 1981 understanding with the EU. It confirmed that foreign source income need not be taxed, and that failing to tax such income is not a subsidy. European exporters are not taxed on such income, and they enjoy value added tax rebates on exports as well.

This case is just another step in a European Union campaign which undermines the world trading system.

We saw it very clearly last year in the run-up to the Seattle ministerial. EU leaders tried in every way they could to avoid coming to the table to talk seriously about their number one problem: agriculture.

First, they started a public relations campaign to downplay expectations. In a number of meetings, they hinted that the Seattle talks would probably fail. Second, they tried to overload the negotiating agenda. They wanted to turn the trade talks into such a complex undertaking that we would never get to the real problem: EU agriculture. Third, they stalled in Geneva, so there wasn't any agreement on the scope of agriculture talks in Seattle. In 1995, they agreed to start agriculture talks in January 2000. But they wanted to put off getting down to business for as long as possible.

They are still trying to put it off. Putting it off hurts American farmers and agro-business. Putting it off hurts developing countries. Putting it off even hurts Europe itself in the long term. It just undermines confidence in the world trading system.

This FSC case makes things worse. Let's be very clear on what's going on here. We can set aside the European rhetoric about "respecting international obligations" in tax policy. That's not what this case is about. If the EU were serious about "respect for international obligations," it would take a close look at the tax policies of its members. This case is not about respecting international obligations.

This case is not about tax policy. If the EU were seriously concerned about the trade effects of tax policy, it wouldn't file a case in the World Trade Organization. That's no way to fix an international tax problem. Instead, it would seek multi-party talks in an organization like the OECD or the UN. But the EU doesn't really care about tax policy in this case.

This case is not even about money. The EU has no real commercial interest at stake here. They haven't demonstrated any appreciable adverse impact on European companies from US tax laws. In fact, a number of European companies benefit from FSC! They have domestic subsidiaries in the United States, and these subsidiaries have set up Foreign Sales Corporations.

So what is this case about? It's about revenge. Pure, simple revenge. The Eurocrats want revenge for losing WTO disputes with the United States over bananas and beef. That's an open secret. Everyone knows where this case came from. It didn't come from European manufacturers facing unfair competition from US firms because of FSC. It didn't come from European banks. Or from European consumers. Or from European farmers. It didn't come from the members states. It came from EU bureaucrats, the gnomes of Brussels.

They were angry over losing the beef and banana disputes with the United States. The cases were long and hard. They took years. The EU fought us all the way. They lost at every turn, because we were in the right. When they refused to correct their illegal policies, the WTO authorized us to retaliate legally. And we did.

For revenge, the Eurocrats wanted to poke us in the eye, and show us that they could hurt us. So they took this case, which had been sitting on their shelf for years. They dusted it off and sent it to the WTO, despite our 1981 agreement with them on tax policy.

Well, they're playing with fire. Using the WTO as an instrument of revenge is dangerous for them, and dangerous for us. The WTO is a five-year old child. Its dispute settlement system is still young and fragile. The FSC case strains its resources, which are limited. But more important, the FSC case strains the political acceptability of the WTO system.

The political leaders of the EU should not have let this case go forward. It was a bad judgement on their part. Now it is in their interest and in the interest of the world trade system for them to settle this case amicably and fast. It will take wisdom and courage for them to do so. I hope they find that wisdom and courage.●

TRIBUTE TO JOHN C. SCHNABEL

● Mr. KOHL. Mr. President, I rise today to recognize the work of John C. Schnabel, who retired after fourteen years of service from the Wisconsin Association of County Veteran's Service Officers. He began his career with the Wisconsin Association of County Veteran's Service Officers in 1989 as the Secretary of the organization. During that time he used his personal laptop computer to electronically record Association records. This included researching and organizing a history of all CVSOs and Assistant CVSOs. He also developed and printed the first handbook for Association Officers so that policies, procedures and other information were easily transferred from one secretary to the next. John Schnabel was effective in his career as Secretary of CVSO and went on to become Second Vice President in 1994, First Vice President in 1995 and President in 1996. Schnabel has been the Langlade County Veteran's Services Officer for the last 14 years and is the first service officer from the county to be elected president of the organization.

During his time as president he became instrumental in the establishment of the Advocacy Award as well as the state representative to coordinate access to VA OnLine, initiating sites for CVSOs and WDVA. He has worked on many Ad Hoc committees regarding computer operations and program development. He most recently acted as a member of an Ad Hoc committee to establish long term goals and training for the CVSO association. During his tenure, Schnabel was also named a recipient of the Citation for Meritorious Service, awarded by the American Legion's National Veteran's Affairs and Rehabilitation Commission in Washington, D.C.

The staff and veteran clients of the Langlade County Veteran's Service Office and the Wisconsin Association of County Veterans Service Officers will miss John's wonderful advocacy work greatly. However, Nancy, his wife of 36 years will enjoy spending more time with him.●

ALEISHA CRAMER

● Mr. ALLARD. Mr. President—I would like to take this opportunity to commend an outstanding student athlete from my home state of Colorado. Aleisha Cramer of Green Mountain High School has been named the 1999–2000 Gatorade National High School Girls Soccer Player of the Year. Aleisha's hard work and dedication earned her the prestige of being the number one soccer player of 246,000 high school girls across the country.

Ms. Cramer's athletic accomplishments include being the Parade Player of the Year, the National Soccer Coaches of America's Player of the Year as well as being accepted on the U.S. Women's National Team. Aleisha has lead her team to the State Finals for three consecutive years, winning the championship in 1997 and 1999. Not only is Aleisha an amazing athlete, she is honor student with a 4.0 grade point average, a member of the student senate and a volunteer for church and school groups.

It is an honor for me to recognize the achievements of this amazing young woman. Aleisha leads by example and her work ethic, talent and civic duties have made her a role model that any student can look up to. Aleisha Cramer has proved what hard work as a student, athlete and community member can accomplish.

Again, I would like to congratulate Aleisha Cramer, the 1999-2000 Gatorade National High School Girls Soccer Player of the Year, for her accomplishments. She has made the State of Colorado and this nation proud.●

GRACE TOWNS HAMILTON (1907–1992)

● Mr. CLELAND. Mr. President, "A political leader who changes his stances to fit the times is often called a politician in the dirtiest sense of the word. One who refuses to change, who remains with her lifelong ideals, is often called reactionary and stubborn. But such a person may also be seen as possessing both honesty and intrigue." So spoke Alton Hornsby, Morehouse College historian in 1990 as the city of Atlanta remembered one of its greatest treasures, Grace Towns Hamilton.

Grace Towns was quite simply, a legend in her own time. Born in Atlanta in 1907, Grace entered this world during a time of severe racial tension. In fact, her birthday came only 5 months after a ferocious racial massacre in Atlanta. For whites, the first decades of the twentieth century were the "Progressive Era." For blacks, it was indeed a most dismal era. The end of Reconstruction had left blacks as an often despised and almost always disenfranchised class made up largely of dependent laborers with little land and even less rights. Atlanta University (AU), on the city's western reaches, seemed an island of tranquility in the South, where blacks experienced the worst of the racial oppression and exclusion. Grace Towns' father was a professor at AU and she was able to enjoy a sheltered existence where both the student body and the faculty were integrated.

Grace Towns flourished while growing up at AU. Once she matriculated as a collegiate there, Grace became active in the Interracial Student Forum. She took this advantage of the opportunity to discuss a wide range of topics, including those which were most racially sensitive. For her, this was a forum to bring black and white students together. While she was editor of the AU student newspaper, the Scroll, Grace wrote of the forum, "the Forum has given us contact. We have heard each other's music, and talked as fellow students."

After graduating from AU in 1927, Grace Towns went on to pursue a master's degree in psychology at Ohio State University in Columbus, Ohio. During her college years, she became involved with the YWCA. The Atlanta chapter had a burgeoning student movement that took a divergent approach on race that was less cautious than its parent organization at the time. It was interracial far before the first "Negro" was appointed to the board. After she graduated, the National YWCA offered her a secretarial job in one of its Negro branches. A favorite psychology professor at AU had a high regard for the psychology department at Ohio State and seeing as how the YWCA job would make it possible to finance her post-graduate education at the same time, Grace decided to go.

Grace Towns later admitted that there was no way she could have been prepared for what she faced in Ohio. The cocoon of Atlanta University ill-prepared her for the shock that awaited her in the Ohio capital city. Barred from movies, restaurants, hotels, even public restrooms, Towns felt accepted only within the confines of the Ohio State psychology department. Even the YWCA, which in Atlanta had seemed so dedicated to the rights of all women, without regard to the color of their skin, had its barriers and limitations. The prejudice and violent attitude towards blacks at the time made the goals and the religious and moral precepts professed by the organization a challenge that the "Y" often failed to meet.

These factors combined to make Grace Towns not sorry to leave Columbus, Ohio in the summer of 1928. She returned to Atlanta to finish the written requirements for her master's from Ohio State, having already finished the course work. After receiving the degree in 1929, she went on to teach at the Atlanta School of Social Work and also at Clark College in Atlanta. She married the love of her life, Henry Cooke Hamilton, in the summer of 1930. They moved shortly thereafter to Memphis where her husband had taken a job doing triple duty as dean, registrar and professor of education.

Grace Hamilton continued teaching, even through the first months of her pregnancy with her first daughter Eleanor, born in March of 1931. She had taken a position at LeMoyne Junior College and resumed teaching at LeMoyne while Eleanor was still young. She continued to teach there, although circumstances compelled her to undertake courses that she did not feel qualified to teach. In 1934, this frustration came to a head when gender issues and the Great Depression forced LeMoyne to terminate her employment. After volunteering with the NAACP and the YWCA, Grace took a position with the Works Progress Administration (WPA) conducting a survey on The Urban Negro Worker in the United States 1925–1936.

In 1941, the Hamilton family returned to Atlanta where Grace's husband became principal of Atlanta University's Laboratory High School. Grace had never set out to be a leader, but at this point she was thirty-four years old, had an advanced education degree, and had worked steadily at professional jobs for more than a decade. She knew the value of community activism and education and set out to take part in the fight. This led her to the Atlanta Urban League.

From 1943 until 1960, Grace Hamilton served as the Executive Director of the Atlanta Urban League. During her tenure, she shaped the path of the League to better serve Atlanta, which was increasingly being seen as the South's "hub city." She moved the focus away from the national organization's emphasis on philanthropy and job procurement to a more Atlanta-focused program of housing, equality in school funding, voter registration and better medical care. Her biographers, Lorraine Nelson Spritzer and Jean B. Bergmark, wrote of her legacy that it ". . . was better appreciated by whites than blacks. The white world glorified her, clothing her in virtue without flaws. The black community viewed her with greater ambivalence, seeing blemish as well as the best and came closer to discerning the real and important person she was, probably because she was truly one of their own."

After Mrs. Hamilton resigned in 1960, she set out on her path to political success. She ran in a special off-year election in 1965 which brought her and six other black Democrats into the Georgia state legislature. The first black woman in the Georgia State Legislature, Hamilton was called "Atlanta's only real integrationist," "a leader," and a "bridge-builder." It was here where she made her most lasting contribution to her city and state, and all agreed she was that rare person who gave politics a good name. I remember fondly serving with her while I was in the Georgia state senate from 1970 until 1974.

While serving in the state legislature, Grace Hamilton sought to strengthen local government, particularly the Mayor's role. She also worked toward equal justice for blacks, and the elimination wasted tax dollars by seeking consolidation of Georgia's numerous counties. In 1971, she persuaded her colleagues in the Legislature to approve a sales tax increase to finance a city-wide rail and subway system—now known in Atlanta as MARTA, a crown jewel among the nation's urban mass transit systems. Her time in the Legislature was infinitely successful and in 1984, at the age of 78 she began to consider retirement. She decided for "one last go-around" but failed to detect the political risk she faced. She was defeated by a 26 year-old graduate student in public administration at Georgia State named Mable Thomas. After almost twenty years in public office, Grace Hamilton set out for the next phase of life.

Grace Hamilton lived on another eight years, overseeing the care of her ailing husband and guiding the search for a suitable depository for her papers and effects. She collected numerous accolades and awards before she finally succumbed to illness in 1992, survived by her daughter Eleanor.

As we come to the end of Black History Month, I respectfully submit this insert into the CONGRESSIONAL RECORD in honor of one of my personal heroes, Grace Towns Hamilton. Her service has been an inspiration to me and many others who have known her. I am proud of her legacy in Georgia and pleased to have this opportunity to share it. I would also like to thank Mrs. Hamilton's biographers, Lorraine Nelson Spritzer and Jean B. Bergmark, for their contribution to Grace's legacy—Grace Towns Hamilton and the Politics of Southern Change.

Thank you Mr. President.•

JAKE D. ROBEL

• Mr. BOND. Mr. President, I come to the floor today to extend my heartfelt sympathies to the family of 6-year-old Jake D. Robel of Blue Springs, Missouri.

One week ago Jake died after being dragged for almost five miles at high speed by a man who had stolen Jake's mother's car in Independence, Missouri.

Jake's mom had stopped at a sandwich shop to run in and pick up her order. She left her car running and Jake was waiting in the car.

This town and area should be safe. Many would say tragedies like this one happen everywhere else, but not here. In this area, there are people who always leave their car doors unlocked and their keys in the ignition. Many leave their homes unlocked and have no idea where to find the house key.

Unfortunately, that sense of security is now shattered.

In those few moments it took Jake's mom to run into the sandwich shop, an assailant jumped in her vehicle and sped away. Jake, with his mother's help, tried to escape from the vehicle, but became entangled in the seat belt. In a heartbeat, the car door closed—with Jake tangled in the seat belt—being dragged behind.

I can't imagine the loss felt by the family and friends of Jake Robel. However, I want to join with the countless families in Missouri and across the nation in sending my thoughts and prayers to those in grief.

Mr. President, in addition, it is important to recognize the bravery, heroism, and citizenship of those that tried to come to Jake's rescue.

The man who stole the car took off on Interstate 70 at high speed. All along the way, people honked and shouted from their cars for him to stop. The driver was stopped and apprehended, not by the police, but by approximately four gentlemen who managed to surround the vehicle after the man left I-70 and turned onto a busy street in Independence, Missouri. The man tried to escape on foot, but was stopped by these heroes who tied his feet together and sat on him until the police arrived. These men acted swiftly and responsibly.

Once again, Mr. President, my thoughts and prayers go out to the family of Jake Robel as well as to all those who witnessed such a tragedy. I also want to recognize the gentlemen who apprehended the driver. These honorable citizens have shown us firsthand that heroes do exist.•

RETIREMENT OF CHIEF ANGELO TOSCANO

• Mr. DODD. Mr. President, I am delighted to rise today to pay tribute to a well-respected and remarkable officer, Chief Angelo Toscano, whose retirement from the Wilton Police Force marks the end of 43 years as a Connecticut law enforcement officer. Day in and day out, Chief Toscano ensured that safety and peace prevailed in the Wilton community. I am honored to extend thanks and appreciation to him. On behalf of the people of Wilton and the entire state of Connecticut, whom I am privileged to represent in the United States Senate.

Chief Toscano was born and raised in Darien, Connecticut. After graduating from Darien High School he attended Norwalk Community College and the Federal Bureau of Investigation National Academy. In 1957, after serving in the United States Marine Corps for three years, he began his career in law enforcement as a patrolman. His dedication earned him the respect of his colleagues, and his leadership propelled him up the ranks—from patrolman, to sergeant, to detective, and finally, to Chief of Police.

Throughout his career in public service, Chief Toscano remained on the cutting edge of law enforcement techniques, always believing that there was more for him to learn. Chief Toscano continued his training up until the very end of his career, including participation in the Connecticut Police Academy, the Darien Power Squadron, and a wide range of F.B.I. training programs.

Chief Toscano embodied everything a community could hope for in a Chief of Police. He was a veteran of the streets whose years of experience became the source of his good judgment and dependability. He was a well-trained cop whose background and skill ensured that, as Chief, he led with a steadfast and reliable hand. Moreover, Chief Toscano was an innovative leader, with the uncanny ability to incorporate his specialized skills with his personal insight and creativity. Under his leadership, the Wilton Police Force introduced such initiatives as D.A.R.E. and C.O.P.S., as well as the installation of defibrillators into every patrol car.

The job of a chief of police is a demanding task that requires strength of character and good judgment. One need not look far for proof of Chief Toscano's success and ability, for it is visible in the safety that Wilton residents relish everyday.

Today, it is my pleasure to join the Town of Wilton and the State of Connecticut in thanking Chief Toscano for his many years of dedicated service and wishing him well in the future.•

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. CRAPO. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following armed services nominations on the Executive Calendar: 415, 416, 418 through 422, and all nominations on the Secretary's desk.

I finally ask unanimous consent that the nominations be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nominations appear at this point in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, considered and confirmed, are as follows:

DEPARTMENT OF THE INTERIOR

Sylvia V. Baca, of New Mexico, to be an Assistant Secretary of the Interior.

IN THE AIR FORCE

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. William N. Searcy, 9559

IN THE ARMY

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be major general, Medical Corps

Brig. Gen. Kevin C. Kiley, 4471
Brig. Gen. Darrel R. Porr, 8386

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Gordon S. Holder, 2235

IN THE AIR FORCE

The following named officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Ralph S. Clem, 2429
Brig. Gen. John M. Danahy, 2107
Brig. Gen. Joseph G. Lynch, 4963
Brig. Gen. Jeffrey M. Musfeldt, 8617

Brig. Gen. Robert B. Siegfried, 5248

To be brigadier general

Col. Gerald A. Black, 3573
Col. Richard B. Ford, 5811
Col. Jack C. Ihle, 1006
Col. Keith W. Meurlin, 1682
Col. Betty L. Mullis, 0954
Col. Scott R. Nichols, 8603
Col. David A. Robinson, 7497
Col. Richard D. Roth, 8023
Col. Randolph C. Ryder, Jr., 0160
Col. Joseph L. Shaefer, 8844
Col. Charles E. Stenner, Jr., 3274
Col. Thomas D. Taverney, 6191
Col. James T. Turlington, 4611

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Curtis M. Bedke, 9014

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. David E. Clary, 9098
Col. Michael A. Collings, 3659
Col. Scott S. Custer, 2467
Col. Daniel J. Darnell, 0600
Col. Duane W. Deal, 0812
Col. Vern M. Findley II, 2123
Col. Douglas M. Fraser, 7505
Col. Dan R. Goodrich, 2370
Col. Gilbert R. Hawk, 6206
Col. Raymond E. Johns, Jr., 3483
Col. Timothy C. Jones, 7733
Col. Perry L. Lamy, 4559
Col. Edward L. Mahan, Jr., 6388
Col. Roosevelt Mercer, Jr., 3054
Col. Gary L. North, 9194
Col. John G. Pavlovich, 9032
Col. Allen G. Peck, 1135
Col. Michael W. Peterson, 5177
Col. Teresa M. Peterson, 1094
Col. Gregory H. Power, 4129
Col. Anthony F. Przybyslawski, 7898
Col. Ronald T. Rand, 8658
Col. Steven J. Redmann, 1838
Col. Loren M. Reno, 7129
Col. Jeffrey R. Riemer, 4731
Col. Jack L. Rives, 0540
Col. Marc E. Rogers, 4472
Col. Arthur J. Rooney, Jr., 6482
Col. Stephen T. Sargeant, 1024
Col. Darryl A. Scott, 3767
Col. James M. Shamess, 8898
Col. William L. Shelton, 0678
Col. John T. Sheridan, 8566
Col. Toreaser A. Steele, 6197
Col. James W. Swanson, 6954
Col. George P. Taylor, Jr., 9111
Col. Gregory L. Trebon, 3693
Col. Loyd S. Utterback, 9704
Col. Frederick D. VanValkenburg, Jr., 4600
Col. Dale C. Waters, 4174
Col. Simon P. Worden, 2998

IN THE AIR FORCE

Air Force nominations beginning Joseph G. Baillargeon, Jr., and ending David L. Phillips, Jr., which nominations were received by the Senate and appeared in the Congressional Record of November 16, 1999.

Air Force nomination of Mark K. Wells, which was received by the Senate and appeared in the Congressional Record of February 1, 2000.

Air Force nominations beginning William P. Braham, and ending Kenneth C.Y. Yu, which nominations were received by the Senate and appeared in the Congressional Record of nulldate.

Air Force nominations beginning Laraine L. Acosta, and ending Roger A. Wujek, which nominations were received by the Senate and appeared in the Congressional Record of February 2, 2000.

Air Force nominations beginning Synaya K. Balanon, and ending Edward K. Yi, which nominations were received by the Senate and appeared in the Congressional Record of February 2, 2000.

Air Force nominations beginning Charles G. Beleny, and ending Kristen A. Fultsganey, which nominations were received by the Senate and appeared in the Congressional Record of February 7, 2000.

IN THE ARMY

Army nominations beginning Richard T. Brittingham, and ending William D. Stewart, Jr., which nominations were received by the Senate and appeared in the Congressional Record of November 16, 1999.

Army nominations beginning Stephen C. Alsobrook, and Ending Henry E. Zeranski, Jr., which nominations were received by the Senate and appeared in the Congressional Record of November 16, 1999.

Army nomination of Andre H. Sayles, which was received by the Senate and appeared in the Congressional Record of February 1, 2000.

Army nominations beginning Thomas E. Ayres, and ending Joel E. Wilson, which nominations were received by the Senate and appeared in the Congressional Record of February 2, 2000.

Army nominations beginning Wayne E. Caughman, and ending Calvin B. Wimbish, which nominations were received by the Senate and appeared in the Congressional Record of February 7, 2000.

Army nomination of Jeffrey S. MacIntire, which was received by the Senate and appeared in the Congressional Record of February 9, 2000.

Army nominations beginning John J. Fitch, and ending *Timothy L. Watkins, which nominations were received by the Senate and appeared in the Congressional Record of February 9, 2000.

IN THE MARINE CORPS

Marine Corps nomination of Joseph B. Davis, Jr., which was received by the Senate and appeared in the Congressional Record of November 16, 1999.

Marine Corps nominations beginning Michael C. Albo, and ending Richard W. Yoder, which nominations were received by the Senate and appeared in the Congressional Record of February 2, 2000.

Marine Corps nominations beginning Christopher F. Ajinga, and ending Joan P. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record of February 9, 2000.

Marine Corps nominations beginning Joe H. Adkins, Jr., and ending Christopher M. Zuchristian, which nominations were received by the Senate and appeared in the Congressional Record of February 9, 2000.

IN THE NAVY

Navy nominations beginning Terry C. Pierce, and ending Frank G. Riner, which nominations were received by the Senate and appeared in the Congressional Record of November 16, 1999.

Navy nominations beginning Brad Harris Douglas, and ending Marc A. Stern, which nominations were received by the Senate and appeared in the Congressional Record of November 16, 1999.

Navy nominations beginning Dean J. Giorgdano, and ending William K. Nesmith, which nominations were received by the Senate and appeared in the Congressional Record of February 7, 2000.

Navy nominations beginning David R. Allison, and ending Steve R. Wilkinson, which nominations were received by the Senate and appeared in the Congressional Record of February 7, 2000.

Navy nominations beginning Raquel C. Bono, and ending Mil A. Yi, which nominations were received by the Senate and appeared in the Congressional Record of February 8, 2000.

Navy nomination of Rabon E. Cooke, which was received by the Senate and appeared in the Congressional Record of February 9, 2000.

Navy nomination of Amy J. Potts, which was received by the Senate and appeared in the Congressional Record of February 9, 2000.

STATEMENT ON THE NOMINATION OF SYLVIA V. BACA

Mr. DOMENICI. Mr. President, I am very pleased today that the Senate has confirmed New Mexican Sylvia Baca for Assistant Secretary of the Interior for Land and Minerals Management. I have been working hard to see this day, and I am glad the Senate has finally confirmed this worthy individual.

Ms. Baca is a native New Mexican who has worked for the Department of Interior for over four years, and has been Acting Assistant Secretary since November of 1998. Since January of 1995, she served as Deputy Assistant Secretary for Land and Minerals Management.

Assistant Secretary for Land and Minerals Management has direct supervisory responsibility for three principal bureaus of the Department of the Interior: The Bureau of Land Management, the Minerals Management Service, and the Office of Surface Mining Reclamation and Enforcement. In 1997, she served as Acting Director for the Bureau of Land Management. In such capacity, she was responsible for direct management of 10,000 employees, a budget of $1.2 billion, and the maintenance of 270 million acres of public lands and 570 million acres of subsurface minerals.

Ms. Baca previously served the state of New Mexico with distinction as a Senior Fiscal Analyst for the state Legislative Finance Committee for five years. Ms. Baca served as Director of Finance and Management for the City of Albuquerque immediately before leaving for Washington, D.C. Some of you may know that I served as what was then the equivalent of Mayor of Albuquerque, New Mexico's largest city. I can assert that administering the operating budget and administering city employees is a big job.

Sylvia Baca has a tremendous tie to the land. Sylvia, whose New Mexico ranching family history dates back to Spanish colonial times, is one of the many distinguished New Mexicans who have served the Interior Department. I am sure she will continue to work with distinction and serve well managing our federal public lands. Based upon her experience and commitment, I trust she will do a good job for the people of the United States. She has demonstrated that she has the administrative skills and experience needed to do this job well.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

NATIONAL SUSTAINABLE FUELS AND CHEMICALS ACT OF 1999

Mr. CRAPO. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 310, S. 935.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the bill by title.

The senior assistant bill clerk read as follows:

> A bill (S. 935) to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to authorize research to promote the conversion of biomass into biobased industrial products, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Agriculture, Nutrition, and Forestry, with an amendment to strike all after enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Sustainable Fuels and Chemicals Act of 1999".

SEC. 2. FINDINGS.

Congress finds that—

(1) conversion of biomass into biobased industrial products offers outstanding potential for benefit to the national interest through improved strategic security and balance of payments, healthier rural economies, improved environmental quality, near-zero net greenhouse gas emissions, technology export, and sustainable resource supply;

(2)(A) biomass is widely available at prices that are competitive with low cost petroleum; and

(B) the key technical challenges to be overcome in order for biobased industrial products to be cost competitive are finding new technology and reducing the cost of technology for converting biomass into desired biobased industrial products;

(3) biobased fuels, such as ethanol, have the clear potential to be sustainable, low cost, and high performance fuels that are compatible with both current and future transportation systems and provide near zero net greenhouse gas emissions;

(4) biobased chemicals—

(A) can provide functional replacements for essentially all organic chemicals that are currently derived from petroleum; and

(B) have the clear potential for environmentally benign product life cycles;

(5) biobased power can provide environmental benefits, promote rural economic development, and diversify energy resource options;

(6) many biomass feedstocks suitable for industrial processing show the clear potential for sustainable production, in some cases resulting in improved soil fertility and carbon sequestration;

(7)(A) grain processing mills are biorefineries that produce a diversity of useful food, chemical, feed, and fuel products; and

(B) technologies that result in further diversification of the range of value-added biobased industrial products can meet a key need for the grain processing industry;

(8)(A) cellulosic feedstocks are attractive because of their low cost and widespread availability; and

(B) research resulting in cost-effective technology to overcome the recalcitrance of cellulosic biomass would allow biorefineries to produce fuels and bulk chemicals on a very large scale, with a commensurately large realization of the benefit described in paragraph (1);

(9) research into the fundamentals to understand important mechanisms of biomass conversion can be expected to accelerate the application and advancement of biomass processing technology by—

(A) increasing the confidence and speed with which new technologies can be scaled up; and

(B) giving rise to processing innovations based on new knowledge;

(10) the added utility of biobased industrial products developed through improvements in processing technology would encourage the design of feedstocks that would meet future needs more effectively;

(11) the creation of value-added biobased industrial products would create new jobs in construction, manufacturing, and distribution, as well as new higher-valued exports of products and technology;

(12)(A) because of the relatively short-term time horizon characteristic of private sector investments, and because many benefits of biomass processing are in the national interest, it is appropriate for the Federal Government to provide precommercial investment in fundamental research and research-driven innovation in the biomass processing area; and

(B) such an investment would provide a valuable complement to ongoing and past governmental support in the biomass processing area; and

(13) several prominent studies, including studies by the President's Council of Advisors on Science and Technology and the National Research Council—

(A) support the potential for large research-driven advances in technologies for production of biobased industrial products as well as associated benefits; and

(B) document the need for a focused, integrated, and innovation-driven research effort to provide the appropriate progress in a timely manner.

SEC. 3. CONVERSION OF BIOMASS INTO BIOBASED INDUSTRIAL PRODUCTS.

The National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3101 et seq.) is amended by adding at the end the following:

"Subtitle N—Conversion of Biomass Into Biobased Industrial Products

"SEC. 1490. DEFINITIONS.

"In this subtitle:

"(1) ADVISORY COMMITTEE.—The term 'Advisory Committee' means the Sustainable Fuels and Chemicals Technical Advisory Committee established by section 1490C.

"(2) BIOBASED INDUSTRIAL PRODUCT.—The term 'biobased industrial product' means any power, fuel, feed, chemical product, or other consumer good derived from biomass.

"(3) BIOMASS.—The term 'biomass' means any organic matter that is available on a renewable or recurring basis (excluding old growth timber), including dedicated energy crops and trees, wood and wood residues, plants (including aquatic plants), grasses, agricultural crops, residues, fibers, and animal wastes and other waste materials.

"(4) BOARD.—The term 'Board' means the Sustainable Fuels and Chemicals Board established by section 1490B.

"(5) INITIATIVE.—The term 'Initiative' means the Sustainable Fuels and Chemicals Research Initiative established under section 1490D.

"(6) POINT OF CONTACT.—The term 'point of contact' means a point of contact designated under section 1490A(d).

"(7) PROCESSING.—The term 'processing' means the derivation of biobased industrial products from biomass, including—

"(A) feedstock production;

"(B) harvest and handling;

"(C) pretreatment or thermochemical processing;

"(D) fermentation;

"(E) catalytic processing;

"(F) product recovery; and

"(G) coproduct production.

"SEC. 1490A. COOPERATION AND COORDINATION IN SUSTAINABLE FUELS AND CHEMICALS RESEARCH.

"(a) IN GENERAL.—The Secretary of Agriculture and the Secretary of Energy shall cooperate with respect to, and coordinate, policies and procedures that promote research and development leading to the production of biobased industrial products.

"(b) PURPOSE.—The purpose of the cooperation and coordination shall be to—

"(1) understand the key mechanisms underlying the recalcitrance of biomass for conversion into biobased industrial products;

"(2) develop new and cost-effective technologies that would result in large-scale commercial production of low cost and sustainable biobased industrial products;

"(3) ensure that biobased industrial products are developed in a manner that enhances their economic, energy security, and environmental benefits; and

"(4) promote the development and use of agricultural and energy crops for conversion into biobased industrial products.

"(c) AREAS.—In carrying out this subtitle, the Secretary of Agriculture and the Secretary of Energy, in consultation with heads of appropriate departments and agencies, shall promote research and development to—

"(1) advance the availability and widespread use of energy efficient, economically competitive, and environmentally sound biobased industrial products in a manner that is consistent with the goals of the United States relating to sustainable and secure supplies of food, chemicals, and fuel;

"(2) ensure full consideration of Federal land and land management programs as potential feedstock resources for biobased industrial products; and

"(3) assess the environmental, economic, and social impact of production of biobased industrial products from biomass on a large scale.

"(d) POINTS OF CONTACT.—

"(1) IN GENERAL.—To coordinate research and development programs and activities relating to biobased industrial products that are carried out by their respective Departments—

"(A) the Secretary of Agriculture shall designate, as the point of contact for the Department of Agriculture, an officer of the Department of Agriculture appointed by the President to a position in the Department before the date of the designation, by and with the advice and consent of the Senate; and

"(B) the Secretary of Energy shall designate, as the point of contact for the Department of Energy, an officer of the Department of Energy appointed by the President to a position in the Department before the date of the designation, by and with the advice and consent of the Senate.

"(2) DUTIES.—The points of contact shall jointly—

"(A) assist in arranging interlaboratory and site-specific supplemental agreements for research, development, and demonstration projects relating to biobased industrial products;

"(B) serve as cochairpersons of the Board;

"(C) administer the Initiative; and

"(D) respond in writing to each recommendation of the Advisory Committee made under section 1490C(c)(2).

"SEC. 1490B. SUSTAINABLE FUELS AND CHEMICALS BOARD.

"(a) ESTABLISHMENT.—There is established the Sustainable Fuels and Chemicals Board to coordinate programs within and among departments and agencies of the Federal Government for the purpose of promoting the use of biobased industrial products by—

"(1) maximizing the benefits deriving from Federal grants and assistance; and

"(2) bringing coherence to Federal strategic planning.

"(b) MEMBERSHIP.—The Board shall consist of:

"(1) The point of contact of the Department of Agriculture designated under section 1490A(d)(1)(A), who shall serve as cochairperson of the Board.

"(2) The point of contact of the Department of Energy designated under section 1490A(d)(1)(B), who shall serve as cochairperson of the Board.

"(3) A senior officer of each of the following agencies who is appointed by the head of the agency and who has a rank that is equivalent to the points of contact:

"(A) The Department of the Interior.

"(B) The Environmental Protection Agency.

"(C) The National Science Foundation.

"(D) The Office of Science and Technology Policy.

"(4) At the option of the Secretary of Agriculture and the Secretary of Energy, other members appointed by the Secretaries (after consultation with members described in paragraphs (1) through (3)).

"(c) DUTIES.—The Board shall—

"(1) coordinate research, development, and demonstration activities relating to biobased industrial products—

"(A) between the Department of Agriculture and the Department of Energy; and

"(B) with other departments and agencies of the Federal Government; and

"(2) provide recommendations to the points of contact concerning administration of this subtitle.

"(d) FUNDING.—Each agency represented on the Board is encouraged to provide funds for any purpose under this subtitle.

"(e) MEETINGS.—The Board shall meet at least quarterly to enable the Board to carry out the duties of the Board under subsection (c).

"SEC. 1490C. SUSTAINABLE FUELS AND CHEMICALS TECHNICAL ADVISORY COMMITTEE.

"(a) ESTABLISHMENT.—There is established the Sustainable Fuels and Chemicals Technical Advisory Committee to—

"(1) advise the Secretary of Agriculture, the Secretary of Energy, and the points of contact concerning—

"(A) the technical focus and direction of requests for proposals issued under the Initiative; and

"(B) procedures for reviewing and evaluating the proposals;

"(2) facilitate consultations and partnerships among Federal and State agencies, agricultural producers, industry, consumers, the research community, and other interested groups to carry out program activities relating to the Initiative; and

"(3) evaluate and perform strategic planning on program activities relating to the Initiative.

"(b) MEMBERSHIP.—The Committee shall consist of the following members appointed by the points of contact:

"(1) An individual affiliated with the biobased industrial products industry.

"(2) An individual affiliated with a college or university who has expertise in biobased industrial products.

"(3) 2 prominent engineers or scientists from government or academia who have expertise in biobased industrial products.

"(4) An individual affiliated with a commodity trade association.

"(5) An individual affiliated with an environmental or conservation organization.

"(6) An individual associated with State government who has expertise in biobased industrial products.

"(7) At the option of the points of contact, other members.

"(c) DUTIES.—The Advisory Committee shall—

"(1) advise the points of contact with respect to the Initiative; and

"(2) evaluate whether, and make recommendations in writing to the Board to ensure that—

"(A) funds authorized for the Initiative are distributed and used in a manner that is consistent with the goals of the Initiative;

"(B) the points of contact are funding proposals under this subtitle that are selected on the basis of merit, as determined by an independent panel of scientific and technical peers; and

"(C) activities under this subtitle are carried out in accordance with this subtitle.

"(d) MEETINGS.—The Advisory Committee shall meet at least quarterly to enable the Advisory Committee to carry out the duties of the Advisory Committee under subsection (c).

"SEC. 1490D. SUSTAINABLE FUELS AND CHEMICALS RESEARCH INITIATIVE.

"(a) IN GENERAL.—The Secretary of Agriculture and the Secretary of Energy, acting through their respective points of contact and in consultation with the Board, shall establish and carry out a Sustainable Fuels and Chemicals Research Initiative under which competitively-awarded grants, contracts, and financial assistance are provided to, or entered into with, eligible entities to carry out research on biobased industrial products.

"(b) PURPOSES.—The purposes of grants, contracts, and assistance under this section shall be to—

"(1) stimulate collaborative activities by a diverse range of experts in all aspects of biomass processing for the purpose of conducting fundamental and innovation-targeted research and technology development;

"(2) enhance creative and imaginative approaches toward biomass processing that will serve to develop the next generation of advanced technologies making possible low cost and sustainable biobased industrial products;

"(3) strengthen the intellectual resources of the United States through the training and education of future scientists, engineers, managers, and business leaders in the field of biomass processing; and

"(4) promote integrated research partnerships among colleges, universities, national laboratories, Federal and State research agencies, and the private sector as the best means of overcoming technical challenges that span multiple research and engineering disciplines and of gaining better leverage from limited Federal research funds.

"(c) ELIGIBLE ENTITIES.—

"(1) IN GENERAL.—To be eligible for a grant, contract, or assistance under this section, an applicant shall be—

"(A) a college or university;

"(B) a national laboratory;

"(C) a Federal research agency;

"(D) a State research agency;

"(E) a private sector entity;

"(F) a nonprofit organization; or

"(G) a consortium of 2 or more entities described in subparagraphs (A) through (E).

"(2) ADMINISTRATION.—After consultation with the Board, the points of contact, on behalf of the Board, shall—

"(A) publish annually 1 or more joint requests for proposals for grants, contracts, and assistance under this section;

"(B) establish a priority in grants, contracts, and assistance under this section for research that—

"(i) demonstrates potential for significant advances in biomass processing;

"(ii) demonstrates potential to substantially impact scale-sensitive national objectives such as sustainable resource supply, reduced greenhouse gas emissions, healthier rural economies, and improved strategic security and trade balances; and

"(iii) would improve knowledge of important biomass processing systems that demonstrate potential for commercial applications;

"(C) require that grants, contracts, and assistance under this section be awarded competitively, on the basis of merit, after the establishment of procedures that provide for scientific peer review by an independent panel of scientific and technical peers; and

"(D) give preference to applications that—

"(i) involve a consortia of experts from multiple institutions; and

"(ii) encourage the integration of disciplines and application of the best technical resources.

"(d) USES OF GRANTS, CONTRACTS, AND ASSISTANCE.—A grant, contract, or assistance under this section shall be used to conduct—

"(1) research on process technology for overcoming the recalcitrance of biomass, including research on key mechanisms, advanced technologies, and demonstration test beds for—

"(A) feedstock pretreatment and hydrolysis of cellulose and hemicellulose, including new technologies for—

"(i) enhanced sugar yields;

"(ii) lower overall chemical use;

"(iii) less costly materials; and

"(iv) cost reduction;

"(B) development of novel organisms and other approaches to substantially lower the cost of cellulase enzymes and enzymatic hydrolysis, including dedicated cellulase production and consolidated bioprocessing strategies; and

"(C) approaches other than enzymatic hydrolysis for overcoming the recalcitrance of cellulosic biomass;

"(2) research on technologies for diversifying the range of products that can be efficiently and cost-competitively produced from biomass, including research on—

"(A) metabolic engineering of biological systems (including the safe use of genetically modified crops) to produce novel products, especially commodity products, or to increase product selectivity and tolerance, with a research priority on the development of biobased products that can compete in performance and cost with fossil-based products;

"(B) catalytic processing to convert intermediates of biomass processing into products of interest;

"(C) separation technologies for cost-effective product recovery and purification;

"(D) approaches other than metabolic engineering and catalytic conversion of intermediates of biomass processing;

"(E) advanced biomass gasification technologies, including coproduction of power and heat as an integrated component of biomass processing, with the possibility of generating excess electricity for sale; and

"(F) related research in advanced turbine and stationary fuel cell technology for production of electricity from biomass; and

"(3) research aimed at ensuring the environmental performance and economic viability of biobased industrial products and their raw material input of biomass when considered as an integrated system, including research on—

"(A) the analysis of, and strategies to enhance, the environmental performance and sustainability of biobased industrial products, including research on—

"(i) accurate measurement and analysis of greenhouse gas emissions, carbon sequestration, and carbon cycling in relation to the life cycle of biobased industrial products and feedstocks with respect to other alternatives;

"(ii) evaluation of current and future biomass resource availability;

"(iii) development and analysis of land management practices and alternative biomass cropping systems that ensure the environmental performance and sustainability of biomass production and harvesting;

"(iv) land, air, water, and biodiversity impacts of large-scale biomass production, processing, and use of biobased industrial products relative to other alternatives; and

"(v) biomass gasification and combustion to produce electricity;

"(B) the analysis of, and strategies to enhance, the economic viability of biobased industrial products, including research on—

"(i) the cost of the required process technology;

"(ii) the impact of coproducts, including power and heat generation, on biobased industrial product price and large-scale economic viability; and

"(iii) interactions between an emergent biomass refining industry and the petrochemical refining infrastructure; and

"(C) the field and laboratory research related to feedstock production with the interrelated goals of enhancing the sustainability, increasing productivity, and decreasing the cost of biomass processing, including research on—

"(i) altering biomass to make biomass easier and less expensive to process;

"(ii) existing and new agricultural and energy crops that provide a sustainable resource for conversion to biobased industrial products while simultaneously serving as a source for coproducts such as food, animal feed, and fiber;

"(iii) improved technologies for harvest, collection, transport, storage, and handling of crop and residue feedstocks; and

"(iv) development of economically viable cropping systems that improve the conservation and restoration of marginal land.

"(e) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other amounts that are authorized to be appropriated, there are authorized to be appropriated to carry out this section $49,000,000 for each of fiscal years 2000 through 2005.

"SEC. 1490E. ADMINISTRATIVE SUPPORT AND FUNDS.

"(a) IN GENERAL.—To the extent administrative support and funds are not provided by other agencies under subsection (b), the Secretary of Energy shall provide such administrative support and funds of the Department of Energy to the Board and the Advisory Committee as are necessary to enable the Board and the Advisory Committee to carry out this subtitle.

"(b) OTHER AGENCIES.—The Secretary of Agriculture and the heads of the agencies referred to, or appointed under, paragraphs (3) and (4) of section 1490B(a) may, and are encouraged to, provide administrative support and funds of their respective agencies to the Board and the Advisory Committee.

"SEC. 1490F. REPORTS.

"For each fiscal year that funds are made available to carry out this subtitle, the Secretary of Agriculture and the Secretary of Energy shall jointly transmit to Congress a detailed report on—

"(1) the status and progress of the Initiative, including a certification from the Board that funds authorized for the Initiative are distributed and used in a manner that is consistent with the goals of the Initiative; and

"(2) the general status of cooperation and research efforts carried out by each Secretary with respect to sustainable fuels, chemicals, and electricity derived from biomass, including a certification from the Board that the points of contact are funding proposals that are selected on the basis of merit, as determined by an independent panel of scientific and technical peers.

"SEC. 1490G. AUTHORIZATION OF APPROPRIATIONS FOR ETHANOL RESEARCH PILOT PLANT.

"There are authorized to be appropriated to construct a Department of Agriculture corn-based ethanol research pilot plant a total of $14,000,000 for fiscal year 2000 and subsequent fiscal years.".

SEC. 4. USE OF CONSERVATION RESERVE LAND FOR RECOVERY OF BIOMASS USED IN ENERGY PRODUCTION.

Section 1232(a)(7) of the Food Security Act of 1985 (16 U.S.C. 3832(a)(7)) is amended—

(1) by striking "except that the Secretary may permit harvesting" and inserting "except that the Secretary—

"(A) may permit—

"(i) harvesting";

(2) by striking "emergency, and the Secretary may permit limited" and inserting "emergency; and

"(ii) limited";

(3) by inserting "and" after the semicolon at the end; and

(4) by adding at the end the following:

"(B) shall approve not more than 18 projects under which crops on land subject to the contract may be harvested for recovery of biomass used in energy production if—

"(i) no acreage subject to the contract is harvested more than once every other year;

"(ii) not more than 25 percent of the total acreage enrolled in the program under this subchapter in any crop reporting district (as designated by the Secretary), is harvested in any 1 year;

"(iii) no portion of the crop is used for any commercial purpose other than energy production from biomass;

"(iv) no wetland, or acreage of any type enrolled in a partial field conservation practice (including riparian forest buffers, filter strips, and buffer strips), is harvested;

"(v) the owner or operator agrees to a payment reduction under this section in an amount determined by the Secretary;

"(vi) the owner or operator agrees to commission and submit to the Secretary a study and report, to be conducted and written by a third party approved by the Secretary, on the impact of the biomass production and harvesting on wildlife; and

"(vii) the owner or operator agrees to such other terms and conditions as the Secretary, in consultation with the State technical committee for the State and appropriate conservation and wildlife advocates, may establish to ensure that the production and harvesting of biomass crops minimize disturbance of wildlife habitat and are otherwise consistent with the purposes of the program established under this subchapter, with any biomass harvesting project permitted to harvest at least 50,000 acres per year.".

AMENDMENT NO. 2862

(Purpose: To provide a substitute)

Mr. CRAPO. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. CRAPO], for Mr. MURKOWSKI, proposes an amendment numbered 2862.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. LUGAR. Mr. President, I rise to recommend that the Senate pass S. 935.

At a time when American farmers and rural communities are having a difficult time making ends meet, it is appropriate for the Senate to support this initiative that holds great promise for agriculture, strengthens America's energy security and helps clean America's air and water while dramatically reducing greenhouse gas emissions.

Early civilizations relied on plants and trees for all their energy and food needs. With the passage of time and technological advancement, however, an increasing share of the world's energy demands shifted from plants and trees toward fossil fuels. Time and technology march on, and today we witness the beginning of a revolution from non-renewable fossil fuels toward renewable resources that can help meet the energy demands of a world now numbering six billion people. Ironically, plants and trees are once again being valued as raw material for energy production because they contain an enormous store of energy freely delivered by the sun.

Using nature's renewable raw material for production of needed fuels, chemicals and energy is not a new idea. What is new, however, is a better understanding of chemistry and molecular biology which has led to the development of advanced biotechnologies and processing techniques for efficiently converting plants to energy. With these advances, it is now possible to envisage a future where the world's thirst for additional sources of energy is fueled by biomass.

Biobased fuels are our best means of reducing American dependence on imported oil. Reliance on the unstable states of the Middle East adversely impacts American strategic security, and massive oil imports skew our balance of payments. Fuels and chemicals derived from biomass will reduce our dependence on Middle Eastern oil without necessitating a rebuilding of the existing gasoline infrastructure. With the need for affordable energy rising as population grows, the Middle East will control nearly three-quarters of the world's oil this century. We have stark options: submit to increased influence of foreign oil cartels; wrangle over pipeline routes to new oil supplies at the ends of the Earth, such as the Caspian region; or, support research that could lead to a revolution in the way we produce energy.

In addition to fuels, biobased chemicals have the potential to replace essentially all chemicals currently derived from petroleum, and they are often endowed with superior performance characteristics. The manufacturing of biobased products is generally more environmentally friendly than analogue petrochemical processes.

Fuels, cloth fibers, plastics and adhesives are already produced from corn; the new genetic engineering techniques will make it possible to use entire plants, rather than just the tiny portion of edible grains. With sound land use policies, local crops that enrich the soil, prevent erosion and improve local environmental conditions can be planted and then harvested for co-production of food, fuel, chemicals, electricity and materials. Rural communities will be strengthened through the diversification of marketable agricultural products and farmers will have expanded sources of income.

Before we are able to reap the outstanding benefits offered through utilization of America's sustainable biomass resource, costs of the new conversion technology must be significantly reduced. Research offers the only systematic means for creating the innovations and technical improvements that will lower the costs of biomass processing. Given the relatively short-term horizon characteristic of private sector investments, and because many benefits of biomass processing are in the public interest, the Federal government has a compelling mandate to fund the necessary innovation-driven research that will result in cost effective technologies for biomass conversion.

Although government sponsored research programs have been largely responsible for demonstrating the potential of biomass conversion technology, coordination among key Federal agencies is disjointed and funding levels are declining. The Biomass Research and Development Act is designed to address these shortcomings. America's leading technical experts from universities, national laboratories and the private sector will be brought together in a dynamic research initiative with the purpose of overcoming technical barriers to low cost biomass conversion.

At a time when political compromise seems elusive and progress on environmental and energy issues often seems slow, I am convinced that the idea of encouraging human ingenuity to create a sustainable resource for clean fuels and chemicals represents a remarkable opportunity for consensus. Working together we can promote research that will improve our national security and balance of payments, reduce greenhouse gas emissions and strengthen rural economies.

Mr. President, I would like to take this opportunity to thank Dr. Joseph Michels, my science policy adviser, for the excellent advice he has provided me on this issue. Dr. Michels is leaving my staff to assume an important post at Princeton University. I shall miss him.

I urge my colleagues to support this bill.

JURISDICTIONAL CLARIFICATION

• Mr. LUGAR. I would like to enter into a colloquy with my distinguished colleague, Senator MURKOWSKI, Chairman of the Energy and Natural Resources Committee. I want to inform my colleague that any action taken by the Committee on Agriculture, Nutrition, and Forestry in relation to S. 935 is not an attempt to encroach on the jurisdiction of the Committee on Energy and Natural Resources. Further, the fact that S. 935 was reported from the Committee on Agriculture, Nutrition, and Forestry does not affect the jurisdiction of the Committee on Energy and Natural Resources over energy matters, including biofuels and bioenergy. Specifically, USDA biomass research and development programs remain within the jurisdiction of the Committee on Agriculture, Nutrition, and Forestry and DOE biomass research and development programs remain within the jurisdiction of the Committee on Energy and Natural Resources.

Mr. MURKOWSKI. I thank my colleague, the Chairman of the Agriculture, Nutrition, and Forestry Committee, for addressing this matter and clarifying our understanding that this legislation does not alter the jurisdiction of the Committee on Energy and Natural Resources.

I would also like to note that the authorization of appropriations contained in section 3 of S. 935 clarifies that money may be appropriated for the biomass research and development activities described in the bill pursuant to the existing general authority of the Secretary of Energy to fund biomass research and development, and does not create a new specific level of authorization for this program.

Mr. LUGAR. I agree and thank the Senator from Alaska.•

Mr. CRAPO. Mr. President, I ask unanimous consent that the amendment be agreed to, the committee substitute, as amended, be agreed to, the bill be read the third time and passed, the amendment to the title be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2862) was agreed to.

The committee amendment, as amended, was agreed to.

The bill (S. 935), as amended, was read the third time and passed.

The title was amended so as to read: To authorize research to promote the conversion of biomass into biobased industrial products, and for other purposes.

ORDERS FOR WEDNESDAY, MARCH 1, 2000

Mr. CRAPO. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m., Wednesday, March 1. I further ask consent that on Wednesday, immediately following the prayer, the Journal of the proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume debate on the pending Robb amendment to S. 1134, the education savings account bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. CRAPO. Mr. President, for the information of all Senators, the Senate will resume consideration of the Robb amendment regarding school construction at 9:30 a.m. tomorrow. Following 30 minutes of debate, at approximately 10 a.m., the Senate will proceed to a vote on or in relation to the amendment. Senator ABRAHAM's amendment regarding computers will be introduced following the Robb vote. Other amendments will be offered and debated during tomorrow's session and therefore Senators can expect votes throughout the day.

Senators should be aware that an agreement to have all first-degree amendments offered by 5 p.m. tomorrow is being discussed in an effort to complete action on this legislation as early as possible this week.

ORDER FOR ADJOURNMENT

Mr. CRAPO. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order following the remarks of Senator REED of Rhode Island.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAPO. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWNBACK). Without objection, it is so ordered.

Mr. REED. I ask to speak pursuant to the unanimous consent request.

The PRESIDING OFFICER. The Senator is recognized.

EDUCATION

Mr. REED. Mr. President, I will speak this evening on an issue of great importance to the country and every family in America. That is the issue of education.

For the past 4 months, the Republicans and Democrats on the Health, Education, Labor, and Pensions Committee have been working to come up with a bipartisan approach to the reauthorization of the Elementary and Secondary Education Act. Sadly, those efforts have collapsed and we are being presented with a Republican bill, the Straight A's Act, which is essentially a block granting of critical programs and the amassing of Federal resources to be distributed with little accountability by the States.

This issue is of great importance because education is what I believe is fueling the great economic progress we are making today. The 5-percent growth in productivity in the last quarter recognizes the combination of American technology, which is a product of our ideas, our education, and the skills and talents of the American people that have been forged in the classrooms of America.

Just as importantly, this recognition of the centrality and importance of education is shared by every American because they the mothers and fathers of this country, recognize that the future of their families, the future of their children, are dependent almost exclusively on how well they are educated. As a result, we cannot take lightly the proposals that are before the Senate with regard to the educational policy of the United States.

There are some who do not think the National Government has a role in education. I disagree. We recognize, of course, the primacy of States and localities in terms of forging educational policy, but we do have a role at the national level. We have a role of providing both encouragement and support for local innovation and also support to overcome local inertia.

We have seen that played out throughout our history. We have seen a situation where years ago the States were inattentive to the needs of low-income students, particularly minority students. That is one of the primary impulses for the 1965 Elementary and Secondary Education Act. We have seen in the past where States were indifferent to the education of students with disabilities, and we acted properly and appropriately to do that. So we do have this national role and we have to carry it out conscientiously, recognizing that public education is the bulwark of our society and our country.

Ninety percent of our students attend public schools. Public schools offer not only educational benefits but are the devices that bring us together, the common ground, the area in which one can enter and prepare to seize the opportunities of life without regard to race, creed, or ethnicity.

It is this public education system that we must enhance, reform, and reinvigorate. I argue that the approach to do that is not through block grants. The approach is a careful consideration of the appropriate Federal initiatives, both in terms of resources and in terms of programs, that will help stimulate reform at the local level and help overcome the inertia and the political gridlock we see every day at the localities and at the States just as they see on certain issues in Washington.

Again, I yield, as do all my colleagues, that the Federal Government is the junior partner in this partnership for education in America. We supply roughly 7 percent of all the resources; the States, the cities, and the towns supply 93 percent of the resources. However, we can do much, particularly in the area of focusing assistance on the neediest children and also, as I said before, to help invigorate our school system, to help accelerate reform.

Money isn't everything; it is vitally important, but we also need a sense of direction or purpose, of national statements about what is critical to the Nation as well as critical to localities and to States. That, too, is part and parcel to our deliberations about the Elementary and Secondary Education Act.

We should be providing resources for local communities. One of the problems with the educational policy in the United States is it is tied so closely to property tax that we can witness situations where good school systems, particularly school systems in urban areas that were models of efficiency and expertise decades ago, have fallen on hard times because their property base has evaporated. People have moved to the suburbs; the industries have left the central city and moved out. We can help, and we do that principally through title I programs.

Again, as we help with resources at the local level, we cannot give up the idea also that we have to provide this spark of innovation, the spark of reform that is so critical to the efforts. I believe also that this is recognized by many people at the State and local level, that our Goals 2000 initiative several years ago helped essentially start a reform process that was inchoate at the State and local level and many places that needed resources, even if there was a sense of reform. This effort, this identification of reform together with resources helped stimulate productive efforts that are improving the quality of education. But I also would say we have a long way to go before we can satisfy ourselves that every student in America, every child in America, has access to excellent public schools. That should be our goal, a goal we must insist upon.

Again, I am disappointed that efforts over the last several months to try to forge bipartisan compromise on the Elementary and Secondary Education Act have failed, apparently, for the moment. Tomorrow in the committee we begin to debate a legislative proposal that is simply abdicating the responsibilities of the National Government to the States without any real accountability. That is a wrong approach.

We have seen that because we have seen what the States have done in contrast to what the Federal Government has done in some critical areas of concern. I am not trying to suggest there is any type of nefarious plot at the States, but we all have to recognize they are under very special pressures in terms of allocating funds, in terms of local problems, a host of local issues that complicate their politics, and we have an opportunity sometimes to avoid those internecine fights that go on and provide direction that they welcome and they, in fact, in many cases expect.

One aspect of this debate about Federal versus State perspectives is a report prepared by the General Accounting Office in 1998. It was found Federal aid was seven times more targeted to poor students than State programs overall. It found our effort to reach out and help low-income students was disproportionately greater than State efforts. I think you have to ask yourself, logically, had we not acted in 1965 with title I, and in Congresses subsequent to that date to help out low-income students, both in center-city areas and in rural areas, would they enjoy the limited success they have had to date? I am not suggesting we succeeded in that arena.

I suggest you might find that same proportion of funding, those who are politically powerful in States, those suburban areas, those areas that themselves with property tax can fund schools, would do much better. In fact, our situation in center-city and rural areas would be much more severe without specified targeted Federal assistance—not a block grant, specified targeted Federal assistance.

I should point out in the last reauthorization of the Elementary and Secondary Education Act—I was a Member of the other body at that time—we were aware of some of the shortcomings and limitations and inhibitions in the title I program, and we made changes to streamline it and make it more effective, as we did with several other programs. The results from the last few years seem to suggest this combination of more programmed and efficient Federal support, together with State initiatives, have led to real improvements. We want to continue that partnership and certainly those improvements.

There is another aspect, too, that affects the State and Federal Governments. I think sometimes we sit back and say: The States have it right; they know how to allocate and distribute funds. It turns out in over one-third of the States in these United States, people are suing the States claiming they are unfairly distributing their school aid. If we are going to turn around and give moneys to such a State without real accountability, without real direction, we, frankly, are running right into the teeth of those suits that are saying the States do not know how to spend their money fairly, wisely, or well; they are disadvantaging large parts of the population.

I think there are many reasons why we can argue with great credibility and force that Federal programs and Federal resources, national policies, can complement, supplement, help States do things that, because of politics, because of resource limitations, because of a host of reasons, they would not do of their own volition.

There is another issue, too, and it becomes, frankly, an issue that is much more specific to us today than it was 10 years ago or 20 years ago. We are in a global economy. Our competition is no longer between Rhode Island and South Carolina or Pennsylvania and Utah. It is between students in Singapore and in Japan and around the world versus American students. To suggest at this time there is not a national need for some direction, some support, some help to States to move forward their educational process is to disregard the global nature of the world we face today.

There are examples, frankly, of where we have acted successfully with federally directed programs to set national policies with national resources to facilitate State reform. One I mentioned previously is Goals 2000. I participated in the drafting of this legislation in 1994. I would have liked to have gone much further in terms of accountability, in terms of many other things. But the sense of the Congress and the administration was let's get into the States' resources with a direction to begin to start reforming or helping their reform efforts. That took place. In fact, it has been acknowledged that Goals 2000 has been a force for reform in places such as Texas and Georgia and Vermont and elsewhere. Indeed, in 1998, in another GAO report, State and local officials stated:

> Goals 2000 funding provided valuable assistance and that, without this funding, some reform efforts would not have been accomplished or would not have been accomplished as quickly.

Again, had we simply back in 1994 said take this money and do what you like, without some structure, some framework, it would not have been as successful, I believe, as it has been to date.

There is another area where we can play a critical role—it is a role we have played in the past—and that is educational technology. National investment in educational technology since 1994, in programs such as the Technological Literacy Challenge Fund and the Technology Innovation Challenge Grants, as well as the E-Rate, have led to a dramatic increase in the number of schools connected to the Internet. Again, these are very specific targeted national programs. Between 1994 and 1998, Internet access in public schools increased from 35 to 89 percent of schools. The percentage of public school instruction rooms with Internet access also increased during this time period from 3 percent in 1994 to 51 percent in 1998.

High poverty schools, which have long lagged behind wealthier schools in Internet access, were as likely to have Internet access as low-poverty-level schools by the fall of 1998 because of these initiatives—again, appropriate. We are not supplanting State and local efforts, but we are identifying a national need to wire up to the Internet the children in the classroom, providing resources, direction. It gets done. It succeeds.

There is still a need, in fact, for additional effort in that regard. That is why we are missing a real opportunity in this reauthorization to build upon the success of our technology initiatives. In fact, the gap between high- and low-poverty schools and the percentage of classrooms with Internet access does not seem to be stabilized. It seems to be a widening; there is a bit of widening at the gap. We have to continue to work to make sure that gap does not exist.

My colleague from Maryland, Senator MIKULSKI, is often quoted talking about the digital divide; the fact that affluent students enjoy computer access at home and in classrooms. Low-income students do not have that opportunity. In the information age that digital divide could be decisive. So we have an opportunity to work now to build on prior success to ensure we truly close the digital divide.

There is another area—this one, I think, is very emblematic of the dangers of reflexively shifting from targeted programs to block grants—and that is school libraries. In 1965, Congress enacted legislation in the Elementary and Secondary Education Act which included specific provisions to assist school libraries to buy library material, principally books. But in 1981, with the advent of the Reagan administration, this specific program was thrown into a large block grant.

Now what has happened? What happened is all the material that was bought in 1965 through the late 1960s and 1970s is still on the shelves and has not been replaced because when this library program was thrown into a block grant, local pressures took out the support to buy library books. It always seemed there was something else to crowd it out, some other immediate problem. As a result, what I believe is a strong national thought that children in our schools should have up-to-date, modern library books has withered away, and we can see the proof on the shelves of school libraries throughout this country.

When I was talking about this issue several years ago, a librarian in a school in Arizona sent me a book. The title was "The Constitution of the United States," by James Beck. But what I thought was interesting is that there was a foreword by the President of the United States, Calvin Coolidge. The book was written in 1924 and was still on the shelves in 1993.

I went to law school. I think there were a couple of amendments to the Constitution after 1924.

I would be hard pressed if I were a student in that school in Arizona to confirm or deny that fact.

There is another book found in Boston entitled "Planets, Stars, and Space" which noted:

> Of course, the trip (to the moon) cannot yet be made. . . . It may be necessary to establish a giant artificial moon or satellite a thousand miles or so above the earth, from which to launch the moon rocket.

That is copyright 1957, and that was in a school library recently.

From my own home State, there was in a school library a book entitled "Ms. MD" which stated only men could enroll in Brown Medical School, and the tuition—this really dates it—was $2,800 a year.

The effort to block grant the library program led to the deterioration and destruction of the library program, and as a result there are thousands of schools across the country that have books so out of date that if parents saw them, they would recall their child.

I hope we can change it. In this authorization, contrary to block grant, we can try to develop another library approach to assist libraries in buying not just books but CDs and all the media we need for an information age.

The other presumption is—in addition to the fact there is a presumption in some quarters that the States know how to spend the money—all of the successes are because of local initiatives. The reality is there are too many failing schools in America, and the people directly responsible for these schools—we all admit it here—are the States and localities. I think that somewhat undercuts this notion of infallibility at the local level and supports the notion that at the national level, our ideas and our initiatives and complementary activities have a place and a purpose.

There are about 8,000 schools across the country which are failing their own standards set by their States—not national standards but State standards. Ask yourself: What is happening? Why are these schools not being reformed?

What has happened in our proposal, and I hope we can deal with it in the ESEA, is we are asking for more accountability by the States. We are asking them to tell us: What are you going to do about these 8,000 schools? How are you going to fix them? Do you need additional resources?

We are not trying to be prescriptive—one way to do it—but we want accountability. That, too, is going to be decisively lost if we simply turn over large block grants to Governors and say do what you will because doing what they will has led to 8,000 schools across this country failing their students, failing the parents, and failing the Nation. We should not tolerate that.

There is another area that is important that represents, in many cases, the clash of conflicting priorities at the local level and results in a poor educational environment for students. That is the issue of school modernization. There are schools in this country that are literally falling apart or so out of date that they impair the educational experience of children.

There are schools in my communities in Rhode Island that were built in 1876 and in 1898. In 1876, George Armstrong Custer lost a battle at the Little Big Horn. Much has changed since then, except children are still walking and busing to this school in a community in Rhode Island.

In the wintertime, the way they regulate the heat is they open the windows because once they turn that boiler on, it gets so hot that the only thing they can do to cool it down to room temperature is to open the windows. There is a trailer outside, but the trailer is not a good place to put computers because it is not fully air conditioned, not well ventilated. This is one example. These examples are replete throughout the entire country.

In Rhode Island, 81 percent of schools report a need to upgrade or repair a building to good overall condition. Again, this is an area where national assistance can be very helpful. There is not a weekend—and I go home every weekend—where I do not run into someone—a parent, a school committee person—who says: You know what, we sure could use some help fixing up our schools.

This is not some plot hatched in Washington, DC, to take over elementary and secondary education. This is what people intimately involved in elementary and secondary education in our communities want us to do, but we will not be able to do it if we simply bundle up the money in a block grant and give it to the Governors.

I talked a good bit about some of the problems we have in our school system, some of the problems we have in terms of our response in the Senate to these issues. But I would be remiss if I did not mention some of the good news because of our efforts over the last several years.

It turns out that high school students are taking tougher mathematical and science courses because this notion of increased standards which began with the Governors' conference years ago and certainly were highlighted by the efforts of President Clinton, certainly underscored by the Goals 2000 Act, certainly reemphasized in the last reauthorization, this is leading to students taking tougher mathematical and science courses.

These increased participation rates are cutting across different lines of income, ethnicity, and race, which are very good signs for our country. Student mathematical achievement is improving. Between 1982 and 1986, students improved their achievement in mathematics, as measured by the National Assessment of Educational Progress.

There is some good news, and it is the result not of the absence of the National Government from policy or solely because of the presence of national programs; it is because of this partnership that has been worked out, somewhat fluidly and sometimes roughly, over several decades between local initiatives and national complementary initiatives.

I could go on about student achievement. It is improving but not enough. Certainly, in international comparisons, we are not where we want and must be.

The other item is we have seen some of these improvements in math and science and some in part—I do not want to overstate this—might be attributable to a specific Federal national initiative, and that is the Eisenhower Professional Development Program established in 1984 to increase the quality of math and science teaching by giving math and science teachers opportunities to develop their expertise and understanding and to develop their techniques to teach; again, part of what I hope is good news about improving mathematical scores in this country.

Had we been presented with a bill in the HELP Committee which would have given us the opportunity to talk seriously about issues of programmatic content and national priorities, there are some things I would have liked to emphasize. I will mention them.

First, we have to improve the quality of teaching in the United States. We just had an amendment by my colleague, the Senator from Maine, Ms. COLLINS. It was a very good amendment because it talked about allowing teachers to get more tax benefits for their investment in professional development, for taking courses in graduate school, and buying material. That is a good effort. Frankly, that is just the surface.

If we want to improve the performance of teachers in our schools, we have to go into the classroom. We do not have to send the teachers necessarily to graduate school. We have to go into the classroom. We have to embed professional development as part of the daily life of the school. That is not being done across this country.

What we have in many places is what I experienced as a child when I went to school, and that is the proverbial teacher's institute. It was the one day we celebrated because there was no school or no holiday. They just took the day off. Teachers went to a big conference center, listened to a speaker, chatted about all sorts of things, and that was professional development.

It does not work that way, particularly nowadays. They have to make professional development part and parcel of the school. They have to have senior teachers and principals involved in the professional development of their teachers. They have to have the flexibility to get substitute teachers into the classroom so teachers can get out and observe other teachers teaching. This is a national priority.

We should be able to give the States both financial assistance and a sense of direction about the best techniques, if you will, give them a spectrum, a menu of things from which they can choose. But we cannot do that if our fixation is just ship the money down to the Governor. We have to improve the quality of professional development.

A 1998 study in California found that the more teachers were engaged in ongoing curriculum-centered professional development, holding school conditions and student characteristics constant, the higher the students' mathematical achievements.

We know from the data, if you can embed professional development, put it in the life of the school, you can improve performance. That is what it is all about, not winning debating points but ensuring that the performance of students in the classrooms of this country improves and improves dramatically.

The teachers themselves recognize this. One in five talk about the fact they need more professional development, that what is being required of them by the States is inadequate. In fact, I believe the statistic would probably be higher if you pressed and probed more. So that is an area to which I would like to be able to devote attention. I am sure I will offer an amendment in the committee, but it is starkly different than the approach of simply shrugging our shoulders and saying: Let the Government figure it out.

We have ideas. We have an obligation to take what we see across this country and try to move States forward to do something that would improve the quality of education.

There is another area that is important. That area is parental involvement. The national PTA did a survey of public school parents and found that 91 percent believe it is "extremely important" for parents to be involved in their children's school, but more than half of the parents stated that schools need direction about how to make parents true partners in their children's education.

The overwhelming view of parents is they need to be more involved in the school. But a significant number say the schools are deaf to their concerns. They do not have the programs or the attitudes or the policies that will get parents into the schools.

This is particularly the case when you get to areas where there are low-income students because the reality is many times their parents have an unsuccessful educational experience. It is not as if school was a good place for them. There are also practical problems in many urban areas, and some rural areas, about language difficulties, about reaching out to parents in their own language to get them involved in the lives of their children. We have not, as a nation, been able to develop the kinds of policies and programs that assist States and localities in making parents real partners in their children's education. I hope we could do that. I hope we could do that by using ESEA to start thinking about ways we can jump-start parental involvement at the local level.

Again, you can always fall back to the point: Why is this not happening if the States have the vision, the resources, and the commitment to do it? Why should we tolerate it continuing in such a deplorable way if there is a lack of resources, vision, or commitment at the local level when we know it should and must be done?

As I mentioned, I would love very much to be able to take out some of those antiquated books on the library shelves of America and replace them with modern books that talk about the fact that we have landed on the Moon, that include all the amendments of the U.S. Constitution. Again, we will not be able to do that if we are simply block granting our educational dollars.

There is also a program that is based upon one State's experience helping another State. The States have long been described as laboratories of innovation and experiment. But I think we have a job, and that is to disseminate all that good work, making it available throughout the Nation, giving other States the incentive or the ideas or the resources to put in place what some States have succeeded so well in doing.

One program in Rhode Island is called the Child Opportunity Zones, COZs. These are places within schools that bring together all sorts of social services, mental health services, child care services, and social work services. It is designed to assist the family, recognizing that the success of a child is dependent not only on his or her innate talent, and the teachers and the facilities, but also in the support and the participation of the whole family. If the family has problems, that child will likely have problems. Indeed, one of the things that has changed since my education is that family life in so many parts of this country has been terribly complicated by social problems, health care problems, issues that are not educational but decisively impact on the ability of a young child to learn.

I am encouraged that the President has sent up his budget proposing increases in Head Start. I have colleagues such as CHRIS DODD who are working valiantly to improve early childhood education. All of these things coming together recognize the fact that today, in so many places, it is not the educational problems holding children back; it is the health problem; it is the mental health problem; it is a host of problems that are outside the strict purview of what we used to think of as educational policy.

This COZ program is very successful in Rhode Island. It brings these disciplines to one place in the school. It gives families easy access to all of these disciplines.

Once again, this is an example of how the experience of one State—highlighted, illustrated, and disseminated by national legislation—can benefit the entire country. I would like very much to be able to work on that.

Finally, we come back to a major issue which will preoccupy all of us. That is this issue of accountability. Block grants, without accountability, are an abdication of our responsibility not only to have good educational policy but to the taxpayers. We cannot hand over millions of dollars with the assumption that States and localities are doing it right, when we know in some cases they do not invest enough in low-income education, that in some cases States and localities will not provide the kind of innovative change that is necessary for this new century.

We have to work hard to ensure we have accountability standards that work. I know Senator BINGAMAN has been a champion of this issue in the Senate. I worked with him as a Member of the other body in our reauthorization of the prior Elementary and Secondary Education Act. I anticipate, if we have a chance—and I hope we do—that both in committee and on the floor we will push hard for accountability. So we have a lot of work to do. It is national work. We simply cannot walk away from it.

Unfortunately, the approach that I see the Republican majority taking is effectively walking away from it, to hand it off to the States, to step back and say it is not our job, not our role, when, in fact, we can and should be a partner, the junior partner but a partner, in this effort to improve education throughout the United States.

We have made progress. Statistics are encouraging in relation to student performance, but we will give up this progress, I fear, if we do not innovate, if we do not continue to support local initiatives, and if we do not continue to try to overcome the local inertia that leads to 8,000 failing schools, that leads to a malapportionment of dollars between poor students and more affluent students.

It is a national role that we have long had. It is increasingly a national priority, as we face a world of international competition, as we face a world where the future of our families literally depends upon the quality of the education that our children receive.

I hope that in this great debate we will, in fact, be able to talk about libraries, talk about child opportunity zones, talk about improving the accountability, and talk about how we can put technology into classrooms, not simply to walk away from this issue with the assumption that the States can and will do it.

CONGRATULATING AND THANKING CHAIRMAN ROBERT F. BENNETT AND VICE CHAIRMAN CHRISTOPHER J. DODD AND THE MEMBERS OF THE SPECIAL COMMITTEE ON THE YEAR 2000 TECHNOLOGY PROBLEM

Mr. REED. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 264, submitted earlier by Senators LOTT, DASCHLE, MOYNIHAN, STEVENS, and BYRD.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 264) congratulating and thanking Chairman Robert F. Bennett and Vice Chairman Christopher J. Dodd for their tremendous leadership, poise, and dedication in leading the Special Committee on the Year 2000 Technology Problem and commending the members of the Committee for their fine work.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MOYNIHAN. Mr. President, as the Special Committee on the Year 2000 Technology Problem prepares to release its final report and disband today, I think it is only appropriate to thank our Chairman ROBERT F. BENNETT and Vice Chairman CHRISTOPHER J. DODD for the tremendous job that they did. They assembled the committee, held hearings to measure the problem, and in the end led the nation and world in ameliorating it. Well done.

We are told that nothing is more permanent than "temporary," especially with regard to congressional committees. But our special committee did its job, in the time allotted—under Senate Resolution 208, the committee was to last from April 2, 1998 to February 29, 2000—and now it will be no more.

I am pleased to join the Democrat leader, Senator DASCHLE, and others in introducing a resolution that congratulates and thanks the chairman and vice chairman for their fine leadership and work.

Mr. REED. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and, finally, any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 264) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 264

Whereas Senator Robert F. Bennett and Senator Christopher J. Dodd had the foresight to urge Majority Leader Lott and Senator Daschle to establish the Special Committee on the Year 2000 Technology Problem under Senate Resolution on April 2, 1998;

Whereas under Chairman Bennett's and Vice Chairman Dodd's leadership, the Special Committee on the Year 2000 Technology Problem always acted in a bipartisan manner;

Whereas Chairman Bennett and Vice Chairman Dodd presided over 35 hearings on various aspects of technology infrastructure including utilities, health care, telecommunications, transportation, financial services, Government involvement, and litigation;

Whereas the Special Committee on the Year 2000 Technology Problem became the central repository for Y2K computer problem information both nationally and internationally;

Whereas Chairman Bennett and Vice Chairman Dodd guided the Senate in working with the White House, the House of Representatives, the United Nations, and other international organizations, and the private sector in addressing the Y2K computer problem;

Whereas under Chairman Bennett's and Vice Chairman Dodd's leadership, the Committee issued 3 excellent reports that quickly became the authoritative source on the progress of the Federal Government, the private sector, and foreign countries on the Y2K computer problem;

Whereas Chairman Bennett, Vice Chairman Dodd and the Committee helped the Federal Government, industry, nations, and global enterprises learn that by working together we can solve the kinds of technology problems we will likely face in the 21st century;

Whereas Chairman Bennett and Vice Chairman Dodd always conducted hearings in a thoughtful and judicious manner, with the intent of addressing key issues so that the Senate could better evaluate and solve the problem;

Whereas because of Chairman Bennett's and Vice Chairman Dodd's initiative, the Nation and the world began to take the Y2K computer problem seriously and worked to resolve the problem; and

Whereas due to Chairman Bennett's and Vice Chairman Dodd's tremendous leadership, dedication, and the work of the Special Committee on the Year 2000 Technology Problem, the first potential catastrophe of the new century was avoided: Now, therefore, be it

Resolved, That the Senate congratulates and thanks Chairman Robert F. Bennett and Vice Chairman Christopher J. Dodd—

(1) for their tremendous leadership in addressing a massive and pervasive problem; a problem that was largely unknown, but thanks to Chairman Bennett and Vice Chairman Dodd was studied, evaluated, and resolved;

(2) for presiding over the Special Committee on the Year 2000 Technology Problem which did its work in a bipartisan and fair manner; and

(3) for helping the Government and the Nation minimize the Y2K computer problem.

Mr. REED. I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 6:39 p.m., adjourned until Wednesday, March 1, 2000, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 29, 2000:

DEPARTMENT OF THE INTERIOR

SYLVIA V. BACA, OF NEW MEXICO, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. WILLIAM N. SEARCY, 9559

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general, medical corps

BRIG. GEN. KEVIN C. KILEY, 4471
BRIG. GEN. DARREL R PORR, 8386

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. GORDON S. HOLDER, 2235

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. RALPH S. CLEM, 2429
BRIG. GEN. JOHN M. DANAHY, 2107
BRIG. GEN. JOSEPH G. LYNCH, 1963
BRIG. GEN. JEFFREY M. MUSFELDT, 8617
BRIG. GEN. ROBERT B. SIEGFRIED, 5248

To be brigadier general

COL. GERALD A. BLACK, 3573
COL. RICHARD B. FORD, 5811
COL. JACK C. IHLE, 1006
COL. KEITH W. MEURLIN, 1682
COL. BETTY L. MULLIS, 0954
COL. SCOTT R. NICHOLS, 8603
COL. DAVID A. ROBINSON, 7497
COL. RICHARD D. ROTH, 8023
COL. RANDOLPH C. RYDER, JR., 0160
COL. JOSEPH L. SHAEFER, 8844
COL. CHARLES E. STENNER, JR., 3274
COL. THOMAS D. TAVERNEY, 6191
COL. JAMES T. TURLINGTON, 4611

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. CURTIS M. BEDKE, 9014

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624.

To be brigadier general

COL. DAVID E. CLARY, 9098
COL. MICHAEL A. COLLINGS, 3659
COL. SCOTT S. CUSTER, 2467
COL. DANIEL J. DARNELL, 0600
COL. DUANE W. DEAL, 0812
COL. VERN M. FINDLEY, II, 2123
COL. DOUGLAS M. FRASER, 7505
COL. DAN R. GOODRICH, 2370
COL. GILBERT R. HAWK, 6206
COL. RAYMOND E. JOHNS, JR., 3483
COL. TIMOTHY C. JONES, 7733
COL. PERRY L. LAMY, 4559
COL. EDWARD L. MAHAN, JR., 6388
COL. ROOSEVELT MERCER, JR., 3054
COL. GARY L. NORTH, 9194
COL. JOHN G. PAVLOVICH, 9032
COL. ALLEN G. PECK, 1135
COL. MICHAEL W. PETERSON, 5177
COL. TERESA M. PETERSON, 1094
COL. GREGORY H. POWER, 4129
COL. ANTHONY F. PRZYBYSLAWSKI, 7898
COL. RONALD T. RAND, 8658
COL. STEVEN J. REDMANN, 1838
COL. LOREN M. RENO, 7129
COL. JEFFREY R. RIEMER, 4731
COL. JACK L. RIVES, 0540
COL. MARC E. ROGERS, 1472
COL. ARTHUR J. ROONEY, JR., 6482
COL. STEPHEN T. SARGEANT, 1024
COL. DARRYL A. SCOTT, 3767
COL. JAMES M. SHAMESS, 8898
COL. WILLIAM L. SHELTON, 0678
COL. JOHN T. SHERIDAN, 8566
COL. TOREASER A. STEELE, 6197
COL. JAMES W. SWANSON, 6954
COL. GEORGE P. TAYLOR, JR., 9111
COL. GREGORY L. TREBON, 3693
COL. LOYD S. UTTERBACK, 9704
COL. FREDERICK D. VANVALKENBURG, JR., 4600
COL. DALE C. WATERS, 4174
COL. SIMON P. WORDEN, 2998

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING JOSEPH G. BAILLARGEON, JR., AND ENDING DAVID L. PHILLIPS, JR. WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 16, 1999.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS A PERMANENT PROFESSOR, UNITED STATES AIR FORCE ACADEMY, UNDER TITLE 10, U.S.C., SECTION 9333(B):

To be colonel

MARK K. WELLS, 2227

AIR FORCE NOMINATIONS BEGINNING WILLIAM P ABRAHAM, AND ENDING KENNETH C.Y. YU WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 1, 2000.

AIR FORCE NOMINATIONS BEGINNING LARAINE L. ACOSTA, AND ENDING ROGER A. WUJEK WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 2, 2000.

AIR FORCE NOMINATIONS BEGINNING SYNYA K. BALANON, AND ENDING EDWARD K. YI WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 2, 2000.

AIR FORCE NOMINATIONS BEGINNING CHARLES G. BELENY, AND ENDING KRISTEN A. FULTSGANEY WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 7, 2000.

IN THE ARMY

ARMY NOMINATIONS BEGINNING RICHARD T. BRITTINGHAM, AND ENDING WILLIAM D. STEWART, JR. WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 16, 1999.

ARMY NOMINATIONS BEGINNING STEPHEN C. ALSOBROOK, AND ENDING HENRY E. ZERANSKI, JR. WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 16, 1999.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS A PERMANENT PROFESSOR OF THE UNITED STATES MILITARY ACADEMY IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 1333 (B):

To be colonel

ANDRE H. SAYLES, 7549

ARMY NOMINATIONS BEGINNING THOMAS E. AYRES, AND ENDING JOEL E. WILSON WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 2, 2000.

ARMY NOMINATIONS BEGINNING WAYNE E. CAUGHMAN, AND ENDING CALVIN B. WIMBISH WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 7, 2000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

JEFFREY S. MACINTIRE, 5078

ARMY NOMINATIONS BEGINNING JOHN J. FITCH, AND ENDING *TIMOTHY L. WATKINS WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 9, 2000.

IN THE MARINE CORPS

THE FOLLOWING NAMED LIMITED DUTY OFFICER TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

JOSEPH B. DAVIS, JR., 6675

MARINE CORPS NOMINATIONS BEGINNING MICHAEL C. ALBO, AND ENDING RICHARD W. YODER WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 2, 2000.

MARINE CORPS NOMINATIONS BEGINNING CHRISTOPHER F. AJINGA, AND ENDING JOAN P. ZIMMERMAN WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 9, 2000.

MARINE CORPS NOMINATIONS BEGINNING JOE H. ADKINS, JR., AND ENDING CHRISTOPHER M. ZUCHRISTIAN WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 9, 2000.

IN THE NAVY

NAVY NOMINATIONS BEGINNING TERRY C. PIERCE, AND ENDING FRANK G. RINER WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 16, 1999.

NAVY NOMINATIONS BEGINNING BRAD HARRIS DOUGLAS, AND ENDING MARC A. STERN WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 16, 1999.

NAVY NOMINATIONS BEGINNING DEAN J. GIORDANO, AND ENDING WILLIAM K. NESMITH WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 7, 2000.

NAVY NOMINATIONS BEGINNING DAVID R. ALLISON, AND ENDING STEVE R. WILKINSON WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 7, 2000.

NAVY NOMINATIONS BEGINNING RAQUEL C. BONO, AND ENDING MIL A. YI WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 8, 2000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

RABON E. COOKE, 6017

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

AMY J. POTTS, 7220

EXTENSIONS OF REMARKS

THE MADNESS MUST END

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 2000

Mr. CONYERS. Mr. Speaker, amazingly, today yet another tragic shooting claimed another promising life.

Not far from my district, near Flint in Mount Morris Township, a six-year-old girl was shot and killed by a classmate. A first grader had a gun and shot a classmate.

These tragedies go on every day. Thirteen children a day are killed by gun violence. Over 5,000 children are killed every year because of guns falling into the wrong hands.

This madness must end.

But, because the Republican leadership insists on pandering to the extreme right wing who thinks that one reasonable gun safety law is one too many, the insanity goes on.

The gun safety conference has not met since August of 1999. Today, I am writing for the fifth time to House Judiciary Committee Chairman HENRY HYDE to urge the Republican Leadership to stop stalling and call a conference meeting.

It is starting to hit close to home for every Member of this House, Mr. Speaker. How many more senseless killings will it take before the Republican Leadership acts? How many more promising young lives do we have to lose?

Quit stalling. Close the gun show loophole. Require child safety locks. Ban the importation of high capacity ammunition clips.

HONORING MS. ROSE MARIE BELL OF MORRIS, IL

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 2000

Mr. WELLER. Mr. Speaker, I rise today to honor the career of Ms. Rose Marie Bell of Morris, IL, for the nearly seventeen years of service she has put forth as the Grundy County Circuit Clerk.

In 1983, Robert T. Williamson retired from his duties as Grundy County Circuit Clerk. Ms. Rose Marie Bell, a lifetime resident of the County Seat of Grundy County, was wisely appointed to the position. The Circuit Clerk's seat is open every four years, which means Ms. Bell was elected on four separate occasions before retiring in December of 1999. Three of the four elections were unopposed. This shows her leadership both professionally and in the community have been cherished by the good people of Grundy County.

In 1988, Ms. Bell had the uneniviable task of computerizing and automating the Circuit Clerk's office. She led her office through this trying and difficult time. When the spirits were low in the office she would comfort her workers by saying, "And this too shall pass." Ms. Bell told the programmer she wanted a system where a deputy clerk could type in the court proceedings from within the courtroom and they would automatically transfer to the Clerk's office. The programmer said it could not be done, but Ms. Rose Marie Bell insisted on the installation. That particular system was used at that time by many Clerks' offices throughout the state and the code to access the record sheet was "Rose01". A down state judge, upon meeting Ms. Bell, said he was, "pleased to finally meet 'Rose01'."

Not only has Ms. Bell served the public in an official capacity, she was also the founding force of "Breaking Away" which is a victims of domestic violence organization. The organization provides shelter, counseling, and assistance to women and their children who need to detach themselves from an abusive home life. She still is actively involved serving as President of the organization.

Along with being a mother to her four sons Timothy, Daniel, Jeffrey, and Gregory, she was also known as "Mother Bell" to her staff in times of crisis both personally and professionally. She truly is a pillar of the community, holding a County office for 17 years, helping found "Break Away", being a mother of four and a friend to many.

Mr. Speaker, I find it fitting and appropriate to recognize and congratulate the years of service Ms. Rose Marie Bell has given to the Morris community and the people of Grundy County.

HONORING THE LATE DOUGLAS E. DUNSDON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to pause and remember the life of a man who meant a great deal to the Western Slope. Sadly, on February 27, 2000, Colorado said goodbye to Douglas Dunsdon. He was 81 years old.

Douglas spent nearly his entire life in the Glenwood Springs area. When the United States entered World War II, Douglas joined the United States Air Force and was stationed in Edin, England with the 8th Air Force, 100th Bomb Group. Douglas flew 25 missions. He earned a Distinguished Flying Cross, two Presidential Unit Citations, three Battle Stars, four Air Medals, a European Theater of Operations Medal and a group medal from the French and Polish governments. In addition, Douglas was a flight instructor for six months in Flight Control Communications in Bobbington, England.

After the war, Douglas returned to Glenwood Springs. He influenced the community in many ways. He ran the bowling alley, now known as Dumont Building. He and his father and brother built the Alpine Apartments, now the Alpine Professional Building and he also worked at the Shoshone Power Plant until his retirement in 1976.

Douglas was an active member of the Veterans of Foreign Wars, American Legion, B.P.O.E. and was appointed National Aide-De-Camp in November of 1966 and was Commander of the VFW for three terms.

Douglas was also a wonderful husband and a loving father. I had the privilege of knowing Douglas and grew up with his children. "Mr. Dunsdon" was a very kind man and I have many fond memories of him and his family.

It is with this, Mr. Speaker, that I would like to offer this tribute to a great man who will be sorely missed by all those who knew him. He was truly a great American who among other things, fought for the freedom that we enjoy today.

HONORING THE UPSTATE URBAN LEAGUE OF GREENVILLE, SOUTH CAROLINA

HON. JIM DeMINT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 2000

Mr. DEMINT. Mr. Speaker, I rise today to remind my friends in this chamber that freedom in America is created not by government, but by individuals who take responsibility upon themselves and share in the responsibilities of community. When citizens take this responsibility, local people keep dollars, decisions and freedom in their hands. It is my honor several times each year to present the Congressional Spirit of Freedom Award to members of the 4th District of South Carolina. This non-partisan award goes to individuals, organizations, schools, and businesses that go above and beyond the call of duty to advance the spirit and ideals of freedom and volunteerism in service to the communities of South Carolina.

It is my pleasure today to honor one such group, the Upstate Urban League in Greenville, SC that has embodied these ideals. The Urban League's Pre-College Enrollment/Talent Search program has taken the initiative in making sure every Upstate child achieves his or her full potential. They have done this by providing SAT workshops, college visitation tours, and financial aid workshops for disadvantaged students, all without relying on government funding. In 1998 alone, they helped one hundred and thirty-three students raise their SAT scores by as much as two hundred and eighty points. I commend them for their work that helps students reach their dreams of going to college and succeeding in

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the next century. The Upstate Urban League proves when we come together and give a helping hand, we can overcome any challenge and secure the future for our children.

I offer my sincere thanks and best wishes for their continued success in bringing freedom home to the citizens of the Upstate and South Carolina. I am proud to present the Upstate Urban League, Greenville, SC with the Congressional Spirit of Freedom Award.

EAGLE SCOUT HONORED

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 2000

Mr. LIPINSKI. Mr. Speaker, it gives me great pleasure to bring to the attention of my colleagues an outstanding young individual from greater Chicagoland who has completed a major goal in his scouting career. Kevin Michael Fleming, a young man from Evergreen Park, Illinois has attained the rank of Eagle Scout.

Kevin has been actively involved in scouting since 1986 when he joined Tiger Cubs in the Beverly-Morgan Park neighborhood of Chicago. After seven years of progressing through the Tiger Cubs, Cub Scouts and Webelos, Kevin joined Boy Scout Troop #430 in June of 1993. While advancing through the Boy Scouts, Kevin demonstrated leadership abilities as a Junior Assistant Scoutmaster, Senior Patrol Leader and Quartermaster. In addition, he participated in the Owasippe Scout Camp for five summers, where he earned numerous accolades and completed the COPE program.

Not surprisingly, Kevin Fleming has taken part in many diverse activities as a Boy Scout and a student. Some of his many pastimes have included participation in an annual Thanksgiving Day pancake breakfast fundraiser, as well as various campouts, cycling trips and canoe outings.

It is important to note that less than two percent of all young men in America attain the rank of Eagle Scout. This high honor can only be earned by those scouts demonstrating extraordinary leadership abilities. In light of the commendable leadership and courageous activities performed by this fine young man, I ask my colleagues to join me in honoring Kevin Michael Fleming for attaining the highest honor in Scouting—the Rank of Eagle. Let us wish him the very best in all of his future endeavors.

HONORING MS. PAULA WOLFF

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 2000

Mr. WELLER. Mr. Speaker, I rise today to recognize and honor Ms. Paula Wolff who is resigning from her position as President of Governors State University (GSU) on March 1, 2000.

Ms. Wolff has a B.A. magna cum laude from Smith College and an M.A. and Ph.D. from the University of Chicago in political science. Before becoming the President of Governors State University, Ms. Wolff was a tenured professor in the College of Business and Public Service between 1972 and 1976. Since becoming President, she has continued to teach public policy at GSU at least once a year.

Between 1977 and 1991, Ms. Wolff served as Director of Policy and Planning for Governor James R. Thompson. She directed development and implementation of policy for all areas of state government, serving with her staff as liaison to 57 state agencies and chairing six subcabinets composed of their directors, representing 67,000 state employees with over a $25 billion budget.

Paula Wolff became GSU's President in 1992. Governors State University is the only upper-division university in Illinois. The University, which serves over 9,000 students, has grown by over 22 percent within the past 6 years. Ms. Wolff has maintained a balanced portfolio of programs in the arts and professional areas. Eleven market-oriented programs have been added to the curriculum during Ms. Wolff's tenure.

Paula is married to Wayne W. Whalen, a lawyer, and has five children. She participates in numerous boards and civic activities including the Illinois Courts Commission, the Ariel Capital Management Board, Metropolitan Planning Council, Harris Insight Funds, the Joyce Foundation, the Johnson Foundation and is Chair of the University of Chicago Hospitals Board and a Trustee of the University of Chicago.

It has been my pleasure to work with Ms. Paula Wolff these past 6 years. She has and will continue to be a helpful colleague who is cited for her effectiveness in communicating with employers and legislators. Paula is so dedicated that she has donated her annual pay increases to the student scholarship fund.

I urge this body to identify and recognize others in their congressional districts whose dedication and actions have so greatly benefited America's students, universities and the surrounding communities.

MARLENE MANOWN GOES THE DISTANCE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 2000

Mr. MCINNIS. Mr. Speaker, I would like to take a moment to recognize a woman who is dedicated to doing whatever it takes to promote the well-being and high self-esteem of young women across the nation. Marlene Manown, a Glenwood Springs, Colorado resident, will join other women who will ride from one coast to the other on their bicycles.

Marlene is part of a group called Girls on the Move, organized by Outward Bound, that uses this trip to help girls all around the nation. During stops along the way, Marlene and the other women will host programs that target raising self-esteem and finding positive role models for women ages 9–18.

Marlene is definitely qualified for this challenge. She has worked as a counselor at Glenwood Springs High School which means she knows all about what young women face on a day-to-day basis. She also has experience in cycling long distances on tours that, often times, last up to two weeks. This trip will last longer than two weeks, and Marlene will cycle at least 60 miles a day.

It is with this, Mr. Speaker, that I would like to offer this tribute of gratitude to Marlene Manown. She has given selflessly to help young women across the nation.

HONORING HIDDEN TREASURE CHRISTIAN SCHOOL

HON. JIM DeMINT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 2000

Mr. DEMINT. Mr. Speaker, I rise today to remind my friends in this chamber that freedom in America is created not by government, but by individuals who take responsibility upon themselves and share in the responsibilities of community. When citizens take this responsibility, local people keep dollars, decisions and freedom in their hands. It is my honor several times each year to present the Congressional Spirit of Freedom Award to members of the 4th District of South Carolina. This non-partisan award goes to individuals, organizations, schools, and businesses that go above an beyond the call of duty to advance the spirit and ideals of freedom and volunteerism in service to the communities of South Carolina.

It is my pleasure today to honor one such group, the Hidden Treasure Christian School in Taylors, SC that has embodied these ideals. This school has cared for hundreds of special needs children from all across the nation. They are recognized as a model school in ministering to the physical, emotional, educational, and spiritual growth of special needs children. They have experienced such a demand for enrollment, they are expanding into a new educational facility to reach out to more children in the community. I would like to take this opportunity to thank them for the tremendous gift they have given to our community's children, the gift of renewed opportunity for success.

It is an honor to serve constituents of such high character and dedication to the service of others. I offer my sincere thanks and best wishes for their continued success in bringing freedom and prosperity home to all the citizens of the Upstate and South Carolina. I am honored to award the Hidden Treasure Christian School with the Congressional Spirit of Freedom Award.

A TRIBUTE TO THE 1999 "SENIOR CITIZENS OF THE YEAR"

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 2000

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to the winners of my 1999 "Senior Citizens of the Year" competition. Every year, I select twenty seniors that show exceptional vitality and service to the people of the 3rd District of Illinois. Local civic groups and government leaders nominate many outstanding seniors. Then I have the very difficult task of selecting the best of the pool. This year's winners are: Mary Alexa, Virginia Bannon, Delores Cizek, Robert DeNovo, Cynthia Evenhouse, Frances Green, Alice Horton, Lillian Joly, George Kostakis, Irene Nichols, Harriet Niemiec, Helen Barber Olson, Dr. Shirley Verdugo-Perez, Raymond Rushton, Kurt Schalk, Lorraine Seymour, Evelyn Talerico, Eleanor Trzeciak, Alexander Walter and Theresa Wozniak. It now gives me great pride to describe their accomplishments.

Mary Alexa of Berwyn was nominated by the Jolly Friendly Seniors. Mary has been the President of the Jolly Friendly Seniors club for twelve years and is also an officer in the Gold Medallion and Mid-City Bank clubs. She played in instrumental role in merging The Jolly Club with The Friendly Club to create the Jolly Friendly Seniors. Mary also worked for the Sears department stores for fourteen years. The Jolly Friendly Seniors stated in their nomination: "Mary is generous, gracious—well liked by all."

Virginia Bannon of Crestwood was nominated by the Village of Crestwood. Virginia is an active volunteer at the Village's Christmas, Easter, and Halloween activities for children. She also does volunteer work at the Crestwood library and with needy families in Crestwood. Virginia is a member of several organizations including the Crestwood Senior Club, Incarnation Seniors and the Incarnation Women's Club. According to her application: "Virginia displays an unselfish willingness to help others. She sets personal goals aside when called upon to volunteer her time."

Dolores Cizek of Burr Ridge was nominated by Lyons Township Supervisor Patrick Rogers. Dolores has been a village Trustee for Burr Ridge since 1991 and has been an election judge for the last 9 years. She has written commentary columns for several area papers including the Doings and the Downers Grove Reporter. Dolores served on the local school board, District #107, in the 1970s and on the Burr Ridge Planning Commission in the 1980s. According to Supervisor Rogers: "She represents the right stuff in community volunteerism."

Robert C. DeNovo, Sr. of Palos Park was nominated by Deputy Chief Stan Szpytek of the Palos Fire Protection District. Robert is a founding member of the Palos Fire Protection District and is now in his 46th year of active service with the organization. He is an active member of the Palos Fire Fighters Association, the National Fire Protection Association, and the Illinois Association of Fire Protection Districts. Robert received special recognition by the Illinois House and Senate for his many achievements and years of service. Deputy Chief Szpytek stated in Robert's application: "At over 75 years of age, Bob still is an integral part of our organization and works at the department on a daily basis."

Cynthia Evenhouse of Palos Heights was nominated by Palos Heights Mayor Dean Koldenhoven. Cynthia is a member of the Christ Community Hospital Women's Auxiliary, and has volunteered over 5,000 hours at the hospital. For seven years, she has tutored handicapped people through the Friendship Club at the Palos Heights Christian Reformed Church. Cynthia also belongs to her church's choir and the Coffeebreak Bible study group. Mayor Koldenhoven stated in her application: "She always gives generously of her time and talent; she's dependable, loyal and is always there to help others."

Mrs. Frances Green of Bridgeview was nominated by Fran Marie Green and the Women's Active Party of Bridgeview. Frances was a founder of the first PTA charter at a Bridgeview school in 1954. She was also one of three women to start the first Brownie and Girl Scout troops in Bridgeview. Frances volunteers at Little Company Hospital and is Chairwoman of Active Angels, a group that visits the sick and lonely of Bridgeview. She is a 20-year member of the Active Women of Bridgeview and a village resident for 45 years. Fran Marie Green, President of the Women's Active Party of Bridgeview, said: "She has truly served a multitude of people, and in my opinion, she is the Queen of Bridgeview."

Alice Horton of Midlothian was nominated by Thomas J. Murawski, Mayor of Midlothian. Alice is a founder and 22-year director of Coffeehouse, an organization that hosts social gatherings for handicapped adults in the Chicagoland area. In addition, she is active as a nursing home visitor and driver for the disabled to doctor appointments. Alice is a volunteer at Oak Forest Hospital, a member of the St. Vincent DePaul Society, and a member of the Altar & Rosary Society. She is a 54-year resident of Midlothian. In her application, Mayor Murawski said: "Alice continues to live her life in the service of others; she does this quietly and without fanfare."

Lillian Joly of Chicago was nominated by the St. Symphorosa Super Club. Lillian volunteers with the Metropolitan Family Services by visiting handicapped children and shut-ins, including driving shut-ins to doctors appointments, among other locations. She is an active member of several organizations including the Hale Park Club, the Messiah Senior Club, the St. Symphorosa Super Club, and the St. Vincent DePaul Society. Lillian also has received the "Ozanam Award," which is given to St. Vincent DePaul members who demonstrate great service to the poor. St. Symphorosa Super Club President George Kouba stated in her application: "She is a silent and willing giver—a role model for anyone who believes in helping and loving his fellow man."

George Kostakis of Cicero was nominated by Cicero Town President Betty Loren-Maltese. George was the co-founder of Cicero's Neighborhood Watch Program in 1984 and has remained a coordinator of the program. His watch includes 141 blocks throughout Cicero. George is a member of the Morton Anti-Violence Task Force and also writes a column for the Cicero Town News, the town's official newsletter. President Maltese stated in George's nomination: "Very few residents have a lasting impact upon their communities; Mr. Kostakis' work with the Neighborhood Watch has made him an impact resident."

Irene Nichols of Burbank was nominated by Stickney Township Supervisor Louis Viverito. Irene has played an important role in the development and success of the Stickney Township Council on Aging since 1978. She is the current President of the Stickney Township Council on Aging, a position she has held since 1998. Irene is also a member of the Circle Senior Club and the Burbank Silvertones Senior Club. Sen. Viverito stated in her application: "Her concern for fellow Senior Citizens is prevalent in any activity she is involved in."

Harriet Niemiec of Oak Lawn was nominated by the St. Louis de Montfort Seniors. Harriet serves as Oak Lawn's Senior Citizens Commissioner. In addition, Harriet is an active volunteer with the PLOWS organization and Christ Hospital. She is also a member of several organizations including the St. Louis de Montfort Senior Citizens Club, the St. Fabian's Senior Citizens Club, the Oak Lawn Senior Citizens Club and the Christ Hospital Volunteers Auxiliary. According To Helen Sula, President of St. Louis de Montfort Seniors: "She is a model citizen and we all would do well to imitate her."

Helen Barber Olson of LaGrange was nominated by the Robert E. Coulter, Jr. Unit No. 1941 American Legion Auxiliary. Helen is a charter member of the LaGrange Historical Society and Robert E. Coulter, Jr. Unit No. 1941. She assisted in the organization of the LaGrange area Chapter 4277 of the AARP, and was instrumental in establishing the LaGrange Community Hospital. She has been a resident of LaGrange for over 50 years. This past year, the LaGrange Chapter of the Business and Professional Women's Club voted her "Woman of the Year." The Robert Coulter Unit noted in her application: "She is still active in many organizations and never fails to contribute her time and money, even when not asked."

Dr. Shirley Verdugo-Perez of Riverside was nominated by Ms. Mila Verdugo. Shirley holds a bachelor's, two masters and a doctorate degree. She also has seven teaching certificates and can speak five different languages. She has been in the education field for the past 32 years, teaching kindergarten through graduate school students. Shirley has volunteered for numerous organizations including Hispanics in Vocational Education, the Merit Conservatory of Music, and the Polish National Alliance Lodge 825. Ms. Mila Verdugo stated in Shirley's nomination: "She sees the glass as half-full no matter what challenges come her way. She has devoted her life to educating her children, motivating her students, and volunteering her time to various community organizations."

Raymond Rushton of Berwyn was nominated by Berwyn Mayor Thomas G. Shaughnessy. Raymond is a Block Captain in the City of Berwyn's Neighborhood Watch Program, where he checks on seniors in extreme temperatures and spreads information about the Watch Program. He is the founder of the Grace Bible Church Senior Citizen Club and is a volunteer for the Berwyn-Cicero Council on Aging. He was a journeyman union electrician, and worked on the dismantling of the Manhattan Project. In his application, Mayor Shaughnessy stated: "He is a shining example to other captains in the Neighborhood Watch Program in his enthusiasm and commitment to our city and his neighbors."

Kurt Schalk of Chicago was nominated by the Clearing Civic League. Kurt is a trustee for the Clearing Civic League and is in his 5th year as President of the St. Rene Seniors Social Club. In addition, he is a post commander and member of the William McKinley American Legion Post #231. He has been active in Hines Hospital's blood donor program since 1955, and has received recognition from the United Blood Donors. Kurt volunteers with the St. Vincent DePaul Society and is an important booster for the St. Rene School Band. In his application, Rich Zilka, President of the Clearing League stated: "Kurt has realized the full range of life—successful employment, happy marriage, military duty, and civic volunteer work in his 45 years of active community affairs."

Lorraine Seymour of Palos Hills was nominated by Theresa Jania, Senior Service Director of Palos Hills. Lorraine has served as a member of the Palos Hills Senior Advisory Board for 15 years. She has received the "Women of the Year" award from Sacred Heart Church and was given a volunteer award from the PLOWS organization. Lorraine is also active with several organizations including the New Horizon Senior Club, the Second Timers Club, the Sacred Heart Fun Club, and the Sacred Heart Parish Council. Theresa Jania nominated Lorraine because of her "attitude and professionalism, her smiling face and willingness to help every senior who comes within her reach."

Evelyn Talerico of Palos Park was nominated by James and Victoria Talerico. Evelyn is the founder of the oldest restaurant in Bridgeview, Mama Luigi's, which is now in its 52nd year of operation. Currently, she provides daily care and company to her invalid sister-in-law. Evelyn has also served as First Senior Regent of the Bridgeview Women of the Moose and as a First Graduate Regent. In addition, she was the first baby born in Bedford Park. James and Victoria Talerico stated in her application: "She is a fine example for all women today."

Eleanor Trzeciak of Chicago Ridge was nominated by the Chicago Ridge Friendship Senior Club. Eleanor actively volunteers to assist the elderly and sick members of the Chicago Ridge Friendship Senior Club, and has been the group's tour guide for seven years. She has been a member of the club for thirteen years, and is also a member of the St. Louis de Montfort Seniors Club. According to her application, the Chicago Ridge Friendship Club had a vote to nominate a candidate for the Senior Citizen of the Year award. Eleanor was the group's unanimous selection.

Alexander Walter of Indian Head Park was nominated by the Blind & Visually Impaired Support Group of Greater LaGrange. Al serves as the leader of the Blind & Visually Impaired Support Group, where he arranges programs and discussions for the group. Al has volunteered at Hines Veterans Hospital and at the Illinois Veterans Home—Manteno for a number of years, and has given over 2,100 volunteer hours at Hines. He is active in several groups including the Blinded Veterans Association, Hines Blind Rehab Center Alumni, and Amvets: G.I. Joe Post 24. Julia Emery of the Blind & Visually Impaired Support Group stated in Al's application: "His work on behalf of hospitalized veterans and of the most vulnerable has been constant since his discharge from the Navy."

Theresa Wozniak of Chicago was nominated by the St. Camillus Golden Agers Club. Theresa is President of the St. Camillus Golden Agers, an active member of the St. Camillus Holy Name Society, and legislative liaison for the VFW Rhine Post #2729 Women's Auxiliary. She is a volunteer for the Chicago Department of Cultural Affairs and has received several awards including the "Cook County Sheriff's Medal of Honor" award, the "Chicago Department of Cultural Affairs Volunteer of the Month" award, and recognition from the Chicago City Council for outstanding volunteer service. According to Lucille Budzinski, Secretary of the St. Camillus Golden Agers: "Her cheerful attitude in accepting many volunteer duties encourages other seniors to follow her lead."

I agree with all of the statements submitted by those who nominated the 20 winners. It is community activism and volunteerism that makes Chicagoland a truly great place to live. In the 19th Century, Robert Browning, a British poet proclaimed: "What's a man's age? He must hurry more, that's all; Cram in a day, what his youth took a year to hold." Mr. Speaker, I believe those are important words, and I commend the senior citizens for their great spirit and hard work.

HONORING BLOOM TOWNSHIP HIGH SCHOOL

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 2000

Mr. WELLER. Mr. Speaker, I rise today to recognize and honor Bloom Township High School which is celebrating its 100th Anniversary in the year 2000. Bloom Township High School lies within Illinois School District 206 and my 11th Congressional District.

Bloom Township High School began in 1900 in four rooms rented from Washing School in Chicago Heights, Illinois. Bloom had an initial enrollment of 81 students and three teachers. By 1901, "new" Bloom was built at the southwest corner of Lincoln and Dixie Highways. In 1931, under the leadership of Board of Education President, Harvey Adair, construction began on the Bloom Township High School at 10th Street and Dixie Highway.

In 1934, Principal Rosewell C. Puckett watched his students carry their books and desks down Chicago Road to the new school. The school was a major architectural achievement highlighted by "the Tower", and later enhanced by the fresco murals and limestone statues. The frescoes were painted by Edgar Britton. Edgar Britton used Bloom students as models for the frescoes and show students in the foreground studying the life work that is being carried out in the background by adults. In 1982, Bloom was named as a National Historic Site. Bloom is the first public high school to be so designated.

Bloom has experienced rapid growth over the years that required major additions to the school, including the Industrial Arts building, McCann Gym, the cafeteria, the music and art wing, the Nelson Field House, the Workman Auditorium and the Steckel Library. By 1954, a separate freshman-sophomore division was built at Cottage Groave and Sauk Trail, which ultimately became its own four-year high school in 1976, named Bloom Trail High School.

The history of Bloom Township High School District 206 has been one of growth and change, with a continuing commitment to quality education and a dedication to meet the needs of a varied student population.

I would like to take this opportunity to congratulate the many teachers, and administrators who have helped to make Bloom Township a success. I wish Bloom a successful year of celebration.

I urge this body to identify and recognize other schools in their congressional districts whose dedication and actions have so greatly benefitted America's students and the surrounding communities.

REMEMBERING HAROLD BAUDUIT, A TELLER OF TALES AND CAPTAIN OF HIS SOUL

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to share memories of a man that knew no limits when it came to what he wanted out of life. Sadly, Harold Bauduit passed away on January 25, 2000. He was 69 years old.

Harold accomplished many things during his life; he was no stranger to hard work and extra effort. He did so well on military tests that he was told to join the United States Naval Academy. Harold was only the fifth African-American to graduate from the United States Naval Academy. But after graduation, Harold decided he liked the air more than water and he joined the Air Force. During the Vietnam War, Harold was part of the air command based in Thailand flying B–66 aircraft to monitor enemy radar.

When his career in the military ended, Harold turned to education. He earned master's degrees in economics and business, and a law degree. He taught black studies classes at Fort Range Community College and the University of Colorado. He felt very strongly about education and felt that everyone deserved the opportunity to learn.

Harold loved to debate and was always on top of current events. He read the Wall Street Journal every day and kept his TV turned to CNN constantly. He never wanted to be behind on anything.

It is with this, Mr. Speaker, I offer this tribute in Harold Bauduit's honor. He truly was an exceptional man who lived life fearlessly.

SUPPORT FOR LEGISLATION CONDEMNING RACIAL AND RELIGIOUS INTOLERANCE

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 2000

Ms. SCHAKOWSKY. Mr. Speaker, racial and religious intolerance have no place in twenty-first Century America. Hate for a fellow human being because of religion or skin color has no place among us. Institutions that teach our next generation of leaders prejudice are breeding grounds for bigots. And political leaders who fail to speak out against such hurtful and divisive mantras have failed their duties and the people they represent.

We cannot afford to remain silent in the face of anti-religious, anti-Catholic, and anti-minorities preaching from leaders of Bob Jones University. That is why I rise today to commend the gentleman from New York for his forthright Resolution. I am a proud cosponsor of his resolution that rejects discrimination and intolerance based on religion, race, and ethnicity. This resolution would put Congress on record as opposing policies preached and practiced only at Bob Jones University in South Carolina. Policies that are repulsive and unimaginable by a majority of Americans today. Some of these policies include the barring of free association of interracial couples on campus. Just as repulsive is the anti-Catholic venom emanating from the halls of this university.

This is not what is supposed to be taught in the classrooms. We cannot stand idly by while bigots are free to spout their shortsighted and hurtful words. We must speak out against intolerance and injustice. Congress must act now and pass this Resolution.

HONORING THE TORRANCE CHAMBER OF COMMERCE'S CELEBRATION OF BLACK HISTORY MONTH

HON. STEVEN T. KUYKENDALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 2000

Mr. KUYKENDALL. Mr. Speaker, I rise today to honor the Torrance Area Chamber of Commerce's celebration of Black History Month. On February 25th, the Torrance Chamber will hold its annual Black History Celebration.

It is during this important month that we celebrate black history and the achievements and legacy of all African Americans. I am grateful that the people of my district have this event which will help them understand the contributions of Black Americans to our entire nation.

As the leading business organization in the South Bay, the Torrance Area Chamber of Commerce is an aggressive, independent advocate of business interests exercising its influence with government, business and the community to ensure economic growth and vitality. I commend the Torrance Chamber for the creation of its Cultural Involvement Task Force. This important outreach program seeks to assist Chamber members of diverse ethnic backgrounds to assimilate into positions of involvement and effectively take advantage of the business opportunities available throughout the community.

To highlight the month-long celebration of African American heritage, Brigadier General Clara L. Adams-Ender will give the keynote address at the Chamber's Black History Celebration 2000. She has had a distinguished career, rising from a staff nurse in the army nurse corps to become brigadier general responsible for the army's 20,000 nurses.

I commend the Torrance Chamber's commitment to multiculturalism. The Torrance Chamber is a community leader in celebrating the importance of our country's African American heritage.

HONORING NEW JERUSALEM BAPTIST CHURCH OF GREER, SOUTH CAROLINA

HON. JIM DeMINT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 2000

Mr. DEMINT. Mr. Speaker, I rise today to remind my friends in this chamber that freedom in America is created not by government, but by individuals who take responsibility upon themselves and share in the responsibilities of community. When citizens take this responsibility, local people keep dollars, decisions and freedom in their hands. It is my honor several times each year to present the Congressional Spirit of Freedom Award to members of the 4th District of South Carolina. This non-partisan award goes to individuals, organizations, schools, and businesses that go above and beyond the call of duty to advance the spirit and ideals of freedom and volunteerism in service to the communities of South Carolina.

It is my pleasure today to honor one such group, the New Jerusalem Baptist Church in Greer, SC that has embodied these ideals. The Church is headed by Reverend Steve Watson. Under his guidance, the church sponsors summer youth programs, a soup kitchen, homeless shelter, and after-school programs that provide tutoring and mentoring to area children. New Jerusalem Baptist Church is a shining city on a hill, choosing to work through their love and talents rather than forcing government to support them. The entire congregation has answered the call to help those in need, showing the tremendous impact a group of people can have in changing the lives of thousands.

It is an honor to serve constituents of such high character and dedication to the service of others. I offer my sincere thanks and best wishes for their continued success in bringing freedom home to the citizens of the Upstate and South Carolina. I am honored to present the New Jerusalem Baptist Church, Greer, SC with the Congressional Spirit of Freedom Award.

HONORING CARA RAINWATER

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 2000

Mr. DeLAY. Mr. Speaker, today I would like to congratulate and honor a young Texas student from my district who has achieved national recognition for exemplary volunteer service in her community. Cara Rainwater of Missouri City has just been named one of my state's top honorees in The 2000 Prudential Spirit of Community Awards program, an annual honor conferred on the most impressive student volunteers in each state, the District of Columbia, and Puerto Rico.

Ms. Rainwater, a senior at Lawrence Elkins High School and an active community volunteer, is being recognized for serving as a peer counselor for burn victims at Camp Phoenix, a summer camp sponsored by the Burn Children Recovery Foundation.

In light of numerous statistics that indicate Americans today are less involved in their communities than they once were, it's vital that we encourage and support the kind of selfless contribution this young citizen has made. People of all ages need to think more about how we, as individual citizens, can work together at the local level to ensure the health and vitality of our towns and neighborhoods. Young volunteers like Ms. Rainwater are inspiring examples to all of us, and are among our brightest hopes for a better tomorrow.

The program that brought this young role model to our attention—The Prudential Spirit of Community Awards—was created by the Prudential Insurance Company of America in partnership with the National Association of Secondary Schools Principals in 1995 to impress upon all youth volunteers that their contributions are critically important and highly valued, and to inspire other young people to follow their example. In only five years, the program has become the nation's largest youth recognition effort based solely on community service, with nearly 75,000 youngsters participating since its inception.

Ms. Rainwater should be extremely proud to have been singled out from such a large group of dedicated volunteers. Mr. Speaker, I heartily applaud Ms. Rainwater for her initiative in seeking to make her community a better place to live, and for the positive impact she has had on the lives of others. She has demonstrated a level of commitment and accomplishment that is truly extraordinary in today's world, and deserves our sincere admiration and respect. Her actions show that young Americans can—and do—play important roles in our communities, and that America's community spirit continues to hold tremendous promise for the future.

HONORING TOM PROUD

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 2000

Mr. McINNIS. Mr. Speaker, I would like to rise today and tell you a story about a man who has gone to great lengths to help another. In the face of a storm, Tom Proud is definitely someone to have around.

Tom, a Pueblo County Sheriff's Deputy, was on his way to Denver when he saw a car slide on ice and land in the ditch. He claims that he did nothing more than the average citizen when he pulled over to offer assistance. Tom saw that a woman was stranded with children and went out of his way to make sure that they were safe and back on their way.

Miles from any town, Tom drove to a tire station to have the flat tire repaired and then drove back to the car to put in on the car. Tom was so dedicated to making certain Mrs. Martinez, the woman who was stranded, and the children were safe that he put his own plans on hold.

Mrs. Martinez was so overwhelmed with gratitude that a simple thank you was not enough. She wrote a letter to a Pueblo County Commissioner telling the story of selfless valor displayed by the off-duty peace officer. She told the Commissioner that without Tom's help, they would not have been able to be in Denver before one of their family members went into surgery. Mrs. Martinez counts all of Pueblo lucky to have Tom among its citizens.

It is with this, Mr. Speaker, that I offer tribute to Tom Proud. He has gone above and beyond the call of duty and deserves our thanks and praise.

REPEAL THE FEDERAL DIESEL TAX

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 2000

Mr. HASTINGS of Florida. Mr. Speaker, today I have introduced legislation to help protect all Americans from the artificially-inflated rise in fuel costs by temporarily suspending the 24.4 cent per gallon federal tax on diesel fuel.

This step is necessary because the price of diesel has almost doubled in the past six months. This steep rise is bringing ruin to America's truckers, carriers, shippers, farmers, and adversely affecting all consumers. While the U.S. Congress cannot force OPEC to increase production, we must initiate a federal investigation into possible manipulation and price gauging by OPEC members and other oil producers. Clearly there is no shortage of oil. What we see today is intentional manipulation of production to ensure the highest prices for oil producers.

In addition to launching a federal investigation, Congress should pass my legislation which is designed to provide immediate, albeit temporary, relief for the American consumer and so many small businesses which depend on diesel fuel. The average independent trucker and small farmer cannot continue to operate their businesses with the cost of diesel at almost $2 per gallon! Let's help them out by repealing the federal tax on diesel at the same time that we work the diplomatic and legal channels to bring pressure on oil producers. Please cosponsor this bill.

RECOGNIZING DR. HILARY KOPROWSKI

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 2000

Mr. WELDON of Pennsylvania. Mr. Speaker, today I wish to recognize the outstanding achievements of Dr. Hilary Koprowski—a man who has changed America, and the world, for the better.

Dr. Koprowski is one of the most distinguished and respected biomedical researchers in American history. On February 27, 2000 we marked the 50th anniversary of the first application of his oral polio vaccine—one of Dr. Koprowski's most notable achievements. Truly one of the outstanding scientists of our time, Dr. Koprowski, along with co-workers, engineered a new rabies vaccine that is more effective and less painful than the traditional Pasteur technique. In addition, Dr. Koprowski has pioneered the development of monoclonal antibodies for the detection and treatment of cancer. Dr. Koprowski is known for being a creative scientist. His other contributions include a blood test for early detection of cancer, and a serum for effective therapy against cancer of the bowel. He found a connection between viral infection and diseases of the nervous system. Dr. Koprowski's other research focused on the toxic effect of free radicals on lesions caused by viral disease.

Today, Dr. Koprowski is the author of more than 850 scientific papers and a member of many learned societies. He has received honorary degrees from numerous universities and is the recipient of more than eighteen major honors, including the Order of the Lion, awarded by the King of Belgium, the Legion of Honor of France and the Nicolaus Copernicus Medal of the Polish Academy of Sciences, the Philadelphia Award, the Scott Award, and the Legion of Honor.

Born in Warsaw, Poland, Dr. Hilary Koprowski was faced with a choice between a career in music or in science. He received a degree in piano from the Warsaw Conservatory as well as the Santa Cecilia Academy of Music in Rome. In 1939, Dr. Koprowski obtained his M.D. degree and adopted scientific research as his life's work. Music remains a significant part of Dr. Koprowski's life. His compositions are published and are currently being played by various orchestras. Dr. Koprowski often compared science to music when he said, "A well-done experiment gives the same sense of satisfaction that a composer feels after composing a sonata."

Mr. Speaker, Dr. Hilary Koprowski is a hero. He has been a world leader in scientific research for over 50 years. His expertise and leadership have contributed greatly to the field of science, and he has helped save countless lives. I know the House will join me in paying tribute to this outstanding scientist on the occasion of the 50th anniversary of his polio vaccine discovery.

IN HONOR OF DR. LIFSHITZ

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 2000

Ms. SANCHEZ. Mr. Speaker, today I rise to pay tribute to an outstanding physician, Dr. Aliza Lifshitz.

Many know her as Doctor Aliza, a doctor who has spent the past two decades working in the Latino communities in Los Angeles and across the country, to improve the health of Latino citizens.

Dr. Lifshitz grew up in Mexico, the daughter of a Russian immigrant father and New York-born mother. Dr. Lifshitz attended the prestigious Universidad Autonoma de Mexico. She also studied at Tulane University and at UC San Diego.

During her medical career, Dr. Lifshitz has become known as a primary source of health information to the Latino community. She reports on Primer Impacto, the highest-rated Spanish language news magazine television series on the air. She is also the health columnist for La Opinion, the largest Spanish-language daily newspaper in America.

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Dr. Lifshitz' stellar career is a testament to dedication. She has concentrated her efforts in administering care to the under-served segment of the population—the indigent, teens in crisis, the elderly and the many who have fallen between the cracks of our society. She has also become a role model for millions of young women striving to better themselves and the world they live in. Throughout her career, Dr. Lifshitz has shared her considerable talent and gift of healing with everyone. Her role is not only as a physician, but as a "friend."

Colleagues, please join with me today as we honor Dr. Lifshitz, a caring physician who is committed to her profession and to the well-being of those in her care.

HONORING DAN KLOSTER, SNOWMASS VILLAGE ROTARY CLUB BUSINESS/PROFESSIONAL PERSON OF THE YEAR

HON. SCOTT McINNIS

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Tuesday, February 29, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize the Rotary Club of Snowmass Village Business/Professional Person of the Year. Dan Kloster is a businessman who knows how important it is to give back to the community.

The Person of the Year award is given each year to the person who best exemplifies the principles of the club. Candidates for the award are nominated by either Rotarians or by a member of the community. This is the first time the award has been presented to an active member of the club. Dan is a charter member of the Snowmass Club and has served as the club's president in the past.

Rotary clubs across the world have dedicated their mission to serving their local community as well as those areas of the world that are in need of humanitarian efforts. The club from Snowmass has been committed to serving the international community. Dan has served on the International Committee which focuses on projects like going to Africa to immunize young people against polio.

In addition to deeds, Rotary members like Dan try to implement the philosophy of the four-way test. This test is to be applied to everything in the life of a member. The test is comprised of four questions: Is it the truth? Is it fair to all concerned? Will it build good will and better friendships? Will it benefit all concerned? Dan tries to be an example when it comes to the four-way test not only in the business world, but in his personal life.

It is with this, Mr. Speaker, that I offer this tribute in honor to Dan Kloster. His efforts to make his community, country and world a better place deserve our thanks and praise.

A TRIBUTE TO DR. LITA HORNICK

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 2000

Mr. GILMAN. Mr. Speaker, I regret to call to the attention of our colleagues the recent death of Dr. Lita Hornick, a truly remarkable woman, and a former resident of my constituency in Rockland County, New York.

Dr. Hornick was a prominent figure from the 1960's to the present day. Her efforts in the worlds of art and literature are legendary, encouraging the advancement of the avant-garde and "beat" poets, who struggled for recognition, but survived with the dedication of Dr. Hornick. She spoke her mind, and she never hesitated in furthering the ideals in which she so fondly believed. Additionally, she founded the avant-garde publication Kulcher Magazine, published over forty-two art-illustrated manuscripts of poetry and writing, and she became know as the "Kulcher Queen," the title of her 1977 autobiography.

During her life, Dr. Hornick collected several fine pieces of 60's art and selflessly gave many of her major works to the Museum of Modern Art (MoMA), including self-portraits painted by the famous Andy Warhol and Alex Katz. She also sponsored several poetry readings at MoMA, which gathered poets and artists alike in support of their crusade in advancing education of modern art and poetry.

Dr. Hornick was extremely involved with the St. Mark's Poetry Project and Columbia University, where she recently donated her archive of papers and writings.

Dr. Hornick received her B.A. from Barnard and her M.A. and Ph.D. from Columbia. An evening poetry reading memorial will be held at MoMA later this year in her honor.

Mr. Speaker, I wish to insert into the RECORD a biographical article written by Dr. Hornick's family entitled "Lita."

Dr. Lita Hornick will be sadly missed, and I extend my thoughts, my condolences, and prayers to the Hornick Family.

LITA

Sometimes you meet people who just don't add up, alluring characters who somehow are not what they ought to be. At first sight Lita Hornick is a charming and urbane Park Avenue doyenne who has devoted her life to her family and her collection of contemporary art. This in itself is interesting enough, but immediately you recognize something quite different behind the smile, quite naughty behind the look. For Lita is also the Kulchur Queen, champion of the irreverent "beats" and of avant-garde poets and artists ever since. Behind that demure face are locked the secrets of a life led at the vortex of this counter-culture, that she releases in sharp, tantalizing tidbits, well aware of both their value and her ability to shock.

"The paradoxes in my life have been quite deliberate," she admits with endearing honesty, "since they arose from a conscious effort to escape the stereotype, my background and my culture." This path took Lita out of her taffeta-lined social groove into the kaleidoscopic world of avant-garde literature where she has reigned for three decades as publisher, editor, writer, critic and patron. Like her friend Andy Warhol, she was an observer of that frenetic era between the late 50's and the early 70's. She was the admirer of such notable "beats" as Allen Ginsberg, Gregory Corso, William Burroughs and Jack Kerouac—a group once characterized by the media as "the most vicious characters in America". And throughout it all she gave a steady, supportive voice to the avant-garde movement through her Kulchur Magazine, Press and today's Foundation.

Yet Lita, although intimately involved in this other world, was never a part of it, preserving instead a steadfast individualism. "I am not a leftist politically and I have never joined the anarchist pacifists," she states emphatically, alluding to the flower generation. Nor was she a member of her inherited social group; "my work" she says with understatement, "was alien to my class." For Lita refuses to be pigeon-holed, preserving her independence through a defiance that is generously directed everywhere at once—though never malicious and always with an unfathomable sense of humor. She smiles, "I just like people who spit in the face of authority, any authority!"

It was this rebelliousness that impelled Lita first to do her Ph.D. thesis on Dylan Thomas—"because he was persona non grata at the time"—and later to search out those revolutionaries who were instigating change, typically not from the top but from the grass roots of society: the avant-garde poets, musicians and artists.

The poetry has been perhaps the greatest claimant on Lita's considerable talent and energies, appealing to her as she says, parapraising Swift, "because it raises the human race out of this pernicious gutter." Whatever the reason, Lita has altruistically devoted herself and her dollars to Kulchur—promoting poetry to a small, though significant core of supporters around the world. Why? Because she thought the work important and, although not commercially viable, it deserved recognition. Lita boasts proudly of her part in breaking down the pornography laws and attacking the civil rights issue, but considers her greatest accomplishment to be the forty-two poetry books published by Kulchur Press, "each of which," she says, "is like a child to me."

As for music, Lita is equally enthusiastic, calling it "the purest form to which all art aspires." And yet she isn't referring to the classic composers as one might expect. In this, as with everything else, Lita is contrary and ever-adventurous. She specifically means those contemporary musicians that rocked the social foundations and her parties during the Sixties. Instead of the usual Park Avenue dinner at eight, Lita recalls with obvious glee those wild evenings spent with her flock of avant-garde friends, loud with the sounds of Nico and the Velvet Underground, Philip Glass, Meredith Monk and a punk rock band called the Stimulators.

Further evidence of Lita's derringdo is her patronage of contemporary art. In the early days this was another activity frowned upon by her family and society friends, "until it started appreciating," she says with a twinkle in her eye. But for Lita, who sees a connection between all the arts, it was a natural extension of her love for avant-garde poetry to collect its equivalent in visual art.

Today her collection reads like a list of celebrated names, totalling over five hundred pieces. It ranges from a multiple portrait of herself by Warhol, a sofa modelled by Man Ray after the lips of his famous, though unfaithful, mistress, Kiki, twenty-two Jo Brainard drawings in her bedroom alone, to a fifty-six foot high Alexander Lieberman sculpture. Not to mention the sculpture garden at her country house and the works donated to the MOMA, the Whitney and the University of Pennsylvania. "In the Sixties I collected hard-edged abstraction; in the Seventies, pattern and decoration pieces," she explains, "then in the Eighties, I started going all over the lot, getting very pluralistic, from landscapes to neo pop-art."

But again typically atypical there is that other side to the Kulchur Queen. Throughout her outrageousness and despite her zest for the shocking, Lita also played the sedate role of mother, grandmother and wife. Morton J. Hornick, her late husband, was far removed from his wife's adopted world being the successful CEO of a draperie and curtain manufacturing company that had been in his family since 1917. Morton slowly became absorbed in Lita's avant-garde concerns, until he was working actively as a fundraiser for the poetry readings and an art collector. Although Lita recalls fondly, "I don't think he ever read anything I ever published."

Lita gives out these golden glimpses of her past like jig-saw pieces whose only consistency seems to be their inconsistency. Then suddenly, you stumble across a consistent thread that helps make sense of the final picture: for her whole life Lita, the maverick, has been having fun, outrageous fun! She has been laughing at herself, at her class, at the system—at everything. "It takes strength of character to amuse yourself," she explains, briefly shining a light deep into the serious depths of her character, "most people are taught not to amuse themselves—that's the whole purpose of civilization."

CRIME OF HATE AGAINST THE 9TH CONGRESSIONAL DISTRICT OF ILLINOIS

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 2000

Ms. SCHAKOWSKY. Mr. Speaker, today, the district office of the people of Illinois' 9th who has gone to great lengths to help another. In the face of a storm, Tom Proud is definitely someone to have around.

Tom, a Pueblo County Sheriff's Deputy, was on his way to Denver when he saw a car slide on ice and land in the ditch. He claims that he did nothing more than the average citizen when he pulled over to offer assistance. Tom saw that a woman was stranded with children and went out of his way to make sure that they were safe and back on their way.

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REPEAL THE FEDERAL DIESEL TAX

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OF FLORIDA

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Sometimes you meet people who just don't add up, alluring characters who somehow are not what they ought to be. At first sight Lita Hornick is a charming and urbane Park Avenue doyenne who has devoted her life to her family and her collection of contemporary art. This in itself is interesting enough, but immediately you recognize something quite different behind the smile, quite naughty behind the look. For Lita is also the Kulchur Queen, champion of the irreverent "beats" and of avant-garde poets and artists ever since. Behind that demure face are locked the secrets of a life led at the vortex of this counter-culture, that she releases in sharp, tantalizing tidbits, well aware of both their value and her ability to shock.

"The paradoxes in my life have been quite deliberate," she admits with endearing honesty, "since they arose from a conscious effort to escape the stereotype, my background and my culture." This path took Lita out of her taffeta-lined social groove into the kaleidoscopic world of avant-garde literature where she has reigned for three decades as publisher, editor, writer, critic and patron. Like her friend Andy Warhol, she was an observer of that frenetic era between the late 50's and the early 70's. She was the admirer of such notable "beats" as Allen Ginsberg, Gregory Corso, William Burroughs and Jack Kerouac—a group once characterized by the media as "the most vicious characters in America". And throughout it all she gave a steady, supportive voice to the avant-garde movement through her Kulchur Magazine, Press and today's Foundation.

Yet Lita, although intimately involved in this other world, was never a part of it, preserving instead a steadfast individualism. "I am not a leftist politically and I have never joined the anarchist pacifists," she states emphatically, alluding to the flower generation. Nor was she a member of her inherited social group; "my work" she says with understatement, "was alien to my class." For Lita refuses to be pigeon-holed, preserving her independence through a defiance that is generously directed everywhere at once—though never malicious and always with an unfathomable sense of humor. She smiles, "I just like people who spit in the face of authority, any authority!"

It was this rebelliousness that impelled Lita first to do her Ph.D. thesis on Dylan Thomas—"because he was persona non grata at the time"—and later to search out those revolutionaries who were instigating change, typically not from the top but from the grass roots of society: the avant-garde poets, musicians and artists.

The poetry has been perhaps the greatest claimant on Lita's considerable talent and energies, appealing to her as she says, parapraising Swift, "because it raises the human race out of this pernicious gutter." Whatever the reason, Lita has altruistically devoted herself and her dollars to Kulchur—promoting poetry to a small, though significant core of supporters around the world. Why? Because she thought the work important and, although not commercially viable, it deserved recognition. Lita boasts proudly of her part in breaking down the pornography laws and attacking the civil rights issue, but considers her greatest accomplishment to be the forty-two poetry books published by Kulchur Press, "each of which," she says, "is like a child to me."

As for music, Lita is equally enthusiastic, calling it "the purest form to which all art aspires." And yet she isn't referring to the classic composers as one might expect. In this, as with everything else, Lita is contrary and ever-adventurous. She specifically means those contemporary musicians that rocked the social foundations and her parties during the Sixties. Instead of the usual Park Avenue dinner at eight, Lita recalls with obvious glee those wild evenings spent with her flock of avant-garde friends, loud with the sounds of Nico and the Velvet Underground, Philip Glass, Meredith Monk and a punk rock band called the Stimulators.

Further evidence of Lita's derringdo is her patronage of contemporary art. In the early days this was another activity frowned upon by her family and society friends, "until it started appreciating," she says with a twinkle in her eye. But for Lita, who sees a connection between all the arts, it was a natural extension of her love for avant-garde poetry to collect its equivalent in visual art.

Today her collection reads like a list of celebrated names, totalling over five hundred pieces. It ranges from a multiple portrait of herself by Warhol, a sofa modelled by Man Ray after the lips of his famous, though unfaithful, mistress, Kiki, twenty-two Jo Brainard drawings in her bedroom alone, to a fifty-six foot high Alexander Lieberman sculpture. Not to mention the sculpture garden at her country house and the works donated to the MOMA, the Whitney and the University of Pennsylvania. "In the Sixties I collected hard-edged abstraction; in the Seventies, pattern and decoration pieces," she explains, "then in the Eighties, I started going all over the lot, getting very pluralistic, from landscapes to neo pop-art."

But again typically atypical there is that other side to the Kulchur Queen. Throughout her outrageousness and despite her zest for the shocking, Lita also played the sedate role of mother, grandmother and wife. Morton J. Hornick, her late husband, was far removed from his wife's adopted world being the successful CEO of a draperie and curtain manufacturing company that had been in his family since 1917. Morton slowly became absorbed in Lita's avant-garde concerns, until he was working actively as a fundraiser for the poetry readings and an art collector. Although Lita recalls fondly, "I don't think he ever read anything I ever published."

Lita gives out these golden glimpses of her past like jig-saw pieces whose only consistency seems to be their inconsistency. Then suddenly, you stumble across a consistent thread that helps make sense of the final picture: for her whole life Lita, the maverick, has been having fun, outrageous fun! She has been laughing at herself, at her class, at the system—at everything. "It takes strength of character to amuse yourself," she explains, briefly shining a light deep into the serious depths of her character, "most people are taught not to amuse themselves—that's the whole purpose of civilization."

CRIME OF HATE AGAINST THE 9TH CONGRESSIONAL DISTRICT OF ILLINOIS

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 2000

Ms. SCHAKOWSKY. Mr. Speaker, today, the district office of the people of Illinois' 9th

Congressional District was vandalized with an anti-Semitic obscenity. While I am pleased to say that we, as a community, are prepared to stand tall in the path of any and all acts of hate and words of bigotry, today's action is a sad reminder that there are those among us that fear diversity and refuse to view it as the sign of strength and tradition that it is.

Acts of hate directed against Jews, Catholics, Protestants, Muslims or any other group or person in this country are unacceptable and will not be tolerated. I am proud to represent one of the most ethnically diverse districts in America. The diversity and tolerance in our district is symbolic of what our nation should be. We will not be silent whenever hatred shows its ugly face.

I wish to commend the brave officers of the Niles Police Department, Chief Sheehan, and FBI officials for their prompt response and effort on behalf of the people of the 9th Congressional District. This crime of hate is a cowardly act that will not go unpunished. There are those who view the 9th Congressional District, because of its diversity, as a prime location to spread their hateful venom. I am confident that the rich tradition and values of the people of the 9th Congressional District will always prevail.

TRIBUTE TO SOCIAL VOCATIONAL SERVICES, INC. AND PEOPLE FIRST OF THE SOUTH BAY

HON. STEVEN T. KUYKENDALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 2000

Mr. KUYKENDALL. Mr. Speaker, I rise today to recognize a very special organization in my district, Social Vocational Services, Inc. (SVS). Established in 1978, SVS' mission is to design and deliver vocational and residential services to persons with disabilities that will result in their full participation in all aspects of community life.

On Monday, February 28th, SVS will host the 7th anniversary celebration of "People First of the South Bay" and honor special guest Michael Long. SVS facilities People First of the South Bay, a self-advocacy group by and for persons with disabilities. PFSB improves the lives of people with disabilities by fostering a sense of belonging, self esteem and confidence, friendship and recreation, community involvement, civic responsibilities, and leadership opportunities and training.

I commend Michael Long on this achievement. Michael has had a distinguished career. An individual with a developmental disability, Michael serves as Consumer Advocate, Department of Developmental Service, Sacramento and he is also a published author.

The men and women of SVS have touched the lives of many. SVS serves 2,500 persons with disabilities and employs over 800 staff and administrators. SVS is a pioneer organization within the development disabled community. They strive to enhance opportunities for growth and independence.

I commend the staff and volunteers of Social Vocational Services for their efforts in improving the quality of life for individuals with developmental disabilities. You have made a difference in the lives of many, and I wish you continued success. The South Bay is grateful for your services.

TRIBUTE TO DALE MORRIS

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 2000

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to pay tribute to an outstanding American, Mr. Dale Morris. Mr. Morris has devoted his career to helping individuals in public service. As the Manager of Special Services and Government Affairs for American Airlines, Mr. Morris is responsible for handling elected officials and other government VIPs, including diplomats and Members of Congress, as they make their way throughout the world. As a registered lobbyist, he also is responsible for advocating on behalf of American Airlines' varied interests with respect to the myriad regulations that challenge airlines and help keep American citizens safe.

Mr. Morris is departing the Washington area for Dallas, Texas, where he will serve as Company Spokesperson at American Airlines' Corporate Communications office. He will be missed by those of us who have counted on his commitment to top notch customer service, and especially for his ability to find simple solutions to complicated challenges. Mr. Morris's promotion is a phenomenal reflection of his own achievements as well as American Airlines' commitment to equal opportunity. As an African American, Mr. Morris has overcome tremendous obstacles throughout his career. He began in the industry eighteen years ago as a passenger sales representative for United Airlines. His professional honors and accomplishments are numerous, and include being awarded the NATO commendation medal from Field Marshall Sir Richard Vincent, GBE, KCB, DSO and Chairman of the Military Committee; organizing the "Ax the Fuel Tax" airline rally in Washington, D.C.; assisting with Wright Amendment legislation; serving as an "On Air" spokesperson for American Airlines during the pilots' proposed strike; and personally interacting with Senator John McCain on the "Passenger Bill of Rights."

Regarding Dale Morris' professional triumphs, it might be said that they are merely genetic. His father, William Morris, was awarded the Bronze Star for operations during the Invasion of Normandy during World War II with the all Black 6th Calvary Infantry unit. His great uncle Leroy Calhoun also served with the Black Stevedores/Pioneer Infantry unit in France during World War II, and another uncle played baseball for the all Black Fresno Giants of the Negro Leagues. As the proud father of Dale, Jr., Keith Ernest, and Erin Mitchell, and the reverent husband of Janet Leigh Riley Morris, Dale has managed to soar professionally while keeping his primary focus on his family, which in his view, is the only reason worth living. He has given his family a great deal of which to be proud. As his friend, and the beneficiary of his sincere devotion to professional integrity, I am equally proud. It is on behalf of the countless other Members of Congress who have appreciated his fine service, that I congratulate Dale on his remarkable promotion, and on this, the 29th day of February, 2000, not only his last day in the Washington office of American Airlines but his birthday, I wish him every personal and professional success.

HONORING CHRISTOPHER DOLS

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 2000

Mr. DELAY. Mr. Speaker, today I would like to congratulate and honor a young Texas student from my district who has achieved national recognition for exemplary volunteer service in his community. Christopher Dols of Houston has just been named one of my state's top honorees in The 2000 Prudential Spirit of Community Awards program, an annual honor conferred on the most impressive student volunteers in each state, the District of Columbia, and Puerto Rico.

Mr. Dols, a ninth-grader at Strake Jesuit College Preparatory School, is being recognized for developing a Pre-Teen Health Information Line for the Harris County Hospital District. This information line provides free bilingual health information on 24 topics of special interest to young adults.

In light of numerous statistics that indicate Americans today are less involved in their communities than they once were, it's vital that we encourage and support the king of selfless contribution this young citizen has made. People of all ages need to think more about how we, as individual citizens, can work together at the local level to ensure the health and vitality of our towns and neighborhoods. Young volunteers like Mr. Dols are inspiring examples to all of us, and are among our brightest hopes for a better tomorrow.

The program that brought this young role model to our attention—The Prudential Spirit of Community Awards—was created by the Prudential Insurance Company of America in partnership with the National Association of Secondary Schools Principals in 1995 to impress upon all youth volunteers that their contributions are critically important and highly valued, and to inspire other young people to follow their example. In only five years, the program has become the nation's largest youth recognition effort based solely on community service, with nearly 75,000 youngsters participating since its inception.

Mr. Dols should be extremely proud to have been singled out from such a large group of dedicated volunteers. Mr. Speaker, I heartily applaud Mr. Dols for his initiative in seeking to make his community a better place to live, and for the positive impact he has had on the lives of others. He has demonstrated a level of commitment and accomplishment that is truly extraordinary in today's world, and deserves our sincere admiration and respect. His actions show that young Americans can—and do—play important roles in our communities, and that America's community spirit continues to hold tremendous promise for the future.

COLORADO NATIONAL GUARD NONCOMMISSIONED OFFICER OF THE YEAR, SANDY HANSON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to congratulate the Colorado National Guard Noncommissioned Officer of the Year, Sandy Hanson. Sandy was nominated for the award by the officers on the local and state level boards consisting of high-ranking officers. Sandy has been on the Army Reserves and now the Colorado National Guard for thirteen years. She presently holds the rank of E–5, Sergeant, and is a member of the Montrose-based Unit C of the 109th Area Support Medical Battalion of the Charlie Company.

Every year soldiers are chosen to go before the "boards" to be tested verbally on every subject related to the military from history to marksmanship. Sandy's precision and excellent knowledge have won her the distinction of being the best noncommissioned officer in the entire State of Colorado.

Sandy was the only one that was surprised when she received the award. Everyone around her knows that she is very focused and disciplined when it comes to organizing her busy lifestyle. In addition to being in the Colorado National Guard, which takes her away from her family one weekend a month and two full weeks every summer, she has two children, a full-time job and she still finds time to study for the boards on the national level.

It is with this, Mr. Speaker, that I offer this tribute to Sandy Hanson and congratulate her on a job well done. She has served her country well.

EAGLE SCOUTS HONORED

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 2000

Mr. LIPINSKI. Mr. Speaker, it always gives me great pleasure to bring to the attention of my colleagues the accomplishments of Chicagoland constituents. Today, I rise to honor sixteen outstanding young individuals from the 3rd Congressional District of Illinois, all who have completed a major goal in their scouting career.

The following young men of the 3rd Congressional District of Illinois have earned the high rank of Eagle Scout in the winter and spring seasons: James A. Donovan, Eric Alfredson, James M. Siniawski, Bryan Jonathan Balin, Steve Beyer, Raju Shah, Matt Mottel, David J. Giblin, Michael T. Fitzgibbon, John D. Kenney, Matthew K. Vari, Andrew Thomas Giger, John F. Ponce de Leon, Anthony R. Kubes, Benjamin Patrick Hyink, and Alexander T. Yount.

These young men have demonstrated their commitment to their communities, and have perpetuated the principles of scouting. It is important to note that less than two percent of all young men in America attain the rank of Eagle Scout. This high honor can only be earned by those scouts demonstrating extraordinary leadership abilities.

In light of the commendable leadership and courageous activities performed by these fine young men, I ask my colleagues to join me in honoring the above scouts for attaining the highest honor in Scouting—the Rank of Eagle. Mr. Speaker, let us wish them the very best in all of their future endeavors.

HONORING REVEREND SACQUETY

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 2000

Ms. SANCHEZ. Mr. Speaker, today I rise to pay tribute to the Reverend Canon Charles W. Sacquety on his retirement from the ministry of the Episcopal Church.

Reverend Charles was born in Detroit, Michigan. He attended the University of Michigan where he received a Bachelors of Arts degree and a Masters of Arts degree in Music. After teaching music in the Ann Arbor Public Schools, he served in the United States Army for two years where he was stationed in the Canal Zone, Panama.

Upon returning from his tour of duty, Reverend Charles attended the Church Divinity School of the Pacific in Berkeley, California. Upon completing his theology courses, Reverend Charles was ordained as a deacon and priest in the Diocese of Michigan. He served two congregations before being called to St. Mark's Parish in Glendale, California. Reverend Charles then moved to Germany where he served as Rector of the Parish Church of Christ the King in Frankfurt. After six and a half years, Reverend Charles was again called to California where he became the Rector of St. Wilfrid's in July of 1978.

Reverend Charles brought so many gifts to St. Wilfrid's. He is best-known for his ebullient sense of humor and his ability to reach out to the members of the parish by listening to their needs. He has developed and implemented the plans for construction of the beautiful new church and community hall which now bears his name, Sacquety Hall. Reverend Charles was a friend to the members of the church. His sermons on Sundays touched the lives of all who attended with his inspirational wisdom and his eloquent words.

After leaving St. Wilfrid's, Reverend Charles served as an Archdeacon for the Episcopal Diocese of Los Angeles. Reverend Charles will receive an Honorary Doctorate degree of Divinity from Church Divinity School of the Pacific, in Berkeley, California this year.

Colleagues, please join me today as we recognize the Rev. Canon Charles W. Sacquety on his many years of ministry and the many contributions that he has made to the community and the Episcopal Church and to the parishioners who came to know him as a man of understanding and inspiration.

HONORING MR. MARK MORELLI

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 2000

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today to honor a man whose life-saving work demands our attention and respect. Mr. Mark Morelli, a dedicated member of the Folcroft, Pennsylvania Fire Company has recently been honored for his heroic work during a tragic time. I come before my colleagues to recognize the heroic efforts to Mr. Morelli and congratulate him for being awarded the Valor Award by the Delaware County Firemen's Association.

Mr. Morelli is being honored for his selfless efforts during last September's Hurricane Floyd that caused destruction up and down the east coast. Mr. Morelli was chosen for the Valor Award for saving the lives of three citizens trapped by the flooding waters. He called upon his skills gained during his assignment with the United States Navy by maneuvering a rescue boat against the overwhelming currents to ensure the safety of the stranded people. His courageous duties went beyond the call of duty. All Americans should applaud him for his efforts.

Too often the heroic efforts of our nation's volunteer firefighters go unnoticed by the public. Mr. Morelli's actions exemplify the spirit and dedication of the men and women in the fire service. At a time when many lament the absence of heroes in today's society, I can attest that we can find role models right in our own backyards.

As a fellow firefighter, I applaud Mr. Morelli's unselfish bravery. I want to extend my gratitude to him for putting his life on the line in order to secure the safety of local residents.

HONORING GRAND JUNCTION CITIZEN OF THE YEAR, JAMIE HAMILTON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize the 1999 Grand Junction Citizen of the Year, my friend, Jamie Hamilton.

A man that knows no end when it comes to serving his community, Jamie was awarded the Citizen of the Year award by the Grand Junction Chamber of Commerce. He has donated his time and talents to a list of over twenty-five community and state organizations. This past year alone Jamie served on the Grand Junction Park and Recreation Board, Community Hospital Board, Sober Grad Committee, Lions Club, Grand Junction Chamber of Commerce, JUCO and the Board of Trustees for the State Colleges of Colorado.

Jamie and his wife, Debbie, share a dedication to the community that does not stop with boards and committees. After volunteering all of his time to these organizations, Jamie still finds time to coach little league baseball and baseball clinics for area youths.

He leads by example, never asking an employee to do something that he would not do himself. This outstanding leadership and dedication is a leading factor in the success of Home Loan Insurance where Jamie is the CEO and President.

It is with this, Mr. Speaker, that I would like to offer this tribute to a great community leader and a good personal friend, Jamie Hamilton, in honor of receiving the 1999 Grand Junction Citizen of the Year Award. The Grand Junction community owes him a debt of gratitude for his leadership and selfless service.

CONDEMNING RACIAL AND ANTI-CATHOLIC BIGOTRY

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 2000

Mrs. NAPOLITANO. Mr. Speaker, I am proud to be a co-sponsor of the concurrent resolution, introduced by my colleagues JOHN CONYERS, Jr. and JOSEPH CROWLEY, that condemns the discriminatory practices prevalent at Bob Jones University and all individuals who espouse similar beliefs. As members of a diverse society who desire mutual respect for and by all, we should never let bigotry go unchecked. Bob Jones University has been perpetuating its anti-Catholic and racially bigoted practices and beliefs for decades. It is about time that the institution be condemned.

Bob Jones University claims it is neither racist nor anti-Catholic. However, the University's policies and preachings create an environment where it is permissible to view those of different religions and races as inferior. Once that environment is established, all other forms of discrimination can ensue. In my own state of California, we have witnessed all too often what such an environment can lead to: police brutality, such as that endured by Rodney King; the passage of harsh anti-immigrant measures, such as proposition 187; and the grinding, persistent prejudice that blocks too many hardworking families and individuals from realizing their full potential.

Many people throughout California and across the nation have been working hard to counteract the damage done by thoughts and acts of hatred and intolerance. At a time when we as a nation should be focusing our efforts on healing our wounds, it is troubling that an academic institution would be dedicated to unraveling the fabric of our multicultural society. Our nation will only be weakened if we fail to speak out against policies that seek to divide, segregate and denigrate people on the basis of race or religion.

HONORING JUDGE GERALD SNODGRASS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 2000

Mr. KILDEE. Mr. Speaker, I rise today to honor a longtime community leader, Judge Gerald Snodgrass. On March 2nd, community leaders will join family and friends to celebrate the career of Judge Snodgrass as he marks his retirement after 20 years of service in the field of law, and to the citizens of Burton, Michigan.

In 1969 Gerald Snodgrass began his distinguished legal career, receiving his Juris Doctorate Degree from Texas Southern University. Two years later, he received a degree in Criminal Prosecution from the University of Houston. He eventually made his way to Michigan, where in 1978 he received a Master's Degree in Criminal Justice and Sociology and also post-graduate degrees from the University of Detroit, Western Michigan University, and a degree in Industrial Management from Cleary College in Ypsilanti, Michigan.

Armed with this impressive educational experience, Gerald decided to pursue both law and education. He began a career as an educator, working as an Adjunct Professor at Charles Stewart Mott College, Western Michigan University, and the University of Detroit. He also began his legal career in 1971 as a Senior Assistant Prosecuting Attorney in Genesee County. He was then chosen to serve as a Judge in Genesee County's 67th District Court. During this time he also served as an Alternate Circuit Judge for the 7th Judicial Circuit, a position he held for 18 years. After 20 years of service as a judge, he continued his legal career as a Trial Attorney specializing in criminal law and personal injury cases.

Mr. Speaker, Judge Snodgrass has always tried to ensure that justice was provided to all Americans. That is why every person who appeared before him was treated with the utmost dignity and respect. But I believe what always made Gerald such a special judge and person was the time he spent in the community, visiting the churches, meeting with people of all economic, ethnic, and racial backgrounds. He is responsible for making our community a much better place. It is for this reason that I ask my colleagues in the 106th Congress to join me in congratulating Judge Snodgrass on his retirement.

CONGRESSIONAL TRIBUTE TO FAYE BOYD, ANNA JO HAYNES, COUNCILWOMAN EDNA MOSLEY, STATE SENATOR GLORIA TANNER AND HAZEL WHITSETT

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 2000

Ms. DEGETTE. Mr. Speaker, I would like to recognize the splendid efforts and notable accomplishments of five outstanding women in the African American Community within the 1st Congressional District of Colorado. It is fitting and proper that we recognize these leaders for their exceptional record of civic leadership and invaluable service to our community. It is to commend these outstanding citizens that I rise to honor Faye Boyd, posthumously, Anna Jo Haynes, Councilwoman Edna Mosley, State Senator Gloria Tanner, and Hazel Whitsett.

Faye Boyd touched the lives of many people and made a tremendous impact on our community and those who knew her and worked with her. Faye fulfilled both the spiritual and humanitarian needs of our community through her church, the Shorter Community African Methodist Episcopal Church. She was president of the Women's Missionary Society and shared an international ministry in Central Africa with her husband, Reverend Jesse Langston Boyd. She worked in communications and media and was the author and producer of Christian Music and drama productions.

Faye Boyd devoted herself to protecting the interests and rights of working people as the Deputy Director of the Colorado Department of Labor and Employment and she was instrumental in creating both the Physicians Accreditation and Independent Medical Examiners Programs. She was also well known for working conscientiously and effectively in addressing the needs of various groups and constituencies as the Director of Constituency Outreach for Governor Roy Romer. It comes as no surprise to our community that Faye Boyd was recently honored as one of the "Women of Distinction—2000" by Macedonia Baptist Church for her devotion and extraordinary service to our community.

Anna Jo Haynes has devoted a lifetime to improving the condition of children and families in Denver. She currently serves as the Executive Director of the Mile High Child Care Association and under her direction, the agency now operates thirteen child development centers that truly serve families in Denver's inner-city neighborhoods.

Ms. Haynes began her distinguished career in early childhood during the mid-1960's where she served in a variety of capacities with Head Start. As an educator, she developed a college credit course for training family child care home providers with the Community College of Denver and subsequently developed and provided training for two hundred family child care homes which served as satellites to the Mile High Child Care centers. She directed the development of the nationally recognized television series, "Spoonful of Lovin'."

Anna Jo Haynes has an impressive history of civic leadership. She was the founding Chairperson for the Colorado Children's Campaign and is a past President of the Women's Foundation of Colorado. Ms. Haynes was appointed to the Congressional Caucus for Women's Issues by then Congresswoman Patricia Schroeder and served as a consultant to the White House Conference on Children and Youth. She is the Co-Chair of the City/School Joint Council for Early Childhood Care and Education and chairs the Mayor's Child Care Advisory Committee. Her devotion and service to our community has earned her several accolades and major awards including the YMCA's Martin Luther King Human Dignity Award and the Children's Health and Welfare Award given by the Colorado Chapter of the American Association of Pediatrics.

Councilwoman Edna Mosley has amassed a distinguished record of leadership in our community and with the City of Aurora. She currently serves as an At-Large Member of the Aurora City Council and in that capacity has provided the needed guidance and public policy direction pertaining to city management, finance and budget, transportation, planning and development, and environmental affairs. She has been on the forefront of redevelopment for former military installations in the 1st Congressional District of Colorado and serves as the Vice Chair of the Fitzsimons Redevelopment Authority and has served as an Executive Committee Member of the Lowry Economic Recovery Project.

Councilwoman Mosley has also been an effective advocate for equal opportunity in Colorado and served as the Director of Community Relations for the Colorado Civil Rights Commission, as well as the Director of Community Development and a Board Member for the Urban League of Metro Denver. Her broad range of activities and interests has been a great service to the community as well. She was a founder and board member of the Women's Bank, and has served as the Chairperson of Denver Sister Cities International, the Denver Civic Theater, the Morning Star Senior Day Care Center and Adams County Economic Development, Inc. She has served as a member of the Governor's Trade Mission to the People's Republic of China and the Colorado Supreme Court Nominating Commission.

Her commitment and service has earned her several awards including the Aurora Chamber of Commerce "Woman of the Year Award", the Colorado Broadcaster's Association "Excellence in Broadcasting Award" for Best Sustaining Public Affairs Program, the Martin Luther King, Jr., Holiday Commission Humanitarian Award.

State Senator Gloria Tanner has an eminent history of civil leadership. I had the great privilege of serving with her in the Colorado State Legislature. Senator Tanner has been a trailblazer and is the first African American woman to serve in the Colorado Senate. Currently, she is one of six legislators to serve on the powerful Joint Budget Committee, which formulates the budget for the State of Colorado. Senator Tanner has been a voice for progress in Colorado and has sponsored and passed significant legislation pertaining to civil rights for women and minorities, marital discrimination in the workplace, parental responsibility, worker's compensation cost savings and parental rights for adoptive parents.

In 1998, Senator Tanner was elected President of the National Organization of Black Elected Legislators/Women. She is the founder and past Chairperson of the Colorado Black Women for Political Action and the Chairperson of the Colorado Caucus of Black Elected Officials. She has served on numerous commissions and boards including the Commission on Women, the Governor's Job Training Council, the Economic Development Commission and the Juvenile Justice Committee.

Her devotion and service to the community has earned her numerous awards for her civic and social contributions including the Metro Denver Chamber of Commerce "Leadership Denver" Award and the Colorado Association of Community Centered Boards "2000 Legislator of the Year" Award.

Hazel Whitsett has been on the front lines of progress for over thirty years. She is one of the co-founders and is currently the Executive Director of the Northeast Women's Center. This Center works with women and families to increase opportunity and build self-sufficiency through education, training and employment.

Hazel Whitsett has been a long time activist and has an extensive record of designing and conducting educational programs in the community. Her membership on several boards and commissions including Colorado Kids Ignore Drugs, The Black Church Initiative, The Colorado Black Women for Political Action, The Black Women's Network and the National Council of Negro Women exhibits her strong commitment to community, families and youth. Her devotion and service to our community has earned her several local and national awards including the National Common Cause Public Service Award, the National Council of Negro Women "Women in Excellence" Award, the Colorado Black Women for Political Action "Tribute to Black Women" Award, and the American Association of University Women "Trailblazers" Award.

Please join me in commending Faye Boyd, Anna Jo Haynes, Councilwoman Edna Mosley, State Senator Gloria Tanner and Hazel Whitsett for their courage, dedication and invaluable service to our community. It is the strong leadership they exhibit on a daily basis that continually enhances our lives and builds a better future for all Americans. Their lives serve as examples to which we should all aspire.

HONORING ELSIE COFIELD FOR OUTSTANDING SERVICE TO THE COMMUNITY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 2000

Ms. DELAURO. Mr. Speaker, it gives me great pleasure to rise today to join with the West Haven Black Coalition as they honor my dear friend, Elsie Cofield, with the Distinguished Citizens Award. Elsie, as founder of AIDS Interfaith Network, has demonstrated a unique commitment and dedication to the comfort and care of those members of our community living with AIDS and facing the many challenges of this terrible disease.

An educator for 31 years, Elsie founded AIDS Interfaith Network, an organization dedicated to providing care to New Haven residents afflicted with HIV and AIDS, after her retirement in 1987. Elsie, recognizing the need, focused her attentions on the inner-city. AIDS Interfaith Network provides a full circle of assistance with social service agencies, support groups, individual counseling, transportation, food and clothing—offering both physical and spiritual comfort. Elsie's enthusiasm and passion has improved the quality of life for many residents of New Haven. Beginning with a few volunteers, Elsie built a solid foundation and for eleven years has assisted hundreds of families as they face both life and death simultaneously.

What began as a small, volunteer-staffed program in a small church basement has flourished into a national working model for church-based AIDS programs. Under Elsie's strong leadership and endless faith, AIDS Interfaith Network has grown to hold nine full-time and six part-time employees. "Putting a face to people with AIDS" has been her enduring philosophy and it is this personal approach that has made this program so successful. It is rare to find an individual that demonstrates the personal touch the way Elsie has—every man, woman and child she sees is special to her. She has traveled to hospitals at midnight to hold a hand, attended the funerals of clients she has served, and written commemorative poems memorializing those she has known best.

A myriad of awards and citations adorn her walls—testimony to her undaunted spirit and inspirational dedication. Devoting their attention to predominantly minority families and neighborhoods, AIDS Interfaith Network has caught the attention of local, state, and national organizations. Honors from the Yale Divinity School, State of Connecticut, the National Organization for Women, and an invitation to join President Clinton at his announcement for programs aimed at stemming the spread of AIDS in minority communities all speak to her success. Elsie's commitment to her work is well-known throughout the community and was further affirmed as former New Haven Mayor John Daniels declared October 11, 1990 Elsie Cofield Day.

It is with sincere thanks and appreciation that I stand today and honor Elsie Cofield for her outstanding and invaluable service to our community. She has made a difference in so many lives and has truly distinguished herself as a community member and citizen.

TRIBUTE TO THE LATE PATRICIA HILLIGOSS

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 2000

Ms. WOOLSEY. Mr. Speaker, I am here today to pay tribute to the Honorable Patricia Hilligoss, a community leader, who after years of fighting for Petaluma, California, recently lost her battle with Lou Gehrig's disease.

It's hard to think of Petaluma without thinking "Madam Mayor," as Patty was called.

During my eight years as Petaluma City Councilwoman working with Madam Mayor, I came to respect her hard work on behalf of our city. Even when we didn't see eye to eye, I knew that Patty was doing what she thought was right and what she considered best for the city.

Two of her legacies to our city include affordable housing for seniors and an award-winning general plan. These will continue to make a difference for Petaluma well into the future.

For 12 years, Madam Mayor pounded the gavel at City Council meetings and made numerous trips to Sacramento and Washington to advocate on behalf of our city.

Outside Council Chambers, Madam Mayor continued her advocacy for the residents of Petaluma. She was active with the Petaluma Valley Hospital Foundation, Boys and Girls Club, Committee on the Shelterless, and the Petaluma Visitors Bureau.

Whenever there was an event in Petaluma, you knew Madam Mayor was part of it. From parades to ribbon cuttings to Eagle Scout ceremonies, Patty Hilligoss was a part of Petaluma's life.

She may be gone, but her work for the residents of Petaluma will survive for many years to come.

You will be missed, Madam Mayor.

CELEBRATING THE 60TH ANNIVERSARY OF THE GUNNISON COUNTY PUBLIC LIBRARY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize the 60th Anniversary of the Gunnison County Public Library.

The library assembles, preserves and administers collections of books and related educational and recreational materials to promote the communication of ideas and enrichment of personal lives. It serves as a center of reliable information, supports the Gunnison community and encourages education and recreation through the use of literature, music, media and other forms of art.

The library began as an idea in 1939. The American Association of University Women, AAUW, placed 2,000 volumes of books in the basement of Webster Hall. The community contributed books, magazines, money and manpower to support the organization. Now the Gunnison County Public Library consists of two buildings, reading programs and many other opportunities for community involvement.

When space began to run out for the existing library, efforts to fund raise took priority. Between grants and contributions from the Community, the new library opened in 1974. In 1982, a donation was made to the library to add a music room and a story telling room. The library was formally dedicated and named after Ann Zugelder, the library's main supporter.

Throughout the past sixty years, the Ann Zugelder Public Library has undergone many changes. AAUW continues its support of the library, as it has from the beginning.

The library has also expanded to include a branch in Crested Butte. This branch of the Gunnison County Public Library was originally housed on the second floor of the Crested Butte Elementary School. The library is now located in the Old Rock Schoolhouse, a building that was renovated after many years of vacancy. Public and private funds were raised to make the renovations possible. In 1993, former Colorado Governor Roy Romer dedicated the Old Rock Community Library.

It is with this, Mr. Speaker, that I would like to offer this tribute in honor of the 60th Anniversary of the Gunnison County Public Library. It has served its community well.

MEMORIAL TRIBUTE TO JOHN "JACK" RAHDER

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 2000

Mrs. NAPOLITANO. Mr. Speaker, it is with deepest sympathy that I pay a special tribute to my constituent John "Jack" Rahder, of Whittier, who passed away in an automobile accident on February 10. With his passing, Whittier lost an exemplary citizen—a great husband, father, grandfather and community volunteer.

Jack will be remembered for the tremendous support he gave his wife throughout her career and in her current position as the City of Whittier's Planning Commissioner. Helen was by his side in that tragic car accident and luckily she survived, though with many injuries. We pray for her speedy recovery.

Publicly, Jack will be widely remembered for his tremendous efforts as a volunteer—an endeavor to which he dedicated himself full-time after his retirement in 1990. Through his involvement with community programs at St. Mary's Catholic Church, Jack delivered tons of surplus food and supplies each week from a regional food bank in Los Angeles to low income families in Whittier.

It was fitting that Jack gave so much of his time and energy to a community that was deeply interwoven with his own life. He was born in Whittier on October 17, 1939. His mother, Doris Burton Rahder, was a longtime Whittier resident and 1927 graduate of Whittier High School. As a child, Jack moved to the Central Valley with his family and graduated from Bakersfield High School and the Northrop Institute of Technology. He then worked as an aerospace designer for Boeing and Northrop, and later became a pilot for United Airlines.

Even though he lived in Bakersfield, Jack strengthened his ties with his hometown when he married Helen McKenna, also of Whittier, in 1978. Five years later, they returned to Whittier with their six children.

Jack is survived by his brother Keith, his children David, Robbie, Teri, Chris, T.K. and Katie and ten grandchildren. His family and friends will miss him greatly and to them I extend by sincerest heartfelt sympathy and pray that they will receive God's comforting graces in abundance.

CONGRESSMAN KILDEE HONORS SISTER KATHERINE SEIDENWAND

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 2000

Mr. KILDEE. Mr. Speaker, I rise today to urge my colleagues in the U.S. House of Representatives to join me in paying tribute to an outstanding educator, Sister Katherine Seidenwand. Last year, Sister Katherine, or "Sister Kate" as she is known to friends and family, celebrated her 80th birthday on February 1st, 1999. This year, Sister Kate will attain another milestone, as on March 5, she will celebrate 60 years of service to God, the Catholic Church, and her community.

As a member of The Servants of the Immaculate Heart of Mary, Sister Kate has devoted her entire time toward the field of education. Not only did she function as a teacher and administrator, but by the nature of her position, she was a counselor, spiritual advisor, and friend to many.

Sister Kate's educational ministry began in 1941 at St. Cecilia's Parish, and from there she went on to spread her influence throughout the Southeastern Michigan area, including St. Patrick in Wyandotte, Holy Name in Birmingham, St. Mary of Wayne, St. Mary of Redford, and St. John of Monroe. In 1959, Sister Kate became the founding principal of St. Regis School, and held that position until 1970. After leaving St. Regis, Sister Kate returned to work with the IHM order, as their Community Education Supervisor, but soon found herself returning to an administrative role, as in 1972, she began a 23-year tenure as Co-principal of St. Mary of Redford.

In 1995, Sister Kate changed roles, stepping down as Co-Principal, and becoming an Administrative Volunteer, thereby allowing others to grow and improve based on her personal experiences and insight.

Mr. Speaker, Sister Katherine Seidenwand has inspired many in the field of education. More importantly, she has instilled in them the importance of faith and the joy of God's love. As a former seminarian, studying with her late brother Father Eugene Seidenwand, and as a teacher it is indeed an honor and a privilege for me to pay tribute to Sister Kate. I know that I am a better person for having known her, and our community is certainly a better place because of her presence. She has served our Lord and our community with the greatest devotion and is deserving of our praise.

HONORING THE REMARKABLE CAREER OF LIZ BENNETT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 2000

Mr. GORDON. Mr. Speaker, I rise today to honor the remarkable career of one of the best teachers in the state of Tennessee—Liz Bennett. Mrs. Bennett will retire in April from the Rutherford County School System after 30 years as an educator.

Mrs. Bennett not only taught students, she also taught young teachers how to help their students learn more effectively. After 17 years in the classroom teaching second graders, she took on another role as the coordinator of elementary education. In this capacity, she advised young teachers on the best techniques for helping children to learn.

A whole generation of educators and students have benefited through their association with a person so caring, devoted and energetic to her profession. Her uncanny ability to transfer her knowledge to others has made the Rutherford County School System one of the best anywhere. Mrs. Bennett is, without a doubt, absolutely one of the best teachers I have ever known.

Mrs. Bennett will leave a big void inside Rutherford County's classrooms when she retires in April, but we all can be satisfied in knowing that she has left an indelible mark on the teaching profession. I congratulate Liz Bennett on her admirable and distinguished career and wish her well in her much-deserved retirement.

HONORING A MEMBER OF THE AD 100, ILLYA HENDRIX

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 2000

Mr. MCINNIS. Mr. Speaker, I would like to take a moment to recognize one of Architectural Digest's top one hundred interior designers and architects for the year of 2000. The AD 100 is an international guide profiling outstanding and talented designers and architects from around the world. Architectural Digest publishes this list once every five years. The gifted designer being honored is Mr. Illya Hendrix.

Mr. Hendrix and his partner, Tom Allardyce, founded their design firm in Los Angeles in 1980. For the past twenty years, they have specialized in residential estates. Their innovative designs for architectural structures, their customized interior surfaces, and their choice of exquisite antique furnishings have earned them numerous awards and published features of their projects both in national and international magazines. Their most recent endeavor has been the creation of their own line of furniture and accessories. Their firm employs a full-time support staff to provide quality craftsmanship for each project.

The firm's international clientele is varied and includes notable names from the entertainment and business industries. They take pride in their ability to incorporate into the design the preferences and individual style of each of their clients. This enables the client to make an easy transition when their home is completed. Mr. Hendrix and Mr. Allardyce travel frequently to Europe with their clients in search of the unusual and fine furnishings and objects to create and complement the classic and timeless style that is their trademark.

It is with this outstanding achievement, Mr. Speaker, that I offer this tribute in honor of Illya and his contribution to the international community of architecture and interior design.

SALUTE TO D.C. UNITED, "AMERICA'S SOCCER TEAM"

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 2000

Ms. NORTON. Mr. Speaker, I rise today to congratulate and applaud D.C. United as "America's Soccer Team," which won its third Major League Soccer (MLS) championship while Congress was in recess. It is a well-deserved title, not only because the team is located in the nation's capital, but especially because D.C. United has won three of the four MLS championships offered by the league. Rarely, if ever, has an American team so dominated its sport or displayed greater skill and sportsmanship. Both were in full view last November, when United snared its latest championship in a two-to-nothing victory over Los Angeles.

We, who live in the District of Columbia, are proud that D.C. United took our hometown name. Our hometown soccer team has become the District's version of a triple crown champion that does not know how to lose. D.C. United's victories over the past several years have paralleled the continuing revitalization of the team's hometown. After what our city went through in the 1990s, the team's championship means much more to D.C. than it would to Baltimore or New York, or Atlanta or Los Angeles. D.C. United has taught this town that we, too, can be winners. Now, when Americans and people from around the world visit the nation's capital, they come not only to see our monuments. They want also to see our monumental team.

Our team reflects the nations of the world in a sport that is played by virtually every country in the world. Across the nation and throughout the soccer world, D.C. United fans applaud the team's determination to fight and to win. Today, we salute D.C. United for a job well done and send best wishes to "America's Soccer Team."

HONORING JUDY LACHVAYDER, RECIPIENT OF A 1999 TEACHER ACHIEVEMENT AWARD

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to congratulate Judy Lachvayder, a science teacher at Parma Senior High School in Parma, Ohio, and recipient of a 1999 Ohio Teacher Achievement Award. Ms. Lachvayder is one of ten Ohio teachers to be honored by the Ashland Oil Company for her exceptional accomplishments in teaching.

Judy Lachvayder is an enthusiastic and inspiring teacher. She has three personal teaching principles—know your subject, keep alive, and be inspired. Lachvayder does all these things, and does them well. First, she possesses great knowledge in the subject of science. She is a former Christa McAuliffe grant recipient; a two-time participant in the Human Genome Project; a recipient of the Woodrow Wilson National Fellowship to study neurobiology at Princeton University; an Access Excellence Fellow; and a recent participant in the "Forging a Link" conference of the National Science Foundation. She follows her second principle, "Keep Alive", by staying current with her subject matter and through personal self-discovery and growth. And finally, she stays inspired by challenging her students to get excited about science and to think critically.

Lachvayder says, "Just as new pathways were opened for us by various explorers, teachers help to open new pathways of exploration for their students."

Lachvayder encourages her students to become independent learners with the ability to think both critically and creatively. Her caring and devoted style of teaching is an inspiration.

My fellow colleagues, please join with me in honoring Judy Lachvayder on her receipt of the 1999 Ohio Teacher Achievement Award.

FIFTIETH ANNIVERSARY

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 2000

Mr. UNDERWOOD. Mr. Speaker, I would like to congratulate the Guam village of Mangilao on the occasion of the 50th Anniversary of Mayorship for the municipality. I would also like to pay tribute to four men who, through the past five decades, have devoted and dedicated a substantial portion of their lives towards service to the island of Guam and the village of Mangilao. The Honorable Jesus Cruz Periera, the Honorable Jesus dela Rosa Santos, the Honorable Nicolas Duenas Francisco, and the Honorable Nonito C. Blas are men who have made great contributions to the progress, growth and development of the village of Mangilao.

Mangilao's first mayor, the Honorable Jesus C. Pereira was born in Hagåtña, Guam on November 13, 1920—the son of Manuel Delgado and Josepha Leon Guerrero Cruz Pereira. He was educated at the Guam Institute and the Edmund S. Root Agricultural School and worked as a civil service employee for the United States Navy. In 1944, he enlisted in the Navy and served through 1950.

Having been instrumental in the development of Mangilao into a separate municipality which was formerly part of the village of Barrigada, Mayor Pereira holds the distinction of having been elected as the first mayor to serve the village of Mangilao. His service commencing in 1950, the mayor went on to serve a total of 16 years in this post. During his tenure, he directed Mangilao's growth from a community of 700 to a full fledged village of 3,000 residents. In addition, Mayor Periera played a vital role in the establishment of facilities for the University of Guam, the Guam Community College and the Department of Public Health and Social Services within his village. Holding seniority over the men who have served as Mangilao village mayors, Mayor Pereira, to this day, continues to offer assistance and advice to the residents and leadership of the village of Mangilao.

In 1968, the Honorable Jesus dela Rosa Santos became the second man to be elected mayor of Mangilao. He took office at a crucial time in the village's development. Mayor Santos immediately became his constituency's link to the Government of Guam enabling Mangilao to gain government services and basic infrastructure such as power, water and roads which were unavailable at the time. In addition, he was known for going above and beyond the prescribed duties of his office—dedicating his time and personal funds to needy constituents. As mayor, he was instrumental in enhancing public awareness to Federal Welfare Assistance and other programs designed to benefit eligible constituents.

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She may be gone, but her work for the residents of Petaluma will survive for many years to come.

You will be missed, Madam Mayor.

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CONGRESSMAN KILDEE HONORS SISTER KATHERINE SEIDENWAND

HON. DALE E. KILDEE

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Mr. KILDEE. Mr. Speaker, I rise today to urge my colleagues in the U.S. House of Representatives to join me in paying tribute to an outstanding educator, Sister Katherine Seidenwand. Last year, Sister Katherine, or "Sister Kate" as she is known to friends and family, celebrated her 80th birthday on February 1st, 1999. This year, Sister Kate will attain another milestone, as on March 5, she will celebrate 60 years of service to God, the Catholic Church, and her community.

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Our team reflects the nations of the world in a sport that is played by virtually every country in the world. Across the nation and throughout the soccer world, D.C. United fans applaud the team's determination to fight and to win. Today, we salute D.C. United for a job well done and send best wishes to "America's Soccer Team."

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Tuesday, February 29, 2000

Mr. UNDERWOOD. Mr. Speaker, I would like to congratulate the Guam village of Mangilao on the occasion of the 50th Anniversary of Mayorship for the municipality. I would also like to pay tribute to four men who, through the past five decades, have devoted and dedicated a substantial portion of their lives towards service to the island of Guam and the village of Mangilao. The Honorable Jesus Cruz Periera, the Honorable Jesus dela Rosa Santos, the Honorable Nicolas Duenas Francisco, and the Honorable Nonito C. Blas are men who have made great contributions to the progress, growth and development of the village of Mangilao.

Mangilao's first mayor, the Honorable Jesus C. Pereira was born in Hagåtña, Guam on November 13, 1920—the son of Manuel Delgado and Josepha Leon Guerrero Cruz Pereira. He was educated at the Guam Institute and the Edmund S. Root Agricultural School and worked as a civil service employee for the United States Navy. In 1944, he enlisted in the Navy and served through 1950.

Having been instrumental in the development of Mangilao into a separate municipality which was formerly part of the village of Barrigada, Mayor Pereira holds the distinction of having been elected as the first mayor to serve the village of Mangilao. His service commencing in 1950, the mayor went on to serve a total of 16 years in this post. During his tenure, he directed Mangilao's growth from a community of 700 to a full fledged village of 3,000 residents. In addition, Mayor Periera played a vital role in the establishment of facilities for the University of Guam, the Guam Community College and the Department of Public Health and Social Services within his village. Holding seniority over the men who have served as Mangilao village mayors, Mayor Pereira, to this day, continues to offer assistance and advice to the residents and leadership of the village of Mangilao.

In 1968, the Honorable Jesus dela Rosa Santos became the second man to be elected mayor of Mangilao. He took office at a crucial time in the village's development. Mayor Santos immediately became his constituency's link to the Government of Guam enabling Mangilao to gain government services and basic infrastructure such as power, water and roads which were unavailable at the time. In addition, he was known for going above and beyond the prescribed duties of his office—dedicating his time and personal funds to needy constituents. As mayor, he was instrumental in enhancing public awareness to Federal Welfare Assistance and other programs designed to benefit eligible constituents.

Born in Hagåtña on November 16, 1923, Mayor Santos grew up in the village of Mongmong. He graduated from George Washington High School shortly after the end of the Second World War and commenced government service with the Records and Account Office. He was later employed by the Department of Land Management for sixteen years prior to his election as Mayor.

After the end of his tenure as mayor in 1972, Mayor Santos worked in the private sector, initially for Ricky's Auto Company and later, in 1973, for Citibank. Although he retired in 1984, he has been active in the area of agriculture and is known for imparting his knowledge of the traditional ways of farming and raising livestock. He remains a valued member of the community and has always been willing to contribute towards the benefit of the village of Mangilao.

The Honorable Nicolas Duenas Francisco was born in the village of Mangilao on September 12, 1945—the son of Joaquin Cabrera Francisco and Angustia Tenorio Duenas. Popularly known as "Nick," Mayor Francisco attended Price Elementary and San Vicente Middle School and graduated in 1964 from Tumon High School now known as John F. Kennedy High School. Prior to enlisting in the United States Army in 1966, he worked as an apprentice at an air engineering company, as a community worker for the Department of Public Health and Social Services, and as a youth counselor in the Juvenile Justice Division of the Superior Court of Guam. Nick served during the Vietnam War. In recognition of his valor and distinguished service, he was awarded the Bronze Star and the Purple Heart.

In 1972, he successfully ran for Mayor of Mangilao. He went on to win re-elections for three consecutive terms. As mayor, he was able to secure over 2 million dollar's worth of capital improvement projects for his village. His many accomplishments include the construction of a baseball field, the establishment of the Mangilao Senior Citizens' Center, the completion of over fifty paved roadways, and the naming of over 200 streets within the village of Mangilao.

He served as mayor until 1987 when he was appointed Deputy Director of Civil Defense/Guam Emergency Services Office by then Governor Joseph F. Ada. In addition to his continued involvement with the Guam Babe Ruth Baseball League and the Kiwanis Club, he continues to provide service to the community to this day as a Legislative Aide to the Honorable Mark Forbes, member of I'Liheslaturan Guahan.

The current mayor of Mangilao, the Honorable Nonito C. Blas was born in Hagåtña. Known to many as "Nito," Mayor Blas attended Asan and Agana Elementary School before graduating from George Washington High School in 1957. He went on to enlist in the United States Navy. He served for 24 years and retired in 1980 at the rank of chief yeoman.

Upon his retirement from the Navy, Nito returned to Guam and worked as an alternative sentencing officer for the Superior Court of Guam. In 1988, he was appointed by then Governor Ada to serve in the vacated Mangilao mayor seat. In 1989, Nito was elected to the position which he has held for the past eleven years.

Upon taking office, Mayor Blas continued his predecessor's commitment to capital improvement projects. His efforts have resulted in the repair and installation of guardrails along village roads, installation of street signs, flood control projects, sewer improvement projects, hazard elimination projects and the construction of community and recreational facilities.

A member of several local civil organizations, Mayor Blas has been a very active member of the community. He has made substantial contributions towards the enhancement of youth activities and senior citizens programs in the village of Mangilao. As with his predecessors, Mayor Blas should be commended for his outstanding job in fostering the growth and successfully handling the rapid population expansion and ethnic diversity of Guam's cultural and population centers.

On the occasion of the 50th anniversary of the mayorship of the village of Mangilao, I congratulate the residents of this marvelous community and commend the remarkable mayors who, for the past fifty years, have labored, led and contributed to the growth and development of the village of Mangilao.

HONORING A MEMBER OF THE AD 100, TOM ALLARDYCE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize one of Architectural Digest's top one hundred interior designers and architects for the year of 2000. The AD 100 is an international guide profiling outstanding and talented designers and architects from around the world. Architectural Digest publishes this list one every five years. The gifted designer being honored is Mr. Tom Allardyce.

Mr. Allardyce and his partner, Illya Hendrix, founded their design firm in Los Angeles in 1980. For the past twenty years, they have specialized in residential estates. Their innovative designs for architectural structures, their customized interior surfaces, and their choice of exquisite antique furnishings have earned them numerous awards and published features of their projects both in national and international magazines. Their most recent endeavor has been the creation of their own live of furniture and accessories. Their firm employs a full-time support staff to provide quality craftsmanship for each project.

The firm's international clientele is varied and includes notable names from the entertainment and business industries. They take pride in their ability to incorporate into the design the preferences and individual style of each of their clients. This enables the client to make an easy transition when their home is completed. Mr. Hendrix and Mr. Allardyce travel frequently to Europe with their clients in search of the unusual and fine furnishings and objects to create and complement the classic and timeless style that is their trademark.

It is with this outstanding achievement, Mr. Speaker, that I offer this tribute in honor of Tom and his contribution to the international community of architecture and interior design.

THE NEED FOR A NATIONAL DIALOGUE IN KAZAKHSTAN

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 2000

Mr. BURTON of Indiana. Mr. Speaker, last December President Nursultan Nazarbayev of Kazakhstan was in Washington, D.C. for the annual meeting of the U.S.-Kazakhstan Joint Commission. The purpose of these meetings, which are alternately held in the United States and Kazakhstan, is to promote economic and political cooperation between our two countries. Among other things, the U.S. side regularly presses the government of Kazakhstan to improve its human rights record and undertake economic and political reform.

I understand that U.S. officials pressed the Kazakhstani side especially hard this year, because of the sham parliamentary elections held last October, heightened corruption, and an acceleration of abusive action taken against opponents of President Nazarbayev's increasingly repressive government. In an apparent move to blunt U.S. pressure during the upcoming Joint Commission meeting, President Nazarbayev issued a statement on November 4, 1999 indicating his willingness to cooperate with the opposition in Kazakhstan. He also stated he would welcome the return of former Prime Minister Akhezan Kazhegeldin, the exiled leader of the main opposition party.

On November 19, Mr. Kazhegeldin responded to President Nazarbayev by calling for a "national dialogue" to examine ways to advance democracy, economic development and national reconciliation in Kazakhstan. Similar national dialogues have met with success in Poland, South Africa and Nicaragua. Mr. Kazhegeldin pointed out that convening a national dialogue would be an ideal way to initiate cooperation between the opposition and the government.

However, President Nazarbayev has reacted with stony silence to Mr. Kazhegeldin's proposal. Moreover, Mr. Nazarbayev has reneged on a pledge he made in November to ship oil through the proposed Baku-Ceyhan pipeline, and continues to refuse to settle investment disputes with foreign companies that have lost millions of dollars because the government failed to honor its commitments. Mr. Nazarbayev also arranged to have a "kangaroo court" convict an opposition leader for having the temerity to criticize Nazarbayev's government. Finally, and this is very troubling, an investigation and trial have failed to find anyone to blame for the delivery last year of 40 MIG fighter aircraft from Kazakhstan to North Korea.

Mr. Speaker, the Administration needs to stop turning the other cheek every time Mr. Nazarbayev commits an outrage. The cause of freedom and democracy will continue to backslide in Kazakhstan unless the Administration voices its strong support for a national dialogue similar to the one proposed by former Prime Minister Kazhegeldin. At the very least, the government of Kazakhstan should make one hour a week of state-controlled television available for use by the opposition. The U.S., for its part, should assist the democratic opposition by providing printing presses to replace those that have been confiscated by the government. It is time to stand up for democracy in Kazakhstan and to stop coddling dictators like Nazarbayev.

Mr. Speaker, I would like to submit an article into the RECORD from the Washington Times that speaks volumes about the situation in Kazakhstan today.

[From the Washington Times, Dec. 20; 1999]

DINING WITH DICTATORS—WHITE HOUSE FETES KAZAKH PRESIDENT

(By Thomas B. Evans, Jr.)

For some inexplicable reason the president of Kazakhstan, Nursultan Nazarbayev, has been invited to visit Washington this month by the Clinton-Gore administration.

Mr. Nazarbayev is the same dictator who over the past eight years has created a monopoly of riches for himself, his family and carefully selected friends. He has also lured many investors to his country and then pillaged their assets for himself, his family and a few cronies. Knowledgeable sources say that he is the eighth richest man in the world. This, in a country where the per capita income is well below the poverty level.

Mr. Nazarbayev is the same person who promised Vice President Gore a year ago that he would permit a fair and free presidential election in January 1999 and then rigged the disqualification of his main opponent, thereby eliminating any chance of defeat and ensuring the perpetuation of his corrupt regime. Mr. Nazarbayev is also the same person who has had $85 million in ill-gotten gains frozen by the judiciary in Switzerland. Mr. Nazarbayev is the same individual who ordered the destruction of printing presses used to print newspapers questioning his policies.

And Mr. Nazarbayev's record on human rights is anything but outstanding. There is, quite simply, no freedom of the press, no independent judiciary and no freedom of assembly that could threaten Mr. Nazarbayev's one-man one-family rule in Kazakhstan.

In spite of all the above, Kazakhstan still receives millions of dollars in foreign assistance from U.S. taxpayers and hundreds of millions more indirectly through the Export-Import Bank and international financial institutions in which the United States is a major contributor. Is it not just about time that we let dictators like Mr. Nazarbayev know that we are not going to accept this type of behavior? Is it not past time for us to be taken as fools who don't care about how a country's ruler treats his people and foreign investors? Is Kazakhstan's oil so important to us that we would sacrifice basic principles by inviting dictators to dine with our president and vice presidents? Don't we ever learn lessons from past mistakes? Doesn't anyone in the administration remember how in Indonesia President Suharto's greed, nepotism and general misrule led to his downfall and plunged the country into near chaos? Tolerance of corrupt rule does not contribute to stability. In fact, quite the opposite is true. Have we also learned nothing by cozying up to Victor Chernomyrdin in Russia? Certainly, none of these examples are ancient history.

Surely, this administration does not want to assist in the perpetuation of a regime in Kazakhstan that is the antithesis of all that we stand for as Americans. Both the president and vice president should make it unmistakably clear that the status quo in Kazakhstan is unacceptable.

On Nov. 17, former Prime Minister Akhezan Kazhegeldin, who was prevented from running against Mr. Nazarbayev last January and now heads the leading opposition party (although living in exile in Western Europe), proposed that a national dialogue be launched with a view toward reforming the political and economic system in Kazakhstan and holding free and fair presidential and parliamentary elections. Similar national dialogues were successful in Poland and South Africa. and convening one for Kazakhstan could set the pattern for reform throughout the former Soviet republics of Central Asia. Mr. Clinton and Mr. Gore should emphasize to Mr. Nazarbayev that close cooperation between our two countries depends on his agreement to participate in a national dialogue. They should also insist that in order for a national dialogue to be credible, it must be held outside Kazakhstan and should be organized and monitored with the assistance of respected organizations such as the Council of Europe or the Organization for Security and Cooperation in Europe. Mr. Clinton and Mr. Gore should make support for political and economic reform the centerpiece of their discussions with Mr. Nazarbayev. That is the very least, this administration should do at this point, and that is not an unreasonable expectation on the part of the United States.

A PROCLAMATION COMMENDING CHRISTOPHER J. BARRETT ON HIS PROMOTION TO THE RANK OF MAJOR IN THE UNITED STATES ARMY

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 2000

Mr. NEY. Mr. Speaker, I commend the following to my colleagues:

Whereas, Christopher J. Barrett was recently promoted to the rank of Major in the United States Army; and,

Whereas, Christopher J. Barrett has served as a Military Police Officer in the United States army for eleven years and has demonstrated a steadfast commitment to the preservation of the United States of America; and,

Whereas, in 1991 Christopher J. Barrett served his country in Operation Desert Storm during the Gulf War and the citizens of the United States of America owe Major Barrett a great deal of gratitude for his undying loyalty and dedication to our country; and,

Whereas, the Members of Congress, with a real sense of gratitude and pride, join me in commending Major Christopher J. Barrett on his recent promotion to Major in the United States Army.

HONORING ROBERT M. EPPLEY

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 2000

Mr. GOODLING. Mr. Speaker, I rise today to honor Robert M. Eppley for his many years of service to Cumberland County, Pennsylvania.

Mr. Eppley is currently Chairman of the Board of Supervisors for Middlesex Township, Pennsylvania. He was first elected supervisor of Middlesex Township in 1963. Prior to that, he spent three years as supervisor in East Pennsboro Township. His service in both townships qualifies Mr. Eppley as one of the most senior municipal officials in Cumberland County.

Mr. Eppley has served through eight Presidential administrations and has never missed an opportunity to vote since being qualified to do so. While a Cumberland County committeeman, he served on the County Committee's Finance and Executive Committees and guided Middlesex Township from a farming community of 1,900 people to its present status as a transportation center for the eastern United States. As a committee member and a lifelong public servant, he has dedicated his life to serving our country by bettering our government and political process.

Mr. Eppley has been a Sergeant-at-Arms of the Pennsylvania State Association of Township Supervisors, a Deacon of St. Matthew's United Church of Christ, and a Deputy District Commander and County Commander for the American Legion. He is a member of the Fraternal Order of Eagles, the Mechanicsburg Men's Club, and a charter member of the Enola's Sportsman Club. Mr. Eppley is also a veteran of World War II, having served as a corporal in the Army.

If every precinct had a committeeman that is as involved and dedicated as Bob Eppley, rest assured more Americans would be involved in the electoral and political process. Mr. Speaker, I salute Robert M. Eppley for his lifetime of public service to Cumberland County and his many years of dedication to the betterment of our community.

THE CHANGING FACE OF AMERICA'S FINANCIAL SUCCESS

HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 2000

Ms. DUNN. Mr. Speaker, women are changing the face of America's financial success. Today, there are nearly 8.5 million women-owned businesses in the United States, and they are increasing in number, range, diversity, and earning power. As their companies expand, women business owners employ 18.5 million individuals and produces $3.1 trillion in sales.

Since 1994, the Republican-led Congress has diligently worked on behalf of women business owners. We have instituted a variety of reforms from achieving a balanced budget and modernizing financial services, to easing the burden of unnecessary regulation and taxation. In this new century, we must do everything we can to keep the economy growing and enable women to keep more of their hard-earned dollars.

I would like to take the opportunity to submit an insightful interview, conducted by the Center for International Private Enterprise in their magazine Economic Reform Today, highlighting the positive contributions of women-owned businesses to the U.S. economy.

Businesswomen in the Mainstream

ERT: In recent years, the US and a few other industrial nations have seen very impressive growth in the number of women-owned firms. What do you think is the reason for this rapid increase, and what impact is it having on the US economy?

Mr. DONOHUE: It's very true that the number of women-owned firms has increased phenomenally. In 1997, the US Small Business Administration (SBA) found that women owned 8.5 million small businesses in this country—that's one in every three small businesses! Together, they employ more than 23.8 million people and generate up to $3.1 trillion in sales.

There are many reasons why there has been such a rapid expansion in the number of women in business. First of all, women in general are increasingly better educated than they were a few decades ago. According to the US Department of Commerce, in 1970 only 8% of women completed college, compared with 14% of men. By 1990, that number had risen to 17.6% (compared with 23% of men). Women's educational attainment increased by 4.8% while men's rose by only 2.8%.

In addition to being better prepared, women are also delaying marriage and childbearing in order to enter the workplace—a trend that started in the 1970's. The percent of never-married females ages 20 to 29 rose, in average, by 11.4% between 1980 and 1990. This helped power an increase in productivity from which we are benefiting today.

The impact of these twin social trends has been to increase the influence of women in business—particularly small business. For many women, owning a business and setting their own schedules has been a way for them to reconcile their personal and career goals. Between 1987 and 1996, the number of women-owned businesses grew 78%—and, according to the National Foundation of Women Business Owners, women are starting businesses at twice the rate of men. As a result of this incredible productivity and activity, women-owned firms now employ more people than do the Fortune 500 companies!

ERT: The US Chamber has seen a significant increase in women-owned businesses as a segment of its membership in recent years. Has this changed the organizations in any way?

Mr. DONOHUE: In recent years, the US Chamber has approached this positive situation in two ways. First, we have worked hard to provide resources for businesswomen. For example, throughout 1999 the Chamber is co-sponsoring three national satellite conferences designed to help women entrepreneurs develop winning small business strategies.

These conferences are intended to present women business owners with an excellent opportunity to grow and learn from fellow entrepreneurs and to share their knowledge and experience with colleagues. These conference programs also include a question-and-answer session with the studio audience and call-in participants. Co-sponsors of the series include Edward Jones, the US Small Business Administration, the Small Business Development Center Program, IBM, the American Business Women's Association, and Service Corps of Retired Executives (SCORE).

We have already held two conferences. The first was held May 17, 1999 and offered "Practical Tips for Today and Tomorrow." It featured Jay Conrad Levinson, author of Guerilla Marketing: Secrets for Making Big Profits from Your Small Business and Flori Roberts, an ethnic cosmetic pioneer who now runs motivational seminars. The second satellite conference was held August 30 and focused on how to expand a business. The third in the series—on financing for stability and growth—is set for November 2.

Networking opportunities and new resources have always been a key reason that women have joined the Chamber. But let's face it—whether you're a male business owner or a female business owner, you're still going to have the same interests and concerns when it comes right down to it.

You're still going to worry about high taxes, health care mandates and onerous workplace and environmental regulations that cost business well over $700 billion every year. We understand this, and we fight for all of our members' interests before the US Congress, regulatory agencies, in the courts—and in the court of public opinion. And in our view, that's the main reason why women-owned businesses—and indeed, all of our business members—join together with us.

ERT: How can women business leaders help to shape public policy, and what is the role of public policy in promoting the involvement of women in business?

Mr. DONOHUE: Most women business leaders are so busy running their businesses that they have little time for public policy. But the most important public policy effort that women business leaders can make is to recognize that their interests lie in protecting and improving our system of free enterprise. Taxes, health care mandates and regulations impact every business, and it's important for women—and their male counterparts—to recognize this.

My advice to businesswomen in this country is to get involved. Join your local and state chambers of commerce. Become a member of the US Chamber of Commerce! Find examples of other women who have successfully fought for business and emulate them—for example, the Treasurer of the Board of Directors of the U.S. Chamber of Commerce is Carol Ball, the Publisher and CEO of Ball Publishing Company of Greenville, Ohio. She is a tough, ardent advocate for a pro-business agenda, and we are lucky to have her on board.

When it comes to promoting women in business, I believe that the US government ought to do two things. First, through agencies like the Small Business Administration, it should provide information and act as a clearinghouse for different resources that would be beneficial to women.

Second, I believe that the federal government should create a better climate for enterprise creation. From serious regulatory reform to better bankruptcy laws, pro-business policies will help all business owners, but they will aid women in particular, who, as I previously noted, start businesses at twice the rate of men.

ERT: Women's business associations appear to be growing around the world. How can they make a difference? Do they address special needs of business-women that traditional business associations do not?

Mr. DONOHUE: Women's business associations are an invaluable resource for women at all stages of their careers. The networking possibilities alone make them worthwhile. In addition, some associations offer member benefits such as loans and discounts on business products. These benefits, other resources and networking are major draws for women enterpreneurs.

For example, the American Business Women's Association (ABWA) offers options for every phase of a career. Whether a woman is looking for a promotion, career move, her own business or a way to stay active in retirement, ABWA offers a specific membership program tailored to get her on her way.

But remember, women's business associations and organizations like the Chamber can work together! The Chamber offers conferences and leadership forums to help prepare women for the world of business. And, as I've mentioned before, we also fight for pro-business policies that benefit both men and women.

ERT: In many nations, women-owned businesses are confined to cottage industries and the informal sector. Do you see this changing over time!

Mr. DONOHUE: Yes, I do. As more women in those societies enter the workforce, as they become better educated and as societies become more open, you will see greater numbers of women assume top corporate leadership posts around the world.

ERT: Many women business owners—even the smallest scale entrepreneurs—seek access to global markets and access to potential partners for their goods or services. Are there key ways in which their business associations should be assisting them?

Mr. DONOHUE: I'm very glad you asked that. The scale of international trade today is such that even the smallest of companies, be it an importer or a manufacturer, is operating on a global scale. The US Chamber has long been committed to policies that make it even easier for companies of all sizes to trade. Right now, we have a major international trade education project under way, in which we hope to communicate the benefits of increased trade to the public. By looking beyond our borders, women business owners have an excellent opening to grow their businesses, especially with the advent of information technology, the Internet and e-commerce. At the Chamber, we aim to create an environment so that these companies prosper, and that they take advantage of the opportunities available to them.

ERT: Speaking of technology, how do you foresee the Internet and other information technology boosting the ability of small-scale entrepreneurs—like many women-owned firms—to access international markets?

Mr. DONOHUE: The Internet is one of the most profound inventions of this century. It enables the smallest of small companies to compete with the biggest ones—if they can figure out how to do it.

The Internet confers many advantages on small businesses. For example, small companies can use it to monitor orders and other customer services—and cut costs dramatically. Network connectivity makes it possible for you to hook up your local area network (LAN) directly to the Internet. And a wide-area network (WAN) connection offers multiple simultaneous connections through a dedicated data line, at tremendous savings over individual modems and standard telephone lines. This makes your existing internal email address work as Internet email addresses, and allows you to set up your own Web server (with your own domain name) to provide volumes of information to existing and potential new customers and to take orders on-line.

The Internet also offers small businesses a much wider consumer base. There are 92 million Internet users in North America. The number of women Internet users jumped by 80% in only nine months, passing the 10 million mark. And 55 million people have shopped on the Web for products ranging from books, computers, clothing, CDs, and videos, to cars, car parts and even houses. Those consumers spent $12 billion this year, up from $7 billion last year.

Moreover, the biggest business is . . . business! Companies have spent even more than consumers—about $43 billion on Internet purchases according to Forrester Research. This year, that figure will likely jump to nearly $110 billion. It's no wonder, as the University of Texas reported, that the Internet economy generated $301 billion of revenues in 1998 and created 1.2 million jobs.

In short, to connect with people and businesses in other countries, the Internet can't be beat. And there's nowhere to go but up as more and more nations get wired and go online. E-commerce will be the story of the next century.

LEHIGH VALLEY HERO

HON. PATRICK J. TOOMEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 2000

Mr. TOOMEY. Mr. Speaker, today I rise to pay tribute to one of my constituents, Mr. J. Anderson Daub. Mr. Daub, who owns and operates five car dealerships in my district, recently won the prestigious Time Magazine Quality Dealer Award for outstanding performance. This award is the culmination of a lifetime of hard work for Mr. Daub, who began his career washing cars in his father's dealership at the age of twelve. Through hard work and diligence, he learned how to operate his dealerships successfully, with a commitment to quality and service that won him this impressive award.

In addition to his excellence in business, Mr. Daub also gives much of his time back to the community. He is a board member of the Lehigh Valley Easter Seal Society, the State Theatre for the Arts, and the United Way of the Lehigh Valley. In addition, Mr. Daub is president of the Brown-Daub Foundation, which provides educational and social services to thousands of citizens in my district. I applaud Mr. Daub for his professional achievements and his involvement in his community.

IN MEMORY OF MARY M. BRANNEGAN OF PAWCATUCK, CONNECTICUT

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 2000

Mr. GEJDENSON. Mr. Speaker, I rise today with a very heavy heart to offer a few words in memory of Mary Mullaney Brannegan of Pawcatuck, Connecticut. Mary was my friend and an outstanding public servant in the southeastern Connecticut for decades. She will be missed by countless members of the community whose lives she touched during her long and meaningful life.

Mary was born in Pawcatuck in 1908 and lived in the same house her entire life. Early in her career, she was a teacher in the business department of Stonington High School until her retirement in the 1950s. Over many years, she served as a clerk in the office of probate judge and for a brief period as judge of probate. She was well-known by everyone in Town Hall. Later in life, she was an active volunteer with the Pawcatuck Neighborhood Center, which provides a range of essential services to residents in the community. She was affectionately known as the "daffodil lady" because she sold bouquets of daffodils each year to raise funds for the Center.

Mary was also the pillar of the Democratic party in Stonington for many decades. In this capacity, she helped every Democratic leader—including this member—to understand that our party represents the interest of working Americans who have made this country great. To her final days, she had an acute political sense and understood the pulse of the community better than anyone.

Mr. Speaker, Mary has been widely remembered as a friend, a mentor and a leader. She reached out to every member of the community and had an extended family which is too numerous to count. Everyone who knew her will remember her fondly. I extend my deepest sympathy to her son and daughter. We can take comfort in the fact that Mary Brannegan's memory will endure in Pawcatuck through her many good deeds, years of service and friendships.

BLACK HISTORY MONTH

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 2000

Mr. VISCLOSKY. Mr. Speaker, it is with a great sense of honor that I rise to celebrate Black History Month and its 2000 theme—Heritage and Horizons, the African-American Legacy and the Challenges of the 21st century. As I consider this year's theme, I reflect on this great nation's African-American heritage, and anticipate a multitude of future accomplishments in the new millennium.

As we reflect on the great African-American contributions made to our nation's history, I would like to draw your attention to some individuals who were the first in representing the African-American community in Indiana's First Congressional District: William Burke, the first African-American police officer in Gary; Lonnie Bolden, the first African-American firefighter in Gary; Bernard Carter, the first African-American Prosecutor in Lake County; and Rudy Clay, the first African-American State Senator.

These individuals, the trailblazers for our future leaders, had the courage and initiative to set high aspirations, achieve their goals, and become role models for our youth. We must recognize this great African-American heritage, honor our African-American pioneers and celebrate their accomplishments. However, we must stop there. We are at the dawn of a new century.

A true role model for today's youth is Karen Freeman-Wilson of Indiana's First Congressional District. Karen, a native of Gary, recalls showing her seventh grade report card to her father. Her grades included 5 "A's" and one "B". After indicating his pleasure, her father told her if she brought up the "B" and continued to work hard, she could achieve any goal she could conceive. She became the 1978 valedictorian for Gary Roosevelt High School, the first in her family to attend college, and in 1985, a graduate of Harvard Law School. She then returned to her home in Lake County to confront new challenges as a deputy prosecutor and later a public defender. From 1989 to 1992, she headed the Indiana Civil Rights Commission, guiding legislation which made Indiana the first state in the nation to pass fair housing laws aligned with the federal government's. She also brought Indiana law into alignment with the Americans with Disabilities Act. Karen was appointed a Gary Circuit Court judge in 1994, the first African-American to serve in that position. As a judge, she developed programs to combat drug addiction, gang involvement and teen smoking. In addition, she has worked with Gary pediatrician Dr. Steve Simpson to establish a home for babies born addicted to crack cocaine.

On February 21, 2000, Karen Freeman-Wilson confronted her latest challenge when she was appointed to be the youngest Indiana State Attorney General. As Attorney General, Karen vows to continue her efforts to protect children, the elderly, and victims of rape and domestic violence, while providing quality legal representation of all the people of Indiana.

Karen clearly states that she owes her personal and professional success to many influential leaders and activists who paved the way before her. Now, Karen Freeman-Wilson is paving the way for young African-American children to confront and conquer new challenges.

I would also like to draw your attention to two distinguished African-American youths who have emerged victorious after facing many difficulties and will lead us into the 21st century. Dominic Adams, a junior at Lew Wallace High School in Gary, is currently serving as a Congressional page. Dominic is a member of the male role model program at his high school, head of the school newspaper, and a member of the Christ Baptist Church youth choir.

Another distinguished young person is Andrea Ledbetter, a senior at Emerson High School in Gary. She recently won a national Target scholarship. Andrea is involved in many activities including the Gary Youth NAACP Chapter, U.S. People to People Student Ambassador Program, Big Brothers/Big Sisters Program, Academic Super Bowl team, and Governor O'Bannon's Indiana Point of Youth Program. As a part of a citywide Stop-the-Violence rally in Gary, Andrea was instrumental in recruiting cheerleaders from each of the area high schools to provide routines aimed at increasing the peace. In addition, Andrea is an outstanding academic student, ranked number one in her class with a grade point average of 4.10 on a four-point scale. Andrea and Dominic are fine representatives of their high schools in Gary, of Indiana's First Congressional District, and of Future African-American leaders.

As we celebrate Black History Month, let us all continue our work together. Let us celebrate our country's African-American heritage and commemorate it. Let us address the challenges of the 21st century, encouraging and helping our young African-Americans to achieve success.

BENJAMIN FRANKLIN WATERS' "ENDLESS CHAIN"

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 2000

Mr. JONES of North Carolina. Mr. Speaker, North Carolina has produced many notable individuals and accomplishments. From Andrew Jackson to Michael Jordan and from the first American born child to first in flight. North Carolina has a lot to brag about. There is one North Carolinian in particular who I wish to remember today, Mr. Benjamin Franklin Waters.

Mr. Benjamin Waters was from the small town of Dover, which is located in historic Craven County, North Carolina. In 1907 Mr. Waters received a patent for a revolutionary new invention, which he called "the endless chain." The principle behind his invention is used today as the tracks of our amphibious military tanks and in machinery such as farm equipment.

Mr. Waters invented the "endless chain" as a useful improvement for boats. The original patent specifications give Mr. Waters credit for "propelling mechanism . . . comprise(d of an) endless chain of propeller blades which travel about and below the boat and which are so constructed that water will be prevented from getting behind the blades and thereby retarding the progress of the boat."

As is often the case, it was only by accident that Mr. Waters realized the potential use for his invention on land. He and his brother, Frank Waters, who had helped him build his invention, were out testing their model one Sunday afternoon using a clock spring as a power source. They placed the boat into the water and sent it to the other side, only to have the boat quickly run up the bank and onto land. This amazing discovery led Mr. Waters to begin work on obtaining a new patent for use of his invention on land.

Unfortunately, plans for the new patent were not completed before Mr. Waters was tragically killed at the age of 35. He was deaf and did not hear the oncoming train that would take his life as he attempted to cross the railroad tracks. His family claims that Mr. Waters' workshop was broken into and all of his drawings and sketches stolen soon after his death. Thus he never received credit for the invention's capability and utility on land. In 1924 the right to his patent on water also expired.

However, today, the "endless chain" lives on in daily use by our military, our farmers, and our industries. I wish to officially recognize Mr. Benjamin Franklin Waters and thank him for his ingenuity in providing us the principles of the "endless chain."

INDIA TRIES TO FALSELY IMPLICATE SIKHS IN MURDER OF CHRISTIAN MISSIONARY BY USING ALIAS "SINGH"

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 2000

Mr. DOOLITTLE. Mr. Speaker, the Tribune newspaper of India reported on February 9 that the Indian government has identified the killer of Christian missionary Graham Staines as Dara Singh, but his real name is Rabinder Kumar Paul. The use of "Singh" is a smear against the Sikhs designed to create the impression that Sikhs were somehow responsible for the Staines murder and put the Christians against the Sikhs, promoting India's divide-and-rule strategy against minorities.

The facts do not support this. Staines, an Australian missionary, and his two young sons were burned to death in their jeep. They were surrounded by a mob of militant Hindus affiliated with the RSS, which is the parent organization of the ruling BJP. These fundamentalist Hindus chanted "Victory to Hannuman," a Hindu god, while the Staines family's jeep burned. Yet India wants to create the impression that one person was responsible for this brutal murder and that he is a Sikh.

Mr. Speaker, I am offended by this open manipulation of both Christians and Sikhs. Apparently, India is concerned about the support that leaders of the freedom movements of South Asia have showed for each other. So they have resorted to this divisive strategy to preserve their empire.

The time has come for America, the beacon of freedom, to take strong measures to stop India from pursuing this campaign to turn one minority against another. First, we must cut off our aid to India. We must recognize its violations of religious liberty and impose appropriate sanctions. Then we must declare our support for free and fair plebiscites, under international supervision, on the question of independence for Punjab, Khalistan, for Kashmir, and for Nagaland.

Pitting one group against the other to maintain a corrupt, brutal tyranny is not a democratic or a moral way to behave.

HONORING KING HUSSEIN AND QUEEN NOOR OF THE HASHEMITE KINGDOM OF JORDAN

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 2000

Mrs. CAPPS. Mr. Speaker, today I rise to honor his Majesty the late King Hussein and her Majesty Queen Noor of the Hashemite Kingdom of Jordan and to bring to the attention of my colleagues a special event that will take place on April 6, 2000. On this evening, the Nuclear Age Peace Foundation will sponsor "A Royal Evening for Peace" in Santa Barbara, California.

The Nuclear Age Peace Foundation works to create a more peaceful and secure future for humanity through its projects and activities, and annually honors an outstanding individual in the cause of peace. This year the Foundation will honor the late King Hussein with its prestigious Peace Leadership Award for his courageous efforts in forging an atmosphere of trust and peace in his country of Jordan and throughout the Middle East.

Her Majesty Queen Noor worked with her husband in these pursuits and has carried on this work creating peace in Jordan and around the world. She has worked tirelessly to eradicate landmines, improve the lives of women and children, and promote economic sustainability.

Mr. Speaker, I know that the immeasurable contributions that King Hussein and Queen Noor have made to their country and to the world have changed the course of history. Their dedication to peace and humankind will continue in perpetuity. I thank her Majesty Queen Noor on behalf of the 22nd Congressional District of California and I am honored by her visit.

IMF REFORM ACT OF 2000

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 2000

Mr. SAXTON. Mr. Speaker, today I am introducing legislation to fundamentally change the way the International Monetary Fund (IMF) operates. The bill is an outcome of a 2-year JEC research program that has included eight Joint Economic Committee (JEC) studies and reports and 5 hearings on the IMF and its operations. The bill, entitled the "IMF Reform Act of 2000," expands on my IMF Transparency and Efficiency Act of 1998, a version of which became law in that year.

The legislation I am introducing today builds on previous efforts to provide more transparency and efficiency in IMF operations. The IMF is far too secretive and its use of pervasive interest rate subsidies is economically indefensible. IMF finances must become transparent, and its policy of extremely low interest rates, currently under 5 percent, for countries such as Russia and Indonesia must be ended. Such uncreditworthy countries should not be able to borrow at interest rates below the cost of funds of IMF donors such as the United States.

My bill would mandate IMF financial transparency and IMF lending at market interest rates, and would also reduce the maturity of loans to less than one year. IMF lending would be restricted to crisis lending only. Furthermore, IMF lending safeguards are needed to end the IMF traditional "see no evil, hear no evil" approach to potential corruption. The IMF's continued lending to countries that have falsified loan documents or other information is very hard to justify to taxpayers. Strict accounting controls and safeguards should be instituted to prevent misuse, and if insufficient further lending should be halted.

This bill would also improve transparency by requiring a reorganization of the public financial statements of the Fund. As a former IMF research director recently observed, "the Fund's jerry-built structure of financial provisions has meant that almost nobody outside and, indeed, few inside, the Fund understand how the organization works, because relatively simple economic relations are buried under increasingly opaque layers of language. This is the very point I have made for over two years in pressing for greater transparency in IMF finances, and it is good to see agreement on this point.

Over the last two years our research at the JEC has uncovered a number of fascinating facts about how the IMF is financed, IMF subsidies, and IMF lending practices. I look forward to a substantive and vigorous debate on IMF reform based on this research and facts. There will be other points of view and other legislative ideas, but I am convinced that this bill includes the right basic ingredients of IMF reform. As usual, I plan to use every opportunity to advance these ideas into law, as with the IMF reforms enacted into law in 1998 and 1999.

268TH BIRTHDAY OF GEORGE WASHINGTON

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 2000

Mr. GILMAN. Mr. Speaker, earlier this month we marked the 268th anniversary of the birth of the Father of our Nation, General George Washington.

It is regrettable that the establishment of "President's Day" as a national holiday has put onto the back burner the remarkable achievements of this incredible, irreplaceable American. I understand that one of our automobile companies commemorated "President's Day" by having an actor disguised as General Washington blow out 269 candles on a faux birthday cake. Considering that this auto company couldn't be bothered to get the number of the year correct, we can imagine to our consternation the other injustices perpetrated against the man who was "first in war, first in peace, and first in the hearts of his countrymen."

Last week, I was honored to be asked to deliver brief remarks at the celebration of Washngton's Birthday at the Masonic Historic Site in Tappan, NY, in Rockland County in my Congressional District.

I would like to share with my colleagues my remarks delivered at that time, and insert them into the RECORD at this point:

REMARKS BY REP. BENJAMIN A. GILMAN, 20TH DISTRICT—NY, FEBRUARY 20, 2000

Right Worshipful Ambrose R. Kurtzke; Right Worshipful Grand Chaplain John H.R. Jackley Jr.; Brother Masons; Friends:

We are gathered today, as we have gathered every February, to commemorate the birth of the greatest American of all time, and our Brother Mason, General George Washington.

Two hundred years ago this month, Masonic Lodges throughout the United States gathered to pay tribute to President Washington's 268th birthday. Those commemorations in the year 1800 were bittersweet, for Brother Washington had passed away two months earlier, having died of what was apparently a strep throat on December 14, 1799.

Soon after his death, Richard Henry Lee, a Congressman from Virginia, declared on the floor of Congress that Washington was "first in war, first in peace, and first in the hearts of his countrymen."

No truer words were ever spoke.

George Washington's record as our nation's Commander in Chief during our War for Independence was incredible. With a small, ragged force, he skillfully brought the greatest military power on the face of the earth at that time to its knees. He did this despite the fact that his Army was ill equipped, ill financed, and that he was constantly the target of intrigues to replace him.

At the end of the Revolutionary War, Washington set an example for all time by refusing to allow his Army to set him up as dictator of the United States—a temptation that no military ruler in other nations has been able to resist.

He turned down the crown of the United States at his New Windsor encampment, just a few miles north of here, in Orange County, NY.

In peacetime, George Washington lent his great prestige to the cause of establishing a strong central government. Many historians contend that our Constitution would never have been ratified had not our state governments been confident that George Washington would be our first president.

And, Brother Masons, I regret to note that in the face of some revisionist historians out to make a name for themselves by denigrating Washington's good name, it has become our responsibility to make certain that George Washington remains "first in the hearts of our countrymen."

It is our task and responsibility to make certain the truth about this saintly man will not be forgotten.

Have a happy Washington's birthday. Thank you and God Bless!

A SALUTE TO HAROLD TAYLOR

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 2000

Mr. STARK. Mr. Speaker, I rise today to pay tribute to a good friend of mine, Harold Taylor. He is an advocate for all ages who provides leadership and inspiration to many in my 13th Congressional District of California. Both Harold and his wife, Marie, dedicate a great deal of time and effort helping people and organizations in their community.

Harold's involvement spans a wide variety of activities. He has held leadership positions with the Boy and Girl Scouts, the American Association of Retired Persons (AARP), and the California Retired Teachers' Association (CRTA). In addition, Harold has spent over twelve years advocating health insurance issues for seniors on the state level.

In his work for the California Retired Teachers, Harold demonstrated true leadership in educating and lobbying Members of Congress for a correction in the Medicare Part A Hospital buy-in provision, which will help thousands of retired teachers obtain affordable health insurance. His lobbying and persuasive presentations were the key to several hundred million dollars worth of improvements in the program for teachers nationwide, and especially those in California.

Educating and interacting with children has always been a priority for Harold. He spent thirty-four years teaching physical education and special education classes to elementary school children. Additionally, Harold has coached basketball and little league, taught Sunday school, acted as a youth group counselor, and has worked with the San Lorenzo Community Organizing Committee.

One of Harold's most recent successes has been his involvement in planning a fundraiser for the Family Emergency Shelter Coalition (FESCO). Two years ago, the Volunteer Center announced it would not be holding the annual Human Race Walkathon, FESCO's largest fundraiser. Being his usual take-charge self, Harold announced that FESCO could do the walkathon on its own, and so was born the Shelter Shuffle. Harold's great leadership and organizational skills made the Shelter Shuffle FESCO's most successful walkathon ever.

All of Harold's contributions and successes have not gone unrecognized over the years. His fame started many years ago when he was inducted into the Athletic Hall of Fame in Chico for basketball and track. His dedication to improving and expanding the Boy Scouts in the Tres Ranchos area awarded him the Silver Beaver Award, one of Scouting's highest honors. Finally, last year, Harold was nominated for an award at Hayward's Volunteer Dinner in recognition for his service.

Harold's love and interest in helping and interacting with others continues to be the force behind his dedication and his actions. I ask my colleagues to join with me today in recognizing and honoring Harold Taylor as a true leader whose example inspires others to work towards a greater good in their communities.

FAMILY AND MEDICAL LEAVE

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 2000

Mr. BEREUTER. Mr. Speaker, this Member highly commends and submits for the RECORD this February 15, 2000, editorial from the Omaha World Herald regarding attempts by the Clinton Administration to require businesses to provide paid family and medical leave for employees.

[From the Omaha World-Herald, Feb. 15, 2000]

NO ONE THERE TO PAY

Government-mandated family leave policies cause a particular difficulty for people who want government to do a great deal more to make life comfortable: No readily tappable reservoir of money exists to conveniently cover the costs.

Currently people must go without pay if they exercise their rights under the 1993 federal law entitling them to 12 weeks away from work each year for family reasons. The time off can be used to care for a sick family member or bond with a newly adopted or newborn child.

The original promoters of family leave in the 1980s said "No, never" when they were accused of planning to slip in a paid-leave requirement later. Now, predictably, "No, never," has turned into "Unfair—some people can't afford to take time off without pay."

However, a majority of Congress has never bought into the idea that government should force employers to keep the paychecks coming for extended family leave. Moreover, the thought of taxing the general public has also been a non-starter—it raises such questions as why a family that sacrificed to have a stay-at-home caregiver should pay higher taxes to subsidize the paid leave of a two-earner family.

Thus when President Clinton came around to paid family leave on the list of social programs he wants to leave as a legacy, he used an indirect approach. He said he would ask Congress for $20 million in grant money to encourage state governments to find a way to pay people who took time off. He had previously suggested raiding accounts currently used to compensate the jobless and temporarily disabled workers—accounts that in many states are flush because of economic growth and low unemployment in recent years. But other creative ideas are encouraged, he said.

It's always easy to be generous with someone else's money, but in our opinion Congress shouldn't even start down that road. Unemployment and disability funds aren't a windfall and shouldn't be treated as one. Much of the money in the fund resulted from a special tax collected only from businesses. Industries with a history of more layoffs paid proportionately more.

In theory, the special tax rates are lowered when a healthy balance exists in the jobless accounts. Businesses would have a legitimate complaint if they were forced to continue to pay because the fund was drawn upon for reasons other than those for which it was established. And what happens if a recession sends unemployment soaring and the fund is drawn down to pay for family leave? How healthy would it be to raise business taxes still higher at the very time the vitality of the job-producing sector is under stress?

The president showed a glimmer of understanding when he noted that his widowed mother was able to get job training because his grandparents cared for him while she attended school. No federal mandates were involved. But Clinton quickly dismissed the significance of that saying that his family had been lucky. He contends that a federal mandate is needed because not everyone has that kind of luck.

As past editorials in this space have noted, Clinton's lack of firsthand experience with the private sector undermines his credibility on workplace issues. He said no American worker should have to choose between job and family. But such choices are made all the time. Balancing the various parts of one's life is a normal part of adulthood.

And it's by no means a one-sided choice. Long before family leave was invented as a liberal political cause, fathers and mothers were dealing with such issues with the help of extended families, carefully scheduled vacations, generous workplace friends and kind neighbors.

Sympathetic employers—the kind whose existence is seldom acknowledged by the left—also played a role in helping people manage. Competitiveness was also a factor. In a 1987 survey, 77 percent of 1,000 companies indicated that they already had formal or informal family leave policies. In some cases, employees were compensated while taking time off.

So, long before Congress passed the original family leave law, the private sector was already moving forward. It would be interesting to know if this initiative has accelerated—or slowed—in the years since the government served notice that it was taking over the field.

HOUSING FINANCE REGULATORY IMPROVEMENT ACT OF 2000

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 2000

Mr. BAKER. Mr. Speaker, today, Chairman LEACH and I introduce a bill to improve the regulation of the three housing GSEs: FannieMae, FreddieMac, and the Federal Home Loan Banks.

The bill is designed to implement a GAO recommendation to consolidate GSE regulation into one independent board. Currently, three agencies regulate the three housing GSEs. The Federal Housing Finance Board regulates the Federal Home Loan Banks for safety and soundness and mission compliance. HUD regulates the mission compliance of FannieMae and FreddieMac; the Office of Federal Housing Enterprise Oversight regulates them for safety and soundness.

Based on several studies it conducted, GAO found that the creation of a single regulator to oversee both safety and soundness and mission compliance of the housing GSEs would lead to improved oversight. GAO identified these advantages:

A single regulator could be more independent and objective than the separate regulatory bodies and could be more prominent than either OFHEO or FHFB.

The regulators' expertise in evaluating GSE risk management could be shared more easily within one agency.

A single regulator would be better positioned to be cognizant of specific mission requirements, such as special housing goals or new programs, and should be better able to assess their competitive effect of all three housing GSEs and ensure consistency of regulation for the GSEs.

GAO analyzed different regulatory structures that could be used for a single housing GSE regulator. It found that an independent, arm's-length, stand-alone regulatory body headed by a board would best fit its criteria for an effective regulatory agency. GAO cited these advantages:

An independent regulatory body should be positioned to achieve the autonomy and prominence necessary to oversee the large and influential housing GSEs.

Using a board would enable Congress to provide for representation that could help ensure the regulator's independence and provide appropriate balance and expertise in the regulators' deliberations of both safety and soundness and mission-related issues.

A board could be structured to provide equal links to HUD, due to its role in housing policy, and Treasury, due to its roles in finance and financial institution oversight.

I believe that an independent board consisting of five persons, including representatives from HUD and Treasury, is a more effective oversight agency for the three housing GSEs than the current regulatory system. The Federal Home Loan Banks, FannieMae, and FreddieMac have essentially the same mission: to provide access to mortgage credit for families throughout the United States. We should not have inconsistent regulations for them.

In short, the bill seeks to improve supervision and to diminish the systemic risk of FannieMae, FreddieMac, and the Federal Home Loan Banks. The provisions in the bill intend to do the following:

1. Consolidate regulation of the three housing GSEs.
2. Reform the approval process for new GSE initiatives.
3. Limit GSEs' non-mission related investments.
4. Remove each GSE's line of credit with the Treasury.
5. Impose uniform risk-based capital requirements on the GSEs.
6. Require annual credit ratings of each GSE.
7. Puts into statute the current GSE practice of maintaining the conforming loan limit to reflect downward movement in average home prices.
8. Equalize the capital treatment of GSE and private-label mortgage-backed securities.
9. Study the exposure of the deposit insurance funds to GSE failure.
10. Gives authority to the new regulator; the power to appoint a receiver in case of GSE failure.

Times of crises are never the best time to act because the focus is on past problems rather than on future risks. We must not forget the painful lessons from the 1980s. Taxpayers can be put at risk during systemic downturns in economic activity. The recommended actions in my legislation are intended to protect your constituents from payiing another tax dollar for events beyond their control, even in the case of GSEs. It is best to act now while our GSEs are healthy.

The housing GSEs are large and growing larger. The total obligations of the three housing GSEs is about half of our $5.6 trillion federal debt. To assure they remain healthy throughout economic downturns and that taxpayers are never called upon to bail out GSEs, my bill aims to improve their supervision.

I hope that the House of Representatives consider the merits of my legislation as I conduct a series of hearings.

SECTION BY SECTION ANALYSIS

A Bill to consolidate and improve the regulation of the housing-related government-sponsored enterprises and for other purposes

TITLE I—HOUSING FINANCE OVERSIGHT BOARD

SUBTITLE A—IMPROVEMENT OF SUPERVISION

Sec. 101. Establishment of Board

The Housing Finance Oversight Board is established as an independent agency in the executive branch. The Board succeeds to the authority of the Director of the Office of Federal Housing Enterprise Oversight (OFHEO), the Federal Housing Finance Board (FHFB), and the Secretary of Housing and Urban Development (HUD) in regard to the enterprises (Fannie Mae and Freddie Mac).

The Board consists of five full-time members, including the Secretary of HUD, the Secretary of the Treasury, and three U.S. citizens appointed by the President and confirmed by the Senate for a term of six years.

The appointed members must have extensive experience or training in housing finance, financial institution regulation, or capital markets. Not more than three members may be from the same political party.

No Board member may hold any office, position, or employment with any FHLBank, enterprise, or FHLBank member, or hold stock in any FHLBank member or enterprise.

The President designates an appointed director to serve as Chairperson of the Board. The Chairperson carries out the Board's policies, acts as spokesperson for the Board, and represents the Board in its official relations with the federal government. The Chairperson acts as chief executive officer of the Board, responsible for the operations and management of the Board.

Sec. 102. Duties and Authorities of Board

The Board's principal duties are to ensure that the enterprises and the FHLBanks operate in a financially safe and sound manner, carry out their mission, and remain adequately capitalized. The Board also exercises general supervisory and regulatory authority over the enterprises and the FHLBanks.

Sec. 103. Public disclosure of Information

The enterprises and the FHLBanks are required to publicly disclose at least annually financial, business, and other information that the Board determines is in the public interest because the information would increase the efficiency of the secondary mortgage market or the housing finance system.

Sec. 104. Personnel

The Board may not delegate any function to any employee, administrative unit of any FHLBank, or joint office of the FHLBank System.

Sec. 105. Assessments

The Board may annually assess the enterprises for reasonable costs and expenses, without Congressional appropriations approval. Receipts from Board assessments on the FHLBanks must be deposited in the same Treasury Department Fund as assessments on the enterprises.

Sec. 106. Public Disclosure of Final Orders and Agreements

Public disclosure requirements of orders and agreements concerning the enterprises are extended to the FHLBanks.

Sec. 107. Limitation on Subsequent Employment

The two-year limit on subsequent employment of former Board officers or employees by the enterprises is extended to the FHLBanks.

Sec. 108. Regulations

The Board must issue any regulations and orders necessary to carry out its duties.

Sec. 109. Termination of authority of HUD

The Secretary of HUD's general regulatory authority over the enterprises is removed, including affordable housing goals. HUD retains Fair Housing Act responsibilities.

Sec. 110. Approval of Board for New Activities

The Board has the authority to approve new activities and to review ongoing activities of an enterprise or a FHLBank to ensure legal compliance.

An enterprise or FHLBank may not commence any new activity before obtaining the Board's approval. New activity is defined for the enterprises and the FHLBanks, respectively. The Board may approve a new activity only if it is authorized by law, the Board determines the enterprise or FHLBank can conduct the new activity in a safe and sound manner, and the Board determines the new activity is in the public interest.

An enterprise or FHLBank proposing to implement a new activity must submit to the Board a written request for approval; the Board will publish this request in the Federal Register for at least a 30-day public comment period. Within 90 days of Federal Register publication, the Board will approve or deny the request. If the Board denies a request, the enterprise or FHLBank may seek judicial review of the decision.

Sec. 111. Limitation on Nonmission-related Assets

The Board must limit the nonmission-related assets that the enterprises and the FHLBanks may hold at any time.

Sec. 112. Conforming Loan Limits

Puts into statute the current GSE practice of maintaining the conforming loan limit to reflect downward movement in average home prices.

Sec. 113. Definitions

Inserts the new Board in the Definitions section.

Sec. 114. Supervision of Federal Home Loan Bank System

Makes the FHLBanks subject to the supervision and regulation of the Board.

Sec. 115 Amendments to Title 5, U.S. Code

Strikes Director of OFHEO and Chairperson/Directors of FHFB and inserts the new Board, with regard to executive schedule pay rates.

SUBTITLE B—REDUCTION OF SYSTEMIC RISK

Sec. 131. Annual Review of Enterprises by Rating Organizations

The Board will annually provide for two nationally recognized statistical rating organizations to assess the financial condition of each enterprise, each FHLBank, and the FHLBank System to determine the level of risk that they will be unable to meet financial obligations, taking into consideration the legal status that those obligations are not guaranteed by the United States. These assessment must include assigning a credit rating, using a scale similar to what the organizations use for the obligations of other financial institutions.

Sec. 132. Annual Reports

Requirements for annual reports and enforcement action reports concerning the enterprises are extended to the FHLBanks.

Sec. 133. Risk-based Capital Test for Enterprises

Allows the Board to make changes in the stress period circumstances of the risk based capital test for the enterprises.

Sec. 134. Effective Date for Supervisory Actions

Shortens from one year to six months the effective date for supervisory actions applicable to undercapitalized enterprises, subsequent to the risk based capital test taking effect for the enterprises.

Sec. 135. Appointment of Receivers

If an enterprise is critically undercapitalized or a FHLBank does not comply with its leverage and risk-based capital requirements, the Board may appoint a receiver to liquidate or wind up the affairs of the enterprise or FHLBank.

Sec. 136. Repeal of Treasury Lines of Credit

Repeals the $2.25 billion line of credit from the Treasury Department for each enterprise and the $4 billion line of credit from the Treasury Department for the FHLBanks.

Sec. 137. Board Membership on Federal Financial Institutions Examination Council

Makes the Board a member of the Federal Financial Institutions Examination Council (FIFIEC).

Sec. 138. Elimination of Super-lien for Federal Home Loan Banks

Eliminates the priority given a FHLBank's security interest in the assets of a member financial institution that fails.

Sec. 139. Federal Home Loan Bank Finance Corporation

Establishes a FHLBank Finance Corporation as a federally-chartered instrumentality to issue and service the debt obligations of the FHLBanks. Management of the Corporation is vested in a board of directors, with each FHLBank having one representative (an officer or director of the FHLBank) on the Board. Consolidated obligations issued by the Corporation shall be the joint and several obligations of all the FHLBanks.

Sec. 140. Capital Treatment of Private Label Mortgage-backed Securities

Expresses the sense of Congress that proposed agency rules addressing the treatment of privately issued mortgage backed securities under risk-based capital requirements are appropriate and the final rules should not be significantly altered.

Sec. 141. Study of Effects of GSE Failure on Depository Institutions

The Federal Deposit Insurance Corporation, in consultation with the Federal Reserve Board, will conduct a study of the existing exposure of depository institutions to default or failure of the enterprises and FHLBanks and the effects such failures would have on depository institutions. The study will determine: (1) the extent of equity, debt, and mortgage-backed securities issued by the GSEs that is held by depository institutions; (2) the likely implications for depository institutions arising from such holdings if any GSE fails to meet risk-based capital requirements, is more severely undercapitalized, or defaults on its financial obligations; and (3) the effects on the financial exposure of depository institutions to GSEs from restricting loans to a single borrower.

SUBTITLE C—GENERAL PROVISIONS

Sec. 161. Conforming and Technical Amendments

Amends statutes to insert the new Board.

Sec. 162. Effective Date

The effective date is 270 days following enactment.

TITLE II—TRANSFER OF FUNCTIONS, PERSONNEL, AND PROPERTY

Sec. 201. Abolishment of OFHEO and Federal Housing Finance Board

The OFHEO and the FHFB are abolished, effective 270 days following enactment. Various issues are addressed to facilitate an orderly transfer of functions to the Board.

Sec. 202. Continuation and Coordination of Certain Regulations

All OFHEO, FHFB, and HUD (related to the enterprises) regulations and orders in effect upon abolishment must remain in effect and be enforceable by the Board until determined otherwise.

Sec. 203. Transfer and Rights of Employees of Abolished Agencies

OFHEO and FHFB employees will be transferred to the Board. Such employees are guaranteed a position with the same status, tenure, grade, and pay as previously held. Each employee cannot be involuntarily separated or reduced in grade or compensation for 18 months following the transfer, except for cause or temporary employee status. Membership in employee benefit programs is also retained for 18 months.

Sec. 204. Transfer of Property and Facilities

Upon abolishment, all OFHEO and FHFB property transfers to the Board.

INTRODUCTION OF CIPRIS CORRECTION BILL

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 2000

Mrs. MINK of Hawaii. Mr. Speaker, I rise today to introduce a bill that will repeal a burden being placed on our colleges and universities.

In 1996, Congress enacted the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) directing the INS to establish an electronic tracking program to monitor foreign students and scholars in the United States.

The Coordinated Interagency Partnership Regulating International Students, CIPRIS as it is called, was established to enable colleges, universities and exchange programs to report information electronically to the INS, the Department of State, and the Department of Education.

CIPRIS is funded through a $95 fee imposed on each student and visitor enrolled in higher education institutions or exchange programs.

Section 641(e) of IIRIRA requires that colleges and universities and exchange programs collect and remit this $95 fee for each of these foreign students or exchange visitors.

This mandate places an inappropriate, costly, and unenforceable burden on our colleges and universities. Moreover, it establishes a dangerous precedent by requiring higher education institutions to act as collection agents for the federal government.

Significant financial costs will have to be undertaken by our colleges and universities to carry out this mandate. Thus, the collecting, processing, and remitting of CIPRIS fees will force universities to redirect resources away from educational endeavors to defray the additional costs of this mandate or it will result in higher educational costs for all students.

My bill corrects this problem by repealing Section 641(e) of IIRIRA. By repealing this section, foreign students will be responsible for remitting this fee to the government.

The colleges and universities will not serve as a collection agency for the government.

This bill will relieve our higher education institutions of a costly and timely burden and will allow them to spend time on what is most important—educating our youth.

I strongly urge my colleagues to join me in support of this measure.

CONGRATULATING M. NIGHT SHYAMALAN FOR HIS ACHIEVEMENTS IN THE SIXTH SENSE

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 2000

Mr. HOEFFEL. Mr. Speaker, I rise today to congratulate M. Night Shyamalan on the success of his film, the Sixth Sense. This film was recently nominated for an Academy Award for best picture of the year, and Mr. Shyamalan, a resident of Conshohocken in the 13th congressional district of Pennsylvania, was nominated for best director and best screenplay. I would like to recognize Mr. Shyamalan for his superior work in the field of filmmaking and writing.

Mr. Shyamalan's career did not begin with The Sixth Sense. Growing up in Montgomery County, in the suburbs of Philadelphia, his early passion for filmmaking began at the age of eight, when he was given his first super eight camera. By the age of 10, filmmaking had captured his heart. It was then that he started making short films, finishing forty-five by the age of 16. In 1992, following NYU film school, he made his first independent film, Praying With Anger, which he wrote, directed, starred in and produced. His next film was Wide Awake, which was set in his hometown of Philadelphia and was also successful. His third feature film, The Sixth Sense, became a surprise hit in the summer of 1999, ranking second in box office earnings. Recently, he also wrote the screenplay for Stuart Little.

The Sixth Sense is an incredible film that is surreal, emotional, entertaining and mystifying. The movie showcases the great city of Philadelphia, celebrating many of its wonderful facets. In addition to the Academy Award nominations, Mr. Shyamalan has been nominated for the Chicago Film Critics Association Award for Best Screenplay, a Directors Guild of America Award for Outstanding Directorial Achievement in Motion Pictures, a Golden Globe for Best Screenplay, and he won a Golden Satellite Award for Best Screenplay.

Even with his success, Mr. Shyamalan handles himself with grace and humility. He has established a reputation for integrity and commitment to his community. He has creative and innovative approaches to filmmaking that have set him apart as a leader in the entertainment community. He has given us a sense of appreciation of the greater Philadelphia area in a unique and truly special film. We look forward to his next movie, Unbreakable, which has also been filmed in Philadelphia, and is due out soon. I know we will be hearing a lot more from M. Night Shyamalan in the future and I wish him much success.

IN RECOGNITION OF YESHIVA SCHOOLS AND DR. CYRIL WECHT

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 2000

Mr. COYNE. Mr. Speaker, I rise today to acknowledge an event that recently took place in my district. Dr. Cyril H. Wecht, a leading authority on medical and legal issues, was honored at the Yeshiva Schools Annual Dinner on February 20, 2000.

The Yeshiva School has been recognized nationwide as a Blue Ribbon School for its excellence in education. For over 50 years the school has been a contributor to the education of Pittsburgh's young people, a leader in continued achievement for Pittsburgh, and an institution in which all of Allegheny County can be proud.

Dr. Cyril H. Wecht, a resident of Allegheny County since childhood, is a graduate of the University of Pittsburgh and received both his medical and law degrees there, as well. He is Allegheny County's coroner, and president of the medical staff at St. Francis Hospital. He is also a professor at the University of Pittsburgh and an adjunct professor at the Duquesne University School of Law. Dr. Wecht directs the Pittsburgh Institute of Legal Medicine and is a fellow of the College of American Pathologists and the American Society of Clinical Pathologists. Dr. Wecht served as a captain in the United States Air Force. He has written several best-selling books and published over four-hundred papers. He has been a leader in Democratic politics and government in Allegheny County. He is a supporter of Jewish organizations and institutions.

Dr. Wecht has been the recipient of many awards, including: the Meah Club Award from the Hebrew Institute of Pittsburgh; the Humanitarian Award from the Jewish War Veterans, Pennsylvania Department; the Man of the Year Award from the Israel Bonds ZOA; and the Hall of Fame Award for Outstanding Achievements in Professional, Communal and Governmental Activities by B'nai B'rith District Three. Also, he received the Lifetime Achievement Award from B'nai B'rith Areas of Western Pennsylvania, Western New York, West Virginia, and Ohio and was recently named in Who's Who in Israel.

I congratulate Dr. Wecht and wish both him and the Yeshiva Schools continued success.

ONLY SON KILLED: $50,000 HOSPITAL BILL AWAITS FAMILY WITH $30,000 INCOME

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 2000

Mr. STARK. Mr. Speaker, of all the unspeakable sadness in the world, losing one's child has to be the greatest.

But in America, we often compound the pain with family bankruptcy.

The following article by Dennis Rockstroh from the San Jose Mercury of February 18, 2000 describes how "tragedy hits family doubly hard,' in the case of the death of Eleazer Gamez, Jr.

What is wrong with us? Why can't we find in this time of wealth and prosperity a way to provide all our residents with health insurance and to remove at least the financial disaster of medical care. The goal of universal coverage should be the highest priority of this Congress-and every Congress until all Americans have health care that is as good as we in Congress have.

I submit the aforementioned article for the RECORD.

[From the Mercury News, Feb. 18, 2000]

TRAGEDY HITS FAMILY DOUBLY HARD—LACK OF INSURANCE ADDS TO FAMILY'S PAIN IN LOSS OF ONLY CHILD

(By Dennis Rockstrob)

Shame on us. Forty-four million Americans, 11 million of them children, have no medical insurance.

Californians list it as a top priority right behind education, but to Carolina and Eleazer Gamez of Union City, the lack of health insurance was simply piled on anguish following the tragic death of their first and only child.

They haven't got the hospital bill yet, but they estimate it will be countless thousands of dollars they do not have.

They paid the funeral expenses with an aunt's credit card.

Twenty-month-old Eleazer Jr. was crushed between two cars about 3 p.m. on Feb. 4.

Eleazer's mom was taking him to her sister's house on 11th Street. He was in the care of an aunt in the back seat. As the aunt was getting out, she put the baby on the ground and then reached back into the car to get her purse.

The Gamez car was partially blocking a driveway and, in an instant, a car in the driveway zoomed out backward, striking the baby and smashing his head into the door.

Eleazer died in a hospital the next day.

"Paramedics took the child to Children's Hospital in Oakland for emergency surgery," another of the boy's aunts, Shirley Baker, told me. "But the trauma to the child was too great."

Salvador Mora, Carolina's brother and the spokesman for the family, said that his sister had just moved off welfare and was applying for health insurance from her husband's work.

Said Baker: "What makes this story so sad is that my cousin and her husband are about 20 years old. They are a newlywed couple trying to start a family. They were not prepared for this tragedy and had no money to bury their son."

From family experience I can tell you that there is no grief to compare with the loss of a child. It is a lifelong sorrow.

Mora said the boy's dad is in denial and sleeps a lot, hoping he will wake from this terrible nightmare.

The boy's mom speaks mostly in monosyllables, but managed to tell me, "We can use all the help we can get."

"We're emotionally drained right now," said Mora. "We're overwhelmed with everything. My sister and her husband are taking this very, very hard. He's never experienced a loss in his family."

Mora said the family is expecting a bill of about $50,000, dwarfing the combined annual family income of about $30,000.

This is not an isolated case.

It's a national scandal.

Despite the best economy in 30 years, 44 percent of California respondents in the Field Poll released this week said they have gone without health insurance or have been financially responsible for someone without insurance in the past two years.

According to researchers, about one-quarter of California adults have no insurance.

The politicians have known of this state and national problem for years but failed to fix it.

Make no mistake, the Gamez family is a national victim of a system that excludes 44 million Americans. That's a lot of suffering.

There oughta be a law. In fact, the Field Poll found that 45 percent of those surveyed, regardless of political affiliation, ranked health care as an important issue, just behind education.

Meanwhile the Carolina and Eleazer Gamezes of the world will fall through the cracks, an American tragedy that can be avoided.

Besides pushing for adequate medical care for all Americans, there is something you can do to help the family.

A trust fund has been set up to pay the hospital and funeral bills.

Donations can be sent to the memorial trust fund: Eleazer Gamez Jr., Account No. 379-326020-4, Washington Mutual, 39995 Paso Padre Parkway, Fremont 92538.

Oh, and don't forget to vote.

STATEMENT BY THE HONORABLE WILLIAM L. CLAY ON INTRODUCTION OF THE "PUBLIC SCHOOL REPAIR AND RENOVATION ACT OF 2000"

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 2000

Mr. CLAY. Mr. Speaker, today, I am introducing the "Public School Repair and Renovation Act of 2000," which will allocate $1.3 billion to renovate 8,300 public schools in areas of financial need. Emergency plumbing, faulty electric, leaking roofs as well as asbestos removal and fire safety hazards will be the primary focus of these funds. President Clinton proposed this in his State of the Union Address. This measure will supplement Representative RANGEL's more comprehensive school modernization plan providing $24 billion in tax credit bonds over two years for school construction.

Today, over one-third or more than over 28,000 public schools have inadequate heating, ventilation, and air condition systems. Over 23,000 have inadequate plumbing, and more than 20,000 schools have crumbling roofs. A report to be released soon by the National Education Association documents $307 billion dollars of unmet funding need for public school infrastructure and education technology. The Department of Education estimates that 2,400 new public schools will be needed by year 2003 to accommodate rising enrollments and to relieve overcrowding. In my State of Missouri, for example, the NEA report documents $4.5 billion of infrastructure and school technology needs. In Chairman GOODLING's State of Pennsylvania, there are $10.4 billion of unmet school construction projects. And Illinois, Speaker HASTERT's home state, there are over $11 billion worth of unmet school construction needs. This school renovation act will set aside 10% of funds for direct grants to our nation's poorest school districts. Most of the remaining funds will provide either grants or loans, as determined by the Secretary of Education, to schools that lack the bond capacity or authority to issue bonds. Loans would have a zero interest rate, to be paid back over a 7 year period. Our failure to act on this critical measure will leave tens of thousands of our school children at risk.

I urge the Republican Majority to take action on school construction before we recess this summer.

90TH ANNIVERSARY OF THE BOY SCOUTS OF AMERICA

HON. LAMAR S. SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 2000

Mr. SMITH of Texas. Mr. Speaker, this month the 90th anniversary of the founding of the Boy Scouts of America (BSA) was celebrated in our nation's Capitol. At the event I had the honor of hearing the remarks of Norman R. Augustine, who describes below what scouting means to America and the impact it has had on his life. I believe it is appropriate that at the beginning of the new millennium we pause to reflect on the accomplishments of this organization. It is a tribute to the vision of the founders of the BSA that the basic ideals upon which Scouting was founded have endured and are as important at the dawn of the 21st century as they were in the early years of the 20th century. I hope you will enjoy Norman R. Augustine's testimonial as much as I did.

BOY SCOUTS OF AMERICA 90TH ANNIVERSARY CELEBRATION, FEBRUARY 8, 2000, WASHINGTON, D.C.

I have been asked this evening to draw upon my 56 years of membership in scouting to describe "in five minutes or less" what scouting means to America and to me. The task brings to mind the time my friend, David Roderick, then Chairman of U.S. Steel, was given an introduction so brief that it noted simply that he was one of America's most gifted businessmen, and as evidence thereof it was said he had made a million dollars in California oil.

Approaching the podium, it was obvious that David was uncomfortable. He began by saying that it had not been California, it had been Pennsylvania; and it had not been oil, it was coal. Further, it had not been a million dollars it was $10,000; and it wasn't he, it was his brother. And he hadn't made it, he lost it!

So bravely and perhaps unwisely disregarding the hazards of brevity, I will . . . in the spirit of scouting . . . "do my best."

With respect to the impact of scouting on America, that is, ironically, the easier of the two questions for me to answer. Simply stated, scouting helps build new generations of leaders . . . leaders who understand that character does count. On many occasions I have noted that I learned more about leadership from scouting and sports than from any of the other things I have ever done.

In my youth, the professional and volunteer leaders whom I came to know, and who not incidentally are the people who make scouting possible, provided inspiration and served as mentors. These people profoundly affected my life . . . just as they and their counterparts have done for generation after generation of America's youth.

I suspect that if one were suddenly required to choose from a hundred total strangers a single individual to whom to entrust one's life or our country's future, and were permitted but a single question of them, a good start would be, "have any of you been scouts" or better yet . . . "are any of you eagle scouts?"

Turning to the impact of scouting on my personal life, first and foremost scouting afforded extraordinary opportunities to build lasting and remarkable bonds between my father and myself and my son and myself. My son is an eagle scout, and we continued into adulthood many of the pursuits we first enjoyed together in scouting. The last adventure we undertook before he died this past year found us standing together on the north pole, much as we had stood together on mountain peaks in Colorado during his youth. Many of my fondest memories of Greg were inspired by our experiences in scouting.

That is not to say that those experiences were invariable easy. I have been to both the north pole and the south pole, but by far the coldest I have ever been was on a cub scout picnic! And there was the time when I was the only adult available to take my son's patrol on a long-anticipated hike. There was one minor problem: My leg was in a cast and I was relegated to walking with crutches. I assembled the boys and told them, very forcefully I thought, that I would serve as their adult leader . . . but only on the condition that they never get so far ahead of me on the trail that they could not see me: Whenever I should begin to drop out of sight they were to stop immediately and wait for me to catch up. All expressed enthusiastic agreement with this policy . . . so the hike began.

That was the last time I laid eyes on any of the boys until I came across the campsite they had established for the night!

Scouting of course helps prepare one for the challenges of life. In that regard I recall fondly the time my son and I became lost while backpacking in the rockies. I immediately began sighting nearby mountain tops with my trusty compass. Greg, being of another generation, smugly whipped out from his pack a hand-held GPS receiver. After a few minutes of button-pushing and several puzzled glances at our map, he announced, "I know exactly where we are, dad. We're on that mountain right over there!"

This sort of thing may be the reason why my loyal wife, mother of an Eagle Scout, wife of an Eagle Scout, has over the years gradually come to consider "roughing it" to mean a slow bell hop!

Those not familiar with scouts and scouting might ask, do you really enjoy sleeping in the rain with a rock poking you in the ribs after a dinner of burned hot dogs and sandy marshmallows? Truthfully, the answer is no.

So then why do we do it?

I found the answer to this question when I was serving as Under Secretary of the Army and was visiting the 82nd Airborne Division. Talking with a grizzled old paratrooper who had parachuted more than 1,000 times, someone remarked that he certainly must like to jump. To our utter surprise, he responded, "I hate it". Asked why, then, in a volunteer Army, did he do it, his answer was simple: "I like to be around the kind of people who do."

There is in fact a certain kinship among all who have ever been involved in scouting. For example, there was the occasion a couple of years ago when I was leaving a Cleveland hotel and was being assisted in loading my baggage into a waiting car by the doorman, a large and powerfully built black man with a fetching smile.

Noting the scout pin in my lapel, he remarked, "I was a scout 22 years ago." He went on to point out with pride, "I am an Eagle Scout," to which I responded, "So am I." He said, with obvious satisfaction, "I can still say the scout law." I assured him I could as well. Oblivious to the group of people standing around us on the curb awaiting their cabs, my new-found friend looked at me with a twinkle in his eye and decided to put me to the test: "Trustworthy", he said! "Loyal", I responded. "Helpful", he replied. From there on we sort of continued together, "Friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean and reverent."

When we finished, the crowd on the curb burst into applause! As we shook hands to depart, I realized that this man was an instant friend simply because he had been a scout 22 years ago—and I one some 56 years ago.

The newspapers are fond of referring to wayward souls who have strayed from the beaten path by noting, "He is no boy scout." One of the finest compliments I can imagine anyone could pay to me is to say, "He is a boy scout".

And I know . . . because I am also a rocket scientist!

STEM CELL RESEARCH

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 29, 2000

Mrs. MALONEY of New York. Mr. Speaker, Daniel Perry, with the Alliance for Aging Research, contributed an important article on stem cell research and ethics to the February 25, 2000 issue of Science. I submit it for the RECORD and urge my colleagues to read it carefully.

PATIENTS' VOICES: THE POWERFUL SOUND IN THE STEM CELL DEBATE

(By Daniel Perry)

Millions of patients may benefit from the applications of stem cell research, although there is disagreement about whether public funds should be used to develop the science. Patients have been key to winning political support. Acting as advocates, they have contended that public investment will speed the research and bring accountability to biomedical technology. A political dispute about the new research, which holds the potential for cures to devastating diseases and to foster healthy aging, shows the need to respect public sensibilities and to court public approval, as well as the importance of involving patients in debates where the methods of biomedical discoveries and ethical beliefs collide.

The achievement of isolating and growing cultures of self-renewing human pluripotent stem cells has set off waves of optimism among both researchers and the lay public (1). The promise is tangible for effective new approaches to incurable diseases and underlying biological processes (2). As shown in table 1, over 100 million Americans suffer from illnesses that might be alleviated by cell transplantation technologies that use pluripotent stem cells. Yet some representatives in Congress and some of the lay public, as well as religious groups such as the National Conference of Catholic Bishops, oppose putting public funds behind the technology. They say that stem cell research belongs under a federal ban that currently prohibits federal funding embryo research (3).

TABLE 1. PERSONS IN THE UNITED STATES AFFECTED BY DISEASES THAT MAY BE HELPED BY HUMAN PLURIPOTENT STEM CELL RESEARCH

Condition	Number of persons affected (in millions)
Cardiovascular diseases	58
Autoimmune diseases	30
Diabetes	16
Osteoporosis	10
Cancer	8.2
Alzheimer's disease	4
Parkinson's disease	1.5
Burns (severe)	0.3
Spinal cord injuries	0.25
Birth defects	0.150
Total	128.4

Data are from the Patients Coalition for Urgent Research, Washington, DC.

Per year.

PATIENTS FOR RESEARCH

In 1999, a coalition of three dozen national nonprofit patient organizations, the Patients' Coalition for Urgent Research (CURe), emerged to argue for public funding of human embryonic stem cell research under guidelines of the National Institutes of Health (NIH). This would achieve two goals: (i) participation by the broadest number of scientists under established peer-review mechanisms, thus rewarding the most promising research and speeding progress, and (ii) public accountability and guidelines developed through processes that allow for public comment on an area of science that has raised ethical concerns (4).

Why a patients' coalition? As taxpayers, patients and their family members are entitled to expect their government to make the most of a substantial public investment in biomedical research through the NIH and other agencies. And as the bearers of the ultimate burden when medicine cannot relieve their suffering, patients are the most compelling witnesses to the value of research that quite literally can save their lives.

In general, the patients and their advocates who are active for CURe display tempered optimism when it comes to appraising the chances of anyone's health benefiting soon from applications of stem cell research. Furthermore, broad views on the ethics and appropriateness of the technology have been expressed by those in CURe. For example, they believe in the principles of informed consent and free choice. Stem cell research must not lead to an underground black market in "spare" embryos for research. In addition, women and men, as individuals or as couples, should not be paid to produce embryos for research purposes.

The stories of patients and family members have fostered bipartisanship on Capitol Hill and have effectively complemented other activities such as the stance voiced by leading theologians from four major faiths—Roman Catholicism, Protestantism, Judaism, and Islam—who, noting the calls of their religions for compassion for the sick, wrote a joint letter to Congress urging federal involvement (5).

THE BROADER STAKES

The promise of human pluripotent stem cell research increases the likelihood that vastly more people will experience healthy and productive aging. Age-related disease costs billions of dollars and burdens millions physically and financially (6). The additional costs in medical and long-term care that are incurred annually in the United States because its Medicare recipients lose their functional independence are calculated at $26 billion (7).

One can imagine the cost 20 years from now in the United States alone, when the population over age 65 is expected to double and the number of Americans over age 85 is projected to quadruple (7). Unless bioscience engenders and receives broad popular support, in the future, nations like the United States, which have a rapidly increasing aging population, will more than likely struggle with a much greater health care burden. This is why it is so important to respect public sensibilities and to court public approval fervently, even though it is also public approval fervently, even though it is also likely that the next discoveries will, too, collide with the ethical and religious beliefs of some.

In the stem cell debate, patients have stepped forward to help draw the line between science in service to the community and science for lesser motives. Sadly, some of their most compelling stories will be silenced before long by the progression of their diseases. It surely behooves us to remember their contributions and to engage their successors, who will continue to put a human face on the promise of biomedical research.

REFERENCES AND NOTES

1. J. A. Thomson et al., Science 282, 1145 (1998); M. J. Shamblott, Proc. Natl. Acad. Sci. U.S.A. 95, 13726 (1998).

2. Stem Cell Research and Applications: Monitoring the Frontiers of Biomedical Research (American Association for the Advancement of Science and Institute for Civil Society, Washington, DC, November 1999).

3. Rep. J. Dickey (R-Ark), "No such thing as spare embryos," Roll Call (3 June 1999), p. 4; R. M. Doerflinger, testimony on behalf of the Committee for Pro-Life Activities of the National Conference of Catholic Bishops before the Senate Appropriations Subcommittee on Labor, Health and Education hearing on legal status of embryonic stem cell research (Senate Hearing 105-939), 26 January 1999 (available at frwebgate.access.gpo.gov /cgi-bin /getdoc.cgi ?dbname= 105 senate hearings&docid= f:54769.wals).

4. Goals adopted by Patients' CURe, Washington, DC, 20 May 1999.

5. "Theologians from four major faiths express support for Federal funding of stem cell research," press release from Patients' CURe, Washington, DC (14 October 1999).

6. A Call for Action: How the 106th Congress Can Achieve Health and Independence for Older Americans Through Research (Alliance for Aging Research, Washington, DC, 1999).

7. Independence for Older Americans: An Investment for Our Nation's Future. A Report by the Alliance for Aging Research (Alliance for Aging Research, Washington, DC, 1999).

HOUSE OF REPRESENTATIVES—*Wednesday, March 1, 2000*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. LAHOOD).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 1, 2000.

I hereby appoint the Honorable RAY LAHOOD to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend James David Ford, D.D., offered the following prayer:

We recognize, O gracious God, that prayer is a practice that unites people as no other act can do, and we realize that by prayer we can put aside that which divides us and join with a common voice in words of praise, petition, and thanksgiving.

On this day we recall all who have any special need; those who seek healing and wholeness, those who yearn for peace and concord, those who are hungry or homeless, those who seek friendship and support. We ask for Your blessing, O God, that we will be filled with a new sense of purpose and mission so that in all things we will do justice, love mercy, and ever walk humbly with You. This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. MCNULTY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from California (Mr. HERGER) come forward and lead the House in the Pledge of Allegiance.

Mr. HERGER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that he will entertain fifteen 1-minutes per side.

SOCIAL SECURITY REFORM

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, Baron Rothschild once said, "I do not know what the seven wonders of the world are, but I do know the eighth: Compound interest."

Mr. Speaker, Baron Rothschild called compound interest the eighth wonder of the world for a good reason. Modest amounts of money, when invested, and then reinvested, grow over time in a spectacular fashion.

Every American deserves the right to save a portion of their FICA tax and control it in a tax-free account that can be invested in an authorized group of funds, just like a 401(k) or a pension plan.

This could save Social Security permanently without a tax increase or a benefit cut. It would ensure that the poorest worker would have a savings account within 6 months of starting work. Within a few years, that worker would be a saver and an investor, getting the benefit of investment return, earning compound interest at competitive rates, not just Treasury rates. For younger Americans this could produce retirements at three to six times the wealth they would get from the government system, and it would protect the system from collapsing when baby boomers retire.

Mr. Speaker, we need to save and strengthen Social Security, and this is a good way to do it.

INTERNATIONAL ABDUCTION

(Mr. LAMPSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMPSON. Mr. Speaker, today I rise to talk about another of America's 10,000 children who have been abducted to foreign countries: David Richard Uhl.

In April of 1998, at age 1, David Uhl was taken from his father, Dr. George Uhl, in his home in Maryland, to Munich, Germany. The United States courts ordered that David's clear best interest was to be in his father's custody and ordered his return.

However, the German courts have supported his mother's efforts to keep him from his father and have provided no visitation and have provided no timely ruling on Hague petitions. When George last traveled to Munich in February, a German judge would not order visitation or even tell him where his son was hidden. The lower German court rulings that grant David's mother German custody move through the German appeals court next week, and I am hopeful that George's son will soon be returned to him.

Dr. Uhl and parents like him need our help. Mr. Speaker, we must show respect and concern for the most sacred of bonds, the bond of a parent and a child. When we look at a globe and we see boundaries, but when it comes to uniting families, we must know no boundaries. We must bring our children home.

WORKING SENIORS DESERVE A BREAK

(Mr. HERGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERGER. Mr. Speaker, I rise today to say that working seniors deserve a break, and it is time we gave it to them.

I think most of us in this chamber agree that our Tax Code needs to be fairer. And in order for the Tax Code to be fairer, we must first eliminate the many ways that it unfairly punishes the American people.

Our House took a first step on this front just a few weeks ago when we passed a bill that would give married

☐This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

couples relief from the marriage tax penalty. But just as it is unfair for couples to be penalized simply for being married, it is equally unfair for senior citizens to be penalized simply because they have jobs. Yet the Social Security earning limits is doing just that.

Because of these earnings limits, senior citizens risk losing a large portion of their Social Security benefits if they decide to keep working past the age of 65 and they make more than the law allows. In essence, our government is telling senior citizens that they should not work. Instead, our government should encourage not discourage.

I urge my colleagues to join me in voting to eliminate the Social Security earnings limit.

GUN SAFETY

(Ms. DEGETTE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DEGETTE. Mr. Speaker, another tragedy has struck. Yesterday, a little girl in Michigan was shot and killed by one of her classmates, a 6-year-old boy. A 6 year old, Mr. Speaker. And the question we are all asking ourselves today is, "How in the heck did a little 6-year-old boy get a gun?"

If anybody watched the footage of this on the news last night, they saw a scene that has become all too familiar in this country: A school being evacuated, teachers leading frightened children to safety, sobbing parents frantically looking for their children and, at the end of the day, another dead child, another victim of gun violence.

Yes, Mr. Speaker, another tragedy has struck, but still Congress does nothing to keep guns out of the hands of kids and out of the hands of criminals. This is not the year 1900, this is the year 2000. We have a crisis in this country and Congress is going to go home again today, not to come back until next week, still having done nothing to pass common sense child gun safety.

REPEAL SOCIAL SECURITY EARNINGS LIMIT

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, if a senior citizen wishes to be a part of the work force, there is a lot to consider: The work environment, the hours, the wages. There are a lot of things for a working senior to look at. But one that should not have to occupy a senior citizen's mind is the potential impact that their new job could have on their Social Security benefits.

Yet working seniors across the country have to do that because of the Social Security earnings limit. Because of the earnings limit, senior citizens between the ages of 65 and 70 who join the work force risk losing part or all of their Social Security benefits. This is simply not fair.

Senior citizens have spent their entire lives earning these benefits and our government should not be punishing them simply because they choose to keep on working.

Today, House Republicans bring up a bill that will repeal the earnings limit. Many senior groups, including the AARP, support this bill because they recognize that it is unfair to punish working seniors. I hope that my colleagues will agree.

Let us repeal the Social Security earning limits and give our working seniors a break. They have earned it.

WHITE HOUSE IS WRONG ON CHINA AND WTO MEMBERSHIP

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the White House wants China in the World Trade Organization. Unbelievable. China sells nuclear weapons to our enemies. China threatened to nuke Taiwan. Once, China even threatened the city of Los Angeles.

Beam me up. If the White House succeeds in getting China admitted to the World Trade Organization, I say the White House needs a lobotomy performed by a proctologist.

I yield back a $350 billion trade deficit, much of it going to China to finance an army that someday may come after us.

SANCTIONS ON IRAQ: A REGRETTABLE NECESSITY

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, in recent weeks a number of well-meaning but misguided voices have been raised to urge the lifting of economic sanctions against Saddam Hussein's government in Iraq. It has been suggested that lifting the sanctions will alleviate the suffering of the Iraqi people.

Iraq does face a humanitarian disaster, but it is a disaster that has been created and perpetuated by Saddam Hussein. The Iraqi leader bemoans the lack of food and medicine, but Saddam has amassed a personal fortune of over $6 billion, much of it the result of pilfering the donations the international community has provided. While his people have gone wanting, he has built scores of palatial mansions at an estimated cost of $2 billion.

Recent studies from the Food and Agriculture Organization indicate that more than enough food is available to satisfy the minimal caloric requirements to sustain health. The problem is that Saddam is preventing adequate food and medicine from reaching those groups and regions that most actively oppose him.

Mr. Speaker, Saddam Hussein remains a lethal adversary who has repeatedly sought to circumvent international sanctions and has tried to divert humanitarian aid into military strategic programs. While it is entirely appropriate for the American people to care about the pain inflicted upon the people of Iraq, lifting the sanctions will not alleviate the suffering. We must not be naive, sanctions must remain in force.

DENIAL OF JUSTICE

(Mr. DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, the denial of justice is one of the most egregious fronts to all of democracy, and I can tell all my colleagues that the verdict in the Amadou Diallo police case puts justice on trial.

And so, Mr. Speaker, I rise to join my voice with that of countless others who are crying out for justice not just for Amadou Diallo but for justice to roll throughout America like a mighty stream. For as long as there is no justice, there can be no peace. The denial of justice for one is a threat to justice for all. No justice, no peace.

This case is troublesome, Mr. Speaker, because it reinforces for many people in this country the feeling that there is a dual system of justice which further divides the Nation. And we know that a Nation, like a house, divided cannot stand.

So I say let us stand together for justice. No justice, no peace.

ANOTHER CHILD LOST TO GUN VIOLENCE

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, this morning I rise with a heavy heart. Yesterday, another child, another baby, lost her life to gun violence. This sad day, this great tragedy is made worse by the fact that this little girl was killed by another child.

How long will we tolerate gun violence? How long will we tolerate children killing children? Mr. Speaker, how long will it take for this House to demonstrate raw courage and pass real gun control legislation.

This morning, as we take a moment to consider our failure and to grieve this family's loss, we must not forget to take the time out to teach our children the way of peace, the way of nonviolence, to teach them the way of love.

SOCIAL SECURITY EARNINGS LIMIT PUNISHES SENIOR CITIZENS

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, today I want to talk about Meredith T. Jones. She is one of 48,000 Georgians who has found out that being 65 is not as old as she thought it was. She has great health, she has great energy and enthusiasm, particularly with the kids out of the house. So she wants to go to work.

Miss Jones gets a job, feeling good about it, and then comes the IRS. And she has found, like so many other senior citizens, that because she is over 65 that she will lose $1 in Social Security benefits for every $3 she earns.

Yet, if she works, she is healthier, she is happier, she is more independent. But the IRS does not recognize that and wants to penalize Miss Jones and 48,000 other Georgia seniors because they are working.

□ 1015

The Social Security earnings limitation is unfair. It hurts seniors. Republicans have a plan to restore fairness and provide relief for seniors so that they can earn a good living and enjoy productive retirement years without being penalized by the IRS. Mr. Speaker, we need to pass the Social Security earnings limitation.

PRESCRIPTION DRUG BENEFIT

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, in just 25 years the number of seniors in California will nearly double, from 3.4 million to 6.4 million, but the limited prescription drug benefit that the Republicans have proposed would leave nearly half of those seniors behind.

Low-income drug benefit plans include seniors who are considered middle class if they earn between $15,000 and $50,000 a year. These plans ignore the fact that due to the high costs of prescription drugs, many seniors must choose between buying food and buying medicine. That is not right.

Mr. Speaker, in the case of Ivera and Roy Cobb, residents of my district, paying for medications that they both need is absolutely impossible. Roy goes without some of his prescription drugs so that Ivera can have her medications.

The Republican leadership must stop dragging its feet and must enact a meaningful prescription drug benefit that will eliminate price discrimination against our seniors.

OUTRAGE OVER THE SHOOTING AND VERDICT IN THE CASE OF AMADOU DIALLO

(Mr. PAYNE asked and was given permission to address the House for 1 minute.)

Mr. PAYNE. Mr. Speaker, I rise today to express my outrage over the shooting and subsequent verdict in the case of Amadou Diallo, Mr. Diallo, an innocent young African immigrant who came to the United States aspiring for a better life. Plainclothes officers who belong to an overaggressive street crime unit were supposed to be looking for an armed rapist.

Mr. Speaker, was that rapist Amadou Diallo? No. He was simply a black man going home after a long day's work. The officers approached Amadou, and what happened is not completely clear. But in the end, the unarmed young man's body lay in front of his vestibule caught in a hailstorm of 41 bullets.

The reason, the police said, they thought that a wallet was a gun; although he was left-handed, and the wallet was not anywhere near the left hand. A senseless death. But what is even more disturbing was the jury's verdict, which acquitted all the officers of all charges, ranging from second-degree murder to negligent homicide.

Mr. Speaker, let me say we must call upon the Justice Department to investigate this case so that the deepening fear between minorities and the police who are supposed to protect them will end.

CITIZENS' FREEDOM TO WORK ACT

(Mr. GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Speaker, on the floor today we will be considering the Senior Citizens' Freedom to Work Act. It allows seniors to work, continue to work without affecting their Social Security.

It seems hard to believe that our tax law would actually punish people for working. I am pleased that my colleagues on the Republican side after 6 years have finally decided to help seniors who want to continue working. This is the first we have had a clean vote on this issue.

These are the very same seniors, the ones who cannot afford their medication or their prescription because our Medicare system does not cover it. I am glad that we are actually going to let them now work and earn that money so they can pay for their prescriptions, because this Congress has not passed a bill on that.

Mr. Speaker, it is estimated that approximately 45 percent of seniors have no prescription benefit. These are the seniors who choose every month between buying food, paying their bills, or buying their medication. Some have to buy their medication but skip days just to make it longer.

I am disappointed that this Congress has not moved aggressively on prescription medication for seniors. But at least by passing this bill, we will let them continue to work so they can afford their medication.

FEDERAL INTERVENTION REGARDING THE CASE OF AMADOU DIALLO

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, as crime has increased, police have been given freer and freer rein. It is time to reign them in. That is the lesson of the New York City Diallo case. It is difficult to fault a racially integrated jury, but they have written only the first chapter. There are at least three more chapters to be written before we know who is at fault.

Mr. Speaker, Chapter Number 2 must be written by the Justice Department. This is a classic case for Federal intervention, a horrendous police response resulting in the death of an innocent resident.

There are, of course, no appeals in the criminal process. This case calls for a rapid response from the Justice Department. A civil rights investigation, as provided by law, is a vital check in a Federal system.

Chapter 3 in this case must be written with a civil court suit. Even if a police attack is deemed not criminal, no civil society would condone such a response.

Finally, there is a fourth chapter; and we must write that chapter. It should be entitled "Do not send poorly trained police into our communities to protect us. They are a menace."

VIOLATION OF CIVIL RIGHTS OF MR. DIALLO

(Mr. MEEKS of New York asked and was given permission to address the House for 1 minute.)

Mr. MEEKS of New York. Mr. Speaker, there is an open wound in New York this morning. That wound was caused by a decision that sends a message that the police can fire 41 bullets at an unarmed man of color as he enters his own home.

A healing of this wound could only happen if the Justice Department conducts a thorough investigation of the violation of Mr. Diallo's civil rights.

In addition, they must relentlessly evaluate and find just solutions to the patterns and practices of the New York City Police Department since, clearly, the city's leadership and its mayor and police chief find the police conduct to be okay.

If New York City is to heal, the message must be said that all human life, no matter what race, creed or color, is valuable.

Mr. Speaker, the Justice Department is the only doctor available today that can help us heal the wound in the City of New York. To the City of New York, I say, we are the second chapter to that. We must arm ourselves with the ballot and make sure that we send our message loudly and clearly in November.

PRESCRIPTION DRUG PRICES BEYOND MEANS OF MILLIONS OF AMERICANS

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, Americans already pay more for pharmaceuticals; yet prescription drug prices continue to rise that are well beyond the means of millions of Americans.

Seniors are often forced to choose between medication, food, and daily living. Should seniors have to suffer because they cannot afford overly priced drugs?

I have held four prescription drug surveys in my district which compared prices at different stores of the 12 most commonly used drugs by seniors. The surveys revealed that independent mom-and-pop pharmacies, such as Oliger's, offer lower prices than the same medicines that are charged by drugstore chains.

Many changes are needed to bring prices down. One factor should not be discussed. Large retail chains add to the problem of high drug prices because they routinely charge more than the mom-and-pop pharmacies. Meanwhile, it is time for Medicare prescription drug benefits to take the economic pressure off senior citizens.

SENIOR CITIZENS FREEDOM TO WORK ACT

(Mr. EDWARDS asked and was given permission to address the House for 1 minute.)

Mr. EDWARDS. Mr. Speaker, we should reward work, not punish work. We should honor citizens who work, not tax them. That is why I urge the House today to pass a bill to let seniors work without losing any Social Security benefits.

It is unfair under present law that 800,000 of our seniors in America lose $1 in Social Security benefits for every $3 they earn. The Seniors Citizens Freedom to Work Act deserves our support today. Then, in the days ahead, this Congress should move forward to use our surplus to protect Social Security and Medicare and we should fight to bring down the high cost of prescription drugs for our seniors.

Our seniors have made this a better country. They have earned our support. They deserve our respect and our vote.

MISCARRIAGE OF JUSTICE IN NEW YORK CITY

(Mr. OWENS asked and was given permission to address the House for 1 minute.)

Mr. OWENS. Mr. Speaker, the polls are showing in New York State that the overwhelming majority of the citizens of New York think that there was a miscarriage of justice in the verdict on the Amadou Diallo killing trial.

Black and white together are demonstrating in the streets of New York against this outrage. Criminally negligent homicide was obvious. Forty-one bullets were fired; 19 in the body after the body was on the ground. This problem of miscarriage of justice in the criminal justice system, unfortunately, is a nationwide problem. It is not only a New York problem.

In Los Angeles, the police are continuing to confess to 20 years of planting evidence on suspects and convicting people wrongly. In New Jersey, they have admitted to systemic racial profiling. Illinois has just stopped the death penalty from moving forward because 13 of 25 inmates on Death Row were found to be innocent.

Two million people are in prison in this Nation. Most of them are minorities. Justice for minorities is a national issue. Justice for minorities is also an international human rights issue.

We are violating human rights on a massive scale. This situation deserves the attention of the Congress of the United States.

ENDING THE EARNINGS LIMIT

(Mr. KUYKENDALL asked and was given permission to address the House for 1 minute.)

Mr. KUYKENDALL. Mr. Speaker, today I rise in support of H.R. 5, which is coming up later, the Senior Citizens Freedom to Work Act. It is important legislation for our seniors.

Seniors between the ages of 65 and 69 currently will lose a dollar's worth of their Social Security benefits for every $3 they earned over $17,000. Senior citizens should not be penalized for working. It is unconscionable for this Government to take away these hard-earned benefits.

During the Great Depression, unemployment exceeded 25 percent and wages were plummeting. In 1935, it made sense to create a disincentive for older workers in order to create jobs for new workers, but this policy is no longer needed.

More than 800,000 working senior citizens lose part or all of their Social Security benefits due to this obsolete provision. Today, we will have an opportunity to remove the earnings limit.

I am glad that the President is on board and that he will be able to sign this legislation after we pass it. Ending the earnings limit is good policy for America. It is good for our seniors; it is the right thing to do.

TIME TO RESTORE LOST FAITH IN LAW ENFORCEMENT OFFICERS

(Mr. RUSH asked and was given permission to address the House for 1 minute.)

Mr. RUSH. Mr. Speaker, 1 year ago Amadou Diallo was shot to death in the vestibule of his Bronx apartment.

Last week, the four New York City police officers who shot and killed unarmed Amadou Diallo were found not guilty of any crime related to his death and walked out of the Albany courthouse as free men.

Sadly, Diallo's death is the final consequence of a city police system where law enforcement officers are allowed to run amuck.

This dismal loss of life just highlights the need to rein in unchecked police officers and curb reckless, aggressive law enforcement activities. We need better police training, training that addresses diversity and sensitivity issues, training that includes conflict management, how to diffuse a situation without using a gun.

Maybe then we can restore some of the lost faith and trust in law enforcement officers and in the criminal justice system. We have to hold law enforcement officers accountable for their actions. There can be no more Amadou Diallo-like deaths in this Nation.

□ 1030

MAKING IN ORDER AT ANY TIME CONSIDERATION OF H.R. 5, SENIOR CITIZENS' FREEDOM TO WORK ACT OF 1999

Mr. SHAW. Mr. Speaker, I ask unanimous consent that it be in order at any time to consider in the House without intervention of any point of order the bill (H.R. 5) to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age; the bill be considered as read for amendment; the amendment recommended by the Committee on Ways and Means now printed in the bill be considered as adopted; the bill, as amended, be debatable for 2 hours, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; and the previous question be considered as ordered on the bill, as amended, to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Florida?

Mr. STENHOLM. Mr. Speaker, reserving the right to object, I will not object. I strongly support repeal of the Social Security earnings limit and do not intend to unduly delay action on this bill. In fact, repeal of the earnings limit has been part of the comprehensive Social Security reform legislation that the gentleman from Arizona (Mr. KOLBE) and I have introduced in the last two Congresses.

However, I rise in reservation to this unanimous consent request to express my disappointment that we are considering legislation that will increase Social Security benefits without even discussing the long-term financial challenges facing Social Security. We should have spent the last year working on a comprehensive plan to strengthen Social Security that would restore solvency, reduce unfunded liabilities, give workers greater control of their retirement income, improve the safety net, and reward work; but we, both the President and Congress, have ignored our opportunity to deal with the long-term challenges facing Social Security.

If we are going to pass this legislation increasing costs outside of the context of reform, we should at least be talking about ways to bring more attention to the challenges that remain. The gentleman from Arizona and I had hoped to offer an amendment regarding the recent recommendations of the Social Security advisory board which would more directly confront Congress with the true scope of Social Security's financing challenges. Our amendment would have made a modest step in advancing the discussion about the challenges facing Social Security among policymakers and the public.

Last November, the Social Security Advisory Board Technical Panel released a report outlining a variety of recommendations about how we measure the problems facing the Social Security trust fund, how we talk about those problems and criteria for evaluating reform proposals. Our amendment would have taken the good work of the Technical Panel to encourage a more honest and accurate discussion of the challenges facing Social Security.

The Technical Panel report suggested that the challenges facing Social Security may be even greater than reported. While there has been a lot of discussion about the possibility that a stronger economy will reduce the shortfalls facing Social Security, the Technical Panel warned us that the projected shortfall could increase as life expectancy increases faster than expected.

The panel also made a variety of useful recommendations about additional information that should be included in the trustees' report regarding the size of the unfunded liability and other information illustrating the nature of the problem in greater detail. This type of information would improve the quality of the Social Security debate tremendously, because the facts of the debate would be more clearly established and stated.

Finally, the panel made several recommendations for the evaluation of Social Security reform proposals. In particular the panel suggested that we should look beyond simply determining whether or not a plan restores trust fund solvency and consider other criteria that are as important as, if not more important than restoring solvency over the 75-year period such as the effect on the rest of the budget.

Unfortunately, today we do not have time to discuss any of these issues. I would respectfully encourage the chairman of the Committee on Ways and Means and the subcommittee on Social Security to conduct hearings on these recommendations so that they may receive the attention they deserve. I also hope the Social Security trustees seriously consider all of the recommendations of the technical panel.

Mr. Speaker, further reserving the right to object, I yield to my colleague, the gentleman from Arizona (Mr. KOLBE) with whom I have worked closely on strengthening the future of Social Security, a Member who has been a leading advocate of comprehensive Social Security reform legislation that repeals the earnings limit and ensures that Social Security will be strong for our children and grandchildren.

Mr. KOLBE. Mr. Speaker, I appreciate the gentleman from Texas yielding to me under his reservation. I will be very brief. Let me just say I feel very privileged today and am proud to be associated with the remarks that the gentleman from Texas just made. The gentleman from Texas has been and continues to be a leader in the fight to have a responsible Social Security reform. The integrity and the unwavering commitment that he has shown for preserving Social Security for future generations are worthy of the respect of all of us in this body.

I am a longtime advocate of repealing the earnings limit. It is a remnant of depression-era policies that have no place in a 21st century economy. I have supported similar measures in the past and as the gentleman from Texas (Mr. STENHOLM) has said, it is a cornerstone of the Kolbe-Stenholm Social Security reform legislation.

However, I am disappointed that Congress is passing this important reform without at least confronting the impact the change is going to have on the trust fund. Like it or not, election year or not, sooner or later this House, this Congress, this Nation must address the financial crisis that looms over Social Security. The longer we wait, the tougher the choices are going to be.

The legislation we pursue today must become one part of a comprehensive reform package. There are no shortage of reform options. There is the one that I mentioned myself that the gentleman from Texas and I have proposed. The gentleman from Texas (Mr. ARCHER) and the gentleman from Florida (Mr. SHAW) have another one. The gentleman from Michigan (Mr. SMITH), the gentleman from Ohio (Mr. KASICH), those are just a few of the reform proposals that have been offered in this House but have yet to come to the floor, have yet to be really debated. What we lack is will and leadership in this country and we have seen that at both ends of Pennsylvania Avenue.

We should pass this bill today. But I do not think we should be content with this effort. We must recognize that we have an obligation to preserve Social Security for our children and our grandchildren. Mr. Speaker, only real reform will do that.

Mr. STENHOLM. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Florida (Mr. SHAW), the chairman of the subcommittee dealing with Social Security.

Mr. SHAW. I thank the gentleman for yielding to me under his reservation. I would like to compliment the gentleman from Texas as well as the gentleman from Arizona and many more Members of this body for having a genuine desire and actually having stepped forward with regard to some genuine steps to prolong the life of Social Security and even to bring it about as a permanent program that would no longer be concerned about the amount of funding.

The gentleman has taken some bold steps, and he is to be complimented on that. The gentleman from Texas (Mr. ARCHER), the chairman of the full committee, and I have also put a plan on the table that has a great deal in common with the Stenholm-Kolbe plan, and we had hoped to bring this forward.

History tells us, however, that there is no genuine Social Security reform without the inclusion of the President. Every single major change that has been made in Social Security has been made with the encouragement and the joinder of the White House. Also, it would be wrong and extremely difficult for one party to reform Social Security without being joined by the other party. We have sent out many, many feelers to the White House. I know the gentleman from Texas (Mr. ARCHER) has been down and talked personally with the President. He is well aware of your plan, and he is well aware of our plan.

We have also spoken with members of the leadership on the Democrat side and we have also spoken to organized labor and various senior groups. We find now that everything seems to be getting down into presidential politics and to actually quote the President from an interview he had, I think it was a Wall Street Journal some weeks ago, he said that this reform would be left to the next President.

I regret that. But I think that that is a fact of life and it is something that we are going to be faced with. I look to next year, perhaps we could still do it this year. I would like to reach out to the gentleman from California (Mr. MATSUI) and to the gentleman from Texas (Mr. STENHOLM) and to the gentleman from Arizona (Mr. KOLBE) and all those who want to reform Social Security.

We are going to have more hearings. We are not going to waste the rest of the year. However, I will say this, and I think this is tremendously important. Part of Social Security reform has been to lock away the Social Security surplus so it cannot be spent. The House has done that. Also, an important part is a bill that we have today, and that is to get rid of this shameful earnings penalty that should have been done away with many, many years ago and was not.

This is a great day, and it is a day for us to celebrate that we are coming together, we have a piece of Social Security reform. This is a very important piece for our seniors. I compliment the gentleman from Texas, and I look forward to continuing to work with him for the rest of the year.

We are going to have hearings; we are going to have hearings on this and many issues pertaining to Social Security between now and the end of this term, and we all will come back next term and really put it away. We are not wasting time, we are going ahead with the hearing process.

However, we need a coming together, we need a joinder, we need to get the presidential election behind us. I would hope whoever the President is, the next President is, that that President, that he will be anxious, willing and reach out to the House and the Senate to reform Social Security for all time.

Mr. MATSUI. Mr. Speaker, will the gentleman yield?

Mr. STENHOLM. Further reserving the right to object, I yield to the gentleman from California.

Mr. MATSUI. Mr. Speaker, I will take just a moment, but I would like to commend the gentleman from Texas and the gentleman from Arizona. I looked at their proposal. It has been out there now for a year and a half. I have to say it is a very credible proposal. It is probably one of the most realistic proposals that we have before us.

The fact that you have raised this before this matter is brought to the floor is timely, and I am very pleased that you have done so. I would want to say, however, that both the gentleman from Texas (Mr. ARCHER) and the gentleman from Florida (Mr. SHAW) have a proposal, the President has a proposal, and perhaps there will be a time in the next few months where we can bring a number of them, all three, four or five of them, whatever number there are, together to begin to discuss them. Obviously the solving of the Social Security deficit problem is the number one problem we are all facing. But I appreciate the fact that the two gentlemen have raised this issue.

Mr. STENHOLM. Mr. Speaker, further reserving the right to object, and I will conclude by this observation. I would very muchly associate myself with the remarks of the gentleman from Florida. He has been a true worker in this endeavor. He points out some of the pitfalls and the difficulties that we would have this year. But by the same token, and I will have more to say about this in the 2 hours of general debate, I would hope that everybody would recognize that there are those on this side of the aisle that are prepared to reach out in the hands of friendship and bipartisan work to deal with the tough questions and that how we handle this debate politically on both sides of the aisle can again do the kind of damage to the process of which I know the gentleman from Florida (Mr. SHAW), the gentleman from Texas (Mr. ARCHER), and the gentleman from California (Mr. MATSUI) do not wish to see happen. So I would hope that we could cushion and caution and soften our words as we debate today about this issue since there is unanimous agreement that this issue needs to happen.

☐ 1045

It is the context in which we bring this reservation up.

Mr. Speaker, with those comments, I encourage Members to unanimously support this very good piece of legislation today.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Florida?

There was no objection.

SENIOR CITIZENS' FREEDOM TO WORK ACT OF 1999

Mr. ARCHER. Mr. Speaker, pursuant to the unanimous consent request of earlier today, I call up the bill (H.R. 5) to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the order of the House of today, the bill is considered read for amendment.

The text of H.R. 5 is as follows:

H.R. 5

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Senior Citizens' Freedom to Work Act of 1999".

SEC. 2. ELIMINATION OF EARNINGS TEST FOR INDIVIDUALS WHO HAVE ATTAINED RETIREMENT AGE.

Section 203 of the Social Security Act (42 U.S.C. 403) is amended—

(1) in subsection (c)(1), by striking "the age of seventy" and inserting "retirement age (as defined in section 216(l))";

(2) in paragraphs (1)(A) and (2) of subsection (d), by striking "the age of seventy" each place it appears and inserting "retirement age (as defined in section 216(l))";

(3) in subsection (f)(1)(B), by striking "was age seventy or over" and inserting "was at or above retirement age (as defined in section 216(l))";

(4) in subsection (f)(3)—

(A) by striking "33⅓ percent" and all that follows through "any other individual," and inserting "50 percent of such individual's earnings for such year in excess of the product of the exempt amount as determined under paragraph (8),"; and

(B) by striking "age 70" and inserting "retirement age (as defined in section 216(l))";

(5) in subsection (h)(1)(A), by striking "age 70" each place it appears and inserting "retirement age (as defined in section 216(l))"; and

(6) in subsection (j)—

(A) in the heading, by striking "Age Seventy" and inserting "Retirement Age"; and

(B) by striking "seventy years of age" and inserting "having attained retirement age (as defined in section 216(l))".

SEC. 3. CONFORMING AMENDMENTS ELIMINATING THE SPECIAL EXEMPT AMOUNT FOR INDIVIDUALS WHO HAVE ATTAINED RETIREMENT AGE.

(a) UNIFORM EXEMPT AMOUNT.—Section 203(f)(8)(A) of the Social Security Act (42 U.S.C. 403(f)(8)(A)) is amended by striking "the new exempt amounts (separately stated for individuals described in subparagraph (D) and for other individuals) which are to be applicable" and inserting "a new exempt amount which shall be applicable".

(b) CONFORMING AMENDMENTS.—Section 203(f)(8)(B) of the Social Security Act (42 U.S.C. 403(f)(8)(B)) is amended—

(1) in the matter preceding clause (i), by striking "Except" and all that follows through "whichever" and inserting "The exempt amount which is applicable for each month of a particular taxable year shall be whichever";

(2) in clauses (i) and (ii), by striking "corresponding" each place it appears; and

(3) in the last sentence, by striking "an exempt amount" and inserting "the exempt amount".

(c) REPEAL OF BASIS FOR COMPUTATION OF SPECIAL EXEMPT AMOUNT.—Section 203(f)(8)(D) of the Social Security Act (42 U.S.C. 403(f)(8)(D)) is repealed.

SEC. 4. ADDITIONAL CONFORMING AMENDMENTS.

(a) ELIMINATION OF REDUNDANT REFERENCES TO RETIREMENT AGE.—Section 203 of the Social Security Act (42 U.S.C. 403) is amended—

(1) in subsection (c), in the last sentence, by striking "nor shall any deduction" and all that follows and inserting "nor shall any deduction be made under this subsection from any widow's or widower's insurance benefit if the widow, surviving divorced wife, widower, or surviving divorced husband involved became entitled to such benefit prior to attaining age 60."; and

(2) in subsection (f)(1), by striking clause (D) and inserting the following: "(D) for which such individual is entitled to widow's or widower's insurance benefits if such individual became so entitled prior to attaining age 60,".

(b) CONFORMING AMENDMENT TO PROVISIONS FOR DETERMINING AMOUNT OF INCREASE ON ACCOUNT OF DELAYED RETIREMENT.—Section

202(w)(2)(B)(ii) of the Social Security Act (42 U.S.C. 402(w)(2)(B)(ii)) is amended—

(1) by striking "either"; and

(2) by striking "or suffered deductions under section 203(b) or 203(c) in amounts equal to the amount of such benefit".

(c) PROVISIONS RELATING TO EARNINGS TAKEN INTO ACCOUNT IN DETERMINING SUBSTANTIAL GAINFUL ACTIVITY OF BLIND INDIVIDUALS.—The second sentence of section 223(d)(4) of such Act (42 U.S.C. 423(d)(4)) is amended by striking "if section 102 of the Senior Citizens' Right to Work Act of 1996 had not been enacted" and inserting the following: "if the amendments to section 203 made by section 102 of the Senior Citizens' Right to Work Act of 1996 and by the Senior Citizens' Freedom to Work Act of 1999 had not been enacted".

SEC. 5. EFFECTIVE DATE.

The amendments and repeals made by this Act shall apply with respect to taxable years ending after December 31, 1998.

SPEAKER pro tempore. The amendment printed in the bill is adopted.

The text of H.R. 5, as amended, is as follows:

H.R. 5

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Senior Citizens' Freedom to Work Act of 2000".

SEC. 2. ELIMINATION OF EARNINGS TEST FOR INDIVIDUALS WHO HAVE ATTAINED RETIREMENT AGE.

Section 203 of the Social Security Act (42 U.S.C. 403) is amended—

(1) in subsection (c)(1), by striking "the age of seventy" and inserting "retirement age (as defined in section 216(l))";

(2) in paragraphs (1)(A) and (2) of subsection (d), by striking "the age of seventy" each place it appears and inserting "retirement age (as defined in section 216(l))";

(3) in subsection (f)(1)(B), by striking "was age seventy or over" and inserting "was at or above retirement age (as defined in section 216(l))";

(4) in subsection (f)(3)—

(A) by striking "33⅓ percent" and all that follows through "any other individual," and inserting "50 percent of such individual's earnings for such year in excess of the product of the exempt amount as determined under paragraph (8),"; and

(B) by striking "age 70" and inserting "retirement age (as defined in section 216(l))";

(5) in subsection (h)(1)(A), by striking "age 70" each place it appears and inserting "retirement age (as defined in section 216(l))"; and

(6) in subsection (j)—

(A) in the heading, by striking "Age Seventy" and inserting "Retirement Age"; and

(B) by striking "seventy years of age" and inserting "having attained retirement age (as defined in section 216(l))".

SEC. 3. CONFORMING AMENDMENTS ELIMINATING THE EXEMPT AMOUNT FOR INDIVIDUALS WHO HAVE ATTAINED RETIREMENT AGE.

(a) UNIFORM EXEMPT AMOUNT.—Section 203(f)(8)(A) of the Social Security Act (42 U.S.C. 403(f)(8)(A)) is amended by striking "the new exempt amounts (separately stated for individuals described in subparagraph (D) and for other individuals) which are to be applicable" and inserting "a new exempt amount which shall be applicable".

(b) CONFORMING AMENDMENTS.—Section 203(f)(8)(B) of the Social Security Act (42 U.S.C. 403(f)(8)(B)) is amended—

(1) in the matter preceding clause (i), by striking "Except" and all that follows through "whichever" and inserting "The exempt amount which is applicable for each month of a particular taxable year shall be whichever";

(2) in clause (i), by striking "corresponding";

(3) in clause (ii), in the matter preceding subclause (I), by striking "corresponding" and all that follows through "individuals)" and inserting "exempt amount which is in effect with respect to months in the taxable year ending after 1993 and before 1995 with respect to individuals who have not attained retirement age (as defined in section 216(l))";

(4) in subclause (II) of clause (ii), by striking "2000" and all that follows and inserting "1992,"; and

(5) in the last sentence, by striking "an exempt amount" and inserting "the exempt amount".

(c) REPEAL OF BASIS FOR COMPUTATION OF EXEMPT AMOUNT AFFECTING INDIVIDUALS WHO HAVE ATTAINED RETIREMENT AGE.—Section 203(f)(8)(D) of the Social Security Act (42 U.S.C. 403(f)(8)(D)) is repealed.

SEC. 4. ADDITIONAL CONFORMING AMENDMENTS.

(a) ELIMINATION OF REDUNDANT REFERENCES TO RETIREMENT AGE.—Section 203 of the Social Security Act (42 U.S.C. 403) is amended—

(1) in subsection (c), in the last sentence, by striking "nor shall any deduction" and all that follows and inserting "nor shall any deduction be made under this subsection from any widow's or widower's insurance benefit if the widow, surviving divorced wife, widower, or surviving divorced husband involved became entitled to such benefit prior to attaining age 60."; and

(2) in subsection (f)(1), by striking clause (D) and inserting the following: "(D) for which such individual is entitled to widow's or widower's insurance benefits if such individual became so entitled prior to attaining age 60,".

(b) CONFORMING AMENDMENT TO PROVISIONS FOR DETERMINING AMOUNT OF INCREASE ON ACCOUNT OF DELAYED RETIREMENT.—Section 202(w)(2)(B)(ii) of the Social Security Act (42 U.S.C. 402(w)(2)(B)(ii)) is amended—

(1) by striking "either"; and

(2) by striking "or suffered deductions under section 203(b) or 203(c) in amounts equal to the amount of such benefit".

(c) PROVISIONS RELATING TO EARNINGS TAKEN INTO ACCOUNT IN DETERMINING SUBSTANTIAL GAINFUL ACTIVITY OF BLIND INDIVIDUALS.—The second sentence of section 223(d)(4) of such Act (42 U.S.C. 423(d)(4)) is amended by striking "if section 102 of the Senior Citizens' Right to Work Act of 1996 had not been enacted" and inserting the following: "if the amendments to section 203 made by section 102 of the Senior Citizens' Right to Work Act of 1996 and by the Senior Citizens' Freedom to Work Act of 2000 had not been enacted".

SEC. 5. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments and repeals made by this Act shall apply with respect to taxable years ending after December 31, 1999.

(b) SPECIAL RULE APPLICABLE TO INDIVIDUALS WHO ATTAIN NORMAL RETIREMENT AGE DURING THE FIRST TAXABLE YEAR ENDING AFTER DECEMBER 31, 1999.—Sections 202 and 203 of the Social Security Act, as in effect immediately prior to the amendments and repeals made by this Act, shall apply to any individual who attains retirement age (as defined in section 216(l) of such Act) during the first taxable year ending after December 31, 1999 (and to any person receiving benefits under title II of the Social Security Act on the basis of the wages and self-employment income of such individual), but only with respect to earnings for so much of such taxable year as precedes the month in which such individual attains retirement age (as so defined).

The SPEAKER pro tempore. The gentleman from Texas (Mr. ARCHER) and the gentleman from California (Mr. MATSUI) each will control 1 hour.

The Chair recognizes the gentleman from Texas (Mr. ARCHER).

GENERAL LEAVE

Mr. ARCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 5.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today is an exciting day for me personally, and it is a great day for the hundreds of thousands of working seniors across this country. It is the culmination of my personal 29-year effort to repeal the earnings penalty.

I launched this effort as one of the first bills that I introduced after being sworn in in 1971. The reason then to repeal the earnings penalty is the same as it is today: the earnings penalty is simply wrong. I also thank the gentleman from Texas (Mr. SAM JOHNSON); the gentleman from Florida (Mr. SHAW), the Chairman of the Subcommittee on Social Security; and the Speaker for their tireless efforts on this bill.

The Social Security earnings penalty, like the marriage tax penalty, like the death tax, like the capital gains tax, like the tax on savings, like the alternative minimum tax and so many other taxes, is simply unfair and wrong. It is unfair; it is backwards. The earnings penalty actually cuts Social Security benefits for many working seniors over the age of 65, and it discourages them from working. It increases their effective tax rate to the highest percentage of a lifetime for many of them, and that is wrong.

Now, why in the world would we want to discourage any American, whether they are 17 or 67, from working?

Today this Congress will once again do the right thing and repeal the earnings penalty for those hard-working and deserving Americans. I am proud to be a part of a Congress that fixes what is wrong and does what is right.

It was right to balance the budget and to pay down the debt, and we did that. It was right to strengthen Medicare, and we did that. It was right to cut taxes for families and to promote higher education and expand health care, and we did that. It was right to fix the broken welfare system so that Americans can discover the freedom of work, independence and the power of responsibility, and we did that. It was right to reform the IRS, and we did that. It was right to expand educational opportunities for school children and give more flexibility to parents, teachers and local school boards, and we did that. It was right to stop the raid on the Social Security trust fund and protect every dime of Social Security from being spent on other programs, and we did that.

Now it is right to repeal the earnings penalty for working seniors. They deserve to be treated fairly. After all these years, it is heartening that this effort is finally bipartisan and the President will sign this bill. Clearly it is the right thing to do.

The Social Security earnings penalty punishes seniors who choose to keep working. More seniors are choosing to work past their retirement for many reasons: for their own financial needs, because Social Security benefits for most are not adequate by themselves to support retirement; to help their families or their grandchildren through school; and for their own personal fulfillment. The point is, Americans are living longer now and older Americans can work, they want to work, and they should not be punished by an outdated law if they choose to work.

In addition, repealing the earnings penalty now will unleash the productivity of one of the most experienced and talented workforces in this country at a time when our growing economy needs it. This is clearly a win-win for everyone, which is why the bill now enjoys widespread bipartisan support.

In summary, repealing the earnings penalty is based on the fundamental principles of fairness and freedom. Seniors should be free to work without penalty and treated fairly by a program they paid into all of their lives. Working seniors across this country have waited long enough; and they deserve the action now, and they will get it now.

Mr. Speaker, I reserve the balance of my time.

Mr. MATSUI. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, first of all I would like to congratulate the gentleman from Texas (Mr. ARCHER) and the gentleman from New York (Mr. RANGEL), certainly the gentleman from Florida (Mr. SHAW) and members of the committee, and also the two prime sponsors of this bill, the gentleman from Texas (Mr. SAM JOHNSON) and the gentleman from Minnesota (Mr. PETERSON). They have obviously done a great job in getting cosponsors of this bill and explaining it to Members of this institution.

Mr. Speaker, I would just like to reiterate some of the words of the chairman of the committee. The earnings test is obviously something that has been misunderstood over the years. It is basically a penalty on those senior citizens that have earned their Social Security benefit but want to stay in the workforce beyond the age of 65.

The fact that we have had this earnings test actually has deterred over 800,000 Americans a year from the workforce. In fact, we have had some studies done by a University of California San Diego professor that has said that this will actually, by eliminating the earnings test, increase the labor pool in America by 5 percent.

In addition, the Social Security Administration has estimated that the administration of the earnings test plus the delayed earnings credit essentially costs $100 to $150 million a year; and because of the earnings credit, we have seen errors in the range of $500,000 to $600,000 per year just in administering this program. As a result of that, it is obvious we should repeal it at this particular time.

Mr. Speaker, it is my hope also as we talk about repealing this earnings test, which will be done, we not be unmindful of what the gentleman from Texas (Mr. STENHOLM) and the gentleman from Arizona (Mr. KOLBE) said in terms of some of the long-term issues of Social Security that I am sure all of us in this institution want to deal with.

The gentleman from Florida (Mr. SHAW) yesterday when we marked up this bill indicated he will be holding in the month of March, this month, some additional hearings dealing with poverty among women, the blind and the disabled, and I want to thank the gentleman for holding those hearings as well, because I think that will further the procession of making sure that we create incentives for work under the Social Security system for those that need to work and receive benefits at the same time.

Mr. Speaker, I urge an "aye" vote on this particular bill.

Mr. Speaker, I reserve the balance of my time.

Mr. ARCHER. Mr. Speaker, I yield 3½ minutes to the gentleman from Florida (Mr. SHAW), the highly respected chairman of the Subcommittee on Social Security.

Mr. SHAW. Mr. Speaker, I thank the chairman for yielding me time.

Mr. Speaker, I obviously strongly support H.R. 5, legislation that would repeal the earnings penalty for hard-working seniors age 65 and over. Many seniors are shocked to learn that if they work past the age of 65 they may lose some or even all of their Social Security benefits. This is due to something called the Social Security "earnings limit" or "earnings penalty." This rule has been in place since Social Security started in the 1930's, but that does not make it right.

Because of this rule, many older people left the workforce, making their jobs available for younger workers. That policy may have made sense during the Great Depression when those jobs were needed. However, that clearly does not apply today.

Today's economy needs the experience and ability of seniors; yet the earnings penalty has lived on. Seniors affected by this penalty lose an average of $8,000 in benefits per year. Nationwide, about 800,000 lost benefits just last year, and thousands more avoided losing benefits by cutting back on how much they worked in order to avoid this unfair penalty.

Some might recall that in 1996 we eased the earnings limit for seniors who reached the full retirement age. As a result, seniors aged 65 through 69 have been able to earn a bit more each year since then without experiencing the cut in their benefits. While that was a positive step, many of us have long felt that it was wrong to punish hard-working seniors, period, many of whom just want to work, and many of whom have to work.

Mr. Speaker, what message does the earnings penalty send? That the contributions of seniors are no longer needed? That seniors should head for the sidelines of the economy due to age alone? That seniors do not deserve the benefits that they paid for simply because they continue working? I do not think anybody in this chamber or in this Congress feels that way. That is why so many of us have expressed support for H.R. 5, this bipartisan bill before us today, that will eliminate this penalty for good.

A broad spectrum of business and senior groups, including the AARP, support this bill. They know it is good for seniors, it is good for business, and it is good for this country and its economy.

I congratulate the gentleman from Texas (Mr. SAM JOHNSON) and the gentleman from Minnesota (Mr. PETERSON), the original sponsors of the bill. I want to congratulate the gentleman from Texas (Chairman ARCHER) for his years of tireless work in relaxing and now repealing this earnings penalty. The gentleman has been a personal testament to what hard-working seniors can do. The gentleman especially should be gratified that all of his years of hard work to repeal this unfair limit are paying off.

Mr. Speaker, eliminating the earnings penalty is the right thing for seniors who have spent a lifetime working for their Social Security benefits. They should get all the benefits they earn and that they have paid for. Today we are taking one major step closer to seeing that occur. I encourage the Senate to approve this legislation quickly so it can be signed into law as promised by the President.

Mr. MATSUI. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. STARK).

Mr. STARK. Mr. Speaker, I thank the gentleman for yielding me time and join in the accolades to those who have brought this bill to the floor today, which addresses a problem probably for 5 percent of the wealthiest beneficiaries under Social Security. It is a vestigial prohibition on getting retirement income. No other retirement plan denies that.

I was intrigued this morning as we had all of this bipartisan self-congratulation. The fact is that while we do this, there are partisan rumblings in attacking members of the Democratic Party for sometime in the past perhaps having voted against this procedure in another bill. So I would just as soon unmask for a while, in the most partisan way I can, the Republican charade, because while we are doing this, we are still denying under the Republican leadership the chance for the Patients' Bill of Rights bill to go forward. It is a bill that was passed in a bipartisan way; yet it is being stalled by the Republicans.

Last year in October in the Committee on Ways and Means, in a bipartisan attempt to pass the Balanced Budget Act, we offered an amendment that would have given a discount on pharmaceutical drugs to every senior, a substantial discount, at no cost to the Federal Government, and every Republican voted to deny the seniors this opportunity to get a discount on their pharmaceutical drugs. So as we talk later today, I hope that the gentleman from Florida (Mr. SHAW) will explain to me why that is a good bipartisan thing for the seniors in Florida to be denied a discount, and I hope the gentleman from Arizona (Mr. HAYWORTH) will come down and explain to us why he voted to deny seniors in Arizona a discount on their pharmaceutical drugs.

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Mr. ARCHER. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. SAM JOHNSON), a respected member of the Committee on Ways and Means.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I appreciate the gentleman yielding time to me. I appreciate what he has been doing on this bill. I know he has been working on it for many, many years. We truly appreciate it coming up today.

Mr. Speaker, 1 year ago I introduced H.R. 5, the Freedom to Work Act. Yesterday, every member of the Committee on Ways and Means voted to send the bill to the floor to repeal the social security earnings penalty.

Under current law, our seniors age 65 to 69 can earn only $17,000 before they lose $1 in social security benefits for every $3 they earn. This limit is unfair, outdated, and bad for the economy. This obsolete social security earnings penalty must be eliminated.

As we all know, our seniors have earned social security benefits through a lifetime of contributions. They have worked for them, and they are entitled to their full benefits. It is their money, it is not Washington's money. It should not be taken away from them just because they choose to work after they reach normal retirement age.

The earnings penalty adversely affects 800,000 seniors who reach the normal retirement age. It discriminates against our senior citizens who must work in order to supplement their benefits. That is just not right. The earnings penalty is a Depression-era law whose time has long since come and gone. Today, with unemployment at record lows, seniors are needed in the work force, so the last thing we ought to do is discourage them from working.

Senior citizens who work not only lose a large percentage of their social security benefits today due to the earnings penalty, but they pay social security taxes, Medicare taxes, Federal taxes, and probably State income taxes, as well. Combined with the earnings penalty and these other taxes, our seniors may face a marginal tax rate as high as 80 percent.

The earnings penalty is complicated and difficult to understand. In addition, the earnings penalty is complex and costly to the Federal government to administer. For example, the earnings penalty is responsible for more than half of the social security overpayments.

The Social Security Administration estimates that administering the earnings penalty takes 1,200 people and costs $150 million a year. Repeal of the earnings penalty would allow our senior citizens to work more, the American economy would benefit from their experience and skills, and it does not cost anything.

According to the Social Security Administration actuaries, a repeal of the earnings penalty will not affect the social security trust fund. Two weeks ago, the President finally agreed to sign the bill. I am pleased that he has decided to help us fix this unfair penalty.

Mr. Speaker, I fought for freedom in two wars, Korea and Vietnam. I believe that freedom entitles our seniors the ability to work without penalty. America's seniors want, need, and deserve a repeal of this penalty.

Mr. MINETA. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, as has been pointed out, last year almost 800,000 seniors had their social security benefits reduced because of this earnings test. Next year, over 600,000 seniors will be forced to defer their benefits because they had earnings over $17,000.

Today we are passing a commonsense change that allows seniors to be able to earn, be able to continue to work, and be able to collect their social security checks. As the gentleman from Texas (Mr. SAM JOHNSON) pointed out, it will have no effect on the long-term solvency of social security.

For the first time, we allow seniors to continue to earn a paycheck without taking it out of their social security check. Seniors who want to continue working should be able to stay in the labor force without losing their hard-earned social security benefits. At a time with a tight labor market and historically low personal savings, it does not make sense to discourage our most experienced workers from staying productive. Yet, the earnings penalty amounts to a 33 percent marginal tax rate on work.

This change will particularly help women workers, who have historically had lower earnings and an uneven work history. Work for women becomes even more important, and they should not be penalized by the social security system.

Mr. Speaker, let me point out, as my friend, the gentleman from Texas, pointed out during an earlier discussion, yes, many of us would like to see comprehensive reform of our social security system. We should be doing that. But we should not stop making changes that are commonsense, that we can get done, such as removing the earnings test.

I urge my colleagues on the other side of the aisle that the same logic should apply to Medicare. If we are unable to bring forward comprehensive Medicare reform, let us at least agree on prescription drugs. We know in a bipartisan way that we need to do that.

The example that we have used on this earnings test, a bipartisan agreement between the Democrats and the Republicans to move this bill, let us do the same on other issues that are important to all of our constituents.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. HAYWORTH), another respected member of the Committee on Ways and Means.

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Texas for yielding time to me, the distinguished chairman of the Committee on Ways and Means, who has labored so hard for this commonsense reform so greatly needed for so long.

History reminds us that Arizona's favorite son, Barry Goldwater, in the other Chamber, brought this idea forward long ago. I am so glad, in the spirit of bipartisanship now, that others in previous Congresses so reluctant to address this commonsense reform would join with us today for this landmark legislation.

Almost 20,000 seniors in Arizona, 1.1 million seniors nationwide, are being penalized because they choose to work, are being penalized because they bring to the workplace maturity and experience and energy.

Mr. Speaker, we need those experienced workers in our work force. One thing I have learned in representing the Sixth Congressional District of Arizona, with so many seniors, is that these folks have so much to contribute, so much to give, yes, as volunteers in retirement age, but also active in the work force. That is what they bring and that is what we celebrate today.

So again, we welcome the converts to this, and we are at long last addressing this issue. This is a great day for America's seniors, for all Americans, because today we throw off the yoke of unfairness: an important first step which we must follow in many other ways, but it begins here, it begins now, and we welcome the cooperation.

Mr. MINETA. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, in 1996, I voted to increase the Social Security earnings limit to $30,000, effectively the year after next. In 1998, I voted to increase it even further, up to $39,000. So I am, of course, supportive when the Republican leadership finally gives us an opportunity to take the cap off entirely. This bill may help as many as 5 percent of our most successful seniors.

But amid all the self-congratulatory back-slapping that we see here today, let us be sure to understand what this bill is and what it is not. It represents well-justified relief for the top 5 percent. It represents top-down reform, but it does nothing for the 95 percent of the remaining Americans who rely on social security. It does nothing for those seniors whose health does not permit them to work, and who would benefit more from getting access to prescription drugs and an end to the discrimination they face with huge prices they are charged by the pharmaceutical companies.

This legislation is very significant to older Americans who have the capacity to keep earning more than $30,000 a year, but in terms of overall reform of the Social Security system, to preserve it for future generations, it is a very modest change.

Of all the changes that we can make in this Congress, interestingly enough, this is one of the few that is politically painless. It represents essentially an eat-dessert-first approach to reform. Congress should be grappling with the tough choices that we face on how to extend the solvency of Social Security for all Americans and for future generations of Americans, not just the politically easy step that primarily puts more benefits in the pockets of the most successful seniors, coincidentally, during an election year.

I would say this morning, better a reform for 5 percent than no reform at all. But for most Americans who are counting on Social Security, this change makes no real difference in their lives. It is long past time that this Congress got about doing something for them.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. FOLEY), another respected member of the Committee on Ways and Means.

Mr. FOLEY. Mr. Speaker, I thank the gentleman for yielding time to me. I thank the chairman for his hard work on this bill. Since 1986 the gentleman from Texas (Mr. ARCHER), the chairman of our committee, has been working on this product, joined with the gentleman from Illinois (Mr. HASTERT), now, and with the leadership of the gentleman from Florida (Mr. SHAW) and the gentleman from Texas (Mr. SAM JOHNSON), we see victory today for senior citizens.

But even in light of victory, we have to have a little bit of a political zinger put on the floor by the gentleman from Texas (Mr. DOGGETT). He has to drill a little needle there into this debate, rather than celebrate the rewards of senior citizens across America.

At 65, under this policy that was maintained by 40 years of Democratic leadership, we were telling seniors, get out of the way, you are too old and you are too tired. Modern-day America recognizes, and particularly our party recognizes, that seniors 65 are in the prime of their lives.

My father at 77 years of age retired as a principal of a high school in Lake Worth, Florida. He contributed to the children of Palm Beach County schools, and he did it because, first and foremost, he loved children, and secondly, he had a lot to give to our community.

But no, for many, many years they blocked the attempt to reform this crazy notion of retirement at 65, or penalizing, should one work.

Mr. Speaker, let us face reality. Just like social security predicts that more retirees than active workers will exist in 10 or 20 years, so will be the notion of less workers available for active duty. This bill provides relief for the baby boomers who will retire to stay engaged and stay working.

So today, rather than taking political shots across the aisle, let us join hands in this bipartisan spirit. But I must insist on commending the gentleman from Texas (Mr. ARCHER), because he has been working on this when he was in the minority, and finally now has had comity from the other side of the aisle to bring this measure to the floor; the gentleman from Illinois (Mr. HASTERT) in the same period, and again, the gentleman from Florida (Mr. SHAW) from my district.

The gentleman from Florida (Mr. SHAW) and I have probably the 6th and 7th oldest Medicare recipient districts in the Nation. So today I join my good friend, the gentleman from south Florida, in saluting our retirees who worked so hard to pay to run the government of the United States of America.

Mr. MINETA. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Minnesota (Mr. PETERSON), the original sponsor of this legislation.

Mr. PETERSON of Minnesota. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I am proud to be here today, along with my good friend, the gentleman from Texas (Mr. SAM JOHNSON), bringing this bill forward.

This is something that I have been for for a long time. I used to do tax returns for a living, and saw firsthand the impact this had on people. This is something that probably made sense back in the thirties, but its time has past. It is time for us to get rid of this penalty, which causes these people to pay some of the highest marginal tax rates in this country.

My district is a very rural district. We are having a lot of trouble out in the farm part of the district. In the cities, St. Cloud is a big city, and Moorhead, which is a middle-sized city, or Aurora, which is a small city, the problems we are having is getting enough workers to fill the jobs that we have out there.

In this pool of workers that are being penalized, we have a lot of people that have talent that want to work, and this is going to free up a lot of folks to do what they want to do. It makes sense.

One other thing I want to focus on. One of the things this will solve is, part of the problem our farmers are having is with their being taxed on the rent that they are charging for their farmland. The IRS, because apparently one word was left out of a statute, are forcing farmers to pay self-employment tax on their rent. These are the only businesspeople in America that are doing this. If you are in the real estate business, if you are a CPA, if you rent a building or land to your kids or to anybody else, you do not pay self-employment tax, but farmers do.

If they pay this self-employment tax, they can also be subject to the self-employment tax penalty that we are getting rid of here today, so this is going to solve part of the problem.

We appreciate the chairman's leadership on this issue, and we hope the gentleman would look at the other part of the problem, because it really is crazy, what we are doing to farmers. They have tremendous pressure on them now. In my district, none of them are making any money.

□ 1115

The last thing they need is to have another tax put on them. So we would appreciate a look at that.

Mr. SHAW. Mr. Speaker, will the gentleman yield?

Mr. PETERSON of Minnesota. I yield to the gentleman from Florida.

Mr. SHAW. The gentleman has brought up a very sensitive point.

The SPEAKER pro tempore (Mr. LAHOOD). The time of the gentleman from Minnesota (Mr. PETERSON) has expired.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from New

York (Mr. HOUGHTON), another respected member of the Committee on Ways and Means.

Mr. HOUGHTON. Mr. Speaker, I yield briefly to the gentleman from Florida (Mr. SHAW).

Mr. SHAW. Mr. Speaker, the gentleman from Minnesota (Mr. PETERSON) brought up a point that we are waiting for the Commissioner of Social Security to reply to, because he has raised a very good point and something that our committee intends to address. I thank the gentleman from New York (Mr. HOUGHTON) for yielding to me.

Mr. HOUGHTON. Mr. Speaker, reclaiming my time, I thank the gentleman from Texas (Mr. ARCHER) for yielding me this time. It is sort of too bad that certain people on the other side take a partisan view of this thing. It is not partisan; it is bipartisan. It makes sense. The timing is right. There is overwhelming support for this.

When I started to work in the early 1950s, 47 percent of the people over 65 were working. Today, only 17 percent. That is not very good.

I always think as the speed of light and communication and data processing is sort of inevitable, so is the fact that people are living longer.

I have a mother who is 99 years old, born in 1900. When she was born, the actual actuarial age of women was about 47. That was the life span. Today, it is in the 70s. Tremendous difference.

We need able people. Warren Buffett of Berkshire Hathaway has a lady over 90 years old working in his company. When companies get somebody good, they want to hold on to them. And people who work longer, they live longer, they feel healthy and want to make a contribution. So anything standing in the way, which is this double taxation of their Social Security benefits, is wrong and is not fair and it will be scrapped, and should be scrapped, if H.R. 5 goes through.

Mr. Speaker, I would just like to say one other thing. There was a lady called Marijo Gorney, and she has worked around here for 35 years. She is now retired. Mr. Speaker, this was her baby. This was her concept. She pushed it. She is now retired; and I hope she is watching this, because a lot of the success of this program is due to her.

Mr. MATSUI. Mr. Speaker, I yield 1½ minutes to the gentleman from Massachusetts (Mr. NEAL) a member of the committee.

Mr. NEAL of Massachusetts. Mr. Speaker, I would like to offer my voice in support of repeal of the earnings test, and I am certainly pleased that the Committee on Ways and Means acted so quickly, once President Clinton urged us to do so on February 14. I only wish that at the committee level we could be as accommodating on some other issues.

The retirement test is clearly a provision which has outlived its usefulness. With senior citizens living longer and longer, we should encourage those who want to continue to work, rather than discourage that effort. I do wish that we had the ability in committee to make some additional changes, however, such as offering the government pension offset that was sponsored by the gentleman from Louisiana (Mr. JEFFERSON).

Mr. Speaker, this unfair provision affects the spousal benefits of State and local workers and was enacted in response to a Supreme Court case that dealt with an entirely different problem. It is now time for that provision to be repealed as well, or at least significantly modified.

Mr. Speaker, this is a good bipartisan bill. I hope it reaches the President's desk soon, and I hope it will serve as an example that reaching an agreement when we can is far better for the American people than producing what is oftentimes so much unnecessary conflict in this institution. I am pleased to lend my name in support of this initiative. It is long overdue, but the point is that we are acting on it today. I think that there is an opportunity here for a lot of people to take some satisfaction from this initiative.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. GOSS).

Mr. GOSS. Mr. Speaker, I thank the gentleman from Texas (Mr. ARCHER), my friend and the distinguished chairman, for yielding me this time.

Mr. Speaker, I rise, obviously, in strong support of H.R. 5. As just one of many on this side of the aisle who has worked hard to eliminate the archaic and punitive Social Security earnings test since coming to Congress 12 years ago, I am delighted that today we are finally going to right this wrong.

I represent many seniors in southwest Florida who have eagerly awaited this moment and I know are going to be very happy. Last year, over 800,000 seniors across America were penalized simply because they chose or needed, needed, to remain productive members of our workforce. In an ever-expanding economy where employers increasingly lack capable and experienced employees, the Federal Government contrarily sends a message that our seniors need not apply.

I know it is true, because I hear it firsthand from working seniors in southwest Florida who choose to stay active and supplement their retirement, perhaps as a cashier at the local grocery store or perhaps as a substitute teacher at the middle school.

Proud Americans who survived the Depression and defeated Hitler's Germany are punished for displaying the same self-reliance, perseverance, and individual responsibility that defines them as our greatest generation and, frankly, has made our Nation as great as it is today. It is a national embarrassment that we will end today.

Today, finally, and I say finally, the White House and congressional Democrats will apparently join with us in ending the unfair earnings tax. But it was not always so. Just 2 years ago, only 19 Democrats voted to end the earnings limit. But in the best spirit of our representative democracy, we have made our case and we have persuaded them, or at least most of them, to join us. This has been a long and trying fight. And besides the gentleman from Texas (Chairman ARCHER) and the gentleman from Florida (Mr. SHAW), my Florida colleague, and the gentleman from Texas (SAM JOHNSON), courageous souls like Jay Rhodes no longer here, JIM BUNNING in the other body, who should be here to celebrate with us today I hope are taking joy in this.

Above all, we should cheer our Speaker, the gentleman from Illinois (Mr. HASTERT) who led the fight for incremental reform before it was fashionable and who appropriately will preside over this Congress today as we end this tax on working seniors once and for all. I urge a "yes" vote.

Mr. MATSUI. Mr. Speaker, I yield 1½ minutes to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Speaker, I rise in support of the Seniors Freedom to Work Act. More than 800,000 senior citizens aged 65 to 69 in our country lose part or all of their Social Security benefits each year because of this so-called earnings test.

Currently, the Social Security earnings penalty takes $1 in Social Security benefits from Americans 65 through 69 for every $3 they earn above the $17,000 per year limit. When Americans turn 65, they ought to be able to count on the Social Security benefits they have earned, and this bill would repeal the earnings test once and for all.

Mr. Speaker, this is a bipartisan bill. But unfortunately, there has been a little partisan byplay here today; not from our side of the aisle, but from our friends on the Republican side. They are accusing us of reversing ourselves on this issue. They are referring to what in 1998 we aptly termed the Raid Social Security for an Election Eve Tax Cut Act. I would like to just read what I said at the time we debated that bill:

"The problem is not with the specific tax cuts, but with using the Social Security Trust Fund surplus to pay for them. These tax cuts are also contained in the Democratic substitute", in fact, it included exactly identical earnings test provisions, "but they are paid for in that substitute and they maintain the trust in the trust fund."

So what we have before us right now, Mr. Speaker, is clean legislation that addresses the earnings test issue, unencumbered by controversial or extraneous provisions. Today, we have an opportunity for a bipartisan bill, a bipartisan result, and I urge my colleagues to support this legislation.

Mr. ARCHER. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Texas (Mr. ARMEY), Majority Leader of the House of Representatives.

Mr. ARMEY. Mr. Speaker, I thank the gentleman from Texas (Mr. ARCHER) for yielding me this time. I just wanted to take a moment to add my word of appreciation for everybody's good work on this. There can be nothing I can imagine that can be more unfair to our working senior Americans than to be told that under the law of this land that they are required to pay into the Social Security program all their working years, and then at that time in their life when they are entitled to withdraw the benefits that they paid for, that the government of the United States is going to take those benefits away if they have the audacity to continue work.

Many of us have seen the injustice of this, and so many of us have worked on it over the years and had so many years of frustration.

Mr. Speaker, I always like to remind people that this is the very first bill that the gentleman from Texas (Mr. ARCHER) introduced in Congress in 1972. I studied it as an undergraduate. I understood at the time how important it was. I have watched the gentleman from Texas (SAM JOHNSON), the gentleman from Illinois (Mr. WELLER), and the Speaker himself and others, and it is just such a heart-warming thing for me today to see us passing this legislation with such bipartisan support.

The President committed to sign it, and we will finally have a real act of justice and fairness for today's working seniors. I just wanted to share in that moment with all of our body.

Mr. MATSUI. Mr. Speaker, I yield 1½ minutes to the gentleman from South Carolina (Mr. SPRATT) the ranking member on the Committee on the Budget.

Mr. SPRATT. Mr. Speaker, I thank the gentleman from California (Mr. MATSUI) for yielding me this time.

Mr. Speaker, I rise in full support of this bill, the retirement earnings test is an old vestige of the 1930s, created when Social Security was born as a way of telling who was truly retired and, therefore, qualified for benefits. It was looked upon as good policy then because it spurred older workers to stop working and take their Social Security benefits and, therefore, freed up jobs for younger workers in what was then, the 1930s, a period of high unemployment.

Today, we do not have a labor surplus in most parts of the country; we have a labor shortage. For example, I had an owner of a trucking company call me a few months ago and tell me in desperation that this offset policy in Social Security was causing him to lose drivers. They would not work upon reaching the age of 65, and he could not replace them. He saw no reason for this policy, and I can tell from talking to other workers in my district neither do they.

We can explain all the reasons behind it, going back to 1935, but most people see this as a stiff, unfair, tax on hard-working people. I think it is time for us to repeal these offsets all together for those people who have reached retirement age. The question arises: Why did we not do this in 1998? There has been some accusation here that some of us who voted for that particular tax bill then, which was an $8.1 billion tax bill in 1998, voted against the elimination of the threshold. That bill would not have eliminated the threshold. It would have raised the threshold to $39,750 by 2008.

But in 1996, almost all of us came out here and voted for H.R. 3136, the Senior Citizens' Right to Work Act of 1996. This bill raised the limit in annual steps from $12,500 to $30,000 by 2002, and indexed the threshold after 2002 to rise with the rate of inflation. Had we simply followed the course of that law, by 2008, the threshold would have been about $38,000, just a little bit less than the bill in 1998 provided.

So this argument is really not a fair argument. I am glad to see us bring something to the floor that is bipartisan. Let us keep it bipartisan. I do not think I need to encourage anybody to vote for this. The vote is going to be overwhelming. And any time we get this kind of bipartisan consensus on an issue of this substance, it is a sign of an idea whose time has come.

Mr. Speaker, I think it is right that we repeal today, right now, as soon as possible, this old and outdated vestige of the Social Security system and say this is something on which we all agree.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. WELLER), one of our great committee members.

Mr. WELLER. Mr. Speaker, today's debate is all about fairness. This Congress has accomplished so much over the last 5 years, and I am proud that just in the past year we have accomplished our goal of stopping the raid on Social Security for the first time in 30 years and we balanced the budget without touching one dime of Social Security, paid down $350 billion of the national debt, and 3 short weeks ago this House passed with 268 votes, 48 Democrats joining with every House Republican, legislation wiping out the marriage tax penalty for 25 million married working couples who pay higher taxes just because they are married.

Like the marriage tax penalty, the earnings limit on our seniors is an issue of fairness. And I want to commend the Speaker of the House, the gentleman from Illinois (Mr. HASTERT), the gentleman from Texas (Chairman ARCHER), the gentleman from Florida (Chairman SHAW), and the gentleman from Texas (SAM JOHNSON) who have been tireless leaders and fighters for this effort to bring fairness to seniors.

Mr. Speaker, let us not forget that this effort to repeal the earnings test on seniors was part of the Contract with America. It is unfinished business. For far too long, seniors who work after age 65 have been punished. Since the 1930s, seniors who live longer, want to be active longer and work longer, have been punished. 800,000 seniors in America, 53,000 seniors in my home State in Illinois, are punished just because they want to work when they are age 65 or older.

I think of my own parents, farmers in their early 70s today who want to work and be active longer. Like millions, they suffer.

Mr. Speaker, the earnings limit on seniors is wrong. Let us repeal it. I appreciate the fact the President now says he will sign it into law. That makes it a bipartisan effort. I commend the chairman and commend the Speaker and commend the gentleman from Texas (Mr. SAM JOHNSON) my friend, for their leadership. Let us get the job done. I ask for an "aye" vote.

Mr. MATSUI. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Speaker, success has many fathers; failure is an orphan. This bill is an outstanding bill and we are all fighting over paternity.

It is a bill that will help our economy by bringing experienced workers into a labor shortage work environment. It is a bill that will help 800,000 seniors and it is a bill that will actually help Social Security by bringing additional Social Security revenue and income tax revenue into the Federal Government as additional seniors enter the workforce.

□ 1130

As to the fight over paternity, it is a Democratic President who stood here in his State of the Union message and urged us to pass this bill and the Democratic alternative bill in 1998 which provided an increase in this limit which we are now going to repeal, and that alternative bill would have been signed into law. We voted for a bill that would have dealt with this issue in 1998 and would have become law.

Mr. SHAW. Mr. Speaker, I yield 1 minutes to the gentleman from New York (Mr. SWEENEY).

Mr. SWEENEY. Mr. Speaker, I rise very briefly to congratulate the gentleman from Texas (Chairman ARCHER). I rise in strong support to repeal the earnings limitation for Social Security recipients. I am particularly pleased to be an original cosponsor of

York (Mr. HOUGHTON), another respected member of the Committee on Ways and Means.

Mr. HOUGHTON. Mr. Speaker, I yield briefly to the gentleman from Florida (Mr. SHAW).

Mr. SHAW. Mr. Speaker, the gentleman from Minnesota (Mr. PETERSON) brought up a point that we are waiting for the Commissioner of Social Security to reply to, because he has raised a very good point and something that our committee intends to address. I thank the gentleman from New York (Mr. HOUGHTON) for yielding to me.

Mr. HOUGHTON. Mr. Speaker, reclaiming my time, I thank the gentleman from Texas (Mr. ARCHER) for yielding me this time. It is sort of too bad that certain people on the other side take a partisan view of this thing. It is not partisan; it is bipartisan. It makes sense. The timing is right. There is overwhelming support for this.

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Mr. NEAL of Massachusetts. Mr. Speaker, I would like to offer my voice in support of repeal of the earnings test, and I am certainly pleased that the Committee on Ways and Means acted so quickly, once President Clinton urged us to do so on February 14. I only wish that at the committee level we could be as accommodating on some other issues.

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Mr. GOSS. Mr. Speaker, I thank the gentleman from Texas (Mr. ARCHER), my friend and the distinguished chairman, for yielding me this time.

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"The problem is not with the specific tax cuts, but with using the Social Security Trust Fund surplus to pay for them. These tax cuts are also contained in the Democratic substitute", in fact, it included exactly identical earnings test provisions, "but they are paid for in that substitute and they maintain the trust in the trust fund."

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Mr. ARMEY. Mr. Speaker, I thank the gentleman from Texas (Mr. ARCHER) for yielding me this time. I just wanted to take a moment to add my word of appreciation for everybody's good work on this. There can be nothing I can imagine that can be more unfair to our working senior Americans than to be told that under the law of this land that they are required to pay into the Social Security program all their working years, and then at that time in their life when they are entitled to withdraw the benefits that they paid for, that the government of the United States is going to take those benefits away if they have the audacity to continue work.

Many of us have seen the injustice of this, and so many of us have worked on it over the years and had so many years of frustration.

Mr. Speaker, I always like to remind people that this is the very first bill that the gentleman from Texas (Mr. ARCHER) introduced in Congress in 1972. I studied it as an undergraduate. I understood at the time how important it was. I have watched the gentleman from Texas (SAM JOHNSON), the gentleman from Illinois (Mr. WELLER), and the Speaker himself and others, and it is just such a heart-warming thing for me today to see us passing this legislation with such bipartisan support.

The President committed to sign it, and we will finally have a real act of justice and fairness for today's working seniors. I just wanted to share in that moment with all of our body.

Mr. MATSUI. Mr. Speaker, I yield 1½ minutes to the gentleman from South Carolina (Mr. SPRATT) the ranking member on the Committee on the Budget.

Mr. SPRATT. Mr. Speaker, I thank the gentleman from California (Mr. MATSUI) for yielding me this time.

Mr. Speaker, I rise in full support of this bill, the retirement earnings test is an old vestige of the 1930s, created when Social Security was born as a way of telling who was truly retired and, therefore, qualified for benefits. It was looked upon as good policy then because it spurred older workers to stop working and take their Social Security benefits and, therefore, freed up jobs for younger workers in what was then, the 1930s, a period of high unemployment.

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We can explain all the reasons behind it, going back to 1935, but most people see this as a stiff, unfair, tax on hard-working people. I think it is time for us to repeal these offsets all together for those people who have reached retirement age. The question arises: Why did we not do this in 1998? There has been some accusation here that some of us who voted for that particular tax bill then, which was an $8.1 billion tax bill in 1998, voted against the elimination of the threshold. That bill would not have eliminated the threshold. It would have raised the threshold to $39,750 by 2008.

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So this argument is really not a fair argument. I am glad to see us bring something to the floor that is bipartisan. Let us keep it bipartisan. I do not think I need to encourage anybody to vote for this. The vote is going to be overwhelming. And any time we get this kind of bipartisan consensus on an issue of this substance, it is a sign of an idea whose time has come.

Mr. Speaker, I think it is right that we repeal today, right now, as soon as possible, this old and outdated vestige of the Social Security system and say this is something on which we all agree.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. WELLER), one of our great committee members.

Mr. WELLER. Mr. Speaker, today's debate is all about fairness. This Congress has accomplished so much over the last 5 years, and I am proud that just in the past year we have accomplished our goal of stopping the raid on Social Security for the first time in 30 years and we balanced the budget without touching one dime of Social Security, paid down $350 billion of the national debt, and 3 short weeks ago this House passed with 268 votes, 48 Democrats joining with every House Republican, legislation wiping out the marriage tax penalty for 25 million married working couples who pay higher taxes just because they are married.

Like the marriage tax penalty, the earnings limit on our seniors is an issue of fairness. And I want to commend the Speaker of the House, the gentleman from Illinois (Mr. HASTERT), the gentleman from Texas (Chairman ARCHER), the gentleman from Florida (Chairman SHAW), and the gentleman from Texas (SAM JOHNSON) who have been tireless leaders and fighters for this effort to bring fairness to seniors.

Mr. Speaker, let us not forget that this effort to repeal the earnings test on seniors was part of the Contract with America. It is unfinished business. For far too long, seniors who work after age 65 have been punished. Since the 1930s, seniors who live longer, want to be active longer and work longer, have been punished. 800,000 seniors in America, 53,000 seniors in my home State in Illinois, are punished just because they want to work when they are age 65 or older.

I think of my own parents, farmers in their early 70s today who want to work and be active longer. Like millions, they suffer.

Mr. Speaker, the earnings limit on seniors is wrong. Let us repeal it. I appreciate the fact the President now says he will sign it into law. That makes it a bipartisan effort. I commend the chairman and commend the Speaker and commend the gentleman from Texas (Mr. SAM JOHNSON) my friend, for their leadership. Let us get the job done. I ask for an "aye" vote.

Mr. MATSUI. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Speaker, success has many fathers; failure is an orphan. This bill is an outstanding bill and we are all fighting over paternity.

It is a bill that will help our economy by bringing experienced workers into a labor shortage work environment. It is a bill that will help 800,000 seniors and it is a bill that will actually help Social Security by bringing additional Social Security revenue and income tax revenue into the Federal Government as additional seniors enter the workforce.

□ 1130

As to the fight over paternity, it is a Democratic President who stood here in his State of the Union message and urged us to pass this bill and the Democratic alternative bill in 1998 which provided an increase in this limit which we are now going to repeal, and that alternative bill would have been signed into law. We voted for a bill that would have dealt with this issue in 1998 and would have become law.

Mr. SHAW. Mr. Speaker, I yield 1 minutes to the gentleman from New York (Mr. SWEENEY).

Mr. SWEENEY. Mr. Speaker, I rise very briefly to congratulate the gentleman from Texas (Chairman ARCHER). I rise in strong support to repeal the earnings limitation for Social Security recipients. I am particularly pleased to be an original cosponsor of this legislation. And I want to congratulate the gentleman from Texas (Mr. JOHNSON).

We have had a lot of debate and discussion over whose idea this was, but I think the record is very clear and will very clearly show that we, the majority in Congress, over the last 5 to 6 years have really begun to move forward in a meaningful way to bring steps towards comprehensive reform of Social Security. I am proud to join that effort. This is good for senior citizens, and it is good for America.

Mr. Speaker, I urge my colleagues to support us in this endeavor.

Mr. MATSUI. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. LEVIN), a member of the committee.

Mr. LEVIN. Mr. Speaker, I rise in strong support of H.R. 5, bipartisan legislation, to repeal the Social Security retirement earnings test. I am a proud cosponsor of this legislation which has the backing of so many of us on the Committee on Ways and Means.

This legislation is supported by the Clinton administration. Indeed, the President called for repeal of the test more than a year ago.

As the Subcommittee on Social Security learned during the hearing on this bill on February 15, the retirement earnings test is both confusing to beneficiaries and difficult to administer. It discourages older people from remaining in the workforce and contributing to our country's economic growth. It is past time to eliminate this disincentive to work.

The bill repeals the test for workers who attained the normal retirement age. Its repeal will allow literally hundreds of thousands of Social Security recipients to work without a reduction in their benefits. This is an idea whose time has come.

It is important to note that the repeal does not adversely affect the long-term financial health of Social Security.

This bill shows that members of the committee can work in a bipartisan way. I hope this effort remains such.

Let me stress that passage of H.R. 5 today is not in any way a substitute for comprehensive Social Security reform. Congress must redouble its efforts to pass legislation to extend solvency of the fund.

Again, the President has proposed legislation that would defeat the interest savings earned by paying down the publicly held debt to make Social Security stronger. This would extend the solvency of the program to 2050.

There is an old proverb that says that a journey of 1,000 miles begins with a single step. We are taking a good first step with the passage of H.R. 5 today. It should not, Mr. Speaker, be our last.

Mr. SHAW. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HERGER), an esteemed member of the Committee on Ways and Means.

Mr. HERGER. Mr. Speaker, what could be more fair than allowing seniors to continue working without losing Social Security benefits?

Today we are voting on legislation to end the outdated Social Security earnings limit. Under this legislation, more than 800,000 seniors nationwide will have the opportunity to work without seeing their Social Security benefits reduced.

Consider a senior in my district in northern California who is between the ages of 65 and 70 and who earns $20,000 a year to supplement their Social Security benefits. Under current law, this senior will lose $1,000 in Social Security benefits due to the earnings limit.

At a time when our U.S. workforce needs the skills seniors have to offer, this disincentive to work makes absolutely no sense. Our seniors deserve the freedom to work without being penalized for it.

This legislation before us today is based on the principles of fairness and freedom. Seniors should be treated fairly after paying into Social Security all their lives. They should have the freedom to work without worrying about losing their benefits.

Mr. Speaker, it is important to note that this legislation is fiscally responsible. It does not affect the long-term solvency of the Social Security trust fund.

I commend the President for supporting our position to end the outdated earnings limit. Mr. Speaker, let us give all our seniors the freedom and the fairness they deserve. I urge my colleagues to support this legislation.

Mr. MATSUI. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, I thank not only the gentleman from California (Mr. MATSUI) but also the members of the Committee on Ways and Means for allowing me to speak.

I rise in support of the Senior Citizens' Freedom to Work Act, a legislation that I am proud to be a co-sponsor of and will vote for today.

It seems hard to believe that our tax law actually punishes people for working. Yet under the current law, 48,000-plus Texans lose all or part of their Social Security payments each month simply because they want to work. Now if one can work after one is 70 years old, one is not penalized.

Seniors who have worked hard their whole lives and paid into the Social Security system for decades should get their Social Security benefits regardless of whether they continue to work. This important legislation puts an end to the inequitable treatment of seniors.

My only concern, Mr. Speaker, is that, hopefully, this is not a step toward increasing the retirement age. Congress already did that once, instead of using 65. So hopefully this will not happen.

This is a clean bill. It is not loaded down with other provisions. So it does not bust the Federal budget caps that we have talked about.

Hopefully, this Congress can address other senior citizens issues, providing prescription medication for seniors, because allowing them to work still may not pay for it.

Mr. SHAW. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. ENGLISH), a respected member of the Committee on Ways and Means.

Mr. ENGLISH. Mr. Speaker, I particularly want to congratulate the gentleman from Florida (Mr. SHAW), chairman of the Subcommittee on Social Security, for his extraordinary leadership, not only on this issue, but in moving forward to make Social Security more solvent.

Mr. Speaker, today Congress says to seniors, you may choose to work, choose to remain part of the productive economy, and choose to share your talents. Right now the Social Security system places a higher tax penalty on working seniors than on billionaires. We have been sending seniors the message that when they hit retirement age that we do not want them anymore. We need to change that.

The earnings limit was created 60 years ago, and it is a relic of Depression-era economics that says seniors should make room for younger workers. We now know that seniors add more to the workforce and more to the economy than they can ever take away. They add their years of experience, their expertise, their talents.

This legislation repeals the earnings limit that unfairly punishes seniors who earn more than $17,000 a year. This arbitrary limit serves as a barrier to many low- and middle-class seniors who take on a job because they need to work in order to improve their quality of life or even just to make ends meet. They must not lose Social Security benefits that they earn simply because they choose to work.

The Social Security Administration reports that more than 800,000 working seniors between the ages of 65 and 69 lose part or all of their Social Security benefits due to this outdated limitation. That is an outrage.

In Pennsylvania, we are sixth in the number of seniors adversely affected by the earnings limit; 48,000, over 48,000 Pennsylvania seniors are penalized for working.

I urge my colleagues to join the AARP, join the Subcommittee on Social Security, and the gentleman from Florida (Mr. SHAW) and vote in favor of this legislation. It is important that Congress protect the dignity of retirement and unshackle the creative energies of America's seniors.

Mr. MATSUI. Mr. Speaker, I yield 1½ minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I thank the gentleman from California (Mr. MATSUI) for yielding me this time.

Mr. Speaker, I would like to commend the gentleman from Texas (Mr. ARCHER) and the gentleman from New York (Mr. RANGEL) for the leadership in working to bring to the floor this very important piece of legislation.

We are focusing on reforming our existing Social Security program, correcting an unfairness that impacted 800,000 seniors last year. It provides an incentive for those skilled, dedicated committed workers to continue to work and enhance our society.

I want to bring one thing, Mr. Speaker, to the attention of the folks here today; and that is this, we have been told by Mr. Greenspan that one of the greatest threats to the growth in the economy is we do not have enough workers, skilled workers, to produce the supply for the demand that is out there.

This is a very unusual situation that we are in. Thank God for the seniors who are going to bail us out, because this will be an incentive for them. This is critical. This is something that we need, and we are working together finally. By the way, does it not feel good to work well on things that America needs?

Mr. SHAW. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. HASTERT), the Speaker of the House.

Mr. HASTERT. Mr. Speaker, I thank the gentleman from Florida (Mr. SHAW) for yielding me this time.

Mr. Speaker, when one looks at the genesis of an idea, why a bill like this comes into being, sometimes it has not just happened overnight. This particular bill, this has been worked on for almost 20 years.

I remember the gentleman from Texas (Mr. ARCHER) when he first came to Congress talked about this. The gentleman from Texas (Mr. ARMEY) tried to push this concept. He brought together economists that shows there is really a positive effort when people work. The positives, when one does dynamic scoring, really has outshone what the negatives were, and that was the payment is out of the Social Security trust fund.

Then 14 years ago, the 100th Congress decided that this was a project that was something that was important for people. For 14 years, we have been trying to get the Social Security earnings limit, as we call it, changed. We did change it. Twelve years ago, one could earn $10,000; and anything over $10,000, every $2 that one earned one lost a dollar in one's Social Security. Then we kind of phased it out to $3, and it went up from $10,000 to $13,000 to $17,000 today.

But the fact is, when a senior citizen goes to work at McDonald's or starts his or her own little business or, like the lady 10 years ago when I bought Valentine flowers for my wife at the florist shop, she said, Congressman, I had just came back to work in January. I had stopped work last October because I was up against the earnings limit, at that time about $10,000. I had to leave my job. Or the seamstress at the little corner dress shop that the owner came out to me and said, I am going to lose my seamstress because she has reached that earnings limit. That was in November just at a busy time.

So the unfairness of the earnings limit for today's worker certainly has been apparent, and it has been apparent for a long time.

Slowly, but surely, we have been able to move this bill to a point where we can pass it and we can give equity to seniors, people who are over the age of 65 that do not want to relegate themselves to a rocking chair.

Now, quite frankly, some seniors at age 65 want to retire, and God bless them. They should be able if they have had that productive life. But the issue is that seniors who maybe did not have to work by the sweat of their brow their whole life, that they have unearned income, if they have pensions and they have retirement accounts, they were not penalized by the earnings test.

The people that were penalized by the earnings test were people that had to go out and earn by the sweat of their brow, people that were never to save up, never to have an IRA, never to be able to have a lot of money in pensions, people that had to go out and work every day to feed their families, to make ends meet. Now they are 65 years of age and, all of a sudden, they have a big government tell them, oh, by the way, you can get Social Security, but you cannot work anymore.

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"You cannot work to send your grandchild or child on to college; you cannot help earn that tuition for your family and, by the way, you cannot have that car that you would like to have to go on vacation because you cannot earn more than this amount of money because you are going to be penalized."

This is wrong. It has been wrong for a long, long time. And especially in today's economy, when seniors are valued, because it is the seniors that have work ethics. It is the seniors that put in a full day's work, and they know the value of work. People like Sears Roebuck and J. C. Penney and McDonald's, and on and on, have been telling me for over a decade that they want those seniors in their ranks. Because not only are they good workers, people they can depend on, but for people entering the work force they are great people to train. It is a good ethic to pass on.

So we cannot afford to keep this resource, these people who have built this country, these people who want to contribute, even into their retirement, to what America is all about, we cannot afford to keep them out of this process.

I want to again say that I urge everybody to vote for this bill. And I am very pleased that the President has endorsed this piece of legislation. I think it is good, as the gentleman said, that we have found something that we can work on, something that lifts the American people and gives them a better future.

I want to also thank certainly the gentleman from Florida (Mr. SHAW) for bringing this legislation up, and the gentleman from Texas (Mr. SAM JOHNSON), who has worked on this as a pioneer for years, and JIM BUNNING, who used to be a Member of this body worked on it for years and years. There are a lot of people and a lot of history here.

I think it is time that this bill passes, and I urge everybody to stand up and vote "yes." Thank heavens this is here, a time of salvation for our seniors.

Mr. MATSUI. Mr. Speaker, I yield 1½ minutes to the gentleman from Mississippi (Mr. SHOWS).

Mr. SHOWS. Mr. Speaker, I rise today to express my strong support for H.R. 5, to repeal the Social Security earnings limit.

I am pleased finally to have the opportunity to bring this to a vote. After all, House Democrats have long supported repealing the earnings limit, but within the framework of comprehensive Social Security reform, to protect the Social Security Trust Fund and make sure it is there for seniors who need it.

The Republican tax cut actually held the Social Security earnings limit hostage to election year politics. Their proposals would have raided the Social Security surplus to fund huge ill-conceived tax cuts, of which repeal of the earnings limit was one small part.

Seniors will not be fooled by a political effort to tie repealing the Social Security earnings limit to a tax cut that would have been funded by raiding the Social Security surplus.

I support eliminating the earnings limit. More than that, I support being honest with our seniors.

Mr. MATSUI. Mr. Speaker, I yield 1½ minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in strong support of H.R. 5, bipartisan common sense legislation to repeal the Social Security earnings test.

I believe the Social Security earnings test should be eliminated. Simply put, this provision of the Social Security law has outlived its usefulness. It is a relic from another time. It survives only to punish older Americans for their productivity.

Today, most seniors continue to work at least part time after retiring. These men and women have some of the most dedicated and experienced skills to bring to our work force. And, as a Nation, we should be doing everything we can to encourage them to continue to contribute their time and their talents, not penalize them for doing so.

H.R. 5 would repeal this limit entirely, effective immediately. It is a bill that is worthy of our unanimous support. The President proposed it; both parties support it. It is simple, we need to pass H.R. 5.

We also need to undertake a comprehensive legislative fix that would use the projected budget surpluses to extend the life of Social Security and Medicare and pay down the debt.

Mr. MATSUI. Mr. Speaker, I yield 1½ minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in strong support of repeal of the earnings limit for Social Security recipients between 65 and 70 years of age.

When I talk to employers in Maine, many cannot find all the employees that they need. Many seniors between 65 and 70 want to work but are discouraged from doing so by the Social Security earnings limit. This bill will help seniors who want to work and employers who want to hire them.

This bill is also an example of what Republicans and Democrats can do when we bring to the floor legislation on which we can agree. In 1998, I voted for a Democratic proposal to lift the earnings limit, but I pointed out at that time that the competing 1998 Republican plan included tax cuts that did not protect Social Security surpluses. That was the wrong approach and I opposed it. This bill is the right approach, and I am proud to support it.

Mr. MATSUI. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Speaker, I rise in strong support of H.R. 5, to repeal the Social Security earnings test. It is long overdue.

It makes absolutely no sense to penalize older Americans for participating in the work force at any time. It makes particularly no sense to penalize older Americans at a time when businesses are clamoring for qualified workers. Our most experienced workers should not be left out of America's work force, out of America's future.

Many of the seniors in the district I represent in southern Nevada have asked me to champion this issue on their behalf. They have so much energy, so much talent, so much to continue to give this great country. Congress must repeal this obsolete earnings limit and give seniors the freedom to work without penalty.

Mr. SHAW. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. Mr. Speaker, I rise in strong support of this proposal and commend the gentleman from Texas (Mr. SAM JOHNSON) and the gentleman from Florida (Mr. SHAW) for their efforts in this endeavor.

Mr. SHAW. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. COLLINS), a member of the committee.

Mr. COLLINS. Mr. Speaker, if we are to climb the mountain of tax reform, we have to take it one step at a time; and I think the right approach is to aim first at individuals and remove the burden of excessive taxation and complicated regulations.

The very first place to start is by scrapping tax penalties. Why hit people with a heavier tax burden for being married, for working after retirement, or for building a family business or farm? The Senior Citizens Freedom to Work Act is an important step to remove one of those penalties. It will end the Social Security earnings limit which discourage seniors from continuing to work.

This legislation follows an important first step we took a couple of weeks ago with the passage of the marriage penalty tax relief. Finally, I hope that we will take a third step, and that is by helping families by eliminating the death penalty tax which hammers families, family-owned businesses and farms.

Mr. Speaker, let us keep moving forward, making progress in tax reform and support H.R. 5.

Mr. MATSUI. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. FROST).

Mr. FROST. Mr. Speaker, I rise today in strong support of H.R. 5, legislation that is long overdue for our Nation's seniors.

In 1999, an estimated 1.2 million beneficiaries had some or all of their benefits withheld for some portion of the year under the Social Security earnings test. About 800,000 beneficiaries lost some or all of their benefits under the test as a result of their work at ages 65 to 69. Additionally, the benefits of 150,000 family members were limited or withheld due to the earnings of the primary beneficiary.

Mr. Speaker, for many seniors, working after the age of 65 is not an option. Facing mounting bills for prescription drugs and the increasing cost of living, it is something they must do to continue to pay their bills. We should be doing everything we can to increase the standard of living for these valuable employees.

Older women in particular face a major hardship from the earnings test. The poverty rate for women is higher than the poverty rate overall, and women have a greater reliance on their Social Security benefits for income. Widows account for 66 percent of aged women in poverty. There are 1.2 million aged widows who receive Social Security benefits and have had incomes below the poverty line.

Because women live longer, have lower lifetime earnings and, therefore, for dependent on Social Security benefits, they are more likely to be working well past the traditional retirement age. We need to boost the Social Security earnings for this most vulnerable group of seniors rather than putting roadblocks in their path.

Mr. Speaker, repealing the earnings limit is good for seniors and good for employers too. Older workers are exactly the type of employees that businesses want. They are dependable, experienced, and have a strong work ethic. We should be encouraging these workers to remain in the work force instead of trying to force them out. As the number of older workers grows, and the need for quality employees becomes more acute, we need to take advantage of the experience and skills that older workers provide.

Eliminating the earnings test is not only the fair thing to do for working seniors but it will improve the quality and efficiency of the Social Security program as well.

Mr. SHAW. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. RAMSTAD), a member of the Committee on Ways and Means.

Mr. RAMSTAD. Mr. Speaker, I thank the gentleman for yielding me this time and for his leadership on this issue.

Mr. Speaker, I rise today in strong support of this bill to get rid of the Social Security earnings limit. I have been an original cosponsor of this bill many times, and I am pleased that we have gotten to this point today.

The need for this bill was really brought home to me last Friday. In my district office in Bloomington, Minnesota, a woman named Anna Marie came to see me and said she needed to talk to me about a very personal, very important matter related to Social Security. When she came into my office she was noticeably upset and apprehensive about her situation. She sat down and explained to me that $4,000 had been taken out of her retirement benefits and she desperately needed that money today. In fact, she needed the money for dentures, and if she did not get those new dentures she would be placed on a liquid diet, unable to eat solid food. The $4,000 she had lost would help her afford these dentures and maintain the independence and life-style that she deserves.

When I told her about what Congress would hopefully do today, about the bill before us to remove the Social Security earnings limit, she started to cry. Her eyes welled up with tears, she clasped her hands together and she said, "Praise Jesus. Thank you, God."

Well, this is an important bill in the lives of real people, real seniors who need that $4,000, who need the money that has been taken by the Federal Government. In voting for it, my colleagues, we help Anna Marie, we help many others like her across the country. In voting for it, to remove the Social Security earnings limit, we will make a real difference in the lives of real seniors, ensuring that not only can they keep the money they earn, that they need, but also the independence that these seniors deserve.

So I hope in a bipartisan way we overwhelmingly pass this legislation before us today.

Mr. MATSUI. Mr. Speaker, I yield 1½ minutes to the gentleman from Washington (Mr. SMITH).

Mr. SMITH of Washington. Mr. Speaker, I too rise in strong support of H.R. 5 today. This bill is a win-win situation, not just for seniors but for the country as a whole as well.

Clearly, it is to the great advantage of seniors to have the opportunity to continue to work, to bring in income and not have their Social Security cut.

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It is the right thing to do. Seniors, particularly between 65 and 70, still have a lot of bills and a lot of concerns that Social Security cannot meet. Allowing them to work is a way to help them make that up. But it is also a great benefit to our economy. If there is one thing I hear from every business in my district, it is that they cannot find enough workers. It does not matter what the job is; they cannot find enough people to do the jobs they need.

Well, we have a wealth of talent out there with great experience, and that is our seniors who can fill those jobs and help our economy. This bill is fair to seniors, excellent for the economy, and I recommend that we support it strongly.

I also think it is great that it is a bipartisan piece of legislation. It shows an example of where the House can work together to solve real problems for real people in this country, and I am very proud to support it.

Mr. SHAW. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. PORTMAN), an esteemed member of the Committee on Ways and Means and a member of the Subcommittee on Social Security.

Mr. PORTMAN. Mr. Speaker, I appreciate the gentleman yielding me the time; and I want to thank him and the gentleman from Texas (Mr. ARCHER) and other members of the Committee on Ways and Mean who have put this legislation forward. I rise in very strong support of it, the Senior Citizens' Freedom to Work Act, properly named, as well.

The gentleman from Minnesota (Mr. RAMSTAD) talked earlier about a constituent who had come into his office and talked about the penalty that she now lives under, which is about 4,000 a year, and does not enable her to do things she needs to do for herself.

Let me tell my colleagues another story. And there are so many out there. Each of us knows people in our districts, maybe in our family, who are affected by this. But Marjorie Thompson is a dear friend of mine back home. She is a caregiver. She is a nurse. She takes care of elderly patients primarily. She is a compassionate, a skilled person who has a very strong work ethic and wants to work.

Marjorie is in her late sixties, and she wants to go to work every day. She has come to me and she has said, Rob, should I work? And I have to tell her that her marginal tax rate for every additional dollar she earns now is about 80 percent. She is getting advice now from everybody she knows that say, of course she should not work, not with that kind of penalty.

If we could take away the earnings penalty from her, she would work and she would work a full year—and she would not stop when she has reached that cap.

People like Marjorie Thompson are needed. They are needed to care for our elderly. They are needed throughout our economy. These are people that have a lot to contribute. And it is not just economically. They have a lot to contribute to our society. They want to work. They want to have the dignity and the self-respect that comes with work.

The last thing that this Congress and this Government should be doing is discouraging them from working. We have to remove this penalty from the Tax Code. It is overdue.

Again, I commend the gentleman from Florida (Mr. SHAW) and others, the gentleman from Texas (Mr. SAM JOHNSON) who put this forward. And I am really looking forward to its being enacted into law.

Mr. MATSUI. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I rise in strong support of repealing the earnings test for Social Security beneficiaries between the ages of 65 and 69.

There is currently a shortage of workers in the U.S. There is no good reason for Social Security to punish people who want to work. These more mature workers are some of our Nation's most skilled.

Mr. Speaker, the earnings limit is a relic of the Depression era. With Americans living longer, Social Security should not dictate their life-style choices to them. This bill is good social policy and good economic policy. It does not make sense to punish Americans for working when Congress is being lobbied to allow additional workers into the country from other countries.

Mr. Speaker, I am pleased that we are approaching this in a bipartisan manner; and I hope that my colleagues on both sides of the aisle can use this year to address broader reform.

When discussions turn to handling the budget surplus, we must insist that the solvency of Social Security and Medicare are addressed first and that our older citizens have a prescription drug benefit. We should be addressing this now, not adjourning.

Mr. SHAW. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. KUYKENDALL).

Mr. KUYKENDALL. Mr. Speaker, I rise today in strong support of this legislation. It is important legislation for our seniors.

Incredibly, seniors between the ages of 65 and 70 currently lose a dollar's worth of Social Security benefits for every $3 earned over $17,000. Seniors should not be penalized for working. It is just plain unconscionable that the Government would take away these hard-earned benefits.

With our powerful economic growth continuing, the need for skilled workers in the workforce is increasing. To have any disincentive to work is bad policy. More than 800,000 working senior citizens lose part or all of their Social Security benefits due to this obsolete provision. And today we can remove the earnings limit.

I am glad to hear also the President recognizes this unfairness in this earnings limit. Ending the earnings limit is good for seniors, good for the Nation; and it is the right thing to do. I urge my colleagues to support this legislation.

Mr. MATSUI. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Ms. SANCHEZ).

Ms. SANCHEZ. Mr. Speaker, today I rise in support of H.R. 5, legislation to repeal the earnings test for Social Security for the ages 65 through 69. It is time to get rid of this penalty, and I am glad that we are finally debating this issue.

The earnings limit originated in the 1930s, but today people remain healthy and vigorous longer than they did then; and it makes sense to repeal this obsolete and punitive limit.

It makes no sense to penalize seniors, some who still have to work in the workplace, some who want to contribute their skills to the workplace, especially in a time when businesses are finding it difficult to recruit enough qualified workers to fill the jobs that remain vacant.

The current system is a disincentive for seniors to continue to work, and it needs to be changed. And this legislation is long overdue.

But there are a lot of other things we also need to work on. We need to help retirees by using the surplus to extend Social Security and Medicare, to provide a prescription drug plan for all seniors, and to lift the limit on outside income for beneficiaries of Social Security.

I have supported raising the limit in the past, and I support repealing it today.

Mr. SHAW. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. CRANE) a respected member of the Committee on Ways and Means.

Mr. CRANE. Mr. Speaker, I want to thank the chairman for yielding to me this time.

I want to say to my colleagues that all of us understand the meaning of the phrase "an honest day's pay for an honest day's work."

Because of the many, many decades of hard work in all kinds of jobs, our older Americans appreciate that adage more than most. They know what it means to expend a lifetime of dealing with the uncertainties of living paycheck to paycheck. They got up early every morning, went to the assembly line, the office, the shop, and came home at night to enjoy some time with family and friends.

When they were rearing their families, they simply hoped to make life a little better for their children; and when they reached retirement age, they hoped to collect the money they contributed to Social Security and a pension. But if they continue to work after 65, they are forced to watch the Federal Government continue to try to squeeze every cent it can from their paycheck; and to add insult to injury, even their Social Security is affected until they turn 70.

So I proudly stand before my colleagues today because, after decades of trying to eliminate the Social Security earnings limit, it is finally happening on the floor of the House today. This means that the over 42,000 seniors living in my district, many of whom continue working beyond the average retirement age, will be getting a little bit of a break.

On behalf of my 8th District constituents, I want to thank and commend my colleague, the gentleman from Texas (Mr. SAM JOHNSON), for his persistence in getting H.R. 5 to the floor for a vote. I want to commend the gentleman from Texas (Mr. ARCHER), our chairman, who was pioneering in this effort years ago. And I want to commend the gentleman from Florida (Mr. SHAW), our distinguished chairman of the subcommittee, for all of his efforts. And I commend all of our colleagues, on a bipartisan basis, for joining as cosponsors of a bill that my colleagues, I know, will want to unanimously support and eliminate this obscene tax.

Mr. MATSUI. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. CLEMENT).

Mr. CLEMENT. Mr. Speaker, I am very pleased today that H.R. 5 is moving.

I have been in Congress for several years now, and this is a piece of legislation that I have felt like should have been passed many years ago. And I know senior citizens that have quit work simply because the penalty was too high.

Now they will be able, after this legislation passes the House and Senate and signed by the President, and I expect it all to happen this year and very soon now, where senior citizens will have an opportunity to make some decisions and whereby they can have some structure in their lives, where they can have some peace of mind, knowing that if they want to continue to work, and many of them want to do that, they will be able to accomplish those goals and objectives for themselves and their families.

It is estimated that, under current law, about 4 percent of Social Security recipients will exceed the $17,000 earnings limit and will have the benefits reduced by an average of $8,154. That does not have to happen now with this legislation.

Mr. SHAW. Mr. Speaker, I yield 1 minute to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Speaker, I rise today to commend the gentleman from Texas (Chairman ARCHER) and the gentleman from Florida (Chairman SHAW) and in support of the Senior Citizens' Freedom to Work Act.

The Members of this body have different philosophies about the role of government. Some want an expansive, activist government. Others, like myself, believe that government should have a much more limited role. But I think everyone agrees that the Government should not discourage hard work and self-sufficiency. Unfortunately, we do just that. And nowhere is this more evident than with the so-called Social Security earnings limit.

Incredibly, more than 800,000 working seniors between the ages of 65 and 69 lose part or all of their Social Security benefits simply because they choose to work in their golden years. This is wrong.

No matter what the rationale for the earnings limit was during the Great Depression, this is the year 2000. We should not stand for a Tax Code that penalizes hard work and responsibility.

I urge all my colleagues to support the Senior Citizens' Freedom to Work Act.

Mr. MATSUI. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Speaker, I want to say how glad I am that today we have an opportunity to vote to repeal the earnings test for Social Security beneficiaries between the ages of 65 and 69. This action is long overdue.

The earnings limit originated in the 1930s when the Social Security program was started during the Depression, and it remains despite the vast changes in the economy and the lives of senior citizens that have taken place over the last 60 years.

It makes no sense to penalize seniors for participating in the workplace, especially at a time when businesses cannot find enough qualified workers to fill jobs that remain vacant. People remain healthy and vigorous longer than they did in the 1930s. So it makes perfect sense to repeal this obsolete and punitive limit.

By passing this bill, seniors who need or want to work can now do so without the fear of being punished by an outdated law.

I am glad that today we, both sides of the aisle, can all be on the same page and finally take this action. Let us vote "yes" to pass H.R. 5.

Mr. MATSUI. Mr. Speaker, I yield 1½ minutes to the gentleman from Minnesota (Mr. MINGE).

Mr. MINGE. Mr. Speaker, I would like to thank my colleague from California for yielding the time to me.

Mr. Speaker, I join in the parade of Members who support this legislation. Previously, this proposal to lift the earnings limit has been used as a partisan Trojan horse. It included tax cuts that were controversial, and it would have required raiding the Social Security trust fund.

Today we have a balanced budget, we are not engaged in a raid on the Social Security trust fund, and we can approve this proposal on its merits. It is not a Trojan horse. It is not accompanied by other controversial Internal Revenue Code changes.

Strong policy considerations support this legislation. They have been amply stated by previous speakers. I would just like to say them briefly: fairness to seniors who wish to work. We should encourage a work ethics. Two, it is budget neutral. This proposal does not cost money. Three, we have a labor shortage. We need additional workers in America.

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I am pleased to join in supporting this legislation.

Mr. MATSUI. Mr. Speaker, I yield 1½ minutes to the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Speaker, I rise today as a cosponsor of H.R. 5, the Senior Citizens' Freedom to Work Act. Under current law, seniors who earn more than $17,000 per year are penalized $1 for every $3 of additional earnings. This is wrong. We should not penalize hard work. It makes no sense to penalize seniors who are participating in our work force, especially at a time when we cannot find enough workers to fill a burgeoning economy.

I have heard from many small businesses in my district that are very excited about the possibility of hiring additional workers, workers who have solid work values, who are responsible, experienced and eager to fill the positions which are currently available.

As we vote on this important bipartisan legislation today, I want to encourage my colleagues to continue work in assisting our seniors to retire so they are not forced to work. However, I strongly believe that those who choose to work should not be penalized. And this bill solves that.

I urge my colleagues to support this long-needed legislation.

Mr. MATSUI. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. STENHOLM), the ranking Democrat on the Committee on Agriculture.

Mr. STENHOLM. Mr. Speaker, I rise in strong support of this legislation and encourage all of my colleagues to support it. I have been a strong supporter of legislation to repeal the earnings limit for several years. In fact, repeal of the earnings limit was part of the comprehensive Social Security reform package that I introduced, along with the gentleman from Arizona (Mr. KOLBE) in 1998.

Our legislation though contained several other provisions that rewarded individuals who continued to work after retirement age. While I am disappointed that Congress is not acting on the other parts of our proposal to strengthen Social Security, I am very pleased that this part of our legislation is going to be enacted today.

Senior citizens are some of our most valued workers, contributing a wealth of experience that can be gained only through years of dedicated service. For this reason, I agree wholeheartedly with the statement of former Senator Bentsen that discouraging seniors citizen from working is "like keeping your best hitters on the bench."

Our society should not overlook the contribution of our seniors. Unfortunately, press reports suggest that some in the Republican party intend to use this vote on the earnings limit for partisan political purposes. I would ask a reconsideration of those who choose to do that.

As Democrats who have worked in a bipartisan way on comprehensive Social Security reform, I am extremely disappointed by these reports and hope that the Republican leadership will repudiate these tactics. The suggestions that Democrats have opposed repeal of the Social Security earnings limit are completely false.

Democrats have supported repeal of the Social Security earnings limit as part of a comprehensive legislation that keeps Social Security strong for those currently retired or close to it, and everyone knows that.

In fact, the reported line of criticism being suggested by some actually raises questions about their commitment to the integrity of the Social Security trust fund. The votes being cited to criticize Democrats were on bills that would have raided the Social Security surplus to fund tax cuts, in which repeal of the earnings limit was one small part.

Seniors will not be fooled by a political effort to use the issue of repealing the Social Security earnings limit to advocate a tax cut that would have been funded by raiding the Social Security surplus.

The past votes that some Republicans seek to exploit for political purposes were on bills that would have threatened the integrity of the Social Security trust fund. The $80 billion tax cut considered by the House in the fall of 1998 that included repeal of the Social Security earnings limit would have been funded entirely out of the Social Security surplus.

The Republican leadership at that time did not even allow a vote on the Stenholm-Neumann amendment, which provided that the tax cuts could not be funded with a Social Security surplus. Likewise, the tax bill considered by the House last year would have dipped into the Social Security surplus by more than $70 billion and would have exploded in costs at the same time the Social Security system is projected to begin running shortfalls.

Let us use today to set aside the bipartisanship. Let us recognize that today we are reaching out in a bipartisan way in order to do what everyone has agreed. While I am critical of the fact we are not doing more, we accept this today, let us put the partisanship aside. Let us continue to reach out for a long-term solution for Social Security.

Mr. SHAW. Mr. Speaker, I yield 2 minutes to the gentlewoman from Washington (Ms. DUNN), a respected member of the committee.

Ms. DUNN. Mr. Speaker, on behalf of the seniors and near seniors in the Congressional district that I represent, I rise today in enthusiastic support of H.R. 5, the Seniors Citizens' Freedom to Work Act.

The Social Security earnings limit is another aspect of a 60-year old Social Security system that no longer applies to modern society. These days seniors are living longer. They are healthier, and yet too many of our Nation's best workers are sitting in rocking chairs.

We need their strength. We need their experience in our communities. And young people starting new jobs need their example, their example of the value of work and the discipline of work. Unfortunately, by denying retirement benefits for those who choose to work, Social Security penalizes seniors who want to be productive and teach the values of hard work to younger generations.

Mr. Speaker, this bill is also very important to women who, 75 percent of the time, live longer than their spouses. And they ought to be able to have the peace of mind that they can supplement their retirement earnings if they wish without being penalized.

In Washington State alone, more than 13,000 seniors have been forced to choose between keeping the job they love or losing the retirement income for which they worked all their lives. This is wrong. It also keeps an intelligent and productive part of our work force at home.

Seniors who are currently retired have been called the greatest generation, for the sacrifices they made in defending freedom and building America into the world's only remaining superpower. It is time that we honor the contributions to America, their contributions, by allowing them to work, if they wish, and to give one of the most precious gifts of all, that they can offer their work ethic.

I want to congratulate the gentleman from Florida (Mr. SHAW) and the gentleman from Texas (Mr. SAM JOHNSON) for persevering in this cause. I want to urge my colleagues to support this bill and the President to sign it.

Mr. MATSUI. Mr. Speaker, I yield 5 minutes to the gentleman from Missouri (Mr. GEPHARDT), the Democratic leader.

Mr. GEPHARDT. Mr. Speaker, today we are taking the first step towards strengthening retirement security for all seniors and moving closer to putting Social Security on a firmer footing for the rest of the century. This time, we are doing it in a fiscally responsible way.

I am gratified that Republicans are joining with us to repeal the earnings test for Social Security. This is truly a bipartisan effort. Democrats have overwhelmingly voted three times in recent years to raise the limit and President Clinton has requested repealing this earnings limit in his last two budgets. The sooner we send this to his desk, the faster we will be able to deliver this relief to seniors who want to continue making a real contribution to our society and our economy.

Unlike a Republican attempt to raise the limit in 1998, the bill we debate today does not hurt the long-term solvency of Social Security to do so. This reform is long overdue. It is about time that we stand up for America's seniors.

According to Federal Reserve Chairman Greenspan, we are beginning to suffer from a serious worker shortage that threatens our economic expansion. This bill will play a major role in protecting our economic gains of the last 7 years. It will not only help raise the standard of living for many of our seniors but it will also help us keep the strongest economic growth of our lifetime on track by keeping a generation of skilled workers in the economy.

I met with a number of small business owners in South County St. Louis in my district this past weekend and they talked about their need to hire workers over the age of 65 because they are having such trouble finding skilled workers for jobs that are available right now. This bill will encourage seniors to return to the workplace and enable business owners to fill vacant jobs.

This earnings limit is a relic of the great depression when we experienced double-digit unemployment among young people. The limit does not make any sense in the year 2000. It needs to be relegated to the dustbin of economic history. This is just the first step towards strengthening retirement security for all seniors. Now it is time to take the next step, using the surplus to extend the life of Social Security and Medicare.

Today, we are voting to allow working seniors to fully enjoy their Social Security benefit, but that very benefit will be in danger if Republicans do not join with Democrats to take immediate action to strengthen the Social Security trust fund with an infusion of financial support.

I hope my Republican colleagues will join us over the next several months in using the surplus to strengthen both Social Security and Medicare. This bill shows that Democrats and Republicans can work together to rebuild and build retirement security. I hope that we can build on this foundation and work together to put Social Security and Medicare on a sound financial footing well into the next century.

Mr. SHAW. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. I thank the gentleman for yielding me this time. Mr. Speaker, I rise in strong support of the Senior Citizens' Freedom to Work Act. This bill is simple and straightforward, removing the earnings limit for working seniors receiving Social Security. Seniors aged 65 to 69 who have chosen to continue to work have had their Social Security benefits reduced by $1 for every $3 earned when their total earnings went over $17,000 annually.

The 104th Congress made a long needed change, raising the annual earnings limit to $30,000 by the year 2002. More needed to be done on this issue. Ever since coming to Washington in the 93rd Congress, I have introduced legislation to either raise the earnings limit or eliminate it altogether. These earnings limits have discouraged seniors from working and diminished their potential productivity, conveying a message that seniors have nothing to contribute and are better off not working in the workforce. It is gratifying that the President has stated his support for the elimination of the earnings limit, and I commend the gentleman from Florida (Mr. SHAW) and the gentleman from Texas (Mr. SAM JOHNSON) for their attention to this important issue.

Accordingly, I urge our colleagues to join in supporting this timely, important senior legislation.

Mr. MATSUI. Mr. Speaker, I yield 1½ minutes to the gentleman from Kentucky (Mr. LUCAS).

Mr. LUCAS of Kentucky. I thank the distinguished gentleman from California for yielding me this time.

Mr. Speaker, I rise in strong support of H.R. 5, the Senior Citizens' Freedom to Work Act. The elimination of the Social Security earnings limit is a reform that is long overdue.

Under the current system, senior citizens are forced to choose between the loss of their Social Security benefits and dropping out of the workforce. What a terrible message to send to our seniors that their work is not valued. With their wealth of information and experience, senior citizens are a truly vital part of the stability of our workforce and the development of the workforce of tomorrow.

The current limit takes away the benefits from those who have rightfully earned them through a lifetime of hard work. We should not be punishing our senior citizens for continuing to work but, rather, encouraging them. That is just common sense.

Mr. MATSUI. Mr. Speaker, I yield 1½ minutes to the gentleman from Illinois (Mr. RUSH).

Mr. RUSH. I want to thank the gentleman from California for yielding me this time, and I want to commend him for his leadership on this very, very important piece of legislation.

Mr. Speaker, I rise in support of H.R. 5, the Senior Citizens' Freedom to Work Act. This Social Security earnings limit is wrong and archaic. Why penalize able-bodied senior Americans who can work? At a time when our economy is in need of an experienced workforce, we should not be turning our backs on seniors who have valuable experience and skills.

The worst part of the earnings limit is that it penalizes poor senior citizens. Mr. Speaker, not every senior who retires has private pensions to supplement their Social Security benefits.

□ 1230

Health costs are rising; prescription drugs are unattainable. Seniors need to work to supplement their Social Security benefits. No longer should we force seniors to choose between food and medicine. Do not deny our seniors their basic rights. We must do away with this archaic earnings limit which deprives our seniors of their earned benefits.

Again, Mr. Speaker, I rise in support of H.R. 5.

Mr. SHAW. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. OSE)

Mr. OSE. Mr. Speaker, I rise today in support of H.R. 5. I came to this Congress recently following in the great footsteps of my colleague, the gentleman from Sacramento, California (Mr. MATSUI), and I want to specifically applaud the fact that after 40 years of Democratic majority here and 6 years of Republican majority, we finally have been able to move a bill out of the House, hopefully on to the Senate, and then to the President for signature.

This particular issue, where we in effect tax the ability of our seniors to contribute to our workforce disproportionately, has needed to be changed since it was first passed in the Depression. There is no argument about that. There is no getting around that fact.

Again, we spent 40 years under the tutelage of one party, and now 6 years we have been at it here. We finally have agreement, and I am happy to be part of this. This is one of the things I campaigned on, to try and get this tax off the backs of our seniors. I welcome my friends on the other side to this. I am very, very pleased to be here with the gentleman from California (Mr. MATSUI) and the gentleman from Florida (Mr. SHAW) in this effort.

Mr. MATSUI. Mr. Speaker, I yield 3 minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I would echo the comments just made by my friend, the gentleman from California (Mr. OSE). It is fun for a change to participate in a debate on a bill that enjoys broad bipartisan support, improving the Social Security program that we have for our seniors.

It is time we lift the earnings limit. We need to do this as part of a multifaceted approach at improving income in retirement years. This approach needs to include other activity by this Congress, activity where hopefully we would come together also in a bipartisan way to strengthen Social Security, making certain that it is going to be there for the long run, and coming together in a bipartisan way to help additional employers offer retirement savings opportunities for their workplace. Presently, only half the workers have retirement savings at work. We need to do better, and there are strategies introduced and supported by Members of both parties to get this done as well.

Finally, we need to come together to add additional savings incentives, targeted specifically at middle-income and lower-income households, so that they might save for retirement.

But back to today's bill. Today's bill really is for those that hit retirement years without enough savings already accrued. Those years, 65 to 70, represent an important last opportunity to get some additional income, even while the Social Security checks start coming, so that they might build that nest egg, to meet their needs, to keep them comfortable as they go on.

Do you know that today someone reaching the age of 65 has an additional 15 years of life expectancy if they are a male, and 19 years if they are a female? Surely there are substantial needs for a retirement nest egg in light of that kind of life-span opportunity. In addition, we know that people reaching the age of 65 today are healthier, more engaged and want to work than ever before; and we ought to give them that opportunity.

Additionally, we know that in light of our strong economy, the needs in the workforce are intense, and this potential source of labor can help employer after employer, right across the country.

In my own State, the State of North Dakota, people over the age of 60 represent 18 percent of our population. Clearly we need their participation. That is important today, but it is only going to grow more important, because this over-60 segment will swell by 60 percent in North Dakota by the year 2025. Quite frankly, I do not know how we will keep our schools going. I do not know how we will keep some of the businesses going if we do not have workers in this age span, 65 to 70, participating if they want to in the workforce without the absolutely ruinous penalty presented by the tax on earnings today.

For every reason I have mentioned, I urge a unanimous vote on this. What a pleasure it is to have this bipartisan achievement.

Mr. SHAW. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. HORN).

Mr. HORN. Mr. Speaker, today this House of Representatives will take a real step toward tax reform for America's working retirees. By repealing the so-called Social Security earnings test, we are doing away with an outdated law that affects over 800,000 seniors who have been denied the needed income to survive in their golden years.

Created in the Depression to encourage older workers to move out of the job market, the earnings limit is an antiquated solution to a problem that no longer exists. Many of today's seniors want to take part in this economic boom, but are penalized $1 in Social Security benefits for every $3 they earn beyond $17,000. My State of California is hit hardest by the earnings test, affecting over 161,000 seniors. When seniors are denied the opportunity to work and governments are denied income taxes generated by seniors working, we all lose.

Mr. Speaker, I have long believed the outright repeal of this law was the right thing to do, and I am pleased to have an opportunity today to be part of the team that will send the bill to the Senate and the President that lowers the tax burden for so many working retirees.

Mr. MATSUI. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Michigan (Mr. BONIOR), the Democratic whip.

Mr. BONIOR. Mr. Speaker, first of all let me congratulate my two friends, the gentleman from Florida (Mr. SHAW) and the gentleman from California (Mr. MATSUI), for their fine work in bringing this forward today.

Mr. Speaker, today we have the chance to take action to repeal the Social Security earnings limit, a law so outdated few can remember how it ever got on the books.

What is the Social Security earnings limit? Well, ask any senior and they will tell you the earning limit is a Catch-22 of the Social Security system. It is a law that actually punishes older people for working. In fact, it forces them, literally forces them, to become more dependent on Social Security than they need to be.

Now, why would anybody want a law like that? Well, Mr. Speaker, I do not know any of us who want a law like that, and it is time for a change. That is why we are repealing it today.

Our message for every American, no matter how old, ought to be that if you want a job and you are able to do a job, by God, this government is never going to try to stop you from getting a job.

We are voting to repeal the earnings limit because in this incredible economy, there is more than enough work that needs to be done, and older Americans may be just some of the people who can do it and do it well in a labor market that is struggling for good, competent, qualified people.

We are voting to repeal the earnings limit not only because we believe older people ought to have the right to earn higher incomes, but because they deserve the opportunity to live richer lives, lives made better by the opportunity to join the world of work. But, Mr. Speaker, the truth is that it is not just seniors who win if we repeal this foolish law; we all win. We all win because this Nation needs the experience, the skill and the maturity of older people that they can bring to the American workplace.

Older Americans today are one of this Nation's greatest resources. It is high time we take advantage of it. This is a win-win proposition for America.

Again, I want to congratulate my colleagues for bringing this to the floor.

Mr. SHAW. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Speaker, I thank the distinguished gentleman for yielding.

Mr. Speaker, back in the 1930s the reason for starting the earnings test the Democrats said it was necessary to allow younger workers to work. Today what we have is a shortage of qualified and experienced workers, so it is very appropriate that we are getting around to enacting this legislation.

I might point out I am glad to see the minority party supports this piece of legislation. For almost 4 decades the Democratic party did not seem to want to initiate and to pass this legislation; and the chairman here, the gentleman from Florida (Mr. SHAW), and others on this side, worked so hard to try and pass this. So this is a great day, to see the folks on the other side of the aisle say let's pass it by unanimous agreement.

There is no good reason, of course. There is no longer a reason for this antiquated law to be on the books. It is discriminatory.

So I support the Senior Citizens' Freedom to Work Act. I am an original cosponsor of it. It is a law we have to be very joyful this afternoon for, because it is a law that is needed.

Mr. Speaker, since the Social Security program was created in 1935, it has always included an earnings test. There have been many efforts through the years to eliminate the earnings test, but none were successful.

Back in the 1930's the reason given for starting the earnings test was to "open up jobs" for younger workers. What we are currently experiencing is a shortage of qualified and experienced workers. The time to act is now.

In 1996 I voted to increase the earnings limit for seniors who chose to continue working. We were able to increase the earnings limit for those aged 65–69 to $30,000 by the year 2002. At the time this legislation was passed, a working senior who reached $11,280 in earned income lost $1 in Social Security for each $3 earned thereafter. That's a marginal tax rate of 33%! That's a high price to pay for merely wanting to work.

Let's take a look at how the current law affects our nation's seniors who are receiving Social Security benefits and also working. This year beneficiaries aged 65–69 can earn up to $17,000 without being penalized. They lose one dollar for every three of earnings that exceed this limit.

Beneficiaries aged 62–64, those individuals who retire early, are allowed to earn up to $10,080 this year without a penalty. They lose one dollar of Social Security benefits for every two dollars they earn above the imposed limit. While the measure we passed in 1996 made vast improvements to the earnings test, our real goal at that time was to repeal the law outright. I believe that we will be successful this time around.

What's wrong with giving elderly workers who either want to work or must work in order to maintain a decent lifestyle the ability to do so. I am proud to be a cosponsor of H.R. 5 that would repeal the Social Security earnings test entirely. I have long been a proponent of repealing this outdated provision and shall continue to support such proposals until we succeed in changing this law.

The earnings test limit is unjust. It treats Social Security benefits less like a pension and more like welfare. It represents a Social Security bias in favor of unearned income over earned income.

It is effectively a mandatory retirement mechanism our country no longer accepts or needs. It precludes greater flexibility for the elderly worker and also prevents America's full use of eager, experienced and educated elderly workers. Finally, it deprives the U.S. Economy of the additional income tax which would be generated by the elderly workers.

There is no good reason to keep this antiquated and discriminatory law in existence any longer. I support swift passage of the Senior Citizen's Freedom to Work Act and call upon my colleagues on both sides of the aisle to vote for this very important and long overdue change in the law.

Mr. MATSUI. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I rise today and join my colleagues in strong support of this legislation, and I commend the leadership of this House, the gentleman from Florida (Mr. SHAW) and the gentleman from California (Mr. MATSUI). It is a good day when we can be so united in a bipartisan way to end an unfair tax on our working seniors.

Mr. Speaker, many seniors work because they need to. They should not be penalized for trying to put food on their table. They should be supported. Seniors in my district have been telling me this is something that they need. Some seniors work because they want to. They should not be penalized for remaining active and involved. These seniors should be supported as well. Our country is the richer for it.

It is time to act in this way. Today we will have, I hope, unanimous support to remove this onerous burden on working seniors and end the earnings limit. I urge my colleagues to support this bill.

Mr. SHAW. Mr. Speaker, I yield 1 minute to the gentleman from Colorado (Mr. HEFLEY).

Mr. HEFLEY. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, a few weeks ago this House voted to right a wrong. Most of us agree it is unfair for a married couple to be penalized by the Federal Government just simply because they are married, so we passed legislation to fix that unfairness. Today it is time to fix another long-standing unfairness, the Social Security earnings limit.

Mr. Speaker, it is about time. For too long we have penalized our most experienced workers, created disincentives for them to work, oftentimes when their employers need their expertise the most. No American should be penalized for their desire to work and contribute to the economy and strength of our country, least of all our seniors.

In 1987, my class in Congress, the Republican members of my class, voted to take this on as a project, to try to eliminate the earnings limit. We met with Dan Rostenkowski. I think it was the only time he ever spoke to me, but we met with Dan Rostenkowski, and he said, "No, we won't do it." So over the years we have picked away at it with the gentleman from Florida (Mr. SHAW) and the gentleman from Texas (Mr. ARCHER) and various ones, and with their help picked away at it and made it better. But today is a chance to get rid of it.

For the sake of simple fairness, it is time for this body to eliminate the earnings limit. I urge my colleagues to support this legislation.

Mr. MATSUI. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, Dan Rostenkowski would not do it. He is a Democrat. I am embarrassed by it.

I want to commend the gentleman from Texas (Chairman ARCHER) and the gentleman from Florida (Chairman SHAW). I want to commend the gentleman from New York (Mr. RANGEL) and the gentleman from California (Mr. MATSUI).

But, Mr. Speaker, this is not enough. Everybody is reaching into that Social Security trust fund and they are raiding it. I have a bill and it calls for a constitutional amendment, and it says you cannot touch the Social Security trust fund. It can only be used for Social Security and Medicare. If we pass that, we would have enough money to provide health insurance for every American.

But I want to pay tribute to the Republican Party today. Rostenkowski did not do it, Rostenkowski would not do it, and the gentleman from Texas (Chairman ARCHER) and the gentleman from Florida (Chairman SHAW) did it. But the gentleman from California (Mr. MATSUI) and the gentleman from New York (Mr. RANGEL) deserve a lot of credit for making it happen as well.

Mr. MATSUI. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

□ 1245

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for yielding time to me.

I would like to add my applause and appreciation to the gentleman from Texas (Chairman ARCHER) and the ranking member, the gentleman from New York (Mr. RANGEL), to the gentleman from Florida (Chairman SHAW), and the ranking member, the gentleman from California (Mr. MATSUI), for their vision.

This bill spells relief. I have spent some time with seniors, most of us do as we visit our senior citizen centers, as we work with seniors in our respective religious communities, as we work with seniors as our neighbors.

I can actually say that the retirement earnings test keeps good talent away from the job market. This legislation will allow thousands of social security recipients to work without a reduction in their benefits, to work in child care, to work in volunteer programs, after-school programs.

In fact, as I visited the Latino Learning Center and their Senior Citizen Center, they were making crafts. Although that is not employment per se, it still might have impacted their income by way of the income being attributable to each individual from the crafts that they made.

The repealing of this will in fact increase work incentives; will put good, strong, valued seniors in the workplace, and will add to the value of what they have already given to the workplace and this Nation. Repealing the RET will not affect social security's finances over the long run, and in particular, repealing the RET will make the social security program easier and less expensive to administer.

This is long overdue. As I have said when I have come to the floor before, this spells relief. It is relief for seniors, for the social security program, for the community where these valuable seniors can be out and about in the work force contributing to this Nation as they have done in the past.

Mr. SHAW. Mr. Speaker, I yield such time as I may consume to the gentleman from California (Mr. GALLEGLY).

Mr. GALLEGLY. Mr. Speaker, I stand in strong support of this legislation. It is a bill we have worked on for many years.

Mr. MATSUI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will be very brief. I just again would like to thank Members for the bipartisan atmosphere that occurs on the floor of the House, as it did in subcommittee and in the full committee. The fact that we have moved this bill in an expedited fashion certainly means that we should get it to the President in a timely fashion so that it will become law in the year 2000. Again, this is a much needed change in the social security system.

I might just add, just so there is no misunderstanding, that this will have a $23 billion revenue loss out of the social security system over the next 10 years. But over the life of the social security system itself, because of the delayed credit, it will have no impact on the solvency of the social security system, so this has no impact on the social security system nor on the Medicare system.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. RANGEL), the distinguished ranking Democrat on the Committee on Ways and Means.

Mr. RANGEL. Mr. Speaker, I thank the gentleman from California (Mr. MATSUI) for the way he has handled this, not only on the floor, but certainly, as the ranking member of the subcommittee on Social Security.

It gives me an opportunity to once again congratulate my long and dear friend, the gentleman from Florida (Mr. SHAW), who showed an interest in

Social Security generally, and this type of cooperation between our parties still gives me some ray of hope, no matter how small that glimmer may be, as we move forward on our political calendar, that there are many other things that we can accomplish in working together.

For those people who believe that it is in our best interest to have confrontation and do nothing, I suggest that at the polling places, both Democrats and Republicans may suffer. It seems to me that there have been enough suggestions made by the President that Republicans can pick and choose those that they feel comfortable with, those that they think are in the best interests of the people of this great country, and to be able to work with us to do it.

This is a classic example of the leadership of the chairman and the subcommittee chairman, in working with us so that we can get things done. I laud the Members for this effort, and I look forward to working with them on other issues that remain within the budget, as this has, that do not invite and encourage a veto, but those things that we know that we can work out our differences on, not only on both sides of the aisle but also on Pennsylvania Avenue.

Mr. MATSUI. Mr. Speaker, I yield back the balance of my time.

Mr. SHAW. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I would like to make an observation which I think is something that all of us have sort of made reference to, but not particularly in this regard. Some who are looking on today, tuning in on C-Span, probably think they have the wrong channel.

This has been, I think, a real landmark in what we can accomplish in this Congress by working together.

My good friend, the gentleman from New York (Mr. RANGEL), and we use that phrase a little flip around here, because when we refer to someone as our good friend, that is about the time we are about to drop a hammer on them, but we are good friends. We are very good friends. We have been for many years, as I am with the gentleman from California (Mr. MATSUI).

The gentleman from Texas (Mr. ARCHER) I think has been an incredible chairman of the Committee on Ways and Means, and we have brought things together that have made a real difference, and we do come together on things that we can politically agree upon.

There should be no disagreement in this country, no disagreement, that people who work their entire working lives, when they reach retirement age, just simply because they have to work beyond that or just simply want to work beyond that, that they should not be penalized. We agree on that. We ought to constantly look out and reach out for things that we agree upon, because it is so important to such an important segment of our population. It is so important.

So this bill is going to pass. I am going to ask for a recorded vote, because I want all the Members to have the opportunity to step forward on the Democrat and the Republican side and cast their vote, a recorded vote, to say they are in favor of American seniors. They are working with us, and we are working together to make a better life for the senior citizens of the country.

This bill takes effect on January 1 of the year 2000. That means exactly 2 months ago this bill comes into effect. The senior citizens of this country will enjoy the fruits and labor of what we have started here today.

I am pleased to say that the President is with us. Yesterday, while we were marking this bill up in the Committee on Ways and Means, the President was in Miami Beach doing a fundraiser for my opponent at a cocktail party. In fact, I thought it was rather ironic, because it was taking place at the exact time we were voting on this bill.

That is the way the system works. There is nothing wrong with that. There is nothing wrong with Democrat presidents supporting Democrat candidates and Republican presidents supporting Republican candidates.

I will tell the Members that I would certainly guess, and as tradition has it, just as we did in welfare reform and other pieces of meaningful legislation that has come out of this Congress, that the President will invite the Republicans down to take part in the bill's signing. That is the way it should be.

So many people here can take credit for what is going on here today. I am very pleased and proud that it happens during the Republican majority, but we have come together. We have locked away the Social Security surplus so we are no longer spending it. This makes America's great pension program available for the seniors without penalty.

This is a wonderful thing that has happened. This country has gone through a great transition, and when it comes to working together to make things happen, the best of us comes out when we work together.

I want to publicly thank the gentleman from New York (Mr. RANGEL) and the gentleman from California (Mr. MATSUI), and of course, my chairman, the gentleman from Texas (Mr. ARCHER), and the gentleman from Texas (Mr. SAM JOHNSON) and the gentleman from Minnesota (Mr. PETERSON) for the work that they did in bringing this thing together. This is truly a bipartisan effort. It is truly in the best tradition of the American democracy.

Mr. PAUL. Mr. Speaker, I am pleased to offer my support to the Senior Citizens Freedom to Work Act (H.R. 5), which repeals the Social Security "earnings limitations." During a time when an increasing number of senior citizens are able to enjoy productive lives well past retirement age and businesses are in desperate need of experienced workers, it makes no sense to punish seniors for working. Yet the federal government does just that by deducting a portion of seniors' monthly Social Security check should they continue to work and earn income above an arbitrary government-set level.

When the government takes money every month from people's paychecks for the Social Security Trust Fund, it promises retirees that the money will be there for them when they retire. The government should keep that promise and not reduce benefits simply because a senior chooses to work.

Furthermore, Mr. Speaker, by providing a disincentive to remaining in the workforce, the earnings limitation deprives the American economy of the benefits of senior citizens who wish to continue working but are discouraged from doing so by fear of losing part of their Social Security benefits. The federal government should not discourage any citizen from seeking or holding productive employment.

The underlying issue of the earnings limitation goes back to the fact that money from the trust fund is routinely spent for things other than paying pensions to beneficiaries. This is why the first bill I introduced in the 106th Congress was the Social Security Preservation Act (H.R. 219), which forbids Congress from spending Social Security funds on anything other than paying Social Security pensions.

In conclusion, Mr. Speaker, I wish to reiterate my strong support for the Senior Citizens Freedom to Work Act. Repealing the "earnings limitation" will help ensure that America's seniors can continue to enjoy fulfilling and productive lives in their "golden years." I also urge my colleagues to protect the integrity of the Social Security Trust Fund by cosponsoring the Social Security Preservation Act (H.R. 219).

Mr. BENTSEN. Mr. Speaker, I want to express my strong support for H.R. 5, The Senior Citizens' Freedom to Work Act of 1999. This long overdue measure would allow persons aged 65 through 69 to continue working without losing some of their Social Security benefits.

Today, our seniors are more healthy and vigorous than ever. Many seniors who choose to continue to work find that working greatly enhances their retirement years. They are living longer and often finding that they either need or want to work well beyond traditional retirement age. Further, the time has come to stop penalizing seniors who need to keep working to supplement their Social Security incomes.

This legislation, which I cosponsored, would do away with this antiquated and obsolete punitive limit to Social Security payments. Under current law, senior citizens in this age group lose $1 in Social Security benefits for every $3 they earn each year above a certain level, which is $17,000 this year. The earnings test was designed during the Great Depression to encourage older workers to leave the workforce to create more jobs for younger workers. Today, we are experiencing a labor shortage, not a surplus. With our economy's emphasis on increased productivity, older workers have the years of experience and work ethic that are in great demand.

It is estimated that initially about 600,000 seniors would be affected by the elimination of the earnings test. According to the Social Security Administration, H.R. 5 will increase Social Security outlays by $17 billion over 5 years and $26 billion over 10 years. However, in the long term, the measure's cost would be negligible because of offsetting effects because retirees would no longer receive delayed retirement credits, which under current law compensate for the benefits lost to the earnings test applied to workers above the full retirement age, and the savings from this would offset the cost from eliminating the earnings test.

Lifting the limit on outside income for beneficiaries of retirement security is a key component of my initiatives to extend the life of Social Security and Medicare. H.R. 5 is crucial as part of a broader plan that uses the opportunity of a surplus to extend the life of Social Security and Medicare and pay down the debt.

In 1998, the Republican leadership brought an increase in the earnings limit to the floor attached to a tax bill that would have been financed by borrowing directly from the Social Security Trust Fund. I opposed this bill funded by the Social Security surplus, and supported an alternative that provided for an increase in the Social Security earnings limit identical to the one in the Republican bill, but not from the Social Security surplus. Unfortunately, the bill failed to be enacted.

H.R. 5 builds upon a bipartisan measure enacted in 1996 which I supported, the Senior Citizens' Right to Work Act (H.R. 3136), which provided for increases in the amounts of allowable earnings under the Social Security earnings limit for individuals who have attained retirement age. Now we are going a step further and eliminating the cap altogether. This is the right policy at the right time.

The earnings test is a relic of the Great Depression and the time has come to terminate it. The test is a severe disincentive for older people to work. Not only do older workers suffer a reduction in their standard of living because of the test, the nation's economy loses valuable experience and skills as well.

Mr. EVANS. Mr. Speaker, I rise today in support of H.R. 5, the Senior Citizens' Freedom to Work Act.

This important legislation is long overdue. The earnings limit is a relic of an era when America was in a state of extreme economic despair. Mr. Speaker, today we are experiencing unprecedented prosperity. Our economy is booming. Our unemployment rate is lower than it has been in 30 years. It just doesn't make sense to discourage our nation's seniors from continuing to contribute to our economy by reducing their Social Security benefits.

Many of the seniors in my home state of Illinois continue to contribute to their communities through hard work. Repealing the earnings limit will have a very real impact on these seniors. Instead of being punished for their participation in the workforce, seniors should be encouraged to remain working. Eliminating the earnings test makes sense. It will be good for our seniors and good for our economy. And most importantly, we can do it without jeopardizing the future of Social Security. It is something that all of us, on both sides of the aisle, should be able to agree on.

But, once again, Republicans are playing politics with the issues that affect our nation's seniors the most. They are clamoring to point fingers at Democrats who have long been in support of amending the archaic earnings limit. But our nation's seniors cannot be fooled. Democrats support repealing the earnings limit while protecting the integrity of Social Security.

In the 105th Congress, the Republicans brought an increase of the earning limits to the floor but attached it to a risky tax cut package that would have put Social Security in severe jeopardy. Democrats strongly opposed that bill and offered a measure to raise the earnings limit and make the remaining tax cuts contingent on protecting the solvency of Social Security. This Democratic alternative was a responsible tax cut package that did not raid the Social Security Trust Fund. Not one Republican voted for this measure. This is just one of many cases that demonstrates who is on the side of seniors in this fight.

We must stop the finger pointing and come together to protect Social Security for generations to come. This is not the time for politics as usual. The livelihood of our nation's senior citizens is at stake.

Mr. MOORE. Mr. Speaker, I rise today in strong support of H.R. 5, the Senior Citizens' Freedom to Work Act of 2000.

Under current law, over 8,000 Kansas seniors lose some or all of their Social Security benefits due to the Social Security earnings limit because they choose to continue to work. Seniors aged 65 to 69 have $1 of their benefits reduced for every $3 they earn over the current earnings limit of $17,000. Simply, current law penalizes seniors for working. I do not believe it is fair to punish those seniors who want or need to participate in the workforce by having this disincentive to work.

Eliminating the earnings limit is not only fair for working seniors, it will improve the quality and efficiency of Social Security since the program will be easier and less expensive to administer. Furthermore, repealing the Social Security earnings limit is fiscally responsible. While the bill would increase Social Security spending by $22.7 billion over the next 10 years, the resulting lower long-term benefit payments will more than offset the costs.

Mr. Speaker, by allowing seniors who want to work to retain their benefits, Congress will take an important step towards strengthening retirement security for all seniors. This step, however, should not be our last. I urge my colleagues to begin working with me, in the same bipartisan manner that we worked on today's bill, to put Social Security on a firm financial footing for future generations. We need to build on today's success by dedicating a substantial portion of the budget surplus to pay down debt and strengthen Social Security and Medicare.

I urge my colleagues to support H.R. 5 and to join me in the larger challenge of strengthening Social Security and Medicare for our seniors and for generations of future retirees.

Mr. DELAHUNT. Mr. Speaker, today, we take an important step forward in addressing a Social Security inequity that is an injustice to working seniors. Under the Social Security Earnings Limit, beneficiaries aged 65–69 can earn up to $17,000 a year—but for every $3 earned over this amount $1 of benefits is lost.

The cap has always been one of the most unpopular parts of the Social Security program—and for good reason. It penalizes older people for working—and deprives the nation of the talent of working seniors. It's time to get rid of it, once and for all.

The earnings cap is a relic of the Great Depression, when concern over massive joblessness led to a perception that retirees should be discouraged from rejoining the workforce. Today, people are living longer and working longer—and are as entitled as the rest of us to fair wages for their labor.

At a time when unemployment is at a 30-year low and we face acute labor shortages, this Depression-era work disincentive for seniors no longer makes sense.

Older Americans possess enormous talent and experience. It boggles the mind why we'd want to maintain disincentives for them to work. The earnings test not only erodes seniors' standards of living, but also costs the nation valuable skills in the workforce, as well as tax revenue generated by this income.

Retirees who receive income from other sources such as pensions or capital gains do not have any benefits reduced. Why should income from pensions or investments be treated more favorably than earned income?

I received a letter last summer from a retiree from my home town—Quincy, Massachusetts. He wrote: "I would like to retire with dignity and only want what I deserve. I feel that with your support of this bill, it would enable me to live without worries of finances and diminish the concerns of my family."

That is what this legislation is all about—simply giving seniors what they deserve.

While this is a step in the right direction, seniors deserve more—and we could and should be doing more—much more.

During Committee deliberations on this legislation last night, an amendment was offered to restore some of the benefits that are reduced due to the Government Pension Offset. This provision would have made widow's benefits more fair, and helped reduce the high rates of poverty that especially face elderly women.

Unfortunately, the Chairman passed on this opportunity—even though the Social Security Administration stated that the costs of adding this provision would be negligible.

Mr. Speaker, removing the earnings limit is progress—but is this all that we are going to do for seniors this year?

Are we going to address other inequities in the Social Security system—like the government pension offset, windfall reductions, duel entitlement provisions—or even the long-term solvency of the program?

Will we finally reauthorize the Older American Act?

Will we enact a Medicare prescription drug benefit?

Our senior citizens deserve more—much more. Passing this bill is the very least we can do. I urge my colleagues to support this legislation—and invite you to join me in efforts to ensure retirement security for all older Americans.

Mr. SMITH of Texas. Mr. Speaker, I rise to support H.R. 5, the "Senior Citizens' Freedom to Work Act."

For years my constituents have raised concerns about unfair Social Security earnings limit. Finally, the House is going to eliminate this unfair penalty.

Whenever a working retiree earns more than $17,000 per year, they lose $1 of Social Security benefits for every $3 they earn above the limit. We penalize senior citizens who want to continue to participate in the work force.

There are 800,000 senior citizens who lose part or all of the Social Security benefits they've worked hard for because they earn "too much" money in retirement.

The Social Security earnings limit was created during the Great Depression and it punishes senior citizens for their work ethic and desire to be self-reliant in their "golden years."

Today unemployment is at an all-time low. The experience and skills developed by older workers during a lifetime in the workplace are being recognized and are in demand.

Social Security recipients are entitled to their benefits because they earned them during a lifetime of hard work. The government should not take those benefits away because individuals want to work. That's why I strongly support the passage of H.R. 5 today.

Ms. JACKSON-LEE of Texas. Mr. Speaker, today I rise in support of the Senior Citizens' Freedom to Work Act (H.R. 5). The Social Security earnings limit discourages those on retirement from remaining in the work force and contributing to the country's economic growth. Due to the longer life-spans and the improved quality of health among retirees, the advent of an aging society, and decreasing work force growth numbers, it is imperative that we explore better ways to tap the vauable and often underutilized resources of older Americans.

Due to the retirement earnings test, Social Security beneficiaries who have attained the normal retirement age (presently age 65) have their benefits reduced by $1 for every $3 that they earn in excess of $17,000. Similarly, Social Security beneficiaries between age 62 and the normal retirement age have their benefits reduced by $1 for every $2 that they earn in excess of $10,800. Although both groups of beneficiaries receive benefit increases once they stop working in order to compensate for reductions while they were working, there are a number of good reasons to support repealing the earnings test for beneficiaries who have reached the normal retirement age.

Repealing the retirement earnings test will allow thousands of Social Security recipients to work without a reduction in their benefits. The Social Security Administration estimates that, in 1999, 793,000 beneficiaries aged 65 through 69 had some or all of their benefits withheld because of the retirement earnings test.

Repealing the retirement earnings test may create positive work incentives. Because many Social Security beneficiaries are unaware that the benefit reductions they experience when they are working are offset by benefit increases once they stop working, they may perceive the retirement earnings test as a tax. In response, they may reduce the number of hours they work or they may decide to leave the labor force altogether.

The most recent economic research indicates that repealing the retirement earnings test for beneficiaries between the normal retirement age and age 69 may encourage work. In a 1998 study, Leora Friedberg, an economist at the University of California, San Diego, found that repealing the retirement earnings test for those beneficiaries would increase their labor supply by about five percent.

Repealing the retirement earnings test will not affect Social Security's finances over the long run. Repealing the RET for beneficiaries who have reached the normal retirement age would not change (for better or for worse) Social Security's currently projected long-range financing shortfall. Repealing the retirement earnings test for beneficiaries above the normal retirement age has a significant short-run cost ($22.7 billion over the next 10 years), but, over the long run, that cost is offset by lower benefit payments.

Again, under current law, workers who have their benefits reduced due to the retirement earnings test receive an actuarial adjustment that increases their benefits once they stop working. Repealing the retirement earnings test would mean that such workers would no longer receive that actuarial adjustment and that benefit payments would be lower.

Repealing the retirement earnings test will make the Social Security program easier and less expensive to administer. The Social Security Administration estimates that the cost of administering the earnings test in 1999 ranged from $100 to $150 million.

Since those costs include administering the earnings test for workers between age 62 and the normal retirement age, repealing the retirement earnings test for workers above the normal retirement age would save less than that amount.)

In addition, Social Security Administration estimates that it overpaid $787 million in benefits due to the retirement earnings test in 1997. Payments to beneficiaries aged 65 through 69 accounted for 63 percent of retirement earnings test related overpayments in 1998.

If older Americans have the capacity to earn more money without penalty, there will be a greater incentive for them to work. Working older Americans contribute additional money to the economy and provide more revenue for the treasury. Furthermore, with advances in medical technology older Americans will remain healthy longer and live longer productive lives.

I join with my Democratic colleagues and strongly support eliminating the retirement earnings test that penalizes and discourages workers age 65 through 69 from remaining in the workforce and contributing to our prosperous economy.

Mr. WELDON of Florida. Mr. Speaker, later today, the House of Representatives will pass H.R. 5, the Senior Citizens' Freedom to Work Act. This Act will eliminate the current tax law which penalizes senior citizens between 65–69 who continue to work. The Senior Citizens Earnings Test taxes senior citizens up to 33 percent of a senior's Social Security benefits.

One of the most egregious elements of our tax code is the continued over-taxing of American senior citizens who want to continue working. Repealing this tax on working seniors was the first bill I cosponsored when I was sworn into office in 1995, and, finally, I think we see light at the end of this tunnel. I would like to thank Speaker HASTERT for his leadership on this issue for more than a decade.

This Social Security Earnings Test has two adverse effects: it discourages seniors from working and for those who do work, it takes away a portion of the Social Security benefits they have earned. With today's labor shortage, this policy is greatly outdated and needs changing.

The Senior Citizens earnings tax penalty takes $1 of working seniors' Social Security benefits for every $3 they earn over a federal imposed income limit. Seniors earning more than $17,000 are subject to the earnings tax. In 1999 there were over 4 million working senior citizens, at least 800,000 of them lost some of their Social Security benefits because of the earnings test. By repealing this tax penalty, the ten year benefit to senior citizens would be about $23 billion. Seniors can use this extra money for helping with their grandchildren's education, a trip to visit their family or other loved ones, a car, medical expenses, and prescription drugs.

Republicans have ended 40 years of raiding the Social Security Trust Fund to fund pet projects by tax and spend politicians. Repealing this seniors' tax builds on that commitment to senior citizens by making sure they get the benefits they have worked for, even if they choose to continue working. In Florida, over 80,000 seniors could be able to take advantage of this tax fairness package. This bill ensure that they get the money they have earned as well as the Social Security benefits they deserve.

A similar bill introduced in 1998 as part of the plan to abolish the Social Security earnings limit only received support from 19 House Democrats. This year the President has indicated his willingness to sign such a bill, but he did not include it in his recently submitted FY 2001 budget. The measure enjoys support from such groups as AARP, United Seniors Association, and the 60 Plus Association. Let's do the right thing and pass this bill.

Mr. WATTS of Oklahoma. Mr. Speaker, millions of older Americans are penalized every year simply because they set their alarm clocks to get up early in the morning, get dressed and head off to work. But unlike the rest of us who pull into rush hour traffic in the morning, that 65 year old in the car next to yours is paying the government a fee to go to work that day. That fee is called the Social Security Earnings Limitation.

My colleagues, today we can eliminate that fee and undo that injustice. Today we can begin to give America's senior citizens equal treatment under the nation's tax laws. Today we can guarantee that those senior Americans who want to continue to work—and can continue to work—today we can guarantee that they won't be penalized for making that contribution to their families, to their communities and to society in general.

By allowing older Americans the opportunity to stay in the workforce without penalty, we are allowing them to supplement their incomes, we are helping them to stay healthier, and we are giving them the opportunity to add to their later retirement. This is especially important as we see more and more Americans living into the eighties, their nineties and even into their hundreds.

So I encourage my colleagues today to give their older neighbors a fair break. Vote for the Senior Citizens' Freedom to Work Act.

Mr. BALLENGER. Mr. Speaker, I am pleased that another popular tax relief proposal, the Senior Citizens' Freedom to Work Act, is coming up for a vote today. First, let me point out that the debate over H.R. 5 should contain no rhetoric that this repeal of the Social Security earnings limit will break the bank. The Social Security actuaries have confirmed that repeal of the earnings limit maintains the current projected solvency of the Social Security Trust Fund.

The repeal of the Social Security earnings limit for individuals who have attained the full retirement age has been a very high priority of mine and for my Republican colleagues elected to the House in 1986. Although we were able a few years ago to secure a gradual increase in the earnings limit for seniors who were 65 to 69 years old, the complete repeal of the earnings limit for this group is a big victory. I am pleased that so many senior citizens' groups have joined us in this fight, and I welcome President Clinton's announced support for this repeal as well.

The Social Security earnings limit is a relic of the Great Depression when it was necessary to entice older workers to leave the work force, making more jobs available to younger workers. Today, many businesses and communities face a serious worker shortage. My congressional district has an especially low rate of unemployment now: a meager 1.6 percent. This means that opportunities for older workers abound, providing earning potential and related benefits to the seniors willing and physically able to meet the challenge. Further, I am pleased that H.R. 5 provides immediate relief by covering income earned after December 31, 1999.

For those in the 10th Congressional District and elsewhere who do not know me well, I am proud to report that I am a working senior. Too old now to benefit from this change in the tax code, I nevertheless enjoy a higher quality of life—and perhaps better health—which comes with being more active. In addition, I feel that my many years of experience add to my job performance as a long work history does for so many seniors.

Again, let me say that I appreciate the support of our colleagues in getting this repeal bill before the House today. Our Nation's seniors deserve this extra incentive to remain productive in their later years and our work force needs them.

Mr. BUYER. Mr. Speaker, I rise in strong support of H.R. 5, the Senior Citizens Freedom to Work Act. I have long supported repeal of this onerous, burdensome rule on this nation's working seniors.

The earnings limit penalty requires seniors age 65 to 69 who earn over $17,000 to forfeit 33% of their Social Security benefits. Seniors with golden parachutes or extensive investments do not face such a penalty . . . only those who get up every morning, head off to work, and make valuable contributions to our labor force. This is unfair.

As a relic of the Great Depression, Congress is overdue to reform this antiquated law. The earnings limit is a great disincentive to seniors to remain in the workforce if they so choose. In reality, it is the imposition of a high marginal tax rate on productive seniors in the workforce, who are also paying federal and state income taxes, and Social Security payroll taxes.

I'm pleased to see this legislation come to the floor in a bipartisan fashion. I'm pleased the President has indicated he will sign it. I look forward to lifting this burden from working seniors.

Mr. HOEKSTRA. Mr. Speaker, today we are considering very important legislation which will eliminate one of the most unfair tax burdens ever placed on Americans and give our senior citizens the freedom to work.

The high tax rate on the earnings of older Americans has created a significant roadblock at a time when workforce participation by these individuals is extremely important to the continuing growth of the U.S. economy. Economists and Federal Reserve Board officials, including Chairman Alan Greenspan, have expressed concern that the shrinking pool of available workers cannot satisfy the surging quantity of goods and services demanded by the American people and people around the world.

I have heard a number of stories, some during a hearing I held as Chairman of the Oversight Subcommittee for the Education & Workforce Committee, and others more recently during town hall meetings I held last week in West Michigan. In each case the message was the same: the current system discourages older Americans from re-entering or continuing in the workforce. We need to keep these individuals in the workforce and the repeal of the earnings limit will be an essential step in encouraging their participation.

Mr. Speaker, I should also note that as seniors and others enter the workforce, there is one thing they do not know—the true costs of Social Security and Medicare. Currently, an employee's W–2 lists his or hers withholdings for Social Security and Medicare. What the employees don't know, is how much their employer also pays for these programs. This is another unfairness we need to correct by passing the Right To Know National Payroll Act, which would require the employers share of Social Security and Medicare taxes to be disclosed on each employee's annual W–2. American workers have a right to know the true costs of Social Security and Medicare.

Mr. CROWLEY. Mr. Speaker, today, we are witnessing the best of Congress as Members of different ideologies and political parties come together for the benefit of the American people.

Today, the House of Representatives will pass the Senior Citizens Freedom to Work Act (H.R. 5) which will repeal the Depression-era earnings limit imposed on Social Security recipients between the ages of 65 and 69 who decide to supplement their retirement income by working. Under current law, seniors who work lose $1 of their Social Security benefits for every $3 they earn outside earned income beyond $17,000 a year.

In the real world, this outdated law has adversely affected several thousand of my constituents in Queens and the Bronx. A number of seniors in my district have gotten part-time jobs to supplement their income so as to improve their quality of life, offset some of their expenses such as the high costs of their prescription drugs and remain active.

Unfortunately, once many of these seniors recognize how much they are losing in their Social Security benefits by working, they quit their jobs.

I believe it is both foolish and counterproductive to punish working people.

This legislation will assist people like Mr. Christopher Christie, a constituent of mine from the Bronx, New York. He was punished by the earning limit. After he retired, he spent several weeks working in a small business she operated and as a doorman on Park Avenue. He saw his Social Security check garnished monthly because of his outside jobs.

Therefore, I am pleased that the House is debating this legislation to repeal the earnings limit and allow our seniors the freedom to work and attain some financial independence.

This bill represents a solid first step in improving the quality of life of America's seniors. I hope that Congress will now address the other issues of importance to seniors, such as the inclusion of prescription drug coverage under Medicare.

Mr. ORTIZ. Mr. Speaker, I rise today to support the bill H.R. 5, The Senior Citizens Freedom to Work act.

Under current law, seniors who claim Social Security benefits before they reach 69 are subject to a reduction in benefits if they continue to work. For seniors 65 to 69, benefits are reduced by $1 for every $3 that their earnings exceed the limit, which was $17,000 in 2000, and which rises to $30,000 in 2002 and is indexed after that. This bill would repeal these limits entirely, effective immediately.

The earnings limit originated in the 1930's and has remained in effect because Congress never changed it, despite the vast changes in the economy and the lives of senior citizens that have taken place in the last 60 years.

Nearly 50,000 senior citizens in Texas are currently being penalized for working, a prospect that does not bode well for the economic circumstances for those in the twilight of their lives. We should not punish senior citizens for participating in the workforce; we should reward that. People remain healthy and vigorous much longer than they did in the 1930's.

It makes sense to repeal this obsolete and punitive limit. I have supported raising the limit in past years and support repealing it now. Today's legislation is important to consider as part of a broader plan to use the surplus to extend the life of Social Security and Medicare and pay down the debt.

Today, we can take the first step towards strengthening retirement security for all seniors. But this step was just the very beginning of what we must do in order to put Social Security on a firm financial footing well into the 21st century. I hope the House of Representatives, which showed such passion today when talking about removing the earnings limit will show the same kind of passion over the next few months as we debate the proper use of the surplus. We must use the budget surplus to strengthen Social Security and Medicare.

Ms. KILPATRICK. Mr. Speaker, I rise today in strong and stringent support of H.R. 5, the

Senior Citizens' Freedom to Work Act. Current law limits the income of retirees ages 65 to 69 to $17,000. Social Security benefits are reduced one dollar for every three dollars earned above $17,000. Social Security Administration statistics show that nearly "690,000 beneficiaries between 65 and 69 lose some or all of their benefits because of excess earnings resulting from their work." This bill, which repeals the earnings limits imposed under Social Security on our nation's working senior citizens, is a welcomed measure which will allow our seniors to continue to contribute to our growing economy.

The earnings limit is an outdated relic of the depression era Social Security program. It was instituted based on a policy that addressed a problem of that time; however, times have changed. Then, our nation was worried about moving seniors out of the work force to make room for the growing number of younger workers. Now, labor statistics indicate that as our nation's population ages, there will be a shortage of workers available to meet our future labor needs. H.R. 5 is needed to provide incentive to seniors to help supplement the nation's future need for workers.

Past Social Security policy overlooked the valuable assets that senior citizens bring to our nation's workforce. Seniors have a wealth of wisdom and experience to offer the workforce. Most enjoy bestowing the benefit of their experience and wisdom on younger workers and generally offer their knowledge for reasons other than the sheer pursuit of wealth. Seniors tend to exemplify the attributes of hard-work, punctuality and patience. In this time of instant gratification, I can think of no better teachers of the value of a work ethic which developed over time can be passed on to future generations. Seniors have much to offer and this bill will make it easier for the workforce to receive the benefit of their wisdom and experience.

Seniors have worked long and hard to earn and they should not be deprived of the fruits of their labor. Today, seniors are living longer and healthier lives and they are more fit and willing than ever to contribute to our nation's workforce. Many view working as a necessary part of their well-being and quality of life. As a society we should not handicap the lifestyle of those who choose to work into their silver years. H.R. 5 reconciles past policy that punished seniors by forcing them to sit on the sidelines of the workforce.

There are also many seniors who have no choice but to work. Skyrocketing, pharmaceutical prices have left seniors struggling to meet the financial burden of much needed medicine. Every year we listen to the stories of seniors who die in their home due to their inability to meet the heating or air-conditioning costs. How can we continue to penalize them for their necessary efforts to meet those costs?

Unfortunately, many of the seniors who need to work most are our nation's women, who outlive their male spouse 75% of the time. Indeed, "103,000 dependent and spousal beneficiaries are affected by the limit." Widowed women often are forced to reenter the work force in order to meet their basic needs. They should not be forced to lose some or all of their retirement benefits, while striving to secure the simple necessities of living.

While I support and applaud this effort on behalf of our nation's seniors, I would be remiss not to mention the continued problem facing Social Security. Ensuring the future solvency of the Social Security Trust Fund is a problem this Congress still must address. It is my hope that H.R. 5, is simply a stepping stone along the path of addressing a problem that is not going to go away. I urge the leadership of this House to bring forth legislation that seeks to make the tough decisions necessary to address the solvency of the Social Security Trust Fund before we are faced with even tougher more painful decisions.

Mr. COX. Mr. Speaker, I would like to thank the Speaker of the House, the gentleman from Illinois (Mr. HASTERT), for his long commitment to repealing the punitive tax on seniors. One of the first bills I sponsored way back in 1989, during my first year in Congress, was DENNY HASTERT's "Older Americans' Freedom to Work Act." I'm delighted that we are finally moving forward with this historic legislation. It is long overdue.

I recently pointed out, while arguing for repeal of the marriage penalty tax, that in America you should not be discriminated against by our tax code solely because of your status. We have civil rights laws in America to make sure that each of us is protected against unfair treatment by our government. Yet, just as the marriage penalty discriminates against people who are married, the earnings test discriminates against people over 65 who choose to stay productive.

This costly and regressive tax forces many seniors from the job market. Whereas 50 years ago 47% of men over 65 were employed in the labor force, today it is only 16.5%.

A senior who chooses to work after the retirement age of 65 faces a tax burden that amounts to government confiscation. A senior who chooses to work loses $1 in Social Security benefits for every $3 in wages and salaries he or she earns over $17,000. Yet $17,000 is close to the official U.S. government poverty level for working families. When one adds the burdens of income and payroll taxes, this amounts to a marginal tax rate on working seniors as high as 80%—higher than the rate for billionaires.

The government should not penalize working seniors by canceling their Social Security benefits. These benefits are not welfare; they have been earned over a lifetime of hard work.

Repeal of the earnings test is also another important step toward ensuring that Social Security is always there for seniors. I am hopeful we can bring the same bipartisan support we have today to the upcoming debate on supplementing Social Security benefits through personal retirement accounts.

The Clinton-Gore administration has had eight years to repeal this discriminatory burden on seniors. The Democratic Congress has 40 years to do it. Not only did they fail to do so, they raised taxes on working seniors. The 1993 Clinton tax increase included a 70% increase in income taxes on Social Security benefits, for seniors earning as little as $34,000.

In 1996, for the first time ever, the new Republican majority in Congress provided relief to seniors by reducing the Social Security earnings penalty. The new law more than doubled the amount a senior citizen could earn without losing his or her Social Security benefits, from $11,280 to $30,000 in 2002. This change has already had a positive effect: the number of senior citizens choosing to remain in the labor force has increased by 7%. Today's long-overdue step—passage of H.R. 5 to completely repeal the unfair earnings test—finally finishes the job Congress started in 1996, and that Speaker HASTERT started more than a decade ago.

Mr. SMITH of Michigan. Mr. Speaker, I am proud to stand with members of Congress who have introduced bills that advocate comprehensive reform of Social Security. We understand the immensity of the challenge facing the country as baby boomers retire, how demographics result in a huge responsibility for future generations, and the importance of preparing Social Security for the future. You will find repeal in the Social Security Solvency Act for 2000, which I introduced in November. Bills that I introduced this year and last year, including the Social Security Solvency Act for 2000, included elimination of the earnings limit, plus another provision that I consider to be the counterbalance to the earnings test—accelerating the increase in the "delayed retirement credit" or DRC.

If a worker decides to continue working after 65 and defer his monthly benefit, the DRC increases the size of his monthly check he will ultimately receive from Social Security. A worker who turns 65 this year will see his benefits increase 6 percent for every year he defers his benefit. Current law allows a worker to delay retirement for up to five years, working until he reaches 70. If that retiree's monthly benefit was $1,000 when he turned 65, it will be $1,300 if he puts off receiving a Social Security check until he's 70—that's an extra $3,600 a year. However, if that worker enjoys an average length of retirement, this delay puts him at a disadvantage. He should be receiving an extra $4,800 a year, not $3,600.

Under current law; the DRC is set to rise to 8 percent in 2008. This is the amount that Social Security considers to be "actuarially sound." That means that a retiree who delays receiving his benefit is getting proper compensation in the future for the money he does not get today. As we eliminate the earnings limit, it is reasonable to include an increase in the DRC. Retirees deserve a fair deal today—not in 2008. Now that we are taking away the earnings limit that discourages senior citizens from working, we should accelerate the DRC and encourage them to "save" so they have a higher benefit during the years they no longer have outside earnings. The accelerated DRC will encourage people to work as long as they choose. The Social Security actuaries have examined my proposal to accelerate the DRC, and they say it is actuarially sound. It doesn't cost taxpayers or weaken the Social Security trust fund.

There are three reasons to accelerate the DRC:

1. Fairness—Give workers who choose to delay receiving their Social Security benefit an increase that is consistent with actuarial assumptions.

2. Choice—Give senior citizens more options to manage their retirement—they choose

when they retire and when they should apply for benefits.

3. To Fight Poverty—Give a higher survivor benefit to widows whose spouses took benefits based on the DRC.

When I learned of the Ways and Means markup of H.R. 5, I approached Representative SHAW and Representative ARCHER, and presented my amendment to accelerate the DRC. After careful consideration by the Social Security subcommittee, I received agreement to add this amendment. Gene Sperling called me on the evening of Feb. 28 to tell me that the President had agreed to support it, and the minority gave their consent on Tuesday.

This amendment is to too important to be stalled by politics. I will continue to fight for its inclusion, and I remain optimistic that I will see the DRC acceleration language in the bill that President Clinton finally signs into law.

Ms. DELAURO. Mr. Speaker, I rise in support of bringing relief to thousands of seniors who are unfairly punished by the Social Security earnings penalty. For too many seniors, working after they turn 65 isn't an option—it is a necessity. They can ill afford a smaller Social Security check each month. We should fix this inequity and do what is fair and right for our seniors. They deserve nothing less.

Last week, I met with a group of working seniors in West Haven, Connecticut. One was Mary Grabowski. Mary recently retired, but she quickly realized she had to continue to work after she turned 65 because she simply couldn't afford not to. It wasn't a choice. It wasn't so she could make a little extra money on the side. It was about being able to pay her bills.

I also listened to the story of Estelle Stuart. Estelle is also a recent retiree who came to realize that Social Security simply isn't going to be enough for her to get by. In particular, Estelle is forced to work in order to pay for the prescription drugs she desperate needs.

Mary Grabowski, Estelle Stuart, and the thousands of other seniors like them who must continue to work after 65, are perfect examples of why the earnings penalty is wrong and why we need to end it. I want to thank both of them for sharing their story with me.

Ending the earnings penalty today is a good start. It's important to thousands of seniors. But tomorrow, let's get to work and pass a responsible plan that will strengthen Social Security and Medicare, and provide our seniors with a prescription drug benefit. It is a plan that honors our seniors and protects our values. We've taken a positive first step today. Let's get to work and finish the job.

Mr. FRELINGHUYSEN. Mr. Speaker, the second session of the 106th Congress has been off to a quick start passing landmark legislation that directly impacts millions of Americans and improves our quality of life.

First, we repealed the Marriage Penalty Tax, and today, we will ensure that older men and women still in the workforce will be able to keep more of their hard-earned money without losing important Social Security benefits.

Mr. Speaker, as you are well aware, the golden years for many older men and women in America involve all types of activities. More and more, older Americans are sharing their lifelong experience in business and industry with a new generation of Americans in the workplace. Benefiting from tremendous advances in health care and increasing life expectancy rates, our older people—the generation of men and women who carried our nation through World War II, and beyond—continue to contribute to the economic well being of our state and nation.

While some older men and women are working because they need the paycheck to put food on the table, others keep working simply because they like what they do and see no reason to stop doing it just because they have reached their sixty-fifth birthday.

Right now, the tax code penalizes older Americans who choose to keep working. Over 800,000 seniors today lose part or all of their Social Security benefits because of the Social Security "earnings limit." Almost 37,000 older men and women in New Jersey alone are hit by this unfair penalty.

The present limit cuts or entirely eliminates Social Security benefits for working older men and women whose yearly incomes exceed a certain amount. In 2000, working Americans between the ages of 65–69 will lose $1 in Social Security benefits for every $3 in earnings over the limit.

The Social Security earnings limit was created during the Great Depression when jobs were scarce. It was designed to encourage older workers to leave the workforce to free up jobs for younger workers. What may have been good policy during the worst economic downturn in American history is bad policy today during one of the best economic cycles with more challenges and opportunities for everyone.

Our economy is booming and unemployment is at a record low. These working older men and women are an important part of that success. They should be encouraged to remain a vital part of the work force rather than be penalized for their labors. In addition, people today are living longer and healthier lives. Soon, millions of baby boomers will reach retirement age. If these people wish to remain productive members of the workforce long past their sixty-fifth birthday, their experiences, industry, and productiveness should be rewarded.

The Social Security earnings limit penalty is wrong, unfair, and should be scrapped. With the President in agreement, and my colleagues on both sides of the aisle in full support, let's pass "The Senior Citizens Freedom to Work Act" (H.R. 5), after so many years of inaction.

Mr. SHAW. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LATOURETTE). All time for debate having expired, pursuant to the order of the House of today, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SHAW. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The Chair announces that the vote on the Speaker's approval of the Journal, if ordered, will immediately follow this vote, and will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 422, nays 0, not voting 13, as follows:

[Roll No. 27]

YEAS—422

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski

LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—13

Bliley
Brady (TX)
Brown (OH)
Campbell
Cook
Horn
Kilpatrick
Mica
Millender-McDonald
Norwood
Spratt
Vento
Waters

□ 1316

Mr. DIXON changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. SPRATT. Mr. Speaker, I did not hear the bells on rollcall 27. I spoke in support of the bill, H.R. 5, and I would have voted in favor of the bill had I been present.

Mr. MICA. Mr. Speaker, on rollcall No. 27, I was unavoidably detained. Had I been present, I would have voted "yes."

Mr. HORN. Mr. Speaker, on rollcall No. 27, the Senior Citizens' Freedom to Work Act, on which I addressed the House, I was regretfully delayed on official business with a visiting delegation from the German Bundestag. Had I been present, I would have voted "yea."

Mr. NORWOOD. Mr. Speaker, on rollcall No. 27, I was unavoidably detained. Had I been present, I would have voted "yea."

Mr. BRADY of Texas. Mr. Speaker, on rollcall No. 27, I was inadvertently detained. Had I been present, I would have voted "yea."

Mr. BLILEY. Mr. Speaker, on rollcall No. 27, had I been present, I would have voted "yea."

THE JOURNAL

The SPEAKER. Pursuant to clause 8, rule XX, the pending business is the question of the Chair's approval of the Journal of the last day's proceedings.

Pursuant to clause 1, rule I, the Journal stands approved.

IRAN NONPROLIFERATION ACT OF 1999

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that it be in order at any time today to take from the Speaker's table H.R. 1883, with Senate amendments thereto, and to consider in the House a motion offered by the Chairman of the Committee on International Relations or his designee that the House concur in the Senate amendments; that the Senate amendments and the motion be considered as read; that the motion be debatable for 1 hour equally divided and controlled by the chairman and ranking member of the Committee on International Relations, or their designees; and that the previous question be considered as ordered on the motion to final adoption without intervening motion or demand for division of the question.

The SPEAKER. Is there objection to the motion offered by the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, pursuant to the unanimous consent request just agreed to, I call up the bill (H.R. 1883) to provide for the application of measures to foreign persons who transfer to Iran certain goods, services, or technology, and for other purposes.

The Clerk read the title of the bill.

MOTION OFFERED BY MR. GILMAN

Mr. GILMAN. Mr. Speaker, I offer a motion.

The SPEAKER. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. GILMAN moves to concur in the Senate amendments to H.R. 1883.

The text of the Senate amendments is as follows:

Senate Amendments: Page 2, line 3, strike out "1999" and insert "2000".

Page 5, line 7, strike out all after "Order" down to and including "person." in line 8 and insert "No. 12938.".

Page 5, Line 9, strike out all after "prohibition.—" down to and including "terminate" in line 12 and insert "Prohibition on United States Government sales to that foreign person of any item on the United States Munitions List as in effect on August 8, 1995, and termination of".

Page 5, Lines 16 and 17, strike out "The President shall deny licenses and suspend" and insert "Denial of licenses and suspension of".

Page 8, after line 23, insert:

"(b) Opportunity To Provide Information.—Congress urges the President—

"(1) in every appropriate case, to contact ion a timely fashion each foreign person identified in each report submitted pursuant to section 2(a), or the government with primary jurisdiction over such person, in order to afford such person, or governments, the opportunity to provide explanatory, exculpatory, or other additional information with respect to the transfer that caused such person to be identified in a report submitted pursuant to section 2(a); and

"(2) to exercise the authority in subsection (a) in all cases where information obtained from a foreign person identified in a report submitted pursuant to section 2(a), or from the government with primary jurisdiction over such person, establishes that the exercise of such authority is warranted.".

Page 8, line 24, strike out "(b)" and insert "(c)".

Page 9, line 11, strike out "Russian Space Agency" and insert "Russian Aviation and Space Agency".

Page 9, lines 12 and 13, strike out "Russian Space Agency" and insert "Russian Aviation and Space Agency".

Page 10, Lines 11 and 12, strike out "through the implementation of concrete steps".

Page 10, Line 16, strike out all after "systems" down to and including "transfers" in line 18.

Page 10, Line 19, strike out "Russian Space Agency" and insert "Russian Aviation and Space Agency".

Page 10, Line 21, strike out "Russian Space Agency" and insert "Russian Aviation and Space Agency".

Page 11, Line 25, strike out "Russian Space Agency" and insert "Russian Aviation and Space Agency".

Page 12, Line 2, strike out "Russian Space Agency" and insert "Russian Aviation and Space Agency".

Page 13, Line 6, strike out "Russian Space Agency" and insert "Russian Aviation and Space Agency".

Page 13, Line 8, strike out "Russian Space Agency" and insert "Russian Aviation and Space Agency".

Page 13, Line 10, after "Module" insert ", and for the purchase (at a total cost not to exceed $14,000,000) of the pressure dome for the Interim Control Module and the Androgynous Peripheral Docking Adapter and related hardware for the United States propulsion module,".

Page 13, line 15, after "no" insert "credible".

Page 17, lines 15 and 16, strike out "Russian Space Agency" and insert "Russian Aviation and Space Agency".

Page 17, lines 17 and 18, strike out "Russian Space Agency" and insert "Russian Aviation and Space Agency".

Page 18, lines 1 and 2, strike out "Russian Space Agency" and insert "Russian Aviation and Space Agency or Russian Space Agency".

Page 18, line 6, strike out "Russian Space Agency" and insert "Russian Aviation and Space Agency or Russian Space Agency".

Page 18, line 10, strike out "Russian Space Agency" and insert "Russian Aviation and Space Agency".

Page 18, lines 13 and 14, strike out "Russian Space Agency" and insert "Russian Aviation and Space Agency or Russian Space Agency".

Page 18, line 15, strike out "Russian Space Agency" and insert "Russian Aviation and Space Agency or Russian Space Agency".

Page 18, Line 16, strike out "Russian Space Agency" and insert "Russian Aviation and Space Agency or Russian Space Agency".

The SPEAKER. Pursuant to the order of the House today, the gentleman from New York (Mr. GILMAN) and the gentleman from Connecticut (Mr. GEJDENSON) each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1883.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have before us H.R. 1883, the Iran Nonproliferation Act of 2000. This measure was introduced by the gentleman from Connecticut (Mr. GEJDENSON), the gentleman from Wisconsin (Mr. SENSENBRENNER), the gentleman from California (Mr. BERMAN), and myself on May 20 of last year. There are almost 230 cosponsors on this measure.

When it came to a vote in the House last September, it was approved by a vote of 419 to 0. This vote was even more remarkable when one considers that the administration sent us a letter just before the House voted stating that the President's senior advisors would recommend that he veto the bill. Obviously, the administration's plea that we not approve the bill, that we instead allow more time for diplomacy, was rejected unanimously by the House.

Just last week, the measure came up in the Senate, and the Senate brushed aside the administration's objection and approved the bill by a significant vote of 98 to 0.

The unanimity of both chambers of Congress and the strong bipartisan support for this measure should send a powerful signal to would-be proliferators to Iran. Our Nation will not accept the proliferation of weapons of mass destruction and missiles to Iran.

Mr. Speaker, this situation is true today, and it will remain true even if the encouraging political developments we are beginning to observe in Iran lead eventually to major improvements in Iranian foreign policy. The fact is a democratic Iran at peace with itself and with the rest of the world will not need or want weapons of mass destruction, nor will they need any missiles capable of delivering such weapons.

Political change in Iran may ultimately eliminate the need for this kind of legislation. But such change will never make us regret enacting it. Indeed, we fully expect that the leaders of a democratic and a peaceful Iran would have no complaints about this legislation because it would be wholly consistent with the policies that they would pursue.

For now, however, Iran is continuing its programs to develop weapons of mass destruction, and this poses a great threat to our Nation, to our military personnel in the Persian Gulf, and to our friends and allies throughout the region. This legislation states to those nations and entities that are helping Iran's weapons programs that they must stop or face severe consequences.

I am confident that the unanimous vote in both houses of Congress will compel the President to reconsider the administration's threat to veto this legislation.

I want to clarify for the record that no major substantive changes in the legislation were made by the Senate amendment that was adopted last week. Due to the courtesy of the chief sponsors of the Senate companion measure to H.R. 1838, most notably Senators LOTT and LIEBERMAN, I was fully involved in developing the Senate amendment. Indeed, two of the most significant changes it made was suggested by me to the sponsors of the Senate amendment. I can assure our colleagues the changes suggested were intended to strengthen, not weaken, this measure.

Most importantly, Mr. Speaker, the Senate amendment did not convert the bill from a mandatory sanctions bill into a bill merely authorizing the imposition of sanctions, as has been reported by the press. This bill always afforded the President discretion, discretion with regard to the imposition of sanctions, except in the case of the proliferation by entities under the jurisdiction or control of the Russian Aviation and Space Agency. The Senate amendment preserved that structure.

In order to underscore that the Senate amendment was almost entirely cosmetic in nature, I prepared a summary of the changes made by that amendment. This summary makes clear that the bill was not weakened in any way by the Senate amendment.

Mr. Speaker, I include the summary for the RECORD as follows:

SUMMARY OF SENATE AMENDMENT TO H.R. 1883, IRAN NONPROLIFERATION ACT OF 2000

During the Senate's consideration of the Iran Nonproliferation Act on February 24, 2000, a manager's amendment was adopted making a number of minor changes in the bill. These changes were largely technical or cosmetic in nature. They include.

The name of the bill was changed from the "Iran Nonproliferation Act of 1999" to the "Iran Nonproliferation Act of 2000".

The word "shall" was deleted at several places in the bill dealing with the possible imposition of sanctions on entities that transfer weapons technology to Iran. This was done to emphasize the fact (which is explicit elsewhere in the House-passed bill) that the imposition of such sanctions is discretionary rather than mandatory.

Language was inserted to emphasize that the president may contact entities suspected of transferring weapons technology to Iran in order to afford them an opportunity to demonstrate that they did not make such transfers. Again, this concept was already contained in the House-passed bill.

The name "Russian Space Agency" was changed to "Russian Aviation and Space Agency" most places that it appears in the bill in order to reflect the fact that the name of the agency has been officially changed by the Russian Government.

One element of the certification that the President would have to make in order to provide Russian "extraordinary payments in connection with the International Space Station" was revised to eliminate a requirement that Russia demonstrate its commitment to stop proliferation to Iran by implementing "concrete steps". The key element of this certification was not changed, however. The President would still have to certify that there is no credible information that any entity under the jurisdiction or control of the Russian Aviation and Space Agency has proliferated to Iran during the previous year in order to provide such extraordinary payments to Russia.

The Senate amendment expanded the exception to the bill's restriction on providing Russia "extraordinary payments in connection with the International Space Station". In addition to extraordinary payments related to the Russian Service Module (which were permitted under the House bill), the amendment permits a total of no more than $14 million in extraordinary payments by the United States in order to buy from Russia two docking adaptors that will facilitate the attachment of two U.S. modules to the International Space Station. The conditions on making extraordinary payments pursuant to the exception (e.g., no credible information that a recipient of such payments has proliferated to Iran) remain unchanged.

Mr. Speaker, finally, I want to elaborate on one point that came up in the Senate debate on the measure. Senators LEVIN, LOTT, and LIEBERMAN agreed that, in deciding whether information is "credible," and I put that in quotes, for purposes of the reporting requirement of this bill, the President is entitled to judge the credibility of information on the basis of all information available to him.

This observation is unassailable so far as it goes. Obviously, one piece of information can be out of sync with all of the other available information that it is not believable. But this does not mean that incriminating information that is novel or surprising must be corroborated before it can be deemed credible.

The Senators certainly did not mean to suggest that the President is entitled to judge one piece of specific information against the absence of other information, and on that basis conclude that one piece of information is not credible. Such will, in my estimation, be the typical case arising under this legislation, a piece of specific incriminating information will be found about a possible transfer, and there will be no other specific information pointing one way or another about that particular transfer. In this context, there really is no other available information against which the incriminating information can be judged. If the incriminating information is, on its face, believable, then the President will be required to report that situation to us pursuant to section 2(a) of the bill.

The real point in here, Mr. Speaker, is the one emphasized in the report of the Committee on International Relations on the bill. The purpose of the credible information standard is to get away from the preponderance of the evidence standard the administration has applied under previous nonproliferation laws.

□ 1330

We do not want there to be any weighing of evidence or any burden of proof under the credible information standard. The test is whether the information is believable, not whether the President thinks it is likely true.

I want to thank my colleagues for the support they provided to H.R. 1883. And I urge them to once, again, cast a favorable vote on this measure.

Mr. GEJDENSON. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support for this motion. While I have somewhat different interpretations than the chairman of the full committee, on some of the intent, the basic legislation does the job that we all sought to achieve in this nonproliferation act.

What is clear is that the timing is somewhat unfortunate, as I think the chairman referenced so aptly in his remarks, because for the first time in many years, we are seeing within Iran the development of an opposition that seems to want to moderate the policies of that country.

I certainly hope that no one would take that as a signal in this legislation that we have not recognized this great step forward, which is really a function, not of everything we have done or anything else, but a function of what the Iranians want for their country.

No matter what happens around the globe, it is an important goal of this administration, and I think in the interests of the entire world, to restrict access to nuclear weapons, chemical, biological and missile technology. This is clearly a case where the world is not safer by more people having access to this technology.

I think it is critically important for the Congress and the administration to work together to make sure that we do everything in our power, using Nunn-Lugar resources to reduce the availability of fissionable material and the technology expertise in the Soviet Union to further develop nuclear weapons and to proliferate.

There are tremendous pressures in the Soviet Union, former Soviet Union, Russia, both from their own kind of old pride of having once been a major superpower; and I think, additionally, the pressures for economic advancement to sell some of these technologies. But it is not in the Russian's best interests. It is clearly not in the world's best interests. It is not in our best interests.

I want to commend the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from New York (Mr. GILMAN) and others who have participated in this legislation. It is an important piece of legislation. I am very excited to have it here on the floor, only somewhat distressed that it comes by accident of the Senate schedule today so close to what was a positive development in Iran.

Mr. Speaker, I reserve the balance of my time and I ask unanimous consent that the remainder of my time be controlled by the gentleman from Pennsylvania (Mr. HOEFFEL).

The SPEAKER pro tempore (Mr. LATOURETTE.) Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 5 minutes to the distinguished gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Speaker, I rise in support of the Iran Nonproliferation Act of 2000 and urge my colleagues to vote in favor of this important message.

In 1993, the administration invited Russia to join the International Space Station project. At the time the White House made it clear to Congress that Russian participation in the International Space Station was a key component of the administration's efforts to encourage Russia to adhere to a variety of nonproliferation norms and agreements.

Many Members, myself included, expressed concerns about transforming the space station into a foreign policy program, but accepted the administration's argument that Russian involvement was important to halting the spread of ballistic missiles and weapons of mass destruction.

Since then, we have seen repeated reports in the Western and Russian media that a variety of Russian aerospace enterprises are assisting Iran's efforts to develop weapons of mass destruction and ballistic missiles. The CIA's 721 report of February 2, 2000 confirms these reports.

Russia's aerospace enterprises are not private firms in the way U.S. companies are. In fact, most Russian aerospace enterprises are owned and operated by the Russian government.

In 1998 and 1999, the Russian government clarified its control of its aerospace industry by putting many of these Russian enterprises under the legal and economic jurisdiction of the Russian Aviation and Space Agency.

Having paid the Russians some $800 million between 1994 and 1998, the administration announced in late 1999 its intention to make additional payments to the Russian Aviation and Space Agency.

The administration's reliance on Russia has put the American taxpayer in the unacceptable position of possibly subsidizing the very Russian aerospace enterprises that are helping Iran develop weapons of mass destruction and ballistic missiles. The administration's current policy creates an unhealthy situation for both our space program and our nonproliferation efforts. H.R. 1883 addresses these concerns by requiring the President to make a determination about the extent of Russian assistance to Iran before NASA can make additional payments to the Russian aviation and space agency.

Moreover, the bill holds the Russian government accountable by preventing payments to the Russian Aviation and Space Agency if it or any of the entities for which it is legally responsible are involved in inappropriate technical assistance to Iran. Certainly nobody in this body wants to see U.S. tax dollars inadvertently subsidizing the proliferation of ballistic missiles. H.R. 1883 helps prevent just such a prospect.

While helping curb proliferation, the bill does not jeopardize the safety of our astronauts about the ISS or delay the delivery of the Russian hardware that NASA claims it requires in order to reduce U.S. dependence upon Russia in the space station program. Both of these issues are addressed in narrow and specific exceptions to the bill.

Mr. Speaker, H.R. 1883 is a sound step to prevent the spread of ballistic missiles and weapons of mass destruction. It passed the House by a vote of 419 to 0 and the Senate by a vote of 98 to 0. I am proud to have joined the gentleman from New York (Mr. GILMAN), the ranking minority member, the gentleman from Connecticut (Mr. GEJDENSON), and the gentleman from California (Mr. BERMAN) as an original cosponsor of this bill and look forward to the day when the President signs it into law.

Mr. HOEFFEL. Mr. Speaker, I yield 4½ minutes to the gentleman from California (Mr. BERMAN).

Mr. BERMAN. Mr. Speaker, I thank the gentleman for yielding me this time, and I want to associate myself with the remarks of the previous speakers on this legislation.

I rise in strong support of H.R. 1883. It gives the President authority to impose sanctions on foreign entities that supply Iran with technologies related to nuclear, chemical and biological weapons, and ballistic missiles.

Two weeks ago we saw dramatic evidence of the yearning for change among the Iranian people. Despite efforts by the Council of Guardians to limit the pool of eligible candidates, reformers won an overwhelming majority in the Iranian parliament.

Regrettably, this election landslide will not automatically translate into moderate Iranian policies. Supreme Leader Khameini and other conservative elements retain control over many institutions, including the securities services. And the intentions of President Khatemi and his reformist allies still are not completely clear.

I would welcome an improvement in U.S.-Iranian relations, but a constructive and peaceful bilateral relationship must be based on Iran's willingness to abandon its quest for weapons of mass destruction and ballistic missiles, to drop its efforts to disrupt the Middle East peace process, and to improve its dismal human rights record. This legislation focuses on the first of these areas of concern. It goes without saying that an Iran armed with these fearsome weapons would be a serious threat to our allies in the Middle East and eventually the United States itself.

Placing additional sanctions on Iran would have little if any effect, given that the U.S. has maintained a trade embargo on the Islamic Republic since the 1979 revolution. This legislation attempts to get at the problem by authorizing sanctions against foreign entities that continue to supply Iran with advanced technologies.

According to a recent unclassified CIA report covering the first half of 1999, Iran remains, "One of the most active countries seeking to acquire WMD technology from abroad. In doing so, Tehran is attempting to develop an indigenous capability to produce various types of weapons, nuclear, chemical and biological, and their delivery systems. Iran focused its efforts to acquire WMD-related equipment, materials and technology primarily on entities in Russia, China, North Korea, and Western Europe."

The report goes on to say that "entities in Russia and China continue to supply a considerable amount and a wide variety of ballistic missile-related goods and technology to Iran. Tehran is using these goods and technologies to support current production programs and to achieve its goal of becoming self-sufficient in the production of ballistic missiles."

It has additional comments on Iran's program with respect to nuclear weapons, which I will assert in my full statement. But, Mr. Speaker, these facts paint a very troubling picture. They reinforced my view that this legislation and other measures are absolutely necessary to prevent or at a minimum slow down Iranian acquisition of WMD and ballistic missiles.

As the CIA report indicates, Russian entities have been among the worst proliferators to Iran. Some steps have been taken to prevent this technology transfer. Last year Russia passed a new export control law and placed monitors in key aerospace entities. Unfortunately, these modest efforts have not stopped the proliferation.

I find it somewhat ironic that Russia objects so strenuously to U.S. deployment of a limited national missile defense system designed specifically to knock down missiles fired by countries like Iran, Iraq, and North Korea, given that the Russian entities are some of the primary suppliers of missile and WMD technology to those very governments and given that Russia may also be a target of those regimes.

I am not under any illusions that this legislation will solve once and for all the problem of proliferation to Iran, but it is a step in the right direction, and more needs to be done. For example, we should initiate an intensive effort with our allies to develop a more effective multilateral export control regime to keep dangerous technologies out of the hands of anti-western regimes. The current Wassenaar arrangement simply is not up to doing the job.

Last year we passed the Iran Nuclear Nonproliferation Act by a vote of 419 to 0, the Senate passed it by 98 to 0. I urge my colleagues to join me in supporting the Senate amendments today and sending the legislation on to the President.

Mr. GILMAN. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. BRADY), a senior member of our committee.

Mr. BRADY of Texas. Mr. Speaker, I thank the gentleman for yielding me this time, and I thank him for his leadership on this important issue.

There is no question the Senate has weakened in effect the strengths of this bill, but it is still very important that we go forward with it. It is still an important piece of legislation.

Here is why. In this legislation we are giving Russia a clear choice. Russia can choose to continue to sell and arm America's deadliest enemies and to sell and arm Israel's deadliest enemies, or they can choose to be a partner in peace and prosperity and democracy with the United States. That is a fair choice for Russia to make.

It is important to make the right decision because we all have a stake in their transition to democracy and to free enterprise as a nation. But it has been disappointing, and I think their conduct has been dangerous for America.

Each year, in effect, Russia erects a tent, and to all within listening distance they proclaim, "Come see the show on improving democracy and freedom in our nation." And each year America is the first in line with billions of dollars to help them make that transition. But each year when we walk inside the tent, it is empty, while out back, behind that tent, Russia is actively and aggressively selling technology and equipment to nations that simply are hateful to the United States and will disrupt the peace process in the Middle East.

I think it is important that no American taxpayer have to finance our deadliest enemies. No veteran ought to be paying tax dollars so that Russia can arm our enemies. No single mom struggling to make ends meet ought to have her tax dollars going to damage our security. No service members, or members of our military, ought to ever have their dollars be used against them. But, in effect, today they are.

I support this legislation. I support Russia making the right choice, and this choice is long overdue. As a member of the Committee on Science, I appreciate the leadership of the gentleman from New York (Mr. GILMAN) and the gentleman from Wisconsin (Mr. SENSENBRENNER) in adopting an amendment that I offered preserving the existing relationship with Russia on the space station. That was a very key part of this legislation, and overall this bill deserves our support.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from Texas (Mr. BRADY) for his supportive remarks, and I reserve the balance of my time.

□ 1345

Mr. HOEFFEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to compliment the Chair of the Committee on International Relations for his leadership on this important issue. I want to thank the gentleman from Connecticut (Mr. GEJDENSON), the ranking member, as well, and compliment both gentlemen for working together in a bipartisan fashion on this and so many other issues that bipartisanship serves our committee and this Congress well.

The legislation before us, Mr. Speaker, is an attempt to stem the flow of weapons technology into Iran by authorizing the President to impose sanctions on nations and individuals that provide this weapons technology to Iran.

The sanctions would include the denial of munitions, licenses, arms export, and dual-use licenses, and a halt to any United States foreign assistance.

The bill requires the President to report to Congress when credible information exists of a transfer of dangerous weapons technology to Iran. The President must also report to Congress about whether he has imposed certain penalties on foreign persons as a result of such transfers.

If the penalties are not imposed, the President must expose why those steps were not taken. The bill will also encourage the Russian Space Agency to cooperate with the United States in efforts to halt the proliferation of weapons technology to Iran by cutting off payments to that agency and to the International Space Station if those under its jurisdiction and control engage in such activities.

We are all pleased by the initial reforms that are being made within Iran. Their recent elections give the world some hope that changes are coming. Unfortunately, while there are some encouraging signs, Iran's current policies continue to be a threat to the security of the world.

There are four areas where Iran continues to threaten world peace. In the area of ballistic missiles, with their development of the Shahab missiles, at least one expert has testified to the Senate Armed Services Committee that the Iranians are working on a missile now with a range of 2,600 miles. We know that they have missiles with a range of 1,200 miles and they are pushing ahead with this development.

With nuclear issues, Iran is proceeding with plans to complete the 1,000 megawatt nuclear reactor at Bushehr. While these nuclear plants probably are not able to be used for nuclear weapons purposes, the fear is that Iran will continue to obtain valuable expertise while building these plants that could be transferable to a nuclear weapons program.

In the area of chemical and biological programs, while Iran signed and ratified the 1993 Chemical Weapons Convention, the CIA reports that Iran continues to pursue purchasing dual-use biotechnical equipment from Russia and other countries ostensibly for civilian uses. Press reports indicate that they are also hiring Russian scientists.

United States officials have publicly stated that Iran has a large chemical weapons program that has been made possible with the help of China; and Iran and North Korea reportedly have a relationship of exchanging missile technology.

For these reasons, Mr. Speaker, the proliferation of weapons of mass destruction and ballistic missile delivery systems continues to be one of the most significant threats to American national security.

Rogue states like North Korea and Iran are actively pursuing ambitious ballistic missile programs and the technology needed to threaten our country and our allies. Iran's progress in this effort is being helped by the relationships with North Korea, with China, and with Russia.

This legislation is a good first step that will send a signal to those who are aiding Iran that this aid will not be tolerated.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume to emphasize again why we are sending this bill on to the President.

Proliferation to Iran is a very serious threat to our Nation. It is one of the biggest threats we face today. Regrettably, entities in Russia and elsewhere have been actively engaged in this kind of proliferation. The bill sends a message, loud and clear, that our Nation cannot and will not do business as usual with such entities.

We hope this legislation will inspire the governments of Russia, of China, and of other countries to do more to stop proliferation to Iran.

North Korea is also a major concern when it comes to proliferation to the Middle East, and we need to take a good close look at that situation, as well.

I want to assure my colleagues that our committee is going to remain vigilant.

Ms. SCHAKOWSKY. Mr. Speaker, I rise today in strong support of H.R. 1883, the Iran Nonproliferation Act. Any transfer of technology to Iran that would allow that country to develop weapons of mass destruction would represent a threat to Israel and other allies in the region.

Passage of this measure sends a strong message to the international community. The United States will not be silent or inactive if any nation decides to aid Iran in production of weapons of mass destruction. By making it clear that we will impose sanctions on any authority that fuels Iran's dangerous motives, I hope we will be more successful in our efforts to prevent Iran's development of nuclear weapons.

While the recent strong showing for reformers in Iran's parliamentary elections is encouraging, we still need to be extremely cautious and firm in our dealings with Iran. We must never allow any nation to develop weapons of mass destruction if we believe they may be targeted on our allies or on Americans. It is important to remember that Iran has been the world's largest exporter of terror for some time now and is an ardent opponent of the Middle East peace process. I am pleased to join my colleagues in supporting H.R. 1883 and sending the right message on behalf of all Americans, that we will not allow back-door maneuvers that aid Iran's dangerous plans for terror and destruction.

Mr. CROWLEY. Mr. Speaker, I speak today in strong support for the amended version of H.R. 1883, the Iran Nonproliferation Act of 1999.

Everyone in Congress is aware that Iran has continually threatened the peace and security of the Middle East. Iran is still committed to the destruction of Israel, opposes the Middle East peace process and supports terrorist groups such as Hamas. In fact, Iran remains the world's leading sponsor of international terrorism.

Despite these very real security concerns, cash strapped Russia has supported the $800 million Bushehr project, a 1000-megawatt light-water reactor, in southern Iran. Why Iran needs such a reactor remains an open question because Iran has one of the world's largest oil and natural gas reserves. However, many security experts believe that such projects provide good cover to a nuclear weapons program and provide Iranian technicians with expertise in the development of nuclear weapons.

Iran has successfully tested the Shabah-3 missile, which has a range of 800 miles, and has supplied Fajr rockets to Lebanon. These rockets are capable of hitting Haifa, and other parts of Israel. In fact, Iranian weapons supplied to Hamas are used against the Southern Lebanese Army, the Israeli Defense Forces and severely jeopardize the security of communities in Northern Israel.

Iran's support of international terrorism poses a great risk to the Middle East and shows very clearly that Iran remains a threat to U.S. interests in the region. The results of an Iran armed with nuclear weapons are almost too horrifying to imagine. But, if current trends continue, it may become an all too real nightmare for the United States and our Middle Eastern allies.

While I welcome the results of the recent parliamentary elections in Iran, I believe that we must wait and see if the victory of the reformists will translate into any real change. Before we start to re-evaluate our policy, Iran needs to drastically change theirs, especially in areas of major concern to the U.S., such as non-conventional weaponry and the support of terrorism. H.R. 1883 reinforces those Congressional concerns and sends a clear message to countries that assist Iran's weapons program.

I was proud to be an original cosponsor of the Iran Nuclear Proliferation Prevention Act of 1999, and I am proud to be a cosponsor of the Iran Nonproliferation Act.

Mr. Speaker, the Senate passed the amended Iran Nonproliferation Act, 98–0, last week and I urge my fellow Members to give this legislation the same overwhelming support on the floor today.

Mr. BENTSEN. Mr. Speaker, I want to express my strong support for passage of the Senate amendments to the Iran Nonproliferation Act. Last week, this important legislation was approved by the Senate by 98 to 0. H.R. 1883 was originally approved by the House in September 1999.

This important legislation gives the President the authority to impose sanctions against Russia or any other nation for supplying Iran with the technology to build missiles and chemical and biological weapons. The Iran Nonproliferation Act also provides for biannual reports on who around the world is transferring prohibited technology or information to Iran, and allows the President to take action against persons or entities found to be engaged in such activity.

This bill also includes new steps to ensure the Russian Space Agency, which is a partner with NASA in the International Space Station project, is complying with Russia's official Iran anti-proliferation policy. If needed, the President is granted the authority to cut-off funds for the remaining payment of $590 million to the Russian Space Agency for helping the U.S. build the International Space Station. As much as we want to continue to work with Russia on joint efforts in space, we will not do so if they are contributing to this grave threat to our security. That said, the language as amended is much more workable in ensuring that the ISS moves forward.

The threat is a very real and serious security concern for the United States and Israel, our nation's most-trusted ally in the Middle East. The CIA has reported Iran has the capability to launch a missile that will reach Israel, and it is well known that Iran is pursuing development of nuclear, chemical and biological weaponry. This legislation provides the Administration with useful tools to combat the spread of dangerous weapons technology and to discourage nuclear proliferation. H.R. 1883 also demonstrates our commitment to prevent the proliferation of dangerous nuclear weapons to countries that threaten our national security as well as the security of allies—such as Israel and Europe.

The U.S. support for Israel must go beyond economic and military aid to Israel—it must meet the very real challenges that will face Israel and the United States in this new century, such as limiting the threats of weapons of mass destruction. It is well documented that technology provided to Iran increases its ability to develop its own intermediate range ballistic missile that is capable of reaching Israel as well as our European allies. By limiting Iran's access to such technology we can better protect these countries as well as our own troops in the Middle East and Europe.

The people of Iran demonstrated in their recent elections an overriding desire to move toward reform and moderation in the future—but it is too early to tell what this change will mean in practice. I hope that it is a sign that Iran will end its missile program and its support for international terrorism. This legislation also sends a strong message to Russia that U.S. aid and scientific collaboration will be limited if Russia doesn't stop missile proliferation to Iran. U.S. funding will be substantially limited unless the President certifies that the Russian Space Agency is not transferring technology to Iran. Acting Russian President Vladmir Putin has been receptive to restricting companies that sell missile technology and equipment to Iran. I hope his intentions are translated into action. Otherwise, our cooperation with Russia—both in space and elsewhere—may end.

We live in a dangerous world—where terrorists and rogue nations are developing deadly weapons of mass destruction. Our action today will send a clear message to our allies and to our adversaries. By supporting this bipartisan legislation, we will demonstrate our commitment to limit nuclear proliferation and to create a safer, more stable world.

Mr. GILMAN. Mr. Speaker, I yield back the balance of my time.

Mr. HOEFFEL. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to the order of the House today, the previous question is ordered.

The question is on the motion offered by the gentleman from New York (Mr. GILMAN).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GILMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 420, nays 0, not voting 14, as follows:

[Roll No. 28]

YEAS—420

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kind (WI)
King (NY)
Kingston
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—14

Brown (OH)
Campbell
Cook
Dingell
Fowler
Hall (TX)
Kilpatrick
Kleczka
Larson
Millender-
McDonald
Norwood
Paul
Vento
Waters

□ 1413

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. NORWOOD. Mr. Speaker, on rollcall No. 28, I was unavoidably detained and, had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. CAMPBELL. Mr. Speaker, I regret that I was not present for rollcall votes No. 27 and

No. 28 because I was unavoidably detained. Had I been present, I would have voted "yes" on both counts.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1304

Mr. DELAHUNT. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1304.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

□ 1415

LEGISLATIVE PROGRAM

(Mr. MOAKLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOAKLEY. Mr. Speaker, I take this time in order to inquire about the next week's schedule.

Mr. COX. Mr. Speaker, if the gentleman would yield, I am pleased to announce that we have completed legislative business for the week. There will be no recorded votes on Thursday or Friday of this week.

The House will next meet for legislative business on Wednesday, March 8, at 10 a.m. We will consider a number of bills under suspension of the rules, a list of which will be distributed to Members' offices later this week.

The House will also consider H.R. 1827, the Government Waste Corrections Act, under an open rule. On Wednesday we do not expect recorded votes until 2 o'clock p.m.

On Thursday, March 9, and Friday, March 10, the House will consider the following measures, all of which will be subject to a rule: The Small Business Tax Fairness and Minimum Wage Legislation; and H.R. 1695, the Ivanpah Valley Airport Public Lands Transfer Act.

Mr. Speaker, conferees report they are making progress on the conference report accompanying S. 376, the Communications Satellite Competition and Privatization Act. I am hopeful that it will be ready for consideration in the House at some point next week.

Mr. Speaker, I wish all of my colleagues safe travel back to their districts.

Mr. MOAKLEY. Mr. Speaker, reclaiming my time, does the gentleman expect the minimum wage legislation to be completed on Thursday next?

Mr. COX. We do expect it, certainly, to come up; and we hope to be completed on Thursday.

Mr. MOAKLEY. Also, I thank the gentleman for saying there will not be any votes until 2 o'clock on Wednesday, but Members in your part of the country would really appreciate it if you could hold back those votes until at least 5 or 6 o'clock on Wednesday next.

Mr. COX. Mr. Speaker, if the gentleman will yield further, Tuesday is the only day we have not had votes on a primary day, and that is an important accommodation that as a California Member I am pleased is being made. We, of course, have our primary on Tuesday. I am in a position of traveling back that day myself, on Wednesday. So I know that every accommodation that can be made will be made for Members on the West Coast. Two o'clock is currently the schedule; but of course I understand the pressures that puts on travel, because I myself will not be able to be back here until 5 o'clock.

Mr. MOAKLEY. Further, Mr. Speaker, that minimum wage legislation, is that going to be contained within one piece of legislation, or will it be two bills?

Mr. COX. There will be two separate bills, which it is my understanding will be enrolled together if both are successful.

Mr. MOAKLEY. Will the Democrats have a substitute on both of these bills?

Mr. COX. Mr. Speaker, the Committee on Rules has yet to meet on that point.

Mr. MOAKLEY. I understand that. Is the gentleman's leadership allowing the substitute on each of these bills?

Mr. COX. The Committee on Rules is going to be meeting on Wednesday for that purpose, and I am sure that is the very topic they will consider.

PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 425 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 425

Resolved, That it shall be in order at any time on the legislative day of Wednesday, March 8, 2000, for the Speaker to entertain motions to suspend the rules. The Speaker or his designee shall consult with the Minority Leader or his designee on the designation of any matter for consideration pursuant to this resolution.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from New York (Mr. REYNOLDS) is recognized for 1 hour.

Mr. REYNOLDS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MOAKLEY), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. REYNOLDS asked and was given permission to revise and extend his remarks.)

Mr. REYNOLDS. Mr. Speaker, this rule makes in order at any time on Wednesday, March 8, 2000, for the Speaker to entertain motions that the House suspend rules. The rule further requires the Speaker or his designee to consult with the minority leader or his designee on the designation of any matter for consideration pursuant to the rule.

As my colleagues are aware, clause 1 of House rule XXVII allows the Speaker to entertain motions to suspend the rules on Mondays and Tuesdays. Since the House will not conduct legislative business on either of those days, this will allow us to begin the legislative workweek in normal fashion.

This is a non-controversial rule. There are no surprises, and it requires consultation with the minority, so I hope we can move expeditiously to pass this rule.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my dear friend, the gentleman from New York (Mr. REYNOLDS), for yielding me the customary 30 minutes.

Mr. Speaker, I do not object to this rule making next Wednesday a suspension day. Normally, the House takes up suspension bills on Mondays and Tuesdays; but next Tuesday is Super Tuesday, which pushes the House schedule back. So, Mr. Speaker, as my colleague from New York has explained, this rule will make next Wednesday a suspension day as well. That way we can quickly debate and vote out relatively non-controversial bills.

As long as my Republican colleagues hold the proper consultations on the suspension bills and no last minute surprises are added, I support this rule; and I encourage my colleagues to do so as well.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. REYNOLDS. Mr. Speaker, assuring the gentleman that there are no surprises, I yield back the balance of my time, and I move the previous question on the resolution.

The previous questions was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ADJOURNMENT FROM THURSDAY, MARCH 2, 2000, TO MONDAY, MARCH 6, 2000

Mr. REYNOLDS. Mr. Speaker, I ask unanimous consent that when the House adjourns on Thursday, March 2, 2000, it adjourn to meet at 2 p.m. on Monday, March 6, 2000.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

ADJOURNMENT FROM MONDAY, MARCH 6, 2000, TO WEDNESDAY, MARCH 8, 2000

Mr. REYNOLDS. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, March 6, 2000, it adjourn to meet at 10 a.m. on Wednesday, March 8, 2000.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. REYNOLDS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday Rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

WELCOMING THE NATIONAL FEDERATION OF STATE HIGH SCHOOL ASSOCIATIONS TO INDIANAPOLIS

(Ms. CARSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CARSON. Mr. Speaker, I rise today to welcome the National Federation of State High School Associations to their new home in Indianapolis.

The Federation was started in 1920 by educators dedicated to the development of young people, and it promotes participation in sportsmanship with the goal of developing good citizens through interscholastic activities.

Through participation in these activities, young people gain the skills necessary to succeed in life. Skills like teamwork, respect for themselves and others, dedication to their communities, and pride in a job well done.

I am very privileged to have the National Federation of State High School Associations in their new home in my Congressional District in Indianapolis.

The Federation writes playing rules and coordinates the administration of high school sports and activities in the United States. Their mission is to provide the necessary leadership to enhance the educational experiences of high school students and reduce the risks of their participation.

The Federation was started in 1920 by educators dedicated to the development of young people as productive citizens in our nation through the medium of activities. It provides essential services to the nation's 18,000 high schools.

Each year, more than 6,500,000 young people participate in high school sports, and another 4,000,000 participate in the fine arts programs of speech, debate and music. The Federation publishes playing rules in 16 sports for boys and girls competition and provides programs and services that its member state associations can and do utilize in all 50 states.

The Federation seeks to provide equitable opportunities, positive recognition and learning experiences to students while maximizing the achievement of educational goals. After school programs also go a long way in the physical and emotional development of our nation's youth.

Through their annual sponsorship of National Student-Athlete Day, the Federation has helped to recognize more than 500,000 students nationwide not only for excellence in athletic achievement but academic achievement excellence and community service as well.

The Department of Health and Human Services has documented that participation in extracurricular activities reduces dropout rates, diminishes the rates of drug abuse and teen pregnancy, and enhances academic performance. Time and time again we hear about the increase in teenage crime between the hours of 3 p.m. and 6 p.m. I strongly support the goals of the Federation in their attempts to provide an alternative for our nation's youth to work at something productive rather than something destructive.

Interscholastic activities are a part of the educational curriculum and experience in our schools and must always remain as such. The responsibility of retaining their place as an integral part of the educational process of young people rests with the Federation. I am proud that the National High School Federation, like the NCAA before it, has chosen Indianapolis as its new home. I look forward to working closely with them to increase the extra-curricular opportunities for our nation's high school students.

Indianapolis is a great city for amateur and professional sports, and we will help the Federation continue its fine work on behalf of our nation's young people.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

EXCHANGE OF SPECIAL ORDER TIME

Mr. SOUDER. Mr. Speaker, I ask unanimous consent to move up on the list and insert my name in the place of the gentleman from Indiana (Mr. BURTON).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

DEALING WITH DRUG PROBLEMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. SOUDER) is recognized for 5 minutes.

Mr. SOUDER. Mr. Speaker, I read with concern this week that we have had another incident on our southern border in Tijuana with Mexico and their inability to get control of the drug problem. The attorney general of Mexico was quoted, who has been a crusader in trying to establish law and order in Mexico on the drug issue, that one of our primary needs is to get control of consumption in this country.

I want to suggest two different things: in addition, Mexico needs to continue to work to control the borders, because in San Diego, I will be at a hearing next week that the gentleman from California (Mr. MICA) is chairing in the district of the gentleman from California (Mr. BILBRAY). There is only so much they can do in San Diego, across from Tijuana if we do not get some control of our borders.

There is also only so much we can do in northeast Indiana, as I have talked with Sheriff Dukes in Noble County and Sheriff Jackson in Huntington County and Sheriff Herman in Allen County. There is only so much they can do in my district if the drugs keep coming across in California and Arizona and New Mexico and Texas that pour then into Indiana.

So we need Mexico's continued help, and we need even more aggressive efforts to try to crack down on the drug problem.

But I would suggest there are two other things that we will be addressing in this House before too long: one is the Colombia Plan, or better referred to as the Andes Region Plan. Clearly Colombia is in deep trouble. Clearly the cocaine and heroin that is pouring into our country through Mexico and corrupting Mexico is coming originally out of Colombia for the most part.

We need to do whatever we can to help the brave people on the ground in Colombia who are fighting the narcotraffic thugs, whether they be FARC or whether they be others, in Colombia; and we need to be able to pass that passage through this House and through this Senate and get it signed by the President as soon as possible, because we cannot get control in the demand reduction side if the price keeps going down, if the purity goes up, and the supply is coming in the way it is.

Secondly, as we address the Safe and Drugfree Schools Act and as we look at other acts in Congress, we need to make sure that we do not so water down our prevention programs in this country that they no longer have the antidrug bite in them. If we water these things down so much it becomes kind of a feel-good type of program rather than an accountability program, such as making sure we push drug testing and other methods of accountability. Rather than just talk, countries like Mexico and Colombia have a somewhat legitimate gripe, that we are always pointing the finger at them while we are consuming all this and not doing anything domestically.

Another problem that I will be soon meeting with the Department of Education about is an amendment that former Congressman Solomon and I passed on the student loans that said if you are convicted of a drug offense, you lose your loan for 1 year. If you are convicted a second time after you come back in, you lose it for 2 years, and a third time and you are out.

The Department of Education has put out a form that over 100,000, probably 150,000 students, did not even check.

We need to take aggressive action to make sure that those students who did not check that cannot get their loan if they do not check that box. Furthermore, we need a random sampling procedure to make sure that they are actually telling the truth, that the Department of Education partly in my opinion as a gutting process said this applied to everybody in all their years prior to going to college.

This was an accountability provision, not before you went to college. But once you take a student loan, we expect you to be clean, because you cannot be learning if you are on drugs. You cannot be exercising your responsibility if we give you a subsidized loan and then you are on drugs.

I also had an amendment that said if you test clean twice during that process of your first suspension, you can get your loan back. I believe education is critical. But if we are really committed in this country, forget about just talking about Mexico or Colombia or Panama or Peru or Bolivia, if we are committed in this country and we really care about our kids and we care about the violence in the streets and violence in the families, we need to take some serious steps in this Congress to put some accountability at the high school level, at the elementary school level, at the college level and at the adult level, and put some dollars as well as some restrictions behind it.

TRAGEDY IN MOUNT MORRIS TOWNSHIP, MICHIGAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Indiana (Ms. CARSON) is recognized for 5 minutes.

Ms. CARSON. Mr. Speaker, I speak today about the devastating tragedy in Mount Morris Township, Michigan, at Buell Elementary School, where a 6-year-old girl was shot and killed by a 6-year-old schoolmate. My thoughts and prayers go out to the families and to the schools and to the communities in this very devastating period of their lives.

□ 1430

Gun violence is an invasive problem within our society, with children often becoming the victims, perpetuated, unfortunately, by children. Unfortunately, the tragedy in Michigan is not the first. We have all too often witnessed horrific school violence throughout the Nation, tragic stories of children being killed in schools in West Paducah, Kentucky; Jonesboro, Arkansas; Littleton, Colorado; and now in Mount Morris township, Michigan.

We have been shown that Americans are devastated by the impact that gun violence has on our children. Nearly 12 children die each day from gunfire in America, approximately one every two hours. That is equivalent to a classroom of children every 2 days. Gun violence is an equal opportunity disaster. Of the nearly 80,000 children killed by gunfire since 1979, 61 percent were white and 36 percent were black.

The National School Boards Association estimates that more than 135 guns are brought into the U.S. schools each day. Ten percent of all public schools experienced one or more serious crimes such as murder, rape, suicide, physical attack with a weapon, or robbery during the 1996–1997 school year that were reported to law enforcement.

Within my district, Indianapolis, Indiana's Tenth Congressional District, guns were confiscated on the Indianapolis public school property in 14 separate incidents. In December in Indianapolis, a 7th grader shot an eighth grader while riding a bus home from school.

I am outraged and saddened by the school violence that invades our schools, our communities, and our homes. Schools should be a safe haven for children to learn and to thrive and grow, where violence is not a fear for our children.

The bill that I introduced, H.R. 515, the Child Handgun Injury Prevention Act, which is a bill to prevent children from injuring themselves with handguns, requires child safety devices on handguns, and establishes standards and testing procedures for those devices. It does not describe specifically what kind of safety device, but it does, indeed, ask for a safety device.

At present it has only 66 cosponsors, not nearly enough. I would encourage my colleagues to rise to the challenge, avoid the resistance from anti-gun control lobbying advocates, take a strong stance against violence in our schools, and stand up for our children.

Promoting strong child handgun prevention legislation is not only the right thing to do; indeed, it is the moral thing to do.

GUN SAFETY AND THE CONSTITUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would like to associate myself with the remarks of the gentlewoman from Indiana.

Mr. Speaker, I rise on the floor of the House today to offer my sympathies for those who are now in danger in Pittsburgh, Pennsylvania, held hostage, at least as of the last notice that we received, by someone holding innocent individuals hostage with a gun. Several of these individuals have been shot, and that area is in crisis.

Additionally, of course, yesterday I think America got either a wake-up call or one of the most shocking exposures to gun violence that we have had I would say in the last 20 years, even as we watched the little, small children run to safety in California with a crazed gunman at the Jewish Community Center, a hateful act with a gun.

But here we find in Michigan that it was not an adult, it was not a 15-year-old, it was not a teenager, an adolescent, but it was a 6-year-old little boy that shot a little girl in the neck with a gun that apparently he secured from his home, a home that, as news reports have indicated, was not the best and most supportive situation for a child.

Without commenting on the support system that that family needs and the crisis and the ultimate criminal procedures that will follow, or whether or not there will be indictments of those parents, and what will happen in this situation in Pittsburgh, the question has to come, what now, America? What will this Congress do? What have we delayed in doing?

I can tell the Members that as a member of the Committee on the Judiciary and a member of the conference committee set up last year, 1999, to deal with gun safety and juvenile justice, we have yet to have another meeting. The first meeting ended with disagreement and opening statements, but no action.

I would commend to my colleagues, for those who argue vigorously about the privileges of the Constitution in the second amendment, I would argue for them to understand the Constitution as a living document.

The Second Amendment was drafted and promoted at a time that this was an embryonic country. It was a beginning Nation. It was a Nation that feared to be taken over by those who had once been its colonizer, if you will. The Second Amendment related to a well-armed militia. I have no problem with people legally retaining their guns in their homes, but I do have a problem with criminals getting guns.

It is tragic that the House conference committee has not seen fit to meet and to deal with what America wants us to do: one, reasonable, safe gun safety laws; two, to close the loopholes so criminals do not get guns, so a little baby 6 years old does not have the opportunity, in a home that may not be the best, that may have a criminal element, to access a gun.

Mr. Speaker, it is extremely tragic that we would have a situation where a child accessed a gun. What can we say about that, other than that we have not done our job? We must do our job. We must pass safety legislation that deals with trigger locks, that deals with smart guns, and we must find a way to convene and do what America desires us to do.

How many more killings will we see? How many more of those who are either deranged, needing mental assistance? How many more persons will we have suffering and losing their lives because we have not done our job?

Mr. Speaker, I think that in this instance all we can do is pray, but I think that what we can do in the future is to meet, and to be assured that as we meet, we have this committee that will find itself in its heart and in its mind to pass real gun safety legislation so that a 6-year-old does not have access to guns.

Mr. Speaker, to conclude my remarks, let me say that I hope that the conference committee will find its way to meet. If it meets, I hope we will find our way to vote for real gun safety legislation.

INTRODUCING LEGISLATION CALLING FOR THE UNITED STATES TO WITHDRAW FROM THE WORLD TRADE ORGANIZATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, I rise today to announce my introduction of and request cosponsors for a privileged resolution to withdraw the United States from the World Trade Organization.

Last week, the Wall Street Journal reported that the United States was dealt a defeat in a tax dispute with the European Union by an unelected board of international bureaucrats. It seems that, according to the WTO, $2.2 billion of United States tax reductions for American businesses violates WTO's rules and must be eliminated by October 1 of this year.

Much could be said about the WTO's mistaken Orwellian notion that allowing citizens to retain the fruits of their own labor constitutes subsidies and corporate welfare. However, we need not even reach the substance of this particular dispute prior to asking, by what authority does the World Trade Organization assume jurisdiction over the United States Federal tax policy? That is the question.

At last reading, the Constitution required that all appropriation bills originate in the House, and specified that only Congress has the power to lay and collect taxes. Taxation without representation was a predominant reason for America's fight for independence during the American Revolution. Yet, now we face an unconstitutional delegation of taxing authority to an unelected body of international bureaucrats.

Let me assure Members that this Nation does not need yet another bureaucratic hurdle to tax reduction. Article 1, Section 8 of the United States Constitution reserves to Congress alone the authority for regulating foreign commerce. According to Article II, section 2, it reserves to the Senate the sole power to ratify agreements, namely, treaties, between the United States government and other governments.

We all saw the recent demonstrations at the World Trade Organization meetings in Seattle. Although many of those folks who were protesting were indeed rallying against what they see as evils of free trade and capitalist markets, the real problem when it comes to the World Trade Organization is not free trade. The World Trade Organization is the furthest thing from free trade.

Instead, it is an egregious attack upon our national sovereignty, and this is the reason why we must vigorously oppose it. No Nation can maintain its sovereignty if it surrenders its authority to an international collective. Since sovereignty is linked so closely to freedom, our very notion of American liberty is at stake in this issue.

Let us face it, free trade means trade without interference from governmental or quasi-governmental agencies. The World Trade Organization is a quasi-governmental agency, and hence, it is not accurate to describe it as a vehicle of free trade. Let us call a spade a spade: the World Trade Organization is nothing other than a vehicle for managed trade whereby the politically connected get the benefits of exercising their position as a preferred group; preferred, that is, by the Washington and international political and bureaucratic establishments.

As a representative of the people of the 14th District of Texas and a Member of the United States Congress sworn to uphold the Constitution of this country, it is not my business to tell other countries whether or not they should be in the World Trade Organization. They can toss their own sovereignty out the window if they choose. I cannot tell China or Britain or anybody else that they should or should not join the World Trade Organization. That is not my constitutional role.

I can, however, say that the United States of America ought to withdraw its membership and funding from the WTO immediately.

We need to better explain that the Founding Fathers believed that tariffs were meant to raise revenues, not to erect trade barriers. American colonists even before the war for independence understood the difference.

When our Founding Fathers drafted the Constitution, they placed the treaty-making authority with the President and the Senate, but the authority to regulate commerce with the House. The effects of this are obvious. The Founders left us with a system that made no room for agreements regarding international trade; hence, our Nation was to be governed not by protection, but rather, by market principles. Trade barriers were not to be erected, period.

A revenue tariff was to be a major contributor to the U.S. Treasury, but only to fund the limited and constitutionally authorized responsibilities of the Federal government. Thus, the tariff would be low.

The colonists and Founders clearly recognized that these are tariffs or taxes on American consumers, they are not truly taxes on foreign corporations. This realization was made obvious by the British government's regulation of trade with the colonies, but it is a realization that has apparently been lost by today's protectionists.

Simply, protectionists seem to fail even to realize that raising the tariff is a tax hike on the American people.

OIL PIPELINE SAFETY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

Mr. METCALF. Mr. Speaker, oil and gas pipeline accidents happen more often than we might think. Just within the past few weeks, two major pipeline spills have occurred.

On February 5, an oil pipeline spilled approximately 70,000 gallons of crude oil into a lake in the John Heinz Wildlife Refuge near Philadelphia. The refuge incorporates the largest freshwater tidal marsh in the State and is habitat to two endangered species.

On January 27, approximately 500,000 gallons of oil leaked from a pipeline near Winchester, Kentucky. Officials are unsure how much of the oil will make its way into the Kentucky River, the main drinking water source for Lexington and other towns.

Thankfully, neither of these spills were ignited, like the spill which occurred in my district last June. The accident in my district resulted in three deaths, millions of dollars in property damage. How many more spills do we need to have before we act to improve our system of pipeline safety?

Recently, I introduced H.R. 3558, the Safe Pipelines Act of 2000. My bipartisan bill, which has been cosponsored by the entire Washington State House delegation, will enact much needed reforms to our Federal pipeline regulations, and will give the States a role in pipeline regulation, which they currently lack.

□ 1445

Under my bill, pipelines will be required to be inspected both internally and with hydrostatic tests. Pipelines with a history of leaks will be specially targeted for more strenuous testing. All pipeline operators will be tested for qualifications and certified by the Department of Transportation.

The results of pipeline tests and inspections will be made available to the public and a nationwide map of all pipeline locations will be placed on the Internet where every citizen can easily access it. All pipeline ruptures and spills of more than 40 gallons will be reported to the Federal Office of Pipeline Safety and States will be able to set up their own pipeline safety programs for interstate pipelines, provided that the States have the resources and expertise necessary to carry out the programs and that State standards are at least as stringent as Federal standards.

In addition, the bill requires studies on a variety of technologies that may improve safety such as external leak detection systems and double-walled pipelines. I urge my colleagues to join with me in support of this bipartisan legislation.

CONGRATULATIONS TO WALTER CRYAN UPON HIS RETIREMENT

The SPEAKER pro tempore (Mr. LATOURETTE). Under a previous order of the House, the gentleman from Rhode Island (Mr. WEYGAND) is recognized for 5 minutes.

Mr. WEYGAND. Mr. Speaker, I rise today to stress my congratulations and sincere thanks to a good friend, Walter Cryan, who is retiring from a 35-year career in broadcast journalism. Walter will be deeply missed. This great man, whom we have watched as anchor on Channel 12 for the last 35 years, will be missed because we know that the kind of journalism that he represents is not the norm today.

Walter Cryan heard the call of the media at a very early age. As a child growing up in Cambridge and Lowell, Massachusetts, a young Walter was enraptured by the world of radio and displayed a particular love for the Lone Ranger. At this time he was also exposed to journalistic greats such as Walter Winchell and Edward R. Murrow, who would undoubtedly influence his later career, though at the time he actually preferred the world of sportscasting.

With dreams of becoming a baseball announcer, Walter enrolled in the Leland Powers School of Radio and Television in Boston and later transferred to Boston University. After being drafted in the Army in 1952, Walter was stationed in Germany where he served as a broadcaster for the Armed Services Network.

Upon his return to the United States, Walter completed his communications degree and embarked upon a career that would eventually make him one of the most respected journalists in our State. After spending several years with a Massachusetts radio station, Walter made a decision that would shape the remainder of his life. With his wife's encouragement, he took a chance, and a pay cut, to move to Rhode Island in 1965 to pursue a position at WPRO Radio, which also happened to own Channel 12, a television station.

One year later, he was tapped as station anchor on the 11 p.m. news; and in 1967, he was tapped to be the 6 p.m. anchor, where he would remain for the next 33 years. With his straightforward reporting style and his dignified presence, he quickly developed into a Rhode Island favorite amongst all viewers.

Mr. Speaker, Rhode Island is not a large State; with a population of only a million people within about 1,200 square miles, the entire State has only one local affiliate for each of the network stations. And for this reason, though, our local nightly news anchors are particularly well known and recognized just as Peter Jennings, Tom Brokaw, and Dan Rather.

From his anchor desk, Walter Cryan has succeeded admirably in becoming a reliable and respected source of news in our State. His sincere demeanor and his warm personality contribute to his ability to relate to the viewers at home, which inspires a great deal of trust in all who watch this wonderful anchorman.

In times of prosperity and turmoil, of joy and despair, Walter has remained a steady presence at the anchor desk of Channel 12 news.

In 1996, the Academy of Television Arts and Sciences recognized Walter's service to the southeastern New England area by inducting him into the Silver Circle, a prestigious award given only to those who have served more than 25 years in the broadcasting industry.

One of Walter's greatest assets that he brings to his work is his great sense of perspective. The arrival of cable television and the Internet have caused the network ratings, especially in news broadcasts, to decline over recent years. In an attempt to attract more viewers, many network news programs have added more sensational reporting and entertainment type of news, a style very different from the days of Edward R. Murrow or Walter's youth.

Walter held a place for himself in the news media wonderland by maintaining his professional demeanor and his nononsense style of reporting. He carved a unique niche in Rhode Island media by displaying a remarkable understanding of why certain events occur and how they impact the public.

As a person, he has witnessed riots and war, deaths of public figures, economic booms and busts, countless elections and moments essential to our State's history. He has been always able to explain not only the news, but truly their significance to the people.

But there is also another side of Walter Cryan, a side that is certainly more sincere and dedicated and really shows the warm side of Walter Cryan. Walter has highlighted the cause of a facility, an institution known as Meeting Street Center, a Providence organization that assists special needs handicapped children. For the last 22 years, Walter has been an active advocate and a vocal advocate of this organization and he annually hosts their fund-raising telethon which has raised over $4 million during his time.

During his telethons, he highlights extraordinary advances of the children at Meeting Street Center, how they have moved forward, the things they have done. Rhode Islanders have witnessed, live on TV sometimes, the first steps and the lives of these remarkable children.

Mr. Speaker, I end by saying that Walter Cryan has not only been a tremendous journalist for our State, a person who represents sensitivity and determination to his profession, but he has been a great family man dedicated to our community, to public service in the finest of ways. He is a great guy, and we are going to miss him dearly.

THE KEEP OUR PROMISES TO AMERICA'S MILITARY RETIREES ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. NORWOOD) is recognized for 5 minutes.

Mr. NORWOOD. Mr. Speaker, I rise today to address an issue that is of great importance to me and I hope to my colleagues: The health and well-being of the brave men and women who dedicated their lives to the military service of our country.

I am extremely proud of the overwhelming bipartisan support of H.R. 3573, the Promises Act, that I had the honor of introducing with my friend from the other side of the aisle, the gentleman from Mississippi (Mr. SHOWS). I am confident that we will soon have over 300 cosponsors, because most of my colleagues realize that this is the right thing to do.

However, Mr. Speaker, one thing that disturbs me greatly is the red herring that opponents of this bill keep throwing up with costs. How much will it cost? Where will the money come from? Will it break the caps? Well, that is not the point. The point is that we made a promise to these men and women and we have a moral obligation to keep that promise.

We have our priorities backwards in this country sometimes. We should not be scrounging leftovers to find the money to fund health care for the men and women who dedicated their lives in the defense of this country. We should fund that first, then decide what to do with whatever is left over. That is the right and the honorable thing to do.

That is what we should be doing as a Congress. However, Mr. Speaker, if my colleagues want offsets, I will give them offsets. Our own Committee on the Budget released a report saying that we waste $19 billion annually on major government programs. Mr. Speaker, cut that in half and we could pay for all the health care we need for our military retirees, and then some.

Furthermore, the projected surplus over the next 10 years may be $10 trillion. This bill would cost less than 5 percent of that amount. Mr. Speaker, the money is out there; we just have to make a commitment to make it happen. Do not tell me it cannot be done. Of course it can be done. These men and women are dying at the rate of 1,000 per day, and it must be done and done soon.

I urge the House and Senate leadership, the Committee on the Budget, the Committee on Ways and Means, Committee on Appropriations, Committee on Government Reform, and the Armed Services Committee to put their heads together and pass this bill this year.

Mr. Speaker, during World War II the famous Big Red One had a motto: "The difficult we do immediately, the impossible takes just a little longer."

We need some of that can-do attitude here and now in this Congress. We need to buckle down and do the right thing and keep our promises to the patriots of this country. We ask a lot from our veterans and our retirees. The least we can do is do for them what we told them we would do.

NATIONAL WOMEN'S HISTORY MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, I come to the floor of the House this evening to salute the women of this country on the first day of National Women's History Month. This year is particularly special because it marks the 20th anniversary of the National Women's History Project.

In my heart and in my mind this occasion is unique because Sonoma County, in my district, is the birthplace of the National Women's History Project, the organization responsible for the establishment of Women's History Month. This year's theme is "An Extraordinary Century for Women—Now Imagine the Future."

The Project, as it is known, is a nonprofit educational organization founded in 1980 and committed to providing education and resources to recognize and celebrate women's diverse lives and historic contributions to society.

The Project is repeatedly cited by educators, publishers, and journalists as the national resource for information on United States women's history. Thanks to the Project's efforts, every March, boys and girls across the country recognize and learn about women's struggles and contributions in science, in literature, business, politics, and in every other endeavor.

As recently as the 1970s, however, Mr. Speaker, women's history was virtually unknown, left out of school books, left out of classroom curriculum.

In 1978, I was the Chair of the Sonoma County Commission on the Status of Women. At that time all of us involved in the commission were astounded by the lack of focus on women. Because of that, we worked together with local women to push for awareness. Under the leadership of the chair of the commission that followed right after me, Mary Ruthsdotter, a group of hard-working women in Sonoma County put together a celebration of International Women's Day. That has since expanded through the Congress to National Women's History Week and now National Women's History Month.

Together, the women in my district and the Project succeeded in nationalizing awareness of women's history. As word of the celebration's success spread across the country, State Departments of Education honored women's history week, and within a few years, thousands of schools and communities nationwide celebrated National Women's History Week during the month of March.

In 1987, the Project first petitioned Congress to expand the national celebration to the entire month of March. Due to their efforts, Congress issued a resolution declaring the month of March to be Women's History Month. Today is the first day of March, the first day of the Women's History Month for the year 2000.

Each year since, nationwide programs and activities in schools, workplaces, and communities have been developed to commemorate women's history in the national and international arena.

In honor of Women's History Month, I want to praise Mary Ruthsdotter, Molly MacGregor, and Bonnie Eisenberg who are the birth mothers for this very notion. And I want to acknowledge Cindy Burnham, Donna Kuhn, Sunny Bristol, Denise Dawe, Lisa McLean, Molly Henrikson and Kathryn Rankin, the women now at the Women's History Project Office. All of these women serve as leaders to educate Americans of all ages about the contributions of women in our society.

Mr. Speaker, to pay tribute to these women's achievements, I have reserved Statuary Hall on Wednesday, March 22. Proud mothers and daughters, educators, activists, historians, and other women across the country are invited to come to the Capitol to celebrate the 20th anniversary of women's history.

□ 1500

Further, the project has been recognized for outstanding contributions to women's and girls' education by the National Education Association for Diversity and Education, by the National Association for Multicultural Education, and for scholarship service and advocacy by the Center for Women's Policy Studies.

I am truly grateful to all the devoted women at the Women's History Project for their continued commitment and for making an indelible mark on our country. However, Mr. Speaker, we still have a long way to go on women's issues. Sadly, America is also poised to cede its position as a world leader in the international fight against discrimination against women. We need to pass CEDAW, the Convention to End Discrimination Against All Women.

DRUG SMUGGLING ALONG THE BORDER

The SPEAKER pro tempore (Mr. HAYES). Under a previous order of the House, the gentleman from California (Mr. BILBRAY) is recognized for 5 minutes.

Mr. BILBRAY. Mr. Speaker, I rise today to speak of Alfredo De La Torre. Alfredo has served as the police chief of Tijuana-Baja California for the last few years. But this Sunday, after leaving church services with his family, Alfredo decided to do what he always does, to drive down to the police station to see how the operation was working. On the way to the police station, Mr. Speaker, Alfredo was attacked and was killed by professional hit people that fired almost 100 rounds into his car and inflicted 57 bullet wounds into his body.

Now, Alfredo is just one of many in Tijuana that have died over the last few years. This brutal murder, which occurred just a few miles from where I live in South San Diego in the Pearl Beach area is a reminder to all Americans of the sacrifices that are going on right now in the drug war.

In January, there was an attorney named Mr. Hernandez who was not as lucky as the police chief. This attorney, Mr. Hernandez, who was a former judge, had the misfortune of having his wife and his son with him when they were sprayed with gunfire by the same drug and alien-smuggling cartel that killed the police chief.

On April 28 of 1994, another police chief in Tijuana was assassinated after the cartel publicized that he had turned down a bribe from them. This is just how blatant it is getting in northern Mexico.

Not to think, Mr. Speaker, that we are insulated from the realities of this violence, in 1996, a few miles north of where my family lives, a man in my district was gunned down while he was driving up a road called Silver Strand by two hitmen who had the gall to stop and finish him off at point-blank range and then throw the gun into the car and proceed to turn around and drive back into Mexico.

This is a drug war that Americans have to wake up to. This month the President will consider about certifying Mexico and seeing if Mexico is doing enough. Mexico, Mr. Speaker, has sent troops to the border. They have armed military personnel at the border to fight the drug lords. They have disbanded their old police force and replaced them with a whole new system, because they are serious about drug interdiction. Mexico is intercepting guns and drugs every 50 to 100 miles in Mexico.

What are we doing? The administration has only hired half of the authorized border patrol agents that this Congress has asked them to hire. The administration refuses to talk about doing on the American side what Mexico has done on their side, and that is to bring the troops into the works. We who have talked so much that we are serious about the drug traffic have not done as much as Mexico.

Mr. Speaker, today there are 10,000 troops, American troops, in Kosovo and Bosnia for peacekeeping. What my family would like to know and my neighbors would like to know is when are we going to get some peacekeeping troops? When is our neighborhood going to be given the priority to fight the drug lords and the alien smugglers?

It is time that we need to emphasize that American resources have the first obligation to defend Americans on American soil and also to protect them from, not only the violence of the drug smugglers, but also the drugs themselves. This is a war that we cannot stand alone on, and we cannot point fingers south of the border.

I hope that the President certifies Mexico, not because they are doing as good as they should. They should do more. But I think we should certify it at the same time we point to ourselves that we need to do more. I hope the President joins with us.

The gentleman from Florida (Chairman MICA) is going to have a hearing in San Diego, California, on March 7. I hope that a lot of my colleagues will consider coming to that hearing so they get firsthand experience of what is really happening on the frontline of the drug war.

The gentleman from New York (Chairman GILMAN) and the gentleman from Florida (Mr. McCOLLUM) have been very, very supportive on this. But, Mr. Speaker, let us remember Alfredo; and let us remember the people who are dying on both sides of the border, and let us not talk about we are willing to fight the drug war, but we are not willing to do half as much as our colleagues in the south.

I ask us to make the commitment of using our military, using our resources, using whatever it takes to win this war so nobody else will have to be killed, no one else will be slaughtered, and America can look up and look at our neighbors to the south and to the north and say we are doing everything we humanly can to stop this problem.

Mr. Speaker, I would like to say sincerely my condolences to the De La Torre family. There is nothing that can cover up the pain and the suffering that they are seeing on their streets. Hopefully, we can keep it off our streets.

REFORM OF OUR NATION'S SCHOOLS

The SPEAKER pro tempore (Mr. SHERWOOD). Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. Mr. Speaker, as a member of the Congress and past member of the Maryland State legislature, I have witnessed and been engaged in numerous debates on how to reform our Nation's classrooms. I certainly believe we do everything we can to ensure that we provide adequate funding and employ effective teaching techniques that will raise the academic output of our students.

However, even the most funding and the best teachers will not produce successful students if there are significant discipline problems that distract students from their studies.

So I come to the floor of this House to pay special tribute to a group of men and women that play a crucial role in keeping students in my district on track, the Baltimore City Police School Force.

Under the leadership of Chief Leonard Hamm, this public school police force is charged with providing protection and safety services to 108,000 students, 12,500 personnel, 187 schools, and 1,300 acres of land around Baltimore City, 24 hours a day, 365 days a year. As a result of their efforts, there has been a dramatic drop in the amount of assaults and arrests in the Baltimore City school system.

During Chief Hamm's first year on the force in 1997, the number of arrests in Baltimore City schools dropped 45 percent from the first half to the second half of the school year. Assaults are down 34 percent and arrests are down a remarkable 57 percent.

During the last 2 school years, there have only been six incidents involving a gun. This is a remarkable turnaround from 1994 when there were 77 incidents involving firearms. Looking at individual schools, the change is even more dramatic. We have seen the number of disruptive incidents and violence drop by as much as 70 percent in some of the City's most troubled schools.

As we look back on the past year, filled with school violence, this turnaround gives me hope that our Nation's schools can be safe havens and productive learning environments that our parents expect.

Moreover, our youth should be stimulated by more than just reading, writing, and arithmetic. I cannot imagine any school experience without various afterschool activities, clubs and special events. Sadly, our school halls have become increasingly void of such activities, but an amazing thing has happened in Baltimore as a result in the drop in crime and fear of crime: school social activities have made a comeback.

School pep rallies and dances have been banned for several years because of safety concerns. But this past November, Southern High School had its first pep rally and dance in 6 years.

Dances, pep rallies, and sporting events foster pride in the school. If students have a sense of pride in their school, they will be less likely to want to disrupt it. These activities also enrich our students' overall experience.

So what is the secret to Chief Hamm's success? You might think success has something to do with high-tech surveillance cameras and metal detectors, but you will not find any metal detectors or cameras in Baltimore City public schools. Instead, Chief Hamm has installed a policy fostering mutual respect between police, students, and faculty.

He believes that when police earn the respect of students, students will respect the police and the school. Chief Hamm has also made it his mission to nurture a sense of ownership of the school by students. He believes that crime in school can be reduced when students respect their school in the same way they respect their own home. This strategy has lead to the safest school environment in Baltimore City schools in many years.

In light of these successful efforts and hard work, I will be presenting the Baltimore City School Police Department with an Elijah E. Cummings U-TURN award. This acronym, U-TURN, has the obvious meaning of changing direction. However, each letter in this award describes what has taken place on the police force: U, unique; T, techniques; U, used; R, restore; and N, nonviolence.

The Baltimore City School Police have certainly responded to a problem in a manner deserving of recognition and praise. I applaud Chief Hamm and his force and look forward to a further reduction in crime and disruption in our schools.

In closing, Mr. Speaker, I stand ready and pledge to do everything I can as a Member of this body to help the Baltimore City School Police force and other forces throughout the Nation to ensure that our children can safely prepare for their promising futures. As someone once said, our children are the living messages we send to a future we will never see. Congratulations, Chief Hamm, and congratulations to the Baltimore City School Police Force.

CONCERN REGARDING RELIGIOUS DEBATE IN OUR COUNTRY

The SPEAKER pro tempore (Mr. SHERWOOD). Under a previous order of the House, the gentleman from New York (Mr. WALSH) is recognized for 5 minutes.

Mr. WALSH. Mr. Speaker, I rise today to express my very deep concern about the character of the debate in our country today with regards to religion.

For the past 5 years, I have been very involved in the Irish peace process, and at the root of the hatred and the mistrust in northern Ireland is the differences in religion. We can see what damage and the trouble that it has caused to that country. Indeed, our own troops have been involved in Kosovo separating warring religious and national groups.

We are witnessing a war in Russia that has a great deal also to do with religion between Christians and Muslims. To continue this debate in our country with elected leaders criticizing religious leaders and religious leaders criticizing political leaders and political leaders criticizing other political leaders for taking sides with other religious leaders, I thought we had put that behind us. I thought that that sort of debate in this country was over, but obviously it is not.

Hubert Humphrey said a long time ago, the great happy warrior Democrat, he who throws mud loses ground. Unfortunately, there is a lot of mud being thrown around today, and a lot of it regarding this issue of religion.

I would like to address my comments to the choice by Speaker HASTERT of our chaplain. I do not understand why anyone, anyone would be critical of the Speaker's choice. It is a very personal decision. He made a choice and now he is being accused of being anti-Catholic.

I cannot fathom why anyone would raise that issue. He is an honorable man. He is a decent and honest man, and he made an honest decision. And we should respect that decision.

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But it seems that people will reach at anything to get political gain, and it is a downward spiral. If this debate continues, we are headed nowhere but down with a very difficult situation ahead of us and no way to get out of it.

Let me just give my colleagues a little history regarding the choice of chaplain in the Congress. For the first 100 years of this country, we had 50 chaplains. Basically, one chaplain for each Congress. For the last 105 years, since around 1895, we have had five chaplains. Five. So the duration of their term in this position has become much, much longer. It is a different position than it was. And I am not so sure that the original Congresses did not have it right, one chaplain per Congress, one Congress per chaplain.

But to make the political points here, the Democratic party, the modern Democratic party, which began in the middle of the 18th century, has appointed 20 chaplains in its time. Republicans, the modern Republican Party, beginning around the same time, has appointed eight chaplains. In none of those cases, those 28 chaplains that were appointed, was there a Catholic priest appointed. There has never been an outcry before. Never been an outcry.

There are Members of this Congress currently criticizing Speaker HASTERT for his choice of a Protestant minister, a Presbyterian, criticizing him for that choice when they were seated in this House when other speakers appointed Protestant chaplains. Where was the outcry then? Where was the Democratic party, the criticism then? Why is it coming now to Speaker HASTERT? I think he made a wise decision. I think he made a wise choice, and I think we owe him the respect and the honor of making that decision.

The Speaker tried to open this process up. He appointed a committee to help him to make the choice. The committee came back, it was a bipartisan committee, with three names. Three individuals. No rank, no unanimous support for one, but they gave the Speaker three choices. He made a choice among those three, and he picked Reverend Wright. Maybe it was a mistake to open it up to a so-called democratic process.

Obviously, I could talk a lot longer about this, but suffice to say that we owe the Speaker the respect that he is due. We owe the choice that he has made the respect that that is due. And I would urge people to stop throwing mud and to stop this downward spiral of anti-religious talk in our country.

ALLEGATIONS OF RELIGIOUS BIAS AMONG REPUBLICAN LEADERSHIP IS PURE BUNK

The SPEAKER pro tempore (Mr. SHERWOOD). Under a previous order of the House, the gentleman from Florida (Mr. FOLEY) is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, I want to follow along with the words echoed by my colleague from New York.

I am a Roman Catholic as well, and I do not understand this all of a sudden finger pointing over choices of chaplains or questioning people's beliefs. I personally work very closely with the gentleman from Illinois (Mr. HASTERT) as Speaker of this House. In fact, he was the one that nominated me to be on the Committee on Ways and Means, considerably one of the most important committees of this Congress. The gentleman from Texas (Mr. ARMEY), another fine gentleman who I work with every single day as majority leader, and the gentleman from Texas (Mr. DELAY), and others who occupy the office of majority whip. I am a deputy whip. So I can assure every American that is interested in listening that none of these leaders indicates any bias towards anybody of any faith.

Now, I have a disagreement on at least the position of chaplain, and I long ago advocated we not have a chaplain; that we allow visiting chaplains from around the country so we would have the opportunity to have a Rabbi and have a Protestant minister or a Baptist minister and a Catholic priest. I personally go to my own church for salvation, and I do not choose to use the services of the chaplain.

At times I question having one, inasmuch as we do not allow kids to pray in school yet we start every day with a prayer. So I find it a little complicated. But at the same time I do not doubt for one minute that the choice made by the Speaker was a valid, genuine choice on that gentleman's part to serve this entire body, not to single out and not to ratchet up the debate.

It is amazing. I hear the other side of the aisle all of a sudden acting as if they are for all Catholics. If we look at the voting records of most of the Members, we would probably have to question considerably whether they maintain the very principles and edicts that the Catholic churches espouses. There is a complete virtual disagreement on virtually every issue the Catholic church uses and would be measured on a scorecard if you had to have one on that basis.

I ask the Members to please stop this finger pointing. Stop the finger pointing and questioning people's values and beliefs. When Spike Lee made the comment about going to shoot Charleton Heston, I did not see any long-standing parade of speakers urging the rejection of this kind of thought. They sat quietly by and allowed that to be part of the mainstream dialogue.

When I hear Louis Farakhan on the mall marching against people and calling people names, I do not hear this outrage from Members on the other side of the body screaming about how intolerant people are. No, they are silent. But they can use something like this as a wedge issue.

George W. Bush goes to Bob Jones University certainly not to espouse or advocate positions held by one man that leads that church. There were thousands and thousands of students that wanted to hear the nominee, potentially, of the Republican Party address the issues that are important to them, as if any of us are invited. Daily we are invited to places. I was invited to a synagogue. Of course, I went to speak to my constituents about issues important to them at a synagogue. I am a Catholic. Should I have not gone simply because it was not a house of worship in my own faith?

So I denounce this and ask people to be a little more civil and a little bit more respectful of the differences that we have as Americans on fundamental beliefs and principles. We should all agree that the nice thing about the United States of America is that we can worship in the way we so choose. We can go to the places of worship we recognize as those that lead our faith. But we do not cast aspersion nor do we criticize people.

So this commentary that somehow the Speaker is biased and the majority leader is biased is pure bunk. And, again, I say to my colleagues that if they are compassionate, if they are one of faith, if they are one that deeply believes Catholicism is an important religion, those who seem to be defending it today and saying that Republicans are anti-Catholic, I can clearly assure them, clearly assure them from the bottom of my heart, that that is not the premise of the Republican Party and it is certainly not that of our leadership.

SENIOR CITIZENS' FREEDOM TO WORK ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Texas (Mr. SAM JOHNSON) is recognized for 60 minutes as the designee of the majority leader.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I am pleased to stand here with my fellow Republican, the gentleman from Florida (Mr. SHAW), who was instrumental in helping us get the Social Security earnings limit off today.

I introduced this bill 1 year ago, after hearing from many folks around the Dallas area and surrounding cities who are over 65 who want to continue to work. One of them is named Tony Santos. That is his picture right there. Tony is a part-time operator of a television camera now at Channel 4 in Dallas. He started there in 1951, when he was just 18 years old, and he retired in 1992. I first met him when I got back from being a POW in Vietnam; and he helped cover that return back to Dallas, which was really emotional for me.

Not just anyone can operate a television camera. It is a technical job and it requires specialized skills. So when folks take a vacation or get sick, Channel 4 finds itself in a bind and they call on Tony. Tony is over 65 and, after all, has a lot of experience, and he is happy to fill in. But the station needs him more than he is able to work due to the Social Security earnings penalty, which says that if he works more and earns more than $17,000 in this year he starts losing his Social Security benefits. He worked for and paid for those benefits, and it is not Washington's money. It is his money.

Tony's beautiful grandchildren, over here, are also shown: Daniel, Emily, Jacob, Jason, and Stephanie. She is just 8. Tony wants to be able to help them buy school books and get the best education possible, but he is penalized by the government just for working to support his grandchildren. Mr. Speaker, that is un-American. It is not right that Tony should not be able to work all he wants to, he is in great health, and still receive his Social Security benefits which he worked so hard for.

I wonder sometimes why we try to punish other Americans with the laws we pass. I want America to know that Tony Santos, here in this picture, heeds the words of Thomas Edison: "There is no substitute for hard work." And I think the gentleman from Florida (Mr. SHAW) and I both have heard workers in America say that to us; that when they get to be 65, they are not necessarily ready to retire. But they have worked and put into the Social Security fund and they would like that little extra benefit that it provides.

This morning, believe it or not, the Democrats, some of them, said this bill only helps the rich. Well, I am sure it will come as news to Tony Santos that he is rich, because he is not. And why we always hear this class warfare created is beyond me. This bill provides relief for all hard-working seniors. And today we took the first step in making sure that Tony Santos and the other close to a million seniors just like him can work and be rewarded and not be penalized.

I was pleasantly surprised President Clinton has decided to endorse the bill, the Senior Citizens' Freedom to Work Act, to eliminate the Social Security earnings penalty. One day earlier the President's chief spokesman spoke out against it. The gentleman from Florida may remember that. But today at least I am thankful the President has changed his mind and decided to support the repeal of the Social Security earnings limit without any strings attached. And that is exactly what happened today on the floor of this House. We passed a clean bill with no strings attached. Just a bill to eliminate the Social Security earnings limit.

Our Republican leadership has always understood the importance of this issue, and they made it a top-10 item for this Congress. For the past three sessions I have introduced repealing the Social Security earnings penalty, but by no means was I the first sponsor of this legislation. My colleagues will remember Barry Goldwater and his efforts in 1964. Repealing the penalty on seniors was his initiative way back then, and I am elated to finally be standing here so close to the repeal of the penalty that we can finally give every American the freedom to work.

I must confess, though, that I have a feeling that the close to 65,000 seniors affected by this penalty in Texas, and the close to a million seniors affected nationwide will be more thrilled than I am to see it passed.

Would the gentleman from Florida (Mr. SHAW) care to comment on that? I know the gentleman has been the chairman of the Subcommittee on Social Security in the Committee on Ways and Means, and he has been an interested person in this issue. And not only this issue but, as my colleagues know, he has been a supporter of the Shaw-Archer Social Security reform bill, which I consider this step one toward addressing that problem.

Mr. SHAW. Well, Mr. Speaker, I want to congratulate the gentleman from Texas (Mr. SAM JOHNSON) first of all, for being so persistent. The fact that that bill is named H.R. 5 shows that that was one of the first filed here, and those first numbers are usually set aside by the leadership to show that these are bills that we really plan to move. The gentleman's having filed that over a year ago to have gotten that number I think really speaks very well of his foresight and his faith in this Congress, and his persistence, in that he filed several of these bills in the past.

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We had hoped that this H.R. 5 was going to be folded into the Archer-Shaw bill, which was going to be a much larger bill that would have saved Social Security for all time. But when you get into presidential election years, sometimes it is hard to really bring people together and pass good, common sense legislation, as the Archer-Shaw bill is; and it is one that would save Social Security for all time without privatizing Social Security.

This is one of the things that really concerns me more than anything else. And I was very concerned to hear the President's last proposal in which he was going to take the money coming into Social Security and play the stock market with it.

I think Americans do not want that. That is something that we on the Republican side are going to oppose. And my guess is that the majority of the Democrats will also oppose it.

But we do have to change the way that we view Social Security, but we can do it without increasing the FICA tax, no more burden upon the American worker; and we can do it, too, without in any way, any way, changing the benefits so that the cost-of-living increases stay in the Social Security system.

The example that my colleague has pointed out with his constituent reminds me of a call that came into our office. A young lady who works in the office, Elizabeth Richardson, who received the call just in the last day or two. It was someone calling from California. It was not from a constituent. I think it was San Diego or somewhere out on the West Coast. The person wanted an explanation of what it was that we were doing. And she explained to him that we were removing that onerous tax from seniors that takes a dollar out of every $3 of benefits that they receive should they go over the earnings limit.

And he paused for a moment, and she heard a little silence; and after she explained it all to him, he said, Would you go give the gentleman from Florida (Mr. SHAW) a big hug.

Well, we have a policy in my office against young ladies giving the boss a big hug. However, I can say that this shows the gratitude that I think so many of those seniors out there are going to really feel when they really understand what we have done.

This is not something that we are delaying until next year. This earnings penalty will be done away with as of January 1, 2000. That is 2 months ago. So the monies that these people have already lost will be given back to them. And it is the right thing to do.

That is why we had every Member of this House step up and put their card in the electronic device that we vote on and put their vote up on the scoreboard, which is right here above the press gallery, and I think it shows the widespread support that this has.

A lot of people have wondered, how did this possibly get into the Social Security law in the first place. Well, very simply put, the Social Security bill was written during the Great Depression back in the 1930s; and at that time it was the feeling of the Congress, and I believe probably of Franklin Delano Roosevelt at the time, that the older workers should move aside to make room for the younger workers. But remember, we had huge unemployment of 25 percent.

Mr. SAM JOHNSON of Texas. Mr. Speaker, let me add if I might what Roosevelt did in that first bill. He created a Social Security program; and if they worked, they could not have any Social Security. And then it kind of reformed throughout the years, and we finally got the penalty up.

I see the gentleman from Florida (Mr. FOLEY) here, too, who is also on the Committee on Ways and Means, that maybe can help us.

But, in 1935, seniors could not receive any benefits if they worked. And then, believe it or not, it was modified 4 years later, in 1939, so that if they earned up to $14.99 a month, they did not have to pay a penalty. Can you believe that?

Mr. SHAW. Mr. Speaker, I do believe it. But, you know, back then it might have made a little bit of sense when you had unemployment of about 25 percent, people desperately needed jobs.

Now we have the other problem. We need more workers in this country. The economy is doing good, and we need more workers. And we particularly need the skills of our seniors. We are losing so much talent.

The gentleman from the State of Florida (Mr. FOLEY) and I have I think it is 81,000 seniors that are going to be directly affected by this. Nationwide it is, as my colleague said, just under a million. It is a little over 800,000 of the seniors that are going to be affected.

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is close to 1.1 million they are saying now according to the 1999 Census Bureau.

Mr. SHAW. Mr. Speaker, this is just the right thing to do. Now, people have wondered why in the world Congress did not do it earlier. Well, it simply means that that money was being spent by the Congress to run the Government, so they were taking it away from our seniors, taking their pension away, so they could spend the money on other things. That was wrong. It was wrong then. It is wrong now.

That is why we have had this great support and the support from the White House that I am pleased to see that we are getting at this point. The President said he did not want to reform Social Security on a piecemeal basis. But I think when he took a good look at this, he said, this is one that I have got to support. It is a great initiative, and I am so pleased the result we have had here in the House.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I ask the gentleman, what is this going to cost?

Mr. SHAW. Mr. Speaker, over the long-run, it does not cost us anything.

Mr. SAM JOHNSON of Texas. Mr. Speaker, and that is great. Absolutely no cost, according to the actuaries, to the Social Security Trust Fund. So we are not invading the Social Security Trust fund at all.

Mr. SHAW. Mr. Speaker, let me explain that for a moment. Because that sounds impossible, but it is.

What happens when that money is taken away from the seniors in the form of an earnings penalty, it is given back to them very slowly after their 70th birthday, so that their benefits actually increase a little bit in order for them to get some of that money back. And if they live long enough, they get it all back.

But the problem with that is that the Government is using their money which they earned, which they are entitled to at the retirement age, which the Congress said is 65 and that is what they are entitled to. So it is wrong, even though they get it back over a long period of time.

In the long run, it does not cost anything. In the short run, it does cost something and it is going to cost something. The money is there now. We have walled it off to save Social Security. We have walled it off in the lockbox, which I think most of the Members support. And it certainly passed the House of Representatives with good support from the Democrats as well, but a Republican idea in which we walled it off.

We do not spend the Social Security surplus on governmental expense. It is wrong, wrong, wrong.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I thought it was amazing that one of the ladies that testified before our committee, and I do not think the gentleman from Florida (Mr. FOLEY) heard it, or maybe he did, it was the full committee, because she said, they are stealing that from me. That is my Social Security earnings that I am supposed to be receiving, and you are taking it away from me. You are stealing it from me. And guess what, you get it back later, but not with interest.

So the Government is kind of putting it to you when you have a penalty like that.

Mr. Speaker, I ask my colleague, what does he think?

Mr. FOLEY. Mr. Speaker, I thank the gentleman from Texas (Mr. SAM JOHNSON) and, of course, the gentleman from Florida (Mr. SHAW) for their comments.

I was delighted to see on this House floor today a unanimous vote for the measure that he introduced in our committee. It is a beautiful thing that people are finally recognized. At least in America, seniors are recognized for the value that they bring to our communities.

It is interesting to think about back in Social Security's origination, of course, the longevity tables were much different; and I can understand maybe why initially they thought there may be a penalty because people were not expected to live past 68 or 72 years of age. And now they are longer, and they are more productive and healthier.

One of the most important things I want to strongly note is that the seniors are the most important life link not only to the past but to the future. We can learn so much. Many people in my generation and below my generation, particularly all these new Internet people and Internet-challenged children, if you will, they are looking to the 21st century as the new unique and opportunistic place in time; and they are forgetting the wonderful gains made by those who are now over 65 and those who have brought so much insight and wisdom to our communities.

I mentioned today on the House floor that my father retired at the age of 77 from the Palm Beach County school system. He continued to work. And, of course, he had a penalty back when he worked between 65 and 70. And I think that was patently unfair. He worked from his early youth, served in the Marines, served in World War II, came home to raise a family, became a proud member of the community, and chose a profession that he deeply loved. He could have made money in the private sector and done some things, I am certain. He is very talented and smart. But he chose to instill the knowledge he had with our children in the school system.

He was a coach, much like the gentleman from Illinois (Mr. HASTERT), the Speaker of the House, back in his days of high school. He then decided after 65 that he wanted to stay vigorous and involved in helping change children's lives. So he did. And lo and behold, our Government slapped a penalty on his Social Security income.

As the gentleman from Texas (Mr. ARMEY) said clearly at one of our conferences, he said, under any other circumstances, this would be discriminatory; there would be an age discrimination suit filed.

And so I applaud the leadership. I applaud certainly both the gentleman from Texas (Mr. ARCHER) and the gentleman from Illinois (Mr. HASTERT). I know they have worked on it for years and years. But I particularly applaud the two of my colleagues, because they really spearheaded the initiative. They brought it to fruition.

More importantly for the gentleman from Florida (Mr. SHAW) and I, who represent Florida, I am the seventh oldest, if you will, Medicare-eligible district in America. And I know that this is fabulous news for our citizens. We have adjoining districts, so we have so many similar, if you will, constituents who want to be a part of the great economy, who want to be part of the dynamics that are now evolving; and they want to be feeling like they are appreciated.

But somehow that light goes out in the Federal Government at the age of 65. No, no. Why do they not go sit down, go rest, go lounge around somewhere, because they are no longer valuable, they are no longer needed.

What the Archer-Shaw bill does today is say to senior citizens 65 to 70, not only are you needed, you are wanted. We want you as part of our country. We want you as part of our economy. And we want you to not only have your Social Security money that you paid for and that you earned, but we want to give you the chance to make more money in your pockets to safeguard your financial security.

Mr. SAM JOHNSON of Texas. Mr. Speaker, and guess what? They pay taxes on that money, too.

This is a letter from AARP, which has given their support to this project, which says, "Older workers have the skills, expertise, and enthusiasm that employers value." They support reducing or eliminating this penalty totally, and that is what we have done.

As the gentleman from Florida (Mr. SHAW) said, it is a good first step toward getting Social Security reform totally. At least we are looking at it. As chairman of the committee, my colleague is going to have hearings to talk to this issue and others that have come up during the debate.

I see we are joined by the gentleman from Michigan (Mr. HOEKSTRA).

Mr. FOLEY. Mr. Speaker, can I ask one question if the gentleman would continue to yield.

The gentleman from Florida (Mr. SHAW) has been in Congress since 1980. And I am not certain of the start of the gentleman from Texas (Mr. SAM JOHNSON).

Mr. SAM JOHNSON of Texas. Mr. Speaker, 1991.

Mr. FOLEY. Mr. Speaker, I ask the gentleman, why was this not considered before? Why was this issue not brought to the forefront?

It seems like, with 422 votes, this is a child looking for adoption and it found it today. But what was wrong in all those years?

Mr. SAM JOHNSON of Texas. Mr. Speaker, the fact of the matter is the Democrats controlled the Congress for such a long time over 40 years, and they did not brother to introduce this bill or make it go. And now they realize that this is an important issue, and they are with us on it for a change. That is good. I think it is time for a little bit of partisanship.

Mr. SHAW. Mr. Speaker, I say to the gentleman, I think it is also important to note that we have walled off Social Security with the lockbox. That money is out there and held sacred. It goes to pay down the debt if it is not being used to reform Social Security or Medicare. It is money that has been paid in by workers for their retirement years. We quit spending it.

The direct answer to the question of why was it not done before: in the old days, the Congress spent that money. They spent it as if it were unencumbered tax dollars. They spent it on all kind of problems. In fact, they spent even more than that, and that is what ran up the national debt. That is why we owe so much money.

But things are changed around here. We are living within our means. We are paying down the national debt. We are reforming Social Security. We are not taking Americans' pensions away. We are allowing the older American workers to keep what they have earned.

Social security is an earned right of the American people. It is that simple. That is black letter law. And it is not for any Congress to take away any of that or compromise any of those benefits. It is a contract, a sacred contract, between the Government and the people of this country, the American workers. And this is what has to be preserved.

You know what I was thinking when I was sitting here managing a portion of this bill today. I sort of felt the spirit of Claude Pepper coming into this area. A portion of my district down in Miami-Dade County was in Claude Pepper's. He would have been very proud of this Congress today and what we have been able to accomplish. Because he was Mr. Social Security when he was there, and I think we are taking his place as Mr. Social Security.

Our job is to protect the sacred, contractual right of our American workers.

Mr. SAM JOHNSON of Texas. Mr. Speaker, did my colleagues know that by 2030, one-fifth of the entire population will be age 65 or older?

□ 1545

According to a Manpower Inc. study released this week, nearly one in three U.S. companies will hire more workers in the upcoming second quarter, of this year. Tight labor conditions are going to continue to persist and demand for workers is at the highest level in 20 years. Those seniors that we have taken the earnings limit off of now have an incentive to go back to work, and I think that these companies will hire them.

Mr. SHAW. We need them. It is not only what they are entitled to. We need them in the workforce. There is so much talent that we have lost. Go into the hospitals today, go down the corridors, see the age of the nurses that are about to retire. When the baby boomers come through and when they start using the hospitals more, who is going to be there to take care of them? We have a shortage of nurses in this country.

The school teachers, some of the greatest teachers that we have are age 65 and older. We need to keep them in the workplace to train our kids. On a construction job, the supervisors are older people and they are there to train the apprentice, the young people coming in. We need to pass these skills down. It is wrong when people are living longer, enjoying life more, want to work or even have to work that we come back and penalize them. That is just so wrong. It is so wrong.

We talked earlier about class warfare. What about this one? For so long, if you were wealthy, if you had stocks and bonds, if you had real estate, if you had income that was not what we call earned income, that is stuff that you actually earn by working, you were not penalized. But if you were a working person, whether you had to work or just wanted to work, you were penalized. What kind of class warfare is that? We are getting rid of that. We are getting rid of that. It is an earned penalty whether you are living off of dividends, interest or living off of the sweat of your brow, you are not going to be penalized anymore once you pass retirement age and go on to Social Security.

Mr. SAM JOHNSON of Texas. That was a good statement. I yield to the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. First I would like to express my appreciation to my colleagues for moving that bill through the committee, moving it to the House floor and being able to come out on the floor of the House and getting unanimous support.

Mr. SAM JOHNSON of Texas. I have never seen a faster subcommittee than this guy ran. It was bang, bang and it was out, with a unanimous vote.

Mr. HOEKSTRA. A unanimous vote, bipartisan, all the right characteristics. I think you are going after one of the most unfair things in the tax code. You have identified that. I did nine town meetings last week. In my first town meeting, it is the exact issue that came up.

There was a gentleman who had retired from teaching, had been substitute teaching and said, I reached the threshold. The school wanted to keep me in the classroom. I wanted to stay in the classroom. It is one of my rural communities, Fremont, Michigan. He said I wanted to stay in the classroom but I looked at it and it made no sense for me to stay in the classroom, in effect, it would almost cost me money for the privilege of being in the classroom to teach those kids.

That gentleman now is going to be able to come back and he will be able to do it this year. He will be able to call up that school district and say, I can teach as much as you now want me to teach this year and as much as I am available to teach because the other nice thing about this bill is that, as you said in your closing statement today on the floor, the bill goes into effect on January 1, not of 2001 but of 2000, correct?

Mr. SHAW. That is correct.

Mr. HOEKSTRA. When this bill gets signed by the President, it will in effect be retroactive, a retroactive tax cut for workers for this year. It fits in perfectly. It was 2 weeks ago that we had a hearing in my subcommittee about the shortage of workers that we are facing. So whether it is the school teacher and qualified teachers in Fremont, Michigan or whether it is other industries around the country today, we know that there is a shortage of workers and that seniors have so much to add in terms of their skills and their expertise to filling that need that it is not only the fair thing to do, it is the right thing to do.

We need these workers if they want to. We need them to stay in the workforce. The least we could do is make the tax code neutral to that decision rather than penalizing them for staying in the workforce, at least now as they consider whether they are going to work or whether they are going to enjoy their retirement, they do not have to take a look at the tax code and see, now, what does the tax code want me to do and how many hours does it want me?

What a ridiculous process to go through. It is the fair thing to do; it is the right thing to do. Again I think as the chairman pointed out, when you take a look at what we are doing with Social Security, the lockbox this past year, not spending one dollar of the Social Security surplus and dedicating that all to paying down the debt, we are doing a number of things that are starting to shore up and save Social Security so that we can address the next issue which the chairman is also working on with a great passion which is doing the fundamental reforms to ensure that this program will not only be there for the seniors of today but for the baby boomers of tomorrow and for our kids.

So we really are taking a step by step approach. I again appreciate the work that the chairman is doing there and also appreciate the chairman's support for one little thing, we call it the worker right to know. Again it is an issue of the American people deserve to know how much money we are putting into Social Security and one of the things that is kind of a little bit of misinformation out there is all the workers get their W-2 at the end of the year and they see the portion that they have paid in and it is a pretty good size number, it is 6.5 percent of what they have made, they say, wow, that is my Social Security contribution. That is the money that was sent to Washington for me.

What they do not recognize and what they do not know is that for every dollar that they paid in, their employer was forced to match that, and so really it is 13 percent of their income is coming here for Social Security, supposedly with their name on it.

Mr. SHAW. I think that is something that people sort of miss, that kind of goes over their head, because Social Security, both the employer and the employee's portion of it is part of the compensation of the American worker, so they are paying in, I think it is 12.4 percent of their wages is going into the Social Security Administration. That is plenty high. When you start thinking about it, particularly for low-wage people, we can save Social Security without in any way raising that tax, and it would be wrong to raise that tax. We do not need to tax American workers one dime more and we can save Social Security just by getting busy and doing it.

Mr. SAM JOHNSON of Texas. Most people do not realize that that tax was 2 percent to start with. It is up to 13 percent now. It has been raised eight times since 1939. That is atrocious. You are absolutely right that we should never ever increase that. In fact, we ought to start decreasing it. Most of the options show the way to do that.

Mr. SHAW. Actually under the Archer-Shaw bill which you pointed to earlier, it would be many years from now, but the future Congress could many years from now actually reduce that tax substantially and still keep Social Security fully funded and paying out the benefits for all times.

Mr. SAM JOHNSON of Texas. Our seniors are paying a penalty, a severe penalty today, where they are paying a 33 percent tax really on their earnings. Some of them because of the situation are as high as 80 percent tax bracket, marginal tax bracket. So they are really getting penalized. I think it is a credit to the gentleman from Florida (Mr. SHAW) and the gentleman from Texas (Mr. ARCHER) that we sent the President a clean bill, and I have to tell you that we got a clean bill out of the House.

You will admit that. There is nothing else on it. It is an elimination of the Social Security earnings penalty. He has promised to sign that bill if it reaches his desk without other provisions. However, I am a little worried about the Senate. Some of the Senate Democrats are claiming that they would like to offer amendments to end the penalty on seniors. Although we have bipartisan support, some Democratic obstructionists want to alter the core objectives.

I think we should all plead with our friends across America to write their Senators and tell them we do not need an amendment to this Freedom to Work Act because we want the President to sign it, and he said he would if it comes out clean. I am hopeful, I think it is Senator ASHCROFT that has submitted the bill over there and Senator LOTT says that they are going to push for expeditious passage. I look forward to a big signing with the gentleman from Florida (Mr. SHAW) of the total bill when it is done. Your mention that it will take effect retroactively is exactly correct, January 1, this year.

Mr. SHAW. I am sure that we will all be in the Rose Garden smiling together with the President and be there when he signs it. I am certainly looking forward to that day.

I again want to congratulate you and the gentleman from Minnesota (Mr. PETERSON), your original cosponsor in carrying this through. I want to congratulate the entire House on the decorum we had today. There was a little fringe politics, a little boxing going in. I felt a couple of jabs coming from the other side but on the whole the debate was of the highest caliber I have ever seen, just like a fresh air blowing through this institution. I made note during the debate that people tuning in and looking at it would think they were looking at another parliamentary body somewhere else and not here in Washington at the United States Congress. This was certainly one of the finest days that I have seen. My congratulations to you.

Mr. SAM JOHNSON of Texas. It is a rare day in Washington.

Mr. HOEKSTRA. Again I would like to express my appreciation to my two colleagues for sponsoring it and moving this bill forward. I think the reason we had such a great debate on the floor today is that Members on both sides of the aisle recognized that it was the right thing to do.

The end result is we have provided seniors the opportunity to continue doing what many of them want to do, which is to continue working because they love their jobs and in many cases they are in professions where they can mentor, train, and teach young people. This provides a wonderful avenue to keep those skills and those resources in the workplace. Congratulations to my colleague from Texas for spearheading this effort and getting it done. Now we will watch as we see what we can do to move it over to the other body.

Mr. SAM JOHNSON of Texas. I appreciate the support of the gentleman from Michigan (Mr. HOEKSTRA). I yield to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. There are a lot of parents of this bill. The gentleman from Texas is one of those parents. This is something that has been in the works with bills introduced for the last 15 or 16 years trying to correct an injustice.

It is interesting it has taken us this long. Then there is a unanimous vote to move ahead. When it is an injustice and it is moving ahead with fairness, then I think there is a general attitude in this Chamber when it is reasonable, when it is fair, when it is getting rid of something that is unjust, then it is very good.

I would just say there is another provision that I hope we can move ahead with in terms of fairness, in terms of encouraging individuals to work, and, that is, to increase benefits for individuals that, at age 65, decide to delay taking those Social Security benefits. And so if they wait a year, they should end up with more benefits. It is called delayed retirement credit. A provision of this bill that would make an 8 percent increase in benefits for every year was an amendment that I hoped to incorporate in this bill someplace along the line.

I talked to the White House, the President has agreed to it, the Democrats and Republicans have agreed to it. The actuaries at the Social Security Administration have suggested that it does not cost money because actually it might save money encouraging individuals that want to delay taking Social Security to have an increased benefit later on, to make it actuarially sound. Another point that I think is important in this issue is that widows eventually would have the higher benefit when they become widows. This kind of action, the kind of piecemeal approach of sending one bill at a time to the President I think is the right policy decision, so you can measure the merits, the pros and cons of each policy. Again my congratulations and thanks to the gentleman from Texas for having this hour.

Mr. SAM JOHNSON of Texas. I appreciate those comments. Do you want to tell people what the percentage is right now, because you are not raising it very much.

Mr. SMITH of Michigan. Right now under the legislation as we amended it in 1983, it started at 2 percent per year increase after age 65, then it went to 4. This year it is going to 6 percent. The amendment that I have proposed would move it up to 8 percent, which is the actuarially sound amount. If you are going to live an average life span, then it is reasonable if you put off taking benefits and continue working, continuing paying the FICA tax to support Social Security, it ends up ultimately being somewhat of an advantage and so moving that 8 percent per year up until you are age 70 is a reasonable step to take.

Mr. SAM JOHNSON of Texas. But what you are saying, they will get their money back where they are not now.

Mr. SMITH of Michigan. Especially if you exercise and you live longer than the average, then you of course are going to get more than your money back. So everybody should exercise, all seniors should contribute to the workforce and contribute their talents, now they can do it under this legislation.

Mr. SAM JOHNSON of Texas. We can all live to be 100 and earn our Social Security benefits, right?

Mr. SMITH of Michigan. It is so interesting. I chaired the Social Security task force. The futurists for health care are suggesting that within 25 years, anybody that wants to live to be 100 years old would have that option.

□ 1600

Within 35 to 40 years, anybody that wants to live to be 120 years old will have that option. This is just another signal that everybody, especially younger people, better save now, so save and invest now, because who knows what medical technology is going to do.

Mr. SAM JOHNSON of Texas. Well, I thank the gentleman for joining us today. I would just like to say that I want to repeat that this legislation will take effect retroactively, from January 1 of this year, which is important to a lot of seniors. That means you can go to work right now.

Republicans agree, we have got to set in motion steps to reform Social Security overall. I think the gentleman is involved in some issues like that. I can think of no better way than by repealing the Social Security earnings limit as a start.

I always tell people, you know, I fought in two wars, Korea and Vietnam, for freedom; and I think that that entitles our seniors the freedom to earn the savings they have been putting away and paying for during their years of employment, year after year.

I think Nick probably agrees with me, America's seniors need, want, and deserve a penalty elimination. No more penalties. This is a day of freedom. I salute the gentleman and all America. Thank you.

Mr. SMITH of Michigan. Sam, everybody salutes you. You are a great American and a great veteran.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. KUYKENDALL). The Chair reminds all Members that it is not in order in debate to refer to other Members by their first names.

A CRISIS IN THE JUSTICE SYSTEM IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from New York (Mr. OWENS) is recognized for 60 minutes as the designee of the minority leader.

Mr. OWENS. Mr. Speaker, today was a historic day; and I join my colleagues on the other side in celebrating the passage of the Senior Citizens' Freedom to Work Act. It is a great achievement. We all should be quite proud of it. I congratulate my colleagues. It was a bipartisan achievement, and we should all celebrate it and also take the next step. My colleagues on the other side of the aisle said we should take steps to reduce the Social Security tax as soon as possible, so I hope that that is going to be somewhere in the proposed budget proposals and appropriations proposals, that we will begin to take back, roll back, the increase in the payroll taxes.

The payroll taxes represent the largest increases in taxes over the last 2 decades. So we heard our colleagues on the Republican side say they think it ought to be rolled back. We want to endorse that wholeheartedly. Let us roll back the payroll tax and lower the taxes that people pay for Social Security.

The immortal words of Thomas Jefferson kept ringing in my ears as I listened to the debate today, "life, liberty and the pursuit of happiness," the right to life, liberty and the pursuit of happiness.

In affirming the fact that we want to take care of our senior citizens, we say we want to have more life, longer life, and we are all in favor of that. Life is sacred; and all over the world I think there is no ideology, no political philosophy at this point and no religion that condones irreverence for life.

Reverence for life exists everywhere. No political party anywhere in the world openly says that some people should be destroyed and others should be kept in existence anymore. Reverence for life is there. We hope that the reverence for life, although there might be a debate about when life begins, how early it begins, whether there is life as we know it in the womb, or afterwards, all of those debates are debates where we respect each other's opinions and ought to work that out. But certainly once a human being is here, reverence for that life ought to exist.

As we practice law enforcement, as we practice law enforcement we must all bear that in mind, that no one can be careless about another human being's life.

I am going to be on the floor discussing the Congressional Black Caucus alternative budget. I have said before that everything that we do in this Congress relates to the budget, and certainly the Social Security and the rollback of taxes is one item that we shall propose in our Congressional Black Caucus alternative budget. We will be dealing with many other subjects, education, housing, health, health care, economic development, livable communities, foreign aid, welfare, low-income assistance, juvenile justice and law enforcement.

This last item, juvenile justice and law enforcement, was placed in the top priorities of the Congressional Black Caucus alternative budget preparation process by the gentlewoman from Texas (Ms. JACKSON-LEE), who said it may not be a big budget item, she is not sure what form it is going to take, but we should address in this budget, which sets the tone for all that we are going to do this year, it will set the tone for the way the appropriations come out.

We are spending money, and in spending money we show what is most important to us. We ought to deal with the juvenile justice and law enforcement system, certainly from the point of view of African Americans and other minorities, because there has been a series of eruptions in the last year that have made it quite clear that America has a very profound problem when it comes to law enforcement for minorities.

The recent verdict in the trial of the four policemen who shot and killed Amadou Diallo is an indication of how profound that problem is. The verdict is not only outrageous because of the fact that it allows four armed policemen who shot down an innocent man standing in a doorway in the vestibule of his own home, it also is an outrage because of the fact that to cover up for those four men, a whole system went into place. The judicial system, the criminal justice system, collaborated in a coverup. We had very strange things happening.

This is a problem. There are rogue cops. There are extreme elements in the law enforcement profession. We see them all the time, from Waco to the Amadou Diallo shooting. We see it in Los Angeles, where policemen are confessing about 2 decades of placing evidence on people and pretending they are guilty, convicting them, and also beating them up and sometimes shooting them. All kinds of things are being confessed and uncovered in the Los Angeles Police Department.

We saw it in New Jersey, when finally the New Jersey State Police admitted they had an official policy of racial profiling. In Philadelphia some years ago we had the same problem of policemen who confessed after they were exposed of wrongfully placing evidence and people being convicted as a result.

We see it tragically in Illinois, where in Illinois the governor said there should be no more executions until we take steps to straighten out law enforcement and the criminal justice system so that innocent people are not placed on death row. Why did he do this? Because of 25 people who were on death row, indisputable evidence was generated to prove that 13 were innocent, 13 of 25 were innocent. That, said the governor, is more than he can take; and he decided he would no more be a part of the possibility that innocent people would die.

So we have in the whole Nation a pattern. We have 2 million people in prison in this Nation, and some people are proud of that. We are the only industrialized nation that has that kind of large number of people in prison. Most of those 2 million people in prison are people who are minorities. We have a problem that is nationwide. Amadou Diallo's case is not a New York case, and for that reason I come to the floor of the House to make certain that it gets the appropriate attention here in this forum.

Mr. Speaker, the polls are showing in New York State that the overwhelming majority of the citizens of New York think that there was a miscarriage of justice in the verdict on the Amadou Diallo trial. Black and white together demonstrated in the streets of New York against this outrage. Criminally negligent homicide was obvious, if not manslaughter. After all, 41 bullets were fired, 19 entered the body of Amadou Diallo, and some of those bullets were fired after the body was on the ground. There were bullet holes in his feet, indicating that he was lying prone and they were still shooting.

This problem of miscarriage of justice in the criminal justice system unfortunately is a nationwide problem, as I have just said, not just a New York problem. For that reason, we must insist that this Nation address the issue at this level.

We are violating human rights on a massive scale. The situation deserves the immediate attention of the Congress of the United States. Acquittal of the officers who slaughtered Amadou Diallo is an outrageous miscarriage of justice, and it is a profound abuse of human rights.

The leadership of the Caring Majority now has a sacred duty to set forth and carry out for as long as necessary a comprehensive plan for justice for Amadou Diallo and all the related people who are victimized by an oppressive criminal justice system.

We want a permanent end to systemic police oppression and criminal justice system conspiracies throughout the entire Nation. Such a plan must include mass demonstrations, because only through mass demonstrations do we offer all citizens the opportunity to show their outrage. But beyond the direct action, there must be long-term legal, legislative and international diplomatic efforts to address this human rights abuse.

The criminal justice system in America allows itself to be contaminated by the extremists in law enforcement, by the extremists in the police profession. The rogue cops and the rogue agents are abetted by the fact that the system will not expose them.

When the rogue cops and the extremists commit crimes, or even violate ordinary procedures, immediately a coverup system goes into motion. An entire police department goes into motion to cover up the actions of a few, automatically, regardless of who they are.

Several of these police who shot Amadou Diallo had a record of being brutal and using excessive force. That record was not allowed to be discussed in the trial, one of the problems with the trial. Several of them had been involved in incidents that were of a racist nature. None of their past history could be discussed.

But all of it is relevant when you are seeking to determine which elements of the police department, which elements in the law enforcement system, are extreme and ought to be exposed. But instead of exposing them, respectful cops, people who are decent and know better, people who have a guilty conscience for years afterwards, go into motion. They call it the blue wall of silence. Automatically say nothing, do nothing to hurt your fellow policemen, and, in some cases, tell a lie, cover up.

One of the reasons Amadou Diallo was shot so many times was the fact that there is also an unwritten code which says that if you have an extreme situation like that, every cop must be involved who is on the scene. There were four, and, even though he was down and dead, all four had to shoot, because that way you had a situation where there was no innocent witness. Nobody could be innocent and be a witness to what happened against the others. That is an unwritten code, which results in many times excessive shooting by police, large numbers of bullets being fired. The public is baffled, why did they do that? They did it so everybody would be culpable; nobody could be a witness.

When these extreme situations occur, judges become part of the process of coverup, district attorneys become part of the process of coverup. The rigged American criminal justice system has once more in the case of Amadou Diallo massacred the human rights of a powerless minority person.

Amadou Diallo was, first, a hate crime victim of deadly profiling. Policemen going through a minority neighborhood see a man on the steps of his own home, in his own vestibule, and decide he might be a criminal. If that is not racial profiling, I do not know what is racial profiling. It never happens in white neighborhoods. It never happens. We have not had these outrageous extreme cases in white neighborhoods. Amadou Diallo was a victim of police profiling.

He was, secondly, the victim of a desperate police coverup, a coverup conspiracy which began when the police officers, who knew he was already helpless, all fired bullets into his body in order to guarantee that all four would be defendants and there would be no innocent witnesses. Like the blue wall of silence, this multiple assault technique is part of an unwritten code of coverup.

Additionally, Amadou Diallo was a victim of the government's failure to appoint a special prosecutor to try a unique case involving a police department which routinely works in collaboration with the Bronx district attorney's office. Now, we have made demands for years that in cases involving police corruption, police misconduct, a special outside prosecutor who does not work with those police on an ongoing basis ought to be appointed.

□ 1615

For the last 40 years we have made that demand, and it still goes unheeded. The prosecution's case in this trial, and the whole world saw it, and I want to congratulate the judge for at least one thing, he was willing to allow the trial to be on TV. Everybody could see the ineptness of the District Attorney's presentation. Now, we cannot believe that it was by mistake.

Finally, Amadou Diallo was a victim of bold manipulation of other vital components of the judicial system. A judge who was known for his predilection to defend police officers, known for that, who was ignorant of and insensitive to the civic and social environment in which Diallo was killed. The New York City environment, this judge in Albany, the capital of New York State, knew very little about it.

And then they recruited, in this change of venue, moving from New York City, the Bronx, to Albany, they recruited a jury that was definitely unfamiliar with the New York City factors, and large numbers of Upstate people are hostile to the whole complex set of problems that New York City faces, hostile to New York City's complex problems.

Is that a jury of peers of the police? I do not think so. They do not live in Albany. Is it a jury of the peers of Amadou Diallo? Certainly not. But not by accident did all of this happen: The venue was changed, and a judge is selected who constantly asks the jury to see the case through the eyes of the police.

When we take the charge of the judge to the jury, we would have a classic case of a jury being assaulted repeatedly with statements which push them to a decision that was an unjust decision and a miscarriage of justice. Given the negative structuring of this case, its outcome was predictable.

Nonetheless, the caring majority of our community and the entire Nation, the shock, we are not evil enough to believe there is not a level of decency below which common sense and self-evident truths will not allow even the oppressive criminal justice system to sink. There might have been subtle factors that could be twisted to confuse a jury. However, manslaughter or negligent homicide were certainly one or two obvious crimes which they should have been convicted for.

There are difficult days and months and years ahead, but the leadership of the African-American community and other endangered minorities, because the same problem in New York City is a problem in the Hispanic community, it is a problem in the Asian community, these other minorities are equally endangered. All decent, caring citizens must not allow this outrage to continue. For as long as necessary, we must unite to persevere and unite to push for justice.

Let me just pause for a moment before I ask my colleague, the gentleman from New York (Mr. MEEKS), the gentleman from Queens (Mr. MEEKS), to join me. Let me just pause and repeat what I said before.

There are a set of demands that were made in connection with the Amadou Diallo killing. On Saturday, March 27, 1999, that is a little less than a year ago, a group of people in New York City met about the Amadou Diallo case. They drew up a set of demands at that time. I am going to read those demands, those 10 demands.

As I said before a few minutes ago, these ten demands which were set forth on March 27 of 1999 were demands, most of which had been repeated over and over again for the last 40 years. The characters change. There is a different mayor now, but previous mayors have been approached in the same way.

Mayor Giuliani in this case was asked to immediately implement the recommendations of the Mollen Commission, which existed for a long time. They called a long time ago for the establishment of an independent investigative body with full subpoena power that had jurisdiction over police corruption and police brutality in New York City.

Twice the City Council of New York has passed legislation creating a body to monitor corruption, but the mayor has done everything in his power to block its implementation, the present mayor, first by veto, and then when the Council overrode his veto, by tying the matter up in court.

The mayor must also implement the recommendations from both the majority and dissenting reports of his own task force that he appointed in 1997 in the wake of the shocking Abner Louima incident.

Abner Louima was a Haitian immigrant who was lucky that he did not lose his life after having been grossly abused in the police station. Only the hard work of a hospital which was able to deal with the damage done to his internal organs saved his life, and he at least is alive today, but there are probably few police brutality victims who have lived after experiencing such horror.

The second demand made this time, and it has been made for the last 40 years, was that a civilian complaint review board be immediately appointed. We had one that was dismantled by this present mayor; that it be immediately reappointed, that it be strengthened and fully funded, so it can effectively investigate civilian complaints of police misconduct.

The civilian complaint review board has been on the table for 40 years. For 40 years this reasonable proposal has been frustrated and distorted, and we have had enough. There are members of our community that we have appealed to, not to get irrational, not to be emotional, do not become violent, do not do anything outrageous, that would injure and harm individuals or groups or the image of our city or the image of our neighborhoods.

Let us all be rational and reasonable. Let us understand that we are all disciples of Martin Luther King, and nonviolence is the way to work out these kinds of problems. They are waiting for us to work them out. We have made these reasonable demands for 40 years, and for 40 years we have not been able to make any headway.

The third demand, the State legislature must pass legislation creating a special prosecutor for police brutality and corruption in New York. In conjunction with this, the State Attorney General must create a special unit on police misconduct, and should issue an annual report documenting instances of misconduct throughout the State.

This was a reasonable demand made by reasonable people, and they have ignored it. Only under great pressure, only under great pressure did the last Governor, Governor Cuomo, appoint a special prosecutor in the horrifying Griffeth case, where a man was chased to his death on a highway, but that was an exception to the rule. Why not as a rule do what is rational and reasonable; understand that the District Attorneys cannot effectively prosecute the police? They work with the police every day. They are not in a position to prosecute the police. There is a gross conflict of interest that we cannot overcome.

Item four, the police department must develop a comprehensive training program, developed in consultation with outside experts, to school its officers in racial and cultural sensitivity, and must also implement a rigorous process of in-depth psychological screening of its recruits and officers.

I can only tell the Members that I know police officers who say that when this effort was made, under pressure, with one of the two teams that they pretended to introduce comprehensive training related to racial and cultural sensitivity, that it has been a big joke. The police force has laughed it into oblivion. They do not take it seriously because the command from the top does not make themselves take it seriously. This is a reasonable demand.

Demand number four is a reasonable demand. Why is it not met? Why do they not respond to reasonable demands?

Demand number four, the New York Police Department should reflect the makeup of the citizen population it serves. New York City police officers should live in New York City. The State legislature should immediately pass a law mandating residency for city officers.

This is a reasonable demand. I ask Members, anywhere in America, is this an unreasonable demand? In most of our counties and cities throughout the United States there is a requirement that police officers and other civil servants live in the community. New York City is the exception. New York City is the exception even in New York State, where most jurisdictions require that their local police live in their jurisdiction, that they live in the city or county that they serve.

Why is New York City an exception? Because the power brokers in New York are such that they were able to force the State, to get the State legislature to pass laws which exempt New York City. They cannot do what other places in New York State can do. They cannot require a residency law.

The City Council of New York City has on several occasions passed laws which require police to live in the city; not to disrupt the lives of existing police officers and say, if you are a police officer now you have to move back into the city. No. It has been very generous, and they only require new recruits to. Anybody coming into the police department as a new recruit must live in the city.

The City Council passed it, it has gone to the State legislature, and it refuses to pass it.

One of my close colleagues, Assemblyman Al Vann, has recently offered legislation again in the New York State Assembly. It has no chance of passing by the Republican-controlled Senate or being signed by the Governor.

This is a reasonable demand. This is the way it is done in most of America. Why cannot the power brokers, the mayor, the Governor of New York city and New York State, respond in a reasonable way to reasonable demands?

Demand number six, the police commissioner must also take specific and immediately steps to recruit more minorities and women to serve as police officers and develop a plan to increase promotion opportunities for women and minority officers.

This is a reasonable demand, that we have recruiting programs to get more minorities. The number of minorities in the police force has gone down over the last two decades instead of up. The number of minorities, Hispanic and black, are less now in the upper ranks than they were 10 years ago. We have obviously not had a sincere effort by the police department and the city administrations to meet this kind of reasonable demand.

Demand number seven, who can disagree with demand number seven, that the salary and benefits for police officers must be improved? Law enforcement officers are entrusted with extraordinary responsibilities and they should be compensated accordingly.

Traditionally, New York City police officers have certainly not been underpaid when compared to the surrounding suburbs, but now their pay is falling behind. We think that the recruitment problem of high-quality people, whether they are white or African-American or Hispanic, the recruitment of high-quality people is enhanced by maintaining decent salaries and benefits, and certainly the members of the police department do not disagree with us on that one.

However, we see no special effort to package the police benefits and salaries and the recruitment program in a way to attract more minorities to the present police structure.

Demand number eight, the police department's 48-hour rule, which delays the ability of the New York Police Department investigators to question any police officer charged with violations of New York Police Department rules and regulations, must be eliminated. They have 48 hours in which they cannot question a police officer in New York. If something goes wrong, he has 48 hours to get his story together. We cannot question him until the 48-hour period has elapsed.

Demand number nine, that weapons, ammunition, and tactics used by the department must be assessed and periodically reviewed, not only to measure effectiveness, but to protect the safety of innocent New Yorkers. The use of hollow point bullets should be discontinued immediately. That is point number nine.

I must congratulate the mayor and the city administration for responding to point number nine. After the death of Amadou Diallo, at least there has been a restriction on the use of hollow point bullets. So we have ten demands, and one, there has been a reasonable effort made to try to comply with it.

Point number 10 is addressed not to the mayor of New York City, but to the Congress. Congress must call on the Justice Department to honor its commitment to monitor and issue annual reports documenting instances of police misconduct throughout the country. This promise was made in the wake of the Rodney King incident, and has yet to be acted upon.

The Justice Department is still too timid in its approach to the violation of civil rights and human rights of citizens across the country by police and the criminal justice system. These are reasonable demands, and when we tell our people in our districts, be reasonable, do not get too emotional, we are going to resolve this problem through nonviolent, legal, rational means, we are going to negotiate it through, as leaders we would like some response from the other side of the table.

The other side of the table not only includes Mayor Giuliani, in the case of New York City, not only includes Governor Pataki, but the whole power structure of New York, the businessmen and what we call the permanent government of New York.

□ 1630

Certain organizations and institutions sit there year after year as we make these demands and they put no pressure on to make certain that reasonable responses are made to reasonable demands. They are as guilty as the public officials who year after year, administration after administration, ignore these reasonable demands.

At this point, I would like to yield to the gentleman from New York (Mr. MEEKS), my colleague from Queens, who is also a member of the Task Force on Police Brutality of the Congressional Black Caucus.

Mr. MEEKS of New York. Mr. Speaker, I compliment my colleague, the gentleman from New York, (Mr. OWENS) for his very eloquent statement. As indicated, I am the cochair of the Congressional Black Caucus's Task Force on police brutality. And just late last year as a task force, we traveled and conducted four hearings around this country; one here in Washington, D.C.; one in New York City; one in Chicago, Illinois; and one in Los Angeles, California.

The theme of the testimony that we heard was the same. There seems to be a pervasive police mentality that is going on across this Nation that is very Bull Connor'ish, particularly in the African-American and Latino communities.

There was a cry throughout all of these hearings, and there were a number of other cities, major urban cities throughout this country that were crying for us to come to their cities too to conduct such hearings in which we would have heard the same type of testimony.

As a result of the Congressional Black Caucus and the gentleman from Illinois (Mr. CONYERS), the ranking member of the Committee on the Judiciary, and a number of organizations such as the American Civil Liberties Union, the National Council of La Raza, the National Urban League, and the National Association for the Advancement of Colored People, the time is right, based upon the debate that we just heard from the gentleman from New York, the time is right now for us in Congress to move and pass some aggressive legislation that will begin to address this police mentality that is Bull Connor'ish.

Mr. Speaker, it will also do something to bring people together as opposed to divide us. The gentleman from Illinois (Mr. CONYERS) is sponsoring a bill very shortly that all Members of this House need to join in support of called the Law Enforcement Trust and Integrity Act of 2000.

This bill will create a national minimum standard for law enforcement agencies to meet. It provides tools for developing better operations, enhances the tools and resources available to the Federal Government as well as individual citizens to investigate and stop police misconduct, and addresses a number of issues such as deaths in custody, racial profiling, and abuses by the Immigration and Naturalization and Customs Services that have traditionally plagued Americans of color.

The time is right. It is within our national interest to have an accreditation of law enforcement agencies. There are currently no national standards and, as a result, there are huge discrepancies between law enforcement agencies and policies dealing with everything from the use of force to handling of citizen complaints.

Included in these new uniform standards would be early warning programs, civilian review procedures, traffic stop documentation and procedures, administrative due process requirements and training. The bill also provides for law enforcement development plans, management schemes, managements like the new management standards will deal with administrative due process, residency requirements, as the gentleman from New York (Mr. OWENS) was talking about, compensation and benefits, use of force, racial profiling, early warning programs, and civilian review boards.

It will deal with training of law enforcement agencies and it will require standards in the areas of the use of lethal and nonlethal force dealing with law enforcement misconduct, including excessive force, racial profiling, and how police officers communicate with the public.

Recruitment: Law enforcement agencies will also be required to look at policies relating to recruitment and hiring a diverse force that is representative of the communities they serve. They develop valid job-related educational and psychological standards and initiatives to encourage residency and continuing education.

Oversight: Law enforcement agencies will be required to look at how they handle citizens' complaints with the potential establishment of civilian review boards and the implementation of early warning programs and administrative due process. There will be administrative due process procedures. There will be enhanced funding to combat police misconduct; enhanced authority in practice and pattern investigations.

There will be a study of deaths in custody. There will be a deprivation of rights under the color of law, a national task force on law enforcement and oversight.

An immigration enforcement and review commission should be established, as well as Federal data collection on racial profiling.

These are some of the items that will be covered in this bill that the gentleman from Illinois (Mr. CONYERS) will be coming out with very shortly called the Law Enforcement Trust and Integrity Act of 2000.

Let me move to the terrible situation, which is just a symptom of what is taking place across America, and that is the matter in regards to Amadou Diallo. I know some say that there was a jury and the jury was an integrated jury, but that is not all that matters in this particular case. What does matter, and I say this as a former prosecutor and an attorney, I know that a judge can charge one in to make one's case, or charge one out to lose their case. In listening to the charges of this judge, I knew immediately thereafter that tragedy and a miscarriage of justice would be had.

I find that a decision by the appellate division, which changed the venue of this case, which virtually denied Mr. Diallo the opportunity of having this case judged by his peers, and even the police officers who were police officers of the City of New York, there should have been members of the jury from the City of New York. The changing of venue, in my opinion, was a miscarriage of justice.

What matters is that this jury, being from Albany, was not acquainted with the pattern and practice of police violence against minority communities in New York City. It simply cannot be that an innocent person standing at his own doorway, minding his own business, was shot down in a firing squad fashion and those who committed this act are not guilty of anything. Not even reckless endangerment.

Hundreds of millions of people around the world, who laud the virtues and the superiority of the American system of justice, can now see some hypocrisy of America's claims, particularly when it comes to people of color. All New Yorkers, indeed all Americans can also see this. And we see it, I see it, and some of the other hypocrisy of the mayor of the City of New York.

When a verdict suits the mayor, he praises the court system. But where a decision is contrary to what he wants, he calls judges and jurors silly and irresponsible.

We and our constituents will never forget that this mayor approved the creation of the Street Crimes unit that is over 90 percent white, no diversity, and that the mayor allowed it to operate under the slogan, "We own the night."

We should note with alarm the jubilation by many members of the police department in precincts around this city. Also note that it has been reported that the judge, after the verdict, went to a celebration party with the lawyers of the defendants. Imagine. Judges, police officers celebrating and forgetting that an innocent, unarmed man was killed.

Those who celebrate dismiss the death of Mr. Diallo and him as an innocent man make a mistake saying this will erase the unwarranted acts of a firing squad. Do those jubilant people believe that they made policing easier? That this is the way to garner the respect of New Yorkers? I submit not. I submit it is a Bull Connor'ish type mentality.

Have they forgotten that in New York City that a majority of the New Yorkers that they swore to defend and protect are, in fact, people of color? The killing of Amadou Diallo and the acquittal of the four police officers unfortunately follow a practice and pattern of police relations with the black and Latino community that has been in effect for a very long time.

Clearly, reforms are necessary and must be instituted with speed, courage, and determination. But it is clear that the administration of the New York City Police Department and the command structure there are incapable of instituting meaningful reforms without Federal intervention.

The City of New York is hurting today. There is an open wound there. That wound was caused by the decision that sends a message that the police can in fact fire 41 bullets at an unarmed man of color as he enters his home. A healing of these wounds can only happen if the Justice Department conducts a thorough investigation of the violation of Mr. Diallo's civil rights.

In addition, as I said this morning, they must relentlessly evaluate and find just solutions to the patterns and practices of the New York City Police Department. If New York City is to heal, the message must be that all human life is valuable. The Justice Department is the only doctor that is available that can help us heal the wound of the City of New York.

I say to the rest of the citizens of New York, we must come together and arm ourselves with the ballot and go out this November, and every November thereafter, like we have never done in the history of this country. I yield back to the gentleman from New York.

Mr. OWENS. Mr. Speaker, I thank the gentleman from New York (Mr. MEEKS), who is also cochair of the Congressional Black Caucus Task Force on Police Brutality. I just want to repeat for all, before I yield to the gentleman from New York (Mr. TOWNS), my second colleague from New York, I want to repeat that the fact that we are talking about the verdict that the majority of New York City and New York State citizens consider to be a miscarriage of justice. We are talking about the fact that 10 reasonable demands that have been made for the last 40 years which, if they had been heeded, would have gone a long ways toward preventing what happened in the Amadou Diallo case.

We are talking about the fact that there are extremist elements in police departments, in law enforcement agencies. The rogue cops and the extremist elements, however, are aided and abetted by the cover-up procedure that takes place, from the commissioner and the mayor on down, when something goes wrong.

□ 1645

The criminal justice system goes into motion to cover up these cases. Our appeal is to meet those 10 demands in the case of New York City. We will go a long ways toward seeing to it that this never happens again.

We also appeal for national action. Tomorrow, members of the Congressional Black Caucus will be meeting with the Justice Department to talk about their duty to intervene in this case, to follow through on the legislation that already exists, which enables them to investigate whether or not the civil rights of Amadou Diallo were violated. If they were violated, they can prosecute these same four policemen on the violation of the civil rights of Amadou Diallo.

We also would like national action in this Congress. My colleague, the gentleman from New York (Mr. MEEKS), has said that the gentleman from Michigan (Mr. CONYERS) will be introducing a bill which is called the Law Enforcement Trust Integrity Act of 2000.

We would like to see a response from the entire Congress. This is a matter for the caring majority. All decent citizens should want to see to it that there are no further miscarriages of justice; all decent citizens who want to see to it that the rogue cops, the extremist elements of law enforcement, are isolated.

Mr. Speaker, beyond that, we want to let it be known that we are going to organize and appeal to the United Nations that the pattern of the violations that exist throughout the entire Nation, which ranges from Amadou Diallo's killing to the Los Angeles Police Department's confessions of gross brutality and miscarriages of justice to the fact that we have 2 million people in prison, most of whom are minorities, to the police profiling of the New Jersey State troopers, on and on it goes.

And we would like to raise this debate to a higher level and have the rest of the world look at the violations of human rights in America. Already Amnesty International has said that New York City has a pattern of police oppression which violates human rights.

I would like to yield to the gentleman from New York (Mr. TOWNS) who is from the 10th Congressional District.

Mr. TOWNS. Let me thank the gentleman for taking the time out. And I agree with the gentleman, this is something that needs to be done, and certain things need to be said.

I would also like to congratulate and thank my colleague, the gentleman from New York (Mr. MEEKS), for the work that he has done in the area of police brutality, because, as you know, throughout this Nation, the problem of police brutality is something that we must begin to address.

I am really sad today. My heart is heavy, because when I think about what is happening in this Nation, even in the city that I am from, when I think about senior citizens, a lady 93 years old said to me that you cannot even trust the police.

I think on that note, the police department should support the Law Enforcement Trust Act, because I think that the police officers that are on the force that are doing what is right should recognize that those that are doing things that are not right also creates a kind of negative stigma for the whole department and for policemen everywhere.

I think that law enforcement authorities should support the Law Enforcement Trust Act. We have had too many situations where minorities, men of color and women of color, have been shot. You could call the roll.

I mean, in New York I was just sitting there thinking in terms of Eleanor Bumpers, in terms of what happened to her, and Michael Griffin, then Randy Evans, I could go on and on, and, of course, Amadou Diallo.

All of these are names of people that have been killed by the police department. And we have not done a whole lot to correct this over the years. We have too many people who you talk to who have horror stories about the police.

You can talk to people on the street. People stop me all the time to tell me what happened to them. So profiling, let us face it, we might as well take our heads from out of the sand and from behind trees, and realize the fact that this is something that exists and let us now come together and work toward it.

We need to make certain that we have a program put in place that is going to monitor these kinds of issues, because when you have people talking about it on a regular basis, even at church they talk about the kinds of things that the police department is doing.

The people are now afraid of the police department, that is how bad things have gotten. And I think that those policemen of goodwill understand that and should now come forth and say yes, I really feel that something needs to be done, and it needs to be done now.

The Justice Department I think now has to step in, because of the tactics that have been used by the unit, in terms of street gang units, street police units. I think that a street crime unit, the kind of tactics that they are using, I think that the Justice Department should take a look at it, because all of these people that I talk to cannot be wrong.

If you just walk the streets of New York, in terms of the communities of color, they will tell you what the police are doing; how they were stopped and how they were asked all of these different questions. And the only reason that the person stopped them is because they happened to be of color.

I think the time has come in the United States of America where we must address that. Now, I know that it is not all police officers, and I don't want to stand here and indict all of them; but I think it is enough for us to stop at this point in time and begin to address it.

To the gentleman from New York (Mr. MEEKS) and those who are having police brutality hearings around this Nation, I think that you must continue until the message is heard all over that something needs to be done, and that the things that are going on with the street crime unit and all of these things that people are complaining about must be addressed.

I do believe that if we pay enough attention and we stop for a moment, we can do something about it. Too many people have been left with tears as a result of what has happened with the police department. It is always "I thought they had a this," "I thought they had a that."

I mean, I can tell you about the story of Randy Evans. No weapon. Police officer just shot him.

I think that we need to understand that we have to address those issues. We have to do it as quickly as possible.

Let me close by saying simply this to my colleagues, the gentleman from New York (Mr. OWENS), the gentleman from New York (Mr. MEEKS), and the gentleman from Michigan (Mr. CONYERS), who is also offering up the Law Enforcement Trust Act, I think the time has come to do that. I think that we can no longer afford the luxury of sitting back.

I think when we go to the Justice Department, we need to go with a clear message, in fact, that the street crime unit must be investigated, that tactics must be investigated. This kind of stuff should not go on in a civilized society.

So at this time I would like to yield back to the gentleman from New York (Mr. OWENS) and say to him I really appreciate the work that he is doing.

Mr. OWENS. Mr. Speaker, I want to thank the gentleman from the 10th Congressional District in Brooklyn, New York (Mr. TOWNS). He mentioned Randolph Evans as an example of the police slaughter that has gone on over the last 30 years. Randolph Evans was a young man standing in a crowd on the grounds of a housing project. There was some kind of disturbance. The police officer walked up, he put a gun to his head, and shot him in front of a whole host of witnesses.

There was no defense for that. So they came up with a defense at the trial that the police officer suffered from psychomotor epilepsy. Psychomotor epilepsy. I have never heard the term since then. But he was acquitted as a victim of psychomotor epilepsy. He had taken the life of a young man, and he was acquitted. This shows my colleagues why we were so outraged many years later to find 41 shots being fired at Amadou Diallo.

The gentleman from the 10th Congressional District of Brooklyn and I also share another problem. In the New York Times yesterday there is a report of "High Infant Mortality Rates In Brooklyn" and how they mystify experts. In Brownsville, which is in my district, in Bedford-Stuyvesant, which is mostly in the district of the gentleman from New York (Mr. TOWNS), there is an alarming increase in the number of babies who are dying at birth. While all across the Nation there seems to be a decrease, there is an alarming increase in these two communities. It so happens these two communities are communities that have the largest number of welfare recipients in New York City. The third community suffering also is in the Bronx, a large number of welfare recipients.

The enforcement of the new Welfare Reform Act in New York City by Mayor Guiliani has been harsh and brutal. There is no mystery here. Mothers are suffering because of the harsh and brutal way in which the Welfare Reform Act is being implemented.

They are suffering from the lack of care. They are suffering from the fact that it is more difficult to get housing. It is more difficult to get help for their children. They are suffering because there is not enough day care.

So I started this discussion by saying that, whenever I come to the floor, I want to discuss the budget that we are getting ready to prepare, because the budget sets the tone for everything else we do and is important here in the House of Representatives.

The budget will guide the discussion leading to the appropriations process. The way we spend money tells the world what we think is important. We must spend money on better health care for these youngsters so at the beginning of their lives they have a chance.

We have a problem at the end, a problem with respect to young people like Amadou Diallo, Randolph Evans, and others. We do not want them to be cut down in the prime of their lives by irresponsible and reckless police officers. The rogue police officers, the extremist police officers must not be aided and abetted by the police department and the mayors and the governors and the judges. They must expose and isolate these rogue extremist elements within the application and law enforcement area throughout the Nation.

Thomas Jefferson said, "You have the right to life, liberty, and the pursuit of happiness."

I congratulated the Congress when we started. Today we took a great step forward. We moved the cap on the earnings of senior citizens. We recognize that a long life should be rewarded. Every step should be taken to make that long life as pleasant as possible. But at the end of life or in the middle or in the beginning, it is all important and equal amounts.

We want to, all three of us, declare that for all those people in our districts and the rest of New York City and throughout the State and anywhere else in the country, we want to know what action you are going to take. We have told you we call for these demands to be met. We are appealing to the Justice Department to intervene.

We are going to take the case in some form to the United Nations. There was a demonstration on Saturday before the United Nations. That is just a beginning, because there are gross violations of human rights throughout the entire Nation.

We also are going to call for an activity and an action in which everybody can participate. We are going to call for an April week of caring majority nonviolent outrage. We had a day of outrage once in New York City. They know what that means. We are calling for an April week of caring majority nonviolent outrage where all of the citizens of New York, black and white, can express themselves. That effort will be followed by demands that the negotiations be met.

In the last 40 years, more than 50 outrageous killings of New York City citizens by the police have gone unpunished. From the children, Clifford Glover, and Randolph Evans, to grandmother Eleanor Bumpers who was killed in her own living room, mental patient Gideon Bush, and immigrant Amadou Diallo, the careless actions of individual policemen have been supported and excused by a collaborating judicial system and by the establishment press and media, by the power brokers, and the governors of New York City.

We declare that the caring majority of New York City will no longer surrender to these gross injustices. We are going to take action until they yield on our reasonable demands.

Mr. Speaker, I include for the RECORD the article in the New York Times that appeared February 29, 2000, which talks about the "High Infant Mortality Rates In Brooklyn Mystify Experts" as follows:

[From the New York Times, Feb. 29, 2000]

HIGH INFANT MORTALITY RATES IN BROOKLYN MYSTIFY EXPERTS

(By Jennifer Steinhauer)

In central Brooklyn—where storefronts are boarded, housing projects stand in defiant opposition to the boom times, and the hospitals are more or less broke—babies are dying at rates that the city as a whole has not seen in nearly two decades. And they die, in some cases, at a rate double what the federal government has set as the infant mortality goal for the nation.

Often, they die months before they were meant to be born, their bodies a tangle of minute bones and skin, weighed in grams rather than pounds. Some never see their mother's faces; they are gone right after birth. Others leave the hospital with a shopping bag of drugs and a mother overwhelmed by her own myriad problems, and do not make it to their first birthday.

While the infant mortality rate in New York has fallen steadily in the last decade, it has fallen much more slowly in neighborhoods like Bedford-Stuyvesant and Brownsville, neighborhoods with considerable populations of new immigrants.

In New York City in 1988, babies less than a year old died at a rate of 6.8 per 1,000 which is slightly better than the national average, 7.2. Bedford-Stuyvesant, however, has one of the highest rates in the country, 14 per 1,000, a 20 percent increase over 1997. The last time the average rate of infant mortality was that high in New York City over all was 1983.

That the number is on the rise at all is startling. It stands against the national trend even in cities with severe social problems, like Washington, where the rate is 12.5 per 1,000.

In Brownsville, the story is much the same; the rate slides up and down each year.

averaging about 10 deaths per 1,000 babies in the last five years. While the disparity between children of black and white mothers has always been stark, there is evidence that the gap is closing elsewhere in the city. The infant mortality rate in the Tremont section of the Bronx, for example, is 8.1, a 54 percent decrease from 1988.

The figures have so concerned the city's health commissioner, Dr. Neal L. Cohen, that he has made reducing infant mortality one of his top priorities for this year.

There seems to be no clear answer to why the same neighborhoods stand out year after year, and why some would buck the downward trends. Experts seem to agree that even when the resources exist—prenatal care at low cost, hospitals willing to deliver babies, government-subsidized infant formula and food—it is still profoundly difficult to get many pregnant women through the doors.

"It is perplexing question," said Dr. Katherine La Guardia, who runs the ambulatory obstetrics and gynecology clinic at Brookdale University Hospital and Medical Center in Brownsville. "A huge amount of effort has gone into improving prenatal care, but we still don't know how one reaches the most unreachable."

Those are the mothers who are addicted to drugs, who are H.I.V. positive, unemployed or living in New York as illegal immigrants. Women who fit those descriptions often avoid going to see doctors before they give birth out of fear, experts said, that their babies will be taken from them or that they will be deported. Others are discouraged by family members, who do not believe in prenatal care or are suspicious of the entire medical system.

"The question is, how do we make women less afraid to get care," Dr. La Guardia said.

Other mothers want prenatal care but cannot get it because they live too far from a health clinic or hospital, or have small children and no one at home to care for them while they make the trek to the doctor.

There are also anomalies that cannot be readily explained. For instance, neighborhoods with a high concentration of immigrants from the Caribbean seem to report the highest infant mortality figures. "What is interesting about Bedford is that 42.1 percent of the women are foreign-born," said Dr. Tanya Pagan Paggio, an associate professor of medicine at the City University of New York.

"This is important because when you look at other places in the city where there is a high level of foreign-born, infant mortality rates are closer to 6 percent," Dr. Paggio said. "In Bedford, there are a lot of Caribbean people. And we know that Jamaican women have a 9.4 per 1,000 rate, Haitian women have about 11 per 1,000 and rates among women from Trinidad and Tobago are also high. You have to wonder if these women have access to service they need."

Robin Bennett is desperate not to let her baby become another sad statistic. At 23, she is pregnant with her fourth child, a baby with a heart condition. One son is in foster care, and the other lives with her mother. Her daughter, who is 18 months old, lives with Ms. Bennett in a government-subsidized apartment in Bedford-Stuyvesant.

Her problems are as complicated as they are numerous: her apartment is full of bugs that bite her baby, she said, adding that one of her children was a result of a rape. Her mother, who has AIDS, is her main line of support.

"Sometimes I cry at night because I wonder if the stress in my life gave this baby her hole in her heart," Ms. Bennett said. She finds herself gravitating to Brooklyn Perinatal Network, an organization that tries to keep babies like Ms. Bennett's from dying by shepherding women into prenatal care, advocating for them on housing issues and giving other social support.

In fact, a lack of access to housing, nutritious food and adult support may contribute to infant mortality as much as poor medical care, many experts say.

"Prenatal care has probably been overstated," said Dawn Misra, an associate professor at the Johns Hopkins School of Public Health and an expert on infant mortality. "If you look at a program like Healthy Start, you see it is a broader initiative with resources like food, social support and other things like smoking cessation clinics, which is import because smoking may lead to low-birth-weight babies, and low birth weight is the leading cause of infant mortality."

When Bedford-Stuyvesant lost a majority of its financing in 1997 for Healthy Start, a federal program intended to help poor women have healthy babies, the infant mortality rate shot up, said Ngosi Moses, who runs the Brooklyn Perinatal Network. "When resources became scarce, those rates rose," Ms. Ngosi said. "This shows you when money is put into the community, good things happen, and when the money is pulled out, they go out."

The $6.8 million that was spread over 22 programs in the early 1990's now has to cover 94 programs.

Brownsville is a neighborhood that a decade of economic expansion seems to have left untouched, where Healthy Start does not even exist. Rows of private homes are boarded up, and stores are scarce, save for a few of the dollar-bin variety.

The number of people, especially women, who are infected with the AIDS virus is "astonishing," Dr. La Guardia said.

In most hospitals in the city, it is almost a given that a mother will leave the maternity ward with a healthy baby in her arms. In Brownsville, it is often just short of a victory.

Dr. La Guardia and her boss, Dr. Martin Gimovsky, who heads the obstetrics department at Brookdale, spend their days trying to unravel the histories and medical problems of the poor women who come through its clinics and labor and delivery floor each day. Many have never had a day of prenatal care.

On a recent Wednesday afternoon, during Dr. Gimovsky's clinic for women with high-risk pregnancies, dozens of women crammed into a waiting room. Almost all of them had had children before, including the recently homeless woman with AIDS who did not know her due date and had had virtually no prenatal care.

"You've gained weight," the resident said reassuringly.

"Well, I'm living somewhere now, so I am much more relaxed," said the woman, who would not give her name.

Cynthia Martinez, who has three children and is pregnant with a fourth, still calls her first baby, the one who was stillborn, by her name, Cynthia Michelle. "She is 10 now," she said. The baby stopped moving at 7 months, and by the time Ms. Martinez delivered her, the doctors told her she was dead.

Distraught, Ms. Martinez said that she grabbed the baby of the woman she shared a room with when it was brought in for a feeding and refused to let her go. "I just kept saying, 'You can't take this baby from me,'" Ms. Martinez, 24, said, "I guess I thought she was mine. My mother told me that God had taken one from me but would give me more."

Few patients at Brookdale, one of the city's most financially strained hospitals, pay the full price of their care, if they pay at all. Many are covered by the Prenatal Care Assistance Program, a state-financed program for poor pregnant women.

"We work with the patients no one wants," said Dr. Gimovsky, a plump and congenial doctor, who jokes easily with the teenage girls who fill the cramped clinic space. He recruited Dr. La Guardia by likening her work to that of the Peace Corps. "You don't make any money at this," he said cheerfully, "but this is what I want to do with my life."

Although the infant mortality rates in Brownsville are historically lower than in Bedford-Stuyvesant, the March of Dimes earmarked the neighborhood for a $152,000 program to try to get more services to women. It is also pushing legislators in Albany to raise the maximum income women may earn and still qualify for prenatal care.

Dr. La Guardia has been at Brookdale for only a few months. Unlike Dr. Gimovsky, she is businesslike, almost stern, and deeply weary over the hospital's dire fiscal situation.

"I am still in shock," she said. Money would permit the hiring of more doctors and nurses. Ultrasound machines, standard equipment in any Manhattan obstetrics office, are scarce. A portable ultrasound, the latest in technology, is unheard of.

"Clearly, there are more dollars that need to be funneled into this area," Dr. La Guardia said. "You wonder if there is any hope."

SENIOR CITIZENS' FREEDOM TO WORK ACT PASSED TODAY

The SPEAKER pro tempore (Mr. KUYKENDALL). Under a previous order of the House, the gentleman from California (Mr. ROYCE) is recognized for 5 minutes.

Mr. ROYCE. Mr. Speaker, the Social Security earnings limit is a very outdated provision in the Tax Code. In fact, it goes back to the Great Depression. It was designed at that time to open up more jobs for young people during the Great Depression. The idea was that this would force seniors out of the workforce by putting this special earnings limit on them. But today in this era of low unemployment and in this era of much longer life spans, seniors should be welcome to stay in America's workforce.

What we did today in this House is to pass a bill that repeals this penalty on senior citizens who make the choice to continue to work. This was long overdue. Our seniors have worked their entire lives to build our country into what it is today. It is wrong for the Government to force them to choose between contributing to society or receiving their full Social Security checks.

In my home State of California alone, there are more than 161,000 seniors affected by the Social Security earnings test that were penalized by that test.

□ 1700

If this legislation is passed by the Senate and signed into law, that means all these Californians over the age of 64 will be able to continue adding to our economic productivity while keeping all of their Social Security. These are individuals who paid into Social Security on the assurance that their money would be there when they retired.

The idea that the Federal Government can withhold access to their money, frankly, is outrageous. However, this is precisely what the Federal Government has done with the earnings test. It is denying seniors the benefits that they have paid for. It is denying them their earned right, and this is wrong.

With this booming economy and tightening of the labor force, the Federal Government should not discourage Americans from working. Rather, it should encourage people to be more productive. By repealing the earnings limit, more individuals will now work, pay more social security taxes, increase Federal revenues, and improve economic efficiency. America would also benefit from older workers' valuable work experience and work skills.

The earnings test discriminates against those who must work to supplement their benefits, because only wages are counted for purposes of this test. Income from hard-earned paychecks should not be treated less fairly than income from investment, and that is another reason why we needed to repeal it.

Repealing the Social Security earnings limit will also eliminate the need to recalculate affected retirement credits and benefits. And how much would that save a year? One hundred fifty million dollars annually is spent by the bureaucracy in doing this calculation.

Now, I constantly hear from seniors in my district about this issue. Whenever we hold a town meeting, or if we stop at a senior center or community center, the issue of allowing senior citizens to work without losing Social Security comes up.

Senior citizens have a place in our society and in our work force, and no one should ever discourage or deny that. It is unfair for the government to penalize them for wanting to work, and that is why the best thing we can do to honor seniors and their contributions is to repeal this senseless outdated earnings limit.

So, Mr. Speaker, I hope the Senate and the President move quickly on this legislation that we have passed today and which I coauthored.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DOGGETT) to revise and extend their remarks and include extraneous material:)

Mr. WEYGAND, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Ms. CARSON, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

(The following Members (at the request of Mr. SOUDER) to revise and extend their remarks and include extraneous material:)

Mrs. CHENOWETH-HAGE, for 5 minutes, March 8.

Mr. BILBRAY, for 5 minutes, today.

Mr. FOLEY, for 5 minutes, today.

Mr. PAUL, for 5 minutes, today.

Mr. WALSH, for 5 minutes, today.

Mr. SOUDER, for 5 minutes, today.

Mr. METCALF, for 5 minutes, today.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, a bill of the House of the following title:

On Tuesday, February 29, 2000:

H.R. 149. To make technical corrections to the Omnibus Parks and Public Lands Management Act of 1996 and to other laws related to parks and public lands.

ADJOURNMENT

Mr. ROYCE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 03 minutes p.m.), the House adjourned until tomorrow, Thursday, March 2, 2000, at 10 a.m.

RULES AND REPORTS SUBMITTED PURSUANT TO THE CONGRESSIONAL REVIEW ACT

Pursuant to 5 U.S.C. 801(d), executive communications [final rules] submitted to the House pursuant to 5 U.S.C. 801(a)(1) during the period of July 15, 1999 through January 24, 2000, shall be treated as though received on March 1, 2000. Original dates of transmittal, numberings, and referrals to committee of those executive communications remain as indicated in the Executive Communication section of the relevant CONGRESSIONAL RECORDS.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6385. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to Israel for defense articles and services (Transmittal No. 00-23), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

6386. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to Egypt for defense articles and services (Transmittal No. 00-29), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

6387. A communication from the President of the United States, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

6388. A communication from the President of the United States, transmitting a report consistent with the War Powers Resolution regarding U.S. military forces in East Timor; (H. Doc. No. 106—203); to the Committee on International Relations and ordered to be printed.

6389. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model DHC-7-100 Series Airplanes [Docket No. 99-NM-107-AD; Amendment 39-11526; AD 2000-02-07] (RIN: 2120-AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6390. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Company GE90 Series Turbofan Engines [Docket No. 99-NE-62-AD; Amendment 39-11496; AD 99-27-15] (RIN: 2120-AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6391. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A340-211, -212, -213, -311, -312, and -313 Series Airplanes [Docket No. 99-NM-336-AD; Amendment 39-11495; AD 99-27-14] (RIN: 2120-AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6392. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F27 Mark 050 Series Airplanes [Docket No. 99-NM-236-AD; Amendment 39-11494; AD 99-27-13] (RIN: 2120-AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6393. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100) Series Airplanes [Docket No. 98-NM-192-AD; Amendment 39-11510; AD 2000-01-12] (RIN: 2120-AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6394. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Model BAe.125 Series 1000A and 1000B Airplanes and Model Hawker 1000 Series Airplanes [Docket No. 99-NM-80-AD; Amendment 39-11499; AD 2000-01-02] (RIN: 2120-AA64) received February 11, 2000, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6395. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; de Havilland Model DHC–8–100, –200, and –300 Series Airplanes [Docket No. 98–NM–179–AD; Amendment 39–11531; AD 2000–02–13] (RIN: 2120–AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6396. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fairchild Aircraft, Inc. SA226 and SA227 Series Airplanes [Docket No. 98–CE–84–AD; Amendment 39–11507; AD 98–19–15 R1] (RIN: 2120–AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6397. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300 B2–1A, B2–1C, B2–203, B2K–3C, B4–103, B4–2C, and B4–203 Series Airplanes [Docket No. 99–NM–24–AD; Amendment 39–11498; AD 2000–01–01] (RIN: 2120–AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6398. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300, A300–600, and A310 Series Airplanes [Docket No. 2000–NM–09–AD; Amendment 39–111522; AD 2000–02–04] (RIN: 2120–AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6399. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Agusta S.p.A. (Agusta) Model AB412 Helicopters [Docket No. 98–SW–69–AD; Amendment 39–11528; AD 2000–02–09] (RIN: 2120–AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6400. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter Deutschland GMBH Model MBB-BK 117 Helicopters [Docket No. 99–SW–60–AD; Amendment 39–11509; AD 2000–01–11] (RIN: 2120–AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6401. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328–100 Series Airplanes [Docket No. 99–NM–219–AD; Amendment 39–11527; AD 2000–02–08] (RIN: 2120–AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6402. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Cessna Aircraft Company Model 182S Airplanes [Docket No. 98–CE–125–AD; Amendment 39–11532; AD 2000–02–14] (RIN: 2120–AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6403. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace (Jetstream) Model 4101 Airplanes [Docket No. 99–NM–306–AD; Amendment 39–11524; AD 2000–02–05] (RIN: 2120–AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6404. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Agusta S.p.A. Model A109A and A109A II Helicopters [Docket No. 99–SW–91–AD; Amendment 39–11493; AD 99–27–12] (RIN: 2120–AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6405. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300 B4–600R and A300 F4–600R Series Airplanes [Docket No. 99–NM–130–AD; Amendment 39–11488; AD 99–27–07] (RIN: 2120–AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6406. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300 B4–203 Series Airplanes [Docket No. 99–NM–327–AD; Amendment 39–11490; AD 99–27–09] (RIN: 2120–AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6407. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 757–200, –200PF, and –200CB Series Airplanes Powered by Rolls-Royce RB211–535C/E4B Turbofan Engines [Docket No. 98–NM–323–AD; Amendment 39–11487; AD 99–27–06] (RIN: 2120–AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6408. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; CFE Company Model CFE738–1–1B Turbofan Engines [Docket No. 99–NE–39–AD; Amendment 39–11497; AD 99–27–16] (RIN: 2120–AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6409. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 777–200 and –300 Series Airplanes [Docket No. 99–NM–323–AD; Amendment 39–11456; AD 99–25–13 C1] (RIN: 2120–AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ARCHER: Committee on Ways and Means. H.R. 5. A bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age; with an amendment (Rept. 106–507). Referred to the Committee of the Whole House on the State of the Union.

Mr. COMBEST: Committee on Agriculture. H.R. 3615. A bill to amend the Rural Electrification Act of 1936 to ensure improved access to the signals of local television stations by multichannel video providers to all households which desire such service in unserved and underserved rural areas by December 31, 2006; with an amendment (Rept. 106–508 Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SMITH of Texas (for himself, Ms. JACKSON-LEE of Texas, Mr. MCCOLLUM, Mr. GOODLATTE, Mr. CANADY of Florida, Mr. FRANK of Massachusetts, and Mr. SCARBOROUGH):

H.R. 3767. A bill to amend the Immigration and Nationality Act to make improvements to, and permanently authorize, the visa waiver pilot program under section 217 of such Act; to the Committee on the Judiciary.

By Mr. HORN:

H.R. 3768. A bill to require that any city that is completely surrounded by any other city must be assigned its own ZIP codes; to the Committee on Government Reform.

By Mr. PAUL:

H.R. 3769. A bill to prohibit the destruction during fiscal year 2001 of intercontinental ballistic missile silos in the United States; to the Committee on Armed Services.

By Mr. JACKSON of Illinois (for himself and Ms. SCHAKOWSKY):

H.R. 3770. A bill to amend title 18, United States Code, to provide for the applicability to operators of Internet Web sites of restrictions on the disclosure or records and other information relating to the use of such sites, and for other purposes; to the Committee on the Judiciary.

By Mr. BERMAN:

H.R. 3771. A bill to eliminate the numerical limitation on the number of aliens granted asylum who may become lawful permanent residents in any fiscal year; to the Committee on the Judiciary.

By Mr. COBLE:

H.R. 3772. A bill to suspend temporarily the duty on pigment yellow 199; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 3773. A bill to suspend temporarily the duty on pigment blue 60; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 3774. A bill to suspend temporarily the duty on solvent violet 13; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 3775. A bill to suspend temporarily the duty on solvent blue 67; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 3776. A bill to suspend temporarily the duty on pigment yellow 147; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 3777. A bill to suspend temporarily the duty on pigment yellow 191.1; to the Committee on Ways and Means.

By Mr. COLLINS (for himself, Mr. KUYKENDALL, Mr. BOEHNER, and Mr. MATSUI):

H.R. 3778. A bill to amend the Harmonized Tariff Schedule of the United States to provide duty-free treatment for, and clarify the classification of, machines and components used in the manufacture of digital versatile discs (DVDs); to the Committee on Ways and Means.

By Mr. COLLINS (for himself, Mr. Kuykendall, Mr. Boehner, and Mr. Matsui):

H.R. 3779. A bill to suspend temporarily the duty on machines, and their parts, for use in the manufacture of digital versatile discs (DVDs); to the Committee on Ways and Means.

By Mr. COLLINS (for himself, Mr. Kuykendall, Mr. Boehner, and Mr. Matsui):

H.R. 3780. A bill to suspend temporarily the duty on machines, and their parts, for use in the manufacture of digital versatile discs (DVDs); to the Committee on Ways and Means.

By Mr. COLLINS (for himself, Mr. Kuykendall, Mr. Boehner, and Mr. Matsui):

H.R. 3781. A bill to suspend temporarily the duty on machines, and their parts, for use in the manufacture of digital versatile discs (DVDs); to the Committee on Ways and Means.

By Mr. COLLINS (for himself, Mr. Kuykendall, Mr. Boehner, and Mr. Matsui):

H.R. 3782. A bill to suspend temporarily the duty on machines, and their parts, for use in the manufacture of digital versatile discs (DVDs); to the Committee on Ways and Means.

By Mr. COLLINS (for himself, Mr. Kuykendall, Mr. Boehner, and Mr. Matsui):

H.R. 3783. A bill to suspend temporarily the duty on machines, and their parts, for use in the manufacture of digital versatile discs (DVDs); to the Committee on Ways and Means.

By Mr. COLLINS (for himself, Mr. Kuykendall, Mr. Boehner, and Mr. Matsui):

H.R. 3784. A bill to suspend temporarily the duty on machines, and their parts, for use in the manufacture of digital versatile discs (DVDs); to the Committee on Ways and Means.

By Mr. COLLINS (for himself, Mr. Kuykendall, Mr. Boehner, and Mr. Matsui):

H.R. 3785. A bill to suspend temporarily the duty on machines, and their parts, for use in the manufacture of digital versatile discs (DVDs); to the Committee on Ways and Means.

By Mr. COLLINS (for himself, Mr. Kuykendall, Mr. Boehner, and Mr. Matsui):

H.R. 3786. A bill to suspend temporarily the duty on machines, and their parts, for use in the manufacture of digital versatile discs (DVDs); to the Committee on Ways and Means.

By Mr. COLLINS (for himself, Mr. Kuykendall, Mr. Boehner, and Mr. Matsui):

H.R. 3787. A bill to suspend temporarily the duty on machines, and their parts, for use in the manufacture of digital versatile discs (DVDs); to the Committee on Ways and Means.

By Mr. COLLINS (for himself, Mr. Kuykendall, Mr. Boehner, and Mr. Matsui):

H.R. 3788. A bill to suspend temporarily the duty on machines, and their parts, for use in the manufacture of digital versatile discs (DVDs); to the Committee on Ways and Means.

By Mr. COLLINS (for himself, Mr. Kuykendall, Mr. Boehner, and Mr. Matsui):

H.R. 3789. A bill to suspend temporarily the duty on machines, and their parts, for use in the manufacture of digital versatile discs (DVDs); to the Committee on Ways and Means.

By Mr. COLLINS (for himself, Mr. Kuykendall, Mr. Boehner, and Mr. Matsui):

H.R. 3790. A bill to suspend temporarily the duty on machines, and their parts, for use in the manufacture of digital versatile discs (DVDs); to the Committee on Ways and Means.

By Mr. COLLINS (for himself, Mr. Kuykendall, Mr. Boehner, and Mr. Matsui):

H.R. 3791. A bill to suspend temporarily the duty on machines, and their parts, for use in the maunfacture of digital versatile discs (DVDs); to the Committee on Ways and Means.

By Mr. COLLINS (for himself, Mr. Kuykendall, Mr. Boehner, and Mr. Matsui):

H.R. 3792. A bill to suspend temporarily the duty on machines, and their parts, for use in the manufacture of digital versatile discs (DVDs); to the Committee on Ways and Means.

By Mr. COLLINS (for himself, Mr. Kuykendall, Mr. Boehner, and Mr. Matsui):

H.R. 3793. A bill to suspend temporarily the duty on machines, and their parts, for use in the manufacture of digital versatile discs (DVDs); to the Committee on Ways and Means.

By Mr. COLLINS (for himself, Mr. Kuykendall, Mr. Boehner, and Mr. Matsui):

H.R. 3794. A bill to suspend temporarily the duty on machines, and their parts, for use in the manufacture of digital versatile discs (DVDs); to the Committee on Ways and Means.

By Mr. COLLINS (for himself, Mr. Kuykendall, Mr. Boehner, and Mr. Matsui):

H.R. 3795. A bill to suspend temporarily the duty on machines, and their parts, for use in the manufacture of digital versatile discs (DVDs); to the Committee on Ways and Means.

By Ms. DANNER:

H.R. 3796. A bill to suspend temporarily the duty on 2-Methyl-4-chlorophenoxyacetic acid; to the Committee on Ways and Means.

By Ms. DANNER:

H.R. 3797. A bill to suspend temporarily the duty on 2,4-Dichlorophenoxyacetic acid, its salts and esters; to the Committee on Ways and Means.

By Mr. FORBES (for himself, Mr. Nadler, Mr. Owens, and Mr. Ackerman):

H.R. 3798. A bill to amend section 211 of the Clean Air Act to prohibit the use of MTBE as a fuel additive, to amend the Solid Waste Disposal Act to accelerate the cleanup of MTBE released from leaking underground storage tanks, and to amend the Safe Drinking Water Act to assist communities with MTBE contamination in drinking water supplies, and for other purposes; to the Committee on Commerce.

By Mr. FRANK of Massachusetts:

H.R. 3799. A bill to amend chapter 171 of title 28, United States Code, to allow members of the Armed Forces to sue the United States for damages for certain injuries caused by improper medical care; to the Committee on the Judiciary.

By Mr. GIBBONS (for himself and Ms. Berkley):

H.R. 3800. A bill to establish a panel to investigate illegal gambling on college sports and to recommend effective countermeasures to combat this serious national problem; to the Committee on the Judiciary.

By Mr. GREENWOOD:

H.R. 3801. A bill to suspend temporarily the duty on Iminodisuccinate; to the Committee on Ways and Means.

By Mr. GREENWOOD:

H.R. 3802. A bill to suspend temporarily the duty on Iminodisuccinate salts and aqueous solutions; to the Committee on Ways and Means.

By Mr. MARKEY (for himself and Mr. Spence):

H.R. 3803. A bill to suspend until June 30, 2003, the duty on transformers for use in certain radiobroadcast receivers capable of receiving signals on AM and FM frequencies; to the Committee on Ways and Means.

By Mr. MARKEY (for himself and Mr. Spence):

H.R. 3804. A bill to suspend until June 3, 2003, the duty on transformers for use in certain radiobroadcast receivers with compact disc players and capable of receiving signals on AM and FM frequencies; to the Committee on Ways and Means.

By Mr. MILLER of Florida:

H.R. 3805. A bill to suspend temporarily the duty on polyvinylchloride (PVC) self-adhesive sheets; to the Committee on Ways and Means.

By Mrs. MINK of Hawaii:

H.R. 3806. A bill to require the Secretary of Veterans Affairs to add certain identifying information to the inscriptions on the markers on certain graves in the National Memorial Cemetery of the Pacific containing the remains of certain unknowns who died in the Japanese attack on Pearl Harbor on December 7, 1941; to the Committee on Veterans' Affairs.

By Mr. MOAKLEY (for himself, Mr. Tierney, Mr. Olver, Mr. McGovern, Mr. Frank of Massachusetts, Mr. Neal of Massachusetts, Mr. Meehan, Mr. Delahunt, Mr. Capuano, Mr. Weygand, Mr. Baldacci, and Mr. Gejdenson):

H.R. 3807. A bill to amend the Energy Policy and Conservation Act to ensure that petroleum importers, refiners, and wholesalers accumulate minimally adequate supplies of home heating oil to meet reasonably foreseeable needs in the northeastern States; to the Committee on Commerce.

By Mr. MOLLOHAN:

H.R. 3808. A bill to suspend temporarily the duty on BEPD 2-Butyl-2-ethylpropanediol; to the Committee on Ways and Means.

By Mrs. MORELLA (for herself, Mrs. Thurman, Mr. Moakley, and Mr. Franks of New Jersey):

H.R. 3809. A bill to amend chapter 4 of title 39, United States Code, to allow postal patrons to contribute to funding for organ and tissue donation awareness through the voluntary purchase of certain specially issued United States postage stamps; to the Committee on Government Reform.

By Mr. NEY:

H.R. 3810. A bill to permit any individual who has attained 62 years of age to engage in recreational fishing in navigable waters in any State without obtaining a license; to the Committee on Resources.

By Mr. PASCRELL:

H.R. 3811. A bill to amend the Internal Revenue Code of 1986 to exclude certain severance payment amounts from income; to the Committee on Ways and Means.

By Ms. PELOSI (for herself, Mr. Lantos, Mr. Inslee, Mr. Hinchey, Mr. Jefferson, Mr. Jackson of Illinois, Ms. Woolsey, Mr. Matsui, Mrs. Morella, and Mr. Romero-Barcelo):

H.R. 3812. A bill to create incentives for private sector research related to developing vaccines against widespread diseases and ensure that such vaccines are affordable and widely distributed; to the Committee on Ways and Means, and in addition to the Committees on International Relations, and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROTHMAN:

H.R. 3813. A bill to suspend temporarily the duty on cyclohexadee-8-en-1-one (CHD); to the Committee on Ways and Means.

By Mr. SMITH of Texas (for himself, Mr. Campbell, Mr. Cannon, and Mr. Goodlatte):

H.R. 3814. A bill to amend the Immigration and Nationality Act with respect to the number of aliens granted nonimmigrant status described in section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act, to implement measures to prevent fraud and abuse in the granting of such status, to provide for expedited processing of certain employers' petitions with respect to aliens seeking such status, to increase, and modify the use of, fees paid by employers petitioning with respect to such aliens, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Science, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the. jurisdiction of the committee concerned.

By Mr. SMITH of Washington:

H.R. 3815. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of a project to reclaim and reuse wastewater within and outside of the service area of the Lakehaven Utility District, Washington; to the Committee on Resources.

By Mr. STUPAK (for himself, Mr. Sanders, Mr. Coyne, Ms. Carson, Mr. Evans, Mr. Filner, Ms. McKinney, Mr. Gutierrez, Mr. Lipinski, Mr. Reyes, Mr. Frost, Ms. Brown of Florida, Mr. Rodriguez, Ms. Berkley, and Mr. Quinn):

H.R. 3816. A bill to amend title 38, United States Code, to provide that a stroke or heart attack that is incurred or aggravated by a member of a reserve component in the performance of duty while performing inactive duty training shall be considered to be service-connected for purposes of benefits under laws administered by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. TANCREDO:

H.R. 3817. A bill to redesignate the Big South Trail in the Comanche Peak Wilderness Area of Roosevelt National Forest in Colorado as the "Jaryd Atadero Legacy Trail"; to the Committee on Resources.

By Mr. THOMAS (for himself and Mr. Pascrell):

H.R. 3818. A bill to suspend temporarily the duty on octylmethoxycinnamate; to the Committee on Ways and Means.

By Mr. WOLF (for himself, Mr. Davis of Virginia, and Mrs. Morella):

H.R. 3819. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for expenses incurred in teleworking; to the Committee on Ways and Means.

By Mr. PAUL (for himself, Mr. Duncan, Mr. Rohrabacher, Mr. Taylor of Mississippi, Mr. Metcalf, and Mr. Hunter):

H.J. Res. 89. A joint resolution withdrawing the approval of the United States from the Agreement establishing the World Trade Organization; to the Committee on Ways and Means.

By Mr. LANTOS (for himself, Mr. Abercrombie, Ms. Baldwin, Mr. Campbell, Mr. Condit, Mr. Conyers, Mr. Delahunt, Mr. Engel, Mr. Forbes, Mr. Frank of Massachusetts, Mr. Gutierrez, Mr. Kolbe, Ms. Lee, Ms. Lofgren, Mrs. Mink of Hawaii, Mrs. Morella, Mr. Nadler, Ms. Pelosi, Ms. Schakowsky, Mrs. Tauscher, Mr. Waxman, Mr. Weiner, Ms. Woolsey, Mr. Kucinich, and Mr. Pastor):

H. Con. Res. 259. Concurrent resolution expressing the concern of Congress regarding human rights violations against lesbians, gay men, bisexuals, and transgendered individuals around the world; to the Committee on International Relations.

By Mr. BONILLA (for himself, Mr. DeLay, Mr. Blunt, Mr. Miller of Florida, Mr. Sessions, Mr. Cunningham, Mr. Wicker, Mr. Istook, Mrs. Northup, Mr. Dickey, Mr. Goss, Mr. Pease, Mr. Tancredo, Mr. Walden of Oregon, Mr. Barrett of Nebraska, Mr. Smith of Texas, Mr. Whitfield, Mr. Green of Wisconsin, Mr. Gibbons, Mr. Buyer, Mr. Ganske, Mr. Brady of Texas, Mr. Thornberry, Mr. Barr of Georgia, Mr. Combest, and Mrs. Myrick):

H. Con. Res. 260. Concurrent resolution expressing the sense of Congress that the Occupational Safety and Health Administration require ample public comment and a sound scientific basis for its recently proposed regulation on ergonomics; to the Committee on Education and the Workforce.

By Mr. CROWLEY (for himself, Mr. Conyers, Mr. Bonior, Mr. Kennedy of Rhode Island, Mr. DeFazio, Mr. Brady of Pennsylvania, Mr. Wynn, Mr. Cummings, Mr. Jackson of Illinois, Mr. Hastings of Florida, Mr. Weiner, Mr. Roemer, Mr. Ackerman, Mr. Pallone, Mr. Lampson, Mr. Blumenauer, Ms. Schakowsky, Mr. Engel, Mr. Romero-Barcelo, Mr. Dingell, Ms. Jackson-Lee of Texas, Mr. Meehan, Mrs. McCarthy of New York, Mr. Forbes, Mrs. Tauscher, Mr. Capuano, Ms. Eshoo, Mr. Rothman, Ms. Berkley, Ms. DeLauro, Mrs. Lowey, Ms. Velazquez, Mr. Green of Texas, Mr. Baldacci, Mrs. Napolitano, Mr. Lewis of Georgia, Mr. Udall of New Mexico, Mr. Nadler, Mr. Larson, Mr. Udall of Colorado, Mr. Rangel, Mr. Dixon, Mr. Wexler, and Mr. Holt):

H. Con. Res. 261. Concurrent resolution condemning the discriminatory practices prevalent at Bob Jones University; to the Committee on the Judiciary.

By Mr. LANTOS (for himself, Mr. Gilman, Mr. Gejdenson, Mr. Smith of New Jersey, Mr. Crowley, Mr. Campbell, Mr. Weiner, Mr. Horn, Mr. Hastings of Florida, Mrs. Morella, Mr. Wexler, Mr. Ackerman, Mr. Abercrombie, Mr. Pallone, Mr. Gutierrez, Ms. Schakowsky, Mr. Porter, Mr. Evans, Mr. Waxman, Mr. Tierney, Ms. Baldwin, Mr. McGovern, and Mrs. Jones of Ohio):

H. Res. 429. A resolution expressing the sense of the House of Representatives concerning the participation of the extremist FPO in the government of Austria; to the Committee on International Relations.

By Mr. FROST:

H. Res. 430. A resolution commending the paralegals of the United States and supporting a National Paralegals Day; to the Committee on Government Reform.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. DICKEY:

H.R. 3820. A bill to provide for the liquidation or reliquidation of certain entries of carbides; to the Committee on Ways and Means.

By Mr. PASCRELL:

H.R. 3821. A bill to provide for the liquidation or reliquidation of certain color television receiver entries to correct an error that was made in connection with the original liquidation; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 7: Mr. Camp.

H.R. 72: Mr. Owens and Mr. Smith of Texas.

H.R. 73: Mr. Goss.

H.R. 148: Mr. Aderholt and Mr. Smith of New Jersey.

H.R. 218: Mr. Franks of New Jersey.

H.R. 254: Mr. Price of North Carolina, Mr. Baker, and Mr. McIntosh.

H.R. 303: Mr. Lewis of Georgia and Mr. Hilleary.

H.R. 325: Mr. Forbes.

H.R. 380: Mr. Walden of Oregon and Mr. Manzullo.

H.R. 390: Mr. Sanders.

H.R. 460: Mr. Holden, Ms. Carson, Mr. Cook, and Mr. Hastings of Florida.

H.R. 531: Mr. Cox, Mr. McNulty, Mr. Hayes, and Mr. Kingston.

H.R. 534: Mr. Tierney and Mr. Tancredo.

H.R. 583: Mr. Meehan and Mr. Neal of Massachusetts.

H.R. 632: Mr. Bilbray.

H.R. 637: Ms. DeLauro.

H.R. 638: Mr. Ose, Mr. Baker, and Mr. Frost.

H.R. 750: Mr. Edwards.

H.R. 783: Mr. Brown of Ohio and Mr. Jenkins.

H.R. 826: Mr. Moran of Kansas and Mr. Wise.

H.R. 979: Mr. Frost, Mr. Pomeroy, Mr. Sanders, and Mr. Payne.

H.R. 1020: Mr. Peterson of Minnesota and Mr. Matsui.

H.R. 1041: Mr. Paul, Mr. Shimkus, Mr. Gillmor, Mr. Kingston, Mr. Crane, and Mr. Bonilla.

H.R. 1071: Ms. DeLauro, Mr. Watt of North Carolina, Mr. Traficant, Mr. Cramer, Mr. Borski, Mr. McDermott, and Mr. Ortiz.

H.R. 1079: Mrs. Wilson, Mr. Ryan of Wisconsin, and Mr. Coyne.

H.R. 1093: Mr. Young of Florida.

H.R. 1111: Mr. Bartlett of Maryland, Mr. Ballenger, Mr. Herger, Mr. Coyne, and Mr. Pascrell.

H.R. 1182: Mr. TRAFICANT.

H.R. 1196: Mr. KILDEE.

H.R. 1216: Mr. FORD, Mr. WALSH, Mrs. WILSON, and Mr. MASCARA.

H.R. 1285: Mr. GREEN of Texas.

H.R. 1288: Mr. GEORGE MILLER of California.

H.R. 1322: Mr. LATOURETTE, Mr. STUMP, and Mr. ROGAN.

H.R. 1396: Mrs. CHRISTENSEN, Mr. CUMMINGS, and Mr. SCOTT.

H.R. 1488: Mr. PHELPS.

H.R. 1592: Mr. EVERETT, Mr. KASICH, and Mr. COX.

H.R. 1606: Mr. FORD.

H.R. 1621: Mrs. NAPOLITANO, Mrs. MEEK of Florida, Mr. FARR of California, and Mr. DIXON.

H.R. 1644: Mr. COSTELLO and Mr. CRANE.

H.R. 1681: Mr. WYNN.

H.R. 1747: Mr. WALDEN of Oregon and Mr. BOEHNER.

H.R. 1795: Mr. ENGEL, Mr. COX, Mr. OWENS, Mr. ROMBERO-BARCELO, Mr. WEYGAND, Mr. FORBES, Mr. HINCHEY, Mr. GOODLING, Mr. SAXTON, and Mr. GOODE.

H.R. 1843: Mr. WATT of North Carolina.

H.R. 1870: Mr. WOLF, Mr. STUPAK, Mr. RANGEL, Mr. COSTELLO, Mrs. THURMAN, and Mr. REYES.

H.R. 2060: Mr. GILMAN.

H.R. 2200: Mr. BOEHLERT.

H.R. 2233: Mr. WATT of North Carolina.

H.R. 2258: Ms. DELAURO and Ms. MCKINNEY.

H.R. 2265: Mr. LIPINSKI.

H.R. 2282: Mr. WELDON of Florida.

H.R. 2335: Mrs. CEHNOWETH-HAGE, Mr. RADANOVICH, Mr. DOOLITTLE, and Mr. HANSEN.

H.R. 2340: Mr. SALMON and Mrs. JONES of Ohio.

H.R. 2341: Mr. TURNER and Mr. HALL of Ohio.

H.R. 2355: Mr. BOSWELL.

H.R. 2356: Mr. PETERSON of Minnesota.

H.R. 2362: Mr. TANCREDO and Mr. RYUN of Kansas.

H.R. 2372: Mr. COBLE Mr. NEY, Mr. BUYER, Mr. TANNER, and Mr. SHOWS.

H.R. 2382: Mr. DELAY and Mrs. THURMAN.

H.R. 2498: Mr. TANCREDO, Mr. FOSSELLA, and Mr. GONZALEZ.

H.R. 2535: Mr. BLAGOJEVICH and Mr. OLVER.

H.R. 2562: Mr. BALLENGER.

H.R. 2571: Mr. CAPUANO and Mr. ANDREWS.

H.R. 2594: Mrs. JONES of Ohio.

H.R. 2631: Mr. FORD, Mr. RANGEL, and Mr. THOMPSON of California.

H.R. 2640: Mr. GEJDENSON and Mr. TERRY.

H.R. 2651: Mr. TERRY.

H.R. 2733: Mr. UPTON.

H.R. 2865: Ms. MCKINNEY.

H.R. 2891: Mr. BOUCHER.

H.R. 2899: Mr. TOWNS.

H.R. 2900: Mrs. TAUSCHER, Mr. UDALL of Colorado, Mr. MCDERMOTT, Mr. PAYNE, Mr. HASTINGS of Florida, Mr. HOLT, Mr. DIXON, Ms. HOOLEY of Oregon, Mrs. JONES of Ohio, and Mr. SMITH of Washington.

H.R. 2907: Mr. KUCINICH.

H.R. 2911: Mr. SHOWS.

H.R. 2934: Mr. PRICE of North Carolina, Mr. LAFALCE, Mr. OLVER, Mr. STUPAK, Mr. BERMAN, Ms. MCKINNEY, and Mr. JACKSON of Illinois.

H.R. 2991: Mr. LEWIS of Georgia, and Mr. HULSHOF.

H.R. 3091: Ms. CARSON, Mr. ALLEN, Mr. WU, Ms. ESHOO, Mrs. NAPOLITANO, and Mr. SWEENEY.

H.R. 3105: Mr. WEXLER.

H.R. 3115: Mr. JACKSON of Illinois.

H.R. 3132: Mr. GEJDENSON and Mr. STUPAK.

H.R. 3148: Mr. TOWNS.

H.R. 3174: Mr. THORNBERRY.

H.R. 3180: Mr. CLEMENT.

H.R. 3193: Ms. SLAUGHTER.

H.R. 3195: Ms. STABENOW, Mr. EVANS, and Mr. FROST.

H.R. 3242: Mr. WATTS of Oklahoma and Mr. CRAMER.

H.R. 3293: Mr. SISISKY, Mr. TAYLOR of Mississippi, Mr. MCGOVERN, Mr. BERMAN, Mr. BECERRA, Mr. BOEHLERT, Mr. LIPINSKI, Mrs. THURMAN, Mr. WELLER, Mr. ROGAN, Mr. MARTINEZ, Mr. WICKER, Mr. OBERSTAR, Mr. TOWNS, Mr. MCINTOSH, Mr. SERRANO, Ms. MCKINNEY, Mr. SWEENEY, Mr. HOLDEN, Mr. EHRLICH, Mr. GREEN of Texas, Ms. ESHOO, Mr. HILL of Indiana, Mr. PACKARD, Mr. MASCARA, Mr. LAMPSON, and Mr. MCNULTY.

H.R. 3295: Ms. ESHOO and Mr. POMEROY.

H.R. 3377: Mr. KILDEE, Mr. UDALL of New Mexico, and Mr. NEAL of Massachusetts.

H.R. 3396: Ms. PELOSI, Mrs. NAPOLITANO, Mrs. TAUSCHER, and Ms. MILLENDER-MCDONALD.

H.R. 3430: Mr. LANTOS, Mr. CONYERS, Mr. STUPAK, and Mr. MCNULTY.

H.R. 3445: Mr. SAXTON.

H.R. 3449: Mr. HOLDEN and Mr. SHAYS.

H.R. 3485: Mr. SALMON.

H.R. 3504: Mr. FATTAH.

H.R. 3518: Mr. EHLERS, Mr. NORWOOD, Mr. COOK, and Mr. BEREUTER.

H.R. 3543: Mr. LUCAS of Kentucky and Ms. NORTON.

H.R. 3573: Mr. CALVERT and Mr. KANJORSKI.

H.R. 3575: Mr. SHAYS and Mr. KOLBE.

H.R. 3576: Mr. NEY, Mr. PICKERING, Mr. GOODE, Mr. SOUDER, Mr. BAKER, Mr. BEREUTER, and Mr. HAYES.

H.R. 3582: Mrs. MYRICK and Mr. COOK.

H.R. 3590: Mr. CUNNINGHAM.

H.R. 3607: Mr. FROST.

H.R. 3608: Mr. MEEKS of New York, Mr. QUINN, and Mr. WYNN.

H.R. 3614: Mr. CASTLE, Mr. GEORGE MILLER of California, Mr. HALL of Ohio, Mrs. MCCARTHY of New York, Mr. SCOTT, Mr. CAPUANO, Mr. BRYANT, Mr. SPRATT, Mr. GILCHREST, Mr. ISAKSON, Mr. WISE, Mr. CANADY of Florida, Mrs. MORELLA, Mr. WHITFIELD, Mrs. NAPOLITANO, Mr. NORWOOD, Mr. PHELPS, Mr. HALL of Texas, Mr. BROWN of Ohio, Ms. STABENOW, and Mr. BOEHLERT.

H.R. 3615: Mr. CRAMER, Mr. LUCAS of Oklahoma, Mr. GUTKNECHT, Mr. SIMPSON, Mr. STENHOLM, Mr. HOLDEN, Mr. BOSWELL, Mr. KLINK, and Mr. COBLE.

H.R. 3620: Mr. GOODLING.

H.R. 3621: Mr. SKELTON, Mr. ROEMER, Mrs. KELLY, Ms. DANNER, Mr. NEAL of Massachusetts, Mr. BARRETT of Nebraska, and Mr. HILL of Indiana.

H.R. 3625: Mr. BONILLA and Mr. COOKSEY.

H.R. 3629: Mr. BEREUTER.

H.R. 3634: Mr. EVANS, Mr. DEFAZIO, and Ms. SLAUGHTER.

H.R. 3641: Mr. MALONEY of Connecticut, Mr. BOEHLERT, and Mrs. ROUKEMA.

H.R. 3650: Mr. WU, Mrs. MALONEY of New York, and Mr. BROWN of Ohio.

H.R. 3655: Mrs. EMERSON, Mr. SANDLIN, Mr. MORAN of Virginia, Mr. SPRATT, Mr. MCINTYRE, Mrs. MINK of Hawaii, and Mr. FROST.

H.R. 3660: Mrs. CHENOWETH-HAGE, Mr. CALVERT, Mr. OBERSTAR, Mr. MICA, Mr. HALL of Ohio, Mr. BARR of Georgia, Mr. OXLEY, Mr. GARY MILLER of California, Mr. LINDER, Mr. PETRI, Mr. JONES of North Carolina, Mr. SCHAFFER, Mr. STEARNS, Mr. COMBEST, Mr. METCALF, Mr. MOLLOHAN, and Mr. HUTCHINSON.

H.R. 3662: Mr. WEYGAND, Mr. ROTHMAN, Mr. NEAL of Massachusetts, Mr. MEEHAN, Mr. BALDACCI, Mr. MCNULTY, and Mrs. JONES of Ohio.

H.R. 3680: Mr. DAVIS of Virginia, Mr. INSLEE, Mrs. TAUSCHER, Mrs. KELLY, Ms. DUNN, Mr. SMITH of Washington, Mr. SHAYS, Mr. MANZULLO, Mr. GOODLATTE, Mr. FROST, and Mrs. MYRICK.

H.R. 3688: Mr. UDALL of Colorado.

H.R. 3695: Mr. RYUN of Kansas and Mr. HOSTETTLER.

H.R. 3700: Mr. ROMERO-BARCELÓ, Mr. BARRETT of Wisconsin, Mr. FRANK of Massachusetts, Mr. COSTELLO, Mr. GILMAN, Mr. MCNULTY, Mr. LAMPSON, Mr. BROWN of Ohio, Mr. SWEENEY, and Mr. FROST.

H.R. 3766: Mr. BLAGOJEVICH, Mr. COYNE, Mr. OBERSTAR, Mr. HALL of Ohio, and Mr. PASTOR.

H.J. Res. 48: Mr. HASTINGS of Washington and Mr. UDALL of Colorado.

H. Con. Res. 108: Mr. MCNULTY and Mr. FROST.

H. Con. Res. 182: Mr. COOK.

H. Con. Res. 220: Mr. OWENS and Mr. LEVIN.

H. Con. Res. 252: Mr. BENTSEN, Mr. FROST, Mr. BRADY of Texas, Mrs. NORTHUP, Mr. EHLERS, Mrs. BIGGERT, Mr. SHAYS, Mrs. JOHNSON of Connecticut, Mr. BEREUTER, Mr. HORN, Mr. DREIER, Mr. PACKARD, Mrs. BONO, Mr. HULSHOF, and Mr. WATKINS.

H. Con. Res. 253: Mr. BLILEY.

H. Res. 107: Mr. JEFFERSON, Mr. NADLER, Mr. MARTINEZ, Mr. HOEFFEL, Ms. HOOLEY of Oregon, and Mr. POMEROY.

H. Res. 187: Mr. ABERCROMBIE.

H. Res. 238: Mr. UPTON.

H. Res. 332: Mr. PORTER, Mr. PETRI, and Mr. METCALF.

H. Res. 397: Mrs. THURMAN.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1304: Mr. DELAHUNT.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 7, by Mr. SHOWS on House Resolution 371: Maurice D. Hinchey, John Elias Baldacci, Harold E. Ford, Jr., Nita M. Lowey, Major Owens, Jesse L. Jackson, Jr., Sanford D. Bishop, Jr., Peter A. DeFazio, Ron Klink, Gerald D. Kleczka, William O. Lipinski, William (Bill) Clay, Loretta Sanchez, Martin Olav Sabo, and Edward J. Markey.

Petition 8, by Mr. STARK on House Resolution 372: Maurice D. Hinchey, John Elias Baldacci, Harold E. Ford, Jr., Nita M. Lowey, David D. Phelps, Edward J. Markey, Jesse L. Jackson, Jr., Major Owens, Sanford D. Bishop, Jr., Peter A. DeFazio, Ron Klink, Gerald D. Kleczka, William O. Lipinski, William (Bill) Clay, Martin Olav Sabo, and Ike Skelton.

SENATE—*Wednesday, March 1, 2000*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Loving Father, Your presence is with us even when we become busy and momentarily forget You. Thank You for continually breaking through the barriers of insensitivity with overtures of Your love. Sometimes we go for hours without thinking of You or asking for Your help. You are our closest friend as well as our God. Help us to keep that friendship in good working order.

Lord, you know us. We get so absorbed in our activities and begin to think we are capable of functioning without Your peace and power. Show us the mediocrity of our efforts without Your intervention and inspiration. We dedicate this day to live for Your glory and by Your grace, sustained by Your goodness. You are our Lord and Savior. Amen.

PLEDGE OF ALLEGIANCE

The Honorable WAYNE ALLARD, a Senator from the State of Colorado, led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Georgia is recognized.

SCHEDULE

Mr. COVERDELL. Mr. President, today the Senate will immediately resume consideration of the Robb school construction amendment. By previous consent, the Senate will proceed to vote on or in relation to the amendment at approximately 10 a.m.

Following the disposition of the Robb amendment, Senator ABRAHAM will be recognized to offer his amendment regarding computers. Other amendments will be offered, and therefore votes will occur throughout the day in an effort to complete the education savings account bill as soon as possible. An agreement is being discussed to have all first-degree amendments offered by 5 p.m. today.

I thank my colleagues for their attention. I yield the floor.

Mr. REID. Mr. President, I ask unanimous consent, because of confusion in the vote being scheduled at 10 and also giving 30 minutes for debate, that there be 30 minutes for debate equally divided and, by necessity, of course, the vote would occur a little after 10.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

AFFORDABLE EDUCATION ACT OF 1999

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1134 which the clerk will report.

The bill clerk read as follows:

> A bill (S. 1134) to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes.

Pending:

> Robb amendment No. 2861, to eliminate the use of education individual retirement accounts for elementary and secondary school expenses and to expand the incentives for the construction and renovation of public schools.

AMENDMENT NO. 2861

The PRESIDING OFFICER. Under the previous order, there will now be 30 minutes for debate equally divided on amendment No. 2861.

The Senator from Virginia.

Mr. ROBB. Mr. President, I ask unanimous consent that the Senator from Iowa be recognized to make a brief statement, and then I will continue.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I am proud to be a cosponsor of the pending amendment with my colleague from Virginia, Senator ROBB. Senator ROBB has been a great advocate for improving education for many years.

The facts about the need for this amendment to help modernize and upgrade our nation's public school facilities are well known.

The average school building is 42 years old. Nearly three-quarters of all public schools were built before 1970.

Fourteen million American children attend classes in schools that are unsafe or inadequate and the General Accounting Office estimates it will cost $112 billion to upgrade existing public schools to overall good condition.

Forty-six percent of schools lack adequate electrical wiring to support the full-scale use of technology.

Enrollment in elementary and secondary schools is at an all time high and will continue to grow over the next 10 years, making it necessary for the United States to build an additional 6,000 schools.

It is a national disgrace that the nicest places that our children see are shopping malls, sports arenas and movie theaters and the most run down place they see are their public schools. What signal are we sending them about the value we place on them, their education and future?

How can we prepare our kids for the 21st century in schools that did not make the grade in the 20th century?

Last year I visited Hiatt Middle School in Des Moines. This school opened its doors in 1925 and students spend all but a few hours a week in classrooms built during a time when Americans could not imagine the technological advances that would occur by the end of the century.

In 1925, Americans were flocking to movie theaters to see—and hear—the first talking motion picture—Al Jolson's "The Jazz Singer." The students who walked through the doors of the brand new Hiatt school that year could not imagine IMAX theaters with surround sound where a movie goer actually becomes a part of the film.

In 1925, consumers were lining up in department stores to buy novelties like electric phonographs, dial telephones, and self-winding watches. CD's, DVD players, cellular telephones, or palm pilots were unthinkable.

And, the introduction of state-of-the-art technologies like rural electrification and crop dusting were revolutionizing the lives of families and farmers alike.

There have been incredible technological and scientific advances in the past seven decades. Yet, our schools have not kept pace with the times. We continue to educate our children in schools built and equipped in bygone eras.

We must make sure that every child and every school can facilitate the technology of the 21st century. However, Iowa State University reports that we need at least $4 billion over the next ten years to repair and upgrade school buildings in Iowa and make sure they can effectively utilize educational technology.

The amendment we are offering is a comprehensive, two-prong response to this critical national problem.

First, we would authorize $1.3 billion to make grants and loans for emergency repairs to public schools.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Mr. President, the Iowa Fire Marshall reported a five-fold increase in the number of fires in schools over the past decade. During the 1990's there were 100 fires in Iowa schools. During the previous decade there were 20.

It is clear that public schools have an urgent need to make repairs now and these grants and no-interest loans will finance up to 8,300 repair projects. We will fix the roofs, upgrade the electrical systems, and repair the fire code violations.

The second part of our comprehensive strategy is to provide $25 billion in tax credits to modernize our nation's schools. These tax credits will subsidize the interest on new construction projects that will enable school districts to build new schools to replace outdated buildings or add more class rooms so they can reduce class size.

A few weeks ago I visited a school in Des Moines where students attend class in closets because there is no room. This is simply unacceptable.

In closing, I would like to share a few words from Tunisia, Washington, D.C. fifth grader in Jonathan Kozol's book, "Savage Inequalities."

> It's like this. The school is dirty. There isn't any playground. There's a hole in the wall behind the principal's desk. What we need to do is first rebuild the school. Build a playground. Plant a lot of flowers. Paint the classrooms. Fix the hole in the principal's office. Buy doors for the toilet stalls in the girl's bathroom. Make it a beautiful clean building. Make it pretty. Way it is, I feel ashamed.

Our amendment will make it possible to rebuild her schools. It will make it possible to fix the hole in the wall, put doors on the bathroom stalls and paint the classrooms. By modernizing and repairing Tunisia's schools we will make her feel a little less ashamed of herself and her school.

This is a serious national problem. And it demands a comprehensive national response. Our amendment is that response and I urge my colleagues to support this important amendment.

Mr. President, I am proud to be a cosponsor of the pending amendment with my colleague from Virginia, Senator ROBB. Senator ROBB has truly been one of the educational leaders over his tenure in the Senate. He has shown great leadership especially in this area that is so important as we are reducing class sizes around the country. I have visited schools in Iowa and other States recently where, because of the reduction of class sizes, they are out of room; they need more space. And we know the average school building in this country is 42 years old; 74 percent of our schools were built before 1970.

The Robb amendment addresses this very critical need in our country. I am proud to be a cosponsor. I congratulate him for his very strong leadership in the whole area of education but especially in the area of modernizing and rebuilding our schools.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. I thank the Chair.

I thank my distinguished colleague from Iowa for his statement this morning and for his continued leadership in education.

Mr. President, we are now considering amendment No. 2861. It is an amendment I sent to the desk yesterday afternoon but agreed to debate this morning.

I always welcome any opportunity to talk about education, about its importance to our society, about ways we can improve our system of education, and about how we at the Federal level can be better partners with our States, our localities, and our families.

We met yesterday morning with the Governors of our 50 States. During my own term as Governor of Virginia in the early 1980s, we took a great deal of pride in being able to pump over $1 billion of new money—over and above the baseline projections—into public education. That was back when $1 billion was still serious money.

Education is not the only engine of innovation fueling opportunity for economic prosperity; it is one of the most critical tools in maintaining a democracy. Thomas Jefferson said that "an enlightened citizenry is indispensable to the proper functioning of a Republic." So when we have an opportunity to talk in this Chamber about education, we are really talking about our future as well as our past.

To my dismay, the opportunity we have today to engage in really productive and constructive debate about education is really a mirage. We have traveled this road before. We have debated this same bill and others similar to it, and the President has exercised his veto power and has promised to veto this bill again if it arrives in its current condition.

The Affordable Education Act, while it contains many admirable provisions that would primarily enhance the affordability of higher education, also contains a poison pill, one that many of us are simply unable to swallow. This bill, in essence, would allow the diversion of public moneys to private elementary and secondary schools. As stewards of public taxpayer dollars, any policy that diverts public money away from public schools, it seems to me, is both unwise and inequitable.

We have heard many times the figures about education savings accounts. The average tax benefit to parents whose children attend private schools would be $37 a year while the benefit to families whose children attend public schools would be just $7 a year. Yet we know that 90 percent of our schoolchildren attend public schools. We also know our classrooms are overcrowded and many are dilapidated to the point of being unsafe. We know we face a very real and imminent teacher shortage over the next 10 years. We know we need to continue our efforts to help States finish the business we started with Goals 2000. We need to help States align their new standards and assessments with their curricula. We know we need to encourage more professional development for teachers and administrators. I believe we need to give even greater flexibility to States and localities in the use of Federal dollars in exchange for improved academic performance. We need to do all of these things and more.

I wish to talk about one specific area that demands our immediate attention. As a member of the Finance Committee, I have frequently mentioned the need to build and modernize our Nation's schools. In fact, I introduced school modernization legislation last July. It has 21 cosponsors and has been endorsed by over 50 organizations, from education groups to professional organizations to the National Conference of Mayors.

Without good, safe, and modern facilities, the rest of the education debate becomes practically moot. When a roof collapses, teachers and administrators really care most about fixing the roof and reopening the school. When fuses blow because of poor electrical wiring, administrators know they can't buy more computers before first rewiring the schools. Trailers may be a cheaper temporary fix to the problem of overcrowded classrooms, but even the most modern trailers are not adequate to accommodate 21st century learning.

One of the largest investments Congress ever made in our national infrastructure occurred under the leadership of a Republican President, Dwight Eisenhower. In the 1950s, we spent roughly $1 billion to build and renovate our Nation's schools. That was a time when $1 billion really meant something. My friends in Fairfax County tell me it now costs them over $25 million to build just one high school. My friends in Loudoun County need 22 more new schools in the next 5 to 6 years because of skyrocketing enrollments.

There are a lot of problems we face in the education arena, but we simply can't ignore the massive infrastructure problem we have anymore. Everyone, from civil engineers to architects to construction firms to the education community, recognizes that we have to help and we have to help now. All of our talk about reducing class size and improving technology education and investing in school safety really puts the cart before the horse when there are no new classrooms for the newly hired teachers, no electrical upgrades to handle the new computers, no new roofs to ensure the safety of our children.

Instead of talking about legislation which clearly is destined for defeat or veto, we could be talking about reauthorizing the Elementary and Secondary Education Act. Instead of talking about giving greater tax benefits to 10 percent of American families, we could be talking about how to better serve the 90 percent of American families who want the best education system that all levels of government can provide. Instead of talking about pouring money into private schools, I would rather be talking about pouring foundations for public schools.

So I offer an amendment with Senator HARKIN, Senator CONRAD, Senator LAUTENBERG, and Senator BINGAMAN that would authorize $25 billion in tax credit bonds for school modernization and renovation. The amendment would also authorize up to $1.3 billion a year for the next 5 years in grants and zero-interest loans to needy school districts so they could make urgent repairs such as those required to remedy fire code violations and other urgently needed safety repairs.

This amendment still helps families save money for college. It still increases the annual limit for education savings accounts to $2,000. It also helps our States and localities meet a massive infrastructure need.

In 1995, the GAO estimated we had $112 billion in repair needs and $73 billion in new construction needs. In a study just released by the National Education Association, the total unmet school infrastructure needs across the country now total $307 billion. These numbers were gathered from the individual State departments of education across the country. These are the dollars our States admit they can't come up with despite their surpluses. Even if every State used all of their available surpluses, that amount would still only meet 7.1 percent of the school construction needs that exist now nationwide.

I don't think this Congress has taken seriously the enormity of this particular problem. We can't just sit by and do nothing. Without the pending amendment, the school construction assistance provided in this bill is negligible. Our amendment would help build 6,000 schools and help make urgent repairs to some 25,000 schools. The underlying bill we are considering today will only build or renovate 200 schools. That is a stark contrast.

With over 12 million children attending schools with leaky roofs, our students deserve better. With over 3,000 trailers being used in my State of Virginia alone, our students deserve better. In Alabama, it is reported that the roof of an elementary school collapsed just after the children had left for the day. In Chicago, teachers place cheesecloth over air vents to keep lead-based paint flecks from getting into their classrooms. In Maine, some teachers are forced to turn out the lights when it rains because their wiring is exposed under leaking roofs. The list goes on and on.

Helping States and localities build schools doesn't interfere with local school control. We know the overwhelming majority of school districts face this particular infrastructure crisis. I simply do not accept the argument that the Federal Government cannot and should not play a role in this crisis. The needs are simply too great. If we can help States and localities build roads, we can certainly help them build schools. Both are critical to our sustained economic success.

We should expect great things from our Nation's schools and our Nation's students. They should expect real debate and results from Congress. But by choosing to rehash the same old debate about helping wealthy families pay for private school, we send a message to America that this Congress is more interested in sound bites than in solutions.

The American people, and many Members here, are thirsty for solution-oriented dialog. If this bill is passed without addressing some of the most urgent needs, we are not meeting our obligations and we are missing a very real opportunity to make a difference.

I reserve the remainder of my time and yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I'd like to focus on the issue of school construction. All of us, Democrats and Republicans, recognize the need for well constructed and well-maintained school facilities. Nobody wants an inadequate learning environment for our children.

Senator ROBB has offered an amendment on school construction. His amendment, as I understand it, basically contains the administration's school construction package. I opposed this package last year, and I continue to do so today.

Before I even talk about Senator ROBB's amendment, I want to make a point that is often lost in this discussion. The Federal Government already provides a significant subsidy for school construction. Under current law, states and localities can issue debt that is exempt from federal taxation. This benefit allows them to finance school construction by issuing long-term bonds at a much lower cost than they otherwise could. The interest subsidy saves school districts money and allows them to stretch their resources to meet their needs.

Now let me comment on the substance of Senator ROBB's amendment. Among other things, it creates a new type of bond—called a "qualified school modernization bond" and authorizes the issuance of up to $23.6 billion of these bonds. Unlike regular tax-exempt bonds, for which the holder receives tax-exempt interest payments, holders of these new qualified school modernization bonds would receive a federal tax credit, in an amount to be set by the Treasury Department.

This program involves a dramatic increase in federal bureaucracy, while at the same time striking at the heart of local control of education—which is the hallmark of our nationwide educational system.

In order to qualify for these bonds, a state or local school district would need to secure the approval of the Department of Education. In giving its OK, the Department of Education is supposed to consider whether a comprehensive survey of the district's renovation and construction needs had been completed, and how the state or locality would respond to the construction needs. In other words, federal officials in Washington would be micromanaging a local school district's renovation plans—in effect, second guessing the decision of state and local officials.

It just does not make sense for the Department of Education to get involved at this level. President Clinton himself stated in 1994 that "the construction and renovation of school facilities has traditionally been the responsibility of state and local governments financed primarily by local taxpayers." In that respect at least, I agree with the President.

While I am on the subject of local control, I want to point out that state and local governments have, in fact, responded to the need for school construction and renovation. On March 3, 1999, the Finance Committee had a hearing where we evaluated the appropriate federal role in school construction. At that time, Dr. Dennis Zimmerman of the Congressional Research Service explained that since the early 1990's, the approval rates for school bond issues and for total school construction dollars has increased substantially. From 1991 until 1998, the approval rate for new issues went from less than 50 percent to almost 67 percent. During those same years, the approval rates for new construction dollars went from about 48 percent to over 82 percent.

Additionally, the inflation adjusted annual growth rate of school bond volume—measured in dollars—during the last 20 years is 7.7 percent. This compares to an annual school age population growth rate of only 0.2 percent and an annual increase of 4.1 percent in state/local receipts. With respect to bond volume, in the first 6 months of 1996, voters approved $13.3 billion in school bonds, an increase of more than $4 billion over the first 6 months of 1995.

The bottom line is that many states and localities are doing their homework, passing bonds, building and renovating schools, and enjoying favorable treatment under the existing Tax Code. They are stepping up and meeting the challenge—and they are doing so without a massive intrusion by the Federal Government. One of the witnesses at our hearing, Bill Manning, the president of a large school district in my little State of Delaware, told us that if we really wanted to improve education at the local level, we should diminish the federal role, rather than increase it.

The package of school construction measures in the Finance Committee bill would retain state and local control, and would also work within the existing tax-exempt bond framework. The latter point is important because our purpose here is to provide state and local governments with incentives that they can use, and not concepts that are untested and uncertain.

For instance, 2 years ago, Congress enacted a tax credit bond program for school construction. Called qualified zone academy bonds ("QZABs"), the law provided for an authorization of $400 million in 1998 and $400 million in 1999. According to the Bond Market Association, however, few QZAB transactions have taken place.

Mr. President, in the extenders tax legislation last fall, we did extend the QZAB program through 2001. One of the reasons for this extension was to evaluate how this pilot program is performing. My point here is simply that setting up a big program with a high authorization does not always translate into a successful policy result. We need to look at how the program will play out in the real world—whether the rhetoric will translate into results. We need to look at how the program will play out in the real world.

The proposals in the Finance Committee bill provide local school districts with the flexibility they need to address the needs of their constituents. On this point, does anyone really believe Washington, DC, bureaucrats really understand local school construction needs better than the local school board?

How do we accomplish the objective of enhancing the financing of school construction activities, while maintaining local control, in this bill?

The answer is several important school construction measures.

The first proposal is directed at innovative financing for school districts. It expands the tax exempt bond rules for public/private partnerships set up for the construction, renovation, or restoration of public school facilities in these districts. In general, it allows states to issue tax-exempt bonds equal to $10 per state resident. Each state would receive a minimum allocation of at least $5 million of these tax-exempt bonds. In total, up to 600 million per year in new tax exempt bonds would be issued for these innovative school construction projects.

This proposal is important because it retains state and local flexibility. It does not impose a new bureaucracy on the states and it does not force the Federal Government to micromanage school construction.

The proposal also is important because it promotes the use of public/private partnerships. Many high-growth school districts may be too poor or too overwhelmed to take on a school construction project themselves. With these bonds, those districts can partner with a private entity—and still enjoy the benefits of tax-exempt financing.

Mr. President, there is a second bond provision in this bill. That provision is designated to simplify the issuance of bonds for school construction. Under current law, arbitrage profits earned on investment unrelated to the purpose of the borrowing must be rebated to the Federal Government. However, there is an exception—generally referred to as the small issuer exception—which allows governments to issue to $5 million of bonds without being subject to the arbitrage rebate requirement. We recently increased this limit to $10 million for government that issue at least $5 million of public school bonds during the year.

The provision in the Finance Committee bill increase the smaller issuer exemption to $15 million, provided that at least $10 million of the bonds are issued to finance public schools. This measure will assist localities in meeting school construction needs by simplifying their use of tax-exempt financing. At the same time, it will not create incentives to issue such debt earlier or in larger amounts than is necessary. It is a type of targeted provision that makes sense.

Mr. President, I also want to make sure that my colleagues realize that the Robb Amendment strikes the language in the bill relating to K–12 withdrawals from education savings accounts. This flexibility—the ability to use a family's savings for any of the family's education expenses—is a central component of this bill. Removing it sends the wrong message to American families and does nothing to help them meet the increasing need of education.

For these reasons, I oppose this amendment and urge my colleagues to do so as well.

Mr. President, I ask unanimous consent that the statement of Dr. Dennis Zimmerman of the Congressional Research Service and Mr. William Manning of the Red Clay Consolidated School District Board of Education be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PREPARED STATEMENT OF DR. DENNIS ZIMMERMAN

State and local governments historically have assumed most of the financial responsibility for public elementary and secondary schools. They raised about 92 percent of total school revenue for school year 1995-96; the federal government contributed about eight percent of revenue.

Federal financial support can be divided into two major components. Direct federal support provided by on-budget spending programs in school year 1995–96 amounted to $19.1 billion (as measured by the states), 6.6 percent of total school revenue. The federal policy objectives of this direct federal spending are fairly clear: 55 percent of this assistance in fiscal year 1995 targeted disadvantaged children; another 22 percent targeted disabled children; 12 percent targeted school system support for such things as professional development and drug abuse education; and six percent targeted children whose parents live and/or work on federal property.(1)

Indirect federal support for capital facilities is provided through the tax system. The interest income individuals and businesses earn on state and local debt is excluded from their taxable income. This exclusion lowers the interest rate on state-local debt, a reduction in effect paid for by the federal tax revenue not collected on the excluded interest earnings. The estimated revenue loss on school facilities bonds amounted to $3.7 billion in 1996, about 1.2 percent of total education revenue.(2) The federal government imposes no limit on the amount of tax-exempt bonds state-local governments may issue for governmentally owned school facilities.

Unlike federal direct spending for public elementary and secondary schools, this tax subsidy is not motivated by a federal education policy objective. Its existence is a by-product of the income tax structure established in 1913 which incorporated the concept that the various levels of government should refrain from taxing each other. As a result, the tax subsidy is identical for all state-local capital facilities—schools, roads, hospitals, parks, etc.—and does not affect state-local taxpayer choices among different types of facilities.

In summary, three facts stand out about federal financial support for public elementary and secondary schools:

It is minor compared to state-local support.

On-budget spending is targeted to four major policy objectives (the disadvantaged, the disabled, system support, and the federally impacted).

The major tax subsidy was not adopted to pursue a federal education policy objective, and has been structured not to influence state-local taxpayer choice among capital facilities for different public services.

THE STATE-LOCAL SECTOR AND AMERICA'S PUBLIC SCHOOL FACILITIES

Attention recently has focused on the deficiencies of public elementary and secondary school capital facilities. Studies have suggested that as much as $112 billion of investment may be necessary to restore school facilities to good overall condition, and that the resources of many local school districts are inadequate to rectify the situation.(3)

It is useful to evaluate this information in an economic context. The gap between "good overall condition" of school facilities and their current condition is a serious problem not to be minimized that undoubtedly has an adverse impact on human capital formation. But budget constraints are a fact of life: our desire for both private and public spending (consumption) exceeds our ability to pay for it. It is likely that a similar study assessing the condition of state-local capital facilities for any function—roads, sewage treatment plants, prisons—would reach a similar conclusion.(4) A gap exists between the "good overall condition" of the capital stock we desire and the less-than-good overall condition we choose to live with.

When making budget allocation decisions, state-local decision makers decide where to spend additional tax revenue based in part upon their assessment of which activity will provide the highest return or value. It is a given that positive returns will result from additional investment in almost any activity funded by state-local budgets. But a ten percent return in education facilities will not be funded if decision makers judge a twelve percent return is available in sewage treatment facilities. In other words, one must consider the possibility that state-local decision makers made their spending decisions with complete information; that they chose the existing less-than-good condition of education facilities because they place a higher value on spending the available tax revenue for private consumption or other state-local services.

For the Nation as a whole, state-local taxpayers have not been neglecting education facilities. Table 1 presents referendum data on public elementary and secondary school bond issues for the years 1988 through 1998. The percentage of bond issues approved and the percentage of dollars approved appear in columns 2 and 3. Both series tell approximately the same story. Approval rates declined substantially in the early 1990s, reaching a low of 49.9 percent for Issues in 1991 and 48.4 percent for Dollars in 1993. Since those lows, the approval percentage for both Issues and Dollars has risen substantially. The 1998 approval rates of 66.8 percent for Issues and 82.4 percent for Dollars are now higher than the levels that prevailed in 1988.

TABLE 1. SCHOOL BOND REFERENDA 1988–1998: APPROVAL RATES FOR ISSUES AND DOLLARS

Year	Share of Issues	Share of Dollars
1988	0.657	0.776
1989	0.580	0.736
1990	0.573	0.707
1991	0.499	0.490
1992	0.532	0.604
1993	0.568	0.484
1994	0.592	0.516
1995	0.553	0.544
1996	0.586	0.691
1997	0.619	0.619
1998	0.668	0.824

Source: Securities Data Company.

The increasing approval rates are consistent with the 7.7 percent real annual growth rate of school bond volume (dollars of new issues) that occurred from 1979 through 1998. This is not surprising. We are now in the longest uninterrupted economic expansion in the Nation's history, during which the state-local surplus rose from $80.1 billion in 1990 to $148.7 billion in 1998. As real income rises, state-local taxpayers can be expected to spend more on a wide range of public services, including investment in schools. But these bond data do not provide evidence about how much of the growing bond volume was necessary to keep pace with growing student enrollment and whether schools were faring better or worse than other state-local services.

Table 2 compares the 7.7 percent real annual growth rate of school bond volume over the last two decades to the rates for school-age population (ages 5 to 19) and state-local receipts net of federal grants.

The school-age population grew at a 0.2% annual rate, so most of this 7.7 percent real annual increase in bond volume was devoted to maintaining or improving the facilities of a relatively stable school population. State-local receipts net of federal grants grew at a 4.1 percent real annual rate. These data suggest state-local taxpayers have been devoting an increasing share of own-financed revenue to schools, and school construction spending has fared better than all other functions combined.

TABLE 2. SCHOOL NEW-ISSUE BOND VOLUME AND OTHER ECONOMIC INDICATORS, 1979–1998: REAL ANNUAL GROWTH RATES

School Bond Volume	Population Ages 5-19	State-Local Receipts Net of Federal Grants
7.7%	0.2%	4.1%

Source: CRS calculations based upon data from Securities Data Company and Economic Report of the President, 1999.

Of course, these aggregate data undoubtedly mask a considerable amount of variation among states and school districts. Several circumstances arise which may cause school districts to provide grossly inadequate school facilities, and alleviation of some of these circumstances may be consistent with historical federal policy objectives for financing public elementary and secondary education.

A district might suffer from inadequate fiscal capacity; residents may be poor and the district may lack significant commercial and industrial property tax base. If its state does not have a vigorous fiscal equalization program for education finance, resources may not be available to provide minimal capital facilities.

Some school districts might experience a substantial influx of retirees, or be at the height of a long-term aging of their population. Retirees may feel they have done their duty by supporting school finance in their child-raising years. Seeing few direct benefits to themselves, they may be reluctant to support additional spending to maintain minimal services, particularly if they have relocated.

Some school districts have experienced rapid population growth (often resulting from immigration to the United States). A "normal" financing effort might prove to be inadequate to maintain minimal services when student enrollment expands rapidly.

Some states and local governments impose very tight borrowing restrictions and/or super-majority approval requirements for bond referenda that may frustrate the majority's spending preferences.

IN SUMMARY

The condition of America's school facilities may or may not be worse than the capital facilities for other state-local public services.

The proportion of school bond votes approved rose from a low of 50 percent in 1991 to 67 percent in 1998. The percentage of dollars approved in 1998 was 82 percent versus 49 percent in 1991.

State-local taxpayers have devoted an increasing share of their own-source revenue to school bond finance; over the last twenty years, the volume of new-issue school bonds has grown at a 7.7 percent real annual rate, while state-local own-source revenue has grown at a 4.1 percent real annual rate. Since the school-age population has grown at a mere 0.2 percent rate, most of this spending has been devoted to maintaining or improving facilities.

These data present a favorable picture for the Nation's school facilities, but may hide a subset of communities that find it difficult to maintain adequate school facilities due to: a high concentration of the poor; a concentration of retirees who are reluctant to support school spending; high population growth rates, sometimes resulting from an influx of immigrants; and very tight borrowing restrictions and/or super-majority requirements for approval of bond referenda.

TAX-EXEMPT BOND PROPOSALS

Several proposals have been introduced that would adjust the current tax treatment of state-local debt to increase federal financial support for school construction.(5) The Administration has proposed Tax Credits for Holders of Qualified School Modernization Bonds and Qualified Zone Academy Bonds; Representative Archer has proposed a lengthening of the period during which arbitrage can be earned and not rebated to the Treasury; Senator Graham has proposed allowing school facilities to be financed with private-activity bonds; and it has been proposed that the annual issuance ceiling to qualify for the small-issuer arbitrage rebate exemption be raised. The last two proposals were adopted by the Senate Finance Committee but not accepted by the Conference.

Each of these proposals is described. Each proposal's effect on the share of the debt service costs borne by state-local taxpayers is estimated, and the targeting of the proposal is compared to the targeting of federal on-budget spending for elementary and secondary education.

School Modernization Bonds

Description. This Administration proposal would authorize issuance of $11 billion of tax credit bonds in 2000 and $11 billion in 2001. School bond volume in 1998 was about $23 billion, so this proposal could be available to approximately 50 percent of the school bond market in 2000 and 2001.

Cost Reduction. Tax credit bonds pay 100 percent of state-local interest cost on bonds, as opposed to 25 to 30 percent of interest costs for traditional tax-exempt bonds. Thus, unlike tax-exempt bonds, tax credit bonds lower the cost of investing in school facilities relative to investing in capital facilities for any other public purpose. This lower relative cost would be a powerful incentive for state-local taxpayers to adjust their public budgets and provide more education services and less of all other services.

Targeting. Half of the annual borrowing authority would be reserved for the Nation's communities with the highest incidence of children living in poverty. The remaining half would be allocated to the states and qualifying school districts based upon the federal assistance they received under the Basic Grant Formula for Title I of the Elementary and Secondary Education Act of 1965 (based primarily upon incidence of low-income children). But states would not be constrained by the Title I formula and could use any appropriate mechanism for distributing the funds. Thus, half of the subsidy would conform to the federal government's existing criteria for federal spending programs in education, and half could potentially be spent on other school districts.

Relaxation of Arbitrage Restrictions

Description. State-local arbitrage bonds are tax-exempt bonds issued where all or a major portion of the proceeds are used to acquire securities with a higher yield. Because state-local governments pay no federal income tax on their interest earnings, Congress has restricted their ability to earn arbitrage profits. Bonds for construction are allowed to earn arbitrage profits if they conform to a schedule for spending the bond proceeds: 10% within six months of issuance; 45% within 12 months of issuance; 75% within 18 months of issuance; 95% within 24 months of issuance; and the permissible 5% retainage (amounts by which the earlier targets are missed) within 36 months. Failure to comply triggers a requirement to rebate the arbitrage earnings to the U.S. Treasury.

This proposal would slow and lengthen the spend-down schedule that must be met for bonds issued to finance public school education facilities in order to qualify for exemption from arbitrage rebate. No rebate would be required if: 10 percent of bond proceeds is spent within 1 year of issuance; 30 percent is spent within 2 years; 50 percent is spent within 3 years; and 95 percent is spent within 4 years. The 5 percent retainage would have to be spent within 5 years. The proposal applies to all school bonds.

Cost reduction. Issuers must be cautious when attempting to earn arbitrage profits. Suppose the interest rate on the tax-exempt bond issue is 6 percent and the interest rate on a comparable long-term taxable bond is 8 percent. In theory, the issuer could earn 2 percent arbitrage profit by investing the tax-exempt bond proceeds in 8 percent long-term taxable securities. This is a risky investment strategy. The issuer's investment horizon is short because the spend-down rules require sale of all the securities within 36 months (60 months if this proposal is passed). Should interest rates have risen when the issuer must sell the taxable bond to pay for construction costs, the bond must be sold at a discount and the issuer will suffer a capital loss that could easily exceed the arbitrage earnings. Thus, the calculations in this testimony assume the issuer earns arbitrage profits of 0.75 percent, not the 2 percent yield differential. The important point here is not so much the share of the principal that could be paid off by the arbitrage profits, but the differential between current law and the proposed changes.

Assuming the issuer takes maximum advantage of arbitrage opportunities with a 0.75 percent profit, current law could provide arbitrage profits for tax-exempt bonds sufficient to pay for 1.05 percent of the amount borrowed. For tax credit bonds, this percentage would rise to 9.5.(6) Allowing a five-year spend-down period for tax-exempt bonds would increase the percentage borrowed that could be financed with arbitrage profits from 1.05 to 2.4 percent. If combined with tax credit bonds, the percentage would rise from 9.5 to 21.2 percent.

Targeting. The arbitrage proposal would apply to all school bonds. No attempt is made to target its availability to school districts that meet the federal government's targeting criteria for its on-budget spending programs.

Public School Construction Partnership Act

Description. This proposal introduced by Senator Graham in the 105th Congress would include public elementary and secondary education facilities in the list of exempt facilities eligible for the use of tax-exempt private-activity bonds. A state could issue bonds equal to the greater of $10 per resident or $5 million on behalf of corporations that would use the bond proceeds to build school facilities and lease the buildings to school districts. A corporation must charge a lease payment such that the building could be transferred to the school district at the end of the contract without further compensation to the corporation. The bonds would not be subject to the private-activity bond volume cap, so they would not compete with other private-activity bonds for scarce borrowing authority.

Cost reduction. This proposal might reduce the federal subsidy. Private-activity education facility bonds would be issued as revenue bonds whose debt service is secured by the corporation building and operating the facility rather than as general obligation bonds whose debt service is secured by the full faith and credit of the issuing school district. As a result, the interest rate on the private-activity school bonds is likely to be higher and the spread between the taxable interest rate and the interest rate on the school bonds is likely to be lower. The federal government would pay a smaller share of interest costs than it would pay on governmental tax-exempt school bonds.

A school district that chose this option could conceivably receive compensation sufficient to offset its higher interest cost in two ways. First, it might face very restrictive bond referenda requirements that preclude getting approval from the voters. Although private-activity bonds require the issuing jurisdiction to hold a public meeting, they do not require a vote. Second, the corporation might be a more efficient builder and operator of the facility, or it may be able to avoid compliance with a host of regulatory rules pertaining to government construction projects (such as the Davis-Bacon Act). These savings might enable the corporation to provide lease terms whose present discounted value is lower than would be the case for principal and interest payments on the debt.(7)

Targeting. All but $5 million must be allocated to high-growth school districts, defined as having: (1) a 5,000 or greater student enrollment in the second academic year preceding the date of the bond issuance; and (2) an increase in student enrollment of at least 20 percent in the 5–year period ending with that second academic year. It is not clear how many of the eligible districts would have characteristics that are targeted by federal on-budget education spending.

Small Issuer Arbitrage Exemption

Description. When the requirement for rebate of arbitrage earnings was enacted in 1986, governmental units that issued no more than $5 million of bonds per year were exempt. In 1997, the exemption limit was increased to $10 million, provided at least $5 million is used to finance public school construction. This proposal would increase the exemption limit to $15 million, provided at least $10 million is used to finance public school construction.

Cost reduction. The value of the small-issuer exemption is that the spend-down rules do not apply; the issuer can earn arbitrage profits on the amount borrowed for the entire three-year spend-down period. When considering a $5 million marginal investment on a variety of public functions, state-local taxpayers will likely notice that (under current law) school bonds could earn arbitrage profits sufficient to pay 2.3 percent of the amount borrowed, while bonds for other functions could earn arbitrage profits sufficient to pay only 1.05 percent of the amount borrowed. If tax credit bonds could be combined with the small-issuer exception (while retaining the three-year spend-down requirement), arbitrage profits would be sufficient to pay 20.3 percent of the amount borrowed.

Targeting. This provision would apply only to relatively small governmental units. It is not clear how many of these units would have the characteristics that are targeted by federal on-budget education spending.

ENDNOTES

(1) U.S. Library of Congress, Congressional Research Service, Public School Expenditure Disparities: Size, Sources, and Debates over Their Significance, No. 96–51 EPW by Wayne Riddle and Liane White, December 19, 1995, 31p.

(2) Indirect financial support is also provided by the deductibility of state-local income and property taxes from federal taxable income. This provision is not discussed here. The tax-exempt bond revenue estimate is based on a 1996 federal revenue loss from all outstanding bonds of $25 billion (Budget of the U.S. Government, Analytical Perspectives, Fiscal Year 1998), and assumes the school share of the outstanding stock of all state-local bonds is equal to the school share (14.7 percent) of new-issue state-local bonds issued in 1996. A small amount of tax credit bonds are also available for school districts with high concentrations of students receiving free lunch.

(3) U.S. General Accounting Office, School Facilities: America's Schools Not Designed or Equipped for 21st Century, GAO/HEHS–95–95, April 4, 1995; and GAO, School Facilities: Condition of America's Schools, GAO/HEHS–95–61, February 1, 1995.

(4) For an example, see Commission to Promote Investment in America's Infrastructure, Financing the Future: Report of the Commission to Promote Investment in America's Infrastructure, February 1993.

(5) The question of whether these proposed increased federal subsidies represent an improvement in economic efficiency is complex. The answer depends in part upon the extent to which returns from elementary and secondary education accrue to society rather than the individual and how widely these "external" benefits spill beyond state borders.

(6) Since the federal government pays 100 percent of the interest cost on tax credit bonds, arbitrage earnings would be 6.75 percent, not the 0.75 percent for tax-exempt bonds.

(7) Some have suggested the efficiencies in such public/private partnerships may be sufficiently great that school districts could reduce costs even if they used taxable debt. Ronald D. Utt, How Public-Private Partnerships Can Facilitate Public School Construction, Heritage Foundation Backgrounder No. 1257, February 25, 1999.

PREPARED STATEMENT OF WILLIAM E. MANNING

Bill Manning has been President of the Red Clay Consolidated School District Board of Education (Delaware's second largest school district) for nine years. An attorney by trade, Mr. Manning has been among Delaware's leaders in proposing and implementing a variety of educational reforms: public school choice, charter school legislation and rigorous academic standards statewide. Red Clay is currently the only district in Delaware to have reached an agreement with its teachers association pursuant to which Red Clay teachers will be evaluated based on student performance. Among other recognitions, Mr. Manning was honored, in October, 1998, as one of the nation's "unsung heroes" in education reform by the Center for Education Reform in Washington, DC.

Demographically, Red Clay is a composite of all cross sections of Delaware and America. It has both affluent areas and poverty stricken areas; suburban and city. Red Clay students speak a variety of native languages, including a large component of Spanish-speaking children.

Red Clay's capital assets are probably typical of those found throughout America. No new schools have been built for more than 30 years and existing schools require repair and renovation. After one unsuccessful attempt, Red Clay received referendum approval both to make the most needed repairs to its buildings and invest in technology. That capital program, however, is much smaller than Red Clay would prefer, and new schools and renovations remain critical.

STATEMENT REGARDING THE FEDERAL ROLE IN SCHOOL CONSTRUCTION

I don't want to begin my testimony by assuming that the federal government should have any role at all in public education. Indeed, many of those in the education reform community believe that the federal government should diminish, rather than increase, its role in public education. Let me give you one good reason why that is so. With all of the talk regarding education reform these days, one particular notion is being identified as having preeminent importance: "accountability." Indeed, it is acquiring buzzword status. Presidents, members of Congress, governors and school board members all over the country are talking about the importance of accountability and they are all correct. However, to the extent that you shift the locus of decision making from the school to the district to the state to the federal level, the more you have diminished the chances that those responsible for delivering educational services can be held accountable for their successes or failures. Put another way, if I am a school administrator and I can point to burdensome and inappropriate federal regulations as the reason for my failure to provide adequate facilities, I will.

All of that leads me to bring two messages today: (1) Don't do anything at all and, if you have loose change rattling around in the federal coffers, send it back to those who gave it to you in the first place. (2) If you must do something, make good on all the promises of local autonomy and flexibility that inevitably accompany all such programs. Don't let the public educational establishment claim that: "But for this federal regulation or that federal guideline, we could have done the job."

If you detect a note of cynicism about federal promises for local autonomy and flexibility, you are correct. That cynicism, however, is justified as we out in the states hear more and more about some of the proposals before you. For example, I understand that the President's proposal wants to encourage capital spending by school districts that would not have been possible without such financial assistance. Therefore, as a criterion for eligibility, one would not be surprised to see the Department of Education require an applicant to make some sort of showing that its proposed capital expenditure would not otherwise happen.

One imagines several responses to such a rule. First, the "green eyeshade guys" that exist within each school district will now slow down some projects, testing the political waters each day to see whether increased federal funding is soon to be available. After all, to move forward with capital projects at this time may be to render them ineligible at a later time. Thus, the games begin. Second, what is so wrong with providing assistance to a district that has already decided to "bite the bullet" and ignore other priorities in order to make capital repairs? It seems to me that this particular element of the President's proposal removes, rather than creates, incentive for local responsibility.

To take another example, one who is reading about the President's current proposal comes away with the sense that there will be significant means-testing within the eligibility criteria. I certainly hope, on behalf of my school district, that I will be able to use whatever capital assistance the federal government decides to give me anywhere in my district—whether it be in downtown Wilmington or out in the suburbs.

Please understand that any federal rules and regulations accompanying any new federal financial assistance will apply on top of a host of other regulations already imposed at the state level. Indeed, as I indicated, this hotchpot of regulations imposed upon local school districts at the state level already gives the establishment enough places to hide from true accountability as it is. It is almost inconceivable that a new regime of federal requirements would not be, in some ways, inconsistent with a body of regulations that, in my view, is already too large. Thus, the prospect of time wasted and projects left undone because of conflicts between federal and state regulation grows with every new federal program. Please make any program that results from the proposals before you serve as a testament that the federal government can, if it wants to, render meaningful assistance without creating matching unnecessary burdens.

Let me close with a few specific suggestions. First, I believe, as do many of you, that charter schools are already improving the educational landscape by offering variety, quality and single-school focus to those who previously had to pay to get those things. That's the good news. The bad news is that charter schools are still regarded by the educational establishment in some quarters as the enemy. Thus, the organization that owns our school buildings is sometimes stingy with them when it comes to housing charter schools. Nor do the funding formulae in many state charter school bills provide adequate capital—as opposed to operating—assistance to charter schools. In that environment, it would be particularly fitting if the federal government took special care to ensure that our new charter schools were well housed. Please don't overlook them.

As you review the variety of proposals before you, I suggest that you carefully review those that would render assistance to local school districts needing capital assistance and simultaneously reduce federal "red tape." In Delaware, for example, we have several lending institutions that are members of the Federal Home Loan Bank—one of the Nation's few triple A rated institutions. If these lenders could offer the Federal Home Loan Bank's credit to support bond-financed school construction projects, then the cost of debt—even tax exempt debt—would go down. However, for reasons that appear only to have historical significance, Federal Home Loan Banks are not permitted, under Section 149 of the Internal Revenue Code, to provide such credit enhancement. Nor does it appear that those federal (and former federal) instrumentalities that are so authorized by Section 149 (Federal Housing Administration, Veteran's Administration, Fannie Mae, Freddie Mac, Ginnie Mae and Sallie Mae) are actually in the business of assisting school financing. Thus, Section 149 of the Internal Revenue Code should be amended to permit Federal Home Loan Banks to sell credit enhancement products—at least in the area of school construction finance if not all projects eligible for tax exempt financing.

I appreciate the opportunity to share my thoughts with the Committee. I realize that my plea to send those tax revenues that might otherwise have been spent by the federal government back to the taxpayers requires that Congress ignore the political head of steam building over this issue. So, if the federal government decides it wants or needs to play a role in building schools, please do it in a way that leaves school board members like me, as well as the administrators and teachers who we employ, exposed to the consequences of our failure, if that be the case, to do our job and deliver a quality education to each of our students.

Mr. ROTH. Mr. President, I yield the remainder of my time.

Mr. CONRAD. Mr. President, I rise in strong support of the amendment offered by Senator ROBB. During consideration of S. 1134, the Affordable Education Act last year in the Finance committee, I joined my colleague in offering a similar amendment during the markup. Regrettably, that amendment was not adopted.

Under the Robb amendment, an allocation of $24.8 billion in bonds would be authorized to permit states and local school districts, over the next 5 years, to issue bonds to modernize and renovate approximately 6,000 schools. Sixty-five percent of the bond authority would be allocated to states based on their title I allocation, and 35 percent to the 100 school districts with the largest number of low-income students. Additionally, $1.3 billion would be authorized for a new grant and zero-interest loan program to fund the most urgent school repair needs in local schools. There is also $400 million set aside for Bureau of Indian Affairs schools.

Today we are considering our first major education measure of the 21st century. It is critical that we weigh carefully the direction of that education policy. What should our priorities be as we enter the 21st century? How should we allocate our limited Federal resources in education? How do we respond to growing concerns about the digital divide, and what is the role of education in that debate?

Under S. 1134, the major provision of the bill would expand tax-free expenditures from the current higher education individual retirement account to permit student expenses for elementary and secondary education including private, parochial, or public education. S. 1134 would increase the limit on the annual contribution for an education IRA for a four-year period (2000-2003) to $2,000.

Expenses authorized for IRA expenditures would include traditional expenses including tuition, books, supplies, computer equipment, tutoring services, as well as student expenses for room, board, transportation and supplementary items. Additionally, S. 1134 makes a number of important changes, which I support, in prepaid tuition plans, employer-provided educational assistance, and student loan interest deduction.

There is no question, of the merits of encouraging families to save to meet the educational needs of their children. Education IRA's are one way to encourage this savings, and we know it has been very helpful to families planning for higher education expenses. As we debate this legislation, however, it is critical that we define our national education priorities, and allocate our limited Federal resources to meet those objectives. Does an expansion of education IRA's respond to our national education priorities? Does the allocation of limited Federal resources for education IRA's respond to the education needs of our children into the 21st century?

In the past 5 years, a number of very respected organizations have alerted us to the critical elementary and secondary school infrastructure needs. In 1995, the GAO reported that $112 billion was needed to bring the nation's schools into good overall condition. The report cited that one-third of schools—about 25,000—were in need of extensive repairs. More recently, the National Center for Education Statistics released a report stating that the average public school in America is 42 years old. Many of these schools are also lagging in technology infrastructure and their effort to connect to the Internet.

I know the need for repairs in our schools is great from my visits to North Dakota schools and conversations with educators, and state officials. North Dakota State Superintendent of Schools, Wayne Sanstead, informed me last year during consideration of the markup of S. 1134, that costs associated with school modernization in the North Dakota would exceed $420 million. 88 percent of schools reported need to upgrade or repair facilities, and 62 percent reported unsatisfactory environmental conditions.

I ask unanimous consent Mr. President, that a letter from the N.D. Department of Public Instruction which outlines the critical school infrastructure needs in North Dakota be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CONRAD. It is critical that we ask whether an expansion of education IRA's for elementary and secondary education expenses is the best use of our limited Federal education dollars and responds to our national education priorities. We need to examine who will benefit from this IRA expansion as opposed to who will benefit from meeting school infrastructure needs.

According to the Department of Treasury, 70 percent of the proposed education IRA benefit would go to 20 percent of all taxpayers. Higher income families would derive the most benefit. Many families with incomes less than $55,000 would receive little benefit. Additionally, according to the Joint Committee on Taxation, the average annual benefit for children attending private and parochial schools would be limited to approximately $37.

On the other hand, 90 percent of our children attend public schools, and public school enrollments are increasing. According to the National Council on Education Statistics, a record 52.7 million children are enrolled in public schools, and that number is expected to increase to 54.3 million by 2008. It is estimated that at least 2,400 new school facilities will be needed to meet this student enrollment increase. Studies also show that building conditions and overcrowding in school facilities are linked to student achievement.

There is no question where our education resources should be directed. Although it is important to encourage families to save for their children's education, we have a more urgent need to ensure that a majority of our children have the best educational environment for learning. Regrettably, that is not the case in too many of our local school districts. Local school districts face many challenges in school modernization efforts. Interest payments on bonds are already a major expense for local taxpayers. Additionally, taxpayers are burdened with many unfunded Federal mandates and it becomes difficult to finance new construction or repairs through an expansion of bond authority. Also, many of our rural communities across the nation, including North Dakota, are experiencing declining enrollments in local school districts leaving many of these smaller, rural schools with more limited education resources, and very limited ability to undertake bond initiatives.

It is clear where Federal support for education should be directed. The importance of school modernization is underscored by the emphasis on technology in our economy in the 21st century. Information technology will play a key role in our continued economic growth. The condition of our public school facilities, including technology infrastructure and the ability to connect to the Internet, is critical in sustaining our current economic growth. It is also important in ensuring that our children are equipped to enter the job markets in the 21st century, and able to benefit from the extraordinary growth that we have experienced in recent years.

School modernization is critical for our children's success, and should be one of our key national education priorities as we enter the 21st century. Local communities cannot face the task of funding the necessary school building and technology infrastructure improvements on their own. They urgently need our help. I strongly urge my colleagues to vote in support of the amendment offered by Senator ROBB.

EXHIBIT 1

DEPARTMENT OF PUBLIC INSTRUCTION,
Bismarck, ND, March 2, 1999.

Hon. KENT CONRAD,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR CONRAD: I am writing this as a follow-up to our recent conversation concerning the Senate Finance Committee's plans to conduct hearings regarding funding for school modernization.

I am attaching the executive summary of a school facilities inventory completed by the Department of Public Instruction with assistance from the Barton Malow Company. The study was done in the fall of 1994 and the report was issued in January of 1995.

While some school construction has taken place since that time there is no reason to believe that the basic assumptions outlined in the executive summary about North Dakota's needs for school building renovation and upgrading have changed significantly. As the executive summary indicates the total projected costs to bring North Dakota's 453 public school facilities up to state-of-the-art facilities would be approximately $420 million or nearly one million dollars per building.

Our small rural North Dakota school districts in particular have extensive and potentially expensive school renovation needs which have been consistently deferred because of budget constraints due to fluctuations of our agricultural economy and the impacts of significant declining enrollment which further erodes school districts funding base.

Even in those few circumstances where some of these rural districts consider consolidation school renovation would still be needed. In fact, consolidation that appears to be required in some rural areas to sustain school programs will in turn require construction of updated larger facilities to accommodate consolidation enrollments. Clearly, North Dakota, and in this case, especially rural North Dakota would benefit from federal financial assistance for school renovation and construction.

In addition, North Dakota's Native American reservation schools are in some cases in desperate need of renovation and upgrading. While they have access to some funding through other federal programs, our experience is that the money available through those programs is not adequate and not available in a timely fashion. These districts would also benefit from a general federal infusion in the area of school construction and renovation.

In sum, I am encouraged and strongly support your efforts to pursue this source of funding to help our hard-pressed agricultural areas. If I can provide further information or be of advocacy assistance in this congressional effort please do not hesitate to contact me at any time.

I look forward to visiting with you and your staff when I once again preside over Council of Chief State School Officers Legislative Committee deliberations on March 15 and 16.

With best wishes,

Dr. WAYNE G. SANSTEAD,
State Superintendent.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Mr. President, I wish to address a couple of the issues raised by my distinguished colleague from Delaware. One of the issues the Senator from Delaware suggested was that this creates a whole new bureaucracy. But with all due respect, it does not create a whole new bureaucracy. States only have to keep a tally on how much bonding authority they have used. That is it. That is not a whole new bureaucracy.

Talking about the concern about assessments and making additional assessments, the truth is that most of the States have already made those assessments. So we are not talking about any additional burden.

When we talk about the QZAB as not having been used, 94 school districts in 15 States have utilized the QZAB, and that, indeed, is the model upon which these school modernization bonds are featured. We are not talking about an untested bill.

With respect to the number of students that we are trying to help under the circumstances, currently we have 52.7 million students in America's schools. In 8 years, that total will climb to 54.3 million students in our schools. We are talking about a significant increase in the number of students at the same time we are trying to decrease the number of students in individual classes. We know the schools are getting older and older, with the average age of the schools in this country today being 42 years old. We have a pressing, urgent problem.

With all due respect to my distinguished colleague from Delaware, I would recommend a visit to a number of the schools because the schools in many cases are in desperate need of infrastructure repair. And this is designed to provide Federal assistance in ways that do not get involved in local school control. I recognize and respect that particular feature.

This is simply designed to assess the financing of those greatly needed improvements, which I believe the Senator from Delaware and any other Senator in this Chamber will find if they visit the schools in their districts. They are old and getting older, and we can't meet the reduction in class size. The school population is increasing. Most of the children we are talking about for the years 2007 and 2008 are already born. We know the numbers. We have to be able to respond to the need. This is a way to do it without interfering with local control.

The basic difference between the two of us is whether or not we ought to put public moneys into private education or whether as stewards of the public purse we have a responsibility to make sure we fund public education first.

I respectfully request that my colleagues support this particular measure and stand up for the students and the future of education in America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, let me remind my colleagues that we have already considered and rejected the President's school construction proposal in the past. In 1998, in connection with an education tax bill, Senator Moseley-Braun offered the President's package, and it was defeated by a vote of 56–42. Last year, my distinguished colleague, Senator ROBB, offered this school construction plan, and it was defeated 55–45.

We all agree on the need for well-built and well-maintained schools. There is no one in this body who wants our children to learn in a substandard learning environment. But the evidence shows the States are stepping up and meeting the challenge of providing schools for their students. We should not create a new Federal program that injects the Federal bureaucracy into additional State and local controls. For these reasons, I oppose the amendment, and I move to table it.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. L. CHAFEE). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, I urge the Senate to support Senator ROBB's amendment to provide funding for rebuilding and modernizing the nation's schools. The Coverdell bill does nothing for crumbling schools.

Schools, communities, and governments at every level have to do more to improve student achievement. Schools need smaller classes, particularly in the early grades. They need stronger parent involvement. They need well-trained teachers in the classroom who keep up with current developments in their field and the best teaching practices. They need after-school instruction for students who need extra help, and after-school programs to engage students in constructive activities. They need safe, modern facilities with up-to-date technology.

But, all of these reforms will be undermined if facilities are inadequate. Sending children to dilapidated, overcrowded facilities sends a message to these children. It tells them they don't matter. No CEO would tolerate a leaky ceiling in the board room, and no teacher should have to tolerate it in the classroom. We need to do all we can to ensure that children are learning in safe, modern buildings.

Nearly one-third of all public schools are more than 50 years old. Fourteen million children in a third of the nation's schools are learning in substandard buildings. Half of all schools have at least one unsatisfactory environmental condition. The problems with ailing school buildings aren't the problems of the inner city alone. They exist in almost every community, urban, rural, or suburban.

In addition to modernizing and renovating dilapidated schools, large numbers of communities across the country need to build new schools, in order to keep pace with rising enrollments and to reduce class sizes. Elementary and secondary school enrollments have reached an all-time high again this year of 53.2 million students, and will continue to rise over the next 10 years. The number will increase by 324,000 in 2000, by another 282,000 in 2001, by still another 250,000 in 2002, and continue on an upward trend in the following years.

Last year, the Senate heard testimony from a student in Clifton, Virginia, whose high school is so overcrowded that fights often break out in the overflowing halls. The problem is called "Hall Rage," and it's analogous to "Road Rage" on crowded highways. The violence in the hallways is bad enough. But it's even worse, because it's difficult for teachers to teach when students are distracted by the chaos in the hallways and outside the classrooms.

The Department of Education estimates that 2,400 new public schools will be needed by 2003 to accommodate rising enrollments. The General Accounting Office estimates that it will cost communities $112 billion to repair and modernize the nation's schools. Congress should lend a helping hand and do all we can to help schools and communities across the country meet this challenge.

In Massachusetts, 41 percent of schools report that at least one building needs extensive repairs or should be replaced. 80 percent of schools report at least one unsatisfactory environmental factor. 48 percent have inadequate heating, ventilation, or air conditioning. And 36 percent report inadequate plumbing systems.

In Detroit, over half—150 of the 263—school buildings were built before 1930. Their average age is 61 years old, and some date to the 1800's. Detroit estimates that the city has $5 billion in unmet repair and new construction needs. Detroit voters recently approved a $1.5 billion, 15-year school construction program, but it's not enough.

In an elementary school in Montgomery, Alabama, a ceiling which had been damaged by leaking water collapsed only 40 minutes after the children had left for the day.

At Cresthaven Elementary School in Silver Spring, Maryland, a second-grade reading class has to squeeze through a narrow corridor with a sink on one side into a space about 14 ft. wide by 15 ft. long. The area used to be a janitor's office, and the teacher has no place to sit.

Schools across the country are struggling to meet needs such as these, but they can't do it alone. The federal government should join with state and local governments and community organizations to guarantee that all children have the opportunity for a good education in safe and up-to-date school buildings. The Robb amendment is an excellent start on these high priorities, and I urge the Senate to approve it.

Mr. BYRD. Mr. President, I oppose this amendment offered by Senator ROBB today to the Affordable Education Act which would remove the provision of the bill to expand the use of educational individual retirement accounts for elementary and secondary education expenses, and instead expand incentives for the construction and renovation of our nation's public schools.

While I understand the overwhelming need for additional resources to help repair and rebuild crumbling schools across the United States, this amendment would strip the legislation of its very admirable intent to assist parents in saving scarce resources for a child's elementary and secondary schooling years. Parents should have the ability to make decisions about their own child's education, particularly in the early, formative years, as they do with higher education. I believe that the education savings accounts for elementary and secondary education are a step in the right direction in helping families to make these often difficult decisions about the education of their child.

This vote on the Robb amendment is a particularly difficult one for me to cast because I, too, am extremely concerned about the dilapidated state of our nation's schools. My home state of West Virginia has a school renovation and construction need in excess of $1.2 billion, and the nation a need totaling more than $250 billion. Mr. President, this is alarming! Our nation's schools are in disrepair and provide a less-than-appealing workplace for our students and faculties. They lack the basic infrastructure to allow our students to become "ready" for the age of technology, and many ill-equipped schools deny students the opportunity to engage in meaningful laboratory experiences in the sciences. Some schools are overcrowded, and many have become small communities of portable classrooms.

Mr. President, it is my hope that the Senate will revisit this important issue of funding for school construction in a context that would not pit one good initiative against another.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the motion to table amendment No. 2861. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

The result was announced—yeas 57, nays 42, as follows:

[Rollcall Vote No. 17 Leg.]

YEAS—57

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Feingold
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lieberman
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner

NAYS—42

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Specter
Wellstone
Wyden

NOT VOTING—1

McCain

The motion was agreed to.

Mr. COVERDELL. Mr. President, I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, under a previous order, it is my understanding we will now go to the amendment of Senator ABRAHAM of Michigan; am I correct?

The PRESIDING OFFICER. That is correct.

Mr. COVERDELL. I thank the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 2825

(Purpose: To amend the Internal Revenue Code of 1986 to expand the deduction for computer donations to schools and to allow a tax credit for donated computers, and for other purposes)

Mr. ABRAHAM. Mr. President, I ask unanimous consent that amendment No. 2825 be called up.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. ABRAHAM], for himself, Mr. WYDEN, Mr. DASCHLE, Mr. REID, Mr. SCHUMER, Mr. INOUYE, Mr. DURBIN, Mr. KERRY, Mr. DORGAN, Mrs. BOXER, and Mr. TORRICELLI, proposes an amendment numbered 2825.

Mr. ABRAHAM. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert:

SEC. . EXPANSION OF DEDUCTION FOR COMPUTER DONATIONS TO SCHOOLS.

(a) EXTENSION OF AGE OF ELIGIBLE COMPUTERS.—Section 170(e)(6)(B)(ii) (defining qualified elementary or secondary educational contribution) is amended by striking "2 years" and inserting "3 years".

(b) REACQUIRED COMPUTERS ELIGIBLE FOR DONATION.—Section 170(e)(6)(B)(iii) (defining qualified elementary or secondary educational contribution) is amended by inserting ", the person from whom the donor reacquires the property," after "the donor".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made in taxable years ending after the date of the enactment of this Act.

SEC. . CREDIT FOR COMPUTER DONATIONS TO SCHOOLS AND SENIOR CENTERS.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business related credits) is amended by adding at the end the following:

"SEC. 45D. CREDIT FOR COMPUTER DONATIONS TO SCHOOLS AND SENIOR CENTERS.

"(a) GENERAL RULE.—For purposes of section 38, the computer donation credit determined under this section is an amount equal to 30 percent of the qualified computer contributions made by the taxpayer during the taxable year as determined after the application of section 170(e)(6)(A).

"(b) QUALIFIED COMPUTER CONTRIBUTION.—For purposes of this section, the term 'qualified computer contribution' has the meaning given the term 'qualified elementary or secondary educational contribution' by section 170(e)(6)(B), except that—

"(1) such term shall include the contribution of a computer (as defined in section 168(i)(2)(B)(ii)) only if computer software (as defined in section 197(e)(3)(B)) that serves as a computer operating system has been lawfully installed in such computer, and

"(2) notwithstanding clauses (i) and (iv) of section 170(e)(6)(B), such term shall include the contribution of computer technology or equipment to multipurpose senior centers (as defined in section 102(35) of the Older Americans Act of 1965 (42 U.S.C. 3002(35)) described in section 501(c)(3) and exempt from tax under section 501(a) to be used by individuals who have attained 60 years of age to improve job skills in computers.

"(c) INCREASED PERCENTAGE FOR CONTRIBUTIONS TO ENTITIES IN EMPOWERMENT ZONES, ENTERPRISE COMMUNITIES, AND INDIAN RESERVATIONS.—In the case of a qualified computer contribution to an entity located in an empowerment zone or enterprise community designated under section 1391 or an Indian reservation (as defined in section 168(j)(6)), subsection (a) shall be applied by substituting '50 percent' for '30 percent'.

"(d) CERTAIN RULES MADE APPLICABLE.—For purposes of this section, rules similar to the rules of paragraphs (1) and (2) of section 41(f) shall apply.

"(e) TERMINATION.—This section shall not apply to taxable years beginning on or after the date which is 3 years after the date of the enactment of the |New Millennium Classrooms Act|."

(b) CURRENT YEAR BUSINESS CREDIT CALCULATION.—Section 38(b) (relating to current year business credit) is amended by striking ", plus" at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting ", plus", and by adding at the end the following:

"(13) the computer donation credit determined under section 45D(a)."

(c) DISALLOWANCE OF DEDUCTION BY AMOUNT OF CREDIT.—Section 280C (relating to certain expenses for which credits are allowable) is amended by adding at the end the following:

"(d) CREDIT FOR COMPUTER DONATIONS.—No deduction shall be allowed for that portion of the qualified computer contributions (as defined in section 45D(b)) made during the taxable year that is equal to the amount of credit determined for the taxable year under section 45D(a). In the case of a corporation which is a member of a controlled group of corporations (within the meaning of section 52(a)) or a trade or business which is treated as being under common control with other trades or businesses (within the meaning of section 52(b)), this subsection shall be applied under rules prescribed by the Secretary similar to the rules applicable under subsections (a) and (b) of section 52."

(d) LIMITATION ON CARRYBACK.—Subsection (d) of section 39 (relating to carryback and carryforward of unused credits) is amended by adding at the end the following:

"(9) NO CARRYBACK OF COMPUTER DONATION CREDIT BEFORE EFFECTIVE DATE.—No amount of unused business credit available under section 45D may be carried back to a taxable year beginning on or before the date of the enactment of this paragraph."

(e) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 45C the following:

"Sec. 45D. Credit for computer donations to schools and senior centers."

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made in taxable years beginning after the date of the enactment of this Act.

Mr. REID. Mr. President, before the Senator from Michigan begins the debate, I ask unanimous consent to add Senators DASCHLE, REID, SCHUMER, INOUYE, WYDEN, DURBIN, JOHN KERRY, DORGAN, BOXER, and TORRICELLI. We appreciate the work of the Senator from Michigan but also the work product of the Democrats who have been involved in this.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ABRAHAM. Mr. President, I comment to my colleague from Nevada, I appreciate the interest and support and efforts of all the Members he mentioned and those who previously were supporters of this legislation when it was introduced as a freestanding bill. I hope very much to ultimately succeed in bringing this legislation to final successful completion.

First, prior to a discussion on the amendment, I express my strong support for the Affordable Education Act and compliment Senator COVERDELL for his hard work on this effort. At a time when the new high-tech economy demands greater skills from our workers, our educational system is failing in its duty to provide enough of these skills.

At a time when the Department of Labor figures project our economy will produce more than 1.3 million information technology jobs over the next 10 years, our universities will produce, at least at the current pace, less than one-quarter of that number of graduates in related fields.

At a time when we enjoy a critical competitive edge in high tech, we are not giving our own children the skills they need to succeed in the high-tech economy, at least not, in my judgment, at an adequate level. We need to address that, and this amendment, in a small way, attempts to do so.

One crucial problem concerns the skyrocketing cost of education. According to the College Board, the average annual cost for tuition, room, and board at a public university is now $7,472. At a private college, it is a whopping $19,213 per year.

If costs continue rising as they have been, a 4-year college education will cost $75,000 at a public university and $250,000 at a private college by the time the average newborn begins attending in the year 2016.

The Affordable Education Act addresses this problem through practical, pragmatic reforms. I will not detail all of those at this time. Obviously, the proponents of the legislation have been doing an excellent job of outlining what this bill accomplishes.

I firmly believe the continuing growth and prosperity in America depends on continuing affordability of higher education. It is my firm belief we must do more, particularly in the area of closing what is regularly referenced as the digital divide between the digital haves and the digital have-nots.

The amendment I have offered is the full text of my New Millennium Classrooms Act, legislation I have been pursuing for some time in this body. In addition to the cosponsors who were just added, our bill, S. 542, includes the support of Senators WYDEN, COVERDELL, DASCHLE, HATCH, HARKIN, MCCONNELL, HOLLINGS, BURNS, BOXER, HELMS, BINGAMAN, KERREY, BENNETT, LIEBERMAN, and ASHCROFT, just to name a few of its Senate sponsors. I ask unanimous consent the entire list of cosponsors be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows

COSPONSORS (30)

Senators: Allard, Ashcroft, Bennett, Bingaman, Bond, Boxer, Burns, Campbell, Cochran, Collins, Coverdell, Crapo, Daschle, Gorton, Grams, Hagel, Harkin, Hatch, Helms, Hollings, Hutchison, Jeffords, Johnson, Kerrey, Lieberman, McConnell, Santorum, Smith of Oregon, Warner, Wyden.

Mr. ABRAHAM. Mr. President, on July 29 of last year, the Senate unanimously adopted this amendment to the tax reduction bill. I urge the Senate to do so again today.

This amendment aims to address our shortage of skilled high-tech workers by addressing the shortage of computers and computer training in our schools.

Advanced technology has fueled unprecedented economic growth and transformed the way Americans do business and communicate with each other.

Despite these gains, however, this same technology is just beginning to have an impact on our classrooms and how we educate our children. Thirty-two percent of our public schools have only one classroom with access to the Internet.

It is imperative that we act now to provide our Nation's students with the training they need to succeed in tomorrow's high-tech workplace.

The Department of Education recommends there be at least one computer for every five students. According to the Education Testing Service, in 1997 there was only one computer for every 24 students on average. Not only are our classrooms sadly under-equipped, but the equipment they have is often obsolete, often incapable, for example, of accessing the Internet.

One of the more common computers in our schools today is the Apple IIc, a computer so archaic that it is now on display at the Smithsonian.

While this technological deficiency affects all of our schools, the students who are in the most need are receiving the least amount of computer instruction and exposure. According to the Secretary of Education, 75.9 percent of households with an annual income over $75,000 have computers, compared to only 11 percent of households with incomes under $10,000.

This disparity exists when comparing households with the Internet access as well. While 42 percent of families with annual incomes over $75,000 have online capability, only 10 percent of families with incomes of $25,000 or less have the same capability.

Rural areas and inner cities fall below the national average for households that have computers. Nationwide, 40.8 percent of white households have computers, while only 19 percent of African American and Hispanic households do. This disparity, unfortunately, is increasing, not decreasing. This unfortunate trend is not confined simply to individual households: it is present in our schools as well.

The Educational Testing Service statistics show schools with 81 percent or more economically disadvantaged students have only one multimedia computer for every 32 students, while a school with 20 percent or fewer economically disadvantaged students will have a multimedia computer for every 22 students.

That is a difference of 10 students per computer. Furthermore, schools with 90 percent or more minority students have only one multimedia computer for every 30 students. This is simply unacceptable.

It points up the importance of securing additional computers for use in our schools. Our schools should be great educational equalizers, providing resources and training to everyone, regardless of their race, class, or rural or urban location so all of our kids can succeed.

To achieve this end, our amendment expands the parameters of the existing tax deduction for computer deductions. It will also add a tax credit.

Specifically, it will do the following: First, it will allow a tax credit equal to 30 percent of the fair market value of the donated computer equipment. An increased tax credit provides a greater incentive for companies to donate computer technology and equipment to schools. This includes computers, peripheral equipment, software, and fiber optic cable related to computer use.

Second, it will expand the current age limit on donated computers to include equipment 3 years old or less. Many companies do not update their equipment within the existing 2-year period that currently is required for qualification for the existing tax deductions.

Yet 3-year-old computers equipped with Pentium-based or equivalent chips have the processing power, memory, and graphics capabilities to provide sufficient Internet and multimedia access and run any necessary software.

Third, the current limitation on original use will be expanded to include original equipment manufacturers or any corporation that reacquires the equipment. By expanding the number of donors eligible for the tax credit, the number of computers available will increase as well.

Lastly, it would implement enhanced tax credits equal to 50 percent of the fair market value of equipment donated to schools located within designated empowerment zones, enterprise communities, and Indian reservations.

Doubling the amount of the tax credits for donations made to schools in economically distressed areas will increase the availability of computers to the children who need it most.

Bringing our classrooms into the 21st century will require a major national investment.

According to a Rand Institute study, it will cost $15 billion, or $300 per student, to provide American schools with the technology needed to educate our young people; the primary cost being the purchase and installation of computer equipment.

At a time when the Government is planning to spend $2.25 billion to wire schools and libraries to the Internet, the demand for this sophisticated hardware will be even greater.

Meanwhile, the Detwiler Foundation estimates that if just 10 percent of the computers that are taken out of service each year were donated to schools, the national ratio of students-to-computers would be brought to 5 to 1 or less. This would meet, or even exceed, the ratio recommended by the Department of Education.

This amendment will provide powerful tax incentives for American businesses to donate top quality high-tech equipment to our Nation's classrooms. And it will do so without unduly increasing Federal Government expenditures or creating yet another Federal program or department.

Encouraging private investment and involvement, this act will keep control where it belongs—with the teachers, the parents, and the students.

At the same time, all our children will have an equal chance at succeeding in the new technological millennium.

In my mind, these are laudable goals, goals we must attain if we are going to provide the kind of future our children deserve.

In closing, I am hopeful our colleagues will uniformly join in support of this legislation. It seems to me, as I travel around my State and go into classrooms, there are a lot of places in Michigan—and I suspect in all the other States—where just a little bit more equipment would allow for more students to get the kind of high-tech training they need.

How do we match up a situation where, literally across this country, we have schools that do not have enough computer equipment, and we have countless businesses and enterprises that have used equipment they don't know what to do with? Can't we find a way? In my judgment, this legislation is the way.

If we pass this legislation, I think we will provide a major incentive to merge the used surplus computers that exist in the private sector with the needs of our schools. In doing so, we will provide more students with access to the technology they need to have in order to be able to pursue the jobs of the new century.

I offer this amendment for my colleagues' consideration. I appreciate the attention of the Chamber.

I yield the floor.

Mr. WYDEN. I am pleased to join today with my colleague from Michigan, Senator ABRAHAM, to offer the New Millennium Classrooms Act as an amendment to the Education Savings Account legislation. This is an issue on which he and I have worked for several years now.

The New Millennium Classrooms Act is about digital recycling. It gives companies an incentive to recycle technology. It says the computer Bill Gates may see as a dinosaur, is really a dynamic new opportunity for a student who has none.

The E-Rate program, authored by Senators ROCKEFELLER and SNOWE, has been an enormous success, helping to wire almost all of the nation's schools and a good portion of the nation's classrooms. What schools need now is good equipment. That's the purpose of this amendment.

We know that very early in this new Century 60% of all jobs will require high-tech computer skills. To prepare our children for the jobs of the future, they not only must have access to technology, but they must be trained to use it as well.

The purpose of our amendment is to build more bridges between the technology "haves" and the "have nots;" to build more on-ramps to the information superhighway. You can't get 21st Century classrooms, using Flintstones technology.

Technology is not cheap and school budgets are limited, making it tough for schools to upgrade their systems by themselves. The point of our amendment is to enhance existing incentives to businesses to donate computer equipment to schools.

There is a federal program in place, the 21st Century Classroom Act of 1997, but its use has been limited. It allows businesses to take a tax deduction for certain computer equipment donations to K–12 schools. But most businesses take longer to upgrade their computers than allowed for under the law.

The New Millennium Classrooms Act would make this law work the way it was intended. First, our legislation would increase the age limit from two to three years for donated equipment eligible for a tax credit. This more realistically tracks the time line businesses follow for their computer upgrades. It will cover hardware that possesses the necessary memory capacity and graphics capability to support Internet and multimedia applications.

Second, our bill expands the current limitation of "original use" to include both original equipment manufacturers and any corporation that reacquires their equipment. We believe that by expanding the number of donors eligible for the credit, we will expand the number of computers donated to schools.

Third, our bill provides for a 30% tax credit of the fair market value for school computer donations, and a 50% credit for donations to schools located in empowerment zones, enterprise communities and Indian reservations. The Department of Commerce report highlights the need to encourage computer donation in these notoriously underserved communities and we want to target donations toward these communities.

Finally, our bill requires an operating system to be included on a donated computer's hard drive in order to qualify for the tax credit. This will ensure students don't get empty computer shells, but the brains that drive the computers.

Our legislation is supported by a wide range of business and education groups. Leaders of technology associations, like the Information Technology Industry Council and TechNet, and the National Association of Manufacturers have joined education associations, such as the National Association of Secondary School Principals and the National Association of State University and Land Grant Colleges, in support of the amendment.

The Digital Millennium Classrooms Act promotes digital recycling. It will encourage companies to put their used computers into classrooms instead of into landfills. It will help build a safety net under students trying to cross the digital divide. I urge my colleagues to support this amendment, and again wish to commend Senator ABRAHAM for his leadership on this legislation.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ABRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ABRAHAM. I ask unanimous consent to add Senator HAGEL as a cosponsor to my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ABRAHAM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, I commend the Senator from Michigan for his amendment and his work on the New Millennium Classrooms Act. I joined him several months ago at a press conference where he announced his intentions. I think it is among the more well-intended, helpful measures to deal with the reform and change we are all seeking in education across America.

There is a real need to bring more computers into our classrooms which is, of course, what the amendment is designed to do.

Sixty percent of all jobs will require high-tech computer skills. Yet 32 percent of our public schools have only one classroom with access to the Internet. It is almost an incongruity, when you read every day about what is happening on the Internet and where we have gotten in terms of access. It really does point to the digital divide we all speak of these days.

The change is occurring so quickly, and the large public educational system is not accustomed to it. In fact, many of us are not accustomed to it. But legislation such as that offered by the Senator from Michigan accelerates the ability of public education to stay up with high tech.

The Department of Education recommends that there be at least one computer for every five students. Yet according to the Educational Testing Service, on average, there is only one multimedia computer for every 24 students.

Since the passage of the 21st Century Classrooms Act of 1997, there has not been a significant increase in computer donations due to restrictions on the age of the donated equipment and the limitations on donor qualifications.

According to the Detwiler Foundation, a California-based nonprofit organization dedicated to providing schools nationwide with quality computers donated by individuals and industry, there are very few Pentium computers donated to schools through their organization. This number has not increased since the passage of the 21st Century Classrooms Act of 1997. Of those computers donated, even fewer qualified for the deduction because of the restrictions.

According to the Detwiler Foundation, if even just 10 percent of retired computers each year were donated to schools, we would easily achieve the Department of Education's recommendation of only five students for every one computer. The current deduction is not enough to offset the costs of the donation.

Without the addition of the tax credit, the high costs associated with the transport and installation of the computer equipment cancel out the current tax benefit.

The new millennium classrooms amendment addresses these restrictions without unduly increasing Federal Government expenditures or creating yet another Federal program or department. It encourages private investment and involvement and keeps control with the teachers, the parents, and the students. At a time when the Government is planning to spend $1.2 billion to wire schools and libraries to the Internet, the demand for this sophisticated equipment and technology will be greater than ever.

This amendment increases the age limit for eligible computers from 2 to 3 years; will allow computer manufacturers to donate equipment returned to them through trade-in and leasing programs; allows a 30-percent tax credit for qualified computer donations; allows a 50-percent tax credit for qualified computer donations to schools located within empowerment zones, enterprise communities and Indian reservations; requires that the donated computer must include an operating system.

Increasing the amount of the tax credits for donations made to schools in economically distressed areas will increase the availability of computers to the children who need it most. Educational Testing Service statistics show that schools with 81 percent or more economically disadvantaged students have only one multimedia computer for every 32 students, while a school with 20 percent or fewer economically disadvantaged students will have a multimedia computer for every 22 students. Again, the divide is a most dangerous thing for us to contemplate in education in America.

Public schools with a high minority enrollment had a smaller percentage of instructional rooms with Internet access than public schools with a low minority enrollment.

This bill is not another targeted tax break. Broad-based tax relief and reform efforts should work to lower tax rates across the board while continuing to retain and improve upon the core tax incentives for education, home ownership, and charitable contributions. The new millennium classrooms amendment expands the parameters and, thus, the effectiveness of an already existing education and charity tax incentive, one which will effectively bring top-of-the-line technology into all of our schools.

The 21st Century Classrooms Act tax deduction expires this year. It is imperative we act now to ensure that all our children have access to quality computer technology.

Again, I commend the Senator from Michigan and his cosponsors. This is, indeed, a most appropriate piece of legislation that will do great good in our education system.

I yield the floor and suggest the absence of a quorum.

Mr. REID. Mr. President, if the Senator will withhold that for a second, we have two Senators who are on their way to speak. The minority leader is on his way to speak on this issue, and Senator WYDEN, who is a cosponsor of the amendment, is in the House and is also on his way back. They should both be here momentarily.

Mr. COVERDELL. Mr. President, my estimate is that maybe in the next 15 minutes or so——

Mr. REID. I think it would probably be closer to 11:30 because both have prepared remarks.

Mr. COVERDELL. I know Senators are trying to plan their day. It is useful to clarify, even though we are not absolutely certain. The Senator thinks their statements are such that the next vote might occur at or about 11:30?

Mr. REID. I think that is probably when it will be.

Mr. COVERDELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, I rise in support of this amendment and applaud the authors. I am very hopeful that we can get good bipartisan support for this legislation, in large measure because it is exactly what we need to be doing right now, if, indeed, we are serious when we say we want more technology in schools.

I can't think of a better way to encourage more technology in schools than to ensure that companies are able to use the incentives that are there to maximize the opportunities for schools to acquire the kinds of hardware and software they need to fully equip every school across the country.

As I travel throughout South Dakota, it is with great pride that superintendents and principals will show me their computer room. They will show me how computer literate their students are. They show me how integrated technology is now becoming in schools. But the one consistent lament they have is that they just don't have the resources to ensure that they can acquire the equipment or, in a timely way, replace that equipment, knowing it is going to be outdated in 3 years, knowing they are going to be faced with the same budgetary decisions once again in a very short period of time. There is a longer life for acquiring sports equipment, books, desks, or almost anything else related to schools. The timeframe within which the technology becomes outdated, as we all know, is extremely short.

So this amendment is simply designed to acknowledge that fact—to acknowledge the fact that schools desperately need this technology and all of the equipment associated with it. They need to have the assurance that once they have acquired this technology, they are going to continue to get it in the future. This relatively minor tax incentive, from the perspective of a budgetary impact, will have profound consequences with respect to its effect on companies and the incentive it will create, and with its effect on what can happen in schools if we pass it.

Mr. President, I applaud Senators WYDEN, BAUCUS, ABRAHAM, and others for their effort to make this issue the prominent one it is with this debate on how we might improve our educational opportunities. As I say, I think that as we look at the next 10 or 20 years, one of the biggest challenges schools are going to face—whether they are rural or urban, private or public—will be the insurmountable task of technology acquisition. I do hope they can overcome the fiscal challenges they all face. Whether or not they do, in part, will be dependent upon whether or not something as simple as this can be passed, creating an incentive that will ultimately provide companies with more reasons to support schools in their effort to acquire technology.

That is what this amendment is all about. It deserves our support. I am sure it will have our support, and I am sure it may not be the last word on what it is we need to do with regard to technology acquisition. But it is a good beginning. I applaud my colleagues—especially Senators WYDEN and BAUCUS—for all their efforts in bringing it to this point. I urge its passage.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the vote in relation to the Abraham amendment and with respect to the Bingaman accountability amendment be postponed to occur at 1 p.m. today. I further ask that no second-degree amendments be in order to either amendment prior to the votes and the time between now and 1 p.m. be equally divided for debate of both amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. Many Senators thought we would be voting at about 11, so they need to pay particular attention to this change.

I thank the Chair.

Mr. BINGAMAN. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER (Mr. HUTCHINSON). There is an order for the Senator's amendment and the amendment of the Senator from Michigan to be debated concurrently, with a vote to occur at 1 o'clock.

AMENDMENT NO. 2863

(Purpose: To ensure accountability in programs for disadvantaged children and provide funds to turn around failing schools)

Mr. BINGAMAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 2863.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike section 101 and insert the following:

“SEC. 101 FUNDS FOR ACCOUNTABILITY AND SCHOOL IMPROVEMENT.

“(a) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $275,000,000 for fiscal year 2001 and such sums as may be necessary for each of the succeeding fiscal years.

“(b) NATIONAL ACTIVITIES.—From the amount appropriated for any fiscal year under subsection (a), the Secretary of Education (‘the Secretary’) may reserve not more than 3 percent to conduct evaluations and studies, collect data, and carry out other activities relevant to sections 1116 and 1117 of the Elementary and Secondary Education Act of 1965 (hereafter in this section referred to as “the ESEA”).

“(c) ALLOCATIONS TO STATES.—The Secretary shall allocate the amount appropriated for any fiscal year under subsection (a) and not reserved under subsection (b) among the States in the same proportion in which funds are allocated among the States under part A of title I of the ESEA.

“(d) STATE USE OF FUNDS.—(1) IN GENERAL.—Each State educational agency shall use funds received under subsection (c) to—

“(A) make allotments under paragraph (2); and

“(B) carry out its responsibilities under sections 1116 and 1117 of the ESEA, including establishing and supporting the State educational agency's statewide system of technical assistance and support for local educational agencies.

“(2) ALLOTMENTS TO LOCAL EDUCATIONAL AGENCIES.—

“(A) IN GENERAL.—Each State educational agency shall allot at least 70 percent of the amount received under this section to local educational agencies in the State.

“(B) PRIORITIES.—In making allotments under this paragraph, the State educational agency shall—

“(i) give first priority to schools and local educational agencies with schools identified for corrective action under section 1116(c)(5) of the ESEA; and

“(ii) give second priority to schools and local educational agencies with other schools identified for school improvement under section 1116(c)(1) of the ESEA.

“(e) LOCAL USE OF FUNDS.—.

“(1) CORRECTIVE ACTION.—Each local educational agency receiving an allotment under subsection (d)(2)(B)(i) shall use the allotment to carry out effective corrective action in the schools identified for corrective action.

“(2) SCHOOL IMPROVEMENT.—Each local educational agency receiving an allotment under subsection (d)(2)(B)(ii) shall use the allotment to achieve substantial improvement in the performance of the schools identified for school improvement.”

Mr. BINGAMAN. Mr. President, I am introducing this amendment to strike the part of the bill that provides the tax savings because I think there is a better use for that amount of funding. I am proposing an alternative use for that funding that I urge my colleagues to seriously consider.

My amendment strikes the part of the bill that provides the average family with a very small tax savings, and there are various estimates as to what that savings would be. Essentially, as I understand it, the Joint Tax Committee says the average benefit per child in public school would be something like $3 in 2001 and $4.50 in 2002.

I think it is clear, regardless of the precise number, that these are not tax savings that are going to help any child in this country get a better education. So my thought is that rather than do that with the funds we are expending through this bill—or proposing to expend—we use the money to provide crucial funds to turn around the failing public schools.

Public schools are where over 90 percent of our children are educated. I grew up in Silver City, NM where, if you want to go to school, you go to public school. That is the way it has always been, to my knowledge. It is going to be that way for some time. We need to be sure the schools that are not adequately training young people and educating young people get the assistance, the resources, the oversight, and the accountability they need in order to move ahead and solve that problem.

Let me talk a little bit more about the bill that is presently pending and then talk about my own amendment. The Joint Tax Committee did this analysis of the Coverdell proposal and indicated that it would, in their view, disproportionately help families with children already in private schools. Eighty-three percent of families with children in private schools would use this account, but only 28 percent of families in public schools would make use of it.

Essentially, the proposal is a way of diverting funds that are otherwise public funds into the private schools, at a time when we all recognize that the public schools have inadequate funds to do the job we are calling upon them to do.

Also, the pending Coverdell bill we are trying to amend has no mechanisms in it to ensure accountability of the use of the funds we are talking about. The bill does nothing to improve teacher quality. It does nothing to provide safe and modern environments for learning. It does nothing to raise academic standards or to impose upon the public schools or bring them to more accountability in the expenditure of the funds.

I believe we need to use Federal funds on initiatives that make a difference in our public schools. That is what my amendment intended to do.

The relevant section of the Coverdell bill costs the public an average of $275 million a year for the next 5 years. That is the cost to the taxpayers. I believe we can use that $275 million each year to ensure that higher standards and accountability are implemented throughout our public schools. We have made some progress in implementing higher standards.

Most States have adopted or are in the process of adopting statewide standards. This is due in part to the fact that Federal law applicable to the program for disadvantaged students—that is title I—requires that standards be adopted. Although States have adopted standards, many States and districts have not had sufficient funds to ensure the accountability for meeting those standards they have set or to provide adequate resources to the schools that are failing to meet the standards. I think dedicating specific funds to this purpose is necessary in order to create the rewards and the penalties that will allow schools to be held accountable for the improvement in student performance.

The Federal Government directs over $8 billion in Federal funds to provide support programs through title I. But the accountability provisions in title I have not been adequately implemented because they haven't had the resources to do it at the State level, primarily.

Title I authorizes State school support teams to provide support for schoolwide programs to provide assistance to schools that are in need of improvement through activities such as professional developments for the teachers in those schools, and identifying resources for changing the way the instruction is provided.

In 1998, only eight States requiring these school support teams have been able to serve the majority of the schools that they have been identified as needing improvement. Less than half the schools identified as being in the need of improvement in the school year of 1997–1998 reported that having been designated as a school needing improvement actually got some professional development to accomplish that improvement.

Schools and school districts need additional support and resources in order to address the weaknesses that we identify. They need that support and those resources quickly after those weaknesses are identified. They need to be able to promote an intensive range of interventions, continuously assess the results of those interventions, and to implement some incentives for improvement.

The National Governors' Association asked us to provide funds for the purpose this amendment tries to address.

I have a letter that came to me last October when this same issue came before us in the Senate. I offered an amendment at that time which was not successful but which I believe had merit then, and I believe it has merit now.

Let me make it very clear so there is no misunderstanding. At that time, I was not proposing to strike the tax proposal that Senator COVERDELL brought forward and substitute this in its stead. The Governors were not responding to that specific striking aspect of my amendment of today, but they were talking about the need to have additional funds to ensure accountability and to ensure the implementation of these higher standards by the schools that are failing.

The amendment I am offering would provide $275 million to help improve failing schools. The money would be used to ensure the States and school districts have the necessary resources to implement the corrective action provisions of title I by providing immediate, intensive interventions to turn around low-performing schools.

Let me read part of this letter so that folks know what the Governors are saying. It is a letter to me by Mr. Raymond Scheppach, who is the executive director of the National Governors' Association.

It says:

> On behalf of the Nation's Governors, I write to express our strong support for your amendment to provide States with additional funds to help turn around schools that are failing to provide quality education for title I students.

That is what we are trying to do today.

He says further:

> As you know, under current law, States are permitted to reserve one-half of one percent of their title I monies to administer the title I program and provide schools with additional assistance. However, this small set aside—this is one-half of one percent—does not provide the States with sufficient funds to improve the quality of title I schools. A recent study by the U.S. Department of Education noted the "capacity of State school support teams to assist schools in need of improvement of title I is a major concern." The programs authorized to fund such improvement efforts have not been funded. As a result, States have been unable to provide such services.

Then he goes on to various other points but essentially says:

> Your amendment would provide such funding. Therefore, NGA supports your amendment and will urge other Senators to support the adoption of it.

Let me make it very clear to people again. This was a letter related to an amendment to direct funds at accountability in the expenditure of public funds and help these failing schools. It does not include the proposal I am making today as well to strike the Coverdell amendment and substitute this instead as a better use of that money.

But the types of interventions the States and school districts could provide under these funds are things which I think we would all recognize are needed.

First, purchasing necessary materials, up-to-date textbooks, curriculum, technology.

I think we all encounter circumstances where teachers, school administrators, and students tell us about how they have outdated textbooks and inadequate lab materials or whatever in order to really pursue their studies as they would like to.

These funds could be used for that. They could be used for providing intensive, ongoing teacher training.

That clearly is a need, and I think it is a recognized need in the teaching profession.

The people who talk to me about the importance of more teacher training are the teachers. So this is not an attack on our public school teachers. This is a recognition that we need to do more to help them constantly stay abreast of the new developments in teaching and do a better job.

Third, this would provide access to distance learning.

We have the amendment that was talked about just prior to the amendment I am discussing about technology in our schools. All of us recognize there is a great opportunity, particularly in rural communities, to make better use of teacher learning.

This past weekend, I was in some communities in my State where there are very small high schools. I was in Eunice, NM; I was in Jal, NM. Those are communities with very small high schools. Frankly, they are not able to offer all of the courses they would like to offer for their students. They have the opportunity through distance learning, through the Internet, through interactive television, and through a variety of technologies to provide courses to some of their students even though they may not have a teacher in that school who is qualified to teach that course. We need to be sure the funds are there to do that. This amendment would help provide those funds.

These funds must be used to extend learning time for students—afterschool programs, Saturday programs, and summer school—to help them catch up and perform at least at grade level and, hopefully, better than grade level.

These funds could be used to provide rewards to low-performing schools that show significant progress, including cash awards or other incentives such as, in particular, release time for teachers to prepare for the next school year or whatever.

Also, these funds could be used for intensive technical assistance from teams of experts outside the schools to help develop and implement school improvement plans in failing schools.

These teams would determine the causes of low performance—for example, low expectations, outdated curriculum, poorly trained teachers, and unsafe conditions. They would assist in implementing research-based models for improvement.

I am persuaded there are today research-based whole school reform programs that have been developed that can dramatically improve the performance of our elementary schools. I have become most familiar with one which is called Success for All. There are others that are also showing very good results.

This Success for All program was developed at Johns Hopkins University. Bob Slavin was the key researcher who worked on it. This is a proven early grade reading program. It also covers other subjects. The core subject which most schools have adopted and are focused on is the reading. This is a program which, if implemented properly, can ensure substantial results. We have 50 elementary schools in New Mexico that are presently using this Success for All program and the results are impressive. At the end of the first grade, Success for All schools have averaged reading scores almost 3 months ahead of those in other control schools where that program has not been implemented.

This amendment will not address all the issues of our schools. I believe sincerely that it is a positive step forward. It will be a more meaningful step forward in improving the educational quality in America than this alternative of providing a $5 a year, or whatever the right number is, tax benefit to the average American.

Clearly, we all want to see our schools improved.

Senator REED is on the floor and wishes to speak for a moment on this and then I understand Senator ROTH has an amendment he wishes to offer.

I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Rhode Island, Mr. REED.

Mr. REED. Mr. President, first, I will speak with respect to Senator BINGAMAN's amendment. Let me commend the Senator for his efforts not only today but throughout his career in the Senate to ensure that accountability is a central part of Federal educational legislation.

Senator BINGAMAN, in 1994, was one of the leaders in this body with respect to the issue of accountability. At that time, I was serving in the other body. Together we worked at the conference on accountability provisions in the 1994 reauthorization of the Elementary and Secondary Education Act. As a result of the efforts of Senator BINGAMAN and others, we were able, for the first time, to begin to focus significant attention on the issue of accountability. In fact, the 1994 reauthorization, together with Goals 2000 legislation, accelerated and encouraged a movement throughout the States to develop standards. Practically every State in the country today has standards.

We now have the opportunity to begin measuring how well schools are doing. That is at the heart, I believe, of Senator BINGAMAN's approach today. We need not only to measure how well they are doing but then hold States and localities accountable for those results.

What has happened in the last several years is that the States have not had the resources to fully exploit the opportunities to measure schools against standards and then improve those schools. Half of the schools in the country that are problematic, according to State standards, have not been able to have access to teams of improvement; they have not had access to the support they need to make themselves better. In addition, they have not had access to the professional development which they need to enhance the capabilities of their teachers. All of these efforts together suggest the American people's money would be best spent by devoting time and attention to accountability.

Again, I think the approach that the Senator from New Mexico is taking is exactly on target. As we spend $8 billion a year on title I, we should insist that the States live up to their responsibility to use these funds wisely as measured by the performance of their students. The best way we can do that is to give them the resources and, again, the impetus to take stock of their schools and then to apply corrective measures, remedial measures.

They have not been able to do that. I don't believe it is because they don't want to do it; I believe it is because they have not been able to find the resources to carry out this mission. Senator BINGAMAN's amendment would give them access to these resources. It will give them access not in a restrictive way but in a very open-ended way so they can pick and choose the best device to use in their particular school to ensure that school performance improves. That, again, is why I believe we are all here.

We have a special obligation at the national level to assist, particularly, low-income schools. Regrettably and unfortunately, many of the low-performing schools are low-income schools. Therefore, this effort to help support States to identify low-performing schools and to bring them up to the standards of the State is entirely consistent with the purpose of Federal legislation, which is to assist low-income students to have access to the opportunities that more affluent students and their families take for granted.

I believe what the Senator is proposing is entirely consistent with what we should be about, but also it will go to the heart of leveraging all of our programs and all the State programs to ensure we accomplish the ultimate goal that lies before the Senate of ensuring that every child in this country has access to excellent public education.

Coincidentally, both Senator BINGAMAN and I and others today are beginning the markup in committee of the reauthorization of the Elementary and Secondary Education Act. We will be pursuing these issues within the context of that legislation. Today, when we have a bill in this Chamber that purports to be a way to assist education, elementary and secondary education, in the United States, we have to seize this opportunity to point out that the heart of our efforts has to be the reinforcement of what we have already begun years ago, which is to develop within the States the capacity to evaluate their schools based upon their standards and then to intervene successfully to fix these schools.

Before we go on to more attenuated means to help education in the United States—such as tax credits and other proposals—we have a primary responsibility and, today, an opportunity to do what we started to do in 1994 to give the States the resources, further incentives to evaluate their schools, identify the schools that are failing, to step in with their choice of intervention strategies, and to fix the schools in America.

There are over 8,000 schools in this country that are not meeting State standards. Those figures come from our Department of Education. What is preventing the States and the localities from stepping in right now? There might be a host of issues, but one thing we can do to accelerate that intervention is to support the Bingaman amendment, to give them resources and give them the clarion call to step in and fix the schools so we can declare—as I hope we can at the end of this debate and certainly I hope at the end of the debate on the Elementary and Secondary Education Act—that we are not only committed but we are on a path to ensure that every school in this country is providing every American child with the opportunity to succeed. Every public school in this country is doing that.

I commend the Senator and I thank him for yielding time to me. I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I yield myself such time as I may consume off of the Abraham amendment debate time.

The PRESIDING OFFICER. The Senator is recognized.

Mr. ROTH. Mr. President, I intend to offer a substitute amendment to S. 1134 later today. The underlying bill was reported out of the Finance Committee almost 1 year ago, in May 1999. My substitute amendment makes some important and necessary policy changes that were not done before—because of budget constraints 1 year ago. My amendment also updates the bill to account for the passage of time.

When the committee originally considered this education bill, we were operating under last year's budget scenario. Since that time, the surplus numbers have increased dramatically. In today's economic environment, I believe that it is appropriate to use the surplus to provide education tax incentives for American families. Through their hard work, the American people created these favorable economic conditions and the resulting budget surplus. They should be entitled to take some of that surplus back.

We should not have to raise taxes to offset these much needed education tax incentives. My amendment makes this legislation a true tax cut relief bill for education. With a growing Federal surplus created by their tax dollars, Americans should not be taxed again to pay for a national priority.

Accordingly, my substitute amendment strikes all of the revenue raisers in S. 1134. The cost of my amendment is but a small percentage of the projected budget surplus over the next 10 years.

Now let me explain some of the substantive changes that I make in the substitute amendment. First, the underlying bill increases the maximum contribution amount for an Education IRA from $500 per year to $2,000 per year. The underlying bill also allows contributions to an Education IRA to be used for kindergarten through high school education expenses. These are both important and needed changes. But the underlying bill sunsets both of those benefits after the year 2003. That is not good policy. Accordingly, my bill removes the sunset—it makes permanent both the increase in the contribution limit and the flexibility in the use of the accounts.

Planning and saving for college should take place as early as possible. To help families make those important decisions, they need to know how much money they can put away and for what it can be used. Having provisions that sunset—and thus need to be renewed by Congress—takes away from that certainty. We need to make saving for college easier and more certain—not complex and uncertain.

I can easily see why a family would not want to take their hard earned savings and put them in a program where the terms could change in a few years. My amendment helps to solve that problem. We should not sunset our future—the education of our children.

Education IRAs are extremely important for a few reasons. First, they help families afford the escalating costs of higher education. The increase to $2,000 will make these accounts more attractive to families who want to use them and to institutions who want to offer them. Second, the existence of an education IRA gives an additional push to a student to attend college. Last month, the Senate Governmental Affairs Committee held a hearing on the rising cost of college tuition. One of the witnesses was Dr. Caroline M. Hoxby, an associate professor of economics at Harvard University.

Commenting on the behavioral incentives of an Education IRA, Dr. Hoxby noted that for an eighth grader, there is something different about knowing that there is money being put away for your college education and that you will lose it and the opportunity to go to college if you do not continue to do well. It makes sense that a child who is aware that there is a fund being built up for his or her future education would think longer and harder about going to college.

My amendment also fixes a trap for the unwary. Under current law, a student who takes a distribution from an Education IRA is not able to use the HOPE or Lifetime Learning Credit—even if different education expenses are allocated for the different tax benefits. Again, this is not right. We are providing these education tax incentives to families because they need them. We should not hold them out there—making people believe that they are available—and then take them away. Because of revenue constraints, the original Finance Committee bill fixed this coordination only for a few years. My amendment makes the coordination permanent, and makes sure that families continue to receive the full benefits from all these tax benefits.

My amendment also makes the tax-free treatment of employer-provided educational assistance permanent. In last year's Extenders bill, Congress extended the current tax-free treatment for a few years. That was the right move, but it did not go far enough. First, something as important and necessary as continuing education should not be wrapped up in the uncertainty of extenders legislation. Workers and companies need to plan ahead, and they need to know how these educational expenses will be treated under the Tax Code. Second, we should reinstitute the exclusion for graduate education expenses. Especially in today's dynamic economy—which is marked by high technology and innovation—it is important that workers have access to graduate education. My amendment recognizes that fact, and so it makes permanent tax-free treatment of employer-provided educational assistance for both undergraduate and graduate level courses.

Finally, my amendment updates the Finance Committee bill by changing the effective dates of the provisions. They would all be effective beginning in the year 2001. I should also note that my amendment takes into account the Senate's adoption of the Collins amendment yesterday—and so will include that amendment as well as any others that have been adopted.

Why are the permanent provisions in my amendment so important? Some Senators have tried to rationalize their opposition to this bill by claiming that it would not do enough to advance education. My amendment guarantees that this is simply not true.

My amendment would allow parents to contribute up to $2,000 annually toward their child's education—from the day of birth to the first day of college.

That is just $5.48 a day or $38.46 a week. That may not seem like a lot but, like a train, it may start slowly but it is very powerful. It will gain speed. It is a savings express to college.

By putting their child on the savings express, after 18 years when that child is ready to go to college, the parents will have $65,200, and that just assumes a 6 percent rate of interest—the rate on a Government security. Of course, other investments could yield even more, but a U.S. Government security is the safest in the world.

So parents would have at least $65,200 toward their child's education. $29,000 of that would be solely due to the power of compounding interest. And every cent of that $29,000 would be tax-free—it would go straight into education.

Maybe that still does not seem like a lot to some folks, but it sure seems like a lot to parents who are struggling today to insure college for their children tomorrow.

The average annual cost of college—tuition, room, and fees—in 1997–1998, was $9,536. At the University of Delaware, it is $9,984 for this school year. So the national average total cost is roughly $10,000 per year or $40,000 for the cost of a college education.

My amendment before us today will cover this. It will give parents and students peace of mind.

My amendment is a powerful incentive to save. It is an engine. It is the engine that can pull a long train of savings—and dreams.

Like the Little Engine that Could, my amendment makes this legislation the Education Savings Plan that Will. Parents and children getting on this savings train, will get off at college to a better future.

I am amazed that some people are trying to overlook the train and just see the caboose. I promise you the American people are not. America has waited for this college savings plan for 3 years. This legislation brings it home today. It is time the President got on board.

The measures in this bill are an important step forward. My amendment will not only take us another step forward but keep us on a permanent track to prosperity.

I urge my colleagues to join in a bipartisan effort to make education affordable for American families.

I yield the floor.

The PRESIDING OFFICER (Mr. GRAMS). Who yields time? The Senator from Georgia.

Mr. COVERDELL. Mr. President, how much time remains on each side?

The PRESIDING OFFICER. The majority has 46 minutes; the minority has 33 minutes remaining.

Mr. COVERDELL. Mr. President, I want to speak briefly to the Bingaman amendment.

First, I associate myself with the remarks of the Senator from Delaware. The Senator talked about the train that could and the train that will, but it will not if we adopt the Bingaman amendment because the Bingaman amendment neuters, makes moot, the education IRA, the education savings account. He takes the funding that is in the bill that is before us and shifts it to the Department of Education. It may be a rational goal or not; that can be debated. The bottom line is that everything Senator ROTH of Delaware has just spoken to would be moot. All the advantages, the accumulation of funds that will allow families to more effectively deal with college costs or educational costs in general will disappear, end, be over, no train.

This is about the third attempt from the other side to bring "an apple pie goal" and use it as a tactic to defund educational savings accounts.

With regard to the Bingaman amendment and its issues of accountability, of course those are rightfully being discussed in the Elementary and Secondary Education Act which is in committee. It is being jump-started in a very confrontational way in that the very essence of everything we have been talking about for the better part of 2 weeks would be moot if we allowed the funding that allows the creation of family education savings accounts to be shifted over to the Department of Education and all that bureaucratic morass in the name of a good goal.

Certainly, accountability is something for which we all strive. I do think we ought to remember that accountability in schools is primarily the responsibility of the State governments. Currently, of all the education funds available in America, some 13 percent are now provided by the Federal Government.

What is interesting is about 50 to 60 percent of the administrative overhead and regulations and those things that bog down principals and superintendents and teachers is a Federal mandate. We send off a check for 13 percent, but we demand about a 50-percent overhead on what all those local schools have to do.

We will be voting a little bit later on the Robb amendment which, of course, does the same thing. It creates a national school construction program, and if my colleagues read through the amendment, they will see it is going to take a building of lawyers to understand all the requirements and mandates.

I wanted to make the point that on the Bingaman amendment and, for that matter, the Robb amendment, both have the effect of defunding and making impossible the creation of the education savings account.

I will take a few more minutes to remind everybody that by Government predictions and estimates, the education savings account we are proposing will affect 14 million American families who are educating 20 million children. Because they are setting up this education savings account, they will invest—these are the American families—$12 billion over the next 10 years to be used to help their children for educational purposes.

So every time we confront one of these amendments that removes the funding to establish the education savings account, we are not only throwing the idea away, but we are throwing away $12 billion of volunteered money that would come from these 14 million families for their children. It will be one of the largest infusions of resources we have seen in public-private education in many years, and the Federal Government is not having to raise taxes to do it. They are not having to appropriate money to do it. We are simply saying we will allow the interest that will build up in these education savings accounts not to be taxed.

Over a 10-year period, it is a reasonably small number of tax revenue that is forfeited, and it makes the American public do massive things. Imagine saving $12 billion for the aid of kids who are trying to get through school and college.

I wanted to make it clear that these amendments, under these "apple pie" titles have the effect of closing down the idea that we will be opening an education savings account.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the period of time that is consumed in the quorum call be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the pending consent agreement be amended to include a vote in relation to the Graham amendment and, therefore, those three votes be postponed to occur at 2 p.m. today. I further ask unanimous consent that no second-degree amendments be in order to either of the three amendments prior to the votes and the time between now and 2 p.m. be equally divided for debate of all three amendments.

The PRESIDING OFFICER (Mr. BURNS). Is there objection?

Mr. REID. Mr. President, reserving the right to object, it is my understanding the next 2 hours, then, are evenly divided between the minority and majority.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. COVERDELL. Therefore, Mr. President, the next votes will occur at

2. The Senate was advised that it would be at 1 and there would be two votes. So the change is that we are able to work another amendment in, and we will have 3 votes at 2.

The PRESIDING OFFICER. The Senator from Florida.

AMENDMENT NO. 2864

(Purpose: To provide funds to assist high-poverty school districts in meeting their teaching needs)

Mr. GRAHAM. Mr. President, I will be offering an amendment which is entitled Transition to Teaching. This amendment came to my attention as a result of a series of personal experiences.

One set of those experiences related to the military and specifically the U.S. Navy in Pensacola. Several years ago, facing the downsizing of the military and aware that there were going to be a lot of people with talents, particularly in areas such as science and mathematics, who would be looking for a second career, the U.S. Navy in Pensacola, the State university in Pensacola, and the University of West Florida formed a partnership. That partnership was to provide training for naval personnel who were within a few months or years of their retirement date so that when they did reach retirement, they would be prepared to go into the classrooms of America with full certification and commence a second career educating the next generation of young Americans.

This has been a very successful program. It has assisted scores of schools in my State and many more across the country. This program has been generally referred to as the Troops to Teachers Program.

Last August, I did one of my monthly workdays at North Marion High School north of Ocala, FL. There I met a man by the name of Bill Aradine. Bill teaches automobile mechanics at North Marion. North Marion, as do many schools in America, every year faces a major challenge in how to recruit enough young new teachers to fill the ranks.

We are facing, in the next decade, something on the order of 2 million American teachers who are going to retire. These are teachers who largely came to the classroom in the 1950s and 1960s, are now reaching their retirement period, and are going to create tremendous demands for new teachers to fill those ranks. Bill Aradine filled one of those positions at North Marion High School.

What is peculiar about Bill is not just the fact that he is considered to be an outstanding teacher who motivates his students and has prepared students for very good paying jobs upon their graduation from his automobile mechanics program, but what is most peculiar about Bill is the fact that he is a man who already had a career. The career was that, at first, he was an automobile mechanic and then the lead mechanic of one of the large automobile dealerships in Marion County, FL. So when he came to the classroom, he was a fully mature adult with a lot of experience in the area he was going to teach, credibility with the students, and the ability to be beyond a teacher, a mentor, a counselor, and the bridge from the classroom to employment for his students.

Now, Bill made that transition to the classroom out of his own grit, his interest in being able to share with young Floridians what he had learned in a lifetime of automobile mechanics. But Bill, unfortunately, is a rarer commodity than he should be. We ought to be encouraging more people at midcareer to consider the classroom as their second career. We ought to be facilitating their ability, as the Navy and the University of West Florida did, to get certified so they can move seemlessly into the classroom. We ought to recognize the fact that a student at 40 is different than a student at 18, in terms of their class schedule and their other responsibilities, both family and economic; and we ought to try to make it easier for those Americans to be able to pursue their desire at a second career in the classroom.

That is what the transition to teaching legislation intends to do. It focuses on two of the principal inhibitors to persons pursuing a second career in education. The first of those occurs at the universities. The universities are very well prepared to train people who are right out of high school, who don't have many family or economic responsibilities, and who, at the age of 22 or 23, will go into the classroom. They are not so well prepared to deal with the student who is in their forties, who has all these responsibilities and has to have a greater degree of flexibility in their schedule. As the University of West Florida found, they had to redo their curriculum in order to be able to respond to the needs of the Navy personnel. I suggest the same thing is going to be required if we are going to move the Bill Aradines from a rare exception to a significant stream of persons coming into the classroom as a second career. So the first part of our transition to teaching is focused on the universities to provide them some stimulation and resources to commence the process of restructuring their curriculum so they can be responsive to the needs of the middle-age second career student. Second is to provide stipends to these students while they are undergoing this process of change, recognizing that they have other responsibilities, typically, in terms of supporting their families and the other obligations that an adult would typically have.

So those are the two targets of this legislation in order to facilitate more Americans being able to consider a second career in education and to be able to contribute to that 2 million new teachers that America is going to need in the next 10 years in order to meet the tremendous demands that will be caused by the impending retirements of many hundreds of thousands of current teachers.

I will offer, for purposes of consideration as an amendment to the legislation that is pending before us, an amendment on which I have been joined by Senators BINGAMAN and ROBB, entitled "Transition to Teaching." I will urge its consideration and vote at the scheduled time of 2 o'clock.

Mr. GRAHAM. Mr. President, I now send my amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Florida [Mr. GRAHAM], for himself, Mr. ROBB and Mr. BINGAMAN, proposes an amendment numbered 2864.

Mr. GRAHAM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, add the following:

TITLE —TRANSITION TO TEACHING

SEC. 1. SHORT TITLE.

This title may be cited as the "Transition to Teaching Act".

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) School districts will need to hire more than 2,000,000 teachers in the next decade. The need for teachers in the areas of mathematics, science, foreign languages, special education, and bilingual education, and for those able to teach in high-poverty school districts will be particularly high. To meet this need, talented Americans of all ages should be recruited to become successful, qualified teachers.

(2) Nearly 28 percent of teachers of academic subjects have neither an undergraduate major nor minor in their main assignment fields. This problem is more acute in high-poverty schools, where the out-of-field percentage is 39 percent.

(3) The Third International Math and Science Study (TIMSS) ranked United States high school seniors last among 16 countries in physics and next to last in mathematics. It is also evident, mainly from the TIMSS data, that based on academic scores, a stronger emphasis needs to be placed on the academic preparation of our children in mathematics and science.

(4) One-fourth of high-poverty schools find it very difficult to fill bilingual teaching positions, and nearly half of public school teachers have students in their classrooms for whom English is a second language.

(5) Many career-changing professionals with strong content-area skills are interested in a teaching career, but need assistance in getting the appropriate pedagogical training and classroom experience.

(6) The Troops to Teachers model has been highly successful in linking high-quality teachers to teach in high-poverty districts.

SEC. 3. PURPOSE.

The purpose of this title is to address the need of high-poverty school districts for highly qualified teachers in particular subject areas, such as mathematics, science, foreign languages, bilingual education, and special education, needed by those school districts, by recruiting, preparing, placing, and supporting career-changing professionals who have knowledge and experience that will help them become such teachers.

SEC. 4. PROGRAM AUTHORIZED.

(a) AUTHORITY.—The Secretary is authorized to use funds appropriated under subsection (b) for each fiscal year to award grants, contracts, or cooperative agreements to institutions of higher education and public and private nonprofit agencies or organizations to carry out programs authorized by this title.

(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this title, there are authorized to be appropriated $25,000,000 for each of fiscal years 2001 through 2006.

SEC. 5. APPLICATION.

Each applicant that desires an award under section 4(a) shall submit an application to the Secretary containing such information as the Secretary requires, including—

(1) a description of the target group of career-changing professionals upon which the applicant will focus in carrying out its program under this title, including a description of the characteristics of that target group that shows how the knowledge and experience of its members are relevant to meeting the purpose of this title;

(2) a description of how the applicant will identify and recruit program participants;

(3) a description of the training that program participants will receive and how that training will relate to their certification as teachers;

(4) a description of how the applicant will ensure that program participants are placed and teach in high-poverty local educational agencies;

(5) a description of the teacher induction services (which may be provided through existing induction programs) the program participants will receive throughout at least their first year of teaching;

(6) a description of how the applicant will collaborate, as needed, with other institutions, agencies, or organizations to recruit, train, place, and support program participants under this title, including evidence of the commitment of those institutions, agencies, or organizations to the applicant's program;

(7) a description of how the applicant will evaluate the progress and effectiveness of its program, including—

(A) the program's goals and objectives;

(B) the performance indicators the applicant will use to measure the program's progress; and

(C) the outcome measures that will be used to determine the program's effectiveness; and

(8) an assurance that the applicant will provide to the Secretary such information as the Secretary determines necessary to determine the overall effectiveness of programs under this title.

SEC. 6. USES OF FUNDS AND PERIOD OF SERVICE.

(a) AUTHORIZED ACTIVITIES.—Funds under this title may be used for—

(1) recruiting program participants, including informing them of opportunities under the program and putting them in contact with other institutions, agencies, or organizations that would train, place, and support them;

(2) training stipends and other financial incentives for program participants, not to exceed $5,000 per participant;

(3) assisting institutions of higher education or other providers of teacher training to tailor their training to meet the particular needs of professionals who are changing their careers to teaching;

(4) placement activities, including identifying high-poverty local educational agencies with a need for the particular skills and characteristics of the newly trained program participants and assisting those participants to obtain employment in those local educational agencies; and

(5) post-placement induction or support activities for program participants.

(b) PERIOD OF SERVICE.—A program participant in a program under this title who completes his or her training shall serve in a high-poverty local educational agency for at least 3 years.

(c) REPAYMENT.—The Secretary shall establish such requirements as the Secretary determines appropriate to ensure that program participants who receive a training stipend or other financial incentive under subsection (a)(2), but fail to complete their service obligation under subsection (b), repay all or a portion of such stipend or other incentive.

SEC. 7. EQUITABLE DISTRIBUTION.

To the extent practicable, the Secretary shall make awards under this title that support programs in different geographic regions of the Nation.

SEC. 8. DEFINITIONS.

In this title:

(1) HIGH-POVERTY LOCAL EDUCATIONAL AGENCY.—The term "high-poverty local educational agency" means a local educational agency in which the percentage of children, ages 5 through 17, from families below the poverty level is 20 percent or greater, or the number of such children exceeds 10,000.

(2) PROGRAM PARTICIPANTS.—The term "program participants" means career-changing professionals who—

(A) hold at least a baccalaureate degree;

(B) demonstrate interest in, and commitment to, becoming a teacher; and

(C) have knowledge and experience that are relevant to teaching a high-need subject area in a high-need local educational agency.

Mr. GRAHAM. Mr. President, when I introduced Transition to Teaching in October last year, I talked about my workday with Bill Aradine.

He teaches 150 students, from 9th to 12th grade at North Marion High School near Ocala, FL.

He teaches auto mechanics, and has sparked an interest in students that may lead to rewarding, lucrative, and challenging careers for them.

But Mr. Aradine brings something else to his first year in North Marion High School—eleven years of on-the-job experience.

He has years of experience in a local Chevrolet car dealership, and he is starting a second career in teaching.

The students look at him with a different perspective: When he says that "you will need to know this to succeed" they know that he knows.

Having just come from the automotive industry, he teaches at the cutting edge.

The information that he brings to his students is what he was actually doing in the workplace not that long ago.

Mr. Aradine is also a bridge between North Marion High students and the world of employment.

He offers them advice, counsel, and real-life connections to future jobs.

As Bill Aradine made the mid-career transition into the teaching profession, students gained a valuable instructor and mentor, and North Marion High School was able to fill a vacancy and ease its teacher shortage.

Every August and September—another school year begins for thousands of young Americans.

Almost every year at this time, I hear from school districts in Florida about teacher shortages:

Miami-Dade hired 1,700 new teachers for the 1999 school year, and still had 300 vacancies to fill on the first day of classes.

Hillsborough County hired 1,493 teachers for the start of the school year and were still 238 teachers short when the first class bell rang.

Orange County needed 1,300 teachers for the new year, and still had 50 vacancies several months after school started.

These concerns will only get worse: 40 percent of current schoolteachers are over age 50, on the verge of retirement.

Who will be the future role models to the next generation of Americans?

The importance of having high-quality teachers, and in sufficient numbers is crucial when we look at the challenges facing education in the future.

The American family structure will change in two key ways: Half of all children will spend some of their childhood in single-parent homes, and are more likely to live in poverty. And, of the children who grow up in a nuclear family, very often both parents will work, thus are less able to be involved in a child's school and schoolwork.

Second, societal expectations for students upon graduation will be greater.

In the middle of this century, 20 percent of the jobs needed skilled workers.

At the end of this century, 80 percent of jobs will need skilled workers.

Thus, the American student will need to graduate from school better prepared for the hi-tech world than ever before, but single parent families and dual-income families, in general, will face more challenges in being actively involved in their child's education.

These challenges, and others, will face the American educational system.

I rise today to take one step forward in easing the nationwide teacher shortage, and offering challenging new opportunities for America's professionals by introducing the Transition to Teaching Act of 1999.

Representatives JIM DAVIS of Florida and TIM ROEMER of Indiana have taken the lead in the House of Representatives on this issue.

We have a very successful model on which to build the Transition to Teaching program.

Since 1994, the "Troops to Teachers" program has brought more than 3,000 retired military personnel to our classrooms as math, science, and technology teachers.

Florida schools have the benefit of more than 270 individuals who have successfully completed the Troops to Teachers program, and are bringing their life-experience to the classroom today.

Troops to Teachers, and now Transition to Teaching, overcome two of the main obstacles that mid-career professionals face when becoming a teacher.

It streamlines the teaching certification process.

It provides money to mid-career professionals to become certified.

It's not impossible to do this now, as Mr. Aradine has shown, but this legislation will assist with and simplify the process.

The first issue that is addressed involves teaching colleges within universities.

They are often set up for traditional students, in their early-20's, just starting out in their professional lives.

These programs are generally taken over a multi-year period as a full-time college student.

This legislation encourages teaching colleges to develop curriculum suitable for an individual who has many years of work experience.

These programs are more streamlined, more flexible in school hours, and recognize that the professional brings more life and work experience than a traditional college student.

By developing such programs, colleges can maintain high standards, but allow a mid-career professional, making the change into teaching to become certified in a more efficient, streamlined manner.

Teaching colleges are also asked to develop programs to maintain contact with and support for these new teachers during at least their first year in the classroom.

Second, Transition to Teaching will assist teachers who come to the profession in mid-career in a very tangible way.

Grants will be awarded, up to $5,000 per participant, to offset the costs of becoming a certified teacher.

In return, the teacher agrees to teach in low-income schools for three years, as determined by the percentage of Title One students in the school population.

Thus, two of the biggest obstacles to becoming a teacher in mid-career are alleviated by this legislation:

First, the certification process is streamlined, and second, stipends are provided to offset the cost of this additional education.

By expanding the "Troops to Teachers" program into "Transition to Teaching," law enforcement, attorneys, business leaders, scientists, entrepreneurs, and others in the private sector, should be encouraged to share their wisdom with students.

This amendment is timely. We are on the cusp of the retirement of millions of baby boomers.

By encouraging recent retirees, or mid-career professionals, to become certified through Transition to Teaching and spend a few years in the classroom, we will bring the life skills of experienced professionals to our youngest citizens.

I encourage my colleagues to support this amendment.

Our nation's children deserve our best efforts to provide them with a world class education.

Let me just add an economic component to this amendment. This amendment would be in the nature of an authorization. The President has in his budget an item of $25 million, which would be the basis of supporting this program, as well as the current Troops to Teachers Program.

It is estimated that approximately half of the persons who would be trained with that $25 million appropriation that has been recommended by the President would be military personnel and the other half would be civilian. As we begin to stabilize the reduction of the military, the proportion of those persons who would be trained for a second career in the classroom would probably begin to shift with a larger number being from the civilian sector. It is estimated that the cost per student for this program will be approximately $3,500 to $4,000 a year for their training, with the average person taking between 1 and 2 years to be trained to the point they are certified to go into the classroom.

I believe this is a very reasonable and prudent investment for America to make in Americans who have demonstrated their accomplishments in a first career and are now ready to share their experiences with American youth in a second career in the classroom. This will help to facilitate that transition to teaching for the 21st century.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I ask whether the floor is in any kind of a parliamentary situation at this time.

The PRESIDING OFFICER. The time is controlled and evenly divided until 2 o'clock on the pending amendment.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent to speak as if in morning business for a maximum of 15 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. COVERDELL. Mr. President, reserving the right to object, I mention to the Senator that in the context of these amendments that his side has invited Senator WELLSTONE to come to begin his amendment. If that were to come about, we would need to try to accommodate it. If the Senator would help us with that, I see no problem.

Mr. LAUTENBERG. I would be pleased to do that.

Mr. COVERDELL. I have no objection.

The PRESIDING OFFICER. The Senator from New Jersey.

GUN CONTROL

Mr. LAUTENBERG. Mr. President, none of us can possibly ignore what took place yesterday in Michigan. Another child killed by gunfire. Everywhere across the country we see children killing children. And then we see members of the immediate family their faces contorted by sadness. Anyone who has a child or grandchild has to be dismayed and upset by these tragedies.

I am fortunate enough to have seven grandchildren, the oldest of whom is 6. Nothing is more joyful than to see their smiling faces—to see them learning about life, reading, playing, and singing.

And when I think of my grandchildren, and the other children across this country, I ask myself what it will take to stop the gun violence. When will this Congress say we have enough killing? What does it take to change some minds, to say that guns do kill?

I am so tired of that foolish saying: "guns don't kill people, people kill people." Of course, people kill people, but we would see much less deadly violence if we passed common sense gun safety measures. It is getting close to the 1-year anniversary of the tragedy at Columbine. I will never forget the picture of the child hanging out of the window at that school, looking for help, trying to get away from the terror. I thought that terrible violence—12 children killed and many more seriously injured—would force this Congress to act.

And yet there has been much more gun violence since Columbine. Shootings in Georgia; in Ft. Worth, Texas, at a prayer meeting. Those young people were gathered to worship and along comes someone with a gun and kills them. And then a gunman in California attacks children at a day care. After that terrible assault, the gunman goes on to kill a postal worker because he is Filipino and not white.

When will the National Rifle Association and its friends step up to the issue, not always appealing to the extremists, and say there is a sensible way to approach this problem and reduce the proliferation of guns? They should join with us and help close the gun show loophole that allows guns to be sold without a criminal background check.

A person could be one the 10 most wanted criminals in this country and say to one of the dealers: I have $500; give me a couple of guns. The dealer could sell them, and he would not be breaking the law. It is an outrage.

Of course, some who oppose gun safety legislation talk about the Second Amendment. But there is nothing in the Constitution that says citizens can buy a gun without identifying themselves. There is nothing in the Constitution that says, buy a gun, carry it anyplace you want. No, no; there are overriding considerations that say we have to protect our citizens. We put people in uniform to protect our citizens. Sometimes it is a military uniform, sometimes it is a police uniform. We do it to protect our citizens. Why don't we reduce the possibility that a gun might be introduced into a situation?

In 1996, Congress did pass my domestic violence gun ban. There was a huge fight on the floor of this Senate and the House. In cooperation with President Clinton, on the budget bill, we said anybody who has committed a misdemeanor of spousal abuse or abusing a child, that person should not have a gun. We fought like the devil. People said we have no right to take guns away from people who haven't done something serious.

But domestic violence is serious. And guns make domestic violence incidents even more dangerous. The trigger does not have to be pulled to traumatize a spouse or a child. Let a man put a gun to a woman's head and say: I will blow your brains out in front of your children. That is a wound that does not go away in a hurry. Doctors cannot see that wound on the skin, but it does not go away.

Mr. President, since that law went into effect, 33,000 purchases have been prevented. 33,000 of those wife abusers, spousal abusers, could not get a gun. I feel good about it. And I still cannot understand those people who opposed it and who continue to oppose gun safety measures. They seem to want guns for everyone, wherever they want, at any age, it doesn't matter, hide them, conceal them, do what you want.

That is irresponsible. And we should not have people hiding behind empty slogans like "guns don't kill people". Or trying to distort the meaning of the Second Amendment. No one has a right to hurt another. That is not in the Constitution.

Just a few minutes ago we learned that there was another shooting near Pittsburgh. We don't have all the details, but someone shot four people in a McDonald's and then went to a Burger King and shot someone else.

So the gun violence continues, week by week, day by day, hour by hour. Yesterday it was a six-year-old in Michigan killing another child. And we ask ourselves what can be done. Do you put a 6-year-old in jail? Do you lock him up in a cell? Or do you say to a parent or a friend: It is your responsibility?

If you own a car, you have no right to give it to somebody who doesn't know how to drive and tell them to have a good time. That can be criminally prosecuted if a person has an accident. Why is a gun different? Why shouldn't all guns be protected from access by unacceptable users, children, deranged people, et cetera?

We ought to do it. We keep avoiding it with silly excuses in this place. I hope people across America understand we ought to stop this now. We can require gun manufacturers to manufacture guns that don't work except in the hands of an authorized user. Thirteen children a day die from gunshots; over 4,500 kids a year. We can pass a bill that Senator DURBIN from Illinois has authored, the Child Access Prevention Act. It imposes criminal penalties on gun owners who allow children access to their guns.

And we ought to take stronger measures to prevent easy access to guns. Closing the gun show loophole which allows criminals to purchase firearms without a background check will help. Let me give a graphic example why we cannot afford to wait any longer to do this.

Every year, several gun shows are held in Portland, OR at the Expo Center. The Expo Center is managed by a commission established by the local government, the Metropolitan Exposition-Recreation Commission, called Metro for short. Metro officials were concerned about possible criminal activity at gun shows, so they looked at police records and put together a report. Here is what they found:

> Investigative reports from the Portland Police Bureau demonstrate a continuing pattern of frequent significant criminal activity associated with the Rose City gun shows at the Expo Center.

And the report gives examples of that criminal activity. Here is an example:

> Three subjects were observed in the gun show wearing gang attire. The three subjects were looking for dealers who do not do background checks. One of the subjects attempted to purchase a Glock pistol without any paperwork. The subjects bought 4 high capacity magazines and exited the show. Officers contacted the subjects and found one subject all in red to be 12 years old. The second subject all in blue had a warrant for his arrest. The last subject was found to be an ex-felon. The two adults were arrested and transported to NE precinct. At the NE precinct officers found marijuana packaged for sale and $1,150 in the last subject's shoe. He was charged with delivery of a controlled substance.

So we have gang members—drug dealers—using a gun show as a convenience store for guns. These gang members were looking for gun sellers who were not required to do criminal background checks.

And this testimony is similar to what we heard from Robyn Anderson when she testified before the Colorado legislature. She is the young woman who went with Eric Harris and Dylan Klebold to the Tanner Gun Show in Adams County, Colorado.

She testified that Harris and Klebold went from table to table at the gun show, looking for gun sellers who were not required to complete a background check.

With her help, Harris and Klebold bought two shotguns and a rifle without a criminal background check. And everybody knows what happened after that. They used those guns to murder fellow students and a teacher at Columbine High School. How much more do we need to know before we do the sensible thing and close this loophole?

Gang members and teenagers bent on committing murder know they can go to a gun show and get a firearm if they want, without a background check. Is there anyone around here who actually thinks that is all right? Good friends on the other side, good friends on both sides will sometimes defend gun ownership blindly. But we should all agree that you should not be able to buy a gun without identifying yourself and having a criminal background check.

The gun lobby says we do not need a new law, all we need to do is enforce the current law. But that completely misses the point. There is a loophole in the law, so when you try to enforce it, criminals simply slip through the loophole. This hole in our gun laws is leaking human lives and we ought to plug it before someone else is killed with a pistol or shotgun purchased at a gun show without a background check. People ought to identify themselves when they buy a gun. Why not?

Some of our colleagues who argue against closing this loophole are the same people who go on and on about the need to get tough on crime. But when it comes to this gaping loophole in our gun laws, they are strangely quiet. All of us know why. Those tough-on-crime Members do not hear the huge majority of the people. Ninety percent of the people in this country, according to a recent poll, are calling for us to close this loophole. They do not hear the cries, see the tears of those who have lost a child, a friend, a relative. But what do they hear? They hear the NRA making deposits to their campaign accounts. They hear the NRA saying: Do nothing and we will keep these campaign contributions coming.

I have been fighting this battle for a long time, almost a year now on this specific issue. Back on May 20, 9 months ago, the Senate passed my amendment to close the gun show loophole. It passed 51–50, with a huge struggle. But the Congress has yet to finish the job because the NRA has been putting its money to work making sure my amendment stays bottled up in a conference committee.

Let's do the right thing and set this legislation free. Let's not allow extremists in the gun lobby to prevail over the families across this country who want to stop the gun violence.

April 20 will mark 1 year since the terrible tragedy at Columbine High School. On that day, people across this country will ask, What has Congress done? What have you done to stop gun violence in this country? What have you done to protect my child, my grandchild, my brother, my sister, my parents from this mad gun violence? It is not too late to give the public the answer they want, the answer they deserve. It is not too late to show them that common sense can prevail in this distinguished place.

AWARDING JOHN CARDINAL O'CONNOR THE CONGRESSIONAL MEDAL OF HONOR

Mr. SCHUMER. Mr. President, it is with great honor that I rise today to thank my distinguished Senate colleagues for their support, help, consideration, and, hopefully, passage of S. 2076, legislation which will bestow upon John Cardinal O'Connor the Congressional Medal of Honor.

I, along with Senators MOYNIHAN, SPECTER, and SANTORUM, introduced this bill last week. We believe now is the perfect time for Congress to publicly thank His Eminence for his 50 years of service to America, the Catholic Church, and for his numerous contributions as an ambassador of peace, freedom, and humanitarianism around the world.

Since being ordained 54 years ago, John Cardinal O'Connor has humbly captured the hearts of millions with a message of caring and compassion for all people. He has dutifully served the Church in Philadelphia, the Diocese of Scranton, and now from the steps of the treasured St. Patrick's Cathedral serves as the spiritual guiding force for the 10-county New York Archdiocese and its more than 2.3 million Catholic members.

He is loved in New York and by Catholics across the country. He has touched the hearts of millions whose spiritual life is richer from the words and deeds of our cardinal.

Since being named by the Pope as successor to the late Cardinal Terence Cook in 1984, Cardinal O'Connor has sought to reinforce the traditional teachings and practices of the Roman Catholic Church while putting a human face on the problems faced not only by Catholics but all New Yorkers.

He has advocated for an increase in the minimum wage. He has advocated for farm workers. He has advocated for working people throughout New York and throughout the world.

He has worked hard to improve relationships between Catholics and Jews, knowing that is so important to the future of the area he represents and to all Americans.

He has advocated relentlessly for fairness and justice. And even while reaffirming the Church's teachings on homosexuality, he set up AIDS clinics and volunteered anonymously in them.

I have not always agreed with Cardinal O'Connor. For example, he is a strong, vocal, and impassioned voice in opposition to abortion. I have respectfully disagreed with his position. But in some instances you earn an even greater respect for someone by the way they disagree with you, how they fight for their beliefs: With vigor, passion, and conviction, but also with humility and grace.

He is a man of immense conviction. He has been unyielding in his commitment to reaffirm the priorities of the Church and his faith.

I am left with nothing but respect and admiration for the way in which Cardinal O'Connor has advocated on behalf of his beliefs.

John Cardinal O'Connor's life of spiritual service began decades ago. He had 20-plus years of distinguished service in the Armed Forces. He heeded our Nation's call in 1952, joining the ranks of the military chaplaincy during the Korean war, and provided spiritual leadership for members of the Navy and Marine Corps during Vietnam. His career continued on as chaplain to the United States Naval Academy.

Eventually he rose with distinction to become Navy chief chaplain. He served in that capacity until 1979, upon which he retired from military service with the distinguished rank of rear admiral. An international ambassador for humanity, Cardinal O'Connor has traveled the world over—Israel, Jordan, Haiti, Bosnia, and Russia—and he also accompanied Pope John Paul II on his visit to Cuba.

He has called on governments to work for social development, provide international peace, and implored governments to provide their citizens with the freedom and ability to exercise their religious beliefs.

His work in volatile 1980s Central America helped clear the way for clergy members to be allowed to visit political prisoners and also helped end the expulsion of foreign missionaries. He has, with great resolve, worked to strengthen the human spirit whenever war, oppression, and poverty have threatened to weaken it, as a servant of the Roman Catholic Church and a compassionate American citizen.

Now the cardinal is ailing. We all pray and wish for his recovery. But there is no time more appropriate than now for the Congressional Gold Medal to be bestowed upon Cardinal O'Connor. It is not often that this gold medal is issued. But given the cardinal's service, given the cardinal's ability to reach out to so many different kinds of people, no one is more deserving of the Congressional Gold Medal. The medal is an expression of public gratitude reserved exclusively for those who have distinguished themselves through their achievements and contributions to our great Nation. From his spiritual guidance to the members of the Armed Forces 50 years ago to his commitment to justice and holiness as head of the archdiocese in New York today, John Cardinal O'Connor has earned this rare and distinguished congressional honor.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HAGEL). Without objection, it is so ordered.

AFFORDABLE EDUCATION ACT OF 1999—Continued

AMENDMENT NO. 2844

(Purpose: To make permanent the special coordination rule between qualified tuition programs and the Hope and Lifetime Learning credits)

Mr. COVERDELL. Mr. President, I ask that the Graham amendment No. 2844 be called up.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Florida [Mr. GRAHAM] proposes an amendment numbered 2844.

The amendment is as follows:

Beginning on page 15, line 16, strike all through page 16, line 17, and insert:

"(iv) COORDINATION WITH HOPE AND LIFETIME LEARNING CREDITS.—The total amount of qualified higher education expenses otherwise taken into account under clause (i) with respect to an individual for any taxable year shall be reduced (after the application of the reduction provided in section 25A(g)(2)) by the amount of such expenses which were taken into account in determining the credit allowed to the taxpayer or any other person under section 25A with respect to such expenses.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the amendment be agreed to and that the motion to reconsider be laid upon the table. This is not the amendment the Senator from Florida described earlier and has been vetted to the Finance Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2844) was agreed to.

Mr. COVERDELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that I may speak as in morning business for no more than 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of New Hampshire. I thank the Chair.

(The remarks of Mr. SMITH of New Hampshire pertaining to the introduction of S. Con. Res. 87 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

RECESS

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Senate stand in recess until 2 p.m. today.

There being no objection, at 1:08 p.m., the Senate recessed until 2:02 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. BUNNING).

AFFORDABLE EDUCATION ACT OF 1999—Continued

AMENDMENT NO. 2825

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I ask unanimous consent, with respect to the series of stacked votes that are about to begin, there be 2 minutes equally divided prior to each vote for closing remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. It is my understanding the first vote we are about to proceed to is the Abraham amendment.

The PRESIDING OFFICER. That is correct. The yeas and nays have not been asked for.

Mr. COVERDELL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. ABRAHAM. Mr. President, very briefly, this amendment would essentially expand the tax deductibility and create a tax credit for the donation of used computer equipment to schools in this country.

It enjoys strong bipartisan support, both in the freestanding bill as well as this amendment. What this will help us to do is address the problem of the digital divide by providing more hardware and software and other computer services and equipment to the public schools of this country to help improve the ratio of computers to students in our public school system.

We look forward to continuing to work on this digital divide challenge, but this legislation will move us in the right direction. I encourage my colleagues to support the amendment.

The PRESIDING OFFICER (Mr. ENZI). Who seeks recognition?

Mr. REID. We yield back our time.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2825. The yeas and nays have been ordered. The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN), and the Senator from Missouri (Mr. BOND) are necessarily absent.

The result was announced—yeas 96, nays 2, as follows:

[Rollcall Vote No. 18 Leg.]

YEAS—96

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McConnell
Mikulski
Moynihan
Murkowski
Murray
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—2

Conrad
Nickles

NOT VOTING—2

Bond
McCain

The amendment (No. 2825) was agreed to.

The PRESIDING OFFICER. Under the previous order, there are now 2 minutes equally divided prior to the vote on the Bingaman amendment.

The Chair recognizes the Senator from Georgia.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the remaining votes in this series be limited to 10 minutes in length.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I support Senator BINGAMAN's amendment to ensure greater accountability by Title I schools that are low-performing. The Coverdell bill does nothing to help improve public schools that need assistance. Instead it diverts scarce resources to wealthy families in private schools, when 90 percent of the nation's students attend public schools.

Stronger accountability in the nation's education system is essential. Effective accountability measures—what business leaders call quality control—can make sure that investments in schools are used wisely and produce better results for children. Accountability is especially important in schools with high concentrations of disadvantaged students, so that all students will have the opportunity to meet high standards of achievement.

Despite concerted efforts by states, school districts, and schools, accountability provisions in title I have not been adequately implemented due to insufficient resources. In 1998, only 8 states reported that school support teams have been able to serve the majority of schools that need improvement. Less than half of the schools identified as in need of improvement in 1997–98 reported that they received additional professional development assistance or technical assistance.

We cannot afford to let low-performing public schools slip through the cracks. Schools and school districts need additional support and resources to remedy weaknesses as soon as they are identified. We should act now to make our schools more accountable for the benefit of the nation's disadvantaged students. These students have already spent too much time in low-performing schools, and they deserve better, much better. The time is now to take action to fix these schools. The nation's children deserve no less. I urge the Senate to support the Bingaman amendment.

AMENDMENT NO. 2863

Mr. BINGAMAN. Mr. President, the amendment that is to be voted on next is one I offered which takes the $275 million per year that is the estimated cost of this underlying bill with the tax provisions and it devotes that $275 million to assisting States to hold local school districts accountable to upgrade standards.

It is an accountability amendment. Presently, most of the States in the country have established performance standards for their schools and their students but we have no accountability provisions that are adequate for them to meet those standards. This amendment tries to solve that. It gives the resources to the States so they can solve that. I believe it is a very good amendment and it is something we all ought to support.

I urge my colleagues to support the amendment.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, at the heart of my opposition to the amendment is that it strikes the education savings account, the core of the legislation that came from the Finance Committee. It is a killer amendment.

The amendment allocates only 70 cents of every dollar to local school districts. We have been striving to get to 95 cents of every Federal dollar. The amendment not only neuters education savings accounts but it also goes to core issues about how title I funds should be distributed to help local school districts under ESEA.

This is an issue being debated at the committee's markup today. Senator JEFFORDS, chairman of the committee, opposes this amendment because he believes it violates the jurisdiction of the committee.

I move to table the amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion to table amendment No. 2863. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) and the Senator from Missouri (Mr. BOND) are necessarily absent.

The result was announced—yeas 58, nays 40, as follows:

[Rollcall Vote No. 19 Leg.]

YEAS—58

Abraham
Allard
Ashcroft
Bennett
Biden
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lieberman
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner

NAYS—40

Akaka
Baucus
Bayh
Bingaman
Boxer
Bryan
Chafee, L.
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Wellstone
Wyden

NOT VOTING—2

Bond
McCain

The motion was agreed to.

AMENDMENT NO. 2864

The PRESIDING OFFICER. On the next amendment, the Graham amendment No. 2864, there are 2 minutes equally divided.

The Senator from Florida.

Mr. GRAHAM. Mr. President, I ask unanimous consent that Senator LINCOLN and Senator FEINSTEIN be added as cosponsors. I have no further comments to make on behalf of this amendment. I believe both sides have agreed to accept it. I ask for a voice vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

All time has been yielded back. The question is on agreeing to amendment No. 2864.

The amendment (No. 2864) was agreed to.

Mr. GRAHAM. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AWARDING CONGRESSIONAL MEDAL OF HONOR TO JOHN CARDINAL O'CONNOR

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of H.R. 3557 and the Senate now proceed to its immediate consideration under the following limitations: There be 10 minutes of debate equally divided between Senators SANTORUM and SCHUMER, and no amendments or motions be in order to the bill. Finally, I ask unanimous consent that following the use or yielding back of debate time, the bill be read a third time and passed and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3557) to authorize the President to award a gold medal on behalf of the Congress to John Cardinal O'Connor, Archbishop of New York, in recognition of his accomplishments as a priest, a chaplain, and a humanitarian.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, it is with an enormous amount of pride and respect that I rise in support of this bill. Senator SCHUMER from New York spoke on this matter earlier today. I strongly endorse and support his words of support for this resolution.

I stand with a tremendous amount of pride to speak in favor of my favorite son. John Cardinal O'Connor is a Philadelphian, someone who has left his mark not only on the country but on Pennsylvania, where he served as Bishop of Scranton—I see Senator BIDEN who is a Scrantonian—where he served a brief time—less than a year—but with distinction and, prior to that gave tremendous service to this country as a chaplain in the U.S. Navy, serving during the Korean conflict and during Vietnam.

He was appointed Chief of Chaplains of the Navy with the grade of rear admiral and served for over 25 years in the capacity of a chaplain in the military.

From that, he came into civilian life to Scranton, PA, and served there for less than a year until he was picked by Pope John Paul II to be the Archbishop of the Catholic Diocese of New York, and then shortly thereafter was elevated to the rank of cardinal in May of 1985.

He has served as Cardinal O'Connor in the Diocese of New York and, as the leader of the Diocese of New York, also as the titular head of the Catholic Church in this country. He has provided tremendous leadership on a variety of humanitarian and moral causes, always standing up for the weakest among us and shepherding his flock in an extraordinary way with great principle, dignity, and character.

It is sad that as we speak today, Cardinal O'Connor is suffering from cancer and is gravely ill. Senator SCHUMER and I worked very hard to make sure this Congressional Gold Medal would be awarded to Cardinal O'Connor so he could be aware of it during this very difficult time in his life and know that the Senate, the Congress, and certainly all of us in Washington extend our best wishes to him and want him to know how much we appreciate the tremendous outstanding service he has given to the Catholic Church and to the people in the United States of America.

Mr. President, I reserve the remainder of my time and yield the floor.

The PRESIDING OFFICER (Mr. GREGG). The Senator from New York.

Mr. SCHUMER. Mr. President, I will continue the remarks I made earlier about Cardinal O'Connor.

First, I thank Senator SANTORUM of Pennsylvania, as well as my colleague, Senator MOYNIHAN, and his colleague, Senator SPECTER. The four of us have worked hard on this bill.

As I mentioned earlier, Cardinal O'Connor, of course, has had a distinguished career. He has had a distinguished career as a Catholic, rising to one of the great positions of the Catholic Church in America.

He also has had a distinguished career as an American, having served for many years in the Armed Forces. He served 20 years in the Armed Forces. In 1952, he joined the ranks of the military chaplaincy. During the Korean war, he provided spiritual leadership for the Navy and Marine Corps. He was Chaplain of the Naval Academy, became Navy Chief Chaplain, and left the Armed Forces with the rank of rear admiral.

I want to say, as someone of the Jewish faith, that the cardinal has been particularly effective in moving out to the people of the Jewish community and doing a great deal to bridge the gaps—which fortunately now are relatively small and minor—between the Catholic community and the Jewish community. He went out of his way to do this, which I greatly respect.

He has always been seen doing things for the poor. He has worked hard on making working conditions better for people. He cares about the plight of the farm workers. He is dedicated to protecting the rights of immigrants and, in fact, announced at his Labor Day mass as recently as September, his first public appearance after his surgery, a new archdiocesan program of aid to immigrants. He reached out to the poor.

His views on homosexuality are known, but he has spent time anonymously working with people with AIDS. I do not agree with his views, but I sure respect the fact that, without any fanfare, he has been able to do those things.

Of course, now he is ill, and that is one of the reasons I thank every one of my colleagues for moving this bill with alacrity because my State of New York and this entire Nation owe a debt of gratitude to Cardinal O'Connor. There is no more fitting way than presenting him with the gold medal.

For his compassion, for his strength of argument—which I agreed with many times; disagreed with sometimes—for his intelligence, and for his commitment to New York and to faith, very few would be more deserving of this medal than Cardinal O'Connor.

I again thank my colleagues. I thank this body for taking the time, in the middle of this bill, to honor the cardinal in a very fitting way. Our hopes and prayers are for his health, and our thanks are for the great job he has done for New York's Catholics, for all New Yorkers, and for all Americans.

With that, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I thank the Senator from New York for his heartfelt comments.

I want to relate a small personal story. I had an opportunity, with my wife Karen, to meet and talk with the cardinal a few years ago when we were in New York. I had never had a chance to meet him, and he was someone whom I respected very much and followed his leadership. I had wanted the opportunity to meet with him.

We went by his residence and were hoping for about 5 minutes. An hour later, after a wonderful discussion of issues that I was working on and that he was interested in, and things he was working on that I was interested in, he gave me a tremendous amount of encouragement for work in public service.

He understood the importance of public service in his work as a chaplain and, obviously, in his work as the Cardinal of New York. That was, indeed, public service, also.

Senator SCHUMER mentioned many things he did outside the archdiocese and work that reached out into the community. He gave me great encouragement to continue to work, to fulfill what Catholic social teaching is, to care particularly for the poor and the most vulnerable in our society.

He gave me a lot of inspiration. He gave my wife a lot of inspiration. For that I will always remember and always thank him, and for the blessing and the prayers that he gave me that night.

Senator SCHUMER said—and I said earlier—he is gravely ill right now. But I know, as he spends these last few days on Earth, that many of us who know him and admire him will long remember him. Certainly, the comment, "Well done, my good and faithful servant," will apply to John Cardinal O'Connor.

Mr. BIDEN. Mr. President, I ask unanimous consent to be able to proceed for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, as the Senator from Pennsylvania, I have known Cardinal O'Connor for a long time. I am a cosponsor of this bill. That is not the reason I stand.

I stand today to say I hope there is a lesson drawn from what is being done here. The primary cosponsor of this amendment is a man from New York of a different faith, who disagrees vehemently with the cardinal on some very important items that mean a lot to him in terms of the rights of homosexuals and the issue of choice. Yet he has come forward to acknowledge, along with his friend from Pennsylvania, that this man should be recognized for the special features he has possessed and the courage and the commitment he has shown.

I hope we all take a lesson from this. I hope we all understand that in every one of us in this country there is a lot of good—those who have strong political positions that are diametrically opposed to us—and yet we are able to see the good as well as the disagreement. I hope this is an object lesson for everyone.

I thank the Senator from New York for having the good grace to understand how we should run all of our affairs in this country. You can disagree without being disagreeable. You can have strong views and still recognize, in this instance, the saintly side of a great man.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the bill (H.R. 3557) is read the third time and passed, and the motion to reconsider is laid upon the table.

The PRESIDING OFFICER. The Senator from Nevada.

AFFORDABLE EDUCATION ACT OF 1999—Continued

Mr. REID. Mr. President, the manager of this bill, the Senator from Georgia, has agreed that we would go out of the order we have had and allow Senator BIDEN to go forward for 10 minutes with his amendment. Following that, under the regular order that has already been agreed to, Senator WELLSTONE will be up next as part of the unanimous consent agreement. According to the unanimous consent agreement, on his amendment there are 2 hours set aside equally divided. Following that on our side, after the Republicans offer their amendment, Senator MURRAY would then offer her amendment.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. What is the request, again?

Mr. REID. I ask unanimous consent that Senator BIDEN be allowed to precede for 10 minutes to offer his amendment, and following that, the Senator from Minnesota be recognized to offer his amendment, and then following the Republicans offering an amendment, Senator MURRAY be recognized to offer her amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Delaware.

Mr. BIDEN. Mr. President, I may not take the 10 minutes.

I can assure my colleagues that in order to accommodate the number of Senators who asked about my amendment, I am not going to, at this moment, force a vote on that amendment.

What I rise today for is to speak about an amendment I have submitted to this bill. What we have before us today is fundamentally a tax bill to help middle-class parents give their children the best education possible at elementary and secondary levels, as well as higher education.

I, with a few on my side of the aisle, happen to support the Senator from Georgia in his effort. The proposals in this bill are not new. In fact, I have supported many of them in their various incarnations in the past.

Several of these proposals were included as part of a so-called GET AHEAD Act—Growing the Economy for Tomorrow: Assuring Higher Education is Affordable and Dependable—an act which I introduced in 1997. Although this bill never came before the Congress for a vote, many of its provisions were included in the 1997 tax bill.

In 1998, I was one of only a handful of Democrats who supported the legislation to expand the existing education savings accounts, more commonly referred to as educational IRAs. Currently, $500 a year may be contributed to these education IRAs, and the money in these accounts may only be used for higher education. However, under the 1998 proposal, as well as the bill we have before us today, these accounts would be expanded so the parents could contribute up to $2,000 per year, and the savings in the accounts could be used to pay for elementary and secondary education costs, as well as the costs associated with higher education.

I find no principal rationale why I should be able to use a $2,000 IRA to have sent my child to Georgetown University and not use it to send my child to Archmere Academy, which is a Catholic institution as well but a high school.

During my time in the Senate, I have consistently supported reasonable, appropriate, and constitutional measures to help middle-class and low-income families choose an alternative to public schools. I believe the bill achieves part of this goal.

There is no tax deduction for the money put into these education IRAs. There is no tax deduction for the entire cost of a private or parochial education. This is not a voucher proposal.

The thing I would most want to speak to today is the idea that we have to do more than we are now to accommodate parents sending their kids to college. As helpful as this initiative is, it does not go very far. We all know firsthand how difficult it is for American families to afford college.

In 1997, we took some important steps towards making college education more affordable with the enactment of several tax credits for students and their families. So-called HOPE scholarships allow families a tax credit of up to $1,500 for tuition and fees for the first 2 years of college. The Lifetime Learning credit currently allows families a 20-percent tax credit on up to $5,000 for educational expenses through the year 2002, and up to $10,000 for educational expenses thereafter.

Additionally, the 1997 tax bill allows students to deduct a portion of the interest paid on student loans during the first 60 months of repayment. The bill before us today proposes to eliminate that 60-month limit on student loan interest deductions and allow students to deduct the interest paid on their student loans for the duration of their repayment.

While this is another step in the right direction, I believe there is still more we can do to help our Nation's college students. That is why I am offering an amendment today to allow an additional tax relief for millions of families who are struggling to put their kids through college. My amendment builds upon the proposal contained in the legislation introduced in 1997.

My amendment would offer families the option of either a tax deduction of a 28-percent tax credit on up to $5,000 of educational expenses during 2001 and 2002 and up to $10,000 of educational expenses during 2003 and thereafter. Further, there is no limit on the number of years the family could claim this tax credit. So a student could claim a deduction or credit for every year he or she is enrolled in an institution of higher learning as either an undergraduate or a graduate student.

Additionally, this educational tax deduction contains higher income thresholds. I would allow this to be taken for up to $120,000 for joint filers, thus allowing more families and more students to take advantage of the tax benefits in this proposal.

Things have changed a great deal since I arrived in the Senate in 1973. In 1973, there was still the myth that all a student needed was a good high school education to have a clear shot at being able to make it. The statistics and the numbers and the story has been told over the last 28 years that a college education is essentially becoming a prerequisite for having a clear shot at the middle-class dream of being able to own a home, afford a good education for your children, and to live with some degree of financial certitude.

I will not take more time today, although when I do introduce this formally to a piece of legislation, I will speak much longer and in much more detail.

To summarize, I think it is the most noble of social purposes to seek to encourage families to spend money on educating their children and, particularly at this stage, on higher education. People say to me: JOE, $120,000 is an awful lot of money for you to allow someone to have a tax advantage. You can have them make up to $120,000 and they still get a benefit here.

The answer is yes. My inclination is to go higher. Try sending a kid to a private institution today and college. Try sending a kid to a school that is not a State public institution. There are phenomenal State public institutions. I am not suggesting there aren't.

Take my alma mater, the University of Delaware. As an in-State student, you can get it done for somewhere around $13,000 room, board, and tuition. Send that same kid to the school my son attended, the University of Pennsylvania and it is $35,000. Send them to Gettysburg College and it is $30,000 room, board, and tuition. The cost of education is astronomical.

What I don't like to see happen, when you think about the incredible cost of education today and what we are developing, is basically a two-tiered education system. One of the greatest bills that ever passed was the GI bill. The GI bill meant that Irish Catholic kids and inner-city kids and farm boys could go to Harvard and Yale and Princeton and to the great "universities" out there. But now to go to those schools and every other school, many of which we haven't heard the names of, there is very little possibility. The only choice a student has in a middle-class family is to be able to go to the State institution.

I went to the State institution. I am proud of having gone to the State institution. My wife graduated from the State institution. My whole family went to the University of Delaware. I take a back seat to no one at any other university in terms of the education I received, but I don't want to be in a position where, in fact, the only choice middle-class people have of sending their kids to college is at a State university. I don't want this two-tiered system to reemerge.

If you get into one of the great universities, the prestige universities, they are endowed enough that if you have no money, you are likely to be able to get help. You will be able to get some aid packages to go. The people who get crunched are the people in the middle.

I am delighted and pleased and I applaud the Georgetowns and the Dukes and the Princetons and the Stanfords and the great universities out there that are the named universities for providing for the education of moderate- and low-income people who otherwise qualify to get in. Very few get turned away because of that. The problem comes with the quintessential middle-class family who makes what appears to be a good income, has three kids going to college, and they lose that option. I don't think they should.

Mr. President, rather than take the time of the Senate, I will withhold sending my amendment to the desk because I am not going to ask for a vote on it now. I will speak to this in more detail later.

I thank the manager of the bill for allowing me the opportunity. I particularly thank Senator WELLSTONE, who was here before me, for allowing me to precede him.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

AMENDMENT NO. 2865

(Purpose: To require the Secretary of Health and Human Services to report to Congress on the extent and severity of child poverty)

Mr. WELLSTONE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 2865.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place add the following:

SEC. . REPORT TO CONGRESS REGARDING EXTENT AND SEVERITY OF CHILD POVERTY.

(a) IN GENERAL.—Not later than June 1, 2001 and prior to any reauthorization of the temporary assistance to needy families program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) for any fiscal year after fiscal year 2002, the Secretary of Health and Human Services (in this section referred to as the "Secretary") shall report to Congress on the extent and severity of child poverty in the United States. Such report shall, at a minimum—

(1) determine for the period since the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193; 110 Stat. 2105)—

(A) whether the rate of child poverty in the United States has increased;

(B) whether the children who live in poverty in the United States have gotten poorer; and

(C) how changes in the availability of cash and non-cash benefits to poor families have affected child poverty in the United States;

(2) identify alternative methods for defining child poverty that are based on consideration of factors other than family income and resources, including consideration of a family's work-related expenses; and

(3) contain multiple measures of child poverty in the United States that may include the child poverty gap and the extreme poverty rate.

(b) LEGISLATIVE PROPOSAL.—If the Secretary determines that during the period since the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2105) the extent or severity of child poverty in the United States has increased to any extent, the Secretary shall include with the report to Congress required under subsection (a) a legislative proposal addressing the factors that led to such increase.

Mr. WELLSTONE. Mr. President, the purpose of this amendment—and I hope there will be a very strong vote for the amendment—is to call on the Secretary of Health and Human Services to report to the Congress on the extent and severity of child poverty in our country. I will make the connection to education in a moment.

We need to have some critical information about the welfare bill before reauthorization. That is what this amendment says. We ask the Secretary of Health and Human Services to provide this Congress with critical information. The Congress has consented so far to allow welfare reform to continue without an honest accounting of how our actions impact our Nation's children. Before we reauthorize this bill, we need to know what has happened.

There is one missing ingredient when we talk about welfare, and that missing ingredient is information. Let me quote from some of the most knowledgeable people who are doing research in this area. The National Academy of Sciences convened a panel of leading researchers to evaluate the data and methods for measuring the effects of welfare reform. This is basically a quote from their report:

> The gaps in the data infrastructure for determining the effects of welfare reform are numerous.

"Numerous gaps in the data"—what does that mean? It means we have no understanding of what the effects of this legislation on the lives of people in our country—poor people, mainly women and children. The information is simply not collected, and we don't know because we don't ask.

The purpose of this amendment is to understand the effect of this legislation on child poverty before we reauthorize it. We need to know whether or not it is true, as has been reported in the data, that actually we are seeing an increase in the poverty of the poorest of the poor children—those children in households with less than half of the officially defined poverty income. We need to know what the gap is between the welfare bill and families working, and whether or not they are above the poverty level income, because the whole goal was to move people to economic self-sufficiency. We need to know what, in fact, is going on with programs such as the earned-income tax credit, or food stamp assistance, or Medicaid, and how that has affected the lives of poor children in America.

We need to do some policy evaluation. Too many people—Republicans and Democrats and the administration—brag about the fact that the rolls have been slashed by 50 percent since 1994. But how can anyone in good conscience use that as a measure of success alone? Reducing the rolls is easy. You just push people off the rolls, you close their cases, and you wish them good luck.

Reducing the rolls by half doesn't indicate whether or not we have reduced the poverty. The goal is to reduce the poverty of women and poor children in America. The question is whether or not people who have been pushed off the rolls are working and at what kinds of jobs. Are they living-wage jobs? And the question is, What kind of child care do they have for their children? Do they still have medical assistance, or are they worse off because they have been cut off of medical assistance? The question is, What about the additional services for those families where maybe the single parent struggles with addiction, or maybe she has been battered over and over again and there needs to be additional support before this woman and her family can move to employment and decent wages. Are the support services being provided?

I think we have created a whole new class of working poor people in this country. We have created a whole new class—unless we call for a policy evaluation—of the "disappeared." We don't know what is happening. We have been unwilling to do any serious policy evaluation. Gunnar Myrdal, the Swedish sociologist, once wrote that ignorance is never random. We don't know what we don't want to do. Before we reauthorize the welfare bill and as we move forward on an education piece of legislation, I would ask the Senate to go on record calling for an evaluation as to the effect of this legislation on poor children in our country.

Some would say: What are you doing, Senator WELLSTONE, calling for an evaluation on a welfare bill? This doesn't belong on an education bill.

If a child is living in poverty—and I try to stay very close to this question, as I care a great deal about what happens to poor children in America—the preliminary reports I have seen indicate we now have more children living in households below the poverty level of income. We see a deepening of poverty in children in our country.

I argue that if a child is sick, if a family has been cut off medical assistance—and please remember that Families USA, 6 months ago or so, issued a report that there are 670,000 people in our country today who no longer have medical assistance because of the welfare bill—I argue that children don't do well in school when they do not receive adequate care, when they are sick, when they have an illness, or when they have tooth decay or an abscessed tooth. It is very hard for children to do well in school under those circumstances. I think we are sleep-walking in the Senate if we don't see any connection between how well children do in school and the economic circumstances of their lives.

We had a wonderful coalition gathering yesterday. Senators KENNEDY and SPECTER are introducing antihunger legislation, of which I am proud to be an original cosponsor. If we have 30 million citizens in our country today with a booming economy who are "food insecure," and if too high a percentage of those citizens are children, and if, in fact, we have seen a dramatic decline in food stamp participation—and I will marshal the evidence for this in a moment—and the Food Stamp Program was the major safety net for children in this country, you had better believe I have this amendment on this bill, because when children are hungry, they don't do well in school.

May I repeat that. When children are hungry, they don't do well in school. May I repeat the fact that we have dramatically slashed the food stamp rolls and that many children who should be receiving food stamp assistance today are not receiving food stamp assistance. That is an important fact. We ought to do the policy evaluation. We ought to have the courage to evaluate the impact of this welfare bill on poor children in America today.

In my State there is no longer any affordable rental housing. It is absolutely unbelievable. Children are the fastest-growing segment of the homeless population in our country today, and they end up having to move four or five times during the school year. In many of the schools I visit in our State of Minnesota, especially in our cities, and I visit one every 2 weeks, the teachers tell me it is hard for a third-grader to do well when she is moved four times during a year because the family can't find affordable housing. Don't tell me that doesn't have any impact on how well a child performs in school. This is an education bill being debated, so I have an amendment that deals with the poverty of children in our country.

I argue that today, with an economy booming and an affluent country, we have one out of every five children growing up poor in our country. Under the age of 3, I believe it is closer to one out of every four; and under the age of 3, it is about 50 percent of children of color growing up poor in our country today, which is a national disgrace. I argue that poverty has everything in the world to do with education and whether or not each and every child in America has the same opportunity to reach her full potential and his full potential, which is the goodness of our country.

Challenging Senators today to vote for a policy of evaluation on the welfare bill, so we can assess what is happening to poor children, is the right thing to do on an education bill.

If we blindly accept the argument that the welfare "reform" is a great success because we have eliminated the rolls by 50 percent, we are guilty of turning our backs on the most vulnerable citizens in our country—poor children. And if we will not address the underlying problems that deal with race—yes, race—and gender, and poverty, and inequality, and social injustice in our country today, it is all too predictable which children will come to kindergarten way behind and which children will fall even further behind, and, yes, which children will fail these standardized high-stakes tests we give to show how tough we are and how rigorous we are, and which children will be held back, and which children will drop out of school, and which children will wind up incarcerated in America today.

Don't move to table this amendment arguing that it has nothing to do with education. No Senator should say, "Senator WELLSTONE, I am going to table your amendment because your amendment deals with race, gender, and poverty of children in this country and that has nothing to do with education." Today, 13 million children are growing up poor in our country with a booming economy.

I ask my colleagues to consider my amendment before we reauthorize this welfare bill which will impact on children and the poverty of children.

Let me now discuss some recent studies.

According to the Center on Budget and Policy Priorities, Bob Greenstein, director, received the McArthur Foundation grant—I think one of the genius grants—for the impeccable research he directs. More than two-thirds of our States impose full-family sanctions, stopping aid to children as well as parents. Nearly half of these States impose a full-family sanction at the first instance of noncompliance. More than one-fourth of all case closures in a number of States have been the result of sanctions.

In other words, half of the people are off the welfare rolls. In many cases, the families have been sanctioned. That doesn't mean they are working. It doesn't mean they have good wages or are doing well. They have just been sanctioned. Then the question becomes, If in a lot of States you have these sanctions, are the sanctions justified?

A recent Utah study found that three-quarters of the sanctioned families had three or more barriers to employment, including a health or medical problem, lack of transportation, or lack of skills.

A Minnesota study concluded that sanctioned families were four times as likely as the caseload as a whole to report chemical dependency, three times as likely to report a family health problem, and twice as likely to report a mental health problem or domestic violence.

We should be worried about this. We should want to know what is going on.

Finally, quite often the families who are subject to the sanctions may have the greatest difficulty understanding the program, rules, and expectations. Recent studies from South Carolina and Delaware document that sanction rates are highest for those people with the least amount of education. The Delaware study also found that sanctioned individuals were more likely to have trouble comprehending TANF rules and did not understand the consequences of noncompliance.

As a result of the welfare bill, more than 2.5 million poor families have lost their benefits. That is a decline in the rolls of 50 percent. But the number of people living in poverty in our country has held close to the study. Many of these families have gone from being poor to getting poorer, and most of the welfare recipients are children.

This is why I challenge Senators today. I do not know how any of you can vote against this, colleagues. I am saying, before we do any reauthorization of this welfare bill, we ought to evaluate the impact of poverty on children.

Don't table this amendment because you cannot separate whether children are hungry, homeless, or whether there has been decent child care before they get to kindergarten.

One study I cite should trouble Senator REID and every Senator. It was released by researchers at UC-Berkeley and Yale. They found that about a million additional toddlers and preschoolers are now in child care because of the changes in the welfare law. Mothers work. They are single parents. But these children, unfortunately, are in low-quality child care, and therefore they end up lagging behind other children their age in developmental measures.

There was a study of nearly 1,000 single mothers moving from welfare to work, and they found that many of these children had been placed in child care settings where they watched hours of television or wandered aimlessly and had little interaction with their caregivers.

The result: These toddlers showed developmental delays. When asked to point to one of three different pictures in a book, fewer than two out of five of the toddlers in the study pointed to the right picture compared to the national norm of four out of five children.

One of the study's authors is quoted as saying, "We know that high-quality child care can help children and that poor children can benefit the most. So we hope this will be a wake-up call to do something about the quality of child care in this country. The quality of day-care centers is not great for middle-class families, but it is surprising and distressing to see the extent to which welfare families' quality was even lower."

Colleagues, we ought to know what is going on with this bill. If we are telling these mothers they have to work, that we are not looking at the child care picture, and their children are in dangerous and inadequate child care centers and falling further behind developmentally, shouldn't we know that? Don't we want to know the impact? Can any Senator tell me that is of no consequence as to how well these children do in school? Of course it is.

I also want to point out that many of these families have been stigmatized. We have an additional problem. Again, I would like to see an analysis of this. But all too often, too many families don't even enter TANF. They do not know they have the right to receive assistance at the beginning, and, therefore, in this affluent economy we see a rise in the use of food banks and shelters. It is amazing. Everybody is claiming success.

The 50-percent reduction in the welfare rolls has hardly reduced poverty. In many cases, children are poorer now than they were before. In all too many cases families don't even know they are eligible to receive this assistance, and they don't.

I will save some of my time in case there is a response to the debate. But I want to talk about a report released yesterday by the National Campaign for Jobs and Income. It is a new coalition of antipoverty groups.

They found a couple of results that are very distressing. In too many cases families are eligible still for medical assistance and food stamp assistance when they move from welfare to work, but at the local county level they are not told they are eligible. That is incredible. That is absolutely incredible.

Let me talk about Medicaid and what is happening under welfare reform.

Despite the creation of the State Child Health Insurance Program, CHIPS, which provide resources to

States, the total number of low-income children enrolled in Medicaid in the State CHIP program combined has actually decreased in the 12 States with the largest number of uninsured children between 1996 and 1998.

A study in the January issue of Health Fairs found that 41 percent of the women surveyed lacked health insurance one year after leaving welfare. Forty-one percent of these women no longer have any coverage. Their families don't have coverage. Only 36 percent of the women had been able to retain their Medicaid coverage. The same study found that 23 percent of the women with children were also uninsured. Some were about to keep their insurance. But 23 percent were uninsured one year after losing welfare benefits.

I ask you to vote for an amendment that says we ought to do an evaluation of the impact of their welfare bill on the poverty of children. If 23 percent of the children one year after their mothers leave welfare no longer are covered and no longer have any health insurance coverage, that is a serious consequence. We ought to understand that.

According to Families USA, two-thirds of a million low-income people—approximately 675,000—lost their Medicaid coverage and became uninsured as a result of the welfare bill.

Families are losing Medicaid coverage under welfare reform because: No. 1, they are basically not being told they are entitled to it at the local level.

No. 2, you have these complex rules, and it is very difficult for people to know their rights. Legal immigrants, in particular, are especially confused.

No. 3, antiquated computer systems. Most States rely on computer systems that were designed for welfare programs, not Medicaid. As a result, these systems produce letters that are technical and difficult to understand. When families are pushed off welfare right away they don't even know they are entitled to medical assistance.

Now for the second set of disturbing facts. Sometimes facts make Members uncomfortable—or they should make Members uncomfortable. According to the USDA, 30 million people live in a "food insecure" house; 40 percent of them are children; 12.5 million children are "food insecure"—that is another way of saying going hungry or malnourished.

I have talked about all of the people who have been pushed off welfare. According to a study by the USDA, more than one-third of those eligible for the Food Stamp Program are not receiving the benefits. A General Accounting Office report released last year found food stamp participation dropped faster than related indicators would predict.

Furthermore, GAO points out there is a growing gap between the number of children living in poverty, an important indicator of children's need for food assistance and the number of children receiving food assistance. That food stamp participation dropped faster than related economic indicators would indicate simply means we have hardly made a dent in reducing poverty. We have many poor children in the country. The Food Stamp Program was the major safety net program for poor children in America and we have seen a dramatic decline in participation. Probably as many as 33 percent of the children should be receiving the help, and they are not. Therefore, they are hungry, they are malnourished, and therefore they can't do as well in school. And no Senator's child could do well in school if their child went to school malnourished or if their child was hungry.

These are not my opinions but that of good researchers. The Urban Institute report found two-thirds of the families who left the Food Stamp Program were still eligible for food stamps.

What is going on? We need a policy evaluation. A July 1999 report, prepared for USDA by Mathematics Policy Research, identified "lack of client information" as the barrier to participation and pointed out that many of these people who were not participating were not aware they were eligible.

At the local level they are not being told. We have created such a stigma, we have done so much stereotyping and bashing of these poor women and children and the poor in America today, that it has filtered down to the local level. Basically, at the local level people don't even know they have the right to get this assistance.

Much of this is happening at the same time the States are now sitting on a $7 billion surplus of TANF money. Colleagues who were for the welfare bill should be as concerned about this as I am. There were a number of States—Minnesota was one last year; not this year, I am happy to say—that through a little of bit of accounting and juggling, used the TANF money for a tax rebate.

This is what we have: Families who are not being told they are eligible for medical assistance, and they are; we have families not being told they are eligible for food stamp assistance, and they are; we have a rise in the use of food shelters; we have hungry children in America; we have many families who no longer receive medical assistance 1 year after the welfare bill; we have the vast majority of the women no longer on welfare and still don't make even poverty wages; and we have a whole group of other recipients and women who have severely disabled children or they had children when they were children, who do not have the skills development or have struggled with addiction, or we have, unfortunately, a central issue of violence in the home, women who have been battered over and over again. They need to have the support services so they can move from welfare to work and be able to support their children in this prosperous economy.

The Governors came here and said, several years ago: Trust us, trust us, trust us.

Some States are doing good work. The Chair was a Governor of New Hampshire. Some States are doing good work.

I can't believe they are sitting on $7 billion in TANF money, some of which could go into training, some of which could go into education, some of which could go into the support services. That is what this was all about.

There is reason to be concerned. Not later than June 1, 2001, and prior to the reauthorization of this bill, let's call upon the Secretary of Health and Human Services to make a report on the poverty of children in America and in particular on the welfare bill and how it has affected the economic status of the children in these families.

The reason I offered this amendment is manyfold, but let me make it twofold. First, there is disturbing evidence based upon reports that we are now seeing an increase of children who are among the poorest of poor in America. Second, there is disturbing evidence that very few of these families have actually moved from welfare to escape poverty. There is clear evidence that many of the families have now lost their medical assistance and are worse off. In addition, there is clear evidence that many of these children and many of these families are eligible for food stamp assistance, which is particularly important in making sure that children don't go hungry, and they are not being told about it.

The second reason I bring this amendment to the floor is I think there should be an up-or-down vote. Members can't argue that this is irrelevant to the discussion at hand. The Yale-Berkeley study sends chills down my spine. There has also been a national report. I know there was a New York Times article about it. What has happened with many of these families is the mothers work, but all too often they have to leave at 6 by bus. It takes them 2 hours. There is not adequate transportation. They don't have a car or they may live in a rural area. They don't get home until 8 o'clock at night. The child care situation is frightening. A lot of the child care for these children is dangerous and inadequate, at best. These children should be valued as much as our children.

Colleagues, I wait for a response.

How much time remains?

The PRESIDING OFFICER. The Senator has 28½ minutes remaining.

Mr. WELLSTONE. I ask my colleague from Georgia whether there is any response.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I did not hear the Senator's question.

Mr. WELLSTONE. Mr. President, I say to the Senator from Georgia, I reserve the remainder of my time. I have tried to make the following arguments. I have tried to say there is disturbing evidence, outside reports that all may not be right with what is happening. Before we reauthorize this bill, we ought to have a policy evaluation of the impact on poor children. Then I went on and tried to give examples. I can repeat them if my colleague wants me to. It is in my head and my heart.

My second point has been I certainly hope this amendment will not be tabled because I think it has everything to do with education. I think it is terribly important.

Mr. COVERDELL. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 59 minutes. The Senator from Minnesota has 28 minutes.

Mr. COVERDELL. It might be helpful to the Senator from Minnesota to know I do not believe there will be a rebuttal to his amendment. It is my intention to yield back our time at the appropriate moment.

I am unaware of anybody who has expressed to me an interest in debating his amendment. If the Senator wanted to use the remainder of his time, this would be the time to do it.

Mr. WELLSTONE. Mr. President, I gather from what my colleague said that means if there is not a rebuttal, there is going to be a good strong vote for this amendment? Is that what my colleague is saying? That would please me.

Mr. COVERDELL. Anybody who predicts the legislative process is probably the same person who gets his own attorney.

Mr. WELLSTONE. Is my colleague going to move to table?

Mr. COVERDELL. Yes, I am.

Mr. WELLSTONE. Mr. President, I thank my colleague from Georgia. Here is what I am concerned about now. I want to say this to the Senator from Georgia.

The background of this is, I have for the last 2 years, off and on, been trying to get a policy evaluation of the bill. This time I focused on the poverty of children because I thought it was so important, so relevant to education. I believe that. I think my colleague from Georgia does.

I say to the Senator, he does not have to respond. We will see what the House does. It is a tax bill. It may go to the President, and it could very well be vetoed. If that happens, then I have to come back with this amendment on another vehicle, but I certainly hope if we go to conference committee this amendment will not be dropped.

I am going to call for a record vote because I want everybody on record. What has happened in the past is I will come out and then it will get dropped. First, we lost on a vote, a slightly different amendment. Then the next one was dropped.

I know I speak with emotion about this, but I really do think it makes sense before we reauthorize by 2001—before we reauthorize in 2002, we ought to know what the impact is. I have presented a lot of studies that should trouble all of us. I think it is terribly relevant to how well our children do.

I thank the Senator from Georgia because he could have come out and tried to give this the back of his hand and tabled it. I appreciate the fact he did not. I do not think Senators should vote against this amendment. What I hope is it will stay in conference committee. I make that request to my colleague.

I have been on votes that have been 99–1, where I am the 1. Obviously, I have not persuaded too many people. And then I have been involved in votes that are closer. If this is almost a unanimous vote or a unanimous vote, I would like Senators to know: You are on record. When we vote we are on record. I want Senators to know when you vote you are on record saying it is important we have a thorough policy evaluation done of the effect of the welfare bill on children. We want to know if there has been a rise in the poorest of the poor children. We want to know what the gap is between those families who are working and poverty-level income. Are they moving to economic self-sufficiency? We want to know what has happened with other programs such as food stamp programs and why there has been such a drop in food stamp participation, way below the drop in poverty. We want to know what is going on. We want to know what is going on with child care. I am troubled by all these reports about the dangers due to inadequate child care for these children.

The way I look at it, I say to Senator COVERDELL, the evidence is irrefutable that probably the most important thing any of us could do is try to make sure prekindergarten kids get the developmental child care from parents—or whoever, if the parents work—so they come to kindergarten ready to learn and not way behind.

I want all Senators to know you are on record supporting this policy evaluation. I have been trying to do this for several years. I appreciate the support. It is not a small question. Children who are hungry do not do well in school. Children who receive no health care coverage or dental care where they have an abscessed tooth and infection do not do well in school. Children who have been in inferior prekindergarten situations, inadequate child care, do not do well in school. Children who are homeless do not do well in school. And children who are among the poorest of the poorest of the poor citizens of this country, living in households at less than half the poverty-level income, do not do well in school.

I think it is important we get a handle on what it means that in the most affluent country in the world, with an economy booming and record surpluses, we have 12.5 million children who are "food insecure."

We can do better, and we will do better when we are willing to do an honest evaluation as to what is happening.

I thank my colleague from Georgia. I take his support not as a sort of effort to trivialize this but as sincere support. It means a lot to me.

Before I yield the floor, I ask my colleague, I would like to have the vote. I would like to have everybody on record. When would we be scheduling this vote?

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, it is not a precise science we are dealing with here, but it is contemplated that we will move from the Senator's amendment to an amendment by Senator HUTCHISON of Texas, to an amendment by Senator MURRAY of Washington, and perhaps one other which is being discussed from Senator ROTH, which is a managers' amendment. Then all those would be voted on back to back. My guess is, if that is the general plan and it occurs that way—as the Senator knows, these things are sometimes subject to some modification—I think that is a pretty good description of what is likely to happen and that would probably happen around 5:30 or 6 o'clock. It is contemplated the Senator wants a vote on his amendment. It will be in that stacked series of votes.

Mr. WELLSTONE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. WELLSTONE. I say to my colleague from Georgia, what would be best for Senators' schedules would be stacked votes, either later today or early tomorrow morning; is that correct?

Mr. COVERDELL. Yes. The purpose for that is we are trying to facilitate people offering amendments, trying to keep it as near on time as we were doing with the presentation of the Senator so people can keep their schedules.

Mr. WELLSTONE. I thank my colleague from Georgia. I yield the floor.

The PRESIDING OFFICER. Does the Senator yield back his time?

Mr. COVERDELL. Is the Senator from Minnesota prepared to yield back his time? I am prepared to yield back our time on the amendment.

Mr. WELLSTONE. Mr. President, I yield back our time.

Mr. COVERDELL. Mr. President, I yield back our time.

The PRESIDING OFFICER. All time has been yielded back.

Mr. COVERDELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLARD). Without objection, it is so ordered.

AMENDMENT NO. 2860

(Purpose: To establish the Careers to Classrooms Program)

Mrs. HUTCHISON. Mr. President, I call up amendment No. 2860.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Texas [Mrs. HUTCHISON] proposes an amendment numbered 2860.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mrs. HUTCHISON. Mr. President, this amendment adds flexibility to our school systems. I am working with Senator JEFFORDS and his committee, and Senator LEAHY as well, on the ESEA reauthorization.

I wish to lay down the marker with this amendment because I think it is the key to what we are talking about. We are trying to give parents more options for their children to make the choices that are best for each child.

One of the problems we have in high-needs schools across our country is that we do not have qualified teachers to teach subjects that will benefit young people all over our country. It may be computer courses. It may be language courses. Yet we have people who have had careers—people in the military, people in corporations and businesses—who may be proficient in French and they may live in an area where the school is not able to teach French because they do not have a qualified teacher. This would be a big benefit to the young people in that school system if they had that as an option. It may be the Russian language or the Chinese language. It may be computer skills. It may be chemistry or biology classes. There are so many areas, but they just are not teacher qualified.

My bill, which is called Careers to Classrooms, is being offered as an amendment to give more flexibility to the States by allowing them to go to a high-needs school and give priority in that high-needs school to recruiting teachers.

My amendment also encourages a certification process that will bring the teacher up to speed quickly. It is an expedited certification process so the teacher will not have to wait a whole year to go into the classroom but can go through an expedited certification process by that State.

It is important we replicate the programs that have succeeded. My Careers to Classrooms amendment replicates the Troops to Teachers Program that has been in place and has been very successful. It uses retired military people who have experience in the military which they can transfer to the classroom and enrich educational opportunities for our young people. This allows people in the private sector to do the same.

This is similar, but not the same, as the Graham amendment. The Graham amendment goes toward the universities being able to have programs. Mine is for the States to put these programs in place.

I urge the adoption of my amendment. I think it adds an enriching experience for the classrooms, particularly in high-needs schools, whether it be in an urban community that does not have access to teachers or in our rural areas.

I happen to know of a case involving a woman who was a French major in college. She had taught French in private schools. She moved to a small town in Texas where they wanted to offer French in the high school. She wanted to teach it, but she could not because she did not have the teacher certification.

This is made to order for this situation. This is a French language major who taught French in private schools and who wants to give this opportunity to a small Texas high school. I want her to be able to do that because we know those students will be enriched by having that option.

I urge the adoption of my amendment. I hope we can offer this kind of enrichment to schools all over our country by giving the States this option.

Mr. President, I ask the distinguished manager of the bill if I can ask approval of my amendment. Does he want a voice vote?

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, if the Senator from Texas has completed her presentation on the amendment, my suggestion is that we set it aside and move to other matters. We are trying to determine the sequence of amendments. Perhaps we can deal with the amendment either on a recorded vote or perhaps we can secure a voice vote in the back-to-back management of this current series of amendments.

Mrs. HUTCHISON. I am happy to accommodate whatever works. Is my amendment the pending amendment?

Mr. COVERDELL. It is at the moment.

Mrs. HUTCHISON. Mr. President, does the Senator want me to set it aside?

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, we may be able to clear this. We do not know. I have to check with the Finance Committee as to how they feel about this. It may be better to put this in the normal course of amendments. If we can do this by voice vote, that will be great.

Mr. COVERDELL. What we are saying is we have not decided that yet. Mr. President, I ask unanimous consent that the amendment be set aside for the moment. We will proceed with business and return to it at the appropriate time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Georgia.

Mr. COVERDELL. Mr. President, I am going to propound a unanimous consent in just a moment. I see my colleague is wishing to make a remark or two, so I yield the floor.

Mr. REID. Mr. President, I say to my friend from Georgia, there are a number of meetings taking place tonight, one at the White House. What we are trying to do is get things arranged so we can have votes completed in time for Senators to go to the White House for a bipartisan meeting. What we are trying to do is have Senator MURRAY take the floor for her amendment at about 20 until 5. The majority will respond to that. We will then begin a series of two and possibly three votes, two recorded votes, maybe one voice vote. If we can't do the one by voice, that will be put over until tomorrow, so Members have an idea of what we are trying to do.

Mr. COVERDELL. I appreciate the remarks of the Senator from Nevada. They very appropriately characterize what is being attempted at this point.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the time in relation to the Murray amendment on class size be divided with Senator MURRAY in control of 20 minutes and Senator COVERDELL control of 10 minutes. I further ask consent that at 5:05 p.m. today the Senate proceed to a vote in relation to the Wellstone amendment No. 2865, to be followed by a vote in relation to the Murray amendment regarding class size. I further ask consent that no amendment be in order to the amendments prior to the votes.

Mr. REID. Mr. President, reserving the right to object, my only modification would be that the vote will be at approximately 5:05. It may not be exactly at that time because the time doesn't add up.

Mr. COVERDELL. I so modify the request to say approximately 5:05 p.m.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. COVERDELL. For the information of all Members, this agreement would provide for the disposition of two additional amendments. It is hoped that the Hutchison amendment will be agreed to by a voice vote; therefore, Members can expect two or three votes beginning at approximately 5:05 p.m. today.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, while we are waiting for the Senator from Washington to present her amendment, I thought I would take a couple of minutes to talk about a certain section of this longstanding debate.

The day before yesterday, the discussion of the core policy of this piece of legislation was that we would leave and not tax the interest buildup on education savings accounts so that they would compound themselves more quickly as an incentive for people to open the accounts. We are told it will probably result in 14 million people opening an account of this nature, and it will bear the parents of 20 million children, which is a little over a third of the entire population of children attending kindergarten through high school.

So the reach of the legislation we are debating and amending is very large. But in the discussion, Senator KERRY of Massachusetts referred to the fact that when you leave, you don't collect a tax. In his mind, that is an expenditure; we didn't appropriate it necessarily, but by not collecting that revenue we, in a sense, are appropriating money.

I find that a flawed theory. Under that context, every dime we do not take from a working family or an individual belongs to the Government, and only by the grace of the Government have we allowed it to stay in the family's checking account.

I won't say that is a convoluted theory, but it is certainly foreign, I believe, to the genesis of American liberty which envisioned the proceeds of the wages that are earned by families and individuals in our country as belonging to them—the people who earned it. Thomas Jefferson warned us of Government's propensity to take too much from the laborer who produced the wealth or the income.

So I thought I would take a minute or two to say that this Senator is among those who believe the wealth, the income, the paycheck belongs to the person who earned it, and Government should only, by the most urgent necessity, tax and remove that resource and thereby lessen the ability of that family or that individual to pursue their dreams and care for their family and its vision.

This theory, which essentially is the view that everything that everybody produces belongs to us up here in Washington unless we just happen to gracefully leave it in the family's checking account, is not a healthy idea. And it has come up two or three times in the debate over these education savings accounts.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I think under the previous order we would hear from Senator MURRAY on her amendment.

The PRESIDING OFFICER. The Senator from Washington is recognized.

AMENDMENT NO. 2821

(Purpose: To provide for class size reduction programs)

Mrs. MURRAY. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington (Mrs. MURRAY) proposes an amendment numbered 2821.

Mrs. MURRAY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mrs. MURRAY. Mr. President, the Senate is currently considering the Republican education agenda. I have listened carefully to the debate over the last several days.

It seems to me the difference between the Democratic and Republican approaches couldn't be more clear. Democrats want to invest in policies that really make a difference for today's young people. On the other side, we are hearing the same old song and dance about tax cuts, vouchers, block grants, and savings accounts. I fear those policies will really weaken our public schools instead of strengthening them.

The education savings account bill we are considering today would only help a very few wealthy families at the expense of everyone else. I urge my colleagues to reject it.

We should be spending our limited time on the policies that parents and teachers know work—things such as smaller classes taught by fully qualified teachers. Those are the policies that time and time again have produced real results for our students—not tax schemes, not funding gimmicks, not policies that will drain money away from our public schools.

That is why I am here this afternoon to introduce my class size amendment which will provide real help for students across the country.

These education savings accounts will only help a few people with very high incomes. Unfortunately, families who aren't well off need more incentives to save for education. And this bill doesn't offer them any. For the 90 percent of Americans whose children attend public schools, this bill offers peanuts.

The Joint Tax Committee found that the average benefit per child in public school would be between $3 and $7 per year over a 4-year period. This program is a backdoor voucher which will drain money away from our public schools and take scarce resources from students who need them most. All the while, this bill will do nothing to improve the quality of public education.

I know I am not the only person in America who thinks we should be investing in the things that we know work in education. A recent poll was conducted for the National Education Association by two bipartisan research firms—a Democratic research firm and a Republican research firm. It found that Americans want specific policies—policies such as providing additional support for students with special needs, policies such as helping school districts attract quality teachers, and policies such as hiring 100,000 new, fully qualified teachers to reduce class sizes in our country. Those are some of the specific, concrete policies on which the American people want us to focus.

In the same poll, the American public chose education as its No. 1 priority over tax cuts by a margin of two to one.

The bill on the floor today ignores the priorities the American people are asking us to address.

As a former school board member, let me give my colleagues a real-life opportunity to test this poll's funding.

Monday night, for many districts, is "School Board Meeting Night" across the country. If my colleagues want to know what the education priorities are at home, all they have to do is attend a local school board meeting. Senators will have the ability to see locally-elected officials, respected community activists, parents, and students gather to discuss priorities and real problems.

School boards all across the country face very tough issues. I know what service on a school board is. I know what school boards are dealing with.

They are grappling with class size, hiring quality teachers, deteriorating facilities, textbooks, curricula, and other issues.

I know what school boards are not dealing with. School boards are not debating tax cuts and vouchers. School boards are not considering diverting revenues from public schools to private schools. But that is what this bill would do.

This is the wrong education debate for our country. The right education debate gives our students the tools and the support they need to reach their full potential. Every child in America deserves a well-trained teacher and a small class size. When a student's hand goes up in the classroom, she should get the help she needs and the attention she needs. That is why this Senate should pass this class-size amendment.

I am offering this amendment for one reason—to continue the progress we have made in classrooms across America for the last 2 years. As a former teacher, I can tell you, it makes a difference if you have 18 kids in your classroom instead of 35. Parents know it, teachers know it, and students know it. By working together over the past 2 years, we have been able to bring real results to students.

This year, 1.7 million students across the country are learning in classrooms that are less crowded than the year before; 1.7 million students are in classrooms where teachers can spend more time teaching and less time dealing with discipline problems; and 1.7 million students are in classrooms where they can get the individual attention they need and where they will learn the basics.

That is progress. But it is not enough. There are still too many students in overcrowded classrooms. So far, we have hired 29,000 new fully qualified teachers. My class size amendment will continue our progress.

I recently visited a classroom in Takoma, WA, where they have taken our class size money and put it into their first grade classrooms. Now 67 classrooms in that district have 15 students in the first grade. The teachers will say they know this is the first year they will be able to say at the end of the year that every child in their first grade classroom will be able to read. There will be direct results from this program we have passed the last 2 years. They could not make those promises with 30 kids in the classroom. They now can as a result of the work we have done.

I wish to take a moment to go through the specifics of my amendment. This amendment uses $1.2 billion to reduce class size, particularly in the early grades, first through third, using highly qualified teachers to improve educational achievement for regular and special needs children.

This amendment targets the money where it is needed within the States. Within States, 100 percent of the funds go directly to local school districts on a formula which is 80 percent need-based and 20 percent enrollment based. Small school districts that alone may not generate enough Federal funding to pay for a new teacher may join together to generate enough funds to pay for a new teacher or to institute a top-notch recruiting program.

This amendment ensures local decisionmaking. Each local school district board makes the decisions about hiring and training their new teachers. The school district must use at least 75 percent of the funds to hire new certified teachers.

This amendment promotes teacher quality. Up to 25 percent of the funds may be used to test new teachers or to provide professional development to new and current teachers or of regular and special needs children. The program ensures that all teachers are fully qualified. Under the amendment, school districts hire State-certified teachers so every student will learn from a highly trained professional.

This amendment is flexible. Any school district that has already reduced class sizes in early grades, to 18 or fewer children, may then use the funds to further reduce class sizes in the early grades, to reduce class size in kindergarten or other grades, or carry out activities to improve teacher quality, including professional development.

The class size program is simple and efficient. School districts fill out a one-page form which is available online. The Department of Education sends them the money to hire the new teachers based on need and enrollment.

Let me add that teachers have told me they have never seen money move as quickly from Congress to the classrooms as they have under our class size bill.

Finally, this amendment ensures accountability. The amendment clarifies that the funds are supplementary and cannot replace current spending on teachers or teacher salaries. School districts fill out no new forms to get the funding, they just add a description of their class size reduction plan to a current form. Accountability is assured by requiring school districts to send a report card in plain English to their local community, including information about how achievement has improved as a result of reducing class size.

Those are the specifics of my amendment. I know this amendment will help my students. I urge my colleagues to support it.

Mr. REID. Before the Senator from Washington leaves the floor, I say to her and Members of the Senate how much I appreciate her leadership on this issue. She has been the voice speaking out on this issue time and time again. I think we in the Senate should listen to someone with experience. She served on the school boards we hear so much about. Why do we not do what the school boards want? That is what we are trying to do. We are doing that through the voice of someone who has served on a school board, who taught in preschool, who has been a voice on education.

On behalf of the people of the State of Nevada, I express my appreciation to Senator MURRAY for leading the Senate down this road of talking about the important matters that affect public education. That is what the debate should be: What can we do to provide a better education for the more than 90 percent of children in America today who go to public schools.

The PRESIDING OFFICER (Mr. L. CHAFEE). The Senator from Georgia.

Mr. COVERDELL. I rise in opposition to the amendment. I wish to make several points. The first point is the Senator from Washington characterizes the education savings account as something that would only benefit a handful of people who are wealthy. I believe that is pretty close to what she said.

According to the Joint Tax Committee, 70 percent of those who would utilize the education savings account make $75,000 or less. This is not something for anybody driving around in a black limousine. It is wrong to characterize it otherwise.

The second point: the criteria for these educational savings accounts are identical to the President's criteria for the higher education savings account. The same folks who use these savings accounts are the ones who were applauded by that side of the aisle when they created a higher education savings account. There is no difference. Every "t" is crossed and every "i" is dotted exactly the way it was done on the other side of the aisle. We cannot have it both ways. If they are not rich over here, they are not rich over here. The point is, the vast majority of accounts are utilized by middle-class folks and low-income people.

No. 2, this is the fourth attempt from the other side of the aisle to gut the creation of the education savings account. Who do they leave behind? The 14 million American families, 20 million American children who would save on their own $12 billion that would go to help education. By simply cutting out the funds as the amendment of the Senator does, $1.2 billion, she robs the Nation of $12 billion in resources that would come freely from families investing in these accounts utilizing their own money. It is bad economic policy to leave $12 billion sitting on the table.

The Senator in her amendment strikes the provision that allows 1 million students in college to receive prepaid tuition in the 43 States that do that, including her State, from their prepaid tuition being taxed when they get it. We are trying to leave the resource there so it can be used for the college education. The amendment guts it.

Last, the proponents of the amendment, as is so often the case, say we will do something for you. But read the language under "use of the funds." They are mandatory uses. It is a long series. If you want to play ball with the Federal Government, you have to hopscotch through every hurdle, every loophole, every this, every that, page after page, reports, qualifications—mandatory.

It is reinforcement of the entire concept of oversight by the big principal in Washington. That is not what America wants. It wants its schools governed at home.

Time is limited; we have 5 minutes remaining in our time. I see Senator GREGG of New Hampshire, and I yield the remainder of our time to Senator GREGG of New Hampshire.

Mr. GREGG. How much time remains?

The PRESIDING OFFICER. The Senator has 5 minutes 40 seconds.

Mr. GREGG. Mr. President, I thank the Senator from Georgia. I appreciate his hard work on this bill. He has certainly outlined most eloquently the importance of these savings accounts to education and how the dollars that will be going into the savings accounts will have a multilayer effect and grow radically, thus increasing the opportunity for more and more kids and more and more families to experience the American dream of going to college. They are using these dollars for other educational activities.

I wish to speak specifically to the amendment of the Senator from Washington State. This amendment is misdirected. It has come to the floor on a number of other occasions and it has been misdirected every time it came to the floor. It has been put forward by the administration as basically a polling amendment. I mean they went out and polled the term and then they concluded that term polled well so they came forward with a program based on that term.

It does not have anything to do with quality education. Study after study has shown the issue of quality education is not tied directly to class size. It is tied to the quality of the teacher in the classroom. In fact, there was a recent study done which studied all the other studies; 300 studies were looked at by Eric Hanushek of the University of Rochester. His conclusion was this, looking at 300 different studies on this specific issue: Class size reduction has not worked; the quality of the teacher is much more important than class size.

Equally important to that issue is the fact this is a straw dog amendment; 43 of the States in this country already are below what the President wants in class size ratio, 18-1. So the amendment really is not for the purpose of reducing class size; it is for the purpose of putting out a political statement.

Let's do something about education. That is what the Republican side of this aisle wants to do. So we have come forward with something called the Teacher Empowerment Act. Rather than having Washington put a straitjacket on the communities where they have to use this money for one thing and one thing only, which is to hire new teachers—many school systems not needing new teachers; what they really need is keep the good teachers they already have and they are having trouble doing that—rather than having this straitjacket from Washington delivered by the Clinton administration and the Members on the other side of the aisle, we said: Let's give the local communities the opportunity to give them what they need, the Teacher Empowerment Act.

It says we will take the funds suggested by the Senator from Washington and put them in the proper vehicle, which happens to be the Elementary and Secondary School Act, which is being marked up today, and we will allow those funds to be used by local communities to assist in addressing their teacher needs. They can use it for teacher education; they can use it for paying good teachers more money to keep them there in the school system; they can use it to send teachers out to get better qualifications and more certification or, if they want, they can use it to hire teachers to reduce class size.

We give the local school system a series of options, which is exactly what should happen. We in Washington should not be saying to every school system in America that in order to get these funds it has to add another teacher because that may not be what the local school system needs. There are numerous school systems in this country that have great teachers that they are losing because the tremendous demand of the marketplace is taking those teachers out of the school system and putting them in the private sector, especially in the math and science areas. So what that school system needs is the ability to pay them a differential, pay them a little more money. This gives them that option.

The Republican proposal is a logical proposal. It is a proposal that addresses the needs of the school systems, the needs of the principals in the school systems, the needs of the superintendents in the school systems and, most important, the needs of the teachers in the school systems and the needs of the parents whose children those teachers teach, rather than addressing some polling data that happens to make a nice political statement but ends up straitjacketing the local communities and the parents and teachers in those local communities.

That is the difference. To begin with, the Coverdell bill is the wrong place for this amendment. The amendment is bad to begin with, as I just noted, and I noted why it is bad, but it has no place in this bill. We are in the process of marking this specific issue up in committee. In fact, today we heard from the Senator from Washington; we heard from the Senator from Massachusetts as to how class size was going to be one of the two essential issues they intended to raise in the committee as we marked up the Elementary and Secondary Education Act. That is very appropriate. That is where the debate should occur.

In that bill already is the TEA bill, the Teacher Empowerment Act. They don't like it because it gives freedom to local school districts and they want to keep control in Washington. I can understand that is their political philosophy, but that debate should occur in the committee of jurisdiction on the bill appropriate to the issue. It should not occur on this bill, which is a bill to expand and empower parents and kids so they can go to college, so they can pursue other types of educational excellence activities.

The Coverdell idea is a superb idea and it certainly should not be mucked up, the water should not be discolored as a result of putting out what is basically a proposal that has no relevance to this bill.

The PRESIDING OFFICER. The Senator from Washington has 9 minutes remaining.

Mrs. MURRAY. How much time is left on the other side?

The PRESIDING OFFICER. All time has expired.

Mrs. MURRAY. I will just take a few minutes to wrap up and then I can yield my time. A number of Senators want to vote. They have other business to do.

Let me respond to the Senators from Georgia and New Hampshire. The Senator from New Hampshire is correct. We are in markup on the Elementary and Secondary Education Act in committee. Unfortunately, we just gave political speeches this morning and were not able to offer our amendments and go through that process. I know the committee intends to do that, but the majority decided what was going to be on the floor today—their education policy. This is what we are debating. This is our opportunity as Democrats to say what we believe is important.

We believe clearly that we have a choice. We can take very important Federal resources and offer them to families who are wealthy enough to put $2,000 away and get $3 to $7 back in a tax cut, or we can use that money for programs that we know work.

The Senator from New Hampshire indicated he did not believe class size reduction worked. Let me tell you two things, Mr. President. First of all, a very important study that was completed, a STAR study from Tennessee, that followed kids in the early grades, first through third grade, in small classes, and then watched their progress until they graduated a year ago, clearly found students in small classes, as we are asking this money to go for, had fewer discipline problems, graduated with higher scores in math and English, and in much greater numbers went on to college.

What Member of this Senate has not been out here to say those are goals every one of us has: Better discipline and higher scores in math and English and higher rates of students going on to college? That is clearly a goal for all of us in public education. It is the STAR study and other studies that have shown it works.

We are saying if we want to provide this money, we should do it for programs that work for kids. The mandatory provision the Senator from Georgia spoke to in the bill is, I believe, 13 lines long and merely says what this money goes for is for class size reduction with a quality teacher in every classroom. It provides some of those funds for training those teachers because that is a critical issue. I absolutely agree.

Finally, let me say from a personal perspective, having been in a classroom as a teacher with a large class and a small class, I can tell you what the difference is. The difference between the large class and small class is the difference between crowd control and teaching: having the time to work individually with students, to understand what their needs are, to help them get through the difficult processes of learning in the early grades: Reading, writing and math. Those are very basic skills that a child needs to have.

It is very clear to me we have a choice between a few families in this country who can afford to put away several thousand dollars a year and only get $3 to $7 back—a very few families—or we can use this money in a way that absolutely makes a difference in early grades for our children.

I urge my colleagues to support this amendment and ask them to seriously consider what education policies we believe are important for families across this country. I believe reducing class size, providing quality teachers, making sure our schools are safe, are important criteria and a responsibility for us at the Federal level, to work in partnerships with our State and local school boards to make sure every child in this country—every child, not just a few—is able to learn to read and write and be a success.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. KENNEDY. Mr. President, I support Senator MURRAY's amendment to provide $1.2 billion dollars to help reduce class size in the early grades by hiring 100,000 new teachers. The Coverdell bill does nothing to help improve public schools that need assistance. Instead it diverts scare resources to wealthy families in private schools, when 90% of the nation's students attend public schools.

Research has documented what parents and teachers have always known intuitively—smaller classes improve student achievement. In small classes, students receive more individual attention and instruction. Students with learning disabilities are identified earlier, and their needs can be met without placing them in costly special education. In small classes, teachers are better able to maintain discipline. Parents and teachers can work together more effectively to support children's education. We also know that overcrowded classrooms undermine discipline and decrease student morale.

Project STAR studied 7,000 students in 80 schools in Tennessee. Students in small classes performed better than students in large classes in each grade from kindergarten through third grade. Follow-up studies show that the gains lasted through at least eighth grade, and the gains were larger for minority students.

STAR students were less likely to drop out of high school, and more likely to graduate in the top 25% of their classes. Research also shows that STAR students in smaller classes in grades K–3 were between 6 and 13 months ahead of their regular-class peers in math, reading, and science in grades 4, 6, and 8. Michigan, California, Nevada, Florida, Texas, Utah, Illinois, Indiana, New York, Oklahoma, Iowa, Minnesota, Massachusetts, South Carolina, and Wisconsin have initiated or considered STAR-like class size reduction efforts.

In Wisconsin, the Student Achievement Guarantee in Education program is helping to reduce class size in grades K–3 in low-income communities. A study found that students in the smaller classes had significantly greater improvements in reading, math, and language tests than students in bigger classes. The largest achievement gains were among African-American boys.

In Flint, Michigan, efforts over the last three years to reduce class size in grades K–3 have produced a 44% increase in reading scores and an 18% increase in math scores.

Because of the Class Size Reduction Act, 1.7 million children are benefitting from smaller classes this year. 29,000 were hired with fiscal year 1999 funds. 1,247 are teaching in the first grade, reducing class sizes from 23 to 17. 6,670 are teaching in the second grade, reducing class size from 23 to 18. 6,960 are teaching in the third grade, reducing class size from 24 to 18. 2,900 are in grades 4–12. 290 special education teachers have been hired. And, on average, 7% of the funds are being used for professional development for these new teachers.

The Boston School District received $3.5 million this year to reduce class size. As a result, Boston was able to hire 40 new teachers, reducing class size from 28 students to 25 in the first and second grades.

In Mississippi, Jackson Public Schools used its $1.3 million federal grant to hire 20 new teachers to reduce class size in 1st grade classrooms from 21 to 15, and in 2nd and 3rd grade classrooms from 21 to 18.

In New Hampshire, the Manchester School District received $634,000 and was able to hire 19 new teachers in grades 1–3, particularly in its English as a Second Language and special education programs, reducing the average class size from 28 students to 18.

In Ohio, the Columbus Public School District has hired 58 fully certified teachers with funds from the class size reduction program, and placed these teachers in 14 high-poverty, low-performing schools, reducing class size in grades 1 to 3 from 25 to 15. Along with proven-effective reading programs such as Success for All, class size reduction is a central part of efforts by the City of Columbus to improve low-performing schools.

Senator MURRAY's amendment is an important amendment which deserves the Senate's consideration, and I urge the Senate to approve it. The nation's children and the nation's future deserve no less.

AMENDMENT NO. 2865

Mr. COVERDELL. By a previous unanimous consent agreement, I believe the order of business is to move to the Wellstone amendment for a vote. Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have.

Mr. COVERDELL. I assume we will proceed to the vote.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2865. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. McCAIN) and the Senator from Missouri (Mr. BOND) are necessarily absent.

The result was announced—yeas 89, nays 9, as follows:

[Rollcall Vote No. 20 Leg.]

YEAS—89

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Coverdell
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Grams
Grassley
Gregg
Hagel
Harkin

Hatch
Helms
Hollings
Hutchinson
Hutchison
Inonye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrien
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McConnell
Mikulski
Moynihan
Murkowski
Murray
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (OR)
Snowe
Specter
Stevens
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—9

Craig
Enzi
Gramm
Inhofe
Nickles
Smith (NH)
Thomas
Thompson
Voinovich

NOT VOTING—2

Bond
McCain

The amendment (No. 2865) was agreed to.

AMENDMENT NO. 2821

The PRESIDING OFFICER. The question now occurs on the Murray amendment.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the next vote in this series be limited to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, have the yeas and nays been called for?

The PRESIDING OFFICER. They have not been ordered.

Mrs. MURRAY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The Senator from Washington yields back her time. The question is on agreeing to amendment No. 2821. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. McCain) and the Senator from Missouri Mr. Bond) are necessarily absent.

The PRESIDING OFFICER (Mr. Bennett). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 42, nays 56, as follows:

[Rollcall Vote No. 21 Leg.]

YEAS—42

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Wellstone
Wyden

NAYS—56

Abraham
Allard
Ashcroft
Bennett
Brownback
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lieberman
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner

NOT VOTING—2

Bond
McCain

The amendment (No. 2821) was rejected.

Mr. COVERDELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2860

Mr. COVERDELL. Mr. President, I believe the next order of business is the Hutchison amendment.

The PRESIDING OFFICER. The question is on agreeing to the Hutchison amendment.

The amendment (No. 2860) was agreed to.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate now proceed to the Mack-Hatch amendment No. 2827 and that following the reporting by the clerk, the Senate proceed to a period for morning business with Members permitted to speak for up to 10 minutes each.

I further ask consent that the Senate resume the pending bill at 9:30 a.m. on Thursday and that there be 30 minutes equally divided in the usual form, to be followed by a vote in relation to the Mack-Hatch amendment. I ask that no second-degree amendments be in order prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. In light of this agreement, there will be no further votes this evening and the first vote tomorrow will occur at 10 a.m.

Mr. REID. Mr. President, for information purposes, it is my understanding in the morning we will do the Hatch amendment. It is my further understanding after that we will move to the Roth amendment.

Mr. COVERDELL. Yes, I have the consent request I will read.

Mr. REID. That is fine.

Mr. COVERDELL. I further ask consent that following the disposition of the Hatch amendment, Senator Roth or his designee be recognized in order to call up the Roth amendment. I also ask consent that immediately upon reporting of the amendment, Senator Graham of Florida be recognized in order to offer a second-degree amendment relating to offsets.

I ask unanimous consent that there be a total of 30 minutes equally divided in the usual form with respect to both amendments. Finally, I ask that following the use or yielding back of time, the Senate proceed to a vote on or in relation to the Graham amendment, to be followed by a vote on or in relation to the Roth amendment, as amended, if amended.

Mr. REID. Mr. President, reserving the right to object, I ask that there be a number assigned to the Roth amendment. Do we have a number on that? Is this the one that is going to be offered for the purpose of substituting original text? We want to make sure if, in fact, the Roth amendment is adopted the legislation remains amendable.

Mr. COVERDELL. There is no intent to alter that plan.

Mr. REID. My only other suggestion is that the time be 1 hour equally divided. We believe we can do it more quickly, but at this time, there is a request for more time.

Mr. COVERDELL. It says 30 minutes for each amendment. Does the Senator want to make it an hour for each one?

Mr. REID. I believe 30 minutes for each amendment will be adequate, but let's cover the phone call we just received.

Mr. COVERDELL. Mr. President, I modify the unanimous consent request to read according to the request of the Senator from Nevada.

Mr. REID. Also, Mr. President, we will have no objection, but for the information of Senators, especially those on my side, following the disposition of the Roth amendment, as amended by Graham, we are going to move to the Boxer amendment, the Feinstein-Sessions amendment, and thereafter, we will probably move to either the amendment of Senator Dorgan or Senator Kennedy or Senator Schumer. We have their amendments lined up. The first two will be Boxer and Feinstein. We should be able to move through the next amendments in the next day or two.

Mr. COVERDELL. In conjunction with the Senator's question about the Roth amendment, I think this language will clarify it. And with respect to the Roth amendment, if agreed to, it will be considered as original text for the purpose of further amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2827

(Purpose: To eliminate the marriage penalty in the reduction in permitted contributions to education individual retirement accounts)

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Georgia [Mr. Coverdell], for Mr. Mack, for himself and Mr. Hatch, proposes an amendment numbered 2827.

The amendment is as follows:

In subsection (a) of section 101, add at the end the following:

(4) ELIMINATION OF THE MARRIAGE PENALTY IN THE REDUCTION IN PERMITTED CONTRIBUTIONS.—Section 530(c)(1) (relating to reduction in permitted contributions based on adjusted gross income) is amended—

(A) by striking "$150,000" in subparagraph (A)(ii) and inserting "$190,000", and

(B) by striking "$10,000" in subparagraph (B) and inserting "$30,000".

BUELL ELEMENTARY SHOOTING

Mr. LEVIN. Mr. President, I am saddened to come to the floor this afternoon to speak about a tragedy that occurred yesterday in my home State of Michigan.

Yesterday morning, in room No. 6 at Buell Elementary School in Mount Morris Township near Flint, a first-grade student allegedly shot and killed his young classmate, Kayla Rolland.

We don't yet know all the facts about how the first-grader gained access to the handgun or whether the shooting was accidental or intentional. We do know, however, that one girl lost her young life in this tragedy and the children at Buell Elementary are scared and confused and their parents deeply concerned.

Although grief counselors and social workers are at the elementary school now and will work their hardest to help these children understand and cope with the trauma, there is really no amount of counseling that can replace the innocence these children have lost.

The class of 22 students who witnessed the shooting is looking for answers and so are most of the rest of us. How can we make sense of this tragedy and the apparent relative ease with which a 6-year-old brought a 32-caliber semiautomatic handgun to school?

It is impossible to come to terms with this or any of the other shooting tragedies in this country that claim the lives of 12 children on the average each day. Yet always after a tragedy such as this one, we ask ourselves if it could have been prevented. The answer is a resounding yes. Congress can and must work to keep guns out of the hands of children.

It has now been almost 1 year since the deadly shooting at Columbine and still Congress has done nothing to help prevent these school shootings.

Lori Mizzi-Spillane, a Michigan coordinator of the Million Mom March, an organization advocating for stricter Federal firearms laws, asks in her words, "What is it going to take now for people to wake up?"

What will it take for us to "wake up" and pass legislation requiring firearms to be sold or transferred with storage or safety devices? What will it take for us to "wake up" and pass child access prevention legislation which would require that adults store firearms safely and securely in places that are reasonably inaccessible to children? Together, both Houses must enact these and other commonsense gun safety reforms that will keep our young people alive.

We should also note that the semiautomatic handgun that was reportedly used by the 6-year-old is a Saturday-night special, or junk gun, manufactured by one of the same companies that recently filed for bankruptcy protection to evade claims for damages caused by their product.

Earlier this year, I offered an amendment to the Bankruptcy Reform Act to prevent gun manufacturers from tactically using bankruptcy laws to evade accountability. That amendment would have held those companies responsible if they produced unsafe products and distributed those products negligently. The amendment did not pass, and the gun industry continues to be the only industry explicitly exempted from Federal health and safety regulations. As a result, many of the guns manufactured today lack even the most basic kind of safety devices. We should repeal this privileged position of gun manufacturers and also require that all firearms are personalized or child-proofed so they cannot be fired by unauthorized users.

I extend my thoughts and my prayers to Kayla's family, and I know I do on behalf of every Member of the Senate. No family should have to suffer what this family has suffered in the last 2 days and what they will continue to suffer as long as they live. We will work ever harder to reduce the toll of gun violence for all the children of America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

CONSERVATION AND REINVESTMENT ACT

Ms. LANDRIEU. Mr. President, most certainly I hope the cameras can get a great shot of this beautiful poster. It says: Parks and recreation: The benefits are endless. This is a picture of a Little League team. I do not exactly know from which State they hail, but it is from one of our great States. This is a team; and you can tell they are having a lot of fun.

To me and many of us who are working on a very important environmental bill, this poster represents something that is absolutely essential for our country today and is something that has been a joy to work on in this Congress and something on which we are making such progress.

Besides a great education for kids, we also have to give them a place to grow up and ball teams to belong to. It builds character and it teaches them how to work together and how to be productive.

Really, life is a lot about teamwork. We learn that in the Senate. We learn it in classrooms. We also learn it on ball fields all over this great country and around the world.

I want to take a moment, if I can, to say a couple words about a bill introduced last night by a group of us. I thank Senators TRENT LOTT, FRANK MURKOWSKI, JOHN BREAUX, and DIANNE FEINSTEIN for being cosponsors. Senator EVAN BAYH indicated to me a few minutes ago he is anxious to join with us; and also Senator CAMPBELL mentioned his interest. I am sure there will be many who support us as the word gets out about this particular bill. It is S. 2123 that was filed. It is the exact version of a bill that was worked out in a great compromise in the House about the ways we should reinvest our oil and gas revenues to provide for the expansion and full funding of our land, water, and conservation funds, which would fund thousands of opportunities such as this for the children I just mentioned.

It would fund significantly our wildlife conservation programs in this country, not necessarily dictated from Washington but actually decisions made at the State and local levels where, with regard to game and nongame species, special methods can be used; one size doesn't fit all.

Significant to my State of Louisiana as a producing State, this particular bill would provide some significant resources to address the great coastal needs of Louisiana, Mississippi, Alabama, Texas, but also of New Jersey, California, Washington, and all of our coastal States, including our Great Lakes States. Whether we drill or not—and there are no incentives for drilling—it will be a great resource to help restore our coastlines, help stop the erosion, and help preserve wetlands in this Nation and our State of Louisiana, which represents over 60 percent of the coastal wetlands in the United States, and 40 percent of the commercial fisheries, the habitat of which rests in these wetlands. So it is a tremendous treasure.

This bill was introduced along with others we have before our Committee on Energy and Natural Resources. I thank the growing number of Senators who have stepped up to the plate to try to help us pass what is arguably the most important conservation and environmental bill in the last 100 years.

To my friends who are concerned about more acquisition of Federal land, I will share a few thoughts from DON YOUNG, who has been the leader on the House committee, who has been a champion of private property rights, a champion of the outdoors. They joked earlier today that he carries a knife. I guess it is OK in the House because he has one. If worse comes to worst, he may use it to help get this bill passed. I think that is probably going too far. But trust me, he is an outdoorsman from Alaska; he knows about private property rights.

He says the bill we are debating, S. 25, and also this new bill, S. 2123, which reflects the compromise he and Congressman MILLER from California worked out, would actually improve the position of Western States that are concerned that perhaps this bill gives even more money to purchase land because, in fact, any administration can do that, and right now some administrations have done it without much oversight from Congress.

This bill provides the proper partnership and balance between the administration and Congress. This bill gives the appropriators and the authorizing committee the authority and encourages them to actually make the decisions about what lands will be purchased. In addition, what I think is so right about what Chairman DON YOUNG says, is that our environmental efforts need to be about much more than just acquiring more land; we have to take care of the land we already own. I think the Chair would agree with that. That is what the bill does.

I reach out to my colleagues from Western States, many of whom have supported this effort, many of whom have other concerns and have hesitated so far with their endorsement, to ask them to really look at western values within the Conservation and Reinvestment Act piece that is being circulated and really look at what an improvement this bill offers over the current status quo.

My last point is actually a word to the White House and to the President, first to thank the President for his leadership in lands legacy. He has a tremendous idea about trying to leave a great legacy. Of course, he has done many good things in his time as President for these 8 years. He has been a leader in the environmental effort. I so appreciate that; many of us do.

I thank him for laying down a mark on lands legacy but urge him to consider that this piece of legislation is permanent in nature. It is broader than the vision he has outlined. And it is an improvement. It brings in the East and the West, the North and the South. It helps urban areas and rural areas because we have added urban parks and historic preservation. There have been some great improvements demonstrated through the development of this piece of legislation.

I thank him for his great leadership, acknowledge the work of many people in the White House, but urge them to embrace the concept that is now supported by over 300 Members in the House. We have a growing number of Members in the Senate to pass this bill now.

Some people think we can't afford it. If we can't afford to take $2 billion, which our bill is calling for, out of arguably a $3 trillion surplus—if you want to take Social Security completely off the plate, which I want to do, and give very conservative estimates, it leaves us with about $800 billion to allocate. We can do it through some tax cuts, which I support, reasonable and targeted. We can do strategic investments in education. But there is one investment I know, besides education, the American people want us to make. That is preserving land that is lost every hour and every minute, preserving parks for these children, preserving opportunities to hunt and fish, to take your grandchildren to the pond outside of your farm or down the road or across the State line to spend a weekend in the woods.

I am positive people in Louisiana and all over America want us to act now. Ten years is too late. Next year is too late. My question is, if we can't afford to take this money now, which in my opinion should not be going into the Federal Treasury because it is taxes from a resource that is depleting—we should not be using it in our operating expenses anyway because one day, probably in my lifetime, these oil and gas wells will be dried up—why do we not take this opportunity in the dawn of this new century to take some of this money and give it back to our kids and our grandkids in ways that are responsible and meaningful and for something that is permanent.

In conclusion, I know many people will thank us for passing this bill, but the most important group will be our grandchildren. We will be proud that we did it.

I look forward to working with all of my colleagues, Republican and Democrat, to get this bill out of committee, passed on the floor, and be there for the signing when the President will enthusiastically embrace what we have done to improve his lands legacy approach to provide security for Western Senators, to provide urban help to our urban areas, and to do it in a way that is very fair to all parts of the country.

Mr. President, I ask unanimous consent to print a document in the RECORD entitled "Western Values Within the Conservation and Reinvestment Act of 1999."

There being no objection, the document was ordered to be printed in the RECORD, as follows:

WESTERN VALUES WITHIN THE CONSERVATION AND REINVESTMENT ACT OF 1999 (CARA)

BACKGROUND

For decades, the Land and Water Conservation Fund has made $900 million available for state and federal land acquisition. State acquisitions are driven by a state planning process and states and local governments are responsible for their own plans and receive direct funding (matched 50/50) based upon a formula. Since fiscal year 1995, the states have not received funding from the Land and Water Conservation Fund.

For federal acquisitions, any amount (up to $900 million) may be spent on Federal land acquisition as appropriated through the annual Congressional appropriations process. There are virtually no restrictions with this process and almost $300 million has been historically appropriated to purchase new federal lands. In a recent year, nearly $700 million was used to buy private lands.

HOW DOES CARA CHANGE THIS PROCESS TO PROTECT WESTERN VALUES?

1. By making permanent and dividing (between the state and federal portions) the $900 million within the Land and Water Conservation Fund, we require the federal government to share half of the LWCF funds with the states to be spent on locally selected projects.

2. Each year the Administration must transmit a list to Congress requesting specific approval for each tract of land to be acquired.

3. Congress must specifically approve each project.

4. The Administration must seek to consolidate federal land holdings in states with checkerboard Federal land ownership patterns.

5. The Administration must seek to use exchanges and conservation easements as an alternative to acquisition.

6. The Administration must notify Congress (within the annual request required by CARA) if tracts are identified for acquisition from non-willing sellers.

7. Transactions will be carried out with willing sellers, because CARA prohibits the government from using adverse condemnation to acquire lands—unless specifically authorized by Congress.

8. The Administration must demonstrate, to Congress, its authority to carry out the federal acquisition.

9. 30 days after the submission of the LWCF acquisition request (new CARA requirement), the Congressional representatives, the Governor, and local government official must be notified.

10. 30 days after the submission of the LWCF acquisition request (new CARA requirement), the local public must be notified in a newspaper that is widely distributed to the area in which the proposed acquisition is to take place.

11. Prior to the federal purchase of lands, all actions required under Federal law must be completed.

12. Prior to the federal purchase of lands, a copy of the final NEPA documents must be given to Congress and the Congressional representatives, the Governor, and local government officials must be notified that the environment work is complete and the documents are available.

13. CARA requires just compensation for the taking of private property, as provided within the Constitution.

14. CARA protects State water rights.

15. CARA provides $200 million annually for maintenance.

16. CARA provides up to $200 million in additional funding for PILT and Refuge Revenue Sharing.

17. CARA will provide the necessary funds to reduce the $10 billion backlog of willing sellers stuck within an inholding.

18. Restricts the federal governments regulatory ability over all private lands.

19. CARA prohibits funding for wildlife law enforcement.

20. If revenues for CARA fall, all titles and programs are reduced proportionally.

BILL AND MELINDA GATES FOUNDATION

Mr. GORTON. Mr. President, I would like to take this opportunity to recognize the extremely generous and thoughtful gift for the education of our nation's children that was announced today by the Bill and Melinda Gates Foundation. Although relatively young, the Foundation already has a track record of making significant contributions for the sharing of new technologies and improving the educational opportunities of all our children. For example, in 1999, Bill and Melinda Gates provided $1 billion to establish the Gates Millennium Scholars program, which will provide scholarships for academically talented minority students who would otherwise not have the financial resources to attend college.

Today, the Bill and Melinda Gates Foundation will announce a new gift of approximately $350 million, and more than $200 million of this gift will be directed to Washington state schools and districts. This gift is comprised of a series of grants that are designed to raise academic standards and help all students meet those standards.

The grants are broken into two elements. The first is a series of grants for the development state, district, school and classroom leadership. Our educators are doing an outstanding job teaching our children. This funding, however, will give our teachers even more support and enhance their education which will in turn improve the education of our students. This series of grants consists of $100 million for state challenge grants for Leadership Development, $45 million for the Teacher Leadership Project, and $25 million for national teacher training and teacher quality initiatives.

The second series of grants will encourage the development of model schools and districts. Throughout our state, educators and school administrators have hundreds of innovative and creative ideas to improve education. With this funding, educators can turn their ideas into reality and implement new solutions and ways to teach. This series of grants consist of the $30 million Washington State School Grant Program which will serve approximately 140 schools, and the $150 million School District Grant Program which includes $50 million for 10–11 districts in Washington State.

Finally, the Foundation is providing the Seattle School District with a $26 million grant that will assist the district in its use of technology to help students meet Washington state's challenging academic standards.

I'm sure my colleagues join me in thanking Bill and Melinda Gates for their significant and considerate contribution to education. I know that current and future generations of students will benefit greatly from this gift. The education of our children is the key to the success of our country and the Gateses have given all of our students an even greater chance of succeeding.

Mrs. MURRAY. Mr. President, I want to share with my colleagues some great education news for schools in Washington state and around the country. Today, the Bill and Melinda Gates Foundation announced a nationwide commitment to provide $350 million over three years to help students succeed in the classroom.

As a former educator in Washington state, I'm especially pleased that more than $200 million dollars will go to Washington state classrooms. This generous contribution will put money where we know it will make a difference: helping all students achieve by developing strong leadership skills in our teachers and administrators.

As we work here in the Senate on our national education policy, today's announcement is a reminder that educating our children is a team effort—and there are important roles for federal, state, and local officials, as well as businesses, nonprofit organizations, and individuals.

For years, the people I represent have seen first-hand the generosity and sense of community that Bill and Melinda Gates possess. Their foundation has worked to vaccinate poor children against diseases, to bring computers to libraries across the country, and to provide scholarships to talented minority students. We in Washington state have known about it since the beginning, and I'm proud that today, the whole nation gets to see it—and benefit from it.

I couldn't be more proud of the Gates Foundation on this special occasion and can't wait to see the many ways this will improve education for millions of students.

As we begin our work to reauthorize the Elementary and Secondary Education Act, I hope that this major announcement serves to remind us that local school districts—on their own—don't have all the resources they need. Individuals have a role to play as mentors, volunteers and coaches. Charitable foundations have a role to play, and the federal government also has a role to play.

I hope the Senate will follow the important and thoughtful example set by the Gates Foundation to do our best to give all students the resources and the tools they need to reach their potential.

RECOGNITION OF THE "FROM THE TOP" PROGRAM

Mr. GORTON. Mr. President, I would like to announce the winner of my 33rd Innovation in Education Award. This award goes to a national group sponsored by Boston Public Radio titled "From the Top." I learned about this program when I attended a "From the Top" performance in Spokane on January 29th. Two students from Washington state, Stephen Beus of Othello and Justin Mackewich of Vancouver, participated in the concert and I was amazed by their technique and their immense talent. I was delighted to see such outstanding students excelling in the arts and am pleased to award Stephen and Justin and recognize this exceptional program.

Both Stephen and Justin are very gifted musicians. I was amazed by Stephen's skill at the piano and the Four Seasons Quartet that Justin played in was astounding. I hope to attend more of their concerts in the future.

"From the Top" consists of a series of public radio performances, taped in front of live audiences. These performances have been given across the country in places like Boston, New York City, Sarasota, Florida, and St. Paul, Minnesota. The concept for "From the Top" is to highlight the performances of exceptional, pre-college age, classical musicians. Indeed, their performances make a "From the Top" concert a remarkable experience.

An additional positive impact of "From the Top" is that it provides an arena for people of all ages to enjoy classical music. In today's modern world, we must take the time to enjoy the classics and encourage our youth to value the great symphonies and music from the past. "From the Top" is an excellent source for all ages and walks of life to learn more about classical music.

Each week, I give an "Innovation in Education" Award to individuals or groups within the education system who make outstanding contributions to the education of our children. I believe that "From the Top" gives our students exposure to the arts that provides an invaluable enrichment to any child's upbringing. I hope my colleagues will join me in recognizing the great contributions of "From the Top".

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, in honor of Leap Day, which was yesterday, I am going to vary my regular format.

It is estimated that 200,000 people in the United States were born on February 29th. While these individuals may not share their birthdays with their families and loved ones every year, they do share—every year—in the less than desirable Federal debt like the rest of us.

Since 1970, the Federal debt has leapt remarkably—reaching $5,735,333,348,132.58 (Five trillion, seven hundred thirty-five billion, three hundred thirty-three million, three hundred forty-eight thousand, one hundred thirty-two dollars and fifty-eight cents) at the close of business yesterday, February 29, 2000.

The previous Leap Day, February 29, 1996, the Federal debt stood at $5,016,041,000,000 (Five trillion, sixteen billion, forty-one million) which reflects a debt increase of more than $700 billion—$719,292,348,132.58 (Seven hundred nineteen billion, two hundred ninety-two million, three hundred forty-eight thousand, one hundred thirty-two dollars and fifty-eight cents) during the past four years.

Today, Mr. President, each citizen's share of the Federal debt is $20,727.13. Translating this figure into the amount that Leap Day citizens owe, the figure becomes $4,145,426,000.00 (Four billion, one hundred forty-five million, four hundred twenty-six thousand). This amount may not seem like a lot, but it is when you consider it is only enough to pay down four days worth of the interest on the Federal debt.

Mr. President, I wish my Senate colleagues to note how tragic it is that our country's debt leaps with more frequency than the years do.

ADDITIONAL STATEMENTS

TRIBUTE TO VETERANS OF THE U.S. NAVY ASIATIC FLEET

• Mr. DURBIN. Mr. President, I rise today to pay tribute to the heroism and sacrifices of the sailors and marines who served in the U.S. Navy's Asiatic Fleet.

The Asiatic Fleet established itself as one of the premier assets of the United States Navy during its years of operation. Officially commissioned by the Navy in 1910, The Asiatic Fleet's origins can be traced back to 1845, when the United States first established a naval presence in the Far East. The United States established the Asiatic Fleet to protect American interests in the western Pacific. The sailors and marines of the Asiatic Fleet ensured the safety of United States citizens and foreign nationals and provided humanitarian assistance in that region during the Chinese civil war, the Yangtze Flood of 1931, and the outbreak of Sino-Japanese hostilities. The increasing risks faced by U.S. military personnel serving in this region were highlighted by the accidental bombings and sinking of a U.S. Navy gunboat belonging to the Asiatic Fleet, the U.S.S. *Panay*, in international waters by Japanese aircraft in 1937—four years before the U.S. entered World War II.

Following the declaration of war against Japan, the warships, submarines, and aircraft of the Asiatic Fleet singly or in task forces courageously fought many naval battles against a superior Japanese armada. General Douglas MacArthur evacuated most U.S. military personnel and equipment from the region to prevent them from being destroyed by Japan's military forces, leaving the Asiatic Fleet alone, without reinforcement, to do what it could to obstruct the Japanese advance. During these battles, the men of the Fleet discovered that much of their equipment was defective. It has been estimated that one in three of the Asiatic Fleet's torpedoes, and one fifth of its anti-aircraft ammunition, were duds. Forced to rely on World War I-era equipment, the Asiatic Fleet directly suffered the loss of 22 ships, 1,826 men killed or missing in action, and 518 men captured and imprisoned under the worst of conditions. Many of those who survived later died while being held as prisoners of war. The Asiatic Fleet ceased to exist as a cohesive fighting force on March 1, 1942, when its flagship, the U.S.S. *Houston*, was sunk by the Japanese near Indonesia.

Unfortunately, the heroism of the sailors and marines of the Asiatic Fleet are largely unknown to the American public. Today, March 1, 2000, the 58th anniversary of the *Houston's* sinking, I want to commend the bravery, resourcefulness and sacrifices of all who served in the United States Navy Asiatic Fleet from 1910 to 1942, especially those sailors and marines who put their lives in harm's way during the first few months of America's participation in World War II. No words can adequately express our nation's debt to its veterans, and it is essential that we provide them with the thanks and recognition they have earned. The American people should always remember the courage and determination displayed by the personnel of the Asiatic Fleet, honoring the sacrifices they made in defense of the United States.•

HONORING THE U.S. COAST GUARD'S ROLE IN THE SUCCESS OF GREAT LAKES SHIPPING

• Mr. ABRAHAM. Mr. President, I rise today to honor the men and women of our U.S. Coast Guard. In particular, I salute the crew of the USCGC *Mackinaw* for their work, which ensures the full utilization of the navigation season in my state, and the Great Lakes region as a whole.

Mr. President, the ice that forms on the Great Lakes rivals that found anywhere in the continental United States. Even in a normal winter, ice six to eight feet thick will develop in the connecting channels. Windrows, chunks of ice piled atop one another by the wind, easily can reach 15 feet in height. Navigation under such conditions has been possible only because the Coast Guard's icebreaking forces are led by the *Mackinaw*. The icebreaker is capable of generating 10,000 shaft horsepower, and is wide enough—75 feet—to clear a track for Great Lakes vessels. Furthermore, the *Mackinaw* is crewed sufficiently to stay on station for days on end.

Annually, more than 10 million tons of iron ore, 4 million tons of coal, 1.5 million tons of stone, and 500,000 tons of cement are shipped across the Great Lakes. The iron ore, coal, stone, and Seaway trades generated nearly 14 billion tons of cargo during the 20th century. That commerce could not have been accomplished as safely and efficiently as it was without the assistance of the U.S. Coast Guard, and especially, the *Mackinaw*.•

INTERNATIONAL ABOLITION DAY

• Mr. FEINGOLD. Mr. President, today I rise to mark International Abolition Day. This day marks the occasion in 1847 when the state of Michigan became the first English-speaking territory in the world to abolish capital punishment. As one of the first acts following conferral of statehood on Michigan, the Michigan legislature abolished the death penalty for all crimes except treason. I note, with tongue and cheek and with all due respect to my distinguished colleagues from Michigan, that the date marking International Abolition Day probably should be 1853, when my great state, the state of Wisconsin, became the first state to abolish the death penalty for all crimes. Wisconsin has been death penalty-free for nearly 150 years. It is clear that the people of the Midwestern states have shown great courage and leadership on this issue since almost the birth of our great Nation.

Mr. President, International Abolition Day is a day to remember the victims and survivors of violent crimes perpetrated by individual criminals. But it is also a day to remember those killed by state-sponsored executions. And it is a day for education and discussion of alternatives to the death penalty.

Just as the people of Michigan over 150 years ago learned the painful reality of the fallibility of our criminal justice system and confronted the death penalty's main use, as a tool of vengeance, people throughout the United States today are beginning to question their longstanding support for the death penalty. On January 31, Governor Ryan effectively imposed a moratorium on executions in Illinois until a state panel can examine the administration of the death penalty and why so many innocents have sat on Illinois' death row. In a recent Gallup poll, even though a majority of Americans still support the death penalty, support for the death penalty is at a 19-year low. And when asked whether Americans prefer the death penalty or life imprisonment without the possibility of parole, support for the death penalty drops even further.

These are just some of the many positive developments that have nurtured the reawakening of the American conscience to the great responsibility and stain that state-sponsored executions place on our society. I look forward to the day when our federal government and the 38 states with the death penalty will recognize the adequacy of sentencing alternatives and abolish this barbaric punishment for all time.•

SPARKMAN HIGH SCHOOL PARTICIPATION IN THE "WE THE PEOPLE . . . THE CITIZEN AND THE CONSTITUTION" PROGRAM

• Mr. SESSIONS. Mr. President, on May 6-8, 2000 more than 1200 students from across the United States will be in Washington, D.C. to compete in the national finals of the "We the People . . . The Citizen and the Constitution" program. I am proud to announce that a class from Sparkman High School from the city of Harvest will represent my home state of Alabama in this national event. These young scholars have worked diligently to reach the national finals and through their experience have gained a deep knowledge and understanding of the fundamental principles and values of our constitutional democracy.

The "We the People . . . The Citizen and the Constitution" program is the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights. The three-day national competition is modeled after hearings in the United States Congress. These hearings consist of oral presentations by high school students before a panel of adult judges. The students testify as constitutional experts before a congressional committee, that is, the panel of judges representing various regions of the country and a variety of appropriate professional fields. The student testimony is followed by a period of questioning during which the judges probe students for their depth of understanding and ability to apply their constitutional knowledge. Columnist David Broder described the national finals as "the place to have your faith in the younger generation restored."

The student team from Sparkman High School is currently conducting research and preparing for the upcoming national competition in Washington, D.C. I am extremely proud of the students and teacher and wish them the best of luck at "We the People" national finals. I look forward to greeting them when they visit Capitol Hill.•

TRIBUTE TO LIEUTENANT MICHAEL SULLIVAN

• Mr. McCAIN. Mr. President, I rise today to recognize and say farewell to an outstanding Naval Officer and fellow Arizona citizen, Lieutenant Michael Sullivan, who has served with distinction for the past eighteen months in the Navy's Office of Legislative Affairs. It is a privilege for me to recognize his many outstanding achievements and to commend him for the superb service he has provided to the U.S. Senate and to our great Nation as a whole.

Lieutenant Sullivan is a graduate of my alma mater, the United States Naval Academy. I had the great honor of addressing his class at his graduation in May 1993. Similar to myself, academic honors had eluded him but the standards at the Naval Academy are such that simply surviving the four years reflects great credit upon his ability and dedication. When it was his turn to walk across the stage, he shook my hand and exclaimed, "Go Navy and Go Arizona!" I shared in his enthusiasm and we embraced in a bear hug as I handed him his diploma.

Lieutenant Sullivan proceeded to Surface Warfare Officer School in Newport, Rhode Island, before reporting to the U.S.S. *Fife* (DD-991) which was forward deployed to the U.S. Seventh Fleet in Yokosuka, Japan. On Fife he served as the Auxiliaries Officer and Fire Control/Strike Missile Systems Officer. Following that arduous tour, he reported to the U.S.S. *Antietam* (CG-54) as the Combat Information Systems Officer. Among his notable accomplishments, he distinguished himself in 1997 by being named a Commander, Naval Surface Force, U.S. Pacific Fleet Junior Officer Shiphandler of the Year. In July 1998, Lieutenant Sullivan joined the Navy's Senate Liaison team and helped the Senate ensure that our Navy remained the best trained, best equipped, and best prepared Naval force in the world.

Mr. President, Lieutenant Sullivan represents the very best of America's most precious resource—her youth. With being a commissioned officer come responsibilities so immense and so important that the lives of all Americans and the welfare of much of the world will be directly affected by how well they discharge them. I have every confidence that Lieutenant Sullivan will continue to acquit himself with distinction. As he now departs for the next of many more tours at sea, I call upon my colleagues from both sides of the aisle to wish him fair winds and following seas.•

• Mr. KYL. Mr. President, I rise today to recognize and say farewell to an outstanding Naval Officer and fellow Arizonian, Lieutenant Michael Sullivan, who has served with distinction for the past year and a half years in the Navy's Senate Liaison Office on Capitol Hill. It is a privilege for me to recognize his many outstanding achievements and to commend him for the superb service he has provided this legislative body, the Navy, and our great Nation.

Lieutenant Sullivan comes from a patriotic family. His grandfather was a submariner during World War II and his father is a Navy veteran of the Riverine Force in Vietnam. The Sullivan Family lived in the Bronx, New York before moving to the great state of Arizona. Lieutenant Sullivan attended elementary and middle public schools in Scottsdale and ultimately graduated from Saguaro High School. He was attending the University of Arizona, and I was still a Member of the House of Representatives, when he applied for the most privileged of responsibilities I have as a Member of Congress—making a nomination for appointments to the U.S. Service Academies. It was with great pride that I had submitted his name to attend the United States Naval Academy where he graduated and earned his commission in 1993.

Lieutenant Sullivan joined the Navy's Senate Liaison team in July 1998, following successful sea tours on board the U.S.S. *Fife* (DD-991) and the U.S.S. *Antietam* (CG-54). During his service as a Navy Liaison Officer he provided members of the Senate and our personal staffs with timely support and accurate information on Navy plans, programs, and constituent casework. He has helped us maintain the best trained, best equipped, and best prepared Navy in the world.

Mr. President, Lieutenant Sullivan has served proudly with a dedication and enthusiasm that only comes from our Nation's best and brightest. Lieutenant Sullivan is a great credit to both our Navy and our country. As he now departs for Department Head School and his next sea tour, I call upon my colleagues from both sides of the aisle to wish him the best for a continued brilliant Navy career.•

MESSAGE FROM THE HOUSE

At 11:44 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1749. An act to designate Wilson Creek in Avery and Caldwell Counties, North Carolina, as a component of the National Wild and Scenic Rivers System.

H.R. 2484. An act to provide that land which is owned by the Lower Sioux Indian Community in the State of Minnesota but which is not held in trust by the United States for the Community may be leased or transferred by the Community without further approval by the United States.

The message also announced that the House has passed the following bill, without amendment:

S. 613. An act to encourage Indian economic development, to provide for the disclosure of Indian tribal sovereign immunity in contracts involving Indian tribes, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 1749. An act to designate Wilson Creek in Avery and Caldwell Counties, North Carolina, as a component of the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

H.R. 2484. An act to provide that land which is owned by the Lower Sioux Indian Community in the State of Minnesota but which is not held in trust by the United States for the Community may be leased or transferred by the Community without further approval by the United States; to the Committee on Indian Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–7818. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–7819. A communication from the Under Secretary, Acquisition and Technology, Department of Defense, transmitting, pursuant to law, the annual report for fiscal year 1999 of the test and evaluation activities of the Foreign Comparative Testing Program; to the Committee on Armed Services.

EC–7820. A communication from the Managing Director, Federal Housing Finance Board, transmitting, pursuant to law, the report of 2000 base salary structures for Executive and graded employees; to the Committee on Banking, Housing, and Urban Affairs.

EC–7821. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility; 65 FR 8664; 02/22/2000", received February 28, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–7822. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "List of Communities Eligible; 65 FR 8662; 02/22/2000", received February 28, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–7823. A communication from the General Counsel, Federal Energy Regulatory Commission transmitting, pursuant to law, the report of a rule entitled "Regulation of Short-Term Natural Gas Transportation Services; Regulation of Interstate Natural Gas Transportation Services" (Order No. 637, Docket Nos. RM98–10–000 and RM98–12–000, 90 FERC Paragraph 61,109 (Issued 2/9/00)), received February 28, 2000; to the Committee on Energy and Natural Resources.

EC–7824. A communication from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Termination of Designation of the State of Minnesota with Respect to the Inspection of Poultry and Poultry Products", received February 28, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7825. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Fenpropathrin, Pesticide Tolerance" (FRL # 6492–6), received February 28, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7826. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Imidacloprid; Time-Limited Pesticide Tolerance" (FRL # 6493–2), received February 28, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7827. A communication from the Chairman, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled "Electronic Freedom of Information Act Amendments", received February 28, 2000; to the Committee on Rules and Administration.

EC–7828. A communication from the Assistant Attorney General, Office of Justice Programs, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Corrections Program Office's Interpretation of Eligibility Requirements for Truth-in-Sentencing Incentive Grants under 42 USC 13704(a)(2)" (RIN1121–ZB92), received February 28, 2000; to the Committee on the Judiciary.

EC–7829. A communication from the Deputy Executive Secretary, Health Care Financing Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Tribal Temporary Assistance for Needy Families Program (Tribal TANF) and Native Employment Works (NEW) Program" (RIN0970–AB78), received February 28, 2000; to the Committee on Indian Affairs.

EC–7830. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Prevailing Rate Systems: Abolishment of the Lebanon, PA, Nonappropriated Fund Wage Area" (RIN3206–AJ01), received February 28, 2000; to the Committee on Governmental Affairs.

EC–7831. A communication from the Executive Director, Committee for Purchase from People who are Blind or Severely Disabled, transmitting, pursuant to law, the report of a rule relative to additions to the Procurement List, received February 28, 2000; to the Committee on Governmental Affairs.

EC–7832. A communication from the Regulations Officer, Social Security Administration transmitting, pursuant to law, the report of a rule entitled "Federal Old-Age, Survivors and Disability Insurance and Supplemental Security Income for the Aged, Blind and Disabled; Evaluating Opinion Evidence" (RIN0960–AE56), received February 28, 2000; to the Committee on Finance.

EC–7833. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Commonwealth of Kentucky: Approval of Revisions to the Kentucky State Implementation Plan" (FRL # 6545–5), received February 28, 2000; to the Committee on Environment and Public Works.

EC–7834. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans: Texas; Reasonably Available Control Technology for Major Stationary Sources of Nitrogen Oxides for the Houston/Galveston and Beaumont/Port Arthur Ozone Nonattainment Areas" (FRL # 6543–1), received February 28, 2000; to the Committee on Environment and Public Works.

EC–7835. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Delegation of National Emission Standards for Hazardous Air Pollutants for Source Categories; State of Arizona; Arizona Department of Environmental Quality; Maricopa County Environmental Services Department" (FRL # 6545–2), received February 28, 2000; to the Committee on Environment and Public Works.

EC–7836. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled "Letter to Mr. John M. Daniel, Jr."; to the Committee on Environment and Public Works.

EC–7837. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled "National Emission Standards for Pesticide active Ingredient Production (40 CFR Part 63 Subpart MMM)—Applicability to new and Existing Sources"; to the Committee on Environment and Public Works.

EC–7838. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled "Letter to Union Carbide Corporation"; to the Committee on Environment and Public Works.

EC–7839. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled "Pretreatment Annual Report for the 1999 Reporting Year"; to the Committee on Environment and Public Works.

EC–7840. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled "Procuring Information to Conduct Initial Determinations and Verifications for Region VIII Facilities Under the CERCLA Offsite Rule"; to the Committee on Environment and Public Works.

EC–7841. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled "40 CFR Part 63 Subpart DD–NESHAP for Off-site Waste and Recovery Operations"; to the Committee on Environment and Public Works.

EC–7842. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Simpson v. United States", received February 28, 2000; to the Committee on Finance.

EC–7843. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2000 Census Count" (Notice 2000–13), received February 28, 2000; to the Committee on Finance.

EC–7844. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 1275.—Other Definitions and Special Rules" (Rev. Rul. 2000–12), received February 28, 2000; to the Committee on Finance.

EC–7845. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update" (Notice 2000–2), received February 28, 2000; to the Committee on Finance.

EC–7846. A communication from the Acting Deputy Associate Administrator, Acquisition Policy, Office of Acquisition Policy, General Services Administration transmitting, pursuant to law, the report of a rule entitled "General Services Administration Acquisition Regulation: Reissuance of 48 CFR Chapter 5 and Clarification on the Use of Selection Criteria for Architect Engineer Procurements" (RIN3090–AE90/AH07), received February 28, 2000; to the Committee on Governmental Affairs.

EC–7847. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Connecticut and Rhode Island; Clean Fuel Fleets (Region 1)" (FRL # 6542–3), received February 29, 2000; to the Committee on Environment and Public Works.

EC–7848. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Polyvinyl Acetate, Carboxyl Modified Sodium Salt; Tolerance Exemption" (FRL # 6389–8), received February 29, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. GRAMS (for himself and Mr. Allard):

S. 2126. A bill to ensure that the fiscal year 2000 on-budget surplus is used to reduce publicly held debt; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. BROWNBACK:

S. 2127. A bill to exempt agreements relating to voluntary guidelines governing telecast material, movies, video games, Internet content, and music lyrics from the applicability of the antitrust laws, and for other purposes; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 2128. A bill to amend the Harmonized Tariff Schedule of the United States to clarify the classification of certain toys; to the Committee on Finance.

By Mrs. Feinstein:

S. 2129. A bill to suspend temporarily the duty on HIV/AIDS drugs; to the Committee on Finance.

By Mrs. Feinstein:

S. 2130. A bill to suspend temporarily the duty on HIV/AIDS drugs; to the Committee on Finance.

By Mrs. Feinstein:

S. 2131. A bill to suspend temporarily the duty on Rhinovirus Drugs; to the Committee on Finance.

By Mr. KERRY (for himself, Mr. Frist, and Mrs. Murray):

S. 2132. A bill to create incentives for private sector research related to developing vaccines against widespread diseases and ensure that such vaccines are affordable and widely distributed; to the Committee on Foreign Relations.

By Mr. REED:

S. 2133. A bill to temporarily suspend the duty on Solvent Blue 124; to the Committee on Finance.

By Mr. Reed:

S. 2134. A bill to temporarily suspend the duty on Solvent Blue 104; to the Committee on Finance.

By Mr. Reed:

S. 2135. A bill to temporarily suspend the duty on Pigment Red 176; to the Committee on Finance.

By Mr. Reed:

S. 2136. A bill to temporarily suspend the duty on benzenesulfonamide,4-amino-2,5-dimethyoxy-N-phenyl; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself, Mr. DeWine, Mrs. Boxer, Mr. Durbin, Mr. Lautenberg, Mr. Moynihan, Mr. Schumer, Mr. Smith of Oregon, and Mr. Wellstone):

S. 2137. A bill to authorize the Secretary of Education to make grants to educational organizations to carry out educational programs about the Holocaust; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SMITH of New Hampshire (for himself, Mr. Santorum, Mr. Helms, Ms. Landrieu, Mr. Stevens, Mr. Ashcroft, Mr. Inhofe, Mr. McCain, Mr. Coverdell, and Mr. Brownback):

S. Con. Res. 87. A concurrent resolution commending the Holy See for making significant contributions to international peace and human rights, and objecting to efforts to expel the Holy See from the United Nations by removing the Holy See's Permanent Observer status in the United Nations, and for other purposes; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRAMS (for himself and Mr. ALLARD):

S. 2126. A bill to ensure that the fiscal year 2000 on-budget surplus is used to reduce publicly held debt; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

SAVE OUR SURPLUS FOR DEBT REDUCTION ACT OF 2000

• Mr. GRAMS. Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2126

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Save Our Surplus for Debt Reduction Act of 2000".

SEC. 2. FINDINGS AND PURPOSE.

(a) Findings.—Congress finds that—

(1) the Congressional Budget Office currently estimates that the Government will have a $23,000,000,000 nonsocial security surplus (on-budget surplus) in fiscal year 2000;

(2) Government spending in fiscal year 2000 will increase faster than the rate of inflation for a total of over $1,750,000,000,000;

(3) Government publicly held debt in fiscal year 2000 will be reduced by over $150,000,000,000, yet debt held by the public will remain in excess of $3,450,000,000,000 and cost over $200,000,000,000 in annual interest payments;

(4) Government revenues in fiscal year 2000 will be 20.3 percent of the Gross Domestic Product, which is the highest level since World War II; and

(5) nearly 40,000,000 citizens currently rely on social security and medicare, yet as more Americans retire over the next decade, these programs will begin running deficits and jeopardize their retirement.

(b) Purpose.—It is the purpose of this Act to ensure that the fiscal year 2000 on-budget surplus is used to reduce publicly held debt.

SEC. 3. REDUCTION OF PUBLICLY HELD DEBT.

(a) Point of Order Against Certain Legislation.—Except as provided by subsection (b), it shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report if—

(1) the enactment of that bill or resolution as reported;

(2) the adoption and enactment of that amendment; or

(3) the enactment of that bill or resolution in the form recommended in that conference report;

would cause a decrease in the on-budget surplus for fiscal year 2000.

(b) Exception.—The point of order set forth in subsection (a) shall not apply to a bill, joint resolution, amendment, motion, or conference report if it—

(1) reduces revenues;

(2) implements structural social security reform; or

(3) implements structural medicare reform.

(c) Waivers and Appeals in the Senate.—

(1) Waivers.—Subsection (a) may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) Appeals.—

(A) Limitations.—Appeals in the Senate from the decisions of the Chair relating to subsection (a) shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the bill, joint resolution, amendment, motion, or conference report, as the case may be.

(B) Supermajority.—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

SEC. 4. SUNSET PROVISION.

The provisions of this Act shall cease to have any force or effect on October 1, 2000.•

By Mr. BROWNBACK:

S. 2127. A bill to exempt agreements relating to voluntary guidelines governing telecast material, movies, video games, Internet content, and music lyrics from the applicability of the antitrust laws, and for other purposes; to the Committee on the Judiciary.

CHILDREN'S PROTECTION ACT OF 2000

• Mr. BROWNBACK. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2127

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Children's Protection Act of 2000".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Television is seen and heard in nearly every United States home and is a uniquely pervasive presence in the daily lives of Americans. The average American home has 2.5 televisions, and a television is turned on in the average American home 7 hours every day.

(2) Television plays a particularly significant role in the lives of children. Figures provided by Nielsen Research show that children between the ages of 2 years and 11 years spend an average of 21 hours in front of a television each week.

(3) Television has an enormous capability to influence perceptions, especially those of children, of the values and behaviors that are common and acceptable in society.

(4) The influence of television is so great that its images and messages often can be harmful to the development of children. Social science research amply documents a strong correlation between the exposure of children to televised violence and a number of behavioral and psychological problems.

(5) Hundreds of studies have proven conclusively that children who are consistently exposed to violence on television have a higher tendency to exhibit violent and aggressive behavior, both as children and later in life.

(6) Such studies also show that repeated exposure to violent programming causes children to become desensitized to and more accepting of real-life violence and to grow more fearful and less trusting of their surroundings.

(7) A growing body of social science research indicates that sexual content on television can also have a significant influence on the attitudes and behaviors of young viewers. This research suggests that heavy exposure to programming with strong sexual content contributes to the early commencement of sexual activity among teenagers.

(8) Members of the National Association of Broadcasters (NAB) adhered for many years to a comprehensive code of conduct that was based on an understanding of the influence exerted by television and on a widely held sense of responsibility for using that influence carefully.

(9) This code of conduct, the Television Code of the National Association of Broadcasters, articulated this sense of responsibility as follows:

(A) "In selecting program subjects and themes, great care must be exercised to be sure that the treatment and presentation are made in good faith and not for the purpose of sensationalism or to shock or exploit the audience or appeal to prurient interests or morbid curiosity.".

(B) "Broadcasters have a special responsibility toward children. Programs designed primarily for children should take into account the range of interests and needs of children, from instructional and cultural material to a wide variety of entertainment material. In their totality, programs should contribute to the sound, balanced development of children to help them achieve a sense of the world at large and informed adjustments to their society.".

(C) "Violence, physical, or psychological, may only be projected in responsibly handled contexts, not used exploitatively. Programs involving violence present the consequences of it to its victims and perpetrators. Presentation of the details of violence should avoid the excessive, the gratuitous and the instructional.".

(D) "The presentation of marriage, family, and similarly important human relationships, and material with sexual connotations, shall not be treated exploitatively or irresponsibly, but with sensitivity.".

(E) "Above and beyond the requirements of the law, broadcasters must consider the family atmosphere in which many of their programs are viewed. There shall be no graphic portrayal of sexual acts by sight or sound. The portrayal of implied sexual acts must be essential to the plot and presented in a responsible and tasteful manner.".

(10) The National Association of Broadcasters abandoned the code of conduct in 1983 after three provisions of the code restricting the sale of advertising were challenged by the Department of Justice on antitrust grounds and a Federal district court issued a summary judgment against the National Association of Broadcasters regarding one of the provisions on those grounds. However, none of the programming standards of the code were challenged.

(11) While the code of conduct was in effect, its programming standards were never found to have violated any antitrust law.

(12) Since the National Association of Broadcasters abandoned the code of conduct, programming standards on broadcast and cable television have deteriorated dramatically.

(13) In the absence of effective programming standards, public concern about the impact of television on children, and on society as a whole, has risen substantially. Polls routinely show that more than 80 percent of Americans are worried by the increasingly graphic nature of sex, violence, and vulgarity on television and by the amount of programming that openly sanctions or glorifies criminal, antisocial, and degrading behavior.

(14) At the urging of Congress, the television industry has taken some steps to respond to public concerns about programming standards and content. The broadcast television industry agreed in 1992 to adopt a set of voluntary guidelines designed to "proscribe gratuitous or excessive portrayals of violence". Shortly thereafter, both the broadcast and cable television industries agreed to conduct independent studies of the violent content in their programming and make those reports public.

(15) In 1996, the television industry as a whole made a commitment to develop a comprehensive rating system to label programming that may be harmful or inappropriate for children. That system was implemented at the beginning of 1999.

(16) Despite these efforts to respond to public concern about the impact of television on children, millions of Americans, especially parents with young children, remain angry and frustrated at the sinking standards of television programming, the reluctance of the industry to police itself, and the harmful influence of television on the well-being of the children and the values of the United States.

(17) The Department of Justice issued a ruling in 1993 indicating that additional efforts by the television industry to develop and implement voluntary programming guidelines would not violate the antitrust laws. The ruling states that "such activities may be likened to traditional standard setting efforts that do not necessarily restrain competition and may have significant procompetitive benefits ... Such guidelines could serve to disseminate valuable information on program content to both advertisers and television viewers. Accurate information can enhance the demand for, and increase the output of, an industry's products or services.".

(18) The Children's Television Act of 1990 (Public Law 101-437) states that television broadcasters in the United States have a clear obligation to meet the educational and informational needs of children.

(19) Several independent analyses have demonstrated that the television broadcasters in the United States have not fulfilled their obligations under the Children's Television Act of 1990 and have not noticeably expanded the amount of educational and informational programming directed at young viewers since the enactment of that Act.

(20) The popularity of video and personal computer (PC) games is growing steadily among children. Although most popular video and personal computer games are educational or harmless in nature, many of the most popular are extremely violent. One recent study by Strategic Record Research found that 64 percent of teenagers played video or personal computer games on a regular basis. Other surveys of children as young as elementary school age found that almost half of them list violent computer games among their favorites.

(21) Violent video games often present violence in a glamorized light. Game players are often cast in the role of shooter, with points scored for each "kill". Similarly, advertising for such games often touts violent content as a selling point—the more graphic and extreme, the better.

(22) As the popularity and graphic nature of such video games grows, so do their potential to negatively influence impressionable children.

(23) Music is another extremely pervasive and popular form of entertainment. American children and teenagers listen to music more than any other demographic group. The Journal of American Medicine reported that between the 7th and 12th grades the average teenager listens to 10,500 hours of rock or rap music, just slightly less than the entire number of hours spent in the classroom from kindergarten through high school.

(24) Teens are among the heaviest purchasers of music, and are most likely to favor music genres that depict, and often appear to glamorize violence.

(25) Music has a powerful ability to influence perceptions, attitudes, and emotional state. The use of music as therapy indicates its potential to increase emotional, psychological, and physical health. That influence can be used for ill as well.

SEC. 3. PURPOSES; CONSTRUCTION.

(a) Purposes.—The purposes of this Act are to permit the entertainment industry—

(1) to work collaboratively to respond to growing public concern about television programming, movies, video games, Internet content, and music lyrics, and the harmful influence of such programming, movies, games, content, and lyrics on children;

(2) to develop a set of voluntary programming guidelines similar to those contained in the Television Code of the National Association of Broadcasters; and

(3) to implement the guidelines in a manner that alleviates the negative impact of television programming, movies, video games, Internet content, and music lyrics on the development of children in the United States and stimulates the development and broadcast of educational and informational programming for such children.

(b) Construction.—This Act may not be construed as—

(1) providing the Federal Government with any authority to restrict television programming, movies, video games, Internet content, or music lyrics that is in addition to the authority to restrict such programming, movies, games, content, or lyrics under law as of the date of the enactment of this Act; or

(2) approving any action of the Federal Government to restrict such programming, movies, games, content, or lyrics that is in addition to any actions undertaken for that purpose by the Federal Government under law as of such date.

SEC. 4. EXEMPTION OF VOLUNTARY AGREEMENTS ON GUIDELINES FOR CERTAIN ENTERTAINMENT MATERIAL FROM APPLICABILITY OF ANTITRUST LAWS.

(a) Exemption.—Subject to subsection (b), the antitrust laws shall not apply to any joint discussion, consideration, review, action, or agreement by or among persons in the entertainment industry for the purpose of developing and disseminating voluntary guidelines designed—

(1) to alleviate the negative impact of telecast material, movies, video games, Internet content, and music lyrics containing violence, sexual content, criminal behavior, or other subjects that are not appropriate for children; or

(2) to promote telecast material that is educational, informational, or otherwise beneficial to the development of children.

(b) Limitation.—The exemption provided in subsection (a) shall not apply to any joint discussion, consideration, review, action, or agreement which—

(1) results in a boycott of any person; or

(2) concerns the purchase or sale of advertising, including (without limitation) restrictions on the number of products that may be advertised in a commercial, the number of times a program may be interrupted for commercials, and the number of consecutive commercials permitted within each interruption.

(c) Definitions.—In this section:

(1) Antitrust laws.—The term "antitrust laws" has the meaning given such term in the first section of the Clayton Act (15 U.S.C. 12) and includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

(2) Internet.—The term "Internet" means the combination of computer facilities and electromagnetic transmission media, and related equipment and software, comprising the interconnected worldwide network of computer networks that employ the Transmission Control Protocol/Internet Protocol or any successor protocol to transmit information.

(3) Movies.—The term "movies" means theatrical motion pictures.

(4) Person in the entertainment industry.—The term "person in the entertainment industry" means a television network, any entity which produces or distributes television programming (including theatrical motion pictures), the National Cable Television Association, the Association of Independent Television Stations, Incorporated, the National Association of Broadcasters, the Motion Picture Association of America, each of the affiliate organizations of the television networks, the Interactive Digital Software Association, any entity which produces or distributes video games, the Recording Industry Association of America, and any entity which produces or distributes music, and includes any individual acting on behalf of such person.

(5) Telecast.—The term "telecast" means any program broadcast by a television broadcast station or transmitted by a cable television system.●

By Mr. KERRY (for himself, Mr. FRIST, and Mrs. MURRAY):

S. 2132. A bill to create incentives for private sector research related to developing vaccines against widespread diseases and ensure that such vaccines are affordable and widely distributed; to the Committee on Foreign Relations.

VACCINES FOR THE NEW MILLENNIUM ACT OF 2000

● Mr. KERRY. Mr. President, today I am pleased to introduce the Vaccines for the New Millennium Act of 2000. I have the honor of being joined by the distinguished chairman of the Africa Subcommittee, Senator FRIST, and my friend, the Senator from Washington, Mrs. MURRAY. This bill addresses a catastrophic problem that needs our immediate attention.

The proportions of the AIDS calamity in Africa are stupefying. More than 33 million people are infected with HIV—95 percent of them in sub-Saharan Africa. This disease will kill more than 2.5 million this year. It has already orphaned 11 million children, and it will orphan 40 million by 2010. These numbers are incomprehensible. To put in perspective, nearly 60 people will become infected with HIV in the time it takes me to testify today.

In addition, tuberculosis will kill close to 2 million this year, and a person dies from malaria every thirty seconds. No nation—but particularly ours—as rich as we are in talent, technology and money—can fail to help turn this around.

We should remember: borders do not matter when you are dealing with contagion.

These epidemics are out of control. And if we are to reverse this death spiral, we need to institute bold new measures. We must provide new global health infrastructures which look at long-term solutions for disease eradication. And, until they are established, we must provide much-needed short-term financing for disease prevention and treatment.

Mr. President, a number of my colleagues have shown great leadership in trying to find a solution to the health emergencies in the developing countries.

I applaud the work of my friend, Senator DURBIN with whom I have joined on a number of bills this year. I also recognize and support the efforts of Senator BOXER and Senator SMITH for their work on the Global AIDS Plan. Senator MOYNIHAN and Senator FEINGOLD also have an important plan to prevent vertical transmission of HIV from mother to child. I have supported all these plans.

Mr. President, I think we need to acknowledge the scope of this epidemic requires a bold response which looks beyond just preventing and treating this disease. The epidemiology of this disease dictates lifetime adherence to preventive measures. I am fully supportive of prevention programs—I have seen their very positive effect in the AIDS Action Committee in Boston and in AIDS Project Worcester. The Outer Cape also has a tremendous program which I support every year in Provincetown and these are echoed in small towns across Massachusetts which have accessed CDC grants and instituted the absolute best of community-based programs. I have also been an early and consistent supporter of the Ryan White program which comes up for reauthorization this year.

But, Mr. President, we need a vaccine—for the United States and for the developing world.

Vaccines are the most cost-effective weapon in the arsenal of modern medicine to stop the spread of contagious disease, and they offer a relatively inexpensive means of lowering a society's overall cost of medical care. Prime examples of the success are the three million children whose lives are saved each year as a result of early childhood immunizations against diphtheria, polio, pertussis, tetanus, measles, and tuberculosis.

Mr. President, consider the alternatives we have now. Pharmaceutical products, like the highly touted antiviral "cocktail" for treating AIDS patients can cost, on average, as much as $15,000 a year. That is a princely sum for even wealthy countries but clearly, for nations with per capita incomes of $700 or $800 like Malawi, such treatments and drugs are nowhere in the real of affordability. They also require enormous infrastructure investments and medical compliance which is difficult to adhere to in this country let alone developing societies.

For these nations, finding an affordable vaccine for AIDS is really the only option that offers them an opportunity for gaining control over the AIDS epidemic.

Unfortunately, of the $2.4 billion or so spent on overall AIDS research last year, only a fraction was spent on AIDS vaccine research.

The World Bank estimates that perhaps between $280 million and $350 million was spend worldwide on finding a vaccine for AIDS in 1999, or somewhere between 10 and 15 percent of the total amount spent on AIDS research.

Furthermore, of the $300 million or so spent on HIV vaccine research, less than $50 million came from private sector research and development budgets. Simply put, our biotechnology and pharmaceutical industries do not believe that investing in AIDS vaccine research is a good investment.

So, Mr. President, we have a responsibility, an obligation, to change this perception. Investing in an AIDS vaccine is one of the best investments we as a nation can make. And for Africa, it is the only hope for survival.

And while continued and expanded investments in our research engines are vitally important—I am referring to AIDS research at the National Institutes of Health—the time has come for us to explore additional strategies for stimulating private sector AIDS vaccine research and development.

We must look for innovative financing mechanisms. We must instill the financial incentives for our pharmaceutical and biotechnology sectors to engage in areas that have previously ignored.

Mr. President, I was amazed to learn that of the $56 billion a year spent globally on health research, well over 90 percent is spent on research into health problems that concern only 10 percent of the world's population.

Amazingly, of the 1,200 new drugs commercialized between 1975 and 1997, only 13 were for tropical diseases—diseases such as malaria and tuberculosis which combined kill close to 3 million people a year.

Why is it that pharmaceutical companies don't invest in these diseases? Because there is no hope for finding a vaccine for malaria? No hope for finding an affordable vaccine for tuberculosis or HIV? Is the science just insurmountable?

Absolutely not.

Companies don't invest in these diseases because they don't foresee a profit. A malaria vaccine, while offering the potential to save millions of lives, does not offer the same return to shareholders as the return from Viagra, Lipitor, Prozac, or other blockbusters here in the United States. I don't blame the pharmaceutical industry for concern about their shareholders, but I believe it is morally imperative to jumpstart research into vaccines as quickly as possible.

What then, is the answer? Should we turn our back on these diseases as a casualty of the way free markets function? Should we dump billions into new government bureaucracies to tackle these problems? The answer on both counts is no. We as a nation, and as a responsible member of the international community, should create the market incentives to encourage our pharmaceutical and biotechnology companies, the best and brightest companies in the world, to invest in those diseases which are a scourge to the world.

What we need to do is give pharmaceutical companies the financial incentives to achieve what we know is possible and let them work their magic—these are the same engines of growth and technological progress which have helped extend life expectancy beyond what was imaginable at the turn of the century. Now, let's help them turn their attention to those diseases which kill millions upon millions in developing countries.

I think this type of public-private partnership is the most efficient means of addressing the world's growing health care pandemics. How would it world specifically?

The legislation I introduce today, the "Vaccines for the New Millennium Act," provides a number of market incentives to encourage private sector investment in lifesaving vaccines. These incentives can be classified in one of two ways. Some of them provide a "push" mechanism—lowering the cost of R&D at the front end. Others provide a "pull" mechanism, demonstrating that a market will exist if the pharmaceutical companies provide the product.

On the push side, first, the bill expands on the research and development tax credit by increasing the credit rate from 20 percent to 50 percent for research related to developing vaccines for AIDS, malaria, tuberculosis, or any infectious disease which kills over 1 million people a year. The tax credit is incremental such that the credit applies to research spending which exceeds a base amount. In effect, the credit rewards incremental increases in lifesaving vaccine research—thus giving our drug companies an incentive for more focus on lifesaving vaccines.

Second, the bill allows small biotechnology companies which do not have tax liability to pass a smaller tax credit through to investors. Firms with assets under $50 million may choose to pass through a 25 percent tax credit to investors who provide financing for research and development on one of the priority vaccines. The credit would apply to stock issued after the date of enactment and used within 18 months to pay for qualified vaccine research expenses.

Both of these proposals have been endorsed by a combination of public health advocacy groups and industry—including AIDS Action Council, the Global Health Council, the American Public Health Association and the AIDS Vaccine Advocacy Coalition.

Third, the bill authorizes voluntary contributions to the Global Alliance for Vaccines and Immunizations and the International AIDS Vaccine Initiative. The Global Alliance for Vaccines and Immunizations is an international partnership recently established to expand and improve access to existing safe and cost-effective vaccines. It is being supported by a number of nations and international donors, including an incredibly generous founding gift by the Bill and Melinda Gates Foundation. A similar provision was included in the President's budget. By working to improve the delivery of existing vaccines, the Global Alliance not only offers the opportunity to save lives, it will improve health delivery systems for the distribution of future vaccines.

Fourth, the bill authorizes voluntary contributions to the International AIDS Vaccine Initiative. In effect, the initiative provides financing to industry in return for international access to the vaccine. For example, under a typical IAVI/industry agreement, IAVI will provide financing in exchange for an agreement with the manufacturer to sell the vaccine to developing countries at very reasonable prices. Once again, the Bill and Melinda Gates foundation provides a large portion of IAVI's funding.

To further accelerate the invention and production of lifesaving vaccines, the bill includes a tax credit proposed in the President's budget. Under the proposal, every dollar paid by a qualifying organization to buy a lifesaving vaccine would be matched by a dollar of tax credits—thereby doubling the purchasing power of nonprofit organizations and others that purchase vaccines for developing countries. The credit only applies to vaccines not yet developed, thus demonstrating the existence of a market if drug companies fill the void. The credit would apply to vaccines for AIDS, malaria, tuberculosis, or any other disease which kills over 1 million people annually.

The bill also establishes a Lifesaving Vaccine Purchase Fund. This approach has been advocated most prominently by Harvard economist Jeffrey Sachs, a witness on the third panel.

Under my proposal, Congress would authorize and advance appropriate $100 million a year, over ten years, to a fund for the purchase and distribution of newly-developed vaccines for AIDS, malaria, and tuberculosis. The first appropriation would not occur until a vaccine has been licensed and approved. In effect, by establishing a guaranteed market, the proposal would provide a real incentive for additional private sector research. However, the money would not be spent until the vaccine was developed, thus postponing any cost to the government.

Finally, the bill directs the Administration to initiate negotiations with officials of foreign governments for the establishment of an international vaccine purchase fund that would purchase and distribute in developing countries vaccines for malaria, tuberculosis, HIV, or any infectious disease which kills over 1 million people. It is assumed that if such an agreement is reached, the domestic fund described above would be integrated into the multilateral agreement.

This is a comprehensive plan, Mr. President, which I have worked on for two years. This past weekend, it was endorsed as a positive step by academics, pharmaceutical executives and governmental leaders at a high-level conference convened by the University of California at San Francisco, World Bank and the Global Forum for Health Research.

Congresswoman NANCY PELOSI will introduce identical companion legislation in the House and it is my hope that our colleagues will give it equally serious attention.●

By Mrs. FEINSTEIN (for herself, Mr. DEWINE, Mrs. BOXER, Mr. DURBIN, Mr. LAUTENBERG, Mr. MOYNIHAN, Mr. SCHUMER, Mr. SMITH of Oregon, and Mr. WELLSTONE):

S. 2137. A bill to authorize the Secretary of Education to make grants to educational organizations to carry out educational programs about the Holocaust; to the Committee on Health, Education, Labor, and Pensions.

HOLOCAUST EDUCATION ASSISTANCE ACT

● Mrs. FEINSTEIN. Mr. President, today Senator DEWINE and I are introducing a bill to provide funds to educational organizations to teach the history of the Holocaust. It is entitled the Holocaust Education Assistance Act. Cosponsoring the bill are Senators SMITH of Oregon, MOYNIHAN, LAUTENBERG, SCHUMER, BOXER, WELLSTONE, and DURBIN.

This bill authorizes $2 million each year for fiscal years 2001–2005 for a competitive grant program under which schools, museums and other nonprofit organizations could compete for grants to train teachers, conduct seminars and develop educational materials on the Holocaust. It is the companion bill to H.R. 3105, introduced by Representatives MALONEY, HORN, WAXMAN, and others.

The Holocaust is one of the most horrific events in human history. In the 1930s and 1940s, the German Nazi regime systematically slaughtered more than 6,000,000 Jews and other minorities under the guise of achieving a "racially pure" society. Hopefully, this bill can help ensure that the next generation of Americans learns some of the crucial lessons of the Holocaust. The most fundamental of these lessons is that racial and ethnic-based hatred endangers each of us, and that the violation of one person's rights threatens the freedom of all of us.

Five states mandate that the Holocaust be taught in schools. They are California, Florida, Illinois, New Jersey and New York. Eleven others recommend or encourage teaching the Holocaust in school. They are Connecticut, Georgia, Indiana, Massachusetts, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and Washington. The bill is needed because most teachers have little training and few resources to teach the history of the Holocaust. This bill does not mandate anything, but it does create a funding source for schools and communities that choose to teach youngsters about this horrible chapter of human history.

In my state, the following groups support the bill:

Holocaust Center of Northern California.
Los Angeles City Human Relations Commission.
Simon Wiesenthal Museum of Tolerance.
The Asian Pacific American Legal Center of Southern California.

The following national organizations support the Holocaust Education Assistance Act:

Agudath Israel of America.
American Gathering of Jewish Holocaust Survivors.
American Jewish Committee.
American Society for Yad Vashem, Inc.
Anti-Defamation League.
Association of Holocaust Organizations.
Braun Holocaust Institute.
Facing History and Ourselves.
Hatikvah Holocaust Education Resource Center.
Institute for Public Affairs of the Orthodox Union.
Museum of Jewish Heritage.
National Catholic Center for Holocaust Education.
Rabbinical Council of America.
Religious Action Center for Reform Judaism.
Simon Wiesenthal Center Museum of Tolerance.
United Synagogue of Conservative Judaism.
World Jewish Congress.

The following regional organizations support the Holocaust Education Assistance Act:

Florida Holocaust Museum.
Hawaii Holocaust Center.
Holocaust Memorial Foundation of Illinois.
Holocaust Memorial Resource and Education Center of Central Florida.
Holocaust Resource Center & Archives, Queensboro Community College.
Jewish Community Relations Council of Greater Philadelphia.
Jewish Community Relations Council of New York.
New Mexico Holocaust and Intolerance Museum and Study Center.
Tennessee Holocaust Commission.
Tennessee Jewish Federation.
West Virginia Holocaust Education Commission.

As we enter the new century, we must remain vigilant to ensure that we do not forget the lessons of the last century. The admonition that "those who forget history are doomed to repeat it" is as true today as ever. After the Holocaust, survivors and others vowed not to let another such tragedy go unchallenged. Rallying behind the cry: "Never again!", Holocaust survivors made a promise to the memories of their mothers, fathers, husbands, wives and children. This bill provides a way for us to join with Holocaust survivors in keeping that promise. It ensures that future generations of Americans will remember that bigotry against any group poses a menace to society at large, and that the violation of an individual's rights places every person's freedom in peril.

I urge my colleagues to support this important bill.●

ADDITIONAL COSPONSORS

S. 26

At the request of Mr. FEINGOLD, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 26, a bill entitled the "Bipartisan Campaign Reform Act of 1999."

S. 279

At the request of Mr. LOTT, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 279, a bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

S. 408

At the request of Mr. BRYAN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 408, a bill to direct the Secretary of the Interior to convey a former Bureau of Land Management administrative site to the City of Carson City, Nevada, for use as a senior center.

S. 693

At the request of Mr. HELMS, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 693, a bill to assist in the enhancement of the security of Taiwan, and for other purposes.

S. 936

At the request of Mr. DURBIN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 936, a bill to prevent children from having access to firearms.

S. 1036

At the request of Mr. KOHL, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 1036, a bill to amend parts A and D of title IV of the Social Security Act to give States the option to pass through directly to a family receiving assistance under the temporary assistance to needy families program all child support collected by the State and the option to disregard any child support that the family receives in determining a family's eligibility for, or amount of, assistance under that program.

S. 1144

At the request of Mr. VOINOVICH, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S.

1144, a bill to provide increased flexibility in use of highway funding, and for other purposes.

S. 1322

At the request of Mr. DASCHLE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1322, a bill to prohibit health insurance and employment discrimination against individuals and their family members on the basis of predictive genetic information or genetic services.

S. 1361

At the request of Mr. STEVENS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1361, a bill to amend the Earthquake Hazards Reduction Act of 1977 to provide for an expanded Federal program of hazard mitigation, relief, and insurance against the risk of catastrophic natural disasters, such as hurricanes, earthquakes, and volcanic eruptions, and for other purposes.

S. 1419

At the request of Mr. LOTT, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 1419, a bill to amend title 36, United States Code, to designate May as "National Military Appreciation Month."

S. 1458

At the request of Mr. REID, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1458, a bill to provide for a reduction in the rate of adolescent pregnancy through the evaluation of public and private prevention programs, and for other purposes.

S. 1464

At the request of Mr. HAGEL, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1464, a bill to amend the Federal Food, Drug, and Cosmetic Act to establish certain requirements regarding the Food Quality Protection Act of 1996, and for other purposes.

S. 1563

At the request of Mr. ABRAHAM, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 1563, a bill to establish the Immigration Affairs Agency within the Department of Justice, and for other purposes.

S. 1592

At the request of Mr. DURBIN, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 1592, a bill to amend the Nicaraguan Adjustment and Central American Relief Act to provide to certain nationals of El Salvador, Guatemala, Honduras, and Haiti an opportunity to apply for adjustment of status under that Act, and for other purposes.

S. 1700

At the request of Mr. DURBIN, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 1700, a bill to amend the Federal Rules of Criminal Procedure to allow a defendant to make a motion for forensic testing not available at trial regarding actual innocence.

S. 1717

At the request of Mr. BOND, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1717, a bill to amend title XXI of the Social Security Act to provide for coverage of pregnancy-related assistance for targeted low-income pregnant women.

S. 1810

At the request of Mrs. MURRAY, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1810, a bill to amend title 38, United States Code, to clarify and improve veterans' claims and appellate procedures.

S. 1921

At the request of Mr. CAMPBELL, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1921, a bill to authorize the placement within the site of the Vietnam Veterans Memorial of a plaque to honor Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service.

S. 1952

At the request of Mr. ABRAHAM, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1952, a bill to amend the Internal Revenue Code of 1986 to provide a simplified method for determining a partner's share of items of a partnership which is a qualified investment club.

S. 1966

At the request of Mr. HAGEL, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1966, a bill to provide for the immediate review by the Immigration and Naturalization Service of new employees hired by employers subject to Operation Vanguard or similar programs, and for other purposes.

S. 2003

At the request of Mr. JOHNSON, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 2003, a bill to restore health care coverage to retired members of the uniformed services.

S. 2021

At the request of Mr. BROWNBACK, the name of the Senator from Rhode Island (Mr. L. CHAFEE) was added as a cosponsor of S. 2021 , a bill to prohibit high school and college sports gambling in all States including States where such gambling was permitted prior to 1991.

S. 2042

At the request of Mr. HATCH, the names of the Senator from Alaska (Mr. MURKOWSKI), the Senator from North Carolina (Mr. HELMS), and the Senator from Texas (Mr. GRAMM) were added as cosponsors of S. 2042, a bill to reform the process by which the Office of the Pardon Attorney investigates and reviews potential exercises of executive clemency.

S. 2044

At the request of Mr. CAMPBELL, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2044, a bill to allow postal patrons to contribute to funding for domestic violence programs through the voluntary purchase of specially issued postage stamps.

S. 2068

At the request of Mr. GREGG, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2068, a bill to prohibit the Federal Communications Commission from establishing rules authorizing the operation of new, low power FM radio stations.

S. 2074

At the request of Mr. ASHCROFT, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2074, a bill to amend title II of the Social Security Act to eliminate the social security earnings test for individuals who have attained retirement age.

S. 2076

At the request of Mr. SCHUMER, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from Louisiana (Mr. BREAUX), the Senator from Michigan (Mr. LEVIN), the Senator from Idaho (Mr. CRAIG), the Senator from Maine (Ms. SNOWE), the Senator from Maine (Ms. COLLINS), the Senator from Kentucky (Mr. BUNNING), the Senator from Tennessee (Mr. THOMPSON), the Senator from Utah (Mr. BENNETT), the Senator from New Hampshire (Mr. GREGG), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Delaware (Mr. BIDEN), the Senator from West Virginia (Mr. BYRD), the Senator from South Dakota (Mr. DASCHLE), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from California (Mrs. FEINSTEIN), the Senator from Idaho (Mr. CRAPO), the Senator from Illinois (Mr. FITZGERALD), the Senator from Missouri (Mr. ASHCROFT), the Senator from Montana (Mr. BURNS), the Senator from Georgia (Mr. COVERDELL), the Senator from New Mexico (Mr. DOMENICI), the Senator from Florida (Mr. GRAHAM), the Senator from Hawaii (Mr. INOUYE), the Senator from South Dakota (Mr. JOHNSON), the Senator from Nebraska (Mr. KERREY), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Washington (Mr. GORTON), the Senator from Texas (Mr. GRAMM), the Senator from Utah (Mr. HATCH), the Senator from Arizona (Mr. KYL), the Senator from Florida (Mr. MACK), the Senator from Maryland (Ms. MIKULSKI), the Senator from Virginia (Mr. ROBB), the Senator from Minnesota (Mr. WELLSTONE), the Senator from Oregon

(Mr. WYDEN), the Senator from Vermont (Mr. LEAHY), the Senator from Kansas (Mr. ROBERTS), the Senator from New Hampshire (Mr. SMITH), the Senator from South Carolina (Mr. THURMOND), the Senator from Alabama (Mr. SHELBY), the Senator from Oregon (Mr. SMITH), the Senator from Washington (Mrs. MURRAY), the Senator from North Dakota (Mr. CONRAD), the Senator from California (Mrs. BOXER), the Senator from Texas (Mrs. HUTCHISON), the Senator from Oklahoma (Mr. INHOFE), the Senator from Indiana (Mr. LUGAR), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from Ohio (Mr. VOINOVICH) were added as cosponsors of S. 2076, a bill to authorize the President to award a gold medal on behalf of the Congress to John Cardinal O'Connor, Archbishop of New York, in recognition of his accomplishments as a priest, a chaplain, and a humanitarian.

S. 2097

At the request of Mr. GRAMM, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2097, a bill to authorize loan guarantees in order to facilitate access to local television broadcast signals in unserved and underserved areas, and for other purposes.

S. 2123

At the request of Ms. LANDRIEU, the names of the Senator from Indiana (Mr. BAYH) and the Senator from New Hampshire (Mr. GREGG) were added as cosponsors of S. 2123, a bill to provide Outer Continental Shelf Impact assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes.

S. CON. RES. 60

At the request of Mr. FEINGOLD, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. Con. Res. 60, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. *Wisconsin* and all those who served aboard her.

S.J. RES. 38

At the request of Mr. VOINOVICH, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S.J. Res. 38, a joint resolution to provide for a Balanced Budget Constitutional Amendment that prohibits the use of Social Security surpluses to achieve compliance.

S.J. RES. 39

At the request of Mr. CAMPBELL, the names of the Senator from Georgia (Mr. CLELAND), the Senator from Oklahoma (Mr. INHOFE), the Senator from Wisconsin (Mr. KOHL), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from New Hampshire (Mr. SMITH), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from New York (Mr. MOYNIHAN), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Texas (Mr. GRAMM), the Senator from Kansas (Mr. ROBERTS), the Senator from Montana (Mr. BURNS), the Senator from Idaho (Mr. CRAIG), the Senator from Alabama (Mr. SESSIONS), the Senator from Rhode Island (Mr. L. CHAFEE), the Senator from New Mexico (Mr. DOMENICI), the Senator from Hawaii (Mr. INOUYE), the Senator from Nebraska (Mr. KERREY), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Nevada (Mr. REID), the Senator from Maryland (Mr. SARBANES), the Senator from South Dakota (Mr. JOHNSON), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Colorado (Mr. ALLARD), and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S.J .Res. 39, a joint resolution recognizing the 50th anniversary of the Korean war and the service by members of the Armed Forces during such war, and for other purposes.

S. RES. 87

At the request of Mr. DURBIN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. Res. 87, a resolution commemorating the 60th Anniversary of the International Visitors Program.

S. RES. 128

At the request of Mr. COCHRAN, the names of the Senator from Pennsylvania (Mr. SPECTER), the Senator from New Mexico (Mr. DOMENICI), the Senator from Mississippi (Mr. LOTT), the Senator from Hawaii (Mr. INOUYE), and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. Res. 128, a resolution designating March 2000, as "Arts Education Month".

S. RES. 237

At the request of Mrs. BOXER, the names of the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Maryland (Mr. SARBANES), and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. Res. 237, a resolution expressing the sense of the Senate that the United States Senate Committee on Foreign Relations should hold hearings and the Senate should act on the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

S. RES. 257

At the request of Mr. CRAIG, the names of the Senator from Kansas (Mr. ROBERTS), the Senator from Wyoming (Mr. ENZI), the Senator from New Hampshire (Mr. SMITH), and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. Res. 257, a resolution expressing the sense of the Senate regarding the responsibility of the United States to ensure that the Panama Canal will remain open and secure to vessels of all nations.

S. RES. 260

At the request of Mr. BOND, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Res. 260, a resolution to express the sense of the Senate that the Federal investment in programs that provide health care services to uninsured and low-income individuals in medically under served areas be increased in order to double access to care over the next 5 years.

AMENDMENT NO. 2825

At the request of Mr. ABRAHAM, the names of the Senator from South Dakota (Mr. DASCHLE), the Senator from Nevada (Mr. REID), the Senator from New York (Mr. SCHUMER), the Senator from Hawaii (Mr. INOUYE), the Senator from Illinois (Mr. DURBIN), the Senator from Massachusetts (Mr. KERRY), the Senator from North Dakota (Mr. DORGAN), the Senator from New Jersey (Mr. TORRICELLI), the Senator from California (Mrs. BOXER), and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of amendment No. 2825 proposed to S. 1134, an original bill to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes.

At the request of Mr. FITZGERALD, his name was added as a cosponsor of amendment No. 2825 proposed to S. 1134, an original bill to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes.

SENATE CONCURRENT RESOLUTION 87—COMMENDING THE HOLY SEE FOR MAKING SIGNIFICANT CONTRIBUTIONS TO INTERNATIONAL PEACE AND HUMAN RIGHTS, AND OBJECTING TO EFFORTS TO EXPEL THE HOLY SEE FROM THE UNITED NATIONS BY REMOVING THE HOLY SEE'S PERMANENT OBSERVER STATUS IN THE UNITED NATIONS, AND FOR OTHER PURPOSES

Mr. SMITH of New Hampshire (for himself, Mr. SANTORUM, Mr. HELMS, Ms. LANDRIEU, Mr. STEVENS, Mr. ASHCROFT, Mr. INHOFE, Mr. MCCAIN, Mr. COVERDELL, and Mr. BROWNBACK) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations

S. CON. RES. 87

Whereas the Holy See is the governing authority of the sovereign State of Vatican City;

Whereas the Holy See has an internationally recognized legal personality, which allows it to enter into treaties as the juridical equal of a state and to send and receive diplomatic representatives;

Whereas the diplomatic history of the Holy See began over 1,600 years ago, during the 4th century A.D., and the Holy See currently has formal diplomatic relations with 169 nations, including the United States, and maintains 179 permanent diplomatic missions abroad;

Whereas, although the Holy See was an active participant in a wide range of United Nations activities since 1946, and was eligible to become a member state of the United Nations, it chose instead to become a nonmember state with Permanent Observer status over 36 years ago, in 1964;

Whereas, unlike other geographically small countries such as Monaco, Nauru, San Marino, and Liechtenstein, the Holy See does not possess a vote in the General Assembly of the United Nations;

Whereas, according to a July 1998 assessment by the United States Department of State, "(t)he United States values the Holy See's significant contributions to international peace and human rights";

Whereas during the past year, certain organizations that oppose the views of the Holy See regarding abortion and the sanctity of human life have initiated an organized effort to pressure the United Nations to remove the Permanent Observer status of the Holy See; and

Whereas the removal of the Holy See's Permanent Observer status would constitute an expulsion of the Holy See from the United Nations as a state participant: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress

(1) commends the Holy See for its unique contributions to a thoughtful and robust dialogue in issues of international concern during its 36 years as a Permanent Observer at the United Nations;

(2) strongly objects to any effort to expel the Holy See from the United Nations as a state participant by removing its status as a nonmember state Permanent Observer;

(3) believes that any degradation of the status accorded to the Holy See at the United Nations would seriously damage the credibility of the United Nations by demonstrating that its rules of participation are manipulable for ideological reasons rather than being rooted in neutral principles and objective facts of sovereignty; and

(4) contends that any degradation of the status of the Holy See will damage relations between the United States and the United Nations.

Mr. SMITH of New Hampshire. Mr. President, I rise for the purpose of submitting a Senate concurrent resolution objecting to any efforts to expel or degrade the Holy See's current status as a nonmember permanent observer to the United Nations. It is hard to believe there are people in the world—indeed, in our own country—who wish to take away that status.

Throughout my tenure in the Senate and the House, I have worked to uphold the sovereignty of the United States, perhaps as much as anyone in the body. Recently, it has come to my attention that the sovereignty of the Holy See, the institution that represents the State of the Vatican City internationally, is being attacked by up to 400 nongovernmental organizations in a movement called "See Change." That is S-e-e.

See Change is comprised of extremist groups, pro-choice groups, some extreme environmental organizations, and antireligious, atheist groups who want to take away this permanent status of the Holy See.

Specifically, the agenda of See Change is to pressure U.N. Secretary General Annan into revoking the Holy See's nonmember Permanent Observer status by attacking its status as the legal and diplomatic body that represents the sovereign country of the State of the Vatican City.

What an outrage. See Change believes it can use the smokescreen of the Holy See's unique sovereignty to silence its undisputed legal rights as a sovereign entity to voice its views on the sanctity of human life at the U.N. That is what this is about. It is about an attack on the sanctity of human life. It is an attack on the Pope for his views on the sanctity of human life.

Since the U.N. rules by the consensus of all members, See Change is attempting to pressure and intimidate the Holy See, the Secretary General, and other member countries of the U.N. to silence any opposition to what really is a pro-abortion agenda.

Currently, the Holy See is recognized by almost every nation in the world. Furthermore, the Holy See has sent and received diplomats since the 4th century and has possessed a permanent diplomatic mission since the 15th century.

As I stated before, a central argument that these nongovernmental organizations use is the issue of the Holy See's legally recognized authority to represent the citizens of Vatican City and the worldwide Catholic Church.

According to international law, sovereignty in its simplest form can be defined by a people, territorial entity, and a government with institutions that are recognized by the international community of nations. Without any doubt—since the 4th century—the Holy See acts as the legal and internationally recognized body that represents the people of Vatican City and Catholics around the world. The Holy See meets all those criteria. The Vatican State has a population of approximately 900 citizens, has a defined territory, and has institutions of government.

The sovereignty issue was irrefutably settled in 1929, when the Holy See and Italy signed and ratified the Lateran Treaty, which brought the Vatican City State into existence. Article 12 of this treaty states:

> Diplomatic relations with the Holy See are governed by the rules of International Law.

All states have equal standing under international law. I believe the Senate needs to send a strong, positive message to reaffirm the concept of state sovereignty. If we cannot do that in this body, then I do not know what we can do. I would like to remind Secretary General Kofi Annan about his duty to uphold the principle the United Nations considers most important in its charter—the legal equality of nations, which is Article 2(1).

Furthermore, this legal principle says all states are not similar in their characteristics. For example, China contains about one-quarter of the human race while the State of the Vatican City contains a little fewer than 1,000 citizens.

Moreover, this Nation, the United States, is exponentially larger in physical size and political stature than, say, Bangladesh; however, both nations have equal status under international law.

Frances Kissling, president of Catholics for a Free Choice, said the Holy See sitting at the U.N. was like "Euro-Disney sitting on the Security Council." Can you imagine? Surely, any person, American or not, would recoil at the irreverence of this statement and the ignorance, frankly, of the invaluable work the Holy See has undertaken to foster peace between fellow nations.

Highly respected U.N. leaders, such as Dag Hammarskjold, have, in fact, recognized the unique sovereign status of the State of the Vatican City and insisted on the presence of the Holy See at the U.N. In addition, U.N. Secretary General U Thant attempted to establish an increased stability of relations between the Holy See and the U.N.

Catholics for a Free Choice—I use that term loosely—a leading organization in the movement to remove the Holy See from the U.N., has set forth the following statement in their own web site:

> What place does a religious body—claiming to possess the universal "objective truth" and speak infallibly on moral matters—have in an intergovernmental institution like the United Nations?

I would like to point out that above the doors of the U.S. House Chamber are the reliefs of great lawmakers who had a profound impact on the moral and legal origins of this Nation. The most important lawmaker is Moses; his relief is placed higher, in the center of the Chamber, facing the Chair.

Why didn't anyone question the sovereignty of the Soviet Union and its Politburo, with the Communist ideology that it espoused, and the manner in which it imposed its will upon the satellite states of Eastern Europe under its control? I did not hear any criticism of them.

Should theocracies, such as Iran or even Israel, be threatened in the same manner if some extremist organization, opposed to their religious and social views, came forth?

The elected head of the Catholic Church, Pope John Paul II, has recently made trips to Cuba and Angola, where he was received by multitudes, millions of people, supporting his message of peace, the rule of law, and freedom represented by the Catholic Church and, indeed, by many other citizens, as well.

I am proud to say, in submitting this resolution, that as original cosponsors I have Senators COVERDELL, SANTORUM, LANDRIEU, HELMS, ASHCROFT, INHOFE, MCCAIN, STEVENS, and BROWNBACK. A bipartisan group has become original cosponsors. I urge my colleagues, in the name of what is right, to join with us in sponsoring this legislation.

AMENDMENTS SUBMITTED

THE AFFORDABLE EDUCATION ACT OF 1999

BINGAMAN AMENDMENT NO. 2863

Mr. BINGAMAN proposed an amendment to the bill (S. 1134) to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes; as follows:

Strike section 101 and insert the following:

"SEC. 101 FUNDS FOR ACCOUNTABILITY AND SCHOOL IMPROVEMENT.

"(a) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $275,000,000 for fiscal year 2001 and such sums as may be necessary for each of the succeeding fiscal years.

"(b) NATIONAL ACTIVITIES.—From the amount appropriated for any fiscal year under subsection (a), the Secretary of Education ('the Secretary') may reserve not more than 3 percent to conduct evaluations and studies, collect data, and carry out other activities relevant to sections 1116 and 1117 of the Elementary and Secondary Education Act of 1965 (hereafter in this section referred to as "the ESEA"). .

"(c) ALLOCATIONS TO STATES.—The Secretary shall allocate the amount appropriated for any fiscal year under subsection (a) and not reserved under subsection (b) among the States in the same proportion in which funds are allocated among the States under part A of title I of the ESEA.

"(d) STATE USE OF FUNDS.—

(1) IN GENERAL.—Each State educational agency shall use funds received under subsection (c) to—

"(A) make allotments under paragraph (2); and

"(B) carry out its responsibilities under sections 1116 and 1117 of the ESEA, including establishing and supporting the State educational agency's statewide system of technical assistance and support for local educational agencies.

"(2) ALLOTMENTS TO LOCAL EDUCATIONAL AGENCIES.—

"(A) IN GENERAL.—Each State educational agency shall allot at least 70 percent of the amount received under this section to local educational agencies in the State.

"(B) PRIORITIES.—In making allotments under this paragraph, the State educational agency shall—

"(i) give first priority to schools and local educational agencies with schools identified for corrective action under section 1116(c)(5) of the ESEA; and

"(ii) give second priority to schools and local educational agencies with other schools identified for school improvement under section 1116(c)(1) of the ESEA.

"(e) LOCAL USE OF FUNDS.—.

"(1) CORRECTIVE ACTION.—Each local educational agency receiving an allotment under subsection (d)(2)(B)(i) shall use the allotment to carry out effective corrective action in the schools identified for corrective action.

"(2) SCHOOL IMPROVEMENT.—Each local educational agency receiving an allotment under subsection (d)(2)(B)(ii) shall use the allotment to achieve substantial improvement in the performance of the schools identified for school improvement."

GRAHAM (AND OTHERS) AMENDMENT NO. 2864

Mr. GRAHAM (for himself, Mr. ROBB, and Mr. BINGAMAN) proposed an amendment to the bill, S. 1134, supra; as follows:

At the appropriate place, add the following:

TITLE —TRANSITION TO TEACHING

SEC. 1. SHORT TITLE.

This title may be cited as the "Transition to Teaching Act".

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) School districts will need to hire more than 2,000,000 teachers in the next decade. The need for teachers in the areas of mathematics, science, foreign languages, special education, and bilingual education, and for those able to teach in high-poverty school districts will be particularly high. To meet this need, talented Americans of all ages should be recruited to become successful, qualified teachers.

(2) Nearly 28 percent of teachers of academic subjects have neither an undergraduate major nor minor in their main assignment fields. This problem is more acute in high-poverty schools, where the out-of-field percentage is 39 percent.

(3) The Third International Math and Science Study (TIMSS) ranked United States high school seniors last among 16 countries in physics and next to last in mathematics. It is also evident, mainly from the TIMSS data, that based on academic scores, a stronger emphasis needs to be placed on the academic preparation of our children in mathematics and science.

(4) One-fourth of high-poverty schools find it very difficult to fill bilingual teaching positions, and nearly half of public school teachers have students in their classrooms for whom English is a second language.

(5) Many career-changing professionals with strong content-area skills are interested in a teaching career, but need assistance in getting the appropriate pedagogical training and classroom experience.

(6) The Troops to Teachers model has been highly successful in linking high-quality teachers to teach in high-poverty districts.

SEC. 3. PURPOSE.

The purpose of this title is to address the need of high-poverty school districts for highly qualified teachers in particular subject areas, such as mathematics, science, foreign languages, bilingual education, and special education, needed by those school districts, by recruiting, preparing, placing, and supporting career-changing professionals who have knowledge and experience that will help them become such teachers.

SEC. 4. PROGRAM AUTHORIZED.

(a) AUTHORITY.—The Secretary is authorized to use funds appropriated under subsection (b) for each fiscal year to award grants, contracts, or cooperative agreements to institutions of higher education and public and private nonprofit agencies or organizations to carry out programs authorized by this title.

(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this title, there are authorized to be appropriated $25,000,000 for each of fiscal years 2001 through 2006.

SEC. 5. APPLICATION.

Each applicant that desires an award under section 4(a) shall submit an application to the Secretary containing such information as the Secretary requires, including—

(1) a description of the target group of career-changing professionals upon which the applicant will focus in carrying out its program under this title, including a description of the characteristics of that target group that shows how the knowledge and experience of its members are relevant to meeting the purpose of this title;

(2) a description of how the applicant will identify and recruit program participants;

(3) a description of the training that program participants will receive and how that training will relate to their certification as teachers;

(4) a description of how the applicant will ensure that program participants are placed and teach in high-poverty local educational agencies;

(5) a description of the teacher induction services (which may be provided through existing induction programs) the program participants will receive throughout at least their first year of teaching;

(6) a description of how the applicant will collaborate, as needed, with other institutions, agencies, or organizations to recruit, train, place, and support program participants under this title, including evidence of the commitment of those institutions, agencies, or organizations to the applicant's program;

(7) a description of how the applicant will evaluate the progress and effectiveness of its program, including—

(A) the program's goals and objectives;

(B) the performance indicators the applicant will use to measure the program's progress; and

(C) the outcome measures that will be used to determine the program's effectiveness; and

(8) an assurance that the applicant will provide to the Secretary such information as the Secretary determines necessary to determine the overall effectiveness of programs under this title.

SEC. 6. USES OF FUNDS AND PERIOD OF SERVICE.

(a) AUTHORIZED ACTIVITIES.—Funds under this title may be used for—

(1) recruiting program participants, including informing them of opportunities under the program and putting them in contact

with other institutions, agencies, or organizations that would train, place, and support them;

(2) training stipends and other financial incentives for program participants, not to exceed $5,000 per participant;

(3) assisting institutions of higher education or other providers of teacher training to tailor their training to meet the particular needs of professionals who are changing their careers to teaching;

(4) placement activities, including identifying high-poverty local educational agencies with a need for the particular skills and characteristics of the newly trained program participants and assisting those participants to obtain employment in those local educational agencies; and

(5) post-placement induction or support activities for program participants.

(b) Period of Service.—A program participant in a program under this title who completes his or her training shall serve in a high-poverty local educational agency for at least 3 years.

(c) Repayment.—The Secretary shall establish such requirements as the Secretary determines appropriate to ensure that program participants who receive a training stipend or other financial incentive under subsection (a)(2), but fail to complete their service obligation under subsection (b), repay all or a portion of such stipend or other incentive.

SEC. 7. EQUITABLE DISTRIBUTION.

To the extent practicable, the Secretary shall make awards under this title that support programs in different geographic regions of the Nation.

SEC. 8. DEFINITIONS.

In this title:

(1) High-poverty local educational agency.—The term "high-poverty local educational agency" means a local educational agency in which the percentage of children, ages 5 through 17, from families below the poverty level is 20 percent or greater, or the number of such children exceeds 10,000.

(2) Program participants.—The term "program participants" means career-changing professionals who—

(A) hold at least a baccalaureate degree;

(B) demonstrate interest in, and commitment to, becoming a teacher; and

(C) have knowledge and experience that are relevant to teaching a high-need subject area in a high-need local educational agency.

WELLSTONE AMENDMENT NO. 2865

Mr. WELLSTONE proposed an amendment to the bill, S. 1134, supra; as follows:

At the appropriate place add the following:

SEC. . REPORT TO CONGRESS REGARDING EXTENT AND SEVERITY OF CHILD POVERTY.

(a) In General.—Not later than June 1, 2001 and prior to any reauthorization of the temporary assistance to needy families program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) for any fiscal year after fiscal year 2002, the Secretary of Health and Human Services (in this section referred to as the "Secretary") shall report to Congress on the extent and severity of child poverty in the United States. Such report shall, at a minimum—

(1) determine for the period since the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193; 110 Stat. 2105)—

(A) whether the rate of child poverty in the United States has increased;

(B) whether the children who live in poverty in the United States have gotten poorer; and

(C) how changes in the availability of cash and non-cash benefits to poor families have affected child poverty in the United States;

(2) identify alternative methods for defining child poverty that are based on consideration of factors other than family income and resources, including consideration of a family's work-related expenses; and

(3) contain multiple measures of child poverty in the United States that may include the child poverty gap and the extreme poverty rate.

(b) Legislative Proposal.—If the Secretary determines that during the period since the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193; 110 Stat. 2105) the extent or severity of child poverty in the United States has increased to any extent, the Secretary shall include with the report to Congress required under subsection (a) a legislative proposal addressing the factors that led to such increase.

KERRY AMENDMENT NO. 2866

(Ordered to lie on the table.)

Mr. KERRY submitted an amendment intended to be proposed by him to the bill, S. 1134, supra; as follows:

At the appropriate place, add the following:

TITLE —AMENDMENTS TO THE HIGHER EDUCATION ACT OF 1965

SEC. 01. SCHOLARSHIPS FOR FUTURE TEACHERS.

Part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) is amended by adding at the end the following:

"Subpart 9—Scholarships for Future Teachers

"SEC. 420L. STATEMENT OF PURPOSE.

"It is the purpose of this subpart to establish a scholarship program to promote student excellence and achievement and to encourage students to make a commitment to teaching.

"SEC. 420M. SCHOLARSHIPS AUTHORIZED.

"(a) Program Authority.—The Secretary is authorized, in accordance with the provisions of this subpart, to make grants to States to enable the States to award scholarships to individuals who have demonstrated outstanding academic achievement and who make a commitment to become State certified teachers in elementary schools or secondary schools that are served by local educational agencies.

"(b) Period of Award.—Scholarships under this section shall be awarded for a period of not less than 1 and not more than 4 years during the first 4 years of study at any institution of higher education eligible to participate in any program assisted under this title. The State educational agency administering the scholarship program in a State shall have discretion to determine the period of the award (within the limits specified in the preceding sentence).

"(c) Use at Any Institution Permitted.—A student awarded a scholarship under this subpart may attend any institution of higher education.

"SEC. 420N. ALLOCATION AMONG STATES.

"(a) Allocation Formula.—From the sums appropriated under section 420U for any fiscal year, the Secretary shall allocate to each State that has an agreement under section 420O an amount that bears the same relation to the sums as the amount the State received under part A of title I of the Elementary and Secondary Education Act of 1965 bears to the amount received under such part A by all States.

"(b) Amount of Scholarships.—The Secretary shall promulgate regulations setting forth the amount of scholarships awarded under this subpart.

"SEC. 420O. AGREEMENTS.

"The Secretary shall enter into an agreement with each State desiring to participate in the scholarship program authorized by this subpart. Each such agreement shall include provisions designed to ensure that—

"(1) the State educational agency will administer the scholarship program authorized by this subpart in the State;

"(2) the State educational agency will comply with the eligibility and selection provisions of this subpart;

"(3) the State educational agency will conduct outreach activities to publicize the availability of scholarships under this subpart to all eligible students in the State, with particular emphasis on activities designed to assure that students from low-income and moderate-income families have access to the information on the opportunity for full participation in the scholarship program authorized by this subpart; and

"(4) the State educational agency will pay to each individual in the State who is awarded a scholarship under this subpart an amount determined in accordance with regulations promulgated under section 420N(b).

"SEC. 420P. ELIGIBILITY OF SCHOLARS.

"(a) Secondary School Graduation or Equivalent and Admission to Institution Required.—Each student awarded a scholarship under this subpart shall—

"(1) have a secondary school diploma or its recognized equivalent;

"(2) have a score on a nationally recognized college entrance exam, such as the Scholastic Aptitude Test (SAT) or the American College Testing Program (ACT), that is in the top 20 percent of all scores achieved by individuals in the secondary school graduating class of the student, or have a grade point average that is in the top 20 percent of all students in the secondary school graduating class of the student;

"(3) have been admitted for enrollment at an institution of higher education; and

"(4) make a commitment to become a State certified elementary school or secondary school teacher for a period of 5 years.

"(b) Selection Based on Commitment to Teaching.—Each student awarded a scholarship under this subpart shall demonstrate outstanding academic achievement and show promise of continued academic achievement.

"SEC. 420Q. SELECTION OF SCHOLARS.

"(a) Establishment of Criteria.—The State educational agency is authorized to establish the criteria for the selection of scholars under this subpart.

"(b) Adoption of Procedures.—The State educational agency shall adopt selection procedures designed to ensure an equitable geographic distribution of scholarship awards within the State.

"(c) Consultation Requirement.—In carrying out its responsibilities under subsections (a) and (b), the State educational agency shall consult with school administrators, local educational agencies, teachers, counselors, and parents.

"(d) Timing of Selection.—The selection process shall be completed, and the awards made, prior to the end of each secondary school academic year.

"SEC. 420R. SCHOLARSHIP CONDITION.

"The State educational agency shall establish procedures to assure that a scholar awarded a scholarship under this subpart pursues a course of study at an institution of higher education that is related to a career in teaching.

"SEC. 420S. RECRUITMENT.

"In carrying out a scholarship program under this section, a State may use not less than 5 percent of the amount awarded to the State under this subpart to carry out recruitment programs through local educational agencies. Such programs shall target liberal arts, education and technical institutions of higher education in the State.

"SEC. 420T. INFORMATION.

"The Secretary shall develop additional programs or strengthen existing programs to publicize information regarding the programs assisted under this title and teaching careers in general.

"SEC. 420U. APPROPRIATIONS.

"There are authorized to be appropriated, and there are appropriated, to carry out this subpart $10,000,000 for each of the fiscal years 2001 through 2005, of which not more than 0.5 percent shall be used by the Secretary in any fiscal year to carry out section 420T.".

SEC. 02. LOAN FORGIVENESS AND CANCELLATION FOR TEACHERS.

(a) Federal Stafford Loans.—Section 428J of Higher Education Act of 1965 (20 U.S.C. 1078-10) is amended—

(1) in the matter preceding subparagraph (A) of subsection (b)(1), by striking "for 5 consecutive complete school years";

(2) by amending paragraph (1) of subsection (c) to read as follows:

"(1) Amount.—

"(A) In general.—The Secretary shall repay—

"(i) not more than $5,000 in the aggregate of the loan obligation on a loan made under section 428 or 428H that is outstanding after the completion of the second complete school year of teaching described in subsection (b)(1); and

"(ii) not more than $5,000 in the aggregate of such loan obligation that is outstanding after the fifth complete school year of teaching described in subsection (b)(1).

"(B) Special rule.—No borrower may receive a reduction of loan obligations under both this section and section 460."; and

(3) by adding at the end the following:

"(i) Authorization of Appropriations.—There are authorized to be appropriated, and there are appropriated, to carry out this section $50,000,000 for each of the fiscal years 2001 through 2005.".

(b) Direct Loans.—Section 460 of the Higher Education Act of 1965 (20 U.S.C. 1087j) is amended—

(1) in the matter preceding clause (i) of subsection (b)(1)(A), by striking "for 5 consecutive complete school years";

(2) by amending paragraph (1) of subsection (c) to read as follows:

"(1) In general.—The Secretary shall repay—

"(A) not more than $5,000 in the aggregate of the loan obligation on a Federal Direct Stafford Loan or a Federal Direct Unsubsidized Stafford Loan that is outstanding after the completion of the second complete school year of teaching described in subsection (b)(1)(A); and

"(B) not more than $5,000 in the aggregate of such loan obligation that is outstanding after the fifth complete school year of teaching described in subsection (b)(1)(A)."; and

(3) by adding at the end the following:

"(i) Appropriations.—There are authorized to be appropriated, and there are appropriated, to carry out this section $50,000,000 for each of the fiscal years 2001 through 2005.".

LANDRIEU (AND LIEBERMAN) AMENDMENT NO. 2867

(Ordered to lie on the table.)

Mrs. LANDRIEU (for herself and Mr. Lieberman) submitted an amendment to be proposed by them to the bill, S. 1134, supra; as follows:

At the appropriate place, insert the following:

TITLE —TEACHER AND PRINCIPAL QUALITY AND PROFESSIONAL DEVELOPMENT

SEC. 1. TEACHER AND PRINCIPAL QUALITY AND PROFESSIONAL DEVELOPMENT.

(a) Short Title.—This title may be cited as the "Public Education Reinvestment, Reinvention, and Responsibility Act".

(b) Programs.—Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.) is amended to read as follows:

"TITLE II—TEACHER AND PRINCIPAL QUALITY AND PROFESSIONAL DEVELOPMENT

"SEC. 2001. PURPOSE.

"The purpose of this title is to provide grants to State educational agencies and local educational agencies in order to assist their efforts to increase student academic achievement through such strategies as improving teacher and principal quality and increasing professional development.

"SEC. 2002. DEFINITIONS.

"In this title:

"(1) Fully qualified.—The term 'fully qualified' means—

"(A) in the case of an elementary school teacher (other than a teacher teaching in a public charter school), a teacher who, at a minimum—

"(i) has obtained State certification (which may include certification obtained through alternative means), or a State license, to teach in the State in which the teacher teaches;

"(ii) holds a bachelor's degree from an institution of higher education; and

"(iii) demonstrates subject matter knowledge, teaching knowledge, and the teaching skills required to teach effectively reading, writing, mathematics, science, social studies, and other elements of a liberal arts education; and

"(B) in the case of a secondary school teacher (other than a teacher teaching in a public charter school), a teacher who, at a minimum—

"(i) has obtained State certification (which may include certification obtained through alternative means), or a State license, to teach in the State in which the teacher teaches;

"(ii) holds a bachelor's degree from an institution of higher education;

"(iii) demonstrates a high level of competence in all subject areas in which the teacher teaches through—

"(I) completion of an academic major (or courses totaling an equivalent number of credit hours) in each of the subject areas in which the teacher provides instruction; or

"(II) achievement of a high level of performance in other professional employment experience in subject areas relevant to the subject areas in which the teacher provides instruction; and

"(iv) achieves a high level of performance on rigorous academic subject area tests administered by the State in which the teacher teaches.

"(2) Institution of higher education.—The term 'institution of higher education' means an institution of higher education, as defined in section 101 of the Higher Education Act of 1965, that—

"(A) has not been identified as low performing under section 208 of the Higher Education Act of 1965; and

"(B) is in full compliance with the public reporting requirements described in section 207 of the Higher Education Act of 1965.

"(3) Outlying area.—The term 'outlying area' means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"(4) Poverty line.—The term 'poverty line' means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act) applicable to a family of the size involved, for the most recent year.

"(5) School-age population.—The term 'school-age population' means the population aged 5 through 17, as determined on the basis of the most recent satisfactory data.

"(6) State.—The term 'State' means each of the several States in the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

"SEC. 2003. PROGRAM AUTHORIZED.

"(a) Grants Authorized.—The Secretary shall award a grant, from allotments made under subsection (b), to each State having a State plan approved under section 2005, to enable the State to raise the quality of, and provide professional development opportunities for, public elementary school and secondary school teachers, principals, and administrators.

"(b) Reservations and Allotments.—

"(1) Reservations.—From the amount appropriated under section 2015 to carry out this title for each fiscal year, the Secretary shall reserve—

"(A) ½ of 1 percent of such amount for payments to the Bureau of Indian Affairs for activities, approved by the Secretary, consistent with this title;

"(B) ½ of 1 percent of such amount for payments to outlying areas, to be allotted in accordance with their respective needs as determined by the Secretary, for activities, approved by the Secretary, consistent with this title; and

"(C) such sums as may be necessary to continue to support any multiyear partnership program award made under parts A, C, and D of this title and under title IV of the Goals 2000: Educate America Act (as such titles and Act were in effect on the day preceding the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act) until the termination of the multiyear award.

"(2) State allotments.—From the amount appropriated under section 2015 for a fiscal year and remaining after the Secretary makes reservations under paragraph (1), the Secretary shall allot to each State having a State plan approved under section 2005 the sum of—

"(A) an amount that bears the same relationship to 50 percent of the remainder as the school-age population from families with incomes below the poverty line in the State bears to the school-age population from families with incomes below the poverty line in all States; and

"(B) an amount that bears the same relationship to 50 percent of the remainder as the school-age population in the State bears to the school-age population in all States.

"(c) State Minimum.—For any fiscal year, no State shall be allotted under this section an amount that is less than ½ of 1 percent of the total amount allotted to all States under subsection (b)(2).

"(d) Hold-Harmless Amounts.—For fiscal year 2001, notwithstanding subsection (b)(2), the amount allotted to each State under this section shall be not less than 100 percent of the total amount the State was allotted under part B of this title (as this title was in effect on the day preceding the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act) for the preceding fiscal year.

"(e) Ratable Reductions.—If the sums made available under subsection (b)(2) for any fiscal year are insufficient to pay the full amounts that all States are eligible to receive under subsection (d) for such year, the Secretary shall ratably reduce such amounts for such year.

"SEC. 2004. WITHIN STATE ALLOCATION.

"(a) In General.—Each State educational agency for a State receiving a grant under section 2003(a) shall—

"(1) set aside 10 percent of the grant funds to award educator partnership grants under section 2013;

"(2) set aside not more than 5 percent of the grant funds to carry out activities described the State plan submitted under section 2005; and

"(3) using the remaining 85 percent of the grant funds, make subgrants by allocating to each local educational agency in the State the sum of—

"(A) an amount that bears the same relationship to 60 percent of the remainder as the school-age population from families with incomes below the poverty line in the area served by the local educational agency bears to the school-age population from families with incomes below the poverty line in the area served by all local educational agencies in the State; and

"(B) an amount that bears the same relationship to 40 percent of the remainder as the school-age population in the area served by the local educational agency bears to the school-age population in the area served by all local educational agencies in the State.

"(b) Hold-Harmless Amounts.—

"(1) Fiscal Year 2001.—For fiscal year 2001, notwithstanding subsection (a), the amount allocated to each local educational agency under this section shall be not less than 100 percent of the total amount the local educational agency was allocated under this title (as this title was in effect on the day preceding the date of enactment of the Public Education Reinvestment, Reinvention, and Responsibility Act) for fiscal year 2000.

"(2) Fiscal Year 2002.—For fiscal year 2002, notwithstanding subsection (a), the amount allocated to each local educational agency under this section shall be not less than 85 percent of the amount allocated to the local educational agency under this section for fiscal year 2001.

"(3) Fiscal Years 2003–2005.—For each of fiscal years 2003 through 2005, notwithstanding subsection (a), the amount allocated to each local educational agency under this section shall be not less than 70 percent of the amount allocated to the local educational agency under this section for the previous fiscal year.

"(c) Ratable Reductions.—If the sums made available under subsection (a)(3) for any fiscal year are insufficient to pay the full amounts that all local educational agencies are eligible to receive under subsection (b) for such year, the State educational agency shall ratably reduce such amounts for such year.

"SEC. 2005. STATE PLANS.

"(a) Plan Required.—

"(1) In general.—

"(A) Comprehensive state plan.—The State educational agency for each State desiring a grant under this title shall submit a State plan, developed in consultation with the entity or agency, if other than the State educational agency, that is responsible for teacher certification or licensing in the State, to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

"(B) Teacher certification or licensure.—The entity, or agency, if other than the State educational agency, that is responsible for teacher certification or licensing in the State, shall develop, in consultation with the State educational agency, and submit to the State educational agency the portion of the State plan described in subparagraph (A) that addresses teacher certification or licensure.

"(2) Consolidated plan.—A State plan submitted under paragraph (1) may be submitted as part of a consolidated plan under section 14302.

"(b) Contents.—Each plan submitted under subsection (a) shall—

"(1) describe how the State is taking reasonable steps to—

"(A) reform teacher certification, recertification, or licensure requirements to ensure that—

"(i) teachers have the necessary teaching skills and academic content knowledge in the academic subjects in which the teachers are assigned to teach;

"(ii) such requirements are aligned with the challenging State content standards;

"(iii) teachers have the knowledge and skills necessary to help students meet the challenging State student performance standards;

"(iv) such requirements take into account the need, as determined by the State, for greater access to, and participation in, the teaching profession by individuals from historically underrepresented groups; and

"(v) teachers have the necessary technological skills to integrate more effectively technology in the teaching of content required by State and local standards in all academic subjects in which the teachers provide instruction;

"(B) develop and implement rigorous testing procedures for all teachers to ensure that the teachers have teaching skills and academic content knowledge necessary to teach effectively the content called for by State and local standards in all academic subjects in which the teachers provide instruction;

"(C) establish, expand, or improve alternative routes to State certification of teachers, especially in the areas of mathematics and science, for highly qualified individuals with a baccalaureate degree, including mid-career professionals from other occupations, paraprofessionals, former military personnel, and recent college or university graduates who have records of academic distinction and who demonstrate the potential to become highly effective teachers;

"(D) reduce emergency teacher certification;

"(E) develop and implement effective programs, and provide financial assistance, to assist local educational agencies, elementary schools, and secondary schools in effectively recruiting and retaining fully qualified teachers and principals, particularly in schools that have the lowest proportion of fully qualified teachers or the highest proportion of low-performing students;

"(F) provide professional development programs that meet the requirements described in section 2011;

"(G) provide programs that are designed to assist new teachers during their first 3 years of teaching, such as mentoring programs that—

"(i) provide mentoring to new teachers from veteran teachers with expertise in the same subject matter as the new teachers are teaching;

"(ii) provide mentors time for activities such as coaching, observing, and assisting teachers who are being mentored; and

"(iii) use standards or assessments that are consistent with the State's student performance standards and the requirements for professional development activities described in section 2011 in order to guide the new teachers;

"(H) provide technical assistance to local educational agencies in developing and implementing activities described in section 2010; and

"(I) ensure that programs in core academic subjects, particularly in mathematics and science, will take into account the need for greater access to, and participation in, such core academic subjects by students from historically underrepresented groups, including females, minorities, individuals with limited English proficiency, the economically disadvantaged, and individuals with disabilities, by incorporating pedagogical strategies and techniques that meet such students' educational needs;

"(2) describe the activities for which assistance is sought under the grant, and how such activities will improve students' academic achievement and close academic achievement gaps of low-income, minority, and limited English proficient students;

"(3) describe how the State will establish annual numerical performance objectives under section 2006 for improving the qualifications of teachers and the professional development of teachers, principals, and administrators;

"(4) contain an assurance that the State consulted with local educational agencies, education-related community groups, nonprofit organizations, parents, teachers, school administrators, local school boards, institutions of higher education in the State, and content specialists in establishing the performance objectives described in section 2006;

"(5) describe how the State will hold local educational agencies, elementary schools, and secondary schools accountable for meeting the performance objectives described in section 2006 and for reporting annually on the local educational agencies' and schools' progress in meeting the performance objectives;

"(6) describe how the State will ensure that a local educational agency receiving a subgrant under section 2004 will comply with the requirements of this title;

"(7) provide an assurance that the State will require each local educational agency, elementary school, or secondary school receiving funds under this title to report publicly the local educational agency's or school's annual progress with respect to the performance objectives described in section 2006; and

"(8) describe how the State will coordinate professional development activities authorized under this title with professional development activities provided under other Federal, State, and local programs, including programs authorized under titles I and III and, where appropriate, the Individuals with Disabilities Education Act and the Carl D. Perkins Vocational and Technical Education Act of 1998.

"(c) Secretary Approval.—The Secretary shall, using a peer review process, approve a State plan if the plan meets the requirements of this section.

"(d) Duration of the Plan.—

"(1) In general.—Each State plan shall—

"(A) remain in effect for the duration of the State's participation under this title; and

"(B) be periodically reviewed and revised by the State, as necessary, to reflect changes to the State's strategies and programs carried out under this title.

"(2) Additional information.—If a State receiving a grant under this title makes significant changes to the State plan, such as the adoption of new performance objectives, the State shall submit information regarding the significant changes to the Secretary.

"SEC. 2006. PERFORMANCE OBJECTIVES.

"(a) In General.—Each State receiving a grant under this title shall establish annual numerical performance objectives with respect to progress in improving the qualifications of teachers and the professional development of teachers, principals, and administrators. For each annual numerical performance objective established, the State shall specify an incremental percentage increase for the objective to be attained for each of the fiscal years for which the State receives a grant under this title, relative to the preceding fiscal year.

"(b) Required Objectives.—At a minimum, the annual numerical performance objectives described in subsection (a) shall include an incremental increase in the percentage of—

"(1) classes in core academic subjects that are being taught by teachers who have degrees from institutions of higher education, and who are fully certified or licensed by the State in the academic subjects that the teachers are assigned to teach;

"(2) new teachers and principals receiving professional development support, including mentoring for teachers, during the teachers' first 3 years of teaching;

"(3) teachers, principals, and administrators participating in high quality professional development programs that are consistent with section 2011; and

"(4) fully qualified teachers teaching in the State, to ensure that all teachers teaching in such State are fully qualified by December 31, 2005.

"(c) Requirement for Fully Qualified Teachers.—Each State receiving a grant under this title shall ensure that all public elementary school and secondary school teachers in the State are fully qualified not later than December 31, 2005.

"(d) Accountability.—

"(1) In general.—Each State receiving a grant under this title shall be held accountable for—

"(A) meeting the State's annual numerical performance objectives; and

"(B) meeting reporting requirements specified by the Secretary.

"(2) Sanctions.—Any State that fails to meet the requirement described in paragraph (1)(A) shall be subject to sanctions. The Secretary shall reduce by an appropriate percentage the amount the State is entitled to receive for administrative expenses. The Secretary shall provide technical assistance, if sought, to a State subjected to the sanctions.

"(e) Special Rule.—Notwithstanding any other provision of law, the provisions of subsection (c) shall not supersede State laws governing public charter schools.

"(f) Coordination.—Each State that receives a grant under this title and a grant under section 202 of the Higher Education Act of 1965 shall coordinate the activities the State carries out under such section 202 with the activities the State carries out under this section.

"SEC. 2007. OPTIONAL ACTIVITIES.

"Each State receiving a grant under section 2003(a) may use the grant funds—

"(1) to develop and implement a system to measure the effectiveness of specific professional development programs and strategies;

"(2) to increase the portability of teacher pensions and reciprocity of teaching certification or licensure among States, except that no reciprocity agreement developed under this section may lead to the weakening of any State teacher certification or licensing requirement;

"(3) to reform tenure systems;

"(4) to develop or assist local educational agencies in the development and utilization of proven, innovative strategies to deliver intensive professional development programs that are cost effective and easily accessible, such as programs offered through the use of technology and distance learning;

"(5) to provide assistance to local educational agencies for the development and implementation of innovative professional development programs that train teachers to use technology to improve teaching and learning and that are consistent with the requirements of section 2011;

"(6) to provide professional development to enable teachers to ensure that female students, minority students, limited English proficient students, students with disabilities, and economically disadvantaged students have the full opportunity to achieve challenging State content and performance standards in the core academic subjects;

"(7) to increase the number of women, minorities, and individuals with disabilities who teach in the State and who are fully qualified and provide instruction in core academic subjects in which such individuals are underrepresented; and

"(8) to increase the number of highly qualified women, minorities, and individuals from other underrepresented groups who are involved in the administration of elementary schools and secondary schools within the State.

"SEC. 2008. STATE ADMINISTRATIVE EXPENSES.

"Each State receiving a grant under section 2003(a) may use not more than 5 percent of the amount set aside in section 2004(a)(2) for the cost of—

"(1) planning and administering the activities described in section 2005(b); and

"(2) making subgrants to local educational agencies under section 2004.

"SEC. 2009. LOCAL PLANS.

"(a) In General.—Each local educational agency desiring a grant from the State under section 2004(a)(3) shall submit a local plan to the State educational agency—

"(1) at such time, in such manner, and accompanied by such information as the State educational agency may require; and

"(2) that describes how the local educational agency will coordinate the activities for which assistance is sought under this title with other programs carried out under this Act, or other Acts, as appropriate.

"(b) Local Plan Contents.—The local plan described in subsection (a) shall, at a minimum—

"(1) describe how the local educational agency will use the grant funds to meet the State performance objectives for teacher qualifications and professional development described in section 2006;

"(2) describe how the local educational agency will hold elementary schools and secondary schools accountable for meeting the requirements described in this title;

"(3) contain an assurance that the local educational agency will target funds to elementary schools and secondary schools served by the local educational agency that—

"(A) have the lowest proportion of fully qualified teachers; and

"(B) are identified for school improvement under section 1116;

"(4) describe how the local educational agency will coordinate professional development activities authorized under section 2010(a) with professional development activities provided through other Federal, State, and local programs, including those authorized under titles I and III and, where applicable, the Individuals with Disabilities Education Act and the Carl D. Perkins Vocational and Technical Education Act of 1998; and

"(5) describe how the local educational agency has collaborated with teachers, principals, parents, and administrators in the preparation of the local plan.

"SEC. 2010. LOCAL ACTIVITIES.

"(a) In General.—Each local educational agency receiving a grant under section 2004(a)(3) shall use the grant funds to—

"(1) support professional development activities, consistent with section 2011, for—

"(A) teachers, in at least the areas of reading, mathematics, and science; and

"(B) teachers, principals, and administrators in order to provide such individuals with the knowledge and skills to provide all students, including female students, minority students, limited English proficient students, students with disabilities, and economically disadvantaged students, with the opportunity to meet challenging State content and student performance standards;

"(2) provide professional development to teachers, principals, and administrators to enhance the use of technology within elementary schools and secondary schools in order to deliver more effective curricula instruction;

"(3) recruit and retain fully qualified teachers and highly qualified principals, particularly for elementary schools and secondary schools located in areas with high percentages of low-performing students and students from families below the poverty line;

"(4) recruit and retain fully qualified teachers and high quality principals to serve in the elementary schools and secondary schools with the highest proportion of low-performing students, such as through—

"(A) mentoring programs for newly hired teachers, including programs provided by master teachers, and for newly hired principals; and

"(B) programs that provide other incentives, including financial incentives, to retain—

"(i) teachers who have a record of success in helping low-performing students improve those students' academic success; and

"(ii) principals who have a record of improving the performance of all students, or significantly narrowing the gaps between minority students and nonminority students, and economically disadvantaged students and noneconomically disadvantaged students, within the elementary schools or secondary schools served by the principals; and

“(5) provide professional development that incorporates effective strategies, techniques, methods, and practices for meeting the educational needs of diverse groups of students, including female students, minority students, students with disabilities, limited English proficient students, and economically disadvantaged students.

“(b) OPTIONAL ACTIVITIES.—Each local educational agency receiving a grant under section 2004(a)(3) may use the subgrant funds—

“(1) to provide a signing bonus or other financial incentive, such as differential pay for—

“(A) a teacher to teach in an academic subject for which there exists a shortage of fully qualified teachers within the elementary school or secondary school in which the teacher teaches or within the elementary schools and secondary schools served by the local educational agency; or

“(B) a highly qualified principal in a school in which there is a large percentage of children—

“(i) from low-income families; or

“(ii) with high percentages of low-performance scores on State assessments;

“(2) to establish programs that—

“(A) recruit professionals into teaching from other fields and provide such professionals with alternative routes to teacher certification, especially in the areas of mathematics, science, and English language arts; and

“(B) provide increased teaching and administration opportunities for fully qualified females, minorities, individuals with disabilities, and other individuals underrepresented in the teaching or school administration professions;

“(3) to establish programs and activities that are designed to improve the quality of the teacher and principal force, such as innovative professional development programs (which may be provided through partnerships, including partnerships with institutions of higher education), and including programs that—

“(A) train teachers and principals to utilize technology to improve teaching and learning; and

“(B) are consistent with the requirements of section 2011;

“(4) for tenure reform;

“(5) to provide collaboratively designed performance pay systems for teachers and principals that encourage teachers and principals to work together to raise student performance;

“(6) to establish professional development programs that provide instruction in how to teach children with different learning styles, particularly children with disabilities and children with special learning needs (including children who are gifted and talented);

“(7) to establish professional development programs that provide instruction in how best to discipline children in the classroom, and to identify early and appropriate interventions to help children described in paragraph (6) learn;

“(8) to provide professional development programs that provide instruction in how to teach character education in a manner that—

“(A) reflects the values of parents, teachers, and local communities; and

“(B) incorporates elements of good character, including honesty, citizenship, courage, justice, respect, personal responsibility, and trustworthiness;

“(9) to provide scholarships or other incentives to assist teachers in attaining national board certification;

“(10) to support activities designed to provide effective professional development for teachers of limited English proficient students; and

“(11) to establish other activities designed—

“(A) to improve professional development for teachers, principals, and administrators that are consistent with section 2011; and

“(B) to recruit and retain fully qualified teachers and highly qualified principals.

“(c) ADMINISTRATIVE EXPENSES.—Each local educational agency receiving a grant under section 2004(a)(3) may use not more than 1.5 percent of the grant funds for any fiscal year for the cost of administering activities under this title.

“SEC. 2011. PROFESSIONAL DEVELOPMENT FOR TEACHERS.

“(a) LIMITATION RELATING TO CURRICULUM AND CONTENT AREAS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), a local educational agency may not use grant funds allocated under section 2004(a)(3) to support a professional development activity for a teacher that is not—

“(A) directly related to the curriculum for which and content areas in which the teacher provides instruction; or

“(B) designed to enhance the ability of the teacher to understand and use the State's challenging content standards for the academic subject in which the teacher provides instruction.

“(2) EXCEPTION.—Paragraph (1) shall not apply to professional development activities that provide instruction in methods of disciplining children.

“(b) PROFESSIONAL DEVELOPMENT ACTIVITY.—A professional development activity carried out under this title shall—

“(1) be measured, in terms of progress described in section 2006(a), using the specific performance indicators established by the State in accordance with section 2006;

“(2) be tied to challenging State or local content standards and student performance standards;

“(3) be tied to scientifically based research demonstrating the effectiveness of such activities in increasing student achievement or substantially increasing the knowledge and teaching skills of teachers;

“(4) be of sufficient intensity and duration (such as not to include 1-day or short-term workshops and conferences) to have a positive and lasting impact on teachers' performance in the classroom, except that this paragraph shall not apply to an activity that is 1 component described in a long-term comprehensive professional development plan established by a teacher and the teacher's supervisor, and based upon an assessment of the needs of the teacher, the teacher's students, and the local educational agency;

“(5) be developed with extensive participation of teachers, principals, parents, administrators, and local school boards of elementary schools and secondary schools to be served under this title, and institutions of higher education in the State, and, with respect to any professional development program described in paragraph (6) or (7) of section 2010(b), shall, if applicable, be developed with extensive coordination with, and participation of, professionals with expertise in such type of professional development;

“(6) to the extent appropriate, provide training for teachers regarding using technology and applying technology effectively in the classroom to improve teaching and learning concerning the curriculum and academic content areas, in which those teachers provide instruction; and

“(7) be directly related to the content areas in which the teachers provide instruction and the State content standards.

“(c) ACCOUNTABILITY.—

“(1) IN GENERAL.—A State shall notify a local educational agency that the agency may be subject to the action described in paragraph (3) if, after any fiscal year, the State determines that the programs or activities funded by the agency under this title fail to meet the requirements of subsections (a) and (b).

“(2) TECHNICAL ASSISTANCE.—A local educational agency that has received notification pursuant to paragraph (1) may request technical assistance from the State and an opportunity for such local educational agency to comply with the requirements of subsections (a) and (b).

“(3) STATE EDUCATIONAL AGENCY ACTION.—If a State educational agency determines that a local educational agency failed to carry out the local educational agency's responsibilities under this section, the State educational agency shall take such action as the agency determines to be necessary, consistent with this section, to provide, or direct the local educational agency to provide, high-quality professional development for teachers, principals, and administrators.

“SEC. 2012. PARENTS' RIGHT TO KNOW.

“Each local educational agency receiving a grant under section 2004(a)(3) shall annually report to the State in which the agency is located information, in the aggregate, on the professional qualifications of teachers in schools served by the agency, including the percentage of such teachers teaching with emergency or provisional credentials, the percentage of class sections in such schools that are not taught by fully qualified teachers, and the percentage of teachers in such schools who are fully qualified.

“SEC. 2013. STATE REPORTS AND GAO STUDY.

“(a) STATE REPORTS.—Each State educational agency receiving a grant under this title shall annually provide a report to the Secretary describing—

“(1) the progress the State is making in increasing the percentages of fully qualified teachers in the State to ensure that all teachers are fully qualified not later than December 31, 2005, including information regarding—

“(A) the percentage increase over the previous fiscal year in the number of fully qualified teachers teaching in elementary schools and secondary schools served by local educational agencies receiving funds under title I; and

“(B) the percentage increase over the previous fiscal year in the number of core classes being taught by fully qualified teachers in elementary schools and secondary schools being served under title I;

“(2) the activities undertaken by the State educational agency and local educational agencies in the State to attract and retain fully qualified teachers, especially in geographic areas and content subject areas in which a shortage of such teachers exist; and

“(3) the approximate percentage of Federal, State, local, and nongovernmental resources being expended to carry out activities described in paragraph (2).

“(b) GAO STUDY.—Not later than September 30, 2004, the Comptroller General of the United States shall prepare and submit to the Committee on Education and the

Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a study setting forth information regarding the progress of States' compliance in increasing the percentage of fully qualified teachers, as defined in section 2002(1), for fiscal years 2000 through 2003.

"SEC. 2014. EDUCATOR PARTNERSHIP GRANTS.

"(a) SUBGRANTS.—

"(1) IN GENERAL.—A State receiving a grant under section 2003(a) shall award subgrants, on a competitive basis, from amounts made available under section 2004(a)(1), to local educational agencies, elementary schools, or secondary schools that have formed educator partnerships, for the design and implementation of programs that will enhance professional development opportunities for teachers, principals, and administrators, and will increase the number of fully qualified teachers.

"(2) ALLOCATIONS.—A State awarding subgrants under this subsection shall allocate the subgrant funds on a competitive basis and in a manner that results in an equitable distribution of the subgrant funds by geographic areas within the State.

"(3) ADMINISTRATIVE EXPENSES.—Each educator partnership receiving a subgrant under this subsection may use not more than 5 percent of the subgrant funds for any fiscal year for the cost of planning and administering programs under this section.

"(b) EDUCATOR PARTNERSHIPS.—An educator partnership described in subsection (a) includes a cooperative arrangement between—

"(1) a public elementary school or secondary school (including a charter school), or a local educational agency; and

"(2) 1 or more of the following:

"(A) An institution of higher education.

"(B) An educational service agency.

"(C) A public or private not-for-profit education organization.

"(D) A for-profit education organization.

"(E) An entity from outside the traditional education arena, including a corporation or consulting firm.

"(c) USE OF FUNDS.—An educator partnership receiving a subgrant under this section shall use the subgrant funds for—

"(1) developing and enhancing of professional development activities for teachers in core academic subjects to ensure that the teachers have content knowledge in the academic subjects in which the teachers provide instruction;

"(2) developing and providing assistance to local educational agencies and elementary schools and secondary schools for sustained, high-quality professional development activities for teachers, principals, and administrators, that—

"(A) ensure that teachers, principals, and administrators are able to use State content standards, performance standards, and assessments to improve instructional practices and student achievement; and

"(B) may include intensive programs designed to prepare a teacher who participates in such a program to provide professional development instruction to other teachers within the participating teacher's school;

"(3) increasing the number of fully qualified teachers available to provide high-quality education to limited English proficient students by—

"(A) working with institutions of higher education that offer degree programs, to attract more people into such programs, and to prepare better, new, English language teachers to provide effective language instruction to limited English proficient students; and

"(B) supporting development and implementation of professional development programs for language instruction teachers to improve the language proficiency of limited English proficient students;

"(4) developing and implementing professional development activities for principals and administrators to enable the principals and administrators to be effective school leaders and to improve student achievement on challenging State content and student performance standards, including professional development relating to—

"(A) leadership skills;

"(B) recruitment, assignment, retention, and evaluation of teachers and other staff;

"(C) effective instructional practices, including the use of technology; and

"(D) parental and community involvement; and

"(5) providing activities that enhance professional development opportunities for teachers, principals, and administrators or will increase the number of fully qualified teachers.

"(d) APPLICATION REQUIRED.—Each educator partnership desiring a subgrant under this section shall submit an application to the appropriate State educational agency at such time, in such manner, and accompanied by such information as the State educational agency may reasonably require.

"(e) COORDINATION.—Each educator partnership that receives a subgrant under this section and a grant under section 203 of the Higher Education Act of 1965 shall coordinate the activities carried out under such section 203 with any related activities carried out under this section.

"SEC. 2015. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this title $1,600,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.".

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will conduct an oversight hearing on Wednesday, March 1, 2000 on the Report prepared by the National Academy of Public Administration entitled "A Study of Management and Administration: The Bureau of Indian Affairs." The hearing will be held in the Committee room, 485 Russell Senate Building and will begin at 9:30 a.m.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will meet during the session of the Senate on Wednesday, March 8, 2000 at 9:30 a.m. to conduct a hearing on draft legislation to reauthorize the Indian Health Care Improvement Act of 1976. The hearing will be held in the Committee room, 485 Russell Senate Building.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. McCONNELL. Mr. President, I wish to announce that the Committee on Rules and Administration will meet at 9:30 a.m., Wednesday, March 8, 2000, in Room SR-301, Russell Senate Office Building, to conduct a hearing, followed by an executive session, on the nominations of:

Danny Lee McDonald, of Oklahoma, to be a member of the Federal Election Commission for a term expiring April 30, 2005 (reappointment); and

Bradley A. Smith, of Ohio, to be a member of the Federal Election Commission for a term expiring April 30, 2005, vice Lee Ann Elliott, resigned.

For further information concerning this meeting, please contact Hunter Bates at the Rules Committee on 4-6352.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce that a full committee hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place Wednesday, March 8, 2000, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to examine energy supply and demand issues relating to crude oil, heating oil, and transportation fuels in light of the rise in price of these fuels.

Those who wish to submit written testimony should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. Presentation of oral testimony is by Committee invitation only. For further information, please contact Jo Meuse or Brian Malnak at (202) 224-6730.

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that H.R. 1615, a bill to amend the Wild and Scenic Rivers Act to extend the designation of a portion of the Lamprey River in New Hampshire as a recreational river to include an additional river segment, has been added to the list of bills scheduled for a hearing by the Subcommittee on March 8, 2000 at 2:30 p.m.

The hearing will take place on Wednesday, March 8 at 2.30 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, D.C.

For further information, please contact Jim O'Toole or Kevin Clark of the Committee staff at (202) 224-6969.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry, be authorized to meet during the session of the Senate on Wednesday, March 1, 2000. The purpose of this meeting will be to discuss the Agriculture Trade Agreement with China.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, March 1, 2000 at 9:30 a.m., in open session, to receive testimony on the Defense authorization request for fiscal year 2001 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, March 1, 2000, at 9:30 a.m., on the nominations of Carol Carmody and John Goglia to be members of the National Transportation Safety Board.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, March 1 at 9:30 a.m., to conduct an oversight hearing. The committee will consider the President's proposed budget for FY 2001 for the Department of the Interior.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 1, 2000, at 10:45 a.m. and 2 p.m., to hold two hearings.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in executive session during the session of the Senate on Wednesday, March 1, 2000, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in executive session for the consideration of S. 2, the Educational Opportunities Act, during the session of the Senate on March 1, 2000.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, March 1, 2000 at 9:30 a.m. to conduct an oversight hearing on the Report prepared by the National Academy for Public Administration entitled: "A Study of Management and Administration: The Bureau of Indian Affairs." The hearing will be held in the committee room, 485 Russell Senate Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, March 1, 2000, at 10 a.m., in SD226.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to hold a joint hearing with the House Committee on Veterans' Affairs to receive the legislative presentations of the Disabled American Veterans. The hearing will be held on Wednesday, March 1, 2000, at 10 a.m., in room 345 of the Cannon House Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, March 1, 2000 at 9:30 a.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FISHERIES, WILDLIFE, AND WATER

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Subcommittee on Fisheries, Wildlife, and Water be authorized to conduct a hearing to examine the Environmental Protection Agency's proposed rules regarding changes in the total maximum daily load and NPDES permit programs pursuant to the Clean Water Act, Wednesday, March 1, 1 p.m., hearing room (SD–406).

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Emerging Threats and Capabilities Subcommittee of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, March 1, 2000 at 2:30 p.m., in closed and open sessions to receive testimony on Cyber Security and Critical Infrastructure Protection, in review of the Defense authorization request for fiscal year 2001.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Administrative Oversight and the Courts be authorized to meet to conduct a hearing on Wednesday, March 1, 2000, at 2 p.m., in SD226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Science, Technology, and Space Subcommittee of the Senate Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, March 1, 2000, at 2:30 p.m. on Next Generation Internet 2000.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL SUSTAINABLE FUELS AND CHEMICALS ACT OF 1999

On February 29, 2000, the Senate amended and passed S. 935, as follows:

S. 935

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—BIOMASS RESEARCH AND DEVELOPMENT ACT OF 2000

SEC. 101. SHORT TITLE.

This title may be cited as the "Biomass Research and Development Act of 2000".

SEC. 102. FINDINGS.

Congress finds that—

(1) conversion of biomass into biobased industrial products offers outstanding potential for benefit to the national interest through improved strategic security and balance of payments, healthier rural economies, improved environmental quality, near-zero net greenhouse gas emissions, technology export, and sustainable resource supply;

(2) the key technical challenges to be overcome in order for biobased industrial products to be cost competitive are finding new technology and reducing the cost of technology for converting biomass into desired biobased industrial products;

(3) biobased fuels, such as ethanol, have the clear potential to be sustainable, low cost, and high performance fuels that are compatible with both current and future transportation systems and provide near zero net greenhouse gas emissions;

(4) biobased chemicals—

(A) can provide functional replacements for essentially all organic chemicals that are currently derived from petroleum; and

(B) have the clear potential for environmentally benign product life cycles;

(5) biobased power can provide environmental benefits, promote rural economic development, and diversify energy resource options;

(6) many biomass feedstocks suitable for industrial processing show the clear potential for sustainable production, in some cases resulting in improved soil fertility and carbon sequestration;

(7)(A) grain processing mills are biorefineries that produce a diversity of useful food, chemical, feed, and fuel products; and

(B) technologies that result in further diversification of the range of value-added biobased industrial products can meet a key need for the grain processing industry;

(8)(A) cellulosic feedstocks are attractive because of their low cost and widespread availability; and

(B) research resulting in cost-effective technology to overcome the recalcitrance of cellulosic biomass would allow biorefineries to produce fuels and bulk chemicals on a very large scale, with a commensurately large realization of the benefit described in paragraph (1);

(9) research into the fundamentals to understand important mechanisms of biomass conversion can be expected to accelerate the application and advancement of biomass processing technology by—

(A) increasing the confidence and speed with which new technologies can be scaled up; and

(B) giving rise to processing innovations based on new knowledge;

(10) the added utility of biobased industrial products developed through improvements in processing technology would encourage the design of feedstocks that would meet future needs more effectively;

(11) the creation of value-added biobased industrial products would create new jobs in construction, manufacturing, and distribution, as well as new higher-valued exports of products and technology;

(12)(A) because of the relatively short-term time horizon characteristic of private sector investments, and because many benefits of biomass processing are in the national interest, it is appropriate for the Federal Government to provide precommercial investment in fundamental research and research-driven innovation in the biomass processing area; and

(B) such an investment would provide a valuable complement to ongoing and past governmental support in the biomass processing area; and

(13) several prominent studies, including studies by the President's Council of Advisors on Science and Technology and the National Research Council—

(A) support the potential for large research-driven advances in technologies for production of biobased industrial products as well as associated benefits; and

(B) document the need for a focused, integrated, and innovation-driven research effort to provide the appropriate progress in a timely manner.

SEC. 103. DEFINITIONS.

In this title:

(1) Advisory Committee.—The term "Advisory Committee" means the Biomass Research and Development Technical Advisory Committee established by section 106.

(2) Biobased Industrial Product.—The term "biobased industrial product" means fuels, commercial chemicals, building materials, or electric power or heat produced from biomass.

(3) Biomass.—The term "biomass" means any organic matter that is available on a renewable or recurring basis, including agricultural crops and trees, wood and wood wastes and residues, plants (including aquatic plants), grasses, residues, fibers, and animal wastes, municipal wastes and other waste materials.

(4) Board.—The term "Board" means the Biomass Research and Development Board established by section 105.

(5) Initiative.—The term "Initiative" means the Biomass Research and Development Research Initiative established under section 107.

(6) Institution of Higher Education.—The term "institution of higher education" has the meaning given that term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

(7) National Laboratory.—The term "national laboratory" means a facility or group of facilities owned, leased, or operated by a Federal agency (including a contractor of the Federal agency) for the performance of research, development, or engineering.

(8) Point of Contact.—The term "point of contact" means a point of contact designated under section 104(d).

(9) Processing.—The term "processing" means the derivation of biobased industrial products from biomass, including—

(A) feedstock production;

(B) harvest and handling;

(C) pretreatment or thermochemical processing;

(D) fermentation;

(E) catalytic processing;

(F) product recovery; and

(G) coproduct production.

SEC. 104. COOPERATION AND COORDINATION IN BIOMASS RESEARCH AND DEVELOPMENT.

(a) In General.—The Secretary of Agriculture and the Secretary of Energy shall cooperate with respect to, and coordinate, policies and procedures that promote research and development leading to the production of biobased industrial products.

(b) Purpose.—The purpose of the cooperation and coordination shall be to—

(1) understand the key mechanisms underlying the recalcitrance of biomass for conversion into biobased industrial products;

(2) develop new and cost-effective technologies that would result in large-scale commercial production of low cost and sustainable biobased industrial products;

(3) ensure that biobased industrial products are developed in a manner that enhances their economic, energy security, and environmental benefits; and

(4) promote the development and use of agricultural and energy crops for conversion into biobased industrial products.

(c) Areas.—In carrying out this title, the Secretary of Agriculture and the Secretary of Energy, in consultation with heads of appropriate departments and agencies, shall promote research and development to—

(1) advance the availability and widespread use of energy efficient, economically competitive, and environmentally sound biobased industrial products in a manner that is consistent with the goals of the United States relating to sustainable and secure supplies of food, chemicals, and fuel;

(2) ensure full consideration of Federal land and land management programs as potential feedstock resources for biobased industrial products; and

(3) assess the environmental, economic, and social impact of production of biobased industrial products from biomass on a large scale.

(d) Points of Contact.—

(1) In General.—To coordinate research and development programs and activities relating to biobased industrial products that are carried out by their respective Departments—

(A) the Secretary of Agriculture shall designate, as the point of contact for the Department of Agriculture, an officer of the Department of Agriculture appointed by the President to a position in the Department before the date of the designation, by and with the advice and consent of the Senate; and

(B) the Secretary of Energy shall designate, as the point of contact for the Department of Energy, an officer of the Department of Energy appointed by the President to a position in the Department before the date of the designation, by and with the advice and consent of the Senate.

(2) Duties.—The points of contact shall jointly—

(A) assist in arranging interlaboratory and site-specific supplemental agreements for research, development, and demonstration projects relating to biobased industrial products;

(B) serve as cochairpersons of the Board;

(C) administer the Initiative; and

(D) respond in writing to each recommendation of the Advisory Committee made under section 106.

SEC. 105. BIOMASS RESEARCH AND DEVELOPMENT BOARD.

(a) Establishment.—There is established the Biomass Research and Development Board to coordinate programs within and among departments and agencies of the Federal Government for the purpose of promoting the use of biobased industrial products by—

(1) maximizing the benefits deriving from Federal grants and assistance; and

(2) bringing coherence to Federal strategic planning.

(b) Membership.—The Board shall consist of:

(1) The point of contact of the Department of Energy designated under section 104(d)(1)(B), who shall serve as cochairperson of the Board.

(2) The point of contact of the Department of Agriculture designated under section 104(d)(1)(A), who shall serve as cochairperson of the Board.

(3) A senior officer of each of the following agencies who is appointed by the head of the agency and who has a rank that is equivalent to the points of contact:

(A) The Department of the Interior.

(B) The Environmental Protection Agency.

(C) The National Science Foundation.

(D) The Office of Science and Technology Policy.

(4) At the option of the Secretary of Agriculture and the Secretary of Energy, other members appointed by the Secretaries (after consultation with members described in paragraphs (1) through (3)).

(c) Duties.—The Board shall—

(1) coordinate research, development, and demonstration activities relating to biobased industrial products—

(A) between the Department of Agriculture and the Department of Energy; and

(B) with other departments and agencies of the Federal Government; and

(2) provide recommendations to the points of contact concerning administration of this title.

(d) Funding.—Each agency represented on the Board is encouraged to provide funds for any purpose under this title.

(e) Meetings.—The Board shall meet at least quarterly to enable the Board to carry out the duties of the Board under subsection (c).

SEC. 106. BIOMASS RESEARCH AND DEVELOPMENT TECHNICAL ADVISORY COMMITTEE.

(a) Establishment.—There is established the Biomass Research and Development Technical Advisory Committee to—

(1) advise the Secretary of Energy, the Secretary of Agriculture and the points of contact concerning—

(A) the technical focus and direction of requests for proposals issued under the Initiative; and

(B) procedures for reviewing and evaluating the proposals;

(2) facilitate consultations and partnerships among Federal and State agencies, agricultural producers, industry, consumers, the research community, and other interested groups to carry out program activities relating to the Initiative; and

(3) evaluate and perform strategic planning on program activities relating to the Initiative.

(b) MEMBERSHIP.—The Committee shall consist of the following members appointed by the points of contact:

(1) An individual affiliated with the biobased industrial products industry.

(2) An individual affiliated with an institution of higher education who has expertise in biobased industrial products.

(3) two prominent engineers or scientists from government or academia who have expertise in biobased industrial products.

(4) An individual affiliated with a commodity trade association.

(5) An individual affiliated with an environmental or conservation organization.

(6) An individual associated with State government who has expertise in biobased industrial products.

(7) At the option of the points of contact, other members.

(c) DUTIES.—The Advisory Committee shall—

(1) advise the points of contact with respect to the Initiative; and

(2) evaluate whether, and make recommendations in writing to the Board to ensure that—

(A) funds authorized for the Initiative are distributed and used in a manner that is consistent with the goals of the Initiative;

(B) the points of contact are funding proposals under this title that are selected on the basis of merit, as determined by an independent panel of scientific and technical peers; and

(C) activities under this title are carried out in accordance with this title.

(d) MEETINGS.—The Advisory Committee shall meet at least quarterly to enable the Advisory Committee to carry out the duties of the Advisory Committee under subsection (c).

SEC. 107. BIOMASS RESEARCH AND DEVELOPMENT INITIATIVE.

(a) IN GENERAL.—The Secretary of Agriculture and the Secretary of Energy, acting through their respective points of contact and in consultation with the Board, shall establish and carry out a Biomass Research and Development Initiative under which competitively-awarded grants, contracts, and financial assistance are provided to, or entered into with, eligible entities to carry out research on biobased industrial products.

(b) PURPOSES.—The purposes of grants, contracts, and assistance under this section shall be to—

(1) stimulate collaborative activities by a diverse range of experts in all aspects of biomass processing for the purpose of conducting fundamental and innovation-targeted research and technology development;

(2) enhance creative and imaginative approaches toward biomass processing that will serve to develop the next generation of advanced technologies making possible low cost and sustainable biobased industrial products;

(3) strengthen the intellectual resources of the United States through the training and education of future scientists, engineers, managers, and business leaders in the field of biomass processing; and

(4) promote integrated research partnerships among colleges, universities, national laboratories, Federal and State research agencies, and the private sector as the best means of overcoming technical challenges that span multiple research and engineering disciplines and of gaining better leverage from limited Federal research funds.

(c) ELIGIBLE ENTITIES.—

(1) IN GENERAL.—To be eligible for a grant, contract, or assistance under this section, an applicant shall be—

(A) an institution of higher education;

(B) a national laboratory;

(C) a Federal research agency;

(D) a State research agency;

(E) a private sector entity;

(F) a nonprofit organization; or

(G) a consortium of 2 or more entities described in subparagraphs (A) through (E).

(2) ADMINISTRATION.—After consultation with the Board, the points of contact, on behalf of the Board, shall—

(A) publish annually 1 or more joint requests for proposals for grants, contracts, and assistance under this section;

(B) establish a priority in grants, contracts, and assistance under this section for research that—

(i) demonstrates potential for significant advances in biomass processing;

(ii) demonstrates potential to substantially impact scale-sensitive national objectives such as sustainable resource supply, reduced greenhouse gas emissions, healthier rural economies, and improved strategic security and trade balances; and

(iii) would improve knowledge of important biomass processing systems that demonstrate potential for commercial applications;

(C) require that grants, contracts, and assistance under this section be awarded competitively, on the basis of merit, after the establishment of procedures that provide for scientific peer review by an independent panel of scientific and technical peers; and

(D) give preference to applications that—

(i) involve a consortia of experts from multiple institutions; and

(ii) encourage the integration of disciplines and application of the best technical resources.

(d) USES OF GRANTS, CONTRACTS, AND ASSISTANCE.—A grant, contract, or assistance under this section may be used to conduct—

(1) research on process technology for overcoming the recalcitrance of biomass, including research on key mechanisms, advanced technologies, and demonstration test beds for—

(A) feedstock pretreatment and hydrolysis of cellulose and hemicellulose, including new technologies for—

(i) enhanced sugar yields;

(ii) lower overall chemical use;

(iii) less costly materials; and

(iv) cost reduction;

(B) development of novel organisms and other approaches to substantially lower the cost of cellulase enzymes and enzymatic hydrolysis, including dedicated cellulase production and consolidated bioprocessing strategies; and

(C) approaches other than enzymatic hydrolysis for overcoming the recalcitrance of cellulosic biomass;

(2) research on technologies for diversifying the range of products that can be efficiently and cost-competitively produced from biomass, including research on—

(A) metabolic engineering of biological systems (including the safe use of genetically modified crops) to produce novel products, especially commodity products, or to increase product selectivity and tolerance, with a research priority on the development of biobased industrial products that can compete in performance and cost with fossil-based products;

(B) catalytic processing to convert intermediates of biomass processing into products of interest;

(C) separation technologies for cost-effective product recovery and purification;

(D) approaches other than metabolic engineering and catalytic conversion of intermediates of biomass processing;

(E) advanced biomass gasification technologies, including coproduction of power and heat as an integrated component of biomass processing, with the possibility of generating excess electricity for sale; and

(F) related research in advanced turbine and stationary fuel cell technology for production of electricity from biomass; and

(3) research aimed at ensuring the environmental performance and economic viability of biobased industrial products and their raw material input of biomass when considered as an integrated system, including research on—

(A) the analysis of, and strategies to enhance, the environmental performance and sustainability of biobased industrial products, including research on—

(i) accurate measurement and analysis of greenhouse gas emissions, carbon sequestration, and carbon cycling in relation to the life cycle of biobased industrial products and feedstocks with respect to other alternatives;

(ii) evaluation of current and future biomass resource availability;

(iii) development and analysis of land management practices and alternative biomass cropping systems that ensure the environmental performance and sustainability of biomass production and harvesting;

(iv) land, air, water, and biodiversity impacts of large-scale biomass production, processing, and use of biobased industrial products relative to other alternatives; and

(v) biomass gasification and combustion to produce electricity;

(B) the analysis of, and strategies to enhance, the economic viability of biobased industrial products, including research on—

(i) the cost of the required process technology;

(ii) the impact of coproducts, including food, animal feed, and fiber, on biobased industrial product price and large-scale economic viability; and

(iii) interactions between an emergent biomass refining industry and the petrochemical refining infrastructure; and

(C) the field and laboratory research related to feedstock production with the interrelated goals of enhancing the sustainability, increasing productivity, and decreasing the cost of biomass processing, including research on—

(i) altering biomass to make biomass easier and less expensive to process;

(ii) existing and new agricultural and energy crops that provide a sustainable resource for conversion to biobased industrial products while simultaneously serving as a source for coproducts such as food, animal feed, and fiber;

(iii) improved technologies for harvest, collection, transport, storage, and handling of crop and residue feedstocks; and

(iv) development of economically viable cropping systems that improve the conservation and restoration of marginal land; or

(4) Any research and development in technologies or processes determined by the Secretary of Agriculture and the Secretary of Energy, acting through their respective points of contact and in consultation with the Board, to be consistent with the purposes described in subsection (b) and priorities described in subsection (c)(2)(B).

(e) TECHNOLOGY AND INFORMATION TRANSFER TO AGRICULTURAL USERS.—

(1) IN GENERAL.—The Administrator of the Cooperative State Research, Education, and Extension Service and the Chief of the Natural Resources Conservation Service shall ensure that applicable research results and technologies from the Initiative are adapted, made available, and disseminated through their respective services, as appropriate.

(2) REPORT.—Not later than 5 years after the date of enactment of this title, the Administrator of the Cooperative State Research, Education, and Extension Service and the Chief of the Natural Resources Conservation Service shall report to the committees of Congress with jurisdiction over the Initiative on the activities conducted by the services under this subsection.

(f) AUTHORIZATION OF APPROPRIATIONS.—In addition to funding provided for biomass research and development under the general authority of the Secretary of Energy to conduct research and development and demonstration programs (which may also be used to carry out this title), there are also authorized to be appropriated $49,000,000 to the Department of Agriculture for each of the fiscal years 2000 through 2005 to carry out this title.

SEC. 108. ADMINISTRATIVE SUPPORT AND FUNDS.

(a) IN GENERAL.—To the extent administrative support and funds are not provided by other agencies under subsection (b), the Secretary of Energy and the Secretary of Agriculture may provide such administrative support and funds of the Department of Energy and the Department of Agriculture to the Board and the Advisory Committee as are necessary to enable the Board and the Advisory Committee to carry out this title.

(b) OTHER AGENCIES.—The heads of the agencies referred to, or appointed under, paragraphs (3) and (4) of section 105(b) may, and are encouraged to, provide administrative support and funds of their respective agencies to the Board and the Advisory Committee.

SEC. 109. REPORTS.

For each fiscal year that funds are made available to carry out this title, the Secretary of Agriculture and the Secretary of Energy shall jointly transmit to Congress a detailed report on—

(1) the status and progress of the Initiative, including a certification from the Board that funds authorized for the Initiative are distributed and used in a manner that is consistent with the goals of the Initiative; and

(2) the general status of cooperation and research efforts carried out by each Secretary with respect to sustainable fuels, chemicals, and electricity derived from biomass, including a certification from the Board that the points of contact are funding proposals that are selected on the basis of merit, as determined by an independent panel of scientific and technical peers.

SEC. 110. SUNSET.

This title and the authority conferred by this title shall terminate on December 31, 2005.

TITLE II—AUTHORIZATION OF APPROPRIATIONS FOR ETHANOL RESEARCH PILOT PLANT

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to construct a Department of Agriculture corn-based ethanol research pilot plant a total of $14,000,000 for fiscal year 2000 and subsequent fiscal years.

ORDERS FOR THURSDAY, MARCH 2, 2000

Mr. COVERDELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Thursday, March 2. I further ask unanimous consent that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume debate on the pending Hatch-Mack amendment to S. 1134, the education savings account bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. COVERDELL. Mr. President, for the information of all Senators, the Senate will resume consideration of the Hatch-Mack amendment No. 2827 regarding the marriage penalty tax at 9:30 a.m. tomorrow. Following 30 minutes of debate, at approximately 10 a.m., the Senate will proceed to a vote on or in relation to the amendment.

The managers are actively working on scheduling the remaining amendments that need to be acted upon. It is possible the bill may be completed as early as tomorrow evening. Therefore, Senators can expect votes throughout the day and into the evening.

ORDER FOR ADJOURNMENT

Mr. COVERDELL. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order, following the remarks of Senator WYDEN.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Oregon.

PRESCRIPTION DRUG AFFORDABILITY

Mr. WYDEN. Mr. President, this morning the Democratic Policy Committee had a very important hearing on the issue of prescription drug coverage under Medicare for the Nation's older people. We heard from senior citizens, we heard from pharmacists, we heard from gerontologists, extraordinarily compelling testimony about why this prescription drug benefit is so important.

Frankly, I do not think there is a single Member of the Senate, whether they are a Democrat or a Republican, who would not be moved by what we heard this morning. The senior citizens, as we hear again and again in townhall meetings at home, are pointing out that they cannot afford their prescription medicines.

The pharmacists went into detail about how frustrated they are that so many of the older people lack bargaining power in the marketplace, bargaining power that can help them drive down the cost of their medicine. I thought the gerontologists we heard from this morning were very compelling in making the case of how so many of these drugs today can promote wellness and help seniors stay healthy and keep from racking up these extraordinary medical bills that are so often incurred and require hospitalization under what is called Part A of the Medicare program.

It is so important that we come together as a body to address this issue. Senator DASCHLE, in particular, mentions to me on almost a daily basis how he wants to reconcile the various bills. He wants to reach out to colleagues on the other side of the aisle. In particular, I praise my colleague, Senator SNOWE. She and I have worked for over a year on a bipartisan effort with respect to prescription drugs.

I know colleagues on the other side of the aisle are interested in this issue as well. Frankly, I think any Member of the Senate who heard what the Democratic Policy Committee heard this morning had to have been moved by how great the need is for prescription drug coverage for seniors.

One of the issues that has come up in recent days is this question of whether private insurance companies are going to be interested in this benefit and whether they are going to be willing to update their policies. We are hearing a lot of talk that maybe they are not and they are not going to come forward.

I guess we are starting to hear from the same crowd who said doctors and hospitals in the early sixties were not going to participate in the Medicare program. It is preposterous to say private insurers are not going to participate once we go forward and enact a responsible bipartisan prescription drug program for seniors under Medicare.

What the Snowe-Wyden legislation does is make it very clear the money that would be earmarked under our bipartisan bill would be made available to pick up the prescription drug portion of a senior citizen's private health insurance bill.

The Presiding Officer, who has great expertise in this area as well, knows that the vast majority of seniors have these private policies—Medigap policies, HMO policies, a variety of private policies today.

I am absolutely convinced that when we go forward to enact this program on a bipartisan basis, as we heard in the Democratic policy session this morning, private insurance companies all over this country will tear up their existing contracts with older people and add the prescription drug program that we enact this year to their coverage. By the way, they would not be required to do it. Under our legislation and other bills, this would be voluntary for both private insurance companies and for older people.

The reason why I believe private insurance companies are going to be very eager to participate is that they will not be able to be competitive with the various other companies in an area unless they offer the benefit.

If you took a Salt Lake City, UT, or a Portland, OR, or a Denver, CO, where there are a variety of insurers, once we enact this program, seniors are going to go to private insurers and ask: Are you offering this particular benefit? Because we see the Congress has passed a law making available funds to pick up the prescription drug portion of a senior citizen's private health insurance bill.

I think all this talk about how private insurance companies are not going to be interested in offering this benefit is incredibly farfetched. While our proposal and the other good proposals that are offered are voluntary, we are already hearing from insurance companies that they are going to be very interested in offering this benefit. In fact, many of them are going to believe they have to do it in order to be competitive in their community.

I hope—I did want to be brief tonight—we can go forward in the days ahead and act on this matter as priority business before the Senate. I intend to keep coming to the floor to bring to the attention of this body cases from home and from across this country of older people who, when they are done paying their prescription drug bills, literally have only a few hundred dollars a month to pay for their food and their rent and their utilities. It is outrageous, in a country as good and strong as ours, that we have not updated our health care system to provide this coverage.

Because I have come to the floor now 25 times in 3 months to talk about this issue, and Senator DASCHLE's effort to bring the Senate together, to reach out to colleagues on the other side of the aisle, I am asked all the time: Can America afford to cover prescription drugs for older people? My response is: We can't afford not to cover prescription drugs.

What the gerontologists told us today is that if you want, for the long-term, to promote wellness and to keep seniors healthy, make these drugs—the drugs that lower blood pressure and cholesterol—available to seniors because with them seniors will be able to stay healthy and not rack up these much larger medical bills that are incurred when they are ill.

One of the most striking examples I have seen in this discussion involves the anticoagulant drugs, the drugs that prevent strokes. It might cost $1,000 or $1,500 for a senior to get those drugs for a year—certainly that is expensive—but if, through drugs such as that, you can prevent stroke—which will cost upwards of $100,000—it seems to me it makes a very clear case that we ought to be offering this benefit.

I recognize that colleagues have different views as to how to go about doing it. Several of my Democratic colleagues have bills. I do not expect to have the last word on this subject. I know colleagues on the other side of the aisle have legislation, as well. I am very honored to have been able to team up with Senator SNOWE for 15 months now in an effort to pass this prescription drug benefit on a bipartisan basis.

But let us make sure this issue does get addressed, and addressed in this Congress. Because to let this become fodder for another political season, and to have the back and forth that would go on in a political campaign, where one side blames the other side, is not productive. That is not what Senator DASCHLE wants to have, as he tries to bring together the various approaches that have been offered by Members of the Senate. I know there are a number of Republicans who want to avoid that kind of train-wreck scenario where you do not act on this issue; instead, it just becomes the fodder for another political campaign.

What the Democratic Policy Committee heard this morning from seniors, from pharmacists, from gerontologists, ought to be compelling to every Member of this body—Democrats, Republicans, liberals, and conservatives.

Let us debate the specifics about how to go about offering this benefit, but let us make sure this issue gets done because I do not think it is right for the country to wait any longer to move forward on an issue that is so vital to health care reform.

I intend to keep coming back to the floor to address this issue. The session held by the Democratic Policy Committee was so compelling this morning that I wanted to take a couple minutes to bring it to the attention of the Senate.

I wish to make it clear that I look forward to working with all of my colleagues on a bipartisan basis. The Presiding Officer—the Senator from Utah—and I have talked about health care on a number of occasions since I have been in the Senate. He has great expertise. We are going to involve him in this cause and get it done in a bipartisan way.

I think this morning's program by the Democratic Policy Committee was another step in the right direction.

With that, Mr. President, I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until tomorrow at 9:30 a.m.

Thereupon, the Senate, at 6:27 p.m., adjourned until Thursday, March 2, 2000, at 9:30 a.m.

EXTENSIONS OF REMARKS

TELECOMMUNICATIONS ACT OF 1996

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2000

Mr. ROGERS. Mr. Speaker, February 8th marks the fourth anniversary of the historic Telecommunications Act of 1996. The purpose of the Act was to unleash competition in all telecommunications markets and thus achieve unprecedented investment and technological innovation. Businesses would enjoy substantial productivity gains and consumers would have access to new technologies that promised profound changes in the way we work, communicate and entertain. Schools, libraries and homes would have access to information that is revolutionizing the way we educate ourselves. Electronic commerce, distance learning, and telemedicine have all become realities. The progress we've seen in the four short years—in Kentucky and nationwide—has been remarkable and rapid. Consider the following:

The Explosion of the Internet. There were 50 million Internet users just two years ago and today there are more than 80 million Americans online and 200 million worldwide. Electronic commerce is projected to be a trillion-dollar activity in the next three to five years.

Ninety-nine percent of American households—in both urban and rural areas—can reach the Internet via a local telephone call. Substantial new network investment by Internet backbone providers has made this possible. In 1996, 14 such providers existed; by 1999, that number had more than tripled to 43. In four years, Internet backbone providers expanded their points of presence—where Internet Service Providers (ISP's) establish high-speed links to the backbone—from less than 70 to more than 1000.

The number of ISPs offering consumers Internet access has exploded—today there are more than 6,500 ISPs nationwide. Forty-six states have 100 or more ISPs, including my home state of Kentucky.

Independent rural telephone companies and cooperatives offer Internet connectivity—97 percent offer Internet dial-up at speeds of up to 56K, and 30 percent are offering broadband services (1999 NCTA survey).

The number of competitive carriers has increased dramatically. Today, over 600 long distance companies compete against one another in a dynamic market that has seen per-minute prices drop to 5 cents. In addition, the Act spurred the creation of more than 375 new entrepreneurial companies that are fighting to bring competition to local telephone markets.

These new local competitors, called "CLECs," have grown significantly since 1996. They now employ 70,000 people and have invested $30 billion in new networks since passage of the Act. In four years, their market capitalization has increased from $3.1 billion to about $85 billion today.

In my home state of Kentucky, 25 CLECs are up and running.

In short Mr. Speaker, the Telecommunications Act is working. It has been a catalyst for almost unimaginable technological progress. Having said that, our work as a nation is not done—there are still some Americans who need access to better, faster and more affordable means of communication. However, we are heading in the right direction and the Telecommunications Act along with the millions of American men and women working in the industry are the driving force.

IN HONOR OF THE LATE LT. MARGARET O'MALLEY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to pay tribute to Lt. Margaret O'Malley, who passed away recently after battling with liver cancer at the age of 44. Lt. O'Malley had been in charge of security at Cleveland Hopkins International Airport since 1993.

Lt. O'Malley received much accreditation for her hard work and innovative ideas. She was awarded several commendations from the Secret Service for her assistance in providing security when President Clinton landed at Cleveland Hopkins Airport aboard Air Force One. She accommodated numerous celebrities throughout her seven years of work at the airport, including Bette Midler and Melissa Etheridge, and also worked to ensure the safety of the Cleveland Indians when fans poured into the airport to greet the team in the wee hours of the morning after their pennant-clinching victory. According to Capt. Margaret A. Downding, who was Lt. O'Malley's domestic partner for the past 19 years. "Often, when celebrities arrived, she expedited their travel through the airport." Also, in order to aid her staff, the Lt. arranged for the donation of several bicycles so that officers could patrol the airport by bicycle. Although her primary concern was the safety of travelers in the airport, she also worked to enhance the experience of visitors to the city and to accommodate the local residents who came to the airport to greet friends and relatives.

The Cleveland native followed in the footsteps of her father Michael, who is also a Cleveland police lieutenant. The elder O'Malley has the most seniority of any officer in the 1,850-member department. The younger O'Malley grew up in Cleveland and Fairview Park. She earned a bachelor's degree in political science from Edgecliffe College, now part of Xavier University. She was accepted into the police academy in 1979, was promoted to sergeant in 1985, and promoted again to lieutenant in 1993.

Lt. O'Malley also excelled when she was not in uniform. She coordinated women's sporting events for police officers and friends, including volleyball matches and softball games. Last summer, she organized a charitable golf outing that benefited the Susan G. Komen Breast Cancer Research Foundation. Her zest for life invigorated all those around her.

Mr. Speaker, please join me in honoring Lt. O'Malley's hard work and dedication to her community. The great lengths she took to ensure safety to all and her commitment to the people of Cleveland will be greatly missed.

100TH ANNIVERSARY OF THE ELKS BPOE LODGE 481

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2000

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the 100th anniversary of an organization that I am proud to be a member of, the Benevolent and Protective Order of Elks Lodge 481 in Belleville, Illinois.

The beginnings for the Elks organization is credited to Charles Algernon Sidney Vivian. Born in London, Vivian arrived in New York in 1867. Vivian, an actor, met with a group of other theatrical entertainers to create a loose organization called the Jolly Corks. When one of the members died in 1867, leaving both his wife and his children destitute, the Jolly Corks decided, that in addition to good fellowship, they needed a more enduring organization to serve those in need. On February 16, 1868, they established the Benevolent and Protective Order of the Elks and elected Vivian to head it. As word of it's social activities and benefit performances increased and spread to other cities, other Elk's "lodges" were formed.

The legacy of Charles Vivian continues to this day. In addition to aiding members in distress, the Elks raise money for children with disabilities, college scholarships, youth projects and recreational programs for patients in veterans hospitals.

In 1907, the Elks held the first flag day observance. This tradition, started by the Elks, was later declared a national holiday by President Harry S Truman. During World War I, the Elks funded and equipped field hospitals in France. Their loans to 40,000 returning veterans for college, rehabilitation and education was the precursor to the original GI bill. The Elks were used during WWII to recruit construction workers for the military and they also contributed books to the Merchant Marines. During the Korean War, the Elks gave more than a half million pints of blood to help the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

wounded and in Vietnam, the Elks provided funds for the recreational needs of the military. When Desert Storm took place, the Elks undertook letter-writing campaigns to help keep up soldiers morale.

Today, there are more than 1.3 million members of the Elks in 2200 local lodges found in all 50 states. Many members of Congress have been Elks. Former Speakers, Tom Foley, Tip O'Neill, Carl Albert, John McCormick and Sam Rayburn all belonged to the Elks. Hale Boggs of Louisiana was also an Elk. Presidents Harding, FDR, Truman, Kennedy and Ford were all Elks lodge members.

Local Elks lodges provide recreational and support facilities for the entire family and are the focal point for many community service projects. Lodge 481 members in Belleville log in thousands of hours in volunteer service to charitable, educational and patriotic causes in our community. Chartered in 1899, Lodge 481 continues to be an asset to the community. This lodge sponsors baseball, softball, football and soccer leagues in the area. They organize blood drives, help local scouts and provide their facilities free of charge to local fund raising efforts.

Mr. Speaker, I ask my colleagues to join me in honoring the 100 years of service of the Benevolent and Protective Order of the Elks Lodge 481 and salute members of the lodge both past and present.

TRIBUTE TO CAL FARMER—EDUCATOR FOR YOUTH AND INDUSTRY

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2000

Mr. HORN. Mr. Speaker, recently, one of my constituents, Dr. Cal Farmer, was honored by his many friends and colleagues for his lifelong dedication to vocational education and its vital role in equipping young people for success in the complex and increasingly technical industries of our community, state, and nation.

The specialized field of vocational education has grown rapidly over the past decade and for its many students in our community, Cal Farmer's energetic leadership has continuously pushed for higher standards and broader goals at every level.

Cal's efforts with the Distributive Education Clubs of America (DECA) program, as an advisor and as a consultant, have brought thousands of high school and college students to a new level of understanding of the value of vocational education. At the same time, his work with the American Vocational Association (AVA) has expanded his vision to both California and national programs.

Industries large and small have come to realize that their interests and needs are best served by educated employees, and students are best served by opportunities to participate in workforce training while in school.

Even beyond formal educational pursuits, Cal has brought vigor and vision to many community services: Boy Scouts, American Cancer Society, Chamber of Commerce, Downtown Long Beach Associates (DLBA), Navy League, Public Corporation of the Arts, Propeller Club, and many others. His busy and productive life remains an inspiration for countless others. I wish him well in his many continuing endeavors.

COLORADO NURSERY PERSON OF THE YEAR, DENNIS HILL

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize the Associated Landscape Contractors of Colorado's Nursery Person of the Year, Dennis Hill.

Dennis won the award from the Excellence In Landscape Design Competition. Dennis has worked for twenty years in the industry. He was first an independent landscape contractor and presently a retail nursery. Owner of the nursery Bookcliff Gardens, Dennis admits that a love of gardening is only part of the job. He also thrives on being involved with people. He says that he gardens for two reasons: for the shade and for the beauty and peace.

In addition to the individual award that Dennis received, his business also received the Merit Award in Landscape Construction in the Single Family Residential category.

It is with this, Mr. Speaker, that I offer this tribute in honor of Dennis Hill and Bookcliff Gardens. He has brought dedication and professionalism to his profession.

IN HONOR OF COMMANDER GREGORY BAEPPLER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2000

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Commander Gregory Baeppler, a thirty year veteran of the Cleveland Police Department.

Gregory Baeppler was appointed to the Cleveland Police Department on October 17, 1969. Throughout his career Gregory Baeppler has excelled at civil service tests as well as in the field. Baeppler was promoted to Sergeant on November 6, 1976, to the rank of Lieutenant on July 26, 1982, and then the rank of Captain on July 18, 1985.

On April 14, 1986, Gregory Baeppler was appointed to the rank of Commander of Police and he has successfully held the rank of Commander longer than any other person in the history of the Cleveland Police Department. Commander Baeppler was in charge of the sixth district from his appointment until August 29, 1988, when he transferred and was assigned as Commander of the Second District. From August 29, 1988, until the retirement of Commander Baeppler, the Second District usually led the city in every measurement of importance.

Throughout his years on the force Commander Baeppler has shown leadership qualities that have caused him to be pursued by the private sector. He has been in charge of security for a vast array of sporting events and concerts.

Commander Baeppler's retirement brings a close to an exemplary thirty year career.

My fellow colleagues please join me in honoring Commander Baeppler, a true beacon in the Cleveland community.

PERSONAL EXPLANATION

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2000

Ms. KILPATRICK. Mr. Speaker, on February 29 and March 1, a family emergency prevented my return to Washington, D.C. and I missed rollcall votes Nos. 26, 27, 28. Had I been present, I would have voted "yes" on S. 613, The Indian Tribal Economic Development and Contract Encouragement Act; "yes" on H.R. 5, Senior Citizens' Freedom to Work Act; and "yes" on the Senate amendments to H.R. 1883, Iran Nonproliferation Act.

TARIFF CORRECTION BILL

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2000

Mr. MANZULLO. Mr. Speaker, yesterday, I introduced a miscellaneous tariff correction bill (H.R. 3715) that will be one tool to help keep the remaining cathode ray tube and computer display screen manufacturers in the United States.

Monochrome glass envelopes are used to make cathode ray tubes that provide the "light" behind the computer monitor. When the tariff on monochrome glass envelopes was first proposed, there were American manufacturers of this product. But over the last few years, the final American manufacturer of monochrome glass envelopes decided to get out of the business. Thus, the tariff duty designed to provide a modest level of protection for U.S. makers of monochrome glass envelopes no longer serves its purpose. In fact, the import duty is now hurting the international competitiveness of U.S. cathode ray tube and computer display screen manufacturers.

Other foreign competitors are able to purchase monochrome glass envelopes without this tariff. Thus, they are able to price their computer monitors in the U.S. more competitively than U.S. manufacturers of equivalent product. Mr. Speaker, there should not be a U.S.-government imposed incentive for Americans to buy foreign computer display screens! That's why I ask my colleagues to support the inclusion of H.R. 3715 into the comprehensive miscellaneous tariff correction bill to be taken up by the House later this year. We need to remove the import tariff on monochrome glass envelopes so that American manufacturers of cathode ray tubes and computer monitors can compete on a more equal footing with their foreign counterparts.

HONORING LAURENE KNUPP

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize a woman who has meant so much to the community of Eagle, Colorado. Laurene Knupp has lived in Eagle for all but a few of her 82 years. She attended elementary school and high school in Eagle, a small town of 200 citizens at the time. Laurene has witnessed many changes in her hometown. Growth can be a good thing, but Laurene misses the days of knowing everyone in town.

After high school Laurene attended Junior College in Grand Junction, then Teacher's College in Greeley, Colorado (now University of Northern Colorado) where she majored in elementary education. She earned enough credits to teach for one year. She continued to teach and go to summer school for years. She confesses that it took 18 years to earn her degree.

Laurene was teaching in Oak Creek in 1941 when the United States entered World War II. She decided to take the place of the Deputy County Clerk in Eagle when the clerk was drafted. During that time she met and married Donald Knupp. She put work and teaching aside for nine years to start a family. When she returned to teaching, she taught for 25 more years. She retired in 1981.

Even though Laurene is retired, she is still very involved in her community. She maintains a keen interest in school and community affairs. She serves on the building committee for the Methodist Church, secretary/treasurer for the board of directors for Eagle Valley Medical Center and on the Retired Teachers Association. She has lunch regularly at the Eagle Senior Center and enjoys playing bridge with her friends.

It is with this, Mr. Speaker, that I would like to offer this tribute in honor of a staple in the Eagle community. Laurene Knupp is a great woman who has given endlessly to her community.

HONORING 100TH ANNIVERSARY OF THE ILLINOIS PTA

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2000

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the 100th anniversary of the Illinois Parent Teachers Association (PTA).

The Illinois PTA was founded May 30, 1900 and is part of the largest child advocacy organization in the United States. PTA is a not-for-profit association of parents, educators, students, and other citizens active in their schools and their communities. PTA is a leader in reminding our Nation of its obligations to children. In the United States, PTA has over 6.5 million members working in 26,000 local chapters in all 50 States, the District of Columbia, the U.S. Virgin Islands, and in Department of Defense schools in the Pacific and in Europe.

The mission of the PTA is three-fold: to support and speak on behalf of children and youth in the schools, in the community and before government bodies and other organizations that make decisions affecting children. Second, they assist parents in developing the skills they need to raise and protect their children, and third, to encourage parent and public involvement in the public schools. PTA's objectives include promoting the welfare of children and youth in the home, school, place of worship, and in the community. PTA strives to raise the standards of home life and secure adequate laws for the care and protection of children. PTA also brings a closer relationship to the home, school, and work to develop cooperative efforts between parents and teachers.

During the past 100 years, whenever children's issues are jeopardized, the PTA has responded promptly, taking a leadership role in identifying solutions and advocating change. PTA knows the benefits of parent involvement. This is why parent involvement is central to all PTA programs. The Illinois PTA is involved in developing before and after school programs, block grants, charter schools, class size reduction, health services, nutritional issues, professional development, reading programs, tobacco and violence prevention. The Illinois PTA has been at the forefront of children first and that is why they are hosting the national PTA convention this year.

PTA's within my congressional district are involved with many activities that support the needs of children and youth. From before and after school programs to after prom parties, PTA has provided a leadership role in our local educational support system.

Mr. Speaker, I ask my colleagues to join me in honoring the 100 years of service of the Illinois PTA organization.

TRIBUTE TO ROBERT S. JOE, U.S. ARMY CORPS OF ENGINEERS

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2000

Mr. HORN. Mr. Speaker, Southern California owes much of what it is today to the U.S. Army Corps of Engineers. The Corps built our ports—now the largest port complex in the Americas—it protected us from flooding, it helped us rebuild from earthquakes and other disasters, and helped give us water to drink. Today, the Corps is even helping repair our schools. Southern California would be a very different place had it not been for the work of the Corps of Engineers over the past century.

For the past 30 years, one person in particular has stood out among the many excellent members of the Corps in California. For 30 years, Robert Joe has played an integral part in the myriad activities the Corps is involved in. This month, Bob is retiring from the Corps and his position as Deputy District Engineer for Programs and Project Management for the Los Angeles District of the Corps. We will miss him sorely.

Bob is retiring from a position in which he directed a $300 million operational budget. Before serving in his current position, Bob ran the planning division for 11 years. He managed the vital projects that helped people stretching from Los Angeles to Phoenix and Las Vegas. In my own area, Bob has been a key to the success of keeping the ports of Long Beach and Los Angeles the leaders in the country and restoring flood control protection to 500,000 people in southern Los Angeles County. All of my colleagues from the Southwest can point to their own examples of how Bob Joe and the Corps helped the people they represent.

Mr. Speaker, Bob Joe has been a professional colleague and a good friend to me since I was elected to Congress. He has provided immeasurable help to the people I have the privilege to represent. I join my other colleagues in wishing Bob much happiness and success in the future.

IN HONOR OF MR. JUSTICE MICHAEL MORIARTY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2000

Mr. KUCINICH. Mr. Speaker, I rise to honor Justice Michael Moriarty, pillar of the legal community in Ireland and a man who has dedicated his life to justice.

Mr. Moriarty was born in Belfast, later relocating to Dublin, Ireland in 1960. He attended college in Dublin, completed his legal education in Kings Inn, and was called to the Bar in 1968. In 1982, he became a senior counsel, and four years later he was appointed Chairman of the Employment Appeals Tribunal. In 1987, he embarked on his judicial career when he became a Circuit Court Judge. He was then appointed to the High Court in 1996.

Recently, Justice Michael Moriarty was appointed as the head of the tribunal of Inquiry, a body responsible for investigating and reporting financial irregularities involving government officials in Ireland. The scope of the investigations and the zeal Mr. Moriarty has shown for his work has caused the media to rename the Tribunal of Inquiry the Moriarty Tribunal.

Justice Michael Moriarty is married to Ms. Mary Irvine, Senior Counsel. He is the father of a son and two daughters. Currently, he and his family reside in Blackrock, Co. Dublin.

My fellow colleagues, please join me in welcoming Mr. Moriarty to Cleveland as the honored guest at this year's St. Patrick's Day Parade on March 17, 2000.

HONORING THE STATE CHAMPION GRAND JUNCTION HIGH SCHOOL SCIENCE BOWL TEAM

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2000

Mr. MCINNIS. Mr. Speaker, I would like to take a moment to congratulate the Grand Junction High School Science Bowl Team on winning the state competition for the sciences.

The team from Grand Junction High School won first place in the state competition for the Colorado Science Bowl in Golden, Colorado. As a result of this victory, the team will travel to Washington, DC to compete at the national level in the United States Department of Energy's National Science Bowl.

The students on this team have demonstrated remarkable talent and knowledge in the areas of physics, chemistry, astronomy, earth science and mathematics. The students are to be commended for their dedication to learning the finer points of these fields.

It is with this, Mr. Speaker, that I would like to offer this tribute to all the members of the team and their faculty sponsor. Congratulations, Tony Arcieri, Brianna Blume, Ariane Chepko, John Frazer, Michelle Hays, and sponsor, Jim Rexroad. They have made us all very proud!

HONORING THE RETIREMENT OF J. BRUCE McKINNEY AS CHAIRMAN OF THE BOARD OF DIRECTORS AT HERSHEY ENTERTAINMENT & RESORTS COMPANY

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2000

Mr. GEKAS. Mr. Speaker, I rise today to honor and recognize Mr. J. Bruce McKinney on the announcement of his retirement as Chairman of the Board of Directors at Hershey Entertainment & Resorts Company in Hershey, Pennsylvania.

Mr. McKinney, who turned 63 in February, held a wide variety of positions in his long and exemplary career. He attended Milton Hershey School, Dickinson College, Dickinson Law School, and the Pennsylvania State Executive Management Program. In 1966, Mr. McKinney began working as an executive staff assistant for Hershey Foods Corporation. Five years later, he joined the Hershey Entertainment & Resorts Company team (HERCO) as the assistant general manager for HERSHEYPARK, only to become general manager a mere one year later. Throughout the seventies and eighties, Mr. McKinney went on to hold various challenging, exciting, and prestigious senior officer positions in the Hershey area. Some of the most notable positions include: group vice president of Sports and Entertainment in 1974, senior vice president of HERCO's Commercial Group in 1981, and corporate executive vice president in 1985. Throughout his tenure at HERCO, Mr. McKinney is remembered chiefly for leading the team that brought the corporation out of near financial ruin to an extremely high level of prosperity, saving the company from certain failure. Because of his honorable services, a year later, on March 1, 1986, Mr. McKinney became the chief operating officer at HERCO, later assuming the role as chief executive officer on August 10, 1987, and then taking the position of chairman of the board on October 24, 1989. Mr. McKinney remained at HERCO for another eleven years, eventually becoming chief executive officer and chairman of the board. On September 22, 1999, after seven consecutive record-breaking years from 1993–2000, Mr. McKinney decided to respectfully retire from HERCO. Assuming Mr. McKinney's responsibilities is Mr. Scott J. Newkam, who was named president and chief executive officer.

Following his retirement, Mr. McKinney will continue to serve on the board of directors of the Hershey Trust Company and the M.S. Hershey Foundation. He will also tend to his duties on the board of managers for the Milton Hershey School, and serve as a director on the Team Pennsylvania Board, where he is instrumental in the promotion of regional cooperation. Even in his retirement, Mr. McKinney will continue to serve the community through his tireless efforts in ensuring the future prosperity of Hershey.

Mr. McKinney will continue to reside in Hershey, Pennsylvania with his wife Sally, two daughters, Kelly McKinney-Brakewood and Kathleen McKinney-Gavazzi, and three grandchildren, Harrison, Eleanor, and Grace.

Mr. Speaker, I recognize Mr. McKinney for his tremendous career and life work in Hershey, and wish him the best of luck, in all his future endeavors.

HONORING 40TH ANNIVERSARY OF VFW POST 8677

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2000

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the 40th anniversary of Veteran's of Foreign Wars Post 8677 in Fairview Heights, Illinois. Started on March 5, 1960, Post 8677 continues to lead efforts to support veterans and their needs in their community.

While VFW Post 8677 celebrates its 40th anniversary, the VFW organization itself celebrates the 100th anniversary of its existence. In 1898, several veterans of the Spanish-American War gathered together to form the basis of the VFW. Since then, the VFW organization has proven to be a driving force for veterans and their issues.

The VFW is considered to be one of the most powerful and influential forces in the halls of Congress. Their efforts resulted in the creation of the House Veterans' Committee, the WW I bonus, the Veterans Day holiday, various GI bills, creation of the cabinet position of Veterans' Affairs and support on many veteran's health issues, such as Agent Orange and Persian Gulf related illness.

The VFW is 2 million members strong and represents a great cross section of our society. They work to promote citizenship and provide information about our national flag. They are actively involved in disaster relief efforts raising over a million dollars in assistance. They are a leading force in the creation of a WW II memorial and support ongoing efforts of our troops abroad by providing our troops with phone cards, gift packages and coordinating USO shows.

I cannot mention the VFW and not speak of the "Buddy Poppy" program. Since 1922, the poppy program has raised millions of dollars annually to support national and local veteran's service programs. As a means of rehabilitation, the poppies themselves are assembled by patients in VA and State veterans homes.

VFW Post 8677 in Fairview Heights has been a leader in the local community by providing leadership on veterans issues in my congressional district. They, along with the other posts in the area, create a firm footing for veteran's assistance, advocacy and service. Post 8677 works with Pontiac and William Holiday schools for Red Ribbon Drug Awareness Day. They sponsor Khoury teams and Boy and Girl Scout troops. The post holds flag raising ceremonies on Memorial Day, Veterans Day and Flag Day. Each month, members of the Post volunteer their time and the necessary items to veterans at the John Cochran VA Hospital and finally, every year both the Post and its auxiliary place flags on the grave sites of 3000 veterans at the Lakeview Memorial Cemetery.

Let us reflect with pride on our country and remember with gratitude the contributions of the many loyal and courageous veterans who have given so much of themselves both at home and around the world to protect our freedom.

Mr. Speaker, I ask my colleagues to join me in honoring the 40 years of service of the VFW Post 8677 and to salute the members of the Post and Auxiliary both past and present for their service to the people of southwestern Illinois.

THE "RE-ELECT AMERICA" BUS TOUR BY BALINT VAZSONYI

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2000

Mr. BARR of Georgia. Mr. Speaker, I am proud to rise in support of the Center of the American Founding's "Re-Elect America" bus tour. The tour will make one of its first stops in Atlanta, Georgia this Friday, March 3, 2000.

The tour is being led by Balint Vazsonyi, a man who first came to America as a refugee from communism, and is now one of our foremost constitutional writers. Despite his arrival as an immigrant and the fact that he is a classical pianist by training, Balint has made enormous contributions to his adopted nation as a student and writer on constitutional history and principles.

Not content with writing a wildly popular book, "America's Thirty Years War," and becoming a columnist for the Washington Times, Balint has now resolved to follow in the footsteps of Alexis de Tocqueville, and travel across our country to ignite a national discussion about those values that make America what it is—the beacon of freedom for the entire world.

As we continue an extended period of economic prosperity, our nation cannot afford to ignore very serious threats to our culture, society, and political systems. We have to keep people engaged in finding solutions to the problems facing our nation in the 21st century. The "Re-Elect America" bus tour aims to do exactly that, by reminding people about the great institutions of our history, government and society. Balint Vazsonyi knows that unless our citizens know, understand, and appreciate our nation's history and institutions, then when those institutions are under attack, people don't appreciate them enough to come to their defense.

Visiting all 50 state capitols in a few short months is something very few of us would attempt. However, I am confident that with Balint Vazsonyi at the helm, this tour will be a roaring success. I wish him all the best on his stop in Georgia, and look forward to following his progress from there, all across this great and glorious land.

MRS. MELISSA TREZISE, A PIONEER OF EDUCATION

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize a woman that has dedicated her life to educating children. Mrs. Melissa Trezise has been a true pioneer in education. To preserve the history of education in rural Colorado in the early twentieth century, she has written her memoirs about what it was to be a teacher in rural Colorado in the 1930's.

Melissa knew from the time she was in elementary school she wanted to be a teacher. She wanted to help children learn how to read and write, but more importantly, she wanted to teach them about science, history and even art. Melissa taught math, science, geography, U.S. history, health, Colorado history, and agriculture. Students always looked forward to Friday's, not only because of the weekend, but also for their art classes.

Melissa's first school, Catamount School, was located centrally in the region. This meant that everyone has to travel to the school. There was no well near the school, so pupils and teacher had to bring their own water. Melissa recalls that this was not always convenient and they all tried not to get too dirty.

Recess is usually a student's favorite part of the school day. In this case, the teacher enjoyed recess just as much as the student. Melissa was the pitcher during the baseball games and she loved to jump rope with the students. Many people said they couldn't tell the difference between teacher and student when they were on the playground.

Melissa moved to different schools and taught a great many children, but she will always remain a favorite in the eyes of many former students. Melissa's career encompassed everything from one-room schoolhouses to the current Eagle Valley Elementary School.

It is with this, Mr. Speaker, that I offer this tribute in honor of a legend in education, Melissa Trezise. She is a woman that deserves our highest respect and praise.

THE INTRODUCTION OF THE TELEWORK TAX INCENTIVE ACT

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2000

Mr. WOLF. Mr. Speaker, today I am introducing a bill to provide a $500 tax credit for telework. The purpose of my legislation is to provide an incentive to encourage more employers to consider telework for their employees. Telework should be a regular part of the 21st century workplace. The best part of telework is that it improves the quality of life for all.

Nearly 20 million Americans telework today, and according to experts, 40 percent of American jobs are compatible with telework. Telework reduces traffic congestion and air pollution. It reduces gas consumption and our dependency on foreign oil. Telework provides people with disabilities greater job opportunities. Telework helps fill our nation's labor market shortage. It is also a good way for retirees to pick up part-time work.

Companies save significantly when they have a strong telecommuting program. At one national telecommunications company, nearly 25 percent of its employees work from home at least 1 day per week. The company found positive results in the way of fewer days of sick leave, better worker retention, and higher productivity.

According to a George Mason University (Fairfax, VA) study, for every 1 percent of the Washington metro region workforce that telecommutes, there is a 3-percent reduction in traffic delays. George Mason University has recently completed another study which suggests that on Friday mornings there is a 2- to 4-percent drop in traffic volume in the Washington metro region, a so-called "Friday effect."

This is promising news because it means that with just a 1- to 2-percent increase in the number of commuters who leave their cars parked and instead telework just 1 or 2 days per week, we could get to the so-called "Friday effect" all week long.

Last fall, I participated in Virginia Governor James Gilmore's telework task force. I want to take the opportunity to congratulate Governor Gilmore for his strong leadership and involvement in telework. The Governor's task force made a number of recommendations to increase and promote telework. One recommendation was to establish a tax credit toward the purchase and installation of electronic and computer equipment that allow an employee to telework. For example, the cost of a computer, fax machine, modem, phone, printer, software, copier, and other expenses necessary to enable telework could count toward a tax credit, provided the person worked at home a minimum number of days per year.

My legislation today would provide a $500 tax credit "for expenses paid or incurred under a teleworking arrangement for furnishings and electronic information equipment which are used to enable an individual to telework." For example, the cost of a computer, fax machine, modem, software, etc., as well as home office furnishing would apply toward the credit. An employee must telework a minimum of 75 days per year to qualify for the tax credit. Both the employer and employee are eligible for the tax credit, but the tax credit goes to whomever absorbs the expense for setting up the at-home worksite.

Mr. Speaker, I am pleased to have many groups joining in support of my legislation. Supporters include: the International Telework Association and Council, Northern Virginia Technology Council, Greater Washington Board of Trade, Covad Communications, National Town Builders Association, George Mason University, Litton Industries, Orbital Sciences Corporation, Consumer Electronic Association, Fairfax County Chamber of Commerce, Capnet, BTG Corporation, Electronic Industries Alliance, Telecommunications Industry Association, American Automobile Association Mid-Atlantic, Dimensions International Inc., Capunet, TManage, Science Applications International Corporation, AT&T, Virginia Economic Bridge, Computer Associates Incorporated, and Dyn Corp.

I have stated before that work is something you do, not someplace you go. Hopefully we can make telework as commonplace as the morning traffic report. There is nothing magical about strapping ourselves into a car and driving sometimes up to an hour and a half, arriving at a workplace and sitting before a computer. We can access the same information from a computer in our living rooms. Wouldn't it be great if we could replace the evening rush hour commute with time spent with the family, or coaching little league or other important quality of life matters?

Mr. Speaker, I hope our colleagues will consider signing on as a cosponsor of this proposal to promote telework and provide employees choices for the workplace.

TRIBUTE TO LOUIE MOORE II IN CELEBRATION OF BLACK HISTORY MONTH

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2000

Mr. SABO. Mr. Speaker, as we celebrate the history and heritage of African-Americans this month, I wish to take this opportunity today, February 18, 2000, to recognize a very special man who lives in my Congressional District of Minneapolis—Louis Moore II.

Louie Moore II—a respected historian, successful businessman, outstanding community leader, and a caring and kind citizen—has made countless contributions to his community, his state, and his country over the course of his 84 years.

Louie was born in St. Paul, Minnesota, in 1916. He attended the now-closed Mechanic Arts High School in St. Paul—where he quickly established a reputation as a star athlete, playing on the tennis and football teams and running track.

After graduating from the University of Minnesota in 1938 and marrying Harriet Mayle a year later, Louie began his long and distinguished professional career. In 1939, Harriet and Louie moved to Washington, D.C. where Louie worked for the United States Department of Agriculture for several years. During the time the Moores lived in Washington, their only child, Louis III, was born.

In 1950, Louie moved his family back to St. Paul, where he served as a USDA grain inspector. In 1955 the family moved to Minneapolis. Louie started work as a marketing manager for General Mills Incorporated—one of the few people of color to work at the corporate level during that time—and later joined the marketing department of Minneapolis' International Multifoods Corporation. Louie has been widely recognized for his marketing skills and his business savvy, helping to launch several successful companies throughout the Minneapolis community.

Louie has also worked to educate others about the legacy of African-Americans in the state of Minnesota. He played a key role in compiling information for the publication of a book called The Negro in Minnesota. This book, published in 1961, detailed the accomplishments of African-Americans throughout the state's history.

After Louie's retirement from corporate life, he became actively involved with the Minnesota Historical Society. His interest was first sparked when he worked with the Society on plans for Minnesota's Statehood Centennial Celebration in the 1950's. He became a member of the Society's Executive Council in 1972, and today he serves as an Honorary Council Member of the Minnesota Historical Society Board.

Louie has been a member of several other community, civic, and social organizations throughout the Twin Cities. He has served on the Board of Directors at the Hallie Q. Brown Community Center and he was a board member of the Twin Cities Opportunity Industrialization Center. He has also served with the National Association for the Advancement of Colored People, the Urban League; the Alpha Phi Alpha Fraternity; the Twin Cities Rod and Gun Club; and the Forty Social Club. He is a respected member of the Omicron Boule of Sigma Pi Phi Fraternity which, over the years, has honored him for his many achievements and his leadership in the community.

Louie Moore is a former member of St. Philip's Episcopal Church in St. Paul, and a current member of the St. Thomas Episcopal Church in Minneapolis.

Mr. Speaker, when you ask any of Louis Moore's many friends for the words that best describe him, the answers flow freely: "kind," "well-loved," "involved," "respected." In fact, one of his friends from the Minnesota Historical Society says regarding Louie, "He is a wonderful person—delightful to talk to, with a warm personality. He has always been interested in 'bettering' situations and helping others."

I am proud to know Louis Moore II, and it is an honor to recognize him today in celebration of Black History Month. His son, Louis III, is a member of my Congressional staff, and through him I have learned many things about this fine man. In his lifetime, Louis Moore II has developed a simply amazing list of professional and personal accomplishments—many more than those which I have mentioned today.

Mr. Speaker, today I salute Louis Moore II—a pillar of our community. I offer him my best wishes for good health and happiness always.

HONORING BRITH SHALOM

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2000

Mr. BENTSEN. Mr. Speaker, I rise to honor Congregation Brith Shalom, located in the 25th district of Houston, Texas, on the occasion of their 45th anniversary. The Brith Shalom family has been a pillar of the community, effectively addressing the spiritual needs of its members for four and a half decades.

Brith Shalom's humble beginnings trace back to a rented apartment house at 2203 Bellfontaine in February of 1955. The congregation eventually bought a building at 4610 Bellaire Boulevard where they involved the entire congregation in making it the beautiful synagogue it is today. Architectural highlights include stained-glass windows which tell the story of the 12 tribes of Israel and the inclusion of Jerusalem stone in the sanctuary.

Brith Shalom's endurance in addressing the needs of its community deserves respect and admiration. With special emphasis on family and children, the congregation strives to increase Jewish identification and commitment. Brith Shalom embraces the concept that healthy spiritual development is necessary for children to grow into happy, whole adults. The congregation's belief in reinforcing a strong Jewish background gives Brith Shalom's youths a strong foundation and a clear sense of community, scholarship and religious identity throughout their lives.

Throughout Brith Shalom's history, the congregation's rabbis have initiated Judiac studies and social-action programs. Sisterhood and Men's Club participants have raised funds for the synagogue, the Jewish Theological Seminary, and scholarship programs. Synagogue youths take part in the United Synagogue Youth organization. Each president of Brith Shalom has been installed during a weekend complemented by a scholar, lecturer or educational program that stimulated new ideas on Jewish learning.

Mr. Speaker, Brith Shalom has much to celebrate on its 45th anniversary. The congregation has been a haven for its community. Since its beginnings through more than four decades of growth, Brith Shalom should be commended for its dedication to God and commitment to the needs of its congregation and surrounding community.

HONORING A TRUE AMERICAN HERO, FRED W. DYER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2000

Mr. MCINNIS. Mr. Speaker, I rise today to tell you of a man that served our country with unselfish bravery. A combat pilot that did more than just fly planes, Fred Dyer was a man of tremendous service and dedication. Sadly Fred recently passed away.

Fred was valued by his fellow pilots as a man that would never turn his back or leave in the middle of the storm. He often times put his own life in danger to ensure that the lives of others were safe. In one of many accounts recorded in Tom Brokaw's book, "The Greatest Generation," a fellow pilot, George Wells, tells of how many bombing records were made by their unit, but one of the most notable was when he and Fred established the record for the highest number of bomber missions flown by a United States pilot in World War II. They flew 102 missions before returning home for rest.

In 1943, Fred recieved the distinguished Service Cross for action in Sicily where he refused to leave a plane that had caught on fire until everyone on board was safely out. All the crew members donned parachutes and jumped; Fred waited until they were all out then jumped himself. Unfortunately, he landed in the midst of a tank battle, but he was quickly rescued by British soldiers. Acts of bravery like these are why Fred was credited with medals such as the Distinguished Flying Cross, the Purple Heart, the Silver Star and the Air Medal with 15 clusters.

It is with this, Mr. Speaker, that I offer this tribute to honor Fred Dyer. He put the lives of others before his own and displayed unparalleled loyalty and bravery. Fred will be missed by all those who knew him.

RETIREMENT OF CAPTAIN GARY L. McGHEE

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2000

Mr. STUPAK. Mr. Speaker, I would like to take this opportunity to congratulate Captain Gary McGhee, who will be retiring in May, after a long and distinguished career with the Michigan State Police. Needless to say, as a former state trooper myself, I am proud of Michigan law enforcement, and Captain McGhee's service has given us additional reason to be proud. It is for this reason that on behalf of the U.S. House of Representatives, and the citizens of the State of Michigan, I commend Captain McGhee on his service, and wish him the best of luck and good health in his retirement.

Captain McGhee achieved a high level of success throughout his years with the State Police, culminating with his current position as Eighth District Commander, where he is in charge of thirteen State Police Posts and three two-officer concept offices, total delivery of State Police services to fifteen counties of the U.P.

Captain McGhee has always looked out for the citizens of Michigan by his service as a trooper, his guidance of his fellow officers, and his leadership and initiative. He began his service with his enlistment in recruit school in May of 1966, and his start as a trooper in Bridgeport and Lansing. Of course, not one to sit on the sidelines, a year later he received a Lifesaving Award when he jumped off the Zilwaukee Bridge to aid another officer, risking his own life to save that of another.

Captain McGhee has published both nationally and internationally, and been instrumental in bringing law enforcement communities to work together on timely issues. His innovative traffic safety initiative, "Let's Buckle (the) U.P.", drew together all law enforcement agencies for the first time in a united effort to promote safety on Michigan's streets. Most recently, in 1998 and 1999 he coordinated law enforcement between Michigan and Wisconsin by putting together the Wisconsin/Michigan Law Enforcement Summit where officials and government leaders from both states met to discuss issues common across the border.

Captain McGhee has done so much, so well, for so long, that I can only recall one occasion that his judgment may be called into question: letting me graduate from recruit school while he was Recruit School Commander! In all seriousness, I thank him for his help and advice that he gave me and other recruits that went on to serve in his tradition. As former Post-Commander in Reed City, Assistant District Commander in the Eight and Seventh Districts, and as the current Eighth District Commander, Captain McGhee has ensured that the men and women under his watch perform to their highest possible levels, to the best advantage of the citizens of the U.P. and Michigan.

Captain McGhee, you will be missed, but your accomplishments and guidance have left their mark, making law enforcement in the U.P. and Michigan something we can all be proud of! I also congratulate Suzanne McGhee on her retirement, and wish the best to the entire McGhee family.

ACKNOWLEDGING MANUEL ESQUEDA

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2000

Ms. SANCHEZ. Mr. Speaker, today I wish to honor and recognize the outstanding contributions of Manuel Esqueda, a man who has devoted much of his life serving the community of Orange County.

A survivor of the USS Princeton, he returned a Second World War veteran to his home in Santa Ana. An employee of Bank of America since 1946, he served the institution for 32 years, while retiring as bank manager in 1978.

Manuel is a perfect example of how one man can make a difference. He has taken the initiative to provide 1,078 students with scholarship awards under the banners of the Gemini Club, Time and Time Again, and Serafines de Orange County/California Angels. Mr. Esqueda is a positive role model for the surrounding community and a mentor of our youth. He has brought experience, dedication and a passion to comfort those who are so much in need.

The contributions and the lasting legacy that he will leave behind is a testament of his hard work of which we are all so proud of. I urge my colleagues to please join with me today as we honor Mr. Manuel Esqueda, a caring man who is committed to his profession and to the betterment of our community.

HELSINKI COMMISSION HEARING ON: "KOSOVO'S DISPLACED AND IMPRISONED"

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2000

Mr. SMITH of New Jersey. Mr. Speaker, this week the Helsinki Commission held a hearing to review the current situation in Kosovo and the prospects for addressing outstanding human rights issues there. More specifically, the hearing focused on the more than 200,000 displaced of Kosovo, mostly Serb and Roma, as well as those Albanians—numbering at least 1,600 and perhaps much more—imprisoned in Serbia. Witnesses included Ambassador John Menzies, Deputy Special Advisor to the President and Secretary of State for Kosovo Implementation; Bill Frelick, Director for Policy at the U.S. Committee for Refugees; His Grace, Bishop Artemije of the Serbian Orthodox Church; Andrzej Mirga, an expert on Roma issues for the Project on Ethnic Relations and the Council of Europe; Susan Blaustein, a senior consultant at the International Crisis Group; and, finally, Ylber Bajraktari, a student from Kosovo.

The situation for the displaced, Mr. Speaker, is truly horrible. In Serbia, most collective centers are grim, lacking privacy and adequate facilities. While most displaced Serbs have found private accommodations, they still confront a horrible economic situation worsened by the high degree of corruption, courtesy of the Milosevic regime. The squalor in which the Roma population from Kosovo lives is much worse, and they face the added burdens of discrimination, not only in Serbia but in Montenegro and Macedonia as well. There is little chance right now for any of them to go back to Kosovo, given the strength of Albanian extremists there. Indeed, since KFOR entered Kosovo eight months ago, it was asserted, more than 80 Orthodox Churches have been damaged or destroyed in Kosovo, more than 600 Serbs have been abducted and more than 400 Serbs have been killed. The situation for those Serbs and Roma remaining in Kosovo is precarious.

Other groups—including Muslim Slavs, those who refused to serve in the Yugoslav military, and ethnic Albanians outside Kosovo—face severe problems as well, but their plights are too often overlooked.

Meanwhile, the Milosevic regime continues to hold Albanians from Kosovo in Serbian prisons, in many cases without charges. While an agreement to release these individuals was left out of the agreement ending NATO's military campaign against Yugoslav and Serbian forces, with the Clinton Administration's acquiescence, by international law these people should have been released. At a minimum, the prisoners are mistreated; more accurately, many are tortured. Some prominent cases were highlighted: 24-year-old Albin Kurti, a former leader of the non-violent student movement; Flora Brovina, a prominent pediatrician and human rights activist; Ukshin Hoti, a Harvard graduate considered by some to be a possible future leader of Kosovo; and, Bardhyl Caushi, Dean of the School of Law, University of Pristina. Clearly, the resolution of these cases is critical to any real effort at reconciliation in Kosovo.

This human suffering, Mr. Speaker, must not be allowed to continue. Action must be taken by the United States and the international community as a whole. Among the suggestions made, which I would like to share with my colleagues, are the following:

First, get rid of Milosevic. Little if anything can be done in Kosovo or in the Balkans as a whole until there is democratic change in Serbia;

Second, bring greater attention to the imprisoned Albanians in Serbia, and keep the pressure on the Milosevic regime to release them immediately and without condition;

Third, rein in extremists on both sides—Albanian and Serb—in Kosovo with a more robust international presence, including the deployment of the additional international police as requested by the UN Administrator;

Fourth, find alternative networks for improved distribution of assistance to the displaced in Serbia;

Fifth, consider additional third-country settlement in the United States and elsewhere for those groups most vulnerable and unable to return to their homes, like the Roma and those who evaded military service as urged by NATO.

Mr. Speaker, as Chairman of the Helsinki Commission, I intend to pursue some of these suggestions with specific legislative initiatives, or through contacts with the Department of State. I hope to find support from my fellow Commissioners and other colleagues. Having heard of the suffering of so many people, we cannot neglect to take appropriate action to help, especially in a place like Kosovo where the United States has invested so much and holds considerable influence as a result.

THE NEED FOR A NATIONAL DIALOGUE IN KAZAKHSTAN

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2000

Mr. GILMAN. Mr. Speaker, last December President Nursultan Nazarbayev of Kazakhstan visited Washington for the annual meeting of the U.S.-Kazakhstan Joint Commission. The purpose of these meetings, which are alternately held in the United States and Kazakhstan, is to promote economic and political cooperation between our two countries. Among other things, the U.S. side regularly presses the government of Kazakhstan to improve its human rights record and undertake economic and political reforms.

I understand that U.S. officials pressed the Kazakh side especially hard this year, because of international criticism of parliamentary elections that were held last October, heightened corruption, and an acceleration of abusive action taken against opponents of President Nazarbayev's government. In an apparent move to blunt the severity of U.S. pressure as the Joint Commission meeting approached, President Nazarbayev reportedly issued a statement on November 4th, 1999 saying that he was ready to cooperate with the opposition in Kazakhstan and that he would welcome the return of former Prime Minister Akhezan Kazhegeldin, the exiled leader of the main opposition party.

On November 19th, Mr. Kazhegeldin responded to President Nazarbayev by calling for a "national dialogue" to examine ways to advance democracy, economic development and national reconciliation in Kazakhstan. Mr. Kazhegeldin pointed out that convening a national dialogue would be an ideal way to initiate cooperation between the opposition and the government.

President Nazarbayev, however, has reacted with silence to Mr. Kazhegeldin's proposal and a court reportedly convicted an opposition leader for having the temerity to criticize Nazarbayev's government. Finally, investment disputes with foreign companies that have lost millions of dollars because the government failed to honor its commitments remain unresolved and an investigation and trial seem to have failed to find anyone to blame for the delivery last year of 40 MiG fighter aircraft from Kazakhstan to North Korea.

Mr. Speaker, the cause of freedom and democracy in Kazakhstan appears to be in jeopardy. Our government should consider supporting a national dialogue along the lines proposed by former Prime Minister Kazhegeldin. At the very least, the government of Kazakhstan should make an hour of state-controlled television available every week for the use by the opposition. For its part the U.S. should also assist the democratic opposition by providing printing presses to replace those that have been confiscated by the government. It is time to stand up for democracy in Kazakhstan.

HONORING THE RECIPIENT OF THE LIFETIME ACHIEVEMENT AWARD, BILL PETTY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2000

Mr. McINNIS. Mr. Speaker, the Grand Junction Chamber of Commerce has named the recipient of the 1999 Lifetime Achievement Award, Bill Petty.

Bill is a respected business leader who has had a substantial positive impact on the overall quality of life in Grand Junction, Colorado. He has focused time, energy and resources by serving on business organizations such as the Chamber Board, Downtown Development Authority Board and most recently the Western Colorado Business Development Corporation. Bill has also served on the St. Mary's Foundation Board and the St. Mary's Hospital Board since 1996. Bill became President of Norwest Banks, Grand Junction in 1992. He has also had a commitment to the arts by serving on the Western Colorado Center for the Arts Board, the Avalon Board of Directors and the Colorado Pubic Radio.

It is with this, Mr. Speaker, that I would like to offer this tribute to a valued member of the Grand Junction community and a close personal friend, Bill Petty. He is committed to making his community a better place to live.

COMMEMORATING THE RETIREMENT OF CHIEF HELENA ASHBY

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2000

Mr. DIXON. Mr. Speaker, I rise today to commemorate the March 31st retirement of Chief Helena Ashby, the first female Division Chief in the Los Angeles County Sheriff's Department. Chief Ashby began her work with the Sheriff's Department in 1964 absent a role model; 36 years later, she is herself a role model for women and African Americans. Her leadership and dedication will be missed.

During her tenure with the Sheriff's Department, Ms. Ashby has also commanded the Detective Division, as well as the Court Services Division. She spent five years as a Commander within Field Operations Region II and the Detective Division and has served as Captain of the Juvenile Investigations Bureau, Court Services West, Sybil Brand Institute for Women, and Personnel Bureau of the Administrative Division.

Chief Ashby holds degrees from the University of Southern California and the Kennedy School of Government at Harvard University. She is a graduate of the Federal Bureau of Investigation's National Academy and the National Interagency Counterdrug Institute.

The demands of her work in the Sheriff's Department have not precluded Ms. Ashby from establishing herself as a leader in the Los Angeles community. She sits on the Board of Directors of the Peace Officers Association of Los Angeles County, the Coro Foundation, and the Association of Independent Colleges of Southern California. Her contributions to the community have been recognized by the Soroptimist Club, the YWCA, and the National Organization of Black Law Enforcement Executives.

Chief Ashby has said of the Sheriff's Department that "Most of us leave here a better person than when we arrived." In Helena Ashby's case, her positive influence will also leave the Los Angeles County Sheriff's Department a better place than when she arrived.

PERSONAL EXPLANATION

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2000

Mr. GARY MILLER of California. Mr. Speaker, on Tuesday, February 29, 2000 I had to delay my return to the Capitol in order to attend to personal business in my district. During my absence, I missed rollcall vote 26.

Had I been present, I would have voted "yes" on the motion to suspend the rules and pass the Indian Tribal Economic Development and Contract Encouragement Act (S. 613).

HONORING THE RETIREMENT OF RONALD L. GUTSHALL AS CHIEF OF THE RESCUE FIRE COMPANY NO. 1 IN HARRISBURG, PA

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2000

Mr. GEKAS. Mr. Speaker, I rise today to honor and recognize Mr. Ronald L. Gutshall on the announcement of his retirement as Chief of the Rescue Fire Company No. 1 in Harrisburg, Pennsylvania.

Mr. Gutshall has been an esteemed member of the Rescue Fire Company No. 1 since 1960. Since then, he has continually, selflessly, and honorably served and protected the citizens of Susquehanna Township in Harrisburg, Pennsylvania. At the start of Mr. Gutshall's career, he immediately began proving his leadership qualities, commanding skills, expertise, and willingness to ascend professionally. By 1964 he successfully attained the rank of Lieutenant and Assistant Chief. A year later, the Rescue Fire Company No. 1 elected Mr. Gutshall to his first term as Fire Chief, a truly remarkable accomplishment in such a short period of time. Mr. Gutshall remained as Chief from 1970 until the announcement of his retirement on January 18, 2000.

Throughout his career, Mr. Gutshall has not only served and protected the citizens of Susquehanna Township from the disastrous forces of nature, but also served administratively in the Rescue Fire Company's office. Since 1962, Mr. Gutshall has served as Treasurer, in efforts to maintain and ensure the future financial security and prosperity of the Rescue Fire Company. Mr. Gutshall was also instrumental in the acquisition of the Township Fire Tax which helped provide all the Township Fire Companies with state of the art fire equipment to sustain and assure the protection and safety of the employees.

Mr. Gutshall has led his career and company with compassion. He upholds and preserves the tradition of volunteer service and commitment, a vital part of community functions. He instructs and educates members in the highest moral and ethical values which is proven in their discipline and attitudes. My Gutshall has been a tremendous mentor too all those who have worked beside him, a hero to those who know him, and teacher to both the fire services and county.

Mr. Gutshall has served as a leader of the public safety community for more than forty years, thirty-one of those years as Chief. He has served the members of Rescue Fire Company No. 1, the Edgemont and Progress Fire Company, and was instrumental in forming and serving the Township's Public Safety Committee since its inception. Susquehanna Township is a secure and protected community as a result of Mr. Gutshall's prospects in public safety.

Mr. Speaker, we are all very proud of Mr. Gutshall's accomplishments and I would like to extend our sincere congratulations to him and his family. We wish him health and happiness in his retirement years.

CONGRATULATIONS TO THE CLIFTON CHRISTIAN CHURCH TRIBUTE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to congratulate the congregation and clergy, both past and present, of the Clifton Christian Church as they celebrate their 90th Anniversary.

The Clifton Christian Church was chartered in 1910 by a group of people that were determined. This determination has led the congregation over 90 years of service to the Clifton and Grand Junction communities.

The Church has built three buildings during the course of growing and changing. The first building was dedicated in 1921. The congregation raised $34,000 to pay the remaining balance for contruction. In 1982, this building was entered into the National Register of Historic Places. By 1919, only nine years after the first building was dedicated, the congregation was too large for the present facility. Construction for the second church began in the summer of 1920 and by January 1921.

The present building was put into use in February of 1977. The congregation has steadily grown and flourished. With that growth has come more opportunities to serve the community, supporting active community projects such as: Missions, WWIT (Widows & Widowers In Touch), Adventure Club, Teen Discipleship Groups, Salt-n-Light Elementary Youth Worship, Never Too Old, Genesis Christian School, and the Food & Clothing Ministry have given the church an outstanding reputation in Clifton.

It is with this, Mr. Speaker, I would like to offer this tribute in honor of the 90th Anniversary of the Clifton Christian Church, the "Church By the Side of the Road". Their contributions to the spiritual health and well-being of our community deserve our highest gratitude and praise.

INTRODUCTION OF H.R. 3768 TO ENSURE ZIP CODE ALLOCATION

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2000

Mr. HORN. Mr. Speaker, it's deja vu all over again. In the 105th Congress I stood before this body and introduced a bill designed to ensure fairness in ZIP code allocation. I had hoped not to be here again in the 106th Congress. I had hoped to be in my district, announcing the creation of a unique ZIP code for the City of Signal Hill by the United States Postal Service. Instead, I am back before this body, reintroducing a bill I hope will be the end to this decade-long problem.

I rise today to re-introduce a bill that would ensure fairness in ZIP code allocation. This issue was brought to my attention by the ongoing plight of one city in my district—the City of Signal Hill. Signal Hill is a bustling community of over 9,000 residents located in Southern California, surrounded completely by the City of Long Beach. Unfortunately, this community's growth and economic expansion are hampered by the three-way division of the city among ZIP codes. While the issuance of five little numbers may not seem like a big deal to many of those in Washington, it is of paramount importance to this community back home.

Dividing a community results in mail addressing and delivery problems and higher insurance rates for residents. It is unfair at best and inefficient at worst to punish residents of Signal Hill with unnecessarily high costs simply because the Postal Service mandated this division without any input from this active community. I have worked with the United States Postal Service since I came to office over five and a half years ago to find a solution to this issue that benefits both parties, however I am afraid we have come to an impasse. The Postal Service refuses to allocate a unique ZIP code to this city despite the overwhelming evidence that Signal Hill needs and deserves its own ZIP code. The time has come for a new approach to this ongoing problem.

The bill I am re-introducing would ensure that all cities like Signal Hill can count on efficient mail service and a distinct community identity. It says any city with a population of at least 5,000 residents that is completely surrounded by another city would not have to share its Zip code with any other city. This legislation takes the politics out of Postal Service decision-making and institutes instead, a straightforward, fair system for ZIP code allocation. This bill will put an end to years of delivery problems, community identification problems and insurance rate problems. Simply put, an economically independent community should not be forced to share their identity with anyone else simply due to geography and Postal Service bureaucracy. The City of Signal Hill is a distinct and viable city and deserves to be recognized as such.

Mr. Speaker, the bill follows:

H.R. 3768

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ZIP CODE REQUIREMENT.

(a) REQUIREMENT.—Effective 1 year after the date of enactment of this Act, no ZIP code that is assigned to a city (or portion of a city) that is completely surrounded by any other city may also be assigned to any area outside of the city so surrounded.

(b) DEFINITION.—For purposes of this section, the term "city" means any unit of general local government that is classified as a city, town, or municipality by the Bureau of the Census, and within the boundaries of which 5,000 or more individuals reside.

PROFESSIONAL SOCIAL WORK MONTH

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2000

Mrs. McCARTHY of New York. Mr. Speaker, it is a little known fact that March is Professional Social Work Month. Why is it that at a time when healthcare and child welfare are of utmost importance, we tend to overlook the middlemen? Is it that we forget about their role in today's society, or is it that we never learned about it in the first place?

I tend to think it is the latter reason. Social workers are the people who translate their education and training into commitment to making a difference in all aspects of people's lives. They are everywhere: in the courts, healthcare settings, schools, public and private agencies, congressional offices and industry, just to name a few. Often the public decries social problems that they would like solved; these are the people who work on a daily basis with individuals affected by them.

As a nurse, I am deeply concerned with the social problems plaguing the nation, and I worry about what is to come for future generations. As a legislator, I work to improve current problems by addressing these issues in Congress. In doing so, I recognize the vital importance of social work as a professional field of practice. It is one thing for us to acknowledge something as being a problem, it is another to be the person trying to fix it on a personal, case-by-case basis. I admire those who take on the responsibility of helping others help themselves.

It is easy to see why we overlook the importance of social workers. They work in the background, not in front of the television camera. They are not national figures, but ordinary people who make a living out of helping others. At the end of the day, one cannot measure in grand terms the effect they have had. But if we asked one of their clients, I am sure the difference they make would be obvious. They alter real lives.

I encourage you to take time to acknowledge the importance of social workers in everyday life. In a country that celebrates its diversity, culture, and history, it is appropriate to proclaim March to be Professional Social Work Month, and recognize the difference that these people have made and continue to make.

TRIBUTE TO ELOISE ROGERS

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2000

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Mrs. Eloise M. Rogers, a woman of lasting commitment to service in her community. Just last week, Mrs. Rogers celebrated the happy occasion of her 100th birthday.

Born in 1900 in Charleston, South Carolina, Mrs. Rogers was the wife of the late Reverend Preston B. Rogers. Together, they had one son. Not only was Mrs. Rogers a wife and a mother, she was also a homemaker and a farmer. During this time she was active in her community as she served on the Deaconess Board, the Senior Choir, and as the Secretary for the Williamsburg Association. Mrs. Rogers active participation in her community remains as she now resides in Philadelphia, Pennsylvania. Currently, she is a member of the Joint Stock Liberty Worth Chapter 171 and a missionary.

Aside from being a selfless community servant, Mrs. Rogers is one of the many unsung heroes of the Civil Rights Movement that should be celebrated and remembered. She was among the first African Americans to register to vote in Williamsburg County of South Carolina, which is in the Sixth Congressional District I am pleased to represent in the House.

Mr. Speaker, I ask you and my colleagues to join me today in paying a tribute to an individual who epitomizes the virtue of being a public servant. She has made her mark in the church and in the political world, and continues to take part in her community. I ask you to join me in congratulating Mrs. Eloise Rogers on her 100th birthday, and wish for her many happy returns.

PERSONAL EXPLANATION

HON. RONNIE SHOWS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2000

Mr. SHOWS. Mr. Speaker, I was away from the floor of the House on Tuesday, February 29, 2000, on official business and was unable to cast a recorded vote on rollcall 26.

Had I been present for rollcall 26, I would have voted "yea" on the motion to suspend the rules and pass S. 613, the Indian Tribal Economic Development and Contract Encouragement Act.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE FOR H.R. 2484

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2000

Mr. YOUNG of Alaska. Mr. Speaker, I submit for the benefit of the Members a copy of the cost estimate prepared by the Congressional Budget Office for H.R. 2484, a bill to provide that land which is owned by the Lower Sioux Indian Community in the State of Minnesota but which is not held in trust by the United States for the Community may be leased or transferred by the Community without further approval by the United States. The bill was passed by the House of Representatives on February 29, 2000 by voice vote.

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
Washington, DC, February 29, 2000.

Hon. DON YOUNG,
Chairman, Committee on Resources, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2484, a bill to provide that land which is owned by the Lower Sioux Indian Community in the state of Minnesota but which is not held in trust by the United States for the community may be leased or transferred by the community without further approval by the United States.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Lanette Keith (for federal costs), who can be reached at 226-2860, and Marjorie Miller (for the impact on state, local, and tribal governments), who can be reached at 225-3220.

Sincerely,

BARRY B. ANDERSON,
[For Dan L. Crippen, Director].

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

H.R. 2484—A bill to provide that land which is owned by the Lower Sioux Indian Community in the state of Minnesota but which is not held in trust by the United States for the community may be leased or transferred by the community without further approval by the United States.

CBO estimates that implementing this bill would have no significant impact on the federal budget. Because enactment of H.R. 2484 would not affect direct spending or receipts, pay-as-you-go procedures would not apply. H.R. 2484 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

H.R. 2484 would allow the Lower Sioux Indian Community to lease, sell, or convey any land held by the community that is not held in trust by the United States. Current law requires Congressional approval before tribes may convey land that is not held in trust.

The CBO staff contacts for this estimate are Lanette J. Keith (for federal costs), who can be reached at 226-2860, and Marjorie Miller (for the impact on state, local, and tribal governments), who can be reached at 225-3220. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

NEIGHBORHOOD HOUSING SERVICES. OF CHICAGO CELEBRATES ITS 25TH ANNIVERSARY

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2000

Mr. GUTIERREZ. Mr. Speaker, I rise today to congratulate Neighborhood Housing Services of Chicago (NHS) for its effort and success in rebuilding urban neighborhoods on the occasion of its 25th anniversary.

NHS is a nonprofit neighborhood revitalization organization with programs organized around four major areas of activity: community development, neighborhood lending, real estate development and home ownership education.

NHS promotes community development through 10 neighborhood-based programs offering home ownership, lending and rehabilitation services. Neighborhood Lending Services, the lending arm of NHS and an Illinois Residential Mortgage licensee, administers loan programs that finance home improvement, home safety repairs, purchase and home rehabilitation for low and moderate income families. The NHS Redevelopment Corporation buys and redevelops single and multifamily properties and builds new homes. Redevelopment activity is strategically targeted to support the work of neighborhood-based programs and to promote neighborhood development. NHS's NeighborWorks Home Ownership Center is an innovative approach to providing in one location all the services and training that customers need to shop for, purchase, rehabilitate, insure and maintain a home. NHS's Homebuyer Education and Landlord Training classes are offered at the Center several times per month in English and Spanish.

Since 1975, NHS has rehabilitated more than 20,000 units of affordable housing for Chicago, families, including 334 units of low-income rental housing owned and managed by the NHS Redevelopment Corporation. NHS has initiated more than 12,000 loans totaling nearly $250 million to help individuals purchase or rehabilitate homes. NHS has also generated more than $1 billion of investment in 19 Chicago neighborhoods and reclaimed 990 vacant and abandoned homes for occupancy by new homeowners.

NHS's efforts in community development, neighborhood lending, real estate development and home ownership education have improved Chicago and its neighborhoods for thousands of families.

I am very honored to commend NHS on its invaluable work. I have witnessed the vital difference NHS makes in our communities and I thank them for their work and commitment.

Once again, I congratulate Neighborhood Housing Services of Chicago for its exceptional dedication improving Chicago's communities.

PERSONAL EXPLANATION

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2000

Ms. ROYBAL-ALLARD. Mr. Speaker, due to an unavoidable scheduling conflict in my Congressional District on Tuesday, February 29, I was not present for rollcall vote 26. Had I been present, I would have voted "yea".

TEXAS

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2000

Mr. GREEN of Texas. Mr. Speaker, tomorrow is a special day in Texas because tomorrow, March 2, is the first Texas Independence Day of the new millennium. In 1836, 164 years ago today, the Republic of Texas was born.

Let me set the stage for what happened 163 years ago. On March 1, 1836, 54 delegates representing settlements across Texas gathered for the Convention of 1836 at the small farm village of Washington-on-the-Brazos.

From the beginning, it was an event marked by haste and urgency. Mexican forces under Santa Anna were closing in on the defenders of the Alamo. On March 2, the day after the opening of the convention, the delegates declared the independence of Texas from Mexico. Within days of that announcement, the Alamo would fall, the first in a chain of defeats for the small Texas Army, which would nevertheless emerge victorious at the battle of San Jacinto, 6 weeks later, on April 21.

Mr. Speaker, what were these brave Texans fighting for? Up to the point when they gathered at Washington-on-the-Brazos, it was simply to restore the Mexican Constitution of 1824, which had been suspended by Santa Anna.

On the night of March 1, however, a group of five men stayed up late into the night, drafting the document that would be approved the next day by the full convention. This document, which echoed the lines of its American counterpart, was the Texas Declaration of Independence.

It started off in much the same way, with the words, "When a government has ceased to protect the lives, liberty and property of the people." It spoke of the numerous injustices inflicted upon the settlers of the state of Coahuila y Tejas: the elimination of the state's legislative body, the denial of religious freedom, the elimination of the civil justice system, and the confiscation of firearms being the most intolerable, particularly among Texans.

Finally, it ended with the declaration that, because of the injustice of Santa Anna's tyrannical government, Texans were severing their connection with the Mexican nation and declaring themselves "a free, sovereign, and independent republic . . . fully invested with all the rights and attributes" that belong to independent nations; and a declaration that they "fearlessly and confidently" committed their decision to "the Supreme Arbiter of the destinies of nations."

Over the next two weeks, a constitution was drafted and an interim government was formed, despite daily reports from the front detailing the collapse of the Alamo and subsequent advance of the Mexican Army through Texas. On March 17, 1836, the government was forced to flee Washington-on-the-Brazos on the news of the advance of Santa Anna.

Just over a month later, however, independence would be secured in the form of a victory over that same army by Sam Houston, a delegate at the very convention, and his courageous fighters at the battle of San Jacinto.

Mr. Speaker, let me remind folks from Tennessee that Sam Houston served in this Congress from the State of Tennessee. I have at times told my friends from Tennessee "The best of Tennessee immigrated to Texas in the 1830's."

From that point on, Texas was firmly established in the community of nations; and for 10 years she stood as an independent nation, until President James K. Polk signed the treaty admitting Texas to the United States in 1845.

Mr. Speaker, I hope the Congress and the whole country will join us in a day that in Texas we celebrate, our schoolchildren celebrate, Texas Independence Day.

A TRIBUTE TO DR. H. ROBERT AND LYLA DAVIS

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2000

Mr. GOODLING. Mr. Speaker, I am pleased to have the opportunity to recognize the lifelong achievements of two of my constituents Dr. H. Robert Davis and Lyla Townsend Davis.

Dr. and Mrs. Davis have lived and worked in Pennsylvania's 19th Congressional District for most of their lives. Over those decades they have been dedicated to ensuring a better future for our young people in Cumberland County. From his years as a family physician to his service as School Board President, Dr. Davis promoted the health and well being of families throughout the community. Of course, his wonderful wife, Lyla, was always at his side, providing love and support and just as much hard work. The Davis's have truly been an inspiration to all who know them.

On March 4, the Bubbler Foundation will honor Dr. and Mrs. Davis for their years of community service. I am pleased to be among the many members of their family, church, friends, and community to recognize and congratulate them for their extraordinary efforts.

PROVIDING TARIFF RELIEF FOR MACHINERY AND COMPONENTS USED TO MANUFACTURE DIGITAL VERSATILE DISCS (DVDs)

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2000

Mr. COLLINS. Mr. Speaker, I am pleased to introduce today legislation that would provide tariff relief on machinery and components for use in the manufacture of digital versatile discs (DVDs).

DVD, using cutting-edge optical disc technology, provides consumers the highest quality audio and video reproduction. Used both in DVD players as part of a home theater system and in DVD–ROM-equipped computers, these discs have grown enormously in popularity since their introduction in 1997. I have used this technology myself and certainly understand its rapid growth. In the short time since the introduction of DVD hardware, demand for discs that play on these machines has grown from 8 million annually to an expected 394 million in 2000. In fact, it is expected that DVD technology will replace both videocassette tapes and video laser discs as the preferred medium for presentation of movies in the home.

There are at least 17 domestic producers of DVDs, including such electronics and entertainment companies as Time Warner, Panasonic, Sony, and JVC. Panasonic is also a major employer in the state of Georgia, with over 1000 employees in my district alone. In 1997, Panasonic opened the first disc replication facility in the United States to dedicated exclusively to the production of DVDs. Nine hundred Panasonic employees in the United States now produce over four million video discs per month for such movie companies as Universal, Fox, and Paramount. In total, companies in the United States produce 16.6 million discs a month, all using imported machinery.

DVDs are the "next generation" recorded video media in the marketplace, succeeding video laser discs (VLDs) that were produced in the early 1990s. These machines consist of several components (including a master recording system, injection mold machine, laser encoder, and finishing line) that function together to produce DVDs. Machines that produce DVDs use essentially the same technology as machines used to produce VLDs—a laser encoder creates the desired pits on optical disc media (plastic or glass disc substrates). Recent advancements in technology enable DVDs to hold more recordings on smaller discs than VLDs.

In 1994, Congress passed new, duty free tariff legislation for VLD manufacturing machines. This legislation helped companies like Time Warner (WEA Manufacturing) create and save jobs in the U.S. that were being lost as a result of foreign production of CDs and VLDs. Importantly, this legislation did not adversely affect any U.S. industry because optical disc technology, such as that used in VLDs and DVDs, was first developed overseas and there was no domestic production.

Shortly after passing duty free legislation on VLDs, however, home video entertainment shifted to DVDs. Companies shifted production of VLDs to DVDs using substantially the same systems, and companies like Panasonic began manufacturing DVDs in the U.S. DVD manufacturers import the machines used to make DVDs, purchasing them from the same foreign companies that produced VLD manufacturing machines. Under the established legal principal that legislation should be interpreted to take into account advancements in technology, DVD manufacturing machines should be classified under than same duty free provisions as VLD manufacturing machines. Customs, however, has ruled that DVD manufacturing machines are not classified under the duty free provisions for VLDs, and that the components of DVD manufacturing machines should be classified under 11 separate tariff headings, with an average duty of three percent. This ruling has had the effect of negating the benefits of Congress' 1994 legislation on VLDs.

My legislation would provide tariff relief on imported DVD machinery and components, thus reducing the cost of production for domestic manufacturers. Competition from Taiwan, Japan, and the European Union is very strong. A recent internal study indicated some overseas competitors are trying to sell their DVD discs in the U.S. as low as 75 cents each, compared to a cost of $1.61 for domestic production.

Reduced production costs would help the seventeen U.S. producers of DVD discs be more competitive and ensure the continued employment of American workers in those companies. Indeed, duties on the discs produced using DVD manufacturing machines actually are lower than the duties now imposed on DVD manufacturing machines. The proposed legislation would remove such inequitable and inverted tariffs, thereby promoting U.S. jobs and manufacturing of DVDs in the U.S. New DVD products are being released each year. Recordable DVDs will be available in 2001. As U.S. consumers respond to the superior quality of digital sound and images, this legislation will help companies fulfill the demand for digital products and help increase jobs associated with the popularity of this important information technology media.

This legislation also will protect U.S. intellectual property rights. Movie studios have invested heavily in the protection of movie content for DVDs. Keeping production of DVDs in the U.S., rather than in countries that have weaker intellectual property laws and enforcement, will help prevent the mass piracy of software that occurs overseas.

The enactment of this legislation for DVD machinery and components would not injure any domestic producer, and it would ensure the continued growth of jobs and investment in the United States while protecting against the potential loss of valuable intellectual property. I urge my colleagues to support this legislation.

REMEMBERING THE FIRST SUCCESSFUL HAND TRANSPLANT

HON. ANNE M. NORTHUP

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2000

Ms. NORTHUP. Mr. Speaker, I rise today to recognize an extraordinary event that took place in my district, Louisville, Kentucky, one year ago. The horizons of medical possibilities were expanded when an amazing team of doctors performed America's first successful hand transplant at Louisville, Kentucky's Jewish Hospital. I am pleased to report that one year later, everything is going well for the patient and four other hand transplants have taken place around the world. We are moving into a new frontier where transplant medicine's boundless capabilities to heal are no longer restricted to the life threatened, but can also apply to those with mechanical ailments. This giant leap in the application of surgical research reflects the dauntless will of doctors to bring the total health of the individual on par with the available science of today.

Such an outstanding achievement is just one example of what can happen when people work together to achieve a common goal. The hand transplant was a joint project of Jewish Hospital, the University of Louisville, and Kleinert and Kutz Associates. This remarkable local partnership is the only one in the country capable of doing a hand transplant. This pioneering accomplishment and other research efforts will have a multiplier effect that can create 1,000 medical jobs in the next five years. But this is just in Louisville, for the effects worldwide are infinite.

We are also reminded to maintain profound respect for those who give. None of this would have happened without the hand, which came from Kentucky Organ Donor Affiliates, the organization that coordinates donation and distribution of body parts in Kentucky, Southern Indiana, and Western Virginia. One person's decision to become an organ and tissue donor can benefit as many as 200 lives. One organ donor can enhance or save the lives of one heart patient, one liver recipient, two lung patients, two kidney patients, one diabetic, two people with impaired vision, three or four burn victims, and over 100 recipients of bone grafts. That is why in February, the House passed a resolution supporting the goals and ideas of National Donor Day. Miracles don't just happen—people make them happen.

As the success of this hand transplant demonstrates, a family's contribution of their loved one's organs can not only save a life, but improve the quality of life for others. I salute all those, doctors and donors alike, whose contributions help patients worry less about the little things in life that most people take for granted.

I am forever impressed by the kinds of medical miracles we can achieve when we support research endeavors in this country. I am honored to have such a fine team of doctors in Louisville and hope that the contribution of Jewish Hospital, the University of Louisville, and the doctors of Kleinert and Kutz can continue to be built upon by others. Their enthusiasm and dedication add to the vitality of the Louisville community and create a can-do attitude for all to follow.

ORGAN AND TISSUE DONATION AWARENESS

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2000

Mrs. MORELLA. Mr. Speaker, I am pleased to be here today to introduce legislation to authorize the organ and tissue donation awareness "semi-postal" stamp.

With 67,000 people on the organ donation waiting list, there is no time to lose in educating the public about the importance of organ and tissue donation.

As a result of strong congressional interest, the U.S. Postal Service issued a 32-cent organ donation commemorative stamp in August 1998, but the postal rate increased to 33 cents just five months later. Even though this commemorative stamp is still available at some post offices, purchasers have to buy a 1-cent stamp to make up the difference in postage, which works to discourage people from buying and using the organ donation stamp. Despite these difficulties, there are less than 3 million of these stamps remaining from the 50 million that the post office printed.

This time, we are seeking authorization for a "semi-postal" stamp that would sell for up to 25 percent above the value of a first-class stamp with the surplus revenues going to programs to increase organ donor awareness.

The decision to donate an organ is a lifesaving decision, but one that is unfortunately not communicated among family members and loved ones. We strongly believe that every effort we make to remind people that this is a decision that should not wait until tragedy strikes, is an effort toward saving lives. Whether it is an organ and tissue donation postage stamp or a box that drivers may mark as they are renewing their drivers' licenses—these all serve to raise attention to the important issue of communicating a decision to become an organ donor with family members and friends before tragedy strikes.

Mr. Speaker, I would like to thank my colleagues, Representatives MOAKLEY, THURMAN, and FRANKS, for being original cosponsors of this legislation. I urge you and other Members of this Congress to join with us and cosponsor this very worthwhile measure.

IN SPECIAL TRIBUTE TO THOMAS R. WINTERS ON THE OCCASION OF HIS FIFTIETH BIRTHDAY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2000

Mr. GILLMOR. Mr. Speaker, it is with great pleasure that I rise today to pay special tribute to a truly outstanding individual from the state in Ohio. On Sunday, March 12, 2000, Mr. Thomas R. Winters will celebrate his fiftieth birthday. I certainly want to extend my warmest wishes to him on this event.

Tom Winters has attained a long and illustrious career working in all aspects of government and politics in Ohio. Tom served for more than ten years as a top assistant and Chief of Staff to then Speaker of the Ohio House of Representatives Vern Riffe. In that time, Tom served as Clerk of the House, Executive Secretary of the House, and Majority Counsel. During his service, Tom worked very closely with members of the Ohio General Assembly and has maintained a strong relationship with current and past members of the Ohio House and Senate.

As President of the Ohio Senate, I had the opportunity to work with Tom first-hand and found him to be talented and helpful in my dealings with Speaker Riffe and the entire Ohio House. Although we were on opposite sides of the political fence, Tom worked aggressively for the benefit of all Ohioans, not just a select few. His commitment to sound public policy and positive legislative accomplishments is well documented and deserves our commendation.

Currently, Tom is a partner in the Columbus office of Vorys, Sater, Seymour, and Pease LLP where he represents governments, businesses, and trade associations on legislative matters at the national, state, local, and administrative agency levels. As an attorney, Tom works diligently on behalf of his clients to ensure that their interests are represented with the highest level of character and integrity. While I do not have the opportunity to see Tom as often as I did while I served in the Ohio Senate, I know that his words are true and his intentions honorable.

Mr. Speaker, Tom Winters has spent more than twenty-five years working to improve public policy and build our system. It is often said that America prospers due to the unwavering commitment of her sons and daughters. Without question, Tom Winters has freely given of his time and talents to the betterment of government and politics. For that, we all owe him a debt of gratitude.

Mr. Speaker, I would ask my colleagues to stand and join me in wishing Thomas R. Winters a very Happy Birthday. We look forward to his continued success and we extend our best wishes to him, his wife, Mary, and his entire family.

CONGRESSMAN MICHAEL N. CASTLE STATEMENT IN RECOGNITION OF NATIONAL TRIO DAY

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2000

Mr. CASTLE. Mr. Speaker, I rise to bring to my colleagues' attention National TRIO Day, celebrated on the last Saturday of February.

The federal TRIO programs, which include Talent Search, Upward Bound, Student Support Services, Ronald E. McNair Postbaccalaureate Achievement, Educational Opportunity Centers, Staff Development programs, and GEAR UP, were established to compliment student aid programs and help students overcome class, social and cultural barriers to higher education.

As mandated by Congress, two-thirds of the students served must come from families with low incomes where neither parent graduated from college. Today, 2,000 colleges, universities and community agencies sponsor TRIO programs, and more than 780,000 students between the ages of 11 and 27 benefit from these services.

In my state of Delaware, there are 15 TRIO programs, including those at Delaware State University, the University of Delaware, and Delaware Technical & Community College. TRIO programs at these schools serve nearly 3,000 Delawareans, and studies show that these students will be more likely to remain in college and earn an undergraduate degree than students from similar backgrounds who did not participate in TRIO.

One of the beneficiaries of the Delaware TRIO programs is Jean-Marie Nixon. Ms. Nixon worked in hospitality management until a major industrial accident prevented her from returning to her old job. Ms. Nixon enrolled in classes at Delaware Technical & Community College and, with the help of the TRIO program, she graduated from her program with honors and is now an Instructional Tutor.

Access and retention services are absolutely essential to help ensure equal educational opportunity for students like Ms. Nixon. I would like to encourage my colleagues to visit the TRIO programs in their districts and learn for themselves how valuable these programs are to our nation.

TRIBUTE TO DOLLIE M. SHIBLES

HON. JOHN ELIAS BALDACCI

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2000

Mr. BALDACCI. Mr. Speaker, I rise today to pay tribute to Mrs. Dollie M. Shibles who recently turned 100 years old. Dollie truly is one of Maine's state treasures.

Dollie was born on Know Ridge in Montville, Maine, in 1900 and married her husband, Perry Shibles, in 1924. They raised their son, Foster, together and were nearly inseparable for 67 years of marriage until Perry's death in 1991.

Dollie always has dedicated herself to her family, and she has been an integral part of every community in which she has ever lived. She has been an active member of a number of civic and church groups—some of which she has outlived!—including The Women's Group, The Cecilia Society, Missionary Guild, the Daughters of the American Revolution, and the Penney Memorial Baptist Church.

Today, Dollie continues to live a rich and fulfilling life in Augusta, Maine, at the St. Mark's Home for Women. In addition to her son, she is very proud of her three grandsons and six great-grandchildren. Although Dollie does not point to any one key to her longevity, it probably did not hurt that she never smoked a cigarette or had a drink of alcohol. I expect that the beautiful environment and clean air in Maine have contributed as well.

I am pleased to join many of her friends and family in wishing Dollie Shibles all the best as she enters her second century of life.

TRIBUTE TO BRIGADIER GENERAL WALTER C. CORISH, JR., GA ANG

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2000

Mr. KINGSTON. Mr. Speaker, it gives me great pleasure to rise today and honor the retirement of one of Georgia's finest citizens. Walter C. Corish, Jr., Brigadier General, Georgia Air National Guard, will end his duties as an outstanding guardsman on March 4, 2000. On this day, he deserves our respect and gratitude for his 32 years of honorable and dedicated service to this great nation.

Outside of family, church, and friends, General Corish lives two lives—one protecting our freedom and the other serving as a business and civic leader. As a soldier, General Corish sets the standard for the National Guard. His duties include Commander of the 283rd Combat Communications Squadron, Communications-Computer Staff Officer, Deputy Chief of Staff and Special Assistant to the Commander, and Commander of the Georgia Air National Guard. His professional military education includes Squadron Officer School, Air Command and Staff Course, and the National Security Management Course. His military decorations consist of the Air Force Meritorious Medal, the Air Force Commendation Medal, the Air Force Achievement Medal, Air Force Outstanding Unit Award, Air Force Organizational Excellence Award, Combat Readiness Medal, the Georgia Meritorious Service Medal and the Georgia Commendation Medal.

As a civilian, Walter is President of Corish and Company, a successful independent insurance agency. He served as an Alderman for the City of Savannah, President of the National Guard Association of Georgia, member of the Savannah Viet Nam Veterans Memorial Committee, plus many other church, civic and fraternal organizations.

Mr. Speaker, General Corish is a shining example of what is best about the National Guard. He epitomizes the great admiration many of my colleagues here in Congress have for the men women who serve our nation while maintaining their occupational and family responsibilities.

Over the years, I have had the opportunity to get to know Walter on a personal basis. As a citizen soldier, he embodies virtues of duty, honor, and love of country. Furthermore, he is a man of courage, dignity, enthusiasm, and impeccable morality. His devotion to church, family, the Guard, business, and his community goes beyond the highest level. I am personally grateful for what Walter and his family have sacrificed over the years, a sacrifice so many of us take for granted.

I am happy and proud to join Walter's wife, Patty, his two children, Trey and Kathy, other family, friends, and the National Guard on this special occasion. On behalf of millions of grateful Americans everywhere, and especially on behalf of the people of the First District of Georgia, I would like to express my sincere gratitude to Walter for the many years of service rendered to a grateful nation.

A TRIBUTE TO EVELYN "TESSIE" WILLIAMS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2000

Mr. TOWNS. Mr. Speaker, I rise today to honor the achievements of a dedicated city employee, Evelyn "Tessie" Williams.

"Tessie", as she is affectionately known to all her friends and co-workers, was born in Salisbury, North Carolina. Her family moved to the Fort Greene neighborhood in Brooklyn when she was 7 years old. Tessie is the mother of five children and grandmother of 13. She developed an interest in better quality education for children in the New York City school system and served as the P.T.A. President at P.S. 46 in Community School District 13 for four years.

Her volunteer service led to employment as one of the first para-professionals in the City, enabling her to resume her education at New York City Community College and Richmond

College (presently The College of Staten Island), as a student of early childhood education. Tessie then enrolled at John Jay College of Criminal Justice to study Government and Public Administration.

In 1979, Tessie became District Manager of Community Board #2. She brought her skills and talents acquired during her five years in the private sector as a program coordinator of the NY/NJ Minority Purchasing Council. Her varied abilities and new position reaffirmed an earlier awareness that true change in government begins when one becomes involved and gains knowledge of how the system works. As District Manager, she shares that knowledge and is truly committed to making a difference in the community she grew up in and now represents.

Tessie was the co-founder of the Better Education Committee, Community of Business Labor, Educational Services (CABLE), and the Brooklyn Women's Political Caucus. She is also on several boards, is an affiliate with many organizations and the recipient of numerous honors. Please join me in recognizing the contributions of one of Brooklyn's most respected city employees, Evelyn "Tessie" Williams.

NEW JERSEY SUPPORTS THE UNITED NEGRO COLLEGE FUND

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2000

Mr. HOLT. Mr. Speaker, I rise today to pay tribute to the United Negro College Fund, and to call attention to its annual campaign celebration that will occur on March 2, 2000, in Trenton, NJ.

For nearly six decades, the United Negro College Fund has had a long and rich history of helping students in New Jersey and nationwide obtain a higher education.

In 1943, Dr. Frederick D. Patterson, president of Tuskegee Institute, wrote an open letter which appeared in the Pittsburgh Courier newspaper, which called on the presidents of the nation's private black colleges to join with him to "pool their small monies and make a united appeal to the national conscience," His words became the guiding principle for what was to become one of the world's leading education assistance organizations. One year later, on April 25 1994, the United Negro College Fund was incorporated with 27 member colleges and a combined enrollment of just 14,000 students.

Fifty-six years later, UNCF has grown to become one of our nation's oldest and most-respected educational organizations. Today, the UNCF is a strong consortium of 39 private, accredited, four-year historically black colleges and universities.

In recent years, UNCF has broadened its focus by offering programs designed to enhance educational quality, provide financial assistance to deserving students, raise funds for member colleges and universities, and supply technical assistance to member institutions.

More than 300,000 men and women have obtained an education with the support they received from the United Negro College Fund. In communities from central new Jersey to central California and every place in between, UNCF graduates are working to build a stronger nation as community leaders in every walk of life.

On Thursday, March 2, 2000, the United Negro College Fund will kick off its yearly events with a ceremony held in Trenton, New Jersey. Through its hard work and the commitment of community leaders, including Trenton Mayor Douglas H. Palmer, and citizens, the UNCF was able to offer scholarships to several students last year, and campaign organizers hope to double their efforts in the year ahead.

Mr. Speaker, education is the admission ticket to opportunity on today's economy. The efforts and commitment of organizations like the United Negro College Fund, which have made a positive difference in the lives of so many young Americans, are to be commended and recognized.

I hope that my colleagues will join me in paying tribute to the efforts of the United Negro College Fund in central New Jersey and nationwide.

PRESENTING CONGRESSIONAL GOLD MEDAL TO JOHN CARDINAL O'CONNOR

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 15, 2000

Mrs. MALONEY of New York. Mr. Speaker, I rise in strong support of this legislation, and I applaud my colleague from New York City [Mr. FOSSELLA] for his work in bringing it to the floor today. I am proud to be a cosponsor of this bill honoring a great man and a great New Yorker.

I rise too, to celebrate John Cardinal O'Connor's eighty years and his more than fifteen years of service as the Archbishop of New York. Cardinal O'Connor was not only a spiritual leader, but a secular leader as well. He spoke softly—and sometimes not so softly—about our most pressing problems: homelessness, the AIDS crisis, and condition of the poor, and he worked with others on concrete plans and strategies to address them. Former Governor Mario Cuomo recently cited Cardinal O'Connor's efforts as paving the way for the City's aggressive response to AIDS.

Cardinal O'Connor was a great leader and a friend of all leaders in our city. More than one mayor told me they often consulted with him on how to handle their work and to respond to the challenges of leading the City. He received almost every award his Church and City, could bestow on him, although he once told me once that the only award that impressed his mother was the time he was named Grand Marshall of the St. Patrick's Day parade.

Cardinal O'Connor was a permanent fixture at many of our City's major events. I remember him at every parade, coming out to greet the people. In addition, he was an outstanding pastor, taking care of individual needs, and putting the most personal of touches into his sermons.

Cardinal O'Connor will be retiring later this year, and will be solely missed by all residents of the City. Whoever is selected as his successor will face a great challenge—to bring together a diverse population, and to serve—as Cardinal O'Connor did—as a beacon and an inspiration to the less fortunate and to all residents of the City.

In light of his years of public service and his devotion to people of all walks of life, it is only fitting that we give him this honor today. I applaud Cardinal O'Connor for his leadership, and for his service to the people of New York and to Catholics around the world. I thank my colleague from New York for introducing this legislation, and I urge all my colleagues to support this bill to pay a fitting tribute to a genuine humanitarian and a great leader.

HONORING THE 1999 FAIRFAX CENTRAL CHAMBER OF COMMERCE PUBLIC SAFETY AWARD WINNERS

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2000

Mr. DAVIS of Virginia. Mr. Speaker, it gives me great pleasure today to rise and bring to the attention of my colleagues some very special public safety personnel in Fairfax City, in the Eleventh Congressional District of Virginia. Every year the Fairfax Central Chamber of Commerce honors police officers and fire fighters who have shown the highest level of dedication to their noble duties. These individuals who are role models to others in their profession were honored on February 24, 2000 at the 1999 Public Safety Awards Luncheon.

The 1999 awards recipients are:

Career Fire Fighter of the Year: Technician James B. Jeckell: Technician Jeckell is recognized with this prestigious award for his diligent efforts, exceptional work, and commitment to the Fire Department. Technician Jeckell's attention to detail and quality is exceptional, and as the protective clothing representative, he consistently obtains the best available protective gear presently made to meet the needs of our station personnel. He also handles equipment procurement and necessary repairs needed on the Department's small equipment. Technician Jeckell serves on the Department's training committee, and is consistently methodical, goal oriented, and focused on performing his duties with the highest standards of excellence during emergency incidents.

Volunteer Fire Fighter of the Year: Hana F. Brilliant: Fire Fighter Brilliant is recognized for her tremendous commitment to the fire department in volunteering an extensive number of overtime/recall hours. She has covered shift vacancies with little or no notice, and consistently and promptly responds to requests for staffing assistance. During calendar year 1999, she volunteered 582 minimum staffing hours. In addition to her service in operational staffing roles, she is dedicated to training, and attends in-station training on a regular basis. During the pilot Fire Fighter I & II certification class, Fire Fighter Brilliant not only served as an instructor, but was also responsible for arranging volunteer coverage for career on-duty instructors. She continues in this role with our current certification class. Additionally, Fire Fighter Brilliant serves as a contributing member of the Department's Quality Council and the Training Committee.

Valor Award: Bruce Suslowitz: Fire Medic Suslowitz is being honored today with an Honorable Mention of Valor for his life-saving actions at the three-alarm fire at 3939 Persimmon Drive on January 7, 2000. As a member of the first-arriving unit on the scene, and after giving the appropriate situation report, Fire Medic Suslowitz approached the building to ensure all tenants were exiting safely. Upon opening the stairway door, Fire Medic Suslowitz heard someone yelling for assistance. Without regard for his own safety, Fire Medic Suslowitz rapidly ascended three floors to find an 80-year-old wheelchair-bound man being assisted by his 17-year-old neighbor. Ultimately, without the assistance of anyone, Fire Medic Suslowitz valiantly rescued the gentleman from the smoke-filled building, who was then treated and taken to the hospital for smoke inhalation.

Police Officer of the Year: Detective Michael D. Boone: Detective Michael Boone is being honored today for his consistently high level of dedication in the performance of his law enforcement duties. An example of his dedication to upholding the law was demonstrated on a peeping-Tom case involving a sexual offender with prior convictions of burglary, rape, and abduction. Over the course of several months, Detective Boone's initiative and excellent investigative techniques triggered a probation violation hearing. As a result, the judge imposed the entirety of a 10-year sentence in the State Penitentiary on the probation violation. Detective Boone's actions successfully removed a violent sex offender from the community.

Life Saving Award: Officer Craig M. Buckley and Officer Martin Nachtman: On July 7, 1999, Officer Nachtman responded to a call in the Fairfax Circle area for an individual panhandling and bothering customers of a business. When he arrived on scene, the individual was not at the building. Upon checking the area for the individual, he was found behind the building. The man, using the belt, had hanged himself from a handrail on the steps to the rear of the building. Officer Buckley then arrived on the scene. The officers immediately lifted the man and removed the belt from around his neck. The individual was nonresponsive and not breathing. At this point the officers began to administer CPR to the subject. Their efforts were successful in restoring the man's breathing. City of Fairfax Fire and Rescue units arrived and continued to care for this individual and transported him to the hospital. He was originally listed in critical condition, but has since improved and is expected to make a full recovery.

Several factors stand out in the performance of these officers: the quick response to a seemingly minor call; the diligence in checking for the subject when he was not present at the location; and finally, the teamwork and lifesaving action that each of them took. These fine police officers should be commended for the exemplary role they played in saving a man's life.

Due to the dedicated efforts of public service providers, like Technician Jim Jeckell, Fire Fighter Hana Brilliant, Fire Medic Bruce Suslowitz, Detective Michael Boone, Officer Martin Nachtman, and Officer Craig Buckley, who place the safety and well-being of others above their own, the city of Fairfax is a better place to live. They have rightfully earned the highest appreciation and respect from myself, the members of the Fairfax Central Chamber of Commerce, and from all the people of our community whose lives they have touched. I know my colleagues will join me in thanking these heroes for a job well done.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE FOR H.R. 1749

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2000

Mr. YOUNG of Alaska. Mr. Speaker, I submit for the benefit of the Members a copy of the cost estimate prepared by the Congressional Budget Office for H.R. 1749, a bill to designate Wilson Creek in Avery and Caldwell Counties, North Carolina, as a component of the National Wild and Scenic Rivers System.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, February 29, 2000.

HON. DON YOUNG,
Chairman, Committee on Resources,
U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1749, a bill to designate Wilson Creek in Avery and Caldwell counties, North Carolina, as a component of the National Wild and Scenic Rivers System.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

DAN L. CRIPPEN,
Director.

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE—H.R. 1749

H.R. 1749 would designate a 23-mile segment of Wilson Creek in North Carolina as a component of the Wild and Scenic River System, to be administered by the U.S. Forest Service. Based on information provided by the Forest Service, administering the Wilson Creek segment would have no significant impact on federal spending. The river segment would remain undeveloped.

Because H.R. 1749 would not affect direct spending or receipts, pay-as-you-go procedures would not apply. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact is Deborah Reis, who can be reached at 226-2860. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

A CALL FOR THE RELEASE OF CUBAN POLITICAL PRISONER, DR. OSCAR ELIAS BISCET

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2000

Mr. DIAZ-BALART. Mr. Speaker, a great Cuban patriot, the physician Oscar Elias Biscet, has been sentenced to 3 years in prison by the Cuban dictatorship for peacefully demanding free elections and human rights for the Cuban people.

Dr. Biscet forms part of a new generation of leadership that has risen in the Cuban pro-democracy movement and that will play a key role in the free and democratic Cuba that is near.

Dr. Biscet's imprisonment must be condemned and his immediate and unconditional release demanded by all freedom-loving people.

A number of us here in Congress have written the United Nations Commissioner for Human Rights, urging that she add her voice to the call for Dr. Biscet's immediate release. We will not cease our efforts until he and all of the other Cuban political prisoners are free.

I hereby submit for the record, Mr. Speaker, the letter sent by 13 Members of this House to U.N. High Commissioner Robinson, as well as a translation of a letter by Dr. Biscet that was written on a handkerchief and secretly taken out of Dr. Biscet's prison cell approximately 6 weeks ago. The letter was delivered to Cuban independent journalist Angel Pablo Polanco, who revealed its contents via telephone.

CONGRESS OF THE UNITED STATES,
Washington, DC, February 25, 2000.

MS. MARY ROBINSON,
Office of High Commissioner For Human Rights,
United Nations Headquarters, New York, NY.

DEAR MS. ROBINSON: This is to request your urgent assistance on behalf of the Cuban human rights activist Dr. Oscar Elias Biscet, who is scheduled to stand trial on February 25th, 2000 at the Municipal Tribunal "10 de Octubre" in Havana, Cuba. The Cuban dictatorship apparently plans years of incarceration for Dr. Biscet for so called crimes of "dishonoring national symbols", "public disorder" and "inciting delinquent behavior".

On October 28, 1999 Dr. Biscet held a press conference, prior to the Ibero-American Summit held in Havana in early November. During the press conference, Dr. Biscet along with other members of the peaceful opposition movement announced a march calling for the release of all political prisoners and respect of human rights for the Cuban people. During the press conference two Cuban flags were displayed in an inverted position as a sign of protest for the countless human rights violations that occur on the island. Subsequently, on November 3, 1999, Dr. Biscet was detained and taken to "Cien y Aldabo", where he was placed in a damp cell without sunlight with three common criminals.

Dr. Biscet represents the noblest of aspirations of democracy in Cuba. His efforts as the founder of the Lawton Foundation for Human Rights, a humanitarian organization which promotes the respect for human rights through nonviolent means, have gained him the respect and admiration of notable human rights activists throughout the world and inspired countless Cubans to continue in their struggle for democratic change.

The Cuban regime, intimidated by the effectiveness of Dr. Biscet's message, has detained him 26 times over that last 18 months, terminated his employment and evicted him and his family from their home. He has been subjected to psychiatric examinations and has been constantly pressured to abandon Cuba.

We respectfully urge you to immediately denounce Dr. Biscet's unjust incarceration and trial and call for his immediate and unconditional release from prison. A statement of this nature would greatly serve to protect Dr. Biscet and his family from further harm by the Cuban government.

Thank you for your consideration.

Lincoln Diaz-Balart, Robert Wexler, Robert Menendez, Christopher H. Smith, James A. Traficant, Jr., Dana Rohrabacher, Porter J. Goss, Peter Deutsch, Tillie K. Fowler, Bill McCollum, Luis V. Gutierrez, Ileana Ros-Lehtinen, Ben Gilman.

HAVANA, JANUARY 20, 2000.

Supreme Court of Justice of the United States of America

EXCELLENCIES: I send you kind greetings. From a "tapiada" cell I write in darkness where it is forbidden to read and write. Under these conditions I pray God may grant you wisdom to make the proper decision in the case of the Cuban child Elián in order to dignify human life and liberty.

Esteemed judges: a nation must never deprive any person of freedom unless the individual becomes a danger to society, always respecting human rights. Nor may parents deprive their children of their right to life and freedom. Limits must prevail for both, nation and parents, to prevent violations of inalienable human rights.

I ask, what is life without freedom? Nothing, as without freedom life is deprived of the love of God.

"Justice exalts a nation, sin becomes its shame." Proverbs.

Magistrates, glorify humanity.

Thank you.

DR. OSCAR ELÍAS BISCET,
Lawton Foundation for Human Rights.

Note: This letter, written on a handkerchief, was clandestinely taken out of the prison at the Department of Technical investigation in Havana where Dr. Biscet is incarcerated. The letter was delivered to the independent journalist in Cuba, Angel Pablo Polanco who revealed its contents abroad via telephone.

HONORING DR. PERLITA NARVAEZ

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize a woman who has worked hard to educate women in Bent County about preventing cancer. Dr. Perlita Narvaez works with women in her county to encourage regular checkups and comforts patients with her gentle bedside manner.

Perlita was honored by the local chapter of the Colorado Women's Cancer Control Initiative for her services to help encourage preventative measures in women's health. Perlita has been performing cancer screenings for area women for nearly two years by working directly with the Cancer Control Initiative. The Initiative encourages low-income women to call for an appointment and even offers for a volunteer to go with the woman if she wishes. This Initiative and Perlita have worked diligently to help reduce the number of women who suffer from breast and cervical cancer.

Perlita has been practicing medicine for 12 years. She has made working with women and children her specialty. Her efforts have been applauded by both patients and the Cancer Control Initiative.

It is with this, Mr. Speaker, that I would like to offer this tribute of thanks to Dr. Perlita Narvaez. Colorado is grateful for her service.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 2, 2000 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 3

9:30 a.m.
Armed Services
Readiness and Management Support Subcommittee
To hold hearings to examine the management of Air Force depot maintenance.
SR–222

Joint Economic Committee
To hold hearings to examine the current United States employment situation.
1334, Longworth Building

MARCH 6

1 p.m.
Aging
To hold hearings to examine colon cancer, focusing on greater use of sceening as prevention.
SH–216

3 p.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense.
SD–192

MARCH 7

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the legislative recommendations of the Retired Enlisted Association, Gold Star Wives of America, Military Order of the Purple Heart, Air Force Sergeants Association, and the Fleet Reserve Association.
345, Cannon Building

Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Secretary of the Senate, and the Sergeant at Arms.
SD–124

Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 1755, to amend the Communications Act of 1934 to regulate interstate commerce in the use of mobile telephones.
SR–253

Armed Services
To hold hearings on proposed legislation authorizing funds for fiscal year 2001 for the Department of Defense and the Future Years Defense Program, focusing on military strategy and operational requirements; to be followed by a closed hearing (SR–232A).
SR–222

Judiciary
Administrative Oversight and the Courts Subcommittee
To hold hearings on the Counterintelligence Reform Act.
SD–216

10 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Federal Bureau of Investigation, Drug Enforcement Administration, and Immigration and Naturalization Service, all of the Department of Justice.
SD–192

Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Food and Drug Administration.
SD–138

Environment and Public Works
Transportation and Infrastructure Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 2001 for the Department of Transportation, focusing on the Federal Highway Administration.
SD–406

2 p.m.
Judiciary
Technology, Terrorism, and Government Information Subcommittee
To hold hearings on Internet identity preservation.
SD–226

2:30 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on the President's proposed budget request for fiscal year 2001 for the Bureau of Reclamation of the Department of the Interior, and the Bonneville Power Administration, the Southeastern Power Administration.

the Southwestern Power Administration, and the Western Area Power Administration, all of the Department of Energy.

SD–366

MARCH 8

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the National Science Foundation, and the Office of Science and Technology Policy.

SD–138

Judiciary

Administrative Oversight and the Courts Subcommittee

To hold hearings on S. 2089, to amend the Foreign Intelligence Surveillance Act of 1978 to modify procedures relating to orders for surveillance and searches for foreign intelligence purposes.

SH–216

Rules and Administration

To hold hearings on the nomination of Danny Lee McDonald, of Oklahoma, to be a Member of the Federal Election Commission; and Bradley A. Smith, of Ohio, to be a Member of the Federal Election Commission; hearing to be followed by a business meeting.

SR–301

Indian Affairs

Business meeting to consider pending committee business, and will be followed by an open hearing on the reauthorization of the Health Care Improvement Act.

SR–485

10 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense, focusing on medical programs.

SD–192

Foreign Relations

International Operations Subcommittee

To hold hearings on the President's proposed budget request for fiscal year 2001 for foreign aid.

SD–419

Banking, Housing, and Urban Affairs

Business meeting to consider S. 2097, to authorize loan guarantees in order to facilitate access to local television broadcast signals in unserved and underserved areas; S. 1452, to modernize the requirements under the National Manufactured Housing Construction and Safety Standards of 1974 and to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes; the nomination of Kathryn Shaw, of Pennsylvania, to be a Member of the Council of Economic Advisers; and the nomination of Jay Johnson, of Wisconsin, to be Director of the Mint.

SD–628

2:30 p.m.

Foreign Relations

Business meeting to consider pending calendar business.

SD–419

Energy and Natural Resources

National Parks, Historic Preservation, and Recreation Subcommittee

To hold hearings on S. 972, to amend the Wild and Scenic Rivers Act to improve the administration of the Lamprey River in the State of New Hampshire; S. 1705, to direct the Secretary of the Interior to enter into land exchanges to acquire from the private owner and to convey to the State of Idaho approximately 1,240 acres of land near the City of Rocks National Reserve, Idaho; S. 1727, to authorize for the expansion annex of the historic Palace of the Governors, a public history museum located, and relating to the history of Hispanic and Native American culture, in the Southwest and for other purposes; S. 1849, to designate segments and tributaries of White Clay Creek, Delaware and Pennsylvania, as a component of the National Wild and Scenic Rivers System; and S. 1910, to amend the Act establishing Women's Rights National Historical Park to permit the Secretary of the Interior to acquire title in fee simple to the Hunt House located in Waterloo, New York.

SD–366

MARCH 9

9:30 a.m.

Armed Services

To hold hearings on proposed legislation authorizing funds for fiscal year 2001 for the Department of Defense and the Future Years Defense Program, focusing on the Atomic Energy Defense Activities of the Department of Energy.

SR–222

10 a.m.

Judiciary

Business meeting to consider pending calendar business.

SD–226

Appropriations

Transportation Subcommittee

To hold hearings on the Department of Transportation Program oversight.

SD–124

Joint Economic Committee

To hold hearings to examine the impact of supply-side economics on the United States economy over the past twenty years.

SD–562

Commission on Security and Cooperation in Europe

To hold hearings to examine certain issues in Belarus.

334, Cannon Building

Governmental Affairs

Oversight of Government Management, Restructuring and the District of Columbia Subcommittee

To hold hearings to examine managing human capital in the 21st century.

SD–342

MARCH 10

9 a.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold hearings on S. 1892, to authorize the acquisition of the Valles Caldera, to provide for an effective land and wildlife management program for this resource within the Department of Agriculture.

SD–366

9:30 a.m.

Armed Services

Readiness and Management Support Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 2001 for the Department of Defense and the Future Years Defense Program, focusing on the Service's infrastrutre accounts and Real Property Maintenance Programs and the National Defense Construction Request.

SR–222

MARCH 15

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs on the Legislative recommendation of the Veterans of Foreign Wars.

345, Cannon Building

MARCH 21

9:30 a.m.

Health, Education, Labor, and Pensions

To hold hearings on regulating Internet pharmacies.

SD–430

10 a.m.

Appropriations

Commerce, Justice, State, and the Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Federal Communications Commission and the Securities and Exchange Commission.

S–146, Capitol

10:30 a.m.

Indian Affairs

To hold hearings on S. 2102, to provide to the Timbisha Shoshone Tribe a permanent land base within its aboriginal homeland.

SR–485

MARCH 22

9:30 a.m.

Appropriations

Interior Subcommittee

To hold hearings on the President's proposed budget request for fiscal year 2001 for the Forest Service, Department of Agriculture.

SD–124

Indian Affairs

To hold hearings on the nomination of Thomas N. Slonaker, of Arizona, to be Special Trustee, Office of Special Trustee for American Indians, Department of the Interior.

SR–485

Commerce, Science, and Transportation

To hold hearings on the nomination of Susan Ness, of Maryland, to be a Member of the Federal Communications Commission.

SR–253

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs on the Legislative recommendation of the Vietnam Veterans of America, the Retired Officers Association, American Ex-Prisoners of War, AMVETS, and the National Association of State Directors of Veterans' Affairs.

345, Cannon Building

2:30 p.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings to examine recent program and management issues at NASA.

SR–253

MARCH 23

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Environmental Protection Agency.
SD–138

Health, Education, Labor, and Pensions
Public Health Subcommittee
To hold hearings on safety net providers.
SD–430

10 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the National Oceanic and Atmospheric Administration of the Department of Commerce, and the Securities and Exchange Commission.
S–146, Capitol

Banking, Housing, and Urban Affairs
To hold oversight hearings on the Monetary Policy Report to Congress pursuant to the Full Employment and Balanced Growth Act of 1978.
SH–216

MARCH 28

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings to examine the current state of deployment of hi-speed Internet technologies, focusing on rural areas.
SR–253

Health, Education, Labor, and Pensions
Children and Families Subcommittee
To hold hearings on child safety on the Internet.
SD–430

MARCH 29

9:30 a.m.
Indian Affairs
Business meeting to consider pending calendar business; to be followed by hearings on S. 1967, to make technical corrections to the status of certain land held in trust for the Mississippi Band of Choctaw Indians, to take certain land into trust for that Band.
SR–485

Appropriations
Interior Subcommittee
To hold hearings on the President's proposed budget request for fiscal year 2001 for the Department of the Interior.
SD–124

Health, Education, Labor, and Pensions
Business meeting to consider pending calendar business.
SD–430

10 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense, focusing on Air Force programs.
SD–192

MARCH 30

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Housing and Urban Development.
SD–138

10 a.m.
Health, Education, Labor, and Pensions
To hold hearings on medical records privacy.
SD–430

APRIL 4

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on the President's proposed budget request for fiscal year 2001 for the Bureau of Indian Affairs and Office of the Special Trustee, Department of the Interior.
SD–138

APRIL 5

9:30 a.m.
Indian Affairs
To hold hearings on S. 612, to provide for periodic Indian needs assessments, to require Federal Indian program evaluations.
SR–485

10 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense, focusing on Army programs.
SD–192

APRIL 6

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Veterans Affairs.
SD–138

APRIL 11

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on the President's proposed budget request for fiscal year 2001 for the Department of Energy.
SD–138

APRIL 12

9:30 a.m.
Indian Affairs
To hold hearings on S. 611, to provide for administrative procedures to extend Federal recognition to certain Indian groups, and will be followed by a business meeting to consider pending committee business.
SR–485

10 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense, focusing on missile defense programs.
SD–192

APRIL 13

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the National Aeronautics and Space Administration.
SD–138

APRIL 26

10 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense.
SD–192

SEPTEMBER 26

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the Legislative recommendation of the American Legion.
345, Cannon Building

POSTPONEMENTS

MARCH 15

9:30 a.m.
Indian Affairs
Business meeting to consider pending calendar business; to be followed by hearings on the proposed Indian Health Care Improvement Act.
SR–485

APRIL 19

9:30 a.m.
Indian Affairs
Business meeting to consider pending calendar business; to be followed by hearings on S. 611, to provide for administrative procedures to extend Federal recognition to certain Indian groups.
SR–485

HOUSE OF REPRESENTATIVES—*Thursday, March 2, 2000*

The House met at 10 a.m.

The Chaplain, the Reverend James David Ford, D.D., offered the following prayer:

Let us pray using the words of Psalm 84:

How lovely is your dwelling place, O Lord of hosts! My soul longs, indeed it faints for the courts of the Lord; my heart and my flesh sing for joy to the living God.

Even the sparrow finds a home, and the swallow a nest for herself, where she may lay her young, at your altars, O Lord of hosts, my King and my God. Happy are those who live in your house, ever singing your praise. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Nevada (Mr. GIBBONS) come forward and lead the House in the Pledge of Allegiance.

Mr. GIBBONS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 3557. An act to authorize the President to award a gold medal on behalf of the Congress to John Cardinal O'Connor, Archbishop of New York, in recognition of his accomplishments as a priest, a chaplain, and a humanitarian.

The message also announced that the Senate has passed a bill of the following title in which concurrence of the House is requested:

S. 935. An act to authorize research to promote the conversion of biomass into biobased industrial products, and for other purposes.

THE IRS IS A MESS

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, some recent disturbing news. Earlier this week, the General Accounting Office reported that the IRS, the Internal Revenue Service, America's tax collecting agency, does not know how much money it is collecting or, worse yet, where the money is going.

The GAO audit showed that the IRS frequently gives improper refunds and fails to promptly correct its own errors, costing the American taxpayers several billions of dollars every year.

Mr. Speaker, if the IRS cannot keep track of its property, income, or budget, how can the American taxpayer feel confident that they are not getting ripped off?

Even more disturbing, Mr. Speaker, is that the IRS is vulnerable to serious computer security problems, placing the financial and secure information of every American taxpayer in jeopardy.

Mr. Speaker, it is time that the IRS clean up its act. The American taxpayer is required to be diligent in paying its taxes. The IRS must be diligent in its duty to the American people, or we should get rid of it.

I yield back the unbelievable sloppy practices of our Nation's tax collector.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

AMERICANS DESERVE A BETTER PRESIDENTIAL PRIMARY CONTEST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. SCARBOROUGH) is recognized for 5 minutes.

Mr. SCARBOROUGH. Mr. Speaker, we are engaged right now in a Presidential primary contest on both the Republican and the Democratic side, and charges have been thrown back and forth, but I think America deserves better than this.

I know in Robert Kennedy's campaign in 1968, we got better than this; and in Ronald Reagan's campaign in 1980 we also got better than this. They seemed to have appealed to the better angels in all of us.

Unfortunately, today in Washington a man by the name of Al Sharpton is meeting with the Clinton administration and several Democratic Members of Congress. These Democratic Members of Congress continue to be in a close alliance with Mr. Sharpton, and there continues to be a close alliance between Mr. Sharpton and the Democratic Party, especially in New York City.

Unfortunately, Mr. Sharpton is a man and a political figure who has been described by most media outlets as a racist and a bigot. Sadly, Mr. Sharpton's record has been deplorable, as have those Democrats who continue to embrace him and his views.

The Wall Street Journal wrote on February 29 of this year, "Mr. GORE and Mr. Bradley are willfully blind to Mr. Sharpton's form of racism." In fact, last night on CNN, Jeff Greenfield asked both Democratic candidates whether they were willing to distance themselves from Mr. Sharpton. Both of them continued to legitimize his presence in the New York primary; and Mr. GORE actually justified visiting him, after telling reporters he was only going to New York to visit his sister.

The Calgary Herald wrote in 1999, "Mr. Sharpton has been linked to the Nation of Islam, the radical, anti-Semitic black organization that is led by Louis Farrakhan." And in 1995, at what is called the Freddy's Fashion Mart Boycott, the Wall Street Journal quoted Mr. Sharpton and said, "Sharpton turned a landlord-tenant dispute between the Jewish owner of Freddy's clothing store and a black subtenant into, 'a theater of hatred' in Harlem, marching outside the store screaming about 'bloodsucking Jews' and 'Jew bastards.'" That was the Wall Street Journal, 2/29.

The Weekly Standard wrote on 2/28 of this year, "Sharpton juiced up the crowds about 'white interlopers' and 'diamond merchants.'"

The Wall Street Journal on February 29 of this year said, "One protester, Roland Smith, ran into the store, shot and wounded three whites and a Pakistani. Then he set a fire killing five Hispanics and one African American security guard, taunted by the protesters as a 'cracker lover.' Smith then fatally shot himself."

Unfortunately, most Americans, including those Democrats that now race to embrace Mr. Sharpton and his brand of politics, remember in 1988 the Tawana Brawley Hoax. The Washington Post wrote in 1998, "Sharpton and others falsely accused a former assistant DA of attacking and raping 15-year-old Brawley."

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The Wall Street Journal on February 29 of this year wrote, "Sharpton insisted that Brawley, a 15-year-old black girl, had been raped by a band of white men practicing Irish Republican Army rituals."

And as The Washington Post reported in July of 1998, "Sharpton and lawyers Alton Maddox and Vernon Mason were found guilty of defamation, with Sharpton guilty on 7 of 22 counts."

Unfortunately, Mr. Speaker, this brand of racism that attacks not only whites, but especially Jews, is the lowest form of anti-Semitism, and it is a form of anti-Semitism that has been practiced over the past 15, 20 years by Mr. Sharpton.

How respectable Presidential candidates in the Democratic Party can openly embrace such a man and, in fact today, how many Members of the Democratic side of this House, who are asking the American people to take control of this institution, which is the people's House, after all, how they can continue to embrace a man who has made violently anti-Semitic statements, who has bent over backwards over the past 15 years to stir up racial hatred, not only in New York State but across this country, how can they embrace such a man? How Mr. GORE can go to New York City and embrace such a man and then defend that action last night is beyond me, and it is beneath contempt for this House.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 10 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1050

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEASE) at 10 o'clock and 50 minutes a.m.

CONFERENCE REPORT ON S. 376, OPEN-MARKET REORGANIZATION FOR THE BETTERMENT OF INTERNATIONAL TELECOMMUNICATIONS ACT

Mr. BLILEY submitted the following conference report and statement on the Senate bill (S. 376) to amend the Communications Satellite Act of 1962 to promote competition and privatization in satellite communications, and for other purposes:

CONFERENCE REPORT (H. REPT. 106-509)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 376), to amend the Communications Satellite Act of 1962 to promote competition and privatization in satellite communications, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Open-market Reorganization for the Betterment of International Telecommunications Act" or the "ORBIT Act".

SEC. 2. PURPOSE.

It is the purpose of this Act to promote a fully competitive global market for satellite communication services for the benefit of consumers and providers of satellite services and equipment by fully privatizing the intergovernmental satellite organizations, INTELSAT and Inmarsat.

SEC. 3. REVISION OF COMMUNICATIONS SATELLITE ACT OF 1962.

The Communications Satellite Act of 1962 (47 U.S.C. 701) is amended by adding at the end the following new title:

"TITLE VI—COMMUNICATIONS COMPETITION AND PRIVATIZATION

"Subtitle A—Actions To Ensure Pro-Competitive Privatization

"SEC. 601. FEDERAL COMMUNICATIONS COMMISSION LICENSING.

"(a) LICENSING FOR SEPARATED ENTITIES.—

"(1) COMPETITION TEST.—The Commission may not issue a license or construction permit to any separated entity, or renew or permit the assignment or use of any such license or permit, or authorize the use by any entity subject to United States jurisdiction of any space segment owned, leased, or operated by any separated entity, unless the Commission determines that such issuance, renewal, assignment, or use will not harm competition in the telecommunications market of the United States. If the Commission does not make such a determination, it shall deny or revoke authority to use space segment owned, leased, or operated by the separated entity to provide services to, from, or within the United States.

"(2) CRITERIA FOR COMPETITION TEST.—In making the determination required by paragraph (1), the Commission shall use the licensing criteria in sections 621 and 623, and shall not make such a determination unless the Commission determines that the privatization of any separated entity is consistent with such criteria.

"(b) LICENSING FOR INTELSAT, INMARSAT, AND SUCCESSOR ENTITIES.—

"(1) COMPETITION TEST.—

"(A) IN GENERAL.—In considering the application of INTELSAT, Inmarsat, or their successor entities for a license or construction permit, or for the renewal or assignment or use of any such license or permit, or in considering the request of any entity subject to United States jurisdiction for authorization to use any space segment owned, leased, or operated by INTELSAT, Inmarsat, or their successor entities, to provide non-core services to, from, or within the United States, the Commission shall determine whether—

"(i) after April 1, 2001, in the case of INTELSAT and its successor entities, INTELSAT and any successor entities have been privatized in a manner that will harm competition in the telecommunications markets of the United States; or

"(ii) after April 1, 2000, in the case of Inmarsat and its successor entities, Inmarsat and any successor entities have been privatized in a manner that will harm competition in the telecommunications markets of the United States.

"(B) CONSEQUENCES OF DETERMINATION.—If the Commission determines that such competition will be harmed or that grant of such application or request for authority is not otherwise in the public interest, the Commission shall limit through conditions or deny such application or request, and limit or revoke previous authorizations to provide non-core services to, from, or within the United States. After due notice and opportunity for comment, the Commission shall apply the same limitations, restrictions, and conditions to all entities subject to United States jurisdiction using space segment owned, leased, or operated by INTELSAT, Inmarsat, or their successor entities.

"(C) NATIONAL SECURITY, LAW ENFORCEMENT, AND PUBLIC SAFETY.—The Commission shall not impose any limitation, condition, or restriction under subparagraph (B) in a manner that will, or is reasonably likely to, result in limitation, denial, or revocation of authority for non-core services that are used by and required for a national security agency or law enforcement department or agency of the United States, or used by and required for, and otherwise in the public interest, any other Department or Agency of the United States to protect the health and safety of the public. Such services may be obtained by the United States directly from INTELSAT, Inmarsat, or a successor entity, or indirectly through COMSAT, or authorized carriers or distributors of the successor entity.

"(D) RULE OF CONSTRUCTION.—Nothing in this subsection is intended to preclude the Commission from acting upon applications of INTELSAT, Inmarsat, or their successor entities prior to the latest date set out in section 621(5)(A), including such actions as may be necessary for the United States to become the licensing jurisdiction for INTELSAT, but the Commission shall condition a grant of authority pursuant to this subsection upon compliance with sections 621 and 622.

"(2) CRITERIA FOR COMPETITION TEST.—In making the determination required by paragraph (1), the Commission shall use the licensing criteria in sections 621, 622, and 624, and shall determine that competition in the telecommunications markets of the United States will be harmed unless the Commission finds that the privatization referred to in paragraph (1) is consistent with such criteria.

"(3) CLARIFICATION: COMPETITIVE SAFEGUARDS.—In making its licensing decisions under this subsection, the Commission shall consider whether users of non-core services provided by INTELSAT or Inmarsat or successor or separated entities are able to obtain non-core services from providers offering services other than through INTELSAT or Inmarsat or successor or separated entities, at competitive rates, terms, or conditions. Such consideration shall also include whether such licensing decisions would require users to replace equipment at substantial costs prior to the termination of its design life. In making its licensing decisions, the Commission shall also consider whether competitive alternatives in individual markets do not exist because they have been foreclosed due to anticompetitive actions undertaken by or resulting from the INTELSAT or Inmarsat systems. Such licensing decisions shall be made in a manner which facilitates achieving the purposes and goals in this title and shall be subject to notice and comment.

"(c) ADDITIONAL CONSIDERATIONS IN DETERMINATIONS.—In making its determinations and licensing decisions under subsections (a) and (b), the Commission shall construe such subsections in a manner consistent with the United

States obligations and commitments for satellite services under the Fourth Protocol to the General Agreement on Trade in Services.

"(d) INDEPENDENT FACILITIES COMPETITION.—Nothing in this section shall be construed as precluding COMSAT from investing in or owning satellites or other facilities independent from INTELSAT and Inmarsat, and successor or separated entities, or from providing services through reselling capacity over the facilities of satellite systems independent from INTELSAT and Inmarsat, and successor or separated entities. This subsection shall not be construed as restricting the types of contracts which can be executed or services which may be provided by COMSAT over the independent satellites or facilities described in this subsection.

"SEC. 602. INCENTIVES; LIMITATION ON EXPANSION PENDING PRIVATIZATION.

"(a) LIMITATION.—Until INTELSAT, Inmarsat, and their successor or separate entities are privatized in accordance with the requirements of this title, INTELSAT, Inmarsat, and their successor or separate entities, respectively, shall not be permitted to provide additional services. The Commission shall take all necessary measures to implement this requirement, including denial by the Commission of licensing for such services.

"(b) ORBITAL LOCATION INCENTIVES.—Until such privatization is achieved, the United States shall oppose and decline to facilitate applications by such entities for new orbital locations to provide such services.

"Subtitle B—Federal Communications Commission Licensing Criteria: Privatization Criteria

"SEC. 621. GENERAL CRITERIA TO ENSURE A PRO-COMPETITIVE PRIVATIZATION OF INTELSAT AND INMARSAT.

"The President and the Commission shall secure a pro-competitive privatization of INTELSAT and Inmarsat that meets the criteria set forth in this section and sections 622 through 624. In securing such privatizations, the following criteria shall be applied as licensing criteria for purposes of subtitle A:

"(1) DATES FOR PRIVATIZATION.—Privatization shall be obtained in accordance with the criteria of this title of—

"(A) INTELSAT as soon as practicable, but no later than April 1, 2001; and

"(B) Inmarsat as soon as practicable, but no later than July 1, 2000.

"(2) INDEPENDENCE.—The privatized successor entities and separated entities of INTELSAT and Inmarsat shall operate as independent commercial entities, and have a pro-competitive ownership structure. The successor entities and separated entities of INTELSAT and Inmarsat shall conduct an initial public offering in accordance with paragraph (5) to achieve such independence. Such offering shall substantially dilute the aggregate ownership of such entities by such signatories or former signatories. In determining whether a public offering attains such substantial dilution, the Commission shall take into account the purposes and intent, privatization criteria, and other provisions of this title, as well as market conditions. No intergovernmental organization, including INTELSAT or Inmarsat, shall have—

"(A) an ownership interest in INTELSAT or the successor or separated entities of INTELSAT; or

"(B) more than minimal ownership interest in Inmarsat or the successor or separated entities of Inmarsat.

"(3) TERMINATION OF PRIVILEGES AND IMMUNITIES.—The preferential treatment of INTELSAT and Inmarsat shall not be extended to any successor entity or separated entity of INTELSAT or Inmarsat. Such preferential treatment includes—

"(A) privileged or immune treatment by national governments;

"(B) privileges or immunities or other competitive advantages of the type accorded INTELSAT and Inmarsat and their signatories through the terms and operation of the INTELSAT Agreement and the associated Headquarters Agreement and the Inmarsat Convention; and

"(C) preferential access to orbital locations. Access to new, or renewal of access to, orbital locations shall be subject to the legal or regulatory processes of a national government that applies due diligence requirements intended to prevent the warehousing of orbital locations.

"(4) PREVENTION OF EXPANSION DURING TRANSITION.—During the transition period prior to privatization under this title, INTELSAT and Inmarsat shall be precluded from expanding into additional services.

"(5) CONVERSION TO STOCK CORPORATIONS.—Any successor entity or separated entity created out of INTELSAT or Inmarsat shall be a national corporation or similar accepted commercial structure, subject to the laws of the nation in which incorporated, as follows:

"(A) An initial public offering of securities of any successor entity or separated entity—

"(i) shall be conducted, for the successor entities of INTELSAT, on or about October 1, 2001, except that the Commission may extend this deadline in consideration of market conditions and relevant business factors relating to the timing of an initial public offering, but such extensions shall not permit such offering to be conducted later than December 31, 2002; and

"(ii) shall be conducted, for the successor entities of Inmarsat, on or about October 1, 2000, except that the Commission may extend this deadline in consideration of market conditions and relevant business factors relating to the timing of an initial public offering, but to no later than December 31, 2001.

"(B) The shares of any successor entities and separated entities shall be listed for trading on one or more major stock exchanges with transparent and effective securities regulation.

"(C) A majority of the members of the board of directors of any successor entity or separated entity shall not be directors, employees, officers, or managers or otherwise serve as representatives of any signatory or former signatory. No member of the board of directors of any successor or separated entity shall be a director, employee, officer or manager of any intergovernmental organization remaining after the privatization.

"(D) Any successor entity or separated entity shall—

"(i) have a board of directors with a fiduciary obligation;

"(ii) have no officers or managers who (I) are officers or managers of any signatories or former signatories, or (II) have any direct financial interest in or financial relationship to any signatories or former signatories, except that such interest may be managed through a blind trust or similar mechanism;

"(iii) have no directors, officers, or managers who hold such positions in any intergovernmental organization; and

"(iv) in the case of a separated entity, have no officers or directors, who (I) are officers or managers of any intergovernmental organization, or (II) have any direct financial interest in or financial relationship to any international organization, except that such interest may be managed through a blind trust or similar mechanism.

"(E) Any transactions or other relationships between or among any successor entity, separated entity, INTELSAT, or Inmarsat shall be conducted on an arm's length basis.

"(6) REGULATORY TREATMENT.—Any successor entity or separated entity created after the date of enactment of this title shall apply through the appropriate national licensing authorities for international frequency assignments and associated orbital registrations for all satellites.

"(7) COMPETITION POLICIES IN DOMICILIARY COUNTRY.—Any successor entity or separated entity shall be subject to the jurisdiction of a nation or nations that—

"(A) have effective laws and regulations that secure competition in telecommunications services;

"(B) are signatories of the World Trade Organization Basic Telecommunications Services Agreement; and

"(C) have a schedule of commitments in such Agreement that includes non-discriminatory market access to their satellite markets.

"SEC. 622. SPECIFIC CRITERIA FOR INTELSAT.

"In securing the privatizations required by section 621, the following additional criteria with respect to INTELSAT privatization shall be applied as licensing criteria for purposes of subtitle A:

"(1) TECHNICAL COORDINATION UNDER INTELSAT AGREEMENTS.—Technical coordination shall not be used to impair competition or competitors, and shall be conducted under International Telecommunication Union procedures and not under Article XIV(d) of the INTELSAT Agreement.

"SEC. 623. SPECIFIC CRITERIA FOR INTELSAT SEPARATED ENTITIES.

"In securing the privatizations required by section 621, the following additional criteria with respect to any INTELSAT separated entity shall be applied as licensing criteria for purposes of subtitle A:

"(1) DATE FOR PUBLIC OFFERING.—Within one year after any decision to create any separated entity, a public offering of the securities of such entity shall be conducted. In the case of a separated entity created before January 1, 1999, such public offering shall be conducted no later than July 1, 2000, except that the Commission may extend this deadline in consideration of market conditions and relevant business factors relating to the timing of an initial public offering, but such extensions shall not permit such offering to be conducted later than July 31, 2001.

"(2) INTERLOCKING DIRECTORATES OR EMPLOYEES.—None of the officers, directors, or employees of any separated entity shall be individuals who are officers, directors, or employees of INTELSAT.

"(3) SPECTRUM ASSIGNMENTS.—After the initial transfer which may accompany the creation of a separated entity, the portions of the electromagnetic spectrum assigned as of the date of enactment of this title to INTELSAT shall not be transferred between INTELSAT and any separated entity.

"(4) REAFFILIATION PROHIBITED.—Any merger or ownership or management ties or exclusive arrangements between a privatized INTELSAT or any successor entity and any separated entity shall be prohibited until 11 years after the completion of INTELSAT privatization under this title.

"SEC. 624. SPECIFIC CRITERIA FOR INMARSAT.

"'In securing the privatizations required by section 621, the following additional criteria with respect to Inmarsat privatization shall be applied as licensing criteria for purposes of subtitle A:

"(1) REAFFILIATION PROHIBITED.—Any merger, ownership of more than one percent of the voting securities, or management ties or exclusive arrangements between Inmarsat or any successor entity or separated entity and ICO shall be prohibited until 15 years after the completion of Inmarsat privatization under this title.

''(2) INTERLOCKING DIRECTORATES OR EMPLOYEES.—None of the officers, directors, or employees of Inmarsat or any successor entity or separated entity shall be individuals who are officers, directors, or employees of ICO.

''(3) PRESERVATION OF THE GMDSS.—The United States shall seek to preserve space segment capacity of the GMDSS.

“SEC. 625. ENCOURAGING MARKET ACCESS AND PRIVATIZATION.

''(a) NTIA DETERMINATION.—

''(1) DETERMINATION REQUIRED.—Within 180 days after the date of enactment of this section, the Secretary of Commerce shall, through the Assistant Secretary for Communications and Information, transmit to the Commission—

''(A) a list of Member countries of INTELSAT and Inmarsat that are not Members of the World Trade Organization and that impose barriers to market access for private satellite systems; and

''(B) a list of Member countries of INTELSAT and Inmarsat that are not Members of the World Trade Organization and that are not supporting pro-competitive privatization of INTELSAT and Inmarsat.

''(2) CONSULTATION.—The Secretary's determinations under paragraph (1) shall be made in consultation with the Federal Communications Commission, the Secretary of State, and the United States Trade Representative, and shall take into account the totality of a country's actions in all relevant fora, including the Assemblies of Parties of INTELSAT and Inmarsat.

''(b) IMPOSITION OF COST-BASED SETTLEMENT RATE.—Notwithstanding—

''(1) any higher settlement rate that an overseas carrier charges any United States carrier to originate or terminate international message telephone services; and

''(2) any transition period that would otherwise apply,

the Commission may by rule prohibit United States carriers from paying an amount in excess of a cost-based settlement rate to overseas carriers in countries listed by the Commission pursuant to subsection (a).

''(c) SETTLEMENTS POLICY.—The Commission shall, in exercising its authority to establish settlements rates for United States international common carriers, seek to advance United States policy in favor of cost-based settlements in all relevant fora on international telecommunications policy, including in meetings with parties and signatories of INTELSAT and Inmarsat.

“Subtitle C—Deregulation and Other Statutory Changes

“SEC. 641. ACCESS TO INTELSAT.

''(a) ACCESS PERMITTED.—Beginning on the date of enactment of this title, users or providers of telecommunications services shall be permitted to obtain direct access to INTELSAT telecommunications services and space segment capacity through purchases of such capacity or services from INTELSAT. Such direct access shall be at the level commonly referred to by INTELSAT, on the date of enactment of this title, as 'Level III'.

''(b) RULEMAKING.—Within 180 days after the date of enactment of this title, the Commission shall complete a rulemaking, with notice and opportunity for submission of comment by interested persons, to determine if users or providers of telecommunications services have sufficient opportunity to access INTELSAT space segment capacity directly from INTELSAT to meet their service or capacity requirements. If the Commission determines that such opportunity to access does not exist, the Commission shall take appropriate action to facilitate such direct access pursuant to its authority under this Act and the Communications Act of 1934. The Commission shall take such steps as may be necessary to prevent the circumvention of the intent of this section.

''(c) CONTRACT PRESERVATION.—Nothing in this section shall be construed to permit the abrogation or modification of any contract.

“SEC. 642. SIGNATORY ROLE.

''(a) LIMITATIONS ON SIGNATORIES.—

''(1) NATIONAL SECURITY LIMITATIONS.—The Federal Communications Commission, after a public interest determination, in consultation with the executive branch, may restrict foreign ownership of a United States signatory if the Commission determines that not to do so would constitute a threat to national security.

''(2) NO SIGNATORIES REQUIRED.—The United States Government shall not require signatories to represent the United States in INTELSAT or Inmarsat or in any successor entities after a pro-competitive privatization is achieved consistent with sections 621, 622, and 624.

''(b) CLARIFICATION OF PRIVILEGES AND IMMUNITIES OF COMSAT.—

''(1) GENERALLY NOT IMMUNIZED.—Notwithstanding any other law or executive agreement, COMSAT shall not be entitled to any privileges or immunities under the laws of the United States or any State on the basis of its status as a signatory of INTELSAT or Inmarsat.

''(2) LIMITED IMMUNITY.—COMSAT or any successor in interest shall not be liable for action taken by it in carrying out the specific, written instruction of the United States issued in connection with its relationships and activities with foreign governments, international entities, and the intergovernmental satellite organizations.

''(3) NO JOINT OR SEVERAL LIABILITY.—If COMSAT is found liable for any action taken in its status as a signatory or a representative of the party to INTELSAT, any such liability shall be limited to the portion of the judgment that corresponds to COMSAT's percentage of the ownership of INTELSAT at the time the activity began which lead to the liability.

''(4) PROVISIONS PROSPECTIVE.—Paragraph (1) shall not apply with respect to liability for any action taken by COMSAT before the date of enactment of this title.

''(c) PARITY OF TREATMENT.—Notwithstanding any other law or executive agreement, the Commission shall have the authority to impose similar regulatory fees on the United States signatory which it imposes on other entities providing similar services.

“SEC. 643. ELIMINATION OF PROCUREMENT PREFERENCES.

''Nothing in this title or the Communications Act of 1934 shall be construed to authorize or require any preference, in Federal Government procurement of telecommunications services, for the satellite space segment provided by INTELSAT, Inmarsat, or any successor entity or separated entity.

“SEC. 644. ITU FUNCTIONS.

''(a) TECHNICAL COORDINATION.—The Commission and United States satellite companies shall utilize the International Telecommunication Union procedures for technical coordination with INTELSAT and its successor entities and separated entities, rather than INTELSAT procedures.

''(b) ITU NOTIFYING ADMINISTRATION.—The President and the Commission shall take the action necessary to ensure that the United States remains the ITU notifying administration for the privatized INTELSAT's existing and future orbital slot registrations.

“SEC. 645. TERMINATION OF COMMUNICATIONS SATELLITE ACT OF 1962 PROVISIONS.

''Effective on the dates specified, the following provisions of this Act shall cease to be effective:

''(1) Date of enactment of this title: Paragraphs (1), (5) and (6) of section 201(a); section 201(b); paragraphs (1), (3) through (5), and (8) through (10) of section 201(c); section 303; section 304; section 502; section 503; paragraphs (2) and (4) of section 504(a); and section 504(c).

''(2) Upon the transfer of assets to a successor entity and receipt by signatories or former signatories (including COMSAT) of ownership shares in the successor entity of INTELSAT in accordance with appropriate arrangements determined by INTELSAT to implement privatization: Section 305.

''(3) On the effective date of a Commission order determining under section 601(b)(2) that Inmarsat privatization is consistent with criteria in sections 621 and 624: Sections 504(b) and 504(d).

''(4) On the effective date of a Commission order determining under section 601(b)(2) that INTELSAT privatization is consistent with criteria in sections 621 and 622: Section 102; section 103(7); paragraphs (2) through (4) and (7) of section 201(a); paragraphs (2), (6), and (7) of section 201(c); section 301; section 302; section 401; section 402; section 403; and section 404.

“SEC. 646. REPORTS TO CONGRESS.

''(a) ANNUAL REPORTS.—The President and the Commission shall report to the Committees on Commerce and International Relations of the House of Representatives and the Committees on Commerce, Science, and Transportation and Foreign Relations of the Senate within 90 calendar days of the enactment of this title, and not less than annually thereafter, on the progress made to achieve the objectives and carry out the purposes and provisions of this title. Such reports shall be made available immediately to the public.

''(b) CONTENTS OF REPORTS.—The reports submitted pursuant to subsection (a) shall include the following:

''(1) Progress with respect to each objective since the most recent preceding report.

''(2) Views of the Parties with respect to privatization.

''(3) Views of industry and consumers on privatization.

''(4) Impact privatization has had on United States industry, United States jobs, and United States industry's access to the global marketplace.

“SEC. 647. SATELLITE AUCTIONS.

''Notwithstanding any other provision of law, the Commission shall not have the authority to assign by competitive bidding orbital locations or spectrum used for the provision of international or global satellite communications services. The President shall oppose in the International Telecommunication Union and in other bilateral and multilateral fora any assignment by competitive bidding of orbital locations or spectrum used for the provision of such services.

“SEC. 648. EXCLUSIVITY ARRANGEMENTS.

''(a) IN GENERAL.—No satellite operator shall acquire or enjoy the exclusive right of handling telecommunications to or from the United States, its territories or possessions, and any other country or territory by reason of any concession, contract, understanding, or working arrangement to which the satellite operator or any persons or companies controlling or controlled by the operator are parties.

''(b) EXCEPTION.—In enforcing the provisions of this section, the Commission—

''(1) shall not require the termination of existing satellite telecommunications services under contract with, or tariff commitment to, such satellite operator; but

''(2) may require the termination of new services only to the country that has provided the exclusive right to handle telecommunications, if the Commission determines the public interest, convenience, and necessity so requires.

"Subtitle D—Negotiations To Pursue Privatization

"SEC. 661. METHODS TO PURSUE PRIVATIZATION.

"The President shall secure the pro-competitive privatizations required by this title in a manner that meets the criteria in subtitle B.

"Subtitle E—Definitions

"SEC. 681. DEFINITIONS.

"(a) IN GENERAL.—As used in this title:

"(1) INTELSAT.—The term 'INTELSAT' means the International Telecommunications Satellite Organization established pursuant to the Agreement Relating to the International Telecommunications Satellite Organization (INTELSAT).

"(2) INMARSAT.—The term 'Inmarsat' means the International Mobile Satellite Organization established pursuant to the Convention on the International Maritime Organization.

"(3) SIGNATORIES.—The term 'signatories'—

"(A) in the case of INTELSAT, or INTELSAT successors or separated entities, means a Party, or the telecommunications entity designated by a Party, that has signed the Operating Agreement and for which such Agreement has entered into force; and

"(B) in the case of Inmarsat, or Inmarsat successors or separated entities, means either a Party to, or an entity that has been designated by a Party to sign, the Operating Agreement.

"(4) PARTY.—The term 'Party'—

"(A) in the case of INTELSAT, means a nation for which the INTELSAT agreement has entered into force; and

"(B) in the case of Inmarsat, means a nation for which the Inmarsat convention has entered into force.

"(5) COMMISSION.—The term 'Commission' means the Federal Communications Commission.

"(6) INTERNATIONAL TELECOMMUNICATION UNION.—The term 'International Telecommunication Union' means the intergovernmental organization that is a specialized agency of the United Nations in which member countries cooperate for the development of telecommunications, including adoption of international regulations governing terrestrial and space uses of the frequency spectrum as well as use of the geostationary satellite orbit.

"(7) SUCCESSOR ENTITY.—The term 'successor entity'—

"(A) means any privatized entity created from the privatization of INTELSAT or Inmarsat or from the assets of INTELSAT or Inmarsat; but

"(B) does not include any entity that is a separated entity.

"(8) SEPARATED ENTITY.—The term 'separated entity' means a privatized entity to whom a portion of the assets owned by INTELSAT or Inmarsat are transferred prior to full privatization of INTELSAT or Inmarsat, including in particular the entity whose structure was under discussion by INTELSAT as of March 25, 1998, but excluding ICO.

"(9) ORBITAL LOCATION.—The term 'orbital location' means the location for placement of a satellite on the geostationary orbital arc as defined in the International Telecommunication Union Radio Regulations.

"(10) SPACE SEGMENT.—The term 'space segment' means the satellites, and the tracking, telemetry, command, control, monitoring and related facilities and equipment used to support the operation of satellites owned or leased by INTELSAT, Inmarsat, or a separated entity or successor entity.

"(11) NON-CORE SERVICES.—The term 'non-core services' means, with respect to INTELSAT provision, services other than public-switched network voice telephony and occasional-use television, and with respect to Inmarsat provision, services other than global maritime distress and safety services or other existing maritime or aeronautical services for which there are not alternative providers.

"(12) ADDITIONAL SERVICES.—The term 'additional services' means—

"(A) for Inmarsat, those non-maritime or non-aeronautical mobile services in the 1.5 and 1.6 Ghz band on planned satellites or the 2 Ghz band; and

"(B) for INTELSAT, direct-to-home (DTH) or direct broadcast satellite (DBS) video services, or services in the Ka or V bands.

"(13) INTELSAT AGREEMENT.—The term 'INTELSAT Agreement' means the Agreement Relating to the International Telecommunications Satellite Organization ('INTELSAT'), including all its annexes (TIAS 7532, 23 UST 3813).

"(14) HEADQUARTERS AGREEMENT.—The term 'Headquarters Agreement' means the International Telecommunication Satellite Organization Headquarters Agreement (November 24, 1976) (TIAS 8542, 28 UST 2248).

"(15) OPERATING AGREEMENT.—The term 'Operating Agreement' means—

"(A) in the case of INTELSAT, the agreement, including its annex but excluding all titles of articles, opened for signature at Washington on August 20, 1971, by Governments or telecommunications entities designated by Governments in accordance with the provisions of the Agreement; and

"(B) in the case of Inmarsat, the Operating Agreement on the International Maritime Satellite Organization, including its annexes.

"(16) INMARSAT CONVENTION.—The term 'Inmarsat Convention' means the Convention on the International Maritime Satellite Organization (Inmarsat) (TIAS 9605, 31 UST 1).

"(17) NATIONAL CORPORATION.—The term 'national corporation' means a corporation the ownership of which is held through publicly traded securities, and that is incorporated under, and subject to, the laws of a national, state, or territorial government.

"(18) COMSAT.—The term 'COMSAT' means the corporation established pursuant to title III of the Communications Satellite Act of 1962 (47 U.S.C. 731 et seq.), or the successor in interest to such corporation.

"(19) ICO.—The term 'ICO' means the company known, as of the date of enactment of this title, as ICO-Global Communications, Inc.

"(20) GLOBAL MARITIME DISTRESS AND SAFETY SERVICES OR GMDSS.—The term 'global maritime distress and safety services' or 'GMDSS' means the automated ship-to-shore distress alerting system which uses satellite and advanced terrestrial systems for international distress communications and promoting maritime safety in general. The GMDSS permits the worldwide alerting of vessels, coordinated search and rescue operations, and dissemination of maritime safety information.

"(21) NATIONAL SECURITY AGENCY.—The term 'national security agency' means the National Security Agency, the Director of Central Intelligence and the Central Intelligence Agency, the Department of Defense, and the Coast Guard.

"(b) COMMON TERMINOLOGY.—Except as otherwise provided in subsection (a), terms used in this title that are defined in section 3 of the Communications Act of 1934 have the meanings provided in such section.".

And the House agree to the same.

TOM BLILEY,
BILLY TAUZIN,
MICHAEL G. OXLEY,
JOHN D. DINGELL,
EDWARD J. MARKEY,
Managers on the Part of the House.

JOHN MCCAIN,
TED STEVENS,
CONRAD BURNS,
FRITZ HOLLINGS,
DANIEL K. INOUYE,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 376) to amend the Communications Satellite Act of 1962 to promote competition and privatization in satellite communications, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment that is a substitute for the Senate bill and the House amendment.

The managers on the part of the House and Senate met on February 29, 2000, and reconciled the differences between the two bills.

TOM BLILEY,
BILLY TAUZIN,
MICHAEL G. OXLEY,
JOHN D. DINGELL,
EDWARD J. MARKEY,
Managers on the Part of the House.

JOHN MCCAIN,
TED STEVENS,
CONRAD BURNS,
FRITZ HOLLINGS,
DANIEL K. INOUYE,
Managers on the Part of the Senate.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SCARBOROUGH) to revise and extend their remarks and include extraneous material:)

Mr. SCARBOROUGH, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. WOLF, for 5 minutes, March 9.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 613. An act to encourage Indian economic development, to provide for the disclosure of Indian tribal sovereign immunity in contracts involving Indian tribes, and for other purposes.

ADJOURNMENT

Mr. BLILEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 51 minutes a.m.), under its previous order, the House adjourned until Monday, March 6, 2000, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6410. A letter from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting the Department's final rule—Integrated Safety Management Systems (ISMS) Verification Team Leaders Handbook [DOE-HDBK–3027–99] received March 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6411. A letter from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting the Department's final rule—DOE Handbook Design Considerations Handbook [DOE HDBK 1132–99] received March 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6412. A letter from the Chairman, Federal Elections Commission, transmitting the Commission's final rule—Electronic Freedom of Information Act Amendments [Notice 2000–3] received March 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6413. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29926; Amdt. No. 1975] received February 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6414. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model DHC–8–100, -200, and -300 Series Airplanes [Docket No. 99–NM–357–AD; Amendment 39–11504; AD 2000–01–07] (RIN: 2120–AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6415. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace BAe Model ATP Airplanes [Docket No. 99–NM–177–AD; Amendment 39–11505; AD 2000–01–08] (RIN: 2120–AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6416. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; GE Aircraft Engines CJ610 Series Turbojet Engines and CF700 Turbofan Engines [Docket No. 99–NE–58–AD; Amendment 39–11506; AD 2000–01–09] (RIN: 2120–AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6417. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pilatus Aircraft Ltd. Model PC–7 Airplanes [Docket No. 99–CE–61–AD; Amendment 39–11508; AD 2000–01–10] (RIN: 2120–AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6418. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rolladen Schneider Flugzeugbau GmbH Model LS6-c Sailplanes [Docket No. 99–CE–76–AD; Amendment 39–11503; AD 2000–01–06] (RIN: 2120–AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6419. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB 2000 Series Airplanes [Docket No. 99–NM–244–AD; Amendment 39–11501; AD 2000–01–04] (RIN: 2120–AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6420. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB 2000 Series Airplanes [Docket No. 99–NM–126–AD; Amendment 39–11500; AD 2000–01–03] (RIN: 2120–AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6421. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–300, -400, and -500 Series Airplanes [Docket No. 98–NM–351–AD; Amendment 39–11521; AD 2000–02–03] (RIN: 2120–AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6422. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 777–200 Series Airplanes [Docket No. 98–NM–374–AD; Amendment 39–11530; AD 2000–02–11] (RIN: 2120–AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6423. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter Deutchland GMBH Model EC 135 P1 and EC T1 Helicopters [Docket No. 99–SW–74–AD; Amendment 39–11517; AD 2000–01–19] (RIN: 2120–AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6424. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–8 Series Airplanes [Docket No. 98–NM–309–AD; Amendment 39–11518; AD2000–02–01] (RIN: 2120–AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6425. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Short Brothers Model SD3–60 SHERPA, SD3–SHERPA, and SD3–30 Series Airplanes [Docket No. 99–NM–223–AD; Amendment 39–11520; AD 2000–02–02] (RIN: 2120–AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6426. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney JT9D Series Turbofan Engines [Docket No. 98–ANE–47–AD; Amendment 39–11511; AD 2000–01–13] (RIN: 2120–AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6427. A letter from the Program Analayst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Cessna Aircraft Company 300 and 400 Series Airplanes [Docket No. 97–CE–67–AD; Amendment 39–11514; AD 2000–01–16] (RIN: 2120–AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6428. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F27 Mark 050 Series Airplanes [Docket No. 99–NM–318–AD; Amendment 39–11513; AD 2000–01–15] (RIN: 2120–AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6429. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD–90 Series Airplanes [Docket No. 99–NM–209–AD; Amendment 39–11515; AD 2000–01–17] (RIN: 2120–AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6430. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–300, -400, -500, -600, -700, and -800 Series Airplanes [Docket No. 99–NM–342–AD; Amendment 39–11480; AD–11480; AD 99–26–21] (RIN: 2120–AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6431. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 777 Series Airplanes [Docket No. 99–NM–58–AD; Amendment 39–11512; AD 2000–01–14] (RIN: 2120–AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6432. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–8 Series Airplanes [Docket No. 99–NM–217–AD] (RIN: 2120–AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6433. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; CL–604 Variant of Bombardier Model Canadair CL–600–2B16 Series Airplanes Modified in Accordance with Supplemental Type Certificate [Docket No. 2000–NM–05–AD; Amendment 39–11519; AD 2000–01–51] (RIN: 2120–AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6434. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Kaman Aerospace Corporation Model K1200 Helicopters [Docket No. 99–SW–72–AD; Amendment 39–11523; AD 99–26–04] (RIN: 2120–AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6435. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 777–200 and -300 Series Airplanes [Docket No. 99–NM–323–AD; Amendment 39–11456; AD 99–25–13] (RIN: 2120–AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6436. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes [Docket No. 98-NM-284-AD; Amendment 39-11453; AD 99-25-10] (RIN: 2120-AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6437. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron-manufactured Model HH-1K, TH-1F, TH-1L, UH-1A, UH-1B, UH-1E, UH-1F, UH-1H, UH-1L, and UH-1P Helicopters; and Southwest Florida Aviation SW204, SW204HP, SW205, and SW205A-1 Helicopters [Docket No. 99-SW-02-AD; Amendment 39-11455; AD-99-25-12] (RIN: 2120-AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6438. A letter from the Regulations Officer, Social Security Administration, transmitting the Administration's final rule—Federal Old-Age, Survivors, and Disability Insurance and Supplemental Security Income for the Aged, Blind, and Disabled; Evaluating Opinion Evidence [Regulations Nos. 4 and 16] (RIN: 0960-AE56) received March 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BLILEY: Committee of Conference. Conference report on S. 376. An act to amend the Communications Satellite Act of 1962 to promote competition and privatization in satellite communications, and for other purposes (Rept. 106-509). Ordered to be printed.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1680. A bill to provide for the conveyance of Forest Service property in Kern County, California, in exchange for county lands suitable for inclusion in Sequoia National Forest; with an amendment (Rept. 106-510). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GILMAN:

H.R. 3822. A bill to reduce, suspend, or terminate any assistance under the Foreign Assistance Act of 1961 and the Arms Export Control Act to each country determined by the President to be engaged in oil price fixing to the detriment of the United States economy, and for other purposes; to the Committee on International Relations.

By Mr. LAFALCE (for himself, Mr. Kanjorski, Mrs. Maloney of New York, Mr. Gutierrez, Mr. Meeks of New York, Ms. Lee, Ms. Schakowsky, Mr. Moore, Mr. Gonzalez, Mrs. Jones of Ohio, Mr. Capuano, and Mr. Sanders):

H.R. 3823. A bill to amend the Federal Deposit Insurance Act and the Truth in Lending Act to prohibit federally insured institutions from engaging in high-cost payday loans, to expand protections for consumers in connection with the making of such loans by uninsured entities, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. CARDIN (for himself, Mr. Jefferson, Mr. Stark, and Mr. Matsui):

H.R. 3824. A bill to simplify and improve the rules governing the distribution of child support collected by States pursuant to part D of title IV of the Social Security Act, and for other purposes; to the Committee on Ways and Means.

By Mr. CONYERS (for himself, Mr. Campbell, Ms. Stabenow, Mr. Ryan of Wisconsin, and Ms. Lofgren):

H.R. 3825. A bill to provide the people of Iraq with access to food and medicines from the United States, and for other purposes; to the Committee on International Relations.

By Mr. CROWLEY (for himself, Mrs. Morella, Ms. Pelosi, Mr. Houghton, Mrs. Lowey, Mr. Greenwood, Mr. Sanders, Mr. Rangel, Mrs. Meek of Florida, Ms. Slaughter, Mr. Rush, Mr. Hinchey, Mr. Delahunt, Mr. Hall of Ohio, Mrs. Maloney of New York, Ms. DeLauro, Mr. Brown of Ohio, Ms. Woolsey, Mr. Frank of Massachusetts, Mr. Wexler, Ms. Jackson-Lee of Texas, Mr. McDermott, and Mr. McGovern):

H.R. 3826. A bill to improve global health by increasing assistance to developing nations with high levels of infectious disease and premature death, by improving children's and women's health and nutrition, by reducing unintended pregnancies, and by combating the spread of infectious diseases, particularly HIV/AIDS, and for other purposes; to the Committee on International Relations.

By Ms. DUNN (for herself, Mr. Wamp, and Mr. Smith of Washington):

H.R. 3827. A bill to amend the Safe and Drug-Free Schools and Communities Act of 1994 to allow for increased use of school resource officers by local educational agencies; to the Committee on Education and the Workforce.

By Mr. GILMAN:

H.R. 3828. A bill to suspend until January 1, 2003, the duty on a paint additive chemical; to the Committee on Ways and Means.

By Mr. GREENWOOD:

H.R. 3829. A bill to amend the Federal program for the compensation of work injuries; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAFALCE:

H.R. 3830. A bill to establish a commission to study the question of adding the Niagara River Gorge to the Wild and Scenic River System; to the Committee on Resources.

By Mrs. MALONEY of New York (for herself and Mr. Holt):

H.R. 3831. A bill to amend the Higher Education Act of 1965 to require colleges and universities to disclose to students and their parents the incidents of fires in dormitories, and their plans to reduce fire safety hazards in dormitories, to require the United States Fire Administration to establish fire safety standards for dormitories, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DUNN (for herself, Mr. Bereuter, Mr. Matsui, Mr. Ramstad, Mr. Payne, Mr. Manzullo, Mr. Moran of Virginia, Mr. Sessions, Mr. Rogan, Mr. Rahall, Mr. Sam Johnson of Texas, Mr. Sununu, Mr. English, Mr. Kolbe, Mr. Royce, Mr. Faleomavaega, and Mr. DeLay):

H. Con. Res. 262. Concurrent resolution expressing the sense of Congress on the accession of Taiwan to the World Trade Organization (WTO); to the Committee on Ways and Means.

By Mr. MILLER of Florida (for himself and Mrs. Maloney of New York):

H. Con. Res. 263. Concurrent resolution expressing support for a National Teach Census Week; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 960: Ms. Lee.

H.R. 1325: Mr. Radanovich.

H.R. 1443: Mrs. Maloney of New York.

H.R. 1732: Mr. Strickland.

H.R. 1990: Mr. Bliley.

H.R. 2697: Mr. Ford.

H.R. 2727: Mr. Sununu.

H.R. 2870: Ms. Woolsey, Mr. Hoeffel, Mr. Price of North Carolina, and Mr. Abercrombie.

H.R. 3494: Ms. McKinney.

H.R. 3589: Mr. English.

H.R. 3608: Mr. Brown of Ohio.

H.J. Res. 55: Mr. Coburn.

H. Con. Res. 260: Mr. Frelinghuysen, Mr. Stenholm, Mr. Camp, and Mr. Pickering.

H. Con. Res. 261: Mr. Hinchey, Mrs. Maloney of New York, Mr. Smith of Washington, and Mr. Abercrombie.

SENATE—*Thursday, March 2, 2000*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Sovereign God, to whom we are accountable for the precious gift of life, we spread out before You our lives and the work of this Senate. You are the ultimate judge of what we say and do. Above party loyalties, responsibilities to constituents, and regard for the opinions of people, we report to You. Sometimes we are pulled apart by trying to meet the demands and expectations of the multiplicity of factions that seek to factor our lives. Help us to play our lives to an audience of one, to You, dear Father. You alone can give us strength and courage and wisdom that we need as leaders. When we seek first Your pleasure, we can serve with true pleasure. Take our minds and think through them: take our lips and speak through them; take our hearts and set them on fire with convictions that will enable us to work for Your best for America. You are our Lord and Savior. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MIKE CRAPO, a Senator from the State of Idaho, led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Georgia.

SCHEDULE

Mr. COVERDELL. Mr. President, today the Senate will immediately resume consideration of the Hatch-Mack marriage tax penalty amendment. By unanimous consent, the Senate will proceed to a vote on or in relation to the amendment at approximately 10 a.m. Following the disposition of the Hatch-Mack amendment, the Roth first-degree amendment and the Graham second-degree amendment will be debated for 1 hour each, with votes to be scheduled at a time to be determined. There are a few remaining amendments to be offered, and it is hoped these amendments can be debated and disposed of so the bill can be finished during today's session of the Senate.

I thank my colleagues for their cooperation.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

AFFORDABLE EDUCATION ACT OF 1999

The PRESIDING OFFICER. The Senate will now resume consideration of S. 1134 which the clerk will report.

The bill clerk read as follows:

> A bill (S. 1134) to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes.

Pending:

> Coverdell (for Mack/Hatch) amendment No. 2827, to eliminate the marriage penalty in the reduction in permitted contributions to education individual retirement accounts.

The PRESIDING OFFICER. Under the previous order, there will now be 30 minutes of debate equally divided on amendment No. 2827.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, we are making progress on this legislation. On our side, we have approximately seven or eight amendments remaining. Of course, there could be others offered, but we think we have been moving well on this legislation. I alert my colleagues, Senators BOXER, FEINSTEIN, SCHUMER, KENNEDY, DORGAN, GRAHAM, KERRY, HARKIN, and WELLSTONE, that they should be ready to offer their amendments in the approximate order I have read off their names, and we will try to alert their offices to give them adequate notice to get over here.

I ask unanimous consent that the time until 10 o'clock be scored equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. I think it is already in the order, but I would certainly agree.

The PRESIDING OFFICER. That is correct. The time is equally divided.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2827

Mr. HATCH. Mr. President, I rise today in strong support of the Mack-Hatch amendment that is currently before the Senate. This is an important issue both as a matter of educational policy and as a matter of fairness in tax policy. I congratulate the Senator from Florida for joining me in bringing it up as a part of the debate on this bill.

There has been a lot of discussion in recent months about the problem of the so-called marriage tax penalty. Actually, if we were to be totally accurate, we would talk about the marriage penalties. The American Institute of CPAs has found that the Internal Revenue Code contains at least 66 separate provisions that can cause a marriage penalty—66. Think about it. Many of our colleagues may not realize this, but at the same time we were supporting legislation to eliminate marriage penalties, we were busy creating new ones.

This brings me to the purpose of our amendment. The bill we are debating today would expand the education savings account Congress created in the Taxpayer Relief Act of 1997. This is a great idea, and I fully support it. However, the provision creating the education savings account in 1997 contained a flaw—a marriage penalty. This penalty is found in the fact that the phaseout threshold for married couples found in joint returns is less than twice as high as the threshold for single taxpayers.

The amendment before us would correct this problem by raising the threshold for married couples from the current level of $150,000 to $190,000, which is twice the $95,000 threshold for individuals. It is that simple.

Some may argue that this is a trivial matter. Why are we taking up the Senate's valuable time on such a minor change. While to some this may not be the important tax change we should consider if this one problem is viewed by itself, this issue is much larger than that.

First, let's start with the obvious. We are debating S. 1134 to provide incentives for American families to save for their children's education: tuition payments, books, tutoring, computers, and other things. The idea, of course, is to benefit children. The goal is to further their educational opportunities. But without the Mack-Hatch amendment, we discriminate against some two-parent families who wish to take advantage of an education savings account.

In some cases, the allowable resources in the account available for their children's education would be greater if mom and dad merely divorced and set up separate accounts. That is not what we want in this country.

Second, it is time we raise the consciousness of the Senate about how seemingly minor boilerplate provisions in tax bills can eventually harm taxpayers in big ways. I would venture a guess that one of the reasons we have 66 separate marriage penalties built into the Tax Code is that Congress simply copied over and over, year after year, the faulty language referring to returns filed by single taxpayers and married couples. Once enacted, of course, they spread like a computer virus.

Later today, I plan to offer another amendment that would correct yet another marriage penalty we created in 1997, this time in the student loan interest deduction. I hope my colleagues will support Senator MACK and I on behalf of these amendments.

These amendments represent a good start on finding and correcting some of these tax inequities that riddle the Internal Revenue Code. I am looking forward to working more on this issue when the Finance Committee takes up marriage penalty legislation in the next few weeks. I congratulate Senator ROTH, chairman of the Finance Committee, for making meaningful relief in this area a high priority.

In listening to my constituents talk about the issue of taxes, I continue to hear one thing over and over again. The No. 1 complaint I hear from Utahans even more than that of taxes being too high is that of the Internal Revenue Code's complexity and unfairness. In my view, few things in our jumbled up Tax Code are more unfair than the provisions that make taxpayers pay more just because they are married.

Let's take this simple first step and eliminate this one marriage penalty by adopting this amendment. Then later, when I bring up my amendment on the student loan interest deduction marriage penalty, let's take on that one as well. Later this spring, we can do even more with the larger marriage penalty bill. We should fix all 66 of these marriage penalties, even if we have to do it one by one.

Let's strike a blow for tax fairness. I urge the adoption of this amendment.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. I appreciate the remarks of Senator HATCH of Utah. I believe Senator BROWNBACK is here. How much time is remaining on our side?

The PRESIDING OFFICER. Nine and one-half minutes.

Mr. COVERDELL. I yield 3 minutes to Senator BROWNBACK and the remainder of the time then to the cosponsor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. I thank Senator COVERDELL and add my voice in support of the amendment by Senator MACK and Senator HATCH.

The marriage penalty appears in the Tax Code 66 different places. That is a situation where we have a married couple who do not get the same advantages as two people filing individually. Here is another case where the marriage penalty occurs, and here is another case where we are trying to pull it out of the Tax Code. That is why I add my voice of support to this amendment by Senator HATCH and by Senator MACK to eliminate this portion of the marriage penalty that appears in the education IRAs.

Annually, there are about 22 million married couples who pay a penalty of some sort or another in the Tax Code, for being married. They pay an average of $1,480 more in Federal income taxes than they would if they were single living together. I think it is a bad signal that we send across the country. It is a bad signal in the Tax Code. It is one we ought to ferret out wherever we possibly can.

This is a good place for us to address this particular issue. Our Tax Code is riddled with provisions that penalize America's families. The House has passed a bill to provide marriage tax penalty relief that is separate and distinct from this particular area of the marriage penalty. What they would do is provide marginal rate brackets that are fair for the families. They would eliminate the marriage penalty that exists in the standard deduction as well. However, even with those changes, which I am hopeful we can pass this year, we still will have more to do to ensure married people are not discriminated against in our Tax Code.

In fact, our Tax Code penalizes marriage in over 60 different ways, according to the American Association of Certified Public Accountants. This is unacceptable. We must continually work to make our Tax Code better, to make it fairer for America's families.

This amendment being offered by my colleagues, Senator MACK and Senator HATCH, takes an important step in our Tax Code to end a bias against marriage. I am hopeful we will pass this amendment on a strong bipartisan basis. We will pass more substantive marriage tax penalty relief later this year.

As my colleagues have already described, the Hatch-Mack amendment eliminates the marriage penalty and the reduction in contributions to education and individual retirement accounts. This important provision will remove one of the marriage tax penalties that exists in our Tax Code. I believe we must pass this important amendment.

I thank my colleagues who are introducing the amendment for allowing me this time to speak on the bill and yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MACK. Mr. President, I rise in support of amendment 2827. This amendment, cosponsored by Senators HATCH and MURKOWSKI, is very simple and straightforward. It eliminates the marriage penalty in the education savings accounts.

Married couples should not suffer a tax increase just because they are married. The so-called marriage penalties in the Tax Code do just that. Married couples often have to pay higher taxes than the couple would owe if they were single filers. The House has recently addressed this issue in the broader Tax Code, and we will soon do the same. But it makes no sense to have marriage penalties built into newer programs we have created, such as the tax-free education savings accounts.

Under this amendment, as under the administration's HOPE scholarship tax credit and Lifetime Learning credit, the income eligibility for joint filers would be double the amount for single filers. People who qualify for these accounts when they are single should not lose this valuable opportunity to provide for their children's education just because they got married.

When the Senate first passed education savings accounts in the 1997 Taxpayer Relief Act, all Americans were eligible to use these vehicles to save for their children's education. While that bill was in conference, however, income limits were added to this tax benefit, but these limits injected a marriage penalty into this provision. There is absolutely no policy justification for a marriage penalty in education tax benefits. This should not be a partisan issue.

As I mentioned earlier, the administration's education proposal did not contain a marriage penalty, but the income limits the administration negotiated when the 1997 bill was in conference created a marriage penalty in the education savings accounts. Now is the time for us to eliminate this marriage penalty.

According to my Joint Economic Committee staff, this amendment will allow over 2 million households to establish education savings accounts for their children.

We should be looking to remove marriage penalties in the Tax Code instead of making them worse. Our amendment will ensure that married couples can save for their children's education on an equal basis, as single individuals can.

I urge my colleagues to support this amendment and yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, it is interesting that on a bill pertaining to education, we are talking about how we can help 4 or 5 percent of the people in this country. First of all, I have nothing against people making $150,000 a year. I think that is wonderful, and I hope they make even more money. But the Hatch amendment will allow married couples earning between $150,000 and $190,000 to make full contributions to ESAs and will allow couples with incomes up to $220,000 to make partial contributions.

Under current law, the maximum income a married couple can earn for an ESA contribution is $150,000. The proponents of this amendment describe this amendment as a marriage penalty relief. Well, I guess from one perspective they are right. The ability of the single tax payer to make ESA contributions phases out between $95,000 and $110,000. For married couples filing jointly, the phaseout range is $150,000 to $165,000.

The Hatch amendment would make the phaseout range for married couples twice that of single individuals; that is, $190,000, twice $95,000, to $220,000, twice the $110,000 previously spoken of.

Accordingly, the only beneficiaries of this amendment are married couples filing joint returns earning more than $150,000 but less than $220,000 in a year. As I have said before, people making up to $220,000 a year can make partial contributions.

We have yet to obtain an estimate from the Joint Tax Committee. Notice, no one has talked about how much this is going to cost. It will cost plenty. We do know that families earning $150,000 in income are in the top 5 percent of all American families. For 1997, the top 5 percent was $137,080 and has likely increased since then. In other words, 95 or 96 percent of American families would not benefit from this amendment.

I ask unanimous consent to print in the RECORD tabular matter from the Department of Commerce setting this forth.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NO. 751.—SHARE OF AGGREGATE INCOME RECEIVED BY EACH FIFTH AND TOP 5 PERCENT OF FAMILIES: 1970 TO 1997

[Families as of March of the following year. Income in constant 1997 CPI–U–X1 adjusted dollars]

Year	Number (1,000)	Income at selected positions (dollars)					Percent distribution of aggregate income					
		Upper limit of each fifth				Top 5 percent	Lowest 5th	Second 5th	Third 5th	Fourth 5th	Highest 5th	Top 5 percent
		Lowest	Second	Third	Fourth							
1970	52,227	19,820	32,333	43,910	60,357	94,240	5.4	12.2	17.6	23.8	40.9	15.6
1975	56,245	19,954	32,857	45,694	63,266	99,099	5.6	11.9	17.7	24.2	40.7	14.9
1980	60,309	20,282	34,148	48,365	67,866	107,260	5.3	11.6	17.6	24.4	41.1	14.6
1985	63,558	19,816	34,138	49,451	71,940	117,787	4.8	11.0	16.9	24.3	43.1	16.1
1990	66,322	20,687	35,666	51,625	75,510	125,696	4.6	10.8	16.6	23.8	44.3	17.4
1991	67,173	20,033	34,305	50,672	74,229	121,169	4.5	10.7	16.6	24.1	44.2	17.1
1992 [1]	68,216	19,119	33,946	50,335	73,272	121,275	4.3	10.5	16.5	24.0	44.7	17.6
1993 [2]	68,506	18,849	33,322	50,016	74,190	125,714	4.1	9.9	15.7	23.3	47.0	20.3
1994 [3]	69,313	19,429	33,898	50,901	75,808	130,006	4.2	10.0	15.7	23.3	46.9	20.1
1995	69,597	20,084	34,738	51,589	76,101	130,228	4.4	10.1	15.8	23.2	46.5	20.0
1996	70,241	20,132	35,102	52,258	77,044	130,937	4.2	10.0	15.8	23.1	46.8	20.3
1997	70,884	20,586	36,000	53,616	80,000	137,080	4.2	9.9	15.7	23.0	47.2	20.7
White	59,515	22,576	38,258	55,783	82,442	142,400	4.6	10.2	15.7	22.8	46.8	20.7
Black	8,408	11,396	21,875	36,052	57,000	95,684	3.4	9.1	15.6	25.1	46.8	17.6
Hispanic origin [4]	6,961	12,642	22,200	34,963	53,548	96,460	3.9	9.2	14.9	22.8	49.3	21.6

[1] Based on 1990 census population controls. [2] See text, this section, for explanation of changes in data collection method. [3] Introduction of new 1990 census sample design. [4] Persons of Hispanic origin may be of any race.

Source: U.S. Census Bureau, Current Population Reports, P60–200; and <http://www.census.gov/hhes/income/histinc/index.html> (accessed 23 March 1999).

NO. 752.—MONEY INCOME OF FAMILIES—DISTRIBUTION, BY FAMILY CHARACTERISTICS AND INCOME LEVEL: 1997

[See headnote, Table 749. For composition of regions, see map inside front cover]

Characteristic	Number of families (1,000)	Income level (1,000)							Median income (dollars)
		Under $10,000	$10,000 to $14,999	$15,000 to $24,999	$25,000 to $34,999	$35,000 to $49,999	$50,000 to $74,999	$75,000 and over	
All families	70,884	4,816	4,054	9,250	9,079	12,357	15,112	16,217	44,568
Age of householder:									
15 to 24 years old	3,018	720	361	659	456	443	264	114	20,820
25 to 34 years old	13,639	1,363	922	1,814	1,846	2,637	3,080	1,977	39,979
35 to 44 years old	18,872	1,151	826	1,934	2,120	3,285	4,734	4,820	50,424
45 to 54 years old	14,695	530	500	1,112	1,420	2,303	3,640	5,189	59,959
55 to 64 years old	9,391	484	407	991	1,081	1,700	1,997	2,731	50,241
65 years old and over	11,270	567	1,037	2,739	2,156	1,989	1,398	1,385	30,660
White	59,515	3,185	3,047	7,454	7,552	10,527	13,172	14,578	46,754
Black	8,408	1,428	824	1,486	1,193	1,302	1,344	832	28,602
Hispanic origin [1]	6,961	956	759	1,397	1,066	1,199	887	697	28,142
Northeast	13,338	904	608	1,570	1,596	2,158	2,853	3,648	48,328
Midwest	16,594	898	797	1,993	2,122	3,093	3,862	3,829	46,734
South	25,682	2,008	1,689	3,718	3,492	4,565	5,230	4,981	41,001
West	15,270	1,006	959	1,968	1,869	2,542	3,167	3,760	45,590
Type of family:									
Married-couple families	54,321	1,488	2,100	5,899	6,497	9,978	13,200	15,159	51,591
Male householder, wife absent	3,911	358	292	703	707	694	716	440	32,960
Female householder, husband absent	12,652	2,971	1,661	2,647	1,875	1,685	1,195	618	21,023
Unrelated subfamilies	575	219	86	133	69	51	14	3	13,692
Education attainment of householder: [2]									
Total	67,866	4,096	3,693	8,590	8,622	11,913	14,848	16,103	45,874
Less than 9th grade	4,667	690	799	1,267	728	624	341	219	21,208
9th to 12th grade (no diploma)	6,604	1,027	753	1,465	1,085	1,101	778	395	25,465
High school graduate (includes equivalency)	21,991	1,439	1,152	3,261	3,517	4,610	4,991	3,021	40,040
Some college, no degree	12,107	559	562	1,358	1,666	2,338	2,964	2,661	46,936
Associate degree	5,226	162	174	506	556	1,005	1,468	1,355	52,393
Bachelor's degree or more	17,272	221	253	733	1,071	2,235	4,306	8,454	73,578
Bachelor's degree	11,201	156	185	581	797	1,616	3,079	4,788	67,230
Master's degree	3,903	46	46	109	194	451	868	2,188	81,734
Professional degree	1,249	10	12	25	50	111	203	839	106,942
Doctorate degree	919	8	10	18	30	58	156	638	103,203

[1] Persons of Hispanic origin may be of any race. [2] Persons 25 years old and over.

Source: U.S. Census Bureau, Current Population Reports, P60–200.

Mr. REID. Mr. President, as I have said, this is the time that we are debating public education, I hope. And we are talking about taking taxpayer money—that is what this is about—and giving tax relief to the top 4 or 5 percent of people in America. I am not too sure that is a proper allocation of income.

We have limited resources. We can talk about all the surpluses we want, but, as we know, when it comes time to allocating moneys in the appropriations process, there are very scarce dollars. There are very scarce dollars for public education. As has been established in this debate, the Federal Government contributes 2 percent of its resources to public education in America. The Governors were in town from all 50 States crying for more money for all kinds of things, especially education. Of course, we don't want to take the control of education away from the local schools, but local schools, as Senator MURRAY from Washington talked about yesterday, a former school board member, need to get some financial relief. We should be spending these limited resources not on trying to help somebody who makes up to $220,000 a year; we should be getting resources to these schools with tight budgets. We must focus on what we know works, what is going to help children in school more. Is it this tax relief to 4 or 5 percent of the American people or to do something about getting teachers who are better trained? We need to recruit and monitor high-quality teachers and principals. We need to do something about creating smaller classes.

With all due respect to the majority, they talk about smaller class size—the Senator from New Hampshire talked about that yesterday. Common sense dictates that if a teacher has 25 or 30 children as compared to 15 children, where is that teacher going to do the better job? Of course, it would be with 15 children. We need to have smaller classes and we need to work on having smaller schools because we know that works, too. We need to hold schools accountable for results. This takes resources that local school districts don't have. We need to ensure that children learn in modern, safe classrooms.

Some schools are badly in need of repair. It has been established in the debate we have had over the last few days that the average school in America is 42 years old. Well, I am sure those schools need some renovation and repair. We need to expand access to technology. We rush down—Democrats and Republicans—sponsoring and voting for a bill to give these big corporations tax credits for donating computers to schools. I think that is wonderful, but we should also be concerned about the many schools that aren't properly equipped to use these computers. They are not wired properly. They can't be wired properly a lot of times because the schools are simply too old. We need to spend money to ensure universal access to high-quality preschool programs and to make college affordable.

I hope we all understand what we are here talking about. We are talking about helping kids become better citizens of this country, and the best way is through education. I respectfully submit that helping people making up to $220,000, that is, 4 to 5 percent of the American people, is not the best way to expend our very limited resources.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MACK. Mr. President, I wanted to put some information in the RECORD. It is unfortunate that all Members did not have the information as to what the cost of this amendment would be. It is nowhere near what was implied by my friend who just concluded his comments.

The Joint Tax Committee has estimated the amendment will reduce taxes by only $7 million over 10 years. That is point one. Point two, the reason that is the case is because the individuals who would be affected by this already have the option to use prepaid tuition plans.

Now, there seems to be agreement with respect to tuition tax plans of people of high income, as Senator REID indicated a moment ago. We have all agreed it was fair to them. Why is it not fair to allow the same benefits to derive to them under the education savings accounts as under the prepaid tuition plan?

So, again, the cost is $7 million over 10 years. Roughly 2 million families would be affected, not 20 percent of potential families. It is narrowly focused and it is addressing the issue of a marriage penalty; there is no place in our proposal, the education savings plan, for discriminating against those who are married.

I thank the Chair for the time.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. How much time remains on both sides?

The PRESIDING OFFICER. The majority has 1½. The minority has 8½.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senator from Kansas, Mr. BROWNBACK, be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. The hour of 10 a.m. has arrived. By prior order, the vote is to begin. I am prepared to yield back our time so we can commence with the vote. I hope the Senator from Nevada will do the same.

The PRESIDING OFFICER. There still remains 4 minutes under the control of the minority.

Mr. REID. We yield back that time.

The PRESIDING OFFICER. All time has expired.

Mr. COVERDELL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 2827. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) and the Senator from Missouri (Mr. BOND) are necessarily absent.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

The result was announced—yeas 54, nays 43, as follows:

[Rollcall Vote No. 22 Leg.]

YEAS—54

Abraham
Allard
Ashcroft
Bennett
Brownback
Bunning
Burns
Campbell
Chafee, L.
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner

NAYS—43

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Wellstone
Wyden

NOT VOTING—3

Bond
McCain
Moynihan

The amendment (No. 2827) was agreed to.

The PRESIDING OFFICER (Mr. BUNNING). Under the previous order, the Senator from Delaware, Mr. ROTH, is recognized to offer an amendment which the clerk will report.

AMENDMENT NO. 2869

(Purpose: To amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes)

Mr. ROTH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Delaware [Mr. ROTH], for himself, Mr. ASHCROFT, and Mr. VOINOVICH, proposes an amendment numbered 2869.

Mr. ROTH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

The PRESIDING OFFICER. Under the previous order, the Senator from Florida, Mr. GRAHAM, is recognized to offer a second-degree amendment which the clerk will report.

AMENDMENT NO. 2870 TO AMENDMENT NO. 2869

(Purpose: To reinstate certain revenue raisers)

Mr. GRAHAM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Florida [Mr. GRAHAM] proposes an amendment numbered 2870 to amendment No. 2869.

Mr. GRAHAM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I rise in support of my amendment to S. 1134, the Affordable Education Act.

First, my amendment makes this legislation a true tax cut bill for education. My amendment removes all the bill's tax increases. We should not be taxing away with one hand what we return with another in a time of Federal budget surplus. Americans should not be taxed again to pay for a national priority.

Second, my amendment makes permanent the increase from $500 to $2,000 in the annual contribution amount for a kindergarten-to-college education IRA. Without these permanent increases in contribution limits and spending flexibility, both would end after the year 2003. My amendment removes that sunset because I believe that we should not be sunsetting our Nation's future, which is the education of our children.

Education IRAs are extremely important. Not only does the increase to $2,000 I propose make these accounts more attractive to families who want to use them, but to institutions who want to offer them. And even more important than these additional incentives to adults is the one they give to children. As experts have testified, there is something special about knowing that money is being put away for your future education. It is an incentive to excellence for both today and tomorrow.

Third, my amendment fixes a trap for the unwary. Currently, a student who takes money from an education IRA is not able to use the HOPE or Lifetime Learning Credit—even if they are for different education expenses. That is wrong, and it is downright deceptive to families who need both. My amendment allows parents to use both and to use both permanently.

Finally, my amendment makes the tax-free treatment of employer-provided educational assistance permanent—both undergraduate and graduate. Something as important and necessary as continuing education should not be wrapped up in the uncertainty of frequently needed legislative action.

Why is the permanency of my amendment's provisions so important? Because they would allow parents to contribute up to $2,000 annually toward their child's education—from the day of birth to the first day of college.

Even that may not seem like a lot but, like a train, it may start slowly but it is very powerful. It will gain speed. It is a savings express to college.

By putting their child on the savings express, after 18 years when that child is ready to go to college, the parents will have over $65,000. And that just assumes a 6-percent rate of interest—the rate on a government security. Of course, other investments could yield even more. Parents would have at least $65,000 toward their child's education. Twenty-nine thousand dollars of that would be solely due to the power of compounding interest. And every cent of that $29,000 would be tax-free—it would go straight into education.

Maybe that still does not seem like a lot to some folks, but it sure seems like a lot to parents who are struggling today to insure college for their children tomorrow.

The national average annual cost of college—tuition, room, and fees—is roughly $10,000 per year or $40,000 for the cost of college education.

My amendment before us today will cover this. It will give parents and students peace of mind and a piece of the American dream.

My amendment is a powerful incentive to save. It is an engine. It is the engine that can pull a long train of savings—and dreams.

Like the "Little Engine that Could," my amendment makes this legislation the "Education Savings Plan that Will." Parents and children getting on this savings train, will get off at college to a better future.

America has waited for this education savings plan for three long years. This legislation brings it home today. My amendment makes sure it stays there for families—not just for today, but for tomorrow and all the days that follow. It is time that the President got on board.

I urge my colleagues to join with me in a bipartisan effort to make education affordable for America's families.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I could not agree more with the comments that were made by the distinguished chairman of the Finance Committee relative to the importance of America investing in its future, and education is one of the most fundamental ways in which we are able to shape our future, by assuring that our young people are fully prepared to meet the challenges of this exciting new century.

It was for that reason that I supported this legislation when it was reported with a bipartisan vote from the Senate Finance Committee. I also supported it because it recognized another aspect of our responsibility to the future, and that is to act in a fiscally prudent manner, particularly at this rare moment of opportunity we have before us today.

The U.S. Government had its last surplus in 1969. We then had 30 years of deficit financing. Our national debt went from 1979's little better than $900 billion to 1999's national debt of almost $5.5 trillion. That is trillion with a T.

That is the extent of the profligate fiscal policy in which this country has engaged for the better part of three decades. But in the last few years, we have started to get seriously committed to not asking our children and grandchildren to pay our debts, and the result of that has been a dramatic reduction in our annual deficits to the point that now we are, for the first time in over three decades, in a surplus position.

We have made a decision—and I hope we will stay faithful to that decision—that we will commit all of the surplus which is generated from Social Security to the reduction in the national debt as the means by which we can make our greatest contribution to the long-term solvency of the Social Security system.

Second, we would husband the non-Social Security surplus to use against a set of yet-to-be-determined national priorities.

My concern is that the pattern we are now following—and I am going to give a little history of what has happened in the past few months—is that we are dissipating that opportunity to use the non-Social Security surplus against a set of national priorities by an incremental approach. A good idea or an appealing idea is presented, and we say: We will buy that, and we will pay for it out of the non-Social Security surplus.

Then a few days later another good idea comes along and we say: We would like to buy that, too; we'll pay for it from the non-Social Security surplus.

Do you know what is going to happen? It will not be long before there isn't any credit line left in that non-Social Security surplus. We will awaken and say: There were some really big things we needed to do. We have a contract out here—a contract between the

Federal Government and the people of America for their Social Security.

Right now, our ability to meet that contract, even with the investment we are going to make in reducing the national debt, is very uncertain. We should be using some of this non-Social Security surplus to help shore up our long-term ability to meet that contractual obligation. But because we spent all the non-Social Security surplus on these incremental piece-by-piece, toy-by-toy ideas, we will not have any money when we want to give America a big gift, the security of the Social Security system.

We also are not going to have any money to do other important things for which we have a contract with the American people, such as to assure there will be a health care system for our older citizens. We know the Medicare system, as Social Security, has some very daunting challenges facing it in the next few decades, as the number of eligible Americans for Medicare and Social Security will double. Yet we will not have the resources to make that kind of a commitment.

To focus on this specific issue, as I indicated earlier, I voted for this bill when it was reported from the Finance Committee because I thought it made good education policy but also because it was paid for. We were not asking future generations to sacrifice the non-Social Security surplus to pay for this program. We found some means within our current spending and taxing policy to generate the resources to pay for this program. We thought this program was important enough to pay for it, not ask our grandchildren to pay for it. I think that is not a failure; that is a statement of the seriousness of our intention.

It is a lot easier to buy something somebody else has to pay for than to buy something you have to go into your own bank account and write that check to pay for. That is a statement of an important and serious commitment to the objective. We had made that statement of the seriousness of this goal by our willingness to pay for it.

We are proposing to do two things: One, make it substantially more expensive; and, two, not pay for it.

My amendment does a simple thing; that is, it says we should at least, at a minimum, keep in this bill those items that would help to pay for it, which the Senate Finance Committee, just a matter of a few weeks ago, found to be an appropriate method of financing this program.

Let me put that simple principle into the context of what we are doing.

First, we are making a series of significant fiscal decisions before we have adopted the budget resolution. For those who are new or unfamiliar with this process, the Congress, as one of its earliest efforts to get a handle on the 30 years of deficits, adopted a complex budget process which has, as its linchpin, a congressionally adopted budget resolution.

That resolution would be analogous to an architect's set of plans for constructing a building. It gives the general direction, framework, and prioritization of Federal fiscal policy each year. Those priorities then drive the individual appropriations and tax measures which will support that architectural plan.

We have not yet seen the architectural plan for fiscal year 2001 which will be affected by this measure, and, therefore, we do not know what within that plan is going to be the provision for tax-and-spending measures that would support this educational proposal. We do not know what will be the scale of the non-Social Security surplus.

We do know this: The scale of the non-Social Security surplus could be as much as $1 trillion from the high to the low estimate. That depends largely on what is going to be our spending appetite.

In the next 10 years, if we spend at the same rate we did in the last year, for the year 2000 fiscal budget, according to CBO, we are going to end up with a budget surplus of approximately $838 billion over the next 10 years for the non-Social Security account.

If we go back to the budget caps we adopted in 1997—which I supported last year, and for that reason I voted against the omnibus appropriations bill—we would have a surplus over the next 10 years of about $1.9 trillion. Those are the two extremes of the resources we will have. Yet before deciding that fundamental question: Are we going to be dealing with a surplus of $838 billion or are we going to be dealing with a surplus of $1.9 trillion? we are making decisions as to how to distribute the surplus.

Second, this is not the first example of that spending.

Let me catalog what we have already done.

In the Patients' Bill of Rights bill—and today is the start of its conference—we have proposed to spend $30 billion over 10 years of non-Social Security surplus in various tax reductions. The bankruptcy bill—which has passed both Houses, and which is or soon will be in conference—proposes to have tax cuts of $103 billion. The educational savings bill—the bill before us today—with the amendment the Senator from Delaware has proposed, would have a cost of approximately $13 billion. I use the word "approximately" because several of the measures that are in this bill or may be proposed to the bill have not been scored by the Congressional Budget Office. The marriage penalty bill, which passed the House, has a cost of $182 billion over the next 10 years.

If we were to reject the House approach and adopt the legislation which has been introduced in the Senate Finance Committee, and which was contained in last year's Taxpayers Refund Act of 1999, that would increase the cost of the marriage penalty to $311 billion over 10 years.

The consequence of what we have already done, using the conservative level on the marriage penalty, is we have already spent approximately $328 billion of our $838 billion, 10-year, non-Social Security surplus—before we have adopted a budget resolution, before we have decided how much of the non-Social Security surplus should be used for priorities such as strengthening Social Security and assuring its solvency for three generations, before we have made a decision as to how much should be spent on strengthening Medicare and modernizing Medicare so it represents the kind of health care program our older Americans deserve, before we have made decisions on what our defense budget should be in order to protect the security of America.

All of those things have gone undecided. Yet we have decided to spend $328 billion on this collection of tax-and-spending measures before we have an architectural plan. It would be similar to the family who wants to build a house, and before they have the architect draw the plans for the house, they decide, "We will go ahead and put in an attic family room," without any context of how that is going to relate to the rest of the house. It is always fun to be able to spend your money on those things that are joyful and happy without having to put your mind to the task of deciding what is of greatest importance.

My amendment is a very modest one. It proposes to put back into the bill exactly the same items which were in the bill when it left the Senate Finance Committee. Let me briefly mention what those items are.

First is a modification of the foreign tax credit carryover rules. This has a financial impact of $3.6 billion over 10 years. I point out that this is not a new idea for the Senate to consider. In fact, the Senate has already passed this bill, first in 1997, as part of the Taxpayer Relief Act; in 1998, as part of the IRS restructuring program; in 1998, as part of the Parent and Student Savings Act; in 1999, as part of the Taxpayer Refund and Relief Act; and in 1999, as part of work incentives. It appears from that record that the Senate has studied, is aware of, knowledgeable of this tax issue and has decided this would be an appropriate measure to use as a partial offset for the educational savings account.

The second measure is to limit use of the nonaccrual experience method of accounting. This would contribute $300 million over the next 10 years. That proposal was first adopted in 1999 as part of the Taxpayer Refund and Relief Act, passed in 1999 as part of the trade bill offset, and passed in 1999 as part of the Work Incentives Act—again, not a novel idea, an idea that the Senate has had repeated exposure to and repeatedly has found to be worthy.

The third item is the extension of IRS user fees. This would produce $278 million over 10 years. This was passed as part of the 1999 Taxpayer Refund and Relief Act and the 1999 work incentives.

The fourth item is to allow employers to transfer excess defined benefit assets. That would make a contribution of $156 million. That was included in the 1999 Taxpayer Refund and Relief Act.

Finally, with a contribution of $1.2 billion over 10 years, is to impose a limitation on the prefunding of certain employee benefits. This passed the Senate in 1999 as part of the Taxpayer Refund and Relief Act and in 1999 as part of the Trade Act offset.

These five items aggregate to $5.5 billion over 10 years. These items were part of the package that had the objective of fully funding the educational savings account so it would not contribute to any reduction in the non-Social Security surplus when this bill passed the Senate Finance Committee.

I do not represent that these items will fund the bill in its current form, because the bill has ballooned in cost since it has been on the Senate floor. I suggest we ought to first take this modest step of at least retaining the offsets that have already been voted by the Finance Committee and which are in the bill and then, before we take a final vote on this legislation, assess what the cost of this total program is as amended by the full Senate, and then find an offset to pay for those additional amounts.

Failing to do so is to make a statement that we are prepared to spend the non-Social Security surplus without any frame of reference, without any budget resolution, without any architectural plan as to what we want to do. That is a prescription to return to the three decades of deficit spending which threatened the fiscal solvency and the economic future of this Nation. I believe it would be reckless for this Congress, having worked so hard to get to a surplus, not to now use this opportunity to make the hard decisions as to what is the priority for the use of this surplus and then to have the discipline to follow that set of priorities.

Mr. President, I urge adoption of this amendment which will be a symbolic statement that we are prepared to exercise fiscal discipline in times of potential prosperity and plenty, just as we had to exercise fiscal discipline during the 1990s in order to remove ourselves from the quagmire of deficits and exploding national debt.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, my colleague from Florida has offered an amendment he claims will offset the cost of this bill by keeping in place its current tax increases. It will not and what's more it should not, even if it did.

Senator GRAHAM claims this education savings bill must be paid for. Let me say the bill is already paid for. It has been paid for by a surplus in income tax revenues from America's families.

According to the Senate Budget Committee, federal revenues, not counting a cent of Social Security's surplus, will be $1.9 trillion higher over the next ten years than this year's level of federal spending. That means a $1.9 trillion overpayment by America's income taxpayers. Are we saying that despite a $1.9 trillion overpayment that we cannot afford to let families keep less than one percent of it for their children's education?

Second, leaving these tax increases in this bill will still not pay for it fully. They are simply tax increases then—not offsets.

Finally, when Senate Democrats offered their tax relief package last July, it amounted to $290 billion over ten years. None of this was offset. Why now, when the issue is education and the tax relief is just a fraction of the amount that Senate Democrats supported last year, must we now raise taxes to pay for it? This is simply inconsistent.

Perhaps an even better question is: Why must we raise taxes to constitute this offset? Why could those wishing to pay for this, not find the small amount of money necessary from a $1.8 trillion budget? To pay for this from Washington's budget rather than the American taxpayer's?

I am sympathetic to the argument of fiscal responsibility. However at a time of substantial tax overpayment, why should it be so hard to allow families to keep some of their own tax overpayment for their children's education?

If we cannot say that when the federal government is running federal surpluses worth, according to our Budget Committee, almost $2 trillion over the next ten years; and we are seeking to return less than half a percent for education, when can we ever have a reason to cut taxes?

The federal tax burden as a percentage of the economy is the largest that it has been since World War II. The federal income tax burden as a percentage of the economy is the largest in history. Those are not my estimates but the President's. Once again I ask: if we cannot cut taxes when they are at historically high levels, when can we cut them?

The tax overpayment is huge, the tax burden is historically high, and the cost of this education provision is small, if we cannot cut taxes now and for education—when and for what can we ever cut them?

Sadly, I cannot help but believe that there are some Senators who must think that we can never cut taxes. That taxpayers' money is always better spent in Washington than by the people who earned it. I am one Senator who does not believe this is true.

I intend to vote against this amendment to raise taxes. Furthermore, I intend to bring more legislation to the floor that will cut taxes—not raise them.

I believe that this education legislation is precisely what America's income tax surplus should be used for: America's families.

I urge my colleagues to join with me and reject the Graham amendment and keep my proposed permanent tax relief for education.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. Mr. President, the issue is not whether we believe investment in education is an important part of America's future; we all agree with that. It is not even whether we believe there should be some tax reductions to encourage people to invest in their children's education as well as other desirable goals. Most of us believe in that. I certainly do. The question is, How do we have a rational process of deciding how we are going to use the opportunities that are presented to us here today?

It is interesting to me that as we start the third full century of America's national history we might reflect back on what happened at the beginning of the 19th century and the 20th century—the two other full centuries of this Nation's existence. In both of those periods, there seemed to be an energy that came from a new century and the new beginnings that it represented—an energy that was channeled into areas that have had a lasting, positive impact on our Nation.

In the beginning of the 19th century, the President of the United States was one of the gentlemen whose bust appears above our Presiding Officer—Thomas Jefferson. Thomas Jefferson had the vision to see that America's future was not in being a scattering of States along the Atlantic but, rather, as a continental empire. And at a time when our country was small and struggling, and in some areas of Europe derided as a false dream of a democracy, Thomas Jefferson had the boldness to commit us to purchase from France the Louisiana Territory and fundamentally reshaped America and created the possibility of the great Nation we are today. That was the vision Thomas Jefferson and his colleagues had for America at the beginning of the 19th century.

In the beginning of the 20th century, another man whose bust is close to this Chamber, Theodore Roosevelt, was our

President. He had a vision of an America that would begin to achieve its international goals. The Panama Canal was a statement not only of America's great technological capacity but also America's understanding of its role in the world. Theodore Roosevelt also understood the importance of investing in this country. During his Presidency, we added to our national land trust an amount of land that would be the equivalent of every acre from the State of Maine to my State of Florida along the Atlantic coast of America. Those were bold visions of the generation of Thomas Jefferson and the generation of Theodore Roosevelt.

We have the opportunity now, both because of the start of a new century and a new millennium and because we have paid the price to get our national financial house in order, to begin to think boldly of what we want to have history write about what America did at the beginning of the 21st century. The concern I express today is that we are dissipating that opportunity through a series of incremental, uncoordinated, nonprioritized decisions that are going to have the effect of continuing to dissipate the resources that could be used to do something as bold as purchasing Louisiana or building the Panama Canal.

The chairman of the Finance Committee said that the Budget Committee has indicated we will have a budget surplus over the next 10 years from non-Social Security funds of almost $2 trillion. Well, I say, let's wait until we pass a budget resolution that indicates that is going to be the amount of our budget surplus. As you will recall, we made a commitment in 1997 that we were going to exercise budget discipline and abide by budget caps. Those decisions would have caused us, last year, to have had a discretionary spending account of approximately $575 billion. In fact, we ended up spending over $620 billion. We crushed and we pulverized the budget ceilings that were supposed to be the hallmark of fiscal discipline.

I want to be sure that we are going to declare that our 1999 actions were an aberration rather than the path of future lack of fiscal discipline before I conclude that we are going to have a nonbudget surplus of $1.9 trillion. We are being asked to take a leap of faith that runs directly counter to what we did a matter of a few weeks ago when we passed that bloated final appropriations bill—that that was a mistake, and that we asked for the repentance of the American people, and we are going to go back to the fiscal discipline that would be required to have a $1.9 trillion non-Social Security surplus, which is the discipline of returning to those 1997 budget caps. I want to see us make that commitment and live up to that commitment before we start spending the money. Let's eat our spinach before we start having our ice cream party.

Second, in addition to not having set a budget resolution, which is the architecture of our fiscal policy, we haven't even had a serious debate on what our strategic priorities should be at the beginning of this century, that capability which fiscal discipline would give us. We haven't decided what we are going to do about the fact that, whereas today there are approximately 40 million Americans on Social Security and Medicare, at the end of the next generation we are going to have 80 million Americans looking to Social Security and Medicare—looking to the solemn contract that exists between the Government of the United States of America and the people of the United States of America to provide them financial and medical security in retirement. I think we ought to be figuring out how we are going to meet that solemn obligation before we do any of these other items—as attractive, desirable, and important as we might think they are. I believe those are our first two priorities.

I am seriously concerned that the course we are on, which is following exactly what we did in 1999, is going to lead us to a dissipation of our capacity to set rational priorities, that we will become the first political leadership of America at the beginning of a new century, and instead of being the giants of Jefferson and Theodore Roosevelt, we will be the Pygmies in the toy store trying to fulfill our immediate desires and needs without focusing on what is in the best interests of America in this 21st century.

This vote today is not a giant vote of fiscal policy. I said in my concluding remarks that this does not even purport to fund the bill that is before us, in large part because the bill before us has been growing almost hourly since it has been on the floor. This amendment the Senator from Delaware offered would be the most gargantuan growth of this bill we have experienced since it has been on the floor, an addition of approximately $10 billion over 10 years.

I do not purport that this amendment will fund fully this bill. I say this amendment is a critical statement of whether we are serious about fiscal discipline, whether we are serious about setting a plan for the fiscal future of this Nation—at least a plan for the next fiscal year before we start spending our non-Social Security surplus—and whether we are serious about setting some longer range priorities to meet these very significant legal and moral obligations the American Government has to the American people. That is what this vote is about.

Are we willing to take the very minor step of saying that we are willing to strip out of this bill five relatively small tax changes, all of which have been passed by this Senate, in most cases on multiple occasions, and ask our grandchildren to pay out of the non-Social Security surplus they will be contributing to over the next 10 years, or are we going to step up and say this is the time we will make a statement, a commitment, a pledge for fiscal discipline?

It is my strongest wish we in the Senate do not see this as some kind of a partisan divide. We were able to contain the deficits and get to the point that we are because we worked together as Americans, not as members of any particular party or representatives of any region or interest of this country. It is in America's interest that we exercise this fiscal discipline.

Today is the day we can make an important statement that we are prepared to do so. I urge us not to let this opportunity pass.

Thank you.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, it is somewhat fascinating to me that this week and today we are being accused of spending too much on education; that we cannot afford to dedicate something close to one-half of 1 percent to assure our American families the kind of education they need these days. Yet a few days ago, the legislation was belittled for not spending enough. We can't have it both ways.

What I think is particularly important to understand is that No. 1, no matter is more important to the American family or to this Nation than a well-educated citizenry.

I believe what is remarkable about this legislation as modified by my amendment is it takes a very little amount to accomplish so much.

The continuing education of Americans is obviously critically important because of the continuing technological revolution we are enjoying. The new generation is going to be facing the need to continue their education to meet the challenges and opportunities of the future.

I find it very puzzling when we recognize—and the administration, as well, recognizes—that over the next 10 years we will have nearly a $2 trillion surplus, and we cannot take a very small part of that to help assure American families of all backgrounds the opportunity to be well-educated citizens.

I urge my friends and my colleagues to vote against the Graham amendment, the Senator for whom I have the highest respect.

I think this is something for which we should use the surplus. I think there is nothing more important than American education.

Let me point out once more that American families are paying higher taxes than any time since the end of World War II. Close to 20 or 21 percent of gross domestic product is going to Federal taxes. It is my solid belief that it is important we return part of that to the American family. One of the most important reasons for returning it is to assure they have the resources and are able to send their children not only to the schools of their choice but to college and graduate education as well.

For those reasons, I urge my colleagues to reject the second-degree amendment and to support my amendment which would make permanent many of the benefits contained in this legislation.

I yield the floor.

Mr. REID. Mr. President, the Senator from New Jersey, Senator LAUTENBERG, wishes to speak on this amendment. It is my understanding he is on his way over.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, I ask that the yeas and nays be ordered on the second-degree amendment, No. 2870.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. ROTH. I ask for the yeas and nays on the first-degree amendment, No. 2869.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. GRAHAM. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, how is the time managed?

The PRESIDING OFFICER. The time is equally divided.

Mr. LAUTENBERG. Mr. President, I will begin by talking about the underlying bill which is entitled the Affordable Education Act. I stand in opposition to the bill as it is presented because I don't know who can afford it. Can the citizens of this country afford to have resources diverted from the public school system? With all of its deficiencies, it is the underlying educational system that exists throughout the country. The bill will shortchange our public schools and provide more than 70 percent of the tax breaks to families in the top 20 percent of the income brackets.

I come from the State of New Jersey. As everyone knows, New Jersey is the most densely populated State in the country. We are essentially an urbanized State. We do have some suburbs; we have very little by way of rural population.

When we say we are going to provide our citizens with an "option," the option is more or less to abandon the public school systems, particularly in our urban centers which are struggling to make ends meet and struggling to educate our children.

I was born in the city of Paterson, NJ. It is highly industrialized. Initially its growth was from textile production, textile manufacturing. My father and grandfather worked in those mills. I visit the city of my birth quite often. It is a very low-income city, as is Newark, our largest city in New Jersey, as is Jersey City, another of our large cities in New Jersey—small in comparison with other States, where one city can be 10 or 20 percent of the population. We don't have that. We have lots of cities.

They struggle, and we are often disappointed in the SAT scores. We look beyond the SAT scores and we see young people who can learn and accomplish things and get through the maze and make something of their lives despite the inconveniences that often come with insufficient physical structure in the schools, schools with instructors who do not have the appropriate teacher training, and schools that do not have sufficient revenues to make the needed investments.

I, personally, since I come out of the computer business, have been involved with some of our schools. I picked Patterson, NJ, in particular and tried to make a financial as well as a physical contribution, pulling wires into some of the schools so they could have some connection to the Internet—not fully, not sufficient for all the students, but we are living almost on spare change in cities such as that. We have to figure out a way to improve those educational standards.

By permitting people to avoid going to those schools, those few who have enough income to go elsewhere, we are not going to help the basic educational system that has done so well in this country. Before private schools became as interesting as they are now, public schools produced the talent and the brilliance and the leadership this country has seen. We put up a sign that says: Abandon the schools if you can afford it, abandon the public school system; get out of town if you can.

We made mistakes in our planning over the years. One of the most obvious is, although we did something very positive by building our National Highway System—it was begun in the 1950s—it had an unanticipated consequence and that was to encourage abandonment of the cities. Move out of town, get some nice space—and I don't blame people for wanting to do that—and leave the problems behind. As a consequence, the average income of the people who inhabit the cities has gone down substantially; the tax base has gone down substantially, and the revenues are just not there.

So, as that happened, as people had less loyalty to the cities, they also wanted different school options. Now what we are seeing is, with these tax breaks for people who can afford to send their kids to private schools, that they, too, will abandon their interest. It will also cost the country, by my calculation, somewhere close to $15 billion over the next 10 years, possibly even more. That is significant when we are trying to pay down the debt, trying to find ways to provide prescription drugs for people who need them, when we are trying to find other ways to improve the educational system altogether. Now we are saying the plan in this act is to have the revenue losses offset by other opportunities. Adding insult to injury, our distinguished friend, Senator ROTH, has offered an amendment that would eliminate the revenue-raising portions of the bill and seek to spend surplus funds for the tax breaks in the legislation.

To use an expression: That compounds the problem. Before we start spending projected surpluses that may or may not exist, we ought at least understand how large those surpluses are likely to be and have an overall plan for using them. Otherwise, before we know it, we will have frittered away the surpluses and used up funds that will be needed for higher priorities.

In particular, I am concerned we reserve enough of the surpluses to ensure we can protect Social Security, extend the life of Medicare, make sure we consider the prescription drug program, give targeted tax breaks, and pay down the debt. The American people salute that. They know when you are in debt it is never easy to plan ahead. Boy, we would set one incredible example if we could get our debt paid down by 2013, which is the objective of the President's plan. I also think we ought to make sure we protect those surpluses for other needs that will be discussed in our upcoming budget debate, which I hope will commence very shortly.

In my view, those priorities I discussed are more important than subsidizing private schools for a relatively small number of families. But even if you support the goals of this bill, I hope my colleagues will agree that, at a minimum, we ought to have in front of us a plan for using the surpluses before we start spending them. That makes sense. Not many people make expenditures without knowing what their paycheck is going to be. That is why we have a budget resolution. That is why we have a budget process.

I am the ranking Democrat on the Budget Committee and the chairman of the committee, someone widely respected, is Senator DOMENICI. While we have our differences, there is a process at play, and we want to see it worked out before we start making expenditures from surpluses we are not even sure of arriving or what the amount of those surpluses is going to be.

The Budget Committee has not begun to mark up the budget resolution. We still have some time to meet our deadline, so it is premature to be considering a bill such as this. Before we start handing out scarce private resources to public-subsidized private schools for a few families, let's adopt a plan to protect Social Security, protect Medicare. Let's provide prescription drugs for our seniors. Let's make sure we are on a path toward eliminating our publicly held debt.

I also point out there is a technical flaw in this amendment. By eliminating the revenue-raising provisions of the bill, this amendment would trigger an across-the-board cut that we know as a sequester. Such a cut would be required under the Budget Act. The end result is it would force a cut in Medicare, veterans' benefits, farm aid, child support enforcement and foster care, among other programs. I do not think that is the intent of the sponsors. I think the point of this amendment is to spend future projected surpluses. But its actual effect, unless corrected, would be to cut programs such as Medicare and others. Either way, I think it would be a mistake to support this amendment.

I urge my colleagues to reject the amendment. Let's adopt a budget resolution before we start squandering projected budget surpluses. Let's make sure we can protect Social Security and Medicare before we start raising these funds. And let's not adopt an amendment that perhaps would unintentionally require real and immediate cuts in Medicare, veterans' benefits, and other programs.

While I urge defeat for this amendment, I do not want it misunderstood. I do not want it to ensure the passage of the underlying bill, which is to give those tax benefits to people at the upper end of the income scale and help abandon our schools, as opposed to facing up to our problems and working on the public school system; just help people walk away from it. I don't think that is a good way to solve problems.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent the pending amendment be set aside.

The PRESIDING OFFICER. Is there objection?

Mr. REID. If the Senator will withhold for a second, I think on the pending amendment, the second-degree amendment, we should yield back the time on that?

Mr. ROTH. Yes. We are pleased to yield back the remainder of time on both the first- and second-degree amendments.

The PRESIDING OFFICER. All time is yielded back.

Mr. REID. I also say the two leaders want to schedule a vote at some later time. So with the permission of the majority, we will go to another amendment.

I would say the order of business is to go to the Boxer amendment.

We have submitted to the majority the Boxer amendment. They indicated they want some time to look at it. It deals with a very important subject, and that is the safety of our children in schools.

We hope we can get to that debate as soon as possible. While they are looking at that amendment, the Senator from North Dakota has an amendment he desires to offer at this time.

I ask unanimous consent that the pending amendment be set aside to allow the Senator from North Dakota to offer his amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from North Dakota.

AMENDMENT NO. 2871

(Purpose: To provide parents, taxpayers, and educators with useful, understandable school report cards)

Mr. DORGAN. Mr. President, I send an amendment to the desk. It is an amendment that has been duly noticed under the unanimous consent agreement.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 2871.

Mr. DORGAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2 between lines 2 and 3, add the following:

TITLE —STANDARDIZED SCHOOL REPORT CARDS

SEC. 01. SHORT TITLE.

This title may be cited as the "Standardized School Report Card Act".

SEC. 02. FINDINGS.

Congress makes the following findings:

(1) According to the report "Quality Counts 99", by Education Week, 36 States require the publishing of annual report cards on individual schools, but the content of the report cards varies widely.

(2) The content of most of the report cards described in paragraph (1) does not provide parents with the information the parents need to measure how their school or State is doing compared with other schools and States.

(3) Ninety percent of taxpayers believe that published information about individual schools would motivate educators to work harder to improve the schools' performance.

(4) More than 60 percent of parents and 70 percent of taxpayers have not seen an individual report card for their area school.

(5) Dissemination of understandable information about schools can be an important tool for parents and taxpayers to measure the quality of the schools and to hold the schools accountable for improving performance.

SEC. 03. PURPOSE.

The purpose of this title is to provide parents, taxpayers, and educators with useful, understandable school report cards.

SEC. 04. REPORT CARDS.

(a) STATE REPORT CARDS.—Each State educational agency receiving assistance under the Elementary and Secondary Education Act of 1965 shall produce and widely disseminate an annual report card for parents, the general public, teachers and the Secretary of Education, in easily understandable language, with respect to elementary and secondary education in the State. The report card shall contain information regarding—

(1) student performance in language arts and mathematics, plus any other subject areas in which the State requires assessments, including comparisons with students from different school districts within the State, and, to the extent possible, comparisons with students throughout the Nation;

(2) attendance and graduation rates;

(3) professional qualifications of teachers in the State, the number of teachers teaching out of field, and the number of teachers with emergency certification;

(4) average class size in the State;

(5) school safety, including the safety of school facilities, incidents of school violence and drug and alcohol abuse, and the number of instances in which a student was determined to have brought a firearm to school under the State law described in the Gun-Free Schools Act of 1994;

(6) to the extent practicable, parental involvement, as measured by the extent of parental participation in school parental involvement policies described in section 1118(b) of the Elementary and Secondary Education Act of 1965;

(7) the annual school dropout rate, as calculated by procedures conforming with the National Center for Education Statistics Common Core of Data;

(8) student access to technology, including the number of computers for educational purposes, the number of computers per classroom, and the number of computers connected to the Internet; and

(9) other indicators of school performance and quality.

(b) SCHOOL REPORT CARDS.—Each school receiving assistance under the Elementary and Secondary Education Act of 1965, or the local educational agency serving that school, shall produce and widely disseminate an annual report card for parents, the general public, teachers and the State educational agency, in easily understandable language, with respect to elementary or secondary education, as appropriate, in the school. The report card shall contain information regarding—

(1) student performance in the school in language arts and mathematics, plus any other subject areas in which the State requires assessments, including comparisons with other students within the school district, in the State, and, to the extent possible, in the Nation;

(2) attendance and graduation rates;

(3) professional qualifications of the school's teachers, the number of teachers teaching out of field, and the number of teachers with emergency certification;

(4) average class size in the school;

(5) school safety, including the safety of the school facility, incidents of school violence and drug and alcohol abuse, and the

number of instances in which a student was determined to have brought a firearm to school under the State law described in the Gun-Free Schools Act of 1994;

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(9) other indicators of school performance and quality.

(c) MODEL SCHOOL REPORT CARDS.—The Secretary of Education shall use funds made available to the Office of Educational Research and Improvement to develop a model school report card for dissemination, upon request, to a school, local educational agency, or State educational agency.

(d) DISAGGREGATION OF DATA.—Each State educational agency or school producing an annual report card under this section shall disaggregate the student performance data reported under section 4(a)(1) or 4(b)(1), as appropriate, in the same manner as results are disaggregated under section 1111(b)(3)(I) of the Elementary and Secondary Education Act of 1965.

Mr. DORGAN. Mr. President, the amendment I offer today deals with a standardized school report card. I want to describe that, but first, I will talk generally about this issue of education and about the debates we have had in recent hours and days in this Chamber.

I talked about the schools I have visited recently in North Dakota. I had a meeting yesterday in Washington, DC, with some people from the Ojibwa School on the Turtle Mountain Indian Reservation in North Dakota.

I want to describe it because we are talking today about how to spend money to improve this country's education system. Some say: Let's provide it in the form of tax credits for education savings accounts that will allow parents to accrue money to send their kids to this school or that school.

There is another way to handle it, and that is to make investments in our schools so children are walking into school buildings that are well-equipped and in good condition, repaired and renovated, and they are going into school classrooms where they have quality teachers and the classrooms are not crowded. That is another way to improve our country's schools.

Because I just had a meeting yesterday with the folks from the Turtle Mountain Indian Reservation about the Ojibwa School, a school I have visited many times, I will read a couple of comments from eighth grade students so Members of the Senate, as they discuss these issues, will understand what eighth graders are saying about their school. I can verify everything they say in these letters is true, and in some cases, worse.

This is Cathy Renault. Cathy says:

> In the 2 * * * short years I've been at Ojibwa, I have had to go home during the day very often.

This is an eighth grader.

> It isn't because of sickness or being checked out or because a teacher or substitute weren't available. No, it's because of very threatening subjects, things you wouldn't find at other schools: Sewer backup, mold growing in buildings, heat that's too hot in the summer and too cold in the winter; harsh weather and having to walk from building to building just to go to lunch.

This is an eighth grade kid. The Ojibwa School is in mobile buildings, small buildings on a hill where young children are moving back and forth. By the way, the fire escapes are made of wood. Figure that one out. There are all kinds of problems with this school.

Does this eighth grade child get the same education as another child where they have less crowding and better facilities? The answer is no.

Leslie Champagne is another eighth grade student. This is what she says:

> Last year our seventh grade teacher slipped and broke a part of her foot and at the same time the other seventh grade teacher had a cast on and had to step in all of the mold and dirty water on the floor. There has been a lot of elders—

Again, this is on an Indian reservation—

> There has been a lot of elders and children falling down outside and getting seriously hurt walking to another building.

Again, they are mobile buildings, like a double-wide trailer, sitting on the side of a hill on the Indian reservation at Turtle Mountain.

> There are even roofs caving in and leaking because of heavy rain or snow. I haven't seen anything new in this school for a long time. The only time I've seen something new is just this year when we got a more decent gymnasium.

From Belcourt, ND, Shelly Selina Davis:

> . . . we don't have shower systems that work properly. After physical education class, we are not able to take a shower and are forced to go through the rest of the school day feeling our hygiene is unhealthy.
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> Last year and one time this year, the whole school had to eat lunch in their classrooms or office, because there was a sewage problem in the kitchen and it made the whole cafeteria smell very badly.
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> Each year, during the winter, there are many students who become ill and miss many school days because of their sickness. The students became ill from having to walk from building to building in the very cold winter weather.

These are grade-school students saying kids do not get to make the decision if they want to be poisoned by a poor sewer system or mold. Kids should be worrying about how they are going to do on a big test, not whether the building is going to collapse. A new school is something we need and have wanted for a long time. This is an eighth grade kid imploring that they need help.

Yesterday, I talked about the Cannonball School. It is no different than this school. Part of the Cannonball School is 90 years old and has been condemned as a fire hazard. The second level of the school is unusable because the stairs leading up to it are unsafe and the school cannot afford to replace the steps. The sewer and the water systems are old, and they back up regularly, sending the smell of sewage gas throughout the school. Classes routinely have to be moved because of the smell of sewage gas becoming so bad in classrooms. One wing of the school does not have running water. There are 150, 160 kids and two bathrooms, one water fountain. They are packed in 8-foot-by-12-foot classrooms with desks so close they almost bump each other. They do not have to worry about whether or not they have computers; they would not have a place to put them. Of course, they could not hook them up anyway in a school in that condition because they do not have the capability to wire the computers.

I have said before that when Little Rosy Two Bears asked me the day I visited that school—and I have done it a couple of times—"Mr. Senator, are you going to build me a new school?" the answer is I cannot build her a new school. This is a public school with a public school district and no tax base. We have mice running around, mold growing, sewer gas coming up, kids crowded into classrooms, and that little third grader walking through that classroom door is not getting the same kind of education other kids are getting, and we ought to do something about that.

We know about the value of education. This is not rocket science. The way to solve this is not to give tax breaks to folks. The way to solve this is to decide we are going to renovate, improve, and rebuild these schools that are falling down. The Ojibwa folks need a new school, and they need it now. Cannonball School needs to be replaced and replaced now. If we care about kids all across this country who are going to school under those conditions, we will do something about it. We will not talk about it, we will do something about it.

My father left school at age 9. His mother died giving birth to a younger sibling. His father was institutionalized for tuberculosis. My father quit school in order to go to work and raise money. My father worked all through his youth, so he had almost no education. Then my father, in his fifties, one day came home and announced to us, when all the family was together, with a smile, that he had just passed his GED. He never even told us he was studying for it. He did not tell us he was going to take it, but in his fifties, he decided he wanted to become a high school graduate because he never had the opportunity. He had to quit school when his mother died, and he had to help provide for his brothers and sisters. Then at age 50, with a smile on his face, he told us he was now a high school graduate.

We understand how much people care about education. I guess it is one of the reasons my father and mother always impressed upon us that education was paramount, you must invest in yourself.

Ben Franklin once said: Anyone who empties their purse in their head will never be without riches.

Thomas Jefferson once said: Anyone who believes a country can be both ignorant and free believes in something that never was and never can be. We understand the value of education. That is why we are debating it now. But we are debating it in circumstances where I fear we will come out with a wrong result.

One piece of a series of steps that makes sense to me is to provide for a standardized school report card so parents will understand what they are getting out of that school system. All parents get a report card on how their child is doing every 6 weeks, every 9 weeks. They get a report card on how their child is doing. But no parents get a report on how their school is doing. How is their school doing in educating children as compared to other schools in other school districts, in other States, in other communities?

It seems to me, there ought to be some standardized way for parents to understand: How is this school doing? We spend $350 billion a year on elementary and secondary education and have no earthly idea how our individual schools are doing for our children. Could we do that? We could have a basis for a comparison of our schools with other schools—our schools with other schools in the school district, between school districts, between communities, and between States.

Some will say there already is a school report card. Most parents have never seen it. Thirty-some States have some version of a school report card, but most of them provide very little information, if any at all.

I believe there are about eight standard things we ought to require the State education authorities to provide on this school report card. If we did that, every parent in this country—as a taxpayer and a proud parent—would understand what the school is producing for their children.

I say this, if we get to this kind of approach of providing a standardized school report card on how the school is doing—not only how the kids are doing but how the school is doing—we will only be able to say, as parents, this school is doing fine if we are willing to accept our responsibility to schools, such as the Ojibwa School and the Cannonball School, and to rebuild, renovate, and repair schools that we are sending children to that are not up to standards for educational purposes.

In conclusion, there are two principal issues we have fought for on the floor of this Senate—so far unsuccessfully. One issue is having a smaller class size, because we know that with 15 or 18 kids in a classroom there is a better relationship between teacher and students, and education is much more effective than if a teacher is teaching in a classroom with 30 or 35 students. We need more teachers to reduce class sizes.

The second issue is that we also want to improve and renovate schools that are in the condition I have just described that exist in Cannonball and Ojibwa that ought not to exist. It is not going to be solved by some scheme of giving tax cuts.

For every national ache or pain, we have someone who trots to the floor of the Senate and says: I have a new idea. Let's provide a tax cut. That is not a new idea. That is a substitute for what we ought to do to fix real problems in education. Every time someone suggests anything that describes some kind of national aspiration or goal, someone else pops up and says: Oh, so you want some Federal bureaucrat to run the education system? The answer to that is no, of course not. But let's not brag about having no national goals or no aspirations nationally as a country for our education system. Let's stop bragging about that. That ought to be a source of despair.

We, as a country, ought to have national goals of what we want to produce in our education system. If we develop those goals, then we will also accept our responsibility to improve our schools, invest in our schools, renovate, repair, and rebuild our schools, and reduce class size. We know that works. We know how to do it, if we have enough people who will stand up in the Senate and cast the right votes.

I will not seek a vote at this point. My understanding is that my amendment will be set aside and dealt with at a later time.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, the managers have been working to try to get some parameters on these amendments. Let me propound a unanimous consent request.

I ask unanimous consent the following amendments be the only remaining first-degree amendments in order, limited to 30 minutes equally divided, except where noted differently, to be equally divided, and all amendments subject to relevant second degrees, under a 20-minute time constraint, and following the disposition of these amendments the bill be immediately advanced to third reading, and passage occur, all without any intervening action or debate.

Those amendments are: a Schumer amendment; a Feinstein amendment on standards, 1 hour, equally divided; a Kennedy amendment, 90 minutes, equally divided, on teacher quality; a Kerry amendment on quality; a Boxer amendment on safety and protection in schools, 90 minutes, equally divided; a Wellstone amendment regarding school counselors, 90 minutes, equally divided; a Dorgan amendment regarding school report cards—which we have just considered—a Coverdell amendment; a Reid amendment; a Kennedy amendment regarding Pell grants; a managers' amendment; a Gramm amendment regarding the Federal Home Loan Board; a Hatch amendment regarding student loan interest; a Graham of Florida amendment, No. 2848, regarding school construction; and a Graham amendment regarding offsets.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, we want to make sure if, in fact, there are relevant second-degree amendments, that will be fine—it is under a 20-minute unanimous consent agreement.

I also note that under the unanimous consent request dealing with the Wellstone amendment, he would have 45 minutes of the hour.

Mr. COVERDELL. We changed it. It is 90 minutes, equally divided.

Mr. REID. Yes. Furthermore, the Harkin amendment has been deleted. Did you note that?

Mr. COVERDELL. I do not have it.

Mr. REID. It was deleted. The only addition would be another Boxer amendment dealing with pesticides. She asks for 20 minutes on that.

Mrs. BOXER. Equally divided.

Mr. REID. Equally divided.

Mr. COVERDELL. Did you add a Harkin amendment?

Mr. REID. No.

Mr. COVERDELL. We have eliminated the Harkin amendment.

Mr. REID. But as a result of a note handed to me, we add a Senator Bingaman amendment dealing with teachers, for 30 minutes.

Mr. COVERDELL. Thirty minutes?

Mr. REID. For him.

Mr. COVERDELL. That would be an hour equally divided.

I assume the one on pesticides is education related?

Mrs. BOXER. Absolutely.

Mr. REID. Yes.

Mr. COVERDELL. All right.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object—and I will not object—I simply want to understand. I have been waiting since last night to offer an amendment on safety in schools related to gun violence. Originally, I was told I would have the first Democratic amendment up today. There was some objection on the other side. I wonder if I could get some idea from the other side of the aisle, if not from my own side—Senator REID has been trying to number of instances in which a student was determined to have brought a firearm to school under the State law described in the Gun-Free Schools Act of 1994;

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In conclusion, there are two principal issues we have fought for on the floor of this Senate—so far unsuccessfully. One issue is having a smaller class size, because we know that with 15 or 18 kids in a classroom there is a better relationship between teacher and students, and education is much more effective than if a teacher is teaching in a classroom with 30 or 35 students. We need more teachers to reduce class sizes.

The second issue is that we also want to improve and renovate schools that are in the condition I have just described that exist in Cannonball and Ojibwa that ought not to exist. It is not going to be solved by some scheme of giving tax cuts.

For every national ache or pain, we have someone who trots to the floor of the Senate and says: I have a new idea. Let's provide a tax cut. That is not a new idea. That is a substitute for what we ought to do to fix real problems in education. Every time someone suggests anything that describes some kind of national aspiration or goal, someone else pops up and says: Oh, so you want some Federal bureaucrat to run the education system? The answer to that is no, of course not. But let's not brag about having no national goals or no aspirations nationally as a country for our education system. Let's stop bragging about that. That ought to be a source of despair.

We, as a country, ought to have national goals of what we want to produce in our education system. If we develop those goals, then we will also accept our responsibility to improve our schools, invest in our schools, renovate, repair, and rebuild our schools, and reduce class size. We know that works. We know how to do it, if we have enough people who will stand up in the Senate and cast the right votes.

I will not seek a vote at this point. My understanding is that my amendment will be set aside and dealt with at a later time.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, the managers have been working to try to get some parameters on these amendments. Let me propound a unanimous consent request.

I ask unanimous consent the following amendments be the only remaining first-degree amendments in order, limited to 30 minutes equally divided, except where noted differently, to be equally divided, and all amendments subject to relevant second degrees, under a 20-minute time constraint, and following the disposition of these amendments the bill be immediately advanced to third reading, and passage occur, all without any intervening action or debate.

Those amendments are: a Schumer amendment; a Feinstein amendment on standards, 1 hour, equally divided; a Kennedy amendment, 90 minutes, equally divided, on teacher quality; a Kerry amendment on quality; a Boxer amendment on safety and protection in schools, 90 minutes, equally divided; a Wellstone amendment regarding school counselors, 90 minutes, equally divided; a Dorgan amendment regarding school report cards—which we have just considered—a Coverdell amendment; a Reid amendment; a Kennedy amendment regarding Pell grants; a managers' amendment; a Gramm amendment regarding the Federal Home Loan Board; a Hatch amendment regarding student loan interest; a Graham of Florida amendment, No. 2848, regarding school construction; and a Graham amendment regarding offsets.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, we want to make sure if, in fact, there are relevant second-degree amendments, that will be fine—it is under a 20-minute unanimous consent agreement.

I also note that under the unanimous consent request dealing with the Wellstone amendment, he would have 45 minutes of the hour.

Mr. COVERDELL. We changed it. It is 90 minutes, equally divided.

Mr. REID. Yes. Furthermore, the Harkin amendment has been deleted. Did you note that?

Mr. COVERDELL. I do not have it.

Mr. REID. It was deleted. The only addition would be another Boxer amendment dealing with pesticides. She asks for 20 minutes on that.

Mrs. BOXER. Equally divided.

Mr. REID. Equally divided.

Mr. COVERDELL. Did you add a Harkin amendment?

Mr. REID. No.

Mr. COVERDELL. We have eliminated the Harkin amendment.

Mr. REID. But as a result of a note handed to me, we add a Senator Bingaman amendment dealing with teachers, for 30 minutes.

Mr. COVERDELL. Thirty minutes?

Mr. REID. For him.

Mr. COVERDELL. That would be an hour equally divided.

I assume the one on pesticides is education related?

Mrs. BOXER. Absolutely.

Mr. REID. Yes.

Mr. COVERDELL. All right.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object—and I will not object—I simply want to understand. I have been waiting since last night to offer an amendment on safety in schools related to gun violence. Originally, I was told I would have the first Democratic amendment up today. There was some objection on the other side. I wonder if I could get some idea from the other side of the aisle, if not from my own side—Senator REID has been trying to give me assurances of time—when I could finally get to offer that amendment.

Mr. REID. I say to the Senator from California, who has been here since yesterday, Senator KENNEDY has been doing many things today. With the permission of the majority—which we have already obtained—Senator KENNEDY is going to offer his amendment next. We would hope, following that, we would be able to go to the Boxer amendment.

Mrs. BOXER. Thank you very much, I say to my friends.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who seeks recognition?

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Massachusetts.

Mr. KENNEDY. I send an amendment to the desk.

Mr. REID. Mr. President, if the Senator will withhold.

I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Will the Senator from Massachusetts renew his amendment request?

Mr. KENNEDY. Yes.

Has the pending amendment been temporarily set aside?

The PRESIDING OFFICER. That is correct.

AMENDMENT NO. 2872

(Purpose: To establish programs to enable States and local educational agencies to place a qualified teacher in every classroom)

Mr. KENNEDY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 2872.

Mr. KENNEDY. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered. (The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. KENNEDY. Mr. President, I understand we have a time limitation on this of 45 minutes a side.

The PRESIDING OFFICER. There are 90 minutes equally divided.

Mr. KENNEDY. Mr. President, I yield myself 10 minutes.

The Teacher Quality amendment would strike the underlying Coverdell K-through-12 tax breaks and authorize $2 billion for the Qualified Teacher in Every Classroom Act. The amendment would direct the $1.2 billion from the Coverdell bill to the teacher quality program, and the other would consist of an authorization for appropriations at a later time.

We have had a debate about the Coverdell tax bill over the last few days. One of the things we are asking the Senate to consider is whether we ought to be putting the $1.2 billion equally between the public and private schools, even though 90 percent of the children in this country go to public schools, or whether we can use those resources more effectively.

I believe they can be used more effectively. That is what this amendment is about. As an alternative to the Coverdell tax bill, I offer this amendment on behalf of my colleagues to say let us move our Nation forward to insist that we are going to have a well-qualified teacher in every classroom—that the key to enhancing academic achievement and accomplishment is not going to be subject to just any one single or simple solution but certainly among a handful of solutions. I suggest perhaps the most important one is to make sure that a teacher, who is before the 50 million children who are going through K through 12, is going to be well qualified to teach effectively with regard to the academic subject in which the teacher teaches. That is the purpose of this amendment.

It is reasonable to ask, where did you come up with these various proposals that you have in this qualified teacher amendment? I refer my colleagues to a very important study from 1996, the National Commission on Teaching and America's Future in Education. The board itself is made up of some of the most distinguished educators and is bipartisan in nature.

We have effectively incorporated in our amendment the series of recommendations this panel virtually unanimously recommended including: how to recruit individuals who will be the best for the students in this country; how we will maintain them by the development of mentoring programs; how we will ensure professional development and; how to utilize and expand some of the imaginative and creative efforts to develop teachers, including hometown teachers, which are developed within various constituencies, and expanding Troops to Teachers, which currently has 3,600 teachers nationwide.

What did this panel, made up of some of our best educators and most thoughtful teachers in the country, conclude virtually unanimously? This commission starts with three simple premises: First, what teachers know and can do is the most important influence on what students learn; second, recruiting, preparing and retaining good teachers is the central strategy for improving our schools; and, third, school reform cannot succeed unless it focuses on creating the conditions in which teachers can teach—and teach well.

Those are the principles. I wonder how anyone in this body could question those rather basic, common sense principles, a well-qualified teacher in every classroom. This study has indicated how that best can be done, and we have followed these various recommendations.

First of all, they talk about some problems. They are talking about education generally. Some problems are national in scope and require special attention. Critical areas such as math and science have long had shortages of qualified teachers that were only temporarily solved by Federal recruitment centers during the post-Sputnik years. Currently, more than 40 percent of math teachers and 30 percent of science teachers are not fully qualified. They recognize there has to be a particular focus on math and science teachers, and we incorporate that in our legislation.

Secondly, it talks about, how we distributed the funds, basically the same formula that was used by our Republican colleagues when they had a proposal to try to deal with the teacher shortage. That falls short for many different reasons. We had hoped to be able to get into that if we had continued our markup in our Health, Education, Labor, and Pensions Committee yesterday. Nonetheless, what we are basically doing is saying we will have a program in terms of recruitment, we will have a program in terms of mentoring.

We find there is a very important and significant contrast with the results of maintaining teachers with a mentoring program; we have 23% of teachers leave within their first three years of teaching, and 30–50% leave within the first three to five years. Yet 93% of teachers taking part in mentoring programs stayed on the job—far above the rate for new teachers.

Let's take what we know works. Let's make sure that when we are going out and recruiting the teachers, they are going to be recruited in the areas of most critical need; that is, in math and science. Let's make sure that when they go into the classroom, they are going to be well prepared in their courses.

This amendment will insist that these teachers are going to qualify according to the State requirements in the course they have selected. No other legislation is going to do that. It is going to make sure they have a mentoring program. We will also make sure that there is going to be professional development, that very important third factor this study has pointed out. They mention in this study that most U.S. teachers have no regular time to consult together or learn about new teaching strategies, unlike their peers in many of the European nation countries, which teach at a substantial time plan and at a higher level.

What this amendment is about is very simple and fundamental. We are saying it is a wiser use of taxpayer funds to move us to an effective program in terms of ensuring we will have a well-trained teacher in every classroom, rather than having the tax credits, only half of which will even be available to parents whose children will be going to public schools, the other half to the parents of children who will be going to the private schools.

Having well-qualified teachers is absolutely essential. Now, we can argue—and we have colleagues on our Health, Education, Labor, and Pensions Committee who say this really isn't a role for the Federal Government. We know we provide only 7 cents out of every dollar that comes from the Federal Government and goes into the local communities. It comes through the States—about 98 cents of the dollars that come through the Federal Government actually go into the classrooms themselves, according to the General Accounting Office.

What we are saying is, with a very limited amount of resources, we ought to target areas where there are very important needs and where there is a very sound and compelling case to be made in support of it. Certainly, I think that of all of the areas we are talking about in terms of classrooms today, we are all reminded by recent tragedies about the importance of safety and security in the classroom—we are reminded constantly about that issue.

Secondly, we are reminded that there is nothing more important than having well-trained teachers. That is why we think this amendment is so important and so compelling.

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mr. KENNEDY. I reserve the remainder of my time.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the votes be postponed to occur in a back-to-back series at 2:15 today in the following order: No second-degree amendments in order prior to the vote, and 2 minutes prior to each vote for explanation. They are: Graham, No. 2870; Roth, No. 2869; Dorgan, No. 2871; Kennedy, No. 2872.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. For the information of all Senators, Senator DORGAN's will be a voice vote. Therefore, we expect 3 back-to-back votes at 2:15 today.

Mr. President, I yield the floor.

Mr. KENNEDY. Mr. President, I yield myself an additional 7 minutes.

The PRESIDING OFFICER. The Senator is recognized for 7 minutes.

Mr. KENNEDY. Mr. President, let me review specifically exactly how this amendment works. Our amendment provides the States with $1.7 billion by a formula—50 percent poverty, 50 percent population—to improve the teacher quality. States can keep up to 10 percent for State activities, including strategies to raise teacher salaries, reduce the number of teachers placed out of field, and reduce the number of emergency certified teachers.

Second, this guarantees that 56 percent of the funds that go to the States—$960 million—is for professional development and mentoring, which provides for 200,000 new teachers a year. We know we need 2 million teachers over the next 10 years, or 200,000 a year. This will provide the mentoring for those 200,000 teachers each year. Funds go by formula to the districts on the basis of 75 percent poverty, 25 percent population. That allocation, in terms of poverty population, is basically noncontroversial. It is basically the formula we have used in the past and is the formula being used even under the current legislation being considered.

This guarantees that 30 percent of the funds that would go to the States for competitive local recruitment programs in high-need districts, to recruit and train highly qualified candidates.

Next, it guarantees that teachers are trained to address the needs of children with disabilities. None of the other teacher programs or teacher training programs ensures that we are going to have teachers who will be able to teach children with disabilities—it is enormously important.

It holds the States accountable for having a qualified teacher in every classroom within 4 years of enactment of the law.

It requires that the first $300 million of the State grants go toward professional development, the mentoring and recruitment in the math and science area. There is an incredible need there. Ninety-five percent of urban districts report a critical need for math teachers; 98 percent report the need in science; 97 percent report a need for special education teachers. That is what the current reports are. That is why we have given focus in terms of the recruitment in math and science.

It also holds districts accountable for results. They must show progress in: improved student performance; increased participation in sustained professional development and mentoring; reduced beginning teacher attrition rate for the district and; reduced number of teachers who aren't certified or licensed and the number who are out-of-field teachers for the district.

Listen to what the Wall Street Journal reported on February 29:

> Schools turn to temp agencies for substitute teachers. Most school districts begin each day with a nerve-racking hunt for substitutes to fill in for absent teachers. With the tight labor market making the task especially tough, a few are starting to outsource the job. Kelly Services, Inc. unveiled the first nationwide substitute teacher program four months ago and now handles screening and scheduling for 20 schools in 10 States.
>
> A school official in Edinburg, Indiana, says the contract the system signed this month with Kelly simply acknowledges "they're more proficient than we are" in the temporary help arena. Temp outfits generally charge schools a premium while paying subs at the same rate as before.

That is what is happening in the United States of America. That is what is happening. Last year, 50,000 unqualified teachers were hired across the country and are appearing before classrooms of children today—50,000 hired last year appearing before them today. We ought to be able to say, OK, we only have a limited amount of resources; how are we going to be able to expend those resources effectively?

I believe the case has been made about having a well-qualified teacher in every classroom, having smaller class sizes, having afterschool programs that do so much in terms of helping and assisting children in doing homework and keeping the children out of trouble—a program, I might point out, that still has a broad opportunity to reach hundreds of thousands more children.

It is important to make sure we have the new technology, so children are able to learn with new computers. Various studies show that it takes time for teachers to get up to speed—not just in using the computers, but in training the teachers to use computers in ways that are going to be consistent with the curriculum they are trained to teach. We are not doing that.

And then we know there is obviously the pathway in continuing in higher education. These are the components and the elements that are being offered out here. The bottom line on the issue of accountability has been to make sure the scarce resources that we have are actually going to be utilized in an effective way with effective results.

I recognize that starting in 1965 when we started the ESEA program, we expended a good deal of resources and we didn't have the kind of accountability we should have had. But what we have seen is that over the period, particularly since the last reauthorization, where we are beginning to make some progress—measurable progress—we will hear speeches that, oh, no, we are not making progress, we are falling further behind. Certainly, there are some schools where progress still hasn't been made. But if you are looking across the board, we are making measurable progress. I think we should find out what is happening, and what is best to continue that measured progress.

When we look over the range of different activities that are out there today, how can we measure the activities? One of the important ways we measure it is by the various programs such as Project STAR in the State of Tennessee, where students in smaller class sizes performed better than student in large classes in each grade from kindergarten throughout third grade.

The second one, which I think should be self-evident and obvious, is having teachers in front of classes who are qualified to teach in the subject matter.

The third is the afterschool programs that assist children with their homework, and offer availability and accessibility of computers to make sure they are going to keep up to speed with technology.

When we have limited resources and have an opportunity to focus some of these scarce resources on a needed national problem, we ought to be willing to consider what the overwhelming majority of thoughtful educators, Presidents, practitioners, and individuals who have studied education over the course of a lifetime have virtually unanimously recommended: Increasing teachers' knowledge of academic content and effective teaching skills through sustained, intensive professional development; mentoring programs to keep new teachers in the job; and recruitment programs to draw talented individuals into the teaching profession. That is really what our proposal does.

I see my colleague and friend, the Senator from New Mexico, Mr. BINGAMAN. I have stated many times, with the progress made in the various programs, that Senator BINGAMAN has been the leader in the Senate in making sure that whatever resources are going to be accounted for, are accounted for effectively in every one of these educational programs. He has done that in other programs as well but particularly in the education. We have incorporated his recommendations into this legislation. We know that at the end of the day we are going to have improved school performance, we are going to have teachers who are going to be able to teach and pass the State exams, and we know we are going to hold the States and local communities accountable.

I see him now. I would be glad to yield.

Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from Massachusetts has 25 minutes.

Mr. KENNEDY. I yield whatever time the Senator wishes.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I thank Senator KENNEDY for his leadership on this and all of the issues that relate to education that we deal with in the Senate. I commend him particularly for this amendment that deals with teacher quality and recruiting and training the people who go into the teaching profession.

I think it is clear from the experience in my State—that is the experience that I come from and understand a little bit, at least—that we have too few funds available for the training of teachers, people who are already in the workforce who need additional training, and people who are going into teaching. Clearly the Federal funds made available for that purpose meet a real need. Despite the fact a lot of money is spent on education nationally—I certainly concede a lot is—there are other pressures on local school boards. There are other pressures on States that tend to result in too little of the money going to train the teachers and going to upgrade their skill levels.

This amendment would ensure that at least a portion of the Federal funds we are providing to States for education go to this vital activity.

I think the amendment is absolutely crucial. I hope every Senator will vote for it.

When you look at all the factors that affect education, I think there are many studies which have concluded correctly that the factor, if you have to pick one, that is most significant in determining the quality of a child's education is the quality of the teacher and the training of that teacher to provide that instruction. This amendment goes directly to that. It says we need to keep our priorities straight when we spend public money. We need to be sure the funds go to what is most important in terms of improving the education of the children involved. That means training the teachers.

I compliment Senator KENNEDY very much for this amendment. I am very pleased to speak for it, and am very pleased to support it. I think this goes to the heart of what we are trying to do. It goes to the heart of the concern I hear all over my State from a lot of people about the inadequacies of our educational system.

We have a sad circumstance in my State. I have encountered something which we call a "permanent substitute." I go to school districts and they say: OK, you are trying to ensure that more of the accredited teachers are actually accredited to teach in the subjects they are teaching. That is not our problem. Our problem is we have people teaching on a semipermanent basis in our classrooms, and we call them "permanent substitutes." They not only are not qualified in the subject area they are being asked to teach, but they are not really qualified to be teaching. They haven't been accredited.

This is a sad commentary. You have to go through licensing procedures to be a hairdresser in our State. You have to go through licensing procedures to pursue virtually any career. We need to be sure we impose accountability on the teaching of professionals as well.

Teachers themselves want to see this happen. This is not an antiteacher proposal. This is something teachers themselves want to see more funds available for in training and upgrading their skills.

This is an amendment I strongly support. I commend Senator KENNEDY for proposing this amendment. I hope all Senators will review it carefully and will determine to support the amendment when it comes up for a vote.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank the Senator from New Mexico for his statement. He has, as I mentioned, enormously contributed in terms of these accountability provisions.

Professional development, mentoring, and the recruitment have been found to be important and significant in communities across the country. Let me mention some of the examples.

Since the late 1980s, New York City's District 2 has invested in sustained, intensive, professional development and made it the central component for improving schools. The district believes student learning will increase as the knowledge of educators grows—and it is working. The investment has contributed to steady increases in student achievement and in 1996, student math scores were second in the city.

According to a recent study, the longer California math teachers engaged in ongoing, curriculum-centered and professional development, that supported a reform-oriented teaching practice, the better their students did on the State math assessments.

This demonstrates what is happening out there. It is happening in too few districts. Let's make sure we are going to do it in other places across the country.

In the area of mentoring and recruitment, in Illinois, the Golden Apple Scholars Program recruits promising young men and women for teaching professions by selecting them during their junior year in high school, then mentoring them through the rest of high school, college, and 5 years of actual teaching. Sixty of the Golden Apple scholars enter the teaching field each year; 90 percent of them are staying in the classroom compared to 50 percent of others dropping out within their first five years.

These are young people, recruited locally, involved through high school, attending various kinds of meetings and conferences on education, furthering their efforts through college, coming back to their communities.

I have visited programs similar to this in Dade County, FL. They have had extraordinary success locally. That is what we are talking about.

Project Promise at Colorado State University recruits prospective teachers from fields such as law, geology, chemistry, stock trading, and medicine. Current teachers mentor these new recruits in the first 2 years of teaching. More than 90 percent of the recruits enter the field and 80 percent stay in the teaching for at least 5 years.

There are some very creative ways of recruiting. A North Carolina Teaching Fellows Program recruits talented high school students in the teaching profession with a minimum 1,100 SAT score, higher that 3.6 GPA, and in the top 10 percent of the class. The program provides $5,000 per year for 4 years to 400 outstanding North Carolina high school seniors who agree to teach for 4 years, following graduation in one of the North Carolina public schools or U.S. Government schools. They find they are retaining some 90 percent of these teachers.

There is a similar program called Teach Boston, a collaborative effort between Boston Public Schools, Boston Private Industry Council, and Boston Teachers Union. They created model future teacher academies in two Boston high schools.

There are different ways of doing this. We give local communities the flexibility in the development of the programs. We say to those who want to do this kind of a program in their local community that there will be some resources that will be available to them.

The Hometown Program provides $25 million to support the efforts of high-poverty school districts to recruit teachers as early as the high school to meet long-term teacher shortages. Currently, 20 districts—including Wichita, Milwaukee, Wayne County, North Carolina, and States, including South Carolina, Ohio, and Washington—have pipeline systems for long-term programs for teacher recruitment.

In South Carolina, between 35 and 40 percent of students who complete the State Teacher Cadet Corps either become or plan to become teachers. Currently, there are approximately 5,000 graduates of the Teacher Cadet Corps serving as teachers in South Carolina. Independent evaluators of the South Carolina program have found one former cadet entered college with a jump-start on the teacher education program, and two reported a higher rating than other teachers. They have raised standards for classmates in college.

In Wichita, KS, 70 participate in the Grow Your Own Teacher projects and completed their college education; 58 are currently employed as teachers in the Wichita public schools.

These programs are around the country but in too few places. We are saying we will provide some $25 million to support those programs that have worked.

Finally, the success of the Troops to Teachers. They have hired over 3,600 teachers nationwide. These teachers are likely to be in math and science, and more likely to be minorities than the general recruitment of high school teachers. There are more than 85 percent male, compared to 25 percent nationally—from the Troops to Teachers program. They are teaching in over 900 rural counties, 25 percent; 40 percent are in suburban areas; 40 percent in urban. They have an 82-percent retention rate, returning each year to teaching.

We have a significant expansion of that program. The opportunities are out there. California has hired nearly 300 teachers from the Troops to Teachers, including a former Navy pilot who used to hunt submarines and now faces two dozen kindergarten students. He says it does not pay as much but the job satisfaction is incredible. Florida hired 200 Troops to Teachers, including a former Navy instructor who now teachers honors algebra to high school students. The students say he gets excited and he definitely knows what he is talking about. The teacher took a pay cut but he enjoys the kids and enjoys the school.

Today, we are talking about Kelly Girls—or Kelly Men—as substitute teachers advertised in the Wall Street Journal this week. We are talking about limited resources.

We have recommended smaller class sizes, which are key and have demonstrated effectiveness; well-trained teachers, with the support of mentoring; professional development; afterschool programs; computer programs so children will not be left out or left behind; and strong accountability measures. We believe these are the ways we can make important difference in terms of enhancing the academic opportunities for children in this country.

My friend and colleague from the State of Washington has been our leader in moving this Nation toward smaller class sizes. Having visited a number of the schools in my own State of Massachusetts, it is making a major difference. We want to make sure that effort is going to be continued.

I yield such time as the Senator desires.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I am delighted to be on the floor with my colleague, Senator KENNEDY, to talk about an issue that many think is the most important issue facing America today. That is the issue of education. We are finally in the Senate talking about issues that are relevant to families. As they sit at the kitchen table in the evening, they, too, understand education is absolutely critical to the future of this country.

We are finally today with this amendment talking about a measure which will ensure that every teacher in this country is fully qualified and has the tools and the support to help our children reach their full potential. For years, parents and teachers have been asking for support on teacher quality.

Last year, I came to the Senate floor to introduce a bill to help recruit, retain, and reward America's best educators. I am thrilled today to discuss many of the items in that bill. I hope we will have an up-or-down vote on this amendment so families across our country can see whether or not this Senate supports quality teaching.

I thank the Senator from Massachusetts for helping this day become possible and by leading to make education a front and center issue in this Congress, as it is in the classrooms and homes across America.

Before I discuss the specifics of the amendment, I wish to make another point loudly and clearly: Today there are thousands of world-class, high-quality teachers in our schools. They are professionals. They care deeply about the quality of our children's education. Any Member would be lucky to have our children in those classrooms.

However, the current system makes it harder and harder for teachers to do their best. Instead of offering them the support they need to make a difference—smaller classes, classrooms that are safe, afterschool care—this current system puts too maybe roadblocks in front of too many teachers.

We are here today to discuss teacher quality. I want my colleagues to keep in mind that we are not criticizing teachers. They are overworked and underpaid and not given enough respect. They are, indeed, heroes. We are trying to change the system to allow more teachers to become master teachers.

I hope throughout this debate my colleagues will refrain from attacking the very people who try their hardest day in and day out to help our children and do the right thing for our country. As I said many times before, teachers do one of the most important jobs in America, and we should make it easier, not harder, for them to do their best.

The amendment from the Senator from Massachusetts could not come at a better time because there are so many challenges to quality teaching, and those challenges just keep growing.

Teachers and parents have told me the main challenges are the three Rs: Recruiting great teachers, retaining great teachers, and rewarding great teachers. Statistics today show we need more educators to meet our growing student population. In fact, in the United States, we are expecting to face an unprecedented teacher shortage in the next few years. The National Center for Educational Statistics estimates we will need between 1.7 to 2.7 million new teachers by the year 2008.

One reason not many people want to go into the teaching profession is there are not enough incentives for recent college graduates to become teachers. With the wide range of employment opportunities available to young people today, to our college graduates, teaching is not the most attractive option. The teaching profession, as we all know, is just not a lucrative place to be. In the USA Today Teacher Survey, 69 percent of teachers said most people do not consider teaching to be an attractive career choice. So we are not attracting enough talented people into the teaching profession.

As I am sure has happened to many of my colleagues, I have gone into a classroom and asked: How many of you young people intend to be a teacher? Very few hands go up. But if you ask those young people: How many of you would become teachers if you knew you would get the training, the support, the money, and the respect that other professionals get? A lot more hands in those classrooms go up. So our first challenge is recruiting young people into the teaching profession. That is what this amendment does.

Next, we need to retain great teachers. When you think about it, there really is nowhere for a great teacher to go. If they move up, they move out of the classroom into administration or into another profession. While we need great administrators, we should do everything we can to keep our really great teachers in the classrooms. We need to give our teachers options such as becoming master teachers, so they can continue to grow while helping our kids in their classrooms.

There are a lot of reasons for this retention problem. Unlike any other profession, teachers do not have adequate access to continuous high-quality professional development, so we need effective, ongoing professional development programs that are aligned with local standards and curricula.

Finally, we need to reward our good teachers.

Mr. President, I have come to the floor to thank Senator KENNEDY for his leadership on the most critical issue we see facing our students today—making sure every teacher in every classroom is a quality teacher. I thank my colleague from Massachusetts, and I urge my colleagues to support this critical amendment.

The PRESIDING OFFICER (Mr. ENZI). Who yields time?

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield the remaining time to the Senator from Rhode Island.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island.

Mr. KENNEDY. Mr. President, I see the Senator from Minnesota. How much time do we have?

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mr. KENNEDY. I have 5 minutes remaining.

Mr. WELLSTONE. I say to my colleague from Rhode Island, if he will give me 1 minute, I will be pleased for him to have the last 4 minutes.

Mr. REED. Surely. I yield 1 minute, or Senator KENNEDY does.

Mr. KENNEDY. Yes.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I thank Senator KENNEDY for this amendment. I want to mention the part of this amendment I have had a chance to work on. I thank the Senator for letting me do this with him. It is the Teacher Corps part, where we basically put together a marriage of school districts that need teachers in certain areas along with schools of education. It is actually after students have already graduated, but they may want to go back and get certification, or they may be in their forties or fifties and go into teaching.

During that 2-year certification period, it will be tuition free if they agree to teach in these areas for 3 years. It is allocated to local needs, it puts everything together in a promising way, and it is good for inner-city and suburban schools. It puts the schools together with good teachers. Everybody agrees this is the key.

I yield.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I rise in strong support of the Kennedy amendment. Senator KENNEDY has focused on one of the critical aspects of education reform in the United States; that is, improving the quality of teachers in this country. Teachers want this kind of assistance. If you ask them, they are universally disappointed in their opportunities to improve their skills as teachers.

Just a few days ago, in this debate we supported, in large part, Senator COLLINS' amendment to allow increased tax preferences for educational courses teachers might take. But that is just the surface. The way to reinvigorate and reform schools in this country is to improve the professional development in the classroom—not in graduate schools, not in taking correspondence courses, but getting those teachers in classrooms watching other qualified teachers, giving them the opportunity to participate with their principals in developing curricula, developing their own skills and their own attributes.

That is what the Kennedy legislation does. It calls for the incorporation in our schools of professional development that is embedded within the curriculum. It is consistent, sustained, long-term, throughout the academic year—indeed, throughout the entire year.

What is happening today? The reality is, teachers spend between 1 hour and 8 hours during the academic year on professional development. Most times, it is gathering in a big hall listening to a lecturer who the superintendent of the system thinks makes sense, but in some cases the teachers are wondering why they are at that location.

We can change that. Indeed, we must change that. Unless we improve the quality of teaching—and I agree wholeheartedly with Senator MURRAY; we have excellent teachers in America—we will not respond to the challenges of this new century to prepare, in public schools, the best educated citizens of this country. Indeed, our first obligation has to be this effort to reform and reinvigorate and reignite the quality of excellence in our public education system throughout the country.

The underlying proposal does not do that. It essentially siphons off dollars to those, principally wealthy, Americans who choose to send their children to private schools. Our obligation, I believe very fervently, is to ensure there is a real choice so that, indeed, there are excellent public schools and an American family can choose those excellent public schools or a private, independent or parochial school. But until we have excellent public education throughout this country, we are failing in a fundamental obligation we have to our country and to our citizens.

One of the best ways to assure excellent public education is the way that has been suggested by the amendment of the Senator from Massachusetts, and that is to provide professional development that is sustained, embedded in a classroom, that calls upon mentoring, that calls upon all the things we are learning from the real world.

We are learning from observing places such as district II in New York City, which is committed to this type of professional development. I had a chance to visit with a school in that district and listen and watch the teachers as they discussed among themselves the issues that were critical as they developed new curricula, as they talked about new strategies. This is what is going to improve the quality of our teaching. When we do this, we will improve the quality of education throughout the entire country.

This is also what we heard at hearings during consideration of the ESEA. We heard experts from around the country, teachers from around the country, coming to tell us they need more support for this type of professional development. If we are really, fundamentally asking ourselves how we can improve education in this country, it is not through a tax credit device that will essentially subsidize, on average, wealthy Americans to send their children to private schools; it is investing in teachers in our public schools so they will be able to educate this generation of Americans to continue the leadership role of this Nation in the world in this new century.

I emphatically and fervently support the Kennedy amendment. I urge its adoption.

The PRESIDING OFFICER. All time now is controlled by the Senator from Georgia.

Mr. COVERDELL. Mr. President, I am glad the Senator from Rhode Island is here. I did not have a chance to respond to his remarks the other day on the education savings account, and we do have a fairly significant disagreement, beyond the philosophy, over some of the data. I think we are making headway on this.

The implication that the education savings account is a vehicle for people who drive around in limousines is inaccurate. The Joint Tax Committee has found the education savings accounts would be used 14 million times over, it would be used by 14 million families, 70 percent of whom have incomes of $75,000 or less.

More importantly, though, the point I want to make—and I am not going to dwell on this because I know we have our differences—is that several years ago the President and the Congress passed the higher education savings account. It was for $500. The criteria for the families who could use those accounts are the identical criteria being used for these education savings accounts. There is no difference.

I take some issue with the fact we in Congress and the President are applauding this wonderful account we have set up for higher education for $500, and yet on an identical scope of use for this savings account, it somehow gets into class warfare.

All that has happened is we have taken a $500 account we all passed and applauded and said it could be expanded to $2,000 or four times. If a family chooses to, they can use it in kindergarten through high school. The odds are the majority of them will use it just as the higher education savings account does, for college.

I did want to make that point. It has come up several times.

I am the only one who has time, but I yield a few minutes to my colleague from Rhode Island to respond.

Mr. REED. Mr. President, I respect the Senator's efforts to try to improve education. We may very well disagree on the philosophy.

In specific response to his question about the Joint Tax Committee studies, I think there is a difference between coverage and effect. The coverage might include a broad range of American families, from the very wealthiest to low-income families, but the effects—who gets the benefits—are decisively skewed toward very wealthy Americans.

That same tax analysis in 1998 showed that 7 percent of families who have children in private schools who use this provision will receive 52 percent of the tax benefit and the other 93 percent of the families will receive 48 percent.

Frankly, the way, as we all realize, the tax structure is established, tax credits and tax benefits are more beneficial to the higher income level, unless they are particularly targeted to low-income citizens. These are not.

Essentially, what we have is, yes, low-income families and medium-income families will, in fact, be able to get some benefits. It has been estimated that over 4 years, this benefit to the average family is about $20. The benefit for very wealthy Americans will be significantly more.

Again, this might be more anecdotal than analytical. If you look at the population of students going to private schools, they generally come from upper-middle-income to upper-income families because of the nature of funding.

I know the Senator wants his time. Let me make a quick point. When we start making these comparisons between higher education and elementary and secondary education, not only do we have a principle difference, i.e., we have a fundamental obligation to elementary and secondary education, do we have the same to higher education? We can disagree about that.

The other thing we have to do is put it in context. The tax benefits in higher education are on top of Pell grants which are specifically directed at low-income parents. They are really, if you will, icing on the cake, and the cake is really Pell grants, Stafford loans—a whole panoply of higher education benefits which we supported for years and years. To make the transfer or analogy of it is just like what we do for higher education, it is not only philosophically questionable but also, in terms of the context, questionable. I thank the Senator for his time.

Mr. COVERDELL. Mr. President, I will respond briefly because the clock is running. The demographics in parochial schools and private schools—and we studied this very closely—are within 10 percent, the same as demographics in public schools. Parochial schools, for example, in New York, have identical demographics as the public schools. Sixty percent in parochial schools make $50,000 or less. The idea that people in these parochial or private schools are somehow a class of wealth is, I believe, not correct and cannot be substantiated, No. 1.

No. 2, 70 percent of the families who use this education savings account are going to be in public schools; 30 percent in private. The funds the Senator from Rhode Island describes are pretty much evenly divided. I suspect because people in private schools are still paying local property taxes for public schools, they have a higher hurdle, and it does make them save more. This is a debate we can continue at another time. I appreciate the Senator's response. I give him 1 minute.

Mr. REED. Mr. President, I am not familiar with the data about New York parochial schools, but I am very eager to look at it, if the Senator will provide it.

Mr. COVERDELL. I will be glad to.

Mr. REED. Second, it is one of those things: What do you measure? Do you measure parochial schools in New York City or are you measuring all the private schools, very exclusive schools? All I can speak to with great compulsion and experience is in my home State of Rhode Island, generally speaking, the parochial schools mirror some of the public school systems. But when you go to some of the private schools, that is not quite the case. I suggest if it is not limited to parochial schools, it is going to be taken advantage of.

Mr. COVERDELL. I will show the Senator the data. We all see private schools that stand out. That is what forms the image. I am saying when you look at all the private schools across the country, you come up with a lot of people who do not have many resources.

We will discuss this at a further time. To explain to my good friend from Nevada, I am going to talk for 5 minutes and then yield back our time. It would then be appropriate, in the queue of events, that we move to Senator BOXER.

Mr. President, with regard to the Kennedy amendment, which I have here, this amendment was laid down yesterday in the Health, Education, Labor, and Pensions Committee. It is the first amendment that was offered in the committee, and it is in the process of being discussed.

There are controversies in it. Folks on our side think, once again, it is a story of mandates and regulations and instructions to local schools about how to manage the affairs at the local level. The appropriate place for this amendment to be decided is in the committee of jurisdiction.

The other point I want to make, and I have made it repeatedly, is that this is about the fifth or sixth attempt by the other side to come to the Senate floor with what are very laudable ideas, but they are all constructed in a way that is either/or. If we adopt the Kennedy amendment or any one of these other five amendments we have been dealing with for the last several days, the main effect is to cancel the education savings account.

If we do that, we are saying to 14 million American families: Sorry, we are not going to let you create an education savings account. These happen to be the parents of 20 million children, which is almost half the school population. No deal; we are not interested in letting your families create education savings accounts that will direct money to your specific needs and, most important of all, they blow away, they open the safe and run off with $12 billion of savings that would occur with these education savings accounts for families to use for educational purposes anywhere from kindergarten through college and beyond college, frankly, if there was a disability incurred.

The amendment, while it may be laudable—maybe it will be adopted in committee—the way it is designed is to destroy the opportunity to empower 14 million families and parents who are raising 20 million children and their attempts to save money to help them get that job done.

Obviously, we will, once again, when the appropriate time for voting comes, oppose this amendment, not necessarily on its merits—the committee will decide that—but because its main purpose is to destroy the education savings account.

Mr. President, I yield back the remainder of our time on the Kennedy amendment. I believe the other side has chosen to go ahead with the Boxer amendment at this time.

Mr. President, I ask unanimous consent to set the Kennedy amendment aside, which was envisioned in the unanimous consent request we propounded a few minutes ago.

Mr. REID. Mr. President, I ask for the yeas and nays on the Kennedy amendment prior to it being set aside.

The PRESIDING OFFICER (Mr. BUNNING). Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Without objection, the amendment is set aside.

The Senator from California.

Mrs. BOXER. Mr. President, I thank the managers for accommodating me. I have been waiting for a while.

AMENDMENT NO. 2873

(Purpose: To express the sense of the Senate on improving the learning environment by ensuring safe schools)

Mrs. BOXER. Mr. President, I send an amendment to the desk and ask that it be read.

The PRESIDING OFFICER. The clerk will report the amendment.

The senior assistant bill clerk read as follows:

The Senator from California [Mrs. BOXER], for herself, Mr. SCHUMER, Mr. LEVIN, Mr. JOHNSON, and Mr. ROBB, proposes an amendment numbered 2873:

At the appropriate place, add the following:

SEC. . SENSE OF THE SENATE REGARDING A SAFE LEARNING ENVIRONMENT.

(a) FINDINGS.—Congress finds that—

(1) Every school child in America has a right to a safe learning environment free from guns and violence.

(2) Any education measure passed by Congress is undermined by violence in the schools.

(3) The February 29, 2000 shooting at Buell Elementary School in Mount Morris Township, Michigan, is evidence that the tragic gun violence in America's schools continues.

(4) In the last 12 months, there have been at least 50 people killed or injured in school shootings in America.

(5) Every day in America, on average, between 12 and 13 children under the age of 18 die of gunshots from homicides, accidental shootings, and suicides.

(6) In the 10½ months since the shooting at Columbine High School in Littleton, Colorado, the United States Congress has failed to pass reasonable, common-sense gun control measures that would help to make schools safer, improve the learning environment, and stem the tide of gun violence in America.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that before April 20, 2000, Congress shall make schools safe for learning by implementing policies that will reduce the threat of gun violence in schools.

Mrs. BOXER. I thank the clerk for reading the amendment.

Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mrs. BOXER. Mr. President, this is a very simple amendment. It is a commonsense amendment. It is an opportunity for the Senate to be heard on the issue of gun violence.

I thought we were making progress after Littleton when we passed—a month after Littleton—a number of very important, commonsense gun control measures. We have yet to see those measures come back to us for final passage. We have yet to see those measures come back to us from conference. We have yet to see an interest on the part of the majority to move these important, commonsense gun control measures.

I am hopeful that this sense of the Senate, which calls on the Congress to act by the year anniversary of Littleton, will have some meaning to people. I trust this will pass 100–0.

Children in schools have a right to be safe. It is very fundamental that they be safe, almost as fundamental as their right to a free public education.

A safe school is essential to ensuring an environment where children can learn. We can stand here, from morning until night, with great ideas on education. Governors can come up with their own proposals on education. Local school districts can do the same. But if there is a shooting in a school, no one learns. The only thing they learn is tragedy, at an age way too young to deal with it.

We have an unacceptable situation in our country. If children sit in a classroom wondering if they are going to hear gunshots in the schoolyard or in the hallway, they cannot concentrate on a math problem in their classroom.

Again, I know the Senator from Georgia believes very strongly in his education savings account legislation. I know that we all have issues we want to put forward: smaller class sizes, rebuilding our broken-down schools. We all have a tremendous interest in improving education. But it means nothing when violence invades our schools and children are hurt or they die—schools are closed; education is disrupted. None of it means much if we cannot at least ensure safety.

As we said in the resolution, in the last 12 months, at least 50 people have been killed or injured in school shootings. This week it was a little 6-year-old girl who was killed in an elementary school in Michigan. My God, what is it going to take for this Senate to act? A 6-year-old child gets a gun and kills a classmate. He got the gun because an adult left it lying around. There was no trigger lock.

We have a bill dealing with that; it has been tied up. I do not think that is a very radical proposal. I do not think it is a dangerous proposal to put a child safety lock on a gun. That child would have brought the gun to school, it would not have gone off, and a child would not be dead. We would not have to see these children, at a tender age—a tender, tender age—I have a 4½-year-old grandchild, and I just think about the horror of a child at that age, 5½ or 6 or 7 dealing with this kind of violence. It is wrong. It is unacceptable.

Last December, it was four middle school students who were injured by gunfire in a middle school in Oklahoma.

Last November, it was a 13-year-old girl who was shot in the head in a New Mexico school.

Last May, six students were injured at a high school in Georgia.

Of course, last April, 15 people died and 23 more were injured in Columbine High School in Littleton, CO. Anyone who has watched the followup stories in that community knows that the injuries done then are not fading. They have torn that community apart.

What are we waiting for? Sensible gun control legislation was passed by this Senate. The Vice President, AL GORE, cast a tie-breaking vote on closing the gun show loophole so people who should not have a gun would not be able to get a gun. I do not know what it will take for this Senate to act.

I see a couple of my friends who have come to the floor to discuss this issue with me.

Yesterday, there was a multiple shooting outside Pittsburgh.

There was a shooting in September in a Baptist church in Texas.

Last September, there was a shooting in the West Anaheim Medical Center in California.

Last August, there was a shooting at the North Valley Jewish Community Center's day-care center in Los Angeles. Will we ever forget those children, holding the hands of the police officers —babies trying to cope with what was going on.

Last April, there was a shooting at the Mormon Family History Library in Salt Lake City.

These bullets are randomly shot. It does not matter how old you are. If you are there, you are in trouble.

This is chaos, my friends. What did we do after Littleton? We came together. We passed gun control measures that are very sound. They are reasonable, they are moderate, and they will keep guns out of the hands of children. They will keep guns out of the hands of criminals. They will keep guns out of the hands of people who are mentally ill. They will not take guns out of the hands of people who need to have a gun to protect themselves, who are upstanding citizens.

So what are we waiting for? More and more of these deaths?

I ask my friends from California, Illinois, and Michigan how much time they would like to take on this? I am delighted to yield to them. Why don't they give me that information, and then we will set up an order.

Mrs. FEINSTEIN. If it is convenient, 10 minutes.

Mr. DURBIN. Five minutes.

Mr. LEVIN. Three minutes.

Mrs. BOXER. Done. Why don't we start with Senator LEVIN. I yield him 3 minutes of my time. We will then go to Senator DURBIN and then Senator FEINSTEIN. Then I will take it back and close the debate.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I thank the Senator from California for raising the question of the proliferation of guns and gun violence in our schools as we debate education on the Senate floor. We should not be debating education without addressing the question of the gun violence which strikes so many of our schools.

It has now been almost a year since the deadly shooting at Columbine. The images of Columbine's teenagers clinging for life and screaming in terror are forever printed in our minds. Not many of us could forget the horror of those scenes as they unfolded before us on national television. Yet somehow it seems that Congress has forgotten the unforgettable.

Now, in yet another school shooting, the tragic, senseless death of another child—this time in my home State of Michigan —has reminded us of the terror of gun violence and the toll it takes on young people.

According to a press report, the shooting stunned even gun control advocates immersed in the details of school violence. If a 6-year-old can get a gun, they said, the problem is worse than anyone thought. The first grade shooting that occurred this week in Mount Morris Township near Flint, MI, is surely shocking because of the nature of the circumstances: An alleged 6-year-old gunman living in a house with easy accessibility to guns and little comprehension of the consequences of his actions. No one can really any longer claim shock or surprise that another young life was lost to gun violence. No one can any longer claim shock or surprise that another one of our children did not make it home from school.

We have known, long before Columbine, that gun violence claims the lives of 12 children, on average, each day. We know gun violence results in injury and death, destroys families, and causes lasting psychological and emotional harm. Buell Elementary's counselors will now try to cope with the trauma that comes when schoolchildren shoot schoolchildren. Too many other districts now know that violence and the fear of violence is not only devastating to the children and the families involved, it can also infect the learning environment. We cannot allow ourselves to become desensitized to the tragedies of gun violence. As a Detroit Free Press writer put it:

> [At Buell] the first-grade classroom, so vibrant with the piping voices of children early Tuesday morning, had been commandeered by police detectives, searching for the meaning behind the unthinkable.

Congress must pass gun safety legislation before more children's voices are silenced by the sounds of gunfire and sirens.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LEVIN. I thank my good friend from California for her leadership. It is critically important that this issue be raised at this time.

Mrs. BOXER. I thank my friend from Michigan.

My friend from Illinois wanted 5 minutes.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I totally support this resolution.

Could one imagine the Senate today debating education and ignoring the obvious? When the front-page headlines, news story after news story, remind us that mere infants now have access to handguns, that a 6-year-old can take a handgun to school and kill your son, your daughter, grandson, and granddaughter, is this America? Is this the best we can do? I think we can do a lot better.

Senator BOXER challenges this Senate to go on record when it comes to school safety. I support her completely. It is important to talk about how you pay for schools. It is important to talk about the qualifications of teachers and how many kids are in a classroom and whether you have access to the Internet. But the most important question is whether you can send that little child you love to school in the morning and expect them to come home safely at night. That is why this resolution is important. Before we start talking about the finer points of improving education, let us first dedicate ourselves to safety in classrooms across America.

I will support her resolution. It should receive a unanimous vote. Who in the world can stand here and say we should not be on record against the school violence we find taking place more and more every single day? A little later on in this debate, I will offer a specific grant program through the Department of Education to deal with school violence and gun violence.

Make no mistake about it, that 6-year-old didn't go out and purchase that handgun. Some adult failed in their responsibility. I don't know the circumstances; maybe we will never know the circumstances. But time and again, children are getting access to guns with tragic results. Many times, they take them down from the top shelf in the closet and play with them, either harming themselves or another classmate or another one of their friends who ordinarily visits the home. Then the sad stories when they take them to school. What we saw in Michigan is not an exception; it is happening more and more.

My wife and I decided early on never to have a firearm in the house as long as our kids were small. We just thought it was too dangerous. That was our family decision. But even though we made that decision, it didn't cross my mind until much later to really wonder what the parents of my kids' friends had decided. That happens, too. Your little boy or girl goes to the house next door to play, and you don't know what those kids are doing. How many times do you pick up the newspaper and read about kids playing with guns and one kid being injured? It happens too often.

In this case, we are finding more and more that kids are picking up these guns and carrying them to school, where they find victims in their classmates and teachers. This isn't an isolated situation. Those who want to dismiss it and say, come on, you are just responding to a single headline, ignore the obvious.

The U.S. Department of Education, in the 1997–98 school year, found that 3,930 children in schools across America were expelled for bringing guns to school. Almost 4,000 kids in that school year brought guns to school across America. I am glad to say that very few of them resulted in death, but think about the potential for disaster and tragedy.

I sincerely hope—and I mean this, though I fought the gun lobby and the National Rifle Association every step of the way—that for once they will have a heart and the good sense to support this resolution that says, as a matter of policy, before we talk about education and its future, we will talk about the safety of kids in the classroom.

Take a look at the language in this resolution. In the last 12 months, 50 people killed or injured in school shootings in America. Every day, on average, between 12 and 13 children under the age of 18 die from gunshots, from homicides, drive-by shootings, accidental shootings, and suicides.

America has made a decision. We have decided as a nation that people can own guns, legally, constitutionally; they have the right to do so. But make no mistake, an obligation comes with the ownership of those guns, not just to buy them, not just to buy the ammunition, not just to own them and use them for sport or hunting, but to store them safely.

I have introduced legislation called the child access prevention law. It says that, as with 17 States across America, the whole Nation should be held to a standard where gun owners keep their guns away from kids. It is not enough to put it on the top shelf in the closet or to put it in a drawer by the night stand because, mark my words, kids are always going to find Christmas gifts and guns no matter where we put them.

And any adult owner who believes they have hidden them and the kids will never find them ignores reality.

Mrs. BOXER. I yield the Senator 1 more minute. I hope he will leave time for me to ask him a question.

Mr. DURBIN. Mr. President, I hope the Senate goes on record unanimously, on a bipartisan basis. If it doesn't, I hope families across America who are worried about the safety of their kids ask each and every Senator how we can vote against a resolution saying we are going to make it a national priority in the sense of the Senate to make schools safe and implement policies that reduce the threat of gun violence.

I yield for a question.

Mrs. BOXER. I just want to share with the Senator two numbers because he had a lot of important statistics. This is from Time magazine: Fifty percent of children ages 9 to 17 are worried about dying young, and 31 percent of children ages 12 to 17 know someone their age who carries a gun. I ask my friend to respond to that, and take as much time as he needs, and then we will yield 10 minutes to Senator FEINSTEIN.

Mr. DURBIN. Mr. President, it is a sad reality that with the proliferation of over 200 million guns in America, more and more children who, in my generation, would be the schoolyard bullies are now the kids bringing guns to school, and other children know it. They know about the easy access to these weapons. The kid who used to go out in the schoolyard and punch somebody in the nose now turns out to be the kid who brings the gun to school. It is a sad reality, one that every family in America faces.

I don't care if you live in California, Illinois, or Michigan; there is not a school district or a child we can be sure is safe today until we take measures to restore sanity to the classrooms across America, to protect not only the kids but the teachers and all of the parents who share, as we do, the love for these children.

I thank the Senator from California for her leadership.

Mrs. BOXER. I thank the Senator from Illinois for his leadership.

I yield to my colleague, the senior Senator from California, who, I think it is important to note, brought us our first victory on commonsense gun control several years ago with her assault weapons ban. She has kept on this issue continuously, and I am very honored that she is here to speak in connection with this sense of the Senate.

I yield to Senator FEINSTEIN for 10 minutes.

The PRESIDING OFFICER. The senior Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I thank my colleague, Senator BOXER from California, for her leadership and for this sense-of-the-Senate resolution, which I am very happy to support fully.

Today, I received a packet of letters. They are from fourth and fifth grade children. I want to read just a few parts of these letters:

> My name is Nikki. * * * I am 11 years old. * * * No one in my household has a gun, not one of them. * * * One day, I saw a neighbor of mine get shot on her way to the candy house. She got shot 4 times. She got shot 3 times in her side and once in her leg. Now she's paralyzed for life. That really hurt me and a lot of other people. She was only 12 years old and she was a nice girl.

Here is another one:

> I am Talia and I am 11 years of age. And when I'm coming home from school, I see little 13 year old teenagers playing with guns like it's a thing to do. I walk across the street to go get some ketchup for my cousin's house and I see people dragged into the * * * park.
>
> * * * We're little kids. We need to live in a safer community and this is not safe. So write to all the gun stores and let them know what kids think about guns.

Here is another one:

> My opinion is no people should have guns, because one day in the summer that passed this girl was in her house. Then a man dragged her out of her house up the stairs. After he punched her and shot her in the leg, she had a hole in her leg. The police and ambulance had to come and wrapped her leg up.
>
> * * * I want the Senator to make guns no more. No more guns in this world.

Here is another one:

> I am a fifth grader. And mainly every year I hear at least 20 gunshots. I am scared at night because I think it's going to be a drive-by. I even sometimes can't go outside to recess because gunshots are heard.

Here is another one:

> My name is Justin. I am in the fifth grade. * * * At night in my neighborhood there are gunshots and sometimes it keeps me awake. When I walk home from school, there is gangs in one spot and another gang in another spot.
>
> Could you please help and make guns illegal? All the kids in my class want you to help. If you help, then I thank you very much.

Here is another one:

> What I know about guns and gun control is to not let guns get into the wrong hands.
>
> * * * What I want is to not let guns get in the wrong hands. To let it not go to people that just came out of prison to get payback. That is what I want and I hope you can do something about this and I want support of gun control laws.

Here is another one:

> * * * When I was 3 years old, I saw a black and silver gun. When I saw it, I ran in my house and saw the person get shot by it. I was so scared I cried my eyes out. So please support us.

Another one:

> * * * I think you should stop people from shooting other people. People should have to get a license and people should have to have a background check for getting guns. Please support gun control laws.

Another one:

> * * * My experiences are hearing guns, like one day when it was my Aunt's birthday, we were all in the house looking out the window. We had seen this man on top of the hill. He had a gun. Then he just started to point it and then he started to shoot. We all had to drop to the floor. It was scary.
>
> What I want is only the police to have guns because they're the only ones who's using them right. I want you to vote to have only police have guns, it's just right. And if police are not using them right, please take them away. I want gun control over guns.

Another one:

> * * * I am 10 years old. And I have seen people shoot another person. One night I had heard gunshots. I looked out the window and saw a man running, and another man lying on the street. He was shot about fifty times. My uncle was shot on Christmas night on his way home from work.

Ladies and gentlemen of the Senate, this is the real world. This is what is happening out there. How can we stand by and not do anything?

I speak as a member of the Senate Judiciary Committee. I have been on this committee for as long as I have been in the Senate. I am a supporter of the juvenile justice bill. That day when we debated four commonsense, targeted gun measures—all of them, I thought, no-brainers—I was so proud to be a Member of this body. I remember that Senator JOHN ASHCROFT moved an amendment to say that youngsters, children, could not buy assault weapons. That was a no-brainer. It went through this body. The second amendment was on trigger locks. My colleague from California and others in this body have championed that—that is, that guns should have trigger locks. That way, a 6-year-old can't use the gun.

A 5-year-old from Memphis, TN, took a gun to school to kill his kindergarten teacher because the teacher gave him a "time-out" the day before. A simple $15 gun lock, or trigger lock, would have stopped that from happening. That was the second measure. Plugging the gun show loophole so that children from a school can't go to a gun show and buy a gun, no questions asked, was the third one.

The fourth one was mine, to prohibit the importation of these big clips that are coming in from all over the world by the tens of millions. Some of them are as big as 250 rounds.

Those are four simple, commonsense, targeted gun regulations. And what has happened? Nothing. The children from Columbine came here and they begged for help, as did the children in these letters, and what happens? Nothing. I talk to Members of the Senate and I ask, "Why is nothing happening?" They tell me that the Gun Owners of America are really resolved that they don't want any legislation.

We say the time has come to recognize that the majority of our people have certain basic rights—that our children have the right to go to school without fear, that our children have the right to sleep without hearing gunshots, that you have the right to walk down the street and not fear getting killed by a drive-by shooter.

In Los Angeles, in the last 16 years, over 7,000 people have been killed by drive-by shooters. That is what the plethora, the abundance, the avalanche of guns in this country is doing to the real world outside of this beltway.

I say to those who yield to this special, unrelenting interest that says, "You either vote our way or we will defeat you at the polls," that the American people have had enough, and the time has come to pass some targeted, commonsense regulations.

The resolution of my colleague from California is a beginning. It at least puts us on record. Hopefully, if it should pass, it will send a message to the Judiciary Conference Committee of both these noble Houses. That message is: Pass the juvenile justice bill, and pass these four targeted measures.

I defy any Member of this House or the other House to tell me that the second amendment of the Constitution of the United States prohibits the regulation of firearms.

Let me add one thing. Today in gun shops all around this great country they are selling .50 caliber weapons, a military weapon, a weapon capable of sending a bullet 4 miles, a weapon capable of producing a shot that can go through a concrete wall. Tell me that we need weapons such as this in a civilized society. Tell me that the second amendment of the Constitution prevents us from regulating firearms. Tell me that these children begging to be safe and to not hear gunshots at night, to not get shot in the car, and not to stand in a living room and have a bullet come through their wall are wrong.

I thank the Senator from California for her good work. I add my support.

I yield the floor.*****

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, how much time remains?

The PRESIDING OFFICER. Fifteen minutes.

Mrs. BOXER. Thank you, Mr. President.

I say to my friend from California how proud I am to have her support. She brought to the floor of the Senate today the voices of the children. How can we possibly have a bill dealing with education that doesn't address these voices begging us to act?

I am so pleased she took the time because I know she has another amendment which she has to get ready for. I appreciate the Senator coming over to the floor.

Thirteen children every single day are killed by gun violence—13 innocent lives. There is not one Senator who doesn't agree with the statement that our children are our future. How many times do we put that in our speeches?

I am saddened that I don't see Members from the other side of the aisle on the floor. I don't understand why we don't have unanimity in this. In April, it is going to be a year since the tragedy of Columbine. The vision of that tragedy is on everyone's mind—the young man, not even 18 years old, trying to get out of the window of a school library with his limbs dangling from the injuries he received, the faces of the parents, and the tearing apart of that community, which has been happening ever since that tragedy. If we don't act by that date, we don't deserve to be here.

I agree with Senator FEINSTEIN. This is harsh talk, yes. But what are we here for if we are not protecting our citizens and our children? What could be more important? An education savings account that gives people $7 a year? That is lovely. Great. But what does it mean if they lose the child for whom they are saving this money?

This is in many ways, yes, an emotional issue. It is frustrating for so many of us.

Senator FEINSTEIN told you about the four commonsense gun control measures that were voted out of the Judiciary Committee and that passed on this floor. There was one more that requires the Federal Trade Commission and the Attorney General to study the gun industry's marketing practices for children. I think the American people would be stunned to know these manufacturers are now producing shocking pink guns and green guns and guns that look like camouflage. They are making real guns now look like toy guns. We used to have a problem with toy guns looking like real guns. Now they are making real guns look like toy guns. That needs to be studied, too.

This is an amazing place. I offered the simplest amendment to an appropriations bill that passed unanimously. All it said was, if you are obviously inebriated—in other words, drunk—you cannot walk into a gun store and buy a weapon. Talk about a no-brainer.

We already have a law that says if the vendor thinks you are high on drugs, you can't buy a gun. So we said: Gee, this must have been an oversight. And after a little bit of debate, the other side said: Oh, OK. That is fine. They asked if I thought there ought to be a breathalyzer test. No. Of course not; this is just common sense. If you walk in and you are, obviously, inebriated such that it is obvious to the vendor, he or she cannot sell you a gun. It passed unanimously. But something happened on the way out of the conference. When the bill came back—the appropriations bill for Commerce-State-Justice—guess what was missing? This amendment. A simple amendment such as that was dropped because the NRA didn't like it.

Let us not be vague about this. This is what it was.

We have to start thinking about the welfare of the people of this country, the welfare of the children of this country, the well-being of the families of this country, and the well-being of the students of this country ahead of some special interest group that has it in its head that because you would enact a few sensible gun control measures you are threatening the country. No one is threatening the country.

Our European friends look at us; they cannot believe it. Our Japanese friends look at us; they cannot believe it because of these rates of death.

To me it is not even common sense to argue with them that we are right and they are wrong. This is from 1996: New Zealand, 2 people were murdered by guns; in Australia, 13; in Japan, 15; in Great Britain, 30; Canada, 106 in that year; Germany, 213; and, in the United States, in that same year, 9,390 of us died by gunshot wounds.

What are we doing? Nothing is the answer. We are doing nothing because of a special interest that gives a lot of money.

This is a war that is going on in this country. In 11 years of the Vietnam war, which was a tragedy, 58,168 of our citizens were killed. Their families will never be the same and they have never been the same.

Mr. President, 58,168 of our brave men and women were killed in 11 years of the Vietnam war where this country came to its knees. Do you know how many gun deaths there were in America in 11 years? 396,572. Let me say that again: In 11 years of the Vietnam war, roughly 58,000 deaths; in 11 years of gun violence rampant in our country, 396,000-plus deaths.

Does it make any sense that our country would come to its knees over the Vietnam war—as we all did, whatever side one was on—and have the biggest debate we have ever had in the history of our country over a war—many Members got into politics because of that situation—and yet with 396,572 gun deaths in America over the same period of time we cannot get out of the conference committee five commonsense gun control measures?

It is not to be believed.

In 49 days it will be the 1-year anniversary of Columbine. In this sensible measure before the Senate, we are calling for the President, the Senate, and the House to work together and get these commonsense proposals into law. That must be the finish line. Mr. President, 49 days; that is a long time. It is enough time to do this job. After all, these proposals have gone through rigorous debate and they have passed.

> It is the sense of the Senate that before April 20, 2000, Congress shall make schools safe for learning by implementing policies that will reduce the threat of gun violence in the schools.

Pretty simple.

I ask unanimous consent to have printed in the RECORD a listing of the recent school shootings in our Nation and, in addition, a list of the multiple shootings in general, in public places such as McDonald's.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RECENT SCHOOL SHOOTINGS

Date	Location	Deaths	Injuries
February 2, 1996	Moses Lake, Washington	3 (2 students; 1 faculty)	1 (student).
February 19, 1997	Bethel, Alaska	2 (1 student; 1 faculty)	2 (students).
October 1, 1997	Pearl, Mississippi	2 (students) (also killed mother at home)	7 (students).
December 1, 1997	West Paducah, Kentucky	3 (students)	5 (students).
March 24, 1998	Jonesboro, Arkansas	5 (4 students; 1 faculty)	10 (students).
April 24, 1998	Edinboro, Pennsylvania	1 (faculty)	
April 28, 1998	Pomona, California	2 (students)	1 (student).
May 19, 1998	Fayetteville, Tennessee	1 (student)	
May 21, 1998	Houston, Texas		1 (student).
May 21, 1998	Springfield, Oregon	2 (students) (also killed parents at home).	
June 15, 1998	Richmond, Virginia		2 (faculty).
April 20, 1999	Littleton, Colorado	15 (14 students; 1 faculty) (includes the shooters).	23 (students).
May 20, 1999	Conyers, Georgia		6 (students).
November 19, 1999	Deming, New Mexico	1 (student)	
December 6, 1999	Fort Gibson, Oklahoma		4 (students).
February 29, 2000	Mt. Morris Township, Michigan	1 (student)	

1999 MULTIPLE SHOOTINGS

January 14, office building, Salt Lake City, Utah: *1 dead; 1 injured.*

March 18, law office, Johnson City, Tennessee: *2 dead.*

April 15, Mormon Family History Library, Salt Lake City, Utah: *3 dead, including gunman (who was shot by police); 4 injured.*

April 20, Columbine High School, Littleton, Colorado: *15 dead, including the two teenage gunmen; 23 injured.*

May 20, Heritage High School, Conyers, Georgia: *6 injured.*

June 3, grocery story, Las Vegas, Nevada: *4 dead.*

June 11, psychiatrist's clinic, Southfield, Michigan: *3 dead, including the gunman; 4 injured.*

July 12, private home, Atlanta, Georgia: *7 dead, including the gunman.*

July 29, two brokerage firms, Atlanta, Georgia: *10 dead, including the gunman; 13 injured.*

August 5, two office buildings, Pelham, Alabama: *3 dead.*

August 10, North Valley Jewish Community Center, Los Angeles, California: *5 injured (postal worker killed later).*

September 14, West Anaheim Medical Center, Anaheim, California: *3 dead.*

September 15, Wedgwood Baptist Church, Fort Worth, Texas: *7 dead, including gunman; 7 injured.*

November 2, office building, Honolulu, Hawaii: *7 dead.*

November 3, office building, Seattle, Washington: *2 dead; 2 injured.*

December 6, Fort Gibson Middle School, Fort Gibson, Oklahoma: *4 injured.*

Mrs. BOXER. I am very proud that Senators came to the floor, with their very busy schedules, on behalf of this amendment.

Again, I don't know whether the Republican side of the aisle will support this amendment. I hope they will. I cannot imagine why they would fail to support it. I want to have a vote on this. I want everyone to be on record. If they vote for this, they are saying that by April 20 we should have these proposals back before the Senate on the way to the President's desk.

How many more shootings is it going to take? How many more people have to write condolence notes or call parents and families? I trust, my friends, that we will not take any more time. We have done the heavy lifting. We have had the debate. We have had the Vice President in the Chair. He has cast the tie-breaking vote so that we can close the gun show loophole. God bless him for that. Without him in that Chair, that would not have happened. Closing that gun show loophole means people who are mentally imbalanced, people with a criminal record, people who are underage, will not get guns.

I could spend a long time on this floor reading more into the record about these instances that have occurred in our Nation, but I think I have said what I have to say. I trust the other side will not offer a second-degree amendment to this. I trust the other side will reach over and take the hand of those on this side of the aisle who believe it is important to work on this in a bipartisan fashion.

How much time remains of the 45 minutes?

The PRESIDING OFFICER. Two minutes and 40 seconds.

Mrs. BOXER. I reserve the remainder of my time.

Mr. COVERDELL. Mr. President, I suggest the absence of a quorum with the time being counted equally.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, I will use my leader time in discussing the Boxer amendment for a moment.

First, I came to the floor to commend Senator BOXER for her amendment and applaud her for her leadership in drawing attention once again to this very important matter. This amendment simply highlights the fact that students can't learn when they are afraid.

Why are they afraid? They are afraid because too many communities and too many children live worried that today's playground will be tomorrow's crime scene. This week's tragedy in Michigan is just one more bloody reminder of this phenomena.

As the President stated today, now is the time for us—for the Administration, for the Congress—to do its part to respond. So, I say with as much heartfelt emphasis as I can, now is the time for Congress to stop stalling.

It was on May 20 of 1999 that the Senate passed the juvenile justice bill. That was over 9 months ago. It was on June 17 of 1999 that the House passed the juvenile justice bill. That was over 8 months ago. After waiting weeks, on August 5 of 1999, almost 7 months ago, the juvenile justice conference had its first, and regrettably, only meeting.

We are still stalled, with a phantom conference, today. Stalled in that conference are measures that will help keep guns out of the hands of criminals and children, help keep schools safe, and provide some balance, some degree of confidence that children can go to school more safe and more secure than they are today.

What are we talking about? We are talking about handgun safety locks, something that could have easily helped this week. We are talking about a measure to close the gun show loophole. We are talking about a juvenile Brady bill. And we are talking about the banning of the importation of high-capacity ammunition clips, once and for all. That is what we are talking about.

On virtually every one of these issues, the overwhelming majority of the American people said: Why didn't you do this last year or years before? Why is it now, the year 2000, 9 months after the Senate began this debate, and we still have yet to act? How many more children must die? How much more must we and the American people endure? We need to stop listening to narrow special interests and pass these commonsense gun safety measures now.

The tragedy in Michigan should shock us all into action; although Columbine and Jonesboro, and countless other shootings have not seemed to prompt Congress into action. Just think, a 6-year-old girl lost her life, lost her life, because a young boy, who probably still doesn't understand the consequences of his act, had access to a deadly weapon. The truly sad fact is these tragedies happen every day in this country and do not generate the news attention this particular incident did. If they did, we would all be in the Chamber today. If we had a daily rollcall of those who no longer are living as a result of our inaction, we would all be called to action. Thirteen children under the age of 19 are killed with guns every single day, and other children suffer from witnessing those deaths and fearing for their own lives.

I just listened to the letters by children read by Senator FEINSTEIN. All you have to do is listen to one of them. All you have to do is imagine a child sitting down writing that letter. A child should be writing about baseball and soccer and all the good things that happen in school. But they are writing about fear. They are writing about guns. They are writing about violence. They are writing about death. I do not know how much more tragedy this country has to endure before Congress wakes up.

This amendment simply asks us to recognize we need to act now. This amendment should be more than just a sense-of-the-Senate resolution. It should be a call to action. Today, we lay down a marker that if by April 20, the anniversary of the Columbine tragedy, the Congress has not sent the President a juvenile justice bill that includes commonsense gun safety measures, we have failed. We have failed. That is what this amendment is all about. That is the endeavor in which I hope all my colleagues will join.

This does not have to be, and is not, a partisan issue. This is an education issue. It is a family issue. It is a life or death issue. I hope we all realize its consequences.

I yield the floor.

Mr. KENNEDY. Mr. President, it has been almost a year since the tragic shooting at Columbine High School. In literally dozens of cases since then, youths have brought guns to schools, and there have been at least four school shootings since Columbine. Yet in spite of wake-up call after wake-up call after wake-up call, Congress has failed to act.

It is time for Congress to finish the job we began last year and pass the gun control provisions in the juvenile justice legislation. Students, parents, and teachers across America are waiting for our answer.

We need to help teachers and school officials recognize the early warning signals and act before violence occurs.

We need to assist law enforcement officers in keeping guns away from criminals and children.

We need to close the gun show loophole.

Above all, we need to require child safety locks on firearms, so that we can do all we can to prevent the senseless shocking first grade shooting that occurred two days ago in an elementary school in Michigan.

The Senate passed such legislation with overwhelming support last year. The House of Representatives also passed its own version of this legislation. It is time for House and Senate conferees to write the final bill and send it to the President, so that effective legislation is in place as soon as possible.

Every day we delay, this critical problem of gun violence affecting schools and children continues to fester. This is not a new problem, but as this week's events have shown, it is an increasingly serious problem, and Congress cannot look the other way and continue to ignore it.

The public overwhelmingly supports more effective steps to keep guns out of the hands of criminals and juveniles. We cannot accept "NO" for an answer from the National Rifle Association. It is long past time for Congress to face up to this challenge. The continuing school shootings are an urgent call to action to every Member of Congress. Will we finally do what it takes to keep children safe? Or will we continue to sleepwalk through this worsening crisis of gun violence in our schools and our society?

The lack of action is appalling and inexcusable. Each new tragedy is a fresh indictment of our failure to act responsibly.

We have a national crisis, and common sense approaches are urgently needed. If we are serious about dealing with youth violence, the time to act is now. There is no reason why this Congress cannot enact this needed legislation now. This month the citizens of this country deserve better than what this do-nothing Congress has given them so far.

Mr. LEAHY. Mr. President, I support Senator BOXER's sense-of-the-senate amendment that Congress pass effective juvenile justice legislation by the one year anniversary of the Columbine High School tragedy—April 20, 2000. Unfortunately, the Senate-passed Juvenile Justice legislation has been languishing in a House-Senate conference for months.

Sadly, another school shooting is in the news. In Mount Morris Township in the State of Michigan, a six-year-old boy fatally shot a six-year-old girl at an elementary school. As a father and grandfather, it breaks my heart to hear about a first grader shooting one of his fellow classmates. And yesterday a deranged man shot five people in a McDonalds in Pittsburgh, Pennsylvania.

I have owned firearms for many years and often enjoy target shooting with my friends and family in Vermont. I understand that the vast majority of gun owners in Vermont and around the country use and enjoy their firearms in a responsible and safe way.

I am, however, deeply disturbed by the rash of recent incidents of school violence throughout the country. The growing list of schoolyard shootings by children in Arkansas, Washington, Oregon, Tennessee, California, Pennsylvania, Kentucky, Mississippi, Colorado, and Georgia is simply unacceptable and intolerable.

It pains me even more to now add the Michigan elementary school shooting to this growing list of schoolyard shootings. This tragic incident of school violence took the life of a 6-year-old, Kayla Rolland.

What we should be doing is redoubling our efforts to enact the Hatch-Leahy juvenile crime legislation and its sensible public safety provisions that passed the Senate last May with 73 votes. I do not fault Senator HATCH. I know that he is doing what he can on this and that he shares my frustration that the House-Senate conference committee has been stymied in our effort to report that measure back to the House and Senate for final passage.

I again urge the Republican leadership in the House and Senate to pass that bill without further obstruction and delay. Let the Congress act and do what it can to help end this senseless violence. Six-year-olds killing other 6-year-olds is unthinkable but now, tragically, all too real.

For more than two years, I have worked with other Senators to craft responsible and effective juvenile crime legislation to curb this senseless violence. Last May, the Senate passed the Hatch-Leahy juvenile justice bill, S. 254, by a strong bipartisan vote of 73–25.

Our comprehensive legislation provides states and local governments with resources to fund programs to prevent juveniles from committing crimes and to properly handle juvenile offenders if they commit crimes.

Our balanced approach to juvenile justice also includes provisions to keep children who may harm others away from guns. These provisions include:

bans on the transfer to juveniles and the possession by juveniles of assault weapons and high capacity ammunition clips; increased criminal penalties for transfers of handguns, assault weapons, and high capacity ammunition clips to juveniles; bans on prospective gun sales to juveniles with violent crime records; trigger locks to be sold with all handgun sales; background checks on all firearm sales at gun shows; and increased federal resources to enforce firearms laws by $50 million a year.

But the majority refuses to move ahead with final passage of a juvenile justice conference report. In fact, the majority even refuses to reconvene the House-Senate conference to meet to discuss the bill.

The members of the juvenile justice conference have met only once—on August 5, 1999. That one meeting of the House-Senate juvenile conference was more than six months ago.

It is shameful that the majority refuses to act upon a final juvenile justice bill. A bill that would help keep guns out of the hands of children and criminals, while protecting the rights of law-abiding adults to use and enjoy firearms.

Mr. ASHCROFT. Mr. President, I support the objective of the Senator from California that the Senate should do all it can to implement policies "that will reduce the threat of gun violence in schools."

I would like, however, to note that the amendment contains an erroneous factual finding. This amendment states that "Every day in America, on average, between 12 and 13 children under the age of 18 die of gunshots from homicides, accidental shootings and suicides." That is incorrect.

According to the 1997 statistics collected by the National Center for Health Statistics there were 4,205 firearms-related deaths of persons aged 0 to 19, 85 percent of whom were between the ages of 15 and 19. Thus, the daily average stated in this amendment is young adults and children under the age of 20, not under 18 as this amendment says.

Of course, this number is far too high regardless of whether it is young adults and children under 18 or under 20. It is a national tragedy either way, and the Senate should do all it can to reduce that number. I just want to make the record clear, consistent with my belief that the Senate has an obligation when it makes findings of fact to be accurate.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, the manager of the bill, the Senator from Georgia, has graciously agreed to allow 5 minutes of the time on this amendment to be yielded to the Senator from Virginia to speak on behalf of the Graham amendment which was a second-degree amendment to the Roth amendment.

Mr. ROBB. Mr. President, I thank the distinguished Senator from Georgia. Since I am, in effect, speaking for the other side, I am particularly grateful. I am in wholehearted support of the Boxer amendment. I commend the Senator from California for all she has done to raise our consciousness with regard to school violence, and the very difficult environment that is created for learning if we cannot guarantee our children go to their classrooms with relative safety.

The PRESIDING OFFICER. The Senator from Virginia.

AMENDMENT NO. 2870 TO AMENDMENT NO. 2869

Mr. ROBB. Mr. President, I would like to spend a moment talking in support of my colleague from Florida, Senator GRAHAM, in his efforts to maintain at least a semblance of fiscal discipline at a time when many of our colleagues are thinking primarily about how to spend the surplus on new programs or major tax cuts. As the baby boomers head toward retirement, we have a responsibility to address their future needs. The current Social Security and Medicare programs simply are not equipped to handle our aging population. We need to strengthen these programs, but we cannot do that with our current national debt. Conventional wisdom has always been, in times of prosperity we save for the bad times. It is hard to fathom more prosperous times than we are currently enjoying. Yet we continue to avoid making tough choices that will prepare us for the future.

Until we muster the political courage to strengthen Social Security and Medicare, we need to focus on paying down the debt. There are three ways to pay for our priorities. We can borrow from our parents by using the Social Security trust fund, we can borrow from our children by adding to our Nation's debt, or we can pay for our priorities ourselves. In my view, the only responsible approach is to pay for our priorities ourselves. How can we even consider tax cut legislation that is not paid for when we have not even determined how much of the budget should be allocated to tax cuts?

We are still several weeks away from the actual debate on the budget resolution and even further away from an agreement. If we are going to vote tax legislation off the floor before the budget resolution is in place, it should be paid for. That is the only responsible thing to do.

Currently, the public debt is more than $5.75 trillion. In order to maintain this debt, we need to dedicate billions of dollars to making interest payments. Last year alone we paid over $230 billion in interest payments on the publicly held debt. Can you imagine what we could do if we were able to use even one-tenth of this money on our Nation's schools?

We can argue all day about the proper role of the Federal Government in public schools, but I assume we all agree something needs to be done. We owe it to our children to give them the best head start possible. Mr. President, $230 billion would go a long way toward solving this problem.

We need to remember that the surplus is what we have left over once we have met all our obligations. We have not yet decided what our obligations are, so how can we know how much our surplus is going to be and how much extra money we are going to have?

I urge our colleagues to support the Graham amendment when it comes up for a vote. I yield any time that may be allotted to me.

I thank the Senator from Georgia for his courtesy.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. AKAKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. VOINOVICH). Without objection, it is so ordered.

Mr. AKAKA. Mr. President, I rise to associate my remarks with those of my colleagues over the past few days while we have discussed S. 1134, the education savings accounts bill. I am pleased that education has been raised as a priority by this body. Education will continue to be a high-profile issue as we continue to work on the Elementary and Secondary Education Act, which the Health, Education, Labor, and Pensions Committee has started to markup. At this time, I would like to talk about a number of related issues that need to be addressed from the Federal level.

I began my career as an educator. I taught music, social studies, math, and other subjects in Hawaii's classrooms. I ran schools as a vice principal and principal. In my current position, I still come in direct contact with students who travel thousands of miles from my great State of Hawaii to tell me what is good and what is bad about their education. It is no surprise that the bulk of these students are in public school, since 90 percent of American students are served by the public school system. When I ask students what makes the biggest difference in how they learn, they talk about teachers who motivate and the commitment they put into subjects. When asked about how their education can improve, students lament the poor conditions of playgrounds and classrooms, overcrowding in classrooms, the lack of proper textbooks, and the need for more and better computers.

My colleagues have touched on these, and many other problems, as they debated amendments to S. 1134. I supported the amendment offered by my colleague from Virginia, Senator ROBB, which sought to authorize $24.8 billion in school modernization bonds and a $1.3 billion grant and zero-interest loan program for urgent school repairs. The modernization bonds would build or modernize 6,000 schools and the grant/loan program would finance about 8,300 urgent repair projects. Although states have addressed some of these needs, students are still learning in substandard conditions.

The Federal Government can assist with these projects. This has been acknowledged through the inclusion of a school construction provision in S. 1134. Unfortunately, this provision will only help a handful of schools in need, as opposed to the comprehensive assistance that would have been made available if the Robb amendment were adopted.

Regarding the conditions in Hawaii's schools, 73 percent need to upgrade or repair buildings to good overall condition, 57 percent have at least one inadequate building feature—such as a condition related to plumbing or electricity—and 78 percent report at least one unsatisfactory environmental factor such as poor air quality or ventilation. Because of Hawaii's temperate climate, we do not have to worry about having to heat our classrooms in the winter. However, we face other challenges such as corrosion due to the amount of salt in the air from the ocean. Funding in the Robb amendment would take into account the differences across states and provide assistance for the myriad of problems facing our schools.

The Campaign to Rebuild America's Schools tells me that Hawaii faces a $955 million cost for school modernization—nearly 80 percent for infrastructure and more than 20 percent of that for technology needs. The school modernization initiative would provide Hawaii's schools with $63 million to meet some of these needs. I will continue to work with my colleagues to pass this legislation.

I have also been a long-time supporter of class size reduction efforts. I voted for the Murray amendment, which would continue the help to communities to hire 100,000 quality teachers to reduce class size in lower grades. I was pleased to see the second installment of this initiative funded through last year's appropriations process, which will provide Hawaii with more than $6 million in fiscal year 2000. The President's budget request for fiscal year 2001 would increase this funding to Hawaii to more than $8 million.

Our students deserve the best possible learning environment. Larger classes of 30 or 35 students tend to be noisier, have greater potential to be disruptive, and provide less teacher time to each student, compared to classes with fewer students. Many students are struggling through courses, and some of this can be attributed to their presence in larger classes. Impending teacher shortages will compound this problem, as well as will record school enrollments that will only increase, into the new millennium. The class size reduction initiative would help mitigate these problems facing our school-age generations.

I support other amendments that were taken up and are anticipated to S. 1134, and I commend my colleagues for their work on this bill. These include Senator ABRAHAM for working to provide more computers and increased technology in classrooms and Senators GRAHAM and HUTCHISON for encouraging individuals to transition their careers into teaching. I also support Senator WELLSTONE in his ongoing effort to look at the levels and effects of child poverty.

Mr. President, I would like to make a final point about worthy legislation in this area. I have a bill, S. 1487, the Excellence in Economic Education Act, that would work to boost economic literacy in the country. I will not offer my bill as an amendment to S. 1134 at this time, but I intend to do so when the Elementary and Secondary Education Act comes before the Senate. In this debate about education, I must highlight the need for us to educate Americans, starting from a young age, about the importance of many aspects of economic education: personal finance, consumer education, entrepreneurship, career and retirement planning. It is important for our students to have a practical understanding of economics to help them in their daily lives, and my bill would help. It provides funding directly to the State and local level by giving grants to economic education councils and centers nationwide through the National Council on Economic Education. It also provides assistance on the national level to boost resources developed by the National Council that help states and schools teach economics to teachers and students. I hope that my colleagues will support my effort to pass this legislation during ESEA debate.

Mr. President, I am glad to have this opportunity to talk about the importance of education. We must continue to make significant investments in the future of this country, and we can accomplish this by magnifying the resources that we provide to education.

To finish my remarks, I would like to comment on one more thing that I hear from Hawaii's students. I am frequently impressed by the thoughtful ideas and expressions of concern voiced by the young men and women I meet. Students talk about issues that are surprisingly values-based: the need to treat one another with kindness and respect. Or, as we say in Hawaiian, "malama": to take care of, to care for, or to support. With all of the tragic incidents at our schools, I hope that our students can achieve a better understanding of the value of human life so that these incidents can be reduced. America's youth should strive to understand why we must treat others as we would like to be treated. Some of this helpful dialogue is occurring naturally, initiated by the students themselves, in our schools. We must do what we can to support our young people as they tangle with these often overwhelming and disturbing issues.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, under the previous unanimous consent agreement, I believe a voting order has been established to begin at 2:15.

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 2870

The PRESIDING OFFICER. According to the understanding, there will be 2 minutes evenly divided before we vote on the amendment. The first vote is on the amendment of the Senator from Florida.

Who yields time?

Mr. COVERDELL. Mr. President, I ask unanimous consent that the prescribed time for debate before this vote be vitiated and we proceed with the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to amendment No. 2870. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN), is necessarily absent.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

The result was announced—yeas 25, nays 73, as follows:

[Rollcall Vote No. 23 Leg.]

YEAS—25

Akaka
Baucus
Biden
Boxer
Breaux
Bryan
Byrd
Cleland
Daschle
Dodd
Graham
Hollings
Inouye
Kerrey
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Robb
Rockefeller
Torricelli
Voinovich
Wyden

NAYS—73

Abraham
Allard
Ashcroft
Bayh
Bennett
Bingaman
Bond
Brownback
Bunning
Burns
Campbell
Chafee, L.
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
DeWine
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald

Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Johnson
Kennedy
Kerry
Kyl
Landrieu
Lincoln
Lott
Lugar
Mack
McConnell
Murkowski
Murray
Nickles
Reed
Reid
Roberts
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone

NOT VOTING—2

McCain
Moynihan

The amendment (No. 2870) was rejected.

Mr. ROTH. Mr. President, I move to reconsider the vote.

Mr. COVERDELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROTH. Mr. President, I ask unanimous consent that the votes on the Roth amendment, which will be next, and the Kennedy amendment be limited to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time on the amendment?

AMENDMENT NO. 2869

Mr. ROTH. My amendment increases from $500 to $2,000 the annual ESA contribution. It makes the educational savings account permanent. It would make employer provided educational assistance permanent. It removes all tax increases and makes this a pure education tax cut bill.

America has waited for this education savings plan for 3 long years. This legislation brings it home today. My amendment makes sure it stays there for families, not just for today but for tomorrow and all the days that follow.

I yield the remaining time.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. REID. We yield back our time.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to amendment No. 2869. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. McCAIN) is necessarily absent.

The PRESIDING OFFICER (Mr. FITZGERALD). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 40, as follows:

[Rollcall Vote No. 24 Leg.]

YEAS—59

Abraham
Allard
Ashcroft
Bennett
Biden
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Chafee, L.
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Feinstein
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lieberman
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner

NAYS—40

Akaka
Baucus
Bayh
Bingaman
Boxer
Bryan
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Wellstone
Wyden

NOT VOTING—1

McCain

The amendment (No. 2869) was agreed to.

Mr. ROTH. Mr. President, I move to reconsider the vote.

Mr. COVERDELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Georgia.

AMENDMENT NO. 2871

Mr. COVERDELL. Mr. President, I believe under the unanimous consent agreement, the next order of business is the Dorgan amendment. I have conferred with Senator DORGAN. He has agreed to a voice vote. I yield back the proponents' and opponents' time. I, of course, oppose the amendment.

The PRESIDING OFFICER. All time has been yielded back.

The question is on agreeing to amendment No. 2871.

The amendment (No. 2871) was rejected.

Mr. WELLSTONE. Mr. President, may I ask one question? What happened to our 10-minute votes? Can we try to do these in 10 minutes?

AMENDMENT NO. 2872

The PRESIDING OFFICER. Under the previous order, the next amendment is the Kennedy amendment No. 2872.

Who yields time on the Kennedy amendment?

Mr. FITZGERALD. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, are there 2 minutes to a side or 1 minute to a side?

The PRESIDING OFFICER. One minute per side.

Mr. KENNEDY. Mr. President, as we all know, there are scarce education resources. The Federal Government only provides 7 cents out of every dollar. The question is: How are we going to use those scarce resources?

This amendment is basic and fundamental. It says we need a well-trained, qualified teacher in front of every classroom in America. That is what this amendment provides. We know we need 2 million teachers over the next 10 years. We are training 200,000. This last year, we employed 50,000 unqualified teachers.

The situation has become so desperate that the Wall Street Journal now shows the ad of Kelly Services which unveiled for the first time nationwide substitute teachers.

This amendment is simple. It provides assistance to local communities to recruit qualified teachers, provides current teachers with professional development, and it provides 200,000 new teachers a year with trained mentors. My amendment also holds States and schools accountable for the results.

This seems to be a wiser way to expend scarce resources than the underlying bill, and I hope it will be accepted.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I have several points to make. This amendment was laid down in the Health, Education, Labor, and Pensions Committee today. There are controversies. It embraces the idea of Federal intervention, but that will be settled in committee, A.

B, this is about the fifth time we have had to deal with an amendment that makes moot the entire debate we have had for the last week and a half because it removes the funding from the education savings account, sweeping away 14 million people, 20 million students who will benefit, and, more importantly, $12 billion in new resources that will be volunteered by these families for education.

We ought to do the same thing we have done with all these amendments that make moot the proposal for which we have been fighting. I will vote against it.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2872.

Mr. KENNEDY. I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. McCAIN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 39, nays 60, as follows:

[Rollcall Vote No. 25 Leg.]

YEAS—39

Akaka
Baucus
Bayh
Bingaman
Boxer
Bryan
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin

Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Wellstone
Wyden

NAYS—60

Abraham
Allard
Ashcroft
Bennett
Biden
Bond
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kohl
Kyl
Lieberman
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner

NOT VOTING—1

McCain

The amendment (No. 2872) was rejected.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. COVERDELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COVERDELL. Mr. President, there probably will not be any other votes until 6 or after. It has taken us an hour and 15 minutes to cast one 20-minute vote and two 10-minute votes. Both sides are really suffering from this. If it is a 10-minute vote, let's vote in 10 minutes.

If there is any remaining time on our side on the Boxer amendment, I yield it back.

The PRESIDING OFFICER. Time is yielded back.

AMENDMENT NO. 2874 TO AMENDMENT NO. 2873

(Purpose: To express the sense of the Senate on improving the learning environment by ensuring safe schools)

Mr. COVERDELL. Mr. President, I offer a second-degree amendment to the Boxer amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. COVERDELL] proposes an amendment numbered 2874 to amendment No. 2873.

Mr. COVERDELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the first word and insert the following:

SENSE OF THE SENATE REGARDING A SAFE LEARNING ENVIRONMENT.

(a) FINDINGS.—Congress finds that—

(1) Every school child in America should have a safe learning environment free from violence and illegal drugs.

(2) Violence and illegal drugs in the schools undermine a safe and secure learning environment.

(3) Any instance of violence or illegal drugs in schools is unacceptable and undermines the efforts of Congress, state and local governments and school boards, and parents to provide American children with the best education possible.

(4) In the last 12 months, there have been at least 50 people killed or injured in school shootings in America.

(5) From 1992 through 1998, the number of referrals made by the Bureau of Alcohol, Tobacco, and Firearms to the Federal Bureau of Investigation for federal firearms prosecutions fell 44%, which resulted in a 40% drop in prosecutions and a 31% decline in convictions, allowing criminals to remain on the streets preying on our most vulnerable citizens, including our children.

(6) From 1996 to 1998, the Justice Department only prosecuted an average of seven persons per year for illegally transferring a handgun to a juvenile.

(7) Since 1992, the percentage of 8th grade students using marijuana, cocaine, and heroin in the past 30 days has increased 162%, 86%, and 50%, respectively, according to the respected Monitoring the Future survey.

(8) The February 29, 2000, shooting at Buell Elementary School in Mount Morris Township, Michigan, is evidence that gun violence in American schools continues, that the drug culture contributes to youth violence, and that the breakdown of the American family has contributed to the increase in violence among American children.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the reauthorization of the Safe and Drug-Free Schools program that Congress soon will be considering should target the elimination of illegal drugs and violence in our schools and should encourage local schools to insist on zero-tolerance policies towards violence and illegal drug use.

AMENDMENT NO. 2874, AS MODIFIED

Mr. COVERDELL. Mr. President, I ask unanimous consent that the pending second-degree amendment be modified to reflect a first-degree status and that the time restraints be limited to 10 minutes equally divided on both amendments, and following the use or yielding back of time the amendments be laid aside with votes occurring at a time to be determined by the two leaders and no second-degree amendments be in order to either amendment.

I further ask unanimous consent that the votes occur in relation to the Coverdell amendment to be followed immediately by a vote in relation to the Boxer amendment and that no other amendments relative to guns be in order other than the Durbin amendment which replaces the Reed amendment.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, I apologize to my friend, but I was preoccupied speaking to another Senator. We will have to go over the unanimous consent request again.

Mr. COVERDELL. Would my colleague like me to read the request again?

Mr. REID. Please.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the pending second-degree amendment be modified to reflect a first-degree status and that the time restraints be limited to 10 minutes total, equally divided, on both amendments. That means we would each have 5 minutes before our amendment. And following the use or yielding back of time, the amendments be laid aside with votes occurring at a time to be determined by the two leaders and no second-degree amendments be in order to either amendment.

I further ask unanimous consent that the votes occur in relation to the Coverdell amendment to be followed immediately by a vote in relation to the Boxer amendment and that no other amendments relative to guns be in order other than the Durbin amendment which replaces the Reed amendment.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask that the unanimous consent agreement be amended. What the Senator from Georgia has read is just fine, but due to the grace of the Senator from California, she has agreed to allow Senator BINGAMAN to offer the Kennedy amendment next. That would be the next amendment that would be offered. Senator BINGAMAN has asked for 8 minutes on his side.

After that, for the information of other Senators, following that will be, of course, the Feinstein amendment. Senator FEINSTEIN has been here all day waiting to offer her amendment. After that, Senator LANDRIEU; Senator LANDRIEU is going to make a statement for approximately a half an hour. She will not require a vote, she has indicated to us. Following that, there would be an amendment by Senator JOHN KERRY, and he has asked for 7 minutes on his side. Following that, would be Senators SCHUMER, BOXER, DURBIN, and WELLSTONE.

Mr. COVERDELL. I have no objection. That is basically just embracing the order of amendments on the other side.

Mr. WELLSTONE. Mr. President, reserving the right to object, I want to be clear that I will have a second-degree amendment to the Feinstein amendment.

Mr. REID. You have a right to do that.

Mr. COVERDELL. Mr. President, I suggest that the unanimous consent request be so modified.

The PRESIDING OFFICER. Is there objection to the request being so modified? Without objection, it is so ordered.

The amendment, as modified, is as follows:

At the appropriate place in the bill, insert the following:

SEC. . SENSE OF THE SENATE REGARDING A SAFE LEARNING ENVIRONMENT.

(a) FINDINGS.—Congress finds that—

(1) Every school child in America should have a safe learning environment free from violence and illegal drugs.

(2) Violence and illegal drugs in the schools undermine a safe and secure learning environment.

(3) Any instance of violence or illegal drugs in schools is unacceptable and undermines the efforts of Congress, state and local governments and school boards, and parents to provide American children with the best education possible.

(4) In the last 12 months, there have been at least 50 people killed or injured in school shootings in America.

(5) From 1992 through 1998, the number of referrals made by the Bureau of Alcohol, Tobacco, and Firearms to the Federal Bureau of Investigation for federal firearms prosecutions fell 44%, which resulted in a 40% drop in prosecutions and a 31% decline in convictions, allowing criminals to remain on the streets preying on our most vulnerable citizens, including our children.

(6) From 1996 to 1998, the Justice Department only prosecuted an average of seven persons per year for illegally transferring a handgun to a juvenile.

(7) Since 1992, the percentage of 8th grade students using marijuana, cocaine, and heroin in the past 30 days has increased 162%, 86%, and 50%, respectively, according to the respected Monitoring and Future survey.

(8) The February 29, 2000, shooting at Buell Elementary School in Mount Morris Township, Michigan, is evidence that gun violence in American schools continues, that the drug culture contributes to youth violence, and that the breakdown of the American family has contributed to the increase in violence among American children.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the reauthorization of the Safe and Drug-Free Schools program that Congress soon will be considering should target the elimination of illegal drugs and violence in our schools and should encourage local schools to insist on zero-tolerance policies towards violence and illegal drug use.

Mr. COVERDELL. Mr. President, I suggest to anybody trying to figure out their schedule that we are not likely to see any votes until 6 or after. We would begin with the Coverdell-Boxer amendments and then follow down the amendments as enumerated by the Senator from Nevada.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 2875

(Purpose: To increase funding for Federal Pell Grants)

Mr. BINGAMAN. Mr. President, I send an amendment to the desk on behalf of myself, Senator KENNEDY, Senator REED, and Senator FEINGOLD.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for Mr. KENNEDY, for himself, Mr. BINGAMAN, Mr. REED, Mr. FEINGOLD, and Mr. WELLSTONE, proposes an amendment numbered 2875.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike section 101 and insert the following:

SEC. 101. FEDERAL PELL GRANTS.

There are appropriated to carry out subpart 1 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a) $1,200,000,000, which amount is equal to the projected revenue increase resulting from striking the amendments made to the Internal Revenue Code of 1986 by section 101 of this Act as reported by the Committee on Finance of the Senate.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Senator WELLSTONE be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I yield myself 4 minutes of the 8 minutes allocated for advocating this amendment. Then I will defer to Senator FEINGOLD.

This amendment is very straightforward. It would provide an additional $1.2 billion for the Pell Grant Program. I think all of us who have paid any attention to Federal support for education know that the one program that is most helpful to those trying to go to college in our States is the Pell grant. We have a great many young people in this country—and some of them not so young—who are taking advantage of this program. In fact, we have nearly 4 million people in this country who receive Pell grants every year. The average size of those Pell grants this year will be a little over $2,000. This amendment says, let's take the funds that were otherwise provided as a $5-per-student tax benefit in this pending bill and increase by $400 the maximum grant for Pell grants. The current limit on what can be provided in the Pell grant is $3,300 per year. We say, let's raise that to $3,700 per year.

Now, most students don't get that maximum amount, but we want to have the opportunity there for them to get the maximum amount, if possible. The estimate we have is that, today, the maximum grant permitted under the Pell Grant Program is 86 percent of the 1980 value of the Pell grant in constant dollars. The simple fact is that we are not keeping up with the increase in the cost of higher education. We used to provide substantial support by providing grants and much less in the way of loans. In the time I have been in the Senate, we have seen that change dramatically. Now we provide loans but little in the way of grants. This amendment would help to correct that to some small degree. This is very meaningful for my State. Over $64 million, this year, goes to Pell grants, and that amount would increase if the amendment I have offered on behalf of Senator KENNEDY and the other Senators is accepted.

The average family income for families whose children are taking advantage of the Pell Grant Program is $14,500 a year. So if a Senator is concerned about getting the money to where it is most needed—to the families who most need that money for education—this amendment will do that. It takes money that otherwise is being spread to many people who are much better off than that and concentrates it where the families need it the most—in this case, the families who are eligible for Pell grants.

This $400 increase will translate into 96,000 new recipients of Pell grants this next year. In May of 1999, the Health and Education Committee that Senator JEFFORDS heads and of which Senator KENNEDY is the ranking member passed a bipartisan resolution to increase the basic Pell grant by $400, which is exactly what this amendment does.

We have a chance with this amendment to make good on that promise with real money for a change and not just a resolution. I urge my colleagues to vote to put aid to needy college kids ahead of the tax breaks that are provided in this bill for families or individuals who are much better off.

Mr. President, I yield the remainder of my time to Senator FEINGOLD.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I rise in strong support of the amendment of Senator BINGAMAN and Senator KENNEDY to raise the maximum individual Pell grant to $3,700, an increase of $400.

Higher education is one of the most vital keys to open the door to success in this country. Without a college degree, or significant postsecondary education, it is a lot harder to find a successful path through today's labor market. Without Pell grants, many individuals simply can't consider college. Without a college degree or serious postsecondary training, some employers won't consider hiring these individuals.

In general, workers with a bachelor's degree are much better off financially compared to less-educated workers. In 1998, the average male college graduate earned about 92 percent more than the average high school graduate.

While I commend the supporters of this legislation for their desire to promote increased access to an affordable higher education, I think their approach is seriously flawed. Specifically, I take exception with those who believe that the education IRA component of this legislation is the best way to help increase accessibility to affordable education. Instead of helping those truly in need, as Senator BINGAMAN has said, this provision would disproportionately help the most affluent families and provide little or no assistance to low- and middle-income families.

A Treasury analysis concluded that 70 percent of the tax benefits from this provision would go to the top 20 percent of all taxpayers. Now, in sharp contrast to these targeted tax breaks, Pell grants provide essential financial assistance to those who are truly in need. Unfortunately, the individual Pell grant award has not kept pace with the rising cost of a postsecondary education. In fact, I have been told that the maximum Pell grant has declined in constant dollars by 14 percent over the last 20 years.

This decline is even more significant when we look at the rising cost of a college education. Over the past 10 years, tuition alone has increased by 41 percent at 4-year private colleges, and 53 percent at 4-year public colleges and universities. What is even more troubling about the trends of increasing tuition and decreasing grant value is how students, especially low-income students, make up the difference between aid and tuition. Because of a decreasing real value of assistance, such as the Pell grant, more and more students are relying on debt to finance their college education. Last year alone, the number of students who took out non-Federal loans increased by 25 percent. These loans inevitably are, in large part, the reason students are leaving college with more and more debt every year.

One of the other concerning trends is the emergence of a widening educational gap between the rich and poor. Statistic after statistic illustrates that students from low-income families are pursuing a postsecondary education at a much lower rate than individuals from upper- and middle-income families. By supporting an increase for the Pell Grant Program, Congress has a chance to address this growing disparity. After all, Congress created need-based student financial aid programs to ensure that individuals from low-income families are not denied postsecondary education because they cannot afford it.

The Pell Grant Program is vital to paving the way to an affordable higher education. I look forward to working with my colleagues to support a real increase in the individual Pell grant award. I thank my friend from New Mexico for his leadership on this issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Your side had 8 minutes?

Mr. BINGAMAN. Yes.

Mr. COVERDELL. I will keep my remarks within that same constraint.

Let me say that every year since the Republicans gained the majority we have worked to increase the maximum Pell grant. For more than 7 years, the Pell grant maximum fluctuated between $2,300 and $2,400. Last year, the President's budget cut the Pell grant. But we have been dedicated on this side.

This is about the seventh time I have lost track of an amendment that has come from the other side. They may have a laudable goal, but the underlying goal is to make moot the central premise of the legislation we are discussing, which is to allow families to set up education savings accounts.

If you take the amendment the way it is constructed, it obliterates the possibility to set up these education savings accounts, which means 14 million people will not set up an account who otherwise would. Of the 20 million children in school, almost half the population will not be beneficiaries of the account that otherwise would. But, more importantly, $12 billion that would be accumulated voluntarily in these accounts to help education at every level—kindergarten through college—would go away similar to snuffing out a candle. It makes no sense to do that.

The Senator from Wisconsin cited statistics from the Treasury Department that we can't get but the Joint Tax Committee finds incorrect, which is that 70 percent of all benefits from these savings accounts will go to families making $75,000 or less.

I will tell you why that is undoubtedly the correct analysis—because the people who would open these savings accounts are identical by criteria to those who can open up the college savings account the President and the Congress passed several years ago. It is identical. The same families who can use those accounts are the ones to whom these accounts would apply. I don't think the President or the Congress passed an education savings account for people driving around in black limousines. It was means tested to help the middle class or less, and the identical means testing applies to this amendment that this amendment would obviate.

I yield the floor. I believe the next order of business is Senator FEINSTEIN.

Mr. BINGAMAN. Mr. President, I ask for the yeas and nays on the amendment that was just offered.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Without objection, the pending amendment is a set-aside.

Mr. REID. Mr. President, I ask unanimous consent the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California.

AMENDMENT NO. 2876

(Purpose: To provide for achievement standards and assessment of student performance in meeting the standards)

Mrs. FEINSTEIN. Mr. President, on behalf of Senators SESSIONS, BYRD, and LIEBERMAN, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California (Mrs. FEINSTEIN) for herself, and Mr. SESSIONS, Mr. BYRD, and Mr. LIEBERMAN, proposes an amendment numbered 2876.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . ACHIEVEMENT STANDARDS AND ASSESSMENT OF STUDENT PERFORMANCE.

In order to receive Federal funds under the Elementary and Secondary Education Act of 1965 each local educational agency and State educational agency shall—

(1) require that students served by the agency be subject to State achievement standards in the core curriculum, to be determined by the State, for all elementary through secondary students; and

(2) assess student performance in meeting the State achievement standards at key transition points, such as grades 4, 8, and 12, before promotion to the next grade level.

SEC. . POLICY PROHIBITING SOCIAL PROMOTION.

(a) POLICY.—No education funds appropriated under the Elementary and Secondary Education Act of 1965 shall be made available to a local educational agency in a State unless the State demonstrates to the Secretary of Education that the State has adopted a policy prohibiting the practice of social promotion.

(b) DEFINITION.—In this section, the term "practice of social promotion" means a formal or informal practice of promoting a student from the grade for which the determination is made to the next grade when the student fails to achieve a minimum level of achievement and proficiency in the core curriculum for the grade for which the determination is made.

(c) WAIVER PROHIBITED.—Notwithstanding any other provision of law, the Secretary of Education may not waive the provisions of this section.

Mrs. FEINSTEIN. Mr. President, today Senators SESSIONS, BYRD, LIEBERMAN, and I are offering an amendment to address one of the most significant detriments to good education in our public schools. That is the practice of passing children on to the next grade regardless of whether they make passing grades. It is called social promotion. While this practice may be politically correct, it has, I believe, become the single most important factor leading to the decline in quality of public education in America.

Under our amendment, in order to receive Federal funds, States would be required to prohibit the practice of social promotion and adopt achievement standards in the core academic subjects. Decisions about how to implement a nonsocial promotions policy would be left to the States and localities.

Implicit in the amendment is that remedial education is necessary and can be provided through a number of different Federal, State, and local sources.

This amendment is carefully written so that implementation is left with State and local governments. For example, State and local officials would decide all specifics of promotion policy and the criteria for passing and holding back students, achievement standards.

subjects that constitute the core curriculum, grades when students would be tested, grading methods, testing methods, and remedial education.

The amendment defines social promotion as a formal or informal practice of promoting a student from the grade for which the determination is made to promote or not to promote to the next grade when the student fails to achieve a minimum level of achievement and proficiency in the core curriculum for the grade for which the determination is made.

The amendment covers elementary through secondary grades—grades 1 through 12. It is carefully crafted so that reform changes could be made incrementally, grade by grade, or in any fashion the State or local school districts see fit.

Social promotion misleads our students, their parents, and the public. Even educators have concluded that it doesn't work.

Let me give you the conclusion of a study conducted by the American Federation of Teachers. I quote:

> Social promotion is an insidious practice that hides school failure and creates problems for everyone: For kids who are deluded into thinking they have learned the skills to be successful, or get the message that achievement doesn't count; for teachers who must face students who know that teachers wield no credible authority to demand hard work; for the business community and colleges that must spend millions of dollars on remediation; and for society that must deal with the growing proportion of uneducated citizens unprepared to contribute productively to the economic and civic life of the nation.

The American Federation of Teachers has said that social promotion is rampant and that only 22 States have standards in the four core disciplines of English, math, social studies, and science that are well grounded in content and that are clear and specific enough to be used.

They surveyed 85 of the Nation's 820 largest school districts in 32 States representing one-third of the Nation's public school enrollment.

None of the districts in the AFT national survey has an explicit policy of social promotion. But almost every district has an implicit practice. According to the U.S. Department of Education, a third of students across the United States perform below the basic level of proficiency; 15 percent who graduate from high school cannot balance a checkbook or write a letter to a credit card company to explain an error on a bill.

Mike Wright, a San Diegan, told the San Diego Tribune he continued to get promoted from grade to grade and even graduated from high school even though he failed subjects. At the age of 29, he enrolled in a community college to learn to read.

Let me talk for a moment about social promotion in Los Angeles.

School officials decided they would end the practice. That is the good news. The bad news was that if it were done all at once, they found that one-half of the entire student population—350 students—would have to be held back. More than two-thirds of eighth graders would be flunked if social promotion were fully ended.

The problem was so massive that they have had to scale back their plans and implement the new policy more slowly. They have taken a multistep, phased-in plan, and this legislation is structured to give school officials the flexibility to do just that.

I would like to read a letter sent to me yesterday from the superintendent of that school district, a man who was superintendent of public instruction when I was mayor of San Francisco and whom I respect greatly. He points out:

> One of the solutions is to institute an intensive program of standards-based promotion, eliminating the dastardly practice of social promotion that has advanced the student from one grade to the next without having learned what was required in his current grade. In its initial phase, we are targeting the second and eighth grade and focusing on reading, because that is the foundation of all learning. Our program is very practical in design, and is based on classroom space, materials, professional development, and the availability of staff.
>
> It would be my proudest hope that we can and will provide the education for our children of poverty that they deserve. These are the disadvantaged, who in this district are predominantly children of color. I see the end of social promotion as a way to ensure that all children will have the basic skills to become contributing Members of their community.

The Governor of California, Gov. Gray Davis, has endorsed our amendment. In a February 29 letter to me he wrote:

> I write to express my support for your amendment that provides for achievement standards, assessment of student performance in meeting those standards, and an end to the practice of social promotion. As you know, improving education in California is my first, second, and third priority. Last year, I sponsored the California Public Schools Accountability Act which established a comprehensive high stakes school accountability system, the various components of which will be phased in over the next several years. Your amendment will provide an added impetus to reinforce our State's commitment to ensuring the achievement of all students.

Mr. President, at least half of my State's 5.6 million students perform below their grade level. California ranks 36th out of 39 States in fourth grade reading proficiency, 32nd out of 36 States in eighth grade reading proficiency, 41st out of 43 States in fourth grade math performance.

Let me speak about Chicago, the major city of the Presiding Officer. On June 1, I took a group of top-level California educators and experts to Chicago and spent the day discussing what was being done. In Chicago, they have abolished social promotion. They have established content standards. They test student performance in meeting the standards. They have adopted a core curriculum, teacher lesson plans. They evaluate schools on a regular cycle. They intervene with failing schools. They have performance criteria for teachers and principals and they put in place extensive remedial and afterschool programs providing the very necessary help for struggling students. The Chicago school district is 90 percent minority and 90 percent poverty.

If it can be done in Chicago, it can be done everywhere else. The results are there: Reading, up 12 percent; math, up 14 percent. Scores are improving.

Chicago stands as an example, but it takes political will and courage to make these changes. Our legislation provides the incentive.

I yield 10 minutes to my cosponsor, the distinguished Senator from Alabama, Mr. SESSIONS.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the distinguished Senator from California and appreciate being able to work together with the Senator on this important piece of legislation and with the others who are cosponsoring it.

I think this Senate will come together, both sides of the aisle. The time has come. We know social promotion, the concept of moving kids along when we have failed to make sure they have learned the basics of the course level in which they should be operating, is the wrong thing to do. I believe that very strongly. I think the American people understand it and care about it.

We need to identify, at the earliest possible time, children who are falling behind. If we do not have a core curriculum, if we do not have standards, and we cover up or we deny what is happening when we know students are not getting the required amount of knowledge in school, it is time to confront this.

In some ways we are utilizing that psychiatric principle called "enabling." We are enabling bad behavior to successfully continue unacceptable behavior, unacceptable performance by a school system, unacceptable performance by students.

It is time to confront that, not because we want to be mean or harsh but because we love these children. We care about the children. If we love them and if we care about them, we will set reasonable and tough standards; we will insist they adhere to them. When we find out they are not consistently adhering to them, we find ways to get them to the level they need.

Maybe their parents need to be more involved. Some say: I didn't know Billy was that far behind.

If we end social promotion, they will know; if there is testing, they will know. Maybe they need a member of the family to help with the homework. Maybe a tutor would be appropriate. Something has to be done. The school systems are going to have to participate better, also.

We had an incident in Alabama not long ago where a former all-pro football player could not pay his child support and could not get a job. He said the reason he couldn't get a job was because he couldn't read and write.

Such a sad statement. Too often in America we are passing kids along who have not learned how to read and write effectively. They are not going to be able to perform effectively in the commercial sector, and they are not going to be able to care for their families effectively.

Alabama has adopted one of the toughest programs in the Nation. The Fordham Foundation says it is the toughest. They have tested the 4th, 8th and 11th grades. We will do that this year. We want to know at what level the children are operating. A 60-person commission is undertaking right now a detailed study on how to implement the end of social promotion. It is something that ought to be done around this country. We want our education system in Alabama to be better. I want it to be better all over America. I know we can do that.

There are a number of things we have to recognize when we ask: Is this really a problem; do we need to confront this?

American 12th graders rank 19th out of 21 industrial nations in mathematics achievement and 16th out of 21 nations in science. Our advanced physics students rank dead last.

Since 1983, 10 million Americans have reached the 12th grade without having learned to read at a basic level. Over 20 million have reached their senior year unable to do basic math. Almost 25 million have reached the 12th grade not knowing the essentials of U.S. history.

In 1992, a Department of Education survey found between 21 and 23 percent—more than 1 out of 5—or 40 million of the 191 million adults in this country were in the bottom 5th of literacy assessment proficiency categories.

We are saying we do care about education. That is not always reflected in how much money we spend. I hope we can continue to spend more. We increased the budget this year substantially over last year, and we will increase the education budget next year.

Kansas City brought their per pupil spending up to $11,700 and brought down the student teacher ratio to 13-1 without seeing any increase in test scores.

What is it that we are about? I think children respond to challenges. I think children reach up to the level they are asked to reach, that they are expected to reach. If we set reasonable standards and we challenge students to meet them, and the teachers are motivated to make sure the children reach certain standards, and parents get engaged because they know what the tests are going to be like and they want to be sure their children meet those standards, this will increase learning more in this country than any other thing we can do.

I am pleased to support this legislation with the Senator from California. I think it will have broad support in this body.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. GORTON). Who seeks recognition? The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, how much time do my colleagues have?

The PRESIDING OFFICER. The Senator from California controls 13 minutes. The opposition has 30 minutes.

Mr. WELLSTONE. Mr. President, I shall not take all my time. I will be interested in hearing from my colleagues. Then I will have a second-degree amendment after this debate is over.

I hope Senators will look at the empirical evidence. I appreciate the sentiment behind this amendment, but I think it is profoundly mistaken. Part of the language reads:

> No education funds appropriated under the Elementary and Secondary Education Act of 1965 shall be made available to a local educational agency in a State unless the State demonstrates to the Secretary of Education that the State has adopted a policy prohibiting the practice of social promotion.

Then it goes on to be a definition.

I want my colleagues to carefully examine the evidence. I want to offer a second-degree amendment which says these provisions would apply as long as we make sure every child has the same opportunity to learn.

We had testimony in the HELP Committee from Dr. Hauser, who is a professor of sociology at the University of Wisconsin at Madison. He has received numerous awards. He also serves on the Board of Test and Assessment for the National Research Council. He is a prolific writer, a very key researcher in the field.

Can I summarize his findings? His findings related to social promotion:

> Students who have been held back typically do not catch up. Low-performing students learn more if they are promoted even without remedial help than if they are held back. Students who have been held back are much more likely to drop out before completing high school. The long-term costs of holding students back are high to students and to school systems. The negative effect of holding students back are often invisible to those who make retention decisions because they occur many years later.

I now wish to move on to some of the critical findings. There is abundant evidence which shows that this practice of high stakes testing and holding kids back as young as age 8 has not only been unsuccessful but it is also harmful. It is ethically questionable, basically, to experiment with our children. I am going to cite evidence. Maybe my colleagues can refute it. I am not sure they can.

First of all, low-achieving students do better academically if they move forward with their peers rather than if they are held back. Dozens of studies over the past two decades have found that retaining students contributes to academic failure and behavioral difficulties rather than success in school. That is the evidence.

I quote from "Using Standards and Assessments To Support Student Learning," Linda Darling-Hammond and Beverly Falk. Linda Darling Hammond addressed our caucus. She is a distinguished professor at Stanford University. This piece was in the Phi Delta Kappan, November 1997. A scientific review of 63 controlled studies of grade retention through the mid-1980's revealed that 54 of the 63 yielded overall negative effects of retention.

The best of these studies have shown the negative effects of retention. The authors concluded that "[o]n average, retained children are worse off than their promoted counterparts on both personal adjustment and academic outcomes."

I am just giving my colleagues the evidence.

Ignoring educational research, too many of us and too many school districts have continued to hold out retention as educational reform instead of the failed approach that it is.

In Chicago, they tried to do this in the 1970s and 1980s, and it failed. Then they decided to do it again. Here is some of the data that is now forthcoming:

> In 1998, researchers Ann McCoy and Arthur Reynolds at the University of Wiconsin-Madison completed longitudinal studies on the population of the Chicago students retained in grade. Their report, cited above, found "[f]or all achievement comparisons, retained children consistently underperformed their promoted [low-achieving] peers, and usually significantly. No positive effects of grade retention were detected."

There is no evidence that this works.

> They concluded that grade retention is, at best, an insufficient intervention strategy for promoting student achievement and, at worst, it impeded children's academic success and should be substantially modified or replaced by programs and policies which demonstrate effectiveness . . .
>
> On January 21, 1999, the New York Times reported that a whopping 5,500 Chicago students are repeating the third grade and 964 are repeating the third grade for a second time.
>
> The Washington Post reported on August 1, 1999, that 1,300 15-year-old Chicago students were sent to "academic halfway houses between the eighth and ninth grades" because of failing scores.

The evidence from all of the studies is that retention leads to increased school dropouts. "Researchers at the University of Wisconsin also found that

30 percent of those who were retained dropped out of school compared to 21 percent of those students who were not," controlling for academic ability; thus, there was a 42-percent increase in dropping out. That is from a piece titled "Grade Retention Doesn't Work," Arthur Reynolds, Judy Temple, Ann McCoy, Educational Week, September 17, 1997.

> The August 21, 1999, New York Times reported preliminary results showing that 35 to 40 percent of the third, sixth, and eighth graders who took standardized tests at the end of mandatory summer school in New York City had failed to make the required score . . . Predictions are that many other students will be held back.

Chicago showed similar results following mandatory summer school during its first 2 years. Summer school has not moved a large extent of these low-achieving students to acceptable levels of performance. They are held back, and when they are held back, they do not do better; they do worse.

Research does show that there are preventive measures that do work, that if you put the emphasis—are we surprised?—into early childhood development, it makes a huge difference.

> Researchers found preschool participation was associated with a 24-percent reduction in the rate of school dropout and that participation for 5 or 6 years was associated with a 27-percent reduction in the rate of early school dropout . . .

My second-degree amendment, which we will get to, says that the provisions of this section will not apply to any child who was not afforded by the State educational agency or the local educational agency an opportunity to learn the material necessary to meet the achievement standards. I do not know how colleagues can be opposed to it. I hope we will put the two amendments together.

When I offer the second-degree amendment, I will list specifically what I have in mind. Again, I have cited study after study which shows retention has not worked. I have cited study after study which show it leads to increased dropout. I have cited study after study by the best people in the country, including those who testified before our committee and addressed our own Democratic caucus, that this is a mistake. Then what I said is, at least let's make sure these children have the same opportunity to achieve these results, to pass these tests, before we make this operational.

I will yield the floor and listen to my colleagues, but when we look at what is going on with these tests and the assessments, I hardly think retention has been a successful strategy.

I ask unanimous consent that a letter from the NAACP Legal Defense and Educational Fund, which is adamantly opposed to the direction of this amendment, be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

September 1999.

NAACP Legal Defense & Educational Fund Opposes "Quick Fix" Repeat-a-Grade Policies for Low-Achieving Students Because Abundant Empirical Research Shows Grade Retention To Be Unsuccessful and Educationally Harmful, LDF Calls for High Quality, Early and Comprehensive Educational Interventions

So-called "end social promotion" proposals to require schools to hold low-achieving students back in grade until they meet certain standards—often an arbitrarily set score on a standardized test unrelated to instruction provided in the classroom—have been gaining popularity recently as a viable instrument of school reform. Chicago leads the list of school districts that have recently adopted retention-in-grade policies. This approach unquestionably is targeted primarily for disadvantaged youth in failing schools. But retention in grade is not new. Despite its apparent drawing power, districts that have recently embraced, such as Chicago and New York City, often have a record as recent as the 1980's of trying it and abandoning it—for good reason. They learned that holding children back in grade decreased achievement and increased drop outs.

Numerous empirical studies establish that in the vast majority of cases, retention causes serious harm to those who are retained. Thus, current efforts to promote retention-in-grade as a sound and useful educational practice warrant strong opposition. Where abundant evidence shows that an educational practice is not only unsuccessful but also harmful, it is at best ethically questionable to continue to experiment with it on children.

For students who are facing learning difficulties, LDF calls instead for interventions that have shown promise such as high quality early childhood education, increased instructional time, high quality teaching, standards and corresponding curricular materials, smaller classrooms, parental involvement programs, and adequate resources.

Large numbers of children, especially minorities and the poor, are retained in grade now. While there are no national statistics on the numbers of children retained in grade, available data show that "among children who entered school in the late 1980's, 21 percent were enrolled below the usual grade at ages 6 to 8: 28 percent were below the usual grade at ages 9 to 11: 31 percent at ages 12 to 14; and this rose to 36 percent at ages 15 to 17 . . . [M]inorities and poor children are the most likely to be held back . . . by ages 15 to 17, 45 percent to 50 percent of black and Hispanic youth are below the expected grade levels for their ages." ("What if We Ended Social Promotion?" Robert M. Hauser, *Education Week*, April 7, 1999.) General estimates are that by the time children reach the third grade, one in five has been retained. ("Grade Retention and School Performance: An Extended Investigation," Ann McCoy and Arthur Reynolds, Institute for Research on Poverty, University of Wisconsin-Madison, 1998). In large, urban districts upwards of 50 percent of the students who enter kindergarten are likely to be retained at least once before they graduate or drop out. ("Retention Policy," Nancy R. Karweit, *Encyclopedia of Educational Research*, Vol. 3, 6th Edition, 1992.)

Low-achieving students do better academically if they move forward with their peers than if they are held back. "Dozens of studies over the past two decades have found that retaining students contributes to academic failure and behavioral difficulties rather than success in school." ("Using Standards and Assessments to Support Student Learning," Linda Darling-Hammond and Beverly Falk, *Phi Delta Kappan*, November 1997.) A scientific review of 63 controlled studies of grade retention through the mid-1980's revealed that 54 of the 63 yielded overall negative effects of retention, and the best studies showed the largest negative effects of retention. The author concluded that "[o]n average, retained children are worse off than their promoted counterparts on both personal adjustment and academic outcomes." ("Grade Level Retention Effects: A Meta-Analysis of Research Studies," (C.T. Holmes, in *Flunking Grades; Research and Policies on Retention*, eds, L.A. Shephard and M.L. Smith, 1989).

Ignoring educational research, politicians and school districts continue to hold out retention as a promising educational reform, instead of the failed approach that it is. Ironically, despite research showing that retention failed to improve academic achievement in the Chicago Public Schools in the 1970's and 1980's, in 1996, Chicago again adopted a strict retention in grade program for students in the third, sixth, eighth and ninth grades. Those who fail to make a set score on a norm-referenced, standardized test, the Iowa Test of Basic Skills, are held back.

In 1998, researchers Ann McCoy and Arthur Reynolds at the University of Wisconsin-Madison completed longitudinal studies on populations of Chicago students retained in grade. Their report, cited above, found, "[f]or all achievement comparisons, retained children consistently underperformed their promoted [low-achieving] peers, and usually significantly. No positive effects of grade retention were detected." They concluded that grade retention is at best an insufficient intervention strategy for promoting student achievement . . . [and] [a]t worst, grade retention impeded children's academic success and should be substantially modified or replaced by programs and policies with demonstrated effectiveness." Chicago presses ahead nonetheless. On January 21, 1999, *The New York Times* reported that a whopping 5,500 Chicago students are repeating the third grade and 964 are repeating the third grade for the second time. *The Washington Post* reported on August 1, 1999, that 1,300 15 year old Chicago students were sent to "academic halfway houses between the eighth and ninth grades" because of failing scores.

Retention leads to increased school drop outs. Researchers at the University of Wisconsin also found that 30 percent of those who were retained dropped out of school compared with 21 percent of those students who were not. Thus, retention was associated with a 42 percent increase in dropping out. ("Grade Retention Doesn't Work," Arthur Reynolds, Judy Temple, and Ann McCoy, *Education Week*, September 17, 1997.) A 1996 study found that only 24 percent of retained students in their study graduated compared to 52 percent of their low-achieving peers. ("Is Grade Retention an Appropriate Academic Intervention? Longitudinal Data Provide Further Insights," S.R. Jimerson and M.R. Schuder, June 1996.) In 1994, a large-scale, longitudinal study with extensive statistical controls, including test scores, examined the effect of grade retention on 5,500 students whose school attendance was followed from 1978-79 to 1985-86. That study found that students who were currently repeating a grade were 70 percent more likely to drop out of high school than students who were not (Douglas Anderson study, cited in Hauser above.) A similar study conducted in 1998 using longitudinal data for almost 12,000 students and controlling for academic achievement, including test scores and grades, found that being held back before the 8th grade increase the relative odds of dropping out by the 12th grade by a factor of 2.56. (R.W. Rumberger and K.A. Larson, *American Journal of Education*, 1998).

LDF urges comprehensive approaches to improve the academic performance of low-achieving students. LDF recognizes that the problem policy makers attempt to address with retention is a difficult one. What can we do to improve the academic achievement of students who are performing at low levels? Simply moving them on the next grade is not the answer. LDF supports an approach that keeps students in age-appropriate settings while providing immediate and intensive interventions to help them master the necessary skills.

Some lessons are evident from recent experience, such as the fact that summer school alone is insufficient. The August 21, 1999, *New York Times* reported preliminary results showing that approximately 35–40 percent of the third, sixth and eighth graders who took standardized test at the end of mandatory summer school in New York City had failed to make the required score. School Chancellor Rudy Crew is quoted as saying, "It's that absolute. I am not letting kids go forward if they did not pass the tests." Predictions are that many thousands of students will be held back. Chicago showed similar results following mandatory summer school during its first two years. Clearly, summer school alone is not effective in moving a large percentage of low-achieving students to acceptable levels of performance.

Research does show that preventative measures are critically important. A recently completed longitudinal study of the Chicago Child-Parent Center program showed very positive results. The program provides child education and family support services from preschool through second or third grade in 20 sites in Chicago's poorest neighborhoods. Researchers found that preschool participation was associated with a 24 percent reduction in the rate of school dropout and that participation for 5 or 6 years was associated with a 27 percent reduction in the rate of early school dropout, relative to less extensive participation. ("Can Early Intervention Prevent High School Dropout? Evidence from the Chicago Child-Parent Centers," Judy Temple, Arthur Reynolds, Wendy Miedel, August 1999.) Other studies have shown the benefits of quality teacher preparation and smaller class size. ("What Matters Most: Teaching for America's Future," Report of the National Commission on Teaching and America's Future, New York, 1996; Ronald F. Ferguson, "Paying for Public Education: New Evidence on How and Why Money Matters," *Harvard Journal on Legislation*, Vol. 28, Summer 1991).

Stifling educational opportunities for thousands of low-achieving students by making them repeat a grade is not only unfair, it is unwise. LDF opposes punitive schemes that try to flunk our way out of the effects of failing schools instead of providing children with the means to experience the positive and continuous educational progress necessary to become productive citizens interested in life-long learning and self-improvement.

Mr. WELLSTONE. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I think Members can now see the Catch-22. Of course, retention without remedial education is not going to work, but there is not one who can say that our public education system is working with the policy of promoting youngsters even when they are failures, of never coming to grips with failure and then promoting them and graduating them when they cannot read or write, multiply, divide, add, recognize China on a map, or count change in their pocket. How do they get a job in the workplace of this new millennium? They do not.

That is why we have had employers come in to us and say: You have to raise the H-1B quota. We need more foreign nationals from other countries because we cannot hire public school graduates who can think, who can do what they need to do, and more and more employers have to provide remedial education which should be the job of the public school system.

I went to public school for all of my elementary school. There was a policy of no social promotion, and youngsters learned. There was remedial education. Districts are putting that back into play now.

We have different statistics. My staff yesterday talked with the superintendent of the Chicago school district, and these are the figures we were given:

No. 1, in 1996, 20.5 percent of students performed at or above national norms in 9th and 11th grade reading. In May of 1999, 32.5 percent of students performed at that level. That is a 12-percent increase in performance.

No. 2, he told us elementary reading scores are at their highest since 1990. In 1996, 26.5 percent of students were at or above national norms. In 1999, 36 percent were. That is up 10 percent.

No. 3, math scores are up, too. In 1996, 30 percent of children scored at or above national norms in elementary math. In May of 1999, they had risen to 44 percent. That is up 14 percent.

During this time, the very mayor who put this system into effect was up for reelection, and the people of Chicago reelected him. The day I was there, there was no question in my mind what parents thought about this program. They liked it. They wanted their children to learn, particularly parents of students of color. They know this is the only way their children are going to get the kind of education they need.

The President of the United States has called for ending social promotion. The Secretary of Education has prepared guidelines for educators on ending social promotion and guidelines for using Federal funds to adopt sound promotion policies.

In 1998, the California Legislature ended social promotion. Districts are now implementing it. For example, San Diego school officials will now require all students to earn a C overall average and a C grade in core subjects for high school graduation, effectively ending social promotion for certain grades for high school graduation.

I have a hard time understanding how people can speak against having accountability and excellence as a goal in public education, how they can rationalize this to say that the system that has brought us to be the 39th among 41 industrialized nations in education is one that we should not change.

Studies show that title I moneys are not producing the dividends we had hoped they should. Better those funds be spent on remedial education for poor children, better they be spent in teaching youngsters the basic fundamentals than spent diffusely throughout school districts and not achieving any change.

Public education, as we know it today, is in deep trouble. The Achilles' heel of education is this path of least resistance: Simply promoting a youngster regardless of whether they are in school, whether they are a truant, whether they are getting Ds or Fs, and not worrying about it because next year the light may go on and they might learn. I think the facts are clear, the light does not go on.

I tell you, I do not buy this business about increasing dropouts because you work with them in remedial education. I do not buy that at all. I think that unless our schools have basic standards, hold teachers and students accountable for performance, public education, as we know it today, will simply continue to sink below the waves.

I am proud that the largest State in the Union has taken some steps. I think if we were to target and provide the incentive that title I moneys from the Elementary and Secondary Education Act would only go to schools that were willing to observe accountability, and were willing to put in remedial education, and were willing to see the grades mean something, and that students are able to master basic core fundamentals, we would have the enlightened workforce of the future, which would mean that we would not have to continue to increase H-1B quotas to bring foreign nationals into this country to carry out some of the finest occupations we have that should be going to our own students.

Mr. President, I reserve the remainder of my time.

Mr. WELLSTONE. Mr. President, how much time does my colleague from California have remaining?

The PRESIDING OFFICER. Six minutes.

Mr. WELLSTONE. How much time do I have?

The PRESIDING OFFICER. There is 15 minutes more in opposition under the control of Senator COVERDELL.

Mr. WELLSTONE. I think that is my time. I am the one opposing the amendment.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I heard the Chair say that 15 minutes was controlled by Senator COVERDELL, but that is not the case. I think if you check with the Parliamentarian the time is controlled by whoever is in opposition to the amendment. At this time, that would be Senator WELLSTONE.

Mrs. FEINSTEIN. May I make a point of inquiry, Mr. President?

The PRESIDING OFFICER. The Senator from Minnesota is correct. He has 15 minutes more.

Mr. WELLSTONE. I thank the Chair.

Mrs. FEINSTEIN. Point of inquiry: How much time do I have remaining?

The PRESIDING OFFICER. Six minutes.

Mrs. FEINSTEIN. Six minutes. I thank the Chair.

Mr. WELLSTONE. Mr. President, first of all, it would seem to me that if we are talking about children doing well—and we want to look at the evidence about what makes for a good education and equal opportunity for every one of our children—then the second-degree amendment that I have to this amendment would be agreed to.

What I am simply saying with the second-degree amendment is: Let's make sure, in fact, every child has had the opportunity to learn the material that is necessary to meet the achievement standards. Don't we want to make sure that every child has had that opportunity?

I talk about how a child has to be taught by fully certified or qualified teachers as defined by the State; that the child's parents have multiple opportunities for parental involvement; that the child has access to high instructional materials; that the child has the opportunity to reach the highest performance level, regardless of income or disability; that the child receives the services for which the child is eligible under title I of the Elementary and Secondary Education Act; that the child receives proper bilingual education and special education services; and that the child has good early childhood development. Let's get real. If you do not do that, then we already know which children are going to fail. I am saying, before you start failing third graders and holding them back, let's make sure every third grader has the same opportunity to do well.

Does anybody on the floor of the Senate want to argue that you do not need to do that first? When Secretary Riley testified, he said: Yes. Let's have standards, but let's also make sure every child has the same opportunity to meet those standards.

This is incredible. We do not make the investment in early childhood development. We do not have the title I money. We do not put the money into bilingual education. We do not make sure these children have the same support services. We do not do enough to help children who are in some schools where they do not have the good teachers and they do not have adequate resources.

Without doing that, and without making that commitment to every child having the same opportunity to learn—it is called equity; it is called equality of opportunity—then what we do is we fail these students. And then we pound our chests and say: We're being rigorous, and we have done something good for these children. That is my first point.

My second point is, in all due respect, the superintendent from the Chicago schools can say one thing, but I say to the Senator from California and other Senators, I have come out on the floor and I have combined the best evidence of studies around the country.

Again, I go to Robert Hauser, who is an acknowledged expert. He testified before our HELP Committee. Here are what his findings were related to retention: Students who have been held back, they don't catch up. You are not doing them any favor. Low-performing students learn more even if they are promoted, even without remedial help, than if they are held back. Students who have been held back are much more likely to drop out of school.

In all due respect—we talk about Chicago—there was an independent study done, the 4-year Evaluation Report of the Chicago Public Schools Leadership by Parents United For Responsible Education and the Chicago Association of Local School Councils. This is what they found on retention: rising dropout rates, declining enrollment citywide, increased instructional time devoted to testing for the tests. That is another thing the teachers are ending up doing, testing for the test. Just rote drills, memorization.

Then, drawing from the NAACP Legal Defense and Educational Fund letter, which pulled together such important research, the fact is, there is abundant evidence that—frankly, I have not heard any of my colleagues refute any of it—not only has retention been unsuccessful but it has been harmful.

I cited a number of different studies. I cited the work of Linda Darling Hammon, who addressed us Democrats. In fact, I asked her about this. She said that as we look at dozens of studies that have been done over the past two decades, they have found that retaining students contributes to academic failure and behavioral difficulties rather than success in school.

Then I went on and talked about work that the professor had also done with Beverly Falk. Then, I went on and quoted from another study: "Grade Level Retention Effects: A Meta-Analysis of Research Studies," C.T. Holmes, in Flunking Grades: Research and Policies on Retention, that concluded that on average retained children are worse off because of retention.

Then I went on and quoted about four or five different studies of what has been going on in Chicago and New York and quoted from the Washington Post and the New York Times and pointed out that the summer school remedial program didn't even help these kids.

We don't have the evidence that retention has helped these kids because there isn't the evidence. The evidence is the retention has had a harmful effect on these kids. These kids don't do better; they do worse. They drop out of school. It has a devastating impact. If you keep them in age-appropriate settings, you move them on, but you give them the additional help. We should do that. If you want to make sure by the time they graduate they are, indeed, qualified, do that, but don't do something that is harmful.

Given the evidence, I don't know how we can support this amendment unless my second-degree amendment is accepted, which says, again, the provisions of this section shall not apply to any child who was not afforded by the State educational agency or the local educational agency an opportunity to learn the material necessary to meet the State achievement standards.

Do my colleagues mean to tell me they are going to vote for retention when the evidence shows it is harmful and they won't even vote for an amendment that says, let's make sure that at least every child has the same opportunity to pass these tests before we fail them and hurt them? That is unbelievable.

I would be interested, if my colleagues have a lot of evidence from across the country that retention has been a great reform that has helped these children who have been retained, who have been flunked as young as age 8. I see no evidence.

I retain the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from California.

Mrs. FEINSTEIN. Mr. President, I just read statistics given to me by the superintendent of public instruction of Chicago which showed a 12- to 14-percent improvement in core curriculum grade scores since Chicago ended the policy of social promotion and put in motion remedial education and decreased class size and also set some standards holding students accountable for performance and teachers accountable for performance as well.

I have a very difficult time with what the Senator from Minnesota is saying because he is essentially calling this a policy, in a sense, of guaranteed retention. It is not that at all. It is a policy that says there should be standards; that there should be achievement levels set in each of the grades; that there should be a minimum pass requirement for promotion; and that schools should mean something in terms of learning.

The problem with the amendment is it obfuscates our amendment. It prevents a clean vote on our amendment, and in effect it would destroy our amendment because it sets up a series of seven conditions which would make it virtually impossible to enact our amendment.

For example, the child was taught by fully certified or qualified teachers as defined by the State. In my State, we probably have 30,000 teachers who are not certificated. This would mean under this provision, California should not go ahead and abolish social promotion, put forward standards of accountability for teachers and for students, which, of course, California is now in the process, by the Governor's statement, by the legislature's action, and by individual school districts, of beginning to do.

Secondly, that the child's parents had multiple opportunities for parental involvement. I don't know what multiple opportunities for parental involvement are, but it is not just opportunities for parental involvement. It is multiple opportunities for parental involvement, which gives a basis, again, to essentially poison what we are trying to achieve.

In addition, that the child has access to high-quality instructional materials and instructional resources to ensure that the child had the opportunity to achieve the highest performance level, regardless of disability, income, and background, that is something we would all subscribe to, but when it is put in this form, it becomes a way of avoiding accountability and avoiding performance.

We do not tell a State or a local jurisdiction how to do this. This is up to them. As I have tried to point out, Los Angeles is now doing it in an incremental fashion, in a grade-by-grade fashion. I suspect that schools throughout this country would implement accountability and standards in a different way. That is fine with me. But what this amendment says is, we are not going to waste taxpayers' money by providing money when there is no evidence it is going to provide the remedial education or the kind of opportunity for students that the framers intended in the first place.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Two minutes.

Mrs. FEINSTEIN. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, my colleague says: What the Senator has said is that the child has to be taught by fully certified or qualified teachers.

You don't have that. You don't have the certified or qualified teachers, but you are willing to go ahead and flunk these kids.

I am saying the children who are in classes as young as age 8, who don't have fully certified and qualified teachers, probably ought not to be flunked and held back because other kids in other schools who had highly qualified and certified teachers were able to pass those tests. Don't Senators think we should include an amendment which would say every child is going to have the same opportunity to pass these tests? That is an incredible argument to make. To make an argument to Senators, wait a minute, Senators, you can't vote for the Wellstone second-degree amendment because he is saying there have to be qualified and certified teachers before we flunk these third graders, that is unbelievable. That is exactly the point of my amendment.

Let us have the standards, but let's make sure all the children have the same opportunity to achieve those standards. If the second-degree amendment is accepted, if passed, then we have an amendment that talks about standards, but we also have an amendment that makes sure these children have the same chance to reach those standards.

I hate to say this but, one more time, I have presented about 10 different studies. I have presented the best testimony we have had in the Senate. I have presented the best testimony we had in our Senate Democratic conference about retention. Again, we had what the superintendent of the Chicago schools said.

Well, I gave the Senate a different report, a 4-year independent evaluation: rising dropout rates, declining enrollment citywide. Then I have drawn on the best research from around the country, and the Senator from California and the Senator from Alabama have not refuted any of it.

I don't want to repeat it again, but please vote on the facts. What did they show? Students who have been held back typically don't catch up. Actually, low-performing students learn more if they are promoted even without remedial help than if they are held back. Students who have been held back are much more likely to drop out.

With all due respect, there is not a shred of evidence that my colleagues have presented which shows retention works.

Again, I have a second-degree amendment which says, let's at least make sure every child has the same opportunity to pass these tests, determining whether or not they will pass a grade. That seems to me to be reasonable. Let's make sure they have certified teachers. Let's make sure we fund it properly, fund title I. Let's make sure we have the bilingual education fund so the kids who come from homes where English is a second language, such as the Hmong children in St. Paul, have a chance. Why would that not be accepted?

And the second point I made is, right now, what we have out here is an amendment that says retention is really good, it is all about rigor but there is not a shred of evidence that it works for these children. In addition, it is an amendment which doesn't recognize that these children aren't going to do well unless we get it right on the prevention piece.

I have a second-degree amendment that talks about what we should do. I ask unanimous consent that I may send my second-degree amendment to the desk.

Mr. SESSIONS. I object. I don't believe it is time.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, if I may inquire of my friend from Alabama, we have approximately 4 minutes left. We would like to say that he can offer that amendment when that time has expired, but is there any reason he can't offer it now?

Mr. SESSIONS. He has the floor. He can use his time or not. I believe the Senator from Minnesota can use his time or not.

Mr. WELLSTONE. Will the Chair notify me when the time has expired—when the other side's time has expired?

The PRESIDING OFFICER. Yes.

Mrs. FEINSTEIN. Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I yield the remainder of my time.

AMENDMENT NO. 2878 TO AMENDMENT NO. 2876

(Purpose: To provide a limitation regarding the policy prohibiting social promotion)

Mr. WELLSTONE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 2878 to amendment No. 2876.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, after line 23, add the following:

(d) LIMITATION.—

(1) IN GENERAL.—The provisions of this section shall not apply to any child who was not afforded, by the State educational agency or the local educational agency, an opportunity to learn the material necessary to meet the State achievement standards.

(2) OPPORTUNITY.—A child shall not be considered to have been afforded an opportunity to learn under paragraph (1) unless—

(A) the child was taught by fully certified or qualified teachers as defined by the State;

(B) the child's parents had multiple opportunities for parental involvement;

(C) the child had access to high quality instructional materials and instructional resources to ensure that the child had the opportunity to achieve to the highest performance levels, regardless of disability, income, and background;

(D) the child received the services for which the child is eligible under title I of the Elementary and Secondary Education Act of 1965 and the Individuals with Disabilities Education Act;

(E) if necessary, the child received proper bilingual education and special education services; and

(F) the child had the opportunity to receive high quality early childhood education.

Mr. WELLSTONE. Mr. President, this is an amendment I think Senators can vote for and I think feel comfortable about because, on the one hand, you can vote for the first-degree amendment, but you can also vote for the first-degree amendment with the understanding that the provisions of this section shall not apply to any child who was not afforded, by the State educational agency or the local educational agency, an opportunity to learn the material necessary to meet the State achievement standards.

I am simply saying, let's make sure every child is afforded the opportunity to do well on these achievement standards. This says: "the child has been taught by fully certified or qualified teachers as defined by the State; the child's parents had multiple opportunities for parental involvement."

My colleague asked what that meant. That means to understand what homework is about, make sure you know when you can come in, understand what the standardized tests are about, understand how the child's performance is being measured. We are all for parent involvement.

Next is: "the child had access to high quality instructional materials and instructional resources"—how can anybody be opposed to that?—"to ensure that the child had the opportunity to achieve the highest performance levels, regardless of disability, income, and background; the child received the services for which the child is eligible under title I of the Elementary and Secondary Education Act . . . and if necessary, the child received proper bilingual education and special education services, and that the child had the opportunity to receive high quality early childhood education [developmental child care]."

Colleagues, even if you don't believe me, all I have to tell you in this debate is, I presented all kinds of evidence suggesting that retention has been harmful and hasn't worked. I never was refuted at all. Now what I am saying is that even if you want to go in that direction, at least let's make sure that every child has the opportunity to do well in these tests and to achieve, that there are highly qualified instructors and certified teachers, that we have followed through on title I commitment, that we make sure they are the same resources.

Don't you think we want to make sure children in our schools have the lab facilities and the textbooks and the good teachers, that there has been good pre-K education? Let's make sure every one of our children has had the same opportunity to achieve. That is what this amendment says. I hope there will be 100 votes for it.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I will speak in opposition to the second-degree amendment proposed by the Senator from Minnesota.

First and foremost, as everybody knows who has been participating in this debate and can understand how the system works, the second-degree amendment, as proposed, would gut Senator FEINSTEIN's and my first-degree amendment. It would simply make it impossible to enforce. Of course, that is what the Senator from Minnesota desires. He is not for testing or accountability or the end of social promotion.

I respect that position. But his President, the President of the United States, in his State of the Union Address, to a cheer from the audience, called for an end of social promotion. It is something whose time has come and gone. It is time to care about children and to care about the billions of dollars we are spending on education. And we are going to spend more next year than we did this year. But if we care about what is happening with it, we have to ask if there is some accountability. We can't simply allow children to go on and on, be promoted, and end up being an all-pro football player who can't read and write. That is happening in America, to a lesser degree mostly, but to a sad degree too often throughout this country. We are not making sure children are meeting minimum standards. When we do so, problems arise. They have to be confronted.

Right now, we are denying the problem. We are enabling an inefficient system to continue. We refuse to do what is required to point out to everybody who is not meeting minimum standards. Once we find that out, then we can all get together and do something to fix it. There is plenty of money in the Elementary and Secondary Education Act—soon to be passed, I hope—that will provide a continual flow of money for disadvantaged schools throughout America, so we can improve that system.

This amendment is nothing more than a gutting and an elimination and a wiping out of the total intent of the Feinstein-Sessions amendment. It will not allow an end to social promotion in America. Our amendment will. But it will allow the States to decide how to do it. If the States decide to have different standards for children who have difficulties, or disadvantaged or special education kids, they can do so. We are not saying how they ought to do it. But if we care about those children, we have to know, ourselves, whether or not they are learning. If they are not learning, we have to confront that fact. We can't enable this unacceptable behavior to continue. Some of it is on the part of the kids, some of it is on the part of their parents, and some of it may be a poor school. We have to end that.

We care about our children. I think Senator FEINSTEIN has made it clear that she cares about them. I do. I want to see the system improved. I am convinced that we must move to eliminate the passing along of kids who are not meeting the most basic of standards. That is why I will oppose the Senator's second-degree amendment.

Mr. WELLSTONE. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 7 minutes.

Mr. WELLSTONE. Mr. President, all this amendment says is let's have the standards, though I presented a lot of irrefutable evidence about retention not working and even being harmful. I understand the politics of some of these votes. It is not a pretty picture if anybody cares about the evidence.

This second-degree amendment requires that if you are going to have these tests and these standards which determine whether or not a child as young as age 8 passes or not, or is held back, especially if retention is so harmful, and there is no evidence it is helping children—I thought we were trying to help the children—at least let's ensure we have met the standards that all these children have had the opportunity to pass these tests and do well.

My colleague from Alabama says I am trying to gut the amendment because by this amendment we want to ensure these children are taught by fully certified and qualified teachers. If that guts his amendment, his amendment should be gutted.

To make sure the child has had access to high-quality instructional material, to make sure the child has received the services for which the child was eligible under title II, to make sure the child has received adequate bilingual education, to make sure the child has had the opportunity to receive high-quality early childhood education, this is a no-brainer, colleagues.

We all know this is critical to making sure the children do well in school. My colleague was referred to those who graduate and have a third-grade reading level. What I am talking about is critical to that. Let's make sure that before we fail all of these children and act as if that is doing something great for them, why don't we make sure those children also have the same opportunity to do well and to pass our achievement tests.

Is it too much to ask other Senators to vote in favor of certified and qualified teachers, making sure there is parental involvement, making sure there are good instructional materials, making sure we live up to our title I commitments, and making sure there is adequate bilingual education?

Colleagues, you know this is critically important. Let's vote for "standards." That is the way you view it. But let's also vote for equality of opportunity for all of our children.

I especially thank the NAACP Legal Defense and Education Fund for all of the research they have pulled together that I have been able to present today about why it is so important that we pass the second-degree amendment and meet the test of decency. This is true equality of opportunity for our children. If you do not do that, then what you have done is very harmful. It is brutal.

I reserve the remainder of my time.

Are my colleagues prepared to yield the remainder of time?

I am prepared to yield the remainder of my time.

Mr. SESSIONS. Mr. President, I will use 2 minutes and then yield.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, the second-degree amendment provision of this section—that is, the end of social promotion—shall not apply to any child who is not afforded by the State educational agency an opportunity to learn the material necessary. I don't know what that means. That can mean almost anything to anyone.

One of the requirement that has to be in the amendment or this bill does not apply is that a child has the opportunity to receive high-quality early childhood education. What does that mean? It means anything anybody says it does.

The President of the United States says it is time to end social promotion. The overwhelming majority of American people believe so. Certainly the people on this side of the aisle believe so. I believe a majority on that side of the aisle believe so.

Let's not go with some meddling second-degree amendment that will, in effect, undermine the import of the amendment Senator FEINSTEIN has offered. Let's not do that. Let's send a clear message that we care about children and we want to confront them at an early age and find out whether or not they are meeting basic standards. If they are not, let's start helping them. We are not going to put them in jail if they are not meeting standards. We ought to set about to find out who is not meeting those standards and start helping them. That is what it is all about. That is what we need to do.

I yield the floor.

Mr. WELLSTONE. Mr. President, let me conclude this way.

I think there is a bitter irony here. There is no evidence the retention works, and there is a certain amount of evidence that it is harmful. We should let the States decide, for those colleagues who worry about States and States making decisions. This amendment requires States to do retention, and if they do not do retention, then they are not going to get education funds.

That is flaw No. 1. I think some of my colleagues would be troubled by that. Frankly, I think my colleague from Alabama would be troubled by that.

If the States decide, on the basis of what they know, not to do the retention because of all of the evidence, we are now saying: You have to do it, States, or we will cut off Federal money.

That is unbelievable. This amendment should be defeated for that reason. The Federal Government ought not to be doing that to States, especially given the evidence.

The second point my colleagues are bothered by is my second-degree amendment which says let's make sure every child has the same opportunity to do well in these achievement tests. Let's make sure these children are taught by fully qualified teachers, that there is parental involvement, that they have good instructional material, that we live up to our commitment on title I, that we make sure the child has had the opportunity to receive good early childhood development, that there is bilingual education available.

My colleagues are telling Members to vote against this? We are all for that.

The evidence says retention doesn't work and can be harmful. If your State decides, it doesn't want to do that, it doesn't matter because now if Members vote for this amendment, they are telling States they have to have retention of students, even if it is harmful. If they don't do what they think is right, we will cut off Federal funds.

Do Members want to vote for that?

I have a second-degree amendment I think colleagues should vote for because it makes elementary sense. Let's make sure these children have the same opportunity for achievement on these tests. If we don't do what I suggest in this amendment and don't make that commitment, what we will have done to children will be very harmful, brutal, and unconscionable.

I yield back the remainder.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Alabama.

Mr. SESSIONS. Mr. President, I conclude by explaining why this amendment is so impractical. It says children have to have multiple opportunities for parental involvement.

I don't know what that means.

Mr. WELLSTONE. I defined that twice. I didn't know the Senator would speak against the amendment. I talked about the amendment three times.

Mr. SESSIONS. The Senator does not define it in the statute. They won't know what the Senator said on the floor.

Mr. WELLSTONE. We want to make sure parents know what the homework requirements are, know what the standards are.

Mr. SESSIONS. I reclaim my time.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. What is the balance of my time?

The PRESIDING OFFICER. The Senator has 4 minutes remaining.

Mr. SESSIONS. I appreciate the concern of the Senator from Minnesota, but I say to the Senator, parents would get a lawyer and sue: You can't hold my child back; you didn't call me enough times.

The amendment doesn't say how many times.

Or my child didn't have an opportunity to receive a high-quality early childhood education.

Well, you had kindergarten; that was not enough.

This amendment does not say what it is. It will turn it into a conglomeration of things that are not healthy.

I note, as Senator FEINSTEIN from California so eloquently said, we are not saying what the standards are. The States can set standards that require parental involvement. I hope they do. I hope they do a lot of things that are not mentioned by the Senator from Minnesota in setting a fair, objective standard for testing.

However, we do need some objective standards for testing. If we do so—as Chicago has found, as California will be moving toward, as Alabama will move very soon to accountability and the end of social promotion—we will find that students are learning more because they are challenged. There is an incentive there. Parents are going to know certain standards must be met. Teachers and principals will know it. The children will know it. They will respond and meet the challenges.

We will end this slide in which we spend more and more money and get less and less productivity.

From 1960 to 1990, we tripled the amount of money spent on education in America. It went up every single year. But SAT scores declined 73 points.

In Kansas City, they spent $11,700 per pupil. They raised education figures consistently to reach this very high level; they had a teacher-pupil ratio of 13-1, without raising test scores for the kids.

We have to challenge children because we care about them. We care about America. We cannot continue to move children through the system when they do not know how to read and write and perform effectively in this society of which we are a part. I wish we could do it kindly, without having to tell people: Sorry, you didn't meet the standards; you have to take this course over again.

Oftentimes that is what we have to do. It is the way life is on the football field or in a military unit. You have to meet certain standards. We are in a world that demands first rate competition. If we are not prepared, we will lose out. I am concerned about it. All of America is concerned. I think we can make progress toward that goal.

I believe we should reject this amendment to the underlying amendment proposed by Senator FEINSTEIN and myself. With that, we can send a message to America that we will have some accountability, that we will encourage children to improve. When we recognize that large numbers of students are not meeting those standards, we can redirect resources to find out exactly what that problem is and rectify it.

I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back.

Mr. BINGAMAN. Mr. President, I would like to take a moment to state that I agree with the position of my distinguished colleague from California on the issue of social promotion. We must end this practice. Far too many of our young people are graduating without the skills that they need to secure good jobs because they are being passed from grade to grade without accountability for what they have learned. Many young people are also dropping out of school because they find themselves in high schools without the knowledge that they need to succeed in that forum. I am a strong supporter of efforts to end this practice.

I have voted for legislation in the past that would have given States and local districts incentives to eliminate social promotion policies. I currently am cosponsoring legislation, based on a proposal from the President, which seeks to end social promotion in all our schools. I must vote against Senator FEINSTEIN's amendment, however, because it would cut all federal funding for education to a State based on this sole issue and provides no flexibility on the State or local level. If this amendment were to become law, we would be imposing a strict requirement without providing adequate resources to achieve the goal. As the Elementary and Secondary Education Act moves to the floor, however, I will work with my distinguished colleague from California to develop legislation that addresses this critical issue.

AMENDMENTS NOS. 2859 AND 2824, EN BLOC

Mr. COVERDELL. Mr. President, I ask unanimous consent the following two amendments be considered en bloc: The amendment introduced by Senator KERRY of Massachusetts, No. 2859, relating to AmeriCorps; the Hatch amendment, No. 2824, relating to the marriage penalty and student loan interest deduction.

These amendments have been cleared on both sides. I ask unanimous consent the amendments be agreed to, any statement relating to these amendments be printed, and that the motions to reconsider to be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, my amendment addresses a specific and serious problem for Americans repaying student loans. Many of our colleagues may not be aware of it, Mr. President, but there is a severe marriage penalty lurking in the deduction for student loan interest expense that Congress enacted in 1997.

This marriage penalty arises because, when Congress established the deduction for student loan interest, we targeted it so that only taxpayers with incomes below a certain amount could use it. For single taxpayers, that income threshold is $40,000. For taxpayers with Adjusted Gross Income above $40,000 the deduction begins to phase out. The deduction is fully phased out over the next $15,000 of income, so that when a single taxpayer's income reaches $55,000, there is no deduction allowed.

For married taxpayers filing a joint return, there is a different threshold—$60,000. This is where the deduction begins to phase out, and it is gone at an income level of $75,000. This is the heart of the problem, Mr. President. Because the threshold for married taxpayers filing a joint return is less than twice as high as the threshold for singles, there is a marriage penalty.

Let me illustrate the problem with an example. Let's consider a couple from my home state. Dave and Joann met at Utah State University and married right after graduation last year. Dave is the assistant manager of a grocery store an earns $38,000 per year. Joann is a computer programmer making $40,000 annually. These are not high income people, Mr. President, although their income puts them in the 28 percent marginal tax bracket.

Dave and Joann each borrowed to finance their education, and each has $2,000 in interest expense from their student loans. The full $2,000 interest expense would be fully deductible if they were single, saving them each $560 in taxes. However, simply because Dave and Joann are married, and their combined income exceeds $75,000, they lose the full $4,000 student loan interest deduction.

Unfortunately, the $1,120 marriage penalty inherent in the student loan interest deduction is only the tip of the marriage penalty iceberg for Dave and Joann. This is only one of at least 66 marriage penalties that resides in the Internal Revenue Code. Not every one of these 66 marriage penalties affect every married couple in America, but many couples are hit with at least one, and often more than one, marriage penalty. In our example here, Dave and Joann are hit with two other marriage penalties.

As you can see, the total amount of marriage penalty affecting Dave and Joann is a whopping $2,650. This means their tax burden is 27 percent higher than it would be if they were single, Mr. President! This is simply not fair. It is poor tax policy, it is poor education policy, and it is poor family policy. Taxpayers should not pay more in taxes just because they are married.

The other marriage penalties affecting Dave and Joann stem from the fact that the standard deduction for married couples is less than twice the amount of the standard deduction of singles, and from a similar problem that exists in the tax rate schedules. These two marriage penalties are not the subject of this amendment.

I will note, however, that H.R. 6, the marriage penalty alleviation bill passed by the House in early February, would correct most of this marriage penalty for Dave and Joann. I know that Chairman Roth plans to take up marriage penalty legislation in the Finance Committee in the next few weeks. I look forward to working with him to solve these other problems.

The marriage penalty problem the House bill would not correct, however, is the one inherent in the student loan interest deduction. The solution to this marriage penalty is simple. This amendment merely increases the income threshold for joint returns to $80,000, twice the level of the single taxpayer threshold.

The marriage tax penalty problem is a complex one. We are not going to solve it all at once. I am gratified to see the Congress focusing on this important family issue, and I hope we can see real progress on alleviating the problem this year.

This amendment is a good place to start. Some might argue that this is relatively minor marriage penalty. And, compared with some of the other ones, maybe it is. However, it is not small to Dave and Joann and to the millions of young Americans who pay more in taxes simply because they have formed the basic unit of society—a family.

This small step today will eliminate the marriage penalty that hurts married taxpayers who are repaying educational loans. Then, in a few weeks when the Finance Committee takes up broader marriage penalty legislation, we can address some of the other problems.

The amendments (Nos. 2859 and 2824) were agreed to en bloc, as follows:

AMENDMENT NO. 2859

(Purpose: To exclude national service educational awards from the recipient's gross income)

On page 21, between lines 3 and 4, insert:

SEC. 204. EXCLUSION OF NATIONAL SERVICE EDUCATIONAL AWARDS.

(a) In General.—Section 117 (relating to qualified scholarships) is amended by adding at the end the following:

"(e) Qualified National Service Educational Awards.—

"(1) In general.—Gross income for any taxable year shall not include any qualified national service educational award.

"(2) Qualified national service educational award.—For purposes of this subsection—

"(A) In general.—The term 'qualified national service educational award' means any amount received by an individual in a taxable year as a national service educational award or other amount under section 148 of the National and Community Service Act of 1990 (42 U.S.C. 12604) to the extent such amount does not exceed the qualified tuition and related expenses (as defined in subsection (b)(2)) of the individual for such taxable year.

"(B) Limitation.—The total amount of the qualified tuition and related expenses (as so defined) which may be taken into account under subparagraph (A) with respect to an individual for the taxable year shall be reduced (after the application of the reduction provided in section 25A(g)(2)) by the amount of such expenses which were taken into account in determining the credit allowed to the taxpayer or any other person under section 25A with respect to such expenses."

(b) Effective Date.—The amendment made by this section shall apply to amounts received in taxable years beginning after December 31, 1999.

AMENDMENT NO. 2824

(Purpose: To amend the Internal Revenue Code of 1986 to eliminate the marriage penalty in the phaseout of the education loan interest deduction)

At the end of title II, insert:

SEC. . ELIMINATION OF MARRIAGE PENALTY IN PHASEOUT OF EDUCATION LOAN INTEREST DEDUCTION.

(a) In General.—Subparagraph (B) of section 221(b)(2) (relating to limitation based on modified adjusted gross income) is amended—

(1) by striking "$60,000" in clause (i)(II) and inserting "$80,000", and

(2) by inserting "($30,000 in the case of a joint return)" after "$15,000" in clause (ii).

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

Mr. WELLSTONE. Mr. President, I ask for the yeas and nays on the Feinstein-Sessions amendment, No. 2876.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. WELLSTONE. Mr. President, I ask for the yeas and nays on the Wellstone amendment No. 2878.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. REID. Mr. President, before the Senator from Illinois takes the floor, I alert my colleagues that following Senator DURBIN, Senator LANDRIEU is expected to be here to make her presentation, Senator BOXER, Senator JOHN KERRY, and Senator SCHUMER. That will complete the work for today except for the final vote on the bill. We would hope everyone would be here as quickly as possible.

The two leaders have told Members we will complete all amendments and final passage tonight, so the quicker we get to these amendments, the quicker we get out of here.

Mr. COVERDELL. Mr. President, I move that the pending amendment and the Feinstein amendment be laid aside for sequential voting later this evening.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2879

(Purpose: To reduce violence in schools)

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 2879.

Mr. DURBIN. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . REDUCTION IN SCHOOL VIOLENCE.

(a) Short Title.—This section may be cited as the "School Violence Reduction Act".

(b) Findings.—Congress finds that—

(1) Every school child in America has a right to a safe learning environment free from guns and violence.

(2) The U.S. Department of Education report on the Implementation of the Gun-Free Schools Act found that 3,930 children were expelled for bringing guns to school during the 1997–98 school year.

(3) Nationwide, 57 percent of the expulsions were high school students, 33 percent were in junior high and 10 percent were in elementary school.

(c) Grants.—The Secretary of Education shall award grants to elementary and secondary schools (as such terms are defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)) to enable such schools to:

(1) develop and disseminate model programs to reduce violence in schools,

(2) educate students about the dangers associated with guns, and

(3) provide violence prevention information (including information about safe gun storage) to children and their parents.

(d) Application.—To be eligible to receive a grant under subsection (b), an elementary or secondary school shall prepare and submit to the Secretary of Education an application at such time, in such manner, and containing such information as the Secretary may require.

(e) Public Service Announcements.—The Secretary of Education shall provide for the development and dissemination of public service announcements and other information on ways to reduce violence in our Nation's schools, including safe gun storage and other measures.

(f) Authorization of Appropriations.—For the purpose of carrying out this Act, there are authorized to be appropriated funds of up to $7,000,000 for fiscal year 2001 and such sums as may be necessary for each of the four succeeding fiscal years.

Mr. DURBIN. Mr. President, the headlines in our morning papers are a sad reminder: America Faces a National Gun Crisis.

USA Today is published across America. This morning's paper, on its front page, speaks of the shooting of a little 6-year-old girl in Mount Morris Township, MI. Her name was Kayla Rolland. Her parents sent her to the first grade. She never came home.

Turn the page and find on page 3:

Pa. Gunman Flies into a Fatal Rage.

Firearms are easy to come by—for 6-year-olds and psychotics. That is the state of affairs in America today. The violence in America is not confined to mean streets. It is in our homes, it is in our fast food restaurants, and, yes, it is even in our schools. We passed legislation several years ago to make certain that Congress and the American people would know, on an annual basis, about the evidence of gun violence in our schools. From the school year 1997 and 1998, the Department of Education reports to us grim statistics about what we face as a nation. Let me recount for you what they have told us.

The U.S. Department of Education's recent report on the implementation of the Gun-Free Schools Act found that 3,930 children were expelled for bringing guns to school during the 1997–1998 school year, almost 4,000 children. Nationwide, 57 percent of the expulsions were high school students, 33 percent were junior high, 10 percent were elementary school. That means almost 400 elementary students were expelled for bringing firearms to school. These children were as young as 6 years old.

In this situation in Mount Morris, MI, Kayla Rolland, this beautiful little girl, was gunned down by a 6-year-old killer. In my home State of Illinois, 86 students were expelled during the year in question for bringing a gun to school: 49 high school students, 31 junior high school students, and 6 elementary school students.

In Illinois, firearms are the leading cause of injury and death to children. The next most common cause is car crashes. On average, 364 children die every single year in Illinois from guns, almost 1 child every single day. Do not believe for a moment this is a story unique to Illinois. The tragedy of Kayla Rolland was in Michigan. Another tragedy yesterday occurred in Pennsylvania.

If you follow the headlines in the paper, you will see a sad reminder on a regular basis of infants and children who have access to guns: "Eighth Grader Takes Principal Hostage"; "5-Year-Old Girl Shoots Herself In The Head," in New Orleans; in Chicago, "Girl Killed In An Accidental Shooting"; Kansas City, "6-Year-Old Accidentally Shoots 1-Year-Old Cousin To Death"; Memphis, "Angry 5-Year-Old Takes A Gun To School"; Miami, "15-Year-Old Takes Gun To School, Injures Himself In Horseplay"; in Cleveland, "4-Year-Old Caught Again For A Second Time With A Gun At Day Care."

Did he say 4 years old? Yes, a 4-year-old with a gun at day care; a 5-year-old accidentally shoots to death a 10-year-old boy in Grand View, MO; a child brings guns to school in Topeka, KS—on and on and on. What I am addressing today is not an exception. It is becoming a rule. It is becoming a sad reality in America.

We talk a lot about education on the floor of the Senate, as we should. It may be America's highest priority. But before we start talking about funding education and paying and training teachers, before we talk about smaller class sizes, before we talk about modern buildings and new technology, for goodness' sake, should not we first talk about the safety of our children in the schools themselves?

It is unfortunate that this Congress is in virtual denial about the crisis which I have described. We have had an opportunity ever since Columbine High School, and even before, to pass sensible gun control legislation. We have failed to do it. America faces a national epidemic of gun violence. Guns are a deadly social virus. The same USA Today in its editorial page spells this out so well:

> Guns are a deadly social virus that can strike down children like the horrible diseases of old.

And yet this Congress refuses to acknowledge it. We refuse to consider even the most basic commonsense gun control. Because this Congress refuses to seriously consider any efforts under law to keep deadly firearms out of the hands of children and convicts, I urge my colleagues to, at the very least, consider as an alternative the amendment which I offer today. It is an amendment which tries to give families across America fair warning of the scourge of gun violence and what it can do to so many families. Guns kill 34,000 Americans every year; between 12 and 13 children every day. They kill more teenagers than any natural cause. The American people, especially mothers in suburban areas who are sending their children to school, want some assurance that their children will come home at the end of the day.

That is why I am offering this amendment. It creates the School Violence Reduction Act. What will it do? It is simple. It establishes a grant program for the U.S. Department of Education to develop and disseminate model programs to reduce violence in schools. I would much rather these dollars, the $7 million part of this amendment, be used for other purposes—to buy computers, to train teachers, to reduce class size, to modernize school buildings. But I say to those who follow this debate, we have to deal with the basics, the safety of our schools, before we can consider even the process of education. We need to educate students about the dangers associated with guns. I am sad to report we have to start at the earliest ages to educate them.

We need to provide information about safe gun storage to children and their parents. The amendment provides funds for public service announcements and other information to reduce violence in our schools. Six-year-olds do not go out and buy guns, not in the ordinary course of events. The guns are left lying around the house.

I read some about this child's situation in Mount Morris, MI. It is clear this child lived in a terrible situation, exposed to things with which no adult could cope. This tiny little boy, for whatever reason, faced the life of a dysfunctional family, of drugs, God knows what kind of abuse, and exposure to guns on a regular basis. But that is not the only way kids come by guns. Kids come by guns when parents are neglectful, when they are negligent, when they do not meet their obligation to store guns safely.

The President, after this situation in Michigan, renewed his call for a national standard for trigger locks to make sure if a child gets his hands on a handgun he can't shoot it and kill someone, some other innocent victim or himself. But we can't do that in Congress. That is beyond us. The gun lobby will not stand for it.

The idea of putting safety devices on guns is something the National Rifle Association will not buy. So let us at least try, through our schools, to create public information and education efforts so families across America at least know that there is a right way to store guns safely, out of the hands and out of the reach of children.

We passed legislation last year, when Vice President Gore came to the floor of the Senate and broke a tie, which dealt with some of the problems we have in our country involving guns: for background checks at gun shows, the amendment of Senator FEINSTEIN of California to reduce the importation of these high-capacity magazine clips from overseas into the United States, things that move us down the road toward protecting Americans from the abuse of guns. Trigger locks: Senator KOHL of Wisconsin has been a leader on that as well.

What happened to this legislation? Dead on arrival in the House of Representatives. There has not even been a conference committee on this bill. Yet day in and day out we read these terrible headlines.

I looked in the face of this little girl, Kayla Rolland, and saw so many thousands of little kids I have seen across my State of Illinois, kids I have seen in the day-care classes with my 3 1/2-year-old grandson. This beautiful little girl is no longer with us because of someone who was negligent in handling a gun and because of a 6-year-old who took a gun to school.

There are so many who do this across America on a regular basis that we have to come to grips with this challenging national situation. I urge my colleagues, whatever their opinion of gun control, to at least, at the very least, join me in this effort to create a program so schools across America, on their own, with a voluntary application, can receive assistance from the Federal Government to deal with this gun violence. I believe this is a step in the right direction. I believe it will give to many schools the resources they need to educate the children and the parents and all who will listen to the public service announcements about the reality of reducing gun violence in our schools.

I pray to God this is the last story we will read in the year 2000 of another infant, another child who lost her little life because of this kind of gun violence, because of the negligence of a gun owner or someone who possessed a gun so a child could come in contact with it.

History tells me it will not be the only story of the year. It will be one of many.

To those parents who think it is not their problem, I am sorry to report it is. If you do not have a firearm in your house, can you ever be sure your little child's playmate does not have a firearm in his house? Can you ever be certain the child sitting behind your son or daughter at school does not have a handgun in his backpack?

That is the reality of America today. That is the national gun crisis we face. There have been a lot of suggestions about improving education in America. This bill suggests one of the ways to do it is to save families on average $7 in this tax benefit package if they will send their children to public schools. Before we start saving less than $10 when it comes to education, let's talk about saving the lives of our priceless children in our schools.

Mrs. BOXER. Will the Senator yield?

Mr. DURBIN. I sincerely hope my colleagues will join me in this effort.

Mrs. BOXER. Will the Senator yield for a question?

Mr. DURBIN. Yes.

Mrs. BOXER. Mr. President, I commend my friend from Illinois. A long time ago, he and I talked about the importance of having a school safety fund where if schools felt they needed assistance, whether it was to purchase equipment—a metal detector—whether it was to teach the children about how to resolve their differences without violence, that we should set this up in a way that local schools could put together their own programs.

I want to ask my friend this: There is a lot of talk around here of local control. Isn't this what my friend is doing, he is designing a grant program so if school districts decide they want to partake, if they have this problem, they have an opportunity to do so?

Mr. DURBIN. The Senator from California is absolutely right. It is totally voluntary. There is no Federal mandate involved. If a school district says they are concerned enough about this problem that they want to put together a program that is going to try to educate children about the danger of guns, that is going to try to educate parents about the safe storage of guns, public service announcements to encourage trigger locks, then they can apply for these funds. It is only $7 million, which by Federal standards is a very small amount of money.

I hope it will give some school districts the resources they need to step forward and protect children from needless tragedies which we read about every day.

Mrs. BOXER. I ask my friend another question. As I read these hair-raising accounts of what happened in Michigan with this little baby of 6 years old bringing a gun to school, shooting a child, and then actually after it was done, coloring something, drawing some pictures, having no concept he committed this murder, if you will, I think this points out to us that kids do not understand what gun violence can really do.

I commend my friend and ask him if he has read those accounts and how chilling it is and how appropriate it is to have a vote on this. As my friend said, the underlying bill gives $7 a year. Now they want to give help to people even in higher incomes while our kids are losing their lives. I am very pleased my friend has offered this amendment, and I am proud to join him.

Mr. DURBIN. I thank the Senator from California who earlier offered a sense-of-the-Senate amendment as to whether we are going to make a concerted and dedicated effort to reduce violence in the schools. Her leadership on this issue in her State and across the Nation has been a model for all of us. This program I am suggesting is a very modest approach as well. It is a $7 million grant that is available, and when you consider these headlines which I went through earlier about children coming to day care with a gun, a 4-year-old caught a second time bringing a loaded handgun to day care in Cleveland, OH.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DURBIN. Mr. President, I ask unanimous consent for 30 additional seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I say to those in the Senate, regardless of your position on gun control, I hope we all concede we need to get the resources to schools, parents, and families so they can do their best to protect their kids and try to eliminate a senseless tragedy such as we saw in Michigan this week and, sadly, we have seen repeated across America.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that the Durbin amendment be set aside and the Senator from Massachusetts, Mr. KERRY, be allowed to offer his amendment with a 14-minute time agreement equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Massachusetts.

Mr. KERRY. What was the agreement on time? I am sorry, I could not hear you.

The PRESIDING OFFICER. Fourteen minutes.

Mr. KERRY. Fourteen minutes equally divided.

AMENDMENT NO. 2866

(Purpose: To amend the Higher Education Act of 1965 to provide scholarships for future teachers and loan forgiveness and cancellation)

Mr. KERRY. Mr. President, I ask unanimous consent that amendment No. 2866 be called up.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KERRY] proposes an amendment numbered 2866.

Mr. KERRY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, add the following:

TITLE —AMENDMENTS TO THE HIGHER EDUCATION ACT OF 1965

SEC. 01. SCHOLARSHIPS FOR FUTURE TEACHERS.

Part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) is amended by adding at the end the following:

“SUBPART 9—SCHOLARSHIPS FOR FUTURE TEACHERS

“SEC. 420L. STATEMENT OF PURPOSE.

“It is the purpose of this subpart to establish a scholarship program to promote student excellence and achievement and to encourage students to make a commitment to teaching.

“SEC. 420M. SCHOLARSHIPS AUTHORIZED.

“(a) PROGRAM AUTHORITY.—The Secretary is authorized, in accordance with the provisions of this subpart, to make grants to States to enable the States to award scholarships to individuals who have demonstrated outstanding academic achievement and who make a commitment to become State certified teachers in elementary schools or secondary schools that are served by local educational agencies.

“(b) PERIOD OF AWARD.—Scholarships under this section shall be awarded for a period of not less than 1 and not more than 4 years during the first 4 years of study at any institution of higher education eligible to participate in any program assisted under this title. The State educational agency administering the scholarship program in a State shall have discretion to determine the period of the award (within the limits specified in the preceding sentence).

“(c) USE AT ANY INSTITUTION PERMITTED.—A student awarded a scholarship under this subpart may attend any institution of higher education.

“SEC. 420N. ALLOCATION AMONG STATES.

“(a) ALLOCATION FORMULA.—From the sums appropriated under section 420U for any fiscal year, the Secretary shall allocate to each State that has an agreement under section 420O an amount that bears the same relation to the sums as the amount the State received under part A of title I of the Elementary and Secondary Education Act of 1965 bears to the amount received under such part A by all States.

“(b) AMOUNT OF SCHOLARSHIPS.—The Secretary shall promulgate regulations setting forth the amount of scholarships awarded under this subpart.

“SEC. 420O. AGREEMENTS.

“The Secretary shall enter into an agreement with each State desiring to participate in the scholarship program authorized by this subpart. Each such agreement shall include provisions designed to ensure that—

“(1) the State educational agency will administer the scholarship program authorized by this subpart in the State;

“(2) the State educational agency will comply with the eligibility and selection provisions of this subpart;

“(3) the State educational agency will conduct outreach activities to publicize the availability of scholarships under this subpart to all eligible students in the State, with particular emphasis on activities designed to assure that students from low-income and moderate-income families have access to the information on the opportunity for full participation in the scholarship program authorized by this subpart; and

“(4) the State educational agency will pay to each individual in the State who is awarded a scholarship under this subpart an amount determined in accordance with regulations promulgated under section 420N(b).

“SEC. 420P. ELIGIBILITY OF SCHOLARS.

“(a) SECONDARY SCHOOL GRADUATION OR EQUIVALENT AND ADMISSION TO INSTITUTION REQUIRED.—Each student awarded a scholarship under this subpart shall—

“(1) have a secondary school diploma or its recognized equivalent;

“(2) have a score on a nationally recognized college entrance exam, such as the Scholastic Aptitude Test (SAT) or the American College Testing Program (ACT), that is in the top 20 percent of all scores achieved by individuals in the secondary school graduating class of the student, or have a grade point average that is in the top 20 percent of all students in the secondary school graduating class of the student;

“(3) have been admitted for enrollment at an institution of higher education; and

"(4) make a commitment to become a State certified elementary school or secondary school teacher for a period of 5 years.

"(b) Selection Based on Commitment to Teaching.—Each student awarded a scholarship under this subpart shall demonstrate outstanding academic achievement and show promise of continued academic achievement.

"SEC. 420Q. SELECTION OF SCHOLARS.

"(a) Establishment of Criteria.—The State educational agency is authorized to establish the criteria for the selection of scholars under this subpart.

"(b) Adoption of Procedures.—The State educational agency shall adopt selection procedures designed to ensure an equitable geographic distribution of scholarship awards within the State.

"(c) Consultation Requirement.—In carrying out its responsibilities under subsections (a) and (b), the State educational agency shall consult with school administrators, local educational agencies, teachers, counselors, and parents.

"(d) Timing of Selection.—The selection process shall be completed, and the awards made, prior to the end of each secondary school academic year.

"SEC. 420R. SCHOLARSHIP CONDITION.

"The State educational agency shall establish procedures to assure that a scholar awarded a scholarship under this subpart pursues a course of study at an institution of higher education that is related to a career in teaching.

"SEC. 420S. RECRUITMENT.

"In carrying out a scholarship program under this section, a State may use not less than 5 percent of the amount awarded to the State under this subpart to carry out recruitment programs through local educational agencies. Such programs shall target liberal arts, education and technical institutions of higher education in the State.

"SEC. 420T. INFORMATION.

"The Secretary shall develop additional programs or strengthen existing programs to publicize information regarding the programs assisted under this title and teaching careers in general.

"SEC. 420U. APPROPRIATIONS.

"There are authorized to be appropriated, and there are appropriated, to carry out this subpart $10,000,000 for each of the fiscal years 2001 through 2005, of which not more than 0.5 percent shall be used by the Secretary in any fiscal year to carry out section 420T.".

SEC. 02. LOAN FORGIVENESS AND CANCELLATION FOR TEACHERS.

(a) Federal Stafford Loans.—Section 428J of Higher Education Act of 1965 (20 U.S.C. 1078–10) is amended—

(1) in the matter preceding subparagraph (A) of subsection (b)(1), by striking "for 5 consecutive complete school years";

(2) by amending paragraph (1) of subsection (c) to read as follows:

"(1) Amount.—

"(A) In general.—The Secretary shall repay—

"(i) not more than $5,000 in the aggregate of the loan obligation on a loan made under section 428 or 428H that is outstanding after the completion of the second complete school year of teaching described in subsection (b)(1); and

"(ii) not more than $5,000 in the aggregate of such loan obligation that is outstanding after the fifth complete school year of teaching described in subsection (b)(1).

"(B) Special rule.—No borrower may receive a reduction of loan obligations under both this section and section 460."; and

(3) by adding at the end the following:

"(i) Authorization of Appropriations.—There are authorized to be appropriated, and there are appropriated, to carry out this section $50,000,000 for each of the fiscal years 2001 through 2005.".

(b) Direct Loans.—Section 460 of the Higher Education Act of 1965 (20 U.S.C. 1087j) is amended—

(1) in the matter preceding clause (i) of subsection (b)(1)(A), by striking "for 5 consecutive complete school years";

(2) by amending paragraph (1) of subsection (c) to read as follows:

"(1) In general.—The Secretary shall repay—

"(A) not more than $5,000 in the aggregate of the loan obligation on a Federal Direct Stafford Loan or a Federal Direct Unsubsidized Stafford Loan that is outstanding after the completion of the second complete school year of teaching described in subsection (b)(1)(A); and

"(B) not more than $5,000 in the aggregate of such loan obligation that is outstanding after the fifth complete school year of teaching described in subsection (b)(1)(A)."; and

(3) by adding at the end the following:

"(i) Appropriations.—There are authorized to be appropriated, and there are appropriated, to carry out this section $50,000,000 for each of the fiscal years 2001 through 2005.".

Mr. KERRY. Mr. President, I thank the Senator from Georgia, and I thank the Senator from Nevada for their assistance in moving things along. I will try not to take very long. In fact, I want to say a few words about the schoolchild my friend from Illinois was talking about. Let me try to get through the substance and see where I am timewise before I do that.

Whatever the dynamic we are locked into in the Senate, it is clearly not promising or anything substantive to pass. Our friends on the other side of the aisle have decided that nothing substantive with respect to education will fundamentally pass. Yesterday we passed a study on welfare offered by Senator Wellstone, but every other effort to deal with education is preordained.

I understand in standing up here the fate of this amendment. Notwithstanding that, I want to make it clear, and I think my colleagues who preceded me have made it clear, that these are the real issues that face the country and these are the choices the Senate ought to be making. If our colleagues simply choose to dismiss them out of hand, then that is a reality the American people, I hope, will begin to digest at the appropriate time, which is obviously election time in this country. There may be another chance when we will deal with some of these issues. We certainly hope there will be. But not being guaranteed that opportunity, we have to take this opportunity now.

Everyone in this country knows we have a teacher shortage of remarkable proportions. We are supposed to hire some 5 million teachers over the course of the next 10 years, 2 million of them in the next 5 years. If one looks at an article that appeared in the Washington Post at the beginning of this school year, it tells us the story of some of that hiring. A principal in Northern Virginia was so desperate for teachers to begin the school year that she was wooing shoppers at Wal-Mart in an effort to find people to teach in her school.

The last thing the parents of our children and our school administrators want is an unprepared, unqualified, uncertified adult simply there supposedly to fill a quota and "teach," and I put quotes around that.

If we continue on our present course, we are going to face many similar stories. But we know because of the pressures of attrition, the pressures of the classroom itself, the lack of pay, and other problems attendant to teaching today, we are losing many more people than are coming into the profession. Thirty to 40 percent of the people who teach leave within the first 3, to 5 years. We have a remarkable rate of loss and a remarkable rate of turnover.

We also know we have an incredible shortage of teachers who teach in the field for which they may have gone to school or in which they have a degree. Again, I am not going to take up all the time, but the statistics with respect to teachers who are qualified to teach math or science is extraordinarily distressing, not to mention other subjects that people also come to teach.

The amendment I offer today addresses this by seeking to address the question of how do we create an incentive to draw people into teaching.

I met with young people this morning, interns in my office, about 15, 16 of them. Not one of them is planning to be a teacher or is even thinking about it.

When I speak at colleges and universities there may be whatever number of people in the room, and I ask them: How many of you are planning to be teachers? You are lucky if you get one or two or three hands going up because most people cannot afford to do it based on the loans they have at the end of their schooling. Also, many of them find the opportunities of the private sector simply too great, too alluring, so they are drawn away from teaching. Thirdly, our school systems today, because of the lack of adequate resources, structures, support, curriculum, reform standards, and other things, are not particularly enticing to many young people in terms of a career option.

We have to offer greater incentives to attract people, particularly measured against the marketplace. Therefore, the current law already forgives $5,000 in student loans after 5 years in teaching.

My amendment seeks to recognize the reality of that principle, which we have already adopted, that an incentive works. But recognizing that, the second reality is that because of the marketplace, the incentive isn't strong enough. So we need to find a way to add an additional incentive. My amendment would provide an additional $5,000 in forgiveness for teachers after 2 years of teaching, providing additional relief for those who are faced with leaving teaching in order to make more money.

In addition, we would offer a grant for States to be able to establish a program to provide college scholarships to students with SAT scores or grade point averages in the top 20 percent of each State's high school graduating class. That would be in return for a commitment by the individual to become a State-certified teacher for a period of 5 years.

We have always tried to attract people into our military service by offering them, either through the Service academies or through ROTC or through the GI bill, the opportunity to be able to have payment in exchange for a service that we value greatly: Service to country.

Here we are trying to apply the same principle, and we are trying to draw some of the top students. Those who have performed the best in high school will have an opportunity to have college scholarships so they can go to college, not come out with the burden of debt and, indeed, dedicate 5 years of their life to teaching in return.

In a sense, it is a GI bill for teaching. I hope my colleagues will recognize this principle and the value of it.

The teacher shortage our schools are facing now will pale in comparison to what we're looking at over the next 10 years as large numbers of teachers are expected to retire and enrollments are expected to increase. The pressures of attrition, of retirements, will only be compounded by the impact of hundreds of other important education improvement efforts taking root all over the country, whether it's class-size reduction or higher standards for teachers, and that too will exacerbate the teacher shortage.

So what do we do about it? We must pass legislation that helps increase the supply, and the quality, of teachers in this country. And to do that, we must make the teaching profession more attractive to our young people and to those many thousands of people who are certified teachers but have left the profession because of financial constraints.

The amendment I offer today addresses the teaching crisis plaguing our Nation's schools and impairing our children's ability to learn and succeed. My amendment will provide full-time state certified public school teachers who teach in low-income areas or who teach in areas with teacher shortages such as math, science, and special needs with loan forgiveness of up to $5,000 after 2 years of teaching and an additional $5,000 after 5 years of teaching.

I know the Congress believes loan forgiveness is an important way to attract and retain qualified teachers, because current law already forgives $5,000 in student loans after five years of teaching. My amendment would provide an additional $5,000 in forgiveness for teachers after 2 years of teaching, providing relief for teachers who are faced with leaving teaching to make more money, and providing an incentive for them to continue in the field. Coupled with increased ongoing education opportunities that are the focus of so many Senators, particularly my colleague from Massachusetts, who has contributed so much to the education debate over the years, Senator KENNEDY, coupled with increased professional development opportunities that I hope we will enact, we have the capability of recruiting and retaining thousands of highly qualified teachers around the country.

My amendment would also provide grants for states to establish a program to provide college scholarships to students with SAT scores or grade point averages in the top 20 percent of each state's high school graduating class in return for a commitment to become a state certified teacher for 5 years. States would contribute 20 percent of the funds for the scholarships. This amendment would also establish a national hotline for potential teachers to receive information on a career in teaching.

Demand for teachers is so great that it is projected that 50,000 unqualified teachers have been hired annually on emergency or substandard licenses. And the situation is most severe in poor urban and rural areas. According to the National Center for Education Statistics, these districts have such a hard time recruiting and retaining qualified teachers that 39 percent of their teachers have neither a college major or minor in their primary field of course work.

What does this mean for our children's education? In urban schools where children are already crippled by an unfair playing field, a lack of adequate resources, too often the teachers they do have are unqualified. And over the next 10 years the situation will get even worse, virtually guaranteeing that the percentage of unqualified teachers in these schools will increase.

I ask you this: How are our young people supposed to get engaged in the learning process if they only have warm bodies in their classrooms? Who will answer the questions that children have about their lessons if the teachers themselves are not sure of the answers? I have heard from people all over my state, deans of engineering schools in my state, high school administrators, parents, about a decrease in the number of young people interested in pursuing math, science, and engineering degrees after they graduate from high school. Is it any coincidence then that the greatest shortage of teachers in this country is in the areas of math and science? No wonder our young people are seeking math and science degrees in lower numbers. They aren't excited about these subjects because the teachers weren't there to get them excited, to provide them with good instruction, to encourage them on. And I won't even get into the shortage of hi-tech workers before us now and that we are in dire need of greater numbers, not fewer, of graduates in math, science, and engineering.

I can guarantee you that this additional loan forgiveness and a scholarship program are necessary, that the existing laws will not recruit the numbers and quality of students we need. Thirty to fifty percent of all new urban teachers leave the teaching profession within the first 3 to 5 years of teaching. And while we can't be sure that all of these young teachers leave because of inadequate salaries and blossoming student loans, when you look at the data you can be sure looming students loans and low paying comprise a great deal of the incentive for these teachers to leave.

We need to attract the best and the brightest teachers into our public schools to cultivate the minds of our children. But can we realistically expect those students graduating from 4-year institutions and saddled with thousands of dollars in student loans—the average private college students graduates with $14,000 of loans that must be repaid—to enter career where they can expect a starting salary that barely reaches the mid-twenties? How can we expect our young people to turn their backs, particularly in this booming economy, on higher-paying jobs as analysts, in technology companies.

Consider the case of Bridgewater State College, which was the first college in Massachusetts to obtain accreditation under the new National Council for the Accreditation of Teacher Education standards. One-fifth of Bridgewater State students go on to become teachers in Massachusetts and throughout the country. But these students graduate with an average of $8,693 in student loans that must be repaid. And that is from a public school, where in-state tuition is just $8,000. A student graduating from a private college, of which there are many in my state, faces a average of $14,000 in loans to be repaid.

Now, we all know that first-year teachers are poorly paid. The average starting salary is in the mid-twenties. it is simply too difficult for young teachers to make ends meet when, in addition to paying rent, buying groceries, maybe saving for graduate school, or for a car, they must also pay back these loans.

We must act on this legislation now. If not because we are facing an imminent teacher shortage, then because of the rising cost of tuition. From 1990 to 1996, average tuition for a full-time resident undergraduate student rose 43.8 percent, but during that same period, the consumer price index rose only 15.4 percent. And at the same time, Mr. President loans are comprising a greater percentage of student's tuition than grants or income. In the early 1980s, loans covered about 40 percent of total aid. Now, loans cover 58 percent of total aid and during that period, grants went from covering 55 percent of total aid to just 40 percent of total aid. Mr. President, we must address this issue. We must provide assistance to aspiring teachers. We must act now.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KERRY. I ask my colleague from Georgia if he would mind if I took a moment, maybe 3 or 4 minutes, to say something about the shooting in Michigan. May I ask for 4 minutes?

The PRESIDING OFFICER. Is there objection?

Mr. COVERDELL. I yield 4 minutes to the Senator from our time.

Mr. KERRY. The Senator is very generous. Knowing the outcome of this vote, I know the Senator does not have to expend a lot of eloquence to defeat me. I am very appreciative for his consideration.

Thank you very much, Mr. President.

YOUNG LIVES IN CHAOS

Mr. KERRY. Mr. President, today there was an article on the front page of the Washington Post. I thought the words captured in the caption really summarize the situation that the Senate needs to stop and think about much more seriously as we come into the budget deliberations for this year.

The title of the story is: "A 'Life in Chaos' Shaped Young Shooter." The description in the story talks about the life: Living in a place where drugs are rampant, where a gun is under a pillow, where parents are not paying attention. Literally, they define this as a life in chaos.

I have come to the floor many times over the course of the last few years to talk to my colleagues about exactly that: the difference for children between a life in chaos and a life lived in order, in structure.

The fact is, this child in Michigan, who saw fit to pick up a gun and shoot another student of the same age in their classroom, is tragically not an aberration in the context of life in America today. There are countless numbers of children living lives in chaos.

One-third of all of our children in this Nation begin life in a deficit because they are born into a parenting situation where there is only one parent, born out of wedlock. With the failure rate of marriages, when you add to the one-third that begin life that way, maybe as many as 45 to 50 percent of America's children are being raised in a single-parent structure.

Too many kids who are raised with even two parents are often the victims of lives in chaos, where the parents are not paying attention, where there are not afterschool programs, there are not early start programs, there are not child-care programs.

Children, 5 million strong a day, are let out of school to go back to apartments and homes where there is no adult until 6 or 7 in the evening. We know that 5 million children are let out of school and returned to apartments and homes in that situation.

I know of cities in Massachusetts where, tragically, because of the situation in a housing project or the situation of a single parent who is struggling with two jobs, working to make ends meet, and they do not have a proper child care situation, children are also being raised in a kind of chaos.

Talk to any child psychologist anywhere in the world, and they will tell you the negative impact that kind of chaos or disorder or lack of structure has on children.

My prayer is that in the course of the next weeks, when we have the opportunity in this budget, in a year of surplus, in a year where we are talking about huge sums of money in tax rebate, and too much of it going back to people who already have more than most people in America, I hope that in that context the Senate is going to do the business of this Nation in helping parents to be able to parent and helping children to be able to live lives in order, not lives of chaos. There is no greater mission for this country.

Mr. President, I ask unanimous consent that this article from the Washington Post be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

A 'LIFE IN CHAOS' SHAPED YOUNG SHOOTER

(By William Claiborne)

MOUNT MORRIS TOWNSHIP, MICH., March 1—The 6-year-old boy who shot and killed a first-grade classmate in an elementary school here Tuesday was living in a rundown crack house just blocks from the school—without even a bed to sleep on—and leading a "life in chaos," authorities said today.

Two men living in the house were arrested last summer on charges of breaking into and burglarizing a house down the street in this gritty, unincorporated neighborhood just north of Flint in central Michigan, neighbors said.

Another man, who police said kept a .32-caliber revolver under a blanket in his bedroom—the weapon that authorities say the boy stole and used in shooting 6-year-old Kayla Rolland once in the chest—was a fugitive being sought on drug charges and for possible indictment for involuntary negligent homicide before he surrendered to police late this afternoon. The 19-year-old man, who has not been identified by police, was held on outstanding warrants.

When police raided the house Tuesday night and seized drugs and a stolen 12-gauge shotgun, they arrested a third man, identified as the boy's uncle, on an outstanding felony warrant for concealing stolen property. The uncle, identified as Sirmarcus B. Winfrey, was also held in connection with the seized drug cache and the shotgun. He is the brother of the boy's mother.

Genesee County Prosecutor Arthur A. Busch said the boy, whose name has been withheld because of this age, "comes from a very troubled home. . . . It is obvious to me he is the victim of the drug culture and a home that is in chaos."

Nonetheless the boy's mother Tamara Owens who police say has a criminal record, and his father, Dedric Owens, who is in jail on a parole violation, appeared briefly in Genesee County Probate Court today asking for custody of the boy and his 8-year-old brother. The father, appearing in court in handcuffs, said he was sorry for what happened but added, "I miss him and I can't wait to see him." He said he was seeking custody for when he is eventually released from jail.

Speaking briefly in court, Owens said, "I'm very sorry for what happened to the child and the family. I wish it would never had happened. There's nothing I can do about it."

Probate referee Peggy Odette denied the custody requests, saying that there was evidence the mother had a background of drug use. But she said Owens, who sat quietly in court and wept occasionally during the brief proceedings, would be allowed supervised visits with the boy while he is in state custody. The boy and his brother are living with an aunt.

The parents' custody requests were made after state children's services officials filed a petition for state custody on the basis of alleged parental neglect. Busch said the petition would go to Family Court for a hearing.

Busch said the boy, who along with his brother apparently had been passed from house to house after their father was sent to prison on a home invasion conviction, was incapable of forming an intent to shoot his classmate and should not be prosecuted for that reason.

"Especially after the detectives say that he has not appreciated what has happened, that he takes this as, well this is something that happens like on television," Busch said at a news briefing at County Court in Flint.

After police questioned him, the boy "just sat there drawing pictures," said Township Police Chief Eric King.

The prosecutor said there is ample case law, supported by a recent U.S. Supreme Court decision, that youths under 7 years old cannot be prosecuted on felony charges. "He is a victim in many ways and we need to put our arms around him and love him," Busch said.

Genesee County Sheriff Robert J. Picknell said today that he interviewed the boy's 29-year-old father Tuesday night at the county jail. The father was paroled on Dec. 20 from a home invasion sentence but two months later was back in custody for the parole violation.

Picknell, in a telephone interview, said the father told him that, after being evicted from her house, the boy's mother dropped off the youngster at the crack house about 10 days ago to live with his uncle. The move followed a series of behavior problems at the

Theo J. Buell Elementary School, where Kayla was shot as three first-graders and a teacher watched in horror Tuesday morning.

Branch said the shooting followed a quarrel "and maybe a scuffle" between the boy and Kayla at the school the previous day, but he insisted that he had no information indicating the boy went to the school with the intention of shooting the girl.

Picknell noted that Owens, whose name had been withheld to protect the boy until today's Probate Court appearance, said his son told him he had been suspended three times this school year, once for stabbing another pupil with a pencil and twice for fighting.

When asked about the suspensions, Ira Rutherford, superintendent of the Beecher School District, declined to comment, saying information about the boy's behavior is confidential. Rutherford said that "seriously disturbed" youths are referred to mental health programs for help, but he declined to comment when asked if the boy had been referred to such a program.

Rutherford also said he thinks the boy may be too young to come under a 1984 Michigan law requiring the expulsion of students who violate gun prohibitions, even though the law appears to cover pupils of any age. He said he would not speculate where the boy may attend school if he is not charged, even as a juvenile.

Picknell said the father was aware of the known drug house at 1102 Juliah St., around the corner from the school, and that when he heard about the shooting on a radio newscast, he immediately had a "sickening feeling" that his son may have been involved. Picknell said Owens told him that shortly after he was paroled in December, he saw his son and asked him why he committed the offenses that led to the suspensions.

"He said that the kid told him he did it because 'I hate them.'" Picknell said.

Picknell said Owen's suspicion that the boy was involved in the school shooting was heightened because of his knowledge that guns were always kept in the house for protection and for trading for drugs.

Picknell said he was troubled by the fact that the suspensions did not prompt educators to seek special help for the boy, or at least lead to a referral to child protection services for an investigation into his home life.

"If he [the father] could figure it out so quickly, why can't we, the police, the educators and the psychologists?" Picknell said. "All the warning signs were there, but we are not very good about recognizing them," the sheriff said.

Today there was nobody at the Juliah Street house, a one-story bungalow with an old car on cinder blocks on the muddy front lawn. But a neighbor, who said she was too afraid of reprisals to give her name, said there was a lot of traffic in and out of the house late at night and that the occupants "never went to sleep." She said that even before two occupants were arrested in connection with the burglary nearby last summer, residents had complained to the police about drug dealing in the house, but that no action was taken.

Another neighbor, Tammy Fortin, who said she coincidentally is related by marriage to Kayla, said, "It's a drug house. There are so many in this area that I'm scared for my kids, and the cops won't do anything about it."

Fortin, who said her husband's brother is Kayla's stepfather, said the dead girl was a "very well-behaved little girl, loved by everybody. It's just an awful tragedy."

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KERRY. Mr. President, I yield the floor.

AFFORDABLE EDUCATION ACT OF 1999—Continued

Mr. REID. Mr. President, I ask unanimous consent that the Kerry amendment be set aside so the Senator from California, Mrs. BOXER, can offer her amendment at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I am happy to do this in 5 minutes or maybe, at the most, 6.

I thank my friend from Georgia, my friend from Nevada, and my friend from Louisiana, who graciously agreed I could go ahead of her.

AMENDMENT NO. 2880

(Purpose: To require schools that receive Federal funding to notify parents of certain pesticide applications on school grounds)

Mrs. BOXER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 2880.

Mrs. BOXER. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end, add the following:

SEC. . PESTICIDE APPLICATION IN SCHOOLS.

(a) In General.—Each school that receives Federal funding shall—

(1) take steps to reduce the exposure of children to pesticides on school grounds, both indoors and outdoors; and

(2) provide parents and guardians of children that attend the school with advance notification of certain pesticide applications on school grounds in accordance with subsections (b) and (c).

(b) EPA List of Toxic Pesticides.—

(1) In general.—The Administrator of the Environmental Protection Agency shall distribute to each school that receives Federal funding the current manual of the Environmental Protection Agency that guides schools in the establishment of a least toxic pesticide policy.

(2) List.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall provide each school that receives Federal funding with a list of pesticides that contain a substance that the Administrator has identified as a known or probable carcinogen, a developmental or reproductive toxin, or a category I or II acute nerve toxin.

(c) Parental Notification of Toxic Pesticide Applications in Schools.—

(1) In general.—On or after the date that is 18 months after the date of enactment of this Act, any school that receives Federal funding shall not apply any pesticide described in paragraph (b)(2) on school grounds, either indoors or outdoors, unless an administrative official of the school provides notice of the planned application to parents and guardians of children that attend the school not later than 48 hours before the application of the pesticide.

(2) Notice.—The notice described in paragraph (1)—

(A) shall include—

(i) a description of the intended area of application; and

(ii) the name of each pesticide to be applied; and

(B) shall indicate whether the pesticide is a known or probable carcinogen, a developmental or reproductive toxin, or a category I or II acute nerve toxin.

(3) Incorporation of notice.—The notice described in paragraph (1) may be incorporated in any notice that is being sent to parents and guardians at the time at which the pesticide notice is required to be sent.

Mrs. BOXER. Mr. President, I am very hopeful that this amendment, unlike the other one that I have pending, will get the support of my friends on the other side of the aisle.

For a long time I have been talking about the need for a children's environmental protection act. It is very important we understand that our children are not little adults; they are quite different from adults. They are growing; they are changing; and certain exposures are much more harmful to them than they would be for us.

My amendment does two things. It gives parents notification before toxic pesticides are applied in their children's schools. It also requires the Administrator of the Environmental Protection Agency to distribute to schools its guide on the establishment of a least-toxic-pesticide policy. In other words, we have already got the work done. Here it is. It talks about how we can lessen the bad impact on our children by using the kinds of products that will harm them the least. Right now, the EPA does send this out, but it is a spotty situation; they don't send it to all of the schools.

What we are asking for is a 48-hour notice so parents know that these substances are being sprayed, if they are, in fact, toxic, and if they are, in fact, a product that could harm the children.

Of course, what we really want to do is lower the use of toxic pesticides. That would be the very best thing we could do. That is our ultimate hope. That is why we are encouraging the Environmental Protection Agency to work with our schools. But, unfortunately, we have very toxic products being sprayed on our schools today.

Why is it important that parents know this is occurring? Because pesticides, by definition, are meant to kill living things. Exposure to pesticides has been linked to cancer, neurological disorders, and learning disabilities. A common insecticide schools currently spray on baseboards and floors to kill cockroaches and ants—it has an active ingredient called chlorpyrifos—is classified by the EPA as a nerve toxin.

Since we know some of these common pesticides contain a nerve toxin, we have to ask what are the effects of our children's exposure to nerve toxin.

The acute effects of this type of toxin include headaches, dizziness, mental confusion, and vomiting. We know potential effects include decreased neurological performance. We know that because there have been some studies about which I will discuss.

These risks are much more prevalent in children than adults because, again, children are not little adults; they are different. A 1993 National Academy of Sciences report, Pesticides in the Diets of Infants and Children, documented what has long been known by children's health professionals: Children are at greater risk to experience the harmful effects of pesticide exposure than adults. The National Academy explained that children face greater exposure to pesticides because, pound for pound of body weight, they eat more food and drink more water and breathe more air than adults. In other words, they are smaller and therefore their intake is greater as a proportion of their body weight.

Children are rapidly growing, and their developing systems are more vulnerable to harmful effects of pesticides. I referred to a study. A study conducted in Mexico had children exposed to these very harmful pesticides make a drawing of a stick figure. I have that in the cloakroom, if anyone is interested in looking. The children who were exposed to the pesticides could not put together a stick figure. The ones who had no exposure were able to do it as a normal child would. That study certainly helps demonstrate why we should encourage schools to adopt the least toxic pesticide program.

I will close with this: My amendment is not some new idea, because many schools in my home State go beyond what is provided for in this amendment. For example, in the San Francisco, Los Angeles, Mendocino, and Arcata school districts in California, they have all adopted policies to prohibit the use of these toxic pesticides. I am not even going that far. My amendment merely requires, if we are going to use them, let the families know in advance.

We should try to help schools get off of these products. My amendment takes the first step toward reducing the use of toxic pesticides in schools nationwide by encouraging schools to adopt similar policies to those I have cited in my home State.

I think it is important, since we look to parents to protect their children, that those parents have the information and can decide how to proceed. Maybe if they find out there is toxic spraying going on, they will get together and try to come forward with a different brand of pesticide. All in all, I think we are giving parents more tools to be able to control the lives of their children and what their children are exposed to.

I am very hopeful that the Republican side of the aisle will reach across the aisle and accept this amendment. If they do so, I will not require a recorded vote; a voice vote will do just fine.

I ask my friend from Georgia does he have any information as to whether this amendment will be able to be accepted and disposed of by a voice vote at this time?

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, if I might respond to the Senator from California, I am not 100 percent certain. As I told her when she came to the floor, it appears that that will be acceptable; in which case, we will do a voice vote. But I am not totally certain yet. I am sure I will be by the time we start voting.

Mrs. BOXER. I thank my friend very much because I think we could all be proud of this amendment. It is quite simple. Again, we are giving parents information they should have, and we are essentially telling the Environmental Protection Agency to do a better job of getting this booklet out to all the school districts.

I thank my friends for their indulgence and yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that the Boxer amendment be set aside and Senator LANDRIEU be allowed to speak for 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Louisiana.

AMENDMENT NO. 2867

(Purpose: To promote teacher and principal quality and professional development)

Ms. LANDRIEU. Mr. President, I send an amendment to the desk on behalf of myself, Senator LIEBERMAN, and Senator BAYH.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Louisiana [Ms. LANDRIEU], for herself, Mr. LIEBERMAN, and Mr. BAYH, proposes an amendment numbered 2867.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Ms. LANDRIEU. Mr. President, I offer this amendment on behalf of Senator LIEBERMAN, Senator BAYH, and myself. Others may be joining.

The amendment has to do with improving the quality of teaching in our public schools, to provide resources to our States and our local communities to help teachers gain additional professional skills to help them do a better job in the classroom.

The amendment will provide an additional $1 billion to States and local governments. It will encourage States to design their own initiatives. Many States are well on their way in this regard and are seeing great progress. Other States and other communities have a long way to go.

I am not going to spend my time right now relaying all the statistics in this regard, only to say that a large percentage—by some estimates, 40 percent; in some communities, 50 percent—of the teachers teaching in public elementary and high schools are not certified and, by the standards set by their own local communities and States, not qualified to teach a particular subject matter.

In particular, we have had a shortage of teachers in the math and science areas. Although we have made great progress in that particular area in the last couple of years, we have a way to go.

On the general issue of education, I thank my colleague from Georgia for his handling of this issue. I say to both of the leaders and to my colleagues, I hope we will stay on the issue of education. It is the most important issue to the American public. Whether our children are in public school or not, as taxpayers, as parents, as grandparents, as young people, this issue is weighing heavily on the American people today. They want the proper and appropriate response from Washington. They want us to discuss it, but, more importantly, they want us to act.

Whether we agree to pass this bill or not, one thing is clear in our minds: We all agree that elementary and secondary education in America is in need of reform. We must accelerate the progress and the reforms that are underway.

It is simply taking too long. We are not making enough progress in the areas where we need to, satisfied with the status quo. It is not because public schools aren't working, it is that they are just not working well enough for the children and families who need them the most and depend on them the most. And we have reams and reams and reams of material to back up this statement. We all agree that the current rate of student achievement is simply not satisfactory for a large number of our students.

Again, there are many public schools that are working well. There are many classrooms—hundreds and thousands—that are functioning beautifully. Yet, under the status quo, many students are being left behind, many districts left out, many States not meeting the goals.

We must begin in this year, the year 2000, to consider new ways to help increase the quality of learning for our youth. We are not alone in this sentiment in the Senate or in the House. Pick up any newspaper or magazine daily and you will see articles on the need for reform and the need for new testing results and smaller class size. School construction has been in the daily headlines for months—in fact, years. Speak to any parent and they will tell us about the need for change. Talk with teachers who are in the classrooms.

Of the eight goals set by the National Goals Panel in 1992, which many of us and many Governors and grassroots leaders worked on, not one has been satisfactorily accomplished to date.

Admittedly, some of the goals were quite lofty—if you will, reaching for the stars. Nonetheless, in the 6 years after a tremendous amount of work, a tremendous amount of money, we are not making significant progress. Up to 28 categories were chosen to monitor these 8 goals in the United States as a whole, and we have improved in only 12 of those categories. We have made no progress in 11, and we have actually declined in 5.

Here is the National Education Goals Report which contains all of these details. They are discouraging, in my opinion. I am happy to see that we have made significant progress in increasing our math and science scores. But we have gone down in some very important areas—in teacher certification; reading scores at the 4th grade, 8th grade, and 12th grade levels have not appreciably improved. According to the National Commission on Teaching in America, fewer than 75 percent of all teachers have been licensed specifically in their area.

This is not the kind of reform—or at least the pace of reform—we should accept, or we need to accept, or we need to embrace. We need to say, yes, while we are doing some things very well, we have to accelerate the pace of reform and make some fundamental changes.

My husband and I are building a house here on Capitol Hill, and it has been a wonderful experience—if we can get through this without fighting too much and all of the things that go along with building a house. It sort of reminds me of this debate. We spend a lot of time in the Senate and House floor giving speeches about specific areas. We talk about school construction, early childhood education, teacher quality, or new reading programs, which are all good. It is like talking about redesigning a window or redesigning a kitchen or redoing a living room. I am talking about something many of us feel strongly about—a new foundation.

We need to build a "bigger house" so that all the children can find a place in this house. We need to build a much better house. You can't do it by arguing about the size of windows, or the color of the carpet, or the decor of the living room, which is how we are spending a lot of our time here. We need to talk about fundamental, foundational change in the way the Federal Government helps to reform and accelerate the pace of reform in America today.

Let me outline a few principles that I think are very important.

No. 1, in my opinion, we can't do this in the piecemeal manner in which we have been approaching it—whether it is a great idea for a new tax gimmick or scheme, or a good tax policy, depending on how you look at what we have debated, whether it is about a specific amendment, or school construction, or a new bond issue that will give us interest-free loans for our local governments or even extend the debt.

We need to accept the fact that comprehensive reform is necessary. We have that opportunity in this Congress. As we go to the reauthorization of the Elementary and Secondary Education Act, which is now in committee and being debated in our Education Committee, it is my great hope that out of that committee and to this floor will come not a piecemeal approach, but a fundamental, foundational approach that would have a couple of components: One, that we would trust our local government and our Governors and our mayors and our legislators, and that it would be a bipartisan trust, and say that many Governors—not all—have been making considerable headway in their States with new accountability standards, new innovation, pressing hard to make sure the resources get to the classroom.

One of the great changes we need to make in a comprehensive way is saying that we don't have all the answers, and we don't want to micromanage, that we want to trust our local government officials and give them the flexibility they need toward this accelerated reform about which I am speaking. We need to reward them for their performance, reward them for being successful. Stop rewarding failure. Stop giving more money to the schools that have poor results, and start encouraging our local officials through the way we fund elementary and secondary education, and base our funding on the rate of improvement so each school area competes against its own standards; and when a school fails, encourage the local system, when there is a failing, to take real measures. Don't leave the children in a school that is not working. They have already been punished enough.

Let us create a comprehensive system of reform that rewards innovation, that expects excellence, and that stops being satisfied with failure, and trust our local officials to do that.

I feel very strongly about the word "accountability," but we toss it around so much. I am not sure we all agree on what it means. I don't want them accounting for the number of pencils purchased or the numbers of textbooks. I don't want them accounting for the number of computers. I want to have the locals account for the improvement of test scores of their students. How are the teachers improving? Is there greater parental involvement? These are the measures of accountability on whether a school is working or not. And I will also go so far as to say it is not only test scores, although that is clearly important, and we need to have national standards set perhaps at local levels, but national measurements of achievement. But also the morale of the school, the enthusiasm of parents, and the spirit of the teachers and the principals all should be considered in terms of the way we fund schools and what we expect.

I can walk into a school—and I have walked into hundreds of them, as you have, Mr. President, and as many of our colleagues have—and tell from the minute I walk in the door whether the school is working or not, and whether there is learning going on. It doesn't matter if the place is shiny and painted, although that helps and lifts your spirit. But it is also about the brightness in the eyes of the students, and the brightness in the eyes of the teachers and the principals, that they are a team, that they are working together and accomplishing great things.

Some of the schools I have visited in very poor areas with very poor children are doing a beautiful job. In some places, it seems everything should be going well because on the outside it all looks good, but there is not a lively spirit.

It is hard to legislate along these lines. But I think it is a real goal we should strive for to determine our funding in a way that encourages that kind of light and commitment at the local level and to join with our Governors and with our legislators and not against them in this effort.

It is my great hope we will continue this debate. I know we are going to vote on this particular bill tonight. But, again, this is like discussing a particular window dressing. It might help the overall look of the house and actually make the house be part of a great looking building, but we need to be talking about the great foundation. I hope this Congress will stay on education week after week this year, and next year if necessary, until we get the new foundation laid for the way the Federal Government should work with our local governments so that we can have accelerated, positive reform in public schools.

I know people are frustrated. The answer is not to abandon the public school system. It is not to walk away through vouchers or other systems. It is to stand steady and redo the foundation in a comprehensive reform at the national level, which is only 7 to 9 percent of the budget, but an important 7 to 9 percent of the total education budget, and stand steady and produce comprehensive Federal legislative reform from this level to ensure every school is working in every community for every child. I believe we most certainly can meet that test.

One of my colleagues, Senator HERB KOHL from Wisconsin, is also supportive of this amendment and wanted to associate himself with the statement. I certainly appreciate his help and his support.

Let me close by saying, again, I thank the leaders who have been helping us with this particular debate and thank all of my colleagues who have spent their time coming down to the floor and talking about very important and significant issues. But, again, I believe the time is now, since this report was issued in 1999, to recognize that while some good things are happening, they are not happening fast enough. We cannot be satisfied with the status quo. We cannot continue to be piecemeal in our efforts. A comprehensive overhaul of the way the Federal Government funds education, trusting our local officials, granting flexibility, focusing on accountability, and, yes, increasing resources.

I am one of the Members of this body who has agreed on a tax cut that can be reasonable and responsible. I also agree it is a great time to make some strategic investments. I, for one, would be willing to make a huge investment in education but not unless structural reform is in place. We cannot continue to throw more money at an old problem and be satisfied with a rate of result which is not good enough and is leaving too many of our students behind.

I believe the budget is at least poised to make some significant investment in education. Let us do it with comprehensive reform and a new direction of Federal support that will result in greater performance of our schools at the local level. I think we are up to the task. I know we can do it in a bipartisan way.

I thank the Senators who have joined me in this particular amendment. I may or may not ask for a vote on this particular amendment before we finish this debate.

But I also wanted to mention Senators LINCOLN and BREAUX. I mentioned Senator BAYH. Senator LIEBERMAN is supportive of this particular amendment. We may or may not ask for a specific vote on it, but, again, I want to reiterate how important comprehensive reform us and to take the time this year to get it done.

I yield the remainder of my time.

Mr. KOHL. Mr. President, I rise today in support of both the pending amendment and the underlying Education Savings Account bill. Education Savings Accounts will clearly help some families save money for their children's education, but they are only part of the solution to improving education in our country.

The amendment proposed by the Senator from Louisiana is another part. It represents the work of several Senators who are trying to take a realistic, effective approach to improving public education. I urge my colleagues on both sides of the aisle to take a serious look at our bill, the Public Education Reinvestment, Reinvention, and Responsibility Act—better known as "Three R's".

We have made great strides in the past six years toward improving public education. Nearly all States now have academic standards in place. More students are taking more challenging courses. Test scores have risen slightly. Dropout rates have decreased. But there are still significant improvements to be made. A recent study of students from 41 different countries found that American students still score far behind those in other countries.

Addressing this sort of fundamental failure is going to take more than cosmetic reform. We are going to have to take a fresh look at the structure of Federal education programs. We need to let go of the tired partisan fighting over more spending versus block grants and take a middle ground approach that will truly help our States, school districts—and most importantly, our students.

Our "Three R's" bill does just that. It makes raising student achievement for all students—and eliminating the achievement gap between low-income and more affluent students—our top priorities. To accomplish this, our bill centers around three principles.

First, we believe that we must continue to invest in education, and invest wisely, targeting funds where they are needed the most. Second, we believe that States and local school districts are in the best position to know what their educational needs are. They should be given more flexibility to determine how they will use Federal dollars to meet those needs. And third, and most importantly, in exchange for increased flexibility, public schools must be accountable for results. These principles are a pyramid, with accountability being the base that supports the federal government's grant of flexibility and funds.

For too long, we have seen a steady stream of Federal dollars flow to States and school districts—regardless of how well they educate their students. This has to stop. We need to reward schools that do a good job. We need to provide assistance and support to schools that are struggling to do a better job. And we need to stop subsidizing failure.

The amendment before us now is the Teacher Quality and Professional Development section of the "Three R's" bill. It would increase funding for teacher quality and professional development to $2 billion, and target those funds to the neediest school districts. It gives States and school districts more flexibility to design teacher recruitment, mentoring, and professional development programs. And it requires States and school districts to ensure that every student will be taught by a fully qualified teacher—and holds them accountable for making sure that happens.

Mr. President, the amendment before us today is just one part of the "Three R's" bill. It focuses on one of the most important parts of improving education—improving teaching. It is an example of how, by using the concepts of increased funding, targeting, flexibility—and most importantly, accountability—we can work with our State and local partners to make sure every child is taught by a qualified teacher. I look forward to continuing to work on these issues when the Senate considers ESEA.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that the amendment of the Senator from Louisiana be set aside, and the Senator from New York be recognized for 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from New York.

Mr. SCHUMER. Thank you, Mr. President.

AMENDMENT NO. 2868

(Purpose: To put teachers first by providing grants for master teacher programs)

Mr. SCHUMER. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] for himself, and Ms. Landrieu, proposes an amendment numbered 2868.

Mr. SCHUMER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

TITLE —21ST CENTURY MASTER TEACHER PROGRAMS

SEC. 01. MASTER TEACHER PROGRAMS.

Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.) is amended—

(1) by redesignating part E as part F; and

(2) by inserting after part D the following new part:

"PART E—MASTER TEACHER PROGRAMS

"SEC. 2351. MASTER TEACHER PROGRAMS.

"(a) DEFINITIONS.—In this part:

"(1) BOARD CERTIFIED.—The term 'board certified' means successful completion of all requirements to be certified by the National Board for Professional Teaching Standards.

"(2) MASTER TEACHER.—The term 'master teacher' means a teacher who is certified by the National Board for Professional Teaching Standards and has been teaching for not less than 3 years.

“(3) NOVICE TEACHER.—The term ‘novice teacher’ means a teacher who has been teaching for not more than 3 years at a public elementary school or secondary school.

“(b) PROGRAM AUTHORIZED.—

“(1) AUTHORITY.—

“(A) IN GENERAL.—The Secretary is authorized to award grants on a competitive basis to local educational agencies to establish master teacher programs as described in paragraph (4).

“(B) DISTRIBUTION.—To the maximum extent practicable, the Secretary shall award grants under subparagraph (A) so that such grants are distributed among the school districts with the highest concentration of teachers who are not certified or licensed or are provisionally certified or licensed.

“(2) DURATION.—A grant under paragraph (1) shall be awarded for a period of 5 years.

“(3) AMOUNT.—The amount of a grant awarded under paragraph (1) shall be determined based on—

“(A) the total amount appropriated for a fiscal year under subsection (h); and

“(B) the extent of the concentration of teachers who are not certified or licensed or are provisionally certified or licensed in the school district involved.

“(4) AUTHORIZED ACTIVITIES.—The master teacher programs described in paragraph (1) shall provide funding assistance to teachers to become board certified, including the provision of the board certification fee.

“(c) APPLICATIONS.—

“(1) IN GENERAL.—A local educational agency desiring a grant under subsection (b) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

“(2) APPROVAL OF APPLICATION.—The Secretary shall make a determination regarding an application submitted under paragraph (1) based on a recommendation of a peer review panel, as established by the Secretary, and any other criteria that the Secretary determines to be appropriate.

“(d) PAYMENTS.—

“(1) IN GENERAL.—Grant payments shall be made under this section on an annual basis.

“(2) ADMINISTRATIVE COSTS.—Each local educational agency that receives a grant under subsection (b) shall use not more than 2 percent of the amount awarded under the grant for administrative costs.

“(3) DENIAL OF GRANT.—If the Secretary determines that a local educational agency has failed to make substantial progress during a fiscal year in increasing the percentage of teachers who are board certified, or in improving student achievement, such an agency shall not be eligible for a grant payment under this section in the next succeeding year.

“(e) REPORTS.—Not later than March 31, 2004, the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives a report of program activities funded under this section.

“(f) MATCHING REQUIREMENT.—The Secretary may not award a grant to a local educational agency under subsection (b) unless the local educational agency agrees that, with respect to costs to be incurred by the agency in carrying out activities for which the grant was awarded, the agency shall provide (directly or through donations from public or private entities) non-Federal contributions in an amount equal to 25 percent of the amount of the grant awarded to the agency.

“(g) REPAYMENT OF FUNDS.—

“(1) IN GENERAL.—In the case of any program under this section in which assistance is provided to a teacher to pay the National Board for Professional Teaching Standard board certification fee to become board certified, assistance may only be provided if the teacher makes agreements as follows:

“(A) The teacher will enter and complete the National Board for Professional Teaching Standards board certification program to become board certified.

“(B) Upon becoming board certified, the teacher will teach in the public school system for a period of not less than 2 years.

“(2) BREACH OF AGREEMENTS.—A teacher receiving assistance described in paragraph (1) is liable to the local educational agency that provides such assistance for the amount of the certification fee described in paragraph (1) if such teacher—

“(A) voluntarily withdraws or terminates the certification program before taking the examination for board certification; or

“(B) is dismissed from the certification program before becoming board certified.

“(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $50,000,000 for each of the fiscal years 2001 through 2005.”.

Mr. SCHUMER. Mr. President, I rise to offer my amendment, the Teachers First Act, to the education bill we are currently considering.

If you had listened to the debate over the last 2 days on this bill as I have, there is not a single Senator who is satisfied with the quality of education in our public schools. We have different prescriptions, but we are unanimous in our belief that U.S. schools must do better in this globally competitive and idea-based world.

In my own State, at the end of the last fiscal year, New Yorkers were shocked to learn that half of the State's fourth grade students could barely handle written and oral work. Over the past 8 years, the number of New York schools cited for poor performance has more than doubled. This is simply unacceptable.

I am concerned, of course, as a Senator from New York, but I am even more concerned as a parent because my two daughters attend public schools in New York City.

For me, if we could accomplish only one thing, if we could make only one change to our schools to raise the quality of education for all kids, it must be to improve the quality of our teachers and make the teaching profession more attractive to young people.

In the past, America was able to attract high-quality young people to teach—top-quality women who were locked out of other professional fields, talented men because of the promise of stable employment, or as an alternative to the Vietnam war draft. Today, very unfortunately for our country, to choose to teach is to choose financial sacrifice. And quality has become less important than filling vacant teacher slots. This has to change for a whole bunch of reasons.

First, today's economy depends more on the quality of the minds we provide in our schools than the minerals we dig in the soil or the wealth of the fields.

Two, we have an enormous teacher shortage on the horizon.

Three, studies tell us that teacher qualifications account for more than 90 percent of the differences of students' reading and math scores.

Let me repeat that because it is an astounding fact.

Studies tell us that teacher qualifications account for more than 90 percent of the differences in students' reading and math scores. So quality and training count.

The bad news is that more than 12 percent of all newly hired teachers enter the workforce with no training at all, and 37 percent of all new teachers nationwide lack full certification.

I was at a reception of the North Carolina Community Bankers. I had not had lunch and I wanted to smell the crab cakes. I told them about the amendment I was submitting because much of the idea of this amendment came from the work of Gov. Jim Hunt of North Carolina. One of the bankers said: Why should we have any teachers who are not certified? I said: We shouldn't. He said: Why do we let them teach?

The answer is very simple. We do not have enough qualified teachers applying for the jobs at existing salary levels. Given the working conditions of a teacher, given that the starting salary of a teacher in America is $24,000 a year, schools—particularly in rural and inner-city areas, but now in other places, too—are facing a Hobson's choice: no teacher or an unqualified teacher, an uncertified teacher.

There is no other choice. The number of people who are certified doesn't fill the need for the number of teachers.

I think it should be a given in this great democracy of ours that every American child deserves to be taught by a highly qualified and motivated teacher. Scarce Federal dollars should be used to support and help replicate successful programs to recruit and retain high-quality teachers. And we should have standards in accountability to ensure that we are doing right by our children.

I am proud to have worked with Senator KENNEDY, and I compliment Senator KENNEDY's tremendous leadership on his qualified-teacher-in-every-classroom amendment. This effort, unfortunately, failed this afternoon. It would have included mentoring and professional development programs, provided resources and ongoing support to teachers, particularly in the subject areas of math and science where they are desperately needed. The number of teachers, by the way, in math and science who are qualified and certified overall is very low for the simple reason those individuals can make virtually double in the private sector with a background in math and science.

Second, that accountability measures for States and local districts to improve teacher quality be real.

Third, that recruitment efforts to attract the best and brightest continue.

As a complement to the fine work of Senators KENNEDY, BINGAMAN, WELLSTONE, MURRAY, REED, and others, I am introducing an amendment that will provide funding for teachers to complete a 1-year intensive program to become board certified. The National Board for Professional Teaching Standards is the gold seal of certification. We want doctors, accountants, and architects to obtain board certification. We must have the same for teachers.

I am one who believes strongly in standards and accountability in the educational system. I do not believe we should be lowering the bar for teachers or for students. To lower the bar is the end of a great American tradition of meritocracy; that is, no matter who you are or where you come from, if you meet certain standards, you get the job.

On the other hand, if we are not going to lower the bar—and we certainly shouldn't, and I support many of my colleagues in that viewpoint on both sides of the aisle—we then have to make sure people can get over the bar.

If there are too few teachers right now who meet certification, we can have uncertified teachers in the classroom or we can help more teachers become certified. That is the nub of this program.

Board certification requires teachers to undergo a rigorous regime of testing and assessments based on actual classroom teaching, lesson plans, and student work samples. This is not some abstract test that one takes. This is real on-the-job training. Teachers seeking board certification are also required to pass written exams designed to test subject matter knowledge, curriculum design, and student assessment techniques. The process takes nearly a year and costs $2,000.

My proposal provides $50 million a year in grants for 5 years to cover 75 percent of the costs of certification in those districts with the highest concentration of teachers who are not certified or licensed. The local district would match the remaining 25 percent and teachers would agree to remain within the school district as master teachers for at least 2 years after certification.

Why don't we just simply allow localities to do this on their own? Because they don't. They are strapped for funds, they have day-to-day needs and concerns, and they will take an uncertified teacher and put them in the classroom because they are faced with the choice of no teacher.

This is just the type of program the Federal Government should initiate. We shouldn't mandate a program on the school districts. No school district has to participate in this. Rather, we ought to focus on the pressure points and pinpoint where a little financial incentive will encourage school districts to do things that we think we need.

As my colleague, Senator DODD, said in a private conversation the other day, we do have national values. To give money to local school districts and say, do whatever you want with it, ensures the same old situation with which we are not happy. If we agree that we should raise the bar for who should be teachers, what better method than to give dollars to local school districts that wish to help certify more teachers? Not all dollars; they have to match it 25 percent so it means something to them, but it gives them help.

The bottom line is that we have to make teaching an exalted profession in the 21st century as the professions of law and medicine have been in the 20th century. My amendment is a step in the right direction.

Today, only nine States have over 90 percent of their teachers who are nationally board certified. My own State has 61 board certified teachers; 61 out of 205,000 teachers in New York State. That ratio is abysmal. It is time to make a change. I urge my colleagues to join me in supporting this amendment.

I yield back the remainder of my time.

Mr. COVERDELL. Mr. President, I ask unanimous consent that at 6:45 the votes commence, with the first vote limited to 15 minutes and all successive votes be limited to 10 minutes. There will be 2 minutes for explanations prior to each vote. I also ask any amendment agreed to by the Senate be modified to conform to the earlier-passed Roth amendment.

Let me announce the sequence of the votes: COVERDELL, BOXER, BINGAMAN, WELLSTONE, FEINSTEIN-SESSIONS, DURBIN, KERRY, BOXER, SCHUMER, and final passage.

The leader has advised both managers that the time limits on the votes will be strictly adhered to. We had a lot of trouble earlier this afternoon. He is insistent that we follow this schedule. Some of these votes may be by voice vote. We are still working on that.

This is the general outline of where we are going in the next 15 minutes.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent it be added to the agreement that Senators TORRICELLI and LIEBERMAN have the remaining time until 6:45 to speak. Senator LIEBERMAN wants to speak to the Landrieu amendment and Senator TORRICELLI wants to speak on the bill itself.

Mrs. BOXER. Reserving the right to object, I didn't hear the rest of it. We had an arrangement to speak for 5 minutes.

Mr. COVERDELL. At 6:45.

Mrs. BOXER. I should be here at 6:45.

Mr. COVERDELL. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair.

I rise to speak both in favor of the underlying proposal offered by the Senator from Georgia and the Senator from New Jersey, which I am pleased to be a cosponsor of, but also to speak on behalf of an amendment that has been introduced by the Senator from Louisiana, Ms. LANDRIEU, on behalf of herself, Senator BAYH, and myself.

Let me say briefly, on the underlying proposal, it is a modest but important proposal which encourages parents and enables parents through the tax benefits provided to set aside some money for their children's future, and to use it for a variety of educational purposes that have been well outlined here. This proposal, as has been said over and over again, is no different than existing legislation for use at the college level. I support it enthusiastically and think it is a step forward. It will be of particular help to struggling middle-class families who want the best for their children's education and often find it hard to pay the way. This will help them just a little bit.

Second, speaking about the amendment offered by Senator LANDRIEU and Senator BAYH and myself, as I have followed the debate on the Coverdell-Torricelli proposal, I have been troubled, again, to see the Senate divided largely along partisan lines. The lines are familiar, the arguments have been heard before, but they do not get us anywhere, and they particularly do not respond to the message that I get clearly when I go home and speak to people in Connecticut and that I guess my colleagues here get when they go to their respective States. It is that there is nothing that matters more to the people of America today than to improve our system of education, particularly public education, but all education, private, faith-based as well.

If we respond to that clear plea, that priority of our constituents, with partisanship and posturing that produces nothing but a continuation of the status quo, then shame on us. So in hopes of reaching a realistic consensus in the weeks ahead, this debate in some ways has been a warm-up. But it is an important one that has substance attached to it for the broader debate on the Elementary and Secondary Education Act.

The amendment Senator LANDRIEU has put forward is a piece of a broader proposal that she and I and Senator BAYH, Senator LINCOLN, and others are developing as a total reform of the Elementary and Secondary Education Act. It is building on good news in a number of our States which are moving in the direction, not of a fixation with rules and regulations or bureaucracies but concentrating instead on results: How can we improve the educational performance of our children?

In the States that are succeeding, they are doing three things. First, they are infusing new resources into their public education systems. We are going to have to invest more. Second, they are giving local districts more flexibility in how they meet those higher standards as they determine the needs of their children and local school systems. Third, they are demanding new measures and mechanisms of accountability to increase the chance that these investments will yield the intended return, which is higher academic achievement by all of our students. Those are the goals of the bill that Senators LANDRIEU, BAYH, LINCOLN, I and several others are drafting.

It calls for revamping the framework of our Federal education programs and engaging the States in a new performance-based partnership, where we would significantly increase Federal funding to help our schools meet these new expectations, to target these new dollars to the communities and children who are disadvantaged, who need them most, and to provide State and local officials with broad latitude in allocating these resources to meet their specific priorities. We then hold the States responsible for showing progress in meeting those goals, to reward those who do and, yes, to punish those who do not better educate our children.

In this approach, we believe and hope, are the seeds of a bipartisan solution. It brings together what is best on both sides of the favored educational reform. For those who call for more resources and more targeting to poor urban and rural districts, we are proposing increasing our investment in ESEA by $25 billion over the next 5 years, 80 percent of which would be put into title I.

For those who call for more flexibility of local control, we propose consolidating the mass of Federal categorical grant programs, a kind of Washington-knows-best attitude, into five performance-based partnership grants, all of which are tied to the overarching goal of raising our children's academic achievement. And for everyone, the parent in particular, who is concerned about the bottom line—and the bottom line here is how well are my children being educated—we propose making accountability our new education linchpin by rewarding States that exceed their own performance goals and punishing those who routinely fail to show such progress.

We plan to introduce this bill next week and hope to have it considered on the floor during the ESEA debate. In the meantime, I appeal to my colleagues on both sides of the aisle to take a hard look at that proposal and the ideas behind it.

I recognize nothing we do at the Federal level can, by itself, solve the problems of education in our country. But we can create incentives for change and innovation. We can identify the way and build the will to get there, which is our goal, as is, may I say, the goal of the underlying bill before the Senate today.

I support the Landrieu amendment. I am proud also to state my support for the Coverdell-Torricelli bill.

I yield the floor.

Mr. COVERDELL. Mr. President, I think by previous accord, not necessarily by unanimous consent, Senator TORRICELLI will have the time remaining until the voting occurs.

Mr. TORRICELLI. Mr. President, I first express my admiration and, indeed, thanks to Senator COVERDELL who, through these many days and many years, has both written this measure and brought it to this moment of judgment. I have been proud to be his partner in this process, though admittedly he has shouldered far more than half of this load, bringing us to this moment of judgment. I am genuinely grateful and proud to have worked with him.

Mr. COVERDELL. I think the Senator knows the compliments are mutually shared.

Mr. TORRICELLI. I thank my colleague.

At this point I think every argument has been made and almost everybody has made them. This Senate has now looked at the question of education savings accounts from every possible perspective. I know these arguments, both for and against the legislation, have been sincerely made. But, indeed, I fear that what is the beginning of a long and detailed analysis of the problems of American education has been plagued by a perennial senatorial problem, and that is making the perfect the enemy of the good.

Neither Senator COVERDELL nor I have ever argued that offering these private savings accounts would solve every education problem in America. They will not. No Senator could come to this floor with any proposal solving every problem. But they are the opening shot in a revolution in American education, a revolution that, if we are wise enough, will at some point include the construction of new schools, the raising of teacher salaries, the increasing of accountability, and new standards. But on this day, if we succeed, it changes the battle lines in American education by bringing private resources and the private community into the process of education.

Throughout the history of our country, we have allowed American education to be simply a question of what local governments, sometimes with Federal resources, can do through the instruments of Government to educate children. That formula will always dominate American education. We seek to change it if only in this marginal degree. By the use of these private savings accounts, we estimate that $12 billion of family resources will be used to help educate children from kindergarten through high school. That is not a substitute for public resources. It does not divert public resources. Indeed, not a dollar of public money is diverted from the public schools to any other institution. It does allow the community, a family at the birth of a child, to establish these savings accounts and then call upon grandparents, parents, cousins, churches, synagogues, labor unions, and corporations to contribute moneys into these funds.

That cannot be bad. Mr. President, $12 billion will be spent on education tomorrow that is not spent today. We may divide on other issues of education, but no one can sincerely argue in this Chamber those resources are not needed or that it is not a good thing parents or churches or grandparents have a vehicle to participate in that child's education.

I know my colleagues, particularly my Democratic colleagues, are sincere when they express concern, but this legislation will not help every child. I cannot argue that point. There are some families so wealthy they may not qualify, and there are some families so poor they may not be able to contribute or find sponsors who will. For them, there are other days, other legislation, and other proposals which this Senate has an obligation to consider. But on this day, on this vote, for millions of American families, working-class families, people who work hard every day, middle-income families who can save $50, $100, $1,000 for their child, this is a vehicle.

Under what possible reason would the Federal Government be taxing the interest of an account where a family saves for the education of their child? Not only should we not be taxing it, we should be doing everything possible to encourage that family to save that money. It will help most families.

Yet many of my colleagues still argue: But the money will be diverted from public schools. No, I say to my colleagues, not a dollar. Indeed, the CBO has estimated that 70 percent of this money will actually be spent by public school students.

The other day, in this Chamber, my friend and my colleague, whom I admire greatly, Senator DODD, said: But the public schools are free. No, I say to my colleagues, public schools are not free. Afterschool activities cost money, tutors cost money, transportation costs money, books cost money, computers cost money.

Some of the greatest champions in the Senate of public schools in America have argued against this legislation in the belief they are defending public schools. Most of this $12 billion will go to the public schools so middle-class families and working families will be able to use these funds to help pay for public school activities. Yet some of this money will also go to help pay the tuition of private school students, and that is a good thing, too.

I say to my colleagues, this has been a good debate. This is a sound proposal. I hope and I trust on a bipartisan basis we will send a signal that this Congress is finally serious about genuine education reform; that we will return on another day to deal with the problem of teacher salaries, construction, and standards, but that on this day, we will marshal private resources to deal with the public and private school problems of America.

This is good, and it is sound legislation. It passed the House of Representatives on an overwhelming bipartisan basis. Almost every Member of this Senate voted for the identical proposal to fund higher education. Now we offer the same bill with the identical language to deal with K through 12. Senator COVERDELL, I believe, has made a great contribution by this legislation. I am very proud to join with him in offering it and very proud that it has become a genuinely bipartisan proposal.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The hour of 6:45 p.m. having arrived, under the previous order, the Senate will proceed to vote.

The Senator from Georgia.

Mr. COVERDELL. Mr. President, I thank my colleague from New Jersey for his dedication and courage.

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 2867, WITHDRAWN

Mr. REID. Mr. President, I ask unanimous consent that the Landrieu amendment be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I further ask for the yeas and nays on the Durbin amendment and on the Boxer amendment.

The PRESIDING OFFICER. Without objection, it shall be in order to order the yeas and nays.

Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2880, AS MODIFIED

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Boxer amendment No. 2880 on pesticides be modified with the changes that are at the desk and that we proceed to a voice vote. Under the procedures of voting, the Senator will have 1 minute of explanation, and then we will proceed to a voice vote.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

At the end, add the following:

SEC. . PESTICIDE APPLICATION IN SCHOOLS.

(a) IN GENERAL.—Each school that receives Federal funding shall—

(1) take steps to reduce the exposure of children to pesticides on school grounds, both indoors and outdoors; and

(2) provide parents and guardians of children that attend the school with advance notification of certain pesticide applications on school grounds in accordance with subsections (b) and (c).

(b) EPA LIST OF TOXIC PESTICIDES.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency shall distribute to each school that receives Federal funding the current manual of the Environmental Protection Agency that guides schools in the establishment of a least toxic pesticide policy.

(2) LIST.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall provide each school that receives Federal funding with a list of pesticides that contain a substance that the Administrator has identified as a known carcinogen, a developmental or reproductive toxin, or a category I or II acute nerve toxin.

(c) PARENTAL NOTIFICATION OF TOXIC PESTICIDE APPLICATIONS IN SCHOOLS.—

(1) IN GENERAL.—On or after the date that is 18 months after the date of enactment of this Act, any school that receives Federal funding shall not apply any pesticide described in paragraph (b)(2) on school grounds, either indoors or outdoors, unless an administrative official of the school provides notice of the planned application to parents and guardians of children that attend the school not later than 48 hours before the application of the pesticide.

(2) NOTICE.—The notice described in paragraph (1)—

(A) shall include—

(i) a description of the intended area of application; and

(ii) the name of each pesticide to be applied; and

(B) shall indicate whether the pesticide is a known carcinogen, a developmental or reproductive toxin, or a category I or II acute nerve toxin.

(3) INCORPORATION OF NOTICE.—The notice described in paragraph (1) may be incorporated in any notice that is being sent to parents and guardians at the time at which the pesticide notice is required to be sent.

Mrs. BOXER. Mr. President, I understand the Senator from Nevada would like to speak for 1 minute, in addition to my 5 minutes; is that all right? Are we discussing the pesticide amendment or the gun amendment?

Mr. COVERDELL. Pesticide.

The PRESIDING OFFICER. It is the Chair's understanding the Senator from California had 1 minute.

Mr. COVERDELL. That is correct.

Mrs. BOXER. Mr. President, that is fine with the Senator from California. I thank my friend from Georgia. We made a small change in my amendment. Essentially, what we are telling parents now is that if the schools their kids go to are going to be sprayed with dangerous pesticides that are known carcinogens, that could cause nerve damage, they will be notified 48 hours in advance of the spraying that will be taking place.

In addition, what we do is we instruct the Environmental Protection Agency to take the booklet they have already produced on how to get away from using these very strong and toxic pesticides and send it to every school district in America.

I am very pleased this is being done. I have a larger bill, the Children's Environmental Protection Act, on which I invite everyone to join me. Children are not little adults. I am a little adult, but children are growing and changing. Their bodies are changing, their hormones are changing, and they are absolutely more adversely impacted by these toxins.

I thank my colleague very much. I hope we can have a voice vote.

Mr. COVERDELL. Mr. President, I yield back the 1 minute. I thank the Senator from California for her cooperation. I call for a voice vote on her amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2880, as modified.

The amendment (No. 2880), as modified, was agreed to.

Mrs. BOXER. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2881

(Purpose: To provide for a Manager's amendment to the bill as amended by Senate Amendment number 2869)

Mr. COVERDELL. Mr. President, I have a manager's amendment. It has been cleared on both sides. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. COVERDELL], for Mr. ROTH, proposes an amendment numbered 2881.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is printed in today's RECORD under "Amendments Submitted."

Mr. COVERDELL. Mr. President, I call for the adoption of the amendment.

Mr. REID. Mr. President, I have been told by staff that this has been cleared by the minority on the Finance Committee.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2881) was agreed to.

Mr. ROTH. Mr. President, I rise to address one provision in the managers' amendment that has been adopted.

The provision to which I am referring deals with the authority of the Federal

Housing Finance Board to allocate authority to Federal Home Loan Banks to guarantee school construction bonds. The provision contemplates legislation that "expressly" authorizes the Federal Housing Finance Board to allocate such authority to the Federal Home Loan Banks. No inference should be drawn from this provision with respect to the Federal Housing Finance Board's current authority.

I note that the general counsel of the Board has issued a legal opinion arguing that the Board has the implicit legal authority to allocate authority to Federal Home Loan Banks to guarantee school construction bonds.

I ask unanimous consent that a copy of a letter from Deborah Silberman, General Counsel, Federal Housing Finance Board, dated March 3, 1999, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEDERAL HOUSING FINANCE BOARD,
Washington, DC, March 3, 1999.

Mr. PAUL S. FRIEND,
Vice President and General Counsel, Federal Home Loan Bank of New York, New York, NY.

Regulatory Interpretation: FHLBank of New York Request for Regulatory Interpretation Regarding FHLBank Authority to Issue Standby Letters of Credit In Conjunction With Tax-Exempt Bonds or Notes, Including School Construction Bonds (99-RI-7).

DEAR MR. FRIEND: This is in response to your February 10, 1999 letter on behalf of the Federal Home Loan Bank of New York (FHLBank), as supplemented by a February 18, 1999 letter, requesting a Federal Housing Finance Board (Finance Board) Regulatory Interpretation regarding the FHLBank's authority, under recently promulgated Finance Board regulations, to issue standby letters of credit (SLOCs) in conjunction with tax-exempt bonds or notes.

Specifically, the FHLBank has requested confirmation that under the recently adopted Finance Board Regulation on SLOCs, the FHLBank would have authority to issue SLOCs in conjunction with tax-exempt bonds or notes "when the issues are designed to promote housing or the financing of commercial and economic development activities that benefit low- and moderate-income families, or that are located in low- and moderate-income neighborhoods." In addition, the FHLBank requests confirmation that the FHLBank could issue a "confirming" letter of credit on behalf of a member that provides a letter of credit for the benefit of bondholders in conjunction with a tax-exempt school construction bond issuance. Your February 18, 1999 letter indicates that the FHLBank's issuance of the confirming letter of credit would enable bond rating agencies to issue a triple "A" rating on the bond, as well as provide an additional guarantee of payment to the bondholders.

The Finance Board's former Interim Policy Guidelines For FHLBank Standby Letters Of Credit (SLOC Guidelines), Finance Board Resolution No. 93-63 (July 28, 1993), provided that the FHLBanks could issue or confirm SLOCs, on behalf of member institutions, "in conjunction with tax-exempt bonds or notes, only when the issues are designed to promote housing or the financing of commercial and economic development activities that benefit low- and moderate-income families, or that are located in low- and moderate-income neighborhoods." That is, the purpose of the tax-exempt bonds or notes had to be the financing of housing or commercial and economic development activities eligible for funding under the Bank's Community Investment Program (CIP), *see* 12 U.S.C. §1430(i).

On November 23, 1998, the Finance Board adopted a final regulation (SLOC Regulation), which codified and amended the SLOC Guidelines to allow for broader use of SLOCs by members and eligible nonmember mortgagees and eliminated or modified some of the restrictions that had been imposed on the SLOC's issued or confirmed by the FHLBanks. *See* 68 Fed. Reg. 65693 (Nov. 30, 1998). The SLOC Guidelines were rescinded by the Finance Board after the SLOC Regulation was adopted. *See* Finance Board Resolution No. 98-50 (Nov. 23, 1998).

Section 938.2(a) of the SLOC Regulation provides that:

> Each [FHL]Bank is authorized to issue or confirm on behalf of members standby letters of credit that comply with the requirements of this part, for any of the following purposes:
>
> (1) To assist members in facilitating residential housing finance;
>
> (2) To assist members in facilitating community lending that is eligible for any of the [FHL]Banks' CICA programs under part 970 of this chapter;
>
> (3) To assist members with asset/liability management; or
>
> (4) To provide members with liquidity or other funding.

See 63 Fed. Reg. 65693, 65699-65700 (*to be codified at* 12 C.F.R. §938.2(a)).

Where a member issues an SLOC to support a tax-exempt bond or note issuance, a FHLBank's issuance on behalf of the member of a confirming SLOC enables the transaction to receive a triple "A" rating from the bond rating agencies, lowering the interest rate paid on the bonds or notes and reducing the cost of the bond issuance. Therefore, the FHLBank's issuance of a confirming SLOC assists the member in facilitating the financing purpose for which the bond or note was issued. Moreover, the Preamble to the SLOC Regulation states that "a [FHLBank] SLOC may be issued to support the issuance of bonds." *See id.* at 65696. Accordingly, under section 938.2(a)(1) and (2), a FHLBank may issue a confirming SLOC on behalf of members in conjunction with tax-exempt bonds or notes, provided the bonds or notes are issued for the purpose of "residential housing finance" or "community lending."

The Community Investment Cash Advance Programs Regulation (CICA Regulation) provides the FHLBanks with an array of specific standards for projects, targeted beneficiaries, and targeted income levels that the Finance Board has determined support "community lending" under all CICA programs, including the CIP. *See* 63 Fed. Reg. 65536 (Nov. 27, 1998). Specifically, section 970.3 of the CICA Regulation defines "community lending" to mean "providing financing for economic development projects for targeted beneficiaries." *See id.* at 65546. "Economic development projects" are defined in section 970.3 as:

> (1) Commercial, industrial, manufacturing, social service, and public facility projects and activities; and
>
> (2) Public or private infrastructure projects, such as roads, utilities, and sewers.

See id. "Targeted beneficiaries" are defined in section 970.3 as beneficiaries determined by the geographical area in which a project is located, by the individuals who benefit from a project as employees or service recipients, or by the nature of the project itself, as further set forth in the CICA Regulations. *See id.* at 65547.

Thus, economic development activities that are financed by tax-exempt bonds or notes and that benefit low- or moderate-income families would have to be one of the types of eligible "targeted beneficiaries" set forth in section 970.3 of the CICA Regulation in order to qualify as "community lending" for the purposes of the SLOC Regulation. Economic development activities located in low- and moderate-income neighborhoods (*i.e.*, neighborhoods with an area median income of 80 percent or less) would be targeted beneficiaries for purposes of the CICA Regulation.[1]

School construction would qualify as an "economic development project" under section 970.3 of the CICA Regulations since it is a public facility project. Therefore, if the school construction project being financed by the tax-exempt bond qualifies as a "targeted beneficiary" for purposes of the CICA Regulation as discussed above, it would qualify as "community lending" for purpose of the SLOC Regulation. Accordingly, the FHLBank would have the authority, under the Finance Board's regulations, to issue, on behalf of a member, a confirming SLOC in conjunction with a tax-exempt bond financing such school construction.

Finally, please be advised that the Finance Board recently has adopted Procedures governing requests by the FHLBanks for regulatory interpretations. *See* Procedures for Requests and Applications, Resolution No. 98-51 (October 28, 1998). All future requests from the FHLBank for regulatory interpretations shall be required to conform to the requirements set forth in the Procedures.

If you have any further questions, please call the undersigned at (202) 408-2570.

Sincerely,

DEBORAH F. SILBERMAN,
General Counsel.

This is a Finance Board regulatory interpretation within the meaning of the Procedures for Requests and Applications adopted by the Board of Directors of the Finance Board pursuant to Resolution No. 98-51 (October 28, 1998). The regulatory guidance set forth herein may be relied upon by the recipient subject to modification or rescission by action of the Board of Directors of the Finance Board.

I concur: WILLIAM W. GINSBERG,
Managing Director

Mr. ROTH. Mr. President, in supporting this amendment, Senators do not necessarily agree or disagree with this legal opinion. What the Senate is stating is that if a bond issuer is to receive both the benefit of tax-exempt interest and a Federal Home Loan Bank guarantee, it can happen only if there is an express subsequent authorization enacted.

AMENDMENT NO. 2871, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, the next amendment is the Coverdell amendment.

Mr. COVERDELL. I ask for the yeas and nays.

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[1] Under section 970.3 of the CICA Regulation, a "targeted beneficiary" includes projects "located in a neighborhood with a median income at or below the targeted income level," and "targeted income level" is defined to include neighborhoods with an area median income of 80 percent or less. *See id.*

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. COVERDELL. I will speak for 5 minutes.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, earlier in the day, the Senator from California sent an amendment to the desk dealing with, I will say in shorthand, guns, but more particularly the shooting that occurred earlier this week in Michigan for which we are all deeply grievous.

I have offered a substitute that I think embraces the spirit of the amendment of the Senator from California. Earlier in the day she indicated she might vote for this one as well. I guess we will see.

The main differences are three. It is a little broader in scope. It acknowledges the problem of weapons in schools. It deals with drugs and culture, as well. It does not point the finger at the Congress or impugn in any way what the motives are of various people who have strong beliefs with regard to issues relating to guns.

It does not set an artificial deadline which is in the amendment that was offered by the Senator from California. The spirit of the amendment is very similar. I think it will receive very broad support. As I said, the amendment does not set an arbitrary date. It does not point the finger at anybody's motives. Also, it is broader.

It is an amendment that appreciates what is happening here. It involves many aspects of our lives. Witness the situation in Michigan, where we are now reading about the environment in which this child lived who is alleged to have perpetrated the crime that occurred. As Senator KERRY of Massachusetts said a little earlier, it is kind of hard to believe how that child was living.

That is the scope of the Coverdell amendment.

Mr. President, if there is any time remaining of my 5 minutes, I yield it back.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I wonder, since the Senator yielded back his time, if we can have an extra 2 minutes for Senator REID on my side?

Mr. COVERDELL. How much time do I have?

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. COVERDELL. I yield 2 minutes to the Senator from Nevada.

Mr. LOTT. Reserving the right to object, Mr. President—and I do not intend to object—I just want to determine how much time is left on this amendment.

Mrs. BOXER. Five minutes for me.

Mr. COVERDELL. Plus the 2 minutes I gave to Senator REID.

Mr. LOTT. Under my reservation, let me emphasize this, if I could. I believe after that we will be prepared to start voting. I know Senator REID has been working aggressively to try to reduce the number of amendments. I know the same is true with Senator COVERDELL. But as I now understand it, we still have eight amendments that could require votes. Hopefully, that can be reduced with some voice votes. Then there is final passage. So we could have as many as nine votes.

I emphasize to Senators, and to their staffs who are here or who are listening, we have already gotten an agreement that the first vote will be 15 minutes, and then there will be 2 minutes, a minute on each side, before each vote after that so people will have time to know what is in the amendments, and those will each be 10-minute votes. I am going to stay on the floor to enforce the time. We will end the first vote after 15 minutes, and we will end each vote after that after 10 minutes.

So staffs should notify Members to start coming to the floor and to be prepared to stay on the floor; don't go get something to eat. We can save as much as an hour of time if Members will cooperate. So I am going to enforce the voting time. I think Senator DASCHLE will support that and the sponsors, too.

With that, I do not object.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 2874, AS MODIFIED

Mr. REID. Mr. President, Senator COVERDELL has offered an amendment that expresses the sense of the Senate that the Safe and Drug Free Schools Program should target the elimination of illegal drugs and violence in our schools.

Those on this side of the aisle agree with his sentiment and, accordingly, I expect this amendment will receive nearly unanimous support.

What we want to make clear, however, is that we do not agree with his one-sided attack in this resolution about the administration's gun prosecutions record.

What this amendment fails to recognize is that, in fact, firearms convictions are up dramatically. In 1996, 22 percent more criminals were incarcerated for either State or Federal weapons offenses than in 1992. I am sure we could go forward with the statistics—that we do not have—for 1997, 1998, and 1999 that would show it would be up even more.

The proof is in the pudding. The Nation's rate of violent crimes committed with guns has dropped by 35 percent since 1993. Something this administration is doing must be working. For instance, it could be the passage of the Brady bill, which has stopped more than 400,000 felons and fugitives from receiving firearms, preventing untold crimes and violence.

Finally, let's be serious. It will be a lot easier to prosecute gun crimes once we close the loopholes that riddle our code. So while Democrats support Senator COVERDELL's conclusion, we cannot and do not support these one-sided findings in the amendment.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I thank my friend from Nevada.

I tell the Senator from Georgia, I have no problem voting on his amendment that deals with getting drugs out of the schools. But let's be clear, friends; this Coverdell amendment has nothing to do with the Boxer amendment. So don't think, if you vote for Coverdell, it somehow is a version of the Boxer amendment. They are two different things. The Boxer amendment calls on the Senate to act responsibly to pass reasonable, sensible gun laws.

We call on the Congress to do so not on an arbitrary date but on the anniversary of the Columbine tragedy. The Boxer amendment is not about the incident in Michigan. It references it in a string of incidents of school violence.

This Senate should be commended for acting 8 months ago to pass five very reasonable, very responsible gun control amendments. But this Senate should be chastised for not doing anything about it at all since that time. What we do in this very simple sense of the Senate is call on the Congress to bring those amendments back here so we can send a bill to the President for his signature.

I want to tell you we are dealing with a harsh reality in America.

I am going to show you just two charts. The first one shows you how many of our men and women tragically perished in 11 years of the Vietnam war: 58,168 tragic losses for our Nation, and those families have been hurting and suffering ever since. No matter on what side of this conflict you find yourselves this is the tragic reality of Vietnam.

In the last 11 years, the same amount of time as the Vietnam war, we have seen over 396,000 deaths on our streets, in our schools. This is just handgun violence.

That is the tragic reality we are talking about in the Boxer amendment.

Here is another tragic reality: How about this for an ad in a gun magazine. It says: "Start 'Em Young! There's no time like the present." Here is a young teenager with a handgun in his hand: "Start 'Em Young!" We know about starting them young. All you have to do is look at what happened in Michigan. How young do they want them to start?

I could not understand why we could not walk, hand in hand, down the Senate aisle and vote for the Boxer amendment.

But when I got back to my office, I found out why because there waiting for me was a letter from the Gun Owners of America attacking my amendment, saying, essentially, that I was taking political advantage of a horrible tragedy in Michigan, when, in fact, my resolution isn't about that. It is about the tragic realities we face in this Nation and calling on the Congress to act.

The Gun Owners of America has every right to take this position. They have every right to do it. We should look at what their logo says: "Gun Owners of America, 25 Years of No Compromise." That is their slogan. That is their logo: "25 Years of No Compromise."

My friends, when we voted out those sensible gun control amendments 8 months ago, we did compromise. We compromised between the right of law-abiding citizens to have guns versus the right of children to have guns, mentally disturbed people, people with criminal records; and we found a balance there. We did it in a bipartisan way.

All this Boxer amendment is saying is it is time to bring those sensible gun control measures—those compromises that withstood the division in this body and passed this body—back for a vote.

We have a very harsh reality in this Nation. Fifty percent of children ages 9 through 17 are worried about dying young; 31 percent of children ages 12 through 17 know someone their age who carries a gun. I do not understand why on earth there would be opposition to simply saying, we are proud of what we did 8 months ago. Let's bring those sensible gun laws back here. Let's act before the Columbine tragedy anniversary is upon us. Let's do the right thing.

I support this amendment. I hope my colleagues will as well.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to amendment No. 2874, as modified. The yeas and nays have been ordered. The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

The result was announced—yeas 96, nays 1, as follows:

[Rollcall Vote No. 26 Leg.]

YEAS—96

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McConnell
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—1

Thompson

NOT VOTING—3

Inouye
McCain
Mikulski

The amendment (No. 2874), as modified, was agreed to.

VOTE ON AMENDMENT NO. 2873

The PRESIDING OFFICER (Mr. VOINOVICH). The question is on agreeing to amendment No. 2873. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The result was announced—yeas 49, nays 48, as follows:

[Rollcall Vote No. 27 Leg.]

YEAS—49

Abraham
Akaka
Ashcroft
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Chafee, L.
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Fitzgerald
Graham
Harkin
Hollings
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Roth
Sarbanes
Schumer
Torricelli
Wellstone
Wyden

NAYS—49

Allard
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—2

Inouye
McCain

The amendment (No. 2873) was announced as agreed to.

Mrs. BOXER. I move to reconsider the vote.

Mr. WELLSTONE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2875

The PRESIDING OFFICER. There are 2 minutes of debate on the Bingaman amendment, equally divided.

Mr. KENNEDY. Mr. President, I desire to speak for 1 minute on the Bingaman-Kennedy amendment.

This amendment Senator BINGAMAN and I offer is a very simple amendment. It basically takes the amount that is being appropriated, identified here under the Coverdell amendment, and rather than using it in creating the Coverdell approach on the education, it uses it to help and assist the Pell grants. It effectively increases the Pell grant by some $250. The Pell grants, then, would be available to those who are eligible under the Pell Grant Program.

It seems to me that program is targeted toward well-qualified, needy students attempting to continue their education. I think that is a preferable way of allocating the resources that are included in the Coverdell amendment.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I would like to clarify the results of the last vote so there will be no misunderstanding. I have the impression that the vote was defeated.

The PRESIDING OFFICER. The Chair announced that the amendment was agreed to.

Mr. LOTT. Mr. President, I believe that announcement may have been incorrect.

Mr. DASCHLE. We already voted to reconsider and to lay it on the table.

Mr. LOTT. Mr. President, what would be the rule when an incorrect count was announced by the Chair?

The PRESIDING OFFICER. I say to the distinguished majority leader, we will consult with the Parliamentarian.

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The majority leader has the floor.

Mr. LOTT. I didn't get a clarification on the rule. I believe a simple clerical error—perhaps there is no precedent for that. If that is the case, then I think it would be appropriate to correct that or reconsider the vote.

Mr. DASCHLE addressed the chair.

The PRESIDING OFFICER. The majority leader has the floor.

Mr. LOTT. I yield to the distinguished minority leader.

Mr. DASCHLE. This appears to be an understandable clerical error, and I don't think we ought to challenge the calculation or the ultimate outcome of that particular vote, but under the rules, I think the author of the amendment might have been entitled to another vote under consideration, and I suggest that as a way to resolve the matter.

Mr. LOTT. Mr. President, we have been pushing to try to get the votes completed in 10 minutes, and it does put additional pressure on the staff to tabulate the results. I think that contributed to the clerical error. I, therefore, move that the previous vote be reconsidered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, to make things more orderly, will Senators sit in their seats. We have a series of votes. It is impossible for the staff to do its job. People are up there talking to them, asking them to repeat votes. Could we ask that everyone sit in their seats as they are supposed to do and vote from their seats.

Mr. LOTT. That is an important point, Mr. President.

The PRESIDING OFFICER. The Presiding Officer is advised by the Parliamentarian that under the precedent of the Senate, when a clerical error has occurred, it is the duty of the Chair to announce the correct vote.

The correct vote having been presented to the Chair, it is now announced there are 49 yeas, 49 nays, and the amendment is not agreed to.

Mrs. BOXER. I move to reconsider the vote.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I ask consent the motion to reconsider be deemed to have been tabled and the vote now occur on the Boxer amendment, which would be the same vote that occurred earlier. That way, we will have a definite clarification of what the vote was and is.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON AMENDMENT NO. 2873

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2873. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 49, nays 49, as follows:

The result was announced—yeas 49, nays 49, as follows:

[Rollcall Vote No. 28 Leg.]

YEAS—49

Abraham
Akaka
Ashcroft
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Chafee, L.
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Fitzgerald
Graham
Harkin
Hollings
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Roth
Sarbanes
Schumer
Torricelli
Wellstone
Wyden

NAYS—49

Allard
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—2

Inouye
McCain

The amendment (No. 2873) was rejected.

Mr. LOTT. Mr. President, I move to reconsider the vote.

Mr. COVERDELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Georgia.

AMENDMENT NO. 2875

Mr. COVERDELL. Mr. President, I believe we are on Bingaman amendment No. 2875. He has already used his minute. Senator KENNEDY did.

I reiterate that earlier today, I had a chart showing what the Republican majority has done for Pell grants, and it is straight up.

The second thing I want to point out is this is the fifth time the other side of the aisle has tried to make moot the underlying premise of this bill we have been debating now for 2 weeks, the education savings account. It blows away 14 million families, it blows away 20 million children, and it blows away $12 billion that would be volunteered to help education in every quadrant, from kindergarten to college. As with all these other amendments, its objective is to destroy the education savings account for millions of American families. I rise in opposition to the amendment.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COVERDELL. Mr. President, the pending amendment No. 2875 offered by the Senator from New Mexico and, I believe, the Senator from Massachusetts increases mandatory spending by $1.2 billion. If adopted, it will cause the underlying bill to exceed the committee's section 302(a) allocation. Therefore, I raise a point of order against the amendment pursuant to section 302(f) of the Congressional Budget Act of 1974.

Mr. KENNEDY. Mr. President, I move to waive the relevant section of the Budget Act and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion to waive the Budget Act in relation to amendment No. 2875. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN), is necesarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE), is necesarily absent.

The yeas and nays resulted—yeas 41, nays 57, as follows:

[Rollcall Vote No. 29 Leg.]

YEAS—41

Akaka
Baucus
Bayh
Bingaman
Boxer
Bryan
Chafee, L.
Cleland
Collins
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Wellstone
Wyden

NAYS—57

Abraham
Allard
Ashcroft
Bennett
Biden
Bond
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cochran
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lieberman
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner

NOT VOTING—2

Inouye
McCain

The PRESIDING OFFICER (Mr. ASHCROFT). On this vote, the yeas are 41, the nays are 57. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

AMENDMENT NO. 2878

The PRESIDING OFFICER. There are now 2 minutes, equally divided, on the Wellstone amendment.

Mr. WELLSTONE. Mr. President, the Sessions-Feinstein amendment says even if States decide, given the evidence, that retention and holding kids back does not work, States would have to do that. The Federal Government tells the States what to do and will cut off funds if they don't do it.

My amendment makes a difference. It says at least let's make sure every child has an opportunity to do well and to achieve on these tests, that there are certified teachers, that there is English as a second language, that there is high-quality educational materials, and that we provide support for kids.

If we do not do this, in the name of being tough, the only thing we are doing is punishing kids. Let's at least make the commitment that every child has the same opportunity to do well.

I am going to send to each colleague an NAACP Legal Defense and Educational Fund letter which brings together all the evidence and makes this compelling argument.

I hope my colleagues will vote for this equal opportunity to learn amendment.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, the time has come to end social promotion. The Feinstein-Sessions amendment does that. It does it in a way that allows the States to set the standards they believe are appropriate for each level of achievement.

We are pouring more and more money every year into education. If we care about those children, if we really are concerned about children, we will find out if they are meeting at least minimum academic standards. If they are not, we will be intervening, in a failing system, and will force the system to deal with them and help them through the process. It gives the States complete freedom to set these standards.

President Clinton supported this in the State of the Union message. The people of this country overwhelmingly support it. Over 10 States have already gone to it. My State of Alabama is in the process of going to it. The Republican Party has favored it. Senators FEINSTEIN, LIEBERMAN and BYRD are cosponsors of this amendment. It is time for us to pass it.

But we must not pass the Wellstone amendment. It will eliminate the ability to make this system work effectively.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2878. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 29, nays 69, as follows:

[Rollcall Vote No. 30 Leg.]

YEAS—29

Akaka
Baucus
Biden
Bingaman
Boxer
Conrad
Daschle
Dorgan
Feingold
Graham
Harkin
Hollings
Johnson
Kennedy
Kerrey
Landrieu
Lautenberg
Leahy
Levin
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Torricelli
Wellstone

NAYS—69

Abraham
Allard
Ashcroft
Bayh
Bennett
Bond
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Dodd
Domenici
Durbin
Edwards
Enzi
Feinstein
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kerry
Kohl
Kyl
Lieberman
Lincoln
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner
Wyden

NOT VOTING—2

Inouye
McCain

The amendment (No. 2878) was rejected.

Mr. LOTT. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2876

Mr. LOTT. Mr. President, are we ready for debate time on the next amendment?

The PRESIDING OFFICER. I believe we are. There is now 1 minute to a side on Senator FEINSTEIN's amendment.

Mrs. FEINSTEIN. Mr. President, I think it has been pretty clear, at least to me and certainly to the State of California, the city of Chicago, the city of Los Angeles, the city of San Diego, and other cities around this country, that either an implicit or explicit policy or practice of promoting children when they are failing or when they don't even show up in school is probably the leading cause for many of us for the decline of quality public education across this great country.

It isn't politically correct to say we will no longer permit social promotion, but it can make a huge difference in where this Nation goes. This amendment is very carefully crafted to say that Federal education dollars will not be available to a jurisdiction if the State does not have a policy to prohibit the practice of social promotion. If we leave the details to the State and local communities, it does not tell them how, when, or where to do it. It simply says that Federal moneys are contingent upon the abolition of that practice. The fact is that the States are moving in this direction. The fact is that there is still no accountable standards.

I wish to stress that it does allow for remedial education; it does allow for Federal dollars to be used for remedial education.

I thank the Chair.

Mr. WELLSTONE. Mr. President, if colleagues will listen for a second, I have two points. First of all, the evidence is overwhelming. I went over evidence this afternoon. There was no rebuttal. Holding kids back doesn't work. That is not the real point. If your State decides that it doesn't want to hold kids back, this amendment says it doesn't make any difference; the Federal Government is going to cut off Federal funding. We are telling States what to do, to hold kids back no matter what you decide or we will cut Federal funding.

That is wrong. I hope there will be an overwhelming vote against this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN), is necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE), is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 30, nays 68, as follows:—

[Rollcall Vote No. 31 Leg.]

YEAS—30

Baucus
Boxer
Breaux
Bryan
Byrd
Cleland
Coverdell
Daschle
Dodd
Dorgan
Durbin
Feinstein
Hagel
Hutchinson
Kohl
Levin
Lieberman
Lincoln
Lott
Lugar
McConnell
Moynihan
Robb
Rockefeller
Schumer
Sessions
Shelby
Torricelli
Warner
Wyden

NAYS—68

Abraham
Akaka
Allard
Ashcroft
Bayh
Bennett
Biden
Bingaman
Bond
Brownback
Bunning
Burns
Campbell
Chafee, L.
Cochran
Collins
Conrad
Craig
Crapo
DeWine
Domenici
Edwards
Enzi
Feingold
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Helms
Hollings
Hutchison
Inhofe
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kyl
Landrieu
Lautenberg
Leahy
Mack
Mikulski
Murkowski
Murray
Nickles
Reed
Reid
Roberts
Roth
Santorum
Sarbanes
Smith (NH)
Smith (OR)
Snowe
Specter

Stevens
Thomas
Thompson
Thurmond
Voinovich
Wellstone

NOT VOTING—2

Inouye
McCain

The amendment (No. 2876) was rejected.

Mr. WELLSTONE. I move to reconsider the vote.

Mr. COVERDELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, we have remaining four votes counting final passage. Senator KERRY and Senator SCHUMER have requested, through me, to ask unanimous consent they be allowed to speak for their amendments for up to 1 minute at the present time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts is recognized.

AMENDMENT NO. 2866 WITHDRAWN

Mr. KERRY. Mr. President, the amendment I have offered is a serious effort to try to attract qualified teachers in an era when the private sector is making it nearly impossible to draw people out of college and teaching because of the salaries. We really need a special incentive.

We have already created an incentive. We have a $5,000 paydown on loans. It is not enough to attract people.

I have offered an amendment that would raise the incentive and provide, in essence, a GI bill for teachers. I think it is worthwhile. I will not ask my colleagues to vote on it tonight because we are on automatic pilot. I think it is an idea that deserves better consideration than it will receive under that kind of approach. I don't want it prejudiced in the future by a vote that is on automatic pilot.

I ask unanimous consent to withdraw the amendment with hopes we get the ESEA on the floor and we will have an opportunity to consider this in a better, bipartisan, and perhaps more thoughtful mode.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2866) was withdrawn.

The PRESIDING OFFICER. The Senator from New York is recognized.

AMENDMENT NO. 2868 WITHDRAWN

Mr. SCHUMER. Mr. President, I am going to withdraw this amendment in the interest of time. It is a very simple amendment. We have a real shortage in America of certified teachers. I was visiting with the Community Bankers of North Carolina looking for a few crabcakes. One of the fellows came over and asked why we would have a teacher who was not certified. The answer is very simple. Because many school districts—particularly poor, inner-city districts and rural districts—have a choice: Uncertified teacher or no teacher, because there are not enough qualified teachers, given salary levels, working conditions, et cetera, who will go into the classroom.

This amendment helps certify teachers. We would pay 75 percent of the cost of training them. It is $50 million a year. It is a very good amendment to help raise the quality of teachers. I have always believed we should not lower the bar but help people get over it. That is what this amendment does. I hope my colleagues will support it at some point.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

The amendment (No. 2868) was withdrawn.

AMENDMENT NO. 2879

The PRESIDING OFFICER. There are now 2 minutes to be equally divided on the Durbin amendment.

Mr. DURBIN. Mr. President, the headlines in the morning paper tell the story: America is facing a national gun crisis. Firearms are easy to come by for 6-year-olds and psychotics.

The violence is not confined to just the main streets. It is in our homes, our fast-food restaurants, and in our schools.

This amendment gives to school districts across America an opportunity to apply for help from the Department of Education for grants so they can educate the children in the school, and their parents, about how dangerous guns can be and how they should be stored safely.

It provides money for public service announcements so we can try to reduce the gun violence we read about, sadly, every single day. We know, as sure as we are here this evening, there will be another story in the newspaper in the not-too-distant future of more gun violence in schools. With the Durbin amendment, we at least start to move forward toward reducing that violence by helping schools.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, the Senator from Illinois and I have been discussing this amendment during the course of the day. We would have voiced it, but the Senator from Illinois, as is his right, asked for a rollcall.

My intention is to support the amendment. I do not think it is inconsistent with beliefs on my side of the aisle.

I yield back whatever time remains.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2879. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 7, as follows:

[Rollcall Vote No. 32 Leg.]

YEAS—91

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Hagel
Harkin
Hatch
Hollings
Hutchinson
Hutchison
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McConnell
Mikulski
Moynihan
Murkowski
Murray
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—7

Gregg
Helms
Inhofe
Nickles
Smith (NH)
Thompson
Voinovich

NOT VOTING—2

Inouye
McCain

The amendment (No. 2879) was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. There are 2 minutes equally divided. May we have order in the Chamber. There are 2 minutes equally divided.

The majority leader is recognized.

Mr. LOTT. Has the motion to reconsider been tabled?

The PRESIDING OFFICER. No.

Mr. LOTT. Mr. President, I move to reconsider the vote.

Mr. COVERDELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ASHCROFT. Mr. President, I strongly support and urge Congress to pass and President Clinton to sign the Affordable Education Act now pending before the Senate. I am pleased to be a cosponsor of this legislation.

Children presently are 25 percent of our population and 100 percent of the future. It is my fundamental belief that Congress should invest in the future by improving educational opportunities for students. This bill is part of a comprehensive strategy to give parents and local schools the resources needed to make the 21st century, the era in which educational excellence for all students is achieved.

For the past three years, Congress has passed legislation that provides tax incentives to help parents pay for the education of their children. But President Clinton has twice vetoed legislation that provided these incentives. Parents across America hope and trust that this time these tax incentives will be enacted into law.

A major feature of this bill is that it creates Educational Savings Accounts for K through 12 expenses. These ESAs allow parents to contribute up to $2,000 annually to an Educational Savings Account. The build-up of earnings within the account is tax-free if used for educational expenses, such as tuition, fees, tutoring, special needs services, books, computers, etc. The premise behind ESAs is that parents should have greater control over the education of their children. After all, who is in a better position to know what each child needs—a bureaucratic Washington government or the parents and teachers who see that child every day?

This bill does more than just create Educational Savings Accounts. Included in this bill are other provisions that I have either supported or cosponsored that:

Provide tax incentives to help pay for college tuition;

Provide tax exclusions for education assistance programs provided by employers;

Revise the tax treatment of qualified state tuition programs to exclude from gross income any distributions used for higher education expenses;

Allow a tax deduction of up to $2,500 per year of interest on education loans;

Allow a limited tax credit for the donation of computers to schools, and extends from two to three years the age of computers that may be donated to schools; and

Reduce the complexity of the arbitrage rules that currently govern the issuance of school bonds.

This bill provides more than $4.3 billion of education tax incentives for the next five years, and it gives more educational control to parents. Parents will be able to save more for the future education of their children.

This bill is just one part of an overall strategy to increase educational resources. Over the past five years Congress has increased overall educational spending by 40 percent, and Congress last year approved a budget that projects yet another 36 percent increase over the next four years. In the next few weeks Congress will take up legislation to reauthorize the Elementary and Secondary Education Act. I will be offering amendments to that bill that will:

Channel federal aid in failing school districts to teaching the academic basics in order to raise student achievement levels;

Provide funds for failing school districts to use in attracting and retaining highly qualified teachers; and

Double the amount of federal aid for college costs for high achieving students in failing school districts.

For now, however, Congress should take the first step in expressing its commitment to improving education by passing the pending Affordable Education Act. I urge Senators to support this legislation.

Mr. L. CHAFEE. Mr. President, this week the Senate has debated legislation which is designed, in part, to encourage families to invest in tax exempt savings accounts. Funds from these "education savings accounts" could be used for a variety of activities related to the education of children, including for tuition and fees at private and religious schools. I opposed this bill because I do not believe that the federal government should divert funds, in this case more than 2 billion dollars, to private and parochial education.

Such a move would be a fundamental change in the federal role in education, a change I believe is misguided. Ninety percent of American children attend public schools. Rather than divert federal dollars to private and parochial schools, I believe the federal government has a responsibility to assist states and local school districts work to improve education for all children, especially children in poverty and children with disabilities.

During this debate, a variety of amendments were offered. Senator DODD proposed an amendment that would eliminate the proposed "education saving accounts" and target its funds to increasing federal funding for special education. I commend my Republican colleagues for increasing IDEA—Individuals with Disabilities Education Act—funding in fiscal year 2000 by 25 percent over fiscal year 1998 and 13 percent over fiscal year 1999. Nevertheless, the federal commitment to special education falls far short of what local districts need.

Senator ROBB offered an amendment that would have made the funds available for school construction bonds. I agree wholeheartedly with Senator ROBB about the need to assist states and local school districts as they attempt to repair, modernize, and construct school facilities. However, I believe that there is a far better way to accomplish this goal. At the end of the last session, Senator SNOWE introduced S.1992, the Building, Renovating, and Constructing Kids' Schools, BRICKS, Act. BRICKS would provide states with low interest loans to help defray the enormous costs associated with modernizing school facilities. I urge my colleagues to look closely at Senator SNOWE's excellent proposal.

Finally, there have been a number of worthwhile amendments designed to improve public education. Ironically, as the Senate has been debating the Affordable Education Act, the Health, Education, Labor, and Pensions Committee has been attempting to mark-up legislation to reauthorize the Elementary and Secondary Education Act.

I voted against many of these amendments simply because I believe they should be considered in the context of the ESEA rather than in a piecemeal fashion on a bill the President is certain to veto.

Improving and supporting education is the issue of greatest interest to most Americans. I look forward to working with Chairman JEFFORDS on a strong ESEA reauthorization bill.

Mr. LEVIN. Mr. President, I will vote against the so-called Affordable Education Act, S. 1134, because it is not a wise use of Federal dollars. It does not address our national education priorities. And, it will not help those who are most in need.

I would like to take a moment to talk about exactly who will benefit from this IRA expansion for elementary and secondary education expenses. According to the U.S. Department of the Treasury, 70 percent of the proposed IRA tax benefit would go to the top 20 percent of all taxpayers. These higher income families, many of whom already send their children to private schools, would gain most of the benefits. Families unable to save, including most families earning less than $55,000 a year, would receive very little, if any benefit at all.

Additionally, this IRA tax benefit would be minimal. According to the Joint Committee on Taxation, the average annual benefit for families with children attending private schools would be limited to approximately $37; and for families with children in public schools, the average annual benefit would be $7.

Mr. President, 90 percent of the children in America attend public schools. Instead of investing in proven initiatives to raise academic standards for all children, the bill before the Senate emphasizes the wrong priority. It fails to reduce class size, enhance teacher training in technology, modernize school buildings, expand after-school programs or improve special education.

According to the National Council on Education Statistics, nearly 53 million children are currently enrolled in public schools and the number is expected to increase to 54.3 million by 2008. It is estimated that approximately 2,400 new school facilities will be needed to accommodate this increase. As is well documented, the condition of school facilities and the student-teacher ratio are linked to student achievement. Therefore, it is clear where our federal education resources should be directed.

We must not lose sight of the fact that school modernization is a critical component to the success of our school children. It simply must be one of our national educational priorities. Local school communities cannot shoulder all of the costs associated with school building modernization and technology infrastructure improvements.

Young people today are in the midst of a technology explosion that has opened up limitless possibilities in the classroom. In order for students to tap into this potential and be prepared for the 21st century, they must learn how to use new technologies. But all too often, teachers are expected to incorporate technology into their instruction without being given the training to do so.

Too often students are left to teach teachers in the rapidly expanding area of technology. It is not enough for a teacher to be able to email, they must use this education technology to advance their curriculum and guide their students along the information highway. Just two years ago, it was reported that a mere 10 percent of new teachers reported that they felt prepared to use technology in their classrooms, while only 13 percent of all public schools reported that technology-related training for teachers was mandated by the school, district, or teacher certification agencies. Currently, only 18 states require pre-service technology training. I am disappointed that the legislation before us does not adequately address the large-scale needs of our teachers in the use of technology in the classroom.

In my own state of Michigan I often talk with teachers when I visit schools and I find them straight-forward about what they don't know and eager to develop new technology skills. In fact, the only reason that we are not further behind in this area is that teachers have used their own time and often their own money to learn the technology skills to better teach their courses.

Almost 2 years ago, I brought together about 400 leaders in education, business, philanthropy and government for a Michigan summit meeting focusing on the need for a greater commitment to professional development in technology. My message at that gathering and my message now is that we've got to match our teacher's commitment to our children with our own commitment to their professional development in the use of technology in classroom instruction. I am currently involved with several initiatives that are an attempt to accomplish this.

Mr. President, for all these reasons, I cannot support this legislation.

Mr. ABRAHAM. Mr. President, today I voted for both the Coverdell and Boxer sense of the Senate amendments relating to school safety. I voted for both amendments because I believe that Congress can and should enact legislation to provide for safer schools and a secure learning environment. The language of Senator BOXER's Sense of the Senate stated that "Congress shall make schools safe for learning by implementing policies that will reduce the threat of gun violence in schools"; I rise now to briefly explain a few of the wholly-attainable measures that I believe would truly make a difference.

During the Juvenile Justice debate I offered a commonsense amendment that would allow local school districts to access existing funds available under the Safe and Drug Free Schools Act to conduct locker searches for guns, explosives, other weapons, or drugs. Mr. President, no one involved opposes cleansing our schools of these elements, other than those criminals who possess them; and to those few, I have no sympathy for any inconvenience these searches may cause. I am pleased that my colleagues supported my amendment, which was accepted by voice vote.

I also suggest that Congress should build upon a current tax deduction and reward businesses that donate school safety devices to K–12 schools. Qualified security equipment and technologies should include metal detectors, electronic locks and surveillance cameras.

Along with these security improvements, I believe it is important to provide training for school personnel and parents on how to recognize a troubled young person before tragedy strikes. And in the event of an attack, our school officials, security personnel, parents and communities must be trained for emergency preparedness and crisis response.

In that vein, I argue to my colleagues that we should allow ESEA funding available under the Safe & Drug Free Schools and Communities program and the Innovative Education Program to be used for innovative approaches to reducing violence in schools and improving the classroom environment. Among other uses of such funding could be the testing of students for illegal drug use, at the request or consent of a parent or legal guardian; comprehensive school security assessments; purchase of school security equipment and technologies; implementation of a school uniform policy; and collaborative efforts with groups demonstrating expertise in providing research-based violence prevention and intervention programs.

But the most important quality of these initiatives is that they would be initiated at the local level by those with the most knowledge of the community, not by some nameless Washington bureaucrat wielding a "one-size-fits-all" solution.

Finally, I was pleased to have the opportunity to vote for Senator DURBIN's amendment, which harkens back to a day when this country discussed issues of responsibility and society in a constructive manner, not in one based in fear or fantasy. Without question, we should educate our young people on right and wrong, and we must encourage constructive adult involvement in the lives of our young people, not only by parents and teachers, but also by community-based organizations, faith-based organizations, and local law enforcement personnel. Mr. President, I yield the floor.

Mr. LOTT. Briefly, for the information of all Senators with regard to the schedule for the balance of the week and the first of next week, in just a moment we will have the final 2 minutes, equally divided, to make comments before final passage. That will be it for the night and for the week. I commend Senator REID, Senator COVERDELL, and others for the good work they have done in getting us to this point.

Because we have been able to finish all the amendments and go to final passage, we will not be in session tomorrow. We will be in session on Monday and Tuesday, but the next recorded vote will not occur until approximately 5 o'clock Tuesday afternoon because of the 13 primaries that are occurring across the country between the two parties. We will be in session Tuesday. We will be in session on Wednesday and Thursday with votes likely into the night, and we may have votes on Friday. So do not be scheduling departure on Thursday night. We have to finish a couple of very important issues next week and have some votes on the Executive Calendar.

I thank my colleagues, and I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. COVERDELL. Mr. President, everybody has heard just about everything they need to on this measure. I thank my colleagues for their courtesy and comity. It has been somewhat of a long journey, and I am glad we have finally arrived at final passage. The legislation does represent substance in education reform. I thank my comanager, Senator REID of Nevada. I yield back whatever time remains.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I commend those involved in this bill. Those of us who oppose this bill think the first order of business is education, and yet we have done nothing about the quality of public education with this legislation. Fifty percent of the benefits of this bill go to private schools, yet 90 percent of the children in America go to a public school.

This bill does nothing about class size, nothing about the quantities of teachers in our schools, nothing about trying to improve the safety of our schools in this country. We believe we need to do a far better job on improving the quality of public education. Unfortunately, this education bill does nothing to address those issues. For those reasons, we will oppose this legislation.

Mr. President, I yield back the remainder of my time.

Mr. THURMOND. Mr. President, I commend the able Senator from Georgia for the fine job in handling this bill.

The PRESIDING OFFICER. The question is, Shall the bill pass? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. McCain) is necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. Inouye) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 61, nays 37, as follows:

[Rollcall Vote No. 33 Leg.]

YEAS—61

Abraham
Allard
Ashcroft
Bennett
Biden
Bond
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cleland
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Feinstein
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kerrey
Kohl
Kyl
Lieberman
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner

NAYS—37

Akaka
Baucus
Bayh
Bingaman
Boxer
Bryan
Chafee, L.
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Graham
Harkin
Hollings
Jeffords
Johnson
Kennedy
Kerry
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Wellstone
Wyden

NOT VOTING—2

Inouye
McCain

The bill (S. 1134), as amended, was passed, as follows:

S. 1134

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Affordable Education Act of 2000".

(b) Amendment of 1986 Code.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title; amendment of 1986 Code; table of contents.

TITLE I—EDUCATION SAVINGS INCENTIVES

Sec. 101. Modifications to education individual retirement accounts.
Sec. 102. Modifications to qualified tuition programs.

TITLE II—EDUCATIONAL ASSISTANCE

Sec. 201. Permanent extension of exclusion for employer-provided educational assistance.
Sec. 202. Elimination of 60-month limit on student loan interest deduction.
Sec. 203. Exclusion of certain amounts received under the National Health Service Corps Scholarship Program and the F. Edward Hebert Armed Forces Health Professions Scholarship and Financial Assistance Program.
Sec. 204. 2-percent floor on miscellaneous itemized deductions not to apply to qualified professional development expenses of elementary and secondary school teachers.
Sec. 205. Credit to elementary and secondary school teachers who provide classroom materials.
Sec. 206. Exclusion of national service educational awards.
Sec. 207. Elimination of marriage penalty in phaseout of education loan interest deduction.

TITLE III—LIBERALIZATION OF TAX-EXEMPT FINANCING RULES FOR PUBLIC SCHOOL CONSTRUCTION

Sec. 301. Additional increase in arbitrage rebate exception for governmental bonds used to finance educational facilities.
Sec. 302. Treatment of qualified public educational facility bonds as exempt facility bonds.
Sec. 303. Federal guarantee of school construction bonds by Federal Housing Finance Board.
Sec. 304. Disclosure of fire safety standards and measures with respect to campus buildings.

TITLE IV—TRANSITION TO TEACHING

Sec. 401. Short title.
Sec. 402. Findings.
Sec. 403. Purpose.
Sec. 404. Program authorized.
Sec. 405. Application.
Sec. 406. Uses of funds and period of service.
Sec. 407. Equitable distribution.
Sec. 408. Definitions.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Expansion of deduction for computer donations to schools.
Sec. 502. Credit for computer donations to schools and senior centers.
Sec. 503. Report to Congress regarding extent and severity of child poverty.
Sec. 504. Careers to classrooms.
Sec. 505. Pesticide application in schools.
Sec. 506. Sense of the Senate regarding a safe learning environment.
Sec. 507. Reduction in school violence.

TITLE I—EDUCATION SAVINGS INCENTIVES

SEC. 101. MODIFICATIONS TO EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS.

(a) Maximum Annual Contributions.—

(1) In general.—Section 530(b)(1)(A)(iii) (defining education individual retirement account) is amended by striking "$500" and inserting "$2,000".

(2) Conforming amendment.—Section 4973(e)(1)(A) is amended by striking "$500" and inserting "$2,000".

(3) Elimination of the marriage penalty in the reduction in permitted contributions.—Section 530(c)(1) (relating to reduction in permitted contributions based on adjusted gross income) is amended—

(A) by striking "$150,000" in subparagraph (A)(ii) and inserting "$190,000", and

(B) by striking "$10,000" in subparagraph (B) and inserting "$30,000".

(b) Tax-Free Expenditures for Elementary and Secondary School Expenses.—

(1) In general.—Section 530(b)(2) (defining qualified higher education expenses) is amended to read as follows:

"(2) Qualified education expenses.—

"(A) In general.—The term 'qualified education expenses' means—

"(i) qualified higher education expenses (as defined in section 529(e)(3)), and

"(ii) qualified elementary and secondary education expenses (as defined in paragraph (4)).

"(B) Qualified State tuition programs.—Such term shall include any contribution to a qualified State tuition program (as defined in section 529(b)) on behalf of the designated beneficiary (as defined in section 529(e)(1)); but there shall be no increase in the investment in the contract for purposes of applying section 72 by reason of any portion of such contribution which is not includible in gross income by reason of subsection (d)(2).".

(2) Qualified elementary and secondary education expenses.—Section 530(b) (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

"(4) Qualified elementary and secondary education expenses.—

"(A) In general.—The term 'qualified elementary and secondary education expenses' means—

"(i) expenses for tuition, fees, academic tutoring, special needs services, books, supplies, computer equipment (including related software and services), and other equipment which are incurred in connection with the enrollment or attendance of the designated beneficiary of the trust as an elementary or secondary school student at a public, private, or religious school, and

"(ii) expenses for room and board, uniforms, transportation, and supplementary items and services (including extended day programs) which are required or provided by a public, private, or religious school in connection with such enrollment or attendance.

"(B) Special rule for homeschooling.—Such term shall include expenses described in subparagraph (A)(i) in connection with education provided by homeschooling if the homeschool operates as a private school or a homeschool under State law.

"(C) School.—The term 'school' means any school which provides elementary education or secondary education (kindergarten through grade 12), as determined under State law.".

(3) Conforming amendments.—Section 530 is amended—

(A) by striking "higher" each place it appears in subsections (b)(1) and (d)(2), and

(B) by striking "HIGHER" in the heading for subsection (d)(2).

(c) Waiver of Age Limitations for Children With Special Needs.—Section 530(b)(1) (defining education individual retirement account) is amended by adding at the end the following flush sentence:

"The age limitations in subparagraphs (A)(ii) and (E) and paragraphs (5) and (6) of subsection (d) shall not apply to any designated beneficiary with special needs (as determined under regulations prescribed by the Secretary).".

(d) Entities Permitted To Contribute to Accounts.—Section 530(c)(1) (relating to reduction in permitted contributions based on adjusted gross income) is amended by striking "The maximum amount which a contributor" and inserting "In the case of a contributor who is an individual, the maximum amount the contributor".

(e) Time When Contributions Deemed Made.—

(1) In general.—Section 530(b) (relating to definitions and special rules), as amended by subsection (b)(2), is amended by adding at the end the following new paragraph:

"(5) Time when contributions deemed made.—An individual shall be deemed to have made a contribution to an education individual retirement account on the last day of the preceding taxable year if the contribution is made on account of such taxable year and is made not later than the time prescribed by law for filing the return for such taxable year (not including extensions thereof).".

(2) Extension of time to return excess contributions.—Subparagraph (C) of section 530(d)(4) (relating to additional tax for distributions not used for educational expenses) is amended—

(A) by striking clause (i) and inserting the following new clause:

"(i) such distribution is made before the 1st day of the 6th month of the taxable year following the taxable year, and", and

(B) by striking "DUE DATE OF RETURN" in the heading and inserting "CERTAIN DATE".

(f) Coordination With Hope and Lifetime Learning Credits and Qualified Tuition Programs.—

(1) In general.—Section 530(d)(2)(C) is amended to read as follows:

"(C) Coordination with hope and lifetime learning credits and qualified tuition programs.—For purposes of subparagraph (A).

"(i) Credit coordination.—The total amount of qualified higher education expenses with respect to an individual for the taxable year shall be reduced—

"(I) as provided in section 25A(g)(2), and

"(II) by the amount of such expenses which were taken into account in determining the credit allowed to the taxpayer or any other person under section 25A.

"(ii) Coordination with qualified tuition programs.—If, with respect to an individual for any taxable year—

"(I) the aggregate distributions during such year to which subparagraph (A) and section 529(c)(3)(B) apply, exceed

"(II) the total amount of qualified higher education expenses (after the application of clause (i)) for such year,

the taxpayer shall allocate such expenses among such distributions for purposes of determining the amount of the exclusion under subparagraph (A) and section 529(c)(3)(B).".

(2) Conforming amendments.—

(A) Subsection (e) of section 25A is amended to read as follows:

"(e) Election Not To Have Section Apply.—A taxpayer may elect not to have this section apply with respect to the qualified tuition and related expenses of an individual for any taxable year.".

(B) Section 135(d)(2)(A) is amended by striking "allowable" and inserting "allowed".

(C) Section 530(d)(2)(D) is amended—

(i) by striking "or credit", and

(ii) by striking "CREDIT OR" in the heading.

(D) Section 4973(e)(1) is amended by adding "and" at the end of subparagraph (A), by striking subparagraph (B), and by redesignating subparagraph (C) as subparagraph (B).

(g) Renaming Education Individual Retirement Accounts as Education Savings Accounts.—

(1) In general.—

(A) Section 530 (as amended by the preceding provisions of this section) is amended by striking "education individual retirement account" each place it appears and inserting "education savings account".

(B) The heading for paragraph (1) of section 530(b) is amended by striking "EDUCATION INDIVIDUAL RETIREMENT ACCOUNT" and inserting "EDUCATION SAVINGS ACCOUNT".

(C) The heading for section 530 is amended to read as follows:

"SEC. 530. EDUCATION SAVINGS ACCOUNTS.".

(D) The item in the table of contents for part VII of subchapter F of chapter 1 relating to section 530 is amended to read as follows:

"Sec. 530. Education savings accounts.".

(2) Conforming amendments.—

(A) The following provisions are each amended by striking "education individual retirement" each place it appears and inserting "education savings":

(i) Section 25A(e)(2).

(ii) Section 26(b)(2)(E).

(iii) Section 72(e)(9).

(iv) Section 135(c)(2)(C).

(v) Subsections (a) and (e) of section 4973.

(vi) Subsections (c) and (e) of section 4975.

(vii) Section 6693(a)(2)(D).

(B) The headings for each of the following provisions are amended by striking "EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS" each place it appears and inserting "EDUCATION SAVINGS ACCOUNTS".

(i) Section 72(e)(9).

(ii) Section 135(c)(2)(C).

(iii) Section 4973(e).

(iv) Section 4975(c)(5).

(h) Effective Dates.—

(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2000.

(2) Subsection (g).—The amendments made by subsection (g) shall take effect on the date of the enactment of this Act.

SEC. 102. MODIFICATIONS TO QUALIFIED TUITION PROGRAMS.

(a) Eligible Educational Institutions Permitted To Maintain Qualified Tuition Programs.—

(1) In general.—Section 529(b)(1) (defining qualified State tuition program) is amended by inserting "or by 1 or more eligible educational institutions" after "maintained by a State or agency or instrumentality thereof".

(2) Private qualified tuition programs limited to benefit plans.—Clause (ii) of section 529(b)(1)(A) is amended by inserting "in the case of a program established and maintained by a State or agency or instrumentality thereof," before "may make".

(3) Conforming amendments.—

(A) Sections 72(e)(9), 135(c)(2)(C), 135(d)(1)(D), 529, 530(b)(2)(B), 4973(e), and 6693(a)(2)(C) are each amended by striking "qualified State tuition" each place it appears and inserting "qualified tuition".

(B) The headings for sections 72(e)(9) and 135(c)(2)(C) are each amended by striking "QUALIFIED STATE TUITION" and inserting "QUALIFIED TUITION".

(C) The headings for sections 529(b) and 530(b)(2)(B) are each amended by striking "QUALIFIED STATE TUITION" and inserting "QUALIFIED TUITION".

(D) The heading for section 529 is amended by striking "state".

(E) The item relating to section 529 in the table of sections for part VIII of subchapter F of chapter 1 is amended by striking "State".

(b) Exclusion From Gross Income of Education Distributions From Qualified Tuition Programs.—

(1) In general.—Section 529(c)(3)(B) (relating to distributions) is amended to read as follows:

"(B) Distributions for qualified higher education expenses.—For purposes of this paragraph—

"(i) In-kind distributions.—No amount shall be includible in gross income under subparagraph (A) by reason of a distribution which consists of providing a benefit to the distributee which, if paid for by the distributee, would constitute payment of a qualified higher education expense.

"(ii) Cash distributions.—In the case of distributions not described in clause (i), if—

"(I) such distributions do not exceed the qualified higher education expenses (reduced by expenses described in clause (i)), no amount shall be includible in gross income, and

"(II) in any other case, the amount otherwise includible in gross income shall be reduced by an amount which bears the same ratio to such amount as such expenses bear to such distributions.

"(iii) Exception for institutional programs.—In the case of any taxable year beginning before January 1, 2004, clauses (i) and (ii) shall not apply with respect to any distribution during such taxable year under a qualified tuition program established and maintained by 1 or more eligible educational institutions.

"(iv) Treatment as distributions.—Any benefit furnished to a designated beneficiary under a qualified tuition program shall be treated as a distribution to the beneficiary for purposes of this paragraph.

"(v) Coordination with hope and lifetime learning credits.—The total amount of qualified higher education expenses with respect to an individual for the taxable year shall be reduced—

"(I) as provided in section 25A(g)(2), and

"(II) by the amount of such expenses which were taken into account in determining the credit allowed to the taxpayer or any other person under section 25A.

"(vi) Coordination with education savings accounts.—If, with respect to an individual for any taxable year—

"(I) the aggregate distributions to which clauses (i) and (ii) and section 530(d)(2)(A) apply, exceed

"(II) the total amount of qualified higher education expenses otherwise taken into account under clauses (i) and (ii) (after the application of clause (iv)) for such year,

the taxpayer shall allocate such expenses among such distributions for purposes of determining the amount of the exclusion under clauses (i) and (ii) and section 530(d)(2)(A).".

(2) Conforming amendments.—

(A) Section 135(d)(2)(B) is amended by striking "section 530(d)(2)" and inserting "sections 529(c)(3)(B)(i) and 530(d)(2)".

(B) Section 221(e)(2)(A) is amended by inserting "529," after "135,".

(c) ROLLOVER TO DIFFERENT PROGRAM FOR BENEFIT OF SAME DESIGNATED BENEFICIARY.—Section 529(c)(3)(C) (relating to change in beneficiaries) is amended—

(1) by striking "transferred to the credit" in clause (i) and inserting "transferred—

"(I) to another qualified tuition program for the benefit of the designated beneficiary, or

"(II) to the credit",

(2) by adding at the end the following new clause:

"(iii) LIMITATION ON CERTAIN ROLLOVERS.—Clause (i)(I) shall only apply to the first 3 transfers with respect to a designated beneficiary.", and

(3) by inserting "OR PROGRAMS" after "BENEFICIARIES" in the heading.

(d) MEMBER OF FAMILY INCLUDES FIRST COUSIN.—Section 529(e)(2) (defining member of family) is amended by striking "and" at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and by inserting "; and", and by adding at the end the following new subparagraph:

"(D) any first cousin of such beneficiary.".

(e) DEFINITION OF QUALIFIED HIGHER EDUCATION EXPENSES.—Subparagraph (A) of section 529(e)(3) (relating to definition of qualified higher education expenses) is amended to read as follows:

"(A) IN GENERAL.—The term 'qualified higher education expenses' means—

"(i) tuition and fees required for the enrollment or attendance of a designated beneficiary at an eligible educational institution for courses of instruction of such beneficiary at such institution, and

"(ii) expenses for books, supplies, and equipment which are incurred in connection with such enrollment or attendance, but not to exceed the allowance for books and supplies included in the cost of attendance (as defined in section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087ll), as in effect on the date of the enactment of the Affordable Education Act of 2000) as determined by the eligible educational institution.".

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

(2) QUALIFIED HIGHER EDUCATION EXPENSES.—The amendments made by subsection (e) shall apply to amounts paid for courses beginning after December 31, 2000.

TITLE II—EDUCATIONAL ASSISTANCE

SEC. 201. PERMANENT EXTENSION OF EXCLUSION FOR EMPLOYER-PROVIDED EDUCATIONAL ASSISTANCE.

(a) IN GENERAL.—Section 127 (relating to exclusion for educational assistance programs) is amended by striking subsection (d).

(b) REPEAL OF LIMITATION ON GRADUATE EDUCATION.—

(1) IN GENERAL.—The last sentence of section 127(c)(1) is amended by striking ", and such term also does not include any payment for, or the provision of any benefits with respect to, any graduate level course of a kind normally taken by an individual pursuing a program leading to a law, business, medical, or other advanced academic or professional degree".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to expenses relating to courses beginning after December 31, 2000.

SEC. 202. ELIMINATION OF 60-MONTH LIMIT ON STUDENT LOAN INTEREST DEDUCTION.

(a) IN GENERAL.—Section 221 (relating to interest on education loans) is amended by striking subsection (d) and by redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively.

(b) CONFORMING AMENDMENT.—Section 6050S(e) is amended by striking "section 221(e)(1)" and inserting "section 221(d)(1)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to any loan interest paid after December 31, 2000.

SEC. 203. EXCLUSION OF CERTAIN AMOUNTS RECEIVED UNDER THE NATIONAL HEALTH SERVICE CORPS SCHOLARSHIP PROGRAM AND THE F. EDWARD HEBERT ARMED FORCES HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM.

(a) IN GENERAL.—Section 117(c) (relating to the exclusion from gross income amounts received as a qualified scholarship) is amended—

(1) by striking "Subsections (a)" and inserting the following:

"(1) IN GENERAL.—Except as provided in paragraph (2), subsections (a)", and

(2) by adding at the end the following new paragraph:

"(2) EXCEPTIONS.—Paragraph (1) shall not apply to any amount received by an individual under—

"(A) the National Health Service Corps Scholarship Program under section 338A(g)(1)(A) of the Public Health Service Act, or

"(B) the Armed Forces Health Professions Scholarship and Financial Assistance program under subchapter I of chapter 105 of title 10, United States Code.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to amounts received in taxable years beginning after December 31, 1993.

SEC. 204. 2-PERCENT FLOOR ON MISCELLANEOUS ITEMIZED DEDUCTIONS NOT TO APPLY TO QUALIFIED PROFESSIONAL DEVELOPMENT EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) IN GENERAL.—Section 67(b) (defining miscellaneous itemized deductions) is amended by striking "and" at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting ", and", and by adding at the end the following new paragraph:

"(13) any deduction allowable for the qualified professional development expenses paid or incurred by an eligible teacher.".

(b) DEFINITIONS.—Section 67 (relating to 2-percent floor on miscellaneous itemized deductions) is amended by adding at the end the following new subsection:

"(g) QUALIFIED PROFESSIONAL DEVELOPMENT EXPENSES OF ELIGIBLE TEACHERS.—For purposes of subsection (b)(13)—

"(1) QUALIFIED PROFESSIONAL DEVELOPMENT EXPENSES.—

"(A) IN GENERAL.—The term 'qualified professional development expenses' means expenses—

"(i) for tuition, fees, books, supplies, equipment, and transportation required for the enrollment or attendance of an individual in a qualified course of instruction, and

"(ii) with respect to which a deduction is allowable under section 162 (determined without regard to this section).

"(B) QUALIFIED COURSE OF INSTRUCTION.—The term 'qualified course of instruction' means a course of instruction which—

"(i) is—

"(I) directly related to the curriculum and academic subjects in which an eligible teacher provides instruction, or

"(II) designed to enhance the ability of an eligible teacher to understand and use State standards for the academic subjects in which such teacher provides instruction,

"(ii) may—

"(I) provide instruction in how to teach children with different learning styles, particularly children with disabilities and children with special learning needs (including children who are gifted and talented), or

"(II) provide instruction in how best to discipline children in the classroom and identify early and appropriate interventions to help children described in subclause (I) to learn,

"(iii) is tied to challenging State or local content standards and student performance standards,

"(iv) is tied to strategies and programs that demonstrate effectiveness in increasing student academic achievement and student performance, or substantially increasing the knowledge and teaching skills of an eligible teacher,

"(v) is of sufficient intensity and duration to have a positive and lasting impact on the performance of an eligible teacher in the classroom (which shall not include 1-day or short-term workshops and conferences), except that this clause shall not apply to an activity if such activity is 1 component described in a long-term comprehensive professional development plan established by an eligible teacher and the teacher's supervisor based upon an assessment of the needs of the teacher, the students of the teacher, and the local educational agency involved, and

"(vi) is part of a program of professional development which is approved and certified by the appropriate local educational agency as furthering the goals of the preceding clauses.

"(C) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' has the meaning given such term by section 14101 of the Elementary and Secondary Education Act of 1965, as in effect on the date of the enactment of this subsection.

"(2) ELIGIBLE TEACHER.—

"(A) IN GENERAL.—The term 'eligible teacher' means an individual who is a kindergarten through grade 12 classroom teacher in an elementary or secondary school.

"(B) ELEMENTARY OR SECONDARY SCHOOL.—The terms 'elementary school' and 'secondary school' have the meanings given such terms by section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801), as so in effect.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 205. CREDIT TO ELEMENTARY AND SECONDARY SCHOOL TEACHERS WHO PROVIDE CLASSROOM MATERIALS.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

"SEC. 30B. CREDIT TO ELEMENTARY AND SECONDARY SCHOOL TEACHERS WHO PROVIDE CLASSROOM MATERIALS.

"(a) ALLOWANCE OF CREDIT.—In the case of an eligible teacher, there shall be allowed as a credit against the tax imposed by this chapter for such taxable year an amount equal to the qualified elementary and secondary education expenses which are paid or incurred by the taxpayer during such taxable year.

"(b) MAXIMUM CREDIT.—The credit allowed by subsection (a) for any taxable year shall not exceed $100.

"(c) Definitions.—

"(1) Eligible teacher.—The term 'eligible teacher' means an individual who is a kindergarten through grade 12 classroom teacher, instructor, counselor, aide, or principal in an elementary or secondary school on a full-time basis for an academic year ending during a taxable year.

"(2) Qualified elementary and secondary education expenses.—The term 'qualified elementary and secondary education expenses' means expenses for books, supplies (other than nonathletic supplies for courses of instruction in health or physical education), computer equipment (including related software and services) and other equipment, and supplementary materials used by an eligible teacher in the classroom.

"(3) Elementary or secondary school.—The term 'elementary or secondary school' means any school which provides elementary education or secondary education (through grade 12), as determined under State law.

"(d) Special Rules.—

"(1) Denial of double benefit.—No deduction shall be allowed under this chapter for any expense for which credit is allowed under this section.

"(2) Application with other credits.—The credit allowable under subsection (a) for any taxable year shall not exceed the excess (if any) of—

"(A) the regular tax for the taxable year, reduced by the sum of the credits allowable under subpart A and the preceding sections of this subpart, over

"(B) the tentative minimum tax for the taxable year.

"(e) Election To Have Credit Not Apply.—A taxpayer may elect to have this section not apply for any taxable year.".

(b) Clerical Amendment.—The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

"Sec. 30B. Credit to elementary and secondary school teachers who provide classroom materials.".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 206. EXCLUSION OF NATIONAL SERVICE EDUCATIONAL AWARDS.

(a) In General.—Section 117 (relating to qualified scholarships) is amended by adding at the end the following:

"(e) Qualified National Service Educational Awards.—

"(1) In general.—Gross income for any taxable year shall not include any qualified national service educational award.

"(2) Qualified national service educational award.—For purposes of this subsection—

"(A) In general.—The term 'qualified national service educational award' means any amount received by an individual in a taxable year as a national service educational award or other amount under section 148 of the National and Community Service Act of 1990 (42 U.S.C. 12604) to the extent such amount does not exceed the qualified tuition and related expenses (as defined in subsection (b)(2)) of the individual for such taxable year.

"(B) Limitation.—The total amount of the qualified tuition and related expenses (as so defined) which may be taken into account under subparagraph (A) with respect to an individual for the taxable year shall be reduced (after the application of the reduction provided in section 25A(g)(2)) by the amount of such expenses which were taken into account in determining the credit allowed to the taxpayer or any other person under section 25A with respect to such expenses.".

(b) Effective Date.—The amendment made by this section shall apply to amounts received in taxable years beginning after December 31, 1999.

SEC. 207. ELIMINATION OF MARRIAGE PENALTY IN PHASEOUT OF EDUCATION LOAN INTEREST DEDUCTION.

(a) In General.—Subparagraph (B) of section 221(b)(2) (relating to limitation based on modified adjusted gross income) is amended—

(1) by striking "$60,000" in clause (i)(II) and inserting "$80,000", and

(2) by inserting "($30,000 in the case of a joint return)" after "$15,000" in clause (ii).

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

TITLE III—LIBERALIZATION OF TAX-EXEMPT FINANCING RULES FOR PUBLIC SCHOOL CONSTRUCTION

SEC. 301. ADDITIONAL INCREASE IN ARBITRAGE REBATE EXCEPTION FOR GOVERNMENTAL BONDS USED TO FINANCE EDUCATIONAL FACILITIES.

(a) In General.—Section 148(f)(4)(D)(vii) (relating to increase in exception for bonds financing public school capital expenditures) is amended by striking "$5,000,000" the second place it appears and inserting "$10,000,000".

(b) Effective Date.—The amendment made by subsection (a) shall apply to obligations issued in calendar years beginning after December 31, 2000.

SEC. 302. TREATMENT OF QUALIFIED PUBLIC EDUCATIONAL FACILITY BONDS AS EXEMPT FACILITY BONDS.

(a) Treatment as Exempt Facility Bond.—Subsection (a) of section 142 (relating to exempt facility bond) is amended by striking "or" at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting ", or", and by adding at the end the following new paragraph:

"(13) qualified public educational facilities.".

(b) Qualified Public Educational Facilities.—Section 142 (relating to exempt facility bond) is amended by adding at the end the following new subsection:

"(k) Qualified Public Educational Facilities.—

"(1) In general.—For purposes of subsection (a)(13), the term 'qualified public educational facility' means any school facility which is—

"(A) part of a public elementary school or a public secondary school, and

"(B) owned by a private, for-profit corporation pursuant to a public-private partnership agreement with a State or local educational agency described in paragraph (2).

"(2) Public-private partnership agreement described.—A public-private partnership agreement is described in this paragraph if it is an agreement—

"(A) under which the corporation agrees—

"(i) to do 1 or more of the following: construct, rehabilitate, refurbish, or equip a school facility, and

"(ii) at the end of the term of the agreement, to transfer the school facility to such agency for no additional consideration, and

"(B) the term of which does not exceed the term of the issue to be used to provide the school facility.

"(3) School facility.—For purposes of this subsection, the term 'school facility' means—

"(A) school buildings,

"(B) functionally related and subordinate facilities and land with respect to such buildings, including any stadium or other facility primarily used for school events, and

"(C) any property, to which section 168 applies (or would apply but for section 179), for use in the facility.

"(4) Public schools.—For purposes of this subsection, the terms 'elementary school' and 'secondary school' have the meanings given such terms by section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801), as in effect on the date of the enactment of this subsection.

"(5) Annual aggregate face amount of tax-exempt financing.—

"(A) In general.—An issue shall not be treated as an issue described in subsection (a)(13) if the aggregate face amount of bonds issued by the State pursuant thereto (when added to the aggregate face amount of bonds previously so issued during the calendar year) exceeds an amount equal to the greater of—

"(i) $10 multiplied by the State population, or

"(ii) $5,000,000.

"(B) Allocation rules.—

"(i) In general.—Except as otherwise provided in this subparagraph, the State may allocate the amount described in subparagraph (A) for any calendar year in such manner as the State determines appropriate.

"(ii) Rules for carryforward of unused limitation.—A State may elect to carry forward an unused limitation for any calendar year for 3 calendar years following the calendar year in which the unused limitation arose under rules similar to the rules of section 146(f), except that the only purpose for which the carryforward may be elected is the issuance of exempt facility bonds described in subsection (a)(13).".

(c) Exemption From General State Volume Caps.—Paragraph (3) of section 146(g) (relating to exception for certain bonds) is amended—

(1) by striking "or (12)" and inserting "(12), or (13)", and

(2) by striking "and environmental enhancements of hydroelectric generating facilities" and inserting "environmental enhancements of hydroelectric generating facilities, and qualified public educational facilities".

(d) Exemption From Limitation on Use for Land Acquisition.—Section 147(h) (relating to certain rules not to apply to mortgage revenue bonds, qualified student loan bonds, and qualified 501(c)(3) bonds) is amended by adding at the end the following new paragraph:

"(3) Exempt facility bonds for qualified public-private schools.—Subsection (c) shall not apply to any exempt facility bond issued as part of an issue described in section 142(a)(13) (relating to qualified public educational facilities).".

(e) Conforming Amendment.—The heading for section 147(h) is amended by striking "Mortgage Revenue Bonds, Qualified Student Loan Bonds, and Qualified 501(c)(3) Bonds" and inserting "Certain Bonds".

(f) Effective Date.—The amendments made by this section shall apply to bonds issued after December 31, 2000.

SEC. 303. FEDERAL GUARANTEE OF SCHOOL CONSTRUCTION BONDS BY FEDERAL HOUSING FINANCE BOARD.

(a) In General.—Section 149(b)(3) (relating to exceptions) is amended by adding at the end the following new subparagraph:

"(E) Certain guaranteed school construction bonds.—Any bond issued as part of an issue 95 percent or more of the net proceeds of which are used for public school construction shall not be treated as federally guaranteed for any calendar year by reason of any guarantee by the Federal Housing Finance Board (through any Federal Home Loan Bank) under the Federal Home Loan Bank Act (12 U.S.C. 1421 et seq.), as in effect on the date of the enactment of this subparagraph, to the extent the face amount of such bond, when added to the aggregate face amount of such bonds previously so guaranteed for such year, does not exceed $500,000,000.".

(b) EFFECTIVE DATE.—Subparagraph (E) of section 149(b)(3) of the Internal Revenue Code of 1986, as added by the amendment made by subsection (a), shall take effect upon the enactment, after the date of the enactment of this Act, of legislation expressly authorizing the Federal Housing Finance Board to allocate authority to Federal Home Loan Banks to guarantee any bond described in such subparagraph, but only if such legislation makes specific reference to such subparagraph.

SEC. 304. DISCLOSURE OF FIRE SAFETY STANDARDS AND MEASURES WITH RESPECT TO CAMPUS BUILDINGS.

(a) SHORT TITLE.—This section may be cited as the "Campus Fire Safety Right to Know Act".

(b) AMENDMENT.—Section 485 of the Higher Education Act of 1965 (20 U.S.C. 1092) is amended—

(1) in subsection (a)(1)—

(A) by striking "and" at the end of subparagraph (N);

(B) by striking the period at the end of subparagraph (O) and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(P) the fire safety report prepared by the institution pursuant to subsection (h)."; and

(2) by adding at the end the following new subsection:

"(h) DISCLOSURE OF FIRE SAFETY STANDARDS AND MEASURES.—

"(1) FIRE SAFETY REPORTS REQUIRED.—Each eligible institution participating in any program under this title shall, beginning in academic year 2001–2002, and each year thereafter, prepare, publish, and distribute, through appropriate publications or mailings, to all current students and employees, and to any applicant for enrollment or employment upon request, an annual fire safety report containing at least the following information with respect to the campus fire safety practices and standards of that institution:

"(A) A statement that identifies each student housing facility of the institution, and whether or not each such facility is equipped with a fire sprinkler system or another equally protective fire safety system.

"(B) Statistics concerning the occurrence on campus, during the 2 preceding calendar years for which data are available, of fires and false fire alarms.

"(C) For each such occurrence, a statement of the human injuries or deaths and the structural damage caused by the occurrence.

"(D) Information regarding fire alarms, smoke alarms, the presence of adequate fire escape planning or protocols (as defined in local fire codes), rules on portable electrical appliances, smoking and open flames (such as candles), regular mandatory supervised fire drills, and planned and future improvement in fire safety.

"(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to authorize the Secretary to require particular policies, procedures, or practices by institutions of higher education with respect to fire safety.

"(3) REPORTS.—Each institution participating in any program under this title shall make periodic reports to the campus community on fires and false fire alarms that are reported to local fire departments in a manner that will aid in the prevention of similar occurrences.

"(4) REPORTS TO SECRETARY.—On an annual basis, each institution participating in any program under this title shall submit to the Secretary a copy of the statistics required to be made available under paragraph (1)(B). The Secretary shall—

"(A) review such statistics;

"(B) make copies of the statistics submitted to the Secretary available to the public; and

"(C) in coordination with representatives of institutions of higher education, identify exemplary fire safety policies, procedures, and practices and disseminate information concerning those policies, procedures, and practices that have proven effective in the reduction of campus fires.

"(5) DEFINITION OF CAMPUS.—In this subsection the term 'campus' has the meaning provided in subsection (f)(6).".

(c) REPORT TO CONGRESS BY SECRETARY OF EDUCATION.—Not later than 1 year after the date of enactment of this Act, the Secretary of Education shall prepare and submit to the Congress a report containing—

(1) an analysis of the current status of fire safety systems in college and university facilities, including sprinkler systems;

(2) an analysis of the appropriate fire safety standards to apply to these facilities, which the Secretary shall prepare after consultation with such fire safety experts, representatives of institutions of higher education, and other Federal agencies as the Secretary, in the Secretary's discretion, considers appropriate;

(3) an estimate of the cost of bringing all nonconforming dormitories and other campus buildings up to current new building codes; and

(4) recommendations from the Secretary concerning the best means of meeting fire safety standards in all college and university facilities, including recommendations for methods to fund such cost.

TITLE IV—TRANSITION TO TEACHING

SEC. 401. SHORT TITLE.

This title may be cited as the "Transition to Teaching Act".

SEC. 402. FINDINGS.

The Congress finds as follows:

(1) School districts will need to hire more than 2,000,000 teachers in the next decade. The need for teachers in the areas of mathematics, science, foreign languages, special education, and bilingual education, and for those able to teach in high-poverty school districts will be particularly high. To meet this need, talented Americans of all ages should be recruited to become successful, qualified teachers.

(2) Nearly 28 percent of teachers of academic subjects have neither an undergraduate major nor minor in their main assignment fields. This problem is more acute in high-poverty schools, where the out-of-field percentage is 39 percent.

(3) The Third International Math and Science Study (TIMSS) ranked United States high school seniors last among 16 countries in physics and next to last in mathematics. It is also evident, mainly from the TIMSS data, that based on academic scores, a stronger emphasis needs to be placed on the academic preparation of our children in mathematics and science.

(4) One-fourth of high-poverty schools find it very difficult to fill bilingual teaching positions, and nearly half of public school teachers have students in their classrooms for whom English is a second language.

(5) Many career-changing professionals with strong content-area skills are interested in a teaching career, but need assistance in getting the appropriate pedagogical training and classroom experience.

(6) The Troops to Teachers model has been highly successful in linking high-quality teachers to teach in high-poverty districts.

SEC. 403. PURPOSE.

The purpose of this title is to address the need of high-poverty school districts for highly qualified teachers in particular subject areas, such as mathematics, science, foreign languages, bilingual education, and special education, needed by those school districts, by recruiting, preparing, placing, and supporting career-changing professionals who have knowledge and experience that will help them become such teachers.

SEC. 404. PROGRAM AUTHORIZED.

(a) AUTHORITY.—The Secretary is authorized to use funds appropriated under subsection (b) for each fiscal year to award grants, contracts, or cooperative agreements to institutions of higher education and public and private nonprofit agencies or organizations to carry out programs authorized by this title.

(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this title, there are authorized to be appropriated $25,000,000 for each of fiscal years 2001 through 2006.

SEC. 405. APPLICATION.

Each applicant that desires an award under section 404(a) shall submit an application to the Secretary containing such information as the Secretary requires, including—

(1) a description of the target group of career-changing professionals upon which the applicant will focus in carrying out its program under this title, including a description of the characteristics of that target group that shows how the knowledge and experience of its members are relevant to meeting the purpose of this title;

(2) a description of how the applicant will identify and recruit program participants;

(3) a description of the training that program participants will receive and how that training will relate to their certification as teachers;

(4) a description of how the applicant will ensure that program participants are placed and teach in high-poverty local educational agencies;

(5) a description of the teacher induction services (which may be provided through existing induction programs) the program participants will receive throughout at least their first year of teaching;

(6) a description of how the applicant will collaborate, as needed, with other institutions, agencies, or organizations to recruit, train, place, and support program participants under this title, including evidence of the commitment of those institutions, agencies, or organizations to the applicant's program;

(7) a description of how the applicant will evaluate the progress and effectiveness of its program, including—

(A) the program's goals and objectives;

(B) the performance indicators the applicant will use to measure the program's progress; and

(C) the outcome measures that will be used to determine the program's effectiveness; and

(8) an assurance that the applicant will provide to the Secretary such information as the Secretary determines necessary to determine the overall effectiveness of programs under this title.

SEC. 406. USES OF FUNDS AND PERIOD OF SERVICE.

(a) Authorized Activities.—Funds under this title may be used for—

(1) recruiting program participants, including informing them of opportunities under the program and putting them in contact with other institutions, agencies, or organizations that would train, place, and support them;

(2) training stipends and other financial incentives for program participants, not to exceed $5,000 per participant;

(3) assisting institutions of higher education or other providers of teacher training to tailor their training to meet the particular needs of professionals who are changing their careers to teaching;

(4) placement activities, including identifying high-poverty local educational agencies with a need for the particular skills and characteristics of the newly trained program participants and assisting those participants to obtain employment in those local educational agencies; and

(5) post-placement induction or support activities for program participants.

(b) Period of Service.—A program participant in a program under this title who completes his or her training shall serve in a high-poverty local educational agency for at least 3 years.

(c) Repayment.—The Secretary shall establish such requirements as the Secretary determines appropriate to ensure that program participants who receive a training stipend or other financial incentive under subsection (a)(2), but fail to complete their service obligation under subsection (b), repay all or a portion of such stipend or other incentive.

SEC. 407. EQUITABLE DISTRIBUTION.

To the extent practicable, the Secretary shall make awards under this title that support programs in different geographic regions of the Nation.

SEC. 408. DEFINITIONS.

In this title:

(1) High-poverty local educational agency.—The term "high-poverty local educational agency" means a local educational agency in which the percentage of children, ages 5 through 17, from families below the poverty level is 20 percent or greater, or the number of such children exceeds 10,000.

(2) Program participants.—The term "program participants" means career-changing professionals who—

(A) hold at least a baccalaureate degree;

(B) demonstrate interest in, and commitment to, becoming a teacher; and

(C) have knowledge and experience that are relevant to teaching a high-need subject area in a high-need local educational agency.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. EXPANSION OF DEDUCTION FOR COMPUTER DONATIONS TO SCHOOLS.

(a) Extension of Age of Eligible Computers.—Section 170(e)(6)(B)(ii) (defining qualified elementary or secondary educational contribution) is amended by striking "2 years" and inserting "3 years".

(b) Reacquired Computers Eligible for Donation.—Section 170(e)(6)(B)(iii) (defining qualified elementary or secondary educational contribution) is amended by inserting ", the person from whom the donor reacquires the property," after "the donor".

(c) Effective Date.—The amendments made by this section shall apply to contributions made in taxable years ending after the date of the enactment of this Act.

SEC. 502. CREDIT FOR COMPUTER DONATIONS TO SCHOOLS AND SENIOR CENTERS.

(a) In General.—Subpart D of part IV of subchapter A of chapter 1 (relating to business related credits) is amended by adding at the end the following:

"SEC. 45D. CREDIT FOR COMPUTER DONATIONS TO SCHOOLS AND SENIOR CENTERS.

"(a) General Rule.—For purposes of section 38, the computer donation credit determined under this section is an amount equal to 30 percent of the qualified computer contributions made by the taxpayer during the taxable year as determined after the application of section 170(e)(6)(A).

"(b) Qualified Computer Contribution.—For purposes of this section, the term 'qualified computer contribution' has the meaning given the term 'qualified elementary or secondary educational contribution' by section 170(e)(6)(B), except that—

"(1) such term shall include the contribution of a computer (as defined in section 168(i)(2)(B)(ii)) only if computer software (as defined in section 197(e)(3)(B)) that serves as a computer operating system has been lawfully installed in such computer, and

"(2) notwithstanding clauses (i) and (iv) of section 170(e)(6)(B), such term shall include the contribution of computer technology or equipment to multipurpose senior centers (as defined in section 102(35) of the Older Americans Act of 1965 (42 U.S.C. 3002(35)) described in section 501(c)(3) and exempt from tax under section 501(a) to be used by individuals who have attained 60 years of age to improve job skills in computers.

"(c) Increased Percentage for Contributions to Entities in Empowerment Zones, Enterprise Communities, and Indian Reservations.—In the case of a qualified computer contribution to an entity located in an empowerment zone or enterprise community designated under section 1391 or an Indian reservation (as defined in section 168(j)(6)), subsection (a) shall be applied by substituting '50 percent' for '30 percent'.

"(d) Certain Rules Made Applicable.—For purposes of this section, rules similar to the rules of paragraphs (1) and (2) of section 41(f) shall apply.

"(e) Termination.—This section shall not apply to taxable years beginning on or after the date which is 3 years after the date of the enactment of the New Millennium Classrooms Act.".

(b) Current Year Business Credit Calculation.—Section 38(b) (relating to current year business credit) is amended by striking "plus" at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting ", plus", and by adding at the end the following:

"(13) the computer donation credit determined under section 45D(a).".

(c) Disallowance of Deduction by Amount of Credit.—Section 280C (relating to certain expenses for which credits are allowable) is amended by adding at the end the following:

"(d) Credit for Computer Donations.—No deduction shall be allowed for that portion of the qualified computer contributions (as defined in section 45D(b)) made during the taxable year that is equal to the amount of credit determined for the taxable year under section 45D(a). In the case of a corporation which is a member of a controlled group of corporations (within the meaning of section 52(a)) or a trade or business which is treated as being under common control with other trades or businesses (within the meaning of section 52(b)), this subsection shall be applied under rules prescribed by the Secretary similar to the rules applicable under subsections (a) and (b) of section 52.".

(d) Limitation on Carryback.—Subsection (d) of section 39 (relating to carryback and carryforward of unused credits) is amended by adding at the end the following:

"(9) No carryback of computer donation credit before effective date.—No amount of unused business credit available under section 45D may be carried back to a taxable year beginning on or before the date of the enactment of this paragraph.".

(e) Clerical Amendment.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 45C the following:

"Sec. 45D. Credit for computer donations to schools and senior centers.".

(f) Effective Date.—The amendments made by this section shall apply to contributions made in taxable years beginning after the date of the enactment of this Act.

SEC. 503. REPORT TO CONGRESS REGARDING EXTENT AND SEVERITY OF CHILD POVERTY.

(a) In General.—Not later than June 1, 2001 and prior to any reauthorization of the temporary assistance to needy families program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) for any fiscal year after fiscal year 2002, the Secretary of Health and Human Services (in this section referred to as the "Secretary") shall report to Congress on the extent and severity of child poverty in the United States. Such report shall, at a minimum—

(1) determine for the period since the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2105)—

(A) whether the rate of child poverty in the United States has increased;

(B) whether the children who live in poverty in the United States have gotten poorer; and

(C) how changes in the availability of cash and non-cash benefits to poor families have affected child poverty in the United States;

(2) identify alternative methods for defining child poverty that are based on consideration of factors other than family income and resources, including consideration of a family's work-related expenses; and

(3) contain multiple measures of child poverty in the United States that may include the child poverty gap and the extreme poverty rate.

(b) Legislative Proposal.—If the Secretary determines that during the period since the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2105) the extent or severity of child poverty in the United States has increased to any extent, the Secretary shall include with the report to Congress required under subsection (a) a legislative proposal addressing the factors that led to such increase.

SEC. 504. CAREERS TO CLASSROOMS.

(a) Definitions.—In this section:

(1) In general.—The terms "elementary school", "local educational agency", "secondary school", and "Secretary" have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(2) Alternative certification or licensure requirements.—The term "alternative certification or licensure requirements"

means State or local teacher certification or licensure requirements that permit a demonstrated competence in appropriate subject areas gained in careers outside of education to be substituted for traditional teacher training course work.

(3) ELIGIBLE INDIVIDUAL.—The term "eligible individual" means an individual who has received—

(A) in the case of an individual applying for assistance for placement as an elementary school or secondary school teacher, a baccalaureate or advanced degree from an institution of higher education; or

(B) in the case of an individual applying for assistance for placement as a teacher's aide in an elementary school or secondary school, an associate, baccalaureate, or advanced degree from an institution of higher education.

(4) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)

(5) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, American Samoa, the Federated States of Micronesia, Guam, the Republic of the Marshall Islands, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, the Republic of Palau, and the United States Virgin Islands.

(b) PLACEMENT PROGRAM.—The Secretary may establish a program of awarding grants to States—

(1) to enable the States to assist eligible individuals to obtain—

(A) certification or licensure as elementary school or secondary school teachers; or

(B) the credentials necessary to serve as teachers' aides; and

(2) to facilitate the employment of the eligible individuals by local educational agencies identified under subsection (c)(2) as experiencing a shortage of teachers or teachers' aides.

(c) STATES WITH ALTERNATIVE CERTIFICATION REQUIREMENTS AND TEACHER AND TEACHER'S AIDE SHORTAGES.—Upon the establishment of the placement program authorized by subsection (b), the Secretary shall—

(1) conduct a survey of States to identify those States that have alternative certification or licensure requirements for teachers;

(2) periodically request information from States identified under paragraph (1) to identify in these States those local educational agencies that—

(A) are receiving grants under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) as a result of having within their jurisdictions concentrations of children from low-income families; and

(B) are also experiencing a shortage of qualified teachers, in particular a shortage of science, mathematics, computer science, or engineering teachers; and

(3) periodically request information from all States to identify local educational agencies that—

(A) are receiving grants under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) as a result of having within their jurisdictions concentrations of children from low-income families; and

(B) are experiencing a shortage of teachers' aides.

(d) SELECTION OF ELIGIBLE INDIVIDUALS.—

(1) IN GENERAL.—Selection of eligible individuals to participate in the placement program authorized by subsection (b) shall be made on the basis of applications submitted to a State. An application shall be in such form and contain such information as the State may require.

(2) PRIORITY.—In selecting eligible individuals to receive assistance for placement as elementary school or secondary school teachers, the State shall give priority to eligible individuals who—

(A) have substantial, demonstrated career experience in science, mathematics, computer science, or engineering and agree to seek employment as science, mathematics, computer science, or engineering teachers in elementary schools or secondary schools; or

(B) have substantial, demonstrated career experience in another subject area identified by the State as important for national educational objectives and agree to seek employment in that subject area in elementary schools or secondary schools.

(e) AGREEMENT.—An eligible individual selected to participate in the placement program authorized by subsection (b) shall be required to enter into an agreement with the State, in which the eligible individual agrees—

(1) to obtain, within such time as the State may require, certification or licensure as an elementary school or secondary school teacher or the necessary credentials to serve as a teacher's aide in an elementary school or secondary school; and

(2) to accept—

(A) in the case of an eligible individual selected for assistance for placement as a teacher, an offer of full-time employment as an elementary school or secondary school teacher for not less than two school years with a local educational agency identified under subsection (c)(2), to begin the school year after obtaining that certification or licensure; or

(B) in the case of an eligible individual selected for assistance for placement as a teacher's aide, an offer of full-time employment as a teacher's aide in an elementary school or secondary school for not less than 2 school years with a local educational agency identified under subsection (c)(3), to begin the school year after obtaining the necessary credentials.

(f) STIPEND FOR PARTICIPANTS.—

(1) IN GENERAL.—The State shall pay to an eligible individual participating in the placement program a stipend in an amount equal to the lesser of—

(A) $5,000; or

(B) the total costs of the type described in paragraphs (1), (2), (3), (8), and (9) of section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087ll) incurred by the eligible individual while obtaining teacher certification or licensure or the necessary credentials to serve as a teacher's aide and employment as an elementary school or secondary school teacher or teacher aide.

(2) RELATION TO OTHER ASSISTANCE.—A stipend paid under paragraph (1) shall be taken into account in determining the eligibility of the eligible individual for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

(g) GRANTS TO FACILITATE PLACEMENT.—

(1) TEACHERS.—In the case of an eligible individual in the placement program obtaining teacher certification or licensure, the State may offer to enter into an agreement under this subsection with the first local educational agency identified under subsection (b)(2) that employs the eligible individual as a full-time elementary school or secondary school teacher after the eligible individual obtains teacher certification or licensure.

(2) TEACHER'S AIDES.—In the case of an eligible individual in the program obtaining credentials to serve as a teacher's aide, the State may offer to enter into an agreement under this subsection with the first local educational agency identified under subsection (b)(3) that employs the participant as a full-time teacher's aide.

(3) AGREEMENTS CONTRACTS.—Under an agreement referred to in paragraph (1) or (2)—

(A) the local educational agency shall agree to employ the eligible individual full time for not less than 2 consecutive school years (at a basic salary to be certified to the State) in a school of the local educational agency that—

(i) serves a concentration of children from low-income families; and

(ii) has an exceptional need for eligible individuals; and

(B) the State shall agree to pay to the local educational agency for each eligible individual, from amounts provided under this section, $5,000 per year for a maximum of 2 years.

(h) REIMBURSEMENT UNDER CERTAIN CIRCUMSTANCES.—

(1) IN GENERAL.—If an eligible individual in the placement program fails to obtain teacher certification or licensure, employment as an elementary school or secondary school teacher, or employment as a teacher's aide as required under the agreement or voluntarily leaves, or is terminated for cause, from the employment during the 2 years of required service, the eligible individual shall be required to reimburse the State for any stipend paid to the eligible individual under subsection (f)(1) in an amount that bears the same ratio to the amount of the stipend as the unserved portion of required service bears to the 2 years of required service. A State shall forward the proceeds of any reimbursement received under this paragraph to the Secretary.

(2) OBLIGATION TO REIMBURSE.—The obligation to reimburse the State under this subsection is, for all purposes, a debt owing the United States. A discharge in bankruptcy under title 11 shall not release a participant from the obligation to reimburse the State. Any amount owed by an eligible individual under paragraph (1) shall bear interest at the rate equal to the highest rate being paid by the United States on the day on which the reimbursement is determined to be due for securities having maturities of 90 days or less and shall accrue from the day on which the eligible individual is first notified of the amount due.

(i) EXCEPTIONS TO REIMBURSEMENT PROVISIONS.—

(1) IN GENERAL.—An eligible individual in the placement program shall not be considered to be in violation of an agreement entered into under subsection (e) during any period in which the participant—

(A) is pursuing a full-time course of study related to the field of teaching at an institution of higher education;

(B) is serving on active duty as a member of the Armed Forces;

(C) is temporarily totally disabled for a period of time not to exceed 3 years as established by sworn affidavit of a qualified physician;

(D) is unable to secure employment for a period not to exceed 12 months by reason of the care required by a spouse who is disabled;

(E) is seeking and unable to find full-time employment as a teacher or teacher's aide in an elementary school or secondary school for a single period not to exceed 27 months; or

(F) satisfies the provisions of additional reimbursement exceptions that may be prescribed by the Secretary.

(2) Forgiveness.—An eligible individual shall be excused from reimbursement under subsection (h) if the eligible individual becomes permanently totally disabled as established by sworn affidavit of a qualified physician. The Secretary may also waive reimbursement in cases of extreme hardship to the participant, as determined by the Secretary.

SEC. 505. PESTICIDE APPLICATION IN SCHOOLS.

(a) In General.—Each school that receives Federal funding shall—

(1) take steps to reduce the exposure of children to pesticides on school grounds, both indoors and outdoors; and

(2) provide parents and guardians of children that attend the school with advance notification of certain pesticide applications on school grounds in accordance with subsections (b) and (c).

(b) EPA List of Toxic Pesticides.—

(1) In general.—The Administrator of the Environmental Protection Agency shall distribute to each school that receives Federal funding the current manual of the Environmental Protection Agency that guides schools in the establishment of a least toxic pesticide policy.

(2) List.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall provide each school that receives Federal funding with a list of pesticides that contain a substance that the Administrator has identified as a known carcinogen, a developmental or reproductive toxin, or a category I or II acute nerve toxin.

(c) Parental Notification of Toxic Pesticide Applications in Schools.—

(1) In general.—On or after the date that is 18 months after the date of enactment of this Act, any school that receives Federal funding shall not apply any pesticide described in paragraph (b)(2) on school grounds, either indoors or outdoors, unless an administrative official of the school provides notice of the planned application to parents and guardians of children that attend the school not later than 48 hours before the application of the pesticide.

(2) Notice.—The notice described in paragraph (1)—

(A) shall include—

(i) a description of the intended area of application; and

(ii) the name of each pesticide to be applied; and

(B) shall indicate whether the pesticide is a known carcinogen, a developmental or reproductive toxin, or a category I or II acute nerve toxin.

(3) Incorporation of notice.—The notice described in paragraph (1) may be incorporated in any notice that is being sent to parents and guardians at the time at which the pesticide notice is required to be sent.

SEC. 506. SENSE OF THE SENATE REGARDING A SAFE LEARNING ENVIRONMENT.

(a) Findings.—Congress finds that:

(1) Every school child in America should have a safe learning environment free from violence and illegal drugs.

(2) Violence and illegal drugs in the schools undermine a safe and secure learning environment.

(3) Any instance of violence or illegal drugs in schools is unacceptable and undermines the efforts of Congress, State and local governments and school boards, and parents to provide American children with the best education possible.

(4) In the last 12 months, there have been at least 50 people killed or injured in school shootings in America.

(5) From 1992 through 1998, the number of referrals made by the Bureau of Alcohol, Tobacco, and Firearms to the Federal Bureau of Investigation for Federal firearms prosecutions fell 44 percent, which resulted in a 40-percent drop in prosecutions and a 31-percent decline in convictions, allowing criminals to remain on the streets preying on our most vulnerable citizens, including our children.

(6) From 1996 to 1998, the Justice Department only prosecuted an average of seven persons per year for illegally transferring a handgun to a juvenile.

(7) Since 1992, the percentage of 8th grade students using marijuana, cocaine, and heroin in the past 30 days has increased 162 percent, 86 percent, and 50 percent, respectively, according to the respected Monitoring the Future survey.

(8) The February 29, 2000, shooting at Buell Elementary School in Mount Morris Township, Michigan, is evidence that gun violence in American schools continues, that the drug culture contributes to youth violence, and that the breakdown of the American family has contributed to the increase in violence among American children.

(b) Sense of the Senate.—It is the sense of the Senate that the reauthorization of the Safe and Drug-Free Schools program that Congress soon will be considering should target the elimination of illegal drugs and violence in our schools and should encourage local schools to insist on zero-tolerance policies towards violence and illegal drug use.

SEC. 507. REDUCTION IN SCHOOL VIOLENCE.

(a) Short Title.—This section may be cited as the "School Violence Reduction Act".

(b) Findings.—Congress finds that:

(1) Every school child in America has a right to a safe learning environment free from guns and violence.

(2) The United States Department of Education report on the Implementation of the Gun-Free Schools Act found that 3,930 children were expelled for bringing guns to school during the 1997–98 school year.

(3) Nationwide, 57 percent of the expulsions were high school students, 33 percent were in junior high and 10 percent were in elementary school.

(c) Grants.—The Secretary of Education shall award grants to elementary and secondary schools (as such terms are defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)) to enable such schools to—

(1) develop and disseminate model programs to reduce violence in schools,

(2) educate students about the dangers associated with guns, and

(3) provide violence prevention information (including information about safe gun storage) to children and their parents.

(d) Application.—To be eligible to receive a grant under subsection (b), an elementary or secondary school shall prepare and submit to the Secretary of Education an application at such time, in such manner, and containing such information as the Secretary may require.

(e) Public Service Announcements.—The Secretary of Education shall provide for the development and dissemination of public service announcements and other information on ways to reduce violence in our Nation's schools, including safe gun storage and other measures.

(f) Authorization of Appropriations.—For the purpose of carrying out this section, there are authorized to be appropriated funds of up to $7,000,000 for fiscal year 2001 and such sums as may be necessary for each of the four succeeding fiscal years.

Mr. COVERDELL. I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

TECHNICAL CORRECTIONS TO AMENDMENT NO. 2869

Mr. COVERDELL. Mr. President, I ask unanimous consent that the clerk be authorized to make technical conforming corrections to Roth amendment No. 2869.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. COVERDELL. Mr. President, I now ask unanimous consent there be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PATIENTS' BILL OF RIGHTS

Mr. GREGG. Mr. President, we are about to begin the heavy lifting on the Patient Bill of Rights Conference Committee, and I wanted to come to the Floor of the Senate and lay out some of the key concerns and principles that should guide us in the coming month.

First, I want to take a minute and compliment my colleague, Senator NICKLES, for his fine work over, really, the last 3 years. He has been a dedicated leader on this issue.

I am confident that as chair of the conference, he will conduct a fair and orderly process for this conference.

We are ready. Many of us have worked on most of these provisions for several years. I and my Republican Senate conferees, for one, have worked over the last several months to educate ourselves on the House bill.

Let me be clear. We want a substantive conference. As I have said, we have already rolled up our sleeves, and I think we can work through this complex bill and meet the deadline of completing this bill by the end of March. That is our goal and with the cooperation of every Senator and House Member on this committee, I believe we can meet this goal.

The stakes are high. I don't think it is an exaggeration to say that the very future of medical care in this country hinges on what we do in this next month.

From the very basic and practical question of who a patient calls for help when there is a concern about coverage or some aspect of their health plan—to the delivery of that care by doctors or other health professionals—to who regulates these fundamental health insurance issues—all of these issues will be greatly affected by this bill.

First, do no harm. This is the doctor's oath. I believe we serve Americans badly if at the end of the day we do not adhere to that same rule.

That is why we cannot enact a bill that unreasonably increase the cost of insurance. We cannot leave American families with no choice but to drop their insurance altogether.

Even in our strong economy—the strongest economy that this country has seen since WWII—the number of uninsured Americans has increased by about another 1 million. The latest census numbers available show that 44.3 million Americans were without coverage in 1998. That is one American in six.

And employers are facing increases in health care costs this year of as much as 7.3 percent. Small businesses are struggling with even much higher cost increases. Costs are rising for American employers who want to continue providing coverage to their employees.

For better or worse, managed care has been the main instrument in this country for making health care more affordable for a vast number of Americans. If we price these products out of the market, with regulations, mandates and lawsuits, the effect will be crippling.

We recently heard from some fairly large employers who said that if the House-passed bill were enacted, they would stop offering employees health insurance altogether—resulting in more uninsured.

These aren't just some unrecognizable companies with a few employees. Companies like Wal Mart, which employs 800,000 employees, have indicated they would drop health coverage.

The Chamber of Commerce announced they would have no choice but to recommend to their member companies to drop health insurance if the House-passed bill were enacted into law in its current form.

Overall, I believe about 36 percent of the employers in this country have said they'd stop offering coverage. This Congress must not allow that to happen.

Will these bills hike the costs for families and their employers? Both bills will, even though Senate Republicans believe we have come up with a better bill that addresses the complexities of the health care system and gives patients the care they need without unreasonably raising their costs.

The CBO has said, in February, that the House-passed bill would cancel coverage for over a million Americans, increasing costs of private health insurance premiums by an average of 4.1 percent above inflation. This driving up of the costs of medicine does little to improve the quality of care.

Equally important as costs, is the issue of expanding lawsuits, or the liability debate. I fought to prevent the Senate bill from including an expanded right to sue last summer, and 52 of my colleague agreed with me.

They recognized that consumers don't get much from these lawsuits. They don't get greater care. They don't get much money for their troubles either, because the lawyers take most of any settlement or award.

If the truth be known, lawsuits have never been a friend of the patient.

Nothing confirms this fact better than a recent IOM report, To Err is Human: Building a Safer Health System, that finds unreported medical reports are killing alarming numbers of patients every year.

This report, based on the hard work of experts at the National Institute of Medicine, concluded that the threat of lawsuits actually prevents hospitals, doctors, and other health care professionals from reporting mistakes and errors that they have made.

We are not just talking about a few cases, but the report concluded that as many as 98,000 people are killed each year because of such things as:

Poor handwriting by doctors, which often causes pharmacists to misread drug prescriptions and issue the wrong drug and/or dosage.

Unfamiliarity of doctors, and health professionals with the rapidly changing and emerging technologies that are being introduced in health care today. These technologies pose new hazards for patients, and professionals simply do not have competency and are not continually retrained.

The recommendations suggest that these errors are hidden for fear of malpractice lawsuits.

More importantly, the report suggests that doctors, hospitals and other health care providers will never report errors without protection from the threat of litigation.

So what is the answer to the horrible fact that thousands of Americans are dying each year because of unreported medical mistakes?

The IOM report calls for a national effort, and I agree that we have to work with every aspect of health care in this country to turn those numbers of deaths around. We need our public agencies responsible for the public health, like HHS, HRSA and the Agency for Health Care Policy Research and Quality involved. We need state agencies and public health institutions involved.

All of these folks need to engage the entire health care industry in a broad range of quality and safety issues. This is absolutely the direction we must go to prevent medical mistakes.

The report suggests that all these folks should work together to develop standards for safety and define minimum levels of performance for every health care organization. All these efforts should focus public attention on patient safety. We know how to prevent many of these medical mistakes, and real reductions in errors are achievable if we focus on patient safety.

President Clinton also wants to require every state to create mandatory reporting systems to collect information on medical errors. However, I haven't really heard very many folks say they support a mandatory system: most don't believe it will solve the problem.

Even the Administration official who presented the plan to the Health and Education Committee several weeks ago, acknowledged that a mandatory system of reporting may not be the best approach. Dr. John Eisenburg, director of the Agency for Health Care Research and Quality, admitted that some of the criticism of the proposal was "on target."

He said, "Do we know if these programs [mandatory reporting programs] work? No, we don't. We don't know how well they work, and when they work best."

The Health and Education Committee has had four hearings on this issue, and we have heard one thing time and time again: as long as there is the fear that reported data—whether it is supposed to be confidential or not—will be ferreted out and used by an aggressive trial bar, we will never be able to reduce medical error rates. Unless we do something about liability, there will never be a real and substantial effort made to report medical mistakes.

The American Hospital Association had this to say, "Our concern is around the protection of the information that's contained in those reports. Any enterprising malpractice attorney is going to be able to track back to the caregivers." So, the fear of blame and lawsuits is too great.

When the American Medical Association testified at this hearing, they opposed mandatory reporting, saying that, "The president has the cart before the horse. He'd put in place mandatory reporting, then study it and do something different if it doesn't improve patient safety"

My colleague, Senator HAGEL, also specifically asked Dr. Dickey what she thought of the IMM's conclusion that there be some liability protections vis-a-vis this important issue—patient bill of rights.

You know what she said? She basically said that they wanted the flawed liability legal remedies and failed legal system that has harmed the doctor's practice of medicine for so many years applied to HMOs, and then and only then should we fix the mess for everyone.

Where is the logic in that? That does not sound like the answer to me. Shouldn't we acknowledge that, yes, this system that has caused defensive medicine and cost society in terms of quality health care for decades, and killed people according to the IOM, should be fixed before we expand its breadth to anyone else?

So, Mr. President, I say that liability has never been a friend to patients and the unfortunate findings about annual deaths in the IOM report are the best evidence of that fact. This IOM report is very important in our deliberations, and none of us should lose sight of this fact.

I also believe that my constituents back in New Hampshire should not have to deal with a greatly complicated regulatory bureaucracy. You know, a patient that has a question about his coverage or some other aspect of his health plan wants a straight answer to a question.

I want to highlight this fact: The consumer wants a straight answer. Ultimately, he should be able to call his health plan and receive reliable information.

If the answer he gets is not the answer he wants, the patient should have a means of redress. Under the Senate passed bill, we have set a system that lets doctors take a look at what doctors are deciding for patients.

Under the Senate passed bill, concerns are addressed by a doctor specializing in the patient's type of problem. The doctor is independent, and makes that decision.

There are several levels of independent medical review where a patient can go outside the insurance plan and have another doctor who specializes in the same type of problem look again at the patient's needs and decide if the patient should or should not have the requested service or treatment.

This is an approach designed to get the patient care, and get the patient good care.

The House-passed bill also has an appeals process, but I am very concerned its design is more about creating more lawsuits, and putting more money in attorneys' pockets.

What will patients get out of this? They won't get the care they need. So we think we have come up with a better idea.

In conclusion, let me say that patients really want and need to be put back into the health care equation, and I think that has been acknowledged on both sides.

That is why many of the provisions in both bills are very similar. I think the provisions on plan information in both bills are similar and there is common ground from which we can work.

We both give Americans expanded new rights to go to an emergency room and get the care they need without worrying about having to fight with their insurer over who will pay for this care.

We both greatly expand access to specialists. Both bills allow direct access to a pediatrician for children, and for women seeking primary and preventative ob/gyn care.

So, we are close on very many of the issues that are important to most Americans. These are major issues that I believe we can come to an agreement on.

Other issues will be difficult to resolve, but I am committed to sitting down with colleagues on the other side of the aisle to discuss these issues, and will promise to negotiate in good faith.

We may not agree yet, but I am hopeful. I think Democrats and Republicans share a goal of wanting to ensure individuals have access to safe and appropriate health coverage. So I am positive about this conference.

DEATH OF KAYLA ROLLAND

Mr. ABRAHAM. Mr. President, I rise, with sadness and a heavy heart today. On Tuesday, Kayla Rolland, a 6-year-old first grader was shot and killed by a classmate at Theo J. Buell Elementary School in Mount Morris Township, MI.

As Kayla's family mourns their lost, I am certain in my heart that Kayla's spirit is in a better place.

It is my hope that in this difficult time Kayla's family will find comfort in one another, in their community, in their faith and in the knowledge that across America their fellow citizens feel their grief.

Such a violent death is a great tragedy. But for someone so young, to have her hopes and dreams cut short by gunfire—stretches the limits of our power to understand and to accept.

As the father of two daughters, also in the first grade, I can't get out of my mind the pictures of Buell Elementary School, as so many frightened young children facing a terror few of us would want to know firsthand, rushed into the arms of their parents.

I thank God each day that my kids return home safe, away from the dangers of this world and from the senseless violence that haunts our communities.

But, as our Nation tries to address the questions and issues that surrounded this tragic event, I hope that, for the next few days, we focus on Kayla's family.

A family lost a child this week, and that we must not forget.

There is a time and a place to address the circumstances surrounding Kayla's death and the public policy issues involved; and I look forward to those discussions.

But, I hope that we will not allow the policy debates and the media rush to examine this tragic event cause us to forget the immediate needs of a family in mourning.

Above all, I hope that we will keep the Rolland family and Kayla in our thoughts and prayers.

In closing, Mr. President, on behalf of my wife Jane and myself, I would like to express our family's deepest sympathies to the Rolland family.

SAVE OUR SURPLUS

Mr. GRAMS. Mr. President, I rise to speak about a very important bill I introduced yesterday. My Save Our Surplus, or S.O.S. legislation would lock in every penny of the $23 billion non-Social Security surplus which materialized in FY 2000 and return it to working Americans in the form of debt reduction, tax relief and structural Social Security and Medicare reform.

The reason for this legislation is simple: Last year the Congress adopted my amendment in the budget resolution to set up a reserve fund for any non-Social Security surplus for tax relief.

Unfortunately, this provision in the budget resolution was completely ignored in the appropriation process. As a result, we ended up spending every penny of the projected $14 billion on-budget surplus.

The Congressional Budget Office estimated early this year that, Thanks to our strong economy, we would have an even higher $23 billion on-budget surplus in the current fiscal year despite that spending spree.

Mr. President, this $23 billion non-Social Security surplus does not fall from the sky. It is working Americans who generated the surplus—not Congress, not the President, but Americans' hard work.

In fact, hard working Americans have created a strong economy that has turned the ink in Washington's accounting book black for the first time in 40 years. The budget surplus above and beyond Social Security will top $1.9 trillion over the next 10 years.

Clearly, the reason we have a surplus is the result of the hard work of working men and women of this country. Washington should not be the first in the line to spend this surplus.

Mr. President, the budget surplus above and beyond the Social Security surplus is tax overpayments and should be returned to taxpayers in the form of tax relief, debt reduction and Social Security reform.

If we don't return the tax overcharges to the taxpayers in these ways, Washington will spend it all, leaving nothing for tax relief, debt reduction or the vitally important task of preserving Social Security. Last year's appropriations spending has proven my fears are well founded.

President Clinton has already proposed spending nearly all of this surplus, and both Chambers of the Congress are preparing to add even more to the President's request in this year's supplemental spending bill.

This is not right. Last year's discretionary spending was already increased by over 5 percent, twice the rate of inflation. If Congress spends this additional $23 billion surplus, discretionary spending will increase by over 9 percent. If there is a Supplemental, it should be fully offset by spending reduction.

President Clinton also proposes to "correct the gimmicks" in the FY 2000 Appropriations bills by shifting payment dates from FY 2001 back to FY 2000, lifting restrictions on obligations, and reversing advance funding.

Mr. President, I was the one that spoke repeatedly on the Senate floor last year in strong opposition to budget gimmickry. However, changing the gimmicks now would have the effect of increasing discretionary and mandatory spending in FY 2000 by $10 billion while also allowing for spending to increase in FY 2001 by a corresponding amount.

Mr. President, two wrongs don't make a right. Let's leave FY 2000 spending the way it is and pledge to stop the gimmicks this year.

The last thing we should do is to spend tax overpayments to enlarge the government. If we cannot give working Americans a tax refund this year due to President Clinton's veto of our tax relief bill, we at least should dedicate this on-budget surplus to reduction of the national debt.

It is true that our short-term fiscal situation has improved greatly due to the continued growth of our economy. However, our long-term financial imbalance still poses a major threat to the health of our future economic security.

We must also recall that Americans have long been overtaxed, and millions of middle-class families cannot even make ends meet due to the growing tax burden. They still call for major relief. That's why we passed nearly $800 billion in tax relief for them. But President Clinton denied them the tax refund they deserve.

FY 2000's spending is the worst example of fiscal irresponsibility. Washington spent far more than it should have. But what concerns me is that if we continue this dangerous trend by spending this $23 billion additional surplus for FY 2000, we will push the spending baseline even higher, leaving an even smaller on-budget surplus for our 5-year or 10-years tax relief or for debt reduction.

I understand that we do have emergency spending needs each year. I support true emergency spending, such as disaster relief or agricultural crisis relief. But I believe we should, and can, meet these challenges by prioritizing and streamlining government programs to offset this new spending while maintaining fiscal discipline.

Again, my point is, Mr. President, that this non-Social Security surplus is nothing but tax over-payments. It is the American taxpayers' money and it should be returned in the form of debt reduction, tax relief or Social Security reform.

If we don't give the non-Social Security surplus back to the taxpayers in these ways, Washington will soon spend it all. Such spending will only expand the government, making it even more expensive to support in the future, creating an even higher tax burden than working Americans bear today and a higher federal budget.

I join Chairman Alan Greenspan who has been advocating using surplus for debt reduction and tax relief rather than increasing government spending.

My S.O.S. legislation would achieve this goal by creating a new point of order against any legislation reducing the FY 2000 non-Social Security surplus if it is not used for debt reduction, tax relief or structural Social Security and Medicare reform.

The S.O.S. legislation is a fiscally responsible bill. I urge my colleagues to support it.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, March 1, 2000, the Federal debt stood at $5,725,649,856,797.45 (Five trillion, seven hundred twenty-five billion, six hundred forty-nine million, eight hundred fifty-six thousand, seven hundred ninety-seven dollars and forty-five cents).

One year ago, March 1, 1999, the Federal debt stood at $5,643,046,000,000 (Five trillion, six hundred forty-three billion, forty-six million).

Five years ago, March 1, 1995, the Federal debt stood at $4,848,389,000,000 (Four trillion, eight hundred forty-eight billion, three hundred eighty-nine million).

Ten years ago, March 1, 1990, the Federal debt stood at $3,026,322,000,000 (Three trillion, twenty-six billion, three hundred twenty-two million).

Fifteen years ago, March 1, 1985, the Federal debt stood at $1,712,490,000,000 (One trillion, seven hundred twelve billion, four hundred ninety million) which reflects a debt increase of more than $4 trillion—$4,013,159,856,797.45 (Four trillion, thirteen billion, one hundred fifty-nine million, eight hundred fifty-six thousand, seven hundred ninety-seven dollars and forty-five cents) during the past 15 years.

ADDITIONAL STATEMENTS

TEXAS INDEPENDENCE DAY

• Mrs. HUTCHISON. Mr. President, I rise today to talk about an important point in our history and that is to commemorate this day 164 years ago, Texas Independence Day.

Each year, I look forward to March 2d. This is a special day for Texans, a day that fills our hearts with pride. On this day 164 years ago, a solemn convention of 54 men, including my great, great grandfather Charles S. Taylor, met in the small settlement of Washington-on-the-Brazos. There they signed the Texas Declaration of Independence. The declaration stated:

> We, therefore . . . do hereby resolve and declare . . . that the people of Texas do now constitute a free, sovereign and independent republic.

At the time, Texas was a remote territory of Mexico. It was hospitable only to the bravest and most determined of settlers. After declaring our independence, the founding delegates quickly wrote a constitution and organized an interim government for the newborn republic.

As was the case when the American Declaration of Independence was signed in 1776, our declaration only pointed the way toward a goal. It would exact a price of enormous effort and great sacrifice. My great, great grandfather was there, signing the declaration of independence. As most of the delegates did, he went on eventually to fight the Battle of San Jacinto. He didn't know it at the time, but all four of his children who had been left back at home in Nacogdoches died trying to escape from the Indians and the Mexicans who they feared were coming after them.

Fortunately, he and his wife, my great, great grandmother, had nine more children. But it is just an example of the sacrifices that were made by people who were willing to fight for something they believed in. That, of course, was freedom.

While the convention sat in Washington-on-the-Brazos, 6,000 Mexican troops held the Alamo under siege, challenging this newly created republic.

Several days earlier, from the Alamo, Col. William Barrett Travis sent his immortal letter to the people of Texas and to all Americans. He knew the Mexican Army was approaching and he knew that he had only a very few men to help defend the San Antonio fortress. Colonel Travis wrote:

> Fellow Citizens and Compatriots: I am besieged with a thousand or more of the Mexicans under Santa Anna. I have sustained a continual Bombardment and cannonade for 24 hours and have not lost a man. The enemy has demanded surrender at discretion, otherwise, the garrison is to be put to the sword, if the fort is taken. I have answered the demand with a cannon shot, and our flag still waves proudly over the wall. I shall never surrender or retreat. Then I call on you in the name of Liberty, of patriotism, of everything dear to the American character, to come to our aid with all dispatch. The enemy is receiving reinforcements daily and will no doubt increase to three or four thousand in four or five days. If this call is neglected I am determined to sustain myself as long as possible and die like a soldier who never forgets what is due his honor and that of his country—Victory or Death.—William Barrett Travis, Lt. Col. Commander.

What American, Texan or otherwise, can fail to be stirred by Col. Travis' resolve? In fact, Colonel Travis' dire prediction came true—4,000 to 5,000 Mexican troops laid siege to the Alamo. In the battle that followed, 184 brave men died in a heroic but vain attempt to fend off Santa Anna's overwhelming army. But the Alamo, as we all in Texas know, was crucial to Texas' independence. Because those heroes at the Alamo held out for so long, Santa Anna's forces were battered and diminished.

Gen. Sam Houston gained the time he needed to devise a strategy to defeat Santa Anna at the Battle of San Jacinto, just a month or so later, on April 21, 1836. The Lone Star was visible on the horizon at last.

Each year, on March 2, there is a ceremony at Washington-on-the-Brazos State Park where there is a replica of the modest cabin where the 54 patriots pledged their lives, honor, and treasure for freedom.

On this day, I read Colonel Travis' letter to my colleagues in the Senate, a tradition started by my friend, the late Senator John Tower. This is a reminder to them and to all of us of the pride Texans share in our history and in being the only State that came into the Union as a republic.

Mr. President, I am pleased to continue the tradition that was started by Senator Tower, because we do have a unique heritage in Texas where we fought for our freedom. Having grown up in the family and hearing the stories of my great great grandfather, it was something that was ingrained in us—fighting for your freedom was something you did.

I think it is very important that we remember the people who sacrificed, the 184 men who died at the Alamo, the men who died at Goliad later that same month. Their deaths gave birth to Texas Independence and we became a nation, a status we enjoyed for 10 years before we entered the Union as a State.

I might add, we entered the Union by a margin of one vote, both in the House and in the Senate. In fact, we originally were going to come into the Union through a treaty, but the two-thirds vote could not be received and, therefore, President Tyler said, "No, then we will pass a law to invite Texas to become a part of our Union," and the law passed by one vote in the House and one vote in the Senate.

I am very pleased to, once again, commemorate our great heritage and history.•

U.S. ASSISTANCE TO MOZAMBIQUE

• Mr. FEINGOLD. Mr. President, I rise today in support of the Administration's decision to send urgently needed assistance to southern Africa, where heavy rains have caused devastating floods, particularly in the Republic of Mozambique.

Last night President Clinton approved the deployment of a Joint Task Force to the region, including C–130 aircraft to deliver desperately needed supplies, and six heavy lift helicopters to pluck survivors from the trees and rooftops where they cling to life. This assistance will supplement the efforts already underway, under the auspices of the U.S. Agency for International Development and the U.S. Department of Defense.

Mr. President, this assistance comes not a moment too soon. Meteorologists believe that even more rain is likely to fall on the region in the very near future. The resources the world has already provided are stretched nearly to the breaking point, as the need to deliver food and other supplies to survivors competes with the need to rescue those precariously hanging on above the floodwaters, waiting to be evacuated to dry land. The Mozambican families who survived the threat of rising waters are now at risk again, as water-born diseases like cholera, malaria, and meningitis surge in the flood's aftermath.

These floods are particularly tragic because the country most seriously affected by them, Mozambique, has made significant strides toward recovery from its long and brutal civil war. Though the country is still affected by extreme poverty, in recent years Mozambique has enjoyed exceptional rates of economic growth, and while more needs to be done, the country has improved its record with regard to basic human rights. Mr. President, the people of Mozambique have been fighting for a better future. This kind of disaster comes at a terrible time, but our intercession may help the people of Mozambique to hold to the opportunities that lay before them before the waters rose.

The American government and the American people have reached out beyond our borders time and again to aid communities in crisis—from the earthquake victims in Turkey and Taiwan to the mudslide survivors in Venezuela. We stand united in a basic expression of human compassion again today. I applaud the Administration's action; I believe it is an entirely appropriate use of our country's resources, and I wish the people of southern Africa the very best as they work to recover from these devastating floods.•

PRICE-ANDERSON AMENDMENTS ACT OF 2000

• Mr. MURKOWSKI. Mr. President, I am pleased to cosponsor the Price-Anderson Amendments Act of 2000 with my colleague and the ranking minority member of the Committee on Energy and Natural Resources, Senator BINGAMAN.

For over 40 years the Price-Anderson Act has provided a comprehensive system of liability coverage for nuclear incidents and has been extended three times since 1957, most recently in 1988. The act's authority to extend new coverage will expire on August 1, 2002, and I believe that it is important that we extend the authorities well in advance of that date.

When we reauthorized the law in 1988, we asked both the Department of Energy and the Nuclear Regulatory Commission to review the Act and submit reports assessing its value and the need for further extension as well as making recommendations for any necessary changes. Both agencies recommended that the Act be extended with only minor changes. This legislation makes those relatively minor modifications and extends the authorization for an additional ten years.

Mr. President, the Price-Anderson Act is an important aspect of the development of nuclear energy in the United States. If we are going to meet any of the emission goals set forth for our domestic electricity production, then nuclear power necessarily must remain a vital component of any energy policy. The Price-Anderson Act is essential to allow contractors and suppliers to prudently take the financial risks associated with nuclear activities for the Department of Energy as well as those undertaken by commercial nuclear facilities licensed by the Nuclear Regulatory Commission. The Price-Anderson Act provides important protections to the public in the unlikely case of a nuclear incident. This legislation will extend those protections as well as making other necessary amendments to the Act.

I fully support this legislation and I hope that we can have it enacted expeditiously.•

READ ACROSS AMERICA DAY

• Mr. KENNEDY. Mr. President, it is especially appropriate that the Senate is debating education reform today, because today is Read Across America Day. The National Education Association deserves great credit for bringing together the nation's leading education, literacy, and community organizations to help children in communities across the Nation experience the joy of reading.

Reading is the foundation of learning and the golden door to opportunity. But too many children fail to read at an acceptable level. For students who don't learn to read well in the early years of elementary school, it is virtually impossible to keep up in the later years. That's why literacy programs are so important. They give young children practical opportunities to learn to read and practice reading. We also need to do all we can to encourage children and parents to read together. That's why Read Across America Day is so important.

I am also proud of other programs that take place throughout the year to encourage reading. In October 1998, Congress passed the Reading Excellence Act to provide competitive reading and literacy grants to states. The purpose of the program is to help high-need schools teach children to read in their early childhood years. In addition to classroom instruction, the program helps teachers to improve their teaching. It also expands the number of high-quality family literacy programs, works with local and national organizations to ensure that children have access to books, and provides early literacy assistance for children with reading difficulties.

Last August, Massachusetts was one of only 17 states to receive funds under this competitive grant. The Massachusetts Department of Education distributed these funds to local school districts throughout the State. The program builds on the America Reads initiative. In 1996, President Clinton and First Lady Hillary Rodham Clinton designed a new effort to call national attention to child literacy by proposing the "America Reads Challenge," which encourages colleges and universities to earmark a portion of their Work-Study funds for college students willing to serve as literacy tutors. Institutions of higher education across Massachusetts are already creating strong ties with surrounding communities, and participation in the initiative enhances those relationships. Today, over 1,000 colleges and universities across the country are committed to the President's "America Reads Work Study Program," and 73 of these institutions are in Massachusetts. I'm proud of the strong national commitment that we are making to help every child read well. By working together, we can make a significant difference for children across the country.

Last year I celebrated "Read Across America Day" with students from Squantum Elementary School in Massachusetts. The students and teachers have an excellent slogan—"Drop Everything and Read." For at least 15 minutes a day, the school does just that. But if we truly want to help all children learn to read early and well, every day should be Read Across America Day.●

TRIBUTE TO LARRY AHRENS

● Mr. DOMENICI. Mr. President, I rise to pay tribute to Larry Ahrens, a man who has become an institution in Albuquerque. This week he celebrates his 20th anniversary as morning host on 770 KOB, one of the best-known radio stations in New Mexico. Larry's radio career has spanned much of my own Senate career, and we have developed a wonderful friendship and working relationship over the past two decades.

There is something comforting about turning on the radio and hearing the same recognizable voice welcoming the day. For thousands of New Mexicans, Larry has become that reassuring deliverer of news, commentary and other interesting and entertaining information. It hardly seems like 20 years have lapsed since Larry first addressed KOB listeners and endeared himself to us with his level-headed take on life in Albuquerque and the Land of Enchantment.

Larry Ahrens took over New Mexico's most high-profile radio job as morning host on 770 KOB on March 3, 1980. But he began his career in his native southern California.

A job offer in Roswell brought Larry to the New Mexico airwaves in late 1972. Apparently his talent was clear even then, as an El Paso station owner traveling through Roswell heard Larry on the air and ended up offering him a job. Ahrens spent two and a half years in El Paso before coming back to New Mexico to begin his long run as host of KOB's morning show.

Over the years, I've observed that a lot of radio personalities come and go. Larry has been a steady and reliable fixture on KOB, which I attribute to the fact that his show mirrors the community. He has served New Mexico with integrity, opening his mike to air the views of the day—whether they come from young mothers on Albuquerque's West Side, retirees in the Heights, or even the occasional politician.

Part of Larry's appeal is linked to the fact that his job is more than sharing with New Mexicans between 5:30 and 10:00 a.m. Like so many others, I appreciate Larry as an active member of the community and a key supporter of important civic causes. One example is Larry's annual golf tournament for the University of New Mexico's academic scholarship program, now in its 18th year. He has raised more than $600,000 to give scores of New Mexico students an opportunity to continue their education.

Larry and the morning show he hosts play a welcome role in the day-to-day lives of many New Mexicans. Where once I could only enjoy Larry's broadcasts when in New Mexico, I am pleased that technology is now so advanced that I can listen to his show live on the Internet. It's almost like being home.

Times may have changed since Larry first took to the airwaves, but his presence has remained constant for 20 years. Today, I think it would be fair to say Larry reigns as the premiere morning show host in Albuquerque.

Mr. President, I congratulate Larry Ahrens on this career milestone, and salute his contributions to New Mexico throughout his impressive career. Finally, I add my voice to those thousands and thousands of New Mexicans who look forward to tuning into the radio to hear Larry's show for years to come.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

6-MONTH PERIODIC REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO IRAQ—MESSAGE FROM THE PRESIDENT—PM 88

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c) and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to Iraq that was declared in Executive Order 12722 of August 2, 1990.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 1, 2000.*

2000 TRADE POLICY AGENDA AND THE 1999 ANNUAL REPORT ON THE TRADE AGREEMENTS PROGRAM—MESSAGE FROM THE PRESIDENT—PM 89

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance.

To The Congress of the United States:

As required by section 163 of the Trade Act of 1974, as amended (19 U.S.C. 2213), I transmit herewith the 2000 Trade Policy Agenda and 1999 Annual Report on the Trade Agreements Program. The Report, as required by sections 122, 124, and 125 of the Uruguay Round Agreements Act, includes the Annual Report on the World Trade Organization and a 5-year assessment of the U.S. participation in the World Trade Organization.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 1, 2000.*

MESSAGES FROM THE HOUSE

At 11:11 a.m., a message from the House of Representatives, delivered by

Ms. Niland, one of its reading clerks, announced that the House has agreed to the amendments of the Senate to the bill (H.R. 1833) to provide for the application of measures to foreign persons who transfer to Iran certain goods, services, or technology, and for other purposes.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5. An act to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bill:

S. 613. An act to encourage Indian economic development, to provide for the disclosure of Indian tribal sovereign immunity in contracts involving Indian tribes, and for other purposes.

At 1:21 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 1883. An act to provide for the application of measures to foreign persons who transfer to Iran certain goods, services, or technology, and for other purposes.

H.R. 3557. An act to authorize the President to award a gold medal on behalf of the Congress to John Cardinal O'Connor, Archbishop of New York, in recognition of his accomplishments as a priest, a chaplain, and a humanitarian.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, March 2, 2000, he presented to the President of the United States, the following enrolled bill.

S. 613. An act to encourage Indian economic development, to provide for the disclosure of Indian tribal sovereign immunity in contracts involving Indian tribes, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-7849. A communication from the Director, Statutory Import Programs Staff, Department of Commerce transmitting, pursuant to law, the report of a rule entitled "Changes in Watch, Watch Movement and Jewelry Program for the U.S. Insular Possessions" (RIN0625-AA55), received March 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7850. A communication from the Chair, Medicare Payment Advisory Commission transmitting, pursuant to law, the "2000 Report to Congress: Medicare Payment Policy"; to the Committee on Finance.

EC-7851. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2000 Automobile Inflation Adjustment" (Rev. Proc. 2000-18), received March 18, 2000; to the Committee on Finance.

EC-7852. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Revisions to the Georgia State Implementation Plan" (FRL # 6547-4), received March 1, 2000; to the Committee on Environment and Public Works.

EC-7853. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Optional Certification Streamlining Procedures for Light-Duty Vehicles, Light-Duty Trucks, and Heavy-Duty Engines for Original Equipment Manufacturers and for Aftermarket Conversion Manufacturers; Final Rule" (FRL # 6547-4), received March 1, 2000; to the Committee on Environment and Public Works.

EC-7854. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Foreign Assistance Act of 1961, the 2000 "International Narcotics Control Strategy Report"; to the Committee on Foreign Relations.

EC-7855. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Foreign Assistance Act of 1961, Presidential Determination 2000-16 regarding certification of the 26 major illicit drug producing and transit countries; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 577. A bill to provide for injunctive relief in Federal district court to enforce State laws relating to the interstate transportation of intoxicating liquor.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. ROTH for the Committee on Finance.

Larry L. Levitan, of Maryland, to be a Member of the Internal Revenue Service Oversight Board for a term of five years. (New Position)

Steve H. Nickles, of North Carolina, to be a Member of the Internal Revenue Service Oversight Board for a term of four years. (New Position)

Robert M. Tobias, of Maryland, to be a Member of the Internal Revenue Service Oversight Board for a term of five years. (New Position)

Karen Hastie Williams, of the District of Columbia, to be a Member of the Internal Revenue Service Oversight Board for a term of three years. (New Position)

George L. Farr, of Connecticut, to be a Member of the Internal Revenue Service Oversight Board for a term of four years. (New Position)

Charles L. Kolbe, of Iowa, to be a Member of the Internal Revenue Service Oversight Board for a term of three years. (New Position)

Nancy Killefer, of the District of Columbia, to be a Member of the Internal Revenue Service Oversight Board for a term of five years. (New Position)

(The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. HATCH for the Committee on the Judiciary.

Julio M. Fuentes, of New Jersey, to be United States Circuit Judge for the Third Circuit.

James D. Whittemore, of Florida, to be United States District Judge for the Middle District of Florida.

Randolph D. Moss, of Maryland, to be an Assistant Attorney General.

(The above nominations were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SANTORUM:

S. 2138. A bill to suspend temporarily the duty on 11-Aminoundecanoic acid; to the Committee on Finance.

By Mr. HUTCHINSON (for himself and Mr. ENZI):

S. 2139. A bill to amend the Federal Water Pollution Control Act to exempt agricultural stormwater and silviculture operation discharges from the requirement for a permit under the pollutant discharge elimination system, and for other purposes; to the Committee on Environment and Public Works.

By Mr. GRAMS:

S. 2140. A bill to amend the State Department Basic Authorities Act of 1956 to establish within the Department of State an Under Secretary of State for Security; to the Committee on Foreign Relations.

By Mr. BROWNBACK:

S. 2141. A bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Georgia; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 2142. A bill to suspend temporarily the duty on certain bromine-containing compounds; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 2143. A bill to suspend temporarily the duty on certain fluoride compounds; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 2144. A bill to suspend temporarily the duty on certain fluorozirconium compounds; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 2145. A bill to suspend temporarily the duty on certain imaging chemicals; to the Committee on Finance.

By Mr. CRAPO (for himself and Mr. CRAIG):

S. 2146. A bill to amend the Harmonized Tariff Schedule of the United States to provide for temporary duty-free treatment for certain semi-manufactured forms of gold; to the Committee on Finance.

By Mr. KERRY:

S. 2147. A bill to amend section 313 of the Tariff Act of 1930 to allow duty drawback for grape juice concentrates made from Concord or Niagara grapes; to the Committee on Finance.

By Mr. HOLLINGS (for himself and Mr. Thurmond):

S. 2148. A bill to suspend through December 31, 2004, the duty on certain other single yarn of viscose rayon; to the Committee on Finance.

By Mr. HOLLINGS (for himself and Mr. Thurmond):

S. 2149. A bill to suspend through December 31, 2004, the duty on certain other single yarn of viscose rayon; to the Committee on Finance.

By Mr. HOLLINGS (for himself and Mr. Thurmond):

S. 2150. A bill to suspend through December 31, 2004, the duty on certain other single yarn of viscose rayon; to the Committee on Finance.

By Mr. HOLLINGS (for himself and Mr. Thurmond):

S. 2151. A bill to suspend through December 31, 2004, the duty on high tenacity multiple (folded) or cabled yarn of viscous rayon; to the Committee on Finance.

By Mr. HOLLINGS (for himself and Mr. Thurmond):

S. 2152. A bill to suspend through December 31, 2004, the duty on high tenacity single yarn of viscose rayon; to the Committee on Finance.

By Mr. HOLLINGS (for himself and Mr. Thurmond):

S. 2153. A bill to suspend temporarily the duty on cobalt boron; to the Committee on Finance.

By Mr. HOLLINGS (for himself and Mr. Thurmond):

S. 2154. A bill to extend the temporary suspension of duty on ferroboron; to the Committee on Finance.

By Mr. HOLLINGS (for himself and Mr. Thurmond):

S. 2155. A bill to suspend through December 31, 2003, on metachlorobenzaldehyde, propiophenone, 4-bromo-2-fluoroacetanilide, and 2,6-dichlorotoluene; to the Committee on Finance.

By Mr. HOLLINGS (for himself and Mr. Thurmond):

S. 2156. A bill to suspend through December 31, 2003, the duty on textured rolled glass sheets; to the Committee on Finance.

By Mr. HOLLINGS (for himself and Mr. Thurmond):

S. 2157. A bill to suspend through December 31, 2004, the duty on other yarn, multiple (folded) or cabled, of viscose rayon; to the Committee on Finance.

By Mr. MURKOWSKI (for himself, Mr. Thompson, and Mr. Grams):

S. 2158. A bill to amend the Harmonized Tariff Schedule of the United States to eliminate the duty on certain steam or other vapor generating boilers used in nuclear facilities; to the Committee on Finance.

By Mr. ASHCROFT:

S. 2159. A bill to provide flexibility when merited and accountability when warranted in the Nation's elementary schools and secondary schools, to amend the Higher Education Act of 1965 to provide achievement-based college scholarships to students in failing schools or failing school districts, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. TORRICELLI:

S. 2160. A bill to require health plans to include infertility benefits, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CAMPBELL (for himself, Mr. Daschle, Mr. Craig, Mr. Biden, Mr. Bunning, Mr. Conrad, Ms. Landrieu, Mr. Kerrey, Mr. Gregg, Ms. Collins, Mr. Hutchinson, and Mrs. Hutchison):

S. 2161. A bill to amend the Internal Revenue Code of 1986 to impose a 1 year moratorium on certain diesel fuel excise taxes and to require the Secretary of the Treasury to transfer amounts to the Highway Trust Fund to cover any shortfall; to the Committee on Finance.

By Mr. BINGAMAN (for himself and Mr. Murkowski):

S. 2162. A bill to renew the authority of the Department of Energy to indemnify its contractors and the Nuclear Regulatory Commission to indemnify its licenses for damages resulting from nuclear incidents; to amend the Department of Energy's authority to impose civil penalties on its nonprofit contractors; and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GORTON:

S. 2163. A bill to provide for a study of the engineering feasibility of a water exchange in lieu of electrification of the Chandler Pumping Plant at Prosser Diversion Dam, Washington; to the Committee on Indian Affairs.

By Mr. DURBIN:

S. 2164. A bill to suspend temporarily the duty on certain compound optical microscopes; to the Committee on Finance.

By Mr. CRAIG (for himself and Mr. Crapo):

S. 2165. A bill to amend the Harmonized Tariff Schedule of the United States to provide for temporary duty-free treatment for certain semiconductor mold compounds; to the Committee on Finance.

By Mr. KENNEDY:

S. 2166. A bill to suspend until June 30, 2003, the duty on transformers for use in certain radiobroadcast receivers with compact disc players and capable of receiving signals on AM and FM frequencies; to the Committee on Finance.

By Mr. KENNEDY:

S. 2167. A bill to suspend until June 30, 2003, the duty on transformers for use in certain radiobroadcast receivers capable of receiving signals on AM and FM frequencies; to the Committee on Finance.

By Mr. VOINOVICH:

S. 2168. A bill to extend the temporary suspension of duty on certain methyl esters; to the Committee on Finance.

By Mr. VOINOVICH:

S. 2169. A bill to reduce temporarily the duty on certain methyl esters; to the Committee on Finance.

By Mr. THOMPSON:

S. 2170. A bill to provide for the reliquidation of certain entries of printing cartridges; to the Committee on Finance.

By Mr. THOMPSON:

S. 2171. A bill to reliquidate certain entries of N,N-dicyolohexyll-2-benzothazolesulfenamide; to the Committee on Finance.

By Mr. THOMPSON:

S. 2172. A bill to suspend temporarily the duty on thionyl chloride; to the Committee on Finance.

By Mr. THOMPSON:

S. 2173. A bill to suspend temporarily the duty on PHBA (p-hydroxybenzoic acid); to the Committee on Finance.

By Mr. THOMPSON:

S. 2174. A bill to suspend temporarily the duty on THQ (Toluhydroquinone); to the Committee on Finance.

By Mr. THOMPSON:

S. 2175. A bill to suspend temporarily the duty on 1-fluoro-2-nitro-benzene; to the Committee on Finance.

By Mr. THOMPSON (for himself and Mr. Frist):

S. 2176. A bill to reliquidate certain entries; to the Committee on Finance.

By Mr. THOMPSON:

S. 2177. A bill to extend the duty suspension on DEMT; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 2178. A bill to amend the Higher Education Act of 1965 to require colleges and universities to disclose to students and their parents the incidents of fires in dormitories, and their plans to reduce fire safety hazards in dormitories, to require the United States Fire Administration to establish fire safety standards for dormitories, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DOMENICI (for himself, Mr. Warner, Mr. Murkowski, and Mr. Kyl):

S. 2179. A bill to provide for the term of office of the first person appointed to the position of Under Secretary for Nuclear Security of the Department of Energy; to the Committee on Armed Services.

By Mr. ABRAHAM:

S. 2180. A bill to repeal the increase in the tax on social security benefits, to eliminate the earnings test for individuals who have attained retirement age, and to gradually raise the age for required minimum distributions from pension plans, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MACK (for himself and Mr. Graham):

S. Res. 265. A resolution commending the Florida State University football team for winning the 1999 Division 1-A collegiate football national championship; considered and agreed to.

By Ms. COLLINS (for herself, Mr. Schumer, Mr. Jeffords, Ms. Snowe, Mr. Lieberman, Mr. Moynihan, Mr. Levin, Mr. Leahy, and Mr. Dodd):

S. Con. Res. 88. A concurrent resolution expressing the sense of Congress concerning drawdowns of the Strategic Petroleum Reserve; to the Committee on Energy and Natural Resources.

By Mr. McCONNELL (for himself and Mr. Dodd):

S. Con. Res. 89. A concurrent resolution to establish the Joint Congressional Committee on Inaugural Ceremonies for the inauguration of the President-elect and Vice President-elect of the United States on January 20, 2001; considered and agreed to.

By Mr. McCONNELL (for himself and Mr. Dodd):

S. Con. Res. 90. A concurrent resolution to authorize the use of the rotunda of the Capitol by the Joint Congressional Committee on Inaugural Ceremonies in connection with the proceedings and ceremonies conducted for the inauguration of the President-elect and the Vice President-elect of the United States; considered and agreed to.

By Mr. DURBIN (for himself, Mr. Gorton, Mr. Lott, Mr. Helms, Mr. Campbell, Mrs. Feinstein, Mr. Abraham, Mr. LIEBERMAN, Mr. GRASSLEY, Mr. SMITH OF OREGON, Mr. ROBB, and Mr. FITZGERALD):

S. Con. Res. 91. A concurrent resolution congratulating the Republic of Lithuania on the tenth anniversary of the reestablishment of its independence from the rule of the former Soviet Union; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CRAPO (for himself and Mr. CRAIG):

S. 2146. A bill to amend the Harmonized Tariff Schedule of the United States to provide for temporary duty-free treatment for certain semi-manufactured forms of gold; to the Committee on Finance.

LEGISLATION TO AMEND THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES TO PROVIDE FOR THE DUTY-FREE TREATMENT FOR CERTAIN SEMI-MANUFACTURED FORMS OF GOLD

Mr. CRAPO. Mr. President, I rise today to introduce legislation that will help our domestic semiconductor industry continue to thrive. The proposal that I am introducing today, along with my colleague from Idaho, Senator Larry CRAIG, merely extends an existing temporary duty suspension for certain semi-manufactured forms of gold. Specifically, the bill amends the U.S. Harmonized Tariff Schedule to extend, until December 31, 2005, the duty-free treatment of gold bonding wire. This product is critical to the manufacture of semiconductors and integrated circuits.

The Miscellaneous Trade and Technical Corrections Act of 1996 suspended the 4.9 percent duty given to gold bond wiring classified under Harmonized Tariff Number 7108.13.7000. This temporary duty suspension expires on December 31, 2000 and should be renewed. This is particularly true given that the duty on most other products used in the manufacture of semiconductors were removed during the General Agreement on Tariffs and Trade Uruguay Round of multilateral trade negotiations which concluded in 1994. Members of the U.S. semiconductor industry believe the failure to include gold bonding wire in the list of duty eliminations was more of an oversight than anything else. This legislation helps rectify this situation.

The gold bonding wire essential to the manufacture of semiconductors and integrated circuits is unique in its fineness, purity and application. The nearly 100 percent pure gold wire whose diameter measures 0.05 millimeters or less has no other known purposes or uses other than those associated with the assembly of semiconductors.

U.S. semiconductor manufacturers that assemble their products domestically rather than abroad will be adversely impacted if this duty suspension lapses. A duty of almost five percent on gold bond wiring would increase the cost of doing business for American companies that choose to assemble their goods in this country. We should support, not hinder, efforts like this one that are a win-win for the American labor force and our nation's economy. More hardworking Americans are employed when the assembly process occurs domestically. Furthermore, lower costs encourage more U.S. companies to conduct these activities at home. In the end, this provides a boost to the overall economic well-being of the United States.

This duty suspension proposal lacks domestic opposition and its passage has only a de minimis revenue impact. I hope my colleagues will join me in supporting this measure. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2146

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEMPORARY SUSPENSION OF DUTY ON CERTAIN SEMI-MANUFACTURED FORMS OF GOLD.

(a) IN GENERAL.—Subheading 9902.71.08 of the Harmonized Tariff Schedule of the United States is amended by striking "12/31/2000" and inserting "12/31/2005".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

By Mr. HOLLINGS (for himself and Mr. THURMOND):

S. 2148. A bill to suspend through December 31, 2004, the duty on certain other single yarn of viscose rayon; to the Committee on Finance.

S. 2149. A bill to suspend through December 31, 2004, the duty on certain other single yarn of viscose rayon; to the Committee on Finance.

S. 2150. A bill to suspend through December 31, 2004, the duty on certain other single yarn of viscose rayon; to the Committee on Finance.

S. 2151. A bill to suspend through December 31, 2004, the duty on high tenacity multiple (folded) or cabled yarn of viscose rayon; to the Committee on Finance.

S. 2152. A bill to suspend through December 31, 2004, the duty on high tenacity single yarn of viscose rayon; to the Committee on Finance.

S. 2153. A bill to suspend temporarily duty on cobalt boron; to the Committee on Finance.

S. 2154. A bill to extend the temporary suspension of duty on ferroboron; to the Committee on Finance.

S. 2155. A bill to suspend through December 31, 2003, on metachlorobenzaldehyde, propiophenone, 4-bromo-2-fluoroacetanilide, and 2,6-dichlorotoluene; to the Committee on Finance.

S. 2156. A bill to suspend through December 31, 2003, the duty on textured rolled glass sheets; to the Committee on Finance.

S. 2157. A bill to suspend through December 31, 2004, the duty on other yarn, multiple (folded) or cabled, of viscose rayon; to the Committee on Finance.

DUTY SUSPENSION LEGISLATION

Mr. HOLLINGS. Mr. President, today I, along with Senator THURMOND, introduce a series of duty suspensions designed to permit the import of raw materials into the United States duty free. The materials are not indigenous to or made in the United States. Therefore, their importation will not displace domestic sourcing. Moreover, because of the nature of the products at issue, they will assist in the creation of additional jobs in the United States.

I believe this is the most appropriate use of such legislation. The imported product will not displace any that is manufactured in the United States. Moreover, the imported product will assist in enhancing American productive capacity. I am, therefore, hopeful that this new capacity can be used to supply both domestic and foreign needs and will increase employment in the United States.

By Mr. ASHCROFT:

S. 2159. A bill to provide flexibility when merited and accountability when warranted in the Nation's elementary schools and secondary schools, to amend the Higher Education Act of 1965 to provide achievement-based college scholarships to students in failing schools or failing school districts, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

EXCELLENT SCHOOLS FOR ALL OUR CHILDREN ACT

• Mr. ASHCROFT. Mr. President, today I am introducing legislation to address a serious and specific crisis that has occurred in my home state of Missouri.

In October of 1999, the Missouri State Board of Education canceled accreditation for Kansas City's schools, effective May 1, 2000, and gave St. Louis a court-required probationary period in lieu of accreditation withdrawal. Today, 80,000 young people are trapped in these failing urban school districts. It is hard for students to be successful in these types of settings. Both of these school districts receive substantial financial resources from the federal government, yet we are not seeing positive results on our investment. It is time for taxpayers to have accountability so that they know their tax dollars are spent in classrooms to boost academic achievement.

This is especially true since Congress is continuing to increase its financial commitment to education. Federal education funding has increased by 40% since 1994. And most recently, last year Congress approved a budget that proposes to increase federal resources for education by an additional 40% over the next five years. The final budget bill passed by Congress for FY2000—and that I supported—pays the first installment by increasing these resources by 6%, or $2 billion, $35 billion for Fiscal Year 2000.

In light of this increase in federal education resources, I want to encourage better, smarter use of federal funds where the need is greatest—in failing schools—so that the children languishing in these schools will have a real opportunity to achieve academic excellence and create a brighter future for themselves.

Therefore, today I am introducing the Excellent Schools for All Our Children Act, a three-part program to help students trapped in failing urban schools in St. Louis, Kansas City, and other U.S. cities. This bill was developed in response to my state's challenge to the accreditation of Missouri's two largest school districts.

This new legislation would channel federal aid in failing schools to teaching the academic basics, in order to raise student achievement levels; would provide funds for failing schools to use in recruiting, retaining, and rewarding highly qualified teachers; and would double the amount of federal aid for college costs for high-achieving students in failing schools.

While focusing on an overall plan to streamline and simplify federal education programs for all schools, my plan incorporates a two-tiered "flexibility when merited and accountability when warranted" approach to the use of federal education resources.

First, this legislation proposes a major reduction in paperwork and "red tape" for all schools, by consolidating a number of federal education programs so that funds may be sent directly to local schools. Schools will be free to use the funds in ways they believe will be most effective in elevating student achievement. The programs included in this consolidation are: Goals 2000, School-to-Work, Class Size Reduction (the "100,000 Teachers" funding); Title III, Technology for Education; Comprehensive School Reform under Title I; Title VI block grant; Immigrant Education under Title VII C; the Fund for Improvement of Education under Title X, Part A; and the McKinney Homeless Assistance Act. This provision is modeled after the Bond-Ashcroft "Direct Check for Education" legislation introduced in 1999.

For school districts that fail to meet their state's performance-based accreditation standards and, are thus failing their students, these "direct check" funds may be spent only for purposes relating directly to improving academic performance. This will include focusing on "the basics;" funding mentoring programs to help students who can't read, write or do arithmetic; and using proven methods of instruction, such as phonics. These federal funds can also be used to recruit, retain, and reward high quality teachers. Districts in trouble need help in finding and keeping the very best teachers, and my legislation provides resources for this purpose.

These school districts will be asked to report on how they have spent their federal resources and on their students' academic performance using state and local measurements. Parents and others in the community need to see how their federal tax dollars have been spent on educating their children.

When these school districts attain state accreditation for two consecutive years, they will gain the authority to use federal resources under new standards for expanded local control created by this legislation for non-failing schools. These school districts regaining accreditation will also have access to $10 million annually in new federal funding to reward teachers and principals for improved student performance, and for professional development opportunities.

Finally, the Excellent Schools for All Our Children Act encourages students in failing school districts to be high achievers. As an incentive to their studies, I am proposing special college aid awards that would at a minimum double the amount of federal aid now available for students' college costs. Students who rank in the top ten percent of their high school class and have an ACT or SAT score that is at or above the national average would be eligible for these "Good Student Scholarships," which would be equal to the maximum appropriated Pell Grant award, presently $3,300 per year. Thus, a high-achieving student eligible for a Pell Grant of $1,500 would also receive a Good Student Scholarship of $3,300, for a total federal aid package of $4,800.

Mr. President, as a parent and public servant, I want to help thousands of young Missourians who are trapped in failing urban schools. It is clear to me that federal resources should be doing more to benefit these children. My plan to target resources to fund programs that will encourage and elevate student achievement will provide our students in failing school districts with the opportunity to succeed. We cannot risk losing an entire generation to the snares of education mediocrity. The federal government can—and should—be a critical partner in providing education funding in a manner that will help all our school children attain academic excellence.

I ask for unanimous consent that the bill be printed in its entirety at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2159

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Excellent Schools for All Our Children Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I— FUNDING FOR ELEMENTARY AND SECONDARY EDUCATION

Sec. 101. Findings; purposes.
Sec. 102. Definitions.
Sec. 103. Direct awards to local educational agencies.
Sec. 104. Requirements for failing local educational agencies.
Sec. 105. Audit.
Sec. 106. Authorization of appropriations.
Sec. 107. Repeals.

TITLE II—GOOD STUDENT SCHOLARSHIPS

Sec. 201. Good student scholarships.

TITLE I— FUNDING FOR ELEMENTARY AND SECONDARY EDUCATION

SEC. 101. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) education should be a national priority, but must remain a local responsibility;

(2) elementary schools and secondary schools perform best when controlled by parents, teachers, local school boards, and communities;

(3) only through initiatives led by parents, teachers, and local communities with the power to act can the United States elevate the educational performance of its students toward excellence;

(4) parental involvement, high-quality teacher performance, and teaching basic skills are fundamental to improving student achievement;

(5) educational resources are most effective when deployed in the classroom and unencumbered by burdensome regulations;

(6) schools and education professionals must be accountable to the people and children they serve;

(7) flexibility when merited and accountability when warranted should be the Federal Government's approach to the use of Federal education resources; and

(8) the Federal Government should encourage better, smarter uses of Federal funds where the need is greatest, specifically, in failing school districts, so that children in those districts will have a real opportunity to achieve academic excellence and create a brighter future for themselves.

(b) PURPOSES.—The purposes of this title are—

(1) to promote excellence in elementary and secondary education programs in the Nation;

(2) to increase parental involvement in the education of their children;

(3) to boost student achievement in academic subjects to high levels;

(4) to improve basic skills instruction, and to increase teacher performance and accountability;

(5) to return the responsibility and control for education to parents, teachers, schools, and local communities;

(6) to improve the academic achievement of all students, and to focus the resources of

the Federal Government upon such achievement, especially in failing school districts; and

(7) to give States and communities maximum freedom in determining how to boost academic achievement and implement education reforms.

SEC. 102. DEFINITIONS.

In this title:

(1) Failing Local Educational Agency.—The term "failing local educational agency" means a local educational agency that has been classified as unaccredited or failing (or would be so classified if not for a court order or pending court settlement agreement involving the local educational agency) under its State's performance-based accreditation or categorization standards.

(2) Local educational agency.—The term "local educational agency" has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(3) Secretary.—The term "Secretary" means the Secretary of Education.

(4) State.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

SEC. 103. DIRECT AWARDS TO LOCAL EDUCATIONAL AGENCIES.

(a) Direct Awards.—Except as provided in section 104, from amounts appropriated under section 106(a) and not used to carry out section 106(b), the Secretary shall make direct awards to local educational agencies in amounts determined under subsection (b) to enable the local educational agencies to support programs or activities, for kindergarten through grade 12 students, that the local educational agencies deem appropriate.

(b) Determination of Award Amount.—

(1) Per child amount.—The Secretary, using the information provided under subsection (c), shall determine a per child amount for a year by dividing the total amount appropriated under section 106(a) for the year, by the average daily attendance of kindergarten through grade 12 students in all States for the preceding year.

(2) Local educational agency award.—The Secretary, using the information provided under subsection (c), shall determine the amount to be provided to each local educational agency under this section for a year by multiplying—

(A) the per child amount determined under paragraph (1) for the year; by

(B) the average daily attendance of kindergarten through grade 12 students that are served by the local educational agency for the preceding year.

(c) Census Determination.—

(1) In general.—Not later than December 1 of each year, each local educational agency shall conduct a census to determine the average daily attendance of kindergarten through grade 12 students served by the local educational agency.

(2) Submission.—Not later than March 1 of each year, each local educational agency shall submit the number described in paragraph (1) to the Secretary.

(3) Penalty.—If the Secretary determines that a local educational agency has knowingly submitted false information under paragraph (1) for the purpose of gaining additional funds under this section, then the local educational agency shall be fined an amount equal to twice the difference between the amount the local educational agency received under this section, and the correct amount the local educational agency would have received under this section if the agency had submitted accurate information under paragraph (1).

SEC. 104. REQUIREMENTS FOR FAILING LOCAL EDUCATIONAL AGENCIES.

(a) In General.—In the case of a failing local educational agency receiving an award under section 103(a) for a fiscal year, such failing local educational agency shall use such award only for purposes directly related to improving elementary school and secondary school students' academic performance consistent with subsection (d).

(b) Title I Funding.—

(1) In general.—Notwithstanding any other provision of law, funds provided to a failing local educational agency under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) shall be spent in accordance with this section.

(2) Applicability provision.—The provisions of parts A, B, C, and D of title I of the Elementary and Secondary Education Act of 1965 shall not apply to a failing local educational agency other than the allocation and allotment provisions under part A of such title.

(c) Failing Local Agency Plan.—

(1) Plan required.—Each failing local educational agency shall submit a plan to the Secretary at such time and in such manner as the Secretary may require. A plan submitted under this subsection—

(A) shall describe the activities to be funded by the failing local educational agency under subsections (a) and (b) consistent with subsection (d); and

(B) may request an exemption from the uses of funds restrictions under subsection (d) for elementary schools and secondary schools served by the failing local educational agency that met the State's performance-based accreditation or categorization standards for the previous fiscal year.

(2) Plan approval.—The Secretary shall approve a plan submitted under paragraph (1) if the plan meets the requirements described in paragraph (1).

(3) Plan dissemination.—Each failing local educational agency having a plan approved under paragraph (2) shall widely disseminate such plan, throughout the area served by such agency, and post the plan on the Internet.

(d) Uses of Funds.—Each failing local educational agency having a plan approved under subsection (c)(2) for a fiscal year may use the award provided under section 103(a) and funds provided under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) for such fiscal year only for the following activities:

(1) To recruit, retain, and reward high-quality teachers.

(2) To focus on teaching basic educational skills.

(3) To provide remedial instruction in core academic subjects that are assessed by standards set by the State educational agency or local educational agency.

(4) To fund mentoring programs for elementary school and secondary school students who need assistance in reading, writing, or arithmetic.

(5) To use proven methods of instruction, such as phonics, that are based upon reliable research.

(6) To provide for extended day learning.

(7) To ensure that parents of elementary school and secondary school students realize that parents play a significant role in their child's educational success, and to encourage parents to become active in their child's education.

(8) To provide any other activity that a local educational agency proposes, and the Secretary approves, as an activity that relates directly to improving students' academic performance.

(e) Annual Report.—

(1) Report.—A failing local educational agency shall annually submit a report to the Secretary describing—

(A) the use of funds under this section; and

(B) the annual performance of all children served by the failing local educational agency as measured by its State's performance-based accreditation or categorization standards.

(2) Privacy.—The report required under this section shall not contain any information, such as names, addresses, or grades, that might be used to identify the children whose performance is described in the report.

(3) Dissemination.—A failing local educational agency shall widely disseminate the report submitted under paragraph (1) throughout the area served by such agency, and post the report on the Internet, so that parents and others in the community can account for Federal education funding under this title.

(f) Meeting Standards.—

(1) In general.—If, for 2 consecutive fiscal years after a failing local educational agency is required to use funds in accordance with subsection (d), such local educational agency succeeds in meeting its State's performance-based accreditation or categorization standards, then the provisions of this section shall cease to apply to such local educational agency.

(2) Bonus awards.—

(A) In general.—A local educational agency described in paragraph (1) may receive a bonus award from amounts appropriated under subparagraph (C), to use for purposes such as rewarding elementary school and secondary school teachers and principals who improved student performance, and for professional development opportunities for such teachers and principals.

(B) Distribution.—A local educational agency receiving a bonus award under this paragraph shall determine how to distribute the award to individual elementary schools and secondary schools. An elementary school or a secondary school receiving such an award shall determine how such award shall be spent.

(C) Authorization of appropriations.—There are authorized to be appropriated to carry out this paragraph $10,000,000 for each of fiscal years 2003 through 2007.

(g) Penalty.—If a failing local educational agency spends funds subject to the use of funds restrictions described in subsection (d) in a manner inconsistent with subsection (d) for a fiscal year, then the Secretary shall reduce the funds such agency receives under section 103(a) for the succeeding fiscal year by an amount equal to the amount spent improperly by such agency.

SEC. 105. AUDIT.

(a) In General.—The Secretary may conduct audits of the expenditures of local educational agencies to ensure that the funds made available under this title are used in accordance with this title.

(b) Sanctions and Penalties.—If the Secretary determines that the funds made available under this title were not used in accordance with the title, the Secretary may use the enforcement provisions available to the

Secretary under part D of the General Education Provisions Act (20 U.S.C. 1234 et seq.).

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this title $3,100,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

(b) MULTIYEAR AWARDS.—The Secretary shall use funds appropriated under subsection (a) for each fiscal year to continue to make payments to eligible recipients pursuant to any multiyear award made prior to the date of enactment of this Act under the provisions of law repealed under section 103(b). The payments shall be made for the duration of the multiyear award.

(c) DISBURSAL.—The Secretary shall disburse the amount awarded to a local educational agency under this title for a fiscal year not later than July 1 of each year.

SEC. 107. REPEALS.

The following provisions of law are repealed:

(1) Section 1502 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6492).

(2) Section 3132 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. et seq.).

(3) Title VI of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7301).

(4) Part C of title VII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7541).

(5) Part A of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8001 et seq.).

(6) Title III of The Goals 2000: Educate America Act (20 U.S.C. 5881 et seq.).

(7) Title IV of The Goals 2000: Educate America Act (20 U.S.C. 5911 et seq.).

(8) The School-to-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.).

(9) Subtitle B of title VII of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11431 et seq.).

(10) Section 307 of the Department of Education Appropriations Act of 1999.

TITLE II—GOOD STUDENT SCHOLARSHIPS

SEC. 201. GOOD STUDENT SCHOLARSHIPS.

Part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) is amended by adding at the end the following:

"Subpart 9—Good Student Scholarships

"SEC. 420N. GOOD STUDENT SCHOLARSHIPS.

"(a) PURPOSE.—The purpose of this section is to provide achievement-based scholarships for undergraduate education to eligible students graduating from schools or school districts that are failing or unaccredited.

"(b) DEFINITION OF ELIGIBLE STUDENT.—In this section, the term 'eligible student' means a secondary school student—

"(1) who graduates from a public secondary school or a public or private secondary school in a school district that is failing or unaccredited, as determined by the State educational agency serving the State in which the secondary school or school district is located;

"(2) who has been in attendance at the school referred to in paragraph (1) for not less than 2 years;

"(3) who ranks in the top 10 percent academically in such student's class;

"(4) who has an average ACT or SAT score that is equal to or greater than the national average such score; and

"(5) whose family income is not more than $100,000.

"(c) DESIGNATION.—Scholarships made under this section shall be referred to as 'Good Student Scholarships'.

"(d) SCHOLARSHIPS AUTHORIZED.—

"(1) IN GENERAL.—From amounts appropriated under subsection (f) for a fiscal year, the Secretary shall award scholarships to each eligible student submitting an application consistent with paragraph (2) to enable the eligible student to pay the cost of attendance at an institution of higher education during the eligible student's first 4 academic years of undergraduate education.

"(2) APPLICATION REQUIRED.—Each eligible student desiring a scholarship under this section for year shall submit for each such year an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

"(3) AMOUNT OF AWARD.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the amount of a scholarship awarded under this section for an academic year shall be equal to the maximum appropriated Federal Pell Grant for such year.

"(B) ADJUSTMENT FOR INSUFFICIENT APPROPRIATIONS.—If, after the Secretary determines the total number of eligible applicants for an academic year, funds available to carry out this section are insufficient to fully fund all scholarship awards under subparagraph (A) for such academic year, the amount of the scholarship paid to each eligible student shall be reduced proportionately.

"(C) ASSISTANCE NOT TO EXCEED COST OF ATTENDANCE.—The amount of a scholarship awarded under this paragraph to an eligible student, in combination with Federal Pell Grant assistance and any other student financial assistance the eligible student receives, may not exceed the eligible student's cost of attendance.

"(e) LISTS FROM STATE EDUCATIONAL AGENCIES.—Each State educational agency shall annually provide a list to the Secretary identifying each public secondary school and each public school district within the State that the State educational agency determines is failing or unaccredited.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

"(1) $75,000,000 for fiscal year 2001;

"(2) $150,000,000 for fiscal year 2002;

"(3) $225,000,000 for fiscal year 2003; and

"(4) $300,000,000 for fiscal year 2004.".

By Mr. TORRICELLI:

S. 2160. A bill to require health plans to include infertility benefits, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

THE FAIR ACCESS TO INFERTILITY TREATMENT AND HOPE (FAITH) ACT

● Mr. TORRICELLI. Mr. President, I rise today to introduce legislation that would greatly improve the lives of millions of Americans, thousands of whom live in my State of New Jersey, who are infertile.

For many American families, the blessing of raising a family is one of the most basic human desires. Unfortunately almost fifteen percent of all married couples, over six million American families, are unable to have children due to infertility.

The physical and emotional toll that infertility has on families is impossible to ignore. I have heard from a number of men and women from New Jersey who have experienced the pain and trauma of discovering that their bodies, which appear normal and function perfectly, are somehow deficient in the one area that matters most to them. This is only compounded when patients discover that their insurer, which they rely on for all of their critical health needs, refuse to cover treatment for this disease. The deep sense of loss expressed by those who desire a family as a result of this gap in coverage is real and significant. Their pain should no longer be ignored.

Infertility is a treatable disease. New technologies and procedures that have been developed in the past two decades make starting a family a real possibility for many couples previously unable to conceive. In fact, up to two thirds of all married couples who seek infertility treatment are subsequently able to have children.

Unfortunately, due to the high cost of treating this illness, only 20 percent of infertile couples seek medical treatment each year. Even worse, only four out of every ten couples that seek infertility treatment receive coverage from health insurers, and only one quarter of all health plans provide coverage for infertility services.

My bill, the Fair Access to Infertility Treatment and Hope (FAITH) Act, will end this inequity by requiring all health insurance plans to ensure testing and coverage of infertility treatment. Specifically, FAITH requires health plans to cover all infertility procedures considered non-experimental that are deemed appropriate by patient and physician, up to four attempts (with two additional attempts provided for those successful couples that desire a second child).

One reason often cited by health insurers for their continued refusal to provide infertility treatment is the negative impact that this coverage would have on monthly premiums. However, recent studies demonstrate that FAITH would raise the costs of health coverage by as little as $.21 cents per month per person, an insignificant amount compared to the enormous premium increases we have recently seen from HMOs.

Similar legislation that recognizes the vital right of families to infertility treatments has already been passed in thirteen states, including Texas, California, New York, Illinois, Ohio, Massachusetts, Maryland, Connecticut, Rhode Island, Arkansas, Hawaii, Montana, and West Virginia. In my home state, both branches of the New Jersey Legislature recently passed legislation that mandates this coverage.

Reproduction is one of the most important values for both men and women, and those individuals who desire the gift of family should have access to the necessary treatments that make life possible.

Mr. President, I ask at this time that the text of the bill, in its entirety, be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2160

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fair Access to Infertility Treatment and Hope Act of 2000".

SEC. 2. FINDINGS.

Congress finds that—

(1) infertility affects 6,100,000 men and women;

(2) infertility is a disease which affects men and women with equal frequency;

(3) approximately 1 in 10 couples cannot conceive without medical assistance;

(4) recent medical breakthroughs make infertility a treatable disease; and

(5) only 25 percent of all health plan sponsors provide coverage for infertility services.

SEC. 3. AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following:

"SEC. 714. REQUIRED COVERAGE FOR INFERTILITY BENEFITS.

"(a) IN GENERAL.— A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, shall ensure that coverage is provided for infertility benefits.

"(b) INFERTILITY BENEFITS.—In subsection (a), the term 'infertility benefits' at a minimum includes—

"(1) diagnostic testing and treatment of infertility;

"(2) drug therapy, artificial insemination, and low tubal ovum transfers;

"(3) in vitro fertilization, intracytoplasmic sperm injection, gamete donation, embryo donation, assisted hatching, embryo transfer, gamete intra-fallopian tube transfer, zygote intra-fallopian tube transfer; and

"(4) any other medically indicated non-experimental services or procedures that are used to treat infertility or induce pregnancy.

"(c) IN VITRO FERTILIZATION.—

"(1) LIMITATION.—

"(A) IN GENERAL.—Subject to subparagraph (B), coverage of procedures under subsection (b)(3) may be limited to 4 completed embryo transfers.

"(B) ADDITIONAL TRANSFERS.—If a live birth follows a completed embryo transfer under a procedure described in subparagraph (A), not less than 2 additional completed embryo transfers shall be provided.

"(2) REQUIREMENT.—Coverage of procedures under subsection (b)(3) shall be provided if—

"(A) the individual has been unable to attain or sustain a successful pregnancy through reasonable, less costly medically appropriate covered infertility treatments; and

"(B) the procedures are performed at medical facilities that conform with the minimal guidelines and standards for assisted reproductive technology of the American College of Obstetric and Gynecology or the American Society for Reproductive Medicine.

"(d) PROHIBITIONS.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not—

"(1) deny to an individual eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan because of the individual's or enrollee's use or potential use of items or services that are covered in accordance with the requirements of this section;

"(2) provide monetary payments or rebates to a covered individual to encourage such individual to accept less than the minimum protections available under this section; or

"(3) provide incentives (monetary or otherwise) to a health care professional to induce such professional to withhold from a covered individual services described in subsection (a).

"(e) RULES OF CONSTRUCTION.—

"(1) IN GENERAL.—Nothing in this section shall be construed—

"(A) as preventing a group health plan and a health insurance issuer providing health insurance coverage in connection with a group health plan from imposing deductibles, coinsurance, or other cost-sharing or limitations in relation to benefits for services described in this section under the plan, except that such a deductible, coinsurance, or other cost-sharing or limitation for any such service may not be greater than such a deductible, coinsurance, or cost-sharing or limitation for any similar service otherwise covered under the plan;

"(B) as requiring a group health plan and a health insurance issuer providing health insurance coverage in connection with a group health plan to cover experimental or investigational treatments of services described in this section, except to the extent that the plan or issuer provides coverage for other experimental or investigational treatments or services.

"(2) LIMITATIONS.—As used in paragraph (1), the term 'limitation' includes restricting the type of health care professionals that may provide such treatments or services.

"(f) NOTICE UNDER GROUP HEALTH PLAN.—The imposition of the requirements of this section shall be treated as a material modification in the terms of the plan described in section 102(a)(1), for purposes of assuring notice of such requirements under the plan, except that the summary description required to be provided under the last sentence of section 104(b)(1) with respect to such modification shall be provided by not later than 60 days after the first day of the first plan year in which such requirements apply.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 note) is amended by inserting after the item relating to section 713 the following new item:

"Sec. 714. Required coverage for infertility benefits for federal employees health benefits plans.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to plan years beginning on or after January 1, 2001.

SEC. 4. PUBLIC HEALTH SERVICE ACT.

(a) IN GENERAL.—Subpart 2 of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-4 et seq.) is amended by adding at the end the following:

"SEC. 2707. REQUIRED COVERAGE FOR INFERTILITY BENEFITS.

"(a) IN GENERAL.— A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, shall ensure that coverage is provided for infertility benefits.

"(b) INFERTILITY BENEFITS.—In subsection (a), the term 'infertility benefits' at a minimum includes—

"(1) diagnostic testing and treatment of infertility;

"(2) drug therapy, artificial insemination, and low tubal ovum transfers;

"(3) in vitro fertilization, intracytoplasmic sperm injection, gamete donation, embryo donation, assisted hatching, embryo transfer, gamete intra-fallopian tube transfer, zygote intra-fallopian tube transfer; and

"(4) any other medically indicated non-experimental services or procedures that are used to treat infertility or induce pregnancy.

"(c) IN VITRO FERTILIZATION.—

"(1) LIMITATION.—

"(A) IN GENERAL.—Subject to subparagraph (B), coverage of procedures under subsection (b)(3) may be limited to 4 completed embryo transfers.

"(B) ADDITIONAL TRANSFERS.—If a live birth follows a completed embryo transfer under a procedure described in subparagraph (A), not less than 2 additional completed embryo transfers shall be provided.

"(2) REQUIREMENT.—Coverage of procedures under subsection (b)(3) shall be provided if—

"(A) the individual has been unable to attain or sustain a successful pregnancy through reasonable, less costly medically appropriate covered infertility treatments; and

"(B) the procedures are performed at medical facilities that conform with the minimal guidelines and standards for assisted reproductive technology of the American College of Obstetric and Gynecology or the American Society for Reproductive Medicine.

"(d) PROHIBITIONS.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not—

"(1) deny to an individual eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan because of the individual's or enrollee's use or potential use of items or services that are covered in accordance with the requirements of this section;

"(2) provide monetary payments or rebates to a covered individual to encourage such individual to accept less than the minimum protections available under this section; or

"(3) provide incentives (monetary or otherwise) to a health care professional to induce such professional to withhold from a covered individual services described in subsection (a).

"(e) RULES OF CONSTRUCTION.—

"(1) IN GENERAL.—Nothing in this section shall be construed—

"(A) as preventing a group health plan and a health insurance issuer providing health insurance coverage in connection with a group health plan from imposing deductibles, coinsurance, or other cost-sharing or limitations in relation to benefits for services described in this section under the plan, except that such a deductible, coinsurance, or other cost-sharing or limitation for any such service may not be greater than such a deductible, coinsurance, or cost-sharing or limitation for any similar service otherwise covered under the plan;

"(B) as requiring a group health plan and a health insurance issuer providing health insurance coverage in connection with a group health plan to cover experimental or investigational treatments of services described in this section, except to the extent that the plan or issuer provides coverage for other experimental or investigational treatments or services.

"(2) LIMITATIONS.—As used in paragraph (1), the term 'limitation' includes restricting the type of health care professionals that may provide such treatments or services.

"(f) Notice Under Group Health Plan.—The imposition of the requirements of this section shall be treated as a material modification in the terms of the plan described in section 102(a)(1), for purposes of assuring notice of such requirements under the plan, except that the summary description required to be provided under the last sentence of section 104(b)(1) with respect to such modification shall be provided by not later than 60 days after the first day of the first plan year in which such requirements apply.".

(b) Individual Market.—Part B of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-41 et seq.) is amended—

(1) by redesignating the first subpart 3 (relating to other requirements) as subpart 2; and

(2) by adding at the end of subpart 2 the following new section:

"SEC. 2753. REQUIRED COVERAGE FOR INFERTILITY BENEFITS.

"The provisions of section 2707 shall apply to health insurance coverage offered by a health insurance issuer in the individual market in the same manner as they apply to health insurance coverage offered by a health insurance issuer in connection with a group health plan in the small or large group market.".

(c) Effective Date.—The amendments made by this section shall apply with respect to health insurance coverage offered, sold, issued, renewed, in effect, or operated on or after January 1, 2001.

SEC. 5. REQUIRED COVERAGE FOR INFERTILITY BENEFITS FOR FEDERAL EMPLOYEES HEALTH BENEFITS PLANS.

(a) Types of Benefits.—Section 8904(a)(1) of title 5, United States Code, is amended by adding at the end the following:

"(G) Infertility benefits.".

(b) Health Benefits Plan Contract Requirement.—Section 8902 of title 5, United States Code, is amended by adding at the end the following:

"(p)(1) Each contract under this chapter shall include a provision that ensures infertility benefits as provided under this subsection.

"(2) Infertility benefits under this subsection shall include—

"(A) diagnostic testing and treatment of infertility;

"(B) drug therapy, artificial insemination, and low tubal ovum transfers;

"(C) in vitro fertilization, intracytoplasmic sperm injection, gamete donation, embryo donation, assisted hatching, embryo transfer, gamete intra-fallopian tube transfer, zygote intra-fallopian tube transfer; and

"(D) any other medically indicated nonexperimental services or procedures that are used to treat infertility or induce pregnancy.

"(3)(A)(i) Subject to clause (ii), procedures under paragraph (2)(C) shall be limited to 4 completed embryo transfers.

"(ii) If a live birth follows a completed embryo transfer, 2 additional completed embryo transfers shall be provided.

"(B) Procedures under paragraph (2)(C) shall be provided if—

"(i) the individual has been unable to attain or sustain a successful pregnancy through reasonable, less costly medically appropriate covered infertility treatments; and

"(ii) the procedures are performed at medical facilities that conform with the minimal guidelines and standards for assisted reproductive technology of the American College of Obstetric and Gynecology or the American Society for Reproductive Medicine.".

(c) Effective Date.—The amendments made by this section shall apply to contract years beginning on or after January 1, 2001.●

By Mr. CAMPBELL (for himself, Mr. Daschle, Mr. Craig, Mr. Biden, Mr. Bunning, Mr. Conrad, Ms. Landrieu, Mr. Kerrey, Mr. Gregg, Ms. Collins, Mr. Hutchinson, and Mrs. Hutchison):

S. 2161. A bill to amend the Internal Revenue Code of 1986 to impose a 1 year moratorium on certain diesel fuel excise taxes and to require the Secretary of the Treasury to transfer amounts to the Highway Trust Fund to cover any shortfall; to the Committee on Finance.

AMERICAN TRANSPORTATION RECOVERY AND HIGHWAY TRUST FUND PROTECTION ACT OF 2000

Mr. CAMPBELL. Mr. President, today I am introducing the "American Transportation Recovery and Highway Trust Fund Protection Act of 2000." This is a new revised version of S. 2090 which I introduced on February 24, 2000, to address the escalating prices of fuel which supports our nation's truckers, farmers, public transportation, and other users.

Based on discussions with my colleagues and testimony presented at this morning's Senate Energy and Natural Resources Committee hearing, I have drafted a new bill which would replace the lost revenues from the temporary suspension of the excise tax with monies from the budget surplus in the general fund to fully protect the Highway Trust Fund. Similar to the original bill, S. 2090, my new bill still would temporarily suspend the federal excise tax on diesel fuel for one year or until the price of crude oil is reduced to the December 31, 1999 level.

Americans fought their war in the Persian Gulf, lives were lost out in the sand, some came home with undiagnosed illnesses, defended them from their cousins while the Kuwaiti ruling family relaxed, and this is how we get repaid, with soaring fuel costs, jeopardizing America's livelihood.

While OPEC grows fat, Americans are growing thin, not because they want to, but because they have to choose between food or heating oil. Nice choice for some Americans, freeze or starve? The American people deserve better.

This problem will continually revisit us as long as we are dependent on foreign oil. I have seen news reports that OPEC will not boost production at least until July, and that quote came from Iran's oil minister. Norway, who is not a member of OPEC and is the world's second largest oil exporter, made no promise to increase oil production either. It is unfortunate that we, a global super power, are reduced to begging.

One of the things I have learned in my time in Congress is that too often we get bogged down in the details. The current fuel crisis an example where the discussion tends toward international price fixing and our foreign dependence, rather than focusing on the daily effect on American people.

If we do not recognize the economic devastation the skyrocketing cost of fuel is already taking, wait until shipping by truck, rail, and ship starts to collapse. The total value of freight carried by truckers in 1996 was approximately $368 billion. This number would be higher today, but these were the most recent numbers that CRS could provide. If these current increases in oil prices do not stop, some trucks can not afford to run. If just 10 percent of the trucks on the road stop running, if you do the general math, it could amount to a $36.8 billion value decrease in freight. This is a hit to the economy I do not want to see. If the rigs stop rolling, this nation stops rolling.

Also, if we do not recognize the national security component of being dependent on OPEC oil, I want to know how many more American lives we have to risk to recognize it? We should have to grovel in front of the altars of the almighty oil ministries.

I urge my colleagues to support prompt passage of this bill to provide immediate relief for America's truckers, farmers, and other diesel fuel users. I ask unanimous consent that the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2161

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Transportation Recovery and Highway Trust Fund Protection Act of 2000".

SEC. 2. 1 YEAR MORATORIUM ON CERTAIN DIESEL FUEL EXCISE TAXES.

(a) In General.—Section 4081(d) of the Internal Revenue Code of 1986 (relating to termination) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively,

(2) by inserting after paragraph (1) the following new paragraph:

"(2) Diesel fuel.—The rate of tax specified in subsection (a)(2)(A)(iii) with respect to diesel fuel shall be—

"(A) zero during the 1 year period beginning on the date of the enactment of this paragraph, and

"(B) 4.3 cents per gallon after September 30, 2005.", and

(3) by striking "clauses (i) and (iii) of subsection (a)(2)(A)" in paragraph (1) and inserting "subsections (a)(2)(A)(i) and (a)(2)(A)(iii) with respect to kerosene".

(b) Conforming Amendments.—

(1) Subclause (I) of section 4041(a)(1)(C)(iii) of the Internal Revenue Code of 1986 (relating to rate of tax on certain buses) is amended by striking "shall be 7.3 cents per gallon (4.3 cents per gallon after September 30, 2005)." and inserting "shall be—

"(aa) zero during the 1 year period beginning on the date of the enactment of the American Transportation Recovery and Highway Trust Fund Protection Act of 2000,

"(bb) 7.3 cents per gallon after the end of the 1 year period under item (aa), and before October 1, 2005, and

"(cc) 4.3 cents per gallon after September 30, 2005.".

(2) Section 4081(c)(6) of such Code is amended by inserting "(other than paragraph (5))" after "subsection".

(3) Section 6412(a)(1) of such Code is amended—

(A) by inserting "(the date of the enactment of the American Transportation Recovery and Highway Trust Fund Protection Act of 2000, in the case of diesel fuel)" after "October 1, 2005" both places it appears,

(B) by inserting "(the date which is 6 months after the date of the enactment of such Act, in the case of diesel fuel) after "March 31, 2006" both places it appears, and

(C) by inserting "(the date which is 3 months after the date of the enactment of such Act, in the case of diesel fuel) after "January 1, 2006".

(4) Section 6427(f)(4) of such Code is amended by inserting "(during the 1 year period beginning on the date of the enactment of the American Transportation Recovery and Highway Trust Fund Protection Act of 2000, in the case of diesel fuel)" after "September 30, 2007".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this section.

(2) DECREASE IN CRUDE OIL PRICES.—If the Secretary of Treasury determines that the average refiner acquisition costs for crude oil are equal to or less than such costs were on December 31, 1999, the amendments made by this section shall cease to take effect and the Internal Revenue Code shall be administered as if such amendments did not take effect.

SEC. 3. TRANSFER OF AMOUNTS TO HIGHWAY TRUST FUND TO COVER SHORTFALL DUE TO MORATORIUM.

The Secretary of the Treasury shall from time to time transfer from the general fund, out of amounts not otherwise appropriated, to the Highway Trust Fund (established under section 9503 of the Internal Revenue Code of 1986) amounts equal to the amounts which the Secretary determines are not appropriated to such Fund as a result of the amendments made by section 2 of this Act.

By Mr. GORTON:

S. 2163. A bill to provide for a study of the engineering feasibility of a water exchange in lieu of electrification of the chandler Pumping Plant at Prosser Diversion Dam, Washington; to the Committee on Indian Affairs.

YAKIMA RIVER BASIN WATER ENHANCEMENT PROGRAM

• Mr. GORTON. Mr. President, today I am introducing legislation that will amend the Yakima River Basin Water Enhancement Program (YRBWEP), first approved by Congress in 1994 (PL 103-434). That legislation established a comprehensive framework for increasing critical flows in the Yakima River in order to reverse a longstanding trend of declining salmon and steelhead runs.

One portion of that legislation, Section 1208, authorized a specific project to electrify hydraulic turbines at the Chandler Pumping Plant near Prosser, Washington. By converting these pumps from hydraulic to electrical power, an additional 400 second feet of water would be added to a 12-mile stretch of the Yakima River below Prosser Dam called Chandler Reach. This project would increase survival rates and provide important new habitat for both the anadramous and resident fisheries in this critical section of the Yakima River. This electrification project is still a good approach to augmenting Yakima River flows, but early in its implementation an even better idea was developed that can nearly double the benefits projected from electrification.

This new approach could result in completely eliminating the need to divert water at Prosser Dam and Wanawish Dam for use by the Kennewick Irrigation District (K.I.D.) and the Columbia River Irrigation District (C.I.D.). This plan will require building a new pumping plant on the Columbia River and a pipeline to connect this new facility to K.I.D. This approach could add back to the Yakima River during critical flow periods the entire 759 second feet of water now diverted at Prosser Dam. This project might well be the key to the success of the rest of the YRBWEP program. For the extensive efforts being made farther upstream to be entirely successful, the lower sections of the Yakima River must provide the conditions necessary for salmon and steelhead to survive their journey to and from the upper river and its tributaries. The Chandler Reach and the lower Yakima must have sufficient water at the right time for anadromous fish to be able to transit this area. Without it, the programs upstream will be less effective.

The legislation I will introduce today authorizes the Bureau of Reclamation to spend some of the funds previously authorized for the electrification project to develop this new approach. There are several studies and undertakings necessary to determine with certainty the efficacy and cost of this pump exchange project. These include carrying out a feasibility study, including an estimate of project benefits, an environmental impact analysis, and preparing a feasibility level design and cost estimate as well as securing critical right-of-way areas and such other studies as may be required.

This change in approach to enhancing flows in the lower Yakima is enthusiastically supported by the resource agencies of the State of Washington, including the Washington State Department of Ecology, as well as by the National Marine Fisheries Service, the United States Fish and Wildlife Service, and many other primary stakeholders on the Yakima River, such as the Yakama Indian Nation. To date all organizations and agencies contacted want to see the necessary work done to develop this project further, and this legislation will provide the crucial resources to complete the feasibility and engineering studies.•

By Mr. KENNEDY.

S. 2166. A bill to suspend until June 30, 2003, the duty on transformers for use in certain radiobroadcast receivers with compact disc players and capable of receiving signals on AM and FM frequencies; to the Committee on Finance.

LEGISLATION TO PROVIDE FOR A TEMPORARY DUTY SUSPENSION ON CERTAIN PRODUCTS

• Mr. KENNEDY. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2166

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SUSPENSION OF DUTY ON TRANSFORMERS FOR USE IN CERTAIN RADIOBROADCAST RECEIVERS WITH COMPACT DISC PLAYERS AND CAPABLE OF RECEIVING SIGNALS ON AM AND FM FREQUENCIES.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.85.05	120/60Hz electrical transformers (provided for in subheading 8504.31.40), with dimensions not exceeding 51.7mm by 78mm by 91mm and each containing a layered and uncut round core with two balanced bobbins, imported for use as components in radio recorder combinations, incorporating optical disc (including compact disc) players or recorders (provided for in subheading 8527.31.60), the foregoing which include a resonant system tuned to at least five audible frequencies	Free	No change	No change	On or before 6/30/2003	".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.●

By Mr. KENNEDY:

S. 2167. A bill to suspend until June 30, 2003, the duty on transformers for use in certain radiobroadcast receivers capable of receiving signals on AM and FM frequencies; to the Committee on Finance

TO PROVIDE FOR A TEMPORARY DUTY SUSPENSION FOR CERTAIN PRODUCTS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2167

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SUSPENSION OF DUTY ON TRANSFORMERS FOR USE IN CERTAIN RADIOBROADCAST RECEIVERS CAPABLE OF RECEIVING SIGNALS ON AM AND FM FREQUENCIES.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.85.04	120/60Hz electrical transformers (provided for in subheading 8504.31.40), with dimensions not exceeding 78mm by 64.5mm by 88.7mm and containing stacked EI laminations with an integral bobbin, imported for use as components in radiobroadcast receivers with digital clock or clock-timer, valued over $40 each (provided for in subheading 8527.32.50), the foregoing which include a resonant system tuned to at least five audible frequencies	Free	No change	No change	On or before 6/30/2003	".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

By Mr. LAUTENBERG:

S. 2178. A bill to amend the Higher Education Act of 1965 to require colleges and universities to disclose to students and their parents the incidents of fires in dormitories, and their plans to reduce fire safety hazards in dormitories, to require the United States Fire Administration to establish fire safety standards for dormitories, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

FIRE SAFE DORM ACT OF 2000

● Mr. LAUTENBERG. Mr. President, I rise to introduce the Fire Safe Dorm Act of 2000. I am pleased that my colleagues in the House, Representatives CAROLYN MALONEY and RUSH HOLT, will join me in offering this important legislation.

On Wednesday, January 19, 2000, a fire in a Seton Hall University dormitory claimed the lives of three students and injured 58 others, including at least 54 students, two police officers and two firefighters. The dormitory, Boland hall, was built in 1952, and although it was equipped with smoke detectors, it was not required to be equipped with a fire sprinkler system.

Nothing is as painful as a senseless accident that takes the lives of young people. And unfortunately, the Seton Hall community is not alone in its grief. In fact, in the last decade, at least 18 young people lost their lives in dormitory fires. We must do all we can to prevent future tragedies. Students have a fundamental right to pursue an education in a safe, secure environment. Parents have a right to know that their children are protected from harm while on school property.

That is why I am pleased to offer the Fire Safe Dorm Act of 2000. This legislation is straightforward. It takes two important steps to ensure the safety of student housing.

First, the bill requires nationwide standards. Under the Fire Safe Dorm Act, the U.S. Fire Administration would develop comprehensive standards for dormitory fire safety. These standards would include such safety devices as fire sprinklers, smoke detectors, and flame resistant furniture and mattresses. Colleges and universities would be required to develop plans to adopt these new standards within 10 years of the bill's enactment.

Second, the Fire Safe Dorm Act requires disclosure. It requires colleges and universities to tell students, prospective students, and their parents, about the safety of campus housing. Specifically, are dormitories equipped with sprinklers? Are the furniture and mattresses fire resistant? Learning institutions are already required to disclose statistics about crime on campus. They should also have to tell the public about the steps they've taken to protect students from fire.

Mr. President, the Fire Safe Dorm Act takes important steps to safeguard against another tragedy like the fire at Seton Hall. I urge all my colleagues to support this important measure.

I ask unanimous consent that the text of the Fire Safe Dorm Act of 2000 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2178

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fire Safe Dorm Act of 2000".

TITLE I—OBLIGATIONS OF INSTITUTIONS OF HIGHER EDUCATION

SEC. 101. IMPROVED DISCLOSURE OF FIRES AND FIRE PREVENTION MEASURES IN COLLEGE DORMITORIES.

Section 485(f) of the Higher Education Act of 1965 (20 U.S.C. 1092(f)) is amended—

(1) in paragraph (1), by adding at the end the following new subparagraphs:

"(I) Statistics concerning the occurrence of fires and fire alarms in dormitories on campus during the most recent calendar year, and during the 5 preceding calendar years for which data are available.

"(J) A statement describing whether the institutions' dormitory rooms currently have sprinklers, smoke detectors, and furniture made of flame retardant material.";

(2) in paragraph (4), by adding at the end the following new subparagraph:

"(C) Each institution participating in any program under this title shall make, keep, and maintain a daily log, written in a form that can be easily understood, recording all fires reported to local fire departments, including the nature, date, time, and general location of each fire. Such logs shall be open to public inspection."; and

(3) in paragraph (5)—

(A) in the matter preceding subparagraph (A), by inserting "or paragraph (1)(I)" after "paragraph (1)(F)"; and

(B) in subparagraph (C), by inserting "and campus fires" after "campus crime".

SEC. 102. DISCLOSURE OF PLANS TO BRING RESIDENTIAL FACILITIES INTO COMPLIANCE WITH NEW BUILDING CODES.

Section 485(a)(1) of the Higher Education Act of 1965 (20 U.S.C. 1092) is amended—

(1) by striking "and" at the end of subparagraph (N);

(2) by striking the period at the end of subparagraph (O) and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(P) a summary of the specific plans that the institution has adopted for construction or renovation to ensure that all campus residential facilities comply, by January 1, 2010, with the standards established by the Administrator of the United States Fire Administration under section 201 of the Fire Safe Dorm Act of 2000.".

SEC. 103. COMPLIANCE WITH FIRE SAFETY STANDARDS FOR DORMITORIES.

Section 487(a) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)) is amended by adding at the end the following new paragraph:

"(24) The institution will adopt, within 10 years after the date of enactment of the Fire Safe Dorm Act of 2000, plans to install sprinklers, smoke detectors, and open flame resistant furniture in dormitories in compliance with the standards established by the Administrator of the United States Fire Administration under section 201 of such Act.".

SEC. 104. EXEMPTION.

The amendments made by this title shall not be construed to require the installation of sprinklers in any building or other structure that is listed on the National Register for Historic Places as maintained by the National Park Service under the authority of the National Historic Preservation Act (16 U.S.C. 470 et seq.), if such installation would destroy historic materials, features, and spatial relationships that characterize the historic nature of the property. The Secretary of Education shall determine disputes concerning the application of this exemption by reference of the matter to the Secretary of the Interior.

TITLE II—DORMITORY FIRE SAFETY STANDARDS

SEC. 201. STANDARDS.

(a) ESTABLISHMENT.—Not later than 6 months after the date of the enactment of this Act, the Administrator of the United States Fire Administration shall establish measurable standards for dormitory fire safety. Such standards shall include mandatory fire sprinklers, smoke detectors, and open flame resistant furniture and mattresses.

(b) OUTREACH.—The Administrator of the United States Fire Administration shall undertake appropriate activities to encourage the adoption by State and local authorities of the standards established under subsection (a).●

By Mr. ABRAHAM:

S. 2180. A bill to repeal the increase in the tax on social security benefits, to eliminate the earnings test for individuals who have attained retirement age, and to gradually raise the age for required minimum distributions from pension plans, and for other purposes; to the Committee on Finance.

THE SENIOR CITIZENS' FINANCIAL FREEDOM ACT

Mr. ABRAHAM. Mr. President, I rise today to introduce the Senior Citizens' Financial Freedom Act, a bill which would accomplish three objectives. First, it rolls back the Clinton Administration's 1993 tax increase on Social Security benefits. Second, it repeals the Social Security Earnings Test working penalty on Seniors. Finally, it returns to our Seniors the ability to control their own savings, by increasing the age when minimum IRA distributions must begin, from 70½ to 85.

Mr. President, our tax code mercilessly penalizes Seniors. In fact, Seniors are double taxed. First the government takes money from their paycheck to pay for the Social Security system. Then, when the senior receives their benefits, they are taxed again. The Government also penalizes Seniors for working by placing an "Earnings Test" just to receive Social Security benefits. Finally, the Government forces Seniors to withdraw benefits from their IRAs, whether they want to or not, and penalizes them with a 50% tax if they do not.

This is immoral, illogical and simply wrong.

Mr. President, I applaud our colleagues in the House for passing a bill to eliminate the Social Security Earnings Test, which takes away Social Security benefits simply because a 60 year old works. We should be celebrating those between 60 and 70 years old who can work, but instead, we punish them. For a Senior between 60 and 65, if they earn over $9,600 in income beyond Social Security benefits (which is just above the poverty level), they lose 50% of their benefits. For those between 65 and 70 years old, they lose 33% of their benefits for earning over $15,500. It's not until they turn 70 can they both work and keep their benefits. This represents a marginal tax rate for someone under 65 of almost 60%. While I agree that the Earnings Test must be eliminated, Congress should go beyond this.

In 1993, President Clinton proposed, and the Democratic-controlled Congress passed by one vote, a 70% increase on Social Security benefits. These benefits should not be taxed at all, but the fact that they were raised so much gives us the opportunity, during these large surpluses, to provide immediate relief for our Seniors. When coupled with the Earnings Test, these two taxes can result in some couples suffering under a 103% marginal tax rate. Seniors could lose more than a dollar for making another dollar.

Finally, Mr. President, we must amend the IRA distribution requirements. When a person reaches 70½ years old, the Government forces them to begin taking out money from their IRA, which they personally have saved up for it's their money. They have to take all of it out of their account within their life expectancy at the time they start making withdrawals, which for someone 70½, is currently about 15 years. They must make these withdrawals whether they need to do so or not. And if they do not take out the money, or cannot because they're invested in long-term projects, they lose 50% of the money to punitive taxes. Essentially, they are penalized for their foresight in saving for retirement, and their industry for finding other sources of income than these retirement assets. Mr. President, this is a policy that only the federal government could think up, and it comes from the bureaucratic mentality that says the people's money belongs to the government, and not the people. What is particularly worrisome, is that although the current rules assume someone 70½ has a life expectancy of 15 years, people are living longer and retiring later, and these rules could result in individuals not having the money available when they really do need it.

Mr. President, I ask my colleagues to support reducing the tax burden on Seniors, to give those Seniors who want to work the freedom to work, without the fear of penalty and to restore their control over their savings. In short, I ask my colleagues to restore to Seniors their financial freedom.

ADDITIONAL COSPONSORS

S. 13

At the request of Mr. SESSIONS, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 13, a bill to amend the Internal Revenue Code of 1986 to provide additional tax incentives for education.

S. 71

At the request of Ms. SNOWE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 71, a bill to amend title 38, United States Code, to establish a presumption of service-connection for certain veterans with Hepatitis C, and for other purposes.

S. 512

At the request of Mr. GORTON, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 512, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the Department of Health and Human Services with respect to research on autism.

S. 809

At the request of Mr. BURNS, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 809, a bill to require the Federal Trade Commission to prescribe regulations to protect the privacy of personal information collected from and about private individuals who are not covered by the Children's Online Privacy Protection Act of 1998 on the Internet, to provide greater individual control over the collection and use of that information, and for other purposes.

S. 864

At the request of Mr. BINGAMAN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 864, a bill to designate April 22 as Earth Day.

S. 1017

At the request of Mr. MACK, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1017, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on the low-income housing credit.

S. 1028

At the request of Mr. HATCH, the names of the Senator from Texas (Mr. GRAMM) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 1028, a bill to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the United States Constitution, have been deprived by final actions of Federal agencies, or other government officials or entities acting under color of State law, and for other purposes.

S. 1266

At the request of Mr. GORTON, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1266, a bill to allow a State to combine certain funds to improve the academic achievement of all its students.

S. 1409

At the request of Mr. MCCONNELL, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 1409, a bill to amend the Internal Revenue Code of 1986 to reduce from 24 months to 12 months the holding period used to determine whether horses are assets described in section 1231 of such Code.

S. 1488

At the request of Mr. HUTCHINSON, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 1488, a bill to amend the Public Health Service Act to provide for recommendations of the Secretary of Health and Human Services regarding the placement of automatic external defibrillators in Federal buildings in order to improve survival rates of individuals who experience cardiac arrest in such buildings, and to establish protections from civil liability arising from the emergency use of the devices.

S. 1642

At the request of Mr. COCHRAN, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 1642, a bill to amend part F of title X of the Elementary and Secondary Education Act of 1965 to improve and refocus civic education, and for other purposes.

S. 1810

At the request of Mrs. MURRAY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1810, a bill to amend title 38, United States Code, to clarify and improve veterans' claims and appellate procedures.

S. 1874

At the request of Mr. GRAHAM, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Massachusetts (Mr. KERRY), and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 1874, a bill to improve academic and social outcomes for youth and reduce both juvenile crime and the risk that youth will become victims of crime by providing productive activities conducted by law enforcement personnel during non-school hours.

S. 1940

At the request of Mr. LEAHY, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 1940, a bill to amend the Immigration and Nationality Act to reaffirm the United States historic commitment to protecting refugees who are fleeing persecution or torture.

S. 1954

At the request of Mr. BINGAMAN, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1954, a bill to establish a compensation program for employees of the Department of Energy, its contractors, subcontractors, and beryllium vendors, who sustained beryllium-related illness due to the performance of their duty; to establish a compensation program for certain workers at the Paducah, Kentucky, gaseous diffusion plant; to establish a pilot program for examining the possible relationship between workplace exposure to radiation and hazardous materials and illnesses or health conditions; and for other purposes.

S. 1997

At the request of Mr. BINGAMAN, the names of the Senator from Alaska (Mr. MURKOWSKI) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 1997, a bill to simplify Federal oil and gas revenue distributions, and for other purposes.

S. 2001

At the request of Mr. GRAMS, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 2001, a bill to protect the Social Security and Medicare surpluses by requiring a sequester to eliminate any deficit.

S. 2003

At the request of Mr. JOHNSON, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 2003, a bill to restore health care coverage to retired members of the uniformed services.

S. 2005

At the request of Mr. BURNS, the names of the Senator from New Hampshire (Mr. SMITH), the Senator from Kansas (Mr. BROWNBACK), and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 2005, a bill to repeal the modification of the installment method.

S. 2035

At the request of Mr. SPECTER, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2035, a bill to amend title 49, United States Code, to clarify the application of the Act popularly known as the "Death on the High Seas Act" to aviation incidents.

S. 2049

At the request of Mr. BIDEN, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Georgia (Mr. CLELAND), and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 2049, a bill to extend the authorization for the Violent Crime Reduction Trust Fund.

S. 2061

At the request of Mr. BIDEN, the names of the Senator from California (Mrs. BOXER), the Senator from Nevada (Mr. REID), the Senator from Illinois (Mr. DURBIN), the Senator from Nevada (Mr. BRYAN), and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of S. 2061, a bill to establish a crime prevention and computer education initiative.

S. 2070

At the request of Mr. FITZGERALD, the names of the Senator from Virginia (Mr. WARNER), the Senator from Vermont (Mr. JEFFORDS), and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 2070, a bill to improve safety standards for child restraints in motor vehicles.

S. 2072

At the request of Mr. KERRY, the name of the Senator from Rhode Island (Mr. L. CHAFEE) was added as a cosponsor of S. 2072, a bill to require the Secretary of Energy to report to Congress on the readiness of the heating oil and propane industries.

S. 2074

At the request of Mr. ASHCROFT, the names of the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Alabama (Mr. SHELBY), the Senator from Missouri (Mr. BOND), the Senator from Vermont (Mr. JEFFORDS), the Senator from Alaska (Mr. MURKOWSKI), the Senator from New Hampshire (Mr. SMITH), and the Senator from Washington (Mr. GORTON) were added as cosponsors of S. 2074, a bill to amend title II of the Social Security Act to eliminate the social security earnings test for individuals who have attained retirement age.

At the request of Mr. LOTT, his name was added as a cosponsor of S. 2074, supra.

S. 2082

At the request of Mr. DEWINE, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 2082, a bill to establish a program to award grants to improve and maintain sites honoring Presidents of the United States.

S. 2087

At the request of Mr. WARNER, the names of the Senator from Alabama (Mr. SHELBY), and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 2087, a bill to amend title 10, United States Code, to improve access to benefits under the TRICARE program; to extend and improve certain demonstration programs under the Defense Health Program; and for other purposes.

S. 2090

At the request of Mr. CAMPBELL, the name of the Senator from Delaware

(Mr. BIDEN) was added as a cosponsor of S. 2090, a bill to amend the Internal Revenue Code of 1986 to impose a 1 year moratorium on certain diesel fuel excise taxes.

S. 2097

At the request of Mr. GRAMM, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 2097, a bill to authorize loan guarantees in order to facilitate access to local television broadcast signals in unserved and underserved areas, and for other purposes.

S. CON. RES. 85

At the request of Mr. TORRICELLI, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. Con. Res. 85, a concurrent resolution condemning the discriminatory practices prevalent at Bob Jones University.

S. RES. 87

At the request of Mr. DURBIN, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. Res. 87, a resolution commemorating the 60th Anniversary of the International Visitors Program.

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. Res. 87, supra.

S. RES. 128

At the request of Mr. COCHRAN, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. Res. 128, a resolution designating March 2000, as "Arts Education Month."

S. RES. 237

At the request of Mrs. BOXER, the names of the Senator from Georgia (Mr. CLELAND) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. Res. 237, a resolution expressing the sense of the Senate that the United States Senate Committee on Foreign Relations should hold hearings and the Senate should act on the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

AMENDMENT NO. 2827

At the request of Mr. COVERDELL, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of Amendment No. 2827 proposed to S. 1134, an original bill to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes.

At the request of Mr. MACK, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of Amendment No. 2827 proposed to S. 1134, An original bill to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes.

AMENDMENT NO. 2867

At the request of Ms. LANDRIEU, the names of the Senator from Indiana (Mr. BAYH), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Wisconsin (Mr. KOHL), and the Senator from Florida (Mr. GRAHAM) were added as cosponsors of Amendment No. 2867 proposed to S. 1134, an original bill to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes.

SENATE CONCURRENT RESOLUTION 88—EXPRESSING THE SENSE OF THE CONGRESS CONCERNING DRAWDOWNS OF THE STRATEGIC PETROLEUM RESERVE

Ms. COLLINS (for herself, Mr. SCHUMER, Mr. JEFFORDS, Ms. SNOWE, Mr. LIEBERMAN, Mr. MOYNIHAN, Mr. LEVIN, Mr. LEAHY, and Mr. DODD) submitted the following concurrent resolution; which was referred to the Committee on Energy and Natural Resources:

S. CON. RES. 88

Whereas the price of crude oil has more than doubled in the past year to over $30 per barrel, and prices of petroleum products such as heating oil, diesel fuel, and gasoline have reached record levels;

Whereas a sharp sustained increase in the price of crude oil negatively affects the overall economic well-being of the United States;

Whereas high oil prices harm people and businesses;

Whereas the Energy Information Administration has determined that Northeastern United States fuel reserves are the lowest in 20 years and that Americans are "skating on thin ice" in meeting energy requirements;

Whereas the current price and supply crisis was largely created through the actions of the Organization of Petroleum Exporting Countries ("OPEC") by market-distorting and collusive production reductions, and OPEC's activities would be in violation of United States antitrust laws if conducted within the United States;

Whereas OPEC has demonstrated unity not seen since the energy crises of the 1970's;

Whereas the United States has a Strategic Petroleum Reserve of over 570,000,000 barrels of crude oil to protect against threats to oil supplies;

Whereas many experts, trade associations, and members of Congress have called for a drawdown of the Strategic Petroleum Reserve to combat OPEC's market distorting behavior;

Whereas a drawdown or the threat of a drawdown of the Strategic Petroleum Reserve could provide a critical tool to break the resolve of OPEC to practice market distorting behavior, and a sale of oil from the Strategic Petroleum Reserve would increase domestic supplies and drive down prices in the short term;

Whereas swaps from the Strategic Petroleum Reserve offer a way to increase the overall size of the Strategic Petroleum Reserve at no cost to the taxpayer; and

Whereas low global inventories allow OPEC to retain inordinate control over supply and pricing, and consequently undue influence over the global economy: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) using authority under existing law, directly through time exchanges (or "swaps") or through other means, the President and the Secretary of Energy should draw down the Strategic Petroleum Reserve in an economically feasible manner and to a responsible degree, to combat unfair foreign trade practices of the Organization of Petroleum Exporting Countries and alleviate the severely deleterious consequences to people and businesses in the United States that those practices have caused; and

(2) the President and the Secretary of Energy should prepare for future threats to the economy and energy supply of the United States by developing methods to—

(A) draw down the Strategic Petroleum Reserve quickly when needed; and

(B) increase the quantity of crude oil in the Strategic Petroleum Reserve over time in an economically reasonable manner.

Mr. COLLINS. Mr. President, I rise today with my colleague, Senator SCHUMER, to submit a senate concurrent resolution expressing the Sense of the Congress that the Administration should act immediately to combat the anticompetitive campaign OPEC has waged on the world's oil markets. Through this resolution, we call upon the President and the Secretary of Energy to defend America's interests through the immediate release of oil from the Strategic Petroleum Reserve. We are pleased to be joined by Senators JEFFORDS, SNOWE, LIEBERMAN, MOYNIHAN, LEVIN, LEAHY, and DODD who are original cosponsors of this important legislation. We are also pleased to have the strong support of the American Trucking Association which represents 9.6 million people employed in the American trucking industry and their families. Perhaps no one has felt the pain for soaring oil prices more then they.

Today we ask the Administration to combat the unfair and anticompetitive practices of OPEC, and to ease the pain this cartel has inflicted—and will continue to inflict—on the people and businesses of the Northeast, the Midwest, and throughout America.

Last fall, Senator SCHUMER and I began cautioning the Administration about OPEC's production squeeze and the impact the cartel would have on our economy. At that time oil prices were rising, and U.S. inventories were falling. Throughout the winter, Mainers, New Yorkers, and all Americans who heat with oil have suffered from the highest distillate prices in a decade. The entire nation has suffered—and will continue to suffer—

through increased gasoline and diesel fuel costs.

One year ago, the average retail price of a gallon of diesel fuel was 95.6 cents. Today, prices across the nation have skyrocketed. In my home state, diesel costs range from $1.60 in Bangor to $1.90 in Biddeford.

This jump in prices deeply harms truckers and, by extension, all American consumers and businesses. The trucking industry consumes nearly 30 billion of gallons of diesel fuel a year. At today's prices, that means truckers across the nation must shoulder $15 billion more in fuel costs this year, compared to last.

I have heard from small Maine trucking companies that are in dire straits. One owner of a trucking company in Ellsworth, Maine tells me that, due to particularly high fuel costs, many independent truckers she contracts with may not be able to stay in business. She says that owner-operators and small trucking companies cannot withstand the exorbitant price of diesel fuel for much longer and warns that immediate action is necessary. Potato farmers in northern Maine tell me they are having difficulty shipping their crop to market because the high cost of diesel has made it economically unfeasible to come to Aroostock County.

I was struck by a sign I saw on a rig two weeks ago when truckers converged upon Washington, demanding action from our government—it read: "if you eat it, drink or wear it, it probably got to you by truck." This catchy slogan underscores the importance of trucking to our country and our way of life.

But everyone shares in the pain inflicted by OPEC. Yesterday, a barrel of crude oil closed at $30.43, a one hundred-fifty percent increase from one year ago. These high crude prices hurt all Americans—at the pump, on the farm, in the supermarket, at the airline ticket counter, and at home during cold winter nights.

OPEC member-countries have colluded to take some 6% of the world's supply of oil off the markets in order to maximize profits. The strategy's is working—although OPEC countries sold 5% less oil in 1999, their profits were up 38%.

OPEC's production squeeze has caused fuel reserves to shrink to historic lows. The Administrator of the Energy Information Administration—which is part of the Department of Energy—was quoted in The New York Times last week saying the fuel reserves in the Northeast were "dangerously low," the lowest in 20 years, and that American's were "skating on thin ice" due to low fuel inventories. Indeed, we were told by the Energy Information Agency that distillate stocks in New England reached an all-time low last month.

We have been disappointed that the Administration has failed to heed our call over the past several months. But even now, it is not too late. A release of oil from the SPR would have an immediate impact upon the price of oil and would help break OPEC's resolve to maintain an iron grip on our nation's supply.

So today we offer a resolution calling upon the Administration to use the tools at its disposal to fight OPEC's unfair and dangerously harmful trade practices. I urge my colleagues to join me in supporting this resolution.

Mr. SCHUMER. Mr. President, yesterday, crude prices closed just below $32 per barrel—the highest price since a brief spike during the Persian Gulf War. At this level, it is very likely that gas prices will reach $2 per gallon by Memorial Day.

The price of oil has reached a point where it is no longer a nuisance, but a crisis for our economy. We have called on the President and the Secretary of Energy to release some of the Strategic Petroleum Reserve (SPR) in order to bring this price spike under control. And today, we are introducing a concurrent resolution to again request that the Administration use the Strategic Petroleum Reserve to bolster our rapidly dwindling oil inventories, stabilize prices, and to convince OPEC that America is ready to use leverage to protect our national economic interests.

During the past two weeks, Secretary Richardson has met with OPEC ministers to encourage them to increase production. They discussed a 1 million barrel per day increase, but according to experts, that will still not be sufficient to meet America's demand. In fact, even if OPEC increased production to 3 million barrels per day by the 4th Quarter of 2000, the U.S. will still have $30 barrels next winter. This is because inventory levels of petroleum and petroleum products are at their lowest levels in more than 20 years. Gasoline inventories are down 15 percent from last year, and crude inventories are down 13 percent. Organization of Economic Cooperation and Development inventories are 99 million barrels below normal.

Low inventories means that OPEC will continue to control global supply and demand. Even if OPEC increases production by a small amount, it will not be sufficient to prevent them from increasing prices at any moment. This, therefore, has become a matter of national security.

The United States must use the SPR to prod OPEC to release significantly more oil. If the United States releases the reserve through swaps, other OPEC producers will realize that their stranglehold on the market is ending and will disregard their quotas, thereby releasing oil into market and forcing the price back down. That is the scenario OPEC fears the most and that is the card that we need to play to ensure a sufficient and timely increase in production. We have been warning since September that this day would come if the United States did not play the SPR card. It is here; it is late; but it is not yet too late to avert a crisis. We need to use the leverage of the reserve.

Increased oil prices could severely affect the health of our economy. It has the potential to increase inflation. It will drain the budgets of working families. The price of shipping will increase. Oil prices at these levels will filter through every sector of our economy like a virus.

The President and Secretary Richardson must act quickly to release oil from the SPR in order to counter OPEC's assault on the United States and the global economy.

SENATE CONCURRENT RESOLUTION 89—TO ESTABLISH THE JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES FOR THE INAUGURATION OF THE PRESIDENT-ELECT AND VICE-PRESIDENT ELECT OF THE UNITED STATES ON JANUARY 20, 2001

Mr. MCCONNELL (for himself and Mr. DODD) submitted the following concurrent resolution, which was considered and agreed to:

S. CON. RES. 89

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. ESTABLISHMENT OF JOINT COMMITTEE.

There is established a Joint Congressional Committee on Inaugural Ceremonies (in this resolution referred to as the "joint committee") consisting of 3 Senators and 3 Representatives, to be appointed by the President of the Senate and the Speaker of the House of Representatives, respectively. The joint committee is authorized to make the necessary arrangements for the inauguration of the President-elect and Vice President-elect of the United States on January 20, 2001.

SEC. 2. SUPPORT OF THE JOINT COMMITTEE.

The joint committee—

(1) is authorized to utilize appropriate equipment and the services of appropriate personnel of departments and agencies of the Federal Government, under arrangements between the joint committee and the heads of those departments and agencies, in connection with the inaugural proceedings and ceremonies; and

(2) may accept gifts and donations of goods and services to carry out its responsibilities.

CONCURRENT RESOLUTION 90—TO AUTHORIZE THE USE OF THE ROTUNDA OF THE CAPITOL BY THE JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES IN CONNECTION WITH THE PROCEEDINGS AND CEREMONIES CONDUCTED FOR THE INAUGURATION OF THE PRESIDENT-ELECT AND THE VICE PRESIDENT-ELECT OF THE UNITED STATES

Mr. McCONNELL (for himself and Mr. DODD) submitted the following concurrent resolution, which was considered and agreed to:

S. CON. RES. 90

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. USE OF THE ROTUNDA OF THE CAPITOL.

The rotunda of the United States Capitol is authorized to be used on January 20, 2001, by the Joint Congressional Committee on Inaugural Ceremonies in connection with the proceedings and ceremonies conducted for the inauguration of the President-elect and the Vice President-elect of the United States.

SENATE CONCURRENT RESOLUTION 91—CONGRATULATING THE REPUBLIC OF LITHUANIA ON THE TENTH ANNIVERSARY OF THE REESTABLISHMENT OF ITS INDEPENDENCE FROM THE RULE OF THE FORMER SOVIET UNION

Mr. DURBIN (for himself, Mr. GORTON, Mr. LOTT, Mr. HELMS, Mr. CAMPBELL, Mrs. FEINSTEIN, Mr. ABRAHAM, Mr. LIEBERMAN, Mr. GRASSLEY, Mr. SMITH of Oregon, Mr. ROBB, and Mr. FITZGERALD) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 91

Whereas the United States had never recognized the forcible incorporation of the Baltic states of Estonia, Latvia, and Lithuania into the former Soviet Union;

Whereas the declaration on March 11, 1990, of the reestablishment of full sovereignty and independence of the Republic of Lithuania led to the disintegration of the former Soviet Union;

Whereas Lithuania since then has successfully built democracy, ensured human and minority rights, the rule of law, developed a free market economy, implemented exemplary relations with neighboring countries, and consistently pursued a course of integration into the community of free and democratic nations by seeking membership in the European Union and the North Atlantic Treaty Organization; and

Whereas Lithuania, as a result of the progress of its political and economic reforms, has made, and continues to make, a significant contribution toward the maintenance of international peace and stability by, among other actions, its participation in NATO-led peacekeeping operations in Bosnia and Kosovo: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress hereby—

(1) congratulates Lithuania on the occasion of the tenth anniversary of the reestablishment of its independence and the leading role it played in the disintegration of the former Soviet Union; and

(2) commends Lithuania for its success in implementing political and economic reforms, which further speed the process of that country's integration into European and Western institutions.

SENATE RESOLUTION 265—COMMENDING THE FLORIDA STATE UNIVERSITY FOOTBALL TEAM FOR WINNING THE 1999 DIVISION 1-A COLLEGIATE FOOTBALL NATIONAL CHAMPIONSHIP

Mr. MACK (for himself and Mr. GRAHAM) submitted the following resolution; which was considered and agreed to:

S. RES. 265

Whereas Florida State University is a proud member of the Atlantic Coast Conference;

Whereas Florida State University has previously won the Division 1–A collegiate football national championship in 1993;

Whereas the students, alumni, and supporters of Florida State University are to be commended for the dedication, enthusiasm, and admiration they share for their favorite football team;

Whereas Florida State University has one of the most exciting, prolific, and successful college football programs in the country;

Whereas Florida State University's football team won the 1999 Atlantic Coast Conference championship in football and finished the season undefeated and untied with a record of 12–0;

Whereas Florida State University is to be commended for being the first Division 1–A collegiate football team to be ranked number one the entire season by the Associated Press since the preseason rankings began in 1950;

Whereas Florida State University has won 108 football games between 1990 and 1999, more than any other Division 1–A college football team in the Nation during this period;

Whereas Florida State University should be commended for extending their NCAA record streak of top-four finishes in the final Associated Press poll to 13 years in a row, the only Division 1–A college football team to have accomplished this feat;

Whereas Bobby Bowden, Florida State University's legendary head football coach, is to be commended for surpassing the 300-victory plateau this year and for obtaining his first perfect season in 40 years as a head coach;

Whereas Florida State University is to be commended for having 20 of its football players selected to the 1999 All Atlantic Coast Conference football team;

Whereas Florida State University is to be commended for having 4 of its football players honored as 1999 Consensus All-Americans;

Whereas the 1999 Florida State University football team played and beat Louisiana Tech University, 41 to 7; Georgia Tech University, 41 to 35; North Carolina State University, 42 to 11; University of North Carolina, 42 to 10; Duke University, 51 to 23; University of Miami, 31 to 21; Wake Forest University, 33 to 10; Clemson University, 17 to 14; University of Virginia, 35 to 10; University of Maryland, 49 to 10; and University of Florida, 30 to 23;

Whereas Florida State University played Virginia Tech University in the Bowl Championship Series' Nokia Sugar Bowl on January 4, 2000, for the 1999 Division 1–A collegiate football national championship;

Whereas the Virginia Tech University football team and Head Coach Frank Beamer and his staff are to be commended for an outstanding football season, winning the 1999 Big East Conference football championship and for playing in the 1999 Division 1–A collegiate football national championship game;

Whereas Florida State University beat Virginia Tech by the score of 46 to 29 before a sold-out and electrified crowd of 79,280 in the Louisiana Superdome to win the 1999 Division 1–A college football championship; and

Whereas Florida State University now joins an elite group of only 14 Division 1–A collegiate football teams out of 114 Division 1–A universities which have won at least 2 or more Division 1–A collegiate football national championships: Now, therefore, be it

Resolved, That the Senate—

(1) commends Florida State University for winning the 1999 Division 1–A collegiate football national championship;

(2) recognizes the achievements of all the players, coaches, and support staff who were instrumental in helping Florida State University win the 1999 Division 1–A collegiate football national championship and invites them to the United States Capitol Building to be honored;

(3) requests that the President recognize the accomplishments and achievements of the 1999 Florida State University football team and invite them to Washington, D.C. for the traditional White House ceremony held for national championship teams; and

(4) directs the Secretary of the Senate to make available enrolled copies of this resolution to Florida State University for appropriate display and to transmit an enrolled copy of the resolution to each coach and member of the 1999 Division 1–A collegiate national championship football team.

AMENDMENTS SUBMITTED

THE AFFORDABLE EDUCATION ACT OF 1999

SCHUMER (AND LANDRIEU) AMENDMENT NO. 2868

Mr. SCHUMER (for himself and Ms. LANDRIEU) proposed an amendment to the bill (S. 1134) to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes; as follows:

At the appropriate place, insert the following:

TITLE —21ST CENTURY MASTER TEACHER PROGRAMS

SEC. 01. MASTER TEACHER PROGRAMS.

Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.) is amended—

(1) by redesignating part E as part F; and

(2) by inserting after part D the following new part:

"PART E—MASTER TEACHER PROGRAMS

"SEC. 2351. MASTER TEACHER PROGRAMS.

"(a) DEFINITIONS.—In this part:

"(1) BOARD CERTIFIED.—The term 'board certified' means successful completion of all requirements to be certified by the National Board for Professional Teaching Standards.

"(2) MASTER TEACHER.—The term 'master teacher' means a teacher who is certified by the National Board for Professional Teaching Standards and has been teaching for not less than 3 years.

"(3) NOVICE TEACHER.—The term 'novice teacher' means a teacher who has been teaching for not more than 3 years at a public elementary school or secondary school.

"(b) PROGRAM AUTHORIZED.—

"(1) AUTHORITY.—

"(A) IN GENERAL.—The Secretary is authorized to award grants on a competitive basis to local educational agencies to establish master teacher programs as described in paragraph (4).

"(B) DISTRIBUTION.—To the maximum extent practicable, the Secretary shall award grants under subparagraph (A) so that such grants are distributed among the school districts with the highest concentration of teachers who are not certified or licensed or are provisionally certified or licensed.

"(2) DURATION.—A grant under paragraph (1) shall be awarded for a period of 5 years.

"(3) AMOUNT.—The amount of a grant awarded under paragraph (1) shall be determined based on—

"(A) the total amount appropriated for a fiscal year under subsection (h); and

"(B) the extent of the concentration of teachers who are not certified or licensed or are provisionally certified or licensed in the school district involved.

"(4) AUTHORIZED ACTIVITIES.—The master teacher programs described in paragraph (1) shall provide funding assistance to teachers to become board certified, including the provision of the board certification fee.

"(c) APPLICATIONS.—

"(1) IN GENERAL.—A local educational agency desiring a grant under subsection (b) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(2) APPROVAL OF APPLICATION.—The Secretary shall make a determination regarding an application submitted under paragraph (1) based on a recommendation of a peer review panel, as established by the Secretary, and any other criteria that the Secretary determines to be appropriate.

"(d) PAYMENTS.—

"(1) IN GENERAL.—Grant payments shall be made under this section on an annual basis.

"(2) ADMINISTRATIVE COSTS.—Each local educational agency that receives a grant under subsection (b) shall use not more than 2 percent of the amount awarded under the grant for administrative costs.

"(3) DENIAL OF GRANT.—If the Secretary determines that a local educational agency has failed to make substantial progress during a fiscal year in increasing the percentage of teachers who are board certified, or in improving student achievement, such an agency shall not be eligible for a grant payment under this section in the next succeeding year.

"(e) REPORTS.—Not later than March 31, 2004, the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives a report of program activities funded under this section.

"(f) MATCHING REQUIREMENT.—The Secretary may not award a grant to a local educational agency under subsection (b) unless the local educational agency agrees that, with respect to costs to be incurred by the agency in carrying out activities for which the grant was awarded, the agency shall provide (directly or through donations from public or private entities) non-Federal contributions in an amount equal to 25 percent of the amount of the grant awarded to the agency.

"(g) REPAYMENT OF FUNDS.—

"(1) IN GENERAL.—In the case of any program under this section in which assistance is provided to a teacher to pay the National Board for Professional Teaching Standard board certification fee to become board certified, assistance may only be provided if the teacher makes agreements as follows:

"(A) The teacher will enter and complete the National Board for Professional Teaching Standards board certification program to become board certified.

"(B) Upon becoming board certified, the teacher will teach in the public school system for a period of not less than 2 years.

"(2) BREACH OF AGREEMENTS.—A teacher receiving assistance described in paragraph (1) is liable to the local educational agency that provides such assistance for the amount of the certification fee described in paragraph (1) if such teacher—

"(A) voluntarily withdraws or terminates the certification program before taking the examination for board certification; or

"(B) is dismissed from the certification program before becoming board certified.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $50,000,000 for each of the fiscal years 2001 through 2005.".

ROTH (AND OTHERS) AMENDMENT NO. 2869

Mr. ROTH (for himself, Mr. ASHCROFT, and Mr. VOINOVICH) proposed an amendment to the bill, S. 1134, supra; as follows:

Beginning on page 2, line 4, strike "1999" and all that follows through page 51, line 3, and insert the following: 2000".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; amendment of 1986 Code; table of contents.

TITLE I—EDUCATION SAVINGS INCENTIVES

Sec. 101. Modifications to education individual retirement accounts.
Sec. 102. Modifications to qualified tuition programs.

TITLE II—EDUCATIONAL ASSISTANCE

Sec. 201. Permanent extension of exclusion for employer-provided educational assistance.
Sec. 202. Elimination of 60-month limit on student loan interest deduction.
Sec. 203. Exclusion of certain amounts received under the National Health Service Corps Scholarship Program and the F. Edward Hebert Armed Forces Health Professions Scholarship and Financial Assistance Program.
Sec. 204. 2-percent floor on miscellaneous itemized deductions not to apply to qualified professional development expenses of elementary and secondary school teachers.
Sec. 205. Credit to elementary and secondary school teachers who provide classroom materials.

TITLE III—LIBERALIZATION OF TAX-EXEMPT FINANCING RULES FOR PUBLIC SCHOOL CONSTRUCTION

Sec. 301. Additional increase in arbitrage rebate exception for governmental bonds used to finance educational facilities.
Sec. 302. Treatment of qualified public educational facility bonds as exempt facility bonds.
Sec. 303. Federal guarantee of school construction bonds by Federal Housing Finance Board.

TITLE I—EDUCATION SAVINGS INCENTIVES

SEC. 101. MODIFICATIONS TO EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS.

(a) MAXIMUM ANNUAL CONTRIBUTIONS.—

(1) IN GENERAL.—Section 530(b)(1)(A)(iii) (defining education individual retirement account) is amended by striking "$500" and inserting "$2,000".

(2) CONFORMING AMENDMENT.—Section 4973(e)(1)(A) is amended by striking "$500" and inserting "$2,000".

In subsection (a) of section 101, add at the end the following:

(3) ELIMINATION OF THE MARRIAGE PENALTY IN THE REDUCTION IN PERMITTED CONTRIBUTIONS.—Section 530(c)(1) (relating to reduction in permitted contributions based on adjusted gross income) is amended—

(A) by striking "$150,000" in subparagraph (A)(ii) and inserting "$190,000", and

(B) by striking "$10,000" in subparagraph (B) and inserting "$30,000".

(b) TAX-FREE EXPENDITURES FOR ELEMENTARY AND SECONDARY SCHOOL EXPENSES.—

(1) IN GENERAL.—Section 530(b)(2) (defining qualified higher education expenses) is amended to read as follows:

"(2) QUALIFIED EDUCATION EXPENSES.—

"(A) IN GENERAL.—The term 'qualified education expenses' means—

"(i) qualified higher education expenses (as defined in section 529(e)(3)), and

"(ii) qualified elementary and secondary education expenses (as defined in paragraph (4)).

"(B) QUALIFIED STATE TUITION PROGRAMS.—Such term shall include any contribution to a qualified State tuition program (as defined in section 529(b)) on behalf of the designated beneficiary (as defined in section 529(e)(1)); but there shall be no increase in the investment in the contract for purposes of applying section 72 by reason of any portion of such contribution which is not includible in gross income by reason of subsection (d)(2)."

(2) QUALIFIED ELEMENTARY AND SECONDARY EDUCATION EXPENSES.—Section 530(b) (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

"(4) QUALIFIED ELEMENTARY AND SECONDARY EDUCATION EXPENSES.—

"(A) IN GENERAL.—The term 'qualified elementary and secondary education expenses' means—

"(i) expenses for tuition, fees, academic tutoring, special needs services, books, supplies, computer equipment (including related software and services), and other equipment which are incurred in connection with the enrollment or attendance of the designated beneficiary of the trust as an elementary or secondary school student at a public, private, or religious school, and

"(ii) expenses for room and board, uniforms, transportation, and supplementary items and services (including extended day programs) which are required or provided by a public, private, or religious school in connection with such enrollment or attendance.

"(B) SPECIAL RULE FOR HOMESCHOOLING.—Such term shall include expenses described in subparagraph (A)(i) in connection with education provided by homeschooling if the requirements of any applicable State or local law are met with respect to such education.

"(C) SCHOOL.—The term 'school' means any school which provides elementary education or secondary education (kindergarten through grade 12), as determined under State law."

(3) CONFORMING AMENDMENTS.—Section 530 is amended—

(A) by striking "higher" each place it appears in subsections (b)(1) and (d)(2), and

(B) by striking "HIGHER" in the heading for subsection (d)(2).

(c) WAIVER OF AGE LIMITATIONS FOR CHILDREN WITH SPECIAL NEEDS.—Section 530(b)(1) (defining education individual retirement account) is amended by adding at the end the following flush sentence:

"The age limitations in subparagraphs (A)(ii) and (E) and paragraphs (5) and (6) of subsection (d) shall not apply to any designated beneficiary with special needs (as determined under regulations prescribed by the Secretary)."

(d) ENTITIES PERMITTED TO CONTRIBUTE TO ACCOUNTS.—Section 530(c)(1) (relating to reduction in permitted contributions based on adjusted gross income) is amended by striking "The maximum amount which a contributor" and inserting "In the case of a contributor who is an individual, the maximum amount the contributor".

(e) TIME WHEN CONTRIBUTIONS DEEMED MADE.—

(1) IN GENERAL.—Section 530(b) (relating to definitions and special rules), as amended by subsection (b)(2), is amended by adding at the end the following new paragraph:

"(5) TIME WHEN CONTRIBUTIONS DEEMED MADE.—An individual shall be deemed to have made a contribution to an education individual retirement account on the last day of the preceding taxable year if the contribution is made on account of such taxable year and is made not later than the time prescribed by law for filing the return for such taxable year (not including extensions thereof)."

(2) EXTENSION OF TIME TO RETURN EXCESS CONTRIBUTIONS.—Subparagraph (C) of section 530(d)(4) (relating to additional tax for distributions not used for educational expenses) is amended—

(A) by striking clause (i) and inserting the following new clause:

"(i) such distribution is made before the 1st day of the 6th month of the taxable year following the taxable year, and", and

(B) by striking "DUE DATE OF RETURN" in the heading and inserting "CERTAIN DATE".

(f) COORDINATION WITH HOPE AND LIFETIME LEARNING CREDITS AND QUALIFIED TUITION PROGRAMS.—

(1) IN GENERAL.—Section 530(d)(2)(C) is amended to read as follows:

"(C) COORDINATION WITH HOPE AND LIFETIME LEARNING CREDITS AND QUALIFIED TUITION PROGRAMS.—For purposes of subparagraph (A)

"(i) CREDIT COORDINATION.—The total amount of qualified higher education expenses with respect to an individual for the taxable year shall be reduced—

"(I) as provided in section 25A(g)(2), and

"(II) by the amount of such expenses which were taken into account in determining the credit allowed to the taxpayer or any other person under section 25A.

"(ii) COORDINATION WITH QUALIFIED TUITION PROGRAMS.—If, with respect to an individual for any taxable year—

"(I) the aggregate distributions during such year to which subparagraph (A) and section 529(c)(3)(B) apply, exceed

"(II) the total amount of qualified higher education expenses (after the application of clause (i)) for such year, the taxpayer shall allocate such expenses among such distributions for purposes of determining the amount of the exclusion under subparagraph (A) and section 529(c)(3)(B)."

(2) CONFORMING AMENDMENTS.—

(A) Subsection (e) of section 25A is amended to read as follows:

"(e) ELECTION NOT TO HAVE SECTION APPLY.—A taxpayer may elect not to have this section apply with respect to the qualified tuition and related expenses of an individual for any taxable year."

(B) Section 135(d)(2)(A) is amended by striking "allowable" and inserting "allowed".

(C) Section 530(d)(2)(D) is amended—

(i) by striking "or credit", and

(ii) by striking "CREDIT OR" in the heading.

(D) Section 4973(e)(1) is amended by adding "and" at the end of subparagraph (A), by striking subparagraph (B), and by redesignating subparagraph (C) as subparagraph (B).

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 102. MODIFICATIONS TO QUALIFIED TUITION PROGRAMS.

(a) ELIGIBLE EDUCATIONAL INSTITUTIONS PERMITTED TO MAINTAIN QUALIFIED TUITION PROGRAMS.—

(1) IN GENERAL.—Section 529(b)(1) (defining qualified State tuition program) is amended by inserting "or by 1 or more eligible educational institutions" after "maintained by a State or agency or instrumentality thereof".

(2) PRIVATE QUALIFIED TUITION PROGRAMS LIMITED TO BENEFIT PLANS.—Clause (ii) of section 529(b)(1)(A) is amended by inserting "in the case of a program established and maintained by a State or agency or instrumentality thereof," before "may make".

(3) CONFORMING AMENDMENTS.—

(A) Sections 72(e)(9), 135(c)(2)(C), 135(d)(1)(D), 529, 530(b)(2)(B), 4973(e), and 6693(a)(2)(C) are each amended by striking "qualified State tuition'; each place it appears and inserting "qualified tuition".

(B) The headings for sections 72(e)(9) and 135(c)(2)(C) are each amended by striking "QUALIFIED STATE TUITION" and inserting "QUALIFIED TUITION".

(C) The headings for sections 529(b) and 530(b)(2)(B) are each amended by striking "QUALIFIED STATE TUITION" and inserting "QUALIFIED TUITION".

(D) The heading for section 529 is amended by striking "state".

(E) The item relating to section 529 in the table of sections for part VIII of subchapter F of chapter 1 is amended by striking "State".

(b) EXCLUSION FROM GROSS INCOME OF EDUCATION DISTRIBUTIONS FROM QUALIFIED TUITION PROGRAMS.—

(1) IN GENERAL.—Section 529(c)(3)(B) (relating to distributions) is amended to read as follows:

"(B) DISTRIBUTIONS FOR QUALIFIED HIGHER EDUCATION EXPENSES.—For purposes of this paragraph—

"(i) IN-KIND DISTRIBUTIONS.—No amount shall be includible in gross income under subparagraph (A) by reason of a distribution which consists of providing a benefit to the distributee which, if paid for by the distributee, would constitute payment of a qualified higher education expense.

"(ii) CASH DISTRIBUTIONS.—In the case of distributions not described in clause (i), if—

"(I) such distributions do not exceed the qualified higher education expenses (reduced by expenses described in clause (i)), no amount shall be includible in gross income, and

"(II) in any other case, the amount otherwise includible in gross income shall be reduced by an amount which bears the same ratio to such amount as such expenses bear to such distributions.

"(iii) EXCEPTION FOR INSTITUTIONAL PROGRAMS.—In the case of any taxable year beginning before January 1, 2004, clauses (i) and (ii) shall not apply with respect to any distribution during such taxable year under a qualified tuition program established and maintained by 1 or more eligible educational institutions.

"(iv) TREATMENT AS DISTRIBUTIONS.—Any benefit furnished to a designated beneficiary under a qualified tuition program shall be treated as a distribution to the beneficiary for purposes of this paragraph.

"(v) COORDINATION WITH HOPE AND LIFETIME LEARNING CREDITS.—The total amount of qualified higher education expenses with respect to an individual for the taxable year shall be reduced—

"(I) as provided in section 25A(g)(2), and

"(II) by the amount of such expenses which were taken into account in determining the credit allowed to the taxpayer or any other person under section 25A.

"(vi) COORDINATION WITH EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS.—If, with respect to an individual for any taxable year—

"(I) the aggregate distributions to which clauses (i) and (ii) and section 530(d)(2)(A) apply, exceed

"(II) the total amount of qualified higher education expenses otherwise taken into account under clauses (i) and (ii) (after the application of clause (iv)) for such year,

the taxpayer shall allocate such expenses among such distributions for purposes of determining the amount of the exclusion under clauses (i) and (ii) and section 530(d)(2)(A)."

(2) CONFORMING AMENDMENTS.—

(A) Section 135(d)(2)(B) is amended by striking "section 530(d)(2)" and inserting "sections 529(c)(3)(B)(i) and 530(d)(2)".

(B) Section 221(e)(2)(A) is amended by inserting "529," after "135,".

(c) ROLLOVER TO DIFFERENT PROGRAM FOR BENEFIT OF SAME DESIGNATED BENEFICIARY.—Section 529(c)(3)(C) (relating to change in beneficiaries) is amended—

(1) by striking "transferred to the credit" in clause (i) and inserting "transferred—

"(I) to another qualified tuition program for the benefit of the designated beneficiary, or

"(II) to the credit",

(2) by adding at the end the following new clause:

"(iii) LIMITATION ON CERTAIN ROLLOVERS.—Clause (i)(I) shall only apply to the first 3 transfers with respect to a designated beneficiary.", and

(3) by inserting "OR PROGRAMS" after "BENEFICIARIES" in the heading.

(d) MEMBER OF FAMILY INCLUDES FIRST COUSIN.—Section 529(e)(2) (defining member of family) is amended by striking "and" at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and by inserting "; and", and by adding at the end the following new subparagraph:

"(D) any first cousin of such beneficiary."

(e) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

TITLE II—EDUCATIONAL ASSISTANCE

SEC. 201. PERMANENT EXTENSION OF EXCLUSION FOR EMPLOYER-PROVIDED EDUCATIONAL ASSISTANCE.

(a) In General.—Section 127 (relating to exclusion for educational assistance programs) is amended by striking subsection (d).

(b) Repeal of Limitation on Graduate Education.—

(1) In general.—The last sentence of section 127(c)(1) is amended by striking ", and such term also does not include any payment for, or the provision of any benefits with respect to, any graduate level course of a kind normally taken by an individual pursuing a program leading to a law, business, medical, or other advanced academic or professional degree".

(2) Effective date.—The amendment made by paragraph (1) shall apply with respect to expenses relating to courses beginning after December 31, 2000.

SEC. 202. ELIMINATION OF 60-MONTH LIMIT ON STUDENT LOAN INTEREST DEDUCTION.

(a) In General.—Section 221 (relating to interest on education loans) is amended by striking subsection (d) and by redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively.

(b) Conforming Amendment.—Section 6050S(e) is amended by striking "section 221(e)(1)" and inserting "section 221(d)(1)".

(c) Effective Date.—The amendments made by this section shall apply with respect to any loan interest paid after December 31, 2000.

SEC. 203. EXCLUSION OF CERTAIN AMOUNTS RECEIVED UNDER THE NATIONAL HEALTH SERVICE CORPS SCHOLARSHIP PROGRAM AND THE F. EDWARD HEBERT ARMED FORCES HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM.

(a) In General.—Section 117(c) (relating to the exclusion from gross income amounts received as a qualified scholarship) is amended—

(1) by striking "Subsections (a)" and inserting the following:

"(1) In general.—Except as provided in paragraph (2), subsections (a)", and

(2) by adding at the end the following new paragraph:

"(2) Exceptions.—Paragraph (1) shall not apply to any amount received by an individual under—

"(A) the National Health Service Corps Scholarship Program under section 338A(g)(1)(A) of the Public Health Service Act, or

"(B) the Armed Forces Health Professions Scholarship and Financial Assistance program under subchapter I of chapter 105 of title 10, United States Code."

(b) Effective Date.—The amendments made by subsection (a) shall apply to amounts received in taxable years beginning after December 31, 1993.

SEC. 204. 2-PERCENT FLOOR ON MISCELLANEOUS ITEMIZED DEDUCTIONS NOT TO APPLY TO QUALIFIED PROFESSIONAL DEVELOPMENT EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) In General.—Section 67(b) (defining miscellaneous itemized deductions) is amended by striking "and" at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting ", and", and by adding at the end the following new paragraph:

"(13) any deduction allowable for the qualified professional development expenses paid or incurred by an eligible teacher.".

(b) Definitions.—Section 67 (relating to 2-percent floor on miscellaneous itemized deductions) is amended by adding at the end the following new subsection:

"(g) Qualified Professional Development Expenses of Eligible Teachers.—For purposes of subsection (b)(13)—

"(1) Qualified professional development expenses.—

"(A) In general.—The term 'qualified professional development expenses' means expenses—

"(i) for tuition, fees, books, supplies, equipment, and transportation required for the enrollment or attendance of an individual in a qualified course of instruction, and

"(ii) with respect to which a deduction is allowable under section 162 (determined without regard to this section).

"(B) Qualified course of instruction.—The term 'qualified course of instruction' means a course of instruction which—

"(i) is—

"(I) directly related to the curriculum and academic subjects in which an eligible teacher provides instruction, or

"(II) designed to enhance the ability of an eligible teacher to understand and use State standards for the academic subjects in which such teacher provides instruction,

"(ii) may—

"(I) provide instruction in how to teach children with different learning styles, particularly children with disabilities and children with special learning needs (including children who are gifted and talented), or

"(II) provide instruction in how best to discipline children in the classroom and identify early and appropriate interventions to help children described in subclause (I) to learn,

"(iii) is tied to challenging State or local content standards and student performance standards,

"(iv) is tied to strategies and programs that demonstrate effectiveness in increasing student academic achievement and student performance, or substantially increasing the knowledge and teaching skills of an eligible teacher,

"(v) is of sufficient intensity and duration to have a positive and lasting impact on the performance of an eligible teacher in the classroom (which shall not include 1-day or short-term workshops and conferences), except that this clause shall not apply to an activity if such activity is 1 component described in a long-term comprehensive professional development plan established by an eligible teacher and the teacher's supervisor based upon an assessment of the needs of the teacher, the students of the teacher, and the local educational agency involved, and

"(vi) is part of a program of professional development which is approved and certified by the appropriate local educational agency as furthering the goals of the preceding clauses.

"(C) Local educational agency.—The term 'local educational agency' has the meaning given such term by section 14101 of the Elementary and Secondary Education Act of 1965, as in effect on the date of the enactment of this subsection.

"(2) Eligible teacher.—

"(A) In general.—The term 'eligible teacher' means an individual who is a kindergarten through grade 12 classroom teacher in an elementary or secondary school.

"(B) Elementary or secondary school.—The terms 'elementary school' and 'secondary school' have the meanings given such terms by section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801), as so in effect.".

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 205. CREDIT TO ELEMENTARY AND SECONDARY SCHOOL TEACHERS WHO PROVIDE CLASSROOM MATERIALS.

(a) In General.—Subpart B of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

"SEC. 30B. CREDIT TO ELEMENTARY AND SECONDARY SCHOOL TEACHERS WHO PROVIDE CLASSROOM MATERIALS.

"(a) Allowance of Credit.—In the case of an eligible teacher, there shall be allowed as a credit against the tax imposed by this chapter for such taxable year an amount equal to the qualified elementary and secondary education expenses which are paid or incurred by the taxpayer during such taxable year.

"(b) Maximum Credit.—The credit allowed by subsection (a) for any taxable year shall not exceed $100.

"(c) Definitions.—

"(1) Eligible teacher.—The term 'eligible teacher' means an individual who is a kindergarten through grade 12 classroom teacher, instructor, counselor, aide, or principal in an elementary or secondary school on a full-time basis for an academic year ending during a taxable year.

"(2) Qualified elementary and secondary education expenses.—The term 'qualified elementary and secondary education expenses' means expenses for books, supplies (other than nonathletic supplies for courses of instruction in health or physical education), computer equipment (including related software and services) and other equipment, and supplementary materials used by an eligible teacher in the classroom.

"(3) Elementary or secondary school.—The term 'elementary or secondary school' means any school which provides elementary education or secondary education (through grade 12), as determined under State law.

"(d) Special Rules.—

"(1) Denial of double benefit.—No deduction shall be allowed under this chapter for any expense for which credit is allowed under this section.

"(2) Application with other credits.—The credit allowable under subsection (a) for any taxable year shall not exceed the excess (if any) of—

"(A) the regular tax for the taxable year, reduced by the sum of the credits allowable under subpart A and the preceding sections of this subpart, over

"(B) the tentative minimum tax for the taxable year.

"(e) Election To Have Credit Not Apply.—A taxpayer may elect to have this section not apply for any taxable year.".

(b) Clerical Amendment.—The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

"Sec. 30B. Credit to elementary and secondary school teachers who provide classroom materials.".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

TITLE III—LIBERALIZATION OF TAX-EXEMPT FINANCING RULES FOR PUBLIC SCHOOL CONSTRUCTION

SEC. 301. ADDITIONAL INCREASE IN ARBITRAGE REBATE EXCEPTION FOR GOVERNMENTAL BONDS USED TO FINANCE EDUCATIONAL FACILITIES.

(a) In General.—Section 148(f)(4)(D)(vii) (relating to increase in exception for bonds financing public school capital expenditures) is amended by striking "$5,000,000" the second place it appears and inserting "$10,000,000".

(b) Effective Date.—The amendment made by subsection (a) shall apply to obligations issued in calendar years beginning after December 31, 2000.

SEC. 302. TREATMENT OF QUALIFIED PUBLIC EDUCATIONAL FACILITY BONDS AS EXEMPT FACILITY BONDS.

(a) Treatment as Exempt Facility Bond.—Subsection (a) of section 142 (relating to exempt facility bond) is amended by striking "or" at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting ", or", and by adding at the end the following new paragraph:

"(13) qualified public educational facilities."

(b) Qualified Public Educational Facilities.—Section 142 (relating to exempt facility bond) is amended by adding at the end the following new subsection:

"(k) Qualified Public Educational Facilities.—

"(1) In general.—For purposes of subsection (a)(13), the term 'qualified public educational facility' means any school facility which is—

"(A) part of a public elementary school or a public secondary school, and

"(B) owned by a private, for-profit corporation pursuant to a public-private partnership agreement with a State or local educational agency described in paragraph (2).

"(2) Public-private partnership agreement described.—A public-private partnership agreement is described in this paragraph if it is an agreement—

"(A) under which the corporation agrees—

"(i) to do 1 or more of the following: construct, rehabilitate, refurbish, or equip a school facility, and

"(ii) at the end of the term of the agreement, to transfer the school facility to such agency for no additional consideration, and

"(B) the term of which does not exceed the term of the issue to be used to provide the school facility.

"(3) School facility.—For purposes of this subsection, the term 'school facility' means—

"(A) school buildings,

"(B) functionally related and subordinate facilities and land with respect to such buildings, including any stadium or other facility primarily used for school events, and

"(C) any property, to which section 168 applies (or would apply but for section 179), for use in the facility.

"(4) Public schools.—For purposes of this subsection, the terms 'elementary school' and 'secondary school' have the meanings given such terms by section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801), as in effect on the date of the enactment of this subsection.

"(5) Annual aggregate face amount of tax-exempt financing.—

"(A) In general.—An issue shall not be treated as an issue described in subsection (a)(13) if the aggregate face amount of bonds issued by the State pursuant thereto (when added to the aggregate face amount of bonds previously so issued during the calendar year) exceeds an amount equal to the greater of—

"(i) $10 multiplied by the State population, or

"(ii) $5,000,000.

"(B) Allocation rules.—

"(i) In general.—Except as otherwise provided in this subparagraph, the State may allocate the amount described in subparagraph (A) for any calendar year in such manner as the State determines appropriate.

"(ii) Rules for carryforward of unused limitation.—A State may elect to carry forward an unused limitation for any calendar year for 3 calendar years following the calendar year in which the unused limitation arose under rules similar to the rules of section 146(f), except that the only purpose for which the carryforward may be elected is the issuance of exempt facility bonds described in subsection (a)(13)."

(c) Exemption From General State Volume Caps.—Paragraph (3) of section 146(g) (relating to exception for certain bonds) is amended—

(1) by striking "or (12)" and inserting "(12), or (13)", and

(2) by striking "and environmental enhancements of hydroelectric generating facilities" and inserting "environmental enhancements of hydroelectric generating facilities, and qualified public educational facilities".

(d) Exemption From Limitation on Use for Land Acquisition.—Section 147(h) (relating to certain rules not to apply to mortgage revenue bonds, qualified student loan bonds, and qualified 501(c)(3) bonds) is amended by adding at the end the following new paragraph:

"(3) Exempt facility bonds for qualified public-private schools.—Subsection (c) shall not apply to any exempt facility bond issued as part of an issue described in section 142(a)(13) (relating to qualified public educational facilities)."

(e) Conforming Amendment.—The heading for section 147(h) is amended by striking "Mortgage Revenue Bonds, Qualified Student Loan Bonds, and Qualified 501(c)(3) Bonds" and inserting "Certain Bonds".

(f) Effective Date.—The amendments made by this section shall apply to bonds issued after December 31, 2000.

SEC. 303. FEDERAL GUARANTEE OF SCHOOL CONSTRUCTION BONDS BY FEDERAL HOUSING FINANCE BOARD.

(a) In General.—Section 149(b)(3) (relating to exceptions) is amended by adding at the end the following new subparagraph:

"(E) Certain guaranteed school construction bonds.—Any bond issued as part of an issue 95 percent or more of the net proceeds of which are used for public school construction shall not be treated as federally guaranteed for any calendar year by reason of any guarantee by the Federal Housing Finance Board (through any Federal Home Loan Bank) under the Federal Home Loan Bank Act (12 U.S.C. 1421 et seq.), as in effect on the date of the enactment of this subparagraph, to the extent the face amount of such bond, when added to the aggregate face amount of such bonds previously so guaranteed for such year, does not exceed $500,000,000."

(b) Effective Date.—The amendment made by this section shall apply to bonds issued after December 31, 2000.

At the appropriate place, add the following:

TITLE —TRANSITION TO TEACHING

SEC. 1. SHORT TITLE.

This title may be cited as the "Transition to Teaching Act".

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) School districts will need to hire more than 2,000,000 teachers in the next decade. The need for teachers in the areas of mathematics, science, foreign languages, special education, and bilingual education, and for those able to teach in high-poverty school districts will be particularly high. To meet this need, talented Americans of all ages should be recruited to become successful, qualified teachers.

(2) Nearly 28 percent of teachers of academic subjects have neither an undergraduate major nor minor in their main assignment fields. This problem is more acute in high-poverty schools, where the out-of-field percentage is 39 percent.

(3) The Third International Math and Science Study (TIMSS) ranked United States high school seniors last among 16 countries in physics and next to last in mathematics. It is also evident, mainly from the TIMSS data, that based on academic scores, a stronger emphasis needs to be placed on the academic preparation of our children in mathematics and science.

(4) One-fourth of high-poverty schools find it very difficult to fill bilingual teaching positions, and nearly half of public school teachers have students in their classrooms for whom English is a second language.

(5) Many career-changing professionals with strong content-area skills are interested in a teaching career, but need assistance in getting the appropriate pedagogical training and classroom experience.

(6) The Troops to Teachers model has been highly successful in linking high-quality teachers to teach in high-poverty districts.

SEC. 3. PURPOSE.

The purpose of this title is to address the need of high-poverty school districts for highly qualified teachers in particular subject areas, such as mathematics, science, foreign languages, bilingual education, and special education, needed by those school districts, by recruiting, preparing, placing, and supporting career-changing professionals who have knowledge and experience that will help them become such teachers.

SEC. 4. PROGRAM AUTHORIZED.

(a) Authority.—The Secretary is authorized to use funds appropriated under subsection (b) for each fiscal year to award grants, contracts, or cooperative agreements to institutions of higher education and public and private nonprofit agencies or organizations to carry out programs authorized by this title.

(b) Authorization of Appropriations.—For the purpose of carrying out this title, there are authorized to be appropriated $25,000,000 for each of fiscal years 2001 through 2006.

SEC. 5. APPLICATION.

Each applicant that desires an award under section 4(a) shall submit an application to the Secretary containing such information as the Secretary requires, including—

(1) a description of the target group of career-changing professionals upon which the applicant will focus in carrying out its program under this title, including a description of the characteristics of that target group that shows how the knowledge and experience of its members are relevant to meeting the purpose of this title;

(2) a description of how the applicant will identify and recruit program participants;

(3) a description of the training that program participants will receive and how that training will relate to their certification as teachers;

(4) a description of how the applicant will ensure that program participants are placed and teach in high-poverty local educational agencies;

(5) a description of the teacher induction services (which may be provided through existing induction programs) the program participants will receive throughout at least their first year of teaching;

(6) a description of how the applicant will collaborate, as needed, with other institutions, agencies, or organizations to recruit, train, place, and support program participants under this title, including evidence of the commitment of those institutions, agencies, or organizations to the applicant's program;

(7) a description of how the applicant will evaluate the progress and effectiveness of its program, including—

(A) the program's goals and objectives;

(B) the performance indicators the applicant will use to measure the program's progress; and

(C) the outcome measures that will be used to determine the program's effectiveness; and

(8) an assurance that the applicant will provide to the Secretary such information as the Secretary determines necessary to determine the overall effectiveness of programs under this title.

SEC. 6. USES OF FUNDS AND PERIOD OF SERVICE.

(a) Authorized Activities.—Funds under this title may be used for—

(1) recruiting program participants, including informing them of opportunities under the program and putting them in contact with other institutions, agencies, or organizations that would train, place, and support them;

(2) training stipends and other financial incentives for program participants, not to exceed $5,000 per participant;

(3) assisting institutions of higher education or other providers of teacher training to tailor their training to meet the particular needs of professionals who are changing their careers to teaching;

(4) placement activities, including identifying high-poverty local educational agencies with a need for the particular skills and characteristics of the newly trained program participants and assisting those participants to obtain employment in those local educational agencies; and

(5) post-placement induction or support activities for program participants.

(b) Period of Service.—A program participant in a program under this title who completes his or her training shall serve in a high-poverty local educational agency for at least 3 years.

(c) Repayment.—The Secretary shall establish such requirements as the Secretary determines appropriate to ensure that program participants who receive a training stipend or other financial incentive under subsection (a)(2), but fail to complete their service obligation under subsection (b), repay all or a portion of such stipend or other incentive.

SEC. 7. EQUITABLE DISTRIBUTION.

To the extent practicable, the Secretary shall make awards under this title that support programs in different geographic regions of the Nation.

SEC. 8. DEFINITIONS.

In this title:

(1) High-poverty local educational agency.—The term "high-poverty local educational agency" means a local educational agency in which the percentage of children, ages 5 through 17, from families below the poverty level is 20 percent or greater, or the number of such children exceeds 10,000.

(2) Program participants.—The term "program participants" means career-changing professionals who—

(A) hold at least a baccalaureate degree;

(B) demonstrate interest in, and commitment to, becoming a teacher; and

(C) have knowledge and experience that are relevant to teaching a high-need subject area in a high-need local educational agency.

SEC. . EXPANSION OF DEDUCTION FOR COMPUTER DONATIONS TO SCHOOLS.

(a) Extension of Age of Eligible Computers.—Section 170(e)(6)(B)(ii) (defining qualified elementary or secondary educational contribution) is amended by striking "2 years" and inserting "3 years".

(b) Reacquired Computers Eligible for Donation.—Section 170(e)(6)(B)(iii) (defining qualified elementary or secondary educational contribution) is amended by inserting ", the person from whom the donor reacquires the property," after "the donor".

(c) Effective Date.—The amendments made by this section shall apply to contributions made in taxable years ending after the date of the enactment of this Act.

SEC. . CREDIT FOR COMPUTER DONATIONS TO SCHOOLS AND SENIOR CENTERS.

(a) In General.—Subpart D of part IV of subchapter A of chapter 1 (relating to business related credits) is amended by adding at the end the following:

"SEC. 45D. CREDIT FOR COMPUTER DONATIONS TO SCHOOLS AND SENIOR CENTERS.

"(a) General Rule.—For purposes of section 38, the computer donation credit determined under this section is an amount equal to 30 percent of the qualified computer contributions made by the taxpayer during the taxable year as determined after the application of section 170(e)(6)(A).

"(b) Qualified Computer Contribution.—For purposes of this section, the term 'qualified computer contribution' has the meaning given the term 'qualified elementary or secondary educational contribution' by section 170(e)(6)(B), except that—

"(1) such term shall include the contribution of a computer (as defined in section 168(i)(2)(B)(ii)) only if computer software (as defined in section 197(e)(3)(B)) that serves as a computer operating system has been lawfully installed in such computer, and

"(2) notwithstanding clauses (i) and (iv) of section 170(e)(6)(B), such term shall include the contribution of computer technology or equipment to multipurpose senior centers (as defined in section 102(35) of the Older Americans Act of 1965 (42 U.S.C. 3002(35)) described in section 501(c)(3) and exempt from tax under section 501(a) to be used by individuals who have attained 60 years of age to improve job skills in computers.

"(c) Increased Percentage for Contributions to Entities in Empowerment Zones, Enterprise Communities, and Indian Reservations.—In the case of a qualified computer contribution to an entity located in an empowerment zone or enterprise community designated under section 1391 or an Indian reservation (as defined in section 168(j)(6)), subsection (a) shall be applied by substituting '50 percent' for '30 percent'.

"(d) Certain Rules Made Applicable.—For purposes of this section, rules similar to the rules of paragraphs (1) and (2) of section 41(f) shall apply.

"(e) Termination.—This section shall not apply to taxable years beginning on or after the date which is 3 years after the date of the enactment of the New Millennium Classrooms Act."

(b) Current Year Business Credit Calculation.—Section 38(b) (relating to current year business credit) is amended by striking "plus" at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting ", plus", and by adding at the end the following:

"(13) the computer donation credit determined under section 45D(a)."

(c) Disallowance of Deduction by Amount of Credit.—Section 280C (relating to certain expenses for which credits are allowable) is amended by adding at the end the following:

"(d) Credit for Computer Donations.—No deduction shall be allowed for that portion of the qualified computer contributions (as defined in section 45D(b)) made during the taxable year that is equal to the amount of credit determined for the taxable year under section 45D(a). In the case of a corporation which is a member of a controlled group of corporations (within the meaning of section 52(a)) or a trade or business which is treated as being under common control with other trades or businesses (within the meaning of section 52(b)), this subsection shall be applied under rules prescribed by the Secretary similar to the rules applicable under subsections (a) and (b) of section 52."

(d) Limitation on Carryback.—Subsection (d) of section 39 (relating to carryback and carryforward of unused credits) is amended by adding at the end the following:

"(9) No carryback of computer donation credit before effective date.—No amount of unused business credit available under section 45D may be carried back to a taxable year beginning on or before the date of the enactment of this paragraph."

(e) Clerical Amendment.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 45C the following:

"Sec. 45D. Credit for computer donations to schools and senior centers."

(f) Effective Date.—The amendments made by this section shall apply to contributions made in taxable years beginning after the date of the enactment of this Act.

SEC. . REPORT TO CONGRESS REGARDING EXTENT AND SEVERITY OF CHILD POVERTY.

(a) In General.—Not later than June 1, 2001 and prior to any reauthorization of the temporary assistance to needy families program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) for any fiscal year after fiscal year 2002, the Secretary of Health and Human Services (in this section referred to as the "Secretary") shall report to Congress on the extent and severity of child poverty in the United States. Such report shall, at a minimum—

(1) determine for the period since the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2105)—

(A) whether the rate of child poverty in the United States has increased;

(B) whether the children who live in poverty in the United States have gotten poorer; and

(C) how changes in the availability of cash and non-cash benefits to poor families have affected child poverty in the United States;

(2) identify alternative methods for defining child poverty that are based on consideration of factors other than family income

and resources, including consideration of a family's work-related expenses; and

(3) contain multiple measures of child poverty in the United States that may include the child poverty gap and the extreme poverty rate.

(b) Legislative Proposal.—If the Secretary determines that during the period since the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2105) the extent or severity of child poverty in the United States has increased to any extent, the Secretary shall include with the report to Congress required under subsection (a) a legislative proposal addressing the factors that led to such increase.

SEC. . CAREERS TO CLASSROOMS.

(a) Definitions.—In this section:

(1) In general.—The terms "elementary school", "local educational agency", "secondary school", and "Secretary" have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(2) Alternative certification or licensure requirements.—The term "alternative certification or licensure requirements" means State or local teacher certification or licensure requirements that permit a demonstrated competence in appropriate subject areas gained in careers outside of education to be substituted for traditional teacher training course work.

(3) Eligible individual.—The term "eligible individual" means an individual who has received—

(A) in the case of an individual applying for assistance for placement as an elementary school or secondary school teacher, a baccalaureate or advanced degree from an institution of higher education; or

(B) in the case of an individual applying for assistance for placement as a teacher's aide in an elementary school or secondary school, an associate, baccalaureate, or advanced degree from an institution of higher education.

(4) Institution of higher education.—The term "institution of higher education" has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)

(5) State.—The term "State" means each of the several States of the United States, the District of Columbia, American Samoa, the Federated States of Micronesia, Guam, the Republic of the Marshall Islands, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, the Republic of Palau, and the United States Virgin Islands.

(b) Placement Program.—The Secretary may establish a program of awarding grants to States—

(1) to enable the States to assist eligible individuals to obtain—

(A) certification or licensure as elementary school or secondary school teachers; or

(B) the credentials necessary to serve as teachers' aides; and

(2) to facilitate the employment of the eligible individuals by local educational agencies identified under subsection (c)(2) as experiencing a shortage of teachers or teachers' aides.

(c) States With Alternative Certification Requirements and Teacher and Teacher's Aide Shortages.—Upon the establishment of the placement program authorized by subsection (b), the Secretary shall—

(1) conduct a survey of States to identify those States that have alternative certification or licensure requirements for teachers;

(2) periodically request information from States identified under paragraph (1) to identify in these States those local educational agencies that—

(A) are receiving grants under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) as a result of having within their jurisdictions concentrations of children from low-income families; and

(B) are also experiencing a shortage of qualified teachers, in particular a shortage of science, mathematics, computer science, or engineering teachers; and

(3) periodically request information from all States to identify local educational agencies that—

(A) are receiving grants under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) as a result of having within their jurisdictions concentrations of children from low-income families; and

(B) are experiencing a shortage of teachers' aides.

(d) Selection of Eligible Individuals.—

(1) In general.—Selection of eligible individuals to participate in the placement program authorized by subsection (b) shall be made on the basis of applications submitted to a State. An application shall be in such form and contain such information as the State may require.

(2) Priority.—In selecting eligible individuals to receive assistance for placement as elementary school or secondary school teachers, the State shall give priority to eligible individuals who—

(A) have substantial, demonstrated career experience in science, mathematics, computer science, or engineering and agree to seek employment as science, mathematics, computer science, or engineering teachers in elementary schools or secondary schools; or

(B) have substantial, demonstrated career experience in another subject area identified by the State as important for national educational objectives and agree to seek employment in that subject area in elementary schools or secondary schools.

(e) Agreement.—An eligible individual selected to participate in the placement program authorized by subsection (b) shall be required to enter into an agreement with the State, in which the eligible individual agrees—

(1) to obtain, within such time as the State may require, certification or licensure as an elementary school or secondary school teacher or the necessary credentials to serve as a teacher's aide in an elementary school or secondary school; and

(2) to accept—

(A) in the case of an eligible individual selected for assistance for placement as a teacher, an offer of full-time employment as an elementary school or secondary school teacher for not less than two school years with a local educational agency identified under subsection (c)(2), to begin the school year after obtaining that certification or licensure; or

(B) in the case of an eligible individual selected for assistance for placement as a teacher's aide, an offer of full-time employment as a teacher's aide in an elementary school or secondary school for not less than 2 school years with a local educational agency identified under subsection (c)(3), to begin the school year after obtaining the necessary credentials.

(f) Stipend for Participants.—

(1) In general.—The State shall pay to an eligible individual participating in the placement program a stipend in an amount equal to the lesser of—

(A) $5,000; or

(B) the total costs of the type described in paragraphs (1), (2), (3), (8), and (9) of section 472 of the Higher Education Act of 1965 (20 U.S.C. 108711) incurred by the eligible individual while obtaining teacher certification or licensure or the necessary credentials to serve as a teacher's aide and employment as an elementary school or secondary school teacher or teacher aide.

(2) Relation to other assistance.—A stipend paid under paragraph (1) shall be taken into account in determining the eligibility of the eligible individual for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

(g) Grants To Facilitate Placement.—

(1) Teachers.—In the case of an eligible individual in the placement program obtaining teacher certification or licensure, the State may offer to enter into an agreement under this subsection with the first local educational agency identified under subsection (b)(2) that employs the eligible individual as a full-time elementary school or secondary school teacher after the eligible individual obtains teacher certification or licensure.

(2) Teacher's aides.—In the case of an eligible individual in the program obtaining credentials to serve as a teacher's aide, the State may offer to enter into an agreement under this subsection with the first local educational agency identified under subsection (b)(3) that employs the participant as a full-time teacher's aide.

(3) Agreements contracts.—Under an agreement referred to in paragraph (1) or (2)—

(A) the local educational agency shall agree to employ the eligible individual full time for not less than 2 consecutive school years (at a basic salary to be certified to the State) in a school of the local educational agency that—

(i) serves a concentration of children from low-income families; and

(ii) has an exceptional need for eligible individuals; and

(B) the State shall agree to pay to the local educational agency for each eligible individual, from amounts provided under this section, $5,000 per year for a maximum of 2 years.

(h) Reimbursement Under Certain Circumstances.—

(1) In general.—If an eligible individual in the placement program fails to obtain teacher certification or licensure, employment as an elementary school or secondary school teacher, or employment as a teacher's aide as required under the agreement or voluntarily leaves, or is terminated for cause, from the employment during the 2 years of required service, the eligible individual shall be required to reimburse the State for any stipend paid to the eligible individual under subsection (f)(1) in an amount that bears the same ratio to the amount of the stipend as the unserved portion of required service bears to the 2 years of required service. A State shall forward the proceeds of any reimbursement received under this paragraph to the Secretary.

(2) Obligation to reimburse.—The obligation to reimburse the State under this subsection is, for all purposes, a debt owing the United States. A discharge in bankruptcy under title 11 shall not release a participant from the obligation to reimburse the State. Any amount owed by an eligible individual under paragraph (1) shall bear interest at the

rate equal to the highest rate being paid by the United States on the day on which the reimbursement is determined to be due for securities having maturities of 90 days or less and shall accrue from the day on which the eligible individual is first notified of the amount due.

(i) EXCEPTIONS TO REIMBURSEMENT PROVISIONS.—

(1) IN GENERAL.—An eligible individual in the placement program shall not be considered to be in violation of an agreement entered into under subsection (e) during any period in which the participant—

(A) is pursuing a full-time course of study related to the field of teaching at an institution of higher education;

(B) is serving on active duty as a member of the Armed Forces;

(C) is temporarily totally disabled for a period of time not to exceed 3 years as established by sworn affidavit of a qualified physician;

(D) is unable to secure employment for a period not to exceed 12 months by reason of the care required by a spouse who is disabled;

(E) is seeking and unable to find full-time employment as a teacher or teacher's aide in an elementary school or secondary school for a single period not to exceed 27 months; or

(F) satisfies the provisions of additional reimbursement exceptions that may be prescribed by the Secretary.

(2) FORGIVENESS.—An eligible individual shall be excused from reimbursement under subsection (h) if the eligible individual becomes permanently totally disabled as established by sworn affidavit of a qualified physician. The Secretary may also waive reimbursement in cases of extreme hardship to the participant, as determined by the Secretary.

GRAHAM AMENDMENT NO. 2870

Mr. GRAHAM proposed an amendment to amendment No. 2869 proposed by Mr. ROTH to the bill, S. 1134, supra; as follows:

At the end of the amendment add the following:

TITLE IV—REVENUE PROVISIONS

SEC. 401. MODIFICATION TO FOREIGN TAX CREDIT CARRYBACK AND CARRYOVER PERIODS.

(a) IN GENERAL.—Section 904(c) (relating to limitation on credit) is amended—

(1) by striking "in the second preceding taxable year.", and

(2) by striking "or fifth" and inserting "fifth, sixth, or seventh".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to credits arising in taxable years beginning after December 31, 2001.

SEC. 402. LIMITATION ON USE OF NON-ACCRUAL EXPERIENCE METHOD OF ACCOUNTING.

(a) IN GENERAL.—Section 448(d)(5) (relating to special rule for services) is amended—

(1) by inserting "in fields described in paragraph (2)(A)" after "services by such person", and

(2) by inserting "CERTAIN PERSONAL" before "SERVICES" in the heading.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

(2) CHANGE IN METHOD OF ACCOUNTING.—In the case of any taxpayer required by the amendments made by this section to change its method of accounting for its first taxable year ending after the date of the enactment of this Act—

(A) such change shall be treated as initiated by the taxpayer,

(B) such change shall be treated as made with the consent of the Secretary of the Treasury, and

(C) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account over a period (not greater than 4 taxable years) beginning with such first taxable year.

SEC. 403. EXTENSION OF INTERNAL REVENUE SERVICE USER FEES.

(a) IN GENERAL.—Chapter 77 (relating to miscellaneous provisions) is amended by adding at the end the following new section:

"SEC. 7527. INTERNAL REVENUE SERVICE USER FEES.

"(a) GENERAL RULE.—The Secretary shall establish a program requiring the payment of user fees for—

"(1) requests to the Internal Revenue Service for ruling letters, opinion letters, and determination letters, and

"(2) other similar requests.

"(b) PROGRAM CRITERIA.—

"(1) IN GENERAL.—The fees charged under the program required by subsection (a)—

"(A) shall vary according to categories (or subcategories) established by the Secretary,

"(B) shall be determined after taking into account the average time for (and difficulty of) complying with requests in each category (and subcategory), and

"(C) shall be payable in advance.

"(2) EXEMPTIONS, ETC.—The Secretary shall provide for such exemptions (and reduced fees) under such program as the Secretary determines to be appropriate.

"(3) AVERAGE FEE REQUIREMENT.—The average fee charged under the program required by subsection (a) shall not be less than the amount determined under the following table:

Category	Average Fee
Employee plan ruling and opinion ..	$250
Exempt organization ruling	$350
Employee plan determination	$300
Exempt organization determination.	$275
Chief counsel ruling	$200

"(c) TERMINATION.—No fee shall be imposed under this section with respect to requests made after September 30, 2009."

(b) CONFORMING AMENDMENTS.—

(1) The table of sections for chapter 77 is amended by adding at the end the following new item:

"Sec. 7527. Internal Revenue Service user fees."

(2) Section 10511 of the Revenue Act of 1987 is repealed.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to requests made after the date of the enactment of this Act.

SEC. 404. TRANSFER OF EXCESS DEFINED BENEFIT PLAN ASSETS FOR RETIREE HEALTH BENEFITS.

(a) EXTENSION.—

(1) IN GENERAL.—Section 420(b)(5) (relating to expiration) is amended by striking "in any taxable year beginning after December 31, 2000" and inserting "made after September 30, 2009".

(2) CONFORMING AMENDMENTS.—

(A) Section 101(e)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1021(e)(3)) is amended by striking "1995" and inserting "2001".

(B) Section 403(c)(1) of such Act (29 U.S.C. 1103(c)(1)) is amended by striking "1995" and inserting "2001".

(C) Paragraph (13) of section 408(b) of such Act (29 U.S.C. 1108(b)(13)) is amended—

(i) by striking "in a taxable year beginning before January 1, 2001" and inserting "made before October 1, 2009", and

(ii) by striking "1995" and inserting "2001".

(b) APPLICATION OF MINIMUM COST REQUIREMENTS.—

(1) IN GENERAL.—Section 420(c)(3) is amended to read as follows:

"(3) MINIMUM COST REQUIREMENTS.—

"(A) IN GENERAL.—The requirements of this paragraph are met if each group health plan or arrangement under which applicable health benefits are provided provides that the applicable employer cost for each taxable year during the cost maintenance period shall not be less than the higher of the applicable employer costs for each of the 2 taxable years immediately preceding the taxable year of the qualified transfer.

"(B) APPLICABLE EMPLOYER COST.—For purposes of this paragraph, the term 'applicable employer cost' means, with respect to any taxable year, the amount determined by dividing—

"(i) the qualified current retiree health liabilities of the employer for such taxable year determined—

"(I) without regard to any reduction under subsection (e)(1)(B), and

"(II) in the case of a taxable year in which there was no qualified transfer, in the same manner as if there had been such a transfer at the end of the taxable year, by

"(ii) the number of individuals to whom coverage for applicable health benefits was provided during such taxable year.

"(C) ELECTION TO COMPUTE COST SEPARATELY.—An employer may elect to have this paragraph applied separately with respect to individuals eligible for benefits under title XVIII of the Social Security Act at any time during the taxable year and with respect to individuals not so eligible.

"(D) COST MAINTENANCE PERIOD.—For purposes of this paragraph, the term 'cost maintenance period' means the period of 5 taxable years beginning with the taxable year in which the qualified transfer occurs. If a taxable year is in 2 or more overlapping cost maintenance periods, this paragraph shall be applied by taking into account the highest applicable employer cost required to be provided under subparagraph (A) for such taxable year."

(2) CONFORMING AMENDMENTS.—

(A) Section 420(b)(1)(C)(iii) is amended by striking "benefits" and inserting "cost".

(B) Section 420(e)(1)(D) is amended by striking "and shall not be subject to the minimum benefit requirements of subsection (c)(3)" and inserting "or in calculating applicable employer cost under subsection (c)(3)(B)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to qualified transfers occurring after December 31, 2000, and before October 1, 2009.

SEC. 405. LIMITATIONS ON WELFARE BENEFIT FUNDS OF 10 OR MORE EMPLOYER PLANS.

(a) BENEFITS TO WHICH EXCEPTION APPLIES.—Section 419A(f)(6)(A) (relating to exception for 10 or more employer plans) is amended to read as follows:

"(A) IN GENERAL.—This subpart shall not apply to a welfare benefit fund which is part of a 10 or more employer plan if the only benefits provided through the fund are 1 or more of the following:

"(i) Medical benefits.

"(ii) Disability benefits.

"(iii) Group term life insurance benefits which do not provide for any cash surrender value or other money that can be paid, assigned, borrowed, or pledged for collateral for a loan.

The preceding sentence shall not apply to any plan which maintains experience-rating arrangements with respect to individual employers."

(b) LIMITATION ON USE OF AMOUNTS FOR OTHER PURPOSES.—Section 4976(b) (defining disqualified benefit) is amended by adding at the end the following new paragraph:

"(5) SPECIAL RULE FOR 10 OR MORE EMPLOYER PLANS EXEMPTED FROM PREFUNDING LIMITS.—For purposes of paragraph (1)(C), if—

"(A) subpart D of part I of subchapter D of chapter 1 does not apply by reason of section 419A(f)(6) to contributions to provide 1 or more welfare benefits through a welfare benefit fund under a 10 or more employer plan, and

"(B) any portion of the welfare benefit fund attributable to such contributions is used for a purpose other than that for which the contributions were made,

then such portion shall be treated as reverting to the benefit of the employers maintaining the fund."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions paid or accrued after the date of the enactment of this Act, in taxable years ending after such date.

DORGAN AMENDMENT NO. 2871

Mr. DORGAN proposed an amendment to the bill S. 1134, supra; as follows:

On page 2 between lines 2 and 3, add the following:

TITLE —STANDARDIZED SCHOOL REPORT CARDS

SEC. 01. SHORT TITLE.

This title may be cited as the "Standardized School Report Card Act".

SEC. 02. FINDINGS.

Congress makes the following findings:

(1) According to the report "Quality Counts 99", by Education Week, 36 States require the publishing of annual report cards on individual schools, but the content of the report cards varies widely.

(2) The content of most of the report cards described in paragraph (1) does not provide parents with the information the parents need to measure how their school or State is doing compared with other schools and States.

(3) Ninety percent of taxpayers believe that published information about individual schools would motivate educators to work harder to improve the schools' performance.

(4) More than 60 percent of parents and 70 percent of taxpayers have not seen an individual report card for their area school.

(5) Dissemination of understandable information about schools can be an important tool for parents and taxpayers to measure the quality of the schools and to hold the schools accountable for improving performance.

SEC. 03. PURPOSE.

The purpose of this title is to provide parents, taxpayers, and educators with useful, understandable school report cards.

SEC. 04. REPORT CARDS.

(a) STATE REPORT CARDS.—Each State educational agency receiving assistance under the Elementary and Secondary Education Act of 1965 shall produce and widely disseminate an annual report card for parents, the general public, teachers and the Secretary of Education, in easily understandable language, with respect to elementary and secondary education in the State. The report card shall contain information regarding—

(1) student performance in language arts and mathematics, plus any other subject areas in which the State requires assessments, including comparisons with students from different school districts within the State, and, to the extent possible, comparisons with students throughout the Nation;

(2) attendance and graduation rates;

(3) professional qualifications of teachers in the State, the number of teachers teaching out of field, and the number of teachers with emergency certification;

(4) average class size in the State;

(5) school safety, including the safety of school facilities, incidents of school violence and drug and alcohol abuse, and the number of instances in which a student was determined to have brought a firearm to school under the State law described in the Gun-Free Schools Act of 1994;

(6) to the extent practicable, parental involvement, as measured by the extent of parental participation in school parental involvement policies described in section 1118(b) of the Elementary and Secondary Education Act of 1965;

(7) the annual school dropout rate, as calculated by procedures conforming with the National Center for Education Statistics Common Core of Data;

(8) student access to technology, including the number of computers for educational purposes, the number of computers per classroom, and the number of computers connected to the Internet; and

(9) other indicators of school performance and quality.

(b) SCHOOL REPORT CARDS.—Each school receiving assistance under the Elementary and Secondary Education Act of 1965, or the local educational agency serving that school, shall produce and widely disseminate an annual report card for parents, the general public, teachers and the State educational agency, in easily understandable language, with respect to elementary or secondary education, as appropriate, in the school. The report card shall contain information regarding—

(1) student performance in the school in language arts and mathematics, plus any other subject areas in which the State requires assessments, including comparisons with other students within the school district, in the State, and, to the extent possible, in the Nation;

(2) attendance and graduation rates;

(3) professional qualifications of the school's teachers, the number of teachers teaching out of field, and the number of teachers with emergency certification;

(4) average class size in the school;

(5) school safety, including the safety of the school facility, incidents of school violence and drug and alcohol abuse, and the number of instances in which a student was determined to have brought a firearm to school under the State law described in the Gun-Free Schools Act of 1994;

(6) parental involvement, as measured by the extent of parental participation in school parental involvement policies described in section 1118(b) of the Elementary and Secondary Education Act of 1965;

(7) the annual school dropout rate, as calculated by procedures conforming with the National Center for Education Statistics Common Core of Data;

(8) student access to technology, including the number of computers for educational purposes, the number of computers per classroom, and the number of computers connected to the Internet; and

(9) other indicators of school performance and quality.

(c) MODEL SCHOOL REPORT CARDS.—The Secretary of Education shall use funds made available to the Office of Educational Research and Improvement to develop a model school report card for dissemination, upon request, to a school, local educational agency, or State educational agency.

(d) DISAGGREGATION OF DATA.—Each State educational agency or school producing an annual report card under this section shall disaggregate the student performance data reported under section 4(a)(1) or 4(b)(1), as appropriate, in the same manner as results are disaggregated under section 1111(b)(3)(I) of the Elementary and Secondary Education Act of 1965.

KENNEDY AMENDMENT NO. 2872

Mr. KENNEDY proposed an amendment to the bill, S. 1134, supra; as follows:

Strike section 101 and insert the following:

SEC. 101. TEACHER QUALITY.

(a) IN GENERAL.—Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.) is amended by striking the title heading and all that follows through the end of part B and inserting the following:

"TITLE II—QUALIFIED TEACHER IN EVERY CLASSROOM

"PART A—TEACHER QUALITY

"SEC. 2001. PURPOSES.

"The purposes of this part are the following:

"(1) To improve student achievement in order to help every student meet State content and student performance standards.

"(2) To—

"(A) enable States, local educational agencies, and schools to improve the quality and success of the teaching force by providing all teachers, including beginning and veteran teachers, with the support those teachers need to succeed and stay in teaching, by providing professional development and mentoring programs for teachers, by offering incentives for additional qualified individuals to go into teaching, by reducing out-of-field placement of teachers, and by reducing the number of teachers with emergency credentials; and

"(B) hold the States, agencies, and schools accountable for such improvements.

"(3) To support State and local efforts to recruit qualified teachers to address teacher shortages, particularly in communities with the greatest need.

"SEC. 2002. DEFINITIONS.

"In this part:

"(1) BEGINNING TEACHER.—The term 'beginning teacher' means a teacher who has taught for 3 years or less.

"(2) CORE ACADEMIC SUBJECTS.—The term 'core academic subjects' means—

"(A) mathematics;

"(B) science;

"(C) reading (or language arts) and English;

"(D) social studies (consisting of history, civics, government, geography, and economics);

"(E) foreign languages; and

"(F) fine arts (consisting of music, dance, drama, and the visual arts).

"(3) High-poverty.—The term 'high-poverty', used with respect to a school, means a school that serves a high number or percentage of children from families with incomes below the poverty line, as determined by the State in which the school is located.

"(4) High-poverty local educational agency.—The term 'high-poverty local educational agency' means a local educational agency for which the number of children served by the agency who are age 5 through 17, and from families with incomes below the poverty line—

"(A) is not less than 20 percent of the number of all children served by the agency; or

"(B) is more than 10,000.

"(5) Low-performing school.—The term 'low-performing school' means—

"(A) a school identified by a local educational agency for school improvement under section 1116(c); or

"(B) a school in which the great majority of students, as determined by the State in which the school is located, fail to meet State student performance standards based on assessments the local educational agency is using under part A of title I.

"(6) Mentoring.—The term 'mentoring' means activities described in paragraphs (3) and (4) of section 2017(a).

"(7) Mentor teacher.—The term 'mentor teacher' means a teacher who—

"(A) is a highly competent classroom teacher who is formally selected and trained to work effectively with beginning teachers (including corps members described in section 2018);

"(B) is certified or licensed, is full-time, and is assigned and qualified to teach in the content area or grade level in which a beginning teacher (including a corps member described in section 2018), to whom the teacher provides mentoring, intends to teach;

"(C) has been consistently effective in helping diverse groups of students make substantial achievement gains; and

"(D) has been selected to provide mentoring through a peer review process.

"(8) Poverty line.—The term 'poverty line' means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

"(9) Professional development.—The term 'professional development' means activities described in paragraphs (1) and (2) of section 2017(a).

"(10) Recruitment activities.—The term 'recruitment activities' means activities carried out through a teacher corps program, as described in section 2018.

"(11) Recruitment partnership.—The term 'recruitment partnership' means a partnership described in section 2015(b)(2).

"SEC. 2003. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part $240,000,000 for each of fiscal years 2001 through 2005, of which—

"(1) $207,600,000 shall be made available to carry out subpart 1; and

"(2) $32,400,000 shall be made available to carry out subparts 2, 3, and 4, of which—

"(A) $25,000,000 shall be made available for fiscal year 2001, and such sums as may be necessary shall be made available for each of fiscal years 2002 through 2005, to carry out subpart 3; and

"(B) $75,000,000 shall be made available for fiscal year 2001, and such sums as may be necessary shall be made available for each of fiscal years 2002 through 2005, to carry out subpart 4.

"Subpart 1—Grants to States and Local Educational Agencies

"Chapter 1—Grants and Activities

"SEC. 2011. ALLOTMENTS TO STATES.

"(a) In General.—The Secretary is authorized to make grants to eligible State educational agencies for the improvement of teaching and learning through sustained and intensive high-quality professional development, mentoring, and recruitment activities at the State and local levels. Each grant shall consist of the allotment determined for the State under subsection (b).

"(b) Determination of Amount of Allotment.—

"(1) Reservation of funds.—

"(A) In general.—From the total amount made available to carry out this subpart under section 2003(1) for any fiscal year, the Secretary shall reserve—

"(i) ½ of 1 percent for allotments for the outlying areas to be distributed among those outlying areas on the basis of their relative need, as determined by the Secretary, for professional development and mentoring and recruitment activities carried out in accordance with the purposes of this part; and

"(ii) ½ of 1 percent for the Secretary of the Interior for programs carried out in accordance with the purposes of this part to provide professional development and mentoring and recruitment activities for teachers and other staff in schools operated or funded by the Bureau of Indian Affairs.

"(B) Limitation.—Notwithstanding subparagraph (A), the Secretary shall not reserve, for either the outlying areas under subparagraph (A)(i) or the schools operated or funded by the Bureau of Indian Affairs under subparagraph (A)(ii), more than the amount reserved for those areas or schools for fiscal year 2000 under the authority described in paragraph (2)(A)(i).

"(2) State allotments.—

"(A) Hold harmless.—

"(i) In general.—Subject to subparagraph (B), from the total amount made available to carry out this subpart for any fiscal year and not reserved under paragraph (1), the Secretary shall allot to each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico an amount equal to the amount that the State received for fiscal year 2000 under section 2202(b) of this Act (as in effect on the day before the date of enactment of the Affordable Education Act of 1999).

"(ii) Ratable reduction.—If the total amount made available to carry out this subpart for any fiscal year and not reserved under paragraph (1) is insufficient to pay the full amounts that all States are eligible to receive under clause (i) for any fiscal year, the Secretary shall ratably reduce such amounts for such fiscal year.

"(B) Allotment of additional funds.—

"(i) In general.—Subject to clause (ii), for any fiscal year for which the total amount made available to carry out this subpart and not reserved under paragraph (1) exceeds the total amount made available to the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico for fiscal year 2000 under the authority described in subparagraph (A)(i), the Secretary shall allot to each of those States the sum of—

"(I) an amount that bears the same relationship to 50 percent of the excess amount as the number of individuals age 5 through 17 in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined; and

"(II) an amount that bears the same relationship to 50 percent of the excess amount as the number of individuals age 5 through 17 from families with incomes below the poverty line in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined.

"(ii) Exception.—No State receiving an allotment under clause (i) may receive less than ½ of 1 percent of the total excess amount allotted under clause (i) for a fiscal year.

"(3) Reallotment.—If any State described in paragraph (2) does not apply for an allotment under paragraph (2) for any fiscal year, the Secretary shall reallot such amount to the remaining such States in accordance with paragraph (2).

"SEC. 2012. STATE APPLICATIONS.

"(a) Applications Required.—

"(1) In general.—Each State desiring to receive a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

"(2) Development.—The State educational agency shall develop the State application—

"(A) in consultation with the State agency for higher education, community-based and other nonprofit organizations, and institutions of higher education; and

"(B) with the extensive participation of teachers, teacher educators, school administrators, and content specialists.

"(b) Contents.—Each such application shall include—

"(1) a description of the State's teacher shortages relating to high-need school districts and high-need academic subjects (as such districts or subjects are determined by the State);

"(2) an assessment, developed with the involvement of teachers, of the need for professional development for veteran teachers in the State and the need for strong induction programs for beginning teachers;

"(3) a description of how the State educational agency will use funds made available under this part to improve the quality of the State's teaching force and meet the requirements of this section;

"(4) a description of how the State educational agency will align activities assisted under this subpart with State content and student performance standards, and State assessments;

"(5) a description of how the State educational agency will—

"(A) reduce out-of-field placement of teachers; and

"(B) reduce the number of teachers hired with emergency certification;

"(6) a description of how the State educational agency will coordinate activities funded under this subpart with professional development and mentoring and recruitment activities that are supported with funds from other relevant Federal and non-Federal programs;

"(7) a plan, developed with the extensive participation of teachers, for addressing long-term teacher recruitment, retention, and professional development and mentoring needs, which may include—

"(A) providing technical assistance to help school districts reform hiring practices to support strong teacher recruitment and retention; or

"(B) establishing State or regional partnerships to address teacher shortages;

‘‘(8) a description of how the State educational agency will assist local educational agencies in implementing effective and sustained professional development and mentoring activities and high-quality recruitment activities under this part;

‘‘(9) a description of how the State educational agency will work with recipients of grants awarded for recruitment activities under section 2015(b) to ensure that recruits who successfully complete a teacher corps program will be certified or licensed; and

‘‘(10) the assurances and description referred to in section 2021.

‘‘(c) Approval.—The Secretary shall, using a peer-review process, approve a State application if the application meets the requirements of this section and holds reasonable promise of achieving the purposes of this part.

“SEC. 2013. STATE USE OF FUNDS.

‘‘(a) In General.—Of the funds allotted to a State under section 2011 for a fiscal year—

‘‘(1) not more than 10 percent shall be used by the State educational agency to carry out State activities described in section 2014, or for the administration of this subpart (other than the administration of section 2019 but including the administration of State activities under chapter 2), except that not more than 3 percent of the allotted funds may be used for the administration of this subpart;

‘‘(2) 56 percent shall be used by the State educational agency to provide grants to local educational agencies under section 2015(a) for professional development and mentoring;

‘‘(3) 30 percent shall be used by the State educational agency to provide grants to recruitment partnerships under section 2015(b) for recruitment activities; and

‘‘(4) 4 percent (or 4 percent of the amount the State would have been allotted if the appropriation for this subpart were $346,000,000, whichever is greater) shall be used by the State agency for higher education to provide grants to recruitment partnerships under section 2019.

‘‘(b) Priority for Professional Development and Mentoring in Mathematics and Science.—

‘‘(1) Priority.—

‘‘(A) Appropriations of not more than $300,000,000.—For any fiscal year for which the appropriation for this subpart is $300,000,000 or less, each State educational agency that receives funds under this subpart, working jointly with the State agency for higher education, shall ensure that all funds received under this subpart are used for—

‘‘(i) professional development and mentoring in mathematics and science that is aligned with State content and student performance standards; and

‘‘(ii) recruitment activities involving mathematics and science teachers.

‘‘(B) Appropriation of more than $300,000,000.—For any fiscal year for which the appropriation for this subpart is greater than $300,000,000, the State educational agency and the State agency for higher education shall jointly ensure that the total amount of funds that the agencies receive under this subpart and that the agencies use for activities described in subparagraph (A) is at least as great as the allotment the State would have received if that appropriation had been $300,000,000.

‘‘(2) Interdisciplinary activities.—A State may use funds received under this subpart for activities that focus on more than 1 core academic subject, and apply the funds toward meeting the requirements of paragraph (1), if the activities include a strong focus on improving instruction in mathematics or science.

‘‘(3) Additional funds.—Each State educational agency that receives funds under this subpart and the State agency for higher education shall jointly ensure that any portion of the funds that exceeds the amount required by paragraph (1) to be spent on activities described in paragraph (1)(A) is used to provide—

‘‘(A) professional development and mentoring in 1 or more of the core academic subjects that is aligned with State content and student performance standards; and

‘‘(B) recruitment activities involving teachers of 1 or more of the core academic subjects.

“SEC. 2014. STATE LEVEL ACTIVITIES.

‘‘(a) Activities.—Each State educational agency that receives a grant described in section 2011 shall use the funds made available under section 2013(a)(1) to carry out statewide strategies and activities to improve teacher quality, including—

‘‘(1) establishing, expanding, or improving alternative routes to State certification or licensing of teachers, for highly qualified individuals with a baccalaureate degree, midcareer professionals from other occupations, or paraprofessionals, that are at least as rigorous as the State's standards for initial certification or licensing of teachers;

‘‘(2) developing or improving systems of performance measures to evaluate the effectiveness of professional development and mentoring and recruitment activities in improving teacher quality, skills, and content knowledge, and increasing student academic achievement and student performance;

‘‘(3) developing or improving systems to evaluate the impact of teachers on student academic achievement and student performance;

‘‘(4) funding projects to promote reciprocity of teacher certification or licensure between or among States;

‘‘(5) providing assistance to local educational agencies to reduce out-of-field placements and the use of emergency credentials;

‘‘(6) supporting certification by the National Board for Professional Teaching Standards of teachers who are teaching or will teach in high-poverty schools;

‘‘(7) providing assistance to local educational agencies in implementing effective programs of recruitment activities, and professional development and mentoring, including supporting efforts to encourage and train teachers to become mentor teachers;

‘‘(8) increasing the rigor and quality of State certification and licensure tests for individuals entering the field of teaching, including subject matter tests for secondary school teachers; and

‘‘(9) implementing teacher recognition programs.

‘‘(b) Coordination.—A State that receives a grant to carry out this subpart and a grant under section 202 of the Higher Education Act of 1965 shall coordinate the activities carried out under this section and the activities carried out under that section 202.

“SEC. 2015. GRANTS TO LOCAL EDUCATIONAL AGENCIES.

‘‘(a) Grants for Professional Development and Mentoring Activities.—

‘‘(1) In general.—The State educational agency of a State that receives a grant described in section 2011 shall use the funds made available under section 2013(a)(2) to make grants to eligible local educational agencies, from allocations made under paragraph (2), to carry out the activities described in section 2017(a).

‘‘(2) Allocations.—The State educational agency shall allocate to each eligible local educational agency the sum of—

‘‘(A) an amount that bears the same relationship to 25 percent of the funds as the number of individuals enrolled in public and private nonprofit elementary schools and secondary schools in the geographic area served by the agency bears to the number of those individuals in the geographic areas served by all the local educational agencies in the State; and

‘‘(B) an amount that bears the same relationship to 75 percent of the funds as the number of individuals age 5 through 17 from families with incomes below the poverty line, in the geographic area served by the agency, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in the geographic areas served by all the local educational agencies in the State, as so determined.

‘‘(3) Eligibility.—To be eligible to receive a grant from a State educational agency under this subsection, a local educational agency shall serve schools that include—

‘‘(A) high-poverty schools;

‘‘(B) schools that need support for improving teacher quality based on low achievement of students served;

‘‘(C) schools that have low teacher retention rates;

‘‘(D) schools that need to improve or expand the knowledge and skills of new and veteran teachers in high-priority content areas; or

‘‘(E) schools that have high out-of-field placement rates.

‘‘(4) Equitable geographic distribution.—A State educational agency shall ensure an equitable distribution of grants under this subsection among eligible local educational agencies serving urban and rural areas.

‘‘(b) Grants for Recruitment Activities.—

‘‘(1) In general.—The State educational agency of a State that receives a grant under section 2011 shall use the funds made available under section 2013(a)(3) to make grants to eligible recruitment partnerships, on a competitive basis, to carry out the recruitment activities described in section 2017(b).

‘‘(2) Eligibility.—

‘‘(A) In general.—To be eligible to receive a grant from a State educational agency under this subsection, a recruitment partnership—

‘‘(i) shall include an eligible local educational agency, or a consortium of eligible local educational agencies;

‘‘(ii) shall include an institution of higher education, a tribal college, or a community college; and

‘‘(iii) may include other members, such as a nonprofit organization or professional education organization.

‘‘(B) Eligible local educational agency.—In subparagraph (A), the term ‘eligible local educational agency’ means a local educational agency that receives assistance under part A of title I, and meets any additional eligibility criteria that the appropriate State educational agency may establish.

‘‘(3) Equitable geographic distribution.—A State educational agency shall ensure an equitable distribution of grants under this subsection among eligible recruitment partnerships serving urban and rural areas.

“SEC. 2016. LOCAL APPLICATIONS.

‘‘(a) In General.—A local educational agency or a recruitment partnership seeking to receive a grant from a State under section

2015 to carry out activities described in section 2017 shall submit an application to the State at such time, in such manner, and containing such information as the State may reasonably require.

‘‘(b) Contents Relating to Professional Development and Mentoring Activities.—If the local educational agency seeks a grant under section 2015(a) to carry out activities described in section 2017(a), the local application described in subsection (a) shall include, at a minimum, the following:

‘‘(1) A description of how the local educational agency intends to use the funds provided through the grant to carry out activities described in section 2017(a).

‘‘(2) An assurance that the local educational agency will target the funds to high-poverty schools served by the local educational agency that—

‘‘(A) have the lowest proportions of qualified teachers;

‘‘(B) are identified for school improvement and corrective action under section 1116; or

‘‘(C) are identified for school improvement in accordance with other measures of school quality as determined and documented by the local educational agency.

‘‘(3) A description of how the local educational agency will coordinate professional development and mentoring activities described in section 2017(a) with professional development and mentoring activities provided through other Federal, State, and local programs, including programs authorized under—

‘‘(A) titles I, III, and IV, and part A of title VII; and

‘‘(B) where applicable, the Individuals with Disabilities Education Act, the Carl D. Perkins Vocational and Technical Education Act of 1998, and title II of the Higher Education Act of 1965.

‘‘(4) A description of how the local educational agency will integrate funds received to carry out activities described in section 2017(a) with funds received under title III that are used for professional development and mentoring in order to carry out professional development and mentoring activities that—

‘‘(A) train teachers, paraprofessionals, counselors, pupil services personnel, administrators, and other school staff, including school library and media specialists, in how to use technology to improve learning and teaching; and

‘‘(B) take into special consideration the different learning needs for, and exposures to, technology for all students, including females, students with disabilities, students who are gifted and talented, students with limited English proficiency, and students who have economic and educational disadvantages.

‘‘(5) A description of how the local application was developed with extensive participation of teachers, paraprofessionals, principals, and parents.

‘‘(6) A description of how the professional development and mentoring activities described in section 2017(a) will address the ongoing professional development and mentoring of teachers, paraprofessionals, counselors, pupil services personnel, administrators, and other school staff, including school library and media specialists.

‘‘(7) A description of how the professional development and mentoring activities described in section 2017(a) will meet the requirements described in section 2017(a).

‘‘(8) A description of how the local educational agency will address the needs of teachers of students with disabilities, students with limited English proficiency, and other students with special needs.

‘‘(9) A description of how the local educational agency will provide training to teachers to enable the teachers to work with parents, involve parents in their child's education, and encourage parents to become collaborators with schools in promoting their child's education.

‘‘(10) The assurances and description referred to in section 2023, with respect to professional development and mentoring activities.

‘‘(c) Development and Contents Relating to Recruitment Activities.—If an eligible local educational agency (as defined in section 2015(b)) seeks a grant under section 2015(b) to carry out activities described in section 2017(b)—

‘‘(1) the eligible local educational agency shall enter into a recruitment partnership, which shall jointly prepare and submit the local application described in subsection (a); and

‘‘(2) at a minimum, the application shall include—

‘‘(A) a description of how the recruitment partnership will meet the teacher corps program requirements described in section 2018;

‘‘(B) a description of the individual and collective responsibilities of members of the recruitment partnership in meeting the requirements and goals of a teacher corps program described in section 2018;

‘‘(C) information demonstrating that the State agency responsible for teacher licensure or certification in the State in which a recruitment partnership is established will—

‘‘(i) ensure that a corps member who successfully completes a teacher corps program will have the academic requirements necessary for certification or licensure as a teacher in the State;

‘‘(ii) ensure that the teacher corps program provides the academic credentials necessary to enable a corps member to obtain permanent teacher certification or licensure; and

‘‘(iii) work with the recruitment partnership to ensure the partnership uses high-quality methods and establishes high-quality requirements concerning alternative routes to certification or licensing, in order to meet State requirements for certification or licensure; and

‘‘(D) the assurances and description referred to in section 2023, with respect to recruitment activities.

‘‘(d) Approval.—A State educational agency shall approve a local educational agency's or recruitment partnership's application under this section only if the State educational agency determines that the application is of high quality and holds reasonable promise of achieving the purposes of this part.

“SEC. 2017. LOCAL ACTIVITIES.

‘‘(a) Professional Development and Mentoring Activities.—Each local educational agency receiving a grant under section 2015(a) shall use the funds made available through the grant to carry out activities that—

‘‘(1) shall include sustained and intensive activities that—

‘‘(A) are an integral part of broad schoolwide and districtwide educational improvement plans and enhance the ability of teachers and other staff to help all students, including females, students with disabilities, students who are gifted and talented, students with limited English proficiency, and students who have economic and educational disadvantages, meet high State and local content and student performance standards;

‘‘(B) improve teacher knowledge of—

‘‘(i) 1 or more of the core academic subjects; and

‘‘(ii) effective instructional strategies, methods, and skills for improving student achievement in those subjects;

‘‘(C) are of high quality and sufficient duration to have a positive and lasting impact on classroom instruction;

‘‘(D) are based on the best available research on teaching and learning;

‘‘(E) include—

‘‘(i) activities to replicate effective instructional practices that involve collaborative groups of teachers and administrators from the same school or district, such as provision of dedicated time for collaborative lesson planning and curriculum development meetings, consultation with exemplary teachers, and provision of short-term and long-term visits to classrooms and schools; and

‘‘(ii) ongoing and school-based support for such activities, such as support for peer review, coaching, or study groups, and the provision of release time as needed for the activities;

‘‘(F) as a whole, are regularly evaluated for their impact on increased teacher effectiveness and improved student achievement, with the findings of those evaluations used to improve the quality of activities described in this part;

‘‘(G) include strategies for improving classroom management and discipline, integrating technology into a curriculum, and promoting meaningful parental involvement; and

‘‘(H) to the extent practicable, the establishment of a partnership with an institution of higher education, another local educational agency, or another organization, for the purpose of carrying out activities described in this paragraph;

‘‘(2) may include—

‘‘(A) provision of collaborative professional development experiences for veteran teachers based on the standards in the core academic subjects of the National Board for Professional Teaching Standards;

‘‘(B) the participation of teams of teachers in summer institutes and summer immersion activities that are focused on preparing teachers to enable all students to meet high standards in 1 or more of the core academic subjects;

‘‘(C) the establishment and maintenance of local professional networks that provide a forum for interaction among teachers and administrators and that allow for the exchange of information on advances in content knowledge and teaching skills;

‘‘(D) instruction in the use of data and assessments to inform and improve classroom practice;

‘‘(E) provision of activities to train teachers in innovative instructional methodologies designed to meet the diverse learning needs of individual students, including methodologies that integrate academic and technical skills and applied learning (such as service learning), methodologies for interactive and interdisciplinary team teaching, and other alternative teaching strategies, such as strategies for experiential learning, career-related education, and environmental education, that integrate real world applications into the core academic subjects; and

‘‘(F) strategies for identifying and eliminating gender and racial bias in instructional materials, methods, and practices;

‘‘(3) shall include structured guidance and regular and ongoing support for beginning teachers, to help the teachers continue to improve their practice of teaching and to develop their instructional skills, that—

“(A) are part of a multiyear, developmental induction process;

“(B) may include coaching, classroom observation, team teaching, and reduced teaching loads; and

“(C) involve the assistance of a mentor teacher and other appropriate individuals from a school, local educational agency, or institution of higher education;

“(4) may include the establishment of a partnership with an institution of higher education, another local educational agency, or another organization, for the purpose of carrying out activities described in paragraph (3); and

“(5) shall include local activities carried out under chapter 2.

“(b) Recruitment Activities.—Each recruitment partnership receiving a grant under section 2015(b) shall use the funds made available through the grant to carry out recruitment activities described in section 2018.

“SEC. 2018. RECRUITMENT ACTIVITIES THROUGH A TEACHER CORPS PROGRAM.

“(a) Teacher Corps Program Requirements.—

“(1) Recruitment.—A recruitment partnership that receives a grant under section 2015(b) shall broadly recruit and screen for a teacher corps a highly qualified pool of candidates who demonstrate the potential to become effective teachers. Each candidate shall meet—

“(A) standards to ensure that—

“(i) each corps member possesses appropriate, high-level credentials and presents the likelihood of becoming an effective teacher; and

“(ii) each group of corps members includes people who have expertise in academic subjects and otherwise meet the specific needs of the district to be served; and

“(B) any additional standard that the recruitment partnership establishes to enhance the quality and diversity of candidates and to meet the academic and grade level needs of the partnership.

“(2) Required curriculum and placement.—Members of the recruitment partnership shall work together to plan and develop a program that includes—

“(A) a curriculum that includes a preservice training program (incorporating innovative approaches to preservice training, such as distance learning), for a period not to exceed 1 year, that provides corps members with the skills and knowledge necessary to become effective teachers, by—

“(i) requiring completed course work in basic areas of teaching, such as principles of learning and child development, effective teaching strategies, assessments, and classroom management, and in the pedagogy related to the academic subjects in which a corps member intends to teach;

“(ii) providing extensive preparation in the pedagogy of reading to corps members who intend to teach in the early elementary grades, including preparation components that focus on—

“(I) understanding the psychology of reading, and human growth and development;

“(II) understanding the structure of the English language; and

“(III) learning and applying the best teaching methods to all aspects of reading instruction;

“(iii) providing training in the use of technology as a tool to enhance a corps member's effectiveness as a teacher and improve the achievement of the corps member's students; and

“(iv) focusing on the teaching skills and knowledge that corps members need to enable all students to meet the State's highest challenging content and student performance standards;

“(B) placement of a corps member with the local educational agency participating in the recruitment partnership, in a teaching internship that—

“(i) includes intensive mentoring;

“(ii) provides a reduced teaching load; and

“(iii) provides regular opportunities for the corps member to co-teach with a mentor teacher, observe other teachers, and be observed and coached by other teachers;

“(C) individualized inservice training over the course of the corps member's first 2 years of full-time teaching that provides—

“(i) high-quality professional development, coordinated jointly by members of the recruitment partnership, and the course work necessary to provide additional or supplementary knowledge to meet the specific needs of the corps member; and

“(ii) ongoing mentoring by a teacher who meets the criteria for a mentor teacher described in paragraph (4)(B), including the requirements of section 2002(7); and

“(D) collaboration between the recruitment partnership, and local community student or parent groups, to assist corps members in enhancing their understanding of the community in which the members are placed.

“(3) Evaluation.—A recruitment partnership shall evaluate a corps member's progress in course study and classroom practice at regular intervals.

“(4) Mentor teachers.—

“(A) In general.—A recruitment partnership shall develop a plan for the program, which shall include strategies for identifying, recruiting, training, and providing ongoing support to individuals who will serve as mentor teachers to corps members.

“(B) Mentor teacher requirements.—The plan described in subparagraph (A) shall specify the criteria that the recruitment partnership will use to identify and select mentor teachers and, at a minimum, shall—

“(i) require a mentor teacher to meet the requirements of section 2002(7); and

“(ii) require that consideration be given to a teachers with national board certification.

“(C) Compensation.—The plan shall specify the compensation—

“(i) for mentor teachers, including monetary compensation, release time, or a reduced work load to ensure that mentor teachers can provide ongoing support for corps members; and

“(ii) for corps members, including salary levels and the stipends, if any, that will be provided during a corps member's summer or preservice training.

“(5) Assurances.—The plan shall include assurances that—

“(A) a corps member will be assigned to teach only academic subjects and grade levels for which the member is fully qualified;

“(B) corps members, to the extent practicable, will be placed in schools with teams of corps members; and

“(C) every mentor teacher will be provided sufficient time to meet the needs of the corps members assigned to the mentor teacher.

“(b) Corps Member Qualifications.—

“(1) Candidates intending to teach in elementary schools.—At a minimum, to be accepted by a teacher corps program, a candidate who intends to teach at the elementary school level shall—

“(A) have a bachelor's degree;

“(B) possess an outstanding commitment to working with children and youth;

“(C) possess a strong professional or postsecondary record of achievement; and

“(D) pass all basic skills and subject matter tests required by the State for teacher certification or licensure.

“(2) Candidates intending to teach in secondary schools.—At a minimum, to be accepted by a teacher corps program, a candidate who intends to teach at the secondary school level shall—

“(A) meet the requirements described in paragraph (1); and

“(B)(i) possess at least an academic major or postsecondary degree in each academic subject in which the candidate intends to teach; or

“(ii) if the candidate did not major or earn a postsecondary degree in an academic subject in which the candidate intends to teach, have completed a rigorous course of instruction in that subject that is equivalent to having majored in the subject.

“(3) Special rule.—Notwithstanding paragraph (2)(B), the recruitment partnership may consider the candidate to be an eligible corps member and accept the candidate for a teacher corps program if the candidate has worked successfully and directly in a field and in a position that provided the candidate with direct and substantive knowledge in the academic subject in which the candidate intends to teach.

“(c) Three-Year Commitment to Teaching in Eligible Districts.—

“(1) In general.—In return for acceptance to a teacher corps program, a corps member shall commit to 3 years of full-time teaching in a school or district served by a local educational agency participating in a recruitment partnership receiving funds under this subpart.

“(2) Reimbursement.—

“(A) In general.—If a corps member leaves the school district to which the corps member has been assigned prior to the end of the 3-year period described in paragraph (1), the corps member shall be required to reimburse the Secretary for the amount of the Federal share of the cost of the corps member's participation in the teacher corps program.

“(B) Partnership claims.—A recruitment partnership that provides a teacher corps program to a corps member who leaves the school district, as discussed in subparagraph (A), may submit a claim to the corps member requiring the corps member to reimburse the recruitment partnership for the amount of the partnership's share of the cost described in subparagraph (A).

“(C) Reduction.—Reimbursements required under this paragraph may be reduced proportionally based on the amount of time a corps member remained in the teacher corps program beyond the corps member's initial 2 years of service.

“(D) Waiver.—The Secretary may waive reimbursements required under subparagraph (A) in the case of severe hardship to a corps member who leaves the school district, as described in subparagraph (A).

“(d) Federal Share; Non-Federal Share.—

“(1) Payment of federal share.—The Secretary shall pay to each recruitment partnership carrying out a teacher corps program under this section the Federal share of the cost of the activities described in the partnership's application under section 2016(c).

"(2) Non-Federal share.—A recruitment partnership's share of the cost of the activities described in the partnership's application under section 2016(c)—

"(A) may be provided in cash or in kind, fairly evaluated, including plant, equipment, or services; and

"(B)(i) for the first year for which the partnership receives assistance under this subpart, shall be not less than 10 percent;

"(ii) for the second such year, shall be not less than 20 percent;

"(iii) for the third year such year, shall be not less than 30 percent;

"(iv) for the fourth such year, shall be not less than 40 percent; and

"(v) for the fifth such year, shall be not less than 50 percent.

"SEC. 2019. GRANTS TO PARTNERSHIPS OF INSTITUTIONS OF HIGHER EDUCATION AND LOCAL EDUCATIONAL AGENCIES.

"(a) Administration.—A State agency for higher education may use, from the funds made available to the agency under section 2013(a)(4) for any fiscal year, not more than 3⅓ percent for the expenses of the agency in administering this section, including conducting evaluations of activities on the performance measures described in section 2014(a)(2).

"(b) Grants to Partnerships.—

"(1) In general.—The State agency for higher education shall use the remainder of the funds, in cooperation with the State educational agency, to make grants to (including entering into contracts or cooperative agreements with) partnerships of—

"(A) institutions of higher education or nonprofit organizations of demonstrated effectiveness in providing professional development and mentoring in the core academic subjects; and

"(B) eligible local educational agencies (as defined in section 2015(b)(2)),

to carry out activities described in subsection (e).

"(2) Size; duration.—Each grant made under this section shall be—

"(A) in a sufficient amount to carry out the objectives of this section effectively; and

"(B) for a period of 3 years, which the State agency for higher education may extend for an additional 2 years if the agency determines that the partnership is making substantial progress toward meeting the specific goals set out in the written agreement required in subsection (c) and on the performance measures described in section 2014(a)(2).

"(3) Applications.—To be eligible to receive a grant under this section, a partnership shall submit an application to the State agency for higher education at such time, in such manner, and containing such information as the agency may reasonably require.

"(4) Award process and basis.—The State agency for higher education shall make the grants on a competitive basis, using a peer review process.

"(5) Priority.—In making the grants, the State agency for higher education shall give priority to partnerships submitting applications for projects that focus on induction programs for beginning teachers.

"(6) Considerations.—In making such a grant for a partnership, the State agency for higher education shall consider—

"(A) the need of the local educational agency involved for the professional development and mentoring activities proposed in the application;

"(B) the quality of the program proposed in the application and the likelihood of success of the program in improving classroom instruction and student academic achievement; and

"(C) such other criteria as the agency finds to be appropriate.

"(c) Agreements.—

"(1) In general.—No partnership may receive a grant under this section unless the institution of higher education or nonprofit organization involved enters into a written agreement with at least 1 eligible local educational agency (as defined in section 2015(b)(2)) to provide professional development and mentoring for elementary and secondary school teachers in the schools served by that agency in the core academic subjects.

"(2) Goals.—Each such agreement shall identify specific goals concerning how the professional development and mentoring that the partnership provides will enhance the ability of the teachers to prepare all students to meet challenging State and local content and student performance standards.

"(d) Joint Efforts Within Institutions of Higher Education.—Each professional development and mentoring activity assisted under this section by a partnership containing an institution of higher education shall involve the joint effort of the institution of higher education's school or department of education and the schools or departments of the institution in the specific disciplines in which the professional development and mentoring will be provided.

"(e) Uses of Funds.—A partnership that receives funds under this section shall use the funds for—

"(1) professional development and mentoring in the core academic subjects, aligned with State or local content standards, for teams of teachers from a school or school district and, where appropriate, administrators and paraprofessionals on a career track;

"(2) research-based professional development and mentoring programs to assist beginning teachers, which may include—

"(A) mentoring and coaching by trained mentor teachers that lasts at least 2 years;

"(B) team teaching with veteran teachers;

"(C) provision of time for observation of, and consultation with, veteran teachers;

"(D) provision of reduced teaching loads; and

"(E) provision of additional time for preparation;

"(3) the provision of technical assistance to school and agency staff for planning, implementing, and evaluating professional development and mentoring; and

"(4) in appropriate cases, the provision of training to address areas of teacher and administrator shortages.

"(f) Coordination.—Any partnership that carries out professional development and mentoring activities under this section shall coordinate the activities with activities carried out under title II of the Higher Education Act of 1965, if a local educational agency or institution of higher education in the partnership is participating in programs funded under that title.

"(g) Annual Reports.—

"(1) In general.—Beginning with fiscal year 2002, each partnership that receives a grant under this section shall prepare and submit to the appropriate State agency for higher education, by a date set by that agency, an annual report on the progress of the partnership on the performance measures described in section 2014(a)(2).

"(2) Contents.—Each such report shall—

"(A) include a copy of each written agreement required by subsection (c) that is entered into by the partnership; and

"(B) describe how the members of the partnership have collaborated to achieve the specific goals set out in the agreement, and the results of that collaboration.

"(3) Copy.—The State agency for higher education shall provide the State educational agency with a copy of each such report.

"Chapter 2—Accountability

"SEC. 2021. STATE APPLICATION ACCOUNTABILITY PROVISIONS.

"(a) Assurances.—Each State application submitted under section 2012 shall contain assurances that, not later than 4 years after the date of enactment of the Affordable Education Act of 1999—

"(1) each teacher in the State who provides services to students served under this subpart will be certified or licensed and will have demonstrated the academic subject knowledge, teaching knowledge, and teaching skills necessary to teach effectively in the academic subject in which the teacher teaches, according to the criteria described in this section; and

"(2) funds provided to the State under this subpart will not be used to support teachers for whom State qualification or licensing requirements have been waived or who are teaching under an emergency or other provisional credential.

"(b) Elementary School Instructional Staff.—For purposes of complying with subsection (a)(1), a State shall provide an assurance that each elementary school teacher (other than a middle school teacher) in the State shall, at a minimum—

"(1) have State certification or a State license to teach (which may include certification or licensing obtained through alternative routes); and

"(2) hold a bachelor's degree and demonstrate the academic subject knowledge, teaching knowledge, and teaching skills required to teach effectively in reading, writing, mathematics, social studies, science, and other academic subjects.

"(c) Middle School and Secondary School Instructional Staff.—For purposes of complying with subsection (a)(1), a State shall provide an assurance that each middle school or secondary school teacher in the State shall, at a minimum—

"(1) have State certification or a State license to teach (which may include certification or licensing obtained through alternative routes); and

"(2) hold a bachelor's degree or higher degree and demonstrate a high level of competence in all academic subjects in which the teacher teaches through—

"(A) achievement of a high level of performance on rigorous academic subject tests;

"(B) completion of an academic major (or courses totaling an equivalent number of credit hours) in each of the academic subjects in which the teacher teaches; or

"(C) achievement of a high level of performance in relevant academic subjects through other professional employment experience.

"(d) Assistance by State Educational Agency.—Each State application submitted under section 2012 shall describe how the State educational agency will help each local educational agency and school in the State develop the capacity to comply with the requirements of this section.

"SEC. 2022. STATE REPORTS.

"(a) Report to Secretary.—

"(1) In General.—Each State that receives funds under this subpart shall annually prepare and submit to the Secretary a report containing—

"(A) information on the activities of the State under this subpart;

"(B) information on the effectiveness of the activities, and the progress of recipients of grants under this subpart, on performance measures described in section 2014(a)(2); and

"(C) such other information as the Secretary may reasonably require.

"(2) DEADLINES.—The State shall submit the reports described in paragraph (1) by such deadlines as the Secretary may establish.

"(b) PUBLIC ACCOUNTABILITY.—

"(1) IN GENERAL.—Each State that receives funds under this subpart—

"(A) in the event the State provides public State report cards on education, shall include in such report cards—

"(i) the percentage of classes in core academic subjects that are taught by out-of-field teachers; and

"(ii) the average statewide class size; or

"(B) in the event the State provides no such report card, shall disseminate to the public the information described in clauses (i) and (ii) of subparagraph (A) through other means.

"(2) PUBLIC AVAILABILITY.—Such information shall be made widely available to the public, including parents and students, throughout the State.

"SEC. 2023. LOCAL APPLICATION ACCOUNTABILITY PROVISIONS.

"Each local application submitted under section 2016 shall contain assurances that—

"(1) the agency will not hire any teacher for a program supported with funds made available to the agency under this subpart, unless the teacher—

"(A) is certified or licensed in the field in which the teacher will teach; or

"(B) has a bachelor's degree and is enrolled in a program through which the teacher will obtain such certification or licensing within 3 years;

"(2) the local educational agency and schools served by the agency will work to ensure, through voluntary agreements and incentive programs, that elementary school and secondary school teachers in high-poverty schools served by the local educational agency will be at least as well qualified, in terms of experience and credentials, as the instructional staff in schools served by the same local educational agency that are not high-poverty schools;

"(3) any teacher who receives certification from the National Board for Professional Teaching Standards will be considered fully qualified to teach, in the academic subjects in which the teacher is certified, in high-poverty schools in any school district or community served by the local educational agency; and

"(4) the agency will—

"(A) make available, on request and in an understandable and uniform format, to any parent of a student attending any school served by the local educational agency, information regarding the qualifications of the student's classroom teacher with regard to the academic subject in which the teacher teaches; and

"(B) inform parents that the parents are entitled to receive the information upon request.

"SEC. 2024. LOCAL CONTINUATION OF FUNDING.

"(a) AGENCIES.—If a local educational agency applies for funds under this subpart for a 4th or subsequent fiscal year (including applying for funds as part of a partnership), the agency may receive the funds for that fiscal year only if the State determines that the agency has demonstrated that the agency, in carrying out activities under this subpart during the past fiscal year, has—

"(1) improved student performance;

"(2) increased participation in sustained professional development and mentoring programs;

"(3) reduced the beginning teacher attrition rate for the agency; and

"(4) reduced the number of teachers who are not certified or licensed, and the number who are out-of-field teachers, for the agency.

"(b) SCHOOLS.—If a local educational agency applies for funds under this subpart on behalf of a school for a 4th or subsequent fiscal year (including applying for funds as part of a partnership), the agency may receive the funds for the school for that fiscal year only if the State determines that the school has demonstrated that the school, in carrying out activities under this subpart during the past fiscal year, has met the requirements of paragraphs (1) through (4) of subsection (a).

"(c) RECRUITMENT PARTNERSHIPS.—

"(1) IN GENERAL.—If not more than 90 percent of the graduates of a teacher corps program assisted under this subpart for a fiscal year pass applicable State or local initial teacher licensing or certification examinations, the recruitment partnership providing the teacher corps program shall be ineligible to receive grant funds for the succeeding fiscal year.

"(2) WAIVER.—The State in which the partnership is located may waive the requirement described in paragraph (1) for a recruitment partnership serving a school district that has special circumstances, such as a district with a small number of corps members.

"SEC. 2025. LOCAL REPORTS.

"(a) IN GENERAL.—Each local educational agency that receives funds under this subpart (including funds received through a partnership) shall prepare, make publicly available, and submit to the State educational agency, every year, beginning in fiscal year 2002, a report on the activities of the agency under this subpart, in such form and containing such information as the State educational agency may reasonably require.

"(b) CONTENTS.—The report shall contain, at a minimum—

"(1) information on progress throughout the schools served by the local educational agency on the performance measures described in section 2014(a)(2);

"(2) information on progress throughout the schools served by the local educational agency toward achieving the objectives of this subpart;

"(3) data on the progress described in paragraphs (1) and (2), disaggregated by school poverty level, as defined by the State; and

"(4) a description of the methodology used to gather the information and data described in paragraphs (1) through (3).

"Subpart 2—National Activities for the Improvement of Teaching and School Leadership

"SEC. 2031. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—The Secretary is authorized to make grants to, and to enter into contracts and cooperative agreements with, local educational agencies, educational service agencies, State educational agencies, State agencies for higher education, institutions of higher education, and other public and private nonprofit agencies, organizations, and institutions to carry out subsection (b).

"(b) ACTIVITIES.—In making the grants, and entering into the contracts and cooperative agreements, the Secretary—

"(1) may support activities of national significance that are not supported through other sources and that the Secretary determines will contribute to the improvement of teaching and school leadership in the Nation's schools, such as—

"(A) supporting collaborative efforts by States, or consortia of States, to review and measure the quality, rigor, and alignment of State standards and assessments;

"(B) supporting the development of models, at the State and local levels, of innovative compensation systems that—

"(i) provide incentives for talented individuals who have a strong knowledge of academic content to enter teaching; and

"(ii) reward veteran teachers who acquire new knowledge and skills that are needed in the schools and districts in which the teachers teach; and

"(C) supporting collaborative efforts by States, or consortia of States, to develop performance-based systems for assessing content knowledge and teaching skills of teachers prior to initial certification or licensure of the teachers;

"(2) may support activities of national significance that the Secretary determines will contribute to the recruitment and retention of highly qualified teachers and principals in schools served by high-poverty local educational agencies, such as—

"(A) the development and implementation of a national teacher recruitment clearinghouse and job bank, which shall be coordinated and, to the extent feasible, integrated with the America's Job Bank administered by the Secretary of Labor, to—

"(i) disseminate information and resources nationwide on entering the teaching profession, to persons interested in becoming teachers;

"(ii) serve as a national resource center regarding effective practices for teacher professional development and mentoring, recruitment, and retention;

"(iii) link prospective teachers to local educational agencies and training resources;

"(iv) provide information and technical assistance to prospective teachers about certification and licensing and other State and local requirements related to teaching; and

"(v) provide data projections concerning teacher and administrator supply and demand and available teaching and administrator opportunities;

"(B) the development and implementation, or expansion, of programs that recruit talented individuals to become principals, including such programs that employ alternative routes to State certification or licensing that are at least as rigorous as the State's standards for initial certification or licensing of teachers, and that prepare both new and experienced principals to serve as instructional leaders, which may include the creation and operation of a national center or regional centers for the preparation and support of principals as leaders of school reform;

"(C) efforts to increase the portability of teacher pensions and reciprocity of teaching credentials across State lines;

"(D) research, evaluation, and dissemination activities related to effective strategies for increasing the portability of teachers' credited years of experience across State and school district lines;

"(E) the development and implementation of national or regional programs to—

"(i) recruit highly talented individuals to become teachers, through alternative routes to certification or licensing, in schools served by high-poverty local educational agencies; and “(ii) help retain the individuals for more than 3 years as classroom teachers in schools served by the local educational agencies; and

“(F) the establishment of partnerships of high-poverty local educational agencies, teacher organizations, and local businesses, in order to help the agencies attract and retain high-quality teachers and principals through provision of increased pay, combined with reforms to raise teacher performance including use of regular, rigorous peer evaluations and (where appropriate) student evaluations of every teacher;

“(3)(A) shall carry out a national evaluation, not sooner than 3 years after the date of enactment of the Affordable Education Act of 1999, of the effect of activities carried out under this title, including an assessment of changes in instructional practice and objective measures of student achievement; and

“(B) shall submit a report containing the results of the evaluation to Congress;

“(4) shall annually submit to Congress a report on the information contained in the State reports described in section 2022; and

“(5) may support the National Board for Professional Teaching Standards.

“SEC. 2032. EISENHOWER NATIONAL CLEARINGHOUSE FOR MATHEMATICS AND SCIENCE EDUCATION.

“(a) ESTABLISHMENT OF CLEARINGHOUSE.—The Secretary shall award a grant or contract, on a competitive basis, to an entity to establish and operate an Eisenhower National Clearinghouse for Mathematics and Science Education (referred to in this section as ‘the Clearinghouse’).

“(b) AUTHORIZED ACTIVITIES.—

“(1) APPLICATION AND AWARD BASIS.—

“(A) IN GENERAL.—An entity desiring to establish and operate the Clearinghouse shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

“(B) PEER REVIEW.—The Secretary shall establish a peer review panel to make recommendations on the recipient of the award for the Clearinghouse.

“(C) BASIS.—The Secretary shall make the award for the Clearinghouse on the basis of merit.

“(2) DURATION.—The Secretary shall award the grant or contract for the Clearinghouse for a period of 5 years.

“(3) ACTIVITIES.—The award recipient shall use the award funds to—

“(A) maintain a permanent collection of such mathematics and science education instructional materials and programs for elementary schools and secondary schools as the Secretary finds appropriate, and give priority to maintaining such materials and programs that have been identified as promising or exemplary, through a systematic approach such as the use of expert panels required under the Educational Research, Development, Dissemination, and Improvement Act of 1994;

“(B) disseminate the materials and programs described in subparagraph (A) to the public, State educational agencies, local educational agencies, and schools (particularly high-poverty, low-performing schools), including dissemination through the maintenance of an interactive national electronic information management and retrieval system accessible through the World Wide Web and other advanced communications technologies;

“(C) coordinate activities with entities operating other databases containing mathematics and science curriculum and instructional materials, including Federal, non-Federal, and, where feasible, international databases;

“(D) using not more than 10 percent of the amount awarded under this section for any fiscal year, participate in collaborative meetings of representatives of the Clearinghouse and regional mathematics and science education consortia to—

“(i) discuss issues of common interest and concern;

“(ii) foster effective collaboration and cooperation in acquiring and distributing instructional materials and programs; and

“(iii) coordinate and enhance computer network access to the Clearinghouse and the resources of the regional consortia;

“(E) support the development and dissemination of model professional development and mentoring materials for mathematics and science education;

“(F) contribute materials or information, as appropriate, to other national repositories or networks; and

“(G) gather qualitative and evaluative data on submissions to the Clearinghouse, and disseminate that data widely, including through the use of electronic dissemination networks.

“(4) SUBMISSION TO CLEARINGHOUSE.—Each Federal agency or department that develops mathematics or science education instructional materials or programs, including the National Science Foundation and the Department, shall submit copies of that materials or those programs to the Clearinghouse.

“(5) STEERING COMMITTEE.—The Secretary may appoint a steering committee to recommend policies and activities for the Clearinghouse.

“(6) APPLICATION OF COPYRIGHT LAWS.—

“(A) CONSTRUCTION.—Nothing in this section shall be construed to allow the use or copying, in any medium, of any material collected by the Clearinghouse that is protected under the copyright laws of the United States unless the Clearinghouse obtains the permission of the owner of the copyright.

“(B) COMPLIANCE.—In carrying out this section, the Clearinghouse shall ensure compliance with title 17, United States Code.

“Subpart 3—Transition to Teaching

“SEC. 2041. PURPOSE.

“The purpose of this subpart is to address the need of high-poverty local educational agencies for highly qualified teachers in particular academic subjects, such as mathematics, science, foreign languages, bilingual education, and special education needed by the agencies, by—

“(1) continuing and enhancing the Troops to Teachers model for recruiting and supporting the placement of such teachers; and

“(2) recruiting, preparing, placing, and supporting career-changing professionals who have knowledge and experience that will help the professionals become such teachers.

“SEC. 2042. DEFINITIONS.

“In this subpart:

“(1) PROGRAM PARTICIPANT.—The term ‘program participant’ means a career-changing professional who—

“(A) demonstrates interest in, and commitment to, becoming a teacher; and

“(B) has knowledge and experience that is relevant to teaching a high-need academic subject for a high-poverty local educational agency.

“(2) SECRETARY.—The term ‘Secretary’ means the Secretary of Education, except as otherwise determined in accordance with the agreements described in section 2043(b).

“SEC. 2043. PROGRAM AUTHORIZED.

“(a) AUTHORITY.—Subject to subsection (b), using funds made available to carry out this subpart under section 2003(2)(A) for each fiscal year, the Secretary may award grants, contracts, or cooperative agreements to institutions of higher education and public and private nonprofit agencies or organizations to carry out programs authorized under this subpart.

“(b) IMPLEMENTATION.—

“(1) CONSULTATION.—Before making awards under subsection (a) for any fiscal year, the Secretary of Education shall—

“(A) consult with the Secretary of Defense and the Secretary of Transportation regarding the appropriate amount of funding needed to carry out this subpart; and

“(B) upon agreement, transfer that amount to the Department of Defense to carry out this subpart.

“(2) AGREEMENT.—The Secretary of Education may enter into a written agreement with the Secretary of Defense and the Secretary of Transportation, or take such other steps as the Secretary of Education determines are appropriate, to ensure effective implementation of this subpart.

“SEC. 2044. APPLICATION.

“Each entity that desires an award under section 2043(a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

“(1) a description of the target group of career-changing professionals on which the entity will focus in carrying out a program under this subpart, including a description of the characteristics of that target group that shows how the knowledge and experience of the members of the group are relevant to meeting the purpose of this subpart;

“(2) a description of how the entity will identify and recruit program participants;

“(3) a description of the training that program participants will receive and how that training will relate to their certification or licensing as teachers;

“(4) a description of how the entity will ensure that program participants are placed with, and teach for, high-poverty local educational agencies;

“(5) a description of the teacher induction services (which may be provided through induction programs in existence on the date of submission of the application) the program participants will receive throughout at least their first year of teaching;

“(6) a description of how the entity will collaborate, as needed, with other institutions, agencies, or organizations to recruit, train, place, and support program participants under this subpart, including evidence of the commitment of the institutions, agencies, or organizations to the entity’s program;

“(7) a description of how the entity will evaluate the progress and effectiveness of the entity’s program, including a description of—

“(A) the program’s goals and objectives;

“(B) the performance indicators the entity will use to measure the program’s progress; and

“(C) the outcome measures that the entity will use to determine the program’s effectiveness; and

“(8) an assurance that the entity will provide to the Secretary such information as the Secretary determines to be necessary to determine the overall effectiveness of programs carried out under this subpart.

``SEC. 2045. USES OF FUNDS AND PERIOD OF SERVICE.

``(a) AUTHORIZED ACTIVITIES.—Funds made available under this subpart may be used for—

``(1) recruiting program participants, including informing individuals who are potential participants of opportunities available under the program and putting the individuals in contact with other institutions, agencies, or organizations that would train, place, and support the individuals;

``(2) providing training stipends and other financial incentives for program participants, such as paying for moving expenses, not to exceed $5,000, in the aggregate, per participant;

``(3) assisting institutions of higher education or other providers of teacher training to tailor their training to meet the particular needs of professionals who are changing their careers to teaching;

``(4) providing placement activities, including identifying high-poverty local educational agencies with needs for the particular skills and characteristics of the newly trained program participants and assisting the participants to obtain employment with the local educational agencies; and

``(5) providing post-placement induction or support activities for program participants.

``(b) PERIOD OF SERVICE.—A program participant in a program under carried out under this subpart who completes the participant's training shall serve in a high-poverty local educational agency for at least 3 years.

``(c) REPAYMENT.—The Secretary shall establish such requirements as the Secretary determines to be appropriate to ensure that program participants who receive a training stipend or other financial incentive under subsection (a)(2), but fail to complete their service obligation under subsection (b), repay all or a portion of such stipend or other incentive.

``SEC. 2046. EQUITABLE DISTRIBUTION.

``To the extent practicable, the Secretary shall make awards under this subpart that support programs in different geographic regions of the Nation.

``Subpart 4—Hometown Teachers

``SEC. 2051. PURPOSE.

``The purpose of this subpart is to support the efforts of high-need local educational agencies to develop and implement comprehensive approaches to recruiting and retaining highly qualified teachers, including recruiting such teachers through Hometown Teacher programs that carry out long-term strategies to expand the capacity of the communities served by the agencies to produce local teachers.

``SEC. 2052. DEFINITION.

``The term `high-need local educational agency' means a local educational agency that serves an elementary school or secondary school located in an area in which there is—

``(1) a high percentage (as determined by the State in which the agency is located) of individuals from families with incomes below the poverty line; or

``(2) a high percentage (as determined by the State in which the agency is located) of secondary school teachers not teaching in the content area in which the teachers were trained to teach.

``SEC. 2053. PROGRAM AUTHORIZED.

``From funds made available to carry out this subpart under section 2003(2)(B) for each fiscal year, the Secretary may award grants to high-need local educational agencies to carry out Hometown Teacher programs and other activities described in this subpart.

``SEC. 2054. APPLICATIONS.

``Each high-need local educational agency that desires to receive a grant under section 2053 shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

``(1) a description of the local educational agency's assessment of the agency's needs for teachers, such as the agency's projected shortage of qualified teachers and the percentage of teachers serving the agency who lack certification or licensure or who are teaching out of field;

``(2) a description of a Hometown Teacher program that the local educational agency plans to develop and implement with the funds made available through the grant, including a description of—

``(A) strategies the agency will use to—

``(i) encourage secondary school and middle school students in schools served by the local educational agency to consider pursuing careers in the teaching profession; and

``(ii) provide support at the undergraduate level to those students who intend to become teachers; and

``(B) the agency's plans to streamline the hiring practices of the agency for participants in the Hometown Teacher program;

``(3) a description of the long-term strategies that the agency will use, if any, to reduce the agency's teacher attrition rate, including providing mentoring programs and making efforts to raise teacher salaries and create more desirable working conditions for teachers;

``(4) a description of the agency's strategy for ensuring that all secondary school teachers and middle school teachers in the school district are fully certified or licensed in an academic subject and are teaching the majority of their classes in the subject in which the teachers are certified or licensed;

``(5) a description of the short-term strategies the agency will use, if any, to address the agency's teacher shortage problem, including the strategies the agency will use to ensure that the teachers that the local educational agency is targeting for employment are fully certified or licensed;

``(6) a description of the agency's long-term plan for ensuring that the agency's teachers have opportunities for sustained, high-quality professional development;

``(7) a description of the ways in which the activities proposed to be carried out through the grant are part of the agency's overall plan for improving the quality of teaching and student achievement;

``(8) a description of how the agency will collaborate, as needed, with other institutions, agencies, or organizations to develop and implement the strategies the agency proposes in the application, including evidence of the commitment of the institutions, agencies, or organizations to the agency's activities;

``(9) a description of the strategies the agency will use to coordinate activities funded under the program carried out under this subpart with activities funded through other Federal programs that address teacher shortages, including programs carried out through grants to local educational agencies under title I or this title, including subpart 3, if the applicant receives funds from the programs;

``(10) a description of how the agency will evaluate the progress and effectiveness of the Hometown Teacher program, including a description of—

``(A) the agency's goals and objectives for the program;

``(B) the performance indicators that the agency will use to measure the program's effectiveness; and

``(C) the measurable outcome measures, such as increased percentages of fully certified or licensed teachers, that the agency will use to determine the program's effectiveness; and

``(11) an assurance that the agency will provide to the Secretary such information as the Secretary determines to be necessary to determine the overall effectiveness of programs carried out under this subpart.

``SEC. 2055. PRIORITY.

``In awarding grants under this subpart, the Secretary may give priority to agencies submitting applications that—

``(1) focus on increasing the percentage of qualified teachers in particular teaching fields, such as mathematics, science, and bilingual education; and

``(2) focus on recruiting qualified teachers for certain types of communities, such as urban and rural communities.

``SEC. 2056. USE OF FUNDS.

``(a) MANDATORY USE OF FUNDS.—A local educational agency that receives a grant under this subpart shall use the funds made available through the grant to develop and implement long-term strategies to address the agency's teacher shortage, including carrying out Hometown Teacher programs such as the programs described in section 2051.

``(b) PERMISSIBLE USE OF FUNDS.—A local educational agency that receives a grant under this subpart may use the funds made available through the grant to—

``(1) develop and implement strategies to reduce the local educational agency's teacher attrition rate, including providing mentoring programs, increasing teacher salaries, and creating more desirable working conditions for teachers; and

``(2) develop and implement short-term strategies to address the agency's teacher shortage, including providing scholarships to undergraduates who agree to teach in the school district served by the agency for a certain number of years, providing signing bonuses for teachers, and implementing streamlined hiring practices.

``(c) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this subpart shall be used to supplement, and shall not supplant, State and local funds expended to carry out programs and activities authorized under this subpart.

``SEC. 2057. SERVICE REQUIREMENTS.

``(a) IN GENERAL.—The Secretary shall establish such requirements as the Secretary finds to be necessary to ensure that a recipient of a scholarship under this subpart who completes a teacher education program subsequently—

``(1) teaches in a school district served by a high-need local educational agency, for a period of time equivalent to the period for which the recipient received the scholarship; or

``(2) repays the amount of the funds provided through the scholarship.

``(b) USE OF REPAID FUNDS.—The Secretary shall deposit any such repaid funds in an account, and use the funds to carry out additional activities under this subpart.''.

(b) CONFORMING AMENDMENT.—The Troops-to-Teachers Program Act of 1999 (20 U.S.C. 9301 et seq.) is repealed.

(c) TECHNICAL AMENDMENTS.—

(1) RESTATEMENT OF AUTHORIZATION LANGUAGE.—Part D of title II of the Elementary and Secondary Education Act of 1965 (20

U.S.C. 6671 et seq.) is amended by adding at the end the following:

"SEC. 2307. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part $3,200,000 for each of fiscal years 1995 through 1999.".

(2) Clearinghouse.—Section 13302(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8672(1)) is amended by striking "section 2102(b)" and inserting "section 2032".

(3) References.—Sections 14101(10)(C) and 14503(b)(1)(B) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801(10)(C) and 8893(b)(1)(B)) are amended by striking "section 2103 and".

BOXER (AND OTHERS) AMENDMENT NO. 2873

Mrs. BOXER (for herself, Mr. Schumer, Mr. Levin, Mr. Johnson, and Mr. Robb) proposed an amendment to the bill, S. 1134, supra; as follows:

At the appropriate place, add the following:

SEC. . SENSE OF THE SENATE REGARDING A SAFE LEARNING ENVIRONMENT.

(a) Findings.—Congress finds that—

(1) Every school child in America has a right to a safe learning environment free from guns and violence.

(2) Any education measure passed by Congress is undermined by violence in the schools.

(3) The February 29, 2000 shooting at Buell Elementary School in Mount Morris Township, Michigan, is evidence that the tragic gun violence in America's schools continues.

(4) In the last 12 months, there have been at least 50 people killed or injured in school shootings in America.

(5) Every day in America, on average, between 12 and 13 children under the age of 18 die of gunshots from homicides, accidental shootings, and suicides.

(6) In the 10½ months since the shooting at Columbine High School in Littleton, Colorado, the United States Congress has failed to pass reasonable, common-sense gun control measures that would help to make schools safer, improve the learning environment, and stem the tide of gun violence in America.

(b) Sense of the Senate.—It is the sense of the Senate that before April 20, 2000, Congress shall make schools safe for learning by implementing policies that will reduce the threat of gun violence in schools.

COVERDELL AMENDMENT NO. 2874

Mr. COVERDELL proposed an amendment to amendment No. 2873 proposed by Mrs. Boxer to the bill, S. 1134, supra; as follows:

Strike all after the first work and insert the following:

SENSE OF THE SENATE REGARDING A SAFE LEARNING ENVIRONMENT.

(a) Findings.—Congress finds that—

(1) Every school child in America should have a safe learning environment free from violence and illegal drugs.

(2) Violence and illegal drugs in the schools undermine a safe and secure learning environment.

(3) Any instance of violence or illegal drugs in schools is unacceptable and undermines the efforts of Congress, state and local governments and school boards, and parents to provide American children with the best education possible.

(4) In the last 12 months, there have been at least 50 people killed or injured in school shootings in America.

(5) From 1992 through 1998, the number of referrals made by the Bureau of Alcohol, Tobacco, and Firearms to the Federal Bureau of Investigation for federal firearms prosecutions fell 44%, which resulted in a 40% drop in prosecutions and a 31% decline in convictions, allowing criminals to remain on the streets preying on our most vulnerable citizens, including our children.

(6) From 1996 to 1998, the Justice Department only prosecuted an average of seven persons per year for illegally transferring a handgun to a juvenile.

(7) Since 1992, the percentage of 8th grade students using marijuana, cocaine, and heroin in the past 30 days has increased 162%, 86%, and 50%, respectively, according to the respected Monitoring the Future survey.

(8) The February 29, 2000, shooting at Buell Elementary School in Mount Morris Township, Michigan, is evidence that gun violence in American schools continues, that the drug culture contributes to youth violence, and that the breakdown of the American family has contributed to the increase in violence among American children.

(b) Sense of the Senate.—It is the sense of the Senate that the reauthorization of the Safe and Drug-Free Schools program that Congress soon will be considering should target the elimination of illegal drugs and violence in our schools and should encourage local schools to insist on zero-tolerance policies towards violence and illegal drug use.

KENNEDY (AND OTHERS) AMENDMENT NO. 2875

Mr. KENNEDY (for himself, Mr. Bingaman, Mr. Reed, and Mr. Wellstone) proposed an amendment to the bill, S. 1134, supra; as follows:

Strike section 101 and insert the following:

SEC. 101. FEDERAL PELL GRANTS.

There are appropriated to carry out subpart 1 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a) $1,200,000,000, which amount is equal to the projected revenue increase resulting from striking the amendments made to the Internal Revenue Code of 1986 by section 101 of this Act as reported by the Committee on Finance of the Senate.

FEINSTEIN AMENDMENT NO. 2876

Mrs. Feinstein (for herself, Mr. Sessions, Mr. Byrd, and Mr. Lieberman) proposed an amendment to the bill, S. 1134, supre; as follows:

At the appropriate place, insert the following:

SEC. . ACHIEVEMENT STANDARDS AND ASSESSMENT OF STUDENT PERFORMANCE.

In order to receive Federal funds under the Elementary and Secondary Education Act of 1965 each local educational agency and State educational agency shall—

(1) require that students served by the agency be subject to State achievement standards in the core curriculum, to be determined by the State, for all elementary through secondary students; and

(2) assess student performance in meeting the State achievement standards at key transition points, such as grades 4, 8, and 12, before promotion to the next grade level.

SEC. . POLICY PROHIBITING SOCIAL PROMOTION.

(a) Policy.—No education funds appropriated under the Elementary and Secondary Education Act of 1965 shall be made available to a local educational agency in a State unless the State demonstrates to the Secretary of Education that the State has adopted a policy prohibiting the practice of social promotion.

(b) Definition.—In this section, the term "practice of social promotion" means a formal or informal practice of promoting a student from the grade for which the determination is made to the next grade when the student fails to achieve a minimum level of achievement and proficiency in the core curriculum for the grade for which the determination is made.

(c) Waiver Prohibited.—Notwithstanding any other provision of law, the Secretary of Education may not waive the provisions of this section.

KERRY AMENDMENT NO. 2877

Mr. KERRY submitted an amendment intended to be proposed by him to the bill, S. 1134, supra; as follows:

At the appropriate place, add the following:

TITLE —AMENDMENTS TO THE HIGHER EDUCATION ACT OF 1965

SEC. 01. SCHOLARSHIPS FOR FUTURE TEACHERS.

Part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) is amended by adding at the end the following:

"Subpart 9—Scholarships for Future Teachers

"SEC. 420L. STATEMENT OF PURPOSE.

"It is the purpose of this subpart to establish a scholarship program to promote student excellence and achievement and to encourage students to make a commitment to teaching.

"SEC. 420M. SCHOLARSHIPS AUTHORIZED.

"(a) Program Authority.—The Secretary is authorized, in accordance with the provisions of this subpart, to make grants to States to enable the States to award scholarships to individuals who have demonstrated outstanding academic achievement and who make a commitment to become State certified teachers in elementary schools or secondary schools that are served by local educational agencies.

"(b) Period of Award.—Scholarships under this section shall be awarded for a period of not less than 1 and not more than 4 years during the first 4 years of study at any institution of higher education eligible to participate in any program assisted under this title. The State educational agency administering the scholarship program in a State shall have discretion to determine the period of the award (within the limits specified in the preceding sentence).

"(c) Use at Any Institution Permitted.—A student awarded a scholarship under this subpart may attend any institution of higher education.

"SEC. 420N. ALLOCATION AMONG STATES.

"(a) Allocation Formula.—From the sums appropriated under section 420U for any fiscal year, the Secretary shall allocate to each State that has an agreement under section 420O an amount that bears the same relation to the sums as the amount the State received under part A of title I of the Elementary and Secondary Education Act of 1965 bears to the amount received under such part A by all States.

"(b) Amount of Scholarships.—The Secretary shall promulgate regulations setting forth the amount of scholarships awarded under this subpart.

"SEC. 420O. AGREEMENTS.

"The Secretary shall enter into an agreement with each State desiring to participate in the scholarship program authorized by this subpart. Each such agreement shall include provisions designed to ensure that—

"(1) the State educational agency will administer the scholarship program authorized by this subpart in the State;

"(2) the State educational agency will comply with the eligibility and selection provisions of this subpart;

"(3) the State educational agency will conduct outreach activities to publicize the availability of scholarships under this subpart to all eligible students in the State, with particular emphasis on activities designed to assure that students from low-income and moderate-income families have access to the information on the opportunity for full participation in the scholarship program authorized by this subpart; and

"(4) the State educational agency will pay to each individual in the State who is awarded a scholarship under this subpart an amount determined in accordance with regulations promulgated under section 420N(b).

"SEC. 420P. ELIGIBILITY OF SCHOLARS.

"(a) Secondary School Graduation or Equivalent and Admission to Institution Required.—Each student awarded a scholarship under this subpart shall—

"(1) have a secondary school diploma or its recognized equivalent;

"(2) have a score on a nationally recognized college entrance exam, such as the Scholastic Aptitude Test (SAT) or the American College Testing Program (ACT), that is in the top 20 percent of all scores achieved by individuals in the secondary school graduating class of the student, or have a grade point average that is in the top 20 percent of all students in the secondary school graduating class of the student;

"(3) have been admitted for enrollment at an institution of higher education; and

"(4) make a commitment to become a State certified elementary school or secondary school teacher for a period of 5 years.

"(b) Selection Based on Commitment to Teaching.—Each student awarded a scholarship under this subpart shall demonstrate outstanding academic achievement and show promise of continued academic achievement.

"SEC. 420Q. SELECTION OF SCHOLARS.

"(a) Establishment of Criteria.—The State educational agency is authorized to establish the criteria for the selection of scholars under this subpart.

"(b) Adoption of Procedures.—The State educational agency shall adopt selection procedures designed to ensure an equitable geographic distribution of scholarship awards within the State.

"(c) Consultation Requirement.—In carrying out its responsibilities under subsections (a) and (b), the State educational agency shall consult with school administrators, local educational agencies, teachers, counselors, and parents.

"(d) Timing of Selection.—The selection process shall be completed, and the awards made, prior to the end of each secondary school academic year.

"SEC. 420R. SCHOLARSHIP CONDITION.

"The State educational agency shall establish procedures to assure that a scholar awarded a scholarship under this subpart pursues a course of study at an institution of higher education that is related to a career in teaching.

"SEC. 420S. RECRUITMENT.

"In carrying out a scholarship program under this section, a State may use not less than 5 percent of the amount awarded to the State under this subpart to carry out recruitment programs through local educational agencies. Such programs shall target liberal arts, education and technical institutions of higher education in the State.

"SEC. 420T. INFORMATION.

"The Secretary shall develop additional programs or strengthen existing programs to publicize information regarding the programs assisted under this title and teaching careers in general.

"SEC. 420U. APPROPRIATIONS.

"There are authorized to be appropriated, and there are appropriated, to carry out this subpart $10,000,000 for each of the fiscal years 2001 through 2005, of which not more than 0.5 percent shall be used by the Secretary in any fiscal year to carry out section 420T.".

SEC. 02. LOAN FORGIVENESS AND CANCELLATION FOR TEACHERS.

(a) Federal Stafford Loans.—Section 428J of Higher Education Act of 1965 (20 U.S.C. 1078–10) is amended—

(1) in the matter preceding subparagraph (A) of subsection (b)(1), by striking "for 5 consecutive complete school years";

(2) by amending paragraph (1) of subsection (c) to read as follows:

"(1) Amount.—

"(A) In general.—The Secretary shall repay—

"(i) not more than $5,000 in the aggregate of the loan obligation on a loan made under section 428 or 428H that is outstanding after the completion of the second complete school year of teaching described in subsection (b)(1); and

"(ii) not more than $5,000 in the aggregate of such loan obligation that is outstanding after the fifth complete school year of teaching described in subsection (b)(1).

"(B) Special rule.—No borrower may receive a reduction of loan obligations under both this section and section 460."; and

(3) by adding at the end the following:

"(i) Authorization of Appropriations.—There are authorized to be appropriated, and there are appropriated, to carry out this section $50,000,000 for each of the fiscal years 2001 through 2005.".

(b) Direct Loans.—Section 460 of the Higher Education Act of 1965 (20 U.S.C. 1087j) is amended—

(1) in the matter preceding clause (i) of subsection (b)(1)(A), by striking "for 5 consecutive complete school years";

(2) by amending paragraph (1) of subsection (c) to read as follows:

"(1) In general.—The Secretary shall repay—

"(A) not more than $5,000 in the aggregate of the loan obligation on a Federal Direct Stafford Loan or a Federal Direct Unsubsidized Stafford Loan that is outstanding after the completion of the second complete school year of teaching described in subsection (b)(1)(A); and

"(B) not more than $5,000 in the aggregate of such loan obligation that is outstanding after the fifth complete school year of teaching described in subsection (b)(1)(A)."; and

(3) by adding at the end the following:

"(i) Appropriations.—There are authorized to be appropriated, and there are appropriated, to carry out this section $50,000,000 for each of the fiscal years 2001 through 2005.".

WELLSTONE AMENDMENT NO. 2878

Mr. WELLSTONE proposed an amendment to amendment No. 2876 proposed by Mrs. Feinstein to the bill, S. 1134, supra; as follows:

On page 2, after line 23, add the following:

(d) Limitation.—

(1) In general.—The provisions of this section shall not apply to any child who was not afforded, by the State educational agency or the local educational agency, an opportunity to learn the material necessary to meet the State achievement standards.

(2) Opportunity.—A child shall not be considered to have been afforded an opportunity to learn under paragraph (1) unless—

(A) the child was taught by fully certified or qualified teachers as defined by the State;

(B) the child's parents had multiple opportunities for parental involvement;

(C) the child had access to high quality instructional materials and instructional resources to ensure that the child had the opportunity to achieve to the highest performance levels, regardless of disability, income, and background;

(D) the child received the services for which the child is eligible under title I of the Elementary and Secondary Education Act of 1965 and the Individuals with Disabilities Education Act;

(E) if necessary, the child received proper bilingual education and special education services; and

(F) the child had the opportunity to receive high quality early childhood education.

DURBIN AMENDMENT NO. 2879

Mr. DURBIN proposed an amendment to the bill, S. 1134, supra; as follows:

At the appropriate place, insert the following:

SEC. . REDUCTION IN SCHOOL VIOLENCE.

(a) Short Title.—This section may be cited as the "School Violence Act".

(b) Findings.—Congress finds that—

(1) Every school child in America has a right to a safe learning environment free from guns and violence.

(2) The U.S. Department of Education report on the Implementation of the Gun-Free Schools Act found that 3,930 children were expelled for bringing guns to school during the 1997–98 school year.

(3) Nationwide, 57% of the expulsions were high school students, 33% were in junior high and 10% were in elementary school.

(c) Grants.—The Secretary of Education shall award grants to elementary and secondary schools (as such terms are defined in section 14101 of the elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)) to enable such schools to:

(1) develop and disseminate model programs to reduce violence in schools,

(2) educate students about the dangers associated with guns, and

(3) provide violence prevention information (including information about safe gun storage) to children and their parents.

(d) Application.—To be eligible to receive a grant under subsection (b), an elementary or secondary school shall prepare and submt to the Secretary of Education an application at such time, in such manner, and containing such information as the Secretary may require.

(e) Public Service Announcements.—The Secretary of Education shall provide for the development and dissemination of public service announcements and other information on ways to reduce violence in our Nation's schools, including safe gun storage and other measures.

(f) Authorization of Appropriations.—For the purpose of carrying out this Act, there are authorized to be appropriated funds of up to $7,000,000 for fiscal year 2001 and such sums as may be necessary for each of the four succeeding fiscal years.

BOXER AMENDMENT NO. 2880

Mrs. BOXER proposed an amendment to the bill, S. 1134, supra; as follows:

At the end, add the following:

SEC. . PESTICIDE APPLICATION IN SCHOOLS.

(a) IN GENERAL.—Each school that receives Federal funding shall—

(1) take steps to reduce the exposure of children to pesticides on school grounds, both indoors and outdoors; and

(2) provide parents and guardians of children that attend the school with advance notification of certain pesticide applications on school grounds in accordance with subsections (b) and (c).

(b) EPA LIST OF TOXIC PESTICIDES.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency shall distribute to each school that receives Federal funding the current manual of the Environmental Protection Agency that guides schools in the establishment of a least toxic pesticide policy.

(2) LIST.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall provide each school that receives Federal funding with a list of pesticides that contain a substance that the Administrator has identified as a known or probable carcinogen, a developmental or reproductive toxin, or a category I or II acute nerve toxin.

(c) PARENTAL NOTIFICATION OF TOXIC PESTICIDE APPLICATIONS IN SCHOOLS.—

(1) IN GENERAL.—On or after the date that is 18 months after the date of enactment of this Act, any school that receives Federal funding shall not apply any pesticide described in paragraph (b)(2) on school grounds, either indoors or outdoors, unless an administrative official of the school provides notice of the planned application to parents and guardians of children that attend the school not later than 48 hours before the application of the pesticide.

(2) NOTICE.—The notice described in paragraph (1)—

(A) shall include—

(i) a description of the intended area of application; and

(ii) the name of each pesticide to be applied; and

(B) shall indicate whether the pesticide is a known or probable carcinogen, a developmental or reproductive toxin, or a category I or II acute nerve toxin.

(3) INCORPORATION OF NOTICE.—The notice described in paragraph (1) may be incorporated in any notice that is being sent to parents and guardians at the time at which the pesticide notice is required to be sent.

ROTH AMENDMENT NO. 2881

Mr. COVERDELL (for Mr. ROTH) proposed an amendment to the bill, S. 1134, supra; as follows:

On page 5, line 10, strike "if" and all that follows through line 12, and insert "if the homeschool operates as a private school or a homeschool under State law.

On page 9, strike lines 18 through 20, and insert the following:

(g) RENAMING EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS AS EDUCATION SAVINGS ACCOUNTS.—

(1) IN GENERAL.—

(A) Section 530 (as amended by the preceding provisions of this section) is amended by striking "education individual retirement account" each place it appears and inserting "education savings account".

(B) The heading for paragraph (1) of section 530(b) is amended by striking "EDUCATION INDIVIDUAL RETIREMENT ACCOUNT" and inserting "EDUCATION SAVINGS ACCOUNT".

(C) The heading for section 530 is amended to read as follows:

"SEC. 530. EDUCATION SAVINGS ACCOUNTS.".

(D) The item in the table of contents for part VII of subchapter F of chapter 1 relating to section 530 is amended to read as follows:

"Sec. 530. Education savings accounts.".

(2) CONFORMING AMENDMENTS.—

(A) The following provisions are each amended by striking "education individual retirement" each place it appears and inserting "education savings":

(i) Section 25A(e)(2).

(ii) Section 26(b)(2)(E).

(iii) Section 72(e)(9).

(iv) Section 135(c)(2)(C).

(v) Subsections (a) and (e) of section 4973.

(vi) Subsections (c) and (e) of section 4975.

(vii) Section 6693(a)(2)(D).

(B) The headings for each of the following provisions are amended by striking "EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS" each place it appears and inserting "EDUCATION SAVINGS ACCOUNTS".

(i) Section 72(e)(9).

(ii) Section 135(c)(2)(C).

(iii) Section 4973(e).

(iv) Section 4975(c)(5).

(h) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2000.

(2) SUBSECTION (g).—The amendments made by subsection (g) shall take effect on the date of the enactment of this Act.

On page 13, line 14, strike "INDIVIDUAL RETIREMENT" and insert "SAVINGS".

On page 15, strike lines 12 through 14, and insert the following:

(e) DEFINITION OF QUALIFIED HIGHER EDUCATION EXPENSES.—

(1) IN GENERAL.—Subparagraph (A) of section 529(e)(3) (relating to definition of qualified higher education expenses) is amended to read as follows:

"(A) IN GENERAL.—The term 'qualified higher education expenses' means—

"(i) tuition and fees required for the enrollment or attendance of a designated beneficiary at an eligible educational institution for courses of instruction of such beneficiary at such institution, and

"(ii) expenses for books, supplies, and equipment which are incurred in connection with such enrollment or attendance, but not to exceed the allowance for books and supplies included in the cost of attendance (as defined in section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087ll), as in effect on the date of the enactment of the Affordable Education of 2000) as determined by the eligible educational institution.".

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

(2) QUALIFIED HIGHER EDUCATION EXPENSES.—The amendments made by subsection (e) shall apply to amounts paid for courses beginning after December 31, 2000.

On page 27, strike lines 5 through 7, and insert the following:

(b) EFFECTIVE DATE.—Subparagraph (E) of section 149(b)(3) of the Internal Revenue Code of 1986, as added by the amendment made by subsection (a), shall take effect upon the enactment, after the date of the enactment of this Act, of legislation expressly authorizing the Federal Housing Finance Board to allocate authority to Federal Home Loan Banks to guarantee any bond described in such subparagraph, but only if such legislation makes specific reference to such subparagraph.

On page 31, after line 7, add the following:

SEC. . DISCLOSURE OF FIRE SAFETY STANDARDS AND MEASURES WITH RESPECT TO CAMPUS BUILDINGS.

(a) SHORT TITLE.—This section may be cited as the "Campus Fire Safety Right to Know Act".

(b) AMENDMENT.—Section 485 of the Higher Education Act of 1965 (20 U.S.C. 1092) is amended—

(1) in subsection (a)(1)—

(A) by striking "and" at the end of subparagraph (N);

(B) by striking the period at the end of subparagraph (O) and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(P) the fire safety report prepared by the institution pursuant to subsection (h)."; and

(2) by adding at the end the following new subsection:

"(h) DISCLOSURE OF FIRE SAFETY STANDARDS AND MEASURES.—

"(1) FIRE SAFETY REPORTS REQUIRED.—Each eligible institution participating in any program under this title shall, beginning in academic year 2001-2002, and each year thereafter, prepare, publish, and distribute, through appropriate publications or mailings, to all current students and employees, and to any applicant for enrollment or employment upon request, an annual fire safety report containing at least the following information with respect to the campus fire safety practices and standards of that institution:

"(A) A statement that identifies each student housing facility of the institution, and whether or not each such facility is equipped with a fire sprinkler system or another equally protective fire safety system.

"(B) Statistics concerning the occurrence on campus, during the 2 preceding calendar years for which data are available, of fires and false fire alarms.

"(C) For each such occurrence, a statement of the human injuries or deaths and the structural damage caused by the occurrence.

"(D) Information regarding fire alarms, smoke alarms, the presence of adequate fire escape planning or protocols (as defined in local fire codes), rules on portable electrical appliances, smoking and open flames (such as candles), regular mandatory supervised fire drills, and planned and future improvement in fire safety.

"(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to authorize the Secretary to require particular policies, procedures, or practices by institutions of higher education with respect to fire safety.

"(3) REPORTS.—Each institution participating in any program under this title shall make periodic reports to the campus community on fires and false fire alarms that are reported to local fire departments in a manner that will aid in the prevention of similar occurrences.

"(4) REPORTS TO SECRETARY.—On an annual basis, each institution participating in any program under this title shall submit to the Secretary a copy of the statistics required to be made available under paragraph (1)(B). The Secretary shall—

"(A) review such statistics;

"(B) make copies of the statistics submitted to the Secretary available to the public; and

"(C) in coordination with representatives of institutions of higher education, identify exemplary fire safety policies, procedures, and practices and disseminate information concerning those policies, procedures, and practices that have proven effective in the reduction of campus fires.

"(5) DEFINITION OF CAMPUS.—In this subsection the term 'campus' has the meaning provided in subsection (f)(6).".

(c) REPORT TO CONGRESS BY SECRETARY OF EDUCATION.—Not later than 1 year after the date of enactment of this Act, the Secretary of Education shall prepare and submit to the Congress a report containing—

(1) an analysis of the current status of fire safety systems in college and university facilities, including sprinkler systems;

(2) an analysis of the appropriate fire safety standards to apply to these facilities, which the Secretary shall prepare after consultation with such fire safety experts, representatives of institutions of higher education, and other Federal agencies as the Secretary, in the Secretary's discretion, considers appropriate;

(3) an estimate of the cost of bringing all nonconforming dormitories and other campus buildings up to current new building codes; and

(4) recommendations from the Secretary concerning the best means of meeting fire safety standards in all college and university facilities, including recommendations for methods to fund such cost.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry, be allowed to meet during the session of the Senate on Thursday, March 2, 2000. The purpose of this meeting will be to discuss risk management/crop insurance and possibly other issues before the Agriculture Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, March 2, 2000, to conduct a hearing on "Pooling Accounting."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, March 2 at 9:30 a.m. to conduct an oversight hearing. The committee will consider the President's proposed budget for FY2001 for the Department of Energy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate Committee on Finance be authorized to meet during the session of the Senate on Thursday, March 2, 2000 immediately following the first Senate vote, to consider favorably reporting the nominations to the Internal Revenue Service Oversight Board.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate Committee on Governmental Affairs be authorized to meet during the session of the Senate on Thursday, March 2, 2000 at 10 a.m., for a hearing entitled "Cyber Attack: Is the Government Safe?"

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on The Ryan White CARE Act: Meeting the Challenges of an Evolving HIV/AIDS Epidemic during the session of the Senate on Thursday, March 2, 2000, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, March 2, 2000, at 10 a.m., in SD226.

COMMITTEE ON VETERANS AFFAIRS

Mr. COVERDELL. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a joint hearing with the House Committee on Veterans' Affairs to receive the Legislative presentations of the Jewish War Veterans, Paralyzed Veterans of America, Blinded Veterans Association, and the Non Commissioned Officers Association. The hearing will be held on Thursday, March 2, 2000, at 9:30 a.m., in room 345 of the Cannon House Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, March 2, 2000 at 2 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COMMUNICATIONS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Communications Subcommittee of the Senate Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Thursday, March 2, 2000, at 10:30 a.m. on AOL/Times Warner Merger.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FORESTS AND PUBLIC LANDS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Lands of the Senate Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, March 2 at 2:30 p.m. to conduct an oversight hearing. The subcommittee will receive testimony on the United States Forest Service's proposed regulations governing National Forest Planning.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PERSONNEL

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, March 2, 2000 at 9:30 a.m. in open session to receive testimony on the Defense Health Program in review of the Defense authorization request for fiscal year 2001 and the future years Defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SEAPOWER

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Seapower Subcommittee, of the Committee on Armed Services, be authorized to meet during the session of the Senate on March 2, 2000, at 2 p.m. to receive testimony on shipbuilding procurement and research and development programs, in review of the Defense authorization request for fiscal year 2001 and the future years Defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ

Mr. KERREY. Mr. President, I want to call to the attention of my colleagues an issue that is not being raised in the otherwise informative presidential primary campaigns. It is not a theoretical issue, nor is it an issue concerning budgetary decisions.

Rather, it is an issue which sends American pilots on combat missions almost daily. It is an issue which throughout the last decade has cost the lives of hundreds of American and thousands of soldiers and civilians of other nationalities. It is an issue which threatens the peace and security of some of our closest allies, and which, if not solved, could threaten the United States with weapons of mass destruction. It is an issue which starves and hold captive twenty-two million people in conditions of unparalleled terror of their government. It is an issue which we have failed to deal with decisively, and that failure calls into question our dedication to the freedom we prize so highly for ourselves.

The issue is the continuing rule of Saddam Hussein. Nine years after the United States led a coalition to eject Iraqi forces and liberate Kuwait, Saddam continues to brutalize his people, threaten his neighbors, and develop weapons of mass destruction—earlier versions of which he used on neighboring states, on Israel, and on his own people. The good news is that sanctions have weakened his military, and his political support base has shrunk to his immediate family. All of mountainous northern Iraq and large swathes of southern Iraq are free of his control. Nonetheless, he continues to rule the central part of the country and, as Jim Hoagland pointed out in today's Washington Post, Saddam is likely to outlast yet another American President.

The Administration will no doubt point to the restraining effect UN sanctions have had on Saddam's ability to threaten his neighbors. In truth, his regime would have been far more aggressive if sanctions and the no-fly zones guaranteed by U.S. and British airpower had not been in effect. But in choosing policy options against an outlaw like Saddam, restraint is a minimal objective.

For example, we and our allies in the former Yugoslavia are not seeking to restrain those accused of war crimes during the ethnic war there; we seek to catch them, lock them up, and get them to The Hague for trial. Saddam has killed far more than any of the wanted Yugoslavs, and he keeps on killing today. Our rhetoric, including mine today, calls for the same response to Saddam.

But our real policy is merely to restrain him. The fact that the restraint has endured nine years is what the Administration shows as evidence of its success. But adhering to the policy of restraint is actually taking us farther from our stated goals. Support for the sanctions policy is eroding at the UN. This, along with rising oil prices and Iraq's rising oil production, have made Saddam a key global energy player once again. In addition, Saddam has had thirteen months to develop weapons of mass destruction without the inhibition imposed by outside inspections. Now, a new inspection regime has been voted by the Security Council. If Iraq eventually accepts it, I presume Dr. Blix and his new inspectors will do their best. Yet, they will never be as intrusive, and therefore as effective, as UNSCOM. In sum, the restraints which we have kept on Saddam for nine years are loosening. He is very close to being free of the handcuffs in which both we and his people have invested so much.

Restraining Saddam was always a minimal objective. It was a way to avoid the strategic risk many see in the bolder objective of acting in support of the Iraqi opposition to remove Saddam from power and achieve democracy. It is ironic that the minimal objective requires the continual application of U.S. military force, not just for a decade, but presumably forever. The bolder objective, once achieved, would bring U.S. military operations and basing in the Gulf countries to an end. I believe Congress has recognized the need for bold action. In passing the Iraq Liberation Act in October 1998, Congress expressed its frustration with the status quo and provided resources with which the Administration could support the Iraqi opposition in their efforts to remove Saddam from power.

In signing the Iraq Liberation Act, President Clinton affirmed that U.S. policy was not merely to restrain Saddam but to see him replaced. Unfortunately, the President's policy pronouncement has not been followed by action. The President and Vice President have encouraging words for Iraqis seeking to free their country, but their words are belied by the inaction of their Administration. Despite unprecedented unity, the Administration has provided only a small proportion of available resources to the Iraqi opposition, and this only on superficialities which will have no effect on opinion inside Iraq. The countries in the region all agree the U.S. is not serious about supporting Saddam's removal. If you don't believe me, call the ambassador of any Middle Eastern country and ask him or her if our actions and rhetoric match.

If the Administration actively sought Saddam's replacement, our allies in the region would know it and they would cooperate with us. But the Administration has not asked because the truth is, beneath the rhetoric, we are clinging to the old policy of restraining Saddam. There are now signs that the consensus for even that is fraying. I would hate to think that the boldest hope of our national security establishment is that our policy will hold until noon on January 20 of 2001.

I admit to coming late to an understanding of the evil of the Iraqi regime and the imperative of fighting it. After Saddam's invasion of Kuwait in 1990, I voted against the Gulf War resolution. My distrust of the Bush Administration's statements regarding the need for the use of force in Iraq were colored by my own experiences in Vietnam. But Iraq is not Vietnam. And I have come to understand the brutality of Saddam Hussein's regime and the overwhelming requirement to support the efforts of Iraqis to replace it. I understand the threat the regime poses to his people, to his neighbors, and to the rest of the world. Most of all, this is about our commitment to freedom.

The long night of the Iraqi people will not be ended through a policy of merely retraining the Iraqi regime. Instead, we must work to match our words and our deeds to actively support the Iraqi opposition in their effort to remove Saddam Hussein and establish a democratic Iraq. When the people of Iraq obtain their freedom, it will transform the Middle East. It will create a new region in which brutality, poverty, and unnecessary armaments will be supplanted by security, prosperity, and creative diversity.

Mr. President, this goal is within our reach. But the difference between success and failure in this endeavor will be measured by our willingness to act in support of the people of Iraq.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

SUDAN

Mr. FRIST. Mr. President, after going to the southern Sudan as a medical missionary and a surgeon 2 years ago, I came home with a realization that the unparalleled human disaster I went there to address was really, to my own surprise, inextricably linked to my role as a Senator. Yesterday, that realization was brought home again to me in the most horrific and despicable way.

As background, the Government of Sudan has, for over 16 years, carried out a war of unrivaled barbarity against its own people. Over 2 million people, mostly civilians, have died in bombings, intentional mass starvation, raids by militias on horseback, and what we call more conventional war. Slavery there today is common, so common that the raiding parties the Government of Sudan in Khartoum sponsors accept captive humans as their pay.

Yesterday, the regime in Khartoum struck once again, this time with old Soviet cargo planes that have been crudely outfitted as bombers of a sort, where large antipersonnel bombs are simply pushed through large cargo doors.

The accuracy is poor. Yet the intent could not be clearer. I received a phone call yesterday morning around 10 o'clock. It was at 6:25 a.m. yesterday morning, minutes before the first wave of relief flights were to leave the United Nations relief operations in Lokichokio, Kenya, they received a phone call from Khartoum instructing them that no relief flights would be allowed into Sudan the entire day.

The Government of Sudan then proceeded with a full day of bombing raids on nine sites in areas of rebel control.

What were the strongholds the Government of Sudan hit in those raids yesterday? What decisive blow did they deliver to those rebels?

Well, there is one location that I know for sure was a civilian hospital.

They bombed and destroyed a tuberculosis clinic and one of the only x-ray machines in the entire country. They hit the local marketplace. They hit a feeding center for the starving and displaced.

In three passes over the small bush town, they dropped five antipersonnel bombs. They killed or maimed civilians, many of them patients in the hospital, others in the marketplace, others in a feeding center for the starving.

All of these were known civilian centers and all were intentionally targeted. The Government of Sudan knows exactly what is in that town and in those hospitals, and they targeted them anyway.

Why do I mention this? How do I know this was a civilian target? It is because it was approximately 2 years ago that in this very hospital I was operating in southern Sudan in a small village called Lui. The TB clinic is adjacent to a small schoolhouse that was converted to a hospital. It is in a small outpost, and there is a little airstrip town there just north of the border approximately 100 or 110 miles. The press release I received today describing the incident in this hospital where I worked says:

> Armed aircraft from Sudan's Islamic government dropped 12 bombs on the Samaritans First Hospital in Lui, the only hospital within a 100-mile radius. Eleven of the 12 bombs exploded at or near the hospital killing a number of people, critically wounding dozens, and damaging the hospital's children's and tuberculosis wards. More than 100 patients were being treated or housed at the hospital at the time of the bombing, where four American doctors are stationed. The bombing prompted many patients to flee, interrupting critical tuberculosis treatments needed to save their lives.

This release came to my office this afternoon.

Again, these senseless acts are militarily insignificant, I believe. The only purpose is to terrify and kill civilians and the doctors and the relief personnel who dare to provide life and comfort to them.

The most outrageous aspect of all of this is not that I have been there, that I know this hospital well, that I was one of the very few physicians and early surgeons to come to that hospital, and it is not that this could have just as easily happened when I was there; it is that this is not an uncommon practice. It is a chosen tactic in the war that lurks on the edge of the world's consciousness.

Just 2 weeks ago, the same government dropped bombs on a town in the Nuba Mountains area, killing 21.

What was the critical rebel target that day? It was a group of schoolchildren under a tree—not child soldiers, but children trying to learn to read.

These are just two in a long and sickening history of intentionally bombing civilians by the Government of Sudan.

How long does the world intend to tolerate these outrages? How long will the regime in Khartoum benefit from their prowess in public relations in the capitals of Europe and the Middle East —and on Wall Street? If indiscriminately bombing children and the infirm doesn't serve as a call to action, then what will it take?

I am realistic about what the world is willing to do. Rage and indignation are expected. But it is about 16 years past due for the "international community" that responds so generously and decisively in many other places to act forcefully and with clear purpose in Sudan.

The world should be ashamed that it has gone on so long. I am ashamed the United States has not made this a greater priority. For a country that is willing to act decisively in Bosnia and Kosovo, we should be ashamed of the anemic level of action to stop this war in Sudan. As a country that is willing to invade another country—Haiti—to stop violence and injustice, we should be ashamed by the fact that we are willing to do so little in Sudan.

I am not suggesting that the United States or anybody else become militarily involved in Sudan. Even if that were politically popular here, it would not be something I would recommend. But the world should be ashamed that we have failed to use all reasonable tools at our disposal. Some of our closest allies in Europe and the Middle East would be especially ashamed for their receptivity toward the regime in Khartoum.

Yes, I am outraged and disgusted by the bombings of yesterday. I am outraged by the bombings of 2 weeks ago. I am outraged and disgusted by the past 16 years of brutality. I believe the administration and the world should share that outrage, and in some cases they do.

But outrage alone gets us no closer to bringing the war to a conclusion. It requires a credible, coherent, and forceful policy from the United States and from the world.

Our policy is only selectively forceful and, as a consequence, lacks coherence and credibility—both in Khartoum and in the capitals of the countries we must have on board to end the war. Correcting those problems cannot happen overnight, but I propose a few steps we can now take.

First, the House of Representatives should act now to take up and pass the Sudan Peace Act. This bipartisan legislation was written primarily to address the deficiencies in the way our vast amounts of food aid are delivered, and to compel the administration and our allies to bring as much pressure to bear on the Government of Sudan—and the rebels—to get serious in the limping peace talks. This is a sensible and helpful step Congress can take right now.

Second, the United Nations should deploy monitors to areas of conflict in the Sudan now. The Government of Sudan has escaped the condemnation they deserve in large part because the eyes of the world are so far from this remote and enormous land. Human rights monitors can bring this to light and give the world the information they need to push for resolution of the war. Most importantly, they can force the turned eyes of the world to confront the manmade disaster in front of them.

Third, we must overhaul our humanitarian operations in Sudan now. They are in complete disarray. The Government of Sudan has the right—and routinely exercises it—to block any food shipments anywhere in Sudan with the stroke of a pen. It is an outrage that we allow them to manipulate our food aid as a weapon of war. They do it, and they do it with devastating effect. The United States and United Nations must make ending that veto power a top priority. I also call on the humanitarian organizations and the rebels to end their squabbling over the rules of operating and in rebel-held areas and get back to work now. In an argument that can only be described as petty and childish compared to the catastrophe at hand, some of the groups most important to an effective relief operation are pulling out.

Fourth, the administration and our European, Middle Eastern, and African allies must get the floundering peace process moving on. They need to stop letting the Government of Sudan manipulate the process and stop promising cease-fires and cooperation while continuing to carry on the war. In fact, a cease-fire is in effect now, if you can believe it. Our allies must be convinced to stop offering "alternative" peace negotiations to distract from what is really at issue in the talks in Nairobi. They must now set aside legalistic excuses and put the necessary pressure on the combatants to get to the table and get serious about ending the war.

Fifth, we must push our allies to stop responding to what is called Khartoum's "Charm Offensive." This PR campaign paints a picture where Khartoum is simply "misunderstood" and unfairly vilified by the United States. They offer the cruise missile attack against the pharmaceutical plant in Khartoum as convincing evidence. They deny the ethnic cleansing in the south as just another arm of the American propaganda machine. The lies have been alarmingly effective and little has been done to disabuse the world of the ridiculous notions.

No. 6, the access to weapons and capital the regime in Khartoum enjoys must be addressed now. The oil being exploited in contested areas of Sudan is fueling the war and allowing Khartoum to plow more money back into weapons purchases. Much of that money has been raised in the United States. Ironically, capital is raised on Wall Street, just blocks from the World Trade Center Towers, which were bombed by terrorist who operated with support from Sudan. I realize that controlling private and legal funds is tricky business, but the United States' continued ambiguity on this point gives the distinct impression that there is a price on the lives of the people of Sudan, and that the price has been determined. We cannot afford that ambiguity. We must begin an internationally coordinated effort to limit access to the weapons and capital that allows Khartoum to continue their war, just as the world did against the apartheid government of South Africa. Even now, a grassroots effort to push large investors in the United States and Canada to divest of the stocks of the companies operating in Sudan is gaining considerable momentum and having an effect on share prices. Their successes are drawn purely on the power of shame. Surely this tells us that economic pressures can work if coordinated and if supported with good information. Governments will respond to the same shame that investors respond to. It's a powerful tool in a coordinated diplomatic and economic push, and we would be remiss to not use it.

These recommendations are not unreasonable or particularly difficult tasks. These are things we can do right now beginning today.

It will not require a great deal of money. In fact, it may cost less than we spend now. What it will require, though, is effort, some discomfort and a significant amount of diplomatic and political capital.

What it requires most is leadership. We in Congress can press these issues, but we cannot unilaterally form our foreign policy. That is the Constitutional prerogative and responsibility of the President of the U.S.

The President should immediately become personally involved in seeking resolution and pressing these peaceful goals in Sudan. To date, he has not.

Just a little more than a month ago we observed "the month of Africa" at the United Nations. There, the war in the Congo was the focus. That war is compelling and the implications it has for the future of Africa are very real. It too deserves the focus and attention of the United Nations.

Yet the festering—and much more deadly—war in Sudan went without any serious consideration at the United Nations during "the month of Africa." Not only is that shameful in itself, it was a lost opportunity.

We can afford no more lost opportunities when it comes to Sudan. This war has continued long enough and has cost enough lives. It has hovered on the edge of obscurity for too long. It is time to get the world to forcefully and directly address it.

Only the United States can provide that kind of leadership. And only the President can direct the United States' effort with any hope of ever being truly effective and bring the necessary diplomatic and economic forces to bear.

The President has a bipartisan group of Senators and Representatives in Congress willing and waiting to help in that effort. As Chairman of the Africa Subcommittee, I pledge my commitment to such an effort.

It is unusual that we see such opportunities for immediate, bipartisan action in Congress, especially in an election year. It is an opportunity we cannot afford to pass up. Too many lives have been lost. Too many lives are still at stake. The time to act is now.

JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration en bloc of S. Con. Res. 89 and S. Con. Res. 90 submitted earlier by Senators MCCONNELL and DODD.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Con. Res. 89) to establish the Joint Congressional Committee on Inaugural Ceremonies for the Inauguration of the President-Elect and Vice President-Elect of U.S. on January 20, 2001. A resolution (S. Con. Res. 90) to authorize the use of the Rotunda of the Capitol by the Joint Congressional Committee on Inaugural Ceremonies in connection with the proceedings and ceremonies conducted for the Inauguration of the President-Elect and the Vice President-Elect of the United States.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolutions en bloc?

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. FRIST. Mr. President. I ask unanimous consent the concurrent resolutions be agreed to, the motions to reconsider be laid upon the table, and the above all occur en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions (S. Con. Res. 89 and S. Con. Res. 90) were agreed to.

The resolutions read as follow:

S. CON. RES. 89

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. ESTABLISHMENT OF JOINT COMMITTEE.

There is established a Joint Congressional Committee on Inaugural Ceremonies (in this resolution referred to as the "joint committee") consisting of 3 Senators and 3 Representatives, to be appointed by the President of the Senate and the Speaker of the House of Representatives, respectively. The joint committee is authorized to make the necessary arrangements for the inauguration of the President-elect and Vice President-elect of the United States on January 20, 2001.

SEC. 2. SUPPORT OF THE JOINT COMMITTEE.

The joint committee—

(1) is authorized to utilize appropriate equipment and the services of appropriate personnel of departments and agencies of the Federal Government, under arrangements between the joint committee and the heads of those departments and agencies, in connection with the inaugural proceedings and ceremonies; and

(2) may accept gifts and donations of goods and services to carry out its responsibilities.

S. CON. RES. 90

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. USE OF THE ROTUNDA OF THE CAPITOL.

The rotunda of the United States Capitol is authorized to be used on January 20, 2001, by the Joint Congressional Committee on Inaugural Ceremonies in connection with the proceedings and ceremonies conducted for the inauguration of the President-elect and the Vice President-elect of the United States.

PERMISSION TO FILE FAA CONFERENCE REPORT

Mr. FRIST. Mr. President, I ask unanimous consent that notwithstanding the adjournment of the Senate, the conferees be permitted to file the FAA conference report for printing on Friday, March 3, until 1:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENDING THE FLORIDA STATE UNIVERSITY FOOTBALL TEAM

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 265 submitted earlier by Senators MACK and GRAHAM.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 265) commending the Florida State University football team for winning the 1999 Division 1-A collegiate football national championship.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MACK. Mr. President, I rise today on behalf of myself and my friend and colleague Senator GRAHAM to introduce a resolution contragulating Florida State University's football team on winning the 1999 Division 1-A Collegiate Football National Championship. As a Senator from Florida and the father-in-law of an avid Seminole, I join with all those in my home state and those across this country in honoring Coach Bobby Bowden, his staff, and the football team for this outstanding accomplishment. Not only is this a special achievement that will long be remembered by the coaches and the players but it is also a moment to savor for the students, alumni and supporters of Florida State University.

Florida State University has one of the most exciting, prolific and successful college football teams in the country. In fact, they won 108 football games between 1990 and 1999, more than any other Division 1–A college football team during this timeframe. By finishing the 1999 season undefeated and untied, they have also extended their NCAA Division 1–A record streak of top-four finishes in the final Associated Press poll to 13 years in a row, the only football team to have accomplished this feat.

But as impressive as all these achievements are, they have accomplished what no other football team has been able to do. The 1999 Seminoles are the first Division I–A collegiate football team in the country to be ranked number one for the entire season by the Associated Press since the preseason rankings began in 1950.

1999 will also be remembered fondly by my good friend Bobby Bowden for reasons other than surpassing the 300 victory mark, or winning his second football national championship, or for obtaining his first perfect season in 40 years as a head football coach. In 1999, Coach Bowden and his lovely wife, Ann, celebrated their 50th wedding anniversary. Coach Bowden, Priscilla and I wish you and your wife our sincere congratulations on this most important milestone.

The State of Florida is indeed fortunate to be the home to three of the finest college football teams in the nation: Florida State University, the University of Florida and the University of Miami. Together, these three schools have won seven Division 1–A college football championships since 1984. That's seven college football championships in the last 16 years. This proves that the road to the college football national championship goes right through the State of Florida.

For those who love to wear the Garnet and Gold and do the Seminole Chop and the FSU War Chant, I am honored to introduce this resolution on their behalf, which honors the 1999 Florida State football team, the coaches and staff for winning the Division 1–A Collegiate Football national championship.

Mr. President I ask unanimous consent to have printed in the RECORD a copy of the names of the 1999 Florida State University football players, coaches and staff, along with their season schedule, results and final polls recognizing the Florida State Seminoles as the 1999 Division 1–A national champions.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FLORIDA STATE UNIVERSITY SEMINOLES 1999 DIVISION 1–A COLLEGE FOOTBALL NATIONAL CHAMPIONS

Players	Position
Allen, Brian	LB
Amman, Justin	OL
Anderson, Paul	OL
Antosca, Joe	DB
Augustin, Allen	LB
Baggs, Joshua	OL
Bell, Atrews	WR
Benford, Tony	DL
Boldin, Anquan	WR
Boldin, Ronald	OL
Brannon, Ross	OL
Brett, Jeremy	OL
Brown, Rufus	DB
Canales, Mike	WR
Carmichael, Gerald	OL
Cason, Rian	DL
Chaney, Jeff	RB
Cody, Tay	DB
Collier, Carnelius	LB
Cottrell, Keith	P
Cox, Bryce	LB
Dockett, Darnell	DL
Donaldson, Carver	TE
Dorsey, Char-ron	OL
Dugans, Ron	WR
Duhart, Otis	OL
Durden, Reggie	DB
Eddy, David	WR
Edwards, Mario	DB
Emanuel, Kevin	DL
Ford, Davy	RB
Franklin, Nick	TE
Frier, Todd	DW
Gardner, Talman	WR
Gardner, Jarrett	WR
Gibson, Derrick	DB
Golightly, Randy	RB
Gwaltney, Chance	K
Hamilton, Michael	LB
Hardin, Blake	QB
Heaven, Donald	OL
Henderson, Pete	DB
Hoffman, Jay	LB
Holland, Montrae	OL
Hope, Chris	DB
Howard, Abdual	DB
Hudson, Jerel	LB
Hughes, Patrick	TE
Hughes, Doug	WR
Ingram, Clay	OL
Jackson, Alonzo	DL
Jackson, Octavis	DL
Jackson, Gennaro	WR
Jackson, Geordrell	WR
Janikowski, Sebastain	K
Jennings, Bradley	LB
Jeune, Jean	DB
Johnson, Jerry	DL
Jones, Jared	QB
Kendra, Dan	RB
Key, Sean	DB
Klein, Adam	OL
Lake, Kavano	RB
Lyons, Scott	DL
Maddox, Nick	RB
Maeder, Chad	RB
Maher, Rich	QB
McCray, William	RB
Minnis, Marvin	WR
Minor, Travis	RB
Mirambeau, Antoine	OL
Moon, Jarad	OL
Moore, Greg	WR
Moore, Jason	RB
Morgan, Robert	WR
Munyon, Matt	WR
Myers, Brandon	DB
Newton, Pat	DB
Outzen, Marcus	QB
Palmer, Kwaesi	LB
Parrish, Lemar	RB
Polley, Tommy	LB
Rackley, Theon	LB
Reynolds, Jamal	DL
Rhodes, Bobby	LB
Roach, John	DB
Rodeffer, WD	OL
Samuels, Stanford	DB
Sawyer, Brian	OL
Seymour, Roland	DL
Shaw, Michael	DL
Simon, Corey	DL
Smith, Anthony	LB
Smith, Travis	WR
Spardley, Travaris	DB
Sprague, Ryan	TE
Springer, Germaine	WR
Tatum, Malcom	DB
Thomas, Clevan	DB
Thomas, Eric	OL
Thomas, Tarlos	OL
Walker, Chris	DL
Warren, David	DL
Warrick, Peter	WR
Weaver, Lee	LB
Weinke, Chris	QB
Whitaker, Jason	OL
White, Kentril	DL
Wiggins, Wiley	LB
Wilkins, Randy	DL
Williams, Brett	OL
Williams, Todd	OL
Womble, Jeff	DL
Woods, Chris	DL

Head Coach:
    Bowden, Bobby
Assistant Coaches:
    Amato, Chuck
    Andrews, Mickey
    Bowden, Jeff
    Demerest, Chris
    Diaz, Manny
    Gabbard, Steve
    Gladden, Jim
    Haggins, Odell
    Heggins, Jimmy
    Lilly, John
    Richt, Mark
    Sexton, Billy
    VanHalaner, Dave
    Wilson, Kyle
President:
    D'Alemberte, Talbot
Athletic Director:
    Hart, Dave
Football Operations:
    Urbanic, Andrew

1999 REGULAR SEASON SCHEDULE AND RESULTS

Florida State University	41
Louisiana Tech University	7
Florida State University	41
Georgia Tech University	35
Florida State University	42
North Carolina State University	11
Florida State University	42
University of North Carolina	10
Florida State University	51
Duke University	23
Florida State University	31
University of Miami	21
Florida State University	33
Wake Forest University	10
Florida State University	17
Clemson University	14
Florida State University	35
University of Virignia	10
Florida State University	49
University of Maryland	10
Florida State University	30
University of Florida	23

2000 NOKIA SUGAR BOWL NATIONAL CHAMPIONSHIP GAME

Florida State University	46
Virginia Tech University	29

FINAL ESPN / USA TODAY TOP 25 POLL

January 5, 2000

Rank/Team/Record:

1. Florida State University	12-0
2. University of Nebraska	12-1
3. Virginia Tech University	11-1
4. University of Wisconsin	10-2
5. University of Michigan	10-2
6. Kansas State University	11-1
7. Michigan State University	10-2
8. University of Alabama	10-3
9. University of Tennessee	9-3

FINAL ESPN / USA TODAY TOP 25 POLL—Continued

January 5, 2000

10. Marshall University	13–0
11. Penn State University	10–3
12. Mississippi State University	10–2
13. University of Southern Mississippi	9–3
14. University of Florida	9–4
15. University of Miami (FL)	9–4
16. University of Georgia	8–4
17. University of Minnesota	8–4
18. University of Oregon	9–3
19. University of Arkansas	8–4
20. Texas A&M University	8–4
21. Georgia Tech University	8–4
22. University of Mississippi	8–4
23. University of Texas	9–5
24. Stanford University	8–4
25. University of Illinois	8–4

FINAL ASSOCIATED PRESS TOP 25 POLL

January 5, 2000

Rank/Team/Record:

1. Florida State University	12–0
2. Virginia Tech University	11–1
3. University of Nebraska	12–1
4. University of Wisconsin	10–2
5. University of Michigan	10–2
6. Kansas State University	11–1
7. Michigan State University	10–2
8. University of Alabama	10–3
9. University of Tennessee	9–3
10. Marshall University	13–0
11. Penn State University	10–3
12. University of Florida	9–4
13. Mississippi State University	10–2
14. University of Southern Mississippi	9–3
15. University of Miami (FL)	9–4
16. University of Georgia	8–4
17. University of Arkansas	8–4
18. University of Minnesota	8–4
19. University of Oregon	9–3
20. Georgia Tech University	8–4
21. University of Texas	9–5
22. University of Mississippi	8–4
23. Texas A&M University	8–4
24. University of Illinois	8–4
25. Purdue University	7–5

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and, finally, any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 265) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 265

Whereas Florida State University is a proud member of the Atlantic Coast Conference;

Whereas Florida State University has previously won the Division 1–A collegiate football national championship in 1993;

Whereas the students, alumni, and supporters of Florida State University are to be commended for the dedication, enthusiasm, and admiration they share for their favorite football team;

Whereas Florida State University has one of the most exciting, prolific, and successful college football programs in the country;

Whereas Florida State University's football team won the 1999 Atlantic Coast Conference championship in football and finished the season undefeated and untied with a record of 12–0;

Whereas Florida State University is to be commended for being the first Division 1–A collegiate football team to be ranked number one the entire season by the Associated Press since the preseason rankings began in 1950;

Whereas Florida State University has won 108 football games between 1990 and 1999, more than any other Division 1–A college football team in the Nation during this period;

Whereas Florida State University should be commended for extending their NCAA record streak of top-four finishes in the final Associated Press poll to 13 years in a row, the only Division 1–A college football team to have accomplished this feat;

Whereas Bobby Bowden, Florida State University's legendary head football coach, is to be commended for surpassing the 300-victory plateau this year and for obtaining his first perfect season in 40 years as a head coach;

Whereas Florida State University is to be commended for having 20 of its football players selected to the 1999 All Atlantic Coast Conference football team;

Whereas Florida State University is to be commended for having 4 of its football players honored as 1999 Consensus All-Americans;

Whereas the 1999 Florida State University football team played and beat Louisiana Tech University, 41 to 7; Georgia Tech University, 41 to 35; North Carolina State University, 42 to 11; University of North Carolina, 42 to 10; Duke University, 51 to 23; University of Miami, 31 to 21; Wake Forest University, 33 to 10; Clemson University, 17 to 14; University of Virginia, 35 to 10; University of Maryland, 49 to 10; and University of Florida, 30 to 23;

Whereas Florida State University played Virginia Tech University in the Bowl Championship Series' Nokia Sugar Bowl on January 4, 2000, for the 1999 Division 1–A collegiate football national championship;

Whereas the Virginia Tech University football team and Head Coach Frank Beamer and his staff are to be commended for an outstanding football season, winning the 1999 Big East Conference football championship and for playing in the 1999 Division 1–A collegiate football national championship game;

Whereas Florida State University beat Virginia Tech by the score of 46 to 29 before a sold-out and electrified crowd of 79,280 in the Louisiana Superdome to win the 1999 Division 1–A college football championship; and

Whereas Florida State University now joins an elite group of only 14 Division 1–A collegiate football teams out of 114 Division 1–A universities which have won at least 2 or more Division 1–A collegiate football national championships: Now, therefore, be it

Resolved, That the Senate—

(1) commends Florida State University for winning the 1999 Division 1–A collegiate football national championship;

(2) recognizes the achievements of all the players, coaches, and support staff who were instrumental in helping Florida State University win the 1999 Division 1–A collegiate football national championship and invites them to the United States Capitol Building to be honored;

(3) requests that the President recognize the accomplishments and achievements of the 1999 Florida State University football team and invite them to Washington, D.C. for the traditional White House ceremony held for national championship teams; and

(4) directs the Secretary of the Senate to make available enrolled copies of this resolution to Florida State University for appropriate display and to transmit an enrolled copy of the resolution to each coach and member of the 1999 Division 1–A collegiate national championship football team.

CLIFFORD P. HANSEN FEDERAL COURTHOUSE

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 432, S. 1794.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1794) to designate the Federal Courthouse at 145 East Simpson Avenue in Jackson, Wyoming, as the "Clifford P. Hansen Federal Courthouse."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1794) was read the third time and passed as follows:

S. 1794

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF CLIFFORD P. HANSEN FEDERAL COURTHOUSE.

The Federal courthouse at 145 East Simpson Avenue in Jackson, Wyoming, shall be known and designated as the "Clifford P. Hansen Federal Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal courthouse referred to in section 1 shall be deemed to be a reference to the Clifford P. Hansen Federal Courthouse.

OPEN-MARKET REORGANIZATION FOR THE BETTERMENT OF INTERNATIONAL TELECOMMUNICATIONS ACT—CONFERENCE REPORT

Mr. FRIST. Mr. President, I submit a report of the committee on conference on the bill (S. 376) to amend the Communications Satellite Act of 1962 to promote competition and privatization in satellite communications, and for other purposes, and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 376) have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report. (The conference report is printed in the House proceedings of the RECORD of today, March 2, 2000.)

Mr. BURNS. Mr. President, I extend my sincere appreciation to Senate Commerce Committee Chairman MCCAIN, Senator HOLLINGS, House Commerce Committee Chairman BLILEY, Representative MARKEY, and all of the other Members of the Senate-House conference for working together in a bi-partisan manner on satellite reform legislation. Through the dedication of the conference, and in particular Chairman BLILEY, the 106th Congress can now present President Clinton with the opportunity to sign into law a meaningful bill that will enhance market competition and benefit consumers everywhere.

When I undertook the challenge of guiding legislation through the Senate that would encourage genuine competition in the rapidly evolving international satellite communications industry through deregulation, I declared five basic principles that would serve as the foundation for my effort.

(1) The legislation must enhance competition in the global satellite communications market;

(2) The legislation must be consistent with the United States' existing treaty obligations;

(3) The legislation must enhance global satellite connectivity to all areas, including remote and rural;

(4) The legislation must ultimately increase consumers' choices, enable technological innovation and lower costs; and

(5) The legislation cannot impose any unnecessary new regulatory schemes on this vibrant global industry.

These principles were incorporated into The Open Market Reorganization for the Betterment of International Telecommunications Act, known as ORBIT, S. 376 which the Senate swiftly and unanimously passed. I am very pleased to note that the conference agreement now before the Senate retains the core principles reflected in ORBIT while accommodating the concerns articulated by Chairman BLILEY and his House colleagues.

This compromise legislation represents the desire of Congress to inject more competition and more privatization into the international satellite communications market. Specifically, the conference agreement achieves these important objectives by:

Establishing definite and reasonable criteria and dates certain for the privatization of INTELSAT and Inmarsat.

Calling for an IPO of the privatized INTELSAT of October 1, 2001, but prudently recognizing that market conditions must be taken into account and therefore, allowing the IPO date to be extended to no later than December 31, 2002.

Eliminating INTELSAT's and COMSAT's privileges and immunities while protecting COMSAT for action taken in response to instructions of the U.S. Government in carrying out its responsibilities as the U.S. signatory.

Eliminating upon enactment the antiquated ownership and board restrictions on the U.S. signatory to INTELSAT, thereby allowing Lockheed Martin to complete its acquisition of COMSAT upon enactment of this bill without conditions.

Creating a competitive, level playing field in the satellite industry.

Removing the intrusive role of government in the commercial satellite industry.

Using access to the U.S. market as a strong incentive to keep INTELSAT's privatization effort moving forward without delay.

I am especially pleased that the conference agreement rejects any notion that the government should be interfering in the contractual arrangements between COMSAT and either its customers or INTELSAT. The government should not be permitting, let alone encouraging, abrogation or modification of any such arrangement. Among my serious concerns, I concluded long ago that this would be contrary to the Fifth Amendment's Takings Clause. The bill before us is very clear on this point. This legislation in no way directs the FCC to take any action that would impair private contracts or agreements.

On a related point, the conference agreement also flatly rejects "Level IV direct access" in any form. Permitting or requiring Level IV direct access would have unfairly forced a divestiture of COMSAT's INTELSAT assets. I am pleased that the conference agreement flatly rejects Level IV direct access.

Let me also commend Senator STEVENS and our good friend, Mr. DINGELL, in the other body for improving this bill in conference with the addition of language to preserve our national security interests. The conference has produced an agreement that will encourage expeditious privatization of INTELSAT and Inmarsat and allow Lockheed Martin to reinvigorate COMSAT as a competitor in the international satellite marketplace.

At the end of the day, the conference agreement will lead to enhanced competition in telecommunications services, resulting in real consumer benefits of more choices, lower prices and new services. For this, we should all be very proud. I strongly urge my colleagues to adopt this conference report.

Mr. FRIST. Mr. President, I ask unanimous consent that the conference report be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the conference report be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The conference report was agreed to.

MEASURE PLACED ON THE CALENDAR—H.R. 5

Mr. FRIST. I ask unanimous consent that H.R. 5 be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRATULATING THE REPUBLIC OF LITHUANIA ON THE TENTH ANNIVERSARY OF THE REESTABLISHMENT OF ITS INDEPENDENCE

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Con. Res. 91 introduced earlier today by Senators DURBIN, GORTON, LOTT, HELMS, and others.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 91) congratulating the Republic of Lithuania on the tenth anniversary of the reestablishment of its independence from the rule of the former Soviet Union.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DURBIN. Mr. President, March 11 will mark the 10th anniversary of the declaration of independence of Lithuania from the domination of the Soviet Union. Lithuania led the way for other Soviet Republics to throw off the yolk of Soviet Communist imperialism, resulting in the disintegration of the Soviet Union.

This declaration was not without cost—in January 1991, Soviet paratroopers stormed the Press House in Vilnius, injuring four people. Barricades were set up in front of the Lithuanian Parliament, the Seimas. Soviet forces attacked the television station and tower in Vilnius, killing 13 Lithuanians. One woman was killed when she tried to block a Soviet armored personnel carrier.

But these courageous Lithuanians did not suffer and die in vain. Lithuania has now become a vibrant democracy. It has established a free-market economy and the rule of law. Lithuania wants to be fully integrated into Europe, and is seeking membership in the European Union and the North Atlantic Treaty Organization, NATO.

This year we also celebrate the 60th anniversary of the U.S. Congress' insistence that Soviet domination of the

Baltic states would not be recognized by the United States. The logic then and the logic now is that the United States will only recognize a free and independent Lithuania. What we celebrate this year is what we must help preserve next year and the year after that. We must carry on that principle today by being sure that Lithuania, Latvia, and Estonia are admitted into NATO as an unequivocal statement that we will never tolerate domination of the Baltic states again.

I support admitting the Baltic states into NATO and I hope my colleagues here in the Senate will support their entry also in the next round of NATO expansion.

That debate we will save for another day, but I am sure all my colleagues can agree on the importance of Lithuania's contribution to freedom and independence for the former Soviet Republics and will join me in congratulating Lithuania in celebrating ten years of that precious freedom and independence.

I am honored that my mother was born in a tiny Lithuanian village many years ago; that she came to this country proud of her heritage, but determined to be an American citizen. This Senator, the son of that proud Lithuanian mother, now serves in this great body and takes pride in being able to rise and salute the courageous people of Lithuania on this the occasion of the tenth anniversary of their independence from Soviet domination.

Mr. FRIST. Mr. President, I ask unanimous consent that the concurrent resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and, finally, any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Res. 91) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 91

Whereas the United States had never recognized the forcible incorporation of the Baltic states of Estonia, Latvia, and Lithuania into the former Soviet Union;

Whereas the declaration on March 11, 1990, of the reestablishment of full sovereignty and independence of the Republic of Lithuania led to the disintegration of the former Soviet Union;

Whereas Lithuania since then has successfully built democracy, ensured human and minority rights, the rule of law, developed a free market economy, implemented exemplary relations with neighboring countries, and consistently pursued a course of integration into the community of free and democratic nations by seeking membership in the European Union and the North Atlantic Treaty Organization; and

Whereas Lithuania, as a result of the progress of its political and economic reforms, has made, and continues to make, a significant contribution toward the maintenance of international peace and stability by, among other actions, its participation in NATO-led peacekeeping operations in Bosnia and Kosovo: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress hereby—

(1) congratulates Lithuania on the occasion of the tenth anniversary of the reestablishment of its independence and the leading role it played in the disintegration of the former Soviet Union; and

(2) commends Lithuania for its success in implementing political and economic reforms, which may further speed the process of that country's integration into European and Western institutions.

ARTS EDUCATION MONTH

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 128 and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 128) designating March 2000 as "Arts Education Month."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and, finally, that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 128) was agreed to.

The preamble was agreed to.

The resolution with its preamble is as follows:

S. RES. 128

Whereas arts literacy is a fundamental purpose of schooling for all students;

Whereas arts education stimulates, develops and refines many cognitive and creative skills, critical thinking and nimbleness in judgment, creativity and imagination, cooperative decisionmaking, leadership, high-level literacy and communication, and the capacity for problem posing and problem-solving;

Whereas arts education contributes significantly to the creation of flexible, adaptable, and knowledgeable workers who will be needed in the 21st century economy;

Whereas arts education improves teaching and learning;

Whereas when parents and families, artists, arts organizations, businesses, local civic and cultural leaders, and institutions are actively engaged in instructional programs, arts education is more successful;

Whereas effective teachers of the arts should be encouraged to continue to learn and grow in mastery of their art form as well as in their teaching competence;

Whereas the 1999 study, entitled "Gaining the Arts Advantage: Lessons from School Districts that Value Arts Education", found that the literacy, education, programs, learning and growth described in the preceding clauses contribute to successful districtwide arts education;

Whereas the 1997 National Assessment of Educational Progress reported that students lack sufficient opportunity for participatory learning in the arts;

Whereas educators, schools, students, and other community members recognize the importance of arts education; and

Whereas arts programs, arts curriculum, and other arts activities in schools across the Nation should be encouraged and publicly recognized: Now, therefore, be it

Resolved,

SECTION 1. DESIGNATION OF ARTS EDUCATION MONTH.

The Senate—

(1) designates March 2000, as "Arts Education Month"; and

(2) encourages schools, students, educators, parents, and other community members to engage in activities designed to—

(A) celebrate the positive impact and public benefits of the arts;

(B) encourage all schools to integrate the arts into the school curriculum;

(C) spotlight the relationship between the arts and student learning;

(D) demonstrate how community involvement in the creation and implementation of arts policies enriches schools;

(E) recognize school administrators and faculty who provide quality arts education to students;

(F) provide professional development opportunities in the arts for teachers;

(G) create opportunities for students to experience the relationship between participation in the arts and developing the life skills necessary for future personal and professional success;

(H) increase, encourage, and ensure comprehensive, sequential arts learning for all students;

(I) honor individual, class, and student group achievement in the arts; and

(J) increase awareness and accessibility to live performances, and original works of art.

ORDERS FOR MONDAY, MARCH 6, 2000

Mr. FRIST. I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 12 noon on Monday, March 6. I further ask consent that on Monday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until 2 p.m., with Senators speaking for up to 5 minutes each, with the following exceptions: Senator DURBIN, or his designee, 12 noon to 1 p.m.; Senator THOMAS, or his designee, 1 p.m. to 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. For the information of all Senators, the Senate will convene at 12 noon on Monday, March 6, and will be in a period of morning business until 2 p.m. Following morning business, the Senate may begin consideration of the Export Administration

Act, the Social Security earnings bill, or the FAA conference report.

A number of conflicts must be worked out before consideration of the Export Administration Act can begin. However, no votes will occur on Monday due to the Super Tuesday primaries, yet Senators can expect votes to begin at 5 p.m. on Tuesday, March 7.

ADJOURNMENT UNTIL MONDAY, MARCH 6, 2000

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:50 p.m., adjourned until Monday, March 6, 2000, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate March 2, 2000:

DEPARTMENT OF STATE

CARLOS PASCUAL, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO UKRAINE.

NATIONAL LABOR RELATIONS BOARD

SARAH MCCRACKEN FOX, OF NEW YORK TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING DECEMBER 16, 2004, TO WHICH POSITION SHE WAS APPOINTED DURING THE RECESS OF THE SENATE FROM NOVEMBER 19, 1999, TO JANUARY 24, 2000.

THE JUDICIARY

BONNIE J. CAMPBELL, OF IOWA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE EIGHTH CIRCUIT, VICE GEORGE G. FAGG, RETIRED.

DEPARTMENT OF STATE

THOMAS P. FUREY, OF OREGON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF NEPAL.

EXTENSIONS OF REMARKS

THE CHILD SUPPORT FOR CHILDREN ACT

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2000

Mr. CARDIN. Mr. Speaker, today I am introducing the Child Support for Children Act. This legislation will connect non-custodial fathers to their children and provide a crucial support to low-income, single parent families.

When we passed welfare reform in 1996, we dramatically improved the way we enforce payment of child support. As a result of these changes, child support collections nearly doubled in 1999 to $15.5 billion, an increase of $8 billion since 1992.

Yet at the same time, we undercut these improvements by requiring a set of arcane rules for how we distribute child support to former welfare families. Worst of all, we repealed the pass-through and disregard of the first $50 of child support paid to families on welfare, and allowed states to retain all child support for these low-income families.

This is the wrong policy. Child support is meant to help the children of non-custodial parents, not the state. Passing through child support not only connects fathers to their children, it provides a crucial support to poor families. Considering that the income of the poorest single-mother families has dropped for the first time in eight years, we must ensure that child support payments are used to improve the lives of our poorest children.

Federal child support collection and distribution rules are complicated and almost impossible to administer. Most importantly, they discourage payment of support by fathers to their families. With my bill, we have an opportunity to connect fathers to their children, boost the income of poor families, and fix a system in desperate need of change.

The Child Support for Children Act would require states to pass through all current support to families receiving Temporary Assistance for Needy Families. Furthermore, the bill provides a financial incentive to states to discount this income when considering a family's eligibility for cash welfare. For every dollar of child support disregarded by states for the purposes of TANF eligibility, the federal share of TANF collections is reduced proportionally.

In addition, the Child Support for Children Act simplifies rules for the assignment and distribution of child support arrears. Although a family that has left welfare is currently entitled to receive most past-due support, several exceptions to this rule prevent former welfare families from receiving much-needed support payments. My legislation will eliminate these exceptions.

Finally, my bill would eliminate unfair debts owed to states that discourage the payment of child support to families. For example, states can currently recover Medicaid birthing and other pregnancy-related costs from non-custodial parents. The Child Support for Children Act would prohibit this practice that often discourages non-custodial parents from coming into compliance with a child support order.

It is not enough to simply enforce child support. The time is long overdue to reform the distribution and assignment system for child support. The Child Support for Children Act takes desperately-needed steps to promote and reward parental responsibility, and extend modest support to struggling, single-parent families.

TRIBUTE TO THE VICTORIA HIGH SCHOOL VARSITY CHEERLEADERS OF VICTORIA, TEXAS

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2000

Mr. PAUL. Mr. Speaker, I rise today to pay tribute to the winners of the National High School Cheerleading Championship sponsored by the Universal Cheerleaders Association held in Orlando, Florida—the Victoria High School Varsity Cheerleaders of Victoria, Texas. This victory follows a history of winning third place in 1997, and second place in 1998.

By taking the championship in 1999, Victoria High became the first Texas squad to ever win the National Championship. With this second impressive win, the VHS Cheerleaders became the first squad in the nation to win back-to-back championships in the Medium Varsity Division of the UCA Nationals.

The competition was fierce, with the Regional competition starting in November, 1999, when the squad's first place win put them in line to take on 65 of the best of the best in Nationals. The teen's first trip before the judges in the preliminary round earned them a shot at the national championship, where they gave a stellar performance, shutting out their competition consisting of the top 14 squads in the country.

I am proud to recognize this very talented group of students for excelling in this very demanding sport. But I am equally proud to applaud their selfless efforts in representing their school through community service to the American Cancer Society, March of Dimes, American Heart Association, and the Texas Zoo of Victoria. They visit local elementary schools and participate in pep rallies during Red Ribbon Week and TAAS week. Each student is also required to maintain an 80 overall average while passing each class. They are to be commended for participating in these additional activities.

National championships do not come along by accident. Many, many hours of practice and training must take place to achieve them. Leadership is also a key ingredient. I want to recognize the VHS teachers, Denise Neel and Terese Reese, who helped make this goal a reality. Additionally, I commend the parents of each cheerleader who, no doubt, contributed greatly to this success.

This group of students deserve the honor they have earned. I commend each one of them: Laurie Beck—Co-Head Cheerleader, Amy Reinmann—Co-Head Cheerleader, Vanessa Bludau, Amber Clemmons, Sara Dickson, Courtney Horecka, Haley Kolle, Lacey Reed, Amanda Rodriguez, Karla Sterne, Sarah Carville, Melissa Keefe, Chelsie Luhn, Julia McLarry, Rachel Schmitt, and Ashley Valentine.

I am proud to have these two-time national champions in the 14th Congressional District of Texas, and trust all my colleagues join me in congratulating them on this impressive achievement.

TRIBUTE TO THE LATE KENNETH MADDY

HON. STEVEN T. KUYKENDALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2000

Mr. KUYKENDALL. Mr. Speaker, I rise today with sadness to remember and honor a beloved figure from California, former State Senator Ken Maddy. Ken passed away last week at the age of 65 after a year-long bout with lung cancer.

I had the privilege of getting to know Ken during my time in the California State Assembly. He was a straight shooter, always sincere, and he treated everyone with the utmost respect; a class act. He was a brilliant legislator, one of the very best. A moderate Republican, Ken was admired by his colleagues from both sides of the aisle.

Ken Maddy knew how to get things done. He was a pragmatic legislator with an even temper, recognizing the importance of compromise. As Senate Republican leader he was the go-to guy for two Republican Governors because he knew how to get things done despite being in the minority party.

Ken represented California's Central Valley for 28 years, serving in both the State Assembly and State Senate. His career in public life came to an end in 1998 as he left the Senate due to term limits.

Ken was diagnosed with lung cancer just two months into his retirement. This came as a shock since Ken was a non-smoker. He had just signed on with a prominent public affairs firm and had gotten engaged when he was dealt this blow. But in typical Maddy fashion, he kept his chin up and put up a courageous fight. I will always remember his passion for life, politics, and people. He was like no other.

The State of California has lost a true leader. His life-long career of service will forever

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

be remembered. Ken Maddy will be dearly missed, but his legacy will live on in the State of California.

SENIOR CITIZENS' FREEDOM TO WORK ACT OF 1999

SPEECH OF

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2000

Mr. COYNE. Mr. Speaker, I rise today in support of this important legislation.

This legislation will repeal the Social Security earnings test for seniors between the ages of 65 and 69. It will benefit hundreds of thousands of senior citizens.

In 1995, Congress enacted legislation with my support to increase the Social Security earnings test from $11,280 to $30,000 over seven years. Given the budget constraints at the time, that was the best we could do. But that action indicated that Congress realized that the earnings test, which was a useful policy when it was enacted, did not reflect the changes which had taken place in the senior population and the workforce in the subsequent years.

Encouraging people to retire at age 65 made sense in the 1930s, when unemployment was at unprecedented levels—and in the 1970s, when once again we were faced with persistent high levels of unemployment. But under ordinary circumstances, the federal government shouldn't encourage people to give up their jobs when they reach a certain age—especially today, when our country needs to take advantage of the skills and experience that many older Americans possess. Senior citizens who choose to continue working should be allowed to do so without being penalized. Consequently, I am pleased to support this landmark legislation.

INTRODUCTION OF THE SCHOOL SAFETY ACT

HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2000

Ms. DUNN. Mr. Speaker, as Co-Chair of the Bipartisan Working Group on Youth Violence last fall, I heard numerous witnesses from law enforcement and the education field testify about the importance of School Resource Officers. Despite public perception, schools remain one of the safest places for children to be. Nevertheless, we must continue to make violence, and the perception of violence, rare in schools, and School Resource Officers are an integral part of this effort.

For this reason, I am introducing the School Safety Act. Under current law, there is a 20% cap on the amount of federal funds that a state may spend on School Resource Officers from the federal Safe and Drug Free Schools and Communities Act. The School Safety Act eliminates this cap so schools will have the flexibility to spend more of their Safe and Drug Free federal funds on a school resource officer, if they choose, in order to provide greater security for their schools.

One adult can make a difference in a child's life by taking an interest and nuturing him or her. While there are many people working at schools today who can be a positive influence, School Resource Officers also play a crucial role. Students with behavioral disorders account for a majority of problems encountered in schools today, and these officers are needed, not only to identify these students, but to work on developmental skills and relationship building. By being a positive role model and working to instill values in troubled students, School Resource Officers often stop problems before they have a chance to start.

Additionally, these officers can provide consultation with parents and teachers about student behavior and emotional difficulties, and provide parents with greater peace of mind about the care and safety of their children at school. Schools need to be safe places where students can learn, free of intimidation and fear. School Resource Officers are an important part of any school safety plan, and every effort must be made on the federal level to allow schools to choose whether their school safety plan will include this officer.

I invite you to join with me in this effort and cosponsor and support this simple yet important legislation.

SENIOR CITIZENS' FREEDOM TO WORK ACT OF 1999

SPEECH OF

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2000

Mr. CRANE. Mr. Speaker, I rise to pledge my avowed support for H.R. 5—to eliminate the Social Security Earnings Test for seniors who are 65 to 70 years old and continue to work. It is time that we strike down this ridiculous and costly "earnings test." Indeed, there are many Americans who are 65 to 70 years of age who continue to work—and who are entitled to that all-American right to maintain a solid and secure living. Why should the federal government "penalize" those well-intentioned individuals by applying an "earnings test" and reducing or delaying their Social Security benefits?

Today, with unemployment at an all-time low, it no longer makes sense to subject seniors to an "earnings test." When used, the "earnings test" has not only reduced Social Security benefits of retirees who continue working but affected the wives and children of beneficiaries as well. Because of the Great Depression, Congress originally created the "earnings test" in 1935 to encourage older Americans to leave the labor force. But things have changed. Older Americans are now making greater and more significant contributions to the workforce than ever before. My district alone has some 42,000 seniors—many whom still make valid contributions to today's workforce.

Mr. Speaker, repealing the "earnings test" for seniors aged 65 to 70 is the first step towards reforming the Social Security system. By eliminating this age-discriminatory "earnings test" we will increase benefit outlays to those seniors to just over $22-and-a-half billion dollars over the next 10 years. In fact, administration of the "earnings test" tacks an added cost of as much as $100 to $150 million on to the taxpayers' bill. Repeal of the test could eliminate that cost. Mr. Speaker, we must effectively help seniors, reduce costs, and reform the system—that is why I give my full support to H.R. 5. and urge my colleagues to do so.

CIBA SPECIAL CHEMICALS CORPORATION DUTY SUSPENSION

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2000

Mr. GILMAN. Mr. Speaker, today I am introducing a duty suspension request on behalf of Ciba Specialty Chemicals Corporation of Tarrytown, New York. This company develops and manufactures additives, colors, water treatments and other specialty chemicals in the United States.

This duty suspension is for an algicide registered with the EPA for use in the architectural market. It is also used as a fungicide in the anti-fouling boat paint market and will replace tri-butyl tin oxide (TBTO) whose use will be banned by the International Maritime Organization in the year 2004.

INTRODUCTION OF THE "FEDERAL PAYDAY LOAN CONSUMER PROTECTION AMENDMENTS OF 2000"—H.R. 3823

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2000

Mr. LAFALCE. Mr. Speaker, I am today introducing the "Federal Payday Loan Consumer Protection Amendments of 2000" (H.R. 3823) to address the problems of high cost "payday" lending. My legislation responds to consumer group studies that reveal how the rapidly expanding payday loan industry seeks to trap thousands of consumers each year in hopeless cycles of perpetual debt.

For some time now, I have been concerned that we are seeing the development of a dual financial services structure in this country—one for middle and upper income individuals that involves traditional regulated and insured financial institutions; a second for lower-income households and people with impaired credit that involves higher cost services from lesser-regulated entities check cashers, pawn shops and other quasi-financial entities.

For these lower-income Americans, traditional banking and credit services either are not affordable or readily available. Other entities have stepped in to take their place. Where these institutions act responsibly, they provide an important service that otherwise might not exist. But too often they are providing services at far higher cost, and at more onerous terms, than the services made available to higher income people. Certainly, I understand the concept of pricing for risk. But there is a clear difference between pricing for risk and simply taking advantage of people in desperate need.

In my mind, payday loans exemplify the worst aspects of the growing disparity between these primary and secondary markets for financial services. Payday loans are high-cost, short term loans that use a borrower's personal check as collateral. These loans are made to cash-strapped consumers without any assessment of ability to repay, other than the ability to write a post-dated check. Since they are borrowing against their next paychecks, and the debt is due all at once in a lump sum, a large percentage of borrowers can't repay the debt and end up having to roll over the debt again and again, paying exorbitant fees and interest costs for the same borrowed funds.

The cost of a typical payday loan is $15 to $17.50 for each $100 advanced over a two-week period. This translates into comparable annual percentage rates (APR) of 390% to 465% for a two-week loan. If the loan is extended over multiple two-week periods, the finance costs rapidly escalate, often exceeded 2000%. The Illinois Department of Financial Institutions reported last year that the typical payday customer "remains a customer for at least 6 months," averaging over 11 loan extensions. Indiana financial regulators found that only 9% of payday loans are not rolled over and that the average customer typically had ten loan renewals.

U.S. PIRG recently calculated the cost of borrowing $200 from three widely available credit sources: a cash advance on a high-rate credit card, a loan under a typical state small loan interest cap of 35% and a typical payday loan. Over the period of a single month, the total charges for a payday loan, at $70, were 8 times higher than the nearest alternative, $8.41 for the credit card advance. Over three months, charges for the payday loan, at $210, were nearly 18 times higher than the closest alternative, the $12.10 paid for the high rate small loan.

Unfortunately, an accurate assessment of these costs is rarely provided to payday loan customers. The Truth in Lending Act (TILA) requires creditors to provide customers with complete and accurate estimates of credit costs, including comparable APR figures that permit comparison with other credit alternatives. Congress intended that TILA disclosure requirements apply very broadly to all forms of credit, including short-term payday loans. The fact that payday lenders continue to resist making accurate cost disclosures, with repeated unsuccessful challenges of TILA's application in court, indicates to me that their intent of deceiving people into borrowing at rates far higher than necessary and far higher than most can afford.

The fact that payday lenders can threaten to cash a borrower's check, or even threaten criminal prosecution for intentional writing of a bad check, leaves borrowers with few options but to roll over the debt or default on other debts to pay off the payday loan. Because payday loans by definition leave the borrower unable to repay all their debts, the use of postdated checks becomes an effective tool in forcing borrowers to pay the payday lender first. Industry sources openly acknowledge that "the potential for future (bad check) charges and/or loss of check-writing privileges" clearly motivates borrowers to pay off payday loans first, while defaulting on other obligations.

Unfortunately, most payday lenders are not federally regulated entities, and regulation of small loan interest rates has traditionally fallen within State jurisdiction. A large number of states, including my home state of New York, have in place small loan rate caps, usury ceiling or other restrictions to prohibit payday loans or limit their worst abuses. But these states are now under significant pressure from the rapidly expanding payday lending industry. In 19 states, the payday loan industry has carved out special exemptions from state interest caps or enacted specific payday loan "regulatory" statutes that are written to benefit the industry, not consumers.

In states where the industry's lobbying tactics have failed, payday lenders either try to disguise these transactions, calling them service fees or sale-leaseback transactions, or they have

The recent entry of insured national banks into payday lending is extremely troubling to me. I do not think institutions that benefit from a public charter, access to the federal payment system and federal deposit insurance should engage in lending that does not properly assess borrowers' ability to repay, that encourages writing of bad checks on accounts with other institutions, that seeks to trap borrowers in perpetual debt, that encourages default on obligations with other lenders, or that facilitates violations of state lending law. These are unacceptable activities for insured federal institutions that threaten the safety and soundness not only of the institution, but the entire banking system. Moreover, federal institutions have an obligation under the Community Reinvestment Act to serve all consumers in their surrounding community, not seek to exploit the most disadvantaged.

I believe Congress has a two-fold responsibility in this area. First, we must continue to address the inadequacies of the financial marketplace that fuel the growth of payday lending and other abusive practices. We have helped to make credit union services available to more people in financially underserved communities in the 1998 Credit Union Membership Access Act. The Treasury Department has recently implemented a Congressional mandate to make low-cost electronic transfer accounts available to all unbanked federal beneficiaries. And President Clinton has requested funding to implement new initiatives to make affordable "first account" banking services available to low-income households.

Second, we need to act decisively to restrict the abusive practices of payday lenders. At a minimum, we must keep federally regulated and insured institutions out of the business of payday lending, both to promote safe and sound banking practices and to eliminate the national bank "loophole" that permits payday lenders to circumvent state lending laws. But we need to much more—we must end the "indirect" involvement of insured institutions in payday lending by the fact that checks and other withdrawal on their accounts are being used by others as the basis for making and enforcing payday loan transaction. We also must make explicitly clear the fact that Truth in Lending Act disclosures and protections apply, and have always applied, to all payday loans.

The legislation I am introducing today will make four important changes in current law with regard to payday loans. First, it prohibits all federally insured banks and thrifts from engaging directly, or indirectly through other lenders, in any form of payday lending. Second, it makes explicit Congress' intent that Truth in Lending Act protections apply to payday loan transactions, by specifically listing payday loans within TILA's definition of credit and providing a uniform federal definition of what constitutes a payday loan to eliminate future ambiguity.

Third, it amends current law to prohibit uninsured lenders from making any payday loan using a personal check or other written or electronic debit authorization on an account with an insured institution. Finally, the bill increases civil penalties under the Truth in Lending Act to provide a stronger deterrent to discourage abusive practices.

Mr. Speaker, Congress has spent a great deal of time in recent years creating a new, more flexible financial services structure that permits financial institutions to take full advantage of evolving technologies and changing market opportunities. Our challenge in future years will be to assure the benefits of these new structure will be equally available in all communities and to all consumers. I consider the "Federal Payday Loan Consumer Protection Amendments of 2000" a first step toward meeting this challenge. I urge its prompt consideration and adoption.

INTRODUCTION OF THE GLOBAL HEALTH ACT OF 2000

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 2, 2000

Mr. CROWLEY. Mr. Speaker, today I am introducing legislation to address an issue that is receiving much needed attention by the international community and the U.S. government. That issue is global health.

In August of 1999, my constituents were shocked to learn that an outbreak of West Nile-Like Encephalitis had surfaced for the first time in the Western hemisphere in the heart of my district in Queens and the Bronx.

This outbreak was a wake up call for every American. It illustrates that the global community has truly become the local community. As demonstrated by West Nile-Like Encephalitis, HIV/AIDS and tuberculosis, a disease respects no borders. An outbreak in Africa, Europe, Asia or South America can travel to U.S. shores within days.

No longer can diseases occurring in far off lands be ignored. They pose a direct threat to the national security of our great country and must be addressed by the U.S. government, this Congress and the international community as a whole. Diseases can not be seized by

Customs and they do not apply at the U.S. Embassy for a visa. The only way to stop them is to target them at the source.

To address this growing danger, I have been joined by 22 of my colleagues in introducing bipartisan legislation to increase the U.S. commitment to global health by one billion dollars over Fiscal Year 2000 appropriated levels. With these additional funds, our commitment to global health will be authorized at 2.19 billion dollars.

Mr. Speaker, I would like to thank the cosponsors of the Global Health Act of 2000, Representatives Connie Morella, Nancy Pelosi, Amo Houghton, Nita Lowey, Jim Greenwood, Bernie Sanders, Charlie Rangel, Carrie Meek, Louise McIntosh Slaughter, Bobby Rush, Maurice Hinchey, William Delahunt, Tony Hall, Carolyn Maloney, Rosa DeLauro, Sherrod Brown, Lynn Woolsey, Barney Frank, Robert Wexler, Sheila Jackson-Lee, Jim McGovern, and Jim McDermott. These cosponsors represent a broad cross section of the House; Democrats and Republicans, members of the Women's Caucus, the Progressive Caucus, the Black Caucus, Appropriators and Authorizers, who have recognized the need and importance of an increased commitment to global health. I ask that a copy of the Global Health Act be printed in Record following my remarks.

The cosponsors of the Global Health Act have realized that an investment in global health today will benefit the health of our own citizens and be highly cost effective. They realize, Mr. Speaker, that its pay now, or pay dearly later.

We are joined in this effort by over 100 national organizations committed to global health, such as the Global Health Council, Save the Children, the Salvation Army World Services and the Global AIDS Action Network, and the list is growing every day.

Mr. Speaker, I have included a broad list of health organizations, faith based groups and development NGO's that support this legislation and ask that it be entered into the record.

Mr. Speaker, you may ask, what does the Global Health Act do?

The Global Health Act provides an additional $475 million to prevent, control and combat infectious diseases such as HIV/AIDS and malaria. It authorizes an additional $325 million in critical funding to help child and family survival through nutrition and health advice for pregnant women and mothers, along with programs for child survival and infant care, such as immunizations.

Finally, the GHA includes key funding provisions to increase the U.S. commitment to international family planning by authorizing an additional $200 million for programs such as contraceptive use, spacing of children and proper care and nutrition during pregnancy.

According to a 1993 World Bank report, a basic health care package can be delivered to developing nations at a low cost of $13–$15 per person annually. This figure includes all immunizations, curative health care for children and adults, particularly cures for infectious diseases, reproductive health needs, education and treatment of sexually transmitted diseases. In other words, basic health services can be provided to the 2 billion people currently living in poverty at a cost $30 billion each year.

In this context, an investment of an additional $1 billion of global health by the United States—the world's richest nation—is a sound investment. The United States can serve as a catalyst to increase the commitment of other donor nations, foundations, and corporations to increase their contributions to further global health.

Mr. Speaker, make no mistake, this funding is urgently needed.

Over 10 million children under the age of five die each year in developing nations from preventable causes.

More than 150 million married women in developing nations still want to space or limit childbearing, but do not have access to modern contraceptives.

Nearly 600,000 women die each year from complications of pregnancy and childbirth, and another 18 million women suffer pregnancy-related health programs that can be permanently disabling.

Thirteen million people die annually from infectious diseases, most of which are preventable or curable.

HIV/AIDS has become the world's leading infectious disease threat with over 16,000 new infections daily of which 7,000 of these are young people between the ages 10–24.

The 21st century faces an estimated 33.5 million people around the world who are infected with HIV/AIDS. The spread of HIV/AIDS can be prevented with an urgent and necessary investment. We must stand at the forefront of tackling this disease, in order to secure the health and prosperity of our future generations.

Currently, India is the epicenter for HIV/AIDS as it leads the world in newly infected people. Last year, the continent of Africa experienced the death of over 2 million people, which is equivalent of four funerals per minute.

We can and must do better.

Mr. Speaker, I am pleased to say that the President, in his Fiscal Year 2001 budget request, has asked for additional funding for family planning and HIV/AIDS. Unfortunately, child survival's funding remained level, and maternal health had no request at all.

I am encouraged, however, by the Administration's statements on the U.S., commitment to global health. In his State of the Union address, the President called for a concerted international action to combat infectious diseases in developing countries. Vice President Gore recently told the UN Security Council that the Administration's FY 2001 budget will include a proposed $50 million contribution to the vaccine purchase fund of the Global Alliance for Vaccines and Immunization. This week, appearing before the UN Economic and Social Council, Ambassador Holbrooke, along with other members of the Security Council, reported on the increased security concerns of HIV/AIDS and other infectious diseases.

Mr. Speaker, the time to turn these words into actions is now and I believe the Global Health Act provides the means.

Although other legislative proposals target specific diseases and seek to create new programs to help promote global health, the Global Health Act of 2000 represents a comprehensive, balanced approach that builds upon proven, existing programs.

For example, the Global Health Act of 2000 would provide a total of $500 million for the prevention, care, and treatment of HIV/AIDS in FY 2001 through existing programs. This legislation uniquely addresses the issue of health infrastructure—allowing for vaccines, drugs, and medical devices to be delivered to those who need them most.

Additionally, the legislation emphasizes the interconnectedness of global health by calling for increased funding for child survival, woman's health and nutrition, reducing unintended pregnancies, and combating the spread of other infectious diseases. It also calls for increased coordination between the different government agencies administering health programs.

With the resources provided under the Global Health Act and the assistance of other nations, we can make a profound difference in the health and well-being of millions of the world's poorest citizens and protect our own national security as well.

Mr. Speaker, I urge my colleagues to support this important legislation.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Global Health Act of 2000".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) More than 10,000,000 children under 5 years of age die each year in developing nations from preventable causes, and more than ½ of these deaths are due to 5 conditions; pneumonia, diarrhea, malaria, malnutrition, and measles.

(2) Despite progress in making family planning services available, more than 150,000,000 married women in developing nations will still want to space or limit child bearing, but do not have access to modern contraceptives.

(3) According to the World Health Organization, nearly 600,000 women die each year from complications of pregnancy and childbirth, and another 18,000,000 women suffer pregnancy-related health problems that can be permanently disabling.

(4) According to the World Health Organization, 13,000,000 people die annually from infectious diseases, most of which are preventable or curable, and 6 diseases account for 90 percent of these deaths; pneumonia, diarrhea diseases, measles, tuberculosis, malaria, and HIV/AIDS.

(5) HIV/AIDS has become the world's leading infectious disease threat, with 34,000,000 people infected worldwide, and more than 16,000 new infectious daily, of which 7,000 cases occur in people between the ages of 10 and 24.

SEC. 3. ASSISTANCE TO IMPROVE GLOBAL HEALTH.

(a) Emphasis on Disease Surveillance and Prevention and Response to Disease Outbreaks.— Section 104(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(c)) is amended by adding at the end the following:

"(4) Congress recognizes the growing threat that infectious diseases and other global health problems pose to Americans and people everywhere. Accordingly, activities supported under this subsection shall include activities to improve the capacity of developing nations to conduct disease surveillance and prevention programs and to respond promptly and effectively to disease outbreaks.".

(b) Increase in FY 2001 USAID Assistance.—

(1) AUTHORIZATION OF APPROPRIATIONS.— To carry out the purposes of section 104 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b) for fiscal year 2001, there is authorized to be appropriated, in addition to funds otherwise available for such purposes, the following amounts for the following purposes:

(A) The amount equal to the aggregate of amounts made available for fiscal year 2000 to carry out that section with respect to the health and survival of children, the health and nutrition of pregnant women and mothers, voluntary family planning, combating HIV/AIDS, and the prevention and control of infectious diseases other than HIV/AIDS, to be used for such purposes of fiscal year 2001.

(B) $1,000,000,000, to be available in accordance with paragraph (2).

(2) ALLOCATION OF FUNDS.— Of the amount authorized to be appropriated in paragraph (1)(B)—

(A) $225,000,000 should be available for the health and survival of children;

(B) $100,000,00 should be available for the health and nutrition of pregnant women and mothers;

(C) $200,000,000 should be available for voluntary family planning;

(D) $275,000,000 should be available for combating HIV/AIDS; and

(E) $200,000,000 should be available for the prevention and control of infectious diseases other than HIV/AIDS.

(3) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

(c) COORDINATION AMONG FEDERAL DEPARTMENTS AND AGENCIES.— It is the sense of Congress that the President, acting through the Administrator of the United States Agency for International Development, should coordinate with the Centers for Disease Control and Prevention, the National Institutes of Health, the Department of State, the Department of Health and Human Services, the Department of Defense, and other appropriate Federal departments and agencies to ensure that United States funds made available for the purposes described in paragraph (1) are utilized effectively.

GLOBAL HEALTH ACT SUPPORTERS AS OF 2–29–00

1. Abt Associates, Inc., Bethesda, MD
2. Advocates for Youth, Washington, DC
3. AIDS Treatment News, San Francisco, CA
4. AIDS Vaccine Advocacy Coalition, Washington, DC
5. Alan Guttmacher Institute, Washington, DC
6. Alliance Lanka, Sri Lanka
7. American Association for World Health, Washington, DC
8. American Association of Dental Schools, Washington, DC
9. American Association of University Women, Washington, DC
10. American International Health Alliance, Washington, DC
11. American Medical Women's Association, Washington, DC
12. American Public Health Association, Washington, DC
13. American Public Health Laboratories, Washington, DC
14. American Society of Tropical Medicine and Hygiene, Washington, DC
15. Asia Pacific Network of People Living with HIV/AIDS, Singapore
16. Asian & Pacific Islander Wellness Center, San Francisco, CA
17. Association for Professionals in Infection Control and Epidemiology, Washington, DC
18. Association of Academic Health Centers, Washington, DC
19. Association of Reproductive Health Professionals, Washington, DC
20. Association of Schools of Public Health, Washington, DC
21. AVSC International, New York, NY
22. Catholics for Free Choice, Washington, DC
23. Center for Health and Gender Equity (CHANGE), Takoma Park, MD
24. Center for Reproductive Law and Policy, New York, NY
25. Centre for Development and Population Activities, Washington, DC
26. Child Health and Development Centre, Uganda
27. Childreach, US Member of PLAN International, Warwick, RI
28. CIDA-AIDS Project, Ghana
29. Community Working Group on Health—Training and Research Support Centre, Zimbabwe
30. Concern America, Santa Ana, CA
31. CONRAD Program, Arlington, VA
32. Department of Pediatrics & Child Health, Faculty of Medicine, University of Natal, South Africa
33. Dutch AIDS Coordination Bureau, The Netherlands
34. Eighteenth International AIDS Conference, Durban, South Africa
35. Esperanca, Phoenix, AZ
36. Family Health International, Research Triangle Park, NC
37. Female Health Company, Chicago, IL
38. Female Health Foundation, Chicago, IL
39. Fighting Drug Abuse in Kenya
40. Foundation for Compassionate America Samaritans, Cincinnati, OH
41. Francois-Xavier Bagnoud US Foundation, New York, NY
42. Freedom from Hunger, Davis, CA
43. Global AIDS Action Network, Washington, DC
44. Global Alliance for Africa, Chicago, IL
45. Global Health Connection, Columbus, OH
46. Global Health Council Washington, DC
47. Global Network of People Living with HIV/AIDS, The Netherlands
48. Heartland Alliance for Human Needs & Human Rights, Chicago, IL
49. Helen Keller Worldwide, New York, NY
50. Human Rights Campaign, Washington, DC
51. Humanitas Foundation, Chicago, IL
52. Institución Internacional Para la Salud y el Desarrollo (ISDAE), Spain
53. Instituto Nacional de Salud Publica, Cuernavaca, Mexico
54. International Association of Physicians in AIDS Care, Chicago, IL
55. International Center for Research on Women, Washington, DC
56. International Community of Women Living with HIV/AIDS (ICW), United Kingdom
57. International Council of AIDS Service Organizations (ICASO)
58. International Eye Foundation, Bethesda, MD
59. International Women's Health Coalition, New York, NY
60. John Snow, Inc., Boston, MA
61. Just Like Me Program, Orlando, FL
62. Loma Linda University, School of Public Health, Loma Linda, CA
63. Management Sciences for Health, Boston, MA
64. Medical Service Corporation International, Arlington, VA
65. Migrant Clinicians Network, Austin, TX
66. Minnesota International Health Volunteers, Minneapolis, MN
67. Multidisciplinary African Women's Health Network (MAWHN), Ghana
68. National Abortion and Reproductive Rights League, Washington, DC
69. National AIDS Fund, Washington, DC
70. National Center for Health Education, New York, NY
71. National Family Planning and Reproductive Health Association, Washington, DC
72. National Latina/o Lesbian, Gay, Bisexual & Transgender Organization, Washington, DC
73. National Minority AIDS Council, Washington, DC
74. Pacific Institute for Women's Health, Los Angeles, CA
75. Pathfinder International, Watertown, MA
76. Pearl S. Buck International, Perkasie, PA
77. Physicians for Social responsibility, Washington, DC
78. Planned Parenthood Federation of America, Washington, DC
79. Population Action International, Washington, DC
80. Population Institute, Washington, DC
81. Positive Life in Delhi, India
82. Program for Appropriate Technology in Health, Seattle, WA
83. Project Concern International, San Diego, CA
84. Project HOPE, Millwood, VA
85. Project Inform, San Francisco, CA
86. Project Troubador, Salisbury, CT
87. Salvation Army World Services, Arlington, VA
88. SatelLife, Watertown, MA
89. Save the Children Federation, Westport, CT
90. Shrada Dhanvantari Charitable Hospital, India
91. Southern Colorado AIDS Project, Colorado Springs, CO
92. Strategies for Hope, United Kingdom
93. Sub-Saharan Relief Fund, Washington, DC
94. Swiss Red Cross, Ghana
95. Thailand Business Coalition on AIDS
96. The Microbicides Alliance, Arlington, VA
97. The Seraphim foundation, Arlington, VA
98. Uganda Youth Anti-AIDS Association
99. The United Methodist Church—General Board of Church and Society, Washington, DC
100. University of Michigan Population Fellows Program, Ann Arbor, MI
101. U.S. Committee for UNFPA, New York, NY
102. U.S. Fund for UNICEF, New York, NY
103. VISIONS Worldwide, Boston, MA
104. Women's Health Institute, Boston, MA
105. World Neighbors, Oklahoma City, OK
106. Zero Population Growth, Washington, DC

HOUSE OF REPRESENTATIVES

March 1, 2000.

Pursuant to Clause 4 of the rule XXII of the rules of the House of Representatives, the following sponsors are hereby added to the Global Health Act of 2000.

Constance A. Morella, Nancy Pelosi, Amo Houghton, Nita M. Lowey, James C. Greenwood, Bernard Sanders, Charles B. Rangel, Carrie P. Meek, Louise McIntosh Slaughter, Bobby L. Rush, Maurice D. Hinchey, William D. Delahunt, Tony P. Hall, Carolyn B. Maloney, Rosa L. DeLauro, Sherrod Brown, Lynn C. Woolsey, Borney Frank, Robert Wexler, Sheila Jackson Lee, Jim McDermott, and James P. McGovern

SENATE—*Monday, March 6, 2000*

The Senate met at 12:02 p.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, sovereign of our beloved Nation and gracious Lord of our lives, in the ongoing schedule of Senate business, we tend to lose one of the most precious gifts You offer us: a sense of expectancy. As we begin this new week, help us to expect great things from You and to attempt great things for You. We will perform the same old duties differently because You will have made us different people filled with Your love, joy, peace, and patience. We commit to You the challenges and opportunities of the week ahead, expecting Your surprises—serendipities of Your interventions—to work things out. Give us freedom to cooperate with You. Give us a positive attitude towards life because we know You will maximize our efforts, assist us when dealing with difficult people, and help us to care for those in need. Bring on life, Lord; filled with Your spirit, we are expecting wonderful things to happen. In Your all-powerful name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable Jeff Sessions, a Senator from the State of Alabama, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader is recognized.

Mr. LOTT. I thank the President pro tempore.

THANKING THE PRESIDENT PRO TEMPORE AND THE CHAPLAIN

Mr. LOTT. We thank you for the job you do as the President pro tempore and the fact that you keep us on time. "In time and on time," that is the motto for STROM THURMOND. We thank the Chaplain for his beautiful prayer as always.

SCHEDULE

Mr. LOTT. Today, the Senate will be conducting a period of morning business in order to allow Senators to make statements and introduce legislation.

EXTENSION OF MORNING BUSINESS

I now ask unanimous consent that the period of morning business be extended until 5 p.m. with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER (Mr. SESSIONS). Without objection, it is so ordered.

Mr. LOTT. As announced last week, there will be no rollcall votes in today's session. In addition, as a reminder to all Members, rollcall votes may begin as early as 5 p.m. on Tuesday. Those votes may be in relation to any pending judicial nominations on the Executive Calendar. For the remainder of the week, the Senate may consider further nominations on the calendar as well as the FAA reauthorization conference report and the export administration bill.

This is the final week of Senate business prior to next week's recess, of course, and I would encourage my colleagues to remain available throughout this week for votes. They will occur each day and very likely could go into the evening, particularly on Wednesday and Thursday. Of course, we have a number of Senators who are back in their respective States today and tomorrow because we have some 13 or 15 States that are having caucuses or primaries on Tuesday, and a number of our colleagues will be prepared to vote early in their respective States tomorrow and then be here by 5 o'clock for the recorded vote.

TRIBUTE TO SENATOR ROBERT C. BYRD

Mr. LOTT. Mr. President, today we observe and celebrate a milestone in the life of one of our most respected colleagues. On Saturday, March 4, Senator ROBERT C. BYRD became the third longest-serving Senator in the history of this august body—surpassing the service of the venerable and beloved John Stennis of my State, who served 41 years and 2 months.

This November, Senator BYRD will surpass the service of Senator Carl Hayden which will mean that we will be novices working alongside two of the longest-serving Senators in history. Both of them are here with us now—STROM THURMOND and ROBERT BYRD. Just think about that. They will be the top two in history in tenure, and we will be serving with both of them.

It is more than about tenure, however, when you talk about STROM THURMOND or ROBERT C. BYRD. In the case of Senator BYRD, in his 41-plus years, colleagues have placed their trust in him to hold the highest offices in this institution. He was among those who were elected to the leadership positions but also at the committee level. He has been both the majority leader and the minority leader; he has been President pro tempore; and he has chaired our Committee on Appropriations. Today he is the ranking Democrat on that very important committee.

What he has brought to those positions has been more than hard work and high skills. He has brought a passion for procedures, an insistence upon order. On occasion, he has reminded me what the rules are or what order requires. It is always intended to be helpful because he believes that the institution itself is more important than any one Senator.

On occasion, he has regaled the Senate with a discourse on antiquity and, more specifically, the history of Greece and Rome and, of course, the Roman Senate. Yet when Senator BYRD speaks, Senators actually come out of the Cloakroom and our offices and listen, enthralled, to the history that he knows and the quotes that he gives from memory. He has inspired us many times both in the antiquity that he talks about and also the very great personal stories that he tells and the quotations. I remember he had a quote when I had a grandson born a year and a half ago about the beauty of being a grandparent, and it was just one of the most beautiful things I have ever heard on the floor of the Senate, maybe not so much as to who had said it, or how he was saying it, but who he was saying it about. He did a beautiful job.

He speaks of great historic events and he quotes from the Bible. And yet he has spoken personally, humanly, about the wonders of life, and even to being the owner of a wonderful dog named Billy, in such a way that has brought tears to our eyes. Having seen "My Dog, Skip" just this past weekend, I know sometimes the beauty of an animal or dog in your family will bring tears quicker than anything perhaps.

In today's world, where anything older than a decade is considered ancient, his knowledge of the classical world is truly extraordinary, and his insistence that its somber lessons are relevant to our own times is truly sobering.

In seasons of turmoil, it is the Senate's role to give the Nation the reassurance of stability and endurance. That is what the framers of our Constitution intended when they devised

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

an upper Chamber that would be a steady anchor against the wild winds of public passion and hasty action.

Senator BYRD's magnificent addresses on the history of the Senate chronicle the work of Senators—whether renowned or obscure—who have toiled in this body for causes larger than their own advancement, both here in this room and in the old Chamber where the Senate did its work until 1859.

Senator BYRD's personal heroes, such as Richard Russell of Georgia, have pursued duty rather than passing glory, and in the process won for themselves a lasting remembrance in the annals of representative democracy.

Because of my own southern background and because of Senator BYRD's comments over the years, things he has noted about Senator Russell, I have gone back and read some of the history of this great Senator. It was interesting to me to note that others indicated he surely could have been the majority leader. Clearly, he could have assumed any role he wanted in the Senate. But he chose not to do that. He chose instead to be chairman of the Armed Services Committee, chairman of the Appropriations Committee, to be involved in everything that happened in the Senate. He was truly a unique Senator in many ways.

Today, we celebrate and stand in respectful witness to the history that ROBERT BYRD is making as the Senator from West Virginia who, for 41 years and 2 months, has pursued duty rather than passing glory for causes larger than his own advancement.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

SENATE PROCEDURE

Mr. REID. Mr. President, before the majority leader leaves the floor, I would like to direct a couple of comments to him. I hope the majority leader saw what happened last week. After some work, we had a bill before the Senate that was almost open. The education savings bill allowed all amendments dealing with taxation, amendments dealing with education, and we threw in a few other amendments as part of the unanimous consent agreement. I might add, I think what happened last week was exemplary as how the Senate should operate.

There were no quorum calls, or if there were some, they were momentary in nature. When an amendment was offered, it was debated; there were no dilatory tactics. Even though the minority did not like the bill that was before the Senate, I think we proceeded, showing our good faith that we can work on legislation and move things along. In fact, regarding the one amendment we added, the Wellstone amendment we had a time agreement on it, and I think that amendment was the one of several amendments that was agreed to. There may have been only one other.

The point I am making to the majority leader is I hope the majority would allow more business to come before the Senate in the same manner because I think, while it wasn't necessary to show our good faith, the minority showed we can move legislation and move it quite rapidly. That bill had scores of amendments, more Democratic amendments than Republican amendments, but I repeat: We moved that bill well, and I think we showed how the Senate should really operate.

Mr. LOTT. Mr. President, if the Senator will yield, I noted late Thursday night that I was very much impressed and pleased with the way that legislation went through the Senate and that we were able to get to conclusion. I made a particular note of the fine work the Senator from Nevada did, helping keep Members focused on the issue at hand, the issue before us, and also reducing the number of amendments and helping make it possible for us to complete that bill on Thursday night.

I have to say the Senator, since he has been elected as the whip, assistant Democratic leader, has made a difference in our ability to complete important legislation. I think that was an example of how we can proceed. That was a good bill that had bipartisan support. I know a lot in the minority did not like it but several in the minority did vote for it because it wound up getting 61 votes, which means even if it got every Republican—and I didn't check to see if every one voted for it, but probably at least a half dozen Democrats also voted for it.

It is a good example of how we can proceed. Amendments were agreed to that were related to education, related to tax policy on education, and a couple of amendments such as the Wellstone amendment were not directly related, but Senators had something they wanted to offer. We were given an opportunity to take a look at the Wellstone amendment and basically said, sure, we can agree to that. But it did not become just flypaper to attach every amendment Senators could come up with. We did not get off into a lot of extraneous debate. Most of the week was spent focused on education and education tax policy, and that is the way we would like it to proceed.

It seemed to me the week before last that we were not going to be able to proceed, and we were going to have to go to cloture, which I always prefer not to do. I prefer to go forward without long debate and delay by amendments. But if I am given the impression, or told, in effect, we are going to offer all kinds of extraneous amendments, I have to look for some way to bring it to conclusion and get a final vote. That is why I filed cloture the end of the week, the previous week.

Then, on Monday morning, Senator DASCHLE called and said he thought that basically the parameters of the unanimous consent request we had offered were fair, but there were some Senators who still thought they had other issues they would like addressed. But he thought maybe we could work on it that morning—I believe it was Monday morning; it may have been Tuesday morning—but we could work through it and get a fair agreement. As a matter of fact, by noon that day we had done so.

So I hope this will be the procedure we can use in the future. We may have the opportunity to see if we can do that even this very week because I have been urging and pushing Senators to come to an agreement on how to proceed on the Export Administration Act. This is something we need to do. This is something people who are in the export business want to get clarified. We have not had an export law on the books since the one that was passed in 1979. My goodness, in this area of export of technology, for instance, it changes weekly, let alone annually. We clearly need to do this. I think the concept of this bill is something the administration generally supports. It came out of committee unanimously.

There are some legitimate concerns from members of the Armed Services Committee, the Foreign Relations Committee, the Government Affairs Committee, and the Intelligence Committee about how do we deal with national security issues; how can we carve out national security issues; how can we make sure it is not a unilateral decision made by the Commerce Department; and how are the State Department and Defense Department going to be involved.

But a lot of work is being done on that. I am hoping we can go forward on that bill Tuesday or Wednesday of this week and find a way to complete it. But we will not be able to do it unless we find cooperation on both sides of the aisle, and I hope maybe the education bill can be an example we can follow. It may even be easier in this case because I think there is actually broader bipartisan support.

So I appreciate what Senator REID had to say. I agree with it. I hope that is the example we can use as we go forward this year. We have a lot of work. In spite of distractions, in spite of elections, we still have work to do for the American people. It is important we find a way to do that for the best interests of our country.

I thank Senator REID for his contribution in that effort.

Mr. REID. Mr. President, I say to the leader, I think we should be given even more leeway. I think we can get a lot more done. I don't think, on legislation, there would be the disaster that the leader believes. But I think we have made some progress, and I look forward to seeing if we can make more progress. The export administration bill, as the leader said, is a bill that has wide bipartisan support, and we should move forward on this, even though we have some people concerned about it. That is what the process is all about. They should come down and talk about their concerns, vote on it, and move it on. If there were ever a high-tech issue this congressional session, it is this bill. So the high-tech industry can remain competitive and keep that business we so value in the United States, we have to pass this bill or very quickly the business will be going offshore.

I thank the leader very much, and I look forward to continued progress on legislation to help the country.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will be a period for the transaction of morning business until 5 p.m. Under the previous order, the time until 1 p.m. shall be under the control of the Senator from Illinois, Mr. DURBIN, or his designee. Under the previous order, time will be under the control of the Senator from Wyoming, Mr. THOMAS, or his designee, from 1 o'clock to 2 o'clock.

The Senator from Nevada.

TRIBUTE TO SENATOR ROBERT C. BYRD

Mr. REID. Mr. President, we are all very proud of Senator BYRD. I have had the good fortune over my career—in the business part of it as an attorney and as a government official—to work with people who, for lack of a better description, are very smart. I have to say I have not seen anyone who has more intellectual capacity than ROBERT BYRD.

How many people do you know who can recite poetry for 8 hours without ever reciting the same poem twice? He can do that.

How many people do you know have actually studied and read the Encyclopedia Britannica? Senator BYRD has.

How many people do you know have used a congressional break to study the dictionary and read every word in the dictionary? Senator BYRD has done that.

Those of us who serve with him in the Senate, and especially those who serve with him on the Appropriations Committee, are every day amazed at his brilliance. His congressional service has been brilliant. I look forward to his reelection this year and his continued service in the Senate. It has been a remarkable pleasure for me to serve with Senator BYRD.

CAMPAIGN FINANCE REFORM

Mr. REID. Mr. President, when I was a little boy, I lived in the town of Searchlight, NV. One of my brothers, who is 10 years older than I, worked for Standard Stations. He was assigned to a place called Ashfork, AZ, which to me could have been as far away as New York City because I had never traveled anyplace.

When I was a young boy of 11 years, he allowed me to spend a week with him in Ashfork, AZ. My brother had a girlfriend. The thing I remember most about my journey to Ashfork, AZ. The girlfriend had a brother about my age, or a year or so older. We would play games. I never won a single game, not because I should not have, but because he kept changing the rules in the middle of the game. It does not matter what the game was: as I started to win, he would change the rules. So I returned from Ashfork never having won anything, even though I should have won everything.

The reason I mention that today is that is kind of what campaign finance is all about in America. The rules keep changing, not for the better, but for the worse. They are complicated. They are impossible to understand.

I was recently criticized because I did not disclose the names of people who gave to my leadership fund. Why didn't I? The reason I did not is that I did not legally have to. The most important reason, however, is that people who gave to my fund said: Do you have to disclose my name? And I said no, which was true. That is the law; I did not have to.

Over the last several weeks, there have been a number of people writing about the fact I have not disclosed who gave me the money and how much it was. I made a decision that even though it was unnecessary legally for me to do that, I would disclose those names. I could not do that, however, until I went back to the people whom I told I would not make a disclosure and got their permission to do so. I am happy to report I was able to do that. Everyone understood, and they said: Go ahead, I would rather you did not do it, but you have told me why you have to do it; go ahead and do that.

That goes right to the heart of what is wrong with the campaign finance system in America today. There is no end to what is politically correct, but yet if a person follows the legal rules, it still may not be politically correct. It is a Catch-22. No matter what one does in the system, it is wrong; people of goodwill trying to do the right thing are criticized.

We have to do something. Everything I have done with my Searchlight fund, as it is called, is totally legal. I have not done anything wrong. It has been checked with lawyers and accountants. In fact, when people came to me and said, do you have to disclose my name? I checked to make sure I was giving them the right information when I said no.

I thought it was important to follow the law, and I have done that. It was important for me to keep my word. Where I grew up, there was not a church and there was not a courthouse; everything was done based on people's word. If you shook hands with someone or you told them you were going to do something, that was the way it had to be, and that is the way I felt about disclosing these names.

It was very hard for me and somewhat embarrassing to go back to these people, and say: May I have your permission to disclose your name, even if you did not want it done? Even though they consented, it was not an easy thing to do.

I have disclosed these names and the money. The problem is the system is simply broken. There are traps set up all along the way for people who are trying to comply with the law. If we comply with the law, sometimes we lose the confidence of the public, who come to believe we are all in the grip of wealthy special interests whose cash carves out ordinary Americans from the system.

Under our current system, money is the largest single factor, some say, in winning a Federal political election, and a lot of times that is true. The dilemma we face is: Too little money, and you may very well lose your political position; too much money, and the public thinks you are in someone's pocket, for lack of a better description.

I finished an election last year. The State of Nevada at the time of that election had a population of fewer than 2 million people. My opponent and I spent the same amount in State party money and funds from our campaigns. We each spent over $10 million for a total of $20 million in a State of less than 2 million people. That does not count all the money spent in that election because there were independent expenditures also. We do not know the amount because there is no legal reason they be disclosed, but I estimate another $3 million at least.

In the State of Nevada, a State of fewer than 2 million people, we had spent $23 million. If that is not an example of why we need campaign finance reform, there is not an example. We need to do something now.

I have talked about the State of Nevada, but there are other States in which more money is spent. It is not unusual or uncommon to hear about races costing more money than the $20 million spent in the State of Nevada.

Most of those States have more population, but that is still lot of money.

We know presently there is a controversy in the election that is going to be held in New York tomorrow. Why? In the Republican primary, there has been an independent expenditure of $2.5 million berating JOHN MCCAIN for his environmental record and for not being supportive of breast cancer research.

Every candidate who is running for President of the United States is for breast cancer research. I have already given one example of how much it costs in the State of Nevada and why we need to do something about campaign finance reform. Certainly, in New York, because of independent expenditures, we need to do something. They are gross; they are absurd; they are obscene—$2.5 million to distort the record of a fine person, JOHN MCCAIN, indicating that he is opposed to breast cancer research. I am not going to belabor the point and talk about his environmental record, but if one compares it to whom he is running against, it is not that bad. These independent expenditures are wrong, and we should do something about them.

I repeat, our current system is broken and it needs to be fixed.

I have spoken many times in this chamber, going back more than 12 years, about the need to reform the system. I have sponsored and cosponsored many bills for reforming the system, including variations of the McCain-Feingold bill. These bills have never even had a decent debate in this body, let alone passed. We have never been able to invoke cloture.

Those of us who represent our States and want to accomplish good and meaningful things, who want to make this country work better, have to work within the system the way it is, not the way we wish it were.

As the example shows that I just gave, that is difficult. I follow the law; someone comes to me and says: I want to give you some money. Do you have to disclose it? I say: No. The answer is accurate legally, but I later have to go to that person and say: Well, is it OK if I disclose this?

This is a bad system and it should be changed.

The criticism that has occurred as a result of campaign finance generally should cause us to do a better job. We at least should debate the issues, and ultimately change the law. Should we have campaign ceilings? Do you only spend so much money? Shouldn't we shorten the election cycle somewhat? Can't we do better than what we have? Can't we make it easier for people to register to vote?

I repeat, for the fourth time, the system is broken. It is up to us to save it before people are totally turned off by American politics.

I yield the floor and apologize to my friends for taking so much time.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Before he leaves, I commend the distinguished minority whip for speaking out on some of these excesses in campaign finance. He mentions his small State spending more than $20 million.

Mr. REID. If I can interrupt and ask the Senator to yield, in my State we only have two media markets, only two places to spend the money.

Mr. WYDEN. I think the Senator makes an extremely important point. I recall in the campaign with my friend and colleague, Senator GORDON SMITH, to succeed former Senator Packwood—we are from a small State as well, a little bigger than Nevada—Senator SMITH and I, between us, went through pretty close to $10 million in about 5 months.

Before the minority whip leaves the floor, I want to tell him I so appreciate him speaking out on this issue.

Certainly in Europe, for example, they are doing some of the things the distinguished minority whip is talking about: shortening the election cycle trying to generate interest in the elections because the campaign is over a short period of time. I think we can do that in this country and require, for example, that the campaign funds be disclosed online, which many of our colleagues have proposed on both sides of the aisle.

I want the Senator to know, before he leaves the floor, I very much appreciate his leadership in speaking out on this campaign finance issue, because we saw in Oregon much of what the Senator saw in Nevada.

Mr. REID. I say to my friend from Oregon, I think one of the things that is happening in Oregon is exemplary; that is, people can vote at home. That was an experiment in the Senator's election. We were all worried it would not work out right, but it worked out fine. But that is something we need to do: Make it easier for people to vote.

We have a Presidential election that is heating up now. But you know, people are talking about getting ready to run in the next election already. This is not good for the system. As the Senator has said, we have to do something to shorten the election cycle so people have more condensed elections.

There are many different ways to communicate now. We have all this cable, and we have to look for a better way of doing it, and making it so money is not the predominant factor in the political race.

Mr. WYDEN. What the minority whip has essentially said is: We have what amounts to a permanent campaign. You have the election the first Tuesday in November; people sleep in on Wednesday; and then the whole thing starts all over again on Thursday.

It is time, in effect, to turn off this treadmill and, heaven forbid, come to the floor and talk about issues, such as prescription drugs, which I have tried to focus on for a number of months now. Many of our colleagues, on both sides of the aisle, want to talk about that, and the Patients' Bill of Rights, and education. To the extent that campaign finance dominates so much of the American political focus, it detracts from those issues.

I commend the minority whip. I thank him for his excellent presentation.

CONGRATULATING SENATOR BYRD

Mr. WYDEN. Mr. President, before I go on to touch on the issue of prescription drugs for a few moments, I, too, join with the majority leader, Senator LOTT, and the minority whip, Senator REID, in congratulating Senator BYRD on the anniversary of his Senate service.

I think what is especially striking about Senator BYRD's contributions is that when so many get tired, and so many get frustrated and exasperated with public service—we all know there is plenty in which you can be frustrated about—Senator BYRD does not give up. He does not flinch from the kinds of travails of public service. He seems to get stronger and stronger.

Those of us who watch him and seek him out for his counsel very much appreciate his contributions to the Senate. But this Senator especially appreciates one of his traits, which I think is the hallmark of being successful in any field, and that is his persistence. He is persistent about public service. He is persistent about upholding the standards of the Senate.

I join with the majority leader, Senator LOTT, and the minority whip in congratulating our friend and colleague, Senator BYRD.

PRESCRIPTION DRUG AFFORDABILITY

Mr. WYDEN. Mr. President, since the fall, I, and other Members of the Senate, have come to the floor of this body to talk about the need for prescription drug coverage for older people under Medicare.

As we look at this issue, I am especially pleased that Senator DASCHLE has been trying to reconcile the various legislative proposals that have been introduced on this issue. I know colleagues on the other side of the aisle have good ideas, as well.

I particularly commend my colleague, Senator SNOWE of Maine. She and I have teamed up, on a bipartisan basis, for more than a year now. Senator DASCHLE is trying to bring these bills together and make it possible for us to go forward and address this vital issue for seniors in a bipartisan way.

What I am struck by, and what I want to touch on for a moment or two this morning, is how significant the ramifications are with respect to this prescription drug issue.

For example, one issue I have not talked about in connection with this prescription drug matter is how it is directly and integrally tied to the matter of medical errors. Many of our colleagues were astounded at the end of last year when the Institute of Medicine produced a landmark study—a truly landmark study—documenting the problem of medical errors today in American health care.

These medical errors end up injuring many of our citizens, of course. They cost vast amounts of money. What is striking is how many of them are tied to problems connected with prescriptions. For example, we know when a senior cannot afford to take their prescription or ends up only taking two pills, when three of them are essentially recommended by their physician, that can constitute a breakdown in our health system or, in fact, what amounts to a medical error.

I think I have been coming to the floor of the Senate and talked on the issue of prescription drugs something like 26 times in the last few months, for example, talking about instances where folks at home in Oregon are actually breaking up their pills, their cholesterol-lowering pills, because they cannot afford to take the entire pill. They believe if they break up the pill they can stretch it.

These are the kinds of medical tragedies we are seeing across this country. They are errors that we can correct if we go forward and address this issue—prescription drug coverage—in a bipartisan way.

It seems unconscionable to think that, in a Nation as rich and good and powerful as ours, with all of these older people walking on an economic tightrope, balancing their food costs against their fuel costs, fuel costs against their medical bills, we can't go forward, as Senator DASCHLE has suggested, and reconcile these various bills that have been introduced on this issue and enact a comprehensive program to help older people with their prescription drug bills, reduce the kinds of errors the Institute of Medicine found, and help a lot of families in our country.

I think there really are three principles we ought to zero in on in terms of trying to address this issue. First, I think there is general agreement now that this program be voluntary. I think many Members of Congress remember the ill-fated catastrophic care legislation, with a lot of older people believing at that time that they were being forced to pay for catastrophic benefits they were already receiving under their existing private health coverage.

Now I believe there already is a bipartisan consensus—Senator DASCHLE has touched on this a couple of times recently—that a prescription drug program ought to be voluntary for older people and voluntary for the various providers, insurers, and pharmaceutical benefit managers who might decide to participate in the program. I think that minimizes the possibility that older people and families will believe they are being coerced by Government to pay for something they are already receiving. That voluntary aspect of such a program is one area where there already is bipartisan agreement.

Second, I think there is a general belief that rather than inventing an entirely new structure for this program, it must be integrally tied to the existing Medicare program and, in particular, fit with an agenda for Medicare reform.

What the legislation I have worked on—the Snowe-Wyden legislation—does is allow the administrative body—called the SPICE board, because our bill stands for Senior Prescription Insurance Coverage Equity or SPICE—to contract with a variety of entities, insurance companies or pharmaceutical benefit managers or nonprofit agencies—anybody who was authorized under State law to administer a program. That way, we are not creating a whole new structure for dealing with this program; we are building on Medicare as it exists today. At the same time, we are doing something else which is critical; that is, adding more choice to the Medicare program.

I personally think the effort to make this program voluntary, to build on existing Medicare coverage, which makes the benefits available to all seniors—universal coverage for those eligible for the program—and then, in addition to those principles, add new choices to the Medicare program. The reason that is so important is, providing choices is what is going to generate the competition that can help hold down the prices of medicines for our older people.

We see so many seniors who can't afford their medicine. There is a great debate going on in the country now about whether it is the research costs of these drugs that have contributed to it. There are a variety of reasons being offered for why older people cannot afford their prescription drugs. I am interested in debating those.

What I am most interested in is making sure older people have the kind of bargaining power necessary to drive down the costs of their medicine. It seems to me they can get that bargaining power through an approach based on choice, such as we have, as Members of Congress, through the Federal Employees Health Benefits system. I am very hopeful that that expanded array of choices will be a key invisible part of a bipartisan effort to go forward and address this issue in the Senate.

As we head to a period of town meetings and discussions with folks at home, I know my colleagues are going to hear accounts from older people and families about horrible, tragic instances where older people cannot afford medicine and often end up getting sicker and needing much more expensive care when they cannot get those essential prescriptions. I think we have made a lot of progress in the last 2 or 3 months, with Senator DASCHLE having taken the lead, many colleagues on the other side of the aisle trying to bring the Senate together to find the common ground. I think we made a lot of progress.

I am hopeful that when the Senate reconvenes after this break to visit with folks at home, when the Budget Committee goes forward—and Senator SNOWE and I both sit on the Budget Committee—that with the bipartisan leadership of Senator DOMENICI and Senator LAUTENBERG, we can get a generous earmark in the budget to cover prescription drugs and, in effect, continue the progress we have made towards getting a bipartisan prescription drug program enacted in this session of the Senate.

I have talked with Senator LAUTENBERG, ranking Democrat, Senator CONRAD, others who have been involved in this issue on our side, and with Senator DOMENICI on the other side of the aisle. I think there is a real openness to making sure there is a generous earmark in that budget for a prescription drug program we would enact this year. After we get over that hurdle, the challenge will be, as Senator DASCHLE has outlined, to reconcile the various approaches that have been offered. As I mentioned, Senator SNOWE and I have one we think makes sense, but we do not believe we have the last word.

We think the last word ought to belong to the American people. The American people are saying: We want you to deliver on this prescription drug issue. We want it done this session. We do not want it to go through yet another campaign season as campaign fodder through the fall. We want you to get it done this year. Take the steps necessary to provide older people the relief they need and deserve.

I look forward to being part of that effort in a bipartisan fashion.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

(The remarks of Mr. BINGAMAN pertaining to the introduction of S. 2181 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BINGAMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE HIGH PRICE OF OIL

Mr. MURKOWSKI. Mr. President, Friday, the price of oil exceeded $30. It was close to $31.26. That is high—not necessarily an all-time high, but it is pretty close.

Back in 1973, when we had the Arab oil embargo, the prices were in that neighborhood. A lot of people don't remember 1973, or the consequences of the Arab oil embargo; but for those who do, it was a day of reckoning. It was at a time when you went to the gas station to fill up and you waited—not just a little while, but in some cases a couple of hours. You stood in line because gasoline was short in this country.

There was an indignant response from the American public that never again would we be so dependent on imported oil from other countries. As a consequence, at that time, we formed the Strategic Petroleum Reserve. The important thing to note is that in 1973 we were about 37 percent dependent on imported oil.

The idea of the Strategic Petroleum Reserve was to have a supply of oil on hand in case there was an interruption on our imports and we could have that oil available for use to meet that emergency. That was in 1973.

Today, in the year 2000, we are approximately 56 percent dependent on imported oil. The Department of Energy has indicated by the year 2015 to 2020, we will probably be dependent to the tune of about 65 percent. Now, the question, of course, from the standpoint of our national energy security interests, is: What are the implications of this? What are the ramifications of our increasing dependence on imported oil?

Clearly, the pricing structure is determined by the availability of oil from the producing countries that have an excess capacity. That is primarily in the Mideast. We have seen the efforts by both Iran and Iraq to cut production. It is interesting that between those two countries, they account for about 8 percent of the world's 75 million barrels of daily oil production. But now we see Baghdad and Teheran in a new position of power and influence to push their separate agendas in various ways.

We have OPEC. We know the significance of what that cartel controls. They decided to have a meeting to address our emergency. The irony of that is, that meeting is going to take place on March 27, which is hardly responding to our emergency.

As a matter of fact, our Secretary of Energy traveled extensively through the Mideast, meeting with the OPEC ministers, encouraging them to produce more oil so we will not see the price escalation that is currently occurring.

The results of that meeting were that we could expect some relief from Venezuela and Mexico. Both countries, of course, are outside of OPEC, but they wanted to remind us of something, and they communicated a little message. This didn't come from the Secretary of Energy, but it came from those who have had an opportunity to relate to both Mexico and Venezuela with regard to oil prices. On the manner in which we came and pled for more production, the Mexicans and the Venezuelans said: Where were you when we were going broke selling our oil at $11 and $12? Were you giving us any assistance? Were you encouraging higher prices so we could maintain our economy? Certainly not. That was not the case at all.

Now when we see oil at $30, we go to Mexico and we go to Venezuela, and say: We need increased production. But they are reminding us that we weren't at all concerned when the price was low, and when their economy was in collapse, they couldn't count on the United States.

Those are the dangers of that kind of dependence.

Now we are seeing OPEC on March 27 perhaps responding to increased oil production. But it is a little more complex than that because there are wheels within wheels in OPEC and relationships within relationships.

Kuwait this weekend signaled its support for an agreement to boost production. Remember, it wasn't so long ago that we fought a war against Saddam Hussein. It was a war over oil to keep that country, Kuwait, from being taken over by Saddam Hussein and Iraq.

We are now seeing within Iran and Iraq a group of price hawks, if you will, within OPEC. They are going to do what is best for their country—not what is best for the United States. Teheran has said that this is not the time to increase output because demand typically declines and higher production could lead to a quick collapse of prices. They are certainly looking out for their own best interests. Iran, with 3.5 million barrels of daily production, is at about its maximum, analysts say.

Since we are talking about bedfellows, let's talk about Algeria and Libya. They also have little reason in the short term to care about the world's economy, or the United States economy specifically.

An interesting suggestion is in this report from the Wall Street Journal. If the United States wants to lower its price of gasoline, it should reduce its taxes. That is their answer. They simply want to reduce our highway taxes and our other taxes and our State taxes that are associated with the price of oil. They say that if we really care about higher prices, we should simply eliminate our taxes. That is an interesting point of view.

Saudi Arabia, the world's largest producer of oil and an OPEC shareholder, has a special interest in keeping Iran happy now because relations between those countries are at their best since the Iranian revolution in 1979.

We see countries within OPEC working for their own best interests and not necessarily what is good for the United States. The Saudis have been more responsive in the past, but not necessarily at this time because of their relationship with Iran.

OPEC producers want to continue the cartel's new-found unity because it funds the cash-flow. Wouldn't you rather produce more oil at a higher price to meet your cash-flow than a lot of oil at lower prices? That is just what they are doing.

We are seeing the role of OPEC and our neighbors in Mexico, Venezuela, and other countries evaluating the kind of response they are going to make to the United States at this time of emergency.

Over the last decade—most of it under the Clinton administration—production has decreased 17 percent and consumption has increased 14 percent. That is the reality of what has occurred in this country because we have not had an energy policy. We do not have an energy policy on coal. We do not have an energy policy on natural gas.

We just saw the Federal Energy Regulatory Commission basically kill prospects for a gas line in the Northeast corridor by making it economically unattractive for investors. We have an administration that suggests hydro is nonrenewable. It wants to take dams down in the Pacific Northwest. So we look at oil, we look at gas, we look at hydro, and we look at coal; there is no energy policy of any consequence.

Renewables are something we all support. But the reality is they contribute less than 4 percent of the total energy consumed in this country, and the prospects, while encouraging, are not going to give us the immediate relief we need.

As a consequence, we are experiencing a shock. The American public, when it drives down to the gas station to fill up the family Blazer or sports vehicle, may find itself subjected to a situation where it makes a pretty good hole in a $100 bill if it takes a 40-gallon gas tank at $2 a gallon, or thereabouts.

We also have a couple of other considerations. We have the potential for added inflation. Somebody made the interesting observation that if you consider the cost and availability of labor, if you consider the cost of money—namely, interest rates that have been going up—and the cost of energy, you have the three factors for inflation. It has been estimated that for every $10 increase in the price of oil, inflation increases one-half percent.

It is a very real threat to our economy, a very real exposure to our consumers out there, and I don't think we realize what is ahead. Not too many people know that every time they get in the airplane now, they are paying a $20 surcharge on that airline ticket, whether they go from here to Seattle or from here to Baltimore. The Northeast corridor has felt the impact of $2 a gallon for heating oil.

The question is, Is it going to get worse? The answer is, probably. When can we get relief? The question is whether we want to just depend on the Mideast or whether we want to reduce our dependence on imported oil.

There are many areas of this country over the overthrust belt of the Rocky Mountains—Utah, Montana, North Dakota, New Mexico, Wyoming, and my State of Alaska—where we have a tremendous abundance of oil and gas if given the opportunity to initiate exploration. This is not supported by President Clinton. I am glad to say it is supported by some of the Republican candidates running for President.

The point is, what are we going to learn from history? Some say not much. If the Department of Energy predicts we will be 65-percent dependent in the years 2015 to 2020, should we not be doing something about it now? We should be committed to a policy of reducing our dependence on imported energy sources by developing sources in the United States. My State of Alaska, in the ANWR area, has an estimated 16 billion barrels. That would be an amount equal to what Saudi Arabia exports to America over an estimated 30-year timeframe.

We have areas in Louisiana, in Texas, and other coastal States that want to have OCS activity, yet we have an administration that does not support that activity. That is, indeed, unfortunate.

The bottom line is, when are we going to wake up? When will we relieve our dependency on imported oil? I might add, for those who think imported oil is the answer from an environmental point of view, it is estimated that from the year 2015 to 2020, it will take more than 30 tankers, 500,000 barrels each, docking every day in the United States, to supply that increase; that would be 10,000 ships per year. If that is not an environmental risk, I suggest anyone check the registration of the ships because they will be foreign ships.

Finally, in 1990 we had 657 rigs working in this country; today we have 153. In 1990, we had 405,000 jobs in the oil industry; today we have 293,000, a 28-percent decline.

If one considers the makeup of our trade deficit, a trade deficit of $300 billion, $100 billion is the cost of imported oil.

I encourage my colleagues to recognize that it is time to move. It is time to address opportunities to relieve our dependence on imported oil with meaningful proposals on the basic premise that charity begins at home.

I ask unanimous consent an article from the Wall Street Journal be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Mar. 6, 2000]

OIL OUTPUT MAY BE HOSTAGE TO IRAN, IRAQ AGENDAS

(By Steve Liesman and Neil King, Jr.)

Iran and Iraq, the two major oil producers over which the U.S. has the least sway, are playing a crucial role in determining where oil prices are headed and are positioned to affect the world economy.

Together, the two countries account for 8% of the world's 75 million barrels of daily oil production. But tight world oil inventories, high prices and declining production capacity in the Organization of Petroleum Exporting Countries have given Baghdad and Tehran new power to push their separate agendas, analysts say.

OPEC members will gather in three weeks to decide whether to reverse the past year's production cutbacks, which reduced world output by about five million barrels a day. Leading producers support an increase as soon as April to cool prices that recently topped $31 a barrel for the benchmark West Texas Intermediate crude.

After initial reluctance, Kuwait during the weekend signaled its support for an agreement by Saudi Arabia, Venezuela and Mexico to boost production. Meanwhile, a strike by oil workers in Venezuela withered quickly.

Iran still leads the group of price hawks within OPEC and "is one of the key stumbling blocks to coming out with a new decision," said Raad Alkadiri, an analyst with the Petroleum Finance Co., a Washington energy consultant.

Officially, Tehran says the second quarter is the wrong time to increase output because demand typically declines and higher production could lead to a quick collapse in prices. But domestic economics are at least as much of a factor. Unlike other major producers, which have extra capacity, Iran's 3.5 million barrels of daily production is about its maximum, analysts believe. Declining investments in its oil fields, as well as continued U.S. sanctions on spare parts, suggest production capacity may actually be declining. "They don't have more capacity to make up for the price drop," Mr. Alkadiri said. Higher output world-wide—which could result in lower prices—would do little for the Iranian treasury at a time when payments on $11 billion of foreign debt begin to peak.

Iran, which has the backing of Algeria and Libya, also has little reason in the short term to care about the world economy. Its oil minister recently said that oil-consuming nations should lower energy taxes if they are concerned about inflation from higher oil prices.

Saudi Arabia, the world's largest exporter and OPEC's clear leader, has a special interest in keeping Iran happy. Relations between the two countries are at their best since the Iranian revolution of 1979. Their rapprochement last year was the linchpin of OPEC's ability to cut back production. "The Saudis might have been more responsive more quickly [to world oil markets] had it not been for this relationship with Iran," said Amy Jaffe, senior energy analyst at the James A. Baker III Institute for Public Policy in Houston.

OPEC producers want to continue the cartel's newfound unity, fear a production free-for-all if OPEC cooperation dissolves. Of course, oil-producing countries ultimately could go ahead without Iran, as they have in the past. Venezuela's oil minister is to visit Tehran in coming weeks to lobby the government to accept higher production levels.

But the one million to two million barrels that OPEC is considering putting back on the market could be quickly removed if Iraq withheld its two million barrels a day of exports. In November, Iraqi President Saddam Hussein pushed oil prices up almost $1 a barrel in a single day when he turned off his spigots to protest United Nations sanctions. This time, "with oil inventories very low, any interruption in crude supply could cause prices to skyrocket," said Gary Ross, president of PIRA Energy Group, a New York energy-consulting company.

Whether Mr. Hussein would use the opportunity is a matter of debate, but few dispute he has ample reason. Baghdad is feuding with the U.S. about Iraq's need to import spare parts for its oil industry. It could decide to use the tight oil market, analysts say, to get Washington to ease up—or to undermine U.N. sanctions altogether. "We have seen him do this before and we would not be surprised if he resorted to the same tactics again," one U.S. official said.

Other OPEC producers' ability to make up for any Iraqi cutbacks would be strained in the short term. Mr. Ross said OPEC production capacity has fallen by about 500,000 barrels a day during the past year. Venezuela in particular has let its capacity dwindle as it diverted oil revenue to pay for the extensive social agenda of President Hugo Chavez. In time, however, OPEC countries should be able to make up any shortfall with their four million to five million barrels a day of excess capacity.

Mr. MURKOWSKI. I yield the floor.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the distinguished chairman of our Energy Committee for the remarks. They are not new. He is not making a political statement. Chairman MURKOWSKI is here because he has spoken out for years, virtually since this administration has been in office, about discouraging—through so many rules, regulations, and taxes—the domestic production of oil and gas.

He has warned we would be at this point. Here we are. The best way by far to deal with this is to make sure we have more domestic production because it will help keep the prices down, and it will also help ease our balance of payments.

I thank the Senator for his leadership on this issue.

CAMPAIGN FINANCE REFORM

Mr. SESSIONS. Mr. President, Senators from the other side of the aisle made comments about the Republican Presidential primary, taking sides in those primaries. I think it is somewhat odd they would want to debate some of the issues here.

With regard to the concerns over contributions that are going to independent groups—I believe New York was complained of—to run TV ads, money was given by a small number of people who made large contributions to run those ads. It was said that this is a justification for passing the McCain-Feingold campaign finance reform legislation.

My best understanding of what that bill is all about is that this would not be covered. Fundamentally, the McCain-Feingold bill covered contributions of larger sums of money to political parties but it did not prevent people giving large contributions to an independent environmental group, an independent pro-choice group, or an independent pro-life group so they could run ads during a campaign season and say: Candidate JEFF SESSIONS doesn't agree with our views, vote against him.

The problem I have had with campaign finance reform is it was not in this McCain-Feingold bill. Why? Because this is America, these are political campaigns. Is the Senate going to pass a law that says individual American citizens can't raise money and run an ad and express their view as to how the American public should or should not vote on an issue?

It is frustrating to have the moneys come in. I certainly believe they ought to be disclosed. I was, I believe, a victim or target of one of these ads when I ran for the Senate 3 years ago. It came under the guise of an environmental group, but I know the money came mainly to beat up on me.

How can anyone say that is wrong? How can we say a group cannot raise money and run ads during an election campaign season about issues? I am troubled by that. I am frustrated not having a lot of money myself, facing two candidates in my primary, both of whom spent over $1 million of their own money, most of it beating up on me. I was struggling with $1,000 maximum contributions per person to try to fight back. I was able to do so. Fortunately, the American people don't vote on who has the most money. There are other issues. We have seen that time and time again. They are pretty sophisticated in how to evaluate this.

I am troubled by this idea that we can, out of some sort of vision of good government, blithely walk in and say candidates are not going to be able to raise money; they are not going to be able to spend money to express their ideas during an election campaign.

When do we want to do it? They say just accept certain guidelines for 6 months prior to the election. When do we want to speak out, if it isn't when people are getting ready to vote?

MARRIAGE TAX PENALTY

Mr. SESSIONS. Mr. President, I believe all in government in Washington, DC, and in every State, need to ask ourselves: Do our legislative acts, the public policies that we create, enhance or nurture our better instincts as a people? Are we conducting activities and passing laws that further benefit the better instincts of our Nation as a people?

A payment to somebody or some institution is an incentive to them, for whatever reason, that incentivizes and encourages that activity that got them the payment.

A tax, likewise, is a penalty. It discourages, it penalizes, it hurts. It sanctions certain kinds of behavior. That is so basic as to be without dispute. Frankly, our Founding Fathers knew this.

Professor Sindell, at Harvard, has written a book. I have not read the book, but I read the article, I believe in the Atlantic Monthly, about how in the first 150 years of our Nation's history, if you look at the debate that occurred in Congress, the Senate and the House, they were constantly debating what to sign and what to veto and what bills to support; they were always debating this principle.

(Mr. KYL assumed the chair.)

Mr. SESSIONS. Mr. President, is this going to make people better? Is it going to encourage their best instincts or will it encourage poor instincts? Will it encourage bad behavior? If they vote for or against bills on that basis, will it make us better people? That is an important issue. We ought to think about it.

We encourage a lot of activities in America through our tax policies. We encourage people to give to charitable institutions, churches, and schools by making those contributions tax deductible.

We help families raise their children by providing a deduction or a child tax credit, which we passed a few years ago.

We encourage savings by making the interest on individual retirement accounts tax free.

I have introduced a bill to make the interest that accrues on savings for prepaid college tuition plans tax free because we ought to encourage saving for education and have families and children invest in their education.

In many States—Kentucky, for example—the average contribution to those plans is $47 per month. They are middle-income people who care about their children's education. They are saving for their children's education, and we are taxing them on the interest that accrues on that savings for college education.

In my view, that is bad public policy. We discourage and penalize other activities we feel we can do without but we do not want to prohibit entirely. We tax cigarettes at a very high rate. We know that tobacco is bad for our health. It is not a good thing to do, and we have pretty high taxes, higher taxes every year it seems, and rightly so.

We tax gasoline. We can talk about the cost of gasoline. Last year in Alabama, gasoline was under $1 a gallon in a lot of places. Forty percent of the cost of that gallon of gasoline was State and Federal tax because we do not want people to use more than they need, we want to keep supplies strong. We do not want to import anymore than we have to, and we want to reduce pollution.

There are other taxes and penalties on people who pollute. That is one of the policies.

We have higher taxes on alcohol than we do a lot of other products.

We do not tax, for example, prescription drugs—most States do not. There is sales tax on all kinds of products that are sold in our grocery stores, but we do not tax prescription drugs because we know people need those drugs, and we do not want to penalize that.

Another thing we tax which I must add to that list is marriage. We are taxing and penalizing marriage to an extraordinary degree.

At church Sunday in Alabama—it was a pleasure to get back home—my minister told a story about an old man who had never been to town. His grandchildren said: Grandpa, you need to go to town. He finally agreed. He had never seen a zoo, so they wanted to take him to a zoo. They took him to a zoo, and he came upon a giraffe. He stood there and just looked at that giraffe. He walked around that giraffe, he studied that giraffe, and he spent 2 hours looking at that giraffe. He finally said: I still don't believe it.

We are at that point with the marriage penalty. Some people do not believe it is happening, that we are taxing marriage. It is very real. Talk to young people all over America today and ask them about what is going to happen to their taxes when two of them, particularly if both are working, are married. It costs them a lot of money.

We have to end this. We need to end this tax penalty. The President said he was for it. The proposal he made in his State of the Union Address and subsequently is insignificant in meeting that challenge, but it is an admission that he believes there is a problem.

Let's look at it. Soon we are going to be seeing legislation in this body to deal with it. I hope we will study it carefully and end this governmental policy of penalizing and discouraging marriage. That is wrong. We need to encourage marriage. We do not need to penalize singleness, but they ought not have a financial incentive to remain single. We should not have public policy that favors singleness over marriage. We should have a fair policy that does not favor one over the other.

I have a young staff member who married recently. He had been dating his fiancee for over four years and they finally married. He tells me they will pay over $1,000 a year more having married. They married in July of last year, and they have to pay the marriage tax for the whole year. It is $1,000. That is roughly $100 a month out of their budget simply because they quit being engaged and were married. That is not right. That is wrongheaded. We do not need to continue this.

A good friend of mine, a fine person, unfortunately went through a divorce. She divorced in January a year ago. She told me that had they divorced in December, it would have saved them $1,600 on their tax bill. That is approximately $130 a month. They gave up that much because they did not divorce earlier. Can you imagine a governmental public policy that provides a subsidy, an incentive, a bribe almost, to divorce? That is wrong. We do not need to do this any longer. I believe in this strongly.

This is a disadvantage too often to women. Women are just now breaking through the glass ceiling and making higher incomes. Many on the other side of the aisle and the President say: We do not want to deal with this problem of higher income people; we only want to have a marriage penalty elimination for the lowest income people.

What is wrong with two people working and doing modestly well today? Here is an example. Heather's income is $33,000. Her husband Brad's income is $37,000. Their total income is $70,000. It is the American dream, to do well and make those kinds of incomes. That is not rich. You cannot buy a house, buy a car, and educate your children well if you are not making in that range. It is harder and harder to do those things if you make less than that. Everybody knows that. Those are salaries one wants to see more and more Americans achieve.

Because they are married, they may take a standard deduction of $7,100, as well as two personal exemptions of $2,700. This leaves them with a taxable income of $57,500. If they were cohabitating, living outside marriage, Heather and Brad could each take a standard deduction of $4,200. Heather's taxable income would be $26,000; Brad's would be $30,000. Their combined taxable income would be $56,000. Because they are married, Heather and Brad must pay $1,400 more than if they were cohabitating. To them, it means approximately a $40-a-month charge.

That is a policy we should end. I believe this Congress is committed to it.

We are going to continue to proceed to work through the fine details of all these tax regulations and the thousands and thousands of tax pages to make sure we are doing it right and fair. But I do not think a couple making $80,000 or $90,000 or $100,000 ought to be denied equity. Why should they be taxed more than two single individuals making $100,000 collectively? They do not have to pay the extra taxes.

We are dealing with an issue whose time has come. The marriage penalty must end. We are not against singleness. I do not think there should be any battle between people who are single, who think it is some sort of tax advantage, and those who are married. We do not believe there should be any tax advantage. We are simply trying to level the playing field. This is a move toward equity and fairness at its basic level. It is a move to encourage good public policy, good activities, such as marriage and raising a family, and not taxing them. It sets a goal for us that we ought to pursue.

We ought to quit discouraging marriage, quit taxing and penalizing it, and allow people to make their choices in this country as they choose without having the tax man sticking his nose in their financial and personal matters.

I thank the Chair for this time. I am glad to see the Senator from Wyoming here. I appreciate his leadership. I know the Presiding Officer has been a champion in eliminating a lot of inequities in the Tax Code. I thank him for his leadership in that regard.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I appreciate very much the remarks of the Senator from Alabama. We have lots of choices when we talk about tax relief, but this is one choice that is not only good for our country economically but certainly as a fairness issue is one that each of us, I think, supports.

THE REPUBLICAN AGENDA

Mr. THOMAS. Mr. President, there are lots of things we can talk about and, indeed, should talk about. The Senator from Alaska talked about the problem of fuel, the problem of petroleum costs. That is a very real issue for us, of course, and one we need to deal with. We talk about the marriage tax penalty. There are all kinds of things we must talk about.

There are some basic issues—and I have talked about them before—that I believe strongly in, issues that clearly are the responsibility of this body and the responsibility of the Federal Government to deal with. Frankly, sometimes it is very difficult to do that.

Unfortunately, I suspect that Presidential election years make it even harder than usual to do some of the things that clearly need to be done. One of the reasons, of course, is that there is a great tendency to talk about the things that can be used as campaign issues as opposed to seeking solutions. Unfortunately, that does happen.

The majority party, this side of the aisle, does have an agenda. I think we have a strong agenda that reflects, at least in my State, the majority of voters. I have been back home in my State every weekend this year. We talk about those issues all the time.

I am hopeful we can focus on those issues. I know sometimes it is difficult to get those issues on the floor. It is difficult to get them out and to find some sort of solution. I believe we have a responsibility to do that. I think we have a responsibility to do that as the majority party.

There are times, of course, when, if we could pass something, the President would veto it. That is his choice. Let him veto it. I think it is our responsibility to bring those issues forward and to resolve them in a way that best fits our philosophy of what we think is good for this country.

Certainly, there are a number of things that are very high on the agenda, such as the budget, such as the spending level and for what, in fact, the taxes are spent. Social Security, I am sure, is an issue that almost everyone is concerned about. Frankly, the younger you are, the more concerned about it you ought to be.

Another issue is doing something about the debt that we still have, a substantial debt that we have incurred over the last number of years and now, apparently, are expecting somebody else to pay. Another issue is tax relief.

These are the things we really ought to focus on; and I wish we would.

We talk about the budget. It seems to me, there is probably nothing more important, in terms of gauging where we go with the Federal Government, than the budget, because the budget, after all, is sort of the limitation as to where we go. The limitation is the thing that causes us to have to establish spending priorities. Of course, if you had an endless amount of money, you would not need to have priorities; you would just spend money. I do not think many people would want to do that; certainly, most taxpayers would not.

In the budget we have to find an amount. I think one of the things we are dedicated to, as Republicans, and, hopefully, all of us in the Senate this year, is to complete the budget and, subsequently, the appropriations, at the time set forth in the law and the time set forth in our operation here.

Last year, for example, we waited too long. We were here at the very end of the session trying to complete the budget. Of course, there is always controversy at the end of the session. There are always decisions to be made when you are at the end of the session.

It is even more difficult at the end of a session because the administration—particularly with this President—has used the end of the session as a very effective leveraging tool for the President to get what he wants; otherwise, he threatens to shut down the Government. Even though the President shut the Government down in the last experience, the Congress got the blame for doing that.

We need to get this thing done. We need to get it done before the first of September, and certainly before the end of September which is the end of the fiscal year.

We need to set the amounts so that they somewhat control growth. If you believe, as many of us do, that there ought to be some limitation to the size of the Federal Government, it ought to be constitutionally limited to those things that the Constitution provides. If you believe that most of the governing ought to take place at the local level, closer to the people, in the States and in the counties, then there ought to be some limit in growth.

Last year, unfortunately—and I voted against the bill—we ended up with something like 7½ or 8 percent growth in the budget—too much, I think. That is too much. Hopefully, we can hold it this year to no more than the growth due to inflation.

Of course, there are new programs that have to be funded. But there also ought to be a termination to some of the programs that are there. It is very difficult to do that.

Last year, we had sort of fancy footwork which allowed us to spend more than it really seemed as if we were spending. But now, finally, of course, it comes out that we spent more.

In fairness, we also did some good things last year. For the second time in about 25 years we balanced the budget in operational dollars. For the second time in about 40 years, we did not spend Social Security money for the operations of Government. That is good. That is very good. Those are two things we ought to continue to do.

One of the other things that ought to happen—there is a good opportunity this year—is to have a biennial budget so that, as is the case with most States, we can deal with the budget every other year, which then gives us a year to have oversight. One of the most important things that Congress ought to have is oversight of the agencies, oversight of the regulations, so that we can ensure that what we have done, what we have passed, what we have put into law, is, indeed, working; in fact, as the money is being spent, the accountability is there, and so on. We could do that. Hopefully we will be able to do that.

It seems to me, the budget is key to managing the Government and is something we ought to be doing. Of course, the spending ought to be within the budget. We spend something like $1.7 trillion in our budget—almost an incomprehensible amount of money. Last year I think $586 billion of that was in discretionary spending. The rest of it was already set.

This year we are dealing with the question of, if it was $586 billion last time, how much do we spend? Do we spend $600 billion? Do we spend $630 billion?

It is hard. I think it is more difficult when you have the idea of a surplus than it is when you have the idea of a deficit. When you have a surplus, everybody has ideas as to where we ought to spend all that extra money. But it isn't extra money. It belongs to the taxpayers. When we have done those things we think are essential for good Government, then the surplus money ought to be used in other ways.

It is my belief, and the belief of many, that we ought to limit the size of Government, we ought to limit the number of things we fund, and we need to have better Government. Certainly, we can do that. We can do that in our appropriations.

Social Security. Almost everyone talks about Social Security. Almost everyone would agree that Social Security is one of the most important issues that we face. Social Security, of course, is not a retirement program. It is a supplement, but it is very important. When I talk, particularly to young people, most of them say: I will never see any benefits. They are probably right. Unless there are some changes, the program will not sustain itself.

We have seen so many demographic changes. It started out at a time when almost 20 people were working for every one who was drawing benefits. Now it is about three. It will soon be two. Of course, it will be almost impossible then to provide those kinds of benefits over time. What do we do? We have to make some changes, pretty clearly.

There are several options. One is to increase taxes. Social Security taxes are the highest taxes many people pay, about 12.5 percent of their earnings when we take into account what the employer pays—a very high percentage. So that is not a very popular option. We could reduce benefits. Benefits are not especially high now. That is not really a very attractive option either. So the third option is to increase the return on the money that is in the Social Security trust fund. There are billions of dollars there, of course. Under the law they can only be invested in Government securities. So they bring a relatively small return. And up until now, they haven't even done that because they have been replacing debt for other purposes.

We have a plan that ought to be considered and put into place. The administration keeps talking about saving Social Security but doesn't have any plan to do so. I think there is a plan out there. There is a bill of which I am a cosponsor, along with others, that would, in fact, set up individual accounts and would take at least a portion, whatever portion we could decide upon, and that account would belong to you or to me. It would be there to be invested in your behalf. It could be invested in equities; it could be invested in bonds. The return would be substantially higher than it is now. Over a period of 40, 50 years, that would bring a really good return and fund the program.

Furthermore, if one was unfortunate enough not to use the program, passed away before they had the chance to get the benefits, it would belong to them. It would be part of their estate. I think that is a reasonable way to do it, one we ought to fully consider.

The other issue with which we need to deal, with regard to the budget and money, is the debt. We still have a substantial amount of debt. Part of it is privately held and part is held by Social Security dollars; part of it is publicly held. We talk all the time about reducing the debt. We did, indeed, last year put the Social Security money over there and replace publicly held debt. The fact is, when that is to be used for benefits, the taxpayers at that time will still have to bail out that money so it can be used in the trust funds.

What we would like to do is, assuming we have paid what is substantially needed for programs, set aside Social Security money. If there is still some surplus there, I think we ought to dedicate a portion of that to paying off the debt and do it in a systematic way, not just say, well, we will pay it off when we get some money, whatever, but, in fact, say, we are going to set aside enough money each year, as you would on a mortgage on your home, and say, in 15 years we will pay off this $3 trillion of debt or whatever it happens to be, publicly owned debt. Each year the payment on that will be in the budget. It will be there. It will automatically be spent for that purpose. And over a period of time we would do away with that debt that is owned by the public and earns a substantial amount of interest. I think a couple of years ago we paid about $380 billion a year on interest out of this budget of ours to do that. I think that is one of the things we clearly could do.

Finally, of course, assuming there is still some left, we could, as the Senator from Alabama has said, do something about returning these excesses to the taxpayers who paid them in in the first place and certainly deserve to have them. Obviously, there are different ideas about how that is done, whether it is marriage penalty, estate tax, whether it is an across-the-board tax. The fact is, that money should go back to the people who paid it in. It is really bad policy to keep extra money in Washington because it will be spent. Once we have met our obligations, hopefully that can be returned.

These are the things that are clearly before us. There are many other items, of course, but these are the ones we have to do. These are the ones the American people want us to do. These are the ones people in Wyoming talk about when I am there.

I have to mention one other area they talk about that is a not in this category, but it has to do with management of public lands. It has to do with the so-called land legacy this administration has been working on for some time. Apparently the President, wanting to leave some kind of a Teddy Roosevelt legacy, wants to change the legacy he has before he leaves in several months, to have it be some sort of a setting aside of public resources for singular uses. That doesn't mean a lot to people who live in States where Federal lands are not a big issue. My State of Wyoming is 50 percent owned by the Federal Government; Nevada is 85 percent owned by the Federal Government, and it varies in between.

The things that happen in those States economically and other ways are affected greatly by the management of those lands. We have seen a number of designs to set aside lands for uses different than have been in the law. The law now provides there will be wilderness set aside, or, indeed, that they be set aside for multiple use, which means for recreation, for hunting, for scenery, for grazing, for minerals, for all kinds of things under the multiple use concept.

When that is not available, then the economies of our States suffer greatly, as do the long-term upkeep and availability and accessibility of those lands for Americans. I happen to be chair of the National Park Subcommittee. The purpose of a park is to maintain resources and to provide an opportunity for its owners, the American people, to enjoy it. Now we find ourselves faced with a number of things being proposed that would limit access, limit the enjoyment of these lands: 40-million acres roadless in the national parks, for example, which has never been fully explained as to what it means. The Antiquities Act is being used to set aside lands only by action of the President. The Congress is not involved. BLM has set out a roadless plan without details; nobody knows exactly what that means. Does it mean you are not accessible to it, that there are no roads to get to it? Forest regulation—instead of having multiple uses, one of the concepts of the plan goes totally to ecology. No one knows exactly what that means.

We have proposals from the administration to put billions of dollars, over a $1 billion each year, directly to purchase more Federal land. In the West, we think there is a substantial amount now.

We have a lot of things to do. I am confident we will get to them. I hope we do. I think we should. There is a philosophy, of course, that is different among Members of the Senate as to the role of the Federal Government, as to the size of the Federal Government, as to whether or not in an area of education, for example, there is flexibility to send the money, if you are going to support education, to the States and let them decide how it is used, or do you have the Federal Government bureaucracy in Washington tell people how it should be used. Frankly, whether it is schools or whether it is health care, whether it is highways, whatever, the needs in Wyoming are quite different than they are in New York and Pennsylvania. The school district in Meeteetse, WY has different needs than Pittsburgh. We ought to be able to recognize that and allow local people to be able to do that.

That is one of the big differences we have on this floor. The minority whip this morning talked about coming together to do things, a perfectly great idea. But as long as there is opposition to those concepts of letting States and counties participate, then it is very difficult to do that.

I am hopeful we will look forward. I am sure we will; that is the system. This is a great system. There are weaknesses and complaints, of course. But after all, this is the best system in the world. It is up to us to make it work.

I suggest the absence of quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. In my capacity as the Senator from Arizona, I ask unanimous consent that the order for the quorum call be rescinded.

Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. In my capacity as the Senator from Arizona, I ask unanimous consent that the Senate stand in recess until 3 p.m. today.

Thereupon, the Senate, at 2:10 p.m., recessed until 3 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Ms. COLLINS].

The PRESIDING OFFICER. In my capacity as a Senator from the State of Maine, I suggest the absence of a quorum. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Madam President, regardless of the conditions for speaking in morning business, I ask unanimous consent to speak for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMANENT NORMAL TRADING RELATIONS WITH CHINA

Mr. GRASSLEY. Madam President, there are a number of misconceptions about the upcoming vote in the Senate to grant China permanent normal trading relations or, as we often call it, PNTR. I will refer to it as normal trading relations.

Today, as chairman of the International Trade Subcommittee, and to inform my colleagues about the importance of this issue because I favor normal trading relations with China, I want to address two misunderstandings regarding China.

The first misconception is that a vote by the Senate on normal trading relations is a vote to admit China to the World Trade Organization. We do not have anything to do with China being in the World Trade Organization. It is a wrong misconception. Also, there is a belief if we do not approve PNTR, China will not be able to join the World Trade Organization. As a member of the World Trade Organization, we can say something about it through our representative there, but in the Senate our vote on PNTR will not affect China's ability to join the WTO.

I want to tell my colleagues what will be consequence of not approving permanent normal trading relations with China. The only thing that will happen if we vote against permanent normal trading relations with China is that American farmers and all of our businesses will miss out on lower tariff rates and the other market-access concessions China will grant to farmers and businesses in other countries.

Remember, China is not just a big chunk of land; China is 20 percent of the world's population. When we talk about doing business with China, we are not talking about doing business in East Podunk; we are talking about doing business with 20 percent of the people of this Earth.

Let me explain what the PNTR vote is really about. Congress has placed conditions on our trade with China. These stipulations are not consistent with the core World Trade Organization obligations for member countries to grant each other unconditional, most-favored-nation treatment. If we do not grant permanent normal trading relations with China, thus removing the Jackson-Vanik restrictions, and if, at the same time, China eventually becomes a World Trade Organization member—and this is going to happen sooner or later—then the World Trade Organization rules will require the United States to opt out of the tariff and market access concessions we helped negotiate.

It does not hurt China, it does not hurt any of the other 137 members of the World Trade Organization, but it is going to help us because these other countries will get market access. Other countries will gain and build market share in China while the United States is sitting on the sidelines. This will be at the expense of the American soybean farmers, at the expense of the American pork producers, at the expense of the American insurance companies, and other financial service providers. You can list any segment of the

American economy. I happen to list those that are very much related to the economy of my State. In the process, China—this country with 20 percent of the world's population—will not be hurt one bit, either.

Let's make it clear. Let's say somehow the Congress decides we do not want permanent normal trading relations with China, and China joins the World Trade Organization. China gets the benefit of that. All the other countries get the benefit of that. Let's say we decide to not complete the agreement with China. China is not going to be hurt one bit. In fact, hundreds of millions of Chinese consumers—20 percent of the world's population—will reap the benefits of free trade. Our farmers and businesses will surely suffer. This is not fair.

Since I am a Republican, I would like to quote a Democrat. Within the last week, before the Senate Agriculture Committee, Secretary of Agriculture Glickman said something very interesting. He said that for a couple decades we have been letting almost anything from China they want to export come into our country, with few restrictions. Yes, this open access has certainly helped our consumers. When we talk about the difficulty of getting our goods into China, we have to deal with state trading organizations, and with a lot of nontariff trade barriers. So it is quite obvious this agreement with China would be a win-win situation for the United States of America.

That is Secretary of Agriculture Glickman speaking not only about agriculture but speaking about all the nonagricultural manufacturing products and services that we can send to that country as a result of this agreement.

Remember, the first misconception I cited is that some believe if China does not get permanent normal trading relations, that it is going to keep China from joining the World Trade Organization. But if China does get in the World Trade Organization, she will have a fairly free trade relationship with 137 other countries. And then we will not have that same agreement with China. It will be a lose-lose situation for America.

The second misconception I want to address is that even if China does get into the World Trade Organization, it will not mean that much right away for American manufacturers and American agriculture.

That is something that could not be further from the truth because we are going to reap immediate benefits from China having normal trading relations with us. As well, with China being a member of the World Trade Organization, we will benefit from that relationship with China. Because we are also in the WTO, we will benefit from what happens with the increased trade that results from that.

The fact is, China is not only a large economy, it also happens to be a very dynamic economy. Because they have made economic reforms there, China's leaders have sparked an economic renewal that has led to growth rates of 7 to 10 percent every year of the last decade, easily dwarfing the rates of our own superheated economy in the United States.

China's economy has grown 7 to 10 percent. Quite frankly, I do not know whether they want to admit this, but China's economy has to grow at least 5 percent for them to make room for all the young people coming into the workforce.

Any way you look at it—the 5 percent they have to have to keep people employed or the 7 to 10 percent they have had in recent years—there is a lot of new prosperity in China. As a consequence of this, China is buying a great deal of everything, especially agriculture products.

But because about one-third of China's economic activity is generated and controlled by state-owned enterprises, China often manipulates its markets in a way that harms its trading partners. This agreement we have with China takes care of this problem. I would like to give you an example. It is one that is well known to the soybean farmers of my own State of Iowa.

In 1992, China soybean oil consumption shot up from about 750,000 metric tons to 1.7 million metric tons. Keeping pace with this increased new demand, soybean oil imports also more than doubled.

In order to keep up with surging domestic demand, China imported more soybeans and soybean meal, much of it from the United States, and, in fact, much of it from my State of Iowa—the leading producer of soybeans of the 50 States.

When China's soybean imports hit their peak in 1997, soybean meal in the United States was trading at an average base price of about $240 per ton. This meant for a while farmers were getting a lot better price than they are now for soybeans, sometimes close to $7 per bushel. Everyone was better off. China's consumers got what they wanted. American soybean growers prospered. Of course, this is the way trade is supposed to work.

But suddenly, Chinese state-run trading companies arbitrarily shut off imports of soybeans. Soybean meal that was selling in 1997 for $240 per ton in the United States plummeted to $125 per ton by January 1999. Soybeans selling for over $7 per bushel in 1997, fell to just over $4 per bushel by last summer.

So you can imagine what happened on the farm with the loss of that income. Combined with other factors, farmers were unable to pay their bills. Many farmers who were considered by their bankers to be well off are struggling to recover. In trade, what happens in China does make a difference in the United States of America, at least with our economy.

This shows what occurs when protectionism, when trade barriers, when tariffs, and when government-run controls take the place of the free market. Trade is distorted. Consumers abroad have less choice. And American family farmers suffer. It also demonstrates how important China's entry into the World Trade Organization is for America's farmers.

With a new bilateral market access agreement in place, and with meaningful protocol agreements that should soon be in place, China will not be able to use straight state trading enterprises to arbitrarily restrict and manipulate agriculture trade, and trade in any product, for that matter.

Once China has entered the World Trade Organization, they will have to do away with those organizations that violate the principles of a free market economy because they will have to in order to get into the World Trade Organization. For the first time in history, China would be bound by enforceable international trade rules.

When we trade with other countries, we export more than farm equipment, soybeans, computer chips, insurance, banking, a lot of services. We export part of our society and what our society stands for, the American values and ideals that can be communicated sometimes in commerce, that can never be communicated by American political leaders and by American diplomats. I think the exporting of our values and our ideals is very good. This is surely good for the World Trade Organization. It is good for China. It is good for the United States. I believe it is part of the process of keeping the peace.

We seldom get a real chance in Congress to make this a better and safer world in a very large way without expending American blood and deploying American military might around the world. This is one of those rare opportunities, through commerce and through a very peaceful approach, to do something for peace around the world.

I urge my colleagues to join me in supporting permanent normal trading relations with China.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, March 3, 2000, the Federal debt stood at $5,742,858,530,572.10 (Five trillion, seven hundred forty-two billion, eight hundred fifty-eight million, five hundred thirty thousand, five hundred seventy-two dollars and ten cents).

One year ago, March 3, 1999, the Federal debt stood at $5,653,396,000,000 (Five trillion, six hundred fifty-three billion, three hundred ninety-six million).

Five years ago, March 3, 1995, the Federal debt stood at $4,840,473,000,000 (Four trillion, eight hundred forty billion, four hundred seventy-three million).

Twenty-five years ago, March 3, 1975, the Federal debt stood at $496,847,000,000 (Four hundred ninety-six billion, eight hundred forty-seven million) which reflects a debt increase of more than $5 trillion—$5,246,011,530,572.10 (Five trillion, two hundred forty-six billion, eleven million, five hundred thirty thousand, five hundred seventy-two dollars and ten cents) during the past 25 years.

ADDITIONAL STATEMENTS

PESTICIDE EXPOSURE

• Mr. LIEBERMAN. Mr. President, I rise in support of the amendment offered by Senator BOXER to S. 1134 that would help to protect children from exposure to pesticides used in schools. In the wake of tragic incidents in schools across the nation, many people now think of school safety in terms of enhanced protection from violent crime. My colleague's amendment addresses a less visible aspect of school safety: the need to reduce environmental health hazards from pesticides.

Because of their smaller size, greater intake of food and air relative to body weight, recreational environment, and developing systems, children are at higher risk from pesticide exposure than adults. Numerous studies show that pesticides can pose health risks to children, such as impaired cognitive skills, fatigue, burns, elevated rates of childhood leukemia, soft tissue sarcoma, and brain cancer. Pesticides can be absorbed from exposure through skin contact, inhalation, or ingestion. One recent study showed that after a single broadcast use of chlorpyrifos, a pesticide commonly used in schools, the chemical remained on children's toys and hard surfaces for two weeks, resulting in exposure 21–119 times above the current recommended safe dose.

Last year, I requested that the General Accounting Office review the federal requirements that govern the use of pesticides in schools and the existence of data on the use and incidences of illnesses related to exposure. In January when I released the GAO report, "Use, Effects, and Alternatives to Pesticides in Schools," I noted that its results underscore the lack of both comprehensive information about the amount of pesticides used in our nation's schools, and data on whether pesticide exposure is adversely affecting our children's health.

In January, I called on Administrator Browner to task her agency to take immediate steps to protect children from exposure to pesticides in schools, including providing guidance to applicators and school districts on the relative exposures of different application methods, taking action to appropriately label pesticides that are being used in school environments, and consider conducting a full-scale statistical survey on the use of pesticides in schools to determine whether risks are posed to children by pesticides through cumulative exposure.

Ultimately, these measures all would lead to better information about the risks of pesticide exposure to children. However, we also need to act now to help parents protect their children in the interim. In 1999, Connecticut passed a bill requiring schools to create registries of parents who wish to be informed prior to school use of pesticides. Several other states have taken similar action. However, parents in many states still do not have access to information about when and what pesticides are being used in their children's schools. Senator BOXER's amendment would remedy this problem by ensuring that all parents receive advance notification before toxic pesticides are applied on school or day care center grounds.

In addition to supporting Senator BOXER's notification amendment, I am a cosponsor of Senator TORRICELLI's School Environment Protection Act of 1999, or SEPA, which is currently before the Agriculture Committee. In addition to recognizing the need for parental notification before pesticides are used in schools, SEPA would create a national requirement that when pesticides are used in schools, only the safest methods are followed in order to protect children. I recently visited a school system in Cheshire, Connecticut, that has very successfully implemented these methods, known as Integrated Pest Management, or IPM. The Cheshire school system works closely with local contractors, who carry out monthly visual inspections of the schools, use least toxic pesticides when required, and apply them after hours and after contacting the school nurse. SEPA would require that, like the Cheshire schools, schools nationwide ensure that pesticides are applied safely and only when alternatives have failed.

I am pleased to be able to support Senator BOXER today in her effort to help parents protect their children by reducing their exposure to potentially harmful pesticides. And I hope that there will be further opportunities to discuss the important issue of decreasing children's exposure to pesticides in schools.•

HONORING MR. JACK BUTCHER OF LOOGOOTEE, INDIANA

• Mr. BAYH. Mr. President, I rise today not only on my own behalf but also on behalf of my senior colleague, Senator RICHARD LUGAR, to honor a fellow Hoosier, Mr. Jack Butcher. Mr. President, as you know, the game of basketball is synonymous with the great state of Indiana. Our affection for the game goes much deeper than the sport itself. We love the game of basketball because of the values that it instills: spirit, teamwork, dedication, and most important, hard work.

We rise today to honor Coach Jack Butcher of Loogootee, Indiana, for his great success in the game of basketball, and for his outstanding service and contributions off the court. Coach Butcher has spent the last 43 years of his life coaching, teaching and influencing the young men and women of Loogootee High School. He has taught countless students lessons about hard work and dedication that one cannot learn from a book.

On December 28, 1999, Mr. Butcher achieved a remarkable milestone in Indiana basketball history, winning his 760th career game, and becoming the all-time winningest coach in Indiana high school basketball history. Mr. President, once again, Senator LUGAR and I would like to commend Coach Jack Butcher for his outstanding contributions both on and off the hardwood. His legacy will be permanently embedded in the record books and in the hearts and minds of the people of Loogootee.•

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–7856. A communication from the Assistant Secretary of Labor, Employment and Training, transmitting, pursuant to law, the report of a rule entitled "Unemployment Insurance Program Letter No. 3–95, Change 3", received March 2, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–7857. A communication from the Assistant Attorney General, Office of Legislative Affairs, transmitting, pursuant to law, the 1999 annual report relative to the Department's prison impact assessment; to the Committee on the Judiciary.

EC–7858. A communication from the Assistant Attorney General, Office of Legislative Affairs, transmitting, pursuant to law, the 1998 annual report relative of the National Institute of Justice; to the Committee on the Judiciary.

EC–7859. A communication from the Assistant Administrator, Bureau for Legislative and Public Affairs, Agency for International Development, transmitting, pursuant to law, a report on economic conditions in Egypt, 1998–99; to the Committee on Foreign Relations.

EC–7860. A communication from the Acting General Counsel, Department of Defense, transmitting a draft of proposed legislation relative to military construction and related activities; to the Committee on Armed Services.

EC–7861. A communication from the Director, Federal Register transmitting, pursuant to law, the report of a rule entitled "Prices, Availability and Official Status of Federal Register Publications" (RIN3095–ZA02), received March 2, 2000; to the Committee on Governmental Affairs.

EC–7862. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Prevailing Rate Systems; Abolishment of the Franklin, PA Nonappropriated Fund Wage Area" (RIN3206–AJ00), received March 2, 2000; to the Committee on Governmental Affairs.

EC–7863. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, the Commission's report under the Government in the Sunshine Act for calendar year 1999; to the Committee on Governmental Affairs.

EC–7864. A communication from the Secretary of Transportation, transmitting a draft of proposed legislation relative to fiscal year 2001 appropriations for certain maritime and other purposes; to the Committee on Commerce, Science, and Transportation.

EC–7865. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Central Aleutian District and Bering Sea Subarea of the Bering Sea and Aleutian Islands", received February 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7866. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Trawling in Stellar Sea Lion Critical Habitat in the Central Aleutian District of the Bering Sea and Aleutian Islands", received March 2, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7867. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Modification of a Closure (Opens Directed Fishing for Pacific Cod in the Western and Central Regulatory Area in the Gulf of Alaska)", received March 2, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7868. A communication from the Associate Bureau Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "1998 Biennial Regulatory Review—Amendment of Part 97 of the Commission's Amateur Service Rules" (WT Docket No. 98–143, FCC 99–412), received March 2, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7869. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747–100, –200, and –300 Series Airplanes; Docket No. 99–NM–366 (2–29/3–2)" (RIN2120–AA64) (2000–0124), received March 2, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7870. A communication from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission transmitting, pursuant to law, the report of a rule entitled "Appliance Labeling Rule, 16 CFR, Part 305" (RIN3084–AA74), received March 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7871. A communication from the Assistant Secretary of Defense, Health Affairs, transmitting, pursuant to law, a report relative to the feasibility and advisability of offering chiropractic health care within the Military Health System; to the Committee on Armed Services.

EC–7872. A communication from the Director, Financial Management, General Accounting Office transmitting, pursuant to law, the 1999 annual report of the Comptrollers' General Retirement System; to the Committee on Governmental Affairs.

EC–7873. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Tentative Differential Earnings Rate" (Notice 2000–16), received March 28, 2000; to the Committee on Finance.

EC–7874. A communication from the Assistant Secretary, Legislative Affairs, U.S. Department of State, transmitting, pursuant to law, a report relative to the danger pay rate for Montenegro; to the Committee on Foreign Relations.

EC–7875. A communication from the Assistant Secretary, Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revisions to License Exception CTP" (RIN0694–AC14), received March 3, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–7876. A communication from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Design Considerations Handbook" (DOE HDBK 1132–99), received March 2, 2000; to the Committee on Energy and Natural Resources.

EC–7877. A communication from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Integrated Safety Management Systems Verification Team Leader's Handbook" (DOE HDBK 3027-99), received March 2, 2000; to the Committee on Energy and Natural Resources.

EC–7878. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Bentazon; Pesticide Tolerance" (FRL #6492-7), received March 3, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7879. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Diclosulam; Pesticide Tolerance" (FRL #6492-3), received March 3, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7880. A communication from the Congressional Review Coordinator, Regulatory Analysis and Development, Policy and Program Development, Animal and Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Brucellosis in Cattle; State and Area Classifications; Arkansas" (Docket #97–108–2), received March 3, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7881. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, a report entitled "Abnormal Occurances Fiscal Year 1999"; to the Committee on Environment and Public Works.

EC–7882. A communication from the Director, Federal Emergency Management Agency, transmitting, pursuant to law, a report relative to funding for the response to the emergency declared as a result of the severe fires in California; to the Committee on Environment and Public Works.

EC–7883. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, a draft of proposed legislation relative to appropriations for fiscal year 2001; to the Committee on Environment and Public Works.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–421. A resolution adopted by the City Council of the City of Buffalo, NY relative to the proposed Great Lakes Grant Program; to the Committee on Environment and Public Works.

POM–422. A concurrent resolution adopted by the General Assembly of the State of Iowa relative to the lower Des Moines River; to the Committee on Environment and Public Works.

Senate Concurrent Resolution No. 101

Whereas, the lower Des Moines River is one of the most important natural resources in southeast Iowa; and

Whereas, the lower Des Moines River is impacted by the reservoir at Lake Red Rock; and

Whereas, the United States Corps of Engineers is responsible for the management of the reservoir; and

Whereas, the last management plan was put into effect for the reservoir at Lake Red Rock in 1993; and

Whereas, the management plan has had a tremendous impact on the lower Des Moines River, concerning both water quality and recreation; and

Whereas, there seems to be an adverse impact on the environment due to the present management plan of Red Rock Reservoir: Now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, That the Iowa General Assembly requests the United States Corps of Engineers to conduct a new study regarding the management of the lower Des Moines River; and be it further

Resolved, That copies of this Concurrent Resolution be sent by the Secretary of the Senate to the members of Iowa's delegation, to the President of the United States, to the President of the United States Senate, and to the Speaker of the United States House of Representatives.

POM–423. A concurrent resolution adopted by the Legislature of the State of South Dakota relative to railroad cars and railroad companies operating in the State of South Dakota; to the Committee on Commerce, Science, and Transportation.

SENATE CONCURRENT RESOLUTION NO. 8

Whereas, there have been numerous accidents and unnecessary fatalities at unlit and unguarded railroad crossings throughout our state; and

Whereas, means now exist by which citizens can be made aware that there are railroad cars blocking the road ahead; and

Whereas, railroad reflectorization would provide positive indication of the presence of a railroad car; and

Whereas, some of the railroads operating in the state have recognized the need for reflectorized railroad cars and have voluntarily reflectorized their railroad cars; and

Whereas, other railroads have not implemented such a reflectorization program: Now, therefore, be it

Resolved, by the Senate of the Seventy-fifth Legislature of the State of South Dakota, the House of Representatives concurring therein, That all owners of railroad cars in South Dakota and all railroad companies operating in South Dakota be hereby requested to voluntarily reflectorize their railroad cars; and be it further

Resolved, That all owners of railroad cars in South Dakota and all railroad companies operating in South Dakota be hereby requested to voluntarily adopt a policy of only leasing railroad cars that have been reflectorized; and be it further

Resolved, That the South Dakota Congressional Delegation and the Clinton Administration be hereby requested to enact legislation that would require railroads operating in the United States to reflectorize all of their railroad cars in a timely manner.

POM-424. A resolution adopted by the House of the Legislature of the Commonwealth of Pennsylvania relative to the proposed Firefighter Investment and Response Enhancement Act; to the Committee on Commerce, Science, and Transportation.

HOUSE RESOLUTION NO. 319

Whereas, Fire departments and their volunteer members and employees are an essential element in preserving the public order and safety in the Commonwealth of Pennsylvania; and

Whereas, Firefighters throughout the Commonwealth of Pennsylvania make great sacrifices on behalf of their fellow Pennsylvanians on a daily basis; and

Whereas, Federal, State and local government all share an unspoken obligation to protect the health and safety of firefighters as well as the entirety of the general public; and

Whereas, This obligation requires that fire departments have the financial resources to purchase necessary equipment and other items; and

Whereas, Fire departments constantly find themselves under increased financial constraints in the effort to provide exemplary public protection; and

Whereas, State and local governments continue to bear the overwhelming burden for funding fire departments throughout the Commonwealth of Pennsylvania; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania strongly urge the United States House of Representatives and Senate to pass and enact the Firefighter Investment and Response Enhancement Act (H.R. No. 1168) and/or similar legislation in order to provide direly needed funding for fire departments; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM-425. A resolution adopted by the Board of Chosen Freeholders, Cape May County, NJ relative to the disposal of contaminated materials in the Atlantic Ocean at the Mud Dump site; to the Committee on Environment and Public Works.

POM-426. A resolution adopted by the Council of the City of Cambridge, MA relative to the island of Vieques, PR; to the Committee on Armed Services.

POM-427. A petition from a citizen of the State of Texas relative to amendment of the Constitution; to the Committee on Rules and Administration.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SMITH of New Hampshire, from the Committee on Environment and Public Works, without amendment:

S. 1653. A bill to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act (Rept. No. 106–230).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BINGAMAN (for himself, Mr. HOLLINGS, Mr. BAUCUS, Mr. KERRY, Mrs. BOXER, Mr. LIEBERMAN, Mr. BRYAN, Mr. AKAKA, Mr. LEAHY, and Mr. SARBANES):

S. 2181. A bill to amend the Land and Water Conservation Fund Act to provide full funding for the Land and Water Conservation Fund, and to provide dedicated funding for other conservation programs, including coastal stewardship, wildlife habitat protection, State and local park and open space preservation, historic preservation, forestry conservation programs, and youth conservation corps; and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GRASSLEY:

S. 2182. A bill to reduce, suspend, or terminate any assistance under the foreign Assistance Act of 1961 and the Arms Export Control Act to each country determined by the President to be engaged in oil price fixing to the detriment of the United States economy, and for other purposes; to the Committee on Foreign Relations.

By Mr. CRAPO (for himself, Ms. COLLINS, Mr. AKAKA, Mr. SMITH of New Hampshire, Ms. SNOWE, and Mrs. LINCOLN):

S. 2183. A bill to ensure the availability of spectrum to amateur radio operators; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCTED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN (for himself, Mr. HOLLINGS, Mr. BAUCUS, Mr. KERRY, Mrs. BOXER, Mr. LIEBERMAN, Mr. BRYAN, Mr. AKAKA, Mr. LEAHY, and Mr. SARBANES):

S. 2181. A bill to amend the Land and Water Conservation Fund Act to provide full funding for funding the Land and Water Conservation Fund, and to provide dedicated funding for other conservation programs, including coastal stewardship, wildlife habitat protection, State and local part and open space preservation, historic preservation, forestry conservation programs, and youth conservation corps; and for other purposes; to the Committee on Energy and Natural Resources.

CONSERVATION AND STEWARDSHIP ACT

Mr. BINGAMAN. Mr. President, today I am pleased to introduce the "Conservation and Stewardship Act," which is cosponsored by Senators HOLLINGS, BAUCUS, KERRY, BOXER, LIEBERMAN, BRYAN, AKAKA, LEAHY, and SARBANES. This comprehensive bill will provide permanent and dedicated funding from Outer Continental Shelf oil and gas revenues to be used for the Land and Water Conservation Fund and many other important conservation programs, including coastal, wildlife habitat, endangered species, historic preservation, State and local park and open space preservation, forestry and farmland conservation, and youth conservation corps programs. While the bill will ensure much-needed funding for many Federal conservation programs, most of the programs included in the bill will assist States, counties, or cities to implement local conservation and recreation projects. In addition, this legislation will, for the first time, fully fund the Payments In Lieu of Taxes (PILT) program, which provides payments to local governments for the loss of tax revenues resulting from Federal lands in their jurisdiction.

In developing this bill, I have tried to include a variety of programs to ensure that the benefits from OCS revenues—which are a federal resource belonging to all Americans—are equitably distributed throughout the country. While some programs in the bill are of specific interest to coastal States, others will have more application in interior areas; some programs in the bill provide funding for large cities and urban areas, while others are designed to assist rural communities. If we are to succeed in passing a comprehensive conservation bill this year, the benefits must extend to all regions of the country.

In addition, I think it's important to recognize that several very meritorious legislative proposals have already been put forward. One of my goals in developing this bill was to try and incorporate important programs from the other bills, and I am pleased that many of the sponsors of those proposals are also supporting this bill. I also want to recognize the efforts that Senator LANDRIEU, Senator MURKOWSKI, and others have made in generating support for a comprehensive conservation bill with their legislative proposal. While there are differences in our bills and in some of our funding priorities, I believe our underlying goals are the same. I am committed to working with them, and with all other interested Senators, as we try to pass a bill this year.

I would like to add that my primary goal in introducing this bill is to try and move the legislative process forward in the Senate. I think a consensus approach, such as we are proposing today, is our only chance of getting a bill enacted into law this year.

I know some have questioned why these programs—or any program—should be provided with dedicated funding. When Congress amended the LWCF Act in 1968 to credit a portion of Outer Continental Shelf oil and gas lease revenues into the fund, the premise was that at least some of the revenues from OCS oil and gas production, a non-renewable resource, should be used to protect other resources throughout the country. I think that was a wise concept then, and one we should continue to adhere to today. Along those lines, it is important that whatever programs are included in a comprehensive bill contribute to enriching the natural, cultural, or historical legacy of this country. In my opinion, such a bill is not only justifiable, but necessary if we are going to be responsible to future generations.

Mr. President, I would like to briefly describe some of the major programs that would receive dedicated funding in this bill.

Since its enactment over 35 years ago, the Land and Water Conservation Fund Act has been not only one of the most popular conservation measures ever signed into law, but one of the most far-sighted as well. Revenues deposited into the fund are used to protect our national and cultural heritage in our national parks, forests, wildlife refuges, wilderness areas, trails, wild and scenic rivers, and other important areas. In addition, the LWCF State grant program assists States in the planning, acquisition, and development of open space and outdoor recreation facilities.

However, over the past 35 years, appropriations from the LWCF have lagged far behind the amounts credited into the fund, even though demand for LWCF funding continues to increase. In fact, on average, less than half of the amounts credited to the fund have actually been authorized. Today, the fund's unappropriated balance exceeds $13 billion. History has shown that if the LWCF remains subject to the annual appropriations process, the intent of the fund will never be fulfilled. For that reason, my bill uses OCS oil and gas receipts to provide dedicated funding for the LWCF and all of the other conservation programs in the bill. The bill funds the LWCF and its fully authorized level of $900 million annually, divided equally between the Federal land acquisition and State grant programs.

In addition, I think it's important that the benefits we will get from fully funding the LWCF not be negated by placing new restrictions on the land acquisitions in our national parks, forests and wildlife refuges. I am concerned about language in other bills on this issue which are pending in the House and Senate which would create new obstacles to protecting threatened national resources. I think a much better approach is to take the existing LWCF program, which has a proven track record, and ensure that it is adequately funded. However, I have included language which gives the Congress the ability to override proposed Federal agency expenditures, while ensuring that all of the money is actually spent for the intended purpose.

Likewise, I believe it's important that new restrictions not be placed on States for the use of the funds they receive under the State grant program. Although some have proposed to restructure the State program, I think the flexibility given to States in the current law is appropriate, and States should continue to determine how to allocate LWCF funds for recreational and open space needs, consistent with the requirements of the Act and with review by the Secretary of the Interior.

Title II of the Conservation and Stewardship Act provides funding to protect and restore our fragile coastal resources. It establishes the Ocean and Coast Conservation Fund, and dedicates $365 million annually, primarily to States, to address a broad array of coastal and marine conservation needs. This fund is administered by the Secretary of Commerce. The bill also establishes the Outer Continental Shelf Impact Assistance Fund, administered by the Secretary of the Interior, to provide $100 million annually to Coastal States suffering negative environmental impacts from oil and gas production on the OCS.

The Ocean and Coast Conservation Fund addresses four programs. The first account within the fund allocates $250 million to Coastal States for a broad range of coastal and marine conservation activities which ensure protection for coral reefs, wetlands, estuaries and marine species. The second account allocates $25 million to Coastal States to fund joint marine enforcement agreements between States and the Secretary of Commerce, thereby increasing enforcement capabilities for both Federal and State marine resource protection laws. The third account gives $75 million to Coastal States to fund fisheries research and management. The fourth account allocates $15 million to the Secretary of Commerce for the protection of coral reefs. A complementary program for protection of coral resources under the jurisdiction of the Department of the Interior is contained in Title VI of my bill as described further below.

Although other bills have been introduced which also address coastal funding, I believe the Ocean and Coast Conservation Fund contains several significant advantages. First, it requires that all money received under this fund be used only for the protection of the marine and coastal environment. Second, it ties the amount of money States will receive to demonstrated conservation need rather than the amount of production occurring offshore the State, or a State's or county's proximity to that production. In this manner, my bill refrains from allowing money from this fund to be used as an incentive to begin or increase production in the Federal OCS. My bill also excludes revenues from leases included within areas covered by a moratorium on leasing.

The Outer Continental Shelf Impact Assistance Fund allocates $100 million specifically to address the needs of those Coastal States which have hosted Federal OCS oil and gas production off their shores, and which have suffered negative environmental impacts from that production. Funds are distributed based on shoreline miles and coastal population (25 percent each) and the amount of production occurring offshore the Coastal State (50 percent). States can use the money only to mitigate adverse environmental impacts directly attributable to the development of oil and gas resources of the OCS.

The bill also establishes a separate Coral Reef Resources Restoration Fund. This fund provides $15 million annually to the Secretary of the Interior for the protection of coral reef resources under the jurisdiction of the Secretary. The bill authorizes the Secretary to make grants, not to exceed 75 percent of the total costs, for projects which promote the viability of coral reef systems under the jurisdiction of the Department of the Interior. Grants would be available to natural resource agencies of States or Territories, educational or non-governmental institutions, or organizations with demonstrated expertise in the conservation of coral reefs.

Like many of the other comprehensive conservation proposals, my bill includes significant new funding to assist States in protecting wildlife habitat. The Conservation and Stewardship Act includes a $350 million annual increase in deposits into the Pittman-Robertson fund, to help fund a broad variety of wildlife conservation programs, with an emphasis on protecting habitat for non-game species.

In addition, the bill establishes a new $50 million fund to protect threatened and endangered species. Under the program, the Secretary of the Interior would be authorized to enter into agreements with private landowners to protect habitat for threatened and endangered species. This incentive program would assist landowners who voluntarily agree to take protective actions beyond what is required under existing law.

In addition to the funds provided for Federal and State programs through the Land and Water Conservation Fund, the Conservation and Stewardship Act provides funding for several programs to assist States, local governments, and other organizations in the protection of open space. The bill includes $50 million in funding for the Forest Legacy Program, $50 million for the Farmland Protection Program, and $50 million for a new program to allow for the voluntary acquisition of conservation easements to prevent ranchlands from being converted to non-agricultural uses.

The bill also includes $125 million for a new grant program to be administered by the Secretary of the Interior to help States conserve, on a matching basis, non-Federal lands or waters of clear regional or national interest.

Presently, OCS revenues are credited to only two funds: the Land and Water Conservation Fund and the Historic Preservation Fund. Like the LWCF, appropriations from the HPF have lagged far behind the $150 million that is annually credited to the fund. The Conservation and Stewardship Act will, for the first time, ensure that the fully authorized amount is expended. In addition, the bill requires that at least half of the fund, $75 million, be available to States, tribes, and local governments to allow them to better carry out their responsibilities under the National Historic Preservation Act. The bill also requires that at least 50 percent of the Federal funds spent under the program be used for the restoration of historic properties.

The bill also funds the American Battlefield Protection Program at $15 million per year, fulfilling recommendations made by the Civil War Sites Advisory Commission. Funding would be available for preservation assistance for all types of battlefields, although with respect to Civil War battlefields, the funding priority would be for "Priority 1" battlefields identified in the Civil War Sites Advisory Commission's report.

Mr. President, it is well known that many of the natural and historic resources in the parks and historic sites of our National Park System are facing significant threats, especially given the limited funds available to the Park Service to address this issue. In an attempt to improve this problem, the Conservation and Stewardship Act creates a new "National Park System Resource Protection Fund" and provides $150 million in annual funding. Moneys from the fund are available to the Secretary of the Interior to protect significant natural, cultural or historical resources in units of the National Park System that are threatened by activities occurring inside or outside of the park boundaries. The Secretary is also authorized to enter into cooperative agreements with State and local governments and other organizations to address these threats. In addition, the bill makes clear that the fund cannot be used to fund land acquisitions, permanent employee salaries, road construction, or projects which already receive funding through the Recreational Fee Demonstration Program.

Like many of the other programs included in this bill, the Urban Parks and Recreation Recovery Program is a program with overwhelming demand and, in recent years, little or non-existent funding. In an effort to revitalize this program, the Conservation and Stewardship Act provides $75 million in dedicated funding each year for UPARR programs, a significant increase over recent appropriations.

I think it is important that a comprehensive conservation bill focus not only on land acquisition and other resource conservation programs, but also on improving the tie between these resources and local communities. I have included funding for four programs to assist the way communities, including young people, work with public and private partners to plan and take action for the long-term stewardship and maintenance of lands and resources.

Dedicated funding for the Youth Conservation Corps and related partnerships will enable us to make significant investments in two of our country's most valuable treasures—our natural resources and our young people. The investments in our youth and our natural resources can grow together and benefit one another.

The Youth Conservation Corps, and related partnerships with nonprofit, State, and local youth conservation corps ("YCC"), are administered by the Secretary of Agriculture and the Secretary of the Interior. It is clear that they are successful and popular programs. The demand for summer conservation jobs for youth overwhelmingly exceeds the supply. Over the past twenty years, a lack of adequate funding has been the biggest obstacle preventing YCC from realizing an even greater level of success.

Our parks, forests, wildlife refuges, and other public lands benefit because important conservation projects are completed at a lower cost. Our youth, on summer break from school, benefit by engaging in positive and meaningful activities. There are many types of projects that youth complete—construction, maintenance, reconstruction, restoration, repair, or rehabilitation of natural, cultural, historic, archaeological, recreational, or scenic resources.

Senator Scoop Jackson was the sponsor of the original legislation that created the YCC. He had the foresight and vision to create opportunities for young people to complete conservation and restoration projects on our public lands. The bill I am introducing today will enable us to embrace Senator Jackson's legacy by fully funding YCC, thereby achieving the levels of participation that existed during his tenure in the Senate.

Last year, the National Parks, Historic Preservation, and Recreation Subcommittee held an oversight hearing on YCC and related partnerships. Both National Park Service Director Stanton, on behalf of the Department of the Interior, and Forest Service Chief Dombeck expressed enthusiastic support for these programs. Similarly, over the past year I have learned that strong bipartisan Congressional support exists for YCC and related partnerships.

All of our country's public lands will benefit from these programs. The existing authorizing law includes a State grant component as well as opportunities for projects to be completed on public lands other than Federal lands.

I have a letter that I will submit for the record from the National Association of Service and Conservation Corps and the Student Conservation Association supporting inclusion of the YCC provision in this bill. Partnerships between members of these organizations and the Federal land management agencies seem to be the most cost effective and efficient way to maximize both the number of conservation projects and the youth who complete them. Dedicated funding will ensure that existing partnerships are maintained while also allowing for the creation of new partnerships across the country.

The Forest Service's Economic Action Program ("EAP") assists rural forest-dependent communities to foster stronger links between the health of forests and the well-being of communities. It is an important complement to land acquisition under the LWCF, helping rural communities to effectively participate in plans and actions that affect the future management of public and private forest lands.

One of the most important aspects of EAP is the emphasis on helping communities organize and develop their own broad-based local action plans. This is the first step in enabling a community to build a sustainable future based on the integration of economic, social, and environmental objectives. Communities can then focus on organizing, planning, and implementing natural resource based projects contained in their plans. Projects range from tourism and value-added manufacturing to historic preservation.

In addition to the planning component, EAP also helps communities to build rural business infrastructure to better use and market the byproducts of ecosystem restoration; strengthen, diversify, and expand their local economies; improve transportation networks for forest-based products; and increase their access to technology through partnerships. Projects range from tourism and value-added manufacturing to historic preservation.

EAP's focus is to promote self-sufficiency by leveraging small grants for capacity building. Many recipients of these grants are able to start forest-based small businesses with the Forest Service's technical and financial assistance. The Forest Service is the best, often the only, delivery mechanism because Forest Service personnel are already located and established in these communities.

As evidenced by a recent oversight hearing before the Subcommittee on Forests and Public Land Management, the Economic Action programs are strongly supported by rural communities across the country. Lack of adequate and consistent funding is the primary obstacle that has prohibited these programs from achieving even greater levels of success.

I ask unanimous consent to place a letter in the RECORD from American Forests supporting inclusion of this program in the bill that I am introducing today. The National Network of Forest Practitioners also has expressed support for EAP in testimony before Congress for several years.

Urban and Community Forestry is an important program that has been overlooked in other recent legislative proposals. Through this program, the Forest Service works with national groups and networks, such as American Forests and the Alliance for Community Trees, and with local governments, community groups, and private businesses in hundreds of rural communities and cities across the country to heighten awareness of the ecological benefits that trees and forests provide.

Urban and community forests provide tremendous value to communities in terms of "ecological services," such as filtering air pollutants, cleaning drinking water, managing stormwater flows, and reducing energy consumption. Recent losses in tree and forest cover in communities in the United States translate into billions of dollars of lost value in terms of ecological services.

The Urban and Community Forestry Program is the key Federal program assessing and highlighting the significant environmental values associated with urban forests and helping communities plan and take action to preserve, restore, and maintain their green infrastructure. It is a capacity-building program, providing Federal technical and financial assistance to communities and empowering them to plan and take action for themselves, while strongly leveraging the Federal assistance.

This program complements the LWCF and other programs currently included in other legislative proposals to provide increased funding for conservation. This program could deliver increased levels of success with an increased and predictable level of funding.

My bill also provides full funding for the Payment In Lieu of Taxes Program. This program, like many of the others in this bill, is generally funded at far below its authorized level. The program compensates units of local governments, primarily counties, for the loss of tax revenues due to the presence of Federal lands within their jurisdiction, and recognizes the important partnership between the Federal government and local governments in any national conservation effort.

Mr. President, I have received letter from a broad coalition of environmental, conservation, and historic preservation groups in support of this legislation. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MARCH 6, 2000.

Hon. JEFF BINGAMAN,
Hart Building,
Washington, DC.

DEAR SENATOR BINGAMAN: All of the environmental and preservation organizations listed below are writing to thank you for your leadership in introducing the Conservation and Stewardship Act of 2000 and to express our strong support. Your bill is an excellent piece of legislation that achieves the objective of providing permanent mandatory funding for a number of critical conservation needs including: the Land and Water Conservation Fund (LWCF); the Historic Preservation Fund (HPF); acquisition of non-federal lands of regional or national interest; coastal restoration; state wildlife conservation; endangered species protection; preservation of our national parks; urban recreation and forestry; conservation easements for farm, forest, and ranch land; and important rural assistance programs.

We are especially grateful that the Conservation and Stewardship Act of 2000 achieves these vital objectives while addressing important concerns that the environmental community has identified in other legislative efforts to achieve these same ends. We look forward to working with you, the President, and other leaders to ensure passage of sound conservation funding legislation in this Congress. Again, we deeply appreciate your leadership on this legislation.

Sincerely,

Defenders of Wildlife; Environmental Defense; Friends of the Earth; League of Conservation Voters; National Parks Conservation Association; Natural Resources Defense Council; National Trust for Historic Preservation; Scenic America; Sierra Club; The Wilderness Society; U.S. Public Interest Research Group; World Wildlife Fund.

NATIONAL WILDLIFE FEDERATION,
Washington, DC, March 6, 2000.

Hon. JEFF BINGAMAN,
Hart Building,
Washington, DC.

DEAR SENATOR BINGAMAN: On behalf of the National Wildlife Federation and our millions of members and supporters, I want to thank you for introducing the Conservation and Stewardship Act and express our strong support for this important legislation. This bill would make an historic contribution to conservation by providing substantial and reliable funding for the protection and restoration of our nation's wildlife; public lands; coastal and marine resources; historic and cultural treasures; state, local and urban parks and recreation programs; and open space.

As you know, the House Resources Committee has approved similar legislation, H.R. 701 the Conservation and Reinvestment Act, which was recently introduced by Chairman Frank Murkowski and Senator Mary Landrieu as S. 2123. Like your bill, H.R. 701/S. 2123 would provide permanent funding to a variety of important conservation programs. The National Wildlife Federation is supporting H.R. 701/S. 2123 while seeking key changes to improve the bill. Many of the changes we are seeking in H.R. 701/S. 2123 are already in your bill.

We are eager to see the sponsors of these related bills work together to find a proposal that can be passed by the Senate and enacted into law.

The National Wildlife Federation looks forward to working with you, the President, and other leaders to ensure passage of sound conservation funding legislation in this Congress. Again, we deeply appreciate your leadership on this legislation.

Sincerely,

STEVEN J. SHIMBERG,
Vice President, Office of
Federal and International Affairs.

THE TRUST FOR PUBLIC LAND,
San Francisco, CA, March 6, 2000.

Hon. JEFF BINGAMAN,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR BINGAMAN: On behalf of The Trust for Public Land and our many land conservation partners across America, I am writing to thank you for your promotion of legislation that would bring important new substance and certainty to our national investment in resource land protection.

We are gratified that the Conservation and Stewardship Act you introduce today would institute structural revisions to the Land & Water Conservation Fund to ensure full annual funding of LWCF's currently authorized but only partly realized potential to protect federal lands—including our irreplaceable national parks, forests, wildlife refuges, and other public land treasures—and to provide urgently needed grants for state and local parkland and recreation partnerships. We also deeply appreciate the new federal tools your legislation would provide for the protection of threatened ranchlands and non-federal lands of regional and national significance; the enhancements it would afford to such other existing programs as the Forest Legacy Program, the Farmland Protection Program, the Urban Park and Recreation Recovery Act, and the Urban and Community Forestry Program; and its additional provisions to protect natural, cultural, recreational, and other crucial resources. And we are encouraged that your direct approach to establishing this lasting commitment to our nation's legacy of open spaces avoids new procedural complexities.

I am therefore pleased to offer The Trust for Public Land's support for the Conservation and Stewardship Act, and for your outstanding efforts to protect America's most vital resources. We look forward to working with you, as the legislative process unfolds this year, to secure permanent, stable funding for these vital programs.

Sincerely,

ALAN FRONT,
Senior Vice President.

AMERICAN FORESTS,
Washington, DC, March 6, 2000.

Hon. JEFF BINGAMAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR BINGAMAN: I am writing to express our support for the bill you are introducing today, the Conservation and Stewardship Act. There is a great need for stronger and more consistent annual investment in programs that protect, restore, and maintain lands and resources, and we believe your bill is an excellent vehicle for working toward this objective. We are especially pleased that the bill includes three programs administered by the USDA Forest Service—the Urban and Community Forestry Program, Forest Legacy Program, and Economic Action Programs. These programs complement the land acquisition elements of other Land and Water Conservation Fund (LWCF) bills by providing for the ongoing stewardship of lands and resources.

American Forests is the oldest national nonprofit conservation organization in the U.S. Since 1875, we have worked with scientists, resource managers, policymakers, and citizens to promote policies and programs that help people improve the environment with trees and forests. We partner with public and private organizations in communities around the country providing technical information and resources to leverage local actions. Our Global ReLeaf campaign, which raises private funds and provides grants to local organizations for ecosystem restoration projects, has helped people plant more than 12 million trees since 1990.

The three programs I cited above focus on helping communities plan and take action for the long-term maintenance, or stewardship, of lands and resources. The Urban and Community Forestry Program provides technical and financial assistance to local governments and community groups around the country to develop plans and actions to protect and maintain "green infrastructure" and deal with sprawl and quality-of-life issues. Forest Legacy helps communities work with willing private forest landowners to confront development pressures through the use of conservation easements which allow landowners to maintain their forests in conservation uses. The Economic Action Programs assist rural forest-dependent communities to effectively participate in plans and actions affecting public and private forests, and to foster stronger links between the health of the forest and the well-being of communities.

We appreciate your leadership in calling attention to the need to increase support for stewardship programs while Congress is considering major new public investments in conservation programs through the LWCF. If we can be of any assistance with respect to your new bill, we stand ready to help.

Sincerely,

DEBORAH GANGLOFF,
Executive Director.

NATIONAL ASSOCIATION OF
SERVICE AND CONSERVATION CORPS,
Washington, DC, March 6, 2000.
STUDENT CONSERVATION ASSOCIATION,
Charlestown, NH, March 6, 2000.

Hon. JEFF BINGAMAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR BINGAMAN: The National Association of Service and Conservation Corps and the Student Conservation Association join in thanking you for your leadership in finding a means of support for youth partnership programs on the nation's public lands.

Together, we wish to announce our strong support for the legislation you are introducing today that will establish a $60 million Youth Conservation Corps Fund with Outer Continental Shelf revenue, and which will take numerous other steps in support of essential Federal, state, and local conservation measures and programs.

State and local conservation and service corps in 31 states and the District of Columbia, as well as participants in the Student Conservation Association's programs nationwide, can look forward to the opportunity to work hard while providing conservation service that benefits the entire nation, thanks to this legislation.

We applaud your efforts and look forward to working with you to transform this vision into a reality that benefits the nation's youth and natural resources.

Sincerely yours,

KATHLEEN SELZ,
President, NASCC.
DALE PENNY,
President, SCA.

ALLIANCE FOR COMMUNITY TREES,
Dallas, TX, August 16, 1999.

Re support for the USDA Forest Service's Urban & Community Forestry Program to be part of the land and water conservation reauthorization bill.

Hon. JEFF BINGAMAN,
Budget Committee, U.S. Senate,
Washington, DC.

DEAR SENATOR BINGAMAN: The Miller/Young Land and Water Conservation Fund reauthorization bill includes funding for the Department of Interiors' Urban Parks Recovery Program (UPARR) but does not include any funding for the Forest Service's Urban and Community Forestry Program (U&CF).

While UPARR will address some of the basic physical components of the bill, it will not begin to touch the urban work needed to make the program a success in the community. The U&CF Program address's the community-based work and issues such as urban sprawl and natural resources and ecosystems.

We believe that the delivery system for the U&CF program has a wider audience, reaching Federal and State governments in all 50 states, as well as partners in the grassroots nonprofit community. The UPARR delivery system is strictly through the Federal government and in only 400 specific cities. The Alliance for Community Trees (ACT) members alone represents over 75 million Americans in twenty-eight states. ACT also partners with federal, state and local partners in every facet of the communities in which they serve. In addition, the Alliance for Community Trees groups, in partnership with the government agencies, will help address the human elements to the program through community outreach, technical assistance and volunteer opportunities. Lastly, we believe that the funding will be more productively spent through a coordinated effort of both UPARR and the U&CF Program.

Sincerely,

SUZANNE PROBART,
Issues Committee.

TREE NEW MEXICO, INC.,
Albuquerque, NM, August 16, 1999.

Re: Support for urban & community forestry programs in New Mexico through the proposed land and water conservation reauthorization bills.

Hon. JEFF BINGAMAN,
Budget Committee, U.S. Senate,
Washington, DC.

DEAR SENATOR BINGAMAN: Tree New Mexico (TNM) is New Mexico's premier nonprofit grassroots tree planting and education organization whose full-time programs offer volunteer tree planting opportunities, education and training to all NM citizens. Since 1990, Tree New Mexico has planted over 575,000 trees in urban, riparian, rural areas statewide. In addition, TNM's education program delivers environmental education and specialty training to over 6,000 New Mexico's children annually.

The various Land and Water Conservation Fund (LWCF) reauthorization bills (H.R. 701—Young/Dingell, H.R. 798–Miller, S. 25—Landrieu/Murkowski, S. 446—Boxer, and S. 532—Feinstein) all included funding for conservation programs, land acquisition and park infrastructure through the Dept. of Interiors' Urban Parks Recovery Program (UPARR). Tree New Mexico recommends that the USDA Forest Service's Urban and Community Forestry Program (U&CF) is included in LWCF funding bill. While UPARR will address some of the basic physical components of the bill, it will not begin to touch the urban work needed to make the program a success in the community. In addition, the UPARR delivery system is strictly through the Federal government and in only 400 specific cities. With the exception of perhaps Albuquerque, we do not feel this will benefit New Mexico very well.

The delivery system for the U&CF program has a wider audience, reaching Federal and State governments in all 50 states, as well as partners in the grassroots nonprofit community—like Tree New Mexico. The U&CF Program addresses the green infrastructure—trees and landscaping! Who would want to play ball or spend time in a park with no trees? We believe that the funding will be more productively spent through a coordinated effort of both UPARR and the U&CF Program.

Tree New Mexico respectfully urges you to take a leadership role by encouraging the committee to request that the Urban & Community Forestry Program receive funding from the Land & Water Conservation Fund for the benefit of all New Mexicans.

Sincerely,

SUZANNE PROBART,
Executive Director.

Mr. BINGAMAN. Let me conclude by particularly thanking David Brooks, Mary Katherine Ishee, and Bob Simon, who are all on the staff of our Energy and Natural Resources Committee. They have done yeoman's work in getting this bill prepared for introduction and obtaining the support of many of the Senators who are cosponsors on the bill.

I ask unanimous consent that the full text of the bill I have introduced today be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2181

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Conservation and Stewardship Act".

TITLE I—LAND AND WATER CONSERVATION FUND

SEC. 101. SHORT TITLE.

This title may be cited as the "Land and Water Conservation Fund Act Amendments of 2000".

SEC. 102. LAND AND WATER CONSERVATION FUND AMENDMENTS.

(a) PERMANENT APPROPRIATION INTO THE FUND.—Section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–5) is amended—

(1) in the first paragraph by striking "During the period ending September 30, 2015, there" and inserting "There";

(2) in paragraph (c)(1) by striking "not less than" and all that follows through the end of the paragraph and inserting "not less than $900,000,000 for each fiscal year."; and

(3) in paragraph (c)(2) by striking "shall be credited" and all that follows through the end of the paragraph and inserting "shall be deposited into the fund from qualified Outer Continental Shelf revenues (as that term is defined in section 2(u) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(u)) (as amended by the Coastal Stewardship Act of 2000)). Such moneys shall only be used to carry out the purposes of this Act.".

(b) PERMANENT FUNDING AUTHORITY.—Section 3 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–6) is amended to read as follows:

"Of amounts in the fund, $900,000,000 shall be available each fiscal year for obligation or expenditure in accordance with section 5 of this Act. Such funds shall be made available without further appropriation, and shall remain available until expended. Other moneys in the fund shall be available for expenditure only when appropriated therefor. Such appropriations may be made without fiscal year limitation.".

(c) ALLOCATION OF FUNDS.—Section 5 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–7) is amended to read as follows:

"Fifty percent of the funds made available each fiscal year shall be used for Federal land acquisition purposes as provided in section 7 of this Act, and fifty percent shall be used for financial assistance to States as provided in section 6 of this Act.".

(d) STATE FUNDING ALLOCATIONS.—Section 6(b) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8(b)) is amended—

(1) by striking "Sums appropriated and available" and inserting "Amounts made available";

(2) by striking paragraph (1) in its entirety and inserting the following:

"(1) Eighty percent of the amounts made available shall be apportioned as follows:

"(A) Sixty percent shall be apportioned equally among the several States;

"(B) Twenty percent shall be apportioned on the basis of the ratio which the population of each State bears to the total population of the United States; and

"(C) Twenty percent shall be apportioned on the basis of the urban population in each State (as defined by Metropolitan Statistical Areas)."; and

(3) in paragraph (2) by striking "At any time, the remaining appropriation" and inserting "The remaining allocation".

(e) FEDERAL LAND ACQUISITION PROJECTS.—Section 7(a) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–9(a)) is amended—

(1) by striking "Moneys appropriated" and all that follows through "subpurposes" and inserting the following:

"(1)(A) The President shall transmit, as part of the annual budget proposal, a priority list for Federal land acquisition projects. Funds shall be made available from the Land and Water Conservation Fund, without further appropriation, 15 days after the date the Congress adjourns sine die for each year, for the projects identified on the President's priority list, unless prior to such date, legislation is enacted establishing a different priority list.

"(B) If Congress enacts legislation establishing an alternate priority list, and such priority list funds less than the annual authorized funding amount identified in section 5, the difference between the authorized funding amount and the alternate priority list shall be available for expenditure, without further appropriation, in accordance with the priority list submitted by the President.

"(C)(1) In developing the annual land acquisition priority list, the President shall require the Secretary of the Interior and the Secretary of Agriculture to develop the priority list for the sites under each Secretary's jurisdiction. The Secretaries shall prepare the lists in consultation with the head of each affected bureau or agency, taking into account the best professional judgment regarding the land acquisition priorities and policies of each bureau or agency.

"(2) In preparing the lists referred to in paragraph (1), the Secretaries shall ensure that not less than $5 million is made available each year for the acquisition of easements, on a willing seller basis, to provide for non-motorized access to public lands for hunting, fishing, and other recreational purposes.

"(D) Amounts made available from the fund for Federal land acquisition projects shall be used for the purposes and subpurposes identified in paragraphs (2), (3), and (4) of this subsection."; and

(2) by redesignating subsequent paragraphs accordingly.

SEC. 102. NON-FEDERAL LANDS OF REGIONAL OR NATIONAL INTEREST.

Title I of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*-4 et seq.) is amended by adding at the end the following:

"SEC. 14. NON-FEDERAL LANDS OF REGIONAL OR NATIONAL INTEREST.

"(a) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a fund which shall be known as the "Non-Federal Lands of Regional or National Interest Fund" (in this section referred to as the "fund"). There shall be deposited into the fund $125,000,000 in fiscal year 2001 and each fiscal year thereafter from qualified Outer Continental Shelf Revenues (as that term is defined in section 2(u) of the Outer Continental Shelf Lands Act -(43 U.S.C. 1331(u)) (as amended by the Coastal Stewardship Act of 2000)). Such moneys shall be used only to carry out the purposes of this section.

"(b) EXPENDITURES.—(1) Of the amounts in the fund, $125,000,000 shall be available each year to the Secretary of the Interior for obligation or expenditure in accordance with this section. Such funds shall be available without further appropriation, subject to the requirements of this section, and shall remain available until expended.

"(2) The Secretary shall prepare, as part of the annual budget proposal, a priority list for grant projects to be funded under this section, from among the applications submitted pursuant to subsection (c). Moneys shall be available from the fund, without further appropriation, 15 days after the date Congress adjourns sine die each year, for the projects specified on the priority list, unless prior to such date, legislation is enacted establishing a different priority list.

"(c) GRANTS TO STATES.—(1) A State may submit an application to the Secretary for a grant to fund the conservation of non-Federal lands or waters of clear regional or national interest.

"(2) In determining whether to recommend the award of a grant under this section, the Secretary shall consider, on a competitive basis, the extent to which a proposed conservation project described in the grant application will conserve the natural, historic, cultural, and recreational values of the non-Federal lands or waters to be protected.

"(3) The Secretary shall give preference to proposed conservation projects—

"(A) that seek to protect ecosystems;

"(B) that are developed in collaboration with other States, or with private persons or entities; or

"(C) that are complementary to conservation or restoration programs undertaken on Federal lands.

"(4) A grant awarded to a State under this subsection shall cover not more than 50 percent of the total cost of the conservation project.".

TITLE II—COASTAL STEWARDSHIP

SEC. 201. SHORT TITLE.

This title may be cited as the "Coastal Stewardship Act of 2000."

SEC. 202. AMENDMENT TO OUTER CONTINENTAL SHELF LANDS ACT.

(a) DEFINITIONS.—Section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331) is amended by adding at the end the following:

"(r) As used in sections 31 and 32, the term 'coastline' has the meaning given such term in section 2(c) of the Submerged Lands Act (43 U.S.C. 1301(c));

"(s) As used in sections 31 and 32, the term 'Coastal State' has the same meaning given such term in section 304(4) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453(4));

"(t) As used in sections 31 and 32, the term 'leased tract' means a tract, maintained under section 6 or leased under section 8 for the purposes of drilling for, developing and producing oil and natural gas resources, which is a unit consisting of either a block, a portion of a block, a combination of blocks or portions of blocks (or both), as specified in the lease, and as depicted on an Outer Continental Shelf Official Protraction Diagram;

"(u) As used in sections 31 and 32, the term 'qualified Outer Continental Shelf revenues' means all amounts received by the United States as bonus bids, rents, royalties (including payments for royalty taken in kind and sold), net profit share payments, and related late payment interest from natural gas and oil leases issued pursuant to section 8 or maintained under section 6, accruing from each leased tract or portion of a leased tract, the geographic center of which lies within a distance of 200 miles from any part of the coastline of any Coastal State. It shall not include amounts from any leased tract or portion of a leased tract which is included within any area of the Outer Continental Shelf where a moratorium on new leasing was in effect as of January 1, 1999, unless the leased tract or portion of leased tract was issued prior to the establishment of the moratorium and is in production as of January 1, 2000. For each leased tract or portion of a leased tract lying within the zone defined and governed by section 8(g), and to which section 8(g) applies, the term 'qualified Outer Continental Shelf revenues' shall include only amounts remaining after payment has been to States in accordance with section 8(g).".

(b) OCEAN AND COAST CONSERVATION.—The Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) is amended by adding at the end the following:

"SEC. 31. OCEAN AND COAST CONSERVATION FUND.

"(a) ESTABLISHMENT OF FUND.—(1) There is established in the Treasury of the United States a fund which shall be known as the 'Ocean and Coast Conservation Fund' (in this section referred to as the 'fund'). There shall be deposited into the fund $365,000,000 from qualified Outer Continental Shelf revenues in fiscal year 2001 and each fiscal year thereafter. Such moneys shall be used only to carry out the purposes of this section.

"(2) Of the amounts in the fund, $365,000,000 shall be available each fiscal year for obligation or expenditure in accordance with this section. Such funds shall be made available to the Secretary of Commerce without further appropriation, subject to the requirements of this section, and shall remain available until expended.

"(b) ALLOCATION OF FUNDS.—Notwithstanding section 9, the Secretary of Commerce shall allocate funds available under this section as follows:

"(1) for uses identified in subsection (c), $250,000,000;

"(2) for uses identified in subsection (d), $25,000,000;

"(3) for uses identified in subsection (e), $75,000,000; and

"(4) for uses identified in subsection (f), $15,000,000.

"(c) COASTAL STEWARDSHIP.—(1) The Secretary of Commerce shall allocate among all Coastal States the funds available under subsection (b)(1) as follows:

"(A) 25 percent of the funds under this subsection shall be allocated based on the ratio of the coastline miles of the Coastal State to the coastline miles of all Coastal States;

"(B) 25 percent of the funds under this subsection shall be allocated based on the ratio of the coastal population of the Coastal State to the coastal population of all Coastal States;

"(C) 50 percent of the funds under this subsection shall be allocated based on the demonstrated conservation and protection needs of the Coastal State for coastal stewardship uses as determined under this subsection.

"(2) The Secretary of Commerce, in accordance with the requirements of this section, shall determine the allocation each State is entitled to receive based on demonstrated conservation and protection need under subsection (c)(1)(C).

"(3) To be eligible to receive moneys under subsection (c)(1)(C), a Coastal State must submit to the Secretary of Commerce an application demonstrating the conservation and protection needs of the Coastal State. Such application shall indicate how moneys received from that portion of the fund would be used in accordance with the allowable uses identified in this subsection. This application shall be submitted as part of the plan required under subsection (c)(6) and in accordance with the requirements of that subsection.

"(4) In determining the allocation of moneys based on demonstrated conservation and protection need as provided in subsection (c)(1)(C), priority shall be given to activities and plans—

"(A) which support and are consistent with National Estuary programs, National Estuarine Research Reserve programs, the National Marine Sanctuary Act, the Coastal Zone Management Act, and other State or Federal laws governing the conservation or restoration of coastal or marine fish habitat;

"(B) which promote coastal conservation, restoration, or water quality protection on a watershed or regional basis; or

"(C) which address coastal conservation needs created by seasonal or otherwise transient fluctuations in population in Coastal States.

"(5) Coastal States shall use moneys received under this subsection only for—

"(A) the conservation or protection of coastal and marine habitats including wetlands, estuaries, and coral reefs;

"(B) projects to remove abandoned vessels or marine debris that may adversely affect coastal habitat or living marine resources;

"(C) the reduction or monitoring of coastal polluted runoff or other coastal contaminants;

"(D) addressing watershed protection including conservation needs which cross jurisdictional boundaries;

"(E) the assessment, research, mapping and monitoring of coastal and marine habitats.

"(F) addressing coastal conservation needs associated with seasonal or otherwise transient fluctuations in coastal populations;

"(G) the establishment, monitoring or assessment of marine protected areas.

"(6) To be eligible to receive moneys under this subsection, a Coastal State must submit to the Secretary of Commerce a plan detailing the uses to which the Coastal State will put all funds received under this subsection. The plan shall be developed with public input, and must certify that uses set forth in the plan comply with all applicable Federal and State laws, including environmental laws. Each plan shall consider ways to use funds received under this subsection to assist local governments, non-profit organizations, or public institutions with activities or programs consistent with this subsection.

"(7) No funds under this subsection shall be made available to a Coastal State until the Secretary of Commerce has affirmatively found that all uses proposed by a Coastal State are consistent with the purposes and requirements of this subsection.

"(d) COOPERATIVE ENFORCEMENT USES.—(1) The Governor of a State represented on an Interstate Fisheries Commission may apply to the Secretary of Commerce for execution of a cooperative enforcement agreement with the Secretary of Commerce. Cooperative agreements between the Secretary of Commerce and such States shall authorize the deputization of State law enforcement officers with marine law enforcement responsibilities, to perform duties of the Secretary of Commerce relating to any law enforcement provision of any marine resource laws enforced by the Secretary of Commerce, including the National Marine Sanctuaries Act. Such cooperative enforcement agreements shall be consistent with the purposes and intent of section 311(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861(a)), to the extent applicable to the regulated activities, and may include specifications for joint management responsibilities as provided by section 1 of Public Law 91-412 (15 U.S.C. 1525).

"(2) Upon receiving an application meeting the requirements of this subsection, the Secretary of Commerce shall enter into the cooperative enforcement agreement with the requesting State.

"(3) Consistent with the fund amounts contained in subsection (b)(2), The Secretary of Commerce shall include in each cooperative enforcement agreement an allocation of funds to assist in management of the agreement. The allocation shall be equitably distributed among all States participating in cooperative enforcement agreements under this subsection, based upon consideration of the specific marine conservation enforcement needs of each participating State. Such agreement may provide for amounts to be withheld by the Secretary of Commerce for the cost of any technical or other assistance provided to the State by the Secretary of Commerce under the agreement.

"(e) COOPERATIVE RESEARCH AND MANAGEMENT USES.—(1) The Governor of any State represented on an Interstate Marine Fishery Commission may apply to the Secretary of Commerce for the execution of a research and management agreement, on a sole source basis, for the purpose of undertaking eligible projects required for the effective management of living marine resources of the United States. Upon determining that the application meets the requirements of this subsection, the Secretary of Commerce shall enter into such agreement. Such agreement may provide for amounts to be withheld by the Secretary of Commerce for the cost of any technical or other assistance provided to the State by the Secretary of Commerce under the agreement.

"(2) The Secretary of Commerce shall allocate to States participating in a research and management agreement under this subsection funds to assist in implementing the agreement, consistent with the amounts available under subsection (b)(3).

"(3) For purposes of this subsection, eligible projects are those which address critical needs identified in fishery management reports or plans developed and approved by a State Marine Fisheries Commission, Regional Fishery Management Council, or other regional or tribal entity, charged with management and conservation of living marine resources, and that pertain to—

"(A) the collection and analysis of fishery data and information, including data on landings, fishing effort, biology, habitat, economics and social changes, including those information needs identified pursuant to section 401 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1881); or

"(B) the development of measures to promote innovative or cooperative management of fisheries.

"(4) In making funds available under this subsection, the Secretary of Commerce shall give priority to eligible projects that meet any of the following criteria:

"(A) establishment of observer programs;

"(B) cooperative research projects developed among States, academic institutions, and the fishing industry, to obtain data or other information necessary to meet national or regional management priorities;

"(C) projects to reduce harvesting capacity performed in a manner consistent with section 312(b) of the Magnuson-Stevens Fishery and Conservation Act (16 U.S.C. 1862(b));

"(D) projects designed to identify ecosystem impacts of fishing, including the relationship between fishing harvest and marine mammal population abundance; and

"(E) projects for the identification, conservation or restoration of fish habitat.

"(5) Within 90 days of enactment of this Act, the Secretary of Commerce shall adopt procedures necessary to implement this section.

"(f) Coral Reef Protection.—The Secretary of Commerce shall use amounts provided in subsection (b)(4) for the conservation and protection of coral reefs.

"(g) Annual Accounting.—Not later than June 15 of each year, each Coastal State receiving moneys from the fund shall account for all moneys so received for the previous fiscal year in a written report to the Secretary of Commerce. This report shall include a description of all projects and activities receiving funds under this section.

"(h) Congressional Approval.—The Secretary of Commerce shall transmit, as part of the annual budget proposal, a priority list for allocations to Coastal States under subsection (c)(1)(C), and subsections (d), (e), and (f). Moneys shall be made available from the fund 15 days after the sine die adjournment of the Congress each year, without further appropriation, for the projects identified on the priority list, unless prior to such date, legislation is enacted establishing a different priority list. If Congress enacts legislation establishing an alternate priority list, and such priority list funds less than the annual authorized funding amount identified in subsections (c)(3), (d), (e), or (f), the difference between the authorized funding amount and the alternate priority list shall be available for expenditure, without further appropriation, in accordance with the priority list submitted by the Secretary.

"SEC. 32. COASTAL IMPACT ASSISTANCE.

"(a) Definitions.—In this section:

"(1) Distance.—The term 'distance' means minimum great circle distance, measured in statute miles; and

"(2) Producing coastal state.—The term 'Producing Coastal State' means a Coastal State, any portion of which lies within a distance of 200 miles from the geographic center of any leased tract having an approved plan of development, and which leased tract, as of January 1, 1999, was not covered by a moratorium on leasing, unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 1999.

"(b) Establishment of Fund.—(1) There is established in the Treasury of the United States a fund which shall be known as the "Outer Continental Shelf Impact Assistance Fund" (in this section referred to as the "fund"). There shall be deposited into the fund in fiscal year 2000 and each fiscal year thereafter $100,000,000 from qualified Outer Continental Shelf revenues for each leased tract or portion of a leased tract lying seaward of the zone defined and governed by section 8(g), or lying within that zone but to which section 8(g) does not apply. Such moneys shall be used only to carry out the purposes of this section.

"(2) Of the amounts in the fund, $100,000,000 shall be available each fiscal year for obligation or expenditure in accordance with this section. Such funds shall be made available to the Secretary without further appropriation, subject to the requirements of this section, and shall remain available until expended.

"(c) Payment to Producing Coastal States.—

"(1) Notwithstanding section 9, the Secretary shall, without further appropriation, make payments in each fiscal year to Producing Coastal States equal to the amount deposited in the fund for the prior fiscal year.

"(2) Such payments shall be allocated among the Producing Coastal States as follows:

"(A) 25 percent of the funds shall be allocated based on the ratio of the shoreline miles of the Producing Coastal State to the shoreline miles of all Producing Coastal States;

"(B) 25 percent of the funds shall be allocated based on the ratio of the coastal population of the Producing Coastal State to the coastal population of all Producing Coastal States;

"(C) 50 percent of the funds shall be allocated based upon the Outer Continental Shelf oil and gas production offshore of such Producing Coastal State. The allocation shall only include qualified Outer Continental Shelf revenues from any leased tract the geographic center of which lies within a distance of 200 miles from any portion of such Producing Coastal State, but shall not include revenues from any leased tract or portion of a leased tract which, as of January 1, 1999, was covered by a moratorium on leasing, unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 1999. Each Producing Coastal State's allocable share shall be inversely proportional to the distance between the nearest port on the coastline of such Producing Coastal State and the geographic center of each leased tract or portion of the leased tract as determined by the Secretary.

"(e) Minimum State Share.—The allocable share of revenues for each Producing Coastal State shall not be less than $2,000,000.

"(f) Uses.—Producing Coastal States shall use moneys received from the fund only to mitigate adverse environmental impacts directly attributable to the development of oil and gas resources of the Outer Continental Shelf.

"(g) State Plans and Annual Report.—(1) Prior to the receipt of funds pursuant to this section in any fiscal year, a Producing Coastal State shall submit to the Secretary a plan for the use of such moneys. The plan shall be developed with public participation and in accordance with all applicable State and Federal laws. The Secretary shall make payments from the fund only upon determining, in consultation with the Secretary of Commerce, that the State plan ensures that the Producing Coastal State will use its allocated funds in a manner that is consistent with the purposes of this section.

"(2) No later than June 15 of each year, each Producing Coastal State receiving money from this fund shall account for all moneys so received for the previous fiscal year in a written report to the Secretary and the Secretary of Commerce. The report shall include a description of all projects and activities receiving funds under this section.".

TITLE III—WILDLIFE CONSERVATION AND RESTORATION

SEC. 301. SHORT TITLE

This title may be cited as the "Wildlife Conservation and Restoration Act of 2000".

SEC. 302. FINDINGS.

The Congress finds and declares that—

(1) a diverse array of species of fish and wildlife is of significant value to the Nation for many reasons: aesthetic, ecological, educational, cultural, recreational, economic, and scientific;

(2) the United States should retain for present and future generations the opportunity to observe, understand, and appreciate a wide variety of wildlife;

(3) millions of citizens participate in outdoor recreation through hunting, fishing, and wildlife observation, all of which have significant value to the citizens who engage in these activities;

(4) providing sufficient and properly maintained wildlife associated recreational opportunities is important to enhancing public appreciation of a diversity of wildlife and the habitats upon which they depend;

(5) lands and waters which contain species neither classified as game nor identified as endangered or threatened can provide opportunities for wildlife associated recreation and education such as hunting and fishing permitted by applicable State or Federal law;

(6) hunters and anglers have for more than 60 years willingly paid user fees in the form of Federal excise taxes on hunting and fishing equipment to support wildlife diversity and abundance, through enactment of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 1669 et seq.; commonly referred to as the Pittman-Robertson Act), and the Federal Aid in Sport Fish Restoration Act (16 U.S.C. 777 et seq.; commonly referred to as the Dingell-Johnson Act);

(7) State programs, adequately funded to conserve a broader array of wildlife in an individual State and conducted in coordination with Federal, State, tribal, and private landowners and interested organizations, would continue to serve as a vital link in a nationwide effort to restore game and nongame wildlife, and the essential elements of such programs should include conservation measures which manage for a diverse variety of populations of wildlife; and

(8) cooperative conservation efforts aimed at preventing species from becoming endangered will significantly benefit private landowners and other citizens by responding to early warning signs of decline in a flexible, incentive-based manner that minimizes the social and economic costs often associated with listing species as threatened or endangered; and

(9) it is proper for Congress to bolster and extend this highly successful program to aid game and nongame wildlife in supporting the health and diversity of habitat, as well as providing funds for conservation education.

SEC. 303. PURPOSES.

The purposes of this title are—

(1) to extend financial and technical assistance to the States under the Federal Aid in Wildlife Restoration Act for the benefit of a diverse array of wildlife and associated habitats, including species that are not hunted or fished, to fulfill unmet needs of wildlife within the States while recognizing the mandate of the States to conserve all wildlife;

(2) to assure sound conservation policies through the development, revision and implementation of wildlife associated recreation and wildlife associated education and wildlife conservation law enforcement;

(3) to encourage State fish and wildlife agencies to create partnerships between the Federal Government, other State agencies, wildlife conservation organizations, and outdoor recreation and conservation interests through cooperative planning and implementation of this title; and

(4) to encourage State fish and wildlife agencies to provide for public involvement in the process of development and implementation of a wildlife conservation and restoration program.

SEC. 304. DEFINITIONS.

(a) Reference to Law.—The term "Federal Aid in Wildlife Restoration Act" means the Act of September 2, 1937 (16 U.S.C. 669 et seq.), commonly referred to as the Federal Aid in Wildlife Restoration Act or Pittman-Robertson Act.

(b) Wildlife Conservation and Restoration Program.—Section 2 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669a) is amended by inserting after "shall be construed" the first place it appears the following: "to include the wildlife conservation and restoration program and".

(c) State Agencies.—Section 2 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669a) is further amended by inserting "or State fish and wildlife department" after "State fish and game department".

(d) Conservation.—Section 2 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669a) is further amended by striking the period at the end thereof, substituting a semicolon, and adding the following: "the term 'conservation' shall be construed to mean the use of methods and procedures necessary or desirable to sustain healthy populations of wildlife including all activities associated with scientific resources management such as research, census, monitoring of populations, acquisition, improvement and management of habitat, live trapping and transplantation, wildlife damage management, and periodic or total protection of a species or population as well as the taking of individuals within wildlife stock or population if permitted by applicable State and Federal law; the term 'wildlife conservation and restoration program' shall be construed to mean a program developed by a State fish and wildlife department that the Secretary determines meets the criteria in section 6(d), the projects that constitute such a program, which may be implemented in whole or part through grants and contracts by a State to other State, Federal, or local agencies wildlife conservation organizations and outdoor recreation and conservation education entities from funds apportioned under this title, and maintenance of such projects; the term 'wildlife' shall be construed to mean any species of wild, free-ranging fauna including fish, and also fauna in captive breeding programs the object of which is to reintroduce individuals of a depleted indigenous species into previously occupied range; the term 'wildlife-associated recreation' shall be construed to mean projects intended to meet the demand for outdoor activities associated with wildlife including, but not limited to, hunting and fishing, such projects as construction or restoration of wildlife viewing areas, observation towers, blinds, platforms, land and water trails, water access, trailheads, and access for such projects; and the term 'wildlife conservation education' shall be construed to mean projects, including public outreach, intended to foster responsible natural resource stewardship.".

(e) Funding.—Subsection 3(a) of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669b(a)) is amended in the first sentence—

(1) by inserting at the beginning thereof the following: "There shall be deposited into the Federal Aid in Wildlife Restoration Fund (referred to as the "fund") in the Treasury: (1)"; and

(2) by striking "shall,";

(3) by inserting after "Internal Revenue Code of 1954" the following: "; and (2) $350,000,000 in fiscal year 2001 and each fiscal year thereafter from qualified Outer Continental Shelf revenues (as that term is defined in section 2(u) of the Outer Continental Shelf Land Act (43 U.S.C. 1331(u)) (as amended by the Coastal Stewardship Act of 2000)).''; and

(4) by striking "be covered into" and all that follows through "is authorized" and inserting "Moneys in the fund are authorized".

SEC. 305. SUBACCOUNTS.

Section 3 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669b) is further amended by adding at the end the following:

"(c) A subaccount shall be established in the Federal Aid in Wildlife Restoration Fund in the Treasury to be known as the "wildlife conservation and restoration account" and the deposits each fiscal year to such account shall be equal to the $350,000,000 referred to in subsection (a)(2). Amounts in such account shall be made available without further appropriation, for apportionment at the beginning of fiscal year 2001 and each fiscal year thereafter to carry out State wildlife conservation and restoration programs.

"(d) Funds covered into the wildlife conservation and restoration account shall supplement, but not replace, existing funds available to the States from the sport fish restoration and wildlife restoration accounts and shall be used for the development, revision, and implementation of wildlife conservation and restoration programs and should be used to address the unmet needs for a diverse array of wildlife and associated habitats, with an emphasis on species that are not hunted or fished, for wildlife conservation, wildlife conservation education, and wildlife-associated recreation projects. Such funds may be used for new programs and projects as well as to enhance existing programs and projects.

"(e) Notwithstanding subsections (a) and (b), with respect to the wildlife conservation and restoration account, so much of the appropriation apportioned to any State for any fiscal year as remains unexpended at the close thereof is authorized to be made available for expenditure in that State until the close of the fourth succeeding fiscal year. Any amount apportioned to any State under this subsection that is unexpended or unobligated at the end of the period during which it is available for expenditure on any project is authorized to be reapportioned to all States during the succeeding fiscal year.".

SEC. 306. ALLOCATION OF SUBACCOUNT RECEIPTS.

Section 4 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669c) is amended by adding the following:

"(c)(1) Notwithstanding subsection (a), not more than 2 percent of the revenues deposited into the wildlife conservation and restoration account in each fiscal year as the Secretary of the Interior may estimate to be necessary for expenses in the administration and execution of programs carried out under the wildlife conservation and restoration account shall be deducted for that purpose, and such amount is authorized to be made available therefor until the expiration of the next succeeding fiscal year. Within 60 days after the close of such fiscal year, the Secretary shall apportion any portion thereof as remains unexpended, if any, on the same basis and in the same manner as is provided under paragraphs (2) and (3).

"(2) The Secretary, after making the deduction under paragraph (1), shall make the following apportionment from the amount remaining in the wildlife conservation and restoration account:

"(A) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than ½ of 1 percent thereof; and

"(B) to Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than ⅛ of 1 percent thereof.

"(3) The Secretary, after making the deduction under paragraph (1) and the apportionment under paragraph (2), shall apportion the remaining amount in the wildlife conservation and restoration account for each year among the States in the following manner:

"(A) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and

"(B) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States.

"(4) The amounts apportioned under this paragraph shall be adjusted equitably so that no such State shall be apportioned a sum which is less than ½ of 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount.

"(d) Wildlife Conservation and Restoration Program.—(1) Any State, through its fish and wildlife department, may apply to the Secretary for approval of a wildlife conservation and restoration program or for funds to develop a program, which shall—

"(A) contain provision for vesting in the fish and wildlife department of overall responsibility and accountability for development and implementation of the program; and

"(B) contain provision for development and implementation of—

"(i) wildlife conservation projects which expand and support existing wildlife programs to meet the needs of a diverse array of wildlife species, including a wildlife strategy as set forth in subsection (e),

"(ii) wildlife associated recreation programs, including provisions for non-motorized public access to public lands, and

"(iii) wildlife conservation projects; and

"(C) contain provisions for public participation in the development, revision, and implementation of projects and programs stipulated in subparagraph (B) of this subsection.

"(2) If the Secretary finds that an application for such program contains the elements specified in subparagraphs (A), (B), and (C) of paragraph (1), the Secretary shall approve such application and set aside from the apportionment to the State made pursuant to section 4(c) an amount that shall not exceed 90 percent of the estimated cost of developing and implementing segments of the program for the first 5 fiscal years following enactment of this subsection and not to exceed 75 percent thereafter. Not more than 10 percent of the amounts apportioned to each State from this subaccount for the State's wildlife conservation and restoration program may be used for law enforcement. Following approval, the Secretary may make payments on a project that is a segment of the State's wildlife conservation and restoration programs as the project progresses but such payments, including previous payments on the project, if any, shall not be more than the United States pro rata share of such project. The Secretary, under such regulations as he may prescribe, may advance funds representing the United States pro rata share of a project that is a segment of a wildlife conservation and restoration program, including funds to develop such program. For purposes of this subsection, the term 'State' shall include the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, America Samoa, and the Commonwealth of the Northern Mariana Islands.

"(e) Wildlife Conservation Strategy.—Any state that receives an apportionment pursuant to section 4(c) shall within five years of the date of the initial apportionment development and begin implementation of a wildlife conservation strategy based upon the best scientific information and data available that—

"(1) integrates available information on the distribution and abundance of species of wildlife, including law population and declining species as the State fish and wildlife department deems appropriate, that exemplify and are indicative of the diversity and health of wildlife of the State;

"(2) identifies the extend and condition of habitats and community types essential to conservation of species identified under paragraph (1);

"(3) identifies the problems which may adversely affect the species identified under paragraph (1) or their habitats, and provides for research to identify factors which may assist in restoration and more effective conservation of such species and their habitats;

"(4) determines those actions which should be taken to conserve the species identified under paragraph (1) in their habitats, and establishes priorities for implementing such conservation actions;

"(5) provides for periodic monitoring of species identified under paragraph (1) and their habitats and the effectiveness of the conservation actions determined under paragraph (4), and for adapting conservation actions as appropriate to respond to new information or changing conditions;

"(6) provides for the review of the State wildlife conservation strategy and, if appropriate, revision at intervals of not more than ten years;

"(7) provides for coordination by the State fish and wildlife department, during the development, implementation, review, and revision of the wildlife conservation strategy, with Federal, State, and local agencies and Indian tribes that manage significant areas of land or water within the State, or administer programs that significantly affect the conservation of species identified under paragraph (1) or their habitats.".

SEC. 307. FACA.

Coordination with State fish and wildlife department personnel or with personnel of other State agencies pursuant to the Federal Aid in Wildlife Restoration Act or the Federal Aid in Sport Fish Restoration Act shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.). Except for the preceding sentence, the provisions of this title relate solely to wildlife conservation and restoration programs as defined in this title and shall not be construed to affect the provisions of the Federal Aid in Wildlife Restoration Act relating to wildlife restoration projects or the provisions of the Federal Aid in Sport Fish Restoration Act relating to fish restoration and management projects.

SEC. 308. LAW ENFORCEMENT.

The third sentence of subsection (a) of section 8 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669g) is amended by inserting before the period at the end thereof: ", except that not more than 5 percent of the funds available from this subaccount for a State wildlife conservation and restoration program may be used for law enforcement through existing State programs.".

SEC. 309. PROHIBITION AGAINST DIVERSION.

No designated State agency shall be eligible to receive matching funds under this Act if sources of revenue available to it on January 1, 1998, for conservation of wildlife are diverted for any purpose other than the administration of the designated State agency, it being the intention of Congress that funds available to States under this Act be added to revenues from existing State sources and not serve as a substitute for revenues from such sources. Such revenues shall include interest, dividends, or other income earned on the foregoing.

TITLE IV—ENDANGERED AND THREATENED SPECIES HABITAT PROTECTION

SEC. 401. ENDANGERED AND THREATENED SPECIES RECOVERY FUND.

(a) DEFINITIONS.—As used in this section—

(1) the term "recovery agreements" means Endangered and Threatened Species Recovery Agreements entered into by the Secretary under subsection (e); and

(2) the term "Secretary" means the Secretary of the Interior.

(b) ESTABLISHMENT.—There is established in the Treasury of the United States a fund that shall be known as the "Endangered and Threatened Species Recovery Fund" (in this section referred to as the "fund"). There shall deposited into the fund $50,000,000 in fiscal year 2001 and each fiscal year thereafter from qualified Outer Continental Shelf revenues (as that term is defined in section 2(u) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(u)) (as amended by the Coastal Stewardship Act of 2000)). Such moneys shall be used only to carry out the purposes of this section.

(b) EXPENDITURES.—Of the amounts in the fund, $50,000,000 shall be available each fiscal year to the Secretary of the Interior for obligation or expenditure in accordance with this section. Such funds shall be made available without further appropriation, subject to the requirements of this section, and shall remain available until expended.

(c) FINANCIAL ASSISTANCE.—(1) The Secretary of the Interior may use amounts in the fund to provide financial assistance to any person for the development of recovery agreements.

(2) In providing assistance under this section, the Secretary shall give priority to the development and implementation of recovery agreements that—

(A) implement actions identified under recovery plans approved by the Secretary under section 4(f) of the Endangered Species Act of 1973 (16 U.S.C. 1533(f));

(B) have the greatest potential for contributing to the recovery of an endangered or threatened species; and

(C) to the extent practicable, require the assistance of private landowners or the owners or operators of family farms.

(d) PROHIBITION OF ASSISTANCE FOR REQUIRED ACTIVITIES.—The Secretary may not provide financial assistance under this section for any action that is required by a permit issued under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or that is otherwise required under that Act or any other Federal law.

(e) ENDANGERED AND THREATENED SPECIES RECOVERY AGREEMENTS.—The Secretary is authorized to enter into Endangered and threatened Species Recovery Agreements in accordance with this section. The purpose of such recovery agreements shall be to provide voluntary incentives for landowners to take actions to contribute to the recovery of endangered or threatened species. Each recovery agreement shall—

(1) require the person—

(A) to carry out on real property owned or leased by such person activities that are not otherwise required by law and that contribute to the recovery of an endangered or threatened species; and

(B) to refrain from carrying out on real property owned or leased by such person otherwise lawful activities that would inhibit the recovery of a threatened or endangered species;

(2) describe the real property referred to in paragraph (1);

(3) specify species recovery goals for the agreement and measures for attaining such goals;

(4) establish a schedule for the implementation of the recovery agreement; and

(5) specify how the recovery agreement will be monitored to assess the effectiveness in attaining the species recovery goals.

SPECIES V—HISTORIC PRESERVATION FUND

SEC. 501. HISTORIC PRESERVATION FUND AMENDMENTS.

Section 108 of the National Preservation Act (16 U.S.C. 470h) is amended—

(1) by inserting "(a)" before the first sentence of the first paragraph;

(2) by inserting "(b)" before the first sentence of the second paragraph;

(3) by adding at the end thereof the following new subsections:

"(c) There shall be deposited into the fund $150,000,000 in fiscal year 2001 and each fiscal year thereafter from qualified Outer Continental Shelf revenues (as that term is defined in section 2(u) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(u)) (as amended by the Coastal Stewardship Act of 2000)). Such moneys shall be used only to carry out the purposes of this Act.

"(d)(1) Of the amounts in the fund, $150,000,000 shall be available each fiscal year for obligation or expenditure in accordance with paragraph (2). Such funds shall be made available without further appropriation, subject to the requirements of this Act, and shall remain available until expended.

"(2) Of the amounts made available each fiscal year—

"(A) not less than $75,000,000 shall be available for State, local governmental, and tribal historic preservation programs as provided in subsections 101(b), (c), and (d) of this Act; and

"(B) $15,000,000 shall be available to the American Battlefield Protection Program (section 604 of Public Law 104–333; 16 U.S.C. 469k) for the protection of threatened battlefields; and

"(C) the remainder shall be available for the matching grant programs authorized in section 101(e) of this Act: *Provided*, That not less than 50 percent of the amounts made available shall be used for preservation projects on historic properties in accordance with this Act, with priority given to the preservation of endangered historic properties.

"(e)(1) The President shall transmit, as part of the annual budget proposal, a list of matching grant programs to be funded and additional funding amounts, if any, for State, local governmental, and tribal historic programs. Funds shall be made available from the Historic Preservation Fund, without further appropriation, 15 days after the date the Congress adjourns *sine die* each year, for the programs identified by the President to be funded, unless prior to such date, legislation is enacted establishing funding, for other specific programs authorized in this Act.

"(2) If the list of programs approved by Congress funds less than the annual authorized funding amount, the remainder shall be available for expenditure, without further appropriation, in accordance with the list of programs submitted by the President.

"(3) If the President recommends additional funding for State, local government, or tribal historic preservation programs, priority shall be given to the preservation of endangered historic properties.''.

SEC. 502. AMERICAN BATTLEFIELD PROTECTION PROGRAM AMENDMENTS.

The American Battlefield Act of 1996 (section 604 of Public Law 104–333; 16 U.S.C. 469k) is amended as follows:

(1) in subsection (c)(2) by adding the following sentence at the end thereof; ''Priority for financial assistance for the preservation of Civil War Battlefields shall be given to sites identified as Priority 1 battlefields in the 1993 ''Civil War Sites Advisory Commission Report on the Nation's Civil War Battlefields'';

(2) by amending subsection (d) to read as follows:

''(d) Funding Authority.—Of amounts in the Historic Preservation Fund, $15,000,000 shall be available each year for obligation or expenditure for the protection of threatened battlefields in accordance with this title. Such funds shall be available without further appropriation, and shall remain available until expended.''.

(3) By repealing subsection (e) in its entirety.

TITLE VI—NATURAL RESOURCE RESTORATION PROGRAMS

SEC. 601. NATIONAL PARK SYSTEM RESOURCE PROTECTION.

(a) Establishment.—There is established in the Treasury of the United States a fund that shall be known as the ''National Park System Resource Protection Fund'' (in this title referred to as the ''fund''). There shall be deposited into the fund. $150,000,000 in fiscal year 2001 and each fiscal year thereafter from qualified Outer Continental Shelf revenues (as that term is defined in section 2(u) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(u)) (as amended by the Coastal and Marine Resources Enhancement Act of 2000). Such moneys shall be used only to carry out the purposes of this section.

(b) Expenditures.—(1) Of the amounts in the fund, $150,000,000 shall be available each fiscal year to the Secretary of the Interior for obligation or expenditure in accordance with this section. Such funds shall be made available without further appropriation, subject to the requirements of this section, and shall remain available until expended.

(2) Amounts in the fund shall only be used to protect significant natural, cultural or historical resources at units of the National Park System that are—

(A) threatened by activities occurring inside or outside park boundaries; or

(B) in need of stabilization or restoration.

(3) The Secretary is authorized to enter into cooperative agreements with State and local governments and other public and private organizations to carry out the purposes of this section.

(4) No funds made available by this section shall be used for—

(A) acquisition of lands or interests therein;

(B) salaries of National Park Service permanent employees;

(C) construction of roads;

(D) construction of new visitor centers;

(E) routine maintenance activities; or

(F) specific projects which are funded by the Recreational Fee Demonstration Program (section 315 of Public Law 104–134; 16 U.S.C. 460*l* (note)).

(5)(A) The Secretary of the Interior shall prepare, as part of the annual budget proposal, a priority list for projects to be funded under this section. Moneys shall be made available from the fund, without further appropriation, 15 days after the date the Congress adjourns *sine die* each year, for the projects identified on the priority list, unless prior to such date, legislation is enacted establishing a different priority list.

(B) In preparing the list of projects to be funded under this section, the Secretary of the Interior shall give priority to projects that—

(i) are identified in the park unit's general management plan;

(ii) are included in authorized environmental restoration projects; or

(iii) are identified by the Secretary of the Interior as necessary to prevent immediate damage to a park unit's natural, cultural, or historical resources.

(B) If Congress enacts legislation establishing an alternate priority list, and such priority list funds less than the annual authorized funding amount identified in subjection (b)(1), the difference between the authorized funding amount and the alternate priority list shall be available for expenditure, without further appropriation, in accordance with the priority list submitted by the Secretary of the Interior.

SEC. 602. CORAL REEF RESOURCE CONSERVATION FUND.

(a) Establishment of Fund.—There is established in the Treasury of the United States a fund that shall be known as the ''Coral Reef Resources Restoration Fund'' (in this section referred to as the ''fund''). There shall be deposited into the fund $15,000,000 in fiscal year 2000 and each fiscal year thereafter from qualified Outer Continental Shelf revenues (as that term is defined in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331) (as amended by the Coastal and Marine Resources Enhancement Act of 1999)). Such moneys shall be used only to carry out the purposes of this section.

(b) Expenditures.—(1) Of the amounts in this fund, $15,000,000 shall be available each fiscal year to the Secretary of the Interior for obligation or expenditure in accordance with this section, and shall remain available until expended.

(2)(A) the Secretary shall prepare, as part of the annual budget proposal, a priority list for projects to be funded under this section. Monies shall be made available from the fund, without further appropriation, 15 days after the date the Congress adjourns sine die for each year, for the projects identified on that priority list, unless prior to such date, legislation is enacted establishing a different priority list.

(B) If Congress enacts legislation establishing an alternate priority list, and such priority list funds less than the annual authorized funding amount identified in subsection (b)(1), the difference between the authorized funding amount and the alternate priority list shall be available for expenditure, without further appropriation, in accordance with the priority list submitted by the Secretary.

(c) Definitions.—As used in this section—

(1) the term ''coral reef'' means species (including reef plants and coralline algae), habitats, and other natural resources associated with any reefs or shoals composed primarily of corals within all maritime areas and zones subject to the jurisdiction of the Secretary of the Interior, including in the south Atlantic, Caribbean, Gulf of Mexico, and Pacific Ocean;

(2) the term ''coral'' means species of the phylum Cnidaria, including—

(A) all species of the orders Antipatharia (black corals), Scleractinia (stony corals), Gorgonacea (horny corals), Stlolnifea (organpipe corals and others), Alcyanacea (soft corals), and Coenothecalia (blue corals), of the class Anthozoa; and

(B) all species of the order Hydrocorallina (fire corals and hydrocorals), of the class Hydroza;

(3) the term ''Secretary'' means the Secretary of the Interior;

(4) the term ''coral reef conservation project'' means activities that contribute to or result in preserving, sustaining or enhancing coral reef ecosystems as healthy, diverse and viable ecosystems, including—

(A) actions to enhance or improve resource management of coral reefs, such as assessment, scientific research, protection, restoration and mapping;

(B) habitat monitoring and species surveys and monitoring;

(C) activities necessary for planning and development of strategies for coral reef management;

(D) Community outreach and education on coral reef importance and conservation; and

(E) activities in support of the enforcement of laws relating to coral reefs; and

(5) the term ''coral reef task force'' means the task force established under Executive Order 13089 (June 11, 1998).

(d) Coral Reef Conservation Program.—(1) The Secretary shall provide grants of financial assistance for coral reef conservation projects on areas under the jurisdiction of the Department of the Interior in accordance with this section.

(2)(A) Except as provided in subparagraph (B), Federal funds for any coral reef conservation project under this section may not exceed 75 percent of the total cost of such project. For purposes of this paragraph, the non-Federal share of project costs may be provided by in-kind contributions or other non-cash support.

(B) The Secretary may waive all or part of the matching fund requirement under paragraph (A) if the project costs are $25,000 or less.

(3) Any relevant natural resource management authority of a State or territory of the United States, or other government authority with jurisdiction over coral reefs or whose activities affect coral reefs, or educational or non-governmental institutions or organizations with demonstrated expertise in marine science or the conservation of coral reefs, may submit a proposal for funding to the Secretary.

(4) The Secretary shall ensure that financial assistance provided under subsection (a) is distributed so that—

(A) not less than 40 percent of the funds available are awarded for conservation projects in the Pacific Ocean;

(B) not less than 40 percent of the funds are awarded for coral reef restoration and conservation projects in the Atlantic, Gulf of Mexico and Caribbean Sea; and

(C) remaining funds are awarded for coral reef project that address emerging priorities or threats identified by the Secretary in consultation with the Coral Reef Task Force.

(5) After consultation with the Coral Reef Task Force, States and territories, regional and local entities, and non-governmental organizations involved in coral and marine conservation, the Secretary shall identify—

(A) site-specific threats and constraints, and

(B) comprehensive threats known to affect coral reef ecosystems in the national parks, refuges, territories and possessions to be used in establishing funding priorities for grants issued under subsection (a).

(6) The Secretary shall review and rank final coral reef conservation project proposals according to the criteria set out in subsection (d)(7).

(A) For projects costing $25,000 or greater, the Secretary shall provide for the merit-based peer review of the proposal and require standardized documentation of that peer review.

(B) As part of the peer review process for individual grants, the Secretary shall also request written comments from the appropriate bureaus or departments of State or territorial governments, or other governmental jurisdiction, where the project is proposed to be conducted.

(7) The Secretary shall evaluate final project proposals based on the degree to which the project will—

(A) promote the long-term protection, conservation, restoration or enhancement of coral reef ecosystems within or adjoining areas under the jurisdiction of the Department of the Interior;

(B) promote cooperative conservation projects with local communities, non-governmental organizations, educational or private institutions; or local affected governments, territories or insular areas;

(C) enhance public knowledge and awareness of coral reef resources and sustainable use through education and outreach;

(D) develop sound scientific information on the condition of coral reef ecosystems or the threats to such ecosystems, through mapping, monitoring, research and analysis; and

(E) enhance compliance with laws relating to coral reefs.

(8) Within 180 days after the enactment of this Act, the Secretary shall promulgate guidelines and requirements for implementing this section, including the requirements for project proposals.

(A) In developing guidelines and requirements, the Secretary shall consult with the Coral Reef Task Force, interested States, regional and local entities, and non-governmental organizations.

TITLE VII—URBAN PARK AND FORESTRY PROGRAMS

SEC. 701. URBAN PARK AND RECREATION RECOVERY FUND.

Section 1013 of the Urban Park and Recreation Recovery Act of 1978 (Title X of Public Law 95-625; 16 U.S.C. 2512) is amended to read as follows:

"(a) There is established in the Treasury of the United States a fund that shall be known as the 'Urban Park and Recreation Recovery Fund' (referred to as the 'fund'). There shall be deposited into the fund $75,000,000 in fiscal year 2001 and each fiscal year thereafter from qualified Outer Continental Shelf revenues (as that term is defined in section 2(u) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(u)) (as amended by the Coastal Stewardship Act of 2000)). Such moneys shall be used only to carry out the purposes of this Act.

"(b)(1) Of the amounts in the fund, $75,000,000 shall be available each fiscal year for obligation or expenditure in accordance with this Act. Such funds shall be made available without further appropriation, subject to the requirements of this Act, and shall remain available until expended.

"(2) Not more than 3 percent of the funds made available in any fiscal year may be used for grants for the development of local park and recreation recovery programs pursuant to subsection 1007(a) and (c) of this Act.

"(3) Not more than 10 percent of the funds made available in any fiscal year may be used for innovation grants pursuant to section 1006 of this act.

"(4) Note more than 15 percent of the funds made available in any fiscal year may be provided as grants, in the aggregate, for projects in any one State.".

SEC. 702. URBAN AND COMMUNITY FORESTRY ASSISTANCE FUND.

Section 9(i) of the Cooperative Forestry Assistance Act of 1978 (Public Law 95–313; 16 U.S.C. 2101(note)) is amended to read as follows:

"(a) There is established in the Treasury of the United States a fund that shall be known as the 'Urban and Community Forestry Assistance Fund' (referred to as the 'fund'). There shall be deposited into the fund $50,000,000 in fiscal year 2001 and each fiscal year thereafter from qualified Outer Continental Shelf revenues (as that term is defined in section 2(u) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(u)) (as amended by the Coastal Stewardship Act of 2000)). Such moneys shall be used only to carry out the purposes of this Act.

"(b) Of the amounts in the fund, $50,000,000 shall be available each fiscal year for obligation or expenditure in accordance with this Act. Such funds shall be made available without further appropriation, subject to the requirements of this Act, and shall remain available until expended.".

TITLE VIII—CONSERVATION EASEMENTS

SEC. 801. FOREST LEGACY FUND.

Section 7(l) of the Cooperative Forestry Assistance Act of 1978 (Public Law 95–313; 16 U.S.C. 2010 (note)) is amended to read as follows:

"(a) There is established in the Treasury of the United States a fund that shall be known as the 'Forest Legacy Fund' (referred to as the 'fund'). There shall be deposited into the fund $50,000,000 in fiscal year 2001 and each fiscal year thereafter from qualified Outer Continental Shelf revenues (as that term is defined in section 2(u) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(u)) (as amended by the Coastal Stewardship Act of 2000)). Such moneys shall be used only to carry out the purposes of this Act.

"(b) Of the amounts in the fund, $50,000,000 shall be available each fiscal year to the Secretary of Agriculture for obligation or expenditure in accordance with this Act. Such funds shall be made available without further appropriation, subject to the requirements of this Act, and shall remain available until expended.".

SEC. 802. FARMLAND PROTECTION PROGRAM.

Section 388(c) of Public Law 104–127 (16 U.S.C. 3831 (note)) is amended to read as follows:

"(a) There is established in the Treasury of the United States a fund that shall be known as the 'Farmland Protection Fund' (referred to as the 'fund'). There shall be deposited into the fund $50,000,000 in fiscal year 2001 and each fiscal year thereafter from qualified Outer Continental Shelf revenues (as that term is defined in section 2(u) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(u)) (as amended by the Coastal Stewardship Act of 2000)). Such moneys shall be used only to carry out the purposes of this Act.

"(b) Of the amounts in the fund, $50,000,000 shall be available each fiscal year to the Secretary of Agriculture for obligation or expenditure in accordance with this Act. Such funds shall be made available without further appropriation, subject to the requirements of this Act, and shall remain available until expended.".

SEC. 803. RANCHLAND PROTECTION.

(a) Establishment of Ranchland Protection Fund.—There is established in the Treasury of the United States a fund that shall be known as the "Ranchland Protection Fund" (in this section referred to as the "fund"). There shall be deposited into the fund $50,000,000 in fiscal year 2001 and each fiscal year thereafter from qualified Outer Continental Shelf revenues (as that term is defined in section 2(u) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(u)) (as amended by the Coastal Stewardship Act of 2000)). Such moneys shall be used only to carry out the purposes of this section.

(b) Expenditures.—Of the amounts in the fund, $50,000,000 shall be available each fiscal year to the Secretary of the Interior for obligation or expenditure in accordance with this section. Such funds shall be made available without further appropriation, subject to the requirements of this section, and shall remain available until expended.

(c) Ranchland Protection Program.—(1) The Secretary of the Interior shall establish and carry out a program, to be known as the "Ranchland Protection Program", under which the Secretary shall provide grants from the Ranchland Protection Fund to State or local governmental agencies, Indian tribes or appropriate non-profit organizations to provide the Federal share of the cost of purchasing permanent conservation easements on ranchland, for the purpose of protecting the continued use of the land as ranchland or open space and preventing its conversion to non-agricultural or open space uses.

(2) No funds made available under this section may be used to acquire any interest in land without the consent of the owner thereof.

(3) The holder of a conservation easement described in paragraph (1) may enforce the conservation requirements of the easement.

(4) Prior to making funds available for a grant under this section, the Secretary of the Interior shall receive certification from the Attorney General of the State in which the conservation easement is to be purchased that the conservation easement is in a form that is sufficient, under the laws of that State, to achieve the purpose of the Ranchland Protection Program and the terms and conditions of the grant.

(5) For the purposes of this section, the term "ranch land" means private or tribally owned range land, pasture land, grazed forest land, and hay land.

TITLE IX—NATURAL RESOURCE COMMUNITY INVESTMENT PROGRAMS

SEC. 901. YOUTH CONSERVATION CORPS FUND.

Section 106 of the Youth Conservation Corps Act of 1970 (Public Law 91–378; 16 U.S.C. 1706) is amended to read as follows:

"(a) There is established in the Treasury of the United States a fund that shall be known as the 'Youth Conservation Corps Fund' (in this section referred to as the 'fund'). There shall be deposited into the fund $60,000,000 in fiscal year 2001 and each fiscal year thereafter from qualified Outer Continental Shelf revenues (as that term is defined in section 2(u) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(u)) (as amended by the Coastal Stewardship Act of 2000)). Such moneys shall be used only to carry out the purposes of title I and II of this Act.

"(b) Of the amounts in the fund, $60,000,000 shall be available each fiscal year for obligation or expenditure in accordance with titles I and II of this Act. Such funds shall be made available to the Secretary of Agriculture and the Secretary of the Interior, without further appropriation, subject to the requirements of titles I and II of this Act, and shall remain available until expended.".

SEC. 902. FOREST SERVICE RURAL COMMUNITY ASSISTANCE.

(a) Rural Development Program.—The Cooperative Forestry Assistance Act of 1978

(Public Law 95–313; 16 U.S.C. 2101 (note)) is amended by adding the following new section:

"SEC. 21. RURAL DEVELOPMENT.

"(a) The Secretary shall conduct a Rural Development program to provide technical assistance to rural communities for sustainable rural development purposes.

"(b) There is established in the Treasury of the United States a fund that shall be known as the 'Forest Service Rural Development Fund' (in this section referred to as the 'fund'). There shall be deposited into the fund $25,000,000 in fiscal year 2001 and each fiscal year thereafter from qualified Outer Continental Shelf revenues (as that term is defined in section 2(u) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(u)) (as amended by the Coastal Stewardship Act of 2000)). Such moneys shall be used only to carry out the purposes of this Act.

"(c) Of the amounts in the fund, $25,000,000 shall be available each fiscal year to the Secretary of Agriculture for obligation or expenditure in accordance with this Act. Such funds shall be made available without further appropriation, subject to the requirements of this section, and shall remain available until expended.".

(b) RURAL COMMUNITY ASSISTANCE.—Section 2379 of the National Forest-Dependent Rural Communities Economic Diversification Act (Public Law 101–624, 7 U.S.C. 6601 (note)) is amended to read as follows:

"(a) There is established in the Treasury of the United States a fund that shall be known as the 'Forest Service Rural Community Assistance Fund' (in this section referred to as the 'fund'). There shall be deposited into the fund $25,000,000 in fiscal year 2001 and each fiscal year thereafter from qualified Outer Continental Shelf revenues (as that term is defined in section 2(u) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(u)) (as amended by the Coastal Stewardship Act of 2000)). Such moneys shall be used only to carry out the purposes of this Act.

"(b) Of the amounts in the fund, $25,000,000 shall be available each fiscal year for obligation or expenditure in accordance with this Act. Such funds shall be made available without further appropriation, subject to the requirements of this Act, and shall remain available until expended.".

TITLE X—PAYMENT IN LIEU OF TAXES

SEC. 1001. PAYMENT IN LIEU OF TAXES.

Section 6906 of title 31, United States Code, (96 Stat. 1035) is amended to read as follows:

"(a) There is established in the Treasury of the United States a fund that shall be known as the 'Payment in Lieu of Taxes Fund' (referred to as the 'fund'). There shall be deposited into the fund in fiscal year 2001 and thereafter from qualified Outer Continental Shelf revenues (as that term is defined in section 2(u) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(u)) (as amended by the Coastal Stewardship Act of 2000)) such moneys as are necessary to full fund payments to units of general local governments as provided in this Act.

"(b) Amounts in the fund shall be available each fiscal year to the Secretary of the Interior for obligation or expenditure in accordance with this Act. Such funds shall be made available without further appropriation, and shall remain available until expended.".

By Mr. GRASSLEY:

S. 2182. A bill to reduce, suspend, or terminate any assistance under the Foreign Assistance Act of 1961 and the Arms Export Control Act to each country determined by the President to be engaged in oil price fixing to the detriment of the United States economy, and for other purposes; to the committee on Foreign Relations.

OIL PRICE REDUCTION ACT OF 2000

Mr. GRASSLEY. Mr. President, today I introduced a companion piece of legislation to H.R. 3822, the Oil Price Reduction Act of 2000. This bill will help to address the problems our constituencies are experiencing throughout the nation due to climbing fuel prices.

Last weekend I traveled back to my home and held a briefing near Des Moines to explain to my constituents that prices will likely rise significantly past current levels. I had the displeasure of looking truckers and farmers in the eye and telling them there is no relief in sight. In my home state we are experiencing price levels not seen in almost a decade, but all I could tell them was that it is going to get worse.

Many of my colleagues know the cold, hard truth of the matter. When the Organization of Petroleum Exporting Countries (OPEC) finally makes a substantive, definitive decision to increase oil production, it will still most likely take 60 days before adequate levels of fuel can be distributed throughout the U.S. That means if the OPEC Cartel decided to remedy the harm they have imposed on the American consumer today, we are still at least six weeks away from witnessing the peak in the price increase. We could very well see $2 per gallon gasoline by May and that is not acceptable.

Iowans and the rest of the nation should not have been subjected to this price spike. The monopolistic production controls promulgated by OPEC in March of 1999 should have been challenged by our administration upon establishment, not when we finally felt the pinch.

In addition, the Administration's energy policy is an aberration. This crisis only accentuates the problem with relying on foreign energy instead of expanding domestic opportunities. Since 1992, U.S. oil production is down 17% while consumption has risen 14%. We now import 56% of our oil and that number is growing rapidly. DOE predicts that by 2020 we will import 65% of our oil. Guess which country has benefited the most from the Administration's energy policy? As unbelievable as this seems it's Iraq. Saddam Hussein's Iraq. Iraq is now our fastest growing source for oil. How can we be administering a policy that strengthens this dictator's grip on our economy and the Middle East?

The bill I introduced today would require the President of the United States to cut off foreign aid and arms sales to countries engaged in oil price fixing.

Specifically, the legislation would require the President to send a report to Congress, within 30 days of enactment, detailing the U.S. security relationship with each OPEC member and any other major oil exporting country; assistance programs and government-supported arms sales provided to those countries; and his determination regarding the extent each country is engaged in oil price fixing and whether such price fixing is detrimental to the U.S. economy.

The bill would then require the President to reduce, terminate or suspend any assistance or arms sales to the country or countries determined to be fixing oil prices.

In addition, the legislation would require the President to submit a report to Congress 90 days after enactment describing the diplomatic efforts by the U.S. to convince all major net oil exporting countries that current price levels are unsustainable and will cause widespread economic harm in oil consuming and developing nations.

Even if the production quotas put in place last year are lifted, low reserves may continue to plunder American consumers and farmers during the busy summer vacation and planting seasons. The Clinton administration was caught off-guard this year without much of an energy policy. Now, the President needs to exercise his authority to help solve the problem, which is going to get worse before it gets better.

By Mr. CRAPO (for himself, Ms. COLLINS, Mr. AKAKA, Mr. SMITH of New Hampshire, Ms. SNOWE, and Mrs. LINCOLN):

S. 2183. A bill to ensure the availability of spectrum to amateur radio operators; to the Committee on Commerce, Science, and Transportation.

THE AMATEUR RADIO SPECTRUM PROTECTION ACT

Mr. CRAPO. Mr. President, I rise to introduce the Amateur Radio Spectrum Protection Act of 2000. This bill would help preserve the amount of radio spectrum allocated to the Amateur Radio Service during this era of dramatic change in our telecommunications system. I am pleased to introduce this bipartisan measure with my colleagues, Senator COLLINS, Senator AKAKA, Senator BOB SMITH, Senator SNOWE, and Senator LINCOLN.

Organized radio amateurs, more commonly known as "ham" operators, through formal agreements with the Federal Emergency Management Agency, the National Weather Service, the Red Cross, the Salvation Army, and other government and private relief services, provide emergency communication when regular channels are disrupted by disaster. In Idaho, these trained volunteers have performed tasks as various as helping to rescue stranded back-country hikers, organizing cleanup efforts after the Payette River flooded, and helping the Forest Service communicate during major forest fires. In other communities, they may be found monitoring tornado touchdowns in the Midwest, helping authorities reestablish communication after a hurricane in the Gulf or sending "health and welfare" messages following an earthquake on the West Coast. Not only do they provide these services using their own equipment and without compensation, but they also give their personal time to participate in regular organized training exercises.

In addition to emergency communication, amateur radio enthusiasts use their spectrum allocations to experiment with and develop new circuitry and techniques for increasing the effectiveness of the precious natural resource of radio spectrum for all Americans. Much of the electronic technology we now take for granted is rooted in amateur radio experimentation. Moreover, amateur radio has long provided the first technical training for youngsters who grow up to be America's scientists and engineers.

The Balanced Budget Act of 1997 requires the Federal Communications Commission (FCC) to conduct spectrum auctions to raise revenues. Some of that revenue may come from the auction of current amateur radio spectrum. This bill simply requires the FCC to provide the Amateur Radio Service with equivalent replacement spectrum if it reallocates and auctions any of the Service's current spectrum.

The Amateur Radio Spectrum Protection Act of 2000 will protect these vital functions while also maintaining the flexibility of the FCC to manage the nation's telecommunications infrastructure effectively. It will not interfere with the ability of commercial telecommunications services to seek the spectrum allocations they require. I ask my colleagues to join the more than 670,000 U.S. licensed radio amateurs in supporting this measure and welcome their co-sponsorship.

ADDITIONAL COSPONSORS

S. 92

At the request of Mr. DOMENICI, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 92, a bill to provide for biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government.

S. 569

At the request of Mr. GRASSLEY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 569, a bill to amend the internal revenue Code of 1986 to exclude certain farm rental income from net earnings from self-employment if the taxpayer enters into a lease agreement relating to such income.

S. 577

At the request of Mr. HATCH, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 577, a bill to provide for injunctive relief in Federal district court to enforce State laws relating to the interstate transportation of intoxicating liquor.

S. 642

At the request of Mr. GRASSLEY, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 642, a bill to amend the Internal Revenue Code of 1986 to provide for Farm and Ranch Risk Management Accounts, and for other purposes.

S. 820

At the request of Mr. BREAUX, the name of the Senator from Tennessee (Mr. THOMPSON) was added as a cosponsor of S. 820, a bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent motor fuel excise taxes on railroads and inland waterway transportation which remain in the general fund of the Treasury.

S. 1020

At the request of Mr. GRASSLEY, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 1020, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1158

At the request of Mr. HUTCHINSON, the name of the Senator from Texas (Mr. GRAMM) was added as a cosponsor of S. 1158, a bill to allow the recovery of attorney's fees and costs by certain employers and labor organizations who are prevailing parties in proceedings brought against them by the National Labor Relations Board or by the Occupational Safety and Health Administration.

S. 1272

At the request of Mr. NICKLES, the names of the Senator from New Mexico (Mr. DOMENICI) and the Senator from Ohio (Mr. VOINOVICH) were added as cosponsors of S. 1272, a bill to amend the Controlled Substances Act to promote pain management and palliative care without permitting assisted suicide and euthanasia, and for other purposes.

S. 1452

At the request of Mr. SHELBY, the names of the Senator from Michigan (Mr. ABRAHAM), and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 1452, a bill to modernize the requirements under the National Manufactured Housing Construction and Safety Standards of 1974 and to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes.

S. 1810

At the request of Mrs. MURRAY, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1810, a bill to amend title 38, United States Code, to clarify and improve veterans' claims and appellate procedures.

S. 1855

At the request of Mr. MURKOWSKI, the names of the Senator from Iowa (Mr. GRASSLEY), and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 1855, a bill to establish age limitations for airmen.

S. 1921

At the request of Mr. CAMPBELL, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1921, a bill to authorize the placement within the site of the Vietnam Veterans Memorial of a plaque to honor Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service.

S. 1980

At the request of Mr. BAUCUS, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1980, a bill to amend the Rural Electrification Act of 1936 to ensure improved access to the signals of local television stations by multichannel video providers to all households which desire such service in unserved and underserved rural areas by December 31, 2006.

S. 2023

At the request of Mr. LIEBERMAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2023, a bill to provide for the establishment of Individual Development Accounts (IDAs) that will allow individuals and families with limited means an opportunity to accumulate assets, to access education, to own their own homes and businesses, and ultimately to achieve economic self-sufficiency, and for other purposes.

S. 2049

At the request of Mr. BIDEN, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 2049, a bill to extend the authorization for the Violent Crime Reduction Trust Fund.

S. 2061

At the request of Mr. BIDEN, the names of the Senator from Wisconsin (Mr. KOHL) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 2061, a bill to establish a crime prevention and computer education initiative.

S. 2074

At the request of Mr. ASHCROFT, the names of the Senator from Ohio (Mr. VOINOVICH), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Montana (Mr. BURNS), the Senator from Montana (Mr. BAUCUS), the Senator from Virginia (Mr. ROBB), the Senator from California (Mrs. FEINSTEIN), and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 2074, a bill to amend title II of the Social Security Act to eliminate the social security earnings test for individuals who have attained retirement age.

S. 2087

At the request of Mr. WARNER, the names of the Senator from Idaho (Mr. CRAIG), the Senator from North Carolina (Mr. HELMS), and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. 2087, a bill to amend title 10, United States Code, to improve access to benefits under the TRICARE program; to extend and improve certain demonstration programs under the Defense Health Program; and for other purposes.

S. 2097

At the request of Mr. GRAMM, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2097, a bill to authorize loan guarantees in order to facilitate access to local television broadcast signals in unserved and underserved areas, and for other purposes.

S. 2123

At the request of Ms. LANDRIEU, the names of the Senator from Ohio (Mr. DEWINE), the Senator from Missouri (Mr. ASHCROFT), and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. 2123, a bill to provide Outer Continental Shelf Impact assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965 , the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes.

S. CON. RES. 84

At the request of Mr. WARNER, the names of the Senator from North Carolina (Mr. HELMS) and the Senator from New York (Mr. MOYNIHAN) were added as cosponsors of S. Con. Res. 84, a concurrent resolution expressing the sense of Congress regarding the naming of aircraft carrier CVN–77, the last vessel of the historic *Nimitz* class of aircraft carriers, as the U.S.S. *Lexington*.

S.J. RES. 39

At the request of Mr. CAMPBELL, the names of the Senator from Oregon (Mr. SMITH), the Senator from Delaware (Mr. ROTH), and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S.J. Res. 39, a joint resolution recognizing the 50th anniversary of the Korean War and the service by members of the Armed Forces during such war, and for other purposes.

S. RES. 87

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. Res. 87, a resolution commemorating the 60th Anniversary of the International Visitors Program.

AMENDMENTS SUBMITTED

COAST GUARD AUTHORIZATION ACT OF 1999

ABRAHAM (AND OTHERS) AMENDMENT NO. 2882

(Ordered referred to the Committee on Commerce, Science, and Transportation)

Mr. ABRAHAM (for himself, Mr. FEINGOLD, Mr. LUGAR, Mr. DEWINE, Mr. SANTORUM, Mr. WELLSTONE, Mr. KOHL, Mr. VOINOVICH, Mr. GRAMS, Mr. LEVIN, and Mr. BAYH) submitted an amendment intended to be proposed by them to the bill (S. 1089) to authorize appropriations for fiscal years 2000 and 2001 for the United States Coast Guard, and for other purposes; as follows:

On page 4, beginning on line 8, strike "$350,326,000" and all that follows through page 4, line 12, and insert the following: "$488,326,000, to remain available until expended, of which—

"(A) $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990; and

"(B) $128,000,000 shall be available for construction or acquisition of a replacement vessel for the Coast guard icebreaker MACKINAW.".

• Mr. ABRAHAM. Mr. President, I rise today, along with several of my fellow Great Lakes Senators, to introduce an amendment to Senate Bill 1089, the Coast Guard Authorization Act. I want to thank Senators DEWINE, FEINGOLD, GRAMS, KOHL, LUGAR, SANTORUM, VOINOVICH, and WELLSTONE for their support and commitment to the continued presence of a suitable and reliable heavy icebreaking capability on the Great Lakes. The purpose of our amendment is to authorize adequate funding to replace the current Great Lakes icebreaker, the *Mackinaw*, which is scheduled for decommissioning in 2006.

Mr. President, heavy icebreaking on the Great Lakes is vital to the region's industry. Each year, almost 200 million tons of cargo travel across the Great Lakes, including 70 percent of U.S. steel. Transportation of U.S. steel alone directly affects 108,000 jobs, and indirectly affects 400,000.

Shipping on the Great Lakes faces a unique challenge because the season begins and ends in ice. Windrows, slabs of broken ice piled atop each other by the wind, can reach 15 feet in thickness. The *Mackinaw*, with 12,000 horsepower packed into her 290-foot-long hull has kept commerce moving even under the most trying conditions since 1944. The presence of the *Mackinaw* improves shipping efficiency, reliability, and competition. Further, shipping provides a more environmentally sound alternative to surface transportation, because maritime shipments use less fuel and produce fewer emissions than rail and truck alternatives.

Mr. President, after over 55 years of service, the *Mackinaw's* productive life is nearing an end. The Coast Guard has committed to keeping the cutter in service until 2006, when it hopes to have a replacement vessel operating. To meet this important deadline, funds to construct a multi-purpose heavy icebreaker must be included in the fiscal year 2001 budget, which is why I have joined with the aforementioned Great Lakes Senators in seeking authorization. In addition, I and several other Senators have sent various letters requesting appropriations for the *Mackinaw*, as well as an assumption within the fiscal year 2001 budget resolution for this funding.

The construction of a multi-purpose vessel designed to perform icebreaking operations will bring the cutter's mission profile in line with Coast Guard employment standards while improving the efficiency of the Great Lakes fleet performance. Extensive studies and modeling validate the feasibility of a multi-purpose design. Additionally, the multi-mission design is less than 4 percent more expensive than a single-purpose design, and provides a more robust Great Lakes fleet by increasing the number of available operational days by 38 percent.

Without a heavy icebreaker, the Great Lakes shipping season could be shortened by as much as 10 weeks, causing a host of problems for which there are few solutions and none of which are in the region's best interests. We must appropriate these funds this year, and to do that we should make sure that the authorization bill provides for this important one-time expense so that there will be no doubt as to the intent of Congress on this important project.

And Mr. President, let me just inform my colleagues that this is not simply a Great Lakes issue. The winter Great Lakes maritime commerce dependent upon the availability of a heavy icebreaker is the same maritime commerce that delivers iron ore to steel mills along the Eastern Seaboard and the South, the same maritime commerce that delivers aggregates to the Mid-Atlantic, and the same maritime commerce that delivers agricultural projects throughout the United States and overseas. With that in mind, I ask for the support of all of my colleagues to assure the continued operation of Great Lakes icebreaking through the full funding of the Great Lakes ice breaker in fiscal year 2001.•

• Mr. DEWINE. Mr. President, today I join my good friend from Michigan, Senator ABRAHAM, and the rest of the Great Lakes delegation in sponsoring this very important amendment to provide funds for the construction of a new ice-breaking vessel to replace the *Mackinaw*. Stationed on the Great Lakes, the *Mackinaw* operates during the ice season, which lasts from December 15th through April 15th. My colleagues from the Great Lakes region know the importance of this vessel during those 4 months. Without this boat, regional commerce on the water would be significantly impaired. Approximately 14 million tons of cargo are moved on the Great Lakes during the ice season. This cargo includes iron ore, coal, limestone, cement, and grain. These resources are necessary to our entire country and our economy.

In addition to the economic need for ice-breaking on the Great Lakes, there are national defense implications. The *Mackinaw* was christened in 1944 to meet our nation's wartime need for iron ore. Today, more than 70 percent of our nation's steelmaking capacity is located in the Great Lakes basin. Should our country ever become embroiled in a protracted military crisis, our ability to transit the Lakes during periods of ice cover would be crucial.

Mr. President, the *Mackinaw* is showing signs of its age, and the time has come to replace the vessel. After several years of studying a replacement design, the Coast Guard has concluded that a multi-purpose ice-breaking vessel is the preferred option. Not only will this replacement ship perform ice-breaking services, but it also will maintain floating aids-to-navigation. Compared with the construction of a single-purpose icebreaker, the multi-mission design increases the number of available operational days by 38 percent.

Constructing a multi-purpose ice-breaking vessel is a common-sense solution to address the needs of the Great Lakes. I urge my colleagues to support this amendment.●

NOTICE OF HEARING

SUBCOMMITTEE ON WATER AND POWER

Mr. SMITH of Oregon. Mr. President, I would like to announce for the information of the Senate and the public that a legislative hearing has been scheduled before the Subcommittee on Water and Power.

The hearing will take place on Wednesday, March 22, 2000 at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to receive testimony on the following bills: H.R. 862, To direct the Secretary of the Interior to implement the provisions of an agreement conveying title to a distribution system from the United States to the Clear Creek Community Services District; H.R. 992, to convey the Sly Park Dam and Reservoir to the El Dorado Irrigation District; H.R. 1235, To authorize the Secretary of the Interior to enter into contracts with the Solano County Water Agency, California, to use Solano Project facilities for impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes; S. 2091 and the companion H.R. 3077, To amend the Act that authorized construction of the San Luis Unit of the Central Valley Project, California, to facilitate water transfers in the Central Valley Project; S. 1659, To convey the Lower Yellowstone Irrigation Project, the Savage Unit of the Pick-Sloan Missouri Basin Program, and the Intake Irrigation Project to the appurtenant irrigation districts; and S. 1836, To extend the deadline for commencement of construction of a hydroelectric project in the State of Alabama.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Water and Power, Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, D.C. 20510–6150.

For further information, please call Trici Heninger, Staff Assistant, or Colleen Deegan, Counsel, at (202) 224–8115.

AUTHORITY FOR COMMITTEES TO MEET

SPECIAL COMMITTEE ON AGING

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Special Committee on Aging be permitted to meet on March 6, 2000, from 1:00 p.m. to 4:00 p.m. in Hart 216 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services be authorized to meet during the session of the Senate on Monday, March 6, 2000, at 2:30 p.m., in open and closed sessions to receive testimony on the Department of Defense's Cooperative Threat Program and the Department of Energy's Russian Threat Reduction Programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. GRASSLEY. Madam President, for our leader, I ask unanimous consent that at 5 p.m. on Tuesday, March 7, the Senate proceed to executive session and immediately proceed to a vote on the confirmation of Calendar No. 423, the nomination of Julio M. Fuentes to be United States Circuit Judge for the Third Circuit.

Finally, I ask unanimous consent that following the vote, the President be notified of the Senate's action, and the Senate then resume legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. I now ask unanimous consent that it be in order to ask for the yeas and nays on the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Therefore, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

ORDERS FOR TUESDAY, MARCH 7, 2000

Mr. GRASSLEY. I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m. on Tuesday, March 7. I further ask unanimous consent that on Tuesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until 12:30 p.m. with Senators speaking for up to 5 minutes each, with the following exceptions:

Senator BROWNBACK, 30 minutes; Senators MURKOWSKI and HATCH, 20 minutes total; Senator COLLINS, 15 minutes; Senator GRAMS, 45 minutes; Senator DORGAN, 20 minutes; and Senator DURBIN, 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. I further ask consent that the Senate recess from 12:30 to 2:15 on Tuesday for the weekly policy luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. I ask unanimous consent that at 2:15 on Tuesday, the Senate proceed to executive session to consider en bloc Executive Calendar No. 159 and No. 208, the nominations of Marsha Berzon and Richard Paez.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. GRASSLEY. For the information of all Senators, following the party luncheons tomorrow, the Senate will begin consideration of two Ninth Circuit judges who are on the calendar. There are a number of Senators who have expressed a desire to speak with respect to those nominations.

Under a previous order, at 5 o'clock p.m. on Tuesday, the Senate will vote on the confirmation of Executive Calendar No. 423, the nomination of Julio Fuentes. Senators can, therefore, expect the next vote to occur at 5 o'clock tomorrow afternoon. Votes are expected each day and possibly evening this week as the Senate attempts to finish its business prior to the upcoming adjournment.

ORDER FOR ADJOURNMENT

Mr. GRASSLEY. If there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order, following the remarks of Senator DURBIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESCRIPTION DRUG COVERAGE—A LIFELINE, NOT A POISON PILL

Mr. DURBIN. Madam President, I rise to express my disappointment that the Congress has been unable to move forward on a bipartisan basis on the prescription drug benefit under Medicare. There is a lot of talk with our surplus about potential tax breaks for businesses and families and individuals. In fact, it appears one of the proposals is going to be virtually unanimous, and that is the suggestion we take the cap off income for those who are under Social Security so people between the ages of 65 and 70 can work without penalty. That is encouraging. We should move on that and move quickly.

Another element of some debate but some agreement as well is the so-called marriage penalty. This is a feature of our Tax Code that was probably not there by design, but it reads that if two individuals making a certain amount of money should get married and their combined income puts them in a different and higher income tax category, they face a penalty.

Some have argued, with very little evidence, that many people do not get married because of this. I have my doubts about it. I do not know how many people visit their accountant before they buy the engagement ring, but I suppose it happens.

I do believe we can, on a bipartisan basis, come to an agreement that we will remove the so-called marriage penalty and do it in a way that is not unreasonable so we benefit those who would otherwise be disadvantaged.

There is an irony to this as well, of course, in that when many people get married, their combined income puts them in a lower tax bracket. This is, I guess, a marriage bonus, if you want to use the term. We certainly believe that should continue and that it should not be changed. I hope we can move in that direction.

Unfortunately, the House of Representatives recently passed a package on the marriage penalty that was really quite different than what I have described. First of all, as with so many other tax bills that have come from the other party over the years, the vast majority—two-thirds of the benefits of this so-called marriage penalty tax bill coming from the House—goes to higher-income couples; that is, couples making over $75,000 a year. These higher-income couples get an average tax cut of close to $1,000. Couples who earn less than $50,000 receive an average of $149. That is a very small percentage of the amount that goes to those in higher-income categories.

The price tag for the Republican marriage penalty bill coming out of the House—well, it's a whopping $182 million, and almost half the benefits go to couples who do not face the marriage penalty in their taxes. In this process, this huge expense, mostly going to high-income families, crowds out a lot of very important priorities.

I hope we all can agree that if our goal is to eliminate the marriage penalty, it can be done for a fraction of what the House of Representatives did in their tax relief bill. There are other deserving tax benefit suggestions we should consider. At the top of these priorities is a prescription drug benefit for senior citizens.

On the Democratic side, our party believes we can address both the marriage penalty and the prescription drug benefit. The prescription drug coverage for our seniors is a lifeline. One of the leaders in the House of Representatives on the other side of the aisle said if we put the prescription drug benefit in his bill, he will consider it a "legislative poison pill."

For the seniors with whom I speak in Illinois and from across the Nation, prescription drug coverage is a lifeline, not a poison pill. House Majority Leader DICK ARMEY and other House Republicans who called it a poison pill illustrate the flaws in their priorities.

I hope we can come together. I hope my friends on the Republican side, particularly in the House of Representatives, will learn, as I have, about the skyrocketing costs of prescription drugs.

Prescription drug prices have been rising at an almost double-digit rate for the last 20 years. A Families USA study shows these prices rising at four times the rate of inflation. Medicare beneficiaries' annual out-of-pocket drug costs tell the story: 38 percent of Medicare beneficiaries are spending more than $1,000 a year on their prescription drugs. Many of them are on tight, fixed incomes. Eighteen percent of Medicare beneficiaries spend between $500 and $1,000, and 31 percent are paying out up to $500.

For some people stepping back and saying $1,000 a year should not mean much, I can tell them that for a person on a fixed income of $600 or $800 a month under Social Security, $100 a month can mean a real sacrifice, and many senior citizens have to face those sacrifices on a regular basis.

When we held a hearing in Chicago on the prescription drug situation, there were seniors who told us that when they visited large supermarkets in the Chicagoland area that had prescription drug counters, first they would have to find out what their drugs would cost and then calculate what was left over for the groceries they needed to buy to fill their refrigerators and feed themselves in the days ahead.

That is a tough sacrifice and choice for anyone to make, certainly for one to decide between health and the basic necessities of life. One study showed fully 1 in 8 seniors faces this choice between food and medicine. That is unacceptable.

Addressing this problem is certainly not a poison pill, in Mr. ARMEY's words. Time and again, in each of my town meetings around the State, I heard how much money seniors have to spend to remain healthy. It was not unusual in any senior citizen setting to find someone spending $200, $300, $400 a month or even more.

In Illinois, my constituents tell me they are having a tough time paying for their own drugs. Many are worried about whether their parents can afford the drugs they need to stay healthy.

I had a town meeting in Chicago recently. Julie Garcia told me of her concerns about her mother's health care needs. This was not an uncommon story. Many children are concerned about a parent who has been ill. They want to make certain their parents have access to prescription drugs to stay healthy.

Julie Garcia's mother was diagnosed with cancer 11 years ago and must still see her oncologist for routine visits every 2 or 3 months. Because of her cancer, Julie Garcia's mother was unable to buy individual insurance. When she was going through her cancer treatment, she was on what is known as a spend-down program through Medicaid. This paid for a large portion of her hospital bill, but she still incurred thousands of dollars in bills for which she was held liable. A great many of those thousands of dollars were for the cost of prescription drugs she needed.

So many seniors who are concerned about their health are often faced with these terrible choices. I have run into seniors who do not fill prescriptions given to them by doctors. Some fill the prescription and take it every other day. Some will try to stretch the prescription out in other ways. Little do they know they may be losing all of the beneficial impact of the prescription drug itself.

One lady in particular had a double lung transplant. She found it was going to cost $2.500 a month for her to deal with the antirejection drugs and other things necessary to stay healthy after this transplant surgery. She came to the conclusion she could not afford it. She decided, on her own, to cut back on the prescription drugs she would take. As a result of that decision—a monetary decision—she lost one-third of her lung capacity permanently, irreparable harm which could damage her for years to come—a money decision that resulted in a health disaster.

Those are the choices people are making every single day. It is not just the seniors, of course. Under Medicare, many who are disabled find themselves in the same predicament: Cutting back, mainly on drugs, sometimes because of large price increases. Over the last couple of years, it has gone from bad to worse. As I mentioned before, one study shows that one senior in eight is forced to choose between food and medicine.

What kind of drug price increases are we talking about?

In 1992, the average cost of a prescription drug was $30. Six years later, in 1998, it had more than doubled to an average of $78. Drug prices are increasing much more quickly than the pace of inflation.

A study by Families USA, a national health care consumer group, examined the prices of 50 drugs most often used by seniors. They tested the period between January 1, 1998, and January 1, 1999. Here is what they found.

For the 50 most popular drugs used by seniors, 36 out of those 50 drugs increased two or more times faster than the rate of inflation. More than a third of these drugs—17 out of 50—increased four times the rate of inflation.

Pharmacists in my State tell me that in the past they used to get a price increase once or twice a year. Now many of them face price increases on drugs on a weekly or monthly basis. The curiosity about this is the relative expense of these drugs.

We understand the pharmaceutical companies are in business to make a profit. If they did not, their shareholders would turn on the management and oust them and find someone who could make a profit. That happens all the time. That is the nature of capitalism, the nature of our free market, and the nature of business.

We also understand that pharmaceutical companies need to make enough money so they can invest in future research, to find the next cure, the next drug on which they can make a profit. We want them to do that. Of course, success in doing that moves us closer to the day when we start eradicating many of the worrisome diseases Americans face.

Having said that—that we are going to concede the profit motive, we are going to concede the amount of money needed for research—I think there are still serious questions to be raised about the pharmaceutical industry, particularly when you compare the cost of these drugs in the United States to the cost of these drugs in other places.

There are several people now who live in the border States in the northern part of our United States who take buses, on a regular basis, into Canada. Senior citizens get on these buses for a daily excursion and make a trip across the border to buy prescription drugs.

Why would somebody want to leave the United States to go to Canada to buy drugs? Frankly, because the drugs are cheaper. For every dollar Americans spend on prescription drugs, that same drug costs 64 cents across the border—64 percent of what it costs in the United States—in England, 65 percent; in Italy, 51 percent; in Germany, 71 percent.

You ask yourself, are they different drugs? The answer is no; they are exactly the same drugs. Exactly the same thing sold in the United States—made by an American company, inspected by the Food and Drug Administration, approved for sale here—when it crosses that invisible border between the United States and Canada becomes a bargain.

A lot of these seniors from the northern States in our country have decided to go to Canada to fill their prescriptions to save money.

Why in the world would these same drugs cost less in Canada? Frankly, because the Canadian Government has said to the drug companies that if they want to sell the drugs in Canada, in the national health care system, they have to reduce the price. They take an average of the price increases around the world and say to the drug companies: This is as far as you can go. The same thing happens in Mexico. The same thing happens in virtually every other industrialized country in the world.

American drugs—developed in this country, sold to Americans—are sold at a fraction of the cost in other countries.

Let me say, that is not the only case where the American drug companies sell at a discount. They sell at a discount to the Federal Government for the Veterans' Administration, for example, and for the Indian Health Service. They bargain with them. The Veterans' Administration, at our hospitals, says to drug companies: If you want to sell these drugs, we demand that you give a discount for the veterans and thereby save the Federal taxpayers a few dollars. The same thing is true with the Indian Health Service.

It is also true that insurance companies, HMOs, and managed care companies bargain, as well. They will go to a drug company and say: If you want your drug to be on the formulary, the list of drugs that can be prescribed by the doctors in our plan, then you have to sell at a discount to this insurance company and these doctors. Of course, the insurance company makes out well in that decision, and the patient still gets the drugs, and the discount is there.

There is only one group who cannot bargain. It is the largest group in America when it comes to buying drugs—the Medicare beneficiaries. For what is supposed to be a free market system, the only place where it is a so-called "free market" is when it comes to seniors in America.

Isn't it ironic that these American drug companies charge the highest prices, for the drugs that they sell, to the elderly and disabled in our own country? We are a country which, through the National Institutes of Health, has generated research which has led to the discovery of these drugs. We are a country which, through its Federal agencies, such as the FDA, inspects and approves the manufacturing of these drugs to make sure they are of the highest quality. And with all of the benefits given to pharmaceutical companies under our Tax Code to reduce their tax burden and to increase the profitability of these companies in America, the one group they target to charge the highest prices turns out to be our seniors and our disabled in America. I do not think that is fair. I think it should change.

For example, Ciperal is a drug that is used to treat infections. The exact same bottle, the exact same pill, the same amount, made in the same manufacturing plant, costs $171 in Canada but costs $399 in the United States—more than twice as much.

What about the drug called Claritin? It is the same company, Schering-Plough. The shape of the bottle in which the pills are sold is different in Canada as compared to the United States, but it is still the same pill, made in the same facility, subject to the same Federal inspection. For a bottle of this pill, Claritin, in Canada, they charge $61; in the United States, at your local pharmacy, $218—more than three times the cost of the drug in Canada.

The bottom line is this. The rest of the world gets better deals, and Americans pay far more. This is keeping Medicare beneficiaries from being able to afford prescription drugs. It is just plain unacceptable.

If we were to decide this year in Congress to pass a prescription drug benefit under Medicare, I am sure we could devise a system that might work to provide benefits and access to drugs for a lot of seniors and disabled people across our country. If we were to create this benefit package and not address the underlying challenge of the increase in prices each year, each month, sometimes each week, and the differential in prices between the

United States and Canada, any prescription drug benefit program we devise would be bankrupted in no time flat.

The Medicare program, as we know, does not include a prescription drug benefit. The reason for this is, of course, when it was enacted in 1965, prescription drugs just didn't play that large a role in health care. But the world has changed. There are so many drugs now that maintain quality of life for people across America that we couldn't have dreamed up 35 years ago. Isn't it ironic that we don't pay for prescription drugs but if a person doesn't take his medicine and gets sick and goes into a hospital, Medicare will pay for the hospitalization. Wouldn't we want to invest a few pennies in prevention rather than spend hundreds of dollars in a cure that might involve some hospitalization? It seems obvious to me.

Too many seniors find it virtually impossible to comply with their doctor's orders. As we know, they have to make tough choices between what their doctor tells them is good for them and what they can afford, a choice no one should have to make. According to a report prepared for the Department of Health and Human Services, three out of four Medicare beneficiaries do not have dependable private drug coverage. Some folks on Capitol Hill, in the House and Senate, have suggested this isn't really a problem; they believe that many people have prescription drug coverage. They ought to get out of this Capitol Building into the real world.

I think what they will find is this: About a third of the people in the United States have exceptionally good drug coverage in their retirement. I found a lot of them in Illinois. Some of them are retired union workers and their families. Others have benefited from a great plan that takes care of their prescription drugs. They are the exception rather than the rule.

A third of the people have prescription drug coverage which is anemic at best; it barely pays the most basic bills and, of course, with large expenses, provides no relief to the seniors who turn to them.

Then a third are on their own. Those are the sorriest stories of all, where people are faced with actually paying out of pocket for every single thing they need when it comes to prescription drugs. That tells you, if we rely on the current system without looking to a new benefit, we will leave two-thirds of America behind. Those are the underinsured, when it comes to prescription drugs, and those who are basically uninsured.

Incidentally, those who have some sort of prescription drug benefit under HMOs in Illinois tell me over and over again that the copays and deductibles keep going up. Their coverage is virtually evaporating.

I met a woman in Chicago, Anita Milton of Morris, IL, who became disabled in 1995 and, in 1996, had a bilateral lung transplant. Her prescription drug costs are $2,500 a month. Now on Medicaid, she has to pay a certain amount each month out of pocket on drugs before she gets the first dollar in coverage. She has an income of $960 a month. That is her only income. She pays up to $638 a month out of pocket for the drugs she needs. Somehow she is supposed to survive on $251 a month.

For many elderly people in that circumstance, they have little or no recourse but to move in with their children and try to survive. On a month when her drugs aren't covered, she doesn't meet her spending requirement, so she loses coverage for a full month. In other words, she only receives coverage every other month.

This story sounds bizarre, but it is not. It is virtually commonplace to see in America people who have lived a good life, raised their families, contributed so much to this country, paid their taxes, obeyed the laws, and now find themselves captives of a situation they cannot control. A pharmacist in Illinois told me what they are faced with—telling seniors the problems of prescription drug costs is really difficult to deal with. A pharmacist, Linda Esposito, came to my meeting in Chicago and said:

> Virtually every day pharmacists are faced with older Americans who have assumed that their medications, the prescription that their physician has written for them, is covered by their supplemental Medicare benefits or Medicare itself. All too often they find the insurance isn't there when they really need it to be there.

Men and women who want to stay healthy, who want to stay independent, and want to stay out of the hospital find they cannot afford the medications to make that happen. That is why it is important we move forward with a comprehensive drug benefit to the Medicare program for all beneficiaries. America's seniors shouldn't have to pay more than everyone else for prescription drugs. As I have heard from Illinois senior citizens, prescription drug coverage offers a lifeline to them and not a poison bill. Congress must work to offer our seniors this lifeline this year.

The record of this Congress over the last several years has been scant, to say the least. There is just very little we even take seriously around here and consider by way of addressing problems that American families face.

It has been a frustration to me, as a Senator from the State of Illinois, to go home repeatedly and hear the people I represent raise issues they are concerned with, issues about education, what are we going to do in Washington to help improve schools in America. A bill we passed last week will have virtually no impact whatsoever on education in this country. We have not addressed the most basic requirements to make sure our teachers are well trained and qualified to teach, held accountable for their own standards in their classroom; that kids are held accountable to make certain when they graduate, they can be promoted to another grade and succeed rather than just be pushed along; to try to upgrade and modernize the schools our kids attend so they can deal with modern technology. Has this Congress done anything to address that over the last 3 years? Sadly, the answer is no.

The President has proposed these things. This Congress has ignored them.

On the issue of health care, whether it is prescription drugs or a Patient's Bill of Rights, I am afraid the drug companies and the insurance companies have really ruled the agenda. We are trying our best to move this issue to the forefront, and those forces are trying their best to keep it out.

On the issue of peace and tranquility in our communities, we find people asking whether this Congress can respond with sensible gun control. The honest answer is, it is not likely. The President is holding a summit this week—I am glad he is—bringing in the leaders from Congress and challenging them to look anew at this issue of gun control.

When we have reached the point in America where first graders are killing other first graders with guns, we are dealing with a gun crisis. For those who blithely say we have all the laws we need, there is not an idea we should consider, we have everything taken care of, pick up any morning paper and tell me we have everything taken care of. I don't believe that is the case at all.

On issue after issue, whether it is education, health care, or sensible gun control, this Congress sits on its hands. The people across America ask of us, the world's so-called greatest deliberative body, when are you going to deliberate? What are you going to do? Sadly, the answer for the last 3 years is little or nothing.

I think that is what elections are all about. This coming election in November, the people across America can really issue their own report card on this do-nothing Congress. They can take a look back and see at the end of our work this calendar year what we have achieved. If we leave town without addressing the needs of education, if we leave town without creating a prescription drug benefit under Medicare, if we leave town without increasing the minimum wage from $5.15 an hour to something that is more humane and more livable, if we don't do anything to cope with the health care crisis that has been generated because of HMOs and managed care, if we don't do something about sensible gun control, this Congress will rightly deserve a failing grade.

I think it is important we try to come together. For those who say there is no intention on this side of the aisle, the Democratic side, to really find solutions, I think the challenge is on the table to come forward and try on a bipartisan basis. I will be there, and I think many on my side will as well, to make certain this Congress adjourns this year with not only a record of accomplishment but a record of response for American families.

I yield the floor.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m. tomorrow.

Thereupon, the Senate, at 4:29 p.m., adjourned until Tuesday, March 7, 2000, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Monday, March 6, 2000*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. PETRI).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 6, 2000.

I hereby appoint the Honorable THOMAS E. PETRI to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend James David Ford, D.D., offered the following prayer:

As we breathe into our hearts and souls every new breath of life, we pray, Almighty God, that the actions of our daily lives would reflect the beauty and glory of Your majesty. As we see the brightness of Your creation, O God, may we, in our own way, reflect the fruits of Your spirit, love, joy, peace, patience, kindness, goodness, faithfulness, gentleness, and self-control. May these virtues encourage us to be the people You would have us be this day and evermore. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Washington (Mr. NETHERCUTT) come forward and lead the House in the Pledge of Allegiance.

Mr. NETHERCUTT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed a bill and concurrent resolutions of the following titles in which concurrence of the House is requested:

S. 1794. An act to designate the Federal courthouse at 145 East Simpson Avenue in Jackson, Wyoming, as the "Clifford P. Hansen Federal Courthouse."

S. Con. Res. 89. Concurrent resolution to establish the Joint Congressional Committee on Inaugural Ceremonies for the inauguration of the President-elect and Vice President-elect of the United States on January 20, 2001.

S. Con. Res. 90. Concurrent resolution to authorize the use of the rotunda of the Capitol by the Joint Congressional Committee on Inaugural Ceremonies in connection with the proceedings and ceremonies conducted for the inauguration of the President-elect and the Vice President-elect of the United States.

S. Con. Res. 91. Concurrent resolution congratulating the Republic of Lithuania on the tenth anniversary of the reestablishment of its independence from the rule of the former Soviet Union.

The message also announced that the Senate agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 376), "An Act to amend the Communications Satellite Act of 1962 to promote competition and privatization in satellite communications, and for other purposes."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce pursuant to clause 4 of rule I, the Speaker signed the following enrolled bills on Thursday, March 2, 2000:

H.R. 1883, to provide for the application of measures to foreign persons who transfer to Iran certain goods, services, or technology, and for other purposes;

H.R. 3557, to authorize the President to award a gold medal on behalf of the Congress to John Cardinal O'Connor, Archbishop of New York, in recognition of his accomplishments as a priest, a chaplain, and a humanitarian.

APPOINTMENT OF INDIVIDUALS TO THE ADVISORY BOARD FOR THE HOUSE OF REPRESENTATIVES CHILDCARE CENTER

The SPEAKER pro tempore. Without objection, and pursuant to section 312(b)(1)(A) of Public Law 102-90 (40 U.S.C. 184(g)(b)), the Chair announces the Speaker's appointment of the following individuals to the Advisory Board for the House of Representatives Childcare Center:

Mr. Ron Haskins, Rockville, Maryland;

Ms. Linda Bachus, Birmingham, Alabama;

Mr. Lee Harrington, Alexandria, Virginia;

Ms. Patricia Law, Chevy Chase, Maryland;

Ms. Barbara Morris Lent, Arlington, Virginia;

Ms. Leisha Pickering, Washington, D.C.;

Ms. Nancy Piper, Alexandria, Virginia;

Mr. Christopher Smith, Bethesda, Maryland.

And upon the recommendation of the Minority Leader:

Ms. Paula Swift, Alexandria, Virginia;

Ms. Sara Davis, Falls Church, Virginia;

Ms. Debbie Dingell, Arlington, Virginia;

Mr. Donnald Anderson, Washington, D.C.;

Ms. Tamra Bentsen, Washington, D.C.;

Mr. Jeff Mendelsohn, Washington, D.C.;

Ms. Sylvia Sabo, Vienna, Virginia.

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 2, 2000.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on March 2, 2000 at 11:37 a.m. and said to contain a message from the President whereby he transmits a 6-month periodic report on the national emergency with regard to Iraq.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

PERIODIC REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO IRAQ—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106-204)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c) and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to Iraq that was declared in Executive Order 12722 of August 2, 1990.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 1, 2000.*

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 2, 2000.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on March 2, 2000 at 11:37 a.m. and said to contain a message from the President whereby he transmits the 2000 Trade Policy Agenda and the 1999 Annual Report on the Trade Agreements Program.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

2000 TRADE POLICY AGENDA AND 1999 ANNUAL REPORT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106–205)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

As required by section 163 of the Trade Act of 1974, as amended (19 U.S.C. 2213), I transmit herewith the 2000 Trade Policy Agenda and 1999 Annual Report on the Trade Agreements Program. The Report, as required by sections 122, 124, and 125 of the Uruguay Round Agreements Act, includes the Annual Report on the World Trade Organization and a 5-year assessment of the U.S. participation in the World Trade Organization.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 1, 2000.*

SPECIAL ORDERS

THE PRESIDENT OF THE UNITED STATES INJECTS HIMSELF INTO THE DIALLO VERDICT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. NETHERCUTT) is recognized for 5 minutes.

Mr. NETHERCUTT. Mr. Speaker, I noticed in yesterday's newspaper reports that President Clinton has now seen fit to inject himself into the case surrounding the Diallo verdict in New York. He has done so in a fashion which perpetuates his reputation for political opportunism.

The obligation of any President is to uphold the rule of law in this country, which obligation includes respect for and affirmation of our broader justice system. The President also has an obligation to unify the disparate peoples and views in our country by calling on "our better angels," as Abraham Lincoln once said, seeking to heal the wounds that are too often inflicted by citizens and groups against each other in the history of our country.

Mr. Speaker, the President has an obligation to respect our jury system, as sometimes imperfect in hindsight it might be, for, to do otherwise, enhances cynicism and diminishes the natural conflict in criminal cases between the strength of a prosecutor's claim and the ability of a defense team to defend prosecutions that lack evidence and proof.

Finally, a President's personal stake in the outcome of a broader political contest should not be used as a weapon to gain political advantage in order to benefit a political ally and indict the law enforcement team of a political opponent in the process.

Yet, that is exactly what we see being done in creating a racial divide by second guessing a jury decision that was litigated as provided in our justice system in this country. By such statements, the entire police force of New York has been unfairly besmirched, when, in fact, the jury foreman happened to be of African American descent and publicly stated that racial prejudice had no bearing on the jury verdict, but instead, the prosecution was weak.

Missing an opportunity for judicious comment or healing words or affirmation of the rule of law and the verdicts of juries and the opportunity for all Americans to recognize that all defendants are presumed innocent was something that happened in this case. Their criminal guilt must be proved by the high standard of guilt beyond a reasonable doubt, not just tipping the scales, but putting the scales all the way down.

Mr. Speaker, I was not at the trial and listened to the evidence; obviously, our President was not either. I fear that carelessness in this case may prove to be reckless, that those who would divide New York on improper grounds have already seized upon the President's words.

It is clear that the President has attempted to exert his personal undue influence on the political fortunes of his wife in New York in her Senate campaign and give justification for the Justice Department to exert itself in a case that was, by all accounts, fairly litigated, even though a very difficult outcome, knowing what we know now about the facts of the case. However, the jury in this case was the one charged with making this decision.

Had the President used the opportunity to speak against racial division in favor of responsible and unbiased police work, in favor of respect for all human beings in our country, regardless of religion or race or ethnic background, in favor of enhanced police training regarding racial sensitivity and restraint in cases of law enforcement apprehension so that all criminal suspects are accorded their constitutional rights, then this would be a day of admiration and respect for this particular Presidential proclamation.

Mr. Speaker, the risk posed by Mr. Clinton's declarations are not worth any political contest in any State, for any candidate, and certainly not for the racial and social harmony which is the common goal of our country. It is something we ought to strive to reach, not seek to divide.

SENATE BILL AND CONCURRENT RESOLUTION REFERRED

A bill and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1794. An act to designate the Federal courthouse at 145 East Simpson Avenue in Jackson, Wyoming, as the "Clifford P. Hansen Federal Courthouse"; to the Committee on Transportation and Infrastructure.

S. Con. Res. 91. Concurrent resolution congratulating the Republic of Lithuania on the tenth anniversary of the reestablishment of its independence from the rule of the former Soviet Union; to the Committee on International Relations.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1883. An act to provide for the application of measures to foreign persons who transfer to Iran certain goods, services, or technology, and for other purposes.

H.R. 3557. An act to authorize the President to award a gold medal on behalf of the Congress to John Cardinal O'Connor, Archbishop of New York, in recognition of his accomplishments as a priest, a chaplain, and a humanitarian.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, bills of the House of the following titles:

On Thursday, March 2, 2000.

H.R. 3557. To authorize the President to award a gold medal on behalf of the Congress to John Cardinal O'Connor, Archbishop of New York, in recognition of his accomplishments as a priest, a chaplain, and a humanitarian.

H.R. 1883. To provide for the application of measures to foreign persons who transfer to Iran certain goods, services, or technology, and for other purposes.

ADJOURNMENT

Mr. NETHERCUTT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 10 minutes p.m.), under its previous order, the House adjourned until Wednesday, March 8, 2000, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6439. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Imidacloprid; Time-Limited Pesticide Tolerance [OPP-300980; FRL-6493-2] (RIN: 2070-AB78) received March 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6440. A letter from the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Fenpropathrin; Pesticide Tolerance [OPP-300981; FRL-6492-6] (RIN: 2070-AB78) received March 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6441. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Imidacloprid; Pesticide Tolerances for Emergency Exemptions [OPP-300969; FRL-6490-5] (RIN: 2070-AB78) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6442. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Emamectin Benzoate; Pesticide Tolerance Technical Correction [OPP-300958A; FRL-6489-4] (RIN: 2070-AB78) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6443. A communication from the President of the United States, transmitting request and availability of appropriations for the Department of Health and Human Services' Low Income Home Energy Assistance Program; (H. Doc. No. 106-206); to the Committee on Appropriations and ordered to be printed.

6444. A letter from the Alternate OSD Federal Register Liason Officer, Office of the Secretary, Department of Defense, transmitting the Department's final rule—Screening the Ready Reserve [DoD Directive 1200.7] (RIN: 0790-AF57) received January 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6445. A letter from the Secretary of the Army, transmitting a report on assistance provided by the Department of Defense to civilian sporting events in support of essential security and safety at such events; to the Committee on Armed Services.

6446. A letter from the Acting Deputy Assistant Secretary for Labor-Management Standards, Department of Labor, transmitting the Department's final rule—Labor Organization Annual Financial Reports (RIN: 1215-AB29) received January 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6447. A letter from the Attorney, National Highway Traffic Safety Administration, Department of Transportation, transmitting the Department's final rule—Anthropomorphic Test Dummy; Occupant Crash Protection [Docket No. NHTSA-99-6714] (RIN: 2127-AG76) received January 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6448. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Delegation of National Emission Standards for Hazardous Air Pollutants for Source Categories; State of Arizona; Arizona Department of Environmental Quality; Maricopa County Environmental Services Department [FRL-6545-2] received March 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6449. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Texas; Reasonably Available Control Technology for Major Stationary Sources of Nitrogen Oxides for the Houston/Galveston and Beaumont/Port Arthur Ozone Nonattainment Areas [TX-102-1-7440; FRL-6543-1] received March 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6450. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans Commonwealth of Kentucky State Implementation Plan [KY-105-9946a; FRL-6545-5] received March 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6451. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Missouri [MO 092-1092; FRL-6528-7] received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6452. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; South Coast Air Quality Management District [CA-266-0172a; FRL-6534-2] received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6453. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Rhode Island: Determination of Adequacy for the State's Municipal Solid Waste Permit Program [FRL-6535-8] received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6454. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Approval under Section 112(l) of the Clean Air Act; West Virginia; Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants [SIPTRAX No. WV026-6012; FRL-6505-1] received January 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6455. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Preliminary Assessment Information and Health and Safety Data Reporting; Addition and Removal of Certain Chemicals and Removal of Stay [OPPTS-82050; FRL-5777-2] (RIN: 2070-AB08 and 2070-AB11) received January 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6456. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Standards of Performance for New Stationary Sources; Supplemental Delegation of Authority to the State of Wyoming [WY-001-0005; FRL-6521-1] received January 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6457. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Virginia; Oxygenated Gasoline Program [VA103-5047a; FRL-6534-7] received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6458. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Virginia; Oxygenated Gasoline Program [VA103-5047a; FRL-6534-7] received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6459. A letter from the Lieutenant General, USA Director, Department of Defense, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance (LOA) to Germany for defense articles and services (Transmittal No. 00-30), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

6460. A letter from the Alternate OSD Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting the Department's final rule—National Reconnaissance Office Freedom of Information Act Program Regulation—received January 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6461. A letter from the Air Force Freedom of Information Act Manager, Department of Defense, transmitting the Department's final rule—Freedom of Information Act Program (RIN: 0701-AA-61) received January 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6462. A letter from the Alternate OSD Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting the Department's final rule—National

Security Agency/Central Security Service (NSA/CSS) Freedom of Information Act Program (RIN: 0790–AG59) received January 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6463. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species (HMS) Fisheries; Large Coastal Shark Species [I.D. 111899C] received January 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6464. A letter from the Boy Scouts of America, transmitting the Boy Scouts of America 1999 report to the Nation, pursuant to 36 U.S.C. 28; to the Committee on the Judiciary.

6465. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Black River, Wisconsin [CGD08–99–064] (RIN: 2115–AE47) received January 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6466. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Passaic River, NJ [CGD01–99–2061] received January 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6467. A letter from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting the Department's final rule—Hazardous Materials Transportation; Regulation and Fee Assessment Program [Docket No. RSPA–99–5137 (HM–208C)] (RIN: 2137–AD17) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6468. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Puerto Rico, PR [Airspace Docket No. 99–ASO–17] received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6469. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29920; Amdt. No. 1974] received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6470. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29919; Amdt. No. 1973] received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6471. A letter from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting the Department's final rule—Hazardous Materials: Hazardous Substances—Revisions [Docket No. RSPA–2000–6744(HM–145)] (RIN: 2137–AD39) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6472. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revisions to Digital Flight Data Recorder Requirements for Airbus Airplanes; Correction [Docket No. FAA–1999–6140; Amendment Nos. 121–271 and 125–32] (RIN: 2120–AG88) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6473. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Flight Plan Requirements for Helicopter Operations Under Instrument Flight Rules [Docket No. FAA–98–4390; Amendment No. 21–76, 27–39, 29–46, 91–259] (RIN: 2120–AG53) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6474. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Licensing and Training of Pilots, Flight Instructors and Ground Instructors Outside the United States [Docket No. FAA–1998–4518–1; Amendment Nos. 61–105, 67–18, 141–11, & 141–3] (RIN: 2120–AG66) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6475. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29919; Amdt. No. 1973] received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6476. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report that action has been taken by the United States in response to an official request from the Government of the Republic of Cyprus and the Government of the Kingdom of Cambodia, pursuant to 19 U.S.C. 2602(g)(1); to the Committee on Ways and Means.

6477. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Letter rulings, determination letters, and information letters issued by the Associate Chief Counsel (Domestic), Associate Chief Counsel (Employee Benefits and Exempt Organizations), Associate Chief Counsel (Enforcement Litigation), and Associate Chief Counsel (International) [Rev. Procedure 2000–1] received January 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6478. A letter from the Executive Director, Office of Compliance, transmitting supplementary notice of proposed rulemaking for publication in the Congressional Record, pursuant to Public Law 104–1, section 303(b) (109 Stat. 28); jointly to the Committees on House Administration and Education and the Workforce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on Science. H.R. 1743. A bill to authorize appropriations for fiscal years 2000 and 2001 for the environmental and scientific and energy research, development, and demonstration and commercial application of energy technology programs, projects, and activities of the Office of Air and Radiation of the Environmental Protection Agency, and for other purposes; with amendments (Rept. 106–511). Referred to the Committee of the Whole House on the State of the Union.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. SENSENBRENNER: Committee on Science. H.R. 1742. A bill to authorize appropriations for fiscal years 2000 and 2001 for the environmental and scientific research, development, and demonstration programs, projects, and activities of the Office of Research and Development and Science Advisory Board of the Environmental Protection Agency, and for other purposes, with an amendment; referred to the Committee on Commerce for a period ending not later than April 7, 2000, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(f), rule X. (Rept. 106–512, Pt 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

[Omitted from the Record of March 2, 2000]

H.R. 1070. Referral to the Committee on Ways and Means extended for a period ending not later than May 26, 2000.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ARCHER:

H.R. 3832. A bill to amend the Internal Revenue Code of 1986 to provide tax benefits for small businesses, and for other purposes; to the Committee on Ways and Means.

By Mr. SHIMKUS:

H.R. 3833. A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage, and for other purposes; to the Committee on Education and the Workforce.

By Mr. ANDREWS:

H.R. 3834. A bill to amend the rural housing loan guarantee program under section 502(h) of the Housing Act of 1949 to provide loan guarantees for loans made to refinance existing mortgage loans guaranteed under such section; to the Committee on Banking and Financial Services.

By Mr. ANDREWS (for himself, Mr. Saxton, Mr. LoBiondo, and Mr. Smith of New Jersey):

H.R. 3835. A bill to amend title 28, United States Code, to divide New Jersey into 2 judicial districts; to the Committee on the Judiciary.

By Mr. FOLEY (for himself and Mr. Neal of Massachusetts):

H.R. 3836. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for modifications to inter-city buses required under the Americans with Disabilities Act of 1990; to the Committee on Ways and Means.

By Mr. McNULTY:

H.R. 3837. A bill to suspend temporarily the duty on ortho-cumyl-octylphenol (OCOP); to the Committee on Ways and Means.

By Mr. PETERSON of Pennsylvania:

H.R. 3838. A bill to suspend temporarily the duty on certain polyamides; to the Committee on Ways and Means.

By Mr. PETRI:

H.R. 3839. A bill to establish a commission to study and make recommendations on marginal tax rates for the working poor; to the Committee on Ways and Means.

By Mr. PAUL (for himself, Mr. DUNCAN, Mr. ROHRABACHER, Mr. TAYLOR of Mississippi, Mr. METCALF, and Mr. HUNTER):

H.J. Res. 90. A joint resolution withdrawing the approval of the United States from the Agreement establishing the World Trade Organization; to the Committee on Ways and Means.

By Mr. SAXTON (for himself, Mr. YOUNG of Alaska, Mr. FARR of California, Mr. WELDON of Pennsylvania, Mr. GREENWOOD, Mr. BILBRAY, Mr. PICKETT, and Mr. DELAHUNT):

H. Con. Res. 264. Concurrent resolution applauding the individuals who were instrumental to the program of partnerships for oceanographic and scientific research between the Federal Government and academic institutions during the period beginning before World War II and continuing through the end of the Cold War, supporting efforts by the Office of Naval Research to honor those individuals, and expressing appreciation for the ongoing efforts of the Office of Naval Research; to the Committee on Armed Services.

By Mr. ENGEL (for himself, Mr. KING, Mr. OLVER, Mrs. KELLY, Mr. GEJDENSON, Mr. HOYER, Mr. SMITH of New Jersey, Mr. CARDIN, Mr. LANTOS, Mr. PORTER, Mr. TOWNS, Mr. PALLONE, Mr. MCGOVERN, Mr. CROWLEY, Mr. MCNULTY, Mr. WOLF, Mrs. LOWEY, and Mr. FROST):

H. Con. Res. 265. Concurrent resolution condemning the continued detention of Kosovar Albanians removed to Serbia at the end of the 1999 Kosova conflict and calling for their release; to the Committee on International Relations.

By Mr. MCINTOSH (for himself, Mr. CLEMENT, Mr. HILLEARY, Mr. KUCINICH, and Mrs. ROUKEMA):

H. Con. Res. 266. Concurrent resolution expressing the sense of the Congress regarding the benefits of music education; to the Committee on Education and the Workforce.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

298. The SPEAKER presented a memorial of the House of Representatives of the State of Illinois, relative to House Resolution No. 440 memorializing the United States Congress to enact legislation requiring all governmental posts to fly the flag of the United States at half staff to honor all those individuals who died as the result of their service at Pearl Harbor on December 7, 1941 and urging all Americans to do likewise; to the Committee on Government Reform.

299. Also, a memorial of the House of Representatives of the State of Puerto Rico, relative to House Resolution memorializing the Congress of the United States of America to pass legislation to require that tickets issued to a child for travel by any means of transportation, shall bear his/her full name, and that he/she be duly identified before boarding; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 59: Mr. STUMP.

H.R. 912: Mr. NADLER.

H.R. 1021: Mrs. JONES of Ohio.

H.R. 1071: Mr. WHITFIELD, Mr. TURNER, and Mr. ALLEN.

H.R. 1139: Mr. STUPAK.

H.R. 1399: Mr. TIERNEY.

H.R. 1413: Mr. MCINNIS.

H.R. 1443: Mr. HOBSON.

H.R. 1459: Mr. NORWOOD.

H.R. 1705: Mrs. MCCARTHY of New York and Mr. FRANK of Massachusetts.

H.R. 1885: Mr. KIND, Mr. PHELPS, Mr. OWENS, and Mr. MINGE.

H.R. 2096: Mr. MCNULTY.

H.R. 2288: Mr. OWENS, Mr. RANGEL, and Mr. BROWN of Ohio.

H.R. 2289: Mrs. THURMAN.

H.R. 2776: Mr. BONIOR, Mr. DELAHUNT, Mr. CUMMINGS, and Ms. CARSON.

H.R. 2816: Mr. SMITH of Washington.

H.R. 2914: Mr. KUYKENDALL.

H.R. 3007: Mr. KUYKENDALL.

H.R. 3087: Ms. CARSON.

H.R. 3144: Mr. WATT of North Carolina.

H.R. 3180: Mr. KUYKENDALL.

H.R. 3185: Mr. WOLF.

H.R. 3193: Mr. POMEROY, Mr. WHITFIELD, and Mr. ISAKSON.

H.R. 3235: Mrs. THURMAN, Mr. LOBIONDO, and Mr. ALLEN.

H.R. 3256: Mr. LEWIS of Georgia and Ms. STABENOW.

H.R. 3294: Mr. FROST, Mr. NEY, and Mr. STENHOLM.

H.R. 3388: Mr. MATSUI.

H.R. 3439: Mr. BUYER, Mr. BARTLETT of Maryland, Mr. EVANS, Mr. DICKS, Mr. MCINNIS, Mr. FROST, Mr. STENHOLM, Mr. BURTON of Indiana, Mr. GANSKE, Mrs. MYRICK, and Mr. ISTOOK.

H.R. 3485: Mr. FRANK of Massachusetts.

H.R. 3519: Mr. NADLER, Ms. SLAUGHTER, and Ms. SCHAKOWSKY.

H.R. 3525: Mr. CAMP and Mr. BARTON of Texas.

H.R. 3536: Mr. ENGLISH.

H.R. 3544: Mr. PORTER.

H.R. 3573: Mr. BISHOP, Mr. GEPHARDT, Mr. LAFALCE, Mrs. MEEK of Florida, Mr. SHAW, and Mr. UDALL of New Mexico.

H.R. 3575: Mrs. MYRICK and Mr. BACHUS.

H.R. 3582: Mr. SESSIONS.

H.R. 3639: Mr. VISCLOSKY, Mr. RANGEL, Mr. DINGELL, Mr. DEAL of Georgia, and Ms. CARSON.

H.R. 3677: Mr. DEFAZIO, Mr. COBURN, Mr. MCCOLLUM, Mr. RANGEL, and Mr. TANCREDO.

H.R. 3826: Mr. LANTOS and Mr. GONZALEZ.

H. Con. Res. 133: Mr. LANTOS, Mr. CALVERT, Ms. LEE, and Mrs. CHRISTENSEN.

H. Con. Res. 220: Ms. MCKINNEY.

H. Con. Res. 240: Mr. PICKETT.

EXTENSIONS OF REMARKS

THE POVERTY TRAP STUDY ACT OF 2000

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 2000

Mr. PETRI. Mr. Speaker, today I am introducing the Poverty Trap Study Act of 2000. This legislation would create a commission to study the combined effects on low income families of effective marginal tax rates resulting from the simultaneous phaseouts of a number of welfare programs as well as payroll taxes and federal and state income taxes.

Why does this prosperous country still have millions of people living in poverty? Why, in the face of tremendous economic growth, does the poverty rate barely drop if at all? It's not because we are a selfish country; it's not because we spend too little on welfare and it's not because the minimum wage is too low. It's because we have adopted tax and welfare policies which bring about that exact result!

Not that it was the intent of those who wrote those programs to keep people in poverty. I'm sure that when the housing assistance program was created, it was thought that taking 30 percent of income as rent was not too much of a disincentive to work. Likewise, when the Earned Income Tax Credit was created and later revised, I'm sure no one thought that a 21 percent phaseout of benefits for two-child families just over the poverty level was a drastic disincentive. And when the Food Stamp Program was begun, a 24 percent phaseout didn't seem so bad. But add them up and we already have a 75 percent effective marginal tax rate from just these three programs. Now add in a 7.65 percent payroll tax, federal and state income taxes, and possible phaseouts of other state welfare programs, plus copayments for child care, and in most states families with children with earnings around the poverty level face marginal tax rates over 100 percent! Furthermore, at an income level where most of these phaseouts are still in effect, these families face the "cliff effect" of Medicaid and lose their health coverage. It's not surprising that we have a seemingly intractable problem of poverty no matter how high the economy soars. What is amazing is that some people are able to work their way out of poverty anyway.

We have created this mess by designing every program in a vacuum without ever considering the combined effects. I supported the welfare reform of 1996, sending most of the decisions back to the states. The main effect has been for states to institute work requirements for most able-bodied recipients, moving them off of AFDC and into subsidized jobs. That's good but it is only the first step. Phase II has to be to move people from subsidized jobs into self-sufficiency, and that is never going to happen until more work actually means more money in their pockets.

Likewise, I supported the recently passed marriage penalty relief act. However, as a percentage of income, the biggest marriage penalties have nothing to do with moving to higher tax brackets or the size of the personal exemption. In some cases in my home state of Wisconsin, a single parent with two children who marries someone with a similar income loses ALL of the spouse's income to lost benefits and taxes and the family of four has to live on less than the family of three did! Ending the poverty trap should also be considered phase II of marriage penalty relief.

It's time to look at welfare and tax policy for low income families in a coherent fashion instead of the hit or miss piecemeal approach we have been employing. That is why I have introduced the Poverty Trap Study Act of 2000. This legislation would create a commission to examine the poverty trap problem and make recommendations to fix it. I call on my colleagues who support ending marriage penalties, cutting taxes for low income families and fighting poverty, to support this bill.

RECOGNIZING THE CONTRIBUTIONS OF ALPHA KAPPA ALPHA SORORITY, INC. TO AFRICAN AMERICAN HISTORY

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 2000

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to pay special tribute to Alpha Kappa Alpha Sorority, Inc. during African-American history month. I would like to highlight the organization's ninety-two years of service to our nation. Alpha Kappa Alpha Sorority currently has over 800 chapters in the United States and the Virgin Islands and has spread to several countries abroad including: Germany, Caribbean, London, England, and Japan.

Since 1908, Alpha Kappa Alpha Sorority, Inc. has served as an instrument to enrich social and economic conditions in the world. Alpha Kappa Alpha strives to promote high scholastics and ethical standards, vocational and career guidance, health services and the advancement of human and civil rights. Led by national Basileus, Norma S. White, Alpha Kappa Alpha Sorority, Inc. focuses on five national targets including: education, health, the black family, economics, and the arts.

Today, the tradition of Alpha Kappa Alpha Sorority, Inc. lives on. As we move into the 21st century, Alpha Kappa Alpha Sorority, Inc. will continue to uplift the principles of service to all mankind.

HONORING HARCUM COLLEGE

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 2000

Mr. HOEFFEL. Mr. Speaker, I rise today on the occasion of National TRIO day to congratulate the Upward Bound Program at Harcum College in Bryn Mawr, Pennsylvania. National TRIO Day celebrates 35 years of programs aimed at expanding opportunities for disadvantaged students to attend college. Upward Bound is a wonderful, practical program that challenges and motivates students to achieve the necessary skills for higher education. TRIO's Upward Bound is essential for attainment of the critical goal of ensuring access to higher education for low-income and first-generation college students.

Harcum College has an outstanding record of success with Upward Bound for the ten years since the program began. This year, Harcum was awarded a prestigious five-year grant for scoring one hundred percent on their program proposals. Harcum College Upward Bound serves 75 students from three high schools in Philadelphia. The vast majority of participants are low-income and the first generation of their families to attend college. In the past five years one hundred percent of all high school students participating in Harcum's Upward Bound program graduated from high school and seventy-five percent were accepted to and enrolled in a four year college or university.

I applaud Harcum College's commitment to providing students from all backgrounds with an opportunity to excel in education and to prepare those students for the future.

RECOGNITION OF MR. WILLIAM C. COONCE

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 2000

Mr. MORAN of Virginia. Mr. Speaker, I rise today to pay tribute to William C. Coonce—one of our Federal Government's finest public servants and a long time resident of the Commonwealth of Virginia. This April he will retire from an exceptionally distinguished career of service to his country. He has worked for the Department of Defense since 1967, first with the Navy, and for the last 19 years with the Office of the Under Secretary of Defense (Comptroller). He has served more than 34 years of exemplary service to our nation. He has been an exceptional manager of the public's resources and his efforts have strengthened our national defense. It gives me pride to have the opportunity to honor him today for his tremendous accomplishments.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. Coonce began his career at the Naval Ordnance Depot in Louisville, Kentucky as an engineer working on underwater sensors and weapons. He moved to the great Commonwealth of Virginia in 1971 to work for the Naval Sea Systems Command and later for the Comptroller of the Navy on important budget issues. He was promoted to work for the Defense Comptroller, first as a budget analyst and, for the last sixteen years, to the Senior Executive Service, where he served as the Director for Military Construction and later Director for Revolving Funds. The quality of his work has been recognized by every Administration he has served, and he has received civil service awards too numerous to mention. Among the more significant, he has received the Presidential Rank Award for Meritorious Service, the Secretary of Defense Medal for Meritorious Civilian Service, and the Vice President's National Performance Review Award.

Bill Coonce has served six Secretaries of Defense and six Department Comptrollers, as their key advisor on a range of budget issues. His recommendations on a wide range of vital issues were constantly sought and greatly helped the Department robustly defend the funding requirements that support U.S. forces and missions. He has a significant reputation as a budget-cutter across a wide range of national programs. Year in and year out, his wise counsel and sound advice produced the best possible, yet fiscally responsible, spending plans to satisfy the nation's national security needs.

Mr. Coonce brought exceptional insight and skill to the many diverse challenges presented to and undertaken by him. He displayed outstanding skills as a manager of budget analysts, inspiring work that was of the highest quality. He has been the Department of Defense's expert in budgeting for Military Construction, Base Realignment and Closure actions, Intelligence Community requirements, and the logistics infrastructure programs. On an extraordinary number of occasions, his sage advice assured the adoption of sound spending decisions that supported major Defense programs while remaining consistent with the President's priorities and prevailing perspectives in the Congress. His comprehensive knowledge and exceptional skills were immensely invaluable to a whole generation of Department of Defense leaders, to our Armed Forces, and to U.S. national security.

The senior U.S. leaders, both in the Congress and in the Defense Department, benefited enormously from his extensive knowledge, exceptional dedication, and wise judgment. His contributions and public service allowed the leaders of our nation to make the wisest possible allocation of declining defense resources while maintaining America's security. Mr. Coonce is retiring from a career of singular merit and has earned the profound gratitude of the American people.

A TRIBUTE TO MONTGOMERY COUNTY COUNCILMEMBER BETTY ANN KRAHNKE

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 2000

Mrs. MORELLA. Mr. Speaker, it is with great pleasure that I pay tribute to an outstanding citizen and public servant of Montgomery County, MD. I praise the courage and determination of Montgomery County Councilmember Betty Ann Krahnke. She has served with distinction for many years, both in and out of public office. Betty Ann Krahnke is a role model for our community, and our Nation.

I am extremely proud of Betty Ann's integrity, commitment, and legislative contributions, particularly on behalf of domestic violence victims. She has spearheaded cell phone programs for domestic violence victims and convinced the State of Maryland to implement an automated victim notification program in Montgomery County. For her leadership on victims' rights issues, Betty Ann has received the 1998 Governor's Victim Assistance Award and the 1998 leadership award from the Montgomery County Against Domestic Abuse task force. In addition, the Montgomery County Civic Federation awarded its most prestigious award, the Distinguished Public Service Citation, to Betty Ann.

During her current battle with amyotrophic lateral sclerosis, Betty Ann has shown tremendous stamina and strength of character. She and her family have exhibited incredible bravery during this most difficult time. I have watched Betty Ann with inspiration as she continued her unfaltering commitment to Montgomery County. I praise her determination to keep making positive contributions to her community.

I have admired Betty Ann for many years as a leader and public servant, and most importantly, as a friend. I send my heartfelt appreciation for her hard work and dedicated service.

CELEBRATING THE FIFTH ANNIVERSARY OF THE REPUBLIC OF ARMENIA CONSULATE GENERAL IN LOS ANGELES

HON. JAMES E. ROGAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 2000

Mr. ROGAN. Mr. Speaker, representing the Republic of Armenia proudly in the western United States is the Consulate General, in Los Angeles—not far from my home district.

In honor of the consulate's fifth anniversary in Los Angeles, I ask my colleagues here today to join me in saluting not just this accomplishment, but the freedom this nation has cherished for nearly a decade.

There is indeed a freedom in Armenia to which I can attest. Not long ago, I spent nearly a week in Armenia. And I am proud to say that the spirit of democracy we hold so dear in the United States has taken an equally deep root in the Republic of Armenia.

Despite cultural and political annihilation at the hands of the Ottoman Turks, the Armenian people today thrive at home and abroad. Armenian-Americans have contributed greatly to our community while maintaining a strong cultural heritage. I am especially proud to claim the same home district as the largest population of Armenians in America.

Representing this community, and the Republic is the Consulate General in Los Angeles. The professional staff in this office is responsible for consular and diplomatic affairs—acting as liaison between the Republic and governments at the local, state, and national level. Their efforts guarantee that Armenia will continue to thrive: leading the region in the growth of industry, education, the arts and technology.

Mr. Speaker, five short years ago, the Republic of Armenia established a diplomatic foundation in Los Angeles, reaching out to the surrounding Armenian-American community and the public. This work was led by the Honorable Armen Baibourtian who is now serving as the Deputy Foreign Minister in Yerevan, the Armenian Capital. His successor, The Honorable Armen Melkonian is following in this tradition, proudly representing the Republic of Armenia in the United States. I am proud not just to call these two leaders colleagues, but to call them friends.

I ask my colleagues here today to join me along with the Armenian-American community in celebration of the Consulate General's fifth anniversary in Los Angeles, and in tribute to Armenia's decade of freedom. Let us work to keep the light of freedom lit in Armenia and around the globe.

SUPPORT OF H.R. 5, THE SENIOR CITIZENS' FREEDOM TO WORK ACT OF 1999

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 2000

Mr. SANDLIN. Mr. Speaker, I rise in strong support of H.R. 5, the Senior Citizens' Freedom to Work Act of 1999. This legislation will finally repeal the outdated and unreasonable Social Security earnings limit that has penalized seniors for working beyond the age of 65 by reducing their monthly Social Security benefit. H.R. 5 is good for America's seniors and good for the economy.

The Senior Citizens' Freedom to Work Act is about basic fairness. There are numerous reasons seniors may choose to continue working past the age of 65. Many seniors would like to retire but have to continue working simply to make ends meet. It is outrageous that the government penalizes these individuals for trying to support their most basic needs. Other seniors may continue to work simply for the pleasure and pride they take in contributing a lifetime's worth of skills and knowledge to their chosen profession. The government should not deprive industry of this dedicated, skilled, and resourceful population of workers. Regardless of the reason, America's seniors deserve the benefits they earn whether or not they choose to continue working beyond the national retirement age.

I became a cosponsor of H.R. 5 last year because I feel so strongly about the merits of this legislation. According to the Social Security Administration, over 800,000 seniors lose part or all of their Social Security benefits because of the earnings limit. With the retirement of the massive baby boom generation fast-approaching, the number of seniors affected by this penalty will increase significantly over the next decade. Today, we have the opportunity to prevent that injustice.

Mr. Speaker, my district has the good fortune of holding a large population of hard-working senior citizens who stand to benefit from the repeal of the Social Security earnings limit. The communities and businesses in the First Congressional District of Texas stand to benefit as well. Retaining skilled retirees is important in meeting today's workforce needs, and Congress needs to eliminate the very real financial disincentive seniors face if they want to continue working beyond retirement age. This is a win-win situation and deserves the full support of this Congress. I urge my colleagues to vote for H.R. 5 to end the earnings penalty once and for all.

THE HISTORICAL CONTRIBUTIONS OF AFRICAN-AMERICANS TO THE ADVANCEMENT OF HEALTH AND SCIENCE

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 2000

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to lead the citizens of the Thirtieth Congressional District as we pay tribute to the extraordinary contributions African-Americans have made in the advancement of health and science in America. I look forward to an equally storied future.

Beginning with Imhotep, who many call the father of medicine, blacks have led the world in medical and scientific innovation. In Ancient Egypt, Imhotep diagnosed and treated over 200 diseases and illnesses, including tuberculosis, appendicitis, and arthritis. As early as 2850 B.C., Imhotep was performing surgery, and documenting the roles of the human circulatory system and vital organs.

Like their ancestors in Africa, blacks in America have historically and consistently enhanced the quality of life through scientific discoveries and medical breakthroughs. In the 1860's Dr. Alexander T. Augusta was named head of a Union Army hospital during the Civil War. Also during the Civil War, one of my predecessors in the U.S. Congress, Ohio Senator Benjamin Wade, an abolitionist, gave Rebecca Lee a scholarship which enabled her to become the first African-American woman doctor.

Following the example of Doctors Augusta and Lee, African-Americans have continued to lead the nation in advancing health care. Institutions like the Howard University College of Medicine and Meharry Medical College trained physicians who have saved the lives of thousands of African-Americans, many of whom had no other access to medical treatment. Black doctors have blazed trails throughout our history, including Dr. Charles Parvis, who helped keep the Howard Medical School open by declining to accept a salary and later became the first African-American to run a civilian hospital, Freedman's Hospital right here in Washington, D.C.

For too long medical history did not include the legendary contributions of African-American health care professionals, who, despite serious obstacles and institutionalized racism, soared to amazing heights of success. Dr. Daniel Hale Williams, without access to the benefit of X-rays, breathing apparatus, or blood transfusions, performed the first successful open heart operation. Dr. Louis Wright is credited with the development of the neck brace. Dr. Charles R. Drew developed a critical method of preserving blood, and Dr. Ben Carson performed the first successful separation of Siamese twins joined at the back of the head. Dr. Levi Watkins, Jr. performed the first surgical implantation of the device that corrects arrhythmia in the human heart. Today, our nation can reflect with great pride on the contributions of former Secretary of Health and Human Services Louis Sullivan and former Surgeon Generals Dr. Joycellyn Elders and Dr. David Satcher.

Just as in the health care field, African-Americans have led the way in other areas of science. History is replete with the inventions and creations of African-American scientists. George Washington Carver revolutionized the agricultural foundation of this country through his discoveries—300 new uses for the peanut, 118 from the sweet potato, and 60 from pecans. Elijah "The Real" McCoy, helped make the industrial revolution possible by developing an oiling device for machines. Garrett Morgan's inventions still impact us today, in the form of the gas mask and the traffic light.

Mr. Speaker, I could go on about the contributions of African-Americans to health and science, including Lewis Latimer and his electrical filament, Benjamin Banneker and the first striking clock and space pioneers, Guy Bluford, Ronald McNair, and Mae Jemison. The world would certainly not be as prepared to enter the new millennium if it had not been for the contributions of these outstanding Americans. And the scientists, health care professionals, and inventors I have mentioned barely scratch the surface. Scores of other African-Americans fought against the odds to dramatically change the scientific frontier. I join the citizens of America in paying tribute to the African-American legacy, and as we look to the future, I am proud to stand on the shoulders of these great Americans.

100TH ANNIVERSARY OF CHELTENHAM TOWNSHIP

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 2000

Mr. HOEFFEL. Mr. Speaker, I stand today to congratulate the township of Cheltenham on its 100th anniversary. On March 5, 1900 the first Board of Commissioners of the newly incorporated Cheltenham Township met and formed what has become a model township government in Montgomery County.

The township of Cheltenham has many achievements of which to be proud. Cheltenham's roots extend to the 1600s when Quakers settled the area just outside Philadelphia. The settlers primarily farmed the land, with several mills dotting the landscape as well. The 1850s brought rapid change to Cheltenham with the advent of the railroad. Philadelphians soon began settling in the township and commuting to Philadelphia.

Cheltenham can take pride in its municipal works. Not only did the township institute fire hydrants and streetlights as early as 1901, but also established a police force, a Board of Health, a garbage collection system, and a sewer system. The township set aside parkland and encouraged the formation of the Cheltenham Township Fire Department from a conglomeration of volunteer fire companies. Cheltenham's police force won recognition for innovation crime solving techniques and use of technology in 1916. This innovative and vision has continued ever since and Cheltenham remains one of the most progressive townships in the Commonwealth of Pennsylvania.

I am proud to represent such an extraordinary town. This anniversary should serve as a long-standing tribute to the hard work and dedication for all who have made the Cheltenham Township the wonderful place it is.

RECOGNIZING THE CONTRIBUTION OF MUSIC EDUCATORS

HON. DAVID M. McINTOSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 2000

Mr. McINTOSH. Mr. Speaker, today, I am introducing a resolution recognizing the value of music education and honoring music educators across our nation who contribute so much to the intellectual, social, and artistic development of our children.

Music education has touched the lives of many young people in my state of Indiana. It has taught them team work and discipline, while refining their cognitive and communications skills. Music education enables Hoosier children with disabilities to participate more fully in school while motivating at-risk students to stay in school and become active participants in the educational process.

Consider the experience of Patrick, a young man in Muncie, Indiana. A couple of years ago, Patrick was an angry teenager who was having trouble in school and with the law. His father had left home years before. His family tried very hard to reach him but it seemed nothing could help him get his life turned around.

Knowing that Patrick loved music, his grandmother suggested he audition for the White River Youth Choir. With the encouragement of his mother and probation officer, he tried out and was accepted. Patrick has been a member of the choir ever since. He faithfully attends practice and has even toured with the choir outside of the country. The choir director, Dr. Don Ester, has become a powerful role model in his life. Patrick has made new friends and has goals for his life.

The change in Patrick's life was so remarkable that his grandmother wrote this letter to Dr. Don Ester, the choir director, thanking him for helping her grandson. In her letter she says:

> Recently, some of the friends that [Patrick] used to hang out with were arrested for a series of armed robberies. This holiday season, their families are visiting them in jail and preparing for criminal trial proceedings. We (Patrick's family) are counting our blessings that we are able to come hear him sing in the winter concert rather than what might have been if he had continued on the path he was headed. Of course, many events and many good people in this community have helped Patrick, but I am convinced that much of the credit goes to you and the loving work you are doing with the kids in the choir.

Studies support anecdotal evidence—students who participate in music education are less likely to be involved in gangs, drugs, or alcohol abuse and have better attendance in school. A 1999 report by the Texas Commission on Drug and Alcohol Abuse found that individuals who participated in band or orchestra reported the lowest levels of current and lifelong use of alcohol, tobacco, and illicit drugs.

Consider the case of the Boys Choir of Harlem which performed last month at the Kennedy Center. The 200 member choir is composed of intercity youth aged 8–18. In spite of the difficulties these children face, almost all of them graduate from high school and go on to college.

Not only does music education help many at-risk kids develop an interest in learning, but it also helps many children excel in their studies.

Recent studies underscore what parents and teachers have known for a long time—that music education contributes to enhanced cognitive development, discipline, teamwork, and self-esteem. These studies indicate that music education dramatically enhances a child's ability to solve complex math and science problems. Further, students who participate in music programs often score significantly higher on standardized tests.

In kindergarten classes in Kettle Moraine, Wisconsin, children who were given music instruction scored 48 percent higher on spatial-temporal skill tests than those who did not receive music training. After learning eighth, quarter, half, and whole notes, second and third graders scored 100 percent higher on fractions tests than their peers who were taught fractions using traditional methods.

Gwen Hunter, a music teacher at DeSoto and Albany Elementary Schools in Indiana, recently wrote me a letter: "I feel strongly that the arts broaden children's creativity, self-esteem, and emotional well-being. Music is an area of study that builds cognitive, affective, and psychomotor skills that can be transferred to other areas of interest. It caters itself to the different types of learners by offering opportunities for visual learners, listening learners and kinesthetic learners. Music education allows students the opportunity to develop and demonstrate self-expression."

Just this last February, students from 11 different sites in Indiana participated in Circle the State with Song. The event, sponsored by the Indiana Music Educators Association, began as an all day rehearsal and culminated in an afternoon concert. Janet Morris, who is a teacher at Royerton Elementary School in Muncie, Indiana, shared with me what some of the participants learned during the event.

Here are some of the statements they made:

> I learned that when you put enough time and effort into something, it pays off in the end.
>
> I learned how to work together.
>
> I learned that music is so meaningful and powerful when everybody works together.
>
> Music is really, really, fun!
>
> I want to learn to compose.
>
> I've learned how fun it is to perform for people.

Janet also shared with me one of her favorite memories teaching elementary school music. She said, "One of the best stories I have is of a 4th grade young lady who looked at me very seriously during a choir rehearsal one day and blurted out, 'I'm going to grow up and be you . . . I want to be a music teacher.' Needless to say, I was almost in tears her emotion was so intense and I was so stunned that a child saw and shared my passion for teaching. This young lady is still planning on being a music teacher and probably won't let anything detour her. She is now in 8th grade and working very hard on her flute, piano and singing."

So, too, music education builds dreams. The symphonies of tomorrow begin in the classroom of today.

I want to thank Gwen Hunter, Janet Morris, Joe Poio, Keith Pautler, and Dr. Don Ester and all the music teachers in Indiana and across the nation for their wonderful contribution to the education of our youth. I especially want to thank my band teachers, Peter Bottomly and Phil Zent, who served as good role models while I was in high school in Kendallville, Indiana. The discipline I learned while mastering a difficult instrument like the tuba, has served me well.

I would also like to thank all of my colleagues who joined me in introducing this resolution—Representatives CLEMENT, HILLEARY, KUCINICH, and ROUKEMA. Music education is an important academic discipline which can provide a deep, lasting contribution to a child's formal schooling and music educators are doing a terrific job.

TRIBUTE TO CHIEF JOHN TURNER

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 2000

Mr. INSLEE. Mr. Speaker, I rise today to honor an exceptional police chief from Mountlake Terrace, Chief John Turner. Chief Turner recently retired from law enforcement after twenty-nine years of dedicated service to the State of Washington. He was also the longest serving Chief in Snohomish County. As a law enforcement officer, Chief Turner has spent most of his life providing a sense of security and ensuring public safety for the community. He is a dedicated public servant, and the community wholeheartedly embraces and appreciates his tireless service.

Chief Turner, although leaving the Mountlake Terrace Police, will still be involved in the realm of law enforcement as the Executive Director for the Western Regional Institute for Community Policing (WRICOPS). WRICOPS, one of twenty-nine university/law enforcement collaborations funded by Congress, provides an integrated approach to community policing through training, technical assistance, and applied research. WRICOPS is based at Washington State University in Spokane, and serves the states of Idaho, Montana, South Dakota, Washington, and Wyoming.

Chief Turner has always been a visionary leader and has taken a pro-active approach as an officer of the law. He has a long legacy of encouraging community involvement by working with many community groups, elected officials, and citizens in an effort to improve public safety. He helped to establish the Northwest High Intensity Drug Trafficking Area (HIDTA), created to stop the flow of drugs and drug-related crime into our counties. HIDTA, part of the Office of National Drug Control Policy, works to reduce drug trafficking in the most critical areas of the country by providing a coordination umbrella for local, state, and federal law enforcement efforts. He was also ahead of his time in notifying the public about registered sex offenders—Mountlake Terrace was the first police agency in Washington State to broadcast such warnings.

Finally, Chief Turner recognized the need to reach out to at-risk youth and give young people a safe place to spend their weekend nights. The Neutral Zone was created in 1992 as a collaborative effort between Chief Turner and the Edmonds School District. The Neutral Zone, a hugely successful program that has received nation-wide recognition, provides a supervised, drug-free place where young people can simply hang out and socialize on Friday and Saturday nights until 2 a.m. Teens learn to develop positive relationships with peers and adults, and parents are assured that their child is safe.

Chief Turner is a shining example of a great police officer and a great community leader. I ask all of my colleagues to join me in thanking him for his service, and wishing him well in all of his future endeavors.

NORTHEASTERN PENNSYLVANIA RED CROSS BLOOD PROGRAM HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 2000

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to the American Red Cross Blood Program in my District in Pennsylvania. On March 9, the local chapter will celebrate 50 years of service to Northeastern Pennsylvania. I am pleased and proud to have been asked to participate in the celebration.

It is fitting, during American Red Cross Month, to acknowledge the outstanding service of the blood program. In 1950, the Wyoming Valley Chapter of Blood Services was formed. By the end of the first year, over 21,000 units of blood were collected and the unit was serving 17 counties and 56 hospitals.

In 1979, the facility moved to its current location in Hanover Industrial Estates and expanded service to 19 counties in Pennsylvania and 2 counties in New York. Expansion continued when Bloodmobile Buses were included, taking the collection effort throughout the district. By 1999, the program included two bloodmobile units.

Mr. Speaker, it is no secret that the American Red Cross is one of our nation's finest and most dedicated institutions, helping millions of people through disaster and difficulty. The blood program is a vital part of that effort. Currently the local chapter serves 1.5 million people, and in 1999, collected an unprecedented 87,600 units of blood.

Blood collection assists in the care of the critically ill, premature newborns, accident victims, surgery patients, and burn victims. Over 10,000 volunteers assist the staff of 200 professionals, currently led by Ms. Chris Rogers. The agency supplies blood to 41 hospitals in Northeastern and Central Pennsylvania. In addition to collecting blood, the Blood Center offers blood testing, including typing and HIV testing.

Mr. Speaker, I am pleased to bring this milestone anniversary of the American Red Cross Blood Program of Northeastern Pennsylvania to the attention of my colleagues. I send these dedicated people my sincere gratitude for a "job well done" and best wishes for continued success.

CONGRATULATING TIM AND LINDA RUPLI ON THE BIRTH OF THEIR SON, TIMOTHY RICHARD RUPLI, JR.

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 2000

Mr. NEY. Mr. Speaker, Tim and Linda Rupli celebrated the birth of their son, Timothy Rupli, Jr. on February 19th, 2000. Timothy was born at 12:22 AM and weighed 7.1 lbs and was 19.5 inches long.

Mr. Speaker, I ask that my colleagues join me in celebrating the birth of Timothy Richard Rupli, Jr. I am sure that his birth will bring a bundle of love and enjoyment to their lives. I send the three of them my best wishes.

IN RECOGNITION OF EVELYN G. SUMTER

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 2000

Ms. VELÁZQUEZ. Mr. Speaker, I rise today to offer my sincerest congratulations to Missionary Life Member, Evelyn G. Sumter of Bushwick, Brooklyn, who on March 11, 2000, will be Honored at the New York Annual Lay Organization Conference of the African Methodist Episcopal Church.

"Go ye therefore, and teach all nations," Matthew 28:19 speaks volumes for the work and contributions, Mrs. Sumter has made to her community. As a member of the Emanuel African Methodist Episcopal Church of Harlem, New York, Mrs. Sumter has also given valuable love and tireless energy as a mother, grandmother, and care giver to 52 foster children in Brooklyn and Harlem.

In dedicating her life to community service work, Mrs. Sumter has served as the Housing Chairperson of the Community Corporation; Director of the Young People and Children's Division of her church; Chairperson of the New York Lay Organization's Social Action Committee; New York HIV/AIDS Program; Operator of her own private day care center; Director of the Bushwick Neighborhood Coordinating Day Care Center; Director of the Bushwick Family Life and Education Project Counseling Services; Parliamentarian of Woodhull Medical and Mental Hospital Advisory Board; Director of the Bushwick Youth Community Support Program; and Family Counselor for the Horace E. Green Day Care Center.

Currently she is the Director of the Palmetto Garden Senior Center; Member of the Together With Love Food For Survival Program; 1st Vice Chairperson of the Bushwick Community Action Association, Inc.; and Board Member of the Bushwick Community Service Society.

Mrs. Sumter holds a Bachelor's degree in Early Childhood Education from Antioch University in Yellowspring, Ohio and a Master's in Social Work with credits in Special Education from Adelphi University in Garden City, New York.

In 1951, Mrs. Sumter became the first Lay delegate of the New York Conference to the biennial Convention Tulsa, Oklahoma. And a year later, she became the President of the Rosa B. Williams Women's Missionary; and Dean of the Manhattan Area Institute.

As President John F. Kennedy once said "Leadership and learning are indispensable to each other." I believe Evelyn G. Sumter understands that which is why she has been such an inspirational figure in her community, and has dedicated her time and spirit in enhancing the lives of others. I am proud to offer my congratulations to Evelyn today and to personally thank her for all her contributions to society.

EULOGY OF GENERAL LEONARD F. CHAPMAN

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 6, 2000

Mr. MURTHA. Mr. Speaker, General Chapman was one of the finest Commandants of the Marine Corps and General Mundy's comments, which follow, are an outstanding tribute to him.

EULOGY

(By General Carl Mundy)

The son of a Methodist minister, Leonard Chapman came up from his birthplace in Key West, to Deland, Florida where he grew up. He graduated from the University of Florida, and was commissioned a lieutenant of Marines in 1935, eight days before I was born. Fifty-six years later, he administered the oath that made me the thirtieth Commandant. Leonard Chapman never outgrew his Southern roots. His Grandfather was a young Confederate soldier from Tennessee who lost a leg in the War. In order to maintain his farm, and to get about comfortably, he trained his horses to a gait we know as the Tennessee walking horse. General Chapman never abandoned that family homestead, keeping the 1790 tavern on the Natchez Trace—today a National Historic Landmark—as a farmhouse in the hands of a caretaker. He stayed there a couple of months each year, usually in June and July. A call on the telephone to him would get an answer from Miss Ella, the caretaker's wife. "Yallow!", she would answer, and after you had identified yourself as wanting to speak with "The General", came "Hold on a minute", followed by the sound of a squeaking screen door, and a loud call: "Fielding; there's a fellow wants to talk to you on the telephone over here!". Grass roots.

General Chapman's heroes were Robert E. Lee, and "Lee's Lieutenants". He read voraciously, re-reading several times Douglas Southall Freeman's volumes on the soldier-leaders of the Confederacy. He won the hand of a Southern Belle—Miss Emily Walton Ford, of the Birmingham Fords. Had this grand lady not become a Marine wife, it's likely she would have claimed the role of Scarlet O'Hara in "Gone With the Wind". As it was, she brought the elegance and graciousness of the "Old South" into the Corps with her, and eventually to the Home of the Commandants. Leonard's love affair with Emily was life-long, and his quiet devotion and attentiveness to her during her prolonged illness before death were an inspiration to all of us who knew them. He lost his first son, Len—a Marine—to a tragic accident, and became to his daughter-in-law, Gayle, and his granddaughter, Danielle, the

Working their way through Duke in the early sixties enroute to the Corps, as their Officer Selection Officer, I can recall judging whether the Chapman boys had been, or were headed home for a visit, by the length of their hair! In more recent years, how excited, and filled with pride your dad's voice would become when he would announce that he was ". . . going up to Massachusetts for a few days to help Walt clear a little timber!" His pride in each member of his family, his joy in your accomplishments, and his devotion to, and love for you were palpable and inspirational.

I met General Chapman when I was a first lieutenant, and he, a brand new Brigadier General. We were in the field at Camp Lejeune, and I recall thinking that this was the sharpest Marine officer I had ever seen. My opinion never changed. His early years of sea-duty at the outset of world War II left him with a spit and polish that never left. On the day he retired, he was still the sharpest Marine officer I've ever known. Others must have had the same opinion, like General Lemuel Shepherd, our 20th Commandant, who ordered him to the Marine Barracks in Washington, where among his lasting legacies is the spit and polish precision and the unexcelled spirit and professionalism he created in the Evening Parades at the Barracks, and the Marine Corps War Memorial. Leonard Chapman's manner, his demeanor, and his character matched the perfection of his deportment and appearance. He was a gentleman in all respects. At the outset of his commandancy, a reporter called him "The Quiet Man". Those closest to him knew him to have been invariably courteous; never to have raised his voice in anger, never to have indulged in gossip, or never to have badmouthed or criticized even those with whom he might disagree. But they knew him also, to have an analytic mind that missed no detail, and a layer of tungsten steel determination just below the surface. He was tough, but he led by logic, character, and inspiring example.

In his final tours, as Chief of Staff of the Corps, he helped General Wallace Greene build, train, equip, and employ in combat in Vietnam the largest Marine Corps since World War II. He introduced computers to the Corps, and gave us automated management and information systems. When he became Commandant, the war was on a downward spiral, and the United States wasn't going to win. Throughout his tenure, his abiding determination was to bring the Corps home in fighting condition, and to preserve it as a spirited American Institution. He faced obstacles in a society where the profession of arms and answering the call to duty were under fire, and in which morals, accountability, and discipline were decaying. He responded by driving the Corps to maintain standards.

When Sister Services succumbed to societal pressures and relaxed standards and discipline, General Chapman tightened them in the Corps. When others advertised, "We want to join you" to prospective recruits, General Chapman countered with, "Maybe you're good enough to be one of us!". When anti-war activists rallied against war, General Chapman countered with "Nobody likes to fight, but somebody has to know how!" For those in the Corps who weakened under the enormous pressures of the times, General Chapman issued a simple edict: "Marines Don't Do That"—a leadership thesis used to this day to teach Marines, and leaders of Marines, what is expected of them above and beyond others.

He believed in education. As Commandant, he established Staff NCO Academy, and in retirement, was founder of the Marine Corps Command and Staff College Foundation, with the purpose of enhancing leadership development among the officers and NCOs of the Corps. He led the Foundation as its President for 14 years, leaving yet another legacy to leadership.

But there was a spirited and fun-loving side to this great man. He was an inveterate golfer, playing the game with skill and enthusiasm to the end. Until recent years, he was a seven handicap. He would tell with a chuckle the story of an officer on whom he wrote a glowing fitness report, but ended it with, ". . . but he can't putt!" He walked the course, carrying his bag, and referred to those in his foursome who chose to ride a cart as "couch potatoes". Even with his spirited humor, however, the courtly, gentlemanliness was ever there. As he and I played golf together one day, after a particularly humiliating tee shot where, with a mighty swing, I topped the ball and dribbled it into the rough about seventy-five yards out, we walked together in silence for a few moments before he offered, gently, "Carl, that was not among your better shots today!" Classic Chapman. He loved the Washington Redskins, and rarely missed a game, always, of course, making it first to church on a Sunday. He delighted, when the minister asked the congregation to greet and extend "Peace" to those beside them, in saying instead, "War!" if it were a Redskins Sunday! Noting that his team entered the playoffs last weekend, maybe that was one "for the General!"

Commandants have an occasional habit of gathering their "formers" at some point during their tenures to update on what's going on. This usually begets spirited discussions of how it used to be, how it might better be, or how it ought to be. General Chapman, usually the elder at such gatherings, as the tempo of suggestions from around the table increased, would delight in breaking in, good naturedly, but with meaning, to say, "If you junior officers will hold it down, I'll remind you that each of you had the chance to do what you're suggesting on your watch. Let's listen to what the Commandant has to say!"

Linda and I, with Gayle and General Chapman, were guests for dinner at John and Ginny Kinniburg's home a few years back. As Ginny was busily passing her wonderful dishes, the butter came by. Always concerned for the welfare of "The General", for whom she and John so devotedly never gave up being aides-de-camp for, and closest friends with, Ginny handed General Chapman the butter with the healthful comment, "I don't suppose you'll be having any butter, General, but, please pass it along". With a wry twinkle in his eye, General Chapman took a sizeable slice for his bread, and quipped, "No, Ginny; I'm going down with the ship!"

Leonard Fielding Chapman, Jr.—husband, father, grandfather, friend, gentleman, Marine—did not go down with the ship. He was the helmsman who steered his life, many of ours, and that of our Corps, through sometimes troubled waters, but with a steadiness that brought calm inspiration, personal strength, and legacy to us, and thousands of others. As we remember him, let us be grateful that America produced one among its "few good men and women called Marines", who we were privileged to know and love. Men of the stature of Leonard Chapman do not often pass this way.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, March 7, 2000 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 8

9:30 a.m.

Judiciary

Administrative Oversight and the Courts Subcommittee

To hold hearings on S. 2089, to amend the Foreign Intelligence Surveillance Act of 1978 to modify procedures relating to orders for surveillance and searches for foreign intelligence purposes.

SH-216

Rules and Administration

To hold hearings on the nomination of Danny Lee McDonald, of Oklahoma, to be a Member of the Federal Election Commission; and Bradley A. Smith, of Ohio, to be a Member of the Federal Election Commission; hearing to be followed by a business meeting.

SR-301

Armed Services

Airland Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 2001 for the Department of Defense and the Future Years Defense Program, focusing on Army transformation.

SR-232A

Commerce, Science, and Transportation

Communications Subcommittee

To hold hearings to examine recent hacker attacks on popular websites, and examine the coordination of federal and industry efforts to heighten Internet security.

SR-253

Energy and Natural Resources

To hold oversight hearings to examine energy supply and demand issues, focusing on the rise in price of crude oil, heating oil, and transportation fuels.

SD-366

10 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense, focusing on medical programs.

SD-192

Banking, Housing, and Urban Affairs

Business meeting to consider S. 2097, to authorize loan guarantees in order to facilitate access to local television broadcast signals in unserved and underserved areas; S. 1452, to modernize the requirements under the National Manufactured Housing Construction and Safety Standards of 1974 and to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes; the nomination of Kathryn Shaw, of Pennsylvania, to be a Member of the Council of Economic Advisers; and the nomination of Jay Johnson, of Wisconsin, to be Director of the Mint.

SD-628

10:30 a.m.

Foreign Relations

International Operations Subcommittee

To hold hearings on the President's proposed budget request for fiscal year 2001 for foreign aid.

SD-419

2 p.m.

Intelligence

To hold closed hearings on pending intelligence matters.

SH-219

Armed Services
Strategic Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 2001 for the Department of Defense and the Future Years Defense Program, focusing on National Security Space programs, policies, and operations.
SR–222

2:30 p.m.
Foreign Relations
Business meeting to consider pending calendar business.
SD–419

Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on S. 1705, to direct the Secretary of the Interior to enter into land exchanges to acquire from the private owner and to convey to the State of Idaho approximately 1,240 acres of land near the City of Rocks National Reserve, Idaho; S. 972, to amend the Wild and Scenic Rivers Act to improve the administration of the Lamprey River in the State of New Hampshire; S. 1727, to authorize for the expansion annex of the historic Palace of the Governors, a public history museum located, and relating to the history of Hispanic and Native American culture, in the Southwest and for other purposes; S. 1849, to designate segments and tributaries of White Clay Creek, Delaware and Pennsylvania, as a component of the National Wild and Scenic Rivers System; S. 1910, to amend the Act establishing Women's Rights National Historical Park to permit the Secretary of the Interior to acquire title in fee simple to the Hunt House located in Waterloo, New York; and H.R. 1615, to amend the Wild and Scenic Rivers Act to extend the designation of a portion of the Lamprey River in New Hampshire as a recreational river to include an additional river segment.
SD–366

Indian Affairs
To hold hearing on the reauthorization of the Health Care Improvement Act.
SR–485

MARCH 9

9 a.m.
Joint Economic Committee
To hold hearings to examine the impact of supply-side economics on the United States economy over the past twenty years.
SD–562

Environment and Public Works
Clean Air, Wetlands, Private Property, and Nuclear Safety Subcommittee
To hold oversight hearings on the Nuclear Regulatory Commission.
SD–406

9:30 a.m.
Intelligence
To hold closed hearings on pending intelligence matters.
SH–219

Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings to examine issues dealing with Medicare.
SH–216

Armed Services
To hold hearings on proposed legislation authorizing funds for fiscal year 2001 for the Department of Defense and the Future Years Defense Program, focusing on the Atomic Energy Defense Activities of the Department of Energy.
SR–222

10 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on the Department of Transportation Program oversight.
SD–124

Governmental Affairs
Oversight of Government Management, Restructuring and the District of Columbia Subcommittee
To hold hearings to examine managing human capital in the 21st century.
SD–342

Commission on Security and Cooperation in Europe
To hold hearings to examine certain issues in Belarus.
334 Cannon Building

Judiciary
Business meeting to markup H.R. 1658, to provide a more just and uniform procedure for Federal civil forfeitures; S. 2045, to amend the Immigration and Nationality Act with respect to H–1B nonimmigrant aliens; S. 1796, to modify the enforcement of certain anti-terrorism judgements; and S.J. Res. 39, recognizing the 50th anniversary of the Korean War and the service by members of the Armed Forces during such war.
SD–226

Foreign Relations
European Affairs Subcommittee
To hold hearings on NATO and the European Defense Program.
SD–419

Appropriations
Treasury and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of the Treasury.
S–116, Capitol

2 p.m.
Intelligence
To hold closed hearings on pending intelligence matters.
SH–219

MARCH 10

9 a.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on S. 1892, to authorize the acquisition of the Valles Caldera, to provide for an effective land and wildlife management program for this resource within the Department of Agriculture.
SD–366

Armed Services
Readiness and Management Support Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 2001 for the Department of Defense and the Future Years Defense Program, focusing on the Service's infrastructure accounts and Real Property Maintenance Programs and the National Defense Construction Request.
SR–232A

MARCH 15

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the Legislative recommendation of the Veterans of Foreign Wars.
345 Cannon Building

MARCH 21

9:30 a.m.
Health, Education, Labor, and Pensions
To hold hearings on regulating Internet pharmacies.
SD–430

10 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Federal Communications Commission and the Securities and Exchange Commission.
S–146, Capitol

10:30 a.m.
Indian Affairs
To hold hearings on S. 2102, to provide to the Timbisha Shoshone Tribe a permanent land base within its aboriginal homeland.
SR–485

MARCH 22

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on the President's proposed budget request for fiscal year 2001 for the Forest Service, Department of Agriculture.
SD–124

Indian Affairs
To hold hearings on the nomination of Thomas N. Slonaker, of Arizona, to be Special Trustee, Office of Special Trustee for American Indians, Department of the Interior.
SR–485

Commerce, Science, and Transportation
To hold hearings on the nomination of Susan Ness, of Maryland, to be a Member of the Federal Communications Commission.
SR–253

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the Legislative recommendation of the Vietnam Veterans of America, the Retired Officers Association, American Ex-Prisoners of War, AMVETS, and the National Association of State Directors of Veterans Affairs.
345 Cannon Building

Governmental Affairs
To hold hearings on Department of Energy's management of health and safety issues surrounding the DOE's gaseous diffusion plants at Oak Ridge, Tennessee, and Piketon, Ohio.
SD–342

2:30 p.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to examine recent program and management issues at NASA.
SR–253

MARCH 23

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Environmental Protection Agency.
SD-138

Health, Education, Labor, and Pensions
Public Health Subcommittee
To hold hearings on safety net providers.
SD-430

10 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the National Oceanic and Atmospheric Administration of the Department of Commerce, and the Securities and Exchange Commission.
S-146, Capitol

Banking, Housing, and Urban Affairs
To hold oversight hearings on the Monetary Policy Report to Congress pursuant to the Full Employment and Balanced Growth Act of 1978.
SH-216

MARCH 28

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings to examine the current state of deployment of hi-speed Internet technologies, focusing on rural areas.
SR-253

Health, Education, Labor, and Pensions
Children and Families Subcommittee
To hold hearings on child safety on the Internet.
SD-430

MARCH 29

9:30 a.m.
Indian Affairs
Business meeting to consider pending calendar business; to be followed by hearings on S. 1967, to make technical corrections to the status of certain land held in trust for the Mississippi Band of Choctaw Indians, to take certain land into trust for that Band.
SR-485

Health, Education, Labor, and Pensions
Business meeting to consider pending calendar business.
SD-430

Appropriations
Interior Subcommittee
To hold hearings on the President's proposed budget request for fiscal year 2001 for the Department of the Interior.
SD-124

10 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense, focusing on Air Force programs.
SD-192

Governmental Affairs
To hold hearings on meeting the challenges of the millennium, focusing on proposals to increase the efficiency and effectiveness of the Federal Government.
SD-342

MARCH 30

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Housing and Urban Development.
SD-138

10 a.m.
Health, Education, Labor, and Pensions
To hold hearings on medical records privacy.
SD-430

APRIL 4

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on the President's proposed budget request for fiscal year 2001 for the Bureau of Indian Affairs and Office of the Special Trustee, Department of the Interior.
SD-138

APRIL 5

9:30 a.m.
Indian Affairs
To hold hearings on S. 612, to provide for periodic Indian needs assessments, to require Federal Indian program evaluations.
SR-485

10 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense, focusing on Army programs.
SD-192

APRIL 6

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Veterans Affairs.
SD-138

APRIL 11

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on the President's proposed budget request for fiscal year 2001 for the Department of Energy.
SD-138

APRIL 12

9:30 a.m.
Indian Affairs
To hold hearings on S. 611, to provide for administrative procedures to extend Federal recognition to certain Indian groups, and will be followed by a business meeting to consider pending committee business.
SR-485

10 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense, focusing on missile defense programs.
SD-192

APRIL 13

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the National Aeronautics and Space Administration.
SD-138

APRIL 26

10 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense.
SD-192

SEPTEMBER 26

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the Legislative recommendation of the American Legion.
345 Cannon Building

POSTPONEMENTS

MARCH 8

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the National Science Foundation, and the Office of Science and Technology Policy.
SD-138

MARCH 15

9:30 a.m.
Indian Affairs
Business meeting to consider pending calendar business; to be followed by hearings on the proposed Indian Health Care Improvement Act.
SR-485

APRIL 19

9:30 a.m.
Indian Affairs
Business meeting to consider pending calendar business; to be followed by hearings on S. 611, to provide for administrative procedures to extend Federal recognition to certain Indian groups.
SR-485

SENATE—*Tuesday, March 7, 2000*

The Senate met at 10 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God who is for us and not against us, who recruits us for the battle of what is right and just, and who empowers us to seek the truth and speak it with love, our central purpose is to glorify You by serving our Nation.

Renew a sense of chosenness in the women and men of this Senate. Remind them that You have chosen them; they are here by Your choice. Revive in them a sense of divine calling. Reclaim for them the dignity of the high calling of politics. Rekindle their fires of patriotic passion. Give them a perfect blend of resoluteness and intentionality. Our times demand greatness, the greatness that comes from listening to You so intently that we can speak the truth with intrepid boldness and courage. In the midst of the two-party system, help the Senators to affirm their oneness as Americans and keep a strong spirit of unity in the struggle for what is best for our Nation. You alone are the one who can draw them beyond secondary loyalties to their ultimate loyalty to You and help them work together in civility and respect. Thank You for calling these men and women and helping them choose to be chosen. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MIKE CRAPO, a Senator from the State of Idaho, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Maine.

SCHEDULE

Ms. COLLINS. Mr. President, today the Senate will be in a period of morning business until 12:30 p.m. Following morning business, the Senate will recess until 2:15 p.m. so the weekly party caucuses may meet. Upon reconvening, the Senate will begin consideration of the nominations of Marsha Berzon and Richard Paez to be the U.S. circuit judges for the Ninth Circuit.

ORDER OF PROCEDURE

I now ask unanimous consent that the debate time between 2:15 p.m. and 5 p.m. be equally divided between the proponents and the opponents of the Berzon and Paez nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, by previous consent, at 5 p.m. the Senate will proceed to a vote on the confirmation of the Executive Calendar No. 423, the nomination of Julio Fuentes. Senators can therefore expect the first vote to occur at 5 p.m. today. I thank my colleagues for their cooperation.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. There will now be a period for the transaction of morning business not to extend beyond the hour of 12:30 p.m. with Senators permitted to speak therein for up to 5 minutes each.

(The remarks of Ms. COLLINS pertaining to the introduction of S. 2194 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Nevada is recognized.

THE RECORD OF JUDGE RICHARD PAEZ

Mr. REID. Mr. President, I wanted to speak a little earlier, but I didn't have the opportunity. The minority is very happy that we are going to move forward on some judicial nominations. One of the nominations holds a record. It is a record that Judge Paez has. He has been waiting more than 4 years to have the Senate decide whether or not he can be elevated to the Ninth Circuit. We feel Judge Paez is eminently qualified. I think we will find that a majority of the majority will also feel that way.

Here is a man whose record is unsurpassed. He is a person who has been said to be—these are different quotes—"a well-respected, experienced judge." "Judge Paez has bipartisan support." "Judge Paez is not an 'activist', nor is he 'anti-business.'" Judge Paez has outstanding judicial temperament and is not 'antireligion.'" Judge Paez has not acted "unethically." "Judge Paez has committed to follow the law on the death penalty," and to follow the law generally.

I hope when we look at this man and his qualifications, he will receive an overwhelming vote. He is qualified for the Ninth Circuit.

Judge Paez is a graduate of Brigham Young University and he received his law degree from the University of California at Berkeley in 1972. He has received the highest rating given by the American Bar Association to Federal judicial nominees, which is well qualified.

It is important to note his nomination swept through here earlier when he was confirmed to the trial court on the Federal judicial level. He served with distinction after we, the Senate, approved his nomination. He has done that for 5 years, where he has served, as I have indicated, as a U.S. District Judge for the Central District of California. He has presided over numerous trials. Prior to being a Federal district court judge, he had a distinguished career as a State court judge. He served as a California State judge for 13 years. He is somebody who has been active in charitable and community affairs. He is a family man. His mother and father and 10 brothers and sisters live in another Western State, the State of Utah.

As I have indicated, Judge Paez has bipartisan support from, for example, JAMES ROGAN, a Republican Congressman from California, and a former judge himself; he supports Judge Paez. He has support from Los Angeles district attorney, Gil Garcetti; Los Angeles County Sheriff, Sherman Block; Los Angeles Police Protective League; National Association of Police Organizations; former California judge and president of the Los Angeles Bar Association, Sheldon Sloan; Association for Los Angeles Deputy Sheriffs, President Pete Brodie; Los Angeles County Police Chiefs' Association. It goes on and on. It is a shame we have not worked and gotten this nomination approved earlier. I hope, as I have indicated, this will not become related to some extraneous issue. It should be decided on its merits.

Mr. President, I recognize that my friend from Alaska, the chairman of the Energy and Natural Resources Committee, is going to speak on the Ninth Circuit. I have some familiarity with it because the chief judge in the Ninth Circuit is from Nevada, Procter Hug. We are proud of the fact that he is the chief judge of the Ninth Circuit. He also has rave reviews. He is a graduate of Stanford University School of Law. He has administered the Ninth Circuit very well. I hope those who feel there should be something done about the Ninth Circuit would look at what we have already done. This has become an issue. As a result of that, there was a commission appointed, led by former Supreme Court Justice Byron "Whizzer" White. They made a decision on what should be done with the Ninth Circuit, and that it should be kept intact and be administered differently.

So I hope the committee of jurisdiction which will review the Ninth Circuit matters will take into consideration what has already been done, and that there will be hearings held as to what should be done, if anything, with the Ninth Circuit.

EXPORT ADMINISTRATION ACT

Mr. REID. Mr. President, I think it is important this week that we move forward with the Export Administration Act. This is something that is more than 10 years overdue. We must move forward on that. We are talking about being friendly in the Senate to the high-tech industry. There is nothing we could do that would be more friendly to the high-tech industry today than passing the Export Administration Act. If we are going to continue to be the leader in the high-tech industry in the world, we have to pass this act immediately. If not, we are going to have these businesses move offshore. That is, in effect, what this Export Administration Act does.

I commend Chairman GRAMM of Texas. He indicated he would do what he could to move this forward. He has kept his word. This is being held up by just a few of the chairmen of committees. It should not be. This is not a partisan issue. We should move forward, recognizing we are no longer in a cold war, that defense issues can be resolved very easily, and this is something we should finish before we take our break next week.

Mr. President, I ask unanimous consent that following the remarks of the Senator from Alaska, Senator DORGAN be recognized, in keeping with the previous order entered for 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—S. 2184

Mr. MURKOWSKI. Mr. President, I rise this morning to introduce a bill, which I send to the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The senior assistant bill clerk read as follows:

> A bill (S. 2184) to amend chapter 3, title 28, United States Code to divide the Ninth Judicial Circuit of the United States into two circuits, and for other purposes.

Mr. MURKOWSKI. Mr. President, I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard. Under the rule, the bill will receive its second reading on the next legislative day.

(The remarks of Mr. MURKOWSKI and Mr. HATCH pertaining to the introduction of S. 2184 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. Under the previous order, the Senator from North Dakota is recognized for up to 20 minutes.

FEDERAL RESERVE BOARD

Mr. DORGAN. Mr. President, I came back from North Dakota on a late flight last evening on Northwest Airlines, flying North Dakota to Washington, DC. When one is traveling all day and up late, one gets up in the morning and it takes a while to adjust to find a good mood. My morning wasn't enhanced when I saw USA Today and saw the headline, once again, that Mr. Greenspan digs in his heels on rate hikes.

Mr. Greenspan goes to Congress and decides he will tell the American people they should brace themselves, he will increase their taxes in the form of higher interest rates. That did not exactly make my day this morning.

I will make a couple of comments about what Mr. Greenspan and the Federal Reserve Board are doing.

March 7, Wall Street Journal:

> The U.S. work force was much more efficient in the fourth quarter than initially thought, push labor costs sharply lower.
>
> Nonfarm productivity grew at a 6.4% rate in the last three months of 1999, the fastest pace in seven years and well above the government's initial estimate of 5%, the Labor Department said Tuesday. The increase caused the biggest decline in unit labor costs in seven years—a drop of 2.5% that was more than double the 1% reduction the government estimated.
>
> The surge in productivity, which was in line with expectations, generally would suggest that the risk of inflation remains low despite feverish economic growth. Because workers are producing more goods and services per hour, employers can afford to pay higher wages without having to pass on additional costs to consumers.

I wonder if Mr. Greenspan has seen this information, or does he just disregard it. It does not matter what the facts are. They are intent on increasing interest rates at the Federal Reserve Board.

How about this. Mr. Greenspan says he fears demand is still too strong, even after reports last week that job growth has slowed in February, unemployment rose, and sales for new homes dropped sharply at the beginning of the year. He says our country is growing too fast and too many people are working, and so he has decided he wants, once again, to increase interest rates.

What does increasing interest rates mean? I will tell you what it means. If he, as some expect, increases interest rates another full 1 percent, which will double it from where rates were about a year ago, it means that every North Dakota farm family will pay about $1,500 more per year in interest costs. Typical nonfarm households in North Dakota will pay about $700 more a year in added costs.

There will be no debate in this Chamber about this issue. This is the Federal Reserve Board saying: We are going to tax the American people with higher interest rates. Why? Because we decide we are going to do it.

Who are they? I do this as a public service. These are the members of the Federal Reserve Board of Governors and the regional Federal Reserve Bank presidents. This is a chart showing who they are and from where they come. They all wear gray suits. They all come from the same area. They all think the same. I even put their salaries on the chart. I do this so we can put some faces to this public policy, because they want to close their doors, make decisions about interest rates, and impose higher interest rates on every American at a time when it is unjustified.

My children used to go through a book called "Where's Waldo?" At night they would lay on the bed and search through those large pages trying to find Waldo. My son especially always claimed to find Waldo even when he had not sighted Waldo. I think my son knows something that Mr. Greenspan knows. Mr. Greenspan has been searching for inflation forever, even as inflation has gone down, way down, and he continues to increase interest rates with no justification at all.

Where is Waldo? Where is inflation, I say to Mr. Greenspan? Where is the justification for deciding that family farmers in desperate trouble already should pay about $750 a year more in interest charges under your current interest rate increases that have already been put into effect by you, and $1,500 a year total in additional interest charges if you do as many analysts expect and increase interest rates another 1 percent over the coming year?

Mr. Greenspan is a public servant. I admire him for his public service, but I profoundly disagree with that monetary policy. Perhaps he will discover what most Americans know: Productivity has increased dramatically, inflation is down, and this economy can least afford, in my judgment, the increased interest rates that Mr. Greenspan is now proposing.

I had asked for time this morning to speak on another subject. I thought if I was coming to the floor, I should at least make a comment about what Mr. Greenspan is talking.

I ask unanimous consent to speak on another subject under a separate heading.

The PRESIDING OFFICER. Without objection, it is so ordered.

ARMS CONTROL

Mr. DORGAN. Mr. President, I wish to talk about the issue of arms control this morning. There are many issues that we consider in this country. We have the deafening sounds of Democracy as the American people and politicians discuss, debate, and describe many, many issues. Both candidates and crowds these days are generously discussing issues ranging from abortion to economic growth to defense policy, and so on. But there is dead silence on the subject of the spread of nuclear weapons and the threat it poses to every single person on this Earth and especially the threat it imposes to our children.

Let me describe where we are with nuclear weapons. In 1985, the Soviet Union had 11,500 nuclear warheads on long range missiles. Defense analysts predicted that would go up to 18,000 or 20,000 nuclear warheads by the mid-1990s. These numbers do not even mean much. What is a thousand nuclear warheads? Each Soviet warhead had about 20 or 30 times the power of the bomb dropped on Hiroshima.

Instead of the 20,000 warheads many predicted, Russia has only about 5,000 warheads today. Why do they have 5,000 warheads? Because they have gotten rid of about 6,000 of the nuclear warheads they used to have. The Soviet stockpile, now the Russian stockpile, has been cut by the equivalent of 175,000 Hiroshima bombs. How did that happen? Because of arms control agreements. We agreed to reduce our nuclear weapons and they agreed to reduce theirs.

I will describe what has happened. We have something called the Nunn-Lugar program, named after our colleagues, former Senator Nunn and Senator Lugar. They said a good way to reduce the threat is by helping a potential adversary destroy his weapons while we reduce our own weapons. As a result the Nunn-Lugar program has reduced the threat to the United States by eliminating 4,900 Russian nuclear warheads, 471 intercontinental ballistic missiles, 12 ballistic missile submarines, and 354 ICBM silos.

For example, this is a picture of a Typhoon submarine owned by the Russians. It carries 20 missiles with 10 warheads on each missile. That is 200 nuclear weapons that can be fired from this Typhoon-class submarine. This submarine is twice the length of a football field and a third larger than the Trident submarine, the largest U.S. submarine.

What is going to happen to this submarine? It is going to be dismantled, and we are going to help pay for the dismantling of this submarine under the Nunn-Lugar program. We are going to reduce the threat by taking a Typhoon-class submarine and destroying it. This is a picture of what it looks like today. This is what it will look like later this year. You can see what once was a submarine carrying 200 nuclear warheads aimed at U.S. targets is now a shell being taken apart and turned into scrap metal.

This picture shows the elimination of intercontinental ballistic missiles. They pull them from the ground and take off the warhead, and then cut the missile to pieces.

This is a picture of an ICBM silo, the last piece of metal being removed. The dirt is then piled over and sunflowers are planted. This is in the Ukraine. Is that progress? You bet your life it is progress. A silo in which a missile once rested aimed at the United States of America with multiple warheads with nuclear explosive power is now eliminated. The Ukraine is free of nuclear weapons because of the Nunn-Lugar program.

Mr. President, I ask unanimous consent to show this piece of a wing strut from a Soviet bomber.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. How did I get this? Did we shoot the bomber down? No. This bomber was sawed up. The wings were sawed off as a result of an arms control agreement that we have with the Russians by which we reduced our delivery systems and nuclear weapons and they reduced theirs. Their submarines are dismantled, their intercontinental ballistic missiles are dismantled, and their bombers have had the wings sawed off.

This is a picture of the heavy bomber elimination, TU-95.

That is what is happening with arms control. It is, in my judgment, exciting and breathtaking.

What is expected to happen in the future? Under START III, we are expected to go to 2,500 nuclear weapons. Think of that—2,500 nuclear weapons. What is one nuclear weapon? In most cases, the yield of a nuclear weapon is many times the yield of the one used in Hiroshima. Mr. President, 2,500 weapons on each side if we get to that—we are not there.

What has the Senate done with respect to arms control treaties? The U.S. Senate over the years has done a great deal. We passed START I, START II, the 1988 Intermediate-Range Nuclear Forces Treaty—a whole series of arms control initiatives. We have funded the Nuclear Cities Program to employ scientists in Russia who know how to make nuclear bombs so they are not hired by the Iranians, the North Koreans, and others. We funded the Nunn-Lugar program. We have done a lot of things.

The fact is, there is no discussion anymore about arms control in this Senate. In fact, all the discussion is about deploying a national missile defense system, abrogating the ABM Treaty, and making a full retreat on issues on which we were making significant progress. We need to change that.

In addition to that, last year, after languishing for 2 years without even a hearing, the Comprehensive Nuclear Test-Ban Treaty was defeated by the Senate. The President just asked General Shalikashvili to head a task force to see if everybody can work together toward a common goal and resolve the concerns many Senators have about the treaty.

Does anybody really believe it is in our interest or anybody's interest to begin testing once again nuclear weapons? What a huge step backwards. My hope is we can, once again, on the Presidential campaign trail and in the Senate and in this country, as a matter of discussion among American citizens, talk about what we want for our future and our children's future.

Do we want a future with 2,000 or 5,000 or 10,000 nuclear weapons? Do we want a future, by the way, in which more and more and more countries have access to nuclear weapons? Because that is going to happen unless the country provides some leadership.

There is no significant leadership in the world at this point to stop the spread of nuclear weapons. It is our responsibility to do that. It is our job to do that. Most people do not understand the danger that was posed just a year or so ago when India and Pakistan—countries that do not like each other, countries that have fights on their border—both exploded nuclear weapons, virtually under each other's chin. Most people do not understand the potential consequences of that.

But we must, once again, as a Congress, and as a Senate, begin working seriously on the issue of controlling the spread of nuclear weapons and reducing the stockpile of nuclear weapons. We must get to full implementation of START II, and get to START III, and continue discussions, and not abrogate the ABM Treaty, and pass the Comprehensive Test-Ban Treaty. We must do those things.

It seems to me we must not run off and decide: Well, now what we want to do is start an arms race once again. Let's deploy a national missile defense system. It does not matter what it costs. It does not matter what the consequences are. We don't care what the Russians think. We do not care what it does to the Nunn-Lugar program. We do not care that it abrogates the ABM Treaty. We just do not care. In my judgment, that kind of mindset does not serve this country's long-term interests well at all.

What will best serve this country's interests is if we decide that a safer world will be a world in which we provide world leadership to stop the spread of nuclear weapons. We do not want any additional countries to access nuclear weapons.

I know people say: But we have these rogue states. They may shoot an intercontinental ballistic missile at the United States. That is probably the least likely threat this country faces. A rogue nation is not very likely to shoot an intercontinental missile. They are much more likely to acquire a cruise missile, for which a national missile defense system would not provide a defense. They are far more likely to get a suitcase nuclear bomb and plant it in the trunk of a rusty Yugo, plant it on a dock in New York City, and hold the city hostage. That is a far more likely threat than that some rogue nation would actually achieve access to an intercontinental ballistic missile.

Even more likely than all of that is the threat of a deadly vial of biological or chemical agents, that is acquired by a rogue nation or some terrorist, planted in a subway system in a major city.

Those are the most likely threats. Yet we have people in this Chamber who stand up and say: We demand deployment, immediately, of a national missile defense system. What that threatens to do is pull the legs out from under every bit of arms control efforts we have had underway for 15 years in this country.

The reason I show this chart is that I want to show that arms control has achieved the reduction of 6,000 nuclear weapons in the Russian arsenal. Six thousand nuclear weapons are gone. The experts predicted it would grow from 11,500 nuclear weapons to 18,000 or 20,000 nuclear weapons. They were wrong because arms control agreements with the Russians and the old Soviet Union represent a substantial decrease in the number of nuclear weapons they now have in their arsenal. The equivalent of 175,000 Hiroshima explosions has been eliminated from the Russian arsenal.

Will our children and grandchildren live in a world in which thousands of nuclear weapons are targeted at their homes, at their cities, at their country? I hope not. Will our children live in a world in which dozens of additional countries have access to and have acquired nuclear weapons and can and may use them to hold others hostage? Will our children live in a world in which terrorists will have access to nuclear weapons and hold cities and countries hostage? I hope not.

But the answer to those questions depends on the will and the aggressiveness here in this country of a President and the Congress to stand up and say: Arms control works. The United States of America will lead in this world to achieve new arms control agreements, dramatically reduce numbers of nuclear weapons, and reduce vehicles to deliver those nuclear weapons, with a substantial regime of inspection and monitoring and a Senate that will pass the Comprehensive Test-Ban Treaty. The American people should expect us to do that.

Let me conclude where I started.

There is a deafening noise in this country about a lot of issues—some important, some not. That is the noise of democracy. It is the sounds of democracy. But there is a dead silence on the subject of arms control.

When Members of the Senate walked out of this Chamber last year, after having voted in the majority against the Comprehensive Nuclear Test-Ban Treaty, most must surely have felt some dissatisfaction about that. That treaty was signed by over 150 countries, sent to this Chamber, and not one hearing was held in 2 years. Most must surely have left this Chamber with a feeling of dissatisfaction.

I hope that dissatisfaction can persuade those of us who care about controlling the spread of nuclear weapons and reducing the arsenal of nuclear weapons to come together and work together. There is nothing Republican or Democrat about the issue of nuclear weapons.

I say today, I hope the Presidential campaign can be about these issues. I hope the debate in Congress can be about these issues because, in my judgment, there is no issue more important to our future and our children's future.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. ENZI). Under the previous order, the Senator from Minnesota is recognized for up to 45 minutes.

PERSONAL SECURITY AND WEALTH IN RETIREMENT ACT

Mr. GRAMS. Mr. President, I want to take time this morning to talk about one of the most important issues I think is facing American society today; that is, the future of the retirement system in this country—not only for those who are on Social Security today or for those who are going to be on Social Security very soon, but basically to look down the road to our children and our grandchildren at what kind of Social Security or a retirement system we are going to leave the next generation. I think that is very important.

I am very pleased this morning that President Clinton has finally accepted the Republican Social Security lockbox which would lock in every penny of the Social Security surplus, not for tax relief and not for Government spending but for the retirement program of millions of Americans.

However, what most concerns me is that the President appears to be abandoning his "Save Social Security First" pledge. It was one thing to lock in Social Security surpluses last year and in the future and to further attempt to devote interest savings on a lower public debt to Social Security, but that alone will not save Social Security because we have spent too many years of the Social Security surplus prior to the year 2000.

The President's budget does not address the future solvency of Social Security to ensure retirement benefits will be there for the baby boomers and also future generations. All he has proposed is to credit Social Security with more IOUs that do nothing but increase taxes on future generations.

So my point is, the President's Social Security proposal does not push back the date that Social Security will run a deficit by a single year, and the transfer from the general fund to Social Security does not cover a fraction of the shortfall the system is going to face.

Without reform, the unfunded liability of Social Security will crowd out all discretionary spending. It will create financial hardship for millions of baby boomers. It will impose a heavy burden for our future generations in the form of higher taxes. We must address this very vitally important issue and do it as quickly as we can.

Just another note. Recently, a Social Security advisory panel found that the Social Security economic and demographic assumptions the Government uses to project the program's future economic status underestimate the unfunded liability. What that means is, if the panel's recommendations were adopted, Social Security projections would show a financial imbalance in the system that is much greater than currently forecast. In other words, the system is more likely to be in worse shape today financially than previously even thought. This means Social Security could go broke much sooner than we actually expect today.

What I want to do is to look at the system itself and then look at a plan I have introduced called the Personal Security and Wealth in Retirement Act, which is personal retirement accounts, which I believe is the direction in which we should go in order to save Social Security and to have a safe, sound, and good retirement system for the future.

In doing this, I have been across the State of Minnesota, holding many town meetings, talking to hundreds and thousands of Minnesotans, trying to explain to them what the problems are. I think everybody agrees there are some problems in Social Security. In fact, more young people today believe Elvis Presley is still alive or believe in aliens than they believe that Social Security is going to be there for them. So there is a problem of perception.

What Americans are looking for—and I found this out traveling across Minnesota—what they want is some information on what is happening and what are some of the options we are going to have in order to address this problem. That is why I have traveled across the State of Minnesota doing a number of town meetings, talking to Minnesotans about this.

When we look at Social Security over the last 65 years, Social Security has basically done what we have asked the program to do; that is, to provide retirement benefits for millions of Americans over 65 years. It has done the job. In some cases, if one looks at their Social Security check today, they will say it is not very good because it is only $700 a month, $600 a month, $800 a month. That is not the kind of retirement we want to leave to our children.

If we look ahead to the next 30 years, the system is facing some real problems. We are going to strain the system to the point it will not be able to meet the benefits that have been promised. In fact, if we look out about 30 years, without any changes in Social Security, we will see a reduction in the benefits of about one-third. We might have to raise taxes; that is another option. We might have to raise the retirement age.

If those are the options on the table, I don't think they are what we want to leave our children, that they are going to have a retirement system that is going to cost them more, going to give them less in benefits, and they are going to have to be older to retire. Is that what we are promising or hoping for our kids? I don't think it is. That is why I have gone across Minnesota holding town meetings and talking about this issue.

When Franklin Roosevelt created the Social Security program over six decades ago, he wanted it also to feature a private sector component to build retirement income. In other words, he did not think only Social Security alone should do that. Social Security was supposed to be one leg of a three-legged stool: Social Security, pensions, and savings accounts.

But Franklin Roosevelt did have some concerns. In fact, there was a Senator—I think from Missouri—who had passed on the floor of the Senate a proposal to include private retirement accounts as well as the public. When it got into conference, it was stripped out. They promised him they would bring it back on the floor again the next year, but they said: We have to pass this bill now. We are right at the height of the Depression, with all the problems the country is facing. They promised him they would bring this aspect back the next year. They never did. I always say that is one of the first big lies dealing with Social Security.

Social Security is a system that is stretched to its limits. We have 78 million baby boomers who are going to begin retiring by the year 2008. The average is going to be around 2011 or 2012, but 80-plus percent of Americans retire at the age of 62, not at the age of 65. So we can push back when it is going to hit that limit by a couple of years to 2008. Social Security spending will begin to exceed tax revenues by the year 2014.

We have all heard about the Social Security surplus and why we are bringing in these surpluses every year. In 1983, a blue-ribbon panel, chaired by Alan Greenspan, decided the way to extend the life of Social Security was to begin overcharging for the FICA taxes. That excess overcharge would be put into a trust fund or a savings account, and we would then draw on that after the surpluses evaporated so we could meet the shortfall from the savings account which would extend the life of the program to the year 2032.

We hear everybody in debates saying: Social Security will be here until the year 2032. Well, it will be here, but it won't be paying benefits to the max after the year 2014 unless we raise taxes somehow to retire some of the debt.

To give a quick example: It is as if we were paying out $100 in benefits today. By the way, our Social Security system is a pay-as-you-go system. In other words, the money brought in at the first of February went out at the end of February. There is not one account with your name on it with $1 in it in Washington for your retirement. You have been paying in all these dollars, but you do not have an account in Washington that has $1 for benefits for your retirement. All you can rely on or hope for is that there are people working when you retire so they can pay that benefit at the first of the month that you will collect at the end of the month. That is the way this system works. It is a pay-as-you-go system—no investments, no compound interest, no assets, only the hope that there are going to be enough workers paying into the system when you want to retire.

So if we are paying out $100 in benefits, we are bringing in $110 today. We put that $10 in the savings account. But by the year 2014, we will bring in $100 and pay $100. So we are going to be even. By the year 2015, estimates are we are going to bring in $98; we are going to have to pay out the $100. That is when we were going to go to the savings account or the trust fund to draw out $2 to make sure those benefits are paid.

Then by the year 2020, for instance, we will only be bringing in $90 and we will pay out $100. We will have to borrow $10. Between 2014 and 2032, we would have evaporated that savings account. Then we will be facing the problem we were hoping to deal with at that time.

The problem is, all that is in the trust fund today are IOUs. In other words, every time $1 has been collected from you to go into the trust fund, Washington has borrowed that money, put it into the general fund and spent it for other Government programs. They have spent your future retirement dollars. They have put in notes, IOUs, that say they will pay back. It would be similar to going to your kid's piggy bank, taking out 10 bucks and putting in an IOU. You are going to have to have future revenues to pay back that IOU. So the money you have already put in is gone. To replace it, we will have to go to current taxpayers and raise more taxes to pay it off. All the money has been used to increase Government spending. It hasn't gone for your retirement security at all.

The Social Security trust fund goes broke in the year 2033. That is when all the IOUs will be gone. I always like to say, if you think these IOUs are good, go put a million-dollar IOU into your checking account and find out how many checks your banker allows you to write against that IOU. None. You are going to have to find additional revenues. I have $1 million in my checking account. It looks good on paper, but in reality there is nothing there to back it up but the good word and faith of the Federal Government to some day go back and collect more taxes to pay off this debt. So by 2014, we are going to have to begin raising taxes or cut spending in other areas to pay off an IOU. If we need $1 billion in the year 2014 and it is not in the budget, where do we go to get it? We are going to have to go out and get it from the taxpayers. So we are going to have to have a tax increase beginning as early as 2014 to pay the benefits being promised.

Why is the system now being stretched to the limit? Back in about 1940, there were 100 workers for every retiree. Today, there are about 2½ workers for every retiree. In 25 years, there are going to be less than two for every retiree. Why does this put a strain on the system? Say if you were going to have a $1.000-benefit in 1940. One hundred workers would only have to put $10 a month into the system to make sure it was solvent. Today, we are asking that you put nearly $500 a month into the system in order to maintain the benefits for this retiree. In 2025, our grandchildren will have to pay more than $500 apiece in order to maintain those benefits. So $10 compared to over $500 shows the strain that will be put on the Social Security system if we do nothing to improve it.

Where are we today with the system? The numbers say the system is probably more in debt than we expected it to be. If we look at this chart, on this line is zero; this line shows the continuing surpluses we will be bringing in until about the years 2012 to 2014. But after that, we see the red line as it goes down. This is the debt the system is going to incur, and it is over $20 trillion of unfunded liabilities. In other words, this is after we have already collected Social Security taxes from your paychecks. This is what we are going to run short if we are to pay the benefits the Government promises. So if we are going to continue paying just today's level of benefits—adjusting this for inflation, of course—in today's dollars, we are going to be $20 trillion short over the next 70 years.

Again, others would say: Well, if we can't do that, we will lessen the retirement age, and that will lessen the debt; cut benefits by a third. That will lessen the debt even more, or we are going to raise taxes, which could eliminate it. But that is the plan they have proposed.

The biggest risk to our Social Security system today is to do nothing. There are a lot of people who say we can't really touch it, or maybe we should raise taxes a little bit. Right now, proposals are floating around to raise your FICA taxes by another 2.2 percent in order to maintain these benefits. That is like putting a Band-Aid over cancer; you can wait 5 years, but when you pull that Band-Aid off, the cancer is probably going to be much worse than it is today. So that is no cure.

In fact, to support Social Security we have raised taxes 52 or 53 different times. People like to say they want to "tinker" with Social Security. If you get out the Washington dictionary and you open it up to "tinker," it means a tax increase. They say, if we can only raise it 2.2 percent more, we can solve this problem. Well, if you believe that, why have they done it 52 or 53 times? This would be 54.

How many more tax increases would have to be imposed in order to do that? To keep promising Social Security benefits, the payroll tax would have to be increased, some say, a minimum of 50 percent—a minimum of 50 percent—not the 2.2, but a minimum of about 6.5 percent. Others say that could be more than double in order to maintain it.

In fact, here are the payroll taxes on this chart. This is where we started in 1950. It was under 3 percent at that time. It started out, by the way, at 1 percent of the first $1,000 of earned income. It has grown now. So it is 12.4 percent on $70,200, or somewhere in that neighborhood.

You can see how taxes have continued to increase to where we are today. But this red line shows the intermediate projections. These are the best-guess estimates of what could happen. By 2030, our children could be paying about 23.5 percent just for Social Security—not Medicare, just Social Security. You can add Medicare and then you are at about 28 or 30 percent. Then add in Federal taxes and it is 56 percent because that averages 28 percent. Then add in local taxes, sales taxes, property taxes, excise taxes, and everything else, and in 30 years our children are going to be looking at tax rates as high as 70 percent or maybe even higher because high-cost projections show that this amount probably would not be 25 but it could actually be somewhere closer to 28 or 29 percent. That would put our children well over the 70-percent mark.

Is that what we want for our children, where, for every $100 they make, they will take $30 or $35 home and the Federal Government gets the remainder of it? I don't know how many children will vote in the year 2030 for a politician who will keep a system such as this.

The diminishing return of Social Security: If you retired in 1960 or 1955, you probably got back everything you had put into Social Security within the first year. It was a good investment for that generation. But today, the average return on Social Security is less than 2 percent. If you are a young person today, by the time you retire, there is actually going to be a negative return. In other words, they would be better off to put their retirement money in a tin can and bury it in the backyard, and they would have more buying power in retirement than if they invested it in Social Security.

For many of the minority groups today, they are already in a negative cash-flow for Social Security because of age expectancy. So already it is beginning to hurt that portion of our population. To compare it, what if we invested it in the markets? The markets traditionally, over the last 80 years, including the crash of 1929 and all the ups and downs of the markets over the last 80 years, averaged a little over 7 percent in real rate of return. That is after inflation and all of the adjustments. It averaged over 7 percent in real rate of return. I don't know how many people would line up at the window to invest in an account that said: We are going to pay you less than 1 percent; in fact, it may be a negative percent. Right now, that is the only option you have. You have no choice as to where your money is going.

What have we done in Washington? Everybody now agrees—the President, Democrats and Republicans, the Senate and the House—that we need to lock it away to make sure all money collected for Social Security goes to pay for Social Security. We have introduced the lockbox. That means all the additional surpluses now are going to be set aside for Social Security retirement. That is very important. We need to continue to do that.

Stop raiding the trust fund. The Social Security Protection Act, which I introduced, would automatically reduce nonentitlement spending of Social Security dollars. Our spending and revenues now are based on the best estimates we can put together. The question is, Are we really serious about making sure we don't spend Social Security surplus money, even by accident?

We should have a protective mechanism in place. So if we estimate we are going to spend $1.8 trillion and we bring in a billion dollars less than that, right now, the only option is to go to the trust funds to make up the difference in spending. My bill would say we don't do that. We would reduce spending across the board evenly by that amount to make sure we did not take any money from the Social Security trust fund.

Again, if that is our promise, if we are serious about doing that, we should not say "except to" or make an exception. If we made an exception for $1 billion, you know there would be exceptions for $50 billion. So we have to be honest in what we are doing. It might only be .0003 percent; it might be .01 percent. If instead of getting $100 we would get $99, if that is what we need to do to protect Social Security funds, I think we should do that. If that is our top priority, we should live up to that priority.

When I was putting together the six principles of saving Social Security, I asked, what do we need to do if we are going to at reforming our securing retirement benefits for the future? First and foremost, we have to protect current and future beneficiaries. That means if you are on Social Security today, or plan to retire in the near future, you should be assured that the Government is not going to reduce the promises it has made. In other words, you can retire at the same age the Government says now, and your benefits will be there and protected, and we are not going to raid your taxes between now and then in order to do this.

You basically made a contract with the Government when you started working and you said, all right, I am going to put money into the system, and I expect to get the benefits when I retire. It is a contract. You said you were going to do this, and the Government said you are going to have the benefits. Late in the game, when you sit down and plan for retirement, in Washington they say: We don't have enough money in the budget anymore. We are going to have to make changes here and raise your retirement age, or cut your benefits, or maybe we need to raise your taxes a little more. That is not the fair way to do that.

Allow freedom of choice. If you want to stay with the current system of Social Security, you have the option to do that. But also if you want to move into a personal retirement account, be in control of your retirement and your investments and maximize those dollars, you should have the freedom of choice to do that. Today, the Government gives you no choice. Washington knows better. Washington tells you what you have to do with your retirement. Somehow Washington doesn't believe you are smart enough to plan for retirement. You might be smart enough to make the money but not smart enough to put it away for yourself.

Preserve the safety net. That means you have to have a net there for disability and survivor's benefits. Let's make Americans better off, not worse off. So when you retire, you are going to have at least the benefits promised, but even better if we can. My plan does that.

Create a fully funded system. We have proposed personal retirement accounts in the Private Security and Wealth in Retirement Act. Bottom line: No tax increases in order to do this. The easiest way is always to raise taxes. The hardest way is to make real reforms. The Personal Security and Wealth in Retirement Act provides for personal retirement accounts. I introduced it in the 105th Congress and last May 24. It is S. 1103; the Personal Security and Wealth in Retirement Act allows for personal retirement accounts.

The plan provides for retirement security. I think it offers better options for you. In other words, right now you have no options. The Government tells you what you are going to do. They tell you what you are going to pay in from your check. They tell you what your benefits are going to be when you retire.

You don't have an option on that. They also tell you at what age you can retire. They give you more options.

Workers under my plan would pay 10 percent of their income. Right now they are paying 12.4. That goes to Social Security. My plan would take 10 percent of your income and put it into personal retirement accounts. The other 2.4 percent we still have to collect.

That is part of the funding mechanism for those who wish to remain on Social Security. That 2.4 percent, plus other means of financing, is going to have to go into the current Social Security Administration in order to fund that. We are going to talk about taking 10 percent of your money and putting it into a retirement account, or a PRA, that will be managed by a government-approved private investment company.

Firms will set up these retirement accounts—whether it is U.S. banks, whether it is Citibank, Travelers, whether it is Lutheran Brotherhood, whether it is Norwest Bank, or whatever. They would set up these retirement accounts based on safety and soundness—such as the FDIC account in which you put your savings accounts in a bank.

There would be very rigid safety and soundness measures to make sure the money put into this account is going to be there when you retire. So safety and soundness is first and utmost.

A couple of examples: On $30,000 of income, you are putting $3.720 a year in to support Social Security. Under my plan you would put $3,000 of that into your personal retirement account, and the rest of it would then go to the Government.

Just to show you the difference on this, they would be taking $3,720 and putting it into Social Security and then being allowed to take $3.000 and put it into a personal retirement account based on the market and what you could then hope to receive at retirement.

Under this example, this is what you would do. If you made $30.000 a year for a lifetime and went to draw your benefits from Social Security, you would get about $10.668 a month. But if you could take that $3.000 and put it into a personal retirement account and get the average market return, you would have about $54.500 per year in benefits. Compare 10.6 to 54.5. That is a big difference in what retirement accounts invested in the market could do compared to pay as you go.

Let's take a couple of other income examples. This would be for an average income family which has $42.000 or $43.000 a year in average income. This is one spouse earning the average income in a household, one spouse not employed outside the home, a one-worker family. If you paid in a lifetime the average earnings into Social Security, you could expect to get about $29.000 a year in benefits. If you would have invested these same dollars from the personal retirement account into a private mixed stock and bond market—in other words, more conservatively and maybe not the highest returns but more conservative investments—you would get at least $66.000 in return. If you had invested in the market, you would have a return of nearly $140,000 per year compared to $30,000 a year in return.

Let's take the same for a two-income, low-income family with both spouses working with an average low income over their lifetime. They would get about $18.400 in benefits. But if they could put the dollars into the personal retirement account and invest it in, say, the market, they could get over $100.000 a year in benefits, or about $45.000—if they put it into a mixed type and more conservative investment account. But, either way, they are still much better off.

The reason Albert Einstein was labeled as "the man of the century" by Time magazine was because Albert Einstein at one time said the most powerful force on Earth is compounded interest.

That is what we are trying to show, because if you are working and doing a pay-as-you-go system, you are getting $18.500. But if you use this most powerful force on Earth—compounding interest—you can see how it would compound. So your benefits would increase fivefold over your lifetime in order to draw better Social Security benefits.

Is this a pipe dream or is this just speculation or whatever? No. This is actual. Galveston County, TX, has a personal retirement account, as does the entire country of Chile, as does about 120 other countries in the world. Thirty other countries are doing this.

If you had a little history on our Social Security system, it is all based or duplicated off of one that was started in Germany in 1880. Bismarck at that time designed the system we have adopted as the model that Chile had, and many other countries. In fact, in 1880, Bismarck set the retirement age at 65 years. The average worker in Germany in 1880 was 49.5 years. When we adopted the Social Security system in this country, we set the retirement age at 65. The average life of a worker in this country was 59.5 years.

You can see what happened because as we have extended the life line, as people now enjoy 20-plus years of healthy retirement. The system was never designed to do that. That is why so many limits are being placed on it.

Let's look at Galveston County, TX, and how the employees there are reaping the benefits of a private retirement account instead of Social Security.

In about 1980, one of the administrators in Galveston County saw the loophole in the law. At that time, if you were a public employee and you already had a retirement system, you did not have to join Social Security. You could remain with your own private retirement account.

By the way, the President's plan to reform Social Security is to make sure that all those accounts are closed, and everybody would be drawing from Social Security.

But in Galveston County, they saw this loophole and opted out of Social Security, although the Government quickly closed that door so nobody else could. But that is what happened in Galveston County over the last 20 years.

According to today's schedules, under Social Security a death benefit is $253.

My father died at the age of 61. For all of the money he paid in over his lifetime, when he passed away his heirs received $253. That was all. In Galveston County the minimum death benefit is $75,000.

Disability benefits per month, if you are disabled under Social Security, total about $1,280. In Galveston County, the disability benefits are $2,750 a month.

Retirement benefits per month: Social Security—again, currently we are basing this on average income—$1,280 a month would be about the best you could get out of Social Security. In Galveston County, you are at nearly $4.800 a month—nearly four times greater in benefits in Galveston County than if you are on Social Security today.

There was a young woman who wrote an editorial to the Wall Street Journal about 2 years ago. Her husband passed away suddenly of a heart attack at 44.

She was 42. They had three children. She received the death benefit, plus the benefits she receives from Social Security and from her private retirement account, which allows her to maintain her home. If she had been on Social Security, her family would have been in poverty with the payments she would have gotten. Today, she can maintain the home as she did before. In the article, all she could say was: Thank God for Galveston County and the system they have.

What about moving to this new retirement account? If we move to the personal retirement account, somebody 45 years old would say: I have worked now for 40 years. What happened to all that money I paid into Social Security? What am I going to do? I can't afford to lose that—although you hear some people say: You can keep everything I have paid in; let me out of the system.

We have said those are dollars the Government has collected with the promise of paying you benefits. We know exactly how much we have collected in Washington from you for Social Security. If it is $20,000, we would give you a $20,000 recognition bond. That would be deposited into your private account. Adjusted for inflation and interest over the years, you could then cash this bond when you are 65, because that is the way everything is based right now. If it is $30,000, you get a $30,000 bond. If it is $44,220, we would give you that as a recognition bond. But it would be one of your options to say: I am going to have this credited to my account, and then I am going to begin my personal retirement system.

Again, taking care of today's Social Security recipients means that if an individual chooses to remain within the current system, the Government should and will guarantee the benefits—no age increase, no reduction in benefits, no tax increase, no ifs, ands, or buts. If one decides to stay within the current system, this is what to expect your government to do at the minimum, to guarantee your benefits, and not hear 5 or 20 years from now: I am sorry, we don't have the funds; we will have to reduce your benefits.

We need to rely on this in order to make sure the system is well.

Preserving the safety net is my plan. The Personal Security and Wealth in Retirement Act preserves the safety net for disadvantaged Americans, so that no covered person is forced to live in poverty. Today, poverty is recognized at about $8,240. My plan says workers cannot retire with less than 150 percent of poverty. They have to have income of at least $12,400—that is what workers receive in retirement.

We don't want anybody retiring in poverty. In fact, today about 18 to 20 percent of Americans who retire—mostly women—retire into poverty. We think we should have at least a safety net. Retirees have to have at least 150 percent in order to retire so they don't go into poverty.

Funds that manage PRAs are required to buy life and disability insurance to cover those minimum benefits. As with Social Security today, they are the safety nets for survivor and disability benefits, as I showed earlier with Galveston benefits. The Federal Government will make up the difference for those who fall short of the minimum benefits.

Perhaps someone has been in and out of the workforce or doesn't have enough money in that account, or they have had a minimum-wage job all their life and they cannot come up with the money to buy an annuity to pay the $12,400 a year. For those individuals, which we believe is a very small percentage, the Government will, in the only part that is any kind of entitlement or involvement by the Government at all, fill that glass full so benefits are paid.

Perhaps a worker only had the dollars to buy an $11,000 benefit plan. The Government would put in the additional dollars to make sure when they retire their minimum benefit would be $12,400 a year.

Providing a safety net and soundness: The rules are similar to those who apply to today's IRAs or 401(k)s and would apply to personal retirement accounts, as well. As banks operate under very strict rules of safety and soundness, the same type of rules are applied to the personal retirement accounts to make sure the money in their account is going to be there at retirement, don't worry about it.

By the way, workers can't invest their money into a gold mine that evaporates and then be left with no retirement benefits. Again, this is the safety net, the Government-sponsored plan, to guarantee retirement benefits so you are not a ward of the State, you have the wherewithal to pay your way in retirement.

Now, workers can still have other IRAs, other savings accounts, they can still have a stock portfolio. Only this narrow area will have the safety net or the Government set-aside to make sure individuals have a retirement.

Investment companies that manage PRAs are required to have an insurance plan to ensure at least a minimum of a 2½ percent return on each account. That is not much, but compare that to today's less than 2 percent and a growing number of less than zero in 20 or 30 years. This maintains at least a floor for the return on your investment. That also would be written into the law.

Workers decide when to retire and when to withdraw their retirement. As I said earlier, today workers don't have the choice or the options; they have to do what the Federal Government says. They cannot retire until they reach a certain age. Benefits are determined by the Federal Government. The Government says what each person is going to receive as a benefit. They have decided over the years what your contributions to this package has been.

With our retirement plan, when one can buy an annuity to provide income of 150 percent of poverty, anyone can retire anytime once that obligation is met. Once you have met the obligation to be able to buy an annuity that pays at least 150 percent of poverty, anyone can retire, or stop paying into the system and use that 10 percent of income to do what you want, use it for other investments, or spend it. Once an individual has met the threshold, they do not become a ward of a State. Anyone can arrange regular, periodic withdrawals of money in the account.

An individual 21 today making an average income—about $42,000 a year today—their whole life, tucking away those dollars, would have about $1.5 million in a bank account when they decided to retire. Annuities cost about $100,000 per $1,000 a month of annuity. If one buys an annuity to pay $1,300, one needs $130,000 in order to buy that annuity today. That leaves $1.27 million left in the bank account, in the savings account. You can do whatever you want with that. You can take out periodic withdrawals; you can take a trip to Europe, and write a check to do it. This is your money, not the Government's money.

An individual can withdraw the portion of the PRA that is above the minimum retirement benefits, free of income taxes and earning tests. All of these dollars placed into the retirement accounts are taxed before we put them in, as they are today.

I don't know if many realize this, but the Government taxes everyone on the Social Security moneys that taxpayers put into the Social Security system today. It is taxed before the Government takes it out of their check. We do the same. The Government today, when an individual withdraws Social Security, much of that is exposed to additional Federal taxes, and it could be exposed to even more taxes as part of an estate. We are saying, once you have it in the account, it is your money tax free.

More choices for families with PRAs. In divorce cases, they are treated as community property. Upon death, PRA benefits go to the heirs, without estate taxes. There are no taxes. If you pass away with $1.2 million in your account, that goes to your heirs when you die, not like when my father passed away. There was nothing after a lifetime of investment into Social Security except a $253 death benefit.

Under this plan, all the money remaining in the account goes to heirs—your children, your spouse, your church, wherever desired. That is what happens: Build up an estate that can be passed on to the next generation.

Workers may arrange PRAs for nonworking children, with workers able to put up to 20 percent of their income. We say now a minimum of 10 percent, with an option of up to 20 percent can be put into their own account.

If one wants to retire at 55, put more money in to make sure you have enough to buy this minimum retirement benefit. Do it quicker and retire earlier. Do what you want, or put it into the account for nonworking children. A parent with five children could put 10 percent aside for himself and 2 percent in each child's account. This gives your children a headstart on retirement benefits.

To demonstrate how this money mounts up, by placing $1,000 into an average account when a child is born, by the time that child reaches 65, that $1,000 would be worth nearly $250,000 with just that one investment into the retirement account. For grandparents, that is a good gift for grandchildren. That shows how it can grow. Additional accounts for children give a real leg up on their retirement benefits in the future.

No new taxes. Bottom line, we say we do not want to raise taxes. There are things we need to do to finance this transition. As I said, there is $20 trillion in unfunded liabilities out there. Somebody has to pay that. We have made the commitment to them. The question is, How do we do that over the next 70 years so we do not put a tremendous strain on any one generation? As I said, in the next 25 or 30 years alone, we could put a strain on our children or grandchildren of up to a 70-percent tax rate in order to support the system if we don't make some changes now.

Again, what this all means, the bottom line, is retirement income will be there for all, whether one decides to stay within the current Social Security system—that is a choice, if that is what you want to do—or whether one chooses to build a personal retirement account. Again, there is a choice. Individuals don't have to do what Washington says; you can have a choice in what you want to do. Citizens can decide which retirement options work for them.

How do you want to do this? When the dollars are taken from your check, as they are today, deducted from Social Security, when the dollars are taken from you, you dedicate where you want the dollars to be sent, which retirement fund is going to handle your dollars—whether it be Citibank, Lutheran Brotherhood, Norwest, or whatever it might be. You decide where the dollars go. It goes into your account.

Also, you can tell that account holder: I want 65 percent in the market; I want 35 percent in Government bonds and securities. You can do that. Each individual has control over how the investments are handled.

Any person visiting the country of Chile, just ride in a taxicab and ask the cabdriver: How much do you have in your retirement account? He will pull out a retirement account passbook and state to the penny how much he has in the retirement account. That is his money.

They do not have their hands on it anymore. This takes Social Security out of the control of Washington and it puts it into the people's control. They make the decisions of what to do and how to build their retirement.

Everybody is different. Families are different. Everybody's hopes and expectations are different. Right now, Washington gives us that cookie-cutter, one system, and that is it. Our plan gives all the options so the American people can provide and create a retirement system they want.

With a PRA, an average Minnesotan could receive at least three times their current projected Social Security income, at least, and some of the projections go as high as 5, 6, maybe even 10 percent.

The bottom line is, the system is under tremendous strain and we are going to have to do something to protect retirement benefits in this country. The question is, What type of retirement system do we want to leave our children and our grandchildren?

Again, there are going to be those out there and some on the campaign trail today for President who are going to be talking about maintaining the status quo. In other words, let's put a Band-Aid over this cancer, let's raise taxes a little bit, and we will get by for a while. When that Band-Aid is pulled off, that cancer is going to be even worse than it is today.

We have an opportunity today to make a decision that is going to be better for retirement; in other words, it is going to cost less and there will be less pain in the transition. The longer we wait, it is going to be harder and more costly to make any kind of decision. We need to do this soon.

Are we going to get it done this year? No, there is not enough time this year to do it. It should be on the front burner when we come back in the 107th Congress in 2001, with a new President and the next Congress. It should be one of the first items we should look at: How are we going to save and support future retirement for our kids and grandchildren in the future.

I am 52 years old today, but I have very few options. I might be stuck with the plan we have today because by the time we implement it, I will be 55, 56 years old. At that time, will I have the option to move into personal retirement accounts? Maybe not.

We have to give our children and grandchildren at least the option to provide a better retirement for themselves than what we have today. For many people on retirement, if they are getting $800 a month and they think that is great, maybe that is what they want their grandchildren to have. But if they have retirement benefits three or four times that, I think that is an option to give our children and grandchildren.

I hope to talk about this again in the near future.

I yield back the remainder of my time and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the Senator from Kansas is recognized to speak for up to 30 minutes.

ELIMINATE THE MARRIAGE PENALTY

Mr. BROWNBACK. Mr. President, I rise today to address a couple of items that are going to be coming before this body and the importance of our addressing them. One is the marriage tax that is so embedded in our Tax Code, and the other is lifting the Social Security earnings limit. Both of these issues need to be taken care of this Congress. It is in the power of this Congress, particularly this body, the Senate, to deal with both of these items, and it is time we do it. I am going to be speaking out often about this until we get these measures passed. They make sense. It is time we do it. The American people want us to do it. The House has passed both of these bills, and it is time we do so as well.

Our Tax Code is riddled with provisions that penalize America's families. If that is not clear to date, it should be, and it will become increasingly clear as we discuss both of these issues, the marriage penalty and the Social Security earnings limit. In fact, our Tax Code regarding marriage penalizes marriage in over 60 different ways, according to the American Association of Certified Public Accountants. That is a body of which the Presiding Officer has been a part in the past.

This is unacceptable. As my colleagues already know, one of the most egregious marriage penalties occurs in the marginal tax rate bracket and in the standard deduction. I want to go through this because everybody hears about the marriage penalty tax, and it occurs in over 60 places. The bill that passed the House and is currently being considered in the Finance Committee addresses it in several places, but not all 60, but they are in several of the most important places.

I want to particularly talk about the marginal tax rate bracket and the standard deduction. In fact, last year 43 percent of married taxpayers, roughly 22 million couples, paid an average of $1,489 more in Federal income taxes than they would have paid had they remained single. The Government should not use the coercive power of the Tax Code to erode the foundation of our society—the family. We must quit subsidizing and encouraging people not to get married and penalizing marriage.

The House passed a bill to provide marriage tax penalty relief for America's families in the 15-percent marginal rate bracket and to eliminate the marriage penalty in the standard deduction. The House-passed bill provides a good starting point for our discussions on marriage penalty deduction and elimination. It does not do everything, but it is a good starting point and key area with which to go.

Doubling the standard deduction, increasing the width of the 15-percent bracket, and fixing the earned-income tax credit will eliminate or reduce the marriage penalty for all filers.

According to the National Center for Policy Analysis, the highest proportion of marriage penalties occurred when the higher-earning spouse made between $20,000 and $75,000 per year. Clearly, we need to make the marriage penalty elimination a priority for all families, not just a few. We must continually work to make our Tax Code better, to make it fairer for America's families. I am hopeful we will be able to correct this gross inequity in our Tax Code this year.

I want to go through some examples of people in Kansas who have written to my office about the impact of the marriage penalty. People know it is there, and they do not like it.

First, we can pass this bill in this body this year and get it to the President. We have to have an agreement between the Republicans and the Democrats as to whether or not we are going to agree to pass this bill. I am calling on my Democratic colleagues to agree with us and pass sensible marriage penalty relief. They have it in their power to block us from doing this as well, but I hope they will come forward and say: We do not want this pernicious tax to be on our married families. We are all for family values, and the central unit of that family is the married couple. We do not want to see placed on America's families this average of $1,480 per family, on 22 million working couples who are making between the $20,000 and $75,000 limit. We do not want to see that tax placed on them. We do not want people saying: I cannot afford to get married because of the Federal Tax Code. People are saying just that now.

I want my colleagues to listen as I share some letters I have received from Kansas constituents about this very issue.

When I go home every weekend and talk with people, the marriage penalty tax comes up regularly.

Listen to this letter:

> DEAR SENATOR BROWNBACK: My husband, a mechanic, and I are working hard to raise our two daughters as well as we can on his income. It is tight sometimes, but we get by.
>
> After our littlest one, Emma, starts school I will be returning to work at least part-time or ¾ time. Mitch and I were looking forward to the extra income so we could pay off our car, start saving for our girls' college education and most of all, quit living month to month if something goes wrong.
>
> After doing our taxes this year we fiddled with the numbers to see where a supplementary income would put us. We discovered that my working much more than part time would put us in a higher tax bracket and almost negate my income. In short, my husband is punished for working nights and extra overtime and I am punished for wanting to send my daughters to college.
>
> The best tax strategy that we could find would be to divorce, let Mitch deduct the mortgage interest and I file as the head of household with the girls. In short, the present tax code has a significant incentive for shacking up instead of marrying.

These are my constituent's words—rather blunt, but they do make the point. She goes on to write:

> Some people say that this tax cut is bad because it would benefit the wealthy and the richest Americans. If they think a mechanic and a secretary are the richest Americans, and are opposed to the Richest Americans, then who are they for? Obviously not mechanics and secretaries.
>
> Please vote to remove the marriage penalty so our hard work will mean something more than higher taxes.

Here is another letter. This one is from David:

> DEAR SENATOR BROWNBACK: I am a college student at Washburn University. My girlfriend and I have been thinking about getting married for several months.
>
> As part of the planning we went through our finances.

It sounds like a good idea to me.

> I checked our taxes and found that if we were married this year, we would have paid $200 extra in Federal taxes.
>
> Granted that may not sound like much, but at $9 and change an hour, $200 is a lot of money.
>
> I calculated how much we could be making in a few years and found that we will pay $600 more for being married than just shacking up.

Again, a rather blunt statement, but put forward clearly.

He goes on to say:

> Basically, we have to pay $600 for the privilege of being married.
>
> I always thought the government tried to reward constructive, positive behavior through the tax code, but it is punishing one of the most socially stabilizing behaviors, marriage.
>
> We don't think we or anybody else should be punished for being married and hope you can do something about it.

Here is another one:

> DEAR SENATOR BROWNBACK: I am writing to express my support for The Marriage Tax Elimination Act recently passed in the House of Representatives and to urge you to vote in support of this measure when it comes to the Senate.
>
> This legislation would address a serious inequity in current tax law by eliminating the disparity that exists with respect to the total "standard deduction" allowed two married taxpayers versus the total "standard deduction" allowed two single taxpayers. Tax policy should not discriminate either in favor of or against two individuals with respect to their decision to be married (or not be married). Rather, the same total itemized deduction amount should be allowed married taxpayers who choose to file jointly as two individuals who file separately.
>
> Thank you for your attention to this matter.

Is that just basic common sense, that if you are going to be married or if it is two singles, you should be taxed at the same level instead of having an increased tax for being married? It is pretty hard to explain that policy to that constituent.

Here is another letter from a constituent:

> SENATOR BROWNBACK: We were notified that a Marriage Tax Relief Act was pending in the Congress. We want to go on record as supporting any measure that will roll back the "Marriage Penalty" on America's families, including ours! We trust that you are willing to vote YES on this bill.
>
> Thank you, and God bless.

Here is another letter:

> DEAR SENATOR BROWNBACK: I would like to thank you for expressing your ideas and opinions on the marriage penalty tax to the senate on behalf of the Kansas taxpayers.
>
> Doubling the standard deduction for married couples, and doing so as quickly as possible, lessens the blow with which nearly 21 million couples are hit every year. I have seen many people struggle with their taxes each year and I am writing on behalf these people to recognize you for your tremendous effort to make their lives easier. Thank you again.

Here is another letter. This is from Salina, KS:

> DEAR SENATOR BROWNBACK: I am writing to you about the reduction of the "marriage penalty". I want to urge your support to correct it. It is a misconception to regard it as a tax cut. It is in fact a tax penalty that must be corrected.
>
> Two single people that choose to get married must not pay more tax than two people that choose not to do so. That is a penalty for getting married. Correcting this problem is not "cutting taxes". It is merely restoring them back to the way they were before the couple joined in marriage. Thus it is not a tax cut. It is the correction of the penalty for getting married. Please do the right thing.
>
> Ask yourself what would a couple do with the extra money? It will get spent. All those millions of dollars flow right back into the economy and get taxed again. It really won't hurt, it will help!

I like his positive attitude on that.

We get a lot of letters and comments from people about this being a tax, a penalty: Why do you say you are all for family values, yet you are willing to tax marriage, the central unit of the family? It just does not make sense to folks.

We are talking about a pretty substantial amount of money per married couple—around $1,445 a year—for an average family. With that money:

They could pay the electric bill, which, if it averages $153 per month, they can do that over a period of 9 months.

They could pay for a week-long vacation at Disneyland. That would be good for a family.

They could make four payments on the minivan. Car payments for an American minivan average between $300 and $350. They could make four payments.

They could have a nice $40 dinner 36 times. I do not know which people would do that. Most working families go to McDonald's, and it does not cost $40. But if you want to spend $40, you can go out to dinner 36 times.

Working families could buy 1,094 gallons of gas at $1.32 per gallon. That example is a little old. We could talk about energy policy if you would like.

They could buy 1,268 loaves of bread at the rate of $1.13 per loaf.

I think you get the picture. But many families could do a lot with that money.

I want to reiterate, we have the bill now to do that. It has passed the House. It is in the Finance Committee. It is going to be here. It will be up to this body to determine, are we going to let it on through or not?

The opposition has the right to stall this, to stop this bill from clearing on through. But this is not right for us to do as a matter of tax policy.

I am going to continue, and a number of us are going to continue, to push aggressively to get this tax relief through, get this penalty off.

Marriage in America has enough difficulties without being penalized by the Federal Government, as one of my constituents wrote. According to a recent Rutgers University study, marriage is already in a state of decline in America. From 1960 to 1996, the annual number of marriages per 1,000 adult women declined by almost 43 percent. Someone might say: Let's tax it some more; maybe it will go down some more.

At the same time that fewer adults are getting married, far more young adults are cohabiting. In fact, between 1960 and 1998, the number of unwed couples cohabiting increased by 1,000 percent.

When marriage, as an institution, breaks down, children do suffer. The past few decades have seen a huge increase in the out-of-wedlock-birth and divorce rates, the combination of which has substantially undermined the well-being of children in virtually all areas of life. That is according to many studies we have. It has adversely affected children physically and psychologically, their socialization and academic achievement, and even increased the likelihood of suffering physical abuse.

That is not to say all children in those circumstances are going to be having those difficulties. They are not. Many single people struggle heroically to do a good job raising their children. Still, the total aggregate result is that, over all, if you have this type of situation increasing, you are going to negatively impact the physical and psychological health, socialization, and academic achievement of that child, and even increase the likelihood of physical abuse. Do we want to encourage that more by continuing this pernicious tax? This is a tax on children, a penalty on children. Study after study has shown that children do best when they grow up in a stable home, raised by two parents who are committed to each other through marriage. I guess we shouldn't need a study to tell us that, but we have them. Newlyweds face enough challenges without paying punitive damages in the form of the marriage tax. The last thing the Federal Government should do is penalize the institution that is the foundation of a civil society. I believe we can and must start now to rid the American people of this marriage penalty. I look forward to working with the chairman of the Finance Committee as well as my other colleagues to make sure we get this job done.

I will continue to come to the floor day in and day out to push that. We now have a bill to eliminate this major portion of the marriage penalty tax. It is going to be the choice of the Democrat Party whether or not we will pass it through this body. I hope they will come forward and say, yes, it is time to end the marriage penalty in America. Yes, it is time to end this tax on our Nation's children. Yes, it is time to end this penalty on 43 percent of the married couples in America. This isn't a tax cut for the wealthy. This is a tax cut for the family. It is not even a tax cut, it is just leveling the playing field and removing the tax penalty. Clearly, we should do this.

One other issue of importance that will also be coming before the body is the Social Security Earnings Test Elimination Act. That, too, has passed the House of Representatives. Thank God for the work the House is doing in getting these bills through and over to the Senate. This bill passed the House 422–0.

This is a bad law that has been on the books since the Depression era. You would have thought somebody would have stood up and said: I thought that was a good law all this time. Nobody did.

We should not use the coercive power of the Federal Government to prevent seniors who want to work from working. They have spent a lifetime paying into the Social Security trust fund. It is simply not fair to deprive them of their Social Security benefits simply because they choose to stay in the workforce longer or choose to begin working again after retirement.

I was talking with a constituent in Kingman, KS, who works at a small factory in Kingman. He lost his farm during the decade of the 1980s, during the farm depression. He is approaching retirement age and will be there shortly.

He said: You really need to remove this thing for me and for a number of people. I lost my farm in the 1980s. That was my savings account. I have to continue to work to earn enough money to support the family. I can't afford to be penalized for working.

The very thing we need to be encouraging people to do, we are penalizing. Here is a man who has worked hard all his life. He is approaching retirement age, will continue to work, and needs to continue to work.

He said: Don't penalize me. Don't pull this away. I wish I hadn't loss the farm in the 1980s, but I did. That was my savings account. I don't have one now. I need to work. Let me work and don't penalize me.

Without a growing on-budget surplus, it is possible to remove this penalty for America's working seniors. It is imperative that the Senate pass this important bill so we can rid the Social Security system of its disincentive to work. Americans should be free to work if they choose. Passage of this bill will help elderly Americans stay in the workforce longer. It should be their choice and not ours. This bill allows people older than 65 and younger than 70 to earn income without losing the Social Security benefits they have paid in their entire life. It is an important bipartisan measure that passed overwhelmingly in the House. I expect it will pass in the Senate as well.

Chairman Greenspan even noted its important positive impact on the economy to increase the potential in the labor force that would be available.

This is another important measure that has passed the House. I call on my colleagues: We must pass this legislation. Let's pass the Marriage Penalty Elimination Act. Let's pass this elimination of the Social Security earnings test so we can allow people to work, so we can allow married families to be able to save up some money and not be penalized for the simple act of being married. It is in our power to determine whether or not we will do this. I call on my colleagues to do that.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AFFORDABILITY OF PRESCRIPTION DRUGS

Mr. WYDEN. Mr. President, this morning, I come to the floor to talk yet again about the issue of prescription drugs. I want to focus on an issue that Senator DASCHLE has, I think, been so correct in identifying as a priority, which is the issue of going forward with prescription drugs as part of a program that offers universal coverage.

Of course, when Medicare began in 1965, the Congress made the judgment that there would be a program available to all eligible seniors, that coverage would be universal for eligible seniors and for disabled folks. I think it has been one of the unifying aspects of social policy in this country that all older people were covered. I think it is absolutely key that as we tackle this issue of prescription drug coverage, and do it in a bipartisan way, we remember how important the principle of covering all seniors is.

Now, I know there are colleagues on the other side of the aisle who feel strongly about this issue as well. I am very pleased in having teamed up with Senator SNOWE for more than a year. She and I are on a bill together, a bipartisan bill, which offers universal coverage. I also appreciate my colleague from Oregon, Senator SMITH, for being supportive of this effort.

There are a number of reasons why universal coverage is so important, and Senator DASCHLE has identified it as a priority for Senators on this side of the aisle. I want to talk for a moment about why I think it is so key in terms of designing a benefit properly. First, it is absolutely essential to ensure that seniors have as much bargaining power in the marketplace as possible. We have all been hearing from our constituents that many of them cannot afford the cost of prescription medicine. I have been coming to the floor of the Senate and reading from letters where older people, after they are done paying prescription drug bills, only have a couple hundred dollars for the rest of the month to live on.

We are seeing all across this country that many older people simply can't afford their medicine. If we are going to give them real bargaining power in the marketplace—and right now, to belong to an HMO, you have plenty of bargaining power—they can negotiate a good price for you. But if you are an individual senior walking into a pharmacy, you don't have a whole lot of bargaining power. In fact, you are subsidizing those big plans. If we design a prescription drug benefit so as to offer universal coverage, this gives us the largest available group of older people, the largest "pool of individuals"—to use the language of the insurance industry—for purposes of making sure those older folks really do have bargaining power in the marketplace.

As we address this issue of bargaining power, I happen to think it is important that we do it in a way that doesn't bring about a lot of cost shifting onto other population groups. That is why the Snowe-Wyden legislation uses the model that Federal employees use for the purposes of their health coverage. As we talk about how to design this prescription drug program, I am hopeful we see universal coverage included. Beyond the fact it is what Medicare has been all about since the program began in 1965, it is absolutely key to make sure older people have the maximum amount of genuine bargaining power in the marketplace.

Second, I think if we were to do, as some have suggested—particularly those in the House—which is essentially to not have a program with universal coverage, but hand off a big pot of money to the States, and they could perhaps design a program for low-income people, we will have missed a lot of vulnerable seniors altogether. Their proposal—those who would hand off the money to the States to design a program for low-income people—as far as I can tell, would leave behind altogether seniors, say, with an income of $21,000 or $22,000, essentially a low- to middle-income senior. In most parts of the country, by any calculus, my view is that sum of money is awfully modest altogether. I see these proposals that hand a sum over to the States for low-income people as leaving a lot of seniors with $22,000, $25,000, or $28,000 incomes behind altogether.

If those individuals are taking medicine, say, for a chronic health problem—they might have a chronic health problem due to a heart ailment or something of that nature—they could be spending somewhere in the vicinity of $2,500 per year out of pocket on their prescription medicine. One out of four older people who have chronic illnesses such as the heart ailment are spending $2,500 a year out of pocket on their medicine. As far as I can tell, if they were in that lower- or middle-income bracket, they would simply be left behind altogether under these proposals that would just hand over a pot of money to the States and use this money for low-income people.

Many of the elderly people I described in income brackets of $22,000 or $28,000 and paying for chronic illnesses are the people we are hearing from now saying: If I get another increase in my insurance premium, I am going to simply have, to leave my prescription at the pharmacist. My doctor phones it in, and I am not going to be able to afford to go and pick it up.

I think it is extremely important that the design of this program be built on the principle of universal coverage. That is what Medicare has been all about since the program began in 1965. It is what is going to ensure that the seniors have the maximum amount of bargaining power. We can debate issues within that concept of universal coverage so as to be more sensitive to those who have the least ability to pay. I have long believed Lee Iacocca shouldn't pay the same Medicare premium as a widow with an income of $14,000. I think we can deal with those issues as we go forward, if we decide early on that the centerpiece of an effective prescription drug benefit ought to be universal coverage.

There are other important issues we are going to have to discuss. I think there is now growing support for making sure this program is voluntary. When it is voluntary, you avoid some of the problems we are seeing with catastrophic care and ultimately you empower the consumer. It is going to be the consumer's choice in most communities to choose whether they want to go forward participating in this prescription drug program, or perhaps just stay with the coverage they may have. We estimate that perhaps a third of the older people in this country have coverage with which they are reasonably satisfied. If they are, under the kind of approach for which I think we are starting to see support in the Senate, those are folks who would not see their benefits touched; they could simply stay with the existing prescription drug coverage they have today.

Let's go forward. I think Senator DASCHLE in particular deserves credit for trying to bring the Senate together and for trying to reconcile the various bills.

Let's make sure we don't lose sight of the importance of universal coverage. It is key to giving older people real bargaining power in the marketplace—not through a government program but through marketplace forces, the way HMOs and insurance plans do. Focus on keeping the program voluntary.

I know there are colleagues on the other side of the aisle who share similar sentiments as the ones I voiced today. I particularly want to commend my colleagues, Senators SNOWE and SMITH. They have teamed up with me for more than a year now on a proposal that I think can win bipartisan support. In fact, we already have evidence of bipartisan support from the other side of the aisle because we got 54 votes on the floor of the Senate about a year ago for a plan to fund this program.

I intend to keep coming back to the floor of the Senate. Today, I thought it was important to express what Senator DASCHLE spoke on recently, which is universal coverage. I intend to keep coming back to the floor of this body again and again in an effort to build bipartisan support for making sure vulnerable seniors can get prescription drug coverage under Medicare.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived and passed, the Senate stands in recess until 2:15 p.m.

Thereupon, at 12:41 p.m., the Senate recessed until 2:14 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. THOMAS).

EXECUTIVE SESSION

NOMINATION OF MARSHA L. BERZON, OF CALIFORNIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT

NOMINATION OF RICHARD A. PAEZ, OF CALIFORNIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT

The PRESIDING OFFICER. Under the previous order, the time between 2:15 and 5 o'clock is equally divided between the proponents and opponents of the Berzon and Paez nominations.

The Senator from Utah.

Mr. HATCH. I ask unanimous consent that the debate now occur concurrently on the two nominations, as under the previous order; however, that any votes ordered with respect to the nominations occur separately.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, it is my understanding that has been cleared with the minority on the Judiciary Committee.

Mr. HATCH. That is my understanding.

Mr. REID. That being the case, Senator LEAHY having approved this, we have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I rise today to speak on the nomination of federal district Judge Richard Paez to the Ninth Circuit Court of Appeals.

Judge Paez was first nominated for this judgeship during the second session of the 104th Congress—a time when all nominees to the Ninth Circuit got bound up with the difficulties we were having in deciding whether to divide the Circuit. Once we established a Commission to study the matter, we were able to begin processing nominees to that court.

Judge Paez was renominated at the beginning of the 105th Congress, but due to questions surrounding his record on the bench and comments he made about two California initiatives, his nomination elicited heightened scrutiny.

Some have attributed this delay in Judge Paez's consideration by the full Senate to sinister or prejudicial motives. And I can only respond by stating what those very critics already know in their hearts and minds to be true: such aspersions are utterly devoid of truth, and are grounded in nothing more than sinister, crass politics.

As we all know, before any judge can be confirmed, the Senate must exercise its duty to provide assurance that those confirmed will uphold the Constitution and abide by the rule of law. Sometimes it takes what seems to be an inordinate amount of time to gain these assurances, but moving to a vote without them would compromise the integrity of the role the Senate plays in the confirmation process.

And so, it has taken a considerable amount of time to bring Judge Paez's nomination up for a vote. Indeed, it was not before a thorough and exhaustive review of Judge Paez's record that I have become convinced that questions regarding Judge Paez's record have, by and large, been answered.

Because such questions have been answered does not, in all instances, mean they have been answered to my complete satisfaction. But on the whole, I am persuaded that Judge Paez will be a credit to the Ninth Circuit Court of Appeals. In so concluding, I do not want to diminish the seriousness of the concerns raised about certain aspects of Judge Paez's record.

I was troubled by comments Judge Paez made about two California initiatives on April 6, 1995, while sitting as a U.S. District Court Judge. At that time, Judge Paez gave a speech at his alma mater, Boalt Hall School of Law, criticizing the passage of Proposition 187 and criticizing the ballot measure that would later be known as Proposition 209. He described Prop 209 as "the proposed anti-civil rights initiative" and said it would "inflame the issues all over again, without contributing to any serious discussion of our differences and similarities or ways to ensure equal opportunity for all." Judge Paez went on to opine that a "much more diverse bench" was essential in part because how "Californians perceive the justice system is every bit as important as how courts resolve disputes."

When questioned at his hearing about these and other comments contained in the speech, Judge Paez stated that he was referring only to the potential divisive effect Prop 209 would have on California. He acknowledged that the Ninth Circuit had in fact upheld the constitutionality of Prop 209 and that this ruling resolved any question as to the legitimacy of the initiative. He also stated that he disagreed with the use of proportionality statistics in Title VII or employment litigation. And, perhaps most telling of his judicial philosophy, Judge Paez stated that federal judges must "proceed with caution, and respect that the vote of the people is presumed constitutional."

Legitimate questions have been raised concerning whether his comments were consistent with the Judicial Canon governing judges' extra-judicial activities, and Judge Paez maintains that his remarks fit within the exception set out in that Canon that permits a judge to make a scholarly presentation for purposes of legal education.

I also raised concerns about a decision of Judge Paez's that would allow liability to be imposed on a U.S. company for human rights abuses committed by a foreign government with which the U.S. company had engaged in a joint venture. But it is a single moment in a lengthy catalog of cases in which Judge Paez appears to have handed down solid, legally-supported, precedent-respecting decisions.

Moreover, Judge Paez has earned a good deal of bipartisan support within his home state of California and his native state of Utah, and has given me his word that he will abide by the rule of law and not engage in judicial activism.

For these reasons, I am not willing to stand in the way of this nominee's confirmation. It was during the Committee's thorough review of his record that I became aware of Judge Paez's credentials and career of public service. He is a Salt Lake City native who graduated from Brigham Young University and he received his law degree from Boalt Hall.

Before becoming a Judge on the Los Angeles Municipal Court, he served as an attorney for California Rural Legal Assistance, the Western Center on Law and Poverty, and the Legal Aid Foundation of Los Angeles—and during that time provided legal representation to a Korean War veteran in danger of losing his home to foreclosure, victims of intentional racial discrimination, and others. In 1994, President Clinton nominated, and the Senate confirmed, Judge Paez to sit on the district court bench in the Central District of California.

Although I share many of my colleagues' concerns regarding the stability of the Ninth Circuit, none of us can in good conscience foist those concerns upon Judge Paez—an entirely innocent party with regard to that Circuit's dubious record of reversal by the Supreme Court—and force him into the role of Atlas in carrying problems not of his own making.

Indeed, that Circuit's problems—many of which appear to me to be structural in dimension—call for an altogether different solution than that which this body would seek to impose through its advice and consent powers. And to that end, I have just [this morning] introduced legislation with Senator MURKOWSKI that is being held at the desk so as to enable immediate action by the full Senate—that would divide the 28-judge behemoth of a circuit into two manageable circuits.

To return to the different subject of Judge Paez, I must concede that I have had concerns about his nomination. But on balance I do not believe that Judge Paez will contribute to the roguery that appears to have infiltrated this circuit. I would not, as Chairman of the Judiciary Committee, vote for the confirmation of any nominee who I believed would abdicate his or her duty to interpret and enforce, rather than make, the laws of this Nation.

For these reasons, I will cast a vote in favor of the nomination of Judge Paez to serve on the Ninth Circuit Court of Appeals. I hope a majority of my colleagues will do likewise.

Mr. President, I also rise to speak on behalf of the nomination of Marsha S. Berzon for a seat on the United States Court of Appeals for the Ninth Circuit. Based upon Ms. Berzon's qualifications as a lawyer, I support her nomination. I urge my colleagues to do the same.

It cannot be disputed that Ms. Berzon's training and experience qualify her for a life of public service as a federal appellate judge. Indeed, Ms. Berzon's qualifications are unimpeachable, and her competence is beyond question. Ms. Berzon completed her undergraduate studies at Harvard/Radcliffe College, and then was graduated from the Boalt Hall Law School at the University of California. After law school, Ms. Berzon served as a judicial clerk—first for Judge James R. Browning of the United States Court of Appeals for the Ninth Circuit, and then for Justice William J. Brennan, Jr. of the United States Supreme Court.

For the last 25 years, Ms. Berzon has built a national reputation as an appellate litigator at a private law firm in San Francisco. She has argued four cases and filed dozens of briefs before the United States Supreme Court, and has argued numerous cases before State and federal trial and appeals courts. In addition to representing private clients, Ms. Berzon also has represented the States of California and Hawaii, and the City of Oakland, California. Ms. Berzon is uniformly described as honest, intelligent and fair-minded. Attorney J. Dennis McQuaid, whom she opposed in a case, later stated that "unlike some advocates, she enjoys a reputation that she is devoid of any remotely partisan agenda and that her service on the court will be marked by decisions demonstrating great legal acumen, fairness and equanimity." Another opposing counsel, Carter G. Phillips, said that in a case involving delicate federalism issues, Ms. Berzon

> . . . did an extraordinary job of presenting her clients' position aggressively without overreaching. She presented solid limiting principles that would allow the lawsuit to go forward without placing too much of a burden on the State. I thought her submissions, both written and oral, demonstrated a significant effort to balance the respective interests implicated by the legal issue. . . . Her advocacy demonstrated skill, integrity and sound judgment. These are precisely the traits I would want in a federal appellate judge.

Simply put, Ms. Berzon appears to have the intellect, integrity and impartiality to serve as a federal judge.

The fact that many of Ms. Berzon's clients have been unions should not disqualify her from being confirmed. That Ms. Berzon has advocated on behalf of unions—and, by all accounts, advocated well—cannot, I think, be determinative of her qualifications. In her testimony before the Judiciary Committee, Ms. Berzon testified that she is committed to following the Supreme Court's Beck decision, which sets forth the statutory rights of employees who object to their union dues being used for political activities. Moreover, Ms. Berzon testified that, if confirmed, she will make decisions based upon the law and the facts of the particular case before her. No one has shown me evidence why I should not take Ms. Berzon at her word.

In addition to having excellent legal training and experience as a lawyer, Ms. Berzon also has experience in legal academia. She has taught law students as a practitioner-in-residence at Cornell University Law School and at Indiana University Law School, and has published articles on various legal topics. In my view, she will bring to the Ninth Circuit a significant measure of intelligence, experience and legal scholarship.

In conclusion, Ms. Berzon is well-qualified to assume a seat on the United States Court of Appeals for the Ninth Circuit. She enjoys a reputation among colleagues and opposing counsel for being a fair-minded, well-prepared, and principled advocate. I therefore will cast my vote in favor of Ms. Berzon's confirmation.

The PRESIDING OFFICER. The majority leader is recognized.

UNANIMOUS CONSENT REQUEST—S. 761

Mr. LOTT. Mr. President, I ask unanimous consent to appoint the conferees to S. 761, the Millennium Digital Commerce Act.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, has the leader cleared this with someone on this side of the aisle?

Mr. LOTT. Mr. President, if I could respond to the distinguished Democratic whip, this is for conferees on this Millennium Digital Commerce Act. We have tried, over the past couple of weeks, to get clearance to appoint conferees.

The recommendation was that we have, I believe, 11 from the Commerce Committee, 3 from Banking—6 and 5 and 2 and 1. For some reason, there have been objections to that. There continue to be objections, but this is a bill that has broad support in the industry and on both sides of the aisle. So I am confused and perplexed about why we can't get these conferees appointed and move forward to this conference. So it has not been signed off on, as I understand it. But since I talked to the Democratic leader last week twice, I thought perhaps we had reached a point where this could be done.

Mr. REID. I am confident we can work it out. But at this stage, I will have to object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, if I could be heard on this issue at this time.

I don't understand, again, what the objection is to this procedural motion. The House appointed conferees to this bill 2 weeks ago, and they have been calling over saying, "What is the deal?" I understand that perhaps there are other Senators who would like to be conferees from other committees. There is some indication that maybe the problem is they don't like the fact there are some Banking conferees. The House bill has several provisions that are clearly in the Banking jurisdiction, and that is why we have recommended having three from Banking—two and one—so we can get this into conference and get it worked out.

There are a lot of us who realize there are Silicon Valley interests in this. We also have the Dulles corridor high-tech industry in Northern Virginia that really wants this legislation completed. I don't think it would be a long conference. So I want to highlight the fact that we are anxious to get to conference.

I have addressed concerns as best I could. I don't think we can take Banking members off the conference. Maybe there is another way to solve this problem. But since I was getting questions both from the high-tech industry and from the House as to why we weren't going on to conference, I had to point out or emphasize what the problem was.

I would be glad to yield to the Senator from Michigan, the author of this legislation. He probably knows more about it than any other Senator.

Mr. ABRAHAM. If the majority leader will yield briefly, I thank him for making another attempt to appoint conferees on this legislation.

Mr. President, I share the majority leader's frustration over our inability to really move anywhere with this bill. This bill, the Millennium Digital Commerce Act, is a bipartisan bill. This legislation passed the Senate by unanimous consent. We worked together here to try to craft the legislation in a bipartisan fashion. The House companion legislation passed by an overwhelming margin.

I understand—and the majority leader has just indicated it again—there may be some Members who have concerns with the bill. But, obviously, going to conference is the usual procedure for moving legislation. As I understand the request that has been put forward, there would be six Democratic Senators on the conference committee, which is about 15 percent of the entire Senate Democratic caucus who would then be able to participate in the proposal.

Mr. LOTT. If the Senator will yield on that point, I also note at this time that I think the House only has perhaps five conferees. I don't believe I have ever been to a conference where the House has one-third as many conferees as the Senate. So we have already tried to include as many Senators as we possibly could.

Mr. ABRAHAM. I do think that is a sufficient number to guarantee the views reflected by each side. They would be adequately represented in the conference.

Mr. LOTT. Let me ask the Senator something, if I may. This is a sophisticated title, the Millennium Digital Commerce Act. What does this bill do?

Mr. ABRAHAM. Essentially, the legislation is designed to address a problem we have now with respect to the enforceability of contracts that are entered into electronically. A number of States have attempted to deal with this. This would be where parties, over the Internet, engage in some form of contractual activity. A number of States have passed legislation—in fact, about 45 States have done so. The problem is that each of these State laws is different from the other. As a result of that, it has created a serious potential impediment to the expansion of electronic commerce because if the laws of two different jurisdictions are different, somebody can hide behind that difference to argue that they did not have to fulfill the terms of the contract.

Fortunately, the States are trying to work toward a solution, as they have done in other areas of commercial activity. We have a Uniform Commercial Code, and the States are trying to work together to address these kinds of interstate contracts. That will take time. Even after they come to final agreement on a specific format or formula for the legislation, it is going to take probably years for all the States to adopt it. So this would guarantee the enforceability of contracts entered into electronically in the interim. That is the approach we have taken, and we hope it will therefore allow continuing growth in the area of electronic commerce, which is, as you well know, becoming one of the key sectors and key activities in our economy today.

Mr. LOTT. Mr. President, I want to clarify a point.

As author of this legislation and as a member of the Commerce Committee where this legislation originated—I am a member of that committee—does the Senator object to having banking representation as a part of this conference?

I note that the House bill has several provisions that are clearly banking-type provisions. Does the Senator see a problem with that?

Mr. ABRAHAM. I don't, for the very simple reason that in the House, the House-passed legislation went beyond the scope of what we passed in the Senate to include legislation, or to expand the use of this legislation to transactions that involved securities and other transactions which would fall under our Banking Committee's jurisdiction. Had those been in the initial legislation we introduced here, then the jurisdiction of this bill in the Senate might have been altered or in some way divided.

For that reason, I think there is a very valid argument for the Banking Committee, because of the broader nature of the legislation that came to the House, to participate in the conference.

Mr. LEAHY. Mr. President, which of the two Senators has the floor?

The PRESIDING OFFICER. The majority leader has the floor.

Mr. LOTT. Mr. President, I would be glad to yield to Senator LEAHY, and I will come back to Senator ABRAHAM, if he desires to have some additional time.

Mr. LEAHY. I wish to ask a question. Were we referring to the Abraham-Leahy substitute as it passed the Senate on digital signature? Is that what we are referring to? I ask that question of either Senator.

The PRESIDING OFFICER. The Senate is considering nominations.

Mr. LEAHY. I thank the distinguished majority leader for yielding. I ask the question of either the Senator from Michigan or the Senator from Mississippi: Are we referring to the Abraham-Leahy substitute that passed the Senate on digital signature?

Mr. LOTT. Mr. President, if I could try to respond, is the Senator a cosponsor of the legislation?

Mr. LEAHY. I believe so, with the substitute that I authored along with the Senator from Michigan.

Mr. LOTT. As is our tradition around here, it could be the Abraham-Leahy bill, or the Lott-Daschle bill, or something other bill.

Mr. LEAHY. That is what I am asking.

Mr. LOTT. I assume the Senator has been interested and involved in this.

Mr. LEAHY. I ask the question of the Senator from Michigan: Am I correct that the House only appointed members of the Commerce Committee, as opposed to the Banking Committee?

Mr. LOTT. They appointed only five.

Mr. LEAHY. They did not appoint anyone from the Banking Committee?

Mr. LOTT. They did not appoint anybody from the Banking Committee, as I understand it.

Mr. LEAHY. I thank the Senator.

Obviously, as one of the authors of this legislation, along with the distinguished Senator from Michigan, I would like to see the law in its present form. I just wanted to make sure, having spent enormous amounts of time with the Senator from Michigan and others to work out a compromise that allowed it to pass unanimously from this body. Had we not done otherwise, we would be in a position of having to make sure improvements made in this body were preserved within the legislation.

Mr. LOTT. I think that clearly would be the intent of our conferees. Therefore, I assume Senator LEAHY would support getting conferees appointed and going to conference. Is that correct?

Mr. LEAHY. I would be supportive of the Leahy-Abraham compromise.

Mr. LOTT. I yield to the Senator from Michigan. Senator DASCHLE is on the floor. He may want to get involved in this.

Mr. ABRAHAM. Mr. President, point of clarification: In the process of the appointment of conferees, obviously each Chamber has to appoint them based on the respective jurisdictions of the parts of this bill that are before us; that is, the House bill as it finished the House and the Senate bill as it finished the Senate. Although I don't have an intricate knowledge of the jurisdictions of various areas in the House, it is my understanding that matters that pertain to the SEC and securities-related issues in the House fall under the Commerce Committee's jurisdiction, whereas in the Senate they fall under the Banking Committee's jurisdiction.

I think that may explain the problem a little bit because in the House it is perfectly reasonable and appropriate that the Commerce Committee alone be represented. They have jurisdiction over those provisions that are securities-related as well as those that are related to the technology side of this. In the Senate, that is not the case. Our Banking Committee, not the Commerce Committee, has responsibility for those areas. I think that is part of the problem.

Mr. LOTT. Mr. President, I would be glad to yield to Senator DASCHLE or yield the floor, if he wants to speak on his own time.

Mr. DASCHLE. Mr. President, I appreciate the leader yielding to me.

As we go through our daily schedules and responsibilities, I bet I do a lot of things which are a source of concern for the majority leader. I am sure he is not surprised that the way this matter has been handled is a source of concern to me. We talk daily. Sometimes we talk hourly. Sometimes I am sure we talk more than he would like. But, nonetheless, we talk. To say we were surprised and disappointed that a unanimous consent request could be propounded without any notification is an understatement. It is disappointing.

I hope we can avoid surprising one another. But, of course, we do it. That is understandable. Certainly, the majority leader has every right to proceed in any way he sees most appropriate. I think it is a violation of the trust and communication that we try to maintain. And I am very disappointed he sought to come to the floor without any notification of the issue.

Let me say three things.

Mr. LOTT. Mr. President, if the Senator will yield, I apologize to Senator DASCHLE for what led him to make his comments.

First of all, the Senator will recall that last week we discussed on a couple of occasions how we could work through getting the conferees' names agreed to and through the body. This morning—I don't remember the exact hour—we decided to have a colloquy on this issue. I assumed he had been notified and that all of you were aware we were going to try to get the conferees appointed and have a colloquy. I first realized it had not been done when I saw the expression on one of our staff members' face when I stood up and made the unanimous consent request. I assumed he had been notified, as he is when we do this sort of thing. I don't shift the blame to staff; I accept the responsibility. I apologize to Senator DASCHLE because he should have been notified. I assure him we have done a lot of things already this year together and I always notify him. We should have done that.

Nevertheless, it doesn't diminish the need to get an agreement on conferees. I will be glad to work with him to get this done because this is a bill that really is important to a large segment of our society.

My own son is also harassing me about how he wants to do e-commerce. He is concerned about what he can do. He is doing business in Kentucky. We are not only hearing from House Democrats and Republicans, asking, Where are your conferees? This is also something my son is harassing me about.

We have to get this worked out some way and real quick.

I think the Senator is entitled to an apology because of the way this was handled. I would expect him to be notified.

Mr. DASCHLE. Mr. President, I appreciate the majority leader's graciousness and accept the apology.

As I say, we have had a great working relationship this year already on a lot of different issues. I appreciate very much the manner in which he has expressed himself on this particular situation.

Let me say to the issue, as he noted, we have attempted to resolve this in the past. I give Senator LOTT great credit for trying to find as many innovative ways in which to address what has been an irresolvable conflict.

We have indicated a willingness to go to conference so long as it involves the committee that was responsible for passing this legislation. The Commerce Committee held hearings. They marked up the bill. They passed it. We are now at a point where the conference includes conferees from the Commerce Committee in the House, and we are prepared as we move to conference to accept conferees from the Commerce Committee.

The problem is, the chairman of the Banking Committee wants to be part of the conference, and, frankly, the Banking Committee didn't have jurisdiction.

The Banking Committee is not represented on the House side. There is no reason that we can understand why the Banking Committee, in and of itself, ought to be involved in the conference when they didn't have jurisdiction.

Certainly, the chairman ought to be heard and he ought to be recognized as one who certainly has every right to express himself to the conferees, as other Members. Let him go to the conference and express himself. Let him offer suggestions on the Senate floor.

But to make him a conferee when we have already agreed that the Commerce Committee could move forward, could accomplish what I think is unanimous support for the legislation—I am sure we could achieve that at some point, and it would be the fastest and most meaningful way with which to get it done.

I am hopeful we can do that. There is no reason for this legislation to be delayed anymore. Let's have the conferees work their will. Let's get this legislation passed. Like Senator LOTT, I think there are a lot of people out there, including his son, who ought to see the Senate act. I desire that no less than he. Hopefully, we can do it soon.

Mr. LOTT. Mr. President, I note the House bill includes an entire title pertaining to the use of electronic signatures in securities transactions. That language falls under the jurisdiction of the House Commerce Committee, but in the Senate, the jurisdiction is in the Banking Committee. Clearly, there is Banking Committee jurisdiction in this legislation in the House bill.

Also, let me get specific about what and whom we are talking about. We are talking about three very thoughtful Members of the Senate who have a real interest in these electronic signatures and securities transactions. They are: Senator GRAMM, the chairman of the Banking Committee from Texas; Senator BENNETT from Utah, who had been very much involved in our efforts to pass the Y2K legislation last year and in a number of areas, including cyberterrorism—he is very knowledgeable in this whole area—and Senator SARBANES, the ranking member on the Banking Committee.

These are not three Senators who would be anything but instructive in sharing information in an area in which they have a greater knowledge than the Members of the Commerce Committee.

Did the Senator from Michigan wish to comment further?

Mr. ABRAHAM. I think the majority leader has outlined the jurisdictional situation well.

I reiterate, had the bill that the House passed been the bill that was introduced here, clearly the jurisdiction on the Senate side would have been differently arranged in some fashion. I don't know if it is called sequential jurisdiction or what, but provisions would have fallen under the Banking Committee's domain.

Mr. LOTT. Let me conclude by saying again to Senator DASCHLE, we talked last week and we both tried a couple of innovative ideas as to how to work this out. I will continue to do that because I think we need to get the conferees appointed. I don't recall any situation quite like this, in the last year or two anyway. We ought to be able to find a way to get the conferees appointed.

I yield the floor.

Mr. DASCHLE. I share the desire expressed by the majority leader to get this done. I want to publicly, again, commend Senator LEAHY for all of his leadership and effort to get the Senate to this point. He spoke earlier and I appreciate very much his willingness to stay committed and his persistence in getting the Senate to a point where we actually could see this become law.

Maybe there is a way, if we go beyond Commerce jurisdiction, to include the leadership of the Judiciary Committee and the leadership of the Banking Committee and maybe expand it to include a lot more Members than just Commerce Committee members.

As Senator LOTT noted, we can perhaps try to find another innovative mix of participants. Certainly if this happens, the distinguished Senator from Vermont ought to be a part of the conference. I am sure we can work it out at some point.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Before we conclude, I ask unanimous consent to have printed letters from a number of organizations that have called on the Senate to move to appoint conferees.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AMERICAN ELECTRONICS ASSOCIATION,
Washington, DC, March 3, 2000.
Hon. THOMAS A. DASCHLE,
Senate Democratic Leader, Hart Senate Office Building, Washington, DC.

DEAR SENATOR DASCHLE: On behalf of the American Electronics Association (AEA), I urge you to appoint conferees on S. 761, the Electronic Signatures in Global and National Commerce Act ("E-Sign"), which was passed by the Senate by unanimous consent on November 19, 1999. As you know, the House passed its version of E-Sign by a margin of 356-66 on November 9, 1999.

AEA is the largest high-technology trade association in America, representing over 3,000 companies who develop and manufacture software, electronics and high-technology products. Our member companies range from industry leaders such as Intel, Motorola, Compaq, Microsoft and America Online, to small and medium sized high-technology start up ventures.

Passage of the E-Sign bill is one of AEA's top legislative priorities for this session of Congress. As you know, our members conduct a tremendous amount of business online. In order to continue the growth of online commerce, companies need to know that they are operating in an atmosphere of legal certainty. The E-Sign bill would establish certainty in online contracting and promote e-commerce by recognizing the validity and enforceability of electronic signatures and records.

It is now time to move forward with this legislation. The Senate Democratic leadership needs to appoint conferees and move the process along. If there are any legitimate consumer concerns they can be ably addressed in conference.

Thank you again for your leadership on this most important matter. Please feel free to contact me if I may be of any assistance to you and I look forward to working with you on this and other issues of concern to the high-technology community.

Very truly yours,
WILLIAM T. ARCHEY.

BUSINESS SOFTWARE ALLIANCE,
Washington, DC, March 1, 2000.
Hon. THOMAS A. DASCHLE,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR DASCHLE: I am writing to you on behalf of the Business Software Alliance* to urge prompt action by the Senate on S. 761, the Millennium Digital Commerce Act. This bill was passed by the Senate last November, and a similar bill, H.R. 1714, The Electronic Signatures in Global and National Commerce Act, was approved by the House. It is our understanding that further action on these bills is now awaiting the appointment of conferees by the Senate so that reconciliation of the two bills can proceed. We urge you to act quickly.

Electronic commerce is now a reality. Using electronic networks to purchase goods and services, as well as conduct financial transaction, has rapidly gained tremendous consumer acceptance. A number of legal elements are needed to ensure the continued development of the electronic marketplace. Key among these is ensuring that digital signatures, and other forms of digital authentication, receive substantially the same legal treatment as their pen and ink counterparts. Likewise, the authorization of electronic disclosures in e-commerce transactions would be an important step forward. It is critically important to clarify and update the law in these areas, which would deliver a boost to e-commerce and the economy.

S. 761 is one of the top legislative priorities for software and computer companies for this Congress, and we urge you to appoint conferees at the earliest possible date.

Sincerely,
ROBERT W. HOLLEYMAN II,
President and CEO.

SECURITIES INDUSTRY ASSOCIATION,
Washington, DC, March 2, 2000.
Hon. TOM DASCHLE,
Minority Leader,
The Capitol, Washington, DC.

DEAR SENATOR DASCHLE: On behalf of the Securities Industry Association (SIA) and our member firms I am writing to urge your prompt action on the conference committee to reconcile pending electronic authentication legislation (H.R. 1714 and S. 761). The House has appointed their conference committee members and SIA encourages the Senate to do the same. We ask that you do all within your power to appoint the committee members as soon as possible.

After many delays this very important legislation is once again being detained. Electronic authentication legislation will play a vital role in expanding electronic commerce. It will not only allow the business community to continue to compete nationally and globally but it will also provide the consumer with choices he did not have before.

Electronic authentication legislation, when completed and signed into law, will be historic in the effects it will have on the marketplace. But, quick action is needed and with each delay another missed opportunity passes by. SIA thanks you for your leadership and attention to this important issue and encourages you to name conference committee members quickly.

Sincerely,
STEVE JUDGE.

COALITION FOR E-AUTHENTICATION,
Washington, DC, March 2, 2000.

Subject: Conference on Electronic Signature Legislation (S. 761/H.R. 1714)

Hon. TOM DASCHLE,
Minority Leader, U.S. Senate.
Hon. HARRY REID,
Minority Whip, U.S. Senate.

DEAR MINORITY LEADER DASCHLE AND MINORITY WHIP REID: The Coalition on Electronic Authentication (CEA), which includes many of the Nation's leading electronic commerce companies, is writing to urge you to take all steps necessary to expeditiously begin the conference on the Electronic Signature legislation passed by both Houses last Fall.

Now, with a tight legislative calendar, it is imperative that the conference begins as soon as possible so Congress can complete work on its most important high-tech legislative initiative this year. The House has appointed conferees, as have the Senate Republicans. Now it is time to complete conferee selection so the conference can move forward.

When enacted, Electronic Signature legislation will be a truly historic step. It will have an immediate and dramatic impact on the growth of electronic commerce and the Internet because it will create, for the first time, the legal certainty required to permit electronic signatures to become widely used nationally by both consumers and businesses. Electronic Signature legislation is essential to help businesses of all kinds expand their use of electronic commerce and meet their customers' growing expectations on how business should be transacted over the Internet. Most importantly, consumers will benefit from the increased security, convenience, and lower costs associated with online business transactions. In addition, with this legislation, businesses will be able to greatly expand their use of business-to-business electronic commerce in ways that will significantly lower their costs.

Therefore, we respectfully urge you to do everything possible to appoint conferees expeditiously, so the conference can meet and conclude its work as soon as possible.

Sincerely,
COALITION FOR ELECTRONIC AUTHENTICATION.

The PRESIDING OFFICER. The Senator from Nevada.

NOMINATIONS OF RICHARD A. PAEZ AND MARSHA L. BERZON—Continued

Mr. REID. I rise to speak on the comments and statements made by Senator HATCH, chairman of the Judiciary Committee.

First, Senator HATCH and I don't always agree on substantive issues. I think the country is well served with the leadership of the Judiciary Committee, the Senator from Utah, and the Senator from Vermont. These two men worked tireless hours to try to clear one of the busiest committees we have. I personally wish there were more nominations cleared. I have the greatest respect for Senator HATCH, and, of course, my dear friend, the Senator from Vermont.

However, this Ninth Circuit issue is something that should be approached cautiously. We have done that. I say to my friend from Utah and the Senator from Alaska, who introduced legislation, as I said earlier today, we need to take a look at what the White commission said should be done with the Ninth Circuit. They spent a year's period of time listening to witnesses and using their experience and his experience as a member of the U.S. Supreme Court as to what should happen to the Ninth Circuit. They came up with the decision after they reviewed all the alternatives, and the decision was not to split the Ninth Circuit but to change the way it was administered. I think that is something at which we need to take a close look.

Senator LOTT, the majority leader, talked about his son being involved in the last issue before the body. I say candidly I have had two sons, one of whom was the administrative assistant for the chief judge of the Ninth Circuit, my son Leif; and my son Key, who is presently a clerk for the chief judge of the Ninth Circuit, Procter Hug. I have a keen interest there not only because my two sons have worked for the chief judge of the Ninth Circuit, but, in fact, the chief judge of the Ninth Circuit is a Nevadan, a graduate of the University of Nevada at Reno and Stanford School of Law, and has rendered great credit to this country, the Ninth Circuit, and the State of Nevada.

In short, let's not beat up on the Ninth Circuit because there are a lot of people in the circuit. Let's take a look at what should be done with the Ninth Circuit. I think the starting point should be what Justice White's commission said. If there were a few hearings held in the Judiciary Committee, I think we could move on to resolve this problem.

I am happy we are moving forward on these two nominations. It is something that should have happened some time ago. We are moving forward on them. Based upon the statements made by Senator HATCH, there should be bipartisan support for both of these nominees. I hope tomorrow, or whenever it is decided by the leadership that we will vote on them, that there are overwhelming votes in support for Judge Paez and Judge Berzon.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Vermont.

Mr. LEAHY. Mr. President, I appreciate the comments of my friend from Nevada. I also want to commend the distinguished senior Senator from Utah for his support of Judge Paez and Marsha Berzon.

Today, we are going to take up the long delayed nomination of Judge Julio Fuentes for the U.S. Court of Appeals for the Third Circuit. It is long delayed; Judge Fuentes was nominated 365 days ago. We tried for a whole year to get his nomination moving. He was finally included in a confirmation hearing on February 22, then on to the Judiciary Committee 2 days later, then reported without a single objection.

Now, I understand it came on the calendar yesterday and the distinguished majority leader scheduled it immediately for a vote. I thank him for doing that. No need to linger, especially after waiting a year to get his hearing and a vote.

Moving at once from the hearing, quickly to a committee agenda and to committee consideration and on to the floor is how we used to proceed. In the days before 1994, nominees were favorably reported by the Judiciary Committee, then routinely considered by the Senate within a day or so thereafter. That was before the unfortunate practice that has developed in the last 6 years, where oft times extremely well-qualified nominees are held for long times—weeks, months, sometimes years.

I am glad in this case, at least, while he had to wait almost a year for a hearing, once we got the hearing, the nomination is being moved very quickly.

I look forward to Julio Fuentes' confirmation. I congratulate the two Senators from New Jersey, Mr. LAUTENBERG and Mr. TORRICELLI, for their longstanding support.

Having said that, we should look at where we are. We have 76 current vacancies on the Federal judiciary and 9 more on the horizon. Last month, the Judicial Conference renewed its request for an additional 59 judgeships and taking 10 of the existing temporary ones and making them permanent. There are only 22 weeks left in session this year. We should get moving if we are going to fulfill our constitutional responsibility and help the President fill these vacancies.

In the first 2 months of this year, the Senate has only confirmed four judicial nominations—two a month. Incidentally, having waited for some time to even have their hearings and have their vote, they were voted overwhelmingly. Two of them were confirmed by votes of 98–0, which makes one wonder why in Heaven's name they were held up so long. The other two did have opposition. They had two votes against them: 96 for them, 2 against them. Again, one wonders what held them up so long. In fact, they had all been reported favorably last year, or, as someone pointed out, last century, and voted on favorably this century. There are still three very important nominees reported last year to be taken up.

The distinguished majority leader and the distinguished minority leader had a colloquy last November 10 talking about them. I fully expect them to be voted up or down. The three are Richard Paez, Marsha Berzon, and Timothy Dyk. Each has waited more than 23 months for Senate action. The Los Angeles Times calls Judge Paez the Cal Ripken of judicial nominations. This distinguished Hispanic, a man with one of the highest ratings ever to come before the Senate, one of the most sterling backgrounds of any nominee by either Republicans or Democrats, this distinguished jurist has waited more than 4 years. That is unforgivable. We should do our constitutional duty and vote up or vote down, not vote maybe.

I am glad the majority leader has agreed to bring them to a Senate vote before the Ides of March. The nominees deserve to be treated with dignity and dispatch, not delayed for years.

Judge Paez has been pending for over 4 years. He has the strong support of his home State Senators and of local law enforcement. He has had a distinguished judicial career in which he has served as a State and Federal judge for I believe 19 years. His is a wonderful American story of hard work, fairness, and public service. He and his family have much of which they can be proud. Hispanic organizations from California and around the country have urged the Senate to act favorably and soon.

I hope we do the right thing when we are called upon to vote. As I recall, when Judge Sonia Sotomayor, another outstanding district court judge, was nominated to the Second Circuit and her nomination was delayed by this Senate, apparently she was so extremely well qualified, some feared if we confirmed her too quickly, she might possibly be considered as a Supreme Court nominee, and that is why she was held up through all kinds of secret holds. It was not the Senate's finest moment. In fact, after all the delay in Judge Sonia Sotomayor's case, it was interesting that not a single Senator who voted against her confirmation and not a single Senator who delayed her confirmation uttered a single word against her.

Any Senator can vote as he or she sees fit, but I hope in the case of Judge Richard Paez, where his nomination has been delayed for over 4 years—the longest period in the history of the Senate—that those who have opposed him will show him the courtesy of using this time to discuss with us any concerns they may have and explain the basis for the negative vote against a person so well qualified for this position.

I believe we should come to a vote on Timothy Dyk. We should have done so long before now. He was first nominated to a Federal vacancy in April of 1998. After having a hearing and being reported favorably, the Senate in September 1998 left without action. The President had to resubmit the name. He was renominated in January 1999, favorably reported again in October 1999.

Again, he is a man with a tremendous background. He is the only person I can remember clerking for three Supreme Court Justices. He is supported by the U.S. Chamber of Commerce, the National Association of Manufacturers, and others. I hope we will get on with this nomination.

I look forward to the Senate finally approving the nomination of Marsha Berzon to the Ninth Circuit Court of Appeals. One-quarter of the active judgeships authorized for that court have been kept vacant for several years. The Judicial Conference recently requested that Ninth Circuit judgeships be increased, in light of its workload, by an additional five judges. That means that while Ms. Berzon and several other nominees have been waiting for confirmation, the court actually has been doing its work with 10 fewer judges than it needs.

Marsha Berzon is an outstanding nominee. She is an exceptional lawyer with extensive appellate practice, including a number of cases heard by the Supreme Court. She has the highest rating from the American Bar Association and the support of both the Senators from California.

It may well be coincidence, as someone suggests, that if you are a woman or a minority, you take a lot longer getting through the Senate. That is the way it has been the last 5 years.

The Chief Justice of the United States Supreme Court said:

> Some current nominees have been waiting a considerable time for a Senate Judiciary

> Committee vote or a final floor vote. . . . The Senate is surely under no obligation to confirm any particular nominee, but after the necessary time for inquiry, it should vote him up or vote him down.

Which is exactly what I would like.

We had one minority nominee, an extremely well-qualified individual, Jorge Rangel. He became tired of waiting. He got into this block of, if you are a minority or a woman, one seems to take longer. He said to the President:

> Our judicial system depends on men and women of good will who agree to serve when asked to do so. But public service asks too much when those of us who answer the call to service are subjected to a confirmation process dominated by interminable delays and inaction. Patience has its virtue, but it also has its limits.

Jorge Rangel withdrew.

All three of the nominees reported last year and before have been extremely patient. Each remains among the 10 longest pending judicial nominations before the Senate, and one has waited the longest of anybody in the Senate's history.

Some say, if it is a Presidential election year, we have to slow things down—the so-called Thurmond rule. Sure, if we are within a couple months of a Presidential election, we might slow things down. But before people justify the fact we have only moved four judges this year, I remind my colleagues of what happened in Presidential election years past.

Let's take a few of the Presidential election years since I have been here: 1980 was a Presidential election year. We confirmed 64 judges that year; 1984 was a Presidential election year, and we confirmed 44 judges that year.

Let me take 1988, when President Reagan was at the end of his second term, as much of a lame duck as one could possibly be. There was a Democratic majority in the Senate. We could have done the same thing to President Reagan that the Republicans have been doing for years to President Clinton, but instead we confirmed 42 of his nominees.

A better example: In 1992, under President Bush, when he was about to become a lame duck President, during a Presidential election year, where Democrats were in the majority, we confirmed 66 judges, as compared to the 4 who have been confirmed this year. At the end of President Bush's term, with Democrats in the majority, we confirmed 66.

My friend from New York may be interested in knowing that in 1996, again at the end of the first term of President Clinton, where Republicans were in the majority—do you know how many were confirmed? Seventeen. Democrats confirmed 66 of a Republican President's nominees; Republicans confirmed 17 of a Democrat President's nominees.

What happens is qualified nominees, such as Richard Paez or Marsha Berzon or Tim Dyk, instead of being treated with dignity and dispatch, are delayed for years—or those like Jorge Rangel, they say: We cannot put up with the delay anymore. We withdraw our name.

Then we have to understand what this does to people who have offered themselves for this public service. But we have to also ask: What does it do to the independence of our Federal judiciary, the independence that is praised worldwide?

So if Judge Fuentes is confirmed this afternoon, as I fully expect he will, I congratulate him because he will be the first judicial nomination both reported by the Judiciary Committee and confirmed by the Senate this year.

I would hope that would give some indication that we might move forward with the nominations of Richard Paez, Marsha Berzon and Tim Dyk from years past, as well.

I am glad we are finally going to have the opportunity on this extremely well-qualified nominee to move forward to the Third Circuit. We will move forward on Judge Julio Fuentes, as I say, an outstanding Hispanic nominee, an outstanding American, to the Federal judiciary.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, first, I thank my colleague from New Hampshire for allowing me to speak for a brief period of time before him. I saw those books piled up on his desk and realized if I did not get my words in now, I might not ever get them in.

I very much appreciate his graciousness.

I also thank my colleague from Vermont for, as usual, his intelligent and considerate words. I also thank the chairman of our Judiciary Committee for bringing this nomination forward and for, just as importantly, announcing he will support the nomination of Judge Paez.

Mr. President, first, I rise in support of the nomination of Judges Paez, Berzon, Fuentes, and Dyk. But, more importantly, I rise to talk about the process very briefly. For instance, we do not have any problem with the Senator from New Hampshire debating, to the end, whether Judge Paez should be a judge. We have a problem that he had to wait 4½ years to do it.

The basic issue of holding up judgeships is the issue before us, not the qualifications of judges, which we can always debate. The problem is it takes so long for us to debate those qualifications. It is an example of Government not fulfilling its constitutional mandate because the President nominates, and we are charged with voting on the nominees.

The Constitution does not say if the Congress is controlled by a different party than the President there shall be no judges chosen. But that is sometimes how the majority has functioned.

Second, by not filling vacancies, we hamper the judiciary's ability to fulfill its own constitutional duties.

Our courts—my own in New York State—have large backlogs. We have three vacancies in New York: One in the eastern district; two in the southern district. We had four, and I thank the chairman of the Judiciary Committee for approving George Daniels last week. But we still have vacancies.

I also plead with my colleagues to move judges with alacrity—vote them up or down. But this delay makes a mockery of the Constitution, makes a mockery of the fact that we are here working, and makes a mockery of the lives of very sincere people who have put themselves forward to be judges and then they hang out there in limbo.

Judge Paez, Judge Berzon, Judge Dyk, and Judge Fuentes are extremely qualified. I urge all of my colleagues, at long last, to vote for their confirmation.

Again, I very much appreciate the Senator from New Hampshire for allowing me to speak for this brief moment.

I yield back my time.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I was very much intrigued by the remarks of my colleagues from New York and Vermont a few moments ago, talking about how we should move on in the process and that there does not seem to be much of a history of blocking nominees and that it is not good for the constitutional process.

I think the constitutional process is very clear that the Senate has the right and the responsibility, under the Constitution, to advise and consent. That is exactly what I intend to do in my role as a Senator as it pertains to these two nominees before us.

Let me summarize where I think we are on the issue of judicial nominees in general.

It is no secret that I am opposed to Judge Berzon and Judge Paez, as many of my colleagues on this side of the aisle are, I hope. At least that is what I am told.

The issue, though, is whether it is OK to block judicial nominees. We have heard from a couple of my colleagues in the last few moments that it isn't OK to block judicial nominees, as if there was something unconstitutional about it. There is thinking among some that we should not start down this path of blocking a judicial nominee whom we do not think is a good nominee for the court because it may come back to haunt us at some point when and if a Republican should be elected to the Presidency.

Let me say, with all due respect to my colleagues, I am not starting down any new path. The tradition of the Senate is one of blocking judicial nominees in the final year of an administration. I am going to be very specific and prove exactly my point that we are not starting down any new path. The path is well worn. We are following a path; we are not starting down any new path.

I am going to go back to 1992, since that is the most relevant year for this discussion, the final year of the Bush administration.

How did the Senate treat judicial nominees? Facts are sometimes pretty devilish things. They do point out the truth. They are pretty hard to discredit. Let's look at the facts.

There was only one controversial judicial nominee considered the entire year in 1992—in fact, only one rollcall vote, period, on judicial nominees. Why is that? That is no big deal. They voted the only one that came up. That is the point. Why didn't they come up? With all due respect to my colleagues from Vermont and New York, it is called blocking the nomination. It is called bottling them up in committee. It is called not bringing them to the floor. Let's be specific.

In 1992, we had a nominee by the name of Edward Carnes. He was nominated to the Eleventh Circuit. There were no fewer than three full votes in the Senate on one nominee: A motion to proceed, followed by a filibuster, a 66–30 cloture vote, and finally, on September 9, 1992, approval—a long process for this one judge. But other than that one nominee who was, in fact, filibustered, there was nothing—no action, no debate, no nothing—on the floor of the Senate. All other controversial nominees were filibustered in committee under the Democrat leadership in the Senate.

Sure, the Senate approved nominees here or there. I admit that. But if we define "controversial" as having at least a rollcall vote, there weren't any.

What about the controversial ones? Let's take a look at a few. Let me stick with the appeals court since that is what we are dealing with today with Judges Berzon and Paez. In April of 1990, President George Bush nominated Kenneth J. Ryskamp to the Eleventh Circuit. Mr. Ryskamp was opposed by none other than civil rights activists, and the Judiciary Committee bottled up the nomination of Mr. Ryskamp for an entire year. At the end of the year, they sent the nomination back to President Bush, and Mr. Ryskamp was resubmitted but never made it.

Don't come here on the floor and tell me that if I want to block Judge Paez or Judge Berzon, somehow I am going down some new path. I am not going down any new path. I am following the tradition and precedent of this Senate. Those who did that in 1992 had every right to do it under Senate rules and under the Constitution, as I do today and as I intend to do on these nominations.

In September of 1991, President Bush nominated Franklin S. Van Antwerpen of Pennsylvania to the Third Circuit. The nomination was blocked in committee for the entire final year of the Bush Presidency. It never saw the light of day. In November of 1991, President Bush nominated Lillian R. BeVier, a conservative from Virginia who had testified for Robert Bork. That was her first mistake. Lord help us, she was a conservative, No. 1, in the Democrat years here. No. 2, she testified on behalf of Robert Bork. She was nominated to the Fourth Circuit. Guess what happened to her. Her nomination languished for a whole year. Finally, the committee deep-sixed her at the end of the Bush Presidency—gone, didn't see the light of day. I guess that was unconstitutional. If it is unconstitutional now, surely it was unconstitutional then.

Of course, it is not unconstitutional. You have that right. On the same day, President Bush nominated Terrence W. Boyle to the Fourth Circuit. Again, the chairman put a hold on the nomination for an entire year. It languished in the darkness of Judiciary and never saw the light of day.

Here is an article from 1992. It says: "North Carolina Judge One of 50 Bush Court Nominations that Won't be Approved." It talks about the intentional strategy of Chairman BIDEN to delay and kill Bush nominees because of the likely Clinton victory. That speaks for itself.

Here are a few lines from the news service, September 28, 1992:

> Men and women named by President Bush to 50 vacant judgeships will not be confirmed by the Senate this year, leaving Republicans and Democrats pointing fingers of blame at each other. The nominees who must be approved by the Senate Judiciary Committee include Terrence W. Boyle, 46, a U.S. District Court Judge in Elizabeth City who was proposed for a seat on the U.S. Circuit Court of Appeals. Last week, Senator Joe Biden, Democrat of Delaware, who chairs the panel, said no additional hearings on nominations will take place this year. With Congress expected to adjourn for the year next Monday and Democratic presidential candidate Bill Clinton ahead in the polls, many Republicans fear the nominees will never be approved and charged Biden with intentionally delaying the process.
>
> South Carolina Senator Strom Thurmond, highest ranking Republican on the panel, said he had asked Biden earlier this year to increase the number of hearings and the number of nominees considered at each hearing. This was not done and we are now out of time, he said. "It's got partisan written all over it," said Andy Wright, political director of the North Carolina Republican Party. Biden, Wright said, is "taking advantage of an opportunity. He knows what power he has." But a Judiciary Committee aide rejected charges that the panel has initially stalled progress on the nominees, saying the committee had approved "a record number of nominees in a presidential election year when the Senate and White House were controlled by different parties."

Well, they are controlled by different parties. The thing is reversed.

They go on to explain that "the Senate had approved 59 Bush nominees," so forth and so on.

The point is, this is not new ground; this is old ground we are walking.

In November of 1991, George Bush nominated Frank Keating of Oklahoma to the Tenth Circuit. It was blocked for the entire year. It died 2 years later at the end of the Bush Presidency.

Let me read an article from the Philadelphia Tribune entitled "Shelving of Keating Nomination Pleases Rights Groups." The nomination wasn't defeated by the Senate. It was shelved by the committee. A group of liberal organizations opposed him, and the committee buried the nomination.

> National civil rights groups like the NAACP Legal Defense Fund, National Fair Housing Alliance, Children's Legal Defense Fund, are still smiling as a result of the U.S. Senate Judiciary Committee's decision not to vote on the nomination of Francis Keating for a judgeship on the Tenth U.S. Circuit Court of Appeals.
>
> This means that Keating's nomination and the fate of 50 other judicial nominees still under consideration by the committee will have to wait until January when the Senate is scheduled to come back into session.

It goes on to discuss this nomination—again, a nomination killed in committee by the other party. Controversial, never saw the light of day. New ground? I don't think so.

In January of 1992, President George Bush nominated Sidney Fitzwater to the Fifth Circuit. Same old story: Nomination languishes, a whole year goes by and the nomination dies.

Here is a story from the Texas Lawyer entitled "Judiciary Panel Kills Texans' Nominations." This is American Lawyer Newspapers Group, October 1992:

> Surprised? Hardly. "It's an every four-year occurrence," said U.S. District Judge Lucius D. Bunton, III of Midland, Texas, chief of Texas' Western District.
>
> As spring turns to summer in presidential election years, the party out of power at the White House traditionally throws up roadblocks to slow a process that in normal times confirms most candidates automatically. In addition to the expected slowdown, those close to the process from both parties say Governor Bill Clinton's lead in the polls has prompted Democrats to delay judicial confirmations in hopes of preserving the vacancies of the presidential candidate.

Again, they have the right to do that. They did do it, and they did it effectively. So when we come out here to do it now because of two very liberal activist judges, why should we be criticized for exercising our rights under the process? If you disagree with us on the basis of why we are objecting, fine. But don't pontificate on the floor of the Senate and tell me that somehow I am violating the Constitution of the United States of America by blocking a judge or filibustering a judge that I don't think deserves to be on the circuit court because I am going to continue to do it at every opportunity I believe a judge should not be on that court. That is my responsibility. That is my advise and consent role, and I intend to exercise it. I don't appreciate being told that somehow I am violating the Constitution of the United States. I swore to uphold that Constitution, and I am doing it now by standing up and saying what I am saying.

The same day in 1992, Bush nominated John G. Roberts of Maryland to the D.C. circuit. That was filed in the same old black hole with the rest of them. Congress adjourned; the nomination was blocked, end of story. Another nomination in January of 1992 was blocked in committee and killed at the end of the Presidency. Justin Wilson, nominated in May of 1992, was killed by committee. Here is an article, September of 1992: "Outlook grim for Wilson nomination," from the Gannett News Service.

Byline by Lacrisha Butler, this article says:

> Nashville lawyer Justin Wilson's nomination to fill a vacancy on the U.S. Sixth Circuit Court, which has been pending in the Senate committee for 6 months, is among more than 100 Federal judge nominations still awaiting action before Congress adjourns in early October.
>
> And it appears unlikely that Wilson's nomination will see action before the session ends, because of snags in his background check and what is being called an attempt by Democrats to hold up nominations in anticipation of a change in administration.

Again, this is not new ground. This is a role the Senate has played for years, decades. It is an appropriate role if we believe a nomination, or the other side believes a nomination might be too far to the left or right—depending on which side you are.

Mr. President, this is just one year of the Presidency I am talking about. I have only dealt with 1992 when circuit court nominees were blocked in committee. I could have gone back further into the Bush Presidency. I could have gone back into other Presidencies. I didn't do that, but these are filibusters. When you don't allow a nomination to get to the Senate floor—it may not be under the technical term "filibuster," but when you block it, that is a filibuster. You are not getting it here and you can't talk about it if it isn't up here. If it is languishing in committee, then we are not going to be able to debate it, approve it, or reject it. No matter how you shake it, they were filibusters led by committee chairmen rather than the majority leader on the floor.

If you want precedent for floor filibusters—I have heard it said there is no history of filibusters on the Senate floor. OK, they have been in committee; we stopped them in committee. All right. Well, let me read this:

> On July 2, 1999, Senate Judiciary Committee ranking member Patrick Leahy issued a statement claiming, "I cannot recall a judicial nomination being filibustered ever."

OK. Mr. President, I have 1, 2, 3, 4, 5, 6, 7, 8 volumes of the CONGRESSIONAL RECORD, Senate proceedings, and not every word is of the filibuster, but in each volume is a filibuster of 4 judicial nominations, both political parties, since 1968—4 out of 13. So out of 13 judges who have been filibustered on the floor of this Senate since 1968, these volumes here, 8 volumes, represents only 4 of the 13. Yet the ranking member of the Judiciary Committee says he can't ever recall a filibuster being offered.

As a challenge to my friend from Vermont, if he comes down and says it again, I am going to read every word of these filibusters on the floor of the Senate and filibuster these nominations by doing it. If he doesn't come down or retract that statement, I won't. If he comes down and says he can't ever remember a filibuster taking place on the floor of this Senate, I am going to read every word of just these four. If he continues to aggravate me, I might read all 13 of them, if I can dig out the information.

Let's get real and understand what is happening. The names are Abe Fortas in 1968; William Rehnquist, who sat in that chair and was praised by all during the impeachment trial, was filibustered by Senator Birch Bayh. There are volumes and volumes, hundreds of pages here of that filibuster. I am prepared to read every word of it if he wants to say there have been no filibusters.

Stephen Breyer was filibustered; J. Harvie Wilkinson, Sidney Fitzwater, Daniel Manion in 1985, Edward Carnes, Rosemary Barkett, H. Lee Sarokin—there are 13 of them.

So don't tell me we haven't filibustered judges and that we don't have the right to filibuster judges on the floor of the Senate. Of course we do. That is our constitutional role. Some like it. And I have been on the other side. Listen, I wasn't in the Senate when it disapproved Robert Bork, but we lost one heck of a good judge. Clarence Thomas wasn't filibustered, but he sure was debated. I didn't like that either. But it is our right as Senators to do that. So don't criticize our right to do these things and don't say things didn't happen that did happen.

Now, let me move to the question at hand, which is the Ninth Circuit, where we have the nominations of Judges Paez and Berzon for the Ninth Circuit Court of Appeals. We need to understand this circuit is a very controversial circuit. Not only is it a controversial circuit, it is a renegade circuit. It basically is out of the mainstream of American jurisprudence. It is interesting that this circuit has been reversed by the Supreme Court—get this—in nearly 90 percent of the cases decided in the past 6 years. Let that sink in for a moment. Ninety percent of the decisions made by the circuit court in this Ninth Circuit have been reversed by the U.S. Supreme Court, the next highest court. What does that tell you about the judges on that court?

Mr. REID. Will the Senator from New Hampshire yield for a brief time?

Mr. SMITH of New Hampshire. Yes.

Mr. REID. Mr. President, I would like to have a colloquy between the two of us based on some statements made to this point. If I could say to my friend—and there is nobody in the Senate I have more respect for than the Senator from New Hampshire. We have served together on the MIA/POW Committee, and for many years, until he became a full committee chairman, we served as the two leaders of our parties with the Ethics Committee. I have the greatest respect for the Senator. I say, of course, he has a right to filibuster if that is what he chooses. Since the time I have been in the Senate, there have been a number of occasions when there has been, if not a filibuster, at least a delaying of judicial nominees. That is part of the tradition of the Senate. I have no problem with that.

I say, though, to my friend that the year the Senator has talked about in some detail—1992—holds the record for confirming more judges than during any other presidential election year. Sixty-six judges were confirmed at that time. That is when we had a Democratic Senate and a Republican President. So that year, 1992, should stand out as an example of how you can move these nominees, in spite of the fact that you have a majority of one party in the Senate, and the other party is represented in the Presidency. I will not take a lot of time, but I want the record to reflect that in 1996 we only had 17 confirmations.

So I think what we have been able to do in 1988 and 1992 when we got 42 nominees and 66, which is an all-time record—there is no question because I was there then. Toward the end of the session, there were a lot of nominees who didn't come forward. There was a line drawn and they said no more. Some were submitted too late.

What I am saying to my friend is that in addition to what I have just said, we now have 30 nominations pending. Once they get out of committee, let's bring them here and vote up or down on them. I don't know Richard Paez. I talked to him on the phone. I have talked to his mother. I think anybody who has to wait 4 years deserves an up-or-down vote.

I say to my friend that if there is something wrong with Judge Paez or Ms. Berzon, come out here and vote them down. But I think we need to move forward with these nominations as quickly as we can.

I can only say to my dear friend from New Hampshire that the State of Nevada for 14 years has been the fastest growing State in the Union. We have tremendous problems with the administration of justice. At this time, when the Senator and I are speaking, we are short four judges. It is not Senator LEAHY's fault, it is not Senator

HATCH's fault, that these are not being voted on now. They are in the pipeline, so to speak. But we are desperate for judges. That is the way it is in other parts of the country.

We really need to move forward. I understand the Senator's feelings on the Ninth Circuit. I have heard them expressed several times today: It is too big. It is unwieldy. They have been reversed too much. That is a problem. I think we need to do something about it.

I would be happy to join with my friend. A number of Senators were really upset about this a number of years ago. The commission was appointed led by Justice White. He made recommendations. I think that is a starting point as to how we resolve it.

I close by saying, yes, there were people in 1992 who were not given the chance to vote. Keep in mind that the record for the Senate in 1992—when we had a Republican President and a Democratic Senate—is that we approved 66 nominees. There were 17 in 1996 when there was a Democratic President and a Republican Senate.

Mr. SMITH of New Hampshire. Mr. President, let me say to my colleague that I don't disagree with what he just said as far as the numbers are concerned. I point out that I am really referring here to controversial nominees. When a nominee has some controversy about him or her, if it gets to the floor, there are normally quite a few discussions; i.e., a filibuster. There were no votes. There was only one vote in the year 1992 on a controversial judge. That was filibustered. It eventually passed the nomination under the Bush Presidency. But it was filibustered and substantially debated.

That is the point I was making. Most of the nominees I listed and referred to languished for a whole year in the committee. I am not criticizing the Senator and his party for what they did then. They have a right to do that. I might not agree because I perhaps would have supported the judges. But I think you have the right to do it. I think we have a responsibility to the President of the United States duly elected by the American people. I think in our advice and consent role, we have an obligation to confirm some of those judges, especially those who are not controversial. But I think on those controversial judges, we should have the right to be able to air the concerns.

I don't want to speak at great length on this because I know one of my colleagues—perhaps Senator SESSIONS—wishes to do that.

But in the case of Paez, for example, I don't know that the American people are aware he has been involved in two decisions pertaining directly to the Clinton scandals. Why don't you get both of those decisions, the Marya Hsia case, for one, and the John Huang case? In both of those cases, the sentencing was lenient—perhaps as lenient as it could be.

I think those questions ought to be answered. I think we should know the answers to those questions about what happened before we put this person on the circuit court.

I tend to agree that to simply hold somebody up forever and never let them know how it is going to be resolved is very unfortunate for the individual. I tend to agree. But these are serious questions. When I say "filibuster," I use the term in the sense of right now because the rule is pretty fairly restrictive. We have 48 hours after the motion is filed for cloture and, at the most, 30 hours after that. So we are not talking forever. But we are talking about just venting and airing concerns. That is what I am doing with both the Ninth Circuit as well as two individuals to which I will speak more directly in detail on Thursday.

It is not pleasant to stand here and criticize and air concerns you have about people who are wanting to move up to another level on the court. But I think we have an obligation to air our concerns. Certainly, concerns are aired about us when we run for our respective offices.

I think it is fair that as to judges who are appointed forever, who will be making decisions long after we are out of here, probably when our children are coming into voting age, or our grandchildren, whatever the case may be—these judges may still be here long after the President leaves—we have a responsibility to look very carefully at them. If they are active as judges and are making decisions that are being overturned almost 90 percent of the time in the case of the current court—I am not saying that would necessarily be the case of the two nominees, but the court itself has a very undistinguished record, in my view.

Mr. REID. If the Senator will yield with his right to have the floor, I agree. If there is a Senator who believes there is a problem with any judge, whether it is the one we are going to vote on at 5 o'clock or the two we are going to vote on tomorrow, or Thursday, they have every right to come to talk at whatever length they want. But with Judge Paez, it has been 4 years. There has been ample opportunity to talk about this man. He has bipartisan support. I have no problem with people talking about the decisions he has rendered. He has been a judge for about 18 years in State and Federal courts. I think there has been an exhaustive review of those.

If the Senator from Alabama, who has a fine legal mind and is former attorney general of Alabama, and the Senator from New Hampshire, who has had wide-ranging experience in government and in the Senate and House of Representatives, want to talk, more power to them. My only point is, 4 years is too long.

I also repeat some of the things the ranking member of the committee has said. It is a myth that judges are not traditionally confirmed in Presidential election years. It is simply not true. Recall that in 1980, a Presidential election year, 64 judges were confirmed; in 1984, 44; in 1988—we talked about that when we had a Democrat Senate and Republican President—42 were confirmed; in 1992, we had 66. That is the record. I think that really says a lot.

When we had President Bush and a Democratic majority, and a significant majority, we could have stalled things. We approved 66 nominees—I repeat that for the record—whereas, in President Clinton's last year of his first term, 17 were approved. That is really not fair.

My point is that we need to move these along. I think as part of the legacy of the Republican leadership of this Congress, you can't hold your heads high when you have up to this point confirmed three or four nominees. You need to move up and have 40, 50, or 60. Otherwise, I think you are not fulfilling the need the country has to take care of the tremendous backlog of 30 pending judges and probably 35 or 40 more in the pipeline as we speak.

I hope Senator SESSIONS and Senator SMITH of New Hampshire, who are both very fine legislators, will say all they want to say negative or positive about the nominees. But let us move forward and vote on them.

I again repeat, I don't think it is a good legacy for the Republican leadership of the Senate to break a record that you certainly don't want to break; that is, in the country that is rapidly growing with all kinds of Federal crimes being committed, we have fewer judges to do the job. It is very desperate.

In the State of Nevada, a fine judge in the prime of his judicial life and a senior judge took senior status. It was the only way we could get another judge. It is that way all over the country.

I have no problem, I repeat, with what the Senator is doing. I think it is commendable.

I also think when we talk about the Ninth Circuit, which I have defended, I have, as I have stated, I guess some could say, a conflict of interest because one of my two sons was administrative assistant to the chief judge and my other boy is presently working there. It is a circuit in which I live and practice law. Let Members not denigrate that circuit.

Of course, they have so many cases; and it is true, their reversal rate is high. They decided almost 5,000 cases in a year. Out of approximately 5,000 cases, they have had about 12 or 14 reversals. That is not so bad. The cases that are taken up are ripe for the Supreme Court because they are in conflict with other circuits.

That reversal rate has improved. The numbers, as indicated by Senator MURKOWSKI earlier today, are from another year.

I think criticism of the Ninth Circuit is certainly in order. Go ahead and criticize the Ninth Circuit. As far as the Senator doing anything unconstitutional, it isn't even close. The Senator has every right to do what he is doing.

I appreciate very much the courtesy of the Senator. He did not have to allow me to speak out of order. I know the Senator has a lot to say.

Mr. SMITH of New Hampshire. I appreciate my colleague's remarks and will yield to him at any time.

I will respond briefly to my colleague because I think he is correct on the numbers. I think the numbers speak for themselves. I believe there were some 66 nominations brought through during the Bush years. This is not about the number of people. I think it is a fairly reasonable assessment to say if those nominations came through in 1992 or from 1989 through the end of the term in 1993, it is likely they were not very controversial. There was no debate, really. They were pretty much unanimously agreed to.

We are talking about two issues: One is the controversial nature of the judges involved; two, the controversial nature of the Ninth Circuit. Both the Ninth Circuit and the judges are in and of themselves controversial. In the case of the one vote the Democrats in 1992 brought forth, although it did win, it was a controversial nomination. I think Judge Paez, with all due respect, and Judge Berzon, are controversial nominations. Clearly, the Ninth Circuit is controversial.

I have agreed with the majority leader; if he chooses to accept, I have indicated I am willing to limit the debate on Thursday to about 5 hours total time on our side to discuss these nominations. I am not blocking for the sake of blocking. I am trying to make some points that I hope will result in the rejection of these nominees.

I will discuss this Ninth Circuit and the reversals. As I said, from 1994 to 2000, 85 of 99 decisions—86 percent—by the Ninth Circuit were reversed by the Supreme Court.

What kind of a record is that? What kind of knowledge of the law does this indicate when the Supreme Court could overturn 86 percent of the cases in the last 6 years and, as I said, 90 percent of the cases overall?

To be specific, in 1999 to 2000, 7 of 7—100 percent of the cases set down by this court—were overturned by the Supreme Court. There are four more pending now that are being challenged. I will not go into the details of each case, but U.S. v. Locke, Rice v. Cavetano, Roe v. Flores-Warden, U.S. v. Martinez-Salazar, Smith v. Robbins, Gutierrez v. Ada, Los Angeles Police Department v. United Recording Publication—all of those were overturned, all 7 of 7.

From 1998 to 1999, during that year, 13 of 18 of the decisions of this court, 72 percent, were overturned by the Supreme Court—reversed.

From 1997 to 1998, 14 of 17 were overturned by the Supreme Court, 82 percent of the cases.

From 1996 to 1997, 27 of 28 cases were overturned, 96 percent of the cases overturned.

From 1995 to 1996, 10 of 12, 83 percent, were overturned.

And on and on and on.

I have the documentations of these cases.

The bottom line is the Ninth Circuit is notorious for its antilaw enforcement record, its frequent creation of new rights for criminals and defendants, often in the face of clearly established law.

These two judges we now are debating, I believe based on their own records and comments and paper trail, are going to be act the same. They will be making the same kinds of decisions.

It is an embarrassment to have 90 percent of the cases overturned. In my view, it shows, frankly, an ignorance of the law, or certainly a disrespect for the Constitution in some way to get that many cases overturned by the Supreme Court.

The Ninth Circuit, as I said before, is a renegade circuit. It is out of the mainstream of American jurisprudence. It has been reversed by the Supreme Court 90 percent of the time, 84 of 98 cases. That is terrible.

It routinely issues activist opinions. While the Supreme Court has been able to correct some of the worst abuses, the record is replete with antidemocratic, antibusiness, procriminal decisions which distort the legitimate concerns and democratic participation of the residents of the Ninth Circuit.

To give a couple of examples of the more outrageous decisions: Striking down the NEA decency standard, creating a right to die, blocking abortion parental consent law, and a slew of obstructionist death penalty decisions.

The Senate, and particularly Republican Senators from the Ninth Circuit, are on record in favor of a split of the circuit they are so upset with this. In 1997, all Republicans voted against an amendment to strike a provision to split the circuit. That is how outrageous these decisions have been. Even the independent White commission recommended a substantial overhaul of the circuit's procedures; it still has not been implemented. We are adding two liberal, very activist judges to this circuit, without any of the reforms that have been called for by many.

The Ninth Circuit covers 38 percent of this country, more than twice as much as any other circuit. It covers 50 million people. President Clinton has already appointed 10 judges to this circuit. Democrat appointees comprise 15 of the 22 slots currently occupied.

I say to the American people who may be listening right now, judges impact our lives big time in the decisions they make. Citizens complain about the violence and the criminals getting out. We hear all the stories about somebody serving 5 years for murder and going out and killing somebody else; or somebody stalking, serving a little time, and stalking and killing the woman he stalked before because he didn't spend enough time in jail, over and over again.

This is not by accident. These are bad judges making bad decisions that cost Americans their liberties, cost them their lives sometimes. That is wrong.

We have an obligation in the Senate to take a good, hard look at a lifetime appointment to the circuit. The members are there forever, even when they get real old. It is pretty hard to get rid of them. This is a lifetime appointment.

We have a responsibility to make darn sure these judges are going to represent the views of the majority of the American people in terms of the law. I intend to do that as long as I can stand here to do it.

Let me briefly hit two points on the two judges in question and then make a couple of other points and wrap up. The U.S. Chamber of Commerce is officially opposed to the nomination of Paez. In Berzon's case, the nomination was described by the National Right to Work Committee as the worst judicial nomination President Clinton has ever made.

I am going to go into more detail on Thursday on the Ninth Circuit and its anti-law enforcement record, for its frequent creation of new rights for criminals and defendants, often in the face of clearly established law. For that reason alone, we should look very carefully and very cautiously at whom we put on that court.

For instance, in Morales v. California, 1996, the Ninth Circuit struck down the California State law governing when defendants could present claims during habeas corpus appeals which had not been made during the appeals in the State courts. According to the California-based Criminal Justice Legal Foundation, this holding "opened the door to a flood of claims that would be barred anywhere else in the country."

In United States v. Watts in 1996, the Supreme Court issued summary reversals in two cases without even hearing arguments after the Ninth Circuit allowed past acquittals to be considered during sentencing.

This is just silliness in terms of the obvious intent of the law and the Constitution.

I will conclude, I say to my colleagues who may be prepared to speak, on this point. These judges are activist judges who are going to promote an agenda on the Ninth Circuit that has already been rejected 90 percent of the time by the U.S. Supreme Court. Let's not add insult to injury by putting two judges on this court, essentially fulfilling that promise of continuing that bad judicial policy.

I yield the floor.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Nevada.

Mr. REID. Mr. President, I want to make an observation. We have heard a lot about the reversal rate of the Ninth Circuit. There has been a lot of talk that the Ninth Circuit's reversal rate in 1996 was some 90 percent, but that was less than five other circuits' reversal rates of 100 percent.

In the 1997–1998 term, the Ninth Circuit's reversal rate was 76 percent, equivalent to that of the First Circuit and less than other circuits because those circuits continued to have a 100-percent reversal rate.

In the 1998–1999 term, the Ninth Circuit's reversal rate was 78 percent, which was far less than several other circuits.

The point I am making is the Ninth Circuit decides thousands of cases, and they acknowledge, we acknowledge, everyone acknowledges, that 12 to 14 cases are reversed. That is not bad. Remember, the Supreme Court picks cases they believe will make good law, and that is why all these other circuits have a huge reversal rate. That is the way it is. That is the job of the U.S. Supreme Court, to look at these circuits and find cases it believes deserve to be interpreted one way or the other.

I hope my friends do not continue harping on the 90-percent reversal rate. It is lower than other circuits.

Also, Judges Paez and Berzon are qualified to sit on the court. I went over at some length earlier today the qualifications of Judge Paez, with whom I have spoken on the telephone, and I have talked with his mother. I do not have that same familiarity with Judge Berzon.

These are nominations that should go forward. These are good people who deserve the attention of the Senate. Certainly, Paez, after 4 years, deserves an up-or-down vote. I hope we can get to that at the earliest possible date. Judge Paez is not going to go away. He is a good man who is well educated and has been a judge for 18 years, 13 years in State court, some 5 years as a Federal district court judge. Everyone speaks highly of him, not the least of whom is a member of the House Judiciary Committee, a former State judge in California, a devout Republican, James Rogan, who supports Paez. He has bipartisan support. I hope we can move forward on these as quickly as possible.

Also, to illustrate what I said earlier, my friend from New Hampshire talked about the fact that in 1992 certain judges were not approved. More judges were approved in 1992 than in the entire history of the country, and we had a Democratic Senate and a Republican President.

In Presidential election years, we had a large number of judges approved.

Look what happened the last year of President Clinton's first term: 17 judges. And this year we are starting out worse than that.

I say to my friends on the other side of the aisle, this is not a legacy of which one should be proud. My colleagues need to move these nominations. If there are some nominees whom they do not like, vote them down or do not bring them forward, but let's get these numbers up this year into the fifties or sixties. We need that badly. States all over this country are in desperate need of judges, especially at the trial level.

Let's not be so hard on the Ninth Circuit. There are those of us who have practiced law in the Ninth Circuit. We are willing to move forward and do something to improve it. The Presiding Officer is a person who has argued before the Supreme Court—I do not think there is any doubt about this—far more times than anybody else in this body. I could be wrong, but I doubt it. He certainly understands the appellate process very well.

The Ninth Circuit needs some changes. Justice White, the leader of a study commission, sat down and decided what needed to be done. Let's start from there and see if we can do something constructive rather than berate this appellate division that has 51 million people in it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, you have practiced in the Ninth Circuit. So has the distinguished assistant minority leader. There is no doubt that over a period of years, the Ninth Circuit has been reversed more than any other circuit. Their record of having 27 out of 28 reversed in 1 year is absolutely unprecedented. It has never been approached by any other circuit.

As a Federal prosecutor who spent 15 years full time in Federal court, I can assure my colleagues there is no circuit in America that is looked on with less respect on questions of law enforcement than the Ninth Circuit. It is the furthest left Circuit in the American judiciary, and there is no doubt about it. There are some great people there. They are wonderful. I would not mind having them over to my home discussing great legal issues, but they have been outside the mainstream of American law.

Mr. REID. Will the Senator yield for a brief question?

Mr. SESSIONS. Yes.

Mr. REID. Mr. President, maybe the Senator was busy with his staff, but in the 1996–1997 court term, the Ninth Circuit reversal rate was 90 percent. Five other circuits—the Fifth, Second, Seventh, D.C., and Federal Circuit—had a 100-percent reversal rate.

The only point I am trying to make——

Mr. SESSIONS. The D.C. Circuit had one case and Federal Circuit had one case reviewed by the Supreme Court, whereas the Ninth Circuit had 27 out of 28 reversed.

Mr. REID. The point, I say to my friend from Alabama, recognizing the different workloads the courts had, the appellate division with 51 million people has thousands of cases every year.

Also, the Senator has every right to feel the way he does about the Ninth Circuit, but I do not want the Senator's statement to go uncontested that reversal rates of other circuits pale in comparison to the Ninth Circuit because it is simply not factual.

Mr. SESSIONS. I do admit, in 1996, it looks as if the D.C. Circuit and the First Circuit had one case considered by the Supreme Court and it was reversed. D.C. Circuit had one, and it was reversed. And the Federal appeals court had one, and it was reversed.

Let me show you an article from the New York Times.

Mr. REID. One more thing, and then I promise to leave.

Mr. SESSIONS. All right.

Mr. REID. The Senator has not mentioned the Fifth, Second, and Seventh Circuits which also were 100 percent reversed.

Mr. SESSIONS. The Seventh had three cases, and those were reversed. Over the 3 years—I have done the numbers—the Ninth Circuit remains No. 1 in the number of cases reversed.

Mr. REID. I appreciate the Senator yielding.

Mr. SESSIONS. The New York Times had an article some time ago, saying this:

> The Ninth Circuit, which sits in San Francisco, remains the country's most liberal appeals court, and there is some evidence that the Supreme Court's conservative majority—

I would say it is a moderate to conservative majority—

> views it as something of a rogue circuit, especially on questions of criminal law and even more particularly on the death penalty.

That is from the New York Times, which certainly is not a conservative organ, particularly on legal matters. I think they are misunderstanding the importance of a lot of legal matters, frankly, but that is a comment they made, their observation.

That is why the Ninth Circuit has been reversed so regularly. As a matter of fact, I will mention a little later in my remarks—I believe in 1996-1997—there were 17 reversals in that year of the Ninth Circuit by a unanimous U.S. Supreme Court. In other words, the liberal and conservative members of the Supreme Court, in 17 out of 27 cases reversed, unanimously agreed the Ninth

Circuit was wrong. I think that is a matter that we ought to think about.

I may go into that more because it is important to my analysis of how we ought to vote on these nominees.

There are two purposes for my remarks today. I would like to enter into the RECORD the results of the research I have done on two nominees—Mrs. Berzon and Judge Paez—for the Ninth Circuit Court of Appeals. My research forms the basis for my opposition to their nominations.

I would like my colleagues who do not sit on the Judiciary Committee, as I do, and who were not part of the initial evaluation process of these nominees to have the benefit of the full record and my observations on it.

Secondly, I would like to take this opportunity to ask my colleagues to consider the points I am raising and to join me in opposition to these nominees.

First, I would like to mention, I believe it is 330 or 340 nominees that have been brought forward by the President. Only one of those 300-plus nominees has been voted down on this floor.

We now have two nominees that have been held up for some time because they have been particularly controversial, and they are nominees to a particularly controversial circuit. That is what the Senate ought to do. We are not a potted plant. We are not a rubber stamp. We have given fair and just consideration to nominee after nominee after nominee of this President. We have confirmed his nominees overwhelmingly; 300-something to 1 have been confirmed to this date.

In terms of vacancies, nearly half of the vacancies that now exist in the Federal courts in this country are because the President has not submitted a nomination yet. This Senate cannot vote on a nomination when we do not have a nominee. The President is required to nominate. He ought to be careful. He ought not to rush in and pick the first name that comes out of a hat. But I am just saying that we are close to what experts have declared to be a full employment Federal judiciary.

I do not think that we have a crisis in failing to move nominees. We are going to continue to move them. We are going to have other votes on nominees this year; some which I will support and others who I will oppose.

I do not believe we ought to take these decisions about how to vote on a judicial nominee lightly. Having had to undergo, myself, an unsuccessful confirmation process for a Federal judgeship, I know better than most the thoughts and feelings these nominees have. That is why I always make sure I treat them in a respectful manner. I do not believe they are people who are unworthy in a lot of ways. What I believe is that their deeply held personal views are such that even though I might respect them as a person for those views, I do not believe that at this point in time, for this circuit, these nominees ought to be approved. I believe that very deeply. That is why I am here and share these comments.

I have done my best to ensure that the concerns I have raised about a nominee have been fair and objective over the 3 years I have been in this body. I try to ask questions that are appropriate and make sure that we are treating people fairly.

For a variety of reasons, I regrettably have concluded that Berzon and Paez should not be confirmed.

Let me talk about the Ninth Circuit in a fashion that I think is fair and gives an overall perspective.

First, we need to look at the problems that are in existence now in this circuit. It is the largest circuit, covering Alaska, Hawaii, the State of Washington, Oregon, California, Idaho, Nevada, Arizona, and Montana, as well as Guam and the Northern Mariana Islands. This amounts to roughly 38 percent of the country's area, approximately 50 million people.

In recent years, this circuit has been singled out to be the subject of increased scrutiny by the Supreme Court because of its tendency to engage in judicial activism.

In other words, roughly 20 percent of the American population lives in this circuit in which the rule of law is regularly being challenged by the issuance of activist opinions by ideologically driven Federal judges.

But do not just take my word for it. We have the article in the New York Times describing this circuit that I just quoted. The court's conservative majority—five members of the Supreme Court of the United States constitutes a majority; they are all not conservatives, a lot of them are more moderate judges—they view it as something of a rogue circuit. That is strong language, I submit. If you look at the reversal figures for the Ninth Circuit, I believe you will tend to agree with the assessment made in that article.

In my experience as a Federal prosecutor, I found that a reliable index of a court's performance is the history of the circuit's reversals.

For the benefit of individuals who may be watching this debate at home and are not familiar with the workings of the Federal judicial system, a reversal rate is simply the measurement of the number of times a decision entered by that circuit is being reversed by the U.S. Supreme Court—changed or reversed because the lower court's decision was incorrect.

These figures illustrate the instances in which a judge, or in this case, a circuit is acting incorrectly. Reversal rates are a warning system of judicial activism and judicial error.

What do the statistics say? Do they lend validity to the New York Times charge I just cited? As a matter of fact, a fair reading of the reversal figures for this circuit does reveal that year after year, the Ninth Circuit leads the Nation in the number of times it is reversed in total numbers. It is the highest in percentage.

By way of illustration, allow me to present the reversal figures for the last three terms for which I have the data. In the 1996–1997 term, 28 cases were reviewed; that is, the Supreme Court agreed to hear 28 cases that arose out of the Ninth Circuit. Many times the Supreme Court does not hear a case unless it is important for them to hear it. They hear a case because a circuit rendered an opinion that they believe is plainly wrong. They hear a case if a circuit has rendered an opinion that is contrary to the other 11 circuit courts of appeals. They think there ought to be a uniform answer. So the Supreme Court renders the answer and, once it does, every circuit is bound by that answer. But in terms of the cases that are being heard by the Eleventh Circuit, hundreds, thousands of cases go through that on an annual basis. And most of those, even if wrong, will never be reviewed by the Supreme Court. The Supreme Court cannot and will not review every wrong case in America. It picks those that are most important, that will likely perpetuate an error, and tries to correct it and create a uniform system of law in the country.

Again, there were 27 out of 28 cases in 1996. That, in my view, is a stunning figure. It is a figure unmatched at any time by any circuit anywhere. In the 1997–98 term, the court reviewed 17 opinions and reversed 13 of those in the Ninth Circuit. In 1998–99, they reviewed 18 opinions and reversed 14. And this year, they have only heard, to date, six opinions from the Ninth Circuit, and they reversed all six of them.

This is from an article that appeared in the University of Oregon Law Review in 1998. The title of the article was "Reversed, Vacated and Split: The Supreme Court, the Ninth Circuit, and the Congress." The author, realizing this is an important, newsworthy item, wrote a law review on it and said:

> Another interesting phenomenon is that
> the Supreme Court unanimously agreed—
> across the political spectrum—that the
> Ninth Circuit was wrong seventeen times
> during the [1996–97] term. This is a fairly re-
> markable record, considering that the rest of
> the Circuits combined logged in with only
> twenty unanimous votes, seven of which
> were affirmances.

Only 13 unanimous reversals throughout the whole United States, 17 in the Ninth Circuit. This circuit is out of step, in my view. In other words, over the 3-year span from 1996 through 1999, the Ninth Circuit has reversed 54 of 63 cases examined by the U.S. Supreme Court. That means that of the cases the Supreme Court has reviewed, the Ninth Circuit has been wrong a staggering 86 percent of the time. No other circuit in my analysis approaches these kind of numbers.

If this number were not bad enough on its own, it becomes truly appalling when it is compared to the number of reversals in the other circuits. Over the same 3-year period in which the Ninth Circuit was reversed 54 times, the next highest total number of reversals in any circuit was 14 out of 24 cases reviewed occurring in the Eighth Circuit and 14 reversals out of 22 cases in the Fifth Circuit.

In fact, the Ninth Circuit is so substantially wrong so much of the time that it even leads in the number of instances in which the U.S. Supreme Court is unanimous. Unfortunately, the Supreme Court has a limited docket and gets the opportunity to only review a relative handful of cases which any of the circuits or the Ninth Circuit adjudicates. So while the reversal rates are very revealing on their own, they fail in one troubling regard. They are unable to accurately quantify the number of activist or just plain wrong decisions that get through and become established law in the circuit because they cannot be reviewed by the Supreme Court. This is a sobering thought, and it is why we need to insist that we will only confirm judges to the Ninth Circuit who will move that court into the mainstream of American legal thought and not confirm judges who will continue the Ninth Circuit's leftward drift. That is the plain duty and responsibility of all of us in this body.

Many of these are just not trivial errors. If it is heard by the U.S. Supreme Court, it is a significant error. These reversal figures are not being inflated by mere inadvertence. Instead, they are the products of a seeming desire by the circuit to make law when the opportunity arises. In fact, I will describe one of the cases the Supreme Court has reversed in which the Ninth Circuit, without restraints, twisted the Constitution to further what appears to me to be their political goals.

In the case of Washington v. Glucksburg, the Ninth Circuit struck down the State of Washington's ban on assisted suicide by reading a constitutionally protected "right to die" into the 14th amendment. The 14th Amendment doesn't say anything about a right to die. I revere the text of the Constitution, and I assure my colleagues that there is nothing in that amendment that says anything about a right to die. Just look it up.

Despite the clear language of the 14th amendment, the Ninth Circuit judges chose to read into it the social policy outcome the circuit desired, overturning the will of the people of Washington who had voted for this law. That is what we are talking about. We have elected representatives in the State of Washington, elected by the democratic process, a free vote, held accountable. If they vote wrongly, they can be voted out of office. But what about Federal judges who are appointed. The only review they ever get is in this Senate. If we fail—and we do too often—they just go right on the bench and serve for life. No matter how wrong their opinions are, they get to stay in there. Who ought to set policy in America if we have a republic? I believe this a responsibility of the elected branch, not the lifetime-appointed branch.

The reason these issues are important is that it goes to the question of fundamental rights of the people to set the standards in America. The Ninth Circuit threw out the law that was passed by the legislature because the Ninth Circuit judges chose to read into it the social policy they desired even though it meant overturning the will of the people. This is what we classically call judicial activism. In an ironic twist, the Ninth Circuit employed their apparent belief in a living Constitution, which is what liberal people say the Constitution is, a living document. It is a piece of paper; it is not living. It is a contract with the American people entered into by our ancestors. The Ninth Circuit evidently said it is a living document, and, ironically, they read into this living document a right to die.

Upon review, the U.S. Supreme Court corrected the Ninth Circuit and restored the validity of Washington State's ban on assisted suicide. In blunt language, the U.S. Supreme Court reminded the Ninth Circuit that:

> * * * in almost every State—indeed, in almost every Western democracy—it is a crime to assist suicide. The States' assisted suicide bans are not innovations. Rather they are longstanding expressions of the States' commitment to protection and preservation of human life. * * *

I submit to you, the Supreme Court was directing that language to them directly. The judges on that circuit knew that was a rebuke, in my opinion. In fact, the Supreme Court further used the Glucksburg case to illustrate just how far out of the mainstream the Ninth Circuit is. The Supreme Court wrote further:

> Here * * * we are confronted with a consistent and almost universal tradition that has long rejected the asserted right, and continues to explicitly reject it today, even for terminally ill, mentally competent adults. To hold for the respondents [the way the Ninth Circuit did] we would have to reverse centuries of legal doctrine and practice, and strike down the considered policy choice of almost every state.

But these unelected judges, with lifetime appointments, in no way accountable to the American people, just blithely go in there and wipe out the right, the statute of the State of Washington, and claim that the 14th amendment to the Constitution of the United States directed them to do so. And that is bogus because there is nothing in the 14th amendment that says anything of the kind. They got busted by the U.S. Supreme Court for it. That is just one of the cases. This is a recent one, and that is the reason I quoted it.

Glucksburg does not stand by itself on this dishonorable list of activist Ninth Circuit opinions that have been struck down, of course, but it is a perfect illustration of judicial arrogance that seems to permeate many judges, particularly in this circuit, and it helps frame the point that many of us who care about maintaining the rule of law in this country constantly make. We have a responsibility as Senators to ensure that the judicial branch is composed of individuals who will faithfully interpret the Constitution and the laws of this country. If we have doubts about a nominee's ability to do that, then we have a responsibility, a constitutional duty, if you will, under our advise and consent power to reject the nominee.

The President has the power to nominate, but we are given the power to advise and consent, which means in effect, in the words of the Constitution, we have a right to reject a nominee if we do not consent.

While statistics and written opinions are useful in looking at this troubled circuit, they do not get to the heart of the matter in that they don't answer the fundamental question as to why this circuit behaves in such an aberrational manner. I have looked at these issues and what legal analysts have said, and I want to share findings with you. Essentially, my findings strongly support an argument that one of the core problems with the Ninth Circuit is its composition of judges.

The Oregon State Bar Bulletin, in 1997, identified the current composition of judges on the Ninth Circuit as a primary cause of the circuit's extraordinarily high reversal rate. In fact, the author found:

> There is probably an element of truth to the claim that the Ninth Circuit has a relatively higher proportion of liberal judges than other circuits. . . .

Furthermore, the analysis concluded:

> The effect of the Carter appointments is that, relative to other circuits, there is a greater likelihood that a Ninth Circuit panel will be comprised mostly of liberals. This may result in decisions in some substantive areas that are out of step with the current thinking of the Supreme Court and other circuits.

In other words, when you have a substantial number on there, and a panel is randomly selected of three judges to hear a case, that is the way they do it. Three of the 20-some other judges will be selected to be on the panel. All three of them could be activist selectees. So the opinion may not even really speak for the Ninth Circuit. That points out again how important it is that we have a balance on the circuit to avoid panels routinely coming up that are out of step with mainstream legal thinking of the Supreme Court and other circuits throughout the United States.

One of the big reasons for this is, there was a major expansion of the size of the Ninth Circuit during President Carter's administration. It allowed him to make a number of appointments—an incredibly large number of appointments—and now we see that President Clinton has similarly successfully appointed a large number. Of the 23 judges that are active on the circuit, Democratic Presidents have appointed 15 of them. In fact, President Clinton has already appointed 10 and confirmed them to this circuit, and he has 5 additional nominees, including Paez and Berzon, awaiting Senate action, giving him the opportunity to have personally, himself, appointed 15 of the 28 judges.

So it is easy to see why activists and liberals are interested and chomping at the bit to push these nominations through, so it will solidify the stranglehold that Democrats and liberal activists have on this court. In fact, this is the impetus that drives me to believe we need to and are justified in reviewing more carefully nominees to this circuit. It is all right for there to be Democrats and for people to be liberal; every judicial nominee who has come up here since the Clinton Administration took office has been a Democrat and liberal. But the question for these nominees is: Will they remain disciplined and honor the law? Do they have a history and a tendency to impose their will under the guise of interpreting law? This is the fundamental question we have to answer.

I voted against Raymond Fisher to the circuit last year as I believed he was an activist nominee who would perpetuate this circuit's leftward drift, and I was joined by 28 colleagues in opposition to that nomination. I was able to support the nomination of Ronald Gould to the circuit after reviewing his record and hearing him in the Judiciary Committee. I believed him to be someone who was likely to serve as a moderating force to temper the activism of this circuit, and I believed his nomination was proof that my efforts, which I communicated to the White House, to begin sending moderate nominees forward was beginning to pay off. Regrettably, however, neither Judge Paez nor Mrs. Berzon meets that standard. I do not believe they will restore balance. As a matter of fact, I believe their nominations represent a further move to the left.

Let's talk about Judge Paez. I don't have anything against him personally. He is a fine man, and he has a fine family. But it should be noted that both of these nominees, Berzon and Paez, were controversial even in the Judiciary Committee. Both came out of the committee with only a 10-8 vote—pretty unusual—which is the highest level of opposition any judicial nomination faced in the committee. This vote reflected serious concerns committee members have with regard to the records these two nominees have compiled over their careers. In my opinion, the record of each indicates that confirming them to this circuit would be like adding fuel to the fire.

I want to begin this discussion by focusing first on Judge Paez. First, he is, in fact, a self-proclaimed activist. This is remarkable. If there is one thing the Ninth Circuit does not need, it is a nominee who will maintain activist traditions. However, his own words show that he is just that. First, he called himself a person with "liberal political views." While this is hardly incriminating in itself, these statements do indicate some of the tendencies he might have. In his own words, he described his judicial philosophy as including an appreciation for— I will read this to you and ask you to think about these words carefully. This is from the Los Angeles daily Journal:

> The need of the courts to act when they must, when the issue has been generated as a result of the failure of the political process to resolve a certain political question. . . .

So as a failure, in his view, of the political process to resolve a certain political question, the courts can act, and they must act.

He goes on to say:

> because in such an instance [Paez explained] "there's no choice but for the courts to resolve the question that perhaps ideally and preferably should be resolved through the legislative process."

Now, that is a statement by an already sitting judge that a judge has the power, when a legislative body fails to act, to do what that judge believes he must to solve the policy problem before him. I submit to you, that is the very definition of what activism by the judiciary is.

Think about this. When a legislative body fails to act, it has made a decision just as certainly as if it had decided to act. A decision not to act is a decision. It is a decision made by elected representatives, and if the people who send them to Washington or to the State legislature don't agree, they can remove them from office. But can you remove a Federal judge who declares he has a right to act when the legislature does not? Can you remove that person? No, you cannot, under the Constitution, because he has a lifetime appointment with no ability to be reviewed whatsoever. That is one of the most thunderous powers ever given by our Founding Fathers, I have to say. In many ways, it works well. Judges are free, for the most part—Federal judges who I have practiced before for 15 years during the majority of my career as a professional lawyer in Federal court, almost entirely. I respect Federal judges. But when you have a Federal judge who has an activist mentality, who believes that he or she has the power to solve political questions when the legislature does not act, you have the makings of a rogue jurist, and you cannot contain that person. It costs litigants thousands and thousands of dollars to appeal their rulings. They cannot always get to the Supreme Court. The Supreme Court is too busy. Even if they have a bad ruling, they can't always get there to get it reversed. Sometimes they are just stuck by these rulings no matter what they do.

That is wrong. That is a philosophy of adjudication that is false. It is precisely what Americans are concerned about. It should not be affirmed by this body in approving this judge to a circuit that is already out of control, in my opinion.

The record indicates that the judge is hostile to law enforcement. We have to be careful about that. I prosecuted many years, as I said. A judge can rule against a prosecutor, and he cannot appeal. If he rules against a defendant, the defendant can appeal.

Mrs. BOXER. Mr. President, will the Senator yield for a question on this very point?

Mr. SESSIONS. Very well.

Mrs. BOXER. I thank my friend.

Is the Senator aware that Judge Paez has been endorsed by the National Association of Police Organizations, Executive Director Robert Skully, the Los Angeles Police Protective League Board president, the Los Angeles County Police Chief Association, the Los Angeles Association of Deputy Sheriffs, the commissioner of the California Department of Highway Patrol, and a whole host of Republicans and Democrats alike in law enforcement and on the bench?

I am surprised that my friend would make the statement that the judge is hostile to law enforcement when, in fact, he has tremendous support from law enforcement.

Mr. SESSIONS. Mr. President, I was going to mention a few reasons for that.

I believe his record would indicate that he is not going to provide the kind of balanced adjudication that would be required in law enforcement matters.

For example, shortly after the judge was nominated, Los Angeles newspapers—I know the Senator supported his nomination, or was responsible perhaps for it—were filled with quotes made by his supporters. One supporter happened to be Ramona Ripston, the executive director of the American Civil Liberties Union of Southern California. Now, I would like to state for the RECORD that I doubt that the ACLU shares my concerns about the Ninth Circuit's activist bent. In any event, Ms. Ripston welcomed Paez' nomination to the Federal Bench describing Judge Paez as: "A welcome break after all the pro-law enforcement people we've seen appointed to the state and federal courts".

From the ACLU's position, Ms. Ripston's support for Judge Paez appears to be well-justified, as Judge

Paez soon began to issue anti-law enforcement opinions. One case in point involved the case of Los Angeles Alliance for Survival v. City of Los Angeles, in which Judge Paez granted an injunction sought by the ACLU which prohibited the city's ordinance prohibiting aggressive panhandling from taking effect.

The city had an ordinance against aggressive panhandling passed by the people of Los Angeles. And a judge just up and threw it out, and said it was unconstitutional; no matter what you pass, I am the judge; no good, out.

The ordinance, incidentally, was passed following the stabbing death of an individual who would not give a panhandler 25 cents. In his decision, Judge Paez viewed the Los Angeles ordinance as "facially invalid" under the "Liberty of Speech Clause"—I don't know exactly what that is. But the "Liberty of Speech Clause" is found in the California's State Constitution.

Listen to how one legal commentator described the judge's ruling:

> Judge Paez struck down the law as an unconstitutional restriction on "speech" and issued a preliminary injunction against its enforcement. He found that the ordinance constituted "content based discrimination" because it applied only to people soliciting money. Just hope Judge Paez doesn't get his hands on any laws against extortion, bribery or robbery. "Stick 'em up" could become Constitutionally protected speech in certain parts of California . . . The identical law has been upheld in other parts of California by other federal judges, but thanks to Judge Paez, the ordinance lawfully enacted over two years ago has yet to be enforced in Los Angeles.

The PRESIDING OFFICER. All time for the opponents of the nomination has expired. The time between now and 5 o'clock belongs to the proponents.

Mr. SESSIONS. I would ask unanimous for one minute.

Mrs. BOXER. Reserving the right to object, and, of course, I shall not object, we would like one minute on our side as well. Senator KENNEDY and I will divide the time.

Thank you.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I point out in that case the Ninth Circuit asked the California Supreme Court for an advisory opinion. The California Supreme Court reversed Judge Paez' opinion, finding it to be erroneous, and condemned Judge Paez's ruling in exceptional strident terms stating:

> As noted above, the regulation of solicitation long has been recognized as being within the government's police power. . . . If, as plaintiffs suggest, lawmakers cannot distinguish properly between solicitation for immediate exchange of money and other kinds of speech, then it may be impossible to tailor legislation in this area in a manner that avoids rendering that legislation impermissibly overinclusive. In our view, a court [Judge Paez] should avoid a constitutional interpretation that so severely would constrain the legitimate exercise of government authority in an area in which such regulation long has been acknowledged as appropriate.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, will you let me know when I have used seven minutes? The rest of the time will be yielded to Senator KENNEDY.

Mr. President, I am very pleased to be here.

Finally, we are debating the nominations of Richard Paez and Marsha Berzon, two eminently qualified people for the Ninth Circuit. We have heard a lot of complaining about the Ninth Circuit. I think it is important to note that many of the opinions cited on the other side of the aisle as being overturned were written by Reagan appointees.

This isn't about politics. This is about allowing a court to function for the justices, whether they are appointed by Ronald Reagan, or George Bush, or Bill Clinton, to give it their best judgment. We have nominated two people who would add a tremendous amount to the Ninth Circuit.

Instead of the negativity we have heard today, I want to put a human face on these two nominees who have waited so long for this day.

The first one I want to talk about is Marsha Berzon. I have a photo. Here is Marsha with her husband and children.

There is a reason I have done this. I think it is important when we hear about the candidates; they have kind of become statistics. People talk about how many years it has taken.

Here is Marsha. Here is her family. I want to talk a little bit about this eminently qualified woman. She is an outstanding woman. She has displayed in her career a strong sense of integrity, dedication, and compassion, the very characteristics we should expect any Federal judge to have.

She has built a distinguished career as an attorney, and beyond that she has shown through her activities in the community a real caring and concern. She is an impassioned teacher and a published author. She is a wife and mom. She is an extraordinary person who deserves confirmation.

I am not going to go through all of her incredible accolades through college and law school because I have a feeling we will be talking about these nominees at length at another time.

I will talk a little bit about her experience with Federal court issues. She specializes in U.S. Supreme Court representation. She has argued four cases before the Supreme Court and has submitted over 100 briefs to the Court on behalf of a broad spectrum of cases. In the past 5 years, she has acted as chief counsel on five Supreme Court cases, as well as cocounsel before the Court on numerous other occasions.

This is the kind of support that Marsha Berzon has. Let me read what Senator HATCH wrote in her favor.

> I am impressed by Miss Berzon's intellect, accomplishments and the respect she has earned from labor lawyers representing both management and the unions.

I do appreciate Senator HATCH's kind words and his decisive action in behalf of Marsha Berzon.

Former Republican Senator James McClure of Idaho, in support of Marsha, stated:

> What becomes clear is that Miss Berzon's intellect, experience, and unquestioned integrity have led to strong and bipartisan support for her appointment.

Mr. President, the gentleman who ran against me the first time I ran for Congress in 1982, Dennis McQuaid, a Republican attorney, said:

> Unlike some advocates, Ms. Berzon enjoys a representation devoid of any remotely partisan agenda.

He goes on to say:

> Frankly, her presence will enhance the reputation of the ninth circuit.

We can go on and on with quotes from her opposing counsel. She has support from the Los Angeles County Professional Peace Officers Association. They wrote that she is analytical, fair and thorough.

When it comes to Marsha Berzon, I hope we will have a tremendous vote for her. She deserves that vote. She has waited 2 years. I hope she will get it.

Equally important and equally wonderful in terms of a nomination that stands on its own merit is Judge Richard Paez. Look at this man. He has been on the bench for many years. Behind him are photographs of his children. He has been married for many years, another wonderful family man and a wonderful jurist.

This Senate has already confirmed Richard Paez to a seat on the district court, and he has shown himself to be an incredible jurist. I don't have time to go through all the accolades. He was the first Mexican American on that particular bench in Los Angeles. He has won the respect of law enforcement, attorneys practicing in his courtrooms, and local scholars.

When Members poke holes in Richard's record, we will have time in the next 2 days to respond to every single example because there has been tremendous misstatement.

In the remaining short time I have, I will quote lawyers who have appeared before him. These are anonymous quotations that appeared in a review.

> He is a wonderful judge. He is outstanding. He rates a 12 or 13 on a scale of 10.

Another:

> He is highly competent, one of the smartest people on the bench; thoughtful and reflective.

Another:

> I don't know anyone here who hasn't been exceedingly impressed by him. He does a great job.

Another:

> He is very well represented. He knows more about a case than the lawyers will.

And another:

> He has a great temperament. He never says or does anything that is off. He has a very good demeanor. He is professional. He doesn't have any quirks. He is very fair. He has a sense of justice.

It goes on.

Mr. President, we have some terrific editorials in behalf of Judge Paez that at another time I will have printed in the RECORD.

In closing this particular brief presentation, I thank my colleagues for listening. We have two incredible nominees deserving a yes vote. I hope we can all celebrate when this is behind us and as a Senate confirm these two excellent people.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I yield myself 6 minutes.

I ask my friend and colleague from California, there was reference made on the Senate floor a few moments ago about a Los Angeles Daily Journal article that reviewed a variety of Judge Paez's rulings, which I think is fair to point out.

I wonder whether the Senator could confirm that in that Daily Journal review, seven cases were selected by the Los Angeles Daily Journal that would most effectively test the ability of Judge Paez to serve on the Ninth Circuit. The Journal asked 15 experts, including a fair balance of liberal and conservative law professors and attorneys, to evaluate Judge Paez's legal rulings. The Journal concluded:

> The portrait that emerged is of a thoughtful, unbiased, even-tempered judge, propelled into the political spotlight, only to be trapped into a seemingly never-ending and bitterly polarized nomination process. . . . Of the 15 legal experts who examined Paez's ruling for the Daily Journal, 13 praised them, using descriptions such as "clear, concise, and straightforward," "clearly written and carefully reasoned," and "scholarly and thorough."

This is the import of the Los Angeles Daily Journal, as I understand. One could draw, perhaps, a different conclusion from the earlier references.

Would the Senator agree my characterization was a more accurate characterization than referenced earlier?

Mrs. BOXER. The Senator from Massachusetts is correct. I quote from the headlines in this paper: "Paez's Opinions Praised as Well-Reasoned." Another says, "Experts Say His Rulings Will Stand the Test of Time."

My friend is right; this is a positive story. I think if every Senator read this story, there would be no question he should be confirmed.

Mr. KENNEDY. It was a reference to an objective evaluation. In that evaluation, the reviewers came to the same conclusion that the Bar Association arrived at, which was that the cause of justice in the Ninth Circuit would be well served and the people highly served with his confirmation.

I join with my friend and colleague from California, as well as others, in urging the favorable consideration of Marsha Berzon and Richard Paez for the Ninth Circuit Court of Appeals. They are exceptional nominees who have waited far too long for action.

The delay in reviewing the nominations is a case study in the failure of the Senate to deal effectively with judicial nominations. That failure has left the courts with 29 judicial emergencies, and is the result of the Senate's adbication of its constitutional responsibility to act on judicial nominees.

Marsha Berzon, as the Senator has pointed out, is an outstanding attorney. She is a graduate of Harvard/Radcliffe College and the University of California Law School. She clerked for the Ninth Circuit Court of Appeals and the U.S. Supreme Court—rare commendations for a young lawyer.

Nationally known as an appellate litigator in a highly regarded San Francisco law firm, she has written more than 100 briefs and petitions. She received strong recommendations from a bipartisan list of supporters, from major law enforcement organizations, and from those who have opposed her in court.

As our chairman, Senator HATCH, commented last June, Marsha Berzon "is one of the best lawyers I've ever seen."

It reflects poorly on the Senate that such a gifted lawyer was denied a vote on the Senate for so long.

The Senate's shabby and insulting treatment of Richard Paez is worse. He has almost two decades of judicial experience and received the highest rating from the American Bar Association. He was first nominated more than 4 years ago to serve in the Ninth Circuit. Judge Paez graduated from Brigham Young University and Boalt Hall Law School. Early in his career, he represented low-income clients. He later served in the Los Angeles Municipal Court, and the Los Angeles Superior Court, the California Court of Appeals, and 5 years ago he was nominated and appointed to the U.S. District Court for the Central District of California.

Clearly, Judge Paez has the experience and the ability to serve with great distinction on the Ninth Circuit. He has the support of former California state judge and Republican Congressman JIM ROGAN, as well as the Sheriff, the District Attorney, and the Police Officers Association of Los Angeles.

We rarely have two nominees who are as well qualified with the breadth of support these nominees have. We are fortunate to have these two nominees who are willing to serve in the judiciary. What they have been put through in terms of the failure of this body to act, I think, is indeed unfortunate.

Now we do have that opportunity. I join with all of my colleagues to urge the approval of both of these nominees. Since his nomination in January 1996, 4 years ago, Judge Paez has been approved by the Senate Judiciary Committee twice. Surely he deserves an affirmative vote by the full Senate. It is time for the Senate to stop abusing its power.

Over 200 years ago, the Framers of the Constitution created a system of checks and balances to ensure that excessive power is not concentrated in any branch of government. The President was given the authority to nominate federal judges with the advise and consent the Senate. The clear intent was for the Senate to work with the President, not against him, in this process.

In recent years, however, by refusing to take timely action on so many of the President's nominees, the Senate has abdicated its responsibility.

Both of these nominees are uniquely well qualified. Both have demonstrated outstanding qualities and abilities to serve in the courts of this country and serve the cause of justice in this nation. I hope both of them will be speedily approved by the Senate.

At long last the Senate is considering the nominations of Marsha Berzon and Richard Paez for the Ninth Circuit Court of Appeals. They are both exceptional nominees who have waited far too long for action by the Senate. Indeed, the delay in reviewing these nominations is a case study in the failure of the Senate to deal effectively with judicial nominations. That failure has left the courts with 29 judicial emergencies, and is the result of the Senate's abdication of its constitutional responsibility to act on judicial nominees.

Marsha Berzon is an outstanding attorney with an impressive record. She is a graduate of Harvard/Radcliffe College and the Boalt Hall Law School at the University of California, Berkeley. She clerked for both the Ninth Circuit Court of Appeals, and the U.S. Supreme Court.

She is currently a nationally known appellate litigator with a highly regarded San Francisco law firm. She has written more than 100 briefs and petitions in the Supreme Court, and has argued four cases there. She has received strong recommendations from a bipartisan list of supporters, from major law enforcement organizations, and from those who have opposed her in court. She has argued in many U.S. Circuit Courts of Appeals, U.S. District Courts, and at all levels of the California state court system. She has represented numerous private clients, as well as the governments of the States of California and Hawaii, and the City of Oakland, California. Senator HATCH commented last June that Marsha Berzon, "is one of the best lawyers I've ever seen." She was first nominated by President Clinton on January 27, 1998—over two years ago—and it reflects poorly on the Senate that such a gifted lawyer was denied a vote by the full Senate for so long.

The Senate's shabby and insulting treatment of Judge Richard Paez is even worse. He has almost two decades of judicial experience. He received the highest rating from the American Bar Association, and was first nominated more than four years ago—more than four years ago—to serve on the Ninth Circuit.

Judge Paez is a graduate of Brigham Young University and Boalt Hall Law School. Early in his career, he represented low income clients. He later served on the Los Angeles Municipal Court, the Los Angeles Superior Court, and the California Court of Appeals. Five years ago, Judge Paez was appointed to the United States District Court for the Central District of California.

Clearly, Judge Paez has the experience and the ability to serve with great distinction on the Ninth Circuit. He has the support of former California state judge and Republican Congressman JIM ROGAN, as well as the Sheriff, the District Attorney, and the Police Chiefs' Association of Los Angeles County.

Since 1991, Judge Paez has been appointed twice by the chief justice of the California Supreme Court to serve as a member of the California Judicial Council, the policy-making body for the California judiciary.

Last month, the Los Angeles Daily Journal reviewed a variety of Judge Paez's rulings, and selected seven cases that would most effectively test his ability to serve on the Ninth Circuit. The Journal then asked fifteen experts, including a fair balance of conservative and liberal law professors and attorneys—to evaluate Judge Paez's legal rulings. As the Journal concluded,

> The portrait that emerged is of a thoughtful, unbiased and even-tempered judge, propelled into the political spotlight, only to be trapped in a seemingly never-ending and bitterly polarized nomination process. . . . Of the 15 legal experts who examined Paez's rulings for the Daily Journal, 13 praised them, using descriptions such as "clear, concise and straightforward," "clearly written and carefully reasoned," and "scholarly and thorough."

Even the ruling subjected to the greatest scrutiny was complimented by other prominent legal experts.

In its evaluation of Judge Paez, The Almanac of the Federal Judiciary notes that attorneys have praised him highly in the following terms. They say he is one of the smartest judges on the bench; he rates a 12 or 13 on a scale of one to 10; he is highly competent; he's very professional; and he's always fair. Despite what some contend, he is not anti-business, he is not anti-religion. He is a well-respected and right-minded judge.

Since his nomination in January 1996—over four years ago—Judge Paez has been approved by the Senate Judiciary Committee twice. Surely, he deserves an affirmative vote by the full Senate.

It is time for the Senate to stop abusing its power over nominations. Over 200 years ago, the Framers of the Constitution created a system of checks and balances to ensure that excessive power was not concentrated in any branch of government. The President was given the authority to nominate federal judges with the advice and consent of the Senate.

The clear intent was for the Senate to work with the President—not against him—in this process. In recent years, however, by refusing to take timely action on so many of the President's nominees, the Senate has abdicated its responsibility. By doing so, the Senate has seriously undermined the judicial branch of our government.

This kind of partisan stonewalling is irresponsible and unacceptable. It's hurting the courts, and it's hurting the country. Chief Justice William Rehnquist felt so strongly about the long delays in acting on nominees that he sharply criticized the Senate in his 1997 Year-End Report,

> Judicial vacancies can contribute to a backlog of cases, undue delays in civil cases, and stopgap measures to shift judicial personnel where they are most needed. Vacancies cannot remain at such high levels indefinitely without eroding the quality of justice that traditionally has been associated with the federal judiciary . . . Whatever the size of the federal judiciary, the president should nominate candidates with reasonable promptness, and the Senate should act within a reasonable time to confirm or reject them . . . The Senate is, of course, very much a part of the appointment process for any Article III judge. One nominated by the President is not "appointed" until confirmed by the Senate. The Senate is surely under no obligation to confirm any particular nominee, but after the necessary time for inquiry it should vote him up or vote him down.

Little has changed since Chief Justice Rehnquist made that statement in 1997. For decades, the average time from nomination to a final vote on a judicial nominee was 91 days. But in 1998, the delay more than doubled—to 232 days. Of the 65 judges confirmed in 1998, only 12 were confirmed in 91 days or fewer.

The trend continued in 1999. As of February 24, 2000, the average time between nomination and confirmation in the current Congress is 152 days.

In addition, it is women and minorities who have suffered the most during the impasse over judicial nominations. According to one study, it took an average of 60 days longer for non-whites than whites and 65 days longer for women than men to be considered by the Senate in the last Congress. Minorities have failed to win confirmation at a 35% higher rate than white candidates. In 1999, six out of the ten nominees who waited the longest were women and minorities.

While the Senate plays political games with the judiciary, the backlog of cases continues to pile up in the courts and undermines our judicial system. There are currently 76 vacant federal judgeships. Several more are likely to become vacant in the coming months, as more and more judges retire from the federal bench. Of the current vacancies, 29 have been classified as "judicial emergencies" by the Judicial Conference of the United States. That means that they have been vacant for 18 months or longer. Thirty-four nominees are currently waiting for Senate action. Three nominees are pending on the Senate floor, 3 are waiting for a vote in Committee, and all the others are waiting for a Judiciary Committee hearing. Only four judges have been confirmed by the Senate so far this year.

The effect of Senate inaction is clear. At the circuit court level in Texas, the court's workload has increased 65% over the past nine years, with no increase in judges and three vacancies. In California in 1997, 600 hearings had to be canceled because of the large number of vacancies. This slowdown in judicial confirmations is jeopardizing the integrity and viability of our judicial system.

The Senate has a constitutional duty to work with the President to confirm judicial nominees—particularly at a time when Congress is shifting more responsibility to the courts. Members should not use the excuse of an election year to stall this process. In 1988 the Democratic-controlled Congress confirmed 42 judicial nominees, and in 1992, they confirmed 66.

Opponents of Berzon and Paez argue that the high reversal rates of the 9th Circuit by the Supreme Court are proof that the Ninth Circuit is too liberal. This argument is false and a poor excuse for Republican stonewalling. In fact, from 1998 to 1999, five circuits had reversal rates higher than or equal to the Ninth Circuit. The Ninth Circuit reversal rate was lower than the combined reversal rate of the state appellate courts. And from 1996 to 1997—the year that critics point to—the Ninth Circuit had lower reversal rates than the Second, Fifth, Seventh, D.C., and Federal Circuits. As Chief Judge of the Ninth Circuit, Procter Hug, Jr., has written,

> . . . the reversal rate has little to do with the effectiveness of any circuit court of appeals. For example, the 13, 14, or 20 cases reversed in a term were out of 4,500 cases decided on the merits in the Ninth Circuit. The reversal rate in any circuit should also have little to do with the nomination or confirmation of judges to fill vacancies on a court.

The Senate has a constitutional obligation to fill the existing judicial vacancies. After such long delays, a vote in favor of Marsha Berzon and Richard Paez would be a significant step in the right direction. I urge my colleagues to support both of these highly qualified nominees.

Mr. DOMENICI. Mr. President, I rise today to announce that I intend to vote to confirm Judge Richard Paez to the Ninth Circuit. Judge Paez has waited four years for this vote, and I believe that the time has come for the Senate to perform its constitutional duty to advise and consent on this nomination.

I have reviewed Judge Paez's record, including some of the issues which have proven controversial over the last four years, and am satisfied that he has adequately responded to the concerns raised by some in this body about his fitness to serve on the Ninth Circuit.

Particularly, Judge Paez has expressed his regret about commenting publicly about two California ballot initiatives while he served on the federal bench. Affirmative action and welfare benefits for illegal immigrants are two issues which inspire passion in many people on both sides of the political aisle. While I understand, but do not necessarily agree with Judge Paez's comments and concerns about these two initiatives, I think he also knows that he made a mistake. That mistake should not prevent his elevation to the appellate court.

I also have reviewed several of Judge Paez's more controversial opinions. While I cannot say that I agree with some of his legal conclusions, I do believe that he has a well-deserved, bipartisan reputation for fairness, and for being a thoughtful, scholarly jurist. His fifteen years as a municipal and federal district court judge will serve him well on the Ninth Circuit.

Mr. President, Judge Paez has earned bi-partisan support from a variety of sources. Not only is he universally supported by the Hispanic community, but he also has received the endorsement of law enforcement officials, district attorneys and the business trial bar in California. I believe we have taken enough time to study Judge Paez's record on and off the bench. Despite the fact that Judge Paez and I come from opposite ideological positions, I am ready to join a majority of this body, Democrats and Republicans, in support of his confirmation. Thank you and I yield the floor.

Mr. SPECTER. Mr. President, this afternoon the Senate takes up the nominations of Ms. Marsha Berzon and also Judge Richard A. Paez. These nominations have been pending in the Judiciary Committee for a considerable period of time. I supported both of those nominees in moving them to the floor from the Judiciary Committee.

Ms. Berzon has an outstanding record academically and as a practicing lawyer. She received her bachelor's degree from Harvard and Radcliffe colleges in 1966. She received her J.D. degree, doctorate of law, from the University of California, Boalt Hall School of Law in 1973. Thereafter, she clerked for Ninth Circuit Judge James R. Browning and then for Supreme Court Justice William J. Brennan.

She has been in the practice of law since 1975 and most recently, from 1978 to the present time, with the firm of Altshuler, Berzon, Nussbaum, Berzon & Rubin, where she has had a very active litigation practice. She argued four cases before the Supreme Court of the United States, which is a large number of cases for a practicing lawyer to have before the Supreme Court.

That kind of appellate practice is a strong indicator of her preparation for work as an appellate court judge on the Ninth Circuit to which she has been nominated.

There have been objections raised to Ms. Berzon on ideological grounds. It is my view that this kind of a challenge ought not to be a basis for defeating a nomination to the Federal court.

She has opposed as a personal matter the death penalty, as many nominees do on a personal level, but has stated her willingness to follow the law in imposing the death penalty.

She has been supported by many police organizations, which I ordinarily would not mention except that the challenge has been made to her qualifications based upon her opposition to the death penalty.

I think it appropriate to note that she has been supported by a number of law enforcement organizations, including the National Association of Police Organizations, the California Correctional Peace Officers Association, the International Union of Police Associations, and the Los Angeles County Professional Police Officers Association.

I have attended the hearings on Ms. Berzon, which have been very detailed. I recall one day the hearing was interrupted. We came to the floor to vote and later continued the hearing in one of the Appropriations Committee rooms. On the basis of that hearing and her familiarity with the law and her extensive practice, especially her appellate practice, I believe she is qualified to be confirmed for the Ninth Circuit. Accordingly, I urge my colleagues to support her.

Judge Richard Paez is also on the list for confirmation. Judge Paez brings a distinguished record. He is a graduate of Brigham Young University where he received his Bachelor's degree in 1969; a graduate from Boalt Hall, University of California at Berkeley in 1972; worked for the California Rural Legal Assistance as a staff attorney from 1972 to 1974; took on work for the next 2 years for the Western Center on Law and Poverty as a staff attorney; and from 1976 to 1981 was with the Legal Aid Foundation.

Those are tough jobs, not high-paying jobs. I know from my work as district attorney of Philadelphia where I saw public defenders work—did a volunteer stint many years ago in the public defender's office—I know the pay in those positions and I know the nature of the work. It is a real contribution.

From 1981 to 1994, Richard Paez was a judge on the Los Angeles municipal court, and from July of 1994 until the present time, he has been a U.S. District Judge for the Central District of California.

A number of objections have been raised to Judge Paez. One, that he made a speech in 1995 where he criticized a couple of initiatives in California: Initiative 187, on benefits to illegal aliens; and a second, No. 209 on affirmative action.

I don't think a judge gives up his right to freedom of speech when he is on the bench. It could be said it would be a little more prudent not to speak on matters that might come before the court. But if the matter does come before the court, there are many other judges who can undertake the litigation matter on recusal. Even if Judge Paez had not spoken up on the matters and had such strongly held views, that probably would have been an appropriate matter for recusal in any event. I don't think speaking up on those matters is a burden or inappropriate for his judicial duties. Again, it might be better not to do that, but it is not a disqualifier.

Objections have been raised on two matters where he refused to dismiss a case brought against Unocal involving charges of abuse of human rights in Bosnia—a pretty tough standard to get a case dismissed on a preliminary motion. There again, not a weighty matter which would warrant disqualification.

An issue was raised at him being a municipal court judge handling a case involving Operation Rescue where there was an issue of whether he stormed off the bench or simply called a recess for a cooling off period, and some issue as to how he treated people in the audience who were waving Bibles, an issue of whether he threatened to take the Bibles away.

Again, I think the aggregate of these three matters are not sufficient to rise to the level of disqualification.

There is one matter which concerns me and that was a plea bargain which Judge Paez handled on a case involving John Huang. I have reviewed that matter in some substantial detail on the notes of testimony, of the sentencing, and of the Government's brief filed on the downward departure and believe that the Government did not present all the evidence, all the materials which should have been presented at the John Huang sentencing. I have discussed the matter with Judge Paez by telephone.

There has been a pattern on plea bargains where the Department of Justice has, in my judgment, not done the vigorous, forceful work that a prosecutor ought to do in the plea bargain. One of those cases involves Dr. Peter Lee, where there were serious charges of espionage. I went to California and talked to the Chief Judge Hatter out there about that case and found there was insufficient information presented to Judge Hatter. I mention that because it is a parallel to the case involving John Huang with Judge Paez.

The Judiciary oversight subcommittee, which I chair, is looking into the Huang plea bargain, as we are looking into the Dr. Peter Lee plea bargain, as we shall look into other campaign finance matters, including the probation of Charlie Trie in the campaign finance case, and the probation of Johnny Chung in a campaign finance case. However, there were very serious matters which were not presented to Judge Paez. The essence of the complaint filed by the Department of Justice involved only $7,500 of illegal campaign contributions, and an obtuse, obscure reference in the Government's brief to a figure of $156,000 for the period covered by the conspiracy, which lasted from 1992 to 1994.

What the Government did not bring forward was information disclosed by the Governmental Affairs Committee that John Huang was involved in soliciting $1.6 million which was returned by the Democratic National Committee. In that was a $250,000 contribution from a John H. Lee, a South Korean businessman, which Huang collected, knowing that Lee was a foreign national, and also the Huang solicitation for arranging for Ted Sioeng, a foreign businessman, with connections I will not describe on the Senate floor, which should have been called to Judge Paez's attention.

After reviewing the records in the case, the notes of testimony at sentencing, and what was made available in the Government's memorandum, none of these matters were called to Judge Paez's attention.

I have made a request of Judge Paez, as I made a request of Chief Judge Hatter in the Dr. Peter Lee case, to examine the presentence report. That is customarily a confidential matter, but Judge Paez said on a showing of cause after notification of the parties, that might be made available to the Judiciary subcommittee on oversight.

I make these references to Judge Paez on this state of the record, and we are continuing to make the inquiries as to what the Government put on as to John Huang, but there is nothing on this record which suggests that Judge Paez knew of these other factors, which I think would have warranted a very different and a much more substantial sentence, just as I think had Chief Judge Hatter been informed about the details of Dr. Peter Lee, there would have been a different sentence in that espionage case.

These matters are now ripe for decision by the Senate. There has been some suggestion of a further investigation on this matter, but when Judge Paez's nomination has been pending since January of 1996, and all of the factors on the record demonstrate it was the Government's failure, the failure of the Department of Justice to bring these matters to the attention of Judge Paez and on the record, he has qualifications to be confirmed. I do intend, on this state of the record, to support his confirmation.

The PRESIDING OFFICER. All time has expired.

NOMINATION OF JULIO M. FUENTES, OF NEW JERSEY, TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT

The PRESIDING OFFICER. Under the previous order, the clerk will report the nomination.

The assistant legislative clerk proceeded to read the nomination of Julio M. Fuentes, of New Jersey, to be United States Circuit Judge for the Third Circuit.

Mr. LAUTENBERG. Mr. President, I want to start by thanking the Judiciary Committee—particularly Chairman HATCH and Ranking Member LEAHY—for moving the nomination of Judge Julio Fuentes through the committee process so efficiently.

Judge Fuentes clearly is the kind of candidate that we want on the federal bench. In many ways, his life demonstrates the promise of America—the idea that anyone committed to getting an education and working hard can build a distinguished career.

Judge Fuentes wasn't born to wealth or privilege. He was raised by a single parent—his mother who worked as a nurse. But he pursued his education diligently, earning a college degree while serving his country in the Army's Special Forces. Eventually, he earned not only a law degree but also two Masters degrees.

After completing law school, Judge Fuentes began building a successful legal practice, honing his skills as an associate with a Jersey City law firm. He later established his own firm and gained experience handling a wide range of criminal and civil matters.

In 1978, he was appointed a judge on the Newark Municipal Court, where he served until his appointment to the New Jersey Superior Court in 1987. As a Superior Court judge, he has presided over criminal cases and a wide range of civil disputes, including product liability actions, environmental suits, and property claims. He has also ruled on a number of federal and state constitutional issues.

In addition to his professional endeavors, Judge Fuentes has also volunteered his time to help members of the community. He has mentored many Hispanic youths and he has received several awards for his public service.

Judge Fuentes' hard work on and off the bench has earned the respect of his judicial colleagues, the lawyers who appear before him, and the people of New Jersey. The people who know him well describe him as "bright," "dedicated," and "even-tempered."

In short, I feel certain that Judge Fuentes' depth of experience, his legal knowledge, his compassion and his temperament would make him an exceptional federal judge.

Again, I thank Senators HATCH and LEAHY for their hard work on this nomination, and I urge all of my colleagues to vote to confirm Judge Fuentes.

Mr. SPECTER. Mr. President, I seek recognition today to express my support for the nomination of Julio M. Fuentes to be a judge on the Third Circuit Court of Appeals.

I recently had the opportunity to meet Judge Fuentes when he came before the Senate Judiciary Committee for his nomination hearing on February 22nd. At that time, I questioned the Judge on his experience and credentials for the bench and was persuaded that he will be able to meet the great challenge of serving on the Third Circuit.

Judge Fuentes has had a distinguished legal career. He earned his law degree from the State University of New York in Buffalo in 1975. He then entered the practice of law in New Jersey and continued to practice for 7 years. While he was practicing, Mr. Fuentes was appointed to be a judge on the Newark Municipal Court, where he served from 1979 to 1987. In 1987, Judge Fuentes was appointed to the New Jersey Superior Court, where he has served until the present day.

His 20-plus years on the state bench have given Judge Fuentes a strong judicial background that will serve him well on the Third Circuit. Many of the issues that Judge Fuentes will encounter on the federal bench, from criminal law to torts to contracts, are ones with which he will be well acquainted from his time on the state bench. Other issues before the federal courts, such as antitrust and securities cases, will be new to Judge Fuentes. But I am confident that his experience has given him the skills and temperament needed to tackle these issues.

The Third Circuit is a prestigious court with a proud history. It has a tremendous volume of very high-powered litigation. I wish Judge Fuentes a long and productive career in this most important position.

Mr. TORRICELLI. Mr. President, it is with great pleasure that I rise to thank my colleagues for their support of the nomination of Judge Julio Fuentes to the Third Circuit Court of Appeals.

There has been much discussion of late of the slow pace at which the Senate has moved to confirm judicial nominees in the 106th Congress. It is a fact of which no one should be proud. Each judicial seat that we leave vacant slows the administration of the courts and access to justice for the American people.

That being said, I want to publicly thank Senator HATCH who has repeatedly—and admirably—demonstrated his commitment to moving nominees through the Judiciary Committee in a timely fashion. I want to thank both Senator HATCH and Senator LEAHY for their support in assuring Judge Fuentes' confirmation.

The vote that we took this evening on Judge Fuentes is an important step towards easing the burdens on the courts. It is also evidence that a qualified candidate with broad support can get a fair vote in this Senate and move quickly from a hearing to confirmation. Judge Fuentes' nomination was reported out of the Judiciary Committee just last week by a unanimous voice vote.

George Washington once said, "The Administration of Justice is the firmest pillar of government." As I stand here today I am reminded of that quote because long after we all leave the Senate, those who sit on the Judiciary will continue to impact public policy and the lives of other Americans. When I recommended Judge Fuentes, I did so with the utmost confidence that he was well-suited to such great responsibility. In fact, I first considered Judge Fuentes for the position of District Court Judge. However, it soon became apparent that his stellar qualifications were so impressive that he deserved consideration for the Third Circuit. And I note with considerable pride that Judge Fuentes will be the first person of Hispanic descent to serve on the Third Circuit.

His career has been distinguished by a solid record of public service, which began in 1966 when he left college for three years to serve in the United States Army, including service in the Airborne Rangers. From his days in law school to his current tenure on NJ's Superior Court, he has demonstrated that he is an accomplished attorney who has made a commitment to improving the quality of justice in our society. I have no doubt that he will bring these same qualities to the federal bench.

A graduate of SUNY—Buffalo School of Law, Judge Fuentes began his legal career in private practice where he worked for 7 years on both civil and criminal matters. For his last three years in private practice, he also served as a part-time Judge on Newark's Municipal Court. Then in 1981, he assumed the bench full-time as a Municipal Judge where he remained until 1987 when he was promoted to the New Jersey Superior Court.

In his now 13 years on the Superior Court, he has built a reputation as a fair and able jurist. When you speak with those who have had the opportunity to work with Judge Fuentes throughout this distinguished career, they universally praise his integrity as well as the depth and breadth of his knowledge of the law. And those who know him well describe him as bright, dedicated, and compassionate.

I could not be more confident that Judge Fuentes is the right person to fill this seat—a view that is shared by those best in a position to know the Judge's qualifications. New Jersey's Governor Christie Whitman, the New Jersey State Bar Association, and the Hispanic Bar Association—both nationally and in New Jersey—have written letters enthusiastically supporting the Judge's nomination.

I am extremely proud to support Judge Fuentes nomination to the Third Circuit Court of Appeals. I know he will be a superb addition to the bench.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Julio M. Fuentes, of New Jersey, to be United States Circuit Judge for the Third Circuit? On this question, the yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. McCAIN), the Senator from Missouri (Mr. BOND), and the Senator from Georgia (Mr. COVERDELL) are necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from California (Mrs. FEINSTEIN), the Senator from Nebraska (Mr. KERREY), and the Senator from Minnesota (Mr. WELLSTONE) are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota (Mr. WELLSTONE) and the Senator from Delaware (Mr. BIDEN) would vote "aye."

The PRESIDING OFFICER (Mr. SMITH of Oregon). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 34 Ex.]

YEAS—93

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Bingaman
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wyden

NOT VOTING—7

Biden
Bond
Coverdell
Feinstein
Kerrey
McCain
Wellstone

The nomination was confirmed.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

● Mr. BIDEN. Mr. President, circumstances have prevented my being able to be here for the vote this evening on Julio Fuentes's nomination to the United States Court of Appeals for the Third Circuit, but I wanted to take this opportunity to make it clear that I am pleased to support his nomination.

Judge Fuentes is eminently qualified for this important position. After several years in private practice, Judge Fuentes has served the New Jersey community with honor first, as a judge on the Newark Municipal Court, and now, as a judge on the New Jersey Superior Court, where he has served admirably for well over a decade.

Judge Fuentes is an excellent jurist with an unblemished record and a man of integrity. He is regarded with great esteem within his community and has received the endorsement of many different organizations. In fact, I understand that Judge Fuentes was originally recommended for a seat on the District Court in New Jersey, but the White House was so impressed after meeting him that the President nominated him to the Third Circuit instead.

I always monitor the nominations made to the Third Circuit with special interest because my own state of Delaware is part of that Circuit. And I can say without reservation that I am confident that Judge Fuentes will discharge his new responsibilities with distinction and will make a fine addition to that court. I commend the two Senators of New Jersey for their support of this nominee and am proud to join them.●

NOMINATIONS OF MARSHA L. BERZON AND RICHARD A. PAEZ—Continued

CLOTURE MOTIONS

Mr. LOTT. Mr. President, I understand there have been a couple of hours of spirited debate on the nominations of Judge Paez and Mrs. Berzon, which is certainly the right of the Senate. I am sure we will have some further spirited discussion about these nominees.

However, I have given my word that these two nominees should at least have the opportunity for a vote. We did work out an agreement last year, and I made a commitment that these two nominees would have a Senate vote on their confirmation. With that in mind, in order to accomplish this—while I had hoped it would not be necessary, again, I emphasize, as I did last year and earlier this year, I think it is a mistake to begin to have cloture votes on judicial nominations on the floor. We had one instance of that last year, and I said to my Democratic friends I thought that was a mistake, and pretty shortly thereafter we worked that out and moved that nomination.

I don't like to have to file cloture on these nominations either, but in order to fulfill the commitments that have been made and have a good debate but some limit on it where we would get a vote, I send a cloture motion to the desk on the nomination of Marsha Berzon to the Ninth Circuit Court of Appeals.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 159, the nomination of Marsha L. Berzon, to be United States Circuit Judge for the Ninth Circuit:

Trent Lott, Orrin G. Hatch, Susan M. Collins, Arlen Specter, Ted Stevens, Thad Cochran, James M. Jeffords, Robert F. Bennett, Richard G. Lugar, Chuck Hagel, Conrad Burns, John W. Warner, Patrick J. Leahy, Harry Reid of Nevada, Charles E. Schumer, and Tom Daschle.

Mr. LOTT. Mr. President, I send to the desk also a cloture motion on the pending nomination of Richard Paez.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 208, the nomination of Richard A. Paez to be United States Circuit Judge for the Ninth Circuit:

Trent Lott, Orrin G. Hatch, Susan M. Collins, Arlen Specter, Ted Stevens, Thad Cochran, Robert F. Bennett, Harry Reid of Nevada, Richard G. Lugar, Chuck Hagel, Conrad Burns, John W. Warner, Patrick J. Leahy, Charles E. Schumer, Tom Daschle, and Barbara Boxer.

Mr. LOTT. Mr. President, I ask unanimous consent that notwithstanding rule XXII, these cloture votes occur in the order in which they were filed at 5 p.m. on Wednesday, and that the mandatory quorum under rule XXII in each case be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, it is my understanding that if cloture is invoked in each case, Senator SMITH of New Hampshire will require 5 hours of total debate on both nominations under his control, and following the conclusion of the time, the Senate would be in a position to vote in a back-to-back sequence on the confirmations of Berzon and Paez. I will not propound that request at this time but will put Members on notice that this is the fashion in which I see the Senate considering these nominations.

I have discussed that with Senator DASCHLE, and he understands that. Of course, there will be a need to have equal debate on both sides, if that is required by Senators.

I thank all my colleagues for their cooperation. I look forward to further debate on these nominees during tomorrow's session prior to the 5 p.m. back-to-back cloture votes. In light of this agreement, we can announce that there will be no further votes this evening.

Mr. DASCHLE. Mr. President, I know there is another unanimous consent to propound.

Let me briefly thank the majority leader for keeping his commitment. He and I both hoped we wouldn't have to file cloture. We may yet have the opportunity to vitiate cloture if something can be worked out. I am hopeful that we will have an opportunity to have the votes as he has anticipated tomorrow at 5 o'clock. This agreement accords everybody their rights. People will have an opportunity to further discuss this matter. They will be able to respond to whatever statements may be made on the floor. We will have a good debate about these nominees tomorrow, even though we will be taking up other legislation.

I think this is a very good agreement. I am grateful to him and to all of our colleagues for their cooperation. I appreciate the fact that we have come this far.

I yield the floor.

Mr. LEAHY. Mr. President, will the Senator yield?

Mr. LOTT. I am glad to yield.

Mr. LEAHY. Mr. President, I wish to associate myself with the comments of the distinguished Senator from South Dakota. I was privileged to be part of some of the discussions the distinguished Republican leader and the Democratic leader had last fall, along with the distinguished Senator from Mississippi. He has fulfilled the commitment he made to us at that time. I suspect that some aspects probably will not be debated with great ease. I wish to commend them for doing that. As I have said all along, I want to be in the position where Senators can vote up or down on these two outstanding nominees.

I thank the Chair.

Mr. LOTT. Mr. President, I thank both Senators for their comments.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, I ask unanimous consent that at 9:30 a.m. on Wednesday, the Senate proceed to the conference report to accompany H.R. 1000, the Federal Aviation Administration reauthorization bill. I further ask unanimous consent that there be 60 minutes of debate equally divided as follows: 20 minutes for the majority manager, 20 minutes for the minority manager, and 20 minutes for Senator LAUTENBERG.

I further ask unanimous consent that following that debate time, the conference report be laid aside with a vote on adoption to occur at 5 p.m. just prior to the scheduled cloture votes with no intervening action or debate.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LOTT. Mr. President, it will be my intention that following the hour of morning business, at 11:30 a.m. on Wednesday the Senate proceed to the Export Administration Act. I am not propounding that at this time, but that would be the next legislation on which we have been working. It has broad bipartisan support. It involves a very important segment of our economy. We need to move forward with this legislation as soon as possible. We would like to start on that at 11:30 tomorrow. Between that time and the stacked votes at 5 o'clock, we could have opening statements and begin to move forward on this very important Export Administration Act.

I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I think this is a very good agreement. I think we can have a good discussion about the conference report.

I know there are other Senators who may want to enter into a colloquy with the majority leader or others with regard to some of the implications of the FAA bill. This will accommodate any colloquies Senators may desire.

I also am pleased that we are able to move to the Export Administration Act. As the majority leader noted, this bill is important. We ought to finish it this week. There is no reason why we can't finish it this week, if we can get agreement. It passed out of the committee unanimously. It is long overdue. It is important for us to act on it.

I think this would be a good week for us to be able to deal not only with these nominations, not only with the FAA, but also with the Export Administration. We have an opportunity to do some real good work, and this agreement accommodates that.

I appreciate Senators' cooperation on both sides.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Mr. President, I indicated that I might object to the motion to proceed to the Export Administration Act. It is not my intention to do that. In checking with my other colleagues who have been concerned with this matter, I have learned they are satisfied, as I am, that there have been negotiations in good faith with regard to some of the provisions of the Export Administration Act that cause us great concern; therefore, I will be content to offer amendments tomorrow. But I would like to state for the record that I do not intend immediately to enter into any time agreement.

The chairman of the Banking Committee has indicated that he does not intend to ask for any time agreement going in. There will be amendments. We need thorough discussion of this matter. This is not something we can hastily go into and dispense with. It is very complicated. It is very important. It has to do with our export policy with regard to our dual-use items—very sensitive items which some countries are now using to enhance their nuclear and other weapons of mass destruction capabilities. There is hardly anything more serious than that.

My own view is that we have needed to reauthorize the Export Administration Act for some time. But we need to tighten the rules, not loosen the rules. My concern is that this does, indeed, loosen some of the important rules.

While I will not object to a motion to proceed, I want it understood that we are going to need a full discussion of the issue.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, we have been able to work through an agreement on consenting to go to the Export Administration Act.

I ask unanimous consent, following an hour of morning business, that at 11:30 a.m. on Wednesday the Senate begin debate on the Export Administration Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Thank you, Mr. President. I thank my colleagues for their cooperation on this.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ENZI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. ENZI. Mr. President, I now ask consent there be a period for the transaction of routine morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF TIMOTHY B. DYK

Mr. KENNEDY. Mr. President, Senate action on Timothy Dyk's nomination to the U.S. Court of Appeals for the Federal Circuit is long overdue. He has waited almost two years for this vote. Yet he is a nationally known and exceptionally well-regarded attorney who received a "Qualified" rating from the American Bar Association and was well received by the Senate Judiciary Committee. He deserves a favorable vote by the Senate here today.

Mr. Dyk is an honors graduate of both Harvard College and Harvard Law School. After graduation he served as a law clerk for Chief Justice Earl Warren, and for Justices Stanley Reed and Harold Burton. He served in the Justice Department for a year in the early 1960's and has spent the last 37 years as a distinguished and highly respected attorney in private practice in Washington, DC. He has argued cases before the Supreme Court and in numerous Federal courts of appeals, including five cases before the Federal Circuit. He clearly has the qualifications and ability to serve on the Federal Circuit with great distinction.

Mr. Dyk's nomination is supported by a variety of corporations and organizations, including the U.S. Chamber of Commerce, the National Association of Manufacturers, the National Association of Broadcasters, the Labor Policy Association, the American Trucking Association, Kodak, and IBM.

Timothy Dyk is highly qualified to serve on the Federal Circuit. He should have been confirmed long ago, and I urge my colleagues to approve his nomination today.

THE COUNTERINTELLIGENCE REFORM ACT OF 2000

Mr. LEAHY. Mr. President, I am pleased to join my colleagues Senators GRASSLEY, SPECTER and TORRICELLI, and others, in cosponsoring the Counterintelligence Reform Act of 2000, S. 2089. I look forward to working with my colleagues on making any improvements and refinements to the legislation which may become apparent as we hold hearings. This is an important issue with serious implications for the careful balance we have struck between the need to protect our national security and our obligation to defend the constitutional rights of American citizens.

This legislation was crafted in response to perceived problems in the investigation of nuclear physicist Wen Ho Lee. Our review of that matter is far from complete and, in view of the pending criminal case, must be put in abeyance to avoid any prejudice to the parties or suggest political influence on the proceedings. Based on the Subcommittee's review to date, however, I do not share the views of some of my colleagues who have harshly criticized the Justice Department's handling of this matter. Notwithstanding my disagreement, as explained below, with those criticisms of the Justice Department, I support this legislation as a constructive step towards improving the coordination and effectiveness of our counterintelligence efforts. Senators GRASSLEY, SPECTER and TORRICELLI have provided constructive leadership in crafting this bill and bringing together Members who may disagree about the conclusions to be drawn from the underlying facts of the Wen Ho Lee investigation.

My view of the Justice Department's handling of the Wen Ho Lee investigation differs in at least three significant respects from those of the Department's critics in the Senate.

First, the Justice Department's demand in the summer of 1997 for additional investigative work by the FBI has been misconstrued as a "rejection" of a FISA application for electronic surveillance. FBI officials first consulted attorneys at DOJ on June 30, 1997, about receiving authorization to conduct FISA surveillance against Lee. The request was assigned to a line attorney in the Office of Intelligence and Policy Review (OIPR), who, appreciating the seriousness of the matter, drafted an application for the court over the holiday weekend. A supervisor in the OIPR unit then reviewed the draft and decided that further work by the FBI would be needed "to complete the application and send it forward." Further discussions then ensued and two additional draft applications were prepared.

In August 1997, FBI agents met again with OIPR attorneys about the FISA request. The OIPR supervisor testified at a Governmental Affairs Committee hearing on June 9, 1999 that "[f]ollowing that meeting, the case was put back to the Bureau to further the investigation in order to flesh out and eliminate some of the inconsistencies, to flesh out some of the things that had not been done." He testified that the primary concern with the FBI investigation "had to do with the fact that the DOE and Bureau had [multiple] suspects, and only two were investigated. . . . That is the principal flaw which ha[d] repercussions like dominoes throughout all of the other probable cause."

This was not a "rejection." The OIPR attorneys expected the FBI to develop their case against Lee further and to return with additional information. This is normal, as most prosecutors know. Working with agents on investigations is a dynamic process, that regularly involves prosecutors pushing agents to get additional information and facts to bolster the strength of a case. Yet, nearly a year and a half passed before the attorneys at OIPR were again contacted by the FBI about Lee.

The report issued by the Governmental Affairs Committee on this issue concludes that although the OIPR attorneys did not view their request for additional investigation as a "denial" of the FISA request, the FBI "took it as such." Notwithstanding or even mentioning these apparently differing views as to what had transpired, some have criticized the Justice Department for rejecting the FISA application in 1997. It is far from clear that any rejection took place, and I credit the perspective of the OIPR attorneys that their request to the FBI for additional investigative work was made in an effort to complete—not kill—the FISA application.

Second, the Justice Department correctly concluded that the FBI's initial FISA application failed to establish probable cause. Indeed, even the chief of the FBI's National Security Division, John Lewis, who worked on the FISA application, has admitted that he turned in the application earlier than anticipated and without as much supporting information as he would have liked.

Determining whether probable cause exists is always a matter of judgment and experience, with important individual rights, public safety and law enforcement interests at stake if a mistake is made. From the outset, prosecutors making such a determination must keep a close eye on the applicable legal standard.

Pursuant to the terms of the FISA statute, intelligence surveillance against a United States person may only be authorized upon a showing that there is probable cause to believe: (1) that the targeted United States person is an agent of a foreign power; and (2) that each of the facilities or places to be surveilled is being used, or about to be used by that target. 50 U.S.C. §§1801(b)(2), 1804(a)(4). With regard to the first prong, the statute defines several ways in which a United States person can be shown to be an agent of a foreign power. Most relevant here, a United States person is considered an agent of a foreign power if the person "knowingly engages in clandestine intelligence gathering activities, for or on behalf of a foreign power, which activities involve or may involve a violation of the criminal statutes of the United States." 50 U.S.C. §1801(b)(2)(A).

Without dissecting all of the allegations against Lee here, there are several issues that undermined the FBI's evidence that Lee was an "agent of a foreign power" and, in 1997, engaged in "clandestine intelligence gathering activities." In the letterhead memorandum by which the FBI first sought DOJ approval for the FISA warrant, the FBI reported that an administrative inquiry conducted by DOE and FBI investigators had identified Wen Ho Lee as a suspect in the loss of information relating to the W-88 nuclear warhead. Most critically, however, the FBI indicated that Lee was one of a group of laboratory employees who: (1) had access to W-88 information; (2) had visited China in the relevant time period; and (3) had contact with visiting Chinese delegations.

The problem with the FBI's reliance on this administrative inquiry and corresponding narrow focus on Lee and his wife as suspects was that the FBI "did nothing to follow up on the others." The Attorney General testified at the June 8, 1999 Judiciary Committee hearing that "the elimination of other logical suspects, having the same access and opportunity, did not occur." Similarly, the OIPR supervisor who testified at the GAC hearing confirmed that "the DOE and Bureau had [multiple] suspects, and only two [meaning Lee and his wife] were investigated." According to him, as noted above, "[t]hat is the principal flaw which ha[d] repercussions like dominoes throughout all of the other probable cause." Quite simply, the failure of the FBI to eliminate, or even investigate, the other potential suspects identified by the DOE administrative inquiry undermined their case for probable cause.

Indeed, this failure to investigate all potential leads identified in the DOE administrative inquiry has prompted the FBI to conduct a thorough re-examination, which is currently underway, of the factual assumptions and investigative conclusions of that initial inquiry.

The other evidence that the FBI had gathered about Lee was stale, inconclusive or speculative, at best and certainly did not tie him to the loss of the W-88 nuclear warhead information. For example, the FBI proffered evidence pertaining to a fifteen-year-old contact between Lee and Taiwanese officials. The FBI's earlier investigation boiled down to this: after the FBI learned in 1983 that Lee had been in contact with a scientist at another nuclear laboratory who was under investigation for espionage, Lee was questioned. He explained, eventually, that he had contacted this scientist because he had thought the scientist had been in trouble for doing similar unclassified consulting work that Lee volunteered that he had been doing for Taiwan. To confirm his veracity, the FBI gave Lee a polygraph examination in January 1984, and he passed. This polygraph included questions as to whether he had ever given classified information to any foreign government. Shortly thereafter, the FBI closed its investigation into Lee and this incident.

Even if viewed as suspicious, Lee's contacts fifteen years earlier with Taiwanese officials did not give rise to probable cause to believe that in 1997 he was currently engaged in intelligence gathering for China.

As a further example, the FBI also relied on evidence that during a trip by Lee to Hong Kong in 1992, there was an unexplained charge incurred by Lee that the FBI speculated could be consistent with Lee having taken a side trip to Beijing. As Attorney General Reno testified at the hearing, the fact that Lee incurred an unexplained travel charge in Hong Kong did not standing alone support an inference that he went to Beijing. It therefore did nothing to support the FBI's claim that Lee was an agent for China.

The OIPR attorneys who pushed the FBI for additional investigative work to bolster the FISA application for electronic surveillance of Wen Ho Lee were right—the evidence of probable cause proffered by the FBI was simply insufficient for the warrant.

Third, the Justice Department was right not to forward a flawed and insufficient FISA application to the FISA court. Some have suggested that the Lee FISA application should have been forwarded to the court even though the Attorney General (through her attorneys) did not believe there was probable cause. To have done so would have violated the law.

The FISA statute specifically states that "[e]ach application shall require the approval of the Attorney General based upon [her] finding that it satisfies the criteria and requirements. . . ." 50 U.S.C. §1804 (a). The Attorney General is statutorily required to find that the various requirements of the FISA statute have been met before approving an application and submitting it to the court.

As a former prosecutor, I know that this screening function is very important. Every day we rely on the sound judgement of experienced prosecutors. They help protect against encroachments on our civil liberties and constitutional rights. Any claim that the Attorney General should submit a FISA application to the court when in her view the statutory requirements have not been satisfied undermines completely the FISA safeguards deliberately included in the statute in the first place.

I appreciate that those who disagree with me that the evidence for the Lee FISA application was insufficient to meet the FISA standard for surveillance against a United States person may urge that this standard be weakened. This would be wrong.

The handling of the Wen Ho Lee FISA application does not suggest a flaw in the definition of probable cause in the FISA statute. Instead, it is an example of how the probable cause standard is applied and demonstrates that effective and complete investigative work is and should be required before extremely invasive surveillance techniques will be authorized against a United States person. The experienced Justice Department prosecutors who reviewed the Lee FISA application understood the law correctly and applied it effectively. They insisted that the FBI do its job of investigating and uncovering evidence sufficient to meet the governing legal standard.

The Counterintelligence Reform Act of 2000 correctly avoids changing this governing probable cause standard. Instead, the bill simply makes clear what is already the case—that a judge can consider evidence of past activities if they are relevant to a finding that the target currently "engages" in suspicious behavior. Indeed, the problem in the Lee case was not any failure to consider evidence of past acts. Rather, it was that the evidence of past acts presented regarding Lee's connections to Taiwan did not persuasively bear on whether Lee, in 1997, was engaging in clandestine intelligence gathering activities for another country, China.

Finally, some reforms are needed. The review of the Lee matter so far suggests that internal procedures within the FBI, and between the FBI and the Office of Intelligence Policy and Review, to ensure that follow-up investigation is done to develop probable cause do not always work. I share the concern that it took the FBI an inordinately long time to relay the Justice Department's request for further investigation and to then follow up.

The FBI and the OIPR section within DOJ have already taken important steps to ensure better communication, coordination and follow-up investigation in counterintelligence investigations.

The FBI announced on November 11, 1999, that it has reorganized its intelligence-related divisions to facilitate the sharing of appropriate information and to coordinate international activities, the gathering of its own intelligence and its work with the counterespionage agencies of other nations.

In addition, I understand that OIPR and the FBI are working to implement a policy under which OIPR attorneys will work directly with FBI field offices to develop probable cause and will maintain relationships with investigating agents. This should ensure better and more direct communication between the attorneys drafting the FISA warrants and the agents conducting the investigation and avoid information bottlenecks that apparently can occur when FBI Headquarters stands in the way of such direct information flow. I encourage the development of such a policy. It should prevent the type of delay in communication that occurred within the FBI from happening again. In addition, the Attorney General advised us at the June 8, 1999 hearing that she has instituted new procedures within DOJ to ensure that she is personally advised if a FISA application is denied or if there is disagreement with the FBI.

Notwithstanding all of these wise changes, the FISA legislation will require formal coordination between the Attorney General and the Director of the FBI, or other head of agency, in those rare cases where disagreements like those in the Lee case arise. I am confident that the Directors of the FBI and CIA and the Secretaries of Defense and State, and the Attorney General, are capable of communicating directly on matters when they so choose, even without legislation. I am concerned that certain of these new requirements will be unduly burdensome on our high-ranking officials due to the clauses that prevent the delegation of certain duties.

For instance, the bill requires that upon the written request of the Director of the FBI or other head of agency, the Attorney General "shall personally review" a FISA application. If, upon this review, the Attorney General declines to approve the application, she must personally provide written notice to the head of agency and "set forth the modifications, if any, of the application that are necessary in order for the Attorney General to approve the application." The head of agency then has the option of adopting the proposed modifications, but should he choose to do so he must "supervise the making of any modification" personally.

I appreciate that these provisions of this bill are simply designed to ensure that our highest ranking officials are involved when disputes arise over the adequacy of a FISA application. However, we should consider, as we hold hearings on the bill, whether imposing statutory requirements personally on the Attorney General and others is the way to go.

I also support provisions in this bill that require information sharing and consultation between intelligence agencies, so that counterintelligence investigations will be coordinated more effectively in the future. In an area of such national importance, it is critical that our law enforcement and intelligence agencies work together as efficiently and cooperatively as possible. Certain provisions of this bill will facilitate this result.

In addition, Section 5 of the bill would require the adoption of regulations to govern when and under what circumstances information secured pursuant to FISA authority "shall be disclosed for law enforcement purposes." I welcome attention to this important matter, since OIPR attorneys had concerns in April 1999 about the FBI efforts to use the FISA secret search and surveillance procedures as a proxy for criminal search authority.

Whatever our views about who is responsible for the miscommunications and missteps that marred the Wen Ho Lee investigation, S. 2089, the Counterintelligence Reform Act of 2000, stands on its own merits and I commend Senators GRASSLEY, SPECTER, and TORRICELLI for their leadership and hard work in crafting this legislation.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, March 6, 2000, the Federal debt stood at $5,745,099,557,759.64 (Five trillion, seven hundred forty-five billion, ninety-nine million, five hundred fifty-seven thousand, seven hundred fifty-nine dollars and sixty-four cents).

Five years ago, March 6, 1995, the Federal debt stood at $4,840,905,000,000 (Four trillion, eight hundred forty billion, nine hundred five million).

Ten years ago, March 6, 1990, the Federal debt stood at $3,028,453,000,000 (Three trillion, twenty-eight billion, four hundred fifty-three million).

Fifteen years ago, March 6, 1985, the Federal debt stood at $1,713,220,000,000 (One trillion, seven hundred thirteen billion, two hundred twenty million).

Twenty-five years ago, March 6, 1975, the Federal debt stood at $499,255,000,000 (Four hundred ninety-nine billion, two hundred fifty-five million) which reflects a debt increase of more than $5 trillion—$5,245,844,557,759.64 (Five trillion, two hundred forty-five billion, eight hundred forty-four million, five hundred fifty-seven thousand, seven hundred fifty-nine dollars and sixty-four cents) during the past 25 years.

OPEN-MARKET REORGANIZATION FOR THE BETTERMENT OF INTERNATIONAL TELECOMMUNICATIONS ACT

Mr. CLELAND. Mr. President, one of the first issues to come before me as a new member of the Commerce Committee was INTELSAT privatization. Although this was a challenging issue that required balancing the international role of the U.S. in communications technology with the needs of the signatories to INTELSAT, I chose to become an original co-sponsor of the Open-market Reorganization for the Betterment of International Telecommunications Act "ORBIT" because I believed it was important to get behind a bill that can be enacted in to law this Congress to address these challenges.

One provision that was of particular concern to me is that of "fresh look." The conference agreement on S. 376 does eliminate the "fresh look" provision that continued to be debated this year. "Fresh look" is a policy that, if implemented, would allow the federal government to permit COMSAT's corporate customers to abrogate their current contracts with COMSAT. The conference agreement rejects "fresh look" and preserves the ability of the private parties involved to negotiate contracts so that one party cannot simply walk away from its business obligations without any attendant liability.

This conference agreement does not allow the FCC to take any action that would impair lawful, private contracts or agreements. Both chambers in the 106th Congress emphatically rejected "fresh look" when they passed their own versions of international satellite privatization legislation, and the conference agreement reflects this consensus.

I commend the conferees for including language in the conference agreement that protects private agreements, contracts, and the like. To read the relevant section otherwise would be to dismiss the clear intent of Congress to preserve existing and binding obligations of parties.

CHILD SAFETY LOCKS

Mr. KOHL. Mr. President, I rise to applaud this morning's bipartisan "firearm summit" at the White House. A commitment to find an agreeable compromise on the Juvenile Justice Bill could not be more timely.

A week ago today, Mr. President, a six-year old living in a drug-infested flophouse in Mount Morris Township, Michigan found a gun under a quilt. The six-year old who found that gun wanted to settle a playground quarrel he had the previous day with his classmate, Kayla Rolland.

He was able to grab the gun from under the quilt because blankets are not trigger locks; they are not a sufficient deterrent to curious children who find guns lying around unlocked. He took the gun and hid it in his pants and brought it to school the next day. No one and nothing prevented him from doing so.

When he arrived at Buell Elementary School, the boy announced to Kayla that she was not his friend. He waited for an opportunity to get back at her. He later said he wanted to scare her.

As his classmates were filing out and heading toward the school library, he had his chance. He did not call her names; he did not pull her hair; he did not hit her. Instead, he pulled the gun from his pants and waved it at two other classmates. He then accurately set his sights on Kayla, pulled the trigger, and killed her. She was all of six years old. He shot her dead in their first grade classroom.

He had access to the gun because it was not safely stored, and he was able to fire it because the gun did not have a safety lock. Either would have saved Kayla's life.

I have heard skeptics say that our child safety lock proposal, which 78 Senators supported last year, would not have mattered in this case because this gun was stolen. That is only half-true. Had the legal owner of this gun safely locked it with one of the devices mandated under our bill, then the thief might not have stolen it. Had the legal owner of this gun safely locked it with one of the devices mandated under our bill, the child's uncle might not have been able to leave it loaded within the boy's reach. Had the legal owner of this gun safely locked it with one of the devices mandated under our bill, the first grader could not have picked it up and used it with deadly accuracy.

How do we respond to this tragedy? How do we respond to others like it? There is no simple answer. But without a doubt, enacting our modest legislation to mandate that a child safety lock be sold with every handgun would be a good first step.

The distinguished Chairman of the House Judiciary Committee, HENRY HYDE, said over the weekend about the stalled gun provisions of the Juvenile Justice bill, "If you can't get dinner, at least get a sandwich." I agree.

Chairman HYDE, who has always been committed to reasonable firearms control, would prefer dinner. And I would too: we ought to pass the whole Juvenile Justice bill. We ought to do it soon. Time is of the essence because while the Congressional attention span is short, children die even when Congress isn't watching. We need to do more to protect children from guns and we need to do it now.

It is a regrettable truth that progress in the Juvenile Justice debate lurches forward only in reaction to unspeakable tragedy. A year ago next month, the massacre at Columbine and the shooting in Conyers, Georgia shocked this Senate into passing common sense proposals to get tough on thugs and violent juveniles. Some of those very same measures, including child safety locks, failed to pass the Senate by wide margins just the previous year.

But the overwhelming approval of the child safety lock proposal demonstrates that the Senate "gets it:" kids and guns do not mix. The House needs to "get it" too. The Center for Disease Control estimates that nearly 1.2 million "latch-key" children have access to loaded and unlocked firearms. It should come as no surprise, therefore, that children and teenagers cause over 10,000 unintentional shootings each year in which at least 800 people die. In addition, over 1,900 children and teenagers attempt suicide with a firearm each year. Tragically, over three-fourths of them are successful.

If preventable suicides and accidents are not enough to convince you that guns must be kept out of the hands of children, consider the following: within the next five years, firearms will overtake motor vehicle accidents as the leading cause of death among American children. The rate of firearm death of children under 15 years old is 16 times higher in the U.S. than in the 25 other industrialized nations combined. And the firearm injury "epidemic," due largely to handgun injuries, is ten times larger than the polio epidemic of the first half of the 20th century.

The very same day that young Kayla Rolland was tragically killed in Michigan, a 12 year old middle school student in the Milwaukee area carried a loaded gun to school. A disagreement the previous day led him to seek revenge by scaring his classmates. Thankfully, he never used the gun and school officials safely confiscated it. This scenario is replicated across the country every day.

Requiring child safety locks will drive the number of juvenile gun deaths down—something everyone approves of.

Mr. President, we have the opportunity to reduce what will soon be the number one cause of death among American children. How can we sit idly by when preventing it is so attainable?

We cannot.

So we ought to pass the Kohl-Chafee-Hatch Child Safety Lock Act. Alone or, better yet, as part of a package, it will help prevent the tragic accidents associated with unauthorized, unlocked, unattended firearms. I am pleased that the President called today's summit to try to move on these urgent matters. I am distressed that it seems, at least today, unproductive. And I pledge to work with the President and the bipartisan Leadership to act now so that we do not have to mourn more preventable innocent deaths.

ADDITIONAL STATEMENTS

RESTORATION OF LITHUANIA'S INDEPENDENCE

• Mr. ABRAHAM. Mr. President, on March 18 of this year, at the Lithuanian Cultural Center, in Southfield, Michigan, Lithuanian Americans will gather to mark the tenth anniversary of the reestablishment of Lithuanian independence.

Michigan's Lithuanian-American community also will celebrate the perseverance and sacrifice of their people, which enabled them to achieve the freedom they now enjoy.

I have reviewed the bare facts before: On March 11, 1990, the newly elected Lithuanian Parliament, fulfilling its electoral mandate from the people of Lithuania, declared the restoration of Lithuania's independence and the establishment of a democratic state. This marked a great moment for Lithuania and for lovers of freedom around the globe.

The people of Lithuania endured 51 years of oppressive foreign occupation. Operating under cover of the infamous Hitler-Stalin Pact of 1939, Soviet troops marched into Lithuania, beginning an occupation characterized by communist dictatorship and cultural genocide.

Even in the face of this oppression, the Lithuanian people were not defeated. They resisted their oppressors and kept their culture, their faith and their dream of independence very much alive even during the hardest times.

The people of Lithuania were even able to mobilize and sustain a non-violent movement for social and political change, a movement which came to be known as Sajudis. This people's movement helped guarantee a peaceful transition to independence through full participation in democratic elections on February 24, 1990.

Unfortunately, as is so often the case, peace and freedom had to be purchased again and again. In January of 1991, ten months after restoration of independence, the people and government of Lithuania faced a bloody assault by foreign troops intent on overthrowing their democratic institutions. Lithuanians withstood this assault, maintaining their independence and their democracy. Their successful use of non-violent resistance to an oppressive regime is an inspiration to all.

Lithuania's integration into the international community has been swift and sure. On September 17, 1991, the reborn nation became a member of the United Nations and is a signatory to a number of its organizations and other international agreements. It also is a member of the Organization for Security and Cooperation in Europe, the North Atlantic Cooperation Council and the Council of Europe.

Lithuania is an associate member of the European Union, has applied for NATO membership and is currently negotiating for membership in the WTO, OECD and other Western organizations.

The United States established diplomatic relations with Lithuania on July 28, 1992. But our nation never really broke with the government and people of Lithuania. The United States never recognized the forcible incorporation of Lithuania into the U.S.S.R., and views the present Government of Lithuania as a legal continuation of the inter-war republic. Indeed, for over fifty years the United States maintained a bipartisan consensus that our nation would refuse to recognize the forcible incorporation of Lithuania into the former Soviet Union.

America's relations with Lithuania continue to be strong, friendly and mutually beneficial. Lithuania has enjoyed most-favored-nation (MFN) treatment with the United States since December, 1991. Through 1996, the United States has committed over $100 million to Lithuania's economic and political transformation and to address humanitarian needs. In 1994, the United States and Lithuania signed an agreement of bilateral trade and intellectual property protection, and in 1997 a bilateral investment treaty.

In 1998 the United States and Lithuania signed the Baltic Charter Partnership. That charter recalls the history of American relations with the area and underscores our "real, profound, and enduring" interest in the security and independence of the three Baltic states. As the Charter also notes, our interest in a Europe whole and free will not be ensured until Estonia, Latvia, and Lithuania are secure.

I commend the people of Lithuania for their courage and perseverance in using peaceful means to regain their independence. I pledge to work with my colleagues to continue working to secure the freedom and independence of Lithuania and its Baltic neighbors, and I join with the people of Lithuania as they celebrate their independence.●

NATIONAL EYE DONOR MONTH

● Mr. BREAUX. Mr. President, I'm pleased to rise today to call to the attention of my colleagues and all of our constituents across the nation that March is National Eye Donor Month. For more than 55 years now thousands of Americans have participated in this selfless exercise of helping others.

The purpose of National Eye Donor Month is not only to honor the past donors who have played a pivotal role in restoring the sight of over half a million individuals, but also to raise public awareness of the continuing need for donors. When people decide to become a donor all they need to do is sign a card and announce their intent to their family.

The many recipients of this "gift of sight" represent the great diversity of our nation's population. For instance, Judrita Billiot is a young Houma Indian who lives in a small community about 50 miles from New Orleans, Louisiana. This young girl was born with a condition known as congenital opacity, in which the corneas neither transmit nor allow the passage of light. When she was still less than a year old Judrita received corneal transplants in both of her eyes. I'm happy to say that today she is a healthy young girl with normal vision thanks not only to the transplant procedure, but also to the donors who were thoughtful enough to leave behind this extraordinary gift.

The success of Judrita's transplants is not uncommon. The current success rate of corneal transplantation is nearly 90% thanks to a rigorous screening process and the dedication of our nation's eye banks, working in conjunction with the Eye Bank Association of America.

I appreciate this opportunity to highlight National Eye Donor Month and I encourage all of my colleagues to work with their local eye banks to increase public awareness of corneal transplantation and the continuous need for donors.●

RECOGNIZING KUAKINI HEALTH CARE SYSTEM ON ITS 100TH ANNIVERSARY

● Mr. INOUYE. Mr. President, I rise to recognize the Kuakini Medical Health System as it celebrates its 100th anniversary caring for Hawaii's people. Kuakini began as an ethnic charity hospital founded by Japanese immigrants who arrived in Hawaii to labor in the thriving sugar cane fields. Plantation wages were low and many newcomers found themselves unable to afford medical care. The Japanese Benevolent Society provided emergency relief to the immigrants, but a fire destroyed their facilities in January, 1900. Undaunted, the Japanese Benevolent Society started plans to build a charity hospital. Funds were raised through membership dues and community donations. Half an acre of land was purchased in Kapalama and a two-story wooden building housing 38 patient beds was completed by July, 1900. This humble beginning was the start of Kuakini Health System.

As the last existing hospital in the United States established by Japanese immigrants, Kuakini is unique among health institutions in the United States and Hawaii. There have been many changes during the past century, but the commitment of the health professionals and volunteers of Kuakini Health System to meet the health care needs of Hawaii's community has not waivered. Kuakini Health System has expanded to embrace and serve Hawaii's community without regard to ethnicity, disability, age, sex, religious affiliation, or financial status. Kuakini Health System is in the company of only 5 percent of all U.S. hospitals having a heavy Medicare caseload. Sixty-five percent of the hospital's admissions are Medicare patients and Kuakini's hospital cares for the largest composition of elderly patients among Hawaii's hospitals.

Kuakini Health System is a teaching facility, training health professionals in the precepts of compassion and quality in health care. Guests from around the world tour Kuakini to learn American health care and specific methods for health care. Kuakini includes the community in its educational goals with health and wellness fairs, health and prevention education classes, an information hotline, Internet access to information, Speakers Bureau Program and Open House aimed at giving students a first hand look at the different departments and professions within a health care organization. By bringing health awareness to our community, Kuakini contributes to the overall health and well-being of Hawaii's people.

Kuakini Health System strives for excellence. Federal funds support nationally and internationally recognized medical research and health programs sponsored by Kuakini Medical System, such as the Japan-Hawaii Cancer Study, Women's Health Initiatives, and Honolulu Heart Program. Kuakini is regarded as a leader in the areas of cancer treatment, cardiac services, geriatric care, pulmonary disease treatment, gastroenterology services, health research, orthopedic surgery, telemedicine and cyberhealth. Kuakini Health System performs its health services without a major endowment or an affiliation with a larger organization for financial support.

The Kuakini Health System has met the health needs and challenges of Hawaii's community for the past 100 years. As we start a new century and a new millennium, I am confident that Kuakini Health System will continue to make valuable contributions to the health of Hawaii and the United States through its commitment to benevolence, research, education, and excellence.●

CONGRATULATING KUAKINI MEDICAL CENTER AUXILIARY ON ITS 111TH ANNIVERSARY

● Mr. INOUYE. Mr. President, I congratulate the Kuakini Medical Center Auxiliary on its 111th anniversary of service to Hawaii's community. From a modest beginning in 1889, the Kuakini Medical Center Auxiliary has grown to the largest active group of volunteers of a health care organization in Hawaii. The roots of the Kuakini Medical Center Auxiliary are closely tied to the charitable beginnings of Kuakini Medical Center. They form an indispensable century old team caring for the health of Hawaii's people.

In today's busy world time is at a premium, yet these volunteers manage to provide essential support services to the Kuakini Health System, such as transporting patients, distributing patient meals, errands, sewing, tagging medical supplies, and collating medical research. Volunteers furnish comfort and companionship to patients and residents in need. On holidays and special occasions, volunteers create favors for patients' meal trays to brighten the day.

In addition to the compassionate services provided, the Kuakini Medical Center Auxiliary assists the Kuakini Health System financially. Proceeds from the Gift Shop and numerous fundraising events are donated to Kuakini Foundation. Since 1980, the auxiliary has awarded more than $20,000 in scholarships to Kaukini employees to further their education. More than a million dollars has been raised for Kuakini Health System since 1971 by the Kuakini Auxiliary.

Currently, the Kuakini Medical Center Auxiliary has over 600 active members contributing at least 67,000 hours annually. The savings in labor costs are estimated at more than $860,000 annually, but the selfless sacrifice and caring contribution that these volunteers provide are priceless gifts to Hawaii's community. I compliment and thank the volunteers of the Kaukini Medical Center Auxiliary for the 111 years of concerned meritorious public service they have rendered to Hawaii's community.●

TRIBUTE TO JEFF CLEVENGER

● Mr. ABRAHAM. Mr. President, I rise today to remember Jeff Clevenger, a dear friend who died on December 21, 1999. The illness which led to his death came suddenly and Jeff was taken from us all too soon.

Jeff Clevenger was a great American in that he gave everything of himself to make his community and this country great. He contributed to our economy as Vice President and General Manager of the Wickes Machine Tool Group, Inc., in Saginaw, Michigan. In 1983 he led a team of managers in the buyout of the machine tool group from Wickes. The new company was named SMS Group, Inc. From the formation of this new company until his death, Jeff served as President, Chairman, and Chief Executive Officer of SMS Group, Inc.

Jeff contributed to his community unselfishly. And he was not satisfied to simply be a member of a club or board. In nearly every organization he joined, at some point, Jeff served as chairman. These organizations include: the Saginaw Chamber of Commerce; the Michigan State Chamber of Commerce; the Michigan Manufacturers Association; Saginaw Remanufacturing; Junior Achievement; the Government Relations Committee of the Association for Manufacturing Technology; United Way of Saginaw County; the Michigan Manufacturing Technology Association. In 1994 he became the founding Chairman of the United Way Alexis de Toqueville Society in Saginaw County. Jeff also served as a board member for Saginaw Future, Inc., and the Delta College Foundation. He also devoted his time to Saginaw Valley State University.

Jeff's dedication to his community did not go unnoticed. He has received a number of honors. He was given the "Spirit of Saginaw" award; the "Entrepreneur of the Year" award; the Junior Achievement Hall of Fame Award; the Robert H. Albert Award for Community Service from the Saginaw Chamber of Commerce; to name a few.

The State of Michigan is a better place because we were lucky enough to have Jeff Clevenger as part of our community. Even those who did not know Jeff will benefit for many years from his dedication to his community. And to those who did know him, myself included, Jeff's life will forever serve as an inspiration.

I would like at this time, on behalf of the United States Senate, to extend my sympathies to Jeff's family: Nell Clevenger, Lori Himes, Robin Vosen, Allana Clevenger, Angela Jennings, and Bradley Weaver. Your loss is shared by many.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-7884. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "14 BLS-LIFO Department Store Indexes-January 2000" (Rev. Rul. 2000-14), received March 6, 2000; to the Committee on Finance.

EC-7885. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Extension of Time to File and Pay Due to Patriot's Day" (Notice 2000-17), received March 6, 2000; to the Committee on Finance.

EC-7886. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Major Disaster and Emergency Areas in 1999" (Rev. Rul. 2000-15), received March 6, 2000; to the Committee on Finance.

EC–7887. A communication from the President of the United States of America, transmitting, pursuant to Section 523 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000, Presidential Determination No. 2000–10 certifying that withholding from international financial institutions and other international organizations and programs funds appropriated or otherwise made available pursuant to that Act is contrary to the national interest; to the Committee on Foreign Relations.

EC–7888. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Delaware; Regulation Number 37–NO_X Budget Program" (FRL # 6547–9), received March 3, 2000; to the Committee on Environment and Public Works.

EC–7889. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plan; Connecticut, New Hampshire, and Rhode Island; Approval of National Low Emission Vehicle Program" (FRL #6545–9), received March 3, 2000; to the Committee on Environment and Public Works.

EC–7890. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, San Diego County Air Pollution Control District" (FRL # 6546–8), received March 3, 2000; to the Committee on Environment and Public Works.

EC–7891. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, San Joaquin Valley Unified Air Pollution Control District" (FRL # 6546–6), received March 3, 2000; to the Committee on Environment and Public Works.

EC–7892. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "180-Day Accumulation Time Under RCAA for Waste Treatment Sludges from the Metal Finishing Industry" (FRL # 6547–6), received March 3, 2000; to the Committee on Environment and Public Works.

EC–7893. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Atlantic Intracoastal Waterway, FL (CGD07–00–008)" (RIN2115–AE47) (2000–0013), received March 2, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7894. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Frequency of Inspection (USCG–1999–4976)" (RIN2115–AF73) (2000–0002), received March 2, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7895. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Iowa City, IA; Direct Final Rule; Confirmation of Effective Date; Docket No. 99–ACE–50 [2–29/3–2]" (RIN2120–AA66) (2000–0064), received March 2, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7896. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Fredrickstown, MO; Direct Final Rule; Confirmation of Effective Date and Confirmation; Docket No. 99–ACE–47 [2–29/3–2]" (RIN2120–AA66) (2000–0062), received March 2, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7897. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Marshalltown, IA; Direct Final Rule; Confirmation of Effective Date; Docket No. 99–ACE–52 [2–29/3–2]" (RIN2120–AA66) (2000–0063), received March 2, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7898. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Dassault Model Mystere-Falcon Series Airplanes; Docket No. 98–NM–262 [2–29/3–2]" (RIN2120–AA64) (2000–0122), received March 2, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7899. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled . "Airworthiness Directives; Aerospatiale Model ATR72 Series Airplanes; Docket No. 98–NM–240 [2–28/3–2]" (RIN2120–AA64) (2000–0121), received March 2, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7900. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bell Helicopter Textron Canada Model 222, 222B, 222U, and 230 Helicopters; Request for Comments; Docket No. 98–SW–77 [2–28/3–2]" (RIN2120–AA64) (2000–0120), received March 2, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7901. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Cessna Model 560 Series Airplanes; Docket No. 98–NM–312 [2–28/3–2]" (RIN 2120–AA64) (2000–0119), received March 2, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7902. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model DC–9, MD–30, 717–200, and MD–88 Airplanes; Docket No. 2000–NM–58 [2–28/3–2]" (RIN 2120–AA64) (2000–0118), received March 2, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7903. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 757 Series Airplanes; Docket No. 98–NM–354 [2–29/3–2]" (RIN 2120–AA64) (2000–0123), received March 2, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7904. A communication from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Transfer of Real Property at Defense Facilities for Economic Development" (RIN 1901–AA82), received March 2, 2000; to the Committee on Armed Services.

EC–7905. A communication from the Executive Director, Federal Labor Relations Authority transmitting, pursuant to law, the report of a rule entitled "Amendment of Equal Access to Justice Act Attorney Fees Regulations", received March 2, 2000; to the Committee on Governmental Affairs.

EC–7906. A communication from the Legislative Liaison, U.S. Trade and Development Agency transmitting, pursuant to Section 520 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000 notification of funding obligations under the Act; to the Committee on Appropriations.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–428. A resolution adopted by the Senate of the Legislature of the State of West Virginia designating February 21 as "Stand Up for Steel" day; to the Committee on the Judiciary.

SENATE RESOLUTION NO. 17

Whereas, The nation's steel industry has been engaged in a crisis involving illegal dumping and subsidizing of foreign steel which has cost the jobs of thousands of steelworkers in the United States; and

Whereas, America has prided itself on its ability to fairly participate in the global marketplace. However, the illegal dumping of foreign steel at reduced prices has caused financial chaos within the American steel industry; and

Whereas, Although progress has been made through the efforts of America's steelworkers and legislatures across the nation, the matter of illegal dumping of foreign steel remains a major matter of contention in our steel industry; and

Whereas, All West Virginians are urged to rise to the cause for the industry that has built this great nation; and

Whereas, The vigilance of our federal legislators and the President of the United States to enforce our U.S. trade laws and halt the illegal dumping and subsidizing of steel in our nation is requested; therefore, be it

Resolved by the Senate, That the Senate hereby designates February 21 as "Stand Up for Steel" day at the Senate and calls upon all West Virginians to maintain a vigilance to ensure that the trade laws of our nation are enforced and the illegal dumping of foreign steel in our country is eliminated; and, be it further

Resolved, That our nation's leaders are called upon to be vigilant of our U.S. trade laws and to ensure that they are enforced so that such practices as the illegal dumping of foreign steel in our nation is eliminated; and, be it further

Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the President of the United States, the United States Senate and the United States House of Representatives.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MURKOWSKI (for himself, Mr. Hatch, Mr. Craig, Mr. Crapo, Mr. Inhofe, and Mr. Smith of Oregon):

S. 2184. A bill to amend chapter 3 of title 28, United States Code, to divide the Ninth Judicial Circuit of the United States into two circuits, and for other purposes; read the first time.

By Mr. EDWARDS (for himself and Mr. Helms):

S. 2185. A bill to suspend temporarily the duty on Cibacron Red LS–B HC; to the Committee on Finance.

By Mr. EDWARDS (for himself and Mr. Helms):

S. 2186. A bill to suspend temporarily the duty on Solvent Violet 13; to the Committee on Finance.

By Mr. EDWARDS (for himself and Mr. Helms):

S. 2187. A bill to suspend temporarily the duty on Cibacron Scarlet LS–26 HC; to the Committee on Finance.

By Mr. EDWARDS (for himself and Mr. Helms):

S. 2188. A bill to suspend temporarily the duty on Pigment Yellow 191.1; to the Committee on Finance.

By Mr. EDWARDS (for himself and Mr. Helms):

S. 2189. A bill to suspend temporarily the duty on Pigment Yellow 147; to the Committee on Finance.

By Mr. EDWARDS (for himself and Mr. Helms):

S. 2190. A bill to suspend temporarily the duty on Solvent Blue 67; to the Committee on Finance.

By Mr. EDWARDS (for himself and Mr. Helms):

S. 2191. A bill to suspend temporarily the duty on Pigment Yellow 199; to the Committee on Finance.

By Mr. EDWARDS (for himself and Mr. Helms):

S. 2192. A bill to suspend temporarily the duty on Cibacron Brilliant Blue FN–G; to the Committee on Finance.

By Mr. EDWARDS (for himself and Mr. Helms):

S. 2193. A bill to suspend temporarily the duty on Pigment Blue 60; to the Committee on Finance.

By Ms. COLLINS (for herself and Ms. Snowe):

S. 2194. A bill to direct the Secretary of the Interior to provide assistance in planning and developing a regional heritage center in Calais, Maine; to the Committee on Energy and Natural Resources.

By Mr. REID:

S. 2195. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of the Truckee watershed reclamation project for the reclamation and reuse of water; to the Committee on Energy and Natural Resources.

By Mr. MOYNIHAN (for himself and Mr. Schumer):

S. 2196. A bill to reliquidate certain entries of tomato sauce preparation; to the Committee on Finance.

By Mr. MOYNIHAN (for himself and Mr. Schumer):

S. 2197. A bill to reliquidate certain entries of tomato sauce preparation; to the Committee on Finance.

By Mr. MOYNIHAN:

S. 2198. A bill to provide for the reliquidation of certain entries of vanadium carbides and vanadium carbonitride; to the Committee on Finance.

By Mr. MOYNIHAN:

S. 2199. A bill to suspend temporarily the duty on synthetic quartz or synthetic fused silica; to the Committee on Finance.

By Mr. MOYNIHAN:

S. 2200. A bill to suspend temporarily the duty on N-Cyclopropyl-N'-(1, 1-dimethylethyl)-6-(methylthio)-1, 3, 5-triazine-2, 4-diamine; to the Committee on Finance.

By Mr. MOYNIHAN (for himself and Mr. Schumer):

S. 2201. A bill to reliquidate certain entries of tomato sauce preparation; to the Committee on Finance.

By Mr. MOYNIHAN (for himself and Mr. Schumer):

S. 2202. A bill to reliquidate certain entries of tomato sauce preparation; to the Committee on Finance.

By Mr. MURKOWSKI (for himself and Mr. Stevens):

S. 2203. A bill to amend title 26 of the Taxpayer Relief Act of 1986 to allow income averaging for fishermen without negative Alternative Minimum Tax treatment, for the creation of risk management accounts for fishermen and for other purposes; to the Committee on Finance.

By Mr. THURMOND:

S. 2204. To suspend temporarily the duty on high molecular, very high molecular, homopolymer, natural color, virgin polymerized powders; to the Committee on Finance.

By Mr. THURMOND:

S. 2205. To suspend temporarily the duty on Cyclooctene (COE); to the Committee on Finance.

By Mr. THURMOND:

S. 2206. To suspend temporarily the duty on Cyclohexadecadlenel,9 (CHDD); to the Committee on Finance.

By Mr. THURMOND:

S. 2207. To suspend temporarily the duty on Cyclohexadec-8-en-1-one (CHD); to the Committee on Finance.

By Mr. THURMOND:

S. 2208. To suspend temporarily the duty on Neo Heliopan MA (Menthyl Anthranilate); to the Committee on Finance.

By Mr. THURMOND:

S. 2209. To suspend temporarily the duty on 2,6 dichlorotoluene; to the Committee on Finance.

By Mr. THURMOND:

S. 2210. To suspend temporarily the duty on 4-bromo-2-fluoroacetanilide; to the Committee on Finance.

By Mr. THURMOND:

S. 2211. To suspend temporarily the duty on propiophenone; to the Committee on Finance.

By Mr. THURMOND:

S. 2212. To suspend temporarily the duty on metachlorobenzaldehyde; to the Committee on Finance.

By Mr. MACK (for himself and Mr. Graham):

S. 2213. A bill to provide for the liquidation or reliquidation of certain entries in accordance with a final decision of the Department of Commerce under the Tariff Act of 1930; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for Mr. McCain (for himself, Mr. Hagel, Mr. Thompson, and Mr. DeWine)):

S. Res. 266. A resolution designating the month of May every year for the next 5 years as "National Military Appreciation Month"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MURKOWSKI (for himself, Mr. Hatch, Mr. Craig, Mr. Crapo, Mr. Inhofe, and Mr. Smith of Oregon):

S. 2184. A bill to amend chapter 3 of title 28, United States Code, to divide the ninth judicial circuit of the United States into two circuits, and for other purposes; read the first time.

THE NINTH CIRCUIT COURT OF APPEALS REORGANIZATION ACT OF 2000

Mr. MURKOWSKI. Mr. President, soon we are going to be debating judicial nominations in this body. I want to take this opportunity to address what I consider a grave problem affecting the administration of justice in our Nation.

I am referring to the unwieldy Ninth Circuit Court of Appeals. Some will prefer the status quo, and I hope after my presentation this morning they will share in the recognition that the Ninth Circuit demands reform. The Ninth Circuit has grown so large and has drifted so far from prudent legal reasoning, that sweeping change is in order.

Congress has already recognized that change is needed. In 1997, we commissioned a report on structural alternatives for the Federal courts of appeals. The Commission, chaired by former Supreme Court Justice Byron White, found numerous faults within the Ninth Circuit. In its conclusion, the Commission recommended major reforms and a drastic reorganization of the Circuit.

For this reason, I, along with my distinguished colleague from Washington, Senator Slade Gorton, introduced S. 253, the Federal Ninth Circuit Reorganization Act of 1999, which would in effectuate the recommendations of the White commission.

The bill would reorganize the Ninth Circuit into three regional divisions, designed as the northern, middle, and southern divisions, and a nonregional circuit division. Ideally, a more cohesive judicial body would emerge—one that reflects the community it serves, and holds a greater master of applicable, but unique, state law and state issues.

Some in this body were not too happy with the divisional realignment. Perhaps a more direct and simplified solution to the problems of the Ninth Circuit is in order. For this reason, I, along with my colleague, Senator HATCH of Utah, introduced a new bill this morning, the Ninth Circuit Court of Appeals Reorganization Act of 2000. We are joined by Senator CRAIG, Senator CRAPO, Senator INHOFE, and Senator SMITH of Oregon.

This bill will divide the Ninth Circuit into two independent circuits. The new Ninth Circuit would contain Arizona, California, and Nevada. A new Twelfth Circuit would be composed of Alaska, Hawaii, Idaho, Montana, Oregon, Washington, Guam, and the Northern Mariana Islands. Immediately upon enactment, the concerns of the White Commission will be addressed, and a more cohesive, efficient, and predictable judiciary will emerge.

In this debate, let us not forget why change is in order. The Ninth Circuit extends from the Arctic Circle to the Mexican border. It spans the tropics of Hawaii and across the International Dateline to Guam and the Mariana Islands. Encompassing some 14 million square miles, the Ninth Circuit, by any means of measure, is the largest of all our U.S. courts of appeal. It is larger than the First, Second, Third, Fourth, Fifth, Sixth, Seventh, and Eighth Circuits combined.

Let me refer to chart one because I think it makes the point that the Ninth Circuit serves a population of more than 50 million, almost 60 percent more than are served by the next largest circuit court. By the year 2010, the Census Bureau estimates the Ninth Circuit population will be more than 63 million. Mind you, it is now 50 million—63 million. That is an increase of 26 percent in just 10 years.

I wonder how many people this court has to serve before Congress will realize the court is simply overwhelmed by its population. That is a fact.

I must confess our efforts in this case are not novel. Calls to split the Ninth Circuit Court have been heard since 1891. More to the point, Congress has attempted to reorganize the Ninth Circuit since World War II!

Congressional Members are not alone in advocating a split. In 1973, the Congressional Commission on the Revision of the Federal Court of Appellate System recommended that Congress split the Ninth Circuit. That was 1973. Unfortunately, Congress never effectuated the recommendations. Over the years, many legislative efforts have been made to correct the Ninth Circuit problems. Still, no solution. Now, in a new millennium, the problems of the Ninth Circuit still exist and have even grown worse.

Mr. President, justice bears the price for Congress' inaction. The time for action is long overdue.

Because of the circuit's massive size, there is a natural decrease in the ability of the judges to keep abreast of legal developments within the Ninth Circuit. I encourage my colleagues to contact some of those judges—they will be the first to admit they cannot follow the number of cases pending before the court. It simply is too great a load. Inconsistent decisions and improper constitutional interpretations are not unusual.

Let's look at the next chart. In the 1996–1997 session alone, an astounding 95 percent of the cases reviewed by the Supreme Court were overturned. This number should raise more than a few eyebrows. That is from 1996 and 1997. Again, 95 percent of cases reviewed by the Supreme Court were overturned.

Looking at chart 2, over the past 3 years, 33 percent of all cases reversed by the U.S. Supreme Court arose from this troubled Ninth Circuit. That is three times the number of reversals for the next nearest circuit court, and 33 times higher than the reversal rate for the Tenth Circuit.

There you have it. Compare the courts, caseloads, and the question of promptness in justice.

What are these reversal cases? These are people who had their cases wrongly decided. They are people who had to incur great expense, wait unnecessary lengths of time, and risk adverse legal rulings in order to receive justice. No American should have to receive substandard legal attention based, solely on what State they live in.

But we cannot fault the judges of the Ninth Circuit alone. We, in Congress, have allowed this circuit to grow to staggering proportions. In 1998, there were over 9,450 cases filed. It is this number that makes adjudication of claims unacceptably slow. Consequently justice suffers.

Mr. President, we should listen to the voices of the judges who attempt to serve this region. Ninth Circuit Judge Diramuid O'Scannlain described the problem as follows:

> An appellate court must function as a unified body, and it must speak with a unified voice. It must maintain and shape a coherent body of law. . . . As the number of opinions increase, we judges risk losing the ability to keep track of precedent and the ability to know what our circuit's law is.

"The ability to know what our circuit's law is"—that is part of the problem. These judges acknowledge they don't know, and they cannot possibly know, because the caseload is too great.

He said:

> In short, bigger is not necessarily better.

He further stated:

> We [the Ninth Circuit] cannot grow without limit. . . . As the number of opinions increase, we judges risk losing the ability to know what our circuit's law is.

That is the key. It has grown so fast, they don't know what the circuit law is.

> In short, bigger is not necessarily better. The Ninth Circuit will ultimately need to be split. . . .

Judge O'Scannlain is not alone. The very Supreme Court Justices we entrust to guide our Nation's jurisprudence have acknowledged and recommended reform for this troubled court.

Justice Kennedy continued that:

> We have very dedicated judges on that circuit, very scholarly judges . . . but I think institutionally, and from the collegial standpoint, that it is too large to have the discipline and control that is necessary for an effective circuit.

Judge Stevens notes:

> Arguments in favor of dividing the Circuit in either two or three smaller circuits overwhelmingly outweigh the single serious objection to such a change.

But now, with this new bill we can fix the problem. And in turn, we can ensure that all Americans receive swift and fair adjudication of their claims. While I may believe even more sweeping changes are in order, I strongly urge this body address this crisis in our judiciary system.

Mr. President, it is the 50 million residents of the Ninth Circuit who suffer from our inaction. These Americans wait years before their cases are heard. And after these unreasonable delays, justice may not even be served in an overstretched and out-of-touch judiciary.

Mr. President, Congress has known about the problem in the Ninth Circuit for a long time. Justice has been delayed too long. The time for reform has come, and I urge action on this bill.

I yield to my friend who has been recognized.

I yield the floor.

Mr. HATCH. Mr. President, I rise to speak this morning to discuss legislation that I have introduced with Senator MURKOWSKI that would divide the Ninth Circuit into two manageable circuits.

I have been told of a children's song that, with its circular and repetitious melody, is called "the song without an end." And that might be an apt description of our efforts to reach some resolution with the nagging problem of the Ninth Circuit's boundaries.

Indeed, I am told that calls to reexamine the boundaries of what is presently called the Ninth Circuit were first made more than a century ago. In more recent history:

A congressional commission—the Hruska Commission—recommended a split of the Ninth Circuit—not just the Fifth Circuit— in 1973;

In 1995 I held a hearing before the Judiciary Committee to examine a proposal to split the circuit;

In 1997, as part of the Commerce, Justice, State Appropriations bill, the

Senate passed a split proposal which was ultimately replaced with a provision creating a commission to report on structural alternatives for the Federal Courts of Appeals—and the Ninth Circuit in particular; and

Last year, Senator MURKOWSKI, and others, introduced legislation to implement the recommendation of that commission, which would have maintained the circuit's structural boundaries, but partitioned its Court of Appeals into three semi-autonomous divisions.

Yet here we stand, like Sisyphus with the boulder at his feet, with nothing to show for years of effort.

All the while, the problems perceived in the Ninth Circuit itself have not disintegrated with the passage of time.

Rather, as we look at that circuit's boundaries, what is immediately apparent is its gargantuan size. That factor, in itself, by no means justifies a remedy in the form of a change in boundaries. But it does serve as a necessary starting point from which to explain many of the criticisms that have been lodged against the circuit.

Stretching across nine States and two territories, and constituting some 14 million square miles, the Ninth Circuit serves the largest U.S. population by far—more than 51 million people. The Ninth Circuit is authorized by statute to maintain 28 active Court of Appeals judges. The next largest circuit—the Fifth—has only 17 active judges, and most other circuits have 12 or fewer judges.

Though the size of the circuit is not in itself a reason to modify its boundaries, the problems resulting from the circuit's size are.

Most notably, the massive size of the circuit's boundaries has confronted the circuit's judges with a real difficulty in maintaining the coherence of its circuit law. This is because there are enormous obstacles both, one, to keeping abreast of the circuit's decisions, and, two, to correcting those decisions that stray from the law of the circuit.

With regard to the first concern, various conscientious judges on the Ninth Circuit have stated they are unable to read the number of published decisions being issued by their colleagues, given the sheer volume of such opinions. They have stated that frequently, there is no time to do anything more than review the head notes of such decisions.

This is a serious problem from which other problems ensue. Absent the ability of each active judge on the Ninth Circuit to read each such published decision, there can be no assurance that calls will be made for en banc review of those cases which judges believe merit rehearing by a larger component of the court.

With regard to the second concern—the ability to correct decisions that stray from the circuit law—the large size of the Ninth Circuit presents a tremendous impediment. At present, a special exception has been made by Congress to better enable the Ninth Circuit to review 3-judge decisions en banc, and that process—known as limited en banc—involves the empaneling of only 11 judges, rather than the circuit's full complement of 28 judges.

In my view, this system is being utilized with insufficient frequency. And the result is that the stated aim of Federal Rule of Appellate Procedure 35—to secure or maintain uniformity of the court's decisions—is being thwarted.

Moreover, the mechanism is imperfect, and simple math proves the point. It is entirely conceivable that a limited en banc decision could be handed down by an 11-to-0 vote, and yet not reflect the views of a majority of the circuit's judges. Nor is it any answer to say that the Ninth Circuit's rules allow for full en banc hearings with all 28 judges, since no such hearing has ever taken place.

The problems with the lack of internal decisional consistency within the Ninth Circuit have become all too obvious. Three terms ago, the Ninth Circuit's reversal rate before the U.S. Supreme Court exceeded 95 percent. It is no cause for celebration to note that during the last two terms, the Ninth Circuit reversal rate averaged 77 percent, and this term I have noted that the Ninth Circuit is not faring particularly well, with a record of 0 to 7 before the Supreme Court. What is really wrong is there are literally thousands of cases they hear that they are probably making the wrong decisions on that will never go to the Supreme Court because the Court doesn't have time to listen to thousands of cases from the Ninth Circuit Court of Appeals. So we are having all kinds of injustice out there just because of judges who are out of control, who are activist judges ignoring the law itself.

I believe these problems will be corrected when we streamline the circuit, leaving two more manageable circuits in place to more carefully and exactingly do the work currently undertaken by one. I believe the system of error correction and the assurance of coherence of circuit law will be a more manageable task in two circuits where the judges of each will have one-half as many of their colleagues' opinions to read for compliance with and correction of their circuit law.

To this end, Senator MURKOWSKI and I have drafted a measure we believe reflects sound public policy. It would continue to denominate as part of the Ninth Circuit the States of California, Nevada, and Arizona, as well as the island territories currently within the Ninth Circuit. The proposal would place Hawaii and the Northwest States within a new Twelfth Circuit. Such a proposal results in a logical split. Indeed, the contours of this very proposal were set out as an alternative option in the final report of the Commission on Structural Alternatives. And it maintains geographic coherence by avoiding the type of gerrymandered circuit that would have resulted from the split proposal passed by the Senate in 1997, although I could very easily go for that as well.

As a final word, I express for the record my appreciation for the very substantial work performed by the members and staff of the Commission on Structural Alternatives. Its final work product is a most capable report, and the Commission's work under Justice White will truly become part of the history of relations in this country before the Congress and the Judiciary.

With that thanks, I will close my remarks on this by urging my colleagues to act on this sensible proposal to solve a problem that has persisted for far too long. There are some of our colleagues who are very upset at the Ninth Circuit Court of Appeals and its record of reversal by the Supreme Court. I just raised the issue that there may be thousands of cases that need to be reversed, but the Supreme Court doesn't have time to do that. I think they would be much more concerned about voting for and passing this split of the Ninth Circuit than they would attacking some of the judges who are up for nominations.

By Ms. COLLINS (for herself and Ms. SNOWE):

S. 2194. A bill to direct the Secretary of the Interior to provide assistance in planning and developing a regional heritage center in Calais, Maine; to the Committee on Energy and Natural Resources.

ST. CROIX ISLAND HERITAGE ACT

Ms. COLLINS. Mr. President, I rise today to introduce the St. Croix Island Heritage Act, legislation that will help develop a regional heritage center in Calais, ME, in time to commemorate an event of great historical and international significance: the 400th anniversary of one of the earliest settlements in North America, at St. Croix Island. I am pleased to have my senior colleague from Maine, Ms. SNOWE, as a cosponsor of my legislation.

Planning for the regional heritage center is well underway. The residents of the St. Croix River Valley and organizations such as the St. Croix Economic Alliance and the Sunrise County Economic Council have worked hard to move the project forward. They commissioned a consulting firm to evaluate the market potential of the heritage center and to prepare preliminary exhibit and operating plans. They secured planning and seed money from the U.S. Forest Service, the city of Calais, local businesses, and others. And they have hired a full-time project coordinator to oversee development of the heritage center. Now they need assistance from the National Park Service, assistance that this bill would provide.

The regional center will preserve and chronicle the region's cultural, natural, and historical heritage. The Interior Department's role in the planning and development of the heritage center stems from the close proximity of the proposed site to St. Croix Island, the only international historic site in the National Park System.

In 2004, the United States, Canada, and France will celebrate the 400th anniversary of the first settlement at St. Croix Island. We have only 4 more years to prepare for a celebration of this historic event.

I have spoken before on the Senate floor about the historical significance of the settlement of St. Croix Island. It is a remarkable and little-known story that bears retelling. The story dates to the summer of 1604, when a French nobleman, accompanied by a courageous group of adventurers that included Samuel Champlain, landed on St. Croix Island and set about to construct a settlement. They cleared the island, planted crops, dug a well, and built houses, fortifications, and public buildings. In the process, they were aided by Native peoples who made temporary camps on the island. At the same time, Samuel Champlain undertook a number of reconnaissance missions from the island. On one, he found and named Mount Desert Island, now the home to Acadia National Park.

By October of 1604, the settlement was ready. But the Maine winter was more than the seventy-nine settlers had bargained for. By winter's end, nearly half had died, and many others were seriously ill.

The spring brought relief from the harsh weather. The colony was relocated to Port Royal in what is now Nova Scotia and, in 1608, Champlain and his fellow explorers founded Quebec.

According to the National Park Service, the French settlement on St. Croix Island in 1604 and 1605 was the first and "most ambitious attempt of its time to establish an enduring French presence in the 'New World'" and "set a precedent for early French claims in New France." Many view the expedition that settled on St. Croix Island in 1604 as the beginning of the Acadian culture in North America. This rich and diverse culture spread across the continent, from Canada to Louisiana, where French-speaking Acadians came to be known as "Cajuns."

Mr. President, thousands of people attended the celebration that marked the 300th anniversary of the settlement of St. Croix Island. The consul general of France and the famous Civil War hero General Joshua Chamberlain were among those who spoke at the event.

In four years, another century will have passed since the last commemoration, and we will celebrate St. Croix Island's 400th anniversary. There is much work to be done. In 1996, the U.S. National Park Service and Parks Canada agreed to "conduct joint strategic planning for the international commemoration [of the St. Croix Island], with a special focus on the 400th anniversary of settlement in 2004." For its part, Parks Canada constructed an exhibit in New Brunswick overlooking St. Croix Island. The exhibit uses Champlain's first-hand accounts, period images, updated research, and custom artwork to tell the compelling story of the settlement.

The U.S. National Park Service, on the other hand, still has a ways to go. In October 1998, the Park Service did complete a general management plan for the St. Croix Island International Historic Site.

From a variety of alternatives, the Park Service settled on a plan that envisions an interpretive trail and ranger station at Red Beach, Maine and exhibits located in the regional heritage center up the road in Calais.

The bill I introduce today directs the National Park Service to facilitate the development of the regional heritage center in time for the 400th anniversary of the St. Croix Island settlement. It empowers the Secretary of Interior to enter into cooperative agreements with State and local agencies and nonprofit organizations to assist in this effort and authorizes $2.5 million for this purpose.

Mr. President, this bill authorizes and commits the National Park Service to follow a plan it has already endorsed to help commemorate a 1604 settlement of enormous historical significance. I believe that the 400th anniversary celebration and the heritage center in Calais will be a source of pride to all Americans of French ancestry.

I am very pleased to see that the distinguished chairman of the Energy Committee is on the floor. It is to his Committee that this legislation, I believe will be referred. I hope that it will be favorably reported and enacted this year.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. Mr. President, I compliment Senator COLLINS for her introduction of the St. Croix heritage bill. I look forward to receiving that in my Energy Committee, and I will attempt to take it up at an early opportunity for a hearing and report it out. I want to commend her and her colleague from Maine, as well.

By Mr. MOYNIHAN (for himself and Mr. SCHUMER):

S. 2196. A bill to reliquidate certain entries of tomato sauce preparation; to the Committee on Finance.

S. 2197. A bill to reliquidate certain entries of tomato sauce preparation; to the Committee on Finance.

By Mr. MOYNIHAN:

S. 2198. A bill to provide for the reliquidation of certain entries of vanadium carbides and vanadium carbonitride; to the Committee on Finance.

S. 2199. A bill to suspend temporarily the duty on synthetic quartz or synthetic fused silica; to the Committee on Finance.

S. 2200. A bill to suspend temporarily the duty on N-Cycloproply-N'-(1, 1-dimethylethyl)-6-(methylthio)-1, 3.5-triazine-2, 4-diamine; to the Committee on Finance.

By Mr. MOYNIHAN (for himself and Mr. SCHUMER):

S. 2201. A bill to reliquidate certain entries of tomato sauce preparation; to the Committee on Finance.

S. 2202. A bill to reliquidate certain entries of tomato sauce preparation; to the Committee on Finance.

MISCELLANEOUS TARIFF BILLS

Mr. MOYNIHAN. Mr. President, I rise today to introduce two bills that temporarily suspend duties on certain imports of goods not produced in the United States and five bills to reliquidate specific entries of vanadium and tomato sauce preparations.

The first bill will temporarily suspend the duty on imports of silica substrate. Silica substrates are produced only in Japan and imported for use in the domestic production of semiconductors. Currently, semiconductors enter the United States duty-free while imports of silica substrate are subject to a 4.9 per cent duty. As a result of this tariff inversion, there is a competitive imbalance which favors foreign production of semiconductors. My bill would extend the current suspension on duties of silica substrates until 2004.

The second bill will temporarily suspend the duty on imports of an environmentally friendly chemical paint additive. The product safely replaces mercury-based chemicals (which were banned a number of years ago) used in "anti-fouling" boat paint, intended to prevent fouling of underwater structures. It is also the only EPA-registered algicide for use in the architectural paint market. There is no known production of this chemical in the United States.

The third bill reliquidates thirty-seven entries of vanadium carbide and vanadium carbonitride. Vanadium is used primarily as a strengthening agent in steel and can only be imported from South Africa. The bill seeks to recover duties paid since July 1, 1998, the original date of a competitive need limit waiver by USTR, through December 23, 1999, when the waiver actually took effect.

The final four bills seek to reliquidate entries of canned tomatoes, used to prepare tomato sauce, by four separate companies. The imports were incorrectly subjected to 100 percent ad valorem retaliatory duties beginning in 1989 due to a Harmonized Tariff Schedule misclassification; the retaliation stemmed from a GATT case against the European Union. Treliquidation covers entries not originally included in a decision by the Court of International Trade, which ruled the products had been incorrectly classified and were, therefore, not subject to the retaliatory duties.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 2203. A bill to amend title 26 of the Taxpayer Relief Act of 1986 to allow income averaging for fishermen without negative Alternative Minimum Tax treatment, for the creation of risk management accounts for fishermen and for other purposes; to the Committee on Finance.

FAIR TAX TREATMENT FOR FISHERMAN ACT OF 2000

• Mr. MURKOWSKI. Mr. President, today I am introducing legislation that will ease the financial hardships that fisherman endure because of the uncertainties of their industry. I am very pleased that Senator STEVENS has joined me in co-sponsoring this legislation.

Mr. President, in 1986 when Congress rewrote the tax law and cut the number of tax brackets from 11 to two, one of the provisions of prior law that was repealed was income averaging. The purpose of income averaging was to ameliorate the tax burden on individuals whose incomes varied from year to year. It ensured that an individual whose income increased significantly in one year and then dropped significantly in the next year could average the tax brackets for the two years. With only two brackets, many believed that income averaging was no longer needed.

However, in the 14 years since the 1986 tax reform, we have added three additional brackets to the tax code. And with five brackets there is a clear need for income averaging, especially for individuals who are in occupations where the predictability of income is uncertain. In 1997, we adopted income averaging for farmers because we recognized that weather conditions can significantly impact what a farming family earns in any particular year.

In this legislation we are introducing today, we are adding fishermen to the category eligible for income averaging. Just as farmers cannot predict the weather, fisherman are unable to predict how large or small their catch will be.

Let me give you an example of how the fishermen in Bristol Bay in my home state of Alaska have fared in recent years. Between 1995 and 1998, the fish run dropped from 244 million to barely 58 million last year. At the same time their income has dropped from $188 million to $69 million.

Quite frankly, income averaging is fair for farmers and is equally justified for fishermen.

In addition, our legislation establishes risk management savings accounts which fishermen will be able to draw down when fishing runs are low. Under this proposal, fishermen could set aside up to 20 percent of their income in special savings accounts. Interest earned in the account would be taxable, but withdrawals would only be taxable in the year of the withdrawal.

Mr. President, a recent fishery failure in Alaska resulted in the federal government allocate $50 million to assist the fishermen and their local communities. With these special risk management accounts, fishermen will be less dependent on federal assistance and will be able to more easily survive fishing downturns.

Mr. President, it is my hope that when we consider a tax bill later this year, these modest proposals will be included in that bill.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2203

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be referred to as the "Fair Tax Treatment for Fishermen Act of 2000".

SEC. 2. INCOME AVERAGING FOR FISHERMEN WITHOUT INCREASING ALTERNATIVE MINIMUM TAX LIABILITY.

(a) IN GENERAL.—Section 55(c) (defining regular tax) is amended by redesignating paragraph (2) as paragraph (3) and by inserting after paragraph (1) the following:

"(2) COORDINATION WITH INCOME AVERAGING FOR FISHERMEN.—Solely for purposes of this section, section 1301 (relating to averaging of fishing income) shall not apply in computing the regular tax.".

(b) ALLOWING INCOME AVERAGING FOR FISHERMEN.—

(1) IN GENERAL.—Section 1301(a) is amended by striking "farming business" and inserting "farming business or fishing business,".

(2) DEFINITION OF ELECTED FARM INCOME.—

(A) IN GENERAL.—Clause (i) of section 1301(b)(1)(A) is amended by inserting "or fishing business" before the semicolon.

(B) CONFORMING AMENDMENT.—Subparagraph (B) of section 1301(b)(1) is amended by inserting "or fishing business" after "farming business" both places it occurs.

(3) DEFINITION OF FISHING BUSINESS.—Section 1301(b) is amended by adding at the end the following new paragraph:

"(4) FISHING BUSINESS.—The term 'fishing business' means the conduct of commercial fishing (as defined in section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802, P.L. 94-265 as amended).)".

SEC. 3. FISHING RISK MANAGEMENT ACCOUNTS.

(a) IN GENERAL.—Subpart C of part II of subchapter E of chapter 1 (relating to taxable year for which deductions taken) is amended by inserting after section 468B the following:

"SEC. 468C. FISHING RISK MANAGEMENT ACCOUNTS.

"(a) DEDUCTION ALLOWED.—In the case of an individual engaged in an eligible commercial fishing activity, there shall be allowed as a deduction for any taxable year the amount paid in cash by the taxpayer during the taxable year Fishing Risk Management Account (hereinafter referred to as the 'FisheRMen Account').

"(b) LIMITATION.—

"(1) CONTRIBUTIONS.—The amount which a taxpayer may pay into the FisheRMen Account for any taxable year shall not exceed 20 percent of so much of the taxable income of the taxpayer (determined without regard to this section) which is attributable (determined in the manner applicable under section 1301) to any eligible commercial fishing activity.

"(2) DISTRIBUTION.—Distributions from a FisheRMen Account may not be used to purchase, lease, or finance any new fishing vessel, add capacity to any fishery, or otherwise contribute to the overcapitalization of any fishery. The Secretary of Commerce shall implement regulations to enforce this paragraph.

"(c) ELIGIBLE BUSINESSES.—For purposes of this section—

"(1) COMMERCIAL FISHING ACTIVITY.—The term 'commercial fishing activity' has the meaning given the term 'commercial fishing' by section (3) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802, P.L. 94-265 as amended) but only if such fishing is not a passive activity (within the meaning of section 469(c)) of the taxpayer.

"(d) FISHERMEN ACCOUNT.—For purposes of this section—

"(1) IN GENERAL.—The term 'FisheRMen Account' means a trust created or organized in the United States for the exclusive benefit of the taxpayer, but only if the written governing instrument creating the trust meets the following requirements:

"(A) No contribution will be accepted for any taxable year in excess of the amount allowed as a deduction under subsection (a) for such year.

"(B) The trustee is a bank (as defined in section 408(n)) or another person who demonstrates to the satisfaction of the Secretary that the manner in which such person will administer the trust will be consistent with the requirements of this section.

"(C) The assets of the trust consist entirely of cash or of obligations which have adequate stated interest (as defined in section 1274(c)(2)) and which pay such interest not less often than annually.

"(D) All income of the trust is distributed currently to the grantor.

"(E) The assets of the trust will not be commingled with other property except in a common trust fund or common investment fund.

"(2) ACCOUNT TAXED AS GRANTOR TRUST.—The grantor of a FisheRMen Account shall be treated for purposes of this title as the owner of such Account and shall be subject to tax thereon in accordance with subpart E of part I of subchapter J of this chapter (relating to grantors and others treated as substantial owners).

"(e) INCLUSION OF AMOUNTS DISTRIBUTED.—

"(1) IN GENERAL.—Except as provided in paragraph (2), there shall be includable in the gross income of the taxpayer for any taxable year—

"(A) any amount distributed from a FisheRMen Account of the taxpayer during such taxable year, and

"(B) any deemed distribution under—

"(i) subsection (f)(1) (relating to deposits not distributed within 5 years),

"(ii) subsection (f)(2) (relating to cessation in eligible commercial fishing activities), and

"(iii) subparagraph (A) or (B) of subsection (f)(3) (relating to prohibited transactions and pledging account as security).

"(2) Exceptions.—Paragraph (1)(A) shall not apply to—

"(A) any distribution to the extent attributable to income of the Account, and

"(B) the distribution of any contribution paid during a taxable year to a FisheRMen Account to the extent that such contribution exceeds the limitation applicable under subsection (b) if requirements similar to the requirements of section 408(d)(4) are met.

For purposes of subparagraph (A), distributions shall be treated as first attributable to income and then to other amounts.

"(f) Special Rules.—

"(1) Tax on deposits in account which are not distributed within 5 years.—

"(A) In general.—If, at the close of any taxable year, there is a nonqualified balance in any FisheRMen Account—

"(i) there shall be deemed distributed from such Account during such taxable year an amount equal to such balance, and

"(ii) the taxpayer's tax imposed by this chapter for such taxable year shall be increased by 10 percent of such deemed distribution.

The preceding sentence shall not apply if an amount equal to such nonqualified balance is distributed from such Account to the taxpayer before the due date (including extensions) for filing the return of tax imposed by this chapter for such year (or, if earlier, the date the taxpayer files such return for such year).

"(B) Nonqualified balance.—For purposes of subparagraph (A), the term 'nonqualified balance' means any balance in the Account on the last day of the taxable year which is attributable to amounts deposited in such Account before the 4th preceding taxable year.

"(C) Ordering rule.—For purposes of this paragraph, distributions from FisheRMen Account (other than distributions of current income) shall be treated as made from deposits in the order in which such deposits were made, beginning with the earliest deposits.

"(2) Cessation in eligible business.—At the close of the first disqualification period after a period for which the taxpayer was engaged in an eligible commercial fishing activity, there shall be deemed distributed from the FisheRMen Account of the taxpayer an amount equal to the balance in such Account (if any) at the close of such disqualification period. For purposes of the preceding sentence, the term 'disqualification period' means any period of 2 consecutive taxable years for which the taxpayer is not engaged in an eligible commercial fishing activity.

"(3) Certain rules to apply.—Rules similar to the following rules shall apply for purposes of this section:

"(A) Section 220(f)(8) (relating to treatment on death).

"(B) Section 408(e)(2) (relating to loss of exemption of account where individual engages in prohibited transaction).

"(C) Section 408(e)(4) (relating to effect of pledging account as security).

"(D) Section 408(g) (relating to community property laws).

"(E) Section 408(h) (relating to custodial accounts).

"(4) Time when payments deemed made.—For purposes of this section, a taxpayer shall be deemed to have made a payment to a FisheRMen Account on the last day of a taxable year if such payment is made on account of such taxable year and is made on or before the due date (without regard to extensions) for filing the return of tax for such taxable year.

"(5) Individual.—For purpose of this section, the term 'individual' shall not include an estate or trust.

"(6) Deduction not allowed for self-employment tax.—The deduction allowable by reason of subsection (a) shall not be taken into account in determining an individual's net earnings from self-employment (within the meaning of section 1402(a)) for purposes of chapter 2.

"(g) Reports.—The trustee of a FisheRMen Account shall make such reports regarding such Account to the Secretary and to the person for whose benefit the Account is maintained with respect to contributions, distributions, and such other matters as the Secretary may require under regulations. The reports required by this subsection shall be filed at such time and in such manner and furnished to such persons at such time and in such manner as may be required by such regulations.'.

(b) Tax on Excess Contributions.—

(1) Subsection (a) of section 4973 (relating to tax on excess contributions to certain tax-favored accounts and annuities) is amended by striking "or" at the end of paragraph (3), by redesignating paragraph (4) as paragraph (5), and by inserting after paragraph (3) the following:

"(4) a FisheRMen Account (within the meaning of section 468C(d)), or".

(2) Section 4973 is amended by adding at the end the following:

"(g) Excess Contributions to Fishermen Accounts.—For purposes of this section, in the case of a FisheRMen Account (within the meaning of section 468C(d)), the term 'excess contributions' means the amount by which the amount contributed for the taxable year to the Account exceeds the amount which may be contributed to the Account under section 468C(b) for such taxable year. For purposes of this subsection, any contribution which is distributed out of the FisheRMen Account in a distribution to which section 468C(e)(2)(B) applies shall be treated as an amount not contributed.".

(e) The section heading for section 4973 is amended to read as follows:

"SEC. 4973. EXCESS CONTRIBUTIONS TO CERTAIN ACCOUNTS, ANNUITIES, ETC.".

(4) The table of sections or chapter 43 is amended by striking the item relating to section 4973 and inserting the following:

"Sec. 4973. Excess contributions to certain accounts, annuities, etc.".

(c) Tax on Prohibited Transactions.—

(1) Subsection (c) of section 4975 (relating to tax on prohibited transactions) is amended by adding at the end the following:

"(6) Special rule for fishermen accounts.—A person for whose benefit a FisheRMen Account (within the meaning of section 468C(d)) is established shall be exempt from the tax imposed by this section with respect to any transaction concerning such account (which would otherwise be taxable under this section) if, with respect to such transaction, the account ceases to be a FisheRMen Account by reason of the application of section 468C(f)(3)(A) to such account."

(2) Paragraph (1) of section 4975(e) is amended by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively, and by inserting after subparagraph (D) the following:

"(E) a FisheRMen Account described in section 468C(d).".

(d) Failure to Provide Reports on Fishermen Accounts.—Paragraph (2) of section 6693(a) (relating to failure to provide reports on certain tax-favored accounts or annuities) is amended by redesignating subparagraph (C) and (D) and (E), respectively, and by inserting after subparagraph (B) the following:

"(C) section 468C(g) (relating to FisheRMen Accounts),".

(e) Clerical Amendment.—The table of sections for subpart C of part II of subchapter E of chapter 1 is amended by inserting after the item relating to section 468B the following:

"Sec. 468C. Fishing Risk Management Accounts.".

SECTION 4. EFFECTIVE DATE.

(a) The changes made by this Act shall apply to taxable years beginning after December 31, 2000.●

● Mr. STEVENS. Mr. President, I am pleased to join my colleague from Alaska in introducing this important piece of legislation. As a member of the Senate Finance Committee he is all too aware of the need for equity in our tax system and simplicity in our Tax Code.

The first portion of the bill we introduce today would allow fishermen to average income and would not penalize that election with the alternative minimum tax. Up until 1986, individuals, including farmers and fishermen, could elect to average income under section 1301. That choice was no longer available after Congress repealed section 1301 in 1986. Later, in 1997, Congress inserted a new version of section 1301 with a modified form of income averaging for farmers. Section 1301 currently allows farmers engaged in an eligible farming business to average income for tax purposes. This allows farmers to take the fluctuations of their markets, prices and crop conditions into account when calculating income taxes. Fishermen should be afforded the same opportunities as farmers—they are the farmers of the sea and should be treated as such under the Tax Code.

A provision similar to this was included in the Taxpayer Refund Act of 1999 that was vetoed by the President last year. It is not a controversial measure, and its impact on the Treasury is minimal. The Joint Committee on Tax estimated last summer that this provision would cost approximately $5 million over the next ten years. This is a small price to pay to create equity and fairness in our Tax Code and to ensure fishermen receive the same benefits as farmers. While this is one step toward equal treatment for our fishermen, it is an important part of ensuring the long-term sustainability of our fishing industry.

The second portion of the bill we introduce today would allow fishermen to establish tax deferred risk management savings accounts to help them through downturns in the market. The Taxpayer Refund Act of 1999 included similar language. These new risk management accounts would be used to let fishermen set aside up to 20 percent of their income on a tax deferred basis. The money could be held for up to five years, then it would have to be withdrawn from the individual's account. Once the money is withdrawn from the account, the fishermen would pay tax on the amount that was originally deferred. Any interest earned on the money in the account would be taxed in the year that it was earned.

This approach to encouraging fishermen to set some money aside for downturns in the market makes sense. The Joint Committee on Taxation estimated last year that allowing fishermen to set aside 20 percent of their income into these tax deferred accounts would cost only $18 million over 10 years. This is a small price to pay to encourage fishermen to be pro-active in planning for downturns rather than having to be reactive when markets collapse or fishing stocks are weak.

In previous years we have had to bail out fishing areas that have been hit hard by fishery failures. A recent fishery failure in Alaska, and the impact of that failure on families and communities, is still being felt today. We were forced to allocate $50 million to bail out those fishermen and the local communities. This provision, at a cost of $18 million over ten years, is a far-sighted way to let fishermen play a part in a disaster recovery and preserve the proud self-reliance that marks their industry.

I thank my colleague from Alaska, Senator MURKOWSKI, for his support of this bill and I encourage all Senators to support these provisions.●

By Mr. THURMOND:

S. 2204. To suspend temporarily the duty on high molecular, very high molecular, homopolymer, natural color, virgin polymerized powders; to the Committee on Finance.

S. 2205. To suspend temporarily the duty on Cyclooctene (COE); to the Committee on Finance.

S. 2206. To suspend temporarily the duty on Cyclohexadecadlenel,9 (CHDD); to the Committee on Finance.

S. 2207. To suspend temporarily the duty on Cyclohexadec-8-en-1-one (CHD); to the Committee on Finance.

S. 2208. To suspend temporarily the duty on Neo Heliopan MA (Menthyl Anthranilate); to the Committee on Finance.

S. 2209. To suspend temporarily the duty on 2,6 dichlorotoluene; to the Committee on Finance.

S. 2210. To suspend temporarily the duty on 4-bromo-2-fluoroacetanilide; to the Committee on Finance.

S. 2211. To suspend temporarily the duty on propiophenone; to the Committee on Finance.

S. 2212. To suspend temporarily the duty on metachlorobenzaldehyde; to the Committee on Finance.

BILLS TO SUSPEND THE DUTY ON CERTAIN CHEMICALS USED IN THE MANUFACTURING INDUSTRY

Mr. THURMOND. Mr. President, I rise today to introduce nine bills which will suspend the duties imposed on certain chemicals that are important components for a wide array of applications. Currently, these chemicals are imported for use in the United States because there are no known domestic producers or readily available substitutes. Therefore, suspending the duties on these chemicals would not adversely affect domestic industries.

This bill would temporarily suspend the duty on meta-chlorobenzaldehyde; propiophenone; 4-bromo-2-fluoroacetanilide; 2, 6-dichlorotoluene; menthyl anthranilate; cyclooctene; cyclohexadeca-1, 9-diene; cyclohexadec-8-en-1-one; and high molecular weight polymerized powders, which are used as intermediate chemicals in the manufacturing of a number of products including, but not limited to, fragrances, agricultural inputs, pharmaceuticals, water filter elements, surgical orthopedic hip and knee implants, and fibers used to make bullet-proof vests.

Mr. President, suspending the duty on these chemicals will benefit the consumer by stabilizing the costs of manufacturing the end-use products. Further, these suspensions will allow domestic producers to maintain or improve their ability to compete internationally. I hope the Senate will consider these measures expeditiously.

I ask unanimous consent that the text of these bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 2204

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. HIGH MOLECULAR, VERY HIGH MOLECULAR, HOMOPOLYMER, NATURAL COLOR, VIRGIN POLYMERIZED POWDERS.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.38.00	High molecular, very high molecular, or ultra high molecular weight, homopolymer, natural color, virgin polymerized powders with a specific gravity of < 940 g/liter and molecular weight of 500,000-6,000,000 (as defined by ASTM D4020) containing a maximum nominal 500 ppm calcium stearate with low bulk densities (200–350 g/l) and/or complying with ASTM F648, Types 1,2, and ISO 5834, Types 1, 2, and/or extremely fine or coarse particle sizes (<70 or >250 microns) and/or special dissolution properties. (CAS No. 9002-88-4) (provided for in subheading 3901.20.00)	Free	Free	No change	On or before 12/31/2002	".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 2205

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CYCLOOCTENE (COE).

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.28.11	Cyclooctene (COE) (provided for in subheading 2902.90.80)	Free	Free	No change	On or before 12/31/2003	".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

S. 2206

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CYCLOHEXADECADLENEL,9 (CHDD).

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.28.12	Cyclohexadecadlenel,9 (CHDD) (provided for in subheading 2902.90.80)	Free	Free	No change	On or before 12/31/2003	".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

S. 2207

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CYCLOHEXADEC-8-EN-1-ONE (CHD).

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.28.13	Cyclohexadec-8-en-1-one (CHD) (provided for in subheading 2914.29.00)	Free	Free	No change	On or before 12/31/2003	".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

S. 2208

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NEO HELIOPAN MA (MENTHYL ANTHRANILATE).

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.08.10	Neo Heliopan MA (Menthyl Anthranilate) (CAS No. 134-09.8) (provided for in subheading 2922.49.27)	Free	Free	No change	On or before 12/31/2003	".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

S. 2209

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. 2,6 DICHLOROTOLUENE.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.28.08	2,6 Dichlorotoluene (CAS No. 118-69-4) (provided for in subheading 2903.69.70)	Free	No change	No change	On or before 12/31/2003	".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

S. 2210

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. 4-BROMO-2-FLUOROACETANILIDE.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.28.08	4-Bromo-2-Fluoroacetanilide (CAS No. 326-66-9) (provided for in subheading 2924.21.50) ..	Free	No change	No change	On or before 12/31/2003	".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

S. 2211

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROPIOPHENONE.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.28.08	Propiophenone (CAS No. 93-55-0) (provided for in subheading 2914.39.90)	Free	No change	No change	On or before 12/31/2003	".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

S. 2212

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. META-CHLOROBENZALDEHYDE.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.28.08	Meta-Chlorobenzaldehyde (CAS No. 587-04-2) (provided for in subheading 2913.00.40)	Free	No change	No change	On or before 12/31/2003	".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

ADDITIONAL COSPONSORS

S. 484

At the request of Mr. CAMPBELL, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 484, a bill to provide for the granting of refugee status in the United States to nationals of certain foreign countries in which American Vietnam War POW/MIAs or American Korean War POW/MIAs may be present, if those nationals assist in the return to the United States of those POW/MIAs alive.

S. 622

At the request of Mr. KENNEDY, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 622, a bill to enhance Federal enforcement of hate crimes, and for other purposes.

S. 717

At the request of Ms. MIKULSKI, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 717, a bill to amend title II of the Social Security Act to provide that the reductions in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200, adjusted for inflation.

S. 1109

At the request of Mr. MCCONNELL, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1109, a bill to conserve global bear populations by prohibiting the importation, exportation, and interstate trade of bear viscera and items, products, or substances containing, or labeled or advertised as containing, bear viscera, and for other purposes.

S. 1128

At the request of Mr. KYL, the names of the Senator from Georgia (Mr. CLELAND) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 1128, a bill to amend the Internal Revenue Code of 1986 to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers, to provide for a carryover basis at death, and to establish a partial capital gains exclusion for inherited assets.

S. 1133

At the request of Mr. GRAMS, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 1133, a bill to amend the Poultry Products Inspection Act to cover birds of the order Ratitae that are raised for use as human food.

S. 1333

At the request of Mr. WYDEN, the names of the Senator from Georgia (Mr. CLELAND) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 1333, a bill to expand homeownership in the United States.

S. 1361

At the request of Mr. STEVENS, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 1361, a bill to amend the Earthquake Hazards Reduction Act of 1977 to provide for an expanded Federal program of hazard mitigation, relief, and insurance against the risk of catastrophic natural disasters, such as hurricanes, earthquakes, and volcanic eruptions, and for other purposes.

S. 1630

At the request of Mr. REID, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1630, a bill to amend title III of the Public Health Service Act to include each year of fellowship training in geriatric medicine or geriatric psychiatry as a year of obligated service under the National Health Corps Loan Repayment Program.

S. 1755

At the request of Mr. DORGAN, the names of the Senator from Oregon (Mr. WYDEN), the Senator from Georgia (Mr. CLELAND), and the Senator from Louisiana (Mr. BREAUX) were added as cosponsors of S. 1755, a bill to amend the Communications Act of 1934 to regulate interstate commerce in the use of mobile telephones.

S. 1756

At the request of Mr. BINGAMAN, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 1756, a bill to enhance the ability of the National Laboratories to meet Department of Energy missions and for other purposes.

S. 1837

At the request of Mr. BAUCUS, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1837, a bill to amend title XIX of the Social Security Act to provide low-income medicare beneficiaries with medical assistance for out-of-pocket expenditures for outpatient prescription drugs.

S. 1874

At the request of Mr. GRAHAM, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1874, a bill to improve academic and social outcomes for youth and reduce both juvenile crime and the risk that youth will become victims of crime by providing productive activities conducted by law enforcement personnel during non-school hours.

S. 1898

At the request of Mr. DORGAN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1898, a bill to provide protection against the risks to the public that are inherent in the interstate transportation of violent prisoners.

S. 1900

At the request of Mr. LAUTENBERG, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1900, a bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued by Amtrak, and for other purposes.

S. 1921

At the request of Mr. CAMPBELL, the names of the Senator from New Mexico (Mr. DOMENICI) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 1921, a bill to authorize the placement within the site of the Vietnam Veterans Memorial of a plaque to honor Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service.

S. 1934

At the request of Mr. DODD, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1934, a bill to amend the Internal Revenue Code of 1986 to allow a tax credit for business-provided student education and training.

S. 1940

At the request of Mr. LEAHY, the name of the Senator from Minnesota (Mr. GRAMS) was withdrawn as a cosponsor of S. 1940, a bill to amend the Immigration and Nationality Act to reaffirm the United States' historic commitment to protecting refugees who are fleeing persecution or torture.

S. 2003

At the request of Mr. JOHNSON, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2003, a bill to restore health care coverage to retired members of the uniformed services.

S. 2018

At the request of Mr. HUTCHINSON, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 2018, a bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the medicare program.

S. 2029

At the request of Mr. FRIST, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2029, a bill to amend the Communications Act of 1934 to prohibit telemarketers from interfering with the caller identification service of any person to whom a telephone solicitation is made, and for other purposes.

S. 2037

At the request of Ms. SNOWE, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2037, a bill to amend title XVIII of the Social Security Act to extend the option to use rebased target amounts to all sole community hospitals.

S. 2068

At the request of Mr. GREGG, the names of the Senator from Texas (Mr. GRAMM), the Senator from North Carolina (Mr. HELMS), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Massachusetts (Mr. KERRY), and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 2068, a bill to prohibit the Federal Communications Commission from establishing rules authorizing the operation of new, low power FM radio stations.

S. 2070

At the request of Mr. FITZGERALD, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Wisconsin (Mr. FEINGOLD), and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 2070, a bill to improve safety standards for child restraints in motor vehicles.

S. 2074

At the request of Mr. ASHCROFT, the names of the Senator from Alaska (Mr. STEVENS), the Senator from South Carolina (Mr. THURMOND), and the Senator from Illinois (Mr. FITZGERALD) were added as cosponsors of S. 2074, a bill to amend title II of the Social Security Act to eliminate the social security earnings test for individuals who have attained retirement age.

S. 2089

At the request of Mr. SPECTER, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2089, a bill to amend the Foreign Intelligence Surveillance Act of 1978 to modify procedures relating to orders for surveillance and searches for foreign intelligence purposes, and for other purposes.

S. 2090

At the request of Mr. CONRAD, his name was withdrawn as a cosponsor of S. 2090, a bill to amend the Internal Revenue Code of 1986 to impose a 1 year moratorium on certain diesel fuel excise taxes.

S. 2097

At the request of Mr. GRAMM, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 2097, a bill to authorize loan guarantees in order to facilitate access to local television broadcast signals in unserved and underserved areas, and for other purposes.

S. 2107

At the request of Mr. GRAMM, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2107, a bill to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to reduce securities fees in excess of those required to fund the operations of the Securities and Exchange Commission, to adjust compensation provisions for employees of the Commission, and for other purposes.

S. CON. RES. 60

At the request of Mr. FEINGOLD, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. Con. Res. 60, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. *Wisconsin* and all those who served aboard her.

S. CON. RES. 84

At the request of Mr. WARNER, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. Con. Res. 84, a concurrent resolution expressing the sense of Congress regarding the naming of aircraft carrier CVN–77, the last vessel of the historic *Nimitz* class of aircraft carriers, as the U.S.S. *Lexington*.

S. RES. 87

At the request of Mr. HELMS, his name was added as a cosponsor of S. Res. 87, a resolution commemorating the 60th Anniversary of the International Visitors Program.

At the request of Mr. DURBIN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. Res. 87, supra.

S. RES. 115

At the request of Mr. ASHCROFT, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. Res. 115, a resolution expressing the sense of the Senate regarding United States citizens killed in terrorist attacks in Israel.

S. RES. 128

At the request of Mr. COCHRAN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. Res. 128, a resolution designating March 2000, as "Arts Education Month."

S. RES. 237

At the request of Mrs. BOXER, the names of the Senator from Florida (Mr. GRAHAM), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. Res. 237, a resolution expressing the sense of the Senate that the United States Senate Committee on Foreign Relations should hold hearings and the Senate should act on the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

S. RES. 258

At the request of Mr. CRAIG, the names of the Senator from Missouri (Mr. ASHCROFT), the Senator from Indiana (Mr. BAYH), the Senator from Utah (Mr. BENNETT), the Senator from California (Mrs. BOXER), the Senator from Kentucky (Mr. BUNNING), the Senator from Rhode Island (Mr. L. CHAFEE), the Senator from Georgia (Mr. COVERDELL), the Senator from Idaho (Mr. CRAPO), the Senator from Illinois (Mr. DURBIN), the Senator from North Carolina (Mr. EDWARDS), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Illinois (Mr. FITZGERALD), the Senator from Tennessee (Mr. FRIST), the Senator from Florida (Mr. GRAHAM), the Senator from Texas (Mr. GRAMM), the Senator from North Carolina (Mr. HELMS), the Senator from Oklahoma (Mr. INHOFE), the Senator from Wisconsin (Mr. KOHL), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Indiana (Mr. LUGAR), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Kansas (Mr. ROBERTS), the Senator from Alabama (Mr. SESSIONS), the Senator from Alabama (Mr. SHELBY), the Senator from Tennessee (Mr. THOMPSON), the Senator from New Jersey (Mr. TORRICELLI), and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. Res. 258, a resolution designating the week beginning March 12, 2000 as "National Safe Place Week."

S. RES. 263

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. Res. 263, a resolution expressing the sense of the Senate that the President should communicate to the members of the Organization of Petroleum Exporting Countries ("OPEC") cartel and non-OPEC countries that participate in the cartel of crude oil producing countries, before the meeting of the OPEC nations in March 2000, the position of the United States in favor of increasing world crude oil supplies so as to achieve stable crude oil prices.

SENATE RESOLUTION 266—DESIGNATING THE MONTH OF MAY EVERY YEAR FOR THE NEXT 5 YEARS AS "NATIONAL MILITARY APPRECIATION MONTH"

Mr. LOTT (for Mr. MCCAIN (for himself, Mr. HAGEL, Mr. THOMPSON, and Mr. DEWINE)) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 266

Whereas the freedom and security that citizens of the United States enjoy today are direct results of the vigilance of the United States Armed Forces;

Whereas recognizing contributions made by members of the United States Armed Forces will increase national awareness of the sacrifices that such members have made to preserve the freedoms and liberties that enrich this Nation;

Whereas it is important to preserve and foster admiration and respect for the service provided by members of the United States Armed Forces;

Whereas it is vital for youth in the United States to understand that the service provided by members of the United States Armed Forces has secured and protected the freedoms that United States citizens enjoy today;

Whereas it is important to recognize the unfailing support that families of members of the United States Armed Forces have provided to such members during their service and how such support strengthens the vitality of our Nation;

Whereas recognizing the role that the United States Armed Forces plays in maintaining the superiority of the United States as a nation and in contributing to world peace will increase awareness of all contributions made by such Forces;

Whereas it is appropriate to recognize the importance of maintaining a strong, equipped, well-educated, well-trained military for the United States to safeguard freedoms, humanitarianism, and peacekeeping efforts around the world;

Whereas it is proper to foster and cultivate the honor and pride that citizens of the United States feel towards members of the United States Armed Forces for the protection and service that such members provide;

Whereas recognizing the many sacrifices made by members of the United States Armed Forces is important; and

Whereas it is proper to recognize and honor the dedication and commitment of members of the United States Armed Forces, and to show appreciation for all contributions made by such members since the inception of the Armed Forces: Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of May every year for the next 5 years as "National Military Appreciation Month"; and

(2) requests that the President issue a proclamation calling upon the people of the United States and interested groups to observe such month with appropriate ceremonies and activities.

• Mr. MCCAIN. Mr. President, I rise today to submit along with Senators HAGEL, DEWINE, and THOMPSON a resolution to designate the month of May as National Military Appreciation Month. As my colleagues may recall, I had sponsored a resolution earlier in the year, cosponsored by 61 senators, designating May 1999 as National Military Appreciation Month. That resolution, S. Res. 33, passed by a vote of 93-0 on March 30.

Subsequent to passage of S. Res. 33, I introduced S. 1419, which would have made that designation permanent by amending Title 36 of the U.S. Code. To date, S. 1419 has 66 cosponsors. Because of the failure of S. 1419 to pass, I have agreed to submit a revised resolution designating May National Military Appreciation Month for the next five years, and requesting the President issue a proclamation calling for the American people and interested groups to observe such months with appropriate ceremonies and activities. It is my hope that this new resolution will receive the Senate's favorable consideration.

The introduction of an All-Volunteer Army was an outgrowth of the disenchantment many Americans felt in the wake of the Vietnam War. The end of conscription and the transition to the All-Volunteer concept has been criticized by some for not adequately reflecting socioeconomic divisions without our country. In point of fact, however, with the requisite attention and care, it produced the finest armed forces in history. How far we had come since the tumultuous times of the 1970s when military readiness descended to abysmal levels was evident for all the world to see in the overwhelming victory over Iraqi forces during Operation Desert Storm. But that success has been taken for granted too long. Over 15 years of declining military budgets, combined with record high levels of deployments, have stretched the military to precarious levels.

The end of conscription had another, more far-reaching and subtle implication: it diminished the percentage of the public, including its elected officials, with military experience. This is not a criticism of those who did not serve; on the contrary, as a strong supporter of the All-Volunteer Army, I remain committed to its survival and success. This gradual diminishment in the shared experience of having served in uniform, however, makes it increasingly important that the public reflect every year on the enormous role their armed forces have on preserving freedom.

As thousands of American soldiers serve increasingly hazardous duty in Kosovo, while others continue to serve in Bosnia as well as on the demilitarized zone in Korea and around the world, it is imperative that our men and women in uniform know of the strong continuing support of their country for their dedication and service to this country. Whether we individually agree with each and every deployment or not, we have learned to separate our support for the armed forces from our differences over the policies that sent them into harm's way. Dedicating one month every year to express our appreciation for the armed forces, the same month in which we recognize Victory in Europe Day, Military Spouse Day, Armed Forces Day, and, most importantly, Memorial Day, is an appropriate measure that I hope will have the support of all my colleagues in Congress.

Mr. President, I generally take a somewhat dim view of celebratory resolutions. But those who fought on the battlefields of Lexington, Gettysburg, Normandy, in the Ardennes and on Okinawa, in Hue and at Khe Sanh, in the deserts of the Persian Gulf and the dusty streets of Mogadishu, in the skies over Kosovo and who stand a lonely vigil on the DMZ, must not be forgotten. Too much blood has been spilled in defense of liberty. We owe to those who perished and those who survived, to devote one month out of the year to reflect on the sacrifices of those who have worn their nation's uniform throughout its history.

Mr. President, I request that the attached correspondence in support of S. 1419 from the Military Coalition be made a part of the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE MILITARY COALITION,
Alexandria, VA, February 28, 2000.

Hon. JOHN MCCAIN,
Senate Armed Services Committee,
U.S. Senate; Washington, DC.

DEAR SENATOR MCCAIN: The Military Coalition, a consortium of nationally-prominent uniformed services and veterans organizations, representing more than 5.5 million members of the uniformed services plus their families and survivors urge you to encourage your colleagues on the Judiciary Committee to render a favorable report on S. 1419, to designate May as National Military Appreciation Month. S. 1419 is a follow-on to S. Res. 33, which the Senate approved last year by a vote of 93-0. That resolution designated May 1999 as National Military Appreciation Month; S. 1419 will make that designation permanent.

Over the three decades since the advent of the All Volunteer Force, a seemingly impossible challenge has been met with spectacular results. Instead of a uniformed service comprised of conscripts, we are blessed with high quality volunteers from all walks of life. Active, Guard and Reserve forces have responded commendably to the increased operations and personnel tempos and in return, deserve this special recognition of a grateful nation.

Another compelling reason for approving this legislation is that the gradual decrease in the shared experience of having served in uniform, makes it increasingly important that the public reflect every year on the enormous role that their armed forces have on preserving freedom. As we commit thousands of servicemembers to missions around the world it is imperative that they know of the strong and enduring support of their country for their dedication and service. We owe it to those who paid the ultimate price and those who survived, to devote one month out of the year to reflect on the sacrifices of those who have worn their nation's uniform throughout its history.

Please demonstrate your commitment to them by acting promptly to bring S. 1419 to the Senate floor for action.

Sincerely,

THE MILITARY COALITION.•

NOTICE OF HEARING

SUBCOMMITTEE ON FORESTRY, CONSERVATION, AND RURAL REVITALIZATION

Mr. LUGAR. Mr. President, I would like to announce that the Subcommittee on Forestry, Conservation, And Rural Revitalization of the Senate Committee on Agriculture, Nutrition, and Forestry will meet on March 8, 2000 in SR-328A at 2:30 p.m. The purpose of this meeting will be to discuss the National Rural Development Council.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 9:30 a.m. on Tuesday, March 7, 2000, in open and closed sessions, to receive testimony from the unified and regional commanders on their military strategy and operational requirements in review of the defense authorization request for fiscal year 2001 and the Future Years Defense Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SPECTER. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Tuesday, March 7, 2000, at 9:30 a.m. on S. 1755—Mobile Telecommunications Sourcing Act.

Mr. PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in executive session during the session of the Senate on Tuesday, March 7, 2000, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in executive session for the consideration of S.2, the Educational Opportunities Act, during the session of the Senate on March 7th, 2000.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. SPECTER. Mr. President, I ask unanimous consent that the Senate Committee on Finance be authorized to meet during the session of the Senate on Tuesday, March 7, 2000, to hear testimony regarding Agriculture Negotiations in the WTO After Seattle.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to hold a joint hearing with the House Committee on Veterans' Affairs to receive the Legislative presentations of the Retired Enlisted Association, Gold Star Wives of America, Military Order of the Purple Heart, Air Force Sergeants Association, and the Fleet Reserve Association. The hearing will be held on Tuesday, March 7, 2000, at 9:30 a.m., in room 345 of the Cannon House Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. SPECTER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, March 7, 2000 at 2:30 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Administrative Oversight and the Courts be authorized to meet to conduct a hearing on Tuesday, March 7, 2000, at 9:30 a.m., in SH216.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Readiness and Management Support Subcommittee of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, March 7, 2000 at 2 p.m., in open session to receive testimony on readiness programs in review of the defense authorization request for fiscal year 2001 and the Future Years Defense Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TECHNOLOGY, TERRORISM, AND GOVERNMENT INFORMATION

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Technology, Terrorism and Government Information be authorized to meet to conduct a hearing on Tuesday, March 7, 2000, at 2 p.m., in SD226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND POWER

Mr. SPECTER. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Senate Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, March 7 at 2:30 p.m. to conduct an oversight hearing. The subcommittee will consider the President's proposed FY 2001 budget for the Bureau of Reclamation (Department of the Interior) and the Bonneville Power Administration, the Southeastern Power Administration, the Southwestern Power Administration, and the Western Area Power Administration (Department of Energy).

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, MARCH 8, 2000

Mr. ENZI. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Wednesday, March 8. I further ask consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin consideration of the conference report to accompany H.R. 1000, the FAA bill, under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. I further ask consent that following the debate, the Senate proceed to a period of morning business until 11:30 a.m. with Senators speaking for up to 5 minutes each, with the following exceptions: Senator DURBIN or his designee, 10:30 to 11:00 a.m.: Senator BROWNBACK or his designee, 11:00 to 11:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ENZI. The Senate will convene at 9:30 a.m. and begin the 1 hour of debate on the conference report to accompany the FAA bill. Following that debate, the Senate will be in a period of morning business until 11:30 a.m. Following morning business, the Senate will begin consideration of the Export Administration Act which will be debated until 5 p.m. By previous consent there will be three votes scheduled at 5 p.m. tomorrow. The first vote is the conference report to accompany the FAA bill, to be followed by the two cloture votes with respect to the Berzon and Paez nominations. Therefore, Senators can expect the next vote to occur at 5 p.m. tomorrow.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. ENZI. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:55 p.m., adjourned until Wednesday, March 8, 2000, at 9:30 a.m.

NOMINATIONS

Executive Nominations Received by the Senate March 7, 2000:

DEPARTMENT OF DEFENSE

RUDY DELEON, OF CALIFORNIA, TO BE DEPUTY SECRETARY OF DEFENSE, VICE JOHN J. HAMRE, RESIGNED.

DOUGLAS A. DWORKIN, OF MARYLAND, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE, VICE JUDITH A. MILLER.

ENVIRONMENTAL PROTECTION AGENCY

JAMES V. AIDALA, OF VIRGINIA, TO BE ASSISTANT ADMINISTRATOR FOR TOXIC SUBSTANCES OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE LYNN R. GOLDMAN.

DEPARTMENT OF STATE

DONALD ARTHUR MAHLEY, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR EXECUTIVE SERVICE, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS SPECIAL NEGOTIATOR FOR CHEMICAL AND BIOLOGICAL ARMS CONTROL ISSUES.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. RONALD E. KEYS, 5357

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. GARY A. AMBROSE, 0398
BRIG. GEN. BRIAN A. ARNOLD, 4452
BRIG. GEN. THOMAS L. BAPTISTE, 1125
BRIG. GEN. LEROY BARNIDGE, JR., 7882
BRIG. GEN. JOHN L. BARRY, 7396
BRIG. GEN. WALTER E.L. BUCHANAN III, 7387
BRIG. GEN. RICHARD W. DAVIS, 4196
BRIG. GEN. ROBERT R. DIERKER, 7380
BRIG. GEN. MICHAEL N. FARAGE, 3352
BRIG. GEN. JACK R. HOLBEIN, JR., 0552

BRIG. GEN. CHARLES L. JOHNSON II, 5967
BRIG. GEN. THEODORE W. LAY II, 9683
BRIG. GEN. TEDDIE M. MCFARLAND, 0563
BRIG. GEN. MICHAEL C. MC MAHAN, 7967
BRIG. GEN. TIMOTHY J. MC MAHON, 1034
BRIG. GEN. DUNCAN J. MC NABB, 2295
BRIG. GEN. HOWARD J. MITCHELL, 0859
BRIG. GEN. BENTLEY B. RAYBURN, 1485
BRIG. GEN. JOHN F. REGNI, 3567
BRIG. GEN. VICTOR E. RENUART, JR., 0278
BRIG. GEN. LEE P. RODGERS, 4461
BRIG. GEN. GLEN D. SHAFFER, 3490
BRIG. GEN. CHARLES N. SIMPSON, 2150
BRIG. GEN. JAMES N. SOLIGAN, 8751
BRIG. GEN. MICHAEL P. WIEDEMER, 1040
BRIG. GEN. MICHAEL W. WOOLEY, 9379
BRIG. GEN. BRUCE A. WRIGHT, 5759

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE, 10 U.S.C., SECTION 12203:

To be colonel

THOMAS W. ACOSTA, JR., 2972
STEVEN ALAN ADAMS, 1822
AUGUSTUS D. AIKENS, JR., 6328
JEFFREY C. AKAMATSU, 5985
WILLIAM E. ALDRIDGE, 6293
ROBERT F. ALTHERR, JR., 1679
RONALD D. ANDERSON, 6814
STEVEN D. ANDERSON, 3471
WILLIAM V. ANDERSON, 5464
MICHAEL D. ARMOUR, 7759
PHILIP L. ARTHUR, 8864
DEBORAH A. ASHENHURST, 5987
ROBBIE L. ASHER, 3934
JOHN M. ATKINS, 9132
MILTON G. AVERY, 4754
ROBERT A. AVERY, 3612
WILLIAM P. BABCOCK, 6572
STEVEN A. BACKER, 6806
JAMES D. H. BACON, 2681
GREGORY P. BAILEY, 8107
BRUCE H. BAKER, JR., 2400
KENNETH J. BAKER, 2561
ALBERT BARDAYAN, 9201
NEWTON R. BARDWELL III, 9731
ROOSEVELT BARFIELD, 2777
LONNIE L. BARHAM, 7012
RODNEY J. BARHAM, 7594
STEVEN R. BARNER, 3062
JOHN I. BARNES III, 8491
ROBERT L. BARNES, JR., 4663
DANIEL W. BARR, 8151
RICHARD A. BAYLOR, 3612
ROBERT A. BEAN, JR., 9832
MARK D. BECHER, 3031
BRUCE E. BECK, 9604
CARL B. BECKMANN, JR., 4316
TERRENCE W. BELTZ, 5304
DAN A. BERKEBILE, 9866
GERALD R. BETTY, 3579
WARREN K. BEYER, 8552
WILLIAM G. BICKEL, 1494
COURTLAND C. BIVENS III, 5110
ROBERT D. BLOOMQUIST, 1954
TERRY L. BORTZ, 9314
PHILLIP E. BOWEN, 4949
JOHN L. BRACKIN, 1632
THOMAS M. BRADLEY, 4724
GEORGE R. BRADY, 8738
PAUL M. BRADY, 9028
JAMES A. BRATTAIN, 3394
JOHN R. RAULT, 6260
ALLEN E. BREWER, 9815
ROBERT K. BRINSON, 5216
SANS C. BROUSSARD, 5004
HAROLD E. BROWN, 9855
CHARLES R. BRULE, SR., 7962
ROBERT O. BRUNSON, 7570
JOHN A. BUCY, 6594
HAROLD G. BUNCH, 7816
ANDREW C. BURTON, 2840
PHILIP C. CACCESE, 6019
MATTHEW P. CACCIATORE, JR., 1872
ANN MOORE CAMPBELL, 0033
ROLAND L. CANDEE, 1266
JAMES J. CAPORIZO III, 2200
RONALD A. CASSARAS, 5372
CHARLES R. CHADWICK, 5033
CHARLES A. CHAMBERS IV, 4029
ELIZABETH A. CHECCHIA, 7397
PETER PAUL HERELLIA, 9319
JAMES YOUNG CHILTON, 0707
THOMAS R. CHRISTENSEN, 4700
ROBERT M. CHRISTIAN, 5942
JOHN G. CHRISTIANSEN, JR., 3745
BOBBY GUY CHRISTOPHER, 3015
DANNY DEAN CLARK, 6352
JAMES E. COBB, 2150
MCKINLEY COLLINS, JR., 2929
THOMAS PATRICK COLLINS, 0864
DENNIS CONWAY, 3876
LAWRENCE D. COOPER, 9036
APRIL M. CORNIEA, 1870
CALVIN EDWARD COUFAL, 9012
TERRY RAY COUNCIL, 0396
ARDWOOD R. COURTNEY, JR., 7999
HOMER T. COX III, 4076
MARK E. CRAIG, 0080
JOHN V. CRANDALL, 0702
STANLEY E. CROW, 8977
RITA K. CUCCHIARA, 0702
THOMAS W. CURRENT, 0137
THOMAS E. DACAR, 7189
WILLIE D. DAVENPORT, 8639
JACK L. DAVIS, 6179
JOHN T. DAVIS, 8129
MILTON P. DAVIS, 0738
JOHN E. DAVOREN, 3064
GARY W. DAWSON, 4414
THOMAS DAWAYNE DEAN, 5252
PHILIP M. DEHENNIS, 5071
JOSEPH P. DEJOHN, 7825
PAUL MORTON DEKANEL, 9978
SANTIAGO DELVALLE, 9893
JOSEPH G. DEPAUL, 5800
CAROLYN J. DERBY, 4189
RONALD EDGAR DEWITT, 2833
NEIL DIAL, 2600
RICHARD W. DILLON, 2968
DAVID T. DORROUGH, 7210
RAYMOND S. DOYLE, 4448
GILFORD C. DUDLEY, JR., 1633
JOHN FREDERICK DUGGER, 6000
JAMES J. DUNPHY, JR., 4298
WARREN L. DUPUIS, 9795
PAUL W. DVORAK, 5565
WILLIAM THOMAS EGAN, 1410
MICHAEL E. EICHINGER, 4406
GARY F. EISCHEID, 5955
GARY R. ENGEL, 4963
ERNEST T. ERICKSON, 6157
RICHARD M. ETHERIDGE, 0242
ARTHUR DALE EVANS, 2572
PETER FRANK FALCO, 1933
CLARENCE FAUBUS, 3021
CHARLES B. FAULCONER, JR., 6648
DAN W. FAUST III, 4002
SAMUEL L. FERGUSON, 6074
ROBERT MICHAEL FIELD, 6481
WILLIAM H. FINCK, 4105
MICHAEL P. FINN, 3123
ROBERT L. FINN, 0938
LYNN E. FITE, 4829
DENNIS R. FLANERY, 4851
GEORGE M. FLATTLEY, 8066
DALE P. FOSTER, 0529
MICHAEL J. FOY III, 8491
LLOYD J. FRECKLETON, 3243
CLARENCE C. FREELS, 9643
WILLIAM ROLAND FROST, 2316
CHERIE ANNETTE FUCHS, 9558
WESLEY J. FUDGER, JR., 6272
JOE R. GAINES, JR., 3883
JOHN DUANE GAINES, 7977
PAUL VINCENT GAMBINO, 9847
DANIEL MICHAEL GANCI, 3168
ERNEST L. GANDY, 9734
JAMES P. GARDNER, 3936
DENNIS V. GARRISON, JR., 6505
PAUL C. GENEREUX, JR., 5128
ROBERT L. GIACUMO, 8455
JERRY M. GILL, 7395
PAUL D. GOLDEN, 4481
DAVID S. GORDON, 8051
JOHN LEGGETT GRAHAM, 2025
FRANK JOSEPH GRASS, 4493
MELVIN JAKE GRAVES, 3287
BILLY R. GREEN, 0180
LINDA DIANE GREEN, 3312
OSCAR CHARLES GREENLEAF, 9415
DAVID J. GRIFFITH, 9258
JOHN LAWRENCE GRONSKI, 9840
LINDSAY H. GUDRIDGE, 1886
TERRY GLYNN HAMMETT, 6098
RALPH BRYAN HANES, 8081
PHILIP LAWRENCE HANRAHAN, 2194
ERIC A. HANSON, 6384
RUSSELL S. HARGIS, 2104
ROBERT C. HARGREAVES, 5576
JOE LEE HARKEY, 5200
DANIEL JOSEPH HARLAN, 2921
THOMAS WAYNE HARRINGTON, 4883
GEORGE RAY HARRIS, 6056
GEORGE W. HARRIS, 6852
ROBERT ALAN HARRIS, 5261
DONNAN R. HARRISON III, 4250
MICHAEL F. HAU, 4027
SPENCER L. HAWLEY, 0878
DAVID RAYMOND HAYS, 7832
JAMES D. HEAD, 5152
MARK S. HEFFNER, 7734
GERALD M. HEINLE, 2946
JOHN W. S. HELTZEL, 2860
RICHARD EUGENE HENS, 3656
JOHN RAYMOND HENSTRAND, 2080
PATRICK R. HERON, 4039
MICHAEL J. HERSEY, 1855
JOHN B. HERSHMAN, 9658
RUBY LEE HOBBS, 8479
DUDLEY B. HODGES III, 9409
MARY JOSEPHINE HOGAN, 6914
RICHARD EDWARD HOLLAND, 1986
HENRY VANCE HOLT, 8464
HERBERT LEWIS HOLTZ, 0789
THOMAS FRENCH HOPKINS, 2011
GARY WAYNE HORNBACK, 9929
DAVID EUGENE HRICZAK, 7755
CHARLES H. HUNT, JR., 0209
PETER V. INGALSBE, 7601
HAROLD D. IRELAND, 4924
CHARLES NATHAN JAY, 1304
LARRY D. JAYNE, 4009
ROY JACK JENSEN, 6475
CALVIN S. JOHNSON, 0238
WILLIAM G. JOHNSON, 4700
WILLIAM J. JOHNSON, JR., 9286
WILLIAM CARLYLE JOHNSTON, 9518
DANIEL LEE JOLING, 5209
CHRISTOPHER REED JONES, 6754
DAVID C. JONES, 6855
DAVID R. JONES, JR., 2259
CHARLES ALFRED JUSTICE, 6207
EDWARD T. KAMARAD, 3253
GREGORY RAY KEECH, 9652
MICHAEL AARON KELLY, 7868
JEFFREY J. KENNEDY, 1106
STANLEY R. KEOLANUI, JR., 5556
RICHARD JOSEPH KIEHART, 5564
CRAIG STEPHEN KING, 6354
RANDY WARREN KING, 4853
BRUCE ERIC KRAMME, 7475
DORIS JEAN KUBIK, 9042
JOHN J. KUHLE, 4670
SUSAN E. KUWANA, 2525
TIMOTHY M. LAMBERT, 2459
GARY S. LANDRITH, 3412
JOSEPH A. LANESKI, 9129
RICHARD FRANK LANGE, 6973
KONRAD B. LANGLIE, 1267
GEORGE D. LANNING, 1598
LAWRENCE M. LARSEN, 1439
THOMAS LEBOVIC, 4688
RALPH L. LEDGEWOOD, 1860
MYRON C. LEPP, 6120
GLENN JEFFREY LESNIAK, 8435
JAMES R. LILE, 6867
STEPHEN DAVID LINDNER, 3909
THOMAS RICHARD LOGEMAN, 6180
RALPH DANIEL LONG, 9482
RODNEY W. LOOS, 0504
WALTER E. LORCHEIM, 6284
VERNON LEE LOWREY, 0154
GILBERT LOZANO, JR., 5265
STEPHEN L. LYNCH, 5155
CHERYL MARIE MACHINA, 4262
DAVID CLARENCE MACKEY, 8029
MICHAEL J. MADISON, 4161
CARLOS A. MALDONADO, 6294
JEFFERY EUGENE MARSHALL, 8324
EUGENE C. MARTIN, 9866
ROBERT A. MARTINEZ, 6433
OLIVER J. MASON, JR., 0213
LARRY W. MASSEY, 6657
BOBBY E. MAYFIELD, 6378
JOHN M. MC AULEY, 6518
KEVIN R. MC BRIDE, 7136
HENRY C. MC CANN, 1781
TIMOTHY G. MC CARTHY, 6534
MORRIS E. MC COSKEY, 9885
JOHN WILLIAM MC COY, JR., 4147
JAMES P. MC DERMOTT, 3876
DANIEL J. MC HALE, 7907
DONALD E. MC LEAN, 5226
NOLAN R. MEADOWS, 4350
ROBERT E. MEIER, 6300
ROBERT JAMES MEIER, 7798
TERRENCE JOHN MERKEL, 2922
JAMES RICHARD MESSINGER, 7679
DONALD DEAN MEYER, 6324
NEIL E. MILES, 0375
LONNIE R. MILLER, 2459
SCOTT D. MILLER, JR., 1943
JAMES F. MINOR, 4816
PETER FRANCIS MOHAN, 3246
WILLIAM MONK III, 7931
RAYMOND B. MONTGOMERY, 4454
RANDALL W. MOON, 8591
DAVID FIDEL MORADO, 4531
JANE PHYLLIS MOREY, 9751
JILL E. MORGENTHALER, 2427
GLENN DAVID MUDD, 9997
RICHARD O. MURPHY, 9911
MARGARET E. MYERS, 0529
CHARLES R. NEARHOOD, 6223
DANIEL J. NELAN, 2853
DAVID B. NELSON, 6222
STEPHEN D. NICHOLS, 5804
JOSEPH FRANK NOFERI, 7712
OLIVER L. NORRELL III, 1832
MARK D. NYVOLD, 7599
PAUL F. O'CONNELL, 5410
HERSHELL W. O'DONNELL, 9198
WALTER STEPHEN O'REILLY, 8597
VICTOR M. ORTIZMERCADO, 5260
KARLYNN P. O'SHAUGHNESSY, 1962
HENRY J. OSTERMANN, 9215
JAMES EDWARD OTTO, 5719
CLARENCE H. OVERBAY III, 6178
BENJAMIN F. OVERBEY, 3978
JAN GUENTHER PAPRA, 9025
JOHN HENRY PARO, 6421
DAVID M. PARQUETTE, 0169
GEORGE J. PECHARKA, JR., 1328
LTER STEPHEN PEDIGO, 7317
GEORGE A. B. PEIRCE, 1467
ALAN R. PETERSON, 9304
KARL F. PETERSON, 0893
WILLIAM H. PETTY, 2722
JOSEPH CARL PHILLIPS, 9490
NICKEY WAYNE PHILPOT, 9374
D. DARRELL EUGENE PICKETT, 7066
ROBERT KENT PINKERTON, 5924
ROBERT L. PITTS, 4874

CARL JOE POSEY, 4278
RICK LYNN POWELL, 4131
JAMES FREDERICK PRESTON, 5860
LOUIS P. PREZIOSI, 7850
JOHN M. PRICKETT, 5197
ROBERT M. PUCKETT, 8355
BARNEY PULTZ, 5369
WALTER L. PYRON, 3722
TERRY LEE QUARLES, 8676
PAUL J. RAFFAELI, 5546
THOMAS H. REDFERN, 8304
JOHNNY H. REEDER, 0024
ELDON PHILIP REGUA, 3723
PRICE LEWIS REINERT, 0564
ROBERT REINKE, JR., 7752
JOSEPH WARREN REITER, 2208
BARRY L. REYNOLDS, 6404
JOHN F. REYNOLDS, 9642
JAMES LANCE RICHARDS, 6162
DOUGLAS G. RICHARDSON, 7068
PHILIP A. RICHARDSON, 8013
MARK C. RICKETTS, 5874
RAYNOR J. RICKS, JR., 6829
KENNETH WAYNE RIGBY, 0830
JAMES FRANCIS RILEY, 8451
ISABELO RIVERA, 3872
DAVID LEE ROBERTS, 0940
PAUL EDWIN ROBERTS, 4681
DAVID P. ROBINSON, 1002
STEVEN RAY ROBINSON, 5872
FRANK GERARD ROMANO, 5429
DEBRA C. RONDEM, 8787
TIMOTHY L. ROOTES, 8203
LAWRENCE HENRY ROSS, 5226
THOMAS WARREN ROUND, 0288
JOEL ROSS ROUNTREE, 7630
DAVID H. RUSSELL, 9402
MICHAEL H. RUSSELL, 7905
LARRY D. RUTHERFORD, 1225
LORETTA R. RYAN, 3041
FRANK ALBERT SAMPSON, 4593
STEPHEN M. SARCIONE, 0335
STEVEN D. SAUNDERS, 3328
JOSEPH M. SCATURO, 4556
OTTO BYRON SCHACHT, 9513
HELEN P. SCHENCK, 8613
ROBERT W. SCHERER, 7869
PAUL A. SCHNEIDER, 0325
EDWARD C. SCHRADER, 8616
GORDON W. SCHUKEI, 0264
JAMES D. SCHULTZ, JR., 8542
STEPHEN PETER SCHULTZ, 8680
JOHN THOMAS SCHWENNER, 2857
MARK W. SCOTT, 8996
MICHAEL F. SCOTTO, 5183
GALE HADLEY SEARS, 8022
BERNARD SEIDL, 7535
STEPHEN RIDGELY SEITER, 6859
CHARLES R. SEITZ, 4859
RONALD GEORGE SENEZ, 3000
KENNETH J. SENKYR, 1014
CHRISTOPHER T. SERPA, 5873
WALTER S. SHANKS, 9080
HUGH DUNHAM SHINE, 8849
KENNETH R. SIMMONS, JR., 4130
JAMES L. SIMPSON, 1607
ROBERT G. SKILES, JR., 5406
JAMES A. SLAGEN, 5515
WILLIAM A. SLOTTER, 3391
CARLON L. SMITH, 2375
DAVID B. SMITH, 7225
DAVID C. SMITH, 4396
EDWARD H. SMITH, 7640
JOHN F. SMITH, 1512
KENNETH EUGENE SMITH, 4982
ROY C. SMITH, 0997
SHERWOOD J. SMITH, 9944
STEVEN W. SMITH, 3994
KARL P. SMULLIGAN, 8980
ARNOLD H. SOEDER, 6872
DAVID L. SPENCER, 9032
TERRANCE J. SPOON, 6341
DAVID WILLIAM STARR, 6926
MICHAEL R. STASZAK, 4677
MICHAEL E. STEPHANY, 1320
JAMES MELVIN STEWART, 6249
RICHARD W. STEWART, 9001
JOHN M. STOEN, 6922
GREGORY WAYNE STOKES, 6838
JAMES C. SUTTLE, JR., 7780
RICHARD E. SWAN, 7604
THOMAS B. SWEENEY, 1535
DEREK C. SWOPE, 1826
DORIS P. TACKETT, 0128
MICHAEL GRAHAM TEMME, 8231
LANCE MORELL THAREL, 4678
RANDAL EDWARD THOMAS, 9772
CAREY GARLAND THOMPSON, 6879
FREDERICK T. THURSTON, 3006
JACK THOMAS TOMARCHIO, 0749
STEPHEN CRAIG TRUESDELL, 6095
VERLYN E. TUCKER, 2760
ROBERT J. UDLAND, 2521
ROBERT J. VANDERMALE, 9481
JACOB A. VANGOOR, 9172
LARRY D. VANHORN, 0017
GARY WALLACE VARNEY, 6045
ROBERT WILLARD VAUGHAN, 6471
RUSSELL OWEN VERNON, 6956
BERT F. VIETA, 4144
PEDRO G. VILLARREAL, 1120
WILLIAM G. VINCENT, 7765
JEFFERY R. VOLLMER, 8598
KEITH RICHARD VOTAVA, 8984
WILLIAM D.R. WAFF, 5496
CHARLES M. WAGNER, 1629
GARY F. WAINWRIGHT, 7712
LAYNE J. WALKER, 5877
MARTIN H. WALKER, 4329
SALLY WALLACE, 0804
KENDALL SCOTT WALLIN, 7412
JOSEPH W. WARD III, 3093
KENNETH ROBERT WARNER, 2742
HERBERT R. WATERS III, 2307
MICHAEL K. WEBB, 9183
ROY LANDRUM WEEKS, JR., 7435
FREDERICK H. WELCH, 8291
JAMES M. WELLS, 1835
MICHAEL J. WERSOSKY, 5135
MARY E. LYNCH WESTMORELAND, 9610
GRANT L. WHITE, 7978
FRANCIS B WILLIAMS, 2531
STANLEY O. WILLIAMS, 3608
RICHARD J. WILLINGER, 0896
CECIL MASON WILLIS, 8187
JOEL WILLIAM WILSON, 8264
TONY N. WINGO, 6298
ANTHONY E. WINSTEAD, 5050
LARRY V. WISE, 5485
PAUL K. WOHL, 8567
BRUCE M. WOOD, 0603
GLENN R. WORTHINGTON, 2053
BARRY GENE WRIGHT, 7248
KATHY J. WRIGHT, 1745
NEIL YAMASHIRO, 4095
EARL M. YERRICK, JR., 9251
DAVID KEITH YOUNG, 5514
RICHARD S.W. YOUNG, 6398
SAMUEL R. YOUNG, 3299
VINCENT A. ZIKE, JR., 4335

CONFIRMATIONS

Executive Nominations Confirmed by the Senate March 7, 2000:

THE JUDICIARY

JULIO M. FUENTES, OF NEW JERSEY, TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT.

SENATE—*Wednesday, March 8, 2000*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, we praise You for not making life a courtroom without a judge. We don't have to judge ourselves with self-condemnation or others with harshness. You are the judge of our lives, the one to whom we must account for our behavior, character, and relationships. We expose our private and public lives to Your judgment. There are no secrets from You. We spread out before You the work of this Senate and ask You to show us what You require. This is Your nation. The Senators and all who work for and with them are here by divine appointment. Your justice and righteousness are our mandates. May we see ourselves honestly in the pure white light of Your truth.

As we stand before You as our judge, we view You beside us with mercy and within us as perfect peace. Take our hands, dear Lord. Lead us on so that as this day closes and we say our prayers, we may have less to confess and more for which to give thanks. In Your righteous, all-powerful name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable WAYNE ALLARD, a Senator from the State of Colorado, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Washington is recognized.

SCHEDULE

Mr. GORTON. Mr. President, this morning the Senate will begin 1 hour of debate on the conference report to accompany the Federal Aviation Administration bill. Following that debate, the Senate will be in a period of morning business until 11:30 a.m. with the time under the control of Senators BROWNBACK and DURBIN. Following morning business, the Senate will begin consideration of the Export Administration Act with amendments to the bill expected to be offered. As a reminder, there will be three stacked votes at 5 p.m. The first vote will be on the conference report to accompany the Federal Aviation Administration bill, to be followed by the two cloture votes with respect to the Berzon and Paez nominations.

I thank my colleagues for their cooperation.

UNANIMOUS CONSENT REQUEST—S. RES. 237

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 237, which has been held over under the rule, that the resolution be agreed to, the preamble be agreed to, and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. GORTON. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, for the minority, we are grateful that we are now at a point where we can move forward on the FAA bill. It has been held up for a long time. It is very important to the country, and hopefully by the end of the day we will have the conference report approved.

We also hope, with the export administration bill that we have been waiting for weeks now to have debated in the Senate, we can move forward with that bill. We are very hopeful that the bill that comes out of conference is one that has the meat of what is needed to help our high-tech industry and not a watered-down version of a bill we may not be able to support.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

WENDELL H. FORD AVIATION INVESTMENT AND REFORM ACT FOR THE 21ST CENTURY—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of the conference report accompanying H.R. 1000 which the clerk will report.

The legislative clerk read as follows:

> The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill, H.R. 1000, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of today, March 8, 2000.)

The PRESIDING OFFICER. Under the previous order, there will be 60 minutes of debate with 20 minutes under the control of the majority leader, 20 minutes under the control of the Democratic leader, and 20 minutes under the control of the Senator from New Jersey, Mr. LAUTENBERG.

The Senator from Washington.

Mr. GORTON. Mr. President, it is with great pleasure that I appear here today with my friend and colleague from West Virginia, Senator ROCKEFELLER, to present to the Senate the conference report on the Federal Aviation Administration reauthorization measure. The compromise reached in this legislation is not only fair but constructive. It will provide necessary increases especially in capital funds for our aviation infrastructure and does provide a reasonable balance with the needs of that system and our limited Federal resources.

I went to the conference committee on this bill with a unique perspective because I sit on the Budget and Appropriations Committees as well as serving as the chairman of the Aviation Subcommittee. My duties on these committees allowed me to see the hard choices that must be made to stay within our tight budgets.

The final agreement reached with Chairman SHUSTER in the House ensures the trust fund revenues will be used for aviation spending. I joined Senator DOMENICI in supporting the Senate position on this issue, a position that allows for expenditure of these revenues for their intended purposes without tying the hands of the Appropriations Committee. That was an integral part of the final passage, and I commend Senator DOMENICI for his hard work on this issue, together with the tremendous contributions we received from Senator STEVENS.

One issue with which I have some reservations is amending the Death on the High Seas Act. I am pleased that the resolution amends the statute to bring the anachronistic law more up to date by allowing the recovery of certain types of non-economic damages. The resolution removes the cap on these damages contained in the Senate bill. I am also pleased that we have clearly retained the prohibition on punitive damages, which are not designed to compensate and which are so often

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

abused. I think the resolution is good insofar as it reflects the Senate approach of keeping most aviation accidents on the high seas within the statute, thereby providing some semblance of certainty and uniformity. I have reservations, however, about the change demanded by the House conferees retroactively to change, from three to twelve nautical miles, the distance from the U.S. shore at which the Death on the High Seas act applies. Those who have wanted to take commercial aviation accident cases on the high seas out of DOHSA altogether have argued that this will cure the unfairness of different recoveries based on the chance of the accident happening over land or over the high seas. I have strongly disagreed with that proposition. Eliminating DOHSA leaves you with a dizzying array of State, Federal, foreign, or perhaps, no, law about which lawyers can fight endlessly, further postponing recovery. I trust those who have demanded that we complicate the federal law retroactively to take TWA Flight 800 litigation out of the coverage of DOHSA have fully considered the effects of that change.

My concerns with this issue are balanced with the positive aspects of this bill such as the removal of slot restrictions at Chicago O'Hare, Washington National, and the two New York airports. These provisions will improve competition, reduce fares, and provide additional service to small communities.

Another provision which will stimulate competition and help to bridge the funding gap that currently exists is an increase in the cap on the passenger facility charge. This provision gets to the heart of my guiding philosophy, which is to give local officials more decision-making power.

Although I favor an increase in the cap on the PFC, I realize that this is just one piece of the puzzle. We must look at the issues of our national aviation system in a larger context if we are going to meet the capacity demands of the 21st century. We cannot rely on unlimited federal funding to solve all of our problems. We must stretch our finite resources as far as possible.

A prime example of this is the modernization of the air traffic control system. This process has been ongoing for more than 15 years. We can no longer allow the program to continue the "stops and starts" of the past. Improvements must get on track, or, as the National Civil Aviation Review Commission warned us, the growing demand for air services combined with outdated equipment will soon bring gridlock and serious concerns about safety.

The Federal Aviation Commission needs to spare no effort over the next few years to modernize the air traffic control system. All of this needs to be done right, and be done now, to ensure continued safety and efficiency in the aviation industry.

Reforming the way in which the Federal Aviation Administration does business, and ensuring it is as efficient as possible, is a positive first step. This bill contains provisions, which I worked on with Senator ROCKEFELLER, to move the Federal Aviation Administration in the direction of being a more business-like entity. Positive reforms, not just increased funding, are integral to achieving our goal.

Although these reforms are a positive first step, I will continue to explore other possible options such as corporatization of the air traffic control system as the 2nd session of the 106th Congress continues. I believe we can learn from the work of countries such as Canada, New Zealand, and Australia, which have moved to privately run systems. The concerns of general aviation will be of paramount importance to me as this debate continues, and I welcome the input of all interested parties.

In summary, this agreement will allow both sides to reach our common goal, which is to ensure that we continue to have the safest, most efficient aviation system well into the 21st century.

I would like to take a minute to thank the Senate staff who worked tirelessly on this issue: Aviation subcommittee staff, Ann Choiniere, Mike Reynolds, Sam Whitehorn, and Julia Krauss ably tended the technical provisions of the bill. Wally Burnett with Senator STEVENS, and Cheryle Tucker with Senator DOMENICI were vital in negotiations over budgetary issues.

I also thank Jim Sartucci and Keith Hennessey from Senator LOTT's staff for assisting with the final negotiations.

Last but certainly not least are my own staff members. I thank Jeanne Bumpus for her diligent efforts on the Death on the High Seas Act, and Brett Hale, who is with me today, and who left his name out of these printed remarks. He deserves thanks for the hundreds and hundreds of hours he has put in on this bill from beginning to end.

Finally, as I began, I want to say it has been a great pleasure to me to work with my friend from West Virginia, Senator ROCKEFELLER, whose interest in this subject is very high and whose competence in coming up with correct answers is equally high.

This bill is a true partnership, and I have enjoyed working with him on coming up with these solutions on that score.

I ask unanimous consent a summary of the major issues included in the FAA conference report be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF MAJOR ISSUES INCLUDED IN THE FAA CONFERENCE REPORT

LENGTH OF AUTHORIZATION

4 years (2000–2003) except Research title.

AIP AUTHORIZATION

$2.475 billion in 2000.
$3.2 billion in 2001.
$3.3 billion in 2002.
$3.4 billion in 2003.

F&E AUTHORIZATION

$2.68 billion in 2000.
$2.66 billion in 2001.
$2.799 billion in 2002.
$2.981 billion in 2003.

FAA OPERATIONS

$6.6 billion in 2001.
$6.886 billion in 2002.
$7.357 billion in 2003.

RE&D (3 YEAR AUTHORIZATION)

$224 million in 2000.
$237 million in 2001.
$249 million in 2002.

PASSENGER FACILITY CHARGE (PFC)

House provision, but would allow FAA to approve a PFC only up to $4.50. Basically, it increases PFCs by $1.50. Medium or large hub airports charging the higher PFC must give back 75% of their entitlement.

AIRLINE CUSTOMER SERVICE

Plans to be submitted to DOT which in turn transmits a copy to the authorizing committees. DOTIG to monitor the implementation of each plan, evaluate and report on how each airline is living up to its commitment. DOT IG status report due to Congress on 6/15/00 and final report due 12/31/00. Directs DOT to initiate a rulemaking within 30 days of enactment to increase the domestic baggage liability limit; penalty for violations of aviation consumer laws and regulations are increased from $1100 to $2500 per violation; GAO directed to study "hidden city" and "back to back" ticketing. The Conference also added a reference preventing discrimination against the handicapped as one of the responsibilities of the DOT consumer office. The DOTIG final report will also include a comparison of the customer service of airlines that submitted plans to DOT with those that did not submit such plans.

COMMISSION TO ENSURE CONSUMER INFORMATION AND CHOICE IN THE AIRLINE INDUSTRY (TRAVEL AGENTS)

Establishes a commission to study the financial condition of travel agents, especially small travel agents. The Commission should study whether the financial condition of travel agents is declining, what effects this will have on consumers, if any, and what, if anything, should be done about it.

SLOTS IN NEW YORK

New York specific provisions

Slot restrictions are eliminated after January 1, 2007.

In the interim, DOT is directed to provide exemptions to any airline flying to the 2 New York airports if it will use aircraft with 70 seats or less and will (1) provide service to a small hub or non-hub that it did not previously serve, (2) provide additional flights to a small hub or non-hub that it currently serves, or (3) provide service with a regional jet to a small hub or a non-hub as a replacement for a prop plane.

DOT is directed to grant exemptions to new entrant and limited incumbents for service to New York.

Exemptions are only for Stage 3 aircraft.

General Provisions

DOT must act on slot exemption requests within 60 days. Exemptions' may not be bought, sold, leased or otherwise transferred. For purposes of determining whether an airline qualifies as a new entrant or limited incumbents for receiving slot exemptions, DOT shall count the slots and slot exemptions of both that airline and any other airline that it has a code-share agreement at that airport. The maximum number of slots or slot exemptions that an airline can have and still qualify as limited incumbent is raised from 12 to 20.

SLOTS AT CHICAGO O'HARE

Chicago specific provisions

In addition, slot restrictions at Chicago are eliminated after July 1, 2002.

On July 1, 2001, slot restrictions will apply only between 2:45 pm and 8:14 pm. DOT is directed to provide exemptions from the slot rules to any airline flying to Chicago O'Hare airport if it will use aircraft with 70 seats or less and will (1) provide service to a small hub or non-hub that it did not previously serve, (2) provide additional flights to a small hub or non-hub that it currently serves, or (3) provide service with a regional jet to a small hub or non-hub as a replacement for a prop plane.

DOT is also directed to grant 30 slot exemptions to new entrants and limited incumbents for service to Chicago. These new entrant exemptions must be granted within 45 days.

Slots will not longer be needed in order to provide international service at O'Hare. However, the Secretary may limit access in those cases where the foreign country involved does not provide the same kind of open access for U.S. airlines. DOT is prohibited from withdrawing slots from U.S. airlines in order to give them to foreign airlines. Any slot previously withdrawn from U.S. airlines and given to a foreign airline must be returned to the U.S. airline. Slots held by U.S. airlines to provide international service can be converted to domestic use.

Exemptions are only for Stage 3 aircraft.

General Provisions

Same as described above for New York.

SLOTS AND THE PERIMETER RULE AT REAGAN NATIONAL

DOT is directed is grant 12 slot exemptions within the perimeter, and 12 slot exemptions outside the perimeter. These slots could go to more than one airline.

Exemptions must be for flights between 7 a.m. and 10 p.m. There can be no more than 2 additional flights per hour.

Of the flights within the perimeter, 4 must be to small hubs or non-hubs and 8 must be to medium, small or non-hubs. All requests for exemptions must be submitted within 30 days of enactment. 15 days are allowed to comment. After that, 45 days are allowed for DOT to make a decision.

Ten percent of the entitlement money at Reagan National Airport must go to noise abatement. Priority shall be given to applications from the 4 slot-controlled airports for noise set-aside money. DOT shall do a study comparing noise at these 4 airports now as compared to 10 years ago.

The definition of limited incumbent air carrier includes slots and slot exemptions held or operated by that carrier. However, slots that are on a long-term lease for a period of 10 years or more, being used for international service, and that the current holder releases and renounces any right to subject to the terms of the lease shall not be counted as slots either held or operated for the purposes of determining whether the holder is a limited incumbent.

Exemptions are only for Stage 3 aircraft.

MWAA

Extends the deadline for reauthorizing MWAA from 2001 to 2004. Also eliminates the requirement that the additional federal Directors be appointed before MWAA can receive AIP grants or impose a new PFC.

DOHSA

The territorial sea for aviation accidents is extended from 3 nautical miles to 12 nautical miles. The affect of this is that DOHSA will not apply to planes that crash into the ocean within 12 miles from the shore of the U.S. The law governing accidents that occur between a 3 nautical miles and 12 nautical miles from land will be the same as those that now occur less than 3 nautical miles from the land.

For those aviation accidents that occur more than 12 miles form land, the DOHSA will continue to apply. However, in those cases, the Act is modified as in the Senate bill except that there is no $750,000 cap on damages.

UNRULY PASSENGER

Imposes fine of $25,000 on a person who assaults or threatens to assault the crew or another passenger, or poses a threat to the safety of the aircraft or its passengers. Also requires the Justice Department to notify the House and Senate authorizing Committees within 90 days as to whether it plans to set up the program to deputize local law enforcement.

ANIMAL TRANSPORTATION

Modifies the Senate provision to ensure that airlines will continue to be able to carry animals while information is collected to determine whether there is a problem that warrants strong legislative remedies. Toward this end, scheduled airlines will be required to provide monthly reports to DOT describing any incidents involving animals that they carry.

DOT and the Department of Agriculture must enter into a MOU to ensure that DOA receives this information. DOT must publish data on incidents and complaints involving animals in its monthly consumer reports or other similar publications.

In the meantime, DOT is directed to work with the airlines to improve the training of employees so that (1) they will be better able to ensure the safety of animals being flown and (2) they will be better able to explain to passengers the conditions under which their pets are being carried. People should know that their pets might be in a cargo hold that may not be air-conditioned or may differ from the passenger cabin in other respects.

NATIONAL PARKS OVERFLIGHTS

Commercial air tour operators must conduct commercial air tours over national parks or tribal lands in accordance with applicable air tour management plans (ATMP). Before beginning air tours over a National Park or tribal land, a tour operator must apply to the FAA for the authority to conduct tours. No applications shall be approved until an ATMP is developed and implemented. FAA shall make every effort to act on an application within 24 months of receiving it. Priority shall be given to applications from new entrant air tour operators. Air tours may be conducted at a park without an ATMP if the tour operator secures a letter of agreement from the FAA and the park involved and the total number of flights is limited to 5 flights in a 30 day period.

FAA in cooperation with the Park Service shall establish an ATMP for any park at which someone wants to provide commercial air tours. The ATMP shall be developed with public participation. It could ban air tours or establish restrictions on them. It will apply within a half a mile outside the boundary of the park. The plan should include incentives to use quiet aircraft.

Prior to the establishment of the ATMP, the FAA shall grant interim authority to operators that are providing air tours. This interim authority may limit the number of flights. Interim operating authority may also be granted for new entrants if (1) it is needed to ensure competition in the provision of air tours over the park and (2) 24 months have passed since enactment of this Act and no ATMP has been developed for the park involved. Interim operating authority should not be granted to new entrants if it will create a safety or a noise problem.

The above shall not apply to the Grand Canyon, tribal lands abutting the Grand Canyon, or to flights over Lake Mead that are on the way to the Grand Canyon.

FAA shall establish standards for quiet aircraft within 1 year or explain to Congress why it will be unable to do so. Quiet aircraft may get special routes for Grand Canyon air tours and may not be subject to the cap on the number of flights there.

Air tours over the Rocky Mountain National Park are prohibited.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, the words of my friend from the State of Washington are not justified except if they are returned to him and to his staff.

The process of working legislation is extraordinary. This has been a very long process, more or less a 2-year process. Working with Senator SLADE GORTON from the State of Washington over the years has been a great privilege for me and continues on this bill, which is the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, which is a long title, but we had to give it a long title in order to be able to give it an acronym, which is FAIR-21. FAIR, that is what the bill is. Wendell Ford, should he be listening, should be very proud.

We have had half a dozen temporary extensions on this bill. It has been 2 years in the making. When Senator GORTON talks about the enormous number of hours spent by Sam Whitehorn of the committee staff, Kerry Ates of my own staff, and members of his own committee and personal staff, he is exactly right. It has been an extraordinary and frustrating process but a successful one.

There are many Members of the Senate and the House to thank. It was one of those situations where you had the authorizing committees, the budget committees, the appropriations committees, in both Houses, coming to an agreement—which is very rare in something of this sort, and all in a fairly short period of time. Frankly, including obviously Senator GORTON, I think I really want to thank the majority leader, Senator TRENT LOTT, for stepping in in a most remarkable way, most forcefully, at a critical time, to bring the parties together and make sure we pushed toward a solution.

In the end, I think we have achieved a bipartisan House-Senate compromise of which I, for one at least, am very proud. We have a final bill that will set us on an entirely new path in terms of the FAA, and in a larger sense for aviation in this country, which has enormous impact. For the aviation community, and those of us who work with them—and I thank them for their help on this bill, also; not all of them being happy about all aspects of it, but that is in the nature of things—hopefully this good economic news, of the passage of this bill, is, however, entirely overshadowed by fear that most of us have about the state of our system as it is now, of our aviation system particularly in regard to air traffic control and other matters in our infrastructure.

At current levels, our system is already so overburdened we are suffocating from congestion and delays. The country suffers through it. Is there a popular uprising? There does not seem to be one. But the fact is, it is a suffocating situation, a dangerous situation. We are increasingly concerned about safety, with every single reason to be, given the doubling of the number of air passengers and many more cargo planes and passenger planes to be built in the future. Whatever you see today, try to double it in your mind and then figure the same number of runways. How on Earth are people going to accept a situation where delays are growing longer and it becomes more dangerous unless we do something about it? This bill does. Delays have increased by 50 percent. Today, one in four flights is delayed more than 15 minutes. That is not what passengers want. That is not what airlines want.

To be very blunt about it, if there is no change in the way we are doing business, we will come to a situation before the year 2015 where there will be, somewhere in this world, a major airplane crash every 7 to 10 days. That is the course. It is a terrible course, a dangerous course, and one which this Congress cannot allow to go on and which this Congress, in fact, with this bill, does a great deal about.

We have fallen behind. Unless we get started immediately in the effort to modernize our air traffic control system, to fix our airports, we stand a very good chance of never being able to catch up, never catching up to the curve, much less getting ahead of it. That is fundamentally what this bill, FAIR–21, is about.

It is about fixing the system. It is about trying to get ahead of the growth curve with our most significant increase ever in airport and air traffic control funding, and some fundamental reforms in the way we do business in our system. It is about improving safety and service for the traveling public and supporting aviation employees under great stress in their challenging jobs. Senator GORTON and I have each seen that on many occasions. These people work under incredible tension all the time. They work with very old equipment.

It is about increasing competition. It is about giving a leg up, finally, to small communities such as I have in my State, as does Senator GORTON, as does every Senator, in his or her State—small communities that were left behind when we did airline deregulation 20 years ago.

So, FAIR–21, this bill, will provide $40 billion for the FAA in fiscal year 2001 until fiscal year 2003. It is a 25-percent increase in total aviation funding. The key investments will be fixing aviation infrastructure, to wit, airport funding will increase by 33 percent, and air traffic control modernization funding will increase by 40 percent. That is so desperately needed. FAA funding operations will also increase by approximately 15 percent over the same period. We are beginning to nudge into the area to start fixing our problems.

This bill represents the will of the Congress, hopefully, and the will of the American people, to take a dangerous situation and start to fix it. For the very first time, FAIR–21 establishes that all revenues and interest paid into the aviation trust fund by airline passengers, lo and behold, will be spent on aviation. That seems quite fair to me. That means that $33 billion of the $40 billion will be guaranteed from the trust fund, not taken off-budget, which this Senator would have liked to have seen but was not going to happen; so not taken off-budget but protected through points of order and with a strong commitment from the Appropriations Committee to fully fund all accounts. This was part of the magic of the process that Senator TRENT LOTT, Senator GORTON, and others worked out to make people satisfied.

All told, this represents—and my colleagues should hear this—the biggest total increase in aviation investments ever. I know few problems receive that kind of boost unless the Congress perceives there is a crisis. What we learned over recent years about aviation was that a crisis was coming. I am thankful we have the foresight to take action now.

To move beyond the funding issue for a moment, I want to point out a few of the key aviation law and policy changes contained in this bill which I think are very helpful and good:

Whistle-blower protection for aviation and airline employees who report safety problems;

A $1.50 increase on the cap of the passenger facility charge for airport projects, which is enormously helpful to local airports;

An Air Service Development Program, with grants up to $500,000 each for innovative efforts to improve air service in small communities; in other words, small communities can do something and get a match;

A ban on smoking everywhere, even internationally;

Easing of the slots rule at O'Hare, LaGuardia, and Kennedy Airports. This carries with it some controversy. Compromises were made. Not everybody was happy. But resolution was reached;

New criminal background checks and training for airport security personnel as the pressure on all of that continues to increase;

Increased funding for the essential air service program is enormously important in my State of West Virginia and every single area where there are rural airports. The State of the Presiding Officer has its fair share of those;

Finally, new and increased penalties for airline customer service violations. That goes along with the effort Senator GORTON and I led to have a passenger bill of rights, which the airlines could have first crack at, which seems to be working out very well but, on the other hand, we are watching very closely.

We have had a lot of time to work on this bill and, in my view, it has gotten better and better during the process and reached a crescendo in the last several days. It is a bold conference report designed to protect our future. I hope my colleagues will join me and the Senator from the State of Washington in sending this bill to the President.

So much of the work is done not just by Senators willing to compromise and House Members willing to compromise but, most importantly, by staff who worked through the night often to make sure things came out very well.

When we began the effort to enact meaningful legislation to address the needs of our air transportation system, we knew it would be a difficult process. Even anticipating that, I can tell you that it has been more difficult than any of us could have imagined.

This bill has been more than two years in the making, with nearly a half-dozen temporary extensions in the process. There are many Members in the Senate and House to thank for all of the hard work and effort it took to bring this to a conclusion. Members on and off the conference committee have really rolled up their sleeves to work out a very difficult compromise. And above all others, the majority leader stepped in during these critical and delicate last few months to push us toward a final solution.

In the end, we've achieved a bipartisan, House-Senate compromise that I am very proud of. We have a final bill that I believe will set us on an entirely new path for the FAA and aviation.

Aviation in this country is at a crossroads. Aviation is a critical engine of economic development at the national and local levels, and it has the potential for unprecedented and incomprehensive growth over the next decade.

The travel and tourism industry employs 1 in 17 Americans.

Air travelers spend over $500 billion each year in the U.S. and generate more than $70 billion in federal, state and local taxes.

Aviation is the only U.S. industry that has consistently enjoyed a positive trade balance.

By 2009, enplanements are projected to increase to 1 billion people, from 650 million in 1999.

In many respects this is good news—it is one of the great success stories of our booming economy. Yet, for the aviation community and those of us who work with them, this good news is entirely overshadowed by fears about the state of our system. At current traffic levels, our system is already so overburdened that we are suffocating from congestion and delays, and we are increasingly concerned about safety.

Almost every week, another red flag goes up about the looming crisis in aviation.

Scheduled flying times have increased 75 percent on the top 200 routes in the nation.

Delays have increased by 50 percent, and today one in four flights is delayed more than 15 minutes, at a cost to the economy of more than $4 billion.

Recent data shows a rise in runway incidents (so-called runway incursions), and we read too often about near-misses in the skies.

If there is no change in the current accident rate before the year 2015, there is expected to be a major airline accident somewhere in the world every 7-10 days.

Yet, from 1998 to 1999, the FAA had to reduce safety inspections by 10 percent and cut 5 percent of its security staff.

All of us—the airlines, the airports, and the Congress—have had a difficult time keeping up with the pace of growth. The result is that, as a nation, we've fallen behind. Unless we get started immediately in the effort to modernize our traffic control system and fix our airports, we may never catch up.

That's fundamentally what this bill, FAIR-21, is all about. It's about fixing the system and trying to get ahead of the growth curve—with our most significant increase ever in airport and air traffic control funding and some fundamental reforms of our system.

And it's about improving safety and service for the traveling public; supporting aviation employees in challenging jobs, increasing competition, and giving a leg up finally to small communities who were left behind in airline deregulation twenty years ago.

FAIR-21 will provide $40 billion for the FAA for FY 2001-2003—a 25 percent increase in total aviation funding. The key investments will be fixing aviation infrastructure—airport funding will increase by 33 percent and air traffic control modernization funding will increase by 40 percent. FAA operations funding also will increase, by approximately 15 percent over the same period.

For the first time, FAIR-21 establishes that all revenues and interest paid into the aviation trust fund by airline passengers will be spent on aviation. That means that $33 billion of the $40 billion bill will be guaranteed from the trust fund—not taken off-budget but protected through points of order and with a strong commitment from the Appropriations Committee to fully fund all accounts. The remaining $6.7 billion would come from the General Fund, subject to appropriations.

For fiscal year 2001, the bill fully meets the President's budget request for FAA operations and air traffic control equipment, and it exceeds the President's budget request for AIP by $1.2 billion.

All told this represents the biggest total increase in aviation investments ever. I know that few programs receive that kind of boost—unless a crisis exists. What we have learned about aviation is that a crisis is coming. And I'm thankful we have the foresight to take action now.

To move beyond the funding issue for a moment, let me also highlight a few of the key aviation law and policy changes contained in this bill that I think are particularly important. I am very pleased that the bill contains: whistleblower protection for airline and aviation employees who report safety problems; a $1.50 increase in the cap on the passenger facility charge for airport projects; an Air Service Development program, with grants of up to $500,000 each for innovative efforts to improve air service in small communities; a ban on smoking on all flights to and from the U.S., including international flights; an easing of the slot rules at O'Hare, LaGuardia and Kennedy Airports; a focus on reducing the number of runway incursions that can result in serious accidents; new criminal background checks and training for airport security personnel; increased funding for the Essential Air Service program; and new and increased penalties for airline's customer service violations.

We have had a lot of time to work on this bill, and in my view it has gotten better and better. It is a bold conference report designed to protect our future, and I hope my colleagues will join me in sending it on to the President for his signature.

Before we end the debate this morning, I want to say a few things. Again, all of the staff from the Commerce Committee, my office, the offices of the other conferees, and the House staff, deserve our thanks. They spent months working on this bill. In fact, this bill was started almost 2 years ago. Countless hours, late nights, lots of missed family events. We owe all of them our thanks.

I also want to thank, and I know Senator HOLLINGS and others share this, Hans Ephramson-Abt. Many of you probably have encountered him. He is a gentleman, first and foremost, who has worked for years to help the families of victims of aviation disasters. The conference report changes the liability laws for accidents offshore, preserving the ability of people like the children of Montoursville, PA, who vanished in the TWA flight 800 tragedy. Hans lost his daughter, Alice, on KAL 007, shot down off of Korea in September 1983. He has done a great service in helping others, and for that we all owe him a debt of gratitude.

Finally, I want to say that we have had a long debate over the last several years about FAA reform. For now, that issue has been resolved. Over the next several years, working with Administrator Garvey, or her successor, we will look at other ways to improve the FAA. Today, the bill before you does many creative things for the FAA—giving it the tools to be more businesslike, but retaining its crucial role as safety arbiter. The bill, for example, gives the FAA the ability to enter into long-term leases for satellite communications services, something that will save the FAA money. It establishes a public-private funding mechanism to expedite the installation of air traffic control equipment, with the priorities set by the private sector. It structures the FAA after corporate models, establishing one person to be accountable for air traffic control operations and plans. It establishes a Board to oversee those activities. The FAA, because of actions led by the Commerce Committee and Senator LAUTENBERG, today has procurement and personnel flexibility that no other governmental agency has. We have achieved a lot over the last several years, and with this bill, continue to make progressive changes to the FAA, without compromising safety. I know that there are some in the Administration that are not satisfied, and probably will never be satisfied, but this is a good bill and one that will do a lot for our aviation system. I urge my colleagues to fully support this bill.

I ask unanimous consent that a more complete listing of staff who spent months working on this bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEMOCRATIC STAFF

Kevin Kayes, Moses Boyd, Sam Whitehorn, Ellen Doneski, Julia Krauss, Jonathan Oakman, and Carl Bentzel.

REPUBLICAN STAFF

Mike Reynolds, Ann Choiniere, Scott Verstandig, Jim Sartucci, Keith Hennesy, Brett Hale.

BUDGET STAFF

Bill Hoagland, Cheryl Tucker, and Mitch Warren.

APPROPRIATIONS STAFF

Wally Burnett and Peter Rogoff.

HOUSE REPUBLICAN STAFF

Jack Shenendorf, Roger Norber, Sharon Barkaloo, Chris Bertram, Dave Schaeffer, Adam Tsao, Rob Chamberlin and David Balloff.

HOUSE DEMOCRATIC STAFF

Dave Hymsfeld, Ward McCarriger, Stacy Soumbeniotis, Tricia Loveland, Paul Feldman, who left last November, and Collen Corr.

Mr. ROCKEFELLER. I yield the floor, Mr. President, and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, how much time do the proponents have remaining?

The PRESIDING OFFICER. Twelve and a half minutes.

Mr. GORTON. Mr. President, I yield 5 of those minutes to the distinguished Senator from Iowa.

The PRESIDING OFFICER (Mr. L. CHAFEE). The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, the conference report before us has been a long time in the making. It is a comprehensive bill that successfully addresses many important aviation issues. Not the least of these is the eventual elimination of the so-called slot rules at three of our nation's airports, O'Hare, Kennedy and LaGuardia. It also adds additional slots at Reagan Washington National Airport. I support these measures.

I congratulate Senator MCCAIN, the Senate Commerce Committee Chairman, Senator GORTON, the Aviation Subcommittee Chairman, Senator HOLLINGS, the full committee ranking member, and Senator ROCKEFELLER, the subcommittee ranking member, for their efforts to bring about good public policy. This has not been an easy conference, and all of you have put forth a tremendous effort to see that it was concluded successfully. I wish to also thank their staffs.

I also express my thanks and admiration to my good friend, Senator DOMENICI, our Budget Committee chairman. Of all the issues before the conference, the resolution of the budget issues was the most trying and complex. Senator DOMENICI and his staff worked tirelessly to seek a fair and adequate solution to this problem.

I express my admiration for my friend and colleague, Senator STEVENS, the chairman of the Senate Appropriations Committee. Senator STEVENS has played a key role in reaching an agreement on spending.

The phase-out of the slot rule at O'Hare and LaGuardia will open a new era in aviation. Because it is a phase-out and not an immediate termination, that era should also give smaller airports a better chance for a piece of the economic pie at the national and international levels.

While e-commerce may be all the rage currently, people still need to travel for business purposes. Direct human contact is still the premium way to do business, and air travel is the fastest way to accomplish that over long distances and tight time frames.

This compromise follows the direction which my Iowa colleague, Senator HARKIN, and I set forth early in the debate on the slot rule. We looked at the needs of the airports in Iowa, and came to the conclusion together that it was time for a change if our State was to maintain its economic momentum in the national and international marketplace. Iowa does not have a major hub airport that guarantees low-cost or frequent flights. Like most States, we have smaller airports that are greatly affected by the traffic into and out of the major hub airports. In this case those airports are O'Hare and LaGuardia.

Our solution was to phase out the slot rule. The first step was to immediately give increased access to the hub airports by turboprop aircraft and regional jets. These are the aircraft that primarily serve our smaller airports. Giving them time before the slot rule is lifted for large airport-to-large airport competition should give the smaller airports time to establish the economic and market base needed to justify service. Otherwise, we would only see increased flights between major cities, to the exclusion of smaller airports.

We received the support of a large number of Senators who were also concerned about the future of their small hub and nonhub airports. Together, all of us have been able to accomplish what was unthinkable just several years ago, the eventual elimination of the slot rule at those two airports. I deeply appreciate their faith and support to accomplish this.

I also thank President Clinton for having the foresight and courage to recommend the elimination of the slot rule at these airports. He gave a legitimacy and momentum to the debate that would not have existed otherwise.

The States attorneys general, lead by Iowa Attorney General Tom Miller, also played a significant part and should be thanked.

Not everyone is entirely happy with the compromise solution in this conference report. I look upon that as ratification that it must be a pretty good compromise. I truly feel that the airlines were treated as fairly and equally as possible.

Our Nation's airports will be receiving additional funds for their capital needs under this legislation. I know that these funds are much needed and will be put to good use. Iowa's airports have rehabilitation and expansion plans that will be enhanced by these additional funds. This includes increased disbursements from the Airports and Airways Trust Fund and the increase in the passenger facility charge, PFC. It is important to note that the PFC will not increase at an airport until local authorities have approved an increase. It is entirely within their realm to grant or deny this increase at the local level.

However, I must again warn the Federal Aviation Administration that more money will not cure all of the problems facing the FAA and the aviation industry. Fundamental reform of the way the FAA does business and on a cultural level is necessary if we are to truly make the advances which are needed.

As a budget conferee, I believe the budget compromise is the best we can do at this time. I shall work with Chairman DOMENICI to secure the necessary funds through the budget process.

The biggest disappoint to me is the inclusion of a civil fine against airline employee whistle-blowers. While I am very pleased that whistle-blower protection has been extended to the aviation industry, I feel that it is flawed due to the civil penalty. Such a penalty does not exist in other whistle-blower statutes. I will work to correct this situation.

Whistle-blower protection adds another, much needed, layer of protection for the traveling public using our Nation's air transportation system. I am pleased to have worked with the Association of Flight Attendants AFL-CIO on this important, ground breaking legislation. They have worked tirelessly on this provision, and I know they will continue to work with me to correct this flaw. I call upon the airlines to do the same and seek the help of the public, also.

Mr. President, I urge my colleagues to vote for this conference report.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank my colleagues who have worked so hard to get this bill to this point. It is not fun to oppose something that was reported out of the conference committee with such strong support.

But I have a different responsibility given the fact that I serve both as the ranking member of the Budget Committee and the Transportation Appropriations Subcommittee. In my view, this bill represents a missed opportunity to fully address the financing needs of our Nation's aviation system.

To the degree the bill actually guarantees any real funding increases, it does so in a manner that I consider grossly unbalanced. Mr. President, if you ask the average Senator if they are willing to fund aviation at the expense of the Coast Guard, I guarantee you they would say no. If you asked each Senator whether they were willing to fund aviation at the expense of Amtrak, I guarantee you most would say no. If you asked the average Senator whether or not they were willing to fund aviation at the expense of our federal highway safety efforts, they would say: Certainly not.

But if this conference agreement becomes law, we run the very real risk of cutting back funds for NHTSA, the National Transportation Safety Board, Amtrak, the Coast Guard, and other areas just to boost funding for two aviation capital accounts by almost $2 billion next year. And those two aviation accounts don't even finance the core operations of the air traffic control system—the area where the FAA is facing its most difficult challenges.

Our national transportation system needs investments in several areas, not just aviation. Look at what is happening with the Coast Guard. All of us salute the Coast Guard. We saw in the papers just yesterday that they do not have enough people to monitor cruise ships that are dumping their waste in the oceans. They do not have enough maintenance funding to keep their aircraft in the air. They do not have enough people to monitor the attempts by illegal immigrants to enter this country. They don't have enough money for pollution control, for fisheries enforcement, and for recruiting. But I don't hear my colleagues on the Commerce Committee, who have jurisdiction over the Coast Guard, advocating for a Coast Guard "guarantee."

Mr. President, throughout my entire Senate career, I have led the fight for increased investment in transportation. My support for transportation started when I served as the Commissioner of the Port Authority of New York/New Jersey. At that time, I learned that you can't ignore the needs of one transportation mode in favor of another. Investments need to be made in a balanced way if you are going to avoid gridlock. You can't ignore the rail system or the highways to focus on aviation. You need to keep your eye on safety, not just construction. The requirement to reauthorize our aviation laws presented this Congress with a great opportunity to address the financing of our nation's aviation system in a comprehensive and bipartisan manner. Unfortunately, this bill misses the mark.

This Conference Agreement took so long to produce because so many Members wanted to provide big funding increases for aviation without paying for them. Mr. President, the simple fact is that the revenue stream to the Airport and Airway Trust Fund is not adequate to fund the substantial funding increases for aviation that many members want. Because of that basic fact, the aviation conferees have been haggling for the last year over methods to develop a new mousetrap to produce those funding increases without adequate revenue. Over the last week, the Majority Leader and the majority members of the conference committee reached the agreement that is currently before us. It seeks to guarantee a 64 percent increase in airport grants, and a 30 percent increase in modernization funding. These so-called "guaranteed" increases come at a time when the Republican Majority is debating among itself whether to impose a hard freeze on discretionary spending at the current year's level, or provide for a minuscule 2.4 percent increase. The arithmetic is simple. The $1.9 billion or 47 percent increase that this bill seeks to "guarantee" for airport grants and modernization will either require cuts in the rest of the Transportation Department or the rest of the discretionary budget.

I understand that the Chairman of the Budget Committee was a party to these negotiations. I am told that he is prepared to state that the Budget Resolution that he will propose fully funds the needs of these so-called aviation guarantees. While I have great respect for the Budget Committee Chairman, I have to say that I would like to know where the funding is coming from if he plans to impose a freeze on discretionary spending. That should be a concern to all Members, whether they care about the Coast Guard, Amtrak, education, health care, veterans benefits, agriculture, or anything else.

Mr. President, one of the areas that will face greater budget austerity as a result of these so-called "guaranteed" increases is the operating budget in the FAA. The operating account pays for the operations of the air traffic control system. It pays the salary of every air traffic controller and every aviation inspector. It pays for security at our airports. It pays for the publication of every safety regulation. Three quarters of the operations budget goes just to pay the salaries of the people that keep the system safe every day. This account is where the FAA faces the most severe funding shortfall. So it is absurd that we are now going to pass a bill that will boost capital funding while subjecting the operations budget to even greater austerity. Due to existing shortfalls in its operating budget, the FAA just canceled all training activities except introductory training for air traffic controllers for the remainder of the year. We also have problems with new state-of-the-art equipment sitting in warehouses because the FAA doesn't have the operating funds to install them. There aren't even adequate operating funds to train our air traffic controllers how to use the equipment. FAA has had to delay the certification of new aircraft and new equipment. Those delays are hurting our U.S. aircraft manufacturers. The number of aviation safety inspectors is being allowed to trickle down and FAA can't afford to hire new inspectors to replace them. With that backdrop, the Republican Conferees on this bill produced a conference report that loaded all of the so-called "guaranteed" funding increases on capital investment programs and ignored the operations budget. Just two days ago, the FAA released its updated forecast for future aviation traffic. That forecast indicates that domestic airline traffic will increase more than 60 percent through 2011. That increased traffic will also put incredible pressure on the operation budget of the FAA. We will need more safety and security inspectors, not less. We will need better trained controllers and more of them. But the bill before us ignores those needs. This bill is simply lopsided and unbalanced. And in time, Mr. President, I believe the Members championing this bill will realize that they made a mistake. In fact, they may realize it sooner than they think.

I am not sure, in the end, that all of these "guaranteed" funding increases will materialize. The point-of-order in the Senate that protects these funding guarantees is a 50-vote point-of-order. It will require 51 votes to waive that point-of-order. We all know that it is impossible to do anything in the Senate without 51 votes. So fiscal reality may require the Senate to revisit these guarantees sooner rather than later. It will only require a simple majority of the Senate to do so.

Maybe that will not happen for a year or two. Maybe it will happen later this Spring. In my capacity as Ranking Member of the Senate Transportation Appropriations subcommittee, I will manage only one more Transportation Appropriations bill. But I promise that I am not going to silently watch the Amtrak budget, the Coast Guard budget, or the FAA's own operations budget get ravaged to pay for the so-called "guarantees" provided in this bill. I will see to it that every Member here will have the opportunity to vote on whether we should shut down Amtrak lines, tie up Coast Guard ships, or lay off aviation inspectors, in order to pay for these guarantees.

In summary, Mr. President, this bill represents a missed opportunity. This bill missed the opportunity to provide momentum for funding increases in the FAA across-the-board to address all the agency's shortfalls, including the operations budget. By loading all of the so-called guaranteed funding on the capital accounts, it becomes plain as day, that the Airport and Airway Trust Fund is not adequate to fund all of our aviation needs. It will only be a matter of time before we have to consider a tax increase or new user fees in order to truly meet all of the FAA's needs.

Mr. President, this bill is shortsighted. It was produced in the back room without Minority Members present, and I do not believe it represents a sustainable aviation policy for our nation. The funding provisions in this bill may not even be sustainable for the coming fiscal year. For that reason, I cannot support this bill.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DASCHLE. Mr. President, I intend to use my leader time for purposes of making a couple of statements this morning. I would like first to voice my support for the conference report to H.R. 1000, which, as has already been noted, is the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century.

I hope our former colleague, Senator Wendell Ford, a dear and very special friend of mine who served as chairman and ranking member of the Senate Commerce Committee's Aviation Subcommittee for many years, is watching because this truly is a tribute to his dedication not only to aviation but to his country and to the Senate for a long time. It is a very appropriate designation for this legislation.

The conference report we are considering today will help repair our aviation system for the skyrocketing number of passengers who will travel in the 21st century. It is also a fitting tribute to Senator Ford's vision that he expressed to us on many occasions as he was leading us on this and many other issues.

I thank as well the majority leader, Senator LOTT, for his persistence in providing leadership on this matter and in getting us to this point. I think the credit also must go to our distinguished subcommittee chairman and ranking member. It is clear they have the chemistry and the working relationship it takes to accomplish something of this complexity, and I pay tribute to both of them for their efforts and for their arduous work in getting us to this point. We ought to be celebrating this morning the accomplishments of something that many of us have been hoping to achieve for a long period of time. Were it not for their leadership and support, it would not have happened.

I have been reminded oftentimes of the movie "Groundhog Day" with Bill Murray, with the Senate waking up once a year to consider the same FAA reauthorization bill. The Senate first began considering this bill in 1998 and passed S. 2279, the Wendell H. Ford National Air Transportation System Improvement Act, in September of that year. Although there was overwhelming support for that legislation in the Senate, House and Senate negotiators could not agree on a multiyear bill at that time.

Last year, the Senate passed S. 82, the Air Transportation Improvement Act of 1999, in October. As my colleagues have recalled, this legislation was almost identical to the FAA reauthorization bill we approved the year before. Again, there was overwhelming support for the legislation in the Senate. However, House and Senate negotiators could not agree on a multiyear FAA reauthorization bill, just as they were unable to do the year before.

As the Senate has considered and reconsidered the FAA reauthorization bill in recent years, the FAA has been operating for the most part under short-term extensions. I have mentioned on many occasions my view that this is no way to fund such an important Federal agency. Short-term extension after short-term extension disrupts long-term planning at the FAA and airports around the country that rely on Federal funds to improve their facilities and enhance aviation safety. The only thing worse than passing a short-term extension is allowing funding for FAA programs to lapse altogether. Unfortunately, that is exactly what the Congress did when the House again refused to consider the 6-month extension the Senate passed on November 10 of last year. For the last 4 months, funds for airport improvement projects have been tied up because Congress has been unable to forge an agreement on the FAA reauthorization bill.

So today we begin to rectify that mistake and prepare for the increased demand that will be placed on our aviation system in the 21st century. This bill will authorize approximately $40 billion for aviation programs over the next 3 years. In fiscal year 2001, the bill will authorize $12.7 billion, an increase of $2.7 billion over current levels. In the next fiscal year, it will enhance aviation safety by authorizing $3.2 billion for airport improvement projects, $3.3 billion in fiscal year 2002, and $3.4 billion in fiscal year 2003.

It will also allow airports to increase passenger facility charges from $3 to $4.50. This PFC increase is expected to generate $700 million for much-needed construction projects that will improve airports in South Dakota and around the country, in every State.

The conference report to the FAA reauthorization bill also includes a number of provisions that would encourage competition among the airlines and ensure quality air service for communities. For instance, it would authorize funding for a 4-year pilot program to improve commercial air service in small communities that have not benefited from deregulation.

Specifically, the bill calls for the establishment of an Office of Small Community Air Service Development at the Department of Transportation (DOT) to work with local communities, states, airports and air carriers and develop public-private partnerships that bring commercial air service including regional jet service to small communities.

We have often commented on how critical the Essential Air Service Program has been to small communities in South Dakota and around the country in their efforts to retain air service. The Small Community Aviation Development Program would give DOT the authority to provide up to $500,000 per year to as many as 40 communities that participate in the program and agree to pay 25 percent in matching funds. In addition, the legislation would establish an air traffic control service pilot program that would allow up to 20 small communities to share in the cost of building contract control towers.

I am hopeful that South Dakota will have the opportunity to participate in the Small Community Aviation Development Program. I think it is one of the better features of this legislation. I commend my colleagues for their inclusion of it.

Mr. President, I know some of our colleagues may oppose this bill because it would increase the number of flights at the four slot-controlled airports. The proposal to increase the number of flights at Ronald Reagan Washington National Airport has been particularly controversial, and I would again like to commend Senator ROBB for being a strong advocate for his constituents in northern Virginia.

I know some of our colleagues on the Appropriations Subcommittee on Transportation will also oppose this bill because of the budgetary treatment of the aviation trust fund. I understand their concerns and look forward to working with them to ensure that Amtrak, Coast Guard, the National Transportation Safety Board, and FAA operations are adequately funded.

Although there may be different provisions in this bill that each of us may find objectional, I hope my colleagues will join me in supporting H.R. 1000, the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century. Spring is just around the corner, and we cannot afford to delay construction on airport improvement projects any longer.

It is unfair to FAA, it is unfair to airports in South Dakota and throughout the country, and it is unfair to passengers who rely on the aviation system for their travel needs.

I encourage my colleagues to support the conference report to the FAA reauthorization bill.

Again, I commend my colleagues, especially the chairman and ranking member, for their work on this bill. I hope we can pass it this afternoon on a bipartisan basis.

NOMINATIONS OF MARSHA BERZON AND RICHARD PAEZ

Mr. DASCHLE. Mr. President, among the constitutional responsibilities entrusted to the Senate, none is more critical to the well-being of our democracy than providing advice and consent on Presidential nominations. Later on today, we take up that solemn responsibility in connection with two very distinguished judicial nominees, Marsha Berzon and Judge Richard Paez.

Let me commend the majority leader for his commitment to the Senate, and to these nominees, that we would take up these nominees for consideration and ultimately for a vote on confirmation before the 15th of March. We would not be here were it not for the fact that he persisted and that he was willing to hold to the commitment he made to us last year.

Both nominees have waited an extraordinarily long time for this consideration. Marsha Berzon, a nominee for the Ninth Circuit, has been kept waiting for a vote more than 2 years. Judge Paez, another Ninth Circuit nominee, has waited for more than 4 years. That is longer than any Federal court nominee in history—a statistic that should shame the Senate.

Judge Paez and Ms. Berzon are both exceptional legal minds and remarkable people. But before I discuss their qualifications, I wish to say something about the context in which these nominations are being considered. Since the 106th Congress convened in January, the President has nominated 79 men and women to fill the vacancies on the Federal bench. Without exception, these nominees have come to us with the highest marks from their peers. Yet of the 79 nominees, only 34—fewer than half—were confirmed last year, and only 4 have been confirmed so far this year.

Looking at those figures, one might assume we have no pressing need for Federal judges. In fact, just the opposite is true. Today, there are 76 vacancies on the Federal bench. Of those 76 vacancies, 29 have been empty so long they are officially classified as "judicial emergencies." The failure to fill these vacancies is straining our Federal court system and delaying justice for people all across this country.

This cannot continue. As Chief Justice Rehnquist warns, "Judicial vacancies cannot remain at such high levels indefinitely without eroding the quality of justice."

The Ninth Circuit court, to which both Judge Paez and Marsha Berzon have been nominated, is also one of our Nation's busiest courts. It has also been hardest hit by our neglect. More than 20 percent of the Ninth Circuit bench is vacant. This is a court that serves almost 20 percent of the United States.

Procter Hug, the Chief Justice of the Ninth Circuit Court of Appeals, was appointed in 1980 when the court had 23 active judges and a caseload of 3,000 appeals. Today, with six vacancies, the Ninth Circuit has 22 active judges to hear more than 9,000 appeals. They have one fewer judge today than they had 20 years ago—with 300 percent more cases.

So I thank my colleagues for finally coming together to address this urgent question. The failure to fill Federal court vacancies harms plaintiffs and defendants alike. Both are forced to wait too long for justice. The failure to fill Federal court vacancies also imposes heavy and unjustifiable burdens on judicial nominees and their families. Can any of us imagine what it would be like to be kept waiting more than 4 years, as Judge Paez has? What would it be like to be unable to make personal or professional plans for 4 years? I have met Judge Paez, and I have to tell you, I am amazed by the dignity and grace he has exhibited during this ordeal. Perhaps that is not surprising, though, from a man lawyers routinely rate as exceptional in both his judicial temperament and his command of legal doctrine.

For a long time, those who opposed Marsha Berzon and Judge Paez would not say why. Now some of them say the problem isn't with the nominees, the problem is with the court itself. The Ninth Circuit, they claim, is a "rogue" circuit. They claim the Ninth Circuit's reversal rate by the Supreme Court is too high. They argue, therefore, that we should refuse to confirm anymore Ninth Circuit judges. We should just let the vacancies go unfilled.

The fact is, the Eleventh, Seventh, and Fifth Circuits all have a higher rate of reversal than the Ninth Circuit. The Ninth Circuit is completely within the mainstream of prevailing judicial opinion.

Even if that were not the case, this Senate has no right to attempt to punish the citizens who rely on the Ninth Circuit in this manner. Nor do we have the right to try to influence the independence of the court in this way. That is unconstitutional.

Our responsibility under the Constitution is to vote on whether to confirm judges. It is not our responsibility, and it is not our right, to try to influence or intimidate judges after they are confirmed.

As we consider the nominations of Judge Richard Paez and Marsha Berzon, let us remember that these votes are not a referendum on the Ninth Circuit, or on President Clinton.

And they should not be about partisan politics. These votes are about two people. Two distinguished and inspiring Americans who are eminently qualified for the bench.

Richard Paez has been a judge for 18 years. He is the first Mexican-American ever to serve as a federal district judge in Los Angeles. He was confirmed by this body in 1994; that vote was unanimous.

Judge Paez has received the highest rating the American Bar Association gives for federal judicial nominees. He has worked for the public good throughout his career, working first as a legal aid lawyer, and then, for 13 years, as a Los Angeles Municipal Court judge.

In his current position, as a United States District Judge, Judge Paez has presided over a wide variety of complex civil and criminal cases. For his work, he has garnered bipartisan support, and the support of such law enforcement organizations as the Los Angeles County Police Chiefs' Association and the National Association of Police Organizations.

Time and again, on the bench he has demonstrated the qualities that are essential to a strong and respected judicial system—wisdom, courage, and compassion. We need judges like Richard Paez on the bench. Without public servants like him, this system fails.

Marsha Berzon is equally qualified.

She is a nationally known and extremely well regarded appellate litigator with a highly respected San Francisco law firm. She is also a former clerk for the United States Supreme Court. She has served as a visiting professor at both Cornell Law School and Indiana University Law School. She is a widely recognized expert in the field of employment law—an area of the law that requires the increasing attention of our federal judiciary.

She has argued four cases in the Supreme Court of the United States, and has filed dozens of Supreme Court briefs on complex issues. To quote my friend Senator HATCH, her "competence as a lawyer is beyond question."

Ms. Berzon also has the support of the National Association of Police Organizations, business and Republican leaders. She enjoys a reputation among colleagues and opposing counsel for being a fair-minded, well prepared, and principled advocate. I have also met Ms. Berzon, and I find her temperament and seriousness well-suited for the job she has been nominated to fill.

The federal judiciary has been described as "the thin black line between order and chaos." I have faith that Richard Paez and Marsha Berzon, once confirmed, will live up to that challenge.

Mr. President, I yield the floor.

WENDELL H. FORD AVIATION INVESTMENT AND REFORM ACT FOR THE 21ST CENTURY—CONFERENCE REPORT—Continued

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Thank you, Mr. President. I thank my friend from New Jersey for yielding time.

Mr. President, for the third time in as many years, I am forced to express in this Chamber my strong opposition to a congressional proposal to meddle with Virginia airports. I will have to oppose the FAA conference report, most of which I strongly support and I believe is long overdue because it breaks a promise to the people of Northern Virginia—a promise that Congress would permit us to manage and develop our own airports.

While I will again vote against this bill to protest congressional interference in the operation of Virginia's airports, I would like to make clear that I fully support FAA reauthorization and release of the airport improvement funds. In fact, as someone who has long believed that we need to substantially increase our investments in transportation, I commend the conferees for crafting a conference report which does just that.

Under this bill, annual funding for many airports in Virginia will nearly double, providing for critical safety improvement and expanding airport capacity. Nonetheless, I will have to vote against the bill.

By forcing additional flights on Ronald Reagan Washington National Airport, this measure breaks the 1986 agreement among the Congress with Virginia and the local governments to leave National Airport alone and to get Congress out of the business of managing airports.

Even at the time of the 1986 agreement, however, there was skepticism that Congress would keep its word. In the words of then-Secretary of Transportation William Coleman, "National has always been a political football." Perhaps he should have said: National will always be a political football. I hope that is not the case. But I am dubious.

While I worked hard to oppose the addition of slots and expanding the perimeter at National, I am not going to engage in any purely dilatory tactics because I believe these issues should be decided on the merits. In this case, I believe the merits are simple and compelling.

Increasing slots at National creates delays for the majority of the people who use the airport and undermines the quality of life in communities that are near the airport.

People have a right to expect their Government to keep its end of the bargain. By injecting the Federal Government into the running of the airports once again, this bill scuttles an agreement we made with this region more than a decade ago and breaks a promise to the people who live here.

Mr. President, I yield any time remaining on the side of those in opposition.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I recognize the leader's time has been utilized and not counted against the time prior to going into morning business.

I ask unanimous consent that when the managers are finished and morning business is taken up, I be allowed 10 minutes to introduce a bill.

I yield for my friend from South Carolina who is seeking recognition.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I thank my distinguished chairman, Senator ROCKEFELLER.

Mr. President, I rise today to discuss the Federal Aviation Administration (FAA) reauthorization bill, appropriately known as the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, or FAIR–21. This legislation rightfully deserves this title for two basic reasons: it represents a fair compromise and it honors the former Chairman and later ranking Member of the Aviation Subcommittee, Senator Ford.

Before commenting on the substantive provisions of the conference agreement, I think it is essential to commend those who are responsible for achieving the compromise we have before us. However, because of the number of individuals who have been instrumental in forging this agreement, engaging in this exercise is sort of like the Academy Awards shows, where the winner gets to list all of the people he needs to thank in 30 seconds. I believe FEDEX had a commercial a few years ago with a fast talking person, and I shall try to do the same here. First, I wish to commend Chairman SHUSTER, Congressman OBERSTAR, and Senators ROCKEFELLER and GORTON for their unflagging leadership in reaching this agreement. I should note that Senator LOTT left no stones unturned to move this bill. As well, Senators STEVENS and DOMENICI played pivotal roles. All of the Conferees and their staff did their part to accomplish an enormous task. After much hard work and many long hours we have a good, strong bill, which addresses many of the most critical aviation issues facing us today —the proper funding for the modernization of our air traffic control system and airport infrastructure.

Before explaining a little about the bill, I want to address one of the concerns that has been raised. I know that Senator LAUTENBERG has concerns about this bill and what it means for other programs. The reality is that for years we have underfunded the FAA, despite the fact that the Airport and Airways Trust Fund has acummulated an uncommitted surplus, approximating $7–8 billion per year. The surplus is currently at $13 billion. Essentially, we have used those monies to meet other priorities. Today, we end that game, by making sure that all monies in the Trust Fund go to aviation. We also recognize that if more is needed, and it will be, then the general fund will be called upon. Bear in mind that the FAA and its ATC system provide services not only to the commerical and general aviation fleets, but also to our military. The FAA also plays a key role in our national security by keeping our skies and airports safe.

We know that when the Trust Fund was created in 1970, it was intended solely for modernization/capital improvements. The preamble to the statute was as valid then as it is today—it reads "That the Nation's airport and airways system is inadequate to meet the current and projected growth in aviation. That substantial expansion and improvement of airport and airway system is required to meet the demands of interstate commerce, the postal service and national defense". In fact, to clarify that it was intended for capital only, Congress in 1971 deleted the phrase "administrative expenses" as an eligible item for spending. During the first years of the Trust Fund, with one year's exception, no Trust Fund monies were spent on the general operations of the FAA. In 1977, Congress allowed left over funds to be used for salaries and expenses of the FAA. Today, we are returning to the original intent—monies first for capital needs, with any remaing funds to be used for other expenses. If a general fund is needed, then it will be subject to appropriations.

We have little choice. There is no question we must invest in our future. We must expand the system to keep it safe, and to make it more efficient. There is one other point—modernization of the ATC system involves not only Federal spending, but also a committment from the private sector. As we move to a satellite-based system, the air carriers and general aviation must make an investment in new technology in the cockpit. Finally, it is my understanding that the Transportation function 400 numbers in the Budget resolution will reflect the agreement reached here today, which should quell some of the concerns of my colleague from New Jersey.

Aviation is an integral part of the overall U.S. transportation infrastructure and plays a critical role in our national economy. Each day our air transportation system moves millions of people and billions of dollars of cargo. The U.S. commercial aviation industry recorded its fifth consecutive year of traffic growth, while the general aviation industry enjoyed a banner year in shipments and aircraft activity at FAA air traffic facilities. Continued economic expansion in the U.S. and around the globe will continue to fuel the exponential growth in domestic and international enplanements.

The FAA is forecasting that by 2009, enplanements are expected to grow to more than 1 billion by 2009, compared to 650 million last year. During this time, total International passenger traffic between the United States and the rest of the world is projected to increase 82.6 percent. International passenger traffic carried on U.S. Flag carriers is forecast to increase 94.2 percent. These percentages represent a dramatic increase in the actual number of people using the air system.

More people, more planes, more delays. Those are the headlines we know are coming. We know today that the growth in air travel has placed a strain on the aviation system and our own nerves as we travel. In 1998, 25% of flights by major air carriers were delayed. MITRE, the FAA's federally-funded research and development organization, estimates that just to maintain delays at current levels in 2015, a 60% increase in airport capacity will be needed. As many of you may know, and perhaps have experienced first hand, delays reached an all-time high this summer. These delays are inordinately costly to both the carriers and the traveling public; in fact, according to the Air Transport Association, delays cost the airlines and travelers more than $4 billion per year.

We cannot ignore the numbers. These statistics underscore the necessity of properly funding our investment—we must modernize our Air Traffic Control system and expand our airport infrastructure. Gridlock in the skies is a certainty unless the Air Traffic Control (ATC) system is modernized. A system-wide delay increase of just a few minutes per flight will bring commercial operations to a halt according to the National Civil Aviation Review Commission and American Airlines. According to a study by the White House Commission on Aviation Security and Safety, dated January 1997, the modernization of the ATC system should be expedited to completion by 2005 instead of 2015.

FAIR-21 would authorize the Facilities and Equipment (ATC equipment) at $2.660 billion, $2.914 billion, and $2.981 billion for FY01–FY03, respectively. This represents a 30% increase in funding. For the first time ever, FAIR 21 links the spending in the Facilities and Equipment account and the Airport Improvement Program to the monies in the Airport and Airway Trust Fund.

As our skies and runways become more crowded than ever, it is crucial that we redouble our commitment to safety. Passengers deserve the most up to date in safety measures. FAIR-21 ensures that there will be money available to pay for new runway incursion devices as well as windshear detection equipment. The bill requires all large cargo airplanes install collision avoidance equipment. In an effort to support the ongoing improvements at civil and cargo airports, FAIR-21 increases funding for the improvement of training for security screeners. We also have provided whistleblower protection to aid in our safety efforts and protect workers willing to expose safety problems.

FAIR-21 will allow airports to increase their passenger facility charges from $3 to $4.50. This is a local choice and it is money which an airport can use to encourage new entry, particularly at the 15 "fortress hubs" where one carrier controls more than 50% of the traffic. Logically, the air fares for the communities dependant upon these hubs are much higher than usual. If given a choice, perhaps we would have broken up the hubs. Instead, we have used the power of the dollar and a half to require these hubs to develop ways to allow new carriers to expand as to create the possibility of lower fares to places like Charleston, SC. The extra buck and a half will go to expand gates and terminal areas, as well as runways at these facilities.

Since 1996, we have struggled with how to develop meaningful reform of the FAA. We have met the majority of the suggestions with the exception of the recommendations to establish a fee system and to set up a private corporation to run air traffic control. Instead, we chose a more prudent path. The 1996 reauthorization bill established a 15 member Management Advisory Committee (MAC) appointed by the President with Senate confirmation but no one has yet to be named. Jane Garvey, the FAA Administrator, is doing a wonderful job, but she could have used some help. To avoid this in the future, FAIR-21 establishes a subcommittee of the MAC to oversee air traffic operations with the appointments being made by the Secretary of Transportation rather than the President. The bill also establishes a position for a chief operating officer. Combined with other measures, and the funding levels, we are on the right track.

I wish to say a word about our controllers, technicians and the FAA workforce. I know that the bill as crafted does not guarantee a general fund contribution to pay for the operations of the FAA. However, it should be acknowledged that these folks work hard every day to keep us flying safely. The safety of the nation is in their hands. They deserve our support.

Finally but not least, in terms of Death on the High Seas, after much input from the families of the victims of many of the air tragedies, we have clarified the law and extending the borders of the United States to 12 miles off shore for the purpose of determining claims. In the case of an accident occurring 12 miles or within the shore, the Death on the High Seas Act shall not apply. Rather, it is state, federal, and any other applicable laws which shall apply. Death on the High Seas shall apply only outside of 12 miles off shore.

Mr. President, let me commend Mr. SHUSTER, the chairman on the House side. He stuck to his guns.

It has been a long struggle in the open and in the dark. I only mention that because my colleague from New Jersey said this thing was all agreed to in the dark. We have been in the dark and in the open and everything else for 2 years on this struggle.

Mr. SHUSTER stuck to his guns, whereby those air travelers who obtain the taxes that go into the airport and airways improvement fund are finally being assured that money is going to be spent on the airport and airways improvement.

Right to the point: We owe some $12 billion right this minute for airport taxes that have been used for everything from Kosovo to food stamps, and everything else but airport and airways improvement.

In fact, we now have some $1.95 billion to be expended this fiscal year, 2000. We were unable to get those moneys, although they were in the fund, supposedly—IOU slips, if you will. We are now able to spend those moneys.

I have the same misgivings the ranking member of our subcommittee has about the shortfalls in the operating budget. That is due to so-called "unrealistic spending caps." That is a budget problem—not this bill's problem. There is a problem with unrealistic spending caps.

There is state-of-the-art equipment sitting in warehouses, and that is because we have been playing a sordid game of trying to call a "deficit" a "surplus" and grabbing any and all moneys we can to play a game to make it look as if we are reducing spending. The fact is the President submits his budget, and we in the Congress—this Republican Congress, if you please—have been increasing spending over and above what President Clinton has asked for during the past 7 or 8 years. We are not willing to pay for it. So we rob Social Security. We rob the retirement of the military and civil service. We robbed the highway funds, up until we finally got that straightened out under the leadership of Mr. SHUSTER. Now we can hold onto our airport moneys and do the job that is required of us.

I want to say to everyone involved that this has been a good 2-year struggle to get us where we are. It is a good bill. It was developed in a bipartisan way, with every consideration given to not only the budget problems and concern the Senator from New Jersey has, but also my concerns about overall air traffic.

We are moving finally in the right direction. I hope everybody will vote in support of the conference report.

I yield back the remainder of our time.

AMTRAK AND COAST GUARD FUNDING

Mr. KERRY. Mr. President, first, I thank the distinguished majority leader for joining me in this important discussion today. I thank him for the vital role he played in shepherding the FAA authorization bill through the conference committee. We have been without an authorization bill for too long and this bill is a critical step in ensuring our skies are absolutely safe and less congested. But, as the majority leader well knows, aviation is not the only important piece of transportation funding this bill may affect. I believe that my friend agrees with me that, as important as aviation is to our country, funding for Amtrak and the Coast Guard are also crucial, and in enacting this bill, we by no means intend to give short-shrift to those parts of our transportation budget. Isn't that right, Mr. Majority Leader?

Mr. LOTT. Mr. President, let me thank my friend from Massachusetts for raising this issue here today. And he is absolutely right. Aviation is not the only transportation account that may be impacted by this bill. And it was certainly not the intention of the conferees to in any way restrict funding for the Coast Guard or Amtrak.

The conference report includes a provision which reserves Airport and Airways Trust Fund revenue and interest spending for aviation programs with a majority point of order. Additionally, under another majority point of order, the provision requires the authorized levels of funding for the Airport Improvement Program and the Facilities and Equipment accounts to be fully funded before the Operations and Research and Development accounts are funded. While this latter provision is not a statutory guarantee that general revenue will be spend on aviation programs, it is a significant incentive. The bill thus provides a reasonable assurance that aviation appropriations will reach authorized levels, which would result in an approximately $2 billion increase in aviation funding for fiscal year 2001.

My good friend from Massachusetts is concerned that spending for other transportation priorities may be decreased as the appropriations process increases aviation spending. Let me assure my good friend that I expect adequate funding for the Coast Guard and Amtrak, as these transportation priorities are important to the Nation and to my home State of Mississippi. I intend to work with the chairmen of the Budget and Appropriations Committees to ensure the Transportation Appropriations account is increased so that these aviation program increases do not come at the expense of other transportation programs.

Mr. KERRY. Mr. President, I am gratified to hear the majority leader's commitment to Amtrak and the Coast Guard, as well as his intention to work with the chairmen of the Budget and Appropriations Committees to fully fund transportation needs at least for FY 2001, and hopefully beyond. Both Amtrak and the Coast Guard are absolutely necessary to my constituents. I would like to say a few words about the importance of Amtrak nationwide. This country needs to include passenger rail as part of its transportation mix in the 21st century. We have done a good job ensuring our highways and, now, our skyways get the funding and attention they deserve. Amtrak also needs some of that attention. Passenger rail is critical if we are going to reduce congestion on our highways and in the air, as well protect our environment. People need a choice in transportation, and high speed rail especially can be a viable option for many, not only in the Northeast, but along corridors throughout the country.

On January 31, 2000, Amtrak launched Acela Regional—the first electric train in history to serve Boston and New England. This is literally a dream come true for all of us up and down the East Coast who care about jobs, the economy and traffic congestion and the environment. And in its first few weeks of operation, I understand that bookings on Acela Regional are up as much as 45 percent over the Northeast Direct line. This will be extremely helpful in my home state of Massachusetts, as well as in New York, New Jersey, Connecticut, Pennsylvania and Maryland, where airport and highway congestion often reach frustrating levels. The more miles that are traveled on Amtrak, the fewer trips taken on crowded highways and skyways.

Amtrak is not the only transportation priority we need to fully fund. The Coast Guard performs a number of critical missions for our country including search and rescue, environmental protection, marine safety, fisheries enforcement, and drug trafficking. I can't imagine any of our colleagues arguing that any one of these missions is unimportant or should be less than fully funded. Perhaps my good friend will expand upon the importance the Coast Guard's many missions.

Mr. LOTT. Mr. President, I would like to take a few minutes to address the needs of the Coast Guard. In a typical day the Coast Guard will save 14 lives, seize 209 pounds of marijuana and 170 pounds of cocaine, and save $2.5 million in property. The Coast Guard's duties have also grown, as there are more commercial and recreational vessels in our waters today than ever before in our Nation's history. International trade has expanded greatly, and with it maritime traffic has increased in our Nation's ports and harbors. Tighter border patrols have forced drug traffickers to use the thousands of miles of our country's coastlines as the means to introduce illegal drugs into our Nation. The Coast Guard currently faces a number of readiness shortfalls as it struggles to keep up with the increasing demands placed upon this service. In order to continue this valuable service to our Nation, the Congress must provide the funding to address personnel shortages and to repair or replace the Coast Guard's aging ships and aircraft. I am confident that with an increase in the transportation budget, we can protect the Coast Guard and Amtrak, as well as make the improvements air travel so desperately needs.

Mr. KERRY. Mr. President, I thank the majority leader for his helpful reassurances. We have the same goal, and that is to have a safe, efficient transportation system that includes rail, aviation, and maritime sectors. His intention and willingness to make this happen gives me every confidence that it will happen.

Mr. CONRAD. Mr. President, I am pleased the Senate today will take action on the H.R. 1000, the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century. The Federal Aviation Administration has been without a long-term authorization for some time, and airports in my state need to be able to move forward with construction projects soon.

There are three components of this bill that I strongly support: the increase in funding for the Airport Improvement Program (AIP), the budgetary treatment of the Aviation Trust Fund, and a provision to stabilize essential air service (EAS) in Dickinson, North Dakota.

I am very pleased that this conference report provides for $3.2 billion in 2001 for the AIP program, and that funding will increase by $100 million each year. As air travel continues to increase, it is important that we invest in our nation's airports to ensure the safety of the traveling public and expand capacity for the future. This program provides federal grants for airport development and planning and these dollars are usually spent on capital projects supporting operations such as runways, taxiways, and noise abatement. This substantial increase in funding will go a long way in maintaining the quality of air travel in North Dakota and across the country.

In addition to the increase in funding, the fact that we now have long-term FAA reauthorization instead of the extensions our airports have been operating under is an important improvement. Short-term extensions had the effect of leaving airport managers and community leaders unable to develop and move forward with airport improvement projects. Because in North Dakota the construction season is short, the ability to plan and schedule projects is critical to maintaining our state's aviation system.

Secondly, this conference report contains a very important provision for

Dickinson, North Dakota. This legislation will allow this small community to retain essential air service without paying a local share. Currently, Dickinson and Fergus Falls, Minnesota are the only communities with this requirement. EAS is vital to smaller communities, and the difficulties encountered by many of the communities in retaining EAS warrant increased federal attention. The report also requires the Department of Transportation to report on retaining essential air service, focusing that report on North Dakota. This is an extremely serious problem in my state and I believe it needs greater attention. The residents and businesses of small communities, especially in a rural state like North Dakota, depend heavily on this service and we need to find a way to consistently serve these small markets.

Finally, I am pleased that conferees agreed to budgetary guarantees of increased funding for aviation. The conference report provides for a budget point of order against any legislation that fails to spend all of the Airport and Airways Trust Fund (AATF) receipts and interest, and does not appropriate the total authorized levels for capital programs (AIP and Facilities and Equipment). After allocations to the capital programs occur, remaining AATF funds can be used for general operations, and can be augmented by monies from the general fund.

I urge my colleagues to join me in supporting this important and long overdue legislation.

Mr. DURBIN. Mr. President, I rise in support of the FAA/AIP reauthorization conference report, H.R. 1000. I commend Senators HOLLINGS, ROCKEFELLER, GORTON, and McCAIN for their efforts.

This measure would lift the High Density Rule at several of the nation's slot controlled airports, including Chicago's O'Hare International Airport. I support this conference report with the understanding that it puts safety above all other issues and keeps a watchful eye on noise levels and the environment around these airports.

This conference report also significantly increases funding for the Essential Air Service and Airport Improvement Programs, ensuring that Illinois airports will be able to complete important infrastructure projects as well as gain greater access to valuable markets.

I fully understand that some opponents are attempting to portray a High Density Rule lift as a safety issue. I agree that safety must be paramount. The FAA is and always should be the final arbiter of safety. And no matter what Congress does today, the FAA will continue to have the authority to regulate air traffic and ensure that passenger and community safety is never at risk.

Last fall, I received a letter from FAA Administrator Garvey, which says in part, "Let me assure you that if the High Density Rule is lifted at Chicago or any other airport, safety will not be compromised." The Administrator goes on to say, "The FAA does not control aircraft at high density airports any differently than at any other commercial airport. We will continue to operate these airports using all appropriate procedures and traffic management initiatives for the safe and expeditious handling of air traffic. Safety is always our highest priority."

The National Air Traffic Controllers Association and specifically the Chicago controllers support lifting the slot restrictions at O'Hare. NATCA believes that O'Hare can handle the increased traffic without sacrificing safety. I have had the opportunity to meet with the controllers about this issue, and I believe they bring a unique and important perspective to this debate.

It also should be noted that a 1995 U.S. Department of Transportation (U.S. DoT) study concluded that lifting the High Density Rule would have no impact on safety because air traffic control is implemented independently of the slot restrictions.

Thus, the claim that this would undermine safety is unfounded.

I also take exception to the notion that Congress is getting ahead of the FAA. Federal transportation officials have believed for some time that the High Density Rule is outdated and inefficient and not an appropriate safety mechanism. And our colleagues in the House voted overwhelmingly last year to lift the slot restrictions, with the support of the FAA.

Government reports tell us that O'Hare has been surpassed by Atlanta's Hartsfield International Airport as the world's busiest. This raises the obvious question: if airports such as Atlanta and Dallas/Ft. Worth and LAX in Los Angeles can operate safely and efficiently without slot restrictions, why can't O'Hare?

The High Density Rule or slot restrictions were developed in the late 1960s, to mitigate delays. However, with the dawn of state-of-the-art air traffic control systems and improved flow control procedures, the High Density Rule has outlived its usefulness.

Instead, the High Density Rule artificially limits access to O'Hare and adversely affects smaller communities. In Illinois, three downstate communities have totally lost service to O'Hare—Decatur, Mt. Vernon, and Quincy—and one city, Moline, has already experienced a carrier leaving solely because of the slot restrictions.

In my hometown of Springfield, Capital Airport has been battling for years to attract and retain adequate service to O'Hare. Today, there are more Chicago passengers than seats available.

When we look for this reason, all runways lead to the same place—the High Density Rule. Carriers choose to move commuter operations to Denver and Dallas/Ft. Worth rather than deal with the slot restrictions at O'Hare. Communities pay the price through loss of access to key domestic and international markets, lost jobs, diminished tourism and stagnant economic development.

Bob O'Brien, the Capital Airport Executive Director of Aviation, writes, "The inability for the Springfield community to adequately access Chicago and connect to other locations in the country or the world impacts the movements of goods and services and, consequently, is a major detriment to the retention and attraction of businesses. The growth and viability of the local Springfield community is at risk. * * * While our country's aviation system is among the best in the world, it is compromised by an artificial 'choke point' known as the High Density Rule."

I would like to ask, why is it that we should maintain a "choke point" at a city which serves as the transportation hub of the nation?

Mark Hanna, Director of Aeronautics at Quincy's Baldwin Field, writes, "* * * Quincy community leaders believe the removal of the current slot restrictions at O'Hare is critical in continuing this vital service between Quincy and Chicago. * * * With your support of providing relief from the current 'High Density Slot Rule' at O'Hare, we can maintain this valuable air service and increase its marketability."

Julie Moore, President of the Metro Decatur Chamber of Commerce says, "That (O'Hare) air service is essential to the economic growth and stability of our area."

I understand the frustration that passengers have with flight delays. As a frequent flier, going into or through O'Hare twice a week, I experience it often. Will lifting the High Density Rule make the planes run on time? Of course not. But will it worsen the delays? Not necessarily. The FAA is working with its air traffic controllers and the airlines to implement both short-term and long-term ways to reduce delays in the air and on the ground including giving more authority to a nationwide Command Center to control flow of aircraft and attempting to decrease so-called ground-stops.

With regard to noise, according to data reported in U.S. DOT's 1995 study, the increase in population around O'Hare affected by noise due to lifting the High Density Rule is very small when compared to the decrease due to the transition to an all Stage 3 fleet in 2005. After lifting the High Density Rule and shifting to a Stage 3 fleet, the population exposed to very high noise levels should decrease. Elimination of the High Density Rule also will provide scheduling flexibility to the airlines and in so doing could reduce nighttime noise.

At my insistence, the conferees have included several provisions that will study the noise levels at the nation's slot-controlled airports and compare them to pre-Stage 3 aircraft noise levels around these same airports. The Secretary of Transportation also is required to study noise, the environment, access to underserved communities, and competition at O'Hare. Finally, O'Hare and the other slot-controlled airports will receive priority consideration for Airport Improvement Program funds for noise abatement and mitigation. This will help improve and expand soundproofing efforts and noise monitoring.

Both U.S. DoT's 1995 study and a 1999 GAO review found that the High Density Rule creates a barrier to entry and restricts airline competition at the affected airports. According to GAO, fares are higher at airports under the High Density Rule than at unrestricted airports. U.S. DoT concluded that lifting the high density rule would result in lower air fares and more competition.

According to a report conducted by Booz-Allen-Hamilton, allowing O'Hare to fully develop would contribute $26 billion annually to the greater Chicago economy. On the other hand, artificial constraints on O'Hare's capacity could cost the region $7 billion to $8 billion.

Mr. President, the High Density Rule has had more than 30 years to produce results. However, the only tangible results I've experienced are artificial barriers to access and competition. I don't take lightly the arguments raised by opponents of this amendment. In the past, I have supported compromise language that would offer some limited expansion of O'Hare. However, opponents have rejected even the introduction of one new flight at O'Hare. I believe this position is unrealistic and unfair to downstate Illinois communities that desperately need Chicago O'Hare access. I will hold the FAA, the airlines and these airports accountable to improve safety, reduce delays and achieve greater access for underserved markets while striving to protect the environment and limit airport noise.

Mr. DOMENICI. Mr. President, after months of negotiation, we have reached an agreement and completed work on the Aviation Investment and Reform Act of the 21st Century, the so-called AIR–21.

AIR–21 is a fair bill. It reflects a compromise on many of my concerns about the budgetary treatment of our federal aviation accounts. It also reflects some of my commitments, one of which is to increase investment in aviation programs. I am a strong proponent of safety, and this bill increases funding for safety programs, including funds for air traffic control modernization. In addition, and very important to the State of New Mexico, many of the programs within this bill focus on and support small or rural airports. Finally, each of these accomplishments are realized while budgetary discipline is maintained.

In 2001, a total of $12.7 billion is authorized for aviation programs. This represents an increase in budget resources of $2.7 billion over the 2000 levels. This is extremely generous to the FAA. In fact, it exceeds the President's 2001 budget request by $1.5 billion. Over the 2001 through 2003 time period, AIR–21 authorizes nearly $40 billion.

Before I outline the budgetary compromise, I would like to thank all the Conferees—I especially appreciate the work and support of Senators STEVENS, GORTON, GRASSLEY, BURNS, LOTT, and LAUTENBERG on the budget issue. In addition, I applaud the leadership that Senators GORTON, LOTT, and MCCAIN took on this bill.

One very controversial issue had to do with the correct budgetary treatment for aviation programs. The provision contained in AIR–21 represents a compromise—both sides had to come together for this deal.

Similar to my offer last fall, AIR–21 guarantees annual funding from the Airports and Airways Trust Fund equal to the annual receipts deposited into the Trust Fund plus annual interest credited to the Trust Fund, as estimated in the President's budget.

Based on the President's FY 2001 Budget, $10.5 billion will be appropriated from the Trust Fund in 2001 for aviation programs. In addition, just over $2 billion can be provided from the general fund. For 2001 through 2003, over $33 billion will be guaranteed from the trust fund for aviation programs, and more than $6 billion can be provided from the general fund.

Further, the budget compromise provides that the Trust Funds will first be available to fund the capital accounts—for airport improvement program grants and facilities and equipment, including the air traffic control modernization programs.

Before I finish, let me take one minute to discuss what this bill doesn't do. AIR–21 does not take the Airports and Airways Trust Fund off-budget. AIR–21 does not establish a budgetary firewall between aviation programs and other discretionary programs. Further, it does not lock-down general fund tax receipts for aviation programs. Finally, it does not put FAA funding on autopilot and take the appropriators out of the process.

In this way, budgetary discipline has prevailed and appropriate congressional oversight is maintained. This is good policy for the American people and the flying public.

Finally, this bill contains essentially, for the next three years, a Federal mechanism not entirely unlike what has existed since the Airports and Airways Trust Fund was established in 1972. As we move into this new century, it may be that this funding mechanism and the current government structure is not the most efficient or effective way to provide the investments and services for this industry in the future.

For example, at least 16 countries have taken action to respond to the pressures that increasing enplanements have had on a system already stressed by capacity constraints and increases in and longer delays. These countries realized something that was made clear in a joint Budget and Appropriations Committee hearing on February 3—that increased funding levels will not solve the problems of our outdated air traffic control system and will not make the system efficient.

Recognizing this, these countries have fundamentally reformed and restructured their air traffic control systems. Most recently Canada created a very successful nonprofit, private air traffic control corporation sustained by user fees. Reformed air traffic control systems have been successful. They have brought about major gains in efficiency, reduced flight delays, reductions in operating costs, and progress in technological upgrades. All of this was accomplished without compromising safety.

Although this bill provides funding for FAA for three years, it is my hope that we will continue to seriously evaluate and consider whether services can more effectively and efficiently be delivered with a change in structure—so that the gains realized in Canada, Britain, Germany, Switzerland, and New Zealand can be achieved in the United States.

Mr. LEAHY. Mr. President, I am pleased that the Aircraft Safety Act of 2000 is included in the conference report on the Air Transportation Improvement Act, H.R. 1000. This measure is needed to safeguard United States aircraft, workers and passengers from fraudulent, defective, and counterfeit aircraft parts.

The problem of fraudulent, defective, and counterfeit aircraft parts has grown dramatically in recent years. Since 1993, the Federal Aviation Administration received 1,778 reports of suspected unapproved parts, initiated 298 enforcement actions and issued 143 safety notices regarding suspect parts. Moreover, the aircraft industry has estimated that as much as $2 billion in unapproved parts may be sitting on the shelves of parts distributors, airlines, and repair stations, according to Congressional testimony.

Because a passenger airplane may contain as many as 6 million parts, the growth of bogus aircraft parts raises serious public safety concerns. And even small bogus parts could cause a horrific airplane tragedy. For instance, on September 8, 1989, a charter flight carrying 55 people from Norway to Germany plunged 22,000 feet into the North

Sea after a tail section fastened with bogus bolts tore loose.

Given this potential threat to public safety, comprehensive laws are needed to focus directly on the dangers posed by nonconforming, defective, and counterfeit aircraft parts. But no such laws are on the books right now. In fact, prosecutors today are forced to use a variety of general criminal statutes to bring offenders to justice, including prosecution for mail fraud, wire fraud, false statements and conspiracy. These general criminal statutes may work well in some situations in the aircraft industry, but often times they do not.

The Aircraft Safety Act would provide for a single Federal law designed to crack down on the $45 billion fraudulent, defective, and counterfeit aircraft parts industry. The Act focuses on stopping bogus aircraft parts in three ways.

First, our bipartisan bill adds a new section to our criminal laws defining fraud involving aircraft parts in interstate or foreign commerce for the first time. The section sets out three new offenses to outlaw the fraudulent exportation, importation, sale, trade, installation, or introduction of nonconforming, defective, or counterfeit aircraft parts. Under the new statute, it is a crime to falsify or conceal any material fact, to make any fraudulent representation, or to use any materially false documents or electronic communication concerning any aircraft part.

Second, our bipartisan bill strengthens the criminal penalties against aircraft parts pirates. A basic 15-year maximum penalty of imprisonment and $500,000 maximum fine is set for all offenses created by the new section. This is needed to end the light sentences that some aircraft parts counterfeiters have received under the general criminal statutes. In fact, in a 1994 case, a parts broker pleaded guilty to trafficking in counterfeit aircraft parts, but only received a seven-month sentence. Fraud involving aircraft parts is a serious crime that deserves a serious penalty.

Third, our bipartisan bill provides courts with new tools to prevent repeat offenders from re-entering the aircraft parts business and to stop the flow of nonconforming, defective and counterfeit parts in the marketplace. Under the new statute, courts may order unscrupulous individuals to divest themselves of interests in businesses used to perpetuate aircraft fraud. Courts may also, under the new statute, direct the disposal of stockpiles and inventories of defective and counterfeit aircraft parts to prevent their subsequent resale or entry into commerce.

Indeed, Attorney General Reno, Defense Secretary Cohen, Transportation Secretary Slater, and NASA Administrator Goldin wrote to Senator HATCH and me urging that Congress adopt this legislation. They wrote: "If enacted, this bill would give law enforcement a potent weapon in the fight to protect the safety of the traveling public." As a result, the Aircraft Safety Act is endorsed by the Department of Justice, the Federal Bureau of Investigation, the Department of Defense, the Department of Transportation and the National Aeronautics and Space Administration. I ask unanimous consent, that this letter be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1)

Mr. LEAHY. The distinguished Chairman of the Senate Judiciary Committee, Senator HATCH, and I offered the Aircraft Safety Act as an amendment during Senate consideration of S. 82, the Senate companion bill. Our amendment was accepted by unanimous consent. I thank Senator McCAIN, the Chairman of the Senate Commerce Committee, and Senator HOLLINGS, the Ranking Member of the Committee, for holding the Senate position in conference with minor revisions and, thus, including our amendment in the final bill.

I look forward to President Clinton signing the Aircraft Safety Act of 2000 into law as part of the conference report on the Air Transportation Improvement Act, H.R. 1000.

EXHIBIT 1

OFFICE OF THE ATTORNEY GENERAL
Washington, DC

Hon. ORRIN G. HATCH,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Enclosed is proposed legislation, "The Aircraft Safety Act of 1999." This is part of the legislation program of the Department of Justice for the first session of the 106th Congress. This legislation would safeguard United States aircraft, space vehicles, passengers, and crewmembers from the dangers posed by the installation of nonconforming, defective, or counterfeit parts in civil, public, and military aircraft. During the 105th Congress, similar legislation earned strong bi-partisan support, as well as the endorsement of the aviation industry.

The problems associated with fraudulent aircraft and spacecraft parts have been explored and discussed for several years. Unfortunately, the problems have increased while the discussions have continued. Since 1993, federal law enforcement agencies have secured approximately 500 criminal indictments for the manufacture, distribution, or installation or nonconforming parts. During the same period, the Federal Aviation Administration (FAA) received 1,778 reports or suspected unapproved parts, initiated 298 enforcement actions, and issued 143 safety notices regarding suspect parts.

To help combat this problem, an interagency Law Enforcement/FAA working group was established in 1997. Members include the Federal Bureau of Investigation (FBI); the Office of the Inspector General, Department of Transportation; the Defense Criminal Investigative Service; the Office of Special Investigations, Department of the Air Force; the Naval Criminal Investigative Service, Department of the Navy; the Customs Service, Department of the Treasury; the National Aeronautics and Space Administration; and the FAA. The working group quickly identified the need for federal legislation that targeted the problem of suspect aircraft and spacecraft parts in a systemic, organized manner. The enclosed bill is the product of the working group's efforts.

Not only does the bill prescribe tough new penalties for trafficking in suspect parts; it also authorizes the Attorney General, in appropriate cases, to seek civil remedies to stop offenders from re-entering the business and to direct the destruction of stockpiles and inventories of suspect parts so that they do not find their way into legitimate commerce. Other features of the bill are described in the enclosed section-by-section analysis.

If enacted, this bill would give law enforcement a potent weapon in the fight to protect the safety of the traveling public. Consequently, we urge that you give the bill favorable consideration.

We would be pleased to answer any questions that you may have and greatly appreciate your continued support for strong law enforcement. The Office of Management and Budget has advised us that, from the perspective of the Administration's program, there is no objection to the submission of this legislation proposal, and that its enactment would be in accord with the problem of the President.

Sincerely,

JANET RENO,
Attorney General.
RODNEY E. SLATER,
Secretary of Transportation.
WILLIAM S. COHEN,
Secretary of Defense.
DANIEL S. GOLDIN,
Administrator, NASA.

Mr. HARKIN. Mr. President, I am very pleased with the provisions of the conference report concerning slots that provide for a two-step process for the elimination of airline slots, landing and take off rights at O'Hare, Kennedy, and LaGuardia Airports. Senator GRASSLEY and I proposed a similar method for the elimination of slots at those three airports over a year ago.

I am very pleased that we have been able to work closely with Chairman McCAIN, Senator ROCKEFELLER, Senator HOLLINGS, and others on the development of this proposal. I am proud of the support that we have received from a majority of the attorneys general led by Iowa's own Attorney General Tom Miller. The U.S. Department of Transportation deserves special praise for its initiative calling for the elimination of the anticompetitive slot rule that was the starting point of our proposal. Chairman SHUSTER and the House also deserve considerable praise for their proposal to eliminate the slot rule at these airports last June.

I want to especially commend Chairman McCAIN and his staff for working so closely with us on this issue. He held a field hearing in Des Moines on April 30 last year to hear firsthand how the current system effects small and medium-sized cities. He has worked hard to move forward a proposal which I believe will significantly increase competition. That was not an easy task.

I also want to especially thank Senator ROCKEFELLER and his staff for their considerable efforts. Both Senators have shown a keen interest in the problems unique to smaller cities where adequate service is the paramount issue.

The phasing out of the slot requirements at these airports is an important step toward eliminating a major barrier to airline competition. And, by doing so in this two step process mitigates against some of the long-term effects of the government-imposed slot rule. Under current rules, most smaller airlines have, in effect, had a far more difficult time competing, in part because of the slot rule.

The conference report allows small airlines to expanded access to all four slot controlled airports to some degree. Not as much as our original proposal. I would have liked to have seen a longer phase in of the rule at O'Hare and broader provisions for limited incumbent—that is newer and usually smaller airlines to provide additional, often competitive service which will hopefully result in lower fares and improved service in many markets. The final provisions are not as broad as Senator GRASSLEY and I initially proposed. But they are a genuine and substantial improvement. This will help stimulate increased competition and lower ticket prices. Unfortunately, at LaGuardia, smaller airlines will not be able to establish service between their hubs and LaGuardia. The number of flights to O'Hare by newer airlines is limited. But, the measure provides some real opportunities to newer often low cost carriers during the phase in period.

The measure allows a carrier to establish new service to O'Hare without any restriction starting in May so long as the new service is with aircraft with fewer than 70 seats. Cities like Sioux City in Iowa and other small and medium sized cities around O'Hare will hopefully be able to see service to O'Hare, important to many businesses and those cities economy. And, an airline can also increase the frequency of service to smaller cities so long as aircraft with fewer than 70 seats are used. Recently, Burlington IA, was facing the loss of an important round trip to O'Hare purely because of the slot rule. The Quad Cities lost service by American Airlines last year because, in part, a limited number of slots were available. There is some chance that both decisions may be reversed now that slot restrictions will no longer impact those decisions.

Timing of service to smaller cities will be more efficient and carriers will be able to increase their frequency. I am very pleased that the conferees approved a two for one rule, giving an additional slot to airlines that upgrade an existing round trip turbojet service to smaller cities with a regional jet. This provides an incentive to provide improved service to smaller cities when it makes sense to do it.

In the final step, after a shorter period than I would like at O'Hare and a longer period than I think is best at the New York Airports, the slot rules would be ended at O'Hare, Kennedy, and LaGuardia Airports. In both cases I am hopeful that competitive airlines might get a change to establish a foothold and smaller cities would have established better service that will continue in the long term.

Access to affordable air service is essential to efficient commerce and economic development. Americans have a right to expect it. Airports are paid for by the traveling public through taxes and by fees charged by the Federal Government and local airport authorities.

Unfortunately, when deregulation came along in 1978, there was no effective framework put in place to deal with anticompetitive practices. Many of these practices have become business as usual. The result has been increased air fares and decreased service to mid-size and small communities.

The slot rule, originally put in place because of the limitations of the air traffic control system has been an effective competition. The DOT, improperly, I believe, literally gave the right to land and take off to those who used these airports on January 21, 1986. That effectively locked in the current users of those airports and locked out effective competition. It gave away a public resource. Finally, this bill phases out the slot rule and its anti-competitive effects and its negative effects on smaller communities.

Lastly, I wanted to say a few words about the budget. Our airways system has some very real problems. Capacity is limited. There are many pressure points that create bottlenecks, slowing down traffic. We need more gates, more runways and taxiways. We need better equipment and computers as well as additional flight controllers in order to increase the capacity of the system at a number of points. Long delays at our nations airports decrease the efficiency of our entire economy. This bill does provide for considerable increases in funds.

While many very necessary things are costly, some of the things that can be done with the airways systems do not cost large sums. For example, if pilots received written comments from flight controllers rather than verbal commands, the efficiency of the system would improve and the chance of errors would decrease. But, the culture of the system is slow to change. This step is now moving toward a multiyear test and then a multiyear implementation. Changes like this one should be implemented more quickly.

If we are able to provide the considerable increases in funding the airways system needs and for which this bill provides, we must see reasonable levels of funding for domestic discretionary spending over the coming years or the sums provided in this measure are not likely to occur.

LOS ANGELES TECH DEPARTMENT OF PROFESSIONAL AVIATION

Mr. BREAUX. I wish to enter into a colloquy with the Senator from South Carolina. The Department of Professional Aviation at Louisiana Tech is one of the University's most successful departments. With the expansion of the aviation industry in this nation, the University has been in the process of expanding the physical infrastructure for the Department of professional Aviation.

A new $6 million instructional facility has recently been constructed on the campus and the University will also construct a new flight operations facility at Ruston Regional Airport. While the State of Louisiana and the University have financed the cost of building these new facilities, the University is hopeful that it can receive federal assistance for the purchase of newer and safer equipment, such as new single-engine aircraft, a multiengine training aircraft, and a multiengine turbine simulator.

As we consider this FAA reauthorization bill, I would like to know whether this is something that would be appropriate for receiving financial support from the FAA in the form of competitive grant funding as part of its university research and air safety programs? I hope that grant funding for this project can be obtained from the FAA.

Mr. HOLLINGS. I appreciate the gentleman's comments and want to work with him and the FAA on this project. Let me say to the gentleman that I will work with him to determine what options may be available to Louisiana Tech with respect to this matter.

Mr. BREAUX. I appreciate that clarification.

Mr. BIDEN. Mr. President, I rise today to make a few remarks concerning the FAA reauthorization bill that is currently before the Senate. Although I will vote in support of the bill, I feel compelled to express my reservations concerning the mandatory budgetary provisions that are included in this conference agreement. It should be understood by all here today that these provisions should not be used to reduce funding for other essential transportation programs, most importantly Amtrak.

I realize the importance of passing this legislation that provides necessary funding for aviation programs over the next three years. This bill has been a long time coming and I understand it has been carefully and diligently crafted between the conferees. I believe we need additional funding for the improvement of our airports and to permit us to take advantage of the best technologies to improve passenger safety.

However, I don't believe that other transportation programs such as Amtrak should suffer as a result of the budgetary agreement that has been included in this bill. I have long been a supporter of Amtrak and am dedicated to making sure that the Federal Government lives up to its promise to provide Amtrak with sufficient support to preserve passenger rail service in this country and enable Amtrak to reach operating self-sufficiency. Because of this I want to make it clear that I'm voting for this FAA reauthorization bill with the understanding that the Majority Leader, Senator LOTT, and the Minority Leader, Senator DASCHLE, have made assurances that they will protect Amtrak from budgetary threats that may follow from this legislation.

Mr. BENNETT. Mr. President, I am very supportive of the conference agreement provisions which allow exemptions to the current perimeter rule at Ronald Reagan Washington National Airport. I commend Chairman MCCAIN and leadership on creating a process which I believe fairly balances the interests of Senators from States inside the perimeter and those of us from western States without convenient access to Reagan National.

I have been involved and supportive of the effort to open up Reagan National since the legislation was first introduced. While I would have preferred to eliminate the perimeter rule altogether or have more slots available for improved access to the West, the final agreement includes 12 slots. I want to reiterate that these limited exemptions must benefit citizens throughout the West. Having said that, this same limited number of exemptions must not be awarded solely or disproportionately to one carrier or one airport. I expect that the DOT will ensure that the maximum number of cities benefit from these 12 slots. I am particularly concerned that small and mid-size communities in the West, especially in the northern tier have improved access through hubs like Salt Lake City.

These limited exemptions to the perimeter rule from hubs like Salt Lake City will improve service to the Nation's capital for dozens of western cities beyond the perimeter—while ensuring that cities inside the perimeter are not adversely impacted by new service. This is a fair balance which is consistent with the overall intent of the bill to improve air service to small and medium-sized cities.

Throughout this bill, the goal has been to improve air service for communities which have not experienced the benefits of deregulation to the extent of larger markets. The provision relating to improve access to Reagan National Airport is no different. Today, passengers from many communities in the West are forced to double or even triple connect to fly to Reagan National. My goal is to ensure that not just large city point-to-point service will benefit, but that passengers from all points west of the perimeter will have better options to reach Washington, DC, via Ronald Reagan Washington National Airport. This provisions is about using this restricted exemption process to spread improved access throughout the West—not to limit the benefits to a few large cities which already have a variety of options.

Let me be clear, according to the language contained in this provision, if the Secretary receives more applications for additional slots than the bill allows, DOT must prioritize the applications based on quantifying the domestic network benefits. Therefore, DOT must consider and ward these limited opportunities to western hubs which connect the largest number of cities to the national air transportation network. In a perfect world, we would not have to make these types of choices and could defer to the marketplace. This certainly would be my preference. However, Congress has limited the number of choices thereby requiring the establishment of a process which will ensure that the maximum number of cities benefit from this change in policy.

Again, Mr. President, I would like to commend the chairman and his colleagues for their efforts to open the perimeter rule and improve access and competition to Ronald Reagan Washington National Airport. As a part of my statement I would like to include in the RECORD a letter sent to Chairman MCCAIN on this matter signed by seven western Senators.

There being no objection, this letter was ordered to be printed in the RECORD as follows:

U.S. SENATE,
Washington, DC, August 23, 1999.

Hon. JOHN MCCAIN,
Chairman, Committee on Commerce, Science, and Transportation,
Washington, DC.

DEAR CHAIRMAN MCCAIN: We are writing to commend you on your efforts to improve access to the western United States from Ronald Reagan Washington National Airport. We support creating a process which fairly balances the interests of states inside the perimeter and those of western states without convenient access to Reagan National.

These limited exemptions to the perimeter rule will improve service to the nation's capital for dozens of western cities beyond the perimeter—while at the same time ensuring that cities inside the perimeter are not adversely impacted by new service. This is a fair balance which is consistent with the overall intent of the bill to improve air service to small- and medium-sized cities.

The most important aspect of your proposal is that the Department of Transportation must award these limited opportunities to western hubs which connect the largest number of cities to the national transportation network. In our view, this standard is the cornerstone of our mutual goal to give the largest number of western cities improved access to the Nation's capital. We trust that the Senate bill and Conference report on FAA reauthorization will reaffirm this objective.

In a perfect world, we would not have to make these types of choices. These decisions would be better left to the marketplace. However, Congress has limited the ability of the marketplace to make these determinations. Therefore, we must have a process which ensures that we spread improved access to Reagan National throughout the West.

We look forward to working with you as the House and Senate work to reconcile the differences in the FAA reauthorization bills.

Sincerely,

ORRIN G. HATCH.
ROBERT F. BENNETT.
LARRY E. CRAIG.
CONRAD BURNS.
CRAIG THOMAS.
MIKE CRAPO.
MAX BAUCUS.

Mr. AKAKA. Mr. President, I rise in support of H.R. 1000, the Air Transportation Improvement Act. This measure will enhance the safety and efficiency of our air transportation system, upon which the island state of Hawaii depends upon so much. I am especially supportive of title VIII, the National Parks Air Tour Management Act of 2000.

Mr. President, title VIII of H.R. 1000 establishes a comprehensive regulatory framework for controlling air tour traffic in and near units of the National Park System. This legislation requires the Federal Aviation Administration, in cooperation with the National Park Service and with input from stakeholders, to develop an air tour management plan, known as ATMP's, for parks currently or potentially affected by air tour flights.

The ATMP process evaluates routes, altitudes, time restrictions, limitations on, and other operating parameters to protect sensitive park resources and to enhance the safety of air tour operations. An ATMP could prohibit air tours at a park entirely, regulate air tours within ½ mile of park boundaries, regulate air tour operations that affect tribal lands, and offer incentives for the adoption of quieter air technology.

H.R. 1000 also creates an advisory group comprised of representatives of the FAA, the Park Service, the aviation industry, the environmental community, and tribes to provide advice, information, and recommendations on overflight issues.

Through the ATMP process, this bill treats overflights issues on a park-by-park basis. Rather than a one-size-fits-all approach, the legislation establishes a fair and rational mechanism through which environmental and aviation needs can be addressed in the context of the unique circumstances that exist at individual national parks.

I am pleased that this procedural approach, in addition to requirements for meaningful public consultation and a mechanism for promoting dialog among diverse stakeholders, mirrors key elements of legislation, the National Parks Airspace Management Act, that I sponsored in several previous Congresses.

Mr. President, adoption of this bill is essential if we are to address the detrimental impact of air tour activities on the National Park System effectively. Air tourism has significantly increased in the last decade, nowhere more so than over high profile units such as the Grand Canyon, Great Smoky Mountains, and Haleakala and Hawaii Volcanoes national parks. A 1994 Park Service study indicated that nearly a hundred parks experienced adverse park impacts, and that number has certainly increased since then. Such growth has inevitably conflicted with the qualities and values that many park units were established to promote.

Air tour operators often provide important emergency services while enhancing park access for special populations like the physically challenged and older Americans. Furthermore, air tour operators offer an important source of income for local economies, notably tourism-dependent areas such as Hawaii. However, unregulated overflights have the potential to harm park ecologies, distress wildlife, and impair visitor enjoyment of the park experience. Unrestricted air tour operations also pose a safety hazard to air and ground visitors alike.

It is therefore vital that we develop a clear, consistent national policy on this issue, one that equitably and rationally prioritizes the respective interests of the aviation and environmental communities. Congress and the Administration have struggled to develop such a policy since enactment of the National Parks Overflights Act of 1987, Congress' initial, but limited, attempt to address the overflights issue. Title VIII of H.R. 1000 will finish where the 1987 act left off, providing the FAA and Park Service with the policy guidance and procedural mechanisms that are essential to balance the needs of air tour operators with the imperative to preserve and protect our natural resources.

Mr. President, the overflights provisions of this bill are the product of good faith efforts on the part of many groups and individuals. They include members of the National Parks Overflights Working Group, whose consensus recommendations from the underpinnings of this legislation; representatives of air tour and environmental advocacy organizations such as Helicopter Association International and the National Parks and Conservation Association; and, officials of the FAA and Park Service.

However, title VIII is above all the product of the energy and vision of Senator JOHN MCCAIN. As the author of the 1987 National Parks Overflights Act, Senator MCCAIN was the first to recognize the adverse impacts of air tours on national parks, and the first to call for a national policy to address this problem. Since then, he has employed his moral authority and legislative skills to advance a constructive solution on this subject. For his leadership in writing this bill and for his long advocacy of park overflight issues, Senator MCCAIN deserves our lasting appreciation.

Mr. President, I am honored to have worked closely with Senator MCCAIN over the last few years to formulate an overflights bill that promotes aviation safety, enhances the viability of legitimate air tour operations, and protects national parks from the most egregious visual and noise intrusions by air tour helicopters and other aircraft. Left unchecked, air tour activities can undermine the very qualities and resources that give value to a park. I believe that the pending measure reasonably and prudently balances these sometimes opposing considerations, and urge my colleagues to support this legislation.

Before I conclude my remarks, Mr. President, I would like to recognize the staff of the Commerce Committee for their hard work in putting this legislation together. Ann Choiniere deserves mention for her day-to-day management of the overflights issue. I would also like to recognize former members of my own staff, Kerry Taylor, Bob Weir, Steve Oppermann, and John Tagami, who made important contributions to this issue. Steve in particular has served as an expert resource whose tireless, and largely unheralded contribution has shaped the overflights debate in a major way.

Thank you, Mr. President. I yield the floor.

Mr. BAUCUS. Mr. President, I rise today to support the conference report on Federal Aviation Reauthorization. I am pleased that Congressional negotiators have reached an agreement providing needed resources and investment for the federal aviation programs, while maintaining budgetary discipline.

The final agreement maintains the FAA on-budget status but insures that the money in the Trust Fund will be spent only on aviation programs. The agreement provides a strong and enforceable guarantee to ensure that FAA appropriations will be no less than the amounts paid annually into the Trust Fund. The final agreement also permits the use of general funds for aviation programs subject to the normal appropriation process. This combination of Trust Fund and general fund revenue will help to ensure that much needed construction and maintenance are carried out as part of our nation's aviation program.

Part of the agreement reached by the conferees includes a provision which addresses what I believe is a complicated and growing problem—flight delays and cancellations.

The problem is not that delays and cancellations occur. Airlines must maintain a tight schedule and that schedule can be greatly affected by weather or equipment problems.

For travelers, it is a mystery whether these delays and cancellations are caused by weather, equipment problems, or economic convenience. Nobody knows. The airlines don't have to tell you. After you finally reach your destination, there's a good chance that you'll never know why you were stranded thousands of miles from home or why you missed that important business meeting.

But flights also are canceled or delayed for economic reasons, not just mechanical or weather-related problems. And when these economic delays and cancellations occur, it's usually rural America that gets the short end of the stick. For instance, if there are 40 people in Denver waiting for a flight to Billings, MT and another 120 waiting to go to San Francisco but only one plane is available, the flight to Billings will be canceled. For the Airlines, its simple. It costs less to put 30 people up in a hotel and send them on to Billings the next day than it does to send 120 California-bound people to a hotel.

That is wrong. If flights are canceled for economic or other reasons, passengers deserve to know the truth. It will also allow them to shop around for the airline that has the best performance record. When you only have a couple of flights into a town, as is the case with much of rural America, cancellations are not just an inconvenience. There is an economic impact as well.

As my home state of Montana, and our neighbors in North and South Dakota, Wyoming and Idaho can attest, what business is going to relocate to an area where flight service is not reliable?

Right now, Montana's economy needs work. Our state ranks near the bottom of per-capita individual income. Other measures of economic progress are also pretty low. Reliable air service doesn't guarantee economic growth. But without it, workers and employers alike have a difficult burden to bear.

That is why I am pleased that the conference report contains a version of my amendment to require air carriers to more fully disclose the cause of delays. The conference report creates a task force that will modify Airline Service Quality Performance Reports to reflect the reasons for such delays and cancellations, such as snow storms, mechanical difficulties or economic reasons, like the one I just mentioned. This task force will consist of representatives of airline consumers and air carriers.

Currently, the ten largest airlines have to report monthly to the Department of Transportation all flights that are more than 15 minutes late to and from the 29 U.S. airports that make up at least 1 percent of the nation's total domestic scheduled-service passenger enplanements. This statistic includes cancellations. My provision will broaden this reporting so that more passengers will have this information.

I realize that simply reporting the reason will not stop the practice of delaying flights or canceling them for economic reasons. Airlines are a business. An industry. As such, they must make business decisions that will keep their operation in the black.

But, if airlines have to start reporting the reasons for missed connections and disrupted lives, consumers can start making their own choices about which airline to fly. In the end I hope this information will lead to more dependable service around the country, but especially in rural America.

Mr. WARNER. Mr. President, I thank the conferees for their hard work and diligent effort to accommodate the wide range of interests on this long-awaited legislation.

I take this opportunity to make my position on the FAA conference agreement perfectly clear. There are three areas which I want to address. First, I am grateful to the conferees for the inclusion of my amendment delinking federal Airport Improvement Program (AIP) funds to Reagan National and Dulles International Airports to the confirmation of federal appointees to the Metropolitan Washington Airports Authority (MWAA). This provision ensures the release of $144 million to allow for critical safety and modernization plans to go forward. Second, I want to express my regret that the provision raising the Passenger Facility Charges (PFC) was included as part of the conference agreement. Lastly, it was my strong preference that no new additional flights be allowed into and out of Reagan National Airport. Despite my opposition, it was the will of the Congress to increase the number of slots at Reagan National. I will continue to oppose any increase in the number of flights at Reagan National.

I am pleased with the inclusion of my amendment to give Reagan National and Dulles International Airports equitable treatment under Federal law that is enjoyed today by all of the major commercial airports.

As you know, Congress created the MWAA Board of Directors and charged the Senate with the duty of confirming three federal appointments. In addition to the requirement that the Senate confirm the appointees, the statute contains a punitive provision which denies all federal AIP entitlement grants and the imposition of any new passenger facility charges (PFC) to Dulles International and Reagan National if the appointees were not confirmed by October 1, 1997.

As the current law forbids the FAA from approving any AIP entitlement grants for construction at the two airports and from approving any PFC applications, these airports have been denied access to over $144 million.

These are funds that every other airport in the country receives annually and are critical to maintaining a quality level of service and safety at our Nation's airports. Unlike any other airport in the country, the full share of federal funds have been withheld from Dulles and Reagan National for nearly three years.

These critically needed funds have halted important construction projects at both airports. Of the over $144 million that is due, approximately $161 million will fund long-awaited construction projects and $40 million is needed to fund associated financing costs.

I respect the right of the Senate to exercise its constitutional duties to confirm the President's nominees to important federal positions. I do not, however, believe that it is appropriate to link the Senate's confirmation process to vitally needed federal dollars to operate airports.

This amendment would not remove the Congress of the United States, and particularly the Senate, from its advise-and-consent role. It allows the money, however, which we need for the modernization of these airports, to flow properly to the airports. These funds are critical to the modernization program of restructuring them physically to accommodate somewhat larger traffic patterns, as well as do the necessary modernization to achieve safety-most important, safety-and greater convenience for the passengers using these two airports.

Mr. President, my amendment is aimed at ensuring that necessary safety and service improvements proceed at Reagan National and Dulles and I am pleased with its inclusion.

Secondly, I wanted to express my profound regret that the conference agreement includes any increase in PFC charges.

The current PFC cap is set at $3 per airport and passengers can easily pay a total of $12 in taxes on a round trip flight. Already, airline passengers are subjected to a 7.5% federal excise tax, the $12.40 per passenger excise tax on air passenger arrivals, as well as the 4.3 cents per gallon Aviation Trust Fund tax on aviation jet fuel. Airline passengers can pay as much as 40% of their total ticket cost just in taxes.

Providing better airport facilities is imperative but raising PFCs in order to guarantee a revenue stream for aviation is like flying a jet plane with less than adequate destination fuel. You'll get off the ground but it will come at great cost.

Lastly, the conference agreement includes a provision that will allow for an increase of 12 flights at Reagan National Airport. The original Senate language included an unacceptable and astonishing number of 48 takeoffs and landings. I fought very hard to stem the tide as I had innumerable environmental, clean-air and local control concerns and am appreciative the conferees agreed to scale back the number of additional slots to a less egregious number. In crafting this agreement, I strongly urge my colleagues in the Senate not to open future discussion on this matter without appropriate deference being made to my constituents in Virginia.

Mr. SPECTER. Mr. President, I have sought recognition today to highlight an important provision in the Federal Aviation Administration reauthorization conference report which provides more equitable treatment for families of passengers involved in international aviation disasters.

The devastating crash of Trans World Airlines Flight 800 on July 17, 1996 took the lives of 230 individuals. Perhaps the community hardest hit by this tragedy was Montoursville, PA, which lost 16 students and 5 adult chaperones who were participating in a long-awaited Montoursville High School French Club trip to France.

Last Congress it was brought to my attention by constituents, including parents of the Montoursville children lost on TWA 800, that their ability to seek redress in court was hampered by a 1920 shipping law known as the Death on the High Seas Act, which was originally intended to apply to the widows of seafarers, not the relatives of jumbo-jet passengers who have perished during international air travel.

The Death on the High Seas Act states that where the death of a person is caused by wrongful act, neglect, or default occurring more than one marine league—three miles—from U.S. shores, a personal representative of a decedent can only sue for pecuniary loss sustained by the decedent's wife, child, husband, parent, or dependent relative. Therefore, the families of the victims of aviation accidents, such as TWA 800, Swissair 111 and EgyptAir 990, all of which occurred more than three miles offshore, were precluded from recovering non-pecuniary damages such as loss of society or punitive damages, no matter how great the wrongful act or neglect by an airline or airplane manufacturer.

In the 105th Congress Representative McDade and I introduced legislation to remove the application of the Death on the High Seas Act from aviation incidents. Our legislation was not enacted into law, and in the 106th Congress, Representative SHERWOOD and I again reintroduced this measure. The House bill, H.R. 603, passed by an overwhelming margin and was incorporated into the House FAA reauthorization bill. The Senate version of the FAA bill included a provision allowing victims' families to recover non-pecuniary damages, but with a cap of $750,000, which I opposed.

On October 18, 1999, I was successful in convincing 15 of my colleagues to join me in a letter to Chairman McCAIN urging the Senate to accept the House provision in conference. Representative SHERWOOD and I also worked closely with Chairman SHUSTER and his staff to press our case before the conferees.

I am very pleased that the final provision agreed upon in the FAA reauthorization conference report accomplishes the primary goal of our free-standing legislation by extending the territorial seas of the United States from three to twelve miles for the purpose of aviation accidents after July 16, 1996. This effectively removes TWA 800—which crashed roughly ten miles offshore—from coverage under the Death on the High Seas Act. In addition, while the Death on the High Seas Act will still apply to other aviation accidents which occurred beyond twelve miles, such as Swissair 111 and EgyptAir 990, non-pecuniary damages will now be recoverable for the first time.

Our success in this matter would not have been possible without the work of many, and I would particularly like to recognize the efforts of Hans Ephraimson-Abt, Frank Carven and Will and Kathy Rogers, all of whom have lost loved ones as a result of tragedy in international air travel. These individuals first brought this issue to my attention and served as able advocates. I would also like to thank Dan Renberg and Mark Carmel of my staff, who worked tirelessly on behalf of all the victims' families. Finally, I would like to thank my colleagues, Chairman SHUSTER, Chairman McCAIN, Senator HOLLINGS and Senator GORTON for working with Representative SHERWOOD and myself to address this matter.

This issue is not about large damage awards. It is about ensuring access to justice and clarifying the rights of families of victims of plane crashes. While nothing can ever completely take away the pain and grief felt by those who lost loved ones in these tragedies, I am hopeful that the victims' families are comforted with the knowledge that some measure of fairness has been restored and the American civil justice system is now more accessible.

Mr. LOTT. Mr. President, I rise to recognize the importance of today's passage of H.R. 1000, the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century. Today is a great day for rural America's air passengers. This legislation will bring much needed air service to under served communities throughout the Nation. It will also grant billions of dollars in federal funds to our Nation's airports for upgrades, through the Airport Improvements Program (AIP).

Senator SLADE GORTON, Chairman of the Committee on Commerce, Subcommittee on Aviation, is to be commended for his superb leadership on this complex and contentious measure. My friend and colleague from the State of Washington proved himself pivotal earlier during floor consideration of the Senate bill and during the conference with the other body on this bill. Together with Chairman DOMENICI, Chairman STEVENS, and Senator HOLLINGS, their joint efforts moved this bill to today's passage.

Rural Americans are the biggest winners with the passage of H.R. 1000. Citizens of small and under served communities can look forward to the day when they no longer have to travel hundreds of miles and several hours to board a plane. This legislation provides incentives to domestic air carriers and their affiliates to reach out to these people and serve them conveniently near their homes. Many Americans will be able to travel a reasonable distance to gain access to our Nation's skies and, from there, anywhere they wish to go.

Mr. President, I also applaud the hard work of Senator FRIST of Tennessee, Senator ABRAHAM of Michigan, and Senator ASHCROFT of Missouri, all members of the Senate Commerce Committee. Their dedication to the flying public helped move the FAA conference when agreements on contentious aviation issues were not met. They understand the delays, inconvenience, and headache their constituents must endure when flying—they get it. I firmly believe that without the engagement of these three gentlemen the Senate would not be voting on H.R. 1000 today. The people of Tennessee, Michigan, and Missouri should be extremely proud of their representation in Washington.

The major policy changes in H.R. 1000 led to hard fought, but honest disagreements. I have enormous respect for the efforts of Chairmen DOMENICI, STEVENS, and SHUSTER, as well as House Ranking Member OBERSTAR, as they diligently advocated for their committees' jurisdictions. One thing was abundantly clear during the FAA conference—my colleagues recognized our Nation's aviation needs and made significant commitments to increase aviation funding. This honest debate and willingness to work together to achieve common goals is what makes it exciting to serve in Washington.

Mr. President, I am extremely proud of my colleagues. Since 1995, the Republican majority has made infrastructure a top legislative priority. Two years ago, my friends in the House and Senate successfully led an effort to boost the amount of federal funding for highway construction and improvements. History will reflect that this Congress also deeply cared about our Nation's infrastructure. One of the main components of H.R. 1000 directs the expense of all Airports and Airways Trust Fund revenue and interest on aviation needs. Trust Fund revenue and interest means that America's airports will get the improvements they desperately need to take our aviation infrastructure into the 21st Century.

Mr. President, no legislative initiation is ever possible without the dedicated efforts of staff, and I want to take a moment to identify those who worked hard to get FAA legislation through conference and to the Senate for approval.

From the Senate Committee on Commerce, Science and Transportation: Marti Allbright; Lloyd Ator; Mark Buse; Ann Choiniere; Julia Kraus; Michael Reynolds; Scott Verstandig; and Sam Whitehorn.

From the Senate Committee on the Budget: Beth Felder; Bill Hoagland; Mary Naylor; Barry Strumpf; and Cheryle Tucker.

From the Senate Committee on Appropriations: Wally Burnett; Paul Doerrer; Peter Rogoff; and Mitch Warren.

The following staff also participated on behalf of their Senators: Chrystn Alston; Kerry Ates; Rich Bender; David Broome; Bob Carey; Steve Browning; Jeanne Bumpus; John Conrad; Margaret Cummisky; Brett Hale; Keith Hennessey; Ann Loomis; Randal Popelka; Mitch Rose; Lisa Rosenberg; Greg Rothchild; Jim Sartucci; Lori Sharpe; Brad Van Dam; and Andy Vermilye.

Mr. President, these individuals worked very hard on H.R. 1000, and the Senate owes them a debt of gratitude for their dedicated service to this country.

Mr. President, our Nation's small communities are a step closer to receiving long-sought air service. Also, America's airports will be enhanced. This is good for all Americans.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Washington.

Mr. GORTON. Mr. President, I think we are quite close to the end of this debate. I wish to make only a few remarks, primarily in response to those of the distinguished Senator from New Jersey, who spoke in opposition.

One reason this bill has taken so long to come before the Senate in the final conference report was an objection I shared with the chairman of the Budget Committee, Senator DOMENICI, the chairman of the Appropriations Committee, Senator STEVENS, and the majority leader to creating a new entitlement.

I do not believe, in the ultimate analysis, this bill does create a new entitlement. It does say that all of the money collected by the aviation passenger tax that has long been statutorily earmarked toward aircraft, airport, and airline purposes ought to be spent on that purpose. It does effectively guarantee that trust fund will be spent for the purposes it was created. That, it seems to me, is a good thing rather than a bad thing.

The Senator from New Jersey is correct in saying we will be required in the future, as I think we ought to be, to appropriate general fund money for aircraft purposes in the broadest sense. I suppose one can call that a subsidy to air travel.

The Senator speaks of Amtrak. My figures indicate that the roughly 20 million Amtrak passengers each year are subsidized by the general taxpayer to the extent of $28 per passenger per trip. Even if one assumed this bill would essentially require spending $2.5 million a year on the Federal Aviation Administration in general fund moneys over and above the trust fund, and even if we attributed every one of those dollars directly to the passengers of commercial aircraft, which of course we should not, that would be roughly $4 a passenger, or one-seventh the amount of subsidy to rail passengers.

The bottom line is that the Appropriations Committee still retains authority to shift funds among various capital accounts that are within the trust fund and still allow for a direct appropriation of whatever amount the Senate desires for general fund purposes. It will make it more difficult not to come up to authorized levels, but it does not make it impossible.

We all agree that the needs of our air transportation system are emergent and are large. This bill represents a major step forward to funding an adequate amount and will still allow judgments to be made between various forms of transportation and other needs of the country in an appropriate fashion.

This is a good bill, and I believe it ought to be passed with an overwhelmingly affirmative vote.

Has a rollcall vote been ordered on final passage?

The PRESIDING OFFICER. It has not.

Mr. GORTON. I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. GORTON. I think it appropriate to ask for 2 minutes prior to the vote at 5 p.m. for summary conclusions on the bill, 1 minute on each side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. How much time remains?

The PRESIDING OFFICER. The Senator from Washington State has 2 minutes remaining; the Senator from West Virginia has 7½ minutes.

Mr. GORTON. I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I only make a couple of comments. I indicated this is the largest increase in aviation spending in history. I did that out of a sense of pride because of the urgency of the situation we face. This is not money which is being spent for the sake of money; it is money being spent so we will not walk into the disaster we are now headed towards.

I remind my colleagues—the delays, the near misses, the pressure, the outdated equipment, the insufficient time for preparation at work, salaries, money for various purposes—we cannot take an air traffic control system or modernize an FAA in the way they want to do it, we cannot pay the many thousands of people who work to keep it safe in this country, without spending money.

It has been said a number of times that the number of people who will be flying in this country will be a billion in less than 10 years. Cargo traffic on a worldwide basis, as well as in our country, will increase exponentially. The number of planes flying in the skies will increase by at least 50 percent in less than 10 years. Think about that. We have the same number of runways; we have 20- to 30-year-old computers trying to figure out what altitudes the planes are flying and figure out how to separate them; we look at all the different tracking systems we have in our aviation system and we would be embarrassed to have that equipment in our own Senate offices. It is a crisis. Therefore, it is a priority. We are talking about the saving of American lives and lives across the world. Money must be spent.

It is not that other transportation is any less important. This Senator benefits enormously from the services of Amtrak. An airplane crash does something to the Nation's psychology. It can take 2 or 3 years for an airline to recover from an instant which costs lives. The economic impact and, most importantly, the human impact and the pressure on people who run the aviation system to prevent these things from happening, to have safe skies, is absolutely overwhelming. It is something which is not recognized sufficiently by the American people and which we are, happily, recognizing in this bill.

The Secretary of the Department of Transportation is happy with this bill and will recommend to the President that he sign it. Jane Garvey, the FAA Administrator—somebody in whom I have an enormous amount of confidence, who has run Boston's airport by herself and knows the situation cold—is very much in support of this.

After all, we have not taken anything off budget. The aviation trust fund is still on budget. We have not built any firewalls. We have acted in a responsible fashion. However, we have applied more money because this is a particularly special crisis which, thank heavens, after a number of years, Congress has finally recognized.

In my earlier remarks, I failed to mention BUD SHUSTER in the House, the chairman of their committee, and JIM OBERSTAR, dear friends of many years. What they and their colleagues have done is extraordinary. I think we have a superb bill. It is not a perfect bill, but it is, as in all things, the result of compromise. I think, generally speaking, we have a bill of which to be extremely proud. I know the Senator from West Virginia believes that very strongly.

Unless there are others who wish to speak, I hope our colleagues will vote to pass this conference report when the time comes this afternoon.

I yield back the remainder of my time.

Mr. GORTON. Mr. President, I believe that uses the time of all the people who wish to speak on the conference report. I ask unanimous consent debate, other than the 2 minutes at 5 p.m., be concluded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent I may speak in morning business for 12 minutes or thereabouts.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE PLACED ON THE CALENDAR—S. 2184

Mr. MURKOWSKI. Mr. President, I understand there is a bill at the desk due for its second reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant bill clerk read as follows:

A bill (S. 2184) to amend chapter 3 of title 28, United States Code, to divide the Ninth Judicial Circuit of the United States into two circuits.

Mr. MURKOWSKI. I object to further proceedings on this bill at this time.

The PRESIDING OFFICER. Objection having been heard, under the rule, the bill will be placed on the calendar.

Mr. MURKOWSKI. I thank the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. I thank the Chair.

(The remarks of Mr. MURKOWSKI pertaining to the introduction of S. 2214 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak for up to 10 minutes on the time allocated to Senator DURBIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESCRIPTION DRUG AFFORDABILITY

Mr. WYDEN. Mr. President, I have come to the floor repeatedly over the last few months to talk about the importance of prescription drug coverage under Medicare for the Nation's senior citizens. Today I want to focus on how the absence of this coverage essentially undermines our entire health care system.

What we are seeing is that every day, in the United States, senior citizens who are ailing from a variety of health problems end up getting sicker because they are not able to afford their prescription medicine. Very often these seniors end up being hospitalized and needing vastly more expensive medical services that are made available under what is called Part A of the Medicare program.

Today, I want to describe a case I recently learned about in Hillsboro, OR, because it illustrates just how irrational, how extraordinarily illogical, it is to have a health care system for the Nation's senior citizens that does not cover prescription drugs.

An orthopedist from Hillsboro, OR, recently wrote me that he actually had to hospitalize a patient for over 6 weeks because the patient needed antibiotics that they were not covered on an outpatient basis.

Here you had a frail, vulnerable older person. The physician, and all the medical specialists involved, believed that person could be treated on an outpatient basis with antibiotics, but because there was not Medicare coverage available on an outpatient basis—because there was not the kind of coverage Senator DASCHLE has been talking about and Senator SNOWE and I have made available in the Snowe-Wyden bipartisan legislation—because that coverage was not available to the senior citizen in Hillsboro, OR, that older person had to be hospitalized for over 6 weeks.

Here is what the doctor said to me:

> This method of treatment [the preferred outpatient method of treatment] is cost effective and is preferred by patients and doctors. In this case, the patient is condemned to spend 6 weeks in the hospital solely to receive intravenous antibiotics. To me, this seems like a tremendous waste of money and resources. The patient would be better at home.

What this case illustrates is exactly why we need, on a bipartisan basis—the Snowe-Wyden legislation is one approach; our colleagues may have other ideas on how to do it—but this is a case study on why it is so important to cover prescription drugs for older people under Medicare.

We are not talking about some abstract academic kind of analysis that comes from one of the think tanks here in Washington, DC. This is a physician in Hillsboro, OR, who had to put a patient, an older person, in a hospital for 6 weeks because they could not afford to get their medicine on an outpatient basis.

A lot of our colleagues are here on the floor who are on the Commerce Committee. We look at technology issues at that Committee. The irony is, we can save money, again, through the use of new technology in health care.

The kind of treatment that would have been best for this older person in Oregon would have been through an electronic delivery system the older person could have used on their belt for a relatively short period of time had Medicare covered that prescription the older person needed. But because that person could not get coverage for the antibiotics and use that electronic delivery system on an outpatient basis, which they could wear on their belt, they had to go into a hospital for 6 weeks.

Colleagues, we are going to hear a lot over this break from senior citizens and families about the importance of this issue. I intend tomorrow, again, to come to the floor and discuss this matter. Senator DASCHLE has made it very clear to me, and talks about it virtually every day, that he wants to have the Senate find the common ground. He wants Senators to come together and deal with this on a bipartisan basis. The Snowe-Wyden legislation is one approach. Our colleagues have other bills.

The point is, let us make sure, in this session of Congress, that in Arkansas, in Washington, and in the State of Nevada, we do not have older people hospitalized unnecessarily for 6 weeks because we have not come together as a Senate to make sure they can get those medicines on an outpatient basis.

Science has given us cost-effective, practical remedies for these people in need, remedies that will reduce suffering and will reduce costs to taxpayers.

Let us come together, on a bipartisan basis, to make sure we do not adjourn without adding this important benefit to the Medicare program.

As I have made clear, I intend to keep coming back to the floor of the Senate until we, on a bipartisan basis, as Senator DASCHLE has suggested, come together and get this important job done.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

* * *

ORDER OF PROCEDURE

Mr. GORTON. I ask unanimous consent that I be permitted to speak in morning business for not to exceed 10 minutes.

Mr. BRYAN. Reserving my right to object, and I assure my colleague I will not, I wonder if my colleague would be amenable to a unanimous consent request that following the 10 minutes the Senator is requesting, I be permitted 10 minutes as well. I make that request because unless I do so, at 11:30 I might be precluded.

Mr. GORTON. I am delighted to. I amend my unanimous consent request to include the request of the Senator from Nevada.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, I ask unanimous consent that I be added as a cosponsor of S. 2004, the Pipeline Safety Act of 2000 introduced earlier this year by my colleague from Washington State, Senator MURRAY.

The PRESIDING OFFICER. Without objection, it is so ordered.

* * *

PIPELINE SAFETY

Mr. GORTON. I am here to address the issue of pipeline safety, an issue that people in most communities, cities, and towns do not concern themselves with unless, regretfully, a tragedy occurs, such as the one that took place in Bellingham, WA, last June.

The devastating liquid pipeline explosion that rocked the city of Bellingham and took the lives of three young boys rightfully served as a wakeup call and focused our attention on the need for pipeline safety reform. While pipelines continue to be the safest means of transporting liquid fuels and gas, and though accidents may be infrequent on the more than 2 million miles of mostly invisible pipelines in the United States, Bellingham has shown us that pipelines do pose potential dangers that we ignore at our peril.

In testifying on the Bellingham incident before a House committee last fall, I commented that while Congress had an obligation substantively to revise the Pipeline Safety Act in response to the clarion call for Bellingham, proposals for specific changes to the law seemed premature at that time. State and local officials in Washington State, as well as citizens groups, environmentalists, and various Federal oversight bodies, were just beginning to examine the accident and its causes.

The Commerce Committee, of which I am a member, has primary jurisdiction over this bill in the Senate, and last year I implored the chairman, Senator MCCAIN, and other committee members to make the reauthorization a top priority. Last week, at my request, the Commerce Committee scheduled the first Senate hearing on the topic of pipelines.

The field hearing to address the Bellingham incident and the State's response to it will be held in Bellingham, WA, next Monday, March 13.

I encourage my colleagues from the Senate Commerce Committee to come to Bellingham next Monday to hear firsthand testimony from the families of the victims and from local officials whose lives have been transformed by this tragedy. Theirs is a story which compels us to action. The families and the community will never forget what happened last June 10, nor should we in Congress. It is our duty to take the lessons learned in Bellingham and adopt tougher safety measures that will allow us to prevent future tragedies.

This hearing will, I hope, serve as guide as we debate the reauthorization of the Pipeline Safety Act. And while a number of the studies and operational reviews commissioned after the accident are still incomplete, including those of the National Transportation Safety Board, on the cause of the accident in Bellingham and the report of the General Accounting Office as to the performance of the Office of Pipeline Safety, other reviews are complete.

Primary among these is the report of the Fuel Accident Prevention and Response Team, a task force convened by Governor Gary Locke and charged with reviewing Federal, State and local laws and practices affecting pipeline accident prevention and response. A significant contributor to this report was Mayor Mark Asmundson of Bellingham, whose efforts to learn from, educate others about, and rationally apply the lessons of that tragedy have been commendable.

The Fuel Accident Team recommended changes in law and practice at the Federal, State, and local levels. It revealed that there is a lot that can be done by State and local officials that is not being done, particularly in the area of emergency preparedness, public education, and adoption of appropriate set-back requirements to keep development away from lines. The Fuel Accident Team also found, however, that at least with respect to interstate pipelines, State and local officials are limited by Federal law from regulating many of the safety aspects of these lines, and that only the Federal Government can adopt or enforce requirements for inspection, emergency flow restriction devices, operator training, leak detection, corrosion prevention, maximum pressure, and other safety measures relevant to the safe construction, maintenance, and operation of pipelines.

While there may be good arguments that pipelines should be managed systemically and why inconsistent State standards could erode rather than promote safety, these arguments are fatally undermined by the absence of meaningful Federal standards. To tell State and local governments, as the Pipeline Safety Act effectively does, that they cannot require internal inspections of pipelines passing through their communities, under their schools and homes and senior centers, when a Federal requirement for internal inspections is years overdue, strikes me as the worst kind of Federal conceit.

Amending the Pipeline Safety Act to relax Federal preemption and allow States to exceed minimum Federal safety standards was the first recommendation of Washington's Fuel Accident Team. Despite this recommendation, I understand that the administration's proposal for the reauthorization of the Pipeline Safety Act will move in exactly the opposite direction, that is, it will propose to eliminate even the vague authority under which the Office of Pipeline Safety has appointed four States as its agents for purposes of inspecting interstate liquid pipelines.

The purported reason for further disempowering States is, I understand, OPS's perception that a system of inconsistent standards is unsafe, OPS's perception that a system of inconsistent standards is unsafe, and that States already have their hands full with regulating intrastate pipelines, which are far more extensive than interstate lines. But what if the States disagree with this attitude, which, in the absence of meaningful Federal standards is tantamount to saying that "no standards are better than anything States can come up with"?

Yes, the interstate nature of some pipelines gives the Federal Government the option of regulating them and preempting States from doing so. If the Federal Government is not going to do its job, however, why should we prevent States from assuming responsibility for something as important as pipeline safety?

To its credit, in response to the Bellingham incident the Office of Pipeline Safety has proposed to complete a rulemaking on "pipeline integrity" by the end of this year. This rulemaking, years overdue, is not only supposed to address requirements for internal inspection and the use of emergency flow restriction devices in highly populated and environmentally sensitive areas, but to adopt a systemic approach to pipeline safety that focuses not just on specific tests but on making sure that pipeline operators are accurately assessing risks, collecting and properly analyzing relevant data, and exercising sound judgment. Following the June 10 accident last year, the city of Bellingham conditioned the resumption of operations of a portion of the pipeline on the Olympic Pipe Line Company's adherence to certain process management standards borrowed from OSHA regulations applicable to oil refineries. This emphasis on a process management approach is, I believe, sound and should, I believe, be incorporated into any new Federal safety standards.

Once meaningful Federal standards for pipelines are in place, debate about whether or not safety is advanced by allowing States to adopt and enforce stricter, but inconsistent standards, can begin. Even then, however, and certainly until then, I support the proposals in the legislation cosponsored in the House and Senate by all of the Washington delegation members to prescribe procedures for States to assume greater authority in the regulation of pipeline safety. Both H.R. 3558 and S. 2004 would permit States to apply for more regulatory authority from the Department of Transportation, which is charged with reviewing the proposals to ensure that states have the necessary resources and that the Balkanization of pipeline regulation will not degrade safety.

I look forward to working with my colleagues from Washington to ensure that the following principles, many of which are reflected in the current S. 2004, are contained in the reauthorization of the Pipeline Safety Act.

First, I support efforts to allow States greater authority to adopt and enforce safety standards for interstate pipelines, particularly is light of the absence of meaningful Federal standards. This increase in authority should be accompanied by an increase in grants to States to carry out pipeline safety activities.

Second, I agree with Senator MURRAY that we need to improve the collection and dissemination of information about pipelines to the public and to local and State officials responsible for preventing and responding to pipeline accidents. We also need to ensure that operators are collecting information necessary accurately to assess risks and to respond. The public should be informed about where pipelines are located, what condition they are in, when they fail—we need to lower the threshold for reporting failures—and why they fail. We should ensure that relevant information is gathered and made available over widely accessible means like the Internet.

Third, in addition to providing an explicit mechanism for States to seek additional regulatory authority over interstate pipelines, Federal legislation should adopt some mechanism for ensuring that meaningful standards for pipeline testing, monitoring, and operation are adopted at the national level. Congress has directed the DOT to do some of this in the past. But as the Inspector General noted, some of the rulemakings are years overdue. To the extent that lack of funding can account for some of the delay we should ensure sufficient appropriations to allow OPS to complete the necessary rulemakings and develop the technology needed to conduct reliable tests of pipelines.

While I am reluctant to have Congress, rather than experts, prescribe specific testing and monitoring requirements, and while I fully appreciate the need for flexible testing regimes that recognize the differences among pipelines facing variable risks as well as the need for dynamic standards that advance with knowledge and technology, I am sympathetic to the position that specific mandates may be necessary in the face of inaction on the part of OPS. Congress has repeatedly asked OPS to conduct rulemakings and been ignored. As a consequence I can understand those who have lost patience and are prepared to put specific testing and operational prescriptions into Federal statute.

In addition to ensuring that OPS complies with years-old statutory mandates, I support the Inspector General's recommendation that OPS act upon, either to reject or accept, the recommendations of the National Transportation Safety Board. I don't pretend to know whether NTSB's recommendations, that have been accumulating for years, will advance safety. It is unacceptable, however, that OPS should simply ignore them.

Fourth, I have heard from citizens' groups who support the creation of a model oversight oil spill advisory panel in Washington State. I see a real value in creating such a body, and empowering it with meaningful authority to comment on and influence State and Federal action or inaction. Such an advisory panel can continue to focus needed attention on the issue of pipeline safety when the painful memory of June 10 begins, for many, at the same time mercifully and regretfully, to fade.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Nevada.

IN SUPPORT OF FAA CONFERENCE REPORT

Mr. BRYAN Mr. President, I rise today in support of the FAA conference report which will be voted upon later on this afternoon and to discuss one particular feature of that report, the so-called perimeter rule. This is a rule that is both arcane and archaic. It is anticompetitive and unnecessary. The so-called perimeter rule is a rule, enacted by Congress in 1986, that precludes any flight originating at Washington National Airport, the region's most popular airline destination for the Nation's Capital, from flying nonstop more than 1,250 miles from the Nation's Capital. That also includes any inbound flights to Washington National from a point that originates more than 1,250 miles from the Nation's Capital.

This perimeter rule was enacted by Congress in 1986. It might have had some historical justification. The origin of the rule is based upon an attempt to force additional air traffic into Washington's Dulles Airport, which is some distance from the Nation's Capital and not as convenient. Whatever the historical rationale may have been, I think anyone who has used Washington's Dulles Airport in recent years, as I do frequently, would testify that it is a fully operational airport with a multibillion-dollar expansion and much traffic.

Today, the so-called perimeter rule is defended on the basis of noise control in Northern Virginia and the surrounding area. That was not its historical justification. Now, the effect of the so-called perimeter rule is to preclude direct flights, nonstop, into Washington's National Airport from most of the country and all of the West.

As a historical insight, the original perimeter rule was 750 miles. Then, when Russell Long became chairman of the Senate Finance Committee, his congressional district was in New Orleans, and the distinguished occupant of the chair will not be surprised to learn that the perimeter rule had some flexibility then, and the length was extended so one could fly nonstop to New Orleans. And later, when, I believe, Jim Wright became the Speaker, his congressional district was the Dallas-Fort Worth area, so it was extended to 1,250 miles, its current length.

My point is, there is nothing sacrosanct about this rule. It makes no sense in terms of safety. The Federal Aviation Administration has concluded there is no safety issue involved, and the GAO has repeatedly asserted that the effect of the rule is anticompetitive and it has the effect of driving prices up.

Now, the debate in this Chamber frequently echoes back and forth about Government interference in the marketplace, meddling, arbitrary rules that restrict entry, rules that make it difficult for the private sector to respond to the market. I can't think of a better example of that than this so-called perimeter rule.

For that reason, I am particularly pleased to support this conference report because one of the features in the conference report modifies the perimeter rule. It doesn't eliminate it in its entirety, but it does permit 12 slots that would be authorized to fly beyond the 1,250-mile perimeter, and that means cities such as Las Vegas and other major metropolitan areas in the West will be able to compete for those routes.

It also contains a provision that specifically recognizes new entrants into the market. Many will recall that the underlying premise of the deregulation of the airline industry assumed there would be a number of new entrants into the market. Unfortunately, by and large, that has not occurred. New entrants have had a particularly difficult time entering into this market. It is a very competitive market, and indeed the survivability of those new entrants has been very limited. So this particular provision repeals, in part, the perimeter rule to permit 12 flights to fly beyond the 1,250 miles and to originate from a distance beyond that, thereby making nonstop service to the West a possibility.

It is my hope that among the communities that would be considered would be Las Vegas, which is rapidly expanding its air service. The community's lifeblood is dependent upon tourist travel. A great percentage of that is airline service, and a direct, nonstop service flight to one of the largest metropolitan areas in the country, the Washington metropolitan area, would have an enormously powerful potential for new business for our community.

So it is my hope that colleagues will support the conference report. I am not unmindful of the fact that there are controversial provisions in it. But the modification of the perimeter rule is an important step in the right direction. I salute the conferees for following the lead of the Senate Commerce Committee, which specifically included, at the request of myself and others, the modification of the perimeter rule.

I yield the floor.

EXTENSION OF MORNING BUSINESS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that morning business be extended for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ELIMINATION OF THE MARRIAGE TAX PENALTY

Mr. BROWNBACK. Mr. President, I rise today to address an issue I have raised several times on the floor. I am hopeful that this year, this body, will get a chance to deal with the marriage penalty tax elimination.

Mr. President, Senators KAY BAILEY HUTCHISON, JOHN ASHCROFT, and I have been pushing for some period of time for the elimination of the marriage penalty tax; and it is truly that—a penalty tax on marriage. This body will have a chance to address this issue shortly. The Finance Committee of the Senate will consider this issue in the near future. They will be marking up the bill to eliminate one area of the Internal Revenue Code where the marriage penalty tax occurs. It will then come before this body, I am told. I believe the leader wants it scheduled before April 15.

There will be Members who will try to block this bill, with issues that are extraneous to the marriage penalty. They will be able to add things to it, or filibuster the marriage penalty tax elimination. I hope they think about what they would be doing in stopping the elimination of the marriage penalty tax. Before they take actions to block this important issue, I hope they just pause and say maybe I will try to amend my issue onto another bill; this one is too important. I don't think we need to be blocking it.

Just in looking at the marriage penalty tax, I hope people recognize the extent of its involvement and intrusion on married couples across the country. I have a chart up here to which I will refer a number of times. It shows the number of married couples affected by the marriage penalty tax across the United States. This is it. The chart represents married couples, and we don't know how many children are in these families who are also effected. We are talking about 25 million American families who are affected across the country by this penalty. In Kansas, we have 259,904 couples who are penalized by this marriage penalty tax.

Again, for those who haven't been following the debate, all our proposal would do is level the playing field. It would say that if you are married, a two-wage-earner family, you will pay the same in taxes as if you were two independent people living together; we are not going to punish you, or fine you, or penalize you for being married.

The average tax these 25 million American couples pay additionally for the privilege of being married is $1,480. That is a lot of money. That is a lot of money to a lot of people. I hope we cut the tax and send that back to the married couples across this country and say we are not going to penalize you anymore. That is what we are seeking for this body to pass.

The House of Representatives has already done good work in this area. The House of Representatives has passed a bill to provide marriage tax penalty relief for America's families in the 15-percent marginal tax bracket and to eliminate the marriage penalty in the standard deduction.

I think the House bill is a good starting point for our discussion of the marriage penalty reduction and elimination. Doubling the standard deduction, increasing the width of the 15-percent bracket, and fixing the earned-income tax credit where the marriage penalty exists will eliminate or reduce the marriage penalty for all families. It still doesn't get rid of it. The Marriage Penalty appears in over 60 different places in the Tax Code.

Down the road I hope we can get to a discussion of sunsetting the entire Tax Code and going to a flatter, fairer, and simpler system. I know the Presiding Officer has led the charge on doing precisely that. It is clearly something we need to do for the country, for the economy, and for the people, so many of whom, labor under this Tax Code in fear they are going to be found to have done something wrong when they are trying to be good, law-abiding citizens. But that is a debate for another day.

Right now we are trying to get at one issue. The National Center for Policy Analysis says the highest proportion of marriage penalties occurred when the higher-earning spouse made between $20,000 and $75,000. Clearly, we need to make marriage penalty elimination a priority for all families, not only a few.

Consider that—making between $20,000 and $75,000. You are looking at a two-wage-earner family, probably with a child, or two or three children, who can't afford to be penalized by this $1,480. They are currently being penalized under the Tax Code.

We see the numbers up here. We know the full extent of this.

I want to read—because I think these are so touching and important—statements of people who are impacted by this. We continue to collect these statements and letters from people because now people are calculating their marriage penalty tax. I hope in the next week or so to have a chart saying: OK. As you are watching this on TV, figure your marriage penalty. Have this as one spouse's income; there is another spouse's income; and here is where it meets. That is your marriage penalty, the tax you pay. The average is $1,480. Some pay more, some less; letting people know this is what they are penalized and this is the tax they are paying.

Listen to some of the stories from people around the country. This is Christopher from Fairfield, OH. This family said:

> One of the biggest shocks my wife and I had when deciding to get married was how much more we would have to give to the government because we decided to be married rather than live together. It does not make sense that I was allowed to keep a larger portion of my pay on a Friday and less of it on a Monday with the only difference being that I was married that weekend.

That is to the point.

This is from Andrew and Connie from Alexandria, VA.

> We grew up together and began dating when we were 18. After dating for three years we decided that the next natural step in our lives together would be to get married. I cannot tell you the joy this has brought us. I must tell you that the tax penalty that was inflicted on us has been the only real source of pain that our marriage has suffered.

I wish all marriages could be like that—that the only source of pain is the Tax Code. Is that a pain we should inflict on them? Is that something we should do to this married couple? They say: We are getting along pretty good. The only real pain is the Federal Tax Code and the tax penalty we are paying.

I don't think that is a good signal to send.

This is Andrew from Greenville, NC, who writes:

> It is unfortunate that the government makes a policy against the noble and sacred institution of marriage. I also feel it is unfortunate that it seems to hit young struggling couples the hardest.

That is probably the biggest point. If you have a combined income with the top wage earner making between $20,000 and $75,000—these are young married couples; they are struggling with a lot of issues, struggling with financial issues—and you lob on top of that a tax penalty, that really hits them, and particularly a lot of couples during the early years with young children.

This is Thomas from Hilliard, OH, who says:

> No person who legitimately supports family values could be against this bill. The marriage penalty is but another example of how in the past 40 years the federal government has enacted policies that have broken down the fundamental institutions that were the strength of this country from the start.

This is Sean from Jefferson City, MO:

> I think the marriage penalty is a major cause of the breakdown of the family here in the U.S. . . . [Ending it] would do a lot to cut down on the incidence of cohabitation by unmarried couples and give more children two-parent families where there is a real commitment between the parents.

I don't know if I would go as far as what he said—that this has been the major cause of the breakdown of the family in the United States. I don't think that is the case. But it is the wrong signal for us to send. We send signals all the time across the country of what we think is good and what we think is wrong.

Welfare reform: When we went through that fight—it was a very important fight—we decreased the welfare rolls in the country by 50 percent. We sent a signal that we think it is good to work. That is a good signal.

We should eliminate the marriage penalty tax. That is a statement about what we think is good. People are married and they shouldn't be taxed and penalized for that.

According to a recent Rutgers University study, the institution of marriage is already having problems in the United States and is in a state of decline. From 1960 to 1996, the annual number of marriages per thousand adult women declined by almost 43 percent. That impacts and hurts a lot of children. Not that single parents don't struggle heroically to raise children; they do many times very successfully. But that family can have a bonded relationship. Studies are showing again and again that the most important place we can put that child is in a loving relationship between two married people.

I am going to continue to come down to the floor regularly raising this issue because this body will have a chance to vote on this issue in dealing with the marriage penalty tax. I believe there are Members on both sides of the aisle of goodwill who want to see this marriage penalty tax eliminated. I don't think the penalty makes much sense to many Americans at all.

I hope as we start to engage this debate, in this body, that Members on both sides of the aisle will stand up and say: Yes, this is an important issue. We are not going to load it down with a lot of amendments. We are not going to load it down with a lot of extraneous issues. It passed the House. If it passes this body, we can get it to the President for his signature. It is an important signal to send across the country, and we are not going to block it.

There are a lot of ways in this body that you can block something—that you can put it forward and say you are for it but you are blocking it. I hope this would be one that we could say we are going to pass for the 25 million American married couples.

For those in South Dakota, 75,114 are penalized, and for those in Nevada 146,142 are penalized—I see my colleagues from South Dakota and Nevada—I hope they can say to them: We shouldn't be penalizing you.

We have the wherewithal to change this, and let's change it.

Thank you very much, Mr. President. I hope we will have a vote on a true marriage penalty tax bill before April 15 comes and goes. There will be other of my colleagues on the floor later on to address this issue as well.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXPORT ADMINISTRATION ACT OF 1999

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 1712, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1712) to provide authority to control exports, and for other purposes.

The Senate proceeded to consider the bill.

Mr. REID. Mr. President, Senator GRAMM is not here. The manager of the bill for the Democrats, Senator JOHNSON, has graciously consented so that I can say a word or two about this legislation.

I rise to speak about an issue that is of particular interest to me and our national economy. The issue I wish to discuss is export controls. As I stated previously, it is critical that the Congress support the engine of our thriving economy while still protecting the integrity of our national security.

Today in America consumer confidence is at a record high. Unemployment is at a 30-year low. New home sales set a record last year. The rate of inflation is less than 2 percent. The stock market has been surging, and corporation profits are better than analysts dreamed.

It was announced last month that we are experiencing a record 107 months of economic expansion. This is all proof that Congress and the administration has done a stellar job in steering the country in the right direction. And yet, thus far, we have been unable to pass legislation to update our export controls. The Bureau of Export Administration and the Defense Department are still conducting business under cold war era regulations. The economic and political world has changed dramatically. That is why I am so pleased that this bill has come to the floor today.

Last year, I met with Senators GRAMM, ENZI, and JOHNSON, in my office, to discuss export controls. They informed me that The majority leader pledged to them that the Export Administration Act would come to the floor before the end of 1999.

Everyone tried, but as happens a lot of times at the end of the session, it was unable to be brought to the floor. That is not because the Senators I visited with—ENZI, GRAMM, and JOHNSON—didn't try. These three Senators, for whom I have the greatest respect, have all worked hard and in good faith to bring all parties to an accommodation.

When this bill passed out of the Banking Committee, it had the full support of the committee and the business community, while still protecting our Nation's national security. I am afraid with the addition of many of the amendments in the so-called managers' package that this bill is losing support both from the business community and the national security interests. I hope we can work something out and not have to adopt the managers' amendment as it is written.

In January of last year, along with the distinguished majority leader, I, Senator DASCHLE, and a group of Senate Democrats, got together to form a high-tech working group. This group came about because we as Democrats realize the importance of high tech to the Nation's economy. Senator JOHN KERRY, through his leadership capacity, has worked very hard in this regard.

We also recognize that Congress can have a large impact on the growth, or potential growth, of this sector of our economy. Our initial goal was to educate our caucus on the high-tech issues. Because of the generation gap between those who run this industry and most Members in the Senate, this took a little time. However, we got to speed very quickly. We toured sites all over the United States, including high-tech sites in Maryland, Virginia, and Silicon Valley.

As with many issues, I often hear that Congress would best serve the public and industry by doing nothing at all. One of the areas most believe we can be of help is in the area of export controls of high-performance computers. There are currently a number of U.S. products that cannot compete with national competitors due to export control limitations, not because of national security interests but because of the slow review process here in Congress.

In June of 1999, and then in January of this year, with the urging of Senator DASCHLE, myself, and other Senators, the administration agreed to ease the level of controls which were referred to as MTOPS—million theoretical operations per second.

We, as well as those in the computer industry, were elated. There is a 6-month congressional review period for raising the level of MTOPS. The Banking Committee bill reduces the review from 180 to 60 days. By the Senate Banking Committee agreeing to the shortened review period of 60 days, the committee recognized a few important things:

No. 1, 180 days is too long for an industry whose success depends on its ability to beat its foreign competition to the marketplace;

No. 2, a shorter time period gives the Congress adequate time to review the national security ramifications of any changes in the U.S. computer export control regime.

While this is a good step in the right direction, I, along with Senators BENNETT, DASCHLE, KERRY, MURRAY, BINGAMAN, KENNEDY, and BOXER, believe that further reduction of this to 30 days makes more sense.

The high-performance computers we are talking about have a 3-month innovation cycle. Therefore, if 60 days are taken up in Congress, on top of the turnaround time for new regulations at the administration, the innovation cycle is long overdue.

There is no precedent for such a long review period. Even the sales of items on the munitions such as tanks, rockets, and high-performance aircraft only require a 30-day review period. The reality of the situation is that by limiting American companies to this degree we are not only losing short-term market share, but we are allowing foreign companies to make more money and, in turn, create better products in the future. This could lead to the eventual loss of our Nation's lead in computer technology, which has propelled the United States to the good economic standing we see today.

This amendment is critical to our Nation's economy and the success of our high-tech industry.

AMENDMENT NO. 2883

(Purpose: To amend the National Defense Authorization Act for Fiscal year 1998 with respect to export controls on high performance computers)

Mr. REID. I send this amendment to the desk for Senators REID of Nevada, BENNETT, DASCHLE, KERRY of Massachusetts, MURRAY, BINGAMAN, KENNEDY, and BOXER.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself, Mr. BENNETT, Mr. DASCHLE, Mr. KERRY, Mrs. MURRAY, Mr. BINGAMAN, Mr.

KENNEDY, and Mrs. BOXER, proposes an amendment numbered 2883.

Mr. REID. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 27, beginning on line 6, strike all through line 9 and insert the following:

(2) CONFORMING AMENDMENTS.—Section 1211(d) of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. App. 2404 note) is amended—

(A) in the second sentence, by striking "180" and inserting "30"; and

(B) by adding at the end, the following new sentence: "The 30-day reporting requirement shall apply to any changes to the composite theoretical performance level for purposes of subsection (a) proposed by the President on or after January 1, 2000.".

Mr. REID. I recognize the leader has said there will be no votes on this bill today; therefore, I will ask for the yeas and nays at such time as the leadership determines it is appropriate.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON. Mr. President, in the absence of Chairman GRAMM and Chairman ENZI, in order to expedite consideration of this very important legislation, I will go forward with a brief discussion and my view of the Export Administration legislation.

I rise today in support of the Export Administration Act. I have worked closely on export control issues with Senators ENZI, GRAMM, and SARBANES, and I am pleased that we have reached consideration of this important issue by the full Senate. There are several different classifications of exports. Items which can have both civilian and military applications are considered to be dual-use technology, and those goods are governed by the EAA.

There have been numerous attempts to reauthorize the EAA in the years since it expired in 1990. It is unfortunate that this legislation has gone unauthorized for most of this decade, and I strongly urge the Congress to not forgo this opportunity. Reauthorization becomes even more critical as legal challenges to the continued reliance on the expired EAA through emergency powers winds its way through the courts. After ten years of congressional silence, I am fearful that one of these challenges will ultimately succeed, leaving us without any control over sensitive dual use technologies. At that point, even technology which is universally agreed to be dangerous could be freely exported to countries considered to be direct threats to the United States. Reauthorization of the EAA in of itself adds a tremendous component to our national security.

I want to especially thank Chairman ENZI for his work on this issue. Without his hands-on leadership, we frankly would not be at this point today. S. 1712 is a testament to MIKE's hard work and the widespread support this bill enjoys derives from Chairman ENZI's commonsense approach to issues.

I want to note the important roles played by Banking Committee Chairman GRAMM and Ranking Member SARBANES of Maryland. We have had constructive participation across the board, and that bipartisan cooperation has brought us to this point. That spirit contributed to the unanimous 20–0 vote in support of S. 1712 in the Banking Committee.

We had a simple goal when we embarked on this effort: reduce or eliminate controls on items that do not have security implications and tighten controls on items that raise security concerns. While most everyone can agree on these principles, it is much more difficult to draft the language to accomplish that end.

We worked very closely with concerned Senators, the national security establishment, the administration, and the impacted industries. I believe we addressed the major concerns of each entity. We increased the penalties, making violators of export control laws pay a real price. We made the foreign availability and mass market standards a true measure of what items could be accessed regardless of U.S. sanctions, and provided for those items to be decontrolled.

S. 1712 strengthens our national security. For the first time, the Department of Defense will have unilateral appeal rights if it disagrees with an approved export. Penalties move from $10,000 per violation to up to $1 million per violation.

At one of our eight hearings on this bill, we heard from Representatives COX and DICKS on the Cox Report relative to exports to the People's Republic of China. We directly incorporate fifteen of the Cox Report recommendations in our bill to enhance national security. I might add that reauthorization of the EAA is one of the specific recommendations from the Cox Report.

America benefits when our businesses prosper. Exporting technology has long been an American success story. The technology field will lead our economy into the next century. But, new technologies could prove dangerous in the wrong hands, and our national security depends in part on limiting access to certain technologies. That is the balance we seek to strike, and I believe S. 1712 does that.

I look forward to a vigorous debate of these important issues. Passage of this EAA bill will make a significant contribution to our national security and will help bring transparency to our export control system. I encourage my colleagues to join this bipartisan, balanced approach to these critical issues.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Burns). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE AMERICAN ECONOMY

Mr. DURBIN. Mr. President, the Senate is about to engage in a debate about our Nation's budget for the next fiscal year which begins in October. When one tries to measure the values of politicians and political parties, the first place to look is how they spend money. Speeches are one thing, but the way we spend our money really explains who we are and what we value.

There is a real difference of opinion now between Democrats and Republicans about how we are going to spend our money in the next budget. On the Democratic side, we happen to believe we have a strong story to tell the American people about the progress that has been made in America under the Clinton-Gore administration for the last 7 years. In fact, a month or so ago, we completed the longest economic expansion in the history of the United States of America.

It is every political party's dream to be able to stand in this Chamber and say what I just said. Under the leadership of President Clinton and Vice President GORE, America is moving in the right direction. We are creating more jobs, and we are solving problems that people thought were intractable and insolvable not that long ago.

Take a look at the record from 1993 to the year 2000. We turned a record deficit of $290 billion in 1992 into a surplus of $176 billion in the year 2000. We have seen a paydown in our national debt. We have had 107 consecutive months of economic growth, and many new jobs and new houses and new businesses have been created.

Take a look at what they said was going to happen. These are the experts who tell us what we can expect. They said in 1993 that we were going to have a debt increase. They projected it at $761 billion over the last 2 years. In other words, more red ink, more need for us to borrow money and pay interest on it.

What happened instead under the leadership of this President? We ended up with a surplus. We actually paid down the debt of this country by $140 billion.

There are a lot of young people who come to Washington, DC, to visit this Capitol and to see their Government in action. I say to these young people, the best thing we can do for you is to continue on this course. Once this debt starts to go away, the need to pay interest on it goes away as well.

We collect $1 billion a day in taxes from families and individuals and businesses just to pay interest on old debt. We are moving in the right direction. America should not change course. We must keep expanding this economy and creating opportunity.

Take a look at what has happened between the end of 1992 and 1999. More Americans owned homes. This is the American dream, and the dream has gotten better for millions of Americans because the economy is strong and interest rates are under control and inflation is in check.

Take a look, as well, at the incomes of Americans across many groups. Those at the lowest income level all the way to those at the highest income level have seen a steady increase in inflation-adjusted income during the period of the Clinton-Gore Presidency. More people are buying homes, and income levels are going up for virtually every group across America.

Take a look at the tax burden, too, because many people on the Republican side will say taxes have gone up. They have not. Take a look at the median income for a four-person family and the percent of taxes they are paying: 16.8 percent in 1992, 15.1 percent in 1999. The tax burden for the typical family in America has gone down.

Of course, it is good news when it comes to employment. We have the lowest unemployment rate in 30 years: 7.5 percent when the President came to office, now down to 4.2 percent.

The problem most American businesses tell me about when I visit them is: We need to find skilled workers; we have job opportunities; we need the workers to fill them.

Now what are we going to do? We are going to debate a budget resolution in the Senate and the House where the Republicans will come forward and say we need to change all this; we need to try a different approach; things are not working as well as they could.

I think we ought to let history be our guide, and it is suggesting to us that we are on the right path, we are in the right direction, and we do not want to change course and go out on a risky venture.

The real question now is whether the Republican leadership in the Senate will come forward with a budget that has a tax cut proposed by their likely candidate for President, George W. Bush from Texas. It is a substantial tax cut and one, from my point of view, which goes too far and threatens the viability of the Social Security trust fund.

Take a look at what the tax cut means. The Bush tax cut which was proposed during the course of his campaign—and I am sure it will be the centerpiece of his campaign from this point forward—says that if you happen to be in the top 1 percent of American earners with an income above $300,000 a year, your cut is $50,000 each year. Not bad. In the 60-percent range, with income below $39,000, the George W. Bush tax cut is worth about $29 a month.

Does it make sense that we would jeopardize the growth of our economy, keeping our debt under control, paying it down, creating jobs, new businesses, and home ownership to give a tax cut of $50,000 a year to the richest people in America? The Chairman of the Federal Reserve Board, Alan Greenspan, said: Don't do it; it doesn't make sense; it is risky; it is dangerous.

I hope we do not. But the Senate and House Republicans will present their budget, and they will tell us whether they stand behind Governor George W. Bush and their tax cut proposal or they want to stand behind the plan that has brought the economic prosperity we enjoy today.

The President has come forward with a responsible budget. It pays down our national debt, it creates targeted tax cuts, and if we are going to take some of our surplus and give it to American families, it provides we do it for things they need: A $3,000 long-term care tax credit for the fastest growing group of Americans, those over the age of 85, to help the sons and daughters of those who are in older age situations to pay for their long-term care; expanded educational opportunity—we need a new college opportunity tax cut. This is going to help people across the board, regardless of income: A deduction of college expenses so that young people can go to school, improve their skills, and add to our economy and their lives.

Marriage penalty relief is something I think should be done on a bipartisan basis. The President proposes it; money for new accounts, retirement, and expanding the earned income tax credit.

This is the bottom line: In a matter of a few hours, the Senate Budget Committee, under the leadership of Senator DOMENICI, will come forward with a budget, and we will be able to see for the first time whether or not the Republicans on Capitol Hill support George W. Bush's call for a tax cut, a tax cut that has been branded unwise by Chairman Greenspan and one that, by any modest projection, is going to invade the Social Security trust fund.

It will be a test to see what the real issue of this campaign will be: Whether the congressional Republicans back Mr. Bush's idea and want to venture out on some risky and perhaps dangerous venture that could jeopardize the growth in our economy or they want to stay the course on a responsible, fiscally disciplined approach that has come forward in the last 7 years.

The American people are going to have a clear choice. If every election is a pocketbook election, we on the Democratic side welcome it. America's pocketbooks are better now than they were 7 years ago. We believe Americans want to continue this progress and move forward, addressing those people in America who have not benefited from this economic expansion, addressing serious challenges such as expanding education and health care, and doing it in a fiscally sensible way so that at the bottom line, on the last day, in the final chapter, we can say to the next generation of Americans: We paid down this debt, we gave you a strong America moving forward, and now it is your chance to take over.

That is the best thing we can do, and we do not want to jeopardize that by giving tax cuts to wealthy people, spending money we do not have, and ignoring the reality of the progress we have made over the last 7 years.

I can recall when President Clinton came forward with his budget proposal in 1993 that started us on this path of economic expansion.

We could not get a single Republican vote to support it—not one in the House or the Senate. In fact, Vice President GORE cast the deciding vote for the President's budget plan. Not a single Republican Senator would support it. Thank goodness the Vice President was there to do it.

When he cast that vote, we not only won on that issue, the American people won. We embarked on a course which has really given America a great opportunity. This is an optimistic and forward-looking Nation now.

This Presidential campaign, and all of those who are candidates in congressional elections, will now put to the test the question as to whether or not we are going to continue this course of moving forward with the progress in our economy.

To the naysayers who claim to have a better idea, I suggest that historically there has never been a period of greater economic expansion in this country. We want it to continue. We will see this Republican budget tomorrow and find out whether the leaders, the congressional leaders on Capitol Hill, want to continue this course that really moves America forward or if they want some risky new venture that includes the Bush tax cut.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. I ask unanimous consent to be able to speak for up to 15 minutes as in morning business, after which Senator GRAMM be recognized to go back to the bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

GAS AND OIL PRICES

Mrs. HUTCHISON. Mr. President, I rise today to speak about the high gasoline prices that every one of our constituents is finding at the gas pump today and about the rise in home heating oil prices my friends from Maine and Vermont were talking about that are hurting their States so much.

In fact, I commend Senator MURKOWSKI for holding a hearing today in the Energy Committee to talk about this issue and what we can do to address it. I was slated to be one of the people testifying at the hearing, but because I was visiting with education leaders from my State, I could not be there and missed the hearing.

I want to speak on this issue because this is a crisis coming down the road. For the people in Maine and Vermont, it is here already. But for our constituents who are going to try to take vacations this summer, it is going to hit them right between the eyes because gasoline prices at the pump are going up, and I see no relief in sight.

The common refrain today is, the United States has no energy policy. That is not really accurate. The United States does have an energy policy, and it is the wrong one. Our policy is to restrict domestic exploration, and in those areas where exploration is permitted, there are punitive taxes and regulations on producers.

The result is that at periods of low prices, such as we had last year—prices on which a small producer cannot break even—those producers leave the business and they do not come back.

The fact is, when it comes to our most precious commodity, we do not control our own destiny. We are seeing our Energy Secretary going hat in hand to foreign countries and saying: Please, produce more oil.

Worse, we had plenty of opportunity to address this crisis. It did not just happen in a vacuum. In 1998 and 1999, crude oil prices hit their lowest point in decades: $9 a barrel, $8 a barrel. Hundreds of thousands of small wells shut down, and thousands of jobs were lost. Of course, it made us more vulnerable because we lost the production. We have ignored this cycle since the oil price shock of the 1970s. Our dependence on oil from foreign countries is now at 55 percent.

Energy-producing and energy-consuming States share two interests: Maintaining a large and reliable source of energy in our own country, and reducing volatility in oil and gas prices.

Unfortunately, the measures proposed by this administration to address the current crisis in home heating oil will not address either of these priorities. There is talk about increased funding for the Energy Department Weatherization Assistance Program, which helps homeowners make their homes more efficient. Others support an increase in the Federal Low-Income Home Energy Assistance Program to provide heating assistance to low-income families. We are discussing a temporary adjustment of EPA sulfur content limits in home heating oil. I have seen requests for additional appropriations for the Coast Guard icebreaking efforts in waterways. We are even considering getting the Federal Government into the price-fixing business by releasing oil from the Strategic Petroleum Reserve.

These are stopgap measures. But the most important thing is, if we enacted all of them, it would not solve the problem. We need a policy that encourages domestic production that is sustainable when prices go below break even.

While the problem is fairly localized now, we are going to see long gas lines this summer or we are going to see people not taking their summer vacations.

Instead, we need the quick fixes—we need to address some of those areas that need fixing right now for low-income families—and we need an energy policy that goes along with it that will sustain domestic production through the busts we have seen in the last 2 years. We need price stability.

The first step toward breaking that cycle is a simple one: Understanding that cold Vermont households and out-of-work Texas wildcatters are two sides of the same coin—our overdependence on foreign energy sources.

At the heart of our growing dependence on overseas sources has been the steady decline in the number of small producers. Wildcatters—small producers—once drilled more than 9,000 wells a year. Last year, there were 778. You wonder why we have an oil shortage? Many of these wells are so small that once they close, they cannot be reopened; it is not financially sound to do so.

What are we talking about? What is a wildcatter? A wildcatter is a person who has a well that produces 15 barrels or fewer a day. There were close to 500,000 such wells across the United States. Together, those wells, at just 15 barrels a day, have the capacity to produce 20 percent of America's energy needs. This is roughly the same amount of oil that is imported from Saudi Arabia. During last year's oil price plummet, more than one-fourth of these small wells closed, most of them for good. We have it within our capacity, in our country, to produce that 20 percent of the oil that is consumed here, which is the same amount we are importing from Saudi Arabia.

The overwhelming majority of producing wells in Texas are these marginal wells. In fact, marginal wells account for 75 percent of all crude production for small independent operators, up to 50 percent for midsized independents and 20 percent for large companies. So even the major companies can make a go of it with the small wells if we do not saddle them with so many costs that it is not financially feasible.

A more sensible energy policy would be to offer tax relief to producers of these smaller wells; that would help them stay in business even when prices fall below break even.

For 2 years I have been working with my great cosponsors—Senators DOMENICI, NICKLES, BREAUX, and LANDRIEU—on legislation that would provide incentives to these small producers. When they can stay in business during these low prices, supply will go up and we will not see that supply shortage causing high price spikes.

I think our legislation provides a quite reasonable tax credit: A $3-a-barrel tax credit for only the first three barrels of daily production in one of these small wells. We offer similar credits for small gas wells.

The marginal oil well credit would be phased out when prices of oil and natural gas actually go up. For oil, it would phase out at $14 to $17 a barrel. We are not talking about having tax credits today when we are paying $30 a barrel for oil; we are talking about tax credits when the price falls below break even. At 14 to 17 barrels a day, a small producer can make it. So when the price goes up, the tax credit goes out. The tax credit is only for the first three barrels in a well. A counter-cyclical system such as this would keep these producers alive during these record-low prices. They are not grabbing when the price is $20 a barrel; they are trying to stay in business and keep those jobs when the price goes below break even.

There is another benefit to encouraging marginal well production. It has a multiplier effect. In 1997, these low-volume wells generated $314 million in taxes paid to State governments. These revenues were used for State and local schools, highways, and other State-funded projects.

Another part of our plan is to offer incentives to restart inactive wells by offering producers a tax exemption for the cost of doing so. So going in and trying to reopen a well that has been capped, which is very expensive, could be done with a tax exemption for the expenses of doing it, and that would ensure greater oil availability and increase Federal and State tax revenues. Everyone would win—more jobs, more tax revenue for our States, and, most importantly, more domestic oil.

Actual results have shown that this can work. In my home State of Texas, a program similar to this has met with huge success. Over 6,000 wells have been returned to production, with State tax abatements injecting $1.6 billion into the Texas economy in a year. Think what we could do nationwide.

A recent study by the Interstate Oil and Gas Compact Commission examined State incentive programs and found that the average program attracts $1.1 billion in investment over its lifetime, with over $50 million in net tax collections typically associated with each incentive. That incentive will create 6,000 jobs and $16 billion in impact for the States.

There is more to do. We should look for ways to reduce the cost of excessive regulation on our domestic producers. This was what the fight we had last year over MMS royalty valuation was about. Some said it was a giveaway to big oil. It wasn't. It was about keeping costs low so we don't push more producers out of business. Maybe those paying record prices for home heating oil and gas today have a different perspective on that issue now. The MMS is going to release its new oil royalty valuations tomorrow, and I challenge everyone to see if they raise the price of drilling for oil on public lands. If they do, the President is just saying, yes, we are going to continue that policy to try to keep domestic production down so we can be held by the throat by OPEC countries.

The overlapping regulations that govern exploration and production and refinement add $4 to $5 a barrel to the cost of oil. Compare that with the overall cost of production in Saudi Arabia, including capital and labor, of $2 to $3 a barrel. Is it any wonder that oil companies are drilling in Saudi Arabia instead of in our country, providing jobs for our citizens?

Our fight last year on MMS was over the opposition to adding yet another complicated scheme of rules and further raising the cost of production. When gas prices were low, few Senators were listening. In fact, the major television networks weren't listening either. They were pretty brutal during that debate. Today we are seeing the results of that brutality.

We don't have to be at the whim of market forces. We don't have to be out of control of our own domestic oil production. What we need is to be part of the price setting, not the price taking. We must increase our domestic oil supply.

This is something we can all rally around. I will work with the Northeastern Senators to get quick fixes to their problems. I will work with all of the Senators whose constituents are going to be affected by high gasoline prices. But let us not do a quick fix without also having a longer term fix that would keep our jobs in America, that would keep our oil prices stable, that would keep the revenue coming into our States for schools and highways at a time when prices go below break even. We can have a win for everyone, if we can pass legislation that will provide help for everybody and provide a stable oil supply for our country. We have the opportunity to create a domestic policy for oil and gas in this country that makes sense and will benefit all of our constituents. Let us take that chance.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

UNANIMOUS CONSENT AGREEMENT—S. 1712

Mr. GRAMM. Mr. President, I ask unanimous consent that the pending bill, S. 1712, be placed back on the calendar as it existed yesterday before the unanimous consent agreement calling up S. 1712.

The PRESIDING OFFICER. Is there objection?

The Senator from Nevada.

Mr. REID. Mr. President, I ask that the unanimous consent request that has been suggested be amended to read as follows: Consent that the pending bill, S. 1712, be placed back on the calendar in its present status and that the bill become the pending business again at the discretion of the majority leader with the concurrence of the Democratic leader.

The PRESIDING OFFICER. Is there objection?

Mr. THOMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. May I inquire of my colleague exactly what he just suggested, that it be placed on the calendar now and that it be brought back up as pending business at the discretion of the majority leader?

Mr. REID. The two leaders.

The PRESIDING OFFICER. The Chair will sort this out. We have a unanimous consent request on the floor now put forward by the Senator from Texas. We have to deal with that first before we can even go to another phase. Is there objection to the unanimous consent request?

Mr. GRAMM. Mr. President, let me for a moment withdraw the unanimous consent request and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAMM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMM. Mr. President, I ask unanimous consent that the pending bill, S. 1712, be placed back on the calendar in its present status, and that the bill become the pending business again at the discretion of the majority leader with the concurrence of the Democrat leader and the chairman of the Banking Committee.

Mr. REID. Mr. President, reserving the right to object, I, first of all, state how appreciative I am of the work done by Senator Johnson and Senator Gramm, the chairman of the Banking Committee. I feel badly that we are not going to be able to go forward on this legislation.

We are going to agree to the unanimous consent request, but not because this bill shouldn't be considered. We should be legislating on it today. It is important legislation. It is being held up on the other side of the aisle. This is legislation that the high-tech industry feels confident should be passed.

I simply say that the cold war is over, but the high-tech war is just beginning. We need to be the winners of that war.

The minority is reluctantly agreeing to this unanimous consent request. We hope the rest of the day and tomorrow can be used in a constructive fashion. We hope the chairman of the Banking Committee can use his experience—he certainly has experience; he proved that when he was in the House of Representatives, and here—to be able to get the warring parties together and move this legislation forward.

We have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMM. Mr. President, let me give a word of explanation. First of all, let me make it clear that it is my intention as a person who has concurrence in this decision not to bring the bill back up through this procedure, nor will I support it being done unless there is an agreement among the parties. Obviously, I would have a right to file cloture on the motion to proceed at some point.

Let me explain what has happened. We have for the last 3 weeks been trying to work out concerns about a very tough, very important, and very complicated bill. America has two competing interests. On the one hand, we want to produce and export items that embody high technology because that is the fastest growing industry in the world. We are the world leader in the high-tech industry, and it creates the best paying jobs in America.

We have that as one objective. On the other hand, we want to prevent technology that has defense and security implications from falling into the hands of those who might use that technology against the United States of America and our interests. Between these two interests, there is competition and friction. These are very complicated and very tough issues.

In the last 3 weeks, roughly half a dozen Members of the Senate have been working to bring to the floor and pass a bill that passed the Banking Committee 20-0 and that would do something we have not done since 1990: to set in place a new permanent law to protect America's access to the high-tech world market and at the same time protect our national security.

We thought yesterday that we had reached an agreement in principle that would allow us to bring the bill to the floor. The problem with reaching agreements in principle is that, as one of my famous constituents once said, the devil is in the details. We found ourselves today thinking we had such an agreement but having great difficulty getting the language to comport to what each individual felt the principle to be. Under those circumstances, I thought good faith required that the bill be pulled down. So we pulled the bill down, and it will not come up under this consent agreement unless an agreement is worked out among the parties that were engaged in this negotiation.

I think we all agree that no one acted in bad faith, but what happened was, on a very complicated and very important matter, agreeing in principle is not agreeing to the details.

We are hopeful that in the next few days we might still work out these details. If we do, then we will go to this unanimous consent agreement and bring the bill back up. If we don't work out those differences, we will not.

Before I yield the floor, because I know the distinguished Senator of the Foreign Relations Committee wants to take the floor, I will make a general point.

We started dealing in export control in 1917 with the Trading With the Enemy Act. We then had the Neutrality Act in 1935, and, with the beginning of the cold war, the Export Control Act became law in 1949. We were in a life and death struggle with the Soviet Union. There was an "evil empire." There was a cold war. We won the cold war, and export control on a multilateral basis played a key role in that victory.

In those days, two things existed which no longer exist. One was that the United States had a virtual monopoly in high technology. Indeed, we were the world's undisputed leader in technology. Virtually, every area in the world had been decimated by World War II, and we stood supreme. So technology was an American monopoly.

Second, in 1949, most of the new technology was driven by defense research. Our legitimate concern, life and death struggle concern, was that this defense research embodied in American industry would end up leaking abroad where it could threaten American national security.

By 1990, our consensus had started to fade on the Export Administration Act, and while for two brief periods—from March 1993 through June 1994, and from July 1994 to August 1994—we had temporary solutions, since 1990 we have had no permanent law to protect American national security.

Today, the world is very different. We have won the cold war. Today, technology is driven by private industry. Today, it is not defense labs that are generating the new technology that drives American business, it is American industry.

We had set out in our export law the number of MTOPS, millions of theoretical operations per second, that a restricted computer could employ, thinking we were protecting what we then called supercomputers. Now, any schoolchild with a computer has the technical capacity, or can get it, and exceed that limit. The number of MTOPS is doubling every 6 months.

So we were faced with a decisive question: Can we pass a law and control this technology? We could pass a law and stop it in the United States, but it would occur elsewhere in the world.

What we ultimately have to decide is: Is our security tied to our being the leader in technology, or is it tied to our ability to hold on to the technology we have and not share it with anybody?

I believe in the end that American security is tied to our leadership in technology. I believe that we have put together a good bill. There is a debate about the details, and there are legitimate differences. As Thomas Jefferson once said: Good men with the same facts are prone to disagree. I have seen nothing in my political career or personal life to convince me that Jefferson was wrong about much of anything, but he was certainly not wrong about this.

We have put together a bill that we believe meets national security concerns. But trying to deal with concerns about Presidential powers and waivers is extremely complicated. Yesterday we reached an agreement in principle. There was the nucleus of the agreement, but getting to the details this morning proved more difficult than we anticipated. To be absolutely certain that everyone's rights are preserved, and to be certain we are dealing in good faith, I concluded—and all of the members of the negotiation agreed—that the bill should be pulled down. As a result, I pulled it down.

I am hopeful that perhaps as early as tomorrow these differences can be worked out. I don't know whether they can or they can't. I believe America would be richer, freer, happier, and more secure if they could. If they are not worked out, it won't be because I didn't make the effort. I want it to be worked out. I hope it can be. Whether it can be or it can't be, I want to be certain that we are dealing in good faith and that we are dealing with each other on that basis.

I think we have preserved that here today. I appreciate my colleagues' help. Someone could have done mischief by objecting; my preference was to go back to the status quo, but we couldn't do that. We have achieved the same result with this agreement, and I thank my colleagues for agreeing to it.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

THE RADICAL AGENDA OF CEDAW

Mr. HELMS. Mr. President, earlier this morning I was thinking about 20 years ago when a delightful young lady Senator from Kansas served in this body, Nancy Kassebaum. She was a lady in every respect, and I miss her to this good day.

I was thinking about Nancy because today is International Women's Day. The radical feminists are at it again. They have chosen once again to press their case for Senate ratification of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women, and that has the acronym of CEDAW.

Let's examine this treaty which women organizations—including some of the more liberal women in Congress—are so eager to have approved by the Congress and reported out, first of all, by the Foreign Affairs Committee, on which I am chairman. They put out a press release yesterday that they were going to picket me. I guess they were going to scream and holler at me as they tried to do not long ago, which suits me all right because I have been screamed and hollered at before by the same crowd.

"This urgently needed" treaty, as they describe it, has been collecting dust in the Senate archives for 20 years. It was submitted by President Carter to the Senate in 1980. In these years since President Carter sent it to the Senate, the Democratic Party controlled the Senate for 10 of those years and the Democrats never brought it up for a vote.

Indeed, in the first 2 years of the Clinton administration, when the Democrats controlled not only the Senate but the White House, the Democrats never saw fit to bring this radical treaty up for a vote. They were silent in seven languages about it.

Now, suddenly, 20 years later, they demand to be given urgent priority in the recommendation of this treaty, and that it be considered first by the Foreign Relations Committee and then by the Senate.

I say dream on because it is not going to happen. Why has CEDAW, the Convention of Elimination of All Forms of Discrimination Against Women, never been ratified? Because it is a bad treaty; it is a terrible treaty negotiated by radical feminists with the intent of enshrining their radical antifamily agenda into international law. I will have no part of that.

Let me give a few examples of the world in which the authors and proponents of this treaty would have all live. Under this treaty, a "committee on the elimination of discrimination against women is established with the task of enforcing compliance with the treaty."

Mr. President, how about a few excerpts from the reports that the committee has issued? They provide a telling insight into the hearts and minds of the authors who wrote this treaty in the first place.

What do they propose? They propose global legalization of abortion. The treaty has been intended, from the very beginning, to be a vehicle for imposing abortion on countries that still protect the rights of the unborn. For example, this committee has instructed Ireland a country that restricts abortion, to "facilitate a national dialogue on * * * the restrictive abortion laws" of Ireland and has declared in another report that under the CEDAW treaty "it is discriminatory for a [government] to refuse to legally provide for the performance of certain reproductive health services for women"—that is to say, abortion.

Another issue: Legalization of prostitution. In another report issued in February of, 1999, the CEDAW committee declared:

> The committee recommends the decriminalization of prostitution.

They even called for the abolishment of Mother's Day. The CEDAW crowd has come out against Mother's Day—yes, Mother's Day. Earlier this year, the committee solemnly declared to Belarus its "concern [over] the continuing prevalence of * * * such [stereotypical] symbols as a Mother's Day" and lectured Armenia on the need to "combat the traditional stereotype of women in 'the noble role of mother.'"

There are not enough kids in day care, they claim.

The committee informed Slovenia that too many Slovenian mothers were staying home to raise their children. What a bad thing for mothers to do—think of it—staying home with their children. This committee warned that because only 30 percent of children were in day-care centers, the other 70 percent were in grave danger of, now get this, "miss[ing] out on educational and social opportunities offered in formal day-care institutions."

Another thing, mandating women in combat. Boy, they are hot to trot on that. In a 1997 report, the CEDAW committee mandated that all countries adopting the treaty must ensure the "full participation" of women in the military, meaning that nations would be required to send women into combat even if the military chiefs decided that it was not in the national security interest of, for example, the United States of America.

This is the world that the advocates of this CEDAW treaty want to impose on America. That is why they are picketing my office right now, demanding the Senate Foreign Relations Committee consider this treaty and report it out to the Senate for approval.

I say to these women who are picketing my office: Dream on. If its authors and implementers had their way, the United States, as a signatory to this treaty, would have to legalize prostitution, legalize abortion, eliminate what CEDAW regards as the preferable environment of institutional day care instead of children staying at home.

This treaty is not about opportunities for women. It is about denigrating motherhood and undermining the family. The treaty is designed to impose, by international fiat, a radical definition of "discrimination against women" that goes far beyond the protections already enshrined in the laws of the United States of America. That is why this treaty was publicly opposed in years past by, as I said earlier, Nancy Kassebaum and many others, who felt as I did then, and still do, that creating yet another set of unenforceable international standards would dilute, not strengthen, the human rights standards of women around the world.

We need only to look at the conditions of women living in countries that have ratified this treaty, countries such as Iran and Libya, to understand that Nancy Kassebaum was right in her opposition to the Treaty on the Elimination of All Forms of Discrimination Against Women. The fact is, the United States has led the world in advancing opportunities for women during the 20 years this treaty has been collecting dust in the Senate's archives. I suspect that America will continue to lead the way, while the CEDAW crowd and the treaty sits in the dustbin for a few more decades to come. If I have anything to do with it, that is precisely where it is going to remain.

I do not intend to be pushed around by discourteous, demanding women no matter how loud they shout or how much they are willing to violate every trace of civility.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

MORNING BUSINESS

Mr. ENZI. Mr. President, I ask unanimous consent there be a period for the transaction of morning business with Senators permitted to speak for up to 10 minutes each until 3 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. Mr. President, several of us have comments that we wish to make on the Export Administration Act. Senator THOMPSON was waiting before I was, so I yield.

The PRESIDING OFFICER. The Senator from Tennessee.

THE EXPORT ADMINISTRATION ACT

Mr. THOMPSON. Mr. President, I thank Senator ENZI very much. I do wish to make a couple of comments in response to the chairman of the Banking Committee, the Senator from Texas.

First of all, I appreciate his taking the bill down and giving us an opportunity for further discussions and negotiations. Apparently, there are still some items on which some Members are trying to come together. I must say, and have said to my friends, Senator GRAMM and Senator ENZI, that my concern goes deeper than some of the details we are working on right now. Unless some very substantial changes can be made, which I do not anticipate, I could not support the bill. I will not be the one standing in the way of proceeding on the bill, but I reserve all my rights as we proceed and discuss it. It does need full discussion. It is a very serious matter. I am afraid it has not yet gotten the attention it deserves. We will have some amendments, hopefully, to improve the bill as we go along.

I agree with my friend from Texas that it is a different time. We are not in the cold war anymore. No one can put the technological genie back in the bottle. But our export policies have quite adequately taken that into consideration. In fact, many on this side of the aisle, people around the country, have been quite critical of this administration because of the liberality or the looseness of the export controls that we are operating under now, under Executive order. As we know, we have not had a reauthorization of the Export Administration Act since 1994. We have been operating basically on Executive orders. I personally feel the Executive orders we are operating under with regard to our export controls are too loose and need tightening.

We saw what happened with regard to the exporting of our satellite technology and the Hughes and Loral situation that is under investigation by the Justice Department right now, where we got the Chinese to send our satellites up in orbit but apparently in the process gave the Chinese some very sophisticated technology that would assist them with regard to their missile program. So Congress reacted to that.

The Commerce Department had, previous to that, transferred the jurisdiction of satellites from the State Department to Commerce. It was all under Commerce. We took a look at that and said that does not belong in Commerce. Commerce has a legitimate concern about trade and exports for sure, but that is not the only concern. When you are exporting materials that have national security significance, so-called dual-use items that might be militarily significant to countries that you do not want to be helping, then the State Department needs to be concerned, too. So Congress insisted that jurisdiction be brought out from Commerce and given back to the State Department.

We have also seen what the administration has done with regard to high-performance computers. They reassess the situation every 6 months. They are increasing the MTOPS level for the export of high-performance computers to countries such as China and other third-tier countries at a very brisk rate. The MTOPS level has gone from 2,000 in 1996 to 12,500 for military, as we speak. The anticipation is that the MTOPS level will continue on a pace very significantly.

Now we have an amendment this morning, as I understand it, that would cause that review to happen not only every 6 months but every 30 days. The Department of Commerce would be looking at our high-performance computers and whether or not we ought to reassess sending more computers, something that we have had the dominant position on throughout the world, something the Chinese, until recently, had no indigenous capability of developing. We continue to supply them. We take into consideration things such as the abilities of foreign countries.

My point is, the Department of Commerce is hardly being guarded as they establish their policies of exports as far as high-speed computers are concerned. Many people, including myself, are concerned that they go too far and too fast because we do not know what the Chinese, for example, are really doing with them. We are told they have clustered together computers of lower MTOPS levels and have come up with something much, much more significant than what, perhaps, we think they have.

We were told by the Cox commission that the Chinese are using our high-performance computers for their simulations for their nuclear program. We were told that they use our high-performance computers to assist them in their biological and cryptology programs.

The cold war is over, and the last time we reauthorized this act, Jimmy Carter was in the White House. Indeed, the cold war has come and gone, but we have new challenges on the horizon. We do not have the old Soviet Union anymore, but we do have the Chinese who, the Rumsfeld commission tells us and the Cox commission in great detail explains to us, are very aggressively attempting to get their hands on our technology.

We know about the situation in Los Alamos. We know about their endeavors, as far as their commercial enterprises around the country. They tell us, in addition to that, they are feeding off our technology that we are exporting to them to use in the most troublesome manner, as they continue to be one of the world's greatest proliferators of weapons of mass destruction. It is not just what they are doing in China, but it is what they are doing around the world.

We have every reason to be extremely concerned about our export policies in light of these developments. We were warned by the Rumsfeld commission that we are facing a threat such as we have never faced before in this Nation with regard to these rogue nations and their increasing capabilities. We were warned by the Deutch commission. We were warned by the Cox commission. We were warned by at least two recent national security estimates in terms of the capabilities of these rogue nations. They all say they are getting much of their stuff from the Russians and the Chinese.

This is the backdrop against which we are considering reauthorization of the Export Administration Act. My concern is not that we are reauthorizing and taking a look at it, it is that we are looking at it totally from the wrong direction. We should be looking at ways of getting more training for our people who are serving as export licensers. We need to do more on end users. We do not know when we send a high-speed computer or high-performance computer to China what happens to it.

Up until 1998, the Chinese would not even let us check on end users. Out of 600-some computers we have sent over there, we have had one end user check.

According to the Cox commission, in 1998, we got an agreement with the Chinese to check with the end users, but the administration will not release that agreement. The Cox commission says they have seen it—they cannot release it—but it is totally inadequate. This is the backdrop against which we are considering reauthorizing the Export Administration Act.

What do we do with this bill, S. 1712? The bill does some good things, I think. There are some provisions in it that move in the right direction, but they are fairly minimal. In many important respects, it, first of all, further incorporates into law things this administration has been doing by Executive order and then creates new legal categories, all of which liberalize or loosen export controls.

It creates a category with regard to foreign availability. Foreign availability is taken into consideration now by the Department of Commerce in making its decisions as it increases these end-top levels. They take that into consideration. What this bill will do is put it into law and set up a technical group within the Department of Commerce to make a determination if there is foreign availability, and, if so, lickety-split, it does not matter what the end-top level is at Commerce when that happens, it goes out the door.

We have seen from hearings in our committee that there is sometimes great disagreement as to whether or not there is foreign availability with a certain item. It is not just strictly a green-eyeshade matter of physics; it is something that ought to be considered very carefully and should not be left up to the unilateral discretion of Commerce.

This bill gives Commerce more discretion than it has ever had before. We have been very critical of the practices of the Department of Commerce in this administration in times past. I suggest we consider very carefully whether or not we want to give even more authority to the Department of Commerce as we move forward.

Another category is created out of whole cloth: mass marketing. That is not in common practice now; that is not in current Executive orders now. It basically says if it is mass marketed in this country, even if it is not in another country, the assumption is they are eventually going to get it, so let's send it to them, taking into consideration the advantage we might have of at least having a delay as we consider our policies in this Nation, such as the National Missile Defense Program or things of that nature.

We are creating mass marketing. We are creating foreign availability. We are creating embedded components: No matter if a component is controlled, if it is part of a larger component, and it is only so much of the value of that larger component, you look at the value and not the inherent nature of the component itself. That is not right. We ought to look at the component, and if it is controlled, it ought to remain controlled whether it is in a larger item or not. It is another category where we are taking additional items out of control.

Each of these things can be and, I assure you, will be debated in some detail as to whether or not it is good policy, but I think there can be no argument on two points: First, there is greater discretion in many respects in the Department of Commerce and in the Secretary of Commerce. Second, this bill tips the scales in favor of more exports. That is the reason we are doing it.

I personally have not heard any complaints—maybe there are complaints out there; I do not say there are not—from exporters who are not getting things through fast enough. Maybe we need more people. Maybe we need more folks handling the paperwork. Whatever. I do not argue that point.

I do not hear any hue and cry that we are not shipping dual-use possibly militarily significant items out fast enough. But one could look at this bill and assume that is the underlying motivation, that we believe we need to loosen up the export controls a little bit.

It is an honest disagreement. My friends have worked very hard on this. They have tried to be as accommodating as they know how, but we approach this from a fundamentally different vantage point.

I look forward to the discussion when we get on the bill. I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, as you can tell from the discussions that have gone on today, this is not the simplest bill that has ever come before Congress. There are a lot of complexities.

There are still, obviously, a lot of misunderstandings about what is in the bill.

There is increased money for enforcement, increased people for enforcement, a tie-down on how we check on end users. But I do not want to get into those very stimulating, exciting details right now. I want to make some more general comments so that my colleagues and other people who are interested in this bill have some idea of why we are having the difficulties we are having.

I am one of those people who agrees—and I think Senator THOMPSON agrees—that the system is broke. I thought we were going to have a debate today on how Congress can fix it because Congress is quickly realizing that we are sacrificing national security and impeding export growth at the same time. We have a chance to fix that problem with this bill or to let it remain broken for about 18 months, at a minimum.

If we do not debate this before the budget and appropriations bills come up, which will be the agenda for the rest of this year, we will not be able to debate it until the nominations of a new administration have been completed and those people understand this difficult area.

In January of 1999, I became the chairman of the Banking Subcommittee on International Trade and Finance. Shortly thereafter, this issue was thrust into prominence. It was disclosed that China had access to United States military secrets, and the congressional Cox commission emphasized the problem with the release of their classified report.

I also found out the Export Governing Act had expired in 1994. That was the Export Administration Act of 1979. Our country was operating under emergency Executive orders to keep any semblance of security at all.

I had a briefing on and read the classified Cox report. I was dismayed.

I followed the history of export licensing and found out there had already been 11 attempts to renew the Export Administration Act. All had gone down in flaming defeat. I read the documentation on the failed bills. I am always amazed at how much documentation there is of what has been done in Congress.

Several people who had tried to rescue the failed bills are still around. I visited with them. I made several trips downtown to see how the committee process of export licensing works at the present time. I drafted a bill. I began working with the ranking member of my subcommittee, Senator JOHNSON of South Dakota. Without his cooperation and interest, and without the dedication and involvement of his staff, we would not have gotten to this point today.

We looked at the problem. We searched for the difficulties. We established some goals. We began to meet with anyone and everyone. We met with all the agencies involved. We met with companies. We met with industry groups. We met with any Senator willing to give a few minutes or a long period of time. I was amazed at how many were interested.

This bill has an interesting constituency. There are two main groups. Neither group has the votes to pass the bill, but each of them has the votes to kill the bill.

Of course, everyone knows it is easier to kill a bill than it is to pass a bill. To kill a bill, you only need one negative vote anywhere in an 11-step process, and it is dead. You just have to be able to get a majority confused enough at one point to get a negative vote. But to pass a bill, you have to have a positive vote at each one of those places and get the signature of the President. So it is 11 times easier to kill a bill than it is to pass one.

At just one single step for each of the previous 11 attempts at this bill, there was a perception that each of the previous bills that were attempted was either too strong for national security or too easy for imports. The trick on this bill has been to maintain a balance.

Along the way, I found that most of the provisions are not in conflict—the goals are just different—and the difference has been perceived as a counter to each other's interest. I know we can have a vigorous export economy and protect the national security.

I appreciate the confidence shown by Senator GRAMM. He has given Senator JOHNSON and me a free rein to go after a solution. He has allowed the flexibility to review many unusual solutions. Senator SARBANES has provided a quiet leadership of fatherly questioning and direction. I appreciate the hours my fellow Senators have taken to explore this national problem and review this proposed solution.

Senator SHELBY, the chairman of the Intelligence Committee, and a ranking Banking Committee member, was a big contributor and adviser before the bill even came up in committee. Senators WARNER, THOMPSON, HELMS, and KYL have spent countless hours in the last 3 weeks ironing out difficulties. I have to mention Senator COCHRAN. He is a warrior of past battles, and he has been a tremendous help. Meetings I have been in during the last year were often so educational that I sometimes thought maybe I ought to be paying tuition.

Industry needs reliability and predictability. Industry needs to be able to make it to the marketplace at least at the same time the competitor does; for the sake of the United States, I hope they can make it a little bit ahead of the competitor.

For our national security, we need to be sure items that can be used against this country do not fall into the wrong hands.

We formed a tough love partnership in this bill that achieves both goals. Teamwork in the bill was begun by higher penalties for violations.

I would like to use an example of a conviction that has happened with McDonnell Douglas. They violated the export law. Under the present Executive order, they may be charged as much as $120,000. For a big corporation, they spend more on an ad than that. That is incidental business. Under this bill, they could be fined up to $120 million. That gets the attention of business.

Also, the individuals who are willingly and knowingly involved in this could go to jail. They could go to jail for up to 10 years for each offense. So you can see that if there are enough offenses under this bill, they could have life imprisonment. Those are penalties that have their attention.

There are several other items. I will not go into all of them. But the teamwork is completed by a well-defined system for reliability and predictability, one that relies on prioritizing enforcement assets to catch the bad guys. The United States makes so many products, they cannot all be watched.

I need to make a clarification. While we are talking about national security, we are not talking about guns and missiles. That would be on the munitions list. That isn't under the control of the Export Act. That list, the munitions list, is controlled by the Department of Defense and is much stricter—and has to be. We are not talking about satellites and the technology that goes with that. That technology is controlled by the State Department.

We are referring to products which we have given a fancy name. We call those products dual-use technologies. They were not designed for war. Most were not even intended to be dangerous. Many things are common household items. We call them dual-use technologies because they can be used for more than one use, and we worry about those items that can be used in a way that would be harmful to the United States.

For example, a stick can provide stability when you are walking or it could be a club. A knife can be a dagger or it could be a vegetable peeler. A precision machine can manufacture toys or stealth airplane parts. A computer can teach you math or it can run math models to test nuclear weapons. Everything your senses can sense can be used for good or for evil. Some evil is worse than others.

I think you begin to get a sense for the kind of items this bill could control. I think you can see where the bill could have some validity controlling every single item made or used, except everybody agrees that would not be feasible. If the universe is too great, we cannot afford the enforcement and business will not be able to sell anything. This bill was worked to prioritize logical enforcement.

To have a better idea of how enforcement works, I have had a person on loan to my staff for the last several months who is a law enforcement agent, a very specialized enforcement agent, a person who has worked daily with the enforcement of dual-use exports. That help has been valuable beyond belief.

We and every one of our constituents know the value of hands-on experience. There are some things about a job you can only learn by experience. I am thankful we have had experience helping us.

Also, during the drafting part of this bill, I sought out a person who had experience actually applying for export licenses. He served as a fellow on my staff for a few months and was also instrumental in drafting the bill.

I would be remiss if I did not thank all the people from the administration who spent hours showing me what they do or explaining how the system works.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator's time has expired.

Mr. ENZI. With the indulgence of the Senator from New Jersey, I ask unanimous consent for some additional time so I can finish this explanation, which I think is critical to the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. I thank the Senator.

Mr. President, some of the people working for the Federal Government right now have worked in a number of capacities and have seen export licensing from more than one side. I would be especially remiss if I did not mention the dedicated and time-consuming help of Undersecretary of Commerce Bill Reinsch and especially Undersecretary of Defense Dr. John Hamre. At one point, they had visited so much over the telephone about this bill that they caught an "electronic bug" and were ill for 24 hours.

On my own staff, I thank Katherine McGuire, my legislative director, who also works with the committee, and Joel Oswald, who is my committee person.

On Senator JOHNSON's staff, I not only have to mention his tremendous work and coordination, but I have to mention Paul Nash, who sat in on hours and months of meetings; on Senator GRAMM's staff, particularly, Wayne Abernathy; on Senator SARBANES' staff, particularly, Marty Gruenberg; the staffs from all of the different committee chairs who have been involved in this.

This bill has a lot of rabbits, and it has taken a lot of people to keep track of all of the rabbits, particularly as they multiply. I would like to tell you the debate we will hear on this bill is going to be fascinating. I would like to tell you that the bill will hold your attention, that you will be sitting on the edge of your seat, but that would be false advertising. If the bill were that thrilling instead of that detailed, it would have passed long ago.

This may be the most important debate we have this year, but I have to warn you, you can't tell the players without a program, and some parts of this debate don't even allow a program. We will ask you to pretend that you are James Bond, but the most exciting mission you will be assigned might make you feel like a proofreader in an atlas factory.

We need to talk about country tiering. That is where all the countries in the world are classified according to the risk to our country. We are going to talk about control lists; that is, the list of items we need to keep an eye on and have special instances in which they might need to be licensed. We are going to talk about a process for getting on the list and getting an item off the list. To really complicate the process, we are going to go back to our country list of risk and vary the risk by each item on the control list. Because that will cause some gray areas, we have this little handbook. This little handbook is a translation, a simplification of the rules that, if you are exporting a single thing, you better be aware of because you could be violating the law if you aren't following all 1,200 pages.

All of those things have to be blended together into something workable for industry and national security. I am prepared to explain any of those concepts, to go into great detail with anyone who needs that. Hopefully, we will not do that on the floor. I have been doing that for groups as small as one or as great as 500 for the last year.

But before you think that is all there is, we threw in two new concepts that have been mentioned before, so I will not go into detail on those except to mention that they are critical. We threw in mass markets and foreign availability. We recognized that if an item is available all over the world, probably the bad guys get that, too. And if a product is mass marketed in the United States, if it is so small and so cheap and sold at enough outlets that it could be legally purchased, easily hidden, and taken out of the country, that if you try to enforce that, you will probably not get anywhere either.

I could go on for a long time about the complexities in this bill—158 pages of detail. We have established a system that is transparent and accountable to Congress, requires recorded votes, has ways of getting things up to the President, and allows for the President to control some things. We recognized the deficiency in the present system of difficulty of objecting to licenses, objecting to things on the list, and we have cleared those up. Now we need to clear up the misunderstandings that there are with the bill.

Industry and national security—each side has the ability to walk away from this bill and cause its demise. It would be the simplest thing in the world. I commend business and the security agencies for their efforts, their teamwork, and their cooperation. They have read the reports that have come out on this. The Cox report has been referred to many times. The Cox report says this needs to be done. Congressman COX appeared before the Banking Committee and testified that this bill needs to be done.

I could go into other examples there. I am asking both sides, industry and security, to stay together, to keep working to stay in the middle so that we can have a system in place that will solve some of the problems of the United States while it increases exports. It can be done.

I thank the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

ELECTIONS IN TAIWAN

Mr. TORRICELLI. Mr. President, during this generation we have witnessed the greatest expansion of democratic nations in history. From East Asia to Eastern Europe to Latin America and the islands of the Pacific, the blessings of democratic pluralism have expanded to the very bounds of each continent. It is in the proudest legacies of this Nation that the United States has played an essential role in facilitating the transition of these nations to democracy and their protection at critical moments.

From military defense to economic assistance, it is questionable whether Korea, Poland, Haiti, and scores of other nations would be free if it were not for the leadership of the United States. Now this generation of American leadership has a new challenge. As certainly as our parents and grandparents fought to ensure that these nations would have an opportunity to be free, it is our responsibility to assure that these fledgling democracies have an opportunity to remain free, a challenge that democracy is not a transitional state but a permanent condition of mankind, and the nations that would represent them.

There is one threat developing now before us to this proposition. It involves the people of Taiwan. During the late 1980s and 1990s, Taiwan underwent an extraordinary transformation from an authoritarian regime to a genuine democracy. Taiwan provided an example of peaceful political evolution from a military and authoritarian government to a true pluralist democracy with little violence, no military confrontation, and without a revolution.

After years of justifying tight security control, step by step, year by year, Taiwan created a genuine democracy. In 1986, a formal opposition party, the Democratic Progressive Party, was formed. And in 1987, martial law was ended after more than 40 years. In 1991, President Lee ended the Government's emergency powers to deal with dissent and a new, freely elected legislature chosen by the people was created. In 1996, Taiwan's democracy had matured to the point that a Presidential election was held. Taiwan had fully developed. Democracy had come of age.

Now, in only a few days, on March 18, Taiwan will hold its second democratic Presidential election. The challenge to this democracy and the rights of freedom of press, worship, and assembly so central to maintaining human freedom are no longer under attack from within. The pressure is from Beijing. On the very eve of these elections, the People's Republic of China issued a statement that constitutes a new threat to Taiwanese democracy. China recently issued its so-called white paper which warned that if Taiwan indefinitely delays negotiations on reunification, China will "adopt all drastic measures possible, including the use of force."

This goes beyond China's previous statements that it would take Taiwan by force only if it declares independence or were occupied by a foreign power. The more democratic Taiwan has become, the lower the bar appears to be for military intervention and a hostile settling of the Taiwan issue.

These aggressive statements obviously only serve to increase tension in the region and make a peaceful settlement among the people of Taiwan and the People's Republic of China much more difficult. This belligerent approach obviously has precedent, almost an exact precedent. In 1996, also on the eve of a Presidential election in Taiwan, the People's Republic launched missiles in a crude attempt to intimidate the people of Taiwan as they approached their election.

It now appears that the election of Taiwan's new President will be close. It is critical to the functioning of Taiwan's democracy that they thwart any belief in Beijing that intimidation will solve or contribute to the relationship between these peoples. It is critical that the people of Taiwan stand resolute and that their voters not allow these actions to intimidate them.

There is obviously an American role. The United States must respond to this ultimatum by making it absolutely clear that our position is firm; it is unequivocal. The dispute between Taiwan and Beijing will not be settled by military means, and the United States, in a policy that is not unique to Taiwan, will not idly witness a free people in a democratic nation be invaded or occupied and have their political system altered by armed aggression.

This, I believe, is the cornerstone of American foreign policy in the postwar period. It remains central to who we are as a people and our role as the world's largest and most powerful democracy. Any ambiguity will, on the other hand, only serve to embolden Beijing and can lead to dangerous misinterpretations and miscalculations.

There is, within this Congress, the opportunity to end any possible ambiguity. The House of Representatives has passed, and the Senate has before it, the Taiwan Security Enhancement Act. Senator HELMS and I introduced this legislation last year in the Senate. The House has spoken overwhelmingly in favor of our legislation, as modified. The question is before this Senate.

The legislation Senator HELMS and I have offered is designed to ensure Taiwan's ability to meet its defensive security needs and to resist Chinese intimidation. It imposes no new obligations on the United States. The legislation, as passed by the House, will simply strengthen the process for selling defense articles by requiring an annual report to Congress on Taiwan's defense requests and ensuring that Taiwan has full access to data on defense articles. It mandates the sale of nothing. It requires the transfer of no specific article. It does guarantee that this Congress understand the security situation, Taiwan's requests, and a flow of information. It improves Taiwan's military readiness by supporting Taiwan's participation in U.S. military academies, ensuring that their military personnel are trained, understand American doctrine, and could coordinate if there were a crisis. This is not only good for Taiwan, it is good for the United States, ensuring that if tragically there ever should be a confrontation, our own Armed Forces are in the best position to train people familiar with our doctrine and any mutual obligations.

Finally, it requires that the United States establish secure, direct communications between the American Pacific Command and Taiwan's military. Nothing would be more tragic than to enter into a military confrontation by mistake or misinformation. This ensures reliable, fast, secure information so the situation is available to our own military commanders.

The legislation does not commit the United States to take any specific military actions now, later, or ever. A full range of options are available to the President and to the Congress. It also does not alter or amend our commitments under the Taiwan Relations Act. Rather, it helps us to fulfill those commitments under the act and ensures that Taiwan's security needs are adequately met.

If we pass this legislation, it makes it less likely that we will become engaged in any future conflict because there will be no ambiguity, no chance of miscalculation because of Taiwan's ability to strengthen itself, and because of our mutual ability to assess defensive needs, less chance of a military calculation in the mistaken belief that either Taiwan will not be defended or have the ability to defend itself.

There is an important national interest in integrating the People's Republic of China into the world's economy and in promoting the growth of democracy and human rights in a nation that will play a vital role in the coming century. But our overall relationship cannot possibly develop quickly and positively if China continues to seek a military solution to the question of its relations with the people of Taiwan.

By not making our policy clear, by not assessing the military situation, we do not contribute to the avoidance of military conflict. We enhance the possibility of military conflict. This legislation, I believe, is a strong statement that avoids miscalculation and lessens the chances of conflict. President Clinton made a strong statement last week in support of a peaceful resolution of this issue when he said:

> Issues between Beijing and Taiwan must be resolved peacefully and with the assent of the people of Taiwan.

This formulation's emphasis on the "assent of the people"—the words used by President Clinton—is new and important.

Together with this Taiwan Enhancement Security Act, I believe it is an important contribution in this current debate on the problems of Taiwan security. It is, most importantly, in accord with the language of the Taiwan Security Enhancement Act as passed by the House, which states, "Any determination of the ultimate status of Taiwan must have the express consent of the people of Taiwan."

The Taiwan Enhancement Security Act, therefore, and President Clinton's own statement in response to recent provocations by Beijing, are not only similar, they are identical. I believe the House of Representatives, in changing the Helms-Torricelli approach, has made a valuable contribution. I believe, for the maintenance of the peace and ensuring this Nation's commitment, that those nations which have chosen to be democratic, pluralist nations, governed with the consent of their own people—the commitment of this Nation that those nations will not by force of arms or intervention have their forms of government changed or altered will be enhanced.

Taiwan, today, is the cornerstone of that American commitment. Tomorrow, it could be Africa or Latin America. How we stand now on the eve of these free elections in Taiwan will most assuredly constitute a powerful message in all other places where others would challenge these new and fledgling democracies.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I ask what the pending business is.

Mr. SANTORUM. We are in morning business.

THE RISING COST OF FUEL

Mr. LIEBERMAN. Mr. President, I rise this afternoon to speak with my colleagues about the justifiably increasing concern among the American people about the increasing price of gasoline and other fuels.

The fact is that our gas pumps are fast turning into sump pumps for American pocketbooks. Just 2 days ago, the Energy Information Administration pegged the average current retail price for a gallon of gas at $1.54. That is the highest level in a decade for this time of the year.

Unfortunately, this is not the end of it. Prices are expected to soar beyond this height in the months ahead. In fact, the Energy Information Administration is projecting an average price of more than $1.80 a gallon of gas by Memorial Day, the start of the summer driving season.

That is, in and of itself, according to experts on oil pricing to whom I have spoken, an optimistic assessment. It is predicated on the promises of several OPEC nations that they will raise their production of oil after their March 27 meeting and thus lower the price of crude oil.

There are very reputable analysts of oil markets who are saying the average per gallon price of gasoline will go to $2 and in some places as high as $2.50 a gallon this summer. Ouch. That is not only unprecedented but will have a disastrous effect not only on individual businesses and consumers, particularly those of more modest average means, but it will, I am afraid, have a disastrous effect on our economy, setting off a vicious cycle of prolonged oil price increases, an increase in inflation rates, corresponding hikes in interest rates, and a stall in the historic run of economic growth we have had over the last several years.

Another consequence of oil price increases, as we unsettlingly saw yesterday, could be significant declines in the stock markets. I understand the decline yesterday was attributed not just to oil price increases but also to the report from Procter & Gamble that they would be reporting lower quarterly profits than were expected. But oil price increases are part of it.

Not surprisingly, yesterday crude oil trading on the New York Mercantile Exchange rose $1.95 to $34.13 a barrel, which is the highest level increase since November 1990—the highest level increase in a decade.

I trust that my colleagues are hearing from their constituents, both individual and business, as I am, with complaints ever more vociferous about the strain this price spike in gasoline is putting on their family and business budgets. As these energy and transportation costs continue to climb, the cries for help will also increase.

The squeeze is now being felt across the country, but it constitutes for us in the Northeast the second chapter of this current sad story of energy pricing since, as I know you know, Mr. President, the State of Connecticut and the entire Northeast was particularly hard hit by a prolonged price shock in home heating oil, which more than doubled in a space of months the amount people in our region of the country were paying. So this jump now in the price of gasoline represents what might be called a "double energy pricing whack."

Last week, on Thursday, several Members of Congress in both parties were invited to the White House for a meeting of the President, Secretary Richardson, Secretary Summers, and others in the administration to discuss these matters. It was a spirited discussion and one that represented a very good exchange.

I say to my neighbors and constituents in the Northeast that the most encouraging part of the discussion to me was the receptivity of the administration to an idea that my colleague from Connecticut, Senator DODD, and I put forward to create a regional home heating oil reserve—not crude oil as in the Strategic Petroleum Reserve we have now but home heating oil which could be used in cases as the one we just experienced in the Northeast when there was what I consider to be an artificial rise in price based on the OPEC cartel limiting supply in what is, after all, a critically necessary commodity—fuel.

It would allow this reserve to immediately put out at times such as this in the future an amount of home heating oil, distillate product—it could go for diesel fuel as well, where price increases have so hurt truckers—to raise supplies so that the price could decline to a more balanced point.

Work goes on and discussion goes on. This idea could be a model in energy shortages in other regions. Some regions dependent on propane, for instance, might create similar reserves that could be used to effect when artificial prices create dramatically increasing prices.

I look forward to continuing those discussions with the administration. At a minimum, if we can do something between now and next winter, it will give people and businesses in the Northeast some comfort—I apologize for the metaphor—but a kind of security blanket, if you will, so that next year, if OPEC again reduces supply, they will have the home heating oil at reasonable prices to heat their homes and businesses.

Let me turn now to the gasoline price increase which is now going across the country and has very significant ramifications for our economy overall.

My apologies to Ernest Hemingway. I ask, For whom does the gas pump toll today? I say the answer is, It tolls for us—not just that we are paying it, but it should remind us once again of the debilitating dangers of our dependence on foreign oil, reminding us that our consumers and our economic security are being held hostage by the decisions of the OPEC producers as they are in this case following their own interests, but it is not in our interest.

No matter how great a country we are—the strongest country in the world, the most successful economy with the greatest standard of living—we have put ourselves in a position where a small group of nations, because they control this commodity—oil—that is so vital to us, can hold us hostage.

So the President has to send the Secretary of Energy and others, basically, pleading with these oil-producing countries that are supposed to be our friends and allies to get reasonable and to increase the supply so that they fill at least the two-million-barrel-per-day gap between supply and demand on world oil prices.

I hope as we face this crisis, though, we will take steps to declare—as we have been saying now for two decades, but to do it hopefully with some meaning, greater meaning—energy independence, and to do so by tapping in more vigorously to the supplies of energy over which we have some control, such as natural gas and oil, where that is possible within our own domestic control.

Mr. President, I think we have to more aggressively try to convert and develop supplies of energy in our control. We have to more aggressively support conservative efforts and development of renewable, cleaner sources of energy. We have to be prepared to invest and continue to support even more aggressively some of the pioneering, pathbreaking work being done in the automobile industry to develop high-fuel-efficiency vehicles.

Very exciting work is being done, and we can help with further support in the development of fuel cells as a renewable clean source of energy. The truth is, no matter how strong, innovative, entrepreneurial, and how great our increases in productivity are in this country, until we invest more into the energy that drives our economy, we are going to be subject to being effectively brought to our knees and having our markets and our bank accounts follow down in that direction.

Another item discussed at the meeting with President Clinton and Secretary Richardson last week, advanced by my colleague and friend from New York, Senator SCHUMER, Senator COLLINS of Maine, and others, was, in this crisis, to be prepared to either swap or draw down the Strategic Petroleum Reserve, in which there is now approximately 580 million barrels of oil owned by the taxpayers of the United States, and put some of that at this critical moment into our economy as a way to fill the gap between supply and demand, and, frankly, as a way to let our friends at OPEC know that, though our resources are limited, they are not meager and that we are prepared to contend with their artificial inflation of oil prices.

I report these developments to my colleagues and say I believe that the President, at least, is keeping the option of using oil from the Strategic Petroleum Reserve on the table. No commitments were made, no decision was made either about that or a final decision made about the strategic heating oil reserve for our region that I discussed earlier. I appreciated the discussion and I appreciated the active and, obviously, concerned interest that was expressed by the President at the meeting last week.

I look forward to continuing those discussions. I hope we can do it in a spirit of reason and balance and not in a spirit of panic because our economy has been stalled and our markets have been essentially attacked and have fallen as a result of this shortage in oil supply, based on the actions of an oil cartel, OPEC, which hurts the United States because of our continuing dependence on foreign oil.

I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Georgia is recognized.

(The remarks of Mr. CLELAND, Ms. MIKULSKI, and Mr. AKAKA pertaining to the introduction of S. 2218 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. CLELAND. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

Mr. SESSIONS. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. The Senate is in morning business with Senators permitted to speak for up to 10 minutes.

The Senator may proceed.

NOMINATION OF RICHARD A. PAEZ

Mr. SESSIONS. Mr. President, I believe I have the responsibility today to write the majority leader to ask that we not proceed to vote on the Paez nomination, and to ask that additional hearings be held on that nomination to determine whether or not he correctly and properly handled the guilty plea and sentencing of John Huang in Los Angeles, CA, that fell before his jurisdiction in the Los Angeles district court.

This is a matter of importance. It is something we have not gotten to the bottom of. It is something my staff has uncovered as we have come up to this final vote. I believe it is important.

Judge Paez is a Federal judge today. He has been controversial because of his activist opinions and background and has been held up longer than any other judge now pending before the Congress. We have only had a few who have had substantial delays, probably fewer than two or three. There are two now who have been delayed. He is still the longest. I do not lightly ask that he be delayed again, but he is a sitting Federal judge; he has a lifetime appointment. It is not as if his law practice is being disrupted and he is being left in limbo about his future. He can continue to work until we get to the bottom of this.

The President seeks to have him confirmed to the Ninth Circuit Court of Appeals, which is the highest appellate court in the United States except for the Supreme Court. It is a high and important position. We ought to make sure we know what really happened out there when John Huang was sentenced.

Basically, that is what happened. The John Huang case was part of the investigation of campaign finance abuses by the Clinton-Gore team in the 1996 election. Mr. Huang is the one who raised $1.6 million, a lot of it from foreign sources, the Riadys in China—those kinds of things. Ultimately, the Democratic National Committee had to refund $1.6 million that they believed they had received wrongfully and illegally. Eventually, the Clinton Department of Justice proceeded with this investigation.

The Judiciary Committee chairman, ORRIN HATCH, and the chairman of the Governmental Affairs Committee, FRED THOMPSON from Tennessee, repeatedly urged the U.S. Attorney General not to investigate that case herself because she held her office at the pleasure of the President of the United States. He could remove her at any time. Even if she did a fair and good job with it, people would have reason to question it. They urged her repeatedly—and I have, others have, and a large number of Senators have—to turn this over to an independent counsel. She did on many other investigations. But this one they would not let go of; they held onto it. The President's own appointees held on to this campaign finance investigation.

I spent 15 years as a Federal prosecutor, 12 as a U.S. attorney, 2½ as an assistant U.S. attorney. I have personally tried hundreds of cases. I have personally participated in, supervised, and directly handled plea bargains. I know something about the sentencing guidelines, which are mandatory Federal sentencing rules saying how much time one should serve.

What happened is that the case did not go before a Federal grand jury for indictment. The prosecutor, a Department of Justice employee, and Mr. Huang and his attorneys met and discussed the case. They reached a plea agreement. That plea agreement called for him to plead guilty to illegal contributions to the mayor's race in Los Angeles for $7,500—maybe another little plea, but I think it was just that $7,500—and he would be given immunity for the $1.6 million or any illegal contributions he may have received for the Clinton-Gore campaign that had to be refunded. He would be given immunity for that. He was supposed to cooperate and testify. That was going to justify the sentence.

After they reached this agreement and Mr. Huang agreed to waive his constitutional rights to be indicted by a grand jury, he said: Don't take me before a grand jury. You make a charge, Mr. Prosecutor, called an information, instead of an indictment, and I will plead guilty to that. So they worked out an agreement. He agreed to plead guilty to that.

Sometimes that is done. It is not in itself wrong, but it is a matter that increases the possibility of an abusive relationship between the prosecutor and the defendant, I must admit.

They say that cases are randomly assigned in Los Angeles. There are 34 judges in Los Angeles. Judge Paez was one of those judges. He got the Huang case. Curiously, he also got the Maria Hsia case. They had a case against Maria Hsia in Los Angeles because she was involved in this, too, and they eventually tried her a few days ago and convicted her in Washington on charges of tax evasion, I believe, arising out of this same matter. She was tried and convicted here on separate charges.

Oddly, this judge, who was a nominee of the President of the United States, somehow got these cases and presided over them. I think there is a real question whether he should have taken the cases.

There is no doubt in my mind, as a professional prosecutor who has been through these cases for many years, that the prosecutor's duty is to make sure the defendant is given credit for cooperating; that is, spilling the beans, admitting he did wrong, asking for mercy in those cases, agreeing to testify about what he knows. When you do that, you are entitled to get less than the sentencing guidelines would cause you to get.

But the critical thing is, Mr. Huang knew high officials in this administration and knew the President. I believe he spent the night in the White House. He has certainly been there for meetings at times. So this was a man who had been involved in not just some inadvertent event but a very large effort to solicit foreign money, some of it connected to the country of China, which is a competitor of the United States. It was a big deal case.

Knowing that the person who had nominated him at that very moment could have been embarrassed or maybe even found to be guilty of wrongdoing if Mr. Huang spilled all the beans, I am not sure he should have taken the case at all out of propriety, but he took it, assuming he did the right thing.

The case then came up for sentencing. Some of the people who defend Judge Paez have told me repeatedly in recent days that they don't believe it was Judge Paez's fault so much as it was the fault of the Department of Justice, that they did not tell him all the truth; they acted improperly; if they had told him all the facts, he may have rendered a more serious sentence than he did under these circumstances.

I have had my staff review the plea agreement. Much of it is not available to us. We did not get the pre-sentence report, which I would love to see. We did not get to see some other matters involving the extent of the cooperation of Mr. Huang. That was not available to us. But we do have a transcript of the guilty plea, what went down and what facts were produced and what facts the judge did know and the judge was told.

It appears to me the judge was not told all the facts by the Department of Justice. That is a very serious thing, if it occurred. It is a failure on their part to fulfill the high ideals of justice in this country.

If we look on the Supreme Court building, right across the street from the Capitol, the words written in big letters on the front of that building are these: Equal justice under law. When charges were brought against President Nixon, the impeachment charges voted against him were clearly established by the Supreme Court—that the President and no person in this country is above the law.

We are a government of laws and not of men. That is a foundation principle of America. It is in our early debates about establishing the Constitution and the rule of law.

We are a government of laws and not of men. That was raised during the drafting of the impeachment clause. I remember I researched that at the time. That high ideal was discussed by the people who wrote our Constitution. So I say to you that this was a high-profile case of immense national interest. It had been a subject about which TV and news stories, magazines, newspapers, and so forth have written—the Huang case. The American public had every right to expect this case would be handled scrupulously and that there not be the slightest misstep.

A judge with a lifetime appointment ought not to have felt in any way obligated to do anything other than conduct himself according to the fair and just aspects of handling this case. That, to me, was basic. That is why we give the stunning power of a lifetime appointment. But we have to ask that they adhere to high standards in utilizing that power. If they misuse it, we can't vote and say: We don't like the way you are doing your job, judge, we are going to remove you. No. He has a constitutional right to a lifetime appointment, unless he commits an impeachable offense. Bad decisions are not impeachable offenses.

So the judge took this case, and I believe he had a high obligation to conduct himself properly. The whole Nation was watching. Maybe he didn't have all the facts, but we found that he started at a base level of 6. Under our Federal sentencing guidelines—many of you may not know, but this Congress did a great thing a number of years ago. When I was prosecuting cases, they eliminated parole and put a restriction on how a judge could sentence. They said you have to carefully evaluate every case that comes before you, and we have a sentencing commission that goes over the details.

There are guidelines about what you must find. If you find the defendant used a gun, or that he is a previously convicted felon, or that he used corrupt means to organize an entity, all of these factors could increase the time he or she serves in jail. How much money was involved could increase the time in jail; a little bit is less, and more is more. Judges have used all of those guidelines. But there was great concern in the Congress that many judges in Federal court didn't sentence appropriately. You might have an offense in one district that is treated one way, and it might be treated much more lightly in another district. So he got the base level for that.

One of the factors that the judge had awareness of and had the evidence on was that a substantial part of this fraudulent scheme was committed outside the United States. Under the sentencing guidelines, that calls for adding two different levels to this sentence. Judge Paez made no adjustment. He did not increase the level for the fact that in part of this scheme the money came from outside the United States. People who were giving the money were from outside the United States. A substantial part of this involved international activity. That is precisely the motive behind adding to punishment within the level of guidelines. The judge failed to do so. I believe he clearly should have done so under the circumstances.

He also had evidence that at least 24 illegal contributions were spread out over the course of 2 years involving multiple U.S. and overseas corporate entities, which John Huang was responsible for soliciting and reimbursing these illegal contributions. So he was actively involved with these corporations. Under Federal guidelines, "If an individual is an organizer or a manager that significantly facilitated the commission or concealment of the offense"—that is a direct quote—"under 3(b)1.3, he should be given a 2 to 4 level increase."

Judge Paez gave him no level increase for those two acts. John Huang also was "an officer and director of various corporate entities involved and also was a director and vice chairman of a bank." What does that mean when you are doing sentencing guidelines? Under the guidelines, if an individual abuses a position of public or private trust, such as using his position as a board director and vice president of a bank in a manner that significantly facilitated the commission or concealment of the offense, then he should have added two additional levels for that. Right there, we are talking about at least six, maybe eight, different additional levels. The judge found no increases for that.

So when he pleaded guilty, Judge Paez found that his level was eight. That is very critical because, I am sad to say, that is the highest level you can have and still get probation and not spend a day in jail. It calls for a sentence of zero to 6 months if you have level 8. If the judge wants to be tough, he can give him 6 months if he falls under level 8. If he wants to be lenient, he can give straight probation, or zero time in jail. Judge Paez gave him probation, the lowest possible sentence. If it would have been level 9, the lowest possible sentence would have been time in the slammer, in the bastille where he belonged.

I am troubled by that. I know there was a lot of pressure to move this case along, get this case out of the way and not have any embarrassment. I am sure there was a lot of tension. But a lifetime-appointed Federal judge should have a commitment to the highest standards of integrity. Even if it involved the President of the United States, the man who appointed him, he should not play with the sentencing guidelines. I assure you that 18-, 19-, and 25-year-old kids, every day, going into Federal court—and I have seen it; I presided over them—are getting 10, 15, 25 years without parole because they are significant drug dealers and they have been selling crack. They are sent off to the slammer and nobody worries about them.

So how is it that John Huang raises $1.6 million that had to be returned, pleads guilty to some token offense on a contribution to the mayor of Los Angeles, and he gets to walk out without 1 day in jail? Well, the prosecutor was at fault, in my opinion. This was an unjustified disposition of this case, in light of the circumstances involved.

I cannot imagine that anybody can ultimately defend the disposition of this case. They may say, well, the judge just followed the prosecutor's recommendation. The judge did follow the prosecutor's recommendation, but he was not required to do so. In that plea bargain, as I noted, it said the judge is not required to follow this plea bargain. If he, Mr. Huang, rejects it, we will withdraw the plea and we will go back to square one and start all over. The judge is not required to accept it. The judge wasn't required to accept the plea, and he should not have accepted this plea.

These are the exact words from the plea agreement:

> This agreement is not binding on the court. The United States and you—

Meaning Mr. Huang, in the contract between the prosecutor and Mr. Huang—

> understand that the court retains complete discretion to accept or reject the agreed upon disposition provided for in this agreement. If the court does not accept this agreement, it will be void, and you will be free to withdraw your plea of guilty. If you do withdraw your plea of guilty, this agreement made in connection with it and the discussions leading up to it shall not be admissible against you in any court.

That is standard language. I have used it many times myself. The judge was obligated to follow the law of the United States. He was obligated to make sure justice occurred, if there was equal justice under the law.

I don't know how judges who send kids to jail for 20 years without parole can sleep at night when they are talking about letting this guy off the hook for this offense.

Mrs. BOXER. Mr. President, will the Senator yield?

Mr. SESSIONS. Yes.

Mrs. BOXER. I know my friend doesn't want us to vote on Judge Paez.

Mr. SESSIONS. Let me just say to the Senator that I have asked for an additional hearing to find out if I might be wrong about this and hear both sides of it. But I am not going to support a filibuster on this nomination. If we do that, we will just vote on it, as far as I am concerned.

Mrs. BOXER. I thank my friend very much.

I want to ask him if he read what Senator SPECTER said regarding the two cases we raised, the Maria Hsia case and the Huang case. I ask the Senator to react to this because I think it is important.

When asked if this vote ought to be put off, he said:

> These matters are now ripe for decision by the Senate. There has been some suggestion of a further investigation on this matter, but when Judge Paez's nomination has been pending since 1996, and all of the factors on the record demonstrate it was the Government's failure, the failure of the Department of Justice to bring these matters to the attention of Judge Paez and on the record, he has qualifications to be confirmed.

In other words, what Senator SPECTER is saying is that Judge Paez was following the recommendation of the prosecutor.

I ask my friend: When the prosecutors say this is what we think is the best for the case, is it really that unusual for a judge to say let the prosecution stand? If we want to accuse Judge Paez of something, it ought to be that he was soft on the case, No. 1. I say to my friend: It was randomly selected; he got these two cases; he didn't ask for these cases. No. 2, he followed the prosecution's request, and he is being condemned for it.

My last point is—I know my friend will comment on all of this—my friend was interested in the sentencing issue surrounding Judge Paez. We have the facts on that, and he does as well.

I think it is important to note that if you look at U.S. district court as a whole—

Mr. SESSIONS. I have the floor.

Mrs. BOXER. I will come back to it.

Mr. SESSIONS. I will finish, and the Senator can respond.

Mrs. BOXER. I appreciate my friend yielding. I will wait.

Mr. SESSIONS. I am sorry. I will be happy to enter into a dialogue and come back to it later.

Senator SPECTER was, in fact, a State prosecutor. He is familiar in that boiler room of Philadelphia when judges are sitting up there and prosecutors come forward on burglary cases. The judge is a victim. He has to take the recommendation of the prosecutor and does so routinely. Federal judges try to do that, but it is always recognized that they have ultimate responsibility, as this plea agreement says.

In a case of national importance, which in itself just on the face of it does not pass the smell test, in my view, he should not have accepted it.

Another thing Senator SPECTER has never done is handle the sentencing guidelines. They were not a part of the State courts of Philadelphia or Pennsylvania, but they were a part of the Federal court where Judge Paez was sitting. I don't think Senator SPECTER has ever considered the fact that the evidence is what the judge had, and he did not have all that he should have had. But what he did have indicates that he did not properly apply the guidelines. That is the only thing he can be responsible for, in my view. If evidence was withheld from him, I understand that. But what I have been quoting here is what he did have.

I also note in Roll Call, in the Republican Representative Jay Kim probation case, they said Judge Paez's sentence of Representative Kim was a mere slap on the wrist and makes us think that the Senate Judiciary Committee ought to question whether or not Paez is too soft on criminals to be a Federal judge.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SESSIONS. I thank the Chair.

I hate to ask this to be delayed. But he is a sitting Federal judge. It is not messing up his Federal practice in a couple or three weeks to get to the bottom of this and how the case was assigned, because it didn't come out of an indictment by a grand jury, it came out of the handling by the prosecutor. In my experience, those cases are not randomly assigned. Quite often, they are taken directly by the prosecutor to the judge.

I would like to have somebody under oath explain to me how the Hsia case and the Huang case went to Judge Paez. Out of 34 judges, they went to Judge Paez. That doesn't strike well with me. I would like to know that before we go forward with the vote. If he has a good answer, I am willing to accept it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Mr. President, I ask unanimous consent to be allowed to proceed in morning business for up to 10 minutes and that my remarks be followed by the Senator from California, Mrs. BOXER.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMS. Thank you very much.

THE INCOME TAX ANNIVERSARY

Mr. GRAMS. Mr. President, 87 years ago today, the Federal Government began collecting income tax. I rise not to celebrate the anniversary, but to condemn the occasion. What began as a simple flat tax on the revenue of a few has turned into a Pandora's box that devastates many. And so I take this opportunity today to strongly urge Congress to begin repealing the process of the constitutional amendment granting the Federal Government the power to tax, abolish the income tax, and replace it with a tax that is fairer, simpler, and friendlier to the taxpayers.

The reasons for abolishing the Federal income tax are compelling. To begin with, the income tax has clearly violated the fundamental principles upon which this great Nation was founded.

Mr. President, our country was born out of a tax revolt—a tax revolt built upon freedom and liberty. To preserve liberty, our Founding Fathers crafted an article in the Constitution unequivocally rejecting all direct income taxes that were not apportioned to each state by its population.

During the following 100 years, this provision brought enormous economic opportunities and prosperity for America. Although Congress attempted to enact income taxes in the late 19th century, the Supreme Court repeatedly declared the income tax unconstitutional. As a result, between 1870 and 1913, before the income tax was levied, the U.S. economy expanded by over 435 percent in real terms. This was an average growth rate of more than 10 percent per year, without inflation.

Congress has passed many ill-advised laws, but nothing has been more disastrous than the passing of the 16th amendment in 1909, which allowed the Federal Government to begin levying and collecting income tax as of March 8, 1913.

This shift in policy represented the efforts of those liberal elements who believes and promoted the ideology that society has a claim on one's capital and labor. They suggested that the redistribution of private income would increase equality among people. Their strategy was simple: they claimed this income tax was to "soak the rich" and was not supposed to provide a mechanism for Washington to reach into most Americans' pockets—the argument we still hear again and again on the Senate floor.

Initially, less than 1 percent of all Americans paid income tax. Only 5 percent of Americans paid any income tax as late as 1939. But today, nearly every American is subject to the income tax. The Federal tax burden is at an historic high. A median-income family can expect to give up nearly 40 percent of its income in Federal, State, and local taxes—more than it spends on food, clothing, transportation, and housing combined.

More Americans are working harder and are earning more today. But a large share of the higher incomes of hard-working Americans aren't being spent on family priorities, but are instead being siphoned off by Washington.

They are working harder, but they are taking home less money because the Government is taking a bigger bite out of their paychecks. Then there is "bracket creep." I think everybody knows what that is. It means a large share of revenues goes to taxes as inflation pushes you into another income level, or another tax bracket, so Washington can get a bigger bite out of your paycheck.

Mr. President, is this what our Founding Fathers fought for? Even the sponsor of the 16th amendment, Congressman Sereno E. Payne of New York, later realized his mistake and denounced direct taxation as "a tax upon the income of honest men and an exemption, to a greater or lesser extent, of the income of rascals."

T. Coleman Andrews, a former commissioner of the Internal Revenue Service said:

> Congress [in implementing the 16th Amendment] went beyond merely enacting an income tax law and repealed Article IV of the Bill of Rights, by empowering the tax collector to do the very things from which that article says we were to be secure. It opened up our homes, our papers and our effects to the prying eyes of government agents and set the stage for searches of our books and vaults and for inquiries into our private affairs whenever the tax men might decide, even though there might not be any justification beyond mere cynical suspicion.

To my colleagues who would brush off that statement as an exaggeration, I remind them of the horror stories we heard from many of our constituents 2 years ago, when the Senate Finance Committee held hearings into abuses carried out by the IRS. Those poor taxpayers whose lives were shattered thanks to the unwarranted excesses of an overeager tax collector were not exaggerating.

The income tax must be abolished because it has become so complicated and inefficient. The Federal Tax Code today stretches on for more than 7 million words, and is made up of 4 huge volumes, another 20 volumes of regulations, and thousands of pages of instructions. Not even tax accountants or lawyers fully understand it. What chance does the average taxpayer have of getting it right?

The government publishes 480 separate tax forms and mails out 8 billion pages of forms and instruction each year. The IRS employs over 10,000 agents to collect taxes, more agents than the FBI and the CIA combined.

The income tax must be abolished because it keeps enlarging the government. In Washington, taxing and spending always go hand in hand. As the income tax rate goes up, government spending explodes. Between 1913 and 1999, inflation-adjusted federal government spending increased by more than 16,000 percent.

The income tax must be abolished because even in an era of budget surplus, it allows the government to continue overcharging Americans as we see today with our surpluses. According to the Congressional Budget Office, working Americans' tax overpayments will be as high as $1.9 trillion in the next 10 years. After the biggest tax increase in history, President Clinton has repeatedly denied working Americans a tax refund and refuses to return tax overpayments to the American people. His last budget again increases taxes instead of cutting them. In a time of surplus, this President is out with a proposal to again increase your taxes.

How is this possible? We would all agree that if a customer is overcharged for a service he receives, the right thing for the merchant to do is to return the extra money—not keep it because the merchant has other things he'd like to spend it on. The same principle holds true for tax overpayments. I strongly believe we should return tax overpayments to their rightful owners—the taxpayers—rather than spend them on new government programs. Not only does this money belong to them, but the American people will spend it far more intelligently than Washington politicians ever could.

Mr. President, on this somber income tax anniversary, I argue that we have no choice but to repeal the income tax and abolish the IRS. I urge my colleagues to join me in a pledge that we will dedicate ourselves to replacing the Tax Code with a better system early next Congress, as we continue to do everything we can to reduce the existing tax burden on the overtaxed American people.

The PRESIDING OFFICER. The Senator from California.

NOMINATIONS

Mrs. BOXER. Mr. President, as one of the two California Senators, this is a very big day for two Californians who have been nominated for the Ninth Circuit Court: In the case of Richard Paez, more than 4 years ago, the longest time anyone has had to wait for a vote in a 100-year history; and Marsha Berzon, nominated a couple of years ago.

I am grateful we have gotten to this day. I am very hopeful. In fairness, our colleagues from both sides of the aisle will make a statement on this cloture vote, if we have to have a cloture vote, that they do deserve an up-or-down vote.

I will attempt in the next few minutes to put a face on the nominations. I had about 5 minutes to speak yesterday and will take a little bit longer today.

I will introduce Marsha Berzon, who is a stellar attorney. She is shown with her husband and her two children. This is a wonderful woman. The whole family has been so excited about her nomination, but every time we think we will have a vote, we don't seem to get there.

I say to Marsha and her family: We will have a vote and I am optimistic you are going to be seated on this bench.

Marsha Berzon is exquisitely qualified, as is Richard Paez. She is a native of Ohio. She was raised in New York. She now lives in California, is married to Stephen Berzon, shown here. She practices law with her husband and is a mom of two youngsters.

She was first nominated to the U.S. Court of Appeals for the Ninth Circuit in January of 1998, and she testified before the Senate Judiciary Committee in July of 1998. There was no action on her nomination in the 105th Congress, so her nomination was sent back and she testified on June 16, 1999. Then she was favorably reported out of the committee.

We are very hopeful since the committee considered her to be very well qualified that the Senate will agree.

Let me give a few of her qualifications. She is a nationally known and extremely well-regarded appellate litigator. She is a graduate of Harvard/Radcliffe College and Boalt Hall University of Law. She served as a law clerk for the Ninth Circuit Court of Appeals, Judge James Browning, and for U.S. Supreme Court Justice William Brennan. She has argued four cases in the Supreme Court of the United States and filed dozens of briefs in the Court in a wide variety of cases. She is praised broadly not only by those whom she had as clients, but more telling, I think, she is praised by the people she opposed, people on the other side of the case. People of both political parties have praised Marsha.

I could go on with the extensive quotations of the high regard she is held in, but they were printed in the RECORD yesterday.

She is supported by Senator HATCH. He is also supporting Richard Paez. ARLEN SPECTER is very strongly in favor of her. She is supported by former Republican Senator James McClure of Idaho. She has the support of Paul Haerle, Associate Justice of the Court of Appeals, First Appellate District in California, who is the former chair of the California Republican Party and a former point secretary to then-Governor and then-President Ronald Reagan.

She has tremendous support from law enforcement: From the president of the California Correctional Peace Officers Association; from Arthur Reddy, International Union of Police Associations; Robert Scully, the National Association of Police Organizations; from William Sieber, president of the Los Angeles Professional Peace Officers Association. She has a huge amount of support in the business community which I think is important to those on both sides of the aisle.

I ask unanimous consent to have a list of supporters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LETTERS OF SUPPORT FOR MARSHA L. BERZON, NOMINEE TO THE NINTH CIRCUIT U.S. COURT OF APPEALS

ELECTED OFFICIALS

Arlen Specter, U.S. Senator (R–PA)
Former Senator James A. McClure (R–ID)

JUDGES

Paul R. Haerle, Associate Justice, Court of Appeal, First Appellate District, California (former chair Cal. Republican Party, former Appointments Secretary to Gov. Ronald Reagan)
Michael M. Johnson, Superior Court Judge, Los Angeles

LAW ENFORCEMENT

Don Novey, President, California Correctional Peace Officers Association, West Sacramento, CA
Arthur J. Reddy, International Vice President, Legislative Liaison, International Union of Police Associations AFL–CIO, Alexandria, VA
Robert T. Scully, Executive Director, National Association of Police Organizations, Inc., Washington, DC
William Sieber, President, Los Angeles County Professional Peace Officers Association, Monterey Park, CA

BUSINESS LEADERS

Lydia Beebe, Chair, Fair Employment and Housing Commission, Corporate Secretary, Chevron Corporation, San Francisco, CA
William F. Boyd, Vice President, Corporate Counsel and Secretary, Coeur d'Alene Mines Corporation, Coeur d'Alene, ID
Dennis C. Cuneo, Vice President, Toyota Motor Manufacturing North America, Inc. Earlanger, KY
John D. Danforth, Vice President and General Counsel for Creative Labs, Inc., Milpitas, CA
William D. Ruckelshaus, Madrona Investment Group, L.L.C., Seattle, WA
Patricia Salas Pineda, Vice President and General Counsel, New United Motor Manufacturing, Fremont, CA
W. I. Usery, Jr., Bill Usery Associates, Inc., Washington, D.C. (former Rep. Secretary of Labor)

LAW SCHOOL PROFESSOR/DEAN

Robert A. Hillman, Associate Dean, Cornell Law School, Ithaca, NY
Theodore J. St. Antoine, Professor of Law, The University of Michigan Law School, Ann Arbor, MI

ATTORNEYS

James N. Adler, Irell & Manella, CA
Fred W. Alvarez, Wilson, Sonsini, Goodrich & Rosati, PC, Palo Alto, CA (former Commissioner of the Equal Employment Opportunity Commission and Former U.S. Assistant Secretary of Labor)
Douglas H. Barton, Hanson, Bridgett, Marcus, Vlahos & Rudy, LLP, Larkspur, CA
Ronald G. Birch, Birch, Horton, Bittner and Cherot, Washington, D.C.
Henry C. Cashen, II, Dickstein, Shapiro, Morin & Oshinsky, L.L.P., Washington, DC
Laurence P. Corbett, Point Richmond, CA
David C. Crosby, Wickwire, Greene, Crosby, Brewer & Steward, Juneau, AK
Charles G. Curtis, Jr., Foley & Lardner, Madison, WI
Lynne E. Deitch, Butzel Long, PC, Detroit, MI
Larry C. Drapkin, Mitchell, Silberberg & Knupp, CA
Pamela L. Hermminger, Gibson, Dunn & Crutcher
Robert J. Higgins, Dickstein, Shapiro, Morin & Oshinsky, L.L.P., Washington, DC
Judith Droz Keyes, Corbett & Kane, Emeryville, CA
Edward M. Kovach, Lambos & Junge, San Francisco, CA
Daniel H. Markstein, III, Maynard, Cooper & Gale, PC, Birmingham, AL
Anna Segobia Masters, Crosby, Heafey, Roach & May
John L. Maxey, II, Maxey, Wann & Begley, PLLC, Jackson, MI
J. Dennis McQuaid, McQuaid, Metzler, McCormick & Van Zandt, L.L.P., San Francisco, CA
Steven S. Michaels, Debevoise & Plimptom, New York, NY
Morton H. Orenstein, Schachter, Kristoffr, Orenstein & Berkowitz, San Francisco, CA
Carter G. Phillips, Sidley & Austin, Washington, DC
Patricia Phillips, Morrison & Foerster, Los Angeles, CA
William B. Sailer, Qualcomm
Stacy D. Shartin, Seyfarth, Shaw, Fairweather & Geraldson
Robert A. Siegel, O'Melveny & Myers, Los Angeles, CA
Ronald G. Skipper, San Bernardino, CA
Stephen E. Tallent, Washington, DC
Wendy L. Tice-Wallner, Littler, Mendelson, Fastiff & Tichy, San Francisco, CA

Mrs. BOXER. In there you will see deans of law schools. You will see many attorneys who have come to appreciate Marsha. Again, this is a woman who has tremendous support in the community, Republican and Democrat; a fine family member. She will be an asset to this court and I am very hopeful Marsha will receive the overwhelming vote of this body.

Did my friend have a question? I would say to my friend, he is, I know, waiting to speak. I also had to wait quite a while. I am going to be about another 15 minutes.

So today we have this wonderful opportunity, yes, on Marsha, and we have an opportunity to say yes to another wonderful nominee, Richard Paez. Again, to put a face on it, here is Richard's face. This is a wonderful human being. He is a wonderful judge with many years of experience on the bench. He is a wonderful family man, married to his wife Dianne for quite a while, with two terrific kids. He is very involved with his children's lives, involved in their sports and academic achievements. He is someone most deserving of this honor I hope we are about to bestow upon him.

Yes, Richard has waited for 4 years. This has been very difficult for him. It has been very difficult for his family. But I can only say I am not going to look back. I want to look ahead. We are going to have a vote, and I am very hopeful we will see the tide turn in his favor. Everything I see now leads me to believe that.

Richard has the support of Senators HATCH and SPECTER and he just got the public support of Senator DOMENICI. We have a statement from him, which will take me just a moment to find. I am very pleased about it.

Yesterday, Senator DOMENICI has a statement in the RECORD. He says:

> I rise today to announce I intend to vote to confirm Judge Richard Paez to the Ninth Circuit. He has waited 4 years. I believe the time has come.

He says:

> I have reviewed Judge Paez' record, including some of the issues which appear controversial. I am satisfied he has adequately responded to the concerns.

I will paraphrase. He talks about those concerns. Then he goes on and says:

> Mr. President, Judge Paez has earned bipartisan support from a variety of sources.

He goes through those.

I called Senator DOMENICI this morning—I didn't have a chance to speak to him because he was at a hearing—to thank him profusely for his support. This is a deserving man. I am proud to see Senators from the other side stepping up to the plate and supporting him. I think it is so important.

Richard Anthony Paez was born in Salt Lake City, UT, which happens to be the hometown of our distinguished chairman of the Judiciary Committee. He graduated in 1969 from Brigham Young University and received his law degree from Boalt Hall at the University of California at Berkeley in 1972.

For 13 years, he served as municipal court judge. Then he was nominated to the district court. He has been in that capacity now for about 5½ years. As the first Mexican American on that district bench, he has proven himself to be a role model and a real leader.

He has won the respect of law enforcement and attorneys who practice in his court. They have analyzed his rulings. We have an amazing article that I have already had printed in the RECORD. I wanted to refer my colleagues to it. It is from the Daily Journal, a very open, bipartisan review of Richard Paez. People from the most liberal to the most conservative who looked at Richard's record, Judge Paez's record, essentially said his decisions will stand the test of time. His opinions are praised as being well reasoned. So I think we know Judge Paez will be fair.

He has received the endorsement of the National Association of Police Organizations, the Los Angeles Police Protective League, the Los Angeles County Police Chiefs' Association, the current district attorney, Gil Garcetti, and the late Sheriff Sherman Block of Los Angeles, Republican sheriff in Los Angeles. Listen to what the LA Police Protective League said:

> . . . he has a reputation for integrity, fairness and objectivity, all qualities we believe essential for a member of the Appellate Court.

The lawyers who appear before him have praised his skills. Yesterday, I read comments from some of them. I will repeat some of these comments:

> He is a wonderful judge.
> He's outstanding.
> He rates a 12 or 13 on a scale of 10.

Another one:

> I don't know anyone here who has not been exceedingly impressed by him.

Another:

> I think he has great temperament. He never says or does anything that's off.
>
> He has a very good demeanor. He's very professional. He doesn't have any quirks.

So it goes on and on. It is a wonderful thing to be supporting Judge Paez because I feel I have so many objective people saying so many good things about him.

A law professor who looked at one of the rulings said:

> The opinion is clear, concise, straightforward, logical—

I think this is important to my colleagues from the other side—

> and provides no indication of the author's personal policy predilections on the issue. . . . [It is] implicitly respectful of the separation of powers among the branches of government.

Again, we have so many Republicans supporting Richard outside of this Chamber and, hopefully, enough inside this Chamber so we can get him through. But let me tell you some of those outside the Chamber.

Sheldon Sloan, a former California judge, former president of the LA County Bar, the former head of Governor Pete Wilson's Judicial Selection Committee—here is the man who picked the judges for Governor Pete Wilson—wrote a letter to Chairman HATCH, saying that Judge Paez:

> . . . has performed his duties with distinction and he is held in great esteem by all who worked with him, be the members of the bench or of the Bar.

He goes on to say:

> Richard Paez is a hard-working, experienced, quality Judge. He can be strong without being overbearing and he can be compassionate without being soft. He has been, and he will continue to be, a credit to the judiciary as a whole.

The American Bar Association gave Judge Paez the highest rating possible.

When I hear colleagues come over here, and they had every right in the world to vote no on this nomination; absolutely. I do not want to overstate it, but I would lay down my life for their right to do what they think is right. But the one thing with which I take issue is when the record is distorted. I do not think it is purposely distorted, but Richard has some people who do not want him to be on the bench, and they distorted things. We have heard things on the floor; that there were games being played in the district court when he got certain cases; that Judge Paez is soft on criminals when, in fact, a review that was requested by Senator SESSIONS showed, on the contrary, that Judge Paez is tougher than most.

This shows his downward departures in sentencing—in other words the times he has sentenced less than the guidelines—were far fewer than the average court. He granted downward departures only 6 percent of the time when U.S. district courts granted downward departures 13.6 percent of the time. So he has been tough. He has an excellent record on criminal appeals. He has not been reversed once on a criminal sentence.

I feel he has a strong sentencing record. Then, again, when Senator SESSIONS says he gave too easy a sentence to certain people, as Senator SPECTER put in the RECORD yesterday, he was following what the prosecution asked him to do to the letter. He was following what the prosecution asked him to do. So if there is any gripe about it, it is with the prosecutor. He did what the prosecutor asked.

So, I ask my colleagues—I would love to ask Senator HUTCHINSON how much time he needs on the floor, and Senator SPECTER, because I have another few minutes, but I would like to accommodate them.

Mr. HUTCHINSON. I think morning business is for 10 minutes. That is what I need, 10 minutes.

Mrs. BOXER. And my colleague?

Mr. SPECTER. Mr. President, if I may respond, I spoke in support of Judge Paez yesterday. I would like to speak for about 4 minutes on a matter, if I could squeeze in here?

Mrs. BOXER. May I make a suggestion, and may I ask a question? I am about to wrap up on Judge Paez and put a number of things in the RECORD. I have a question.

Mr. President, would it be in order to propound a unanimous consent request that Senator HUTCHINSON be allowed to speak for 10 minutes, Senator SPECTER for 7 minutes, and I will come back for another 10 minutes so I can give my friends time?

Mr. SPECTER. Reserving the right to object, is that a unanimous consent request?

Mrs. BOXER. Yes, it is.

Mr. SPECTER. Mr. President, can I persuade my colleague to let me have 4 minutes ahead of him?

Mr. HUTCHINSON. Yes.

Mrs. BOXER. Mr. President, I revise the request to ask for 4 minutes for Senator SPECTER, 10 minutes for the good Senator from Arkansas who has been waiting, and 10 minutes for this Senator. This is after I finish my remarks, which will be in a moment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I thank my friends.

I will conclude about Judge Paez in this fashion. I will have printed in the RECORD the extensive list of his supporters—elected officials, both Republican and Democratic, national law enforcement associations, California State judges and justices, bar leaders, business leaders, community leaders, attorneys, and Hispanic groups. I ask unanimous consent that this list be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUPPORT FOR THE HONORABLE RICHARD A. PAEZ, NOMINEE TO THE NINTH CIRCUIT COURT OF APPEALS

CALIFORNIA ELECTED OFFICIALS

U.S. Representative James E. Rogan, (R-CA 27th)
Speaker of the California State Assembly Antonio R. Villaraigosa
Los Angeles County Sheriff, Sherman Block (deceased)
Los Angeles County District Attorney, Gil Garcetti
Los Angeles City Attorney, James K. Hahn

NATIONAL AND LOCAL LAW ENFORCEMENT ORGANIZATIONS

National Association of Police Organizations, Inc., Executive Director, Robert T. Scully

Los Angeles Police Protective League Board President, Dave Hepburn

Los Angeles County Police Chiefs' Ass'n, Endorsement Comm. Chair, Stephen R. Port

Association for Los Angeles Deputy Sheriffs, Inc., President Pete Brodie

Department of California Highway Patrol Commissioner, D.O. Helmick

CALIFORNIA STATE JUSTICES AND JUDGES

California Court of Appeal Justice H. Walter Croskey

California Court of Appeal Justice Barton C. Gaut

California Court of Appeal Justice Paul Turner

Los Angeles Superior Court Judge Victoria H. Chavez

Los Angeles Superior Court Judge Edward A. Ferns

Los Angeles Superior Court Judge Carolyn B. Kuhl

Los Angeles Superior Court Judge Michael Nash

Los Angeles Superior Court Judge S. James Otero

Los Angeles Municipal Court Judge Elizabeth Allen White

BAR LEADERS/BUSINESS LEADERS/COMMUNITY LEADERS

Former California Judge and Former President of the Los Angeles County Bar Association, Sheldon H. Sloan

Los Angeles County Bar Association President, David J. Pasternak

Los Angeles County Bar Association, Litigation Section Chair, Michael S. Fields

Former California Judge, Lawyer Elwood Lui, Jones Day, Reavis & Pogue, Los Angeles, California

Loyola Law School Associate Dean for Academic Affairs, Laurie L. Levenson, Los Angeles, California

National Council of La Raza President, Raul Yzaguirre

Mexican American Bar Association of Los Angeles County President-Elect, Arnoldo Casillas

Special Counsel to the County of Los Angeles, Consultant to the Los Angeles Police Commission, Merrick J. Bobb

Arizona Hispanic Chamber of Commerce President & CEO, Sandra L. Ferniza

Latina Lawyers Bar Association President, Elsa Leyva

Mrs. BOXER. Mr. President, believe me, this is going to be a very big day for this nominee, for my friend Richard Paez. He is a good man. Before Senator SPECTER begins, once more I thank him. He has been so fair to this nominee and also to Marsha Berzon. I thank him for his strong support of these two nominees.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

REPORT ON INVESTIGATION OF ESPIONAGE ALLEGATIONS

Mr. SPECTER. Mr. President, I have sought recognition to speak about the "Report on the Investigation of Espionage Allegations against Dr. Wen Ho Lee." I have circulated this 65-page report with a Dear Colleague letter today, but I think it important to speak about it on the Senate floor.

The Dear Colleague letter urges Senators to support S. 2089 which is designed to reform the Foreign Intelligence Surveillance Act to avoid the mistakes which were made in the investigation of Dr. Wen Ho Lee.

In the Wen Ho Lee matter, the FBI went to the Attorney General personally to ask for approval for a FISA warrant and was turned down. The Attorney General in August of 1997 assigned the matter to a subordinate who had no experience on FISA matters. The Attorney General did not check on the matter, and the FBI request was, therefore, rejected. The FBI then let the matter languish for some 16 months before taking any investigative action.

At that stage, the Department of Energy meddled in the matter by giving a lie detector test to Dr. Lee, representing he had passed it when, in fact, he failed it, throwing the FBI investigation off course. The FBI then gave another polygraph on February 10 which Dr. Lee failed, but there was no action taken to remove him from the office until March 8, so that he stood with access to this very important information for some 19 months.

This information was so important that, according to the testimony of Dr. Stephen Younger at the bail hearing, it could change the global strategic balance.

The legislation seeks to correct these failures by requiring the Attorney General personally to review the matter when requested in writing by the Director of the FBI, and then, if the FISA application is declined, to state in writing the reasons, which will give a roadmap to the FBI as to what to do, and then for the Director of the FBI to personally supervise the investigation and to centralize the authority of the FBI to keep the meddling of the Department of Energy illustratively out of it.

This report is disagreed with in some manner by the Department of Justice, and there is some disagreement by other Federal agencies and some Senators. But it sets out a narrative, and anybody who has a disagreement will have an opportunity to testify before the oversight subcommittee.

This legislation has been cosponsored by Senator TORRICELLI, Senator GRASSLEY, Senator BIDEN, Senator THURMOND, Senator FEINGOLD, Senator SESSIONS, Senator SCHUMER, Senator HELMS, and Senator LEAHY. There is widespread support for the legislation even though there is some disagreement as to whether the probable cause was adequate for the FISA warrant or some of the other specific statements of fact.

This report has been prepared with the exhaustive work of Mr. Dobie McArthur. It summarizes in detail what happened on the errors of the Wen Ho Lee investigation. I am circulating it, as I say, with a Dear Colleague letter to Senators.

I think it is an important matter. It has been cleared by the Department of Justice and other agencies so that it does not contain any classified information. It can be found at my Senate website: www.Senate.gov/~Specter.

I ask unanimous consent that the Dear Colleague letter and the executive summary be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, March 8, 2000.

DEAR COLLEAGUE: I urge you to support S. 2089 which would reform the Foreign Intelligence Surveillance Act (FISA) to prevent future lapses like the ones which plagued the investigation of Dr. Wen Ho Lee. Had these reforms been in effect, a FISA warrant would doubtless have been issued and major risks to U.S. national security could have been avoided.

The seriousness of Dr. Lee's downloading classified codes onto an unclassified computer was summarized at his bail hearing on December 13, 1999 when Dr. Stephen Younger, Assistant Laboratory Director for Nuclear Weapons at Los Alamos, testified:

"These codes and their associated data bases and the input file, combined with someone that knew how to use them, could, in my opinion, in the wrong hands, *change the global strategic balance.*" (Emphasis added)

While the overall investigation of Dr. Lee from 1982 through 1999 contained substantial errors and omissions by the Department of Energy and the Department of Justice, including the FBI, the failure of DoJ to authorize the FISA warrant in August 1997 and the failure of the FBI to pursue prompt follow-up investigation gave Dr. Lee a critical opportunity to download highly classified information.

The Attorney General was personally requested by ranking FBI officials to approve the FISA warrant. She did not check on the matter after assigning it to a DoJ subordinate who applied the wrong standard and admitted it was the first time he had worked on a FISA request. After DoJ declined to approve the FISA warrant request, the FBI investigation languished for 16 months (August 1997 to December 1998) with the Department of Energy permitting Dr. Lee to continue on the job with access to extremely sensitive information from August 1997 until March 1999.

Senator Torricelli summed up the situation in his February 24th floor statement supporting S. 2089:

"There was a startling, almost unbelievable failure of coordination and communication between the Department of Justice, the FBI, and the Department of Energy in dealing with this matter, and only through that lack of coordination with this matter, and only through that lack of coordination was an allegation of possible espionage able to lead to 17 years of continued access and the possibility that this information was compromised." (Congressional Record S801)

This bill would require the Attorney General to personally decide whether a FISA warrant should be approved by DoJ when personally requested in writing by the FBI

Director, the Secretary of State, the Secretary of Defense or the Director of Central Intelligence. If the Attorney General declines, the reasons must be set forth in writing.

This bill would further require the FBI Director to personally supervise the follow-up investigation to secure additional evidence/information to obtain the FISA warrant. The bill further provides that the individual need not be "presently engaged" in the particular activity since espionage frequently spans years or decades and improves the coordination of counter intelligence activities among Federal agencies.

I am enclosing for your review: (1) a copy of S. 2089; (2) a sixty-five page Report on the Investigation of Espionage Allegations against Dr. Wen Ho Lee, including a five-page Executive Summary. Circulation of this Report has been delayed until the Department of Justice including the FBI, the CIA and the Department of Energy agreed that the Report does not contain classified information.

While the Department of Justice and some Senators disagree with some of the conclusions in this Report, there has been general agreement that legislation is warranted. To date S. 2089 has been co-sponsored by Senators Torricelli, Grassley, Biden, Thurmond, Feingold, Sessions, Schumer, Helms and Leahy.

If you are interested in co-sponsoring, please contact me at 224-9011 or have your staff contact Dobie McArthur at 224-4259.

Sincerely,

ARLEN SPECTER.

REPORT ON THE INVESTIGATION OF ESPIONAGE ALLEGATIONS AGAINST DR. WEN HO LEE, MARCH 8, 2000

SUMMARY

While the full impact of the errors and omissions by the Department of Energy and the Department of Justice, including the FBI, on the investigation of Dr. Wen Ho Lee requires reading the full report, this summary covers some of the highlights.

The importance of Dr. Lee's case was articulated at his bail hearing on December 13, 1999 when Dr. Stephen Younger, Assistant Laboratory Director for Nuclear Weapons at Los Alamos, testified:

"These codes and their associated data bases and the input file, combined with someone that knew how to use them, could, in my opinion, in the wrong hands, *change the global strategic balance*." (Emphasis added)

As Dr. Younger further noted about the codes Dr. Lee mishandled:

"They enable the possessor to design the only objects that could result in the *military defeat of America's conventional forces* . . . They represent the *gravest possible security risk to . . . the supreme national interest*." (Emphasis added)

It would be hard, realistically impossible, to pose more severe risks to U.S. national security.

Although the FBI knew Dr. Lee had access to highly classified information, had repeated contacts with the PRC scientists and lied about his activities, the FBI investigation was inept. In December 1982, Dr. Lee called a former employee of Lawrence Livermore National Laboratory who was suspected of passing classified information to the PRC. Notwithstanding the facts that Dr. Lee denied (lied) about calling that person, admitted to sending documents to Taiwan marked "no foreign dissemination" and made other misrepresentations to the FBI in 1983 and 1984, the FBI closed its investigation in March 1984.

A new investigation was initiated in 1994 by the FBI after Dr. Lee failed in his obligation to report a meeting with a high ranking PRC nuclear scientist who said that Dr. Lee had been helpful to China's nuclear program. This contact occurred at a time when the PRC had computerized codes to which Dr. Lee had unique access. Notwithstanding good cause to actively pursue this investigation, the FBI deferred its inquiry from November 2, 1995 to May 30, 1996 because of a Department of Energy Administrative Inquiry, which was developed by a DoE counterintelligence expert in concert with a seasoned FBI agent who had been assigned to the DOE for the purposes of the inquiry.

In the 1993–1994 time frame, DoE was incredibly lax in failing to pursue obvious evidence that Dr. Lee was downloading large quantities of classified information to an unclassified system. According to Dr. Stephen Younger, it was access to that information which would eventually enable the "possessor" to "defeat America's conventional forces". DoE's ineptitude had disastrous consequences when the FBI asked DoE's counter-intelligence team leader for access to Dr. Lee's computer and the team leader did not know Dr. Lee had signed a consent-to-monitor waiver.

The most serious mistake in this sequence of events occurred when DoJ did not forward the FBI request for a Foreign Intelligence Surveillance Act (FISA) warrant to the FISA court where:

(1) The FBI presented ample, if not overwhelming, information to justify the warrant;

(2) The Attorney General assigned the matter to a DoJ subordinate who applied the wrong standard and admitted it was the first time he had worked on a FISA request;

(3) Notwithstanding Assistant FBI Director John Lewis's request to the Attorney General for the FISA warrant, the Attorney General did not check on the matter after assigning it to her inexperienced subordinate.

After DoJ's decision not to forward the FBI's request for a FISA warrant, which could have been reversed with the submission of further evidence, the FBI investigation languished for 16 months with DoE permitting Dr. Lee to continue on the job with access to classified information.

On the eve of the release of the Cox Committee Report that was expected to be highly critical of DoE, DoE arranged with Wackenhut, a security firm with which the DoE had a contract, to polygraph Dr. Lee on December 23, 1998 upon his return from Taiwan. According to FBI protocol, Dr. Lee would have been questioned as part of the post-travel interview. However, the case agents were inexplicably unprepared to conduct such an interview. Ultimately, the polygraph decision was coordinated between DoE and the FBI's National Security Division. The selection of Wackenhut to conduct this polygraph was questioned by the President's Foreign Intelligence Advisory Board and criticized as "irresponsible" by the FBI agent working Dr. Lee's case.

The FBI's investigation was thrown off course when they were told Dr. Lee had passed the December 23, 1998 polygraph which the Secretary of DoE announced on national TV in March 1999.

A review of the Wackenhut polygraph records by late January contradicted the Department of Energy's claims that Dr. Lee had passed the December 1998 polygraph; and a February 10, 1999 FBI polygraph of Dr. Lee confirmed his failure. In the interim from mid-January, Dr. Lee began a sequence of massive file deletions which continued on February 10, 11, 12 and 17 after he failed the February 10, 1999 polygraph.

It was not until three weeks after the February 10, 1999 polygraph that the FBI asked for and received permission to search Dr. Lee's computer which led to his firing on March 8, 1999. A search warrant for his home was not obtained until April 9, 1999. Those delays are inexplicable in a matter of this importance.

The investigation of Dr. Lee demonstrates the need for remedial legislation to:

1. Require that upon the personal request of the Director of the FBI, the Secretary of State, the Secretary of Defense or the Director of Central Intelligence, the Attorney General will personally review a FISA application submitted by the requesting official.

2. Where the Attorney General declines a FISA application, the declination must be communicated in writing to the requesting official, with specific recommendations regarding additional investigative steps that should be taken to establish the requisite probable cause.

3. The official making a request for Attorney General review must personally supervise the implementation of the Attorney General's recommendations.

4. Explicitly eliminate any requirement that the suspect be "presently engaged" in the suspect activity.

5. Require disclosure of any relevant relationship between a suspect and a federal law enforcement or intelligence agency.

6. Require that when the FBI desires, for investigative reasons, to leave in place a suspect who has access to classified information, that decision must be communicated in writing to the head of the affected agency, along with a plan to minimize the potential harm to the national security. National security concerns will take precedence over investigative concerns.

7. The affected agency head must likewise respond in writing, and any disagreements over the proper course of action will be referred to the National Counterintelligence Policy Board.

Mr. SPECTER. Mr. President, how much time do I have that I am yielding back?

The PRESIDING OFFICER. The Senator has 3 minutes of his 7 minutes.

Mr. SPECTER. I only asked for 4, but I yield back the remainder of my time. I thank my distinguished colleague, Senator HUTCHINSON from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

EXTENSION OF MORNING BUSINESS

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that subsequent to the UC of the Senator from California, the morning business period be extended until 5 p.m., with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUTCHINSON. I thank the Chair.

(The remarks of Mr. HUTCHINSON pertaining to the introduction of S. 2215 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

TIMBER AND AGRICULTURE ENVIRONMENTAL FAIRNESS ACT

Mr. HUTCHINSON. Mr. President, I have heard from hundreds of private landowners, forest owners, and farmers in Arkansas who are greatly concerned about the Environmental Protection Agency's attempt to rewrite portions of the Clean Water Act.

I know the Senator from Idaho has been very much involved in this issue, has had hearings on this, and has been a leader in determining exactly what the EPA intends to do.

In August of last year, as the occupant of the chair knows, the EPA proposed a regulation which requires States to renew their efforts to fully implement a so-called voluntary total maximum daily load, or TMDL, program.

The States, in conjunction with the EPA, would establish TMDLs for water bodies statewide. If States fail to meet those TMDL guidelines, the EPA would then have the authority to enforce the new water quality standards. I believe that is what this agency had in mind all along.

Should the EPA be successful in carrying out their plans, this regulation will have a direct impact on two of my State's most important industries: agriculture and timber. Agriculture and forestry activity, which the EPA currently treats as potential "non-point source" polluters, could be regulated as point source pollution.

A regulation requiring foresters, private landowners and farmers to obtain discharge permits for traditional forestry and agriculture activities is costly, overly burdensome and unnecessary.

I believe this is yet another deliberate attempt to circumvent the Clean Water Act and legislate through regulation. Rewriting TMDL requirements and redefining point source pollution should be addressed when Congress, the elected representatives of the people, reauthorizes the Clean Water Act.

Arkansas has put forth a tremendous effort to implement statewide Best Management Practices and other water quality regulations.

If my State is required to establish and enforce expanded federal, one-size-fits-all TMDL standards, it must redirect already limited funds and resources away from successful State implementation programs and hand them over to bureaucratic EPA procedures and oversight.

These are some of the reasons why landowners in Arkansas are so upset. In early January I spoke at a meeting in El Dorado, AR, where 1,500 people attended to voice their concerns.

A few weeks later, 3,000 people attended a similar meeting in Texarkana, AR. Although the public comment period for this proposed regulation is over, a third meeting scheduled for later this month is expected to draw similar crowds.

The thousands of people who attend these meetings have families, busy schedules, and many other responsibilities, but they are willing to sacrifice their time to learn more about this proposed regulation and how it will affect their livelihood.

One of the core issues motivating Arkansans to attend public meetings by the thousand is *trust*. Ultimately, the people of my State do not trust the EPA. In other words, the EPA has not earned the trust of my constituents.

Clearly, the EPA has done an incredibly poor job communicating their proposal to those whom it will affect the most. During my time in public service, I have never seen this kind of public outcry to anything the EPA has done.

In response to the reaction from foresters, private landowners and farmers, private landowners and farmers in Arkansas, I have introduced S. 2139, the Timber and Agriculture Fairness Act.

My bill consists of two simple parts: First, it exempts silviculture operations and agriculture stormwater discharges from EPA's National Pollutant Discharge Elimination System permitting requirements; and, second, it defines nonpoint source pollution relating to both agriculture stormwater discharges and silviculture operations.

This two-prong approach, I believe, is the sensible way to winning back the trust of Arkansans and the American people.

We must remind ourselves that we have a Government "of the people, by the people, and for the people." By passing this legislation, we will give the Government back to its original owners.

Mr. President, I ask my colleagues to support S. 2139.

I express my appreciation to the Senator from California for fitting me in between her comments.

I yield the floor.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from Idaho.

Mr. CRAPO. I ask unanimous consent to speak for up to 10 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAPO. I thank the Senator from California for allowing me to take a few moments to address the Senate.

TRIBUTE TO DONALD E. DIXON

Mr. CRAPO. Mr. President, I would like to make a statement in recognition of one of my very close friends out in Idaho who has just had a wonderful accomplishment in his life. He is a neighbor, a friend, and a member of my staff from Idaho, Don Dixon.

On March 24, Don will be given the distinct honor of induction into the Eastern Idaho Agriculture Hall of Fame. The honor reflects his commitment to farming in Idaho and the respect and esteem in which he is held in our community. I know you join eastern Idaho and myself in extending to Don congratulations on this achievement.

Don is a lifelong farmer and resident of Idaho Falls, ID. He owns and tends the farm his grandfather purchased in 1900 and, thereafter, was owned by his father. Apparently, the farming bug hit Don hard because he took over the Dixon operation with his brother soon after college and his military service. A measure of his success is reflected by his continued expansion of the farm and livestock and the handover of a solid operation to his son.

For years, Don's work has produced some of the region's best potatoes, in a State that has the world's finest spuds, cattle, hay, and grain. In this time of agriculture distress and low prices, Don has demonstrated himself to be a model farmer by taking steps to protect the environment by undertaking the best management practices and water conservation through improved irrigation techniques. We can all be proud of his work to be a productive member of the agriculture community and a good steward of the land.

Although his induction into the Hall of Fame is a special accomplishment, Don has long been chosen as a representative of his community. He has been an active member of eastern Idaho's business and agriculture organizations for as long as I can remember. Don has served on the board of the Eastern Idaho State Fair and, for 6 years, served on the Idaho Potato Commission, a post nominated by our Governor. His recognition at the national level is evident from Don's successes as Director of the National Potato Promotion Board.

In 1995, Don joined my staff and served with distinction through the balance of my House tenure, working on agriculture and natural resources issues. He was instrumental in my work with farmers and ranchers throughout the State during the debate on the 1996 farm bill. When I was elected to the Senate in 1998, Don agreed to continue our partnership by becoming my State Director of Agriculture, a position he has fulfilled with distinction and widely-held respect.

Don has served the people of Idaho above and beyond the call of duty, meeting more farmers and community leaders than any of his peers and probably has logged enough miles on his pickup truck to circumnavigate the world several times. The patience and understanding of his wife Georgia, his four children, and extended family for his work is a testament to Don's commitment to service and leadership in eastern Idaho's agriculture community.

Don's generosity and good-natured approach to life and work is also reflected in his induction into the Eastern Idaho Agriculture Hall of Fame. He is a valued counselor and friend of my entire family. I salute him on the accomplishment of this high honor. I know you and my colleagues in the Senate join me in offering our congratulations to Don Dixon.

I yield the floor.

The PRESIDING OFFICER (Mr. BUNNING). The Senator from California.

Mrs. BOXER. Mr. President, I thank my colleagues who were able to work out time back and forth on various issues.

NOMINATIONS OF MARSHA BERZON AND RICHARD PAEZ

Mrs. BOXER. Mr. President, I had the privilege to address the Senate for about 15 minutes on the quality of two wonderful Ninth Circuit court nominees who are coming up for cloture votes today at 5 o'clock. I am very hopeful we can, in fact, shut off debate on this and get to the votes themselves tomorrow.

These are two excellent people, wonderful human beings, wonderful family members. Their families and they have gone through a difficult time because they have been kind of twisting in the wind—for 2 years, in Marsha's case; in Richard's case, for 4 years—while awaiting this moment. I hope if they are watching today, they feel as optimistic as do I that hopefully it is going to have a happy ending.

CEDAW

Mrs. BOXER. Mr. President, today is International Women's Day. To all you women out there, and men who care about women, happy International Women's Day.

I think it is very fitting on International Women's Day to discuss a treaty this Senate should ratify, but has not ratified in over 20 years. This treaty, signed by President Carter, almost made it to the Senate floor some 6 years ago when it was voted favorably out of the Foreign Relations Committee. Unfortunately, it was never brought up. The treaty is called CEDAW. It stands for the Convention on the Elimination of all Forms of Discrimination Against Women.

This is a treaty that has been nicknamed the Magna Carta for women because it essentially gives basic human rights to women all over the world. That is why 165 nations, all of our allies and friends in the world, have in fact ratified it. But we haven't ratified it. One might say, well, who hasn't ratified it? I am sorry to say, we are standing with such stalwarts of democracy as Iran, North Korea, Sudan, and Somalia. We don't belong in that company. This country is, in fact, a leader of human rights. It is really an embarrassment that we have not brought that treaty to the Senate floor.

I wrote a resolution that calls on the Senate to ask the Foreign Relations Committee to hold a hearing on CEDAW. It now has 25 cosponsors, including Republicans. It is very simple. It expresses the sense of the Senate that the U.S. Senate Committee on Foreign Relations—that is a committee on which I serve—should hold hearings, and the Senate should act on CEDAW, should take action on this convention to eliminate all forms of discrimination against women. The resolution goes through why this treaty is so important. It talks about how important it is that CEDAW be enacted: because it would help give women equal rights, equal opportunity, equal education; it would help them get protection against violence. We know that happens all over the world where women don't have equal rights. And it would give us the clout, if you will, the portfolio to be stronger as a world leader.

The bottom line of this is that today I asked the Democratic leadership to ask unanimous consent to bring this resolution that I wrote to the floor. The resolution doesn't say ratify this convention. It simply says to the Foreign Relations Committee, please hold hearings.

It was objected to by the other side of the aisle because they don't want to have this hearing. I will discuss that because it is with great respect that I bring up these differences between the two sides of the aisle. The chairman of the Foreign Relations Committee, with whom I have a wonderful relationship, a very good working relationship, took to the floor of the Senate today. He unequivocally stated—and when he wants to be unequivocal, he can—that he will not hold hearings on the Convention to Eliminate all Forms of Discrimination Against Women. And he explained why. I totally respect his right to have this view, but I will paraphrase the reasons he gave as to why he doesn't want to hold hearings on this. I will offer another view.

First, he said he wasn't going to hold hearings because there are radical groups behind this treaty.

I ask unanimous consent to print in the RECORD a list of the organizations that have endorsed the women's convention.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

ORGANIZATIONS THAT HAVE ENDORSED THE WOMEN'S CONVENTION (PARTIAL LIST)

Action for Development
*American Association of Retired Persons
*American Association of University Women
*American Bar Association
American College of Nurse-Midwives
American Council for the United Nations University
American Federation of Teachers
*American Friends Service Committee
*American Jewish Committee
*American Nurses Association
American Veterans Committee
Americans for Democratic Action, Inc.
*Amnesty International USA
Association for Women in Development
Association for Women in Psychology
Anti-Defamation League of B'nai B'rith
*Bahá'is of the United States
Black Women's Agenda
*B'nai B'rith International
Bread for the World
*Business and Professional Women/USA
BVM Network for Women's Issues
Catholics for A Free Choice
Center for Advancement of Public Policy
Center for Policy Alternatives
Center for Reproductive Law and Policy
Center for Women's Global Leadership
Center of Concern
Chicago Catholic Women
Church of the Brethren, Washington Office
*Church Women United
Coalition on Religion & Ecology
Coalition for Women in International Development
Columban Fathers' Justice & Peace Office
Commission on the Advancement of Women/InterAction
D.C. Statehood Solidarity Committee
Earthcommunity Center
Eighth Day Center for Justice
Episcopal Church
*Evangelical Lutheran Church of America
*Feminist Majority Foundation
Francois Xavier Bagnoud Center for Health and Human Rights
Friends of the U.N.
*Friends Committee on National Legislation
*General Federation of Women's Clubs
Global Commission to Fund the UN
Gray Panthers
Guatemala Human Rights Commission
Hadassah, The Women's Zionist Organization of America
Health & Development Policy Project
Human Rights Advocates
Human Rights Watch/Women's Rights Division
The Humane Society
International Center for Research on Women
International Gay and Lesbian Human Rights Commission
International Human Rights Law Group
International Women's Health Coalition
International Women's Human Rights Law Clinic
International Women Judges Foundation
The J. Blaustein Institute for the Advancement of Human Rights
Jewish Council for Public Affairs
*Jewish Women International
Lambda Legal Defense and Education Fund, Inc.
Lawyers Committee for Human Rights
*Leadership Conference of Women Religious
*League of Women Voters of the United States
Louisville Women-Church
Maryknoll Mission Association of the Faithful
Maryknoll Office of Global Concerns
Massachusetts Women-Church
Na'amat USA
*National Association of Commissions for Women
National Association of Social Workers
National Association of Women Lawyers
National Audubon Society
National Coalition Against Domestic Violence

National Coalition of American Nuns
*National Council of Negro Women
National Council of the Churches of Christ in the USA
National Council of Women of the USA
*National Council of Women's Organizations
*National Education Association
National Jewish Community Relations Advisory Council
National Women's Conference Committee
*NOW Legal Defense & Education Fund
NETWORK—A National Catholic Social Justice Lobby
Older Women's League
Oxfam America
Planned Parenthood Federation of America
*Presbyterian Church (U.S.A.), Washington Office
Psychologists for Social Responsibility
Robert F. Kennedy Memorial Center for Human Rights
San Francisco Bay Area Women's Ordination Conference
*Sierra Club
Sisterhood is Global Institute
Sisters of St. Joseph of Peace
Soka Gakkai International—USA
Society for International Development/Women in Development
*Soroptimist International of the Americas
Union of American Hebrew Congregations
*Unitarian Universalist Association, Washington Office
Unitarian Universalist Service Committee
United Church of Christ Office for Church and Society
*United Methodist Church
*United Nations Association of the United States of America
United States Committee for UNICEF
United States Committee for UNIFEM
Washington Office on Africa
Winrock International
Woman's National Democratic Club
Women Empowering Women of Indian Nations (WEWIN)
Women of Reform Judaism
Women for International Peace and Arbitration
Women for Meaningful Summits
Women Law and Development International
*Women's Action for New Directions/Women Legislators Lobby
Women's Environment and Development Organization
Women's Institute for Freedom of The Press
*Women's International League for Peace and Freedom
Women's Legal Defense Fund
Women's Ordination Conference
World Citizen Foundation
*World Federalist Association
*YWCA of the U.S.A.

*Active National Membership Organizations.

Mrs. BOXER. With the Chair's indulgence, I will read to the Senate just a few of these organizations. I want the Senate to decide if these organizations are radical or in any way not in the mainstream of thought. These are just some of the organizations that say, yes, the United States should ratify this treaty to end all forms of discrimination against women: the American Association of Retired Persons; the American Association of University Women; the American Jewish Committee; Amnesty International USA; the Bahais of the United States; the Black Women's Agenda; the B'nai B'rith International; Business and Professional Women USA; Chicago Catholic Women; Church of the Brethren, Washington Office; Church Women United; Episcopal Church; the Evangelical Lutheran Church of America; Hadassah; Human Rights Watch; The Humane Society; Lawyers Committee for Human Rights; Leadership Conference of Women Religious; National Association of Commission for Women; National Coalition Against Domestic Violence; the National Coalition of American Nuns; the National Council of Churches of Christ in the USA; the National Council of Women's Organizations; the Presbyterian Church, Washington Office; the Soroptimist International of the Americas; the Union of American Hebrew Congregations; the Unitarian Universalist Association, Washington Office; the United Methodist Church; the Women's Legal Defense Fund; and the YWCA of the United States of America.

I don't mind debating an issue on its merits, its demerits, its flaws, its problems. But to come to the Senate floor and say the people behind this convention to eliminate all forms of discrimination against women are radicals is simply not a fact in evidence, unless you think Hadassah is radical or the nuns are radical or all these churches and organizations are radical. They are far from radical. They are mainstream America. Mainstream America supports this, and we can't get a hearing because our chairman believes these groups are radical.

I understand some tactics have been used to get the chairman's attention to hold this hearing that he does not appreciate. And that is his right. But I beg my chairman to look past that and understand that these groups are in the mainstream of America. America should be in the leadership and out front on this issue. So the first point he made, I do not agree with, that radicals are behind this treaty.

Secondly, his other argument was that signing this international treaty would interfere with our sovereignty; in other words, it would interfere with us as lawmakers to do our job, would interfere with our laws. Nothing could be further from the truth. We have thousands of international treaties of which we are a part. They are all in this book. I won't put this in the RECORD because it would cost too much to print, but it is page after page with almost every civilized country. We have treaties with them on all kinds of things—on science, on military aid, on human rights.

I will give you a couple that we signed on human rights. We are a party to a number of human rights treaties. One in particular is the U.N. Convention Against Torture, and other cruel, inhumane, and degrading treatment or punishment. We ratified that in 1990. The International Covenant on Civil and Political Rights was ratified in 1992. The Convention on the Elimination of All Forms of Racial Discrimination, ratified in 1994.

So to say that these treaties will interfere with us just doesn't make any sense. Again, it is just not a fact in evidence.

The third reason my chairman says he doesn't want to hold a hearing is that he believes the whole purpose of this convention is to grant women the right to choose. In other words, in his opinion, this whole thing is about abortion rights. I want to say again how off the mark I think that suggestion is. When the committee voted this convention out for ratification 6 years ago, there was a big debate on this matter. What the committee did—by the way, I will support it overwhelmingly—it said this treaty and this convention is abortion neutral. It specifically said it "does not create or reflect an international right to abortion or sanction abortion as a means of family planning." It goes on, "We don't endorse it as a means of family planning," et cetera. The understanding states that "nothing in the convention reflects or creates a right to abortion" and that "in no case should abortion be promoted as a method of family planning."

So these issues that the chairman of the committee has raised, in my opinion, are straw men, or straw people, or straw women. They are not fact. The fact is, when we voted out this convention 6 years ago, we specifically stated it had nothing to do with abortion. The fact is that 165 nations have passed this, and we are standing with the most retrograde, rogue states in our opposition to it. There are thousands and thousands of treaties that do not interfere with our rights of sovereignty. The fact is that it has nothing to do with abortion. The most mainstream groups—and I have read some of them to you, and they are all that way—are behind this treaty and are working very hard to get it done.

Now, 21 years ago, the U.N. General Assembly adopted a treaty. Twenty years ago, President Carter signed the treaty. So it is really long overdue. I don't want to stand with Iran, Sudan, Somalia, and North Korea, as the rare nations who have not ratified this. I think it is a disgrace that we are not a party to this treaty. We know since 1981, when it entered into force, it has had a positive impact on the countries that have signed it. One such example is constitutional reform in Brazil, which brought significant guarantees of women's human rights, and CEDAW provides the framework for articulating these rights.

There are many other wonderful things that have happened worldwide as a result of this treaty. Other nations have copied word for word from the treaty the kinds of rights they are going to give women in their nations. We have an important book, "Bringing

Equality Home," which shows how many good things have happened because of that.

You might say, Senator BOXER, why does America have to act if these good things are happening? The fact is, we have to act because we should be proud that all of the things in this treaty we already do in our country. So we should be a leader, not a follower, on this. And we need that portfolio because when there is a case of a country that is not doing right by its women—and let me give you a case in point. There was a case in Kuwait where women were struggling to get the right to vote. It was a big brouhaha, and everybody thought, my goodness, we came to their assistance in the gulf war, they are going to follow suit and women will get the right to vote. Guess what happened. They did not. We were pressing them so hard, but I bet they turned to our negotiator and said, "Wait a minute, why should we listen to you, you aren't even a party to the CEDAW treaty." It takes away our ability to lead for equal rights for women because we have not yet ratified.

I am very hopeful that Senator HELMS will have a change of heart on this, although I believe he does hold strong views. But today I learned that Congressman Gilman, who is the Republican chair of the committee called the House International Relations Committee, has agreed to hold hearings on this treaty.

The fact is, it is our business, our work, our job. We are the ones who should be doing it. Although I am very pleased that the House is going to have the hearing—and I hope I can get over there and testify. But I think we should have our own hearings. After all, we have 25 Members of the Senate who were on this. I will read you the list of Senators who have gone on this, asking for hearings on this: Senators MURRAY, MIKULSKI, COLLINS, SNOWE, ROBB, WELLSTONE, BIDEN, LAUTENBERG, KENNEDY, SARBANES, CLELAND, Bob GRAHAM, Jack REED, LINCOLN, FEINSTEIN, LANDRIEU, FEINGOLD, DURBIN, DASCHLE, LEAHY, DODD, BINGAMAN, TORRICELLI, KERRY, and SPECTER.

We have many Republicans and many Democrats. I honestly think that if everyone knows about this resolution—and I will work hard on that—we will get some more. We now have a quarter of the Senate on record asking for hearings on CEDAW. My view is, since it was voted out favorably 6 years ago by the committee on a bipartisan vote of 13–5, we ought to do it again and get it moving and bring it down here for debate.

Women deserve equal rights, voting rights, human rights. They deserve to be protected from violence, either in their own homes or walking down the street. They should be protected against institutional violence. We have seen things that go on in Africa with operations that are forced upon women. It is very important that for us to lead in the world, we must be a leader on this treaty.

Again, I say to my friends on the other side who oppose this, I respect your right to oppose it. But, my goodness, what about having a hearing on it so we can listen to both sides? I think women in this country are waking up to this fact. There are so many issues we deal with every day. The women in my State are dealing with making it home in time to greet their children coming home from school or who are in day care. Their husbands are also working and putting dinner on the table and planning all the things they plan for their families. They are balancing their lives with their jobs. Do you know what? They care about this.

I have had meetings with many women who care about this because we are on this Earth right now and we have to try to make it a better world. We can't stop every evil, that is for sure; we know that. But we can stand for equal rights and human rights for people all over the world. We can stand up and say in certain countries women are treated like second-class citizens and, in some cases, not even third-, fourth-, or fifth-class citizens; they are treated like property. They have no respect. I just believe this great Nation of ours has come a long way to have the equality we have. Sometimes I look at the young women here and I think: Do you really know what it was like before women had equality?

Do you know what it was like when I went to get a job on Wall Street after graduating from college and was told: Women don't work here? The most shocking thing about it was that I said OK. And I packed up my bag and left. I didn't even argue with them. It was a given. There were only certain jobs for women.

I had to study to pass my test as a stockbroker on my own without the benefit of anyone. Once I got my licensing back, I said: Now, can I please be a stockbroker, and bring commission to this brokerage house, by the way? Well, all right, but just do it quietly. We want to make it look like you are a secretary. Those were tough days. It wasn't that long ago. I know I am old, but I am not that old. We faced that kind of discrimination.

Women could not vote until 1920. People look around here and say: Why aren't there more women? Believe me. I say that every day. But the bottom line is we didn't get to vote until 1920. We weren't used to power—not even the power to vote until the 1920s. We are learning how to deal with it now. But it takes time. Why shouldn't the world learn from our experience? What we know to be a fact and evident is that women are equal. By the way, it doesn't mean we are better. We are equal. We are equally good in some cases and equally bad in some cases—not better. But we know that and we respect that in this country, although I would still like to see the equal rights amendment be part of the Constitution. But basically we know that. We should take that knowledge and that commitment, and make sure the women of the world have a chance at life. I think we can do it through this treaty. I would think we would be proud to do it across the party line.

I think this is going to become an issue in this election because there is no reason why we shouldn't at least hold a hearing and debate these issues.

The chairman of the Foreign Relations Committee was down here today. He was eloquent in his opposition. Now I am on the floor and he is not here. I hope I have been a little eloquent on why we should pass the treaty. Why not bring that debate inside the Foreign Relations Committee where it belongs? Why not hear from Senators on both sides who care about this one way or the other? Why not vote it out? Why not come to the floor and have a good debate on these issues, and perhaps elevate the Senate? We get into our petty quarrels. Sometimes we take up issues that are, frankly, not as important as others. This one would be one that I think would make us all proud, wherever we come out on this matter and on this question. But in terms of the arguments against it, I hope I have put the other side out on the table.

Good people are behind this treaty—good, mainstream American groups. The treaty is a Magna Carta for women. We ought to be proud of it. We ought to stand with the countries in the world that are civilized, that give their women equal rights and fair rights. We ought to stand with them. It is time we do it.

It is International Women's Day. I will end where I started with happy International Women's Day. I hope when we think about this perhaps in the next few days and weeks and months, we will factor in a very important treaty—the Convention to Eliminate All Forms of Discrimination Against Women—on the floor of the Senate for a high-level debate and a vote.

Thank you very much Mr. President. I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CEDAW HEARING

Mrs. MURRAY. Mr. President, let me thank the Senator from California, Mrs. BOXER, for raising the issue that today is International Women's Day—it is a very important day for women around the world and their rights—and to thank her for her work on the resolution asking the Foreign Relations Committee to hold a hearing on CEDAW, which is a very important resolution. It is time that we as a Senate hear what is involved and have a chance to get testimony and to possibly move forward on it. It would be a great step forward.

PIPELINE SAFETY

Mrs. MURRAY. Mr. President, I have come to the floor this afternoon to publicly thank my colleague from the State of Washington, Mr. GORTON, for endorsing my bill, S. 2004, the Pipeline Safety Act of 2000. I am delighted Senator GORTON joined with me on this very important public safety issue. Senator GORTON has the respect of many in the Senate leadership, and I expect he will be a great help in helping us pass this pipeline safety bill. I look forward to working with him to make sure that the tragedies he talked about today—such as the one that occurred in Bellingham, WA—don't happen again.

I also wish to take a moment to recognize the efforts of many, many people in my home State of Washington—especially the mayor of Bellingham, Mark Asmundson, who has done more than anyone I know to raise public awareness about pipeline dangers and to call for stronger safety measures.

I encourage my colleagues, many of whom I have met personally over the last several months on this issue, to take this opportunity now to join Senator GORTON and me in helping to ensure the safety of the pipelines that transport natural gas, oil, and other hazardous liquids throughout our communities.

Since 1986, there have been more than 5,700 pipeline accidents nationwide. These accidents have killed 325 people and injured another 1,500. Three of those people died in Bellingham, WA, last June. We want to make sure we take steps this year to ensure that does not happen again to any other community. It is time to act. It is time to prevent another disaster.

My bill, S. 2004, would expand State authority. It would improve inspection practices, a move that is drastically needed. It would expand the public's right to know.

For any of you who may suffer from a disaster in the future, you will quickly find that your communities and cities won't have the ability to ask pipeline companies whether pipelines have been inspected, and what problems there are, or actions they have taken to solve those problems, unless we pass the public's "right-to-know provision." It will improve the quality of pipeline operators, and it will increase funding to improve safety.

I look forward to working with the rest of the Washington State delegation to put the lessons that we learned all too tragically in Bellingham, WA, into law.

I ask my colleagues, many with whom I have met, to again take a look at this legislation and join us in sponsoring it, and for this Senate and Congress to move on this very important piece of safety legislation.

Thank you, Mr. President.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE FAA CONFERENCE REPORT

Mr. STEVENS. Mr. President, I would like to take a few minutes at this time to congratulate the majority leader, Chairman JOHN MCCAIN, Senator SLADE GORTON, Representative BUD SHUSTER, and everyone in Congress who has worked so hard to produce a conference report on the FAA. Many of my colleagues have discussed the importance of this bill to our national aviation infrastructure, so I will not repeat now their comments. It is my purpose to remark to the Senate how important this bill is to my State of Alaska.

Mr. President, 75 percent of Alaska's communities are accessible only by air. We have enormous needs and, frankly, those needs have often taken a back seat to major metropolitan areas of the lower 48. It is my hope this bill will address some of those inequities, and I congratulate my Congressman, DON YOUNG, for his hard work on this bill.

We have 71 unlighted airports in Alaska. In an area where we spend half of our year in darkness, those airports are unlighted. One hundred and fifty airports in my State are less than 3,300 feet in length. More than half of our rural airports are without minimal passenger shelters. You reach the airport, get off the airplane, and there is literally nothing there. One hundred and seventy-six public use airports do not have basic instrument approach capability, and 194 locations in Alaska lack adequate communication, navigation, and surveillance.

This bill does not address all of those needs, and I hope to work with the Members of the House and Senate on the Appropriations Committee to fill a few of those gaps. This is a classic case in which some congressional earmarking is appropriate because the national administration too often has written off Alaska as a priority in matters relating to aviation.

I am pleased my colleagues agreed with my proposal to increase the percentage of airport improvement program funds that flow to airports engaged in cargo operations. This modification will bring additional moneys, almost $6 million, to the Anchorage International Airport, which is now the busiest cargo airport in this Nation—Anchorage, AK.

It is also encouraging to see the committee once again included my language to allow the Administrator of the FAA to modify regulations to take into account special circumstances in Alaska. Sometimes rules that appear to make sense in the lower 48 simply do not work in our north country. That is why the conference agreed to exempt Alaska from provisions that bar new landfills within 6 miles of an airport. This provision is literally unworkable in Alaska where most of our remote villages are surrounded by Federal refuges and, despite repeated efforts, we are not even allowed to build a road a mile long because of intervention of an alphabet soup type of Federal agency domination.

That may sound strong, but it is literally true.

Many of you may have heard I was concerned about a provision in the budget treatment section of the final compromise package on the FAA. That is true, and I would like to briefly discuss it.

The practical effect of the provision that the House ultimately agreed to delete from this bill would have been to bar any Senate bill or conference report or budget resolution from being considered that did not slavishly adhere to the legislative structure or levels of funding in this bill. Such a provision amounted to an ultimatum to the Senate that presented an unwarranted intrusion into the legislative process. The provision would have given a small number of House Members the ability to completely derail an appropriations conference report, agreed to by the House and the Senate, on completely procedural grounds.

This provision could have had severe and damaging unintended consequences. For example, the House insistence on the across-the-board cuts in last year's wrapup bill would have triggered that provision, and the omnibus bill would not have been in order on the floor of the House.

The minority party in the House could have used this provision to oppose a transportation appropriations conference report, a supplemental conference report, or an omnibus bill if the guaranteed levels or program structures were modified in any fashion, pursuant to the waiver provisions contained in the law, even if such modification were made at the request of the leadership or of the authorization committees.

The bottom line when considering this particular provision is that it is hard to predict the future. Budget constraints, shifting congressional priorities, administration priorities, and other aviation issues that emerge after enactment of a reauthorization bill often require modification of other legislative provisions. The (C)(3) provision that has been deleted failed to provide for such exigencies, and I am pleased the conferees have deleted it. I hope we will not face that proposal again.

Beyond that, the budget treatment in the FAA reauthorization bill is challenging for the Appropriations and Budget Committees, but it is manageable. It will necessitate that the Senate and the House make some choices between discretionary priorities, transportation, and other priorities during the consideration of the budget and the funding bills for the year 2001. Above all, it will require the House and the Senate to agree to a budget at levels that will enable us to keep the mandates of the FAA reauthorization bill.

This bill adds between $2.1 and $2.7 billion in aviation spending above the fiscal year 2000 levels. I support that. I support spending as much on aviation as we can afford. I am not unmindful of the pressure that this and other guaranteed spending will place on the budget, the Budget Committee, and the appropriations bills. We will have to all work together on these matters.

Once again, I thank the members of the conference and my staff, including Steve Cortese, Wally Burnett, Paul Doerrer, Mitch Rose, and my legislative fellow Dan Elwell, for all of their work on this measure over the past year.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I ask unanimous consent to speak approximately 12 minutes on the Paez nomination. I don't know whether there is any agreement on that. Otherwise, I will do it in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PAEZ NOMINATION

Mr. SESSIONS. Mr. President, I remain very troubled by this nomination. I know it has been pending for a long time because of the controversy surrounding the activism of the Ninth Circuit Court of Appeals to which Judge Paez has been nominated and by Judge Paez's own personal history of activism and his philosophy of judging that indicates to me he is quite clearly right along with the leftward group in tilt and movement of that circuit. We need to remove that circuit to the mainstream, not continue it out in left field, not having it be reversed 17 times, unanimously, by the U.S. Supreme Court in 1 year, a record that has never been met and probably never will be surpassed by any circuit in history. We need to get that circuit in the mainstream of law. Judge Paez will keep it out of the mainstream.

But we have had recent developments. We have been looking into Judge Paez's handling and acceptance of the guilty plea of John Huang, in Los Angeles, where he is a sitting district judge, Federal court judge. I believe there are a number of factors that indicate to me that that was not handled properly, not handled according to the highest standards of justice and, in fact, the plea bargain and sentence he approved was not justified under the law, and that he violated Federal guidelines in order to approve a plea bargain that was unacceptable, in my view, as to what should have occurred in the disposition of that case.

So I believe, and I have asked, and I have written the majority leader and asked that he pull this nomination off the floor and we be allowed to go back to committee and have live witnesses, under oath, to find out how it was, out of 34 judges who could have heard the Huang case in Los Angeles, that this case got to Judge Paez, the one who was already being nominated by the President for a court of appeals that is one step below the U.S. Supreme Court. How did it go to him?

Also, we had the Maria Hsia case that was recently tried here in Washington, and she was convicted. I believe there was a mistrial in California, but he had that case, too. How did this judge, out of 34, get both those cases that had great potential to embarrass the President, because this was the key part of the campaign finance corruption scandal? John Huang is the guy who raised $1.6 million in illegal funds from foreign sources that the Democratic National Committee had to return because they were illegally obtained.

Then he comes in and the Department of Justice, which was urged by the chairman of the Judiciary Committee of the Senate and the House, Members of this body—we urged the Department of Justice to send a special prosecutor to handle this case, and she did, in a number of cases; Attorney General Janet Reno did make special appointments.

Mrs. BOXER. Will the Senator yield for a question?

Mr. SESSIONS. I will be glad to yield.

Mrs. BOXER. I hope my friend understands that in the Maria Hsia case there were two trials. The campaign trial he is talking about did not go to Judge Paez. The trial he had with her had to do with a tax evasion case where there was a jury that deadlocked. My friend keeps bringing up these cases injecting politics into this. My friend knows all these cases are taken on a random basis. My friend knows there are rated—

Mr. SESSIONS. Mr. President, I reclaim the floor. I appreciate the question.

Mrs. BOXER. I want my friend to comment on it.

The PRESIDING OFFICER. The Senator from Alabama has the floor.

Mr. SESSIONS. Maria Hsia was indicted in California and charged here. She had a hung jury there and was convicted here. That was a critical case to the Clinton-Gore administration. It was important to them. She had the potential to cooperate and talk.

At any rate, it still remains odd to me that in these high-profile cases about which much has been written in recent weeks, one of which was tried here in Washington, Judge Paez got both of them.

I submit to my colleagues that perhaps that circuit is assigning those cases randomly, but this case of John Huang did not come off an indictment; it came off a plea bargain. I have a copy of the plea bargain which is part of the public record in California. It was signed by John Huang, his attorneys, and the prosecutor, a Department of Justice employee of Janet Reno who holds her job in Washington at the pleasure of the President of the United States, whose campaign was involved in this illegality. That is who was making the decision on the prosecutorial end.

To me, the question is whether or not the judge handled himself correctly. Some say the judge did not know of all this material and it was not his fault; it was the prosecutor's fault. I do believe the prosecutors failed in advocating effectively the interests of the people of the United States and the rule of law in this case.

In California, young people every day are getting sent to jail for 15 years, 20 years, without parole, for dealing in crack cocaine and other violations. A guy raises $1.6 million from the Chinese Government and launders it into the Democratic National Committee, and what does he walk out with? Total probation, not a day in jail. That is wrong.

This is how they did it. This is a plea agreement. First and foremost, a judge is not bound to accept the plea agreement. He does not have to accept it. I am going to read the language in this agreement that talks about that. This is Huang and his attorneys and the U.S. attorney prosecutor. They signed this agreement. It says:

> This agreement is not binding on the Court.

And the court in this case is Judge Paez.

> The United States and you—

Huang—

> understand that the Court retains complete discretion to accept or reject the agreed-upon disposition provided for in Paragraph 15(f) of this Agreement.

They had an agreement, but the judge had every right not to accept it. It goes on to say:

> In addition, should the Court reject the Agreement and should you thereafter withdraw your guilty plea—

They said if the judge did not follow this recommendation of probation, John Huang could withdraw his plea and go to trial and declare his innocence and they would not use anything he said against him.

It goes on to say:

> . . . without prejudice . . . to indictment—

In your defense.

It goes on in detail about it. That is normally done. I was a Federal prosecutor. I am aware of that.

They had the deal arranged. They took it to him. He was not given all of the facts in the case, but he was given enough facts in the case and he was aware of enough facts to reject this plea.

I want to go over with my colleagues a couple of the items. I mentioned them earlier, but this is so critical. This is why we need to take some time to pause before we confirm this man for a lifetime appointment to a court one step below the U.S. Supreme Court. We waited and fought for 4 years as to whether or not he should be confirmed. Now we have these new charges pending, and I do not see why in the world we cannot be given 3 weeks—just 3 weeks—to inquire into it and make a decision.

This is what he was given. He was given evidence that a substantial part of the fraudulent scheme was committed outside the United States because this was foreign money. If that is true, the judge was required to add two levels to the sentencing. He added no levels to the sentencing for that.

He was told there were 24 illegal contributions spread out over a course of 2 years involving multiple overseas corporate entities of which June Huang was responsible for soliciting the money and reimbursing the contributions. That should have added two to four new levels.

He was an officer and a director in a bank, and as an officer and a director, he should have had two levels added for abusing a position of public or private trust.

These are not requests. These are matters at which the judge is supposed to look. They are mandates of law. He ignored all of those, and that is how the judge came out with a sentence level of 8 and not maybe 14 because if it had been a level 9, one more level up, and this sentence would have required John Huang to go to jail at least some time.

The Department of Justice did not want him to go to jail. They wanted him to have a deal. He spent not one day in jail and pled to a contribution to the mayor's race of the city of Los Angeles and did not plea to any criminal charge relating to the 1996 Presidential campaign and, in fact, I want to note what this plea agreement said. It grants him immunity on all of those charges. This is what the agreement said, America. Listen to this. This is serious business.

It said: Judge, if you accept this plea, the prosecutors of the United States will not prosecute you, John Huang, for any other violations of law other than those laws relating to national security or espionage occurring before the date of this agreement signed by you.

He could have been found to commit murder. Giving blind immunity is a very dangerous commitment to make. He could have committed embezzlement. He could have committed bribery. He could never be prosecuted. He got his probation deal, he walked out of court, and he received no time in jail.

There was no evidence presented in court about the $1.6 million he spent in this campaign for the Democratic National Committee, which was illegal and had to be returned. None of that came out. It was not a plea bargain; it was a wrong plea bargain. He should have looked those lawyers in the eye and said: Gentlemen, I have the right to reject this plea and I do. This is a matter of national importance. It is a matter that goes to the core of justice and our commitment in this country to equal justice under law.

He did not do so. He actually went along with a procedure in which he accepted guideline levels that he could not justify and that were wrong. He was affirmatively wrong. He maybe should have had more evidence, but he had enough to reject this agreement.

I know my time is up, Mr. President. I believe strongly in this. We ought not to be doing this. We ought not to be shoving this through. This man ought not to be on the bench until we know precisely how he got this case and why, and have him stand up under oath and explain why he did not follow the plain guidelines of the law of the United States of America. I believe strongly in it. I have voted for an overwhelming number of Federal judges put forth by this administration. This Congress has rejected only 1 out of over 300-something. This one has been controversial from the beginning, and he ought not go forward.

Mr. President, my time is up, and I yield the floor.

Mr. HATCH. Mr. President, I support the nominations of Ms. Berzon and Judge Paez, and spoke yesterday urging my colleagues to do the same.

I would hope my remarks prove persuasive. But if they do not, my colleagues of course are free to reasonably disagree with my view and to cast a vote against these candidates.

It is quite another story, however, for members of this body to frustrate a majority vote on these nominees by forcing a super-majority cloture vote.

I have reached this conclusion after having been part of this process for over 20 years now, and having served as Chairman of the Judiciary Committee for more than half a decade.

There are times when legislators must, to be effective, demonstrate their mastery of politics. But there are also times when politics—though available—must be foresworn.

I am reminded of the great quote of Disraeli, which I will now paraphrase—"next to knowing when to seize an opportunity, the most important thing is knowing when to forego an advantage." I hope my colleagues will forego the perceived advantage of a filibuster.

Simply put, there are certain areas that must be designated as off-limits from political activity. Statesmanship demands as much. The Senate's solemn role in confirming lifetime-appointed Article III judges—and the underlying principle that the Senate performs that role through the majority vote of its members—are such issues. Nothing less depends on the recognition of these principles than the continued, untarnished respect in which we hold our third branch of Government.

On the basis of this principle, I have always tried to be fair, no matter the President of the United States or the nominees. Even when I have opposed a nominee of the current President, I have voted for cloture to stop a filibuster of that nominee. That was the case with the nomination of Lee Sarokin.

To be sure, this body has on occasion engaged in the dubious practice of filibusters of judicial nominees. But such episodes have been infrequent and, I shall add, unfortunate.

During a number of occasions in the Reagan and Bush Administrations, my colleagues on the other side engaged in filibusters of judicial nominees. Frequently, they backed off, ostensibly realizing there were enough votes to stop a filibuster.

And just last year, I watched with sadness as the minority made history by filibustering one of its own party's nominees. Forcing a cloture vote on Clinton nominee Ted Stewart—who is now acquitting himself superbly as a district judge in Utah—reflected nothing more than a political gambit to force action on other judicial nominees. Fortunately, the effects of that filibuster were short-lived, as the minority recognized the errors of its ways.

These unfortunate episodes do not a precedent make. The fact that these actions precede us does not establish a roadmap for the Senate's handling of future nominations.

Moreover, these filibusters were limited in number. During some of the Reagan and Bush years, I thought our colleagues on the other side did some reprehensible things in regard to Reagan and Bush judges. But by and large, the vast majority of them were put through without any real fuss or bother, even though my colleagues on the other side, had they been President, would not have appointed very many of those judges. We have to show the same good faith on our side, it seems to me.

My message against filibusters of judicial nominees is one I hope to make abundantly clear to my colleagues in the majority. This is so because, to the extent our majority party gives repeated credence to the practice of filibustering judicial nominees, we can expect the favor to be returned when the President is one of our own. We hope in earnest that the next President will hail from our party. And if we are gratified in that hope, how short-sighted it will have been that we gave a fresh precedent to the minority party in this body to defeat—by requiring not 51 but a full 60 votes—that Republican President's judicial nominees.

It is important to remember another reason against filibustering judicial nominees. Most of the fight over a nomination has occurred well before a nominee arrives at the Senate floor. Proverbial battles are fought between people in the White House and members of the Judiciary Committee.

As a general matter, when nominees get this far, most of them should be approved. Though there are some that we will continue to have problems with, it is our job to look at them in the Judiciary Committee. That is our job—to look into their background. It is our job to screen these candidates.

In the case of both Ms. Berzon and Judge Paez, each was reported favorably to the floor. And now we have the unusual situation of a Democrat President, the Republican and Democrat Senate Leaders, and Republican and Democrat Chairman and Ranking Member of the Judiciary Committee, all agreeing that votes on the nominees should go forward. But certain Senators who oppose these nominees have nonetheless elected to thwart such votes.

At bottom, it is a travesty if we establish a routine of filibustering judges. We should not play politics with them.

Mr. FEINGOLD. Mr. President, I am pleased that the Senate is finally going to act on the nomination of Marsha Berzon to be a judge on the Ninth Circuit Court of Appeals. The history of her nomination is one of the most disappointing episodes in the Senate's recent shameful treatment of judicial nominees. One of America's most qualified appellate litigators has been held hostage by opponents who raise complaints without substance or merit to impede her confirmation. Today I hope to dispel some of the myths that opponents of her confirmation have used to block Marsha Berzon's nomination. I urge the Senate to confirm her, and put a highly qualified lawyer on the bench where she belongs.

What kind of nominee do we have before us today in the person of Marsha Berzon? We have a woman who has distinguished herself at all levels, from clerkship through successful private appellate practice. We have a woman who has already argued before the Supreme Court four times and has repeatedly appeared before Circuit courts around the country.

Thirty years ago Ms. Berzon received the honor of being picked as U.S. Supreme Court Justice William Brennan's first female law clerk. Her opponents have seized on this honor as suggesting that Ms. Berzon possesses a liberal and activist judicial philosophy. I say to those who believe serving as a Supreme Court clerk is emblematic of one's political beliefs that they are wrong to believe a clerk adopts her Justice's philosophy for life. First, to be chosen by any Justice of the Supreme Court as a clerk is a rare and noteworthy honor, reserved for the most promising legal minds from the finest law schools. So the most important thing to be gathered from Ms. Berzon's service as a Supreme Court clerk is that her promise as a lawyer and future judge was already apparent thirty years ago just as she was beginning her career.

Second, it is demonstrably untrue that you can tell the philosophy of an individual by the belief of his or her former boss. I'm sure we all know examples of people who have worked for us in the Senate who don't share our views on every issue. But perhaps the best example of the unfairness of assuming that Marsha Berzon believes everything that Justice Brennan did is another former Brennan clerk, Judge Richard Posner of the 7th Circuit Court of Appeals. Many consider Judge Posner the most creative legal mind of his generation, and no one who is familiar with his law and economics philosophy would call him a liberal.

So let's put that fallacious line of argument to rest.

Listen to the praise our Judiciary Committee Chairman, my friend Sen. HATCH, heaped upon Marsha Berzon when the Committee considered her nomination before forwarding it to the full Senate. Chairman HATCH called Berzon "one of the best lawyers I've ever seen." He noted in a letter supporting her nomination that her "competence as a lawyer is beyond question" and that she has the "sound temperament that will serve her well as a federal judge." At the time Chairman HATCH also noted that Marsha Berzon had attracted "both Republican and Democratic support." I am pleased that the Chairman continues to support her nomination on the floor.

Opponents of Marsha Berzon have questioned her credentials unfairly. Despite graduating with honors from Harvard/Radcliffe college and teaching law school courses at both Cornell and Indiana University Law schools, her scholarship has been attacked.

Some who have opposed Berzon's nomination have even called her a labor zealot. But Mr. President, there are a number of people in this room who were attorneys before joining the Senate. They know, as do I, that the code of professional responsibility requires zealous advocacy on a client's behalf. So to mention her zeal for her practice is simply to highlight one of those qualities which makes her such a fine candidate for the 9th Circuit. It shows that she has taken her practice of law to the highest and most professional level.

And lest her opponents complain about professionalism and infer unfairly that a former labor lawyer cannot be fair to management, listen to what numerous management-side attorneys who have litigated against her say about Marsha Berzon. Let's take the case of W.I. Usery, Jr., a former Republican Secretary of Labor:

Usery said Ms. Berzon "has all the qualifications needed, as well as the honesty and integrity that we need and deserve in our court system today. . . I know she will be dedicated to the principles of fairness and impartiality in all her judicial activities."

Or perhaps, we should listen to Fred Alvarez, President Ronald Reagan's former EEOC Commissioner and Assistant Secretary of Labor. Alvarez says:

> Someone with the intellect and integrity, which Ms. Berzon has demonstrated, understands the difference between advocacy and the solemn responsibilities undertaken as a federal appellate court judge . . . I can think of no other union-side lawyer who would command so strong and so compelling a consensus from management lawyers on her suitability for such an important position on the 9th Circuit Court of Appeals.

So there you have it Mr. President. Top Republican officials—who we can be sure favor management positions by personal philosophy—endorse Berzon and her professionalism without reservation.

So let's put the foolish argument that Marsha Berzon can't be fair concerning labor issues to rest.

Let's review. We've shown that arguments that Berzon is some liberal by her association with Justice Brennan are fallacious. We've shown that arguments that she is a zealous advocate and should be rejected as an ideologue in fact highlight her mastery of the practice of law and make her highly qualified for this position. We've exploded the myth that she is anti-management and incapable of impartiality in hearing cases pitting management versus labor, and found that she works towards reaching consensus. So one has to wonder Mr. President, what is really going on here?

I'm concerned about the appearance that Marsha Berzon has had such a long, hard road to confirmation because she is a woman. And I don't blame the public for taking that message from this delay when a highly qualified appellate attorney is held up for years and the arguments against her confirmation are so thin.

At the end of 1999, the entire federal judiciary included only 158 women—that's a scant and embarrassing 20% of sitting judges. Rather than attempting to address that disparity, this Senate has chosen to continue the policies of limiting the upward elevation of talented and capable women attorneys and judges. We've repeatedly delayed action on a host of female candidates. What's the impact? If fewer women get confirmed, there are fewer lower court judges to elevate to the nation's appellate courts. And if the judiciary remains a male bastion, as far as we've come in this country in recognizing equal rights for women, we risk creating the perception that gender biases will continue to plague our judicial system well into the 21st century.

I believe Ms. Berzon is highly qualified to sit on the 9th Circuit, and her confirmation should wait no longer. I enthusiastically support her and I urge my colleagues to do the same.

I yield the floor.

Mr. BUNNING. Mr. President, I rise in opposition to the nominations of Richard Paez and Marsha Berzon to sit on the 9th Circuit Court of Appeals.

There are serious problems with the 9th Circuit. It has become a renegade Circuit, far out of the mainstream of modern American jurisprudence, and I am afraid that if these nominees are confirmed, they will only make a bad situation worse.

Over the past six years, the 9th Circuit has been overturned 86% of the time by the U.S. Supreme Court, a terrible record. During this period, the Supreme Court has reviewed 99 decisions from the 9th Circuit, and overturned 85 of those decisions. During the current session, the 9th Circuit has been overturned in all of the 7 cases reviewed by the Supreme Court, and in one term—1996-97—27 of 28 decisions were overturned, including 17 by unanimous votes.

This is the worst record of any circuit, and is especially troubling given the size and influence of the 9th Circuit. It covers almost 40% of the country, and 50 million Americans—20 million more than any other circuit. The fact that the 9th Circuit has been slipping toward judicial extremism is no laughing matter, and directly affects a large part of our nation and almost one-fifth of our citizens.

The main reason for the judicial imbalance on the 9th Circuit is that Democratic appointees currently comprise 15 of the 22 positions on the 9th Circuit, 10 of whom were appointed by President Clinton. I do not begrudge President Clinton his appointees; he is the President, and has the constitutional right and responsibility to fill the federal bench. But the 9th Circuit has become lopsided with activist judges that has helped push it far out of the judicial mainstream. The circuit cries out for balance.

Confirming Richard Paez and Marsha Berzon to the 9th Circuit would only exacerbate its problems. Mr. President, I do not know the nominees and I have nothing against them. Their records show that they have long legal backgrounds, and deserve a final vote on their nominations. But, the record also shows that they both tilt far too left in their judicial views and would not help to restore balance or judicial sensibilities to the 9th Circuit.

Ms. Berzon has worked as the general counsel of the AFL–CIO for over a decade, and was long active with the ACLU. At least one conservative group has described her as the "worst judicial nomination President Clinton has ever made." Mr. President, Ms. Berzon is entitled to her views and I am not going to criticize her for her personal beliefs. But looking at her past and the causes which she has pushed show that, if confirmed, she is not going to help steer the 9th Circuit toward the judicial mainstream.

As for Judge Paez, he currently sits on the federal district court in the 9th Circuit, and his nomination is opposed by over 300 grassroots conservative organizations that are troubled by his judicial activism. The U.S. Chamber of Commerce, and the Hispanic Chamber of Commerce, have even taken the unusual step of opposing his nomination because of their concerns over some of his past decisions, arguing that he has pursued an agenda that "has the potential to cause significant disruption in U.S. and world markets." Mr. President, business groups usually do not become involved in judicial nominations, and when they do it should make us wonder.

Even the Washington Post editorial page, no friend of conservative causes, has cautioned that opposition to Judge Paez "is not entirely frivolous", and points to past public remarks by Judge Paez that show how "sympathetic" he is to activist, judicial thinking.

Mr. President, since coming to the Senate I have voted for some of President Clinton's judicial nominees, and I have opposed several. Yesterday, in fact, I voted to confirm Julio Fuente to sit on the Third Circuit. But confirming Richard Paez and Marsha Berzon to sit on the 9th Circuit would be a mistake, and would directly affect 50 million Americans. The 9th Circuit has serious problems, and confirming these nominations are not going to fix those problems. Consequently, I am going to oppose them.

Mr. FEINGOLD. Mr. President, I rise to speak today in strong support of the nomination of Richard Paez to be a judge on the Court of Appeals for the 9th Circuit. By finally moving on the nominations of Judge Paez and Ms. Marsha Berzon this week, the Senate will take long-delayed steps towards returning the 9th Circuit dockets to a manageable level. Action on these nominees is long overdue. I believe their nominations should be confirmed, and I hope, after all this delay, there will be strong bipartisan votes in favor of them.

Four years, 1 month, and 11 days. Just over forty-nine months. One thousand, four hundred and ninety-nine days. That's right. 1499 days, two short of 1500. That is how long Judge Richard Paez has been waiting for the Senate to act on his nomination. In the same amount of time, a young adult could enter and complete a full college degree program. Let me repeat that. Judge Paez has waited for the Senate to grant him the simple grace of voting his nomination up or down for longer than it takes a young American to complete an entire college education. A President or Governor could be inaugurated, serve his or her entire term and be re-inaugurated during that same four year time period. While I'm sure Judge Paez is a patient man, possessed of the proper judicial temperament that makes him an excellent candidate to sit on the 9th Circuit, I know that even his patience must have long-ago worn thin waiting for the Senate to act on his nomination.

First nominated to fill a 9th Circuit vacancy on January 26, 1996, Judge Paez has been subject to delay after delay after delay, and yet his opponents have not been able to give a convincing reason why we shouldn't confirm his nomination. Even with his 13 year record as a LA Municipal Court Judge and nearly 6 years as a U.S. District Court Judge for the Central District of California, those who don't want him on the bench can't build a case against his elevation to the 9th Circuit. They charge that he is an "activist judge," but the record simply doesn't support this allegation.

Judge Paez now bears the dubious distinction of suffering through the longest pendency of a nomination to the federal bench in the history of the United States.

All Judge Paez, has ever asked for was this opportunity: an up or down vote on his confirmation. Yet for years, the Senate has denied him that simple courtesy.

I find it ironic that Judge Paez, the same judge who diligently worked to reduce the length of delays in resolving civil matters in Los Angeles and throughout California's court system through his design and implementation of a civil trial delay reduction project, should himself be subjected to such egregious delay in getting his "day in court" before the full Senate. Particularly when the Senate confirmed his nomination for a District Court judgeship in July 1994 by unanimous consent. Now I recognize that control of this body has changed since 1994, but his nomination to the District Court was confirmed without objection. And his record on that court has been exemplary.

This delay has not simply been unfair to Judge Paez and his family. It has affected the administration of justice. Listen to the concerns of Procter Hug, Jr., Chief Judge of the 9th Circuit. Chief Judge Hug has responsibility for overseeing the functioning and managing the caseloads of the entire Circuit. Currently, of the 28 spots on the 9th Circuit, 6 stand vacant. Chief Judge Hug explained in a letter this past week to the Judiciary Committee that during his term as Chief Judge, the Senate has left him with up to 10 vacancies on the court at any one time. He has responded to this judicial emergency by begging his colleagues to redouble efforts to resolve cases and then increased their dockets to prevent even longer delays in resolution of cases. Hug argues forcefully for the confirmation of Judge Paez and Ms. Berzon and asks this body to swiftly fill the other 4 vacancies on the court.

Now Mr. President, let me address the argument made by the Majority Leader and others that the pending 9th Circuit nominations should be rejected because that circuit has a supposedly high level of reversals when its decisions are reviewed by the Supreme Court. This argument simply doesn't hold water.

First, if we assume that this argument is not meant to be critical of the views or qualifications Judge Paez or any other nominee personally, it makes no sense at all. Even if we disagree with the direction of that court, why would we deny the 9th Circuit adequate resources, thereby depriving the litigants in that circuit of efficient administration of justice? It just makes no sense.

More importantly, arguing that the Ninth Circuit is out of step with the Supreme Court and needs to be reined in doesn't get opponents over the hurdle that they have not yet been able to satisfy—to show that Judge Paez is unsuitable for the appellate bench. He is obviously not responsible for past decisions of the 9th Circuit. So the argument has to be that his elevation will continue the Circuit on its supposedly misguided course. The evidence of Judge Paez being unable to follow Supreme Court precedent is thin indeed, if not non-existent.

But more fundamentally, it is simply not factually correct that the 9th Circuit is out of step with the Supreme Court and other circuit courts. Chief Judge Hug in his letter convincingly refutes the argument that his circuit is reversed more often than others. In fact, its clear from the numbers that even in 1996-1997, when the 9th Circuit's reversal rate was at its highest level of recent years, it was reversed less frequently than 5 other circuits—the 5th, 2nd, 7th, D.C. and Federal—each of which were reversed 100% of the time that year by the Supreme Court. In more recent years, the statistics show even more clearly that the 9th Circuit is not a runaway train that somehow needs to be slowed down, but many in the Senate would like it to become a more conservative circuit, perhaps to be broken into two conservative circuits. And they are willing to hold up Judge Paez and others to achieve that political objective.

Furthermore, I have to point out that reversal rates are a very poor criteria for judging a court's work. The Supreme Court is not required to review every appellate decision. It picks which cases to review. So it is hardly surprising that when it does take a case, it reverses a lower court. Chief Judge Hug quite rightly points out that the 9th Circuit decides about 4,500 cases on the merits each year. 4,500. So the fact that 10 or 20 cases per year are reversed really should not trouble us. It is just not a plausible argument against a nominee for this Circuit that its decisions are out of the mainstream.

We ought to congratulate the women and men currently serving on the 9th Circuit for so successfully fulfilling their judicial roles at the same time vacancies are greatly increasing their dockets and stretching their time thin. The pressure to carefully make the proper judicial decisions is great, and these Judges are responding with professionalism. I thank them for that, but I cannot help but think that we are putting an unconscionable burden on them.

So what is the point of raising meritless arguments against this nominee? Why the long delay? Let me suggest two possibilities, neither of which reflect well on the Senate. First, Senators delaying these nominations may be trying to run out the clock until President Clinton leaves office. Confirmations always slow down in a presidential election year. In 10 months, we will have a new President. Perhaps a different President will put forward a different nominee. But Judge Paez was actually nominated a year before the President's 2nd inaugural. So holding up this particular nomination for purely political reasons is most unfair. In some ways, this nomination should get special treatment. We had an intervening election after the nomination was first made, and President Clinton won. It is indefensible to hold a nomination hostage for his entire second term. It defies the clear constitutional prerogatives of the duly elected President to choose nominees to the bench and the duty of the Senate to say yes or no.

Some Senators may also object to moving the nomination of Judge Paez because of a perceived judicial philosophy. Some opponents of his nomination look to his long and distinguished service in legal aid and attempt to tar him with the epithet of "liberal," forgetting that his exemplary judicial career has been filled with distinction at all levels. A close look at his record as a U.S. District Court judge since the Senate confirmed his nomination in 1994 debunks attempts to label his opinions as conservative or liberal, reactionary or progressive.

The Los Angeles Daily Journal, which is a newspaper devoted to covering the courts and the legal profession in Los Angeles commissioned 15 legal experts to examine Judge Paez's decisions in seven different cases. Each case was reviewed by at least 2 experts. The results were clear. Thirteen of the legal scholars and practitioners found Paez's opinions "well-reasoned and well-written." Two others were mildly critical. And, in the one decision in which the experts were critical of Judge Paez's decision not to dismiss claims that Unocal Corporation was liable for human rights abuses in Burma, a third expert countered the criticism of Judge Paez's decision, saying "I would give Judge Paez very good marks on his ruling." What's the point here? In a variety of decisions, the commentators praised the work of Judge Paez. Here are some of their comments:

> I carefully read Judge Paez's opinion and found that it was excellent in every respect.
>
> His writing was clear and his expression was good. He did not show any ideological or personal bias.
>
> Judge Paez's injunction—in a case against anti-abortion demonstrators—was entirely consistent with the reasoning and result in conservative jurisdictions.

The result is that claims that the Judge's record is activist, or liberally slanted are simply wrong. Claims that he is anti-business are simply not borne out by the facts. Paez also ruled in favor of Philip Morris on a second-hand smoke suit and for Isuzu against Consumers Union. Senators opposing this nominee because they claim he's anti-business are missing the point. Paez rules on each case on the merits—yes, on the merits—and shows no favoritism for or against business. So again, Mr. President, I'm just baffled by these claims of activism or anti-business philosophy being leveled against Richard Paez.

Now if his record as a judge doesn't support these charges of "judicial activism" where did Judge Paez's opponents get the idea that he must be stopped. Opponents aren't saying it openly but it could be that they are worried that a judge who formerly worked in a legal aid capacity must be a liberal, and incapable of making balanced decisions. Having failed to find any hint of bias or lack of judicial temperament in 20 years of judicial decisions, what other reason for opposition could there be other than a belief that if you are an attorney who agrees to work on behalf of those unable to access the legal system because they are poor or under-educated, as Judge Paez did for nine years early in his career, you must be a liberal, right?

Wrong. Dead wrong. The organized Bar in every single state requires public service of attorneys. Every major law firm has dedicated efforts to reach under-served populations needing legal advice. That's part of the profession, a noble part of the profession, and those who would complain about Judge Paez's service to those in need would do well to remember their own reasons for choosing to serve the public. For my part, I applaud the decision of Judge Paez and others like him to serve the poor, and I cannot imagine how his unique perspective from working one on one with these populations for nine years would not be desirable and an advantage to parties before the 9th Circuit. His perspective is badly needed in a circuit which serves 20% of the nation's population, many of whom are people who needed legal aid when he was working with them during the 70s.

If opponents of Judge Paez want to fill the court only with seemingly conservative judges, they mistake their role in the constitutional scheme in my opinion. Let's not kid ourselves. Partisan politics shouldn't play a part in the confirmation of judges, but they do. But to hold up a well-qualified judge for a President's entire term on the basis of unsupported allegations of "judicial activism" is shameful, it takes the impact of politics on this process to an extreme that we have not seen before, and I hope we never see again.

Mr. President, regardless of the reason for delays in acting on Judge Paez's nomination, the effects of delay are damaging and unmistakable. I believe they are twofold. First, as I discussed before, justice is put on hold in the 9th Circuit because of crowded dockets. Second, this Senate sends a subtle, but unmistakable signal to Hispanic Americans, or recent immigrants about opportunities in America.

It's an old adage but a true one. Justice delayed is justice denied. Parties take their disputes to court to reach a resolution. Longer dockets mean delays for families and businesses seeking to settle legal conflicts and move forward. Holding up qualified nominees like Judge Paez and leaving huge holes to fill on appellate benches literally delays justice.

And the subtle, even subconscious message sent to Hispanic Americans when they examine who hears their disputes in a court of law is that Circuit court judgeships are not open to them. Young Hispanic Americans hearing about Judge Paez will unfortunately learn the message without it ever being said out loud that there are limitations to their advancement in careers of public service. The signals sent by Senators' failure to vote for Paez's confirmation lead to diminished expectations and a view of limited, not limitless opportunities for millions of Hispanic Americans. The Washington Post reported on Monday that only 9 Hispanic American judges currently sit on appellate courts in this country out of a total of 170 appellate judges. And only 31 out of 655 District Judges, including Judge Paez, are Hispanic Americans. That's a shameful record as we begin the 21st century.

Here's the message sent if Judge Paez is not confirmed. You can go to law school at UC Berkeley's Boalt Hall School of Law, work tirelessly with under-served and under-represented populations needing legal assistance, be a successful and well-respected judge on the local bench and the federal District Court, get the highest rating from the American Bar Association, receive endorsements from law enforcement organizations, bar leaders, business leaders, and community leaders, and yet be needlessly and unfairly delayed and prevented from being elevated to the prestigious 9th Circuit Court of Appeals based on unsubstantiated and vague concerns that you are a "judicial activist" or a "liberal." There is only one nominee in this position, whose nomination has been held up for over 4 years. That is Richard Paez, who is a Hispanic American. That's the wrong message from this Senate to millions of Americans, and we should not send it.

I strongly support Judge Paez's confirmation, and urge my colleagues to join me in quickly filling this and other vacancies on the 9th Circuit. This long delayed confirmation vote for Richard Paez is an important test for the Senate. I hope we pass it.

I yield the floor.

WENDELL H. FORD AVIATION INVESTMENT AND REFORM ACT FOR THE 21ST CENTURY—CONFERENCE REPORT—Continued

The PRESIDING OFFICER. Under the previous order, the hour of 5 p.m. having arrived, the Senate will now vote on adoption of the conference report accompanying H.R. 1000.

There are 2 minutes equally divided for debate. The Senator from Washington.

Mr. GORTON. Mr. President, this bill provides a generous contribution to the future of aviation in the 21st century. It significantly reforms the operations of the Federal Aviation Administration. It represents the collective wisdom of the chairman and the ranking minority member of the Commerce Committee, the chairman and the ranking minority member of the Subcommittee on Aviation, and the majority and minority leaders of this Senate. We do not have many bills such as this. I commend it to my colleagues for passage.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. We have known a long time we have been underfunding our aviation system as a whole, particularly our air traffic control system, reforming the FAA—all the rest of it—building airports.

Overall, aviation funding is increased by 25 percent in this bill. It is a start. FAA operations funding is increased. Airport money is increased by 33 percent; air traffic control modernization is increased by 40 percent.

This is the first shot we have at making the airways safe for the American people. I urge my colleagues to support the bill.

Mr. President, I note Senator LAUTENBERG wanted to have 1 minute in opposition, but I do not see him on the floor. I do not know what to add further to that.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, we are about to vote on a bill that purportedly takes care of the problems of the FAA. I have to say, this bill guarantees funding increases in a manner that is grossly imbalanced. It threatens to cut funding from Amtrak, from the Coast Guard, from highway safety, and the NTSB in order to provide an aviation entitlement.

Investments in aviation do have to be made, but it has to be in a balanced way if we are going to avoid gridlock. You cannot ignore the rail system or highway safety and only focus on aviation.

The agreement seeks to guarantee a 64-percent increase in airport grants and a 37-percent increase in modernization funding. Tight budget caps mean either cuts in transportation appropriations—including the Coast Guard or Amtrak—or cuts to other discretionary programs, such as education, health care, veterans' benefits, or agriculture.

Further, it does not provide for the kinds of funding that operations will need to put on more controllers to man this larger system. It does not provide money for the continued training of new controllers.

The PRESIDING OFFICER. The time of the Senator from New Jersey has expired.

Mr. LAUTENBERG. I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the conference report to accompany H.R. 1000. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

The PRESIDING OFFICER (Mr. VOINOVICH). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 82, nays 17, as follows:

[Rollcall Vote No. 35 Leg.]

YEAS—82

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Byrd
Campbell
Chafee. L.
Cleland
Cochran
Collins
Conrad
Coverdell
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Feingold
Feinstein
Gorton
Graham
Grassley
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McConnell
Mikulski
Murkowski
Murray
Reed
Reid
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—17

Bayh
Burns
Craig
Crapo
Edwards
Fitzgerald
Frist
Gramm
Grams
Gregg
Kyl
Lautenberg
Moynihan
Nickles
Robb
Sessions
Voinovich

NOT VOTING—1

McCain

The conference report was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote.

Mr. BENNETT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. GORTON. Mr. President, I ask unanimous consent that the next vote in this series be limited to 10 minutes in length.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF MARSHA L. BERZON TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT

NOMINATION OF RICHARD A. PAEZ, OF CALIFORNIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT

CLOTURE MOTIONS

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

> We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 159, the nomination of Marsha L. Berzon, to be United States Circuit Judge for the Ninth Circuit:
>
> Trent Lott, Orrin G. Hatch, Susan M. Collins, Arlen Specter, Ted Stevens, Thad Cochran, James M. Jeffords, Robert F. Bennett, Richard G. Lugar, Chuck Hagel, Conrad Burns, John W. Warner, Patrick J. Leahy, Harry Reid of Nevada, Charles E. Schumer, and Tom A. Daschle.

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Marsha L. Berzon to be United States Circuit Judge for the Ninth Circuit shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 86, nays 13, as follows:

[Rollcall Vote No. 36 Ex.]

YEAS—86

Abraham
Akaka
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Bryan
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Coverdell
Crapo
Daschle
Dodd
Domenici
Dorgan
Durbin
Edwards
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McConnell
Mikulski
Moynihan
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—13

Allard
Brownback
Bunning
Craig
DeWine
Enzi
Gramm
Helms
Hutchinson
Inhofe
Murkowski
Shelby
Smith (NH)

NOT VOTING—1

McCain

The PRESIDING OFFICER. On this vote, the yeas are 86, the nays are 13. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. VOINOVICH. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion on the nomination, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

> We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 208, the nomination of Richard A. Paez, to be United States Circuit Judge for the Ninth Circuit.
>
> Trent Lott, Orrin G. Hatch, Susan M. Collins, Arlen Specter, Ted Stevens, Thad Cochran, Robert F. Bennett, Harry Reid, Richard G. Lugar, Chuck Hagel, Conrad Burns, John Warner, Patrick Leahy, Charles E. Schumer, Thomas A. Daschle, and Barbara Boxer.

The PRESIDING OFFICER. By unanimous consent, the quorum call under the rule is waived.

The question is, Is it the sense of the Senate that debate on the nomination of Richard A. Paez, of California, to be United States Circuit Judge for the Ninth Circuit, shall be brought to a close?

The yeas and nays are required under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

The yeas and nays resulted—yeas 85, nays 14, as follows:

[Rollcall Vote No. 37 Ex.]

YEAS—85

Abraham
Akaka
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Bryan
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Coverdell
Crapo
Daschle
Dodd
Domenici
Dorgan
Durbin
Edwards
Feingold
Feinstein
Fitzgerald
Gorton
Graham
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchison
Inouye

Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McConnell
Mikulski
Moynihan
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—14

Allard
Brownback
Bunning
Craig
DeWine
Enzi
Frist
Gramm
Helms
Hutchinson
Inhofe
Murkowski
Shelby
Smith (NH)

NOT VOTING—1

McCain

The PRESIDING OFFICER (Mr. SMITH of Oregon). On this vote, the yeas are 85, the nays are 14. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. LEAHY. Mr. President, is the Senator from Vermont correct that we have now voted cloture on both the nominations before the Senate?

The PRESIDING OFFICER. The Senator from Vermont is correct.

Mr. LEAHY. Then what is the parliamentary situation, as regarding the two nominations?

The PRESIDING OFFICER. There are 30 hours, evenly divided.

The majority leader is recognized.

Mr. LOTT. Mr. President, I have a unanimous consent request and closing script.

As you know, cloture was just invoked on two Ninth Circuit judges. I still hope we have not set a precedent. I don't believe we have because it was such an overwhelming vote to invoke cloture and stop the filibuster. We should not be having filibusters on judicial nominations and having to move to cloture. But we had to, and it was an overwhelming vote of 86–13 on the first one, and I guess that was the vote on the second one, too. I intend to offer a time agreement between the proponents and opponents regarding postcloture debate.

Mr. President, I ask unanimous consent that Senator SMITH of New Hampshire be in control of up to 3 hours of total debate on both nominations, and that Senator LEAHY, or his designee, be in control of up to 1 hour 30 minutes of total debate on both nominations; that following the conclusion or yielding back of the time, the Senate lay the nominations aside until 2 p.m., at which time the Senate would proceed to back-to-back votes on or in relation to the confirmations of Berzon and Paez. That would be at 2 p.m. tomorrow.

Mr. LEAHY. Reserving the right to object, and I will not, I tell the distinguished leader I was struck by the comments of the distinguished leader in saying we should not have the precedents of filibusters and requiring cloture. I commend him for supporting the cloture motion and moving this forward so we would not have that precedent. I am concerned, though, because I have heard rumors that one of these votes may be on a motion to indefinitely postpone a vote on these nominees. I understand that while such a vote might be in order, there is no precedent for such a vote on a judicial nominee; am I correct on that? I mean in my lifetime, and I was born in 1940.

The PRESIDING OFFICER. There is a precedent that a motion to postpone is in order after cloture is invoked.

Mr. LEAHY. That was not my question, Mr. President. My question was very specific. In fact, I stated that I understand motions to postpone indefinitely, I believe, are always in order, as are filibusters. But as the distinguished leader said, we would not want to set a precedent of filibusters on judicial nominations. Am I correct that we have not used motions to postpone indefinitely on judicial nominations following cloture?

The PRESIDING OFFICER. The precedent does not state what the item of cloture is on.

Mr. LEAHY. Mr. President, if I understand, we have never had this circumstance. Certainly, I have not in my 25 years in the Senate. I do not believe ever having a circumstance where we have had cloture on two judicial nominations and then had a motion to postpone, in effect, killing the nominations.

Mr. LOTT. Will the Senator yield?

Mr. LEAHY. Yes.

Mr. LOTT. I believe, traditionally, it is in order postcloture to have a motion to table or a motion to postpone indefinitely. I don't know the precedents in terms of that actually having been used. I am certainly not advocating it. But under the rules of the Senate, I am under the impression that it would be in order. I thought maybe I could answer it succinctly without getting into the precedents.

Mr. President, has the request been——

Mrs. BOXER. Reserving the right to object, and I will not object, I say, first, to the majority leader that I appreciate very much his effort to bring the nominations forward, and voting for cloture, because without that we would not be where we are. I want that understood.

I state on the record today that this Senator believes if there is going to be a motion made—which there very well may be because that is the rumor that I hear—to indefinitely postpone a vote on one of these nominees, then I believe that kind of a motion is denying that nominee an up-or-down vote. You can argue that it is really like an up-or-down vote, but after we have gotten over 80 votes, with the help of the majority leader and Senator HATCH, in a bipartisan way—and Senator LEAHY worked on that—you would think we could vote up or down. There is no precedent that I have gotten from the Parliamentarian up to this point where he has been able to show me this was done with a judicial nomination after cloture was invoked. I wish to make that point because I don't like to ever blindside my colleagues on anything.

I think that if we go this route, it will be interpreted as a way to deny a vote on the nominee, and I hope this will not be the case. Surely, I hope, if it is offered, we will defeat it. But it seems to me a bad precedent. I hope we won't see this go in that fashion. I thank the Chair. I shall not object.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. Then the votes will occur back to back at 2 p.m. on Thursday. In light of this agreement, there will be no further votes this evening. I believe our staffs have probably put everybody on notice of that.

LEGISLATIVE SESSION

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

NUCLEAR WEAPONS

Mr. KERREY. Mr. President, the question of how to write Federal laws and consider treaties that enable our armed forces and diplomats to protect and defend the people of the United States is both important and difficult for Members of Congress to answer. To write laws that keep America safe, we must evaluate today's threats and tomorrow's threats, we must consider the plans presented by our military to meet those threats, and we must be vigilant against the understandable tendency to want to withdraw from the world. We must remember those moments in our past when lack of preparation and planning resulted in terrible loss and then prepare to defend against threats we face.

We must also remember that freedom is not free, and that the price paid by those men and women who choose to serve us in active, reserve, and National Guard duty is considerable.

They serve the nation. They are not just in the Army, the Navy, the Air Force, the Marine Corps, and the Coast Guard; they are in the United States Army, the United States Navy, the United States Air Force, the United States Marine Corps, and the United States Coast Guard. This is a real distinction with a real difference.

The difference is that United States forces do not just defend American shores. They defend liberty around the world. In the confused aftermath of the cold war, one thing should be abundantly clear: The fight for freedom is worth the price. From the end of the Vietnam War in 1975 to the collapse of the Berlin Wall in 1989 there was an active debate about the value and importance of this fight. However, the sight of tens of millions of men and women celebrating the end of a political system that denied them freedom thrilled even those grown cynical about the value of cold war expenditures. The intellectual debate about the value of communism ended when we saw and examined the destruction that was done by political tyranny. The human spirit was reduced and squandered. The air, the water, and the health of the people were sacrificed. Even the development of economic standards of living—long thought to be comparable to America's—were shockingly inferior.

Four times in my Senate career I have heard world leaders speak to joint sessions of the Congress to praise the price paid by America for their freedom. Duly elected as Presidents of newly freed people, each stood before us and spoke. Lech Walesa thanked us on behalf of the people of Poland. Nelson Mandela thanked us on behalf of the people of South Africa. Vaclav Havel thanked us on behalf of the people of Czechoslovakia. And Kim Dae Jung thanked us on behalf of the people of South Korea. Their message was simple: If the United States had not taken their side in the struggle for freedom, they would not have succeeded.

Certainly we have made mistakes. Our actions have not been free of treachery, deceit, and failure. Sometimes our actions have brought shame and disgrace. Yet, we should allow ourselves to learn and be guided by these failures. We cannot permit them to discourage us from continuing the work of writing laws that enable us to hold the ground we have won and to continue, most of all, the effort on behalf of others held captive by the world's remaining dictators or those who choose to terrorize us with their unlawful actions.

This rather long opening leads me to a simple discussion of just one of the questions we need to answer before we write the laws and negotiate the treaties that determine the nature, size, and shape of our defenses. The question is this: What nuclear force structure is needed to provide a minimal level of safety to the people of the United States? My intent in beginning this way is to make certain that I approach this question with the requisite seriousness to ensure that my answer will defend America rather than defending an ideology.

The person who has been given the authority to command our strategic nuclear forces lives at Offut Air Force Base adjacent to Bellevue, NE. As Commander in Chief of Strategic Forces—or STRATCOM—his responsibility is to carry out the orders and instructions given to him by the President through his Joint Chiefs of Staff. I have had the pleasure and honor of visiting STRATCOM on many occasions. On each of those occasions I have been briefed on the plans and mission of our strategic nuclear forces. On each of these occasions, I have left with pride and enthusiasm for the patriotism, energy, and talent of the men and women who serve at STRATCOM. On every occasion I have left with the impression that Americans are getting their money's worth from this effort. With this in mind, I think it is important to describe for the American people what STRATCOM is and what it does.

The mission of STRATCOM is simple, but it is also deadly serious. Their mission is to "deter major military attack, and if deterrence fails, employ forces." In this effort, Adm. Richard Mies, the Commander of STRATCOM, controls the most effective and lethal set of armaments ever assembled by human beings: The strategic nuclear force of the United States of America. Yet, nearly a decade after the end of the cold war, many Americans no longer have an appreciation for the size and power of this force. I would like to take this opportunity to describe the force Admiral Mies controls.

First, America's strategic nuclear weapons are based on a triad of delivery systems: Land-based, sea-based, and strategic bombers. The U.S. relies on this triad to ensure credibility and survivability. Because our forces are diversified in this way, a potential enemy must recognize that, regardless of any hostile action, the United States would be able to retaliate with overwhelming force.

Currently, the U.S. has about 500 Minutemen III and 50 Peacekeeper missiles in the land-based arsenal. While some of the Minuteman III missiles are being modified to accept single warheads, the bulk of these missiles are armed with three warheads. These warheads have a yield ranging from 170 to 335 kilotons. The 50 Peacekeeper missiles are each armed with 10 individually targetable warheads with a yield of 300 kilotons. In other words, our current land-based force alone can, upon an order and instruction from the President of the United States, deliver approximately 2,000 warheads to 2,000 targets on over 500 delivery vehicles with a total yield of about 550 megatons.

In itself, this is an awesome force. But it is only the beginning of what is available to U.S. military planners. At sea, we have 18 Ohio-class submarines. These are the ultimate in survivability, able to stay undetected at sea for long periods of time. As such, our submarine force must give pause to any potential aggressor. Eight of these boats carries 24 C-4 missiles. Each of these missiles are loaded with eight warheads with 100 kilotons of yield. The other 10 subs carry 24 of the updated D-5 missiles. These missiles are also equipped with eight warheads with varying degrees of yield from 100 to 475 kilotons.

This is close to 1,500 additional targets that we are able to hit accurately and rapidly, if the President of the United States merely gives the order—an awesome force, again, all by itself to be able to deter individuals or nation states from taking action against the United States.

The third leg of the triad, the strategic bomber force, includes both the B-2 and the B-52 bomber. These bombers have the capacity to carry 1,700 warheads via nuclear bombs and air-launched cruiser missiles.

Talking about this force, I use—and others do as well—words such as "yield" and "kilotons" or "megatons." Unfortunately, most of these words to a lot of us have very little meaning. On previous occasions, I have come to the floor to describe what a single 100-kiloton weapon would do to one American city, the kind of destruction not just to that American city but to the American economy, as well as to the psyche of the American people who would, to put it mildly, be terrorized as a consequence of this single action. I don't want to recount that narrative today, but I do think it is important for us to try to put the power of these weapons in perspective. Oftentimes we don't. The numbers are so large and the weapons systems so numerous that we get dulled in our recognition of what they can do.

Let me use one example. On August 6, 1945, the Enola Gay dropped the first atomic bomb on the Japanese city of Hiroshima. That and the subsequent bombing of Nagasaki ended World War II. Little Boy was the name of the bomb that was dropped on Hiroshima. It destroyed 90 percent of the city. Instantly, 45,000 of this city's 250,000 inhabitants were killed. Within days, another 19,000 had died from the aftereffects of the bomb. This bomb had a yield of 15 kilotons. A 300-kiloton warhead such as can be found on top of our Peacekeeper missile is 20 times as powerful. We don't have in our strategic arsenal a weapon that is under 100 kilotons. Each of the 50 Peacekeeper missiles in our arsenal carries

10 of these 300-kiloton weapons. In all, Admiral Mies, under orders from the President of the United States, can deliver 6,000 strategic nuclear warheads with an approximate yield of over 1,800 megatons.

Mr. President, I think it is very important, as we debate what our nuclear weapons system needs to be, that we understand this concept and that we sort of take a map and use some common sense and try to evaluate what 6,000 nuclear weapons with over 100 kilotons of yield each could do to targets inside of our principal reason for deterrence, maintaining that arsenal, and that is Russia today.

I think common sense would cause us to pause and wonder whether or not we are keeping a level of weapons beyond what is necessary.

The purpose of this description is to give my colleagues a sense of this force and what this force could do if brought to bear by order of our Commander in Chief. I think it is fair for the American people to ask, first, what is the purpose of this force. According to the 2000 edition of the Secretary of Defense's Annual Report to the President and to Congress:

> Nuclear forces remain a critical element of the U.S. policy of deterrence.

Simply put, the United States maintains its nuclear arsenal to guard against an attack from any potential weapons of mass destruction threat. I think it is important for us as well to examine these potential threats and ask if our current nuclear forces are structured to adequately address them.

As I see it, there are three main sources of threat for which we must maintain a nuclear deterrent. The first is the threat from rogue nations like Iraq, Iran, and North Korea. While the United States must remain vigilant in the effort to confront the weapons of mass destruction programs of these nations, there is no evidence that any of these countries currently possess nuclear weapons. Furthermore, it would be hard to justify the expenditure of approximately $25 billion a year to maintain an arsenal of over 6,000 warheads to defend against the threat posed by rogue nations.

If not rogue nations, what about China? While the threat from China has gotten a lot of attention lately, press accounts indicate the Chinese have no more than 20 land-based nuclear missiles capable of reaching the United States. Also according to the media, Chinese nuclear weapons are not kept on continual alert. Rather, nuclear warheads and liquid fuel tanks are stored separate from their missiles. It would take time for the Chinese to fuel, arm, and launch these weapons. Now, just one of these weapons would cause immense pain and devastation, but the likelihood of their use, accidental or intentional, is low. Once again, the maintenance of over 6,000 warheads is hardly justified by China's 20 missiles.

The only other threat that can justify our nuclear force levels is the Russian nuclear arsenal. But what is the current state of the Russian nuclear arsenal?

The Russian military relies on the same triad of delivery systems as we do. In their land-based arsenal, the Russians have approximately:

180 SS-18 missiles with 10 warheads at 550 kiloton yields each.

They have 160 SS-19 missiles with six warheads at 550 kiloton yields each.

They have 86 SS-24 missiles with 10 warheads at 550 kilotons yields each.

They have 360 SS-25 missiles with a single warhead each at 550 kiloton yield, and they have

10 SS-27 Topol M missiles with a single warhead at 550 kiloton yield.

This is obviously an impressive force. Any one of these weapons could devastate an American city or cities. But the Russians are finding that many of these missiles are nearing the end of the service-lives. And budgetary constraints have slowed the pace of acquisition of their latest land-based missile, the Topol M, to the point at which they are having trouble maintaining the numbers of weapons that will be allowed under the START treaties.

The collapse of the Russian economy, and the resulting strain on the Russian military budget, has also had disastrous consequences for the Russian Navy. Russia now has less than 30 operational nuclear-armed submarines. In fact, the slow op tempo of Russian submarines has meant that at certain times none of these boats are at sea. Regardless, reports indicate these subs maintain almost 350 nuclear delivery vehicles with more than 1,500 available warheads.

The Russian Air Force has also suffered. At the end of 1998, Russia had about 70 strategic bombers, but not all of these were operational. Estimates are Russian strategic bombers have about 800 warheads on both nuclear bombs and air launched cruise missiles.

Mr. President, the overall picture of the Russian arsenal force is that it is deadly, but it is decaying as well at an extremely rapid rate. Russian generals have said that they see a time in the near future when the Russian strategic arsenal will be measured not in thousands but in hundreds of weapons. It is this decay in the Russian arsenal which I believe poses the greatest threat to the United States and should encourage us to do more to find ways in which to achieve significant parallel nuclear reductions.

Some will argue that we have in the process already a way to achieve those reductions and it is called START. Yet even if START II is ratified by the Russian Duma, the United States and Russia would still have 3,500 nuclear warheads on each side at the end of 2007. We can't afford to wait over 7 years to make reductions that leave the Russians with still more weapons than they can control.

In response, some argue not to worry, START II is going to be quickly followed by START III. In discussions with the Russians on a possible START III treaty, the United States has told Russia that we are not willing to go below the 2,000- to 2,500-warhead threshold. This number is based on a 1997 study on U.S. minimum deterrence needs completed by the then-Chairman of the Joint Chiefs of Staff, General Shalikashvili.

While I have no doubt that this report was professionally prepared and evaluated on criteria available at the time, I believe strongly it is time to redo this study. The current size of the United States and Russian nuclear arsenals is not based on any rational assessment of need; rather, it is a relic of the cold war. As the former commander of STRATCOM, Gen. Eugene Habiger, has said, "The cold war was a unique war. And when the war ended, the loser really didn't lose. We still had this massive military might on both sides staring each other in the face."

As I have described the accuracy, diversity, and power of our nuclear arsenal, I find it difficult to argue that the men and women at STRATCOM will be able to accomplish their objective of deterring attack with far fewer weapons. I don't know what the magic number is for minimum deterrence, but given our cooperative relationship with Russia, given the fact Russia is about to hold its third democratic election for President, and given our conventional and intelligence capabilities, I am confident we can deter any aggressor with less than 6,000, or 3,500, or even 2,000 warheads. It is time we begin the process to come up with a realistic estimate of our deterrence needs.

As long as nuclear weapons remain a reality in this world, the men and women at STRATCOM will have a job to do in defending our Nation. Their contribution to our safety cannot be underestimated. But just as they have a responsibility, we have a responsibility to act in a way that will decrease the danger of nuclear weapons and increase the safety and security of the American people.

Mr. President, I yield the floor.

NOMINATION OF JUDGE FUENTES

Mrs. FEINSTEIN. Mr. President, I did not have the opportunity to vote on rollcall vote No. 34, the nomination of Julio M. Fuentes to be U.S. circuit judge, for the third circuit. Judge Fuentes is a very highly regarded judge, and had I been present on the floor, I would have voted "yea."

INTERNATIONAL WOMEN'S DAY

Mr. FEINGOLD. Mr. President, I rise today to join a number of our colleagues in marking the 25th annual observance of International Women's Day.

Today, March 8, 2000, is a day on which people around the world will celebrate the myriad contributions and accomplishments of women.

Women in the United States and around the world have made tremendous progress toward full equality since this observance was initiated by the United Nations in 1975, the International Year of the Woman.

Sadly, that progress has been tempered by the continued prevalence—and in some places the troubling acceptance and even encouragement—of gender-based discrimination, harassment, and violence.

No one disputes that women in the United States have come a long way in the quarter century since the first International Women's Day was observed. Women are making significant contributions at every level of our society and in every level of government, from local school boards to the President's Cabinet.

But we must do more. Quality, affordable child care must be more accessible. Women should not have to choose between taking care of their children and the job that they need to provide the basic necessities of food, clothing, and shelter for their families.

The glass ceiling, while perhaps a bit cracked, still blocks the progress of many women who work outside the home. And women who work outside of the home deserve equal pay for equal work. We must do all we can to close the wage gap between women and their male counterparts.

In the United States, March is National Women's History Month. This month we celebrate the contributions of women such as Carrie Chapman Catt, a native of Ripon, Wisconsin, who served as the last president of the National American Women Suffrage Association, and was the founder and first president of the National League of Women Voters. Her influence on the direction and success of the suffrage movement is legendary, and her legacy in grassroots organizing is equally significant. She led a tireless lobbying campaign in Congress, sent letters and telegrams, and eventually met directly with the President—using all the tools of direct action with which political organizers are now so familiar today.

Catt's crusade for suffrage saw a home front victory on June 10, 1919, when Wisconsin became the first state to deliver ratification of the constitutional amendment granting women the right to vote before it was adopted as the Nineteenth Amendment in August of 1920.

Carrie Chapman Catt's legacy is alive and well today as women around the globe become more active in their communities and in the political process.

As Ranking Member of the Subcommittee on African Affairs of the Committee on Foreign Relations, I had the opportunity late last year to travel to ten African nations. During my trip, I saw first-hand the important role that women play in every aspect of society in sub-Saharan Africa.

In Rwanda, I was struck by the generosity and far-sightedness of a woman I met just outside the capital city of Kigali. She had donated land to refugees from different ethnic backgrounds and was helping them to build a new, integrated community on that property. It is this kind of selfless act that will help to build the bridges that are necessary to heal the wounds left by the ethnic violence in that country.

While in Uganda, I had the opportunity to meet with female legislators and the Minister of Ethics and Integrity, who happens to be female. Africa can only benefit from the women who are taking an active role in governing.

Women's voices also need to be heard in ongoing peace negotiations around the globe. For example, it is crucial that women be included in the inter-Congolese dialogue, and that they be allowed to participate fully in Rwanda's justice system.

On a more somber note, the HIV/AIDS epidemic has ravaged the countries of sub-Saharan Africa. This disease affects women at a significantly higher rate than men. We need to be vigilant in preventing mother-to-child transmission and in promoting programs at home and abroad that educate women about reproductive choices and the prevention of sexually transmitted diseases, including HIV.

I would also like to take this opportunity, as we honor all women and girls worldwide, to again call for prompt hearings in the Senate Committee on Foreign Relations, of which I am a member, on the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). CEDAW marked its 20th anniversary last year and still has not been ratified by one of its chief architects—the United States. The Senate should fulfill its constitutional responsibility to offer its advice and consent on this treaty.

Mr. President, as the father of two daughters, I believe we must do all we can to improve the status of women in the United States and around the world. Respect for basic human rights—regardless of gender, race, ethnicity, religion, national origin, or sexual orientation—is a fundamental value that we must pass on to our children and grandchildren.

Thank you, Mr. President. I yield the floor.

Mr. KERRY. Mr. President, in honor of International Women's Day, I respectfully call upon my friend, the Chairman of the Senate Foreign Relations Committee, to hold hearings on an international treaty to fight discrimination against women around the world.

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) was adopted by the United Nations in 1979 and signed by President Carter in 1980. It is a comprehensive and detailed international agreement to promote the equality of women and men. It legally defines discrimination against women for the first time and establishes rights for women in areas not previously covered by international law. More than 160 countries have ratified CEDAW, including all of our European allies and most of our important trading partners. It is well past high-time that the United States Senate take up and ratify this important international agreement.

In 1988, I convened field hearings on CEDAW in Massachusetts to highlight the importance of this treaty to American women. In the years that followed, I was pleased to support the efforts of former Senator Claiborne Pell, then-chairman of the Foreign Relations Committee, to develop a resolution of ratification of CEDAW. In 1994, thanks to Senator Pell's leadership, the Foreign Relations Committee voted 13 to 5 to report the Convention favorably with a resolution of ratification to the Senate for its advice and consent. Despite support for ratification from Members of Congress on both sides of the aisle, many state legislatures, the Clinton administration, and from the American public, opponents of this treaty blocked its consideration by the full Senate.

The resolution of ratification for CEDAW could be taken up tomorrow, if there was the political will in the Senate to do so. Ratification of CEDAW will strengthen our continuing efforts to ensure that women around the world are treated fairly and have the opportunity to realize their full potential. It will send a clear signal of our commitment to eliminating all forms of discrimination against women and it will underscore the importance we assign to international efforts to promote the rights of women. By allowing us to participate in the UN Committee on the Elimination of Discrimination Against Women, ratification will give us a bigger voice in shaping international policies that affect women.

Our failure to ratify has encouraged criticism from allies who cannot understand our refusal to uphold rights that are already found within the provisions of our own Constitution. It has put us in the same category with a small and very undistinguished minority of countries who have not ratified CEDAW, including Afghanistan, North Korea, Iran and Sudan. It is difficult for the United States to criticize the terrible treatment of women in these and other nations when we have not yet recognized those rights as international legal standards.

CEDAW is an important human rights document that is largely consistent with the existing state and federal laws of the United States. Senate advice and consent to this Convention will demonstrate U.S. leadership in the fight for women around the world.

Mrs. FEINSTEIN. Mr. President, today is a very special day for millions of women around the world. Today is a day that celebrates the promise of a better future. Today is a day that offers the hope that injustices inflicted on too many women in too many societies will disappear from the earth forever. Today, March 8, 2000, is International Women's Day

I rise today to recognize this day's importance to the women of today and to the generations of women to come. I rise to cry shame for our failures in fulfilling this day's promise. And, I rise to direct our attention to three critical issues: the Convention on the Elimination of All Forms of Discrimination Against Women, CEDAW, international family planning, and the international trafficking of women and girls. These are issues in which the United States, and especially this body, are honor-bound to spare no effort in leading the international community to improve the status of women around the world.

In 1948, the United Nations dramatically focused world attention on the international human rights agenda when it adopted the Universal Declaration of Human Rights. This historic event aimed at increasing public awareness of the need to better the human condition in many places throughout the globe. The Universal Declaration of Human Rights represented a milestone in human history. Regrettably, it glossed over the needs of over half the world's population—women.

Women's rights remained unrecognized as a legitimate concern until the Convention to Eliminate all Forms of Discrimination Against Women, CEDAW, was drafted to redress this oversight. CEDAW organized all existing international standards regarding discrimination on the basis of gender, and established rights for women in areas not previously subject to international standards. The United States actively participated in drafting of the Convention; President Carter signed it on July 17, 1980.

Then the U.S. did nothing. For fourteen years, the United States scrutinized CEDAW with an intense scrutiny normally reserved for judging the merits of a technically demanding international agreement, not a document seeking to establish the fundamental human rights of over half the world's population. CEDAW was not sent to the Senate until September, 1994.

In 1994, the Foreign Relations Committee recommended by bi-partisan vote that CEDAW be approved with qualifications, but acted too late in the session for the Convention to be considered by the full Senate.

Now, almost six years later, the Convention continues to languish in the Senate, locked up in the Committee on Foreign Relations. A bi-partisan group of women Senators, among whom I am proud to be counted, has sponsored Senate Resolution 237 which expresses the sense of the Senate that the Senate Foreign Relations Committee should hold hearings on CEDAW and that the full Senate should act on CEDAW by March 8, 2000.

Today is March 8, 2000. The date has come, and will go, and this body has yet to take substantive action on CEDAW, even though this Convention contains no provisions in conflict with American law.

The Convention has been ratified by 161 countries. Of the world's democracies, only the United States has yet to ratify this fundamental document. Indeed, even countries we regularly censure for human rights abuses—China, the People's Republic of Laos, Iraq—have either signed or agreed in principle. In our failure to ratify CEDAW, we now keep company with a select few—Iran, North Korea, Sudan and Afghanistan among them. Remember, as the old saying goes, we are judged by the company we keep. Is this how we want to be known when it comes to defending the human rights of those unable to defend themselves?

In failing to sign on to this Convention, we risk losing our moral right to lead on human rights. By ratifying CEDAW, we will demonstrate our commitment to promoting equality and to protecting women's rights throughout the world. By ratifying CEDAW, we will send a strong message to the international community that the U.S. understands the challenges faced by discrimination against women, and we will not abide by it. By ratifying CEDAW, we reestablish our credentials as a leader on human rights and women's rights.

Today, as we commemorate International Women's Day, I call on my colleagues in the Senate to move forward and ratify CEDAW.

The second issue I would like to touch on today is one which has seen much congressional attention in recent years: U.S. support for international family planning and reproductive health.

The world now has more than 6 billion people. The United Nations estimates this figure could be 12 billion by the year 2050. Almost all of this-growth will occur in the places least able to bear up under the pressures of massive population increases. The brunt will be in developing countries lacking the resources needed to provide basic health or education services. If women are to be able to better their own lives and the lives of their families, they must have access to the educational and medical resources needed to control their reproductive destinies and their health.

International family planning programs reduce poverty, improve health and raise living standards around the world; they enhance the ability of couples and individuals to determine the number and spacing of their children.

Under the leadership of both Democratic and Republican Presidents, and under Congresses controlled by Democrats and Republicans alike, the United States has established a long and distinguished record of world leadership on international family planning and reproductive health issues.

Unfortunately, in recent years these programs have come under increasing partisan attack, despite the fact that no U.S. international family planning funds are spent on international abortion.

The Fiscal Year 2000 omnibus appropriations bill contained "Mexico City" restrictions that prohibit U.S. grants to private foreign non-governmental organizations that perform abortions or lobby to change abortion laws in foreign countries. House leaders insisted on these provisions in exchange for acceptance of arrear payments to the United Nations.

I was disappointed that the bill included this language. I voted in favor of the legislation because I thought it critical that we pay our back dues to the United Nations, and because it contained a provision granting Presidential authority—which President Clinton later exercised—to waive the restrictions through the end of Fiscal Year 2000. I am pleased the President took this action and that he announced that he would oppose any attempt to renew the "Mexico City" restrictions when they expire on September 30, 2000.

International family planning programs have experienced significant cuts in funding in recent years. President Clinton's foreign aid budget for Fiscal Year 2001 calls for $542 million for international family planning programs, restoring funding to Fiscal Year 1995 levels.

Today, as we mark International Women's Day, I urge my colleagues to recommit themselves to U.S. leadership in international family planning and support the President's request.

Lastly, I would like to focus attention on a vicious, and growing problem for women the world over—forced or coerced trafficking of girls and women for the purpose of sexual exploitation.

This is a rapidly growing, highly lucrative international business. The United Nations estimates that every year millions of women fall victims to this international trafficking in human life. Criminal organizations make an estimated $7 billion a year on the trafficking and prostitution of approximately 4 million women and girls.

They do so by preying on the fears and economic insecurity created by the grinding poverty, rising unemployment and disintegrating social networks common to many poorer societies, today.

The traffickers target women from Eastern Europe and East Asia, women who agree to work as waitresses, models or dancers in the industrialized world to escape the grip of poverty in their native lands. But, once they arrive, their passports are seized, they are beaten, held captive and forced into prostitution. Traffickers and pimps hold these women in bondage, forcing them to work uncompensated as repayment for exaggerated room, board, and travel expenses.

These victims have little or no legal protection; they travel on falsified documents or enter by means of inappropriate visas provided by traffickers. When and if discovered by the police, these women are usually treated as illegal aliens and deported. Even worse, laws against traffickers who engage in forced prostitution, rape, kidnaping, and assault and battery are rarely enforced. The women will not testify against traffickers out of fear of retribution, the threat of deportation, and humiliation for their actions.

We, as a nation, cannot sit idly and allow this vicious exploitation of women to continue unchecked. We must effectively enforce current laws and implement new laws to protect victims and prosecute traffickers. I am proud to be a cosponsor of Senator WELLSTONE's International Trafficking of Women and Children Victim Protection Act of 1999 which provides more information on trafficking and toughens law dealing with the illegal trade of women.

I urge all of my colleagues to support this vital piece of legislation.

The issues I have laid before you today are not just women's issues, they are humanity's issues. As First Lady Hillary Clinton has said, 'Women's rights are human rights and human rights are women's rights.' They merit attention throughout the year, not just on one day.

We must debate and ratify the Convention on the Elimination of All Forms of Discrimination Against Women. We must rededicate ourselves and our resources to international family planning programs. And we must enact tough anti-trafficking legislation.

NOMINATION OF JAMES DUFFY TO THE NINTH CIRCUIT COURT OF APPEALS

Mr. INOUYE. Mr. President, I am fully aware that this is a busy year, the year we elect a new President. I also realize that one-third of our colleagues will be up for reelection or will be involved in the election for the seat from which they are retiring. As a result, all of us are striving to close this shop as soon as possible and go home. However, we do have important unfinished business with the Judiciary.

The Judiciary is the critical third branch of our government. Just as it is important that we hold an election this year, it is important that we fill the vacancies in our court system. I cannot speak of vacancies in other districts or other circuits, but I believe I can speak of vacancies in the Ninth Circuit. Hawaii is part of the Ninth Circuit. Since the retirement of Judge Choy in 1984, Hawaii has not been represented on that bench by a full-time Circuit Judge. The law of the United States requires that at least one member of the bench of each state be represented on the Circuit Court, that there be a judge from Hawaii on the Ninth Circuit.

The Hawaii delegation has submitted the name of James Duffy. I have no idea whether Mr. Duffy is a Democrat or Republican. I have not asked him. However, his reputation as a skilled lawyer is well-established in our islands. Mr. Duffy was born and raised in Saint Paul, Minnesota. He earned a Bachelor of Arts degree from the College of Saint Thomas and earned his Juris Doctorate from Marquette University Law School in 1968 where he served on the Board of Editors of the Law Review. Upon graduation, he came to Hawaii to begin his career. He has spent his legal career in private litigation practice, doing both plaintiff and defense representation, for more than 31 years. He has served the Circuit Courts of the State of Hawaii as a court-appointed Special Master in Probate, Guardianship, and Family Court Proceedings, as a Special Master for Discovery Rulings in civil cases, and as a Mediator. Mr. Duffy has also served in leadership roles in legal organizations, educational organizations, and even as a judge in the Hawaii High School Rodeo Association. In his spare time, he and his wife, Jeanne, breed and sell quarter horses and Brahma cattle. Mr. Duffy is a vital part of the Hawaii legal and civic community.

Jim Duffy was nominated by the President for a position on the Ninth Circuit Court of Appeals on June 17, 1999. I have been advised that the American Bar Association has finished reviewing his credentials. Mr. Duffy was unanimously given the ABA's highest grade of "well-qualified." The Board of Directors of the Hawaii State Bar Association also unanimously reported that Mr. Duffy was well-qualified. In fact, in a letter to the Chairperson of the ABA's Standing Committee on the Federal Judiciary, the HSBA President wrote, "[f]or what it's worth, my Board expressed dismay that there wasn't a category called 'the very best.' We consider Jim to be the best of the best."

Both Democrats and Republicans in my state, regard Jim Duffy as one of Hawaii's best lawyers. I do hope the Judiciary Committee will give Mr. Duffy a hearing and expedite the consideration of his nomination. This will provide its members the opportunity to meet him and review his credentials and skills. I am convinced the members will be impressed by him. I am equally convinced that Mr. Duffy will be a good judge.

THE PRESIDENT'S VISIT TO PAKISTAN

Mr. JOHNSON. Mr. President, I am pleased that President Clinton announced yesterday his decision to visit Pakistan during his upcoming trip to South Asia. During my recent visit to Pakistan, I met at length with General Musharraf and discussed a number of critically important issues including the prompt restoration of democracy in Pakistan, nuclear arms restraint by both India and Pakistan, and the need to fight global terrorism. The President's upcoming trip will provide an opportunity to continue this dialogue with both Pakistan and India in a manner that can, hopefully, bring lasting peace and economic stability to the region. The fact that both Pakistan and India have nuclear weapons makes it imperative for the United States to facilitate a resolution of a major problem in South Asia—the Kashmir dispute.

BUDGET SCOREKEEPING REPORT

Mr. DOMENICI. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under Section 308(b) and in aid of Section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements of Senate scorekeeping of Section 5 of S. Con. Res. 32, the First Concurrent Resolution on the Budget for 1986.

This report shows the effects of congressional action on the budget through March 6, 2000. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 2000 Concurrent Resolution on the Budget (H. Con. Res. 68). The budget resolution figures incorporate revisions submitted to the Senate to reflect funding for emergency requirements, disability reviews, adoption assistance, the earned income tax credit initiative, and arrearages for international organizations, peacekeeping, and multilateral banks.

The estimates show that current level spending is above the budget resolution by $10.3 billion in budget authority and below the budget resolution by $2.3 billion in outlays. Current level is $17.8 billion above the revenue floor in 2000. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $20.6 billion, which is $5.7 billion below the maximum deficit amount for 2000 of $26.3 billion.

Since my last report, dated February 1, 2000, the Congress has cleared for the President's signature the Omnibus Parks Technical Corrections Act of 1999 (H.R. 149). This action has changed the current level of budget authority and outlays.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 7, 2000.

Hon. PETE V. DOMENICI,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report for fiscal year 2000 shows the effects of Congressional action on the 2000 budget and is current through March 6, 2000. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of H. Con. Res. 68, the Concurrent Resolution on the Budget for Fiscal Year 2000. The budget resolution figures incorporate revisions submitted to the Senate to reflect funding for emergency requirements, disability reviews, adoption assistance, the earned income tax credit initiative, and arrearages for international organizations, peacekeeping, and multilateral banks. These revisions are required by section 314 of the Congressional Budget Act, as amended.

Since my last report, dated January 27, 2000, the Congress has cleared for the President's signature the Omnibus Parks Technical Corrections Act of 1999 (H.R. 149). This action has changed the current level of budget authority and outlays.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosures.

TABLE 1.—FISCAL YEAR 2000 SENATE CURRENT LEVEL REPORT, AS OF CLOSE OF BUSINESS, MARCH 6, 2000

[In billions of dollars]

	Budget resolution	Current level[1]	Current level over/under resolution
ON-BUDGET			
Budget Authority	1,455.0	1,465.2	10.3
Outlays	1,434.4	1,432.2	-2.3
Revenues:			
2000	1,393.7	1,411.5	17.8
2000–2009	16,139.1	16,914.0	774.9
Deficit b[2]	26.3	20.6	-5.7
Debt Subject to Limit	5,628.4	5,686.9	58.5
OFF-BUDGET			
Social Security Outlays:			
2000	327.3	327.2	([3])
2000–2009	3,866.9	3,866.6	-0.3
Social Security Revenues:			
2000	468.0	467.8	-0.2
2000–2009	5,681.9	5,681.8	-0.1

[1] Current level is the estimated revenue and direct spending effects of all legislation that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest information from the U.S. Treasury.

[2] Section 314 of the Congressional Budget Act of 1974, as amended, requires the deficit in the budget resolution to be changed to reflect increases in outlays as the result of funding for specific actions (emergency requirements, disability reviews, adoption assistance, the earned income tax credit initiative, and arrearages for international organizations, peacekeeping, and multilateral banks). Sec. 211 of the Concurrent Resolution on the Budget for Fiscal Year 2000 (H. Con. Res. 68) allows for a decrease in revenues by an amount equal to the on-budget surplus on July 1, 1999, as estimated by CBO, but does not allow an equal adjustment to the deficit. Therefore, the deficit number for the budget resolution shown above reflects only the outlay increases made to the budget resolution between May 19, 1999, and November 1, 1999.

[3] Less than $50 million.

Source: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE FISCAL YEAR 2000 ON-BUDGET SENATE CURRENT LEVEL REPORT, AS OF CLOSE OF BUSINESS, MARCH 6, 2000

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			1,411,523
Permanents and other spending legislation	913,627	875,350	
Appropriation legislation	839,675	846,651	
Offsetting receipts	-296,430	-296,430	
Total, enacted in previous sessions	1,456,872	1,425,571	1,411,523
Passed pending signature:			
Omnibus Parks Technical Corrections Act of 1999 (H.R. 149)	7	3	
Entitlements and mandatories:			
Adjustments to appropriated mandatories to reflect baseline estimates	8,362	6,580	
Total Current Level	1,465,241	1,432,154	1,411,523
Total Budget Resolution	1,454,952	1,434,420	1,393,684
Current Level Over Budget Resolution	10,289		17,839
Current Level Under Budget Resolution		2,266	
MEMORANDUM			
Emergency designations	31,309	27,279	

Source: Congressional Budget Office.

NATIONAL WOMEN'S HISTORY MONTH

Mr. DURBIN. Mr. President, today, as we celebrate National Women's History Month, I rise to pay tribute to the extraordinary women, past and present, who have broken down barriers and continue to shape our nation's future.

First, I would like to thank my distinguished colleague, Senator BARBARA MIKULSKI, who herself has succeeded in redefining the role of women in politics by becoming the most senior woman in the Senate today. Twenty years ago, when Senator MIKULSKI was in the House, she and another one of my notable colleagues, Senator ORRIN HATCH, co-sponsored the first Joint Congressional Resolution declaring National Women's History Week, now a month long celebration acknowledging the accomplishments of women. I applaud my colleagues for their leadership in bringing forth this important celebration of women.

This year's national theme is "An Extraordinary Century for Women—Now, Imagine the Future!" Given the extraordinary accomplishments of women this last century and the bright future of women in this new millennium, a more appropriate theme for this month's celebration of women could not have been chosen.

This month, we pay tribute to the founders of the first Women's Rights Convention 150 years ago. Elizabeth Cady Stanton, Lucretia Mott, and Susan B. Anthony were visionaries who championed women's rights. We also celebrate the historic achievements of Amelia Earhart, Ida B. Wells, Eleanor Roosevelt, Jacqueline Kennedy, Sally Ride, and other legendaries who redefined the role of women and are role models, not only for today's young women, but for all.

My home state of Illinois is filled with such legendary women. Jane Addams was a socially conscious community leader who founded Hull House, a neighborhood center for immigrants in Chicago and was awarded the Nobel Peace Prize in 1931. Minnie Saltzman-Stevens was an internationally known Wagnerian soprano who received her first voice training from the O.R. Skinner Music School in Illinois. Content Johnson was an artist who gained considerable reputation as a portrait and still life painter in oils. Elizabeth Irons Folsom was an author and winner of the 1923 O'Henry Prize for short stories. Margaret Illington, born Maud Light, was a renowned actress who so loved Bloomington, Illinois, that she changed her name to Illington, forever bearing the proof of her love. These women paved the way for today's talented female Illinoisans.

Today's prominent Illinoisans include my friend and former colleague Carol Moseley-Braun, the first African American elected to the Senate and now the US Ambassador to New Zealand; Karen Nussbaum, Director of the Women's Bureau in the US Department of Labor; Marlee Matlin, the only hearing impaired person ever to win an Academy Award for Best Actress; Hillary Rodham Clinton, American first lady, attorney, and leader on education and children's issues; and Caribel Washington, an 86 year old civil rights activist who continues to use her strength and fortitude to inspire all people.

The struggles and triumphs of these women will guide those who follow. One such follower is Winifred Alves, who I had the pleasure of meeting the other day. Winifred is this year's recipient of the Girl Scout Gold Award.

Winifred's future is as bright as her Gold Award.

Despite opposition, many of us in this Congress are fighting to ensure fair pay for women and close the wage gap. We are working to open the doors of college to all Americans by providing quality education at the elementary and secondary level and college tuition assistance to make higher education more affordable. We are working to improve our nation's health by bringing the issues of affordable prescription drugs and a Patient's Bill of Rights to the forefront.

Although Winifred's future is bright, the lives of many of our children remain in jeopardy until we pass tougher gun laws. Last week, six year old Kayla Rolland was tragically shot to death by her fellow kindergarten classmate with a stolen gun. Kayla never had an opportunity to become a Girl Scout. She died senselessly because another six year old child was able to gain access to an illegal firearm. How many more of our children must die before we, as a Congress, band together on a bipartisan basis to pass comprehensive gun legislation?

In this month of March, let us not only pay tribute to those women who have pioneered and inspired all of us, let us remember the young lives we have failed to protect by failing to pass commonsense gun control legislation. Let us also remember, their mothers, teachers, neighbors and friends, who helped shape these young lives but will never know the full potential of their joyous labor. And let us also remember our own mothers, sisters, and aunts who, although unknown to most, continue to shape our lives and our nation's future.

CONVENTION TO ELIMINATE ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Mr. KENNEDY. Mr. President, I commend my colleague, Senator BOXER, for bringing this important treaty before the Senate. I am proud to be a sponsor of Senate Resolution 237, which expresses the sense of the Senate that hearings should be held by the Foreign Relations Committee on the Convention to Eliminate All Forms of Discrimination Against Women.

The treaty establishes international standards and definitions to protect women against discrimination. The treaty also calls for action in the areas of education, health care, and domestic relations, and creates a process to monitor the status of women and their progress toward equity. The standards are fully consistent with existing U.S. protections against discrimination. In countries that do not have such protections, this treaty is an effective tool to combat violence against women, reform unfair inheritance and property rights, and strengthen women's access to fair employment and economic opportunity.

165 countries have not ratified the treaty. As the country that consistently leads the way in the battle for human rights and human dignity, and that took an active role in drafting the treaty, it is past time for the United States to ratify it as well.

U.S. support for women's equality at home and abroad requires that we promptly consider and ratify this treaty. I urge the Senate to pass this resolution and to do all we can to expedite the ratification of this important treaty.

To move our country in that direction, the Foreign Relations Committee should hold a hearing.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, March 7, 2000, the Federal debt stood at $5,747,932,431,376.73 (Five trillion, seven hundred forty-seven billion, nine hundred thirty-two million, four hundred thirty-one thousand, three hundred seventy-six dollars and seventy-three cents).

Five years ago, March 7, 1995, the Federal debt stood at $4,851,012,000,000 (Four trillion, eight hundred fifty-one billion, twelve million).

Ten years ago, March 7, 1990, the Federal debt stood at $3,027,086,000,000 (Three trillion, twenty-seven billion, eighty-six million).

Fifteen years ago, March 7, 1985, the Federal debt stood at $1,708,698,000,000 (One trillion, seven hundred eight billion, six hundred ninety-eight million).

Twenty-five years ago, March 7, 1975, the Federal debt stood at $499,218,000,000 (Four hundred ninety-nine billion, two hundred eighteen million) which reflects a debt increase of more than $5 trillion—$5,248,714,431,376.73 (Five trillion, two hundred forty-eight billion, seven hundred fourteen million, four hundred thirty-one thousand, three hundred seventy-six dollars and seventy-three cents) during the past 25 years.

ADDITIONAL STATEMENTS

RECOGNIZING THE IMPORTANCE TO THE COMMUNITY OF JEWISH FAMILY AND CHILDREN'S SERVICES ON THEIR 150TH ANNIVERSARY

• Mrs. FEINSTEIN. Mr. President, I rise today to recognize the great service that Jewish Family and Children's Services has provided the people of San Francisco and the Bay Area for 150 years.

Since its founding in 1850, Jewish Family and Children's Services has been dedicated to alleviating suffering and helping people realize their potential. It has grown into one of the region's largest social service organizations, with more than 2,100 volunteers helping more than 40,000 people a year.

Jewish Family and Children's Services provides a wide range of services from adoption services and child mentoring programs, to programs aimed at helping seniors. They also have many programs designed to help people with special needs such as AIDS counseling and care management, and alcohol and substance abuse programs.

Over the past 150 years, Jewish Family and Children's Services has improved the quality of life for thousands of people. Please join me in honoring this outstanding organization.•

TRIBUTE TO WOMENS RURAL ENTREPRENEURIAL NETWORK

• Mr. SMITH of New Hampshire. Mr. President, I rise today to honor the Womens Rural Entrepreneurial Network (WREN) of Bethlehem for receiving the Home Loan Bank of Boston's 1999 Community Development Award. The award recognizes the top project in the state undertaken by a nonprofit community group and a local bank. WREN's hard work has made a real difference in the lives of the women of Northern New Hampshire, and the accomplishments of its members are to be commended.

With the assistance of Passumpsic Bank, WREN developed a program to help women in Northern New Hampshire start their own businesses. The program initially offered training in areas such as business plan development, marketing, financial management and computer literacy, but quickly expanded to include other crucial skills such as networking and technology training. As a result of the success of those programs, WREN is currently developing a community center that will house a retail store to sell the products of the program's participants, a community art studio and an expanded meeting and teaching space. The sky is the limit for this program, and its future certainly looks bright.

The achievements of the program are remarkable, and they serve as a shining example of what can be accomplished when local banks and community-oriented groups work together. It is truly an honor to serve such a hard-working organization in the United States Senate.•

WOMEN'S HISTORY MONTH: TRIBUTE TO ALICE WALKER

• Mr. CLELAND. Mr. President, 20 years ago, my friends and colleagues Senator BARBARA MIKULSKI of Maryland and Senator ORRIN HATCH from Utah joined to create a National Women's History Week. Since that time, the commemoration has expanded into an entire month of celebration and recognition of the many contributions and accomplishments of American women. I am proud to use this occasion to highlight the many accomplishments of one of Georgia's own, author and teacher Alice Walker.

Alice Walker has become one of the leading voices among African-American writers. She has published poetry, novels, short stories, essays, and criticism, the most famous probably being "The Color Purple", for which she was awarded the Pulitzer Prize in 1983. Her portrayal of the struggle of African-Americans throughout history, especially the experiences of black women in the American South, has earned her praise around the world. Ms. Walker's insightful and riveting portraits of poor, rural life display human resourcefulness, strength and endurance in confronting oppression.

Alice Walker was born on February 9, 1944, in Eatonton, Georgia, the eighth and last child of Willie Lee and Minnie Lou Grant Walker, who were sharecroppers. When she was eight years old, she lost sight in one eye during an accident with one of her brothers' BB guns. This incident proved to be a turning point in Walker's life. Walker has said that it was from this point that she "really began to see people and things, really to notice relationships and to learn to be patient enough to see how they turned out * * *"

In high school, Alice Walker was valedictorian of her class. That achievement, coupled with a "rehabilitation scholarship," made it possible for her to go to Spelman College, a historically black women's college in Atlanta, Georgia. After spending two years at Spelman, she transferred to Sarah Lawrence College in New York, traveling to Africa as an exchange student during her junior year. She received her bachelor of arts degree from Sarah Lawrence College in 1965.

After graduation, Alice Walker spent the summer in Liberty County, Georgia where she helped to draw attention to the plight of poor people in South Georgia. She went door to door registering voters in the African-American community. Her work with the neediest citizens in the state helped her to see the debilitating impact of poverty on the relationships between men and women in the community. She moved to New York City shortly thereafter where she worked for the city's welfare department. It was then that she was awarded her first writing grant in 1966.

Ms. Walker had originally wanted to go to Africa to write, but decided against it and instead traveled to Tougaloo, Mississippi. It was there where she met her future husband, civil rights attorney Melvyn Leventhal. He was supportive of her writing and admired her love for nature. They married in 1967 and became the first legally married interracial couple in the state of Mississippi. While her husband fought school desegregation in the courts, Alice worked as a history consultant for the Friends of the Children, Mississippi's Head Start Program.

Since there was still a great deal of racial tension in the state, and because her husband was working adamantly in the courts to dismantle the laws barring desegregation, animosity against the couple was strong. While the couple lived in Mississippi, Alice and her husband slept with a gun under their bed at night for protection. Their only daughter, Rebecca, was born in 1969.

Alice Walker became active in the Civil Rights Movement of the 1960's, and remains an involved and vocal activist for many causes today. She has spoken out in support for the women's equality movement, has been involved in South Africa's anti-apartheid campaign, and has worked toward global nuclear arms reduction. One of her most pronounced involvements has been her tireless work against female genital mutilation, the gruesome practice of female circumcision that remains prevalent in many African societies.

Among her numerous awards and honors for her writing are the Lillian Smith Award from the National Endowment for the Arts, the Rosenthal Award from the National Institute of Arts & Letters, a nomination for the National Book Award, a Radcliffe Institute Fellowship, a Merrill Fellowship, a Guggenheim Fellowship, and the Front Page Award for Best Magazine Criticism from the Newswoman's Club of New York. She has also received the Townsend Prize and a Lyndhurst Prize.

In 1984, Ms. Walker started her own publishing company, Wild Trees Press. She has authored more than 20 books over the years. Divorced from her husband, she currently resides in Northern California with her dog, Marley where she continues to write. Her most recent book, "By the Light of My Father's Smile", was released in 1998. I am honored to recognize this remarkable woman, a daughter of Georgia and mother of the fight for equality.•

TRIBUTE TO CHESTER M. LEE

• Mr. WARNER. Mr. President, I rise today to pay tribute to a truly incredible American and resident of McLean, Virginia for the past 35 years, who has passed from this world.

Chester M. Lee—known as "Chet" to family and friends—was born on April 6, 1919. After graduating from the U.S. Naval Academy Class of 1942, Chet Lee went directly into service in World War II. Chet was involved in a number of battle engagements during World War II and survived a Japanese kamikaze attack on his ship, the USS Drexler, off the coast of Okinawa in 1945. Chet Lee spent 24 years in the U.S. Navy, serving his country with great honor both in and out of battle. Chet helped pioneer the Navy's use of ship radar, was instrumental in development and testing of the POLARIS missile program, and commanded two Navy destroyers and an entire destroyer division. Chet Lee moved to Northern Virginia in 1964 to serve the Secretary of Defense at the Pentagon and achieved the rank of Captain before retiring from the Navy in 1965. He continued to be affectionately referred to by Navy and non-Navy colleagues as "Captain Lee," and remained an avid Navy football fan throughout his life!

In 1965, Captain Lee requested to be retired from active duty in order to answer the call at the National Aeronautics and Space Agency, which was deeply involved in the Cold War space race. At NASA, Chet spent 23 years providing instrumental leadership during our nation's most exciting and pivotal space years. Captain Lee served as Assistant Mission Director for Apollo Missions 1 to 11 and then Mission Director for Apollo Moon Missions 12 to 17. He was Director for the Apollo/Soyuz space-docking mission, perhaps one of the most significant precursor events to the melting of Cold War barriers between the U.S. and then-Soviet Union. Captain Lee's impressive NASA career continued as he played an integral role in the development, operation and payload management for the U.S. Space Shuttle program.

In 1987, Chet Lee continued advancing U.S. aerospace leadership in the private sector, joining SPACEHAB Inc., a company dedicated to pioneering U.S. space commerce. He ascended to the position of President and Chief Operating Officer in 1996. Chet was instrumental in guiding the company's participation in the joint U.S.-Russian Shuttle-Mir program, and his tenure at SPACEHAB included 13 Space Shuttle missions, including the mission that returned Senator John Glenn to space. Captain Lee became Chairman of SPACEHAB's Astrotech commercial satellite processing subsidiary in 1998 and served on SPACEHAB's Board of Directors. At the age of 80, Chet Lee continued to work full-time on SPACEHAB and Astrotech projects up to his last days here on Earth.

Chet Lee was a tireless public servant, a devoted husband, father and grandfather and mentor to countless in the aerospace community. I am proud to have had Chet as a constituent, and my blessings go out to his family and friends during this time of mourning. I ask my colleagues to pay tribute today to Captain Lee's memory and to honor him for his contributions to this great country.•

TRIBUTE TO JUDY JARVIS

• Mr. LIEBERMAN. Mr President, I rise today to pay tribute to a woman who has sent her reasoned voice across the radio airwaves of America. A strong willed and strong minded woman who is not only a friend, but I'm fortunate to say is also a constituent, Judy Jarvis. Yesterday, this great radio talk show host, Judy Jarvis, my friend, lost her battle with cancer.

She fought hard to the bitter end. She fought by informing her audience, by not keeping them in the dark about the cancer that was invading her body. She shared her fears, her hopes and her dreams with her weekday broadcasts and in interviews when the table was turned and she became the subject of the interview. Mr President I would like to submit two articles for the RECORD about her battle with cancer. A June 1999 article from Talkers Magazine and a November 29, 1999 article from People Magazine. Her listeners became an extended family, and when she wasn't well enough to continue broadcasting the entire show everyday, they warmly welcomed her cohost, her son, Jason Jarvis. As the only nationally syndicated Mother/Son radio team in America, Judy and Jason were a great team. They enjoyed each other's company and brought a wonderful mixture of generations and views to their show.

Judy Jarvis will be missed by those of us in this chamber who embrace talk radio, by all of us, Democrats and Republicans who have been privileged to be regular guests on her show. She was a woman of intellect and humor, a broadcaster who did her own research and never went for the cheap shot. She was opinionated and provocative, but never nasty. Judy dug deep for the questions that would generate answers to best inform her audience. Judy Jarvis earned a special place in the history of talk radio and left us with a strong human legacy—her husband, Wal, her sons Jason and Clayton and her granddaughter Alexandra.

I wouldn't be surprised if Judy has not already set up interviews, up there in Heaven. Her audience now is global and out of this world. Judy Jarvis, you will be missed by those of us fortunate and blessed enough to call you friend.

Mr. President, I ask that articles from Talkers magazine and from People magazine be printed in the RECORD.

The articles follow:

[From Talkers Magazine, June/July 1999]

JUDY JARVIS—PROFILE IN COURAGE

(By Michael Harrison)

HARTFORD.—Everything was rolling along just fine for nationally syndicated talk show host Judy Jarvis. Her independently produced and syndicated midday talk show which has been on the air since April of 1993 had recently achieved what she describes as a "second tier breakthrough" and was solidly implanted on more than 50 highly respectable affiliates across America. The longstanding live hours of noon to 3 pm ET had just been expanded an extra couple of hours per day to re-feed several prestigious new stations picking up the show. Judy was appearing as a regular guest on the cable TV news talk channels and her commentaries were being published in important daily newspapers. She was again on the annual TALKERS magazine heavy hundred list for the fifth year in a row and generally admired throughout the industry as a talented talk show host on the rise. Plus, on the business side of things she had attained recognition and respect as the head of a successful, family-run radio network operation complete with a in-house staff of nine and the beneficiary of professional sales and affiliate representation from one of New York's finest national firms, WinStar.

The show had even built its own state-of-the-art two-room studio in Farmington Connecticut at the well-known Connecticut School of Broadcasting.

Yes, things was going great guns until this past Fall of 1998—shortly after the NAB Radio Show in Seattle—when upon feeling unusually fatigued and having developed a cough that would not go away; Judy Jarvis checked into Beth Israel hospital in Boston and didn't check out for six weeks. Tests indicated that Judy had developed lung cancer . . . a particularly vicious type that had already impacted her blood and was causing clotting problems.

"It was absolutely a shock," Judy tells TALKERS magazine. "It was like being the victim of a drive-by shooting."

Judy has never even been a smoker and, until this terrifying revelation, had enjoyed very good health.

"I was a moose!" she says, with the good humor that typifies her positive approach to the great challenge that had fallen upon her shoulders.

Instantly committed to beating the disease, she was also determined to preserve the radio show that she and her family had worked so long and hard to build. As it is turning out, the family connection plays a key role in the rescue of the Judy Jarvis Show and Hartford-based Jarvis Productions.

Five years ago, her son, Jason, then 25, left his job at the Washington, DC political journal Hotline and became his mom's producer. He quickly developed a favorable reputation within the business as both an excellent behind the scenes broadcaster and an extremely personable individual. Her husband, Wal Jarvis—a successful businessman outside the radio industry—also serves on the company's executive board to which he brings his considerable experience and expertise. Judy simply describes Wal and the way he has supported her career and now her personal trial as "the best ever!"

So when disaster struck . . . as an immediate stop-gap measure, "We ran tape for a few weeks to keep the show on the air," Judy recounts. "That worked well for a while," she says, but with her initial stay in the hospital and newly-diagnosed illness extending beyond the program's ability to keep playing reruns and maintain a viable network, her son Jason—who had never been a radio personality—stepped up to the microphone and went on the air. He told the audience about his mother's situation and began to do a radio talk show.

His natural ability and honesty were enough to hold the fort for another couple of months while Judy began an aggressive round of treatments to begin fighting the disease.

The affiliates were individually informed of the plight by WinStar reps backed up by Jarvis Productions in-house business manager Deb Shillo. Just about all the affiliates were extremely cooperative . . . especially since Jason Jarvis turned out to be a surprisingly talented talker, enhanced, of course, by the extremely dramatic circumstances in which he was immersed. American talk radio was not about to abandon this sturdy ship caught in a storm.

When discussing Jason's pinch-hitting effort, Judy tries to hold back the tears. "He never wanted to do this," she says in a burst of emotion that shakes the calm restraint that had marked the conversation to this point.

"It was an amazing act of courage and love. He wanted to save it (the show) in case I would get better."

Judy Jarvis' form of lung cancer hits 20,000 people per year and kills more women than breast cancer. But she optimistically points out that modern medicine has come a long way and "it is not quite as grim as it might have been" had this happened several years ago.

Judy completed the first round of treatments and returned to the show on January 4, 1999 with nearly 100% of her affiliates (and listeners) intact, waiting for her return. However, now, it had become a two-person show. Jason earned himself a place on the program as co-host and a unique mother-son talk team modestly emerged on the talk radio airwaves of America, largely unheralded by the media at large and void of the hype that usually marks the beginning of something that can lay claim to being a first.

But the challenges facing Judy Jarvis and her family were far from over. As the Winter of 1999 wore on, so did the pain in Judy's left leg, due to circulation complications arising from the illness. The bleak diagnosis indicated an irreversible condition in which the only remedy was amputation. In March, Judy Jarvis' left leg was removed below the knee.

More treatment, more recovery, more courage . . . and finally back to work, on the air again with Jason.

After a period of several weeks in a wheelchair, Judy has been successfully outfitted with a prosthesis and now is able to walk again. She has risen to the challenge with the same positive attitude that she brings to the air. Life is tough enough in the competitive world of day-to-day syndicated talk radio. Judy now does it while going through the discomfort of chemotherapy and adjusting to the trauma of losing a limb.

"The work is conducive to my recovery," she says, "it helps me focus on something positive." And the program remains positive. Although Judy's situation has been presented quite honestly to the audience, adding an increased dramatic dimension to the culture of the show, the Judy Jarvis Show remains upbeat and issues-oriented. It continues to reflect the niche she has carved out on the talk radio landscape as a fiercely independent moderate who covers the big political issues, but also talks about day-to-day life and the endless controversies, crisis, joys and sorrows that make up real life for real human beings. Her credentials speak for themselves and give her immense credibility to really communicate with her listeners.

In terms of her status in the talk radio industry: She is a giant of strength, will and talent. Staying on the air and running her company as effectively and as dedicatedly as she has done under the conditions she has faced is the kind of inspirational heroism that brings out the best in talk radio as both a business and a cultural phenomenon.

Judy Jarvis can be reached via Deb Shillo at Jarvis Productions, 860-242-7276.

[From People, Nov. 29, 1999]

LIFE SUPPORT

CANCER-STRICKEN, TALK RADIO'S JUDY JARVIS SEES THE SHOW SHE LOVES KEPT ALIVE AS SON JASON STEPS TO THE MIKE

The topic today on The Judy Jarvis Show, out of Farmington, Conn., is overprotective parents. Jarvis listens as her son Jason ranges through a serious of examples in the news, then talks herself about a town that removed see-saws from its playgrounds because children were jumping off and sending kids on the other end crashing down. "I don't understand it," says Jarvis. "In schools they won't give kids failing grades; they won't let them play sports where the scores are too unbalanced. I learn everything I know from failure! Should parents be there all the time to make sure nothing bad happens?"

Obviously she things not. It is also clear from the way the phones light up that the 54-year-old national-radio talk show host is still, in her words, the same "independent-minded broad" she has always been. Thankfully, Jarvis is back—back on the air and, more important, back from cancer. It's not that she has been cured. One of 22,000 people stricken with the disease each year without ever having smoked, she still suffers from lung cancer. But for now she seems as feisty as ever. "You know when everybody tells you to 'live in the moment'?" asks Jarvis.

"I pretty much have done that my whole life. And now we'll just deal with whatever comes."

The possibility of relapse notwithstanding, this moment is a good one for Jarvis. The show, broadcast by about 50 stations from Boston to Seattle, is thriving. Plus, she gets to work with her older son Jason. In fact, she has Jason to thank for her show's very survival. At the beginning of Jarvis's illness, stations stood behind her, broadcasting reruns of her show in the hope she would return. But after six weeks they were worried. That's when Jason, 30, moved behind the mike and saved the day. "It was either we give up or I step in," says Jason, who had been his mother's producer.

At first, Jason merely meant to bridge the gap until Judy's return. But the two worked so well together that Jason stayed on as cohost, and they have become the only mother-son team with a nationally syndicated radio show. Jason's new role "makes it more of a warm, supportive atmosphere," says Tracy Marin, operations manager at affiliate KHTL in Albuquerque. "She was kind of hard-edged before. I think it makes it a lot softer."

It was in October 1998, at a meeting of the National Association of Broadcasters in Seattle, that Jarvis first experienced shortness of breath and a nasty little cough. She didn't pay much attention because she was far more concerned with the convention, which she saw as a stepping-stone toward her goal of becoming a recognized name like Imus or Limbaugh. In spite of her fatigue, Jarvis broadcast live each day from Seattle, waking at 4 a.m. to go through the papers for discussion topics. "By the end of the trip I thought I had a bug of some sort," she says. "I felt just awful." Her husband, Wal, 54, who heads a company that makes parts for the aerospace and surgical industries, assumed that the trip had simply exhausted her.

But back in Connecticut a few days later, Jarvis became short of breath and nearly collapsed in the studio parking lot. Wal drove her to her Boston internist, who, he says, "did a chest X-ray and didn't like the way it looked." Further testing showed fluid in her chest, and on Nov. 5 she was admitted to Beth Israel Deaconess Medical Center. There a lung biopsy revealed cancer.●

TRIBUTE TO MAYOR RAYMOND J. WIECZOREK

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Mayor Raymond J. Wieczorek upon the occasion of his leaving office. Mayor Wieczorek faithfully served the City of Manchester, New Hampshire, and its citizens for the past 10 years. A truly gifted leader, he inspired those who were fortunate enough to work with him, and created a legacy that will triumphantly carry Manchester into the 21st century.

Mayor Wieczorek has played an important role in the economic development of the City of Manchester. Through his hard work and diligence, he has been able to develop a positive working relationship with many community leaders and guide them through the process of expansion and development in the city. He has been the driving force behind the Riverwalk project, restoring and bringing businesses to the Historic Mill District and bringing business leaders back to the inner city. He oversaw the expansion of both the Mall of New Hampshire and the Manchester Airport, as well as the preliminary plans for the Manchester Civic Center. Thoroughout his many years as a dedicated public servant, Mayor Wieczorek has cultivated a vast knowledge of information and resources that has constantly been vital in the operation of my New Hampshire offices.

An individual who truly knew how to connect with those around him, Mayor Wieczorek's door was always open to the citizens of Manchester. Whether through a word of advice, a birthday greeting or negotiations on an expansion and development project, the Mayor treated each of the individuals who approached him with care and concern, and always remembered them with a smile and a quick anecdote upon a second meeting.

I wish Mayor Wieczorek much happiness as he embarks on this new journey in life. His leadership and perseverance will be sorely missed as his decade of public service comes to an end. I want to leave him with a poem by Robert Frost, as I know that he has many more miles to travel and endeavors to conquer.

The woods are lovely, dark and deep.
But I have promises to keep,
And miles to go before I sleep.
And miles to go before I sleep.

Mayor, it has been a pleasure tc represent you in the United States Senate. I wish you the best of luck in your future endeavors. May you always continue to inspire those around you.●

THE TENTH ANNUAL NATIONAL SPORTSMANSHIP DAY

● Mr. L. CHAFEE. Mr. President, yesterday was the tenth annual National Sportsmanship Day—a day designated to promote ethics, integrity, and character in athletics. I am pleased to say that National Sportsmanship Day was a creation of Mr. Daniel E. Doyle, Jr., Executive Director of the Institute for International Sport at the University of Rhode Island. This year, over 12,000 schools in all 50 states and more than 100 countries participated in National Sportsmanship Day. This is remarkable, since ten years ago this program only existed in Rhode Island Elementary Schools!

Yesterday, the Institute held a day-long live internet chat room in which athletes, coaches, journalists, students, and educators engaged in discussions of sportsmanship issues, such as trash-talking, "winning at all costs," professional athletes as role models, and behavior of fans. I believe that the Institute's work in addressing the issues of character and sportsmanship, and its ability to foster good dialogue among our young people is significant.

As part of the Day's celebration, the Institute selected Sports Ethics Fellows who have demonstrated "highly ethical behavior in athletics and society." Past recipients have included: Kirby Puckett, former Minnesota Twins outfielder and 10-time All Star; Joan Benoit Samuelson, gold medalist in the first women's Olympic marathon in 1984; and Joe Paterno, longtime head football coach at Penn State University. This year, the Institute honored 10 individuals including Grant Hill, five-time All-Star with the Detroit Pistons, and former All-American at Duke; Jennifer Rizzotti, head women's basketball coach, University of Hartford, and member of the WNBA Houston Comets; Jerry Sandusky, former defensive coordinator/linebackers coach, Penn State University, PA; and Mark Newlen, former member of the University of Virginia basketball team (1973–77) and presently physical education teacher and coach at the Collegiate School, Richmond, VA.

This year, the Institute has found another avenue to promote understanding and good character for youngsters. A new program called "The No Swear Zone" has been instituted to curb the use of profanity in elementary, middle and high school sports, as well as at the college level. In order for a school's athletic team to become a member of "The No Swear Zone," it must pledge to stop the use of profanity in practice and in games.

I am very proud that National Sportsmanship Day was initiated in Rhode Island, and I applaud the students and teachers who participated in this inspiring day. Likewise, I congratulate all of those at the University of Rhode Island's Institute for International Sport, whose hard work and dedication over the last ten years have made this program so successful.

Mr. President, I ask that the winning essays from this year's contest be printed in the RECORD.

The essays follow:

ALWAYS TRY YOUR HARDEST, BE ENCOURAGING

(By Katie McGwin, a fifth grader at Quidnesset Elementary School North Kingstown, RI)

To be a good sport means to be kind to others, play fairly, never cheat, try your hardest and be responsible. You can be kind to others by saying encouraging words such as "You can do it!" and "You tried your hardest! Maybe next time."

These simple words can convince people that they really can do it and they tried their hardest and next time they will do it well. You can play fairly by following the rules and never cheating.

You can try your hardest by being the best you can be. You can be responsible by keeping track of your things, doing chores, cleaning up after yourself, taking care of your pets, bringing your homework into school and many other things.

I try my hardest in my dance class. I do well, but I think I could try harder. I show my responsibility by keeping track of my things, doing chores and bringing my homework into school. I sometimes encourage people. I always play fairly and I never cheat. I am showing that I am a good sport. I do well in school and I do well at home.

Some people do not show sportsmanship. Those are the people who do not care about the rules of the game. They do not show responsibility. Those are the people who are not kind to others. They do not cheer people on. They think that they are the winners and the other team is just there to lose.

Losing can be tough. I've been there, too. Don't get too discouraged. The truth might be that your team will win next time. So keep trying.

You may have different ways of being a good sport. It doesn't matter what you do to be a good sport; it matters that you are a good sport. Remember this: Always keep trying!

CHILDREN LEARN GOOD AND BAD FROM MODELS

(By Patrick Kolsky, a 10th grader at Novato (Calif.) High School)

In the modern era, sports have been rising in popularity without opposition. Sports in the beginning were first seen as something that could help someone relieve pressure, help cope with stress, join families and communities together and to expose oneself to a little friendly competition,

Most of all, however, sports were mainly seen as a creative outlet to relieve one's extra energy and recycle it into something that was fun for everyone. In more recent years, sports have escalated into something more.

Professional sports focus on winning and salary, while the original intentions of sports take a back seat. Younger children are extremely influenced by professional athletes and are well known to try and imitate their favorite player.

Most athletes today don't really care whether they had fun while playing a sport, but only if they won or lost. and why should they? It is not their job to have fun or to set good examples—their job is to win. But when the millions of onlookers observe what "real" athletes perceive of sports, it is almost inevitable that they themselves will follow the lead of their role models.

These unsportsmanlike ethics that people pick up on lead to an unhealthy imbalance and lack of scruples in non-professional and non-profit-oriented sports today.

I feel very strongly that sports for children should not be a main focal point of their lives. Children's sports should focus on team play, listening and respecting an opponent.

It is unhealthy for children to be so focused on winning at a young age that it will influence other aspects of their lives. The majority of children do not become overly competitive by themselves, but rather from examination of an outside source. It is this outside source that is the most crucial to any child's path to becoming a good sportsman.

Children find role models at a young age; and whether that role model is a professional basketball player or a weatherman, they always end up being influenced by the person that they admire. When these children grow up, they usually carry with them the perception of what was "said" to be acceptable and then apply that to other areas of life, not just sports.

This is exactly the reason why it is imperative that good sportsmanship be stressed in children's sports as well as higher-level sports. It does no good to a child when good sportsmanship is stressed by one source, yet they look at another source and see exactly the opposite.

It is not uncommon in today's sports for the players as well as the fans to become unsportsmanlike. It is OK for people to become competitive as long as they understand the real meaning behind sports and not get too caught up in winning.

Unfortunately, many people overlook this issue entirely. Players trash-talk their opponents without remorse, and fans will become overly excited and unruly in the stands. Of course, there are consequences for all of their actions, but to the people who only care about winning, consequences are just consequences, and nothing more. They will continue to do whatever they can if they feel it will help them win.

Some people are so focused on instant gratification that they don't care what the effects of their actions will be. This is an extremely lethal setback to young onlookers that see this kind of behavior. If their own role models do not believe that they are doing anything wrong, why should they? Every action has a consequence, but not every consequence has the effect it should on the perpetrator.

Sports is a huge industry, and there are so many fans, young and old, who hold sports in high regard and are influenced deeply by almost every aspect of the games. Some people become blind to the fact that some of the idealism that they are picking up from sports may not be in their best interest. Winning at all costs is a poor example of how some role models are supposed to behave in front of the people that idolize them. Our children are watching—and they are picking up every thing that comes their way.

PARENTS HAVE AN OBLIGATION TO BE GOOD SPORTS, TOO

(By Aroha Fanning, a senior at Jacksonville (Fla.) University)

Sports are probably one of the most popular pastimes of today's society, whether you are an athlete, a spectator or a sponsor or whether you are pro or amateur, young or old, disabled or physically fit. Athletics caters to everyone.

But the people who benefit most from sports today are not the professional basketball players or football players who sign contracts of up to $30 million a year or more. They are the little rugrats you can see running around a soccer field on a Saturday morning, or the 3-foot-nothing munchkins who take to the ice for little league ice hockey each season.

Getting children involved in sports not only keeps them active and away from the TV screen or computer monitor, it also teaches them how to be a team player and how to interact socially with other children. But what kind of sportsmanship is being modeled to our children when parents are standing on the sidelines yelling at referees and coaches and getting into fights with parents of the opposing team?

Whatever happened to phrases such as "It's not whether you win or lose, but how you play the game" and "Just go out there and do your best?"

All over the country, parents are being asked to shape up or ship out of the ballpark, stadium or playing grounds. In Jupiter, Fla., parents are now required to take a good sportsmanship class before their children are allowed to play a sport. Parents in Los Angeles are asked to sign a "promise of good behavior" form.

Perhaps so many parents push their children into participating in athletics in hope that they will be able to get a scholarship to college and will go on to the major leagues and sign one of those $30 million contracts. Maybe others push their kids into athletics just so they can brag to their friends and family about how little Johnny is the star of his soccer team. Perhaps parental expectations come from unfulfilled childhood dreams of playing college football, baseball, basketball or whatever the sport of choice might have been.

However you look at it, or whatever the motive for pushing children into athletics, encouraging them to run onto a field while yelling at them for making a mistake or losing isn't going to make them love the sport. It is not going to get them that college scholarship. It is not going to make them the best on the team. And it is not going to fulfill the lost dream of being a college athlete.

The only thing that pushing your child beyond the true purpose of the game—to have fun—accomplishes is to push the child further away from the sport and, eventually, the parent.●

TRIBUTE TO PUBLISHERS SETH AND LUCILLE HEYWOOD

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to a newspaper that has provided the town of Merrimack, New Hampshire, with information and insight for the past twenty-one years. The Village Crier is a paper for which many of the town residents of Merrimack have waited in anticipation each week. It certainly has greatly impacted the community as a whole.

The Village Crier has been on the front lines of every political battle in Merrimack, and the opinions and advice that they brought to the tale will be greatly missed. Both Seth and Lucille have put countless hours into the production of the Crier, and have gained the respect and admiration of not only their staff, but of the entire community.

It is with sincere regret and deep sadness that I bid farewell to the Village Crier. I wish both Seth and Lucille the best as they continue with their future endeavors. The Village Crier will be greatly missed, and it is an honor to represent both Seth and Lucille Heywood in the United States Senate.●

TRIBUTE TO ALEX GIANG

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Alex Giang for receiving the Merrimack Chamber of Commerce Presidential Award. A member of the chamber for several years, Alex has risen to prominence with his continuous displays of passion and perseverence. His personality endears him to all, and he is well known for his gregarious nature. Alex is a kind-hearted leader, and Mary Jo and I applaud him for his hard work and dedication to the Merrimack Chamber of Commerce.

Alex Giang inspires others to achieve the same ends by using the leadership qualities for which he has been honored. Alex has taken it upon himself to attempt to increase the membership of the chamber. He is a man determined to have others give of themselves as he has given. He has been a key figure in the creation of the chamber fund raiser, "A Taste of Merrimack," where the time and effort that was spent on his part exemplified his dedication to the chamber. In addition to all of this, Alex is a purveyor of fine cuisine in the town of Merrimack.

Alex is a leader in the truest sense. He is a gregarious individual who puts forth enormous effort for worthy causes. His enthusiasm for both life and the Merrimack chamber is contagious. Alex, it is a pleasure to represent you in the United States Senate. I wish you the best of luck in the future. May you always continue to inspire those around you.●

NORMAL TRADE RELATIONS TREATMENT FOR THE PEOPLE'S REPUBLIC OF CHINA—MESSAGE FROM THE PRESIDENT—PM 90

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance.

To the Congress of the United States:

Last November, after years of negotiation, we completed a bilateral agreement on accession to the World Trade Organization (WTO) with the People's Republic of China (Agreement). The Agreement will dramatically cut import barriers currently imposed on American products and services. It is enforceable and will lock in and expand access to virtually all sectors of China's economy. The Agreement meets the high standards we set in all areas, from creating export opportunities for our businesses, farmers, and working people, to strengthening our guarantees of fair trade. It is clearly in our economic interest. China is concluding agreements with other countries to accede to the WTO. The issue is whether Americans get the full benefit of the strong agreement we negotiated. To do that, we need to enact permanent Normal Trade Relations (NTR) for China.

We give up nothing with this Agreement. As China enters the WTO, the United States makes no changes in our current market access policies. We preserve our right to withdraw market access for China in the event of a national security emergency. We make no changes in laws controlling the export of sensitive technology. We amend none of our trade laws. In fact, our protections against unfair trade practices and potential import surges are stronger with the Agreement than without it.

Our choice is clear. We must enact permanent NTR for China or risk losing the full benefits of the Agreement we negotiated, including broad market access, special import protections, and rights to enforce China's commitment through WTO dispute settlement. All WTO members, including the United States, pledge to grant one another permanent NTR to enjoy the full benefits in one another's markets. If the Congress were to fail to pass permanent NTR for China, our Asian, Latin American, Canadian, and European competitors would reap these benefits, but American farmers and other workers and our businesses might well be left behind.

We are firmly committed to vigorous monitoring and enforcement of China's commitments, and will work closely with the Congress on this. We will maximize use of the WTO's review mechanisms, strengthen U.S. monitoring and enforcement capabilities, ensure regular reporting to the Congress on China's compliance, and enforce the strong China-specific import surge protections we negotiated. I have requested significant new funding for China trade compliance.

We must also continue our efforts to make the WTO itself more open, transparent, and participatory, and to elevate consideration of labor and the environment in trade. We must recognize the value that the WTO serves today in fostering a global, rules-based system of international trade—one that has fostered global growth and prosperity over the past half century. Bringing China into that rules-based system advances the right kind of reform in China.

The Agreement is in the fundamental interest of American security and reform in China. By integrating China more fully into the Pacific and global economies, it will strengthen China's stake in peace and stability. Within China, it will help to develop the rule of law; strengthen the rôle of market forces; and increase the contacts China's citizens have with each other and the outside world. While we will continue to have strong disagreements with China over issues ranging from human rights to religious tolerance to foreign policy, we believe that bringing China into the WTO pushes China in the right direction in all of these areas.

I, therefore, with this letter transmit to the Congress legislation authorizing the President to terminate application of Title IV of the Trade Act of 1974 to the People's Republic of China and extend permanent Normal Trade Relations treatment to products from China. The legislation specifies that the President's determination becomes effective only when China becomes a member of the WTO, and only after a certification that the terms and conditions of China's accession to the WTO are at least equivalent to those agreed to between the United States and China in our November 15, 1999, Agreement. I urge that the Congress consider this legislation as soon as possible.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *March 8, 2000.*

THE NATIONAL MONEY LAUNDERING STRATEGY FOR 2000—MESSAGE FROM THE PRESIDENT—PM 91

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on the Judiciary.

To the Congress of the United States:

As required by the provisions of section 2(a) of Public Law 105-310 (18 U.S.C. 5341(a)(2)), I transmit herewith the National Money Laundering Strategy for 2000.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *March 8, 2000.*

MEASURE PLACED ON THE CALENDAR

The following bill was read the second time and placed on the calendar:

S. 2184. A bill to amend chapter 3 of title 28, United States Code, to divide the Ninth Judicial circuit of the United States into two circuits, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-7907. A communication from the Director, Operational Test and Evaluation, and the Deputy Under Secretary, Science and Technology, Department of Defense transmitting, pursuant to law, a report relative to laboratories and centers selected for a pilot program; to the Committee on Armed Services.

EC-7908. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC-7909. A communication from the Deputy Assistant Administrator, Office of Prevention, Pesticides and Toxic Substances transmitting, pursuant to law, the 1999 report on conditional pesticide registrations; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7910. A communication from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Criteria for Approving Flight Courses for Educational Assistance Programs" (RIN2900-AI76), received March 7, 2000; to the Committee on Veterans' Affairs.

EC-7911. A communication from the Director, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of the Office of Thrift Supervision's 2000 compensation plan; to the Committee on Banking, Housing, and Urban Affairs.

EC-7912. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report relative to certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Kazakhstan; to the Committee on Foreign Relations.

EC-7913. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, transmitting, pursuant to law, the report of a rule entitled "Schedule of Fees for Consular Services; Finance and Accounting; Passports and Visas", received March 7, 2000; to the Committee on Foreign Relations.

EC-7914. A communication from the Executive Director, Committee for Purchase from People who are Blind or Severely Disabled, transmitting, pursuant to law, the report of a rule relative to additions to and deletions from the Procurement List, received March 7, 2000; to the Committee on Governmental Affairs.

EC-7915. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to its commercial activities inventory; to the Committee on Governmental Affairs.

EC-7916. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "List of Approved Spent Fuel Storage Casks: NAC-MPC Addition", received March 7, 2000; to the Committee on Environment and Public Works.

EC-7917. A communication from the General Counsel, National Science Foundation transmitting, pursuant to law, the report of a rule entitled "Revision of National Science Foundation Freedom of Information Act and Privacy Act Regulations and Implementation of Electronic Freedom of Information Act Amendments of 1996" (RIN3145-AA31) (RIN3145-AA32), received March 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7918. A communication from the Associate Administrator, Procurement, National Aeronautics and Space Administration transmitting, pursuant to law , the report of a rule entitled "Miscellaneous Administrative Revisions to the NASA FAR Supplement", received March 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7919. A communication from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Extension of Import Restrictions Imposed on Certain Categories of Archaeological Material from the Prehistoric Cultures of the Republic of El Salvador" (RIN1515-AC61), received March 7, 2000; to the Committee on Finance.

EC-7920. A communication from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture transmitting, pursuant to law, the report of a rule entitled "Melons Grown in South Texas; Increased Assessment Rate" (Docket Number FV00-979-I FR), received March 7, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7921. A communication from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture transmitting, pursuant to law, the report of a rule entitled "Blueberry Promotion, Research and Information Order; Referendum Procedures" (Docket Number FV-99-702-FR), received March 7, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7922. A communication from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture transmitting, pursuant to law, the report of a rule entitled "Pork Promotion and Research" (Docket Number LS-98-007), received March 7, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7923. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Company CF6-80C2; Docket No. 99-NE-24 [2-29/3-6]" (RIN2120-AA64) (2000-0129), received March 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7924. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A340-211, -212, -213, -311, -312, and -313 Series Airplanes; Correction; Docket No. 99-NM-336 [3-2/3-6]" (RIN2120-AA64) (2000-0128), received March 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7925. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas MD-11 Series Airplanes; Request for Comments; Docket No. 2000-NM-61 [3-3/3-6]" (RIN2120-AA64) (2000-0127), received March 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7926. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Dornier Model 328-111 and -300 Airplanes; Request for Comments; Docket No. 2000-NM-59 [3-7/3-6]" (RIN2120-AA64) (2000-0126), received March 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7927. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bell Helicopter Textron Canada Model 407 Helicopters; Docket No. 98-SW-64 [3-1/3-6]" (RIN2120-AA64) (2000-0130), received March 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7928. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Alexander Schleicher Segelflugzeubau Models ASH 25M and ASH 26E Sailplanes; Request for Comments; Docket No. 99-CE-78 [3-1/3-6]" (RIN2120-AA64) (2000-0131), received March 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7929. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; MD Helicopters, Inc., Model MD600N Helicopters; Docket No. 99-SW-54 [3-1/3-6]" (RIN2120-AA64) (2000-0132), received March 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7930. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Big Bear City, CA; Docket No. 99-AWP-26 [3-7/3-6]" (RIN2120-AA66) (2000-0065), received March 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7931. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Special Anchorage Areas/Anchorage Grounds Regulations; Henderson Harbor, NY (CGD09-99-081]" (RIN2115-AA98) (2000-0003), received March 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7932. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Traffic Separation Scheme in the Approaches to Delaware Bay (CGD97-004]" (RIN2115-AF42) (2000-0001), received March 7, 2000; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated.

POM-429. A resolution adopted by the Miami, FL City Commission relative to the Nicaraguan and Central American Relief Act; to the Committee on the Judiciary.

RESOLUTION NO. 100

Whereas, on 1997, the Senate and House of Representatives of the United States enacted legislation, known as the Nicaraguan and Central American Relief Act ("NACARA"), to provide nationals from Nicaragua and certain Central American countries relief from removal and deportation from the United States; and

Whereas, the deadline to submit and complete NACARA applications with supporting documents and motions expired November, 1999; and

Whereas, the City Commission wishes that the same privileges and rights bestowed to Nicaraguan and Central American nationals be extended to Haitian immigrants; now, therefore, be it

Resolved by the Commission of the city of Miami, Florida:

SECTION 1. The recitals and findings contained in the Preamble to this Resolution are hereby adopted by reference thereto and incorporated herein as if fully set forth in this Section.

SECTION 2. The Federal Government is hereby urged to extend the deadline for a period of six months for those individuals eligible to file applications and motions to gain lawful immigration status under the Nicaraguan and Central American Relief Act ("NACARA").

SECTION 3. The Federal Government is hereby further urged to enact and implement legislation to extend the same rights and privileges granted under NACARA to Haitian immigrants.

SECTION 4. The City Clerk is hereby directed to transmit a copy of this Resolution to President William J. Clinton, Vice-President Albert Gore, Jr., Speaker of the House of Representatives J. Dennis Hastert, Attorney General Janet Reno, United States Immigration and Naturalization Service Commissioner Doris Meissner, Senators Connie Mack and Bob Graham, and all the members of the United States House of Representatives for Miami-Dade County.

SECTION 5. This Resolution shall become effective immediately upon its adoption and signature of the Mayor.

Passed and adopted this 27th day of January, 2000.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. GRAMM for the Committee on Banking, Housing, and Urban Affairs.

Jay Johnson, of Wisconsin, to be Director of the Mint for a term of five years.

Kathryn Shaw, of Pennsylvania, to be a Member of the Council of Economic Advisers.

(The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. MCCONNELL for the Committee on Rules and Administration.

Danny Lee McDonald, of Oklahoma, to be a Member of the Federal Election Commission for a term expiring April 30, 2005. (Reappointment)

Bradley A. Smith, of Ohio, to be a Member of the Federal Election Commission for a term expiring April 30, 2005.

(The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and second time by unanimous consent, and referred as indicated:

By Mr. MURKOWSKI (for himself, Mr. AKAKA, Mr. BENNETT, Mr. BOND, Mr. BUNNING, Mr. BREAUX, Mr. BURNS, Mr. CAMPBELL, Mr. COVERDELL, Mr. CRAIG, Mr. CRAPO, Mr. DOMENICI, Mr. ENZI, Mr. GRAMM, Mr. GRASSLEY, Mr. HATCH, Mr. HELMS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INOUYE, Mr. INHOFE, Mr. KYL, Mr. LOTT, Mr. MCCONNELL, Mr. NICKLES, Mr. SESSIONS, Mr. SHELBY, Mr. STEVENS, Mr. THOMAS, Mr. THURMOND, Mr. VOINOVICH, Mr. WARNER, Mr. ABRAHAM, and Mr. HAGEL):

S. 2214. A bill to establish and implement a competitive oil and gas leasing program that will result in an environmentally sound and job creating program for the exploration, development, and production of the oil and gas resources of the Coastal Plain, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HUTCHINSON:

S. 2215. A bill to clarify the treatment of nonprofit entities as noncommercial educational or public broadcast stations under the Communications Act of 1934; to the Committee on Commerce, Science, and Transportation.

By Mr. CAMPBELL:

S. 2216. A bill to direct the Director of the Federal Emergency Management Agency to require, as a condition of any financial assistance provided by the Agency on a nonemergency basis for a construction project, that products used in the project be produced in the United States; to the Committee on Environment and Public Works.

By Mr. CAMPBELL (for himself, Mr. INOUYE, and Mr. LOTT):

S. 2217. A bill to require the Secretary of the Treasury to mint coins in commemoration of the National Museum of the American Indian of the Smithsonian Institution, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CLELAND (for himself, Ms. MIKULSKI, Mr. GRASSLEY, Mr. AKAKA, Mr. WARNER, Mr. SARBANES, and Mr. ROBB):

S. 2218. A bill to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance is made available to Federal employees and annuitants and members of the uniformed services, and for other purposes; to the Committee on Governmental Affairs.

By Mr. DURBIN:

S. 2219. A bill to amend the Elementary and Secondary Education Act of 1965 to provide for community learning and successful schools, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ALLARD:

S. 2220. A bill to protect Social Security and provide for repayment of the Federal debt; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. KOHL (for himself, Mr. FEINGOLD, Mr. WELLSTONE, Mr. SCHUMER, and Mr. SANTORUM):

S. 2221. A bill to continue for 2000 the Department of Agriculture program to provide emergency assistance to dairy producers; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. TORRICELLI:

S. 2222. A bill to provide for the liquidation or reliquidation of certain color television receiver entries to correct an error that was made in connection with the original liquidation; to the Committee on Finance.

By Mr. KERRY (for himself, Mr. HOLLINGS, and Mr. INOUYE):

S. 2223. A bill to establish a fund for the restoration of ocean and coastal resources, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. JEFFORDS (for himself, Mr. LIEBERMAN, Mr. KERRY, Mr. KENNEDY, and Mr. LEAHY):

S. 2224. A bill to amend the Energy Policy and Conservation Act to encourage summer fill and fuel budgeting programs for propane, kerosene, and heating oil; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WARNER:

S. Con. Res. 92. A concurrent resolution applauding the individuals who were instrumental to the program of partnerships for oceanographic and scientific research between the Federal Government and academic institutions during the period beginning before World War II and continuing through the end of the Cold War, supporting efforts by the Office of Naval Research to honor those individuals, and expressing appreciation for the ongoing efforts of the Office of Naval Research; to the Committee on Armed Services.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MURKOWSKI (for himself, Mr. AKAKA, Mr. BENNETT, Mr. BOND, Mr. BUNNING, Mr. BREAUX, Mr. BURNS, Mr. CAMPBELL, Mr. COVERDELL, Mr. CRAIG, Mr. CRAPO, Mr. DOMENICI, Mr. ENZI, Mr. GRAMM, Mr. GRASSLEY, Mr. HATCH, Mr. HELMS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INOUYE, Mr. INHOFE, Mr. KYL, Mr. LOTT, Mr. MCCONNELL, Mr. NICKLES, Mr. SESSIONS, Mr. SHELBY, Mr. STEVENS, Mr. THOMAS, Mr. THURMOND, Mr. VOINOVICH, Mr. WARNER, Mr. ABRAHAM, Mr. HAGEL):

S. 2214. A bill to establish and implement a competitive oil and gas leasing program that will result in an environmentally sound and job creating program for the exploration, development, and production of the oil and gas resources of the Coastal Plain, and for other purposes; to the Committee on Energy and Natural Resources.

LEGISLATION TO ESTABLISH AND IMPLEMENT A COMPETITIVE OIL AND GAS LEASING PROGRAM

Mr. MURKOWSKI. Mr. President, let me advise you, yesterday at the close of business, the posted price of oil was $34.13 a barrel. The Dow was down 374 points. The share price of one company, Procter & Gamble, plunged 30 percent as a consequence of their third quarter profits falling off because of the high cost of oil.

We have a crisis in this country. Today, I rise to introduce legislation on behalf of myself and 33 other Members that I believe, and they believe with me, offers the United States its best chance to reduce our dependence on foreign oil; that is, by producing more oil domestically.

We have seen the oil price rise in the last year from roughly $10 to over $30 a barrel. That is a pretty dramatic increase. There is an inflation factor associated with this. While we have not really addressed it, it is fair to say that for every $10 increase in the price of a barrel of oil, there is an inflation factor of about a half of 1 percent. Alan

Greenspan has been quoted as saying, "I have never seen a price spike on oil that I have ever ignored."

So we are now in a situation where we have seen heating oil prices in the Northeast reach historic highs this winter, nearly $2 a gallon. We are seeing a surcharge on our airline tickets of $20. You do not see it at the counter where you buy your ticket; of course not. You do not know what the price of a ticket generally is because they have so many prices between point A and point B. But it is there. It is $20. The American public ought to be questioning that. They at least ought to be aware of it, if they do not question it.

Regarding diesel prices, we saw the truckers come to Washington, DC. Diesel prices are the highest since the Department of Energy began tracking.

We are in a crisis. We have to do something about it. There are many factors that contribute to the price structure of each particular fuel, but underlying all of these, without a doubt, is our reliance on imported crude oil. We are 56-percent dependent on foreign crude oil. The current reserves indicate we are consuming twice as much crude in the U.S., as we are able to produce domestically.

I had the professional staff of the Energy and Natural Resources Committee trying to do a forecast, with the Department of Energy—we have a net decline because we are using more crude reserves than we are bringing in—about what time the bear goes through the buckwheat; that is, when perhaps we are looking at $2 a gallon, $2.50 a gallon for gasoline. Relief is not in sight as yet.

The worst part of it is this did not come without some warning. Those of us from oil-producing States, my State of Alaska, the overthrust belt—Louisiana Senators, Texas, Mississippi, other areas, Colorado, Oklahoma, Utah, Wyoming—have been predicting the dangers of increased dependence on imported oil. The administration, Department of Energy, has forecast by the years 2015 to 2020 we will be approaching 65-percent dependence on imported oil. The problem with that is it looks now as if that is a goal rather than a forecast. They are not taking any steps to relieve us of that dependency.

The facts, I think, are staggering. If you look at what is happening in this country, domestic production has decreased 17 percent since 1990. That is a fact. Consumption, however, has increased 14 percent. I have a chart to show this. It shows, I think very clearly, what is happening in this country.

We are seeing the demand, and that is the black line here, going, in 1990, from 16 million to 19 million barrels per day. So what is happening is we see a constant demand going up. Then what happens on the offset? Where is the crude production? The crude production is declining, from 7.4 to a domestic production of 5.9.

This reflects the reality of what has been happening. This should not come as a great surprise to the Department of Energy, the Clinton administration, or the Congress of the United States. This has been coming for some time.

In one year, total petroleum net imports rose 7.6 percent. So, as we look for relief, we look towards imports. Now we are 56-percent dependent. What does it mean? It means we do not learn from history. We do not learn much. In 1973, when we had the Arab oil embargo—some people remember the gasoline lines around the block—at that time, we were 37-percent dependent on imported oil. We said it would never happen again. We said we would create a Strategic Petroleum Reserve to ensure we were not held hostage.

What did other countries do? Different things. The French, for example, said they would never be held hostage by the Mideast again, and they departed on a nuclear program so that today the French are over 90-percent dependent on nuclear energy. We do not have that situation in the United States. I simply point that out to direct attention to what some countries have done with their energy policy vis-a-vis others. What we have done is very little.

We fought a war over in the Mideast, didn't we? We fought that war, Desert Storm, to keep Saddam Hussein from invading Kuwait and taking over those oil fields. During Desert Storm, we were 46-percent dependent. Today we are held hostage to aggressive OPEC pricing policies. What has our response been?

Secretary of Energy Richardson went to the Mideast. Some suggest it was the greatest hostage recovery effort since the Carter administration sent the military to Tehran. He went there and said: We have an emergency in the United States. We have a crisis. We need you to produce more oil.

Do you know what they told him? They looked him in the eye and they said: We are going to have a meeting March 27 and we will address our policies then.

That is hardly responding to an emergency, particularly at a time when he reminded them of how quickly we responded to the emergency when Saddam Hussein was about to invade Kuwait. Nevertheless, that is reality, that is business, that is the attitude of OPEC. This time the hostage is our country, our energy security—and the rescue mission is flawed.

We can look to the non-OPEC countries for relief. We can look to Venezuela. We can look to Mexico.

I happened to have a little feedback from Mexico. We went down to Mexico. The Secretary met with them and said we need you to produce more oil. There was a message, and that message that came back from Mexico is: Where was the United States when the Mexican economy was in the tank? When oil was selling at $11 a barrel, were you, the United States, doing anything to help out Mexico and its economy? Clearly, we were not. We were very happy to get $11, $12 oil.

So somebody said: If the shoe fits, wear it.

We have been stiffed. We have been poked in the eye because OPEC is saying: Ho, ho, the United States—do you know what the United States could do, if they wanted to do a favor for the consumer? They can waive all their taxes, waive all the highway taxes, waive all the State taxes. That will bring the price down.

It is an interesting suggestion. Obviously, it is unacceptable to us and an indignity, but I think it is sobering to recognize that is their proposed answer.

The irony that Iraq has emerged as the fastest growing source of U.S. oil imports is something beyond comprehension. We need to question where we are placing the Nation's energy security. Are we placing it with Saddam Hussein? That is where our imported oil is coming.

Our own Government agencies question this policy. Isn't that interesting? They question the policy they make.

Here is the statement on a chart. This is at a time when the administration is suppressing domestic production. This is from the Minerals Management Service:

> Much of the imported oil that the United States depends on comes from areas of the world that may be hostile to the interest of the United States and where political instability is a concern.

That speaks for itself. The Mideast is unstable. We see our friends in Libya, Iran, Iraq, and now the relationship between Iran and Iraq seems to be closer than it ever was. We are caught in the middle.

In the meantime, What has happened to our domestic industry? It is interesting. We have seen in the oil industry a 28-percent decline in jobs, a 77-percent decline in oil rigs that are used in exploration, and we have seen a 7-percent decline in reserves. That is the largest decline in 53 years.

This is what we are doing, particularly under this administration, relative to encouraging domestic exploration and drilling: Rigs drilling for oil are down from 657 in 1990 to roughly 153 in 2000.

What has our energy policy been under the Clinton-Gore administration? Coal: Highly dependent on coal. But EPA filed a lawsuit against eight electric utilities with coal-fired powerplants. The lawsuit says these plants have been allowed to extend beyond their lifespan, and the management says they are trying to maintain these plants according to the permitting process and not necessarily extending their life.

One gets a different point of view, but clearly there is going to be employment for a lot of attorneys.

Hydro: Secretary Babbitt wants to be the first Secretary to tear down dams. It is estimated by my colleagues from the Pacific Northwest that if the dams go down, we are going to see roughly 2,000 trucks per day on the highways to replace the barge service, particularly in Oregon, and the environmental air quality and congestion issues will be significant.

Nuclear power: The administration opposes this. They do not want to address what they are going to do with nuclear waste on their watch.

Natural gas: It is the fuel of the future, but they have closed so much of the public lands; 60 percent of the overthrust belt is off limits in the Rocky Mountain area, which is Colorado, Wyoming, Montana, Utah, New Mexico, North Dakota, and South Dakota. They estimate there is 137 trillion cubic feet of gas out there. And as a consequence, but they have put 60 percent of the area off limits.

Let's look at one more thing. If we look at our reliance on natural gas and oil, we recognize that we are not going to change over the next 20 or 25 years, as much as we would like to have greater dependence on alternative energy sources. The realization is the technology is not there. We have to continue to encourage them. The real answer is long-term and short-term relief. There is some short-term potential relief in repealing the Clinton-Gore gas tax hike. With prices at the pump steadily rising, one thing we can do is suspend the 4.3 cent-per-gallon Clinton-Gore gas tax. That came in 1993. The Democratic Congress, without a single Republican vote, adopted the Clinton-Gore gas tax as part of one of the largest tax increases in history.

That tax has cost the American motorist $43 billion over the last 6 years. We can suspend this tax until the end of the year when prices may be stabilized, and we can make sure the highway trust fund is reimbursed for any lost revenue so we can ensure all highway construction authorized will be constructed.

It is interesting to note that when Clinton-Gore passed this tax, it was not used for highway construction; it was used for Government spending, until Republicans took over Congress and authorized the tax to be restored for highway construction.

Long-term fixes: We need to stimulate the domestic oil and gas industry. We need to get in the overthrust belt. We need the Department of Interior to open up these areas, and we need a long-term fix. It involves legislation that I am introducing to authorize the opening of the Coastal Plain.

I will show my colleagues what I am talking about. This is an area that lies in the northeast corner of Alaska, north of the Arctic Circle, 1,300 miles south of the North Pole. The pipeline of Prudhoe Bay over the last 30 years has produced 25 percent of the total crude oil produced in this country.

I will show another chart because we have to put this area in perspective, otherwise you lose it.

The Arctic National Wildlife Refuge consists of 19 million acres in its entirety. We have set aside in wilderness permanently 8 million acres. We set another 9.5 million acres in refuge, permanently—no drilling, nothing in those two areas. But Congress set aside what they call the 1002 area, the Coastal Plain, for a determination of whether or not to open it for competitive oil and gas bids. The Eskimo people of Kaktovik, a little village there, support exploration in this area. The geologists say it is the most likely area for a significant find.

We propose a competitive lease sale. We propose only exploration in the wintertime, that way we will make no footprint on the ground. There is roughly 1.5 million acres on the Coastal Plain. The industry says if they are allowed to develop it with the technology they have, they will use less than 2,000 acres in the entirety of the 1.5 million acres. That is the kind of footprint the technology gives us.

As we look at national energy security, we have to look at some long-term solutions because Prudhoe Bay, as can be seen on this chart, shows a good degree of compatibility with abundant wildlife. This shows Prudhoe Bay field and the caribou wandering around. This is the pipeline that goes 800 miles to Valdez. If the oil is where we think it is, we simply extend the pipeline over to Prudhoe Bay and produce it.

This chart shows what frequently happens on the pipeline. Here are some bears going for a little walk on the pipeline enjoying the afternoon. They get away from bugs and flies, and it is easier walking on the pipeline than it is in the heavy snow. They know what they are doing.

I conclude by recognizing in October our Vice President made a statement that he is going to do everything in his power to make sure there is no new drilling off our coastal areas relative to OCS lease sales. I think that statement is going to come back and haunt the administration and certainly haunt the Vice President because if we do not go for OCS activities, we are not going to go anywhere.

I ask unanimous consent that a letter from the Sierra Club soliciting visitations to Washington to lobby Members of Congress be printed in the RECORD. The Sierra Club pays for all the meals, all the transportation, and all the lodging for these recruits it is simply reflective of the other point of view and that they are attempting to influence us on this issue. It is a good issue for revenue, for their membership.

I also ask unanimous consent to have printed in the RECORD a copy of the proposed lease sale by the Gwich'in people of Venetie for their lands on the North Slope that they hold, which is about 1.8 million acres. It is necessary that you understand the opposition. This will give you a point of view that, indeed, the opposition was prepared to lease their land. The only unfortunate problem was, there was no oil on it.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From SC—Action Vol. II, January 6, 2000]

THE ARCTIC REFUGE NEEDS YOUR HELP:

This February 5–9, the Sierra Club, together with the Alaska Wilderness League, the Wilderness Society and the National Audubon Society, is hosting another National Arctic Wilderness Week in Washington, DC. Support from the grassroots is the key to protecting the Arctic National Wildlife Refuge and its fragile coastal plain—and this gathering will help arm you with the skills and knowledge you need be build support in your own community.

HANDS-ON TRAINING

Arctic Wilderness Week is your introduction to the campaign to protect the Arctic Refuge and its vast array of wildlife—polar bears, grizzlies, caribou, and thousands of migratory birds—from the ravages of oil and gas development. If you can make it on Friday night, the training begins with a potluck dinner and a chance to meet other like-minded wilderness and environmental activists. Saturday and Sunday offer two full days of intensive skills training, including message development, media communications and legislative advocacy. All of it will be tied together with hands-on role playing and campaign planning exercises.

If you can stay longer, on Monday and Wednesday we'll brush up your lobbying skills. You'll be pounding the marble halls of Congress, meeting with your own Congressional Representatives and Senators or their staffs. It's your chance to make your voice heard!

WE'VE GOT YOU COVERED

We know your time is valuabel—so we don't ask you to cover all of your expenses for the trip. You pay a $40 registration fee (some scholarships available), and we'll pay for your travel to D.C., your hotel (two per room), a continental breakfast each morning, and several dinners. Unfortunately, space is limited. And we are making it a priority to bring in activists from a number of targeted states and media markets—where our public education efforts are most critical. To find out if you're eligible, contact Dana Wolfe of the Sierra Club at (202) 675-6690. We'll send you a packet of information about the battle to save the Arctic Refuge and a tentation agenda for the wilderness training.

Please join us in Washington and be a hero for America's great Arctic wilderness!

NATIVE VILLAGE OF VENETIE,
March 21, 1984.

To Whom It May Concern:

This letter is authorization for Donald R. Wright, as our consultant, to negotiate with any interested persons or company for the purpose of oil or gas exploration and production on the Venetie Indian Reservation, Alaska; subject to final approval by the Native village of Venetie Tribal Government Council.

NATIVE VILLAGE OF VENETIE

REQUEST FOR PROPOSALS FOR OIL & GAS LEASES

The Native Village of Venetie Tribal Government hereby gives formal notice of intention to offer lands for competitive oil and gas lease. This request for proposals involves any or all of the lands and waters of the Venetie Indian Reservation, U.S. Survey No. 5220, Alaska, which aggregates 1,799,927.65 acres, more or less, and is located in the Barrow and Fairbanks Recording Districts, State of Alaska. These lands are bordered by the Yukon River to the South, the Christian River to the East, the Chandalar River to the West and are approximately 100 miles west of the Canadian border on the southern slope of the Brooks Range and about 140 miles East of the Trans-Alaska Pipeline. Communities in the vicinity of the proposed sale include Arctic Village, Christian and Venetie. Bidders awarded leases at this sale will acquire the right to explore for, develop and produce the oil and gas that may be discovered within the leased area upon specific terms and provisions established by negotiation, which terms and provisions will conform to the current Federal oil and gas lease where applicable.

Bidding method

The bidding method will be cash bonus bidding for a minimum parcel size of one-quarter of a township, or nine (9) sections, which is 5,760 acres, more or less, and a minimum annual rent of $2.00 per acre. There shall be a minimum fixed royalty of twenty percentum (20%).

Length of lease

All leases will have an initial primary term of five (5) years.

Other terms of sale

Any bidder who obtains a lease from the Native Village of Venetie Tribal Government as a result of this sale will be responsible for the construction of access roads and capital improvements as may be required. All operations on leased lands will be subject to prior approval by the Native Village of Venetie Tribal Government as required by the lease. Surface entry will be restricted only as necessary to protect the holders of surface interests or as necessary to protect identified surface-resource values.

Prior to the commencement of lease operations, an oil and gas lease bond for a minimum amount of $10,000.00 per operation is required. This bonding provision does not affect the Tribal Government's authority to require such additional unusual risk bonds as may be necessary.

Bidding procedure

Proposals must be received by 12:00 p.m. sixty (60) days from the date of this Request for Proposals, at the office of the Native Village of Venetie Tribal Government, Attention, Mr. Don Wright, S. R. Box 10402, 1314 Heldiver Way, Fairbanks, Alaska 99701, telephone (907) 479-4271.

Additional information

A more detailed map of reservation lands and additional information on the proposed leases are available to the bidders and the public by contacting Mr. Don Wright at the office identified above.

DATED this 2nd day of April, 1984.

Native Village of Venetie Tribal Government, Allen Tritt, Second Chief.

DONALD R. WRIGHT,
Authorized Consultant.

Mr. MURKOWSKI. I encourage my colleagues to look at this legislation and recognize that we have to decrease our dependence on imported oil. The best way to do that is to stimulate domestic production here at home. The Coastal Plain of ANWR is one way to do it.

I thank the Chair and wish everybody a good day.

By Mr. HUTCHINSON:

S. 2215. A bill to clarify the treatment of nonprofit entities as noncommercial educational or public broadcast stations under the Communications Act of 1934; to the Committee on Commerce, Science, and Transportation.

NONCOMMERCIAL BROADCASTING ELIGIBILITY ACT OF 2000

Mr. HUTCHINSON. Mr. President, in late-December 1999, the Federal Communications Commission took the unusual and aggressive step to restrict the programming of noncommercial television stations by not allowing certain types of religious programming.

Within the context of a license transfer involving a noncommercial television station in Pittsburgh, PA, the FCC attempted to establish guidelines for what they felt were "acceptable" educational religious programming.

The commission states in the Additional Guidance section of their decision document that, ". . . programming primarily devoted to religious exhortation, proselytizing, or statements of personally-held religious views or beliefs generally would not qualify as 'general educational' programming."

As a former religious broadcaster, this type of misguided agenda coming from a nonelected agency of the federal government is very disturbing. My office was flooded with letters and phone calls from Arkansans who were worried that the Federal Government had finally made an overt attempt to restrict what religious programming we watch on television or listen to on the radio.

Surprisingly, the national media remained strangely quiet despite the serious free speech implications and first amendment violation by the commission's ruling.

Soon after the FCC's controversial decision, I sent a letter to Chairman Kennard, along with Senators NICKLES, HELMS, ENZI, and INHOFE, criticizing the commission's actions. Congressman OXLEY introduced legislation in the House to address this issue.

Although I am a cosponsor of Senator BROWNBACK's companion bill to Congressman OXLEY's bill, I do not believe this legislation to prevent future attempts by the FCC to restrict religious programming goes far enough.

That is why I am introducing S. 2215, the "Noncommercial Broadcasting Eligibility Act of 2000."

Simply put, my bill would effectively deny the FCC the ability to create new rules defining what is appropriate and eligible programming for noncommercial television and radio stations, while creating a "clear and simple test" and guidance as to what programming noncommercial television and radio broadcasters may broadcast.

This "clear and simple test" is based on the well-established guidelines from section 501(c)(3) and 513 (a) and (c) of the Internal Revenue Code of 1986.

By requiring the FCC to look to the well-established guidance used by the Internal Revenue Service and the courts in defining what is "substantially related" programming, my legislation gives noncommercial broadcasters the ability to broadcast programming that is "substantially related" to their tax-exempt purpose, whether it be educational, religious, or charitable.

It is clear that the FCC intended to restrict religious programming and may be inclined to do so in the future. The commission should not be allowed to circumvent the United States Constitution and pursue its own political agenda.

Again, the Noncommercial Broadcasting Eligibility Act of 2000 will help prevent future misguided attempts by the FCC to limit our rights which are protected by the first amendment to the United States Constitution.

I ask that my colleagues join me by cosponsoring this bill and making it clear that the Senate will not stand idly by as the FCC attempts to unilaterally decide what religious programming is in the public's best interest.

I think it is outrageous for a nonelected agency to decide that a church service is not educational or that certain choral presentations do not fit their accepted definition of religious education. It is time that we draw the line. This legislation will do that. I ask my colleagues to join me in it.

By Mr. CAMPBELL:

S. 2216. A bill to direct the Director of the Federal Emergency Management Agency to require, as a condition of any financial assistance provided by the Agency on a nonemergency basis for a construction project, that products used in the project be produced in the United States; to the Committee on Environment and Public Works.

THE FEDERAL EMERGENCY MANAGEMENT AGENCY BUY AMERICAN COMPLIANCE ACT

Mr. CAMPBELL. Mr. President, today I am introducing the Federal Emergency Management Agency Buy American Compliance Act, legislation which would apply the requirements of the Buy American Act to non-emergency Federal Emergency Management Agency (FEMA) assistance payments.

The Buy American Act was designed to provide a preference to American businesses in the federal procurement process. Currently, when FEMA awards grants for non-emergency projects, the agency itself adheres to the requirements of the Buy American Act. However, when FEMA awards taxpayer money to state or local entities in the form grants, those entities are not similarly required to comply with the Buy American Act's standards. This disparity needs to be changed.

Mr. President, the Buy American Act's requirements should be applied to all FEMA non-emergency grants. It should not make a difference whether FEMA is directly spending federal tax dollars or passing those same federal tax dollars on to states or local governments for them to spend. The Buy American Act's standards should apply to all federal dollars distributed by FEMA for non-emergency situations, no matter who is spending it. It is only right that we ensure that the American people's federal tax dollars are spent according to the Buy American Act.

The Buy American Act is necessary to protect American firms from unfair competition from foreign corporations. Many of the nations we trade with have significantly lower labor costs than the United States. Without the safeguard provided by the Buy American Act foreign companies are able to underbid American companies on U.S. government contracts.

It is important to understand the Buy American Act's criteria for determining whether a product is foreign or domestic. The nation where the corporation is headquartered is irrelevant—the Buy American Act is focused upon the origin of the materials used in the construction project. In order to be considered an American product, the product in question has to fulfill the following two criteria; first; the product must be manufactured in the United States, and second: the cost of the components manufactured in the United States must constitute over 50 percent of the cost of all the components used in the item.

My proposed legislation would stipulate that federal funds distributed by FEMA as financial assistance could only be used for projects in which the manufactured products are American made, according to the criteria established by the Buy American Act. The House version of this legislation has been recently introduced by Congressman MICHAEL COLLINS of Georgia.

Mr. President, it does not make sense that the American people's hard earned tax dollars should be allowed to slip through a loophole that makes it possible for some entities to avoid the Buy American Act. The Buy American Act should apply to all who spend FEMA non-emergency funds. When these federal funds are passed down from FEMA to another government agency, those other government agencies should also be required to abide by the Buy America Act.

Mr. President, I introduce this legislation in order to ensure there is consistency in the law, with regard to FEMA and the provisions of the Buy American Act. I hope my colleagues will join me in supporting passage of this pro-American measure.

I ask unanimous consent that the bill I am introducing today be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2216

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Emergency Management Agency Buy American Compliance Act".

SEC. 2. APPLICABILITY OF BUY AMERICAN REQUIREMENTS TO FEMA ASSISTANCE.

(a) DEFINITIONS.—In this Act:

(1) AGENCY.—The term "Agency" means the Federal Emergency Management Agency.

(2) AGREEMENT.—The term "Agreement" has the meaning given the term in section 308 of the Trade Agreements Act of 1979 (19 U.S.C. 2518).

(3) DIRECTOR.—The term "Director" means the Director of the Federal Emergency Management Agency.

(4) DOMESTIC PRODUCT.—The term "domestic product" means a product that is mined, produced, or manufactured in the United States.

(5) PRODUCT.—The term "product" means—

(A) steel;

(B) iron: and

(C) any other article, material, or supply.

(b) REQUIREMENT TO USE DOMESTIC PRODUCTS.—Except as provided in subsection (c), the Director shall require, as a condition of any financial assistance provided by the Agency on a nonemergency basis for a construction project, that the construction project use only domestic products.

(c) WAIVERS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the requirements of subsection (b) shall not apply in any case in which the Director determines that—

(A) the use of a domestic product would be inconsistent with the public interest;

(B) a domestic product—

(i) is not produced in a sufficient and reasonably available quantity; or

(ii) is not of a satisfactory quality; or

(C) the use of a domestic product would increase the overall cost of the construction project by more than 25 percent.

(2) LIMITATION ON APPLICABILITY OF WAIVERS WITH RESPECT TO PRODUCTS PRODUCED IN CERTAIN FOREIGN COUNTRIES.—A product of a foreign country shall not be used in a construction project under a waiver granted under paragraph (1) if the Director, in consultation with the United States Trade Representative, determines that—

(A) the foreign country is a signatory country to the Agreement under which the head of an agency of the United States waived the requirements of this section; and

(B) the signatory country violated the Agreement under section 305(f)(3)(A) of the Trade Agreements Act of 1979 (19 U.S.C. 2515(f)(3)(A)) by discriminating against a domestic product that is covered by the Agreement.

(d) CALCULATION OF COSTS.—For the purposes of subsection (c)(1)(C), any labor cost involved in the final assembly of a domestic product shall not be included in the calculation of the cost of the domestic product.

(e) STATE REQUIREMENTS.—The Director shall not impose any limitation or condition on assistance provided by the Agency that restricts—

(1) any State from imposing more stringent requirements than this section on the use of articles, materials, and supplies mined, produced, or manufactured in foreign countries in construction projects carried out with Agency assistance; or

(2) any recipient of Agency assistance from complying with a State requirement described in paragraph (1).

(f) REPORT ON WAIVERS.—The Director shall annually submit to Congress a report on the purchases from countries other than the United States that are waived under subsection (c)(1) (including the dollar values of items for which waivers are granted under subsection (c)(1)).

(g) INTENTIONAL VIOLATIONS.—

(1) IN GENERAL.—A person described in paragraph (2) shall be ineligible to enter into any contract or subcontract carried out with financial assistance made available by the Agency in accordance with the debarment, suspension, and ineligibility procedures of subpart 9.4 of chapter 1 of title 48, Code of Federal Regulations (or any successor regulation).

(2) PERSONS INELIGIBLE TO RECEIVE CONTRACT OR SUBCONTRACT.—A person referred to in paragraph (1) is any person that a court of the United States or a Federal agency determines—

(A) has affixed a label bearing a "Made in America" inscription (or any inscription with the same meaning) to any product that is not a domestic product that—

(i) was used in a construction project to which this section applies; or

(ii) was sold in or shipped to the United States; or

(B) has represented that a product that is not a domestic product, that was sold in or shipped to the United States, and that was used in a construction project to which this section applies, was produced in the United States.

By Mr. CAMPBELL (for himself, Mr. INOUYE, and Mr. LOTT):

S. 2217. A bill to require the Secretary of the Treasury to mint coins in commemoration of the National Museum of the American Indian of the Smithsonian Institution, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

NATIONAL MUSEUM OF THE AMERICAN INDIAN COMMEMORATIVE COIN ACT OF 2000

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2217

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Museum of the American Indian Commemorative Coin Act of 2000", or the "American Buffalo Coin Commemorative Coin Act of 2000".

SEC. 2. FINDINGS.

Congress finds that—

(1) the Smithsonian Institution was established in 1846, with funds bequeathed to the United States by James Smithson for the "increase and diffusion of knowledge";

(2) once established, the Smithsonian Institution became an important part of the process of developing the United States' national identity, an ongoing role which continues today;

(3) the Smithsonian Institution, which is now the world's largest museum complex, including 16 museums, 4 research centers, and the National Zoo, is visited by millions of Americans and people from all over the world each year;

(4) the National Museum of the American Indian of the Smithsonian Institution (referred to in this section as the "NMAI") was established by an Act of Congress in 1989, in Public Law 101–185;

(5) the purpose of the NMAI, as established by Congress, is to—

(A) advance the study of Native Americans, including the study of language, literature, history, art, anthropology, and life;

(B) collect, preserve, and exhibit Native American objects of artistic, historical, literary, anthropological, and scientific interest; and

(C) provide for Native American research and study programs;

(6) the NMAI works in cooperation with Native Americans and oversees a collection that spans more than 10,000 years of American history;

(7) it is fitting that the NMAI will be located in a place of honor near the United States Capitol, and on the National Mall;

(8) thousands of Americans, including many American Indians, came from all over the Nation to witness the groundbreaking ceremony for the NMAI on September 28, 1999;

(9) the NMAI is scheduled to open in the summer of 2002;

(10) the original 5-cent buffalo nickel, as designed by James Earle Fraser and minted from 1913 through 1938, which portrays a profile representation of a Native American on the obverse side and a representation of an American buffalo on the reverse side, is a distinctive and appropriate model for a coin to commemorate the NMAI; and

(11) the surcharge proceeds from the sale of a commemorative coin, which would have no net cost to the taxpayers, would raise valuable funding for the opening of the NMAI and help to supplement the endowment and educational outreach funds of the NMAI.

SEC. 3. COIN SPECIFICATIONS.

(a) $1 Silver Coins.—In commemoration of the opening of the Museum of the American Indian of the Smithsonian Institution, the Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall mint and issue not more than 500,000 $1 coins, each of which shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.500 inches; and

(3) contain 90 percent silver and 10 percent copper.

(b) Legal Tender.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

SEC. 4. SOURCES OF BULLION.

The Secretary may obtain silver for minting coins under this Act from any available source, including stockpiles established under the Strategic and Critical Materials Stock Piling Act.

SEC. 5. DESIGN OF COINS.

(a) Design Requirements.—

(1) In general.—The design of the $1 coins minted under this Act shall be based on the original 5-cent buffalo nickel designed by James Earle Fraser and minted from 1913 through 1938. Each coin shall have on the obverse side a profile representation of a Native American, and on the reverse side, a representation of an American buffalo (also known as a bison).

(2) Designation and inscriptions.—On each coin minted under this Act there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year "2001"; and

(C) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) Selection.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary, after consultation with the Commission of Fine Arts; and

(2) reviewed by the Citizens Commemorative Coin Advisory Committee.

SEC. 6. ISSUANCE OF COINS.

(a) Quality of Coins.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) Mint Facility.—

(1) In general.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(2) Sense of congress.—It is the sense of the Congress that the United States Mint facility in Denver, Colorado should strike the coins authorized by this Act, unless the Secretary determines that such action would be technically or cost-prohibitive.

(c) Commencement of Issuance.—The Secretary may issue coins minted under this Act beginning on January 1, 2001.

(d) Termination of Minting.—No coins may be minted under this Act after December 31, 2001.

SEC. 7. SALE OF COINS.

(a) Sale Price.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge required by subsection (d) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) Bulk Sales.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) Prepaid Orders.—

(1) In general.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) Discount.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

(d) Surcharges.—All sales of coins minted under this Act shall include a surcharge of $10 per coin.

SEC. 8. DISTRIBUTION OF SURCHARGES.

(a) In General.—Subject to section 5134(f) of title 31, United States Code, the proceeds from the surcharges received by the Secretary from the sale of coins issued under this Act shall be paid promptly by the Secretary to the National Museum of the American Indian of the Smithsonian Institution for the purposes of—

(1) commemorating the opening of the National Museum of the American Indian; and

(2) supplementing the endowment and educational outreach funds of the Museum of the American Indian.

(b) Audits.—The National Museum of the American Indian shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code, with regard to the amounts received by the museum under subsection (a).

SEC. 9. FINANCIAL ASSURANCES.

(a) No Net Cost to the Government.—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this Act will not result in any net cost to the United States Government.

(b) Payment for Coins.—A coin shall not be issued under this Act unless the Secretary has received—

(1) full payment for the coin;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution, the deposits of which are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration Board.

By Mr. CLELAND (for himself, Ms. Mikulski, Mr. Grassley, Mr. Akaka, Mr. Warner, Mr. Sarbanes, and Mr. Robb):

S. 2218. A bill to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance is made available to Federal employees and annuitants and members of the uniformed services, and for other purposes; to the Committee on Governmental Affairs.

FEDERAL EMPLOYEES AND UNIFORMED SERVICES GROUP LONG-TERM CARE INSURANCE ACT OF 2000

Mr. CLELAND. Mr. President, and Members of the Senate, I am very pleased to join with my distinguished colleagues, Senators Barbara Mikulski and Charles Grassley, to introduce our proposal for the largest employer-based long-term care insurance program in American history. Today, we are introducing the Federal Employees and Uniformed Services Group Long-Term Care Insurance Act of 2000.

At age 25, I returned from Vietnam facing the potential need for long-term care. I did not have the opportunity to plan for those needs and I was fortunate to avoid that outcome through the support of my family and the wonderful military health care system and VA system I encountered. Our legislation will provide federal employees, members of the Uniformed Services, including Reservists and the National Guard, retirees, spouses, parents and parents-in-law with the opportunity to plan for assistive care needs that become a necessity for all of us at some time in our lives.

Currently there are several measures pending in the Senate which offer different approaches to providing long-term care insurance to federal and military employees and their families. Our bill represents a carefully considered compromise between these competing approaches.

The Cleland-Mikulski-Grassley bill combines the features of our original proposals, S. 894, S. 57 and S. 36, as well as additional provisions to produce the most comprehensive proposal for an employer-based long-term care insurance program. Our legislation will:

One, allow federal employees, members of the Uniformed Services and Foreign Service, Reservists and retirees, spouses, parents, and parent-in-laws to purchase long-term care insurance at group rates.

Second, have premiums based on age (premiums are expected to be 10%–20% less than on the open market).

Third, provide individuals with options, including cash reimbursements for family caregivers, tax exemptions under the Health Insurance Portability and Accountability Act (HIPAA), and portability of benefits.

The current forecast for the cost of meeting long-term care needs of our aging population is staggering in terms of personal and national resources. Average nursing home costs are projected to increase from $40,000 per person per year today to $97,000 by 2030. Medicare and regular health insurance programs do not cover most long-term care needs. Medicaid can offer some long-term care support, but generally requires "spend-down" of income and assets to qualify. Additionally, very few employers offer a long-term care insurance benefit to their employees. We hope that our legislation will be a model that other employers will use in providing long-term care insurance for their employees and will lessen the financial burden on the Medicare and Medicaid programs.

Working families are too often being forced to choose between sending a child to college and paying for a nursing home for a parent. Families desperately need the tools to help themselves and to meet their family responsibilities.

Consider these astounding statistics:

Almost 6 million Americans aged 65 or older currently need long-term care.

As many as six out of 10 Americans have experienced a long-term care need either for themselves or a family member.

41% of women in caregiver roles quit their jobs or take family medical leave to care for a frail older parent or parent-in-law.

80% of all long-term care services are provided by family and friends.

The need for this legislation is clear. By working together in a bipartisan cooperative spirit my fellow sponsors and I have bridged some significant differences in approach to craft a proposal which should have widespread support in the Senate. I hope and expect that we will take up and pass this bill this year. Those who have served, and are now serving, our nation deserve nothing less.

I ask unanimous consent that the Section-by-Section Analysis of this bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEDERAL EMPLOYEES AND UNIFORMED SERVICES GROUP LONG-TERM CARE INSURANCE ACT—SECTION-BY-SECTION ANALYSIS

(To amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance is made available to Federal employees and annuitants and members of the uniformed services, and for other purposes)

Section 1 of the bill titles the bill as the "Federal Employees and Uniformed Services Group Long-Term Care Insurance Act of 2000."

Section 2 of the bill amends title 5, United States Code, to provide for the establishment and operation of the Program by adding a new chapter 90.

New section 9001 provides the definitions used in the administration of the Program. Included are the following:

"Activities of daily living" includes eating, toileting, transferring, bathing, dressing, and continence.

"Annuitant" has the meaning such term would have under section 8901(3), if for purposes of such paragraph, the term "employee" were considered to have the meaning of "employee" in (5) of this section.

"Appropriate Secretary" means, except as otherwise provided, the Secretary of Defense; with respect to the United States Coast Guard when it is not operating as a service of the Navy, the Secretary of Transportation; with respect to the commissioned corps of the National Oceanic and Atmospheric Administration, the Secretary of Commerce; and with respect to the commissioned corps of the Public Health Service, the Secretary of Health and Human Services.

"Eligible individual" means (A) an annuitant, employee, member of the uniformed services, or retired member of the uniformed services, or (B) a qualified relative of an individual described in (A).

"Employee" means an employee as defined under section 8901(1)(A) through (D) and (F) through (I), but does not include an employee excluded by regulation of the Office under section 9010, and an individual described under section 2105(e).

"Member of the uniformed services" means a person who (A) is a member of the uniformed services on active duty for a period of more than 30 days; or is a member of the Selected Reserve as defined under section 10143 of title 10, including members on (1) full-time National Guard duty as defined under section 101(d)(5) of title 10; or (2) active Guard and Reserve duty as defined under section 101(d)(6) of title 10; and (B) satisfies such eligibility requirements as the Office prescribes under section 9010.

"Office" means the Office of Personnel Management.

"Qualified carrier" means a company or consortium licensed and approved to issue group long-term care insurance in all States and to do business in each of the States.

"Qualified relative" as used with respect to an eligible individual in this section means the spouse of such individual; a parent or parent-in-law of such individual; and any other person bearing a relationship to such individual specified by the Office in regulations.

"Retired member of the uniformed services" means a member of the uniformed services entitled to retired or retainer pay (other than chapter 1223 of title 10) who satisfies such eligibility requirements as the Office prescribes under section 9010.

"State" means a State of the United States, and includes the District of Columbia.

New section 9002 provides that any eligible individual may obtain coverage under this chapter; that a qualified relative must provide documentation to demonstrate the relationship as prescribed by the Office, and: an individual is not eligible for coverage if the individual would be immediately eligible to receive benefits upon obtaining coverage.

New section 9003 provides the contracting authority for the Office to use in establishing and operating the Program.

Paragraph 1 of subsection (a) of this section provides that the Office is authorized to contract with carriers for a policy or policies of group long-term care insurance for benefits specified in this chapter, without regard to section 3709 of the Revised Statutes (41 U.S.C. 5) or any other statute requiring competitive bidding.

Paragraph (2) of this subsection states that the Office shall contract with a primary carrier for the assumption of risk; no less than 2 qualified carriers to act as reinsurers; and; as many qualified carriers as necessary to administer this chapter, which shall also act as reinsurers. The Office will ensure that each contract is awarded on the basis of contractor qualifications, price, and reasonable competition to the extent practicable. This provision ensures that at least 3 companies or consortia will participate in the Program.

Subsection (b) gives the Office the authority to design a benefits package or packages and negotiate final offerings with qualified carriers.

Subsection (c) provides that each contract shall contain a detailed statement of the benefits offered, including any limitations or exclusions, the rates charged, and other terms and conditions as may be agreed upon by the Office and the carrier involved can be consistent with the provisions of this chapter.

Subsection (d) provides that premium rates shall reasonably reflect the cost of the benefits provided under a contract, as determined by the Office.

Subsection (e) provides that the coverage and benefits under this section shall be guaranteed renewable and may not be canceled except for nonpayment of premium.

Subsection (f) gives the Office the authority to withdraw an offering based on open season participation rates, the composition of the risk pool, or both.

Subsection (g) requires each contract to provide insurance, payment, or benefits to an individual if the Office, or a designated party, determines the individual is entitled to such under the contract. The subsection also requires reinsurers under (a)(2)(A)(ii) to participate in administrative procedures to effect an expeditious resolution of disputes arising under such contract, and where appropriate, one or more means of dispute resolution.

Subsection (h) provides in paragraph (1) that each contract shall be for a term of five years, unless terminated earlier by the Office. The rights and responsibilities of the enrolled individual, the insurer, and the Office (or a duly designated third party) under any contract shall continue until the termination of coverage of the individual.

Paragraph (2) of subsection (h) specifies that the termination of coverage shall occur upon the occurrence of death, the exhaustion of benefits, or nonpayment of premium as specified in subsection (e).

Paragraph (3) of subsection (h) provides that each contract under this section shall be consistent with regulations of the Office under section 9010 to (1) preserve all parties' rights and responsibilities under such contracts, notwithstanding the termination of such contract and (2) ensure that once an individual is enrolled, the coverage will not terminate due to any change in status, such as separation from Government service or the uniformed services, or ceasing to be a qualified relative.

Subsection (i) specifies that nothing in this chapter shall be construed to grant authority to the Office or a third party to change the rules under which the contract operates for disputed claims purposes.

New Section 9004 specifies the long-term care benefits to be provided under this chapter.

Subsection (a) states that benefits under this chapter will be long-term care insurance under qualified long-term care insurance contracts within the meaning of section 7702B of the Internal Revenue Code. Additionally, as determined appropriate by the Office, the benefits under such contracts will be consistent with the more stringent of the most recent standards of the National Association of Insurance Commissioners or such standards as recommended in 1993.

Subsection (b) of this requires each contract under this chapter to provide for: (1) adequate consumer protections; (2) adequate protections in the event of carrier bankruptcy; (3) the availability of benefits upon certification as to the individual's inability to perform at least 2 activities of daily living for a period of at least 90 days or substantial supervision of the individual to protect such individual from threats to health and safety due to severe cognitive impairment; (4) choice of service benefits; (5) availability of inflation protection; (6) portability of benefits; (7) length-of-benefit options; (8) options relating to flexible long-term care benefit options regarding care modalities, such as nursing home care, assisted living care, home care, and care by family members; (9) options relating to elimination periods; and (10) options relating to nonforfeiture benefits.

New section 9005 addresses the financing of the Program and makes clear that each individual enrolled for coverage must pay 100 percent of the charges for such coverage. Subsections (b) through (d) of this section provide for the withholding of premium from the pay of an employee or member of the uniformed services or the annuity of an annuitant or retired member of the uniformed services. Withholdings for a qualified relative, may at the discretion of the individual related to the relative, be withheld from pay as if the enrollment were for the qualified relative. An enrollee whose pay, annuity, or retired or retainer pay is insufficient to cover the withholding is required to remit the full amount of premiums directly to the carrier.

Subsection (e) of this section requires each carrier to account for all funds under this chapter separate and apart from funds unrelated to this chapter.

Subsection (f) of this section specifies that a contract under this chapter must include provisions under which the carrier must reimburse the Office or other administering agency for administrative costs incurred by the Office or other agency, including implementation costs. These costs are considered allocable to the carrier. Reimbursements under this section, except for the initial costs of implementation, must be deposited in the Employees Health Benefits Fund and held in a separate Long-Term Care Insurance Account. This account is available without limitation to the Office for purposes of this chapter.

New section 9006 provides that this chapter shall supersede and preempt any State or local law, or law of a territory or possession, which is inconsistent with the provisions of this chapter or, after consultation with the National Association of Insurance Commissioners, the efficient provision of a nationwide long-term care insurance Program for Federal employees. An exception applies to any financial requirement by a State or District of Columbia that is more stringent than the requirements of 9004(b)(1).

New section 9007 provides that each qualified carrier entering into a contract with this Office shall provide such reasonable reports as the Office determines necessary to carry out its functions and permit the Office and the General Accounting Office to examine the records of the carrier. It also requires Federal agencies to keep records and certifications, and furnish the Office, the carrier, or both with information the Office may require.

New section 9008 addresses claims for benefits under this chapter.

Subsection (a) of this section requires that claims be filed within 4 years after the date on which the reimbursable cost was incurred or the service was provided.

Subsection (b)(1) provides that benefits payable under this chapter are secondary to any other benefit payable for such cost or service, e.g., workers' compensation, no-fault insurance. It also provides that no benefit is payable where no legal obligation exists to pay.

Paragraph (2) of subsection (b) specifies the exceptions to the policy in paragraph (1) such that benefits payable under the medical assistance program of title XIX of the Social Security Act and any other Federal or State program that the Office may specify in regulations that provide health coverage designated to be secondary to other insurance coverage are secondary to benefits paid under this chapter.

New section 9009 specifies that a claimant may file suit against a carrier of the long-term insurance policy covering such claimant in the district courts of the United States, after exhausting all available administrative remedies.

New section 9010 requires the Office, in subsection (a), to prescribe regulations to carry out the requirements of this chapter.

Subsection (b) of this section that the Office shall prescribe the time at which and manner and conditions under which an individual can obtain or continue long-term care insurance, including the length of time for the first opportunity to enroll, the minimum period of coverage required for portability, and provisions for periodic coordinated enrollment.

Subsection (c) provides that the Office cannot exclude an employee or group of employees solely on the basis of the hazardous nature of employment or part-time employment.

Subsection (d) specifies that any regulations necessary to effect the application and operation of this chapter with respect to an eligible individual or qualified relative shall be prescribed by the Office in consultation with the appropriate Secretary.

The Technical and Conforming Amendment amends the table of chapters for part III of title 5, United States Code, by inserting, after the item relating to chapter 89, the new reference to chapter 90, Long-Term Care Insurance.

Section 3 of the bill authorizes the appropriations of such sums as may be necessary to pay for costs incurred by the Office in the implementation of chapter 90, title 5, United States Code, from enactment of this Act to the date on which long-term care insurance coverage first becomes effective. Any reimbursements of such costs by carriers under 9005(f) of title 5, United States Code, are to be deposited in the General Fund.

Section 4 provides that the amendments made by this Act will be effective on the date of enactment. However, this section also provides that coverage will be effective under this Act not later than the first day of the first fiscal year beginning more than 2 years after the date of enactment. This time frame is necessary to negotiate contracts, preparation of materials, and the large task of educating the millions of potential enrollees about this Program.

• Ms. MIKULSKI. Mr. President, I rise today as a proud cosponsor of the "Federal Employees and Uniformed Services Group Long-Term Care Insurance Act of 2000." This important piece of legislation represents a carefully considered compromise between several bills currently pending in the Senate.

I would like to thank Senator CLELAND and Senator GRASSLEY for all of their hard work in coming to a consensus on how best to provide federal and military employees, retirees, and their families with the opportunity to purchase long-term care insurance.

Since my first days in Congress, I have been fighting to help people afford the burdens of long-term care. Ten years ago, I introduced legislation to change the cruel rules that forced elderly couples to go bankrupt before they could get any help in paying for nursing home care. Because of my legislation, AARP tells me that we've kept over six hundred thousand people out of poverty and stopped liens on family farms.

I also fought for higher quality standards for nursing homes. Through the Older Americans Act, seniors have easier access to information and referrals they need to make good choices about long-term care. I am also working hard to create a National Family Caregivers Program, so that families can access comprehensive information when faced with the dizzying array of choices in addressing the long-term care needs of a family member.

These are important steps. But unfortunately, we haven't made much progress in the last few years. We've been stymied by partisan bickering, shutdowns, and inaction. The long-term care crisis needs a long-term care solution. I am pleased to say that this new bipartisan legislation puts an important down payment on this solution.

Despite past disagreements on approaches to financing long-term care, everyone agrees that the crisis is growing. Nursing home costs are projected to increase from $40,000 today to $97,000 by 2030. This will only get worse since the number of senior citizens will double over the next thirty years. Families are being forced to choose between sending a child to college or paying for a nursing home for a parent, or a parent-in-law. I think that is wrong.

Consider these sobering statistics:

At least 5.8 million Americans aged 65 or older currently need long-term care

As many as six out of 10 Americans have experienced a long-term care need

41 percent of women in caregiver roles quit their jobs or take family medical leave to care for a frail older parent or parent-in-law

80 percent of all long-term care services are provided by family and friends

Families desperately need the tools to help themselves and meet their family responsibilities. This bill is the first step in helping all Americans do just that. Let me tell you what our new legislation will do:

It will enable federal and military workers, retirees and their families to purchase long-term care insurance

It will provide help to those who practice self-help by offering employees the option to better prepare for their retirement and the potential need for long-term care

It will enable federal employees to buy long-term care insurance at group rates—they are projected to be 10–20% below open market rates.

Participants will pay the entire premium but because of the lower premium this is a good deal for federal workers—and for taxpayers

I'm starting with federal employees for two reasons. First, as our nation's largest employer, the federal government can be a model for employers around the country. By offering long-term care insurance to its employees, the federal government can set the example for other employers whose workforce will be facing the same long-term care needs. Starting with the nation's largest employer also raises awareness and education about long-term care options.

I have a second reason for starting with our federal employees. I am a strong supporter of our federal employees. I am proud that so many of them live, work, and retire in Maryland. They work hard in the service of our country. And I work hard for them. Whether it's fighting for fair COLAs, lower health care premiums, or to prevent unwise schemes to privatize important services our federal workforce provide, they can count on me.

One of my principles is "promises made should be promises kept." Federal retirees made a commitment to devote their careers to public service. In return, our government made certain promises to them. One important promise made was the promise of health insurance. The lack of long-term care for federal workers has been a big gap in this important promise to our federal workers. This legislation will close that gap and provide our federal workers and retirees with comprehensive health insurance.

Mr. President, I reiterate my commitment to finding long-term solutions to the long-term care problem. I am proud that this bipartisan bill takes an important step forward in helping all Americans to prepare for the challenges facing our aging population.●

Mr. AKAKA. Mr. President, it is with great pleasure that I cosponsor the Federal Employees and Uniformed Services Long-Term Care Group Insurance Act of 2000, introduced by the Senator from Georgia [Mr. CLELAND], the ranking minority member of the HELP Aging Subcommittee [Ms. MIKULSKI], and the chairman of the Special Committee on Aging [Mr. GRASSLEY]. This bipartisan legislation is testament to what can be accomplished when members from both sides of the aisle have a common goal. I salute the months-long effort undertaken by my colleagues and their staffs to bring this compromise bill to fruition.

As the ranking minority member of the Subcommittee on International Security, Proliferation, and Federal Services, with direct jurisdiction over this measure, I am mindful that there are several long-term care bills pending before the Subcommittee. However, I would like to point out that the three pending bills, S. 894, S. 57, and S. 36, are original proposals introduced by the Senators from Georgia, Maryland, and Iowa, who have combined features from each of their bills to craft a measure that will address the long-term care insurance needs of federal and military personnel and their families.

Many Americans mistakenly believe that Medicare and their regular health insurance programs will pay for long-term care. They do not. Although Medicaid provides some long-term care support, an individual generally must "spend-down," his or her income and assets to qualify for coverage.

More and more Americans are requiring long-term care. About 5.8 million Americans aged 65 or older require long-term, care due to illness or disability. An approximately equal number of children and adults under the age of 65 also require long-term care because of health conditions from birth or a chronic illness developed later in life.

The need for long-term care is great. By the year 2030, the number of Americans age 65 years or older will double, from 34.3 to 69.4 million. The cost of nursing home care now exceeds $40,000 per year in many parts of the country, and home care visits for nursing or physical therapy runs about $100 per visit. In 1996, over $107 billion was spent on nursing homes and home health care. However, this figure does not take into account that fully 80 percent of all long-term care services are provided by family and friends.

In my own state of Hawaii, 13.2 percent of the population is persons 65 and older. Although Hawaii enjoys one of the highest life expectancies—79 years, compared to a national average of 75 years—the state's rapidly aging population will greatly impact available resources for long-term care, both institutional and from non-institutional sources. Hawaii's long-term care facilities are operating at full capacity. According to the Hawaii State Department of Health, the average occupancy rate peaked at 97.8 percent in 1994. But occupancy remains high. By 1997, the average occupancy dropped to 90 percent.

These statistics point to the overriding need to help American families provide dignified and appropriate care to their parents and relatives. We know that the demand for long-term care will increase with each passing year, and that federal, state, and local resources cannot cover the expected costs. Nursing home costs are expected to reach $97,000 by the year 2030.

What Congress can do, however, is make long-term care insurance available to a broad segment of the population and offer a model for the private sector. The bill introduced today will provide quality group long-term care insurance to the nation's federal employees, including postal workers, members of the Foreign Service, and Uniformed Services. Retirees of these agencies and their spouses, parents, and parents-in-law will be eligible to participate, and employees in a "deferred annuitant status" can enroll when retirement benefits are activated. The bill has broad-based support, including endorsement by the National Treasury Employees Union and the National Association of Retired Federal Employees, two federal employee unions, as well as the Military Consortium, an organization of the major military groups.

The proposal parallels portions of the President's four-part initiative designed to address long-term health, including having the federal government serve as a model employer by offering quality private long-term care insurance to federal employees. The bill introduced today allows the Office of Personnel Management to use its market leverage to offer enrollee-paid quality private long-term care insurance to federal employees, military personnel, retirees, and their families at group rates. Participants would pay the full premium, whose costs are expected to be 10–20 percent lower than open market rates. There would be options, including cash reimbursement for family care givers, tax exemptions under the Health Insurance Portability and Accountability Act (HIPAA), and portability benefits—features that will provide enrollees the ability to tailor policies to individual needs.

Mr. President, I am pleased to be an original cosponsor of this bill, which will offer federal employees, uniformed service personnel, retirees, and their families an opportunity to plan for future long-term care needs in a responsible manner. I foresee this proposal as serving as a model for the private sector and state and local governments, and I again thank my colleagues for their diligence in crafting this compromise measure.

By Mr. ALLARD:

S. 2220. A bill to protect Social Security and provide for repayment of the Federal debt; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

THE AMERICAN SOCIAL SECURITY PROTECTION AND DEBT REPAYMENT ACT

Mr. ALLARD. Mr. President, I rise today to join my colleagues in this important discussion about the federal budget, the budget surplus, and the American government's economic future. When I first came to Congress in 1992 the discussion was radically different. The concept of a budget surplus, let alone long term projections for a surplus, was foreign. The notion that a national debt measured in trillions could ever be paid off was practically science fiction. While 1992 was only eight years ago, we stand on the floor of the Senate today a million miles away from the bleak fiscal outlook of those times. But we must be careful. While our present fiscal condition may be rose colored, fiscal irresponsibility and a refusal to wisely use the budget surplus can not only lead us back to our deficit spending ways of the past, but it will threaten the fiscal health of our nation for yet another generation of Americans. I am here today to urge my colleagues to address the responsibility that comes with a five-point-seven trillion dollar debt.

During the 105th Congress I introduced the American Debt Repayment Act. This legislation provided an amortization schedule for the repayment of the national debt. The largest purchase an average American family will ever make is the purchase of a home. This expenditure is made possible through the use of a mortgage, a set schedule of payment. When I was crafting the American Debt Repayment Act I studied this traditional form of payment and applied it to the enormous federal debt. Two short years later the outlook has somewhat changed as the federal government has run, and is estimated to continue to run, an on-budget surplus. During the previous two budget cycles we have witnessed an eagerness to spend more and more money. On-budget surplus dollars have become lumped in to the appropriations process to allow for increased spending. We have seen the results yielded by our time of prosperity as surplus money has been used to raise the discretionary spending level, allowing Congress to shy away from making some hard choices. The willingness to spend surplus dollars is so strong, in fact, that when Congress adjourned last fall there was no real certainty as to whether we spent all of the on-budget surplus and then dipped into Social Security Trust Fund dollars. This, quite simply, is no way to run any enterprise. Flowing surplus money back into discretionary spending to the extent that Social Security money would be jeopardized is bad policy.

Today I rise to offer legislation that offers not only an opportunity to control the impulse to spend surplus dollars, but would eliminate the entire three-point-six trillion dollar debt owed to the public, save over three trillion dollars in interest, and protect the Social Security program from annual discretionary appropriations raids. It is simple legislation in the model of the American Debt Repayment act, providing dedicated debt repayment over a twenty year period.

Beginning with the fiscal year 2001 and for every year thereafter my legislation requires that the federal government maintain a balanced budget. As most families and business owners know, you must live within your means. It is fair and equitable that the federal government live under the same parameters. I believe that this is the first and most essential step in federal budget accountability and debt repayment.

My legislation further provides that Congress must budget for a surplus that will be dedicated to the repayment of the publicly held portion of the debt. Specifically, in fiscal year 2001, Congress must use fifteen billion dollars of on-budget surplus receipts to pay down the debt. Every succeeding year the amount of debt payment must increase by fifteen billion dollars, so the amount Congress must budget for and pay toward the debt in fiscal year 2002 will be thirty billion dollars, forty-five billion in fiscal year 2004, and so on. If Congress can remain within the framework of a spending freeze at fiscal year 2000 levels the entire amount of annual payment will fit within the projected amount of federal on-budget surplus.

If this system is adopted, by the year 2021 the entire debt owed to the public will be zero.

We must have a plan to repay the debt. When we have a plan and a repayment schedule, just like you have on your home mortgage, we will have the ability to cut taxes. A plan provides certainty and structure. I believe that anyone concerned with the national debt or tax cuts will understand the need for a responsible repayment schedule.

In addition to the on-budget surplus payment required by this legislation, I have added language to require that until such time as serious Social Security reform is implemented Social Security surplus dollars must also be dedicated to the repayment of debt owed to the public. Every Member of this body is aware of the enormous obligation this country has made to present and future Social Security recipients. Policy makers must address the future solvency of Social Security. I am not here today, and my legislation is not drafted, to address this vital issue. What my legislation will do, however, is dedicate surplus Social Security dollars to debt repayment until the Congress can generate an appropriate, long term fix to the obstacles that stand in the way of this program.

In recent weeks the distinguished Speaker of the House and the President have talked a great deal publicly about seizing the unprecedented opportunity that lies before us—to pay down this nation's debt. Testifying before the Senate Banking Committee in January, Federal Reserve Chairman Alan Greenspan strongly urged Congress to use surplus dollars to pay down the debt. Chairman Greenspan stated that his, quote, first priority would be to allow as much of the surplus to flow through into a reduction in debt to the public, unquote. This dialogue has been tremendously helpful in further drawing the attention of the public and elected officials to the importance of debt repayment. As many of my colleagues can attest, and as I have experienced in my numerous town meetings around my home state of Colorado, this is an issue the public understands. It is an issue basis common sense, equity and responsibility.

This legislation is a call to action and accountability. It demands that this country and this Congress recognize the debt it has created. It structures a disciplined, fiscally responsible schedule for the repayment of our debt. In the process it is my hope that this legislation will serve to generate greater fiscal responsibility with every appropriations cycle, prevent future deficit spending, and save the taxpayer more than three trillion dollars in interest payments. That is three trillion dollars that would be far better spent on necessary expenditures, the strengthening of Social Security, and tax cuts.

Mr. President, I ask unanimous consent that the text of the bill, the American Social Security Protection and Debt Repayment Act, be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2220

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Social Security Protection and Debt Repayment Act".

SEC. 2. BALANCED BUDGET REQUIREMENT.

Beginning with fiscal year 2001 and for every fiscal year thereafter, budgeted outlays shall not exceed budgeted revenues.

SEC. 3. REDUCTION OF NATIONAL DEBT.

(a) IN GENERAL.—Beginning with fiscal year 2001 and for every fiscal year thereafter, actual revenues shall exceed actual outlays in order to provide for the reduction of the

Federal debt held by the public as provided in subsections (b) and (c).

(b) AMOUNT.—The on budget surplus shall be large enough so that debt held by the public will be reduced each year beginning in fiscal year 2001. The amount of reduction required by this subsection shall be $15,000,000,000 in fiscal year 2001 and shall increase by an additional $15,000,000,000 every fiscal year until the entire debt owed to the public has been paid.

(c) SOCIAL SECURITY SURPLUS AND DEBT REPAYMENT.—

(1) IN GENERAL.—Until such time as Congress enacts major social security reform legislation, the surplus funds each year in the Federal Old Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund shall be used to reduce the debt owed to the public. This section shall not apply beginning on the fiscal year after social security reform legislation is enacted by Congress.

(2) DEFINITION.—In this subsection, the term "social security reform legislation" means legislation that—

(A) insures the long-term financial solvency of the social security system; and

(B) includes an option for private investment of social security funds by beneficiaries.

SEC. 4. POINT OF ORDER AND WAIVER.

(a) POINT OF ORDER.—It shall not be in order to consider any concurrent resolution on the budget that does not comply with this Act.

(b) WAIVER.—Congress may waive the provisions of this Act for any fiscal year in which a declaration of war is in effect.

SEC. 5. MAJORITY REQUIREMENT FOR REVENUE INCREASE.

No bill to increase revenues shall be deemed to have passed the House of Representatives or the Senate unless approved by a majority of the total membership of each House of Congress by a rollcall vote.

SEC. 6. REVIEW OF REVENUES.

Congress shall review actual revenues on a quarterly basis and adjust outlays to assure compliance with this Act.

SEC. 7. DEFINITIONS.

In this Act:

(1) OUTLAYS.—The term "outlays" shall include all outlays of the United States excluding repayment of debt principal.

(2) REVENUES.—The term "revenues" shall include all revenues of the United States excluding borrowing.

By Mr. KOHL (for himself, Mr. FEINGOLD, Mr. WELLSTONE, Mr. SCHUMER, and Mr. SANTORUM):

S. 2221. A bill to continue for 2000 the Department of Agriculture program to provide emergency assistance to dairy producers; to the Committee on Agriculture, Nutrition, and Forestry.

FINANCIAL RELIEF FOR DAIRY FARMERS

Mr. KOHL. Mr. President, I rise to introduce legislation to help relieve the financial crisis in the dairy industry.

Last fall, milk prices took their steepest dive in history and fell to their lowest level in more than two decades.

This is particularly devastating for farmers in Wisconsin who milk on average only about 55 cows. These farmers have particularly tight margins and are less able to withstand low milk prices that USDA forecasts will continue through the year.

Dairy farmers continue to call my office in despair. Some farmers can't meet their feed bills, even though feed prices remain relatively low. Meanwhile, other input costs, like fuel and interest rates, are rising. Auctions in the countryside return little to farmers who have made the difficult decision to quit dairying; their neighbors can't afford even the insanely discounted prices for equipment.

Are the trials facing farmers markedly different than the difficult conditions that other producers have faced over the last several years? No. But what is different is the level of assistance that dairy farmers have received from the federal government relative to other commodities.

The dairy price support program costs only about $150 million per year. That stands in contrast to the more than $14 billion spent in AMTA payments and Loan Deficiency Payments provided to other producers last year.

Anticipating a price decline in dairy, Congress provided $325 million for dairy market loss payments. Compare that to the $15 billion provided to crop producers over the last two years. While milk producers are happy for the extra help, most have told me that it simply is not enough given. Milk-prices fell far lower than anticipated. And now we must do more.

On top of this injustice, Midwest dairy farmers, where much of the nation's milk supply is produced, also suffer from lower income resulting from the discriminatory pricing under the Federal Milk Marketing Order system. Last year, Secretary Glickman attempted to restore some fairness to that system by making some modest reforms. But this Congress unjustly overturned those reforms while simultaneously extending the Northeast Interstate Dairy Compact—a milk price cartel which protects producers in the Northeast at the expense of consumers and producers outside the cartel.

I am going to work to repeal the Northeast Dairy Compact and to restore some common sense to federal milk pricing. I also will work with my colleagues to develop a meaningful and lasting safety net for dairy producers.

But, Mr. President, that will take time. And right now, dairy farmers in Wisconsin don't have time. They need relief.

So, today I am introducing a bill to provide $500 million in direct income relief payments to dairy farmers throughout the nation. The money is targeted to small scale farms—those least able to withstand these wild price fluctuations. I am pleased to be joined by Senators FEINGOLD, SPECTER, GRAMS, SANTORUM, and SCHUMER on this legislation. Mr. President, I hope to include this funding in the upcoming supplemental appropriations bill.

This will put money in the pockets of dairy farmers now, when they most need it. Not a year from now when many of them will have already sold their cows.

Let me emphasize that this is a national solution to a national problem. It is not a regional fix. It does not exclude any dairy farmer from participation. And it does not help some at the expense of others. It helps all dairy farmers.

But it is, like last year's funding, merely a bandage to stop the bleeding. Dairy farmers everywhere need a meaningful safety net, not regional milk cartels. I urge my colleagues who have sought regional solutions to depressed dairy farm income to join me in my efforts to fight for a new, national dairy policy that will provide both an adequate safety net and hope to dairy farmers across the nation.

By Mr. KERRY (for himself, Mr. HOLLINGS, and Mr. INOUYE):

S. 2223. A bill to establish a fund for the restoration of ocean and coastal resources, and for other purposes; to the Committee on Commerce, Science, and Transportation.

COASTAL STEWARDSHIP ACT

● Mr. KERRY. Mr. President, I rise to introduce an amended version of the Coastal Stewardship Act, which I offer along with Senators HOLLINGS and INOUYE. The purpose of introducing this amended version is to provide a blueprint for how we believe the Senate should address coastal and marine issues in larger proposals that allocate revenues from oil and gas exploration in the Outer Continental Shelf (OCS) to the States for conservation. This amended version creates the Ocean and Coast Conservation Fund with $375,000,000 to address urgent needs in our coastal and marine environment, including wetlands, non-point pollution, fisheries research and management, coral reefs and enforcement.

The bill allocates $100,000,000 to Cooperative Fisheries Research and Management. We have a great need to improve our understanding of fisheries and the fishing industry. The National Marine Fisheries Service, regional fisheries councils, states, the commercial and recreational fishing industries and conservationists rely on fishery data to make difficult management and investment decisions. Given the importance of having sound information, Congress requested the National Oceanic and Atmospheric Administration to assess the quality of our fisheries data. NOAA concluded that, "Despite some regional successes, it is clear that the current overall approach to collecting and managing fisheries information needs to be re-thought, revised, and reworked. The quality and completeness of fishery data are often inadequate. Data are often on inaccessible in an appropriate form or timely manner. Methods for data collection and management are frequently burdensome and inefficient. These drawbacks result in the inability to answer some of the most basic question regarding the state of the Nation's fisheries . . ." NOAA added, "Simply put, to manage fisheries at local, state, regional, or national levels requires a much better fisheries information system than the one in place." I have heard a similar refrain from almost every person and group involved in our fisheries, whether their interest is fisheries management, commercial or recreational harvest or fisheries conservation. With this legislation, the Governor of any State represented by an Interstate Maine Fishery Commission may make an application to the Secretary of Commerce for funding to support projects that address this critical need. We will establish comprehensive programs to improve the quality and quantity of information available to evaluate stocks, design control measures, develop more environmentally-sound gear and include the fishing community in the process.

The Cooperative Enforcement provision allocates $25,000,000 for the Secretary of Commerce to enter joint agreements with coastal states to enhance our coastal and marine enforcement. As with all our laws, our natural resources laws are only effective if they are enforced. These joint ventures allow states and local governments to tailor enforcement procedures to fit local needs and available resources, and allow for collaboration between state and local enforcement agencies and federal agencies, including the Coast Guard. The proposal authorizes the Secretary of Commerce to delegate its living marine resource enforcement authorities to a state marine law enforcement entity and to pay state enforcement costs pursuant to the individual agreements crafted with each participating state. State enforcement under these agreements would extend to requirements of federal or regional fisheries management plans, including those of interjurisdictional fishery management commissions. When first introduced, this proposal was endorsed by the National Association of Conservation Law Enforcement Chiefs, the Gulf States Marine Fisheries Commission, the Northeast Conservation Law Enforcement Chiefs Association and others.

A total of $250,000,000 is dedicated to Coastal Stewardship. This flexible program allocates funds to states based on coastline, population and need for projects that restore and preserve coastal and marine habitat. Projects must be consistent with the Coastal Zone Management Act, National Estuary Program, National Marine Sanctuary Act, the National Estuarine Research Reserve program and other laws governing conservation and restoration of coastal or marine habitat. In this program, states set priorities and decide how and when projects proceed within broad national goals. The benefits will be enormous. We will preserve and restore wetlands, reduce non-point source pollution, remove abandoned vessels causing environmental damage, address watershed protection, and undertake a range of other projects, all aimed at coastal conservation.

Finally, $25,000,000 is set targeted at Coral Reef Restoration and Conservation. We must recognize the importance of maintaining the health and stability of coral reefs which possess enormous environmental and economic value. With this legislation we will fund cooperative projects with States to preserve and restore our coral reefs.

A portion of these authorizations is set aside for the Department of Commerce to enhance its National Marine Sanctuaries, coral programs and other critically important conservation efforts.

I want to thank Senator HOLLINGS and INOUYE for joining as cosponsors. I look forward to working with Senator BINGAMAN, the Commerce Committee, and Senator LANDRIEU and others who are working to pass comprehensive legislation to dedicate revenues from Outer Continental Shelf exploration to the conservation of our coastal and marine environment.●

By Mr. JEFFORDS (for himself, Mr. LIEBERMAN, Mr. KERRY, Mr. KENNEDY, and Mr. LEAHY):

S. 2224. A bill to amend the Energy Policy and Conservation Act to encourage summer fill and fuel budgeting programs for propane, kerosene, and heating oil; to the Committee on Energy and Natural Resources.

THE SUMMER FILL AND FUEL BUDGETING ACT OF 2000

Mr. JEFFORDS. Mr. President, I rise today to introduce the Summer Fill and Fuel Budgeting Act of 2000.

This winter's fuel crisis will be etched on the memories of New Englanders for many years to come. Price spikes and low inventories have hit Vermonters hard. Schools closed down, oil dealers were driven out of business, and many low income families were forced to choose between heating their homes and purchasing necessary food and prescription medications. The region's Senators have focused with a single-mindedness on the seriousness of the situation and the dire need to ensure that it is never repeated.

There have been many letters written, emergency funds released, meetings held, and legislative initiatives discussed. Today after weeks of diligent research and careful analysis, I am introducing the Summer Fill and Fuel Budgeting Act of 2000. Senators JOE LIEBERMAN, JOHN KERRY, TED KENNEDY, and PATRICK LEAHY are joining me as original co-sponsors.

The legislation is a critical long term education initiative. Its purpose is to educate our constituents about the benefits of filling their propane, kerosene and heating oil tanks in the summer and entering into annual fuel budget contracts. The legislation authorizes $25 million for Fiscal Year 2001, and such sums in each fiscal year thereafter, for the states to use to develop education and outreach programs to encourage consumers to fill their fuel storage facilities during the summer months. It also promotes the use of budget plans, price cap arrangements, fixed-price contracts and other advantageous financial arrangements to help avoid severe seasonal price increases for and supply shortages of propane, kerosene, and heating oil.

I believe that we must work with retailers and consumers to implement these types of proactive measures to ensure that our fuel supply, as well as the health and safety of millions of Americans, is not subject to the whims of foreign oil producing countries. I invite other Senators, concerned about the influence that major oil producing countries have on our economy and national security, to join me in cosponsoring this legislation.

ADDITIONAL COSPONSORS

S. 390

At the request of Mr. REID, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 390, a bill to amend title II of the Social Security Act to allow workers who attain age 65 after 1981 and before 1992 to choose either lump sum payments over four years totalling $5,000 or an improved benefit computation formula under a new 10-year rule governing the transition to the changes in benefit computation rules enacted in the Social Security Amendments of 1977, and for other purposes.

S. 660

At the request of Mr. BINGAMAN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 660, a bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the medicare program of medical nutrition therapy services furnished by registered dietitians and nutrition professionals.

S. 832

At the request of Mr. GRAHAM, his name was added as a cosponsor of S. 832, a bill to extend the commercial space launch damage indemnification provisions of section 70113 of title 49, United States Code.

S. 1159

At the request of Mr. STEVENS, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1159, a bill to provide grants and contracts to local educational agencies to initiate, expand, and improve physical education programs for all kindergarten through 12th grade students.

S. 1196

At the request of Mr. COVERDELL, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1196, a bill to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes.

S. 1266

At the request of Mr. GORTON, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1266, a bill to allow a State to combine certain funds to improve the academic achievement of all its students.

S. 1660

At the request of Mrs. HUTCHISON, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1660, a bill to amend title 18, United States Code, to expand the prohibition on stalking, and for other purposes.

S. 1680

At the request of Mr. ASHCROFT, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 1680, a bill to provide for the improvement of the processing of claims for veterans compensation and pensions, and for other purposes.

S. 1752

At the request of Mr. SMITH of New Hampshire, his name was added as a cosponsor of S. 1752, a bill to reauthorize and amend the Coastal Barrier Resources Act.

S. 1755

At the request of Mr. DORGAN, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Nevada (Mr. BRYAN) were added as cosponsors of S. 1755, a bill to amend the Communications Act of 1934 to regulate interstate commerce in the use of mobile telephones.

S. 1902

At the request of Mrs. FEINSTEIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1902, a bill to require disclosure under the Freedom of Information Act regarding certain persons and records of the Japanese Imperial Army in a manner that does not impair any investigation or prosecution conducted by the Department of Justice or certain intelligence matters, and for other purposes.

S. 1921

At the request of Mr. CAMPBELL, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 1921, a bill to authorize the placement within the site of the Vietnam Veterans Memorial of a plaque to honor Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service.

S. 1934

At the request of Mr. DODD, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1934, a bill to amend the Internal Revenue Code of 1986 to allow a tax credit for business-provided student education and training.

S. 1952

At the request of Mr. ABRAHAM, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1952, a bill to amend the Internal Revenue Code of 1986 to provide a simplified method for determining a partner's share of items of a partnership which is a qualified investment club.

S. 1961

At the request of Mr. JOHNSON, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 1961, a bill to amend the Food Security Act of 1985 to expand the number of acres authorized for inclusion in the conservation reserve.

S. 1962

At the request of Mr. FITZGERALD, his name was added as a cosponsor of S. 1962, a bill to amend the Congressional Budget Act of 1974 to protect Social Security and Medicare surpluses through strengthened budgetary enforcement mechanisms.

S. 2004

At the request of Mr. GORTON, his name was added as a cosponsor of S. 2004, a bill to amend title 49 of the United States Code to expand State authority with respect to pipeline safety, to establish new Federal requirements to improve pipeline safety, to authorize appropriations under chapter 601 of that title for fiscal years 2001 through 2005, and for other purposes.

S. 2013

At the request of Mr. CONRAD, his name was added as a cosponsor of S. 2013, a bill to restore health care equity for medicare-eligible uniformed services retirees, and for other purposes.

S. 2018

At the request of Mr. HUTCHINSON, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2018, a bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the medicare program.

At the request of Mrs. HUTCHISON, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2018, supra.

S. 2041

At the request of Mrs. LINCOLN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2041, a bill to amend the Federal Water Pollution Control Act to exempt discharges from certain silvicultural activities from permit requirements of the national pollutant discharge elimination system.

S. 2049

At the request of Mr. BIDEN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2049, a bill to extend the authorization for the Violent Crime Reduction Trust Fund.

S. 2061

At the request of Mr. BIDEN, the names of the Senator from New Jersey (Mr. TORRICELLI) and the Senator from Michigan (Mr. ABRAHAM) were added as cosponsors of S. 2061, a bill to establish a crime prevention and computer education initiative.

S. 2068

At the request of Mr. GREGG, the names of the Senator from New Hampshire (Mr. SMITH), the Senator from New Mexico (Mr. DOMENICI), and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 2068, a bill to prohibit the Federal Communications Commission from establishing rules authorizing the operation of new, low power FM radio stations.

S. 2070

At the request of Mr. FITZGERALD, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 2070, a bill to improve safety standards for child restraints in motor vehicles.

S. 2074

At the request of Mr. ASHCROFT, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 2074, a bill to amend title II of the Social Security Act to eliminate the social security earnings test for individuals who have attained retirement age.

S. 2079

At the request of Mr. BURNS, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 2079, a bill to facilitate the timely resolution of back-logged civil rights discrimination cases of the department of Agriculture, and for other purposes.

S. 2084

At the request of Mr. LUGAR, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from Vermont (Mr. LEAHY), the Senator from Missouri (Mr. BOND), and the Senator from Illinois (Mr. FITZGERALD) were added as cosponsors of S. 2084, a bill to amend the Internal Revenue Code of 1986 to increase the amount of the charitable deduction allowable for contributions of food inventory, and for other purposes.

S. 2158

At the request of Mr. MURKOWSKI, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 2158, a bill to amend the Harmonized Tariff Schedule of the United States to eliminate the duty on certain steam or other vapor generating boilers used in nuclear facilities.

S. 2161

At the request of Mr. CAMPBELL, the name of the Senator from Maine (Ms.

SNOWE) was added as a cosponsor of S. 2161, a bill to amend the Internal Revenue Code of 1986 to impose a 1 year moratorium on certain diesel fuel excise taxes and to require the Secretary of the Treasury to transfer amounts to the Highway Trust Fund to cover any shortfall.

S. 2184

At the request of Mr. MURKOWSKI, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 2184, a bill to amend chapter 3 of title 28, United States Code, to divide the Ninth Judicial circuit of the United States into two circuits, and for other purposes.

S. CON. RES. 60

At the request of Mr. FEINGOLD, the name of the Senator from Nevada (Mr. BRYAN) was added as a cosponsor of S. Con. Res. 60, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. *Wisconsin* and all those who served aboard her.

S. CON. RES. 76

At the request of Mr. LEAHY, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. Con. Res. 76, a concurrent resolution expressing the sense of Congress regarding a peaceful resolution of the conflict in the state of Chiapas, Mexico and for other purposes.

S. CON. RES. 88

At the request of Ms. COLLINS, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. Con. Res. 88, a concurrent resolution expressing the sense of Congress concerning drawdowns of the Strategic Petroleum Reserve.

S.J. RES. 39

At the request of Mr. CAMPBELL, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S.J. Res. 39, a joint resolution recognizing the 50th anniversary of the Korean War and the service by members of the Armed Forces during such war, and for other purposes.

S. RES. 87

At the request of Mr. DURBIN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. Res. 87, a resolution commemorating the 60th Anniversary of the International Visitors Program

S. RES. 258

At the request of Mr. CRAIG, the names of the Senator from Montana (Mr. BAUCUS), the Senator from Maryland (Ms. MIKULSKI), the Senator from Pennsylvania (Mr. SANTORUM), and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. Res. 258, a resolution designating the week beginning March 12, 2000 as "National Safe Place Week."

SENATE CONCURRENT RESOLUTION 92—APPLAUDING THE INDIVIDUALS WHO WERE INSTRUMENTAL TO THE PROGRAM OF PARTNERSHIPS FOR OCEANOGRAPHIC AND SCIENTIFIC RESEARCH BETWEEN THE FEDERAL GOVERNMENT AND ACADEMIC INSTITUTIONS DURING THE PERIOD BEGINNING BEFORE WORLD WAR II AND CONTINUING THROUGH THE END OF THE COLD WAR, SUPPORTING EFFORTS BY THE OFFICE OF NAVAL RESEARCH TO HONOR THOSE INDIVIDUALS, AND EXPRESSING APPRECIATION FOR THE ONGOING EFFORTS OF THE OFFICE OF NAVAL RESEARCH

Mr. WARNER submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. CON. RES. 92

Whereas the Navy and Marine Corps have always been vital to the defense and security of the Nation;

Whereas academic institutions and oceanographers made vital contributions in support of the Navy and Marine Corps during World War II;

Whereas the great benefits of scientific research to the efforts of the United States during World War II resulted in an understanding that science and technology were of critical importance to the future security of the Nation;

Whereas Congress created the Office of Naval Research in the Department of the Navy in 1946 to ensure the availability of resources for research in oceanography and other fields related to the missions of the Navy and Marine Corps;

Whereas the Office of Naval Research, in addition to its support of naval research within the Federal Government, has also supported the conduct of oceanographic and scientific research through partnerships with educational and scientific institutions throughout the Nation; and

Whereas these partnerships have long been recognized as among the most innovative and productive research partnerships ever established by the Federal Government and have resulted in a vast improvement in understanding of basic ocean processes and the development of new technologies critical to the security and defense of the Nation: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) applauds the commitment and dedication of the officers, scientists, researchers, students, and administrators who were instrumental to the program of partnerships for oceanographic and scientific research between the Federal Government and academic institutions, including those individuals who helped forge that program before World War II, implement it during World War II, and improve it throughout the Cold War;

(2) recognizes that the Nation, in ultimately prevailing in the Cold War, relied to a significant extent on research supported by, and technologies developed through, those partnerships, and in particular on the superior understanding of the ocean environment generated through that research;

(3) supports efforts by the Director of the Office of Naval Research to honor those individuals, who contributed so greatly and unselfishly to the naval mission and the national defense, through those partnerships during the period beginning before World War II and continuing through the end of the Cold War; and

(4) expresses appreciation for the ongoing efforts of the Office of Naval Research to support oceanographic and scientific research and the development of researchers in those fields, to ensure that such partnerships will continue to make important contributions to the defense and the general welfare of the Nation.

AMENDMENTS SUBMITTED

EXPORT ADMINISTRATION ACT OF 1999

REID (AND OTHERS) AMENDMENT NO. 2883

Mr. REID (for himself, Mr. BENNETT, Mr. DASCHLE, Mr. KERRY, Mrs. MURRAY, Mr. BINGAMAN, Mr. KENNEDY, and Mrs. BOXER) proposed an amendment to the bill (S. 1712) to provide authority to control exports, and for other purposes; as follows:

On page 27, beginning on line 6, strike all through line 9 and insert the following:

(2) CONFORMING AMENDMENTS.—Section 1211(d) of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. App. 2404 note) is amended—

(A) in the second sentence, by striking "180" and inserting "30"; and

(B) by adding at the end, the following new sentence: "The 30-day reporting requirement shall apply to any changes to the composite theoretical performance level for purposes of subsection (a) proposed by the President on or after January 1, 2000.".

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a legislative hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Wednesday, March 30, 2000 at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to receive testimony on the following bills: S. 882, To strengthen provisions in the Energy Policy Act of 1992 and the Federal Nonnuclear Energy Research and Development Act of 1974 with respect to potential Climate Change; and S. 1776, To amend the Energy Policy Act of 1992 to revise the energy policies of the United States in order to reduce greenhouse gas emissions, advance global climate science, promote technology development, and increase citizen awareness, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, D.C. 20510-6150.

For further information, please call Trici Heninger, Staff Assistant, or Bryan Hannegan, Science Fellow, at (202) 224-4971.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Tuesday, April 11, 2000 at 10 a.m. and Thursday, April 13, 2000 at 9:30 a.m. in room SH-216 of the Hart Senate Office Building in Washington, D.C.

The purpose of this hearing is to receive testimony on the following bills: S. 282 Transition to Competition in the Electric Industry Act; S. 516 Electric Utility Restructuring Empowerment and Competitiveness Act of 1999; S. 1047 Comprehensive Electricity Competition Act; S. 1284 Electric Consumer Choice Act; S. 1273 Federal Power Act Amendments of 1999; S. 1369 Clean Energy Act of 1999; S. 2071 Electric Reliability 2000 Act; and S. 2098 Electric Power Market Competition and Reliability Act.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, D.C. 20510-6150.

For further information, please call Trici Heninger at (202) 224-7875.

COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Committee on Small Business will hold a hearing entitled "Swindling Small Businesses: Toner-Phoner Schemes and Other Office Supply Scams." The hearing will be held on Tuesday, March 28, 2000, beginning at 9:30 a.m. in room 562 of the Dirksen Senate Office Building.

The hearing will be broadcast live over the Internet from our homepage address: http://www.senate.gov/sbc

For further information, please contact David Bohley at 224-5175.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, March 8, 2000, to conduct a markup on S. 2097, the Local TV Act; S. 1452, the Manufactured Housing Improvement Act; and pending nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday March 8, at 9:30 a.m., to conduct an oversight hearing. The committee will examine energy supply and demand issues relating to crude oil, heating oil, and transportation fuels in light of the rise in price of these fuels.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate Committee on Finance be authorized to meet during the session of the Senate on Wednesday, March 8, 2000, to hear testimony regarding Penalty and Interest Provisions in the Internal Revenue Code.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 8, 2000 at 10:30 a.m. and 2:30 p.m. to hold two hearings.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in executive session during the session of the Senate on Wednesday, March, 8, 2000, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in executive session for the consideration of S. 2, the Educational Opportunities Act, during the session of the Senate on March 8, 2000.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. BROWNBACK. Mr. President, I ask unanimous that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, March 8, 2000 at 9:30 a.m. to conduct a hearing on draft legislation to reauthorize the Indian Health Care Improvement Act of 1976. The hearing will be held in the Committee room, 485 Russell Senate Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, March 8, 2000, at 9:30 a.m., to conduct a hearing, followed by an executive session, on the nominations of:

Danny Lee McDonald, of Oklahoma, to be a member of the Federal Election Commission for a term expiring April 30, 2005 (reappointment); and

Bradley A. Smith, of Ohio, to be a member of the Federal Election Commission for a term expiring April 30, 2005, vice Lee Ann Elliott, resigned.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, March 8, 2000 at 2 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Administrative Oversight and the Courts be authorized to meet to conduct a hearing on Wednesday, March 8, 2000, at 9:30 a.m., in SH216.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AIRLAND FORCES

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Subcommittee on Airland Forces of the Committee on Armed Services be authorized to meet on Wednesday, March 8, 2000, at 9:30 a.m. in open session, to receive testimony on Army transformation.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COMMUNICATIONS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Communications Subcommittee of the Senate Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, March 8, 2000, at 9:30 a.m. on Internet security.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FORESTRY, CONSERVATION, AND RURAL REVITALIZATION

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Subcommittee on Forestry, Conservation and Rural Revitalization of the Committee on Agriculture, Nutrition, and

Forestry be allowed to meet during the session of the Senate on Wednesday, March 8, 2000. The purpose of this meeting will be to discuss the National Rural Development Council.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. BROWNBACK. Mr. President I ask unanimous consent that the Subcommittee on National Parks, Historic Preservation and Recreation of the Senate Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, March 8 at 2:30 p.m. to conduct a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, March 8, 2000 at 2 p.m., in open session, to receive testimony on national security space programs, policies and operations, in review of the fiscal year 2001 defense authorization request and the Future Years Defense Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that privilege of the floor be granted to Michelle Greenstein during the pendency of the Export Administration Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that Mike Daly, a fellow in the office of Senator ABRAHAM, be granted floor privileges for the period of consideration of S. 1712, the Export Administration Act of 1999.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CLELAND. Mr. President, I ask unanimous consent that a research assistant on my staff, Miss Tamara Jones, be allowed floor privileges.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, MARCH 9, 2000

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Thursday, March 9. I further ask consent that on Thursday, immediately following the prayer, the Journal of the proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin the postcloture debate on the Ninth Circuit judicial nominations of Ms. Berzon and Judge Paez under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I ask unanimous consent that following the use or yielding back of postcloture time, the Senate begin a period of morning business until 2 p.m. and resume morning business following the scheduled votes during morning business. I ask unanimous consent that Senators may speak for up to 5 minutes each, with the following exceptions:

Senator HUTCHINSON for 10 minutes;
Senator MURKOWSKI for 10 minutes;
Senator DOMENICI for 10 minutes;
Senator BROWNBACK for 30 minutes;
Senator BAUCUS for 10 minutes;
Senator MIKULSKI for 15 minutes;
Senator WYDEN for 10 minutes;
And Senator LIEBERMAN for 40 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LOTT. Mr. President, the Senate will convene at 9:30 a.m. We will have 4½ hours postcloture debate on the Berzon and Paez nominations. Under the previous order, the votes will occur at 2 p.m. The Senate will return to morning business for the purpose of bill introductions and statements. The Senate may also have consideration tomorrow of any Executive or Legislative Calendar items that are available for action.

Does Senator LEAHY wish to propound a request at this time?

Mr. LEAHY. Mr. President, I ask the distinguished leader—once he has completed, and I realize there are others waiting—if I might be recognized for not more than 5 minutes to refer to the unanimous consent agreement on the judges. I did not want to delay earlier.

Mr. LOTT. Thank you very much.

ORDER FOR ADJOURNMENT

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order following statements by Senator LEAHY and Senator LANDRIEU.

Does the Senator wish to specify a time?

Ms. LANDRIEU. Fifteen minutes.

Mr. LOTT. Mr. President, I amend my request to say 5 minutes for Senator LEAHY and 15 minutes for Senator LANDRIEU.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Thank you very much.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, first of all I wish to thank the distinguished leader for his usual courtesy. He and I have served together for a long time. I do appreciate that.

NOMINATIONS

Mr. LEAHY. Mr. President, I want to underscore what I have said, what the distinguished Senator from California has said, and what others have said in support of the Paez and Berzon nominations.

Judge Paez has waited more than 4 years to have his nomination heard on this floor—4 years—notwithstanding the fact that he has the highest rating the American Bar Association can give a nominee. He has one of the most distinguished records of any nominee, Republican or Democrat, to come before this body since I have been here.

Similarly, Ms. Berzon has waited for more than 2 years, an unconscionable period of time—again, a woman with an extraordinary background and the highest of ratings from the American Bar Association.

They have for some reason been held to a higher standard than most judicial nominees. I do not recall a situation where a nominee has had to go through these kinds of hoops to get here and have an up or down vote.

Again, I compliment the majority leader and the Democratic leader for helping us put together a successful cloture petition on each of these nominations. We have now 85 or 86 votes to move forward.

I hope the Senate will not shame itself by taking the unprecedented step tomorrow of moving to postpone indefinitely either of these extraordinary nominees. It is a fact that one can make a motion to suspend or indefinitely—that is true—or to indefinitely postpone. One can make such a motion. But it would be unprecedented for a judicial nominee. We have asked informally and I have asked the presiding officer and through him the parliamentarian and no precedent for such a motion against a judicial nomination following cloture has been provided.

I defy anybody to point out, certainly in my lifetime—as I said earlier, I am 59 years old—to point out in my lifetime where a judicial nominee has gone through the extraordinary hoops of multiple nominations hearings, being reported favorably twice, having a nomination have to be resubmitted by the President Congress after Congress, being forced to wait more than 4 years to be debated, getting past a filibuster, invoking cloture with 85 or 86 votes—an overwhelming majority of the Senate—and then having a motion to indefinitely postpone, in effect, to kill the nomination.

It would shame the Senate, No. 1, to even bring up such a motion, but certainly to allow such a motion to be successful with a nominee who has been waiting for 4 years, notwithstanding the fact that this is a person who is one of the most extraordinary Hispanic American jurists we have ever seen, who has the highest rating, who is backed by everybody from law enforcement to litigators. Judge Paez has been forced to go through these extraordinary hoops and his nomination is poised, finally, for debate and a fair up or down vote. To have somebody take this unprecedented and shameful step of asking us to indefinitely postpone Senate approval of this nomination is, in effect, a procedural device to deny that up or down vote and kill this nomination.

The same with Marsha Berzon: This extraordinary woman, reaching the pinnacle of her legal career, having earned success every step along the way, having earned the highest possible rating from the American Bar Association, comes here, has to undergo an extraordinary ordeal and this long wait, has to go through the unusual step of a cloture motion and our prevailing with 85 votes. Then for the Senate to say to her: But now we are going to do something that has never been done before to a judicial nominee who has gotten past cloture: We are going to move to indefinitely postpone. That is not right.

Mrs. BOXER. Mr. President, will the Senator yield for a quick question? I will be very brief.

Mr. LEAHY. Sure.

Mrs. BOXER. First, I thank Senator LEAHY for his extraordinary leadership. I was so taken aback by this. I made some comments to our Presiding Officer. It seems to me there is a letter of the law and a spirit of the law, there is a letter of cloture and there is a spirit of cloture.

We go through a situation where we say it is unprecedented to even have these cloture motions. We don't do it often. It is not unprecedented—I think seven or eight times in decades. Now we have a new way to go where we essentially would deny that individual an up-or-down vote.

I want to say to my friend how articulate he is on this point. I hope Senators are listening in their offices. I hope they will view this as a violation of the spirit of cloture and certainly will not go down this road.

That is all I can say. My colleague is right on this point.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LEAHY. Mr. President, I ask unanimous consent for 3 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, the reason I get concerned about this is, now, having in excess of 80 votes to go forward with this, we ought to have the courage and the honesty to stand up and vote. Senators are paid to vote "aye" or "nay." They are not paid to vote "maybe." It would be a cowardly and disgraceful step to vote "maybe" because we want to avoid saying what the Senate is being asked to do—to close the door to two such extraordinary people. I always respect Senators who vote "yes" or vote "no." I will not respect Senators who vote "maybe." That is beneath the dignity of the Senate.

There are only 100 of us who are elected to represent a quarter of a billion Americans. Let us have the courage to stand up and vote either for or against these two extraordinary nominees. Let us not play silly parliamentary games and tell the American people we do not have the guts to vote, that we are going to vote "maybe." I did not get elected to serve in the Senate to vote "maybe." I did not serve for 25 years in a body that I revere to vote "maybe."

I am certainly not going to stand here and allow with no comment these two people to be held hostage one more time. Vote for them, or vote against them. I certainly urge my colleagues to vote for them.

In all my years on the Judiciary Committee extending back over several decades, I do not know of two finer nominees who have come before the Senate, Republican or Democrat. And I voted for most nominees, Republican and Democrat, during that time.

Vote for these two people. At least in that way, apologize for holding them hostage all of these years. But, for God's sake, don't shame us all by voting for some kind of parliamentary gimcrackery saying we will postpone it indefinitely. Vote "yes" or vote "no." Don't vote "maybe."

I yield the floor.

OIL CRISIS

Ms. LANDRIEU. Mr. President, I take this opportunity to speak for just a few minutes, as we are closing up today, on a very important policy question before the Senate, one that while actually not being debated on the Senate or House floors at this time, it is being hotly debated in private meetings and corridors and in some public meetings of the various committees; that is, the problem, the crisis, the challenge that this country is now facing with extraordinarily high oil prices.

The price of crude oil today, according to the Wall Street Journal, is above $34 a barrel. For some, this causes—as in an oil-producing State—a bonanza; for others, it causes a real problem.

I will speak for a few minutes about some of the steps we could perhaps take. Wild swings in and the volatility of the price of oil are not good. Senators heard troublesome testimony today from senior citizens and a young family struggling in the Northeast, which is the most dependent part of our Nation. Neither are these price swings good for the oil-producing States, of which I represent Louisiana.

What a difference a year can make. Last year at this time, our committee was actually meeting about the world price of oil pushing $5 a barrel. Our Energy Committee met time and time again, trying to figure out what we could do to help stabilize a very important industry to our Nation, to help provide some relief, particularly for the small and independent producers who obviously were driven out of business. The oil and gas industry lost literally tens of thousands of workers over the course of the year because they simply could not turn any kind of profit at that low price.

Just today, we had a hearing in the same committee, now talking about oil at $34 a barrel and the havoc it is wreaking in other places.

In the Northeast, people are having great difficulty, understandably so, having not been able to predict this would happen. Adding $300 and $400 a month to home heating oil, it is tough for many families to make that payment.

As in Louisiana last year, in Texas, Oklahoma, Alaska, and other places around the Nation, some families were not able to pay any bills because they lost an entire paycheck which rested on the strength of a domestic industry that had the rug pulled out from underneath it.

We now face a looming energy crisis of a completely different nature—not extraordinarily low prices but extraordinarily high prices. It is said only in times of war do we really appreciate our military. At least this time, perhaps at times of high oil prices, we now can fully appreciate the importance of our domestic energy industry in the producing States—not just oil producers, who are important, but gas producers and producers of energy who will help our country be more self-reliant. Since we are the greatest consumer of energy in every sector, we must have a policy that encourages the strength and robustness of the energy-producing sector. I suggest we have a long way to go, given what is happening today.

In 1959—quite a while ago, but not so long ago that many people in this Nation cannot still remember quite well—our Nation imported only 16 percent of its oil and gas. Today we import over 50 percent. We have moved from self-reliance to reliance on others, and in many instances it is not even allies on whom we are relying. It is one thing to have to rely on our allies and our friends such as Saudi Arabia and Venezuela, encouraging them to help in this difficult time, as we most certainly have stepped up to their aid and continue to do so.

However, we also have to go hat in hand to countries that are not our allies—in fact, enemy nations—and have interests contrary in terms of freedom and democracy—Iran and Libya, to name two.

It is a particularly difficult situation and one which I think is avoidable if this administration and others had a better policy regarding energy self-reliance for a strong and vibrant economy.

I will make a few suggestions. First, let me comment on some of the things I hear other people suggesting as a remedy. I say to my colleagues, we should all be engaged in coming up with solutions. We should be putting remedies on the table. We might not adopt every one, but we most certainly should be engaged in finding solutions to this problem, not just turning our head and hoping it goes away, hoping OPEC will provide the relief we need. We need to get our fate back in our own hands.

One suggestion being tossed around and has actually been filed as a bill by several Members of the Senate is using the Strategic Petroleum Oil Reserve to provide some temporary relief. That may or may not be a good idea.

Let me quote from Chairman Greenspan who, when presented with this idea, made this statement in front of the House Banking Committee recently:

> It is foolishness to believe we can have any significant impact short of a very major liquidation short-term of that reserve. There is more to this than economics. It is a diplomatic security question.

That reserve was created to protect the U.S. from a cutoff and keep the U.S. from being held hostage.

While some think dipping into that reserve might move us out of this crisis, I suggest that before we make that decision we do the math. There are only 55 days of supply. We might be able to drive down the price if we liquidated a significant portion of that oil and gas for a certain amount of time, maybe at a 7 or 10-percent drop. But thinking we can liquidate our strategic oil reserve and drive down this price and sustain a low price, I am not sure that case has yet been made.

For the purposes of this discussion, that should be kept on the table. We must be very careful not to give the American people the idea that we have a secret key, that we have a magic wand, that we can simply liquidate this reserve and prices will fall and all things will be made whole again. Not only am I not sure that would work, but it could leave our country in a very difficult position from a national security standpoint to have liquidated that reserve. Then it would be at a great expense to the taxpayer in that a lot of this oil that was purchased when the price was quite low, which was smart to do, would then, at great expense to the taxpayer, have to be replenished at three and four times the cost. So let us say I would agree to keep it on the table but not present the American public with the idea that liquidating the SPR is the answer.

Another sort of false solution, I think, rests with some who are suggesting we simply need to call in our chips, that America can simply rely on the good will of our neighbors. Yes, we do many wonderful things for countries. We have stepped up to the plate to help Mexico and Venezuela most recently in a crisis. We have helped, obviously, Kuwait. We went to war on their behalf. But I think just relying on calling in our chips, calling in good will, at times such as this is, again, one small thing that can be done but we most certainly do not want to rely on that to keep prices stable and to sustain this great economic boom. I think, again, it is a false remedy.

I believe, rather, that some of the things we can do internally would help us to better prepare for situations such as this. One would be to have more aggressive drilling and exploration in the United States. Instead of having oil and gas drilling moratoria as the rule and then making exceptions for drilling, we should have an aggressive drilling policy that is environmentally sensitive.

Let me be quick to say the industry, contrary to popular opinion, has made significant efforts in this regard because there are now local, State, and Federal regulations, tough regulations, regulations many of us support from oil- and gas-producing States, to make sure this extraction is done with the minimum negative environmental impacts. So I am not suggesting going back to the days, 30 or 40, even 20, years ago when none of these regulations was in place. I am suggesting we can have an environmentally sensitive drilling policy, particularly that would give preference, perhaps, or give priority or help to encourage the extraction of natural gas, which is in itself a clean burning fuel.

Let me read from "Fueling the Future"—I will submit this for the RECORD—about the potential benefits of natural gas. It says:

> Changes in U.S. energy policy that favor increased use of natural gas could improve air quality, conserve energy and reduce reliance on imported oil from politically unstable countries.

It would seem to me, since we have all of these natural gas reserves, some in the Gulf of Mexico, in shallow and deep water, some around Alaska, and some in other places in this Nation, that it would do us a world of good to be much more open to the idea of using natural gas in its many different forms to help us fill our energy grid and make it greener, to meet our own expectations and to meet new international standards for clean air. That is one thing that we most certainly can do.

Another, we have taken the step in an aggressive policy to acknowledge what a good thing we did when we gave royalty relief for deep water drilling in the gulf. There were many Members of this body who not only did not vote for that, they vigorously opposed it. My predecessor was the lead sponsor of that legislation. I can only say thank goodness that that has given us a window of hope. Because new technologies have been developed, we are able to find reserves in deeper water in the Gulf of Mexico to give us the balance we need in domestic production. Whether it is necessary to extend that relief now, with prices going up, would be a question for another day. But thank goodness we did it at the time we did it so we now have increased reserves and because technology has been developed, that helps us to minimize those dry holes, and maximizes—and it makes much more efficient—this extraction. We can continue to do those things.

Another thing, we should put our money where our mouth is when we talk about alternative fuels development. I mentioned natural gas, but we have solar; we have the potential for fuel cells; we have other potential sources of energy. We cannot take nuclear off the table, which we have discussed in this body for the last 20 years. I hope now people can appreciate the part that nuclear power can play when properly regulated and properly run to help make our grid greener.

France takes 80 percent of their energy needs from nuclear. We should at least be open to the possibility of sustaining our current nuclear capacity and perhaps even increasing it to help us get our grid greener and again minimize our reliance on outside sources. So vigorous programs for alternatives, promoting the use of natural gas, and also, of course, continuing to promote conservation—whether it is in transportation or weatherization of our homes—are also important.

My point is, in times of war we appreciate our military all the more and the great sacrifices our men in uniform make and how proud we are of them and how happy we actually are to support them with our tax dollars because we recognize their great value.

I hope the country will take note that when prices are this high, we feel vulnerable. We feel scared and nervous and frustrated and angry. There is a lot of pain. When prices are high, truckers cannot move their product. Farmers have now been hit not only with tough weather and rock-bottom prices but high diesel fuel costs. It is a triple whammy for our farmers.

I hope this country will recognize and express appreciation for our domestic oil and gas and other energy producers, and say we cannot take it for granted. We must nurture this industry, help it to be as environmentally sensitive as possible, but not allow this Nation, the greatest nation on Earth, to be so dependent on sources outside of our sphere of influence and outside of our boundaries. It would be the same as depending on other nations for our food. We would not do that. We would not import 100 percent of our food. I do not think people in this Nation realize how much we are importing from other nations.

Let us take this opportunity to put all our suggestions on the table. Let us urge those running to be the President of our Nation to come up with a real, comprehensive, workable policy that will help to maintain stable prices where our producers can make money and turn a profit. Obviously, people would not be in business if they could not make money. That is why people are in business. We are in government for different reasons, but business people usually go into business only if they can turn a profit in that enterprise or activity. So we have to maintain a stable price at a level where our domestic industry can make a profit, where people can stay in and work. Tax policies can have a lot to do with that.

We appreciated the help, although it was small and somewhat noncomprehensive, last year when our energy producers were feeling the pinch. We hope we can give some short-term relief to those who are clearly suffering from these high prices. Ultimately, the answer lies in long-term, comprehensive fixes, based on real-world economics and helping the American people understand with every choice to take some area away from drilling or with every choice to turn away from some source of energy, with every decision made, there are consequences to those choices. Then we can create a policy that Americans feel good about and a policy which expands our economy.

I ask unanimous consent the article "Fueling the Future" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From American Gas, March 2000]

FUELING THE FUTURE

(By Karen Ryan)

Could U.S. consumption of natural gas rise by as much as 13 quadrillion Btu (quads) over the next 20 years? A new American Gas Foundation study says it's certainly a possibility if appropriate policies are implemented.

"Fueling the Future: Natural Gas & New Technologies for a Cleaner 21st Century" confirms what natural gas industry professionals have long suspected: Changes in U.S. energy policy that favor increased use of natural gas could improve air quality, conserve energy and reduce reliance on imported oil from politically unstable countries. Consequently, the study forecasts that the environmental, economic and efficiency advantages of natural gas—combined with advances in gas-related technologies and the introduction of new end-use technologies—could help push U.S. gas consumption into the 35-quad range over the next two decades. Currently, U.S. gas demand is close to 22 quads a year.

The study tracks two scenarios: a "current projection," which shows gas demand reaching nearly 30 quads by 2020, and an "accelerated projection," which foresees demand topping 35 quads by then based on the adoption of national policies encouraging greater use of natural gas. Gas supply will keep pace with rising demand, with at least 84 percent of demand in 2020 fulfilled by gas produced domestically, compared with 85 percent today, says the study. The rest will be imported primarily from Canada, just as it is now. The nation's gas resource base is enormous, continues the study, and tapping into it to produce enough gas to sustain 35 quads of demand will require technological innovations similar to those that opened up major new domestic sources of gas over the past 15 years.

Assuming continued resource base expansion, coupled with continued technological progress in the ways the nation finds, produces, delivers and uses gas, the cost of gas service will increase only modestly over the next 20 years, says the study. The price of gas purchased at the wellhead is expected to remain in the mid-$2 per MMBtu range.

THE COMMON DENOMINATOR

"We believe that the study challenges conventional estimates of the natural gas market's potential," says AGA Chairman Gary Neale, who is president, chairman and CEO of NiSource Inc. Changing energy, technological and environmental forces are creating extraordinary market opportunities for the natural gas industry, from advanced residential furnaces and water heaters to gas cooling, fuel cells and advanced industrial applications. Neale points to distributed generation, as does the study, as a major reason gas consumption will swell in coming years. In the accelerated projection, distributed generation—in the form of reciprocating engines, microturbines and fuel cells—accounts for about 20 percent of the electricity generated in the nation by 2020.

"AGA can play an immensely important role in expanding this new market," says Neale. In an early step, the association joined the Distributed Generation Forum, managed by GRI to provide its members with technical, regulatory and market information to use in strategic planning and in market-development and education programs. The membership of the Distributed Generation Forum comprises gas and electric utilities, manufacturers and other parties developing and promoting distributed generation. AGA also is working with Congress to make sure nothing in the upcoming electric industry deregulation legislation will hamper the distributed generation market.

AT HOME WITH GAS

Today, 56 million out of the 102 million households in the United States—55 percent—have natural gas service. In 1998, these customers used 4.5 quads of gas. Residential gas consumption is forecast to reach 5.7 quads in 2020 under the study's current projection. The accelerated projection pegs demand at 7.4 quads, based on continued growth in traditional markets coupled with an assumption that greater demand for gas fireplaces, air conditioners, microturbines and fuel cells will radically alter the residential gas market.

The forecast goes on to say that home builders will continue to favor gas over electricity by a wide margin. In 1998, 70 percent of newly built houses were heated with natural gas. It also assumes that owners of existing homes will continue to convert their heating systems from other fuels to natural gas at the same pace as in the past decade when about 200,000 homeowners a year switched fuels. The study sees significant potential for conversion of other household tasks to natural gas in homes already hooked to the gas system.

In addition, gas fireplaces have been a huge draw for energy-conscious consumers in recent years. The typical gas fireplace is far cleaner than its wood counterparts, eliminating or making major reductions in a variety of pollutants, including carbon dioxide, nitrogen oxides, carbon monoxide and soot. In fact, wood fireplaces are banned or restricted in a number of areas, including Denver, Portland, Phoenix and Los Angeles because of environmental concerns. Currently, gas fireplaces account for 125 trillion Btu annually.

GETTING DOWN TO BUSINESS

The businesses and institutions making up the commercial market currently use about 3 quads of gas annually. Consumption in 2020 is forecast to total 4.4 quads under the current projection and 5.5 quads under the accelerated scenario. New technologies, says the study—especially gas-fueled cooling and dehumidification systems and aggressive growth in space and water heating and various food service applications—will drive the demand increase.

To help spread the news about gas-based technologies, AGA recently began a national accounts program aimed at the food-service and supermarkets sectors. The goal this year, says Walter Woods, who heads the program for AGA, is to call on executives at the headquarters of 16 restaurant and 16 supermarket chains to discuss the advantages of using gas.

"We hope to persuade these companies to test and specify gas equipment by giving them information they may not have," says Woods, who is accompanied on the visits by representatives of the local gas utilities. One thing Woods has discovered is that some national companies are surprised when a representative of the gas industry pays a visit. "The electric side does this sort of thing all of the time," he says, "but apparently the gas side has not."

Another program, the Gas Foodservice Equipment Network, was launched last fall to serve as a resource for information, education and marketing support. The network is an alliance of utilities, foodservice equipment manufacturers, trade associations (including AGA) and other industry participants. The April issue of American Gas will cover the network's program.

FUELING INDUSTURY AND POWER PLANTS

The environmental and energy-efficiency attributes of natural gas technologies will continue to prove attractive to the operators of the nation's factories and power plants. According to the foundation's forecast, industrial consumption of gas in 2020 will reach 11 quads under the current projection and 13 quads under the accelerated projection, up from 10.1 quads in 1998. The industrial sector has led the resurgence in gas demand since the mid-1980's with factory operators selecting a number of innovative new technologies from direct-contact water heaters to gas-fired infrared burners. Continued equipment advances in the new millennium will offer additional choices.

Even though coal is forecast to remain the dominant power plant fuel, natural gas is projected to double its share of this market by 202 with demand moving up to 6.7 quads under the accelerated projection. This market includes electric utilities as well as independent (non-utility) power producers. Most of the rise in power plant gas demand is linked to wider use of combined-cycle technology, which captures the waste heat produced by the generator's large gas turbines and uses it to produce more electricity.

Demand is actually a little lower under the accelerated projection than in the current projection. The accelerated projection forecasts that slightly less new generating capacity will be required because: The operating lives of some coal-fired and nuclear-powered generating plants will be extended, some new coal-fired plants will be built, distributed generation will account for 20 percent of added generation capacity and renewable sources of energy will generate more electricity in 2020 than today.

THE NGV MARKET

"Fueling the Future" sees gas consumption in the transportation sector increasing to 2.8 quads by 2020. More than 1.5 quads of this growth is attributed to natural gas vehicles (NGVs) although the study points out that widespread use of NGVs will hinge on the success of on-going efforts to increase their driving range and make the vehicles more economically competitive, including bringing down the purchase price.

Natural Gas Vehicle Coalition President Richard Kolodziej reports that roughly 80,000 NGVs travel U.S. roads today, mainly as fleet vehicles. The industry's strategy, he says, is "to pursue the high fuel-use fleet market, which includes transit and school buses, trash trucks, urban delivery vehicles, airport shuttles and taxis."

Kolodzeij also notes that the national transportation-related environmental focus until recently has been on reducing the automotive emissions that contribute to smog. "There is now a growing focus on diesel fuel because of concerns about the health effects of particulates and other air toxins," says Kolodzeij. "Studies are showing that diesel vehicles have a disproportionate impact on air quality with respect to carcinogenic toxins." The shift in emphasis is improving the prospects for natural gas in the truck and bus markets. In the past two years alone, between 17 and 20 percent of all new transit buses that have been ordered have been fueled by natural gas, he says.

OTHER OPTIMISTIC OUTLOOKS

Reality check: Is the American Gas Foundation's accelerated scenario too optimistic? Not especially when compared with some other recent projections. While the other forecasts may use different parameters to arrive at their conclusions and look only as far as 2015, they all reach basically the same conclusion: Gas use will rise substantially in the early years of the new century.

In contrast with GRI's and the National Petroleum Council's recent studies, the American Gas Foundation's study is a bit more optimistic, predicting a slightly higher potential for demand. It also projects market growth differently—attributing potential higher demand coming more from end-use applications in the residential and commercial sectors rather than from electricity generation. The foundation is also more optimistic that technology in the natural gas industry—from exploration and production through transmission, distribution and end use—will continue to advance at a pace similar to that in the 1990s.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER (Mr. BROWNBACK). Under the previous order, the Senate stands in adjournment until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 7:09 p.m., adjourned until Thursday, March 9, 2000, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, March 8, 2000*

The House met at 10 a.m.

The Reverend Dr. Frank Richardson, Johns Hopkins University School of Medicine, Baltimore, Maryland, offered the following prayer:

In these moments of quiet reflection, help us, God, to discern Your will for us as representatives of this Nation, as citizens of the world, and as sons and daughters of Your universe. May the light of this new day not be darkened by past jealousies, hidden resentments or moments when privilege is sought and duty forgotten. Instead, may we be mindful of the holiness that resides within us. Encourage us to build bridges rather than barriers in our relationships. Dispense through us a compassionate concern for Your creation. Use our talents for the betterment of the global community. And, God, when night is near, may You be able to say to each Member of this House on the Hill, "Well done, my faithful servant." Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Maryland (Mr. CARDIN) come forward and lead the House in the Pledge of Allegiance.

Mr. CARDIN led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

CONFERENCE REPORT ON H.R. 1000, WENDELL H. FORD AVIATION INVESTMENT AND REFORM ACT FOR THE 21ST CENTURY

Mr. SHUSTER submitted the following conference report and statement on the bill (H.R. 1000) to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes:

CONFERENCE REPORT (H. REPT. 106–513)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1000), to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Wendell H. Ford Aviation Investment and Reform Act for the 21st Century".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Amendments to title 49, United States Code.
Sec. 3. Applicability.
Sec. 4. Definitions.

TITLE I—AIRPORT AND AIRWAY IMPROVEMENTS

Subtitle A—Funding

Sec. 101. Airport improvement program.
Sec. 102. Airway facilities improvement program.
Sec. 103. FAA operations.
Sec. 104. AIP formula changes.
Sec. 105. Passenger facility fees.
Sec. 106. Funding for aviation programs.
Sec. 107. Adjustment to AIP program funding.
Sec. 108. Reprogramming notification requirement.

Subtitle B—Airport Development

Sec. 121. Runway incursion prevention devices and emergency call boxes.
Sec. 122. Windshear detection equipment and adjustable lighting extensions.
Sec. 123. Pavement maintenance.
Sec. 124. Enhanced vision technologies.
Sec. 125. Public notice before waiver with respect to land.
Sec. 126. Matching share.
Sec. 127. Letters of intent.
Sec. 128. Grants from small airport fund.
Sec. 129. Discretionary use of unused apportionments.
Sec. 130. Designating current and former military airports.
Sec. 131. Contract tower cost-sharing.
Sec. 132. Innovative use of airport grant funds.
Sec. 133. Inherently low-emission airport vehicle pilot program.
Sec. 134. Airport security program.
Sec. 135. Technical amendments.
Sec. 136. Conveyances of airport property for public airports.
Sec. 137. Intermodal connections.
Sec. 138. State block grant program.
Sec. 139. Design-build contracting.

Subtitle C—Miscellaneous

Sec. 151. Treatment of certain facilities as airport-related projects.
Sec. 152. Terminal development costs.
Sec. 153. Continuation of ILS inventory program.
Sec. 154. Aircraft noise primarily caused by military aircraft.
Sec. 155. Competition plans.
Sec. 156. Alaska rural aviation improvement.
Sec. 157. Use of recycled materials.
Sec. 158. Construction of runways.
Sec. 159. Notice of grants.
Sec. 160. Airfield pavement conditions.
Sec. 161. Report on efforts to implement capacity enhancements.
Sec. 162. Prioritization of discretionary projects.
Sec. 163. Continuation of reports.

TITLE II—AIRLINE SERVICE IMPROVEMENTS

Subtitle A—Small Communities

Sec. 201. Policy for air service to rural areas.
Sec. 202. Waiver of local contribution.
Sec. 203. Improved air carrier service to airports not receiving sufficient service.
Sec. 204. Preservation of essential air service at single carrier dominated hub airports.
Sec. 205. Determination of distance from hub airport.
Sec. 206. Report on essential air service.
Sec. 207. Marketing practices.
Sec. 208. Definition of eligible place.
Sec. 209. Maintaining the integrity of the essential air service program.
Sec. 210. Regional jet service for small communities.

Subtitle B—Airline Customer Service

Sec. 221. Consumer notification of E-ticket expiration dates.
Sec. 222. Increased penalty for violation of aviation consumer protection laws.
Sec. 223. Funding of enforcement of airline consumer protections.
Sec. 224. Airline customer service reports.
Sec. 225. Increased financial responsibility for lost baggage.
Sec. 226. Comptroller General investigation.
Sec. 227. Airline service quality performance reports.
Sec. 228. National Commission To Ensure Consumer Information and Choice in the Airline Industry.

Subtitle C—Competition

Sec. 231. Changes in, and phase-out of, slot rules.

TITLE III—FAA MANAGEMENT REFORM

Sec. 301. Air traffic control system defined.
Sec. 302. Air traffic control oversight.
Sec. 303. Chief Operating Officer.
Sec. 304. Pilot program to permit cost-sharing of air traffic modernization projects.
Sec. 305. Clarification of regulatory approval process.
Sec. 306. Failure to meet rulemaking deadline.
Sec. 307. FAA personnel and acquisition management systems.
Sec. 308. Right to contest adverse personnel actions.
Sec. 309. Independent study of FAA costs and allocations.
Sec. 310. Environmental review of airport improvement projects.
Sec. 311. Cost allocation system.
Sec. 312. Report on modernization of oceanic ATC system.

TITLE IV—FAMILY ASSISTANCE

Sec. 401. Responsibilities of National Transportation Safety Board.
Sec. 402. Air carrier plans.
Sec. 403. Foreign air carrier plans.
Sec. 404. Death on the high seas.

TITLE V—SAFETY
Sec. 501. Airplane emergency locators.
Sec. 502. Cargo collision avoidance systems deadlines.
Sec. 503. Landfills interfering with air commerce.
Sec. 504. Life-limited aircraft parts.
Sec. 505. Counterfeit aircraft parts.
Sec. 506. Prevention of frauds involving aircraft or space vehicle parts in interstate or foreign air commerce.
Sec. 507. Transporting of hazardous material.
Sec. 508. Employment investigations and restrictions.
Sec. 509. Criminal penalty for pilots operating in air transportation without an airman's certificate.
Sec. 510. Flight operations quality assurance rules.
Sec. 511. Penalties for unruly passengers.
Sec. 512. Deputizing of State and local law enforcement officers.
Sec. 513. Air transportation oversight system.
Sec. 514. Runway safety areas.
Sec. 515. Precision approach path indicators.
Sec. 516. Aircraft dispatchers.
Sec. 517. Improved training for airframe and powerplant mechanics.
Sec. 518. Small airport certification.
Sec. 519. Protection of employees providing air safety information.
Sec. 520. Occupational injuries of airport workers.
TITLE VI—TRANSFER OF AERONAUTICAL CHARTING ACTIVITY
Sec. 601. Transfer of functions, powers, and duties.
Sec. 602. Transfer of office, personnel and funds.
Sec. 603. Amendment of title 49, United States Code.
Sec. 604. Savings provision.
Sec. 605. National ocean survey.
Sec. 606. Sale and distribution of nautical and aeronautical products by NOAA.
Sec. 607. Procurement of private enterprise mapping, charting, and geographic information systems.
TITLE VII—MISCELLANEOUS PROVISIONS
Sec. 701. Duties and powers of Administrator.
Sec. 702. Public aircraft.
Sec. 703. Prohibition on release of offeror proposals.
Sec. 704. FAA evaluation of long-term capital leasing.
Sec. 705. Severable services contracts for periods crossing fiscal years.
Sec. 706. Prohibitions on discrimination.
Sec. 707. Discrimination against handicapped individuals.
Sec. 708. Prohibitions against smoking on scheduled flights.
Sec. 709. Joint venture agreement.
Sec. 710. Reports by carriers on incidents involving animals during air transport.
Sec. 711. Extension of war risk insurance program.
Sec. 712. General facilities and personnel authority.
Sec. 713. Human factors program.
Sec. 714. Implementation of Article 83 bis of the Chicago Convention.
Sec. 715. Public availability of airmen records.
Sec. 716. Review process for emergency orders.
Sec. 717. Government and industry consortia.
Sec. 718. Passenger manifest.
Sec. 719. Cost recovery for foreign aviation services.
Sec. 720. Technical corrections to civil penalty provisions.
Sec. 721. Waiver under Airport Noise and Capacity Act.
Sec. 722. Land use compliance report.
Sec. 723. Charter airlines.
Sec. 724. Credit for emergency services provided.
Sec. 725. Passenger cabin air quality.
Sec. 726. Standards for aircraft and aircraft engines to reduce noise levels.
Sec. 727. Taos Pueblo and Blue Lakes Wilderness Area demonstration project.
Sec. 728. Automated surface observation system stations.
Sec. 729. Aircraft situational display data.
Sec. 730. Elimination of backlog of equal employment opportunity complaints.
Sec. 731. Grant of easement, Los Angeles, California.
Sec. 732. Regulation of Alaska guide pilots.
Sec. 733. National Transportation Data Center of Excellence.
Sec. 734. Aircraft repair and maintenance advisory panel.
Sec. 735. Operations of air taxi industry.
Sec. 736. National airspace redesign.
Sec. 737. Compliance with requirements.
Sec. 738. FAA consideration of certain State proposals.
Sec. 739. Cincinnati-Municipal Blue Ash Airport.
Sec. 740. Authority to sell aircraft and aircraft parts for use in responding to oil spills.
Sec. 741. Discriminatory practices by computer reservations systems outside the United States.
Sec. 742. Specialty metals consortium.
Sec. 743. Alkali silica reactivity distress.
Sec. 744. Rolling stock equipment.
Sec. 745. General Accounting Office airport noise study.
Sec. 746. Noise study of Sky Harbor Airport, Phoenix, Arizona.
Sec. 747. Nonmilitary helicopter noise.
Sec. 748. Newport News, Virginia.
Sec. 749. Authority to waive terms of deed of conveyance, Yavapai County, Arizona.
Sec. 750. Authority to waive terms of deed of conveyance, Pinal County, Arizona.
Sec. 751. Conveyance of airport property to an institution of higher education in Oklahoma.
Sec. 752. Former airfield lands, Grant Parish, Louisiana.
Sec. 753. Raleigh County, West Virginia, Memorial Airport.
Sec. 754. Iditarod area school district.
Sec. 755. Alternative power sources for flight data recorders and cockpit voice recorders.
Sec. 756. Terminal automated radar display and information system.
Sec. 757. Streamlining seat and restraint system certification process and dynamic testing requirements.
Sec. 758. Expressing the sense of the Senate concerning air traffic over northern Delaware.
Sec. 759. Post Free Flight Phase 1 activities.
Sec. 760. Sense of Congress regarding protecting the frequency spectrum used for aviation communication.
Sec. 761. Land exchanges, Fort Richardson and Elmendorf Air Force Base, Alaska.
Sec. 762. Bilateral relationship.
TITLE VIII—NATIONAL PARKS AIR TOUR MANAGEMENT
Sec. 801. Short title.
Sec. 802. Findings.
Sec. 803. Air tour management plans for national parks.
Sec. 804. Quiet aircraft technology for Grand Canyon.
Sec. 805. Advisory group.
Sec. 806. Prohibition of commercial air tour operations over the Rocky Mountain National Park.
Sec. 807. Reports.
Sec. 808. Methodologies used to assess air tour noise.
Sec. 809. Alaska exemption.
TITLE IX—FEDERAL AVIATION RESEARCH, ENGINEERING, AND DEVELOPMENT
Sec. 901. Authorization of appropriations.
Sec. 902. Integrated national aviation research plan.
Sec. 903. Internet availability of information.
Sec. 904. Research on nonstructural aircraft systems.
Sec. 905. Research program to improve airfield pavements.
Sec. 906. Evaluation of research funding techniques.
TITLE X—EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY
Sec. 1001. Extension of expenditure authority.

SEC. 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE.

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. APPLICABILITY.

Except as otherwise specifically provided, this Act and the amendments made by this Act shall apply only to fiscal years beginning after September 30, 1999.

SEC. 4. DEFINITIONS.

Except as otherwise provided in this Act, the following definitions apply:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Federal Aviation Administration.

(2) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

TITLE I—AIRPORT AND AIRWAY IMPROVEMENTS

Subtitle A—Funding

SEC. 101. AIRPORT IMPROVEMENT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 48103 is amended by striking "shall be" the last place it appears and all that follows and inserting the following: "shall be—

"(1) $2,410,000,000 for fiscal year 1999;
"(2) $2,475,000,000 for fiscal year 2000;
"(3) $3,200,000,000 for fiscal year 2001;
"(4) $3,300,000,000 for fiscal year 2002; and
"(5) $3,400,000,000 for fiscal year 2003.

Such sums shall remain available until expended.".

(b) OBLIGATIONAL AUTHORITY.—Section 47104(c) is amended by striking "After" and all that follows through "1999," and inserting "After September 30, 2003,".

(c) REIMBURSEMENT.—Upon enactment of this Act, amounts for administration funded by the appropriation for "Federal Aviation Administration, Operations", pursuant to the third proviso under the heading "Grants-in-Aid for Airports (Liquidation of Contract Authorization) (Airport and Airway Trust Fund)" in the Department of Transportation and Related Agencies Appropriations Act, 2000, may be reimbursed from funds limited under such heading.

SEC. 102. AIRWAY FACILITIES IMPROVEMENT PROGRAM.

(a) GENERAL AUTHORIZATION AND APPROPRIATIONS.—Section 48101(a) is amended by striking paragraphs (1), (2), and (3) and inserting the following:

"(1) $2,131,000,000 for fiscal year 1999.
"(2) $2,689,000,000 for fiscal year 2000.

"(3) $2,656,765,000 for fiscal year 2001.

"(4) $2,914,000,000 for fiscal year 2002.

"(5) $2,981,022,000 for fiscal year 2003.".

(b) UNIVERSAL ACCESS SYSTEMS.—Section 48101 is amended by adding at the end the following:

"(d) UNIVERSAL ACCESS SYSTEMS.—Of the amounts appropriated under subsection (a) for fiscal year 2001, $8,000,000 may be used for the voluntary purchase and installation of universal access systems.".

(c) ALASKA NATIONAL AIR SPACE COMMUNICATIONS SYSTEM.—Section 48101 is further amended by adding at the end the following:

"(e) ALASKA NATIONAL AIR SPACE COMMUNICATIONS SYSTEM.—Of the amounts appropriated under subsection (a) for fiscal year 2001, $7,200,000 may be used by the Administrator of the Federal Aviation Administration for the Alaska National Air Space Interfacility Communications System if the Administrator issues a report supporting the use of such funds for the System.".

(d) AUTOMATED SURFACE OBSERVATION SYSTEM/AUTOMATED WEATHER OBSERVING SYSTEM UPGRADE.—Section 48101 is further amended by adding at the end the following:

"(f) AUTOMATED SURFACE OBSERVATION SYSTEM/AUTOMATED WEATHER OBSERVING SYSTEM UPGRADE.—Of the amounts appropriated under subsection (a) for fiscal years beginning after September 30, 2000, such sums as may be necessary for the implementation and use of upgrades to the current automated surface observation system/automated weather observing system, if the upgrade is successfully demonstrated.".

(e) LIFE-CYCLE COST ESTIMATES.—Section 48101 is further amended by adding at the end the following:

"(g) LIFE-CYCLE COST ESTIMATES.—The Administrator of the Federal Aviation Administration shall establish life-cycle cost estimates for any air traffic control modernization project the total life-cycle costs of which equal or exceed $50,000,000.".

SEC. 103. FAA OPERATIONS.

(a) IN GENERAL.—Section 106(k) is amended to read as follows:

"(k) AUTHORIZATION OF APPROPRIATIONS FOR OPERATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated to the Secretary of Transportation for operations of the Administration—

"(A) such sums as may be necessary for fiscal year 2000;

"(B) $6,592,235,000 for fiscal year 2001;

"(C) $6,886,000,000 for fiscal year 2002; and

"(D) $7,357,000,000 for fiscal year 2003.

Such sums shall remain available until expended.

"(2) AUTHORIZED EXPENDITURES.—Out of amounts appropriated under paragraph (1), the following expenditures are authorized:

"(A) $450,000 for each of fiscal years 2000 through 2003 for wildlife hazard mitigation measures and management of the wildlife strike database of the Federal Aviation Administration.

"(B) $9,100,000 for the 3-fiscal-year period beginning with fiscal year 2001 to support a university consortium established to provide an air safety and security management certificate program, working cooperatively with the Federal Aviation Administration and United States air carriers, except that funds under this subparagraph—

"(i) may not be used for the construction of a building or other facility; and

"(ii) may only be awarded on the basis of open competition.

"(C) Such sums as may be necessary for fiscal years 2000 through 2003 to support infrastructure systems development for both general aviation and the vertical flight industry.

"(D) Such sums as may be necessary for fiscal years 2000 through 2003 to establish helicopter approach procedures using current technologies (such as the Global Positioning System) to support all-weather, emergency medical service for trauma patients.

"(E) Such sums as may be necessary for fiscal years 2000 through 2003 to revise existing terminal and en route procedures and instrument flight rules to facilitate the takeoff, flight, and landing of tiltrotor aircraft and to improve the national airspace system by separating such aircraft from congested flight paths of fixed-wing aircraft.

"(F) $3,300,000 for fiscal year 2000 and $3,000,000 for each of fiscal years 2001 through 2003 to implement the 1998 airport surface operations safety action plan of the Federal Aviation Administration.

"(G) $9,100,000 for fiscal year 2001 to support air safety efforts through payment of United States membership obligations in the International Civil Aviation Organization, to be paid as soon as practicable.

"(H) Such sums as may be necessary for fiscal years 2000 through 2003 for the Secretary to hire additional inspectors in order to enhance air cargo security programs.

"(I) Such sums as may be necessary for fiscal years 2000 through 2003 to develop and improve training programs (including model training programs and curriculum) for security screening personnel at airports that will be used by airlines to meet regulatory requirements relating to the training and testing of such personnel.".

(b) OFFICE OF AIRLINE INFORMATION.—There is authorized to be appropriated from the Airport and Airway Trust Fund to the Secretary $4,000,000 for fiscal years beginning after September 30, 2000, to fund the activities of the Office of Airline Information in the Bureau of Transportation Statistics of the Department of Transportation.

SEC. 104. AIP FORMULA CHANGES.

(a) AMOUNTS APPORTIONED TO SPONSORS.—

(1) AMOUNTS TO BE APPORTIONED.—Section 47114(c)(1) is amended—

(A) in subparagraph (B) by striking "$500,000" and inserting "$650,000"; and

(B) by adding at the end the following:

"(C) SPECIAL RULE.—In any fiscal year in which the total amount made available under section 48103 is $3,200,000,000 or more—

"(i) the amount to be apportioned to a sponsor under subparagraph (A) shall be increased by doubling the amount that would otherwise be apportioned;

"(ii) the minimum apportionment to a sponsor under subparagraph (B) shall be $1,000,000 rather than $650,000; and

"(iii) the maximum apportionment to a sponsor under subparagraph (B) shall be $26,000,000 rather than $22,000,000.

"(D) NEW AIRPORTS.—Notwithstanding subparagraph (A), the Secretary shall apportion on the first day of the first fiscal year following the official opening of a new airport with scheduled passenger air transportation an amount equal to the minimum amount set forth in subparagraph (B) or (C), as appropriate, to the sponsor of such airport.

"(E) USE OF PREVIOUS FISCAL YEAR'S APPORTIONMENT.—Notwithstanding subparagraph (A), the Secretary may apportion to an airport sponsor in a fiscal year an amount equal to the amount apportioned to that sponsor in the previous fiscal year if the Secretary finds that—

"(i) passenger boardings at the airport fell below 10,000 in the calendar year used to calculate the apportionment;

"(ii) the airport had at least 10,000 passenger boardings in the calendar year prior to the calendar year used to calculate apportionments to airport sponsors in a fiscal year; and

"(iii) the cause of the shortfall in passenger boardings was a temporary but significant interruption in service by an air carrier to that airport due to an employment action, natural disaster, or other event unrelated to the demand for air transportation at the affected airport.".

(2) CONFORMING AMENDMENTS.—Section 47114(c)(1) is amended—

(A) by striking "(1)(A) The Secretary" and inserting the following:

"(1) PRIMARY AIRPORTS.—

"(A) APPORTIONMENT.—The Secretary";

(B) in subparagraph (B) by striking "(B) Not less" and inserting the following:

"(B) MINIMUM AND MAXIMUM APPORTIONMENTS.—Not less"; and

(C) by aligning the left margin of subparagraph (A) (including clauses (i) through (v)) and subparagraph (B) with subparagraphs (C) and (D) (as added by paragraph (1)(B) of this subsection).

(b) CARGO ONLY AIRPORTS.—Section 47114(c)(2) is amended—

(1) in subparagraph (A) by striking "2.5 percent" and inserting "3 percent"; and

(2) in subparagraph (C) by striking "Not more than" and inserting "In any fiscal year in which the total amount made available under section 48103 is less than $3,200,000,000, not more than".

(c) ENTITLEMENT FOR GENERAL AVIATION AIRPORTS.—Section 47114(d) is amended to read as follows:

"(d) AMOUNTS APPORTIONED FOR GENERAL AVIATION AIRPORTS.—

"(1) DEFINITIONS.—In this subsection, the following definitions apply:

"(A) AREA.—The term 'area' includes land and water.

"(B) POPULATION.—The term 'population' means the population stated in the latest decennial census of the United States.

"(2) APPORTIONMENT.—Except as provided in paragraph (3), the Secretary shall apportion to the States 18.5 percent of the amount subject to apportionment for each fiscal year as follows:

"(A) 0.66 percent of the apportioned amount to Guam, American Samoa, the Northern Mariana Islands, and the Virgin Islands.

"(B) Except as provided in paragraph (4), 49.67 percent of the apportioned amount for airports, excluding primary airports but including reliever and nonprimary commercial service airports, in States not named in subparagraph (A) in the proportion that the population of each of those States bears to the total population of all of those States.

"(C) Except as provided in paragraph (4), 49.67 percent of the apportioned amount for airports, excluding primary airports but including reliever and nonprimary commercial service airports, in States not named in subparagraph (A) in the proportion that the area of each of those States bears to the total area of all of those States.

"(3) SPECIAL RULE.—In any fiscal year in which the total amount made available under section 48103 is $3,200,000,000 or more, rather than making an apportionment under paragraph (2), the Secretary shall apportion 20 percent of the amount subject to apportionment for each fiscal year as follows:

"(A) To each airport, excluding primary airports but including reliever and nonprimary commercial service airports, in States the lesser of—

"(i) $150,000; or

"(ii) ⅕ of the most recently published estimate of the 5-year costs for airport improvement for the airport, as listed in the national plan of integrated airport systems developed by the Federal Aviation Administration under section 47103.

"(B) Any remaining amount to States as follows:

"(i) 0.62 percent of the remaining amount to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Virgin Islands.

"(ii) Except as provided in paragraph (4), 49.69 percent of the remaining amount for airports, excluding primary airports but including reliever and nonprimary commercial service airports, in States not named in clause (i) in the proportion that the population of each of those States bears to the total population of all of those States.

"(iii) Except as provided in paragraph (4), 49.69 percent of the remaining amount for airports, excluding primary airports but including reliever and nonprimary commercial service airports, in States not named in clause (i) in the proportion that the area of each of those States bears to the total area of all of those States.

"(4) AIRPORTS IN ALASKA, PUERTO RICO, AND HAWAII.—An amount apportioned under paragraph (2) or (3) to Alaska, Puerto Rico, or Hawaii for airports in such State may be made available by the Secretary for any public airport in those respective jurisdictions.

"(5) USE OF STATE HIGHWAY SPECIFICATIONS.—

"(A) IN GENERAL.—The Secretary may permit the use of State highway specifications for airfield pavement construction using funds made available under this subsection at nonprimary airports with runways of 5,000 feet or shorter serving aircraft that do not exceed 60,000 pounds gross weight if the Secretary determines that—

"(i) safety will not be negatively affected; and

"(ii) the life of the pavement will not be shorter than it would be if constructed using Administration standards.

"(B) LIMITATION.—An airport may not seek funds under this subchapter for runway rehabilitation or reconstruction of any such airfield pavement constructed using State highway specifications for a period of 10 years after construction is completed unless the Secretary determines that the rehabilitation or reconstruction is required for safety reasons.

"(6) INTEGRATED AIRPORT SYSTEM PLANNING.—Notwithstanding any other provision of this subsection, funds made available under this subsection may be used for integrated airport system planning that encompasses one or more primary airports.".

(d) SUPPLEMENTAL APPORTIONMENT FOR ALASKA.—Section 47114(e) is amended—

(1) in the subsection heading by striking "ALTERNATIVE" and inserting "SUPPLEMENTAL";

(2) in paragraph (1)—

(A) by striking "Instead of apportioning amounts for airports in Alaska under" and inserting "IN GENERAL.—Notwithstanding"; and

(B) by striking "those airports" and inserting "airports in Alaska";

(3) in paragraph (2) by inserting "AUTHORITY FOR DISCRETIONARY GRANTS.—" before "This subsection";

(4) by striking paragraph (3) and inserting the following:

"(3) AIRPORTS ELIGIBLE FOR FUNDS.—An amount apportioned under this subsection may be used for any public airport in Alaska.

"(4) SPECIAL RULE.—In any fiscal year in which the total amount made available under section 48103 is $3,200,000,000 or more, the amount that may be apportioned for airports in Alaska under paragraph (1) shall be increased by doubling the amount that would otherwise be apportioned."; and

(5) by indenting paragraph (1) and aligning paragraph (1) (and its subparagraphs) and paragraph (2) with paragraphs (3) and (4) (as added by paragraph (4) of this subsection).

(e) GRANTS FOR AIRPORT NOISE COMPATIBILITY PLANNING.—Section 47117(e)(1)(A) is amended by striking "31 percent" each place it appears and inserting "34 percent".

(f) GRANTS FOR RELIEVER AIRPORTS.—Section 47117(e)(1) is amended by adding at the end the following:

"(C) In any fiscal year in which the total amount made available under section 48103 is $3,200,000,000 or more, at least ⅔ of 1 percent for grants to sponsors of reliever airports which have—

"(i) more than 75,000 annual operations;

"(ii) a runway with a minimum usable landing distance of 5,000 feet;

"(iii) a precision instrument landing procedure;

"(iv) a minimum number of aircraft, to be determined by the Secretary, based at the airport; and

"(v) been designated by the Secretary as a reliever airport to an airport with 20,000 hours of annual delays in commercial passenger aircraft takeoffs and landings.".

(g) REPEAL OF APPORTIONMENT LIMITATION ON COMMERCIAL SERVICE AIRPORTS IN ALASKA.—Section 47117 is amended by striking subsection (f) and by redesignating subsections (g) and (h) as subsections (f) and (g), respectively.

SEC. 105. PASSENGER FACILITY FEES.

(a) AUTHORITY TO IMPOSE HIGHER FEE.—Section 40117(b) is amended by adding at the end the following:

"(4) In lieu of authorizing a fee under paragraph (1), the Secretary may authorize under this section an eligible agency to impose a passenger facility fee of $4.00 or $4.50 on each paying passenger of an air carrier or foreign air carrier boarding an aircraft at an airport the agency controls to finance an eligible airport-related project, including making payments for debt service on indebtedness incurred to carry out the project, if the Secretary finds—

"(A) in the case of an airport that has more than .25 percent of the total number of annual boardings in the United States, that the project will make a significant contribution to improving air safety and security, increasing competition among air carriers, reducing current or anticipated congestion, or reducing the impact of aviation noise on people living near the airport; and

"(B) that the project cannot be paid for from funds reasonably expected to be available for the programs referred to in section 48103.".

(b) LIMITATION ON APPROVAL OF CERTAIN APPLICATIONS.—Section 40117(d) is amended—

(1) by striking "and" at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting "; and"; and

(3) by adding at the end the following:

"(4) in the case of an application to impose a fee of more than $3.00 for an eligible surface transportation or terminal project, the agency has made adequate provision for financing the airside needs of the airport, including runways, taxiways, aprons, and aircraft gates.".

(c) REDUCING APPORTIONMENTS.—Section 47114(f) is amended—

(1) by striking "An amount" and inserting "(1) IN GENERAL.—Subject to paragraph (3), an amount";

(2) by striking "an amount equal to" and all that follows through the period at the end and inserting the following: "an amount equal to—

"(A) in the case of a fee of $3.00 or less, 50 percent of the projected revenues from the fee in the fiscal year but not by more than 50 percent of the amount that otherwise would be apportioned under this section; and

"(B) in the case of a fee of more than $3.00, 75 percent of the projected revenues from the fee in the fiscal year but not by more than 75 percent of the amount that otherwise would be apportioned under this section.";

(3) by adding at the end the following:

"(2) EFFECTIVE DATE OF REDUCTION.—A reduction in an apportionment required by paragraph (1) shall not take effect until the first fiscal year following the year in which the collection of the fee imposed under section 40117 is begun.

"(3) SPECIAL RULE FOR TRANSITIONING AIRORTS.—

"(A) IN GENERAL.—Beginning with the fiscal year following the first calendar year in which the sponsor of an airport has more than .25 percent of the total number of boardings in the United States, the sum of the amount that would be apportioned under this section after application of paragraph (1) in a fiscal year to such sponsor and the projected revenues to be derived from the fee in such fiscal year shall not be less than the sum of the apportionment to such airport for the preceding fiscal year and the revenues derived from such fee in the preceding fiscal year.

"(B) EFFECTIVE PERIOD.—Subparagraph (A) shall be in effect for fiscal years 2000 through 2003."; and

(4) by aligning paragraph (1) of such section (as designated by paragraph (1) of this section) with paragraph (2) of such section (as added by paragraph (3) of this section).

SEC. 106. FUNDING FOR AVIATION PROGRAMS.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) AIRPORT AND AIRWAY TRUST FUND GUARANTEE.—

(A) IN GENERAL.—The total budget resources made available from the Airport and Airway Trust Fund each fiscal year through fiscal year 2003 pursuant to sections 48101, 48102, 48103, and 106(k) of title 49, United States Code, shall be equal to the level of receipts plus interest credited to the Airport and Airway Trust Fund for that fiscal year. Such amounts may be used only for aviation investment programs listed in subsection (b).

(B) GUARANTEE.—No funds may be appropriated or limited for aviation investment programs listed in subsection (b) unless the amount described in subparagraph (A) has been provided.

(2) ADDITIONAL AUTHORIZATIONS OF APPROPRIATIONS FROM THE GENERAL FUND.—In any fiscal year through fiscal year 2003, if the amount described in paragraph (1) is appropriated, there is further authorized to be appropriated from the general fund of the Treasury such sums as may be necessary for the Federal Aviation Administration Operations account.

(b) DEFINITIONS.—In this section, the following definitions apply:

(1) TOTAL BUDGET RESOURCES.—The term "total budget resources" means the total amount made available from the Airport and Airway Trust Fund for the sum of obligation limitations and budget authority made available for a fiscal year for the following budget accounts that are subject to the obligation limitation on contract authority provided in this Act and for which appropriations are provided pursuant to authorizations contained in this Act:

(A) 69–8106–0–7–402 (Grants in Aid for Airports).

(B) 69–8107–0–7–402 (Facilities and Equipment).

(C) 69–8108–0–7–402 (Research and Development).

(D) 69–8104–0–7–402 (Trust Fund Share of Operations).

(2) LEVEL OF RECEIPTS PLUS INTEREST.—The term "level of receipts plus interest" means the level of excise taxes and interest credited to the Airport and Airway Trust Fund under section 9502 of the Internal Revenue Code of 1986 for a fiscal year as set forth in the President's budget baseline projection as defined in section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177) (Treasury identification code 20–8103–0–7–402) for that fiscal year submitted pursuant to section 1105 of title 31, United States Code.

(c) ENFORCEMENT OF GUARANTEES.—

(1) TOTAL AIRPORT AND AIRWAY TRUST FUND FUNDING.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report that would cause total budget resources in a fiscal year for aviation investment programs described in subsection (b) to be less than the amount required by subsection (a)(1)(A) for such fiscal year.

(2) CAPITAL PRIORITY.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report that provides an appropriation (or any amendment thereto) for any fiscal year through fiscal year 2003 for Research and Development or Operations if the sum of the obligation limitation for Grants-in-Aid for Airports and the appropriation for Facilities and Equipment for such fiscal year is below the sum of the authorized levels for Grants-in-Aid for Airports and for Facilities and Equipment for such fiscal year.

(d) CONFORMING AMENDMENT.—Section 48104 is amended—

(1) by striking "Except as provided in this section," in subsection (a); and

(2) by striking subsections (b) and (c).

SEC. 107. ADJUSTMENT TO AIP PROGRAM FUNDING.

(a) IN GENERAL.—Chapter 481 is amended by adding at the end the following:

"§48112. Adjustment to AIP program funding

"On the effective date of a general appropriations Act providing appropriations for a fiscal year beginning after September 30, 2000, for the Federal Aviation Administration, the amount made available for a fiscal year under section 48103 shall be increased by the amount, if any, by which—

"(1) the amount authorized to be appropriated under section 48101 for such fiscal year; exceeds

"(2) the amounts appropriated for programs funded under such section for such fiscal year. Any contract authority made available by this section shall be subject to an obligation limitation.".

(b) CONFORMING AMENDMENT.—The analysis for such chapter is amended by adding at the end the following:

"48112. Adjustment to AIP program funding.".

SEC. 108. REPROGRAMMING NOTIFICATION REQUIREMENT.

(a) IN GENERAL.—Chapter 481 is further amended by adding at the end the following:

"§48113. Reprogramming notification requirement

"Before reprogramming any amounts appropriated under section 106(k), 48101(a), or 48103, for which notification of the Committees on Appropriations of the Senate and the House of Representatives is required, the Secretary of Transportation shall transmit a written explanation of the proposed reprogramming to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 481 is amended by adding at the end the following:

"48113. Reprogramming notification requirement.".

Subtitle B—Airport Development

SEC. 121. RUNWAY INCURSION PREVENTION DEVICES AND EMERGENCY CALL BOXES.

(a) POLICY.—Section 47101(a)(11) is amended by inserting "(including integrated in-pavement lighting systems for runways and taxiways and other runway and taxiway incursion prevention devices)" after "technology" the first place it appears.

(b) MAXIMUM USE OF SAFETY FACILITIES.—Section 47101(f) is amended—

(1) by striking "and" at the end of paragraph (9);

(2) by striking the period at the end of paragraph (10) and inserting "; and"; and

(3) by adding at the end the following:

"(11) runway and taxiway incursion prevention devices, including integrated in-pavement lighting systems for runways and taxiways.".

(c) INCLUSION OF UNIVERSAL ACCESS SYSTEMS AND EMERGENCY CALL BOXES AS AIRPORT DEVELOPMENT.—Section 47102(3)(B) is amended—

(1) in clause (ii)—

(A) by striking "and universal access systems," and inserting ", universal access systems, and emergency call boxes,"; and

(B) by inserting "and integrated in-pavement lighting systems for runways and taxiways and other runway and taxiway incursion prevention devices" before the semicolon at the end; and

(2) by inserting before the semicolon at the end of clause (iii) the following: ", including closed circuit weather surveillance equipment if the airport is located in Alaska".

SEC. 122. WINDSHEAR DETECTION EQUIPMENT AND ADJUSTABLE LIGHTING EXTENSIONS.

Section 47102(3)(B) is amended—

(1) by striking "and" at the end of clause (v);

(2) by striking the period at the end of clause (vi) and inserting a semicolon; and

(3) by adding at the end the following:

"(vii) windshear detection equipment that is certified by the Administrator of the Federal Aviation Administration;

"(viii) stainless steel adjustable lighting extensions approved by the Administrator; and".

SEC. 123. PAVEMENT MAINTENANCE.

(a) REPEAL OF PILOT PROGRAM.—

(1) IN GENERAL.—Section 47132 is repealed.

(2) CONFORMING AMENDMENT.—The analysis for chapter 471 is amended by striking the item relating to section 47132.

(b) ELIGIBILITY AS AIRPORT DEVELOPMENT.—Section 47102(3) is amended by adding at the end the following:

"(H) routine work to preserve and extend the useful life of runways, taxiways, and aprons at airports that are not primary airports, under guidelines issued by the Administrator of the Federal Aviation Administration.".

SEC. 124. ENHANCED VISION TECHNOLOGIES.

(a) STUDY.—The Administrator shall enter into a cooperative research and development agreement to study the benefits of utilizing enhanced vision technologies to replace, enhance, or add to conventional airport approach and runway lighting systems.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall transmit to Congress a progress report on the work accomplished under the cooperative agreements detailing the evaluations performed to determine the potential of enhanced vision technology to meet the operational requirements of the intended application.

(c) CERTIFICATION.—Not later than 180 days after the conclusion of work under the research agreements, the Administrator shall transmit to Congress a report on the potential of enhanced vision technology to satisfy the operational requirements of the Federal Aviation Administration and a schedule for the development of performance standards for certification appropriate to the application of the enhanced vision technologies. If the Administrator certifies an enhanced vision technology as meeting such performance standards, the technology shall be treated as a navigation aid or other aid for purposes of section 47102(3)(B)(i) of title 49, United States Code.

SEC. 125. PUBLIC NOTICE BEFORE WAIVER WITH RESPECT TO LAND.

(a) WAIVER OF GRANT ASSURANCE.—Section 47107(h) is amended to read as follows:

"(h) MODIFYING ASSURANCES AND REQUIRING COMPLIANCE WITH ADDITIONAL ASSURANCES.—

"(1) IN GENERAL.—Subject to paragraph (2), before modifying an assurance required of a person receiving a grant under this subchapter and in effect after December 29, 1987, or to require compliance with an additional assurance from the person, the Secretary of Transportation must—

"(A) publish notice of the proposed modification in the Federal Register; and

"(B) provide an opportunity for comment on the proposal.

"(2) PUBLIC NOTICE BEFORE WAIVER OF AERONAUTICAL LAND-USE ASSURANCE.—Before modifying an assurance under subsection (c)(2)(B) that requires any property to be used for an aeronautical purpose, the Secretary must provide notice to the public not less than 30 days before making such modification.".

(b) WAIVER OF CONDITION ON CONVEYANCE OF LAND.—Section 47125(a) is amended by adding at the end the following: "Before waiving a condition that property be used for an aeronautical purpose under the preceding sentence, the Secretary must provide notice to the public not less than 30 days before waiving such condition.".

(c) SURPLUS PROPERTY.—Section 47151 is amended by adding at the end the following:

"(d) WAIVER OF CONDITION.—Before the Secretary may waive any condition imposed on an interest in surplus property conveyed under subsection (a) that such interest be used for an aeronautical purpose, the Secretary must provide notice to the public not less than 30 days before waiving such condition.".

(d) WAIVER OF CERTAIN TERM.—Section 47153 is amended by adding at the end the following:

"(c) PUBLIC NOTICE BEFORE WAIVER.—Notwithstanding subsections (a) and (b), before the Secretary may waive any term imposed under this section that an interest in land be used for an aeronautical purpose, the Secretary must provide notice to the public not less than 30 days before waiving such term.".

(e) LIMITATION.—Nothing in any amendment made by this section shall be construed to authorize the Secretary to issue a waiver or make a modification referred to in such amendment.

SEC. 126. MATCHING SHARE.

Section 47109(a) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following:

"(2) not more than 90 percent for a project funded by a grant issued to and administered by a State under section 47128, relating to the State block grant program;".

SEC. 127. LETTERS OF INTENT.

Section 47110(e) is amended—

(1) by striking paragraph (2)(C) and inserting the following:

"(C) that meets the criteria of section 47115(d) and, if for a project at a commercial service airport having at least 0.25 percent of the boardings each year at all such airports, the Secretary decides will enhance system-wide airport capacity significantly."; and

(2) by striking paragraph (5) and inserting the following:

"(5) LETTERS OF INTENT.—The Secretary may not require an eligible agency to impose a passenger facility fee under section 40117 in order to obtain a letter of intent under this section.".

SEC. 128. GRANTS FROM SMALL AIRPORT FUND.

(a) SET-ASIDE FOR MEETING SAFETY TERMS IN AIRPORT OPERATING CERTIFICATES.—Section 47116 is amended by adding at the end the following:

"(e) SET-ASIDE FOR MEETING SAFETY TERMS IN AIRPORT OPERATING CERTIFICATES.—In the first fiscal year beginning after the effective date of regulations issued to carry out section

44706(b) with respect to airports described in section 44706(a)(2), and in each of the next 4 fiscal years, the lesser of $15,000,000 or 20 percent of the amounts that would otherwise be distributed to sponsors of airports under subsection (b)(2) shall be used to assist the airports in meeting the terms established by the regulations. If the Secretary publishes in the Federal Register a finding that all the terms established by the regulations have been met, this subsection shall cease to be effective as of the date of such publication.".

(b) NOTIFICATION OF SOURCE OF GRANT.—Section 47116 is further amended by adding at the end the following:

"(f) NOTIFICATION OF SOURCE OF GRANT.—Whenever the Secretary makes a grant under this section, the Secretary shall notify the recipient of the grant, in writing, that the source of the grant is from the small airport fund.".

(c) TECHNICAL AMENDMENTS.—Section 47116(d) is amended—

(1) by striking "In making" and inserting the following:

"(1) CONSTRUCTION OF NEW RUNWAYS.—In making";

(2) by adding at the end the following:

"(2) AIRPORT DEVELOPMENT FOR TURBINE POWERED AIRCRAFT.—In making grants to sponsors described in subsection (b)(1), the Secretary shall give priority consideration to airport development projects to support operations by turbine powered aircraft if the non-Federal share of the project is at least 40 percent."; and

(3) by aligning the remainder of paragraph (1) (as designated by paragraph (1) of this subsection) with paragraph (2) (as added by paragraph (2) of this subsection).

SEC. 129. DISCRETIONARY USE OF UNUSED APPORTIONMENTS.

Section 47117(f) (as redesignated by section 104(g) of this Act) is amended to read as follows:

"(f) DISCRETIONARY USE OF APPORTIONMENTS.—

"(1) IN GENERAL.—Subject to paragraph (2), if the Secretary finds that all or part of an amount of an apportionment under section 47114 is not required during a fiscal year to fund a grant for which the apportionment may be used, the Secretary may use during such fiscal year the amount not so required to make grants for any purpose for which grants may be made under section 48103. The finding may be based on the notifications that the Secretary receives under section 47105(f) or on other information received from airport sponsors.

"(2) RESTORATION OF APPORTIONMENTS.—

"(A) IN GENERAL.—If the fiscal year for which a finding is made under paragraph (1) with respect to an apportionment is not the last fiscal year of availability of the apportionment under subsection (b), the Secretary shall restore to the apportionment an amount equal to the amount of the apportionment used under paragraph (1) for a discretionary grant whenever a sufficient amount is made available under section 48103.

"(B) PERIOD OF AVAILABILITY.—If restoration under this paragraph is made in the fiscal year for which the finding is made or the succeeding fiscal year, the amount restored shall be subject to the original period of availability of the apportionment under subsection (b). If the restoration is made thereafter, the amount restored shall remain available in accordance with subsection (b) for the original period of availability of the apportionment plus the number of fiscal years during which a sufficient amount was not available for the restoration.

"(3) NEWLY AVAILABLE AMOUNTS.—

"(A) RESTORED AMOUNTS TO BE UNAVAILABLE FOR DISCRETIONARY GRANTS.—Of an amount newly available under section 48103 of this title, an amount equal to the amounts restored under paragraph (2) shall not be available for discretionary grant obligations under section 47115.

"(B) USE OF REMAINING AMOUNTS.—Subparagraph (A) does not impair the Secretary's authority under paragraph (1), after a restoration under paragraph (2), to apply all or part of a restored amount that is not required to fund a grant under an apportionment to fund discretionary grants.

"(4) LIMITATIONS ON OBLIGATIONS APPLY.—Nothing in this subsection shall be construed to authorize the Secretary to incur grant obligations under section 47104 for a fiscal year in an amount greater than the amount made available under section 48103 for such obligations for such fiscal year.".

SEC. 130. DESIGNATING CURRENT AND FORMER MILITARY AIRPORTS.

(a) IN GENERAL.—Section 47118 is amended—

(1) in subsection (a)—

(A) by striking "12" and inserting "15"; and

(B) by striking paragraph (2) and inserting the following:

"(2) the airport is a military installation with both military and civil aircraft operations.";

(2) by striking subsection (c) and inserting the following:

"(c) CONSIDERATIONS.—In carrying out this section, the Secretary shall consider only current or former military airports for designation under this section if a grant under section 47117(e)(1)(B) would—

"(1) reduce delays at an airport with more than 20,000 hours of annual delays in commercial passenger aircraft takeoffs and landings; or

"(2) enhance airport and air traffic control system capacity in a metropolitan area or reduce current and projected flight delays.";

(3) in subsection (d)—

(A) by striking "47117(e)(1)(E)" and inserting "47117(e)(1)(B)";

(B) by striking "5-fiscal-year periods" and inserting "periods, each not to exceed 5 fiscal years,"; and

(C) by striking "each such subsequent 5-fiscal-year period" and inserting "each such subsequent period"; and

(4) by adding at the end the following:

"(g) DESIGNATION OF GENERAL AVIATION AIRPORT.—Notwithstanding any other provision of this section, 1 of the airports bearing a designation under subsection (a) may be a general aviation airport that was a former military installation closed or realigned under a section referred to in subsection (a)(1).".

(b) TERMINAL BUILDING FACILITIES.—Section 47118(e) is amended by striking "$5,000,000" and inserting "$7,000,000".

(c) ELIGIBILITY OF AIR CARGO TERMINALS.—Section 47118(f) is amended—

(1) in subsection heading by striking "AND HANGARS" and inserting "HANGARS, AND AIR CARGO TERMINALS";

(2) by striking "$4,000,000" and inserting "$7,000,000"; and

(3) by inserting after "hangars" the following: "and air cargo terminals of an area that is 50,000 square feet or less".

SEC. 131. CONTRACT TOWER COST-SHARING.

Section 47124(b) is amended by adding at the end the following:

"(3) CONTRACT AIR TRAFFIC CONTROL TOWER PILOT PROGRAM.—

"(A) IN GENERAL.—The Secretary shall establish a pilot program to contract for air traffic control services at Level I air traffic control towers, as defined by the Secretary, that do not qualify for the contract tower program established under subsection (a) and continued under paragraph (1) (in this paragraph referred to as the 'Contract Tower Program').

"(B) PROGRAM COMPONENTS.—In carrying out the pilot program, the Secretary shall—

"(i) utilize for purposes of cost-benefit analyses, current, actual, site-specific data, forecast estimates, or airport master plan data provided by a facility owner or operator and verified by the Secretary; and

"(ii) approve for participation only facilities willing to fund a pro rata share of the operating costs of the air traffic control tower to achieve a 1-to-1 benefit-to-cost ratio using actual site-specific contract tower operating costs in any case in which there is an operating air traffic control tower, as required for eligibility under the Contract Tower Program.

"(C) PRIORITY.—In selecting facilities to participate in the pilot program, the Secretary shall give priority to the following facilities:

"(i) Air traffic control towers that are participating in the Contract Tower Program but have been notified that they will be terminated from such program because the Secretary has determined that the benefit-to-cost ratio for their continuation in such program is less than 1.0.

"(ii) Air traffic control towers that the Secretary determines have a benefit-to-cost ratio of at least .50.

"(iii) Air traffic control towers of the Federal Aviation Administration that are closed as a result of the air traffic controllers strike in 1981.

"(iv) Air traffic control towers located at airports or points at which an air carrier is receiving compensation under the essential air service program under this chapter.

"(v) Air traffic control towers located at airports that are prepared to assume partial responsibility for maintenance costs.

"(vi) Air traffic control towers located at airports with safety or operational problems related to topography, weather, runway configuration, or mix of aircraft.

"(vii) Air traffic control towers located at an airport at which the community has been operating the tower at its own expense.

"(D) COSTS EXCEEDING BENEFITS.—If the costs of operating an air traffic tower under the pilot program exceed the benefits, the airport sponsor or State or local government having jurisdiction over the airport shall pay the portion of the costs that exceed such benefit.

"(E) FUNDING.—Subject to paragraph (4)(D), of the amounts appropriated pursuant to section 106(k), not more than $6,000,000 per fiscal year may be used to carry out this paragraph.

"(4) CONSTRUCTION OF AIR TRAFFIC CONTROL TOWERS.—

"(A) IN GENERAL.—Notwithstanding any other provision of this subchapter, the Secretary may provide grants under this subchapter to not more than 2 airport sponsors for the construction of a low-level activity visual flight rule (level 1) air traffic control tower, as defined by the Secretary.

"(B) ELIGIBILITY.—A sponsor shall be eligible for a grant under this paragraph if—

"(i) the sponsor would otherwise be eligible to participate in the pilot program established under paragraph (3) except for the lack of the air traffic control tower proposed to be constructed under this subsection; and

"(ii) the sponsor agrees to fund not less than 25 percent of the costs of construction of the air traffic control tower.

"(C) PROJECT COSTS.—Grants under this paragraph shall be paid only from amounts apportioned to the sponsor under section 47114(c)(1).

"(D) FEDERAL SHARE.—The Federal share of the cost of construction of an air traffic control tower under this paragraph may not exceed $1,100,000.".

SEC. 132. INNOVATIVE USE OF AIRPORT GRANT FUNDS.

(a) IN GENERAL.—Subchapter I of chapter 471 is amended by adding at the end the following:

"§47135. Innovative financing techniques

"(a) IN GENERAL.—The Secretary of Transportation may approve applications for not more than 20 airport development projects for which grants received under this subchapter may be

used for innovative financing techniques. Such projects shall be located at airports that each year have less than .25 percent of the total number of passenger boardings each year at all commercial service airports in the most recent calendar year for which data is available.

"(b) PURPOSE.—The purpose of grants made under this section shall be to provide information on the benefits and difficulties of using innovative financing techniques for airport development projects.

"(c) LIMITATIONS.—

"(1) NO GUARANTEES.—In no case shall the implementation of an innovative financing technique under this section be used in a manner giving rise to a direct or indirect guarantee of any airport debt instrument by the United States Government.

"(2) TYPES OF TECHNIQUES.—In this section, innovative financing techniques are limited to—

"(A) payment of interest;

"(B) commercial bond insurance and other credit enhancement associated with airport bonds for eligible airport development;

"(C) flexible non-Federal matching requirements; and

"(D) use of funds apportioned under section 47114 for the payment of principal and interest of terminal development for costs incurred before the date of enactment of this section.".

(b) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 471 is amended by adding at the end the following:

"47135. Innovative financing techniques.".

SEC. 133. INHERENTLY LOW-EMISSION AIRPORT VEHICLE PILOT PROGRAM.

(a) IN GENERAL.—Subchapter I of chapter 471 is further amended by adding at the end the following:

"§47136. Inherently low-emission airport vehicle pilot program

"(a) IN GENERAL.—The Secretary of Transportation shall carry out a pilot program at not more than 10 public-use airports under which the sponsors of such airports may use funds made available under section 48103 for use at such airports to carry out inherently low-emission vehicle activities. Notwithstanding any other provision of this subchapter, inherently low-emission vehicle activities shall for purposes of the pilot program be treated as eligible for assistance under this subchapter.

"(b) LOCATION IN AIR QUALITY NONATTAINMENT AREAS.—

"(1) IN GENERAL.—A public-use airport shall be eligible for participation in the pilot program only if the airport is located in an air quality nonattainment area (as defined in section 171(2) of the Clean Air Act (42 U.S.C. 7501(2)).

"(2) SHORTAGE OF CANDIDATES.—If the Secretary receives an insufficient number of applications from public-use airports located in such areas, then the Secretary may consider applications from public-use airports that are not located in such areas.

"(c) SELECTION CRITERIA.—In selecting from among applicants for participation in the pilot program, the Secretary shall give priority consideration to applicants that will achieve the greatest air quality benefits measured by the amount of emissions reduced per dollar of funds expended under the pilot program.

"(d) UNITED STATES GOVERNMENT'S SHARE.—Notwithstanding any other provision of this subchapter, the United States Government's share of the costs of a project carried out under the pilot program shall be 50 percent.

"(e) MAXIMUM AMOUNT.—Not more than $2,000,000 may be expended under the pilot program at any single public-use airport.

"(f) TECHNICAL ASSISTANCE.—

"(1) IN GENERAL.—The sponsor of a public-use airport carrying out inherently low-emission vehicle activities under the pilot program may use not more than 10 percent of the amounts made available for expenditure at the airport in a fiscal year under the pilot program to receive technical assistance in carrying out such activities.

"(2) ELIGIBLE CONSORTIUM.—To the maximum extent practicable, participants in the pilot program shall use an eligible consortium (as defined in section 5506 of this title) in the region of the airport to receive technical assistance described in paragraph (1).

"(g) MATERIALS IDENTIFYING BEST PRACTICES.—The Administrator may develop and make available materials identifying best practices for carrying out low-emission vehicle activities based on the projects carried out under the pilot program and other sources.

"(h) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this section, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing—

"(1) an evaluation of the effectiveness of the pilot program;

"(2) an identification of other public-use airports that expressed an interest in participating in the pilot program; and

"(3) a description of the mechanisms used by the Secretary to ensure that the information and know-how gained by participants in the pilot program is transferred among the participants and to other interested parties, including other public-use airports.

"(i) INHERENTLY LOW-EMISSION VEHICLE ACTIVITY DEFINED.—In this section, the term 'inherently low-emission vehicle activity' means—

"(1) the construction of infrastructure or modifications at public-use airports to enable the delivery of fuel and services necessary for the use of vehicles that are certified as inherently low-emission vehicles under title 40 of the Code of Federal Regulations and that—

"(A) operate exclusively on compressed natural gas, liquefied natural gas, liquefied petroleum gas, electricity, hydrogen, or a blend at least 85 percent of which is methanol;

"(B) are labeled in accordance with section 88.312–93(c) of such title; and

"(C) are located or primarily used at public-use airports;

"(2) the construction of infrastructure or modifications at public-use airports to enable the delivery of fuel and services necessary for the use of nonroad vehicles that—

"(A) operate exclusively on compressed natural gas, liquefied natural gas, liquefied petroleum gas, electricity, hydrogen, or a blend at least 85 percent of which is methanol;

"(B) meet or exceed the standards set forth in section 86.1708–99 of such title or the standards set forth in section 89.112(a) of such title, and are in compliance with the requirements of section 89.112(b) of such title; and

"(C) are located or primarily used at public-use airports;

"(3) the payment of that portion of the cost of acquiring vehicles described in this subsection that exceeds the cost of acquiring other vehicles or engines that would be used for the same purpose; or

"(4) the acquisition of technological capital equipment to enable the delivery of fuel and services necessary for the use of vehicles described in paragraph (1).".

(b) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 471 is further amended by adding at the end the following:

"47136. Inherently low-emission airport vehicle pilot program.".

SEC. 134. AIRPORT SECURITY PROGRAM.

(a) IN GENERAL.—Subchapter I of chapter 471 is further amended by adding at the end the following:

"§47137. Airport security program

"(a) GENERAL AUTHORITY.—To improve security at public airports in the United States, the Secretary of Transportation shall carry out not less than 1 project to test and evaluate innovative aviation security systems and related technology.

"(b) PRIORITY.—In carrying out this section, the Secretary shall give the highest priority to a request from an eligible sponsor for a grant to undertake a project that—

"(1) evaluates and tests the benefits of innovative aviation security systems or related technology, including explosives detection systems, for the purpose of improving aviation and aircraft physical security, access control, and passenger and baggage screening; and

"(2) provides testing and evaluation of airport security systems and technology in an operational, testbed environment.

"(c) MATCHING SHARE.—Notwithstanding section 47109, the United States Government's share of allowable project costs for a project under this section shall be 100 percent.

"(d) TERMS AND CONDITIONS.—The Secretary may establish such terms and conditions as the Secretary determines appropriate for carrying out a project under this section, including terms and conditions relating to the form and content of a proposal for a project, project assurances, and schedule of payments.

"(e) ELIGIBLE SPONSOR DEFINED.—In this section, the term 'eligible sponsor' means a nonprofit corporation composed of a consortium of public and private persons, including a sponsor of a primary airport, with the necessary engineering and technical expertise to successfully conduct the testing and evaluation of airport and aircraft related security systems.

"(f) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts made available to the Secretary under section 47115 in a fiscal year, the Secretary shall make available not less than $5,000,000 for the purpose of carrying out this section.".

(b) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 471 is further amended by adding at the end the following:

"47137. Airport security program.".

SEC. 135. TECHNICAL AMENDMENTS.

(a) PASSENGER FACILITY FEE WAIVER FOR CERTAIN CLASS OF CARRIERS.—Section 40117(e)(2) is amended—

(1) in subparagraph (B) by striking "and" at the end; and

(2) by adding at the end the following:

"(D) on flights, including flight segments, between 2 or more points in Hawaii; and

"(E) in Alaska aboard an aircraft having a seating capacity of less than 60 passengers.".

(b) PASSENGER FACILITY FEE WAIVER FOR CERTAIN CLASS OF CARRIERS OR FOR SERVICE TO AIRPORTS IN ISOLATED COMMUNITIES.—Section 40117 is amended—

(1) in subsection (i)(1) by striking "and" at the end;

(2) in subsection (i)(2)(D) by striking the period at the end and inserting "; and";

(3) by adding at the end of subsection (i) the following:

"(3) may permit an eligible agency to request that collection of a passenger facility fee be waived for—

"(A) passengers enplaned by any class of air carrier or foreign air carrier if the number of passengers enplaned by the carriers in the class constitutes not more than one percent of the total number of passengers enplaned annually at the airport at which the fee is imposed; or

"(B) passengers enplaned on a flight to an airport—

"(i) that has fewer than 2,500 passenger boardings each year and receives scheduled passenger service; or "(ii) in a community which has a population of less than 10,000 and is not connected by a land highway or vehicular way to the land-connected National Highway System within a State."; and

(4) by adding at the end the following:

"(j) Limitation on Certain Actions.—A State, political subdivision of a State, or authority of a State or political subdivision that is not the eligible agency may not tax, regulate, or prohibit or otherwise attempt to control in any manner, the imposition or collection of a passenger facility fee or the use of the revenue from the passenger facility fee.".

(c) Continuation of Project Funding.—Section 47108 is amended by adding at the end the following:

"(e) Change in Airport Status.—

"(1) Changes to nonprimary airport status.—If the status of a primary airport changes to a nonprimary airport at a time when a development project under a multiyear agreement under subsection (a) is not yet completed, the project shall remain eligible for funding from discretionary funds under section 47115 at the funding level and under the terms provided by the agreement, subject to the availability of funds.

"(2) Changes to noncommercial service airport status.—If the status of a commercial service airport changes to a noncommercial service airport at a time when a terminal development project under a phased-funding arrangement is not yet completed, the project shall remain eligible for funding from discretionary funds under section 47115 at the funding level and under the terms provided by the arrangement subject to the availability of funds.".

(d) References to Gifts.—Chapter 471 is amended—

(1) in section 47151—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1) by striking "give" and inserting "convey to"; and

(ii) in paragraph (2) by striking "gift" and inserting "conveyance";

(B) in subsection (b)—

(i) by striking "giving" and inserting "conveying"; and

(ii) by striking "gift" and inserting "conveyance"; and

(C) in subsection (c)—

(i) in the subsection heading by striking "Given" and inserting "Conveyed"; and

(ii) by striking "given" and inserting "conveyed";

(2) in section 47152—

(A) in the section heading by striking "**gifts**" and inserting "**conveyances**"; and

(B) in the matter preceding paragraph (1) by striking "gift" and inserting "conveyance";

(3) in section 47153(a)(1)—

(A) by striking "gift" each place it appears and inserting "conveyance"; and

(B) by striking "given" and inserting "conveyed"; and

(4) in the analysis for such chapter by striking the item relating to section 47152 and inserting the following:

"47152. Terms of conveyances.".

SEC. 136. CONVEYANCES OF AIRPORT PROPERTY FOR PUBLIC AIRPORTS.

Section 47151 (as amended by section 125(c) of this Act) is further amended by adding at the end the following:

"(e) Requests by Public Agencies.—Except with respect to a request made by another department, agency, or instrumentality of the executive branch of the United States Government, such a department, agency, or instrumentality shall give priority consideration to a request made by a public agency (as defined in section 47102) for surplus property described in subsection (a) (other than real property that is subject to section 2687 of title 10, section 201 of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note), or section 2905 of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note)) for use at a public airport.".

SEC. 137. INTERMODAL CONNECTIONS.

(a) Airport Improvement Policy.—Section 47101(a)(5) is amended to read as follows:

"(5) to encourage the development of intermodal connections on airport property between aeronautical and other transportation modes and systems to serve air transportation passengers and cargo efficiently and effectively and promote economic development;".

(b) Airport Development Defined.—Section 47102(3) (as amended by section 123(b)) is further amended by adding at the end the following:

"(I) constructing, reconstructing, or improving an airport, or purchasing nonrevenue generating capital equipment to be owned by an airport, for the purpose of transferring passengers, cargo, or baggage between the aeronautical and ground transportation modes on airport property.".

SEC. 138. STATE BLOCK GRANT PROGRAM.

Section 47128(a) is amended by striking "8 qualified States for fiscal year 1997 and 9 qualified States for each fiscal year thereafter" and insert "9 qualified States for fiscal years 2000 and 2001 and 10 qualified States for each fiscal year thereafter".

SEC. 139. DESIGN-BUILD CONTRACTING.

(a) Pilot Program.—The Administrator may establish a pilot program under which design-build contracts may be used to carry out up to 7 projects at airports in the United States with a grant awarded under section 47104 of title 49, United States Code. A sponsor of an airport may submit an application to the Administrator to carry out a project otherwise eligible for assistance under chapter 471 of such title under the pilot program.

(b) Use of Design-Build Contracts.—Under the pilot program, the Administrator may approve an application of an airport sponsor under this section to authorize the airport sponsor to award a design-build contract using a selection process permitted under applicable State or local law if—

(1) the Administrator approves the application using criteria established by the Administrator;

(2) the design-build contract is in a form that is approved by the Administrator;

(3) the Administrator is satisfied that the contract will be executed pursuant to competitive procedures and contains a schematic design adequate for the Administrator to approve the grant;

(4) use of a design-build contract will be cost effective and expedite the project;

(5) the Administrator is satisfied that there will be no conflict of interest; and

(6) the Administrator is satisfied that the selection process will be as open, fair, and objective as the competitive bid system and that at least 3 or more bids will be submitted for each project under the selection process.

(c) Reimbursement of Costs.—The Administrator may reimburse an airport sponsor for design and construction costs incurred before a grant is made pursuant to this section if the project is approved by the Administrator in advance and is carried out in accordance with all administrative and statutory requirements that would have been applicable under chapter 471 of title 49, United States Code, if the project were carried out after a grant agreement had been executed.

(d) Design-Build Contract Defined.—In this section, the term "design-build contract" means an agreement that provides for both design and construction of a project by a contractor.

(e) Expiration of Authority.—The authority of the Administrator to carry out the pilot program under this section shall expire on September 30, 2003.

Subtitle C—Miscellaneous

SEC. 151. TREATMENT OF CERTAIN FACILITIES AS AIRPORT-RELATED PROJECTS.

Section 40117(a) is amended to read as follows:

"(a) Definitions.—In this section, the following definitions apply:

"(1) Airport, commercial service airport, and public agency.—The terms 'airport', 'commercial service airport', and 'public agency' have the meaning those terms have under section 47102.

"(2) Eligible agency.—The term 'eligible agency' means a public agency that controls a commercial service airport.

"(3) Eligible airport-related project.—The term 'eligible airport-related project' means any of the following projects:

"(A) A project for airport development or airport planning under subchapter I of chapter 471.

"(B) A project for terminal development described in section 47110(d).

"(C) A project for airport noise capability planning under section 47505.

"(D) A project to carry out noise compatibility measures eligible for assistance under section 47504, whether or not a program for those measures has been approved under section 47504.

"(E) A project for constructing gates and related areas at which passengers board or exit aircraft. In the case of a project required to enable additional air service by an air carrier with less than 50 percent of the annual passenger boardings at an airport, the project for constructing gates and related areas may include structural foundations and floor systems, exterior building walls and load-bearing interior columns or walls, windows, door and roof systems, building utilities (including heating, air conditioning, ventilation, plumbing, and electrical service), and aircraft fueling facilities adjacent to the gate.

"(4) Passenger facility fee.—The term 'passenger facility fee' means a fee imposed under this section.

"(5) Passenger facility revenue.—The term 'passenger facility revenue' means revenue derived from a passenger facility fee.".

SEC. 152. TERMINAL DEVELOPMENT COSTS.

(a) With Respect to Passenger Facility Charges.—Section 40117(a)(3) is further amended—

(1) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively; and

(2) by inserting after subparagraph (B) the following:

"(C) for costs of terminal development referred to in subparagraph (B) incurred after August 1, 1986, at an airport that did not have more than .25 percent of the total annual passenger boardings in the United States in the most recent calendar year for which data is available and at which total passenger boardings declined by at least 16 percent between calendar year 1989 and calendar year 1997;".

(b) Nonprimary Commercial Service Airports.—Section 47119 is amended by adding at the end the following:

"(d) Determination of Passenger Boarding at Commercial Service Airports.—For the purpose of determining whether an amount may be distributed for a fiscal year from the discretionary fund in accordance with subsection (b)(2)(A) to a commercial service airport, the Secretary shall make the determination of whether or not a public airport is a commercial service airport on the basis of the number of passenger boardings and type of air service at the public airport in the calendar year that includes the first day of such fiscal year or the preceding calendar year, whichever is more beneficial to the airport.''.

SEC. 153. CONTINUATION OF ILS INVENTORY PROGRAM.

Section 44502(a)(4)(B) is amended—

(1) by striking ''each of fiscal years 1995 and 1996'' and inserting ''each of fiscal years 2000 through 2002''; and

(2) by inserting ''under new or existing contracts'' after ''including acquisition''.

SEC. 154. AIRCRAFT NOISE PRIMARILY CAUSED BY MILITARY AIRCRAFT.

Section 47504(c) is amended by adding at the end the following:

''(6) AIRCRAFT NOISE PRIMARILY CAUSED BY MILITARY AIRCRAFT.—The Secretary may make a grant under this subsection for a project even if the purpose of the project is to mitigate the effect of noise primarily caused by military aircraft at an airport.''.

SEC. 155. COMPETITION PLANS.

(a) FINDINGS.—The Congress makes the following findings:

(1) Major airports must be available on a reasonable basis to all air carriers wishing to serve those airports.

(2) 15 large hub airports today are each dominated by one air carrier, with each such carrier controlling more than 50 percent of the traffic at the hub.

(3) The General Accounting Office has found that such levels of concentration lead to higher air fares.

(4) The United States Government must take every step necessary to reduce those levels of concentration.

(5) Consistent with air safety, spending at these airports must be directed at providing opportunities for carriers wishing to serve such facilities on a commercially viable basis.

(b) IN GENERAL.—Section 47106 is amended by adding at the end the following:

''(f) COMPETITION PLANS.—

''(1) PROHIBITION.—Beginning in fiscal year 2001, no passenger facility fee may be approved for a covered airport under section 40117 and no grant may be made under this subchapter for a covered airport unless the airport has submitted to the Secretary a written competition plan in accordance with this subsection.

''(2) CONTENTS.—A competition plan under this subsection shall include information on the availability of airport gates and related facilities, leasing and sub-leasing arrangements, gate-use requirements, patterns of air service, gate-assignment policy, financial constraints, airport controls over air- and ground-side capacity, whether the airport intends to build or acquire gates that would be used as common facilities, and airfare levels (as compiled by the Department of Transportation) compared to other large airports.

''(3) COVERED AIRPORT DEFINED.—In this subsection, the term 'covered airport' means a commercial service airport—

''(A) that has more than .25 percent of the total number of passenger boardings each year at all such airports; and

''(B) at which one or two air carriers control more than 50 percent of the passenger boardings.''.

(c) CROSS REFERENCE.—Section 40117 (as amended by section 135(b) of this Act) is further amended by adding at the end the following:

''(k) COMPETITION PLANS.—

''(1) IN GENERAL.—Beginning in fiscal year 2001, no eligible agency may impose a passenger facility fee under this section with respect to a covered airport (as such term is defined in section 47106(f)) unless the agency has submitted to the Secretary a written competition plan in accordance with such section. This subsection does not apply to passenger facility fees in effect before the date of enactment of this subsection.

''(2) SECRETARY SHALL ENSURE IMPLEMENTATION AND COMPLIANCE.—The Secretary shall review any plan submitted under paragraph (1) to ensure that it meets the requirements of this section, and shall review its implementation from time to time to ensure that each covered airport successfully implements its plan.''.

(d) AVAILABILITY OF GATES AND OTHER ESSENTIAL SERVICES.—The Secretary shall ensure that gates and other facilities are made available at costs that are fair and reasonable to air carriers at covered airports (as defined in section 47106(f)(4) of title 49, United States Code) where a ''majority-in-interest clause'' of a contract or other agreement or arrangement inhibits the ability of the local airport authority to provide or build new gates or other facilities.

SEC. 156. ALASKA RURAL AVIATION IMPROVEMENT.

(a) APPLICATION OF FAA REGULATIONS.—Section 40113 is amended by adding at the end the following:

''(f) APPLICATION OF CERTAIN REGULATIONS TO ALASKA.—In amending title 14, Code of Federal Regulations, in a manner affecting intrastate aviation in Alaska, the Administrator of the Federal Aviation Administration shall consider the extent to which Alaska is not served by transportation modes other than aviation, and shall establish such regulatory distinctions as the Administrator considers appropriate.''.

(b) MIKE-IN-HAND WEATHER OBSERVATION.—The Administrator and the Assistant Administrator of the National Weather Service, in consultation with the National Transportation Safety Board and the Governor of the State of Alaska, shall continue efforts to develop and implement a ''mike-in-hand'' weather observation program in Alaska under which Federal Aviation Administration employees, National Weather Service employees, other Federal or State employees sited at an airport, or persons contracted specifically for such purpose (including part-time contract employees who are not sited at such airport), will provide near-real time aviation weather information via radio and otherwise to pilots who request such information.

SEC. 157. USE OF RECYCLED MATERIALS.

(a) STUDY.—The Administrator shall conduct a study of the use of recycled materials (including recycled pavements, waste materials, and byproducts) in pavement used for runways, taxiways, and aprons and the specification standards in tests necessary for the use of recycled materials in such pavement. The primary focus of the study shall be on the long-term physical performance, safety implications, and environmental benefits of using recycled materials in aviation pavement.

(b) CONTRACTING.—The Administrator may carry out the study by entering into a contract with a university of higher education with expertise necessary to carry out the study.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study, together with recommendations concerning the use of recycled materials in aviation pavement.

(d) FUNDING.—Of the amounts appropriated pursuant to section 106(k) of title 49, United States Code, not to exceed $1,500,000 may be used to carry out this section.

SEC. 158. CONSTRUCTION OF RUNWAYS.

Notwithstanding any provision of law that specifically restricts the number of runways at a single international airport, the Secretary may obligate funds made available under chapters 471 and 481 of title 49, United States Code, for any project to construct a new runway at such airport, unless this section is expressly repealed.

SEC. 159. NOTICE OF GRANTS.

(a) TIMELY ANNOUNCEMENT.—The Secretary shall announce a grant to be made with funds made available under section 48103 of title 49, United States Code, in a timely fashion after receiving necessary documentation concerning the grant from the Administrator.

(b) NOTICE TO COMMITTEES.—If the Secretary provides any committee of Congress advance notice of a grant to be made with funds made available under section 48103 of title 49, United States Code, the Secretary shall provide, on the same date, such notice to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 160. AIRFIELD PAVEMENT CONDITIONS.

(a) EVALUATION OF OPTIONS.—The Administrator shall evaluate options for improving the quality of information available to the Federal Aviation Administration on airfield pavement conditions for airports that are part of the national air transportation system, including—

(1) improving the existing runway condition information contained in the airport safety data program by reviewing and revising rating criteria and providing increased training for inspectors;

(2) requiring such airports to submit pavement condition index information as part of their airport master plan or as support in applications for airport improvement grants; and

(3) requiring all such airports to submit pavement condition index information on a regular basis and using this information to create a pavement condition database that could be used in evaluating the cost-effectiveness of project applications and forecasting anticipated pavement needs.

(b) REPORT TO CONGRESS.—Not later than 12 months after the date of enactment of this Act, the Administrator shall transmit a report containing an evaluation of the options described in subsection (a) to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

SEC. 161. REPORT ON EFFORTS TO IMPLEMENT CAPACITY ENHANCEMENTS.

Not later than 9 months after the date of enactment of this Act, the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on efforts by the Federal Aviation Administration to implement capacity enhancements and improvements, both technical and procedural, such as precision runway monitoring systems, and the timeframe for implementation of such enhancements and improvements.

SEC. 162. PRIORITIZATION OF DISCRETIONARY PROJECTS.

Section 47120 is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''In''; and

(2) by adding at the end the following:

''(b) DISCRETIONARY FUNDING TO BE USED FOR HIGHER PRIORITY PROJECTS.—The Administrator of the Federal Aviation Administration shall discourage airport sponsors and airports from using entitlement funds for lower priority projects by giving lower priority to discretionary projects submitted by airport sponsors and airports that have used entitlement funds for projects that have a lower priority than the projects for which discretionary funds are being requested.''.

SEC. 163. CONTINUATION OF REPORTS.

Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) does not apply to any report required to be submitted under any of the following provisions of law:

(1) Section 44501 of title 49, United States Code.

(2) Section 47103 of such title.

(3) Section 47131 of such title.

TITLE II—AIRLINE SERVICE IMPROVEMENTS

Subtitle A—Small Communities

SEC. 201. POLICY FOR AIR SERVICE TO RURAL AREAS.

Section 40101(a) is amended by adding at the end the following:

"(16) ensuring that consumers in all regions of the United States, including those in small communities and rural and remote areas, have access to affordable, regularly scheduled air service.".

SEC. 202. WAIVER OF LOCAL CONTRIBUTION.

Section 41736(b) is amended by inserting after paragraph (4) the following:

"Paragraph (4) does not apply to any community approved for service under this section during the period beginning October 1, 1991, and ending December 31, 1997.".

SEC. 203. IMPROVED AIR CARRIER SERVICE TO AIRPORTS NOT RECEIVING SUFFICIENT SERVICE.

(a) IN GENERAL.—Subchapter II of chapter 417 is amended by adding at the end the following:

"§41743. Airports not receiving sufficient service

"(a) SMALL COMMUNITY AIR SERVICE DEVELOPMENT PILOT PROGRAM.—The Secretary of Transportation shall establish a pilot program that meets the requirements of this section for improving air carrier service to airports not receiving sufficient air carrier service.

"(b) APPLICATION REQUIRED.—In order to participate in the program established under subsection (a), a community or consortium of communities shall submit an application to the Secretary in such form, at such time, and containing such information as the Secretary may require, including—

"(1) an assessment of the need of the community or consortium for access, or improved access, to the national air transportation system; and

"(2) an analysis of the application of the criteria in subsection (c) to that community or consortium.

"(c) CRITERIA FOR PARTICIPATION.—In selecting communities, or consortia of communities, for participation in the program established under subsection (a), the Secretary shall apply the following criteria:

"(1) SIZE.—For calendar year 1997, the airport serving the community or consortium was not larger than a small hub airport (as that term is defined in section 41731(a)(5)), and—

"(A) had insufficient air carrier service; or

"(B) had unreasonably high air fares.

"(2) CHARACTERISTICS.—The airport presents characteristics, such as geographic diversity or unique circumstances, that will demonstrate the need for, and feasibility of, the program established under subsection (a).

"(3) STATE LIMIT.—No more than 4 communities or consortia of communities, or a combination thereof, may be located in the same State.

"(4) OVERALL LIMIT.—No more than 40 communities or consortia of communities, or a combination thereof, may be selected to participate in the program.

"(5) PRIORITIES.—The Secretary shall give priority to communities or consortia of communities where—

"(A) air fares are higher than the average air fares for all communities;

"(B) the community or consortium will provide a portion of the cost of the activity to be assisted under the program from local sources other than airport revenues;

"(C) the community or consortium has established, or will establish, a public-private partnership to facilitate air carrier service to the public; and

"(D) the assistance will provide material benefits to a broad segment of the travelling public, including business, educational institutions, and other enterprises, whose access to the national air transportation system is limited.

"(d) TYPES OF ASSISTANCE.—The Secretary may use amounts made available under this section—

"(1) to provide assistance to an air carrier to subsidize service to and from an underserved airport for a period not to exceed 3 years;

"(2) to provide assistance to an underserved airport to obtain service to and from the underserved airport; and

"(3) to provide assistance to an underserved airport to implement such other measures as the Secretary, in consultation with such airport, considers appropriate to improve air service both in terms of the cost of such service to consumers and the availability of such service, including improving air service through marketing and promotion of air service and enhanced utilization of airport facilities.

"(e) AUTHORITY TO MAKE AGREEMENTS.—

"(1) IN GENERAL.—The Secretary may make agreements to provide assistance under this section.

"(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $20,000,000 for fiscal year 2001 and $27,500,000 for each of fiscal years 2002 and 2003 to carry out this section. Such sums shall remain available until expended.

"(f) ADDITIONAL ACTION.—Under the pilot program established under subsection (a), the Secretary shall work with air carriers providing service to participating communities and major air carriers (as defined in section 41716(a)(2)) serving large hub airports (as defined in section 41731(a)(3)) to facilitate joint-fare arrangements consistent with normal industry practice.

"(g) DESIGNATION OF RESPONSIBLE OFFICIAL.—The Secretary shall designate an employee of the Department of Transportation—

"(1) to function as a facilitator between small communities and air carriers;

"(2) to carry out this section;

"(3) to ensure that the Bureau of Transportation Statistics collects data on passenger information to assess the service needs of small communities;

"(4) to work with and coordinate efforts with other Federal, State, and local agencies to increase the viability of service to small communities and the creation of aviation development zones; and

"(5) to provide policy recommendations to the Secretary and Congress that will ensure that small communities have access to quality, affordable air transportation services.

"(h) AIR SERVICE DEVELOPMENT ZONE.—The Secretary shall designate an airport in the program as an Air Service Development Zone and work with the community or consortium on means to attract business to the area surrounding the airport, to develop land use options for the area, and provide data, working with the Department of Commerce and other agencies.".

(b) CONFORMING AMENDMENT.—The analysis for subchapter II of chapter 417 is amended by adding at the end the following:

"41743. Airports not receiving sufficient service.".

SEC. 204. PRESERVATION OF ESSENTIAL AIR SERVICE AT SINGLE CARRIER DOMINATED HUB AIRPORTS.

(a) IN GENERAL.—Subchapter II of chapter 417 (as amended by section 203 of this Act) is further amended by adding at the end the following:

"§41744. Preservation of basic essential air service at single carrier dominated hub airports

"(a) IN GENERAL.—If the Secretary of Transportation determines that extraordinary circumstances jeopardize the reliable performance of essential air service under this subchapter from a subsidized essential air service community to and from an essential airport facility, the Secretary may require an air carrier that has more than 60 percent of the total annual enplanements at the essential airport facility to take action to enable another air carrier to provide reliable essential air service to that community. Actions required by the Secretary under this subsection may include interline agreements, ground services, subleasing of gates, and the provision of any other service or facility necessary for the performance of satisfactory essential air service to that community.

"(b) ESSENTIAL AIRPORT FACILITY DEFINED.—In this section, the term 'essential airport facility' means a large hub airport (as defined in section 41731) in the contiguous 48 States at which 1 air carrier has more than 60 percent of the total annual enplanements at that airport.".

(b) CONFORMING AMENDMENT.—The analysis for subchapter II of chapter 417 is further amended by adding at the end the following:

"41744. Preservation of basic essential air service at single carrier dominated hub airports.".

SEC. 205. DETERMINATION OF DISTANCE FROM HUB AIRPORT.

The Secretary may provide assistance under subchapter II of chapter 417 of title 49, United States Code, with respect to a place that is located within 70 highway miles of a hub airport (as defined by section 41731 of such title) if the most commonly used highway route between the place and the hub airport exceeds 70 miles.

SEC. 206. REPORT ON ESSENTIAL AIR SERVICE.

(a) IN GENERAL.—The Secretary shall conduct an analysis of the difficulties faced by many smaller communities in retaining essential air service and shall develop a plan to facilitate the retention of such service.

(b) EXAMINATION OF NORTH DAKOTA COMMUNITIES.—In conducting the analysis and developing the plan under subsection (a), the Secretary shall pay particular attention to communities located in North Dakota.

(c) REPORT.—Not later than 60 days after the date of enactment of this section, the Secretary shall transmit to Congress a report containing the analysis and plan described in subsection (a).

SEC. 207. MARKETING PRACTICES.

(a) REVIEW OF MARKETING PRACTICES THAT ADVERSELY AFFECT SERVICE TO SMALL OR MEDIUM COMMUNITIES.—Not later than 180 days after the date of enactment of this Act, the Secretary shall review the marketing practices of air carriers that may inhibit the availability of quality, affordable air transportation services to small- and medium-sized communities, including—

(1) marketing arrangements between airlines and travel agents;

(2) code-sharing partnerships;

(3) computer reservation system displays;

(4) gate arrangements at airports;

(5) exclusive dealing arrangements; and

(6) any other marketing practice that may have the same effect.

(b) REGULATIONS.—If the Secretary finds, after conducting the review, that marketing practices inhibit the availability of affordable air transportation services to small- and medium-sized communities, then, after public notice and an opportunity for comment, the Secretary may issue regulations that address the problem or take other appropriate action.

(c) STATUTORY CONSTRUCTION.—Nothing in this section expands the authority or jurisdiction of the Secretary to issue regulations under chapter 417 of title 49, United States Code, or under any other law.

SEC. 208. DEFINITION OF ELIGIBLE PLACE.

Section 41731(a)(1) is amended—

(1) by inserting "(i)" after "(A)";

(2) by striking "(B)" and inserting "(ii)";

(3) by striking "(C)" and inserting "(iii)";

(4) by striking "subchapter." and inserting "subchapter; or"; and

(5) by adding at the end the following:

"(B) determined, on or after October 1, 1988, and before the date of enactment of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, under this subchapter by the Secretary to be eligible to receive subsidized small community air service under section 41736(a).".

SEC. 209. MAINTAINING THE INTEGRITY OF THE ESSENTIAL AIR SERVICE PROGRAM.

(a) AUTHORIZATION OF APPROPRIATION.—Section 41742(a) is amended—

(1) by striking "Out of" and inserting the following:

"(1) AUTHORIZATION.—Out of";

(2) by adding at the end the following:

"(2) ADDITIONAL FUNDS.—In addition to amounts authorized under paragraph (1), there is authorized to be appropriated $15,000,000 for each fiscal year to carry out the essential air service program under this subchapter."; and

(3) by aligning paragraph (1) (as designated by paragraph (1) of this subsection) with paragraph (2) (as added by paragraph (2) of this subsection).

(b) LIMITATION ON ADJUSTMENTS TO LEVELS OF SERVICE.—Section 41733(e) is amended by striking the period at the end and inserting ", to the extent such adjustments are to a level not less than the basic essential air service level established under subsection (a) for the airport that serves the community.".

(c) EFFECT ON CERTAIN ORDERS.—All orders issued by the Secretary after September 30, 1999, and before the date of enactment of this Act establishing, modifying, or revoking essential air service levels shall be null and void beginning on the 90th day following such date of enactment. During the 90-day period, the Secretary shall reconsider such orders and shall issue new orders consistent with the amendments made by this section.

SEC. 210. REGIONAL JET SERVICE FOR SMALL COMMUNITIES.

(a) IN GENERAL.—Chapter 417 is amended by adding at the end the following:

"SUBCHAPTER III—REGIONAL AIR SERVICE INCENTIVE PROGRAM

"§41761. Purpose

"The purpose of this subchapter is to improve service by jet aircraft to underserved markets by providing assistance, in the form of Federal credit instruments, to commuter air carriers that purchase regional jet aircraft for use in serving those markets.

"§41762. Definitions

"In this subchapter, the following definitions apply:

"(1) AIR CARRIER.—The term 'air carrier' means any air carrier holding a certificate of public convenience and necessity issued by the Secretary of Transportation under section 41102.

"(2) AIRCRAFT PURCHASE.—The term 'aircraft purchase' means the purchase of commercial transport aircraft, including spare parts normally associated with the aircraft.

"(3) CAPITAL RESERVE SUBSIDY AMOUNT.—The term 'capital reserve subsidy amount' means the amount of budget authority sufficient to cover estimated long-term cost to the United States Government of a Federal credit instrument, calculated on a net present value basis, excluding administrative costs and any incidental effects on government receipts or outlays in accordance with provisions of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

"(4) COMMUTER AIR CARRIER.—The term 'commuter air carrier' means an air carrier that primarily operates aircraft designed to have a maximum passenger seating capacity of 75 or less in accordance with published flight schedules.

"(5) FEDERAL CREDIT INSTRUMENT.—The term 'Federal credit instrument' means a secured loan, loan guarantee, or line of credit authorized to be made under this subchapter.

"(6) FINANCIAL OBLIGATION.—The term 'financial obligation' means any note, bond, debenture, or other debt obligation issued by an obligor in connection with the financing of an aircraft purchase, other than a Federal credit instrument.

"(7) LENDER.—The term 'lender' means any non-Federal qualified institutional buyer (as defined by section 230.144A(a) of title 17, Code of Federal Regulations (or any successor regulation) known as Rule 144A(a) of the Security and Exchange Commission and issued under the Security Act of 1933 (15 U.S.C. 77a et seq.)), including—

"(A) a qualified retirement plan (as defined in section 4974(c) of the Internal Revenue Code of 1986) that is a qualified institutional buyer; and

"(B) a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986) that is a qualified institutional buyer.

"(8) LINE OF CREDIT.—The term 'line of credit' means an agreement entered into by the Secretary with an obligor under section 41763(d) to provide a direct loan at a future date upon the occurrence of certain events.

"(9) LOAN GUARANTEE.—The term 'loan guarantee' means any guarantee or other pledge by the Secretary under section 41763(c) to pay all or part of any of the principal of and interest on a loan or other debt obligation issued by an obligor and funded by a lender.

"(10) NEW ENTRANT AIR CARRIER.—The term 'new entrant air carrier' means an air carrier that has been providing air transportation according to a published schedule for less than 5 years, including any person that has received authority from the Secretary to provide air transportation but is not providing air transportation.

"(11) NONHUB AIRPORT.—The term 'nonhub airport' means an airport that each year has less than .05 percent of the total annual boardings in the United States.

"(12) OBLIGOR.—The term 'obligor' means a party primarily liable for payment of the principal of or interest on a Federal credit instrument, which party may be a corporation, partnership, joint venture, trust, or governmental entity, agency, or instrumentality.

"(13) REGIONAL JET AIRCRAFT.—The term 'regional jet aircraft' means a civil aircraft—

"(A) powered by jet propulsion; and

"(B) designed to have a maximum passenger seating capacity of not less than 30 nor more than 75.

"(14) SECURED LOAN.—The term 'secured loan' means a direct loan funded by the Secretary in connection with the financing of an aircraft purchase under section 41763(b).

"(15) SMALL HUB AIRPORT.—The term 'small hub airport' means an airport that each year has at least .05 percent, but less than .25 percent, of the total annual boardings in the United States.

"(16) UNDERSERVED MARKET.—The term 'underserved market' means a passenger air transportation market (as defined by the Secretary) that—

"(A) is served (as determined by the Secretary) by a nonhub airport or a small hub airport;

"(B) is not within a 40-mile radius of an airport that each year has at least .25 percent of the total annual boardings in the United States; and

"(C) the Secretary determines does not have sufficient air service.

"§41763. Federal credit instruments

"(a) IN GENERAL.—Subject to this section and section 41766, the Secretary of Transportation may enter into agreements with one or more obligors to make available Federal credit instruments, the proceeds of which shall be used to finance aircraft purchases.

"(b) SECURED LOANS.—

"(1) TERMS AND LIMITATIONS.—

"(A) IN GENERAL.—A secured loan under this section with respect to an aircraft purchase shall be on such terms and conditions and contain such covenants, representatives, warranties, and requirements (including requirements for audits) as the Secretary determines appropriate.

"(B) MAXIMUM AMOUNT.—No secured loan may be made under this section—

"(i) that extends to more than 50 percent of the purchase price (including the value of any manufacturer credits, post-purchase options, or other discounts) of the aircraft, including spare parts, to be purchased; or

"(ii) that, when added to the remaining balance on any other Federal credit instruments made under this subchapter, provides more than $100,000,000 of outstanding credit to any single obligor.

"(C) FINAL PAYMENT DATE.—The final payment on the secured loan shall not be due later than 18 years after the date of execution of the loan agreement.

"(D) SUBORDINATION.—The secured loan may be subordinate to claims of other holders of obligations in the event of bankruptcy, insolvency, or liquidation of the obligor as determined appropriate by the Secretary.

"(E) FEES.—The Secretary, subject to appropriations, may establish fees at a level sufficient to cover all or a portion of the administrative costs to the United States Government of making a secured loan under this section. The proceeds of such fees shall be deposited in an account to be used by the Secretary for the purpose of administering the program established under this subchapter and shall be available upon deposit until expended.

"(2) REPAYMENT.—

"(A) SCHEDULE.—The Secretary shall establish a repayment schedule for each secured loan under this section based on the projected cash flow from aircraft revenues and other repayment sources.

"(B) COMMENCEMENT.—Scheduled loan repayments of principal and interest on a secured loan under this section shall commence no later than 3 years after the date of execution of the loan agreement.

"(3) PREPAYMENT.—

"(A) USE OF EXCESS REVENUE.—After satisfying scheduled debt service requirements on all financial obligations and secured loans and all deposit requirements under the terms of any trust agreement, bond resolution, or similar agreement securing financial obligations, the secured loan may be prepaid at anytime without penalty.

"(B) USE OF PROCEEDS OF REFINANCING.—The secured loan may be prepaid at any time without penalty from proceeds of refinancing from non-Federal funding sources.

"(c) LOAN GUARANTEES.—

"(1) IN GENERAL.—A loan guarantee under this section with respect to a loan made for an aircraft purchase shall be made in such form and on such terms and conditions and contain such covenants, representatives, warranties, and requirements (including requirements for audits) as the Secretary determines appropriate.

"(2) MAXIMUM AMOUNT.—No loan guarantee shall be made under this section—

"(A) that extends to more than the unpaid interest and 50 percent of the unpaid principal on any loan;

"(B) that, for any loan or combination of loans, extends to more than 50 percent of the purchase price (including the value of any manufacturer credits, post-purchase options, or other discounts) of the aircraft, including spare parts, to be purchased with the loan or loan combination;

"(C) on any loan with respect to which terms permit repayment more than 15 years after the date of execution of the loan; or

"(D) that, when added to the remaining balance on any other Federal credit instruments made under this subchapter, provides more than $100,000,000 of outstanding credit to any single obligor.

"(3) FEES.—The Secretary, subject to appropriations, may establish fees at a level sufficient to cover all or a portion of the administrative costs to the United States Government of making a loan guarantee under this section. The proceeds of such fees shall be deposited in an account to be used by the Secretary for the purpose of administering the program established under this subchapter and shall be available upon deposit until expended.

"(d) LINES OF CREDIT.—

"(1) IN GENERAL.—Subject to the requirements of this subsection, the Secretary may enter into agreements to make available lines of credit to one or more obligors in the form of direct loans to be made by the Secretary at future dates on the occurrence of certain events for any aircraft purchase selected under this section.

"(2) TERMS AND LIMITATIONS.—

"(A) IN GENERAL.—A line of credit under this subsection with respect to an aircraft purchase shall be on such terms and conditions and contain such covenants, representatives, warranties, and requirements (including requirements for audits) as the Secretary determines appropriate.

"(B) MAXIMUM AMOUNT.—

"(i) TOTAL AMOUNT.—The amount of any line of credit shall not exceed 50 percent of the purchase price (including the value of any manufacturer credits, post-purchase options, or other discounts) of the aircraft, including spare parts.

"(ii) 1-YEAR DRAWS.—The amount drawn in any year shall not exceed 20 percent of the total amount of the line of credit.

"(C) DRAWS.—Any draw on the line of credit shall represent a direct loan.

"(D) PERIOD OF AVAILABILITY.—The line of credit shall be available not more than 5 years after the aircraft purchase date.

"(E) RIGHTS OF THIRD-PARTY CREDITORS.—

"(i) AGAINST UNITED STATES GOVERNMENT.—A third-party creditor of the obligor shall not have any right against the United States Government with respect to any draw on the line of credit.

"(ii) ASSIGNMENT.—An obligor may assign the line of credit to one or more lenders or to a trustee on the lender's behalf.

"(F) SUBORDINATION.—A direct loan under this subsection may be subordinate to claims of other holders of obligations in the event of bankruptcy, insolvency, or liquidation of the obligor as determined appropriate by the Secretary.

"(G) FEES.—The Secretary, subject to appropriations, may establish fees at a level sufficient to cover all of a portion of the administrative costs to the United States Government of providing a line of credit under this subsection. The proceeds of such fees shall be deposited in an account to be used by the Secretary for the purpose of administering the program established under this subchapter and shall be available upon deposit until expended.

"(3) REPAYMENT.—

"(A) SCHEDULE.—The Secretary shall establish a repayment schedule for each direct loan under this subsection.

"(B) COMMENCEMENT.—Scheduled loan repayments of principal or interest on a direct loan under this subsection shall commence no later than 3 years after the date of the first draw on the line of credit and shall be repaid, with interest, not later than 18 years after the date of the first draw.

"(e) RISK ASSESSMENT.—Before entering into an agreement under this section to make available a Federal credit instrument, the Secretary, in consultation with the Director of the Office of Management and Budget, shall determine an appropriate capital reserve subsidy amount for the Federal credit instrument based on such credit evaluations as the Secretary deems necessary.

"(f) CONDITIONS.—Subject to subsection (h), the Secretary may only make a Federal credit instrument available under this section if the Secretary finds that—

"(1) the aircraft to be purchased with the Federal credit instrument is a regional jet aircraft needed to improve the service and efficiency of operation of a commuter air carrier or new entrant air carrier;

"(2) the commuter air carrier or new entrant air carrier enters into a legally binding agreement that requires the carrier to use the aircraft to provide service to underserved markets; and

"(3) the prospective earning power of the commuter air carrier or new entrant air carrier, together with the character and value of the security pledged, including the collateral value of the aircraft being acquired and any other assets or pledges used to secure the Federal credit instrument, furnish—

"(A) reasonable assurances of the air carrier's ability and intention to repay the Federal credit instrument within the terms established by the Secretary—

"(i) to continue its operations as an air carrier; and

"(ii) to the extent that the Secretary determines to be necessary, to continue its operations as an air carrier between the same route or routes being operated by the air carrier at the time of the issuance of the Federal credit instrument; and

"(B) reasonable protection to the United States.

"(g) LIMITATION ON COMBINED AMOUNT OF FEDERAL CREDIT INSTRUMENTS.—The Secretary shall not allow the combined amount of Federal credit instruments available for any aircraft purchase under this section to exceed—

"(1) 50 percent of the cost of the aircraft purchase; or

"(2) $100,000,000 for any single obligor.

"(h) REQUIREMENT.—Subject to subsection (i), no Federal credit instrument may be made under this section for the purchase of any regional jet aircraft that does not comply with the stage 3 noise levels of part 36 of title 14 of the Code of Federal Regulations, as in effect on January 1, 1999.

"(i) OTHER LIMITATIONS.—No Federal credit instrument shall be made by the Secretary under this section for the purchase of a regional jet aircraft unless the commuter air carrier or new entrant air carrier enters into a legally binding agreement that requires the carrier to provide scheduled passenger air transportation to the underserved market for which the aircraft is purchased for a period of not less than 36 consecutive months after the date that aircraft is placed in service.

"§41764. Use of Federal facilities and assistance

"(a) USE OF FEDERAL FACILITIES.—To permit the Secretary of Transportation to make use of such expert advice and services as the Secretary may require in carrying out this subchapter, the Secretary may use available services and facilities of other agencies and instrumentalities of the United States Government—

"(1) with the consent of the appropriate Federal officials; and

"(2) on a reimbursable basis.

"(b) ASSISTANCE.—The head of each appropriate department or agency of the United States Government shall exercise the duties and powers of that head in such manner as to assist in carrying out the policy specified in section 41761.

"(c) OVERSIGHT.—The Secretary shall make available to the Comptroller General of the United States such information with respect to any Federal credit instrument made under this subchapter as the Comptroller General may require to carry out the duties of the Comptroller General under chapter 7 of title 31, United States Code.

"§41765. Administrative expenses

"In carrying out this subchapter, the Secretary shall use funds made available by appropriations to the Department of Transportation for the purpose of administration, in addition to the proceeds of any fees collected under this subchapter, to cover administrative expenses of the Federal credit instrument program under this subchapter.

"§41766. Funding.

"Of the amounts appropriated under section 106(k) for each of fiscal years 2001 through 2003, such sums as may be necessary may be used to carry out this subchapter, including administrative expenses.

"§41767. Termination

"(a) AUTHORITY TO ISSUE FEDERAL CREDIT INSTRUMENTS.—The authority of the Secretary of Transportation to issue Federal credit instruments under section 41763 shall terminate on the date that is 5 years after the date of the enactment of this subchapter.

"(b) CONTINUATION OF AUTHORITY TO ADMINISTER PROGRAM FOR EXISTING FEDERAL CREDIT INSTRUMENTS.—On and after the termination date, the Secretary shall continue to administer the program established under this subchapter for Federal credit instruments issued under this subchapter before the termination date until all obligations associated with such instruments have been satisfied.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 417 is amended by adding at the end the following:

"SUBCHAPTER III—REGIONAL AIR SERVICE INCENTIVE PROGRAM

"Sec.
"41761. Purpose.
"41762. Definitions.
"41763. Federal credit instruments.
"41764. Use of Federal facilities and assistance.
"41765. Administrative expenses.
"41766. Funding.
"41767. Termination.".

Subtitle B—Airline Customer Service

SEC. 221. CONSUMER NOTIFICATION OF E-TICKET EXPIRATION DATES.

Section 41712 is amended—

(1) by inserting "(a) IN GENERAL.—" before "On"; and

(2) by adding at the end the following:

"(b) E-TICKET EXPIRATION NOTICE.—It shall be an unfair or deceptive practice under subsection (a) for any air carrier, foreign air carrier, or ticket agent utilizing electronically transmitted tickets for air transportation to fail to notify the purchaser of such a ticket of its expiration date, if any.".

SEC. 222. INCREASED PENALTY FOR VIOLATION OF AVIATION CONSUMER PROTECTION LAWS.

(a) IN GENERAL.—Section 46301(a) is amended by adding at the end the following:

"(7) CONSUMER PROTECTION.—Notwithstanding paragraphs (1) and (4), the maximum civil penalty for violating section 40127 or 41712 (including a regulation prescribed or order issued under such section) or any other regulation prescribed by the Secretary that is intended to afford consumer protection to commercial air transportation passengers, shall be $2,500 for each violation.''.

(b) TECHNICAL AMENDMENT.—Paragraph (6) of section 46301(a) is amended—

(1) by inserting ''AIR SERVICE TERMINATION NOTICE.—'' before ''Notwithstanding''; and

(2) by aligning the left margin of such paragraph with paragraph (5) of such section.

SEC. 223. FUNDING OF ENFORCEMENT OF AIRLINE CONSUMER PROTECTIONS.

There are authorized to be appropriated to the Secretary for the purpose of ensuring compliance with, and enforcing, the rights of air travelers under sections 40127, 41705, and 41712 of title 49, United States Code—

(1) $2,300,000 for fiscal year 2000;

(2) $2,415,000 for fiscal year 2001;

(3) $2,535,750 for fiscal year 2002; and

(4) $2,662,500 for fiscal year 2003.

SEC. 224. AIRLINE CUSTOMER SERVICE REPORTS.

(a) SECRETARY TO REPORT PLANS RECEIVED.—Not later than September 15, 1999, each air carrier that provides scheduled passenger air transportation and that is a member of the Air Transport Association, all of which have entered into the voluntary customer service commitments established by the Association on June 17, 1999 (in this section referred to as the ''Airline Customer Service Commitment''), shall provide a copy of its individual customer service plan to the Secretary. Upon receipt of each individual plan, the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives notice of receipt of the plan, together with a copy of the plan.

(b) IMPLEMENTATION.—The Inspector General of the Department of Transportation shall monitor the implementation of any plan submitted by an air carrier to the Secretary under subsection (a) and evaluate the extent to which the carrier has met its commitments under its plan. The carrier shall provide such information to the Inspector General as may be necessary for the Inspector General to prepare the report required by subsection (c).

(c) REPORTS TO CONGRESS.—

(1) INTERIM REPORT.—

(A) IN GENERAL.—Not later than June 15, 2000, the Inspector General shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing the Inspector General's findings under subsection (b).

(B) CONTENTS.—The report shall include a status report on completion, publication, and implementation of the Airline Customer Service Commitment and the individual air carrier's plans to carry it out. The report shall also include a review of whether each air carrier described in subsection (a) has modified its contract of carriage or conditions of contract to reflect each item of the Airline Customer Service Commitment.

(2) FINAL REPORT; RECOMMENDATIONS.—

(A) IN GENERAL.—Not later than December 31, 2000, the Inspector General shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a final report on the effectiveness of the Airline Customer Service Commitment and the individual air carrier plans to carry it out, including recommendations for improving accountability, enforcement, and consumer protections afforded to commercial air passengers.

(B) SPECIFIC CONTENT.—In the final report under subparagraph (A), the Inspector General shall include the following:

(i) An evaluation of each carrier's plan as to whether it is consistent with the voluntary commitments established by the Air Transport Association in the Airline Customer Service Commitment.

(ii) An evaluation of each carrier as to the extent to which, and the manner in which, it has performed in carrying out its plan.

(iii) A description, by air carrier, of how the air carrier has implemented each commitment covered by its plan.

(iv) An analysis, by air carrier, of the methods of meeting each such commitment and, in such analysis, provide information that allows consumers to make decisions on the quality of air transportation provided by such carriers.

(v) A comparison of each air carrier's plan and the implementation of that plan with the customer service provided by a representative sampling of other air carriers providing scheduled passenger air transportation with aircraft similar in size to the aircraft used by the carrier that submitted a plan so as to allow consumers to make decisions as to the relative quality of air transportation provided by each group of carriers. In making this comparison, the Inspector General shall give due regard to the differences in the fares charged and the size of the air carriers being compared.

SEC. 225. INCREASED FINANCIAL RESPONSIBILITY FOR LOST BAGGAGE.

Not later than 30 days after the date of enactment of this Act, the Secretary shall initiate a rulemaking to increase the domestic baggage liability limit in part 254 of title 14, Code of Federal Regulations.

SEC. 226. COMPTROLLER GENERAL INVESTIGATION.

(a) STUDY.—The Comptroller General shall conduct a study on the potential effects on aviation consumers, including the impact on fares and service to small communities, of a requirement that air carriers permit a ticketed passenger to use any portion of a multiple-stop or round-trip air fare for transportation independent of any other portion without penalty.

(b) REPORT.—Not later than June 15, 2000, the Comptroller General shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the study.

SEC. 227. AIRLINE SERVICE QUALITY PERFORMANCE REPORTS.

(a) MODIFICATION OF REPORTS.—In consultation with the task force to be established under subsection (b), the Secretary shall modify the regulations in part 234 of title 14, Code of Federal Regulations, relating to airline service quality performance reports, to disclose more fully to the public the nature and source of delays and cancellations experienced by air travelers.

(b) TASK FORCE.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish a task force including officials of the Federal Aviation Administration and representatives of airline consumers and air carriers to develop alternatives and criteria for the modifications to be made under subsection (a).

(c) USE OF CATEGORIES.—In making modifications under subsection (a), the Secretary shall—

(1) establish categories that reflect the reasons for delays and cancellations experienced by air travelers;

(2) require air carriers to use such categories in submitting information to be included in airline service quality performance reports; and

(3) use such categories in reports of the Department of Transportation on information received in airline service quality performance reports.

SEC. 228. NATIONAL COMMISSION TO ENSURE CONSUMER INFORMATION AND CHOICE IN THE AIRLINE INDUSTRY.

(a) ESTABLISHMENT.—There is established a commission to be known as the ''National Commission to Ensure Consumer Information and Choice in the Airline Industry'' (in this section referred to as the ''Commission'').

(b) DUTIES.—

(1) STUDY.—The Commission shall undertake a study of—

(A) whether the financial condition of travel agents is declining and, if so, the effect that this will have on consumers; and

(B) whether there are impediments to information regarding the services and products offered by the airline industry and, if so, the effects of those impediments on travel agents, Internet-based distributors, and consumers.

(2) SMALL TRAVEL AGENTS.—In conducting the study, the Commission shall pay special attention to the condition of travel agencies with $1,000,000 or less in annual revenues.

(c) RECOMMENDATIONS.—Based on the results of the study under subsection (b), the Commission shall make such recommendations as it considers necessary to improve the condition of travel agents, especially travel agents described in subsection (b)(2), and to improve consumer access to travel information.

(d) MEMBERSHIP.—

(1) APPOINTMENT.—The Commission shall be composed of 9 members as follows:

(A) 3 members appointed by the Secretary.

(B) 2 members appointed by the Speaker of the House of Representatives.

(C) 1 member appointed by the minority leader of the House of Representatives.

(D) 2 members appointed by the majority leader of the Senate.

(E) 1 member appointed by the minority leader of the Senate.

(2) QUALIFICATIONS.—Of the members appointed by the Secretary under paragraph (1)(A)—

(A) 1 member shall be a representative of the travel agent industry;

(B) 1 member shall be a representative of the airline industry; and

(C) 1 member shall be an individual who is not a representative of either of the industries referred to in subparagraphs (A) and (B).

(3) TERMS.—Members shall be appointed for the life of the Commission.

(4) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(5) TRAVEL EXPENSES.—Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(6) CHAIRPERSON.—The member appointed by the Secretary of Transportation under paragraph (2)(C) shall serve as the Chairperson of the Commission (referred to in this section as the ''Chairperson'').

(e) COMMISSION PANELS.—The Chairperson shall establish such panels consisting of members of the Commission as the Chairperson determines appropriate to carry out the functions of the Commission.

(f) STAFF.—The Commission may appoint and fix the pay of such personnel as it considers appropriate.

(g) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, the head of any department or agency of the United States may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this section.

(h) OTHER STAFF AND SUPPORT.—Upon the request of the Commission, or a panel of the Commission, the Secretary of Transportation shall *provide the Commission or panel with professional and administrative staff and other support, on a reimbursable basis, to assist the Commission or panel in carrying out its responsibilities.*

(i) Obtaining Official Data.—The Commission may secure directly from any department or agency of the United States information (other than information required by any statute of the United States to be kept confidential by such department or agency) necessary for the Commission to carry out its duties under this section. Upon request of the Commission, the head of that department or agency shall furnish such nonconfidential information to the Commission.

(j) Report.—Not later than 6 months after the date on which initial appointments of members to the Commission are completed, the Commission shall transmit to the President and Congress a report on the activities of the Commission, including recommendations made by the Commission under subsection (c).

(k) Termination.—The Commission shall terminate on the 30th day following the date of transmittal of the report under subsection (j).

(l) Applicability of the Federal Advisory Committee Act.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

Subtitle C—Competition

SEC. 231. CHANGES IN, AND PHASE-OUT OF, SLOT RULES.

(a) Rules That Apply to All Slot Exemption Requests.—

(1) Prompt consideration of requests.—Section 41714(i) is amended to read as follows:

"(i) 60-Day Application Process.—

"(1) Request for slot exemptions.—Any slot exemption request filed with the Secretary under this section or section 41716 or 41717 (other than subsection (c)) shall include—

"(A) the names of the airports to be served;

"(B) the times requested; and

"(C) such additional information as the Secretary may require.

"(2) Action on request; failure to act.—Within 60 days after a slot exemption request under this section or section 41716 or 41717 (other than subsection (c)) is received by the Secretary, the Secretary shall—

"(A) approve the request if the Secretary determines that the requirements of the section under which the request is made are met;

"(B) return the request to the applicant for additional information relating to the request to provide air transportation; or

"(C) deny the request and state the reasons for its denial.

"(3) 60-day period tolled for timely request for more information.—If the Secretary returns under paragraph (2)(B) the request for additional information during the first 20 days after the request is filed, then the 60-day period under paragraph (2) shall be tolled until the date on which the additional information is filed with the Secretary.

"(4) Failure to determine deemed approval.—If the Secretary neither approves the request under paragraph (2)(A) nor denies the request under paragraph (2)(C) within the 60-day period beginning on the date the request is received, excepting any days during which the 60-day period is tolled under paragraph (3), then the request is deemed to have been approved on the 61st day, after the request was filed with the Secretary.".

(2) Exemptions may not be transferred.—Section 41714 is further amended by adding at the end the following:

"(j) Exemptions May Not Be Transferred.—No exemption from the requirements of subparts K and S of part 93 of title 14, Code of Federal Regulations, granted under this section or section 41716, 41717, or 41718 may be bought, sold, leased, or otherwise transferred by the carrier to which it is granted.".

(3) Equal treatment of affiliated carriers.—Section 41714 (as amended by paragraph (2) of this subsection) is further amended by adding at the end the following:

"(k) Affiliated Carriers.—For purposes of this section and sections 41716, 41717, and 41718, an air carrier that operates under the same designator code, or has or enters into a code-share agreement, with any other air carrier shall not qualify for a new slot or slot exemption as a new entrant or limited incumbent air carrier at an airport if the total number of slots and slot exemptions held by the 2 carriers at the airport exceed 20 slots and slot exemptions.".

(4) New entrant slots.—Section 41714(c) is amended—

(A) by striking the subsection designation and heading and "(1) In general.—If the Secretary" and inserting the following:

"(c) Slots for New Entrants.—If the Secretary";

(B) by striking "and the circumstances to be exceptional"; and

(C) by striking paragraph (2).

(5) Definitions.—Section 41714(h) is amended—

(A) by striking "and section 41734(h)" and inserting "and sections 41715–41718 and 41734(h)";

(B) in paragraph (3) by striking "as defined" and all that follows through "Federal Regulations"; and

(C) by adding at the end the following:

"(5) Limited incumbent air carrier.—The term 'limited incumbent air carrier' has the meaning given that term in subpart S of part 93 of title 14, Code of Federal Regulations; except that—

"(A) '20' shall be substituted for '12' in sections 93.213(a)(5), 93.223(c)(3), and 93.225(h);

"(B) for purposes of such sections, the term 'slot' shall include 'slot exemptions'; and

"(C) for Ronald Reagan Washington National Airport, the Administrator shall not count, for the purposes of section 93.213(a)(5), slots currently held by an air carrier but leased out on a long-term basis by that carrier for use in foreign air transportation and renounced by the carrier for return to the Department of Transportation or the Federal Aviation Administration.

"(6) Regional jet.—The term 'regional jet' means a passenger, turbofan-powered aircraft with a certificated maximum passenger seating capacity of less than 71.

"(7) Nonhub airport.—The term 'nonhub airport' means an airport that had less than .05 percent of the total annual boardings in the United States as determined under the Federal Aviation Administration's Primary Airport Enplanement Activity Summary for Calendar Year 1997.

"(8) Small hub airport.—The term 'small hub airport' means an airport that had at least .05 percent, but less than .25 percent, of the total annual boardings in the United States as determined under the summary referred to in paragraph (7).

"(9) Medium hub airport.—The term 'medium hub airport' means an airport that each year has at least .25 percent, but less than 1.0 percent, of the total annual boardings in the United States as determined under the summary referred to in paragraph (7).".

(b) Phase-out of Slot Rules.—Chapter 417 is amended—

(1) by redesignating sections 41715 and 41716 as sections 41719 and 41720; and

(2) by inserting after section 41714 the following:

"§41715. Phase-out of slot rules at certain airports

"(a) Termination.—The rules contained in subparts S and K of part 93, title 14, Code of Federal Regulations, shall not apply—

"(1) after July 1, 2002, at Chicago O'Hare International Airport; and

"(2) after January 1, 2007, at LaGuardia Airport or John F. Kennedy International Airport.

"(b) Statutory Construction.—Nothing in this section and sections 41714 and 41716–41718 shall be construed—

"(1) as affecting the Federal Aviation Administration's authority for safety and the movement of air traffic; and

"(2) as affecting any other authority of the Secretary to grant exemptions under section 41714.

"(c) Factors To Consider.—

"(1) In general.—Before the award of slot exemptions under sections 41714 and 41716–41718, the Secretary of Transportation may consider, among other determining factors, whether the petitioning air carrier's proposal provides the maximum benefit to the United States economy, including the number of United States jobs created by the air carrier, its suppliers, and related activities. The Secretary should give equal consideration to the consumer benefits associated with the award of such exemptions.

"(2) Applicability.—Paragraph (1) does not apply in any case in which the air carrier requesting the slot exemption is proposing to use under the exemption a type of aircraft for which there is not a competing United States manufacturer.".

(c) Special Rules Affecting LaGuardia Airport and John F. Kennedy International Airport.—Chapter 417 (as amended by subsection (b) of this section) is amended by inserting after section 41715 the following:

"§41716. Interim slot rules at New York airports

"(a) Exemptions for Air Service to Small and Nonhub Airports.—Subject to section 41714(i), the Secretary of Transportation shall grant, by order, exemptions from the requirements under subparts K and S of part 93 of title 14, Code of Federal Regulations (pertaining to slots at high density airports) to any air carrier to provide nonstop air transportation, using an aircraft with a certificated maximum seating capacity of less than 71, between LaGuardia Airport or John F. Kennedy International Airport and a small hub airport or nonhub airport—

"(1) if the air carrier was not providing such air transportation during the week of November 1, 1999;

"(2) if the number of flights to be provided between such airports by the air carrier during any week will exceed the number of flights provided by the air carrier between such airports during the week of November 1, 1999; or

"(3) if the air transportation to be provided under the exemption will be provided with a regional jet as replacement of turboprop air transportation that was being provided during the week of November 1, 1999.

"(b) Exemptions for New Entrant and Limited Incumbent Air Carriers.—Subject to section 41714(i), the Secretary shall grant, by order, exemptions from the requirements under subparts K and S of part 93 of title 14, Code of Federal Regulations (pertaining to slots at high density airports), to any new entrant air carrier or limited incumbent air carrier to provide air transportation to or from LaGuardia Airport or John F. Kennedy International Airport if the number of slot exemptions granted under this subsection to such air carrier with respect to such airport when added to the slots and slot exemptions held by such air carrier with respect to such airport does not exceed 20.

"(c) Stage 3 Aircraft Required.—An exemption may not be granted under this section with respect to any aircraft that is not a Stage 3 aircraft (as defined by the Secretary).

"(d) Preservation of Certain Existing Slot-Related Air Service.—An air carrier

that provides air transportation of passengers from LaGuardia Airport or John F. Kennedy International Airport to a small hub airport or nonhub airport, or to an airport that is smaller than a nonhub airport, on or before the date of enactment of this subsection pursuant to an exemption from the requirements of subparts K and S of part 93 of title 14, Code of Federal Regulations (pertaining to slots at high density airports), or where slots were issued to an air carrier conditioned on a specific airport being served, may not terminate air transportation for that route before July 1, 2003, unless—

"(1) before October 1, 1999, the Secretary received a written air service termination notice for that route; or

"(2) after September 30, 1999, the air carrier submits an air service termination notice under section 41719 for that route and the Secretary determines that the carrier suffered excessive losses, including substantial losses on operations on that route during any 3 quarters of the year immediately preceding the date of submission of the notice.".

(d) SPECIAL RULES AFFECTING CHICAGO O'HARE INTERNATIONAL AIRPORT.—

(1) NONSTOP REGIONAL JET, NEW ENTRANTS, AND LIMITED INCUMBENTS.—Chapter 417 (as amended by subsection (c) of this section) is further amended by inserting after section 41716 the following:

"§41717. Interim application of slot rules at Chicago O'Hare International Airport

"(a) SLOT OPERATING WINDOW NARROWED.—Effective July 1, 2001, the requirements of subparts K and S of part 93 of title 14, Code of Federal Regulations, do not apply with respect to aircraft operating before 2:45 post meridiem and after 8:14 post meridiem at Chicago O'Hare International Airport.

"(b) EXEMPTIONS FOR AIR SERVICE TO SMALL AND NONHUB AIRPORTS.—Effective May 1, 2000, subject to section 41714(i), the Secretary of Transportation shall grant, by order, exemptions from the requirements of subparts K and S of part 93 of title 14, Code of Federal Regulations (pertaining to slots at high density airports), to any air carrier to provide nonstop air transportation, using an aircraft with a certificated maximum seating capacity of less than 71, between Chicago O'Hare International Airport and a small hub or nonhub airport—

"(1) if the air carrier was not providing such air transportation during the week of November 1, 1999;

"(2) if the number of flights to be provided between such airports by the air carrier during any week will exceed the number of flights provided by the air carrier between such airports during the week of November 1, 1999; or

"(3) if the air transportation to be provided under the exemption will be provided with a regional jet as replacement of turboprop air transportation that was being provided during the week of November 1, 1999.

"(c) EXEMPTIONS FOR NEW ENTRANT AND LIMITED INCUMBENT AIR CARRIERS.—

"(1) IN GENERAL.—The Secretary shall grant, by order, 30 exemptions from the requirements under subparts K and S of part 93 of title 14, Code of Federal Regulations, to any new entrant air carrier or limited incumbent air carrier to provide air transportation to or from Chicago O'Hare International Airport.

"(2) DEADLINE FOR GRANTING EXEMPTIONS.—The Secretary shall grant an exemption under paragraph (1) within 45 days of the date of the request for such exemption if the person making the request qualifies as a new entrant air carrier or limited incumbent air carrier.

"(d) SLOTS USED TO PROVIDE TURBOPROP SERVICE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), a slot used to provide turboprop air transportation that is replaced with regional jet air transportation under subsection (b)(3) may not be used, sold, leased, or otherwise transferred after the date the slot exemption is granted to replace the turboprop air transportation.

"(2) TWO-FOR-ONE EXCEPTION.—An air carrier that otherwise could not use 2 slots as a result of paragraph (1) may use 1 of such slots to provide air transportation.

"(3) WITHDRAWAL OF SLOT.—If the Secretary determines that an air carrier that is using a slot under paragraph (2) is no longer providing the air transportation that replaced the turboprop air transportation, the Secretary shall withdraw the slot that is being used under paragraph (2).

"(4) CONTINUATION.—If the Secretary determines that an air carrier that is using a slot under paragraph (2) is no longer providing the air transportation that replaced the turboprop air transportation with a regional jet, the Secretary shall withdraw the slot being used by the air carrier under paragraph (2) but shall allow the air carrier to continue to hold the exemption granted to the air carrier under subsection (b)(3).

"(e) INTERNATIONAL SERVICE AT O'HARE AIRPORT.—

"(1) TERMINATION OF REQUIREMENTS.—Subject to paragraph (2), the requirements of subparts K and S of part 93 of title 14, Code of Federal Regulations, shall be of no force and effect at Chicago O'Hare International Airport after May 1, 2000, with respect to any aircraft providing foreign air transportation.

"(2) EXCEPTION RELATING TO RECIPROCITY.—The Secretary may limit access to Chicago O'Hare International Airport with respect to foreign air transportation being provided by a foreign air carrier domiciled in a country to which an air carrier provides nonstop air transportation from the United States if the country in which that carrier is domiciled does not provide reciprocal airport access for air carriers.

"(f) STAGE 3 AIRCRAFT REQUIRED.—An exemption may not be granted under this section with respect to any aircraft that is not a Stage 3 aircraft (as defined by the Secretary).

"(g) PRESERVATION OF CERTAIN EXISTING SLOT-RELATED AIR SERVICE.—An air carrier that provides air transportation of passengers from Chicago O'Hare International Airport to a small hub airport or nonhub airport, or to an airport that is smaller than a nonhub airport, on or before the date of enactment of this subsection pursuant to an exemption from the requirements of subparts K and S of part 93 of title 14, Code of Federal Regulations (pertaining to slots at high density airports), or where slots were issued to an air carrier conditioned on a specific airport being served, may not terminate air transportation service for that route for a period of 1 year after the date on which those requirements cease to apply to such airport unless—

"(1) before October 1, 1999, the Secretary received a written air service termination notice for that route; or

"(2) after September 30, 1999, the air carrier submits an air service termination notice under section 41719 for that route and the Secretary determines that the carrier suffered excessive losses, including substantial losses on operations on that route during the calendar quarters immediately preceding submission of the notice.".

(2) ELIMINATION OF BASIC ESSENTIAL AIR SERVICE EXEMPTION LIMIT.—Section 41714(a)(3) is amended by striking "; except that" and all that follows through "132 slots".

(3) PROHIBITION OF SLOT WITHDRAWALS.—Section 41714(b)(2) is amended—

(A) by inserting "at Chicago O'Hare International Airport" after "a slot"; and

(B) by striking "if the withdrawal" and all that follows through "1993".

(4) CONVERSIONS.—Section 41714(b)(4) is amended to read as follows:

"(4) CONVERSIONS OF SLOTS.—Effective May 1, 2000, slots at Chicago O'Hare International Airport allocated to an air carrier as of November 1, 1999, to provide foreign air transportation shall be made available to such carrier to provide interstate or intrastate air transportation.".

(5) RETURN OF WITHDRAWN SLOTS.—The Secretary shall return any slot withdrawn from an air carrier under section 41714(b) of title 49, United States Code, before the date of enactment of this Act, to that carrier on April 30, 2000.

(e) SPECIAL RULES AFFECTING REAGAN WASHINGTON NATIONAL AIRPORT.—

(1) IN GENERAL.—Chapter 417 (as amended by subsection (d) of this section) is further amended by inserting after section 41717 the following:

"§41718. Special rules for Ronald Reagan Washington National Airport

"(a) BEYOND-PERIMETER EXEMPTIONS.—The Secretary shall grant, by order, 12 exemptions from the application of sections 49104(a)(5), 49109, 49111(e), and 41714 of this title to air carriers to operate limited frequencies and aircraft on select routes between Ronald Reagan Washington National Airport and domestic hub airports and exemptions from the requirements of subparts K and S of part 93, Code of Federal Regulations, if the Secretary finds that the exemptions will—

"(1) provide air transportation with domestic network benefits in areas beyond the perimeter described in that section;

"(2) increase competition by new entrant air carriers or in multiple markets;

"(3) not reduce travel options for communities served by small hub airports and medium hub airports within the perimeter described in section 49109; and

"(4) not result in meaningfully increased travel delays.

"(b) WITHIN-PERIMETER EXEMPTIONS.—The Secretary shall grant, by order, 12 exemptions from the requirements of sections 49104(a)(5), 49111(e), and 41714 of this title and subparts K and S of part 93 of title 14, Code of Federal Regulations, to air carriers for providing air transportation to airports that were designated as medium hub or smaller airports within the perimeter established for civil aircraft operations at Ronald Reagan Washington National Airport under section 49109. The Secretary shall develop criteria for distributing slot exemptions for flights within the perimeter to such airports under this paragraph in a manner that promotes air transportation—

"(1) by new entrant air carriers and limited incumbent air carriers;

"(2) to communities without existing nonstop air transportation to Ronald Reagan Washington National Airport;

"(3) to small communities;

"(4) that will provide competitive nonstop air transportation on a monopoly nonstop route to Ronald Reagan Washington National Airport; or

"(5) that will produce the maximum competitive benefits, including low fares.

"(c) LIMITATIONS.—

"(1) STAGE 3 AIRCRAFT REQUIRED.—An exemption may not be granted under this section with respect to any aircraft that is not a Stage 3 aircraft (as defined by the Secretary).

"(2) GENERAL EXEMPTIONS.—The exemptions granted under subsections (a) and (b) may not be for operations between the hours of 10:00 p.m. and 7:00 a.m. and may not increase the number of operations at Ronald Reagan Washington National Airport in any 1-hour period during the hours between 7:00 a.m. and 9:59 p.m. by more than 2 operations.

"(3) ALLOCATION OF WITHIN-PERIMETER EXEMPTIONS.—Of the exemptions granted under subsection (b)—

"(A) 4 shall be for air transportation to small hub airports and nonhub airports; and

"(B) 8 shall be for air transportation to medium hub and smaller airports.

"(4) APPLICABILITY TO EXEMPTION 5133.—Nothing in this section affects Exemption No. 5133, as from time-to-time amended and extended.

"(d) APPLICATION PROCESS.—

"(1) DEADLINE FOR SUBMISSION.—All requests for exemptions under this section must be submitted to the Secretary not later than the 30th day following the date of enactment of this subsection.

"(2) DEADLINE FOR COMMENTS.—All comments with respect to any request for an exemption under this section must be submitted to the Secretary not later than the 45th day following the date of enactment of this subsection.

"(3) DEADLINE FOR FINAL DECISION.—Not later than the 90th day following the date of enactment of this Act, the Secretary shall make a decision regarding whether to approve or deny any request that is submitted to the Secretary in accordance with paragraph (1).

"(e) APPLICABILITY OF CERTAIN LAWS.—Neither the request for, nor the granting of an exemption, under this section shall be considered for purposes of any Federal law a major Federal action significantly affecting the quality of the human environment.".

(2) OVERRIDE OF MWAA RESTRICTION.—Section 49104(a)(5) is amended by adding at the end thereof the following:

"(D) Subparagraph (C) does not apply to any increase in the number of instrument flight rule takeoffs and landings necessary to implement exemptions granted by the Secretary under section 41718.".

(3) MWAA NOISE-RELATED GRANT ASSURANCES.—

(A) IN GENERAL.—In addition to any condition for approval of an airport development project that is the subject of a grant application submitted to the Secretary under chapter 471 of title 49, United States Code, by the Metropolitan Washington Airports Authority, the Authority shall be required to submit a written assurance that, for each such grant made for use at Ronald Reagan Washington National Airport for fiscal year 2000 or any subsequent fiscal year—

(i) the Authority will make available for that fiscal year funds for noise compatibility planning and programs that are eligible to receive funding under such chapter in an amount not less than 10 percent of the amount apportioned to the Ronald Reagan Washington National Airport under section 47114 of such title for that fiscal year; and

(ii) the Authority will not divert funds from a high priority safety project in order to make funds available for noise compatibility planning and programs.

(B) WAIVER.—The Secretary may waive the requirements of subparagraph (A) for any fiscal year for which the Secretary determines that the Authority is in compliance with applicable airport noise compatibility planning and program requirements under part 150 of title 14, Code of Federal Regulations.

(C) SUNSET.—This paragraph shall cease to be in effect 5 years after the date of enactment of this Act if on that date the Secretary certifies that the Authority has achieved compliance with applicable noise compatibility planning and program requirements under part 150 of title 14, Code of Federal Regulations.

(4) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall certify to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, the Governments of Maryland, Virginia, and West Virginia, and the metropolitan planning organization for Washington, DC, that noise standards, air traffic congestion, airport-related vehicular congestion, safety standards, and adequate air service to communities served by small hub airports and medium hub airports within the perimeter described in section 49109 of title 49, United States Code, have been maintained at appropriate levels.

(f) NOISE COMPATIBILITY PLANNING AND PROGRAMS.—Section 47117(e) is amended by adding at the end the following:

"(3) PRIORITY.—The Secretary shall give priority in making grants under paragraph (1)(A) to applications for airport noise compatibility planning and programs at and around—

"(A) Chicago O'Hare International Airport;

"(B) LaGuardia Airport;

"(C) John F. Kennedy International Airport; and

"(D) Ronald Reagan Washington National Airport.".

(g) STUDY OF COMMUNITY NOISE LEVELS AROUND HIGH DENSITY AIRPORTS.—The Secretary shall study community noise levels in the areas surrounding the 4 high-density airports in fiscal year 2001 and compare those levels with the levels in such areas before 1991.

(h) EXTENSION OF APPLICATION APPROVALS.—Section 49108 is amended by striking "2001" and inserting "2004".

(i) ELIMINATION OF DEADLINE FOR APPOINTMENT OF MEMBERS TO BOARD OF DIRECTORS.—Section 49106(c)(6) is amended by striking subparagraph (C) and by redesignating subparagraph (D) as subparagraph (C).

(j) CONFORMING AMENDMENTS.—

(1) OPERATION LIMITATIONS.—Section 49111 is amended by striking subsection (e).

(2) CHAPTER ANALYSIS.—The analysis for subchapter I of chapter 417 is amended—

(A) redesignating the items relating to sections 41715 and 41716 as items relating to sections 41719 and 41720, respectively; and

(B) by inserting after the item relating to section 41714 the following:

"41715. Phase-out of slot rules at certain airports.
"41716. Interim slot rules at New York airports.
"41717. Interim application of slot rules at Chicago O'Hare International Airport
"41718. Special Rules for Ronald Reagan Washington National Airport.".

TITLE III—FAA MANAGEMENT REFORM

SEC. 301. AIR TRAFFIC CONTROL SYSTEM DEFINED.

Section 40102(a) is amended by adding at the end the following:

"(42) 'air traffic control system' means the combination of elements used to safely and efficiently monitor, direct, control, and guide aircraft in the United States and United States-assigned airspace, including—

"(A) allocated electromagnetic spectrum and physical, real, personal, and intellectual property assets making up facilities, equipment, and systems employed to detect, track, and guide aircraft movement;

"(B) laws, regulations, orders, directives, agreements, and licenses;

"(C) published procedures that explain required actions, activities, and techniques used to ensure adequate aircraft separation; and

"(D) trained personnel with specific technical capabilities to satisfy the operational, engineering, management, and planning requirements for air traffic control.".

SEC. 302. AIR TRAFFIC CONTROL OVERSIGHT.

(a) AVIATION MANAGEMENT ADVISORY COUNCIL.—

(1) MEMBERSHIP.—Section 106(p)(2) is amended—

(A) by striking "and" at the end of subparagraph (B); and

(B) by striking subparagraph (C) and inserting the following:

"(C) 10 members representing aviation interests, appointed by—

"(i) in the case of initial appointments to the Council, the President by and with the advice and consent of the Senate; and

"(ii) in the case of subsequent appointments to the Council, the Secretary of Transportation;

"(D) 1 member appointed, from among individuals who are the leaders of their respective unions of air traffic control system employees, by—

"(i) in the case of initial appointments to the Council, the President by and with the advice and consent of the Senate; and

"(ii) in the case of subsequent appointments to the Council, the Secretary of Transportation; and

"(E) 5 members appointed by the Secretary after consultation with the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on ,Commerce, Science, and Transportation of the Senate.".

(2) QUALIFICATIONS.—Section 106(p)(3) is amended—

(A) by inserting "(A) NO FEDERAL OFFICER OR EMPLOYEE.—" before "No member";

(B) by inserting "or (2)(E)" after "paragraph (2)(C)";

(C) by adding at the end the following:

"(B) AIR TRAFFIC SERVICES SUBCOMMITTEE.—Members appointed under paragraph (2)(E) shall—

"(i) have a fiduciary responsibility to represent the public interest;

"(ii) be citizens of the United States; and

"(iii) be appointed without regard to political affiliation and solely on the basis of their professional experience and expertise in one or more of the following areas:

"(I) Management of large service organizations.

"(II) Customer service.

"(III) Management of large procurements.

"(IV) Information and communications technology.

"(V) Organizational development.

"(VI) Labor relations.

At least one of such members should have a background in managing large organizations successfully. In the aggregate, such members should collectively bring to bear expertise in all of the areas described in subclauses (I) through (VI).

"(C) PROHIBITIONS ON MEMBERS OF SUBCOMMITTEE.—No member appointed under paragraph (2)(E) may—

"(i) have a pecuniary interest in, or own stock in or bonds of, an aviation or aeronautical enterprise, except an interest in a diversified mutual fund or an interest that is exempt from the application of section 208 of title 18;

"(ii) engage in another business related to aviation or aeronautics; or

"(iii) be a member of any organization that engages, as a substantial part of its activities, in activities to influence aviation-related legislation."; and

(D) by indenting subparagraph (A) (as designated by subparagraph (A) of this paragraph) and aligning it with subparagraph (B) of such section (as added by subparagraph (C) of this paragraph).

(b) TERMS OF MEMBERS.—Section 106(p)(6) is amended—

(1) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (J), (K), and (L), respectively; and

(2) by striking subparagraph (A) and inserting the following:

"(A) TERMS OF MEMBERS APPOINTED UNDER PARAGRAPH (2)(C).—Members of the Council appointed under paragraph (2)(C) shall be appointed for a term of 3 years. Of the members first appointed by the President under paragraph (2)(C)—

"(i) 3 shall be appointed for terms of 1 year;

"(ii) 4 shall be appointed for terms of 2 years; and

"(iii) 3 shall be appointed for terms of 3 years.

"(B) TERM FOR AIR TRAFFIC CONTROL REPRESENTATIVE.—The member appointed under paragraph (2)(D) shall be appointed for a term of 3 years, except that the term of such individual shall end whenever the individual no longer meets the requirements of paragraph (2)(D).

"(C) TERMS FOR AIR TRAFFIC SERVICES SUBCOMMITTEE MEMBERS.—The member appointed under paragraph (2)(E) shall be appointed for a term of 5 years, except that of the members first appointed under paragraph (2)(E)—

"(i) 2 members shall be appointed for a term of 3 years;

"(ii) 2 members shall be appointed for a term of 4 years; and

"(iii) 1 member shall be appointed for a term of 5 years.

"(D) REAPPOINTMENT.—An individual may not be appointed under paragraph (2)(E) to more than 2 5-year terms.

"(E) VACANCY.—Any vacancy on the Council shall be filled in the same manner as the original appointment, except that any vacancy caused by a member appointed by the President under paragraph (2)(C)(i) shall be filled by the Secretary in accordance with paragraph (2)(C)(ii). Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of that term.

"(F) CONTINUATION IN OFFICE.—A member whose term expires shall continue to serve until the date on which the member's successor takes office.

"(G) REMOVAL.—Any member of the Council appointed under paragraph (2)(D) may be removed for cause by the President or Secretary whoever makes the appointment. Any member of the Council appointed under paragraph (2)(E) may be removed for cause by the Secretary.

"(H) CLAIMS AGAINST MEMBERS OF SUBCOMMITTEE.—

"(i) IN GENERAL.—A member appointed under paragraph (2)(E) shall have no personal liability under Federal law with respect to any claim arising out of or resulting from an act or omission by such member within the scope of service as a member of the Air Traffic Services Subcommittee.

"(ii) EFFECT ON OTHER LAW.—This subparagraph shall not be construed—

"(I) to affect any other immunity or protection that may be available to a member of the Subcommittee under applicable law with respect to such transactions;

"(II) to affect any other right or remedy against the United States under applicable law; or

"(III) to limit or alter in any way the immunities that are available under applicable law for Federal officers and employees.

"(I) ETHICAL CONSIDERATIONS.—

"(i) FINANCIAL DISCLOSURE.—During the entire period that an individual appointed under paragraph (2)(E) is a member of the Subcommittee, such individual shall be treated as serving as an officer or employee referred to in section 101(f) of the Ethics in Government Act of 1978 for purposes of title I of such Act; except that section 101(d) of such Act shall apply without regard to the number of days of service in the position.

"(ii) RESTRICTIONS ON POST-EMPLOYMENT.—For purposes of section 207(c) of title 18, an individual appointed under paragraph (2)(E) shall be treated as an employee referred to in section 207(c)(2)(A)(i) of such title during the entire period the individual is a member of the Subcommittee; except that subsections (c)(2)(B) and (f) of section 207 of such title shall not apply.".

(c) AIR TRAFFIC SERVICES SUBCOMMITTEE.—Section 106(p) is amended by adding at the end the following:

"(7) AIR TRAFFIC SERVICES SUBCOMMITTEE.—

"(A) IN GENERAL.—The Management Advisory Council shall have an air traffic services subcommittee (in this paragraph referred to as the 'Subcommittee') composed of the 5 members appointed under paragraph (2)(E).

"(B) GENERAL RESPONSIBILITIES.—

"(i) OVERSIGHT.—The Subcommittee shall oversee the administration, management, conduct, direction, and supervision of the air traffic control system.

"(ii) CONFIDENTIALITY.—The Subcommittee shall ensure that appropriate confidentiality is maintained in the exercise of its duties.

"(C) SPECIFIC RESPONSIBILITIES.—The Subcommittee shall have the following specific responsibilities:

"(i) STRATEGIC PLANS.—To review, approve, and monitor the strategic plan for the air traffic control system, including the establishment of—

"(I) a mission and objectives;

"(II) standards of performance relative to such mission and objectives, including safety, efficiency, and productivity; and

"(III) annual and long-range strategic plans.

"(ii) MODERNIZATION AND IMPROVEMENT.—To review and approve—

"(I) methods to accelerate air traffic control modernization and improvements in aviation safety related to air traffic control; and

"(II) procurements of air traffic control equipment in excess of $100,000,000.

"(iii) OPERATIONAL PLANS.—To review the operational functions of the air traffic control system, including—

"(I) plans for modernization of the air traffic control system;

"(II) plans for increasing productivity or implementing cost-saving measures; and

"(III) plans for training and education.

"(iv) MANAGEMENT.—To—

"(I) review and approve the Administrator's appointment of a Chief Operating Officer under section 106(r);

"(II) review the Administrator's selection, evaluation, and compensation of senior executives of the Administration who have program management responsibility over significant functions of the air traffic control system;

"(III) review and approve the Administrator's plans for any major reorganization of the Administration that would impact on the management of the air traffic control system;

"(IV) review and approve the Administrator's cost accounting and financial management structure and technologies to help ensure efficient and cost-effective air traffic control operation; and

"(V) review the performance and compensation of managers responsible for major acquisition projects, including the ability of the managers to meet schedule and budget targets.

"(v) BUDGET.—To—

"(I) review and approve the budget request of the Administration related to the air traffic control system prepared by the Administrator;

"(II) submit such budget request to the Secretary; and

"(III) ensure that the budget request supports the annual and long-range strategic plans.

The Secretary shall submit the budget request referred to in clause (v)(II) for any fiscal year to the President who shall transmit such request, without revision, to the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate, together with the President's annual budget request for the Federal Aviation Administration for such fiscal year.

"(D) SUBCOMMITTEE PERSONNEL MATTERS.—

"(i) COMPENSATION OF MEMBERS.—Each member of the Subcommittee shall be compensated at a rate of $25,000 per year.

"(ii) COMPENSATION OF CHAIRPERSON.—Notwithstanding clause (i), the chairperson of the Subcommittee shall be compensated at a rate of $40,000 per year.

"(iii) STAFF.—The chairperson of the Subcommittee may appoint and terminate any personnel that may be necessary to enable the Subcommittee to perform its duties.

"(iv) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The chairperson of the Subcommittee may procure temporary and intermittent services under section 3109(b) of title 5.

"(E) ADMINISTRATIVE MATTERS.—

"(i) TERM OF CHAIR.—The members of the Subcommittee shall elect for a 2-year term a chairperson from among the members of the Subcommittee.

"(ii) POWERS OF CHAIR.—Except as otherwise provided by a majority vote of the Subcommittee, the powers of the chairperson shall include—

"(I) establishing committees;

"(II) setting meeting places and times;

"(III) establishing meeting agendas; and

"(IV) developing rules for the conduct of business.

"(iii) MEETINGS.—The Subcommittee shall meet at least quarterly and at such other times as the chairperson determines appropriate.

"(iv) QUORUM.—Three members of the Subcommittee shall constitute a quorum. A majority of members present and voting shall be required for the Subcommittee to take action.

"(F) REPORTS.—

"(i) ANNUAL.—The Subcommittee shall each year report with respect to the conduct of its responsibilities under this title to the Administrator, the Council, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate.

"(ii) ADDITIONAL REPORT.—If a determination by the Subcommittee under subparagraph (B)(i) that the organization and operation of the air traffic control system are not allowing the Administration to carry out its mission, the Subcommittee shall report such determination to the Administrator, the Council, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate.

"(iii) ACTION OF ADMINISTRATOR ON REPORT.—Not later than 60 days after the date of a report of the Subcommittee under this subparagraph, the Administrator shall take action with respect to such report. If the Administrator overturns a recommendation of the Subcommittee, the Administrator shall report such action to the President, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate.

"(iv) COMPTROLLER GENERAL'S REPORT.—Not later than April 30, 2003, the Comptroller General of the United States shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the success of *the Subcommittee in improving the performance of the air traffic control system.*

"(8) AIR TRAFFIC CONTROL SYSTEM DEFINED.—In this section, the term 'air traffic control system' has the meaning such term has under section 40102(a).".

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date of enactment of this Act.

(2) INITIAL NOMINATIONS TO AIR TRAFFIC SERVICES SUBCOMMITTEE.—The Secretary shall make the initial appointments of the Air Traffic Services Subcommittee of the Aviation Management Advisory Council not later than 3 months after the date of enactment of this Act.

(3) EFFECT ON ACTIONS PRIOR TO APPOINTMENT OF SUBCOMMITTEE.—Nothing in this section shall be construed to invalidate the actions and authority of the Federal Aviation Administration prior to the appointment of the members of the Air Traffic Services Subcommittee.

SEC. 303. CHIEF OPERATING OFFICER.

Section 106 is amended by adding at the end the following:

"(r) CHIEF OPERATING OFFICER.—

"(1) IN GENERAL.—

"(A) APPOINTMENT.—There shall be a Chief Operating Officer for the air traffic control system to be appointed by the Administrator, with the approval of the Air Traffic Services Subcommittee of the Aviation Management Advisory Council. The Chief Operating Officer shall report directly to the Administrator and shall be subject to the authority of the Administrator.

"(B) QUALIFICATIONS.—The Chief Operating Officer shall have a demonstrated ability in management and knowledge of or experience in aviation.

"(C) TERM.—The Chief Operating Officer shall be appointed for a term of 5 years.

"(D) REMOVAL.—The Chief Operating Officer shall serve at the pleasure of the Administrator, except that the Administrator shall make every effort to ensure stability and continuity in the leadership of the air traffic control system.

"(E) VACANCY.—Any individual appointed to fill a vacancy in the position of Chief Operating Officer occurring before the expiration of the term for which the individual's predecessor was appointed shall be appointed for the remainder of that term.

"(2) COMPENSATION.—

"(A) IN GENERAL.—The Chief Operating Officer shall be paid at an annual rate of basic pay equal to the annual rate of basic pay of the Administrator. The Chief Operating Officer shall be subject to the post-employment provisions of section 207 of title 18 as if this position were described in section 207(c)(2)(A)(i) of that title.

"(B) BONUS.—In addition to the annual rate of basic pay authorized by subparagraph (A), the Chief Operating Officer may receive a bonus for any calendar year not to exceed 30 percent of the annual rate of basic pay, based upon the Administrator's evaluation of the Chief Operating Officer's performance in relation to the performance goals set forth in the performance agreement described paragraph (3).

"(3) ANNUAL PERFORMANCE AGREEMENT.—The Administrator and the Chief Operating Officer, in consultation with the Air Traffic Control Subcommittee of the Aviation Management Advisory Committee, shall enter into an annual performance agreement that sets forth measurable organization and individual goals for the Chief Operating Officer in key operational areas. The agreement shall be subject to review and renegotiation on an annual basis.

"(4) ANNUAL PERFORMANCE REPORT.—The Chief Operating Officer shall prepare and transmit to the Secretary of Transportation and Congress an annual management report containing such information as may be prescribed by the Secretary.

"(5) RESPONSIBILITIES.—The Administrator may delegate to the Chief Operating Officer, or any other authority within the Administration responsibilities, including the following:

"(A) STRATEGIC PLANS.—To develop a strategic plan of the Administration for the air traffic control system, including the establishment of—

"(i) a mission and objectives;

"(ii) standards of performance relative to such mission and objectives, including safety, efficiency, and productivity; and

"(iii) annual and long-range strategic plans.

"(iv) methods of the Administration to accelerate air traffic control modernization and improvements in aviation safety related to air traffic control.

"(B) OPERATIONS.—To review the operational functions of the Administration, including—

"(i) modernization of the air traffic control system;

"(ii) increasing productivity or implementing cost-saving measures; and

"(iii) training and education.

"(C) BUDGET.—To—

"(i) develop a budget request of the Administration related to the air traffic control system prepared by the Administrator;

"(ii) submit such budget request to the Administrator and the Secretary of Transportation; and

"(iii) ensure that the budget request supports the annual and long-range strategic plans developed under subparagraph (A) of this subsection.".

SEC. 304. PILOT PROGRAM TO PERMIT COST-SHARING OF AIR TRAFFIC MODERNIZATION PROJECTS.

(a) PURPOSE.—It is the purpose of this section to improve aviation safety and enhance mobility of the Nation's air transportation system by encouraging non-Federal investment on a pilot program basis in critical air traffic control facilities and equipment.

(b) IN GENERAL.—Subject to the requirements of this section, the Secretary shall carry out a pilot program under which the Secretary may make grants to project sponsors for not more than 10 eligible projects.

(c) FEDERAL SHARE.—The Federal share of the cost of an eligible project carried out under the program shall not exceed 33 percent. The non-Federal share of the cost of an eligible project shall be provided from non-Federal sources, including revenues collected pursuant to section 40117 of title 49, United States Code.

(d) LIMITATION ON GRANT AMOUNTS.—No eligible project may receive more than $15,000,000 under the program.

(e) FUNDING.—The Secretary shall use amounts appropriated under section 48101(a) of title 49, United States Code, for fiscal years 2001 through 2003 to carry out the program.

(f) DEFINITIONS.—In this section, the following definitions apply:

(1) ELIGIBLE PROJECT.—The term "eligible project" means a project relating to the Nation's air traffic control system that is certified or approved by the Administrator and that promotes safety, efficiency, or mobility. Such projects may include—

(A) airport-specific air traffic facilities and equipment, including local area augmentation systems, instrument landings systems, weather and wind shear detection equipment, lighting improvements, and control towers;

(B) automation tools to effect improvements in airport capacity, including passive final approach spacing tools and traffic management advisory equipment; and

(C) facilities and equipment that enhance airspace control procedures, including consolidation of terminal radar control facilities and equipment, or assist in en route surveillance, including oceanic and offshore flight tracking.

(2) PROJECT SPONSOR.—The term "project sponsor" means a public-use airport or a joint venture between a public-use airport and 1 or more air carriers.

(g) TRANSFERS OF EQUIPMENT.—Notwithstanding any other provision of law, project sponsors may transfer, without consideration, to the Federal Aviation Administration, facilities, equipment, and automation tools, the purchase of which was assisted by a grant made under this section. The Administration shall accept such facilities, equipment, and automation tools, which shall thereafter be operated and maintained by the Administration in accordance with criteria of the Administration.

(h) GUIDELINES.—Not later than 90 days after the date of enactment of this Act, the Administrator shall issue advisory guidelines on the implementation of the program.

SEC. 305. CLARIFICATION OF REGULATORY APPROVAL PROCESS.

Section 106(f)(3)(B)(i) is amended—

(1) by striking "$100,000,000" each place it appears and inserting "$250,000,000";

(2) by striking "Air Traffic Management System Performance Improvement Act of 1996" and inserting "Wendell H. Ford Aviation Investment and Reform Act for the 21st Century";

(3) in subclause (I)—

(A) by inserting "substantial and" before "material"; and

(B) by inserting "or" after the semicolon at the end; and

(4) by striking subclauses (II), (III), and (IV) and inserting the following:

"(II) raise novel or significant legal or policy issues arising out of legal mandates that may substantially and materially affect other transportation modes.".

SEC. 306. FAILURE TO MEET RULEMAKING DEADLINE.

Section 106(f)(3)(A) is amended by adding at the end the following: "On February 1 and August 1 of each year the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a letter listing each deadline the Administrator missed under this subparagraph during the 6-month period ending on such date, including an explanation for missing the deadline and a projected date on which the action that was subject to the deadline will be taken.".

SEC. 307. FAA PERSONNEL AND ACQUISITION MANAGEMENT SYSTEMS.

(a) PERSONNEL MANAGEMENT SYSTEM.—Section 40122 is amended by adding at the end the following:

"(g) PERSONNEL MANAGEMENT SYSTEM.—

"(1) IN GENERAL.—In consultation with the employees of the Administration and such nongovernmental experts in personnel management systems as he may employ, and notwithstanding the provisions of title 5 and other Federal personnel laws, the Administrator shall develop and implement, not later than January 1, 1996, a personnel management system for the Administration that addresses the unique demands on the agency's workforce. Such a new system shall, at a minimum, provide for greater flexibility in the hiring, training, compensation, and location of personnel.

"(2) APPLICABILITY OF TITLE 5.—The provisions of title 5 shall not apply to the new personnel management system developed and implemented pursuant to paragraph (1), with the exception of—

"(A) section 2302(b), relating to whistleblower protection, including the provisions for investigation and enforcement as provided in chapter 12 of title 5;

"(B) sections 3308–3320, relating to veterans' preference;

"(C) chapter 71, relating to labor-management relations;

"(D) section 7204, relating to antidiscrimination;

"(E) chapter 73, relating to suitability, security, and conduct;

"(F) chapter 81, relating to compensation for work injury;

"(G) chapters 83–85, 87, and 89, relating to retirement, unemployment compensation, and insurance coverage; and

"(H) sections 1204, 1211–1218, 1221, and 7701–7703, relating to the Merit Systems Protection Board.

"(3) APPEALS TO MERIT SYSTEMS PROTECTION BOARD.—Under the new personnel management system developed and implemented under paragraph (1), an employee of the Administration may submit an appeal to the Merit Systems Protection Board and may seek judicial review of any resulting final orders or decisions of the Board from any action that was appealable to the Board under any law, rule, or regulation as of March 31, 1996.

"(4) EFFECTIVE DATE.—This subsection shall take effect on April 1, 1996.".

(b) ACQUISITION MANAGEMENT SYSTEM.—Section 40110 is amended by adding at the end the following:

"(d) ACQUISITION MANAGEMENT SYSTEM.—

"(1) IN GENERAL.—In consultation with such non-governmental experts in acquisition management systems as the Administrator may employ, and notwithstanding provisions of Federal acquisition law, the Administrator shall develop and implement, not later than January 1, 1996, an acquisition management system for the Administration that addresses the unique needs of the agency and, at a minimum, provides for more timely and cost-effective acquisitions of equipment and materials.

"(2) APPLICABILITY OF FEDERAL ACQUISITION LAW.—The following provisions of Federal acquisition law shall not apply to the new acquisition management system developed and implemented pursuant to paragraph (1):

"(A) Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252–266).

"(B) The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.).

"(C) The Federal Acquisition Streamlining Act of 1994 (Public Law 103–355).

"(D) The Small Business Act (15 U.S.C. 631 et seq.), except that all reasonable opportunities to be awarded contracts shall be provided to small business concerns and small business concerns owned and controlled by socially and economically disadvantaged individuals.

"(E) The Competition in Contracting Act.

"(F) Subchapter V of chapter 35 of title 31, relating to the procurement protest system.

"(G) The Brooks Automatic Data Processing Act (40 U.S.C. 759).

"(H) The Federal Acquisition Regulation and any laws not listed in subparagraphs (A) through (G) providing authority to promulgate regulations in the Federal Acquisition Regulation.

"(3) CERTAIN PROVISIONS OF THE OFFICE OF FEDERAL PROCUREMENT POLICY ACT.—Notwithstanding paragraph (2)(B), section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423) shall apply to the new acquisition management system developed and implemented under paragraph (1) with the following modifications:

"(A) Subsections (f) and (g) shall not apply.

"(B) Within 90 days after the date of enactment of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, the Administrator shall adopt definitions for the acquisition management system that are consistent with the purpose and intent of the Office of Federal Procurement Policy Act.

"(C) After the adoption of those definitions, the criminal, civil, and administrative remedies provided under the Office of Federal Procurement Policy Act apply to the acquisition management system.

"(D) In the administration of the acquisition management system, the Administrator may take adverse personnel action under section 27(e)(3)(A)(iv) of the Office of Federal Procurement Policy Act in accordance with the procedures contained in the Administration's personnel management system.

"(4) EFFECTIVE DATE.—This subsection shall take effect on April 1, 1996.".

(c) CONFORMING AMENDMENTS.—

(1) SECTION 106.—Section 106(l)(1) is amended by striking "section 40122(a) of this title and section 347 of Public Law 104–50" and inserting "subsections (a) and (g) of section 40122".

(2) SECTION 40121.—Section 40121(c)(2) is amended by striking "section 348(b) of Public Law 104–50" and inserting "section 40110(d)(2) of this title".

(3) FEDERAL AVIATION REAUTHORIZATION ACT OF 1996.—Section 274(b)(6)(A)(ii)(II) of the Federal Aviation Reauthorization Act of 1996 (49 U.S.C. 40101 note) is amended by striking "sections 347 and 348 of Public Law 104–50" and inserting "sections 40110(d) and 40122(g) of title 49, United States Code".

(d) REPEAL.—Sections 347 and 348 of Public Law 104–50 (109 Stat. 460–461; 49 U.S.C. 106 note; 49 U.S.C. 40110 note) are repealed.

SEC. 308. RIGHT TO CONTEST ADVERSE PERSONNEL ACTIONS.

(a) MEDIATION.—Section 40122(a)(2) is amended by adding at the end the following: "The 60-day period shall not include any period during which Congress has adjourned sine die.".

(b) RIGHT TO CONTEST ADVERSE PERSONNEL ACTIONS.—Section 40122 (as amended by section 307(a) of this Act) is further amended by adding at the end the following:

"(h) RIGHT TO CONTEST ADVERSE PERSONNEL ACTIONS.—An employee of the Federal Aviation Administration who is the subject of a major adverse personnel action may contest the action either through any contractual grievance procedure that is applicable to the employee as a member of the collective bargaining unit or through the Administration's internal process relating to review of major adverse personnel actions of the Administration, known as Guaranteed Fair Treatment, or under section 40122(g)(3).

"(i) ELECTION OF FORUM.—Where a major adverse personnel action may be contested through more than one of the indicated forums (such as the contractual grievance procedure, the Federal Aviation Administration's internal process, or that of the Merit Systems Protection Board), an employee must elect the forum through which the matter will be contested. Nothing in this section is intended to allow an employee to contest an action through more than one forum unless otherwise allowed by law.

"(j) DEFINITION.—In this section, the term 'major adverse personnel action' means a suspension of more than 14 days, a reduction in pay or grade, a removal for conduct or performance, a nondisciplinary removal, a furlough of 30 days or less (but not including placement in a nonpay status as the result of a lapse of appropriations or an enactment by Congress), or a reduction in force action.".

SEC. 309. INDEPENDENT STUDY OF FAA COSTS AND ALLOCATIONS.

(a) INDEPENDENT ASSESSMENT.—

(1) IN GENERAL.—The Inspector General of the Department of Transportation shall conduct the assessments described in this section. To conduct the assessments, the Inspector General may use the staff and resources of the Inspector General or contract with one or more independent entities.

(2) ASSESSMENT OF ADEQUACY AND ACCURACY OF FAA COST DATA AND ATTRIBUTIONS.—

(A) IN GENERAL.—The Inspector General shall conduct an assessment to ensure that the method for calculating the overall costs of the Federal Aviation Administration and attributing such costs to specific users is appropriate, reasonable, and understandable to the users.

(B) COMPONENTS.—In conducting the assessment under this paragraph, the Inspector General shall assess the following:

(i) The Administration's cost input data, including the reliability of the Administration's source documents and the integrity and reliability of the Administration's data collection process.

(ii) The Administration's system for tracking assets.

(iii) The Administration's bases for establishing asset values and depreciation rates.

(iv) The Administration's system of internal controls for ensuring the consistency and reliability of reported data.

(v) The Administration's definition of the services to which the Administration ultimately attributes its costs.

(vi) The cost pools used by the Administration and the rationale for and reliability of the bases which the Administration proposes to use in allocating costs of services to users.

(C) REQUIREMENTS FOR ASSESSMENT OF COST POOLS.—In carrying out subparagraph (B)(vi), the Inspector General shall—

(i) review costs that cannot reliably be attributed to specific Administration services or activities (called "common and fixed costs" in the Administration Cost Allocation Study) and consider alternative methods for allocating such costs; and

(ii) perform appropriate tests to assess relationships between costs in the various cost pools and activities and services to which the costs are attributed by the Administration.

(3) COST EFFECTIVENESS.—

(A) IN GENERAL.—The Inspector General shall assess the progress of the Administration in cost and performance management, including use of internal and external benchmarking in improving the performance and productivity of the Administration.

(B) ANNUAL REPORTS.—Not later than December 31, 2000, and annually thereafter until December 31, 2004, the Inspector General shall transmit to Congress an updated report containing the results of the assessment conducted under this paragraph.

(C) INFORMATION TO BE INCLUDED IN FAA FINANCIAL REPORT.—The Administrator shall include in the annual financial report of the Administration information on the performance of the Administration sufficient to permit users and others to make an informed evaluation of the progress of the Administration in increasing productivity.

(b) FUNDING.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 310. ENVIRONMENTAL REVIEW OF AIRPORT IMPROVEMENT PROJECTS.

(a) STUDY.—The Secretary shall conduct a study of Federal environmental requirements related to the planning and approval of airport improvement projects.

(b) CONTENTS.—In conducting the study, the Secretary, at a minimum, shall assess—

(1) the current level of coordination among Federal and State agencies in conducting environmental reviews in the planning and approval of airport improvement projects;

(2) the role of public involvement in the planning and approval of airport improvement projects;

(3) the staffing and other resources associated with conducting such environmental reviews; and

(4) the time line for conducting such environmental reviews.

(c) Consultation.—The Secretary shall conduct the study in consultation with the Administrator, the heads of other appropriate Federal departments and agencies, airport sponsors, the heads of State aviation agencies, representatives of the design and construction industry, representatives of employee organizations, and representatives of public interest groups.

(d) Report.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study, together with recommendations for streamlining, if appropriate, the environmental review process in the planning and approval of airport improvement projects.

SEC. 311. COST ALLOCATION SYSTEM.

(a) Report.—Not later than July 9, 2000, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the cost allocation system currently under development by the Federal Aviation Administration.

(b) Contents.—The report shall include a specific date for completion and implementation of the cost allocation system throughout the Administration and shall also include the timetable and plan for the implementation of a cost management system.

SEC. 312. REPORT ON MODERNIZATION OF OCEANIC ATC SYSTEM.

The Administrator shall report to Congress on plans to modernize the oceanic air traffic control system, including a budget for the program, a determination of the requirements for modernization, and, if necessary, a proposal to fund the program.

TITLE IV—FAMILY ASSISTANCE

SEC. 401. RESPONSIBILITIES OF NATIONAL TRANSPORTATION SAFETY BOARD.

(a) Prohibition on Unsolicited Communications.—

(1) In general.—Section 1136(g)(2) is amended—

(A) by striking "transportation," and inserting "transportation and in the event of an accident involving a foreign air carrier that occurs within the United States,";

(B) by inserting after "attorney" the following: "(including any associate, agent, employee, or other representative of an attorney)"; and

(C) by striking "30th day" and inserting "45th day".

(2) Enforcement.—Section 1151 is amended by inserting "1136(g)(2)," before "or 1155(a)" each place it appears.

(b) Prohibition on Actions To Prevent Mental Health and Counseling Services.—Section 1136(g) is amended by adding at the end the following:

"(3) Prohibition on actions to prevent mental health and counseling services.—No State or political subdivision thereof may prevent the employees, agents, or volunteers of an organization designated for an accident under subsection (a)(2) from providing mental health and counseling services under subsection (c)(1) in the 30-day period beginning on the date of the accident. The director of family support services designated for the accident under subsection (a)(1) may extend such period for not to exceed an additional 30 days if the director determines that the extension is necessary to meet the needs of the families and if State and local authorities are notified of the determination.".

(c) Inclusion of Nonrevenue Passengers in Family Assistance Coverage.—Section 1136(h)(2) is amended to read as follows:

"(2) Passenger.—The term 'passenger' includes—

"(A) an employee of an air carrier or foreign air carrier aboard an aircraft; and

"(B) any other person aboard the aircraft without regard to whether the person paid for the transportation, occupied a seat, or held a reservation for the flight.".

(d) Statutory Construction.—Section 1136 is amended by adding at the end the following:

"(i) Statutory Construction.—Nothing in this section may be construed as limiting the actions that an air carrier may take, or the obligations that an air carrier may have, in providing assistance to the families of passengers involved in an aircraft accident.".

SEC. 402. AIR CARRIER PLANS.

(a) Contents of Plans.—

(1) Flight reservation information.—Section 41113(b) is amended by adding at the end the following:

"(14) An assurance that, upon request of the family of a passenger, the air carrier will inform the family of whether the passenger's name appeared on a preliminary passenger manifest for the flight involved in the accident.".

(2) Training of employees and agents.—Section 41113(b) is further amended by adding at the end the following:

"(15) An assurance that the air carrier will provide adequate training to the employees and agents of the carrier to meet the needs of survivors and family members following an accident.".

(3) Consultation on carrier response not covered by plan.—Section 41113(b) is further amended by adding at the end the following:

"(16) An assurance that the air carrier, in the event that the air carrier volunteers assistance to United States citizens within the United States with respect to an aircraft accident outside the United States involving major loss of life, the air carrier will consult with the Board and the Department of State on the provision of the assistance.".

(4) Submission of updated plans.—The amendments made by paragraphs (1), (2), and (3) shall take effect on the 180th day following the date of enactment of this Act. On or before such 180th day, each air carrier holding a certificate of public convenience and necessity under section 41102 of title 49, United States Code, shall submit to the Secretary and the Chairman of the National Transportation Safety Board an updated plan under section 41113 of such title that meets the requirements of the amendments made by paragraphs (1), (2), and (3).

(5) Conforming amendments.—Section 41113 is amended—

(A) in subsection (a) by striking "Not later than 6 months after the date of enactment of this section, each air carrier" and inserting "Each air carrier"; and

(B) in subsection (c) by striking "After the date that is 6 months after the date of the enactment of this section, the Secretary" and inserting "The Secretary".

(b) Limitation on Liability.—Section 41113(d) is amended by inserting ", or in providing information concerning a preliminary passenger manifest," before "pursuant to a plan".

(c) Statutory Construction.—Section 41113 is amended by adding at the end the following:

"(f) Statutory Construction.—Nothing in this section may be construed as limiting the actions that an air carrier may take, or the obligations that an air carrier may have, in providing assistance to the families of passengers involved in an aircraft accident.".

SEC. 403. FOREIGN AIR CARRIER PLANS.

(a) Inclusion of Nonrevenue Passengers in Family Assistance Coverage.—Section 41313(a)(2) is amended to read as follows:

"(2) Passenger.—The term 'passenger' has the meaning given such term by section 1136.".

(b) Accidents for Which Plan Is Required.—Section 41313(b) is amended by striking "significant" and inserting "major".

(c) Contents of Plans.—

(1) In general.—Section 41313(c) is amended by adding at the end the following:

"(15) Training of employees and agents.—An assurance that the foreign air carrier will provide adequate training to the employees and agents of the carrier to meet the needs of survivors and family members following an accident.

"(16) Consultation on carrier response not covered by plan.—An assurance that the foreign air carrier, in the event that the foreign air carrier volunteers assistance to United States citizens within the United States with respect to an aircraft accident outside the United States involving major loss of life, the foreign air carrier will consult with the Board and the Department of State on the provision of the assistance.".

(2) Submission of updated plans.—The amendment made by paragraph (1) shall take effect on the 180th day following the date of enactment of this Act. On or before such 180th day, each foreign air carrier providing foreign air transportation under chapter 413 of title 49, United States Code, shall submit to the Secretary and the Chairman of the National Transportation Safety Board an updated plan under section 41313 of such title that meets the requirements of the amendment made by paragraph (1).

SEC. 404. DEATH ON THE HIGH SEAS.

(a) Right of Action in Commercial Aviation Accidents.—The first section of the Act of March 30, 1920 (46 U.S.C. App. 761; popularly known as the "Death on the High Seas Act") is amended—

(1) by inserting "(a) subject to subsection (b)," before "whenever"; and

(2) by adding at the end the following:

"(b) In the case of a commercial aviation accident, whenever the death of a person shall be caused by wrongful act, neglect, or default occurring on the high seas 12 nautical miles or closer to the shore of any State, or the District of Columbia, or the Territories or dependencies of the United States, this Act shall not apply and the rules applicable under Federal, State, and other appropriate law shall apply.".

(b) Compensation in Commercial Aviation Accidents.—Section 2 of such Act (46 U.S.C. App. 762) is amended—

(1) by inserting "(a)" before "the recovery"; and

(2) by adding at the end the following:

"(b)(1) If the death resulted from a commercial aviation accident occurring on the high seas beyond 12 nautical miles from the shore of any State, or the District of Columbia, or the Territories or dependencies of the United States, additional compensation for nonpecuniary damages for wrongful death of a decedent is recoverable. Punitive damages are not recoverable.

"(2) In this subsection, the term 'nonpecuniary damages' means damages for loss of care, comfort, and companionship.".

(c) Effective Date.—The amendments made by subsections (a) and (b) shall apply to any death occurring after July 16, 1996.

TITLE V—SAFETY

SEC. 501. AIRPLANE EMERGENCY LOCATORS.

(a) Requirement.—Section 44712 is amended—

(1) in subsection (b) by striking "Subsection (a) of this section" and inserting "Prior to January 1, 2002, subsection (a)";

(2) by redesignating subsection (c) as subsection (e); and

(3) by inserting after subsection (b) the following:

"(c) NONAPPLICATION BEGINNING ON JANUARY 1, 2002.—

"(1) IN GENERAL.—Subject to paragraph (2), on and after January 1, 2002, subsection (a) does not apply to—

"(A) aircraft when used in scheduled flights by scheduled air carriers holding certificates issued by the Secretary of Transportation under subpart II of this part;

"(B) aircraft when used in training operations conducted entirely within a 50-mile radius of the airport from which the training operations begin;

"(C) aircraft when used in flight operations related to the design and testing, manufacture, preparation, and delivery of aircraft;

"(D) aircraft when used in research and development if the aircraft holds a certificate from the Administrator of the Federal Aviation Administration to carry out such research and development;

"(E) aircraft when used in showing compliance with regulations, crew training, exhibition, air racing, or market surveys;

"(F) aircraft when used in the aerial application of a substance for an agricultural purpose;

"(G) aircraft with a maximum payload capacity of more than 18,000 pounds when used in air transportation; or

"(H) aircraft equipped to carry only one individual.

"(2) DELAY IN IMPLEMENTATION.—The Administrator of the Federal Aviation Administration may continue to implement subsection (b) rather than subsection (c) for a period not to exceed 2 years after January 1, 2002, if the Administrator finds such action is necessary to promote—

"(A) a safe and orderly transition to the operation of civil aircraft equipped with an emergency locator; or

"(B) other safety objectives.

"(d) COMPLIANCE.—An aircraft meets the requirement of subsection (a) if it is equipped with an emergency locator transmitter that transmits on the 121.5/243 megahertz frequency or the 406 megahertz frequency or with other equipment approved by the Secretary for meeting the requirement of subsection (a).".

(b) REGULATIONS.—The Secretary shall issue regulations to carry out section 44712(c) of title 49, United States Code, as amended by this section, not later than January 1, 2001.

SEC. 502. CARGO COLLISION AVOIDANCE SYSTEMS DEADLINES.

Section 44716 is amended by adding at the end the following:

"(g) CARGO COLLISION AVOIDANCE SYSTEMS.—

"(1) IN GENERAL.—The Administrator shall require by regulation that, no later than December 31, 2002, collision avoidance equipment be installed on each cargo aircraft with a maximum certificated takeoff weight in excess of 15,000 kilograms.

"(2) EXTENSION OF DEADLINE.—The Administrator may extend the deadline established by paragraph (1) by not more than 2 years if the Administrator finds that the extension is needed to promote—

"(A) a safe and orderly transition to the operation of a fleet of cargo aircraft equipped with collision avoidance equipment; or

"(B) other safety or public interest objectives.

"(3) COLLISION AVOIDANCE EQUIPMENT DEFINED.—In this subsection, the term 'collision avoidance equipment' means equipment that provides protection from mid-air collisions using technology that provides—

"(A) cockpit-based collision detection and conflict resolution guidance, including display of traffic; and

"(B) a margin of safety of at least the same level as provided by the collision avoidance system known as TCAS–II.".

SEC. 503. LANDFILLS INTERFERING WITH AIR COMMERCE.

(a) FINDINGS.—Congress finds that—

(1) collisions between aircraft and birds have resulted in fatal accidents;

(2) bird strikes pose a special danger to smaller aircraft;

(3) landfills near airports pose a potential hazard to aircraft operating there because they attract birds;

(4) even if the landfill is not located in the approach path of the airport's runway, it still poses a hazard because of the birds' ability to fly away from the landfill and into the path of oncoming planes;

(5) while certain mileage limits have the potential to be arbitrary, keeping landfills at least 6 miles away from an airport, especially an airport served by small planes, is an appropriate minimum requirement for aviation safety; and

(6) closure of existing landfills (due to concerns about aviation safety) should be avoided because of the likely disruption to those who use and depend on such landfills.

(b) LIMITATION ON CONSTRUCTION.—Section 44718(d) is amended to read as follows:

"(d) LIMITATION ON CONSTRUCTION OF LANDFILLS.—

"(1) IN GENERAL.—No person shall construct or establish a municipal solid waste landfill (as defined in section 258.2 of title 40, Code of Federal Regulations, as in effect on the date of enactment of this subsection) that receives putrescible waste (as defined in section 257.3–8 of such title) within 6 miles of a public airport that has received grants under chapter 471 and is primarily served by general aviation aircraft and regularly scheduled flights of aircraft designed for 60 passengers or less unless the State aviation agency of the State in which the airport is located requests that the Administrator of the Federal Aviation Administration exempt the landfill from the application of this subsection and the Administrator determines that such exemption would have no adverse impact on aviation safety.

"(2) LIMITATION ON APPLICABILITY.—Paragraph (1) shall not apply in the State of Alaska and shall not apply to the construction, establishment, expansion, or modification of, or to any other activity undertaken with respect to, a municipal solid waste landfill if the construction or establishment of the landfill was commenced on or before the date of enactment of this subsection.".

(c) CIVIL PENALTY FOR VIOLATIONS OF LIMITATION ON CONSTRUCTION OF LANDFILLS.—Section 46301(a)(3) is amended—

(1) in subparagraph (A) by striking "or" at the end;

(2) in subparagraph (B) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(C) a violation of section 44718(d), relating to the limitation on construction or establishment of landfills;".

SEC. 504. LIFE-LIMITED AIRCRAFT PARTS.

(a) IN GENERAL.—Chapter 447 is amended by adding at the end the following:

"§ 44725. Life-limited aircraft parts

"(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall conduct a rulemaking proceeding to require the safe disposition of life-limited parts removed from an aircraft. The rulemaking proceeding shall ensure that the disposition deter installation on an aircraft of a life-limited part that has reached or exceeded its life limits.

"(b) SAFE DISPOSITION.—For the purposes of this section, safe disposition includes any of the following methods:

"(1) The part may be segregated under circumstances that preclude its installation on an aircraft.

"(2) The part may be permanently marked to indicate its used life status.

"(3) The part may be destroyed in any manner calculated to prevent reinstallation in an aircraft.

"(4) The part may be marked, if practicable, to include the recordation of hours, cycles, or other airworthiness information. If the parts are marked with cycles or hours of usage, that information must be updated every time the part is removed from service or when the part is retired from service.

"(5) Any other method approved by the Administrator.

"(c) DEADLINES.—In conducting the rulemaking proceeding under subsection (a), the Administrator shall—

"(1) not later than 180 days after the date of enactment of this section, issue a notice of proposed rulemaking; and

"(2) not later than 180 days after the close of the comment period on the proposed rule, issue a final rule.

"(d) PRIOR-REMOVED LIFE-LIMITED PARTS.—No rule issued under subsection (a) shall require the marking of parts removed from aircraft before the effective date of the rules issued under subsection (a), nor shall any such rule forbid the installation of an otherwise airworthy life-limited part.".

(b) CIVIL PENALTY.—Section 46301(a)(3) (as amended by section 503(c) of this Act) is further amended by adding at the end the following:

"(D) a violation of section 44725, relating to the safe disposal of life-limited aircraft parts; or".

(c) CONFORMING AMENDMENT.—The analysis for chapter 447 is amended by adding at the end the following:

"44725. Life-limited aircraft parts.".

SEC. 505. COUNTERFEIT AIRCRAFT PARTS.

(a) DENIAL; REVOCATION; AMENDMENT OF CERTIFICATE.—

(1) IN GENERAL.—Chapter 447 is further amended by adding at the end the following:

"§ 44726. Denial and revocation of certificate for counterfeit parts violations

"(a) DENIAL OF CERTIFICATE.—

"(1) IN GENERAL.—Except as provided in paragraph (2) of this subsection and subsection (e)(2), the Administrator of the Federal Aviation Administration may not issue a certificate under this chapter to any person—

"(A) convicted in a court of law of a violation of a law of the United States relating to the installation, production, repair, or sale of a counterfeit or fraudulently-represented aviation part or material; or

"(B) subject to a controlling or ownership interest of an individual convicted of such a violation.

"(2) EXCEPTION.—Notwithstanding paragraph (1), the Administrator may issue a certificate under this chapter to a person described in paragraph (1) if issuance of the certificate will facilitate law enforcement efforts.

"(b) REVOCATION OF CERTIFICATE.—

"(1) IN GENERAL.—Except as provided in subsections (f) and (g), the Administrator shall issue an order revoking a certificate issued under this chapter if the Administrator finds that the holder of the certificate or an individual who has a controlling or ownership interest in the holder—

"(A) was convicted in a court of law of a violation of a law of the United States relating to the installation, production, repair, or sale of a counterfeit or fraudulently-represented aviation part or material; or

"(B) knowingly, and with the intent to defraud, carried out or facilitated an activity punishable under a law described in paragraph (1)(A).

"(2) NO AUTHORITY TO REVIEW VIOLATION.—In carrying out paragraph (1), the Administrator may not review whether a person violated a law described in paragraph (1)(A).

"(c) NOTICE REQUIREMENT.—Before the Administrator revokes a certificate under subsection (b), the Administrator shall—

"(1) advise the holder of the certificate of the reason for the revocation; and

"(2) provide the holder of the certificate an opportunity to be heard on why the certificate should not be revoked.

"(d) APPEAL.—The provisions of section 44710(d) apply to the appeal of a revocation order under subsection (b). For the purpose of applying that section to the appeal, 'person' shall be substituted for 'individual' each place it appears.

"(e) ACQUITTAL OR REVERSAL.—

"(1) IN GENERAL.—The Administrator may not revoke, and the National Transportation Safety Board may not affirm a revocation of, a certificate under subsection (b)(1)(B) if the holder of the certificate or the individual referred to in subsection (b)(1) is acquitted of all charges directly related to the violation.

"(2) REISSUANCE.—The Administrator may reissue a certificate revoked under subsection (b) of this section to the former holder if—

"(A) the former holder otherwise satisfies the requirements of this chapter for the certificate; and

"(B)(i) the former holder or the individual referred to in subsection (b)(1), is acquitted of all charges related to the violation on which the revocation was based; or

"(ii) the conviction of the former holder or such individual of the violation on which the revocation was based is reversed.

"(f) WAIVER.—The Administrator may waive revocation of a certificate under subsection (b) if—

"(1) a law enforcement official of the United States Government requests a waiver; and

"(2) the waiver will facilitate law enforcement efforts.

"(g) AMENDMENT OF CERTIFICATE.—If the holder of a certificate issued under this chapter is other than an individual and the Administrator finds that—

"(1) an individual who had a controlling or ownership interest in the holder committed a violation of a law for the violation of which a certificate may be revoked under this section or knowingly, and with intent to defraud, carried out or facilitated an activity punishable under such a law; and

"(2) the holder satisfies the requirements for the certificate without regard to that individual,

then the Administrator may amend the certificate to impose a limitation that the certificate will not be valid if that individual has a controlling or ownership interest in the holder. A decision by the Administrator under this subsection is not reviewable by the Board.".

(2) CONFORMING AMENDMENT.—The analysis for such chapter is further amended by adding at the end the following:

"44726. Denial and revocation of certificate for counterfeit parts violations.".

(b) PROHIBITION ON EMPLOYMENT.—Section 44711 is amended by adding at the end the following:

"(c) PROHIBITION ON EMPLOYMENT OF CONVICTED COUNTERFEIT PART TRAFFICKERS.—No person subject to this chapter may knowingly employ anyone to perform a function related to the procurement, sale, production, or repair of a part or material, or the installation of a part into a civil aircraft, who has been convicted in a court of law of a violation of any Federal law relating to the installation, production, repair, or sale of a counterfeit or fraudulently-represented aviation part or material.".

SEC. 506. PREVENTION OF FRAUDS INVOLVING AIRCRAFT OR SPACE VEHICLE PARTS IN INTERSTATE OR FOREIGN COMMERCE.

(a) SHORT TITLE.—This section may be cited as the "Aircraft Safety Act of 2000".

(b) DEFINITIONS.—Section 31 of title 18, United States Code, is amended by striking all after the section heading and inserting the following:

"(a) DEFINITIONS.—In this chapter, the following definitions apply:

"(1) AIRCRAFT.—The term 'aircraft' means a civil, military, or public contrivance invented, used, or designed to navigate, fly, or travel in the air.

"(2) AVIATION QUALITY.—The term 'aviation quality', with respect to a part of an aircraft or space vehicle, means the quality of having been manufactured, constructed, produced, maintained, repaired, overhauled, rebuilt, reconditioned, or restored in conformity with applicable standards specified by law (including applicable regulations).

"(3) DESTRUCTIVE SUBSTANCE.—The term 'destructive substance' means an explosive substance, flammable material, infernal machine, or other chemical, mechanical, or radioactive device or matter of a combustible, contaminative, corrosive, or explosive nature.

"(4) IN FLIGHT.—The term 'in flight' means—

"(A) any time from the moment at which all the external doors of an aircraft are closed following embarkation until the moment when any such door is opened for disembarkation; and

"(B) in the case of a forced landing, until competent authorities take over the responsibility for the aircraft and the persons and property on board.

"(5) IN SERVICE.—The term 'in service' means—

"(A) any time from the beginning of preflight preparation of an aircraft by ground personnel or by the crew for a specific flight until 24 hours after any landing; and

"(B) in any event includes the entire period during which the aircraft is in flight.

"(6) MOTOR VEHICLE.—The term 'motor vehicle' means every description of carriage or other contrivance propelled or drawn by mechanical power and used for commercial purposes on the highways in the transportation of passengers, passengers and property, or property or cargo.

"(7) PART.—The term 'part' means a frame, assembly, component, appliance, engine, propeller, material, part, spare part, piece, section, or related integral or auxiliary equipment.

"(8) SPACE VEHICLE.—The term 'space vehicle' means a man-made device, either manned or unmanned, designed for operation beyond the Earth's atmosphere.

"(9) STATE.—The term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

"(10) USED FOR COMMERCIAL PURPOSES.—The term 'used for commercial purposes' means the carriage of persons or property for any fare, fee, rate, charge or other consideration, or directly or indirectly in connection with any business, or other undertaking intended for profit.

"(b) TERMS DEFINED IN OTHER LAW.—In this chapter, the terms 'aircraft engine', 'air navigation facility', 'appliance', 'civil aircraft', 'foreign air commerce', 'interstate air commerce', 'landing area', 'overseas air commerce', 'propeller', 'spare part', and 'special aircraft jurisdiction of the United States' have the meanings given those terms in sections 40102(a) and 46501 of title 49.".

(c) FRAUD.—

(1) IN GENERAL.—Chapter 2 of title 18, United States Code, is amended by adding at the end the following:

"§38. Fraud involving aircraft or space vehicle parts in interstate or foreign commerce

"(a) OFFENSES.—Whoever, in or affecting interstate or foreign commerce, knowingly and with the intent to defraud—

"(1)(A) falsifies or conceals a material fact concerning any aircraft or space vehicle part;

"(B) makes any materially fraudulent representation concerning any aircraft or space vehicle part; or

"(C) makes or uses any materially false writing, entry, certification, document, record, data plate, label, or electronic communication concerning any aircraft or space vehicle part;

"(2) exports from or imports or introduces into the United States, sells, trades, installs on or in any aircraft or space vehicle any aircraft or space vehicle part using or by means of a fraudulent representation, document, record, certification, depiction, data plate, label, or electronic communication; or

"(3) attempts or conspires to commit an offense described in paragraph (1) or (2);

shall be punished as provided in subsection (b).

"(b) PENALTIES.—The punishment for an offense under subsection (a) is as follows:

"(1) AVIATION QUALITY.—If the offense relates to the aviation quality of a part and the part is installed in an aircraft or space vehicle, a fine of not more than $500,000, imprisonment for not more than 15 years, or both.

"(2) FAILURE TO OPERATE AS REPRESENTED.—If, by reason of the failure of the part to operate as represented, the part to which the offense is related is the proximate cause of a malfunction or failure that results in serious bodily injury (as defined in section 1365), a fine of not more than $1,000,000, imprisonment for not more than 20 years, or both.

"(3) FAILURE RESULTING IN DEATH.—If, by reason of the failure of the part to operate as represented, the part to which the offense is related is the proximate cause of a malfunction or failure that results in the death of any person, a fine of not more than $1,000,000, imprisonment for any term of years or life, or both.

"(4) OTHER CIRCUMSTANCES.—In the case of an offense under subsection (a) not described in paragraph (1), (2), or (3) of this subsection, a fine under this title, imprisonment for not more than 10 years, or both.

"(5) ORGANIZATIONS.—If the offense is committed by an organization, a fine of not more than—

"(A) $10,000,000 in the case of an offense described in paragraph (1) or (4); and

"(B) $20,000,000 in the case of an offense described in paragraph (2) or (3).

"(c) CIVIL REMEDIES.—

"(1) IN GENERAL.—The district courts of the United States shall have jurisdiction to prevent and restrain violations of this section by issuing appropriate orders, including—

"(A) ordering a person (convicted of an offense under this section) to divest any interest, direct or indirect, in any enterprise used to commit or facilitate the commission of the offense, or to destroy, or to mutilate and sell as scrap, aircraft material or part inventories or stocks;

"(B) imposing reasonable restrictions on the future activities or investments of any such person, including prohibiting engagement in the same type of endeavor as used to commit the offense; and

"(C) ordering the dissolution or reorganization of any enterprise knowingly used to commit or facilitate the commission of an offense under this section making due provisions for the rights and interests of innocent persons.

"(2) RESTRAINING ORDERS AND PROHIBITION.—Pending final determination of a proceeding brought under this section, the court may enter such restraining orders or prohibitions, or take such other actions (including the acceptance of

satisfactory performance bonds) as the court deems proper.

"(3) ESTOPPEL.—A final judgment rendered in favor of the United States in any criminal proceeding brought under this section shall stop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding brought by the United States.

"(d) CRIMINAL FORFEITURE.—

"(1) IN GENERAL.—The court, in imposing sentence on any person convicted of an offense under this section, shall order, in addition to any other sentence and irrespective of any provision of State law, that the person forfeit to the United States—

"(A) any property constituting, or derived from, any proceeds that the person obtained, directly or indirectly, as a result of the offense; and

"(B) any property used, or intended to be used in any manner, to commit or facilitate the commission of the offense, if the court in its discretion so determines, taking into consideration the nature, scope, and proportionality of the use of the property on the offense.

"(2) APPLICATION OF OTHER LAW.—The forfeiture of property under this section, including any seizure and disposition of the property, and any proceedings relating to the property, shall be governed by section 413 of the Comprehensive Drug Abuse and Prevention Act of 1970 (21 U.S.C. 853) (not including subsection (d) of that section).

"(e) CONSTRUCTION WITH OTHER LAW.—This section does not preempt or displace any other remedy, civil or criminal, provided by Federal or State law for the fraudulent importation, sale, trade, installation, or introduction into commerce of an aircraft or space vehicle part.

"(f) TERRITORIAL SCOPE.—This section also applies to conduct occurring outside the United States if—

"(1) the offender is a natural person who is a citizen or permanent resident alien of the United States, or an organization organized under the laws of the United States or political subdivision thereof;

"(2) the aircraft or spacecraft part as to which the violation relates was installed in an aircraft or space vehicle owned or operated at the time of the offense by a citizen or permanent resident alien of the United States, or by an organization thereof; or

"(3) an act in furtherance of the offense was committed in the United States.".

(2) CONFORMING AMENDMENTS.—

(A) CHAPTER ANALYSIS.—The analysis for chapter 2 of title 18, United States Code, is amended by adding at the end the following:

"38. Fraud involving aircraft or space vehicle parts in interstate or foreign commerce.".

(B) WIRE AND ELECTRONIC COMMUNICATIONS.—Section 2516(1)(c) of title 18, United States Code, is amended by inserting "section 38 (relating to aircraft parts fraud)," after "section 32 (relating to destruction of aircraft or aircraft facilities),".

SEC. 507. TRANSPORTING OF HAZARDOUS MATERIAL.

Section 46312 is amended—

(1) by inserting "(a) GENERAL.—" before "A person"; and

(2) by adding at the end the following:

"(b) KNOWLEDGE OF REGULATIONS.—For purposes of subsection (a), knowledge by the person of the existence of a regulation or requirement related to the transportation of hazardous material prescribed by the Secretary under this part is not an element of an offense under this section but shall be considered in mitigation of the penalty.".

SEC. 508. EMPLOYMENT INVESTIGATIONS AND RESTRICTIONS.

(a) FLEXIBILITY TO PERFORM CRIMINAL HISTORY RECORD CHECKS.—Section 44936(a)(1)(C) is amended—

(1) in clause (iii) by striking "or";

(2) in clause (iv) by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(v) the Administrator decides it is necessary to ensure air transportation security with respect to passenger, baggage, or property screening at airports.".

(b) RECORDS OF EMPLOYMENT OF PILOT APPLICANTS.—Section 44936(f) is amended—

(1) in paragraph (1)(B) by inserting "(except a branch of the United States Armed Forces, the National Guard, or a reserve component of the United States Armed Forces)" after "person" the first place it appears;

(2) in paragraph (1)(B)(ii) by striking "individual" the first place it appears and inserting "individual's performance as a pilot";

(3) in paragraph (5) by striking the period at the end of the first sentence and inserting "; except that, for purposes of paragraph (15), the Administrator may allow an individual designated by the Administrator to accept and maintain written consent on behalf of the Administrator for records requested under paragraph (1)(A).";

(4) in paragraph (13)—

(A) by striking "may" and inserting "shall"; and

(B) before the semicolon in subparagraph (A)(i) insert "and disseminated under paragraph (15)";

(5) in paragraph (14)(B) by inserting "or from a foreign government or entity that employed the individual" after "exists"; and

(6) by adding at the end the following:

"(15) ELECTRONIC ACCESS TO FAA RECORDS.—For the purpose of increasing timely and efficient access to Federal Aviation Administration records described in paragraph (1), the Administrator may allow, under terms established by the Administrator, an individual designated by the air carrier to have electronic access to a specified database containing information about such records. The terms shall limit such access to instances in which information in the database is required by the designated individual in making a hiring decision concerning a pilot applicant and shall require that the designated individual provide assurances satisfactory to the Administrator that information obtained using such access will not be used for any purpose other than making the hiring decision.".

SEC. 509. CRIMINAL PENALTY FOR PILOTS OPERATING IN AIR TRANSPORTATION WITHOUT AN AIRMAN'S CERTIFICATE.

(a) IN GENERAL.—Chapter 463 is amended by adding at the end the following:

"§46317. Criminal penalty for pilots operating in air transportation without an airman's certificate

"(a) GENERAL CRIMINAL PENALTY.—An individual shall be fined under title 18 or imprisoned for not more than 3 years, or both, if that individual—

"(1) knowingly and willfully serves or attempts to serve in any capacity as an airman operating an aircraft in air transportation without an airman's certificate authorizing the individual to serve in that capacity; or

"(2) knowingly and willfully employs for service or uses in any capacity as an airman to operate an aircraft in air transportation an individual who does not have an airman's certificate authorizing the individual to serve in that capacity.

"(b) CONTROLLED SUBSTANCE CRIMINAL PENALTY.—

"(1) CONTROLLED SUBSTANCES DEFINED.—In this subsection, the term 'controlled substance' has the meaning given that term in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802).

"(2) CRIMINAL PENALTY.—An individual violating subsection (a) shall be fined under title 18 or imprisoned for not more than 5 years, or both, if the violation is related to transporting a controlled substance by aircraft or aiding or facilitating a controlled substance violation and that transporting, aiding, or facilitating—

"(A) is punishable by death or imprisonment of more than 1 year under a Federal or State law; or

"(B) is related to an act punishable by death or imprisonment for more than 1 year under a Federal or State law related to a controlled substance (except a law related to simple possession (as that term is used in section 46306(c)) of a controlled substance).

"(3) TERMS OF IMPRISONMENT.—A term of imprisonment imposed under paragraph (2) shall be served in addition to, and not concurrently with, any other term of imprisonment imposed on the individual subject to the imprisonment.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 463 is amended by adding at the end the following:

"46317. Criminal penalty for pilots operating in air transportation without an airman's certificate.".

SEC. 510. FLIGHT OPERATIONS QUALITY ASSURANCE RULES.

Not later than 60 days after the date of enactment of this Act, the Administrator shall issue a notice of proposed rulemaking to develop procedures to protect air carriers and their employees from enforcement actions for violations of title 14, Code of Federal Regulations, (other than criminal or deliberate acts) that are reported or discovered as a result of voluntary reporting programs, such as the Flight Operations Quality Assurance Program and the Aviation Safety Action Program.

SEC. 511. PENALTIES FOR UNRULY PASSENGERS.

(a) IN GENERAL.—Chapter 463 (as amended by section 509 of this Act) is further amended by adding at the end the following:

"§46318. Interference with cabin or flight crew

"(a) GENERAL RULE.—An individual who physically assaults or threatens to physically assault a member of the flight crew or cabin crew of a civil aircraft or any other individual on the aircraft, or takes any action that poses an imminent threat to the safety of the aircraft or other individuals on the aircraft is liable to the United States Government for a civil penalty of not more than $25,000.

"(b) COMPROMISE AND SETOFF.—

"(1) COMPROMISE.—The Secretary may compromise the amount of a civil penalty imposed under this section.

"(2) SETOFF.—The United States Government may deduct the amount of a civil penalty imposed or compromised under this section from amounts the Government owes the person liable for the penalty.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 463 is further amended by adding at the end the following:

"46318. Interference with cabin or flight crew.".

SEC. 512. DEPUTIZING OF STATE AND LOCAL LAW ENFORCEMENT OFFICERS.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) AIRCRAFT.—The term "aircraft" has the meaning given that term in section 40102 of title 49, United States Code.

(2) AIR TRANSPORTATION.—The term "air transportation" has the meaning given that term in such section.

(3) PROGRAM.—The term "program" means the program established under subsection (b)(1)(A).

(b) ESTABLISHMENT OF A PROGRAM TO DEPUTIZE LOCAL LAW ENFORCEMENT OFFICERS.—

(1) IN GENERAL.—The Attorney General may—

(A) establish a program under which the Attorney General may deputize State and local law enforcement officers having jurisdiction over airports and airport authorities as Deputy United States Marshals for the limited purpose of enforcing Federal laws that regulate security on board aircraft, including laws relating to violent, abusive, or disruptive behavior by passengers in air transportation; and

(B) encourage the participation of law enforcement officers of State and local governments in the program.

(2) CONSULTATION.—In establishing the program, the Attorney General shall consult with appropriate officials of—

(A) the United States Government (including the Administrator or a designated representative of the Administrator); and

(B) State and local governments in any geographic area in which the program may operate.

(3) TRAINING AND BACKGROUND OF LAW ENFORCEMENT OFFICERS.—

(A) IN GENERAL.—Under the program, to qualify to serve as a Deputy United States Marshal under the program, a State or local law enforcement officer shall—

(i) meet the minimum background and training requirements for a law enforcement officer under part 107 of title 14, Code of Federal Regulations (or equivalent requirements established by the Attorney General); and

(ii) receive approval to participate in the program from the State or local law enforcement agency that is the employer of that law enforcement officer.

(B) TRAINING NOT FEDERAL RESPONSIBILITY.—The United States Government shall not be responsible for providing to a State or local law enforcement officer the training required to meet the training requirements under subparagraph (A)(i). Nothing in this subsection may be construed to grant any such law enforcement officer the right to attend any institution of the United States Government established to provide training to law enforcement officers of the United States Government.

(c) POWERS AND STATUS OF DEPUTIZED LAW ENFORCEMENT OFFICERS.—

(1) IN GENERAL.—Subject to paragraph (2), a State or local law enforcement officer that is deputized as a Deputy United States Marshal under the program may arrest and apprehend an individual suspected of violating any Federal law described in subsection (b)(1)(A), including any individual who violates a provision subject to a civil penalty under section 46301 of title 49, United States Code, or section 46302, 46303, 46318, 46504, 46505, or 46507 of that title, or who commits an act described in section 46506 of that title.

(2) LIMITATION.—The powers granted to a State or local law enforcement officer deputized under the program shall be limited to enforcing Federal laws relating to security on board aircraft in flight.

(3) STATUS.—A State or local law enforcement officer that is deputized as a Deputy United States Marshal under the program shall not—

(A) be considered to be an employee of the United States Government; or

(B) receive compensation from the United States Government by reason of service as a Deputy United States Marshal under the program.

(d) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to—

(1) grant a State or local law enforcement officer that is deputized under the program the power to enforce any Federal law that is not described in subsection (c); or

(2) limit the authority that a State or local law enforcement officer may otherwise exercise in the officer's capacity under any other applicable State or Federal law.

(e) REGULATIONS.—The Attorney General may promulgate such regulations as may be necessary to carry out this section.

(f) NOTIFICATION OF CONGRESS.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on whether or not the Attorney General intends to establish the program authorized by this section.

SEC. 513. AIR TRANSPORTATION OVERSIGHT SYSTEM.

(a) REPORT.—Not later than August 1, 2000, the Administrator shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the progress of the Federal Aviation Administration in implementing the air transportation oversight system, including in detail the training of inspectors under the system, the number of inspectors using the system, air carriers subject to the system, and the budget for the system.

(b) REQUIRED CONTENTS.—At a minimum, the report shall indicate—

(1) any funding or staffing constraints that would adversely impact the Administration's ability to continue to develop and implement the air transportation oversight system;

(2) progress in integrating the aviation safety data derived from such system's inspections with existing aviation data of the Administration in the safety performance analysis system of the Administration; and

(3) the Administration's efforts in collaboration with the aviation industry to develop and validate safety performance measures and appropriate risk weightings for such system.

(c) UPDATE.—Not later than August 1, 2002, the Administrator shall update the report submitted under this section and transmit the updated report to the committees referred to in subsection (a).

SEC. 514. RUNWAY SAFETY AREAS.

(a) ELIGIBILITY.—Section 47102(3)(B) (as amended by section 122 of this Act) is further amended by adding at the end the following:

"(ix) engineered materials arresting systems as described in the Advisory Circular No. 150/5220-22 published by the Federal Aviation Administration on August 21, 1998, including any revision to the circular.".

(b) SOLICITATION OF COMMENTS.—Not later than 6 months after the date of enactment of this Act, the Administrator shall solicit comments on the need for the improvement of runway safety areas through the use of engineered materials arresting systems, longer runways, and such other techniques as the Administrator considers appropriate.

(c) GRANTS FOR ENGINEERED MATERIALS ARRESTING SYSTEMS.—In making grants under section 47104 of title 49, United States Code, for engineered materials arresting systems, the Secretary shall require the sponsor to demonstrate that the effects of jet blasts have been adequately considered.

(d) GRANTS FOR RUNWAY REHABILITATION.—In any case in which an airport's runways are constrained by physical conditions, the Secretary shall consider alternative means for ensuring runway safety (other than a safety overrun area) when prescribing conditions for grants for runway rehabilitation.

SEC. 515. PRECISION APPROACH PATH INDICATORS.

Not later than 6 months after the date of enactment of this Act, the Administrator shall solicit comments on the need for the installation of precision approach path indicators.

SEC. 516. AIRCRAFT DISPATCHERS.

(a) STUDY.—The Administrator shall conduct a study of the role of aircraft dispatchers in enhancing aviation safety.

(b) CONTENTS.—The study shall include an assessment of whether or not aircraft dispatchers should be required for those operations not presently requiring aircraft dispatcher assistance, operational control issues related to the aircraft dispatching functions, and whether or not designation of positions within the Federal Aviation Administration for oversight of dispatchers would enhance aviation safety.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study conducted under this section.

SEC. 517. IMPROVED TRAINING FOR AIRFRAME AND POWERPLANT MECHANICS.

The Administrator shall form a partnership with industry and labor to develop a model program to improve the curricula, teaching methods, and quality of instructors for training individuals that need certification as airframe and powerplant mechanics.

SEC. 518. SMALL AIRPORT CERTIFICATION.

Not later than 60 days after the date of the enactment of this Act, the Administrator shall issue a notice of proposed rulemaking on implementing section 44706(a)(2) of title 49, United States Code, relating to issuance of airport operating certificates for small scheduled passenger air carrier operations. Not later than 1 year after the last day of the period for public comment provided for in the notice of proposed rulemaking, the Administrator shall issue a final rule on implementing such program.

SEC. 519. PROTECTION OF EMPLOYEES PROVIDING AIR SAFETY INFORMATION.

(a) GENERAL RULE.—Chapter 421 is amended by adding at the end the following:

"SUBCHAPTER III—WHISTLEBLOWER PROTECTION PROGRAM

"§42121. Protection of employees providing air safety information

"(a) DISCRIMINATION AGAINST AIRLINE EMPLOYEES.—No air carrier or contractor or subcontractor of an air carrier may discharge an employee or otherwise discriminate against an employee with respect to compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to a request of the employee)—

"(1) provided, caused to be provided, or is about to provide (with any knowledge of the employer) or cause to be provided to the employer or Federal Government information relating to any violation or alleged violation of any order, regulation, or standard of the Federal Aviation Administration or any other provision of Federal law relating to air carrier safety under this subtitle or any other law of the United States;

"(2) has filed, caused to be filed, or is about to file (with any knowledge of the employer) or cause to be filed a proceeding relating to any violation or alleged violation of any order, regulation, or standard of the Federal Aviation Administration or any other provision of Federal law relating to air carrier safety under this subtitle or any other law of the United States;

"(3) testified or is about to testify in such a proceeding; or

"(4) assisted or participated or is about to assist or participate in such a proceeding.

"(b) DEPARTMENT OF LABOR COMPLAINT PROCEDURE.—

"(1) FILING AND NOTIFICATION.—A person who believes that he or she has been discharged or otherwise discriminated against by any person in violation of subsection (a) may, not later than 90 days after the date on which such violation occurs, file (or have any person file on his or her behalf) a complaint with the Secretary of Labor alleging such discharge or discrimination. Upon receipt of such a complaint, the Secretary of Labor shall notify, in writing, the person named in the complaint and the Administrator of the Federal Aviation Administration of the filing of the complaint, of the allegations contained in the complaint, of the substance of evidence supporting the complaint, and of the opportunities that will be afforded to such person under paragraph (2).

"(2) INVESTIGATION; PRELIMINARY ORDER.—

"(A) IN GENERAL.—Not later than 60 days after the date of receipt of a complaint filed under paragraph (1) and after affording the person named in the complaint an opportunity to submit to the Secretary of Labor a written response to the complaint and an opportunity to meet with a representative of the Secretary to present statements from witnesses, the Secretary of Labor shall conduct an investigation and determine whether there is reasonable cause to believe that the complaint has merit and notify, in writing, the complainant and the person alleged to have committed a violation of subsection (a) of the Secretary's findings. If the Secretary of Labor concludes that there is a reasonable cause to believe that a violation of subsection (a) has occurred, the Secretary shall accompany the Secretary's findings with a preliminary order providing the relief prescribed by paragraph (3)(B). Not later than 30 days after the date of notification of findings under this paragraph, either the person alleged to have committed the violation or the complainant may file objections to the findings or preliminary order, or both, and request a hearing on the record. The filing of such objections shall not operate to stay any reinstatement remedy contained in the preliminary order. Such hearings shall be conducted expeditiously. If a hearing is not requested in such 30-day period, the preliminary order shall be deemed a final order that is not subject to judicial review.

"(B) REQUIREMENTS.—

"(i) REQUIRED SHOWING BY COMPLAINANT.—The Secretary of Labor shall dismiss a complaint filed under this subsection and shall not conduct an investigation otherwise required under subparagraph (A) unless the complainant makes a prima facie showing that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

"(ii) SHOWING BY EMPLOYER.—Notwithstanding a finding by the Secretary that the complainant has made the showing required under clause (i), no investigation otherwise required under subparagraph (A) shall be conducted if the employer demonstrates, by clear and convincing evidence, that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

"(iii) CRITERIA FOR DETERMINATION BY SECRETARY.—The Secretary may determine that a violation of subsection (a) has occurred only if the complainant demonstrates that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

"(iv) PROHIBITION.—Relief may not be ordered under subparagraph (A) if the employer demonstrates by clear and convincing evidence that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

"(3) FINAL ORDER.—

"(A) DEADLINE FOR ISSUANCE; SETTLEMENT AGREEMENTS.—Not later than 120 days after the date of conclusion of a hearing under paragraph (2), the Secretary of Labor shall issue a final order providing the relief prescribed by this paragraph or denying the complaint. At any time before issuance of a final order, a proceeding under this subsection may be terminated on the basis of a settlement agreement entered into by the Secretary of Labor, the complainant, and the person alleged to have committed the violation.

"(B) REMEDY.—If, in response to a complaint filed under paragraph (1), the Secretary of Labor determines that a violation of subsection (a) has occurred, the Secretary of Labor shall order the person who committed such violation to—

"(i) take affirmative action to abate the violation;

"(ii) reinstate the complainant to his or her former position together with the compensation (including back pay) and restore the terms, conditions, and privileges associated with his or her employment; and

"(iii) provide compensatory damages to the complainant. If such an order is issued under this paragraph, the Secretary of Labor, at the request of the complainant, shall assess against the person against whom the order is issued a sum equal to the aggregate amount of all costs and expenses (including attorneys' and expert witness fees) reasonably incurred, as determined by the Secretary of Labor, by the complainant for, or in connection with, the bringing the complaint upon which the order was issued.

"(C) FRIVOLOUS COMPLAINTS.—If the Secretary of Labor finds that a complaint under paragraph (1) is frivolous or has been brought in bad faith, the Secretary of Labor may award to the prevailing employer a reasonable attorney's fee not exceeding $1,000.

"(4) REVIEW.—

"(A) APPEAL TO COURT OF APPEALS.—Any person adversely affected or aggrieved by an order issued under paragraph (3) may obtain review of the order in the United States Court of Appeals for the circuit in which the violation, with respect to which the order was issued, allegedly occurred or the circuit in which the complainant resided on the date of such violation. The petition for review must be filed not later than 60 days after the date of the issuance of the final order of the Secretary of Labor. Review shall conform to chapter 7 of title 5, United States Code. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the order.

"(B) LIMITATION ON COLLATERAL ATTACK.—An order of the Secretary of Labor with respect to which review could have been obtained under subparagraph (A) shall not be subject to judicial review in any criminal or other civil proceeding.

"(5) ENFORCEMENT OF ORDER BY SECRETARY OF LABOR.—Whenever any person has failed to comply with an order issued under paragraph (3), the Secretary of Labor may file a civil action in the United States district court for the district in which the violation was found to occur to enforce such order. In actions brought under this paragraph, the district courts shall have jurisdiction to grant all appropriate relief including, but not limited to, injunctive relief and compensatory damages.

"(6) ENFORCEMENT OF ORDER BY PARTIES.—

"(A) COMMENCEMENT OF ACTION.—A person on whose behalf an order was issued under paragraph (3) may commence a civil action against the person to whom such order was issued to require compliance with such order. The appropriate United States district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such order.

"(B) ATTORNEY FEES.—The court, in issuing any final order under this paragraph, may award costs of litigation (including reasonable attorney and expert witness fees) to any party whenever the court determines such award is appropriate.

"(c) MANDAMUS.—Any nondiscretionary duty imposed by this section shall be enforceable in a mandamus proceeding brought under section 1361 of title 28, United States Code.

"(d) NONAPPLICABILITY TO DELIBERATE VIOLATIONS.—Subsection (a) shall not apply with respect to an employee of an air carrier, contractor, or subcontractor who, acting without direction from such air carrier, contractor, or subcontractor (or such person's agent), deliberately causes a violation of any requirement relating to air carrier safety under this subtitle or any other law of the United States.

"(e) CONTRACTOR DEFINED.—In this section, the term 'contractor' means a company that performs safety-sensitive functions by contract for an air carrier.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 421 is amended by adding at the end the following:

"SUBCHAPTER III—WHISTLEBLOWER PROTECTION PROGRAM

"42121. Protection of employees providing air safety information.".

(c) CIVIL PENALTY.—Section 46301(a)(1)(A) is amended by striking "subchapter II of chapter 421" and inserting "subchapter II or III of chapter 421".

SEC. 520. OCCUPATIONAL INJURIES OF AIRPORT WORKERS.

(a) STUDY.—The Administrator shall conduct a study to determine the number of persons working at airports who are injured or killed as a result of being struck by a moving vehicle while on an airport tarmac, the seriousness of the injuries to such persons, and whether or not reflective safety vests or other actions should be required to enhance the safety of such workers.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study conducted under this section.

TITLE VI—TRANSFER OF AERONAUTICAL CHARTING ACTIVITY

SEC. 601. TRANSFER OF FUNCTIONS, POWERS, AND DUTIES.

Effective October 1, 2000, there are transferred to the Federal Aviation Administration and vested in the Administrator the functions, powers, and duties of the Secretary of Commerce and other officers of the Department of Commerce that relate to the Office of Aeronautical Charting and Cartography and are set forth in section 44721 of title 49, United States Code.

SEC. 602. TRANSFER OF OFFICE, PERSONNEL, AND FUNDS.

(a) TRANSFER OF OFFICE.—Effective October 1, 2000, the Office of Aeronautical Charting and Cartography of the National Oceanic and Atmospheric Administration, Department of Commerce, is transferred to the Federal Aviation Administration.

(b) OTHER TRANSFERS.—Effective October 1, 2000, the personnel employed in connection with, and the assets, liabilities, contracts, property, equipment, facilities, records, and unexpended balance of appropriations, and other funds employed, held, used, arising from, available to, or to be made available in connection with the function and offices, or portions of offices, transferred by this title, including all Senior Executive Service positions, subject to section 1531 of title 31, United States Code, are transferred to the Administrator of the Federal Aviation Administration for appropriate allocation. Personnel employed in connection with functions transferred by this title transfer under any applicable law and regulation relating to transfer of functions. Unexpended funds transferred under this section shall be used only for the purposes for which the funds were originally authorized and appropriated, except that funds may be used for expenses associated with the transfer authorized by this title.

SEC. 603. AMENDMENT OF TITLE 49, UNITED STATES CODE.

(a) IN GENERAL.—Section 44721 is amended to read as follows:

"§ 44721. Aeronautical charts and related products and services

"(a) PUBLICATION.—

"(1) IN GENERAL.—The Administrator of the Federal Aviation Administration may arrange for the publication of aeronautical maps and charts necessary for the safe and efficient movement of aircraft in air navigation, using the facilities and assistance of departments, agencies, and instrumentalities of the United States Government as far as practicable.

"(2) NAVIGATION ROUTES.—In carrying out paragraph (1), the Administrator shall update and arrange for the publication of clearly defined routes for navigating through a complex terminal airspace area and to and from an airport located in such an area, if the Administrator decides that publication of the routes would promote safety in air navigation. The routes shall be developed in consultation with pilots and other users of affected airports and shall be for the optional use of pilots operating under visual flight rules.

"(b) INDEMNIFICATION.—The Government shall make an agreement to indemnify any person that publishes a map or chart for use in aeronautics from any part of a claim arising out of the depiction by the person on the map or chart of a defective or deficient flight procedure or airway if the flight procedure or airway was—

"(1) prescribed by the Administrator;

"(2) depicted accurately on the map or chart; and

"(3) not obviously defective or deficient.

"(c) AUTHORITY OF OFFICE OF AERONAUTICAL CHARTING AND CARTOGRAPHY.—Effective October 1, 2000, the Administrator is vested with and shall exercise the functions, powers, and duties of the Secretary of Commerce and other officers of the Department of Commerce that relate to the Office of Aeronautical Charting and Cartography to provide aeronautical charts and related products and services for the safe and efficient navigation of air commerce, under the following authorities:

"(1) Sections 1 through 9 of the Act entitled 'An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes', approved August 6, 1947, (33 U.S.C. 883a–883h).

"(2) Section 6082 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (33 U.S.C. 883j).

"(3) Section 1307 of title 44, United States Code.

"(4) The provision of title II of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1995 under the heading 'National Oceanic and Atmospheric Administration' relating to aeronautical charts (44 U.S.C. 1307 note).

"(d) AUTHORITY.—In order that full public benefit may be derived from the dissemination of data resulting from activities under this section and of related data from other sources, the Administrator may—

"(1) develop, process, disseminate and publish digital and analog data, information, compilations, and reports;

"(2) compile, print, and disseminate aeronautical charts and related products and services of the United States and its territories and possessions;

"(3) compile, print, and disseminate aeronautical charts and related products and services covering international airspace as are required primarily by United States civil aviation; and

"(4) compile, print, and disseminate nonaeronautical navigational, transportation or public-safety-related products and services when in the best interests of the Government.

"(e) CONTRACTS, COOPERATIVE AGREEMENTS, GRANTS, AND OTHER AGREEMENTS.—

"(1) CONTRACTS.—The Administrator is authorized to contract with qualified organizations for the performance of any part of the authorized functions of the Office of Aeronautical Charting and Cartography when the Administrator deems such procedure to be in the public interest and will not compromise public safety.

"(2) COOPERATIVE AGREEMENTS, GRANTS, AND OTHER AGREEMENTS.—The Administrator is authorized to enter into cooperative agreements, grants, reimbursable agreements, memoranda of understanding and other agreements, with a State, subdivision of a State, Federal agency, public or private organization, or individual, to carry out the purposes of this section.

"(f) SPECIAL SERVICES AND PRODUCTS.—

"(1) IN GENERAL.—The Administrator is authorized, at the request of a State, subdivision of a State, Federal agency, public or private organization, or individual, to conduct special services, including making special studies, or developing special publications or products on matters relating to navigation, transportation, or public safety.

"(2) FEES.—The Administrator shall assess a fee for any special service provided under paragraph (1). A fee shall be not more than the actual or estimated full cost of the service. A fee may be reduced or waived for research organizations, educational organizations, or non-profit organizations, when the Administrator determines that reduction or waiver of the fee is in the best interest of the Government by furthering public safety.

"(g) SALE AND DISSEMINATION OF AERONAUTICAL PRODUCTS.—

"(1) IN GENERAL.—Aeronautical products created or maintained under the authority of this section shall be sold at prices established annually by the Administrator consistent with the following:

"(A) MAXIMUM PRICE.—Subject to subparagraph (B), the price of an aeronautical product sold to the public shall be not more than necessary to recover all costs attributable to (i) data base management and processing; (ii) compilation; (iii) printing or other types of reproduction; and (iv) dissemination of the product.

"(B) ADJUSTMENT OF PRICE.—The Administrator shall adjust the price of an aeronautical product and service sold to the public as necessary to avoid any adverse impact on aviation safety attributable to the price specified under this paragraph.

"(C) COSTS ATTRIBUTABLE TO ACQUISITION OF AERONAUTICAL DATA.—A price established under this paragraph may not include costs attributable to the acquisition of aeronautical data.

"(2) PUBLICATION OF PRICES.—The Administrator shall publish annually the prices at which aeronautical products are sold to the public.

"(3) DISTRIBUTION.—The Administrator may distribute aeronautical products and provide aeronautical services—

"(A) without charge to each foreign government or international organization with which the Administrator or a Federal department or agency has an agreement for exchange of these products or services without cost;

"(B) at prices the Administrator establishes, to the departments and officers of the United States requiring them for official use; and

"(C) at reduced or no charge where, in the judgment of the Administrator, furnishing the aeronautical product or service to a recipient is a reasonable exchange for voluntary contribution of information by the recipient to the activities under this section.

"(4) FEES.—The fees provided for in this subsection are for the purpose of reimbursing the Government for the costs of creating, printing and disseminating aeronautical products and services under this section. The collection of fees authorized by this section does not alter or expand any duty or liability of the Government under existing law for the performance of functions for which fees are collected, nor does the collection of fees constitute an express or implied undertaking by the Government to perform any activity in a certain manner.".

(b) CONFORMING AMENDMENT.—The chapter analysis of chapter 447 is amended by striking the item relating to section 44721 and inserting the following:

"44721. Aeronautical charts and related products and services.".

SEC. 604. SAVINGS PROVISION.

(a) CONTINUED EFFECTIVENESS OF DIRECTIVES.—All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, privileges, and financial assistance that—

(1) have been issued, made, granted, or allowed to become effective by the President of the United States, the Secretary of Commerce, the Administrator of the National Oceanic and Atmospheric Administration, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred by this title; and

(2) are in effect on the date of transfer,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President of the United States, the Administrator of the Federal Aviation Administration, a court of competent jurisdiction, or by operation of law.

(b) CONTINUED EFFECTIVENESS OF PENDING ACTIONS.—

(1) IN GENERAL.—The provisions of this title shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending on the date of transfer before the Department of Commerce or the National Oceanic and Atmospheric Administration, or any officer of such Department or Administration, with respect to functions transferred by this title, but such proceedings or applications, to the extent that they relate to functions transferred, shall be continued in accord with transition guidelines promulgated by the Administrator of the Federal Aviation Administration under the authority of this section. Orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by the Administrator of the Federal Aviation Administration, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection prohibits the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this title had not been enacted.

(2) TRANSITION GUIDELINES.—The Secretary of Commerce, the Administrator of the National Oceanic and Atmospheric Administration, and the Administrator of the Federal Aviation Administration are authorized to issue transition guidelines providing for the orderly transfer of proceedings and otherwise to accomplish the orderly transfer of functions, personnel and property under this title.

(c) CONTINUED EFFECTIVENESS OF JUDICIAL ACTIONS.—No cause of action by or against the Department of Commerce or the National Oceanic and Atmospheric Administration with respect to functions transferred by this title, or by or against any officer thereof in the official's capacity, shall abate by reason of the enactment of this title. Causes of action and actions with respect to a function or office transferred by this title, or other proceedings may be asserted by or against the United States or an official of the Federal Aviation Administration, as may be appropriate, and, in an action pending when this title takes effect, the court may at any time, on its own motion or that of any party, enter an order that will give effect to the provisions of this subsection.

(d) SUBSTITUTION OR ADDITION OF PARTIES TO JUDICIAL ACTIONS.—If, on the date of transfer, the Department of Commerce or the National Oceanic and Atmospheric Administration, or any officer of the Department or Administration in an official capacity, is a party to an action, and under this title any function relating to the action of the Department, Administration, or officer is transferred to the Federal Aviation Administration, then such action shall be continued with the Administrator of the Federal Aviation Administration substituted or added as a party.

(e) CONTINUED JURISDICTION OVER ACTIONS TRANSFERRED.—Orders and actions of the Administrator of the Federal Aviation Administration in the exercise of functions transferred by this title shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the Department of Commerce or the National Oceanic and Atmospheric Administration, or any office or officer of such Department or Administration, in the exercise of such functions immediately preceding their transfer.

(f) LIABILITIES AND OBLIGATIONS.—The Administrator of the Federal Aviation Administration shall assume all liabilities and obligations (tangible and incorporeal, present and executory) associated with the functions transferred under this title on the date of transfer, including leases, permits, licenses, contracts, agreements, claims, tariffs, accounts receivable, accounts payable, financial assistance, and litigation relating to such obligations, regardless whether judgment has been entered, damages awarded, or appeal taken.

SEC. 605. NATIONAL OCEAN SURVEY.

(a) CHARTS AND PUBLICATIONS.—Section 2 of the Act entitled "An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes", approved August 6, 1947 (33 U.S.C. 883b), is amended—

(1) by striking paragraphs (3) and (5), and redesignating paragraphs (4) and (6) as paragraphs (3) and (4), respectively;

(2) by striking "charts of the United States, its Territories, and possessions;" in paragraph (3), as redesignated, and inserting "charts;"; and

(3) by striking "publications for the United States, its Territories, and possessions" in paragraph (4), as redesignated, and inserting "publications".

(b) COOPERATIVE AND OTHER AGREEMENTS.—Section 5(1) of such Act (33 U.S.C. 883e(1)) is amended—

(1) by striking "cooperative agreements" and inserting "cooperative agreements, or any other agreements,"; and

(2) in paragraph (2) by striking "cooperative".

SEC. 606. SALE AND DISTRIBUTION OF NAUTICAL AND AERONAUTICAL PRODUCTS BY NOAA.

(a) IN GENERAL.—Section 1307 of title 44, United States Code, is amended—

(1) in the section heading by striking "**and aeronautical**"; and

(2) by striking "and aeronautical" and "or aeronautical" each place they appear.

(b) PRICES.—Section 1307(a)(2)(B) of such title is amended by striking "aviation and".

(c) FEES.—Section 1307(d) of such title 44 is amended by striking "aeronautical and".

(d) CONFORMING AMENDMENT.—The analysis for chapter 13 of title 44, United States Code, is amended in the item relating to section 1307 by striking "and aeronautical".

SEC. 607. PROCUREMENT OF PRIVATE ENTERPRISE MAPPING, CHARTING, AND GEOGRAPHIC INFORMATION SYSTEMS.

The Administrator shall consider procuring mapping, charting, and geographic information systems necessary to carry out the duties of the Administrator under title 49, United States Code, from private enterprises, if the Administrator determines that such procurement furthers the mission of the Federal Aviation Administration and is cost effective.

TITLE VII—MISCELLANEOUS PROVISIONS

SEC. 701. DUTIES AND POWERS OF ADMINISTRATOR.

Section 106(g)(1)(A) is amended by striking "40113(a), (c), and (d)," and all that follows through "45302–45304," and inserting "40113(a), 40113(c), 40113(d), 40113(e), 40114(a), and 40119, chapter 445 (except sections 44501(b), 44502(a)(2), 44502(a)(3), 44502(a)(4), 44503, 44506, 44509, 44510, 44514, and 44515), chapter 447 (except sections 44717, 44718(a), 44718(b), 44719, 44720, 44721(b), 44722, and 44723), chapter 449 (except sections 44903(d), 44904, 44905, 44907–44911, 44913, 44915, and 44931–44934), chapter 451, chapter 453, sections".

SEC. 702. PUBLIC AIRCRAFT.

(a) DEFINITION OF PUBLIC AIRCRAFT.—Section 40102(a)(37) is amended to read as follows:

"(37) 'public aircraft' means any of the following:

"(A) Except with respect to an aircraft described in subparagraph (E), an aircraft used only for the United States Government, except as provided in section 40125(b).

"(B) An aircraft owned by the Government and operated by any person for purposes related to crew training, equipment development, or demonstration, except as provided in section 40125(b).

"(C) An aircraft owned and operated by the government of a State, the District of Columbia, or a territory or possession of the United States or a political subdivision of one of these governments, except as provided in section 40125(b).

"(D) An aircraft exclusively leased for at least 90 continuous days by the government of a State, the District of Columbia, or a territory or possession of the United States or a political subdivision of one of these governments, except as provided in section 40125(b).

"(E) An aircraft owned or operated by the armed forces or chartered to provide transportation to the armed forces under the conditions specified by section 40125(c).".

(b) QUALIFICATIONS FOR PUBLIC AIRCRAFT STATUS.—

(1) IN GENERAL.—Chapter 401 is further amended by adding at the end the following:

"§ 40125. Qualifications for public aircraft status

"(a) DEFINITIONS.—In this section, the following definitions apply:

"(1) COMMERCIAL PURPOSES.—The term 'commercial purposes' means the transportation of persons or property for compensation or hire, but does not include the operation of an aircraft by the armed forces for reimbursement when that reimbursement is required by any Federal statute, regulation, or directive, in effect on November 1, 1999, or by one government on behalf of another government under a cost reimbursement agreement if the government on whose behalf the operation is conducted certifies to the Administrator of the Federal Aviation Administration that the operation is necessary to respond to a significant and imminent threat to life or property (including natural resources) and that no service by a private operator is reasonably available to meet the threat.

"(2) GOVERNMENTAL FUNCTION.—The term 'governmental function' means an activity undertaken by a government, such as national defense, intelligence missions, firefighting, search and rescue, law enforcement (including transport of prisoners, detainees, and illegal aliens), aeronautical research, or biological or geological resource management.

"(3) QUALIFIED NON-CREWMEMBER.—The term 'qualified non-crewmember' means an individual, other than a member of the crew, aboard an aircraft—

"(A) operated by the armed forces or an intelligence agency of the United States Government; or

"(B) whose presence is required to perform, or is associated with the performance of, a governmental function.

"(4) ARMED FORCES.—The term 'armed forces' has the meaning given such term by section 101 of title 10.

"(b) AIRCRAFT OWNED BY GOVERNMENTS.—An aircraft described in subparagraph (A), (B), (C), or (D) of section 40102(a)(37) does not qualify as a public aircraft under such section when the aircraft is used for commercial purposes or to carry an individual other than a crewmember or a qualified noncrewmember.

"(c) AIRCRAFT OWNED OR OPERATED BY THE ARMED FORCES.—

"(1) IN GENERAL.—Subject to paragraph (2), an aircraft described in section 40102(a)(37)(E) qualifies as a public aircraft if—

"(A) the aircraft is operated in accordance with title 10;

"(B) the aircraft is operated in the performance of a governmental function under titles 14, 31, 32, or 50 and the aircraft is not used for commercial purposes; or

"(C) the aircraft is chartered to provide transportation to the armed forces and the Secretary of Defense (or the Secretary of the department in which the Coast Guard is operating) designates the operation of the aircraft as being required in the national interest.

"(2) LIMITATION.—An aircraft that meets the criteria set forth in paragraph (1) and that is owned or operated by the National Guard of a State, the District of Columbia, or any territory or possession of the United States, qualifies as a public aircraft only to the extent that it is operated under the direct control of the Department of Defense.".

(2) CONFORMING AMENDMENT.—The analysis for chapter 401 is amended by adding at the end the following:

"40125. Qualifications for public aircraft status.".

(c) SAFETY OF PUBLIC AIRCRAFT.—

(1) STUDY.—The National Transportation Safety Board shall conduct a study to compare the safety of public aircraft and civil aircraft. In conducting the study, the Board shall review safety statistics on aircraft operations since 1993.

(2) REPORT.—Not later than 6 months after the date of enactment of this Act, the National Transportation Safety Board shall transmit to Congress a report containing the results of the study conducted under paragraph (1).

SEC. 703. PROHIBITION ON RELEASE OF OFFEROR PROPOSALS.

Section 40110 (as amended by section 307(b) of this Act) is further amended by adding at the end the following:

"(e) PROHIBITION ON RELEASE OF OFFEROR PROPOSALS.—

"(1) GENERAL RULE.—Except as provided in paragraph (2), a proposal in the possession or control of the Administrator may not be made available to any person under section 552 of title 5.

"(2) EXCEPTION.—Paragraph (1) shall not apply to any portion of a proposal of an offeror *the disclosure of which is authorized by the Administrator pursuant to procedures published in the Federal Register. The Administrator shall provide an opportunity for public comment on the procedures for a period of not less than 30 days beginning on the date of such publication in order to receive and consider the views of all interested parties on the procedures. The procedures shall not take effect before the 60th day following the date of such publication.*

"(3) Proposal defined.—In this subsection, the term 'proposal' means information contained in or originating from any proposal, including a technical, management, or cost proposal, submitted by an offeror in response to the requirements of a solicitation for a competitive proposal.".

SEC. 704. FAA EVALUATION OF LONG-TERM CAPITAL LEASING.

(a) In General.—The Administrator may carry out a pilot program in fiscal years 2001 through 2003 to test and evaluate the benefits of long-term contracts for the leasing of aviation equipment and facilities.

(b) Period of Contracts.—Notwithstanding any other provision of law, the Administrator may enter into a contract under the program to lease aviation equipment or facilities for a period of greater than 5 years.

(c) Number of Contracts.—The Administrator may not enter into more that 10 contracts under the program.

(d) Types of Contracts.—The contracts to be evaluated under the program may include contracts for telecommunication services that are provided through the use of a satellite, requirements related to oceanic and air traffic control, air-to-ground radio communications, and air traffic control tower construction.

SEC. 705. SEVERABLE SERVICES CONTRACTS FOR PERIODS CROSSING FISCAL YEARS.

(a) In General.—Chapter 401 (as amended by section 702(b) of this Act) is further amended by adding at the end the following:

"§40126. Severable services contracts for periods crossing fiscal years

"(a) In General.—The Administrator of the Federal Aviation Administration may enter into a contract for procurement of severable services for a period that begins in one fiscal year and ends in the next fiscal year if (without regard to any option to extend the period of the contract) the contract period does not exceed one year.

"(b) Obligation of Funds.—Funds made available for a fiscal year may be obligated for the total amount of a contract entered into under the authority of subsection (a).".

(b) Conforming Amendment.—The analysis for chapter 401 is amended by adding at the end the following:

"40126. Severable services contracts for periods crossing fiscal years.".

SEC. 706. PROHIBITIONS ON DISCRIMINATION.

(a) In General.—Chapter 401 (as amended by section 705 of this Act) is further amended by adding at the end the following:

"§40127. Prohibitions on discrimination

"(a) Persons in Air Transportation.—An air carrier or foreign air carrier may not subject a person in air transportation to discrimination on the basis of race, color, national origin, religion, sex, or ancestry.

"(b) Use of Private Airports.—Notwithstanding any other provision of law, no State or local government may prohibit the use or full enjoyment of a private airport within its jurisdiction by any person on the basis of that person's race, color, national origin, religion, sex, or ancestry.".

(b) Conforming Amendment.—The analysis for chapter 401 is further amended by adding at the end the following:

"40127. Prohibitions on discrimination.".

SEC. 707. DISCRIMINATION AGAINST HANDICAPPED INDIVIDUALS.

(a) In General.—Section 41705 is amended—

(1) by inserting "(a) In General.—" before "In providing";

(2) by striking "carrier" and inserting "carrier, including (subject to section 40105(b)) any foreign air carrier,"; and

(3) by adding at the end the following:

"(b) Each Act Constitutes Separate Offense.—For purposes of section 46301(a)(3)(E), a separate violation occurs under this section for each individual act of discrimination prohibited by subsection (a).

"(c) Investigation of Complaints.—

"(1) In general.—The Secretary shall investigate each complaint of a violation of subsection (a).

"(2) Publication of data.—The Secretary shall publish disability-related complaint data in a manner comparable to other consumer complaint data.

"(3) Review and report.—The Secretary shall regularly review all complaints received by air carriers alleging discrimination on the basis of disability and shall report annually to Congress on the results of such review.

"(4) Technical assistance.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall—

"(A) implement a plan, in consultation with the Department of Justice, the United States Architectural and Transportation Barriers Compliance Board, and the National Council on Disability, to provide technical assistance to air carriers and individuals with disabilities in understanding the rights and responsibilities set forth in this section; and

"(B) ensure the availability and provision of appropriate technical assistance manuals to individuals and entities with rights or responsibilities under this section.".

(b) Civil Penalty.—Section 46301(a)(3) (as amended by section 504(b) of this Act) is further amended by adding at the end the following:

"(E) a violation of section 41705, relating to discrimination against handicapped individuals.".

(c) Establishment of Higher International Standards.—The Secretary shall work with appropriate international organizations and the aviation authorities of other nations to bring about the establishment of higher standards for accommodating handicapped passengers in air transportation, particularly with respect to foreign air carriers that code-share with air carriers.

SEC. 708. PROHIBITIONS AGAINST SMOKING ON SCHEDULED FLIGHTS.

(a) In General.—Section 41706 is amended to read as follows:

"§41706. Prohibitions against smoking on scheduled flights

"(a) Smoking Prohibition in Intrastate and Interstate Air Transportation.—An individual may not smoke in an aircraft in scheduled passenger interstate air transportation or scheduled passenger intrastate air transportation.

"(b) Smoking Prohibition in Foreign Air Transportation.—The Secretary of Transportation shall require all air carriers and foreign air carriers to prohibit smoking in any aircraft in scheduled passenger foreign air transportation.

"(c) Limitation on Applicability.—

"(1) In general.—If a foreign government objects to the application of subsection (b) on the basis that subsection (b) provides for an extraterritorial application of the laws of the United States, the Secretary shall waive the application of subsection (b) to a foreign air carrier licensed by that foreign government at such time as an alternative prohibition negotiated under paragraph (2) becomes effective and is enforced by the Secretary.

"(2) Alternative prohibition.—If, pursuant to paragraph (1), a foreign government objects to the prohibition under subsection (b), the Secretary shall enter into bilateral negotiations with the objecting foreign government to provide for an alternative smoking prohibition.

"(d) Regulations.—The Secretary shall prescribe such regulations as are necessary to carry out this section.".

(b) Effective Date.—The amendment made by subsection (a) shall take effect on the date that is 60 days after the date of enactment of this Act.

SEC. 709. JOINT VENTURE AGREEMENT.

Section 41720, as redesignated by section 231(b)(1) of this Act, is amended by striking "an agreement entered into by a major air carrier" and inserting "an agreement between 2 or more major air carriers".

SEC. 710. REPORTS BY CARRIERS ON INCIDENTS INVOLVING ANIMALS DURING AIR TRANSPORT.

(a) In General.—Subchapter I of chapter 417 (as amended by section 231(b) of this Act) is further amended by adding at the end the following:

"§41721. Reports by carriers on incidents involving animals during air transport

"(a) In General.—An air carrier that provides scheduled passenger air transportation shall submit monthly to the Secretary a report on any incidents involving the loss, injury, or death of an animal (as defined by the Secretary of Transportation) during air transport provided by the air carrier. The report shall be in such form and contain such information as the Secretary determines appropriate.

"(b) Training of Air Carrier Employees.—The Secretary shall work with air carriers to improve the training of employees with respect to the air transport of animals and the notification of passengers of the conditions under which the air transport of animals is conducted.

"(c) Sharing of Information.—The Secretary and the Secretary of Agriculture shall enter into a memorandum of understanding to ensure the sharing of information that the Secretary receives under subsection (a).

"(d) Publication of Data.—The Secretary shall publish data on incidents and complaints involving the loss, injury, or death of an animal during air transport in a manner comparable to other consumer complaint and incident data.

"(e) Air Transport.—For purposes of this section, the air transport of an animal includes the entire period during which an animal is in the custody of an air carrier, from check-in of the animal prior to departure until the animal is returned to the owner or guardian of the animal at the final destination of the animal.".

(b) Conforming Amendment.—The analysis for such subchapter is further amended by adding at the end the following:

"41721. Reports by carriers on incidents involving animals during air transportation.".

SEC. 711. EXTENSION OF WAR RISK INSURANCE PROGRAM.

Section 44310 is amended by striking "after" and all that follows and inserting "after December 31, 2003.".

SEC. 712. GENERAL FACILITIES AND PERSONNEL AUTHORITY.

Section 44502(a) is amended by adding at the end the following:

"(5) Improvements on leased properties.—The Administrator may make improvements to real property leased for no or nominal consideration for an air navigation facility, regardless of whether the cost of making the improvements exceeds the cost of leasing the real property, if—

"(A) the improvements primarily benefit the Government;

"(B) the improvements are essential for accomplishment of the mission of the Federal Aviation Administration; and

"(C) the interest of the United States Government in the improvements is protected.".

SEC. 713. HUMAN FACTORS PROGRAM.

(a) IN GENERAL.—Chapter 445 is amended by adding at the end the following:

"§44516. Human factors program

"(a) HUMAN FACTORS TRAINING.—

"(1) AIR TRAFFIC CONTROLLERS.—The Administrator of the Federal Aviation Administration shall—

"(A) address the problems and concerns raised by the National Research Council in its report 'The Future of Air Traffic Control' on air traffic control automation; and

"(B) respond to the recommendations made by the National Research Council.

"(2) PILOTS AND FLIGHT CREWS.—The Administrator shall work with representatives of the aviation industry and appropriate aviation programs associated with universities to develop specific training curricula to address critical safety problems, including problems of pilots—

"(A) in recovering from loss of control of an aircraft, including handling unusual attitudes and mechanical malfunctions;

"(B) in deviating from standard operating procedures, including inappropriate responses to emergencies and hazardous weather;

"(C) in awareness of altitude and location relative to terrain to prevent controlled flight into terrain; and

"(D) in landing and approaches, including nonprecision approaches and go-around procedures.

"(b) TEST PROGRAM.—The Administrator shall establish a test program in cooperation with air carriers to use model Jeppesen approach plates or other similar tools to improve precision-like landing approaches for aircraft.

"(c) REPORT.—Not later than 1 year after the date of enactment of this section, the Administrator shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the status of the Administration's efforts to encourage the adoption and implementation of advanced qualification programs for air carriers under this section.

"(d) ADVANCED QUALIFICATION PROGRAM DEFINED.—In this section, the term 'advanced qualification program' means an alternative method for qualifying, training, certifying, and ensuring the competency of flight crews and other commercial aviation operations personnel subject to the training and evaluation requirements of parts 121 and 135 of title 14, Code of Federal Regulations.".

(b) AUTOMATION AND ASSOCIATED TRAINING.—Not later than 12 months after the date of enactment of this Act, the Administrator shall complete updating training practices for flight deck automation and associated training requirements.

(c) CONFORMING AMENDMENT.—The analysis for chapter 445 is further amended by adding at the end the following:

"44516. Human factors program.".

SEC. 714. IMPLEMENTATION OF ARTICLE 83 BIS OF THE CHICAGO CONVENTION.

Section 44701 is amended by—

(1) redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

"(e) BILATERAL EXCHANGES OF SAFETY OVERSIGHT RESPONSIBILITIES.—

"(1) IN GENERAL.—Notwithstanding the provisions of this chapter, the Administrator, pursuant to Article 83 bis of the Convention on International Civil Aviation and by a bilateral agreement with the aeronautical authorities of another country, may exchange with that country all or part of their respective functions and duties with respect to registered aircraft under the following articles of the Convention: Article 12 (Rules of the Air); Article 31 (Certificates of Airworthiness); or Article 32a (Licenses of Personnel).

"(2) RELINQUISHMENT AND ACCEPTANCE OF RESPONSIBILITY.—The Administrator relinquishes responsibility with respect to the functions and duties transferred by the Administrator as specified in the bilateral agreement, under the Articles listed in paragraph (1) for United States-registered aircraft described in paragraph (4)(A) transferred abroad and accepts responsibility with respect to the functions and duties under those Articles for aircraft registered abroad and described in paragraph (4)(B) that are transferred to the United States.

"(3) CONDITIONS.—The Administrator may predicate, in the agreement, the transfer of functions and duties under this subsection on any conditions the Administrator deems necessary and prudent, except that the Administrator may not transfer responsibilities for United States registered aircraft described in paragraph (4)(A) to a country that the Administrator determines is not in compliance with its obligations under international law for the safety oversight of civil aviation.

"(4) REGISTERED AIRCRAFT DEFINED.—In this subsection, the term 'registered aircraft' means—

"(A) aircraft registered in the United States and operated pursuant to an agreement for the lease, charter, or interchange of the aircraft or any similar arrangement by an operator that has its principal place of business or, if it has no such place of business, its permanent residence in another country; and

"(B) aircraft registered in a foreign country and operated under an agreement for the lease, charter, or interchange of the aircraft or any similar arrangement by an operator that has its principal place of business or, if it has no such place of business, its permanent residence in the United States.".

SEC. 715. PUBLIC AVAILABILITY OF AIRMEN RECORDS.

Section 44703 is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(2) by inserting after subsection (b) the following:

"(c) PUBLIC INFORMATION.—

"(1) IN GENERAL.—Subject to paragraph (2) and notwithstanding any other provision of law, the information contained in the records of contents of any airman certificate issued under this section that is limited to an airman's name, address, and ratings held shall be made available to the public after the 120th day following the date of enactment of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century.

"(2) OPPORTUNITY TO WITHHOLD INFORMATION.—Before making any information concerning an airman available to the public under paragraph (1), the airman shall be given an opportunity to elect that the information not be made available to the public.

"(3) DEVELOPMENT AND IMPLEMENTATION OF PROGRAM.—Not later than 60 days after the date of enactment of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, the Administrator shall develop and implement, in cooperation with representatives of the aviation industry, a 1-time written notification to airmen to set forth the implications of making information concerning an airman available to the public under paragraph (1) and to carry out paragraph (2). The Administrator shall also provide such written notification to each individual who becomes an airman after such date of enactment.".

SEC. 716. REVIEW PROCESS FOR EMERGENCY ORDERS.

Section 44709(e) is amended to read as follows:

"(e) EFFECTIVENESS OF ORDERS PENDING APPEAL.—

"(1) IN GENERAL.—When a person files an appeal with the Board under subsection (d), the order of the Administrator is stayed.

"(2) EXCEPTION.—Notwithstanding paragraph (1), the order of the Administrator is effective immediately if the Administrator advises the Board that an emergency exists and safety in air commerce or air transportation requires the order to be effective immediately.

"(3) REVIEW OF EMERGENCY ORDER.—A person affected by the immediate effectiveness of the Administrator's order under paragraph (2) may petition for a review by the Board, under procedures promulgated by the Board, of the Administrator's determination that an emergency exists. Any such review shall be requested not later than 48 hours after the order is received by the person. If the Board finds that an emergency does not exist that requires the immediate application of the order in the interest of safety in air commerce or air transportation, the order shall be stayed, notwithstanding paragraph (2). The Board shall dispose of a review request under this paragraph not later than 5 days after the date on which the request is filed.

"(4) FINAL DISPOSITION.—The Board shall make a final disposition of an appeal under subsection (d) not later than 60 days after the date on which the appeal is filed.".

SEC. 717. GOVERNMENT AND INDUSTRY CONSORTIA.

Section 44903 is amended by adding at the end the following:

"(f) GOVERNMENT AND INDUSTRY CONSORTIA.—The Administrator may establish at airports such consortia of government and aviation industry representatives as the Administrator may designate to provide advice on matters related to aviation security and safety. Such consortia shall not be considered Federal advisory committees for purposes of the Federal Advisory Committee Act (5 U.S.C. App.).".

SEC. 718. PASSENGER MANIFEST.

Section 44909(a)(2) is amended by striking "shall" and inserting "should".

SEC. 719. COST RECOVERY FOR FOREIGN AVIATION SERVICES.

Section 45301 is amended—

(1) by striking subsection (a)(2) and inserting the following:

"(2) Services (other than air traffic control services) provided to a foreign government or services provided to any entity obtaining services outside the United States, except that the Administrator shall not impose fees in any manner for production-certification related service performed outside the United States pertaining to aeronautical products manufactured outside the United States."; and

(2) by adding at the end the following:

"(d) PRODUCTION-CERTIFICATION RELATED SERVICE DEFINED.—In this section, the term 'production-certification related service' has the meaning given that term in appendix C of part 187 of title 14, Code of Federal Regulations.".

SEC. 720. TECHNICAL CORRECTIONS TO CIVIL PENALTY PROVISIONS.

Section 46301 is amended—

(1) in subsection (a)(1)(A) by striking "46302, 46303, or";

(2) in subsection (d)(7)(A) by striking "an individual" the first place it appears and inserting "a person"; and

(3) in subsection (g) by inserting "or the Administrator" after "Secretary".

SEC. 721. WAIVER UNDER AIRPORT NOISE AND CAPACITY ACT.

(a) REPEAL.—Section 231 of H.R. 3425 of the 106th Congress, as enacted into law by section 1000(a)(5) of Public Law 106–113, is repealed and the provisions of law amended by such section shall be read as if such section had not been enacted into law.

(b) EXEMPTION FOR AIRCRAFT MODIFICATION OR DISPOSAL, SCHEDULED HEAVY MAINTENANCE, OR LEASING-RELATED FLIGHTS.—Section 47528 is amended—

(1) in subsection (a) by striking "subsection (b)" and inserting "subsection (b) or (f)";

(2) in subsection (e) by adding at the end the following:

"(4) An air carrier operating stage 2 aircraft under this subsection may transport stage 2 aircraft to or from the 48 contiguous States on a nonrevenue basis in order—

"(A) to perform maintenance (including major alterations) or preventative maintenance on aircraft operated, or to be operated, within the limitations of paragraph (2)(B); or

"(B) conduct operations within the limitations of paragraph (2)(B)."; and

(3) by adding at the end the following:

"(f) AIRCRAFT MODIFICATION, DISPOSAL, SCHEDULED HEAVY MAINTENANCE, OR LEASING.—

"(1) IN GENERAL.—The Secretary shall permit a person to operate after December 31, 1999, a stage 2 aircraft in nonrevenue service through the airspace of the United States or to or from an airport in the contiguous 48 States in order to—

"(A) sell, lease, or use the aircraft outside the contiguous 48 States;

"(B) scrap the aircraft;

"(C) obtain modifications to the aircraft to meet stage 3 noise levels;

"(D) perform scheduled heavy maintenance or significant modifications on the aircraft at a maintenance facility located in the contiguous 48 States;

"(E) deliver the aircraft to an operator leasing the aircraft from the owner or return the aircraft to the lessor;

"(F) prepare or park or store the aircraft in anticipation of any of the activities described in subparagraphs (A) through (E); or

"(G) divert the aircraft to an alternative airport in the contiguous 48 States on account of weather, mechanical, fuel, air traffic control, or other safety reasons while conducting a flight in order to perform any of the activities described in subparagraphs (A) through (F).

"(2) PROCEDURE TO BE PUBLISHED.—Not later than 30 days after the date of enactment of this subsection, the Secretary shall establish and publish a procedure to inplement paragraph (1) through the use of categorical waivers, ferry permits, or other means.

"(g) STATUTORY CONSTRUCTION.—Nothing in this section may be construed as interfering with, nullifying, or otherwise affecting determinations made by the Federal Aviation Administration, or to be made by the Administration with respect to applications under part 161 of title 14, Code of Federal Regulations, that were pending on November 1, 1999.".

(c) NOISE STANDARDS FOR EXPERIMENTAL AIRCRAFT.—

(1) IN GENERAL.—Section 47528(a) is amended by inserting "(for which an airworthiness certificate other than an experimental certificate has been issued by the Administrator)" after "civil subsonic turbojet".

(2) REGULATIONS.—Regulations contained in title 14, Code of Federal Regulations, that implement section 47528 of title 49, United States Code, and related provisions shall be deemed to incorporate the amendment made by paragraph (1) on the date of enactment of this Act.

(d) WAIVERS FOR AIRCRAFT NOT COMPLYING WITH STAGE 3 NOISE LEVELS.—Section 47528(b)(1) is amended—

(1) in the first sentence by inserting "or foreign air carrier" after "air carrier"; and

(2) by inserting after "January 1, 1999," the following: "or, in the case of a foreign air carrier, the 15th day following the date of enactment of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century".

SEC. 722. LAND USE COMPLIANCE REPORT.

Section 47131 is amended—

(1) by inserting "(a) GENERAL RULE.—" before "Not later";

(2) by striking "and" at the end of paragraph (3);

(3) by striking the period at the end of paragraph (4) and inserting "; and"; and

(4) by adding at the end the following:

"(5) a detailed statement listing airports that the Secretary believes are not in compliance with grant assurances or other requirements with respect to airport lands and including the circumstances of such noncompliance, the timelines for corrective action, and the corrective action the Secretary intends to take to bring the airport sponsor into compliance.

"(b) SPECIAL RULE FOR LISTING NONCOMPLIANT AIRPORTS.—The Secretary does not have to conduct an audit or make a final determination before including an airport on the list referred to in subsection (a)(5).".

SEC. 723. CHARTER AIRLINES.

Section 41104 is amended—

(1) by redesignating subsections (b) and (c) as (c) and (d), respectively; and

(2) by inserting after subsection (a) the following:

"(b) SCHEDULED OPERATIONS.—

"(1) IN GENERAL.—An air carrier, including an indirect air carrier, which operates aircraft designed for more than 9 passenger seats, may not provide regularly scheduled charter air transportation for which the general public is provided in advance a schedule containing the departure location, departure time, and arrival location of the flights to or from an airport that is not located in Alaska and that does not have an operating certificate issued under part 139 of title 14, Code of Federal Regulations (or any subsequent similar regulations).

"(2) DEFINITION.—In this paragraph, the term 'regularly scheduled charter air transportation' does not include operations for which the departure time, departure location, and arrival location are specifically negotiated with the customer or the customer's representative.".

SEC. 724. CREDIT FOR EMERGENCY SERVICES PROVIDED.

(a) STUDY.—The Administrator shall conduct a study of the appropriateness of allowing an airport that agrees to provide services to the Federal Emergency Management Agency or to a State or local agency in the event of an emergency a credit of the value of such services against the airport's local share under the airport improvement program.

(b) NOTIFICATION.—The Administrator shall notify nonhub and general aviation airports that the Administrator is conducting the study under subsection (a) and give them an opportunity to explain how the credit described in subsection (a) would benefit such airports.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study conducted under subsection (a). The report shall identify, at a minimum, the airports that would be affected by providing the credit described in subsection (a), explain what sort of emergencies could qualify for such credit, and explain how the costs would be quantified to determine the credit against the local share.

SEC. 725. PASSENGER CABIN AIR QUALITY.

(a) STUDY OF AIR QUALITY IN PASSENGER CABINS IN COMMERCIAL AIRCRAFT.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Administrator shall arrange for and provide necessary data to the National Academy of Sciences to conduct a 12-month, independent study of air quality in passenger cabins of aircraft used in air transportation and foreign air transportation, including the collection of new data, in coordination with the Federal Aviation Administration, to identify contaminants in the aircraft air and develop recommendations for means of reducing such contaminants.

(2) ALTERNATIVE AIR SUPPLY.—The study should examine whether contaminants would be reduced by the replacement of engine and auxiliary power unit bleed air with an alternative supply of air for the aircraft passengers and crew.

(3) SCOPE.—The study shall include an assessment and quantitative analysis of each of the following:

(A) Contaminants of concern, as determined by the National Academy of Sciences.

(B) The systems of air supply on aircraft, including the identification of means by which contaminants may enter such systems.

(C) The toxicological and health effects of the contaminants of concern, their byproducts, and the products of their degradation.

(D) Any contaminant used in the maintenance, operation, or treatment of aircraft, if a passenger or a member of the air crew may be directly exposed to the contaminant.

(E) Actual measurements of the contaminants of concern in the air of passenger cabins during actual flights in air transportation or foreign air transportation, along with comparisons of such measurements to actual measurements taken in public buildings.

(4) PROVISION OF CURRENT DATA.—The Administrator shall collect all data of the Federal Aviation Administration that is relevant to the study and make the data available to the National Academy of Sciences in order to complete the study.

(b) COLLECTION OF AIRCRAFT AIR QUALITY DATA.—

(1) IN GENERAL.—The Administrator may consider the feasibility of using the flight data recording system on aircraft to monitor and record appropriate data related to air inflow quality, including measurements of the exposure of persons aboard the aircraft to contaminants during normal aircraft operation and during incidents involving air quality problems.

(2) PASSENGER CABINS.—The Administrator may also consider the feasibility of using the flight data recording system to monitor and record data related to the air quality in passengers cabins of aircraft.

SEC. 726. STANDARDS FOR AIRCRAFT AND AIRCRAFT ENGINES TO REDUCE NOISE LEVELS.

(a) DEVELOPMENT OF NEW STANDARDS.—The Secretary shall continue to work to develop through the International Civil Aviation Organization new performance standards for aircraft and aircraft engines that will lead to a further reduction in aircraft noise levels.

(b) GOALS TO BE CONSIDERED IN DEVELOPING NEW STANDARDS.—In negotiating standards under subsection (a), the Secretary shall give high priority to developing standards that—

(1) are performance based and can be achieved by use of a full range of certifiable noise reduction technologies;

(2) protect the useful economic value of existing Stage 3 aircraft in the United States fleet;

(3) ensure that United States air carriers and aircraft engine and hushkit manufacturers are not competitively disadvantaged;

(4) use dynamic economic modeling capable of determining impacts on all aircraft in service in the United States fleet; and

(5) continue the use of a balanced approach to address aircraft environmental issues, taking

into account aircraft technology, land use planning, economic feasibility, and airspace operational improvements.

(c) ANNUAL REPORT.—Not later than July 1, 2000, and annually thereafter, the Secretary shall transmit to Congress a report regarding the application of new standards or technologies to reduce aircraft noise levels.

SEC. 727. TAOS PUEBLO AND BLUE LAKES WILDERNESS AREA DEMONSTRATION PROJECT.

Not later than 18 months after the date of enactment of this Act, the Administrator shall work with the Taos Pueblo to study the feasibility of conducting a demonstration project to require all aircraft that fly over Taos Pueblo and the Blue Lake Wilderness Area of Taos Pueblo, New Mexico, to maintain a mandatory minimum altitude of at least 5,000 feet above ground level. In conducting the study, the Administrator shall determine whether itinerant general aviation aircraft should be exempt from any such requirement.

SEC. 728. AUTOMATED SURFACE OBSERVATION SYSTEM STATIONS.

The Administrator shall not terminate human weather observers for Automated Surface Observation System stations until—

(1) the Administrator determines that the system provides consistent reporting of changing meteorological conditions and notifies Congress in writing of that determination; and

(2) 60 days have passed since the report was transmitted to Congress.

SEC. 729. AIRCRAFT SITUATIONAL DISPLAY DATA.

(a) IN GENERAL.—A memorandum of agreement between the Administrator and any person that directly obtains aircraft situational display data from the Federal Aviation Administration shall require that—

(1) the person demonstrate to the satisfaction of the Administrator that the person is capable of selectively blocking the display of any aircraft-situation-display-to-industry derived data related to any identified aircraft registration number; and

(2) the person agree to block selectively the aircraft registration numbers of any aircraft owner or operator upon the Administration's request.

(b) EXISTING MEMORANDA TO BE CONFORMED.—Not later than 30 days after the date of enactment of this Act, the Administrator shall conform any memoranda of agreement, in effect on such date of enactment, between the Federal Aviation Administration and a person under which that person obtains aircraft situational display data to incorporate the requirements of subsection (a).

SEC. 730. ELIMINATION OF BACKLOG OF EQUAL EMPLOYMENT OPPORTUNITY COMPLAINTS.

(a) HIRING OF ADDITIONAL PERSONNEL.—For fiscal year 2001, the Secretary may hire or contract for such additional personnel as may be necessary to eliminate the backlog of pending equal employment opportunity complaints to the Department of Transportation and to ensure that investigations of complaints are completed not later than 180 days after the date of initiation of the investigation.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,000,000 for fiscal year 2001.

SEC. 731. GRANT OF EASEMENT, LOS ANGELES, CALIFORNIA.

The Department of Airports of the city of Los Angeles may grant an easement to the California Department of Transportation to lands required to provide sufficient right-of-way to facilitate the construction of the California State Route 138 bypass, as proposed by the California Department of Transportation, if the Department of Airports can document or provide analysis that granting the easement will benefit the Department of Airports or local airport development to an extent equal to the value of the easement being granted.

SEC. 732. REGULATION OF ALASKA GUIDE PILOTS.

(a) IN GENERAL.—Beginning on the date of enactment of this Act, flight operations conducted by Alaska guide pilots shall be regulated under the general operating and flight rules contained in part 91 of title 14, Code of Federal Regulations.

(b) RULEMAKING PROCEEDING.—

(1) IN GENERAL.—The Administrator shall conduct a rulemaking proceeding and issue a final rule to modify the general operating and flight rules referred to in subsection (a) by establishing special rules applicable to the flight operations conducted by Alaska guide pilots.

(2) CONTENTS OF RULES.—A final rule issued by the Administrator under paragraph (1) shall require Alaska guide pilots—

(A) to operate aircraft inspected no less often than after 125 hours of flight time;

(B) to participate in an annual flight review, as described in section 61.56 of title 14, Code of Federal Regulations;

(C) to have at least 500 hours of flight time as a pilot;

(D) to have a commercial rating, as described in subpart F of part 61 of such title;

(E) to hold at least a second-class medical certificate, as described in subpart C of part 67 of such title;

(F) to hold a current letter of authorization issued by the Administrator; and

(G) to take such other actions as the Administrator determines necessary for safety.

(3) CONSIDERATION.—In making a determination to impose a requirement under paragraph (2)(G), the Administrator shall take into account the unique conditions associated with air travel in the State of Alaska to ensure that such requirements are not unduly burdensome.

(c) DEFINITIONS.—In this section, the following definitions apply:

(1) LETTER OF AUTHORIZATION.—The term "letter of authorization" means a letter issued by the Administrator once every 5 years to an Alaska guide pilot certifying that the pilot is in compliance with general operating and flight rules applicable to the pilot. In the case of a multi-pilot operation, at the election of the operating entity, a letter of authorization may be issued by the Administrator to the entity or to each Alaska guide pilot employed by the entity.

(2) ALASKA GUIDE PILOT.—The term "Alaska guide pilot" means a pilot who—

(A) conducts aircraft operations over or within the State of Alaska;

(B) operates single engine, fixed wing aircraft on floats, wheels, or skis, providing commercial hunting, fishing, or other guide services and related accommodations in the form of camps or lodges; and

(C) transports clients by such aircraft incidental to hunting, fishing, or other guide services.

SEC. 733. NATIONAL TRANSPORTATION DATA CENTER OF EXCELLENCE.

Of the amounts made available pursuant to section 5117(b)(6)(B) of the Transportation Equity Act for the 21st Century (23 U.S.C. 502 note; 112 Stat. 450), not to exceed $1,000,000 for each of fiscal years 2000 and 2001 may be made available by the Secretary to establish, at an Army depot that has been closed or realigned, a national transportation data center of excellence that will—

(1) serve as a satellite facility for the central data repository that is hosted by the computer center of the Transportation Administrative Service; and

(2) analyze transportation data collected by the Federal Government, States, cities, and the transportation industry.

SEC. 734. AIRCRAFT REPAIR AND MAINTENANCE ADVISORY PANEL.

(a) ESTABLISHMENT OF PANEL.—The Administrator—

(1) shall establish an aircraft repair and maintenance advisory panel to review issues related to the use and oversight of aircraft and aviation component repair and maintenance facilities (in this section referred to as "aircraft repair facilities") located within, or outside of, the United States; and

(2) may seek the advice of the panel on any issue related to methods to increase safety by improving the oversight of aircraft repair facilities.

(b) MEMBERSHIP.—The panel shall consist of—

(1) 9 members appointed by the Administrator as follows:

(A) 3 representatives of labor organizations representing aviation mechanics;

(B) 1 representative of cargo air carriers;

(C) 1 representative of passenger air carriers;

(D) 1 representative of aircraft repair facilities;

(E) 1 representative of aircraft manufacturers;

(F) 1 representative of on-demand passenger air carriers and corporate aircraft operations; and

(G) 1 representative of regional passenger air carriers;

(2) 1 representative from the Department of Commerce, designated by the Secretary of Commerce;

(3) 1 representative from the Department of State, designated by the Secretary of State; and

(4) 1 representative from the Federal Aviation Administration, designated by the Administrator.

(c) RESPONSIBILITIES.—The panel shall—

(1) determine the amount and type of work that is being performed by aircraft repair facilities located within, and outside of, the United States; and

(2) provide advice and counsel to the Secretary with respect to the aircraft and aviation component repair work performed by aircraft repair facilities and air carriers, staffing needs, and any balance of trade or safety issues associated with that work.

(d) DOT TO REQUEST INFORMATION FROM AIR CARRIERS AND REPAIR FACILITIES.—

(1) COLLECTION OF INFORMATION.—The Secretary, by regulation, shall require air carriers, foreign air carriers, domestic repair facilities, and foreign repair facilities to submit such information as the Secretary may require in order to assess balance of trade and safety issues with respect to work performed on aircraft used by air carriers, foreign air carriers, United States corporate operators, and foreign corporate operators.

(2) DRUG AND ALCOHOL TESTING INFORMATION.—Included in the information the Secretary requires under paragraph (1) shall be information on the existence and administration of employee drug and alcohol testing programs in place at the foreign repair facilities, if applicable. The Secretary, if necessary, shall work with the International Civil Aviation Organization to increase the number and improve the administration of employee drug and alcohol testing programs at the foreign repair facilities.

(3) DESCRIPTION OF WORK DONE.—Included in the information the Secretary requires under paragraph (1) shall be information on the amount and type of work performed on aircraft registered in and outside of the United States.

(e) DOT TO FACILITATE COLLECTION OF INFORMATION ABOUT AIRCRAFT MAINTENANCE.—The Secretary shall facilitate the collection of information from the National Transportation Safety Board, the Federal Aviation Administration, and other appropriate agencies regarding maintenance performed by aircraft repair facilities.

(f) DOT To Make Information Available to Public.—The Secretary shall make any relevant information received under subsection (d) available to the public, consistent with the authority to withhold trade secrets or commercial, financial, and other proprietary information under section 552 of title 5, United States Code.

(g) Termination.—The panel established under subsection (a) shall terminate on the earlier of—

(1) the date that is 2 years after the date of enactment of this Act; or

(2) December 31, 2001.

(h) Definitions.—The definitions contained in section 40102 of title 49, United States Code, shall apply to this section.

SEC. 735. OPERATIONS OF AIR TAXI INDUSTRY.

(a) Study.—The Administrator, in consultation with the National Transportation Safety Board and other interested persons, shall conduct a study of air taxi operators regulated under part 135 of title 14, Code of Federal Regulations.

(b) Contents.—The study shall include an analysis of the size and type of the aircraft fleet, relevant aircraft equipment, hours flown, utilization rates, safety record by various categories of use and aircraft type, sales revenues, and airports served by the air taxi fleet.

(c) Report.—Not later than 1 year after the date of enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study.

SEC. 736. NATIONAL AIRSPACE REDESIGN.

(a) Findings.—Congress makes the following findings:

(1) The national airspace, comprising more than 29 million square miles, handles more than 55,000 flights per day.

(2) Almost 2,000,000 passengers per day traverse the United States through 20 major en route centers, including more than 700 different sectors.

(3) Redesign and review of the national airspace may produce benefits for the travelling public by increasing the efficiency and capacity of the air traffic control system and reducing delays.

(4) Redesign of the national airspace should be a high priority for the Federal Aviation Administration and the air transportation industry.

(b) Redesign.—The Administrator, with advice from the aviation industry and other interested parties, shall conduct a comprehensive redesign of the national airspace system.

(c) Report.—Not later than December 31, 2000, the Administrator shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the Administrator's comprehensive national airspace redesign. The report shall include projected milestones for completion of the redesign and shall also include a date for completion.

(d) Authorization.—There is authorized to be appropriated to the Administrator to carry out this section $12,000,000 for each of fiscal years 2000, 2001, and 2002.

SEC. 737. COMPLIANCE WITH REQUIREMENTS.

Notwithstanding any other provision of law, in order to avoid unnecessary duplication of expense and effort, the Secretary may authorize the use, in whole or in part, of a completed environmental assessment or environmental impact study for new construction projects on the air operations area of an airport, if the completed assessment or study was for a project at the airport that is substantially similar in nature to the new project. Any such authorized use shall meet all requirements of Federal law for the completion of such an assessment or study.

SEC. 738. FAA CONSIDERATION OF CERTAIN STATE PROPOSALS.

The Administrator is encouraged to consider any proposal with a regional consensus submitted by a State aviation authority regarding the expansion of existing airport facilities or the introduction of new airport facilities.

SEC. 739. CINCINNATI-MUNICIPAL BLUE ASH AIRPORT.

(a) Approval of Sale.—To maintain the efficient utilization of airports in the high-growth Cincinnati local airport system, and to ensure that the Cincinnati-Municipal Blue Ash Airport continues to operate to relieve congestion at Cincinnati-Northern Kentucky International Airport and to provide greater access to the general aviation community beyond the expiration of the city of Cincinnati's grant obligations, the Secretary may approve the sale of Cincinnati-Municipal Blue Ash Airport from the city of Cincinnati to the city of Blue Ash upon a finding that the city of Blue Ash meets all applicable requirements for sponsorship and if the city of Blue Ash agrees to continue to maintain and operate Blue Ash Airport, as generally contemplated and described within the Blue Ash Master Plan Update dated November 30, 1998, for a period of 20 years from the date existing grant assurance obligations of the city of Cincinnati expire.

(b) Treatment of Proceeds From Sale.—The Secretary and the Administrator are authorized to grant the city of Cincinnati an exemption from the provisions of sections 47107 and 47133 of title 49, United States Code, grant obligations of the city of Cincinnati, and regulations and policies of the Federal Aviation Administration, to the extent necessary to allow the city of Cincinnati to use the proceeds from the sale approved under subsection (a) for any purpose authorized by the city of Cincinnati.

SEC. 740. AUTHORITY TO SELL AIRCRAFT AND AIRCRAFT PARTS FOR USE IN RESPONDING TO OIL SPILLS.

(a) Authority.—

(1) Sale of aircraft and aircraft parts.—Notwithstanding section 202 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483) and subject to subsections (b) and (c), the Secretary of Defense may sell, during the period beginning on the date of enactment of this Act and ending September 30, 2002, aircraft and aircraft parts referred to in paragraph (2) to a person or entity that provides oil spill response services (including the application of oil dispersants by air) pursuant to an oil spill response plan that has been approved by the Secretary of the Department in which the Coast Guard is operating.

(2) Aircraft and aircraft parts that may be sold.—The aircraft and aircraft parts that may be sold under paragraph (1) are aircraft and aircraft parts of the Department of Defense that are determined by the Secretary of Defense to be—

(A) excess to the needs of the Department; and

(B) acceptable for commercial sale.

(b) Conditions of Sale.—Aircraft and aircraft parts sold under subsection (a)—

(1) shall have as their primary purpose usage for oil spill spotting, observation, and dispersant delivery and may not have any secondary purpose that would interfere with oil spill response efforts under an oil spill response plan; and

(2) may not be flown outside of or removed from the United States except for the purpose of fulfilling an international agreement to assist in oil spill dispersing efforts, for immediate response efforts for an oil spill outside United States waters that has the potential to threaten United States waters, or for other purposes that are jointly approved by the Secretary of Defense and the Secretary of Transportation.

(c) Certification of Persons and Entities.—The Secretary of Defense may sell aircraft and aircraft parts to a person or entity under subsection (a) only if the Secretary of Transportation certifies to the Secretary of Defense, in writing, before the sale, that the person or entity is capable of meeting the terms and conditions of a contract to deliver oil spill dispersants by air, and that the overall system to be employed by that person or entity for the delivery and application of oil spill dispersants has been sufficiently tested to ensure that the person or entity is capable of being included in an oil spill response plan that has been approved by the Secretary of the Department in which the Coast Guard is operating.

(d) Regulations.—

(1) Issuance.—As soon as practicable after the date of enactment of this Act, the Secretary of Defense, in consultation with the Secretary of Transportation and the Administrator of General Services, shall prescribe regulations relating to the sale of aircraft and aircraft parts under this section.

(2) Contents.—The regulations shall—

(A) ensure that the sale of the aircraft and aircraft parts is made at a fair market value, as determined by the Secretary of Defense, and, to the extent practicable, on a competitive basis;

(B) require a certification by the purchaser that the aircraft and aircraft parts will be used only in accordance with the conditions set forth in subsection (b);

(C) establish appropriate means of verifying and enforcing the use of the aircraft and aircraft parts by the purchaser and other operators in accordance with the conditions set forth in subsection (b) or pursuant to subsection (e); and

(D) ensure, to the maximum extent practicable, that the Secretary of Defense consults with the Administrator of General Services and with the heads of appropriate departments and agencies of the Federal Government regarding alternative requirements for such aircraft and aircraft parts before the sale of such aircraft and aircraft parts under this section.

(e) Additional Terms and Conditions.—The Secretary of Defense may require such other terms and conditions in connection with each sale of aircraft and aircraft parts under this section as the Secretary considers appropriate for such sale. Such terms and conditions shall meet the requirements of regulations prescribed under subsection (d).

(f) Report.—Not later than March 31, 2002, the Secretary of Defense shall transmit to the Committees on Armed Services and Commerce, Science, and Transportation of the Senate and the Committees on National Security and Transportation and Infrastructure of the House of Representatives a report on the Secretary's exercise of authority under this section. The report shall set forth—

(1) the number and types of aircraft sold under the authority, and the terms and conditions under which the aircraft were sold;

(2) the persons or entities to which the aircraft were sold; and

(3) an accounting of the current use of the aircraft sold.

(g) Statutory Construction.—

(1) Authority of administrator.—Nothing in this section may be construed as affecting the authority of the Administrator under any other provision of law.

(2) Certification requirements.—Nothing in this section may be construed to waive, with respect to an aircraft sold under the authority of this section, any requirement to obtain a certificate from the Administrator to operate the aircraft for any purpose (other than oil spill spotting, observation, and dispersant delivery) for which such a certificate is required.

(h) Proceeds From Sale.—The net proceeds of any amounts received by the Secretary of Defense from the sale of aircraft and aircraft parts

under this section shall be covered into the general fund of the Treasury as miscellaneous receipts.

SEC. 741. DISCRIMINATORY PRACTICES BY COMPUTER RESERVATIONS SYSTEMS OUTSIDE THE UNITED STATES.

(a) Actions Against Discriminatory Activity by Foreign CRS Systems.—Section 41310 is amended by adding at the end the following:

"(g) Actions Against Discriminatory Activity by Foreign CRS Systems.—The Secretary of Transportation may take such actions as the Secretary considers are in the public interest to eliminate an activity of a foreign air carrier that owns or markets a computer reservations system, or of a computer reservations system firm whose principal offices are located outside the United States, when the Secretary, on the initiative of the Secretary or on complaint, decides that the activity, with respect to airline service—

"(1) is an unjustifiable or unreasonable discriminatory, predatory, or anticompetitive practice against a computer reservations system firm whose principal offices are located inside the United States; or

"(2) imposes an unjustifiable or unreasonable restriction on access of such a computer reservations system to a foreign market.".

(b) Complaints by CRS Firms.—Section 41310 is amended—

(1) in subsection (d)(1)—

(A) by striking "air carrier" in the first sentence and inserting "air carrier, computer reservations system firm,";

(B) by striking "subsection (c)" and inserting "subsection (c) or (g)"; and

(C) by striking "air carrier" in subparagraph (B) and inserting "air carrier or computer reservations system firm"; and

(2) in subsection (e)(1) by inserting "or a computer reservations system firm is subject when providing services with respect to airline service" before the period at the end of the first sentence.

SEC. 742. SPECIALTY METALS CONSORTIUM.

(a) In General.—The Administrator may work with a consortium of domestic metal producers and aircraft engine manufacturers to improve the quality of turbine engine materials and to address melting technology enhancements.

(b) Report.—Not later than 6 months after entering into an agreement with a consortium described in subsection (a), the Administrator shall transmit to Congress a report on the goals and efforts of the consortium.

SEC. 743. ALKALI SILICA REACTIVITY DISTRESS.

(a) In General.—The Administrator may conduct a study on the impact of alkali silica reactivity distress on airport runways and taxiways and the use of lithium salts and other alternatives for mitigation and prevention of such distress. The study shall include a determination based on in-the-field inspections followed by petrographic analysis or other similar techniques.

(b) Authority To Make Grants.—The Administrator may carry out the study by making a grant to, or entering into a cooperative agreement with, a nonprofit organization for the conduct of all or a part of the study.

(c) Report.—Not later than 18 months after the date of initiation of the study under subsection (a), the Administrator shall transmit to Congress a report on the results of the study.

SEC. 744. ROLLING STOCK EQUIPMENT.

(a) In General.—Section 1168 of title 11, United States Code, is amended to read as follows:

"§1168. Rolling stock equipment

"(a)(1) The right of a secured party with a security interest in or of a lessor or conditional vendor of equipment described in paragraph (2) to take possession of such equipment in compliance with an equipment security agreement, lease, or conditional sale contract, and to enforce any of its other rights or remedies under such security agreement, lease, or conditional sale contract, to sell, lease, or otherwise retain or dispose of such equipment, is not limited or otherwise affected by any other provision of this title or by any power of the court, except that right to take possession and enforce those other rights and remedies shall be subject to section 362, if—

"(A) before the date that is 60 days after the date of commencement of a case under this chapter, the trustee, subject to the court's approval, agrees to perform all obligations of the debtor under such security agreement, lease, or conditional sale contract; and

"(B) any default, other than a default of a kind described in section 365(b)(2), under such security agreement, lease, or conditional sale contract—

"(i) that occurs before the date of commencement of the case and is an event of default therewith is cured before the expiration of such 60-day period;

"(ii) that occurs or becomes an event of default after the date of commencement of the case and before the expiration of such 60-day period is cured before the later of—

"(I) the date that is 30 days after the date of the default or event of the default; or

"(II) the expiration of such 60-day period; and

"(iii) that occurs on or after the expiration of such 60-day period is cured in accordance with the terms of such security agreement, lease, or conditional sale contract, if cure is permitted under that agreement, lease, or conditional sale contract.

"(2) The equipment described in this paragraph—

"(A) is rolling stock equipment or accessories used on rolling stock equipment, including superstructures or racks, that is subject to a security interest granted by, leased to, or conditionally sold to a debtor; and

"(B) includes all records and documents relating to such equipment that are required, under the terms of the security agreement, lease, or conditional sale contract, that is to be surrendered or returned by the debtor in connection with the surrender or return of such equipment.

"(3) Paragraph (1) applies to a secured party, lessor, or conditional vendor acting in its own behalf or acting as trustee or otherwise in behalf of another party.

"(b) The trustee and the secured party, lessor, or conditional vendor whose right to take possession is protected under subsection (a) may agree, subject to the court's approval, to extend the 60-day period specified in subsection (a)(1).

"(c)(1) In any case under this chapter, the trustee shall immediately surrender and return to a secured party, lessor, or conditional vendor, described in subsection (a)(1), equipment described in subsection (a)(2), if at any time after the date of commencement of the case under this chapter such secured party, lessor, or conditional vendor is entitled pursuant to subsection (a)(1) to take possession of such equipment and makes a written demand for such possession of the trustee.

"(2) At such time as the trustee is required under paragraph (1) to surrender and return equipment described in subsection (a)(2), any lease of such equipment, and any security agreement or conditional sale contract relating to such equipment, if such security agreement or conditional sale contract is an executory contract, shall be deemed rejected.

"(d) With respect to equipment first placed in service on or prior to October 22, 1994, for purposes of this section—

"(1) the term 'lease' includes any written agreement with respect to which the lessor and the debtor, as lessee, have expressed in the agreement or in a substantially contemporaneous writing that the agreement is to be treated as a lease for Federal income tax purposes; and

"(2) the term 'security interest' means a purchase-money equipment security interest.

"(e) With respect to equipment first placed in service after October 22, 1994, for purposes of this section, the term 'rolling stock equipment' includes rolling stock equipment that is substantially rebuilt and accessories used on such equipment.".

(b) Aircraft Equipment and Vessels.—Section 1110 of title 11, United States Code, is amended to read as follows:

"§1110. Aircraft equipment and vessels

"(a)(1) Except as provided in paragraph (2) and subject to subsection (b), the right of a secured party with a security interest in equipment described in paragraph (3), or of a lessor or conditional vendor of such equipment, to take possession of such equipment in compliance with a security agreement, lease, or conditional sale contract, and to enforce any of its other rights or remedies, under such security agreement, lease, or conditional sale contract, to sell, lease, or otherwise retain or dispose of such equipment, is not limited or otherwise affected by any other provision of this title or by any power of the court.

"(2) The right to take possession and to enforce the other rights and remedies described in paragraph (1) shall be subject to section 362 if—

"(A) before the date that is 60 days after the date of the order for relief under this chapter, the trustee, subject to the approval of the court, agrees to perform all obligations of the debtor under such security agreement, lease, or conditional sale contract; and

"(B) any default, other than a default of a kind specified in section 365(b)(2), under such security agreement, lease, or conditional sale contract—

"(i) that occurs before the date of the order is cured before the expiration of such 60-day period;

"(ii) that occurs after the date of the order and before the expiration of such 60-day period is cured before the later of—

"(I) the date that is 30 days after the date of the default; or

"(II) the expiration of such 60-day period; and

"(iii) that occurs on or after the expiration of such 60-day period is cured in compliance with the terms of such security agreement, lease, or conditional sale contract, if a cure is permitted under that agreement, lease, or contract.

"(3) The equipment described in this paragraph—

"(A) is—

"(i) an aircraft, aircraft engine, propeller, appliance, or spare part (as defined in section 40102 of title 49) that is subject to a security interest granted by, leased to, or conditionally sold to a debtor that, at the time such transaction is entered into, holds an air carrier operating certificate issued pursuant to chapter 447 of title 49 for aircraft capable of carrying 10 or more individuals or 6,000 pounds or more of cargo; or

"(ii) a documented vessel (as defined in section 30101(1) of title 46) that is subject to a security interest granted by, leased to, or conditionally sold to a debtor that is a water carrier that, at the time such transaction is entered into, holds a certificate of public convenience and necessity or permit issued by the Department of Transportation; and

"(B) includes all records and documents relating to such equipment that are required, under the terms of the security agreement, lease, or conditional sale contract, to be surrendered or returned by the debtor in connection with the surrender or return of such equipment.

"(4) Paragraph (1) applies to a secured party, lessor, or conditional vendor acting in its own behalf or acting as trustee or otherwise in behalf of another party.

"(b) The trustee and the secured party, lessor, or conditional vendor whose right to take possession is protected under subsection (a) may agree, subject to the approval of the court, to extend the 60-day period specified in subsection (a)(1).

"(c)(1) In any case under this chapter, the trustee shall immediately surrender and return to a secured party, lessor, or conditional vendor, described in subsection (a)(1), equipment described in subsection (a)(3), if at any time after the date of the order for relief under this chapter such secured party, lessor, or conditional vendor is entitled pursuant to subsection (a)(1) to take possession of such equipment and makes a written demand for such possession to the trustee.

"(2) At such time as the trustee is required under paragraph (1) to surrender and return equipment described in subsection (a)(3), any lease of such equipment, and any security agreement or conditional sale contract relating to such equipment, if such security agreement or conditional sale contract is an executory contract, shall be deemed rejected.

"(d) With respect to equipment first placed in service on or before October 22, 1994, for purposes of this section—

"(1) the term 'lease' includes any written agreement with respect to which the lessor and the debtor, as lessee, have expressed in the agreement or in a substantially contemporaneous writing that the agreement is to be treated as a lease for Federal income tax purposes; and

"(2) the term 'security interest' means a purchase-money equipment security interest.".

SEC. 745. GENERAL ACCOUNTING OFFICE AIRPORT NOISE STUDY.

(a) In General.—The Comptroller General of the United States shall conduct a study on airport noise in the United States.

(b) Contents of Study.—In conducting the study, the Comptroller General shall examine—

(1) the selection of noise measurement methodologies used by the Administrator;

(2) the threshold of noise at which health begins to be affected;

(3) the effectiveness of noise abatement programs at airports located in the United States;

(4) the impacts of aircraft noise on communities, including schools;

(5) the noise assessment practices of the Federal Aviation Administration and whether such practices fairly and accurately reflect the burden of noise on communities; and

(6) the items requested to be examined by certain members of the House of Representatives in a letter relating to aircraft noise to the Comptroller General dated April 30, 1999.

(c) Report.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall transmit to Congress a report on the results of the study.

SEC. 746. NOISE STUDY OF SKY HARBOR AIRPORT, PHOENIX, ARIZONA.

(a) In General.—The Administrator shall conduct a study on recent changes to the flight patterns of aircraft using Sky Harbor Airport in Phoenix, Arizona, and the effects of such changes on the noise contours in the Phoenix, Arizona, region.

(b) Report.—

(1) In general.—Not later than 90 days after the date of enactment of this Act, the Administrator shall transmit to Congress a report containing the results of the study conducted under subsection (a) and recommendations for measures to mitigate aircraft noise over populated areas in the Phoenix, Arizona, region.

(2) Availability to the public.—The Administrator shall make the report described in paragraph (1) available to the public.

SEC. 747. NONMILITARY HELICOPTER NOISE.

(a) In General.—The Secretary shall conduct a study—

(1) on the effects of nonmilitary helicopter noise on individuals in densely populated areas in the continental United States; and

(2) to develop recommendations for the reduction of the effects of nonmilitary helicopter noise.

(b) Focus.—In conducting the study, the Secretary shall focus on air traffic control procedures to address helicopter noise problems and shall take into account the needs of law enforcement.

(c) Consideration of Views.—In conducting the study, the Secretary shall consider the views of representatives of the helicopter industry and organizations with an interest in reducing nonmilitary helicopter noise.

(d) Report.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under this section.

SEC. 748. NEWPORT NEWS, VIRGINIA.

(a) Authority To Grant Waivers.—Notwithstanding section 16 of the Federal Airport Act (as in effect on May 14, 1947) or section 47125 of title 49, United States Code, the Secretary may, subject to section 47153 of such title (as in effect on June 1, 1998), and subsection (b) of this section, waive with respect to airport property parcels that, according to the Federal Aviation Administration approved airport layout plan for Newport News/Williamsburg International Airport, are no longer required for airport purposes from any term contained in the deed of conveyance dated May 14, 1947, under which the United States conveyed such property to the Peninsula Airport Commission for airport purposes of the Commission.

(b) Conditions.—Any waiver granted by the Secretary under subsection (a) shall be subject to the following conditions:

(1) The Peninsula Airport Commission shall agree that, in leasing or conveying any interest in the property with respect to which waivers are granted under subsection (a), the Commission will receive an amount that is equal to the fair lease value or the fair market value, as the case may be, as determined pursuant to regulations issued by the Secretary.

(2) Peninsula Airport Commission shall use any amount so received only for the development, improvement, operation, or maintenance of Newport News/Williamsburg International Airport.

SEC. 749. AUTHORITY TO WAIVE TERMS OF DEED OF CONVEYANCE, YAVAPAI COUNTY, ARIZONA.

(a) In General.—Notwithstanding the Federal Airport Act (as in effect on October 31, 1956) or sections 47125 and 47153 of title 49, United States Code, and subject to this section, the Secretary of Transportation may waive any term contained in the deed of conveyance dated October 31, 1956, by which the United States conveyed lands to the county of Yavapai, Arizona, for use by the county for airport purposes.

(b) Limitation.—No waiver may be granted under subsection (a) if the waiver would result in the closure of an airport.

(c) Condition.—The county of Yavapai, Arizona, shall agree that, in leasing or conveying any interest in property to which the deed of conveyance described in subsection (a) relates, the county will receive an amount that is equal to the fair lease value or the fair market value, as the case may be, as determined pursuant to regulations issued by the Secretary.

SEC. 750. AUTHORITY TO WAIVE TERMS OF DEED OF CONVEYANCE, PINAL COUNTY, ARIZONA.

(a) In General.—Notwithstanding the Federal Airport Act (as in effect on June 3, 1952) or sections 47125 and 47153 of title 49, United States Code, and subject to this section, the Secretary of Transportation may waive any term contained in the deed of conveyance dated June 3, 1952, by which the United States conveyed lands to the county of Pinal, Arizona, for use by the county for airport purposes.

(b) Limitation.—No waiver may be granted under subsection (a) if the waiver would result in the closure of an airport.

(c) Condition.—The county of Pinal, Arizona, shall agree that, in leasing or conveying any interest in property to which the deed of conveyance described in subsection (a) relates, the county will receive an amount that is equal to the fair lease value or the fair market value, as the case may be, as determined pursuant to regulations issued by the Secretary.

SEC. 751. CONVEYANCE OF AIRPORT PROPERTY TO AN INSTITUTION OF HIGHER EDUCATION IN OKLAHOMA.

(a) In General.—Notwithstanding any other provision of law, including the Surplus Property Act of 1944 (58 Stat. 765, chapter 479; 50 U.S.C. App. 1622 et seq.), and subject to the requirements of this section, the Secretary (or the appropriate Federal officer) may waive, without charge, any of the terms contained in any deed of conveyance described in subsection (b) that restrict the use of any land described in such a deed that, as of the date of enactment of this Act, is not being used for the operation of an airport or for air traffic. A waiver made under the preceding sentence shall be deemed to be consistent with the requirements of section 47153 of title 49, United States Code.

(b) Deed of Conveyance.—A deed of conveyance referred to in subsection (a) is a deed of conveyance issued by the United States before the date of enactment of this Act for the conveyance of lands to a public institution of higher education in Oklahoma.

(c) Use of Lands Subject to Waiver.—

(1) In general.—Notwithstanding any other provision of law, the lands subject to a waiver under subsection (a) shall not be subject to any term, condition, reservation, or restriction that would otherwise apply to that land as a result of the conveyance of that land by the United States to the institution of higher education.

(2) Use of revenues.—An institution of higher education that is issued a waiver under subsection (a) shall use revenues derived from the use, operation, or disposal of that land—

(A) for the airport; and

(B) to the extent that funds remain available, for weather-related and educational purposes that primarily benefit aviation.

(d) Condition.—An institution of higher education that is issued a waiver under subsection (a), shall agree that, in leasing or conveying any interest in land to which the deed of conveyance described in subsection (b) relates, the institution will receive an amount that is equal to the fair lease value or the fair market value, as the case may be, as determined pursuant to regulations issued by the Secretary.

(e) Grants.—

(1) In general.—Notwithstanding any other provision of law, if an institution of higher education that is subject to a waiver under subsection (a) received financial assistance in the form of a grant from the Federal Aviation Administration or a predecessor agency before the date of enactment of this Act, then the Secretary may waive the repayment of the outstanding amount of any grant that the institution of higher education would otherwise be required to pay.

(2) Eligibility to receive subsequent grants.—Nothing in paragraph (1) shall affect

the eligibility of an institution of higher education that is subject to that paragraph from receiving grants from the Secretary under chapter 471 of title 49, United States Code, or under any other provision of law relating to financial assistance provided through the Federal Aviation Administration.

SEC. 752. FORMER AIRFIELD LANDS, GRANT PARISH, LOUISIANA.

(a) IN GENERAL.—Subject to the requirements of this section, the United States may release, without monetary consideration, all restrictions, conditions, and limitations on the use, encumbrance, or conveyance of certain land located in Grant Parish, Louisiana, identified as Tracts B, C, and D on the map entitled "Plat of Restricted Properties/Former Pollock Army Airfield, Pollock, Louisiana", dated August 1, 1996, to the extent such restrictions, conditions, and limitations are enforceable by the United States, but the United States shall retain the right of access to, and use of, that land for national defense purposes in time of war or national emergency.

(b) CONDITIONS.—Any release under subsection (a) shall be subject to the following conditions:

(1) In leasing or conveying any interest in the land with respect to which releases are granted under subsection (a), the party owning the property after the releases shall receive an amount that is equal to the fair lease value or the fair market value, as the case may be, as determined pursuant to regulations issued by the Secretary.

(2) Any amount so received may be used only for the development, improvement, operation, or maintenance of the airport.

SEC. 753. RALEIGH COUNTY, WEST VIRGINIA, MEMORIAL AIRPORT.

(a) IN GENERAL.—Subject to subsection (b), the Secretary may grant a release from any term or condition in a grant agreement for the development or improvement of the Raleigh County Memorial Airport, West Virginia, if the Secretary determines that the property to which the release applies—

(1) does not exceed 400 acres; and

(2) is not needed for airport purposes.

(b) CONDITION.—The proceeds of the sale of any property to which a release under subsection (a) applies shall be used for airport purposes.

SEC. 754. IDITAROD AREA SCHOOL DISTRICT.

Notwithstanding any other provision of law (including section 47125 of title 49, United States Code), the Administrator of the Federal Aviation Administration, or the Administrator of General Services, may convey to the Iditarod Area School District without reimbursement all right, title, and interest in 12 acres of property at Lake Minchumina, Alaska, identified by the Administrator of the Federal Aviation Administration, including the structures known as housing units 100 through 105 and as utility building 301.

SEC. 755. ALTERNATIVE POWER SOURCES FOR FLIGHT DATA RECORDERS AND COCKPIT VOICE RECORDERS.

(a) STUDY.—The Administrator shall conduct a study on the need for an alternative power source for on-board flight data recorders and cockpit voice recorders.

(b) REPORT.—Not later than 120 days after the date of enactment of this Act, the Administrator shall transmit to Congress a report on the results of the study.

(c) COORDINATION WITH NTSB.—If, before submitting the report, the Administrator determines, after consultation with the National Transportation Safety Board, that the Board is preparing recommendations with respect to the matter to be studied under this section and will issue the recommendations within a reasonable period of time, the Administrator shall transmit to Congress a report containing the Administrator's comments on the Board's recommendations rather than conducting a separate study under this section.

SEC. 756. TERMINAL AUTOMATED RADAR DISPLAY AND INFORMATION SYSTEM.

The Administrator shall develop a national policy and related procedures concerning the Terminal Automated Radar Display and Information System and sequencing for visual flight rule air traffic control towers.

SEC. 757. STREAMLINING SEAT AND RESTRAINT SYSTEM CERTIFICATION PROCESS AND DYNAMIC TESTING REQUIREMENTS.

(a) WORKING GROUPS.—Not later than 3 months after the date of enactment of this Act, the Administrator shall form a working group comprised of both government and industry representatives to make recommendations for streamlining the seat and restraint system certification process and the 16g dynamic testing requirements under part 25 of title 14, Code of Federal Regulations, to focus on reducing both the cost and the length of time associated with certification of aircraft seats and restraints.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall transmit to Congress a report on the findings of the working group.

SEC. 758. EXPRESSING THE SENSE OF THE SENATE CONCERNING AIR TRAFFIC OVER NORTHERN DELAWARE.

(a) DEFINITION.—The term "Brandywine Intercept" means the point over Brandywine Hundred in northern Delaware that pilots use for guidance and maintenance of safe operation from other aircraft and over which most aircraft pass on their East Operations approach to Philadelphia International Airport.

(b) FINDINGS.—Congress makes the following findings:

(1) The Brandywine Hundred area of New Castle County, Delaware, serves as a major approach causeway to Philadelphia International Airport's East Operations runways.

(2) The standard of altitude over the Brandywine Intercept is 3,000 feet, with airport scatter charts indicating that within a given hour of consistent weather and visibility aircraft fly over the Brandywine Hundred at anywhere from 2,500 to 4,000 feet.

(3) Lower airplane altitudes result in increased ground noise.

(c) SENSE OF THE SENATE.—It is the sense of the Senate that the Secretary should—

(1) include northern Delaware in any study of aircraft noise conducted under part 150 of title 14, Code of Federal Regulations, required under the National Environmental Policy Act of 1969 for the redesign of the airspace surrounding Philadelphia International Airport;

(2) study the feasibility, consistent with safety, of placing the approach causeway for Philadelphia International Airport's East Operations over the Delaware River (instead of Brandywine Hundred); and

(3) study the feasibility of increasing the standard altitude over the Brandywine Intercept from 3,000 feet to 4,000 feet.

SEC. 759. POST FREE FLIGHT PHASE I ACTIVITIES.

Not later than August 1, 2000, the Administrator shall transmit to Congress a definitive plan for the continued implementation of Free Flight Phase I operational capabilities for fiscal years 2003 through 2005. The plan shall include and address the recommendations concerning operational capabilities for fiscal years 2003 through 2005 due to be made by the RTCA Free Flight Steering Committee in December 1999 that was established at the direction of the Federal Aviation Administration. The plan shall also include budget estimates for the implementation of these operational capabilities.

SEC. 760. SENSE OF CONGRESS REGARDING PROTECTING THE FREQUENCY SPECTRUM USED FOR AVIATION COMMUNICATION.

It is the sense of Congress that with the World Radio Communication Conference scheduled to begin in May 2000 and the need to ensure that the frequency spectrum available for aviation communication and navigation is adequate, the Federal Aviation Administration, working with appropriate Federal agencies and departments, should—

(1) give high priority to developing a national policy to protect the frequency spectrum used for the Global Positioning System that is critical to aviation communications and the safe operation of aircraft; and

(2) expedite the appointment of the United States Ambassador to the World Radio Communication Conference.

SEC. 761. LAND EXCHANGES, FORT RICHARDSON AND ELMENDORF AIR FORCE BASE, ALASKA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Interior and the Secretaries of the Army, Air Force, or such other military departments as may be necessary and appropriate may convey to the Alaska Railroad Corporation for purposes of track realignment all right, title, and interest of the United States in and to approximately 227 acres of land located on Fort Richardson and on Elmendorf Air Force Base, Alaska, in the vicinity of, and in exchange for all right, title and interest of the Alaska Railroad Corporation in, approximately 229 acres of railroad right-of-way located between railroad mileposts 117 and 129.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by surveys satisfactory to each Secretary. The cost of the surveys shall be borne by the Alaska Railroad Corporation.

(c) ADDITIONAL TERMS AND CONDITIONS.—Each Secretary may require as to the real property under his jurisdiction such additional terms and conditions in connection with the conveyances under subsection (a) as the Secretary considers appropriate to protect the interests of the United States. The interest conveyed by the Alaska Railroad Corporation to the United States under subsection (a) shall be the full title and interest received by the Corporation under the Alaska Railroad Transfer Act of 1982 (45 U.S.C. 1201 et seq.). The individual parcels of real property conveyed to the United States under this section shall be incorporated into the appropriate land withdrawals for the military installation in which they are situated or which surround them. The interest conveyed to the Corporation by each Secretary under subsection (a) shall be subject to the same reservations and limitations under the Alaska Railroad Transfer Act of 1982 as are currently applicable to the right-of-way for which the land is being exchanged.

(d) SAVINGS CLAUSE.—Nothing in this section affects the duties, responsibilities, and liability of the Federal Government under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) concerning any lands exchanged under this section.

SEC. 762. BILATERAL RELATIONSHIP.

(a) FINDINGS.—Congress makes the following findings:

(1) The current agreement between the United States and the United Kingdom for operating rights between the 2 countries, known as Bermuda II, is one of the most restrictive bilateral agreements the United States has with a developed aviation power that provides substantially greater opportunities and has resulted in a disproportionate market share in favor of United Kingdom carriers over United States carriers.

(2) The United States has attempted in good faith to negotiate a new bilateral agreement, but

the United Kingdom has been unwilling to accept or introduce reasonable proposals for a new agreement.

(3) Because of the United Kingdom's unwillingness to accept reasonable proposals advanced by the United States, the latest rounds of negotiations between the United States and the United Kingdom for new operating rights have failed to produce an agreement between the 2 countries.

(4) The Secretary has the discretionary authority to revoke the exemption held by British carriers to operate the Concorde aircraft into the United States.

(b) CONSIDERATION OF EXERCISING AUTHORITY.—The Secretary should immediately consider whether exercise of his authority to revoke the Concorde exemption would be an appropriate and effective response to the present unsatisfactory situation.

(c) CONSIDERATION OF OTHER REMEDIES.—The Secretary should immediately consider whether it would be effective and appropriate to execute other remedies available to the United States Government, including—

(1) revoking all slots and slot exemptions held by British air carriers at all United States slot-restricted airports;

(2) rescinding current exemptions or permits under the Bermuda II bilateral to prohibit flights by British carriers to the United States; or

(3) renunciation of the current Bermuda II bilateral.

TITLE VIII—NATIONAL PARKS AIR TOUR MANAGEMENT

SEC. 801. SHORT TITLE.

This title may be cited as the "National Parks Air Tour Management Act of 2000".

SEC. 802. FINDINGS.

Congress finds that—

(1) the Federal Aviation Administration has sole authority to control airspace over the United States;

(2) the Federal Aviation Administration has the authority to preserve, protect, and enhance the environment by minimizing, mitigating, or preventing the adverse effects of aircraft overflights on public and tribal lands;

(3) the National Park Service has the responsibility of conserving the scenery and natural and historic objects and wildlife in national parks and of providing for the enjoyment of the national parks in ways that leave the national parks unimpaired for future generations;

(4) the protection of tribal lands from aircraft overflights is consistent with protecting the public health and welfare and is essential to the maintenance of the natural and cultural resources of Indian tribes;

(5) the National Parks Overflights Working Group, composed of general aviation, commercial air tour, environmental, and Native American representatives, recommended that the Congress enact legislation based on the Group's consensus work product; and

(6) this title reflects the recommendations made by that Group.

SEC. 803. AIR TOUR MANAGEMENT PLANS FOR NATIONAL PARKS.

(a) IN GENERAL.—Chapter 401 (as amended by section 706(a) of this Act) is further amended by adding at the end the following:

"§40128. Overflights of national parks

"(a) IN GENERAL.—

"(1) GENERAL REQUIREMENTS.—A commercial air tour operator may not conduct commercial air tour operations over a national park or tribal lands except—

"(A) in accordance with this section;

"(B) in accordance with conditions and limitations prescribed for that operator by the Administrator; and

"(C) in accordance with any applicable air tour management plan for the park or tribal lands.

"(2) APPLICATION FOR OPERATING AUTHORITY.—

"(A) APPLICATION REQUIRED.—Before commencing commercial air tour operations over a national park or tribal lands, a commercial air tour operator shall apply to the Administrator for authority to conduct the operations over the park or tribal lands.

"(B) COMPETITIVE BIDDING FOR LIMITED CAPACITY PARKS.—Whenever an air tour management plan limits the number of commercial air tour operations over a national park during a specified time frame, the Administrator, in cooperation with the Director, shall issue operation specifications to commercial air tour operators that conduct such operations. The operation specifications shall include such terms and conditions as the Administrator and the Director find necessary for management of commercial air tour operations over the park. The Administrator, in cooperation with the Director, shall develop an open competitive process for evaluating proposals from persons interested in providing commercial air tour operations over the park. In making a selection from among various proposals submitted, the Administrator, in cooperation with the Director, shall consider relevant factors, including—

"(i) the safety record of the person submitting the proposal or pilots employed by the person;

"(ii) any quiet aircraft technology proposed to be used by the person submitting the proposal;

"(iii) the experience of the person submitting the proposal with commercial air tour operations over other national parks or scenic areas;

"(iv) the financial capability of the person submitting the proposal;

"(v) any training programs for pilots provided by the person submitting the proposal; and

"(vi) responsiveness of the person submitting the proposal to any relevant criteria developed by the National Park Service for the affected park.

"(C) NUMBER OF OPERATIONS AUTHORIZED.—In determining the number of authorizations to issue to provide commercial air tour operations over a national park, the Administrator, in cooperation with the Director, shall take into consideration the provisions of the air tour management plan, the number of existing commercial air tour operators and current level of service and equipment provided by any such operators, and the financial viability of each commercial air tour operation.

"(D) COOPERATION WITH NPS.—Before granting an application under this paragraph, the Administrator, in cooperation with the Director, shall develop an air tour management plan in accordance with subsection (b) and implement such plan.

"(E) TIME LIMIT ON RESPONSE TO ATMP APPLICATIONS.—The Administrator shall make every effort to act on any application under this paragraph and issue a decision on the application not later than 24 months after it is received or amended.

"(F) PRIORITY.—In acting on applications under this paragraph to provide commercial air tour operations over a national park, the Administrator shall give priority to an application under this paragraph in any case in which a new entrant commercial air tour operator is seeking operating authority with respect to that national park.

"(3) EXCEPTION.—Notwithstanding paragraph (1), commercial air tour operators may conduct commercial air tour operations over a national park under part 91 of the title 14, Code of Federal Regulations if—

"(A) such activity is permitted under part 119 of such title;

"(B) the operator secures a letter of agreement from the Administrator and the national park superintendent for that national park describing the conditions under which the operations will be conducted; and

"(C) the total number of operations under this exception is limited to not more than 5 flights in any 30-day period over a particular park.

"(4) SPECIAL RULE FOR SAFETY REQUIREMENTS.—Notwithstanding subsection (c), an existing commercial air tour operator shall apply, not later than 90 days after the date of enactment of this section, for operating authority under part 119, 121, or 135 of title 14, Code of Federal Regulations. A new entrant commercial air tour operator shall apply for such authority before conducting commercial air tour operations over a national park or tribal lands. The Administrator shall make every effort to act on any such application for a new entrant and issue a decision on the application not later than 24 months after it is received or amended.

"(b) AIR TOUR MANAGEMENT PLANS.—

"(1) ESTABLISHMENT.—

"(A) IN GENERAL.—The Administrator, in cooperation with the Director, shall establish an air tour management plan for any national park or tribal land for which such a plan is not in effect whenever a person applies for authority to conduct a commercial air tour operation over the park. The air tour management plan shall be developed by means of a public process in accordance with paragraph (4).

"(B) OBJECTIVE.—The objective of any air tour management plan shall be to develop acceptable and effective measures to mitigate or prevent the significant adverse impacts, if any, of commercial air tour operations upon the natural and cultural resources, visitor experiences, and tribal lands.

"(2) ENVIRONMENTAL DETERMINATION.—In establishing an air tour management plan under this subsection, the Administrator and the Director shall each sign the environmental decision document required by section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) which may include a finding of no significant impact, an environmental assessment, or an environmental impact statement and the record of decision for the air tour management plan.

"(3) CONTENTS.—An air tour management plan for a national park—

"(A) may prohibit commercial air tour operations in whole or in part;

"(B) may establish conditions for the conduct of commercial air tour operations, including commercial air tour routes, maximum or minimum altitudes, time-of-day restrictions, restrictions for particular events, maximum number of flights per unit of time, intrusions on privacy on tribal lands, and mitigation of noise, visual, or other impacts;

"(C) shall apply to all commercial air tour operations within ½ mile outside the boundary of a national park;

"(D) shall include incentives (such as preferred commercial air tour routes and altitudes, relief from caps and curfews) for the adoption of quiet aircraft technology by commercial air tour operators conducting commercial air tour operations at the park;

"(E) shall provide for the initial allocation of opportunities to conduct commercial air tour operations if the plan includes a limitation on the number of commercial air tour operations for any time period; and

"(F) shall justify and document the need for measures taken pursuant to subparagraphs (A) through (E) and include such justifications in the record of decision.

"(4) PROCEDURE.—In establishing an air tour management plan for a national park or tribal lands, the Administrator and the Director shall—

"(A) hold at least one public meeting with interested parties to develop the air tour management plan;

"(B) publish the proposed plan in the Federal Register for notice and comment and make copies of the proposed plan available to the public;

"(C) comply with the regulations set forth in sections 1501.3 and 1501.5 through 1501.8 of title 40, Code of Federal Regulations (for purposes of complying with the regulations, the Federal Aviation Administration shall be the lead agency and the National Park Service is a cooperating agency); and

"(D) solicit the participation of any Indian tribe whose tribal lands are, or may be, overflown by aircraft involved in a commercial air tour operation over the park or tribal lands to which the plan applies, as a cooperating agency under the regulations referred to in subparagraph (C).

"(5) JUDICIAL REVIEW.—An air tour management plan developed under this subsection shall be subject to judicial review.

"(6) AMENDMENTS.—The Administrator, in cooperation with the Director, may make amendments to an air tour management plan. Any such amendments shall be published in the Federal Register for notice and comment. A request for amendment of an air tour management plan shall be made in such form and manner as the Administrator may prescribe.

"(c) INTERIM OPERATING AUTHORITY.—

"(1) IN GENERAL.—Upon application for operating authority, the Administrator shall grant interim operating authority under this subsection to a commercial air tour operator for commercial air tour operations over a national park or tribal lands for which the operator is an existing commercial air tour operator.

"(2) REQUIREMENTS AND LIMITATIONS.—Interim operating authority granted under this subsection—

"(A) shall provide annual authorization only for the greater of—

"(i) the number of flights used by the operator to provide the commercial air tour operations within the 12-month period prior to the date of enactment of this section; or

"(ii) the average number of flights per 12-month period used by the operator to provide such operations within the 36-month period prior to such date of enactment, and, for seasonal operations, the number of flights so used during the season or seasons covered by that 12-month period;

"(B) may not provide for an increase in the number of commercial air tour operations conducted during any time period by the commercial air tour operator above the number that the air tour operator was originally granted unless such an increase is agreed to by the Administrator and the Director;

"(C) shall be published in the Federal Register to provide notice and opportunity for comment;

"(D) may be revoked by the Administrator for cause;

"(E) shall terminate 180 days after the date on which an air tour management plan is established for the park or tribal lands;

"(F) shall promote protection of national park resources, visitor experiences, and tribal lands;

"(G) shall promote safe commercial air tour operations;

"(H) shall promote the adoption of quiet technology, as appropriate; and

"(I) shall allow for modifications of the interim operating authority based on experience if the modification improves protection of national park resources and values and of tribal lands.

"(3) NEW ENTRANT AIR TOUR OPERATORS.—

"(A) IN GENERAL.—The Administrator, in cooperation with the Director, may grant interim operating authority under this paragraph to an air tour operator for a national park or tribal lands for which that operator is a new entrant air tour operator if the Administrator determines the authority is necessary to ensure competition in the provision of commercial air tour operations over the park or tribal lands.

"(B) SAFETY LIMITATION.—The Administrator may not grant interim operating authority under subparagraph (A) if the Administrator determines that it would create a safety problem at the park or on the tribal lands, or the Director determines that it would create a noise problem at the park or on the tribal lands.

"(C) ATMP LIMITATION.—The Administrator may grant interim operating authority under subparagraph (A) of this paragraph only if the air tour management plan for the park or tribal lands to which the application relates has not been developed within 24 months after the date of enactment of this section.

"(d) EXEMPTIONS.—This section shall not apply to—

"(1) the Grand Canyon National Park; or

"(2) tribal lands within or abutting the Grand Canyon National Park.

"(e) LAKE MEAD.—This section shall not apply to any air tour operator while flying over or near the Lake Mead National Recreation Area, solely as a transportation route, to conduct an air tour over the Grand Canyon National Park.

"(f) DEFINITIONS.—In this section, the following definitions apply:

"(1) COMMERCIAL AIR TOUR OPERATOR.—The term 'commercial air tour operator' means any person who conducts a commercial air tour operation.

"(2) EXISTING COMMERCIAL AIR TOUR OPERATOR.—The term 'existing commercial air tour operator' means a commercial air tour operator that was actively engaged in the business of providing commercial air tour operations over a national park at any time during the 12-month period ending on the date of enactment of this section.

"(3) NEW ENTRANT COMMERCIAL AIR TOUR OPERATOR.—The term 'new entrant commercial air tour operator' means a commercial air tour operator that—

"(A) applies for operating authority as a commercial air tour operator for a national park or tribal lands; and

"(B) has not engaged in the business of providing commercial air tour operations over the national park or tribal lands in the 12-month period preceding the application.

"(4) COMMERCIAL AIR TOUR OPERATION.—

"(A) IN GENERAL.—The term 'commercial air tour operation' means any flight, conducted for compensation or hire in a powered aircraft where a purpose of the flight is sightseeing over a national park, within ½ mile outside the boundary of any national park, or over tribal lands, during which the aircraft flies—

"(i) below a minimum altitude, determined by the Administrator in cooperation with the Director, above ground level (except solely for purposes of takeoff or landing, or necessary for safe operation of an aircraft as determined under the rules and regulations of the Federal Aviation Administration requiring the pilot-in-command to take action to ensure the safe operation of the aircraft); or

"(ii) less than 1 mile laterally from any geographic feature within the park (unless more than ½ mile outside the boundary).

"(B) FACTORS TO CONSIDER.—In making a determination of whether a flight is a commercial air tour operation for purposes of this section, the Administrator may consider—

"(i) whether there was a holding out to the public of willingness to conduct a sightseeing flight for compensation or hire;

"(ii) whether a narrative that referred to areas or points of interest on the surface below the route of the flight was provided by the person offering the flight;

"(iii) the area of operation;

"(iv) the frequency of flights conducted by the person offering the flight;

"(v) the route of flight;

"(vi) the inclusion of sightseeing flights as part of any travel arrangement package offered by the person offering the flight;

"(vii) whether the flight would have been canceled based on poor visibility of the surface below the route of the flight; and

"(viii) any other factors that the Administrator and the Director consider appropriate.

"(5) NATIONAL PARK.—The term 'national park' means any unit of the National Park System.

"(6) TRIBAL LANDS.—The term 'tribal lands' means Indian country (as that term is defined in section 1151 of title 18) that is within or abutting a national park.

"(7) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Aviation Administration.

"(8) DIRECTOR.—The term 'Director' means the Director of the National Park Service.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 401 (as amended by section 706(b) of this Act) is further amended by adding at the end the following:

"40128. Overflights of national parks.".

(c) COMPLIANCE WITH OTHER REGULATIONS.—For purposes of section 40126 of title 49, United States Code—

(1) regulations issued by the Secretary of Transportation and the Administrator under section 3 of Public Law 100–91 (16 U.S.C. 1a–1 note), and

(2) commercial air tour operations carried out in compliance with the requirements of those regulations,

shall be deemed to meet the requirements of such section 40126.

SEC. 804. QUIET AIRCRAFT TECHNOLOGY FOR GRAND CANYON.

(a) QUIET TECHNOLOGY REQUIREMENTS.—Within 12 months after the date of enactment of this Act, the Administrator shall designate reasonably achievable requirements for fixed-wing and helicopter aircraft necessary for such aircraft to be considered as employing quiet aircraft technology for purposes of this section. If the Administrator determines that the Administrator will not be able to make such designation before the last day of such 12-month period, the Administrator shall transmit to Congress a report on the reasons for not meeting such time period and the expected date of such designation.

(b) ROUTES OR CORRIDORS.—In consultation with the Director and the advisory group established under section 805, the Administrator shall establish, by rule, routes or corridors for commercial air tour operations (as defined in section 40126(e)(4) of title 49, United States Code) by fixed-wing and helicopter aircraft that employ quiet aircraft technology for—

(1) tours of the Grand Canyon originating in Clark County, Nevada; and

(2) "local loop" tours originating at the Grand Canyon National Park Airport, in Tusayan, Arizona,

provided that such routes or corridors can be located in areas that will not negatively impact the substantial restoration of natural quiet, tribal lands, or safety.

(c) OPERATIONAL CAPS.—Commercial air tour operations by any fixed-wing or helicopter aircraft that employs quiet aircraft technology and that replaces an existing aircraft shall not be subject to the operational flight allocations that apply to other commercial air tour operations of the Grand Canyon, provided that the cumulative impact of such operations does not increase noise at the Grand Canyon.

(d) MODIFICATION OF EXISTING AIRCRAFT TO MEET STANDARDS.—A commercial air tour operation by a fixed-wing or helicopter aircraft in a commercial air tour operator's fleet on the date of enactment of this Act that meets the requirements designated under subsection (a), or is subsequently modified to meet the requirements designated under subsection (a), may be used for commercial air tour operations under the same terms and conditions as a replacement aircraft under subsection (c) without regard to whether it replaces an existing aircraft.

(e) MANDATE TO RESTORE NATURAL QUIET.—Nothing in this Act shall be construed to relieve or diminish—

(1) the statutory mandate imposed upon the Secretary of the Interior and the Administrator of the Federal Aviation Administration under Public Law 100–91 (16 U.S.C. 1a–1 note) to achieve the substantial restoration of the natural quiet and experience at the Grand Canyon National Park; and

(2) the obligations of the Secretary and the Administrator to promulgate forthwith regulations to achieve the substantial restoration of the natural quiet and experience at the Grand Canyon National Park.

SEC. 805. ADVISORY GROUP.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Administrator and the Director of the National Park Service shall jointly establish an advisory group to provide continuing advice and counsel with respect to commercial air tour operations over and near national parks.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The advisory group shall be composed of—

(A) a balanced group of—

(i) representatives of general aviation;

(ii) representatives of commercial air tour operators;

(iii) representatives of environmental concerns; and

(iv) representatives of Indian tribes;

(B) a representative of the Federal Aviation Administration; and

(C) a representative of the National Park Service.

(2) EX OFFICIO MEMBERS.—The Administrator (or the designee of the Administrator) and the Director (or the designee of the Director) shall serve as ex officio members.

(3) CHAIRPERSON.—The representative of the Federal Aviation Administration and the representative of the National Park Service shall serve alternating 1-year terms as chairman of the advisory group, with the representative of the Federal Aviation Administration serving initially until the end of the calendar year following the year in which the advisory group is first appointed.

(c) DUTIES.—The advisory group shall provide advice, information, and recommendations to the Administrator and the Director—

(1) on the implementation of this title and the amendments made by this title;

(2) on commonly accepted quiet aircraft technology for use in commercial air tour operations over a national park or tribal lands, which will receive preferential treatment in a given air tour management plan;

(3) on other measures that might be taken to accommodate the interests of visitors to national parks; and

(4) at the request of the Administrator and the Director, safety, environmental, and other issues related to commercial air tour operations over a national park or tribal lands.

(d) COMPENSATION; SUPPORT; FACA.—

(1) COMPENSATION AND TRAVEL.—Members of the advisory group who are not officers or employees of the United States, while attending conferences or meetings of the group or otherwise engaged in its business, or while serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(2) ADMINISTRATIVE SUPPORT.—The Federal Aviation Administration and the National Park Service shall jointly furnish to the advisory group clerical and other assistance.

(3) NONAPPLICATION OF FACA.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) does not apply to the advisory group.

SEC. 806. PROHIBITION OF COMMERCIAL AIR TOUR OPERATIONS OVER THE ROCKY MOUNTAIN NATIONAL PARK.

Effective beginning on the date of enactment of this Act, no commercial air tour operation may be conducted in the airspace over the Rocky Mountain National Park notwithstanding any other provision of this Act or section 40126 of title 49, United States Code.

SEC. 807. REPORTS.

(a) OVERFLIGHT FEE REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall transmit to Congress a report on the effects overflight fees are likely to have on the commercial air tour operation industry. The report shall include, but shall not be limited to—

(1) the viability of a tax credit for the commercial air tour operators equal to the amount of any overflight fees charged by the National Park Service; and

(2) the financial effects proposed offsets are likely to have on Federal Aviation Administration budgets and appropriations.

(b) QUIET AIRCRAFT TECHNOLOGY REPORT.—Not later than 2 years after the date of enactment of this Act, the Administrator and the Director of the National Park Service shall jointly transmit a report to Congress on the effectiveness of this title in providing incentives for the development and use of quiet aircraft technology.

SEC. 808. METHODOLOGIES USED TO ASSESS AIR TOUR NOISE.

Any methodology adopted by a Federal agency to assess air tour noise in any unit of the national park system (including the Grand Canyon and Alaska) shall be based on reasonable scientific methods.

SEC. 809. ALASKA EXEMPTION.

The provisions of this title and section 40128 of title 49, United States Code, as added by section 803(a), do not apply to any land or waters located in Alaska.

TITLE IX—FEDERAL AVIATION RESEARCH, ENGINEERING, AND DEVELOPMENT

SEC. 901. AUTHORIZATION OF APPROPRIATIONS.

Section 48102(a) is amended—

(1) by striking "and" at the end of paragraph (4)(J);

(2) by striking the period at the end of paragraph (5) and inserting a semicolon; and

(3) by adding at the end the following:

"(6) for fiscal year 2000, $224,000,000, including—

"(A) $17,269,000 for system development and infrastructure projects and activities;

"(B) $33,042,500 for capacity and air traffic management technology projects and activities;

"(C) $11,265,400 for communications, navigation, and surveillance projects and activities;

"(D) $19,300,000 for weather projects and activities;

"(E) $6,358,200 for airport technology projects and activities;

"(F) $44,457,000 for aircraft safety technology projects and activities;

"(G) $53,218,000 for system security technology projects and activities;

"(H) $26,207,000 for human factors and aviation medicine projects and activities;

"(I) $3,481,000 for environment and energy projects and activities; and

"(J) $2,171,000 for innovative/cooperative research projects and activities, of which $750,000 shall be for carrying out subsection (h);

"(7) for fiscal year 2001, $237,000,000; and

"(8) for fiscal year 2002, $249,000,000.".

SEC. 902. INTEGRATED NATIONAL AVIATION RESEARCH PLAN.

(a) IN GENERAL.—Section 44501(c) amended—

(1) in paragraph (2)(B)—

(A) by striking "and" at the end of clause (iii);

(B) by redesignating clause (iv) as clause (v) and inserting after clause (iii) the following:

"(iv) identify the individual research and development projects in each funding category that are described in the annual budget request;"

(C) by striking the period at the end of clause (v) (as so redesignated) and inserting in lieu thereof "; and"; and

(D) by adding at the end the following:

"(vi) highlight the research and development technology transfer activities that promote technology sharing among government, industry, and academia through the Stevenson-Wydler Technology Innovation Act of 1980."; and

(2) in paragraph (3) by inserting "The report shall be prepared in accordance with requirements of section 1116 of title 31." after "effect for the prior fiscal year.".

(b) REQUIREMENT.—Not later than October 1, 2000, the Administrator of the National Aeronautics and Space Administration and the Administrator of the Federal Aviation Administration shall jointly prepare and transmit to the Congress an integrated civil aviation research and development plan.

(c) CONTENTS.—The plan required by subsection (b) shall include—

(1) an identification of the respective research and development requirements, roles, and responsibilities of the National Aeronautics and Space Administration and the Federal Aviation Administration;

(2) formal mechanisms for the timely sharing of information between the National Aeronautics and Space Administration and the Federal Aviation Administration; and

(3) procedures for increased communication and coordination between the Federal Aviation Administration research advisory committee established under section 44508 of title 49, United States Code, and the NASA Aeronautics and Space Transportation Technology Advisory Committee.

SEC. 903. INTERNET AVAILABILITY OF INFORMATION.

The Administrator shall make available through the Internet home page of the Federal Aviation Administration the abstracts relating to all research grants and awards made with funds authorized by the amendments made by this Act. Nothing in this section shall be construed to require or permit the release of any information prohibited by law or regulation from being released to the public.

SEC. 904. RESEARCH ON NONSTRUCTURAL AIRCRAFT SYSTEMS.

Section 44504(b)(1) of is amended by inserting ", including nonstructural aircraft systems," after "life of aircraft".

SEC. 905. RESEARCH PROGRAM TO IMPROVE AIRFIELD PAVEMENTS.

The Administrator shall consider awards to nonprofit concrete pavement research foundations to improve the design, construction, rehabilitation, and repair of rigid concrete airfield pavements to aid in the development of safer, more cost-effective, and durable airfield pavements. The Administrator may use a grant or *cooperative agreement for this purpose. Nothing in this section shall require the Administrator to prioritize an airfield pavement research program above safety, security, Flight 21, environment, or energy research programs.*

SEC. 906. EVALUATION OF RESEARCH FUNDING TECHNIQUES.

(a) IN GENERAL.—The Secretary, in consultation with the National Academy of Sciences and representatives of airports, shall evaluate the applicability of the techniques used to fund and administer research under the National Highway Cooperative Research Program and the National Transit Research Program to the research needs of airports.

(b) REPORT.—The Secretary shall transmit to Congress a report on the results of the evaluation conducted under this section.

TITLE X—EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY

SEC. 1001. EXTENSION OF EXPENDITURE AUTHORITY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 (relating to expenditures from Airport and Airway Trust Fund) is amended—

(1) by striking "October 1, 1998" and inserting "October 1, 2003"; and

(2) by inserting before the semicolon at the end of subparagraph (A) the following: "or the provisions of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 providing for payments from the Airport and Airway Trust Fund or the Interim Federal Aviation Administration Authorization Act or section 6002 of the 1999 Emergency Supplemental Appropriations Act, Public Law 106–59, or the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century".

(b) LIMITATION ON EXPENDITURE AUTHORITY.—Section 9502 of such Code is amended by adding at the end the following new subsection:

"(f) LIMITATION ON TRANSFERS TO TRUST FUND.—

"(1) IN GENERAL.—Except as provided in paragraph (2), no amount may be appropriated or credited to the Airport and Airway Trust Fund on and after the date of any expenditure from the Airport and Airway Trust Fund which is not permitted by this section. The determination of whether an expenditure is so permitted shall be made without regard to—

"(A) any provision of law which is not contained or referenced in this title or in a revenue Act; and

"(B) whether such provision of law is a subsequently enacted provision or directly or indirectly seeks to waive the application of this subsection.

"(2) EXCEPTION FOR PRIOR OBLIGATIONS.—Paragraph (1) shall not apply to any expenditure to liquidate any contract entered into (or for any amount otherwise obligated) before October 1, 2003, in accordance with the provisions of this section.".

And the Senate agree to the same.

Bud Shuster,
Don Young,
Thomas E. Petri,
John J. Duncan, Jr.,
Thomas W. Ewing,
Stephen Horn,
Jack Quinn,
Vernon J. Ehlers,
Charles F. Bass,
Edward A. Pease,
John E. Sweeney,
James L. Oberstar,
Nick Rahall,
William O. Lipinski,
Peter DeFazio,
Jerry F. Costello,
Pat Danner,
Eddie Bernice Johnson,
Juanita Millender-McDonald,

From the Committee on Ways and Means, for consideration of title XI of the House bill, and modifications committed to conference:

Bill Archer,
Phil Crane,
Charles B. Rangel,

From the Committee on Science, for consideration of title XIII of the Senate amendment, and modifications committed to conference:

Connie Morella,
Ralph M. Hall,
Managers on the Part of the House.

From the Committee on Commerce, Science, and Transportation:

Ted Stevens,
Conrad Burns,
Slade Gorton,
Trent Lott,
Fritz Hollings,
Daniel K. Inouye,
John D. Rockefeller IV,
John F. Kerry,

From the Committee on the Budget:

Pete V. Domenici,
Chuck Grassley,
Don Nickles,
Kent Conrad,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1000) to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes, submit the following statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

1. SHORT TITLE

House Bill

Section 1: Aviation Investment and Reform Act for the 21st Century

Senate Amendment

Section 1(a): Air Transportation Improvement Act.

Conference Substitute

Section 1: Wendell H. Ford Aviation Investment and Reform Act for the 21st Century

2. LENGTH OF AUTHORIZATION

House Bill

The remainder of 1999 plus 5 years.

Senate Amendment

The rest of 1999 plus 2000, 2001, 2002.

Conference Substitute

Except for research title, the length of the authorization is 4 years—2000 through 2003.

3. AIP AUTHORIZATION

House Bill

Section 101: $2.41 billion in FY 99, $2.475 billion in FY 2000, $4 billion in 2001, $4.1 billion in 2002, $4.25 billion in 2003, $4.35 billion in 2004. Amends section 47104(c) in order to continue program.

Senate Amendment

Section 103: FY2000–$2.475 billion, FY2001–$2.410 billion, FY2002–$2.410 billion.

Also amends sections 47104(c) to allow DOT to make grants.

Conference Substitute

Section 101 of the conference substitute: $2.475 in 2000, $3.2 billion in 2001 increasing $100 million each year thereafter. Amends section 47104(c). Subsection (c) allows the FAA's operations account to be reimbursed from the AIP program for money spent to operate the airport office.

4. F & E AUTHORIZATION

House Bill

Section 102: Such sums as may be necessary in fiscal year 2000. $2.5 billion in fiscal year 2001. $3 billion in fiscal year 2002. $3 billion in fiscal year 2003. $3 billion in fiscal year 2004.

Senate Amendment

Section 102: FY1999–$2.131 billion, FY2000–$2.689 billion, FY2001–$2.799 billion, FY2002–$2.914 billion. Requires the establishment of life cycle cost estimates of ATC modernization projects where life cycle cost estimate equals or exceeds $50 million.

Conference Substitute

Section 102: Senate amounts in 2000, $2.66 billion in 2001, $2.914 billion in 2002, and $2.981 billion in 2003.

Section 102(e): Life cycle cost estimates from Senate bill.

The managers do not intend that the amounts authorized for fiscal year 2001 through 2003 by section 48101 of Title 49 be used for any programs, projects, or activities that were funded in fiscal year 2000 solely in accounts other than the Facilities and Equipment Account (Treasury identification number 69–8107–0–7–402.

5. UNIVERSAL ACCESS SYSTEMS (UAS)

House Bill

Section 102(b): Authorizes $8 million for the voluntary purchase and installation of UAS.

Senate Amendment

No Provision.

Conference Substitute

Section 102(b). Same as House bill. FAA is directed to work with organizations representing airports and airline pilots to rapidly deploy the continuously-updated data needed on approved flight crew members that will allow universal access systems to properly operate. Existing systems that currently deliver data and other information to airport computer systems should be used if they will achieve rapid deployment and provide the best cost, benefit, and security of standard data. The FAA should partner with industry to develop the universal data and standards needed to make such security systems quickly available, and utilize digital networks that are designed for airport sponsors and therefore maximize the incentives to deploy universal security systems on a voluntary basis.

6. ALASKA NATIONAL AIRSPACE INTER-FACILITY COMMUNICATIONS SYSTEM (ANICS)

House Bill

Section 102(c): Authorizes $7.2 million from the F&E account for this system.

ANICS is an Air Traffic Satellite Network that provides a state-of-the-art-inter-facility communications system for the Federal Aviation Administration (FAA) Alaska region. The network consists of four hub earth stations and up to 160 remote sites located throughout Alaska. Capable of providing critical air traffic control and safety in one of the harshest environments on earth, ANICS replaces an aging legacy system that is expensive to operate, limited in range, subject to failure, and lacking an existing backup.

Senate Amendment

No Provision.

Conference Substitute

Section 102(c). Same as House bill.

7. AUTOMATED SURFACE OBSERVATION SYSTEM & AUTOMATED WEATHER OBSERVING SYSTEM

House Bill

Section 102(d): Authorizes such sums as may be necessary from the F&E account for upgrades to these systems if the upgrade is successfully demonstrated.

Section 740: Directs FAA to contract with National Academy of Sciences (NAS) to study the effectiveness of automated weather forecasting systems at flight service stations where there is no human weather observer.

Senate Amendment

Section 106: Prohibits FAA from terminating human weather observers for ASOS stations until 60 days after DOT determines that the system provides consistent reporting of changing weather and notifies Congress in writing of that determination.

Section 446: Authorizes such sums as may be necessary out of F&E account for upgrades to AWOS/ASOS systems, if the upgrade is successfully demonstrated.

No provision on NAS study.

Conference Substitute

Sections 102(d) and 728: Senate.

8. FAA OPERATIONS AUTHORIZATION

House Bill

Section 103: Authorizes such sums as may be necessary in 2000. $6.45 billion in fiscal year 2001. $6.886 billion in fiscal year 2002. $7.357 billion in fiscal year 2003. $7.86 billion in fiscal year 2004.

Senate Amendment

Section 101: FY1999—$5.632 billion, FY2000—$5.784 billion, at least $9.1 million of which shall be used to support air safety efforts through payment of U.S. membership obligations. FY2001—$6.073 billion. FY2002—$6.377 billion.

Conference Substitute

Section 103: $6.6 billion in 2001 and the House Operations authorization levels in subsequent years with Senate $9.1 million payment for ICAO from Senate bill.

9. WILDLIFE HAZARD MITIGATION

House Bill

Section 103(a)(2)(A): Authorizes $450,000 per year from the Operations account for wildlife hazard mitigation measures and management of FAA wildlife strike database.

Senate Amendment

Section 101: Same provision.

Conference Substitute

Section 103(a): House & Senate.

10. UNIVERSITY CONSORTIUM

House Bill

Authorizes $2 million per year from the operations account for a university consortium to provide an air safety and security certificate management program except that the money may not be used to construct a building and must be awarded competitively.

Senate Amendment

Section 101: Authorizes $9.1 million for 3 fiscal years (starting with FY2000) for the same purpose and with the same restrictions.

Conference Substitute

Section 103(a): Senate provision, beginning in 2001.

11. GENERAL AVIATION & TILT-ROTOR AIRCRAFT

House Bill

Section 103(a)(3): Subparagraph (B) authorizes a general aviation and vertical flight office in FAA. Subparagraph (C) authorizes such sums to revise air traffic control procedures to accommodate tilt-rotor aircraft.

Senate Amendment

No Provision.

Conference Substitute

Section 103(a): Revise subparagraph (B) of House bill, now Subparagraph (C), to read: Such sums as may be necessary to support infrastructure systems development for both general aviation and the vertical flight industry. Section 103(a): House Subparagraph (C).

12. RUNWAY INCURSIONS

House Bill

Section 103(a)(2)(E): Authorizes $3 million per year to implement the 1998 airport surface operations safety plan.

Section 121 makes runway incursion prevention devices eligible for AIP grants and directs that these devices be considered safety devices for the purposes of funding priorities.

Senate Amendment

Section 205(m): Specifies that "integrated in-pavement lighting systems for runways and taxiways and other runway and taxiway incursion prevention devices" are considered safety devices for purposes of airport development, making them AIP eligible.

Conference Substitute

Section 103(a): House provision but authorizes $3.3 million in 2000 & $3 million thereafter.

Section 121: Runway incursion devices as in House and Senate bills.

13. EMERGENCY MEDICAL SERVICE (EMS)

House Bill

Section 103(a)(2)(D): Authorizes such sums as may be necessary for a helicopter infrastructure to accommodate EMS flights to hospitals.

Senate Amendment

No Provision.

Conference Substitute

Section 103(a). Same as House bill.

14. AIR CARGO SECURITY

House Bill

Section 103(a): Authorizes such sums as may be necessary to hire additional inspectors to enhance air cargo security.

Senate Amendment

No provision.

Conference Substitute

House.

15. SECURITY SCREENERS

House Bill

Section 103(a)(2)(G): Authorizes such sums as may be necessary to develop or improve training programs for security screeners at airports.

Senate Amendment

No provision.

Conference Substitute

Section 103(a): House bill but with revised language.

16. OFFICE OF AIRLINE INFORMATION

House bill

Section 103(d): Authorizes $4 million per year from the Trust fund beginning in fiscal year 2001 to fund the Office of Airline Information in DOT's Bureau of Transportation Statistics.

Senate Amendment

No provision.

Conference Substitute

Section 103(b): House.

17. FLOOR AND CAP ON AIP DISCRETIONARY FUND

House Bill

Section 104(a): Eliminates cap on discretionary fund. Floor would be the amount needed to ensure letters of intent are funded.

Senate Amendment

Section 201: Eliminates $300 mil cap on discretionary fund.

Conference Substitute

No provision. The cap on the discretionary fund was eliminated by section 5 of Public Law 106–6, 113 Stat. 10.

18. ENTITLEMENT FORMULA

House Bill

Section 104(b): Beginning in fiscal year 2001, triples primary airport entitlement, triples the $500,000 minimum entitlement, and eliminates the $22 million entitlement cap.

Senate Amendment

Section 205(i): Increases the minimum entitlement from $500,000 to $650,000 beginning in FY2000.

Conference Substitute

Section 104: In any fiscal year in which the amounts actually available for AIP are at least $3.2 billion, the minimum entitlement for primary airports is increased to $1 million, all other entitlements for primary airports are doubled and the primary airport entitlement cap is raised to $26 million. If the amount actually made available for AIP were less than $3.2 billion, the Senate provision (increasing the minimum entitlement to $650,000) would apply, for that fiscal year.

19. ENTITLEMENT FOR PRIMARY AIRPORTS THAT HAD EXPERIENCED A TEMPORARY BUT SIGNIFICANT INTERRUPTION IN AIR SERVICE

House Bill

Section 104(b)(2): FAA shall allow these primary airports to get their previous year entitlement if the interruption in air service there caused passenger traffic to fall below 10,000.

Senate Amendment

Section 205(k): Similar provision. Uses "may" rather than "shall." Interruptions due to "an employment action, natural disaster, or other event unrelated to the demand for air transportation at the affected airport."

Conference Substitute

Senate.

20. ENTITLEMENT FOR NEW AIRPORTS

House Bill

Section 104(b)(2): Allows new primary airports to get at least the minimum entitlement.

Senate Amendment

No provision.

Conference Substitute

House. Section 104(a).

21. CARGO AIRPORTS

House Bill

Section 104(c): Increases the cargo airport entitlement from 2.5% to 3% of AIP.

Senate Amendment

Section 205(j): Same entitlement increase. Removes the 8-percent limitation on the amount that any one airport can receive from the cargo apportionment.

Conference Substitute

Section 104(b): Senate except the 8% limitation is removed only in years when the amount available for AIP is at least $3.2 billion.

22. STATE ENTITLEMENT

House Bill

Section 104(d): Increased from 18.5% to 20% beginning in fiscal year 2001 with corresponding changes in the portion going to the territories and possessions. Provides an annual entitlement for each general aviation that is equal to ⅕ of the 5-year cost estimate for airport improvements for that airport as listed in the NPIAS, to a maximum of $200,000 per year.

Senate Amendment

No provision.

Conference Substitute

Section 104(c): No change in existing law except in those years when the amount available for AIP is at least $3.2 billion. In those cases, the House entitlement provision is adopted but the maximum entitlement for general aviation airports is reduced to $150,000.

23. ALASKA, PUERTO RICO, HAWAII

House Bill

Section 104(e): Allows state entitlement money to be used at any public airport in those states, not just general aviation airports.

Senate Amendment

Section 205(a): Same provision.

Conference Substitute

Section 104(c). House and Senate.

24. AIRFIELD PAVEMENT

House Bill

Section 104(g): Allows the use of State highway construction standards for airfield pavement at non-primary airports served by small aircraft (less than 60,000 pounds gross weight) is that will not adversely affect safety or the life of the pavement.

Section 124: Makes pavement maintenance at general aviation and small commercial service airports eligible for AIP grants.

Senate Amendment

Section 205(l): Similar provision except limited to airports with runways that are 5,000 feet or less. An airport taking advantage of this provision cannot apply for AIP funds for runway rehab or reconstruction for 10 years.

Senate section 1306: Directs FAA to consider awards to non-profit research foundations to study airfield pavement.

Conference Substitute

Section 104(c): Senate section 205 but allow an airport taking advantage of this provision to apply and receive an AIP grant if the FAA determines the rehabilitation or reconstruction is necessary for safety.

Section 123: Adopts House section 124.

Section 905: Adopts Senate section 1306.

25. PLANNING

House Bill

Section 104(f): Allows state entitlement money to be used for system planning.

Senate Amendment

No provision.

Conference Substitute

Section 104(c): House.

26. ALASKA

House Bill

Section 104(i): is similar to section 205(b) of the Senate bill and section 104(j) is similar to section 205(c) of the Senate bill. Both make technical changes suggested by FAA. Also, triples the Alaska AIP supplemental entitlement.

Senate Amendment

Section 205(b): In addition to entitlements and state apportionment, clarifies that Alaska is entitled to a "supplemental" apportionment (vs. alternative), available to all airports.

Section 205(c): Removes requirement that FAA can't make a grant to an Alaska airport that exceeds 110 percent of the Alaska supplemental apportionment in a given year.

Section 408(d): Permits 12 acres at Lake Minchumina, Alaska to be conveyed to Iditarod Area School District.

Conference Substitute

Section 104(c) and (d): House & Senate.

Section 104(d): Doubles the Alaska supplemental entitlement if the amount available under section 48103 for AIP is at least $3.2 billion.

Section 754: Adopts Senate section 408(d).

27. NOISE

House Bill

Section 104(h): Increases noise set-aside from 31% to 34% of the discretionary fund. Makes noise mitigation projects approved in an environmental record of decision eligible for AIP grants.

Section 157: Allows FAA to make AIP grants for noise abatement even if the noise is caused primarily by military aircraft.

Senate Amendment

Section 204: Increases noise set-aside from the discretionary fund to 35%.

Section 212: If any discretionary money is left over at the end of the year, it could be used for noise abatement activities.

Section 461: Requires EPA study of aircraft noise, to include recommendations for new noise mitigation efforts in communities around airports. Sec. 1103 requires similar study by GAO.

Section 506(e)(2): Requires DOT report 3 years following the use of the first of the new 30 slot exemptions at O'Hare on impact of additional slot exemptions on safety, environment, noise, access to underserved markets, and competition at O'Hare.

Section 506(f)(1): Requires DOT to assess impact of DCA slot exemptions on safety, noise levels, and the environment, to include an environmental assessment with a public meeting.

Section 506(f)(3): For MWAA to get an AIP grant, it must submit written assurance that at least 10 percent of its grants will be used for eligible noise compatibility planning and programs (as long as funds aren't diverted from high priority safety projects). DOT may waive if MWAA in compliance with Part 150 program. Sunsets in 5 years if MWAA in compliance with Part 150 program.

Section 506(f)(4): DOT required to certify biannually that at DCA, noise standards, air traffic congestion, airport-related vehicular congestion, safety standards, and adequate air service to small and medium hubs within perimeter have been maintained at appropriate levels.

Section 506(g): Priority for noise set-aside funds given to projects at and around LaGuardia, JFK and DCA.

Section 506(f): Requires DOT study on community noise levels around 4 high density airports, comparing pre-1991 noise levels to noise levels when all Stage 3 requirements are in effect.

Section 1101: DOT required to collect and publish air carrier information regarding carrier's operating practices that encourage pilots to follow FAA guidelines on noise abatement.

Section 1102: Requires GAO report on FAA aircraft engine noise assessment, including recommendations on new measures for FAA to ensure consistent measurement of aircraft engine noise.

Section 1503: Requires DOT study and report to Congress on aspects of transition to Stage 4 noise requirement.

Conference Substitute

Section 104(e): Increases noise set-aside to 34 percent.

Section 154 of conference substitute adopts section 157 from House bill.

Section 745: In lieu of sections 461 and 1103 of the Senate bill, directs GAO to do a study that encompasses the items requested by the House in a letter to GAO on 4/30/99 as well as the items listed in section 461(b) and the second sentence of 1103(a). Study due in one year.

Section 231(e)-(g): Adopts several noise related provisions from the Senate bill involving the four high-density airports.

28. GENERAL AVIATION METROPOLITAN ACCESS AND RELIEVER (GAMAR) AIRPORT GRANT FUND

House Bill

No provision.

Senate Amendment

Section 460: DOT required to set up a new apportionment category and set aside 5 percent of AIP grant funds for general aviation metropolitan access and reliever airports, which are defined as airports with annual operations exceeding 75,000, 5,000-feet runways, precision instrument landing procedure, a minimum of 150 based aircraft, and where the air carrier airports experiences at least 20,000 hours of annual delays. The apportionment is distributed to states on a pro rata basis, according to the number of operations at its GAMAR airports.

Conference Substitute

Section 104(f): Set aside two-thirds of 1 percent of the discretionary fund for reliever airports if AIP is at least $3.2 billion in a year. The reliever airports that qualify are the same as those specified in the Senate bill except the minimum number of based aircraft is to be determined by the FAA rather than set at 150 as specified in the Senate bill.

29. REPROGRAMMING

House Bill

No provision.

Seante Amendment

Section 104: DOT shall submit explanation of proposed reprogramming to authorizing Committees when required to submit them to Appropriations Committees.

Conference Substitute

Section 105(a): Senate.

30. BUDGET SUBMISSION

House Bill

Section 106: FAA shall submit its annual budget estimates to the authorizing Committees at the same time it submits them to the Appropriations Committees.

Senate Amendment

Section 906: Requires DOT to submit the FAA-prepared budget request to the President, who then transmits it unchanged to the House and Senate authorizing and appropriating committees, along with the President's own annual budget request for the FAA.

Conference Substitute

No provision as this is already covered by section 48109. However, the Managers expect the submission under that section to include the line item justification called for in the Senate bill.

31. AIP ELIGIBLE ITEMS

House Bill

Sections 122 & 124: Makes emergency call boxes, universal access systems, pavement maintenance at non-primary airports, closed circuit weather surveillance equipment, and windshear detection equipment eligible to be paid for with AIP funds. Directs that the runway incursion prevention devices be considered safety devices for the purposes of funding priorities.

Senate Amendment

No provision.

Conference Substitute

Sections 121, 122 of Conference Substitute: House section 122 to the extent these items are certificated or approved by the FAA, Makes FAA-approved stainless steel adjustable lighting extensions AIP eligible.

Section 139 adds a provision permitting the establishment of a pilot program under which design-build contracts may be used at airports.

If certified by the Administrator, the Conferees urge the Administrator to evaluate the effectiveness of the Light Detection and Ranging Technology (LIDAR) which measures windshear.

The Conferees recognize that airports experience considerable runway downtime during new construction and runway maintenance projects; the Conferees urge the Administrator to evaluate whether or not utilizing stainless steel adjustable lighting-extensions is effective and if it will minimize runway shutdowns.

32. ENHANCED VISION TECHNOLOGIES

House Bill

Section 123: Mandates a FAA study of laser, ultraviolet, infrared, and cold cathode technologies within 180 days. Makes them eligible for AIP funds. Requires FAA to transmit to Congress a certification schedule for them within 180 days.

Senate Amendment

No provision.

Conference Substitute

Section 124: House but with revised language.

33. CONVEYANCES OF AIRPORT PROPERTY

House Bill

Section 136: Gives airports priority for receiving surplus government property. Requires public notice and comment before FAA waives restrictions on the use of airport property. Decision must be published in Federal Register and interests of users must be taken into account. Also changes references to "gifts".

Senate Amendment

Section 205(h)(1): Similar provision. Also changes references to "gifts".

Section 208: Requires 30 days notice before FAA waives an assurance that property will be used for aeronautical purposes.

Section 408. Rewrites section 47125(a). Authorizes the FAA to waive deed restrictions on airport property if the property is not needed for airport purposes, the property will be used solely to generate revenue for the airport, the FAA gives 30 days notice to the original owner of the property, provides public notice, justifies the release, and determines that it will benefit civil aviation.

Conference Substitute

Section 125: Adopts section 208 of the Senate bill insofar as it requires notice to the public 30 days in advance and is effective for any waiver issued on or after the date of enactment. The provision is extended to cover FAA actions under section 47125 or 47153 of Title 49. After the FAA gives notice under this section, it should consider any comments it receives.

Section 135(d) & Section 136: House & Senate on priority for receiving surplus property and on references to gifts. This section does not apply to surplus property transfers covered by the BRAC process based on advice from the FAA that current law excludes them.

Section 749 & 750: In lieu of section 408 of the Senate bill, adopt two specific deed restriction removals, one for Pinal and the other for Yavapai, both in Arizona.

34. MATCHING SHARE

House Bill

Section 126: Allows for a Federal share of less than 90% at general aviation airports receiving grants under the state block grant program.

Allows for a Federal share of 100% at general aviation and non-hub airports in the first year (FY 2001) that the higher funding levels are in effect.

Senate Amendment

Section 203: Allows for a Federal share of less than 90% at any general aviation airport.

Conference Substitute

Section 126: House with respect to its provision on the 90% Federal share.

35. LETTERS OF INTENT (LOIS)

House Bill

Section 127. The requirement that the project must significantly enhance system capacity is limited to LOIs for medium or large hub airports.

Makes clear that an airport need not impose a PFC in order to get a letter of intent.

Senate Amendment

Section 434: Makes clear that an airport need not impose a PFC in order to obtain an LOI.

Conference Substitute

Section 127: House.

36. SMALL AIRPORT FUND SET-ASIDE

House Bill

Section 128: Sets aside $15 million or 20%, whichever is less, of the non-hub portion of the small airport fund to help these airports meet the new small airport certification standards. This set-aside lasts 5 years unless FAA determines that all airports have met the certification standards.

Senate Amendment

No provision.

Conference Substitute

Section 128(a): House.

37. NOTIFICATION OF SOURCE OF GRANT

House Bill

Section 128(b): Requires airports receiving grants from the small airport fund to be notified that that is the source of the grant.

Senate Bill

No provision.

Conference Substitute

House. Section 128(b)

38. TURBINE POWERED AIRCRAFT

House Bill

Section 128(c): In making grants from the general aviation airport portion of the small airport fund, the FAA shall give priority to projects that support operations by jet aircraft as long as the local share will be at least 40%.

Senate Amendment

Section 205(n): Same provision.

Conference Substitute

Section 128(c): House and Senate.

39. DISCRETIONARY USE OF UNUSED ENTITLEMENTS

House Bill

Section 129: In situations where an airport cannot use its entitlement funds during the current fiscal year, this section specifies how long the funds are available and changes the current law so that the FAA does not have to have additional contract authority available at all times to cover the carry-over entitlement amount.

Senate Amendment

No provision.

Conference Substitute

Section 129: House. The purpose of this provision is to allow the temporary conversion of unused AIP entitlement money as discretionary money, whether or not, at the time of the conversion, the AIP program has already been authorized for the following fiscal year.

Paragraph (1) states that if FAA learns that an airport will not use its entitlement money in the current fiscal year, FAA may make a discretionary AIP grant to any other airport. In effect, this permits a temporary conversion of entitlement money into discretionary money.

Paragraph (2)(A) provides that if FAA makes a discretionary grant under paragraph (1), and the current fiscal year is the last year of availability of the converted entitlement (i.e., the 3rd or 4th year of the term of availability under §47117(b)), the original airport will lose that entitlement money. That is, the conversion does not extend the entitlement term. However, if the current fiscal year is not the last year of that entitlement, the airport will get that entitlement money back, when funds become available under an authorization.

Paragraph (2)(B) determines how long that entitlement will remain in effect. If the restored entitlement money becomes available (under an authorization) in the same fiscal year as the fiscal year in which the conversion occurred, or in the following fiscal year, there is no change to the entitlement term. That is, it remains available to the original airport for a total of three or four fiscal years, as provided in 49 USC 47117(b). But if the money does not become available (under an authorization) until a still later fiscal year, then the original entitlement term is extended by the number of complete fiscal years during which there was no money, that is, the number of complete fiscal years in the authorization lapse.

Paragraph 3(A) provides that when new money is provided under a reauthorization and this new money is used to restore an entitlement, the amount that can be used for new discretionary grants is reduced by that amount. This is to reflect the fact that prior discretionary grants have already been made using that amount.

Paragraph 3(B) allows an amount that has been restored to an entitlement to be used again for a discretionary grant if the airport associated with the entitlement is still not ready to use the entitlement money.

Paragraph (4) provides that these provisions do not create grant authority above that made available under section 48103.

40. MILITARY AIRPORTS

House Bill

Section 130: Increases number of military airports from 12 to 15 in 2000 and to 20 thereafter. Requires that at least one be a general aviation airport in 2000 and at least three thereafter. Allows subsequent designation periods to be less than 5 years. Increases the amount that can be spent on terminal buildings from $5 million to $7 million. Adds air cargo terminals of less than 50,000 square feet to the section on eligibility of hangars and increases the amount they are eligible to receive from $4 million to $7 million.

Section 104(h): makes technical change in military airport program.

Senate Amendment

Section 438: Increases number of military airports eligible for grants from 12 to 15. Allows subsequent designation periods to be shorter than 5 years.

Section 453: Increases number of military airports eligible for grants from 12 to 15. Allows at least one to be a general aviation airport.

Conference Substitute

Section 130: House but limited to 15 airports, only one of which may be a general aviation airport. Makes clear that joint use airports are eligible by inserting "the airport is used jointly by military and civil aircraft" at the beginning of paragraph (a)(2) of section 47118 of Title 49. Also, makes the designation of the general aviation airport permissive by changing "shall" to "may" in the subsection on designation of general aviation airport.

41. CONTRACT TOWER PROGRAM

House Bill

Section 131: Expands the current program by requiring the establishment of a program to contract for air traffic control services at Level I towers that would not otherwise qualify for the contract tower program. Lists factors to be used in choosing towers for participation including that the benefit to cost ratio is at least .85 and that the tower is at an airport where air service is subsidized under the essential air service (EAS) program. Requires participating airports to share in the cost. Authorizes $6 million per year from the FAA's Operations account under section 106(k) of Title 49 for this program.

Senate Amendment

Section 213: Establishes a pilot program to contract for air traffic control services at Level 1 towers that would otherwise not qualify for the contract tower program. Lists different factors for participation including that the benefit to cost ratio is at least 0.5. Allows up to $1.1 million for tower construction at not more than 2 airports. Authorizes $6 million per fiscal year.

Conference Substitute

Section 131: Adopts 0.5 standard from Senate bill. Adopts essential air service provision from House bill.

Takes the money from section 106(k) as in the House bill.

Authorizes grants of not more than $1.1 million each to two airports for tower construction. These grants would have to come from the airports passenger entitlement. The Federal share would be limited to 75% of the cost of construction.

42. INNOVATIVE FINANCING

House Bill

Section 132. Permits Secretary to approve 25 innovative financing projects at small hubs or non-hubs limited to the following types of projects:

(1) payment of interest.

(2) commercial bond insurance.

(3) flexible non-federal share.

These cannot give rise to a direct or indirect guarantee of any airport debt.

Senate Amendment

Section 202: Similar provision.

Limited to 20 projects but not limited to only small hubs and non-hubs. Includes, but is not limited to the three types of projects in the House bill.

Conference Substitute

Section 132: House bill limited to 20 projects. A fourth type of project is added. It would allow entitlement funds to be used to pay off debt incurred before the date of enactment on a terminal development project.

43. INHERENTLY LOW-EMISSION AIRPORT VEHICLE PILOT PROGRAM

House Bill

Section 134: Directs the Secretary to carry out a pilot program at not more than 10 airports using AIP funds to pay for the construction of facilities needed by low-emission vehicles, the additional cost of purchasing a low emission vehicle, and the acquisition of equipment needed for the use of such vehicles. Specifies the type of airports that would qualify and the criteria to be used in selecting them. Allows a participating airport to use 10% of its funds for technical assistance. The Federal share is 50%. No airport may receive more than $2 million. A report to Congress is required within 18 months.

Senate Amendment

Section 444: Similar provision but if not enough applications in the non-attainment area, projects can be done outside that area. Requires not less than 10% of funds to be used for technical assistance. $500,000 for best practices by a western regional consortium.

Conference Substitute

Section 133: Senate provisions except include the House provision on 10% for technical assistance and delete the $500,000 for the western regional consortium. Add language authorizing the FAA to develop materials for dissemination of best practices obtained from pilot project and other sources for carrying out low-emission vehicle activities.

This provision authorizes a pilot program under which FAA is to issue grants to 10 airports for the acquisition of low emission vehicles and support infrastructure. Unlike other AIP grants, the Federal share is 50%. Grant selection should be targeted to airports submitting plans that would achieve the greatest emissions reductions per dollar of funds provided. Qualifying airports should be located in areas not attaining federal air quality standards. Grants of up to $2 million per airport could be made.

Grants are designed to assist airports in procuring clean vehicles which meet ultra low emission vehicle and Inherently Low Emission Vehicle standards and with building the fueling infrastructure for these vehicles. It is expected that the vehicles will be primarily natural gas or electric. The infrastructure and related equipment eligible for funding is intended to be primarily alternative fuel stations and vehicle charging stations.

44. AIRPORT SECURITY PROGRAM

House Bill

Section 133: Requires Secretary to carry out at least one project to test and evaluate innovative aviation security systems. Specifies who qualifies, which projects get priority, and the Federal share. Authorizes $5 million per year.

Senate Amendment

Section 105: Similar provision.

Conference Substitute

Section 134. Senate provision.

45. PFC WAIVERS

House Bill

Section 135(b): Allows an airport to request that the PFC be waived (A) for passengers enplaned by a class of airlines if the number of enplanements by the airlines in the class constitute less than 1% of the total number of passengers at the airport and (B) for passengers flying to an airport that has less than 2,500 passengers per year and is in a community that has less than 10,000 people and is not connected to the National Highway System.

Senate Amendment

Section 205(g): Similar provision except that (B) makes waiver permissible for passengers flying to an airport that has fewer than 2,500 passengers per year OR is in a community that has fewer than 10,000 people and is not connected to the National Highway System or vehicular way.

Section 205(f): Prohibits PFC on flights or flight segments between 2 or more points in Hawaii.

Conference Substitute

Section 135: Senate with modifications including adding a provision as follows: A State, political subdivision of a State, or authority of a State or political subdivision that is not the eligible agency may not tax, regulate, or prohibit or otherwise attempt to control in any manner, the imposition or collection of a passenger facility fee or the use of the revenue from the passenger facility fee.

46. TERMINAL DEVELOPMENT AT FORMER PRIMARY AIRPORTS

House Bill

Section 135(a): Allows an airport to continue to get grants for terminal development under a multiyear agreement even if it falls below 10,000 annual enplanements.

Senate Amendment

Section 205(d): Allows a primary airport to get grants from discretionary fund according to a multiyear agreement, even if the airport becomes a nonprimary airport.

Conference Substitute

Section 135(c). Senate. Adds a provision providing the same treatment for commercial service airports that become non-commercial service airports.

47. INTERMODAL CONNECTIONS

House Bill

Section 137: Encourages the development of intermodal connections and makes airport construction or the purchase of capital equipment for intermodal connections eligible for AIP grants.

Senate Amendment

No provision.

Conference Substitute

Section 137: House with revised language.

48. STATE BLOCK GRANT PROGRAM

House Bill

Section 138: Increases the number of state block grant states from 9 to 10.

Senate Amendment

No provision.

Conference Substitute

Section 138: House but not effective until October 1, 2001.

49. ELIGIBILITY FOR PFC FUNDING

House Bill

Section 151: Treats the shell of the building and fueling facilities as "related" to gates so that the shell and fueling facilities are eligible to be built using PFCs.

Senate Amendment

Section 210: Allows an airport to use passenger facility charges (PFC's) to fund the shell of a terminal building and adjacent fueling if that would enable additional air service to be provided by a carrier that has less than 50% of the passengers at the airport.

Conference Substitute

Section 151: Similar to House and Senate provisions but with revised language.

50. TERMINAL DEVELOPMENT COSTS

House Bill

Section 152: (1) Allows non-hub and small hub airports that carried out terminal development after August 1, 1986 to use PFC money to repay the costs if passenger levels declined 16% between 1989 and 1997.

(2) Allows non-hub and small hub airports that carried out terminal development between the specified dates to use entitlement funds to help pay off the debt incurred for such development.

(3) Directs the Secretary to make the determination of whether an airport is a commercial service airport (for the purpose of eligibility for discretionary grants for terminal development) on the basis of the type of air service and number of passenger in the current year or preceding year, whichever is most beneficial to the airport.

Senate Amendment

No provision.

Conference Substitute

Section 152: Adopts the House on (1) and (3) only. Provision number (2) is addressed in section 132, the innovative financing provision, which is described in item 42 above.

51. ILS INVENTORY

House Bill

Section 153(a): Requires $30 million to be used for instrument landing systems (ILS's) from 2000 to 2002.

Senate Amendment

Section 102(b): Requires that at least $30 million be spent annually out of F&E account to purchase and install ILS's on an expedited basis, fiscal years 1999 through 2002.

Conference Substitute

Section 153 adopts House provision.

52. LORAN—C AND WIDE AREA AUGMENTATION SYSTEM (WAAS)

House Bill

Section 153(b): Requires Loran—C to be maintained and upgraded.

Senate Amendment

Section 410: FAA shall develop WAAS to provide navigation and landing approach capabilities for civilian use. Until FAA certifies that WAAS is a sole means navigation system, backup system must be maintained.

Conference Substitute

No Provision.

53. COMPETITION PLANS

House Bill

Section 125: Beginning in fiscal year 2001, requires medium and large hub airports that are dominated by 1 or 2 airlines to file competition plans before they can get AIP grants or approval for new PFCs.

Senate Amendment

No provision.

Conference Substitute

Section 155: House with revisions. Beginning in 2001, certain airports cannot get approval for a new passenger facility charge (PFC) or receive an AIP grant unless the airport has submitted a competition plan to the Secretary. Lists the contents of that plan. the airports affected by this requirement are medium and large hub airports at which one or two carriers have more than half of the passenger enplanements. The underlying purpose of the competition plan is for the airport to demonstrate how it will provide for new entrant access and expansion by incumbent carriers. By forcing the airport to consider this, it would be more likely to direct its AIP or PFC money to that end. It is not the Managers intent that the competition plan be challenged in court in order to slow down or stop an airport improvement project. Nor should competition projects take precedence over safety or security ones. However, within the class of non-safety projects, those that would enhance competition should usually be given priority.

54. RURAL AVIATION IMPROVEMENT IN ALASKA

House Bill

No provision.

Senate Amendment

Section 412: (1) When changing its rules affecting intrastate aviation in Alaska, FAA shall consider the extent to which Alaska relies on aviation and shall establish the appropriate regulatory distinctions.

(2) Authorizes $2 million and directs the FAA to install closed circuit weather surveillance equipment at no less than 15 rural Alaskan airports and provides for the dissemination of this information to pilots.

(3) Requires the development and implementation of a "mike-in-hand" weather observation program in Alaska under which near real time weather information will be provided to pilots.

(4) Authorizes $4 million for runway lighting and weather reporting systems at remote airports in Alaska to implement the CAPSTONE project.

Conference Substitute

Section 156: Includes rulemaking directive & "mike-in-hand" provisions ((1) and (3)) from the Senate bill.

55. PAVEMENT CONDITIONS REPORT

House Bill

Section 735: Requires a report within 18 months on the impact of alkali Silica reactivity distress on airport runways and taxiways and on ways to mitigate and prevent that distress.

Section 156: Directs FAA to study the use of recycled materials in airport pavement. One year and $1.5 million is provided for the study.

Senate Amendment

Section 211: FAA shall evaluate options for improving the information available on pavement conditions and report to Congress in 12 months.

Section 443: Authorizes FAA study on extent of alkali silica reactivity-induced pavement distress in concrete runways, taxiways and aprons.

Section 1308: Requires DOT study on the applicability of techniques used to fund and administer research under the National Highway Cooperative Research Program and the National Transit Research Program, to the research needs of airports.

Conference Substitute

Section 157 of the Conference substitute adopts House section 156.

Section 160 adopts Senate section 211.

Section 743: House and Senate provisions on Alkali Silica.

Section 906 adopts Senate section 1308 but requires DOT to consult with the National Academy of Sciences and appropriate industry organizations.

56. CONSTRUCTION OF RUNWAYS

House Bill

Section 155: Allows AIP grants for construction of runways notwithstanding any other provision of law.

Senate Amendment

No provision.

Conference Substitute

Section 158 adopts House provision.

57. TIMELY ANNOUNCEMENT OF GRANTS

House Bill

Section 158: Requires DOT to announce AIP grants in a timely fashion after receiving the necessary documents from FAA.

Senate Amendment

No provision.

Conference Substitute

Section 159(a) adopts House provision.

Section 159(b) adds a provision stating that if any Committee of Congress is given advance notice of an AIP grant, House Transportation & Infrastructure Committee and Senate Commerce Committee must get the same notice at the same time.

58. CAPACITY ENHANCEMENTS

House Bill

No provision.

Senate Amendment

Section 206: DOT must report in 9 months on efforts to implement, and time frame for implementation, of capacity enhancements, both technical and procedural, such as precision runway monitoring systems.

Conference Substitute

Section 161 adopts Senate provision.

59. DISCRETIONARY GRANTS

House Bill

No provision.

Senate Amendment

Section 207: FAA should give lower priority to requests for discretionary grants from airports that have used entitlement grants for projects that have a lower priority than the projects for which discretionary funds are sought.

Conference Substitute

Section 162: Senate.

60. PASSENGER FACILITY CHARGE (PFC) INCREASE

House Bill

Section 105: Allows FAA to approve a PFC up to $6 if the higher PFC will pay for a project that will make a significant contribution to safety, security, increased competition, reduced congestion, or reduced noise and that project cannot be expected to be paid for from AIP. Airports can utilize the higher PFC for surface or terminal projects only if the airside needs of the airport are being paid for. Medium or large hub airports charging the higher PFC must give back 75% of their entitlement.

Entitlement reductions occur in the first fiscal year following the year in which the collection of the PFC began.

Senate Amendment

No provision.

Conference Substitute

Section 105: House but allow FAA to approve a PFC only up to $4.50.

The section also holds harmless an airport that moves from a small hub to medium hub status. It states that such an airport should not receive less in AIP entitlement and PFC revenue as a medium hub that it received in such revenue as a small hub. This could occur because, as a medium hub, it would have to turn back half its entitlement. This provision would reduce the amount of its turn-back to ensure that it does not end up with less money.

Under the law governing passenger facility charges, FAA is directed to prescribe regulations which establish the portion of a FPC which the airlines may retain to reimburse them for their necessary and reasonable expenses in collecting and handling the fees. The law specifically requires that the airline fee be net of any interest accruing to the airline after the collection and before remittance of the fee to the airport. A number of air carriers have communicated to the conferees their views that the cost of collection allowed by current FAA regulations, $.08, is to low. While the Conferees did not evaluate the correctness of these claims, we believe that the airlines should be given the opportunity to demonstrate their correctness in a rulemaking proceeding. As soon as the airline submit the evidence necessary for evaluation of their claim the FAA shall make its final decision within 189 days.

61. POLICY FOR AIR SERVICE TO RURAL AREAS

House Bill

Section 204: Adds to the list of policies—ensuring that consumers in all regions including small communities and rural and remote areas have access to affordable scheduled air service.

Senate Amendment

No provision.

Conference Substitute

Section 201. Adopts section 204 of House bill.

62. WAIVER OF LOCAL CONTRIBUTION

House Bill

Section 203: Permits 2 small communities to receive subsidized essential air service without having to pay a local share.

Senate Amendment

Section 503(c): Similar provision (applies to Dickinson, ND, and Fergus Falls, MN).

Conference Substitute

Section 202: House & Senate.

63. AIR SERVICE DEVELOPMENT PROGRAM

House Bill

Section 202: Provides $25 million in contract authority from the Trust Fund for grants to underserved airports (defined as nonhubs or small hubs with insufficient air service or unreasonably high air fares (more than 19 cents per mile)) to help them market and promote their air service. In making grants priority should be given airports that put up a local share from non-aviation revenue sources.

Senate Amendment

Sections 501–504: DOT shall establish a 4-year program administered by a program director who shall work with communities and carriers, ensure that data is collected, provide an annual report to Congress, select up to 40 communities to participate in an 480 million program to improve air service at small communities. This program is limited to communities where a public-private partnership exists and that are willing to put up at least 25% of the cost. The program director may make grants of not more than $500,000 per year to small communities (no more than 4 in one state) to assist communities improve their air service. The program director also may help ensure that gates are available and facilitate joint fare arrangements. $80 million is authorized for this program.

Conference Substitute

Section 203: Subsection (a) requires DOT to establish a pilot program to help improve air service to airports not receiving sufficient air service. Subsection (b) sets forth the application requirements for a community or group of communities that want to participate in the program. The application should include information justifying the community's need to participate in the program. Subsection (c) describes the criteria for participation. In order to participate, a community must be a non-hub or small hub with insufficient air service or unreasonably high airfares. The total number of communities or groups of communities that can participate is limited to no more than 4 in any one state and no more than 40 overall. Priority should be given to communities that have high air fares, will provide a local share of the cost, will establish a public-private partner ship to facilitate airline service, and where assistance will provide material benefits to a broad segment of the traveling public. The local share should not come from airport revenues. DOT and the communities are given flexibility as to the types of programs that will best serve to improve service at the local airport. Marketing and promotion of air service is encouraged. Any direct subsidy to an air carrier is limited to 3 years. DOT should designate an official responsible for this program. DOT should take action to ensure that interested communities and Members of Congress are aware of the name and title of the official so designated.

64. EAS PRESERVATION AT DOMINATED HUBS

House Bill

No provision.

Senate Amendment

Section 465: If reliable and competitive EAS service is jeopardized at a large hub where one carrier has more than 50 percent of the annual enplanements, DOT is authorized to require the dominant air carrier to take action to enable the EAS provider to offer reliable and competitive service. Action includes interline agreements, ground services, subleasing of gates.

Conference Substitute

Section 204: Similar to the Senate provision but limited to service to large hubs where one carrier has more than 60 percent of the total annual enplanements.

65. MANDATORY INTERLINING

House Bill

No provision.

Senate Amendment

Section 310: Requires a major airline that interlines with any carrier at a large hub in the 48 States where it (Or another airline) carries 50% of the passengers, to interline within 30 days of a request with carriers offering service to a community in the section 41743 program (air service program for small communities) and that meet certain requirements. DOT must review any agreement and the agreement may be terminated if the other party fails to meet its terms.

Conference Substitute

No provision.

66. DETERMINATION OF DISTANCE FROM HUB AIRPORT

House Bill

Section 205: In making a determination as to whether a community is eligible for essential air service under the distance criteria, DOT shall measure the distance using the most commonly used highway route between the community and the hub airport.

Senate Amendment

No provision.

Conference Substitute

Section 205 adopts House provision with modified language.

67. SENSE OF SENATE, EAS

House Bill

No provision.

Senate Amendment

Section 462: Sense of the Senate that retaining EAS service in small communities is difficult, FAA should consider relieving Dickinson (ND) of its EAS match requirement. Requires DOT report on retaining EAS, to focus on North Dakota.

Conference Substitute

Section 206: Senate.

68. STUDY OF MARKETING PRACTICES

House Bill

No provision.

Senate Amendment

Section 505: With 180 days, DOT shall review the marketing practices of air carriers that may inhibit the availability of air service to small and medium communities. If DOT finds marketing practices that inhibit service, DOT may issue rules to address the problem.

Conference Substitute

Section 207: Senate.

69. AIRLINE MARKETING DISCLOSURE

House Bill.

No provision.

Senate Amendment

Section 430: Requires DOT to issue a rule in 90 days to provide better notice of the actual name of the airline providing the transportation. The Secretary may take into account the proposed rules previously issued.

Conference Substitute

No provision. This issue has already been addressed by a DOT rulemaking at 64 FR 12838, March 15, 1999.

70. E-TICKETS

House Bill

No provision.

Senate Amendment

Section 507: Airlines must notify passengers of the expiration of their electronic tickets.

Conference Substitute

Section 221: Senate. it is the intention of the Manager that oral notice at time of purchase is sufficient notification.

71. AIRLINE CUSTOMER SERVICE

House Bill

No provision.

Senate Amendment

Title XIV: Airline customer service plans to be submitted to DOT. DOT to transmit a copy of each plan to authorizing committees. DOT IG to monitor the implementation of each plan, and evaluate and report on how each airline is living up to its commitment. IG status report due 6/15/00. Final report due 12/31/00. Directs DOT to initiate rulemaking within 30 days of enactment to increase domestic baggage liability limit. Penalty for violations of aviation consumer laws and regulations increased from $1,100 to $2,500 per violation. GAO directed to study "hidden city" and "back-to-back" ticketing to determine the effect of allowing these practices on consumers and small communities. Authorizes annual appropriations from the trust fund of between $2.3 and $2.6 mil (FY00–FY03) for the DOT to enforce airline consumer protections.

Conference Substitute

Section 222–226: Senate, but don't specify that the money for the DOT consumer office is to come out of the Trust Fund. Also add a reference to section 41705 (preventing discrimination against the handicapped) as one of the responsibilities of the DOT consumer office. The final report due at the end of the year should also include a comparison of the customer service of airlines that submitted plans to DOT with those that did not submit such plans. DOT's recent action raising the baggage liability limit could satisfy the directive in section 225.

72. AIRLINE QUALITY SERVICE REPORTS

House Bill

No provision.

Senate Amendment

Section 463: DOT required to modify Airline Service Quality Performance Reports (14 CFR Part 234) to disclose more accurately the reasons for air travel delays and cancellations. The categories and reporting requirements to be determined by FAA, in consultation with airline passengers, air carriers, and airport operators.

Conference Substitute

Section 227: Senate but revised to direct the Secretary to modify the airline service quality performance reports required under 14 CFR 234 to more fully disclose to the public the nature and source of delays and cancellations experienced by air travelers. The Secretary is directed to establish a task force within 90 days of the date of enactment of this Acting including FAA officials and representatives of airline consumers and air carriers to develop alternatives and criteria for such change. Such modifications shall include a means for DOT a report, and a requirement that air carriers submit information, on delays and cancellations in categories that reflect the reasons for such delays and cancellations.

73. COMMISSION TO ENSURE CONSUMER INFORMATION AND CHOICE IN THE AIRLINE INDUSTRY

House Bill

No provision.

Senate Amendment

Title XII: Commission to study consumer access to information about the products and services of the airline industry, the effect on the marketplace of the emergence of new means of distributing such products and services, the effect on consumers of the declining financial condition of travel agents, and the impediments imposed by the airline industry on distributors. The study shall include policy recommendations to help consumers. Prescribes membership on commission. Initial report 6 months after appointments, commission disbanded 30 days after final report.

Title XVI: Duplicate provision.

Conference Substitute

Section 228: Establishes a commission to study the financial condition of travel agents, especially small travel agents. The Commission should study whether the financial condition of travel agents is declining, what effect this will have on consumers, if any, and what, if anything, should be done about it.

74. LOAN GUARANTEES

House Bill

Section 211: Authorizes funding for loan guarantees and other credit instruments for the purchase of regional jets to serve underserved communities.

Senate Amendment

Section 508: Study of such a loan guarantee program within 2 years.

Conference Substitute

Section 210: House.

75. DEREGULATION COMMISSION

House Bill

No provision.

Senate Amendment

Section 454: Establishes a commission to study the impact of airline deregulation on small communities. 15 members, 5 appointed by President (one from rural area), 3 by Senate Majority Leader, 2 by Senate Minority Leader, 3 by House Speaker, and 2 by House Minority Leader. 2 of House appointees from rural area, 2 of Senate appointees from rural area. Appointment 60 days after enactment, 1st meeting within 30 days later. $950,000 authorized for FY 2000. Commission disbanded 90 days after report, which is due 18 months after enactment.

Conference Substitute

No provision.

76. SLOTS IN NEW YORK

House Bill

Section 210(a):

(a) Effective March 1, 2000, slot restrictions are eliminated for new or additional regional jet service. Regional jets are defined as those with 70 or fewer seats.

(b) Effective January 1, 2007, slot restrictions are eliminated entirely.

Senate Amendment

Section 506: Eliminates the high density rule (HDR) at LaGuardia and JFK, effective 2007.

Establishes a 45-day turnaround for all slot exemption applications. If DOT does not act on application within 45 days, it is deemed to be approved. If DOT asks for additional information within 10 days of receipt of application, 45 days is tolled until DOT receives information. Clarifies that exemptions can't be bought or sold. DOT directed to treat commuter carriers equally for purposes of slot exemption applications. Eliminates the "exceptional circumstances" criterion for new entrant/limited incumbent slot exemption requests. Limited incumbents redefined as those carriers that hold or operate 20 or fewer slots at a high-density airport. Regional jets defined as aircraft having between 30 and 50 seats. Clarifies that nothing affects FAA authority for safety and movement of air traffic.

Carriers required to continue serving small hub and nonhub (and smaller) airports where the carrier provides this service on or before date of enactment using slot exemptions or slots issued for specific-city service, until 2 years after the HDR lifted at LaGuardia and JFK. Doesn't apply if carrier can demonstrate loss on the route to DOT.

Regional jets would be eligible for slot exemptions for service to airports with fewer than two million annual enplanements. In addition, (1) there could be no more than 1 carrier already providing nonstop service to that airport from LaGuardia/JFK; and (2) exemption would only be available for new service in the market (carrier adding a frequency, or upgrading from turboprop to regional jet).

Section 509: DOT to require FAA to provide commercially reasonable times for new entrant/limited incumbent and regional jet slot exemptions granted at LaGuardia and JFK.

Section 101(b): The new slot exemption authority doesn't affect DOT's authority under any other provision of law.

Conference Substitute

Section 231: General provisions. DOT must act on slot exemption requests within 60 days. If additional information is requested by DOT, the 60 days is tolled until the information is received. If DOT fails to act within 60 days, the exemption is granted. Exemptions may not be bought, sold, leased, or otherwise transferred. For the purpose of determining whether an airline qualifies as a new entrant or limited incumbents for receiving slot exemptions, DOT shall count the slots and slot exemptions of both that airline and any other airline that it has a code-share agreement at that airport. The limitation in current law allowing the grant of slot exemptions to new entrants only in exceptional circumstances is deleted. The maximum number of slots or slot exemptions that an airline can have and still qualify as a limited incumbent is raised from 12 to 20. Nothing in the slot exemption sections of this bill should be construed as affecting the FAA's authority to act to further its safety mission or air traffic control responsibilities. To the extent that DOT has discretion over the award of slot exemptions, it may consider whether the airline seeking the exemption will be using U.S. manufactured aircraft. This would not apply where the airline is proposing to use a type of aircraft for which there is not a competing U.S. manufacturer.

New York specific provisions. Slot restrictions at New York are eliminated after January 1, 2007. In the interim, DOT is directed to provide exemptions from the slot rules to any airline flying to the two New York airports if it will use aircraft with 70 seats or less and will (1) provide service to a small hub or non-hub that it did not previously serve, (2) provide additional flights to a small hub or non-hub that it currently serves, or (3) provide service with a regional jet to a small hub or non-hub as a replacement for a prop plane. Providing exemptions for a regional jet replacement will free up a slot for service to another community. DOT is also directed to grant exemptions to new entrants and limited incumbents for service to New York. Exemptions can be granted only for operations with Stage 3 aircraft. Airlines that have been flying to New York from a small hub or non-hub under a previous exemption cannot terminate that service before July 1, 2003 unless DOT finds that the airline is suffering excessive losses on that route.

77. SLOTS AT CHICAGO

House Bill

Section 201:

(a) Effective immediately, 20 slot exemptions per day shall be granted for service to airports not receiving sufficient air service or with unreasonably high airfares (which is defined as an airport where the average yield is more than 19 cents per mile.)

(b) Effective immediately, 30 slot exemptions shall be granted for new entrants (those with less than 20 slots).

(c) If within 180 days, there are insufficient applications for the 50 slot exemptions above, the exemptions may be granted to any airline for service to any community although those exemptions could be withdrawn if additional applications are received. Procedures are established for applications and for the treatment of commuter airlines that have agreements with other carriers.

(d) Effective immediately, slots cannot be taken away from a U.S. airline and given to any other airline to provide international service.

(e) Effective on March 1, 2000, slot restrictions are eliminated for international air service and U.S. airlines can convert their international slots to domestic service.

(f) Effective March 1, 2000, slot restrictions are eliminated for new or additional regional jet service. Regional jets are defined as those with 80 or fewer seats.

(g) Effective March 1, 2001, slot restrictions are eliminated except between 2:15 p.m. and 8:15 p.m.

(h) Slot restrictions are eliminated entirely on March 1, 2002.

Senate Amendment

Section 506: Establishes a 45-day turnaround for all slot exemption applications. If DOT does not act on application within 45 days, it is deemed to be approved. If DOT asks for additional information within 10 days of receipt of application, 45 days is tolled until DOT receives information. Clarifies that exemptions can't be bought or sold. DOT directed to treat commuter carriers equally for purposes of slot exemption applications. Eliminates the "exceptional circumstances" criterion for new entrant/limited incumbent slot exemption requests. Limited incumbents redefined as those carriers that hold or operate 20 or fewer slots at a high-density airport. Regional jets defined as aircraft having between 30 and 50 seats. Clarifies that nothing affects FAA authority for safety and movement of air traffic.

Carriers required to continue serving small hub and nonhub (and smaller) airports where the carrier provides this service on or before date of enactment using slot exemptions or slots issued for specific-city service, until four years after the HDR lifted at O'Hare. Doesn't apply if carrier can demonstrate loss on the route to DOT.

DOT required to grant 30 slot exemptions over a 3-year period. Stage 3 aircraft must be used. 18 exemptions must be used for underserved airports (non-hub or small hub), of which at least 6 shall be used for commuter purposes. 12 exemptions shall be used by air carriers. Before granting the exemptions, DOT must do an environmental review, determine whether capacity is available and can be used safely, give 30 days notice and consult with local officials.

132 slot cap on EAS slots at O'Hare doesn't apply to new slot exemptions made available at O'Hare.

Secton 101(b): The new slot exemption authority doesn't affect DOT's authority under any other provision of law.

Conference Substitute

Section 231: The general provisions described above for New York also apply at Chicago. In addition, slot restrictions at Chicago are eliminated after July 1, 2002. On July 1, 2001, slot restrictions will apply only between 2:45 p.m. and 8:14 p.m. DOT is directed to provide exemptions from the slot rules to any airline flying to Chicago O'Hare airport if it will use aircraft with 70 seats or less and will (1) provide service to a small hub or non-hub that it did not previously serve, (2) provide additional flights to a small hub or non-hub that it currently serves, or (3) provide service with a regional jet to a small hub or non-hub as a replacement for a prop plane. Providing exemptions for a regional jet replacement will free up one slot for service to another community for every 2 exemptions granted and used. This slot that is freed up by the regional jet replacement must be taken away if the airline drops the regional jet service or replaces it with a prop plane. DOT is also directed to grant 30 exemptions to new entrants and limited incumbents for service to Chicago. These new entrant exemptions must be granted within 45 days. Slots will no longer be needed in order to provide international service at O'Hare. However, the Secretary may limit access in those cases where the foreign country involved does not provide the same kind of open access for U.S. airlines. DOT is prohibited from withdrawing slots from U.S. airlines in order to give them to foreign airlines. Any slot previously withdrawn from U.S. airlines and given to a foreign airline must be returned to the U.S. airline. Slots held by U.S. airlines to provide international service can be converted to domestic use. Airlines that have been flying to Chicago from a small hub or non-hub under a previous exemption cannot terminate that service before July 1, 2003 unless DOT finds that the airline is suffering excessive losses on that route. Exemptions can be granted only for operations with Stage 3 aircraft.

78. SLOTS AND PERIMETER AT REAGAN NATIONAL

House Bill

Section 201(b):

(a) Effective immediately, 6 slot exemptions shall be granted per day for service to airports not receiving sufficient air service or with unreasonably high airfares (which is defined as an airport where the average yield is more than 19 cents per mile.)

(b) If within 180 days, there are insufficient applications for the 50 slot exemptions above, the exemptions may be granted to any airline for service to any community although those exemptions could be withdrawn if additional applications are received. Procedures are established for applications and for the treatment of commuter airlines that have agreements with other carriers.

Senate Amendment

Section 506: Establishes a 45-day turnaround for all slot exemption applications. If DOT does not act on application within 45 days, it is deemed to be approved. If DOT asks for additional information within 10 days of receipt of application, 45 days is tolled until DOT receives information. Clarifies that exemptions can't be bought or sold. DOT directed to treat commuter carriers equally for purposes of slot exemption applications. Limited incumbents redefined as those carriers that hold or operate 20 or fewer slots at a high-density airport. Regional jets defined as aircraft having between 30 and 50 seats. Clarifies that nothing affects FAA authority for safety and movement of air traffic.

12 slot exemptions shall be granted inside the perimeter to airlines serving medium hub or smaller airports. Exemptions shall be distributed in a manner consistent with the promotion of air transportation by (1) new entrants and limited incumbents, (2) to communities without service to DCA, (3) to small communities, or by (4) providing competitive service on a monopoly route to DCA.

12 perimeter rule/slot exemptions established for service beyond the 1,250-mile perimeter. To qualify, carriers would have to demonstrate that proposed service provides domestic network benefits or increases competition by new entrant air carriers.

Stage 3 aircraft must be used and no more than 2 exemptions per hour can be granted.

Section 456: These new slot exemptions at DCA can't increase operations at DCA between 10:00 p.m. and 7:00 a.m.

Section 101(b): The new slot exemption authority doesn't affect DOT's authority under any other provision of law.

Conference Substitute

Section 231: DOT is directed to grant 12 slot exemptions within the perimeter. It is also directed to grant 12 slot exemptions outside the perimeter based on certain specified findings. These slots could go to more than one airline. Stage 3 aircraft must be used. The exemptions must be for flights between 7 a.m. and 10 p.m. There can be no more than 2 additional flights per hour. Of the flights within the perimeter, 4 must be to small hubs or non-hubs and 8 must be to medium, small, or non-hubs. All requests for exemptions must be submitted within 30 days of enactment. Fifteen days are allowed to comment on the requests. After that, 45 days are allowed for DOT to make a decision. Ten percent of the entitlement money at Reagan National Airport must go to noise abatement. Priority shall be given to applications from the 4 slot-controlled airports for noise set-aside money. DOT shall do a study comparing noise at these 4 airports now as compared to 10 years ago.

The definition of limited incumbent air carrier includes slots and slot exemptions held or operated by that carrier. However, under section 41714(h)(5), slots that are on a long-term lease for a period of 10 years or more, being used for international service, and that the current holder releases and renounces any right to subject to the terms of the lease shall not be counted as slots either held or operated for the purposes of determining whether the holder is a limited incumbent.

79. METROPOLITAN WASHINGTON AIRPORTS AUTHORITY (MWAA)

House Bill

Section 718: Extends the deadline for reauthorizing MWAA from 2001 to 2004. Also, eliminates the requirement that the additional Federal Directors be appointed before MWAA can receive AIP grants or impose a new PFC.

Senate Amendment

Title X: Eliminates the requirement that the additional Federal Directors be appointed before MWAA can receive AIP grants or impose a new PFC.

Conference Substitute

Section 231(h) and (i) adopt the House and Senate provisions.

80. AIR TRAFFIC CONTROL OVERSIGHT BOARD

House Bill

Section 301 to 303: Establishes a 9-member Board to review and approve FAA's air traffic control (ATC) modernization program (including procurements over $100 million), the appointment of a Chief Operating Officer and senior executives of the ATC system, any ATC reorganization, any cost accounting and financial management structure, the performance of employees, and the ATC budget. The 9 members shall be composed of 6 non-Federal members appointed for 5 years plus the DOT Secretary, the FAA Administrator, and an air traffic employee union head. The Chief Operating Officer would be appointed for a 5-year term.

Section 304. Allows initial appointments to be made by the president, but requires all subsequent appointments to be made by the DOT Secretary.

Senate Amendment

Section 907(c): Chairman of the Management Advisory Council (MAC) to establish an Air Traffic Services Subcommittee to review and comment on: the performance of COO and senior managers within FAA air traffic organization, long range and strategic plans for air traffic services, Administrator's selection and compensation of senior air traffic executives, any major FAA reorganization, FAA cost allocation system and financial management, and performance of managers responsible for major acquisition projects.

Section 906(a): Administrator to appoint COO for a 5-year term. COO is eligible for a 50 percent-of-pay bonus at Administrator's discretion.

Section 907(a), (b): Similar provision on MAC.

Section 908: Secretary may give FAA Administrator a 50 percent-of-pay bonus.

Conference Substitute

Section 301–304: The Management Advisory Council (MAC) is retained. Initial appointments of 10 aviation industry representatives and one union leader will be made by the President and confirmed by the Senate. After that, appointments will be made by the Secretary of Transportation. They are appointed for 3 years except the union leader who is appointed only while head of the union.

There will be five additional members appointed by the Secretary within 3 months of the date of enactment of this Act. These 5 members should represent the public and not have an interest in or be involved in an aviation business. They would have to meet the public interest criteria of the House bill. They should have a background in management, customer service, information technology, organizational development, or labor relations. They are appointed for 5 years and can only be reappointed once. These 5 members will form the Air Traffic Services Subcommittee. This Subcommittee will oversee the air traffic control system. It will be responsible for reviewing and approving certain actions, plans, appointments (including the FAA Administrator's appointment of a Chief Operating Officer), budget requests, salaries, and large contracts. The Subcommittee shall select its Chairman who shall serve a 2-year term. It shall meet at least quarterly and shall file an annual report. If the Subcommittee identifies a problem in the air traffic control system that is not being adequately addressed, it shall report the matter to the FAA Administrator, the MAC, and the Congress. If the Administrator agrees with the report, action shall be taken on it within 60 days. If the Administrator disagrees, a report to that effect must be filed with the president and the Congress. GAO shall report to Congress on whether this new management structure is improving the performance of the air traffic control system.

Neither the Secretary nor the Administrator is on the MAC or the Subcommittee. The union member described in the House bill is on the MAC but not the ATC Subcommittee.

The FAA Administrator appoints a Chief Operating Officer (COO) for a 5-year term with the approval of the Air Traffic Services Subcommittee. The COO reports to the Administrator and can receive the same salary as the Administrator plus a possible 30% performance bonus. This bonus shall be based on how well the COO meets the performance goals that are established by the Administrator and COO in consultation with the Air Traffic Services Subcommittee. Includes COO's authority from Senate bill.

81. AIR TRAFFIC MODERNIZATION PILOT PROGRAM

House Bill

No provision.

Senate Amendment

Section 911: Authorizes a FAA-industry joint venture pilot program to accelerate investment in ATC facilities and equipment. The nonprofit Air Traffic Modernization Association to help airports arrange lease and debt financing of eligible projects. Prescribes an executive panel for the Association. Association can borrow and lend funds, $500 mil total capitalization for FY2000–2002. No single project can exceed $50 mil. Authorizes FAA payments to Association. Allows airports to use Association payments to meet local matching requirements of airport grants. Report to authorizing committees within 3 years of Association's establishment. FAA authorized $1.5 million for its share of Association's organizational and administrative costs.

Conference Substitute

Section 304: Agree to a 10 project pilot cost-sharing program to encourage nonfederal investment in air traffic control modernization programs. Limits FAA participation to one-third of project costs and $15 million per project.

82. REGULATORY APPROVAL PROCESS

House Bill

Section 306: Raises from $100 million to $250 million the threshold that would trigger Secretarial review of a FAA regulation. It also limits the type of regulations that would be considered significant enough to justify Secretarial review.

Senate Amendment

No provision.

Conference Substitute

Section 305 adopts House provision.

83. FAILURE TO MEET RULEMAKING DEADLINE

House Bill

Section 308: Requires FAA to notify Congress if it misses the deadline in the law for responding to a rulemaking petition, issuing a notice of proposed rulemaking, or issuing a final rule.

Senate Amendment

No provision.

Conference Substitute

Section 306: In lieu of House provision, require FAA to write a letter to the authorizing Committees on February 1 and August 1 of each year with the information described by the House bill.

84. WHISTLEBLOWER PROTECTION FOR FAA EMPLOYEES

House Bill

Section 503: Adds the enforcement procedures in 5 U.S.C. Chapter 12.

Senate Amendment

Section 419(b): The same provision with slightly different wording.

Conference Substitute

Section 307: House. Also moves the personnel and procurement reform sections from the Appropriations Act into Title 49.

85. PROCUREMENT INTEGRITY ACT

House Bill

Section 309: Imposes section of Procurement Integrity Act (with certain adjustments) that restricts the conduct of business and information disclosed between Federal employees and government contractors. Penalties can be imposed if contractor bid and proposal information or source selection information is exchanged for anything of value or results in an unfair competitive advantage.

Senate Amendment

Section 415: Same or similar provision.

Conference Substitute

Section 307(b): Senate

86. PERSONNEL REFORM

House Bill

Section 705(a): Provides that the 60-day period for congressional resolution of a dispute between the FAA and one of its unions does not include a period during which Congress has adjourned sine die.

Senate Amendment

No provision.

Conference Substitute

Section 308(a): House.

87. MERIT SYSTEMS PROTECTION BOARD (MSPB)

House Bill

Section 705: Permits an FAA employee subject to an adverse personnel action to contest it either through contractual grievance procedures, FAA internal procedures, or by appeal to the MSPB.

Senate Amendment

Section 424: Permits appeals to the MSPB.

Conference Substitute

Section 308(b): House & Senate.

88. STUDY OF FAA COST ALLOCATION

House Bill

Section 307: Requires the DOT inspector general (IG) to conduct an assessment to ensure that FAA's cost allocations are appropriate. Specifies what the IG is to study. Requires annual reports for 5 years starting on 12/31/00. Authorizes $1.5 million.

Senate Amendment

Section 414: Requires the DOT inspector general (IG) to conduct or contract out an assessment to ensure that FAA's cost allocations are appropriate. Specifies what the IG is to study. Final report due in 300 days of contract award. Authorizes such sums as may be necessary.

Section 910: By 7/9/00, FAA must report to authorizing committees on its cost allocation system now under development, to include specific dates for completion and implementation. DOT IG to assess the cost allocation system with own staff, or contract it out, and also assess FAA's cost and performance management. Updated report from IG by 12/31/00. FAA is required to include information in its annual financial report that would allow users to judge FAA's progress in increasing productivity.

Conference Substitute

Section 309: House includes the general authorization in the Senate amendment rather than the specific authorization in the House bill.

Section 310 adopts section 910(a) of the Senate bill. It requires a report on the FAA's cost allocation system.

89. ENVIRONMENTAL STREAMLINING

House Bill

Section 305: Requires DOT to develop and implement a more expedited environmental review process similar to the one in TEA 21.

Senate Amendment

No provision.

Conference Substitute

Section 310: Requires DOT to conduct a study of Federal environmental requirements related to the planning and approval of airport improvement projects. The purpose of the study would be to determine if there are ways to streamline the environmental review process for such projects. A report is due in one year.

90. OCEANIC ATC SYSTEM

House Bill

No provision.

Senate Amendment

Section 416: Requires FAA to report on plans to modernize the oceanic air traffic control system.

Conference Substitute

Section 312: Senate but put in management reform Title.

91. TECHNICAL CLARIFICATIONS TO EXISTING BAN ON LAWYER SOLICITATION OF FAMILIES

House Bill

Section 401(a): Extends the ban to accidents involving foreign airlines in the U.S. Extends ban to associates, agents, employees or other representative of a lawyer.

Extends ban from 30 to 45 days.

Includes enforcement provision.

Senate Amendment

No provision.

Conference Substitute

Section 401(a): House.

92. COUNSELING SERVICES AFTER ACCIDENTS

House Bill

Section 401(b): Prohibits states from preventing out of state mental health workers of the designated organization from providing counseling services for 30 days (which can be extended for an additional 30 days after accident.

Senate Amendment

No provision.

Conference Substitute

Section 401(b): House.

93. NON-REVENUE PASSENGERS

House Bill

Section 401(c) and 403(a): Extends protections of Family Assistance Act to people aboard aircraft who are not paying passengers.

Senate Amendment

No provision.

Conference Substitute

Section 401(c) and 403(a): House

94. TECHNICAL CHANGE TO FAMILY ASSISTANCE ACT

House Bill

Section 401(d) and 402(c): Moves a free-standing provision into Title 49.

Senate Amendment

No provision.

Conference Substitute

Section 401(d) and 402(c): House

95. U.S. AIRLINE DISASTER ASSISTANCE PLANS

House Bill

Section 402(a): Requires U.S. airlines to update their plans by adding—

Assurance that they will inform family whether relative had reservation on the flight;

Assurance that airline employees will receive adequate training in disaster assistance.

Assurance that if the airline volunteers assistance to U.S. citizens in the U.S. involving a crash outside the U.S., it will consult with the NTSB and the State Department.

Senate Amendment

No provision.

Conference Substitute

Section 402(a): House.

96. LIMITATION ON LIABILITY

House Bill

Section 402(b): Protects U.S. airlines from liability if they inadvertently give inaccurate information to a family about a flight reservation.

Senate Amendment

No provision.

Conference Substitute

Section 402(b): House but replaces the term "flight reservation" with the term "preliminary passenger manifest". The terms have essentially the same meaning but preliminary passenger manifest is the term already used in new section 4113(b)(14) of Title 49.

97. FOREIGN AIRLINE DISASTER ASSISTANCE PLANS

House Bill

Section 403: Requires foreign airlines to update their plans by adding an assurance that their employees will receive adequate training in disaster assistance and will consult with the NTSB and the State Department if the airline volunteers assistance to U.S. citizens in the U.S. involving a crash outside the U.S.

Senate Amendment

No provision.

Conference Substitute

Section 403: House

98. DEATH ON THE HIGH SEAS ACT (DOHSA)

House Bill

Section 404: Amends Title 49 to make DOHSA inapplicable to airline accidents. This applies to any lawsuit that has not been decided by a court or settled.

Senate Amendment

Section 431: Amends DOHSA in the event of a commercial aviation accident to allow recovery of nonpecuniary damages for wrongful death (loss of care, comfort and companionship). For all beneficiaries of the decedent either (1) up to $750,000 adjusted for inflation in the case of commercial aviation accidents, or (2) the pecuniary loss sustained, whichever is greater. No punitive damages. Includes inflation adjustment. Applies to any death after July 16, 1996.

Conference Substitute

Consistent with Executive Order 5928, December 27, 1988, the territorial sea for aviation accidents is extended from a marine league to 12 miles. The effect of this is that the Death on the High Seas Act will not apply to planes that crash into the ocean within 12 miles from the shore of the United States. The law governing accidents that occur between a marine league and 12 miles from land will be the same as those that now occur less than a marine league from land. For those accidents that occur more than 12 miles from land, the Death on the High Seas Act will continue to apply. However, in those cases the Act is modified as in the Senate bill except that there is no $750,000 cap on damages.

99. EMERGENCY LOCATOR TRANSMITTERS (ELTS)

House Bill

Under current law, ELTs are required on turboprop aircraft with certain exceptions.

House Bill: Section 510—Requires ELTs on small turbojet aircraft with the following exceptions (similar to those in current law)—

Aircraft used in scheduled flights by certificated scheduled airlines;

Aircraft used in training operations within 50 miles of the airport;

Aircraft used for design, testing, manufacture, preparation and delivery;

Aircraft used in R&D if the aircraft holds the necessary certificate;

Aircraft used for showing compliance, crew training, exhibition, air racing, and market surveys;

Aircraft used for agricultural spraying;

Aircraft with a maximum payload capacity of more than 7,500 pounds when used for commercial passenger or cargo air service.

Aircraft capable of carrying only one person such as ultra-light aircraft.

Specifies the type of ELT that must be used and directs the issuance of regulations and the effective date of those regulations as 1/1/2002.

Senate Amendment

Section 404: The following exceptions to current ELT requirements are eliminated: turbojet-powered aircraft, aircraft holding R&D certificates, aircraft when used for crew training and market surveys. ELT requirements would apply to these aircraft.

States what kind of ELTs would meet requirements. Requires FAA rule by 2002.

Conference Substitute

House, but increase the payload capacity (which is defined in section 119.3 of the FAA rules) to 18,000 pounds. This would cover aircraft up to about 60 seats. FAA is required to issue rules implementing this change by January 1, 2001. These rules should take effect on January 1, 2002. However, FAA may extend the effective date by 2 years to ensure a safe and orderly transition or for other safety reasons. The effect is to require business jets and small air charters to equip with ELTs so they can be located after a crash.

100. CARGO TCAS

House Bill

Section 501: Directs FAA to require cargo aircraft of 15,000 kilograms or more to install collision avoidance equipment by December 31, 2002 that provides protection from mid-air collisions and resolution advisory capability that is at least as good as TCAS-II. FAA may extend this deadline by 2 years if that would promote safety.

Senate Amendment

Section 402: Directs FAA to require cargo aircraft of 15,000 kilograms or more to install collision avoidance equipment by December 31, 2002 that is TCAS II equipment or a similar system approved by the FAA for collision avoidance. FAA may extend the deadline for 2 years if that would promote an orderly transition or other safety or public interest objectives.

Conference Substitute

Section 502: House.

In 1997, the FAA announced that it expected to establish a date for final recommendations for installation of collision avoidance systems in cargo aircraft. Three years later, the FAA still has not acted. Therefore, the conferees have mandated that FAA require a collision avoidance system in cargo planes by a date certain. The Managers urge the FAA to act expeditiously on this.

101. LANDFILLS

House Bill

Section 511: Prohibits new landfills within 6 miles of a small airport unless the State aviation director requests an exemption from the FAA and the FAA determines that the landfill would not adversely affect air safety.

Senate Amendment

No provision.

Conference Substitute

Section 503: House with modifications. The limitation on the construction of landfills, does not apply to the expansion of existing municipal solid waste landfills.

Alaska has more than 250 villages and small towns; most of these communities are densely packed with only one main dirt road through town, unconnected to any other road system. The vast majority of these townsites are no larger than 2 square miles. Wilderness or other state or federal conservation land surrounds many of these villages. Most of the airstrips serving these communities are immediately adjacent to the villages. A provision requiring any landfill to be at least 6 miles from the airport would be unworkable in Alaska because of these constraints, the harsh arctic environment, and the enormous capital expenditures necessary to build roads and secure federal permits to establish landfills in wilderness or refuge lands. Therefore, this provision does not apply in Alaska. There are many other similar exceptions for Alaska in title 49.

102. MARKING OF LIFE-LIMITED PARTS

House Bill

Sections 507: Requires FAA to issue rules to determine the best way to ensure the safe disposition of life-limited civil aviation parts. Provides 180 days for the proposed rule and 180 days for the final rule. Also provides for civil penalties for failure to mark.

Senate Amendment

No provision.

Conference Substitute

Section 504: House.

103. BOGUS PARTS AND CERTIFICATE REVOCATION

House Bill

No provision.

Senate Amendment

Section 405: Prohibits the certification or hiring of a person (individual or company) that has been convicted of a violation of a law relating to counterfeit parts, or the certification of a company that is subject to a controlling or ownership interest of a convicted individual. FAA required to revoke certificates on the same basis, with appeal procedures built in. FAA can waive revocation if a law enforcement official requests it, and it will facilitate law enforcement. Certificates can be amended to limit convicted individuals' controlling interest.

Conference substitute

Section 505: Senate with modifications.

104. BOGUS PARTS AND CRIMINAL PENALTIES

House Bill

No provision.

Senate Amendment

Section 464: Applies to a person who knowingly engages in interstate commerce concerning any aircraft or space vehicle part, and who conducts this business fraudulently. If the fraudulent part is installed in aircraft or space vehicle, fine of up to $500,000 and up to 25 years in prison. If the fraudulent part results in serious bodily injury or death, fine of up to $1,000,000 and up to life in prison. If an organization commits the offense, fine of up to $25 mil. Otherwise, fine under Title 18 U.S.C. and up to 15 years in prison. District courts empowered to divest interest in and destroy parts inventories, impose restrictions on future employment in same field, and to dissolve or reorganize the related enterprise. Property and proceeds derived from enterprise to be forfeited.

Conference Substitute

Section 506: Senate with modifications. It is intended that the penalties for the failure of parts to operate as represented in (b) (2) and (3) only applies to aircraft and space vehicle parts.

105. HAZMAT

House Bill

Section 512: Makes clear that ignorance of the law is no excuse with respect to hazmat regulations but may be considered in mitigation of the penalty.

Senate Amendment

Section 435: Directs FAA to make elimination of the backlog of hazardous materials enforcement cases a priority and that the laws in this area are carried out in a consistent manner. FAA shall report quarterly to the Senate Commerce Committee on its progress.

Conference Substitute

Section 507: House.

106. CRIMINAL HISTORY RECORD CHECKS

House Bill

No provision.

Senate Amendment

Section 306(1): Permits criminal history record check for security screeners.

Conference Substitute

Section 508(a): Senate

107. PILOT RECORD SHARING

House Bill

Section 502: Exempts the military from the requirement to provide records. Limits the records that must be provided to those that involve the individual's performance as a pilot. Allows an airline to hire a pilot even if it has not received records from a foreign entity if it has made a good faith effort to obtain them. FAA may allow designated individuals to have electronic access to pilot record database.

Senate Amendment

Section 306: The same provision with respect to individual's performance as a pilot and records from foreign entities. No provision on military records or on allowing designated individuals to have access to the records.

Conference Substitute

Section 508(b): House with privacy terms to ensure that information from database is only obtained by person who needs info for hiring decision and that information is only used for that purpose.

108. CRIMINAL PENALTIES FOR AIRLINE PILOTS FLYING WITHOUT A LICENSE

House Bill

No provision.

Senate Amendment

Section 309: Provides for fines and maximum 3 years imprisonment for airline pilots who fly without a license and for individuals, but not companies, that hire them. Fines and prison terms increase if the individual is smuggling drugs or aiding in a drug violation.

Conference Substitute

Section 509: Senate.

109. FLIGHT OPERATIONS QUALITY ASSURANCE (FOQA) RULES

House Bill

Section 505: Requires FAA to issue a proposed rule within 30 days protecting airlines and airline employees from civil enforcement actions for disclosures made under FOQA. The Final rule is due 1 year after the comment period closes.

Senate Amendment

Section 409: Same provision except 90 days is allowed for the issuance of the proposed rule and it applies to all enforcement actions for violation of the FARs that are reported or discovered as a result of voluntary reporting programs (such as FOQA and ASAP), other than criminal or deliberate acts. No requirement on final rule.

Conference Substitute

Section 510: Senate; except that 60 days is allowed for the issuance of the proposed rule.

110. UNRULY PASSENGERS

House Bill

Section 508: Subjects unruly passengers to fine of $25,000 and a possible ban on commercial air travel for one year.

Senate Amendment

Section 406: Imposes fine of $10,000 on person who interferes with the crew or poses a threat to the safety of the aircraft.

Title XV: Imposes fine of $25,000 on person who assaults or threatens to assault the crew or another passenger, or poses a threat to the safety of the aircraft or its passengers. Attorney General may set up a program to deputize state and local airport law enforcement officials as deputy U.S. marshals for enforcement purposes.

Conference Substitute

Section 511: Senate. $25,000 fine. Also requires the Justice Department to notify the House and Senate authorizing Committees within 90 days as to whether it plans to set up the program to deputize local law enforcement.

111. AIR TRANSPORTATION OVERSIGHT SYSTEM

House Bill

Section 509: Requires FAA to submit an annual report for the next 5 years on its progress in implementing its new airline inspection system.

Senate Amendment

Section 417: Beginning in 2000, FAA shall report biannually on the air transportation oversight system (inspector training) announced on May 13, 1998.

Conference Substitute

Section 513: Requires reports on August 1, 2000 and August 1, 2002. Takes elements of report contents from both bills.

112. RUNWAY SAFETY AREAS

House Bill

Section 139: Makes arrester beds described in a FAA circular eligible for AIP grants and directs FAA to do a rulemaking to improve runway safety through arrestor beds, longer runways, or other means.

Senate Amendment

Section 403: Requires FAA, within 6 months, to "solicit comments on the need for" improvement of runway safety areas and installation of precision approach path indicators.

Conference

Section 514: Adopts Senate "solicit comments" language in lieu of House rulemaking language. Adds limitation stating that in making grants for Engineered Materials Arresting Systems the Secretary shall require that the sponsor demonstrate that the effects of jet blast have been adequately considered.

Also adds a provision to cover situations where an airport's runways are constrained by physical conditions. In those situations, the FAA is directed to consider alternative means for ensuring runway safety when prescribing conditions for runway rehabilitation grants.

Section 515: Senate provision on precision approach path indicators.

The conferees urge the Administrator to encourage all civil airport certified under FAR Part 139 CFR to have standard runway safety areas in accordance with the most cost effective and efficient method described in FAA circulars in the numbered 150 series.

113. AIRCRAFT DISPATCHERS

House Bill

Section 516: Within one year, FAA shall study the role of aircraft dispatchers including an assessment of whether dispatchers should be required for cargo and commuter airlines and whether FAA inspectors should be assigned to oversee dispatchers.

Senate Amendment

No provision.

Conference Substitute

Section 516: House.

114. TRAINING FOR MECHANICS

House Bill

Section 517: FAA and industry shall develop a model program to improve training for mechanics.

Senate Amendment

No provision.

Conference Substitute

Section 517: House.

115. SMALL AIRPORT CERTIFICATION

House Bill

Section 506: Requires FAA to issue proposed small airport certification standards within 60 days after enactment and Final rules within 1 year of the close of the comment period.

Senate Amendment

No provision.

Conference Substitute

House

116. FIRE AND RESCUE PERSONNEL

House Bill

Section 513: Directs FAA to conduct a rulemaking on the mission of rescue personnel, rescue response times, and needed extinguishing equipment taking into account the need for different requirements for airports of different sizes.

Senate Amendment

Section 450: Requires FAA study within 6 months on current and future airport safety needs, focusing on rescue personnel, response time, and extinguishing equipment. If FAA recommends revisions to part 139, study must include a cost-benefit analysis.

Conference Substitute

No provision.

117. MAINTENANCE IMPLEMENTATION PROCEDURES (MIPS)

House Bill

Section 514: Prohibits FAA from entering into a MIP unless the foreign nation is inspecting repair stations to ensure their compliance with FAA standards.

Senate Amendment

No provision.

Conference Substitute

No provision.

118. INJURIES TO AIRPORT WORKERS

House Bill

Section 515: Directs FAA to study, within one year, the number of workers injured or killed as a result of being struck by moving vehicle on the airport tarmac.

Senate Amendment

No provision.

Conference Substitute

House.

119. SAFETY RISK MITIGATION PROGRAM

House Bill

Section 504: Requires FAA to issue guidelines encouraging safety risk mitigation programs such as self-disclosure programs.

Senate Amendment

No provision.

Conference Substitute

No provision.

120. AERONAUTICAL CHARTING TRANSFER

House Bill

Section 736: The FAA shall consider procuring mapping and charting services from the private sector if that would further the mission of the FAA and be cost effective.

Senate Amendment

Title VIII: Transfers to FAA the Department of Commerce responsibilities and offices for aeronautical charting.

Conference Substitute

Title VI: Senate provisions except that (1) the current special VFR route provision in section 44721 is retained and (2) the authority to conduct aerial and field surveys is not transferred.

Section 607 adopts the provision from the House bill.

121. DUTIES AND POWERS OF THE ADMINISTRATOR

House Bill

Section 701: Lists FAA duties.

Senate Amendment

Section 701: Technical corrections. The sections listed should be the same as the House's.

Conference Substitute

Section 701: House and Senate.

122. PUBLIC AIRCRAFT

House Bill

Section 702: Restates the definition of public aircraft in a way that is intended to have fewer double negatives and be more understandable. It also permits a military aircraft to carry passengers for reimbursement without losing its public aircraft status when Federal law requires that reimbursement. The Provision clarifies that carriage of prisoners is considered part of the law enforcement function and therefore can be performed by public aircraft. Permits public aircraft to fly charters for DOD if DOD designates the flight as being in the national interest. Requires NTSB to do a study comparing the safety of public and civil aircraft.

Senate Amendment

Section 209: Permits public aircraft to be used to transport passengers if those passengers are involved in prisoner transport.

Conference Substitute

Section 702: Revises the title of subsection (a) since there are some substantive changes in the law. Inserts "regulation or directive on November 1, 1999" after "Federal law" in new section 40125(a)(1) because an OMB circular may be the basis for the requirement that reimbursement be paid. Makes clear in new section 40125(c)(2) that an aircraft of the National Guard of a state, territory, Puerto Rico, or the District of Columbia can operate as a public aircraft only when it is operated under the direct control of the United States Department of Defense. Paragraph (c)(1)(B) of new section 40125 takes account of the other missions that military aircraft may be called upon to provide and allows a military aircraft to operate as public aircraft if it is performing a governmental function and operating under the titles specified in that paragraph.

Two of these changes have been of concern to commercial helicopter operators. One would allow a military aircraft to be operated under the more lenient rules governing public aircraft if it was used in the performance of a governmental function. The other change would allow a government aircraft to retain its public aircraft status even when receiving compensation for the flight as long as a Federal law or directive required the compensation on the date of enactment.

With respect to the first concern, the conference substitute limits the qualifying governmental function to those performed under titles 14, 31, 32, or 50 of the U.S. code.

With respect to the second concern, the conference substitute limits the law or directive to those in effect last year. This will prevent the military or other Federal agency from issuing rules now to take advantage of this new exception.

With these changes, the managers believe that they have achieved a balance between the needs of the military and the legitimate interests of commercial aircraft operators.

123. PROHIBITION ON RELEASE OF OFFEROR PROPOSALS.

House Bill

Section 703: Exempts bid submissions from the Freedom of Information Act except for certain unsuccessful bids.

Senate Amendment

No provision.

Conference Substitute

Section 703: House.

124. MULTIYEAR PROCUREMENT CONTRACT

House Bill

Section 704: Allows 10-year contracts for telecommunication services using satellites if that would be cost beneficial.

Senate Amendment

Section 436: Authorizes FAA to establish a pilot program (FY2001-2004) to test long-term contracts for leasing aviation equipment and facilities. No more than 10 contracts, each at least 5 years. Many include requirements related to oceanic and ATC, air-to-ground radio communications, ATC tower construction.

Conference Substitute

Section 704: Senate. Reference to telecommunications satellites as in the House bill. Contracts may enter into in fiscal years 2001 through 2003 but the terms of the contracts are not limited to those 3 years.

125. SEVERABLE SERVICES CONTRACTS

House Bill

Section 719: Amends procurement reform provision in the Appropriations Act. Notwithstanding the Federal Acquisition Streamlining Act. FAA may enter into contracts for services that begin in one year and end in another.

Senate Amendment

Section 301: Amends Title 49. FAA may enter into contracts for services that begin in one year and end in another, and obligations of funds for one fiscal year may carry over.

Conference Substitute

Section 705: Senate.

126. PROHIBITION ON RACIAL DISCRIMINATION IN AIRLINE TRAVEL

House Bill

Section 706: Prohibits racial discrimination.

Senate Amendment

Section 455: Prohibits discrimination at airports.

Conference Substitute

Section 706: House And Senate.

127. PROHIBITION ON DISCRIMINATION IN USE OF PRIVATE AIRPORTS

House Bill

No provision.

Senate Amendment

Section 455: Prohibits a state, county, city or municipal government from restricting the full enjoyment of a private airport on the basis of a person's race, creed, color, national origin, sex or ancestry.

Conference Substitute

Section 706: Senate

128. INTERNATIONAL STANDARDS FOR HANDICAPPED ACCESS

House Bill

Section 706(c): Directs DOT to work with international organizations to improve access for handicapped passengers especially on foreign airlines that code-share with U.S. carriers. Extends the existing prohibition on discrimination to foreign airlines operating to the U.S. subject to bilateral obligations under section 40105(b). Imposes a penalty of $10,000 for violations.

Senate Amendment

Section 407: Directs DOT to work with international organizations to improve access for handicapped passengers especially on foreign airlines that codeshare with U.S. carriers. Extends the existing prohibition on discrimination to foreign airlines operating in U.S. Each act of discrimination constitutes a separate violation. Each complaint shall be investigated and complaint statistics shall be publicly reported. Annual report to Congress. The government shall provide technical assistance to airlines and disabled people. Adds the section prohibiting discrimination against the handicapped to those subject to the $1,000 civil penalty. If the carrier that discriminated does not provide a credit or voucher to the passenger in the specified amounts, then the penalty will be that specified amount. Attorney's fees may be awarded if the court deems it appropriate.

Conference Substitute

Section 707: Senate provision insofar as it (1) directs DOT to work with international organizations to improve access for handicapped passengers especially on foreign airlines that code-share with U.S. carriers; (2) extends the existing prohibition on discrimination of foreign airlines operating to the U.S.; (3) states that each act of discrimination constitutes a separate violation; (4) requires that each complaint be investigated and complaint statistics be publicly reported; (5) mandates an annual report to Congress; and (6) requires that technical assistance be provided to airlines and disabled people. Civil penalties for violations are increased to $10,000. The extension of the prohibition on discrimination to foreign airlines is made subject to U.S. bilateral obligations as in the House bill.

129. SMOKING PROHIBITION, INTERNATIONAL FLIGHTS

House Bill

No provision.

Senate Amendment

Section 437: Extends the smoking restriction on domestic flights to segments of international flights that arrive in or depart from the U.S. Procedures established if foreign government objects to extraterritorial application of U.S. law.

Conference Substitute

Section 708: Senate.

130. JOINT VENTURES/ALLIANCES

House Bill

Section 707: Makes clear that the provision requiring notice of certain joint venture and alliance agreements apply only to those agreements where both parties are major airlines.

Senate Amendment

No provision.

Confernece Substitute

Section 709: House

131. ANIMAL TRANSPORTATION

House Bill

No provision.

Senate Amendment

Title XVII: Within 2 years of enactment, DOT will require each air carrier to submit to DOT details on animals on each flight. Any serious incident involving an animal must be reported to Department of Agriculture (DOA) and DOT. This information will be included in Air Travel Consumer Reports. Consumer complaints involving animals must be reported within 15 days by DOT to DOA. Annual reports under the Animal Welfare Act. Each air carrier to amend contract of carriage to lay out procedures for safe transport of animals. Civil penalty up to $5,000 for each incident involving the loss, injury or death of an animal during transport. If carrier at fault, carrier liable to owner for at least twice the liability for mishandled baggage, plus costs of animal treatment within 1 year of the incident. DOT to require carriers to upgrade cargo containers to provide airflow, and heating and cooling. After 1/1/00, carrier cannot carry animals unless it's made this upgrade. 3/31/02 report to Congress.

Conference Substitute

Section 710: The Managers have heard from animal rights activists and citizens who use airlines to transport animals. They have sharply differing views over the extent of the problem and the appropriate remedy. Accordingly, the Conference Report modifies the Senate provision to ensure that airlines will continue to be able to carry animals while information is collected to determine whether there is a problem that warrants stronger legislative remedies. Toward this end, scheduled U.S. airlines will be required to provide monthly reports to DOT describing any incidents involving animals that they carry. DOT and the Department of Agriculture must enter into a MOU to ensure that the Agriculture Department receives this information. DOT must publish data on incidents and complaints involving animals in its monthly consumer reports or other similar publication. In the meantime, DOT is directed to work with airlines to improve the training of employees so that (1) they will be better able to ensure the safety of animals being flown and (2) they will be better able to explain to passengers the conditions under which their pets are being carried. People should know that their pets might be in a cargo hold that may not be air-conditioned or may differ from the passenger cabin in other respects.

132. WAR RISK INSURANCE

Hosue Bill

Section 708: Extends the program until December 31, 2004.

Senate Amendment

Section 307: Extends the program until December 31, 2003.

Conference Substitute

Section 71: Senate.

133. IMPROVEMENTS TO LEASED PROPERTY

House Bill

Section 709: Allows FAA to pay for improvements to leased property even if the costs of the improvements exceed the costs of the lease if the cost of the lease is nominal and certain other conditions are met.

Senate Amendment

Section 420: Similar provision. No requirement that the cost of the lease be nominal.

Conference Substitute

Section 712: House.

134. HUMAN FACTORS PROGRAM

House Bill

No provision.

Senate Amendment

Section 413: Requires FAA to report on the Advanced Qualification Program, and its adoption among air carriers. FAA must address the concerns of the National Research Council on problems associated with human interface with ATC automation. FAA must work with the aviation industry to develop training curricula for the listed safety problems. FAA, with NTSB and the industry, must establish a process to assess human factors training as part of accident investigations. FAA must establish a test program to use model Jeppesen approach plates to improve nonprecision landing approaches. Training practices associated with flight deck automation must be updated within 12 months.

Conference Substitute

Section 713: Senate but delete Senate subsection (c) and change "improve nonprecision landing approaches" in Senate subsection (d), now subsection (b), to "allow for precision-like approaches". The FAA is directed to work with the representatives of the aviation industry and appropriate aviation programs associated with universities on this human factors program. The appropriate aviation programs could include a nonprofit Corporation involving academia. The Managers note that the State University of New York at Buffalo is already conducting this research.

135. IMPLEMENTATION OF ARTICLE 83 BIS OF THE CHICAGO CONVENTION

House Bill

Section 710: FAA may trade responsibilities with another country for the regulation of aircraft registered in each other's country. However, a country that does not meet ICAO standards could not be given responsibility for U.S. aircraft.

Senate Amendment

Section 304: Similar provision except there is not a specific prohibition on transferring responsibility to a country that does not meet ICAO standards.

Conference Substitute

Section 714: House.

136. PUBLIC RELEASE OF AIRMEN RECORDS

House Bill

Section 711: Requires airman records (name, address, and ratings) be made available to the public 120 days after enactment.

Before making the address available, the airman shall be given the opportunity to have it withheld. A one-time written notification of one's right to withhold public release of this information shall be developed and implemented, in cooperation with the aviation industry, within 60 days.

Senate Amendment

No provision.

Conference substitute

Section 715: House but modified to ensure that new pilots are notified of their option to withhold this information from the public. The FAA and organizations representing pilots and other airmen should use their web pages and other appropriate means to notify airmen that they can elect not to have the information about them publicly released.

137. EMERGENCY REVOCATION OF CERTIFICATES

House Bill

Section 712: Gives a holder of a FAA certificate the right to appeal an emergency revocation of that certificate to the NTSB. If 2 Board Members determine that there was not an emergency, the certificate is restored, subject to review by the full Board within 15 days.

Senate Amendment

Section 311: Gives the holder of an FAA certificate the right to appeal the immediate nature of an emergency revocation of that certificate to the NTSB. Certificate holder must request review within 48 hours of the emergency revocation. NTSB has 5 days from the review filing to determine whether immediate certificate revocation should be stayed.

Conference Substitute

Section 716: Senate except the 48-hour period to file an appeal begins to run after receipt of the emergency order by the person rather than when it becomes effective. Also, the standard of review is modified.

138. GOVERNMENT AND INDUSTRY CONSORTIA

House Bill

Section 713: Permits FAA to establish consortia at airports to advise on security and safety matters. Such consortia shall not be considered Federal advisory committees.

Senate Amendment

Section 303: Similar provision.

Conference Substitute

Section 717: Senate.

139. PASSENGER MANIFEST

House Bill

Section 714: Changes "shall" to "should" in section 44909(a)(2).

Senate Amendment

Section 402: The same or similar provision. Relaxes passenger manifest requirements to say that full name, passport number, and emergency contact name and number should be included.

Conference Substitute

Section 718: House and Senate.

140. FEES FOR SERVICE TO FOREIGN ENTITIES

House Bill

Section 715: Permits fees to be collected for inspection, certification and similar services performed outside the U.S. except for fees for production-certification related services performed outside the U.S. pertaining to aeronautical products manufactured there.

Senate Amendment

Section 305: Similar provision.

Conference Substitute

Section 719: House.

141. CIVIL PENALTIES

House Bill

Section 716: Makes technical corrections.

Senate Amendment

Section 308: Same or similar provision.

Conference Substitute

Section 720: House and Senate.

142. WAIVERS FROM NOISE ACT

House Bill

Section 717: Gives foreign airlines the same right to seek waivers from the stage 3 compliance schedule as U.S. airlines. Also, allows stage 1 or stage 2 aircraft to be brought into the U.S. to sell the aircraft outside the U.S., to sell the aircraft for scrap, or to modify the aircraft to meet Stage 3 standards. Also, allows Stage 2 aircraft used for service within Hawaii to be brought into the 48 States for maintenance.

Senate Amendment

Section 302: Requires DOT to allow stage 2 aircraft to be brought into the U.S. to sell, lease or use the aircraft outside the U.S., to scrap the aircraft, to modify the aircraft to meet Stage 3 standards, to perform scheduled heavy maintenance or significant modifications on the aircraft, to exchange the aircraft between the lessor and the lessee, to prepare or store the aircraft for any of the above activities, or to divert the aircraft to alternative airports for safety or ATC reasons in conducting any of the above flights. DOT required to establish procedure within 30 days for waivers or ferry permits. Allows Stage 2 aircraft used for service within Hawaii to be brought into the 48 States for maintenance (including major alterations) or preventative maintenance. Exempts experimental aircraft from the stage 3 requirements.

Conference Substitute

Section 721. Adopts House section 717(a) giving foreign airlines the right to seek waivers similar to U.S. airlines.

Adopts the Senate provision with an addition stating that nothing in this section shall be construed as interfering with or otherwise nullifying determinations made or to be made under pending applications on November 1, 1999 by the Federal Aviation Administration pursuant to Title 14, part 161 of the Code of Federal Regulations. Any waivers granted by public law 106–113 shall not be adversely affected by this provision and shall continue in effect.

143. LAND USE COMPLIANCE REPORT

House Bill

Section 737: Directs FAA to add a section to its annual report listing airports that are not in compliance with grant assurances with respect to airport land and explaining the corrective action that will be taken to address the problem.

Senate Amendment

No provision.

Conference Substitute

Section 722. House, but modified to make clear that FAA would list only those airports that it believes are not in compliance. It would not have to audit them or make a final determination before putting them on the list.

144. DENIAL OF AIRPORT ACCESS

House Bill

Section 154: Allows an airport, which will be required to obtain a certificate, to deny access to airlines that can only serve certificated airports if the airport does not intend to apply for such a certificate.

Senate Amendment

Section 421: Permits an uncertificated reliever airport located within 35 miles of a hub airport with adequate gate capacity to deny access to a public charter operator that provides notice to the public of its schedule.

Conference Substitute

Section 723: Prohibits an airline or charter operator from providing regularly scheduled charter air transportation (where the public is provided a schedule containing the departure location, departure time, and arrival location) to an airport that does not have an airport operating certificate from the FAA.

145. YEAR 2000 PROBLEM

House Bill

No provision.

Senate Amendment

Section 401: Requires FAA quarterly reports on Year 2000 problem through 12/31/00.

Section 457: Requires air carriers to respond to FAA by November 1, 1999, regarding their readiness for the Y2K problem as it relates to safety. If FAA doesn't receive response by then, must decide on the record whether to revoke certificate. FAA may reinstate certificate if carrier later submits sufficient information to demonstrate it is in compliance with applicable safety regulations as they relate to Y2K.

Conference Substitute

No provision.

146. STAGE 4 NOISE STANDARDS

House bill

Section 730: Requires FAA to continue to work to develop a new standard for quieter aircraft. Beginning March 1, 2000, FAA must submit annual reports to Congress on this work.

Senate Amendment

No provision.

Conference Substitute

Section 726: House except that the goals to be considered in developing these new standards are set forth and the annual report requirement does not begin until July 1, 2000.

147. TAOS PUEBLO

House Bill

No provision.

Senate Amendment

Section 429: Within 18 months, the FAA shall work with the Taos Pueblo and Blue Lakes Wilderness area to study the feasibility of conducting a demonstration to require all aircraft to maintain altitude of 5,000 feet.

Conference Substitute

Section 727: Study in Senate bill modified to also study whether itinerant general aviation aircraft should be exempt.

148. AIRCRAFT SITUATION DISPLAY DATA

House Bill

Section 721: Requires any person that receives aircraft situational display data from the FAA to be able to, and to agree to, block aircraft registration numbers if the FAA asked that they be blocked. Also requires any existing agreement with the FAA to obtain aircraft situational display data to conform to the requirements above.

Senate Amendment

Section 427: Similar provision.

Conference Substitute

Section 729: House and Senate.

149. EQUAL EMPLOYMENT OPPORTUNITY COMPLAINTS

House Bill

Section 722: Authorizes $2 million and the hiring of personnel to reduce the backlog of equal employment opportunity complaints.

Senate Amendment

No provision.

Conference Substitute

Section 730: House but does not specify the account from which the money will come.

150. EASEMENT IN CALIFORNIA

House Bill

Section 724: Grants an easement to facilitate construction of the California State Route 138 bypass.

Senate Amendment

No provision.

Conference Substitute

Section 731: House provision but with documentation required of the California DOT to ensure that the benefit of the easement to the airports will be at least equal to the value of the easement being granted. This ensures that there is no revenue diversion in the transaction.

151. ALASKA AIR GUIDES

House Bill

Section 725: Requires Alaska air guides to be regulated under the FAA rules in 14 CFR Part 91 governing general aviation rather than the rules for a commercial operation. Also, directs the FAA to conduct a rulemaking to supplement the requirements of Part 91 with additional requirements for Alaska Air Guides that are needed to ensure air safety.

Senate Amendment

Section 411: Similar provision.

Conference Substitute

Section 732: House with an insert at the end of paragraph (b)(2)(G) as follows: In making such a determination, the Administrator shall take into account the unique conditions associated with air travel in Alaska to ensure that such actions are not unduly burdensome. Also, in paragraph (c)(2)(C) put a period after "guide services" and delete everything that follows.

This section is designed to impose additional safety regulations on Alaska Guide-Pilots. However, since the flight services they provide are incidental to the hunting, fishing and other guide services provided, Alaska Guide-Pilots are distinctly different than air taxis and commuter carriers, which are governed by the FAA regulation set forth in Part 135. This section is intended to impose enhanced safety requirements on Alaska Guide-Pilots. However, such safety requirements are intended to be less burdensome and less costly than those set forth in Part 135 which are applicable to air taxis and common carriers. Nothing in this section, including subparagraph (b)(2)(G), is intended to authorize the FAA Administrator to treat Alaska guide pilots as de facto Part 135 operators.

152. NATIONAL TRANSPORTATION DATA CENTER OF EXCELLENCE

House Bill

Section 738: Makes funds available from TEA 21 to establish, at a closed or realigned army depot, a facility to serve as a satellite data repository and to analyze transportation data collected by government and industry.

Senate Amendment

No provision.

Conference Substitute

Section 733: House.

153. FOREIGN REPAIR STATION ADVISORY PANEL

House Bill

Section 726: Panel established by DOT.

12 members as follows: 3 from the unions; 1 from cargo airlines; 1 from passenger airlines; 1 from aircraft repair stations; 1 manufacturers; 1 from air taxi and corporate aircraft; 1 from commuters; 1 from Commerce; 1 from State; and 1 from FAA.

Requires DOT, by rule, to collect information on balance of trade and safety issues from airlines and repair stations, both U.S. and foreign, relating to work performed on U.S. and foreign aircraft.

Requires collection of information on drug testing at foreign repair stations and encourages DOT to work with ICAO to increase drug testing programs.

Requires DOT to make any relevant nonproprietary information available to the public. Terminates the panel 2 years after the date of enactment or December 31, 2001, whichever occurs first.

Senate Amendment

Section 426: Panel established by FAA.

11 members as follows: 3 from unions; 1 from cargo airlines; 1 from passenger airlines; 1 from aircraft and component repair stations; 1 from manufacturers; 1 from industry group not mentioned above; 1 from DOT; 1 from State; and 1 from FAA.

Requires FAA, by rule, to collect information from foreign repair stations to assess safety issues with respect to work performed on U.S. aircraft only. FAA may require this information from U.S. airlines with respect to their use of U.S. repair stations.

Requires collection of information on drug testing at foreign repair stations.

Information collected must be made public.

The panel shall terminate after 2 years. FAA shall report annually to Congress on the number of repair station certificates that were revoked, suspended or not renewed in previous year.

Conference Substitute

Section 734: House provision except FAA establishes the panel. In developing its advice, the panel may consider the similarities and differences in the FAA regulations for initial certification and renewal of those certificates of foreign and domestic repair stations, the similarities and differences in FAA operating regulations of those stations, a comparison of the inspection findings resulting from surveillance, a comparison of the manner in which FAA inspection findings are addressed and documented by the certificate holders and the FAA, a comparison of the number of FAA enforcement actions resulting in a final order of civil penalty or certificate action, and a comparison showing the extent to which maintenance performed by repair facilities has been found to be the probable cause or contributing factor in any accident investigation performed by the NTSB. The panel should also look at the ability of the FAA to adequately oversee foreign repair stations.

154. OPERATIONS OF AIR TAXI INDUSTRY

House Bill

Section 727: Requires the FAA to study the air taxi industry to increase the government and industry's understanding of the size and nature of the industry with a view toward using this information in the context of future regulatory actions.

Senate Amendment

No provision.

Conference Substitute

Section 735: House

155. NATIONAL AIRSPACE REDESIGN

House Bill

Section 728: States that it is the sense of Congress that the FAA should complete and begin implementing the comprehensive national airspace redesign as soon as possible.

Senate Amendment

Section 909: FAA is required to conduct a comprehensive redesign of the national airspace system, and report to the authorizing committees no later than 12/31/00. Authorizes $12 mil FY2000–2002.

Conference Substitute

Section 736: Senate.

156. AVOIDING DUPLICATION OF ENVIRONMENTAL WORK

House Bill

Section 729: Permits an airport to use a completed environmental assessment or environmental impact study for a new project at the airport if the completed assessment or study was for a project that is substantially similar to the new project and meets all Federal requirements for such a study or assessment.

Senate Amendment

Section 418: Similar provision.

Conference Substitute

Section 737: House

157. FAA CONSIDERATION OF CERTAIN STATE PROPOSALS

House Bill

Section 731: Encourages the FAA to consider any proposal with a regional consensus submitted by a State aviation authority regarding the expansion of existing airport facilities or the introduction of new airport facilities.

Senate Amendment

Section 466: AIP funds may be available for Georgia's regional airport enhancement program.

Conference Substitute

Section 738: House.

158. CINCINNATI BLUE ASH AIRPORT

House Bill

Section 732: Allows Blue Ash Airport to be sold by the city of Cincinnati to the city of Blue Ash. Subsection (b) makes the revenue diversion restrictions inapplicable to this transaction.

Senate Amendment

Section 441: Similar provision, but does not allow for any revenue diversion.

Conference Substitute

Section 739: House but make subsection (b) discretionary with FAA. The Managers have accepted a House provision allowing for the sale of Cincinnati-municipal Blue Ash Airport to the City of Blue Ash, Ohio, in advance of the expiration of current grant assurances in 2003. Blue Ash Airport is an important reliever airport to Lunken Field and the conferees have agreed to this provision solely because it will extend the current grant assurances at Blue Ash until 2023.

The conferees remain concerned about the FAA's willingness to enforce grant assurances. Therefore the conferees direct that should the Secretary approve the sale, a Memorandum of Understanding (MOU) must first be entered into between the FAA and the City of Blue Ash. The MOU must be enforceable by the FAA and protect the existence of the airport until at least 2023. Should the City of Blue Ash receive federal airport funding during this period the conferees expect normal grant assurances will extend the life of the airport beyond 2023.

159. AIRCRAFT USED TO RESPOND TO OIL SPILLS

House Bill

Section 733: Allows the Defense Department to sell aircraft for use in responding to oil spills.

Senate Amendment

Section 425: Allows the Defense Department to sell excess aircraft for use in responding to oil spills. Aircraft can be used for secondary purposes as long as they don't interfere with oil spill response. DOT certifies to DOD that recipient is capable of participating in an oil spill responsive plan that has been approved by the Secretary of the Department in which the Coast Guard is operating.

Conference Substitute

Section 740: Senate except makes clear that if secondary purposes for which the aircraft will be used would require a certificate from the FAA, such a certificate must be obtained before the aircraft can be used for those secondary purposes.

160. DISCRIMINATION AGAINST COMPUTER RESERVATION SYSTEMS OUTSIDE THE U.S.

House Bill

Section 734: Allows the secretary of transportation to take action to prevent a foreign country from discriminating against U.S. computer reservation systems.

Senate Amendment

No provision.

Conference Substitute

Section 741: House.

161. SPECIALTY METALS CONSORTIUM

House Bill

No provision.

Senate Amendment

Section 442: Authorizes FAA to work with domestic metal producers and engine manufacturers to improve the quality of engine materials.

Conference Substitute

Section 742: Senate. This section would allow the FAA to work with a proven consortium of domestic metal producers and aircraft engine manufacturers to improve the quality of turbine engine materials. Improving the ability of these materials to withstand stress and high temperature will lead to fewer air carrier accidents and improved air safety.

162. INTERNATIONAL FLIGHT CREW LICENSING

House Bill

No provision.

Senate Amendment

Section 451: Requires FAA to implement a bilateral aviation safety agreement for conversion of flight crew licenses between U.S. and JAA member governments. Attempts to address a rule promulgated by JAA that makes conversion of U.S. licenses to JAA licenses difficult.

Conference Substitute

No provision.

163. NOISE STUDY AT SKY HARBOR AIRPORT

House Bill

Section 741: Directs FAA to study the effect on noise contours of the new flight patterns at Phoenix and report within 90 days on measures to mitigate noise. Report shall be available to the public.

Senate Amendment

No provision.

Conference Substitute

Section 746: House.

164. HELICOPTER NOISE

House Bill

Section 742: Directs DOT to study the effects of noise by non-military helicopters and develop recommendations for reducing noise. Helicopter industry and public views must be considered and a report filed in 1 year.

Senate Amendment

No provision.

Conference Substitute

Section 747: House but limit the study to densely populated areas, such as New York or Los Angeles, in the 48 states. The study should focus on air traffic control procedures rather than new aircraft technology to address the noise problem and should take into account the needs of law enforcement.

165. NEWPORT NEWS, VIRGINIA

House Bill

Section 723: The airport shall be released from certain deed restrictions subject to standard conditions imposed in other cases.

Senate Amendment

No provision.

Conference Substitute

Section 748: House but change "shall" to "may".

166. OKLAHOMA DEED WAIVER

House Bill

No provision.

Senate Amendment

Section 445: Allows FAA to waive restrictive terms in a deed of conveyance so that an Oklahoma university may make use of revenues derived from certain airport land only for weather-related and educational purposes that include benefits for aviation.

Conference Substitute

Section 751: Senate but require that if the land is sold the airport must receive fair market value for it and that the money should be applied in the first instance to the airport and, if funds remain available, to weather-related and educational purposes that primarily benefit aviation.

167. GRANT PARISH (LA)

House Bill

No provision.

Senate Amendment

Section 452: Permits U.S. to release any restrictions on land at the former Pollock Army Airfield (LA), provided the U.S. has access to or use of the lands in the event of national emergency. Clarifies that mineral rights will not be disturbed in any event.

Conference Substitute

Section 752: Senate but require that if the land is sold, fair market value must be received for the land and any money so received must be used for airport purposes. Drop reference to mineral rights.

168. RALEIGH COUNTY (W.VA.)

House Bill

No provision.

Senate Amendment

Section 449: Allows DOT to release from any terms and conditions in grant agreements for the development or improvement of Raleigh County Memorial Airport (W. Va.), if land not needed for airport purposes.

Conference Substitute

Section 753: Senate but require any amount received from a sale to be used for airport purposes.

169. FAA STUDY OF BREATHING HOODS

House Bill

No provision.

Senate Amendment

Section 432: FAA shall study whether smoke hoods currently available to flight crews are adequate and report the results within 120 days.

Conference Substitute

No provision.

170. STUDY OF ALTERNATIVE POWER SOURCES FOR FLIGHT DATA & COCKPIT VOICE RECORDERS

House Bill

No provision.

Senate Amendment

Section 433: FAA shall report on the need for alternative power sources for FDRs and CVRs within 120 days. If NTSB issues recommendations on this subject soon, FAA shall report to Congress the FAA's comments on the NTSB's recommendations rather than conducting a separate study.

Conference Substitute

Section 755: Senate.

171. TARDIS

House Bill

No provision.

Senate Amendment

Section 447: Requires the FAA to develop a national policy and procedures regarding the Terminal Automated Radar Display and Information System and sequencing for VFR ATC towers. TARDIS is an uncertified radar display system in use by controllers at 7 small facilities.

Conference Substitute

Section 756: Senate.

172. 16G SEATS

House Bill

No provision.

Senate Amendment

Section 448: Requires FAA, in consultation with DOT IG, to conduct a cost-benefit analysis prior to issuing a final rule on its decade-old proposal to retrofit aircraft with 16G seats.

Conference Substitute

Section 757: Modified Senate provision. FAA shall form a working group to make recommendations on ways to reduce the cost and time of certifying aircraft seats and restraints.

173. SENSE OF SENATE, NORTHERN DELAWARE

House Bill

No provision.

Senate Amendment

Section 458: Sense of Senate that DOT should include northern Delaware in any Part 150 study for Philadelphia International Airport, that DOT should study moving the approach causeway for the Philadelphia airport from Brandywine Hundred to the Delaware River and that DOT should study increasing the standard altitude over the Brandywine Intercept from 3,000 to 4,000 feet.

Conference Substitute

Section 758: Senate.

174. TOURISM

House Bill

No provision.

Senate Amendment

Section 422: Establishes a task force for international visitor assistance. Requires the Secretary of Commerce to complete a satellite system of accounting for the travel and tourism industry. Authorizes funding for tourism promotional activities. Requires annual report to Congress.

Conference Substitute

No provision.

175. CABIN AIR QUALITY STUDY

House Bill

No provision.

Senate Amendment

Section 459: Requires DOT to study sources of air supply contaminants of aircraft and air carriers to develop alternatives to replace engine and auxiliary power unit bleed air as a source of air supply.

Conference Substitute

Section 725: Requires FAA to contract with the National Academy of Sciences for an independent study of the air quality in passenger cabins. The study should identify contaminants in aircraft air, the toxicological and health effects, if any, if these contaminants, and how these contaminants enter the aircraft. The study should also compare the levels of these contaminants in the passenger cabin to such levels in a public building. This comparison should be done by measuring the air during actual commercial flights. If a problem is found, the study should develop recommendations for improving cabin air quality. This should include an assessment of whether health problems would be reduced by the replacement of recycled air with fresh air.

176. NATIONAL PARK OVERFLIGHTS

House Bill

Title VIII: Requires commercial air tour operators to conduct air tour operations over a National Park or tribal lands within or abutting a National Park in accordance with an approved air tour management plan (ATMP). Prior to commencing air tour operations over a National Park, a commercial air tour operator must apply to the Administrator of the FAA for authority to conduct operations over the park. The Administrator of the FAA would prescribe operating conditions and limitations for each commercial air tour operator, and in cooperation with the Director of the National Park Service (NPS), develop an ATMP.

Senate Amendment

Title VI: Similar provision.

Conference substitute

Title VIII: Commercial air tour operators must conduct commercial air tours over national parks or tribal lands in accordance with applicable air tour management plans (ATMP). Before beginning air tours over a National Park or tribal land, a commercial air tour operator must apply to the FAA for authority to conduct the tours. No applications shall be approved until an ATMP is developed and implemented. FAA shall make every effort to act on an application within 24 months of receiving it. Priority shall be given to applications from new entrant air tour operators. Air tours may be conducted at a park without an ATMP if the tour operator secures a letter of agreement from the FAA and the park involved and the total number of flights is limited to 5 flights in any 30-day period. If the ATMP limits the number of air tour flights over a park, FAA, in cooperation with the Park Service, shall develop an open competitive process for choosing among various air tour firms. In making a selection, the firms' safety record, experience, financial capability, pilot training programs, responsiveness to Park Service needs, and use of quiet aircraft shall be taken into account.

FAA, in cooperation with the Park Service, shall establish an air tour management plan (ATMP) for any park at which someone wants to provide commercial air tours. The ATMP shall be developed with public participation. It could ban air tours or establish restrictions on them. It will apply within a half a mile outside the boundary of the park. The plan should include incentives for using quiet aircraft. Prior to the establishment of an ATMP, the FAA shall grant interim operating authority to operators that are providing air tours. This interim authority may limit the number of flights. Interim operating authority may also be granted for new entrants if (1) it is needed to ensure competition in the provision of air tours over the park and (2) 24 months have passed since enactment of this Act and no ATMP has been developed for the park involved. Interim operating authority should not be granted to new entrants if it will create a safety or a noise problem.

The above shall not apply to the Grand Canyon, tribal lands abutting the Grand Canyon, or to flights over Lake Mead that are on the way to the Grand Canyon.

FAA shall establish standards for quiet aircraft within 1 year or explain to Congress why it will be unable to do so. Quiet aircraft may get special routes for Grand Canyon air tours and may not be subject to the cap on the number of flights there.

Air tours over the Rocky Mountain National Park are prohibited. Reports are required on the effect of overflight fees on the air tour industry and on the effectiveness of this title in providing incentives for the development and use of quiet aircraft.

This provision is not intended to interfere with FAA's sole jurisdiction over airspace.

Except for section 808, dealing with methodologies used to assess air tour noise, this title does not apply to Alaska.

177. RESEARCH, ENGINEERING AND DEVELOPMENT

House Bill

No provision. However, on September 15, 1999, the House passed related legislation (H.R. 1551, House report 106-223). Of the amounts authorized for Airport Technology Projects and activities in FY 2000, the House Science Committee intends that at least $1,500,000 shall be for obligation for grants or cooperative agreements awarded through a competitive, merit-based process to carry out research on innovative methods of using concrete in the design, construction, rehabilitation, and repair of rigid airport improvements. To the extent practicable, the Administrator shall consider awards to universities, and non-profit concrete pavement research foundations that would ensure industry participation. Of the amounts authorized to be appropriated for the Airport Technology Projects and activities in FY 2001, the Committee intends that at least $2,000,000 shall be for this purpose. The Committee recognizes that taxpayers spend $2 billion a year on runway pavements construction and maintenance. Investing today in research to develop longer-lasting and more reliable runways has the potential to save millions of dollars later.

Senate Amendment

Title XIII: Authorizes $240 million for FY 00, $250 mil for FY 01, and $260 million for FY 02. Encourages cooperation, nonduplication and integrated planning. Requires FAA and NASA by 3/1/00 to submit an integrated civil aviation research and development plan. The abstracts related to research grants will be published on the FAA home page. Research on life of aircraft to include nonstructural aircraft systems. Requires FAA to develop and transmit a plan for the continued implementation of Free Flight Phase I for FY03–FY05, to include budget estimates for continuing operational capabilities. Sense of Senate that FAA should develop a national policy to protect the frequency spectrum used for GPS, and to expedite the appointment of U.S. Ambassador to the World Radio Communication Conference.

Conference Substitute

Title IX: Combines the Senate bill and H.R. 1551. Authorizes funding for fiscal years 2000, 2001, and 2002 at $224 million, $237 million, and $249 million respectively.

Of the amounts authorized for Airport Technology Projects and activities, that $1,500,000 in FY 2000 and $2,000,000 in FY 2001 may be for grants of cooperative agreements to carry out research on innovative methods of using concrete in the design, construction, rehabilitation, and repair of rigid airport pavements. The Administrator shall consider awards to non-profit concrete pavement research foundations that would ensure industry participation.

Winglet efficiency/wake vortex—The conferees recommend that such sums as necessary be expended for research, prototyping, and flight testing winglet efficiency/wake vortex technology, which reduces fuel consumption and reduces the severity of wake vortex creation potential allowing more efficient spacing of aircraft. The Managers also direct FAA to work in consultation with NASA on this research.

High Speed Technologies. The Managers have been made aware of high-speed technologies that are being developed that could provide expedited delivery of goods. Such technologies have other capabilities. The Managers direct the Administrator to report, by letter, on FAA actions to facilitate the use of such technologies within low-orbit and traditional air traffic procedures.

178. TAX TITLE

Present Law

The present-law Airport and Airway Trust Fund provisions in the Internal Revenue code (the "Code") authorize expenditures from the Trust Fund through September 30, 1998, for the purposes provided in specified previously enacted authorization Acts (sec. 9502). Permitted expenditure purposes under these Acts are those as in effect on the date of enactment of the Federal Aviation Reauthorization Act of 1996.

House Bill

The House bill includes provisions expanding Airport and Airway Trust Fund expenditure purposes to include expenditures provided for in (1) the House bill and (2) appropriations Acts enacted after 1996 and before the House bill. The House bill further includes provisions to discourage future Trust Fund expenditures for purposes not approved in the Code provisions.

Senate Amendment

No provision. However, S. 2279, as previously passed by the Senate, included provisions identical to those in the House bill.

Conference Substitute

The conference agreement includes the provisions of the House bill, with modifications to conform the Airport and Airway Trust Fund expenditure purposes of the conference agreement.

179. BUDGETARY TREATMENT

House Bill

Title IX and X. Takes the aviation trust fund off budget.

Senate Amendment

No provision.

Conference Substitute

The conference includes a compromise provision.

180. WHISTLEBLOWER PROTECTION FOR AIRLINE EMPLOYEES

House Bill

Title VI: Prohibits airlines and their contractors or subcontractors from taking adverse action against an employee whom provided or is about to provide (with any knowledge of the employer) any safety information. Requires complaints be filed within 180 days. Establishes procedures to protect whistleblowers. Provides $5,000 penalty for an employee that files a frivolous complaint. Defines contractor. Establishes civil penalties for violations.

Senate Amendment

Section 419: Prohibits airlines and their contractors from taking adverse action against an employee whom provided or is about to provide any safety information. Requires complaints be filed at DOL within 90 days. Establishes procedures to protect whistleblowers. Defines contractor. Establishes civil penalties for violations. Frivolous complaints are governed by Rule 11 of the Federal Rules of Civil Procedure.

Conference Substitute

House provision but reduce the penalty for frivolous complaints to $1,000.

181. CENTENNIAL OF FLIGHT COMMISSION

House Bill

Section 720: Makes technical changes to legislation passed last year (P.L. 105–389) establishing a Commission to help celebrate the 100th anniversary of the Wright Brothers first flight.

Senate Amendment

No provision.

Conference Substitute

No provision. Addressed in Public Law 106–68.

182. ALLOCATION OF TRUST FUND SPENDING.

House bill

No provision.

Senate Amendment

Section 428: Treasury shall annually report to DOT on the aviation taxes collected in each State and DOT shall annually report to Congress the State dollar contribution to the Aviation Trust Fund and the amount of AIP funds that were made available by State.

Conference Substitute

No provision.

183. SENSE OF THE SENATE ON AIRPORT PROPERTY TAXES

House Bill

No provision.

Senate Amendment

Section 423: Senate of the Senate that property taxes be assessed fairly and a specific tax in Oregon should be repealed.

Conference Substitute

No provision.

184. MONROE REGIONAL AIRPORT LAND CONVEYANCE

House Bill

Section 739: Waives deed restrictions to permit Monroe to sell airport land as long as the city receives fair market value for the land and the amount it receives is used for airport purposes or for investment in an industrial park that will pay more rent as a result of that investment.

Senate Amendment

Section 440: Authorizes DOT to waive deed restrictions to permit Monroe to sell airport land as long as the city receives fair market value for the land and the amount it receives is used for airport purposes or for investment in an industrial park that will pay more rent as a result of that investment.

Conference Substitute

No provision.

185. AUTOMATED WEATHER FORECASTING SYSTEM

House Bill

Section 740: Directs FAA to contract with the National Academy of Sciences to study the effectiveness of automated weather forecasting services at flight service stations that do not have human weather observers. Report required in 1 year.

Senate Amendment

No provision.

Conference Substitute

No provision.

186. BANKRUPTCY, ROLLING STOCK EQUIPMENT

House Bill

No Provision.

Senate Amendment

Section 439: Amends Sec. 1110 of the Bankruptcy Code to clarify its operation and remove the ambiguity created by recent federal court decisions in the Western Pacific bankruptcy case. Because of this litigation, uncertainty exists in the international financial community regarding whether Sec. 1110 effectively protects both lessors and lenders in connection with bankruptcy adjudication.

Conference Substitute

Senate.

187. COORDINATION

House Bill

No provision.

Senate Amendment

Section 101(b): The authority granted the Secretary under section 41720 does not affect the Secretary's authority under any other provision of law.

Senate Amendment

Section 231: Senate.

188. RELIEVER AIRPORTS

House Bill

No provision.

Senate Amendment

Section 205(e): Changes definition of public-use airport to make privately owned reliever airports ineligible for grants if they did not receive an AIP grant before 1997, and the FAA has issued revised administration guidance for the designation of reliever airports.

Conference Substitute

No provision.

MISCELLANEOUS PROVISIONS

Security. The Managers believe that vigilance must be constantly maintained in the civil aviation security program. An indispensable element of that program is the employment history verification requirement that 14 C.F.R. sections 107.31 and 108.33 impose on those persons seeking unescorted access to any secured area of U.S. airports. Airport operators and air carriers are responsible for conducting or making sure not only that their employees are subject to such verifications but also that tenant and contractor employees undergo the same employment history scrutiny.

The Managers understand that the Federal Aviation Administration is developing audit procedures to determine compliance with the verification requirement. Members of the aviation community, including airport operators and airlines, are submitting comments responding that proposal. The Committee urges the FAA to complete promptly a workable audit program that appropriately reflects input from affected members of the aviation community. The FAA is currently conducting a fingerprint background check pilot program. If this proves successful, the FAA should consider expanding the program to Category X airports.

The Southern California Region Airspace Utilization. The conferees urge the FAA to study airspace utilization in the southern California region as part of the National Airspace Redesign. This study will help the region to determine how to handle increasing demands for cargo and passenger air service and effectively address future transportation issues.

Broadcasting series. An effective, efficient, and safe aviation system improves American's quality of life and strengthens our Nation's ability to compete in the global economy. It is important that the public understands the vital role that aviation plays in our Nation's advancement. The conferees strongly encourage that funds authorized for FAA Operations be made available to fund a public service series on the changing face of aviation in the 21st century. The series should highlight technological and programmatic advances in aviation safety and operations.

Feasibility study. The Managers direct the FAA to proceed with the planned study for the Louisiana Airport Authority outlined in the FAA December 7, 1999 memo. This study should include the feasibility of an intermodal facility, take into account existing aviation assets, and, if feasible, work with the appropriate management.

Cargo. Air cargo is growing faster than any other aviation industry, approximately 6.6% per year. With this type of growth, the conferees recognize the need to evaluate the air cargo distribution process. We urge DOT to conduct an intermodal study of the air cargo supply chain to identify system weakness and potential efficiencies to ensure the U.S. air cargo system can meet the needs of air freight in the 21st century.

Bud Shuster,
Don Young,
Thomas E. Petri,
John J. Duncan, Jr.,
Thomas W. Ewing,
Stephen Horn,
Jack Quinn,
Vernon J. Ehlers,
Charles F. Bass,
Edward A. Pease,
John E. Sweeney,
James L. Oberstar,
Nick Rahall,
William O. Lipinski,
Peter DeFazio,
Jerry F. Costello,
Pat Danner,
Eddie Bernice Johnson,
Juanita Millender-McDonald,

From the Committee on Ways and Means, for consideration of title XI of the House bill, and modifications committed to conference:

Bill Archer,
Phil Crane,
Charles B. Rangel,

From the Committee on Science, for consideration of title XIII of the Senate amendment, and modifications committed to conference:

Connie Morella,

RALPH M. HALL,
Managers on the Part of the House.
From the Committee on Commerce, Science, and Transportation:
TED STEVENS,
CONRAD BURNS,
SLADE GORTON,
TRENT LOTT,
FRITZ HOLLINGS,
DANIEL K. INOUYE,
JOHN D. ROCKEFELLER IV,
JOHN F. KERRY,
From the Committee on the Budget:
PETE V. DOMENICI,
CHUCK GRASSLEY,
DON NICKLES,
KENT CONRAD,
Managers on the Part of the Senate.

WELCOME TO THE REVEREND DR. FRANK RICHARDSON

(Mr. CARDIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARDIN. Mr. Speaker, I am pleased today to introduce our guest chaplain, Dr. Frank Richardson.

Dr. Richardson currently holds positions as assistant professor, Department of Psychiatry and Behavioral Sciences at Johns Hopkins University School of Medicine and staff psychologist, Outpatient Psychiatry Department at Baltimore's Kennedy Krieger Institute. In addition to his current responsibilities, he brings to us rich life experiences as a Methodist minister of 9 years in Lansdowne, Pennsylvania, a board member of Baltimore's Hamden Family Center, work with the Catholic Charities Programs in San Diego, and as a chaplain intern for a number of schools and hospitals in Massachusetts.

This blend of experiences offers us a unique perspective of faith reflecting a wide variety of pastoral views, regional differences, all focused on the special care we must bring to each other and especially our children.

It is our honor to have Dr. Richardson and his family with us today.

RADIOACTIVE WATER

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Madam Speaker, safe, clean drinking water is something that many people often take for granted. Unfortunately, Nevadans may not have the luxury of assuming that their drinking water is safe or clean anymore. Recently, groundwater tests near the Nevada test site showed levels of radioactivity that were 25 times higher than allowed under the Federal safe drinking water standard. EPA studies have confirmed that due to the high volcanic activity in Nevada, radioactivity from deep within the earth's surface has surfaced and entered the groundwater supply.

This is a real and serious environmental threat for Nevada, the Nation's third most seismically active State. Yet, Madam Speaker, there are some who still support the development of a permanent nuclear waste repository at Yucca Mountain, which is located right in the middle of this volcanic activity. I for one will not support risking the health of millions of people and millions of children who merely want a cold, nonradioactive glass of water to drink.

I yield back the dangerous and illogical plan to shift nuclear waste to Nevada.

PERMANENT TRADE RELATIONS FOR CHINA

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Madam Speaker, today the President of the United States sends up the permanent normal trade relations bill to the United States Congress. This will be one of the most important trade and foreign policy votes not only of this Congress but maybe of our careers. I would hope there would be bipartisan support for this bill, bipartisan support for making sure that we change the status quo today.

Right now, China has access to our markets. We do not have fair access to the Chinese markets. Under this new bill, we give up nothing and we get new access in agriculture, telecommunications, industry across the board to the Chinese markets. If we are going to support in a bipartisan way constructive engagement with the Chinese as five previous Presidents, Democrats and Republicans, have done, we need to engage the Chinese when we disagree with them on human rights and the Catholic Church. We need to engage the Chinese on the trade deficit. But we must pass this permanent trade relations act in a bipartisan way.

HONORING CHAMPIONSHIP SOCCER TEAMS FROM 16TH DISTRICT OF PENNSYLVANIA

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, today I rise to honor two more championship soccer teams from my district, the Downingtown Whippets and the West Chester Henderson Warriors.

The Downingtown varsity boys triple A soccer team are the 1999 Pennsylvania State champions. These young athletes from a traditional sports powerhouse worked hard to build themselves into a trophy-winning team. I want to congratulate them on their success.

The Henderson varsity girls triple A soccer team holds the State girls championship. These ladies have continued a tradition of winning for Henderson. They have been State champs 4 out of the last 5 years. Two years ago they not only won Pennsylvania but were ranked number one in the Nation.

I am proud to say that both of these outstanding teams are from Chester County, Pennsylvania. They will be here tomorrow to receive the congratulations of many.

So three teams, Octorara boys double A, Downingtown boys triple A and Henderson girls triple A, all from my congressional district, congratulations. You have made Chester County proud.

ABOLISH THE TAX CODE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Madam Speaker, the tax code accounts for 24 percent of the cost of an American-made automobile. Now, think about it. You buy a car made in America for $20,000 and $5,000 of it goes to satisfy the tax code. Beam me up. I say, let us throw the tax code out; let us abolish the IRS, pass a flat 15 percent savings tax. No more tax on education, savings, investment, corporations, capital gains. And one last thing. No more forms, no more IRS. Congress, let us handcuff the IRS to a chain link fence and flog them with the income tax code.

I yield back the millions of audits and gouging of the American taxpayers.

URGING PASSAGE OF AID PACKAGE TO COLOMBIA

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Madam Speaker, in a few weeks, the House will consider a supplemental appropriations bill that includes a much-needed comprehensive aid package to Colombia. The purpose of this package is to help that nation fight its war against the narcoterrorists that threaten its very survival.

We must help the Colombians fight the drug lords because in the process it will help us take Colombian drugs off our own streets. Right now, 80 percent of the cocaine and 75 percent of the heroin which enters this country this day comes from Colombia.

While I believe that we must do our part to reduce the demand here, helping the Colombians fight the narcoterrorists where they live will slow the flow of drugs which are poisoning our own communities. Choosing not to help, as we did last fall, will only embolden the drug lords, who, in the absence of a comprehensive aid package, could more openly and freely continue peddling death to the American children.

Madam Speaker, I urge the immediate passage of the aid package to Colombia.

INFORMING CONGRESS ABOUT THE STATE OF THE DISTRICT OF COLUMBIA

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Madam Speaker, periodically, I come before this body simply to inform it about the state of the District of Columbia. Mayor Tony Williams gave his State of the District address this week. Only one year after taking office, he was able to show significant improvements in every area of life in the District of Columbia.

This was a city down on its knees only a few years ago. Now, it is about to go into the fourth year of a balanced budget and a surplus. The Mayor and the City Council have shown, definitively, that they know what they are doing. Anybody who looks around this city can see the difference.

I hope that this body will leave the micromanagement of the District to the District. What the Mayor and the Council deserve after the improvements we have seen, is a clean appropriation, which after all, consists mostly of money from the District, and respect from this body so that elected officials in the city can, in fact, run the city.

SUPPORT HABITAT ENHANCEMENT ROTATION OPTION (HERO) BILL

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Madam Speaker, American farmers are facing enormously difficult times. Producers continue to struggle with plentiful supplies and low prices. While there are no easy answers to this problem, there are some steps we can take to help farmers.

Today, this Member is introducing a bill based upon extensive farmer and conservationist input, which can be part of the solution and provide much-needed agriculture relief. The legislation is known as the HERO bill, which stands for Habitat Enhancement Rotation Option.

The HERO program would be voluntary and allow producers to enroll up to 25 percent of their cropland for periods of 2 to 4 years. It would complement the longer-term Conservation Reserve Program and thus provide farmers with payments as well as additional flexibility.

The HERO program is designed to be used during times like the present with high supplies and low prices. In addition to helping farmers, it would provide significant environmental benefits. It would help rehabilitate cropland, enhance soil and water conservation, and improve wildlife habitat.

Madam Speaker, the HERO program programs several options for farmers. For instance, producers could break the disease cycle, the weed cycles, plant short-term cover crops and so on. It could be used by producers seeking to establish permanent pasture on marginal cropland.

I urge my colleagues to consider cosponsoring this legislation.

INTERNATIONAL ABDUCTION DAY FOUR

(Mr. LAMPSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMPSON. Madam Speaker, today I rise to talk about another of the 10,000 American children who have been abducted to foreign countries, Amanda Johnson.

Amanda was abducted from her father, Thomas Johnson, who is an attorney with the United States State Department, to Sweden by her mother, Anne Franzen, in 1994. Amanda continues to be wrongfully withheld from her father, the rest of her American family, her home and her familiar environment, and her country, by her mother and the government of Sweden.

□ 1015

Between December 1995 and June 1999, Amanda saw her father only on five occasions for a total of about 15 hours. Every element of joint custody has been violated. No school or medical records, no photographs, no information on activities or general welfare have been provided to Mr. Johnson.

Mr. Johnson and parents like him need our help. Madam Speaker, we must show respect and concern for the most sacred of bonds, the bond between a parent and a child.

When we look at a globe we see boundaries, but when it comes to reuniting families we must know no boundaries. We must bring our children home.

VETERANS' BUDGET ON RIGHT TRACK

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Madam Speaker, today I want to talk about the veterans budget for the year 2001. Now, the administration has presented a budget, and it is a good start. The budget which was presented is much better than last year, which fell short in several areas, and that is why as the chairman of the Subcommittee on Health I have recommended an increase of $25 million above the President's request for medical research.

The committee has also recommended increasing the administration's proposed $60 million for State veterans home construction grant programs to $140 million.

As the sponsor of the Veterans Millennium Health Care Act, which requires VA to fund pending projects and to revise the priorities for the award of new grants, the proposed reduction in funding would result in projects being delayed another year or more.

This is a top priority for me. I will fight to get these proposed increases passed. Overall, the committee recommends a $100 million increase over the President's budget request. Veterans deserve our deepest respect and we must keep the promises we made to them.

ENVIRONMENTAL EXTREMISTS NEED TO MOVE OUT OF THE WAY OF DRILLING FOR OIL

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Madam Speaker, experts are now predicting that gas prices will soon go to $2 a gallon or perhaps even higher. This sudden big rise in gas prices is hurting lower income and working people most of all. It will hurt small towns in rural areas because their people usually have to drive further distances to work. It will hurt tourism and agriculture and trucking, and mean higher prices for airline tickets. The saddest part of this whole scenario is the Congress could easily keep this from happening.

The U.S. Geologic Survey estimates there are 16 billion barrels of oil in less than 1 percent of the coastal plain of Alaska. There are billions more barrels offshore from other States, yet environmental extremists do not want us drilling for any of this oil even though it could be done in an environmentally safe way. These extremists almost always come from wealthy or upper-income families and perhaps are not affected that much when prices go up and jobs are destroyed. Some of these environmental extremists even think it would be good for gas prices to go even higher so people would drive less.

If we allow gas prices to go much higher, Madam Speaker, millions of people, including millions of children, are going to suffer greatly.

GOVERNMENT WASTE CORRECTIONS ACT

(Mr. METCALF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. METCALF. Madam Speaker, during my time in Congress I have tried to identify and stop wasteful spending. That is why I am pleased to rise today as a cosponsor of H.R. 1827, and support a bill that will stop overpayments to vendors by the Federal Government. The Government Waste Corrections Act requires executive agencies to conduct recovery auditing to identify and collect millions of dollars in overpayments.

We all know there are many cases of government waste. H.R. 1827 is vital to collecting back overpayments that otherwise would never have been detected. We have a responsibility to keep our government accountable, cut excessive spending, and terminate the unnecessary use of taxpayer dollars.

We can cut excessive spending and reduce our deficit so that in the future our children and grandchildren will not have to bear the excessive burdens of our debts.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to the provisions of clause 8 of rule XX, the Chair announces that she will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules but not before 2 p.m. today.

KEITH D. OGLESBY STATION

Mr. TERRY. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2952) to redesignate the facility of the United States Postal Service located at 100 Orchard Park Drive in Greenville, South Carolina, as the "Keith D. Oglesby Station".

The Clerk read as follows:

H.R. 2952

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDESIGNATION.

The facility of the United States Postal Service located at 100 Orchard Park Drive in Greenville, South Carolina, and known as the Orchard Park Station, shall be known and designated as the "Keith D. Oglesby Station".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in section 1 shall be deemed to be a reference to the "Keith D. Oglesby Station".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. TERRY) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. TERRY).

GENERAL LEAVE

Mr. TERRY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2952, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. TERRY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the gentleman from South Carolina (Mr. DEMINT) introduced H.R. 2952 on September 27, 1999, along with the entire South Carolina delegation as original cosponsors.

The Congressional Budget Office has reviewed the legislation and has estimated that its enactment would have no significant impact on the Federal budget and would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply.

This bill contains no intergovernmental or private sector mandates as defined by the Unfunded Mandates Reform Act and would impose no costs on State, local, or tribal governments.

The legislation redesignates the facility of the United States Postal Service located at 100 Orchard Park Drive in Greenville, South Carolina, presently known as the Orchard Park Station, as the Keith D. Oglesby Station.

Keith Oglesby was the postmaster of Greenville for 6 years. Unfortunately, sadly, tragically, he drowned last year while on vacation with his family. Among the many activities the postmaster was associated with are chairperson for the Greenville Counties Combined Federal Campaign for 5 years; postal co-chair for the Upstate Postal Customer Council and he served on the board of directors for 4 years and President for a year of Senior Action, an organization to provide and raise funds for social events for senior adults in Greenville County.

Mr. Oglesby was awarded the Benjamin Award, the Postal Service's top public relations honor. He received the second award posthumously. Postal employees, his peers and customers in Greenville have requested that Mr. Oglesby be remembered in the community where he lived, worked, and served.

Mr. Oglesby was known by his words, quote, "do the right thing," end quote. I believe that such an honor initiated by one's own community is the right thing and I thank our colleague, the gentleman from South Carolina (Mr. DEMINT), for sponsoring H.R. 2952, naming a postal facility after postmaster Keith D. Oglesby, and I urge all of our colleagues to support this legislation.

Madam Speaker, I reserve the balance of my time.

Ms. NORTON. Madam Speaker, I yield myself such time as I may consume.

As a Member of the Committee on Government Reform, I am pleased to join my committee colleague, the gentleman from Nebraska (Mr. TERRY), in the consideration of two postal naming bills. Both bills honor a number of fine individuals who have contributed much to the improvement of their communities and States.

H.R. 2952 and H.R. 3018 have met the committee's sponsorship requirement and are supported by the entire South Carolina congressional delegation. In addition to and on behalf of the ranking minority member, the gentleman from Pennsylvania (Mr. FATTAH), I would like to thank the gentleman from Indiana (Mr. BURTON) and the gentleman from New York (Mr. MCHUGH), for their support and assistance in the accommodation and timely consideration of these postal-naming bills.

As a member of the Committee on Government Reform, I am pleased to bring to my colleagues' attention H.R. 2952, legislation introduced by the gentleman from South Carolina (Mr. DEMINT). H.R. 2952 would designate a post office located at 100 Orchard Park Drive in Greenville, South Carolina, as the Keith D. Oglesby Station.

Mr. Oglesby was a tireless worker and community activist. As the Greenville postmaster, he took his position in the community seriously. He hosted the First-Day Issue ceremonies for the Organ & Tissue Donation Stamp, coordinated blood drives, and participated in the March of Dimes Walk America and the American Cancer Society's Relay for Life.

He was honored posthumously with a second Benjamin Award, the Postal Service's top public relations award, given in recognition of community outreach accomplishments.

I urge my colleagues to join in honoring Mr. Oglesby and to pass H.R. 2952.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. TERRY. Madam Speaker, I yield such time as he may consume to the gentleman from South Carolina (Mr. DEMINT), the initiator and sponsor of this important legislation.

Mr. DEMINT. Madam Speaker, I thank the gentleman from Nebraska (Mr. TERRY) very much for managing this bill on the floor.

Madam Speaker, today the House will consider a bill which is very important to my hometown and to the people of Greenville, South Carolina. H.R. 2952 renames the Orchard Park Station of the Greenville Post Office in honor of the late Postmaster Keith D. Oglesby.

The tragic and unexpected death of Mr. Oglesby last summer shocked and saddened the community of Greenville. As we have grieved his loss, we have also struggled to find a way to appropriately honor Mr. Oglesby in his contribution to the post office and to the community of Greenville.

Renaming a postal facility in his honor is one way to pay tribute to this outstanding citizen and beloved boss. The dedication of Keith Oglesby to his job and to serving others has aided those in the Greenville community, as well as the State of South Carolina and the Nation as a whole.

Among many other community service activities, Mr. Oglesby hosted the First Day of Issue ceremonies for the Organ & Tissue Donation Stamp. He filled Christmas stockings for the Salvation Army. He coordinated the postal blood drive. He participated in the March of Dimes Walk America and the American Cancer Society Relay for Life.

Mr. Oglesby also supported the work of the Greenville Family Partnership, which I am on their board, and he supported our efforts to keep kids safe and drug free.

He was honored by the Greenville Family Partnership as the volunteer of the year in 1997. As a supervisor, as has already been mentioned, he always told his workers to do the right thing. This motto permeated his actions and expectations to local postal customers, employees of the post office, and to higher management of the United States Postal Service.

We recognize his service to our community. He was also honored, as has been mentioned already today, with two Benjamin Awards, the Postal Service's top public relations honor given to recognize community outreach accomplishments.

In the word of a Greenville postal employee, renaming the facility in honor of Keith D. Oglesby is important, because, and I quote, "Keith Oglesby, a man respected and admired by his peers, his employees and many, many postal customers, would always be remembered in a community which he proudly lived, worked and served."

Madam Speaker, we are a success in this life when the people who know us the best love us the most.

☐ 1030

We received this morning a number of pages of quotes and comments from folks who had worked for Mr. Oglesby and knew him and I will submit them for the RECORD at this time.

The following quotes testify to the character of Keith D. Oglesby, who we seek to honor today by passing H.R. 2952, designating the Keith D. Oglesby Station.

As the past branch president for the local letter carriers' union, I had the honor of working with Keith Oglesby for more than five years. Keith's door was always open for any employee at any level, and when you spoke, he listened.

In my 30 years with the Postal Service, Keith was, without a doubt, a man who defined dignity and respect for all employees at all levels. He walked the talk—every day—every hour—every minute that I knew him.

I know I will never meet another like him, and for this, I am sad. But I'll never forget his kind, smiling face, and I'll always smile when he walks through my memories.

STEVEN B. GIBSON,
US Postal Service.

If you close your eyes and think for a moment of the kind of person you would most like to have as a friend, a father, a brother or a neighbor, Keith will come to mind.

He was fun and funny: interesting and interested; caring and carefree; warm and giving in all walks of his life. I appreciate to opportunity to have worked with Keith through the Upstate Postal Customer Council.

CAROLYN THOMPSON,
Liberty Life.

I met Keith when I became a member of the Upstate Postal Customer Council Executive Board in 1996.

He was energetic, kind-hearted and had a great sense of humor. He had a genuine concern for people and always greeted you with a smile.

Keith was an inspiration and a *blessing* to all who knew him. We will miss him dearly!

KATHY JENKINS,
Clemson University.

In every way, Keith Oglesby consistently provided an example of being a superior manager of the public's trust, while being a warm, interactive employer and a human being.

HUGH M. HAMPTON, JR.,
Manager, Marketing,
US Postal Service.

Keith believed in the power of positive reinforcement to achieve goals. While others may have resorted to threats or predictions of gloom and doom, Keith inspired each person the encountered to live up to their full potential, not only with his words, but with his actions.

Because of his belief in the basic good in everyone, the "impossible" became the "possible" and achievable.

CAROLYN CLARK,
US Postal Service.

Daryel (Keith) was a devoted and loving husband; a caring and encouraging father; a faithful friend and a Man among Men.

Daryel (Keith) always welcomed people with open arms, accepting them for who they were, never judging but always supporting.

STEPHEN JETER,
Family Friend.

Keith Daryel Oglesby never met a stranger. His love and caring for everyone he met was truly an inspiration.

Our forty-year friendship with Keith has allowed us to witness his dedication to his family, work and friends with the most wonderful combination of sincerity, responsibility energy and humor. We were blessed to have been a part of his life.

TOMMY AND JEANNIE BARRET,
Family Friends.

Keith always put the important things in their proper perspective—like family, a worthy cause, menitoring others, health and doing things he loved. His memory is a source of strength to all who knew him.

GUYNELL BROWN,
US Postal Service.

Not only did Keith always look for and see the best in people, he also helped others see the best in themselves. He was a person who truly "walked the talk."

SANDRA TAYLOR,
US Postal Service.

Keith was the most genuine person I ever met. He always made everyone feel comfortable and at ease. He was everyone's friend.

JEANNE BROWN,
Greenville Marriott.

Keith Oglesby was a kind, gentle and honorable man—someone you knew you could trust.

JIM HARDWICK,
Hardwick Printing.

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1. A friend to everyone.
2. Caring for others—senior citizens, employees, and visitors.
3. Patience—willing to listen to those who had an opinion, either good or bad.
4. Placed the customer first.
5. Motivator.
6. Encourager—encouraged people to take the worst moments in their lives and make them positive.
7. Loyal—Keith was loyal to the employees at the lowest level of work to the senior management in the organization.
8. Time—Keith would take the time to hear from a dissatisfied customer, an employee with a problem or someone who needed his help.
9. A futurist—looking at a problem and able to see the positive in every situation.
10. A loyal Florida State graduate and Seminole fan.

TOMMY ABBOTT,
US Postal Service.

Keith Oglesby was the most compassionate and caring person you could ever hope to work for. No employee was too small; nor was time ever too short for Keith to take a minute to talk.

THOMAS TURNER,
US Postal Service.

Keith was the finest neighbor and family man ever. He was a kind, humble person—a gentleman's gentleman.

People who met him didn't just like him—they LOVED him. There was no gray area.

ROBERT MOON,
Retired postal employee, friend and neighbor.

KEITH DARYEL OGLESBY, A SPECIAL FRIEND, JUNE 5, 1947–JUNE 7, 1999—POSTMASTER, GREENVILLE, SC, DECEMBER 26, 1992–JUNE 7, 1999

LOVED BY ALL—MISSED BY ALL

(By Tommy Abbott, June 10, 1999)

He must have been born happy and with a smile;
It must have remained there when he was a child.
He kept it there throughout his adult life—this smile on his face,
He shared it with everyone he met no matter what the place.
He must have been born with a big heart that had an unusual beat.
It was a heart that cared for the people he would meet.
A heart that would listen to those who wanted to talk;
No matter who the person was or the path they had walked.
He must have been born with a caring mind;
He always had an attitude that was sweet and kind.

When others had a need, he would place them first;
And give them food, or water to meet their thirst.
He must have been born with happy feet;
He would walk around and encourage those he would meet.
If he found that you were disappointed with life or a little down;
He would cheer you up and you were glad he was around.
He must have been born with a gift of encouragement;
It was one of those gifts that God would have sent.
He was good at encouraging others and lifting them up;
It only took his smile, his voice, or sharing coffee in a cup.
He must have been born with the ability to look ahead;
Because he was normally thinking what to do or what to be said.
He had the answers for problems or trouble that came his way;
They seemed to disappear when you listened to what he had to say.
Keith was born and one day, like everyone, he had to die;
That is something we all face in this present life.
But he has come onto our life's path and taught us many lessons;
On looking at the best in life and be happy for no reasons.
God went into the garden the other day to pick some flowers;
He didn't have to spend all day searching or even an hour.
He saw one flower, it was a beauty and happy in life's breeze;
He said that is My flower, I will take it home;
And Keith smiled.

Madam Speaker, I ask my colleagues to vote in favor of House Resolution 2952. The Keith D. Oglesby Station would be a permanent memorial of the steadfast service of Keith Oglesby to the Greenville community and to the United States Post Office.

Mr. TERRY. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Nebraska (Mr. TERRY) that the House suspend the rules and pass the bill, H.R. 2952.

The question was taken.

Mr. TERRY. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

LAYFORD R. JOHNSON POST OFFICE, RICHARD E. FIELDS POST OFFICE, MARYBELLE H. HOWE POST OFFICE, AND MAMIE G. FLOYD POST OFFICE

Mr. TERRY. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3018) to designate the United States Post Office located at 557 East Bay Street in Charleston, South Carolina, as the "Marybelle H. Howe Post Office", as amended.

The Clerk read as follows:

H.R. 3018

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LAYFORD R. JOHNSON POST OFFICE.

(a) DESIGNATION.—The United States Post Office located at 301 Main Street in Eastover, South Carolina, shall be known and designated as the "Layford R. Johnson Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States Post Office referred to in subsection (a) shall be deemed to be a reference to the "Layford R. Johnson Post Office".

SEC. 2. RICHARD E. FIELDS POST OFFICE.

(a) DESIGNATION.—The United States Post Office located at 78 Sycamore Street in Charleston, South Carolina, shall be known and designated as the "Richard E. Fields Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States Post Office referred to in subsection (a) shall be deemed to be a reference to the "Richard E. Fields Post Office".

SEC. 3. MARYBELLE H. HOWE POST OFFICE.

(a) DESIGNATION.—The United States Post Office located at 557 East Bay Street in Charleston, South Carolina, shall be known and designated as the "Marybelle H. Howe Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States Post Office referred to in subsection (a) shall be deemed to be a reference to the "Marybelle H. Howe Post Office".

SEC. 4. MAMIE G. FLOYD POST OFFICE.

(a) DESIGNATION.—The United States Post Office located at 4026 Lamar Street in (the Eau Claire community of) Columbia, South Carolina, shall be known and designated as the "Mamie G. Floyd Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States Post Office referred to in subsection (a) shall be deemed to be a reference to the "Mamie G. Floyd Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. TERRY) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. TERRY).

GENERAL LEAVE

Mr. TERRY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3018, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. TERRY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 3018, introduced by the gentleman from South Carolina (Mr. CLYBURN) on October 5, 1999, and cosponsored by each member of the South Carolina House delegation, designates the U.S. Post Office located at 557 East Bay Street in Charleston, South Carolina, as the Marybelle H. Howe Post Office. The legislation was approved, as amended, by the Subcommittee on the Postal Service on October 21, 1999, and forwarded to the Committee on Government Reform, as amended. The Committee ordered the legislation be reported, as amended, on October 28, 1999.

The Congressional Budget Office reviewed the legislation on October 29, 1999, and estimated that the enactment of H.R. 3018 would have no significant impact on the Federal budget and would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. The bill contains no intergovernmental or private sector mandates as defined by the Unfunded Mandates Reform Act and would impose no costs on State, local, or tribal governments.

The amended legislation includes the provisions of H.R. 3018, H.R. 3017, H.R. 3018, and H.R. 3019, which were all introduced by the gentleman from South Carolina (Mr. CLYBURN) on October 5, 1999, and also cosponsored by the entire House delegation of the State of South Carolina.

Section 1 of the amendment, originally H.R. 3016, designates the U.S. Post Office located at 301 Main Street in Eastover, South Carolina, as the Layford R. Johnson Post Office. Reverend Johnson is a lifelong resident of Eastover. He was the son of farmers, and after working on the Works Progress Administration, an employee of the Civilian Conservation Corps and also for a lumber company, he became a full-time, self-employed farmer. He is associate pastor and steward emeritus at St. Phillip A.M.E. Church. Reverend Johnson has been a dedicated Meals-on-Wheels volunteer for 10 years. Additionally, he also volunteers to provide transportation to the polls on Election Day. Even at age 80, Reverend Johnson pastors, volunteers, farms, and lives by the Golden Rule.

Section 2 of the amendment, formerly H.R. 3017, designates the U.S. Post Office located at 78 Sycamore Street in Charleston, South Carolina, as the Richard E. Fields Post Office. Richard Fields, born in 1920, received his B.S. in 1944 from West Virginia State College, then received his LLB in 1947 from Howard University. Mr. Fields served as a judge of the municipal court from 1969 to 1974 and then the family court from 1974 to 1980. He was elected to fill an unexpired term as judge of the ninth judicial circuit in 1980 and stills serves in that position.

Section 3 of the amendment, H.R. 3018, honors Marybelle Higgins, who was born in Georgetown, South Carolina. The third of six children, she helped in raising three younger siblings because of her mother's ailing health. She graduated with a degree in journalism from the University of South Carolina in 1937 and married Gedney Howe, whom she met there. The Howe family settled in Charleston, where Marybelle was a homemaker, active in the PTA, her church, and politics.

In 1950 she was elected President of Church Women United, a biracial group which administered to the needs of migrant laborers and their families on Sea Island. In the late 1950s she worked with others to open Camp Care on John's Island to minister to the children of migrant workers. This later became known as the Rural Mission, Inc. Before her death, the mission honored Mrs. Howe by making her the first person to be placed on its Honor Roll. Her work for migrant workers was instrumental in establishing the South Carolina Commission for Farm Workers, which later became a model for Federal assistance programs.

Mrs. Howe also worked to help African Americans. She was named the founding chairman of the Charleston County Commission on Economic Opportunity. She served as a board member of the Charleston County Library for 25 years and chair of its board of trustees for many years. She served on the Board of Women Visitors of the University of South Carolina for several years and was honored by the university for her service to her church, to her community, and the university.

Marybelle Howe pursued her convictions even though they were not often popular in the eyes of her peers. She was a great inspiration to others, in addition to being a wife, mother, journalist, and community leader.

Section 4 of the amendment, originally H.R. 3019, designates the U.S. Post Office located at 4026 Lamar Street in Columbia, South Carolina, as the Mamie G. Floyd Post Office. Mamie Goodwin Floyd still lives in the house where she was born in Columbia. She attended Benedict College, graduating in 1943 with a degree in history. After graduation, Mamie Goodwin married J. Hernandez Floyd. Mrs. Floyd taught at various public schools, and then received her master's degree in education from South Carolina State College.

She is active in the Ridgewood Missionary Baptist Church, serving as its treasurer and being recognized twice with its Women of the Year Award. Mrs. Floyd became very interested in politics and encouraged voter registration and provided transportation to the polls. She was selected as an alternate delegate to the 1992 Democrat National Convention. She worked tirelessly to restore the historic Holloway House, a community center for home work assistance, enrichment programs, and senior citizens activities, which subsequently was renamed in her honor.

A devoted mother, she cared for her two sons who had sickle-cell disease before much was known about its treatment. She, however, encouraged others to get tested so that they could receive proper treatment. Mrs. Floyd, affectionately known as Miss Mamie Lee, is a source of inspiration to her community of Ridgewood in the Columbia area. I strongly encourage full support of H.R. 3018, as amended.

Ms. NORTON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 3018, as amended, names certain facilities of the U.S. Postal Service in South Carolina: The United States Post Office, located at 557 East Bay Street in Charleston, South Carolina, as the Marybelle H. Howe Post Office; the United States Post Office, located at 301 Main Street in Eastover, South Carolina, as the Layford R. Johnson Post Office; the United States Post Office, located at 78 Sycamore Street in Charleston, South Carolina, as the Richard E. Fields Post Office; and the United States Post Office, located at 4026 Lamar Street in the Eau Claire community of Columbia, South Carolina, as the Mamie G. Floyd Post Office.

These individuals, thoughtfully selected by the gentleman from South Carolina (Mr. CLYBURN), the sponsor of H.R. 3018, have made enormous contributions to their communities and states and deserve to be recognized by having a postal facility named in their honor. I urge my colleagues to join me in support of this important postal-naming measure.

H.R. 3018, as amended would make the following designations:

The United States Post Office located at 301 Main Street in Eastover, South Carolina, as the "Layford R. Johnson Post Office."

Reverend Johnson is a pillar of his community who has served his church as the associate pastor and has been a steward for over 20 years. He is currently a volunteer for Meals-On-Wheels, where he has served for almost two decades. He is the epitome of a community worker.

The United States Post Office located at 78 Sycamore Street in Charleston, South Carolina, as the "Richard E. Fields Post Office."

Judge Fields is a retired judge of the 9th Judicial Circuit in South Carolina. Hailing from Charleston, South Carolina, Judge Fields is widely known for his outstanding, fair, and judicious service to the Palmetto State.

The United States Post Office located at 557 East Bay Street in Charleston South Carolina, as the "Marybelle Howe Post Office."

Marybelle Higgins Howe is most well known for her pioneering efforts on behalf of migrant laborers. Under her guidance, the South Carolina Commission for Farm Workers was established. She worked tirelessly on behalf of the Charleston County Library, serving as a board member for over two decades and as Chair of the Board of Trustees. She has a remarkable history of service to the University of South Carolina.

The United States Post Office located at 4026 Lamar Street in (the Eau Claire community of) Columbia, South Carolina, as the "Mamie G. Floyd Post Office."

Mamie Goodwin Floyd served almost 40 years as a school administrator and then a teacher. She touched the lives of hundreds of students during her teaching career that spanned three decades in the public schools of Richland County. Although teaching was her profession, politics were, and are, her passion.

Madam Speaker, I yield such time as he may consume to the distinguished gentleman from South Carolina (Mr. CLYBURN).

Mr. CLYBURN. Madam Speaker, let me begin by thanking the gentlewoman of the District of Columbia for yielding me this time and to thank the Chair for his comments on behalf of the four people for whom we are naming these post offices today.

I want to associate myself with the comments made by the gentleman and thank the gentleman so much.

I would like to add just a couple of personal notes, if I may, Madam Speaker. On the Post Office being named for Reverend Layford Johnson in Eastover, South Carolina, Reverend Johnson is now 82 years old and still active in his community and is someone for whom I hold the highest regard and someone for whom the community seems very, very pleased to honor this way. In fact, this is not a personal effort on my part. People from the community, the town of Eastover and surrounding communities came to me and asked that I pursue this on behalf of the community, and we started out on this some 3 years ago, and I am pleased to get to this point today.

The second Post Office, the one being named for Richard E. Fields. Richard Fields is now 79 years old. He is now retired from the Circuit Court of South Carolina, a longtime personal friend, one who lives in the community served by this post office and one of the early settlers in this particular community. Richard Fields has been a tremendous asset to the Charleston community and to South Carolina all of his life, and I am pleased to come before the House today as one of the sponsors of this legislation to have this post office honor Richard Fields in this way.

The third one, Marybelle Howe, that post office is on East Bay Street in Charleston, South Carolina. My colleagues have heard from the gentleman from Nebraska a lot about Mrs. Howe. It was my great honor at one point in my life to serve as the executive director of the South Carolina commission for farm workers. It was in that capacity that I got to know Marybelle Howe very well, and not just in an appreciation natural way, but in a very personal sort of way. In her resume we will find that she was a journalism graduate from the University of South Carolina and spent a lot of her time writing short stories for friends and family.

□ 1045

One of the interesting things about Marybelle is that she had a brother who wrote children's books, and he would send these books to Marybelle, who would then bring them by my house to use my oldest daughter, Mignon, as sort of a guinea pig. She would read these stories to Mignon to see whether or not her brother had hit the mark in his writing of the books.

This led to a very personal relationship, and later on Marybelle became very active on behalf of not just migrants, but seasonal full-time workers out in the Sea Islands of South Carolina. Much of her work led to a bit of a social problem for her, because there were those who felt that this kind of work was beneath the dignity of this lady from what we call below Calhoun Street in Charleston, but she never wavered in her commitment to those less fortunate.

I do believe that though she has passed on to a greater reward, the people of Charleston and the people of the low country, South Carolina, will do themselves a great honor in honoring her in this way.

Finally, Madam Speaker, the Post Office in the community of Eau Claire, just outside of Columbia, in fact, part of the city of Columbia in South Carolina, this Post Office we are pleased to name in honor of Mamie G. Floyd.

Mamie Floyd is a unique person. She is now 78 years old, a retired schoolteacher, retired some 20 years ago, but remaining active in her church, Ridgewood Baptist Church, where I worship occasionally with her and her pastor, Reverend Chavis, and other church members.

But Mamie Floyd is unique because, as the Chair mentioned, both her sons were stricken with sickle cell anemia, a disease that still befuddles medical experts. But it was one which made Mamie Floyd a greater person. She nurtured her children, and even her husband, who passed some 10 years ago.

When I see her today, she still remains a solid citizen, reaching out to others, working with the less fortunate, working on historic preservation projects in her community of Eau Claire. I think that this body will do Mamie Floyd, the community of Eau Claire, the city of Columbia, the State of South Carolina, great honor by passing this legislation.

Madam Speaker, I thank the chairman for his kind words about these four outstanding South Carolinians.

Judge Richard E. Fields

Richard E. Fields was born October 1, 1920 to John and Mary Fields. He attended West Virginia State College where he received his B.S. in 1944. He then went on to attend Howard University where he received a L.B.B. in 1947. In 1951, he married Myrtle Thelma Evans and together they had two children, Mary Diane and Richard E. Fields, Jr.

Mr. Fields served as a judge of the Municipal Court from 1969–1974. He then worked as a judge of the Family Court from 1974–1980. He was elected Judge of the Ninth Judicial Circuit on March 18, 1980 to fill the unexpired term of Clarence E. Singletary. He was qualified on June 20, 1980 and currently remains in that position.

Mamie G. Floyd

Mamie Goodwin Floyd was born September 4, 1921 to Lee and Mamie Scott Goodwin. She resides today in the house in which she was born in Columbia, South Carolina. Mrs. Floyd attended the Booker T. Washington School, from which she graduated in 1939. She entered Benedict College, majoring in history, and received a Bachelor of Arts degree in 1943. During her senior year, Mrs. Floyd accepted a position with the U.S. Rationing Board. Upon graduation, she married J. Hernandez Floyd of Statesboro, Georgia. To this union, two children were born: Hernan Augustus and Marion Donald (deceased).

In 1945, Mrs. Floyd accepted a position in the Registrar's Office at Benedict College, eventually becoming Assistant Registrar. After leaving Benedict College, she embarked on a teaching career in the Richland County (S.C.) Public Schools, first as a substitute teacher, then as a full-time professional in 1953. Mrs. Floyd taught at Saxon Elementary (1953–55), Roosevelt Village, now known as Edward Taylor Elementary (1955–57), Booker T. Washington School (1957–58), and Waverly Elementary (1958–1970). In 1959, she received a Master's degree in Education from South Carolina State College. She retired from Hand Middle School in 1981.

Mrs. Floyd has been active with the Ridgewood Missionary Baptist Church almost from its inception. As the daughter of one of the founders of Ridgewood, she has served with the Senior Choir, the Sunday School, and the Missionary Society. The Ridgewood Baptist Church Missionary Society has had two treasurers in its history—Mamie Scott Goodwin and Mamie Goodwin Floyd. The Missionary Society is an integral part of the Ridgewood community, preparing Thanksgiving baskets for the needy and visiting area nursing homes to spread God's word. For her many years of service to the church, Mrs. Floyd has been honored twice with the Woman of the Year Award.

Early in her career, Mrs. Floyd developed an interest in politics. She was the first African-American poll worker in the Ridgewood precinct, eventually serving as Executive Committee Person. In that capacity, Mrs. Floyd encouraged voter registration, provided transportation to the polls, and made candidates aware of the conditions in the Ridgewood community. She has held this position for the past twenty years. She became active in the Democratic party in the late 1970's, joining the Democratic Women and the Richland County Democrats. Mamie Floyd has worked tirelessly to promote local, regional and national Democratic candidates. The culmination of this devotion to duty came when Mrs. Floyd was selected as an alternate delegate to the 1992 Democratic National Convention.

Influenced by her mother, Mrs. Floyd also became active in the civic affairs of the Ridgewood community. She was instrumental in the formation of the Ridgewood Community Organization, which organizes clean-up drives and strives for the betterment of Ridgewood and the adjoining Eau Claire community. Through her work with the Ridgewood Foundation, Mrs. Floyd has been a part of the restoration of the Historic Holloway House. Originally a school for business instruction and a retail store, the Historic Holloway House is a community center for homework assistance, enrichment programs, and senior citizen activities. Mrs. Floyd sold commemorative bricks to help finance the restoration effort. She influenced members of Shandon Baptist Church to donate time and labor, and fed delicious meals to those who worked on the building. Because of her efforts on the building's behalf, the conference room of the Holloway House is named in her honor. Mrs. Floyd also helped to organize the Ridgewood Foundation Golf Tournament, now in its third year, to benefit the ongoing programs at the Holloway House.

Mrs. Floyd is a devoted mother who cared for two children with sickle-cell disease. At the time of the initial diagnosis, not much was known about the disease. Mrs. Floyd strongly urged other members of her family to be tested so that they could receive proper treatment. Although her eldest son Hernan was able to graduate from college and graduate school, her youngest son Donald suffered from brain damage as a result of the sickle-cell disease. She tenderly nurtured Donald until his death in 1977.

Mrs. Floyd enjoys working in her garden, and is an avid bridge player, belonging to one of the oldest African-American bridge clubs in Columbia, S.C. Although still active in the community and church, Mrs. Floyd enjoys visiting with her son and daughter-in-law Rosalyn in Augusta, Georgia. Affectionately known as "Miss Mamie Lee", she is a source of inspiration in the Ridgewood community and the Columbia area. On her 75th birthday, Mamie Floyd was honored by the South Carolina Legislature with a proclamation presented by the Honorable Timothy Rogers.

The Late Marybelle Higgins Howe—April 1, 1916–July 5, 1987

Marybelle Higgins was born in Georgetown, South Carolina. The daughter of James Stone and Belle Boone Higgins—the third of six children. Her two older brothers, James Thomas Higgins and Robert Knox Higgins, adored her. Due to her mother's illness, she helped raise her three younger siblings, Donald Stone Higgins, Theodora Higgins, and Anthony Boone Higgins. She attended the public schools in Georgetown until the vicissitudes of the Great Depression force her family to move to Hopewell, Virginia, where she completed high school.

Marybelle Higgins graduated from the University of South Carolina in 1937 with a degree in Journalism. While at the University, she was on the staff of the Gamecock newspaper, active in the little theater, a member of Euphrosynean Literary Society and a member of Alpha Delta Pi social sorority. She met her future husband, Gedney Main Howe, Jr., at the University where they managed the campaigns of opposing candidates for May Queen. It is a family joke that neither claimed to remember who won the election. After graduation, Marybelle went to work as a journalist for WIS radio in Columbia. She later moved to Richmond, Virginia, where she worked for WRNL radio and was a reporter for the Richmond Times-Dispatch newspaper.

Marybelle and Gedney married on April 17, 1942, in Pensacola, Florida. This was one of the places where he was stationed during World War II, prior to service in North Africa and the Pacific. They were to have four children—Belle Boone Howe, Gedney Main Howe III, Robert Gasque Howe, and Donald Higgins Howe—all of whom became attorneys. After the war, the Howes made their home in Charleston where Marybelle was a homemaker and Gedney was the Circuit Solicitor. She was active in the P.T.A. and the Second Presbyterian Church where she served as head of the Junior Department for many years. She was also active in the Democratic Party and was honored for her lifetime of service, shortly before her death.

In the 1950's Marybelle was elected president of Church Women United. This bi-racial group sparked her interest in a ministry for migrant laborers and their children on the Sea Islands south of Charleston. Marybelle and the Rev. Willis T. Goodwin opened Camp Care on John's Island in the late 1950's to minister to the children of migrant workers. This activity later blossomed into Rural Mission, Inc. which has a myriad of programs today to assist the residents of the Sea Islands. Rural Mission honored Marybelle Howe just before her death with a day long celebration, placing her name first on its Honor Roll.

Marybelle Howe's pioneering efforts on behalf of migrant laborers helped to establish the South Carolina Commission for Farm Workers which later served as a model for federal assistance programs. It was only natural that she be named the founding chairman of the Charleston County Commission on Economic Opportunity. Her work to help African-Americans during President Johnson's Great Society proved to be controversial among conservative Charlestonians and she suffered social ostracism for her commitment to the poor. This did not cause her commitment to waiver; she continued to work on behalf of the poor for the rest of her life.

She also labored long and hard on behalf of the Charleston County Library, serving as a dedicated board member for 25 years, several as chairman of its board of trustees. The Library honored her after her death by re-dedicating the South Carolina room in her honor. She also served on the Board of Women Visitors of the University of South Carolina from 1962–1973 and again from 1981 until her death. The University of South Carolina Board of Trustees presented a Resolution to her family after her death, expressing its gratitude for her years of service to her church, her community and to the University of South Carolina.

Marybelle Howe, known for her zest for worthy causes, was a truly remarkable woman. Journalism was her chosen profession, and she was a writer all of her life. In addition to corresponding with family members weekly, she wrote a new short story as a gift for her children and friends each Christmas. She also enjoyed playing the piano, particularly ragtime pieces.

She was a wonderful wife, providing strength and balance in support of her husband's legal career. She was a wonderful mother, fair in her dealings with her children, inspiring them with her compassion for others and her non-judgmental nature. Marybelle's warmth and wit made others gravitate to her, and there was no doubt that she had a genuine love for people. She saw everyone as a "basically nice person" and knew the secret of inspiring others to bring out the best in themselves.

REV. LAYFORD R. JOHNSON

Rev. Layford R. Johnson, the son of the late Henry and Alice Johnson, was born in the Hickory Hill section of Lower Richland County, SC, 82 years ago. Rev. Johnson attended the Richland County Public Schools. He is a lifelong resident of Eastover, SC.

Rev. Johnson's parents, Henry and Alice Johnson were farmers. He said that some of the primary values they taught him, that he has taught to his children are honesty, and hard work.

Rev. Johnson worked in his earlier years on the WPX, as well as an employee of the CC Camp for two years, and for Holley Hill Lumber Company. Later he became a self employed farmer full time.

Rev. Johnson and Mrs. Evelina Hinton-Johnson are the parents of seven children. In addition they are the grandparents to fourteen (14) grandchildren, four great grandchildren, two daughters-in-law, two sons-in-law, two elderly aunts and a brother.

Rev. Johnson has always been and remains active in the work of the Lord. He is Associate Pastor at St. Phillip A.M.E. Church. He is also a Class Leader and Steward Emeritus, after twenty years of service as a Steward of the church.

Rev. Johnson is a Meals-On-Wheels Volunteer. He has served in this capacity for the past eighteen (18) years. Rev. Johnson is a dedicated and loyal volunteer. In addition, Rev. Johnson is very active in the political arena. He always volunteers his time on election day providing transportation to the polls.

Currently, Rev. Johnson, 80 years old is active in his volunteer work and pastoring. In addition, he still farms his garden. He is truly, an inspiration to his family and friends. Rev. Johnson believes and lives by the Golden Rule, "Do unto others, as you would have others do unto you."

Mr. SANFORD. Madam Speaker, I join my South Carolina colleagues to honor a fellow Charlestonian—Marybelle H. Howe. I think what Mrs. Howe represents is something we should all aim for and that is being an active part of our community.

Mrs. Howe was a wife and mother of four children, but that did not stop her from participating in her church and her community. In the 1950's, Mrs Howe was elected President of Church Women United, which brought her in touch with the migrant labor communities in the Seas Islands, just south of Charleston. In the late 1950's, Mrs. Howe and the Rev. Willis T. Goodwin opened Camp Care on Johns Island to minister to the children of migrant workers. This activity later blossomed into Rural Mission, Inc., which provides a wide variety assistance programs to the residents of the Sea Islands. Just before her death in 1987, Mrs. Howe was honored by Rural Missions, Inc. and her name was placed first on their Honor Roll.

Mrs. Howe's efforts with the poor raised the profile of the issue across the state. Her work with migrant labors helped to establish the South Carolina Commission for Farm Workers. She was also founding chairman of the Charleston County Commission on Economic Opportunity.

Mrs. Howe was also a dedicated board member of the Charleston County Library, serving 25 years, several as chairman of its board of trustees. Today, there is a Marybelle Howe Room at the library in her honor.

She also served on the Board of Women Visitors of the University of South Carolina from 1962–73 and again from 1981–86. After her death, the University of South Carolina presented a resolution to her family expressing its gratitude for her years of service to her church, her community and to the University of South Carolina.

I hope we can all, in some way, follow Mrs. Howe's example. Passage of this bill will not only honor this fine lady, but will also be a reminder of community spirit for all of us in Charleston. I am proud to cosponsor this legislation and I urge my colleagues to join me in honoring this woman's contributions.

Ms. NORTON. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. TERRY. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Nebraska (Mr. TERRY) that the House suspend the rules and pass the bill, H.R. 3018, as amended.

The question was taken.

Mr. TERRY. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 49 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1234

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BARRETT of Nebraska) at 12 o'clock and 34 minutes p.m.

COMMUNICATION FROM CHIEF OF STAFF OF THE HONORABLE BOB BARR, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Jonathan Blythe, Chief of Staff of the Honorable Bob Barr, Member of Congress:

U.S. CONGRESS,
Washington, DC, February 28, 2000.

Hon. J. DENNIS HASTERT,
Office of the Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VII of the Rules of the House of Representatives, that I have been served a subpoena for testimony issued by the Superior Court of the District of Columbia.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House of Representatives.

With warm regards, I am very truly yours,

JONATHAN BLYTH,
Chief of Staff,
Office of Congressman Bob Barr.

GOVERNMENT WASTE CORRECTIONS ACT OF 1999

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 426 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 426

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1827) to improve the economy and efficiency of Government operations by requiring the use of recovery audits by Federal agencies. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Government Reform. In lieu of the amendment recommended by the Committee on Government Reform now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution. That amendment in the nature of a substitute shall be considered as read. Points of order against that amendment in the nature of a substitute for failure to comply with clause 4 of rule XXI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume.

During the consideration of this resolution, all time is yielded for the purpose of debate only.

Mr. Speaker, House Resolution 426 is an open rule providing for the consideration of H.R. 1827, the Government Waste Corrections Act. This rule provides 1 hour of general debate, evenly divided and controlled by the chairman and ranking member of the Committee on Government Reform.

The rule provides that, in lieu of the amendment recommended by the Committee on Government Reform and printed in the bill, that the amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying the resolution shall be considered as the original text for the purpose of amendment.

The rule waives clause 4 of rule XXI against provisions included in the amendment in the nature of a substitute. The rule provides that the amendment in the nature of a substitute shall be open for amendment at any point. The rule accords Members who have preprinted their amendments in the RECORD prior to their consideration priority in recognition to offer their amendment, if otherwise consistent with House rules.

The rule allows the chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce voting time to 5 minutes on a postponed question, if the vote follows a 15-minute vote. Finally, the rule provides one motion to recommit, with or without instructions.

Mr. Speaker, when the Republican party became the majority party in 1995, Congress began enacting a series of commonsense reforms. These reforms have changed the way the Federal government operates and have saved billions of taxpayer dollars.

One of the first things Congress did was apply all laws that it passes to itself. Previously, Congress would pass burdensome regulations on the private sector, but exclude itself from compliance to these laws. In 1995, Congress passed the Paperwork Reduction Act to identify and reduce burdensome Federal paperwork requirements on the private sector, especially small businesses.

Continuing toward a goal of creating a 21st century government, in 1996 Congress passed the Federal Acquisition Reform Act to reduce bureaucratic requirements within the Federal procurement system.

We have all heard examples of inflated prices, like the 187 screw sets purchased by the government for $75.60 each. More often than not, such fleecing of taxpayer dollars is due to the cumbersome Federal procurement system, not fraud. The Federal Acquisition Reform Act has streamlined the process of doing business with the Federal government by significantly reducing such waste.

In 1997, Congress passed the Travel and Transportation Reform Act, legislation to remedy poor management of the Federal government's massive travel expenditures. This bill is now law, and has led to a concerted effort by Federal managers to improve the Federal travel efficiency and cost effectiveness. The Congressional Budget Office estimates savings of $80 million per year.

With the passage last year of the Presidential and Executive Office Financial Accountability Act, Congress created a chief financial officer for the White House. This nonpartisan CFO position in the Executive Office of the President will facilitate prevention and early detection of waste, fraud and abuse. Accordingly, the bill promotes efficiency and cost reductions within the White House.

Today Congress takes another step toward increasing efficiency and saving taxpayer dollars with consideration of the Government Waste Corrections Act.

In private industry, companies routinely audit themselves to determine if they have overpaid vendors and suppliers. Overpayments are a fact of life for businesses, government entities, and even our own households. Overpayments become more likely with larger volumes of payments.

Overpayments occur for a variety of reasons, including duplicate payments, pricing errors, and missed discounts or rebates. On average, private industry recovers $1 million for each $1 billion that is audited. Overpayments at the Federal level are an especially serious problem when considering the size and complexity of Federal operations, as well as the widespread financial management weaknesses of the Federal government.

Recovery auditing and activity already occurs in limited areas of the Federal government. Recovery audits of the Department of Defense alone have identified errors averaging .4 percent of Federal payments audited, or $4 million out of every $1 billion. Recovery efforts throughout the entire Federal Government could save billions of dollars more.

With this in mind, the Government Waste Corrections Act requires Federal agencies to perform audits if their direct purchases for goods and services total $500 million or more per fiscal year. Agencies that must undertake recovery auditing would also be required to institute a management improvement program to address underlying problems of their payment systems.

The Government Waste Corrections Act is a commonsense government reform that incorporates proven, money-saving private sector practices to the Federal government.

Mr. Speaker, I encourage all Members to support the rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

□ 1245

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Texas (Mr. SESSIONS) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this open rule, and I urge my colleagues to pass it so that all germane alternatives and potential improvements to this legislation may be considered.

The underlying bill, H.R. 1827, the Government Waste Corrections Act of 1999, is designed to address the problem of overpaying vendors that provide goods and services to Federal agencies. Rooting out this problem is a worthy goal and one I wholeheartedly support. Our government has paid through the nose so often it has developed a bad cold that has resisted a cure. These overpayments waste money of the taxpayers and divert the Federal resources from their intended use.

Overpayments can occur for a variety of reasons, including duplicate payments, pricing errors, missed cash discounts, rebates, or other allowances. But with this bill, we take the first step toward a cure. The identification and recovery of such overpayments, commonly referred to as recovery auditing and activity, is an established business practice with demonstrated large financial returns.

Recovery auditing has already been employed successfully in limited areas of Federal activity. It has great potential for expansion to many other Federal agencies and activities, thereby resulting in the recovery of substantial amounts of overpayments annually. Congress must ensure that overpayments made by the Federal Government that would otherwise remain undetected are identified and recovered.

I understand from Committee on Rules testimony last week that the underlying bill would not apply to excess Medicare payments. I think this is a shame, because Medicare is a system that needs looking into.

A measure that I have authored, H.R. 418, the Medicare Universal Product Number Act of 1999, which I have cosponsored with the gentleman from New York (Mr. HOUGHTON) would go a long way towards cracking down on improper federal reimbursements.

I would urge the Committee of Government Reform and Oversight to continue this effort to crack down on excessive payments and take a hard look at Medicare in the process. The taxpayers need to know that Congress means business when it comes to handling their money.

Mr. Speaker, I support this open rule to allow full debate and all perfecting amendments to this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, previously I served on the Committee on Government Reform, and I found that the leadership that was provided by the chairman of that committee really has had a lot to do with the provisions of the laws that have changed. I believe that the gentleman from Indiana (Mr. BURTON), perhaps one of the greatest things he has brought to us is the old axiom that the light of day is the best disinfectant.

Mr. Speaker, I am delighted to yield such time as he may consume to the gentleman from Indiana (Mr. BURTON), the chairman of the Committee on Government Reform.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for his kind remarks.

Let me just say that the gentleman from Texas (Mr. SESSIONS), as the chairman of the Results Caucus, has provided invaluable service to the country and to this body in working with us to formulate this legislation.

I would like to also thank the gentleman from Texas (Mr. TURNER), the ranking minority member on the Subcommittee on Government Management, Information and Technology for his hard work on this. The gentleman from California (Mr. OSE) and the gentleman from Texas (Mr. ARMEY) were very instrumental in helping draft the legislation, bringing it up to the position we have today, where we can bring it to the floor. I want to thank them for their participation.

I would like to also thank the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules, for his expeditious handling of this bill before the Committee on Rules and bringing it to the floor, along with the gentleman from California (Mr. SESSIONS).

I think this is a good rule. It does provide an open rule so Members can amend the bill if they find it necessary, although I do not expect many amendments, if any.

Let me just say to the gentlewoman from New York (Ms. SLAUGHTER) who just spoke. We did consider provisions involving Medicare. Because of all the aspects of Medicare, we thought that it would encumber the bill at this time. However, let me just tell my colleagues that that is one of the things that we ought to be looking at and will be looking at because Medicare allegedly does waste billions of dollars. I think the same accounting procedures in the future ought to be considered by the entire body, and we will work toward that end.

Ms. SLAUGHTER. Mr. Speaker, I yield back the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. SESSIONS). Pursuant to House Resolution 426 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1827.

□ 1250

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1827) to improve the economy and efficiency of Government operations by requiring the use of recovery audits by Federal agencies, with Mr. BARRETT of Nebraska in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Indiana (Mr. BURTON) and the gentleman from Texas (Mr. TURNER) each will control 30 minutes.

The Chair recognizes the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today we are going to do something that is a little bit unusual for the Congress. We are going to vote on a bill that will save taxpayers' money instead of spending their money. Today we are going to vote on the Government Waste Corrections Act.

The Federal Government is one of the biggest consumers and customers in the world. Every year, Federal agencies spend hundreds of billions of dollars buying goods and services, pens, papers, computers, cars, trucks. You name it, and the government buys it.

Along the way, mistakes are made. Someone punches in the wrong code, and a vendor gets paid too much, and taxpayers' money gets wasted.

Nobody knows exactly how much money gets wasted each year, but we do know this, it is not thousands of dollars, and it is not millions of dollars. The General Accounting Office estimates that billions of dollars are wasted each year in erroneous overpayments.

Private sector companies are very aggressive about trying to catch these errors and get their money back. Most Federal agencies do not.

My bill would focus agencies on getting back these millions and billions of dollars in overpayments. My bill takes a proven private sector financial management tool called recovery auditing and applies it to the Federal Government. It is used very successfully by Fortune 500 companies to identify and recover overpayments.

The Congressional Budget Office estimates that if government agencies use recovery auditing, they will collect back at least $180 million over the next 5 years. I think it will be a lot more than that. What will happen with all this money? Well, part of the money can be used to pay for recovery audits. Part of the money can be used to improve financial management systems. At least 50 percent of that money will be returned to the Federal Treasury.

CBO says that this bill will save taxpayers at least $100 million over the next 5 years. That is probably just the tip of the iceberg.

I remember last fall, we were trying to finalize the Federal budget. There were negotiations over a 1 percent across-the-board cut in the Federal budget to try to help balance the budget. We asked all Federal agencies if they could find 1 percent of their budgets where there was waste or excess spending that could be eliminated. Well, it seemed like most of them screamed bloody murder. They accused us of trying to cut into critical programs. There was nothing that could be cut, not one penny of waste, many of them said.

Well, we finally agreed on an across-the-board cut of four-tenths, about four-tenths of 1 percent. When we think about the trillions of dollars we spend, that is just a drop in the bucket.

Well, there is waste, and there are errors, and there are overpayments, billions of dollars in overpayments. They can be recovered. That is what this bill is all about.

Here is a brief explanation of what this bill will do. It requires agencies to conduct recovery auditing if they spend more than $500 million annually on goods and services, and most of the agencies do. Recovery auditing uses sophisticated computer software to analyze billing records and identify overpayments.

This bill does not apply to programs that make direct payments to beneficiaries like Medicare or Social Security. It applies to the purchase of goods and services for the Federal Government. As I said to the gentlewoman from New York (Ms. SLAUGHTER) a few moments ago in the colloquy we had, we will be looking at Medicare and waste in that area down the road.

Agencies can either conduct recovery audits in house, or they can use private contractors, whichever is the most efficient. At least 50 percent of the amounts recovered must be returned to the Federal Treasury, and I think that is very good news.

Agencies are allowed to spend up to 25 percent of the recovered funds for management improvement programs. Lord knows we need to improve management in most agencies.

Agencies can use a portion of the recovered funds to cover the costs of the audits. Recovery auditing has been used very successfully in the demonstration programs at the Defense Department. The Army and the Air Force exchange systems have used recovery auditing for several years. The most recent audit recovered $25 million.

In 1996, the Defense Supply Center in Philadelphia began a pilot program. Potential overpayments there have been estimated at $23 million.

The bill we have before us has a number of technical changes that have been added since it was passed by the committee. These have been discussed at length with the minority and Members of the other interested committees. Several definitions have been added to clarify our intent.

This bill is designed to get at inadvertent overpayments. To help clarify this distinction, the definition of facial-discrepancy payment error has been addressed. Recovery auditors are to identify overpayments based on what is on the face of the payment records. They are not authorized to make determinations about the quality or the value of products provided to the Federal Government.

Many government contractors were concerned that recovery auditors might come to their offices and demand to go through their files. This bill does not allow them to do that. Recovery auditors are only allowed to analyze the agency's records. The manager's amendment explicitly prohibits a recovery auditor from establishing a physical presence, to set up shop, so to speak, at any contractor's office.

The bill originally contained a provision allowing OMB to exempt certain agencies from recovery auditing if it would not be cost effective. The manager's amendment authorizes agency heads to request exemptions from OMB based on these same criteria. However, it is my view that exemptions should be only offered in rare circumstances and that most agencies would benefit from recovery auditing.

The manager's amendment also stipulates that recovery auditing will apply to the Defense Department's major weapons systems only after these contracts have been closed. This change addresses concerns raised by Members of the Committee on Armed Services, especially the gentleman from Virginia. Multi-year contracts for major weapons systems are very complex. They often involve estimated payments that are reconciled in later billing periods. Conducting recovery audits at the completion of these contracts will avoid unnecessary confusion.

Mr. Chairman, in essence, this bill does three things that are very important. First, it eliminates waste. CBO says it will save taxpayers at least $100 million over the next 5 years. Second, it puts private sector business practices to work in the Federal Government; and that is something we should have done a long time ago. Third, it gives Federal agencies new resources to improve their financial management programs.

The Government Waste Corrections Act passed through the committee with bipartisan support. It is supported by the administration.

I want to thank the leadership for scheduling this bill today. I want to thank the gentleman from California (Mr. HORN), Chairman of the Subcommittee on Government Management, Information and Technology for his hard work on this issue, and also the gentleman from California (Mr. WAXMAN), my ranking member. I have already said I wanted to thank the subcommittee ranking member for his hard work as well.

We have all worked together to resolve several issues so that this bill could get the bipartisan support. So I ask all of my colleagues to support this bill. It is a good bill. Its time has come. We need to expand it in the future, but we will look back at that later on.

Mr. Chairman, I reserve the balance of my time.

Mr. TURNER. Mr. Chairman I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 1827, the Government Waste Corrections Act of 1999. I want to commend the gentleman from Indiana (Mr. BURTON) for his leadership on this issue. I also want to thank the gentleman from California (Mr. WAXMAN), ranking member, for his hard work on the bill, as well as the gentleman from California (Mr. HORN), chairman of the Subcommittee on Government Management, Information and Technology.

The gentleman from Indiana (Mr. BURTON) stated it very correctly, this is a bill that will save money for the taxpayers. It is a wonderful opportunity to have a bill like this before the floor.

□ 1300

So many times we find ourselves spending money, and this bill, clearly, will save money for our taxpayers.

This bill requires the use of a technique referred to as recovery auditing. Recovery auditing is a proven financial tool that has been used to identify overpayments in the private sector for a number of years. It has been used by the automobile industry, by the retail trades industry, and by food services industries. It is a practice employed by most of the Fortune 500 companies. However, few agencies of the Federal Government have ever utilized this technique. The exceptions are the Army and Air Force Exchange Services, which recovered $25 million in overpayments through the use of recovery auditing in 1998.

Every year Federal agencies make billions, and I say billions of dollars in overpayments. No matter how efficient a financial management system, we must face the fact that overpayments do occur in government. In fact, the larger the volume of government purchases, the greater likelihood of mistakes in overpayments.

As an example, the Department of Defense, which contracts for billions of dollars in goods and services every year, found that between the years 1994 and 1998 defense contractors in the private sector voluntarily returned $984 million in overpayments to the Department of Defense. These returned payments were unknown to the Department of Defense until the money was returned.

Clearly, there is a need for recovery auditing in the Federal Government. This legislation requires Federal agencies to conduct recovery audits on all payment activities over $500 million annually on goods and services for the use or direct benefit of the agencies. Recovery audits will be optional for other payment activities.

Agencies would be authorized to conduct recovery audits in-house or contract with private recovery specialists or use a combination of the two. At least 50 percent of the overpayments recouped would go back to the general treasury, and not more than 25 percent of the overpayments recouped could be used for a management improvement program designed to prevent future overpayments and waste by the agency. The Congressional Budget Office estimates that H.R. 1827 will result in collections of at least $180 million in the first 5 years.

This bill was introduced by the gentleman from Indiana (Mr. BURTON) back in May of 1999. We had a hearing before the Subcommittee on Government Management, Information and Technology, and the full committee reported the bill with some amendments. There were a number of concerns that were discussed at the time of the hearing on the bill, and these have been addressed.

In full committee, I offered an amendment relating to privacy protection for individually identifiable information, and the gentleman from California (Mr. WAXMAN) offered another amendment which requires agencies to conduct a private-public cost comparison before deciding whether to contract out in the private sector for recovery auditing services or to do the task in-house with agency personnel. I appreciate the bipartisan manner in which the chairman, the gentleman from Indiana (Mr. BURTON), approached both of these amendments; and we are pleased that they were included in the bill.

In an effort to alleviate other concerns, discovered after the full committee markup we have clarified the bill's intent by adding several new definitions and making technical clarification in other parts of the bill through the amendment in the nature of a substitute offered by the gentleman from Indiana (Mr. BURTON). Under the amendment, agency heads are now expressly authorized to request an exemption from the program if it goes against the agency's mission or would not be cost effective.

And in response to concerns raised by vendors who feared that recovery auditors might barge into their offices as a part of the recovery auditing process, the amendment in the nature of a substitute prohibits a recovery auditor from establishing a physical presence, that is, setting up shop at the entity that is being audited.

Finally, we also stipulated in the amendment in the nature of a substitute that recovery auditing will apply only to the Department of Defense's major weapon system programs after the contracts have been closed. These concerns were expressed to the committee and to the chairman and myself by the gentleman from Virginia (Mr. BATEMAN), by the gentleman from Virginia (Mr. SISISKY), the gentleman from Virginia (Mr. SCOTT), and others; and the amendment clarifies the bill in this regard and addresses those concerns.

Mr. Chairman, this bill clearly represents a significant step forward in dealing with the billions of dollars in overpayments that are made by the Federal Government. I am pleased to be a cosponsor of the bill. It is simply good government. Again, I commend the gentleman from Indiana (Mr. BURTON) for his leadership on the issue.

Mr. Chairman, I reserve the balance of my time.

Mr. BURTON of Indiana. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. OSE), a very valued member of the committee, and I also thank the gentleman from Texas (Mr. TURNER) for all his hard work on this bill as the ranking member on the subcommittee.

Mr. OSE. Mr. Chairman, today I rise in strong support of this remarkable piece of legislation, the Government Waste Corrections Act.

I would first like to especially commend my two chairmen on this committee, that being the gentleman from Indiana (Mr. BURTON) and the gentleman from California (Mr. HORN), for their exceptional work on this. It is a pleasure to actually have the opportunity to work with two people of such skill and knowledge and have something fruitful, such as this, come to the floor. So my compliments to both gentlemen.

To the gentleman from Texas (Mr. TURNER), on the minority side, I appreciate his steady leadership and hand in keeping us on the straight and narrow, so to speak; and I welcome his bipartisan approach to this because this is an important issue.

One of the reasons I ran for Congress was to come to this House and try to instill a private sector mentality into government operations. The Government Waste Corrections Act does just that. Under this legislation, agencies will adopt recovery auditing, a practice widely used in the private sector. Recovery auditing is the process of reviewing all payment transactions in order to uncover duplicate payments, vendor pricing mistakes, and missed discounts.

Now, my colleagues may ask, is this bill really needed? Are our agencies not already careful with taxpayer money? Well, interestingly, both the General Accounting Office and the inspector generals throughout our agencies have repeatedly reported and testified that overpayments to government contractors are a serious, high-risk problem. However, I want to emphasize one thing here, and that is that this is not fraud or abuse; these are just mistakes that we are trying to catch in the process.

A couple of examples of the mistakes that have occurred is that some agency inspector generals have made that upwards of $15 billion has erroneously been paid out under our programs for food stamps or housing programs in a given year. And as the gentleman from Texas (Mr. TURNER) pointed out over at the Department of Defense, private contractors, of their own volition, have voluntarily returned $984 million in overpayments to the Department of Defense over the last 4 years. This may represent only a fraction of the total amount of money that we are trying to address here.

Now, the gentleman from Indiana has highlighted that this legislation has been estimated to save $100 million of the taxpayers' money over the next 5 years. That is a remarkable sum. I happen to think that is on the low end. I am hopeful that we will be far more successful than that.

Finally, Mr. Chairman, the Government Waste Corrections Act is another great example of how we can take management techniques from the private sector and apply them to the Federal Government's practices ultimately for the benefit of all Americans and our taxpayers. I urge my colleagues to support this bill. Let us let the savings begin.

Mr. BURTON of Indiana. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia (Mr. BATEMAN), my classmate and a great American.

Mr. BATEMAN. Mr. Chairman, I thank the gentleman and my good friend from Indiana for yielding me this time.

Mr. Chairman, I rise today in support of this legislation and certainly want to commend my colleague for his untiring efforts to improve the economy and the efficiency of government operations. We are all in his debt for doing so.

I am rising in support of this bill. However, I do want to point out that I have some remaining trepidations with the bill and which, hopefully, can be further improved as it goes through the legislative process.

In the fiscal year 1996 and 1998 national defense authorization acts, Congress directed and then expanded a demonstration project to identify overpayments made to vendors by the Department of Defense. This initiative and these pilot programs were at the initiative of the Subcommittee on Military Readiness of the Committee on Armed Services, which I chair. And certainly I applaud these efforts and know that even those programs where it has been tried it has been effective and real savings have been the result.

During the course of this demonstration project, recovery auditing has proven to be a particularly effective management tool for identifying and collecting overpayments on contracts that are most analogous to commercial retail contracts. Indeed, for certain retail business areas, the Department of Defense has used recovery auditing to identify and collect overpayments at a higher rate than has been found in the private sector.

The problem lies in the application of recovery auditing to all business areas, particularly the procurement of major weapon systems. Contracts for the procurement of major weapon systems are executed over several years and are based on unique pricing guidelines. All payments are subject to routine and extensive contract audit and management activities designed to ensure accurate payments throughout.

Payments are made periodically and adjusted regularly to account for contract progress. Therefore, recovery auditing on contracts for the procurement of major weapon systems will not only be redundant but, in some cases, may also be virtually impossible to conduct. The bill before us now attempts to address this issue by providing that recovery auditing will not apply to major defense system acquisition programs until they have become closed.

I applaud the sponsors for their efforts to address these concerns. I am convinced, however, that H.R. 1827 could be further refined to address the problems I raise today. The Congressional Budget Office agrees with me and has stated in its cost estimate on H.R. 1827 that it expects OMB would exempt research, testing and procurement of military weapons from the requirement of this act.

In closing, Mr. Chairman, let me reiterate that I strongly support any measure that enhances government efficiency and effectiveness and reduces the waste of taxpayer dollars, but I do urge caution when doing so may be redundant and counterproductive.

Mr. TURNER. Mr. Chairman, I yield myself such time as I may consume to thank the gentleman from Virginia (Mr. BATEMAN) for his leadership in trying to clarify the bill. I know the gentleman from Virginia (Mr. SISISKY) and the gentleman from Virginia (Mr. SCOTT) had similar concerns, and through their work we were able to address those concerns. We certainly hear the request that was made and look forward to working as this bill moves forward to be sure we have accomplished the desired result.

Mr. Chairman, I reserve the balance of my time.

Mr. BURTON of Indiana. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. HORN), the subcommittee chairman, and a very valued member of the Committee on Government Reform.

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Mr. HORN. Mr. Chairman, we appreciate the leadership of the gentleman from Indiana (Mr. BURTON) on this. I want to thank the gentleman from Texas (Mr. TURNER), the ranking Democrat on our subcommittee that held some of these hearings. We have had very strong cooperation from the gentleman from Texas (Mr. TURNER), and I am most grateful.

H.R. 1827, the Government Waste Corrections Act, would require executive branch departments and agencies to use a process called "recovery auditing" to review the various payment transactions in order to check for erroneous overpayments. Some of it is completely innocent. It is just a process that sometimes does not work.

H.R. 1827 represents a milestone in the effort to reduce the widespread waste and errors that do exist in various Federal programs and that are costing taxpayers billions of dollars each year.

Last session, the gentleman from Indiana (Mr. BURTON) held hearings on waste and mismanagement. He had witnesses from the Inspectors General of Agriculture, Health and Human Services, and Housing and Urban Development. Each of them testified about various program and management problems in their departments. One of the most prevalent involved erroneous payments.

On March 31, 1999, the Subcommittee on Government Management, Information, and Technology that I chaired examined the government-wide consolidated financial statement for fiscal year 1998.

The General Accounting Office, which audited these statements on our behalf, testified that one of the most serious areas of waste and error throughout the Government were the millions of dollars in improper payments being made to contractors, vendors, and suppliers.

Most Federal overpayments go undetected because agencies do not track and report these improper payments. And there is no law requiring them to do so. Each year, however, this ongoing waste squanders huge amounts of taxpayer dollars and detracts from the effectiveness of Federal operations by diverting resources intended for other purposes.

H.R. 1827 addresses the problem of inadvertent overpayments by requiring that the Government use a successful private sector business practice, known as recovery auditing.

In a typical recovery audit, an agency's purchases and payments would be reviewed to identify where overpayments have occurred. Common areas involve such things as vendor pricing mistakes, missed discounts, or duplicate payments. Once an error has been identified and verified, the vendor would be notified. Valid overpayments would be recovered through direct payments to the agency or by administrative offsets.

Although agencies may already have the authority to contract for recovery auditing, the process is simply not being utilized government-wide. And it should be. Agencies may need to consider using the services of the private sector because the process requires specialized skills, databases, and software development.

When the gentleman from Indiana (Chairman BURTON) introduced this legislation and it was referred to our subcommittee, we held further hearings in June of 1999 in which witnesses testified about the successful use of recovery auditing in the Department of Defense.

The Army and Air Force Exchange Service makes purchases of $5 million per year. Recently they completed their recovery auditing, and that yielded almost $25 million, which is not hay.

A witness from the Defense Supply Center of Philadelphia testified about a recovery audit pilot program being conducted at that supply center. The supply center expects to recover over $27 million in overpayments over a 3-year period.

This bill requires agencies to use recovery auditing for purchases of $500 million or more annually. However, agencies are encouraged to use recovery auditing for all procurements regardless of the amount of the transaction. However, the bill only applies recovery auditing to an agency's spending for direct contracting.

Examples of direct contracting include payments made to a contractor to build a new Veteran's Administration hospital and the payments the Defense Department would make for the purchase of a new weapons system.

H.R. 1827 would not require recovery auditing for programs that involve payments to third parties for the delivery of indirect services, such as education, drug treatment grants, or payments to intermediaries to administer the Medicare program.

Federal payments in those programs must make their way through a number of entities, including State and local governments and nonprofit organizations, before the service is really delivered to the general population. Those payment systems are often so complex that it is uncertain at this time where and how the recovery auditing procedure would best be applied.

Mr. Chairman, it is important to note that this legislation addresses the problems that cause the overpayments. This bill would require agencies to use part of the money they recover to improve their management and financial systems. As a priority, agencies would have to work toward improving their overpayment error rate.

In addition to the obvious benefits to Federal agencies, the Congressional Budget Office estimates that this legislation would result in collections of at least $180 million over the next 5 years.

H.R. 1827 would be a win for the Government and a win for the American people. I urge all my colleagues to support this legislation.

Mr. TURNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to thank the gentleman from California (Chairman HORN) for his hard work on this bill. It has been a pleasure to serve on the subcommittee with him; and, as always, I appreciate the bipartisan manner in which he conducts his business.

Mr. Chairman, I reserve the balance of my time.

Mr. BURTON of Indiana. Mr. Chairman, I yield such time as he may consume to the gentleman from Connecticut (Mr. SHAYS), one of the more valued members of our committee.

Mr. SHAYS. Mr. Chairman, I thank my esteemed chairman for yielding me the time. I appreciate the opportunity to address the committee.

Mr. Chairman, I rise in support of the Government Waste Corrections Act. In my judgment, this is simply common sense legislation. It is another important step in Congress's ongoing efforts to eliminate waste, fraud, and abuse in Federal agencies and programs.

I mean, let us face it, in a Federal budget that exceeds $1.7 trillion, there will be some waste, quite a lot in fact. If we focus our efforts on rooting out this waste, we are better able to focus our limited resources on otherwise underfunded requirements.

For example, the Department of Defense, which I oversee, will be able to direct this money to spare parts, training, and other critical needs. Getting our financial house in order means more than simply passing a balanced budget. It means ensuring the money is spent the way it is intended, not wasted through overpayments and billing errors.

Recovery audits are a way for the Government to better manage its finances. This is the same tool used by the private sector firms across this country to assure their expenditures are also in order.

These audits pay for themselves. Because agencies can use a portion of the amounts collected back to finance their recovery audit costs, they will not have to appropriate their own limited funds to audit activities.

Audits are also a way to pass savings on to taxpayers. In fact, this legislation requires a minimum of 50 percent of the money collected to be returned back to the U.S. Treasury.

I thank my colleagues for working on this legislation. It is a pleasure to be on the Committee on Government Reform, and I am happy they brought out this legislation.

Mr. TURNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I understand we have a manager's amendment and an amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) which, of course, I support.

Mr. TERRY. Mr. Chairman, I am a cosponsor of H.R. 1827, the Government Waste Corrections Act. I commend our leadership for bringing this bill to the floor. At a time when there is a lot of talk about reducing waste, fraud and abuse in executive branch programs, I am pleased that the House is taking some action.

I want to express particular concern about HCFA, and that agency's lax oversight of Medicare contractors. By HCFA's own admission, billions of dollars are lost through waste and abuse each year.

Testimony from GAO, as well as the Inspector General of the Department of Health and Human Services, has documented that Medicare contractors have improperly paid claims and failed to recoup overpayments to providers.

Recently, GAO has cited "integrity problems" and "pervasive" fiscal mismanagement among Medicare contractors. This has included such questionable activity as arbitrarily turning off computer audits of claims, altering documents that involved questionable claims, and even falsification of documents and reports to HCFA. Yet these contractors are the very same companies that are supposed to be HCFA's front line force for the identification and recovery of Medicare overpayments. There is an inherent conflict of interest in having Medicare contractors both pay for provider claims and then audit their own performance.

This certainly is not the way that insurance companies in Omaha and across the country do business. When private resources are at risk, insurers obtain independent reviews to identify and recover overpayments. In protecting public resources HCFA would do well to follow the private example, perhaps turning to some of the same businesses that have extensive experience in the area.

GAO will report to Congress later this year on the results of a study HCFA's performance in the identification and collection of Medicare overpayments. The HHS Inspector General's office also has plans to compare Medicare overpayment and recovery methods with those of private insurers. I am hopeful that the result of these studies will be that HCFA does what the Veterans Administration already has done—that is, approved use of private firms for cost recovery.

The bill now before us is an important first step recovering the millions of dollars the federal government over-pays each year. This is an important bill, and I urge its approval.

Mr. WALDEN of Oregon. Mr. Chairman, I rise today in strong support for the Government Waste Corrections Act. This bipartisan legislation will save the taxpayers at least $180 million over the next 5 years by making the Federal Government less wasteful through adoption of private-sector solutions to problems with contract payments.

I am a cosponsor of this important piece of legislation because I believe it is common-sense reform. As a small business owner, I understand the importance of keeping a close eye on disbursements. If we treat the funds of our own business with that kind of care, don't taxpayers deserve the same treatment for their money? I think so, and I'll bet most Americans you ask think so too.

For some years, the Department of Defense has used a method known as recovery auditing to cut down on the amount of overpayment to contractors. The 1996 Defense Authorization Act authorized a recovery auditing demonstration program at the Defense Supply Center in Philadelphia. The audit turned up more than $27 million in overpayments. Due to disputes, only $2.6 million of this amount has been returned to the Government, but the DOD is optimistic that more money will be returned soon, and the recovery audit is seen as a success.

H.R. 1827 would implement this audit method throughout the Federal Government, saving taxpayers millions more. It would allow agencies to perform the audit internally or through a contractor, providing sufficient flexibility to account for differences between agencies. And it would allow agencies to give cash awards to employees who identify wasteful spending practices.

Mr. Chairman, I applaud the efforts of Chairman BURTON and Chairman HORN to improve the efficiency of the Federal Government and save taxpayers money. I urge passage of the common-sense Government Waste Corrections Act.

Mr. WAXMAN. Mr. Chairman, I rise in support of H.R. 1827, the Government Waste Correction Act of 2000, which requires agencies to use a financial management technique known as recovery auditing.

Implementation of recovery auditing has the potential to save millions of taxpayers' dollars by ensuring that overpayments made by the federal government are both identified and collected. Just like in the private sector, the federal government makes overpayments. And just like in the private sector, efforts should be made to recovery such overpayments.

These overpayments are often not intentional. Frequently, these are inadvertent overpayments due to duplicate payments, pricing errors, missed cash discounts and the like. By requiring the performance of recovery auditing, we are increasing the efficiency and effectiveness of the Federal Government.

Mr. Chairman, I want to highlight two important provisions of H.R. 1827 which ensure (1) fundamental privacy rights and (2) fair treatment of federal workers. H.R. 1827 requires audits of services that are for the "direct benefit and use" of government agencies. A number of such services involve the use of individuals' personal information, including health information. For example, health care services provided to veterans by community based health clinics under contract with the Federal Government may be subject to audits under the bill.

Our colleague, Representative JIM TURNER, deserves credit for making sure these audits won't infringe on legitimate privacy concerns. His amendment, which was adopted by the Government Reform Committee, provides essential privacy protections for individually identifiable information obtained by contractors through recovery audits and recovery activities under this bill. The Turner amendment adds needed balance and safeguards to H.R. 1827.

I am also encouraged by the inclusion of my amendment to H.R. 1827 requiring public-private cost comparisons. We should let federal employees—not private contractors—perform recovery audits when the federal employees can do a better job at lower cost to the taxpayer than private contractors. This amendment, which provides for current Office of Management and Budget (OMB) circular cost comparisons, ensures that federal workers will not be prevented from doing recovery auditing work because of any arbitrary federal full time equivalent ceilings.

Mr. Chairman, recovery auditing is an important tool and should be used to identify inadvertent overpayments. I urge my colleagues to support H.R. 1827.

Mr. STERNS. Mr. Chairman, I am here today to express my support for H.R. 1827, the Government Waste Corrections Act.

Over the years, several studies have focused on the waste and abuse that occurs within the Federal Government. A few months ago, GAO reported the financial statement reports of nine federal agencies. Mr. Speaker, do you want to know what they found? There were improper payments of $19.1 billion for major programs that these agencies administered in FY 1998 alone.

These figures are extremely disturbing, but they don't begin to capture the full extent of the Federal Government's financial problems. Neither federal agencies nor GAO has a good estimate of the overpayments that occur each year. Unfortunately, the extent of overpayments is expected to be significant due to the poor state of these federal agencies' financial and accounting records.

This is completely unacceptable, H.R. 1827 will help resolve this problem, by demanding agencies to give greater attention to identify and recover overpayments, saving the American taxpayer millions of dollars. To be more specific, CBO estimates that agencies would collect back $180 million over five years.

Mr. Chairman, this bill will be truly effective in the fight against government waste, and I urge its support.

Mr. TURNER. Mr. Chairman, I yield back the balance of my time.

Mr. BURTON of Indiana. Mr. Chairman, we have no more speakers on our side, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in House Report 106-506 is considered as an original bill for the purpose of amendment and is considered read.

The text of the amendment in the nature of a substitute is as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Government Waste Corrections Act of 2000".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) Overpayments are a serious problem for Federal agencies, given the magnitude and complexity of Federal operations and documented and widespread financial management weaknesses. Federal agency overpayments waste tax dollars and detract from the efficiency and effectiveness of Federal operations by diverting resources from their intended uses.

(2) In private industry, overpayments to providers of goods and services occur for a variety of reasons, including duplicate payments, pricing errors, and missed cash discounts, rebates, or other allowances. The identification and recovery of such overpayments, commonly referred to as "recovery auditing and activity", is an established private sector business practice with demonstrated large financial returns. On average, recovery auditing and activity in the private sector identify overpayment rates of 0.1 percent of purchases audited and result in the recovery of $1,000,000 for each $1,000,000,000 of purchases.

(3) Recovery auditing and recovery activity already have been employed successfully in limited areas of Federal activity. They have great potential for expansion to many other Federal agencies and activities, thereby resulting in the recovery of substantial amounts of overpayments annually. Limited recovery audits conducted by private contractors to date within the Department of Defense have identified errors averaging 0.4 percent of Federal payments audited, or $4,000,000 for every $1,000,000,000 of payments. If fully implemented within the Federal Government, recovery auditing and recovery activity have the potential to recover billions of dollars in Federal overpayments annually.

(b) PURPOSES.—The purposes of this Act are the following:

(1) To ensure that overpayments made by the Federal Government that would otherwise remain undetected are identified and recovered.

(2) To require the use of recovery audit and recovery activity by Federal agencies.

(3) To provide incentives and resources to improve Federal management practices with the goal of significantly reducing Federal overpayment rates and other waste and error in Federal programs.

SEC. 3. ESTABLISHMENT OF RECOVERY AUDIT REQUIREMENT.

(a) ESTABLISHMENT OF REQUIREMENT.—Chapter 35 of title 31, United States Code, is amended by adding at the end the following:

"SUBCHAPTER VI—RECOVERY AUDITS

"§ 3561. Definitions

"In this subchapter, the following definitions apply:

"(1) AMOUNTS COLLECTED.—The term 'amounts collected' means monies actually received by the United States Government.

"(2) CHIEF FINANCIAL OFFICER.—The term 'Chief Financial Officer' means the official established by section 901 of this title, or the functional equivalent of such official in the case of any agency that does not have a Chief Financial Officer under that section.

"(3) DIRECTOR.—The term 'Director' means the Director of the Office of Management and Budget.

"(4) DISCLOSE.—The term 'disclose' means to release, publish, transfer, provide access to, or otherwise divulge individually identifiable information to any person other than the individual who is the subject of the information.

"(5) FACIAL-DISCREPANCY PAYMENT ERROR.—The term 'facial-discrepancy payment error'—

"(A) except as provided in subparagraph (B), means any payment error that results from, is substantiated by, or is identified as a result of information contained on any invoice, delivery order, bill of lading, statement of account, or other document submitted to the Government by a supplier of goods or services in the usual and customary conduct of business, or as required by law or contract to substantiate payment for such goods or services, including any such document submitted electronically; and

"(B) does not include payment errors identified, resulting, or supported from documents that are—

"(i) records of a proprietary nature, maintained solely by the supplier of goods or services;

"(ii) not specifically required to be provided to the Government by contract, law, regulation, or to substantiate payment;

"(iii) submitted to the Government for evaluative purposes prior to the award of a contract, as part of the evaluation and award process.

Records, documents, price lists, or other vendor material published and available in the public domain shall not be considered sources of facial-discrepancy payment errors, but may be used to substantiate, clarify, or validate facial-discrepancy payment errors otherwise identified.

"(6) INDIVIDUALLY IDENTIFIABLE INFORMATION.—The term 'individually identifiable information' means any information, whether oral or recorded in any form or medium, that identifies the individual or with respect to which there is a reasonable basis to believe that the information can be used to identify the individual.

"(7) OVERSIGHT.—The term 'oversight' means activities by a Federal, State, or local governmental entity, or by another entity acting on behalf of such a governmental entity, to enforce laws relating to, investigate, or regulate payment activities, recovery activities, and recovery audit activities.

"(8) PAYMENT ACTIVITY.—The term 'payment activity' means an executive agency activity that entails making payments to vendors or other nongovernmental entities that provide property or services for the direct benefit and use of an executive agency.

“(9) RECOVERY AUDIT.—The term ‘recovery audit’ means a financial management technique applied internally by Government employees, or by private sector contractors, and used by executive agencies to audit their internal records to identify facial-discrepancy payment errors made by those executive agencies to vendors and other entities in connection with a payment activity, including facial-discrepancy payment errors that result from any of the following:

“(A) Duplicate payments.

“(B) Invoice errors.

“(C) Failure to provide applicable discounts, rebates, or other allowances.

“(D) Any other facial-discrepancy errors resulting in inaccurate payments.

“(10) RECOVERY ACTIVITY.—The term ‘recovery activity’ means executive agency activity otherwise authorized by law, including chapter 37 of this title, to attempt to collect an identified overpayment.

“(11) RECOVERY AUDIT CONTRACTOR.—The term ‘recovery audit contractor’ means any person who has been hired by an executive agency to perform a recovery audit pursuant to a recovery audit contract.

“§ 3562. Recovery audit requirement

“(a) IN GENERAL.—Except as exempted under section 3565(d) of this title, the head of each executive agency—

“(1) shall conduct for each fiscal year recovery audits and recovery activity with respect to payment activities of the agency if such payment activities for the fiscal year total $500,000,000 or more (adjusted by the Director annually for inflation);

“(2) may conduct for any fiscal year recovery audits and recovery activity with respect to payment activities of the agency if such payment activities for the fiscal year total less than $500,000,000 (adjusted by the Director annually for inflation); and

“(3) may request that the Director exempt a payment activity, in whole or in part, from the requirement to conduct recovery audits under paragraph (1) if the head of the executive agency determines and can demonstrate that compliance with such requirement—

“(A) would impede the agency's mission; or

“(B) would not, or would no longer be, cost-effective.

“(b) PROCEDURES.—In conducting recovery audits and recovery activity under this section, the head of an executive agency—

“(1) shall consult and coordinate with the Chief Financial Officer and the Inspector General of the agency to avoid any duplication of effort;

“(2) shall implement this section in a manner designed to ensure the greatest financial benefit to the Government;

“(3) may conduct recovery audits and recovery activity internally in accordance with the standards issued by the Director under section 3565(b)(2) of this title, or by procuring performance of recovery audits, or by any combination thereof; and

“(4) shall ensure that such recovery audits and recovery activity are carried out consistent with the standards issued by the Director under section 3565(b)(2) of this subchapter.

“(c) SCOPE OF AUDITS.—

“(1) IN GENERAL.—Each recovery audit of a payment activity under this section shall cover payments made by the payment activity in the preceding fiscal year, except that the first recovery audit of a payment activity shall cover payments made during the 2 consecutive fiscal years preceding the date of the enactment of the Government Waste Corrections Act of 2000.

“(2) ADDITIONAL FISCAL YEARS.—The head of an executive agency may conduct recovery audits of payment activities for additional preceding fiscal years if determined by the agency head to be practical and cost-effective subject to any statute of limitations constraints regarding recordkeeping under applicable law.

“(d) RECOVERY AUDIT CONTRACTS.—

“(1) AUTHORITY TO USE CONTINGENCY CONTRACTS.—Notwithstanding section 3302(b) of this title, as consideration for performance of any recovery audit procured by an executive agency, the executive agency may pay the recovery audit contractor an amount equal to a percentage of the total amount collected by the United States as a result of overpayments identified by the contractor in the audit.

“(2) ADDITIONAL FUNCTIONS OF RECOVERY AUDIT CONTRACTOR.—

“(A) IN GENERAL.—In addition to performance of a recovery audit, a contract for such performance may authorize the recovery audit contractor (subject to subparagraph (B)) to—

“(i) notify any person of possible overpayments made to the person and identified in the recovery audit under the contract; and

“(ii) respond to questions concerning such overpayments.

“(B) LIMITATION.—A contract for performance of a recovery audit shall not affect—

“(i) the authority of the head of an executive agency, or any other person, under the Contract Disputes Act of 1978 and other applicable laws, including the authority to initiate litigation or referrals for litigation; or

“(ii) the requirements of sections 3711, 3716, 3718, and 3720 of this title that the head of an agency resolve disputes, compromise, or terminate overpayment claims, collect by setoff, and otherwise engage in recovery activity with respect to overpayments identified by the recovery audit.

“(3) LIMITATION ON AUTHORITY.—Nothing in this subchapter shall be construed to authorize a recovery audit contractor with an executive agency—

“(A) to require the production of any record or information by any person other than an officer, employee, or agent of the executive agency; and

“(B) to establish, or otherwise have a physical presence on the property or premises of any private sector entity as part of its contractual obligations to an executive agency.

“(4) REQUIRED CONTRACT TERMS AND CONDITIONS.—The head of an executive agency shall include in each contract for procurement of performance of a recovery audit requirements that the contractor shall—

“(A) protect from improper use, and protect from disclosure to any person who is internal or external to the firm of the recovery audit contractor and who is not directly involved in the identification or recovery of overpayments, otherwise confidential or proprietary business information and financial information that may be viewed or obtained in the course of carrying out a recovery audit for an executive agency;

“(B) provide to the head of the executive agency and the Inspector General of the executive agency periodic reports on conditions giving rise to overpayments identified by the recovery audit contractor and any recommendations on how to mitigate such conditions;

“(C) notify the head of the executive agency and the Inspector General of the executive agency of any overpayments identified by the contractor pertaining to the executive agency or to another executive agency that are beyond the scope of the contract; and

“(D) promptly notify the head of the executive agency and the Inspector General of the executive agency of any indication of fraud or other criminal activity discovered in the course of the audit.

“(5) EXECUTIVE AGENCY ACTION FOLLOWING NOTIFICATION.—The head of an executive agency shall take prompt and appropriate action in response to a notification by a recovery audit contractor pursuant to the requirements under paragraph (4), including forwarding to other executive agencies any information that applies to them.

“(6) CONTRACTING REQUIREMENTS.—Prior to contracting for any recovery audit, the head of an executive agency shall conduct a public-private cost comparison process. The outcome of the cost comparison process shall determine whether the recovery audit is performed in-house or by a recovery audit contractor.

“(e) INSPECTORS GENERAL.—Nothing in this subchapter shall be construed as diminishing the authority of any Inspector General, including such authority under the Inspector General Act of 1978.

“(f) PRIVACY PROTECTIONS.—

“(1) LIMITATION ON DISCLOSURE OF INDIVIDUALLY IDENTIFIABLE INFORMATION.—(A) Any nongovernmental entity that obtains individually identifiable information through performance of recovery auditing or recovery activity under this chapter may disclose that information only for the purpose of such auditing or activity, respectively, and oversight of such auditing or activity, unless otherwise authorized by the individual that is the subject of the information.

“(B) Any person that violates subparagraph (A) shall be liable for any damages (including nonpecuniary damages, costs, and attorneys fees) caused by the violation.

“(2) DESTRUCTION OR RETURN OF INFORMATION.—Upon the conclusion of the matter or need for which individually identifiable information was disclosed in the course of recovery auditing or recovery activity under this chapter performed by a nongovernmental entity, the nongovernmental entity shall either destroy the individually identifiable information or return it to the person from whom it was obtained, unless another applicable law requires retention of the information.

“§ 3563. Disposition of amounts collected

“(a) IN GENERAL.—Notwithstanding section 3302(b) of this title, the amounts collected annually by the United States as a result of recovery audits by an executive agency under this subchapter shall be treated in accordance with this section.

“(b) USE FOR RECOVERY AUDIT COSTS.—Amounts referred to in subsection (a) shall be available to the executive agency—

“(1) to pay amounts owed to any recovery audit contractor for performance of the audit;

“(2) to reimburse any applicable appropriation for other recovery audit costs incurred by the executive agency with respect to the audit; and

“(3) to pay any fees authorized under chapter 37 of this title.

“(c) USE FOR MANAGEMENT IMPROVEMENT PROGRAM.—Of the amount referred to in subsection (a), a sum not to exceed 25 percent of such amount—

“(1) shall be available to the executive agency to carry out the management improvement program of the agency under section 3564 of this title;

"(2) may be credited for that purpose by the agency head to any agency appropriations that are available for obligation at the time of collection; and

"(3) shall remain available for the same period as the appropriations to which credited.

"(d) Remainder to Treasury.—Of the amount referred to in subsection (a), there shall be deposited into the Treasury as miscellaneous receipts a sum equal to—

"(1) 50 percent of such amount; plus

"(2) such other amounts as remain after the application of subsections (b) and (c).

"(e) Limitation on Application.—

"(1) In general.—This section shall not apply to amounts collected through recovery audits and recovery activity to the extent that such application would be inconsistent with another provision of law that authorizes crediting of the amounts to a nonappropriated fund instrumentality, revolving fund, working capital fund, trust fund, or other fund or account.

"(2) Subsections (c) and (d).—Subsections (c) and (d) shall not apply to amounts collected through recovery audits and recovery activity, to the extent that such amounts are derived from an appropriation or fund that remains available for obligation, or that remain available for recording, adjusting, and liquidating obligations properly chargeable to that appropriation or fund at the time the amounts are collected.

"§ 3564. Management improvement program

"(a) Conduct of Program.—

"(1) Required programs.—The head of each executive agency that is required to conduct recovery audits under section 3562 of this title shall conduct a management improvement program under this section, consistent with guidelines prescribed by the Director.

"(2) Discretionary programs.—The head of any other executive agency that conducts recovery audits under section 3562 that meet the standards issued by the Director under section 3565(b)(2) may conduct a management improvement program under this section.

"(b) Program Features.—In conducting the program, the head of the executive agency—

"(1) shall, as the first priority of the program, address problems that contribute directly to agency overpayments; and

"(2) may seek to reduce errors and waste in other programs and operations of that executive agency by improving the executive agency's staff capacity, information technology, and financial management.

"(c) Integration With Other Activities.—The head of an executive agency—

"(1) subject to paragraph (2), may integrate the program under this section, in whole or in part, with other management improvement programs and activities of that agency or other executive agencies; and

"(2) must retain the ability to account specifically for the use of amounts made available under section 3563 of this title.

"§ 3565. Responsibilities of the Office of Management and Budget

"(a) In General.—The Director shall coordinate and oversee the implementation of this subchapter.

"(b) Guidance.—

"(1) In general.—The Director, in consultation with the Chief Financial Officers Council and the President's Council on Integrity and Efficiency, shall issue guidance and provide support to agencies in implementing the subchapter. The Director shall issue initial guidance not later than 180 days after the date of enactment of the Government Waste Corrections Act of 2000.

"(2) Recovery audit standards.—The Director shall include in the initial guidance under this subsection standards for the performance of recovery audits under this subchapter, that are developed in consultation with the Comptroller General of the United States and private sector experts on recovery audits, including such experts who currently use recovery auditing as part of their financial management procedures.

"(c) Fee Limitations.—The Director may limit the percentage amounts that may be paid to contractors under section 3562(d)(1) of this title.

"(d) Exemptions.—

"(1) In general.—The Director may exempt an executive agency, in whole or in part, from the requirement to conduct recovery audits under section 3562(a)(1) of this title if the Director determines that compliance with such requirement—

"(A) would impede the agency's mission; or

"(B) would not, or would no longer be cost-effective.

"(2) Report to congress.—The Director shall promptly report the basis of any determination and exemption under paragraph (1) to the Committee on Government Reform of the House of Representatives and the Committee on Governmental Affairs of the Senate.

"(3) Exemption of major defense system acquisition programs.—

"(A) In general.—Unless determined otherwise by the head of the agency authorized to conduct a Department of Defense major system acquisition program, the requirements of section 3562(a) of this title shall not apply to such a program procured with a cost-type contract until the contract has become a closed contract.

"(B) Department of defense major system acquisition program defined.—In this paragraph, the term 'Department of Defense major system acquisition program' has the meaning that term has in Office of Management and Budget Circular A-109, as in effect on the date of the enactment of the Government Waste Corrections Act of 2000.

"(e) Reports.—

"(1) In general.—Not later than 1 year after the date the Director issues initial guidance under subsection (b), and annually for each of the 2 years thereafter, the Director shall submit a report on implementation of the subchapter to the President, the Committee on Government Reform of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Appropriations of the House of Representatives and of the Senate.

"(2) Contents.—Each report shall include—

"(A) a general description and evaluation of the steps taken by executive agencies to conduct recovery audits, including an inventory of the programs and activities of each executive agency that are subject to recovery audits;

"(B) an assessment of the benefits of recovery auditing and recovery activity, including amounts identified and recovered (including by administrative setoffs);

"(C) an identification of best practices that could be applied to future recovery audits and recovery activity;

"(D) an identification of any significant problems or barriers to more effective recovery audits and recovery activity;

"(E) a description of executive agency expenditures in the recovery audit process;

"(F) a description of executive agency management improvement programs under section 3564 of this title; and

"(G) any recommendations for changes in executive agency practices or law or other improvements that the Director believes would enhance the effectiveness of executive agency recovery auditing.

"§ 3566. General Accounting Office reports

"Not later than 60 days after issuance of each report under section 3565(e) of this title the Comptroller General of the United States shall submit a report on the implementation of this subchapter to the Committee on Government Reform of the House of Representatives, the Committee on Governmental Affairs of the Senate, the Committee on Appropriations of the House of Representatives and of the Senate, and the Director.".

(b) Application to All Executive Agencies.—Section 3501 of title 31, United States Code, is amended by inserting "and subchapter VI of this chapter" after "section 3513".

(c) Deadline for Initiation of Recovery Audits.—The head of each executive agency shall begin the first recovery audit under section 3562(a)(1) title 31, United States Code, as amended by this section, for each payment activity referred to in that section by not later than 18 months after the date of the enactment of this Act.

(d) Clerical Amendment.—The analysis at the beginning of chapter 35 of title 31, United States Code, is amended by adding at the end the following:

"SUBCHAPTER V—RECOVERY AUDITS

"Sec.
"3561. Definitions.
"3562. Recovery audit requirement.
"3563. Disposition of amounts collected.
"3564. Management improvement program.
"3565. Responsibilities of the Office of Management and Budget.
"3566. General Accounting Office reports.".

The CHAIRMAN. During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the Congressional Record. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

AMENDMENT OFFERED BY MR. BURTON OF INDIANA

Mr. BURTON of Indiana. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Burton of Indiana:

In section 3(a), in the proposed section 3561(1), strike "actually received" and inserting "received or credited, by any means, including setoff,".

In section 3(a), in the proposed section 3561(5)—

(1) in subparagraph (A), strike "document submitted" the first place it appears and insert "submission given";

(2) in subparagraph (B)(ii), add "or" after the semicolon; and

(3) strike the matter following subparagraph (B)(iii).

In section 3(a), in the proposed section 3562(c)(1), strike "the 2 consecutive fiscal years" and all that follows through the period and insert "the fiscal year in which the Government Waste Corrections Act of 2000 is enacted, and payments made in the preceding fiscal year.".

In section 3(a), in the proposed section 3562(d)(4)(A), strike "and financial information" and insert ", and any financial information,".

In section 3(a), in the proposed section 3562, after subsection (e) insert the following (and redesignate the subsequent subsection as subsection (g)):

"(f) RELATIONSHIP TO OTHER AUDIT AUTHORITY.—Nothing in this subchapter shall be construed as diminishing the authority granted under section 3726 of this title.

In section 3(a), in the proposed section 3562(g) (as so redesignated), strike paragraph (2) and insert the following:

"(2) DESTRUCTION OR RETURN OF INFORMATION.—(A) Upon the date described in subparagraph (B), a nongovernmental entity having possession of individually identifiable information disclosed in the course of a recovery audit or recovery activity under this chapter performed by the nongovernmental entity shall destroy the information or return it to the person from whom it was obtained, unless another applicable law requires retention of the information.

"(B)(i) Except as provided in clause (ii), the date referred to in subparagraph (A) is the date of conclusion of the matter or need for which the information was disclosed.

"(ii) If on the date referred to in clause (i) the nongovernmental entity has actual notice of any oversight of the recovery auditing or recovery activity, the date referred to in subparagraph (A) is the date of the conclusion of such oversight.

In section 3(a), in the proposed section 3563(e)(2), strike ", or that remain available for recording, adjusting, and liquidating obligations properly chargeable to that appropriation or fund".

In section 3(a), in the proposed section 3565(e)(1), strike "Not later than 1 year after the date the Director issues initial guidance under subsection (b)," and insert "Not later than 30 months after the date of the enactment of the Government Waste Corrections Act of 2000,".

Mr. BURTON of Indiana (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. BURTON of Indiana. Mr. Chairman, this amendment contains technical and clarifying corrections to the legislation that I have worked out in advance with our ranking member, the gentleman from California (Mr. WAXMAN), and the gentleman from Texas (Mr. TURNER), the subcommittee ranking member.

There are eight changes that include such things as correctly aligning reporting dates and clarifying language used in definitions. These changes serve to make the intent of the bill as clear as possible.

I think this is an amendment that everybody will support. It is technical in nature and has been cleared with the ranking minority members, as well.

Mr. TURNER. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, as the gentleman from Indiana (Mr. BURTON) stated, after this bill went to the Committee on Rules, it was discovered that there was a need for some technical corrections and clarifications. This amendment does that. It is bipartisan. It is noncontroversial.

I thank the gentleman from Indiana (Mr. BURTON), the gentleman from California (Mr. WAXMAN), and the gentleman from California (Mr. HORN) of our subcommittee for the work they did in addressing these concerns. I urge adoption of the manager's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. BURTON).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

At the end of the bill add the following:

SEC. . STUDY.

(a) IN GENERAL.—The Director of the Office of Management and Budget shall conduct a study of the effects of recovery audits conducted by executive agencies, including any significant problems relating to the provision of improper or inadequate notice of recovery audits to persons who are the subjects of such audits.

(b) REPORT.—The Director shall report to the Congress the findings, conclusions, and recommendations of the study under this section.

Ms. JACKSON-LEE of Texas (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman from Indiana (Chairman BURTON); the gentleman from California (Mr. WAXMAN), the ranking member; the gentleman from California (Mr. HORN), the subcommittee chair; and the gentleman from Texas (Mr. TURNER) for their cooperation on the amendment that I am about to offer. I want to commend my colleagues for their bipartisan fashion on working on this legislation.

I believe a study should be incorporated to properly assess due process concerns raised by recovery audits performed on a contingency basis for their constituency or error identification.

Let me say that the underlying bill I applaud, and I do believe that it will be an important new vehicle to help save the Government money. In particular, for example, in purchases such as a new weapons system, it is extremely important for us to be able to recover overpayments. However, I think this amendment will provide us with additional assistance.

The Government Waste Corrections Act focuses on recovery auditing of an agency spending for direct contracting, the purchase of goods and services for direct benefit and the use of the Government.

The legislation, appropriately, does not require recovery auditing for programs that involve payments to third parties. Indeed, this legislation could include audits of payments to a contractor to build a new veteran's hospital or other systems. Regretfully, however, the bill does not contain sufficient explanation of the procedural aspects, such as due process concerns for those affected of recovery auditing that will occur on a contingency basis.

For example, notices of payments on demand are very important to targets of audits. This ensures that everyone understands what is owed. Recovery auditing may provide the wrong kind of incentives to those justifiably trying to identify Government waste.

Therefore, I am offering an amendment to require the Office of Management and Budget to study the effects of recovery audits authorized by this legislation, including any significant problems about proper notice to persons who are subjects of such audits.

I think if we do this research, Mr. Chairman, we will be able to determine whether or not we are giving the appropriate notice so that those who are the subject of an audit can appropriately respond but, as well, appropriately refund the monies that may have been overspent by the Government.

I ask my colleagues to join me in supporting this amendment to a very good piece of legislation that will address both the issue of overpayments but, as well, the questions of due process and being fair to our large, medium, and small businesses that do business with the United States Government.

Mr. BURTON of Indiana. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, there is a reporting requirement in the bill in section 3565(c) of the legislation under the Responsibilities of the Office of Management and Budget. However, if the gentlewoman from Texas (Ms. JACKSON-LEE) feels like this is necessary to have an additional study, even though I think that is covered in the bill, we have no objection to it, and we will accept the amendment.

Mr. TURNER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the amendment offered by my colleague from Texas (Ms. JACKSON-LEE).

This amendment would require OMB to conduct a study on the adequacies of the notices on overpayments provided to the companies that are subject to recovery audits.

Companies that are audited deserve to know detailed information about the nature of the overpayments that the recovery auditors identify.

□ 1330

I appreciate the remarks made by the gentleman from Indiana. I think it is appropriate that we include this in this bill. I want to commend the gentlewoman from Texas for bringing this amendment forward. I would urge its adoption.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

The CHAIRMAN. The question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. FOWLER) having assumed the chair, Mr. BARRETT of Nebraska, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1827) to improve the economy and efficiency of Government operations by requiring the use of recovery audits by Federal agencies, pursuant to House Resolution 426, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BURTON of Indiana. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 2 p.m.

Accordingly (at 1 o'clock and 32 minutes p.m.), the House stood in recess until approximately 2 p.m.

□ 1402

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BARRETT of Nebraska) at 2 o'clock and 2 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 8 of rule XX, the Chair will now put the question on the passage of H.R. 1827 and each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 1827, de novo:

H.R. 2952, de novo; and

H.R. 3018, de novo.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

GOVERNMENT WASTE CORRECTIONS ACT OF 1999

The SPEAKER pro tempore. The pending business is the question de novo of the passage of the bill, H.R. 1827, on which further proceedings were postponed.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BURTON of Indiana. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 375, nays 0, not voting 59, as follows:

[Roll No. 29]

YEAS—375

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Camp
Canady
Cannon
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Davis (FL)
Davis (VA)
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Doyle
Dreier
Duncan
Edwards
Ehlers
Emerson
Engel
English
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fletcher
Foley
Forbes
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Largent
Larson
Latham
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Oxley
Pallone
Pastor
Paul
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Rothman
Roukema
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)

Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—59

Berman
Bilbray
Bono
Brown (OH)
Calvert
Campbell
Capps
Cox
Cunningham
Danner
Davis (IL)
Deal
DeFazio
Dooley
Doolittle
Dunn
Ehrlich
Eshoo
Filner
Ford
Gallegly
Gillmor
Herger
Hinojosa
Hunter
Jones (OH)
Kasich
Kind (WI)
Klink
Kucinich
Kuykendall
Lantos
LaTourette
Martinez
McKeon
McKinney
Millender-McDonald
Miller, Gary
Miller, George
Napolitano
Norwood
Owens
Packard
Pascrell
Payne
Radanovich
Rogan
Rohrabacher
Roybal-Allard
Royce
Rush
Scarborough
Schaffer
Souder
Spence
Tanner
Vento
Waters
Woolsey

□ 1426

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read:

A bill to improve the economy and efficiency of Government operations by requiring the use of recovery audits and recovery activity by Federal agencies.

A motion to reconsider was laid on the table.

Stated for:

Mr. ROYCE. Mr. Speaker, on rollcall No. 29 I was inadvertently detained. Had I been present, I would have voted "yes."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. Barrett of Nebraska). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on each motion to suspend the rules on which the Chair has postponed further proceedings.

KEITH D. OGLESBY STATION

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and passing the bill, H.R. 2952.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. Terry) that the House suspend the rules and pass the bill, H.R. 2952.

The question was taken.

RECORDED VOTE

Mr. FOSSELLA. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 377, nays 0, not voting 57, as follows:

[Roll No. 30]

AYES—377

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Camp
Canady
Cannon
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Davis (FL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fletcher
Foley
Forbes
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Largent
Larson
Latham
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Oxley
Packard
Pallone
Pastor
Paul
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Rothman
Roukema
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—57

Armey
Berman
Bilbray
Bono
Brady (TX)
Brown (OH)
Calvert
Campbell
Capps
Cox
Cunningham
Danner
Davis (IL)
DeFazio
Dooley
Dunn
Eshoo
Filner
Ford
Gallegly
Gillmor
Hinojosa
Jones (OH)
Kasich
Kind (WI)
Klink
Kucinich
Kuykendall
Lantos
LaTourette
Lee
Martinez
McKeon
McKinney
Millender-McDonald
Miller, Gary
Miller, George
Napolitano
Norwood
Owens
Pascrell
Payne
Radanovich
Rogan
Rohrabacher
Roybal-Allard
Royce
Rush
Scarborough
Schaffer
Smith (NJ)
Souder
Spence
Tanner
Vento
Waters
Woolsey

□ 1435

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LAYFORD R. JOHNSON POST OFFICE, RICHARD E. FIELDS POST OFFICE, MARYBELLE H. HOWE POST OFFICE, AND MAMIE G. FLOYD POST OFFICE

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The pending business is the question of suspending the rules and passing the bill, H.R. 3018, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. TERRY) that the House suspend the rules and pass the bill, H.R. 3018, as amended.

The question was taken.

RECORDED VOTE

Mr. FOLEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 375, noes 0, not voting 59, as follows:

[Roll No. 31]

AYES—375

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Bryant
Burr
Burton
Callahan
Camp
Canady
Cannon
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Davis (FL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fletcher
Foley
Forbes
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Largent
Larson
Latham
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Oxley
Packard
Pallone
Pastor
Paul
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Rothman
Roukema
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—59

Armey
Baldacci
Berman
Bilbray
Bono
Brown (FL)
Brown (OH)
Buyer
Calvert
Campbell
Capps
Cox
Cunningham
Danner
Davis (IL)
DeFazio
Dooley
Dunn
Eshoo
Filner
Ford
Gallegly
Hinojosa
Jones (OH)
Kasich
Kind (WI)
Klink
Kucinich
Kuykendall
Lantos
LaTourette
Martinez
Matsui
McIntyre
McKeon
Millender-McDonald
Miller, Gary
Miller, George
Napolitano
Norwood
Owens
Pascrell
Payne
Radanovich
Reynolds
Rogan
Rohrabacher
Roybal-Allard
Royce
Rush
Scarborough
Schaffer
Souder
Spence
Tanner
Vento
Waters
Weldon (FL)
Woolsey

□ 1444

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to designate certain facilities of the United States Postal Service in South Carolina.".

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. OWENS. Mr. Speaker, I was unavoidably absent on a matter of critical importance and missed the following votes:

On H.R. 2952, to redesignate the facility of the U.S. Postal Service in Greenville, South Carolina as the Keith D. Oglesby Station, introduced by the gentleman from South Carolina, Mr. DEMINT, I would have voted "yea."

On H.R. 3018, to designate the U.S. postal office located at 557 East Bay Street in Charleston, South Carolina as the Marybelle H. Howe Post Office introduced by the gentleman from South Carolina, Mr. CLYBURN, I would have voted "yea."

On H.R. 1827, the Government Waste Corrections Act, introduced by the gentleman from Indiana, Mr. BURTON, I would have voted "yea."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 979

Mr. SHOWS. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 979.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas or nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules.

CONGRATULATING LITHUANIA ON THE TENTH ANNIVERSARY OF ITS INDEPENDENCE

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 91) congratulating the Republic of Lithuania on the tenth anniversary of the reestablishment of its independence from the rule of the former Soviet Union.

The Clerk read as follows:

S. CON. RES. 91

Whereas the United States had never recognized the forcible incorporation of the Baltic states of Estonia, Latvia, and Lithuania into the former Soviet Union;

Whereas the declaration on March 11, 1990, of the reestablishment of full sovereignty and independence of the Republic of Lithuania led to the disintegration of the former Soviet Union;

Whereas Lithuania since then has successfully built democracy, ensured human and minority rights, the rule of law, developed a free market economy, implemented exemplary relations with neighboring countries, and consistently pursued a course of integration into the community of free and democratic nations by seeking membership in the European Union and the North Atlantic Treaty Organization; and

Whereas Lithuania, as a result of the progress of its political and economic reforms, has made, and continues to make, a significant contribution toward the maintenance of international peace and stability by, among other actions, its participation in NATO-led peacekeeping operations in Bosnia and Kosovo: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress hereby—

(1) congratulates Lithuania on the occasion of the tenth anniversary of the reestablishment of its independence and the leading role it played in the disintegration of the former Soviet Union; and

(2) commends Lithuania for its success in implementing political and economic reforms, which may further speed the process of that country's integration into European and Western institutions.

□ 1445

The SPEAKER pro tempore (Mr. OSE). Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from Connecticut (Mr. GEJDENSON) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise in support of Senate Concurrent Resolution 91 congratulating Lithuania on its 10th anniversary of the reestablishment of its independence.

Mr. Speaker, it is hard to believe that 10 years have now passed since the Lithuanian nation took their courageous step of declaring independence from the Communist dictatorship of the former Soviet Union. And despite the passage of these last 10 years, many of us who served in the Congress at that time still vividly remember the struggle that Lithuania had to undertake in order to make that declaration a reality.

We recall the thousands of Soviet troops who were then garrisoned in Lithuania. We also recall the Soviet armored columns rolling through the capital of Vilnius in the dead of night some 10 years ago. We also remember the economic boycott that was imposed on Lithuania by the Soviet regime in Moscow. We remember too how Soviet President Mikhail Gorbachev insisted that, if Lithuania were to secede from the Soviet Union, it would have to compensate the Soviet government for all its investments in Lithuania since 1940, the year when the Soviet Union invaded and occupied that country.

What an ironic demand that was, given the fact that Lithuania never asked to be part of the Soviet Union, and given the fact the Soviet Union's so-called legacy to Lithuania and to its neighbors, if not a curse, was a very questionable legacy at best.

In fact, it has taken all of the strength that the Lithuanian people could muster to overcome the so-called blessings of that legacy bestowed by the former Soviet regime, including all of the dilapidated industries, their environmental damage, and the lack of trading and preparation that was needed by the Lithuanians to succeed in any market-oriented economy.

Now, Mr. Speaker, some 10 years later, in spite of that so-called legacy, Lithuania is now looking to its future and building on the progress it has made in the decade since the Soviet Union broke up.

Today, thousands of Soviet troops are gone. Today, Lithuania is a member of NATO's alliance's Partnership For Peace program and is looking forward to the day when it may become a full member of that alliance. And, today, Lithuania is actively seeking membership in the European Union.

Lithuania has implemented market reforms despite the tremendous difficulties associated with the economic transformation from a Communist system of control of workers and resources to the system of private enterprise and free markets. In short, Lithuania is working to return to its rightful place in Europe and in the world.

Mr. Speaker, I am pleased that our Nation has played a strong role in helping Lithuania, not just since it gained its independence but during the many years when it refused to recognize the Soviet Union's illegal incorporation of that country into its Communist dictatorship.

The passage of this resolution, Mr. Speaker, congratulates Lithuania and its people on the 10th anniversary of their independence, recognizing the role that Lithuania played in the breakup of the Soviet Union, and noting the reforms that Lithuania has struggled to implement. Accordingly, Mr. Speaker, I urge the passage of this worthy resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. GEJDENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I ask unanimous consent that, at the conclusion of my remarks, the remaining control of the time be yielded to the gentlewoman from California (Ms. LEE).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. GEJDENSON. Mr. Speaker, I join my colleague, the gentleman from New York (Mr. GILMAN), and the distinguished Senator from Illinois, Mr. DURBIN, who authored this resolution in the Senate, in recognition of a decade of great success and change by my mother's homeland, Lithuania.

This year, I had the opportunity to drive from my mother's Lithuania to my father's Belarus, and it exposes the incredible difference between the situation in Lithuania where they have engaged freedom and democracy. I had been to Vilnius in 1982, and what a change in these last 16, 17 years, from that time to my most recent trip. I could see it on the people's faces, the freedom, the opportunity to express themselves without fear of retribution or being followed by secret police. It is a thriving country, building strong relationships with its democratic and free neighbors. Sadly, in Belarus, the opposite is true. The economic situation continues to deteriorate and the people lose their freedom on a daily basis.

I am thrilled and privileged to be here in the United States Congress, having my mother and grandparents on her side of the family, all having been born in Vilnius, being here today on the floor and, frankly, doing something that many of us thought might not happen in our lifetime, celebrating not just the first anniversary of freedom in Lithuania but a full decade; only the beginning of decades and centuries to come.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. SHIMKUS), the cochairman of the Baltic caucus.

Mr. SHIMKUS. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in support of Senate Concurrent Resolution 91.

As cochairman of the House Baltic caucus, I am delighted that the House is joining the Senate in recognizing the 10th anniversary of the reestablishment of Lithuania's independence. Yes, the reestablishment. The original independence celebration actually goes back 80 years, when they first had freedom, prior to the Soviet aggression.

I have been down on this floor many times talking about the turbulent histories of the Baltic nations. I am pleased that today we are recognizing accomplishments. Over the last 10 years, Lithuania has worked diligently to ensure the human rights of its citizens, develop a free market economy, and pursue a course of integration into the European Union and NATO.

Additionally, the stability and peace which Lithuania brings to the Baltic region as it develops into a free and democratic nation is something that we all should be thankful for. It is my hope that Members of this body realize that, while we are celebrating just Lithuania today, Latvia and Estonia are also on the right path. While they all have turbulent histories, we should focus on the strides they have made to correct past injustices within their own borders. These are countries we should be proud of and embrace their burgeoning democratic ideas.

Mr. GILMAN. Mr. Speaker, I reserve the balance of my time, and I thank the gentleman for his supporting remarks.

Ms. LEE. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of this resolution.

Mr. Speaker, the Lithuanian people have always been in the forefront of democracy. Ten years ago, the Lithuanian parliament defied the Soviet Union by proclaiming its independence.

Today, Lithuania continues to be the window of democracy for its neighbors. Lithuania has welcomed the exiled politicians from Belarus who fled the oppressive regime of President Lukashenka.

The Lithuanian people should be proud of the magnitude of the political transformation. Lithuania today is a European nation. This week, the Lithuanian delegation, headed by Professor Landsbergis, is in Washington to commemorate this historic transformation.

Lithuanian economic achievements are no less significant. Lithuania has successfully carried out economic reforms and is well on its way to developing a functioning market economy. Lithuania, together with other Baltic countries, is considered a success story.

Mr. Speaker, I urge my colleagues to support Senate Concurrent Resolution 91.

Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I rise in strong support of Senate Concurrent Resolution 91 which congratulates Lithuania on the tenth anniversary of the reestablishment of its independence.

After declaring independence from the Soviet Union in 1918, Lithuania enjoyed two decades of self rule. During this period, Lithuanians were free to follow their cultural traditions and express their national identity. In 1940, Soviet troops invaded and occupied Lithuania and Lithuanians spent the next five decades under Soviet domination, forced to deny their heritage, language and traditions. At last, Lithuania regained its independence in 1990; indeed, I was pleased to visit Lithuania shortly thereafter and celebrate the regaining of its independence.

History is a crucible that melts away the extraneous to reveal the truly relevant events in human experience. One hundred years from now, when historians look back at the events of the 20th Century, I suspect they will marvel at the astonishing speed at which the barriers to freedom, which for so many years seemed so insurmountable, finally fell in Lithuania and throughout Eastern Europe. A century from now, the history books will say that freedom came to Lithuania as a result of the persistence and unbending spirit of the Lithuanian people.

It is altogether fitting that Congress recognize and congratulate Lithuania on the 10th anniversary of the reestablishment of independence. I urge all my colleagues to join me in voting for this important resolution.

Mr. LANTOS. Mr. Speaker, I rise today in strong support of S. Con. Res. 19 congratulating the Republic of Lithuania on the tenth anniversary of the reestablishment of its independence from the rule of the former Soviet Union. It is most appropriate that we are considering this resolution today, Mr. Speaker, because we have with us the most distinguished Speaker of the Lithuanian Parliament, Vytautas Landsbergis, who has played such a pivotal role in the renewal of the independence and sovereignty of Lithuania some ten years ago and who previously served as the President of Lithuania.

Mr. Speaker, I remember meeting with Speaker Landsbergis on a visit to Lithuania over ten years ago as the first stirrings of renewed independence were beginning to quicken life there. On that occasion, Speaker Landsbergis was a prominent musicologist and had not yet begun his political career. We walked together into one of Vilnius' outstanding Churches in order to get beyond earshot of the Soviet KGB officials who were directed to follow us. As we sat in one of the pews, we discussed his vision of the reestablishment of a sovereign and independent Lithuania. At that time, his vision appeared beyond any hope. Today, Mr. Speaker, we are celebrating the tenth anniversary of Lithuania's independence.

I had the opportunity to visit Lithuania just two months ago, Mr. Speaker, where I again had the opportunity to see the progress that has come after a decade of freedom. Lithuania's extraordinary progress during the past decade should serve as a model for all young democracies. Its leaders and its people have shown a commitment to free markets, civil liberties, and fair and open government as they have worked with such devotion to build their great nation. Lithuania stands today as a respected member of the international community and one of America's strongest allies. It is my sincere hope that, sooner rather than later, Lithuania's extraordinary achievements will be recognized in the form of a well-deserved invitation to join NATO.

Mr. Speaker, there is one matter of particular importance for which I would like to praise Speaker Landsbergis and the members of the Parliament (Seimas). Last month, by a vote of 54 to 6 the Seimas adopted amendments to the Lithuanian legal code which permit the conduct of war crimes trials in absentia if the accused is unable to be present for the trial because of medical reasons. This action will enable the Government of Lithuania to seek justice against some of the most notorious perpetrators of atrocities alive today.

This legislation, which was drafted by my friend Dr. Emanuelis Zingeris, the Chairman of the Seimas' Human Rights Committee, states that if a person charged with genocide "cannot for reasons of his physical condition, according to the findings of experts, be present at the place of the hearing, the defendant shall be provided technical facilities at the place where he is staying to directly take part in the hearing by giving evidence to the court, putting questions to other participants of the hearing and taking part in the proceedings." This reform will allow defendants in war crimes trials the right to participate in their own defense, but it also will permit the victims of these horrendous crimes against humanity to see that justice is done.

As a survivor of the Holocaust and as the Chairman of the Congressional Human Rights Caucus, I applaud the Seimas and its leaders for their action, for reaffirming so strongly the commitment of the Lithuanian Government to justice. I hope—and expect—that this initiative will allow the cold-blooded killers who were responsible for the crimes of the Holocaust to be held accountable for their crimes. Genocide must never be forgotten.

Mr. Speaker, in 1941 Fruma Kaplan was only six years old when she and her mother, Gitta, were arrested by Lithuanian Security Police (Saugumas) in the capital city of Vilnius. Fruma's crime? She was born Jewish, an unpardonable sin in Nazi-occupied Lithuania. On December 22 of that year, Fruma and her mother were taken to the woods of Paneriai outside of Vilnius, stripped down to their underwear, lined up at the edge of pits, and viciously gunned down.

Fruma and Gitta Kaplan did not face their horrible fate along. Prior to 1941, Vilnius was home to one of the most vibrant Jewish communities in Europe. It was called the "Jerusalem of the North." Artists, scholars, philosophers, and religious leaders all lived there, men and women renowned for their intellectual and cultural talents. After the Nazi invasion, they were slaughtered—55,000 of Vilnius' 60,000 Jews perished during World War II.

The death warrants for Gitta and little Fruma were signed by Aleksandras Lileikis, the Chief of the Lithuanian Security Police for Vilnius Province. He supervised the slaughter of Vilnius' Jewish community with precision and zeal, sending Jews to Paneriai regardless of age and infirmity. The Kaplan documents make up only a small portion of the overwhelming evidence which establishes Lileikis' guilt. Our own Department of Justice calls this evidence in the Lileikis case a "shockingly complete paper trail."

Lileikis and his deputy, Kazys Gimzauskas, escaped Lithuania and came to the United States after World War II. They lived quite lives, Lileikis in Massachusetts and Gimzauskas in Florida, evading the consequences of their crimes. It wasn't until this past decade—after the collapse of the Soviet Union and the opening of archives and other sources of information not available until that point—that the U.S. Department of Justice was able to accumulate the evidence which established the legal basis for stripping U.S. citizenship from these two individuals, who covered up their horrendous crimes. They were deported from the United States and ended up back in the newly independent Lithuania.

Since their return to Lithuania, Lileikis and Gimzauskas classified their wartime activities as the deeds of "Lithuanian patriots," slandering the legacy of the untold thousands of courageous Lithuanians who fought to defend their national identity against Soviet might. Even so, these shameless men were never brought to trial, as their claims of medical and age-related infirmities stalled court proceedings indefinitely. The legal amendments passed by the Seimas promise to alter this status, because the Prosecutor-General of Lithuania can now initiate trials for Lileikis and Gimzauskas without further delay.

Lileikis and Gimzauskas are not alone. Several other Nazis have been denaturalized and deported by the U.S. Department of Justice, and the memory of the Holocaust demands that they be brought to justice as soon as possible. It is imperative that the Lithuanian Government send a firm and principled message that the murder of 240,000 of its Jewish citizens in the Holocaust will never be forgotten, not in this generation or in any generation to come. It is my hope that Lithuania will soon demonstrate this commitment by opening trials against Lileikis, Gimazuskas, and other Lithuanians who participated in Nazi atrocities.

Mr. Speaker, I applaud recent statements by President Valdas Adamkus, Prime Minister Andrius Kubilius, and Speaker Landsbergis in support of the immediate prosecution of Nazi war criminals. As the Prime Minister eloquently noted at the January Holocaust conference in Stockholm, pursuing war criminals is "a moral duty that must be fulfilled in the 21st century as well," and that "forgiving and forgetting [the culprits] is out of the question." I could not agree more strongly with this sentiment.

The prosecution of Nazi war criminals will complement and strengthen the efforts of the question." I could not agree more strongly with this sentiment.

The prosecution of Nazi war criminals will complement and strengthen the efforts of the Lithuanian Government to promote Holocaust education. The Commission for the Investigation of Crimes Committed during the Nazi and Soviet Occupation of Lithuania, formed in 1998 and ably co-chaired by Dr. Zingeris, promises a thorough study of "the role of Lithuanians and others in the local population as perpetrators and/or collaborators in the Holocaust." The most vital responsibility of the Commission is clearly stated in its mission statement: "Support for the preparation of educational materials and curricula for school students at all levels, to promote study, discussion and understanding of Lithuanian history during the Nazi and Soviet occupations." Mr. Speaker, the true measure of the Commission's success rests in its ability to convey its findings to the children and grandchildren of today's Lithuanians. I am hopeful that it will achieve this goal.

Mr. Speaker, I welcome the changes that have taken place in Lithuania over the past decade. As I mentioned earlier, I had the opportunity this past January to visit Vilnius and see first-hand the changes. While there, I participated in the Lithuanian opening of "The Last Days," a documentary produced by Steven Spielberg and the Shoah Foundation about the experiences of five Hungarian survivors of the Holocaust. I was one of those five survivors, Mr. Speaker. As I walked through the neighborhood formerly occupied by the Jewish Ghetto, I was reminded of a part of Lithuanian heritage that can never be replaced—the talents and gifts of a quarter million murdered citizens and their unborn descendants. The loss overwhelmed me.

Later that evening, at the movie premiere, I was joined in my emotion by President Adamkus, Prime Minister Kubilius, Speaker Landsbergis, and a host of other prominent Lithuanian leaders. They attended as representatives of modern Lithuania—a nation strengthened by perseverance, emboldened by freedom, and sensitive to the consequences of human rights denied. It is a nation that, I am confident, will continue to learn from the lessons of its past and will use them to shape its future. The passage of the amendments to allow war criminals to be tried in absentia, and the prospect that the cases of Aleksandras Lileikis and other Nazi murderers will soon move forward, further strengthens my faith in this conviction.

Mr. Speaker, it is in this spirit that I urge my colleagues to join me in supporting S. Con. Res. 19. The accomplishments of the Lithuanian people during the past decades are impressive, but they pale only in comparison to the promise of this great nation in the years to come.

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on Senate Concurrent Resolution 91, the pending measure.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. LEE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and concur in the Senate concurrent resolution, Senate Concurrent Resolution 91.

The question was taken.

Mr. GILMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECOGNIZING THE 50TH ANNIVERSARY OF THE KOREAN WAR AND THE SERVICE BY MEMBERS OF THE ARMED FORCES DURING SUCH WAR

Mr. BUYER. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 86) recognizing the 50th anniversary of the Korean War and the service by members of the Armed Forces during such war, and for other purposes, as amended.

The Clerk read as follows:

H.J. RES. 86

Whereas on June 25, 1950, Communist North Korea invaded South Korea with approximately 90,000 troops, thereby initiating the Korean War;

Whereas on June 27, 1950, President Harry S Truman ordered military intervention in Korea;

Whereas approximately 5,720,000 members of the Armed Forces served during the Korean War to defeat the spread of communism in Korea and throughout the world;

Whereas casualties of the United States during the Korean War included 54,260 dead (of whom 33,665 were battle deaths), 92,134 wounded, and 8,176 listed as missing in action or prisoners of war; and

Whereas service by members of the Armed Forces in the Korean War should never be forgotten: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress—

(1) recognizes the historic significance of the 50th anniversary of the Korean War;

(2) expresses the gratitude of the people of the United States to the members of the Armed Forces who served in the Korean War;

(3) honors the memory of service members who paid the ultimate price for the cause of freedom, including those who remain unaccounted for; and

(4) calls upon the President to issue a proclamation—

(A) recognizing the 50th anniversary of the Korean War and the sacrifices of the members of the Armed Forces who served and fought in Korea to defeat the spread of communism; and

(B) calling upon the people of the United States to observe such anniversary with appropriate ceremonies and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. BUYER) and the gentleman from Missouri (Mr. SKELTON) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana (Mr. BUYER).

GENERAL LEAVE

Mr. BUYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Joint Resolution 86, now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. BUYER. Mr. Speaker, I yield myself such time as I may consume.

The forgotten war. That is what many of our Korean War veterans think about their service in Korea and the Korean era, and yet there are so many names in the Korean War that are permanently installed in the American lexicon. Such names as Inchon, the 38th parallel, Heartbreak Ridge, Pork Chop Hill. How is it that we have come to forever remember the places of war but overlook the people that sacrificed and endured?

I would like to share a soldier's story. And there are many stories that individuals can share, whether it is in the sea or on the ground or in the air, but I would like to tell this one of a teenager from White County, Indiana, by the name of Bill Green.

☐ 1500

On June 23, 1950, before dawn, North Korean artillery opened fire across the 38th parallel with preparatory fires. A half hour later, the North Korean Army commenced a four-prong attack with an estimated nine divisions, numbering 80,000 men, 150 tanks and numerous artillery pieces.

At the time, Mr. Green served with K Company, the 21st Infantry, and the 24th Infantry. He was stationed in Japan as part of the World War II Army of Occupation under General Douglas MacArthur.

In less than a week, Mr. Green and his unit were air transported to Korea and formed Task Force Smith. The Force was tasked to delay and defend the attacking North Koreans at Osan, only 50 miles from the North Korean border.

Task Force Smith was comprised of the 7th, the 24th, and the 25th Divisions, as well as the 1st Cavalry. They were severely undermanned and totaled 66 percent of the normal combat strength. The 24th Division, to which Mr. Green was assigned, had only 10,800 men of a required 18,900 strength.

In fact, when Mr. Green's company arrived in Korea, it carried only two 81-mm base plates and two mortar tubes but no bipods to stabilize the weapon and no sights to aim the weapon.

In addition, K company had no recoilless rifles, the main weapon used against tanks, and the only jeep in the weapons company was a privately owned vehicle belonging to one of the privates. Furthermore, the artillery attached to Task Force Smith possessed only 13 anti-tank artillery rounds.

On July 2, 1950, the Task Force moved north from Pusan, South Korea, pushing through endless lines of bewildered refugees and retreating South Korean Army units.

On July 5, 1950, a strong force of North Korean infantry and tanks struck Task Force Smith as it stood alone in the roadway between attacking communist forces and the rest of a free South Korea. The outnumbered Americans fired artillery, bazookas, mortars and their rifles at North Korean communists and their Russian-made tanks.

During the battle, Task Force Smith was hopelessly outgunned and outnumbered. In the area of operations for the 24th Division, Mr. Green's 21st regiment was outmanned nine to one, approximately 9,000 to 1,000. The 21st Infantry, with only two rifle companies, a battery of 105 howitzers, two mortar platoons, and six bazooka teams received its baptism of fire in Korea by holding an entire enemy division for 7 hours. Escaping impending doom near Osan, the 21st fought its way out of encirclement and retreated 12 miles south.

Following the battle at Osan, Task Force Smith defended the town of Taejon, half way between the North Korean border and Pusan, the last stronghold of American and South Korean forces.

In August and September, Mr. Green participated in the defense of Pusan, which was only one area between advancing North Korean forces and the sea.

On September 19, 1950, Task Force Smith attacked across the Naktong River, breaking out of the Pusan Perimeter and beginning the rapid advance to the north, thus escaping the fall of South Korea and the certain death of thousands of Americans and South Koreans.

The reason I pause to share this is, this was an individual who was, like many others, teenagers, young men in their 20s even. They went and served in the military. This was the aftermath of World War II. They found themselves in the comfort of an occupation force. They were not adequately trained. They were not adequately manned and staffed. They were not even adequately resourced. Yet they were called because their country called them to duty. And that is what they were, called to duty. And they had to face an outnumbered force.

Yet they fought with truly an American character. They fought for no bounty of their own but to only leave freedom in their footsteps. The Korean War. Over 55,000 lost their lives in the Korean War. It is only proper that we pause and think about those, many of whom had just served in World War II, some of whom were not old enough to have served in World War II, Mr. Speaker, but they found themselves in a similar position as Mr. Green.

My father, John Buyer, is a Korean War-era veteran. He went to Culver Military Academy. He went to the Citadel. After all those years of military training, he decided to decline his commission, and wanted to go into medicine. But he got drafted. And instead of all his peers serving in the officer corps, my father taught me many things in his silence.

He ended up as a sergeant in the Army. Not once did he ever complain. Not once did he ever say, oh, I could have been an officer. No. His country called and he did his duty, like millions before.

I do not know whoever said that the Korean War was the forgotten war. But from my point of view, as a son of a Korean War-era veteran, it is a meaningful war to me.

Mr. Speaker, I reserve the balance of my time.

Mr. SKELTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of this resolution, H.J. Res. 86, a resolution commemorating the 50th anniversary of the Korean War.

I cannot help, while sitting here awaiting my moment to speak, to think of names like Barney Rostine, Richard Yates, Jim Sparks, schoolmates of mine who paid the ultimate price and were killed in action during the Korean War.

I was fortunate to have a roommate in law school who later became a judge in Brookfield, Missouri, by the name of Robert Devoy, who fought in the Pusan Perimeter, the conflict of which the gentleman from Indiana (Mr. BUYER) just mentioned. So it is with great respect and reverence that I support this resolution today.

Fifty years ago this June, President Harry S. Truman ordered United States military intervention on the Korean Peninsula. Over the next 3 years, over 54,000 Americans paid the ultimate price; and 33,000 were actually killed in action. Over 110,000 Americans were wounded or missing in action. In addition, over 228,000 South Korean soldiers and untold numbers of civilians gave their lives.

These stark statistics serve as a reminder to all of us that the aphorism "freedom isn't free" is more than just a few words. The sacrifices of thousands of American service members purchased the freedom that South Koreans enjoy to this day, a freedom that our military continues to protect.

In many respects, our participation in the Korean conflict presaged and has served as a model for our way of military operations today.

Korea was the first multilateral United Nations operation, and it has become the longest standing peacekeeping operation in modern times. The unfortunate experience of Task Force Smith has taught us the paramount importance of sending forces into battle only when they are adequately trained and equipped.

We have also learned that units cannot be thrown piecemeal into battle but must be engaged in a coordinated fashion with air and sea power and with overwhelming force.

The lessons of the Korean War, taught at such great costs, have served us well in the conflicts in which we have participated since then, from Vietnam to the Persian Gulf War and now in Bosnia and Kosovo.

As much as we may be inclined to remember the leaders who ultimately brought us victory in the Korean War—Truman, MacArthur, Acheson, Walker and Ridgeway—it is really the men and women who served so bravely to whom we should pay tribute today. And that is what we do. Without their selfless dedication, their valor, their perseverance, the people of South Korea would not be living in a free and prosperous society as they are.

This resolution recognizes their service, expresses the gratitude of the American people, and calls upon the President of the United States to issue an appropriate proclamation, something he unquestionably should do.

Mr. Speaker, I urge all my colleagues to support H.J. Res. 86.

Mr. Speaker, I reserve the balance of my time.

Mr. BUYER. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois (Mr. EWING), the sponsor of the bill.

Mr. EWING. Mr. Speaker, I rise today in support of House Joint Resolution

86, which I proudly have introduced in this House.

The year 2000 marks the 50th anniversary of the Korean War. This joint resolution recognizes this important anniversary and the sacrifice of all members of the Armed Forces who served there.

I thank the 210 of my colleagues who have cosponsored this important piece of legislation, and I thank them for offering their support to the Korean War veterans.

On June 25, 1950, communist North Korean forces crossed the 38th Parallel and invaded the country of South Korea. Two days later, on June 27, 1950, President Harry S. Truman called on American military forces to intervene. Over the next 3 years, 5.72 million Americans would heed the call to service.

When the fighting came to an end on July 27, 1953, 92,134 had been wounded, 54,260 Americans had died, 33,665 of which were battle dead; 8,176 were either prisoners of war or missing in action.

Every time I have visitors come to this great city, one of the things that I like to see them take in, particularly at night, is the Korean War Memorial. It is truly a most moving tribute to our servicemen.

The Korean War ended just before I graduated from high school, but it was a real part of my life. My brother was serving in the military. Later I met many of my future college fraternity brothers who had served in Korea, and I shared stories with them. But even though the fighting in Korea ended in 1953, for the next 40 years, America stood on the victory of our soldiers in Korea. And I believe that the victory in Korea started the downfall of communism, until its ultimate defeat 10 years ago. And yet, our military still serves freedom's goals in Korea in protecting this country.

In my own Congressional district, veterans have joined together to build a Korean War Veterans National Museum and Library in Tuscola, Illinois. This may well be the first facility solely devoted to the remembrance, research, and study of the Korean War.

By calling on the President to issue a proclamation recognizing the 50th anniversary of the Korean War and calling on the American people to observe this occasion with appropriate ceremonies and activities, efforts such as these of the veterans in the 15th District of Illinois remembering this war will be very, very meaningful.

As veterans across the country join together over the next 3 years to remember both the victories and their fallen colleagues, we in Congress must take the lead by saying thank you to those who returned and those who did not.

Regretfully, the Korean War is often referred to as "the forgotten war." By passing this resolution, we in the House of Representatives, Republicans and Democrats, but first of all Americans, we can help end that nomenclature for the Korean War.

I would not only like to thank Chairman SPENCE for bringing this bill forward for consideration, but I would also like to thank him and all of our colleagues whose service here in this chamber was preceded by their sacrifice in Korea in defense of freedom.

In a short while, we will vote on this joint resolution. Let it not be forgotten that we may not even have this opportunity to vote this day had it not been for these heroes who so faithfully fought to protect the republic. To the veterans who served and those who made the ultimate sacrifice, we say thank you.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. MCNULTY).

□ 1515

Mr. MCNULTY. Mr. Speaker, I rise in very strong support of this joint resolution of which I am proud to be a cosponsor. I agree with the author of this resolution and the other Members who have spoken in saying that it is high time we remove any remaining perception that this is a forgotten war. I am very proud of the fact that in the 21st District of the State of New York, it is certainly not forgotten. We have beautiful memorials to the Korean War veterans both in Albany and in Troy; and on the first Monday of every month, Mr. Speaker, in Albany, we salute a distinguished veteran. We do the same thing on the second Monday of every single month in Rensselaer county to keep the memories alive and to give thanks.

And so today I salute and pay tribute to the more than 54,000 Americans who gave their lives in service to our country, a sacrifice which my brother made in a succeeding war. I also salute those who are still alive today from the Korean era; and there are many, like my friend Ned Haggerty who is twice the recipient of the Purple Heart.

This is a good resolution, also, for us to generally stop and pause and get our priorities straight and to remember that had it not been for the men and women who wore the uniform of the United States military through the years, we would not have the privilege of going around bragging about how we live in the freest and most open democracy on earth. Freedom is not free. We paid a tremendous price for it. That is why when I get up in the morning as my first two priorities, I thank God for my life and then I thank veterans for my way of life. Today, I especially thank those from the Korean era.

Mr. BUYER. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. STUMP), chairman of the Committee on Veterans' Affairs.

Mr. STUMP. Mr. Speaker, I thank the gentleman from Indiana for yielding time to me. I thank the gentleman from Illinois (Mr. EWING) for introducing this measure.

Mr. Speaker, June 25 will mark the 50th anniversary of the outbreak of the Korean War. It is called the forgotten war not because it was not important, but because it came between the most popular war, World War II, and the most controversial war, the war in Vietnam. It was the first real resistance to world communism.

America at the mid-century point still yearned for peace. That was especially true for those of us who fought during World War II. But it was not to be. World War II had made America the undisputed champion of the free world. There was no other power capable of responding when North Korea launched an all-out predawn attack on the south hoping to unite the Korean peninsula under Communist rule. North Korea with the aid of the Soviet Union and Communist China thought conquest would be quick and easy.

Mr. Speaker, they were wrong. The Korean War was as bitter and bloody as any war America ever fought. It taught us many lessons and still teaches us today. It taught a lesson to those who thought America would not accept the role of defender of the free world. Mr. Speaker, it is my hope by the time this year is over, neither the Korean War nor the men who fought in it will be forgotten any longer. It certainly will not be forgotten by the more than 50,000 families who lost loved ones in the Korean War.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Speaker, I thank the gentleman for yielding me the time. I rise in strong support of this bill. With over 60,000 military retirees and veterans in my district, which includes thousands of Korean War veterans, I am proud to be a cosponsor of this bill and to speak in support of its passage today.

The 50th anniversary of the Korean War is a time for all Americans to reflect on the incredible sacrifices made by our men and women in preserving liberty on the Korean peninsula. Mr. Speaker, our Korean War veterans are America's heroes for their incredible courage and bravery. They fought for freedom under some of the harshest combat conditions imaginable.

Last December I had the opportunity to visit our troops stationed in Korea. I saw firsthand the rough terrain and cold and cruel climate that our Korean veterans endured and which our troops today continue to bear in defense of peace along the 38th Parallel. Looking back on these sacrifices, none of us should ever forget the honorable service of our Korean War veterans, nor should we forget the sacrifices made by their families.

As the Korean War memorial in Washington, D.C. reflects, freedom is not free. No one knows that better than our Korean War veterans. Millions of American soldiers left their families, friends, and their lives to defend the people of a faraway land, far from the United States. They are part of our American legacy that has always been ready to take up arms whenever necessary to protect our national security and turn back the attacks of totalitarianism. When we stand and take stock of the freedom and security that our Nation enjoys today, let us never take for granted the contributions and patriotism of our Korean War veterans.

This 50th anniversary commemoration should, therefore, serve as a strong reminder of our gratitude to our Korean War veterans and to our soldiers currently deployed around the world serving proudly on behalf of this country. It honors the memory of those who paid the ultimate sacrifice for the cause of freedom and recognizes our continuing commitment to those who remain unaccounted and still missing. Let us with this resolution begin a year of remembrance and recognition.

Mr. BUYER. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. SWEENEY).

Mr. SWEENEY. Mr. Speaker, I rise in support of the resolution.

When war broke out in Korea, America plunged headlong into conflict half a world away without even a week's notice. Brave men and women from around our great nation responded immediately to the call for help. They left families, traveled thousands of miles from home to the Korean peninsula, fought fiercely for freedom, and turned back the tide of communist aggression.

Some may call Korea the "Forgotten War", but we must never forget the enormous sacrifices these fine American's made. I fill with pride as I listen to veterans from my district speak of their Korean War experiences. One can only imagine the horrors of war they underwent. I salute those who endured the bitter cold, driving monsoon rains, nerve-racking machine gun fire, and relentless bombardment in their successful attempt to protect freedom for all.

It is time, Mr. Speaker, to recognize and honor these great Americans. General Matthew Ridgeway, 8th United States Army Commander, best described what the service men and women were fighting for under his command in Korea. He accurately noted "this has long since ceased to be a fight for freedom for our Korean Allies alone and for their national survival. It has become, and it continues to be, a fight for our own freedom, for our own survival, in an honorable, independent national existence." Our fine men and women fought to uphold the principles of our democracy. They fought for our liberty.

Let us never forget the 5,720,000 Americans who nobly served on land, in the air, and at sea during the Korean War. Their sacrifices were immeasurable and accomplishments great in places like Pusan, Chosen Reservoir, Yalu River, and Inchon. They faced an enemy of superior number, but never their equal in determination and fortitude. These Americans took the first stand against communism and won.

The Korean War taught us several things which are applicable today. First, it reminds us to recognize, appreciate and take care of the veterans who fought for this country. Let us continue to build upon our first session successes in regards to veterans legislation. We must honor our commitment to veterans, as they honored their obligations in Korea.

It also reminds us of the importance of having a fully manned, equipped, and trained force. Ready forces deter the type of aggression we saw exhibited in Korea. America's forces must have the resources to be able to protect our freedom.

Mr. Speaker, please join me in supporting House Joint Resolution 86, recognizing the 50th Anniversary of the Korean War. America's men and women served bravely and deserve our highest recognition.

Mr. BUYER. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. GILMAN), chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me the time. I am pleased to rise in support of this resolution enabling Congress to duly recognize the significance of the 50th anniversary of the Korean War and allowing us to pay tribute to our armed forces who served and honoring those who made the ultimate sacrifice or are still unaccounted for as a result of the Korean War. Regrettably the Korean veterans have not received due recognition, the Korean War having become known as the forgotten war. I hope we can change that designation.

Those who served in Korea faced the same harrowing experiences and personal sacrifices that all veterans face while engaged in hostilities. The Korean War was the first successful multinational operation carried out under U.N. auspices. At the same time, the strong U.S. desire to keep the Soviet Union out of the conflict placed severe constraints on U.S. operations in Korea.

Over the past few years, there has been a strong focus on the 2,000 unaccounted-for POWs and MIAs of the Vietnam war. While our hearts go out to all the families of missing veterans, we must not forget that 8,100 veterans are still unaccounted for in Korea. Accordingly, Mr. Speaker, I urge our distinguished colleagues to support H.J. Res. 86 so that the efforts of our Korean veterans can be duly recognized.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ).

Mr. ROMERO-BARCELÓ. Mr. Speaker, I want to join my colleagues in honoring the veterans of the Korean War on the 50th anniversary of the beginning of this international conflict. The men and women who served in the armed forces during this so-called forgotten war are to be commended for the sacrifices they made while fighting in this distant land.

I especially want to commend the veterans from Puerto Rico who served our country during this period. Over 61,000 Puerto Rican soldiers served in Korea, constituting 8 percent of the U.S. forces. Individually, they received numerous awards for gallantry in combat, including 8 recipients of the Distinguished Service Cross and 129 recipients of the Silver Star. The Army's most decorated unit during the Korean conflict was the Puerto Rican 65th Infantry Regiment, which was known throughout the Army as the Borinquenos, which is from the Indian name for Puerto Rico. In total 3,049 Puerto Ricans were wounded in combat and 756 gave their lives in defense of American democratic values. I would like to share a letter from General Douglas MacArthur, the Supreme Commander for the allied powers in the Korean operation, who wrote to the commander of the 65th Infantry on February 12, 1951:

"The Puerto Ricans forming the rank of the gallant 65th infantry on the battlefield of Korea by valor, determination and a resolute will to victory give daily testament to their invincible loyalty to the United States and the fervor of their devotion to those immutable standards of human relations to which the Americans and Puerto Ricans are in common dedicated. They are writing a brilliant record of achievement in battle and I am proud indeed to have them in this command. I wish that we may have many more like them."

I thank the gentleman for allowing me the opportunity to honor the sacrifices of the gallant Americans who served in the armed forces during the Korean War.

Mr. BUYER. Mr. Speaker, I yield 1 minute to the gentleman from Nebraska (Mr. BARRETT).

Mr. BARRETT of Nebraska. Mr. Speaker, I thank the gentleman for yielding me the time. I rise in very strong support of this resolution, which honors the 1.7 million Americans who served our country so courageously in the Korean theater. It is often called the forgotten war, but because of the long-term impact it has had on the world, this war and its veterans certainly should be anything but forgotten.

The Department of Defense is starting a commemoration period lasting until 2003 to honor the many veterans who served in this war. National and international events are planned and an education program is under way to encourage study of the Korean War in high school history programs. I urge all Americans to take time to honor these veterans and reflect on the sacrifices that they made for this country.

I served in the Navy during the Korean War, but I spent the war years stateside. Even though I was never in theater, I still think of the Korean War as the war of my generation. There were 5.7 million of us who served worldwide during the Korean war. Unfortunately, the veterans of that war have never been as honored as their counterparts who served in World War II just a few years before. That is why it means so much to me that we are now taking this opportunity 50 years later to honor these people.

I rise today in strong support of this resolution which honors the 1.7 million Americans who served our country so courageously in the Korean theater. The Korean War is often called the forgotten war, but because of the long-term impact it's had on the world, this war and its veterans should be anything but forgotten.

The Korean War changed the way wars were fought in a nuclear age, and marked the beginning of the Cold War. Our involvement in the Korean War serves as a poignant reminder of the power of American efforts against communist aggression. Since then, we've made a forty year investment in South Korea, toward peace and stability in the region.

The Department of Defense is starting a commemoration period lasting until 2003, to honor the many veterans who served in this war. National and international events are planned, and an education program is underway to encourage study of the Korean War in high school history programs. I urge all Americans to take time to honor these veterans, and reflect on the sacrifices they made for our country.

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Mr. SKELTON. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. RANGEL) who saw and was part of the conflict, former staff sergeant in the United States Army, now a distinguished and highly regarded Member of this Congress.

Mr. RANGEL. Mr. Speaker, I thank the gentleman for giving me this opportunity. I guess it was in June of 1950 when I was with the 2nd Infantry Division at Fort Lewis, Washington, when we heard that there was a police action in Korea. In July and August of that year, we were sent to Korea in a troop ship. Most of us were 19, 20 years old, and we were the first troops, American troops, from the States to go into Korea.

The 24th and 25th Divisions having left from Japan going there had been pushed from the 38th Parallel to the Pusan Perimeter. We landed and had substantial casualties but managed to get close to the 38th Parallel. General MacArthur had the Inchon landing and then we moved swiftly north to the Yalu river which separated North Korea from Manchuria, and the entire 8th Army and the 2nd Infantry Division, of which I was a member, were there waiting to go home in September of 1950.

It was on or about this time that the Commander in Chief, Harry Truman, had a dispute with General MacArthur and General MacArthur left and dealt with the President of the United States. During this time, the Peoples' Volunteer Army completely surrounded the entire 8th Army, and on November 30, 1950, a massacre occurred of the 2nd Infantry Division and many of the supporting battalions that were there.

In June, I will be taking some of those veterans back to South Korea, and we are attempting to revisit some of the battle sites in North Korea. It was strange that people found it so easy to forget the tens of thousands of soldiers that responded to the United Nations and responded to President Truman as nations of the world got together to stop Communism. But I do not think that this is unusual to see our young people doing this type of thing.

And so whether it is World War I or II or whether it is the Korean War or the Vietnam War, I really think we ought to pay more attention to those people who take time out from their families, who put their lives on the line and many times are captured and give up their lives and then come back home to find themselves faced with getting food stamps and adequate pay and just plainly a lack of respect for what they have done.

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It has been 50 years but we have a long way to go, and I thank the gentleman for giving me this opportunity to pay tribute to so many friends and comrades that are no longer with us today.

Mr. BUYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I associate myself with the comments of the gentleman from New York (Mr. RANGEL) and for that reason, I would say to the gentleman from New York (Mr. RANGEL), I, by way of opening, shared also a soldier's story of Bill Green from White County, Indiana, who is part of Task Force Smith and those of us today, while I am the son of a Korean War veteran, having served in the Gulf War, today now being on the Committee on Armed Services, on the committee we use the example that those who lived with Task Force Smith, that never again will we place our men and women into harm's way whereby they are not trained properly or do not have the adequate resources to do the job. So we never want what the gentleman experienced ever have to happen again to our forces.

Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. SAM JOHNSON).

Mr. SAM JOHNSON of Texas. Mr. Speaker, I thank the gentleman from New York (Mr. RANGEL) for his remarks.

Mr. Speaker, some people know I served in Vietnam and was a POW there, but I think there are not too many who know that I also flew in Korea 62 combat missions, and we are here because the Korean War is referred to as the forgotten war, but we have not forgotten it.

Frankly, I was lucky enough to fly with Johnny Glenn and Buzz Aldrin in the same outfit, and I remember one day we went out on the revetments and watched Ted Williams land a shot-up airplane. He sacrificed his career to fight for America in that war.

I think oftentimes we forget there are 8,100 MIA still over there, that we are still searching for their remains. We have not given up.

I also have a lot of friends from Australia, South Africa, England, and other countries. That was one of those wars where one made friends from all over the world.

This resolution shows our strong support for all of those who fought and the many who died. Today there are millions of Korean War veterans who still remember the horrors of their experiences but would gladly fight again if this country called. They are individuals of honor and integrity, and they deserve to be recognized for their sacrifices to this country, including the gentleman from New York (Mr. RANGEL).

I salute them. Our Korean War era Veterans have never forgotten America; and we are here to say today, we will never forget them. God bless America.

Mr. SKELTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as I was growing up in my hometown of Lexington, Missouri, I built model airplanes with a young man by the name of Vance Frick, who I learned just a few days ago passed away, a distinguished lawyer in the State of Missouri.

Vance Frick was in the Air Force of the United States, was shot down, held captive for a long period of time in North Korea and fortunately was able to return to his civilian life.

I have another friend that I would like to mention because this resolution really is very personal to me, the gentleman who retired not long ago as a major general in the United States Army Reserve. His name is Robert Shirkey of Kansas City, a well-known trial lawyer there. If one would have seen him in his uniform before he retired from the Army Reserve, they would have seen he wore a combat infantry badge with a star on top. The star indicated that he not only saw combat as an infantryman in one but two wars. He did yeoman's work in the Second World War in the Pacific in the Philippines as a member of the Alamo Scouts and was called upon again as a young officer to fight again in Korea; which he did.

So it is with the Robert Shirkeys of America that that war was prosecuted, that freedom came to pass in South Korea, that the resolve of America became known, and that America was able to say we are the bastion of freedom for this globe.

Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, I thank the gentleman from Missouri (Mr. SKELTON) for yielding this time.

Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. QUINN).

Mr. QUINN. Mr. Speaker, I would like to thank the gentleman from Missouri (Mr. SKELTON) for yielding time to our side.

Mr. Speaker, I rise today in strong support of the resolution. Certainly as we are hearing from other speakers on both sides of the aisle, I join in that support. However, Mr. Speaker, I would like to just put a different angle on this for all of our Members who are listening and will come over shortly to vote. As the chairman of the Subcommittee on Benefits of our Committee on Veterans' Affairs, we are always talking about forgotten veterans, and we have heard this war be referred to as the forgotten war.

I would like to suggest to all of our Members that when we have to fight budget numbers, when we have to talk about funding things in this institution of ours, that we take the opportunity to make sure that this forgotten war is not forgotten; that all of our veterans are not forgotten. We take the opportunity to fight for every single penny we can for our veterans who have served this country.

So this resolution, Mr. Speaker, is absolutely the right thing to do, to ask our members to continue in that vein, to fight with us for proper funding.

Mr. BUYER. Mr. Speaker, I yield 1 minute to the gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. Mr. Speaker, I am honored to be here today as a Member of the House Committee on Veterans' Affairs, and I am honored to be a sponsor of this resolution. House Joint Resolution 86 calls upon the people of the United States to observe the 50th anniversary of the Korean War with appropriate ceremonies and activities. I am pleased to note that in Kansas we are going to do that, and I encourage all citizens of my State to look for other opportunities to say thank you to the veterans of the Korean War.

On July 25, 2000, the 50th anniversary of the beginning of the Korean War, in Salina, Kansas, a Korean War Veterans Planning Commission is planning a parade and other festivities to acknowledge the service to our country of our Korean War veterans.

On May 29, Memorial Day, I am planning a ceremony in Abilene, Kansas, at the Eisenhower Center to honor the Korean War veterans of the First District. I look forward to seeing them and their families there and we will pay tribute to their service to our country.

Eisenhower Center is an appropriate place for this ceremony as President Eisenhower played a significant role. A year after he became President, Eisenhower obtained the truce. So today I ask that we all join in supporting this resolution and that Kansans and all Americans recognize the important role these veterans played.

Mr. BUYER. Mr. Speaker, I yield 1 minute to the gentleman from South Dakota (Mr. THUNE).

Mr. THUNE. Mr. Speaker, the year 2000 does recognize the 50th anniversary of the Korean War, and this joint resolution recognizes the important anniversary and sacrifices of all Members of the armed services who served in that conflict.

This summer, Communist North Korean forces, fifty years ago, invaded across the 38th Parallel and invaded South Korea. Two days later on June 27, 1950, President Harry Truman called on the American forces to intervene; and over the next 3 years, over 5 million Americans served. 54,000 of them died in the conflict, and when the call to duty came, South Dakotans were there to answer the call.

There are 70,000 South Dakota veterans, roughly one-tenth of the entire population of our State. 13,200 of those veterans are Korean War Veterans, which is about 20 percent.

The Korean War is often referred to as the forgotten war. This joint resolution will help ensure that those who served and fought to preserve democracy and freedom in the Korean Peninsula are never forgotten. This historic event is a good opportunity to pay tribute to our Nation's veterans and to ensure they receive the care and treatment they have earned in return for their service.

Mr. SKELTON. Mr. Speaker, I yield back the balance of my time.

Mr. BUYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.J. Res. 86 sets the record straight. Never should our courageous veterans, whether it is Bill Green of White County, Indiana or my father, Dr. John Buyer, or the millions who served in the Korean War ever, ever, ever doubt that this Nation understands and appreciates their sacrifices and their contribution to freedom that we enjoy, not only in our Nation but around the world. We must never allow a veteran who fought for this Nation or a family who lost a loved one by either death or is missing in action to ever say that their war was a forgotten war.

Mr. Speaker, I commend the gentleman from Illinois (Mr. EWING) for bringing this resolution to the attention of the House and to the country. I urge my colleagues to send a message that the people who fought in Korea will not be forgotten and to vote in favor of adoption of the resolution.

I thank the ranking member, the gentleman from Missouri (Mr. SKELTON), for his words in support of this resolution and for his contribution to the House.

Mr. YOUNG of Florida. Mr. Speaker, I rise in strong support of House Joint Resolution 86, legislation I am an original cosponsor of to recognize the 50th anniversary of the Korean War.

It was on June 25, 1950 that Communist North Korean forces crossed the 38th Parallel and invaded South Korea. Two days later, on June 27, 1950, President Harry S. Truman called on American military forces to intervene and protect South Korea's democratically elected government and the freedom of the South Korea's democratically elected government and the freedom of the South Korean people. Over the next three years, 5,720,000 Americans would respond to the call to service.

After three years of battle, the fighting came to an end on July 27, 1953. The American casualties were high. More than 54,000 paid the ultimate price in the defense of freedom, another 92,000 suffered casualties, and 8,176 soldiers never returned home and are listed as missing in action.

Mr. Speaker, the Korean War is often referred to as the forgotten war. Tell that to the families of the more than 158,000 Americans who died, were wounded, or remain missing in action in Korea. Tell that to the People of South Korea who were able to repel the onslaught of Communism and remain free. Our nation and the entire world owe a debt of gratitude to the millions of Americans, Allied and South Korean troops that defended a free nation. It is fitting that today our nation pays tribute to veterans of the forgotten war and promises that they will never be forgotten.

This resolution expresses the appreciation and gratitude of this Congress and the American people for those who served in uniform during the Korean War. It honors the memory of those who died, were wounded, or never returned home. And it calls upon the President and communities throughout our nation to observe the anniversary of this conflict with all the appropriate and just-deserved ceremonies and activities.

Mr. Speaker, this victory over the forces of evil served as a stepping stone to the ultimate demise of communism almost 40 years later, when President Reagan uttered those now famous words, "Mr. Gorbechev, tear down this wall." Our nation has taken great pride in honoring its commitment to provide the best in medical care, compensation, and services to those who have fought to preserve freedom throughout the world. At a time when American servicemen have taken up humanitarian causes half-way around the globe, it is essential that Congress continues to send a strong signal that our nation will make good on its promises to all veterans. It is my hope that in this 50th anniversary year of the Korean War, every American school child will learn of the sacrifices and victories of so many courageous Americans. We owe our Korean veterans nothing less.

Mr. SMITH of New Jersey. Mr. Speaker, I rise in strong support of House Joint Resolution 86, which recognizes the 50th anniversary of the Korean War. I thank my colleague Congressman TOM EWING for introducing this legislation and for helping to bring it to the House floor today.

The resolution seeks to end the Korean War's unfortunate status as the "Forgotten War." We must never, ever forget the more than 90,000 veterans who were wounded in combat between 1950–1953. We must never, ever forget the 54,000 who died in a just and righteous cause. We must never, ever forget the more than 8,000 men who are still unaccounted for—missing in action. We must also never forget the immense sacrifices of our allies—particularly the South Korean people themselves. They, too, suffered terribly from the North's invasion.

The resolution we have before us today is a painful, but powerful reminder of the immense sacrifices made by the 5.72 million Americans who bravely responded to the call of duty. We are all personally grateful for their service and their many sacrifices. Ensuring that the 50th anniversary Korean War is appropriately recognized is the least we can do to honor these brave Americans.

Beyond recognizing the sacrifices made in blood, sweat and tears, we must also remember how pivotal the Korean War was to halting the spread of Communism worldwide. The sacrifices made by American soldiers on battlefields and mountains of the Korean peninsula helped make the containment of Communism, and its eventual demise, a reality some four decades later. Reflecting on the conflicts of the 20th Century, Communism along with Nazism will certainly go down as one of the great stains on humanity's soul. Communism was responsible for more raw bloodshed, misery, and horror than any other single idea in the history of mankind.

The Korean War has many elements and characteristic that are unique to this struggle for freedom. For instance, the dangers from enemy bullets and bayonets was compounded by the extreme weather conditions of the Korean peninsula. In several battles of the Korean War, not only were American troops forced to fend off enemy fire in difficult terrain, but they had to do it sub-zero temperatures. Veterans lost limbs and fingers to frostbite. Others died outright from exposure. Veterans will tell you that nothing saps morale faster than being freezing cold. Yet for many years thereafter, these veterans received no disability rating from the VA that recognized their exposure to these harsh conditions.

During the 105th Congress I introduced legislation to create a presumptive disability for veterans with cold weather injury, to help those veterans of the Korean War and other conflicts receive the treatment and benefits they need and deserve. In response to the bill, the Department of Veterans' Affairs changed its regulations to make them more friendly to veterans who suffered from cold weather injuries. Those whose sacrifices were forgotten were finally being recognized, even if this recognition was long overdue.

One last point. I think it is particularly appropriate that on the 50th anniversary of the Korean War, that we remember the painful lessons of this conflict. There is a lot of feeling among historians that Secretary of State Dean Acheson's failure in January 1950 to clearly delineate South Korea as being within the U.S. defense perimeter in the Pacific lured the Communist Chinese and North Koreans into believing the U.S. would not respond to an invasion. 50 years later, I fear our nation is dangerously close to making the same mistake on the issue of Taiwan. If our nation fails to make it clear to the same Communist Chinese leadership that the United States will respond with decisive military force to any attempt by the People's Republic of China to invade Taiwan, Korean War veterans who went over at age 25 may be in the uniquely painful position of watching their 25 year-old grandchildren pay the price for appeasement once again.

So, I want to thank Congressman EWING again for introducing this resolution, and especially thank Korean War veterans for their heroic sacrifices.

Mr. MILLER of Florida. Mr. Speaker, I rise today with my colleagues to commemorate those heroic Americans who served in the Korean War—some of whom serve in this House.

Mr. Speaker, like my colleagues, it bothers me that this War is called the "Forgotten War." The brave men and women who sacrificed their lives fighting the iron fist of communism and defending freedom shall not be forgotten.

I will never forget the 5 million, seven hundred thousand service men and women who heeded the call to serve America and protect the World from Communism's attack on South Korea.

Mr. Speaker, the reported 33,665 battle deaths, or the 8,176 soldiers listed as "Missing in Action" or "Prisoners of War" can never be forgotten. These heroes made the ultimate sacrifice, for which our nation is eternally grateful.

I represent a Congressional district in Florida where many Veterans have chosen to retire. Many of these Veterans served in the Korean War. When I ask them about their time in the service, they tell me, "Congressman, we just do not want to be forgotten."

And so, Mr. Speaker, it gives me great pleasure to rise today and say once again, "Thank You" to those courageous Americans who fought to protect our freedom. As the Korean War Veterans Memorial here in Washington, DC expressly reads: "Freedom is not Free."

As we commemorate the 50th Anniversary of the Korean War, this year, we must not forget to thank those selfless Veterans of the Korean War.

Thank you, Mr. EWING for drafting this legislation.

Mr. BILIRAKIS. Mr. Speaker, this year marks the 50th Anniversary of the Korean War. It is often called "the forgotten war," but for the men and women who served there and for the families of those who did not return, the Korean war will never be forgotten.

Only 5 years had passed since the end of World War II when another international conflict erupted. On June 25, 1950, the communist forces of North Korea crossed the 38th Parallel and invaded South Korea. The American response was almost immediate. Two days later, President Harry Truman called upon America's military to intervene, and the United States led a United Nations force to the Asian peninsula.

Over the next 3 years, over 5 million American men and women answered the call to duty, eventually defeating communism's attack on South Korea. Over 92,000 of these brave Americans would be wounded during the conflict. Approximately 8,100 would become missing in action or prisoners of war. By the time the fighting ended, 54,260 Americans would have paid the ultimate sacrifice—giving their lives in the defense of freedom.

While communism's defeat would come almost 40 years after our victory in the Korean War, the significance of what our soldiers won there cannot be understated. Our Korean War veterans must never be forgotten. As a Korean War era veteran, I salute these brave men and women.

I am proud to be an original cosponsor of H.J. Res. 86 and urge my colleagues to support this important resolution.

Ms. BALDWIN. Mr. Speaker, I rise today in honor of the men and women who served at a time in history when a war weary world longed for the quiet of peace.

The dedication to duty by our service men and women during the Korean war is a testament to the strength of our Nation's ideals and principles of democracy. It is right and fitting that during the 50th Anniversary of that sometimes forgotten war, we in Congress and the Nation, honor the service of Americans who helped defend the rights and freedoms of the people of the Republic of Korea.

We cannot forget and should not forget the countless sacrifices and hardships that these brave men and women endured at the outset of this war. We cannot forget the free nations of the world that banded together to fight the tide of aggression along the 38th parallel. We cannot forget the more than 36,000 American lives lost in the defense of democracy and freedom. We cannot and should not forget the hundreds and thousands of Korean War veterans whom we honor today on this House floor, who still suffer the scars and pains of this conflict.

At a time in history where we see American Service man and women deployed throughout the world, we cannot forget the men and women who went before them, who shouldered the burden of democracy and raised the torch of freedom for those who could not carry it by themselves.

Mr. Speaker, this Congress will not forget, nor will future generations of Americans who owe their liberty to these dedicated men and women who served us during the Korean War. I am proud to support this legislation and urge my colleagues to continue to work on behalf of all our Nation's veterans that we may never forget to whom we owe our freedom.

Mr. FRELINGHUYSEN. Mr. Speaker, I am proud to rise today as a cosponsor of H.J. Res. 86, which recognizes and honors the 50th Anniversary of the Korean War. It is high time that we stand up and recognize the veterans who fought in this "Forgotten War," both in the Korean Theater and on the homefront.

These men and women have no "Saving Private Ryan" to stand as a testament to their heroism or to record their contribution to our security and our freedom. They have no spokesman on the national level to bring attention to their attention to their sacrifices, like Senators Dole and McCain have done for World War II and Vietnam. They are, however, no less deserving of our thanks and our gratitude.

As it reads on the side of the Korean War Memorial, "Freedom is not free." And no one knows that better than the men and women called upon to serve after the Communist forces invaded South Korea early on the morning on June 25, 1950.

In the shadow of a great war and a clear-cut victory, at the start of a period of amazing prosperity at home, America's sons and daughters went to serve half a world away. They "answered a call to defend a country they never knew and a people they never met." They did so bravely, under adverse conditions, in a conflict that lasted far longer than most people predicted.

Over 19,000 Americans were killed in action in Korea. Nearly 800 of those who died in the war called New Jersey home, including over 30 from Morris County. Countless more of New Jersey's sons and daughters were among the nearly 1.5 million who served in the Korean Theater during the war, and millions more who served on the homefront.

There is one veteran who returned to New Jersey that I want to take a moment to honor named Joe Klapper. Joe was a tank commander during the war, and took part in the battle on Heartbreak Ridge. Joe was awarded the Purple Heart, Combat Infantry Badge and the Legion of Honor as a result of his service in Korea, and was fortunate to return home from the war to start a family. Joe was a "veterans veteran," who worked tirelessly on behalf of his colleagues from Korea, and those who served during other wars as well. Sadly, Joe passed away last September. Had Joe been with us today, he would have been pleased to know that he and his fellow Korean War Veterans were finally getting some of the recognition they so bravely earned, and so rightly deserve.

But we must not let today be the only day we honor Joe and those who served with him in the war. I commend the many veterans in my home state of New Jersey who are pushing ahead plans to construct a memorial to our Korean War Veterans. In fact, next week, on March 14, veterans from across the state will gather in Atlantic City for the groundbreaking of this memorial. It may seem odd to place a monument to our nation's warriors on the busy, bustling Atlantic City boardwalk, but perhaps this central, well-travelled location will provide my state's forgotten heroes with some well-deserved, if belated, recognition.

I urge all my colleagues today to support H.J. Res. 86 and honor the legacy of the aging warriors who answered our nation's call to serve in Korea. These are the men and women who, as Korean War veteran and former FBI Director William Sessions ably noted, "suffered greatly and by their heroism in a thousand forgotten battles they added a luster to the codes we hold most dear: "duty, honor, country, fidelity, bravery, integrity."

Mr. CAPUANO. Mr. Speaker, today I rise in support of H.J. Res. 86, recognizing the 50th anniversary of the Korean War and honoring the dedication of American soldiers who served in this conflict.

On August 14, 1945 an agreement was signed which divided Korea at the 38th parallel. The northern part of the country was transferred to Soviet control, while the southern portion was placed under control of the United States. Five years later, on June 25, 1950, in the early morning hours, the North Korean People's Army invaded South Korea with seven assault infantry divisions, a tank brigade, and two independent infantry regiments.

Despite a prompt response by the United Nations Security Council calling for an end of aggression from North Korea. The fighting escalated. Five days later on June 30th, 1950, the fate of American involvement in the Korean aggression was sealed. On that day, president Truman ordered U.S. ground forces into Korea and authorized the bombing of North Korea by the U.S. Air Force.

Three years later, 33,629 Americans were dead, 103,248 were wounded, 3,746 were captured and repatriated, and 8,142 were still missing in action. On July 27, 1953, the cease-fire was signed by Lieutenant General Nam Il and Lieutenant General William K. Harrison at 10:00 am at Panmunjom. The Korean war had ended, but Americans had paid a heavy price to preserve freedom.

As an American and a patriot, I believe we have an obligation to remember and honor our nation's veterans. They fought to maintain and preserve our nation's pride and beliefs. What kind of men and women are these that we honor for their heroism and selfless sacrifice in Korea? They are Americans from all walks of life; ordinary people like our mothers and fathers, aunts and uncles. Americans who were inspired by the cause to defend our country, to protect and preserve our freedom.

American troops, time and again, have paid the supreme sacrifice for our nation's freedom. Many people refer to the Korean War as the forgotten war. Thirty-three thousand American soldiers perished in this "Forgotten War". We must never forget the ultimate sacrifice these brave men and women offered for the sake of freedom and democracy.

Mr. Speaker, as the son of a veteran, I am proud to join my fellow members in acknowledging the anniversary of the Korean War and saluting the hundreds of thousands of servicemen who answered to the call of duty.

Mrs. CLAYTON. Mr. Speaker, I rise today in strong support of House Joint Resolution 86.

In the year 2000 we will observe the 50th anniversary of the Korean War. I think it is appropriate that we pause to look back and reflect on the contributions and the sacrifices of all the members of the Armed Forces who served in the Korean War. Approximately 5 million, 720,000 service members, including my husband served in the Korean War which began on June 25, 1950 and ended on July 27, 1953.

The majority of Americans living today were born after the Korean War ended or are too young to remember anything about the Korea Era. Perhaps that is one reason the Korean War is often referred to as the "Forgotten War." The purpose of this joint resolution on the Floor of the House today is to ensure that those who served, fought and died in Korea are never again forgotten.

In 1953, the Internet did not exist and in fact many homes had not yet acquired the era's latest technology—which was television—in black and white!

However, technological innovations made during the Korean War became part of the development of the U.S. armed services into the fine tuned machine it is today. It was in Korea that the U.S. began to learn that science and technology, not just manpower, was the key to winning conflicts.

Emphasis was given to protecting the combat soldier on the ground, and individual weapons to stop heavy armor were developed.

The helicopter became a tool to rescue downed airmen or to transport wounded soldiers to newly created Mobile Army Surgical Hospital (MASH) units, which moved with the troops. Plasma, the clear, yellowish portion of blood, was used in war for the first time to save lives.

Korea was the first integrated war for the United States. For the first time in U.S. history, black Americans fought alongside white Americans.

Public support for the Korean War, called a "police action" by President Truman in order to send troops without a declaration of war, was never equivalent to World War II.

Men and women went to fight the war, received the support of their families, but did not experience the triumphal welcome home of World War II veterans. They came home quietly, got jobs, and America forgot them.

Tainted by the fact that a few American prisoners of war had collaborated with the communists and 21 had refused to return home, the American people questioned the integrity of American troops. This would become America's first "unpopular" war.

In the late spring of 1953, after two years of stalemate and the failure of the last Chinese offensive, an armistice was signed. The artillery fell silent, the machine guns and rifles grew quiet. On July 27, 1953, the fighting had ended.

But many Americans have somehow forgotten this terrible conflict. How can it be that a war that cost the lives of so many Americans and wounded twice as many more, and also took the lives of millions of Koreans and Chinese, could be so overlooked by history?

For many Korean War veterans, the war has remained clear in their memories. Their sacrifices are as real today as they were 50 years ago.

I am proud to be one of the 210 Members who have cosponsored this resolution to pay tribute to the service members of the Korean War. We commend their valor, their selfless sacrifice and their love of country.

Mr. Speaker, I urge all our colleagues to support this resolution.

Mr. EVANS. Mr. Speaker, I am proud to join with my colleague from Illinois, Congressman TOM EWING, as on original cosponsor of H.J. Res. 86, a joint resolution which recognizes the 50th Anniversary of the Korean War. We live in peace today, and we owe our freedom as much to those who risked or sacrificed their lives in Korea as we do to the other brave men and women who have defended this Nation in the past century.

The bitter war in Korea was one of the defining conflicts of the 20th Century. Communist North Korea initiated the conflict on June 25, 1950 when it invaded South Korea with approximately 135,000 troops. President Harry S. Truman and the United Nations determined that this was an act of naked aggression that could not stand and committed ground, air and naval forces. Some 5,720,000 Americans served in the Armed Forces during the Korean War.

When it was over, the world was drawn up into two camps that nobody could envision ever changing. Korea was the initial confrontation of the nuclear age, a time President John F. Kennedy once described as "the hour of maximum peril."

There was a time when people called Korea "the Forgotten War." Korean War veterans never felt they were accorded the respect and thanks of a grateful National in fair measure. Some 4.1 million Korean War veterans are alive today. They returned home with the same kinds of injuries and needs as veterans of any major war. And make no mistake about it—Korea was a major war.

The decisive struggles of the past century were the wars against totalitarianism. The World War II generation faced the Axis powers with distinction and valor. Those who served in Korea—and those who bolstered our defenses around the globe during the Korean War—faced the forces of Stalinism with honor and great courage. That same honor and courage were displayed in a long series of wars and struggles that led to the fall of the Soviet empire.

For those of us in the Vietnam generation, the Korean War was never "the Forgotten War." It was part of our youth. I join my colleagues in honoring these gallant men and women.

I am honored to cosponsor this bipartisan joint resolution, which recognizes the 50th Anniversary of the Korean War and honors the sacrifice of those who served. Once again, I take this opportunity to say "Thank you."

Mr. BUYER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. OSE). The question is on the motion offered by the gentleman from Indiana (Mr. BUYER) that the House suspend the rules and pass the joint resolution, H.J. Res. 86, as amended.

The question was taken.

Mr. EWING. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

Senate Concurrent Resolution 91, by the yeas and nays; and

House Joint Resolution 86, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

CONGRATULATING LITHUANIA ON THE TENTH ANNIVERSARY OF ITS INDEPENDENCE

The SPEAKER pro tempore. The pending business is the question of suspending the rules and concurring in the Senate concurrent resolution, S. Con. Res. 91.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and concur in the Senate concurrent resolution, S. Con. Res. 91, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 384, nays 0, not voting 50, as follows:

[Roll No. 32]

YEAS—384

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Camp
Canady
Cannon
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Costello
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Danner
Davis (FL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fletcher
Foley
Forbes
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Largent
Latham
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pastor
Paul
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—50

Bilbray
Bono
Brown (OH)
Calvert
Campbell
Capps
Cooksey
Cox
Cunningham
Davis (IL)
DeFazio
Dooley

Dunn
Eshoo
Filner
Ford
Granger
Hinojosa
Jones (OH)
Klink
Kucinich
Kuykendall
Lantos
Larson
LaTourette
Martinez
McKeon
Millender-McDonald
Miller, George
Napolitano
Norwood
Pascrell
Payne
Radanovich
Rangel
Rogan
Rohrabacher
Roybal-Allard
Rush
Sanders
Saxton
Scarborough
Schaffer
Sherwood
Souder
Spence
Velázquez
Vento
Waters
Woolsey

□ 1606

Mr. LATHAM changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof), the rules were suspended and the Senate concurrent resolution was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. CUNNINGHAM. Mr. Speaker, on rollcall No. 32, I was on a delayed flight out of Chicago and missed the vote. Had I been present, I would have voted "aye."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. OSE). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

RECOGNIZING THE 50TH ANNIVERSARY OF THE KOREAN WAR AND THE SERVICE BY MEMBERS OF THE ARMED FORCES DURING SUCH WAR

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the joint resolution, H.J. Res. 86, as amended.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. BUYER) that the House suspend the rules and pass the joint resolution, H.J. Res. 86, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 383, nays 0, not voting 51, as follows:

[Roll No. 33]

YEAS—383

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Camp
Canady
Cannon
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Costello
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Foley
Forbes
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Largent
Latham
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pastor
Paul
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Regula
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—51

Bilbray
Bono
Brown (OH)
Calvert
Campbell
Capps
Cooksey
Cox
Cunningham
DeFazio
Dooley
Dunn
Eshoo
Filner
Fletcher
Ford
Granger
Hinojosa
Jones (OH)
Klink
Kucinich
Kuykendall
Lantos
Larson
LaTourette
Martinez
McKeon
Millender-McDonald
Miller, George
Napolitano
Norwood
Pascrell
Payne
Radanovich
Rangel
Reyes
Rogan
Rohrabacher
Roybal-Allard
Rush
Saxton
Scarborough
Schaffer
Souder
Spence
Spratt
Velázquez
Vento
Waters
Watts (OK)
Woolsey

□ 1616

So (two-thirds having voted in favor thereof), the rules were suspended and the joint resolution, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. REYES. Mr. Speaker, on rollcall No. 33, H.J. Res. 86, I was unavoidably detained. Had I been present, I would have voted "yea."

Mr. CUNNINGHAM. Mr. Speaker, on rollcall No. 33, I was on a delayed flight out of Chicago and missed the vote. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Ms. VELÁZQUEZ. Mr. Speaker, I was unavoidably detained earlier today. If I had been present for rollcall No. 32, I would have voted "yes." If I had been present for rollcall No. 33, I would have voted "yes."

PERSONAL EXPLANATION

Mr. KUYKENDALL. Mr. Speaker, I was unavoidably detained in my district on official business and missed several votes. On rollcall vote No. 29, the Government Waste Corrections Act, had I been here, I would have voted "aye."

On rollcall vote No. 30, to redesignate the post office facility in Greenville, North Carolina, had I been here, I would have voted "aye."

On rollcall vote No. 31, to redesignate the post office facility in Charleston, South Carolina, had I been here, I would have voted "aye."

On rollcall vote No. 32, recognizing Lithuanian independence, had I been here, I would have voted "aye."

On rollcall vote No. 33, recognizing the 50th Anniversary of the Korean War, had I been here, I would have voted "aye."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE RESOLUTION 396

Mrs. CLAYTON. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of House Resolution 396.

The SPEAKER pro tempore (Mr. OSE). Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TIME TO MAKE INDIA A PERMANENT MEMBER OF U.N. SECURITY COUNCIL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, in a little more than a week, President Clinton will embark on an historic trip to South Asia. It will mark the first time a U.S. President has traveled to this vitally important part of the world since President Jimmy Carter went to India in 1978.

Mr. Speaker, yesterday, President Clinton announced that Pakistan would be part of his South Asian itinerary. Although I had previously opposed including Pakistan on the itinerary, in light of yesterday's announcement, I hope the Presidential visit will provide an opportunity for candid, productive discussion between our President and the generals in Pakistan now with regard to the need to dramatically change Pakistan's course in a number of key areas.

It is important that President Clinton express to Pakistani General Musharraf that the United States is very concerned about Pakistan's role in fomenting instability in Kashmir, about the links between Pakistan and terrorist organizations, and about Pakistan's role in the proliferation of nuclear weapons and missile technology.

I think that General Musharraf and the other leaders of the Pakistani ruling junta must hear the message that the United States does not consider last year's military coup to be acceptable, and that the overthrow of a civilian government cannot be allowed to stand as a permanent condition in Pakistan.

Mr. Speaker, I include for the RECORD an editorial that appeared in today's New York Times called "Troubled Trip to Pakistan" as follows:

[From the New York Times, Mar. 8, 2000]

TROUBLED TRIP TO PAKISTAN

President Clinton's decision to include a stop in Pakistan in his visit to South Asia later this month should not be seen as an American endorsement of Gen. Pervez Musharraf, that country's military ruler. Since seizing power last October, General Musharraf has ignored Washington's concerns in three vital areas. He refuses to cut links with international terrorist groups, resists treaty commitments to curb Pakistan's nuclear weapons program and declines to take steps toward restoring democratic rule.

For these reasons, Mr. Clinton would have done better to skip Pakistan, limiting his visit to India and Bangladesh. But since he has chosen to add a stop in Islamabad, he should use his time there to encourage constructive changes in Pakistani behavior.

Administration officials concluded that a snub of Pakistan might drive the country toward even more belligerent conduct. With only 10 months remaining in Mr. Clinton's term, this is probably his last chance to visit Pakistan as president. He enjoyed some success interceding with General Musharraf's deposed predecessor, Nawaz Sharif,-getting him to pull back from a dangerous military confrontation with Indian in Kashmir last summer. That border remains dangerous, with Pakistani-backed militants regularly attacking Indian positions.

Since both countries became independent a half-century ago, Pakistan has been challenging India's control over this restive Muslim-majority state. Mr. Clinton now seems eager to offer American help in resolving the longstanding dispute. But India remains opposed to any form of international mediation on Kashmir, and without New Delhi's cooperation any American effort would be doomed. For now, America should limit its role to trying to prevent further armed clashes.

Mr. Clinton should also press General Musharraf to sever ties with Harakat ul-Mujahedeen, a Kashmiri terrorist group backed by the Pakistani Army. He ought to insist that Pakistan use its close links with the Taliban government in Afghanistan to press for the expulsion of Osama bin Laden, the international terrorist implicated in the deadly bombings of two American embassies in Africa. Another goal should be to persuade Pakistan, as well as India, to sign the nuclear test ban treaty.

South Asia is home to more than a sixth of the world's population and is of growing economic importance. For too long it has been neglected by American presidents. This is not the ideal moment for Mr. Clinton to visit Pakistan. He should keep his visit as brief as possible and not flinch from telling General Musharraf what he must do to win American and world respect.

Mr. Speaker, this editorial basically expresses my sentiments in regard to the fact that Pakistan should not have been included on the itinerary, but now that it is, what positive steps need to be taken by Pakistan and what the President could hopefully accomplish in that regard.

I want to say, Mr. Speaker, that despite my initial reservations, I hope that the President's visit to Pakistan will offer an opportunity for some straight talk on these important issues.

On the issue of the Pakistani coup, Mr. Speaker, I believe that this Congress must make a firm statement of our opposition and displeasure with the seizure of power by means of a coup d'etat and that civilian, democratically-elected government be restored.

Last October, right after the coup, legislation was introduced in this House by the gentleman from Connecticut (Mr. GEJDENSON), the ranking member of the House Committee on International Relations. Unfortunately, that resolution has not yet been acted upon by this House.

Today I am sending a letter to the distinguished Speaker of the House, Mr. HASTERT, urging that this important resolution be scheduled for a vote as soon as possible. I urge my colleagues in joining me on this initiative.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 1501, JUVENILE JUSTICE REFORM ACT OF 1999

Ms. LOFGREN. Mr. Speaker, pursuant to clause 7c of rule XXII, I hereby announce my intention to offer a motion to instruct conferees on H.R. 1501 tomorrow.

The form of the motion is as follows:

Ms. LOFGREN moves that the managers on the part of the House at the conference of the disagreeing votes of the two Houses on the Senate amendment to the bill, H.R. 1501, be instructed to insist that the committee of conference should have its first substantive meeting to offer amendments and motions within the next 2 weeks.

While I understand that House rules do not allow Members to co-author motions to instruct, I would like to say that the gentlewoman from New York (Mrs. MCCARTHY) supports this motion and intends to join me in speaking on its behalf tomorrow.

MILITARY FAMILY FOOD STAMP ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, recently the Center for Strategic and International Studies issued a report last month on the American Military Culture in the 21st Century.

In its research, the Center surveyed 12,500 military personnel and found that within the armed services, morale is declining.

The report summarizes, and I quote, "Every member of the CSIS team who visited our men and women in uniform was impressed by their skill, dedication, and patriotism. When CSIS asked military personnel about their life in their services and their units, however, they often found disappointment and frustration. In spite of the high level of pride and commitment, our dedicated people in uniform did not typically have high morale and revealed far less satisfaction from their service than one would expect. Overall, the armed forces are overcommitted, underpaid, and undersourced in the units that form their cutting edge. Expectations for a satisfying military career are not being met."

Mr. Speaker, that is the reason I am on the floor again. I bring my family to the floor because we have 60 percent of men and women in uniform who are married. In addition, we have approximately 10,000 men and women in uniform on food stamps.

Mr. Speaker, I think this is deplorable. The reason I say that is because no one that is willing to give their life for this country should be dependent on food stamps. My colleagues can see that this Marine, who is getting ready to deploy to Bosnia, has his daughter Magan standing on his feet. She is looking at the camera. In his arms, he has a 4-month-old baby named Britney.

Mr. Speaker, this Marine represents everyone in uniform that is willing to give for this country. Again, I say it is unacceptable and deplorable that men and women in uniform are dependent on food stamps.

I introduced, this past year, H.R. 1055. It is signed by about 90 Members of Congress, both Democrat and Republican, that would give a $500 tax credit to men and women in uniform who are dependent on food stamps. My purpose in saying that is that I do not know that that is the answer or not, but it is a vehicle to find an answer to help those on food stamps in the military.

I look at this photograph, and I look in the eyes of the little girl. She is looking, and in her eyes you can tell she does not know if her daddy will be coming back or not. Hopefully, we pray that all men and women in uniform will be coming back when they are deployed. But there is no guarantee.

So, again, I say to the Republican leadership, I say to the Democratic leadership, please, before this session ends in September, October this year, let us pass legislation to help the men and women in uniform that are on food stamps, because, again, this country is the safe Nation that it is because we have dedicated men and women in uniform that are willing to die for America. Let us not, as a Congress, let us not as a government, allow anyone serving this Nation to be on food stamps.

GUN VIOLENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am going to do something a little bit different this afternoon and speak to a number of topics during the time frame that I have for this special order.

First of all, I think it is appropriate to again do something that many of us wish we did not have to do, and that is to offer sympathy for those who have died at the hands of reckless gun violence. Just about an hour or so ago in Memphis, Tennessee, five individuals were shot, we understand that two fatally, by a seemingly deranged individual. But the facts are not in, and I do not want to speculate.

The police personnel who came upon the house, found a deceased woman in the house. The house was set on fire. Other police personnel came and fire fighters. I believe the news reports indicate that one fire fighter is down along with a police officer. As I said, additional facts are still coming in.

Now, as I indicated last week, I am going to be a regular fixture on the House floor discussing gun violence. I believe that, if we would listen to the American people and listen to good common sense and depoliticalize this issue, we might be able to come together in a conference committee and get this matter resolved.

This is not an issue that should be dominated by the National Rifle Association. It should not be dominated by fear. It should not be dominated by misinterpretation of the Second Amendment, which was actually written in the course of history where many Americans were fearful of those from other countries, in particular a recently formed nation, that would take up arms and try to seize this nation back, a foundling nation of some 13 colonies. It was to establish a well-organized militia.

There is no intent on behalf of those who believe in gun regulations and gun safety to take away guns from law-abiding citizens. But we have to close the gun show loopholes and take the guns out of the hands of criminals. We must have trigger locks. We must, in fact, hold adults responsible for children who accidently or otherwise shoot others. We must, in fact, eliminate the fact that children can go to gun shows, which in my community are about every week, without an adult.

We must, frankly, be serious about the fact that America is looked upon as a Nation under the siege of gun violence, with more guns in this Nation than human beings. Frankly, people are living in fear.

□ 1630

Now, many would say, Let me arm myself and I will protect myself from those who have the guns. It does not work that way, for we are arming ourselves and endangering other law enforcement officers, and we are creating a Nation at war.

It is time now for Republicans to lay down their political hats. And if one would think Democrats have theirs on, all of them need to be on the conference committee, of which I am a member, and discuss this in a manner that will bring realistic gun regulation to America.

I would hope that as we have marched this past week in commemoration of the march from Selma to Montgomery, which I had the honor in participating in, with faith in politics in Selma, in Birmingham, in Montgomery, that we will see that America can draw upon its spirit. It can draw upon its spirit to create opportunities in civil rights; then it can draw upon its deeply embedded spirit of the fact that we are all human beings and we deserve that kind of respect to pass gun safety legislation.

In addition, I had the honor, I guess, or the challenge of joining some 25,000-some individuals in the capital of Florida, in Tallahassee, to stand up for equal rights for all and oppose the One Florida concept that would eliminate affirmative action. For many, I believe, this is a confused position. Affirmative action is not quotas. They are illegal. Affirmative action is simply outreach to minorities and women, creating an equal playing field.

It seems disappointing that we in America, in the year 2000, have individuals who wish to turn back the clock; who would smile when we talk about civil rights; who would whisper when we talk about affirmative action; and who would snicker when we talk about gun safety. Well, my friends I believe that if we are going to be the world power, the trading Nation of the world, if we are going to promote a strong America, a one America, including everyone at the seat of empowerment, then the snickering and the snide remarks have to stop. We have to realize that 6-year-olds have guns because they come from dysfunctional families but, more importantly, because criminals get guns and others do not.

So I hope that Americans who are fearful of us coming into their homes and taking their guns, if they are law-abiding citizens, they will realize and encourage this conference committee to meet and do plain and simple and real gun safety legislation. Otherwise, we will see us day after day bemoaning the fact of those who have lost their lives to gun violence. How much and how long do we have to see this occur as we near the commemoration and the sadness of April 20, a year after the tragedy of Columbine High School? We have still not acted and Americans are asking us to act.

I believe the commemoration of the Selma to Montgomery march, the March 7, 1965, Bloody Tuesday, or the Bloody Sunday it was called at that time, where we turned people back because they wanted the right to vote, out of that act the Congress passed the Voting Rights Act of 1965. Does America have to wait for more violence and more bloodshed to pass real gun safety laws? I would hope not.

Frankly, I hope America will come together with people of good will, put the snickering aside, the snide remarks aside, and get the good people of America to join us and encourage us to pass real gun safety legislation.

MINIMUM WAGE AND ECONOMIC GROWTH

The SPEAKER pro tempore (Mr. TANCREDO). Under a previous order of the House, the gentleman from Florida (Mr. FOLEY) is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, I want to first mention to the gentlewoman from Texas who just spoke, it was in fact a senior member of the Democratic caucus that may have derailed the efforts on gun safety that she claims today on the floor.

I would also like to strongly suggest that we keep talking about the NRA as if they are somehow responsible for the deaths around this country. Last I checked, none of the crimes committed were perpetrated by a member of the NRA. Now, we can have different positions on this issue, but how anyone can think for a minute that that crackhead, where that gun was found and that young innocent life was snuffed out by a gun, would have put a trigger lock on their gun, is beyond me.

Mr. Speaker, that is not what I am here to speak to, however. I do not want to talk about this issue. We do need to debate it in fairness. We will have an opportunity to have this debate, but I want to strongly urge Members once again not to point fingers or accuse groups, whether it is the NRA or Hollywood, for the decline of values in America. Let us talk constructively on trying to make something that will work, that people will obey and abide by. Let us construct a law that will have some teeth for those criminals who are violating the law.

I applaud the President on his efforts to increase funding for ATF, to increase the outreach to find out who is selling guns illegally. There are a lot of things we can do. But let us not sit here and point fingers and say it is the Republicans or it is the Democrats, it is that or that. It is too serious of an issue.

Let me also rise today to talk about an issue that is coming to the floor tomorrow, and that is on minimum wage and the economic growth act that we will be discussing tomorrow.

The President said clearly today that it should be a clean bill and it should not have amendments. But I would urge the President once again to at least tone down the rhetoric and discuss this in a very fair manner.

I can assure all of America that members of the Republican Party have in fact been meeting in good faith to try to structure a bill that will in fact increase the minimum wage. I commend people like the gentleman from New York (Mr. QUINN), the gentleman from New York (Mr. LAZIO), the gentleman from Illinois (Mr. SHIMKUS), and others who have been working constructively to find a way to increase incomes for those at minimum wage.

I was involved in a restaurant. I owned a small business. I understand full well the impact of increasing expenses, such as payroll, through minimum wage increases. But at the same time I recognize that with rising gas prices, insurance costs, health care, it is probably timely that we look to seek to raise the level of people who are in fact working at minimum wage.

Let me also suggest to the President that we can in fact come to some kind of agreement here today or tomorrow and discuss this with some clarity. Raising the minimum wage will in fact cost small businesses money. What is the solution? Offset the cost with some benefits that we could structure, that are targeted, that are reasonable, that will be effective to not only assisting the low-income worker on minimum wage but helping the business owner meet the obligation of continuing to provide things for his community, his family.

We could accelerate the increase in the self-employment health insurance deduction to 100 percent. That would help insure more people and provide a good write-off for that business owner. We could increase section 179 expensing. We could raise the business meal deduction. As a restaurant owner, raising meal deductions would in fact incentivize people to come to eat in a restaurant, would increase income, and would allow the employer to increase minimum wage through that effort.

Real estate tax relief is in the bill tomorrow that we can talk about. Tax credits encouraging the move from welfare to work. Getting people off of welfare into the workplace. This is something that would extend work opportunity tax credits. So there are some very, very good things in this bill. Tax relief for America's farmers and ranchers. Death tax relief.

The bill is constructed in such a way that I think, if we can talk logically and fairly, we can find an increase in minimum wage over 3 years, we can provide some relief and incentives for small businesses, and we can go away making a lot of people happy.

Regrettably, though, I hear the word bipartisan used around here a lot. If they would only work in a bipartisan manner, we would solve this issue. But that only assumes that one side agrees 100 percent with the other side's argument. Nowhere can we disagree without being accused of being obstructionists, stalling or doing those types of things. I would suggest to my colleagues that we could in fact work very clearly and quickly on this very, very important issue.

We want to help Americans, but I will also say that 1.2 percent of the American work force is at minimum wage. Those that are on minimum wage are usually just starting their job, or teenagers seeking their first jobs. Yes, I agree, and I said it before, I will vote to increase over 3 years a dollar per hour because I think it is important and it is warranted. But make no mistake about it, those people who are successfully fulfilling their jobs in the workplace are exceeding minimum wage because employers need employees and they will pay in order to retain good qualified workers.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

LAWSUIT ALLEGES VIOLATION OF EQUAL PAY ACT BY ARCHITECT OF THE CAPITOL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, I come to the floor to report to my colleagues something that I am certain is as much of a piece of embarrassment to them as it is to me, and that is that on February 29 a Federal Court declared a class in a lawsuit against the Architect of the Capitol, our agent, that is to say the Congress of the United States, alleging that there has been a violation of the equal pay act; that we have been paying women less for doing the same work as men.

The women I am talking about are the women who clean the offices of Members, who keep this Capitol clean, and who, in fact, are responsible for the maintenance and cleanliness of the place where we work.

This was the first class action under the Congressional Accountability Act, the new act we passed, in order to hold Members and Congress itself accountable in the same way that we hold others. May I say that it should not have been necessary for this case to go this far. I am a former chair of the Equal Employment Opportunity Commission, and I have to tell my colleagues that when a case that looks like this is filed before the commission today, and for years now, they simply get settled out before they get this far.

This case not only did not get settled out when it was in our own administrative process, in the Office of Contract

Compliance, but it has now had to be filed in Federal Court against our own Architect of the Capitol. Now they are about to embark on costly interrogatories, which of course comes out of our budget, or the funds that we allocate to the Architect of the Capitol.

This body needs greater oversight of the Architect of the Capitol and of the new Office of Compliance when a suit can get this far. Apparently these people were willing to settle. And when a party is willing to settle, it is usually on the basis that they may not get everything that they want, but what they certainly are entitled to is to have their work reclassified so that they are paid for doing the work they are performing. And, of course, in any such case there would be back pay.

What we are talking about here, to make myself clear, is that laborers who are men make more money for doing the same work as custodians, formerly called charwomen, who are women in the House.

When the President of the United States in his State of the Union message for the last several years has gotten to the part where he talked about equal pay for equal work, all Members rise as if to salute in majesty the women of America. And yet right here, in the House where we work, the first class action certified has been a simple equal-pay case of the kind rarely found in civilian society today. If this case goes much further, it will become an open embarrassment to this body.

As my colleagues are aware, there is no disagreement among us when it comes to the Equal Pay Act, passed in 1963. We all agree that if women are doing the same work as men, they should not be paid less, and in this case perhaps as much as a dollar or more less, by classifying them by some other name. Whether we call her a laborer or a custodian, we must pay her under the act for the work she is doing.

I regret that the case has gone this far. I feel it is my obligation, as a former chair of the EEOC, to bring this matter to the attention of Members. Because I am certain that Members on neither side of the aisle understand or know or have reason to know this case has gone this far, and that when we go home into our districts women are likely to ask us how in the world have we allowed ourselves to be sued by our own employees for not paying them the same wage as men for doing the same work.

It is time that we rectified this situation. If not, I can assure my colleagues, I have spoken with the plaintiffs, I have spoken with their lawyers. There is no turning back now. They are not afraid that it is the Congress of the United States that is involved. After all, we said in passing the Congressional Accountability Act that we wanted to be treated the way civilian employers are treated. Please treat the women who clean our offices the way we would want always to have people treated under our jurisdiction.

TRIBUTE TO THOSE WHO SERVED IN THE KOREAN WAR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. SHIMKUS) is recognized for 5 minutes.

Mr. SHIMKUS. Mr. Speaker, at 22 years old, a young man, a loving husband, with yet an unborn child, was called to serve the United States Government in the Army. He served 21 months active duty, 11 months in Korea. During that time in Korea, his first son was born.

□ 1645

He served and returned home. Upon his return, he continued being a model citizen, raising seven children. The young man in this story is my father. He is emblematic of all our Nation's heroes who served and then went home.

I voted "yes" commemorating the 50th anniversary of the Korean War to thank my dad and all those dads and granddads in our country who laid down their lives for the cause of freedom.

Well done. We will not forget you, and we will not forget your sacrifice. •

HMO REFORM

The SPEAKER pro tempore (Mr. TANCREDO). Under the Speaker's announced policy of January 6, 1999, the gentleman from Texas (Mr. GREEN) is recognized for 60 minutes as the designee of the minority leader.

Mr. GREEN of Texas. Mr. Speaker, I thank our Democratic leader for allowing us to take the first hour tonight to talk about the Patients' Bill of Rights.

I know that we have been talking about this for many years now it seems like, not only the last Congress but also last year and this year. We actually have a conference committee that is meeting now and had their first meeting. The concern has been expressed. It took that conference committee a good while to meet since it was appointed last year, and the concern was that the conference committee was not reflective of the final vote on the House floor.

But be that as it may, that is the way life is. And so now a number of us are trying to make sure that we continue the effort to have real managed care reform in this Congress, not next year, because the issues are so important.

American people support the need for real HMO reform. In fact, last year, with the bipartisan support of the Norwood-Dingell Patients' Bill of Rights bill, I think most Americans felt like we were going to see some Federal consumer protections. And yet, what we have seen is a bill passed in the Senate that was much weaker even than current law but that the American people supported.

The Kaiser Family Foundation shows that 58 percent of Americans are very worried and somewhat worried that if they become sick their health care plan will be more concerned about saving money than providing the best treatment.

According to the Kaiser Family Foundation, a full 80 percent of Americans support comprehensive consumer protections. That is up from 71 percent last year. So the support is building; it is not decreasing.

The Dingell-Norwood bill is so strongly supported by Americans, by moderates in both political parties, because it holds five principles that are so important. A person that buys insurance should get what they pay for, no excuses, no bureaucratic hassles. A lot of people think bureaucracy is just a function of the Federal Government. That is not the case. We can have insurance company bureaucracy that just cause hassles for people.

What we need is an appeals process, independent external appeals, that if an insurance company or HMO company decides that you should not have a certain procedure, then you should be able to go to someone, an outside appeals process, that will work and be swift. Because if it is not swift, then they will just delay the coverage; and health care delayed is health care denied, Mr. Speaker.

In an experience in Texas, and we have had an outside appeals process since 1997, so we have had over 2 years of experience in Texas with an independent appeals process, and frankly a little over half the appeals are being found for the patient.

My constituents in Texas say, well, we would rather have better than a chance of a flip of a coin when somebody is making a decision on our health care. So we need to have an independent external reviews process that is timely.

And again, the Texas experience shows that it is not that costly. In fact, it has actually cut down on lawsuits; and I will talk about that later. But it is being found in favor of the patient over half the time. And that is what is important, the people are getting their health care that they deserve quickly.

The second issue is that we need to eliminate gag clauses from insurance policies, that physicians can communicate openly and freely with their patients. A lot of companies are already doing that. And that is great. I want to congratulate them. But we also know that that standard does not only need to go from A-B-C company to X-Y-Z company, it needs to be a standard that everybody ought to feel comfortable with no matter who their insurance carrier is. They ought to be able to go to their physician and be able to have that physician tell them the best possible treatment.

Now, whether their company covers it or not, that is not the case. It is the physician that ought to be able to talk to their patient.

Third, a person who buys insurance ought to be able to have access to specialists. Women and children who are chronically ill should not need to get a referral every time they go see a physician. If you are a cancer patient or if you are a heart patient, or whatever, you should be able to go to your cardiologist or your oncologist without having to go back to your gatekeeper every time. Because, again, that is bureaucracy thrown up by the private sector, not the public sector, to ultimately limit people's ability to go to the doctor.

The access to specialists is so important. I have a situation in my own district. I have a young lady who is in Humble, Texas, the northeast part of my district, and she was getting treatment at a local hospital complex that was close to her; and, all of a sudden, that doctor in that complex lost their contract; and so she was sent across town to Pasadena, Texas, which is also in our district. And that is great; I like them to go in our district. But, Mr. Speaker, for a person to go from one community to the other community because the HMO provider changed the contract is just wrong. Because, again, they were making her travel a great distance to get that specialist care that she needed.

The fourth issue that needs to be included is that, when someone buys insurance, they need to know that they can get emergency treatment, they can go straight to the hospital.

We all know the reason HMOs are successful. They go to providers and say, we guarantee you a thousand or 5,000 or 10,000 patients; and so they will go to the doctors, the hospitals, and emergency rooms and say, we will put you on our preferred list and that way you will get patients.

The problem is that when someone has an emergency, they need to be able to go to the closest emergency room possible. And again, I use the example and have used on the floor here of the House many times that, if I am having chest pains in the evening, how do I know that it is not a heart attack and it may just be the pizza I had. I need to go to the closest hospital or the closest health care provider. And then once the decision is made, then you can go on to your hospital that has a contract with your HMO provider. But you need to be able not to have to pass by emergency rooms to go to an emergency room that may have a contract. So that is important.

Also, oftentimes you cannot always get preauthorization for emergency room treatment. The last thing people need is to have the toll-free number and to be put on hold while they are having their chest pains or whatever illness or emergency they may be having.

Fifth, a person who buys insurance should be assured that an insurance company is accountable if that insurance company is making decisions in the place of a health care provider or doctor. And we need to make sure that the decision maker is the one responsible and that the decision maker be held accountable if that patient is harmed by that decision.

I would like to tell a story. I spoke a couple of years ago to the Harris County Medical Society, Mr. Speaker; and after it was over, during the speech, I talked about my daughter who had just started medical school. She had been in medical school for 2 weeks. And I laughed and I said, my daughter is in medical school. She has been there for 2 weeks, but she is not ready to be in competition to do brain surgery.

After I finished talking about Social Security and the budget and everything else, the first question was a doctor said, you know, your daughter, after 2 weeks in medical school has more training than the people who are telling me how to treat my patients.

That is wrong, and that is what we need to change. And that is why real HMO reform is important. If doctors are being second guessed by a decision-maker who may not have the training that they need, that decision-maker needs to be accountable.

Hopefully, they do have some training and they are. I know the ideal for HMOs and managed care is it can work. But what we have seen in our country is that the managed care issue and the companies have gone from providing whole-person coverage to actually denying coverage in a lot of cases.

That is why one of the most important parts of the bill that passed this House with an overwhelmingly bipartisan vote was the decision-makers need to be accountable. If doctors are accountable, then decision-makers need to be if they are telling those doctors how to practice medicine.

Now, what we will hear from the insurance company, and we have heard it when this passed that bill last year, is that we are going to have the cost increases, that we will see the cost of insurance going up. Well, Mr. Speaker, we had increases in HMO costs this last year and that bill had not even become law yet. So I think we are seeing increases where that happens.

Again, going back to my own experience in the State of Texas. The State of Texas passed what I consider and I think a lot of folks around the country consider the best managed care reform in the country in 1997; and there had been no overwhelming increases other than what happened based on HMOs increasing everywhere.

Dallas, Ft. Worth, Houston, Harris County, there have been no increases based on Texas law as compared to other parts of the country that do not have it. Typically, they have increased the same. So we have not seen a huge number of lawsuits or cost increases.

The other thing they say, well, you are opening up the court system to lawsuit. Again, after 2 years' experience in Texas, we have not seen but four or five lawsuits filed. In fact, three of them are filed by one attorney in Ft. Worth, Texas.

What we have seen, though, is that if you have strong accountability and strong independent reviews, the independent reviews actually will take the place of having to go to the courthouse.

In fact, people do not want to go to the courthouse. They typically want the health care. And if you have an external appeals process that is swift and fast, that will save people from having to go hire an attorney and go to the courthouse.

Again, in the State of Texas, because over half the cases of the appeals are being found for the patient and the insurance companies are saying, okay, we will pay for that, there is no reason to go to the courthouse. Frankly, if the insurance company is found to be okay, their decision had some medical benefit, then that gives that patient a little saying, well, sure you can go hire your attorney, but now we know when everything is on the table. So we have not had that overwhelming cost increase.

One other thing I want to mention is the concern about employers being sued. In fact, in our debate last year and even as recently as last week, I had an employer express concern that, I do not want to be sued. In the Dingell-Norwood bill, or the Norwood-Dingell, depending on which side you are on, I guess, there is specific language in there that prohibits an employer being sued unless this employer is making medical decisions.

Again, I use the example of my own experience of purchasing insurance before I was elected to Congress for a small company. And we contracted with three different insurance companies, or contacted them to get prices, and we were not in the position of making those medical decisions or saying to deny coverage.

Now, we could buy a Chevrolet plan or we could buy a Cadillac plan. But employers should not be held responsible. In the bill that passed this House, employers are not responsible, although we are hearing that thrown up by a lot of these associations here in Washington, and sometimes I think they mostly want to raise funds and get membership instead of actually address the problem of people having real health insurance that their employers buy. And, as an employer, we paid for that insurance. And I wanted to make sure that my employees received the insurance that we paid for, and oftentimes I felt like I was the arbitrator between the insurance company and my own employees because oftentimes they did not want to pay.

We have some great Texas experience over the last 2 years. I know other States have passed legislation like what Texas has passed that set the groundwork. It is ideal. We have used the States as a laboratory. We see it has worked in Texas in a large, urban State with both rural and urban area, both poor and wealthy population. It is something we can do on a national basis to make sure that every insurance policy, not just those that are licensed by the State Board of Insurance in the State of Texas or the Insurance Commission, but all insurance policies are covered.

The reason we have national legislation is that over two-thirds of the insurance policies in my own district in Houston are not covered by State law. They are covered under ERISA. They are covered under Federal law. And that is why we need to pass Federal law to complement what the States can do.

I see that my colleague, the gentleman from Texas (Mr. RODRIGUEZ), is here and my colleague, the gentleman from Arkansas (Mr. BERRY), is here. It is great to have two Members from our part of the country who do not have accents speaking.

Mr. Speaker, I yield to my colleague, the gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. Mr. Speaker, I want to thank my distinguished colleague, the gentleman from Texas (Mr. GREEN), for yielding; and I appreciate his leadership in this matter and also the leadership of the State of Texas. I believe they were the first State to actually deal with this on the State level, and it is a good thing.

□ 1700

It is amazing to me, Mr. Speaker, that here we are, it is 5 o'clock in the afternoon, and we are doing special orders. That is not what the American people sent us here to do. They sent us here to deal with things like the Patients' Bill of Rights, prescription drug coverage for our seniors, many other issues that we need to be taking care of. Yet here we are basically shut down at 5 o'clock in the evening.

Mr. Speaker, 80 percent of the American people have private health insurance plans. They are enrolled in managed care plans. In many cases, they are required to be enrolled in managed care plans because their employers have contracted with these companies to achieve cost savings. We need managed care. We know that we have got to control the cost of health care. But it can be done right. We must leave the health care decisions to our professionals, the people that know what they are doing when they make a decision. It should not be left to someone with no training and their only objective is to save the insurance company money.

Unfortunately, because we are enrolled in managed care plans, patients are forced to battle with their HMOs when their only concern should be to recover from an illness. There have been many stories from people who have lost loved ones or had loved ones seriously damaged because someone behind a desk, not a doctor, made a bad decision. The Norwood-Dingell bill allows managed care, and it allows it to do what it is set up to do; and at the same time it protects businesses from unnecessary lawsuits and does the job that we are going to have to do to continue to have managed care in this country.

Last October, the House passed a sound Patients' Bill of Rights, the Norwood-Dingell bill that gave the protection and rights to medical patients. While we delay passage of a strong bill, millions of American families needlessly suffer from the consequences of allowing HMO bureaucrats to make medical decisions. The American people deserve a Patients' Bill of Rights.

This is not a Republican or a Democratic issue. When you have a heart attack and you need to go to an emergency room, they do not ask you which party you vote in, which party you support. We need a Patients' Bill of Rights that ensures patients receive the treatment that they have been promised and paid for, that prevents HMOs and the other health plans from interfering with doctors' decisions regarding the treatment of their patients, ensures that patients could go to any emergency room during a medical emergency without calling their health plan for permission first, ensures that health plans provide their customers with access to specialists when needed because the complexity and seriousness of that patient's illness, allows HMOs to be sued or held accountable if a patient is denied care in States that choose to allow such suits.

The American people are asking us to pass this legislation. Both Democrats and Republicans want this legislation to become law. Let us give the American people what they want. Let us do what we were sent here to do. We all need to take a stand for the rights of managed care patients and make sure they receive the high quality of health care they deserve. We need to pass a Patients' Bill of Rights that is meaningful and that provides real patient protections.

I know with Democrats and Republicans working together, we can put together a strong bill in the conference committee that will give us the protections that will protect business, that will provide for an efficient system to provide health care for our people. It has been 4 months since the House passed this bill. It is time for the House to do something about this. It is time for the Senate to do something about this. The American people should not have to wait any longer. We need to get to work on finishing the job that the American people sent us to do.

Mr. GREEN of Texas. Mr. Speaker, I want to compliment the gentleman from Arkansas (Mr. BERRY) for his leadership on this issue not only here on the House floor tonight but for the last over a year with our moderate-conservative coalition of Democrats, our Blue Dog Coalition. And I will not ask you what a Blue Dog is, but your leadership has helped a great deal.

Mr. Speaker, I yield to my colleague from San Antonio, Texas (Mr. RODRIGUEZ), a former roommate for a year and served with him in the State House when I was in the legislature.

Mr. RODRIGUEZ. I thank the gentleman from Texas (Mr. GREEN) for taking the leadership to talk about the importance of access to health care throughout this country. Managed care reform is needed drastically.

I will just quickly give an example of some of the problems we have encountered in Texas. We have recently had a situation where one of the particular companies decided to cut a lot of the rural counties out from having access to health care. The reason why is the reimbursement on Medicare is lower for rural areas than it is for urban areas, so there is definitely areas that we need to work on to make sure that those people in rural Texas and rural America also get the same type of access to health care that is drastically needed.

In addition to that, one of the things that I know the gentleman from Texas (Mr. GREEN) knows full well is the fact when we talk about the Patients' Bill of Rights, the right for everyone to be able to see the doctor of their choice, especially when they encounter a situation where they need to see a specialist, an accountant, an insurance person should not be the one to dictate whether they should see that doctor or not. It should be that particular doctor, the one to have the say-so.

So the Patients' Bill of Rights that we have been pushing for the last 2 years is critical. I am hoping that the Congress will decide to do the right thing on an election year, and hopefully we will be able to make something happen when it comes to the Patients' Bill of Rights bill. I also wanted to touch base, and I know the gentleman from Texas (Mr. GREEN) knows full well the fact that we have a large number of uninsured in this country. It has gone over 44 million now. Texas is one of the largest of uninsured individuals. We are talking about individuals, working Americans, working Texans.

These are people that are making too much money to qualify for Medicaid, not old enough to qualify for Medicare, yet at the same time are not making a sufficient amount of resources to be able to cover their families and have access to insurance.

I know that the CHIPs program, the children's insurance program, has been a great program that has been in the forefront and thank God for President Clinton's effort and the Democrats in pushing that program forward. But we still have a lot to do. States such as Texas, for example, that was one of the last States who actually moved to approve the CHIPs program, decided to move and only fund 55 to 60 percent, so that means that 10 kids that qualify, we will only be able to service six of those based on the resources that were allocated.

So there is a real need for us to reach out and making sure that those youngsters get access to health care. I know from a Hispanic perspective, and I head the task force for the Hispanic caucus, we want to make sure that the parents of those children also have an opportunity to get insurance. Those individuals, those parents are also parents that are out there working hard and trying to make things happen for their families. We are hoping that we can expand that CHIPs program to the parents of those children to make sure that they get access to health care.

Aside from the fact that things are getting worse in terms of the uninsured and things seem to be getting worse also for managed care systems, we also need to look at Medicare. In the area of Medicare, it is ironic to think that right now if you are on Medicaid for the indigent, you get access to prescription coverage. Yet if you are a senior citizen, you do not have access to prescription coverage.

It does not make any sense. It was started, Medicare, during a time when not too many prescriptions were being utilized in the area of getting people taken care of, and now there is a need for prescription coverage and the cost to those senior citizens as we well know is astronomical. In fact, studies that were done throughout this country and specifically in my district, we did a study and we found that our senior citizens are getting charged more for the same prescription than someone who is on a major insurance company. So that the pharmaceutical companies are basically giving breaks and giving discounts to individuals, but when it comes to our senior citizens that are on Medicare they are not getting those same prescription coverages.

I know that they are spending a lot of money on lobbying; I know that again some of our legislation to allow our senior citizens to have access to Medicare, but it is something that I feel real strongly about, that we need to make sure that our senior citizens get that access to that prescription coverage and if nothing else for them to get it at the same cost that those other individuals get when they go out there and purchase that prescription.

One of the other things when we look at the issue of health care, and it goes beyond in terms of not only the uninsured, the importance of prescription coverage but also in terms of veterans. Last year we worked real hard to try to get a $3 billion increase in the veterans for access to health care. I know that in committee, the Republican side fought us extremely hard. They also fought us on the House floor on an amendment to add those $3 billion. We were able to add $1.7 billion. This year, I was real pleased to see the administration come up with a $1.5 billion increase on veterans health care; but in all honesty, that is just to keep up with existing cost.

There is a real need for us to reach out to those veterans. There is a need for us to make sure we fulfill that agreement that we made to all those veterans out there to have access to health care. One of the things that I have seen up here in the last 3½ years is the fact that as Americans and as agencies that are responsive and talking in our behalf, they definitely did tell our veterans that they were going to have access to health care. That is one of the things that we have neglected to do.

One of our obligations is that we have to make sure that those individuals get access to that health care. This year, we are moving forward to try to fulfill some of those needs in the area of veterans needs as well as TRICARE. If I could, I want to just touch base with the gentleman from Texas (Mr. GREEN) on TRICARE. TRICARE is an issue of those retirees that are out there. A lot of them are having a great deal of difficulty, and these are the retirees, military individuals, a little different than the VA, a different source; but it is one of the areas that they are also having a great deal of difficulty. We are hoping to put some additional resources in that area and to make some things happen for our military retirees that are out there. In conjunction with all the other needs that we have on health care, there is a real need for us to move forward in these areas.

I want to thank the gentleman from Texas (Mr. GREEN) for the leadership that he has taken in this area.

Mr. GREEN of Texas. I thank the gentleman from Texas (Mr. RODRIGUEZ) for being here today. In fact you have covered so many issues that are important. TRICARE obviously even in Houston where we do not have an Army medical hospital, a Navy hospital or whatever, we have a VA but we have a lot of veterans. It is an issue there. You were in the state legislature and a State House member in 1995.

Mr. RODRIGUEZ. Yes, I was.

Mr. GREEN of Texas. In 1995, the State of Texas passed the first strong managed care reform bill, HMO reform bill, passed both the House and the Senate and the governor vetoed it in 1995.

Mr. RODRIGUEZ. Exactly.

Mr. GREEN of Texas. In 1997 you were elected to Congress in a special election, I believe.

Mr. RODRIGUEZ. Yes, I was.

Mr. GREEN of Texas. Were you in the legislature in 1997?

Mr. RODRIGUEZ. Yes, I was.

Mr. GREEN of Texas. You remember when the legislature passed the HMO reform bill or managed care reform bill in Texas and it was passed by the legislature and it became law this time, though; but the governor did not veto it, he did not sign it, it became law without his signature.

Mr. RODRIGUEZ. That is right.

Mr. GREEN of Texas. That is the history of managed care reform in Texas. There are things that I am proud to be a Texan always; but obviously we have not done as well as we should on the CHIPs program and those prescriptions that you talk about on Medicaid; I think our seniors in Texas only receive three prescriptions. That is better than none, obviously, if you are poor and on Medicaid.

Mr. RODRIGUEZ. Let me just share in that area, other States actually get more. We as a State have chosen not to participate fully on that. That is why we only get three prescriptions, because the State chooses to put a limit on those prescriptions. In fact, I authored some legislation to force the Texas House to move forward on that, and I was able to get six prescriptions if you are in a nursing home, six prescriptions if you are in a hospital; but if you are at home, you still just get three.

Mr. GREEN of Texas. That is just for people who qualify for Medicaid.

Mr. RODRIGUEZ. That is right. Medicaid, which means indigent. One of our biggest problems as you indicated is those people who make a little bit above the indigent level, which is $12,700 a year for a family of three, those that make a little bit over that find themselves not being able to qualify for Medicaid but find themselves without any insurance whatsoever and having a job where they cannot afford to have insurance.

The other issue as we well know is the issue of Medicare. That is an issue that also we find ourselves with a lot of senior citizens not being able to have access to prescription coverage.

Mr. GREEN of Texas. Let me get back to our managed care issue. Sometime we can have a discussion on the floor on that. I know I have some other colleagues who are going to be here. Mr. Speaker, let me talk about some of the numbers that we have seen. I quoted earlier the Kaiser Harvard study of doctors. Almost 90 percent of doctors report denials by managed care plans of services they requested for their patients.

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We can see how many, over 80 percent overall portion of doctors saying their request for some type of health, 87 percent; 79 percent portion saying their request for prescription drugs had been denied; 69 percent portion say their requests for diagnostic tests have been denied. Sixty-nine percent of the doctors are saying they have had experience with that.

Again, that is why we need to make sure that doctors can talk to their patients and have the freedom of speech when they talk to their patients.

That is why it is so important that we pass the conference committee work as diligently as we can, but that they make sure they do not send us out a fig leaf, they do not send us out something in an election year that is just saying the House and the Senate passed a managed care reform. We need a real Patients' Bill of Rights, real HMO reform.

This House took the bold step last year and passed, on a bipartisan vote, the Dingell-Norwood bill. That is a strong bill that was patterned after what States have found successful.

I see my colleague from Houston, the gentlewoman from Texas (Ms. JACKSON-LEE). We share Houston, Texas, and I would like to yield time to her.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Texas (Mr. GREEN) for his leadership. This is a particularly important special order, and it is long overdue for us to find common ground on HMO reform.

It is extremely important because, Mr. Speaker, Americans are asking us in a bipartisan manner to address this issue. I do know that the conferees have been appointed; and I do know, however, that their work is not done and that is really the crux of the issue.

My good friend, the gentleman from Texas (Mr. GREEN), did do very able work, both, I believe, in the House in the State and as well as in the Senate in the State of Texas. I, like him, am proud of the legislators who a long time ago, 1995, and that is a long time ago, 5 years ago, passed a Patients' Bill of Rights. Unfortunately, those bills did not deem to find their way on our governor's desk to be signed, but they were in place.

I think the key that I want to say, besides the fact that it did not get signed by our governor, is that it works; that we have not heard any complaints or any outrageous imbalance that has occurred. It has not gone far enough, of course; but we have not heard any major complaint from constituents or managed care entities or hospitals about how that particular legislation has worked. I think that is a good point, and the reason why it is a good point because what we have heard in the discussion, even though we managed to get this bill off the floor of the House and passed, is the apprehension and fear of what will happen, what disarray will occur in the insurance industry if we pass a Patients' Bill of Rights.

I just simply want to share these very simple aspects of the Norwood-Dingell bill, bipartisan bill, hard-worked bill, and, Mr. Speaker, I want to know whether or not these are endangering our system as we know it. Direct access to specialty care simply means that if someone is a diabetic or if they have high blood pressure and they need specialists in that area, they can immediately go to their HMO, go to that particular specialist, rather than having the referral.

I have a mother who obviously is a senior citizen, and every time I have to hear her saying I have to get referred to the doctor who deals with diabetes or I have to get referred to the doctor that deals with my heart disease, that kind of almost denial of service to our seniors and others who need this kind of care makes it more difficult for them to access health care. They have to worry about the appointment with the specialty person by way of waiting for the referral to come through, and I think that that makes it very difficult.

Emergency room care is enhanced and improved under the Norwood-Dingell bill. That means that someone is not turned away. We have heard so many tragic stories. One young man, who was an amputee, who was here on the floor of the House, and the reason is because when something happened to him as a little nine year old, I believe was his age, his parents had to travel past a close emergency room because they were not covered or that emergency room said they were not covered.

These are tragedies in America, in a country as wealthy as we are, that should not occur.

The bill also includes an HMO appeals process by a panel of experts and HMO liability for refusal to authorize lifesaving treatments. In essence, it allows one to hold their HMO accountable.

A Kaiser Family Foundation study found that 73 percent of voters believe that patients should be able to hold managed care plans accountable for wrongful delays or denials. The same study also found that 61 percent of patients complained of the decreased amount of time doctors spend with patients; 59 percent complained of the difficulty in seeing medical specialists; and 51 percent complained of the decreased quality of care for the sick. We can address this.

First of all, we can applaud those medical professionals that we do have but we can address this by simply passing the Patients' Bill of Rights.

I would like to share, before I close, a sample of some stories that would argue that we need to hastily run to the conference and get this bill out and to the floor and to the Senate and let it be signed by the President of the United States.

First of all, I think it is important to note that we have a lot more to do other than the Patients' Bill of Rights and that is, of course, we need to deal with the prescription discount for our seniors. I have had a study done in my district. It has shown that one can get drugs cheaper in Mexico and elsewhere other than the City of Houston. It shows that, in particular, my seniors have to take monies that they would use for food and rent to be able to pay for their drugs, a huge cost, $800 a month or more for some seniors who have lifesaving needs or drugs that provide lifesaving opportunities for them.

Why can we not simply pass a very simple bill that allows for those drugs to be discounted? Why are we not adhering to the heed and the cry of those we pretend to represent and provide seniors with that discount?

As I have said, this Patients' Bill of Rights, a part of HMO reform, really is urgent; and I have examples right out of my community. John McGann found that he had AIDS and thought that he would be covered adequately by his health insurance. When he filed a claim for AIDS-related treatment, he found out that his benefits had been capped retroactively. Since his insurance was through an ERISA group health plan, the State consumer protection plan did not apply. He sued claiming discrimination and lost. Unfortunately, John McGann died, and the ruling on his case was upheld by the Supreme Court.

Therein lies a great need for us to intervene legislatively.

Let me lastly say, Wendy Connelly from Sherwood, Oregon, went to a local hospital with symptoms of what she thought was a heart attack. When she got to the hospital, she found out that she was suffering from a previously undiagnosed thyroid imbalance, not a heart attack, and she might have been at that point a little grateful.

The bill arrived for her treatment and the HMO denied her claim because her treatment was not considered to be emergency care.

The HMO based its decision on her final diagnosis, not on the symptom that caused Wendy to go to the hospital.

Wendy fought the decision by her HMO with the help of her doctors and the hospital. She prevailed on her appeal, but she found out that the denial was a routine practice of insurance companies that emergency room visits had to result in a final diagnosed emergency.

Then what are we saying, Mr. Speaker? That when people feel that they are having a heart attack or some other dangerous symptom that may result in a loss of life that they should just sit here and say, my God, let me sit down and think is it my thyroid or something else because I will not get the benefit of my HMO that I am paying for because they will deny me the access to emergency room care?

We do want more of our citizens to be preventive or to deal with medicine from a preventive way to take care of themselves, but there are tragedies that are occurring every day. John McGann lost his life. Wendy Connelly was insulted with her HMO denying her a coverage. Joyce Ching had rectal bleeding and wound up dying, who she had in her family, her father died of colon cancer at a young age, and she was referred or denied a specialist, unfortunately, even though she had a history of colon cancer when she had rectal bleeding.

All of those are, I believe, indications, as my colleague has indicated by this special order today, that we are at a crisis in health care. We need to have the Patients' Bill of Rights. We need to have the prescription discount for our seniors; and, frankly, we need to have the Norwood-Dingell bill that will hold HMOs accountable for some of the negative aspects of health care that they generate.

I hope that we can move this legislation along, and I thank the gentleman from Texas (Mr. GREEN) for his leadership on this issue in bringing this particular special order to us. I would frankly say, can 73 percent of the American population be wrong? Can those who believe we can do better be wrong?

I would simply ask that we quickly pass these legislative initiatives so we can bring real health care to the American public.

Mr. Speaker, I rise today to add my voice in support of the Bipartisan Consensus Managed Care Improvement Act, the Norwood-Dingell patient protection legislation. This legislation sets a Federal standard to ensure that Americans will have basic consumer protection in their health care plans.

Americans have waited a long time for us to enact this legislation. This balanced, reasonable legislation represents the best hope for passing meaningful protection from abusive practices for patients.

In the past few years, there has been a dramatic change in the way people receive and pay for health care services. More than three out of four people are enrolled in managed care plans—health maintenance organizations (HMOs), preferred provider organizations, and point of service plans.

Managed care is an attempt to improve access to preventive and primary care, and to respond to high health care costs. Managed care plans were designed to control unnecessary and inappropriate medical care.

However, many Americans believe that instead of improving the health care system, managed care plans have increased the number of problems through bureaucratic redtape and denials of care.

Thus, the reform movement here in Congress sought to give consumers certain protections when receiving health care services. The original Patient's Bill of Rights was one attempt at patient protection legislation. In an effort to propose managed care reform that could be supported by everyone, the Bipartisan Consensus Managed Care Improvement Act was offered by Representatives NORWOOD and DINGELL.

There are four key elements to the Norwood-Dingell managed care reform proposal. These reforms include: (1) direct access to specialty care; (2) emergency room care; (3) an HMO appeals process by a panel of experts; and (4) HMO liability for refusal to authorize life-saving treatments.

These reforms are basic consumer protections that ensure that patients receive the best quality of care needed. In addition, this bill provides for an expanded choice of physicians, access to prescription drugs and continuity of care when a doctor leaves a network.

I support this legislation because I believe Americans deserve quality health care from their managed care plans. I have received many letters from constituents that express their dissatisfaction with the care that they received from HMO's.

A Kaiser Family Foundation study found that 73 percent of voters believe that patients should be able to hold managed care plans accountable for wrongful delays or denials. The same study also found that 61 percent of patients complained of the decreased amount of time doctors spend with patients; 59 percent complained of the difficulty in seeing medical specialists; and 51 percent complained of the decreased quality of care for the sick.

Last spring, many of my constituents used the power of the Internet to add their names to a national online petition in support of the Patient's Bill of Rights. These constituents believed that this legislation was crucial to provide consumers with the basic protections that are necessary to ensure that they receive quality care.

To further illustrate how important this legislation is to the American people, here are some stories of people who have true HMO horror stories:

In Houston, TX, John McGann found out that he had AIDS and thought that he would be covered adequately by his health insurance. When he filed a claim for AIDS related treatment, he found out that his benefits had been capped retroactively. Since his insurance was through an ERISA group health plan, the state consumer protection plan did not apply. He sued claiming discrimination and lost. Unfortunately John McGann died, and the ruling on his case was upheld by the Supreme Court.

Wendy Connelly from Sherwood, OR, went to a local hospital with symptoms of what she thought was a heart attack. When she got to the hospital, she found out that she was suffering from a previously undiagnosed thyroid imbalance, not a heart attack. The bill arrived for her treatment and the HMO denied her claim because her treatment was not considered to be "emergent care." The HMO based its decision on her final diagnosis, not on the symptoms that caused Wendy to go to the hospital. Wendy fought the decision by her HMO with the help of her doctors and the hospital. She prevailed in her appeal, but she found out that the denial was a routine practice of insurance companies—that emergency room visits had to result in a final diagnosed emergency.

Glenn Nealy suffered from unstable angina and was treated with a strict regimen by his cardiologist. His employer changed health plans, but Glenn was assured that he would continue to be treated. Glenn attempted to go to a doctor that participated in the plan, but after several administrative delays he suffered a heart attack and died. Before his death, he had also requested several times to see his original cardiologist, but was denied.

Joyce Ching from Agoura, CA, died from misdiagnosed colon cancer in 1994. When she complained of severe abdominal pain and rectal bleeding, an HMO doctor told her that her symptoms could be treated with a change in diet. She was refused a referral to a specialist until it was too late. In the early diagnosis stage, the doctor failed to ask Joyce for a family history, which would have revealed that her father also died of colon cancer at a young age.

Buddy Kuhl, from Kansas City, MO, required special heart surgery after a major heart attack. He could not get the surgery in his hometown, so he was referred to a hospital outside of the HMO service area. Initially, the HMO refused to certify the surgery, but later agreed after a second doctor confirmed the recommendation of the first doctor. A few months later, Buddy found that he needed a heart transplant. The HMO refused to pay for a transplant, but Buddy got on a transplant list anyway. However, he died while waiting for a transplant.

In each of these cases, an HMO bureaucrat made a decision that caused the death, or delayed care for a patient in need. Although Wendy Connelly survived her illness, she had to fight for her benefits. The other patients were not so lucky.

I once heard someone say, "As long as you are healthy, HMO's are fine, but the trouble starts when you get really sick." This statement is a sad commentary on the state of health care service in this country. That is why the Norwood-Dingell bill is so important. People need quality health care whether or not they are sick.

The Norwood-Dingell proposal includes access to specialty care. In the cases I cited several of the patients were denied access to specialists. Joyce Ching was refused an initial referral to a gastroenterologist and Glenn Nealy was refused an initial referral to a cardiologist. In these cases, the delay was fatal. If a specialist is needed, patients should be able to receive those services.

The Norwood-Dingell bill also includes access to emergency room care. Wendy Connelly received emergency room care, but her claim was denied because her final diagnosis differed from the heart attack symptoms she first experienced.

Under this proposal, no patient would be denied a claim for non-emergent care if the symptoms seemed more serious. Emergency care should be available at any time without prior authorization for treatment.

The third major reform is an HMO appeals process by a panel of experts. In each of these cases, an independent review panel probably would have overturned each of the decisions made by the HMO.

The expert panel would consist of an independent group of professionals, not a panel of insurance agents. Particularly in the case of Buddy Kuhl, a review panel would have determined that his condition was too serious to wait as long as it took for a confirmation of the original diagnosis.

Finally, the Norwood-Dingell proposal would impose liability on an HMO for refusal to authorize life-saving treatment. Although this is one of the most controversial aspects of this legislation, the ability to hold an HMO liable for certain decisions is an important reform for patients.

In some of the cases I cited earlier, the victims' families could not recover damages from the HMO because it was governed by ERISA (the Employee Retirement Income Security Act regulations), which only allows a patient to recoup losses caused by the delay or denial of care.

The Norwood-Dingell measure expands health plan tort liability by permitting state causes of action under the ERISA to recover damages resulting from personal injury or for wrongful death for any action "in connection with the provision of insurance, administrative services, or medical services" by a group health plan.

In my home State of Texas, we have The Health Care Liability Act that allows an individual to sue a health insurance maintenance organization, or other managed care entity for damages for failure to exercise ordinary care when making a health care treatment decision.

The first lawsuit to cite Texas' pioneering HMO liability law, filed against NYLCare of Texas, demonstrates why this measure is important. NYLCare's reviewers made the decision to end hospital coverage for a suicidal patient. Despite his psychiatrist's objections, the patient did not protest the HMO's decision to release him from the hospital, and, shortly after discharge, he killed himself.

In her decision in this case, 5th Circuit Judge Vanessa Gilmore wrote:

> [I]n light of the fundamental changes that have taken place in the health delivery system, it may be that the Supreme Court has gone as far as it can go in addressing this area and it should be for Congress to further define what rights a patient has when he or she has been negatively affected by an HMOs decision to deny medical care. . . . If Congress wants the American citizens to have access to adequate health care, then Congress must accept its responsibility to define the scope of ERISA preemption and to enact legislation that ensures every patient has access to that care. Corporate Health Insurance v. The Texas Dept. of Insurance, 12 F. Supp. 2d, 597 (S.Tx. 1998).

This case will set a standard for patients who have been denied care or refused treatment. Critics claim that this provision will expand employer liability, but this is not true. Detrimental HMO decisions will effect the HMO, not the employer. As in any case of liability, the decision-maker must accept the consequences of an unwise decision.

The Norwood-Dingell proposal should not be controversial for any Member of Congress who is serious about protecting patients from insurance company abuses. The patients, families, and doctors deserve to make decisions about health care services.

If the health care industry continues to act as a well-heeled special interest group that puts profits ahead of patients, then these reforms deserve our unequivocal support. I urge my colleagues to support this bill.

Mr. GREEN of Texas. Mr. Speaker, I am so glad the gentlewoman from Texas (Ms. JACKSON-LEE) brought up those because oftentimes to pass legislation we have to show the public support and, like the gentlewoman said, over 80 percent support now for a real Patients' Bill of Rights and managed care reform.

We have to show the need for it, not just the public support. The gentlewoman's example of the three people she gave, particularly the last one, and March being colorectal cancer month it is so important that we look at our family history and that HMO and the physicians need to look at that so someone can go and be screened to make sure, because colorectal cancer like anything else, the earlier the detection the more chance there is of survival, and the less money it will cost for treatment.

All of us do lots of newsletters, Mr. Speaker, and I know I read all of mine, particularly the ones that people write in and give particular opinions. So we sent one out and had town hall meetings in January and February of this year and so some interesting ones came back, particularly on HMO reform, and to point out the need for it. This person from Humble, Texas, part of the district I represent, every time I get my referral, my 6-month referral for my cancer, I get a 9-month checkup not 6 months as I should get, and a lot of things they should pay for they will not.

Instead of a person obviously who has had a history of cancer and has to go back, should be going back for every 6 months, her HMO says, no, she has to go back every 9 months and she has to get permission even to go back for that 9 months.

That is what the Dingell-Norwood bill would change, that that person should go back and get that checkup and they should not have to go back to their gatekeeper before they can go to their oncologist or their specialist, hopefully for a 6-month checkup instead of waiting another 3 months for it.

Another from north side Houston, in fact an area where I grew up, why cannot our family doctor have more control over us in the hospital? Please answer why that is the case.

Well, what happens with HMOs is that they will assign a physician to someone and their family doctor or their gatekeeper that they have selected oftentimes loses that control. Let me give an example of what happened in my own district. We had an individual in Pasadena that the HMO doctor came in, the family doctor or their gatekeeper said this person actually was terminal, with cancer, and the HMO doctor came in and said, you need to be released, you cannot go here and if you come back to the hospital you have to go across town.

So those constituents contacted our office and they expressed, our father is terminal and even our family doctor said he should stay in. After talking to that insurance company, they understood the error of their ways and they agreed to let that patient stay in there.

A person should not have to call their Member of Congress to get adequate health care. We should be able to pass the legislation, have the President sign it and they should not have to do that so that HMO doctor, who was assigned, cannot go in and say you need to be released, not consulting with the family doctor. That came again from North Side Houston.

I had another case in Pasadena. East End, in fact we share near East End where our new ball park is going to go up and the Astros are going to have their opening game, make HMOs accountable for better care. They have had horrible experiences. This is from Hagerman, near East End, almost in the district of the gentlewoman, but part of my district in East End Houston.

Again, these are newsletter responses that come back and say how they need. Remove restrictions that HMOs and PPOs place on doctors. Again, the gag rules that are placed on them and also the restrictions that a doctor cannot say what to do.

That is why this House last year passed a strong Patients' Bill of Rights bipartisanly and that is why the conference committee hopefully will, as we say in Texas, get up and do what is right. We need to do what is right and pass something for the whole country, not just say in Texas. I imagine the percentages in the district of the gentlewoman are the same. Two-thirds of the insurance policies in my district come under Federal law and not State law. So only a third of the people have the protections they have.

Two-thirds of the people need us to pass a bill that is as strong as the bill for Texas, that they did in Texas, and that is why it is so important.

Ms. JACKSON-LEE of Texas. Mr. Speaker, will the gentleman yield?

Mr. GREEN of Texas. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I appreciate the gentleman sharing with us real-life stories because every time we do have our town hall meetings or we interact with constituents, there are a number of tragic stories. As I indicated, Mr. McGann passed away. He was suffering from HIV and was distraught to find out that his illness, which we all know now is an illness that can attack almost anyone, was not covered. It did not provide him the care that he needed.

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What we need to do is to break the shackles or the intimidation process, so that, as the gentleman has so aptly said, access to health care does not have to be on the order of getting permission from the United States Congress, meaning that Congresspersons have to then intervene on behalf of their constituents to get simple health care.

Mr. Speaker, I want to bring up the point of the specialty care and the block that most individuals get. It may be that they are suffering from sickle-cell; it may be that they are senior citizens with a number of ailments. People do not realize how difficult it is to get around as a senior citizen and to go to one primary care physician just to get, it is almost a ticket, just to get a slip of paper to say that you are referred to a specialist.

Then one has to wait for a long period of time for that specialist to have time on his calendar, if you will, a physician's calendar. That is not necessarily an attack on the physician who is overwhelmed and overworked possibly, but then one has to wait to be seen by that particular specialist which delays one's diagnosis, and it also speaks to what the gentleman has just noted. The person who needed a 6-month checkup is given a 9-month. Why? Not for any other reason but to save money. But it is well known that the illness that they have needs a 6-month detection.

So what we are asking for is that there should not be a bar or a closed door to the need of our citizens to get health care in this great country where they are saying in one voice, whether it is the east end or the fifth ward, or whether it is the Heights, whether it is downtown Houston since that population is growing. I have heard that the stories do not respect whether or not one is a working person with an income of $25,000, someone who does not have health insurance, or someone who happens to be well-to-do. The problem is that the HMO, if you will, ties the hands of those who need health care; and we need to have those hands untied.

Mr. GREEN of Texas. Mr. Speaker, I thank my colleague from Houston. That is so true. That is why this is not an issue of economics or demographics or anything else, whether one makes $100,000 a year, $25,000 a year. If one is in an HMO, one's health care can be delayed, it can be denied, unless we pass a strong managed care HMO reform bill.

One of the issues I talked about a little bit earlier, and I want to address particularly, because I do not know if my colleague has heard about it, but I have, and particularly in meeting with some of my employers in the district, and that is again, their fears that they will be sued. I want to quote from the bill, section 302 of the bill that passed this House that says; nothing in this subsection should be construed as a cause of action under State law for the failure to provide an item or service which is specifically excluded under the group health plan for the employer. It does not authorize any cause of action against the employer or other plan sponsor maintaining a group health plan or against the employee of such person.

The intent of this legislation is not to sue the employer or sue the employee of that employer unless they are making those medical decisions, unless they are involved in it. Again, my real-life experience before getting elected to Congress is that employers do not make that kind of decision. Employers go out and buy an insurance plan, what they can afford; and they do not decide whether someone should go to this doctor or that doctor or this hospital or that hospital. That is up to the plan to make that decision, with the premiums that they charge.

So this bill actually prohibits lawsuits against the employer or the employee of that employer, based on health care, unless that employer is making that decision. Again, that is not the case. I do not know how we can make it any stronger. Frankly, during the debate last year on this legislation, I asked some employers, I said, if you can make it any stronger, please give me the language and we will make every effort to put it in. I never received any language.

So this bill, the Dingell-Norwood bill, does not allow for employer lawsuits. So that is one of those straw men that get thrown up oftentimes during legislative debate. But managed care reform, real managed care reform, over 80 percent of the people support: Democrats, Republicans, Easterners, Westerners, Midwesterners. And that is why this Congress needs to pass it. If it is not in the year 2000, then hopefully the voters and the folks will remember this November that this Congress needs to be responsive to their requirements, particularly when we see 80 percent, and we hear the examples that we have given today and heard about.

That is why it is so important that this Congress address a real Patients' Bill of Rights and include the 5 issues that we want to make sure they have: independent appeals, so they can get a timely medical decision; that we can eliminate those gag clauses; that we can have access to specialists; like my colleague said, women can go to their OB-GYN, not only for a specialist, but for their primary care; adequate emergency room service, and again, the example of not having to pass by an emergency room, or going to an emergency room with pain and then the doctors find out that you have some other illness and say no, you should have gone to your regular doctor. That is not the case. The issue is that they were experiencing pain originally, and whether it was the thyroid or heart or whatever should not matter.

The last point, the best one, we can pass all of the legislation that we want in this bill, but if it does not hold the medical decision-maker accountable, if the person is telling that person no, you should not get that test, if that person is not accountable, and again, they have been accountable under Texas law now for 2½ years and we have not seen a huge number of lawsuits. Again, Texans are not normally shy about going to court if they feel that they are aggrieved.

Mr. Speaker, I yield to my colleague.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for that very excellent summary. I just wanted to go back to the point about pain, because the new science from medical professionals is that we should listen to the signals of pain. Just as the gentleman has indicated, here we have HMOs who tell us to go back home because in the example that I gave, she thought she was having a heart attack, but it happened to be thyroid, so that is contradictory to what the medical professionals are telling us, which is to listen to pain symptoms and act on them and not to ignore them.

Let me just add that we holistically need to look over all at health care, and I hope at some time we will be able to pass the mental health parity bill. I think all of us have been supportive of that. That has not come to the floor. It has been filed every year, but we have not done that.

Then, one of the issues that we need to continue to address, and that is why we should know that we are not solving everything with the Patients' Bill of Rights, so people who are fearful of it should realize that there are still issues to deal with.

I have an omnibus mental health bill for children called Give a Kid a Chance, which is to give greater access to mental health care to our children and our families. There is certainly evidence through what we have seen in gun violence and children using guns that families are in great need of support systems. Mental health is a health issue, but we have not yet been able to address the question of mental health the way we should in this Congress.

So I hope that this Special Order today emphasizes not only the HMO reform, but the overall need of addressing health care issues. I am looking forward to bringing my mental health bill both to committee and then to the floor of the House. But I want to do that as we move the Patients' Bill of Rights along, as well as the prescription drug discount, and finally address the questions that Americans have asked us to address.

I thank the gentleman for yielding this time to me and for bringing to the attention of this Congress the need for HMO reform. I am happy to yield back to the gentleman.

Mr. GREEN of Texas. Mr. Speaker, I thank my colleague again, because there is no doubt that this Congress needs to address a broad range of health care. We have a bill that passed the House, that is a strong Patients' Bill of Rights; and we need to take one step at a time, Mr. Speaker. If the conference committee will come out with a strong Dingell-Norwood bill just like passed this House, then we can put this issue behind us and we can address health care for veterans; we can address mental health and get on to other issues that are important.

But, first of all, when people pay a premium, they have to make sure that they receive the health care that they are paying for; and that is what is so important about this Patients' Bill of Rights. They have to know that when they pay the money for their premium, that they are getting health care and not just getting a denial slip or delayed health care, because someone is making a decision that they are looking at the bottom line instead of the health care of that person.

Mr. Speaker, again, I thank not only our Democratic leader, but also the colleagues of mine who have been here tonight.

Mrs. MALONEY of New York. Mr. Speaker, last session, this House passed a sound and responsible managed care reform bill with solid support from both sides of the aisle.

The conference committee has finally met and the appointees are now negotiating critical provisions such as direct access to OBGYNs for women and direct access to pediatricians for children.

Faced with a daunting number of managed care reform bills, our fellow lawmakers in all 50 state legislatures are urging us to take action soon.

Their pleas echo those of millions of patients, family members, and providers who feel disenfranchised and exploited by the Big Business of Big Medicine.

These are real patients with real diseases, real pain, and real fear.

We have heard for so long about the onerous obstacles that patients face in getting the care they need.

We have come together as a House to pass sound legislative remedies.

Now let us finish the job we began last session without further delay.

Mr. Speaker, these patients don't have any more time to wait, nor should they have to wait . . . We owe it to them to finally deliver the relief that is promised in the Norwood-Dingell bill.

And the Patient's Bill of Rights isn't just about patients—it's about beleaguered health care providers gagged from speaking their expert opinion and prohibited from practicing to give the best medicine they know.

No single piece of legislation passed during this Congress has more support and more urgency than the Patients' bill of rights.

I call on my colleagues assigned to the conference committee to waste not one more minute in bringing this legislation to the desk of the President, so that the Patients' Bill of Rights can become law.

DEPARTMENT OF EDUCATION UNAUDITABLE DUE TO SLOPPY RECORDKEEPING

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Michigan (Mr. HOEKSTRA) is recognized for 60 minutes as the designee of the majority leader.

Mr. HOEKSTRA. Mr. Speaker, I want to talk tonight about some of the work that we have done in our committee over the last few months, and I chair a subcommittee that has oversight responsibility for the Education Department.

It was back in October, October 29, that me and some of my colleagues from the committee, the gentleman from Colorado (Mr. SCHAFFER) and the gentleman from Arizona (Mr. SALMON), walked down Capitol Hill. We walked to the Department of Education. We wanted to meet with some of the people at the Department of Education, and we wanted to meet with Secretary Riley to find out if we could help the Secretary find a penny on the dollar of savings. It was when we were going through the budget negotiations and a various range of activities. One of the things that we were saying is, can we find some savings in our various departments so that we can stay within the budget caps, make sure that we do not raid Social Security and actually develop a surplus in the general fund, as well as in the Social Security fund.

Well, when we went there that day, we found out some interesting things. For 1998, the fiscal year of 1998, the Education Department had just received their audit, the financial audit completed by Ernst & Young, which is a report that Congress mandated that every agency go through, that they bring in independent outside auditors to review the books. What did we find out? We found out that for 1998, the Education Department was 7 months late in meeting their statutory deadline. That is the good news. The bad news that we found was that Ernst & Young was not going to give them a clean audit. Actually, they did not render an opinion on any of the 5 financial statements that the Education Department was required to complete. So basically, their books could not be audited.

What we also found out is we went and dug through this, and we found that there was an account called the "grant-back account." It had $594 million. This is money that is recovered or supposed to be recovered from schools and universities who have had some problems with the grants that they are receiving. They returned this money back to Washington; that is why it is called the grant-back account. It had $594 million in it. The auditor stated that of this, only $13 million could actually be attributed to grant-back activities, meaning that over $580 million of that account could not be reconciled, that the Education Department could not tell us how the money got there, what accounts that this money had come from, or where this money was going to be used. As a matter of fact, under law, most of this money should have gone back to the Treasury, but it was still sitting at the Department of Education.

Mr. Speaker, they receive $35 billion a year. As they were going through the process, the auditors had found an instance where, in 1998, as they were adjusting their books, they had made a $6 billion, that is with a B, a $6 billion adjustment in their books. Now, this did catch the attention of the auditors, and they went back to the Education Department and said, could you please explain to us why in this preliminary statement it was *x* amount, and why in this follow-up statement you had made a $6 billion adjustment.

Can you perhaps explain to us and give us the paperwork and the background so that we can understand how this first statement was so totally inaccurate and where the documentation was and why it was not there in the first place, and the answer coming back from the Education Department is no, we do not have the backup data to explain exactly why we needed to make this $6 billion adjustment.

We found out that in 1998 in the audit that there were $76.8 million in improperly discharged student loans. These are young people who had received student loans, but the Education Department, rather than expecting these students to repay these loans, had improperly discharged $76.8 million worth of student loans, a great deal for these students. The problem is, we expected these students, and these students had agreed, to pay us back and the Education Department discharged those student loans. They said well, let it go. These are kids that completed college, not a big deal. It is a big deal. The $76.8 million could have funded 20,000 new loans for students.

There was $177 million in improper Pell Grant awards. That is enough for Pell Grants for 88,500 students.

□ 1745

There was $40 million, and this is one that is very interesting, there was $40 million in duplicate payments in August of 1998 alone. What does that mean, duplicate payments? It means that the Department of Education has a list and says, hey, we have to cut checks. We have to write checks to these students, to these organizations today. They cut the checks, they cut checks for $40 million, and they run it through again, and they run another set of checks for $40 million. In many cases, they find these duplicate payments.

But the problem in this, and we will talk about what happened in 1999, is that these duplicate payments have now continued for a period of over 13 to 15 months, meaning that on occasion after occasion after occasion, the Department of Education continues to make duplicate payments. I believe in most cases they are catching them, but we do not know if they are catching them in all cases or not.

Again, it is gross mismanagement of taxpayers' dollars, of some of perhaps the most important dollars we are spending in Washington: It is the dollars we are spending and investing in our kids' education.

So what do we find now in 1999? There was a hearing, and probably one of the more disappointing hearings that I have had since I have been here in Washington. It was last week. We will also talk about a hearing that we had on Friday, because it was one of the most exhilarating hearings that I have had and have had the opportunity to participate in since I have been in Washington, but it is a sharp contrast.

On Wednesday, we brought in Ernst & Young, the auditors. We brought in people from the Department of Education. We brought in people from the General Accounting Office and the Inspector General's office to tell us about the results of the 1999 audit: Could the Department of Education now account for where their $35 to $38 billion of money went that the taxpayers gave them to invest in our kids in 1999?

That was on Wednesday. On Friday, we brought in some individuals who are having an impact on education at the local level, three people who are running charter schools in their local communities, one from the Los Angeles area, one from Colorado, and another from Washington, DC.

What a sharp contrast between the answers that we got from the Department of Education on Wednesday as to what they were doing with their $35 billion, and these individuals who are running charter schools in their local communities, in some areas going to some of the toughest neighborhoods in the communities and reclaiming those kids, those schools, and those neighborhoods through their activities.

Obviously, what happened on Wednesday was not good news. The Department of Education came in and said, well, we have made progress. At least this year our report is not 7 months late. Actually, it is the Inspector General who is responsible for doing the audit work. They came back, and she hit the date. She was supposed to be done by the end of February, and she worked with Ernst & Young, and the Inspector General did a great job to inform Congress as to the status of the Department of Education books for 1999.

The good news is they hit the target. The bad news is, the books cannot be audited. They have to, again, do five statements. Four of the statements have qualified opinions. The fifth statement the auditors did not render an opinion on, meaning the fifth statement again cannot be audited.

On the other four statements there were serious concerns about each one of those statements that would lead one to question the accuracy of the numbers as to what they represented, as to whether they accurately represented what went on in the Department of Education in 1999.

They call these material weaknesses. Some might say, it is a material weakness, but you have the statements. What are you worried about?

What I am worried about is that if this would happen in the private sector, if there were a company that was listed on NASDAQ, a publicly-held company, and they came back and said, here is what our auditors say about our books, we asked the auditors what would happen.

They said, this would be a huge problem, because what you would be telling your shareholders is, we cannot really tell you what your investment is worth because your earnings per share, your costs, your net worth, and all of those types of things, are not accurately reflected in the statements. Most likely what would happen is that the trading of the stock would be suspended until the company could get its financial house in order.

In 1998, the books cannot be audited. In 1999, a failed audit. What the Department and what the other people told us is that the reason they are failing their audits is because they do not have systems, automated systems, in place that provide protections that indicate that the way you are spending the money is an accurate reflection of actually what is really happening.

How does this then manifest itself? How does this make a difference to the people back in Michigan, the people back in Colorado, or whatever? It is kind of like, well, the money is coming out of Washington. It is getting to my schools, right? If they are just a little off on their numbers, what are you worried about?

Number one, I am worried about it because it is $35 billion. It is a lot of money. The second thing that I am worried about is, coming from the private sector background, we know that when we have an organization that does not have the correct systems in place to manage its business and its activities, we are creating an environment that is ripe for fraud and abuse, inefficiency, ineffectiveness, and mistakes.

Do we see any of that in the Department of Education? Here are just some recent examples: In 1998, duplicate payments. What did we see in 1999? In December, because their fiscal year starts on October 1 of 1999, they had duplicate payments in 1998, they had them in 1999, and they have had them in this current fiscal year. They had them in December and January of what would be their fiscal year 2000. Duplicate payments are continuing.

Sloppy management leads to mistakes. The Department, for student loan applications, printed 3.5 million forms incorrectly. They need to be scrapped. We know there is fraud in the student loan program. The auditors have reported that as they have tried to work with the Department of Education to try to identify how this money got into this grant back account, this $594 million, and they have asked for the backup data. The Department of Education still cannot provide the appropriate backup data to say how money flows in and out of this account.

Fraud? In our hearing on March 1, the IG, Inspector General, and the Department of Education indicated that they have, and we cannot go much beyond this, but they currently have a vigorous investigation that is ongoing to investigate the theft of computers within the Department; that the controls for maintaining their capital assets, for the purchasing of computers, technology, software, that the controls were not in place to enable the Department to track and monitor its computer equipment, so they currently have a vigorous investigation that is ongoing.

Perhaps one of the most disappointing things that indicates how sloppy management, failed audits for a $35 billion agency, translates itself into having an impact on an individual within one of our districts, here is an example of what happens when we have sloppy management and we do not have good controls in place.

The Jacob Javits scholarship program, this is a program that is awarded to students who are graduating from college and provides them with the opportunity to continue their work in graduate school, it can be up to a 3- or 4-year program, and in some cases providing benefits to the students of up to $30,000 per year, because there is a living stipend along with an agreement to pay for the student's tuition.

So we have these students out there. They see this Federal program out there, a Federal scholarship program, the Jacob Javits scholarship program.

They are going to go out and compete for it. I know what is going on because I have an 18-year-old at home who is looking at going to college next year, and she is competing for some scholarships.

I know the excitement on her face when I call her at night and she says, hey, Dad, I just got notified last night that if I go to XYZ college, I have a $3,500 scholarship for each of the next 4 years. She is excited. She feels great. I feel great because it means that maybe my investment will be a little bit less, but she is excited because of the recognition that institutions and others have made on her achievements.

What happened with the Jacob Javits scholarship this year? Failed audits, $35 billion, an agency that does not have proper controls in place, how does it affect these students applying for the Jacob Javits scholarship program?

It was not all that long ago, in the last few weeks, that 39 students, college students who had applied for one of the nicest and most plum scholarships that one could get, 39 students were notified that they won the Jacob Javits scholarship. The bad news is that two or three days later, these students were notified and were told, sorry, it ain't so. Really, you didn't qualify. You didn't win the award. You have really just been selected as alternates, and if some of the real award winners have gotten other scholarships or have decided they are not going on to graduate school at this time or whatever, then you are in line to be eligible for a Jacob Javits scholarship.

Can Members imagine these 39 young people and the excitement that they must have felt on the day they got the call that said, you have qualified for a 3- or 4-year scholarship of $30,000 per year? It is like, yes, the work that I have done for the last few years has been recognized and the dream that I have for the next 3 or 4 years of continuing my education has been realized, and all of a sudden, you are knocked off the pedestal and your dreams are shattered when someone calls you back and says, I am sorry, we made a mistake. You really did not qualify.

Now, the Department of Education is going to make it right. They are going to provide these students with the scholarships that they promised them. That is probably the right thing to do. But the problem is, they do not have the money to do it. They award *x* number of scholarships because that is how much money they have. If they are now going to give 39 more, they are going to have to come up with this money from someplace else. They are probably going to come back to Congress and say, well, it is only $1 million.

Yes, for Jacob Javits, it is only $1 million. But how much have the duplicate payments cost? How much have the 3.5 million forms that were printed incorrectly, what has that cost us? What has the computer theft within the Department, what has that cost us? What is the cost of the fraud in the student loan program? What is the cost of the grant back account?

What we are finding here is that this is an agency that gets some of the most important dollars and is focused on one of the most important issues that we are dealing with in Washington, and they are not meeting the basic test. They cannot keep their books, and they cannot even tell the students which ones received a scholarship and which ones have not qualified.

□ 1800

The bottom line when one takes a look at the Department of Education is that, what this is, and we ask ourselves the question, is this an agency that educates kids? How many kids are enrolled in schools run by the Department of Education? Zero. The Department does not educate kids. The Department does not run any schools.

What the Department does is it distributes roughly $35 billion around the country. What we are now finding is that, after the last 2 years, and based on the feedback from the external auditors, that for at least the next 2 years, there is a high probability that they will fail their audit for 4 years in a row.

What the Education Department is, it is not a school educating our kids, it is a bank, it is a financial institution; and it is not doing that job very well. It is failing some of the basic tests. It is failing some of the basic tests at a time when the Education Department should be one of the most exciting places to work in in Washington.

Why do I say that? I say that because of the hearing that we had on Friday. The hearing on Wednesday was an absolutely miserable hearing where the Department of Education came in and told us that their books could not be audited. On Friday, we met some people where the rubber hits the road. These are the people who are running some public schools, in this case, they were running charter schools, in Los Angeles, in Colorado, and in Washington, D.C.

To listen to what they are doing in their communities, in Los Angeles, this is a group of teachers and administrators that went out and said, we are going to take this school, and we are going to turn it into a charter school. It is going to free us up from some of the bureaucratic red tape and the rules and regulations that just encumber, at least in that case, encumber them from achieving what they wanted to get done in their local schools.

What did they do? They went in, they formed their charter school, and their kids' test scores have improved. They used to have a high turnover rate. The families would move and the kids would just transfer from one public school to the other. Families are still moving. But the kids in some cases now are traveling an hour to go to this school because of the results that they are getting. Significant improvement in the test scores and in the performance of the students in these schools.

It is the same story in Colorado, and it is the same story that we have heard about Washington, D.C. Committed teachers, committed administrators, committed parents, and committed communities going out and making a difference in their kids' lives.

The other exciting thing is, in many cases, they are all breaking the mold of education for their kids. In Los Angeles, again, they have embraced technology. The computer-student ratio in this school is one to one in the seventh grade. They are taking new models of learning for their kids.

One can see the interaction as these individuals who are running these schools, as they were talking to each other, and as they were sharing with the panel, the excitement that they felt as the woman from Los Angeles was talking about the one-to-one computer-student ratio, as she was talking about the learning that was going on, as she was talking about the improved test scores, and how kids were commuting up to an hour to come to that school.

One could see the excitement and the enthusiasm in the other two as they were saying, when we leave here, I have got to call her and find out exactly what she is doing because I think there are some things that I can maybe learn from her that I might want to take and put into my charter school.

Then as the other two talked about the programs that they were running, the woman here in Washington, D.C. talking about the 15, the 20, the 30 students that they take to Cornell in the summer because, for many of these kids in this neighborhood, going to a prestigious school never even was a dream that they could think about. It was the impossible dream. It was the impossible dream because they could not even think about escaping the environment they were in or believing that, when they graduated from school, when they graduated, that those kinds of opportunities would be available to them.

Now, what they are doing is they are going there for a week in the summer, and they are experiencing it, and they are also learning that, when they go, they are knowing they have got the background, the knowledge that they have completed the learning that will enable them to be successful when they graduate from high school, that they can dream about going to Cornell, that they can dream about going to some of our prestigious universities, or they can just think about going on to college.

They will know that, when they get there, they will be successful. That is what education is about. I think, as we take a look at the Education Department and where it needs to go, I think there are some things that we need to recognize, that there is a role for a Department of Education.

But what the role of the Department of Education should not be is distributing dollars and managing dollars. We do not need an agency that is just distributing and trying to be a bank and not doing a very good job.

What we need is we need a Department of Education that can be a resource to the types of individuals that testified at our committee on Friday, that they can be a resource so that, as people at the local level either are dealing with challenges, opportunities, or have some significant breakthroughs, that they can communicate with the Department of Education and say, you know, we just did this great program, we have got a great model for integrating technology into the classroom for seventh graders, here is how we are doing it, you know, please share this with other schools so that, if they have got some questions or comments, we have got a great resource here.

Or if they have got a great challenge that they are facing, perhaps the community, the face of the community is changing, and the school board or the administrators are struggling with how do we change this or how do we face this changing face of the community, how do we deal with it in our schools, that they can go to the Education Department and say, you know, have you got other school districts that have faced these kinds of challenges or these kinds of issues that we can talk to, not for them to tell us what to do, but that we can talk to them, and they can tell us what they tried, what worked, what did not work, so that, as we design a school and a school system that meets the needs of our community, we can learn from others that have already done that. An Education Department that funds basic research in to learning.

We see a lot of the people now talking about how technology can impact the learning process. Have we fully researched the broad, new avenues of learning that technology opens up for us? I do not think so. But that is an area where Department of Education, perhaps through grants to the private sector or whatever, can foster the basic kind of research so that, as schools are contemplating integrating technology, they can go somewhere and get the latest research that says, if you are going to try to teach reading in this kind of environment, here is how perhaps you can integrate technology. Here is how you can use technology for math. If you have got a problem with class size, maybe technology can deal with an issue of large class size.

So there is a wonderful role and a potential role for the Department of Education to kind of like become the National Institutes of Health, a research-based, a learning organization that is on the cutting edge that others can learn from and that others can take the research and apply to their learning opportunities in their local community.

What a different vision for a Department of Education that is a cutting edge, research-based department that helps local parents and school administrators learn, learn about how most effectively to teach our kids.

That I think is a future vision for the Department of Education, compared to a Department of Education today which has $35 billion per year going through it along with another $80 billion to $85 billion in student loans; and what they actually cannot do is keep their books. An organization that consistently is failing their audits versus one which is on the cutting edge, which is a breakthrough type of agency.

There is a role. It is time to reform that role. Why is it time to reform that role? It is time to reform that role, number one, because the current model is broken. The other is that we are not doing nearly well enough with our kids' education.

The TIMS study, this compares our kids with kids on an international basis in the 12th grade. How do our kids rank? In math, out of 21 countries, our proficiency, we are 19th out of 21. That is not good enough. I spent a lot of time going to high schools and different schools throughout the district over the last 9 months. Actually, I have been doing it much of the time I have been here in Washington.

But when looking at these kids, they want to learn, they want to be successful, and they are going to be competing against other kids from around the world as they enter the job market.

What is their vision about their educational system? Being 19th out of 21 is not good enough for them. Whether we are in the Bronx in New York, and we have had hearings in 19 different States with our Education at a Crossroads Project, whether one is in the Bronx, whether one is in Cleveland, whether one is in Milwaukee, whether one is in Muskegon, Michigan, whether one is in L.A., whether one is in Albuquerque, these kids all have the same vision. They want to be number one, not selfishly, but what they want to have is they want, as they are going through the education process, they want to be the best educated kids in the world; that when we put them through a battery of tests on math or reading or any other kind of measurement, they want to be at the top. Because they know that, if they are not at the top, they may not be prepared to compete in a global economy.

The TIMS study for reading, how did we do in reading? We did better than what we did in math. In math, we were 19th out of 21. In reading, we moved all the way up to 16. We were 16th out of 21 countries.

What else is going on? We know that at the fourth grade in reading, 38 percent of our kids are below basic. In eighth grade, 26 percent are below basic skills. At 12th grade, still 23 percent are below basic. That means that they have not achieved what we consider the basic skills necessary or required at that level.

How about in math? In the fourth grade, 36 percent of our kids are below basic. In the eighth grade, 38 percent of our kids are below basic. By the 12th grade, we are still at 31 percent, or roughly one out of every three of our kids are below basic levels.

That means we are in danger of losing almost a third of our kids because we have not provided them with an environment of academic excellence that will allow them to achieve, not only at the basic, but well beyond the basic. Thirty-one percent of our kids at the 12th grade in math are still below basic.

Is it any wonder that, as we have gone around the country with our hearings, Education at a Crossroads, that one of the fastest growing programs in our colleges is remedial education. We talk to different college administrators, and it struck me when we started this process 3½, 4 years ago, some of the first hearings that we had where the college administrators came in and they said, you know, whatever you do, do not cut out remedial education. If anything, we need more money for remedial education. They told us that in California. They told us that in Arizona. They have told me that in Michigan.

Finally, one kind of steps back and says, you know, why do you need remedial education? These are kids that you have accepted into your college programs. What is the need for remedial education for kids going into college?

The answers come back reflecting the test scores. Well, 23 to 25 percent of the kids coming into college are not proficient in reading at 12th grade proficiency when we get them. So we need to catch them up in reading. A third of the kids coming in are not at 12th grade proficiency for math. So what we have to do is we have to catch them up. Those are roughly the numbers. Roughly somewhere between a quarter and a third of the kids entering college have to go through some type of remedial education.

□ 1815

So we are seeing the standards. We are seeing how our educational system and our students are stacking up. On an international basis, we rank 19 out of 21 in math and rank 16 out of 21 in reading. And then, as we compare our kids to a standard that we have established for reading and for math, we consistently find that by the 12th grade we are still having a quarter to a third of our kids leaving our high schools without basic proficiency in reading or math.

It is not good enough. And the Washington response has been an education department that does not give our people at the local level a lot of information about how to improve their systems. It just funnels money back and forth and ties a lot of strings and a lot of red tape to it. It is not working.

Washington has hundreds of programs in the education area, each of these going back to a local level, telling people at the local level that if they want this money this is what they need to do. These are the forms that need to be filled out so that we can see that you actually did what we said had to be done. And, by the way, at the end of the year we will send an auditor in to make sure your books are auditable even though ours cannot be.

There is a better way to do it. We talked about one of the elements of a new vision for an education department and a reformed education department, which is that we have an education department that is a leading-edge educational department; that it can identify best practices so that it can be a resource to parents, teachers and administrators at a local level.

What is another part of our vision? Another part of our vision says that perhaps we can increase funding not by spending more but by being more efficient in how we spend it. What if instead of having 200 or 300 K through 12 education programs in Washington that really control how local schools are run, what about consolidating some of those programs and giving States and local schools a tremendous degree of flexibility in how they can spend those dollars and on what programs and in what areas they will spend those dollars?

By consolidating, perhaps we can save 5 percent of the dollars that we spend on education and ensuring, in the process, that rather than spending this 5 percent here in Washington, we spend 5 percent where the real leverage point is; that we spend 5 percent in the classroom, with a teacher that knows our children's names. That is one reform that we can make: getting more money out of Washington and getting it into the classroom with a much higher degree of flexibility.

A second thing that we can do is eliminate some of the red tape. As I said, when we have all these programs, local school districts have to find out about the programs, they have to apply for the programs, then they have to report back, and they have to be prepared to be audited. What if we can cut out some of that red tape and some of that bureaucracy through that process and give those local schools a whole lot more flexibility.

And, really, what we are going to be focusing on will not be on the process of how they spend the dollars; we will not focus on the process of did they do the right reports at the right time and get the money back and report everything correctly. But what we are going to do is we are going to focus on whether they actually improved the learning of the students in their school. Has their performance improved or has their performance declined or has it stayed the same? Where we still have young people at 31 percent below basic in math, where we have 23 percent below basic in reading, are we turning out students where we have 95 percent at basic or above in both reading and math so that we are not letting kids fall behind?

Let us focus not on the process. It is time to focus on the results. We should not have a department focused, and we, as a Congress, should not be focused on telling local schools what to do. We ought to be talking to States and local school districts and holding them accountable for what they have achieved. Because this is not about managing process. If it is, we know this education department cannot do it. This is about something much more important. It is about educating our children.

So we give the schools more flexibility, and we eliminate the red tape, which gets more dollars into that local classroom. And from a practical sense, what does this mean? It means that a school, rather than getting money for class-size reduction or hiring teachers and getting another pot of money for technology, getting another pot of money for some school construction or school modification, getting some other money for the arts, getting some other money for some other kind of training and these types of things, it is giving the money to the States and to the local schools and telling them that if they need to focus on technology, if they think technology is the answer, that we will give them the flexibility to improve the technology within their school.

That may be exactly what some of the schools in my congressional district would need, and they would have the flexibility to go out and do that. For others, they might say that they have invested in technology; but when they did, they found out that what they really needed to do, in addition to that, but they do not have the money to do it, is they need to invest in teacher training so that they could use these tools to be most effective with our kids. Let them use the money for teacher training.

If they need to use some of the money for school construction, let them use the money for school construction. But allow them the flexibility of designing the programs that are most effective for the problems, the issues, and the opportunities that they have in their local schools. Because this is about our kids. It is not about process. It is not about the education department. This is about how do we get the maximum impact in learning for our kids.

Are we going to get it by mandating from Washington and controlling from Washington; or is it going to be by continuing to invest in education through Washington, through an education department, but allowing a great degree of latitude and flexibility to the people at the local level? The local people know our kids' names, they are the people that know the school, the problems, the opportunities, and the issues that they face. The local people know the neighborhoods, know the communities, knowing exactly, maybe not exactly, it is not a science, but the local people will have the best idea as to how they could improve education in their local community.

And if they then had a resource of a Department of Education where they could go to for best learning practices or best teaching practices, what a great partnership that might be. Local decision-making; research-based data and information to empower people at the local level to make the best possible decisions for our kids.

It is not an issue about money. We have spent and invested a lot of money in education over the years. This is a question of how we invest that money most effectively. Not even necessarily most efficiently, although that would be nice, but how do we invest it most effectively. Do we invest it through a Washington-based model or do we invest it through a locally based model?

The difference was so striking last week. The Washington-based model, with quality individuals working at the Department of Education, who have the best interests of our kids in mind, but for the second year in a row cannot even be held accountable for how they spent these education dollars on our kids. Compare that picture with the education department who cannot even take the time to put in place the policies, the procedures and the practices to track $35 billion. Compare that to the caring and the passion that we saw on Friday where we had these individuals coming in and talking about what they were doing, improving test scores; integrating technology; reclaiming their kids; reclaiming their neighborhoods; and making a difference in their communities.

There was a concern demonstrated in attention to detail. A Department of Education that does not have the right policies and practices in place sends out erroneous information to 39 young people telling them they have a scholarship, when they really did not and then has to call them back, versus the local decision-making where the people that we saw last Friday are concerned about each and every child in that school and making sure that each and every one of those children is going to be successful, and doing what needs to be done to ensure that that is the result, forming the partnerships with business leaders, forming the partnerships with parents to make a real difference in their communities and these children's lives.

It is a really sharp contrast; a department that erroneously identifies scholarship winners, a department that makes duplicate payments, a department that prints forms wrong, a department that currently has a vigorous investigation into computer theft, a department that has fraud in a student loan program, and a department that has an account with over $500 million in it, or at least in 1998, that they cannot tell us how it got there or where it is going.

Then compare that to the passion that, in many cases where these are charter schools, they are facing a lot of odds against their success. They have to build those schools. They do not get construction dollars. They just get their per-pupil funds. And in many cases they do not even get all the Federal dollars. The Federal dollars do not follow these students. But in each one of these cases, they are people passionate for what they are doing in their communities.

I think the final element of a reform package in education is reforming the Department of Education into a research-based learning think tank that is a resource to the rest of the country, freeing up dollars within the bureaucracy to invest in our kids. So taking money out of Washington and putting it back in the classroom, that is the second step. The third step is taking money out of the process and moving it back to the local level, out of the red tape. And the fourth part is investing more in education by providing parents and businesses the opportunity to take credit, tax credits, for investing in education.

There is a formula for improving education, but it is taking decision-making out of Washington and moving it back to parents and local school districts where we can really make a difference.

GENERAL LEAVE

Mr. CROWLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject matter of my special order and the special order of the gentleman from Texas (Mr. GREEN).

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from New York?

There was no objection.

GLOBAL HEALTH ACT OF 2000

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from New York (Mr. CROWLEY) is recognized for 60 minutes.

Mr. CROWLEY. Mr. Speaker, today, we here in the United States, and throughout the world, are celebrating International Women's Day.

□ 1830

Unfortunately, too many women in the world today have no cause for celebration. Nearly 600,000 women die each year from complications of pregnancy and child birth. That is one woman every minute. Of these deaths, 99 percent take place in the developing world, where maternal deaths account for up to one-third of all deaths of women of child-bearing age.

According to the World Health Organization, for every maternal death that occurs worldwide, an estimated 30 additional women suffer pregnancy-related health problems that can be permanently debilitating. A woman's lifetime risk of dying from pregnancy-related complications or during child birth can be as high as one in 15 in developing countries, as compared to one in 7,000 in developed countries.

Mr. Speaker, more than 150 million married women in developing nations still want to space or limit child bearing but do not have access to modern contraceptives. Yet, Mr. Speaker, despite these startling estimates, the U.S. commitment to women's health remains woefully inadequate. And that is why I, along with 22 other colleagues, have introduced legislation to increase the U.S. commitment to women's health by $300 million as part of a legislation known as the Global Health Act of 2000.

Mr. Speaker, H.R. 3826, the Global Health Act of 2000, authorizes additional resources to improve children's and women's health and nutrition, provide access to voluntary family planning, and combat the spread of infectious diseases, particularly HIV/AIDS.

Only the Global Health Act represents a comprehensive, balanced approach that builds upon proven existing programs to increase the U.S. commitment to go balance health as effectively as possible.

Over 100 groups, such as the Global Health Council, Save the Children, the Salvation Army World Services, and the Global AIDS Action Network support the Global Health Act 2000.

Mr. Speaker, in August of 1999, my constituents were shocked to learn that an outbreak of West Nile-like encephalitis had surfaced for the first time in the western hemisphere in the heart of my congressional district in Queens and the Bronx. This outbreak was a wake-up call for every American, not just New Yorkers. It illustrated that the Global community has truly become a local community.

As demonstrated by HIV/AIDS, West Nile-like encephalitis and tuberculosis, a disease, Mr. Speaker, respects no borders. An outbreak in Africa, Europe, Asia, or South America can travel to U.S. shores within days. No longer can diseases occurring in far-off lands be ignored. They pose a direct threat to the national security of our great country and must be addressed by the U.S. Government, this Congress, and the international community as a whole. Diseases cannot be seized by Customs, and they do not apply at the U.S. Embassy for a visa. The only way to stop them is to target them at their source.

The Global Health Act recognizes this and emphasizes the interconnectiveness of global health by calling for increased funding for child survival, women's health and nutrition, reducing unintended pregnancies, and combatting the spread of other infectious diseases. It also calls for increased coordination between the different government agencies administering health programs.

Mr. Speaker, with the resources provided under the Global Health Act and the assistance of other nations, we can make a profound difference in the health and well-being of millions of the world's poorest citizens, especially women, and protect our own national security at the same time.

We are the greatest power the world has ever known. We cannot continue to keep our head in the sand on this international issue. We have to recognize that we do not live in a cocoon. We can tackle this problem as a Nation and as a world, but first we have to face up to it.

I had the great opportunity this afternoon to meet with the present Miss Universe. Her name escapes me at this time. But she is from Botswana, Africa. She came to talk to me today about the bill that I am sponsoring, the Global Health Act 2000.

To lend her voice in support, I know that she met with a number of Members of the House today, I believe also Members of the Senate, to bring attention, much needed attention, to this issue. She spoke personally to me about her homeland and about her home continent.

She is headquartered today in New York. She sees it and I view it myself as the headquarters of the world. We will not say the capital of the world, but certainly it is the headquarters of the world. It is convenient in that it is the home to the U.N. But also, New York at times can command international attention.

We are happy that she is in New York working on this very, very important issue and, at the same time, sparing some time from her busy schedule to come down here to Washington to lobby Members of the House and the Senate on this important issue to get their support. We need more support for this legislation. I hope we can all keep this in mind as we observe today International Women's Day.

Ms. JACKSON-LEE of Texas. Mr. Speaker, thank you for this opportunity to address an issue deserving of much attention by the international community and especially the U.S. government. In honor of International Women's Health Day, I believe it is especially relevant for us to reaffirm our commitment to global health.

I urge my fellow Members today to support the legislation that recognizes the overwhelming problem of the spread of infectious diseases across the world.

Children are suffering as we speak. More than 10,000,000 children under 5 years of age die annually in developing nations from preventable causes.

As founder and Co-Chair of the Congressional Children's Caucus, I must emphasize the tragic circumstances of children across the world.

As a Cosponsor of this legislation, I must stress the need for the Congress to increase our commitment to global health.

Global Health concerns all persons, American citizens included.

The CDC alone cannot stop the spread of disease worldwide and although imposing, Customs cannot seize diseases at country checkpoints. So we must not allow ourselves to assume that outbreaks in other countries will not affect Americans also.

Infectious diseases such as HIV/AIDs and malaria are of the type that must be continually monitored and studied in order to prevent future outbreaks.

Investing in global health will help prevent the spread of these types of diseases because it is a preventative measure and we all know that prevention is the best method of elimination.

Over 100 national organizations support our commitment to global health, which should signal to any skeptic the national appeal of this legislation.

Organizations such as Save the Children, the Salvation Army, and the Global AIDS Action Network are the type that all party member can recognize as being committed to the health of all notwithstanding their ethnic or religious affiliation.

In this Congress today, we will be continuing the debate over whether prescriptions can be included for Senior Citizens under a health insurance plan called Medicare, yet most persons across the world do not even have basic health coverage.

This is an issue that should cut across partisan lines. What we are asking for today simply is funding to provide such basic health coverage such as immunizations, reproductive health services and educational programs informing families about proper nutrition and infant care.

Furthermore, this legislation would assist in preventing the spread of HIV/AIDS, which has become the world's leading infectious disease threat, with 34,000,000 people infected worldwide.

This disease is spread between Children also. Daily, more that 7,000 new cases occur each day in people between the ages of 10 and 24.

An investment of an additional $1 billion dollars for global health for such a wealthy nation is not too much to ask for the survival of the people in this world.

Over 13 million die annually from preventable or curable diseases and we must not be so isolationists to believe that this number does not include American as well. Let us make the commitment to invest in global health—our health. This is a subject that can no longer to ignored.

Mr. CROWLEY. Mr. Speaker, I yield to the gentleman from North Carolina (Mr. MCINTYRE).

HONORING UNIVERSITY OF NORTH CAROLINA AT WILMINGTON MEN'S BASKETBALL TEAM

Mr. MCINTYRE. Mr. Speaker, I rise today to honor the University of North Carolina at Wilmington men's basketball team for their tremendous accomplishment this week. Their spirit and determination throughout the entire season has been an inspiration to all of us and especially the young people everywhere.

This past Monday, the UNCW Seahawks defeated the University of Richmond 57-47 to win the Colonial Athletic Conference Tournament for the first time in school history. This is truly an amazing achievement for coach Jerry Wainright and the entire Seahawk team. UNCW was the number four seed in the CAA tournament and had to defeat the number one ranked team just to make it to the finals. The Seahawks will now embark on a new journey, playing in the NCAA tournament for the first time ever.

Throughout the year, the Seahawks have represented the students and faculty of UNCW well by sticking together and demonstrating good sportsmanship. Jerry Wainright, the coach, has instilled in his players the ethic of dedication, sacrifice, and teamwork in the pursuit of excellence, following the rules, and instilled in the rest of us in this Nation a sincere and renewed appreciation of what it means to win with dignity and integrity.

I am sure that the Seahawks will demonstrate these important characteristics on the national stage as we all get ready for the March madness of the NCAA basketball tournament.

I hope my fellow colleagues will join me in congratulating this extraordinary group of young men and their coaches, parents, and classmates and others who support and cheered them on and made this year a special year to them and their example to others.

Congratulations to the Seahawks.

Mr. CROWLEY. Mr. Speaker, reclaiming my time, I just want to point out, for the record, that I know a number of Members have submitted statements on behalf of the bill that I spoke about this evening, the Global Health Act of 2000, including the gentlewoman from Texas (Ms. JACKSON-LEE). She has submitted statements. I want to thank the gentlewoman and the other original cosponsors of the original Global Health Act 2000, H.R. 3826.

BILATERAL AGREEMENT ON ACCESSION TO WORLD TRADE ORGANIZATION WITH PEOPLE'S REPUBLIC OF CHINA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106-207)

The SPEAKER pro tempore laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

Last November, after years of negotiation, we completed a bilateral agreement on accession to the World Trade Organization (WTO) with the People's Republic of China (Agreement). The Agreement will dramatically cut import barriers currently imposed on American products and services. It is enforceable and will lock in and expand access to virtually all sectors of China's economy. The Agreement meets the high standards we set in all areas, from creating export opportunities for our businesses, farmers, and working people, to strengthening our guarantees of fair trade. It is clearly in our economic interest. China is concluding agreements with our countries to accede to the WTO. The issue is whether Americans get the full benefit of the strong agreement we negotiated. To do that, we need to enact permanent Normal Trade Relations (NTR) for China.

We give up nothing with this Agreement. As China enters the WTO, the United States makes no changes in current market access policies. We preserve our right to withdraw market access for China in the event of a national security emergency. We make no changes in laws controlling the export of sensitive technology. We amend none of our trade laws. In fact, our protections against unfair trade practices and potential import surges are stronger with the Agreement than without it.

Our choice is clear. We must enact permanent NTR for China or risk losing the full benefits of the Agreement we negotiated, including broad market access, special import protections, and rights to enforce China's commitments through WTO dispute settlement. All WTO members, including the United States, pledge to grant one another permanent NTR to enjoy the full benefits in one another's markets. If the Congress were to fail to pass permanent NTR for China, our Asian, Latin American, Canadian, and European competitors would reap these benefits, but American farmers and other workers and our businesses might well be left behind.

We are firmly committed to vigorous monitoring and enforcement of China's commitments, and will work closely with the Congress on this. We will maximize use of the WTO's review mechanisms, strengthen U.S. monitoring and enforcement capabilities, ensure regular reporting to the Congress on China's compliance, and enforce the strong China-specific import surge protections we negotiated. I have requested significant new funding for China trade compliance.

We must also continue our efforts to make the WTO itself more open, transparent, and participatory, and to elevate consideration of labor and the environment in trade. We must recognize the value that the WTO serves today in fostering a global, rules-based system of international trade—one that has fostered global growth and prosperity over the past half century. Bringing China into that rules-based system advances the right kind of reform in China.

The Agreement is in the fundamental interest of American security and reform in China. By integrating China more fully into the Pacific and global economies, it will strengthen China's stake in peace and stability. Within China, it will help to develop the rule of law; strengthen the role of market forces; and increase the contacts China's citizens have with each other and the outside world. While we will continue to have strong disagreements with China over issues ranging from human rights to religious tolerance to foreign policy, we believe that bringing China into the WTO pushes China in the right direction in all of these areas.

I, therefore, with this letter transmit to the Congress legislation authorizing the President to terminate application of Title IV of the Trade Act of 1974 to the People's Republic of China and extend permanent Normal Trade Relations treatment to products from China. The legislation specifies that the President's determination becomes effective only when China becomes a member of the WTO, and only after a certification that the terms and conditions of China's accession to the WTO are at least equivalent to those agreed to between the United States and China in our November 15, 1999, Agreement. I urge that the Congress consider this legislation as soon as possible.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *March 8, 2000.*

□ 1845

NATIONAL MONEY LAUNDERING STRATEGY FOR 2000—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. PEASE) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committees on Judiciary and Banking and Financial Services:

To the Congress of the United States:

As required by the provisions of section 2(a) of Public Law 105-310 (18 U.S.C. 5341(a)(2)), I transmit herewith the National Money Laundering Strategy for 2000.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *March 8, 2000.*

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 6 o'clock and 45 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2215

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 10 o'clock and 15 minutes p.m.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON S. 376, THE ORBIT ACT

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 106-514) on the resolution (H. Res. 432) waiving points of order against the conference report to accompany the Senate bill (S. 376) to amend the Communications Satellite Act of 1962 to promote competition and privatization in satellite communications, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1695, IVANPAH VALLEY AIRPORT PUBLIC LANDS TRANSFER ACT

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 106-515) on the resolution (H. Res. 433) providing for consideration of the bill (H.R. 1695) to provide for the conveyance of certain Federal public lands in the Ivanpah Valley, Nevada, to Clark County, Nevada, for the development of an airport facility, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3081, WAGE AND ECONOMIC GROWTH ACT OF 1999, AND PROVIDING FOR CONSIDERATION OF H.R. 3846, MINIMUM WAGE INCREASE ACT

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 106-516) on the resolution (H. Res. 434) providing for consideration of the bill (H.R. 3081) to increase the Federal minimum wage and to amend the Internal Revenue Code of 1986 to provide tax benefits for small businesses, and for other purposes, and providing for consideration of the bill (H.R. 3846) to amend the Fair Labor Standards Act of 1938 to increase the minimum wage, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BROWN of Ohio (at the request of Mr. GEPHARDT) for today and the balance of the week on account of illness.

Ms. GRANGER (at the request of Mr. ARMEY) for after 3 p.m. today until March 14 on account of personal reasons.

Mr. LATOURETTE (at the request of Mr. ARMEY) for today on account of family reasons.

Mr. SCARBOROUGH (at the request of Mr. ARMEY) for today and March 9 on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mr. UDALL of New Mexico, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

(The following Members (at the request of Mr. FOLEY) to revise and extend their remarks and include extraneous material:)

Mr. MCHUGH, for 5 minutes, March 13, 14, and 15.

Mr. MORAN of Kansas, for 5 minutes, March 14.

Mr. JONES of North Carolina, for 5 minutes, today.

Mr. HERGER, for 5 minutes, today.

Mr. FOLEY, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, March 14.

Mrs. MORELLA, for 5 minutes, March 9.

Mr. COLLINS, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. SHIMKUS of Illinois, for 5 minutes, today.

ADJOURNMENT

Mr. SESSIONS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 16 minutes p.m.), the House adjourned until tomorrow, Thursday, March 9, 2000, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6479. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Bentazon; Pesticide Tolerance [OPP-300978-FRL–6492–7] (RIN: 2070–AB78) received March 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6480. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Diclosulam; Pesticide Tolerance [OPP–300977; FRL–6492–3] (RIN: 2070–AB78) received March 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6481. A letter from the Department of Defense, transmitting notification that the Commander of Elmendorf Air Force Base (AFB), Alaska, has conducted a cost comparison to reduce the cost of the Telephone Switchboard Operations function, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

6482. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Chronic Beryllium Disease Prevention Program [Docket No. EH-RM–98–BRYLM] (RIN: 1901–AA75) received January 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6483. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Gastroenterology-Urology Devices: Reclassification of the Penile Rigidity Implant [Docket No. 97N–0481] received February 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6484. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Guidance for Utilization of Small, Minority, and Women's Business Enterprises in Procurement Assistance Agreements—received February 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6485. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Recovered Materials Advisory Notice III [SWH–FRL 6524–3] received January 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6486. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Notice of Availability of FY 2000 Grant Funds for the Support of a Pollution Prevention Information Network [OPPTS–00280; FRL–6391–3] received January 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6487. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Notice of Availability of FY 1998 Multimedia Environmental Justice Through Pollution Prevention Grant Funds [OPPTS–00230; FRL–5766–1] received January 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6488. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Notice of Availability of FY 1999 Multimedia Environmental Justice Through Pollution Prevention Grant Funds [OPPTS–00273; FRL–6085–8] received January 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6489. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Pollution Prevention Grants and Announcement of Financial Assistance Programs Eligible for Review; Notice of Availability [OPPTS–00251; FRL–6037–9] received January 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6490. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Environmental Justice Through Pollution Prevention Grant Guidance 1999—received January 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6491. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Pollution Prevention Incentives for Tribes Grant Guidance—received December 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6492. A letter from the Director, Office of Regulatory and Management Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Revisions to the Georgia State Implementation Plan [GA44 & GA36–9948a; FRL–6547–4] received March 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6493. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Optional Certification Streamlining Procedures for Light-Duty Trucks, and Heavy-Duty Engines for Original Equipment Manufacturers and for Aftermarket Conversion Manufacturers; Final Rule [AMS-FRL–6545–7] received March 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6494. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—180–Day Accumulation Time Under RCRA for Waste Water Treatment Sludges From Metal Finishing Industry [FRL–6547–6] (RIN: 2050–AE60) received March 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6495. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Delaware; Regulation Number 37–NOx Budget Program [DE046–1022a; FRL–6547–9] received March 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6496. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plan; Connecticut, New Hampshire, and Rhode Island; Approval of National Low Emission Vehicle Program [CT–054–7213A; A-1–FRL–6545–9] received March 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6497. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, San Diego County Air Pollution Control District [CA 184–0220a; FRL–6546–8] received March 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6498. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, San Joaquin Valley Unified Air Pollution Control District [CA 179–0178; 6546–6] received March 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6499. A communication from the President of the United States, transmitting Progress toward a negotiated settlement of the Cyprus question covering the period December 1, 1999 January 31, 2000, pursuant to 22 U.S.C. 2373(c); to the Committee on International Relations.

6500. A communication from the President of the United States, transmitting a report to the Congress on cost-sharing arrangements, as required by Condition 4(A) of the resolution of advice and consent to ratification of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction; to the Committee on International Relations.

6501. A communication from the President of the United States, transmitting a report in connection of Condition (9), Protection of Advanced Biotechnology; to the Committee on International Relations.

6502. A letter from the Secretary, Department of Agriculture, transmitting the semiannual report of the Inspector General for the period ending September 30, 1999, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

6503. A letter from the Merit Systems Protection Board, transmitting the Board's report for fiscal year 1999 listing the number of appeals submitted, the number processed to completion, and the number not completed by the originally announced date, pursuant to 5 U.S.C. 7701(i)(2); to the Committee on Government Reform.

6504. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock by Vessels Not Participating in Cooperatives that are Catching Pollock for Processing by the Inshore Component in the Bering Sea [Docket No. 00119015–0015–01; I.D. 022200C] received March 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6505. A letter from the Assistant Attorney General, Department of Justice, Office of Legislative Affairs, transmitting the Department of Justice's prison impact assessment

(PIA) annual report for 1999; to the Committee on the Judiciary.

6506. A letter from the Chief, International and General Law, Maritime Administration, Department of Transportation, transmitting the Department's final rule—Administrative Waivers of the Coastwise Trade Laws for Eligible Vessels [Docket No. MARAD–1999–5915] (RIN: 2133–AB39) received February 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6507. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Changes in Permissible Stage 2 Airplane Operations—received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6508. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Lexington, NC [Airspace Docket No. 00–ASO–7] received February 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6509. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Standard Clause for Export Controlled Technology—received February 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

6510. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Miscellaneous Administrative Revisions to the NASA FAR Supplement— received March 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

6511. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Correction of Inconsistency with FAR22.1103—received December 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

6512. A letter from the Senior Attorney, Federal Register Certifying Officer, Department of the Treasury, transmitting the Department's final rule —Offset of Tax Refund Payments To Collect State Income Tax Obligations— received January 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6513. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Compliance Monitoring and Miscellaneous Issues Relating to the Low-Income Housing Credit [TD 8859] (RIN: 1545–AV44) received March 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6514. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Penalty Relief for Certain Taxpayers Affected by Section 571 of the Tax Relief Extension Act of 1999 [Notice 2000–5] received January 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6515. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rulings and Determination Letters [Rev. Proc. 2000-4] received January 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6516. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Employee Plans Determination Letter Procedures [Rev. Proc. 2000–6] received January 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6517. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Department Store Indexes [Rev. Rule 2000–3] received January 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6518. A communication from the President of the United States, transmitting Action under Section 203(b) of the Trade Act of 1974 Pertaining to the Safegaurd Action that I Proclaimed Today on Imports of Line Pipe; to the Committee on Ways and Means.

6519. A communication from the President of the United States, transmitting Action Under the Section 203(b) of the Trade Act of 1974 Concerning Steel Wire Rod; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SHUSTER: Committee of Conference. Conference report on H.R. 1000. A bill to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes-(Rept. 106–513). Ordered to be printed.

Mr. LINDER: Committee on Rules. House Resolution 432. Resolution waiving points of order against the conference report to accompany the bill (S. 376) to amend the Communications Satellite Act of 1962 to promote competition and privatization in satellite communications, and for other purposes (Rept. 106–514). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 433. Resolution providing for consideration of the bill (H.R. 1695) to provide for the conveyance of certain Federal public lands in the Ivanpah Valley, Nevada, to Clark County, Nevada, for the development of an airport facility, and for other purposes (Rept. 106–515). Referred to the House Calendar.

Mr. SESSIONS: Committee on Rules. House Resolution 434. A resolution providing for consideration of the bill (H.R. 3081) to increase the Federal minimum wage and to amend the Internal Revenue Code of 1986 to provide tax benefits for small businesses, and for other purposes, and for consideration of the bill (H.R. 3846) to amend the Fair Labor Standards Act of 1938 to increase the minimum wage, and for other purposes (Rept. 106–516). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. MORELLA (for herself, Ms. Berkley, Mr. Dixon, and Mr. Waxman):

H.R. 3840. A bill to amend title XVIII of the Social Security Act to expand coverage of bone mass measurements under part B of the Medicare Program to all individuals at clinical risk for osteoporosis; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MORELLA:

H.R. 3841. A bill to amend title 5, United States Code, to make permanent the Federal physicians comparability allowance authority, and for other purposes; to the Committee on Government Reform.

By Mrs. MORELLA (for herself, Mr. Stupak, Mr. Wolf, Mr. Davis of Virginia, Mr. Ackerman, Mr. Hoyer, and Mr. Gilman):

H.R. 3842. A bill to amend the provisions of title 39, United States Code, relating to the manner in which pay policies and schedules and fringe benefit programs for postmasters are established; to the Committee on Government Reform.

By Mr. TALENT (for himself, Ms. Velázquez, Mrs. Kelly, Mr. Davis of Illinois, Mr. Hill of Montana, Mr. Pascrell, Mr. Sweeney, Mrs. McCarthy of New York, Mrs. Bono, Mr. Hinojosa, Mr. English, Mrs. Christensen, Mr. Brady of Pennsylvania, Mr. Moore, Mrs. Napolitano, Mrs. Jones of Ohio, Mr. Baird, and Mr. Phelps):

H.R. 3843. A bill to reauthorize programs to assist small business concerns, and for other purposes; to the Committee on Small Business.

By Mr. POMBO:

H.R. 3844. A bill to amend the Internal Revenue Code of 1986 to repeal the 1993 4.3-cent increases in highway motor fuel taxes; to the Committee on Ways and Means.

By Mr. TALENT (for himself and Ms. Velázquez):

H.R. 3845. A bill to make corrections to the Small Business Investment Act of 1958, and for other purposes; to the Committee on Small Business.

By Mr. SHIMKUS:

H.R. 3846. A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage, and for other purposes; to the Committee on Education and the Workforce.

By Mr. BEREUTER:

H.R. 3847. A bill to amend the Agricultural Market Transition Act to authorize a program to encourage agricultural producers to rest and rehabilitate croplands while enhancing soil and water conservation and wildlife habitat; to the Committee on Agriculture.

By Mr. BRADY of Pennsylvania:

H.R. 3848. A bill to direct the Secretary of Transportation to enter into an arrangement with Temple University to conduct a study on the impact on highway safety of distractions to drivers operation motor vehicles in the United States; to the Committee on Transportation and Infrastructure.

By Mr. COLLINS (for himself, Mr. Watkins, and Mr. Kingston):

H.R. 3849. A bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent per gallon increases in motor fuel taxes enacted in 1993; to the Committee on Ways and Means.

By Mrs. CUBIN (for herself, Mr. Gordon, Mr. Pickering, and Mr. Barrett of Wisconsin):

H.R. 3850. A bill to amend the Communications Act of 1934 to promote deployment of advanced services and foster the development of competition for the benefit of consumers in all regions of the nation by relieving unnecessary burdens on the Nation's two percent local exchange telecommunications carriers, and for other purposes;.to the Committee on Commerce.

By Mrs. CUBIN:

H.R. 3851. A bill to provide an election for a special tax treatment of certain S corporation conversions; to the Committee on Ways and Means.

By Mr. DEMINT:

H.R. 3852. A bill to extend the deadline for commencement of construction of a hydroelectric project in the State of Alabama; to the Committee on Commerce.

By Mr. DEMINT:

H.R. 3853. A bill to reduce temporarily the duty on Mesamoll; to the Committee on Ways and Means.

By Mr. DEMINT:

H.R. 3854. A bill to reduce temporarily the duty on Vulkalent E/C; to the Committee on Ways and Means.

By Mr. DEMINT:

H.R. 3855. A bill to reduce temporarily the duty on Baytron M; to the Committee on Ways and Means.

By Mr. DEMINT:

H.R. 3856. A bill to reduce temporarily the duty on Baytron C-R; to the Committee on Ways and Means.

By Mr. FRANKS of New Jersey:

H.R. 3857. A bill to amend the Internal Revenue Code of 1986 to provide that no portion of any benefit under a workmen's compensation act shall be treated as a Social Security benefit for purposes of the taxation of Social Security benefits; to the Committee on Ways and Means.

By Mr. FRELINGHUYSEN:

H.R. 3858. A bill to suspend temporarily the duty on iced teas; to the Committee on Ways and Means.

By Mr. HERGER (for himself, Mr. METCALF, Mr. SALMON, Mr. COLLINS, Mr. STEARNS, Mr. COBURN, Mr. RAMSTAD, Mr. SESSIONS, Mr. POMBO, and Mr. NETHERCUTT):

H.R. 3859. A bill to amend the Congressional Budget Act of 1974 to protect Social Security and Medicare surpluses through strengthened budgetary enforcement mechanisms; to the Committee on the Budget, and in addition to the Committees on Ways and Means, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KLINK:

H.R. 3860. A bill to provide that any visitor's center or museum located in the proximity of or within the boundaries of Gettysburg National Military Park that is constructed or designated as a visitor's center or museum after the date of the enactment of this Act shall be known and designated as the "George D. and Emily G. Rosensteel Memorial Visitors' Center"; to the Committee on Resources.

By Mrs. MALONEY of New York (for herself, Mrs. MORELLA, Ms. WOOLSEY, Mr. SHAYS, Mrs. MINK of Hawaii, Mr. CONYERS, Mrs. THURMAN, Ms. SANCHEZ, Mrs. MCCARTHY of New York, Ms. MILLENDER-MCDONALD, Mr. GREEN of Texas, Mr. ABERCROMBIE, Mr. TIERNEY, and Mr. LEVIN):

H.R. 3861. A bill to amend the Civil Rights Act of 1964 to protect breastfeeding by new mothers; to the Committee on Education and the Workforce.

By Mr. MCCOLLUM:

H.R. 3862. A bill to amend title 18, United States Code, to prevent certain frauds involving aircraft or space vehicle parts, and for other purposes; to the Committee on the Judiciary.

By Mr. OBEY (for himself, Mr. HINCHEY, and Ms. BALDWIN):

H.R. 3863. A bill to continue for 2000 the Department of Agriculture program to provide emergency assistance to dairy producers; to the Committee on Agriculture.

By Mr. OBEY (for himself, Mr. HINCHEY, and Ms. BALDWIN):

H.R. 3864. A bill to extend the milk price support program through 2002 at an increased price support rate; to the Committee on Agriculture.

By Mr. POMBO:

H.R. 3865. A bill to prohibit the use of Federal funds for any program that restricts the use of any privately owned water source; to the Committee on Resources.

By Mr. ROTHMAN:

H.R. 3866. A bill to reestablish the annual assay commission; to the Committee on Banking and Financial Services.

By Mr. SMITH of Washington:

H.R. 3867. A bill to give control of education back to local communities; to the Committee on Education and the Workforce.

By Mr. BOEHLERT:

H. Con. Res. 267. Concurrent resolution expressing the sense of the Congress concerning drawdowns of the Strategic Petroleum Reserve; to the Committee on Commerce.

By Ms. BROWN of Florida:

H. Con. Res. 268. Concurrent resolution supporting a National Day of Honor for African American World War II veterans; to the Committee on Government Reform.

By Mr. EHLERS (for himself, Mr. THOMAS, Mr. NEY, Mr. BOEHNER, Mr. EWING, Mr. MICA, Mr. HOYER, Mr. FATTAH, and Mr. DAVIS of Florida):

H. Con. Res. 269. Concurrent resolution commending the Library of Congress and its staff for 200 years of outstanding service to the Congress and the Nation and encouraging the American public to participate in bicentennial activities; to the Committee on House Administration.

By Mr. SCARBOROUGH:

H. Con. Res. 270. Concurrent resolution condemning the racist and anti-Semitic views of the Reverend Al Sharpton; to the Committee on the Judiciary.

By Mr. WEYGAND:

H. Con. Res. 271. Concurrent resolution expressing the support of Congress for activities to increase public awareness of multiple sclerosis; to the Committee on Commerce.

By Mr. MEEKS of New York (for himself, Mr. ROYCE, Mr. GEJDENSON, Mr. CAMPBELL, Mr. PAYNE, Mr. HOUGHTON, Mr. HASTINGS of Florida, Ms. LEE, Mr. CLYBURN, Mr. TOWNS, Mr. WYNN, Ms. MILLENDER-MCDONALD, Ms. CARSON, Mrs. MEEK of Florida, Mr. CUMMINGS, Ms. WATERS, Mr. RANGEL, Mr. CONYERS, Mrs. JONES of Ohio, Ms. KILPATRICK, Mr. DAVIS of Illinois, Mr. HILLIARD, Mr. FALEOMAVAEGA, Mr. FATTAH, Mr. CROWLEY, and Mrs. MCCARTHY of New York):

H. Res. 431. A resolution expressing support for humanitarian assistance to the Republic of Mozambique; to the Committee on International Relations.

By Mr. SESSIONS (for himself and Mr. PETERSON of Minnesota):

H. Res. 435. A resolution expressing the sense of the House of Representatives that Medicare beneficiaries should have access to outpatient prescription drug coverage; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. WILSON (for herself, Mr. SKEEN, Mr. UDALL of New Mexico, and Mr. STUMP):

H. Res. 436. A resolution expressing the sense of the House of Representatives that a postage stamp should be issued commemorating the 75th anniversary of the commissioning of U.S. Route 66; to the Committee on Government Reform.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. EHLERS:

H.R. 3868. A bill to provide for the reliquidation of certain entries of vacuum cleaners; to the Committee on Ways and Means.

By Mr. HYDE:

H.R. 3869. A bill to provide for the liquidation or reliquidation of certain entries of copper and brass sheet and strip; to the Committee on Ways and Means.

By Mr. PETERSON of Minnesota:

H.R. 3870. A bill for the relief of Anne M. Nagel; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 7: Mr. NETHERCUTT and Mr. SCHAFFER.

H.R. 59: Mr. BACHUS.

H.R. 73: Mr. DOOLITTLE.

H.R. 88: Mr. KILDEE.

H.R. 175: Mr. TRAFICANT, Mr. ISAKSON, and Mr. BARR of Georgia.

H.R. 218: Mr. SHAYS, Mr. INSLEE, Ms. BERKLEY, Mr. TERRY, Mr. ROYCE, and Mr. SKEEN.

H.R. 372: Mr. SANDERS and Mr. SAXTON.

H.R. 444: Mrs. THURMAN.

H.R. 483: Mr. BONIOR and Mr. EHRLICH.

H.R. 531: Mrs. MINK of Hawaii and Mr. BONIOR.

H.R. 534: Mr. SAXTON, Mr. FRANKS of New Jersey, Mr. ABERCROMBIE, Ms. MCCARTHY of Missouri, and Mr. THOMPSON of California.

H.R. 566: Mr. RAMSTAD and Mr. ANDREWS.

H.R. 568: Mr. BLAGOJEVICH.

H.R. 583: Mr. BARR of Georgia.

H.R. 612: Mr. STRICKLAND and Mr. MCDERMOTT.

H.R. 654: Mr. NUSSLE.

H.R. 688: Mr. ROHRABACHER.

H.R. 701: Mrs. THURMAN, Ms. ROS-LEHTINEN, Mr. MASCARA, Mr. STEARNS, Mr. SCOTT, Mr. WATTS of Oklahoma, Mr. BRADY of Pennsylvania, Mr. DEFAZIO, Mr. HILL of Indiana, and Mr. POMEROY.

H.R. 728: Mr. HUTCHINSON, Mr. HOUGHTON, Mr. ROGERS, and Mr. FLETCHER.

H.R. 730: Ms. HOOLEY of Oregon and Mr. WEINER.

H.R. 745: Mr. TIERNEY.

H.R. 803: Mr. GOODLING, Mr. FOLEY, Mr. ABERCROMBIE, and Mr. BONILLA.

H.R. 804: Mr. KILDEE.

H.R. 829: Mrs. MEEK of Florida, Mr. MCDERMOTT, Mr. PASTOR, Ms. MILLENDER-MCDONALD, Mr. DEFAZIO, Mr. WEXLER, Mr. DAVIS of Illinois, Mrs. TAUSCHER, Mr. HINCHEY, Mr. LUTHER, Mr. BONIOR, Ms. WATERS, Ms. DELAURO, Mr. BERMAN, Mr. LEWIS of Georgia, Mr. MARKEY, Ms. KILPATRICK, Mr. BROWN of Ohio, Mr. ENGEL, Mr. WAXMAN, and Mr. GUTIERREZ.

H.R. 835: Mr. NUSSLE.

H.R. 840: Mr. CUMMINGS and Mr. SERRANO.

H.R. 860: Mr. RANGEL, Mr. SAXTON, and Ms. JACKSON-LEE of Texas.

H.R. 904: Mr. MATSUI, Mr. HOEFFEL, Mr. WELDON of Florida, Mr. WAXMAN, Ms. DEGETTE, Mr. TIAHRT, Mr. DICKS, and Mr. POMEROY.

H.R. 923: Ms. MCKINNEY, Mr. NADLER, and Mr. KENNEDY of Rhode Island.

H.R. 985: Mr. GILLMOR.

H.R. 1001: Mr. SHOWS and Mr. COOK.

H.R. 1044: Mr. COMBEST.

H.R. 1046: Mr. LARSON.

H.R. 1068: Mr. NORWOOD.

H.R. 1071: Mr. DICKS, Mr. MATSUI, Mr. HOUGHTON, Mr. INSLEE, Ms. MILLENDER-MCDONALD, Mr. DOYLE, Mr. MCNULTY, Mr. BISHOP, Mr. BILBRAY, Mr. ROHRABACHER, Mr. BALDACCI, and Mr. POMEROY.

H.R. 1082: Mr. BORSKI.

H.R. 1102: Mr. RYAN of Wisconsin and Mr. REGULA.

H.R. 1109: Mr. PAYNE.

H.R. 1111: Ms. CARSON, Mr. ABERCROMBIE, and Mr. ROMERO-BARCELO.

H.R. 1129: Mrs. CLAYTON.

H.R. 1168: Mr. LATHAM, Mr. WOLF, Mrs. WILSON, and Mr. YOUNG of Florida.

H.R. 1187: Mr. HULSHOF and Mr. ISAKSON.

H.R. 1190: Ms. JACKSON-LEE of Texas.

H.R. 1196: Mr. DIXON.

H.R. 1217: Mr. ORTIZ, Mr. LUCAS of Oklahoma, Mrs. NAPOLITANO, and Mr. BLAGOJEVICH.

H.R. 1227: Ms. LEE and Mr. KUCINICH.

H.R. 1260: Mr. RADANOVICH and Mr. WATKINS.

H.R. 1271: Mr. WATT of North Carolina and Ms. HOOLEY of Oregon.

H.R. 1325: Mr. BARRETT of Wisconsin, Ms. KAPTUR, Mrs. JOHNSON of Connecticut, and Mr. STARK.

H.R. 1354: Mr. STENHOLM, Mr. ORTIZ, Mr. RODRIGUEZ, and Mr. ISTOOK.

H.R. 1367: Mr. LAHOOD.

H.R. 1371: Mr. MCNULTY.

H.R. 1388: Mr. MORAN of Virginia, Mr. GILMAN, and Mr. MCINNIS.

H.R. 1398: Mr. MCINNIS.

H.R. 1413: Mr. ABERCROMBIE.

H.R. 1443: Mr. KUCINICH, Mr. RANGEL, and Mr. OWENS.

H.R. 1452: Mr. JACKSON of Illinois and Mr. BARCIA.

H.R. 1494: Mr. ROGERS and Ms. JACKSON-LEE of Texas.

H.R. 1495: Mr. EVANS and Mr. KLINK.

H.R. 1503: Mrs. EMERSON.

H.R. 1532: Mr. KUYKENDALL.

H.R. 1573: Mr. BENTSEN.

H.R. 1592: Mr. MCKEON, Mr. REGULA, Mr. MARTINEZ, and Mr. LAHOOD.

H.R. 1606: Mr. SESSIONS.

H.R. 1607: Mrs. ROUKEMA.

H.R. 1622: Mrs. JONES of Ohio.

H.R. 1625: Mr. RAHALL, Mr. KILDEE, Mr. NEAL of Massachusetts, Mr. GONZALEZ, and Ms. CARSON.

H.R. 1681: Mr. BROWN of Ohio, Ms. MILLENDER-MCDONALD, Ms. CARSON, Mr. RUSH, and Ms. MCKINNEY.

H.R. 1747: Mr. OSE and Mr. GUTKNECHT.

H.R. 1785: Mr. OWENS.

H.R. 1796: Mr. MINGE.

H.R. 1824: Mr. DEAL of Georgia.

H.R. 1975: Mr. COX and Mr. KOLBE.

H.R. 1976: Mr. DIAZ-BALART.

H.R. 2102: Mr. POMEROY.

H.R. 2121: Mr. KLINK.

H.R. 2200: Mr. GEKAS.

H.R. 2246: Mr. GUTKNECHT.

H.R. 2263: Mr. RAMSTAD and Mr. REGULA.

H.R. 2264: Mr. RAMSTAD and Mr. REGULA.

H.R. 2265: Ms. BROWN of Florida.

H.R. 2282: Mrs. MINK of Hawaii.

H.R. 2298: Mr. KUCINICH.

H.R. 2308: Mrs. JONES of Ohio, Mr. QUINN, Mr. HOBSON, and Mr. BOSWELL.

H.R. 2382: Mr. CHABOT.

H.R. 2451: Mrs. THURMAN.

H.R. 2498: Mrs. THURMAN and Mrs. NAPOLITANO.

H.R. 2554: Ms. RIVERS.

H.R. 2588: Mr. GREEN of Texas, Mr. FROST, Mr. DEUTSCH, Mr. HILLIARD, Mrs. THURMAN, Mr. SHOWS, Mr. UNDERWOOD, and Mr. WOLF.

H.R. 2631: Mr. KUYKENDALL.

H.R. 2655: Mr. RADANOVICH and Mr. ENGLISH.

H.R. 2686: Ms. NORTON.

H.R. 2738: Ms. LOFGREN.

H.R. 2749: Mr. OSE.

H.R. 2776: Mr. OWENS.

H.R. 2814: Mr. UDALL of New Mexico.

H.R. 2867: Mr. THORNBERRY and Mr. BONILLA.

H.R. 2870: Mr. COYNE, Mr. CRAMER, and Mr. ROMERO-BARCELO.

H.R. 2871: Mr. BARRETT of Wisconsin and Mr. SESSIONS.

H.R. 2892: Mr. ENGLISH and Mrs. CAPPS.

H.R. 2894: Mr. SHOWS.

H.R. 2902: Ms. CARSON.

H.R. 2938: Mrs. THURMAN.

H.R. 2964: Mr. DICKEY.

H.R. 2991: Mr. MCINTOSH.

H.R. 3132: Mrs. NAPOLITANO and Mr. JEFFERSON.

H.R. 3173: Mr. MCINTOSH and Mr. HILL of Montana.

H.R. 3180: Ms. JACKSON-LEE of Texas and Mr. ROGAN.

H.R. 3192: Mr. FRANK of Massachusetts, Ms. WOOLSEY, Mr. GILMAN, Mr. WAXMAN, Mr. CAPUANO, Mr. EHLERS, Mr. SWEENEY, Mr. OBERSTAR, Mr. BONIOR, Mr. HINCHEY, Mr. PALLONE, Mr. LEACH, and Ms. HOOLEY of Oregon.

H.R. 3193: Mr. HOLT, Mr. HINCHEY, Mr. BENTSEN, Mr. BASS, Mr. BARCIA, Ms. HOOLEY of Oregon, and Mr. DIAZ-BALART.

H.R. 3235: Mr. BILBRAY, Ms. CARSON, and Mr. HORN.

H.R. 3239: Mr. GOODE.

H.R. 3241: Mr. SPENCE.

H.R. 3256: Mr. ANDREWS.

H.R. 3299: Mr. TAYLOR of North Carolina.

H.R. 3301: Mr. LAFALCE and Mr. SKELTON.

H.R. 3313: Mr. KINGSTON and Mr. ENGLISH.

H.R. 3320: Mr. UDALL of New Mexico and Ms. DEGETTE.

H.R. 3405: Mr. MARKEY, Mr. ENGEL, Mr. MANZULLO, Mr. MATSUI, and Mr. BEREUTER.

H.R. 3408: Mr. DREIER, Mr. GOODLATTE, Mr. ROYCE, and Mr. CALVERT.

H.R. 3420: Mr. BENTSEN, Mr. OXLEY, and Mr. BOEHLERT.

H.R. 3429: Mr. REYES.

H.R. 3463: Mr. BORSKI.

H.R. 3518: Ms. JACKSON-LEE of Texas and Mr. TAUZIN.

H.R. 3519: Mrs. MORELLA, Mr. WEXLER, Ms. MCKINNEY, and Mrs. JONES of Ohio.

H.R. 3535: Mr. CAMPBELL.

H.R. 3552: Mr. DEAL of Georgia and Mrs. THURMAN.

H.R. 3563: Mrs. NAPOLITANO, Mr. JACKSON of Illinois, Mrs. JONES of Ohio, Mr. WAXMAN, Mr. LIPINSKI, Mr. CARDIN, Ms. CARSON, and Ms. JACKSON-LEE of Texas.

H.R. 3568: Ms. RIVERS.

H.R. 3571: Ms. CARSON.

H.R. 3573: Mr. EVANS, Mr. HOLDEN, Mr. JONES of North Carolina, Mr. PAYNE, MR. ROMERO-BARCELO, Ms. SANCHEZ, Mr. WISE, Mr. WEINER, Mr. ROHRABACHER, and Mr. JOHN.

H.R. 3576: Mr. BENTSEN.

H.R. 3578: Mr. COBURN, Mr. GREEN of Wisconsin, Ms. PRYCE of Ohio, Mr. SCHAFFER, and Mr. CHAMBLISS.

H.R. 3581: Mr. KUCINICH, Mr. OWENS, Mr. REYES, Mr. CLYBURN, Mr. SAWYER, Ms. JACKSON-LEE of Texas, and Mrs. THURMAN.

H.R. 3591: Mr. ARCHER, Mr. BATEMAN, Mr. BASS, Mr. BOEHNER, Mr. CASTLE, Mr. COMBEST, Mr. COSTELLO, Mr. CRANE, Mr. DIAZ-BALART, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FOSSELLA, Mr. GANSKE, Mr. GREENWOOD, Mr. HANSEN, Mr. HOLT, Mr. HUTCHINSON, Mr. LUCAS of Oklahoma, Mr. MCHUGH, Mr. MCNULTY, Mr. NEY, Mr. NUSSLE, Mr. PETERSON of Minnesota, Mr. PICKERING, Mr. RANGEL, Mr. ROMERO-BARCELO, Mr. RYAN of Wisconsin, Mr. SANFORD, Mr. SHERWOOD, Mr. SMITH of New Jersey, Mr. TAYLOR of North Carolina, and Mr. TAYLOR of Mississippi.

H.R. 3594: Mr. MCINTOSH, Mr. BUYER, Mr. SHAYS, Mrs. THURMAN, Mr. DEFAZIO, Mr. PHELPS, Mr. GOODLING, Mr. BARCIA, Mr. GILLMOR, Mr. BEREUTER, Mr. BARRETT of Nebraska, Mr. LINDER, Mr. JONES of North Carolina, Mr. COBURN, Mr. GONZALEZ, Mr. NEAL of Massachusetts, Mr. BAKER, and Ms. RIVERS.

H.R. 3608: Mr. LAFALCE, Mr. GILCHREST, Ms. KAPTUR, Mr. PETERSON of Minnesota, Mrs. MORELLA, Ms. CARSON, Mr. BISHOP, Ms. JACKSON-LEE of Texas, Mr. MINGE, and Mr. SPRATT.

H.R. 3641: Mr. ENGLISH.

H.R. 3682: Mr. HOEFFEL, Mr. SANDERS, and Mr. FRANK of Massachusetts.

H.R. 3686: Mr. CONYERS.

H.R. 3688: Mr. DINGELL.

H.R. 3691: Mr. RILEY.

H.R. 3692: Mr. CHAMBLISS.

H.R. 3695: Mr. SUNUNU and Mr. COLLINS.

H.R. 3698: Mr. CAPUANO.

H.R. 3702: Mr. REYES, Mr. HOLT, Mr. CLEMENT, and Mr. DAVIS of Florida.

H.R. 3705: Mrs. JONES of Ohio, Ms. BROWN of Florida, Mr. ACKERMAN, Mr. FILNER, Mr. GUTIERREZ, Mr. BROWN of Ohio, Mr. BECERRA, Mrs. CHRISTENSEN, Mr. BISHOP, and Mr. BALDACCI.

H.R. 3732: Mr. DOYLE, Mr. HINCHEY, Mr. MCGOVERN, Mrs. CAPPS, Mr. BENTSEN, Ms. LEE, Mrs. LOWEY, and Mr. PETERSON of Minnesota.

H.R. 3766: Mr. PAYNE, Mr. YOUNG of Alaska, Mr. KLECZKA, Mr. CLEMENT, Mr. HOLT, Mr. MCGOVERN, Mr. GEKAS, Ms. MILLENDER-MCDONALD, Mr. TRAFICANT, Ms. JACKSON-LEE of Texas, Mr. HASTINGS of Florida, Mr. VENTO, Mr. HOLDEN, Mrs. MALONEY of New York, Mr. GONZALEZ, and Mr. Peterson of Minnesota.

H.R. 3812: Ms. LEE, Mr. FROST, Mr. PAYNE, and Mr. MCDERMOTT.

H.R. 3825: Ms. MCKINNEY.

H.J Res. 64: Mr. SAXTON.

H.J. Res. 77: Mr. BILIRAKIS.

H.J. Res. 86: Mr. BONIOR, Mr. CLEMENT, Mr. POMBO, and Mr. ENGLISH.

H.J. Res. 90: Mrs. CHENOWETH-HAGE.

H. Con. Res. 62: Mr. PRICE of North Carolina, Mr. LARSON, Mr. BACHUS, Mr. LEACH, Mr. WEYGAND, and Mr. RYUN of Kansas.

H. Con. Res. 174: Ms. MCKINNEY.

H. Con. Res. 182: Mr. NUSSLE.

H. Con. Res. 209: Mr. STUPAK, Mr. MINGE, Mr. PASTOR, Ms. LOFGREN, Mr. LAHOOD, and Mr. RAMSTAD.

H. Con. Res. 226: Mr. WAXMAN, Ms. MILLENDER-MCDONALD, Mr. CLEMENT, Mr. ANDREWS, and Mr. ENGLISH.

H. Con. Res. 233: Mr. TAYLOR of North Carolina.

H. Con. Res. 238: Mr. DIXON, Mr. ABERCROMBIE, and Mrs. LOWEY.

H. Con. Res. 253: Mr. SAXTON and Mr. KNOLLENBERG.

H. Con. Res. 256: Mr. LAHOOD.

H. Con. Res. 259: Mrs. MALONEY of New York, Mr. TOWNS, Ms. NORTON, Mr. UNDERWOOD, Mr. DIXON, and Ms. HOOLEY of Oregon.

H. Con. Res. 260: Mr. SUNUNU, Mr. LINDER, Mr. CHAMBLISS, Mr. RAMSTAD, Mr. PETERSON of Pennsylvania, Mr. HILLEARY, Mr. EVERETT, Mr. FRANKS of New Jersey, Mrs. BONO, Mr. RILEY, Ms. DUNN, Mr. BACHUS, Mr. DOOLITTLE, Mr. HAYWORTH, Ms. PRYCE of Ohio, Mr. NETHERCUTT, Mr. KNOLLENBERG, Mr. TAUZIN, Mr. HAYES, Mr. SCHAFFER, Mr. LARGENT, Mr. BALLENGER, Mr. LUCAS of Oklahoma, Mr. ROHRABACHER, Mr. ARCHER, Mr. ISAKSON, Mr. JONES of North Carolina, Mr. MCCRERY, and Mr. MUNZULLO.

H. Con. Res. 261: Mr. MALONEY of Connecticut, Ms. LEE, Mr. MCGOVERN, Mr. LEVIN, Mr. VENTO, and Mr. STARK.

H. Con. Res. 262: Mr. EHRLICH and Mr. LANTOS.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 979: Mr. SHOWS.

H. Res. 396: Mrs. CLAYTON.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 3832

OFFERED BY: MS. BERKLEY

AMENDMENT NO. 1: In section 274(n)(2)(B) of the Internal Revenue Code of 1986, as proposed to be added by section 103 of the bill, strike "55 percent" and insert "75 percent" and strike "60 percent" and insert "100 percent".

EXTENSIONS OF REMARKS

RECOGNITION OF MR. DANIEL J. EDELMAN

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Mr. HASTERT. Mr. Speaker, it is my privilege to pay tribute to one of the true pioneers in the field of public relations, Chicagoan Daniel J. Edelman.

For nearly a half-century, Dan Edelman has made major contributions to advance the visibility of and respect for the public relations profession. Mr. Edelman has been a pioneer in the public relations community, across this country and around the globe. The firm he created, Edelman Worldwide, today employs more than 1800 people globally and is the only remaining global independent public relations concern still owned by its original founders.

Known as the Father of the "media tour," Mr. Edelman has driven constant innovation and creativity within his company and the public relations world; his firm became the first in the business to establish an Internet presence, and conducted the first cyber-newscast.

In recognition of this leadership, Dan Edelman was recently awarded the Public Relations Society of America's highest individual honor, the Gold Anvil. And in honor of his significant professional, community and philanthropic contributions the Chicago City Council formally proclaimed February 16, 2000 as Daniel J. Edelman Day in the City of Chicago. In an unveiling ceremony on Friday, March 3, a section of St. Clair Street was named Honorable Daniel J. Edelman Way.

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PERSONAL EXPLANATION

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Mr. PASCRELL. Mr. Speaker, as is reflected in the CONGRESSIONAL RECORD, I was granted a leave of absence for Wednesday, March 8, 2000.

I insert for the CONGRESSIONAL RECORD the way in which I would have voted had I been present. The votes are as follows:

Roll Call Vote 29—H.R. 1827—On rollcall vote 29, Pascrell would have voted "aye."

Roll Call Vote 30—H.R. 2952—On rollcall vote 30, Pascrell would have voted "aye."

Roll Call Vote 31—H.R. 3018—On rollcall vote 31, Pascrell would have voted "aye."

Roll Call Vote 32—S. Con. Res. 91—On rollcall vote 32, Pascrell would have voted "aye."

Roll Call Vote 33—H.J. Res. 86—On rollcall vote 33, Pascrell would have voted "aye."

* * *

CELEBRATING THE BICENTENNIAL ANNIVERSARY OF THE BEAVER COUNTY CHARTER

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Mr. KLINK. Mr. Speaker, I rise today in recognition of Beaver County, Pennsylvania, which is celebrating the Bicentennial of its Charter Day on Sunday, March 12th, 2000.

From an early Native American settlement at Logstown to the opening of the world's first commercial nuclear power plant at Shippingport, Beaver County people and places have had important roles in the growth and development of the Commonwealth of Pennsylvania and the United States. Independence and westward expansion were helped by Legion Ville and Fort McIntosh; its rivers and rich agricultural lands made the area an attractive place for early settlers; modern commerce and industrialization were nurtured at Old Economy Village; and the glass, steel, and chemical industries brought thousands of immigrants from across the country and around the world to work in the mills and build vital, prosperous communities.

These new Beaver Countians brought with them amazingly diverse ethnic, religious, and cultural traditions that they maintained and shared with their new friends and neighbors. They built houses of worship and fraternal clubs, started festivals and musical groups, married, grew neighborhoods, and reared families that began to live the American dream. Its list of famous statesmen, jurists, educators, musicians, athletes, servicemen, and scientists is true testament to hard work, commitment, and perseverance that is the heart and soul of Beaver County.

I congratulate Beaver County and its residents on this wonderful day. They are justly proud of their history and achievements. I salute the Bicentennial Committee for organizing and hosting these festivities and hope that every citizen enjoys this day and reflects upon the many who came before them and accomplished so much.

* * *

NUMMI REDESIGNS TOYOTA TRUCK

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Mr. STARK. Mr. Speaker, I would like to call attention to the unique creativity of the employees at the New United Motor Manufacturing Incorporated (NUMMI) plant in Fremont, California, and congratulate them for the assembly-line inspired innovation that brought the Toyota Tacoma Stepside pickup truck into production.

In the world's auto industry, new design ideas traditionally come from the corporate headquarters and its design team, to the engineering team and sales team, and then to the actual manufacturing plant and the people who really build the cars. But the Toyota Tacoma Stepside pickup truck is different. In this rare instance the innovation for the new product came from the manufacturing plant, the company then worked in collaboration to enforce its accomplishment. United Motors broke away from a long-standing tradition and demonstrated that input and innovation from various levels of the plant, working as a team, can be influential and successful in generating new ideas.

NUMMI has long been a model of innovation and creativity. It has a marriage of the GM and Toyota companies that has brought the highest quality, innovative autos to the American market. New United Motors Manufacturing Incorporated was started at a closed GM plant in 1984, and the joint bi-national effort was a major step in helping resolve the U.S.-Japan trade tensions of the 1980's. The plant has been in operation for 15 years, adding billions to the California and national economy.

In addition to its economic success, United Motors has been an asset to the Fremont community since its establishment in 1984, providing jobs for well over 4700 employees and giving continual support to social programs around the community. United Motors has been particularly recognized for their community service efforts in offering grant support to non-profit organizations. United Motors also supported the school district partnership program that has helped the Fremont School District with its program of educational renewal. Other achievements also include awards for environmental achievement (1990), Company of the year (1994 and 1995) by the California Water Pollution Control Association and the J.D. Power and Associates Silver Plant Quality Award (1999).

Congratulations to the team members and UAW local 2244 at NUMMI for their latest innovation, for keeping jobs in Fremont, and for once again showing real hands-on innovation and teamwork.

* * *

TRIBUTE TO VALENTINE BURROUGHS, JR., SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION, DIRECTOR OF MINORITY AFFAIRS

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Mr. Valentine Burroughs of

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Camden, South Carolina, an outstanding public servant and friend who passed away suddenly last weekend. Valentine Burroughs was that rarest of individuals who always placed the interests of others before his own. He felt strong duty to help maintain his community, focusing his talent and energy on helping people.

Val served tirelessly in the Executive Office of South Carolina's Department of Transportation and other divisions of improve overall opportunities to ethnic minorities, women and individuals with disabilities.

Val exhibited strong leadership and he ably represented the interests of fellow coworkers and local residents. He worked with the Human Resources Office to develop a recruitment strategy to identify and attract minorities and women in underutilized professions, with an emphasis on the engineering career field. He proved his dedication and excellence to the community by providing outstanding support to research efforts of the Legislative Black Caucus, Historically Black Colleges and Universities (HBCU), and rural communities. Val has undertook special projects including research special transportation initiatives for Native Americans.

He administered the implementation of the HBCU Partnership Program with South Carolina State University and Benedict College, the Summer Transportation Initiative Program, the Cooperative Education/Intern Program, the Eisenhower Transportation Fellowship Program and the Garrett A. Morgan Technology and Transportation Futures Program.

He was named the agency's Americans With Disabilities (ADA) Coordinator, and the Urban Youth Corps Program Statewide Coordinator for which he leaves an indelible legacy. The Youth Corps Program which began in 1994 now employs over 690 youth throughout the state of South Carolina.

When Val was named as the transportation department's Director of Minority Affairs in 1990, he stated, "I view this is one of the most challenging positions in the agency because of the uniqueness of the highway construction industry and because of the economic importance of minority firms participating". But he had faced tough challenges before. Fresh out of school and armed with a degree in Sociology from St. Augustine College in Raleigh, N.C. he moved to Washington, D.C.'s troubled inner-city. He began working as a counselor for the Neighborhood Youth Corps, helping the disadvantaged find jobs and offering them alternatives to crime. His community service included Directors of the Triangle Ministry Community Program, the Mission/Congress Heights Youth Service Center and the Mission of Community Concern, Inc.

In 1976, Val moved back to South Carolina to work in the office of Governor James B. Edwards under I. DeQuincey Newman, who was director of the Division of Rural Development, and later became the first Black South Carolina senators since post-reconstruction. There he assisted rural communities through workshops, training programs and resource development. Val remained in Rural Development through the first term of Governor Richard Riley before assuming the position of project information coordinator for the South Carolina State Family Development Authority, an agency that sets up tax-deferred bond programs to assist farmers in building agricultural facilities.

In 1987, Val came to the Office of Planning and Program Development in the Division of Motor Vehicles, previously the South Carolina Department of Highways and Public Transportation where he served continuously until his untimely death last Saturday.

To Valentine Burroughs, community and public service wasn't an option. It was a responsibility and an honor. Whenever neighbors or coworkers called upon him, Burroughs was always there. There aren't enough Valentine Burroughs in our communities and his absence will be greatly missed.

I extend my deepest condolences to Val's wife, Audrey and their two children. To them Val was a loving husband and father, to me he was a friend.

Mr. Speaker, I ask my colleagues to join me in a tribute to Valentine Burroughs for his selfless dedication to his community and country.

TRIBUTE TO COMMISSIONER PETER C. SCARPELLI

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the deeds of a remarkable man, Peter C. Scarpelli of Nutley, New Jersey. Peter is being honored because of his years of community service. It is only fitting that we gathered here in his honor, for he epitomizes caring and generosity of spirit.

Commissioner Scarpelli is a member of the Nutley High School Class of 1955. He also attended Davis and Elkins College in Elkins, West Virginia where he studied Business Management. In addition Peter studied Management Skills Training at Rutgers University's Newark campus. Scarpelli also majored in Construction Design at Fairleigh Dickinson University in Rutherford, New Jersey.

Peter has always been an active and involved leader. He has been the President of Meadowlands Landscaping Inc. since 1969, a company which specializes in property maintenance. A hard working and dedicated individual, Scarpelli is President of two other firms. He heads both P. Scarpelli and Son, Inc., a building construction and property management company and Jo-Lee Garden Center of Belleville, New Jersey, a full service garden center of which he is also Treasurer. Peter is also the Vice President of Interior Plant Design, where he is responsible for the installation and maintenance of interior decorative plants.

The early years of his life instilled in Peter the attributes necessary for him to become a stellar force in the community. It was the small steps in the beginning of his career that taught him the fundamentals that would make him the role model that he is today.

Known for a questioning mind and an ability to get things done, Peter Scarpelli joined the Nutley Board of Commissioners in 1983. Since that time he has served as the Director of the Department of Public Works, and has been elected to five consecutive terms. From 1983 to 1988 he undertook the supervision of the Code Enforcement Department. His responsibilities included the supervision of the inspectors of buildings, electric and plumbing. Peter also provided appointments to the Construction Board of Appeals.

On the Nutley Board of Commissioners, Peter Scarpelli is a member of the Nutley Alcoholic Beverage Control Board. He has also served as the Superintendent of the Nutley Weights and Measures Department.

Peter continually touches the lives of the people around him. He is a member of numerous civic and community service organizations. These include the Nutley Elks 1290, American Legion, Knights of Columbus 6190, Amfrens, Nutley Italian American Club, Nutley UNICO, Nutley Republican Club, Third Half Club Republican County Committee and the Kiwanis Club of Nutley. He is also the President of the Columbian Club and is the Nutley Family Service Bureau Charity Ball Chair.

Mr. Speaker, I ask that you join me, our colleagues, Peter's family, friends, the township of Nutley and the State of New Jersey in recognizing the outstanding and invaluable service to the community of Peter C. Scarpelli.

GENERAL ACCOUNTING OFFICE REPORT ON THE NORTHERN MARIANA ISLANDS: GARMENT AND TOURIST INDUSTRIES PLAY A DOMINANT ROLE IN THE COMMONWEALTH'S ECONOMY

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Mr. YOUNG of Alaska. Mr. Speaker, I want my colleagues to be aware of a revealing report issued last month by the General Accounting Office on the economy of the Northern Mariana Islands. The report's findings confirm the development of a healthy and diversified economy in our newest American territory in the Western Pacific that is not a drain on the U.S. taxpayer. However, these findings are contrary to past information by the Administration on which Congress has relied in considering changes in federal law [GAO's February 2000 report to Congressional Committees: "Northern Mariana Islands: Garment and Tourist Industries Play a Dominant Role in the Commonwealth's Economy" (GAO/RCED/GGD–00–79)].

This GAO report sheds new light on the economy of the Northern Marianas and the flaws of prior reports by the Administration. The findings reinforce the need for the federal government to affirmatively support, and not hinder or undermine, efforts of the public and private sectors of the Northern Marianas to improve and maintain economic self-sufficiency, and at the same time, enforce federal labor, safety, and equal employment opportunity laws.

Since I became Chairman of the Committee on Resources in January 1995, we have conducted extensive oversight investigations and hearings on worker conditions, the violation and enforcement of federal laws, and the Administration's agenda for the islands. I will continue to press for maximum public awareness of the real conditions in the Marianas public and private sectors and efforts of the federal and local governments.

The Commonwealth of the Northern Mariana Islands has been constituted under federal law as a local constitutional government for the primary benefit of the people of the Marianas as well as the United States as an example of democratic self-governance. There is, therefore, a careful balance that must be maintained between the respect of the wishes of the local government and enforcement of the civil and human rights that Americans hold as sacrosanct. Those decisions should be based on sound information, not subjective political agendas of the government or some private entity. For that reason, one of the most difficult aspects of Congressional oversight over these very important and often sensitive civil and human rights-related matters, has been the lack of credible information by the very executive branch agencies tasked with the responsibility for enforcement of federal laws. Throughout those oversight efforts, the Administration has given the Committee voluminous testimony and information about the Marianas. Fortunately, the GAO has now completed this independent report as mandated by the 1999 Omnibus Appropriations bill.

The two main industries in the Northern Marianas are the tourist and garment industries. The Department of Interior has questioned the benefits of the Islands' garment industry. Interior has issued several studies concluding that the local garment industry—and foreign labor—has an adverse fiscal impact on the Northern Marianas, findings hotly contested by the Northern Marianas' government and business sectors. Both sides have testified before my Committee to present their points of view, but for the first time an independent and unbiased government agency has looked into the Northern Marianas economy. The GAO looked specifically at the economic impact of the two dominant industries—garment and tourist; tax contributions by the local garment industry; and local government revenues as compared to other territories.

GAO found "the garment and tourist industries are the driving forces of the CNMI economy." The two sectors account for a about 85 percent of the Commonwealth's total economic activity and represent—directly and indirectly—four out of every five jobs in the Northern Marianas. Critically important to the debate is the GAO's finding that "the local resident population * * * has benefited, economically, in the form of higher incomes and better employment opportunities, from the growth in the garment and tourist industries, and from the presence of foreign workers." GAO concluded that without the garment and tourist industries "the CNMI economy could not have grown to its current size and complexity."

Significant number of foreign workers are brought into the Northern Marianas to supplement the existing workforce. The Department of Interior and several Members have criticized the use of these foreign workers, stating that the foreign workers have taken employment opportunities from local residents. Yet GAO concluded that there was no support for Interior's claim. GAO determined that the "garment and tourist industries are dependent on foreign workers for much of their workforce because the labor pool of local residents, even including those currently unemployed, is insufficient to support an economy the size and scope that exists in the CNMI." Changes in the Northern Marianas ability to use foreign labor to supplement its current labor pool or legislation that would adversely impact either of these industries could have severe impacts on the Northern Marianas' economy, "causing job losses among local residents and revenue losses to the CNMI government," the report stated. Several legislative proposals exist that would do just that, and I am opposed to them.

The GAO also criticizes a 1999 Interior Department study that found that the garment industry had a net negative impact. "[T]he Interior study is methodologically flawed because it understates the contributions made by the garment and tourist industries to the CNMI economy and overstates the impact of these industries and their workers on the need for government services and infrastructure." The GAO determined, however, that the Northern Marianas is more self-sufficient fiscally than other territories. It also found that the Northern Marianas generates more of its government revenues locally—about 87 percent—than all other U.S. territories and all levels of government in the U.S., a remarkable fact.

Finally, the study showed that the garment industry contributes significantly to the local economy, directly contributing about $52 million, or 22 percent, of the government's $234 million budget in 1998. It determined that the Northern Marianas garment industry proportionally pays more in taxes and fees that the U.S. garment industry. That is, the garment industry in the Northern Marianas taxes and fees represented about 5 percent of their gross receipts between 1993 and 1998, whereas the U.S. garment industry overall paid only 3.3 percent of their gross receipts in taxes and fees.

During a hearing last September, my Committee heard reasoned warnings from business and government leaders about the potential impact of certain legislative initiatives to eliminate local control of immigration, to remove duty-free access, or to increase the minimum wage on the "vulnerable" economy of he Northern Marianas. GAO's study underscores those warnings and this body should consider carefully the potential adverse impact of any legislation on the frail economy of the Northern Marianas—or the economies of any of our territories.

I will continue to insist on full compliance with federal laws, advocate heightened federal-territorial mutual cooperation in multiple areas, and support local and private sector initiatives to manage the economy and advance self-sufficiency. I strongly encourage my colleagues to review the GAO report, "Northern Mariana Islands: Garment and Tourist Industries Play a Dominant Role in the Commonwealth's Economy" (GAO/RCED/GGD–00–79) which is available to the public through the Government Printing Office and also the world wide web: http://www.gao.gov/new.items/r200079.pdf.

IN MEMORY OF LILLIAN BAKER WOODWARD

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Mr. FARR of California. Mr. Speaker, I rise today to honor a woman who for almost five decades captivated readers with her poignant and charismatic writing as a columnist in three local newspapers. Lillian Baker Woodward passed away on November 16, 1999 at the age of 95.

Born on January 17, 1904 in Seattle, Washington, Lillian majored in journalism at the University of Oregon where she met, fellow journalism student and future husband, Donald Woodward. Married in 1926, Donald and Lillian Woodward led a traditional life with Lillian as a homemaker and Donald in the real estate business. In 1948, the couple moved to Moss Landing where they established a fuel dock, marine supply store and boat brokerage business. As "one of the real true pioneers of Moss Landing" (Phil DiGirolamo, Phil's Fish Market), Lillian captured the lives of the local people as well as chronicled the ending of the Monterey Bay's sardine era through industry changes and impacts on the community. After Donald's death in 1962, Mrs. Woodward continued to write and publish prolifically throughout the remainder of her life.

Lillian Woodward was much more than a local journalist, described as "force that held the [Moss Landing] community together" (Monterey County Herald, 11/17/99), Mrs. Woodward touched everyone near and far who read her chronicle. She will be sorely missed by the many people who were privileged to know her both personally and through her writing. Lillian is survived by two sons, Donald and Richard; a daughter, Virginia W. Stone; and many loved grandchildren and great-grandchildren.

TRIBUTE TO MR. GREGORY KOMESHOK

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the deeds of a well-respected member of New Jersey's Polish-American community, Gregory Komeshok of Passaic, New Jersey. Greg has been elected the 1999 Grand Marshal for the 63rd Annual Pulaski Day Parade because of his years of community service. It is only fitting that the Central of Polish Organizations has chosen him, for he epitomizes the spirit of caring and generosity of spirit and embodies pride in his heritage.

Mr. Komeshok, a member of the Passaic High School class of 1965, went on to receive a Bachelors Degree in Industrial Technology and a Masters Degree in Administration and Supervision from Montclair State University.

Greg has always been a community leader. At 26, he was the youngest ever to hold the position of Democratic Party Chairman for the City of Passaic, New Jersey. He was a delegate to the Democratic National Convention in 1976. Furthering his belief in civic participation, Greg was elected to the Passaic County Board of Chosen Freeholders, the county's legislative body. The time spent working as a Passaic County Freeholder, and eventually Freeholder Director, instilled in Greg the attributes necessary for him to become a stellar force in the community.

This native of Passaic has many experiences as an elected and appointed official. In 1978, then New Jersey Governor Brendan Byrne appointed him Commissioner of the North Jersey District Water Supply.

Known for his keen mind, Greg Komeshok is a respected and industrious leader in education. Greg assumed the role of an elementary school principal for nine years, and was also an adjunct professor at Kean University. Greg currently serves as the Supervisor of Career and Alternate Education for the Passaic Board of Education.

Greg continually touches the lives of the people around him. In 1978, he established English classes for immigrants at Holy Rosary Church, and later in 1986, at St. John Kanty Church. As General Chairman of St. John Kanty Church, he helped to raise over $1 million for the construction of a new Parish Center. He is the standard bearer for the Passaic Boys' and Girls' Club, and was the recipient of the organization's "Passaic For the Kids" service award. Also, the Pulaski Association of Police and Firemen honored Greg as Citizen of the Year.

An active and involved leader, Greg Komeshok is a past President and Life-Member of the Holy Rosary Young Men's Club of Passaic. He is a Charter Member of St. John Kanty Sports and Athletic Association. Mr. Komeshok is also a perennial Chairman of the Holy Rosary Palm Sunday Communion Breakfast. In addition, he is a baseball Coach for the Clifton Hawks, Babe Ruth, League, Clifton General League, and is the President and General Manager of the Wayne Spartans American Legion Baseball Team.

The son of Emily Rzepecki and John Komeshok, Greg spent his formative years at Holy Rosary R.C. School in Passaic. Greg's family includes his wife Susan and his two sons Kevin and Christopher.

Mr. Speaker, I ask that you join me, our colleagues, Gregory's family, friends, the Central of Polish Organizations, the Polish-American Community and the community-at-large in recognizing the outstanding and invaluable service to society of Gregory Komeshok.

TRIBUTE TO MARTIN "TRADER JOHN" WEISSMAN

HON. JOE SCARBOROUGH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Mr. SCARBOROUGH. Mr. Speaker, for nearly half a century, a landmark known throughout the world has stood in Pensacola, Florida. This landmark is not a bronze statue, a marble sculpture, or a breathtaking vista, but rather an unofficial monument to the service of the men and women in the United States Navy. The monument is none other than the world famous "Trader John's Tavern and Blue Angels Museum" founded and operated by Pensacola's own Martin "Trader John" Weissman.

Since 1953, "Trader John's" has been a favorite among aviators, military personnel, and celebrities. It was a place for young Naval flight students to relax and a place for veterans to share old war stories. For many men and women in the service that were stationed far from home, it provided a sanctuary where they could make new friends. What brought these thousands of patrons to this humble establishment wasn't the extensive collection of Naval aviation memorabilia, but rather the persona of the man known as "Trader John."

Mr. Martin Weissman and his wife Jackie moved to Pensacola in 1952. In 1953, the Weissman's took over a dilapidated bar and eatery on South Palafox Street and renamed it "Trader John's." The name stuck, and Mr. Weissman became known as "Trader John."

Over the next 50 years, this gentleman distinguished himself not only through his community service and his successful business, but also through the reputation he earned as an untiring booster of the Navy's Flight Demonstration Team, the Blue Angels. In 1997, he was named the Blue Angels honorary flight leader.

"Trader John's" fatherly way and irresistible charm provided the much-needed support for many homesick aviators. Retired Vice Admiral Jack Fetterman described Trader John as having "unqualified love." Adding "he was a caring guy who never said a bad thing about anybody."

Mr. Speaker, on Friday, February 18, 2000, Martin "Trader John" Weissman was taken from us. But his legacy and memory will live on in the hearts of the thousands of Naval Aviators who trained in Pensacola and when the Blue Angels fly their homecoming show there this year, I'm sure "Trader John" will be watching from above.

TESTIMONY OF DIANA W.H. CAPP

HON. GEORGE R. NETHERCUTT, JR.

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Mr. NETHERCUTT. Mr. Speaker, on February 15, 2000, I was pleased to introduce my constituent, Diana W.H. Capp, at a Resources Committee hearing concerning the funding of environmental initiatives and their impacts on local communities. Her testimony follows:

Madame Chairman, Committee Members, thank you for this hearing. I'm Diana White Horse Capp, from Ferry County, Washington—4.6 million acres—in the Kettle Mountains, 7200 people. I'm Chairman of the Upper Columbia Resource Council. Madame Chairman, history shows the elite gain power by pitting the masses against each other. Our Constitution, based on the Iroquois Great Law of Peace, is intended to prevent this.

Elite foundations now funnel their wealth to environmental groups who pit the masses against each other. Rural Americans are condemned as savages just as Natives once were. Rural Natives and Whites work in the same occupations. Our welfare is connected. The South half of my county is Colville Reservation. On the North Half, Colvilles and other Native descendants live in peace with Whites. The community is intermarried. We cannot afford the division these foundations instigate.

The environmental elite use Native people. They preach about Tribal Rights and promise to restore justice. Yet they do little for Native people but use them as poster children to buy the clout of Treaty Rights in their lawsuits. Local activists courted favor on the Reservation and Colville Indian Environmental Protection Alliance emerged. This is a foundation grant handled by Native recruiter Winona LaDuke of Minnesota to fight people like me in Ferry County. (See page 2) LaDuke's webpage says the Colville group she funds is opposed to gold mining on the Reservation. (pg 3) But this article says that group lobbied the Tribal Council to oppose Crown Jewel Mine. (pg 4) Madame Chairman, the Crown Jewel Mine isn't on the Reservation—it's 30 miles away, minimum. This kind of deception smears the Tribe's name. Political upheaval rocks the Reservation and some Tribal members want the FBI to step in.

These foundations use environmental groups to destroy rural cultures. Our county is crippled by their attacks on timber, mining, and ranching. Jobs are scarce. Our children feel hopeless—the elite have raped their future. These grants target Ferry County with $105,000 just to silence the so-called "incivility" of people like me concerned with human rights. (pg 5) These are grants to Environmental Media Services! They're headed by Arlie Schardt—Al Gore's former Press Secretary!

Slick media activists hound urbanites, screaming that rural cultures destroy the planet, when in fact we feed and shelter them. The 1998 National Wilderness Conference announced its plan for Wilderness designation of the Kettle Mountain Range—Ferry County is the Kettle Range. Their millions wage a high-dollar war for Wilderness in Ferry County along with local Kettle Range Conservation Group. (pg 6) Our county is beautiful. They covet this beauty enough to rape our culture: We don't want them to squeeze us out. This cultural genocide must be acknowledged. That's why the Kootenai Tribe joins Idaho's fight against more Wilderness. (pg 7) This petition by Bret Roberts of Ferry County Action League is signed by many area residents opposed to more wilderness.

Federal insiders reshape policy to destroy rural cultures. This map shows some of the plans to push us out. Colville National Forest's Public Affairs Officer took vacation time to picket for more Wilderness. Pacific Biodiversity Institute boasts that government agencies request their wilderness maps. (pg 8) This Wilderness Society map is part of a local Forest Service Plan. (pg 9) This environmental group's grant says their lynx study will be used by the Forest Service. (pg 10) This job notice (pg 11) even says Nature Conservancy biologists write policy on Indiantown Gap Military Reservation—adding salt to the wound.

You see, government troops forced my Mother's people out of Indiantown Gap in 1932. I don't want that happening to my children, too! Madame Chairman, this juggernaut must be stopped.

SENIOR CITIZENS' FREEDOM TO WORK ACT OF 1999

SPEECH OF

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2000

Mr. YOUNG of Florida. Mr. Speaker, I rise today in strong support of H.R. 5, the Senior Citizens' Freedom to Work Act.

As the Representative of Florida's 10th Congressional District, which is home to one of our nation's largest population of seniors, I have consistently supported legislation to eliminate the unfair earnings limit placed on seniors. In fact, one of the first bills I introduced as a member of this body was an act to repeal the Social Security earnings limit.

This outdated law discourages older Americans from working during their golden years, and penalizes the most experienced workers in our nation at a time when many small businesses are searching for qualified employees. The earnings limit unfairly taxes older Americans and at the same time hampers an economy already limited by a lack of workers. I firmly believe our nation will only benefit from the skills and experience of older employees, and this House should welcome their contributions to society and the economy.

Mr. Speaker, the earnings limit is an insult to the dignity of all seniors who wish to continue to work and receive their Social Security benefit. So many retirees want the freedom to work and support themselves. Many want to supplement their incomes in order to increase their standard of living. Others need to work in order to offset the high cost of prescription drugs. Regardless of the reason, seniors who wish to continue to work should be able to do so without being penalized, and I am proud that today the House is taking action to eliminate this unfair roadblock that stands between older Americans and their desire to continue working.

Mr. Speaker, it is time to repeal this antiquated law and restore freedom to older Americans everywhere.

SUPPORT AFRICAN AMERICAN WORLD WAR II VETERANS

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Ms. BROWN of Florida. Mr. Speaker, most people do not realize that African Americans were central contributors to the allied victory in World War II and served in numeric proportion to their presence in the population. Over 1.2 million African American men and women served in the Armed Forces during the war. Unfortunately, over the decades, the popular culture of major films and books fail to acknowledge. A few efforts have been made to tell the story of a small number of the participants such as the HBO film on the Tuskeegee Airman. However, in the mainstream of Americana African American World War II veterans are ignored and bypassed.

To make sure these brave men and women don't pass before their sacrifices are recognized, I am asking for your support of the "Day of Honor 2000" project. The "Day of Honor 2000" project is an organized effort to provide a national city by city special event honoring African American World War II veterans. It is undertaken to provide some measure of clear public acknowledgment and appreciation of the sacrifices of a generation who served America under some of the most trying conditions experienced by any group of Americans in World War II. Day of Honor activities includes an appreciation reception with local African American World War II veterans who will make remarks on behalf of their comrades present and fallen. These veterans will be presented with Oral History Collection Kits which will be used to record their individual stories for future generations. These oral histories will be transcribed and forwarded to major museums focusing on World War II history. The reception also includes a premier screening of the critically acclaimed documentary film "The Invisible Soldier: Unheard Voices." The "Day of Honor 2000" project will culminate with a major event in Washington, DC on May 25th.

If you have any questions or would like to sign on to the bill, please contact Nick Martinelli in my office at 225–0123.

TRIBUTE TO CONGRESSMAN CHARLES S. JOELSON

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the deeds of a distinguished gentleman and the former Representative from my district, Charles S. Joelson of Paterson, New Jersey. It is only fitting that we recognize him, for he epitomizes caring and generosity of spirit.

Charles Joelson was a man of diverse talents. In his early years he demonstrated scholarship. He graduated Phi Beta Kappa with a Bachelors of Arts degree from Cornell University in 1937. Later, he graduated from Cornell Law School in 1939.

Charles had always been an active and involved leader. He was an Ensign in Naval Intelligence during World War II: Furthering his belief in civic participation, Chuck mastered the Japanese language. The time spent in the Navy instilled in Charles the attributes necessary for him to become a stellar force in the community. It was the small steps in the beginning of his career that taught him the fundamentals that would make him a role model to the people that he served.

Known for a questioning mind and an ability to get things done, Chuck Joelson returned to law and politics after the war. First he served on the Paterson City Council. Then he became Deputy Attorney General of New Jersey. During the fifties he specialized in criminal law, and became a Prosecutor in Passaic County. Eventually, he became the Director of Criminal Investigation in the State Department of Law and Public Safety in Trenton. In 1960, Chuck led a successful campaign to become the United States Congressman for New Jersey's Eighth District.

His Congressional tenure lasted for nine years. During his final term, he decided to leave Washington, so he asked Governor Hughes to appoint him to the Superior Court. The Governor quickly appointed him, and Charles spent fifteen years on the bench. He held a judicial position in the Chancery Division, as an assignment Judge in Passaic County. He then served his final years as a justice on the Appellate Division in Hackensack, New Jersey, where he demonstrated his writing skills before retiring in 1984.

As the inheritor of the Joelson family legacy, Charles followed his father and Uncle into public service. His father, Judge Harry Joelson, was an advocate for the working people. His Uncle, Dr. Samuel Joelson, exemplified generosity and the love of humanity.

Chuck continually touched the lives of the people around him. He championed needs in education, civil rights and legislation in the workplace. One of the five term Congressmen's greatest achievements was a 1969 piece of legislation that saved thousands of school libraries. His legislation appropriated $1 billion for public school libraries, remedial programs and guidance counseling.

Mr. Speaker, I ask that you join me, our colleagues, Chuck's family, friends and the State of New Jersey in recognizing the outstanding and invaluable service to the community of Charles S. Joelson.

HONORING CHAVIS NEWMAN-KEANE OF ANCHORAGE, ALASKA

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Mr. YOUNG of Alaska. Mr. Speaker, today I would like to congratulate and honor a young Alaska student from my district who has achieved national recognition for exemplary volunteer service in his community. Chavis Newman-Keane of Anchorage, Alaska has just been named one of my state's top honorees in The 2000 Prudential Spirit of Community Awards program, an annual honor conferred on the most impressive student volunteers in each state, the District of Columbia and Puerto Rico.

Mr. Chavis Newman-Keane is being recognized for his hard work and dedication in implementing an entertainment program called "Musical Smiles" to cheer up elderly residents of two-assisted living facilities. He has volunteered his time by conducting a piano recital every week and has recruited other musicians to join in his program.

In light of numerous statistics that indicate Americans today are less involved in their communities than they once were, it's vital that we encourage and support the kind of selfless contribution this young citizen has made. People of all ages need to think more about how we, as individual citizens, can work together at the local level to ensure the health and vitality of our towns and neighborhoods. Young volunteers like Mr. Newman-Keane are inspiring examples to all of us, and are among our brightest hopes for a better tomorrow.

The program that brought this young role model to our attention, The Prudential Spirit of Community Awards, was created by the Prudential Insurance Company of America in partnership with the National Association of Secondary School Principals in 1995 to impress upon all youth volunteers that their contributions are critically important and highly valued, and to inspire other young people to follow their example. In only five years, the program has become the nation's largest youth recognition effort based solely on community service, with nearly 75,000 youngsters participating since its inception.

Mr. Newman-Keane should be extremely proud to have been singled out from such a large group of dedicated volunteers. I heartily applaud Mr. Newman-Keane for his initiative in seeking to make his community a better place to live, and for the positive impact he has had on the lives of others. He has demonstrated a level of commitment and accomplishment that is truly extraordinary in today's world, and deserves our sincere admiration and respect. His actions show that young Americans can, and do, play important roles in our communities, and that America's community spirit continues to hold tremendous promise for the future.

IN RECOGNITION OF MARTHA BURNS

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Mr. PORTMAN. Mr. Speaker, I rise today to pay tribute to Martha Burns, a good friend and community leader who is planning to step down from her duties as a Member of the Board of Trustees, Co-Chair of the Parent/School/Youth Task Force, and Director of Parent Training with the Coalition for a Drug-Free Greater Cincinnati. Martha has been invaluable to the Coalition.

In 1996, Martha attended a meeting at Sycamore High School regarding teenage drug abuse and efforts to get parents involved in a new organization being formed to address the problem—the Coalition for a Drug-Free Greater Cincinnati. Martha went home that night and made the decision with her husband, Bruce Burns, to get involved in the effort to prevent teenage drug use in our community.

Martha has been the Coalition's hardest working volunteer. She and Bruce were trained as facilitators of our Parent-to-Parent program and began recruiting others to do the same. As the Director of Parent Training for the Coalition, Martha coordinated Parent-to-Parent training classes throughout Greater Cincinnati. To date, over 4,000 parents in 30 school districts have been trained in how to talk to their kids about the dangers of substance abuse and how to recognize signs that a child may be in trouble. Most recently, Martha has worked to bring the parent training classes into the workplace.

Martha's work and contributions to the community do not, however, end with the Coalition. She also volunteers at the local library, is Secretary of the local Boy Scout troop, teaches Bible classes, and is an Officer and Board Member of the Sycamore High School Parent Teacher Organization.

Martha's efforts with the Coalition have helped literally thousands of local parents to learn more about how to keep their kids drug-free. And, it is not a stretch to say that her work has saved the lives of children in our area. Her selfless dedication to the cause of fighting drug use in our community makes her a true hero. We will miss Martha as a Board Member, Co-Chair of the Parent/School/Youth Task Force, and Director of Parent Training, but look forward to continuing to work with her as a Coalition volunteer in the future.

PERSONAL EXPLANATION

HON. MERRILL COOK

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Mr. COOK. Mr. Speaker, on rollcall Nos. 26, 27, and 28, I asked to be excused because of intestinal surgery. Had I been present, I would have voted "yes."

TRIBUTE TO DAVID BRYON COLE

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the deeds of a distinguished musician, David Bryon Cole of Passaic, New Jersey, who is being feted today because of his remarkable talents and legacy. It is only fitting that Passaic High School rename its music suite for David, for he epitomizes a strong spirit and never forgot from where he came.

David Bryon Cole was born to Sandra Cole-Turner on June 3, 1962 in Johnson City, Tennessee. He attended elementary there for a short while before his family moved to Passaic. Once in New Jersey he continued his education, and went on to graduate from Passaic High School in 1980. During high school, David's main pursuit was music. It was at this time that he proved himself to be a remarkable pianist, soloist, accompanist and arranger.

David, always an active and involved musician, learned much of his skill in the church. One of the most influential teachers in young David's life was the Reverend Roberts of the First Baptist Church in Nutley, New Jersey. David's nascent talents began to flourish under the Pastor's tutelage. The time spent working with Reverend Roberts instilled in David the attributes necessary for him to become a stellar force in the music industry. It was the small steps in the beginning of his career that taught him the fundamentals that would make him a role model to scores upon scores of people worldwide.

David Cole has had a varied career, which has taken him to the top of the charts. His professional career included working with the group Two Puerto Ricans, a Black Man, and a Dominican. David was also the accompanist for the Weather Girls. In addition, David performed as a dance club keyboardist and it was in a club in New York where he met his future partner Robert Clivilles.

David and Robert combined their talents and dreams to establish C+C Music Factory. This productive union spawned many other groups including Seduction, Soul System and Trilogy. In addition to contributing to C+C Music Factory, David completed many projects for some of the largest and most influential recording companies in America. He was known to be one of the best producers, and his skills were widely sought after.

This native of Tennessee, who later moved to New Jersey, found fame and fortune around the world. C+C Music Factory worked with London's famed Ministry of Sound and produced projects in Japan.

David continually made his mark on the music world by writing and producing songs for some of the best-known recording artists of our time. These legendary artists include Aretha Franklin, Whitney Houston, Mariah Carey, Chaka Khan, Luther Vandross, Donna Summer along with many others.

In 1993, David and his partner Robert received a Grammy for Album of the Year. They received the award for their contributions as producers of one of best-selling soundtrack albums of all time, "The Bodyguard." In total, C+C Music Factory won twenty-eight awards including five American Music Awards, five Billboard Awards and two MTV Video Music Awards. The world lost a truly remarkable man when David passed away on January 24, 1995.

Mr. Speaker, I ask that you join our colleagues, the City of Passaic, David's family, his friends and me, in recognizing the outstanding achievements in the areas of music and production of David Bryon Cole.

HONORING TANYA EWING OF JUNEAU, ALASKA

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Mr. YOUNG of Alaska. Mr. Speaker, today I would like to congratulate and honor a young Alaska student from my district who has achieved national recognition for exemplary volunteer service in her community. Tanya Ewing of Juneau, Alaska has just been named one of my state's top honorees in The 2000 Prudential Spirit of Community Awards program, an annual honor conferred on the most impressive student volunteers in each state, the District of Columbia and Puerto Rico.

Ms. Tanya Ewing is being recognized for her hard work and dedication in implementing Teens Against Tobacco Use (TATU) program. She has volunteered over four years of her time in educating young people on the dangers of smoking and helping to reduce the rate of teen smoking in Alaska.

In light of numerous statistics that indicate Americans today are less involved in their communities than they once were, it's vital that we encourage and support the kind of selfless contribution this young citizen has made. People of all ages need to think more about how we, as individual citizens, can work together at the local level to ensure the health and vitality of our towns and neighborhoods. Young volunteers like Ms. Ewing are inspiring examples to all of us, and are among our brightest hopes for a better tomorrow.

The program that brought this young role model to our attention, The Prudential Spirit of Community Awards, was created by The Prudential Insurance Company of America in partnership with the National Association of Secondary School Principals in 1995 to impress upon all youth volunteers that their contributions are critically important and highly valued, and to inspire other young people to follow their example. In only five years, the program has become the nation's largest youth recognition effort based solely on community service, with nearly 75,000 youngsters participating since its inception.

Ms. Ewing should be extremely proud to have been singled out from such a large group of dedicated volunteers. I heartily applaud Ms. Ewing for her initiative in seeking to make her community a better place to live, and for the positive impact she has had on the lives of others. She has demonstrated a level of commitment and accomplishment that is truly extraordinary in today's world, and deserves our sincere admiration and respect. Her actions show that young Americans can, and do, play important roles in our communities, and that America's community spirit continues to hold tremendous promise for the future.

CELEBRATING THE WOMEN OF LEWISTON/AUBURN

HON. JOHN ELIAS BALDACCI

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Mr. BALDACCI. Mr. Speaker, I rise today to call my colleague's attention to a dinner being held next week in the Lewiston/Auburn communities of Maine. The event, "Celebrating the Women of L/A," will honor women who have touched the lives of others in their communities.

For decades, the women of Lewiston and Auburn—like those throughout Maine, the nation and the world—have raised children, served as caregivers, worked inside and outside the home, and volunteered their time and talents. They have maintained a strong and quiet foundation for our families that has nourished us all. The celebration will recognize all that women bring to families and our community.

Those submitting nominations were asked to briefly describe what it was about the nominee that made her such a special and important part of the community. Here are a few examples:

"Life has not been a cakewalk for you, nor was life meant to be. However, each challenge you faced was met with the steadfast determination to overcome and survive and never to succumb. All of this has given rise to a woman who now lives life to the fullest, to a mother who loves her children insurmountably and to a co-worker who leads by example and a steadfast desire to accomplish."

"You are extremely special to me because you have every quality that I would like to have when I myself become a mother. You are caring, loving, kind, strong (emotionally), strict (when necessary), good cook, helpful, and most of all being independent and such a hard-worker. I admire you for all these things."

"She is an ordinary woman, who did an extraordinary job raising five children, after the accidental death of her husband. . . . She has never, ever complained, always with a smile. She has 'Looked to the sun and the shadows have fallen behind.'"

"I would like to honor this woman today because if I could be half the woman she is, my life would be full."

"She gently pushes me forward with my personal growth. . . . I want her to know that she touches my life in a very special way. . . . She has helped me to learn to love myself. In return, I am learning to love others."

"Plain and simple, she represents what a good leader should be."

These are but a few examples of the testimonials received on behalf of the honorees. They speak to the importance and influence that these women have had on their families, colleagues, and communities.

I am proud to have the opportunity to pay tribute to the following Women of L/A here in the House of Representatives. The Honorees are Marcia Akers, Carol Arone, Lucinda Athertone, Susan Breau, Joan Collins, Rebecca Cutler, Clare Darcy, Jackie D'Auteuil, Julie D'Auteuil, Rachel D'Auteuil, Katherleen White Fallon, Julia Hixon, Dawn Humason, Debra Leigh Humason, Elizabeth Kennedy, Geneva Kirk, Mary Martin, Susan Nichols, Sister Jeanne Nicknair, Lillian O'Brien, Mary O'Leary, Claire Ouellette, Cindy Palmer, Helene S. Perry, Barbara Robertson, Maca Roddy, Linda Rolfe, Donna Steckino, Kaileigh Tara and Dottie Perham Whittier.

These 30 women are all extremely deserving of this recognition, and I congratulate them as they are recognized for their effort in the home, in the workplace and in the community. I know that they are also representative of many other women throughout the communities and as we honor them, we also look around at the many other women who have made positive differences in L/A. I offer my thanks and best wishes to all the women of L/A for making Lewiston and Auburn such a strong and vibrant community.

CELEBRATING THE 50TH ANNIVERSARY OF THE BLESSED HOPE MISSIONARY BAPTIST CHURCH

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Mr. GREEN of Texas. Mr. Speaker, I rise to celebrate the 50th Anniversary of the Blessed Hope Missionary Baptist Church, located in Houston, Texas.

Almost 50 years ago, Rev. Jesse E. Green first sought to hold a revival in Wallisville Garden Addition. With the counsel of Brother James Anderson and assistance from the Noble Smith family, a meeting place was found at 3741 Colvin Street.

On May 1, 1950, the first services were held at this location. With 19 congregants in attendance, Rev. Green preached, appropriately enough, from John 1:15 with the theme "Jesus Turns on the Lights." With the support of ministers from across the Greater Houston area, the week-long revival services were a success.

On May 10, Rev. T.T. Anderson of Beaumont, Texas, called a special meeting of those who had attended the revival and organized a church with the temporary name of "The Wallisville Garden Station." Bros. Anderson and N. Smith were elected deacons, with Bro. Anderson also elected Sunday Church School Superintendent. Sister M. Anderson became Mission President, and Rev. Green was officially elected Pastor of the congregation.

One week later, a permanent name for the church was selected and the Blessed Hope Missionary Baptist Church was officially born. Over the first 20 years, the church prospered, growing to include not only the original building, but many additions as well. In 1970, the membership decided that a new building was necessary, and so on March 7, 1971, Blessed Hope moved into its second official home.

Again, the church was blessed with growth, both spiritually and numerically. On August 7, 1993, Rev. Green proudly led the congregants into the third home for the church, where services are still held today.

As they celebrate both the new millennium and 50 years of praising God, the members of Blessed Hope reflect on the past and look ahead to the future. Rev. Jesse E. Green, founder, longtime pastor, humble servant, and good friend, has been called home by our Lord. The new pastor, LaKeith D. Lee, and the congregation have worked hard to pay off the church mortgage, honor Rev. Green with a new library building, and have completed a Youth Education Building. Further, Blessed Hope has managed to expand its ministry to include outreach, education, evangelism and young adults, just to name a few.

Mr. Speaker, I congratulate the members of the Blessed Hope Missionary Baptist Church on their successes over the first 50 years, and look forward to the many more years of good works and holy worship to come.

TRIBUTE TO THE MILLS CORP.

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the deeds of an organization which has added much to the rich history of the State of New Jersey that is being feted today because of its many years of service and leadership. It is only fitting that we gather here in honor of the Mills Corp. based in Arlington, Virginia to recognize its years of commitment and service to people from the State of New Jersey and throughout the nation.

The Mills Corp. is a special company because it trains and hires unemployed people who are able and willing to work. This company is one of 12,000 businesses nationwide participating in the Welfare to Work Partnership begun in 1997. This nonprofit partnership works to help people move from welfare to good jobs without encroaching upon any current workers. Mills Chairman and CEO Laurence Siegel stated the company's objective for this program, "We need to institute programs to assist individuals who live under conditions that typically make employment difficult to achieve."

In November of 1999 during his "New Markets Initiative Tour," President Clinton cited one company as a leader and role model for this program, the Mills Corp. He noted that the Mills Corp., a board member of the Welfare to Work Partnership, has shown the way for other businesses to make this idea work in New Jersey. The Mills Corp. has already had success with its Jobs Initiative program in other states. Katy Mills, the first of its five Jobs Initiative prototypes, opened in Houston, Texas on October 28, 1999. This mall has already hired 200 employees.

The Meadowlands Mills Mall, planned for Carlstadt, New Jersey is the project where the Mills Corp. has incorporated the Welfare to Work program in New Jersey. The company plans to train and hire scores of low-income Newark residents to work at the facility. This program is patterned after Mills' other initiatives that have been successful throughout the nation.

Additionally, The Mills Corp. remains committed to their new employees. This dedication includes a remarkable pre-employment training and a career development center at the mall. The center will provide retention and career advancement services. In this spirit, the President stated, "The Mills Corporation made a $1 million commitment towards pre-employment training and career development center on-site at the Meadowlands Mills Mall, which will provide job retention and career advancement services for all mall employees," during his visit.

Mills is a company with a long and storied history of community involvement. The company funds children's sport teams, public school computer labs, health fairs and high school safety programs. In addition, Mills has underwritten the development of environmental education curriculum in public schools with the Smithsonian Institute.

The accomplishments of the Mills Corp. and its leadership in the Welfare to Work Partnership are contributions to society of the highest order. It has made a commitment to the workers and citizens that stand to be left behind in the strongest economy in American history. We should all be proud to congratulate the company for this critical investment in humanity.

Mr. Speaker, I ask that you join our colleagues, the friends and employees of this outstanding company and me in recognizing the outstanding and invaluable service to the community of the Mills Corp.

HONORING JASON REDMOND OF SOLDOTNA, ALASKA

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Mr. YOUNG of Alaska. Mr. Speaker, today I would like to congratulate and honor a young Alaska student from my district who has achieved national recognition for exemplary volunteer service in his community. Jason Redmond of Soldotna, Alaska has just been named one of my state's top honorees in The 2000 Prudential Spirit of Community Awards program, an annual honor conferred on the most impressive student volunteers in each state, the District of Columbia and Puerto Rico.

Mr. Redmond is being recognized for his hard work and dedication in organizing a free public bicycle system for residents of his town who do not drive or own their own bicycles. He has volunteered his time by getting out into his community and making a difference in people's lives.

In light of numerous statistics that indicate Americans today are less involved in their communities than they once were, it's vital that we encourage and support the kind of selfless contribution this young citizen has made. People of all ages need to think more about how we, as individual citizens, can work together at the local level to ensure the health and vitality of our towns and neighborhoods. Young volunteers like Mr. Redmond are inspiring examples to all of us, and are among our brightest hopes for a better tomorrow.

The program that brought this young role model to our attention, The Prudential Spirit of Community Awards, was created by The Prudential Insurance Company of America in partnership with the National Association of Secondary School Principals in 1995 to impress upon all youth volunteers that their contributions are critically important and highly valued, and to inspire other young people to follow their example. In only five years, the program has become the nation's largest youth recognition effort based solely on community service, with nearly 75,000 youngsters participating since its inception.

Mr. Redmond should be extremely proud to have been singled out from such a large group of dedicated volunteers. I heartily applaud Mr. Redmond for his initiative in seeking to make his community a better place to live, and for the positive impact he has had on the lives of others. He has demonstrated a level of commitment and accomplishment that is truly extraordinary in today's world, and deserves our sincere admiration and respect. His actions show that young Americans can, and do, play important roles in our communities, and that America's community spirit continues to hold tremendous promise for the future.

IN MEMORY OF LARRY MICHELS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Mr. FARR of California. Mr. Speaker, I rise today to honor a local entrepreneur and community personality whose leadership and innovation profoundly affected all who knew and worked with him. Mr. Larry Michels passed away on November 8, 1999 at the age of 68.

Born in Chicago, Illinois on January 17, 1931, Larry was the founder and genius behind Santa Cruz County's largest high-tech enterprises, Santa Cruz Operation. Launched with his son and current Chief Executive Officer, Doug Michels, out of a small Victorian house in Santa Cruz's downtown periphery, the father and son team's visionary approach and determination created Santa Cruz Operation into a business of 1,200 fiercely loyal employees. The company found a niche in the high-tech industry by placing the Unix operating system on Intel-based computers which propelled Santa Cruz Operations to the forefront of the Unix software movement.

Described as a passionate and dynamic leader who inspired the "loyalty and admiration of many employees," (Doug Michels, SCO CEO) Larry resigned his position in 1992 and retired to Evergreen, Colorado where he soon returned to his entrepreneurial roots taking an active role in launching and developing startups as well as re-engineering existing companies. It is a combination of Larry's natural talent and creative genius, his vivacious and dauntless personality as well as his hard-working and determined spirit that makes him such a memorable and respected member of the community.

Mr. Speaker, I ask that you join me and our colleagues in recognizing the valuable contributions of Larry Michels whose leadership in our community has profoundly impacted and influenced the many who were privileged to know and work with him through the years. The products of Mr. Michels' genius continue with us today through his homegrown company, Santa Cruz Operations. Mr. Larry Michels will be missed and his years of achievement and innovation will not be forgotten. Larry is survived by his companion, Geri Snyder; sons, Doug, Jordan and David Michels; daughter, Dia Michels; sister, Barbara Michels; former wife, Loni Michels; and seven grandchildren.

RECOGNIZING THE BUTLER COUNTY BICENTENNIAL CELEBRATION

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Mr. KLINK. Mr. Speaker, I rise today to recognize the citizens of Butler County who celebrate their community's 200th birthday this year. At noon on Sunday, March 12, two minutes of church bell ringing will commence in churches throughout the county. The celebration will continue throughout the day with speeches and events along a "whistle stop" tour in several other communities in the county.

Butler County is a thriving part of Western Pennsylvania with some of the fastest growing areas in the region and in the state. Agriculture and industry coexist in this community providing jobs and opportunities to the hard-working families who call Butler their home. With its beautiful state parks and gamelands, Butler County attracts visitors from all over the state seeking to enjoy the forests and lakes that make this area of Pennsylvania so unique.

On my many trips to Butler County I have received nothing but good wishes from the people of this community. Their support has been invaluable to me during my years in Congress, and I will never forget their kindness.

Once again, I urge my colleagues to rise and recognize the citizens of Butler County on this truly momentous occasion. Their commitment to family and community spirit represent the finest qualities of the Fourth Congressional District.

TRIBUTE TO CHIEF JAMES K. PASQUARIELLO

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the deeds of an outstanding Fire Chief and a valued member of my community, James Kenneth Pasquariello of Paterson, New Jersey. Jim is being honored tonight by the Northern New Jersey Council of the Boy Scouts of America. It is only fitting that we are gathered here in his honor, as he is named Boy Scout's "Man of the Year," for Jim defines caring and generosity of spirit.

Chief Pasquariello, a member of the Passaic Valley High School class of 1963, found his calling at Passaic County Community College in Paterson. It was there that he received an Associate Degree in Fire Science Technology. Jim also possesses a Fire Official license from the Bureau of Fire Safety of the State of New Jersey.

Jim's time spent working in the fire safety has instilled the attributes necessary for him to become the stellar positive force in the community he has now become. It was the small steps in the beginning of his career that taught him the fundamentals that would make Jim a role model to the firefighters he now leads.

Known for his ability to get things done, Jim Pasquariello was appointed to the Paterson Fire Department on August 1, 1968. He was promoted to Captain on August 1, 1980. On February 19, 1998 Jim attained the rank of Battalion Chief. Always respected and well liked, he continued to rise within the department. When Jim became Deputy Chief on June 3, 1994 he assumed command of Tour Number 3 as Shift Commander. Only three short years later, Jim reached the pinnacle of his fire service career when he was promoted to Chief of the Paterson Fire Department on October 31, 1997. During his distinguished career of 31 years of service, Jim has served in numerous fire companies in various capacities. In addition, he has been cited on three occasions for conduct above and beyond the call of duty.

As the Chief of the Paterson Fire Department, Jim Pasquariello is a member of six professional associations: the Paterson Firefighter's Association, the International Association of Firefighters, the New Jersey Deputy Fire Chiefs' Association, the New Jersey Career Fire Chiefs' Association, the Passaic County Mutual Aid Association and the New Jersey Firefighter's Relief Association. Chief Pasquariello also serves on the Eighth Congressional District Public Safety Advisory Board, the New Jersey Department of Personnel Advisory Board and is a member of the Passaic Valley B.P.O. Elks Lodge #2111.

A native of Paterson, Jim was born on October 13, 1945 at Paterson General Hospital to James, Sr. and Cecilia. On January 15, 1966, Jim married his sweetheart, the former Marsha Helene Smith at Our Lady of Pompeii R.C. Church in Paterson. Jim is the father of three lovely daughters, Janine Brownley, Virginia and Suzanne.

On a personal note, Mr. Speaker, I would be remiss if I did not say for the record that as the former Mayor of the great City of Paterson, New Jersey, I had the distinct privilege of working closely with Jim Pasquariello on a regular basis. He was and still is the epitome of devotion and professionalism. More than all this, however, I am proud to call Jim my friend.

Mr. Speaker, I ask that you join our colleagues, Jim's family and friends and me in recognizing the outstanding and invaluable service to the community of James Kenneth Pasquariello.

HONORING REBECCA DICKISON OF ANCHORAGE, ALASKA

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Mr. YOUNG of Alaska. Mr. Speaker, today I would like to congratulate and honor a young Alaska student from my district who has achieved national recognition for exemplary volunteer service in her community. Rebecca Dickison of Anchorage, Alaska has just been named one of my state's top honorees in The 2000 Prudential Spirit of Community Awards program, an annual honor conferred on the most impressive student volunteers in each state, the District of Columbia and Puerto Rico.

Ms. Dickison is being recognized for her hard work and dedication in collecting new and used books and organizing a reading corner for children at the Intermission Crisis Nursery. She has volunteered her time to bring happiness and joy to those in need.

In light of numerous statistics that indicate Americans today are less involved in their communities than they once were, it's vital that we encourage and support the kind of selfless contribution this young citizen has made. People of all ages need to think more about how we, as individual citizens, can work together at the local level to ensure the health and vitality of our towns and neighborhoods. Young volunteers like Ms. Dickison are inspiring examples to all of us, and are among our brightest hopes for a better tomorrow.

The program that brought this young role model to our attention, The Prudential Spirit of Community Awards, was created by The Prudential Insurance Company of America in partnership with the National Association of Secondary School Principals in 1995 to impress upon all youth volunteers that their contributions are critically important and highly valued, and to inspire other young people to follow their example. In only five years, the program has become the nation's largest youth recognition effort based solely on community service, with nearly 75,000 youngsters participating since its inception.

Ms. Dickison should be extremely proud to have been singled out from such a large group of dedicated volunteers. I heartily applaud Ms. Dickison for her initiative in seeking to make her community a better place to live, and for the positive impact she has had on the lives of others. She has demonstrated a level of commitment and accomplishment that is truly extraordinary in today's world, and deserves our sincere admiration and respect. Her actions show that young Americans can, and do, play important roles in our communities, and that America's community spirit continues to hold tremendous promise for the future.

THE NEED FOR A NATIONAL DIALOGUE IN KAZAKHSTAN

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Mr. LANTOS. Mr. Speaker, last December President Nursultan Nazarbayev of Kazakhstan was in Washington for the annual meeting of the U.S.-Kazakhstan Joint Commission. The purpose of these meetings, which are held alternately in the United States and Kazakhstan, is to promote political and economic cooperation between our two countries. The United States side regularly presses the government of Kazakhstan to improve its human rights record and to undertake much-needed political and economic reform.

Mr. Speaker, it is my understanding that in December U.S. officials pressed the Kazakh participants because of serious American concerns about the sham parliamentary elections which were held last October, increased corruption, and an increase in abusive action taken against opponents of President Nazarbayev's increasingly repressive government.

Prior to last December's meeting and in an apparent move to blunt the expected pressure from the United States, President Nazarbayev issued a statement on November 4 saying that he was ready to cooperate with the political opposition and that he would welcome the return to Kazakhstan of former Prime Minister Akezhan Kazhegeldin, the exiled leader of the principal opposition party.

On November 19, Mr. Speaker, Mr. Kazhegeldin responded to President Nazarbayev by calling for a "national dialogue" to examine ways to advance democracy, economic development and national reconciliation in Kazakhstan. Similar national dialogues have met with success in Poland, South Africa, and Nicaragua. Mr. Kazhegeldin pointed out that convening a national dialogue would be an ideal way to initiate cooperation between the opposition and the government. Unfortunately, President Nazarbayev has reacted with stony silence to Mr. Kazhegeldin's proposal. Unfortunately, Mr. Speaker, this is not the first occasion when Mr. Nazarbayev has reneged on his promises or taken actions that undermine democracy and economic reform in Kazakhstan. He has reneged on a pledge he made in November to ship oil through the proposed Baku-Ceyhan pipeline. He continues to refuse to settle investment disputes with foreign companies that have lost millions of dollars because the government failed to honor its commitments. He arranged to have a kangaroo court convict an opposition leader for having the temerity to criticize Mr. Nazarbayev's government.

Even more troubling and more threatening to our national security, an investigation and trial in Kazakhstan have failed to find anyone responsible for the delivery last year of 40 MIG fighter aircraft from Kazakhstan to North Korea.

Mr. Speaker, the Administration must stop turning the other cheek every time Mr. Nazarbayev commits another outrage. The cause of freedom, democracy, and economic reform will continue to suffer in Kazakhstan unless the Administration strongly supports the national dialogue along the lines proposed by Mr. Kazhegeldin and takes action to press the government of Mr. Nazarbayev to stand by its commitments.

It seems to me, Mr. Speaker, that the Administration should also insist that the government of Kazakhstan make a minimum of one hour per week available for use by the opposition. In a country where the government still controls the media, this is a minimum for democracy to have any hope at all to develop along democratic lines. We also ought to insist that the democratic opposition be permitted be provided a printing press to replace those that have been confiscated by the government.

Mr. Speaker, the shocking lack of democracy in Kazakhstan and deliberate government actions and policies that have restricted political and economic reform are a matter of great importance to the United States. It is essential that the Administration press Mr. Nazarbayev to take remedial steps quickly.

INTRODUCTION OF A HOUSE RESOLUTION TO RESTORE THE UNITED STATES ASSAY COMMISSION

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Mr. ROTHMAN. Mr. Speaker, I rise today to announce my introduction of a House Resolution designed to re-authorize the creation of the United States Assay Commission.

The Assay Commission was established in 1792, and operated uninterrupted until 1980 when it was finally abolished. During that time, it was the oldest continually operating committee in the federal government and brought in individuals to maintain oversight over a narrow aspect of the executive branch.

Originally authorized as part of the nation's first Mint Act of April 2, 1792, the purpose of the Assay Commission was to examine the nation's coins on an annual basis and certify to the President, Congress, and the American people that gold and silver coins had the necessary purity, the proper weight, and necessarily, value.

Among the earliest members of the Assay Commission, statutorily, were Thomas Jefferson, James Madison, James Monroe and Alexander Hamilton. Starting about 140 years ago, some members of the general public were invited to participate, and when the Coinage Act of 1873 was passed, it codified that the President had the authority to appoint members of the Assay Commission from the general public at large. That practice continued for more than a century, though after 1970 there were no longer silver coins to review when their production was discontinued.

By the time that the Assay Commission was abolished in the Carter Administration as part of the President's re-organization project, it no longer had any valid function; the nation did not produce gold or silver coinage, whether of a circulating or of a commemorative nature.

Starting in 1982, the Mint again began producing contemporary commemorative coinage from .900 fine silver. By 1984, gold commemorative coins for the Olympic games were added, and since then the U.S. Mint has produced and sold hundreds of millions of dollars worth of gold, and silver commemorative coinage. Since 1986, the Mint began producing gold, silver and platinum bullion coins which are widely traded the world over.

Mr. Speaker, in the mid-1980's, lacking the outside oversight previously provided by the Assay Commission, a problem was discovered in one of the Mint's bullion products. It appears, from the records, that some fractional gold eagle coins (those weighing less than ounce) did not have the proper fineness or weight in gold. This caused a serious marketing problem in the Far East, and confidence in this uniquely American product went by the wayside.

Today, the United States Mint is a business that, were it privately-controlled, would constitute a Fortune-500 corporation. The monetary bulk of this product—not the circulating coins—are gold, silver, and platinum.

With the re-emergence of U.S. produced gold, silver and platinum coins, I understand that an Ad Hoc group of former presidential appointees, all former Assay Commissioners, has suggested that it is time to restore Assay Commission oversight of the U.S. Mint. I share this Ad Hoc group's belief that the Mint's operations will only be enhanced by restoring the historic role played by the Assay Commission.

Mr. Speaker, an article advocating the restoration of the annual Assay Commission written by Fair Lawn, New Jersey Mayor David L. Ganz, recently appeared in Numismatic News, a weekly coin hobby periodical. I would ask that this article be reprinted, in full, in the CONGRESSIONAL RECORD.

I urge my colleagues to help me re-authorize the Assay Commission by cosponsoring the legislation that I have introduced today.

[Article appearing in Numismatic News (Weekly), October 5, 1999]

TIME TO CONSIDER REVIVING THE ASSAY COMMISSION

(By David L. Ganz)

Let me set the stage. A quarter century ago this past February, Richard Nixon was in the final throes of his star-crossed Presidency, though no one yet suspected that Watergate was about to become his ultimate downfall and lead to probable impeachment.

American coinage of 1974 was devoid of silver, and private gold ownership had been illegal since 1933, except for rare and unusual gold coin of that era or earlier, unless the Office of Domestic Gold & Silver Operations gave a rarely sought, seldom-granted license to acquire the particular specimen. As Washington hunkered down for a difficult winter storm, the White House press office was readying a press release that would surprise many for the number of Democrats and other non-supporters of President Nixon that were to be listed—not the so-called Enemy's List, but actually a designation to public service.

The weeks before had been trying for the applicants, many of whom had written letters, sent resumes, asked political contacts for a personal boost, responded to background checks that were initiated by government staff, followed up by security agencies interested in potential skeletons that could prove embarrassing to the White House if found in a presidential appointee.

First inklings of what was to transpire probably came to most individuals in the form of a telephone call on Friday, Feb. 8 from Washington, asking if the prospect could be available for official travel the following week on Tuesday. Arrangements were strictly on your own, as were virtually all of the associated expenses in traveling to Philadelphia.

What this preparation was for was the Trial of the Pyx, the annual Assay Commission, a tradition stretching back to 1792, and at that time, the oldest continually operating commission in the United States government. First of the commissions, which were mandated by the original Coinage Act of April 2, 1792 were deemed so essential to the confidence of the public in the national money that section 18 of the legislation directed that the original inspectors were to include the Chief Justice of the United States, the Secretary and Comptroller of the Currency, the Secretary of the Department of State, and the Attorney General of the United States.

This was neither a casual request nor one that was considered so unimportant an aide could attend. The statute is explicit: this who's who "are hereby required to attend for that purpose", meaning that in July of 1795, chief justice John Jay, Secretary of State Edmund Randolph, Treasury Secretary Alexander Hamilton, Attorney General William Bradford may have gathered. In the Jefferson Administration, consider this remarkable group: Chief Justice John Marshall; Secretary of State (and future president) James Madison; Secretary of the Treasury Albert Gallatin, Attorney General Caesar Rodney might all have been there.

By 1801, the statute had been amended to add the United States District Judge for

Pennsylvania as an officer at the Annual Assay, and by the time that the Act of January 18, 1937 was approved, the cabinet officials and the Chief Justice were omitted in favor of the U.S. District Court Judge from the Eastern District of Pennsylvania (the state having been divided in half for judicial purposes), other governmental officials, and "such other persons as the President shall, from time to time, designate for that purpose, who shall meet as commissioners, for the performance of this duty, on the second Monday in February, annually

Flash forward to 1974. The call comes from Washington. A trek begins to Philadelphia, where it has begun to snow. Dozens of people from all across the country come to serve on the Assay Commission, all traveling at their own expense. Starting in the midst of the Truman Administration, a serious numismatist or two had begun to be appointed. Some who assisted the government in some numismatic or related matter were similarly given the honor. Among the early appointees: Max Schwartz (1945), the New York attorney who later became ANA's legal counsel; Ted Hammer (1947), John Jay Pittman (1947), Adm. Oscar Dodson (1948), and Hans M.F. Schulman (1952).

Some came by air (from California); others drove. I came by train, on Amtrak's Metroliner, leaving from New York's Penn Station and arriving an hour and a half later at Philadelphia's station by the same name. Those who came in February, 1974, gathered off Tuesday evening, Feb. 12, at the Holiday Inn off Independence Mall, and unlike years when there were only one or two lobbyists, this was a banner year. (I almost did not attend; having started law school just three or four weeks before, I had to petition the Dean of the School to permit the attendance lapse and honor the presidential appointment).

My classmates, as we have referred to ourselves over the succeeding quarter century, included some then and future hobby luminaries: Don Bailey (former officer of Arizona Numismatic Association), John Barrett (Member of several local clubs), Dr. Harold Bushey, Sam Butland (Washington Numismatic Society V.P.), Charles Colver (CSNA Secretary), David Cooper (CSNS v.p.), George Crocker (S.C.N.A. president), Joe Frantz (OIN Secretary), Maurice Gould (ANA governor), Ken Hallenbeck (past President, Indiana State Numismatic Assn.). Also: Dr. Robert Harris, Jerry Hildebrand (organizer World Coin Club of Missouri), Richard Heer, Barbara Hyde (TAMS Board member, sculptor), Philip Keller (past president of the American Society for the Study of French Numismatics), Reva Kline (member of several upstate New York coin clubs), Stewart Koppel (past president, Aurora, III. Coin Club), Charles M. Leusner (Delaware Co. Coin Club).

Rounding out the Commission: Capt. Gary Lewis (past president of Colorado-Wyoming Numismatic Association), Fred Mantei (past president Flushing Coin Club), Lt. Col. Melvin Mueller (member of many local and regional clubs), James L. Miller (COINage Magazine publisher), John Muroff (Philadelphia Coin Club member), and Harris Rusitzsky (Rochester Numismatic Association member). I was also a member (law student and former assistant editor, Numismatic news).

This rather remarkable group of men and women, the White House and Mint joint announcement announced, were appointed by the President "from across the nation. . . . The 25 Commissioners, working in such varied fields as medicine, dentistry, law, engineering, forestry research and the military, share a common interest in coins and the science of numismatics."

Early in its history, and indeed, into the first half of the 20th century, the appointees were either political themselves, or politically connected. Ellen (Mrs. Irving) Berlin, Commissioner 1941, was one example; Mrs. Norweb (1955) was another. So was Sen. H. Willis Robertson (1962), chairman of the Senate Banking Committee and father of television evangelist and presidential hopeful Pat Robertson. William Ashbrook, a member of Congress from Ohio who sponsored the legislation chartering the ANA in Congress, served six times between 1908 and 1920. Albert Vestal, a member of Congress from Indiana, served consecutively from 1920–1925. There were many other Congressmen and Senators through the years, as well.

I recall meeting in the lounge of the Holiday Inn and suggesting my old friend Maury Gould to be the chairman of the commission. The fix was already in: the California delegation had already agreed, and lobbied other members, to elect Barbara Hyde to that honor.

The work that we did was largely honorific, but there was a brief moment when some of us thought that the actual results of an assay were under-weight—which mint officials regarded as calamitous, and of sufficient importance to re-weigh the parcel in question. (It passed the test, and as was the case in most years, pro forma resolutions prepared by mint staff were signed by all of the commissioners). But that does not say that the description of the work done by the Assay Commission remains irrelevant. To the contrary, unlike 1974 which examined the nonprecious metal coinage of 1973, today there are silver, gold and platinum bullion coins, and numerous commemorative coins, and related items that circulate the world-over.

There is accountability within the Mint, but at present, the Mint's primary accountability is to Congress, and to the coinage subcommittee in the House, and the larger Senate Banking Committee on the other side of Capitol Hill. If there is a problem, it remains largely unknown to the public at large, except in case of acute embarrassment.

In April, 1987 for example, the U.S. mint was accused of having grossly underweight fractional gold coins—a move that nearly scuttled the entire effort of the program to market into the Far East. The Assay Commission having been abolished in 1980, there was no voice of authoritative reassurance, for the mint denied that there was even a problem—when it was clear that the fractionals had not been properly assayed and were lightweight in their gold content.

Abolition of the Assay Commission came in two stages. In 1977, President Jimmy Carter declined to name any public members to the Commission, ending a practice of more than 117 years duration. The F.T. Davis, director of the General Government Division of the President's Reorganization Project, got into the act. "We are conducting an organizational study of the Annual Assay Commission," he wrote me on Sept. 6, 1977. "The study will focus on possible alternative methods of carrying out the functions of the Commission."

I prepared a memorandum for Davis at his request, answering several specific questions, careful to take no position on its continued validity. Earlier in the year, in a major law review article proposing a "Revision of the Minting & Coinage Laws of the United States" which was published in the Cleveland Law Review, I had essentially concluded that it was a political choice to decide whether or not to continue the two-century old commission. Davis asked if the mission of the Assay Commission was essential. I replied "More aptly, the question is whether or not assaying of coins is essential. The answer is an unqualified yes to that." Indeed, the Mint regularly conducts assays of its coin product as a means of assuring quality. (the 1987 foul-up was an administrative problem: the gold coins were assayed and came up short, but a decision was made to circulate them, anyway). Davis also asked what the function of the Commission should be in the succeeding two years if it was continued. I suggested that the law be "rewritten to provide for compositional analysis of all subsidiary coinage plus the dollar coin".

The die was already cast, however, and the Carter Administration (having already declined to name public members) simply let the Assay Commission wither away until, in 1980, it expired with the passage of Public Law 96–209 (March 14, 1980). The irony is that only a short time later, the Mint was once again producing precious metal coinage.

As the new millennium is on the verge of commencement, a movement initiated by former commissioners (most of whom are members of the Old Time Assay Commissioner's Society, OTACS for short), has talked about proposing revitalization of this old commission. There are reasons why it could succeed, and some why it should.

There are a number of reasons why the Assay Commission ought to be reconstituted, and any proposal to do so will require a legislative initiative in Congress. Toward that goal, I was asked by an ad hoc advocacy group to try my hand at it.

If you've got an interest in the Assay Commission, perhaps you'd care to send a note to your Congressman or Senator (U.S. Capitol, Washington, D.C. zip for the House 20515, Senate 20510) with a copy of this article, and the draft legislation. You can encourage them to do the rest.

TAX CREDITS FOR THE UNINSURED DON'T WORK UNLESS YOU HAVE INSURANCE MARKET REFORMS: CREDITS HELP THE YOUNG, DO LITTLE FOR OLDER WORKERS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Mr. STARK. Mr. Speaker, a lot of Members are talking about refundable and non-refundable tax credits to help the uninsured.

Their bills don't work, unless they accompany the proposals with insurance reforms ahd make the tax credit adequate to help the uninsured who are, overwhelmingly, the nation's poor and near-poor.

On January 27th, a number of Members announced their intention to introduce a bill to provide a refundable tax credit of $1,000 per individual and $2,000 per couple for use in the purchase of health insurance. It does not appear their bills will include insurance reform.

As the attached tables show, that would be nice for a 25 year old individual or couple without children, and might help some 35 year olds, but after that, these tax credits mean less and less for people who are uninsured and middle aged.

The credits would also have a tremendously different impact depending on where one lived. In the Los Angeles market, they would cover most of the cost of a younger person, but a much smaller percentage in Northern Virginia.

The reason most people are uninsured is that they are low-income, working poor, who have to choose between keeping the car running so they can get to work, versus health insurance which they might need, but God willing, won't absolutely need. Unless the subsidy for the insurance is very high, individuals facing the need for food, fuel, and clothes for themselves and their kids will not buy health insurance. That's why these tax credit schemes will not work unless we cover almost all of the cost of a decent policy in an area.

Second, the use of health insurance rises as one ages. That's why insurance for older workers is, of course, more costly. If the credit doesn't keep pace with that fact, or unless we move to community rated insurance reforms, the credits will not help people when they are most likely to need help.

The Jeffords-Breaux proposal fails to do that, except for the very youngest in the very safest types of jobs.

WHAT DOES PRIVATE HEALTH INSURANCE COST?

I asked my staff to conduct a brief study using health insurance quotes from the Internet. The results prove why tax credits without insurance reform are a waste of time. I urge Members interested in the tax credit approach to consider the types of reforms included in H.R. 2185.

INTERNET SAMPLING OF HEALTH INSURANCE POLICY

On average the American family is estimated to pay $5,700 for health insurance premiums, a large share of the income that is needed to maintain the family household. In general, a tax credit of only $2,000 will not be able to cover the costs that a poor family will need to provide affordable health care insurance. The survey conducted shows that both of the tax credits, one for individuals and one for families, falls short of eliminating the need for guaranteed health coverage for the poor.

In more than 90% of the survey, we found that the tax credits would still leave each near poor individual or family with a large balance left to pay. In Fairfax County a 25 year old couple with 2 children after a $2,000 credit is still left with a $1,400 bill to pay, while in Alachua County (Gainesville) Florida the bill is almost $2,000. Even in rural Colfax, Nebraska within the same age bracket, there is still a balance that needs to be met. Couples without children face the same problem in that the range of balances run from full coverage for a 25 year old Nebraska couple to an almost $500 balance for the same 25 year old couple in Alachua County, Florida. For a single, 25 year old male living in either Rural Nebraska or Fairfax, Virginia, the $1,000 credit will cover his health coverage in full. However, for men over the age of 35 and women of all ages (in all four counties examined in this survey) the individual tax credit leaves a range of balances from $32 (25 year old female in California) to $3,570 (60 year old female in Florida).

As you get older, the price of health coverage steadily increases. For example in Los Angeles, Calif. the yearly premium rates that have been quoted for a 35 year old single man have nearly doubled once the individual has reached the age of 60 ($1,284 versus $2,184 per year). In the three remaining counties, yearly rates have tripled on average from $1,300 to $3,700 from age 35 to 60, respectively.

In only six out of 120 scenarios mapped out (30 quotes for each state) did this proposed tax credit eliminate the burden of health costs. That means only 5% of the time did the tax credit insure a poor individual or family. Given this data, then these proposed tax credits will only guarantee help to 2.2 million of the 44 million uninsured Americans, not the 21.9 million that is being estimated by the drafters of this bill.

This survey was conducted using an Internet access program called Quotesmith.com. Quotesmith generated quotes for health insurance rates based upon the type of individual or family entered. This survey looked at how much standard health coverage would cost for individuals, couples, couples with children, and retired persons around the country. The criterion for the health insurance premium was a $250+nearest deductible and any policy that pays 80% or more after the deductible has been met. Note these are quotes off the Internet. They are not actual purchases of policies, and do not reflect any increases in rates caused by medical underwriting. In many cases we can expect that the final quote will be higher.

Premiums were studied for individuals who lived in Fairfax County, Virginia; Alachua County, Florida; Los Angeles County, California; and rural Colfax County, Nebraska. The occupations were that of a pilot, architect and retired person, while the ages of the individuals ranged from 25 to 60 years of age.

As stated earlier a $1000 tax credit for an older individual is simply not enough. There is no way that such a working poor individual can come close to affording private, individual health insurance, without having to decide whether to forgo basic needs.

The $2,000 tax credit that this bill is proposing for families is even more unrealistic. In not one instance does this credit eliminate the problem of cost. The lowest rate for a family with two children is $205 per month, while the tax credit offers only $167 per month leaving a gap of about $38 per month.

What also becomes very apparent is the fact that as one gets older the premium rates are rising. Therefore, a single 25 year old male can expect to spend about $100 a month on health insurance, whereas a 60 year old man can expect to pay about $250 a month or $3000 a year for his insurance! Once again how can a tax credit of only $1000 provide any relief for the near poor?

MEDICAL INSURANCE RATES

The following medical insurance rates are based upon: $250 plus nearest deductible. After deductible, policy pays 80% or better.

The lowest rates available:

Age	Architect male single (month/yearly)	Pilot female single (month/yearly)	Architect male couple (monthly/yearly)	Pilot female couple w/2 kids (month/yearly)	Retired male non-smoker (month/yearly)	Retired male smoker (month/yearly)
FAIRFAX, VIRGINIA						
25	$79/$948	$174/$2,088	$95/$1,140	$280/$3,360	$79/$948	$102/$1,224
35	100/1,200	224/2,688	140/1,680	330/3,960	100/1,200	136/1,632
45	139/1,668	294/3,528	174/2,088	400/4,800	139/1,668	195/2,340
55	222/2,664	422/5,064	219/2,628	528/6,336	175/2,100	310/3,720
60	270/3,240	489/5,868	242/2,904	595/7,140	270/3,240	378/4,536
LOS ANGELES, CALIFORNIA						
25	82/1,032	174/2,088	86/1,104	269/3,228	86/1,104	86/1,104
35	107/1,284	204/2,448	107/1,284	335/4,020	107/1,284	107/1,284
45	131/1,572	255/3,060	131/1,572	384/4,608	131/1,572	131/1,572
55	161/1,932	299/3,588	161/1,932	416/4,992	161/1,932	161/1,932
60	182/2,184	338/4,056	182/2,184	437/5,244	182/2,184	182/2,184
COLFAX, NEBRASKA						
25	68/816	137/1,644	91/1,092	205/2,460	68/816	78/936
35	95/1,140	177/2,124	118/1,416	251/3,012	95/1,140	104/1,248
45	140/1,680	243/2,916	150/1,800	317/3,804	142/1,704	156/1,872
55	211/2,532	346/4,152	196/2,352	427/5,124	223/2,676	249/2,988
60	273/3,276	452/5,424	251/3,012	569/6,828	273/3,276	313/3,756
ALACHUA, FLORIDA						
25	97/1,164	207/2,484	130/1,560	331/3,972	97/1,164	105/1,260
35	130/1,560	276/3,312	162/1,944	408/4,896	130/1,560	131/1,572
45	192/2,304	390/4,680	214/2,568	521/6,252	192/2,304	192/2,304
55	307/3,684	597/7,164	299/3,588	701/8,412	307/3,684	307/3,684
60	381/4,572	697/8,364	346/4,152	829/9,948	381/4,572	388/4,656

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 9, 2000 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 10

9 a.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold hearings on S. 1892, to authorize the acquisition of the Valles Caldera, to provide for an effective land and wildlife management program for this resource within the Department of Agriculture.

SD–366

Armed Services

Readiness and Management Support Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 2001 for the Department of Defense and the Future Years Defense Program, focusing on the Service's infrastrutre accounts and Real Property Maintenance Programs and the National Defense Construction Request.

SR–232A

MARCH 15

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs on the Legislative recommendation of the Veterans of Foreign Wars.

345 Cannon Building

MARCH 21

9:30 a.m.

Health, Education, Labor, and Pensions

To hold hearings on regulating Internet pharmacies.

SD–430

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings to examine issues dealing with Alzheimers Disease.

SH–216

10 a.m.

Appropriations

Commerce, Justice, State, and the Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Federal Communications Commission and the Securities and Exchange Commission.

S–146, Capitol

Environment and Public Works

Transportation and Infrastructure Subcommittee

To hold hearings on General Services Association's fiscal year 2001 Capital Investment and Leasing Program, including the courthouse construction program.

SD–406

Appropriations

Legislative Branch Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Secretary of the Senate, and the Sergeant at Arms.

SD–116

10:30 a.m.

Indian Affairs

To hold hearings on S. 2102, to provide to the Timbisha Shoshone Tribe a permanent land base within its aboriginal homeland.

SR–485

2 p.m.

Banking, Housing, and Urban Affairs

Housing and Transportation Subcommittee

To hold oversight hearings on HUD's Public Housing Assesment System (PHAS).

SD–628

MARCH 22

9:30 a.m.

Appropriations

Interior Subcommittee

To hold hearings on the President's proposed budget request for fiscal year 2001 for the Forest Service, Department of Agriculture.

SD–124

Commerce, Science, and Transportation

To hold hearings on the nomination of Susan Ness, of Maryland, to be a Member of the Federal Communications Commission.

SR–253

Indian Affairs

To hold hearings on the nomination of Thomas N. Slonaker, of Arizona, to be Special Trustee, Office of Special Trustee for American Indians, Department of the Interior.

SR–485

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs on the Legislative recommendation of the Vietnam Veterans of America, the Retired Officers Association, American Ex-Prisoners of War, AMVETS, and the National Association of State Directors of Veterans Affairs.

345 Cannon Building

Governmental Affairs

To hold hearings on Department of Energy's management of health and safety issues surrounding the DOE's gaseous diffusion plants at Oak Ridge, Tennessee, and Piketon, Ohio.

SD–342

2:30 p.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings to examine recent program and management issues at NASA.

SR–253

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings on H.R. 862, to authorize the Secretary of the Interior to implement the provisions of the Agreement conveying title to a Distribution System from the United States to the Clear Creek Community Services District; H.R. 992, to convey the Sly Park Dam and Reservoir to the El Dorado Irrigation District; H.R. 1235, to authorize the Secretary of the Interior to enter into contracts with the Solano County Water Agency, California, to use Solano Project facilities for impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes; S. 2091, to amend the Act that authorized construction of the San Luis Unit of the Central Valley Project, California, to facilitate water transfers in the Central Valley Project; H.R. 3077, to amend the Act that authorized construction of the San Luis Unit of the Central Valley Project, California, to facilitate water transfers in the Central Valley Project; S. 1659, to convey the Lower Yellowstone Irrigation Project, the Savage Unit of the Pick-Sloan Missouri Basin Program, and the Intake Irrigation Project to the appurtenant irrigation districts; and S. 1836, to extend the deadline for commencement of construction of a hyroelectric project in the State of Alabama.

SD–366

MARCH 23

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Environmental Protection Agency.

SD–138

Health, Education, Labor, and Pensions

Public Health Subcommittee

To hold hearings on safety net providers.

SD–430

10 a.m.

Appropriations

Commerce, Justice, State, and the Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the National Oceanic and Atmospheric Administration of the Department of Commerce, and the Securities and Exchange Commission.

S–146, Capitol

Banking, Housing, and Urban Affairs

To hold oversight hearings on the Monetary Policy Report to Congress pursuant to the Full Employment and Balanced Growth Act of 1978.

SH–216

MARCH 28

9:30 a.m.

Commerce, Science, and Transportation

Communications Subcommittee

To hold hearings to examine the current state of deployment of hi-speed Internet technologies, focusing on rural areas.

SR–253

Health, Education, Labor, and Pensions

Children and Families Subcommittee

To hold hearings on child safety on the Internet.

SD–430

Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings to examine issues dealing with mind body and alternative medicines.
SD–192

Small Business
To hold hearings to examine the extent of office supply scams, including toner-phoner schemes.
SD–562

10 a.m.
Appropriations
Transportation Subcommittee
To hold hearings to examine the implementation of the Driver's Privacy Protection Act, focusing on the positive notification requirement.
SD–192

MARCH 29

9:30 a.m.
Indian Affairs
Business meeting to consider pending calendar business; to be followed by hearings on S. 1967, to make technical corrections to the status of certain land held in trust for the Mississippi Band of Choctaw Indians, to take certain land into trust for that Band.
SR–485

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of the Interior.
SD–124

Health, Education, Labor, and Pensions
Business meeting to consider pending calendar business.
SD–430

Energy and Natural Resources
Business meeting to consider pending calendar business.
SD–366

10 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense, focusing on Air Force programs.
SD–192

Governmental Affairs
To hold hearings on meeting the challenges of the millennium, focusing on proposals to increase the efficiency and effectiveness of the Federal Government.
SD–342

MARCH 30

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Housing and Urban Development.
SD–138

Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the National Institutes of Health, Department of Health and Human Services.
SD–124

Energy and Natural Resources
To hold hearings on S. 882, to strengthen provisions in the Energy Policy Act of 1992 and the Federal Nonnuclear Energy Research and Development Act of 1974 with respect to potential Climate Change; and S. 1776, to amend the Energy Policy Act of 1992 to revise the energy policies of the United States in order to reduce greenhouse gas emissions, advance global climate science, promote technology development, and increase citizen awareness.
SD–366

10 a.m.
Health, Education, Labor, and Pensions
To hold hearings on medical records privacy.
SD–430

APRIL 4

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Bureau of Indian Affairs and Office of the Special Trustee, Department of the Interior.
SD–138

APRIL 5

9:30 a.m.
Indian Affairs
To hold hearings on S. 612, to provide for periodic Indian needs assessments, to require Federal Indian program evaluations.
SR–485

10 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense, focusing on Army programs.
SD–192

APRIL 6

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Veterans Affairs.
SD–138

APRIL 8

10 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense, focusing on medical programs.
SD–192

APRIL 11

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Energy.
SD–138

10 a.m.
Energy and Natural Resources
To hold hearings on S. 282, to provide that no electric utility shall be required to enter into a new contract or obligation to purchase or to sell electricity or capacity under section 210 of the Public Utility Regulatory Policies Act of 1978; S. 516, to benefit consumers by promoting competition in the electric power industry; S. 1047, to provide for a more competitive electric power industry; S. 1284, to amend the Federal Power Act to ensure that no State may establish, maintain, or enforce on behalf of any electric utility an exclusive right to sell electric energy or otherwise unduly discriminate against any consumer who seeks to purchase electric energy in interstate commerce from any supplier; S. 1273, to amend the Federal Power Act, to facilitate the transition to more competitive and efficient electric power markets; S. 1369, to enhance the benefits of the national electric system by encouraging and supporting State programs for renewable energy sources, universal electric service, affordable electric service, and energy conservation and efficiency; S. 2071, to benefit electricity consumers by promoting the reliability of the bulk-power system; and S. 2098, to facilitate the transition to more competitive and efficient electric power markets, and to ensure electric reliability.
SH–216

APRIL 12

9:30 a.m.
Indian Affairs
To hold hearings on S. 611, to provide for administrative procedures to extend Federal recognition to certain Indian groups, and will be followed by a business meeting to consider pending committee business.
SR–485

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Corporation for National and Community Service, Community Development Financial Institutions, and Chemical Safety Board.
SD–138

10 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense, focusing on missile defense programs.
SD–192

APRIL 13

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the National Aeronautics and Space Administration.
SD–138

APRIL 26

10 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense.
SD–192

SEPTEMBER 26

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs on the Legislative recommendation of the American Legion.

345 Cannon Building

POSTPONEMENTS

MARCH 15

9:30 a.m.

Indian Affairs

Business meeting to consider pending calendar business; to be followed by hearings on the proposed Indian Health Care Improvement Act.

SR–485

APRIL 19

9:30 a.m.

Indian Affairs

Business meeting to consider pending calendar business; to be followed by hearings on S. 611, to provide for administrative procedures to extend Federal recognition to certain Indian groups.

SR–485

SENATE—*Thursday, March 9, 2000*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Dr. Terry Harter, First United Methodist Church, Champaign, IL.

PRAYER

The guest Chaplain, Dr. Terry Harter, offered the following prayer:

Almighty God, What is a nation without You? Indeed, who are we without You at the center of our lives? What value is all that we know, vast accumulation though it be, but a chipped fragment if we do not know You, Author of wisdom? What is the sum of all our stirring and working, even in this mighty Chamber, but a half-finished work if we do not know You, Creator of galaxies, and Starspark of life within us?

We know, Lord of all nations, that You have always taken more than a passing interest in the ways and works of all those women and men to whom You have granted stewardship of government and leadership in the nations of the world.

So it is, that at the beginning of this day, we pray for all who serve here; from the President pro tempore and Senators, to the pages and staff, from the reporters and Capitol police to the people who raise the flags over us.

We call upon You, Gracious God, that these persons whom You love may on this day be encountered by the glad surprise of Your Grace, and come to know You in the midst of their work on bahalf of the Nation.

Today, in the press of the calendar and stress of the schedule; grant them moments of Your peace.

Today, under the burden of issues which rearrange human destiny: grant them a clear vision of Your zeal for truth and justice.

Today, amidst the seductiveness of their power; grant them courage to live and work on the side of Your power.

Today, as they labor here, guard their families, heal their wounds, restore their relationships to health.

And as the day wanes, revive their sagging spirits and forgive their shortcomings. Turn them away from the temptation of bitterness and blame, so that in the darkest hour of the night they might trust Your ever-present redeeming grace and come to know that You love them. O Lord of all nations, hear our prayer. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MIKE CRAPO, a Senator from the State of Idaho, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The Senator from Idaho is recognized.

SCHEDULE

Mr. CRAPO. Mr. President, the Senate this morning will begin postcloture debate on the nominations of Marsha Berzon and Richard Paez. By previous order, back-to-back votes on the confirmation of the nominations will occur at 2 p.m.

Following the votes, the Senate will resume morning business for the introduction of bills and statements. The Senate may also turn to any legislative or executive items cleared for action.

I thank my colleagues for their attention.

The PRESIDENT pro tempore. The Senator from Nevada is recognized.

Mr. REID. I thank the Chair.

LEGISLATIVE COOPERATION

Mr. REID. Mr. President, we look forward to today's activities. We hope we can move forward with an up-or-down vote on these two nominations. We also are looking forward to the legislative skills of the chairman of the Banking Committee, Senator GRAMM, to get us to the point where we can again work on the Export Administration Act, which was considered yesterday for a brief period of time. This legislation is extremely important to the country. It is important not only to the high-tech industry but our economy generally. There is not a piece of legislation that is more important to move along than this one as it will allow us to compete with foreign nations in the exportation of computers and other high-tech equipment. This is something that needs to be done, and we hope that in the week we get back from our break, we can move into a very productive session, taking care of the Export Administration Act, doing something about prescription drugs, and other waiting legislative matters, also recognizing that the minority is willing to work in conjunction with the majority in any way to move all legislation. I think we showed our good faith last week when we were able to move such a large amount of legislation including amendments on the education tax initiative that was put forth by the majority.

So we look forward to completing today's work and, after next week, doing the many things that burden us legislatively.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. CRAPO). Under the previous order, leadership time is reserved.

EXECUTIVE SESSION

NOMINATION OF MARSHA L. BERZON, OF CALIFORNIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT

NOMINATION OF RICHARD A. PAEZ, OF CALIFORNIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT

The PRESIDING OFFICER. The Senate will now return to executive session and resume postcloture debate on the two Ninth Circuit judicial nominations which the clerk will report.

The legislative clerk read the nominations of Marsha L. Berzon, of California, and Richard A. Paez, of California, to be United States Circuit Judges for the Ninth Circuit.

The PRESIDING OFFICER. Under the previous order, the Senator from New Hampshire, Mr. SMITH, shall be in control of up to 3 hours of total debate on both nominations and the Democratic leader or his designee shall be in control of up to 1.5 hours of total debate on both nominations.

Mr. SMITH of New Hampshire. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of New Hampshire. Mr. President, as we have gone through this debate, although my name was not attached to anything in terms of a filibuster, it is no secret that I have been the person who has filibustered these

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

two nominees, Judge Berzon and Judge Paez. The issue is, why are we here? What is the role of the Senate in judicial nominations?

The Constitution gave the Senate the advise-and-consent role. We are supposed to advise the President and consent if we think the judge should be put on the court. We do not get very much opportunity to advise because the President just sends these nominations up here—he does not seek our advice—and then we are asked to consent.

Based on some of the comments that have been made to me privately and some of the things I have read publicly, it seems as if the Senate should be a rubber stamp, that we should just approve every judge who comes down the line and not do anything with the advise-and-consent role. That is not the way I read the Constitution.

I believe that is wrong. We have an obligation under the Constitution to review these judges very carefully. I have certainly voted for more than my share of judicial nominations this President has put forth. But I point out that the two nominees before us, in terms of their legal opinions—and that is all we are talking about; we are not talking about any personal matters other than their legal opinions—I believe are activist judges; they are out of the mainstream of American thought, and I do not think either one should be put on the court. The bottom line is they are controversial judges.

I was criticized by some for filibustering, that "we are on a dangerous precedent" of filibustering judges. The filibuster is over. We are now on the judges. The filibuster is a nonissue.

Filibuster in the Senate has a purpose. It is not simply to delay for the sake of delay. It is to get information. It is to take the time to debate and to find out about what a judge's thoughts are and how he or she might act once they are placed on the court.

I was told by some of my colleagues yesterday that we are going down "a dangerous path" to debate these judges and slow them down, whether it be through a filibuster or debate in this Chamber. My colleagues will find there will be very few people who will speak in the roughly 3 hours on our side under my control. That is sad. I believe we should air the concerns we have.

As far as the issue of going down a dangerous path and a dangerous precedent, that we somehow have never gone before, as I pointed out yesterday and I reiterate this morning, since 1968, 13 judges have been filibustered by both political parties appointed by Presidents of both political parties, starting in 1968 with Abe Fortas and coming all the way forth to these two judges today.

It is not a new path to argue and to discuss information about these judges. In fact, Mr. President, Chief Justice William Rehnquist sat in your chair about a year ago finishing up the impeachment trial of President William Jefferson Clinton. When William Rehnquist was nominated to the Court, he was filibustered twice. Then after he was on the Court, he was filibustered again when asked to become the Chief Justice. In that filibuster, it is interesting to note, things that happened prior to him sitting on the Court were regurgitated and discussed. So I do not want to hear that I am going down some trail the Senate has never gone down before by talking about these judges and delaying. It is simply not true. I resent any argument to the contrary because it is simply not true.

I will talk a bit about the Ninth Circuit on which these two judges are about to go. Make no mistake about it, this is going to be a tough vote to win. I know that. But it does not mean the fight should not be made. We are all judged as Senators based on what we do, what we say, and how we act. History will judge us, as it has judged the great Senators such as Clay, Calhoun, and Webster who debated the great issues before and during the Civil War. We are judged on what positions we take. Maybe history will prove a Senator is right; maybe history will prove a Senator is wrong. When it comes time to make that vote, one does not have anyplace to hide. One has to make it and take the consequences one way or the other. I do what I do with the best information I have.

I can assure my colleagues that I have researched both of these judges very carefully. I have looked at the Ninth Circuit very carefully, and I have grave concerns about two very controversial judges being placed on a very controversial circuit court, the ninth. This is a renegade circuit court that is out of the mainstream of American jurisprudence. It has been reversed by the Supreme Court 90 percent of the time. It is important to let that sink in. Ninety percent of the decisions this Ninth Circuit has made have been overturned by the U.S. Supreme Court.

I want to repeat some of those statistics. From 1999 to now, 7 of 7, 100 percent of their cases, have been reversed. In 1998 to 1999, 13 of 18 were reversed, 72 percent.

From 1997 to 1998, 14 of 17, or 82 percent, were overturned. We can go on and on. From 1996 to 1997, 27 of 28 cases this court gave a decision on were overturned, 96 percent. From 1995 to 1996, 10 of 12 were overturned, 83 percent—and on and on and on. The average is: 90 percent of the cases were overturned in the past 6 years. There have been 84 reversals in the last 98 cases. That is an abysmal record, to put it mildly.

The Ninth Circuit is routinely issuing activist opinions. While the Supreme Court has been able to correct some of these abuses, the record is replete with antidemocratic, antibusiness, and procriminal decisions which distort the legitimate concerns and democratic participation of the residents of the Ninth Circuit. Some of the more outrageous opinions include striking down NEA decency standards, creating a "right-to-die," blocking an abortion parental consent law, and a slew of obstructionist death penalty decisions.

I hope the American people and my colleagues understand that when you hear these terrible stories about prisoners getting out after 5 years, or people committing terrible crimes and never going to jail or getting pardoned or getting lenient sentences, this is not an accident. This happens because of the people we put on the court.

We are here as Senators to advise and consent, or not to consent, on the basis of these nominees. How many times do you read in the paper some judge let some criminal out, and the guy committed a crime again and again, and he got out again and did it again? It goes on and on—stalking, rape, murder, robbery, armed robbery, assault, over and over and over again. Time after time after time we hear about that happening. We sit around our living rooms at night, we watch television, we talk to each other, our families, and ask: Why did this happen? What in the world is the matter with the judges?

I say, with all due respect, when you have judges who are this far left out of the mainstream, surely out of the hundreds and hundreds of judges all over America, on the various district courts in this country, we can find somebody to serve on the circuit court who is not this controversial.

That is the bottom line. That is what this debate is about. That is why I am here on the floor. That is why, even though I know I am going to lose, I want this case made. That is why I have asked for the time to do it.

Again, the Senate, and particularly Republican Senators from Ninth Circuit States, are on record in favor of splitting this court; it is so controversial, making it into two circuits.

There was a commission called the White commission that recommended a substantial overhaul of the circuit's procedures, and that has not been implemented. It found that the circuit has so many judges that they are unable to monitor each other's decisions and they rarely have a chance to work together. That is what is going on. There are so many judges they cannot even monitor the decisions.

The Ninth Circuit covers 38 percent of the country, more than twice as much as any other circuit. It covers 50 million people, more than 20 million more than any other circuit. Not surprisingly, it has the most filings in the country.

President Clinton has already appointed 10 judges to the circuit. Democratic appointees compromise 15 of the

22 slots currently occupied. There is no need to put more controversial nominees on the court from a lame duck President.

Paez and Berzon have attracted significant opposition both within and outside the Senate. Both were reported out of the Judiciary Committee by a 10–8 vote. That is a pretty narrow vote. Neither would move the circuit to the mainstream. In fact, they are activist judges.

In Paez' case, the U.S. Chamber of Commerce is officially opposed to the Paez nomination, principally due to his decision in the Unocal case in 1997 allowing U.S. companies to be sued for the human rights abuses of foreign governments. Think about that. How would you like to be a U.S. company and be sued for the human rights violations and abuses of a foreign government? That is the way Paez ruled.

The letter notes the chamber's serious concern about a judge pursuing a foreign policy agenda in this fashion and argues that it "has the potential to cause significant disruption in the U.S. and world markets."

The Judicial Selection Monitoring Project at Free Congress Foundation circulated a letter signed by 300 grassroots organizations opposing this nomination. The letter highlights Paez's 1995 Boalt Hall inappropriate remarks regarding pending ballot initiatives, on the belief that he "is an activist judge," and his lack of "judicial temperament."

The ACLU of Southern California applauded his nomination as "a welcome change after all the pro-law enforcement people we've seen appointed to the state and federal courts." Think about that statement by the ACLU. No matter what you think about the ACLU, let me repeat that statement. They stated, this nomination is "a welcome change after all the pro-law enforcement people we've seen appointed to the state and federal courts." What does that tell you about this guy? I am telling you, my colleagues, I really wish we would stop and think about what we are doing.

Even the Washington Post, not exactly a bastion of conservatism, stated, in an October 29, 1999, editorial: "Republican opposition to [Paez] is not entirely frivolous." It argued that his Boalt Hall speech was "inappropriate" and that a "principled conservative could suspect, based on Judge Paez' comments, that he might be sympathetic to such [liberal activist] thinking and would be more generally a liberal activist on the bench."

That is the Washington Post's nice way of saying: This guy may not be that good after all.

There is a lot of evidence out here. You have to understand the framework: A liberal activist court that has been overturned 90 percent of the time—the Ninth Circuit—and now we put a judge on there who is being lauded as "a welcome change" after all the prolaw enforcement people we have seen on the court.

I say to the American people and my colleagues, when you hear stories about people getting out of jail or not going to jail or committing crimes over and over and over again—and you ask yourself: Oh, those liberal judges, what are we going to do about them?—ask your Senators what they did about liberal judges when they came before the Senate, before we put them on the court. That is a legitimate question: Do you support people who are lauded because they are antilaw enforcement? Maybe you ought to ask them that question because that is exactly what is happening.

In Berzon's case, the Berzon nomination was described by the National Right to Work Committee as the "worst judicial nomination President Clinton has ever made." She has been associate general counsel of the AFL–CIO since 1987 and has represented unions in the automobile, steel, electrical, garment, airline, Government, teachers, and other sectors both in a day-to-day capacity and in appellate practice.

Among the positions she has espoused which courts have rejected: One, State bars should be able to use compulsory dues of objecting members for lobbying. That is the way she ruled. You are forced, as a member of a union, to give dues. You are forced to allow those dues to be used for lobbying for something with which you disagree. The bottom line is: I want my job. I pay my union dues. And on top of that, they rub my nose in it further by saying: Now, in addition to that, we are going to spend money lobbying for something you disapprove of. She ruled yes; she would do that.

Secondly, unions should be able to prohibit members from resigning during a strike. So somebody goes on strike, they decide they want to perhaps do something else, resign, for whatever reason—how about if it is for their health?—she is prohibiting them from resigning during a strike. What does that mean? If somebody has a heart attack, they cannot quit?

What have we come to in this country? You should not be surprised when you hear about these outrageous decisions coming down through the courts because we are putting the people on the courts who give us these outrageous decisions. We do not deal with it in a forthright manner.

There are better judges than this. Bill Clinton can bring better judges than this before the Senate. Frankly, he has, and they have been approved. They may not believe everything to my way of thinking, but he is the President. But we do not want judges who are so far over to the left that they swing the pendulum way over there against what American people want.

Another opinion she has espoused which courts have rejected is: Unions should be able to use nonmembers to subsidize union litigation in organizing. That is the way she ruled.

She describes herself as a believer in the labor movement, which is fine, but when you come on the court with an agenda, the Constitution should be your agenda, not labor, not a conservative or liberal or moderate cause. No, the Constitution should be your cause. If it is not constitutional, then you should not be for it.

The bottom line: The Senate should not confirm more judges to the Ninth Circuit unless and until its structure is reformed, and unless the nominee will help bring the circuit's jurisprudence back into the mainstream. This is clearly not the case with Judge Paez or Marsha Berzon. Neither nominee should be confirmed. It is that simple.

Now, let's look at some of the politics of the Ninth Circuit. In the Washington Times yesterday, Wednesday, March 8, was an article by Thomas Jipping:

> Politics of the Ninth Circuit. Senators should reject judicial nominees.

I want to read one paragraph out of that op-ed piece:

> The Senate this week will vote on two of the most controversial judicial nominations in recent memory. The result may well demonstrate whether Republicans deserve their majority status.
>
> President Clinton has nominated U.S. District Judge Richard Paez and labor lawyer Marsha Berzon to the U.S. Court of Appeals for the Ninth Circuit. Nearly twice as large as other circuits, it may also be the most influential, which is unfortunate because even the liberal New York Times calls it "the country's most liberal appeals court." Two-thirds of its judges are Democratic appointees. The Supreme Court has reversed its decision 90 percent of the time over the past 6 years—far more than any other circuit. And in 1996, Chief Justice Rehnquist wrote, "Some panels of the Ninth Circuit have a hard time saying no to any litigant with a hard luck story." In its 1997–98 term, the Supreme Court reversed 27 of the 28 Ninth Circuit decisions it reviewed, 17 unanimously and 7 without either briefing or oral argument. Because this aggressive activism so grossly distorts the law, many Senators have long urged special scrutiny of Ninth Circuit nominees.

I ask unanimous consent that this entire article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Times, March 8, 2000]

Politics of the Ninth Circuit

SENATORS SHOULD REJECT JUDICIAL NOMINEES

(By Thomas L. Jipping)

The Senate this week will vote on two of the most controversial judicial nominations in recent memory. The result may well demonstrate whether Republicans deserve their majority status.

President Clinton has nominated U.S. District Judge Richard Paez and labor lawyer Marsha Berzon to the U.S. Court of Appeals for the Ninth Circuit. Nearly twice as large as other circuits, it may also be the most influential, which is unfortunate because even the liberal New York Times calls it "the country's most liberal appeals court." Two-thirds of its judges are Democratic appointees. The Supreme Court has reversed its decisions nearly 90 percent of the time over the past six years, far more than any other circuit. In 1996, Chief Justice Rehnquist wrote that "some panels of the Ninth Circuit have a hard time saying no to any litigant with a hard-luck story." In its 1997–98 term, the Supreme Court reversed 27 of the 28 Ninth Circuit decisions it reviewed, 17 unanimously and seven without either briefing or oral argument. Because this aggressive activism so grossly distorts the law, many senators have long urged special scrutiny of Ninth Circuit nominees.

Even ordinary scrutiny shows that these nominees will push that court further in the wrong direction. The L.A. Daily Journal quotes Judge Paez, who calls himself a liberal, describing his own aggressively activist judicial philosophy. Courts, he says, must tackle political questions that "perhaps ideally and preferably should be resolved through the legislative process." America's Founders, however, did not suggest that legislatures exercise legislative power merely as an ideal or a preference; the first article of the Constitution they established, and that Judge Paez is sworn to uphold, states that "all legislative powers" are granted only to the legislature.

The L.A. Times says Judge Paez was a liberal state court judge. When nominated to the federal district bench, no less an arbiter of liberalism than the American Civil Liberties Union considered him "a welcome change after all the pro law-enforcement people we've seen appointed."

Judge Paez struck down a Los Angeles anti-panhandling ordinance enacted after a panhandler killed a young man over a quarter. He ruled that companies doing business overseas can be held liable for human rights abuses committed by foreign governments. The Institute for International Economics says this novel ruling would "vastly expand the jurisdiction of the U.S. court system." The U.S. Chamber of Commerce, which normally steers clear of nomination fights, cites this decision in opposing Judge Paez. His decision against any jail time for U.S. Rep. Jay Kim, guilty of the largest admitted receipt of illegal campaign contributions in congressional history, prompted the newspaper Roll Call to suggest that Judge Paez may be "too soft on criminals to be an appellate judge."

The nominee also appears to place politics ahead of both judicial impartiality and independence. In a 1995 speech, for example, he attacked two California ballot initiatives while they were still in litigation even though the judicial code of conduct prohibited him from comments that "cast reasonable doubt on [his] capacity to decide impartially any issue that may come before [him]."

Marsha Berzon's record may be as a lawyer and not a judge, but the clues lead to the same conclusion. Her training in the political use of the law had early impetus as a law clerk to activist Supreme Court Justice William Brennan and continued with membership or leadership of activist legal organizations such as the Brennan Center for Justice and Women's Legal Defense Fund. Hers is not benign disinterest; the political agenda these groups pursue in the courts, she says, hold "a lot of importance and meaning for me."

Miss Berzon repeatedly pressed extreme arguments that ignored the plain meaning of statutes and Supreme Court precedent, the very hallmarks of judicial activism. These include arguing that state bar associations can use compulsory dues of objecting members for political lobbying and that the right to refuse to join a labor union is somehow less protected by the First Amendment than other speech. These and other aspects of her controversial record made her one of only two Clinton nominees ever to receive eight negative votes in the Judiciary Committee.

Senators concerned about a politicized judiciary should find these nominations easy to oppose. Three things stand in the way. First, since a politicized judiciary is impossible to defend, its advocates stoop to playing the race and sex cards. Mr. Clinton first chooses women and minorities as some of his most radical nominees. Senators who would oppose white males with the same record face those dreaded labels "racist" and "sexist" if they don't create a double-standard and vote for these. Hopefully, senators will reject this perverse tactic and focus on the record which has led more than 300 grass-roots organizations to oppose Judge Paez.

Second, those who cannot defend a politicized judiciary continue playing the numbers game. Batting 338–1 so far, however, Mr. Clinton has appointed more than 44 percent of all federal judges in active service. Democratic appointees now outnumber Republicans throughout the judiciary.

Third, the lure of patronage tempts individual senators to put their personal interests ahead of the country's interests. Rejecting these radical nominees means showing Americans that the Republican Party stands for at least basic principles of the rule of law and a judiciary independent from politics.

In 1993, then-Senate Minority Leader Bob Dole appeared on a live public affairs television show and a caller criticizes him for failing to block Mr. Clinton's judicial nominees. He responded: "Give us a majority and if we don't produce, you ought to throw us out." Americans gave Republicans the majority and rejecting the Berzon and Paez nominations is their chance to produce.

Think about that. When you think about the makeup of the U.S. Supreme Court, there are some liberal justices there and some conservative justices there, but some of these decisions have been overturned unanimously; that is, with Scalia, Thomas, and Ruth Bader Ginsburg on the same vote. So they have to be outrageous to get that kind of support to overturn it. That is the whole point. So why are we adding more fuel to the fire?

I want to break into some categories here and a few of the Court's decisions on the Ninth Circuit. Let's look at criminal justice for a moment. It is very notorious for its anti-law enforcement record, as I said. And, again, Judge Paez is being praised for his anti-law enforcement status. So we are going to put another judge on the court that is anti-law enforcement, and he is being praised because he is being put on there.

In Morales v. California, 1996, the circuit struck down the California State law governing when defendants could present claims during habeas corpus appeals which had not been made during appeals in State courts. According to the California-based Criminal Justice Legal Foundation, this holding opened "the doors to a flood of claims that would be barred anywhere else in the country."

In U.S. v. Watts, in 1996, the Supreme Court issued summary reversals in two cases without even hearing arguments after the Ninth Circuit allowed past acquittals to be considered during sentencing. They are so outrageous they just rule.

In Calderon v. Thompson, in 1998, the Supreme Court reversed the Ninth Circuit's decision to block the scheduled execution of a convicted rapist and murderer with a bizarre and rarely used procedural maneuver, calling it a "grave abuse of discretion."

In Stewart v. LeGrand, 1999, the circuit blocked an execution on the grounds that the gas chamber was cruel and unusual punishment. The Supreme Court reversed that without even hearing the arguments.

So over and over and over again, we are hearing these arguments about how bad this court is.

I know there are other speakers on the floor on both sides here. So I am going to suspend in a moment.

Mr. President, I ask unanimous consent that the majority leader be recognized at 12:30 for up to 20 minutes relative to the pending nominations, and the 20 minutes be considered as time used under the control of Senator SMITH.

I further ask consent that the votes scheduled to occur at 2 p.m. today be postponed to now occur at 2:15 p.m. under the same terms as outlined in the previous consent.

The PRESIDING OFFICER (Mr. BUNNING). Without objection, it is so ordered.

The Senator from Nevada is recognized.

Mr. REID. Mr. President, I know the sincerity of the Senator from New Hampshire. But I also recognize that sincerity sometimes does not create the facts that are necessary to substantiate the sincerity.

With the Ninth Circuit Court of Appeals, what we have to understand is that, yes, they have been reversed a lot of times. For example, during the 1995–1996 term, five other circuits had higher reversal rates than the Ninth Circuit.

I also say to my friend that if you take, for example, this past year, we have had seven reversals so far. Four of them have come from judges who wrote the opinions and were appointed by Presidents Reagan and Bush.

The Supreme Court reverses most cases they take from the circuits. That is what they do. With the Ninth Circuit, they have thousands of cases. There are 51 million people who live within it. Mr. President, I think there is some substance to the fact that we need to take a look at the Ninth Circuit. Maybe it is too big. Maybe we need to revamp how it operates. But don't pick on Berzon and Paez because of that.

Also, Judge Paez is a very nice man. He graduated from one of the most conservative universities in the entire country, Brigham Young University. He went to one of the finest law schools in America, Boalt Hall, University of California Berkeley. It is always rated in the top 10. It is a fine, fine law school. His record is one of significant distinction. Here is a man who is unquestionably qualified for the Ninth Circuit or any other court. He has been a judge for 18 years. They have pored over all of the decisions he has made and they found relatively nothing.

I can't help what the ACLU says, but I can relate to you that there are many organizations that support his nomination and that are law enforcement-oriented organizations. We can talk about the National Association of Police Organizations; the Los Angeles Police Protective Association; the Los Angeles County Sheriff, Sherman Block, who recognizes his skills; Los Angeles District Attorney Garcetti; JAMES ROGAN, a Republican House Member and member of the impeachment team here just a year ago, supports Judge Paez. The Los Angeles County Police Chiefs Association, the Association for Los Angeles Deputy Sheriffs, Incorporated, and its president, Pete Brodie, support him.

Also, there has been some talk about how antibusiness Judge Paez is. I don't really want to get into this, but the simple fact is that in a very important decision in California—an issue in a very important discovery matter—he ruled for Philip Morris, the largest tobacco company in America. Does that mean he is protobacco? He also ruled in favor of the Isuzu Motor Company in a suit against the Consumers Union. Does that mean he is pro-foreign car manufacturers? Does that mean he is pro-big business? The answer is no. The Unocal case shows that he is a judge who follows the law and plays no favorites, as indicated in the Philip Morris case and the Isuzu Motor Company case.

His preliminary ruling in the Unocal case to dismiss may have displeased the company. His decision on that issue no more proves he is antibusiness than he is protobacco or pro-big automobile manufacturer.

There has been some talk that this man is antireligion. He is not antireligion. In fact, the case they continually refer to is a case where they are saying he said you can't use a Bible in the courtroom. Here is an exact transcript as to what he told the defendant. This is in court. Everybody was there. He says:

> I don't have a problem with the Bible. I don't care if you have it there on the table. My concern is I don't want any attempt to sway the jury. I don't want any demonstrative gesture that is not proper.

That is the end of the quote.

The report also says he told the defendants he would consider permitting the defendants to quote the Bible during closing arguments or to carry the book to the witness stand when they testified. I am not sure I would allow that if I were a judge. But he decided he would do it.

I have tried a lot of cases. When somebody comes up to that jury stand, it would be my personal opinion that it is improper to carry the Bible up there. I just do not think it is appropriate. Judge Paez believed it would be.

There has been some talk that he has bad judicial temperament. The Almanac of the Federal Judiciary isn't written about Democrats, Republicans, conservatives, or liberals. It includes reviews from attorneys who have appeared before all the Federal judges. They not only have the ability to look at his Federal judicial record but also his 13 years as a State judge in California where he served in the courts of unlimited jurisdiction. The Almanac for 1999 that reviews both his State court experience and his Federal court experience says:

> Lawyers reported that Paez had an excellent judicial temperament.

Some of the quotes from these lawyers include:

> I think he has great temperament.
> He has a very good demeanor.
> He is professional.
> He doesn't have any quirks.
> He is very good in the courtroom.
> He is courteous to everyone.

I think we should have an up-or-down vote on Judge Paez and Ms. Berzon.

I heard the distinguished chairman of the Judiciary Committee, the senior Senator from the State of Utah, talk about Ms. Berzon. He talked about what a great legal mind she has. You may not like her clients. She has done a lot of work for organized labor. But no one questions her qualities. She has a very fine, incisive political mind and will be a great addition to the Ninth Circuit.

As I have said, the Ninth Circuit is something of which I am very proud. I am proud of the Ninth Circuit. I fought when there was an attempt to split Nevada off from California. I practiced law in Nevada and in the courts in Nevada. Whether we like it or not, I fought the landmark decision made in the State of California. I fought to make sure Nevada would remain part of the California circuit.

I also am very proud of the Ninth Circuit because the senior judge, the man who is the administrative head of the Ninth Circuit Court and the chief judge of the Ninth Circuit, is a Nevadan, Judge Proctor Hug, Jr. He is a man who has a great legal mind. He excelled academically at Stanford Law School, and he has excelled on the Ninth Circuit.

I don't know, but I would bet that Judge Hug has written some opinions that have been reversed. That doesn't make him a bad man or a bad lawyer.

I hope we will look closely at what we are doing here. Judge Paez has a great record in the courtroom, in the classroom, and in the world and society in which he lives. He is a fine man, as is Marsha Berzon.

I hope we can move forward with these nominations. I hope there is an overwhelming vote. I think it would send a great message out of this Senate that we need to start doing things on a bipartisan basis. We hear the call for that all the time. There is no clearer example to show that than by voting overwhelmingly for these fine people—Judge Paez and Marsha Berzon. Both have established in their lives records of superior quality.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, thank you very much. I just arrived on the floor. I listened to some of the extensive remarks made by my friend from New Hampshire, Senator SMITH. I really came over to refute some of those remarks and some of those comments.

I have been through this fight over the judicial nominations once before. When Margaret Morrow was nominated and kept on the hook, people came to the floor of the Senate and said she was an activist, a liberal—the same buzzwords we are hearing. These buzzwords are: "Out of control," "liberal"—all of these words.

That was a great speech. But, unfortunately, it doesn't have anything to do with Margaret Morrow, who is as mainstream and as apple pie as you can get.

I say to my friend from New Hampshire, because I know people have varied opinions of this President, President Clinton, that I happen to think he has brought us out of the deepest, darkest economic nightmare we ever faced and I think will go down in history for that. But that is up to the historians. There is one thing about this President that I don't think anyone would refute. He is a pragmatist. He knows what he can get through this Senate. He certainly knows that if he puts someone before the Senate who is not in the mainstream, they are not going to get confirmed. He is not going to go through the exercise. It is very painful for people to be nominated if they have no chance of being approved by the Senate. This President doesn't do that. In all my recommendations to him, and in all of Senator FEINSTEIN's recommendations to him, we have been very careful to make sure we refute things.

I hope the Senator from New Hampshire will appreciate this.

If I believe a judicial nominee is not going to pass the mainstream test, I don't even bother with it. If I don't believe a judicial nominee has Republican support, I will not even bother with it.

I have had several conversations with Chairman HATCH. He has been very clear. He says: BARBARA, you are not going to get people through who are not in the mainstream. You are not going to get people through who do not have bipartisan support. You will not get people through who do not have law enforcement support.

Yesterday, as Senator SESSIONS was speaking—believe me, I respect both of my colleagues' right to vote against these two nominations, if they so choose—I pointed out this wonderful record of support these two candidates have from Republicans and Democrats alike in law enforcement. My goodness. Sheldon Sloan, the head of Governor Pete Wilson's Judicial Advisory Committee, is the one who is backing Judge Paez.

Listen to this. I will repeat it. The head of Governor Pete Wilson's Judicial Advisory Committee is backing Richard Paez.

I ask unanimous consent to have printed in the RECORD several editorials supporting Richard Paez and Marsha Berzon.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, Feb. 6, 2000]

Judge Deserves Rousing Approval

Perhaps this week the full Senate will finally take up the nomination of Judge Richard Paez to a seat on the U.S. Court of Appeals for the 9th Circuit. With a decisive vote to confirm Paez, the Senate can redeem itself after its disgraceful treatment of this worthy jurist.

Paez, since 1964 a federal district judge in Los Angeles, was first nominated for the appellate bench by President Clinton more than four years ago. No nominee in memory has waited longer for a confirmation vote, a reflection on the Senate.

The first time the Senate Judiciary Committee considered his nomination, it refused to act, and the second time it voted approval, only to have the nomination die when Senate leaders refused to call an up-or-down vote. Last July, the panel once again forwarded Paez's name to the Senate, with committee Chairman Orrin G. Hatch (R–Utah) and one other Republican supporting the judge. But not until November did Majority Leader Trent Lott (R–Miss.) agree to set a Senate vote for March. Now March is upon us and Lott says he will deliver on his promise of a floor vote.

On the bench and before that as an attorney, Paez, a 52-year-old Latino, has earned a reputation for being thoughtful, fair and committed to civil rights. He would be an asset to the circuit court.

Republican leaders, whose treatment of Paez and other nominees stems from their deep animus toward President Clinton, are now anxious to cast themselves as an inclusive lot after divisive debates over religion and race in the presidential primary campaigns. A resounding vote to confirm Judge Paez is a good place to start.

[From the Los Angeles Times, Jan. 20, 2000]

Infamous Anniversary for Courts

Next Tuesday, four long years will have passed since President Clinton first nominated U.S. District Judge Richard A. Paez to a seat on the 9th Circuit Court of Appeals. It's a sorry moment.

The Senate has long toyed with Clinton's judicial nominees, grilling them mercilessly at Judiciary Committee hearings, then deep-freezing the nominations by refusing to call an up-or-down floor vote. No one has waited as long as Paez. First nominated to the 9th Circuit on Jan. 25, 1996, Paez, now 52, has been before the Judiciary Committee three times. Once, the committee refused to act; once, it approved him only to have the Senate let his nomination die by failing to vote. Last July, the committee approved Paez again, but the Senate still has not voted.

Why the delays? What so troubles Senate leaders about Paez? An extensive review of Paez's record, on the federal trial bench and, before that, on the Los Angeles Municipal Court and as a public-interest attorney, was published earlier this week in the Los Angeles Daily Journal, which covers legal affairs. The record reveals a jurist who is thoughtful, smart and unbiased. Regardless, some conservatives remain convinced, largely without evidence, that Paez has "activist" tendencies.

Late last year, Senate Majority Leader Trent Lott (R–Miss.) said he would call a floor vote by March 15 on Paez and a San Francisco lawyer, Marsha Berzon, whose nomination to the 9th Circuit also has languished.

There are now six vacant seats on the 9th Circuit Court and 76 on federal courts nationwide. The Senate's humiliating treatment of nominees like Paez and Berzon only serves to dissuade worthy men and women from serving on the federal bench.

[From the Washington Post, March 3, 2000]

The Paez and Berzon Votes

Senate Majority Leader Trent Lott has indicated that the Senate will finally hold up-or-down votes on judicial nominees Richard Paez and Marsha Berzon by March 15. Judge Paez has waited four years for the Senate to consider his nomination, and Ms. Berzon has waited two. Both nominees to the 9th Circuit Court of Appeals are well qualified. It is time both were confirmed.

The ostensible reason for the opposition to these appointments is that the nominees allegedly harbor tendencies toward "judicial activism." In neither case, however, is the allegation justified. Judge Paez made a single ill-advised remark about a proposed anti-affirmative action ballot initiative in California; his opponents also criticize him because, as a district court judge, he refused to dismiss a human rights lawsuit against a company doing business in Burma. Ms. Berzon stands accused of favoring abortion rights and supporting the labor movement. Such positions may trouble principled conservatives, but they are not the sort of ideological differences that should keep well-qualified nominees off the bench.

Some conservatives dislike the comparative liberalism of the 9th Circuit itself and so are reluctant to confirm judges who do not obviously break with that court's current tendency. But diversity among circuits is healthy, and the 9th Circuit is by no means a rogue operation out of the bounds of respectable legal thinking. Judge Paez and Ms. Berzon would be good additions to the court—and they have waited too long for the Senate to say so.

[From the Seattle Post-Intelligencer, February 26, 2000]

Senate GOP Drags Feet on Justices

More than a few defendants have been in and out of U.S. District Judge Richard Paez's California courtroom—and prison as well—in the time the distinguished jurist has been waiting for a vote on his confirmation to the 9th Circuit U.S. Court of Appeals.

If only the "speedy trial" rules that Paez must follow applied to the U.S. Senate.

It's just our luck here in the 9th Circuit, which encompasses eight Western states including Washington and California, that Paez has become the poster child for the Republican-led Senate's refusal to schedule timely votes on nominations submitted by President Clinton.

This circuit, the biggest and arguably the busiest in the country, has six vacancies, yet Senate Majority Leader Trent Lott, R-Miss., had the gall to tell reporters Thursday that he does not believe additional judges are needed at this time. (Lott and fellow Republicans are really rankled by what they perceive as the court's left-leaning nature, but that's another tale.)

Lott disclosed that as he announced he would vote against Paez, who still stands a chance of becoming the first Hispanic on this appellate court. Well, that's some progress. At least Paez will have his day in "court," although it will come more than four years after Clinton first sent his name to the Senate.

Paez's fitness is not the issue; the American Bar Association has given him its highest ranking. Timeliness is. Seven years ago it took an average of 83 days for the Senate to vote a federal judicial nominee up or down; now it takes more than three times that long.

Justice delayed is justice denied, whether it's for judges or defendants.

[From the New York Times, March 9, 2000]

Ending a Judicial Blockade

The Senate is scheduled to hold confirmation votes today that would finally end the egregious stalling by Republicans that has blocked consideration of two worthy nominees for the United States Court of Appeals for the Ninth Circuit, on the West Coast. Richard Paez, a respected federal district judge in Los Angeles, has been waiting four years for the full Senate to act on his nomination. Marsha Berzon, a prominent appellate litigator in San Francisco, has been waiting two years.

Both these candidates were approved by the Senate Judiciary Committee with the support of its chairman, Orrin Hatch. But a floor vote was stalled by a few Republicans who reflexively branded the nominees as too liberal and too "activist." Only after Democratic complaints about the Republicans' slowness in approving minority and female nominees did the majority leader, Trent Lott, agree to allow the full Senate to vote on their nominations.

The Senate should approve the Paez and Berzon nominations, then promptly vote on the 35 other pending judicial nominations. At the current sluggish pace, the Senate stands to approve even fewer judges this year than the 34 it confirmed last year, an indefensible record at a time when federal courts are facing rising caseloads and huge backlogs.

The fact that this is a presidential election year is no excuse for inaction. In 1992, President Bush's last year in office, the Senate, then Democratic, confirmed 66 judges. In the last year of the Reagan administration, 42 judges were approved. The quality of justice suffers when the Senate misconstrues its constitutional role to advise and consent as a license to wage ideological warfare and procrastinate in hopes that a new president might submit other nominees.

Mrs. BOXER. I guess we have a conflict between the Washington Times and the New York Times. The New York Times writes today: "Ending a Judicial Blockade."

> The Senate is scheduled to hold confirmation votes today that would finally end the egregious stalling by Republicans that has blocked consideration of two worthy nominees for the United States Court of Appeals for the Ninth Circuit, on the West Coast. Richard Paez, a respected federal district judge in Los Angeles, has been waiting four years for the full Senate to act on his nomination. Marsha Berzon, a prominent appellate litigator in San Francisco, has been waiting two years.

They recite the history, then state the Senate should approve the Paez and Berzon nominations.

The Los Angeles Times, editorial board, which is now dominated by Republicans, says: "Judge Deserves Rousing Approval." It says:

> On the bench and before that as an attorney, Paez, a 52-year-old Latino, has earned a reputation for being thoughtful, fair and committed to civil rights. He would be an asset to the circuit court.

The Washington Post says:

> Judge Paez has waited four years for the Senate to consider his nomination, and Ms. Berzon has waited two. Both nominees to the 9th Circuit Court of Appeals are well qualified. It is time both were confirmed.

We hear the word "activist" mentioned. If I were to name an activist on the Republican side of the aisle, it would be my friend BOB SMITH. He is the best activist that the antichoice people have. He is an activist. He is the best activist the Humane Society has. When it comes to Judge Paez, when it comes to Marsha Berzon, I dispute the "activist" tag. Some have made the term "activist" a bad name. I don't think it is.

These two nominees have temperaments that fit the court. They are well reasoned. When Judge Paez was reviewed by 15 experts in the law profession, they said his opinions will stand the test of time; that he is well reasoned. The lawyers have refuted everything that has been said on this floor by people who don't know Judge Paez.

I will read statements from lawyers, the people who appear before him day after day, and anonymous quotes they gave to the Judicial Almanac when talking about Judge Paez and his temperament.

We are turning the word "activist" into something different. Margaret Morrow had to struggle to be confirmed. I think some of my friends on the other side of the aisle think you are an activist if you have a heartbeat or a pulse, if you are alive. Nominees have to have some opinions; that is what a judge does.

Accusing Judge Paez of being soft on crime is an incredible statement, because, as I understand it, a criminal sentence by Judge Paez has never, ever been overturned.

To hear people talk about letting rapists and other criminals free, some might have done it but not Judge Paez. He has never been overturned on a criminal sentence in his entire career, and he has been on the bench for 18 years.

Sometimes people come to the floor making an argument about the Ninth Circuit. How about putting two people on the Ninth Circuit who will make it better? That is the opportunity we have today.

I will read some comments made by the lawyers who appear before Judge Paez all the time. These are people who take all sides of the issue: He is a wonderful judge. He is outstanding. He is highly competent. He is smart. He is thoughtful. He is reflective.

"I don't know anyone," one lawyer said, "who hasn't been exceedingly impressed by him. He does a great job."

"He is very well prepared," says another.

"He knows more about a case than the lawyers."

Here is another: "I think he has a great temperament. He never says or does anything that is off. He has a good demeanor. He is professional. He doesn't have any quirks."

I listened to my friend, Senator SMITH, who is eloquent, but he is not talking about the man these lawyers know. He certainly is not talking about the man whom all the law enforcement people who have endorsed him know.

We hear Judge Paez is soft on crime. Why, then, does the National Association of Police Organizations endorse him? Also endorsing him is the Los Angeles Police Protective League, the Los Angeles County Police Chief Association, the Association of Los Angeles Deputy Sheriffs, the Department of California Highway Control Commissioner. Why would he have bipartisan support from California State judges and justices, such as California Court of Appeals Justice Walter Croskey, bar leaders, business leaders, community leaders, the whole Hispanic community?

There is a lot of discussion about what party deserves to get the votes of the Hispanics. I hope we can rise above this, but I do hope we can listen to the Hispanic Chamber of Commerce which strongly support Judge Paez.

I will read from their letter:

> To the Senate majority leader from the United States Hispanic Chamber of Commerce:
>
> I urge you to consider the views of the U.S. Hispanic Chamber and of the Hispanic small business community as we await a decision from the Senate on the nomination of Judge Paez. Judge Paez would be a great asset to the Ninth Circuit Court of Appeals.

They conclude:

> I therefore urge you to listen to the voice of the Hispanic community and confirm Judge Paez to the Ninth Circuit Court of Appeals.

Here is a joint statement from the Hispanic Chamber of Commerce—the businesspeople—and the Hispanic National Bar:

> The Hispanic community is justifiably proud of Judge Paez's achievement. He is a jurist of integrity and decency, a role model for Hispanics everywhere. Yet he has been kept waiting for more than 49 months for a Senate vote. We applaud Senator LOTT's decision to give Judge Paez a vote and urge the Senate to give him full and fair consideration.

They conclude:

> If Judge Paez's record is reviewed fairly, he will be confirmed on a bipartisan basis.

I know there is some thought as we get ready for an up-or-down vote on these two nominees that there might be a motion made to indefinitely postpone this vote. I have had discussions with the Parliamentarian who believes that motion would be in order. I say it would be precedent setting. We have these candidates. They have gone through a very difficult confirmation process, being nominated a few times, getting through the committee a few times, being asked extensive questions, surviving an important cloture vote, which, frankly, they won overwhelmingly. Eighty-some Senators said they have a right to have a vote. I admire those Senators who voted for that, even though they won't vote finally for either Marsha or Richard.

I make an appeal: If we vote to indefinitely postpone a vote on these two nominees or one of these two nominees, that is denying them an up-or-down vote.

That would be such a twisting of what cloture really means in these cases. It has never been done before for a judge, as far as we know—ever. Again, it would undermine what Senator LOTT said when he said these people deserve an up-or-down vote.

So I make a plea to my friend, Senator SMITH. He and I go at it on many issues, but we are good friends and we like each other. Consider what you would do if you were to make such a motion, or another Senator would do so. You would be saying these two people do not deserve an up-or-down vote. I think that would be an undermining of the spirit of what we did yesterday.

I hope we will not go that route. What goes around comes around. Then, when you have a President who sends down a nominee, you are setting your party's President up for this kind of twisting in the wind that I do not think any nominee ought to go through.

I thank my friends for their indulgence. I believe very deeply we have two mainstream, strong candidates, supported by Democrats and Republicans alike, both inside the Senate and outside the Senate. We have two people who have proven their mettle. I thank them for hanging in there. I know there were times when they wondered whether it was worth it; that they had to look at their families one more time and say, "We don't know yet. We don't know yet. We don't know when we are getting a vote." That is why I brought their pictures to the floor the last couple of days, to put a face on these nominees. They have children. They have spouses. They have community friends. They work hard. Their lives have essentially been in limbo—for Marsha for a couple of years.

It is tough when you are in a law firm and you have been nominated. The partners don't know what to do. Do they give you more cases? Do they not? If you start a case, will you be pulled? It is a very difficult thing for an attorney in that situation.

For Judge Paez, it has been tough for him to hear some of the things that have been said when he is a man who has such broad-based support in the community.

Colleagues on both sides of the aisle, this is a big and important day. If there should be a motion made to indefinitely postpone this nomination, please do not support it. That would undermine what we promised these nominees way back several months ago when we told them they would have a vote. If we have that vote, please turn against it. And then, please vote for these nominees. They deserve your vote.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I might say to my colleague, she knows we respect each other and like each other personally.

The points she makes about the families, when a nominee comes before the Senate and there is a long delay, we understand that. That is not easy for anybody. But I might also say, as far as I know—and I speak for myself, and I am pretty sure I speak for everyone else—I remember Clarence Thomas and people going in to find out what videos he purchased. He had a family. And Robert Bork had a family. And Doug Ginsburg had a family. I remember some very nasty things being said about those nominees.

We are looking at court cases of these nominees, and that is all we are looking at. I have not said, nor has anyone said on the Senate floor, one word about their personal lives. I have no desire to go there. This is about their court cases. In terms of Judge Paez in particular, his judicial philosophy, his activist philosophy, I will use his own words:

> I appreciate the need for courts to act when they must. When the issue has been generated as a result of a failure of the political process to resolve a certain political question, there is no choice but for the courts to resolve the question that perhaps ideally and preferably should be resolved through the legislative process.

The legislative process is to write the laws. That is what we do here. It is not up to the courts to write the laws. It is up to the legislature to write the laws. You should not put your activist views, conservative or liberal, on the court. I want judges who will interpret the Constitution.

These are his own words. I also want to point out—and I am just now analyzing the case—I know it is not a criticism because I did not know it either until this morning, but apparently there was a criminal case of Judge Paez that was overturned yesterday. I am trying to analyze that now, or maybe Senator SESSIONS may get into it later. So there was at least one, in terms of a criminal overturn.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I will note, just before I start, a couple of points.

The distinguished Senator from New Hampshire spoke about video rental records of Judge Bork or Judge Thomas. He may recall when that happened, a law was passed, the Leahy-Simpson law, which I proposed, initiated, and drove through in short order, to make it illegal for anybody to go and check somebody's video records. Ideally, I would like to see us have as strong a law for our medical records, something that has been held up while we spend a lot of time on a lot of other things. That is something being held up by this Congress on medical privacy. I wish we could do the same with that situation. But on Judge Bork or Judge Thomas or any other judges, the Leahy-Simpson law says we cannot look at their records.

I also note it was the Democrats who said very strongly about both Judge Bork and Judge Thomas, there should be no filibuster. As I recall, we expedited them relatively quickly for votes. It was also this Senator, joined by some others on this side, who, on the Ginsburg matter, when items were being leaked to the press—as it turned out, some from the same White House from which his nomination came—it was this Senator who took to the floor, and spoke elsewhere, and said let us give Judge Ginsburg a hearing; he should not be subjected to anonymous leaks, wherever they are coming from. As I said, some, it turned out, came from the White House. It was the White House that then announced, news to him, he was going to be withdrawing his name, which of course he did.

It was approximately 12 weeks from the time Judge Bork was nominated until we had a vote. It was something like 15 weeks from the time Judge Thomas was nominated before we had a vote. Of course, on Judge Paez it has been 4 years; on Marsha Berzon, 2 years.

I think we should talk about facts. Up to this date, there have been a lot of red herrings set out on these two nominees. They have been held without votes. Now at the 11th hour, some have sought to raise the random assignment of the case against John Huang in the District Court of the Central District of California as another reason to extend what has already been a 4-year delay in our consideration of the nomination of Judge Richard Paez.

I have yet to hear anybody suggest that there was anything untoward in the assignment of Judge Paez on this case. The suggestion is out here, somehow this was some nefarious thing, to put Judge Paez on this case. So I checked around about what the court rules are in assigning cases, because most courts have rules on how cases are assigned. They are not secret. They are public, and they are publicly available. I know they are in my own State of Vermont. They are elsewhere. But I thought maybe there was something that those who were objecting to his assignment to this case knew that we didn't. So I checked with the Central District of California, and of course they do have court rules governing the assignment of cases.

In fact, I understand the assignment of cases in the central district is pursuant to general order No. 224 of that court. I mention this because I wonder if any of those who have impugned Judge Paez sitting on this case even bothered to check that rule as I did, as anybody can, simply by picking up the phone and calling.

Section 7 of that order deals with the assignment of criminal cases. Paragraph 7.1 says:

> The assignment of criminal cases shall be completely at random through the Automated Case Assignment System. . . .

That is how the cases are assigned. The order allows exceptions under supervision of the chief judge. In the Huang case, there is no indication any exception was involved. Quite the contrary. I am told the assignment was done pursuant to a random assignment. That is what I was told when I called. That is what anybody would have been told if they had bothered to call instead of slandering this judge.

Then to make sure, because I am amazed anybody even questioned that because it is such a longstanding rule, I went to the extraordinary length of getting a statement under oath subject to the penalty of perjury by the district court executive and clerk of court explaining how these cases are assigned; Sherri Carter, district court executive and clerk of court.

I must apologize on the record to Ms. Carter for any indication that the Senate does not take her word for this or that people insist she submit this statement under penalty of perjury. I say to her, this is a strange time. Any lawyer who practices anywhere in this country knows that practically any court has these same kind of random assignments. State courts do it. Federal courts do it. Certainly any lawyer in California knows it is a random assignment. I suspect the bailiffs can tell you that. The janitors can tell you in that court, but the Senate is so far removed from it that we need an affidavit telling us something that everybody else outside of the sacred 100 in this Chamber know.

I ask unanimous consent that the sworn affidavit of Sherri Carter, district court executive and clerk of court, saying that district judge Richard Paez was randomly assigned to the Huang case under the district court-approved random assignment methodology using an automated information processing system be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DISTRICT COURT,
CENTRAL DISTRICT OF CALIFORNIA,
Los Angeles, CA.

I, Sherri R. Carter, District Court Executive and Clerk of Court, for the United States District Court, Central District of California, declare that case number CR-99-524-RAP, U.S.A. v. John Huang, was randomly assigned to District Judge Richard A. Paez, on June 14, 1999 through the District Court approved random assignment methodology utilizing an automated information processing system.

Pursuant to 28 UCS 1746, I, Sherri R. Carter, District Court Executive and Clerk of Court, declare under penalty of perjury that the foregoing is true and correct executed on March 8, 2000.

SHERRI R. CARTER,
District Court Executive and Clerk of Court.

Mr. LEAHY. Mr. President, I am sure Judge Paez had no interest in being assigned that case or the case against a former Member of Congress, Republican Representative Jay Kim, or any other high-profile case. I suspect any judge who has a pending confirmation would be delighted to avoid such high-profile cases, but they follow the rules. If the machine comes up and says "you are assigned," then that judge hears that case. Judge Paez ought not continue to be penalized for doing his job in ruling in those assigned cases.

There is no allegation—no credible allegation, no believable allegation, no factual allegation, no whisper of an allegation—outside this Chamber that he did anything to obtain jurisdiction over those matters. None whatsoever. That ought to settle this matter once and for all.

It is the same as buying a lottery ticket and having the machine pick the numbers for you. It is done automatically. He did not win the lottery on this because he did not want a high-profile case, but he did his job, the job he was sworn to do. We ought to do the job we are sworn to do and vote up or down on these two people and not, as some have suggested, have a vote to suspend indefinitely. That is the Senate saying: Notwithstanding we are being paid to vote yes or no, we decide to just vote maybe.

Let's vote up or down. In this particular case that has been talked about, Judge Paez sentenced John Huang to 1 year probation, 500 hours community service, and a $10,000 fine after he pled guilty to a felony conspiracy charge on August 12, 1999. He agreed to plead guilty after he reached an agreement, not with the judge but with the prosecution for the Department of Justice. Based on that agreement, the prosecutors recommended no jail time in exchange for the defendant's cooperation. Judge Paez's approval of the prosecutor's recommendation was not unusual.

During my years as a prosecutor, I can think of a number of times when I said to the judge: Would you give this type of a sentence because we are getting cooperation from this person? I am after bigger fish: I have bigger fish to fry. I need their cooperation. Will you please sentence him to what might appear to be a lighter sentence?

Judge Paez did put the sentencing off for 10 days, from August 2 to August 12. Why? To consider a request by a Republican Congressman, DAN BURTON, who asked Judge Paez to delay sentencing until Huang testified in front of his committee investigating campaign finance abuses. The Congress asked him to delay. The Federal prosecutors objected to Representative BURTON's request for the indefinite suspension of sentencing, and having delayed to consider the matter, Judge Paez proceeded with the sentencing on August 12. I believe he was correct in doing so. Huang's lawyer told the prosecutor he would cooperate with Representative BURTON's committee, notwithstanding sentencing. My recollection is that is exactly what he did.

When it became clear, in virtually unprecedented fashion, Judge Paez and Marsha Berzon would have to leap over a 60-vote margin in cloture, and when it became clear the Senate would not add to the disgrace and humiliation of holding them up this long, that we would invoke cloture they want to suspend it indefinitely. After four years we should be more than prepared to vote for him for the Ninth Circuit.

Suspending a vote on this nomination would be a tragedy. Here is a remarkable man: a Hispanic American who has reached the Federal bench, has the highest rating that bar associations can give for a nominee, one of the most qualified people I have seen before the committee, Republican or Democrat, in my 25 years here. He has been waiting, dangling, for 4 years, humiliated by the actions of the Senate.

Now they ask to delay him again. It does not match up to what should be the standards of a body that calls itself the conscience of the Nation. Let us be clear, the Huang plea agreement, the transcript of the sentencing and related documents are not new. They have been in the possession of the Judiciary Committee since at least September of 1999. Six months they have been here.

The sentencing, his postponement, and the position of sentence did not happen in secret. It was in the glare of nationwide publicity. Thousands of sentencings go on every year in this country in all kinds of courts rarely covered by the press. This one was. These events extend back to last August and before. It is not a justification for asking for new information. It has been here.

I think the opponents misdirect their complaints about the plea agreement between the Government and Mr. Huang at Judge Paez. Complain about the Government's recommendation. That is one thing. Do not blame the judge who followed them.

Moreover, in spite of the impression sought to be created here, the plea agreement, dated May 21, 1999, expressly provides that Mr. Huang is not immune from Federal prosecution under "laws relating to national security or espionage" but covers only that conduct he had disclosed to prosecutors. In fact, his own attorney acknowledged at the time of sentencing that this plea agreement, OK'd by the prosecutors and the judge, leaves Mr. Huang open to further prosecution.

As far as the sentencing, let's be clear what happened. The Senate should know, pursuant to the agreement, Mr. Huang pled guilty to one count of conspiracy, a charge that carries the maximum penalty of up to 5 years. As for the calculation of the sentencing guidelines, both the Government and the probation office agreed on that calculation. They further agreed that in light of his substantial cooperation, he should receive a sentence of 1 year's probation and 500 hours of community service.

In fact, the only disagreement between the prosecutors and the probation office was on the amount of the fine. In this case, Judge Paez disregarded what the probation office recommended and went with the prosecutors' recommendation, the higher fine, and he imposed that fine.

If you read the sentencing transcript, you see the judge acted in a conscientious manner. He insisted on a probation officer's report and recommendation before proceeding. He did not proceed until he was advised of the extent and nature of Huang's cooperation that was expected. The Government informed the court that Huang provided substantial, credible information helpful in task force investigations. The judge emphasized that Mr. Huang was expected to continue to cooperate after his sentencing.

I mentioned being a former prosecutor. I can tell you, when I was prosecuting cases nothing was more infuriating than when people did not know the facts of a case or the extent of cooperation or the value of the plea agreement, and they would try to pick apart an agreement after the fact.

I can think of cases where people would say: Oh, my gosh, how can this person get a light sentence? Why? Because they helped us catch five other people we would not have caught without them.

It is easy enough to criticize and second-guess. It is always easy to say someone else settled too cheap, that they made a bad deal. That undermines the role and morale of good prosecutors. We all know how clogged the already overloaded courts would be if prosecutors could not use their best judgment and enter into plea agreements.

We have 75 vacancies in the Federal court. Prosecutors are under pressure all the time to move cases through because we have not confirmed the judges; we have not added the extra judges they need. The courts are backlogged. You cannot get civil cases heard because of all the criminal cases. Prosecutors have to make their best judgment.

Whether one agrees or disagrees with the agreement, no one can say, with a straight face, that we suddenly found out about it, or that now we have to have a last-minute postponement. We do not need such a thing.

This has been pending for 4 years. The facts have been here for 4 years. The nomination has been here for 4 years. Local law enforcement has strongly backed Judge Paez for 4 years. His home State Senators have strongly backed him for 4 years.

He is supported by the Los Angeles district attorney, the Los Angeles Police Protective League, the National Association of Police Organizations, the Association for Los Angeles Deputy Sheriffs, the Los Angeles County Police Chiefs' Association. This guy sounds like the kind of judge I would have liked to have had my cases assigned to when I was a prosecutor.

We have made this highly qualified man jump through hoops for 4 years. He was required to review his criminal sentences for his whole career on the Federal bench. This is what we asked him to do after he was pending for 4 years. He had two confirmation hearings, and had been voted out twice by the Republican-controlled Judiciary Committee.

A lesser person would have said: Enough is enough. This is such petty harassment. He did not complain. He complied. What do the facts show? He is a tough sentencer. Those are the facts, not the comment of some reporter thrown into a political story here in Washington.

The people of California, the people who know him best, named him the Federal Criminal Law Judge of the Year in 1999. He has had sentences within the sentencing guidelines more often than the national average for district judges. We ought to be praising him for that. People say district judges don't follow the guidelines. We ought to praise him for being above average in that.

We talk about his criminal judgments appealed. There were 32 criminal judgments appealed. He was affirmed 28 times. Two of the appeals were dismissed for lack of jurisdiction; one was remanded. Only 1 of the 32 was reversed, in part.

We talk about how we want people who are going to be upheld on appeal. There isn't a district court judge—Republican, Democrat, or anything else—who would not be delighted to have a record on appeal like Judge Paez.

He is a tough judge, a really tough judge. He is also a good judge, a well-trained judge, a highly intelligent judge, and a judge who wins on appeals.

Obviously, every Senator has a right to vote how he or she wants, but at least vote. I do not think it is right to hold somebody up. It would certainly be an outrageous mark of shame on the Senate if we took the unprecedented step, for a Federal judicial nominee, after cloture, to move to indefinitely postpone. It would be the first time that sequence would be followed in the Senate. That would be a mark of shame on us.

But what bothers me is the way people look for any reason—real or imagined—to vote against Judge Paez.

There seems to be no interest in looking at his whole record of public service. I have heard no mention of Judge Paez's decision in the Great Western Shows, Inc. case. That was a controversial case. I am sure he did not ask to be assigned to it. But he applied the law fairly and objectively. Let's mention this case.

We heard he may be a liberal judicial activist, whatever that is. It must mean, like the majority in the Supreme Court in the last year or so, taking away more rights from the States and people in patent cases, and so on. But let's talk about this.

In the Great Western Shows case, he heard and granted a motion for a preliminary injunction against a Los Angeles county ordinance that would have effectively banned gun shows, the sale of firearms and ammunition on county property. He went against those who wanted to ban the gun show because he found substantial questions that the ordinance was preempted by State law. So he granted an injunction so the gun show could proceed.

To me, that does not sound like a judicial activist. It reminds me of the courage that a Vermont district court judge showed back in 1994 when his nomination to the Second Circuit Court of Appeals was likewise pending before the Senate. At that time, Judge Fred Parker handed down his decision in the Frank case in which Judge Parker held the 10th amendment prohibited Congress from usurping the power of Vermont's Legislature and declared certain provisions of the Brady law unconstitutional.

I remember that very well because it was about the same time I was down asking the President of the United States to appoint Judge Parker, a conservative Republican, who served as the deputy attorney general of our State. I was asking the President to appoint Judge Parker to the Second Circuit. I also knew Judge Parker was an extraordinarily brilliant person. He was a classmate of mine in law school. He is highly honest. Usually he had supported my opponents.

I had to tell the President, who was strongly supporting the Brady law: This judge I want you to appoint to the Second Circuit Court of Appeals has just found a hunk of that law unconstitutional. The President said: Anything else you want me to do for you today?

But to Bill Clinton's credit, he did appoint Judge Parker to the Second Circuit. Oh, just as a little footnote, to Judge Parker's credit, the U.S. Supreme Court upheld him. They said he was right, that the way it was drafted, that part of the Brady law—which we have since changed—was unconstitutional.

The point is, both these judges, Judges Parker and Paez, acted with courage to do their duty. They applied the law to the facts, and they did their judicial duty. They did so at some personal risk while their nominations to higher courts were still pending before the Senate. I think the strength they show is commendable. They are the kinds of judges we need in our Federal courts to act with independence and in accordance with the law. All the Senators who were in the Senate at that time voted for Judge Parker.

I hoped they would give the same with respect to Judge Paez. He doesn't tailor rulings or sentences to please political supporters. He is not soft on crime. This is a man who gets upheld on virtually all his criminal cases. He is a person with great resolve and temperament and intellect. Those who seek to diminish this man or his record should reconsider and support his prompt confirmation.

I understand why people support him so strongly. I ask that a sampling of letters from the Hispanic National Bar Association, national Hispanic Leadership Agenda and its more than 30 constituent organizations, the League of United Latin American Citizens, and the U.S. Hispanic Chamber of Commerce in support of Judge Paez be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

HISPANIC NATIONAL BAR ASSOCIATION,
Washington, DC, February 20, 2000.
Hon. PATRICK LEAHY,
Courthouse Plaza,
Burlington, VT.

DEAR SENATOR LEAHY: It is the understanding of the Hispanic National Bar Association that Majority Leader Trent Lott has agreed to call a floor vote on the nomination of Judge Paez by March 15. Therefore, as the Regional President of the Hispanic National Bar Association with jurisdiction over the State of Vermont, I am writing to inquire into your position on the nomination of Judge Richard A. Paez to the United States Court of Appeals for the Ninth Circuit.

The Hispanic National Bar Association is a non-partisan organization with over 22,000 members that has as one of its goals to promote the appointment of qualified Hispanic candidates to the Bench. We have reviewed the qualifications of Judge Paez and strongly support his confirmation. In fact, his confirmation is one of our top priorities for this year.

I will contact your office within the next few days to see if you, or your staff, are available to meet with us to discuss this important nomination. If you have any questions, please feel free to contact me at (617) 565-3210.

For your information, I have attached a copy of a Los Angeles Daily Journal article on Judge Paez which, upon your perusal, should clear up any misconceptions and incorrect labels that are currently the foundations of objections to his nomination.

I appreciate your attention to this request.

Sincerely,

R. LILIANA PALACIOS,
Regional President.

NATIONAL HISPANIC
LEADERSHIP AGENDA,
Washington, DC, March 3, 2000.

DEAR SENATOR: As members of the Board of Directors of the National Hispanic Leadership Agenda (NHLA), we are writing to reiterate our strong support for Judge Richard Paez to the Ninth Circuit Court of Appeals and our request that you vote to confirm him.

About two weeks ago, you should have received a letter from the NHLA signed by our Chair, Manuel Mirabal. Because we wish to convey to you fully the importance of this matter to the Latino community, we have decided to send you this additional letter with our individual signatures.

The NHLA represents a highly diverse and important cross-section of the national Latino community. Our organizations have offices and constituents throughout the country, and we come together when we find issues of mutual concern. We submit this letter on behalf of the organizations we represent, and we sign this letter as individuals prominent in various fields, including business, legal, labor, health, scientific, among others as well.

We come together to support a highly qualified candidate to the Ninth Circuit Court of Appeals—Judge Richard Paez. In 1994, Judge Paez became the first Mexican American appointed to the Central District Court of California in Los Angeles. This was a milestone for the Latino community. Now that Judge Paez has been nominated to the Ninth Circuit, we believe he will serve well not only the 14 million Latinos living in the Ninth Circuit, but all Americans who seek a fair review of the matters they bring to court.

Thank you again for considering our strong backing for Judge Paez, and we urge you to support his confirmation.

Sincerely,

Elena Rios, MD, National Hispanic Medical Association; Kofi Boateng, Executive Director, National Puerto Rican Forum; Elisa Sanchez, CEO, MANA, A National Latina Organization; Delia Pompa, Executive Director, National Association for Bilingual Education; Manuel Olivérez, President & CEO, National Association of Hispanic Federal Executives; Guarione M. Diaz, President & Executive Director, Cuban American National Council; Gabriela D. Lemus, Ph.D., Director of Policy, League of United Latin American Citizens.

Manuel Mirabal, President, National Puerto Rican Coalition; Arturo Vargas, Executive Director, National Association of Latino Elected and Appointed Officials; Anna Cabral, President, Hispanic Association on Corporate Responsibility; Gumecindo Salas, Hispanic Association of Colleges and Universities; Al Zapanta, President, U.S.-Mexico Chamber of Commerce; Mildred Garcia, Deputy Director, National Hispanic Council on Aging; Andres Tobar, Executive Director, National Association of Hispanic Publications.

Oscar Sanchez, Executive Director, Labor Council for Latin American Advancement; Gilberto Moreno, President & CEO, Association for the Advancement of Mexican Americans; Roberto Frisancho, President, Latino Civil Rights Center; Lourdes Santiago, Hispanic National Bar Association; Ronald Blackburn-Moreno, President, ASPIRA Association, Inc.; George Herrera, President/CEO, U.S. Hispanic Chamber of Commerce; Juan Figueroa, President and General Counsel, Puerto Rican Legal Defense and Education Fund; Raul Yzaguirre, President, National Council of La Raza; Antonia Hernández, President & General Counsel, Mexican American Legal Defense and Educational Fund.

LEAGUE OF UNITED
LATIN AMERICAN CITIZENS,
Washington, DC, March 6, 2000.
Hon. PATRICK LEAHY,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEAHY: On behalf of the League of United Latin American Citizens, the oldest and largest Hispanic organization in the United States, I urge you to vote to confirm Judge Richard Paez to the Ninth Circuit Court of Appeals. Judge Paez was first nominated to serve on the Ninth Circuit on January 25, 1996—more than four years ago. This is an unusually long time to wait, especially considering Judge Paez's qualifications for the position.

Judge Paez currently serves with distinction as a Federal District Judge in the Central District of California, where he has been for over five years. Before that he served as a municipal judge in Los Angeles for thirteen years. When first considered by the Senate, Judge Paez was confirmed unanimously. Many of the Senators who agreed to his nomination in 1994 are still in office. Since he was nominated to the Ninth Circuit, Judge Paez has been through two hearings to review his qualifications and both times he was voted favorably out to be considered by the full Senate. He has been rated well-qualified by the American Bar Association and is supported by a wide array of individuals and organizations, including representatives from the business and law enforcement communities.

By March 15, 2000, Senate Majority Leader Trent Lott will move for a vote on Judge Paez. I strongly urge you to support his confirmation. His confirmation is important to LULAC not only because we have the opportunity to place an excellent judge in this important position, but as a Latino, he represents one of a very few opportunities for our community to be present at this level. It is also important to our judicial system, both how it operates and how it is perceived to operate, that individuals who have worked hard, played by the rules, and are qualified receive a fair chance just like others who may be different from them. Judge Paez has done everything it takes to be qualified for the position on the Ninth Circuit; he deserves your vote.

I hope we can count on you to support Judge Paez. LULAC will be recommending that this vote be include in the National Hispanic Leadership Agenda scorecord which will be published at the conclusion of this session.

Sincerely,

RICK DOVALINA,
National President.

UNITED STATES HISPANIC
CHAMBER OF COMMERCE,
Washington, DC, October 6, 1999.
Hon. TRENT LOTT,
Senate Majority Leader,
U.S. Capitol,
Washington, DC.

DEAR SENATE MAJORITY LEADER: On behalf of the Board of Directors of the United States Hispanic Chamber of Commerce (USHCC), I urge you to encourage a vote on the nomination of Federal District Court Judge Richard Paez to the Ninth Circuit Court of Appeals. I urge you to consider the views of the United States Hispanic Chamber of Commerce and of the Hispanic, small-business community as we await a decision from the Senate on the nomination of Judge Paez.

As you may know, the USHCC's primary goal is to represent the interests of over 1.5 million Hispanic-owned businesses in the United States and Puerto Rico, with a network of over 200 Hispanic chambers of commerce across the country, the USHCC stands as the preeminent business organization that effectively promoters the economic growth and development of Hispanic entrepreneurs. In addition, the USHCC provides and advocacy on many issues of importance to the Hispanic community. Hispanic entrepreneurs are interested in promoting the growth and development of Hispanics in the United States. For this reason, the USHCC supports the confirmation of Judge Paez to the Ninth Circuit.

Judge Paez was nominated to the Ninth Circuit Court of Appeals in 1996. He has been awaiting confirmation by the United States Senate for three and a half years, one of the longest pending nominations in history. Judge Paez has demonstrated the leadership and accomplishments that are well suited to a candidate for a Ninth Circuit Court Judge. He served as a judge in the Los Angeles Municipal Court for 13 years. While serving on that court, he was selected to serve in various leadership positions, including Presiding Judge. He was also elected to serve as Chair of the Los Angeles County Municipal Court Judges Association. In 1994, he was confirmed to the Central District Court of California where he currently serves.

Judge Paez would be a great asset to the Ninth Circuit Court of Appeals. He has the support of many civil rights, law enforcement and community groups, including that of the National Hispanic Leadership Agenda (NHLA) of which the USHCC is a member organization. The NHLA is a coalition of over 30 national and leading. Hispanic organizations in the United States. The USHCC has been supportive of NHLA's efforts regarding the confirmation of Judge Paez. I therefore urge you to listen to the voice of the Hispanic community and confirm Judge Paez to the Ninth Circuit Court of Appeals.

Respectfully submitted,

GEORGE HERRERA,
President and
Chief Executive Officer.

Mr. LEAHY. Mr. President, I hope today we will close the chapter of what has not been the greatest light and the greatest time of the Senate—close this chapter of 4 years of delay and harassment of this wonderful man and confirm him today.

Mr. President, how much time remains for the Senator from Vermont?

The PRESIDING OFFICER (Mr. ALLARD). There are 33 minutes remaining.

Mr. LEAHY. Mr. President, I yield the floor and reserve the remainder of my time. I thank my distinguished friend from New Hampshire for yielding.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. SMITH of New Hampshire. Mr. President, in a moment I will yield to my colleague from Alabama. I want to respond to a couple of points that were made during the debate, in terms of process, by the distinguished Senator from California, Mrs. BOXER, and Senator LEAHY of Vermont.

The criticism on the filibuster is a bit unwarranted. I could have come down here and thrown the Senate into quorum calls and delayed and delayed just for the sake of delay. None of us on our side, including me, did any such thing. We worked out an agreement with the majority leader for a limited amount of time, which on our side was 3 hours—it could have been 30, No. 1—after cloture. Secondly, I agreed to move the cloture time up, and the leader agreed with me.

The real purpose of that was to get facts out about these two judicial nominees, Berzon and Paez. I know in the case of Senator SESSIONS, who will speak for himself on this, he has new information about Judge Paez. I believe that when new information is there, in spite of the fact that this judge has been before the Senate for 4 years, it should be shared with the Senate. I think Senator SESSIONS has every right to share it. Frankly, I think Senators will want to hear it. So I hope they will listen when Senator SESSIONS speaks in detail about the new information he has because I think it is very important in the case of the nomination of Judge Paez.

I want to speak for just a moment on the issue of the random rule that my colleague from Vermont talked about. He indicated, to his credit, that he called and asked about the random rule, and he got a statement from the clerk that that was in fact random. Well, that is one statement, and it may well be true. I think we have a right to check that out to make sure it was random. If it were random, I ask my colleague, should this judge who is before the Senate to be confirmed for the circuit court, nominated by President Bill Clinton—is it the right thing to do, perception-wise, to sit on a case involving Maria Hsia, who has just been convicted for part of the fundraising scandal, along with John Huang who was also involved in that scandal? It seems to me, even if it did come out randomly, it would be good, common sense to say I will recuse myself from these cases because I don't think it looks good.

The random aspect has a problem, which Senator SESSIONS will address. The random aspect presents a problem for me because there are 34 judges there, and the fact that those 2 cases would be randomly assigned to this judge is pretty suspicious. But if you give them the benefit of the doubt, a bad judgment was made by Judge Paez in taking them.

Finally, much has been made here this morning as to comments about Hispanic judges. I think the implication is, somehow there is bias here. I remind my colleagues and the American people that we had a vote of whatever it was—95–0—on Judge Fuentes the other day. I voted for that judge, as did all of my colleagues. I certainly didn't assign any racial bias when Judge Thomas was opposed by many on the other side of the aisle, who happened to be a conservative black, which was the first sin—and probably the only sin, as far as I know—he committed. For that, he went through a living hell for a long time. Had he been a liberal black judge, I don't think there would have been a problem at all.

So I don't think we need to get into name calling and give the insinuation that somehow because Paez happens to be Hispanic—that is uncalled for, and I hope we can get away from that kind of debate. I look at each person on the basis of their qualifications and their decisions. For all I know—OK, Paez, is that a Hispanic name? I don't even know. I could care less. So I hope we can get beyond that.

At this time, I yield to my colleague from Alabama, Senator SESSIONS, whatever time he may consume.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I thank the Senator and I appreciate his leadership on this issue and his courage in standing up for it.

It is really offensive to me that it would be suggested I or other Members would oppose someone simply because they were Hispanic, African American, or any other nationality, religion, or racial background. I hardly knew he was Hispanic until we were into this matter. He has been held up for a number of years for reasons that have been discussed in some detail. He has stated, as a State judge, a philosophy of judging that is the absolute epitome of judicial activism. He said that when a legislative body doesn't act, it is the responsibility of the judge, or the judiciary, to act and fill the void. Well, when a legislative body, duly elected by the people of the United States, fails to act, that body has made a decision—a decision not to act. But they are elected. If they do the wrong thing, they can be removed from office. But now we want to have a Federal judge who is unelected, with a lifetime appointment, to blithely walk in and say: Well, I don't like this impasse. You guys have a problem and you didn't solve it, so I am going to reinterpret the meaning of the Constitution. That word doesn't mean that, or "is" means something else. So I am going to make this legislation say what I want it to say. I am going to solve this problem. You guys in the legislative branch would not solve it; you failed to solve it, and you are thinking about special interests. But I am above that, and I will do the right thing.

Mr. President, that is judicial activism. That is an antidemocratic act at its most fundamental point because that judge has a lifetime appointment. He has no accountability to the public whatsoever.

It is a thunderous power that the Founding Fathers gave Federal judges. And for the most part they have handled themselves well. But this doctrine of judicial activism that they have a right to act when the needs of the country are at stake is malicious, bad, and wrong. It undermines the rule of law. It undermines the democracy at its very core.

Hear me, America. When you have a Federal judge who is an unelected person unaccountable to the people, we have gone from a democracy to something else. I believe that is not healthy. His statement in that regard is a fundamental statement that indicates to me he is particularly not a good choice for the Ninth Circuit.

As the Senator so ably pointed out, it is the most activist circuit of all. I know the Senator mentioned the recent case in which he was reversed.

The city of Los Angeles passed a statute against panhandling after an individual on the street of Los Angeles was murdered when he wouldn't give somebody 25 cents. They passed legislation. The Los Angeles City Council is not a city council that has set about to deny civil liberties. They are one of the most open cities in the world.

What did Judge Paez do, according to the Federal Supplement opinion of his district court order in 1997? He found that the ordinance was invalid on its face under the California Constitution's Liberty of Speech clause for discriminating on the basis of content between categories of speech.

The case was appealed to the Federal court. They certified that question, as they sometimes do, to the California Supreme Court. This is a California statute, and the Federal judge was invalidated by the California Supreme Court.

Out of deference and respect to the California Supreme Court, what is your opinion of that? They reviewed the matter. They came back and concluded that the judge was wrong after having delayed the implementation of a duly passed statute by the duly elected leadership of the city of Los Angeles. This one sitting, lifetime-appointed judge unaccountable to the American people wiped it out. The California Supreme Court said this:

> As noted above, the regulation of solicitation long has been recognized as being within the government's police power. And, yet, plaintiff's suggested approach to content neutrality in many instances would frustrate or preclude that means—

Let me stop—

> [T]he kind of narrow tailoring that is generally demanded with regard to the exercise of such police power regulation in the area of protected expression. If, as plaintiff suggests, lawmakers cannot distinguish properly between solicitation for immediate exchange of money and all other kinds of speech, then it may be impossible to tailor legislation in this area in a manner that avoids rendering the legislation impermissibly over-inclusive.

It is free speech to say "stick'em up, turn over your money or your life"? No, it is not.

This is a pretty cutting and direct rebuttal, and a blunt condemnation of Judge Paez from the Supreme Court of California—not a right-wing court, I submit:

> In our view, a court should avoid a constitutional interpretation that so severely would constrain the legitimate exercise of government authority in an area where such regulation has long been acknowledged to be appropriate.

Indeed, one of the main reasons our murder rate fell in this country a few years ago was because Rudy Giuliani, as mayor of New York, examined what was happening to crime in New York, and he decided that what was happening was we were allowing panhandlers and drug dealers to be wandering the streets and they focused on small crime. They had a plummeting of the murder rate in New York. It dropped by about two-thirds in almost 1 year's time. In fact, there was almost a one-half decline in the murder rate in 1 year.

This judge would say those kinds of regulations that allow a city to take control of its streets is not valid, and it was reversed by the Supreme Court of California in pretty blunt language. To say he is not an activist and not willing to use his power as an unelected public official to set public policy in America is wrong.

That is only one of the cases that is involved here.

I am concerned about the sentencing of John Huang. It is a very important case. It is a case of real national importance. His activities were followed. The Democratic National Committee had to give back $1.6 million in contributions that had come from illegal sources, mainly foreign sources—the Lippo Group, and Riady, and so forth. That was a major news story, and it was for years.

We, as members of the Judiciary Committee, the chairman of the Judiciary Committee, leaders in the House and Senate, urged Attorney General Janet Reno to set up an independent prosecutor to investigate this campaign finance problem. She steadfastly refused to do so, although she did in a lot of other cases.

The employees of the Department of Justice are answerable to the Attorney General, who holds her office at the pleasure of the President of the United States. She can be removed at any moment by the President of the United States. She decided she would hold onto that case. She would not give it up, and she assured us that they would effectively prosecute it; they would get to the bottom of it and crack down on these illegal contributions from foreign governments, mainly believed to be the People's Republic of China, a Communist nation, and a significant competitor of the United States, while they were stealing our secrets at the same time from our laboratories.

This is a serious matter. She would not give it up. She said she would do a good job with it, and they took the case and investigated it. Her underlings met with John Huang's lawyers in Los Angeles, and they discussed the case and the disposition of it.

I was a Federal prosecutor for 15 years. I have some experience. I have been here for 3 years, but most of my career was as a Federal prosecutor.

So they have this meeting and they reach a plea agreement. I have a copy of the plea agreement. They had a plea agreement and presented it to the judge.

I tell you, a judge is not required to accept a plea agreement under the law, and I can document that entirely. A judge is not required to accept a plea agreement presented to him by a prosecutor. It is common knowledge and everyday practice. You present a plea to the judge. By accepting it, he accepts the guilty plea of that defendant. If he rejects it, he doesn't take the plea.

What did the plea agreement say about that particular issue? They said: Oh, you know, the judge is just a victim of the prosecutor. He is just bound by them.

I am telling you that a judge is a force. A Federal judge to a Federal prosecutor is a force. What he says or she says goes. They can demand all kinds of things before they take a plea, and they should demand all kinds of things before they take a plea.

For those who think the judge had no authority, I will read the exact language between John Huang and the Clinton Department of Justice prosecutors.

> Paragraph 15: This agreement is not binding on the court. The United States and you understand that the court retains complete discretion to accept or reject the agreed-upon disposition as provided for in paragraph 15(f) of its agreement. If the court does not accept the recommended sentence, this agreement will be void, you will be free to withdraw your plea of guilty. If you do withdraw the plea, all that you have said and done in the course of leading to this plea cannot be used against you.
>
> In addition, should the court reject this agreement, and should you, therefore, withdraw your guilty plea, the United States agrees it will dismiss the information, the charge, that is brought against you, without prejudice to the United States right to indict you on charges contained in the information and any other appropriate charges.

This is basic. They go to the court and plead guilty. The judge does a pre-sentence report, as the Senator from Vermont said. A judge ought to be impeached if they don't do a pre-sentence report on a case such as this. That is routine. A pre-sentence report is made, which has not been made part of the record. There was a plea on what is called an information, not an indictment.

That means the case was not presented to a grand jury of 24 citizens to have them vote on what charges should be brought against John Huang.

Remember, the investigation began out of the charges of $1.6 million to the 1996 Democratic National Committee to benefit the Clinton-Gore campaign.

Some say: JEFF, you are just playing politics. You want to talk about campaign finance reform.

I am talking about the judge who took the plea on the man who was a central figure in the gathering of this money from a Communist nation. This is serious business. We ought not to treat this lightly.

Any judge who had already been nominated by this President for a higher Federal court position, I believe, should have realized the significance of the position he was in and conducted himself with a particularly high level of scrutiny. It was produced after this plea agreement was signed between the prosecutor and John Huang and his attorneys. They produced an agreed-upon charge—not an indictment because it wasn't a grand jury; it is called an information. It is written by the prosecutor, saying: The United States charges.

They did this, and presumably filed the case on the docket. In some fashion, the case went to Judge Paez. Out of 34 judges, this case goes to the Judge who is already being nominated by the President for another high court position. I know we have a clerk who has written a letter, but clerks get their fannies in trouble if they don't say those kinds of things. I don't know how this case got to him. I would like to have that clerk under oath for about an hour, and I will know after that whether or not it was handled in a legitimate way. That is what I believe. This little one- or two-line statement doesn't say a lot that satisfies me. I have seen many of those statements. The President submitted a many affidavits saying, "I didn't do anything wrong" in his civil cases. We learned later that he did do some things wrong.

It is curious to me that Judge Paez had drawn the other significant campaign finance reform case for the Democratic National Committee in the Clinton-Gore campaign. That was a Maria Hsia case. Maria Hsia is the one laundered the money through the Buddhist nuns for the campaign. He got both of those cases. That is a pretty high number. I would like to see a mathematical calculation of the chances of the two most prominent campaign finance reform cases both falling to 1 judge out of 34 judges in Los Angeles, California. I don't know how it happened. Maybe there is a good explanation. If there is, I am pleased to accept it.

I have been in courts and my experience is, and this is the reason I am concerned, usually in Federal courts, if there are 50 indictments returned by grand jury, they go on some sort of "wheel" and are randomly assigned. Cases that proceed on information by a prosecutor do not move through a grand jury. They move through the system in a different direction and do not always go on random selection.

Years ago, I remember when we would take the case to whatever judge was available. If a defendant wanted to plead guilty and we were satisfied, we called the judge and said: Judge, can you take the plea this afternoon at 4 o'clock? He would say, OK, or we would find another judge.

It is much more possible there is "judge shopping" on a plea to an information than on an indictment returned by a grand jury.

I think we ought to know this before we vote on a lifetime appointee. I wish it had been discovered sooner.

This is not an individual member of a law firm who had his practice disrupted. He is now a sitting Federal judge with a lifetime appointment. If he is not confirmed by this Senate, he will still be a Federal judge. He was previously confirmed by this Senate to be a Federal judge for the district court. I submit it is not too much to ask for a few weeks, 2 or 3 weeks, to have the matter cleared up. It has been 4 years; what is 3 more weeks to get the matter settled? That is what we ought to do if we want to do our duty.

I believe the evidence shows with some clarity why I believe the judge's actions at a minimum did not meet standards required of him.

There has been a lot of talk from those who defend Judge Paez. They say he is a victim of the prosecutor. Prosecutors have to take the pleas. It is routine to take the pleas.

This was not routine, No. 1.

Then they say the prosecutors were not doing their job. The prosecutors didn't tell him everything. He could not know everything.

We have examined the portions of the sentencing record we have been able to obtain, and we know at least some of those facts of which he was aware. I will analyze, based on the record, what he knew and what the sentencing guidelines require in terms of a sentence. I think I will demonstrate to the satisfaction of any fair observer that the judge did not follow the sentencing guidelines effectively. He found a lower level of wrongdoing than he should have. That level of wrongdoing allowed him to issue a light sentence instead of a sentence in jail.

I take very seriously the sentencing guidelines that were passed by this Congress a number of years ago. In the early 1980s, I was a U.S. attorney, a Federal prosecutor. The whole world held its breath when the U.S. Congress eliminated parole. It said to Federal judges: We are tired of one Federal judge giving 25 years for bank robbery and another giving probation for the same bank robbery offense. We don't want one judge who doesn't like drug cases giving everyone probation and another judge hanging an individual for minor amounts.

We are going to have guidelines. They passed detailed guidelines, and say the range would be 26 to 30 years. If the judge desired, he would give the lowest sentence allowed, 26; if he desired, he could give an individual 30.

The guidelines mandated and controlled sentencing. It was designed out of concern that there had been racial disparity. It was designed out of concern about an individual judge's predilictions to be soft or tough, and tried to create a uniform sentencing policy.

We held our breath. We didn't know if judges got their back up. They didn't like that. They had complete discretion before. They fussed. We wondered if they would follow. They did follow it. The courts of appeals and the Supreme Court directed them to follow. If they didn't follow guidelines, they reversed the sentences and sent the case back, saying: Follow these sentencing guidelines.

Even if we don't like them, they were passed by the elected Representatives of America in Congress. We, as judges, have to abide by those guidelines.

That is the basic point on that.

The plea agreement was stunning, in my view. And the information that was filed for the case was very troubling to me. We have a national matter involving the very integrity of the Presidential election by the infusion of large sums of illegal cash. It made national news, TV, radio, magazines, newspapers. What do the Department of Justice prosecutors do? Where do we charge John Huang with this fundamental violation of the 1996 election? Is that what he pled guilty to, in this information and plea agreement? I have it right here. He did not plead to one dime of illegal contributions to the Clinton-Gore Democratic National Committee campaign in 1996. His plea was to a $5,000 and a $2,500 campaign contribution to the Michael Woo for Mayor Campaign Committee in Los Angeles. That is what he pled guilty to. That is all he pled guilty to.

What did the prosecutor recommend? He recommended a nonincarcerated sentence of 1 year probation, no jail time, don't go to the Bastille, don't get locked up, don't serve time in jail for one of the biggest intrusions of illegal cash in the history of American political life. Plead guilty to a violation in a mayor's race. Don't discuss the matter of the Presidential election; it might embarrass the boss of the prosecutor who is handling the case.

This is raw stuff. It goes to the absolute core of justice in America. As U.S. attorney in Mobile, I prosecuted friends of mine, classmates of mine, business people I knew in the community, and drug dealers galore because I swore an oath we would have "equal justice under law." It is on the Supreme Court, right across this street. Go look at it: "Equal Justice Under Law."

I assure you that, this very day in Los Angeles, CA, 25-year-old crack cocaine dealers are getting sentenced to 20 to 25 years in jail; some, life without parole. I was involved in a cocaine smuggling case. Five guys from Cleveland or somewhere brought in 1,500 pounds of cocaine, and the five of them got life without parole the same day because the Federal sentencing guidelines are tough on drug dealers. And they have tough provisions for corruption cases. But what did he get? He got 1 year probation and a $10,000 fine.

Do you think Mr. Riady would be glad to pay that fine? Do you think the Lippo Group could afford to pay a $10,000 fine for their buddy Johnny Huang? He testified. They said, you need to get at the bigger fish, and they did this because John Huang agreed to testify. Against whom did he testify? Did he provide important information? That is what prosecutors have to ask themselves. They had apparently debriefed him at the time of his plea and gotten him to tell what he knew and what he was going to cooperate about.

Who was the big fish? Who was the big fish that this great team of prosecutors agreed to prosecute? It was Maria Hsia. That is the only person, to my knowledge, John Huang has ever testified against. From what I hear, it was a pretty weak bit of testimony in a recent case in Washington. So they plea-bargained with John Huang, the big fish, and ended up getting testimony against some little fish.

What happens to Maria Hsia, the lady who raised all that laundered money at the Buddhist temple for Vice President GORE, the President of this Senate, when he chooses to be, there raising the money? She got convicted on five counts, allowing her to be sentenced for up to 25 years in jail.

It has always been curious to me why they did not try that case in Los Angeles, which would have been a much more favorable forum, according to most experts, than here in Washington. They brought it up here. Many say the Department of Justice was shocked they got a conviction, but they got a conviction. So now we have John Huang who raised $1.6 million, who pled guilty to a piddling mayor's race case and got 1 year probation, testifying against Maria Hsia, who, in my view, would be less culpable than he. She is subjected to up to 25 years in jail.

I am not talking just about politics. I love the Department of Justice. I spent over 15 years of my career in the Department of Justice. I love the ideals of the Department of Justice. When they sentence young people to jail for long periods of time, any prosecutor, any judge who does not have a moral commitment of the most basic kind to ensure that when people in suits and ties who have a lot of money commit crimes, they serve their time, is not much of a judge or prosecutor, in my view. They are not worthy to carry the badge.

What else did they do in this great prosecution that Janet Reno held onto? I was stunned. He was given transactional immunity. Listen to page 3 of the prosecutor's agreement that the judge approved. Not only did they not indict him for the $1.6 million or any of those funds, they gave him absolute immunity. Look at the language. This is the agreement, the contract between the prosecutor and Huang:

> The United States will not prosecute you for any other violations of Federal law other than those laws relating to national security or espionage, occurring before the date this agreement is signed by you.

That is a very dangerous plea agreement. I always warned my assistant U.S. attorneys not to sign those kinds of agreements. Under this agreement, had John Huang committed overt bribery, had it been proven he walked into the Oval Office, as I think he did on a number of occasions, and met the President of the United States and gave him $1 million cash for some bribe, he could never be prosecuted for that. He had complete immunity once this plea agreement was accepted. If he had committed a murder, he had complete immunity under Federal law based on this agreement. If he brought in drugs from the East, he would have been given complete immunity and could not be prosecuted for it.

He was given a sweetheart deal, a year probation and a $10,000 fine. That is not worthy of justice in America, I submit. It is a pitiful example of prosecuting, a debasement of justice. It is wrong, not right, not according to ideals and standards. I am stunned reading this document.

How did they do it? These Federal Sentencing Guidelines contain some pretty tough stuff. How did they wiggle this thing down to get a probation deal? Let's see. I have the document here. We looked at it. We looked at the factors in this kind of case, including the evidence the judge had, according to the transcript of sentencing. There is probably more evidence than this he could have considered, but we know that the judge was given these facts.

The judge started out with a base level of 6. That is the basic sentencing level for this type of fraud or deceit activity. I do not disagree with that. The prosecutors recommended a number of things, and the judge agreed. They recommended only a four-level departure downward for his cooperation. Apparently, the prosecutors felt the level of cooperation rendered by John Huang was not that significant. They asked for a four-level downward departure.

In addition, he had to then deal with the factors that would require an upward raising from level 6.

The judge found more than minimal planning. He upped it two. Certainly there was more than minimal planning in this deal to raise the money, even for the race in Los Angeles. It was 100-something thousand dollars—$156,000, I believe, for the total—even though he pled guilty specifically to $7,500. They gave him that sentencing and some other increases and decreases and adjustments.

I will go over several on which I believe the judge was clearly wrong.

In the facts before Judge Paez, I believe the evidence was clear that a substantial part of this fraudulent scheme was committed outside the United States. Indeed, the money came from outside the United States. That is what was illegal about it.

In the facts, the prosecutor said in the very information itself:

> In 1992—

This is about the mayor's race—

> . . . defendant Huang and other Lippo Group executives, entered into an arrangement by which (1) Huang and others would identify individuals and entities associated with Lippo Group that were eligible to contribute to various political committees.

They would find some people who were not identified as foreign and identify them. That is the first step.

The second step, according to the Justice Department prosecutors, was:

> Huang would solicit the Contributors to make contributions to various political campaign committees.

Huang would find buddies at Lippo, and say: You are eligible to give; you give this money. And he would solicit them to give the money.

No. 3, the illegal part:

> Lippo Group—

A foreign corporation out of Jakarta, Indonesia, with direct connections to Communist China.

> Lippo Group would reimburse the Contributors for their contributions.

Do my colleagues see what that is? It is the classic launder. Lippo Group cannot give a contribution, so they take one of their employees, Huang, and get him to identify some people who can, and then reimburse him for the contributions. That is specifically provided for in the Federal election campaign law, and it is illegal. Wrong. No-no. You cannot do that.

Did some of this involve out-of-the-United States activities? Yes. Under the Federal guidelines, a judge is required to add two levels to the sentencing for that. Did Judge Paez do that? No, he ignored that provision of the sentencing guideline. He had that information because it was in the charge brought against Huang to which Huang admitted and pled guilty.

By the way, apparently the pattern of the contributions to the mayor's race was exactly the same as they used in the Presidential race: At least 24 illegal contributions spread out over a course of 2 years involving multiple U.S. and overseas corporate entities of which John Huang was responsible for soliciting and reimbursing the illegal contributions.

Those are the facts that were before the court. Judge Paez had that information.

Under the normal reading of the sentencing guidelines, that would have added between two and four levels because he would have been acting as an organizer or manager in this criminal activity. He clearly was. He was the hub of it. He was the organizer, the manager, and manipulator of it all. He was the one doing the dirty work to put it together. What did Judge Paez do? He ignored that and did not increase it one level for being an organizer and manager. I believe he clearly was required to do so if he were following the law that was mandated from this Congress.

These were the facts before the court.

No. 3: John Huang was an officer and director of various corporate entities involved in this case and also was director and vice chairman of a Lippo bank.

According to the guidelines, if a person commits a crime, and at the time of committing that crime, abuses "a position of public or private trust," such as a director of a bank—we have that all the time. Bankers are being sentenced, directors are being sentenced, and they have their sentence enhanced because if they are an officer of a bank, the court holds them to a higher standard and they get more time than a teller would get for a similar crime.

For abusing "a position of public or private trust . . . in a manner that significantly facilitated the commission or concealment of the offense," as section 3B1.3, add two levels. Did the judge do that? No; no increase in levels.

When it all settled, Judge Paez was able to do what the prosecutors wanted. He helped them out. He bent the rules. He ignored the rules. He violated the rules. And what level of offense did he find? He found level 8.

Why is that important? Level 8 calls for a sentence of from zero to 6 months. A judge can give zero or as high as 6 months. That is the only range if he finds this level. If it had been level 9, zero would not be in the chart. It would not fit. If it was level 9, he would have had to serve time in jail. If it would have added up to, as I think it should have, at least to eight more levels, he would have faced from 12 to 30 months in the slammer, where he ought to be. That would be a good deal for him because that does not include the $1.6 million he raised in the Presidential campaign.

I do not know how in America we have become so blase. We have been so beaten down and so overwhelmed with manipulation of lawsuits and courts that I do not think we realize what is happening in this country. I am amazed there was not an absolute outrage by the people who were following this case over this plea. Maybe they thought he really was going to blow the whistle on somebody. Maybe they thought he was going to blow the whistle on the chairman of the Democratic Party or the Vice President or the President or the chairman of the campaign committee or some big fish. Maybe they thought this was not such a bad idea because certainly the prosecutors would not give away the case to get some piddling testimony against Maria Hsia. They probably did not need his testimony against her anyway.

I do not know about this. We need a hearing with Judge Paez. Having sentenced young people to jail with no background, no money, bad homes, dealing in drugs, how can he send them off to jail regularly and not send this guy in a suit and tie connected to one of the most wealthy enterprises in the world, the Lippo Group out of Indonesia, connected to Communist China, to jail? Why didn't he see fit to do anything about that? Did it have anything to do with the fact the President of the United States had nominated him already for the Ninth Circuit Court of Appeals?

That is a troubling thought. He is entitled to have a day's hearing on it, be asked about it, and defend what he did. My analysis is this is not good.

Further, in my practice before Federal judges, they were not at all worried about prosecutors. If I had walked into the Southern District of Alabama, before any of the Federal judges in that district—basically, good, solid judges, not political, not out to befriend any political entity—and said, "In our plea agreement, judge, he is going to plead guilty to contributing to the race of the mayor of Mobile; we are going to give him immunity for all these other charges", I do not believe I would have the guts to walk in that courtroom.

That judge would say: Counsel, I am reading in the New York Times this man gave $1.6 million to the President's race. You have him plead guilty to contributing to the mayor's race, and you give him immunity for that plea? You want me to accept that plea? You are going to have to convince me. Show me.

None of that happened. He did not question this plea a bit. He facilitated this coverup because he accepted all their accounting measures which manipulated the guidelines so he could get the sweetheart deal of probation. That is wrong. That is not good. I am troubled by it.

I wish I realized this had happened and that we would have slowed down the hearings when they came up so we could have gotten into it. I wish I had. I do not supervise the staff of the Judiciary Committee who does most of the background work. They do a great job. Somehow it just did not get into our brains that this was a problem.

The more I investigate, looking in recent weeks at the actual documents from the court, and the more I read about this agreement and the sentencing guideline violations, the more this matter is stunning to me. I do not like it. I believe it is potentially an abuse of justice in America. If that is so, and it was done to protect a political party, or a Presidential candidate, or a Vice President, then why should we reward this judge with an elevation to a higher court by this very President who was protected? Why should we do that? I do not think it is a good idea.

In our committee, it was a 10-8 vote that reported out this nomination. Eight members of the committee, based on the judge's own judicial activist views, opposed this nomination. That was before we focused on this at all. I am concerned about that.

I wrestled with how to debate this procedurally. I have not agreed with some of my distinguished colleagues that we ought to conduct a filibuster. I just do not like that. I know Senator LEAHY talked about distinguished jurists and all. He did not have any hesitation to oppose Judge Bork, an extremely brilliant person, for the Supreme Court, but he did not filibuster that nomination. We took the vote. He fought it as hard as he could, but he did not filibuster it.

I am not one who thinks we need to get into filibustering these nominations. He would be 1 of 28 judges. It would be unfortunate to move us farther to the left in the Ninth Circuit and make it even harder to get back to the mainstream.

We ought to recognize he is a sitting Federal judge; he gets a paycheck every week. The difference in pay for a district judge and a circuit judge is not much, frankly; he would hardly miss the money. I think we ought to take a few weeks here and get into this. Let's have a hearing on it.

MOTION TO INDEFINITELY POSTPONE

Mr. President, I move, in a postcloture environment, to postpone indefinitely the nomination of Richard Paez in order for this body to get the answers I believe every Senator deserves with regard to the concerns I have raised about Judge Paez over the last several days. It is not in order for me to move to postpone to a time certain, according to our parliamentary and Senate rules, or I would do so.

Personally, I think 3 weeks, unless there is some complication, would be more than enough time to have a good hearing. I am willing to vote; if he is confirmed, fine. If he has good answers for all this, fine.

The PRESIDING OFFICER. The motion is debatable.

Mr. SESSIONS. Mr. President, I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second at the moment.

Mr. SESSIONS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. SESSIONS. I thank the Chair, and I thank the Senator from Vermont, the distinguished ranking member of the Judiciary Committee, who has always played a big role in these issues and is an outstanding advocate. If I ever got into trouble, I would like him to represent me.

I think that is what we should do. That is the purpose of my motion. In a prompt evaluation of this matter, the public and this country are entitled to know about it, because, remember, once that confirmation is concluded, there is absolutely no other action this or any other body in the United States can take against any judge—in this case, Judge Paez—short of impeaching him for a criminal act.

We ought to consider that and take our time here in a few more weeks to settle this matter. We will feel better about ourselves. Perhaps the judge will have an answer. He certainly has a number of friends. He has a good family.

I believe his deficiencies for the position revolve around an honestly held political philosophy that I do not agree with—judicial activism. That is the main basis for opposing his nomination. But I am very troubled by the case I cited because I do not understand how it could have been disposed of in the way it was. I believe the judge should have blown the whistle on this with a proper plea bargain. It was not done. I would like to have him have an opportunity to explain why.

I yield the floor.

Mr. SMITH of New Hampshire. Mr. President, a parliamentary inquiry: As I understand it, the debate continues, and at the completion of the debate, there will be a vote on Senator SESSIONS' motion, and a debate on Paez and then Berzon—or is it Berzon and then Paez?

The PRESIDING OFFICER (Mr. L. CHAFEE). If the motion fails, then there would be a vote on the Paez nomination.

Mr. SMITH of New Hampshire. That is the order? It is Berzon, Paez, or the other way around?

The PRESIDING OFFICER. Berzon and Paez, Berzon first.

Mr. SMITH of New Hampshire. So there will be a vote, then, on Berzon and, after that, there will be the Sessions motion. And then, if that does not prevail, a vote on Paez?

The PRESIDING OFFICER. That is correct.

Mr. SMITH of New Hampshire. I thank the Chair.

As we continue this debate, I refer back to the Ninth Circuit chart behind me. This is a situation where we see, again, nearly 90 percent of the Ninth Circuit cases have been reversed by the Supreme Court. I have had this chart up all morning because I think that is a very significant number, to say the least.

Earlier in the debate, my colleague, Senator REID, made the argument that oftentimes we have higher numbers, as much as 100-percent reversal, with some of the circuit courts. He is correct. But what he did not say is that sometimes the reversals are one or two cases. For example, he said there were several times when the First and the Second Circuits were reversed 100 percent of the time. He is right. In the two cases he cited, one was when there was only one case, another was when there were six. Several of them were in the D.C. Circuit, the Federal Circuit, and others, a 100-percent overturn rate. The 100-percent overturn rate was based on one case.

What we are talking about here in the Ninth Circuit is, in 1996 and 1997, 27 of 28 cases overturned, a 96-percent overturn ratio. I think it is very important to understand what we are talking about. This is not 100 percent based on one case or two cases; this is based on 27 of 28 cases in 1996 and 1997. In the 1997–98 term of the Ninth Circuit, 13 of 17 were reversed, for a 76-percent rate. Then again, the Senator from Nevada referred to some other circuits that year. Of course, the Eleventh had two overturned out of two, for 100 percent. So it is pretty misleading to suggest that 90 percent is very common in overturning these circuit cases because there are higher percentages in other cases when, again, it is based on 1 or 2 cases, not on 27 or 28, as it was in 1996–97. It is based on 13 out of 17 in 1997–98. As of June 1999, it was 14 out of 18, for a total of 78 percent.

Yes, wherever you see a 100-percent overturn ratio, it is usually almost exclusively one or two cases at the most. Those are very dramatic and significant statistics.

I think what we have here is a situation where we have a rogue circuit that is basically way out of the mainstream of American political thought. Now we are putting two more judges on that court who—I think it is pretty obvious based on the information we have heard—are going to add to that out-of-the-mainstream majority.

Let us look at specifically each of these judges. Richard Paez is one of the nominees we are considering. It is no secret I am opposed to that nomination. In general, I oppose nominees who are judicial activists. I don't think judicial activism is what the Constitution or the Founding Fathers meant. I don't think they meant judicial activism on the right, and I don't think they meant judicial activism on the left.

I think what they meant is, interpret the Constitution, don't legislate from the bench, and uphold the Constitution as it was written. That is what they meant. That is not what we have gotten from many, certainly not from these two judges, and it is certainly not what we have gotten from several other judges who were put on the bench over the years.

In 1981, Richard Paez became Los Angeles Municipal Court judge, where he served until 1994. Since then, he has served as a U.S. district judge for the Central District of California. We can go back through a lot of cases; we have done a lot of research. If we go back to Prop. 187 and Prop. 209 in California, Proposition 187 was the California initiative to limit public assistance to illegal immigrants, and Proposition 209 was the California initiative to end State-run racial preference programs.

In 1995, Judge Paez spoke to the University of California at Berkeley Law School. This is what he said:

> The Latino community has for some time now faced heightened discrimination and hostility which came to a head with prop 187. The proposed anti-civil rights initiative will inflame the issues all over again without contributing to any serious discussion of our differences and similarities or ways to ensure equal opportunity for all.

Here we have a sitting Federal judge. He has his right to his opinion. We all do. But he is a sitting Federal judge talking about a California ballot initiative that was likely the subject of litigation. Why is he taking that position publicly on that particular proposition? The answer is simple: Because he has an agenda. Those comments were inappropriate for a Federal judge because his agenda is that he didn't like Prop. 187. So, therefore, he said so.

I think we all know—I have heard judge after judge after judge after judge come before the Judiciary Committee and, much to my consternation and frustration in trying to find out their philosophy, not answer questions about any case that might be pending or be before them. As frustrating as it is not to get an answer, that is correct. I don't think a sitting judge should be doing this. I think that issue alone on that one statement is enough to reject this nominee, just on that.

Again, Proposition 187 later became California Proposition 209, and it passed. And Proposition 209 ended affirmative action in California State programs. Paez should know that the Judicial Code of Conduct prohibits him from comments that cast any doubt on his capacity to decide this case or any case on an impartial basis. So he went over the line on an issue that he knew was going to come before him or certainly was reasonable to assume was going to come before him.

Is there any doubt about how Judge Paez would now rule on any California proposition that affects affirmative action? Regardless of how one feels about affirmative action, that is not the issue here. We now know how he feels. He has already told us. So I don't know how he gives us a fair decision when he has already said what his decision is.

He did say he was an activist judge in his own words, even though some on the floor have said he is not. I will repeat this again. He said:

> I appreciate the need for courts to act when they must when the issue has been generated as a result of the failure of the political process to resolve a certain political question. There is no choice but for the

courts to resolve a question that perhaps ideally and preferably should be resolved through the legislative process.

In the Constitution, it doesn't say "ideally" and "preferably" in terms of the legislative process. If you can find that in the Constitution somewhere, that it says ideally and preferably the legislature should pass the laws, ideally and preferably the executive branch should enforce the laws, or ideally and preferably the judicial branch should interpret the laws—it doesn't say any of that. There is a very clear distinction in the Constitution: Three separate but equal branches of the United States Government.

It is very clear who is supposed to legislate, who is supposed to write the laws. It is not the Supreme Court. It is not the circuit court. It is not the district court. It is not any Federal court. We have a Federal judge talking about a California ballot initiative that was likely the subject of litigation. I think that is inappropriate.

Now, again, let's go back to another example. This was a decision rendered by Judge Paez in the case of John Doe I v. Unocal in March of 1997. I will read an excerpt from a letter that the U.S. Chamber of Commerce sent to me Monday, March 6, about Judge Paez. I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA,
Washington, DC, March 6, 2000.

Hon. ROBERT SMITH,
U.S. Senate, Washington, DC.

DEAR SENATOR SMITH: I am writing to inform you of the U.S. Chamber's opposition to the nomination of Richard A. Paez to the U.S. Court of Appeals for the Ninth Circuit. Our opposition to this nomination rests principally on a decision rendered by *Judge Paez in John Doe I v. Unocal* (hereafter, *Unocal*) in March of 1997.

Judge Paez' decision in the *Unocal* case suggests that U.S. companies conducting business in a foreign country may be held liable for the actions of that foreign government or the actions of any business enterprise owned by the foreign government. Aside from the constitutional question of whether it is appropriate for the courts to pursue their own foreign policy agendas; the Paez decision has the potential to cause significant disruption in U.S. and world markets.

Although the decision in the *Unocal* case dealt with a pretrial motion to dismiss and is currently on appeal, we view it as a serious threat to international commerce. Moreover, the *Unocal* decision represents a dangerous and unconstitutional intrusion by the courts into the formulation and implementation of U.S. foreign policy—a prerogative that rests solely with the Congress and the Executive Office.

As you know, improving the ability of American business to compete in the global marketplace is a top priority of the U.S. Chamber of Commerce. As part of our efforts to advance free trade, the Chamber's legal arm—the National Chamber Litigation Center—has challenged similar attempts by state and local governments to impose unilateral economic trade sanctions. Recently, the United States Court of Appeals for the First Circuit upheld a challenge supported by the National Chamber Litigation Center to the so-called Massachusetts Burma Law, which imposed sanctions on companies doing business with Burma (Myanmar).

Mr. SMITH of New Hampshire. Mr. President, I am quoting a couple of paragraphs from the letter from Mr. Bruce Josten of the U.S. Chamber:

> DEAR SENATOR SMITH:
>
> I am writing to inform you of the Chamber's opposition to the nomination of Richard A. Paez to the U.S. Court of Appeals for the Ninth Circuit. Our opposition to this nomination rests principally on a decision rendered by Judge Paez in John Doe I v. Unocal in March of 1997.
>
> Judge Paez's decision in the Unocal case suggests that U.S. companies conducting business in a foreign country may be held liable for the actions of that foreign government, or the actions of any business enterprise owned by the foreign government. Aside from the constitutional question of whether it is appropriate for the courts to pursue their own foreign policy agendas, the Paez decision has the potential to cause significant disruption in U.S. and world markets.

The next paragraph:

> Although the decision in the Unocal case dealt with a pretrial motion to dismiss and is currently on appeal, we view it as a serious threat to international commerce. Moreover, the Unocal decision represents a dangerous and unconstitutional intrusion by the courts into the formulation and implementation of U.S. foreign policy—a prerogative that rests solely with the Congress and the Executive Office.

You can't say it any more clearly than that. You don't get involved in U.S. foreign policy on the court. This is a prerogative that rests only with the Congress and executive branch.

This man is intelligent, and no one is challenging that. He knows exactly what he is doing. He knows what the Constitution says. We will certainly give him that. He also knows how to implement his agenda as opposed to sticking with the Constitution. That is what we are talking about.

Now, this case is currently before the Supreme Court and we are hopeful, as Bruce Josten says, that the First Circuit Court decision invalidating the Massachusetts law will be upheld.

That is in another case involving the national chamber and another case that is referred to in the letter which will be part of the RECORD. So this is serious business.

I also think this hostility to religion is pretty serious. I want to get into this because this is very disturbing. Again, this is about a judge's views on issues; it is not about the judge personally. I think we see an open hostility to religion.

Mr. President, I want to preface what I am going to say just by saying this: Just to the left of the Chair's left hand is a Bible. In every court, they say we swear to uphold, to tell the truth, the whole truth, nothing but the truth. That Bible is on display for everyone to see here in the Senate Chamber. We swear oaths all the time on Bibles as witnesses. The President of the United States swears on a Bible and takes an oath to uphold the Constitution.

Now, in that framework, I want you to think about what I have just said and then listen to what Paez said. This was in the L.A. Times in 1989 when this case came up. It was a trial of five anti-abortion demonstrators accused of trespassing and conspiracy, and it flared into a dispute over whether the defendants can display their Bibles before prospective jurors. They had Bibles in the courtroom. It says:

> In a rare flash of anger, Los Angeles Municipal Judge Richard A. Paez warned the defendants and their attorneys that he would instruct the court bailiff to confiscate the Bibles if they continued to openly consult or wave them during jury selection.

I want you to think about that. He is going to instruct the bailiff to haul people out—the defendants—if they are sitting there looking at their Bibles during jury selection.

Here is what he said:

> "I don't want them [the bibles] in view of the jurors," Paez said sternly, raising his voice and motioning with his hand. "Don't give me a hard time."

Now, we could go a little bit further:

> Paez, who has said he is determined to prevent the trial from being used as a platform to debate the moral and political issues surrounding abortion, ordered . . . the defendants to refrain from displaying their bibles prominently to the jury box. He had given similar instructions the day before.

But what happened was the defendants refused, challenging the judge to go ahead and hold them in contempt.

Further:

> Co-defendant Michael McMonegle leaped to his feet, asking that the prosecutor be removed from the case.
>
> "She is obviously an anti-Christian bigot," he said loudly. Tensions escalated until Paez recessed for lunch.
>
> The showdown between the judge and defense attorney was averted, however, when [one of the lawyers] did not return for the afternoon session, saying he had to attend another trial in Federal Court.
>
> A calmer Paez told the defendants that, while they may keep the Bible on the counsel table, they must not attempt to "affirmatively communicate" their religious beliefs to potential jurors who are being questioned."
>
> "I don't have a problem with the Bible. I don't care if you have it there (on the table)," Paez said. "My concern is I do not want any attempt to sway the jury. I don't want demonstrative gestures . . . . That is not proper."
>
> Paez said, on the other hand, that he would consider permitting the defendants, some of whom are representing themselves, to quote from the Bible during closing arguments or to carry the book to the witness stand when they testify.

I wonder whether Judge Paez put his hand on the Bible somewhere when he became a judge. What is the big deal?

Are we going to destroy ourselves as a society because a group of defendants want to hold a Bible in their hands when they come into a courtroom? What kind of a judge is this? This is the kind of judge that Bill Clinton is putting on the courts. So when you hear about all this moral decadence and you hear about these problems and you hear about some being outraged by these decisions, why should you be surprised? Your Senators are putting them on the court. That is what is happening. Your Senators are approving these judges.

There is no mystery about this. It is a constitutional process. The President nominates and we approve or disapprove. So don't be surprised, and don't blame it on the President. We can stop him if we don't like them. He has a right to nominate anybody he wants to. We have a right under the Constitution—sometimes we forget that we do—to advise and consent. We are talking about extreme activism here. This is not the mainstream.

How many people in America listening to me now can honestly say they feel there is a threat to our whole constitutional process or to our court system because somebody carries a Bible into the room? Maybe we ought to take it out of here. That will probably be next. Somebody will stand up in here—who knows—and say I don't want to look at that Bible in here. That is what is happening in this country. You wonder why. Read about the Roman Empire and find out what happened to them. Find out where they went. Moral decadence. That is what happened to them. They went down the tubes. Is that what is in the future for America? I certainly hope not. If we keep doing this kind of stuff, it will happen. There are no surprises here. I don't understand why all these judges are doing this. There is nothing to understand. They are put on the bench. Hello, we put them there. The President nominates them and we approve them and on the bench they go. They make decisions not for 10 days, not for 10 years, but for life. You can't throw them off the bench for the decisions they make.

That is just one.

Finally, in the case of the Los Angeles Alliance for Survival of the City of L.A., Paez blocked a city ordinance designed to outlaw aggressive panhandling—Senator SESSIONS spoke about it—claiming that it was facially invalid under California's Constitution. The Supreme Court of California rejected Paez's decision and held that:

> . . . a court should avoid a constitutional interpretation that so severely would constrain the legitimate exercise of government authority in an area where such regulation has long been acknowledged as appropriate.

He is an extreme, liberal activist who is not afraid to say ahead of the time in a matter that comes before his court how he is going to vote. He has done it on occasion after occasion.

Mr. LEAHY. Mr. President, will the Senator yield for a question on the Paez case which he cited?

Mr. SMITH of New Hampshire. Yes; the last one.

Mr. LEAHY. The so-called "panhandling" case. Will the Senator agree, however, that at the time Judge Paez made his decision, there was a Ninth Circuit decision on all fours, which he as a Federal district judge within that circuit was bound to follow, and he and all judges going for confirmation always say they will follow stare decisis, that they will follow the decision?

Is it not a fact that in that particular case he had a decision on all fours from his circuit which he had to follow? And is it not also a fact that the Ninth Circuit then, under a new ruling, submitted it to the California Supreme Court for their own ruling to the California Supreme Court? Because, obviously, you cannot appeal to the California Supreme Court, Judge Paez being a Federal court. But the Ninth Circuit then submitted it under a certification procedure—a new procedure—in California to the California Supreme Court. And then a year or so later, they came down and said the Ninth Circuit's earlier ruling did not interpret California law correctly. They then changed theirs and thus changed the rule Judge Paez had to follow.

Is that not the fact?

Mr. SMITH of New Hampshire. Why was it overturned, reversed on appeal?

Mr. LEAHY. The point is, he has to follow what is in his circuit.

Mr. SMITH of New Hampshire. But it was reversed.

Mr. LEAHY. No. The circuit did. Judge Paez's decision, as I understand it, did not go to the Supreme Court because it couldn't go to the California Supreme Court. The circuit itself then changed their earlier decision, came back to the beginning, and had to follow the new decision, which he very much explained in his confirmation hearing. He said, among other things, that he lives in these neighborhoods; he has concerns himself.

But the point is, just as some Federal judge in my State would have to follow the Second Circuit's decisions, and a Federal judge in the State of New Hampshire would have to follow the First Circuit's decisions, he is caught kind of between a rock and a hard place.

What I am basically saying is, he should have followed his own stare decisis. Yet, if he didn't, then he is an activist judge. This man is damned if he does and damned if he doesn't.

Mr. SMITH of New Hampshire. I think the Senator is making my case that the Ninth Circuit is a rogue circuit which does not really follow the mainstream.

Mr. LEAHY. I notice that the Senator mentioned all the reversals. I think half of those reversals in the last year were decisions written by Reagan appointees and Bush appointees. I don't recall the Senator from New Hampshire or anyone on his side voting against those judges.

Mr. SMITH of New Hampshire. Mr. President, let me briefly discuss the other nominee, Marsha Berzon.

I think we have made a pretty overwhelming and compelling case about the Ninth Circuit itself being out of touch in having almost 90 percent of its cases overturned, as the chart in the back shows. And we are adding two more judges to that court, if they are approved, who are basically going to also, obviously, have cases overturned if they follow along the lines we are talking about.

When I think of all the judges who are qualified, whatever their political philosophy, if they are qualified to be a circuit court judge, why do we pick a judge who opposes having somebody carry a Bible into the courtroom? Because he is afraid somehow that is going to ruin the whole judicial process and somehow threaten the Constitution or the liberties of the United States of America? It doesn't make sense. It really, in my view, says a lot about the nominee.

We have approved many Clinton nominees who have come through this Senate. I voted for a lot of them myself. Some of them went through even without a challenge. But I think when you start talking about people who are this extreme, this is a mistake. I believe it is a mistake we will regret.

I commend my colleague, Senator SESSIONS, for what he has done with the most recent information he brought forth regarding the Maria Hsia case and the John Huang case.

I am going to bring something up that may set a few people off. But I am being told, as I stand here now, that there is a possibility the Vice President of the United States may be called, or has been called, to come to the chair during the vote on the Sessions motion or perhaps on the vote on Paez.

I want you to think for a second about the implications of that. He could be the tie breaker. He could be, in theory, the tie breaker.

Here you have the Vice President of the United States who was a close personal friend of Maria Hsia who shook down Buddhist nuns for money, was prosecuted for it, and convicted. And the judge whom Bill Clinton is trying to put on the court was involved in at least one case—not that one, but one case involving Maria Hsia, which gave her a break, if you will, a lenient sentence, and then in the other case, John Huang, $1.5 million from the Chinese Communist Government into the coffers of this administration, of which Vice President GORE is a part, and he goes in before Judge Paez, supposedly randomly selected, and gives the guy a plea bargain for a $7,500 contribution in the mayoral race in L.A., as Senator SESSIONS has pointed out.

Now the Vice President of the United States is going to sit in the Chair and break a tie for that judge? How far will this administration go to cover up and to be blatant and in your face on what they have done?

If he sits in this Chair today and votes on this nomination, if it should come to a tie, that is an outrage. It is outrageous, and it is an in-your-face outrage that I think the American people are not going to tolerate.

As Senator SESSIONS has so ably pointed out, I don't know whether it was random or not—there were 34 judges who could have gotten those 2 cases, and he got both of them. That is point No. 1.

Point No. 2: If it were random, then perhaps he should have said: You know, Bill Clinton nominated me, and I am before the Senate for a circuit court nomination. Both of these cases involve scandals in the President's administration. I will take a walk on these. Assign them to somebody else. But he didn't do it. He gave lenient punishment after he took them. And we are going to tolerate that by allowing Judge Paez to come in? It is just outrageous. It is just outrageous. Yet it is probably going to happen here on the floor.

I yield the floor.

Mr. THURMOND. Mr. President, I rise to express my opposition to the nominations of Richard Paez and Marsha Berzon for the Ninth Circuit Court of Appeals.

The Ninth Circuit is clearly out of the mainstream of law in this country today. It is clearly the most activist circuit in the Nation. The circuit has been reversed by the Supreme Court in almost 90 percent of the cases that have been considered in the past 6 years. In fact, in the current session of the Supreme Court, the Ninth Circuit's record is zero of seven. These nominees will not correct this problem.

Judge Paez is a self-described liberal. He has made inappropriate comments regarding ballot initiatives that were pending in California at the time he discussed them. I also have questions regarding his sentencing of John Huang. Further, he has made various questionable rulings that call into question whether he understands the limited role of a judge in our system of government. For example, he ruled that a Los Angeles ordinance that prohibited aggressive panhandling was unconstitutional. He prevented the enforcement of a reasonable ordinance enacted by the legislative branch because he said it violated free speech rights. The California Supreme Court later ruled contrary to Judge Paez after the question was submitted to them. This shows a lack of deference to the legislative branch. Also, he made a questionable ruling holding an American corporation liable for human rights violations committed by a foreign government, which prompted the U.S. Chamber of Commerce to oppose his nomination.

I also cannot support the nomination of Marsha Berzon. She has spent much of her career as an attorney for the labor movement, and she has been involved in liberal legal organizations. She served for years on the board of directors of the Northern California ACLU, during which it filed questionable briefs in various cases.

If these nominees are confirmed, I hope they turn out to be sound, mainstream judges and not judicial activists from the left. I hope they will improve the dismal reversal rate of the ninth circuit.

However, we must evaluate judges based on the record before us. I am not convinced that these nominees are a sound addition to the ninth circuit, especially when it is already leaning far to the left. Therefore, I must opposed these nominees.

Mr. KYL. Mr. President, I rise to discuss the nominations of Richard Paez and Marsha Berzon to the Ninth Circuit Court of Appeals. I intend to vote against Judge Paez and for Marsha Berzon. Because these nominations have received a great deal of attention, I would like to briefly explain the reasons for my votes.

I want to begin by briefly discussing the ninth circuit. As a Senator from Arizona (the state which generates more appeals than any other ninth circuit state except California), as a member of the Judiciary Committee, and as someone who practiced law in the ninth circuit for nearly 20 years, I have a keen interest in matters affecting the ninth circuit.

Richard Paez and Marsha Berzon are, of course, nominees to the ninth circuit. I agree with many of my colleagues that nominees to the ninth circuit should be given special scrutiny because of the problems with the circuit.

The ninth circuit has received a great deal of criticism—so much, in fact, that Congress passed bipartisan legislation to require a blue-ribbon commission to study the circuit. See Public Law No. 105–119, section 305(a)(1)(B) and (a)(6). Before both the House and Senate Judiciary Committees, I have testified in detail as to my concerns with the circuit, so I will not go into detail here. I would like to just mention one statistic that speaks volumes: In the past 6 years, the Supreme Court has reversed (often unanimously) the ninth circuit in 86 percent (85 of 99) of the cases it has reviewed. The average reversal rate for courts other than the ninth circuit is about 57 percent. As Justice Scalia commented in a September 9, 1998, letter to Justice White, the chair of the Commission on Structural Alternatives, the Ninth Circuit's "reversal rate has appreciably—sometimes drastically—exceeded the national average."

This is but one small piece in a mountain of evidence that indicates that the ninth circuit is out of the mainstream of American jurisprudence. See, for example, letters to the Commission on Structural Alternatives by Justice Scalia (August 21, 1998), Justice Kennedy (August 17, 1998), and Justice O'Connor (June 23, 1998); Commission on Structural Alternatives, Final Report, December 18, 1998; Review of the Report by the Commission on Structural Alternatives regarding the Ninth Circuit and S. 253, the Ninth Circuit Reorganization Act, hearing before the House Committee on the Judiciary, 106th Congress, 1st Session (July 16, 1999) (statements of ninth circuit Judges Pamela Ann Rymer (member of commission) and Diarmund F. O'Scannlain). It seems clear that the ninth circuit has problems. Even those who oppose dividing or splitting the circuit concede this point. Thus, in my opinion, nominees to this circuit—which is effectively the court of last resort for more than 52 million people—should be given special scrutiny.

The Constitution imposes an important role upon the Senate. In exercising its advice and consent power, the Senate must be vigilant in ensuring that, at a minimum, nominees are of top legal caliber, possess good judgment, have the proper judicial temperament, are of unquestioned integrity and impartiality, and would not abuse the great power of their office—an office they will hold for life.

In this regard, I would like to reiterate the comments that I made before this body 3 years ago, on March 12, 1997.

> Some have attributed the Ninth Circuit reversal rate to the unwieldy size of the bench. Others point to a history of judicial activism, sometimes in pursuit of political results. I suspect there is more than one reason for the problem. Whatever the case, the Senate will need to be especially sensitive to this problem when it provides its advice and consent on nominations to fill court vacancies. The nominees will need to demonstrate exceptional ability and objectivity. The Senate will obviously have an easier time evaluating candidates who have a record on a lower court bench. Such records are often good indications of whether a judge is—or is likely to be—a judicial activist, and whether he or she is frequently reversed. Nominees who do not have a judicial background or who have a more political background may be more difficult to evaluate. . . . [T]he Senate has as much responsibility as the President for those who end up being confirmed. We need to take that responsibility seriously—among other things, to begin the process of reducing the reversal rate of our largest circuit.

I remain quite concerned about the ninth circuit. In the October 1999 term, the U.S. Supreme Court has so far reviewed seven ninth circuit cases and in all seven cases the ninth circuit has been reversed—four times unanimously, twice by a 7–2 margin, and once by a 5–4 vote. If the ninth circuit continues to remain out of step, it will be very hard to continue to give ninth circuit nominees the benefit of the doubt. The risk is too great. The ninth circuit covers nine states and two territories. To have so many subject to a circuit that so often errs should concern us all.

Within this context, the general rule that a President should be given deference in making nominations to the federal judiciary is less relevant to today's nominations.

While Judge Paez is academically qualified, I have reservations about him for a variety of reasons. First, he made what many consider to be inappropriate comments while he was a federal district court judge. In an April 6, 1995 speech at Boalt Hall School of Law in Berkeley, California, Judge Paez said the following:

> The Latino community has, for some time now, faced heightened discrimination and hostility, which came to a head with the passage of proposition 187. The proposed anti-civil rights initiative [Proposition 209] will inflame the issues all over again, without contributing to any serious discussion of our differences and similarities or ways to ensure equal opportunity for all.

Judge Paez was, as I noted above, a sitting federal district court judge when he made this remark, and litigation was pending in Judge Paez' own court, the Central District of California, regarding the constitutionality of Proposition 187. The court had granted a temporary restraining order and had before it a request for a preliminary injunction, which the district court did not rule on until November 1995, 7 months after Judge Paez' speech. As Senator SPENCE ABRAHAM pointed out in a detailed statement before the Senate, Judge Paez' remark seems inconsistent with Canon 4(A)(1) of the Model Code of Judicial Conduct which governs judges' extra-judicial activities. Under that canon, "a judge shall conduct all of the judge's extra-judicial activities so that they do not cast reasonable doubt on the judge's capacity to act impartially as a judge." In discussing Judge Paez' comments in an October 29, 1999, editorial, the Washington Post stated that "[f]or a sitting judge to disparage ballot initiatives that were likely subjects to litigation was inappropriate." And, indeed, the judge appears to have, at least privately, acknowledged this error.

Judge Paez made another troubling comment. On March 26, 1982, in the Los Angeles Daily Journal, he is quoted as making the following statement.

> I appreciate * * * the need of the courts to act when they must, when the issue has been generated as a result of the failure of the political process to resolve a certain political question * * * There's no choice but for the courts to resolve the question that perhaps ideally and preferably should be resolved through the legislative process.

At the time of this statement, Paez was a municipal court judge. In the same article, he commented that "you could characterize my background as liberal."

Judge Paez' supporters have made comments that raise concerns. For example, in an August 13, 1993 Los Angeles Times article, Romana Ripstein, the executive director of the American Civil Liberties Union of Southern California, made the following statement in discussing Paez's nomination to the federal district court: "It's been a while since we've had these kinds of appointments to the federal court. I think it's a welcome change after all the pro-law enforcement people we've seen appointed to the state and federal courts." If this is an accurate portrayal of his predilections, Ms. Ripstein's characterization is troubling. Similarly, in a November 17, 1995, Los Angeles Daily Journal article, trial attorney Steven Yagman commented that "Judge Paez embodies the ideal of the '60's. The Judge is an intelligent, moral person who got power and uses it to do good." Judges are not supposed to use power to do good (especially since that is a subjective term). Judges are supposed to apply the law. That's why we say we are a nation of laws.

Judge Paez also has been criticized for giving—without explaining how he arrived at the sentence—what many consider to be a light sentence to former Representative Jay Kim following Kim's guilty plea for having accepted more than $250,000 in illegal campaign contributions, the largest acknowledge receipt of illegal contributions in congressional history. In the March 10, 1998, Los Angeles Times, Assistant U.S. Attorney Stephen Mansfield said, "The sentence . . . must not be a 'slap on the wrist.' It must not approximate a penalty for 'jaywalking'." The Los Angeles Times also reported that "[o]utside the federal courthouse, prosecutors made it clear that they were disappointed but not stunned by Paez' sentence." On March 12, 1998, Roll Call wrote, "All the evidence—and the fact that Kim received a lighter sentence than his former campaign treasurer—makes Judge Paez' sentence a mere slap on the wrist and makes us think that the Senate Judiciary Committee ought to question whether Paez isn't too soft on criminals to be an appellate judge."

None of these factors would by itself necessarily disqualify a nominee, but taken as a whole they are troubling and lead me to conclude that, on balance, Judge Paez is apt to be an activist rather than a neutral arbiter. As a result, I reluctantly conclude that I cannot support his nomination.

I have concerns about Marsha Berzon. Almost her entire legal experience has been in one narrow field—labor law. According to her Senate Judiciary questionnaire, "more than 95 percent" of her work has been civil. Additionally, she stated that "I have not personally examined or cross-examined a witness in any trial" and that "I have not tried any cases myself, jury or non-jury."

Concerns have been expressed by the National Right to Work Committee and the Chamber of Commerce because of her narrow labor-oriented background. While I share these concerns, I am unaware of credible evidence suggesting that she fails to possess the requisite capability or temperament to serve on the bench. As a result, although I have serious concerns about her nomination, I will support it.

Mr. CRAIG. Mr. President, there are few duties of the Senate more important than the confirmation of nominees to positions on the federal bench.

It is my strong belief that the qualifications of the nominees must be weighed carefully and deliberately, no matter what level of the court system the nominee is supposed to join.

My decision on a judicial nominee's fitness is based on my evaluation of three criteria: character, competence and judicial philosophy—that is, how the nominee views the duty of the court and its scope of authority. This is the original role of the judiciary: neither rubber-stamping legislative decisions, nor overreaching to act as substitute legislators. I have heard from citizens complaining about the harm done by social activists of the bench—harm that may only be reversed by an extraordinary action on the part of the legislative branch, if at all.

It is exactly this aspect of the nomination before us that concerns me. I have reviewed the background materials on Judge Paez, and I cannot ignore the nominee's penchant for imposing his own political vision on the case before him.

Judge Paez has shown, on more than one occasion, his activist judicial philosophy. He was quoted in the Los Angeles Daily Journal as saying: "I appreciate the need of the courts to act when they must, when the issue has been generated as a result of the failure of the political process to resolve a certain political question. . . . There is no choice but for the courts to resolve the question that perhaps ideally and preferably should be resolved through the legislative process."

That is as clear a statement of judicial activism as I have ever heard.

On another occasion, Judge Paez demonstrated that his politics were more important than the appearance of judicial impartiality and independence. In a 1995 speech he attacked California Proposition 187 (to end assistance to illegal immigrants) as anti-Latino "discrimination and hostility" and Proposition 209 (to end racial and gender preferences in California) as anti-civil rights. What strikes me is that, at the time, both propositions were subject of pending litigation. Clearly the Judicial Code of Conduct prohibits a judge from such comments.

Even if these were the only incidents of this kind, they would weigh heavily with me. But Judge Paez' record contains a number of other troubling episodes. In the Los Angeles Alliance for Survival case, Judge Paez ruled that a Los Angeles city ordinance—prohibiting aggressive panhandling at specified public places and passed in response to the death of a young man who refused to give a panhandler 25 cents—was unconstitutional under California's constitution. He affirmed that this law constituted "content-based discrimination" because it applied only to people soliciting money and consequently granted an injunction to prevent it from being enforced. However, apart from Los Angeles where the ordinance has yet to be enforced, the same law has been "peacefully" upheld in other parts of California by other federal judges.

The position expressed by Judge Paez was well out of the mainstream. This became even clearer last week, when the Supreme Court of California, asked by the Ninth Circuit Court of Appeals to rule on the merits of Paez' holding, held that the Los Angeles ordinance was constitutional and valid.

I have also been troubled about the implications and consequences of the Unocal decision issued by Judge Paez in 1997, in which he ruled that American companies can be held liable for human rights abuses committed by the foreign governments or overseas companies owned by the foreign governments with which they do business. This decision leaves open a wide range of issues and has the potential to cause significant consequences in the U.S. and world markets, not to mention U.S. foreign policy.

It is not surprising that the U.S. Chamber of Commerce has expressed its opposition to the nomination of Judge Paez to the U.S. Court of Appeals for the Ninth Circuit, in view of the decision's potential impact on international commerce. At a minimum, Judge Paez pushed the limits of prior law in this ruling—but this decision takes on a great deal more significance in light of his prior statements and other judgments. This is a judge who is ready, willing, and able to act on an opportunity to open new frontiers in the law.

I share the concerns that many of my colleagues have raised about the structure of the ninth circuit itself. It covers 38 percent of the area of the Nation and serves more than 50 million people, 20 million more than any other circuit. It has 28 authorized judgeships, 11 more than any other circuit. I am one of the majority of Senators representing that circuit who believe it should be split.

The ninth circuit remains, as the New York Times labeled it, "the country's most liberal appeals court" and a circuit out of the mainstream of American jurisprudence.

Over the past six years, the Supreme Court has reversed nearly 90 percent of the ninth circuit cases it has reviewed: in 1997-98, the reversal rate was 96 percent (27 out of 28 decisions) and 35 percent of the decisions reviewed by the Supreme Court were from the ninth circuit.

It has been suggested that the ninth circuit has difficulty developing and maintaining coherent and consistent law because, as the size of the unit increases, the opportunities the court's judges have to sit together and to develop a close, continual, collaborative decision making decrease. Of course, this would increase the risk of intracircuit conflicts since judges are unable to monitor each other's decisions and very seldom have the chance to work together.

In any event, my constituents and other citizens in the ninth circuit would hardly be well served by adding yet another liberal judicial activist to the current mix. Whether or not Congress ultimately addresses the circuit's problems by agreeing to the split I am advocating, this Senate should not exacerbate the problems with this ill-advised nomination.

I know the administration must take the best case possible for its nominees, but they cannot expect this Senator to ignore "the other part of the story." Judge Paez' record reflects an eagerness to use his authority to accomplish social change and a disrespect for principles of judicial decision making. In sum, I strongly believe it would be a mistake to advance Judge Paez to the ninth circuit, and I will vote against his confirmation.

Mr. GORTON. Mr. President, the nomination of U.S. District Court Judge Richard Paez to the Ninth Circuit Court is, to put it mildly, controversial. His nomination has now been before the Senate for almost 4 years, a period of time close to a dubious record. He deserves a vote, and at least serious consideration of an affirmative vote, for that reason alone.

The President nominates, and by and with the advice and consent of the Senate, appoints judges to the Federal courts. That constitutional system allows Senators as much latitude to approve or disapprove judicial nominations on the basis of the nominee's judicial and political philosophies as it does to the President in making those nominations. In my view, however, that senatorial prerogative does not extend to rejecting Presidential nominees solely on the ground that a Senator would have chosen someone else. If a nominee clearly falls within a fairly broad philosophical mainstream and is otherwise competent, he or she should probably be confirmed.

In my view, Judge Paez falls within that broad mainstream. I have considered carefully the objections of colleagues whose views I greatly respect. But I have also considered the views of Republicans and conservatives from California and who know Judge Paez best—including Congressman ROGAN. Their views persuade me to vote to confirm Judge Paez to the Ninth Circuit.

The nomination of Marsha Berzon to the Ninth Circuit, however, seems to me to create too great a risk that we are confirming someone for a lifetime appointment to the most influential circuit court in the country, who falls on the far side of the philosophical divide I described in my remarks on Judge Paez. Ms. Berzon has a relatively narrow scope of private practice in a highly ideological field, and has been active and ideological in the expression of her political views. Ms. Berzon also has no judicial experience, and so has no record by which to determine whether her ideological activism will be curtailed once she is on the bench. It certainly is possible that it would be. It is also possible that it will not. Given the concerns of many, including my colleagues on the Judiciary Committee who voted against her confirmation, that the Ninth Circuit already is ideologically unbalanced, I simply am not willing to take this risk. I see no clear reason to consent, in constitutional terms, to her nomination.

Mr. BIDEN. Mr. President, I rise in support of Richard Paez' nomination to the United States Court of Appeals for the Ninth Circuit. And I must say, this vote is long, long overdue. I have heard a lot of talk here on the floor along the lines of hey—this is politics as usual. "Oh when Senator BIDEN was chairman of the Judiciary Committee, we held nominees up all the time."

Let me say this: forget my tenure as chairman of the Judiciary Committee. As far as I know, no judicial nominee in the history of this nation has waited as long as Judge Paez has for a vote. Four years is not even within the ballpark of a reasonable delay.

Judge Paez is a well-respected, experienced jurist. We already confirmed his nomination to the federal district court bench. He has served with distinction for 6 years on the federal district court and for 13 years before that as a municipal court judge in Los Angeles. The American Bar Association has given Judge Paez its highest rating, pronouncing him "well qualified." Judge Paez enjoys broad bipartisan support in his own community, including from law enforcement officials.

Judge Paez is an honorable man, a man of integrity, and a man who has devoted his entire career to service—first, to service to the poor as a committed poverty lawyer, and then to service to the public at large as a state and then federal judge. His record does the President and his supporters proud.

From what I can tell, listening to the debate on the floor, the opposition to Judge Paez boils down to a few main points. First, to some off-hand remarks that he made about the California initiatives that maybe were ill-advised, but I believe may have been misconstrued—but we have already heard this discussed at length on the floor. I think it is a real shame to judge a man's distinguished 19-year record on the bench on the basis of any single remark.

More importantly, though, opponents cite concerns about the allegedly out-of-whack ninth circuit, which detractors like to call a "rogue" court. Aside from the fact that several circuits are reversed as or more often than the ninth circuit, I say this: If you have a problem with the ninth circuit, let's consider whether we should change the ninth circuit. I'm not saying whether we should or that we shouldn't, but there are several proposals out there to restructure the court. Let's debate them.

Why should we punish the millions of people who live in the ninth circuit by depriving them of the judges they need to mete out timely and fair justice? There are six vacancies on the ninth circuit—that is more than 20 percent of the 28 positions authorized for the court. And even more judges are needed to handle that court's heavy case load. All of these vacancies, by the way, are characterized by the Judicial Conference as judicial emergencies.

Let's not take out our differences on the ninth circuit on the people who live there and more importantly for today, let's not take out our differences on this nominee or—for that matter, on Marsha Berzon, another outstanding nominee who we are also voting on today.

The Los Angeles Daily Journal did an in-depth study of the criticisms leveled against Judge Paez and found that they were unfounded. What they concluded was this:

> The portrait that emerged is of a thoughtful, unbiased and even-tempered judge, propelled into the political spotlight, only to be trapped in a seemingly never-ending and bitterly polarized nominations process.

Let us end that nominations process for Judge Paez here and now, and let it end with a vote of support.

Mr. REED. Mr. President, I thank Chairman HATCH and Senator LEAHY for all of the hard work they've put into, and continue to put into, the judicial nomination process.

I also recognize Senator LOTT for making a commitment to bring the Paez and Berzon nominations to the Floor for a vote by March 15, over the protests of certain members of his caucus.

First, a process comment. One of the most important duties of the United States Senate, as envisioned by our founding fathers, is the confirmation of Presidential appointments. Article II, Section 2, of the Constitution states that the President shall nominate and "appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States" with the "Advice and Consent of the Senate." This is one of our enumerated duties in the Constitution, and to my mind, we have egregiously failed to uphold this duty in the case of Judge Richard Paez.

More often than not, nominations move through the Senate the way they're supposed to. However, in this case, the system has broken down. As a result, considerable public attention is being paid to this nomination, especially among members of the Latino community, because the Senate is not doing its job. This is troubling. In regards to nominations, the public rightly expects us to move judiciously and expeditiously and without regard to politics.

No nominee for judicial office should have to wait four years to have his appointment confirmed. Allowing Judge Richard Paez and his family to wait four years for this body to perform its constitutional duty is inexcusable.

Judge Paez has opened up his life and resume for our examination, so that we can make a very important decision about his qualifications for a very important job, lifetime tenure on the United States Ninth Circuit Court of Appeals. This is appropriate. Judge Paez should be subject to serious scrutiny by this body.

But no citizen of this country should have to wait three Congresses for this body to act. Just as he has presented his qualifications to us to the best of his ability, we need to make a decision about these qualifications to the best of our ability in a timely fashion.

In the private sector, how many of us would subject ourselves to the process that Judge Paez has subjected himself in order to be on the Board of Directors or the CEO of one of America's top companies. Most of us would choose not to go through that process at all.

And that is exactly my point, we should not make this process so painful that America's best and brightest attorneys are unwilling to subject themselves or their families to what has become an increasingly unpleasant and distressing process. We should be doing everything that we can to encourage people like Judge Paez to aspire to be members of our judicial branch. This, despite lower pay and greater responsibility than most lawyers have in private practice.

As the Chief Judge of the Ninth Circuit Court of Appeals wrote in a March 2, 2000 letter to Senators HATCH and LEAHY, the Ninth Circuit Court has had a 300% increase in workload with no increase in active judges.

Unfortunately, the Paez and Berson nominations are indicative of a greater systemic breakdown that should be disturbing to both Republicans and Democrats. Even Justice Rehnquist has felt it necessary to comment on the problems being caused by greater federal court workloads, and too few judges.

Second, it's clear that the President has nominated lawyers of extraordinary ability when it comes to Judge Richard Paez and Ms. Marsha Berzon. Both have received the American Bar Associations's highest rating ("well-qualified") and we are fortunate that these individuals have been willing to go through such a grueling federal judicial nomination process thus far.

I ask my colleagues today take their constitutional duty seriously and vote for these nominees on the basis of their objective qualifications, and not on the basis of petty politics. This process is much too important to the citizens of this great democracy to do otherwise.

Mr. MURKOWSKI. Mr. President, I see the Senator from California. I see the majority leader noticeably present on the floor. I am curious to know about the procedure. Are we going to continue?

Mr. SMITH of New Hampshire. Yes. There is a unanimous consent for the majority leader to speak now and, after he finishes, we go back to the debate.

Mr. MURKOWSKI. I wonder, after the majority leader speaks and the Senator from California speaks, if I could be recognized, in that order.

Might I ask the senior Senator from California how long she will speak?

Mrs. FEINSTEIN. I thank the Senator from Alaska. I will yield myself 10 minutes from our manager's time.

Mr. MURKOWSKI. And the leader, of course, will go on for whatever time is necessary. I ask unanimous consent for that time allotment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader is recognized.

Mr. LOTT. Mr. President, what we do today with a vote on these nominations is important. It does matter. I am sure both of these two individuals, Richard Paez and Marsha Berzon, are fine people and are well intentioned in the positions they take, but we are going to vote on them being confirmed to the Ninth Circuit Court of Appeals for life. That is serious.

Yes, the President has a right to make nominations to the Federal bench of his choice. However, we have a role in that process. We should, and we do, take it very seriously. We should not give a man or a woman life tenure if there is some problem with his or her background, whether academically or ethically, or if there is a problem with a series of decisions or positions they have taken.

I certainly don't take this lightly. I would have preferred if these individuals had never been nominated, never been reported out of the Judiciary Committee, and that the situation would not have arisen in which there is this vote on the floor. But after a lot of consultation back and forth with my colleagues, a reasonable case could be made they should at least have a vote on their confirmation one way or the other.

As majority leader, I must make decisions as to the time and manner in which matters are considered. Sometimes my colleagues think it is the right way and the right time; sometimes that is not the case. Once I make a commitment for a vote, I am going to keep that commitment the best I can, keep my word, and go forward.

I have colleagues on my side of the aisle who don't like going forward with this vote. At this time, I think it is appropriate that we have a vote. I urge my colleagues to vote against these two nominees. However, it is time we have the vote, and we will do so today.

Let me discuss why I feel so strongly that these two nominees should not be confirmed. First, it is about the Ninth Circuit Court of Appeals, which is clearly a circuit court of appeals that is out of sync with the mainstream and has been repeatedly reversed by the Supreme Court.

In recent days, I have seen references to the Ninth Circuit as containing "California, Arizona, and a handful of other states." My state is in the Fifth Circuit Court of Appeals, but I would take umbrage if my circuit was referred to as "the circuit that has Texas and other States." But there are only three States in our circuit, the Fifth Circuit.

The Ninth Circuit clearly has a problem. It is too large, it is too unwieldy, and it is not functioning effectively. It is not serving the people of the circuit well, and we must remember that it is not just the "circuit of California, Arizona, and other States." How would someone like to be in the circuit that is referred to that way if one lives in Utah, Nevada, Montana, Idaho, Washington, Oregon, Alaska, Guam, and Hawaii?

We need to do something about this. We have known we needed to do something about it for years, but we haven't done it. Millions of people who live in the States of the Ninth Circuit must submit their disputes to a court that has consistently flouted the statutes and the Constitution of the United States.

It covers 50 million people. Nearly 40 percent of the area of this country is in this one circuit. In the past 6 years, the Ninth Circuit has been reversed by the Supreme Court in 85 out of 99 cases considered, roughly a 90-percent reversal rate. In most classes, that would be rated as an abysmal failure. There is something not right here.

It was bad before the President Clinton appointees were added, and it has gotten worse. In the 1996–1997 term, the Ninth Circuit was reversed 27 out of 28 times, including 17 unanimous reversals. There is something wrong with this circuit.

Let me give some specific examples of the kind of decisions they are entering:

In Washington v. Glucksberg, the Ninth Circuit found a constitutional right to die, a decision reversed unanimously by the Supreme Court;

In Calderon v. Thompson, 1997, the Ninth Circuit blocked an execution based on a procedural device the Supreme Court called a "grave abuse of discretion";

In Mazurek v. Armstrong, 1996, the Ninth Circuit enjoined a Montana law allowing only doctors to perform abortions, only to be reversed once again by the Supreme Court.

I have a long list of decisions from the Ninth Circuit, and I ask unanimous consent I be able to have these lists and other material printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. LOTT. There is a problem with this circuit. It is a circuit that has serious problems with its rulings. It is an extremely liberal circuit, and it will get worse with these two nominees. That is one of the reasons I have been hesitant to bring up the nominees.

Now, let me go to the next point. I hope it won't happen, but I suspect there is going to be somebody in this Chamber, or certainly in the media, who will suggest that the consideration of these nominees has something to do with their race or gender.

These charges are totally false. We don't have a place where we check race or gender when we consider these nominees. It is irrelevant. We had a nominee last year who was defeated in the Senate that turned out to be African American. I am confident at least half the Senators didn't even know that. We didn't talk about that.

In this case, the fact that Judge Paez is Hispanic is not a consideration at all. We need more minorities and women on the courts. Let me make this point so everybody will be aware of it now: Last year, 18 of the 34 judicial nominees confirmed by the Senate, or 53 percent, were women or minorities. By contrast, only 51 percent of President Clinton's nominees were women or minorities. However, I am not going to charge him with some sort of discrimination based on race or gender.

I will have printed for the RECORD a list of some of the statistics showing this Senate is more than willing and desirous of confirming women and minorities of all backgrounds to the courts. Over the past several years, we have confirmed a high percentage from minority groups or women, including a unanimous or near-unanimous confirmation of an Hispanic nominee to the Third Circuit Court of Appeals earlier this week.

While some have expressed concern at the delay in bringing up the nominations we are considering today, it is important to keep in mind that each of these nominees was opposed by almost half of the Members of the Judiciary Committee. This is the committee charged with reviewing the background and qualifications of nominees. Any time so many Members of the Judiciary Committee express this level of concern, this body should proceed with caution.

The charges that race has somehow played a part in the Senate's consideration of these or other nominees is more than false. It demeans the Senate and those making the charges. If the charges are made in a cynical attempt to gain some political advantage, that is even worse. No real or perceived political advantage is worth debasing your own integrity by falsely impugning that of others.

Let me go to the specifics of Judge Paez. Some say: How long must he wait? What will happen? He is on the Federal district court now, so it is not as if he is waiting for employment.

He has a long record and philosophy that is very liberal. That is not disqualifying anymore than we should disqualify somebody because they are conservative. He has a record also of highly questionable rulings and political statements while sitting on the bench. When he was being considered as a judge, for instance, he was quoted as saying:

> The courts must tackle political questions that "perhaps ideally and preferably should be resolved through the legislative process".

That is the point. He believes the courts should be willing to do what is our job, not theirs. That is a fundamental problem.

When he was being nominated to the Federal district bench, no less an arbiter of liberalism than the American Civil Liberties Union considered him a "welcome change after all the pro law enforcement people we have seen appointed."

I think the American people want pro law enforcement people appointed to the bench regardless of their background or any other consideration.

There have been some astounding cases: Judge Paez struck down a Los Angeles antipanhandling ordinance enacted after a panhandler killed a young man over a quarter; he ruled companies doing business overseas can be held liable for human rights abuses committed by foreign governments.

Excuse me? How in the world could he extrapolate anything in the laws of this country or the Constitution that would allow him to make such a decision?

Now we have the situation with John Huang. I do not know what happened there, but it seems to me there is a conflict of interest. The American people need to understand. He somehow or other was selected to be the judge in the John Huang case, and he agreed to a very light plea-bargained sentence at a time, I believe, when his confirmation was still pending, involving a matter where the President of the United States was clearly implicated. There is something not right about that. It does not pass the smell test.

Am I willing now to charge some illegality, or some totally unethical act? No. But we should have done more on this, on that point, before we came to this vote.

Last, but not least, when you are on the bench—I have kidded my friends who are Federal judges about how they ascend to someplace in the sky, never to be heard from again: Retirement to the Federal bench. They laugh. I laugh. But in a way, that is the way it is and that is as it should be. Because when you go on the bench, your political involvement, your personal preferences, should remain private. You should assume the bench and keep your mouth shut until you rule appropriately.

When you have a judge speak out, as Judge Paez did in 1995, for example, and attack two California ballot initiatives while they were still in litigation or potentially the subject of litigation, that is a big problem. The Judicial Code of Conduct prohibits judges, as it should, from comments that "cast reasonable doubt on his capacity to decide impartially, any issue that may come before him," that is a fundamental point.

You cannot, as a Federal judge, make political statements on initiatives on the ballot that bring into question your impartiality in these cases in any way. It is highly inappropriate.

With regard to the nomination of Ms. Berzon, she does not have a record of judicial decisions, having served as a prominent labor lawyer for many years. Clearly, however, her positions are very questionable in terms of how she would rule when she got on the Ninth Circuit Court of Appeals. I think it would be a mistake.

I am particulary troubled by some of the extreme pro-labor positions she has advocated—positions that have been summarily rejected by the Supreme Court.

Some of the questionable positions she has advocated include arguing that new employees, or more junior employees that worked during a strike, must be layed off in favor of more senior employees when the strike is over. She also argued unsuccessfully that unions should be able to prevent members from resigning during a strike.

Finally, her statements on the use of union funds for political activities—or other activities not directly related to union negotiations and bargaining—raise serious questions about her willingness to live within the letter and spirit of the Beck decision.

It is no wonder that the proponents of these nominations ignore the record of the Ninth Circuit and the judicial approach of these nominees. We are told instead of their strong qualifications and personal attributes. I have no doubt that Judge Paez and Ms. Berzon are fine lawyers and are technically competent. My concern is with their judicial philosophies and their likely activism on the court.

Let me go back to my beginning point. This is very serious. We are going to be voting on putting these two individuals on the Ninth Circuit for life. I think the record is clear that they would be activists on the bench.

Judicial activism is a fundamental challenge to our system of government, and it represents a danger that requires constant vigilance. In our tradition and under our laws, we give power not to a specific group of trained experts, but rest our faith in the ability of all Americans, whatever their backgrounds, to participate in their government. Judicial activism robs the people of their role, and undermines the basis of our democracy.

Nowhere is this problem of judicial activism greater than in the Ninth Circuit. And nowhere is it more incumbent upon us as Senators to take seriously our responsibility to restore a proper respect for our system of representative government.

I believe these nominees should not be confirmed. Number 1, because there is a problem with this circuit; No. 2, because, in the case of Judge Paez, of the rulings he has been involved in, many of them of a highly questionable nature; No. 3, in his case, for remarks he has made in the political arena while sitting as a judge on issues that could come before him.

While her public record is not as extensive, the same questions exist for Ms. Berzon, particulary when you look at her positions with regard to the type of issues that may well be coming before the Ninth Circuit, and eventually, before the Supreme Court. There is great doubt about the basis for her confirmation.

While I have kept my word and we will vote on these judges today, I will vote against them both.

EXHIBIT 1

NINTH CIRCUIT REVERSALS BY THE SUPREME COURT

For the period from 1994 through 2000, 85 of the 99 Ninth Circuit cases considered by the Supreme Court were overturned:

1999–2000 7 of 7—100%.

U.S. v. Locke (3/6/00—unanimous)—improper to allow state regulation over oil tankers when area was federally preempted.

Rice v. Cayetano (2/23/00)—improper to uphold Hawaii constitutional provision allowing only certain race to vote.

Roe v. Flores—Warden (2/23/00)—remanded ineffective counsel case.

U.S. v. Martinez-Salazar (1/19/00—unanimous)—improper to throw out conviction when juror was stricken with preemptory challenge after refusal to excuse the juror for cause.

Smith v. Robbins (1/19/00)—improper to strike down California law concerning indigent appeals.

Guiterrez v. Ada (1/19/00—unanimous)—improper statutory interpretation of Guam election law.

Los Angeles Police Department v. United Reporting Pub. Corp. (1/7/99) improper to strike down California law on arrestee information.

1998–1999 13 of 18—72%.
1997–1998 14 of 17—82%.
1996–1997 27 of 28—96%.
1995–1996 10–12—83%.
1994–1995 14 of 17—82%.

RECORD ON CONFIRMING MINORITY AND FEMALE JUDICIAL NOMINEES

President Clinton has touted his record of appointing qualified minority and female nominees to the bench. Since all of these judges received Senate confirmation, the Senate's record must, by definition, mirror the President's. In fact, in 1999, 53% of the nominees confirmed were women and/or minorities, compared to only 51% of Clinton's nominees.

This Congress, over half (21) of the total number (42) of nominees reported out of the Senate Judiciary Committee were either a minority, a female, or both. Similarly, over half (18) of the total number (34) of nominees confirmed were either a minority, a female, or both.[1] Half of the 34 nominations pending in committee are white males. (Statistics as of 2/29/00)

According to the Judiciary Committee, during the first session of the 106th Congress, on average minorities were reported out of committee faster (108 days) than white male candidates (123 days). Similarly, on average minorities were confirmed faster (122 days) than white males (143 days).

Senator Hatch in an Op-Ed to the Washington Post cited a Task Force on Federal Judicial Selection study reporting that the pace of actual confirmations was the same for minorities and non-minorities in 1997–98.

In the Democratic-controlled 102nd Congress, the Senate took 18% longer to confirm minority and female district court nominees than white males. In comparison, the Republican-controlled Senates in 97th, 98th, and 99th Congresses moved female nominees faster than males.

Mr. LEAHY. Mr. President, first, I do thank the distinguished majority leader for keeping the commitment he made to me, to Senator DASCHLE, to the two Senators from California, and others last year to bring these nominations to a vote. I appreciate that. I wish, of course, he would vote for the two nominees, but that is his right.

We keep talking about these reversal rates, the Ninth Circuit being reversed the most. Of course, that is not the case. I will put in the RECORD later on a letter from Chief Judge Hug, who shows a number of circuits that have been reversed far more than the Ninth Circuit.

I will also point out, as I did earlier, about half of the most recent reversals have been on decisions written by appointees of President Reagan and appointees of President Bush. So I would not be blaming President Clinton for this.

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[1] These figures include non-controversial nominees such as Charles Wilson (Eleventh Circuit), Ann Claire Williams (Seventh Circuit), Adalberto Jose Jordan (S.D. Fla.), Carlos Murguia (D. Kan), William Haynes, Jr. (M.D. Tenn.), Victor Marrero (S.D.N.Y.), and George Daniels (S.D.N.Y.), all of whom were confirmed within 7 months of their nomination.

We have heard a great deal about the so-called panhandling decision. The judge had no choice in that matter. He had a case on all fours from his own circuit. As a district judge, he had to follow that decision. Whether he liked it or not, that is what he had to follow. Subsequently, when his own circuit reversed its position on it, then he would have to follow the new position.

Last, I am disturbed to have it suggested that the judge could not tell litigants in a courtroom that they could not wave anything in the face of jurors, whether it is a Bible or a newspaper. I yield to nobody in this body in my defense of the first amendment. I have certainly received more first amendment awards than anybody serving here. I would say also if they were to wave a newspaper and a headline in the face of jurors, a judge could say: No, you can't do that.

That is not freedom of the press. That is not freedom of religion. No judge anywhere is going to allow litigants to wave anything in the face of jurors to influence them, nor to act outside of the regular rules of court, or when you can refer to an item in evidence or not, when you can refer to it in argument.

I just point that out. We continuously attack this man for doing the things he is supposed to do.

I yield to the distinguished Senator from California who seeks 10 minutes, I understand. I yield 10 minutes.

Mrs. FEINSTEIN. Mr. President, I want to take a few minutes as a 7-year member of the Judiciary Committee, to set the record straight on some of the comments that have been made with respect to the Ninth Circuit Court of Appeals. I have heard that circuit called a rogue circuit, out of control, out of sync with the rest of the Nation. All of this is based on statistics for 1 year, 1996–1997, when the Supreme Court reversed that circuit 27 out of 28 times.

The question is, Even in that year, did that place it as the most reversed circuit? The answer is no because even in that year they fell in the middle of the pack. When the Ninth Circuit's reversal rate was 95 percent, it was still less than five other circuits: The Fifth, the Second, the Seventh, D.C., and Federal Circuits all had a 100-percent reversal rate.

You can seek out the Ninth Circuit because it has 9,000 cases on appeal as opposed to a circuit with 1,000 or 1,500 cases. But the record is the record, even in that year, that much maligned year that is the basis of all of these comments.

Let's look at some of the other years. In the 1998–1999 Supreme Court session, the Supreme Court reviewed 18 cases of the Ninth Circuit; 4 were affirmed, 11 were reversed, and 3 had mixed rulings. So only 11 out of 18 cases were outrightly reversed. That is a 61-percent reversal rate.

Is that the worst? No. This is less than the reversal rates for the Third Circuit, 67 percent; the Fifth Circuit, which was reversed 80 percent of the time; and the Seventh Circuit, 80 percent of the time; the Eleventh Circuit, 88 percent; and the Federal Circuit, 75 percent.

In terms of reversals, the Ninth Circuit is not at the bottom of the pack, it is in the middle of the pack.

I think I know why there were newspaper articles. The Ninth Circuit has been made a target by many conservatives who either want to see it split or, in some way, destroyed. That has become very clear to me as a member of the Judiciary Committee as I have watched proposal after proposal surface.

Am I always pleased with the Ninth Circuit? Absolutely not. Do I like all the decisions? Of course not. But the point is, the Ninth Circuit is well within the parameters, and in virtually every year that one can look at reversals, one will see the Ninth Circuit is approximately in the middle of the pack.

The argument is also made that Clinton appointees are making decisions that are being reversed. I have looked at the Ninth Circuit judges who were reversed over the last 3 years by the Supreme Court. Once again I correct the record. On only eight occasions in the last three full Supreme Court terms have Clinton appointees on the Ninth Circuit joined in decisions later reversed by the Supreme Court. At the end of the 1998–1999 term, Clinton appointees were 20 percent of the judges on the Ninth Circuit.

If one wants to compare, compare Clinton appointees with Reagan appointees. Reagan appointees on the Ninth Circuit have been overturned in 30 instances from the 1996–1997 Supreme Court term through the 1998–1999 term. Currently, there are the same number of Reagan appointees on the Ninth Circuit as Clinton appointees.

I have wondered, as I have watched this debate emerge for the last 7 years, why there is this persistent effort to demean, to break up, in some way to destroy this court. I have a hard time fathoming why.

Mr. President, I ask unanimous consent to print in the RECORD a letter from the Chief Judge of the Ninth Circuit Court of Appeals.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED STATES COURTS
FOR THE NINTH CIRCUIT,
Reno, NV, March 1, 2000.

Hon. ORRIN HATCH,
U.S. Senator, Dirksen Senate Office Building, Washington, DC.

Hon. PATRICK LEAHY,
U.S. Senator, Russell Senate Office Building, Washington, DC.

DEAR SENATORS HATCH AND LEAHY: I write on behalf of the Ninth Circuit Court of Appeals to emphasize the importance of filling the judicial vacancies on this court.

During the four years that I have been Chief Judge of the Ninth Circuit, we have had up to ten vacancies on the court of appeals. We now have six vacancies, two have been vacant since 1996, two since 1997, one since 1998, and one since 1999. It has been very difficult to operate a court of appeals with up to one-third of our active judges missing. As you know, I have worked with the White House and the Senate in an attempt to fill these vacancies in a timely manner, and I am continuing to do so.

As Chief Judge, I have implored our active judges and our senior judges, on an emergency basis, to carry a larger caseload during this interim while the vacancies are being filled, in order to do our best to avoid building up a backlog of cases with the consequent delay for the litigants.

Our judges have been most responsive in hearing considerably more cases than would ordinarily be assigned. I am very grateful, but I cannot expect the judges to do this, on an emergency basis, for the indefinite future.

In addition, we have called upon the district judges within our circuit to serve on panels, as well as visiting judges from other circuits. However, this is not the ideal way to perform the services of a court of appeals. The appeals from the Ninth Circuit should be heard by the judges of the Ninth Circuit Court of Appeals.

Despite all these efforts, we do have a backlog of cases, which principally affect civil cases, some of which have had to wait a year or more to be heard. My major concern is that we have had a significant increase in filings this past year, which considerably exceed the number of cases we are able to terminate even with this enhanced effort. In the year ending December 31, 1999, the number of appeals filed was 9,444, and the number of appeals terminated was 8,407. This is a difference of over 1,000 cases.

If our six vacancies were filled and those judges were on our court, it would mean we could decide an additional 800 cases on the merits. If they are not filled, I can anticipate considerable delay for the litigants of this circuit.

Our court is very pleased that the leadership of the Senate has committed to hold a floor vote this month on nominees Judge Richard Paez and Marsha Berzon. We have every hope that they will be confirmed. We would ask, however, that the other nominees, Barry P. Goode, James F. Duffy, Jr., Richard C. Tallman, and Johnnie B. Rawlinson receive hearings before the Judiciary Committee in the near future. It is vital to our Ninth Circuit Court of Appeals.

By the way of emphasizing the need brought about by our increasing caseload and the importance of filling these vacancies, I might note a little historical perspective. In 1980, shortly after I came on the court of appeals, we had 23 active judges with a caseload of 3,000 appeals. Today, with 6 of our 28 judgeships vacant, we have 22 active judges to hear over 9,000 appeals. You can see the importance of proceeding promptly with the confirmation process.

I might make one other observation—I have noted that the reversal rate of the Supreme Court in one unusual year, 1996-97, has assumed some importance in the hearings. Even in that year, when the Ninth Circuit's reversal rate was 95%, it was less than five other circuits—the Fifth, Second, Seventh, D.C., and Federal Circuits—all with a 100% reversal rate. In the 1997-98 term, the Ninth Circuit's reversal rate was 76%, equivalent to that of the First Circuit's 75%, and less than the Sixth and Eleventh Circuits' 100% reversal rate. In the 1998-99 term, the Ninth Circuit's reversal rate was 78%, equivalent to that of the Second and Federal Circuits' 75%, and less than the Fifth Circuit's 80%, the Seventh Circuit's 80%, and the Eleventh Circuit's 88% reversal rates.

However, the important point to emphasize, in my opinion, is that the reversal rate has little to do with the effectiveness of any circuit court of appeals. For example, the 13, 14, or 20 cases reversed in a term were out of 4,500 cases decided on the merits in the Ninth Circuit. The reversal rate in any circuit should also have little to do with the nomination or confirmation of judges to fill vacancies on a court.

Our judges on the Ninth Circuit Court of Appeals will certainly appreciate any efforts on your parts to afford the judicial nominees a hearing in the near future and a prompt vote on the floor of the Senate.

Yours sincerely,

PROCTER HUG, Jr.,
Chief Judge.

Mrs. FEINSTEIN. Mr. President, I will quickly read the paragraph to which the ranking member alluded. I believe it is worthwhile for everybody to hear this. Judge Hug said:

> I might make one other observation—I have noted that the reversal rate of the Supreme Court in one unusual year, 1996-97, has assumed some importance in the hearings.

These are the hearings on confirmation.

> Even in that year, when the Ninth Circuit's reversal rate was 95 percent, it was less than five other circuits—the Fifth, Second, Seventh and Federal Circuits—all with a 100 percent reversal rate. In the 1997-98 term, the Ninth Circuit's reversal rate was 76 percent, equivalent to that of the First Circuit's 75 percent and less than the Sixth and Eleventh Circuits' 100 percent reversal rate. In the 1998-99 term, the Ninth Circuit's reversal rate was 78 percent, equivalent to the Second and Federal Circuits' 75 percent and less than the Fifth Circuit's 80 percent, the Seventh Circuit's 80 percent, and the Eleventh Circuit's 88 percent reversal rates.

Once again, the Chief Judge of the Ninth Circuit attests that the Ninth Circuit's reversal rate is substantially in the middle of the pack of all the circuits. I hope the record stands corrected.

I want to speak about the two judges before us and indicate my strong support for the appointment of both Judge Paez and Mrs. Berzon.

Judge Paez has been before this body for 4 years. He has had two hearings and has been reported out of committee twice. Marsha Berzon has been before this body for 2 years, and she has had two hearings and been reported out of committee once.

I have sat as ranking member on one of her hearings. It was equal in the quality and numbers of questions to any Supreme Court hearing on which I have sat, and I have sat on two of them. She was asked detailed questions on the law, questions about her performance, questions about her background, and, I say to this body, she measured up every step of the way. She is a brilliant appellate lawyer, and she has represented both business clients as well as trade union clients.

Judge Paez has 19 years of experience as a judge and 6 years as a Federal court judge. I will speak about his record on criminal appeals.

According to the Westlaw database, 32 of his criminal judgments have been appealed; 28 of these were affirmed. The Circuit Court dismissed two appeals for lack of jurisdiction, remanded one for further proceedings, and one judgment was affirmed in part or reversed in part. That is an 87-percent affirmance rate. That is pretty good.

Judge Paez has not been reversed on a criminal sentence. Of his 28 criminal affirmances, they include 6 cases where a sentence he imposed was upheld by the appellate court; 4 involved his decision to enhance the defendant's defense level within the guidelines, actually giving the offender a tougher sentence, and 2 involved Judge Paez's refusal to grant a downward departure.

Judge Paez was also named Federal criminal judge of the year by the Century City Bar Association.

As I have looked at this case and listened to members in the Judiciary Committee, a lot of the objection seems to come down to one speech he made at the University of California Boalt Hall where he criticized a proposition on the ballot which was a very incendiary ballot measure in California. It was Proposition 209, and that may have been somewhat intemperate.

My point is, one comment does not outweigh 19 years of good judicial service, 6 of them on the Federal court. I believe strongly that both these nominees deserve confirmation today.

I thank the Chair.

The PRESIDING OFFICER (Mr. BUNNING). The Senator from Alaska is recognized.

Mr. MURKOWSKI. Mr. President, I want to talk a bit about the matter before us, the judicial nominations of Paez and Berzon.

I have listened to the debate today, and it is fair to say, to a large degree, the Ninth Circuit Court has made itself the target. The suggestion was made the Ninth Circuit is in the middle of the pack with regard to reversals. Thirty-three percent of the reversals over the last 3 years have come out of the Ninth Circuit Court. I have talked to judges in that court. They are so frustrated by the caseload and their inability to follow the cases in the court that they privately and publicly suggest something be done.

We have been at this for a long time. We have been discussing it, we have been arguing, we have been debating how we split it up. Naturally, California is a little reluctant to see it split up, for lots of reasons which I do not think are necessary to go into.

The reality is this body has an obligation of timely justice, and timely justice is not being done in the Ninth Circuit for a couple of reasons. It serves the largest population of all the circuits. The judges can't handle all the cases. Legal reasoning has been abandoned in favor of extremist views. The Ninth Circuit has invited this upon itself.

The point I make is, we have an obligation on our watch to do something about this problem. We have to do it. It is inevitable.

This week I introduced legislation to split the Ninth Circuit. These two nominees are perfect examples of why my bill should be passed immediately by this body. Senator HATCH and other are co-sponsoring this bill.

The Ninth Circuit is already plagued with a very activist group on the judiciary who bring their causes to the bench with them.

But let's look at the number of cases that have been reversed by the Supreme Court. This chart shows the number of cases reversed by the U.S. Supreme Court between 1997 and 1999. The statement has been made that the Ninth Circuit court is somewhere in the middle. It is more than the middle. The Ninth Circuit has almost a quarter of all the court reversals in all of our circuit courts. Next is followed by the Eighth Circuit and then the Fifth Circuit. It is not a factual statement to suggest that the reversals in the Ninth Circuit are somewhere in the middle.

We have another chart I will describe to you as the Ninth Circuit Court of Appeals, a court that is out of control. From 1994 to the year 2000, the number of decisions reversed, 86 percent; decisions upheld, 14 percent.

If this followed a pattern in the other circuit courts, I would not be up here arguing; but it is far too high. It suggests it is out of control. The reality is that 86 percent of the decisions were reversed in that period, from 1994 to the year 2000; and 14 percent of the decisions were upheld by the Supreme Court. These are people who were denied justice—at great cost.

Let's look at the reason why it is so obvious that we have to do something about it. It is the caseload. Look at the growth of the caseload. From 1991 through the year 2000, it has gone from 7,500 to 9,500. It continues to increase. What they will tell you is it is increasing beyond a manageable level. We all know something about managers and management. Some of us are better managers than others; some are worse than others. But you have some real problems when the judges cannot follow the decisions that are coming out of the court. They will be the first ones to acknowledge that.

Let me show you a chart referencing the population in relation to the other circuit courts because that is very important. The circuit courts are depicted on this chart—the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, currently the Ninth, the Tenth, and Eleventh. I want to move this chart up a little bit. I am not sure the Presiding Officer can see it. This is the story. It is cold, hard facts.

Here is the Ninth Circuit shown on the chart. It is almost off the chart. The Ninth Circuit will increase 26 percent by the year 2010. It is at 50 million now. That is the problem. We have to split it. The question is, who is going to accept the responsibility? Are we going to put it off? The longer we put it off, the less timely justice prevails.

We owe this to the residents of the States affected. They ought to have something to say about it. We are saying we want it changed. We do not hear that from California. But the other States say they want a change; they want an equitable change.

What have we done? We have reached out and tried to get opinions of people who know something about the problem. Everybody is an expert; and everybody can get an expert. But the Supreme Court agrees that reform is needed. How much higher do you have to go?

Here is what they say:

> The disproportionate segment of this Court's discretionary docket that is consistently devoted to reviewing Ninth Circuit judgments, and reversing them by lop-sided margins, suggests that this error-reduction function is not being performed effectively.

That means justice is not being done. That is Justice Scalia.

> With respect to the Ninth Circuit in particular, in my view the circuit is simply too large.

Isn't that what it shows? That is Supreme Court Justice Sandra Day O'Connor.

> In my opinion the arguments in favor of dividing the Circuit into either two or three smaller circuits overwhelmingly outweigh the single serious objection to such a change.

These are the Supreme Court Justices who have to make these reversals.

I have another chart. You can read, at your leisure, what retired Supreme Court Chief Justice William Burger said.

> I strongly believe that the 9th Circuit is far too cumbersome and it should be divided.

Supreme Court Justice Anthony M. Kennedy:

> I have increasing doubts and increasing reservations about the wisdom of retaining the Ninth Circuit in its historic size, and with its historic jurisdiction. We have very dedicated judges on that circuit, very scholarly judges . . . But I think institutionally, and from the collegial standpoint, that it is too large to have the discipline and control that's necessary for an effective circuit.

We have a hard enough time controlling discipline here, and there are only 100 of us—plus 100 egos. But I will not go into that.

> We (the Ninth Circuit) cannot grow without limit . . . As the number of opinions increases. . . .

That is the Honorable Diarmuid O'Scannlain, a Ninth Circuit judge, I might add.

Our former colleague, Senator Mark O. Hatfield:

> The increased likelihood of intracircuit conflicts is an important justification for splitting the Court.

There you have it, one of our own.

In my opinion, this matter before us is further evidence of the necessity of splitting the court. The circuit is already plagued with activists on the judiciary who bring their causes to the bench with them. I do not think that is appropriate. One simply has to look at the rate of reversals to find the proof. I have gone into that. Now is the time for Congress to stop this unwieldy circuit. I hope we will because our inaction is only going to weaken an already detached and out of control circuit.

Most shocking is that the nominees do little to deflect accusations that they share an activist judicial philosophy. Justice Paez, in his own words, stated that he "appreciate[s] . . . the need of the courts to act when they must, when the issue has been generated as a result of the failure of the political process to resolve a certain political question. . . ."

He then continues:

> There's no choice but for the courts to resolve the question that perhaps ideally and preferably should be resolved through the legislative process.

I think that statement deserves a great deal of thought and consideration because he is implying that if we don't take care of it through the political process, this judge is going to simply take action into his own hands. I am not ready for that. That, to me, is a flag.

One does not have to be a legal scholar to see that this is a blatant infringement upon the Constitution, the Constitution we rely upon to protect ourselves from improper Government actions. Article I, as I know the Chair is familiar, clearly states that "[a]ll legislative powers herein granted shall be vested in a Congress of the United States." Should this body abdicate its role and confirm nominees who openly defy the Constitution? I hope we will all answer with a resounding "no."

Unfortunately, Judge Paez's background goes far beyond activist judicial decisions. I think we should all pause and reflect upon a nomination for which the director of the ACLU in Southern California states:

> It's been a while since we had these kinds of appointments to the federal court. I think it's a welcome change after all the pro-law enforcement people we have seen appointed to the state and federal courts.

That sends another message to me. I am not sure this judge is going to have the balance necessary to protect our law enforcement people. They need a lot of protection. They are hit by the press. They are hit by mistakes. They are hit by the exposure they have out there, protecting our property and protecting us. We owe more to the men and women who risk their lives each and every day to maintain law and order. We owe more to Americans who see crime around every corner. There is a lot of it, and a lot of them see it.

Time and time again, Judge Paez has demonstrated a lack of proper judicial temperament. We should be able to agree that judges should be impartial and not speak out on matters that may appear before their court. I think we do agree on that. Yet Paez, during the California Proposition 209 ballot initiative debate which would have ended racial quotas and discrimination by the State government, labeled the proposal "anti-civil rights" and said it would "inflame the issue all over again without contributing to any serious discussion."

I am realist enough to recognize that people in California and their elected representation have a better understanding of this than I do. It sounds a little strange and uncomfortable to me.

A judge is expected to remain impartial. Certainly, they should not comment upon efforts by the citizens of California, in their wisdom, to pass a legal and constitutional ballot initiative. Judicial Cannon 4(A)(1) alone requires that a judge do nothing "to cast reasonable doubt on the judge's capacity to act impartially as a judge." This is not a person who should be deciding cases that affect 50 million people in our circuit court.

Here, again, is the chart that shows the proof of why this court is out of control.

I also find it ironic that supporters of Marsha Berzon are the very people who claim to be advocates of campaign finance "reform." It is interesting because there are some political overtones there. There probably are going to be some more. While quick to target political speech by national parties, they seem to have turned a blind eye to true injustice in our campaign finance system. I am referring to the forced speech that large and radical unions placed upon their willing members. Many of the union members acknowledge that privately; they are a little hesitant to do it publicly.

The majority has worked hard to open the workforce to all Americans and to remove automatic payroll contributions to unions for political ads of which members disapprove. Shouldn't those members have a right? I think so.

Now the Clinton administration has sent us a judicial nominee who has been labeled by the National Right to Work Committee as the "worst" Clinton appointee in terms of labor issues. I wonder how objective that person is.

While representing the Nation's most powerful unions, Ms. Berzon stated that mandatory union dues "implicates first amendment values only to a very limited degree." I wonder how limited that is. Thankfully, the Supreme Court struck down this logic in Communication Workers of America v. Beck.

Look at the Ninth Circuit's already startling reversal rate by the Supreme Court. In 1997, it was 95 percent. One can imagine an even more detached judiciary with the addition of Ms. Berzon. This period this chart shows is for the years 1994 through 2000: 86 percent of the decisions reversed, only 14 upheld. That is a reflection on the court, and it is a reflection on us for not doing something about it.

Mr. Paez is no stranger to the reform debate. During a time when we expect firm and fair enforcement of our Nation's financing laws, Judge Paez gave one individual an unusually light sentence after he admitted to accepting more than $250,000 in illegal campaign contributions. This is the largest acknowledged receipt of illegal contributions in congressional history, except for POGO maybe. We have 300-some-odd thousand in reward money out there that we have to investigate. There are going to be some heads rolling once that is made public and the public and this body understands how that system of whistleblowers works. What was the sentence? The sentence was 1 year on probation and 200 hours of community service. This is for $250,000 illegal campaign contributions. This is the real problem in campaign financing.

I could go on for a long time. I see the Senator from Maryland waiting to be recognized. I could continue listing the seemingly countless reasons why these two nominees should be rejected by this Senate. But, I find that unnecessary. There really is only one reason. Because the people of the Ninth Circuit deserve better. They deserve better.

They deserve a justice system that reflects the temperament of the society. They deserve a judiciary that creates dependable case law by following judicial precedent. They deserve a judiciary that provides swift yet fair justice.

Most importantly, they deserve a judiciary that follows the Constitution and the rule of law and objectivity. For these reasons, I urge my colleagues to reject the two nominations before us prior to the vote this afternoon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, I ask unanimous consent to speak for 5 minutes as in morning business, ensuring that it doesn't take time from either side on this debate. This has been cleared with the leadership on the other side.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Ms. MIKULSKI pertaining to the introduction of S. 2229 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SMITH of New Hampshire. I thank my colleague from Alaska for his comments in support of the opposition to these two nominees.

I yield myself 5 minutes to summarize.

We have a circuit court, the Ninth Circuit, widely considered by most objective observers a renegade circuit that is out of the mainstream of American jurisprudence, a circuit court that has had decisions overturned by the Supreme Court nearly 90 percent of the time in the past 6 years. That is a very high percentage of the number of cases they have. It is the largest circuit in the country. It includes the 7–7 overturn rate in 1999–2000 and 27–28 reversal rate in 1996–1997. In fact, 17 of the decisions in 1996–1997 out of the 27 were overturned unanimously, which means both the liberal and the conservative Justices on the Supreme Court agree that these decisions were so outrageous, they had to be overturned.

It is a court that routinely issues activist opinions, opinions that conflict with the basic American constitutional and legal principles. We have had a great debate on some of the outrageous decisions that have come down.

As I have said, these two new nominees will, if approved, add to that court in a way that is going to continue to have cases overturned. These two judges, Ms. Berzon as well as Mr. Paez, have both indicated by their own track records they will be making similar decisions. I think this is most disturbing.

In the case of Marsha Berzon, we are talking about a potential judicial activist on labor issues. As I said before, it doesn't matter what the issues are, what one believes in personally. The job as a judge is to interpret the Constitution in a way that does not put personal views on the court but, rather, enforces the Constitution.

Ms. Berzon has described her practice: From the outset of my law practice, an important client has been the AFL–CIO. Since 1975, I have devoted a substantial part of my practice to aiding labor organizations affiliated with the AFL–CIO at the Supreme Court and other appellate litigation.

There is nothing wrong with that on the surface. She certainly has a right to represent anyone she chooses to represent if she is asked to do it in a court of law.

The question is, Why talk about that when she knows that cases involving labor could come before her? Imagine what would happen on this floor. We have heard a lot of people outraged by what we have done, getting a good, thorough debate on the two nominees.

Imagine if we had a nominee before the Senate, the outcry from the other side of the aisle if we had a guy or gal come before the Senate, a nominee of any President—say of President Bush in the future—and this person said, "I have since 1975 devoted a substantial part of my practice to fighting gun control and have been affiliated with the National Rifle Association and gun owners of America in many cases before the courts of America."

Imagine what we would hear on the other side. They have a right to air that if they wish. I think it would be justified if a person were to say he was going to promote the interests of any particular group or industry.

It is not new to raise the debate on issues about a particular nominee. I get tired of hearing talk that we are wrong to raise these issues because these judges happen to be liberals.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, it is not a question of liberal or conservative. As I recall, when the Democrats were in control of the Senate during 6 years overlapping the Reagan and Bush Presidencies, we voted to confirm about 99 percent of the nominations of President Reagan and President Bush.

Justice Scalia is considered one of the most conservative Members of the Supreme Court. As I recall, he got a unanimous vote from the Republicans and Democrats in the Senate Judiciary Committee. I believe he had a unanimous vote on the floor of the Senate.

Let's not use this shibboleth. We have also had a number of judicial nominees who said they were members of the National Rifle Association and a number who have said they have defended conservative organizations. I never remember a single one having difficulty being confirmed. Let's not use that.

If we want to assume for the sake of argument that the Ninth Circuit is dominated by liberal activist judges, these critics urge the Senate to reject the confirmation of new judges. They are not letting two basically moderate judges come, thereby adding to the mix. It does not make a great deal of sense to me that they want to keep the court exactly the way it is.

I ask unanimous consent to have printed in the RECORD a letter from Judge Procter Hug that points out there are a number of circuits that have far higher reversal rates than the Ninth Circuit.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED STATES COURTS
FOR THE NINTH CIRCUIT,
Reno, NV, March 2, 2000.

Hon. ORRIN HATCH,
Chairman, Senate Judiciary Committee, Russell Senate Office Building, Washington, DC.

Hon. PATRICK LEAHY,
Ranking Member, Senate Judiciary Committee, Russell Senate Office Building, Washington, DC.

DEAR SENATORS HATCH AND LEAHY: I write on behalf of the Ninth Circuit Court of Appeals to emphasize the importance of filling the judicial vacancies on this court.

During the four years that I have been Chief Judge of the Ninth Circuit, we have had up to ten vacancies on the court of appeals. We now have six vacancies, two have been vacant since 1996, two since 1997, one since 1998, and one since 1999. It has been very difficult to operate a court of appeals with up to one-third of our active judges missing. As you know, I have worked with the White House and the Senate in an attempt to fill these vacancies in a timely manner, and I am continuing to do so.

As Chief Judge, I have implored our active judges and our senior judges, on an emergency basis, to carry a larger caseload during this interim while the vacancies are being filled, in order to do our best to avoid building up a backlog of cases with the consequent delay for the litigants.

Our judges have been most responsive in hearing considerably more cases than would ordinarily be assigned. I am very grateful, but I cannot expect the judges to do this, on an emergency basis, for the indefinite future.

In addition, we have called upon the district judges within our circuit to serve on panels, as well as visiting judges from other circuits. However, this is not the ideal way to perform the services of a court of appeals. The appeals from the Ninth Circuit should be heard by the judges of the Ninth Circuit Court of Appeals.

Despite all of these efforts, we do have a backlog of cases, which principally affect civil cases, some of which have had to wait a year or more to be heard. My major concern is that we have had a significant increase in filings this past year, which considerably exceed the number of cases we are able to terminate even with this enhanced effort. In the year ending December 31, 1999, the number of appeals filed was 9,444, and the number of appeals terminated was 8,047. This is a difference of over 1,000 cases.

If our six vacancies were filled and those judges were on our court, it would mean we could decide an additional 800 cases on the merits. If they are not filled, I can anticipate considerable delay for the litigants of this circuit.

Our court is very pleased that the leadership of the Senate has committed to hold a floor vote this month on nominees Judge Richard Paez and Marsha Berzon. We have every hope that they will be confirmed. We would ask, however, that the other nominees, Barry P. Goode, James F. Duffy, Jr., Richard C. Tallman, and Johnnie B. Rawlinson receive hearings before the Judiciary Committee in the near future. It is vital to our Ninth Circuit Court of Appeals.

By the way of emphasizing the need brought about by our increasing caseload and the importance of filling these vacancies, I might note a little historical perspective. In 1980, shortly after I came on the court of appeals, we had 23 active judges with a caseload of 3,000 appeals. Today, with 6 of our 28 judgeships vacant, we have 22 active judges to hear over 9,000 appeals. You can see the importance of proceeding promptly with the confirmation process.

I might make one other observation—I have noted that the reversal rate of the Supreme Court in one unusual year, 1996–97, has assumed some importance in the hearings. Even in that year, when the Ninth Circuit's reversal rate was 95%, it was less than five other circuits—the Fifth, Second, Seventh, D.C., and Federal Circuits—all with a 100% reversal rate. In the 1997–98 term, the Ninth Circuit's reversal rate was 76%, equivalent to that of the First Circuit's 75%, and less than the Sixth and Eleventh Circuits' 100% reversal rate. In the 1998–99 term, the Ninth Circuit's reversal rate was 78%, equivalent to that of the Second and Federal Circuits' 75%, and less than the Fifth Circuit's 80%, the Seventh Circuit's 80%, and the Eleventh Circuit's 88% reversal rates.

However, the important point to emphasize, in my opinion, is that the reversal rate has little to do with the effectiveness of any circuit court of appeals. For example, the 13, 14, or 20 cases reversed in a term were out of 4,500 cases decided on the merits in the Ninth Circuit. The reversal rate in any circuit should also have little to do with the nomination or confirmation of judges to fill vacancies on a court.

Our judges on the Ninth Circuit Court of Appeals will certainly appreciate any efforts on your parts to afford the judicial nominees a hearing in the near future and a prompt vote on the floor of the Senate.

Yours sincerely,

PROCTER HUG, Jr.,
Chief Judge.

REVERSAL RATE 1996–97 TERM

Revised 7/07/97

	Total cases	Number reversed	Percent reversed for circuits
Total	80	57	76
Org	1	0	0
1st	1	1	100
2d	6	6	100
3d	3	2	67
4th	2	1	50
5th	5	4	80
6th	3	2	67
7th	3	3	100
8th	8	5	63
9th	21	20	95
10th	2	1	50
11th	6	1	17
D.C. Cir	1	1	100
Federal	1	1	100
Arm. Forces	1	0	0
Dist. Cts	8	4	50
State Cts	8	5	63

REVERSAL RATE 1997–98 TERM

(Signed opinions issued amended 7/02/1998)

Circuits	Total cases	Number reversed	Supreme Court reversal rate (percent)	Reversal average for all circuits (percent)
Total	91	54	59	55
1st	4	3	75	
2d	3	1	33	
3d	4	1	25	
4th	2	1	50	
5th	12	6	50	
6th	3	3	100	
7th	7	4	57	
8th	13	8	62	
9th	17	13	76	
10th	1	0	0	
11th	2	2	100	
D.C. Cir	9	4	44	
Federal	2	1	50	
Arm. Forces	1	1	100	
Dist. Cts	2	1	50	
State Cts	8	5	63	
Org	1	0	0	

Reversal Rate Average = total circuit reversal rates divided by number of circuits.

REVERSAL RATE 1998–99 TERM

(Signed & per curiam opinions issued as of June 23, 1999)

	Total cases	Number affirmed	Number reversed	Reversal rate (percent)
Total	81	24	57	70
1st	0	0	0	0
2d	4	1	3	75
3d	6	2	4	67
4th	4	2	2	50
5th	5	1	4	80
6th	4	2	2	50
7th	5	1	4	80
8th	3	2	1	33
9th	18	4	14	78
10th	4	3	1	25
11th	8	1	7	88
D.C. Cir	2	1	1	50
Federal	4	1	3	75
Arm. Forces	1	0	1	100
Dist. Cts.	3	1	2	67
State	10	2	8	80
Org	0	0	0	0

Mr. LEAHY. Mr. President, four out of seven recent reversals were decisions written by either a Reagan or Bush appointee from the Ninth Circuit. Somehow it wasn't brought out on the other side.

As far as showing fairness, even for Clarence Thomas, who had a tie vote, with Republicans and Democrats voting against him in the Senate Judiciary Committee, the Democrats, being in charge of the Senate, still allowed him to come forward for a vote even though normally that would have killed it.

The circuits should not all be the same. Different circuits have different attitudes. They come from different parts of the country. If they were to be all the same, we might as well just have one big circuit for the whole country. The Second Circuit is different from the Third Circuit. The Third is different from the Fifth, and so on.

I remind my friends on the other side, if we are going to have a litmus test for a circuit, let us understand what this means when applied to the Fourth Circuit. That is the most conservative and activist in the country. Ironically enough, we forget the fact the very conservative circuit can be a very activist circuit. Nobody would deny it is one of the most activist circuits in the country, rewriting legislation willy-nilly.

If the argument is accepted from the other side, then no nominee other than one with a more liberal judicial philosophy should be confirmed in the foreseeable future to the Fourth Circuit. I am not trying to make that argument. But if you follow their argument, that is the case.

Mr. President, I thank the Majority Leader for bringing this matter to a vote. After two years, it is time to vote on the nomination of Marsha Berzon. She is one of the most qualified nominees I have seen in 25 years, and Senator HATCH has agreed with that assessment publically. He voted for her in the Judiciary Committee.

Marsha Berzon is an outstanding nominee. Her legal skills are outstanding, her practice and productivity have been extraordinary. Lawyers against whom she has litigated regard her as highly qualified for the bench. She was first nominated in January 1998, some 26 months ago. By all accounts, she is an exceptional lawyer with extensive appellate experience, including a number of cases heard by the Supreme Court. She has the strong support of both California Senators and a well-qualified rating from the American Bar Association.

She was initially nominated in January 1998. She participated in an extensive two-part confirmation hearing before the Committee back on July 30, 1998. Thereafter she received a number of sets of written questions from a number of Senators and responded in August, two years ago. A second round of written questions was sent and she responded by the middle of September, two years ago. Despite the efforts of Senator FEINSTEIN, Senator KENNEDY, Senator SPECTER and myself to have her considered by the Committee, she was not included on an agenda and not voted on during all of 1998. Her nomination was returned to the President without action by the Committee or the Senate in October 1998.

The President renominated Ms. Berzon in January 1999. She participated in her second confirmation hearing in June, was sent additional sets of written questions, responded and got and answered another round. I do not know why those questions were not asked in 1998.

Finally, on July 1, 1999, almost eight months ago, the Committee considered the nomination and agreed to report it to the Senate favorably. After more than two years the Senate will, at long last, vote on the nomination. Senators who find some reason to oppose this exceptionally qualified woman lawyer can vote against her if they choose, but she will finally be accorded an up or down vote. That is what I have been asking for and that is what fairness demands.

Senator HATCH was right two years ago when he called for an end to the political game that has infected the confirmation process. These are real people whose lives are affected. Marsha Berzon has been held hostage for 26 months, not knowing what to make of her private practice or when the Senate will deem it appropriate finally to vote on her nomination.

Last fall I received a Resolution from the National Association of Women Judges. The NAWJ urged expeditious action on nominations to federal judicial vacancies. The President of the Women Judges, Judge Mary Schroeder, is right when she cautions that "few first-rate potential nominees will be willing to endure such a tortured process" and the country will pay a high price for driving away outstanding candidates to fill these important positions. The Resolution notes the scores of continuing vacancies with highly qualified women and men nominees and the nonpartisan study of delays in the confirmation process, and even more extensive delays for women nominees, found by the Task Force on Judicial Selection formed by Citizens for Independent Courts. The Resolution notes that such delay "is costly and unfair to litigants and the individual nominees and their families whose lives and career are on hold for the duration of the protracted process." In conclusion, the National Association of Women Judges "urges the Senate of the United States to bring the pending nominations for the federal judiciary to an expeditious vote so that those who have been nominated can get on with their lives and these vacancies can be filled." We received that Resolution in October 1999 and I included it in the RECORD at that time—October 1999.

There are judicial emergencies vacancies all over the country. The Fifth Circuit Court of Appeals has had to declare that entire Circuit in an emergency. Its workload has gone up 65 percent in the last 9 years; but they are being forced to operate with almost one-quarter of their bench vacant despite highly qualified nominees having been sent to the Senate by the President.

Continuing dilatory practices demeans the Senate, itself. I have great respect for this institution and its traditions. Still, I must say that the use of secret holds for extended periods that doom a nomination from ever being considered by the United States Senate is wrong and unfair and beneath us. After four years with respect to Judge Paez and two years with respect to Marsha Berzon, it is time for the Senate to vote up-or-down on these nominations. I, again, ask the Senate to be fair to these judicial nominees and all nominees. For the last few years the Senate has allowed one or two or three secret holds to stop judicial nominations from even getting a vote. That is wrong.

The Washington Post noted last year:

> [T]he Constitution does not make the Senate's role in the confirmation process optional, and the Senate ends up abdicating responsibility when the majority leader denies nominees a timely vote. All the nominees awaiting floor votes * * * should receive them immediately.

The Florida Sun-Sentinel has written:

> The "Big Stall" in the U.S. Senate continues, as senators work slower and slower each year in confirming badly needed federal judges. * * * This worsening process is inexcusable, bordering on malfeasance in office, especially given the urgent need to fill vacancies on a badly undermanned federal bench. * * * The stalling, in many cases, is nothing more than a partisan political dirty trick.

Nominees deserve to be treated with dignity and dispatch—not delayed for two or three or four years.

Acting to fill judicial vacancies is a constitutional duty that the Senate—and all of its members—are obligated to fulfill. In its unprecedented slowdown in the handling of nominees since the 104th Congress, the Senate is shirking its duty. That is wrong and should end.

Today the New York Times included an editorial entitled "Ending a Judicial Blockade" in which it notes: "The quality of justice suffers when the Senate misconstrues its constitutional role to advise and consent as a license to wage ideological warfare and procrastinate in hopes that a new president might submit other nominees."

In 1992, a Democratic majority in the Senate acted to confirm 66 judicial nominations for a Republican President in his last year in office. With the confirmations of Judge Paez and Marsha Berzon to the Ninth Circuit today, this Senate will have confirmed only seven judicial nominations so far this year. I look forward, at long last, to the confirmation of Marsha Berzon and ask other Senators to join with me to work to confirm many, many more qualified nominees to the federal vacancies around the country in the weeks ahead this year.

Mr. President, I yield the floor.

Mr. SMITH of New Hampshire. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, several comments have been made today, I think correctly so. I do not think the information was out. But it is interesting we now have a capital sentencing case, Arreguin v. Prunty, in which Judge Paez was reversed, as of yesterday. Several people had said no criminal case of his had been reversed. Those statements were correct. That has changed now since March 9. So here we have this judge being reversed, this judge we are now talking about putting on the circuit court.

In this case, the defendant was an accomplice to robbery and murder and he actively encouraged the murder of an innocent civilian.

Under California law, an accomplice can only be sentenced to life without parole or death if he was a "major participant" in the capital crime.

In Arreguin, an impartial jury unanimously convicted the defendant as an accomplice to robbery and murder.

The State trial judge instructed the jury on what a "major participant" was. The jury sentenced the defendant to life without parole.

The California appellate courts recognized that the State trial judge made a technical error in giving the "major participant" instruction, but held that the record clearly showed that the defendant was in fact a "major participant" in the robbery-murder and affirmed the sentence under the harmless error rule.

On habeas review, however, Judge Paez held that the Constitution somehow created a liberty interest in receiving a perfect jury instruction—even if he was clearly a major participant in the robbery-murder.

This is a classic example of the continued liberal activist interpretation of the Constitution by Judge Paez.

Yesterday, March 8, 2000, a unanimous panel of the Ninth Circuit reversed Judge Paez and reinstated the sentence of the defendant to life without parole.

The Ninth Circuit agreed with and quoted the California appellate court, stating:

> . . . under any reasonable interpretation of the evidence, [Arreguin] was a major participant and the error was harmless beyond a reasonable doubt.

The [California] court further stated:

> Standing within arms's reach of an armed accomplice exhorting, "Shoot 'im, shoot 'im" about the victim, immediately after another accomplice forcibly broke the truck window, warrants no other reasonable conclusion than that appellant was a major participant. Appellant's testimony that he did not participate at all was necessarily rejected by the jury in its verdict. This harmless error analysis is sufficient. . . . Therefore, we reverse the grant of the writ.

Once again, this shows a continuing liberal, activist interpretation of the Constitution that even the Ninth Circuit could not agree with. Judge Paez will not move the Ninth Circuit into the mainstream, he will make the problem. Accordingly, I will vote against this nominee.

Judge Paez will not move the Ninth Circuit into the mainstream; he is going to make it the problem.

That is one of the major reasons why I am not going to vote for Judge Paez, and in my view, respectfully, I do not think others should either.

I also want to mention the Senate has received over 10,000 signatures on petitions opposing the Berzon nomination because of her extreme position on labor matters. Here are the 10,000 signatures. That is a lot of signatures. That is a lot of time people take to oppose a judge, and not even a Supreme Court Justice but an appellate court judge or circuit court judge.

There is a lot of opposition out there. Also, I might add, there is a lot of knowledge about these nominees.

They should be rejected.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SMITH of New Hampshire. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of New Hampshire. I ask unanimous consent time be charged equally to both sides, in the quorum.

Mr. LEAHY. Reserving the right to object, and I shall not, I think it is probably a moot point right now. I see the distinguished Democratic leader on the floor going to seek recognition.

Mr. SMITH of New Hampshire. I just wanted to protect the time I had. I yield the floor.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, I will use my leader time so as not to take time of either side.

I want to add my voice especially to those of the distinguished senior Senator from Vermont and the Senator from California, who have spoken so eloquently on this matter for what seems to be several days. I want to make three points.

I think the most disconcerting aspect of this debate, for those who may be watching, is the concern that I would have, having heard many of our colleagues express their virtual desire to influence the Ninth Circuit and the decisions made there. Our Founding Fathers did an extraordinary job of creating the checks and balances in our constitutional system. As I travel around the world and talk to leaders from other parts of the world, who have not enjoyed that delicate balance between the judiciary, the executive, and legislative branches, the lament I hear all around the world is: We don't have an independent judiciary. We have a politicized judiciary. Because it is politicized, we don't have the rule of law. Because we don't have the rule of law, we don't have the predictability in law that creates the extraordinary stability that you have in your country.

These leaders tell me: We want the rule of law, and we recognize that if we are ever going to acquire it, what we have to do is to depoliticize our judiciary, and we have to ensure that we do what you have done—respect its independence.

There is a huge difference between voting against somebody's philosophy or experience or qualifications based upon past judgments in a particular trial—and Senators have every right to do so on the basis of whatever qualifications they may choose. All of those criteria, it seems to me, are fair game. But if we are saying we ought to vote against someone, or for someone, because we want to influence the direction of a certain circuit, I think we get precariously close to creating the kind of politicization of the judiciary that, to me, is frightening. We need to be very, very careful. For 200 years, we have been able to maintain that independence and discipline it takes to ensure the rule of law will always prevail.

I hope as we cast our votes, people will cast them based upon whether they think Judge Paez and Marsha Berzon are capable—whether they have the right qualifications. And, frankly, if they want to throw in philosophy, so be it. But let us not say this ought to be some judgment on the Ninth Circuit. Let us not say that somehow we want to send a message to the Ninth Circuit or any circuit, for that matter. That is not our role. That is not our responsibility. In the Constitution, the Founding Fathers had no design, no possible thought that we as Senators ought to be influencing in any way decisions made by the court, an independent and coequal branch of government.

That is my first point.

My second point is that I believe there is a time and a place for us to consider any nominee and, once having done so, we need to get on with it. I cannot imagine that anybody could justify, anybody could rationalize, anybody could explain why, in the name of public service, we would put anyone through the misery and the extraordinary anguish that these two nominees have had to face for years. Why would anyone ever offer themselves for public service if they knew what they had to go through was what these two people have had to experience and endure?

I do not know who is going to be President next. I do not know who is going to be in the majority in the next Congress. But let's just assume that the roles are reversed and we, the Democrats, are in the majority and we have a Republican President—which I do not think is going to happen. If that happens, do we really want to wait 4 years to take up a Republican nominee? Do we want to pay back our colleagues for having made these people wait as long as they have? I know that I have heard from people over the last several months: that we should do to them what they have done to us.

But, I do not want to hear about that in this body. There is going to be no payback. We are not going to do to Republican nominees, whenever that happens, what they have done to Democratic nominees. Why? Because it is not right.

Will we differ? Absolutely. Will we have votes and vote against nominees on the basis of whatever we choose? Absolutely. But are we going to make them wait for years and years to get their fair opportunity to be voted on and considered? Absolutely not. That is not right. I do not care who is in charge. I do not care which President is making the nomination. That is not right.

I hope somehow the nominations that are still pending will not be subjected to the same extraordinary, unfair process to which these nominees were subjected. We have 34 nominees pending. There is no reason why every single one of them cannot be confirmed or at least considered in the next few months.

The last point I will make is one I have made a couple of times before, but it bears repeating. This has been a very difficult process for a lot of people, and there are a lot of people who deserve some credit. I have already cited the extraordinary contribution of the senior Senator from Vermont, our ranking Judiciary Committee member. I have already noted the efforts made by the California delegation, especially Senator BOXER. Senator HATCH is here. I note his cooperation and the effort he has made in getting us to this point.

I thank the majority leader. He and I have talked about this on several occasions, and it is never easy when you have dissent within your own caucus to make decisions. He made a commitment last year, and he held to that commitment this year. He said we would have these votes, up or down, on the confirmation of these two judicial nominees before the 15th of March, and we are going to do that. I publicly thank him and commend him for holding to that commitment. It is not easy. He has done a difficult thing, but he has done it.

I hope today we can celebrate not only the confirmation of two judges, but renewed comity between our parties when it comes to all nominees—regardless of party, regardless of administration, and regardless of who controls the Senate. I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent, since we need a little more time and I need to make some remarks on this, that the remaining time be 3 minutes for the distinguished Senator from New Hampshire, Mr. SMITH; 3 minutes for the distinguished Senator from Vermont, Mr. LEAHY; and 8 minutes for myself.

Mr. LEAHY. Reserving the right to object, and I shall not object, as I understand, normally I would have had 14 minutes. This will accommodate the distinguished Senator from Utah and the distinguished Senator from New Hampshire. Do I understand that following that time, we then will have the vote? Is that part of the Senator's request?

Mr. HATCH. That is part of my unanimous consent request.

Mr. LEAHY. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, perhaps I can start first.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I was listening in the past hour to the eloquent statement of Senator MURKOWSKI explaining why the Ninth Circuit ought to be split. His statement comes 2 days after Senator MURKOWSKI and I introduced legislation that would split that circuit into two more manageable circuits.

It strikes me that this subject is precisely the one that this body ought to be debating today as the real solution to the stated concerns about the Ninth Circuit.

As I explained recently on the Senate floor, the massive size of the circuit's boundaries has confronted the circuit's judges with a real difficulty in maintaining the coherence of its circuit law.

I will not let my concerns regarding the Ninth Circuit—many of which appear to me to be structural in dimension—affect my judgment on the confirmation of Judge Paez, who is an innocent party with regard to that circuit's dubious record. Doing so would force him into the role of Atlas in carrying problems not of his own making.

Mr. President, I rise today to speak on the nomination of federal district Judge Richard Paez to the Ninth Circuit Court of Appeals.

I have to say, I have served a number of years in the Senate, and I have never seen a "motion to postpone indefinitely" that was brought to delay the consideration of a judicial nomination post-cloture.

Indeed, I must confess to being somewhat baffled that, after a filibuster is cut off by cloture, the Senate could still delay a final vote on a nomination. A parliamentary ruling to this effect means that, after today, our cloture rule is further weakened.

But on occasion, like Justice Holmes' statement about the law, the life of the Senate is not logic but experience. And I have no interest in quibbling further with this ruling.

As I turn to the merits of the situation before us, I want to begin by commending the efforts of my colleague from Alabama for his legal acumen and tenacity in presenting his case why a further postponement in considering Judge Paez's nomination would be warranted. I am proud to have worked with Senator SESSIONS on legislation involving civil asset forfeiture, and involving youth violence, and a whole raft of other issues, as well. Senator SESSIONS' prosecutorial talents have not left him, and my respect for him as a principled advocate has never been greater than today.

The same goes for Senator SMITH.

Still, I must take exception to the point that he has so forcefully advocated. I must explain why the time has finally come for an up-or-down vote to be cast on Judge Paez's nomination.

Senator SESSIONS' request for a postponement is grounded in Judge Paez's handling of the Government's case against John Huang.

Let us begin with the determinative fact: Though Mr. Huang may have been involved in illegalities in connection with the Clinton-Gore reelection campaign of 1996, he was not charged with a single such count.

The Assistant United States Attorney who was asked why no such charges were brought responded by saying that: "we investigated all the allegations and felt that the charges in this case fully addressed his culpability."

Ultimately, Mr. Huang pleaded guilty to a single felony charge of conspiring to violate Federal election law. In that plea, he admitted to laundering a $2,500 contribution to an unsuccessful contestant in Los Angeles' 1993 mayoral campaign, and $5,000 to an entity called the California Victory Fund '94, the funds of which were shared by a Democrat candidate, the Democratic Party, and two Democrat committees.

Prosecutors—in exchange for Mr. Huang's guilty plea to this single charge—recommended that Mr. Huang receive no jail time, but instead be ordered to pay a $10,000 fine and provide 500 hours of community service.

Judge Paez accepted the prosecutor's recommendation, which was consistent, by the way, with the report of the probation office.

So with this factual premise, I would like to address Senator SESSIONS' argument that Mr. Huang's sentence—which he concedes was the one recommended by the prosecution—was insufficiently harsh.

From that premise, there are only a few possibilities:

First, that Judge Paez should have ignored the Federal prosecutors and handed down a stiffer penalty than the one they recommended. But let's consider this. From a man like Senator SESSIONS who believes—as I do—in judicial restraint, it is anomalous to suggest that judges should depart from the adversarial system and impose their own view of an appropriate punishment.

A second alternative is that the prosecution should have recommended a stronger punishment, and that Judge Paez ought to have accepted it. That may indeed be correct. I am on record as expressing similar concern about the level of punishment sought. I am very upset about what the prosecutors did in this matter.

But the problem with this hypothesis is that it is just that —a hypothesis. The prosecution did not recommend a stronger sentence. And we should not castigate Judge Paez for the acts of another—in this case, the prosecution—by holding him accountable for the prosecution's failure to make a stronger case against John Huang.

In any event, neither of these scenarios is one in which Judge Paez can fairly be faulted for not acting more aggressively.

Of course, there is nothing to suggest any sort of impropriety pursuant to which Judge Paez acted in sync with prosecutors to ensure a lenient handling of a case so sensitive to the Clinton administration. Nor is there any evidence at all to suggest that a departure was made in this case from the automated, random case-assignment system utilized in the Federal court for the Central District of California.

Yes, I believe some inside and outside this administration have engaged in fraud upon fraud against the laws, ethical norms, and the people of this country.

But I cannot accept, in the absence of any supporting evidence, that two branches of Government engaged in a conspiracy to alleviate a defendant of responsibility for violations of Federal law.

This speculative theory should not become the basis for any further delay by the United States Senate. There is no reasonable basis—let alone any hint of evidence—to suggest that further delay would amount to anything other than further delay.

Of course, I can understand and appreciate fully why it is that some of my colleagues remain so dubious about the results of the Huang prosecution. It is because that prosecution was born out of an egregious conflict of interest with the President's own prosecutors—subject always to his own oversight and control—being asked to investigate a matter that, if ultimately prosecuted in an appropriately zealous fashion, could have led to enormous embarrassment to the President.

The result is that the prosecution's decision not to prosecute any of the wrongdoing alleged in connection with the President's reelection campaign can be objectively viewed as a cover-up, and as favoritism to the President. No less a person than Senator SESSIONS, among many others in this body, retain such doubts. And if they have doubts, it is to be expected that the American people have doubts, thereby undermining the public's faith in the rule of law in this country.

This is precisely why I called so insistently upon our Attorney General to appoint an independent prosecutor to investigate all alleged illegalities involving our Federal campaign laws in connection with the 1996 Clinton-Gore campaign.

The Judiciary Committee, under my direction, was the first to formally request the appointment of an independent counsel to investigate alleged illegalities in connection with the President's 1996 reelection campaign. And the Judiciary Committee has formed a formal task force, led by Senator SPECTER, to inquire into the Department of Justice's handling of this and other campaign finance investigations.

But for purposes of our vote today, the determinative point is that our concerns about the manner in which our Federal campaign finance laws have been flouted do not at all implicate Judge Paez.

So we must now proceed to put this matter to a vote, and end the lengthy delay in this matter by choosing—on the basis of the abundant evidence known to us at this time—whether it shall be yea or nay on Judge Paez' nomination. No further information or delay is needed to cast an intelligent and knowing vote on this nomination.

Mr. President, I thank my colleagues for allowing me to make this statement.

The PRESIDING OFFICER. Who yields time?

The Senator from Vermont.

Mr. LEAHY. Mr. President, I know we are about to finish this debate. I do want to compliment the two Senators from California for bringing before us two fine judicial nominees: Judge Paez and, I hope soon to be, Judge Marsha Berzon.

I compliment the distinguished Democratic leader for what he said on the floor—a true leadership statement. I compliment my friend from Utah, Senator HATCH, who says we should go forward and defeat this motion to, in effect, kill, by parliamentary maneuver, one of these nominations.

I agree with what the Senator from South Dakota, our distinguished Democratic leader, said, that we should not get ourselves in a position where there is payback. Whoever the next President might be, if it is a Republican President do we start doing the same things to him the Republicans have done to President Clinton? That should not be done in judicial nominations. We should protect the integrity and the independence of our Federal courts.

I have served here for 25 years. I love and revere this body. The day I leave the Senate, I will know that I have left the finest time of my life, the best and most productive time of my life, the time that I pass on to my children and my grandchildren, by being 1 of 100 men and women whom I respect and have looked forward to working with every day. But that is because I think of this body as being the conscience of the Nation.

If we now use a parliamentary procedure, something totally unprecedented on a Federal judgeship following a cloture motion, then we shame the Senate. We should not.

Judged by any traditional standards of qualifications, competence, temperament, or experience, both Marsha Berzon and Judge Paez should be confirmed. They will be good judges. They will probably be even great judges. Their commitment to law and justice will serve the people of their circuit and our country.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. VOINOVICH). Who yields time?

Mr. SMITH of New Hampshire. Mr. President, I yield 1½ minutes to the distinguished Senator from Alabama.

Mr. SESSIONS. Mr. President, I would like to sum up briefly and say there is new evidence that Judge Paez, a sitting district judge, while being nominated to the Ninth Circuit, under nomination by the President of the United States, found on his docket—rightly or wrongly, out of 34 judges—the John Huang case, and he accepts a plea bargain that did not require Huang to plead at all to the $1.6 million in illegal campaign money he raised for the Democratic National Committee, for the Clinton-Gore campaign.

He pled guilty only to a small contribution in the city of Los Angeles. He was given immunity for that amount.

When the guidelines were calculated based on the evidence the judge had at that time, he should have added two additional levels for having a substantial part of the scheme being outside the United States, two to four additional levels for being an organizer or a manager, and two additional levels for violating a position of trust as the vice president of a bank. Those are levels that should have been added by the judge. He failed to do so. In so doing, he was able to find a level of eight, the highest possible level in which he could give this individual zero time in jail, straight probation, and immunity on the most serious charge. I believe it is wrong, and we need to have a hearing on it to find out how it happened.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I don't apologize for exercising my rights under the Senate rules and the Constitution to advise and consent and speak against any judge, as did the other side on William Rehnquist, twice, and four or five other judges in the last 25 or 30 years, to name a few.

In response to what Senator SESSIONS said, his motion is very important in regards to Judge Paez. I ask my colleagues to consider one question: What if it was not random that Paez got the John Huang case? What if? Well, if you want to put the guy on the court and find out later, that is up to you.

Finally, this is an activist court. This is a court that has been overturned 209 percent of the time. We are putting two judges on it, one who says that a member of a union can't resign in a strike no matter what the reason, and, finally, Paez, who is opposed by the U.S. Chamber and who believes that a defendant cannot carry a Bible into a courtroom, much as that Bible sits here on the desk of the Presiding Officer right now. Those are the kinds of people we are putting on the bench.

I strongly urge that both of these nominees be rejected and that Senator SESSIONS' motion be supported.

I yield the floor.

The PRESIDING OFFICER. All time has expired.

The question is, Will the Senate advise and consent to the nomination of Marsha L. Berzon, of California, to be United States Circuit Judge for the Ninth Circuit?

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state the point of order.

Mr. SESSIONS. I understand the Vice President is in the Chamber. Under the Senate rules, a person who has a personal conflict of interest in a vote is not allowed to vote. I make a parliamentary inquiry——

Mr. LEAHY. Regular order.

Mr. SESSIONS. As to whether or not the Vice President should be required to recuse himself under these circumstances on the vote.

The PRESIDING OFFICER. The right of the Vice President is in the Constitution. The question is on confirmation of the nominations.

Mr. SESSIONS. Mr. President, may the Vice President exercise his discretion and recuse himself?

Mr. LEAHY. Mr. President, regular order.

The PRESIDING OFFICER. Debate is not in order. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. McCAIN) and the Senator from Colorado (Mr. CAMPBELL) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 64, nays 34, as follows:

[Rollcall Vote No. 38 Ex.]

YEAS—64

Akaka
Baucus
Bayh
Bennett
Biden
Bingaman
Boxer
Breaux
Bryan
Burns
Byrd
Chafee, L.
Cleland
Collins
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Fitzgerald
Frist
Graham
Harkin
Hatch
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Mack
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Smith (OR)
Snowe
Specter
Stevens
Thompson
Torricelli
Warner
Wellstone
Wyden

NAYS—34

Abraham
Allard
Ashcroft
Bond
Brownback
Bunning
Cochran
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Helms
Hutchinson
Hutchison
Inhofe
Lott
McConnell
Murkowski
Nickles
Roberts
Sessions
Shelby
Smith (NH)
Thomas
Thurmond
Voinovich

NOT VOTING—2

Campbell
McCain

The nomination was confirmed.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. FITZGERALD). The question is on agreeing to the motion to indefinitely postpone. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. McCAIN) and the Senator from Colorado (Mr. CAMPBELL) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 31, nays 67, as follows:

[Rollcall Vote No. 39 Ex.]

YEAS—31

Allard
Ashcroft
Bond
Brownback
Burns
Cochran
Coverdell
Craig
Crapo
DeWine
Fitzgerald
Frist
Gramm
Grams
Grassley
Gregg
Helms
Hutchinson
Inhofe
Kyl
Lott
McConnell
Murkowski
Nickles
Santorum
Sessions
Shelby
Smith (NH)
Thomas
Thurmond
Warner

NAYS—67

Abraham
Akaka
Baucus
Bayh
Bennett
Biden
Bingaman
Boxer
Breaux
Bryan
Bunning
Byrd
Chafee, L.
Cleland
Collins
Conrad
Daschle
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Gorton
Graham
Hagel
Harkin
Hatch
Hollings
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Mack
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Sarbanes
Schumer
Smith (OR)
Snowe
Specter
Stevens
Thompson
Torricelli
Voinovich
Wellstone
Wyden

NOT VOTING—2

Campbell
McCain

The motion was rejected.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SESSIONS. Mr. President, I ask for the yeas and nays on the Paez nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Richard A. Paez, of California, to be United States Circuit Judge for the Ninth Circuit? The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Colorado (Mr. CAMPBELL) and the Senator from Arizona (Mr. McCAIN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 59, nays 39, as follows:

[Rollcall Vote No. 40 Ex.]

YEAS—59

Akaka
Baucus
Bayh
Bennett
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Chafee, L.
Cleland
Collins
Conrad
Daschle
Dodd
Domenici
Dorgan
Durbin
Edwards
Feingold
Feinstein
Gorton
Graham
Harkin
Hatch
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Mack
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Roth
Sarbanes
Schumer
Smith (OR)
Snowe
Specter
Stevens
Torricelli
Wellstone
Wyden

NAYS—39

Abraham
Allard
Ashcroft
Bond
Brownback
Bunning
Burns
Cochran
Coverdell
Craig
Crapo
DeWine
Enzi
Fitzgerald
Frist
Gramm
Grams
Grassley
Gregg
Hagel
Helms
Hutchinson
Hutchison
Inhofe
Kyl
Lott
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—2

Campbell
McCain

The nomination was confirmed.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I am glad the Senate has done the right thing. Maybe we should say in this Lenten season that Judge Paez has now moved out of purgatory into the reward he justly deserves. The Senate has done the right thing today but did the wrong thing for 4 years in holding this good jurist hostage. Marsha Berzon, another nominee who I predict will be a stellar judge, was held far too long.

I thank my colleagues who voted to right this injustice and voted for both of them. I thank those who worked hard to bring this on to the floor for a vote.

Also, just a footnote, the Senate did the right thing in its second vote in rejecting the cockamamy idea of having a motion to suspend indefinitely a judicial nominee following a cloture vote. That may sound like inside baseball, but that would have been a terrible precedent. I applaud the distinguished Democratic leader for speaking out so strongly against that motion, and I compliment the chairman of our Senate Judiciary Committee, Senator HATCH, for sticking with these nominees, both of whom passed our committee.

We have done the right thing. We have righted a wrong of 4 years. I think now the Senate should go on, set aside partisanship, and let us look at those nominees who are still pending.

I yield the floor.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

The Senator from West Virginia.

ENDING THE DELAY ON JUVENILE JUSTICE LEGISLATION

Mr. BYRD. Mr. President, is it any wonder why the approval ratings of the Congress go up every time we go into recess? The American people are watching us, and they are wondering if we are really paying attention to the issues important to them. I fear that we are not paying enough attention, certainly.

Next month, the nation will observe the 1-year anniversary of the tragic shooting at Columbine High School in Colorado, in which fifteen people, including the two student gunmen, were killed. But this tragedy is not unique.

In May 1992, a 20-year-old killed four people and wounded ten others in an armed siege at his former high school in California.

In January 1993, a 17-year-old walked into his teacher's seventh-period English class in Kentucky, and shot her in the head. He then shot the janitor in the abdomen.

In February 1996, a 14-year-old student took an assault rifle to his school in Washington state and opened fire on his algebra class, killing two classmates and a teacher.

One year later, in February 1997, a 16-year-old student opened fire with a shotgun at a school in Alaska, killing a classmate and the school principal and wounding two other students.

In October 1997, a 16-year-old student, after shooting his mother, went to school with a gun and shot nine students, killing two of them.

In December 1997, a student opened fire on a student prayer circle at a Kentucky school, killing three students and wounding five others.

In March 1998, a pair of boys took rifles to school and turned them on classmates and teachers when they exited the building in response to a false fire alarm at their Arkansas school. Four girls and a teacher were killed, and 11 people were wounded.

In April 1998, at a Pennsylvania school, a 14-year-old-boy fatally shot a teacher and wounded two students at an eighth-grade dance.

The following month, in May 1998, a high school senior shot and killed another student in the school parking lot in Tennessee, and then turned the gun on himself.

Two days later, a freshman student in Oregon opened fire with a semi-automatic rifle in a high school cafeteria, killing two students and wounding 22 others. The teen's parents were later found shot to death in their home. This freshman student did not heed the admonition of the Scriptures which says: Honor thy father and thy mother. He proceeded to kill his father and his mother.

Then, a month after last year's massacre at Columbine High School, in May 1999, a 15-year-old gunman—I suppose you could call a 15-year-old a gunman—opened fire on fellow students in Georgia, injuring six students, including one critically.

Most recently, last week in Flint, Michigan, a six-year-old boy took a gun to school and killed a six-year-old girl in front of their shocked classmates. Six-year-olds killing six-year-olds—what have we come to? And yet, the Congress fails to act. Are we blind? Are we numb to these killings? Even in the city in which we work, the tragedies are mounting. In the District of Columbia, since the school year began in September, 18 juveniles have been killed. Of those, police say that half of them started as arguments at school and ended in death in nearby neighborhood streets.

Isn't this enough? Can't this Congress hear the cry of the American students, and their parents, to step up to the plate and at least debate ways to help break this cycle of violence? I know that Congress cannot solve this problem on its own, just as an individual school board or PTA cannot resolve this crisis acting as a single institution. But we, the elected leaders of this nation who are very quick to point to problems in other nations, are not even talking about ways to end this horrific record of children killing children.

Day after day, we criticize one nation for human rights violations or another nation for failing to meet the needs of its people. But who are we to look across the waters and criticize others if we remain silent, if we remain numb, if we remain mute, dumb about our own problems?

I am told that the current gridlock on this issue is because of partisanship. I hear that the reason the conference committee on the juvenile justice bill has only met once—last August—is that Members are at opposite ends of the spectrum on the gun-related provisions in the legislation.

This legislation does not take any dramatic steps toward weapons. It simply would put in place some commonsense provisions to balance public safety and private gun owners' rights. Requiring trigger locks would not jeopardize anyone's second amendment rights, but it might prevent children from using the guns at school—where the parents are at fault for letting those weapons lie around where they are within the reach, within the sight, of children. And improving background checks is not a monumental change either. These checks would only serve to prevent those people who should not have access to weapons from getting them. I hope responsible parents and gun owners will be able to support these commonsense provisions.

So I do not understand why this has to be a partisan issue in the U.S. Capitol Building or in the adjacent Senate and House Office Buildings when it is not a partisan issue in the rest of the country.

I note that earlier the Republican Governor of Colorado signed into law a new background check initiative that is even more rigorous than the one overseen by the Federal Bureau of Investigation. Governor Owens said this effort is a balance between "the public's need to try to keep firearms out of the hands of criminals with the private right to purchase a firearm." Let me read what the Governor said again: "* * * the public's need to try to keep firearms out of the hands of criminals with the private right to purchase a firearm." It is a balance between the two. He was talking about a balance between the two.

If there can be bipartisan legislation in Colorado, why can't there be bipartisan legislation here in Congress? Even in this Chamber, Senators were able to put partisanship aside when we passed the juvenile justice bill last May. The legislation was approved overwhelmingly, by a vote of 73-25. Yet the conference committee still cannot reach an agreement.

Is that the problem? The conference committee between the two Houses cannot reach an agreement. The time for delay is over. Our Nation is yearning for leadership. I express my hope, as one Senator, to the conferees to move ahead on the juvenile justice bill. Craft a commonsense bill that would help to break this cycle of youth violence. Show the Nation that the Congress can see what is happening outside the Capitol Building and that we are capable of working in partnership with all Americans to bring some modicum of calm to our classrooms.

Mr. President, I yield the floor.

Mr. SCHUMER addressed the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. I ask to speak for 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMPLIMENTING SENATOR BYRD

Mr. SCHUMER. Mr. President, I compliment my colleague from West Virginia for his, as usual, eloquent, intelligent, and thoughtful words. I always consider myself lucky when I happen to be on the floor when the Senator from West Virginia speaks. He is a great leader and a great role model for some of us newer Members.

Mr. BYRD. Mr. President, I thank the distinguished Senator from New York. I pride myself on being surrounded by very fine men and women who chose to give their time and tolerance and service to the Senate—the only Senate of its kind that has ever been created. Among those Senators is the distinguished junior Senator from New York. He has not been in this body long. He was in the House for a considerable time, so he comes here with a wealth of experience. He is one of the most articulate Members of this body, and I am extremely grateful for the kinds of things he says so many times about me.

I think it was Mark Twain who said he could live for 2 weeks on a good compliment. The distinguished Senator from New York has equipped me to keep on going for at least another 6 months. I thank him.

Mr. SCHUMER. Mr. President, I will try harder, because if it is only 6 months, I have failed in my duty. I will try to keep it going for years and years. Again, I appreciate those words coming from a man I greatly admire, the Senator from West Virginia.

OIL SUPPLY AND THE PRICE CRISIS

Mr. SCHUMER. Mr. President, I rise today to once again address an issue I have been talking about since last September, that of global oil supply and prices. Back in September, I was talking about the possibility of an impending oil crisis due to OPEC's manipulation of global supply. As we moved into the fall, I joined with the distinguished Senator from Maine, Ms. COLLINS, and we started talking about the likelihood of a crisis. Well, now it is a certainty.

As we all know, that crisis struck early this winter as home heating oil prices in the Northeast pierced the $2-a-gallon level —something unheard of in the past. What began as a heating oil supply and price shock in the Northeast this winter is now rolling as thunder across our entire Nation. It is affecting the farmers throughout America in the cost of diesel fuel for their planting season. It is affecting truckers who are having a very difficult time making a living because they are so dependent on the cost of diesel fuel. It has affected airlines with the $20 surcharge. It has affected blue chip stocks. Yesterday, an analysis read that one of the predominant reasons Procter & Gamble stock had sunk so was the high price of oil.

Yet, unfortunately, things could—and are likely to—get worse if nothing is done. It is likely to get worse with the price of gasoline. Gasoline, in my judgment—and I have been saying this for several months—could hit $2 per gallon this summer and maybe more if nothing is done. Perhaps worst of all, this oil shock could very well throw sand in the gears of our high-flying economy as the Federal Reserve, worried about inflation, raises interest rates and the wonderful growth we have experienced now for a record number of months could be thrown into doubt or even jeopardy.

The numbers present a very dim outlook for us. Oil inventories are at a 20-year low. Global supply is 2 million barrels below daily demand. Coming off home heating oil prices that set records and defied gravity, we are heading straight into a gasoline supply and price debacle this summer.

We have now reached the point where rising oil prices are no longer a nuisance but, rather, a crisis for our economy. Two days ago, Procter & Gamble, as mentioned, lost $34 billion in market value—nearly one-third of the entire worth of a company that spent decades and decades building up its value; boom, down one-third. It was because of profit worries due in large part to oil prices.

In fact, analysts are attributing the 15-percent drop in the Dow since the beginning of the year directly to oil prices and the inflationary effects. I understand the Nasdaq index continues to go up, but you can't have the industrial and traditional part of the economy without it affecting the tech parts of the economy, soon enough, unfortunately. If all of this doesn't wake us up to an economic crisis, I don't know what will.

Gas prices are now about $1.50 a gallon. They have set another record. That is the national average. Of course, in certain parts of the country, particularly on the West Coast, they are considerably higher, but $1.50 is about the average in my State—a little higher in downstate areas, and a little lower in some of the upstate areas, although some, such as Binghamton and Utica, have pierced $1.50 as well. But this summer by Memorial Day, as the summer driving season is upon us, if no further oil is released, we will likely hit $2 per gallon, self-service regular, average in the country.

This will do dramatic damage not only to people's pocketbooks and wallets but to our economy. New York—both upstate and downstate—depends on tourism. In the summer season people are more likely to drive. They are less likely to curtail their vacation.

Of course, the continued problems in agriculture, in transportation, and in manufacturing will get worse if oil prices continue to rise. They rose about 44 cents today on the market, and not as high as the $34 a barrel they were 4 days ago, but that is scant relief. Given the laws of supply and demand, it is quite likely they will exceed the $34 rather shortly.

We are going to hear about this from our constituents. The upcoming impending gasoline crisis will be a major issue in the campaigns this summer and fall, if nothing is done.

I don't blame our constituents for asking us to do something because we have not acted resolutely with OPEC. We have not used the one ace in the hole that we hold in our hand to, compel OPEC to increase production—our well-stocked, 570-million-barrel Strategic Petroleum Reserve. OPEC, by the way, cut back on supply, my friends, 5 percent last year, and their revenues have increased 59 percent. That is how tight the oil market is.

For the last several weeks, Secretary Richardson, doing his best, has met with various OPEC and OPEC-aligned ministers to try to get them to increase production by their March 27 meeting. It seems very plausible and likely that Secretary Richardson's efforts have helped move some members of OPEC, and it is likely production will increase somewhat. But there is also too good a chance, unfortunately, that "somewhat" will not be enough. There is too good a chance that while OPEC will increase production, the amount they decide to increase production won't avoid the impending crisis in gasoline prices and oil prices this summer.

The chart to my left shows the various OPEC scenarios. If we don't see at least a 2-million-barrel increase in production right away, and see that 2-million-barrel increase continue into the third quarter, the prices we have now—much too high already—will look like the good old days.

This chart is conservative. Here is what it shows. If there is no change in OPEC output, if they keep oil production as they have it—they have talked a good game, but they haven't done anything—the price will go way above $40 a barrel to $41.

Let's say they do what most people think is likely, that they will try some palliative measure with a 1-million-barrel increase in the second quarter. Then the price still goes up from what it is now to about $35 or $36 a barrel.

Let's say they pledge to increase oil by 1 million barrels a day in quarters 2 and 3. It still goes up from what it is today. And even if they pledge the 1-

million-barrel increase permanently, the price goes up but not on as great a slope. The worst thing about this chart is that with 1 million barrels a day, even permanently, the price of oil continues to go up, which means the prices today will be lower than in the future.

Today, the New York Times reported the stock market rebounded yesterday due in large part to a dip in oil prices stemming from rumors that the Saudi Arabian and Iranian Governments agreed in principle to increase supply at the March 27 meeting.

Look how dependent we have become on oil speculation from OPEC ministers. When these ministers mumble about supply increases, our economy signals relief. When they mention maintaining the quotas, or not increasing supply enough, economic indicators begin heading south.

What this means to me is simple. It means OPEC has won. Its 18-month cutback in supply has succeeded in giving it significant leverage over the U.S. and world economies. Even if OPEC chooses to increase supply on March 27, which they in likelihood will do, the hard truth is that global inventories are so low that even a moderate increase will still allow the cartel to manipulate supply and increase prices at a moment's notice. They have us, quite simply, by the neck.

We cannot allow our economy to become beholding to the decisions of OPEC ministers—plain and simple. My suggestion to the administration is this: We need to use the SPR as leverage. And we should make a promise to OPEC. We can make it privately or we can make it publicly. But we should tell them in no uncertain terms that unless they decide to increase production by 2 million barrels a day by March 27, we will use our reserve to make up the difference. Whether we make that promise publicly or privately, as I mentioned, is immaterial so long as they understand the consequences of squeezing supplies to the point of hurting our economy. And a comprehensive SPR-swaps policy, which means selling now and promising to buy back later, makes good sense because the price will be lower later and we can replenish the reserve. That needs to be put in place now.

Some have argued that we shouldn't use the reserve except for national emergencies. When oil is at $34 a barrel, when gas prices are headed towards $2 per gallon, when major companies in America lose dramatic parts of their value because of the price of oil, and when the economic expansion that has made this country smile from one coast to the other for so many years is in jeopardy, to me that is an emergency. If for some reason some in the administration have doubt about whether they have the legal ability to sell the reserve—I believe they do—we can easily in this body pass legislation that Senator COLLINS and I have sponsored which makes it clear that they do.

No one is looking to go back to $10-per-barrel oil. But oil trading over $30 per barrel is clearly going to affect our economic growth and severely impact the global economy.

We have a perfect tool to reduce the inordinate power of OPEC and protect our economy. That tool is the Strategic Petroleum Reserve. It is high time we used it.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GORTON). The clerk will call the roll.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FITZGERALD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE

Mr. FITZGERALD. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Con. Res. 94, the adjournment resolution, which is at the desk.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

> A resolution (S. Con. Res. 94), providing for conditional adjournment or recess of the Senate.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FITZGERALD. Mr. President, I ask unanimous consent the resolution be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 94) was agreed to, as follows:

S. CON. RES. 94

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Thursday, March 9, 2000, or Friday, March 10, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, March 20, 2000, or until such time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate, after consultation with the Minority Leader of the Senate, shall notify the Members of the Senate to reassemble whenever, in their opinion, the public interest shall warrant it.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. FITZGERALD. I thank the Chair.

(The remarks of Mr. FITZGERALD, Mr. DURBIN, Mr. GRASSLEY, and Mr. BAYH, pertaining to the introduction of S. 2233 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Ohio is recognized.

MANDATES AND THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT

Mr. VOINOVICH. Mr. President, in 1975, Congress passed the Individuals with Disabilities Education Act (IDEA), which was designed to ensure that all students with disabilities would receive the educational services they needed in order to attend "mainstream" schools. This legislation has been effective in increasing access to quality education for disabled students all across the nation.

In my state of Ohio, the Individuals with Disabilities Education Act has meant so much to thousands and thousands of young men and women over the last 25 years. It has opened up whole new worlds and shown them that their disabilities cannot bind the limitless possibilities that are provided by the gift of education.

IDEA has helped students like John Hook, from Elgin High School in Marion, Ohio. IDEA has given John's school the resources to hire a special education teacher who is able to help John with his reading and writing.

Before IDEA, students with learning disabilities like John might have dropped out, but now, many are thriving. And because of the help he's received and his hard work, John is on his school's honor roll and is "on track" for college.

IDEA has also been a tremendous help to Todd Carson, an 18 year old student from Highland High School in Highland Local School District outside Medina, Ohio. Todd has Cerebral Palsy and is confined to a wheelchair. Todd is unable to write and he cannot use a keyboard to communicate.

Through IDEA, Highland District was able to purchase a speech recognition program called "Dragon Dictate" which can be used to control a word processor. This has been like a ray of sunshine for Todd. Now, Todd has the ability to take class notes and write papers. Dragon Dictate also lets him use the Internet and send e-mail. This program has been a big difference for Todd, allowing him to read, write and participate in class.

I am pleased with what we've been able to do with IDEA in Ohio. Before its passage, there were close to 25,000 children who were institutionalized in Ohio because of conditions like Cerebral Palsy and autism. Now, according to the Ohio Coalition for the Education of Children with Disabilities, there are no kids institutionalized in Ohio. IDEA is a big factor in this success because instead of being hidden-away and forgotten about, these kids are in school—learning and thriving—preparing to add their contributions to society.

However, even with all the success of IDEA, the thousands and thousands it has benefitted, there is a startling reality to this program that no longer can be ignored: IDEA is crushing our schools financially.

Many of our state and local governments have found that the costs of serving handicapped students are typically 20% to 50% higher than the average amount spent per pupil. This, in itself, is not the problem; state and local governments understand that students with disabilities require different, and many times, expensive needs.

Congress, too, understood the expense involved when it passed IDEA, promising that the federal government would pay up to 40% of the costs associated with the program.

Congress said, we think IDEA is so needed as a national priority, that we will pay up to 40% of the costs.

The problem rests in the fact that the federal government has not provided nearly as much funding as they told state and local leaders they would provide, and which our children need. Indeed, in fiscal year 2000, the federal government only provides enough funds to cover 12.6% of the educational costs for each handicapped child, not the 40% it promised.

As in past years, our State and local governments will be forced to pay the leftover costs. That is what is going to happen. They are going to have to pay that leftover cost.

Because the Federal Government has not lived up to its expectations, IDEA amounts to a huge unfunded mandate. When I was Governor of Ohio, I fought hard for passage of the Unfunded Mandates Reform Act so that circumstances such as this could be avoided.

I was one of only a handful of State and local leaders who lobbied Congress to pass legislation that would provide relief to our State and local governments. I felt so strongly about this that in 1995 I asked Senator Dole to make unfunded mandate relief legislation S. 1. I was privileged to be in the Rose Garden 5 years ago this month when the President signed S. 1 into law. I will never forget the President saying how opposed he was to unfunded mandates since he had been a Governor for a number of years and had seen the effects of such unfunded mandates.

Unfortunately, the President has done nothing—nothing—to address one of the most costly unfunded mandates; that is, the Individuals with Disabilities Education Act.

The President's fiscal year 2000 budget contains $40.1 billion in discretionary education funding. That is more than a 37-percent increase over the fiscal year 2000 discretionary education total, including advanced funding, and nearly double the $21.1 billion in discretionary education spending allocated by the Federal Government in 1991—just 10 years ago.

Think about that for a moment. The President is looking to increase federal education discretionary spending so that it will have grown by almost 100% in ten years. And that's at a time when inflation will have grown only 20.7% during the same ten years. That's incredible!

What's even more incredible is what we're doing to our states and localities. Of the discretionary total for fiscal year 2000, we allocated $4.9 billion for IDEA. If we had funded IDEA at the 40% level that Congress had promised in 1975, we would have allocated $15.7 billion in fiscal year 2000. In essence, we have passed along a $10.8 billion mandate on our state and local governments.

Think about it—a $10.8 billion mandate.

For anyone who thinks about it, they are asking, What does that mean? That is more than we spent on the entire budget for the Department of the Interior. Think of it.

When our Nation's Governors were in Washington recently for the annual Governors' Association winter meeting, one of their more prominent issues—I would say the most prominent issue they brought up with Congress and the President—was the need to fully fund IDEA.

The Governors made it patently clear that if the Federal Government paid their 40-percent share of IDEA, it would free up $10.8 billion across America and would allow them to better respond to the education needs in their respective States.

They also pointed out that many of them were building schools, hiring teachers, and doing most of the things Washington wants to do with that $10.8 billion that should have gone to the States to fund IDEA.

With the help of the Ohio School Boards Association and the Buckeye Association of School Administrators, I am contacting superintendents of education, leaders from urban, suburban, and rural districts in every part of Ohio—I have a letter going out to all of them—asking them about their experience with the fiscal impact of IDEA and their advice on what would be the best way the Federal Government could be a better partner.

The main question I have asked Ohio's educators is: What will help you more—fully funding the Federal commitment to IDEA, or funding at the Federal level programs that, by their very nature, are the responsibility of our State and local governments, such as hiring new teachers, building new schools, and a host of other programs that may or may not be needed in school districts across America?

I am going to be reporting back later this spring with the results of that survey. In the meantime, I believe it is incumbent on the Senate, as it considers the reauthorization of the Elementary and Secondary Education Act, to find money to fully fund IDEA. This body for sure should not support expensive new Federal education programs until IDEA is fully funded.

Thank you, Mr. President.

I ask unanimous consent that a copy of my letter to Ohio's education leaders be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FEBRUARY 28, 2000.

DEAR OHIO EDUCATION LEADER: I am writing to ask for your input concerning the Individuals with Disabilities Education Act (IDEA). As you know, IDEA was passed in 1975 to ensure that handicapped students receive the educational services that they need to attend mainstream schools. This legislation has been successful in increasing access to quality education for Ohio's disabled students and for young people throughout the nation. However, many educators have contacted me about the funding of IDEA and the ability of school officials to discipline students under the Act.

Act the Senate prepares to debate the reauthorization of the Elementary and Secondary Education Act, many educational issues, including IDEA, will be examined. As such, I am interested in your experience. Is the funding your school district receives from the federal government inadequate to help you meet your obligations under the Act? As you may know, the federal government has not lived up to its promise to provide up to 40 percent of the costs of special education under the Act nationally. Are the costs to your district of complying with disability legislation affecting your ability to pay for your other programs and responsibilities? Secondly, I have heard from educators about the difficulty they have maintaining discipline in classrooms while complying with the requirements of IDEA. Has this been a challenge for your schools?

As we work to improve our laws, any insights you have into the impact of federal regulations concerning the education of disabled students on school in Ohio or input into improving IDEA would be appreciated.

Finally, in light of the President Clinton's continued emphasis on federal involvement in education, traditionally a state and local responsibility, I am interested in your thoughts on whether your district would benefit more from the President's new education proposals or if you would be better off if Congress met its obligations under IDEA—freeing money for you to fund your own priorities.

Thank you for your valuable input. I strongly believe that working together we can make a difference for Ohio's young people.

Sincerely,

GEORGE V. VOINOVICH,
U.S. Senator.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from Washington.

EDUCATION

Mr. GORTON. Mr. President, during the course of the last 2 weeks, the health committee has been dealing with the vitally important subject of education and has been engaged over a period of many hours in the writing of a bill extending the Elementary and Secondary Education Act of the United States. That writing process, in my view, has been highly constructive. It has also been ignored by the press of the United States and, therefore, by most of the people of the United States. It does not deserve that fate.

Education is a vitally important subject, and the Federal role in education, a role that has increased markedly over the course of the last several decades, is at a crossroads in the course of that debate—a debate which I hope next month will proceed to the floor of the Senate.

This is truly a defining moment in our history in Congress. We have an opportunity to greatly improve and change the direction of Federal Government funding for schools all across the United States of America. We get this opportunity only once every 4 to 6 years, when the reauthorization of the Elementary and Secondary Education Act comes before us.

I am convinced we will do that job best by listening to our constituents who have an immediate concern with education—an immediate concern because they are the parents of our public school students, an immediate concern because they are teachers in our schools, and an immediate concern because they are principals or elected school board members in those schools; in other words, people whose lives revolve around the education of the next generation of American young people.

I am going to try to do my part during the course of the recess over the next 10 days by once again spending a considerable amount of my time visiting schools in the State of Washington in Bellingham, Mount Vernon, Spokane, and Colfax, carrying on a tradition I have used increasingly over the course of the last 3 or 4 or 5 years.

What I found during those visits is that each school is different from every other school. They are united only in the concern of the people who work in those schools for the future of our children. Some of those schools need more teachers. Some need teachers who are better paid to compete with outside opportunities. Some need more classroom space. Some need better teaching for the teachers. Others need more computers. But different as those needs are, present Federal policy says here is what you must do with the money we provide you in literally dozens and perhaps hundreds of different narrow categorical functions, each of which requires a bureaucracy in Washington, DC, to look over applications and to run audits, and each of which requires a corresponding bureaucracy in our States and in our local school districts to ask for the money and to account for how it is spent.

I have proposed, and a majority of the members of the health committee are now proposing, to add to this Federal formula a bill that I call Straight A's to inject what I consider to be some common sense in the way in which we help our schools in Washington, DC.

Straight A's will give to States all across the United States an opportunity to change from a process of accountability to a performance accountability. Instead of spending their time filling out forms to show that they have spent their money exactly as Congress has dictated, a State which elects to come under Straight A's will be able to take one to two dozen of these narrow categorical aid programs, combine them into one, and get rid of all the forms and most of this process accountability on the basis of one's promise. That promise is: Let us do what we think best for our kids, and we will do a better job. Our kids will do better. We will have standardized tests in our States and we will prove they are doing better, because we are allowed to make more of our own decisions or you can cancel the whole thing and take it back. It is as simple as that.

It is the provision of trust in people who are putting their lives and their years into the education of our kids, the people who know our kids' names, rather than a group in the Department of Education in Washington, DC, or in this body which so often seems to feel it can and should act as one nationwide school board.

I have heard a lot from the defenders of the status quo over the course of the last 3 years. One of the first who criticized my earlier proposal said: My gosh, if we let them do that, they will spend all the money on swimming pools. Another said it might be football helmets.

All of them had one common thought: We don't dare let our educators and our school board members make up their minds; They would make mistakes; We know more than they do; We know more than the people in your hometown, Mr. President, in Kansas, or my people in the State of Washington, or the constituents of the Senator from the State of Virginia. Somehow we know the cure for 17,000 school districts across the United States.

The biggest of the present Federal programs is title I, originally passed 35 years ago to narrow the gap between underprivileged children and privileged children. The gap has not narrowed in that 35 years. Is it not time we give some of our States and some of our school districts the opportunity to say they think they can do it better? We think those right on the ground in our schools can do it better than taking direction from the Senate, the House, the White House, and the Department of Education in Washington, DC.

That is the opportunity we 100 Members of the Senate are going to be given very soon. I am convinced, by the action of a committee under the leadership of the distinguished Senator from Vermont, Mr. JEFFORDS, and other dedicated members of that committee. I am disappointed the work they have been doing for the past couple of weeks has not gotten wider publicity and attention than it has received. I am now convinced that committee is going to present the most profound reform, the most hopeful new direction in the field of Federal education policy than we have received in a generation.

All 100 Members are going to have an opportunity to make those changes ourselves. I look forward to that opportunity. I congratulate the committee for the work it has already done.

The PRESIDING OFFICER. The distinguished Senator from Virginia is recognized.

KOSOVO AMENDMENT TO THE FY2000 SUPPLEMENTAL APPROPRIATIONS

Mr. WARNER. Mr. President, I thank the distinguished Presiding Officer.

I ask unanimous consent to have an amendment appended at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. WARNER. Mr. President, the Presiding Officer is familiar with the matter I bring to the attention of the Senate, and I thank him for his advice and willingness to participate in the undertaking to prepare the amendment which I will now address.

I rise today to advise the Senate of a proposed amendment on Kosovo, a form of which I and other cosponsors intend to offer when the Senate considers the fiscal year 2000 Supplemental Appropriations Act. An experienced group of colleagues have worked together, and we will continue to work together on this legislation. I thank Senators STEVENS, INOUYE, ROBERTS, and SNOWE for joining me as cosponsors in this effort.

I inform the Senate about this amendment now so that other colleagues, officials in the administration, and, indeed, our allies and other nations and organizations will have sufficient time to study and provide constructive comment on this legislation prior to the Senate's consideration of the supplemental later this month.

This is a vital issue, as our Presiding Officer knows full well. It is critical to the men and women of our Armed Forces that the U.S. Congress face up to this issue. It is equally critical to the brave troops of other nations serving in Kosovo. It is critical to the future of NATO, and it is critical to future peacekeeping missions.

There are an ever-increasing number of problems in the world today. It is a far more complex and dangerous place than it was a decade ago or a decade before that. Indeed, as I look back on the cold-war era, there was a certain amount of certainty within which we were able to structure our forces, lay down a strategy, and perform our missions. Today, it is greatly different. The challenges posed to our national leaders, and particularly the men and women of the Armed Forces, have little precedent. Likewise, the diversity of the threats have now proliferated throughout the world. They are less and less nation sponsored, state sponsored; oftentimes, they are just small groups. There are conflicts in ever-increasing numbers, prompted by cultural, ethnic, and religious differences.

As I publicly stated regarding this amendment, my intention in offering this legislation is to ensure that our European allies have stepped up to meet their share in providing the necessary resources and personnel for the civil implementation in Kosovo, the efforts to which we have all pledged as a group of nations to fulfill. Once the military mission was completed, then we committed among ourselves to take the next step to ensure the peace that was given as a consequence of the sacrifices and the professionalism of the men and women who promulgated that combat action for 78 days.

During that period of combat, the United States bore the major share of the military burden for the air war, flying almost 70 percent of the total strike and support forces at a cost of over $4 billion to the American taxpayer. Many, many aviators and others took high personal risks. We were joined in that combat operation by another seven or eight nations that indeed did fly, willingly and courageously. However, it was the United States only—how well our colleagues know—that had the high-performance aircraft, the guided missiles, that support the transport aircraft. NATO did not have it. Those elements of our military, whether they were in or out of NATO, were brought together to promulgate this successful military operation.

In return, the Europeans then promised to pay the major share of the burdens to secure the peace. So far, they have committed and pledged billions of dollars for this goal. I acknowledge that. They have come in diverse amounts at diverse periods of time, but the problem is not enough money has been put up thus far in a timely fashion to make their way to the Kosovo problems, and then begin to solve those problems.

Why the delay? The troops and the public are entitled to know. As a result, our troops and other troops are having to make up for the shortfalls of failing to provide the police force—something we all agreed upon long before the first shot was fired. The troops today, therefore, are having to make up for those shortfalls by performing basic police functions, such as running towns and villages, acting mayors, settling all types of disputes, and guarding individual houses and historic sites. The distinguished Presiding Officer visited this region just a month or so ago, as did I, and witnessed this.

The troops are functioning in areas for which they were not specifically trained. However, there is an extraordinary learning curve for men and women in the Armed Forces of the United States of America and, indeed, other nations. The Presiding Officer and I know; we were privileged to wear uniforms ourselves at one time. We know how well these young men and women can adapt to challenges.

They were not specifically trained, but they are doing the job, and they were doing it very well, but at a great personal risk, I say to the Presiding Officer, at a great personal risk. We have seen in the past few weeks, in Mitrovica and other areas, outbursts, we have seen woundings, we have seen deaths.

That was not a situation we anticipated would take place if there had been a timely sequencing of the military actions and the placing of a civilian police force, infrastructure adjustments, and all the other things needed to bring together Kosovo as an operating society.

Our troops engaged in a high-risk mission, along with others. Their courage, their professional work, as I said, was witnessed by the Presiding Officer and myself, on my trip, and by many others in the Senate. I credit the large number of Senators for taking the time to go over and visit with our troops to see for themselves the complexity of the situation and the risks that are being taken.

As I said, our troops accept that risk. Indeed, the American people thus far have accepted that risk. But it is now incumbent upon the Congress of the United States to begin to exercise its authority and to show some leadership, hopefully in partnership with the administration. We need to show leadership to make certain, regarding the commitment made by our allies and other organizations—whether it be the United Nations, the E.U., the OSCE, or many others who are working in governmental organizations—that we are pulling on the oars together. I am proud to say our country, as best I can determine, has met in a timely fashion its obligations. But the purpose of this amendment is to draw the attention of our allies to the fact the record does not show that they are likewise fulfilling their commitments in a timely way.

We braved those 78 days of combat. Along with other nations that participated we laid the foundation for peace in Kosovo. What we cannot and must not allow to happen is for the risk to our troops to endlessly drift on because of the failure of our allies to live up to their share of the commitments. This is the bottom line of this amendment.

The amendment is simple and straightforward. Half of the funding included in the supplemental for the U.S. military operations in Kosovo—over $1 billion; that is one-half; it is a total of $2 billion—would be provided up front, ready for prompt disbursal to stop the drawdown of the readiness accounts. This would pay for the expenses accrued by our military in Kosovo since the start of the current fiscal year, way back on October 1, 1999.

The remainder of the money, roughly another $1 billion, would be available only—and I underline "only"—after the President of the United States certifies to the Congress that the European Commission, the member nations of the European Union, and the European member nations of NATO have provided a substantial percentage of the assistance and personnel which they themselves have committed to the various civil implementation efforts in Kosovo.

This is an important point that needs to be emphasized. In this legislation we are not seeking an arbitrary or unachievable standard. We are holding the Europeans accountable for the pledges and commitments which they have made. Recognizing that nations have different fiscal years and different procedures, we are not asking for full compliance within the context of this legislation. We expect eventually full compliance.

In the critical areas of humanitarian assistance, support for the Kosovo Consolidated Budget—the money needed by Dr. Kouchner, to whom I will refer later; he is the head of the U.N. mission—to run Kosovo and the police for the U.N. international police force, the Europeans must provide 75 percent of the money or personnel which they committed to provide before additional U.S. taxpayer dollars for military operations in Kosovo would be disbursed.

That is a formula I devised along with the others who worked with me on this, and the intention is to lay down the figures of who has done what, when they did it, and what is left to be done. Unless our President, through his leadership, and other world leaders, can bring this rough formula into play, then we have the triggering mechanism by which the President, if he desires not to certify, or cannot because the facts do not justify a certification. Then I will spell out what happens to the balance of that money.

As I mentioned, on the reconstruction side—I wish to repeat that; it is important—it is a more long-term endeavor. We are requiring the Europeans to provide a third of the money they pledged for the 1999 and 2000 period.

I will readily admit I do not know if a third of the reconstruction money is a good benchmark because that is the category of aid for which I am having the most problem getting accurate data. I cannot tell you the hours and hours involved in consultation, trips and travel to the U.N. and elsewhere, to the Departments of our Federal Government, indeed, consultations with the White House. I found everyone trying to be constructive.

We had a meeting at the White House with the Secretaries of State, Defense, the chairman of the Budget Office, the National Security Adviser. Trying to assemble the data is an awesome task. This amendment forces that task to be undertaken by that individual best qualified to do it, and that is the President of the United States, working in concert with these organizations and the other allies.

It is so difficult to get the data, but we have plowed ahead as best we could. We know, for example, that billions have been pledged at two international donor conferences for Kosovo reconstruction, but I have not been able to find within the administration, at the U.N. or at the E.U., anyone or any document or fact that could advise me and inform the Senate on how much of that money has actually been disbursed.

To put it in the vernacular, where are the canceled checks for what has come in already? It is as simple as that. The American people understand there has to be a record. That is part of the body of fact this Congress needs—and that is required by this legislation—as we decide whether or not to support a continuation of our military deployment, the U.S. troops which are part of the KFOR military structure.

Again, I compliment that KFOR structure. It is working. It is meeting unanticipated problems. It is doing the best it can. There have been some problems recently. Our committee has had General Clark in, just a week or so ago. We went over this, carefully provided oversight about every 3 months or less on this situation.

What happens, I ask, if our allies do not fulfill their commitments and the President is not able to make the certification required by this amendment? If the President cannot make the required certification by June 1, then the remaining $1 billion contained in the supplemental for military operations in Kosovo may be used only for the purpose of conducting a safe and orderly and phased withdrawal of U.S. military personnel from Kosovo.

There it is. That is the bottom line. It has to be said. Someone has to say it. And I said it. I am very pleased with the support I have gotten from a number of individuals to step up and take on this responsibility.

Further, no other funding previously appropriated for the Department of Defense may be used to continue the deployment of U.S. military personnel in Kosovo. We have to seal that up. It had to be said. I thought long and hard on the time and the moment I would come to this floor and state it. But I did it.

We are not setting a deadline for the withdrawal of our troops. It is up to the President and his military advisers to decide how best a safe, orderly, and phased withdrawal should be done. Under this legislation, the President would have to submit his plan for the withdrawal to the Congress by June 30. In my opinion, that withdrawal should not take more than 18 months.

The bottom line is it is not fair to our troops, to their families at home, to the other troops, to remain indefinitely in Kosovo with the political structure, be it our President, the Congress of the United States, the legislatures of the other nations and their leaders, not to take some strong, positive action now to ensure this peace.

We cannot ask those people in uniform and, indeed, many civilians who are associated in this effort—there are a lot of volunteer organizations there—we cannot ask them to take the ever-increasing share of this burden and the risks, personal risks, simply because the nations are not willing, in a timely way, to provide the funding or personnel they promised for civil implementation in Kosovo.

Some will criticize this legislation. That is all right. I am prepared to receive it. But what is a better solution than what we have devised? If there is a better one, please come forward and give it to us. I invite constructive criticism. I invite suggestions. Those who worked with me on this join me.

Some may claim it holds the U.S. military deployment in Kosovo hostage to the actions of our allies; that we are in effect letting others decide whether or not our troop presence in Kosovo will continue by their inaction. I address that allegation now and say, quite respectfully, that our President has already made that connection. The exit strategy for our troops in Kosovo—as it is for our troops in Bosnia—is directly linked to the actions of the U.N., the E.U., the OSCE and others in achieving their goals on the civil implementation side.

Our President said on October 15 in a letter to the Congress:

> The duration of the requirement for U.S. military presence (in Kosovo) will depend upon the course of events. . . . The military force will be progressively reduced based on an assessment of progress in civil implementation and the security situation.

This legislation uses the same link, the same tie to the actions of others already adopted in concept by this administration.

In Kosovo, the U.N., E.U., and OSCE are the groups charged with the civil implementation responsibilities. Up to this point, I must say quite plainly, these organizations are not doing the job they committed to do in a timely manner in Kosovo. The successful NATO-led military operation in Kosovo was undertaken—at personal risk to our troops and those of other nations, and with billions of dollars in costs to the American taxpayers and the taxpayers of other nations—with the understanding in America and, indeed, throughout Europe that the U.N. and other organizations would promptly move in behind and consolidate the military achievements. Now, as a result of little progress in that consolidation, U.S. troops and troops from over 30 nations, are required to perform almost all the tasks and are facing an indefinite deployment and indefinite risk in Kosovo.

Personal bravery, international bonds of commitment, and prudent NATO leadership won the war in Kosovo, but will the slow pace of follow-on actions result in the loss of the peace? That is what we are facing.

Recent events in Mitrovica show how fragile the peace is in Kosovo and how time and unfulfilled commitments play into the hands of those who oppose the peace, and there are several factions that oppose this peace.

During a hearing in the Senate Armed Services Committee on February 2 with NATO commander General Clark as the witness, I and other Members signaled our intention to take legislative action in connection with the upcoming Kosovo supplemental to be proposed by President Clinton. It has not as yet arrived in the Senate. It is to revitalize the near stagnant situation in Kosovo. That is the purpose of this amendment.

Congress has a coequal responsibility with the executive branch, and we now must exercise leadership, again I say, hopefully in partnership with the administration. This is not a political document. Many went in with the best of intentions, but it is time we recognize that no matter how sincere those intentions may have been, we are not collectively, as a group of nations, fulfilling our responsibilities.

We, a growing number of Senators, state:

> Other nations and organizations must follow through on their commitments if U.S. troops are to remain a part of the Kosovo military force.

The United States has far too many commitments around the world. Our military is stretched too thin as it is. We cannot have an open-ended, possibly decades-long military deployment in the Balkans.

We, together with other nations, went into Kosovo with the best of intentions—to stop the slaughter of tens of thousands of innocent people, to restore peace and stability to that region, and to help the people of Kosovo rebuild lives shattered by war and ethnic cleansing. But what has the situation achieved? What has this coalition really achieved? Clearly, the military has fulfilled its mission. To the extent possible, given the continued ethnic animosities—and how extraordinarily they persist—the military has stopped the large-scale fighting and created a relatively safe and secure environment, from a military perspective. However, unacceptable dangerous levels of criminal activity continue and put our troops and many others at risk. Therefore, we have little time left in which to address this problem. We have to figure out, given the precious little progress that has taken place to date, what we can do in the future. This is one idea by a very conscientious and thoughtful group of Senators.

We must recognize the U.N. bears its share of the responsibility. We only say that because the U.N. cannot share all the blame or accept all the blame for the slow pace of progress in Kosovo. But we are mindful of the fact that international organizations are dependent on timely contributions of money and personnel from member nations. In other words, the U.N. acts as a funneling of these funds as they are contributed pursuant to commitments by the various nations. These contributions have been severely lacking, severely delayed in the case of Kosovo.

When I was in Pristina in January, I had the opportunity to meet with Dr. Kouchner—an extraordinary man—the head of the UNMIK, the U.N. mission in Kosovo. He is a very dedicated and committed individual. He has given up much of his private life to go into that area to do the very best he can.

We conducted that meeting with General Reinhardt at the KFOR headquarters, the headquarters, I might add, which on that particular night did not even have running water and the electricity was flickering. It is just an example of the inability to deliver the very basic necessities.

I remember Dr. Kouchner said that night—he was bitterly cold—that there were people literally huddled in their homes without adequate food, heat, shelter, and the like, and it could have been alleviated, to some degree, had these nations stepped up and met their commitments.

As I said, I was impressed with the professionalism and dedication of the general and Dr. Kouchner.

Dr. Kouchner sounded a consistent and urgent theme. He desperately needed money if the U.N. was to achieve its goals in Kosovo. Dr. Kouchner has been going from capital to capital across Europe and, indeed, in this hemisphere—he visited here just a few days ago—urging nations to live up to the commitments they made, to send the money for his mission. General Reinhardt has been supporting Dr. Kouchner in his efforts, since the general understands the KFOR troops continue to bear the full burden if the U.N. mission does not succeed and the missions of all the organizations. According to General Reinhardt:

> The problem for Bernard Kouchner is that he doesn't get the money to pay for what he knows he needs and wants for Kosovo. . . . The international community—the same governments that decided to get us here—doesn't give him what . . . he needs, and it has a direct impact on my soldiers.

On Monday, March 6, Dr. Kouchner and General Reinhardt, as I said, were at the U.N. to report to the Security Council on the situation in Kosovo. Dr. Kouchner told the Security Council:

> If we hope to build democracy in Kosovo, we must do more than ensure the safety of its residents. We must allocate the necessary resources to accomplish the job.

I agree. Foreign donors must deliver immediately, as the United States has done, on their commitments and promises.

My greatest concern is with the international police. The U.N. has said it needs an international police force of 4,718. To date, only 2,359 police have arrived in Kosovo. It is interesting, just about half of what was projected. The United States has done its share. We have already deployed 481 police, and the remaining police pledged by the U.S.—for a total of 550—will arrive in Kosovo shortly. Others, particularly Europeans, have to do their share by providing the necessary police forces. Overall, nations have pledged over 4,400 police. They must now deliver on these pledges. Pledges do not help with the current violence. We need to put it in words that Americans understand: "Cops on the beat."

I commend my distinguished ranking member, Senator LEVIN, who has constantly hit that theme in open sessions over and over again. To a large measure, he joins me in the purport of this amendment. Hopefully, in the weeks to come, with his advice, and with others advice, we can, to the extent necessary—maybe not necessary—reconfigure some of the language of this amendment.

We had a meeting today with officials of our administration in the Armed Services hearing, again, to show the amendment and to urge them to come forward and give us such suggestions as they wish to make.

I spoke, by phone, with Secretary Cohen and National Security Adviser Berger. It is not as if we are out here operating on our own. We are trying to do our best. But remember, Congress has coequal responsibility and must exercise its best leadership.

NATO's soldiers must get out of the business of policing. That will not happen until enough police arrive. Our troops are not policemen. They were not specifically trained, as I said, to perform these tasks. It should not be a part of their continuing indefinite mission.

Since the air war began almost a year ago, the United States has spent over $5 billion for our military operations in Kosovo—$5 billion. It was for a good cause. But $5 billion is desperately needed by our military today for its modernization. The distinguished chairman of the Appropriations Committee, at lunch—and the Presiding Officer was there—recounted program after program in terms of the airlift, the aging C-5, the aging C-41, the need to up the buy of the C-17. That is where these needed dollars are required.

The annual price tag for the military commitment is over $2 billion in Kosovo. This is a heavy burden on the defense budget, but we are going to, hopefully, get it in the supplemental so that we do not take it, as we say, out of their operating accounts. That is the importance of this supplemental. Plus, it is a heavy burden on the American taxpayer.

In addition to these significant sums of money, I am concerned, again, about the safety and welfare of the men and women in uniform. I will come back to that on every single pace. Each day that I am privileged to be a member of the Armed Services Committee—and now as its chairman—I think and begin every day asking myself: What is my obligation to work with this committee to better the lot of the men and women of the Armed Forces and their families?

They are patrolling these towns and villages—as you and I are in this Chamber, and others—subjecting themselves to substantial personal risk while performing their duties. They are taking the risks. The American people take the risks.

I believe we have reached a point in time where it is the responsibility of the Congress to take action to ensure that others step up and fulfill their commitments—other nations and organizations—and that the U.S. military commitment to Kosovo not remain an endless commitment.

I place this draft in the Senate RECORD of today, rather than formally filing the amendment, to show our determination to put forth a constructive approach, not a "cut and run"—there is never any intention to do that—but accountability for all trying to secure a lasting peace in Kosovo. That is the bottom line. I did not file it, so that, if necessary—if we get a good set of suggestions—we can change this document and improve it.

I believe the American people will continue to support the U.S. involvement in Kosovo. I know they will if they know that our President and their Congress are acting in partnership, in concert, to get this job done that is fair to all. They want to see our allies also step up and be accountable and to do their part.

I think—and I say this humbly—this proposal will help do just this. We invite the comments and suggestions of all.

I thank the Presiding Officer, and others, for joining me in this effort.

I yield the floor.

EXHIBIT NO. 1

AMENDMENT NO.—

(Purpose: To limit the use of funds for support of military operations in Kosovo)

At the appropriate place, insert:

SEC. . (a) Of the amounts appropriated in this Act under the heading "OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND" for military operations in Kosovo, not more than 50 percent may be obligated until the President certifies in writing to Congress that the European Commission, the member nations of the European Union, and the European member nations of the North Atlantic Treaty Organization have provided at least 33 percent of the amount of assistance committed by these organizations and nations for 1999 and 2000 for reconstruction in Kosovo, at least 75 percent of the amount of assistance committed by them for 1999 and 2000 for humanitarian assistance in Kosovo, at least 75 percent of the amount of assistance committed by them for 1999 and 2000 for the Kosovo Consolidated Budget, and at least 75 percent of the number of police, including special police, pledged by them for the United Nations international police force for Kosovo.

(b) The President shall submit to Congress, with any certification submitted by the President under subsection (a), a report containing detailed information on—

(1) the commitments and pledges made by each organization and nation referred to in subsection (a) for reconstruction assistance in Kosovo, humanitarian assistance in Kosovo, the Kosovo Consolidated Budget, and police (including special police) for the United Nations international police force for Kosovo;

(2) the amount of assistance that has been provided in each category, and the number of police that have been deployed to Kosovo, by each such organization or nation; and

(3) the full range of commitments and responsibilities that have been undertaken for Kosovo by the United Nations, the European Union, and the Organization for Security and Cooperation in Europe (OSCE), the progress made by those organizations in fulfilling those commitments and responsibilities, an assessment of the tasks that remain to be accomplished, and an anticipated schedule for completing those tasks.

(c) If the President does not submit to Congress a certification and report under subsections (a) and (b) on or before June 1, 2000, then, beginning on June 2, 2000, the 50 percent of the amounts appropriated in this Act under the heading "OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND" for military operations in Kosovo that remain unobligated (as required by subsection (a)) shall be available only for the purpose of conducting a safe, orderly, and phased withdrawal of United States military personnel from Kosovo, and no other amounts appropriated for the Department of Defense in this Act or any Act enacted before the date of the enactment of this Act may be obligated to continue the deployment of United States military personnel in Kosovo. In that case, the President shall submit to Congress, not later than June 30, 2000, a report on the plan for the withdrawal.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I understand that we are in morning business and that Senators may be recognized for 5 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. LAUTENBERG. I ask unanimous consent that I be given up to 10 minutes to make my remarks in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE NEED TO CLOSE THE GUN SHOW LOOPHOLE

Mr. LAUTENBERG. Mr. President, I want to discuss a subject that is not terribly different than the remarks made by the distinguished Senator from Virginia just now. He talks about our responsibilities, what we have to do to protect our citizens. He talked about it in a slightly different way than I am going to discuss it now.

But we are at a point in time, Mr. President, when there are 43 days on the calendar left until the 1-year anniversary of the shootings at Columbine High School in Colorado. On April 20, 2000, it will be 1 year since the country listened, in shock, to the news that two high school students, Eric Harris and Dylan Klebold, had stormed into Columbine and systematically shot and killed 12 classmates and a teacher.

When we talk about 43 days to go, those are calendar days. If we talked about the number of days left for us to enact legislation, there are somewhere around 23 days left.

In addition to those 12 classmates and a teacher killed, 23 other students and teachers were wounded in the assault.

It pains me—and I am sure it is true for all Americans—when I think back to the picture of that carnage: Young people running in a high school, fearful that their lives may be taken away, many weeping with terror as they fled. Who could ever forget the picture of that young man hanging out of a window to try to protect himself?

But even in some ways more shocking is to see how quickly this Congress can dismiss those images. The American people must be wondering: What we have been doing since that tragic day almost a year ago? What have we done to reassure parents across the country that we are working to prevent it from happening again? We have shown no evidence of that. As a matter of fact, the evidence is quite to the contrary. The evidence says: Congress had a chance to do it, but we chose not to. We have not done anything, and it is a disgrace. I heard yesterday that there was a shooting. I have recounted several incidents in the past year when I have heard news of a shooting here and news of a shooting there. My first question is, Is it a school? Is it a schoolyard that has become another killing field? Yesterday's shooting was not in a schoolyard. But when that 6-year-old child was killed by another 6-year-old child, it was in a schoolyard. It was an adult's fault more than that child's fault—the 6-year-old didn't know any better—the man whose gun was lying casually around when this boy picked it up and took it to kill his classmate. We have not dealt with that. We have not dealt with the problem of adult responsibility, keeping guns out of the hands of children. There is no doubt in my mind that the responsibility should fall directly on the adult and have them pay, and pay dearly, for their role in the crime.

On Tuesday, the President tried to help. He met with leaders of the conference committee, where gun safety measures are stalled, to try to move this issue to the front burner. I salute his efforts. He understands the need for action. He recalls routinely the vote we took in this Chamber to pass my gun show loophole amendment. It did pass, 51–50, with the help of Vice President Gore, who voted to break the tie.

But nothing happened. The legislation passed the Senate. But the House passed a juvenile justice bill without gun safety measures. While the President tried to make positive progress, the NRA, the National Rifle Association—I name them clearly—and the gun lobby continued to obstruct every single effort to pass commonsense gun safety measures. They do it by spreading false information about what these measures are designed to do. They distort the record to achieve their goal: no gun safety laws. That is what they want.

They said my amendment was intended to shut down gun shows. It was a lie. It was an untruth. They also misquoted my remarks at a press conference. But when the video of my speech is reviewed, you see what I said. I said, "Close the gun show loophole." These folks don't respect the truth.

My amendment would simply shut out criminals who use gun shows as convenience stores to buy the firearms they will use to rob and commit violent crimes, to kill people. That includes our police officers, law enforcement people.

The American people support criminal background checks on all gun sales at gun shows. It has to be hard for people across the country to understand that you have to get a permit, you have to get a bill of sale, to buy a car, in many cases, to buy an appliance. Why in the world would we not insist that people who are buying a gun identify themselves in some way?

The support for identification is overwhelming. We saw it in an ABC news poll. Ninety percent of the people said they want to close the gun show loophole, the loophole that says unlicensed dealers, private dealers, can go ahead and sell guns to anybody who has the money. No need to ask the question: What are you going to do with it? They ask if you are 18. If you say you are 18, that takes care of it; then they just sell them.

If you are a member of the Ten Most Wanted list, the most wanted criminals in the country, you can step up there and buy a gun. No one will ask you a question.

What about the gun owners the NRA claims to represent? In a poll that was conducted by the Center for Gun Policy and Research at Johns Hopkins University, two-thirds—66 percent—of gun owners said they favor background checks at gun show sales. Last year, the FBI issued a report which noted that between November 30, 1998, and June 15, 1999—less than a year, 6 months—the FBI failed to block about 1,700 gun sales to prohibited purchasers—in other words, people unfit, unable to meet basic standards—because it didn't have enough time to complete the background check. The FBI had to allow the gun sales to go through.

Those transactions were completed because the FBI didn't have enough time to complete the background check. So consequently, they had to issue gun retrieval notices and law enforcement had to try to track down the criminals who got the guns.

So we must not permit weakening of our criminal background check system. We should strengthen it, a system that has stopped more than 470,000 guns from being purchased in 6 years. Half a million people, almost, who wanted to buy guns, who were unfit to buy those guns—criminals, fugitives, other prohibited purchasers—tried to buy a gun and were stopped by Federal law from doing so. I think that is a good thing for people in our country to hear. It includes 33,000 spousal abusers who were denied a gun because of a domestic violence gun ban I wrote only 4 years ago.

The NRA makes another outrageous claim, that my gun show loophole closing bill won't make any difference; in other words, if there are guns out there bought by unknown people, that it doesn't matter. They say my legislation won't make it tougher for people to buy a gun to commit a crime. That is also nonsense.

But don't take my word for it. Look at what Robyn Anderson told the Colorado State Legislature recently. She is the woman who went with Eric Harris and Dylan Klebold to the Tanner gun show in Adams County, CO. She said:

> Eric Harris and Dylan Klebold had gone to the Tanner gun show on Saturday and they took me back with them on Sunday. . . . While we were walking around, Eric and Dylan kept asking sellers if they were private or licensed. They wanted to buy their guns from someone who was private—and not licensed—because there would be no paperwork or background check.

They needed Anderson's help because she was 18 and they were too young to buy guns. So Robyn Anderson bought 3 guns for them at the gun show, 2 shotguns and a rifle—3 guns that Harris and Klebold would use to murder 13 young people at Columbine High School.

Here is what she said. You read it and you will understand it, I hope. She said:

> It was too easy. I wish it had been more difficult. I wouldn't have helped them buy the guns if I had faced a background check.

How much clearer could it be? Closing the gun show loophole will make a difference. I plead with all of my colleagues in this Chamber—I don't understand how we can ignore the cries of our people—I plead with them: Follow your conscience. Let's do the right thing. Whom are we hurting if we say you have to identify yourself when you buy a weapon? We are not hurting anybody.

By not demanding it, we permit this kind of thing to take place, unidentified gun buyers. That ought to shock everybody in America. Let's do what the people of this country expect us to do. Ten months ago, the Senate passed my amendment to close the gun show loophole. Now that bill is being held hostage in a conference committee.

For those who are not aware of what it is, a conference committee is a committee of the House and a committee of the Senate. They join together—it is called a conference committee—to iron out differences in legislation they want to see passed in both Houses.

Nothing has happened. The committee has met only one time, last year. They have not debated the issues. We are asking: Please, let that legislation go free. Don't let the gun lobby prevail over the families across this country who want to stop the gun violence.

Don't let the gun lobby rule what takes place in this Senate or in the House of Representatives. We have to do it now, before April 20, before the anniversary of that terrible day at Columbine High School. No one will forget it. No one who is alive and old enough to understand what took place will forget it. One year is time enough to act. April 20.

People across this country are asking: What has Congress done? What will they do? If one thinks they will be satisfied to hear that we have done nothing at all, I urge them to think again. And I urge people within the range of my voice to listen to what some are saying—that Congress will do nothing about it, even though children die across this country and adults die across this country. Over 33,000 a year die from gunshot wounds. We wound 134,000. In Vietnam, we lost 58,000 over the whole 10-year period that war was fought. But we lose 33,000 Americans a year—young, old, black, white, Christian, Jewish, it doesn't matter.

So I plead with my colleagues, give our people a safer country. They are entitled to that. If we have an enemy outside our borders, we are prepared to fight that enemy. We have service personnel and airplanes with the latest equipment. We try to provide our law enforcement people—the police departments, FBI, drug enforcement agents, and border patrol people—with the weapons to fight crime. But each year, 33,000 people die from gunshots in this country. We ought not to permit that. I plead with my colleagues to help our people. Let's try to move forward with gun safety legislation as quickly as we can when we return the week after next.

I yield the floor.

Mr. GRAMS. I ask unanimous consent to speak in morning business up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL DAIRY POLICY

Mr. GRAMS. Recently, I came to the floor to address Federal dairy policy, specifically focusing on an erroneous but often repeated claim that dairy compacts are necessary today to guarantee a supply of fresh, locally produced milk to consumers. During that time, I dealt with how this is a myth similar to urban legends that are assumed to be true because they are repeated so often. Another dairy myth that you may hear a great deal is that dairy compacts preserve small dairy farms. Mr. President, this is simply not true, and this afternoon I want to point out the reasons why it is untrue.

The Northeast Dairy Compact sets a floor price that processors must pay for fluid milk in the region. Ostensibly, this is supposed to provide small farmers with the additional income necessary to help them survive during hard times. In its practical effect, it doesn't work that way at all. In fact, it has provided financial incentives for big dairy farms to get even bigger.

Consider the cases of Vermont and Pennsylvania. Vermont is in the Northeast Dairy Compact and Pennsylvania is not. Before the formation of the compact in 1997, Vermont had 2,100 dairy farms with an average herd size of 74 cows per farm. By 1998, the number of farms had fallen nearly 10 percent to 1900 dairy farms, but the average herd size had increased to 85 cows per farm. That is a 15-percent increase.

Meanwhile, during the same period of time in Pennsylvania—again, without the compact—the number of dairy farms fell 3 percent, from 11,300 to 10,900, but the average herd size increased only from 56 cows to 57 cows. Thus, in a compact State such as Vermont, the number of dairy farms fell significantly while the average herd size per farm increased significantly. And then compare that to the noncompact State of Pennsylvania during the same period. Their number of dairy farms dropped by a smaller number, and farm herd sizes increased by an even smaller percentage. So this does not appear in any way to be a compact to protect small dairy farms.

The extra income that the compact provides to large farms accelerates their domination of the industry by helping them get larger and stronger. Since the amount of compact premium a producer receives is based entirely on the volume of production, the small amount of additional income a small farmer receives is often inconsequential and does nothing to keep small farms from exiting the industry. In fact, during the first year of the compact, dairy farms in New England declined at a 25 percent faster rate than the average rate of decline during the previous 2-year period.

The assertion that dairy compacts do not protect small farmers is not just something that this Minnesota Senator claims but compact supporters themselves have acknowledged as much. In the latter part of 1998, the Massachusetts commissioner of agriculture declared that the compact, after 16 months, had not protected small dairy farms. The commissioner consequently proposed a new method for distributing the compact premium to class I milk, capping the amount of premium any one dairy farm could receive and redistributing the surplus. Farms of average size or smaller would have seen their incomes increase by as much as 80 percent. However, large farm dairy interests were predictably able to kill this proposal because the assistance to small dairy farmers would have come, of course, out of their pockets. So while compact supporters perpetuate a sentimental picture of compacts enabling small family farmers to continue to work the land, the bottom line is that compacts hasten the demise of the small farmer while enriching the bigger producers.

This claim that compacts save small dairy operations is often made in conjunction with the claim that compacts are being unfairly opposed by large-scale Midwest dairy farms that want to dominate the market. Well, this, too, is untrue because the average herd size for a Vermont dairy farm is 85 cows per herd, while the average herd size for a Minnesota dairy farm is only 57 head. Thus, Vermont dairy farms average in size almost 50 percent larger than Minnesota dairy farms.

Similarly, the South, which has also sought to have its own compact, also has larger farms than the Midwest. The average herd size of a Florida dairy farm is 246 head. That is almost four times larger than the upper-Midwest average. Incidentally, Minnesota producers would love to be getting the mailbox price that farmers in Florida and the Northeast are getting.

In November of last year, the mailbox price—which is the actual price farmers receive for their milk—in the upper-Midwest was $12.09 per hundredweight. In the Northeast, it was $15.02. And in Florida, due to the milk marketing order system, it was $18.72 per hundredweight. So in the Midwest it was $12; in the Northeast it was $15—that is $3 per hundredweight more—and again, in Florida, it was $18.72, or nearly $7 a hundredweight more, or 50 percent more for milk produced in Florida than in Minnesota. How are you going to compete against this type of unfairness in the compact system and in the milk marketing orders?

So the Northeast price is 24 percent higher than Minnesota's, and Florida's price is almost 55 percent higher. Again, Minnesota farmers would love to get those kinds of mailbox prices, but our Government program—and again, the larger farmers in these areas unfairly benefit from this program—ensures that they don't and that these other regions do.

While dairy compacts are again not saving small dairy farms in compact States, they are impacting the bottom line of small-scale producers in non-compact States; in other words, those dairy farmers outside the compact. Compacts are a zero-sum game that shifts producer markets and income from one region of the country to competing regions. They don't have small family farms, and they certainly don't deserve the continuing sanction and the support of the Congress.

Again, there are other dairy myths that must be exposed, and the truth must be told. I will be back on the floor soon to take another look at a misleading claim, try to dissect it a little bit, and put some fairness into what we often hear in the dairy debates.

If we look at this system and why it is unfair, again to look at the prices farmers receive for the milk they produce, why is it fair that if you are in the Midwest, you get $12.60 or $12.70 per hundredweight, but if you are in New England in the compact States, you get $15.20, and if you are a farmer in Florida, that somehow you can receive $18.72 per hundredweight? I don't know. We don't sell computers that way. We don't sell oranges that way. We don't sell automobiles that way. Why is it milk is different? Why is the Government picking winners and losers among those who are in the dairy industry?

If you are in the Midwest, the Government says, well, you are going to be a loser, and if you are in Florida or in the compact States, our Government programs say you are going to get more so you can be a winner. I don't think we should have this type of competition and unfair playing field with the Government picking dairy winners and losers.

I hope we bring some sanity into our dairy program. I will be back on the floor to take on another misleading claim we often hear in these dairy debates.

Thank you, Mr. President. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

U.S. ENERGY DEPENDENCE

Mr. MURKOWSKI. Mr. President, I think I understand more than many the anger many Americans feel when they see gasoline pump prices at $1.80 a gallon or higher. But I also think it is unfortunate that the Clinton-Gore administration has, for 8 years, kind of lulled Americans into believing that an unlimited supply of relatively cheap gasoline will be available from our so-called friends in OPEC.

As a consequence of that false sense of security, America's soccer moms, with the idea of running the kids here and there, have gone out and spent tens of millions of dollars on sport utility vehicles that barely get 15 miles a gallon. With today's gas prices, they find when they fill up one of those SUVs that it can put a big hole in a $100 bill. It will cost $70 or $80. It is almost certain that gasoline will hit $2 a gallon this summer because our refineries are not refining gasoline because they are still refining heating oil. Since they have not shut down for the conversion, we won't have on hand the reserves necessary to meet the requirements for the families in this country who are used to driving long distances in the summertime. It is going to happen. We are going to get $2-a-gallon gasoline.

Americans I don't think should blame OPEC when the fault lies clearly with the Clinton-Gore administration and their energy policy, which is really no policy. They have no policy on coal, they have no policy on oil, and they have no policy on hydro other than it is nonrenewable, and they have no policy on natural gas. They say that is the savior. But they won't open up public land for oil and gas exploration, particularly in the upper belt of the Rocky Mountains, my State of Alaska, and the OCS areas.

What they propose is to put the Secretary of Energy on an airplane and send him over to Saudi Arabia with his hand out begging the Saudis to produce more oil. They made that trip; they made that request. And the Saudis said: We have a meeting of OPEC March 27. He said: No, you don't understand. There is an emergency in the United States. We need you to produce more oil. They said: You don't understand, Mr. Secretary. Our meeting is March 27.

That is hardly an adequate response to a nation that went over there and fought a war so that Saddam Hussein could not take over Kuwait. That war was about oil.

We sought relief from the non-OPEC nations of Mexico and Venezuela. The Mexicans said: Well, isn't it rather ironic, when oil was $11, 12, and $13 a barrel and the Mexican economy was in the tank and in shambles, where were the Americans? Was the administration trying to help us out? We weren't there. So we got stiffed. We got poked in the eye.

Now we see oil fluctuating from $34 a barrel a couple of days ago. It dropped $3. It went up again today.

The point is, we are dependent on imports and we are increasing that dependence.

Since the very first day this administration took office in 1993, they declared war on domestic energy producers.

The first proposal they sent to the Congress—this is very important, because some of you do not have a memory of 1993. But the Clinton administration proposed to the Congress a new $70 billion tax on fossil fuel produced in this country. That was a tax they planned with inflation indexing so that it would go up every single year. On top of that, they tried to add $8 billion in new motor fuel taxes and $1 billion in taxes on barge fuel.

Do you remember that, Mr. President? This Senator from Alaska does. A lot of folks in the administration would like us to forget that. I hope we will not forget that.

The Democratically-controlled Congress delivered to President Clinton $42 billion in new motor vehicle taxes in the form of a 30-percent gas tax increase. The Democratically-controlled Congress delivered to President Clinton $42 billion in new motor fuel taxes in the form of a 30-percent gas tax increase, and not a single Republican voted for that gas tax hike. We were joined by six Democrats, which resulted in what? A 50–50 tie vote. But the $42 billion gas tax hike became reality for every single American because the Vice President, AL GORE, cast the tie-breaking vote in favor of this tax hike.

That is a fact, and the RECORD will so note.

It will be interesting to hear his explanation. We heard an explanation not so long ago that, if elected, he would cancel the OCS leases. Where does he propose to get energy from, the tooth fairy?

I believe today, when gasoline is selling for more than $2 a gallon in some parts of the country, we should suspend the 30-percent Clinton/Gore tax increase. That is the least we can do to help the American motorist. We can make sure the highway trust fund is reimbursed for any lost revenue so we can ensure that all highway construction that is authorized will be constructed and that we don't jeopardize that.

I believe it is appropriate for this payback to the trust fund because the Clinton/Gore gas tax was not used for highway construction. It was used for government spending until Republicans took over Congress and authorized the tax to be restored for highway construction.

That is a short-term fix, but I think a realistic and achievable one.

Mr. President, barely a month ago, when heating oil prices were at their peak, what did the President propose? another $2.5 billion tax increase on the oil industry. Let me assure everyone in this chamber that those proposals are dead on arrival, as they should be.

It is not just higher energy taxes that the President demands. What has he done on the supply side? In a word, nothing. This administration has done nothing to open federal lands for exploration and development of oil and gas.

We should develop the overthrust belt of the Rocky Mountains and some of the OCS areas. The administration refuses to budge on the most promising oil field in America, ANWR. It is simply off limits. And they demand moratoriums on offshore, and on and on.

There is the story. Petroleum demands go up, and crude production goes down. That is where we are. It is as simple at that.

Mr. President, some people say that the administration does not have an energy policy. I would disagree with that statement. The Clinton-Gore administration does have an energy policy. It's goal is simply to stop energy production in the United States and make this country completely dependent on foreign oil. When Bill Clinton took office, we imported 43 percent of our oil. Today, foreign oil accounts for 56 percent of domestic consumption.

This isn't going to come as a surprise to the Department of Energy. The Department of Energy says the U.S. will be 65 percent in the year 2020—somewhere between 2010, 2015, and 2020.

That seems to be the goal of this administration rather than trying to do something about it.

And the predictable result of this irrational policy: We send the Secretary of Energy with hat in hand begging OPEC to raise production. The Sheiks in the Middle East must be laughing all the way to the bank as they contemplate how this administration has turned America into a dependent of OPEC.

They must view with mild amusement the irrational pie-in-the sky policies that this administration has tried to sell to the American people. Would this administration support building more nuclear facilities to reduce our dependence on OPEC? NO!

Would they support building new non-polluting hydro-electric facilities to reduce our dependence on OPEC? No. In fact, in what must be one of the most naive proposals from this Administration, they have been proposing tearing down dams that have been providing power for decades. Tearing down dams at a time when we are 56 percent dependent on imported oil is simply unconscionable. How would we replace this lost source of power? Does the administration support building more coal fired power plants? No. So how do President Clinton and Vice President GORE propose that we generate energy to run our industry and fuel our transportation system? Year in and year out what we hear from this administration is one word: Renewables—solar, wind, and geothermal.

I know the Administration is always emphasizing renewable energy as the best option. They are all important, but they constitute less than 4 percent of U.S. energy production and for the foreseeable future are not going to make a dent in our energy production.

I hope someday renewables will play a bigger role. We have to face reality. In 25 years, if there are technological breakthroughs, they may play a more important role, but today they have almost no role.

Face it: Today there are no solar airplanes; there are no economically feasible solar automobiles; there are no wind-powered, solar-powered trains. it gets dark in Alaska in the winter. None of these concepts is on the drawing board. The fact that the administration does not want to face up to this is evident up to now and in the foreseeable future.

This administration hopes they can get out of town before the crisis hits, the calamity of the American public asking: What have you done? You sold our energy security to the Saudis and some of the other Third World nations.

For 8 years, this administration has been blind to the facts and lived in a renewable dream world. Today, the American consumer is paying the price for the failed energy policies of the Clinton-Gore administration.

Today's gas prices may wake us up and call the country to the recognition that we have to begin to address, with long-term solutions, our energy security issues. If we don't do that, we may look back on March 2000 as the good old days when gasoline was only $1.70 a gallon. As we propose taking off this 4.3 percent, I look forward to the administration's response as to how the Vice President broke that tie. He and the administration are responsible for the tax costing the American consumer $43 billion.

PARDON ATTORNEY REFORM AND INTEGRITY ACT

Mr. ABRAHAM. Mr. President, a few weeks ago Senator HATCH, Senator NICKLES, and I, along with other Senators, introduced S. 2042, the Pardon

Attorney Reform and Integrity Act. The Judiciary Committee has now reported this legislation to the floor. I wanted to say just a few words about why I believe this legislation is needed and why I hope the Senate will act quickly.

Last September, President Clinton decided to grant clemency to 11 members of the Puerto Rican terrorist groups FALN and Los Macheteros. When this decision became known, it was greeted with virtually universal shock and disbelief, followed by calls for the President to reconsider and ultimately by near universal condemnation. The FALN had been involved in numerous terrorist acts. The most heinous of these acts was the bombing of Fraunces Tavern in New York City. In the middle of the lunch time rush at this Wall Street tavern, FALN members planted a bomb. The explosion killed four people and left 55 people wounded. In addition, FALN has taken credit for more than 130 bombings, attempted bombings, bomb threats and kidnapings. They took credit for the bombing of office buildings in New York and Chicago where at least one other person was killed and several more injured.

Although it has been suggested that the individuals the President pardoned were not convicted of direct involvement in these acts, the conduct that they were convicted of made clear that they all played important roles in facilitating the activities of the organization, fully aware that the entity in question engaged in just this kind of conduct. Despite this, there is no evidence that any of them are seriously remorseful about their serious wrongdoing. Singling them out for the extraordinary favor of Presidential clemency is, under these circumstances, frankly inexplicable.

Both this body and the House of Representatives passed resolutions stating our disapproval of the President's action. Following these events, the Committee on the Judiciary held two hearings on how the President had made his decision. In the first of these hearings, it was discovered that Reverend Ikuta, a supporter of clemency for the terrorists, had several meetings with the Department of Justice concerning the potential grant of clemency. At the same time, law enforcement officials, who attempted to contact the President and the Department of Justice concerning the clemency, received no response from the administration. Nor were the victims consulted in any way. The son of one of the victims of the Fraunces Tavern bombing was told in 1998 by the FBI that they were still searching for the FALN member thought to have planted the bomb. Meanwhile, the President was considering granting clemency to individuals who not only were members of the group responsible for the bomb in the first place, but also who may have had information about the whereabouts of this primary suspect. The victims of the terrorists' acts were never even informed of the President's grant of clemency. They had to read it in the newspaper. Perhaps the gravest oversight of all is that the terrorists were never asked to provide any information about other FALN members who are still on the FBI most wanted list.

The goal of this bill is to try to do what Congress can to prevent this situation from recurring. The bill would require the Department of Justice, if asked to investigate a pardon request, to make all reasonable efforts to inform the victims that a pardon request is being reviewed and give the victims an opportunity to present their views. The Department is also required to notify the victims of a decision to grant clemency as soon as practical after it is made and, if it will result in the release of someone, before release of that person if practicable. The bill also requires that the Department of Justice make all reasonable efforts to determine the views of law enforcement on whether the person has accepted responsibility for his or her actions and whether the person is a danger to any person or society. Finally the Department must determine from federal, state and local law enforcement whether the person may have information relevant to any ongoing investigation, prosecution, or effort to apprehend a fugitive, and to determine the effect of a grant of clemency on the threat of terrorism or future criminal activity.

Opponents of this bill argue that it is an unconstitutional infringement on the Presidential pardon power. This is not so. This bill dictates a process to be used when the President delegates investigatory power to the Department of Justice. Accordingly, this bill is not a usurpation of the President's pardon power, but within the legitimate exercise of Congress's power, in establishing the Department of Justice, to "make all laws which are necessary and proper for carrying into Execution" not only the powers vested in Congress but also "all other powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof." The President's own freedom to exercise the pardon power however he sees fit is in no way infringed by this bill. In fact, this bill only acts to ensure that the President has the information before him to make a well rounded and informed decision. The President can ignore the information provided by the victims and the law enforcement officers if he chooses to do so. I would hope that he would not. But while requirements that would force him to give particular weight to their views would most likely be unconstitutional, requiring the Department to make this information available to him, for whatever use he chooses to make of it, surely is not. Indeed, the President and the Department of Justice should be supportive of this bill as it should help return to the American people confidence in the clemency process that may have been lost following the release of the FALN and Los Macheteros terrorists.

It is unconscionable that in this instance, the views of the victims and law enforcement officers, the parties most affected by both the criminal act and the clemency, were ignored in the decision making process. This bill goes a long way in helping to prevent a recurrence of the defects in process in President Clinton's grant of clemency last September to the 11 terrorists. It will enhance the quality of information available so as to ensure a more balanced basis for the President's decisions regarding clemency. I am, therefore, pleased the committee has reported this legislation to the floor of the Senate, and I urge its prompt enactment.

ACTS OF BRUTALITY

Mr. FRIST. Mr. President, for the second time in one week, I come to the floor of the Senate to bring attention to an atrocious and despicable act of brutality against innocent men, women, and children.

Just 8 days ago, the Government of Sudan bombed nine towns, hospitals and feeding centers in the areas of the vast country outside of their control. As I said a week ago, they did not hit key rebel facilities or strongholds. However, they did bomb the town of Lui and the only rudimentary hospital and a TB clinic for a hundred mile radius.

They killed, maimed, and injured dozens of innocent and infirmed civilians.

As I said last week, I know this "target" well. It is the very hospital where I served as a volunteer surgeon and medical missionary just two years ago.

One of the worst aspects of the bombings is that the Government of Sudan knew exactly what these targets were. There was no mistaking it. Rebel forces had even caught government army agents attempting to mine the airstrip earlier in the year.

Last Sunday, 4 days after the bombing, the old Soviet cargo planes, which have been converted into bombers, returned. They dropped no bombs, but inspected the damage of the earlier raid and, we suspect, continued selecting targets.

On Tuesday morning, just past 10 a.m. local time, the bomber returned. It dropped 15 more bombs on the Samaritan's Purse hospital it targeted last week.

The sad part of the story is that it is not surprising. For years the Government of Sudan has targeted the relief facilities of organizations it deems friendly toward the rebels. That is, those who operate exclusively in areas outside of government control or those who criticize the regime in Khartoum.

In the town of Yei, the hospital has been bombed so many times, bombings of the facility no longer necessary even makes it to wire reports.

On February 8 of this year, one of those routine bombings of civilian targets was especially horrific, when school children in the Nuba Mountains region—an isolated area especially devastated by government bombings and offensive—were killed as they took their lessons under a tree. At least a dozen students and two adults were killed by antipersonnel bombs pushed out the cargo doors of the converted cargo planes. These were schoolchildren. They were not rebels nor child soldiers, but children learning to read.

In that case, we have good reason to believe that the strike was retribution for the local Roman Catholic Bishop, who has been charged with treason for coming to the United States in an effort to publicize the atrocities of his government against its own people. It was a school run by his church and a location that he was known to frequent.

In general, the United States policy is pointed in the right direction with respect to Sudan: its primary focus is on ending the war through multilateral negotiations, and on aiding the areas of greatest food insecurity.

But the United States policy is not without serious flaws, the greatest of which is failing to use our full diplomatic and economic weight to change the political environment where the Government of Sudan can repeatedly and intentionally bomb civilian targets, including schools and hospitals, and not face a single substantial objection from any member of the United Nations Security Council—nor any member of the United Nations.

That includes the United States. We do not sufficiently use the international body to promote peace to even raise objections about the murder of innocent civilians.

This failure of the international community to forcefully act or to raise even routine objections in international fora in an effort to stop the most brutal and devastating war since the Second World War is as inexplicable as it is tragic.

It is also hypocritical when compared to any number of United Nations sponsored peace missions.

Why is the United Nations so unwilling or unable to act? Because it lacks the necessary leadership among its members. It lacks the type public exposure to the truth of the horrors in Sudan to cause sufficient shame and embarrassment to change inaction into action.

The United Nations and its members do not suffer from a lack of information about the war I have described as lurking on the edge of the world's conscience. The United Nations own Special Rapporteur for Sudan has submitted an extensive report detailing the atrocities and some common sense recommendations for the body to act upon. But nothing has happened.

It is behind this veil of obscurity that some of our closest allies' inaction has somehow instead become the United States "isolation" on the issue. It is behind this veil of obscurity and sense of this being an esoteric American issue that inaction has hidden and thrived.

That failure, that veil of obscurity, is the greatest tragedy of them all. The United Nations was formed to stop or prevent injustice such as what is happening in Sudan. But it has instead become a vehicle for obfuscation of responsibility. it has become the chosen forum for denial and the Sudanese government's charm offensive: a concerted and effective public relations effort which portrays them as simply "misunderstood" and the victim of undeserved American vilification.

The United Nations should be the forum to pull the war in Sudan from the edge of the world's consciousness, to the center of the world's attention. To fail to take every reasonable opportunity to use the United Nations to generate the necessary embarrassment and shame to drive our complicity and compel nations to act to end the war would be the greatest failure of our policy and a tragic loss of potential for good. It is our failure to fully use the United Nations as an effective instrument to end the war in Sudan which must become a major focus of the United States policy.

If the United Nations is not used as a forum for resolution of a conflict like this, and if we are not willing to assert American leadership within that forum, the unavoidable question becomes what, then, is the purpose of United Nations and our membership therein?

CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Mr. BIDEN. Mr. President, nearly two decades ago, President Carter submitted to the Senate the Convention on the Elimination of All Forms of Discrimination Against Women, known in shorthand as the "Womens' Convention."

In the two decades since then, the Committee on Foreign Relations has acted on the Convention only once. In 1994, the Committee voted to report the treaty by a strong majority of 13 to 5. Unfortunately, the 103rd Congress ended before the full Senate could act on the Convention.

Since then, not one hearing has been held in the Committee on Foreign Relations. Not one.

It is a great mystery to me that a treaty that calls for the international promotion of civil and human rights for women would not be considered by the Senate.

Over 160 nations have become party to this treaty, which entered into force in 1981. To its great discredit, the United States stands outside this treaty with a just handful of other nations.

There is hardly anything revolutionary about this treaty. It contains a specific set of obligations calling on member states to enact legal prohibitions on discrimination against women—prohibitions which, in large part, the United States has already enacted.

In fact, if the United States becomes a party to the treaty, we would not need to make any changes to U.S. law in order to comply with the treaty.

So what are the opponents of this treaty supposedly concerned about?

In 1994, the five Senators who voted against the Convention in the Committee filed "minority views." In it they expressed two concerns.

First, the dissenting Senators expressed concern that, in ratifying the Convention, several nations had taken reservations to the treaty, and thereby "cheapened the coin" of the treaty and the human rights norms that it embodies.

To this objection there are two answers. First, no treaty signed by dozens of nations will ever be perfect. It will be the product of numerous compromises, some of which will not always be acceptable.

That's why the Senate thinks it so important that we retain the right, whenever possible, to offer reservations to treaties—to attempt to remedy, or if necessary, opt-out, of any bad deals agreed to by our negotiators.

Second, this Senate has frequently entered reservations in ratifying human rights treaties in the 1980s and 1990s—such as the Convention on Torture, the Convention on Racial Discrimination, and the International Covenant on Civil and Political Rights.

In unanimously approving each of these treaties, the Senate imposed numerous reservations and understandings on U.S. ratification. In approving the Race Convention, for example, the Senate added three reservations, one understanding, and one condition.

Did we "cheapen the coin" of the Race Convention in doing so? The answer is no, because in entering these reservations we did not undermine the central purpose of the treaty—to require nations to outlaw racial discrimination.

The second objection registered by the five senators who voted against the Convention in 1994 is that joining the treaty was not the "best use" of our government's "energies" in promoting the human rights of women around the world.

This is a rather remarkable objection. What this group of senators was saying, in short, is that we should reserve our resources—and only promote human rights for women at certain times and in certain places.

I would hope that every senator would agree that we should promote equal rights for women at every opportunity—not when it suits us or when where it is the "best use" of our "energies." Advancing human rights and human liberty—for women and for everyone else—is a never-ending struggle.

Of course, the United States has a powerful voice, and we do not need to be a party to this Convention in order to speak out on womens' rights. But we should join this Convention so we can be heard within the councils of the treaty.

Now the Senator from California stepped forward with a simple resolution which calls on the Senate to have hearings on the treaty, and for the Senate to act on the Convention by March 8, International Womens' Day.

Unfortunately, the effort to call up this resolution yesterday was objected to. So we are here on the floor today simply to try to raise the profile of this treaty. I hope that our colleagues are listening.

I urge the other members—whether on the Foreign Relations Committee or not—to step forward and join with us in urging support for this treaty.

MIDDLE EAST PEACE PROCESS

Mr. BROWNBACK. Mr. President, there is a lot of information swirling about concerning the Middle East Peace Process, specifically the so called "Syrian track." Facts and figures are being bandied about freely and there is little to indicate which are fact and which are fiction. Therefore I rise today to lay down a marker for the coming year and to express the hope that the administration will consult with Congress on a continual basis as this process picks up again.

Last year, Congress and the American people were presented with a bill for the Middle East peace process that was in excess of $1 billion—that is $1 billion more than the $5 billion plus we already spend in the Middle East. And this extra bill was compiled without any congressional input. It was approved, but this is no way to do business.

The peace process is ongoing, but the President and the Department of State should consider themselves on notice from this moment on: This Congress will not rubber stamp another Wye Plantation Accord, we will not cough up another check without consultation and due consideration; we will not be left out of our Constitutionally assigned role.

I am a strong believer in the Middle East peace process. The Governments of Egypt, Jordan and Israel have shown enormous character and courage in making peace, and they deserve our support. The nations of Egypt and Jordan, like Israel, need economic and military security in a bad neighborhood. They have made real sacrifices to do the right thing, and they have the backing of the United States.

However, ultimately, peace is not something that can be bought. Both Israel and its Arab partners, be they the Palestinians, the Lebanese or the Syrians, must make peace on their own terms without regard to sweeteners or inducements from the United States. The US has always played a historical role in promoting peace, but ultimately, peace only works when it is in the interests of the parties directly involved. Should we help? I believe we can. Should that help be the sole basis of an agreement? Unreservedly, no.

All of us who follow foreign policy issues are well aware that in this, the last year of the Clinton Administration, the President would like to preside over an historic peace between Israel and its remaining enemies in the Arab world. Perhaps we shouldn't blame President Clinton too much for yearning for a place in the history books. But President Clinton and his entire foreign policy team need to remember a few important points: 1: Congress has the power of the purse; 2: We are not the Syrian parliament: We will not rubber stamp any agreement with any price tag; 3: Notwithstanding rumors to the contrary, we are interested and wish to be kept apprised of important developments in American diplomacy. In other words, Mr. President, come and talk to us. Keep us in the loop.

I have read in the newspapers that Israel is looking at the security implications of returning the Golan Heights and is also considering requesting a security package from the United States which will be very costly. There are ongoing discussions between Israel and the Defense Department on this matter. But Congress has not been briefed. Syria too, has visions of sugar plum fairies dancing into Damascus with billions in aid; and I am sure the Lebanese will not be too far behind.

There will be many reasons to support a peace in the Middle East, but much will depend upon exactly what commitments will be expected of the United States. The President must not again make the mistake of signing IOUs which, this time, the Congress may have no intention of covering. We are willing partners in peace, but we will not accept the presentation of another fait accompli. Mr. President, we look forward to hearing from you—often.

WOMEN'S HISTORY MONTH

Mr. SARBANES. Mr. President, today I rise in recognition of Women's History Month—a time to honor the many great women leaders from our past and present who have served our Nation so well. These women have worked diligently to achieve social change and personal triumph often against incredible odds. As scientists, writers, doctors, teachers, and mothers, they have shaped our world and guided us down the road to prosperity and peace. For far too long, however, their contributions to the strength and character of our society went unrecognized and undervalued.

It is also important to recognize the countless American women whose names and great works are known only to their families. They too have played critical roles in the development of our State and National heritage.

Women have led efforts to secure not only their own rights, but have also been the guiding force behind many of the other major social movements of our time—the abolitionist movement, the industrial labor movement, and the civil rights movement, to name a few. We also have women to thank for the establishment of many of our early charitable, philanthropic, and cultural institutions.

I am proud of the many women from Maryland whose bravery, hard work, and dedication have earned them a place in our Nation's history. They include Margaret Brent, America's first woman lawyer and landholder. In 1648, she went before the Maryland General Assembly demanding the right to vote. Another brave Maryland woman was Harriet Tubman, hero of the Underground Railroad, who was personally responsible for freeing over 300 slaves. Dr. Helen Taussig, another great Marylander, in 1945, developed the first successful medical procedure to save "blue babies" by repairing heart birth defects in children whose blood was starved of oxygen, turning their skin a bluish hue. This breakthrough laid the foundation for modern heart surgery.

I would also like to recognize my colleague, another great Maryland woman, Senator BARBARA A. MIKULSKI. One of only nine female Members of the Senate, she has forged a path for women legislators into the Federal political arena and has tirelessly fought for recognition of the right of women to equal treatment and opportunities in our society. Through her leadership, the effort to designate March as Women's History Month has been a resounding success.

Other Maryland women leaders include Dr. Lillie Jackson and Enolia McMillan, two great champions of the Civil Rights Movement, and Henrietta Szold, the founder of Hadassah, the Women's Zionist Organization of America. Hattie Alexander, a native of Baltimore, was a microbiologist and pediatrician who won international recognition for deriving a serum to combat influenzal meningitis. Rachel Carson, founder of the environmental movement, Billie Holiday, the renowned jazz singer, and Elizabeth Seton, the first American canonized as a saint were also all from Maryland. The achievements and dedication of these women are a source of inspiration to us all.

Now more than ever, women are a guiding force in Maryland and a major presence in our business sector. As of 1996, there were over 167,000 women-owned businesses in our State—that amounts to 39 percent of all firms in Maryland. Maryland's women-owned businesses employ over 301,000 people and generate over $39 billion in sales. Between 1987 and 1996, the number of women-owned firms in Maryland is estimated to have increased by 88 percent.

During Women's History month we have the opportunity to remember and praise great women leaders who have opened doors for today's young women in ways that are often overlooked. Their legacy has enriched our lives and deserves prominence in the annals of American history.

With this in mind, I have co-sponsored legislation again this Congress to establish a National Museum of Women's History Advisory Committee. This Committee would be charged with identifying a site for the National Museum of Women's History and developing strategies for raising private funding for the development and maintenance of the museum. Ultimately, the museum will enlighten the young and old about the key roles women have played in our Nation's history and the many contributions they have made to our culture.

However, we must do more than merely recognize the outstanding accomplishments women have made. Women's History Month also is a time to recognize that women still face substantial obstacles and inequities. At every age, women are more likely than their male contemporaries to be poor. A working woman still earns on average only 74 cents for every dollar earned by a man. A female physician only earns about 58 cents to her male counterpart's dollar, and female business executives earn about 65 cents for every dollar paid to a male executive. The average personal income of men over 65 is nearly double that of their female peers. Access to capital for female entrepreneurs is still a significant stumbling block, and women business owners of color are even less likely than white women entrepreneurs to have financial backing from a bank.

To address some of these discrepancies, I have co-sponsored the Paycheck Fairness Act which would provide more effective remedies to victims of wage discrimination on the basis of sex. It would enhance enforcement of the existing Equal Pay Act and protect employees who discuss wages with coworkers from employer retaliation.

On the other hand, we have made great strides toward ensuring a fairer place for women in our society. The college-educated proportion of women, although still smaller than the comparable proportion of men, has been increasing rapidly. In 1995, women represented 55 percent of the people awarded bachelor's degrees, 55 percent of people awarded masters', 39 percent of the doctorates, 39 percent of the M.D.'s, and 43 percent of the law degrees. As recently as the early 1970s, the respective percentages were 43 percent, 40 percent, 14 percent, 8 percent, and 5 percent. Women are now the majority in some professional and managerial occupations that were largely male until relatively recently.

The future does not look so bright for women in many other countries where women not only lack access to equal opportunities, but even worse are subject to dehumanizing social practices and abominable human rights violations. For this reason, I have added my name to a resolution calling on the Senate to act on the Convention on the Elimination of All Forms of Discrimination Against Women.

Mr. President, in the dawn of this new millennium, we must renew our efforts to ensure that gender no longer predetermines a person's opportunities or station in life. It is my hope that we can accelerate our progress in securing women's rights. As we celebrate Women's History Month, let us reaffirm our commitment to the women of this Nation and to insuring full equality for all of our citizens.

A PARENT'S PLEA

Mr. LEVIN. Mr. President, a week ago, Veronica McQueen didn't have the slightest idea she would be the latest parent thrust into a tragic spotlight. Now, the mother of Kayla Rolland, the six-year-old girl who was shot and killed in Mount Morris Township, Michigan, is very much the focus of public attention and empathy.

Kayla's mother and parents across the country are heartsick. Parents too often fear sending their children to school in the morning. They are joining the fight against gun violence and demanding that Congress make this country safer for their own children and the nation's children. As Kayla's mother said, "I just don't want to see another parent have to bury another baby over this, over something that is preventable, something that is very, very preventable."

I would like to share some of the thoughts and feelings of mothers across the country. They have written to the Million Mom March, an organization fighting for commonsense gun legislation, asking Congress to listen to their pleas for safety. I urge Congress to stop listening to the NRA and heed the words of parents: pass legislation before more children's voices are silenced by gunshots.

Victoria of Pittsburgh, PA writes: "It is 4 a.m. and my daughter had that terrifying dream again—the one about the man with the gun—'he'd already shot you and Dad, Mom—and now he's coming for me.' Was my daughter affected by Columbine? I was!"

Cindy of Bridgewater, NJ: "Our children look to their parents for protection. What are we suppose to tell them when we can't? Who are we suppose to go to for help? It is the job of EVERY citizen in this country and EVERY government official to make sure our children are safe. Stricter gun laws are only meant to do ONE thing. . . . PROTECT OUR CHILDREN! I am asking the government to please step up to the plate and protect them . . . after all aren't some of you parents too?"

Julie of Hamilton, VA: "I want to protect my two remaining children and grandchild from the horror of gun violence. I was not able to protect my precious son Jesse, who was a victim of a self-inflicted gunshot wound to the head on June 11, 1999."

Leslie of Philadelphia, PA: "On February 2 ,2000, my son, Songha Thomas Willis, was fatally shot in a holdup while visiting me in Philadelphia . . . Needless to say, this has been a very difficult time for me and my family over the past few weeks. We are still in shock, and as a family of law enforcers, we are doubly affected by this event . . . I support not only changing gun control laws but changing the hearts of those who are against our efforts, because the heart is the fountainhead of all things moral."

Deborah of Walled Lake, MI: ". . . A few months ago someone I love lost a child to violence and a hand gun. His son who had just turned 17 a few weeks before was shot sitting on his own front porch. Someone thought he was someone else and walked up to him and ended his life his dreams his families dreams for him in an instant. He is gone and the world is a sadder place because of that loss. We have to stop this senseless killing the loss of our children. Our best chance of making Washington listen to us is if our voices are one. I will be with those who march in Washington on Mothers day. We have to stop the killing of our children."

B. Adams of Littleton, CO: "My daughter survived Columbine, but looking into the faces of the parents that night who had not found their children was the hardest thing I've ever done. Although guns were not the only equation, how can we not do what we can to prevent this from happening again?! How can gun commerce be more important than the lives and safety of our children? How can we face them and not say that we have done all we can to protect them?"

Eileen of Palm Beach Gardens, FL: "My 19 yr. old son Michael was murdered on March 21, 1996 along with his best friend. Both were shot in the head execution style by two teens who had been involved in an attempted murder 13 hours before using a hand gun. These last four years have been a living hell and if I can stop just one mother from living the nightmare I have had to live, then I will be happy."

Suzy of Raleigh, NC: "Last April, my growing lanky 10 yr. old sat on my lap the day after Columbine and asked me—'Why?' I had no answer. I simply held him and cried with him. I still have no answer. But I don't ever want him to ask me why I didn't do something. I will link hands with all of you on Mothers Day. Its time to take back our precious babies' childhoods."

Lori of Troy, MI: "I am scared and outraged for our children. In Michigan there is an effort to allow concealed weapons. I have had enough of the NRA and the pro gun lobby. They say the hand that rocks the cradle rules the world. I hope we can change it."

Angelique of Imperial Beach, CA: "A close friend of mine once found a little boy that had been accidentally shot in the head by a friends' dads' gun. To this day she will never in a million years forget what it felt like to have that little boy tug and pull at her shirt during his last few moments alive. Had there been a trigger-lock on that firearm his life could've been saved . . . As well as so many others . . ."

RECOGNIZING THE FIRST BUY BACK OF NATIONAL DEBT IN 70 YEARS

Mr. ROBB. Mr. President, I take a moment to recognize a milestone we reached today that was simply unthinkable eight short years ago. While it has gone largely unnoticed, in my view it represents real hope for our children's future.

Today, for the first time in 70 years, we bought back part of our Nation's debt. It was a relatively small amount—$1 billion—compared to our $5.7 trillion debt. But at least it shows that we are willing to pay down the mortgage the federal government took out on our children's future over the last 30 years.

We hear a great deal about wasteful spending, and we need to remain vigilant to root out wasted taxpayer dollars. But in my view, the most wasteful federal spending is the money we are forced to spend on interest to support our publicly held debt—debt which represents all the tough choices we did not make. Last year, we spent nearly $230 billion on interest payments on the debt. That compares with the roughly $38 billion the federal government spent last year on education.

Those of us who care deeply about keeping government from spending more than it takes in need to continue to make fiscally responsible choices so we can remove the millstone of debt from the necks of our children as quickly and responsibly as possible.

THE AFFORDABLE EDUCATION ACT

Mr. KOHL. Mr. President, I rise today as a proud cosponsor of "The Public Education Reinvestment, Reinvention, and Responsibility Act of 2000"—better known as "Three R's." I have been pleased to work with the education community in Wisconsin, as well as Senator LIEBERMAN and our other cosponsors, on this important piece of legislation. I believe that this bill represents a realistic, effective approach to improving public education—where 90% of students are educated.

We have made great strides in the past six years toward improving public education. Nearly all States now have academic standards in place. More students are taking more challenging courses. Test scores have risen slightly. Dropout rates have decreased.

In Wisconsin, educators have worked hard to help students achieve. Fourth-graders and eighth-graders are showing continued improvement on State tests in nearly every subject, particularly in science and math. Third-graders are scoring higher on reading tests. Test results show some improvement across all groups, including African American, disabled, and economically disadvantaged groups.

Unfortunately, despite all of our best efforts, we still face huge challenges in improving public schools. The most recent TIMSS study of students from 41 different countries found that many American students score far behind those in other countries. In Wisconsin, scores in math, science and writing are getting better but still need improvement. And test scores of students from low-income families, while showing some improvement, are still too low.

I strongly support the notion that the Federal government must continue to be a partner with States and local educators as we strive to improve public schools. As a nation, it is in all of our best interests to ensure that our children receive the best education possible. It is vital to their future success, and the success of our country.

However, addressing problems in education is going to take more than cosmetic reform. We are going to have to take a fresh look at the structure of Federal education programs. We need to let go of the tired partisan fighting over more spending versus block grants and take a middle ground approach that will truly help our States, school districts—and most importantly, our students.

Our "Three R's" bill does just that. It makes raising student achievement for all students—and eliminating the achievement gap between low-income and more affluent students—our top priorities. To accomplish this, our bill centers around three principles.

First, we believe that we must continue to make a stronger investment in education, and that Federal dollars must be targeted to the neediest students. A recent GAO study found that Federal education dollars are significantly more targeted to poor districts than money spent by States. Although Federal funds make up only 6–7% of all money spent on education, it is essential that we target those funds where they are needed the most.

Second, we believe that States and local school districts are in the best position to know what their educational needs are. They should be given more flexibility to determine how they will use Federal dollars to meet those needs.

Finally—and I believe this is the key component of our approach—we believe that in exchange for this increased flexibility, there must also be accountability for results. These principles are a pyramid, with accountability being the base that supports the federal government's grant of flexibility and funds.

For too long, we have seen a steady stream of Federal dollars flow to States and school districts—regardless of how well they educated their students. This has to stop. We need to reward schools that do a good job. We need to provide assistance and support to schools that are struggling to do a better job. And we need to stop subsidizing failure. Our highest priority must be educating children—not perpetuating broken systems.

I believe the "Three R's bill is a strong starting point for taking a fresh look at public education. We need to build upon all the progress we've made, and work to address the problems we still face. This bill—by using the concepts of increased funding, targeting, flexibility—and most importantly, accountability—demonstrates how we can work with our State and local partners to make sure every child receives the highest quality education—a chance to live a successful productive life. I look forward to working with all of my colleagues on both sides of the aisle, as well as education groups in my State, as Congress debates ESEA in the coming months.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, March 8, 2000, the Federal debt stood at $5,745,125,070,490.06 (Five trillion, seven hundred forty-five billion, one hundred twenty-five million, seventy thousand, four hundred ninety dollars and six cents).

One year ago, March 8, 1999, the Federal debt stood at $5,651,493,000,000 (Five trillion, six hundred fifty-one billion, four hundred ninety-three million).

Five years ago, March 8, 1995, the Federal debt stood at $4,848,282,000,000

(Four trillion, eight hundred forty-eight billion, two hundred eighty-two million).

Ten years ago, March 8, 1990, the Federal debt stood at $3,023,842,000,000 (Three trillion, twenty-three billion, eight hundred forty-two million).

Fifteen years ago, March 8, 1985, the Federal debt stood at $1,704,823,000,000 (One trillion, seven hundred four billion, eight hundred twenty-three million) which reflects a debt increase of more than $4 trillion—$4,040,302,070,490.06 (Four trillion, forty billion, three hundred two million, seventy thousand, four hundred ninety dollars and six cents) during the past 15 years.

ADDITIONAL STATEMENTS

RECOGNITION OF CAMP FIRE BOYS AND GIRLS BIRTHDAY WEEK

• Mr. GRAMS. Mr. President, I rise today to honor the Camp Fire Boys and Girls as it celebrates its 90th birthday. Founded in 1910 as the Camp Fire Girls, it focuses on educational and leadership programs to mentor America's young women, and at the time was the nation's only organization specifically for girls. My own state of Minnesota was one of the first states to develop a local chapter for Camp Fire Girls, with a small group of eight and their 21-year-old leader.

Minnesota Governor John Lind purchased 63 acres on Lake Minnewashta in 1924 to provide Camp Fire members with a permanent campground. This concept caught on, as two years later, 1000 feet of shoreline on Green Lake was purchased for the St. Paul council. Many of the early camping ventures were for girls in high school. But many councils, like Minnesota, developed a Blue Bird program to provide younger girls with activities all their own. This additional age group completed the support Camp Fire brought to girls up to age 18. To better serve all of America's youth, Camp Fire opened its doors and allowed boys to become members in 1975. In 1994, the St. Paul and Minneapolis councils merged and now serve not only the cities of Minneapolis and St. Paul, but most of Southern Minnesota. This partnership has provided Camp Fire the opportunity to maintain its flexibility and remain responsive to the changing needs of children.

That Camp Fire has consistently adapted to the changes necessitated by changing times is perhaps the organization's strongest asset in reaching out to America's youth.

Camp Fire was not intended to solve the problems of the world, but rather provide the right tools to the children who will. From the beginning, Camp Fire has used the ideals behind Work, Health, and Love (Wohelo) to guide our youth in developing self-esteem and responsibility. Wohelo was the name of the organization's first camp in Vermont and more than 50 years later, in 1962, the Wohelo medallion was created to bestow the highest honor to those who personify the meaning of the Camp Fire organization.

Today, there are 125 local councils in 41 States serving some 629,000 young Americans. Camp Fire provides direct access to youth through development programs in three areas: club programs, self-reliance programs, and outdoor programs.

Club programs provide children with regular, informal educational meetings in local communities led by volunteers or paid leaders. In elementary schools, self-reliance courses are led by trained, certified teachers who educate children about personal safety and self-care. Last year, more than 6,000 children were involved in this program in Minneapolis alone. And in St. Paul, teens are involved in the teaching process to broaden their community involvement. The outdoor programs provide an outdoor setting for children to better understand the world we live in while developing vision, commitment, and participation skills in team and individual activities.

I am honored to wish the Camp Fire Boys and Girls across America a happy 90th birthday. I wish it continued success in reaching our youth by inspiring individual potential while having fun.•

HONORING SISTER AGNES CLARE

• Mr. DURBIN. Mr. President, in my hometown of Springfield, IL, we have extraordinary people who have made noteworthy contributions in service to others.

Julie Cellini, a freelance writer and community activist, has written many profiles which highlight the lives of these fine neighbors in our state capital.

Recently, Julie shared the life story of such a person: Sister Agnes Clare, O.P.

At 103 years of age with a sharp mind, an enduring will to savor each day of her life and an irresistible Irish charm, Sister Agnes Clare is more than a living legend. She is an eyewitness to a century of history in Springfield; a young observer of Washington, D.C., as the daughter of a U.S. Congressman; and most of all, a vivid illustration of the legacy of a life of giving as a member of the Dominican Sisters of Springfield.

In this week before the celebration of St. Patrick's birthday, I would like to share with the Senate Julie Cellini's recent feature story on Sister Agnes Clare from the Springfield State Journal-Register. As you read it, you will learn of the Grahams, a great Irish-American family, and a woman who has touched so many lives with so much goodness.

Mr. President, I ask that this article be printed in the CONGRESSIONAL RECORD.

[From the State Journal-Register, March 5, 2000]

GOLDEN OPPORTUNITIES—SISTER AGNES CLARE

(By Julie Cellini)

Agnes Graham was 11 years old when the race riot of 1908 broke out in Springfield.

"I remember the smashed dishes and glass from the windows of Loper's Restaurant strewn across South Fifth Street," she says. "My mother tried to keep me from reading the newspapers so I wouldn't know all that happened. She always thought children should be trouble free, but it wasn't possible to avoid what was going on."

Now at 103 years old, Agnes Graham has been Sister Agnes Clare O.P. of the Cominican Sisters of Springfield for 80 years. She has lived during three centuries of Springfield history, but her voice still carries a hint of the same incredulousness she might have felt some 92 years ago when she watched her hometown erupt into violence that culminated in the lynching of two black men.

"There was a mob. They became very angry when they couldn't get to the black prisoners in the county jail. They said a black man raped a white woman, but it wasn't true. The town was just torn apart."

By the time the two-day upheaval ended, seven people, blacks and whites, were dead, and 40 black homes and 15 black-owned businesses were destroyed.

Whether the race riot is her worst memory from more than a century of living, Sister Agnes Clare won't say. Her voice is steady, but she moves quickly to other events, often telling stories about her childhood in the leafy confines of what once was called "Aristocracy Hill."

Born in 1897 in a handsome, Lincoln-era house that sill stands at 413 S. Seventh St., Agnes Graham was the youngest of seven children—three girls and four boys. She grew up in an adoring, achieving family headed by James M. Graham, an Irish immigrant who co-founded the family law firm of Graham & Graham. James M. Graham served in the Illinois General Assembly and as Sangamon County state's attorney before being elected to Congress, where he served from 1908 to 1914.

Sister Agnes Clare's earliest memories are of life in the Victorian-style, painted-brick house, where water came from a backyard pump and transportation meant hitching up a horse and buggy. She frames them from the perspective of a much loved child who appears to have been the favorite of her older siblings.

She recalls the Christmas she was 5 years old ("about the age when I started doubting Santa Clause") and too sick with the flu to walk downstairs to open gifts. Her brother Hugh, a law student at the University of Illinois, wrapped her in a blanket and carried her in his arms down the long, curved staircase with its polished walnut banister.

"My father had given me a big dollar bill to buy eight presents, she says, "I spent 30 cents for three bottles of perfume for my mother and sisters, and the place smelled to high heaven. I bought my father two bow ties for 10 cents. I think they were made of paper, and they fastened with safety pins. When I got downstairs, I saw a cup of tea for Santa Claus.

"When I was very young, my father went on a ship to Ireland to visit. I asked him to bring me back a leprechaun, but he said he didn't want me to be disappointed if the leprechauns were too fast for him to catch. What he did bring back was a leprechaun doll in a box, with gray socks and a pipe and bat. He told me it was a dead leprechaun, and that the salt water had killed him. I think I half-believed him, and I went around the neighborhood showing my dead leprechaun to my friends. One of their mothers told my mother, 'Agnes' imagination is growing up faster than she is."

"The leprechaun went back into a box," she says, "but he'd get to come out on my birthdays and special occasions."

Now a family heirloom, the doll resides with her great-niece, Sallie Graham.

Sister Agnes Clare says the Springfield she grew up in wasn't a small town. There were 50,000 people living here at the beginning of the 20th century. Downtown was populated with family-owned businesses, and people tended to stay at the same job all of their lives.

The streets were paved with bricks that popped up without warning. People waited all year for the biggest event on the calendar: the Illinois State Fair.

"My mother baked hams and fried chickens so we had safe food to take to the fair. Lots of people got sick from eating at the fairgrounds because there was no refrigeration. At night, the area around the Old Capitol would be filled with fair performers who put on shows. Acrobats, singers and actors would perform on one side of the square. Then we would rush to the other side to get a front row seat on the ground. Everyone in town seemed to come out, and all the stores stayed open late so people could shop."

A rare treat was a little cash for ice cream, usually provided by big brother Hugh because there was an ice cream shop across from the Graham law office.

A chance meeting with Supreme Court Justice Louis Brandeis was a highlight of the years Sister Agnes Clare spent in Washington as the young daughter of an Illinois congressman. She tells how Brandeis and her father worked together to investigate and remove corrupt agents who were swindling the residents of Indian reservations.

"Justice Brandeis came to our home because he was leaving Washington and he wanted to tell my father goodbye. I happened to be hanging on the fence in the front yard, so he gave me his business card and told me to give it to my father. He said my father was a great man."

"Indians would show up at my father's office in full native dress. My father spent a lot of time away from Washington inspecting the reservations. He told me stories of Indians so badly cared for (that) their feet left bloody footprints in the snow. One agent my father got removed gave an Indian a broken sewing machine for land that had oil and timber on it. The Indians were so grateful, a tribe in South Dakota made my father an honorary member with the title Chief Stand Up Straight."

Years later, when the Graham family home in Springfield was sold, she says, relatives donated her father's papers from that period to Brandeis University in Waltham, Mass.

In adulthood, Sister Agnes Clare attended college and was a librarian and a founding teacher at a mission and school in Duluth, Minn. However, her long lifetime often has been attached to a small geographic area bounded by the neighborhood where she was born and extending a few blocks west to the places where she attended school, spent much of her working career and retired to the Sacred Heart Convent in 1983.

Within those confines, she has lived most of a full, rich life that shows few signs of diminishing.

"Sister Agnes' bones don't support her, so she moves around in a wheel chair," says Sister Beth Murphy, communication coordinator for the Springfield Dominican order.

"Other than that, she has no illnesses, and her mind is sharp and clear."

The order has had other nuns who lived to be 100, but Sister Agnes Clare holds the longevity record.

"She's amazing," says Sister Murphy. "She continues to live every day with interest and curiosity. She listens to classical music and follows politics and current events on public radio. She reads the large-print edition of The New York Times every day. Recently I dropped by her room to visit and couldn't find her. She had wheeled herself off to art appreciation class."

Sister Agnes Clare's gaze is steady and assured and her face is remarkably unlined. She occupies a sunny room filled with photos and religious keepsakes. Less than a block away is the former Sacred Heart Academy (now Sacred Heart-Griffin High School), where she worked as a librarian for nearly 60 years.

"No, I didn't plan on becoming a nun," she says matter-of-factly. "I always thought I'd have a lot of children and live in a fairy-tale house. No one lives that way, of course.

"I always loved books, so when I graduated I went across the street from my family's home and got a job at Lincoln Library. The librarians were patient and put up with me while I learned how to do the work. One day I was alone when a man with a gruff voice and a face that looked like leather came in and asked to see the books written by Jack London. Of course, we had 'Sea Wolf' and 'Call of the Wild' and all the popular London books. I showed him, and then I asked who he was.

"He said he was Jack London. I was so astonished, I forgot to ask for his autograph."

Sister Agnes Clare brushes aside any suggestion that she was a writer, despite her essays published in Catholic Digest and other publications. She once sold an article to The Atlantic Monthly. The piece was a rebuttal to one written by a nun critical of convent life. The editors asked for more of Sister Agnes Clare's work but World War II intervened and life became too busy for writing articles.

She has been a prolific letter writer to four generations of Grahams. Carolyn Graham, another grand-niece says each of her four adult children treasures letters from their Aunt Agnes.

"Whenever my kids come home," she says, "they always check in with her. They think she's extraordinary and she is."

After a lifetime that has seen wars and sweeping societal changes and the invention of everything from airplanes to the Internet, Sister Agnes Clare isn't offering any advice on how to live longer than 100 years.

An academically engaged life with good health habits probably has helped, and so has genetics. She comes from a long-lived family. Her father lived to age 93 and her brother Huge died at 95. A nephew, Dr. James Graham, continues to practice medicine at age 91.

There are, she admits, perks attached to being among the rare triple-digit individuals called centenarians.

"People ask you questions when you get to be my age," she says, smiling. "They even listen to my answers."•

LEGISLATION CONCERNING DR. MARTIN LUTHER KING, JR.

• Mr. COVERDELL. Mr. President, Dr. Martin Luther King, Jr. was an extraordinary man who left a legacy for each of us as Americans and also as Georgians. On a hot summer day, August 28, 1963, Dr. King delivered his now famous and unforgettable "I Have A Dream" speech on the steps of the Lincoln Memorial in Washington, D.C. His words will always stay with us and help remind our Nation that we must look to our own home and family, friends and community, to see what we can do to make a better world for all. As Dr. King himself said, "When we let freedom ring, when we let it ring from every village and every hamlet, from every state and every city, we will be able to speed up that day when all of God's children, Black men and White men, Jews and Gentiles, Protestants and Catholics will be able to join hands and sing in the words of that old Negro spiritual, 'Free at last, Free at last, Thank God Almighty, We are free at last.'"

Thousands of visitors come to our Nation's capital to see where Martin Luther King delivered the "I Have A Dream" speech. Unfortunately, there is not a marker or words to show where he helped change the course of our country's history. To commemorate this historic event and truly honor Dr. King, today I am introducing legislation which directs the Secretary of the Interior to insert a plaque at the exact site of the speech on the steps of the LINCOLN Memorial. It is my hope that this marker will preserve Dr. King's legacy for generations to come. The Secretary of the Interior may accept contributions to help defray the costs of preparing and inserting the plaque on the steps. This legislation is noncontroversial and is consistent with what has been done previously at the Memorial to commemorate similar events. The bill is a Senate companion to legislation introduced by Representative ANN NORTHUP of Kentucky. I look forward to working with her on securing its enactment.•

RETIREMENT OF KEITH McCARTY

• Mr. BAUCUS. Mr. President, 2½ years ago, when the Balanced Budget Act (BBA) was enacted, few Members of Congress paid much attention to a small section in the BBA that created a new program for hospitals in frontier and rural communities.

This program, called the Critical Access Hospital, was buried among hundreds of provisions affecting Medicare. Yet, in many ways, it may well be one of the most lasting achievements of that session of Congress.

The Critical Access Hospital idea is based on a very successful demonstration project in Montana. This project, called the Medical Assistance Facility

Demonstration Project, was coordinated by the Montana Health Research and Education Foundation (MHREF). This foundation is affiliated with MHA, an Association of Montana Health Care Providers, formerly the Montana Hospital Association.

As is usually the case, many people can claim at least some of the credit for the huge success of the MAF demonstration project. But the person who should claim the lion's share of the credit has never chosen to do so. It is that person—Keith McCarty—who I would like to recognize today.

Keith McCarty joined MHREF in 1989. At that time, even the concept of an MAF was vague. Several years earlier, a citizens' task force had dreamed up the idea of a limited service hospital to provide access to primary hospital and health care services in rural and frontier communities. Acting on the recommendations of the task force, the Montana Legislature had created a special licensure category for these hospitals.

MHA, the state department of health and others seized the opportunity created by the Legislature and, working with the regional office of the Department of Health and Human Services, developed a demonstration project aimed at determining whether MAFs would actually work. Keith was hired with the unenviable task of transforming this amorphous concept into reality, a job few gave him much hope of performing successfully.

Keith brought a broad range of skills to his job. Trained as a psychologist, from 1968 to 1975, he worked with the developmentally disabled in a variety of positions, including serving as the Superintendent of the Boulder, Montana School and Hospital, the state's school for developmentally disabled children. Beginning in 1975, he provided professional contract services for a wide variety of health care and social service organizations.

By the time he joined MHREF, Keith was skilled at managing projects, preparing grant applications, coordinating and supervising grant-funded projects, program development and evaluation, research and data analysis, facilitating community decision-making and interagency cooperation. All these were skills he would use in developing the MAF demonstration project.

The MAF demonstration project brought its share of challenges. Among Keith's toughest challenges was convincing communities that the quality of their health care would not decline if they converted to MAF status. Once beyond that hurdle, Keith worked tirelessly with the state's peer review organization, fiscal intermediary, facility licensure and certification bureau and HHS officials to remove other potential roadblocks.

First one facility made the conversion, then another and before long there were more than twice as many as the project thought might convert to MAF status. I pushed for the Medicare waiver in the early 1990s, and the Medical Assistance Facility became a reality.

As the demonstration neared completion, Keith worked closely with my staff to draft the Critical Access Hospital legislation that I introduced in 1997 and saw through to final passage as part of the BBA. His insights about how Critical Access Hospitals might function, in practical terms, proved invaluable. And the model embodied in the Balanced Budget Act of 1997 closely parallels the experience Montana's MAFs enjoyed.

Keith McCarty retired on December 31, 1999. He retired only after ensuring that Montana's MAFs were able to seamlessly transition into the new Critical Access Hospital program.

His departure from MHREF marks a fitting transition for the Critical Access Hospital program. Once only a dream in the minds of a few people in the sparsely-populated areas of central Montana, the Critical Access Hospital has already become an institution in many communities across America.

Keith is far too modest to take credit for his labors. So, what he won't say, we should. Keith's efforts—and the MAF demonstration project—have been recognized in special awards from the National Rural Health Association and the American Hospital Association.

But perhaps the most fitting tribute that can be paid is to note that today, in 15 communities in Montana, routine health care services are provided in Critical Access Hospitals. If there had been no MAF demonstration project, health care services in at least half of these towns would no longer be available.

I want to acknowledge and thank Keith McCarty for the service he has provided to so many Montanans.●

TRIBUTE TO KEN SULLIVAN

● Mr. GRASSLEY. Mr. President, on March 18th there will be a retirement party in Shueyville, IA for one of Iowa's most highly-regarded journalists.

Ken Sullivan left *The Cedar Rapids Gazette* on February 10th, after 36½ years on the job. He started his career as a radio news reporter a few months after high school and reported for the *Oelwein Daily Register* for three years before joining Iowa's second-largest newspaper.

I have known Ken as one of the leading political reporters in a state where political dialogue is healthy and rigorous. Ken's many years of public service have greatly enriched this political landscape, as well as the civic life of metropolitan Cedar Rapids. He brought to his work tremendous dedication and demonstrated through his commentary the common sense and independence that characterizes the people of Iowa.

Mr. President, I salute the contribution that Ken Sullivan has made to our democracy by letting the sun shine in to the processes of government and encouraging public dialogue on the issues through his news reports, editorials and columns. His keen insights and energetic coverage of the issues important to Iowa and the country have well-served his readers and the public good. He will be missed, and I congratulate him on his many years of fine service.●

THE VOLUNTEERS OF AMERICA FOUNDERS' WEEK

● Mr. GRAMS. Mr. President, I rise today to recognize and honor the Volunteers of America on the occasion of its Founders' Week Celebration.

Volunteers of America was founded in 1896 by Christian social reformers Ballington and Maud Booth in New York with the mission of "reaching and uplifting" the American people. Soon afterwards, more than 140 "posts" were established across the nation. One of these posts sprang to life in my home state of Minnesota.

Volunteers of America serves people in many ways, with a special emphasis on human services, housing, and health services. The organization is noted for being the nation's largest nonprofit provider of quality, affordable housing for low-income families and the elderly. Currently, more than 30,000 people reside in Volunteers of America housing. Along with its commitment to providing homes, Volunteers of America also focuses on helping the homeless, through emergency shelters, transitional housing, jobs training, and counseling.

In Minnesota, Volunteers of America is one of the most important providers of social services and workers with children, adults, and seniors. Children are provided residential treatment, shelter, and foster care. Adult services include help filling housing needs and skills training for individuals with developmental disabilities. Senior services include home-delivered meals and home health care assistance.

None of this would be possible without the more than 11,000 employees and 300,000 volunteers who work with the Volunteers of America. Volunteers of America of Minnesota is home to more than 350 employees and over 1,000 volunteers. Volunteerism is a community necessity, and I extend my utmost thanks and appreciation to those who are providing our country and my state with such an invaluable resource through their participation in Volunteers of America.

I again applaud the Volunteers of America during this Founders' Week for its extraordinary record of service. For more than 100 years, Volunteers of

America has been there for countless Minnesotans; given its good work and record of success, I am confident this vital organization will be with us for many years to come.●

MS. TINA NOBLE, WINNER OF THE "POWER OF ONE" AWARD

● Mr. GORTON. Mr. President, I am delighted to recognize the extraordinary efforts of one of my constituents, Ms. Tina Noble, to help women in her community market themselves to potential employers through the 'Dress for Success' program. For her efforts, Tina Noble is one of the Washington Women 2000 "Power of One" Award recipients.

Dress for Success provides professional clothing for low-income women as they transition into the workplace. Many times these women are single mothers, trying to gain financial independence. Tina Noble, together with her small army of volunteers has helped over 500 women in the Seattle area get suited up for new jobs since she began the Seattle Chapter of Dress for Success in 1998.

In addition to her community service, Tina is also a hero to her family as a wife and mother of three children. Tina is a wonderful example of the tremendous difference that one person can make in her community. I applaud Tina's efforts to help other women dress for and find success in the workplace. She is a most deserving recipient of the "Power of One" award.●

TIME HONORS DELAWAREAN

● Mr. BIDEN. Mr. President, I rise today to make special note of the national honor bestowed upon one of the leading citizens in the central part of my State, in historic Kent County, Delaware. At the very heart of this national recognition for his business excellence is the story of a strong, close family, which makes this award all the more special.

TIME Magazine has named John W. Whitby, Jr., President of Kent County Motor Sales Company, as its recipient of the 2000 Quality Dealer Award. The competition was formidable—Whitby won over 63 other dealers nominated for the 31st annual award, from more than 20,500 auto dealers nationwide. And make no mistake—this is a coveted award for auto dealers. It's the equivalent of TIME's "Man of the Year" award for automobile dealers.

John operates Kent County Motor Sales in Dover, building on the successful business his dad, Jack Whitby founded. Upon accepting the award at the National Auto Dealers Association Convention, John readily gave credit to his father for the extensive training he received and to his employees and colleagues for their dedication and commitment to excellence.

American philosopher and poet, George Santayana, wrote that: "The family is one of nature's masterpieces." To extend that metaphor: The Whitby family is one of Kent County's masterpieces. Not only is John a top business owner, he is a community leader as well. John is a member of the Delaware Business Roundtable Greater Dover Committee; the Central Delaware Chamber of Commerce; the Quarterback Club of Kent County; and, Friends of Capitol Theatre among many other civic contributions. John is continuing the strong Whitby family tradition. He lives in his native Dover, with his wife Diane and two children, Emily and Jay.

Mr. President, it is with great pride that I commend John Whitby, Jr. and his family for this outstanding national award.●

IDAHO TEACHER OF THE YEAR

● Mr. CRAIG. Mr. President, I rise today to recognize teachers across America for the vital work they do. I come from a family of educators, so I have seen firsthand the impact teachers have on children. They do this because they care about each and every child they teach. These public servants deserve our gratitude and thanks.

While I believe this can be said of all teachers, I would like to recognize one particular teacher today who embodies this sentiment. She is Nancy Larsen, of Coeur d'Alene, Idaho, and she was chosen by my state as Educator of the Year.

One look at her career shows why she was chosen as the Educator of the Year. She has dedicated eight years of her life to teaching the second grade, and these eight years have been full of innovation and a real love for education. Not only has she been busy in the classroom, she has also found time for activities which broaden her knowledge and make her a better teacher. For example, she has published articles in magazines such as Learning and Portals: A Journal of the Idaho Council International Reading Association. She has also designed and presented numerous workshops in the past five years, and participates in many professional organizations, including serving as President of the Panhandle Reading Council.

While these activities are important, her classroom work is what truly sets her apart. For example, she actively seeks to involve parents in her students' education, realizing that parental involvement is key for scholastic success. Her weekly letters on students' activities, her project, "Family Math Night," are further examples of her commitment to parents as computer and classroom helpers. There have been many studies which show that parental involvement increases children's ability to learn. Nancy know this from her first day on the job, and has worked to make this involvement a reality.

Her students adore her and her peers respect her. This is what every teacher strives for, and Nancy has earned this respect. As one of her students said, "I'm really glad to have such a nice teacher."

As you can see, Nancy Larsen is truly a treasure for her school, for Idaho, and indeed for the Nation in general. Teachers like Nancy make education a rewarding experience for students and parents alike. I am proud that the state of Idaho chose her as its Teacher of the Year. She is a great example for the rest of the state and the Nation, and I hope this award gives her a platform so she can help other teachers to have the same success she has.●

RECOGNIZING THE 44TH ANNIVERSARY OF TUNISIAN INDEPENDENCE

● Mr. ABRAHAM. Mr. President, I rise today in celebration of the 44th anniversary of Tunisian independence. On March 20, Tunisia—one of America's oldest allies—will mark its 44th year of independence, but our two nations have been sharing the ideals of freedom and democracy for a much longer time.

In 1797, our two nations signed a treaty calling for "perpetual and constant peace." Indeed, for the past 200 years, our two nations have enjoyed such a friendship. Whether protecting Mediterranean shipping lanes against Barbary pirates, opposing the Nazi war machine in North Africa, or supporting Western interests during the Cold War, the U.S. could count on Tunisia. More recently, Tunisia displayed great courage in urging other Arab nations to seek an accord with Israel. Tunisia has built on that pioneering stand by playing an important role as an honest and fair broker at delicate points in the Middle East peace process.

By adopting progressive social policies that feature tolerance for minorities, equal rights for women, universal education, a modern health system, and avoiding the pitfall of religious extremism that has tormented so many other developing countries, Tunisia has built a stable, middle-class society. In stark contrast to its two neighbors (Algeria, which has been racked by civil war and persecution for many years, and Libya, whose dictator has supported the most nefarious and subversive kinds of terrorism), Tunisia has been a quiet and wonderful success. In fact, Tunisia became the first nation south of the Mediterranean to formally associate itself with the European Union.

Mr. President, Tunisia has been a model for developing countries. It has sustained remarkable economic growth, and undertaken reforms toward political pluralism. It has been a steadfast ally of the United States and has consistently fought for democratic goals and ideals. Tunisia has responded to President Dwight D. Eisenhower's request to consider the U.S. as "friends and partner" in the most effective way—by its actions.

In commemoration of 44 years of independence for Tunisia, I urge my colleagues to reflect on our strong commitment to Tunisian people, who are still our friends and partners in North Africa.•

VI HILBERT, WINNER OF THE "POWER OF ONE" AWARD

• Mr. GORTON. Mr. President, today I am delighted to honor the achievements of a remarkable Washingtonian for her work in preserving the culture and traditions of the Pacific Northwest. For all her efforts, Upper Skagit elder Vi Hilbert is one of the Washington Women 2000 "Power of One" Award recipients.

A native speaker of Lushootseed, Vi has worked tirelessly to preserve the indigenous language of the Puget Sound area as well as the stories and history of the Pacific Northwest tribes.

In 1983, Vi founded Lushootseed Research which is a non-profit organization to preserve the Lushootseed language through audio and printed materials as well as education. Vi taught Lushootseed language and literature classes at the University of Washington for 15 years.

In addition to preserving her own native tongue, Vi has served to preserve art, artifacts and cultural heritage of tribes from all of the Pacific Northwest. She serves on the advisory board for the Burke Museum and the Seattle Art Museum and is an active board member of United Indians of All Tribes and Tillicum Village.

On behalf of all of us who treasure the heritage of the Pacific Northwest, I thank Vi for all her efforts. She is a tremendous example of the "Power of One."•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Wanda Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

THE ANNUAL REPORT ON FEDERAL ADVISORY COMMITTEES—MESSAGE FROM THE PRESIDENT—PM 92

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Governmental Affairs.

To the Congress of the United States:

As provided by the Federal Advisory Committee Act (FACA), as amended (Public Law 92-463; 5 U.S.C., App. 2, 6(c)), I hereby submit the *Twenty-seventh Annual Report on Federal Advisory Committees*, covering fiscal year 1998.

In keeping with my commitment to create a more responsive government, the executive branch continues to implement my policy of maintaining the number of advisory committees within the ceiling of 534 required by Executive Order 12838 of February 10, 1993. Accordingly, the number of discretionary advisory committees (established under general congressional authorizations) was again held to substantially below that number. During fiscal year 1998, 460 discretionary committees advised executive branch officials. The number of discretionary committees supported represents a 43 percent reduction in the 801 in existence at the beginning of my Administration.

Through the planning process required by Executive Order 12838, the total number of advisory committees specified mandated by statute also continues to decline. The 388 such groups supported at the end of fiscal year 1998 represents a modest decrease from the 391 in existence at the end of fiscal year 1997. However, compared to the 439 advisory committees mandated by statute at the beginning of my Administration, the net total for fiscal year 1998 reflects nearly a 12 percent decrease since 1993.

The executive branch has worked jointly with the Congress to establish a partnership whereby all advisory committees that are required by statute are regularly reviewed through the legislative reauthorization process and that any such new committees proposed through legislation are closely linked to compelling national interests. Furthermore, my Administration will continue to direct the estimated costs to fund required statutory groups in fiscal year 1999, or $45.8 million, toward supporting initiatives that reflect the highest priority public involvement efforts.

Combined savings achieved through actions taken during fiscal year 1998 to eliminate all advisory committees that are no longer needed, or that have completed their missions, totaled $7.6 million. This reflects the termination of 47 committees, originally established under both congressional authorities or implemented by executive agency decisions. Agencies will continue to review and eliminate advisory committees that are obsolete, duplicative, or of a lesser priority than those that would serve a well-defined national interest. New committees will be established only when they are essential to the conduct of necessary business, are clearly in the public's best interests, and when they serve to enhance Federal decisionmaking through an open and collaborative process with the American people.

I urge the Congress to work closely with the General Services Administration and each department and agency to examine additional opportunities for strengthening the contributions made by Federal advisory committees.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 9, 2000.*

MESSAGE FROM THE HOUSE

At 11:42 a.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 91. Concurrent resolution congratulating the Republic of Lithuania on the tenth anniversary of the establishment of its independence from the rule of the former Soviet Union.

The message also announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 1827. An act to improve the economy and efficiency of Government operations by requiring the use of recovery audits by Federal agencies.

H.R. 2952. An act to redesignate the facility of the United States Postal Service located at 100 Orchard Park Drive in Greenville, South Carolina, as the "Keith D. Oglesby Station."

H.R. 3018. An act to designate the United States Post Office located at 557 East Bay Street in Charleston, South Carolina, as the "Marybelle H. Howe Post Office."

H.J. Res. 86. A joint resolution recognizing the 50th anniversary of the Korean War and the service by members of the Armed Forces during such war, and for other purposes.

MEASURES REFERRED

The following bills and joint resolution were read the first and second times by unanimous consent and referred as indicated:

H.R. 1827. An act to improve the economy and efficiency of Government operations by requiring the use of recovery audits by Federal agencies; to the Committee on Governmental Affairs.

H.R. 2952. An act to redesignate the facility of the United States Postal Service located at 100 Orchard Park Drive in Greenville, South Carolina, as the "Keith D. Oglesby Station"; to the Committee on Governmental Affairs.

H.R. 3018. An act to designate the United States Post Office located at 557 East Bay Street in Charleston, South Carolina, as the "Marybelle H. Howe Post Office"; to the Committee on Governmental Affairs.

H.J. Res. 86. A joint resolution recognizing the 50th anniversary of the Korean War and the service by members of the Armed Forces during such war, and for other purposes; to the Committee on the Judiciary.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-7933. A communication from the Acting Assistant Secretary, Fish and Wildlife and Parks, Department of the Interior, transmitting a draft of proposed legislation relative to Hawaiian National Parks and for other purposes; to the Committee on Energy and Natural Resources.

EC-7934. A communication from the Acting Assistant Secretary, Fish and Wildlife and Parks, Department of the Interior, transmitting a draft of proposed legislation relative to the National Historic Trails System; to the Committee on Energy and Natural Resources.

EC-7935. A communication from the Assistant Secretary, Policy, Management and Budget, Department of the Interior transmitting, pursuant to law, the report of a rule entitled "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations" (RIN1090-AA71), received March 7, 2000; to the Committee on Energy and Natural Resources.

EC-7936. A communication from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, a report relative to a cost comparison conducted at Tinker Air Force Base, OK; to the Committee on Armed Services.

EC-7937. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to Operation Stabilise; to the Committee on Armed Services.

EC-7938. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to plans for establishing and deploying Rapid Assessment and Initial Detection teams; to the Committee on Armed Services.

EC-7939. A communication from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Application of Producers' Good Versus Consumers' Good Test in Determining Country of Origin Marking" (T.D. 00-15) , received March 7, 2000; to the Committee on Finance.

EC-7940. A communication from the Legislative and Regulatory Activities Division, Comptroller of the Currency, Administrator of National Banks, transmitting, pursuant to law, the report of a rule entitled "Financial Subsidiaries and Operating Subsidiaries", received March 8, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-7941. A communication from the Deputy Administrator, General Services Administration, transmitting, pursuant to law, a report relative to the building project survey for the Food and Drug Administration consolidation in suburban Maryland; to the Committee on Governmental Affairs.

EC-7942. A communication from the Assistant General Counsel for Regulations, Office of Educational Research and Improvement, Department of Education, transmitting, pursuant to law, the report of a rule entitled "NIDRR-NFP-Model Spinal Cord Injury Center and Rehabilitation Engineering Research Centers" (84.133), received March 8, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-7943. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency transmitting, pursuant to law, the report of a rule entitled "Standards of Performance for New Stationary Sources: Industrial-Commercial-Institutional Steam Generating Units; Final Rule Correction" (FRL # 6549-3), received March 7, 2000; to the Committee on Environment and Public Works.

EC-7944. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency transmitting, pursuant to law, the report of a rule entitled "Amendments to the List of Regulated Substances and Thresholds for Accidental Release Prevention; Flammable Substances Used as Fuel or Held for Sale as Fuel at Retail Facilities" (FRL # 6550-1), received March 8, 2000; to the Committee on Environment and Public Works.

EC-7945. A communication from the Special Assistant to Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations: Pleasanton, Bandera, Hondo, and Schertz, TX" (MM Docket No. 98-55, RM-9255, RM-9237), received March 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7946. A communication from the Special Assistant to Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations: Denmark and Kaukana, WI" (MM Docket No. 99-36), received March 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7947. A communication from the Special Assistant to Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations: Colony and Weatherford, OK" (MM Docket No. 99-190, RM-9631, RM-9689), received March 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7948. A communication from the Special Assistant to Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations: Paxton, Overton, Hershey, Sutherland, and Ravenna, NE" (MM Docket Nos. 99-159, RM-9616, MM99-160, RM-9617, MM99-161 RM-9565, MM99-162, RM-9566, MM99-192, and RM-9633), received March 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC-7949. A communication from the Legal Adviser, Cable Services Bureau, Federal Communications Commission transmitting, pursuant to law, the report of a rule entitled "Horizontal Ownership Limits, Third Report and Order" (MM Docket No. 92-964, FCC 99-289), received March 8, 2000; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary, with amendments:

S. 2042. A bill to reform the process by which the Office of the Pardon Attorney investigates and reviews potential exercises of executive clemency (Rept. No. 106-231).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 397. A bill to authorize the Secretary of energy to establish a multiagency program in support of the Materials Corridor Partnership Initiative to promote energy efficient, environmentally sound economic development along the border with Mexico through the research, development, and use of new materials (Rept. No. 106-232).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment:

S. 503. A bill designating certain land in the San Isabel National Forest in the State of Colorado as the "Spanish Peaks Wilderness" (Rept. No. 106-233).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment:

S. 1694. A bill to direct the Secretary of the Interior to conduct a study on the reclamation and reuse of water and wastewater in the State of Hawaii (Rept. No. 106-234).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment

S. 1167. A bill to amend the Pacific Northwest Electric Power Planning and Conservation Act to provide for expanding the scope of the Independent Scientific Review Panel (Rept. No. 106-235).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

H.R. 150. A bill to amend the Act popularly known as the Recreation and Public Purposes Act to authorize disposal of certain public lands or national forest lands to local education agencies for use for elementary or secondary schools, including public charter schools, and for other purposes (Rept. No. 106-236).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 834. A bill to extend the authorization for the National Historic Preservation Fund, and for other purposes (Rept. No. 106-237).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment

H.R. 1231. A bill to direct the Secretary of Agriculture to convey certain National Forest Lands to Elko County, Nevada, for continued use as a cemetery (Rept. No. 106-238).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 1444. A bill to authorize the Secretary of the Army to develop and implement projects for fish screens, fish passage devices, and other similar measures to mitigate adverse impacts associated with irrigation system water diversions by local governmental entities in the States of Oregon, Washington, Montana, and Idaho (Rept. No. 106-239).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

H.R. 2368. A bill to assist in the resettlement and relocation of the people of Bikini Atoll by amending the terms of the trust fund established during the United States administration of the Trust Territory of the Pacific Islands (Rept. No. 106-240).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

H.R. 2862. A bill to direct the Secretary of the Interior to release reversionary interests held by the United States in certain parcels of land in Washington County, Utah, to facilitate an anticipated land exchange (Rept. No. 106–241).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

H.R. 2863. A bill to clarify the legal effect on the United States of the acquisition of a parcel of land in the Red Cliffs Desert Reserve in the State of Utah (Rept. No. 106–242).

By Mr. HELMS, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 87. A resolution commemorating the 60th Anniversary of the International Visitors Program.

By Mr. HATCH, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 258. A resolution designating the week beginning March 12, 2000 as "National Safe Place Week."

By Mr. HELMS, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and with a preamble:

S. Res. 263. A resolution expressing the sense of the Senate that the President should communicate to the members of the Organization of Petroleum Exporting Countries ("OPEC") cartel and non-OPEC countries that participate in the cartel of crude oil producing countries, before the meeting of the OPEC nations in March 2000, the position of the United States in favor of increasing world crude oil supplies so as to achieve stable crude oil prices.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment:

S. Res. 267. An original executive resolution directing the return of certain treaties to the President.

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. Res. 270. An original resolution designating the week beginning March 11, 2000, as "National Girl Scout Week."

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 1796. A bill to modify the enforcement of certain anti-terrorism judgements, and for other purposes.

By Mr. HATCH, from the Committee on the Judiciary, without amendment and with a preamble:

S.J. Res. 39. A joint resolution recognizing the 50th anniversary of the Korean War and the service by members of the Armed forces during such war, and for other purposes.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Con. Res. 87. A concurrent resolution commending the Holy See for making significant contributions to international peace and human rights, and objecting to efforts to expel the Holy See from the United Nations by removing the Holy See's Permanent Observer status in the United Nations, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HELMS for the Committee on Foreign Relations.

N. Cinnamon Dornsife, of the District of Columbia, to be United States Director of the Asian Development Bank, with the rank of Ambassador.

Earl Anthony Wayne, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be an Assistant Secretary of State (Economic and Business Affairs).

Alan Philip Larson, of Iowa, to be United States Alternate Governor of the International Bank for Reconstruction and Development for a term of five years; United States Alternate Governor of the Inter-American Development Bank for a term of five years; United States Alternate Governor of the African Development Bank for a term of five years; United States Alternate Governor of the African Development Fund; United States Alternate Governor of the Asian Development Bank; and United States Alternate Governor of the European Bank for Reconstruction and Development.

(The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. HELMS. Mr. President, for the Committee on Foreign Relations, I report favorably a nomination list which was printed in the RECORD on the date indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that the nomination lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Foreign Service nominations beginning John Patrice Groarke and ending James Curtis Struble, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 11, 1999.

By Mr. JEFFORDS for the Committee on Health, Education, Labor, and Pensions.

Bobby L. Roberts, of Arkansas, to be a Member of the National Commission on Libraries and Information Science for a term expiring July 19, 2003. (Reappointment)

Michael G. Rossmann, of Indiana, to be a Member of the National Science Board, National Science Foundation for a term expiring May 10, 2006.

Daniel Simberloff, of Tennessee, to be a Member of the National Science Board, National Science Foundation for a term expiring May 10, 2006.

Leslie Lenkowsky, of Indiana, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring February 8, 2004.

Juanita Sims Doty, of Mississippi, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring June 10, 2004.

Joan R. Challinor, of the District of Columbia, to be a Member of the National Commission on Libraries and Information Science for a term expiring July 19, 2004. (Reappointment)

Jerome F. Kever, of Illinois, to be a member of the Railroad Retirement Board for a term expiring August 28, 2003. (Reappointment)

Virgil M. Speakman, Jr., of Ohio, to be a member of the Railroad Retirement Board for a term expiring August 28, 2004. (Reappointment)

(The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. JEFFORDS. Mr. President, for the Committee on Health, Education, Labor, and Pensions, I report favorably nomination lists which were printed in the RECORDS of the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Public Health Service nominations beginning Edwin L. Jones III and ending Colleen E. White, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on November 19, 1999.

Public Health Service nominations beginning Susan J. Blumenthal and ending William Tool, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on November 19, 1999.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. GRASSLEY (for himself and Mr. GRAHAM):

S. 2225. A bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs; to the Committee on Finance.

By Mr. BAUCUS:

S. 2226. A bill to establish a Congressional Trade Office; to the Committee on Finance.

By Mr. BOND (for himself, Ms. LANDRIEU, Mr. CRAIG, Mrs. LINCOLN, Mr. JOHNSON, Mr. LIEBERMAN, Mr. JEFFORDS, Mr. ROBB, Mr. STEVENS, and Mr. WARNER):

S. 2227. A bill to amend chapter 79 of title 5, United States Code, to allow Federal agencies to reimburse their employees for certain adoption expenses, and for other purposes; to the Committee on Governmental Affairs.

By Mrs. MURRAY (for herself and Mr. GORTON):

S. 2228. A bill to require the Secretary of the Army to conduct studies and to carry out ecosystem restoration and other protective measures within Puget Sound, Washington, and adjacent waters, and for other purposes; to the Committee on Environment and Public Works.

By Ms. MIKULSKI (for herself, Mr. KENNEDY, Mr. BINGAMAN, Mr. LEVIN, Mr. SARBANES, Mrs. MURRAY, Mrs. LINCOLN, Mrs. BOXER, Mr. JOHNSON, Mr. KERRY, Mr. DURBIN, Mr. HOLLINGS, Mr. REID, Mr. ROCKEFELLER, Mr. BREAUX, Mr. DORGAN, Mr. TORRICELLI, Mr. BAUCUS, Mr. DODD, Mr. CLELAND, and Mrs. FEINSTEIN):

S. 2229. A bill to provide for digital empowerment, and for other purposes; to the Committee on Finance.

By Mr. GRAMS:

S. 2230. A bill to provide tax relief in relation to, and modify the treatment of, members of a reserve component of the Armed

Forces, and for other purposes; to the Committee on Finance.

By Mr. COVERDELL:

S. 2231. A bill to provide for the placement at the Lincoln Memorial of a plaque commemorating the speech of Martin Luther King, Jr., known as the "I Have A Dream" speech; to the Committee on Energy and Natural Resources.

By Mr. GRAHAM (for himself, Mr. JEFFORDS, Mr. BINGAMAN, Mr. BRYAN, Mr. L. CHAFEE, Mr. KERRY, Mr. ROCKEFELLER, Mr. MOYNIHAN, Mrs. MURRAY, Mr. LUGAR, and Ms. SNOWE):

S. 2232. A bill to promote primary and secondary health promotion and disease prevention services and activities among the elderly, to amend title XVIII of the Social Security Act to add preventive benefits, and for other purpose; to the Committee on Finance.

By Mr. FITZGERALD (for himself, Mr. BAYH, Mr. ABRAHAM, Mr. KOHL, Mr. GRASSLEY, Mr. DURBIN, Mr. BROWNBACK, and Mr. GRAMS):

S. 2233. A bill to prohibit the use of, and provide for remediation of water contaminated by, methyl tertiary butyl ether; to the Committee on Environment and Public Works.

By Mr. WARNER:

S. 2234. A bill to designate certain facilities of the United States Postal Service; to the Committee on Governmental Affairs.

By Ms. COLLINS (for herself, Mr. MURKOWSKI, Mr. DODD, Mr. TORRICELLI, and Mr. HUTCHINSON):

S. 2235. A bill to amend the Public Health Act to revise the performance standards and certification process for organ procurement organizations; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FRIST (for himself and Mr. DODD):

S. 2236. A bill to establish programs to improve the health and safety of children receiving child care outside the home, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CRAIG:

S. 2237. A bill to amend the Internal Revenue Code of 1986 to provide for the deductibility of premiums for any medigap insurance policy or Medicare+Choice plan which contains an outpatient prescription drug benefit, and to amend title XVIII of the Social Security Act to provide authority to expand existing medigap insurance policies; to the Committee on Finance.

By Mr. BAUCUS:

S. 2238. A bill to designate 3 counties in the State of Montana as High Intensity Drug Trafficking Areas and authorize funding for drug control activities in those areas; to the Committee on the Judiciary.

By Mr. ALLARD (for himself, Mr. CAMPBELL, Mr. HATCH, Mr. BENNETT, and Mr. BINGAMAN):

S. 2239. A bill to authorize the Bureau of Reclamation to provide cost sharing for the endangered fish recovery implementation programs for the Upper Colorado River and San Juan River basins; to the Committee on Energy and Natural Resources.

By Mr. BUNNING:

S. 2240. A bill to suspend temporarily the duty on certain polyamides; to the Committee on Finance.

By Mr. CRAPO:

S. 2241. A bill to amend title XVIII of the Social Security Act to adjust wages and wage-related costs for certain items and services furnished in geographically reclassified hospitals; to the Committee on Finance.

By Mr. THOMAS:

S. 2242. A bill to amend the Federal Activities Inventory Reform Act of 1998 to improve the process for identifying the functions of the Federal Government that are not inherently governmental functions, for determining the appropriate organizations for the performance of such functions on the basis of competition, and for other purposes; to the Committee on Governmental Affairs.

By Ms. LANDRIEU (for herself, Ms. SNOWE, Mr. KERRY, Mr. CLELAND, Mrs. MURRAY, Ms. MIKULSKI, Mr. ABRAHAM, and Mr. JEFFORDS):

S. 2243. A bill to reauthorize certain programs of the Small Business Administration, and for other purposes; to the Committee on Small Business.

By Mr. WYDEN (for himself and Mr. BAUCUS):

S. 2244. A bill to increase participation in employee stock purchase plans and individual retirement plans so that American workers may share in the growth in the United States economy attributable to international trade agreements; to the Committee on Finance.

By Mr. GRASSLEY:

S. 2245. A bill to amend the Harmonized Tariff Schedule of the United States to modify the article description with respect to certain hand-woven fabrics; to the Committee on Finance.

By Mr. BOND (for himself and Mr. GRASSLEY):

S. 2246. A bill to amend the Internal Revenue code of 1986 to clarify that certain small businesses are permitted to use the cash method of accounting even if they use merchandise or inventory; to the Committee on Finance.

By Mr. BYRD:

S. 2247. A bill to establish the Wheeling National Heritage Area in the State of West Virginia, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HELMS:

S. Res. 267. An original executive resolution directing the return of certain treaties to the President; placed on the Executive Calendar.

By Mr. EDWARDS (for himself, Mr. HAGEL, Mr. ROBB, Mrs. BOXER, and Mr. KERREY):

S. Res. 268. A resolution designating July 17 through July 23 as "National Fragile X Awareness Week"; to the Committee on the Judiciary.

By Mr. HELMS:

S. Res. 269. A resolution expressing the sense of the Senate with respect to United States relations with the Russian Federation, given the Russian Federation's conduct in Chechnya, and for other purposes; to the Committee on Foreign Relations.

By Mr. HATCH:

S. Res. 270. An original resolution designating the week beginning March 11, 2000, as "National Girl Scout Week"; placed on the calendar.

By Mr. WELLSTONE (for himself, Mr. TORRICELLI, Mr. LEAHY, Mr. FEINGOLD, and Mr. BROWNBACK):

S. Res. 271. A resolution regarding the human rights situation in the People's Republic of China; to the Committee on Foreign Relations.

By Mr. VOINOVICH:

S. Res. 272. A resolution expressing the sense of the Senate that the United States should remain actively engaged in southeastern Europe to promote long-term peace, stability, and prosperity; continue to vigorously oppose the brutal regime of Slobodan Milosevic while supporting the efforts of the democratic opposition; and fully implement the Stability Pact; to the Committee on Foreign Relations.

By Mrs. HUTCHISON (for herself, Ms. MIKULSKI, Mr. HATCH, Ms. SNOWE, Mr. WARNER, Mr. BUNNING, Mr. BOND, Mr. ASHCROFT, Mr. SMITH of Oregon, Mr. HELMS, Mr. MURKOWSKI, Mr. CRAIG, Mr. DOMENICI, and Ms. COLLINS):

S. Res. 273. A resolution designating the week beginning March 11, 2000, as "National Girl Scout Week"; considered and agreed to.

By Mr. REED:

S. Con. Res. 93. A concurrent resolution expressing the support of Congress for activities to increase public awareness of multiple sclerosis; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LOTT:

S. Con. Res. 94. A concurrent resolution providing for a conditional adjournment or recess of the Senate; considered and agreed to.

By Mr. LOTT: (for himself, Mr. BROWNBACK, Mr. KERREY, and Mr. SHELBY):

S. Con. Res. 95. A concurrent resolution commemorating the twelfth anniversary of the Halabja massacre; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY (for himself and Mr. GRAHAM):

S. 2225. A bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs; to the Committee on Finance.

THE LONG-TERM CARE AND RETIREMENT SECURITY ACT OF 2000

Mr. GRASSLEY. Mr. President, long-term tax credits may seem like a dull topic. But the expenses of caring for an ailing family member are shocking. Millions of people bear these expenses every day, without any help.

Here's a typical example: A state legislator from Ohio named Barbara Boyd testified before my Special Committee on Aging last year. Ms. Boyd cared at home for her mother who had Alzheimer's disease and breast cancer. Her mother had $20,000 in savings and a monthly Social Security check. That went quickly. Prescription drugs alone ran $400 a month.

Antibiotics, ointments to prevent skin breakdown, incontinence supplies and other expenses cost hundreds of dollars a month. Ms. Boyd exhausted her own savings to care for her mother, and exhausted herself. She isn't complaining. Family caregivers don't complain. But we can and should use the tax code to ease their burden.

Yesterday a bipartisan group of legislators, and two prominent groups—

AARP and the Health Insurance Association of America, announced a consensus agreement on a legislative package to help people with a variety of long-term care needs. Our bill contains a tax deduction to encourage individuals to buy long-term care insurance. We want to help people to prepare for their health needs in retirement.

The bill also contains a $3,000 tax credit for family caregivers caring for a disabled relative at home. Under this legislation, Ms. Boyd's mother could have purchased long-term care insurance long before she developed Alzheimer's. In addition, Ms. Boyd could have used the tax credit to help with the costs of the medications and medical supplies for her mother.

I'm pleased that we have so much agreement in Washington about helping people with long-term care expenses. The legislators sponsoring this legislation have pushed for long-term care relief for years. Today, my colleagues and I will introduce this bill. We'll work to get it passed into law as soon as possible. An aging nation has no time to waste in preparing for long-term care. Family caregivers need immediate relief from their expensive and exhausting work.

Joining me in introducing this bill is Senator BOB GRAHAM of Florida, Representative NANCY JOHNSON, and Representative KAREN THURMAN.

By Mr. BAUCUS:

S. 2226. A bill to establish a Congressional Trade Office; to the Committee on Finance.

TO CREATE A CONGRESSIONAL TRADE OFFICE

• Mr. BAUCUS. Mr. President, last year I introduced a bill to create a Congressional Trade Office. That bill was designed to provide the Congress with new and additional trade expertise that would be independent, non-partisan, and neutral. Today, I am introducing the same bill with several small changes.

The role of Congress in trade policy has expanded in the few short months since I introduced my bill in September. We went through Seattle and the failure to launch a new multilateral trade round. The public is more interested in trade issues than ever before. There is a new urgency to reconcile labor and environmental issues with trade. We are on the cusp of seeing China enter the WTO with permanent Normal Trade Relations with the United States. The General Accounting Office has told us of the deficiencies in the Executive Branch in following trade agreements and monitoring compliance. And, for the first time, trade will be an issue in the Presidential campaign, as well as in Senate and House races.

Congress needs to be much better prepared. And that means we need access to more and better information, independently arrived at from people whose commitment is to the Congress, and only to the Congress.

Congress has the Constitutional authority to provide more effective and active oversight of our Nation's trade policy. We must use that authority. Congress should be more active in setting the direction of trade policy. I believe strongly that we must re-assert Congress' constitutionally defined responsibility for international commerce.

A Congressional Trade Office would provide the entire Congress, through the Senate Finance Committee and the House Ways and Means Committee, with this additional trade expertise. It would have three sets of responsibilities.

First, it will monitor compliance with major bilateral, regional, and multilateral trade agreements. Last week, along with Senator MURKOWSKI and several other Senators, I introduced the China WTO Compliance Act. That bill is designed to ensure continuing and comprehensive monitoring of China's WTO commitments. It is also designed to ensure aggressive Administration action to ensure compliance with those commitments. But that bill deals only with China. Congress needs the independent ability to look more closely at agreements with other countries. The Congressional Trade Office will analyze the performance under key agreements and evaluate success based on commercial results. It will do this in close consultation with the affected industries. The Congressional Trade Office will recommend to the Congress actions necessary to ensure that commitments made to the United States are fully implemented. It will also provide annual assessments about the agreements' compliance with labor and environmental goals.

Second, the Congressional Trade Office will have an analytic function. For example, after the Administration delivers its annual National Trade Estimates report, the NTE, to Congress, it will analyze the major outstanding trade barriers based on the cost to the U.S. economy. It will also provide an analysis of the Administration's Trade Policy Agenda.

The Congressional Trade Office will analyze proposed trade agreements, including agreements that do not require legislation to enter into effect. It will examine the impact of Administration trade policy actions, including an assessment of the Administration's argument for not accepting an unfair trade practices case. And it will analyze the trade accounts every quarter, including the global current account, the global trade account, and key bilateral trade accounts.

Third, the Congressional Trade Office will be active in dispute settlement deliberations. It will evaluate each WTO decision where the U.S. is a participant. In the case of a U.S. loss, it will explain why it lost. In the case of a U.S. win, it will measure the commercial results from that decision. It will do a similar evaluation for NAFTA disputes. Congressional Trade Office staff should participate as observers on the U.S. delegation at dispute settlement panel meetings at the WTO.

The Congressional Trade Office is designed to service the Congress. Its Director will report to the Senate Finance Committee and the House Ways and Means Committee. It will also advise other committees on the impact of trade negotiations and the impact of the Administration's trade policy on those committees' areas of jurisdiction.

The staff will consist of professionals who have a mix of expertise in economics and trade law, plus in various industries and geographic regions. My expectation is that staff members will see this as a career position, thus, providing the Congress with long-term institutional memory.

The Congressional Trade Office will work closely with other government entities involved in trade policy assessment, including the Congressional Research Service, the General Accounting Office, and the International Trade Commission. The Congressional Trade Office will not replace those agencies. Rather, the Congressional Trade Office will supplement their work, and leverage the work of those entities to provide the Congress with timely analysis, information, and advice.

Dispute resolution and compliance with trade agreements are central elements of U.S. trade policy. The credibility of the global trading system, and the integrity of American trade law, depend on the belief, held by trade professionals, political leaders, industry representatives, workers, farmers, and the public at large, that agreements made are agreements followed. They must be fully implemented. There must be effective enforcement. Dispute settlement must be rapid and effective.

Often more energy goes into negotiating new agreements than into ensuring that existing agreements work. The Administration has increased the resources it devotes to compliance, and I support that. But an independent and neutral assessment in the Congress of compliance is necessary. It is unrealistic to expect an agency that negotiated an agreement to provide a totally objective and dispassionate assessment of that agreement's success or failure.

Looking at the WTO dispute settlement process, I don't think we even know whether it has been successful or not from the perspective of U.S. commercial interests. A count of wins versus losses tells us nothing. The Congressional Trade Office will give us the facts we need to evaluate this process properly.

Article I, Section 8, of the U.S. Constitution says: "The Congress shall have power . . . To regulate commerce with foreign nations." It is our responsibility to provide oversight and direction on U.S. trade policy. The Congressional Trade Office, as I have outlined it today, will provide us in the Congress with the means to do so.●

By Mr. BOND (for himself Ms. Landrieu, Mr. Craig, Mrs. Lincoln, Mr. Johnson, Mr. Lieberman, Mr. Jeffords, Mr. Robb, Mr. Stevens, and Mr. Warner):

S. 2227. A bill to amend chapter 79 of title 5, United States Code, to allow Federal agencies to reimburse their employees for certain adoption expenses, and for other purposes; to the Committee on Governmental Affairs.

THE FEDERAL EMPLOYEES ADOPTION ASSISTANCE ACT

Mr. BOND. Mr. President, today I join my colleagues in the House, Congressmen Bliley and Oberstar and 42 other House Members, as well as Senators Landrieu, Craig, Jeffords, Lincoln, Johnson, Lieberman, Jeffords, Robb, Stevens, and Warner, in introducing a bill to reimburse all federal employees up to $2,000 for qualified expenses associated with the adoption of a child and for special-needs adoptions—the Federal Employees Adoption Assistance Act of 2000.

Every year, couples who are unable to have children of their own spend literally thousands of dollars to adopt a child. Statistics show that approximately 2.1 million couples in the Unites States are infertile. One of the main reasons for this is because couples are waiting longer to start a family in order to focus on careers. Many seek treatment to conceive a child, but are unsuccessful. For them, their only hope of having a child of their own is through adoption.

The adoption process demands an incredible amount of time and money and creates stress that can affect job performance. For this reason many private-sector businesses, such as Microsoft, Hewlett-Packard, Sprint, Prudential, Home Depot, and Freddie Mac, now provide financial assistance to employees adopting a child, thus increasing employee satisfaction, productivity, and loyalty and commitment to the employer. Unfortunately, the largest employer in the U.S.—the federal government—currently provides no financial assistance for adoption expenses to its employees. That is why I am introducing the Federal Employees Adoption Assistance Act.

This legislation would allow federal agencies to reimburse employees up to $2,000 for all qualified expenses associated with the adoption of a child, including special-needs children. Any benefit paid by this legislation would come out of funds available for salaries and expenses of the relevant agencies. Currently, active-duty armed services personnel receive this adoption benefit, $2,000 per adoption; however, no other branch of the federal government covers this expense.

A key aspect of adoption that is frequently overlooked, and that I have made sure is addressed in this legislation, is that of special-needs children. Recent estimates show there are currently around 110,000 special-needs children in foster care who are eligible for adoption. Many of these children have physical or mental disabilities and need extensive care and therapy. Another common situation is two or more siblings in need of a family willing to take on the responsibility of more than one child. Most of these children are currently in foster care waiting to find a permanent home and family of their own, and are less likely to be adopted than non-special-needs children.

Often, couples who may already have children of their own are interested in opening their home and their hearts to adopt a child or children with special needs, but are hesitant to do so due to the costs involved. By providing an adoption reimbursement benefit, many couples already considering adopting special-needs children decide to go ahead with the process. The Federal Employees Adoption Assistance Act broadens the adoption benefits package to include the costs associated with special-needs adoptions.

Mr. President, this is why I, along with numerous colleagues on both sides of the aisle and in both chambers, are introducing and advocating the passage of this legislation. Additionally, this bipartisan and bicameral bill has the endorsement of numerous adoption advocacy groups, including:

Bethany Christian Services in Grand Rapids, Michigan, Covenant House, The Dave Thomas Foundation for Adoption, The Edgewood Children's Center in St. Louis, Missouri, Family Voices, The National Adoption Center, The National Council for Adoption, The National Treasury Employees Union, and Voice for Adoption.

As a member of the Congressional Coalition on Adoption, I believe we should provide incentives to make sure that more children find loving parents. I thank my colleagues, Senators Landrieu, Craig, Jeffords, Lincoln, Johnson, Lieberman, Jeffords, Robb, Stevens, and Warner, Congressmen Bliley and Oberstar, and the numerous other House and Senate sponsors, as well as the many adoption advocacy groups, for joining me in promoting adoption and supporting our civil servants by cosponsoring and endorsing this legislation.

Mr. President, I ask unanimous consent that additional material be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Bethany Christian Services,
Grand Rapids, MI, March 3, 2000.
Hon. Christopher Bond,
U.S. Senate,
Washington, DC.

Dear Senator Bond, I have read the draft of the Federal Employees Adoptions Assistance Act that you have proposed. On behalf of Bethany Christian Services, I express my support for this legislation.

Bethany is a national child welfare 501(c)3 organization and is located in 31 states. We place close to 1500 children for adoption each year and most of them have some form of "special need." The families that choose to adopt are typically in need of some form of financial assistance.

Thank you for your efforts to promote adoption with this proposed legislation.

Sincerely,

Glenn De Mots,
President.

Dave Thomas Foundation
for Adoption,
Dublin, OH, March 8, 2000.
Hon. Christopher Bond,
U.S. Senate,
Washington, DC.

Dear Senator Bond: As you know, adoption is a personal thing for me. I was adopted when I was six weeks old, and If I hadn't had a family to care for me, I know, I wouldn't be where I am now. Today over 110,000 children in the United States foster care system are waiting to be adopted. I'd like to see them have the same chance that I had for a loving home and family. I support your efforts to help these children and the families who adopt them through the introduction of the Federal Employees Adoption Assistance Act of 2000.

Wendy's began to offer adoption assistance to our employees in 1990, and since then thirty-six employees have adopted. We discovered many advantages to offering adoption benefits. They are a highly valued part of employees' benefits and they make the process of building a family more fair. When a company offers adoptive parents financial assistance and leave comparable to maternity benefits, they are doing what is best for families—and employees appreciate it. Adoption benefits also provide an opportunity to give back to the community. By offering employers adoption benefits we are making it possible for more children to be adopted from the child welfare system. Through our work at Wendy's, we are reminded that building and supporting families is the right thing to do. It costs so little to make a tremendous difference in the lives of families and children.

We appreciate your hard work to ensure that this legislation covers a broader range of adoption related expenses. This is especially important because of the unique costs that families who adopt children with special needs incur.

Again, thank you for your efforts to encourage the federal government to join the growing number of employers who agree that adoption benefits make good business sense. We commend you for your leadership in this area and hope your fellow Members of Congress will support it.

Warm regards,

Dave Thomas,
Founder.

COVENANT HOUSE,
New York, NY, March 8, 2000.
Hon. CHRISTOPHER BOND,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR BOND: Covenant House is proud to be a supporter of the Federal Employees Adoption Assistance Act of 2000. I would like to have joined you for the actual announcement of this legislation but am unable to do so due to a previous commitment.

Each year, thousands of youth come to Covenant House lacking the support of a stable family and desperately in need of love and protection. This legislation will encourage federal employees to adopt youth who have this great need and hopefully set an example for employers throughout the nation to provide similar encouragement to their employees who want to adopt a youth. We know so many young people whose lives would have been turned around if only adoption could have been possible for them.

Thank you so much for drafting and sponsoring this important legislation.

Sincerely,
Sister MARY ROSE MCGEADY, D.C.,
President.

EDGEWOOD CHILDREN CENTER,
St. Louis, MO, February 16, 2000.
Hon. CHRISTOPHER S. BOND,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOND: As you know, at Edgewood Children's Center we often work with children whose own families are unable to care for them. Finding permanent families for those children is usually more of a priority than anything else we do.

The "Federal Employees Adoption Assistance Act" will support an important group of potential parents in their desire to parent these and other children. Easing the financial burden of adoption will increase the pool of available families and make the way easier for those who choose this important step.

Thank for, once again, leading the way on behalf of kids. Know of our strong support of this bill and please let me know of anything we can do to be of assistance.

Most sincerely,
SUSAN S. STEPLETON,
Executive Director.

FAMILY VOICES,
Algodones, NM, February 9, 2000.
Senator CHRISTOPHER BOND,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR BOND: Family Voices is pleased to write in support of the "Federal Employees Adoption Assistance Act" you have proposed. Family Voices, 30,000 members understand the delicate nature of our children with special needs have a loving home to grow up in and a nurturing family to support them.

We believe that any assistance that can be provided to help families adopt children with special needs is crucial. Today's changing health care environment and families concerns about growing costs may provide barriers to the adoption of our children with special needs. Your bill simply equals the playing field for our children with special needs and the families who wish to be apart of their lives. Our children deserve a nurturing environment and this bill will encourage adopting families to take a second look at our kids. You have truly addressed a need our children and their future families have and Family Voices stands behind your efforts.

Sincerely,
JULIE BECKETT,
National Policy Coordinator,
Family Voices, Inc.

MISSOURI COALITION OF
CHILDREN'S AGENCIES,
Jefferson City, MO, March 4, 2000.
Hon. CHRISTOPHER S. BOND,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOND: As you know, the Missouri Coalition of Children's Agencies is the professional association representing sixty-five private child caring agencies in Missouri. The vast majority of these agencies spend a considerable portion of their time attempting to find permanent homes for the abused and neglected children in their care. This function is second only to providing a safe and caring environment for these children.

The "Federal Employees Adoption Assistance Act" is a great step in providing an important potential group of adoptive parents for children in need of permanent homes. Anything we can do to increase the pool of potential adoptive families can only help increase the chances for the children who most need the love and stability of a permanent home. Reducing the financial burden of adoption is a great step forward for these potential families.

We truly appreciate your strong support of children. If there is anything our association or its individual members can do to help in this effort, please let me know.

Sincerely,
JOE KETTERLIN,
Executive Director.

NATIONAL ADOPTION CENTER,
Philadelphia, PA.
Hon. CHRISTOPHER S. BOND,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOND: For the past four years, the National Adoption Center has been in the forefront of encouraging employers to offer adoption benefits through its Adoption and the Workplace project. During this time, more than 125 employers have implemented benefits' policies, including financial reimbursement for adoption expenses. This support allows families to consider adoption as a viable option and to provide loving homes to children who need permanence.

The reaction of adoptive families who receive adoption benefits has been overwhelmingly positive. Many have spoken of their appreciation of their employer's efforts to provide fairness in relation to those who create families biologically and often express their gratitude through greater loyalty and commitment to their workplace.

We support the Federal Employees Adoption Assistance Act you are proposing as an effective way of providing financial reimbursement to employees interested in adopting and as a means of encouraging families to consider adoption as a family-building alternative. We feel that this legislation addresses the need for equity, recognizing that families who adopt have traditionally had no employer-supported financial benefits, unlike those who receive maternity coverage.

We commend you for this farsighted bill and urge your fellow legislators to support it.

Sincerely,
CAROLYN L. JOHNSON,
Executive Director.

NATIONAL COUNCIL FOR ADOPTION,
Washington, DC, February 8, 2000.
Hon. CHRISTOPHER S. BOND,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOND: I reviewed the draft version of the Federal Employees Adoption Assistance Act that you have proposed and am in support of this legislation. As you know, the National Council For Adoption has taken the position of promoting adoption for the past 20 years. The Federal Employees Adoption Assistance Act provides families with much needed financial assistance to defray the cost of certain adoption expenses. By providing this assistance, hopefully a number of strong families that would not otherwise have the financial ability to adopt a child will have the opportunity to provide a loving home to a child in need of a family.

As a supporter of companion legislation sponsored by Representative Tom Bliley and Representative James Oberstar, the National Council for Adoption supports your efforts to enact the Federal Employees Adoption Assistance Act into law this year.

Sincerely,
DAVID M. MALUTINOK,
President.

STATEMENT OF COLLEEN M. KELLEY, NATIONAL PRESIDENT, NATIONAL TREASURY EMPLOYEES UNION, IN SUPPORT OF THE FEDERAL ADOPTION ASSISTANCE ACT

The National Treasury Employees Union, which represents over 155,000 federal workers in the Department of the Treasury, Department of Energy, Federal Communications Commission, Nuclear Regulatory Commission, Patent and Trademark Office and other agencies announces its strong support for the bipartisan legislation introduced by Senator Kit Bond and Representative Tom Bliley to provide adoption assistance for federal employees.

Many federal employees are ready and willing to provide a loving home for a child in need. Sadly, significant financial barriers often exist particularly for the lower and middle grade public servants that make up the membership of our union. This legislation would lessen the financial burden these hopeful parents would bear as they take on the duties of providing love and care for a child in need of a home.

The federal government should set the example for employers everywhere in developing compassionate and socially responsible employment and benefit policies. NTEU asks that Congress move quickly on this important legislation.

VOICE FOR ADOPTION,
Washington, DC, February 9, 2000.
Hon. CHRISTOPHER BOND,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOND: On behalf of Voice for Adoption (VFA), I applaud your efforts to help special needs children move from foster care to permanent loving homes. VFA supports the Federal Employees Adoption Assistance Act.

Founded in 1996, VFA has more than 70 national and local special needs adoption organizations as members. VFA participants include professionals, parents, and advocates committed to securing adoptive families for America's waiting children.

Our distinguished board of directors has more than two hundred years combined experience in the adoption field. VFA's board includes: North American Council on Adoptable Children (NACAC), the National Adoption Center, Adoption Exchange Association

(AEA) Child Welfare League of America (CWLA), Children Awaiting Parents (CAP), the Institute for Black Parenting, Three River Adoption Council, Spaulding for Children, Family Builders Adoption Network and The Evan B. Donaldson Adoption Institute. Our aim is to ensure permanent, nurturing families for our nation's most vulnerable children and to strengthen support for families who adopt.

In 1998, approximately 520,000 children were in out-of-home, foster, kinship, or residential care. The average age of these children in foster care is 9.5 year old. These children can expect to spend on average more than three years in the foster care system and be moved more than three different times during their stays.

The Federal Employees Adoption Assistance Act, which allows up to $2,000 reimbursement for adoption expenses, would encourage employees of the federal government to adopt who would not have been able to afford it otherwise.

Again, VFA applauds your leadership with this important piece of legislation.

Sincerely,

COURTENEY ANNE HOLDEN,
Executive Director.

Mr. CRAIG. Mr. President, I am pleased to join my colleagues and to acknowledge the leadership of Senator BOND in introducing the Federal Employees Adoption Assistance Act of 2000.

Congress has repeatedly demonstrated strong support for adoption. I think there is a clear consensus here that adoption is a positive experience—for children needing homes, for birth parents, and for adoptive parents, not to mention for society at large. In recent years, we have shaped federal policies so that they do more to help waiting children find permanent, loving families.

Now we have an opportunity to bring home our advocacy for adoption.

The Federal Employees Adoption Assistance Act follows the lead of a growing number of private sector businesses in establishing an adoption benefit for employees. It is well known that family-friendly workforce policies help attract and retain qualified workers. While adoption benefits generate considerable good will and loyalty among employees, they cost little for employers, because they are relatively rarely used. Yet in view of what continues to be a huge price tag for adoption—in the tens of thousands of dollars—these benefits can truly make a difference in helping an employee choose this option for creating or expanding a family.

By implementing these policies for federal workers, we can underscore our strong message of support for adoption and encourage more private sector employers to do likewise. At the same time, we will be improving the competitiveness of the federal government in recruiting good workers and helping to increase current workers' job satisfaction and commitment.

The benefit that could be provided by the Federal Employees Adoption Assistance Act is by no means lavish, but it compares favorably with similar benefits in the private sector. This policy will be good for workers, good for the federal government, good for taxpayers, and—most important—good for the more than 100,000 children in this country who are eligible for adoption today but still awaiting a permanent, loving family.

I congratulate Senator BOND for bringing this initiative to the Senate and encourage all our colleagues to join us in working to pass this important legislation.

Mr. JEFFORDS. Mr. President, I rise today in support of the legislation that is being introduced by my friend and colleague from Missouri, Senator BOND. As Chairman of the Committee on Health, Education, Labor, and Pensions and a member of the Congressional Coalition on Adoption, I have been a long-standing supporter of legislation to make adoption easier. This bill does exactly that by requiring federal agencies to reimburse their employees up to $2,000 for all qualified expenses associated with the adoption of a child. Both this bill and its House companion, introduced by Representatives TOM BLILEY and JAMES OBERSTAR last August, have gathered the support of a bipartisan group of legislators and numerous groups in the adoption community.

Currently, many private sector businesses provide financial assistance to employees who wish to adopt a child. These businesses understand that adoption can be a very time-consuming, exhausting, and expensive process for parents. Relieving the financial burden on their employees will not only help encourage adoption, but also produce a happier and more productive work force.

The legislation being introduced today provides a benefit for our own hard-working federal employees. In the process, it brings the federal government up to par with those private-sector businesses that already provide financial assistance to employees adopting a child. Even further, it establishes a leadership role for the federal government in this area. This hopefully will encourage even more businesses to assist their employees financially should they wish to adopt a child.

I am proud to stand today with several of my colleagues as co-sponsors of the Federal Employees Adoption Assistance Act of 2000. I hope the Senate will proceed quickly to pass this legislation. It makes sense, both for the approximately 110,000 children currently awaiting adoption in the United States, and for those federal employees who are willing and able to provide a home for them.

By Mrs. MURRAY (for herself, and Mr. GORTON):

S. 2228. A bill to require the Secretary of the Army to conduct studies and to carry out ecosystem restoration and other protective measures within Puget Sound, Washington, and adjacent waters, and for other purposes; to the Committee on Environment and Public Works.

PUGET SOUND ECOSYSTEM RESTORATION

Mrs. MURRAY. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2228

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. PUGET SOUND ECOSYSTEM RESTORATION.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Army (in this section referred to as the "Secretary") shall conduct studies and carry out ecosystem restoration and other protective measurers within Puget Sound, Washington, and adjacent waters and associated estuary and near-shore habitat, including—

(1) the 17 watersheds that drain directly into Puget Sound;

(2) Admiralty Inlet;

(3) Hood Canal;

(4) Rosario Strait; and

(5) the eastern portion of the Strait of Juan de Fuca.

(b) IMPLEMENTATION.—

(1) IN GENERAL.—The Secretary shall use funds made available to carry out this section to carry out ecosystem restoration and other protective measures (including environmental improvements related to facilities of the Corps of Engineers in existence on the date of enactment of this Act) determined by the Secretary to be feasible based on—

(A) the studies conducted under subsection (a); or

(B) analyses conducted before such date of enactment by non-Federal interests.

(2) CRITERIA AND PROCEDURES FOR REVIEW AND APPROVAL.—In consultation with the Secretary of Commerce and the Governor of the State of Washington, the Secretary shall develop criteria and procedures consistent with the National Marine Fisheries Service and State fish restoration goals and objectives for reviewing and approving analyses described in paragraph (1)(B) and the protective measures proposed in those analyses. The Secretary shall use prior studies and plans to identify project needs and priorities wherever practicable.

(3) PRIORITIZATION OF PROJECTS.—In prioritizing projects for implementation under this subsection, the Secretary shall consult with public and private entities active in watershed planning and ecosystem restoration in Puget Sound watersheds, including the Salmon Recovery Funding Board, the Northwest Straits Commission, the Hood Canal Coordinating Council, county watershed planning councils, and salmon enhancement groups, and shall give full consideration to their priorities for projects.

(c) PUBLIC PARTICIPATION.—In developing and implementing protective measures under subsections (a) and (b), the Secretary shall provide for public review and comment in accordance with applicable Federal law, including—

(1) providing advance notice of public meetings;

(2) providing adequate opportunity for public input and comment;

(3) maintaining appropriate records; and

(4) compiling a record of the proceedings of meetings.

(d) Compliance With Applicable Law.—In developing and implementing protective measures under subsections (a) and (b), the Secretary shall comply with applicable Federal law, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(e) Cost Sharing.—

(1) In general.—Studies and technical assistance provided to determine the feasibility of protective measures under subsections (a) and (b) shall—

(A) be considered to be project costs; and

(B) be shared by non-Federal interests during project implementation in accordance with this subsection.

(2) Non-federal share.—Subject to paragraph (4), the non-Federal share of the cost of the protective measures shall be 35 percent; except that if a project would otherwise be eligible for cost-sharing under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2294 note), the non-Federal share of the cost of the protective measures for the project shall be 25 percent.

(3) In-kind contributions.—Not more than 80 percent of the non-Federal share may be provided in the form of services, materials, supplies, or other in-kind contributions necessary to carry out the protective measures.

(4) Federal share.—The Federal share of the cost of any single protective measure shall not exceed $5,000,000.

(5) Operation and maintenance.—The operation and maintenance of the protective measures shall be a non-Federal responsibility.

(6) Tribal cost-sharing.—The Secretary shall waive the first $200,000 in non-Federal cost share for all studies and projects cosponsored by federally recognized Indian tribes.

(f) Authorization of Appropriations.—There is authorized to be appropriated to not to exceed $125,000,000 to pay the Federal share of the cost of carrying out this section.

By Ms. MIKULSKI (for herself, Mr. KENNEDY, Mr. BINGAMAN, Mr. LEVIN, Mr. SARBANES, Mrs. MURRAY, Mrs. LINCOLN, Mr. JOHNSON, Mr. KERRY, Mr. DURBIN, Mr. HOLLINGS, Mr. REID, Mr. ROCKEFELLER, Mr. BREAUX, Mr. DORGAN, Mr. TORRICELLI, Mr. BAUCUS, Mr. DODD, Mr. CLELAND, and Mrs. FEINSTEIN):

S. 2229. A bill to provide for digital empowerment, and for other purposes; to the Committee on Finance.

DIGITAL EMPOWERMENT ACT

Ms. MIKULSKI. Today, I introduce the Digital Empowerment Act. The goal of this legislation is to ensure that every child is computer literate by the eighth grade regardless of race, ethnicity, income, gender, geography, or disability.

Yesterday, the Senate's Education Committee voted for my amendment to establish this as our national goal. This vote was taken on a bipartisan basis and was unanimous. Today, I am introducing this legislation to make this goal a reality. This bill has been a team effort. I reached out to the Congressional Hispanic Caucus, the Congressional Black Caucus, to my colleagues, the people throughout Maryland, ministers in Baltimore, business leaders, educators, and political leadership. Why? It is because a digital divide exists in America. Those who have access to technology and know how to use it will be ready for the new digital economy. Those who don't will be left out and left behind.

Low-income urban and rural families are less likely to have access to the Internet and computers. Black and Hispanic families are only two-fifths as likely to have Internet access as their white counterparts. Some schools have 10 computers in every classroom. In other schools, there are 200 students who share one computer. The private sector is doing important and exciting work, such as Power Up from AOL, but technology empowerment can't be limited to a few zip codes. What we need is a national policy and national programs.

Mr. President, I believe the best antipoverty program is an education. If we practice the ABCs, we will ensure that our children have a good education and will cross this digital divide. Crossing the digital divide is about technology and about children having access to technology. It is about teachers knowing how to teach children the tools of technology so they can cross this digital divide.

The ABCs are simply this: Access—each child must have universal access to computers, whether it is in a school, a library, or a community center. Many families cannot afford to buy computers for their homes, but children in America should have access to them through public institutions.

We also need to practice the B—best-trained teachers and, I might add, better-paid teachers.

But C would be computer literacy for all students by the time they finish eighth grade.

My Digital Empowerment Act will, first of all, create a one-stop shop for Federal education technology programs at the Department of Education. Why do we need this? Well, right now, our programs are scattered throughout the Department. School superintendents have to forage to be able to find that information, and when they do, they find the funding is absolutely spartan or skimpy. That is why my legislation also improves our schools in terms of access to technology and teacher training.

Teachers want to help their students cross the digital divide, but they are facing three major problems. One, they need technology. They need hardware and software. They need training to use the technology because without training of the teachers or librarians, it is a hollow opportunity.

In my own home State of Maryland, over 600 teachers from across the State volunteered to participate in a tech-prep academy so they could be ready. But hundreds were turned away. For every one teacher who can sign up for tech-prep training, four or five are standing in line to do so.

My bill addresses these concerns. We are going to double funding for school technology and for teacher training. We now spend less than half a billion dollars on training and technology for our schools. We would double that to $850 million. But we also have to make sure we go where children learn, and that is in the community. Right now, what we find is that the only reliable source of revenue for wiring schools and libraries is the E-rate. But, the E-rate does not go to community centers.

Whether it is an African-American church or a community center in an Appalachian region or rural parts of the South or the upper regions of Alaska, what my legislation would do is help community centers. My legislation would create an E-corps within the AmeriCorps national service program. It would bring AmeriCorps volunteers with special technology training into our schools and into our communities.

I recently had a town hall meeting in an elementary school in Riverdale, MD. The teachers and students told me they need extra pairs of hands to help out in the computer lab to be able to teach the children. Also, we want to create 1,000 community tech centers. Community leaders have told me we need to bring technology to where kids learn, not just where we want them to learn. Our legislation would create 1,000 community-based centers that would be run by community organizations such as the YMCA and YWCA, Urban League, or a faith-based organization, where children could be there for structured afterschool activities, and also adults could be there earlier in the day to develop their job skills.

Government cannot do this alone. We want public-private partnerships. I want to use our Tax Code to encourage public-private partnerships. This bill uses our Tax Code to encourage the donations of technology, technology training, and technology maintenance for schools, libraries and community centers.

Mr. President, that is the core of our program. We are living in exciting times. The opportunities are tremendous to use technology to improve our lives, to use technology to remove the barriers caused by income, race, or ethnicity. Technology could mean the death of distance as a barrier for bringing jobs into the rural areas of our country. We want technology to be the death of discrimination where children have been left out or left aside. Bringing this technology into schools and libraries would enable children to leapfrog into the future.

Technology is the tool, but empowerment is the outcome. We want to be sure each child in the United States of America, by being computer literate by the time they are in the eighth grade, will be ready for the new economy. We hope that by setting that as a national goal we will get children to stay in school and know that the future lies in working in this new economy.

I thank everybody who worked on this bill with me. I thank everyone on my staff who helped me, including Julia Frifield, Jill Shapiro, and Andrea Vernot. This has truly been a team effort. I am pleased that I have 25 cosponsors from the U.S. Senate on this legislation. I hope that kind of bipartisan support will move this legislation forward.

I will conclude by saying this is a tremendous opportunity. This is not about a laundry list of new Government programs. We are here to make the highest and best use of the programs that exist, a wise and prudent use of taxpayer funds, and also to say to each child in America if you want to learn and get ready for the new economy, your Federal Government is on your side.

I give all praise and thanks to the Dear Lord who has inspired me to do this and gives me the opportunity to serve in the Senate. I truly believe one person can make a difference. I am trying to do that with this legislation. If we can work together, I know we will be able to bring about change—change for our children and change for the better.

Mr. LEVIN. Mr. President, it is my pleasure to join Senator MIKULSKI in introducing the National Digital Empowerment Act, which seeks to close the gap between those who have technology available to them and those who do not. I commend Senator MIKULSKI for her commitment to connect every school and community to the Information Superhighway. The legislation we are introducing will help to achieve this goal. It will enable students and teachers in all communities to have access to computers, as well as the training that is necessary to use this technology effectively.

The widening digital divide falls heaviest on those who can least afford to be left behind. Recent studies show that the Digital divide for the poorest Americans has grown by 29 percent since 1997, and that over 50 percent of schools lack the infrastructure needed to support new technology. In addition, approximately 4 out of 10 teachers report that they have had no training in using the Internet; and a mere 10 percent of new teachers reported that they felt prepared to use technology in their classrooms, while only 13 percent of all public schools reported that technology-related training for teachers was mandated by the school, district, or teacher certification agencies. This legislation will provide the necessary tools to reverse this trend.

It will substantially increase funding for teacher training in technology, including the creation of Teacher Technology Preparation Academies—teachers who are trained by the Academies would be encouraged to return to their schools and act as technology instructors for other teachers; increase funding for school technology; extend the current enhanced deduction for computer technology which is currently due to expire in 2001; require HUD to establish e-Villages in all HUD housing programs; authorize and increase funding for the creation of Community Technology Centers and e-corps within the AmeriCorps; create a one stop shop clearinghouse of public and private technology efforts within the U.S. Department of Education to be headed by an Assistant Secretary for Technology Education. In addition, the legislation directs the Secretary to implement an Internet-based, one-to-one pilot project that specifically targets the educational needs of K–12 students in low-income school districts, including hardware, software and ongoing support and professional development; and improve the e-Rate program.

After two funding cycles the total e-Rate funding that went to our nation's schools and libraries was $3.6 billion nationally, including $137.15 million for Michigan. That is a good investment to help prepare our children and citizens for the information age of the 21st century. But it is still not sufficient to provide all qualified schools and libraries with the e-Rate discounts they have requested. This legislation would improve the Universal Service Fund by making the e-Rate application process simpler, and would increase the current cap of $2.25 billion and expand eligibility to include structured after school programs, Head Start centers and programs receiving federal job training funds. The e-Rate has proven itself to be a successful and popular program and its time to make it available to everyone who needs it.

I am especially pleased to be a part of this legislative effort because it supports some model initiatives that I have established in my home state of Michigan, to create ways in which teachers can become more computer literate and able to integrate technology into the curriculum and to bring technology into every classroom.

About 2 years ago, I convened an education technology summit that brought together over 400 business leaders, school administrators, school board members, foundation representatives, deans of Michigan's colleges of education and others to identify ways in which Michigan could excel in the area of Education technology. What I learned was that one of the biggest obstacles to technologically up-do-date classrooms is the lack of training of our teachers in the use of technology. If teachers don't understand how to integrate computers, the Internet, and other technology into the instructional program, students won't get full advantage of these innovations, no matter how much hardware and wiring have been installed.

Despite impressive achievements in the utilization of education technology in a few localities, Michigan as a whole was below the national average in every measure of the use of technology in our schools. It ranked 44 in teacher training in the use of technology; and 10 percent of teachers reported that they had less than 9 hours of technology training. In addition, Michigan ranked 32 among the states in the ratio of students per computer. I have subsequently hosted a number of working sessions which have resulted in a specific plan of action to advance education technology in Michigan.

Some key elements of the plan of action include the formation of a consortium that will establish the nation's highest standards for training new teachers to use technology in the classroom. Beginning with the 1999–2000 academic year, the Consortium for Outstanding Achievement in Teaching with Technology (COATT) will award certificates of recognition to new teachers who have demonstrated an exceptional ability to use information technology as a teaching tool.

COATT membership includes an impressive slate of higher educational institutions from Michigan: Albion College, Andrews University, Eastern Michigan University, Ferris State University, Lake Superior State University, Michigan State University, Oakland University, University of Detroit-Mercy, University of Michigan, University of Michigan-Dearborn, Wayne State University and Western Michigan University. Neither the education nor the certificate is mandatory. However, new teachers with certificates will have an advantage in the job market and school districts will benefit by knowing which applicants are qualified in using technology effectively in their instruction. The letter of agreement signed by each COATT member in committing their institution to provide the resources to achieve the success of the COATT initiative which is included at the end of my remarks.

Michigan is already recognized as a leader in producing new teachers and if we set our minds to it, I'm convinced we can be the best in the nation when it comes to teaching teachers how to integrate technology in the classroom.

Another key element of my plan of action to advance Michigan's standing in education technology is the establishment of the Teach for Tomorrow Project, TFT, an online delivery system for educational technology training and credentialing of in-service teachers. By using technology to teach the technology, lessons can be accessed statewide and at time and location which are convenient to the learners. An added bonus, which results in an expansion of the use of technology in the classroom, is that teachers who complete TFT teach other teachers what they have learned. Central Michigan University has approved the use of TFT materials as a professional development course eligible for 3 graduate credit hours when done in conjunction with local onsite training.

The legislation before us, the National Digital Empowerment Act, will speed the closing of the digital divide not only in my state of Michigan, but nationwide. Time is of the essence. We must act responsibly and we must act now!

Mr. President, I ask unanimous consent to print in the RECORD the COATT member agreement signed by higher education institutions in Michigan.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONSORTIUM FOR OUTSTANDING ACHIEVEMENT IN TEACHING WITH TECHNOLOGY LETTER OF AGREEMENT

We, the undersigned, commit our institutions to be members of the Consortium for Outstanding Achievement in Teaching with Technology (COATT). In doing so our institutions accept the following requirements:

(1) Each institution shall designate a facility liaison to COATT. This person will participate in an annual review of the COATT standards and participate in periodic meetings with other core members of the COATT organization.

(2) Each institution shall designate a person to act as a point of contact within the institution for potential COATT candidates.

(3) Each institution shall promote COATT to potential candidates. This might occur through flyers, regular newsletters, publications, placement files, etc.

(4) Each institution shall provide adequate and relevant learning opportunities in the application of educational technology for students who wish to acquire COATT certification.

(5) Each institution shall provide adequate resources for COATT applicants to produce, maintain, and gain access to their COATT digital portfolios.

(6) Each institution shall be responsible for recommending and pre-certifying COATT applicants.

(7) Each institution shall involve its faculty and other qualified personnel in COATT evaluation teams.

By signing below, we understand that we are committing our institutions to provide the personnel, resources, and opportunities described in the above seven points. We recognize that this level of commitment is crucial to the success of the COATT initiative.

Reuben Rubio, Director of the Ferguson Center for Technology-Aided Teaching, Albion College; Dr. Niels-Erik Andreasen, President, Andrews University; Dr. Jerry Robbins, Dean of the School of Education, Eastern Michigan University; Dr. Nancy Cooley, Dean of the College of Education, Ferris State University; Dr. David L. Toppen, Executive Vice President and Provost, Lake Superior State University; Dr. Carole Ames, Dean of the College of Education, Michigan State University; Dr. James Clatworthy, Associate Dean of the School of Education and Human Resources, Oakland University; Aloha Van Camp, Acting Dean of the College of Education and Human Services, University of Detroit-Mercy; Dr. Karen Wixson, Dean of the School of Education, University of Michigan; Dr. Robert Simpson, Provost, University of Michigan-Dearborn; Dr. Paula Wood, Dean of the College of Education, Wayne State University; and Dr. Alonzo Hannaford, Associate Dean of the College of Education, Western Michigan University.

By Mr. GRAMS:

S. 2230. A bill to provide tax relief in relation to, and modify the treatment of, members of a reserve component of the Armed Forces, and for other purposes; to the Committee on Finance.

THE MILITARY GUARD AND RESERVE FAIRNESS ACT OF 2000

Mr. GRAMS. Mr. President, I rise today to introduce legislation addressing a very important issue-fairness for the Guard and Reserve members in our armed forces.

Let me begin with a February 3rd report from the Washington Post titled "A Tough Goodbye: Guard Members Leave for Nine Months in Bosnia." It reads "Sgt. Deedra Lavoie was alone, after leaving her two young children with her ex-husband. Sgt. Bill Wozniak, hugging his 3-year-old daughter, was worried about not having the same job when he returns in nine months. Staff Sgt. Stephen Smith won't have a home to come back to: Movers have cleared out his Annapolis apartment, which he can't afford to keep while overseas."

This brings home, Mr. President, the real hardship that thousands of Guards and Reservists, and their families, are facing today.

The traditional duty of the National Guards and reservists was to keep domestic peace or fight in wars. But as the number of our Armed Forces has fallen by more than 1 million personnel since 1988, increasing numbers of our Guards and Reserve members are being pulled out of the private sector and into what amounts to at times to be full-time military service.

They are often called on to carry out overseas peacekeeping, humanitarian and other missions. Their deployment time is longer than ever before in peacetime. Today we rely heavily on our Guardsmen and Reservists to support overseas contingency operations. Since 1990, they have been called to service in Operation RESTORE HOPE in Somalia, Operation UPHOLD DEMOCRACY in Haiti, Operation JOINT ENDEAVOR/JOINT GUARD in Bosnia, Operation STABILIZE in Southeast Asia and Operation TASK FORCE FALCON in Kosovo.

Mr. President, the statistics speak for themselves:

Work days contributed by Guardsmen and Reservists have risen from 1 million days in 1992, to over 13 million days last year. Without the service of these citizen soldiers, we would need an additional force of 35,000 soldiers to do the job.

43,000 Guardsmen and Reservists have served in Bosnia and Kosovo from December 1995 through March 1, 2000. This is 33 percent of the total Armed Forces personnel participating in that region during that period.

Mr. President, Guardsmen and Reservists are willing to do their duty and serve when they are called, but increasingly frequent overseas deployments create tremendous hardship for them, and their families, as well their employers. We need to give our reserve forces fair treatment by improving the quality of life both for them and their dependents. We must help their employers adjust as well.

That's why I am introducing the Military Guard and Reserve Fairness Act of 2000. This bill would do the following:

First, my legislation would exempt federal tax on the base pay for enlisted Guardsmen and Reservists and exempt federal tax on the base pay of Guard and Reserve officers up to the highest level of that if enlisted Guardsmen and Reservists' base pay during their overseas deployment.

The majority of Guardsmen and Reservists take pay cuts when called up for involuntary overseas deployment, and sustain a huge financial loss. Our active duty military personnel enjoy federal tax exemption on their base pay, why not our Guardsmen and Reservists who perform the same duty as full-time military personnel?

Secondly, my legislation would provide a tax credit to employers who employ Guardsmen and Reservists. The tax credit would be equal to 50 percent of the amount of compensation that would have been paid to an employee during the time that the employee participates in contingency operations. However, the credit is capped at $2000 for each individual Reservist employee and a maximum of $30,000 for all employees. This provision would apply to the self-employed as well.

Despite the fact that most businesses are fully supportive of the military obligations of their employees, studies show that the increasingly long overseas deployments have created a new strain on Guard/Reserve-employer relations. One of the reasons is that the unplanned absence of Guard/Reservist-employees creates a variety of problems for employers. Employers have to hire and train temporary employees, budget for overtime, or reschedule work and deadlines. As a result, it increases employer costs, reducing revenue and profits. This is particularly problematic for small business and the self-employed.

The Defense Department acknowledges the increased use of the Guard and Reserve and that unplanned contingency operations do create problems for employers. DOD suggests that a financial incentive may help to correct some of the problems.

The tax credit included in my bill would offset at least some of the expense that Guard and Reserve employers face, and help reduce tension with employees.

Third, the Military Guard and Reserve Fairness Act would provide federal income tax deductions for transportation, meals and lodging expenses incurred in performance of Guard and Reserve military duty.

Mr. President, many Guardsmen and Reservists have to travel to a Reserve center, such as a National Guard Armory, far away from their home areas for drills or training.

Often Guardsmen and Reservists incur expenses for transportation, meals, lodging and other necessities. Before 1986, members of the Guard and Reserve could deduct these costs as business expenses. But the Tax Reform Act of 1986 eliminated this deduction.

This is not fair. This nation requires our Guard and Reserve members to perform their duty but also expects them to bear the expense. Restoring the deductibility would help restore fairness for Reservists.

The Military Guard and Reserve Fairness Act would also include a number of provisions that would give our Guard and Reserve members fair treatment by improving their quality of life.

It would extend space-available travel ("Space-A") to Reservists and the National Guard, to travel outside of the United States—the same level as retired military, and gives the Guardsmen and Reservists the same priority status as active duty personnel when traveling for their monthly drills.

It would grant so-called "gray area retirees" the right to travel Space-A under the same conditions as the retired military receiving retired pay as well.

In addition, my legislation would provide Guardsmen and Reservists, when traveling to attend monthly military drills, the same billeting privileges as active duty personnel.

The bill would also remove the annual Guard and Reserve retirement point maximum—upon which retirement pensions are based—and allow retirement pensions to be based upon the actual number of points earned annually.

Finally, my legislation would extend free legal services to Guardsmen and Reservists by Judge Advocate General officers for a time equal to twice the length of their last period of active duty service.

Mr. President, our Guard and Reserve members are being called upon to perform more overseas active duty assignments to keep pace with the rising number of U.S. peacekeeping and humanitarian missions. I believe that this increase in overseas active-duty assignments for Guard and Reserve component members merits the extension of military benefits for our Nation's citizen soldiers. It is only fair to close these disparities.

The passage of my Military Guard and Reserve Fairness Act would restore fairness to our Guard and Reserve members, and it would greatly increase morale and the quality of life for our National Guard and Reserves and prevent problems of recruitment and retention in the future. Hence, it would strengthen our national defense and increase our military readiness. I urge my colleagues to join me in support of our military Guard and Reserves.

By Mr. GRAHAM (for himself, Mr. JEFFORDS, Mr. BINGAMAN, Mr. BRYAN, Mr. L. CHAFEE, Mr. KERRY, Mr. ROCKEFELLER, Mr. MOYNIHAN, Mrs. MURRAY, Mr. LUGAR, and Ms. SNOWE):

S. 2232. A bill to promote primary and secondary health promotion and disease prevention services and activities among the elderly, to amend title XVIII of the Social Security Act to add preventive benefits, and for other purpose; to the Committee on Finance.

MEDICARE WELLNESS ACT OF 2000

• Mr. GRAHAM. Mr. President, today, along with my colleagues, Senator JEFFORDS, Senator BINGAMAN, Senator CHAFEE, Senator BRYAN, Senator ROCKEFELLER, Senator KERRY, Senator MURRAY, Senator MOYNIHAN, Senator LUGAR, and Senator SNOWE, I introduce the Medicare Wellness Act of 2000.

The Medicare Wellness Act represents a concerted effort by myself and my distinguished colleagues to change the fundamental focus of the Medicare program.

it changes the program from one that simply treats illness and disability, to one that is also proactive.

Enhancing the focus on health promotion and disease prevention for Medicare beneficiaries.

Mr. President, despite common misperceptions, declines in health status are not inevitable with age. A healthier lifestyle, even one adopted later in life, can increase active life expectancy and decrease disability.

This fact is a major reason why The Medicare Wellness Act has support from a broad range of groups, including the National Council on Aging, Partnership for Prevention, American Heart Association, and the National Osteoporosis Foundation.

The most significant aspect of this bill is its addition of several new preventative screening and counseling benefits to the Medicare program.

The benefits being added focus on some of the most prominent, underlying risk factors for illness that face all Medicare beneficiaries, including: screening for hypertension, counseling for tobacco cessation, screening for glaucoma, counseling for hormone replacement therapy, screening for vision and hearing loss, nutrition therapy, expanding screening and counseling for osteoporosis, and screening for cholesterol.

The new benefits added by The Medicare Wellness Act represent the highest recommendations for Medicare beneficiaries of the Institute of Medicine and the U.S. Preventative Services Task Force—recognized as the gold standard within the prevention community.

Attaching these prominent risk factors will reduce Medicare beneficiaries' risk for health problems such as stroke, diabetes, and osteoporosis, heart disease, and blindness.

The addition of these new benefits would accelerate the fundamental shift, that began in 1997 under the Balanced Budget Act, in the Medicare program from a sickness program to a wellness program.

Prior to 1997, only three preventive benefits were available to beneficiaries, pneumococcal vaccines, pap smears, and mammography. Other major components of our bill include the establishment of the Healthy Seniors Promoting Program.

This program will be led by an interagency workgroup within the Department of Health and Human Services.

It will bring together all the agencies within HHS that address the medical, social and behavioral issues affecting the elderly and instructs them to undertake a series of studies which will increase knowledge about the utilization of prevention services among the elderly.

In addition, The Medicare Wellness Act incorporates an aggressive applied and original research effort that will investigate ways to improve the utilization of current and new preventive benefits and to investigate new methods of improving the health of Medicare beneficiaries.

Mr. President, this latter point is critical. The fact is that there are a number of prevention-related services available to Medicare beneficiaries today, including mammograms and colorectal cancer screening. But those services are seriously underutilized.

In a study published by Dartmouth University this spring (The Dartmouth Atlas of Health Care 1999), it was found that only 28 percent of women age 65–69 receive mammograms and only 12 percent of the beneficiaries were screened for colorectal cancer.

These are disturbing figures and they clearly demonstrate the need to find new and better ways to increase the rates of utilization of proven, demonstrated prevention services.

Our bill would get us the information we need to increase rates of utilization for these services. Further, our bill would establish a health risk appraisal and education program aimed at major behavioral risk factors such as diet, exercise, alcohol and tobacco use, and depression.

This program will target both pre-65 individuals and current Medicare beneficiaries. The main goal of this program is to increase awareness among individuals of major risk factors that impact on health, to change personal health habits, improve health status, and save the Medicare program money. Our bill would require the Medicare Payment Advisory Commission, known as MedPAC, to report to Congress every two years and assess how the program needs to change over time in order to reflect modern benefits and treatment.

Shockingly, this is information that Congress currently does not receive on a routine basis. And this is a contributing factor to why we find ourselves today in a quandary over the outdated nature of the Medicare program. Quite frankly, Medicare hasn't kept up with the rest of the health care world. While a vintage wine from the 1960s may be desirable, a health care system that is vintage 1965 is not. We need to do better.

Our bill would also require the Institute of Medicine (IOM) to conduct a study every five years to assess the scientific validity of the entire preventive benefits package. The study will be presented to Congress in a manner that mirrors The Trade Act of 1974. The IOM's recommendations would be presented to Congress in legislative form. Congress would then have 60 days to review and then either accept or reject the IOM's recommendations for changes to the Medicare program. But Congress could not change the IOM's recommendations.

This "fast-track" process is a deliberate effort to get Congress out of the business of micro-managing the Medicare program. While limited to preventive benefits, this will offer a litmus test on a new approach to future Medicare decision making.

In the aggregate, The Medicare Wellness Act represents the most comprehensive legislative proposal in the 106th Congress for the Medicare program focused on health promotion and disease prevention for beneficiaries. It provides new screening and counseling benefits for beneficiaries, it provides critically needed research dollars, and it tests new treatment concepts through demonstration programs.

The Medicare Wellness Act represents sound health policy based on sound science.

Before I conclude, I have a few final thoughts.

There are many here in Congress who argue that at a time when Medicare faces an uncertain financial future, this is the last time to be adding new benefits to a program that can ill afford the benefits it currently offers. Normally I would agree with this assertion. But the issue of prevention is different. The old adage of "an ounce of prevention is worth a pound of cure" is very relevant here. Does making preventive benefits available to Medicare beneficiaries "cost" money? Sure it does.

But the return on the investment, the avoidance of the pound of cure and the related improvement in quality of life is unmistakable.

Along these lines, a longstanding problem facing lawmakers and advocates of prevention has been the position taken by the Congressional Budget Office, as it evaluates the budgetary impact of all legislative proposals.

Only costs incurred by the Federal Government over the next 10 years can be considered in weighing the "cost" of adding new benefits. From a public health and quality of life standpoint, this premise is unacceptable.

Among the problems with this practice is that "savings" incurred by increasing the availability and utilization of preventive benefits often occur over a period of time greater than 10 years.

This problem is best illustrated in an examination of the "compression of morbidity" theory developed by Dr. James Fries of Stanford University over 20 years ago.

According to Dr. Fries, by delaying the onset of chronic illness among seniors, there is a resulting decrease in the length of time illness or disability is present in the latter stages of life. This "compression" improves quality of life and reduces the rate of growth in health care costs.

But, these changes are gradual and occur over an extended period of time—10, 20, even 30 years.

With the average life expectancy of individuals who reach 65 being nearly 20 years—20 years for women and 18 years for men—it only makes sense to look at services and benefits that improve quality of life and reduce costs to the Federal Government for that 20 year lifespan.

In addition to increased lifespan, a 10 year budget scoring window doesn't factor into consideration the impact of such services on the private sector, such as increased productivity and reduced absenteeism, for the many seniors that continue working beyond age 65.

The bottom line is, the most important reason to cover preventive services is to improve health.

While prevention services in isolation won't reduce costs, they will moderate increases in the utilization and spending on more expensive acute and chronic treatment services.

As Congress considers different ways to reform Medicare, two basic questions regarding preventive services and the elderly must be part of the debate.

(1) Is the value of improved quality of life worth the expenditure? And,

(2) How important is if for the Medicare population to be able to maintain healthy, functional and productive lives?

These are just some of the questions we must answer in the coming debate over Medicare reform.

While improving Medicare's financial outlook for future generations is imperative, we must do it in a way that gives our seniors the ability to live longer, healthier and valued lives.

I believe that by pursuing a prevention strategy that addresses some of the most fundamental risk factors for chronic illness and disability that face seniors, we will make an invaluable contribution to the Medicare reform debate and, more importantly, to our children and grandchildren.

Finally, Mr. President, I would be remiss in pointing out that the Medicare Wellness Act represents the first time in this Congress that Republicans and Democrats have gotten together in support of a major piece of Medicare reform legislation.

This bill represents a health care philosophy that bridges political boundaries. It just makes sense. And you see that common sense approach today from myself and my esteemed colleagues who have joined me in the introduction of this bill.

Mr. President, I encourage my colleagues to join us on this important bill and to work with us to ensure that the provisions of this bill are reflected in any Medicare reform legislation that is debated and voted on this year in the Senate.●

● Mr. JEFFORDS. Mr. President, I am pleased to join Senator GRAHAM today in introducing the Medicare Wellness Act of 2000. Our nation's rapidly growing senior population and the ongoing search for cost-effective health care have led to the development of this important bipartisan legislation. The goal of the Medicare Wellness Act is to increase access to preventive health services, improve the quality of life for America's seniors, and increase the cost-effectiveness of the Medicare program.

Congress created the Medicare program in 1965 to provide health insurance for Americans age 65 and over. From the outset, the program has focused on coverage for hospital services needed for an unexpected or intensive illness. In recent years, however, a great escalation in program expenditures and an increase in knowledge about the value of preventive care have forced policy makers to re-evaluate the current Medicare benefit package.

The Medicare Wellness Act adds to the Medicare program those benefits recommended by the Institute of Medicine and the U.S. Preventive Services Task Force. These include: screening for hypertension, counseling for tobacco cessation, screening for glaucoma, counseling for hormone replacement therapy, screening for vision and hearing loss, cholesterol screening, expanded screening and counseling for osteoporosis, and nutrition therapy counseling. These services address the most prominent risk facing Medicare beneficiaries.

In 1997, Congress added several new preventive benefits to the Medicare program through the Balanced Budget Act. These benefits included annual mammography, diabetes self-management, prostate cancer screening, pelvic examinations, and colorectal cancer screening. Congress's next logical step is to incorporate the nine new screening and counseling benefits in the Medicare Wellness Act. If these symptoms are addressed regularly, beneficiaries will have a head start on fighting the conditions they lead to, such as diabetes, lung cancer, heart disease, blindness, osteoporosis, and many others.

Research suggests that insurance coverage encourages the use of preventive and other health care services. The Medicare Wellness Act also eliminates the cost-sharing requirement for new and current preventive benefits in the program. Because screening services are directed at people without symptoms, this will further encourage the use of services by reducing the cost barrier to care. Increased use of screening services will mean that problems will be caught earlier, which will permit more successful treatment. This will save the Medicare program money because it is cheaper to screen for an illness and treat its early diagnosis than to pay for drastic hospital procedures at a later date.

However, financial access is not the only barrier to the use of preventive care services. Other barriers include low levels of education of information for beneficiaries. That is why the Medicare Wellness Act instructs the Secretary of Health and Human Services to coordinate with the Centers for Disease Control and Prevention and the Health Care Financing Administration to establish a Risk Appraisal and Education Program within Medicare. This program will target both current beneficiaries and individuals with high risk factors below the age of 65. Outreach to these groups will offer questions regarding major behaviorial risk factors, including the lack of proper nutrition, the use of alcohol, the lack of regular exercise, the use of tobacco, and depression. State of the art software, case managers, and nurse hotlines will then identify what conditions beneficiaries are at risk for, based on their individual responses to the questions, then refer them to preventive screening services in their area and inform them of actions they can take to lead a healthier life.

The Medicare Wellness Act also establishes the Healthy Seniors Promotion Program. This program will bring together all the agencies within the Department of Health and Human Services that address the medical, social and behavorial issues affecting the elderly to increase knowledge about and utilization of prevention services among the elderly, and develop better ways to prevent or delay the onset of age-related disease or disability.

Mr. President, now is the time for Medicare to catch up with current health science. We need a Medicare program that will serve the health care needs of America's seniors by utilizing up-to-date knowledge of healthy aging. Effective health care must address the whole health of an individual. A lifestyle that includes proper exercise and nutrition, and access to regular disease screening ensures attention to the whole individual, not just a solitary body part. It is time we reaffirm our commitment to provide our nation's seniors with quality health care.

It is my hope that my colleagues in Congress will examine this legislation and realize the inadequacy of the current package of preventive benefits in the Medicare program. We have the opportunity to transform Medicare from an out-dated sickness program to a modern wellness program. I want to thank Senator BOB GRAHAM and all the other cosponsors of the Medicare Wellness Act who are supporting this bold step towards successful Medicare reform.•

Mr. BINGAMAN. Mr. President, I rise today to join my colleagues, Senator GRAHAM of Florida and Senator JEFFORDS of Vermont, in the introduction of the "Medicare Wellness Act of 2000."

This bipartisan, bicameral measure represents a recognition of the role that health promotion and disease prevention should play in the care available to Medicare beneficiaries. The bill adds several new preventative screening and counseling benefits to the Medicare program. Specifically, the act adds screening for hypertension, counseling for tobacco cessation, screening for glaucoma, counseling for hormone replacement therapy, and expanded screening and counseling for osteoporosis.

My colleagues have addressed most of these aspects of the bill so I will focus my remarks on one additional provision that is pivotal in achieving improved health outcomes of beneficiaries with several chronic diseases. Specifically, the Medicare Wellness Act of 2000 provides for coverage under Part B of the Medicare program for medical nutrition therapy services for beneficiaries who have diabetes, cardiovascular disease, or renal disease.

Medical nutrition therapy refers to the comprehensive nutrition services provided by registered dietitians as part of the health care team. Medical nutrition therapy has proven to be a medically necessary and cost effective way of treating and controlling heart disease, stroke, diabetes, high cholesterol, and various renal diseases. Patients who receive this therapy require fewer hospitalizations and medications and have fewer complications.

The treatment of patients with diabetes and cardiovascular disease accounts for a full 60 percent of Medicare expenditures. In my home state of New Mexico, Native Americans are experiencing an epidemic of Type II diabetes. Medical nutrition therapy is integral to their diabetes care and to the prevention of progression of the disease. Information from the Indian Health Service shows that medical nutrition therapy provided by professional dietitians results in significant improvements in medical outcomes in Type II diabetics.

Mr. President, while medical nutrition therapy services are currently covered under Medicare Part A for inpatient services, there is no consistent Part B coverage policy for medical nutrition.

Nutrition counseling is best conducted outside the hospital setting. Today, coverage for nutrition therapy in ambulatory settings is at best inconsistent, but most often, non existent.

Because of the comparatively low treatment costs and the benefits associated with nutrition therapy, expanded coverage will improve the quality of care, outcomes and quality of life for Medicare beneficiaries.

Two years ago, my colleague from Idaho, Senator CRAIG and I requested that the National Academy of Sciences' Institute of Medicine study the issue of medical nutrition therapy as a benefit for Medicare beneficiaries. The Institute of Medicine released this study last December entitled: "The Role of Nutrition in Maintaining Health in the Nation's Elderly: Evaluating Coverage of Nutrition Services for the Medicare Populations." This IOM study reaffirms what I have been working toward the past few years. Namely, it recommended that medical nutrition therapy, "upon referral by a physician, be a reimbursable benefit for Medicare beneficiaries." The study substantiates evidence of improved patient outcomes associated with nutrition care provided by registered dietitians.

Mr. President, I again want to thank my colleagues for including medical nutrition therapy as a key component of the Medicare Wellness Act. I look forward to working with them toward passage of the act this Congress.

By Mr. FITZGERALD (for himself, Mr. BAYH, Mr. ABRAHAM, Mr. KOHL, Mr. GRASSLEY, Mr. DURBIN, Mr. BROWNBACK, and Mr. GRAMS):

S. 2233. A bill to prohibit the use of, and provide for remediation of water contaminated by, methyl tertiary butyl ether; to the Committee on Environment and Public Works.

MTBE ELIMINATION ACT

Mr. FITZGERALD. Mr. President, I rise to introduce legislation called the "MTBE Elimination Act of 2000." As I so rise, I thank my colleagues who have cosponsored this legislation. They are Senators BAYH, ABRAHAM, KOHL, GRASSLEY, DURBIN, BROWNBACK, and GRAMS. I appreciate their support and I look forward to talking to each of my colleagues about this very important piece of legislation we are introducing today.

Mr. President, the MTBE Elimination Act would ban all across the country, the chemical compound which is termed MTBE for short. Its longer chemical name is methyl tertiary butyl ether.

MTBE is one of the world's most widely used chemicals, and is found anywhere in the United States. In fact, it is added to approximately 30 percent of our Nation's gasoline supplies. Its use in this country dates back at least to about 1979 and was originally added to gasoline to boost the octane. For many years, oil companies had added lead to fuel in order to improve its performance and to boost octane. The Federal Government banned lead in the 1970s, and ultimately it was replaced in many cases by MTBE.

Later on, in 1990, Congress amended the Clean Air Act and President Bush at the time signed those amendments. Those amendments required all the smog filled large cities in this country to have an additive in their gasoline that would make the gasoline approximately 2.7 percent oxygen by weight. This is commonly referred to as the oxygenate requirement in our Nation's Clean Air Act.

The purpose of that oxygenate requirement was to make the oil companies produce, and our cars use, a cleaner burning fuel. The idea was to clean up the smog in some of our Nation's largest and most congested cities. That program has worked very well over the last 10 years in cleaning up the smog all across the country, in cities like New York, Los Angeles, and San Francisco. My home State of Illinois, of course, has a large metropolitan area in Chicago. The reformulated fuel requirements that were implemented by the 1990 amendments to the Clean Air Act have helped greatly in reducing the emissions from our automobiles, in providing cleaner burning fuels, at least as far as our air quality is concerned.

As I said earlier, about 30 percent of the gasoline used in this country is reformulated and has an additive in it, most of which is MTBE. In the parts of this country that are required to use reformulated fuel, over 80 percent of them are using MTBE as their oxygenate. The other areas are using another oxygenate known as ethanol to meet the requirements of the Clean Air Act. In fact, Chicago and Milwaukee both use ethanol as opposed to MTBE.

It turns out now that we have mounting evidence that MTBE, while it works well in cleaning up smog, has a problem we had not anticipated, and one which very regrettably had not been fully investigated before we started down the path that encouraged a dramatic increase in the usage of MTBE. MTBE has, in recent years, been detected in the nation's drinking water all across the country, from the east coast to the west coast. In fact, right now the U.S. Geological Survey is performing an ongoing evaluation of our nation's drinking water, groundwater supplies all across the country. They have not yet completed this survey. If you look at this chart, in the States that are in white, the U.S. Geological Survey analysis has not yet been performed.

But in the States that are in red, those are the States where they have found MTBE in the groundwater. Incidentally, I believe it is somewhere in the neighborhood of 22 States where they have found methyl tertiary butyl ether in the groundwater.

In my home State of Illinois, we do not use much MTBE; ethanol is the oxygenate of choice. But nonetheless, the Illinois Environmental Protection Agency has been finding MTBE in our groundwater. So far, they have found MTBE in at least 25 different cities all across the State, and many Illinois municipalities have not tested the groundwater. Three of these cities have had to switch their source of drinking water and go to other wells because there was a sufficient amount of MTBE in that water to make it undrinkable.

About a month ago, CBS News, in their program "60 Minutes," did a report on how MTBE has been turning up with greater and greater frequency in our Nation's drinking water supplies. During that report, which seemed to me to be very well researched, it was noticed that this chemical, MTBE, has some very interesting properties.

Unlike most of the other components of gasoline which, when it leaks out accidentally from underground storage tanks or out of pipes which carry fuel—there are leaks now and then; we try to prevent them, but they do occur—most of the components of gasoline are absorbed in the soil and do not make it down to the ground water.

MTBE is a pesky substance, however, that resists microbial degrading in the ground and rapidly seeks out the ground water. It resists degrading as it finds its way to the water. Then once it gets into the water, it rapidly spreads. It has properties that, when it is in drinking water in very minute quantities, between 20 to 40 parts per billion, make the drinking water undrinkable. I say undrinkable because it makes the water smell and taste like turpentine.

There have been studies that have shown that a single cup of MTBE renders 5 million gallons of water undrinkable. I say it makes the water undrinkable. The fact is, we do not know exactly what health effects it has on humans who ingest the water. Very few studies have been done on what happens to humans who consume MTBE. There have been studies of laboratory rats that suggest it is a possible carcinogen, and the EPA has recognized MTBE as a possible cause of cancer.

We need to do more research on MTBE's effects on human health. We simply do not know all that much about this chemical. However, we do know that most people, when they smell the turpentine-like smell or taste of it, it inspires an instant revulsion and they do not want to drink the water. It is almost a moot point as to whether it has ill health effects because it makes the water undrinkable. Most humans will recoil at the thought of drinking that type of water.

In the "60 Minutes" segment I referred to earlier, they went to a town in California where literally most of the town has left because their water has this MTBE in it. Many of the businesses have closed up, many of the people have left, and for those remaining in that community, the State of California is trucking in fresh water for them to drink. It is a very serious problem.

There have been a few cities around the country—I believe there is one in the Carolinas, and also Santa Barbara, CA—where they had sued oil companies and won judgments to clean up the ground water in which they detected MTBE.

In order to address this alarming trend of finding this pesky, horrible chemical in our drinking water all across the country with increasing frequency, I, with my colleagues, am introducing the MTBE Elimination Act. This act will do four things: First, it will phase MTBE out gradually over 3 years. The way the bill accomplishes that is it amends the Toxic Substances Control Act to add methyl tertiary butyl ether to the list of proscribed toxic substances in this country.

It will eliminate the MTBE over 3 years because it will be hard to simply switch our Nation's gasoline supply overnight. To be realistic, it will take a period of time. The bill allows discretion for the EPA to establish a timetable and a framework for this MTBE phase-out.

Secondly, the bill will require that gasoline which is dispensed at the pump containing MTBE be labeled so people know when they are filling up their car with gasoline that it contains this additive, and this chemical is being used in their community. In many cases, of course, people are not even aware of this chemical. They have never heard of it. We were very surprised in Illinois. We did not think much MTBE was even used in Illinois. Then we found it in our ground water.

Third, the bill authorizes grants for research on MTBE ground water contamination and remediation. It directs resources to do more research on the health effects of this chemical too. We need to know more about this chemical in order to combat it. Right now we do not fully understand the health risks. Most of the studies that have been done, of which I am aware, are on laboratory mice, and there have been very few studies, if any, on the effects to humans who ingest or inhale this chemical.

We also need research on how we remediate the chemical, how we clean it up because, in addition to all of its other properties, it turns out it is very difficult to eliminate. Our normal processes for eliminating hazardous chemicals from ground water, in many cases, according to the literature, do not seem to work on MTBE. EPA needs to research this issue and help the rest of the country have a body of knowledge, so when they find MTBE contamination, they know how to clean it up or remediate it.

The bill contains a section which expresses the sense of the Senate that the EPA, our national Environmental Protection Agency, should provide technical assistance, information, and matching funds to our local communities that are testing their underground water supplies and also trying to remediate and clean up MTBE that has been detected in those water supplies.

Finally, as an afterthought, some of my colleagues may be asking: What will we do about that portion of the Clean Air Act that requires our fuel in this country, at least in the smog-filled large cities, to have an oxygenate in it to reduce smog emissions? There is an answer. We do have an alternative—a renewable source produced from corn or other biomass products. It is called ethanol.

In my judgment, ethanol will allow us to meet the requirements of the Clean Air Act all across the country, and it will not require us to make that terrible choice between clean air and clean water. I want our country to have clean air and clean water and never one at the expense of the other. Ethanol, in my judgment, provides the answer to that problem.

The USDA recently did a study using ethanol to replace MTBE all across the country. It would mean, on average, about $1 billion in added income to our farmers every year.

Mr. DURBIN. Would my colleague yield for a question?

Mr. FITZGERALD. Yes.

Mr. DURBIN. First, I congratulate my colleague for the introduction of this legislation. I am happy to cosponsor it. It is truly bipartisan legislation which is of benefit not only to the farmers in our State of Illinois but to our Nation.

We understand, as most people do in Washington, the benefits of ethanol when it comes to reducing air pollution. We also understand the dangers of MTBE. Where it is used in other States, it has contaminated water supplies.

We are in the process of working with the Environmental Protection Agency to discuss the future of ethanol and hope it will remain strong.

I ask my colleague from Illinois—and I again congratulate him for his leadership in this area—if he can tell me whether his legislation on the elimination of MTBE is done on a phaseout basis or whether it is done to a date certain?

Mr. FITZGERALD. Yes. I thank the Senator and appreciate his support. I appreciate his cosponsorship of this legislation.

My bill would ban MTBE within 3 years after the enactment of this law. It would leave the exact timetable up to the EPA. They could set parameters within that 3 years. But within 3 years after the bill is signed into law, we would expect MTBE to be gone.

Following up on that, as Senator DURBIN said, we have been working very hard, particularly with Senator GRASSLEY, Senator HARKIN, and Senators from all over the country, in trying to clean up MTBE, and also trying to promote renewable sources of fuels, such as ethanol. That discussion about the importance of renewable fuels is made much more important now as we see our dependence on foreign oil and the high prices of oil in recent weeks.

But this is an issue that has bipartisan support. Senator DURBIN is a Democrat; I am a Republican. But the ethanol issue has always been bipartisan. I look forward to working with my friends and colleagues on both sides of the aisle so that we can continue to work on improving our Nation's clean air and water and also our farm economy.

Mr. President, I ask unanimous consent to print the bill in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2233

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "MTBE Elimination Act".

SEC. 2. FINDINGS; SENSE OF THE SENATE.

(a) FINDINGS.—Congress finds that—

(1) a single cup of MTBE, equal to the quantity found in 1 gallon of gasoline oxygenated with MTBE, renders all of the water in a 5,000,000-gallon well undrinkable;

(2) the physical properties of MTBE allow MTBE to pass easily from gasoline to air to water, or from gasoline directly to water, but MTBE does not—

(A) readily attach to soil particles; or

(B) naturally degrade;

(3) the development of tumors and nervous system disorders in mice and rats has been linked to exposure to MTBE and tertiary butyl alcohol and formaldehyde, which are 2 metabolic byproducts of MTBE;

(4) reproductive and developmental studies of MTBE indicate that exposure of a pregnant female to MTBE through inhalation can—

(A) result in maternal toxicity; and

(B) have possible adverse effects on a developing fetus;

(5) the Health Effects Institute reported in February 1996 that the studies of MTBE support its classification as a neurotoxicant and suggest that its primary effect is likely to be in the form of acute impairment;

(6) people with higher levels of MTBE in the bloodstream are significantly more likely to report more headaches, eye irritation, nausea, dizziness, burning of the nose and throat, coughing, disorientation, and vomiting as compared with those who have lower levels of MTBE in the bloodstream;

(7) available information has shown that MTBE significantly reduces the efficiency of technologies used to remediate water contaminated by petroleum hydrocarbons;

(8) the costs of remediation of MTBE water contamination throughout the United States could run into the billions of dollars;

(9) although several studies are being conducted to assess possible methods to remediate drinking water contaminated by MTBE, there have been no engineering solutions to make such remediation cost-efficient and practicable;

(10) the remediation of drinking water contaminated by MTBE, involving the stripping of millions of gallons of contaminated ground water, can cost millions of dollars per municipality;

(11) the average cost of a single industrial cleanup involving MTBE contamination is approximately $150,000;

(12) the average cost of a single cleanup involving MTBE contamination that is conducted by a small business or a homeowner is approximately $37,000;

(13) the reformulated gasoline program under section 211(k) of the Clean Air Act (42 U.S.C. 7545(k)) has resulted in substantial reductions in the emissions of a number of air pollutants from motor vehicles, including volatile organic compounds, carbon monoxide, and mobile-source toxic air pollutants, including benzene;

(14) in assessing oxygenate alternatives, the Blue Ribbon Panel of the Environmental Protection Agency determined that ethanol, made from domestic grain and potentially from recycled biomass, is an effective fuel-blending component that—

(A) provides carbon monoxide emission benefits and high octane; and

(B) appears to contribute to the reduction of the use of aromatics, providing reductions in emissions of toxic air pollutants and other air quality benefits;

(15) the Department of Agriculture concluded that ethanol production and distribution could be expanded to meet the needs of the reformulated gasoline program in 4 years, with negligible price impacts and no interruptions in supply; and

(16) because the reformulated gasoline program is a source of clean air benefits, and ethanol is a viable alternative that provides air quality and economic benefits, research and development efforts should be directed to assess infrastructure and meet other challenges necessary to allow ethanol use to expand sufficiently to meet the requirements of the reformulated gasoline program as the use of MTBE is phased out.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Administrator of the

Environmental Protection Agency should provide technical assistance, information, and matching funds to help local communities—

(1) test drinking water supplies; and

(2) remediate drinking water contaminated with methyl tertiary butyl ether.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) ELIGIBLE GRANTEE.—The term "eligible grantee" means—

(A) a Federal research agency;

(B) a national laboratory;

(C) a college or university or a research foundation maintained by a college or university;

(D) a private research organization with an established and demonstrated capacity to perform research or technology transfer; or

(E) a State environmental research facility.

(3) MTBE.—The term "MTBE" means methyl tertiary butyl ether.

SEC. 4. USE AND LABELING OF MTBE AS A FUEL ADDITIVE.

Section 6 of the Toxic Substances Control Act (15 U.S.C. 2605) is amended by adding at the end the following:

"(f) USE OF METHYL TERTIARY BUTYL ETHER.—

"(1) PROHIBITION ON USE.—Effective beginning on the date that is 3 years after the date of enactment of this subsection, a person shall not use methyl tertiary butyl ether as a fuel additive.

"(2) LABELING OF FUEL DISPENSING SYSTEMS FOR MTBE.—Any person selling oxygenated gasoline containing methyl tertiary butyl ether at retail shall be required under regulations promulgated by the Administrator to label the fuel dispensing system with a notice that—

"(A) specifies that the gasoline contains methyl tertiary butyl ether; and

"(B) provides such other information concerning methyl tertiary butyl ether as the Administrator determines to be appropriate.

"(3) REGULATIONS.—As soon as practicable after the date of enactment of this subsection, the Administrator shall establish a schedule that provides for an annual phased reduction in the quantity of methyl tertiary butyl ether that may be used as a fuel additive during the 3-year period beginning on the date of enactment of this subsection.".

SEC. 5. GRANTS FOR RESEARCH ON MTBE GROUND WATER CONTAMINATION AND REMEDIATION.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—There is established a MTBE research grants program within the Environmental Protection Agency.

(2) PURPOSE OF GRANTS.—The Administrator may make a grant under this section to an eligible grantee to pay the Federal share of the costs of research on—

(A) the development of more cost-effective and accurate MTBE ground water testing methods;

(B) the development of more efficient and cost-effective remediation procedures for water sources contaminated with MTBE; or

(C) the potential effects of MTBE on human health.

(b) ADMINISTRATION.—

(1) IN GENERAL.—In making grants under this section, the Administrator shall—

(A) seek and accept proposals for grants;

(B) determine the relevance and merit of proposals;

(C) award grants on the basis of merit, quality, and relevance to advancing the purposes for which a grant may be awarded under subsection (a); and

(D) give priority to those proposals the applicants for which demonstrate the availability of matching funds.

(2) COMPETITIVE BASIS.—A grant under this section shall be awarded on a competitive basis.

(3) TERM.—A grant under this section shall have a term that does not exceed 4 years.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2001 through 2004.

Mr. GRASSLEY. Mr. President, I am pleased to join my Illinois colleague, Senator FITZGERALD, as a cosponsor of his legislation banning MTBE. MTBE contaminates water, and it has been found in water throughout the United States.

With every day that passes, more water is being contaminated. Oddly enough, we have passed a clean air bill to clean up the air, and the oil companies have used a product to meet the requirements of the clean air bill that contaminates the water.

But there is an additive to the gasoline that will clean up the air as well as not contaminate the water. I will talk about that in just a minute.

It is simple: With every day that passes, more water is being contaminated.

Last August, the Senate soundly passed a resolution that I cosponsored with Senator BOXER of California calling for an MTBE ban.

In the face of damaging, irresponsible action by the Clinton administration, it is time we put some force to our Senate position. How long must Americans suffer this dilatory charade by President Clinton's administration, also by the petroleum industry, and particularly by California officials? I say California officials because they have asked that the Clean Air Act of 1990 be gutted.

I have intentionally held my fire until after the California primary because I would not want anyone to misconstrue my motives in an attempt to undermine Vice President GORE's political ambitions. But today I think it is time to say it as it really is: President Clinton, Vice President GORE, and the Environmental Protection Agency's Administrator, Carol Browner, have been dragging their feet—and dragging their feet too long.

They gave the oil and the MTBE industry everything they wanted. At the request of big oil, they threw out regulations proposed by President Bush which would have, by some estimates, tripled and even quadrupled ethanol production. This was done on the first day of the Clinton administration.

Instead, when they finally got around to putting some rules out, the administration approved regulations that guaranteed a virtual MTBE monopoly in the reformulated gasoline market.

This decision by the Clinton administration, way back then in the early part of the administration, opened wide the door for petroleum companies to use MTBE and thus contaminate our water.

With egg on its face, with an environmental disaster on its hands, the Clinton administration continues to delay and also duck its leadership responsibilities.

A replacement for MTBE exists today, but most oil companies refuse to use it. The Environmental Protection Agency's Director, Carol Browner, has been told time and time again, in every imaginable way possible, how MTBE can be replaced, and in California totally replaced this very day.

But she, as other Clinton-Gore officials, always seems to come up with some sort of excuse, a reason for delay, some other hurdle.

Last week, as the congressional delegation met with our Governor from Iowa, we were told that Carol Browner asked for more information on this subject about the supply of an alternative to MTBE—which is ethanol—that she needed more information. It happens to be information that the Environmental Protection Agency already has.

The new hurdle she is creating is the question: Is there enough of this alternative, ethanol? You might ask: Enough for what? To replace all MTBE today or tomorrow? That is kind of insulting. It is also incredible.

I want to illustrate how it is insulting and incredible with this point. Imagine the following: You have a brush fire sweeping to the city's edge, devouring home after home. Panicked citizens call 911, but the fire engines remain silent. The home owners scream to the fire department: Why won't you come to our rescue? The fire chief says: We don't have enough water to save the whole city, and until we can save all, we will save none.

It is absurd. Of course it is. Yet an equally absurd and dangerous line has been drawn by most California big oil companies and their political apologists. In the face of the largest environmental crisis of this generation—which is the contamination of water by the petroleum companies' controlled product, MTBE—Californians are being held hostage, forced to buy water-contaminating, MTBE-laced gasoline, even though a superior MTBE replacement is available, and available this very day—not tomorrow, not next year, but today.

California Governor Davis' so-called "ban" allows MTBE to be sold "full bore, business-as-usual" until the end of the year 2002.

Worse yet, California legislators dropped the deadline altogether. But why the wait? Well, we are told there is not enough of this MTBE alternative and thus the illogical decree imposed: No MTBE will be removed until all MTBE is removed. And with every day that passes, more of our water is contaminated. Think of this: A mere teacup of MTBE renders undrinkable 5 million gallons of water. CBS's "60 Minutes," referred to by my colleague from Illinois, reported California has already identified 10,000 ground water sites contaminated by MTBE and that "one internal study conducted by Chevron found that MTBE has contaminated ground water at 80 percent of the 400 sites that the company tested."

Yet big oil holds you hostage, forcing you to buy MTBE-laced gasoline until either the Clinton-Gore administration or Congress guts one of the most successful Clean Air Act programs, the reformulated gasoline oxygenate requirement. So big oil is hoping that gullible bureaucrats and politicians conclude that MTBE is not the real problem but, instead, the real problem happens to be the oxygenate provisions of the 1990 Clean Air Act. Get rid of the oxygenate requirement and, presto, MTBE disappears.

People in my State are not buying that line. Iowa has no oxygenate requirement. Yet MTBE has been found in 29 percent of our water supplies tested. Let it be clear, let there be absolutely no misunderstanding: Iowa's water and the water in every Senator's State was contaminated by a product that big oil added to their gasoline, and it was not contaminated by the Clear Air Act. Big oil did everything it could to persuade Clinton-Gore appointees and judges in our courts to guarantee that MTBE monopolized the Clean Air Act's oxygenate market.

Our colleagues need to understand that nearly 500 million gallons of MTBE are sold every year throughout the United States, not to meet the oxygenate requirements of the Clean Air Act that I have been talking about up to this point, but as an octane enhancer in markets all over the United States where the oxygenate requirements under the Clean Air Act to clean up the smog don't even apply.

So your water is in danger whether you live in a city that has to meet the oxygenate requirements of the 1990 Clean Air Act or not because big oil uses the poison MTBE as an octane enhancer lots of places. So that gets us to a point where they want us to believe that changing the 1990 Clean Air Act is the solution to all the problems. I ask, how will gutting the Clean Air Act's oxygenate requirements protect the rest of America's water, if most gallons of gasoline have MTBE in them for octane enhancement outside the Clean Air Act? Well, that answer is pretty simple. It is not going to clean it up until we get rid of all MTBE. We need to, then, ban MTBE, which this bill we are introducing today does, not ban the Clean Air Act, or at least not gut it by eliminating the oxygenate requirements of it, which big oil says is the solution to our problem.

Then we get to what is the superior MTBE replacement that is available today. My colleagues don't have to wait for me to tell them what my answer is to that, but I will. It is ethanol, which is nothing more than grain alcohol. Let's get that clear. We are talking about MTBE, a poisonous product, poisoning the water in California, where the oxygenate requirements are, but also in the rest of the country where it is used as an octane enhancer, and grain alcohol on the other hand that you can drink. Ethanol can be made from other things as well. It can be made from California rice straw. It can be made from Idaho potato waste. It can be made from Florida sugarcane, North Dakota sugar beets, New York municipal waste, Washington wood and paper waste, and a host of other biodegradable waste products. Ethanol is not only good for your air, but if it did get into your water, your only big decision would be whether to add some ice and tonic before you drink it.

As my colleagues know, I am a teetotaler, so I am not going to pretend to advise you on the proper cocktail mixes. Today there is enough ethanol in storage and from what can be produced from idle ethanol facilities to displace all of the MTBE California uses in a whole year. It is available today not tomorrow, not the year 2002. And more facilities to produce it are in the works.

But big oil proclaims there is not enough ethanol. Translation, as far as I can tell: We, as big oil, don't control ethanol; farmers control it. So we don't want to use it.

They argue that ethanol is too difficult to transport. Translation: We would rather import Middle East MTBE from halfway across the world than transport ethanol from the Midwest of our great country. Big oil whines: Keeping the oxygenate requirement will give ethanol a monopoly. This is a whale of a tale, and it is kind of hard to translate into sensible English. Since it takes half as much ethanol as MTBE to produce a gallon of reformulated gasoline, big oil will reap a 6.2-percent increase in the amount of plain gasoline used in reformulated gasoline. So how in the world does boosting by a whopping 6.2 percent gasoline's share of the reformulated gasoline market constitute a monopoly for ethanol? That issue has been raised with Senators on the environmental committee.

Currently, MTBE constitutes 3 percent of our total transportation fuel market. Ethanol, if it replaces all MTBE, would, therefore, gain a 1.5-percent share. Think about that. A 1.5-percent market share, if it is ethanol, is defined as a monopoly share. But a 3-percent market share, if it is MTBE, is not a monopoly.

I think it is pretty simple to get it because the translation of this big oil babble is this: Market share, as small as 1.5 percent, if not controlled by big oil, shall henceforth be legally defined as a monopoly. Market share at any level, 3 percent to 100 percent, if it is controlled by big oil, shall never be defined as a monopoly. It is such a bizarre proposition that a mere 1.5 percent of market equals a monopoly.

Big oil claims ethanol is too expensive. Let me translate that for you: We prefer—meaning oil—our cozy relationship with OPEC that allows us to price gouge Americans rather than sell at half the price an oxygenate controlled by American farmers and ethanol producers.

I hope you caught that. If not, you ought to brace yourself, sit down with your cup of coffee, get anything dangerous out of your hands. The March 7, 2000, west coast spot wholesale price for gasoline was $1.27 per gallon. MTBE sold for just over $1.17 per gallon, 10 cents less. But ethanol came right in at the same price, $1.17 a gallon. Now, remember, it takes twice as much MTBE as it does ethanol to meet the Clean Air Act's oxygenate requirement. In other words, at the March 7 prices, oxygenates made from ethanol cost petroleum marketers half as much as the oxygenate made from their product, MTBE.

So even though big oil has at its disposal an oxygenated alternate to MTBE, which costs half as much, and that will protect our water supplies, big oil, with the help of the Clinton administration, continues to hold hostage the people of California and other Americans who are forced to use MTBE.

Last summer, I asked President Clinton to announce that he would deny California's request to waive the oxygenate requirement. I asked him to announce that he would veto any legislation that would provide for such a waiver. I have heard nothing on this subject. No answer to my letter has come from the President. His silence, and that of Vice President GORE and the rest of the administration, is very deafening.

American farmers are suffering the worst prices in about 23 to 25 years. If farmers are allowed to replace MTBE with ethanol, farm income will jump $1 billion per year. But, no, increasing farm income through the marketplace, both domestic and foreign, seems to be of no interest to the Clinton-Gore administration, considering their unwillingness to act and make these public statements that would send a clear signal, as far as this consideration is concerned, that MTBE's days of poisoning the water are over, replacing that with something that is safe, something that will help the farmers, and something that will send a clear signal to OPEC that we are done with our days being dependent upon them for our oil supplies and our energy.

In the process of doing that, they would help clean up our environment as well. But that doesn't seem to be of any concern to this administration either when it comes to MTBE. It seems, unfortunately, that the only thing on the collective mind of this administration is the Vice President running for President, his legacy, his partisan politics; everybody's eyes are on the next election.

So I repeat, MTBE is the problem, not the Clean Air Act, as the big oil companies want us to believe. The answer to all this is so simple and clear:

As our bill does, ban MTBE, but don't gut the Clean Air Act's oxygenate requirement.

Let America's farmers fill this void with ethanol, and let them fill it today.

It will boost farm income by $1 billion per year and help lessen our reliance upon foreign oil, and it will not keep us at the whims of OPEC quite so much.

It will keep our air clean, and it will protect our water supplies.

So all of those things sound good, don't they? Ethanol. It is that simple. It is good, good, good. I might be wasting my breath, but I will make this plea one more time. It is the same plea I made in a letter to the President last June or July, which was: President Clinton, reject the waiver request today and declare that you will veto any legislation that would allow a waiver of the oxygenate requirements of the 1990 Clean Air Act. I assure you, Mr. President, if you do that, the water-polluting MTBE will be replaced as fast as our farmers can deliver the ethanol, and that is pretty darned swift. Do it today, President Clinton. Please do it today.

I yield the floor.

Mr. BAYH. Mr. President, I am pleased to join with my colleagues today in introducing this timely and important legislation to help the nation respond to growing concerns about the threats to public health and the environment caused by methyl tertiary butyl ether, or MTBE.

There is gathering evidence that MTBE, which is added to gasoline to reduce its impact on air quality, poses a threat to human health and the environment. Preliminary testing indicates groundwater has been contaminated in many areas of the country. The MTBE Elimination Act provides for a three-year phase out of the use MTBE. The legislation also provides resources for research, local testing programs, and labeling so that we can identify the size of the problem and move forward with meaningful solutions.

Addressing the health and environmental threats posed by MTBE is only half of the answer. While we move to phase out MTBE, we also need to be making decisions about the future of the reformulated fuels program and the oxygenate requirement in the Clean Air Act. The Reformulated Gasoline Program has significantly reduced emissions of air pollutants from motor vehicles, including volatile organic compounds, carbon monoxide, and mobile-source air toxics, such as benzene. It is important that we evaluate the options available for maintaining and enhancing these benefits.

The first step is evaluating the obvious options, ethanol. In its assessment of oxygenate alternatives, the EPA's Blue Ribbon Panel found that ethanol is "an effective fuel-bending component, made from domestic grain and potentially from recycled biomass, that provides high octane, carbon monoxide emission benefits, and appears to contribute to the reduction of the use of aromatics with related toxics and other air quality benefits."

The U.S. Department of Agriculture, in its report "Economic Analysis of Replacing MTBE with Ethanol in the United States, "concluded that ethanol production and distribution could be expanded to meet the needs of the Reformulated Gasoline Program by 2004 with no supply interruptions or significant price impacts.

We do not have to choose between clean air and clean water. Evidence that MTBE presents a risk to water quality does not mean that we have to end our efforts for cleaner fuels. Ethanol is a clean, safe alternative that has the potential to serve a larger national market. As a country, we are beginning to recognize the benefits that biofuels can provide to the environment. Recent oil price increases also remind us of how important domestic sources of energy are to our national security. This bill is a necessary step in minimizing the public health and environment damage attributable to MTBE. I believe it can also be the start of a serious discussion on the opportunities that ethanol and other biofuels provide to maximize clean, safe and economically viable energy options for America.

By Mr. WARNER:

S. 2234. A bill to designate certain facilities of the United States Postal Service; to the Committee on Governmental Affairs.

JOEL T. BROYHILL POSTAL BUILDING AND THE JOSEPH L. FISHER POST OFFICE

Mr. WARNER. Mr. President, I join my colleague in the House of Representatives, Congressman WOLF, in introducing legislation to honor two former Representatives from Virginia's 10th district which designates two postal buildings in Northern Virginia after Joel T. Broyhill and Joseph L. Fisher.

The Honorable Joel Broyhill, was the first member elected to Virginia's newly created 10th district. He served in the House of Representatives for twenty-two years. A native of Hopewell, Virginia, Congressman Broyhill is also a decorated veteran and served as captain in the 106th Infantry Division in WWII. During the war, he was taken prisoner by the Germans and held in a POW camp after fighting in the infamous and costly "Battle of Bulge."

Congressman Broyhill currently resides in Arlington, Virginia. I believe renaming the postal building at 8409 Lee Highway in Merrifield, Virginia would be appropriate in recognition of his honorable and extensive political and military careers.

I would also like to honor another former Representative from the 10th District, the late Honorable Joseph L. Fisher. Congressman Fisher had a notable political career in the local, state and federal government.

Congressman Fisher, who held a Ph.D. in Economics from Harvard University, began his career in public service as an economist with the U.S. Department of State. After his service in World War II, he became a member of the Arlington County Board. He began a three-term service in the House of Representatives when he was elected in 1974, defeating the incumbent Republican Joel Broyhill.

Subsequent to his service in the House, among other positions, Congressman Fisher served as secretary of the Virginia Department of Human Resources and was a professor of political economy at George Mason University.

Congressman Fisher's commitment to public service should be recognized with the designation of the post office located at 3118 Washington Boulevard in Arlington, Virginia as the Joseph L. Fisher Post Office.

Joseph Fisher passed away in 1992 at his home in Arlington, Virginia. He is survived by his wife, Margaret, their seven children, sixteen grandchildren, and two great grandchildren.

I seek my colleagues to support legislation to honor these two former members in recognition of their distinguished public service.

By Ms. COLLINS: (for herself, Mr. MURKOWSKI, Mr. DODD, Mr. TORRICELLI, and Mr. HUTCHINSON):

S. 2235. A bill to amend the Public Health Act to revise the performance standards and certification process for organ procurement organizations; to the Committee on Health, Education, Labor, and Pensions.

ORGAN PROCUREMENT ORGANIZATION CERTIFICATION ACT OF 2000

• Ms. COLLINS. Mr. President, I rise today on behalf of myself and my colleagues, Senators MURKOWSKI, DODD, TORRICELLI, and HUTCHINSON to introduce the Organ Procurement Organization Certification Act to improve the performance evaluation and certification process that the Health Care Financing Administration currently uses for organ procurement organizations (OPOs).

Recent advantages in technology have dramatically increased the number of patients who could benefit from organ transplants. Unfortunately, however, while there has been some interest in the number of organ donors, the supply of organs in the United States has not kept pace with the growing number of transplant candidates, and the gap between transplant demand and organ supply continues to widen. According to the United Network for Organ Sharing (UNOS), there are now 68,220 patients in the United States on the waiting list for a transplant.

Our nation's 60 organ procurement organizations (OPOs) play a critical role in procuring and placing organs and are therefore key to our efforts to increase the number and quality of organs available for transplant. They provide all of the services necessary in a particular geographic region for coordinating the identification of potential donors, requests for donation, and recovery and transport of organs. The professionals in the OPOs evaluate potential donors, discuss donation with family members, and arrange for the surgical removal of donated organs. They are also responsible for preserving the organs and making arrangements for their distribution according to national organ sharing policies. Finally, the OPOs provide information and education to medical professionals and the general public to encourage organ and tissue donation to increase the availability of organs for transplantation.

According to a 1999 report of the Institute of Medicine (IOM) entitled "Organ Procurement and Transplantation: Assessing Current Policies and the Potential Impact of the DHHS Final Rule", a major impediment to greater accountability and improved performance on the part of OPOs is the current lack of a reliable and valid method for assessing donor potential and OPO performance.

The HCFA's current certification process for OPOs sets an arbitrary, population-based performance standard for certifying OPOs based on donors per million of population in their service areas. It sets a standard for acceptable performance based on five criteria: donors recovered per million, kidneys recovered per million, kidneys transplanted per million, extrarenal organs (heart, liver, pancreas and lungs) recovered per million, and extrarenal organs transplanted per million. The HCFA assesses the OPOs' adherence to these standards every two years. Each OPO must meet at least 75 percent of the national mean for four of these five categories to be recertified as the OPO for a particular area and to receive Medicare and Medicaid payments. Without HCFA certification, an OPO cannot continue to operate.

The GAO, the IOM, the Harvard School of Public Health and others all have criticized HCFA's use of this population-based standard to measure OPO performance. According to the GAO, "HCFA's current performance standard does not accurately assess OPOs' ability to meet the goal of acquiring all usable organs because it is based on the total population, not the number of potential donors, within the OPOs' service areas."

OPO service areas vary widely in the distribution of deaths by cause, underlying health conditions, age, and race. These variations can pose significant advantages or disadvantages to an OPO's ability to procure organs, and a major problem with HCFA's current performance assessment is that it does not account for these variations. An extremely effective OPO that is getting a high yield of organs from the potential donors in its service area may appear to be performing poorly because it has a disproportionate share of elderly people or a high rate of people infected with HIV or AIDS, which eliminates them for consideration as an organ donor. At the same time, an ineffective OPO may appear to be performing well because it is operating in a service area with a high proportion of potential donors.

For example, organ donors typically die from head trauma and accidental injuries, and these rates can vary dramatically from region to region. According to the Centers for Disease Control and Prevention (CDC), in 1991, the number of drivers fatally injured in traffic accidents in Maine was 15.54 per 100,000 population. In Alabama, however, it was 29.56, giving the OPO serving that state a tremendous advantage over the New England Organ Bank, which serves Maine, but not for a very good reason!

Use of this population-based method to evaluate OPO performance may well result in the decertification of OPOs that are actually excellent performers. Under HCFA's current regulatory practice, OPOs are decertified if they fail to meet the 75th percentile of the national means on 4 of the 5 performance areas. In this process, which resembles a game of musical chairs, it is a mathematical certainty that some OPOs will fail in each cycle, no matter how much they might individually improve.

Moreover, unlike other HCFA certification programs, the certification process for OPOs lacks any provision for corrective action plans to remedy deficient performance and also lacks a clearly defined due process component for resolving conflicts. The current system therefore forces OPOs to compete on the basis of an imperfect grading system, with no guarantee of an opportunity for fair hearing based on their actual performance. This situation pressures many OPOs to focus on the certification process itself rather than on activities and methods to increase donation, undermining what should be the overriding goal of the program. Moreover, the current two-year cycle—which is shorter than other certification programs administered by HCFA—provides little opportunity to examine trends and even less incentive for OPOs to mount long-term interventions.

The legislation we are introducing today has three major objectives. First, it imposes a moratorium on the current recertification process for OPOs and the use of population-based performance measurements. Under our bill, the certification of qualified OPOs will remain in place through January 1, 2002, for those OPOs that have been certified as a January 1, 2000, and that meet other qualification requirements apart from the current performance standards. Second, the bill requires the Secretary of Health and Human Services to promulgate new rules governing OPO recertification by January 1, 2002. These new rules are to rely on outcome and process performance measures based on evidence of organ donor potential and other relevant factors, and recertification for OPOs shall not be required until they are promulgated. Finally, the bill provides for the filing and approval of a corrective action plan by an OPO that fails to meet the standards, a grace period to permit corrective action, an opportunity to appeal a decertification to the Secretary on substantive and procedural grounds and a four-year certification cycle.

Mr. President, the bill we are introducing today makes much needed improvements in the flawed process that HCFA currently uses to certify and assess OPO performance, and I urge all of my colleagues to join us as cosponsors.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2235

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Organ Procurement Organization Certification Act of 2000".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Organ procurement organizations play an important role in the effort to increase organ donation in the United States.

(2) The current process for the certification and recertification of organ procurement organizations conducted by the Department of Health and Human Services has created a level of uncertainty that is interfering with the effectiveness of organ procurement organizations in raising the level of organ donation.

(3) The General Accounting Office, the Institute of Medicine, and the Harvard School of Public Health have identified substantial limitations in the organ procurement organization certification and recertification process and have recommended changes in that process.

(4) The limitations in the recertification process include:

(A) An exclusive reliance on population-based measures of performance that do not account for the potential in the population for organ donation and do not permit consideration of other outcome and process standards that would more accurately reflect the relative capability and performance of each organ procurement organization.

(B) An immediate decertification of organ procurement organizations solely on the basis of the performance measures, without an appropriate opportunity to file and a grace period to pursue a corrective action plan.

(C) A lack of due process to appeal to the Secretary of Health and Human Services for recertification on either substantive or procedural grounds.

(5) The Secretary of Health and Human Services has the authority under section 1138(b)(1)(A)(i) of the Social Security Act (42 U.S.C. 1320b-8(b)(1)(A)(i)) to extend the period for recertification of an organ procurement organization from 2 to 4 years on the basis of its past practices in order to avoid the inappropriate disruption of the nation's organ system.

(6) The Secretary of Health and Human Services can use the extended period described in paragraph (5) for recertification of all organ procurement organizations to—

(A) develop improved performance measures that would reflect organ donor potential and interim outcomes, and to test these measures to ensure that they accurately measure performance differences among the organ procurement organizations; and

(B) improve the overall certification process by incorporating process as well as outcome performance measures, and developing equitable processes for corrective action plans and appeals.

SEC. 3. CERTIFICATION AND RECERTIFICATION OF ORGAN PROCUREMENT ORGANIZATIONS.

Section 371(b)(1) of the Public Health Service Act (42 U.S.C. 273(b)(1)) is amended:

(1) by redesignating subparagraphs (D) through (G) as subparagraphs (E) through (H), respectively;

(2) by realigning the margin of subparagraph (F) (as so redesignated) so as to align with subparagraph (E) (as so redesignated); and

(3) by inserting after subparagraph (C) the following:

"(D) notwithstanding any other provision of law, has met the other requirements of this section and has been certified or recertified by the Secretary within the previous 4-year period as meeting the performance standards to be a qualified organ procurement organization through a process that either—

"(i) granted certification or recertification within such 4-year period with such certification or recertification in effect as of January 1, 2000, and remaining in effect through the earlier of—

"(I) January 1, 2002; or

"(II) the completion of recertification under the requirements of clause (ii); or

"(ii) is defined through regulations that are promulgated by the Secretary by not later than January 1, 2002, that—

"(I) require recertifications of qualified organ procurement organizations not more frequently than once every 4 years;

"(II) rely on outcome and process performance measures that are based on empirical evidence of organ donor potential and other related factors in each service area of qualified organ procurement organizations;

"(III) use multiple outcome measures as part of the certification process;

"(IV) provide for the filing and approval of a corrective action plan by a qualified organ procurement organization that fails to meet the performance standards and a grace period of not less than 3 years during which such organization can implement the corrective action plan without risk of decertification; and

"(V) provide for a qualified organ procurement organization to appeal a decertification to the Secretary on substantive and procedural grounds;".●

By Mr. FRIST (for himself and Mr. DODD):

S. 2236. A bill to establish programs to improve the health and safety of children receiving child care outside the home, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

DAY CARE HEALTH AND SAFETY IMPROVEMENT ACT OF 2000

Mr. FRIST. Mr. President, each day, more than 13 million children under the age of 6 spend some part of their day in child care. In my home state of Tennessee 264,000 children will attend day care, and half of all children younger than three will spend some or all of their day being cared for by someone other than their parents. With these large number of children receiving child care services, there has been some evidence to suggest that we need to work to make these settings safer while improving the health of children in child care settings.

The potential danger in child care settings has been evident in my home state of Tennessee. Tragically, within the span of 2 years, there have been 4 deaths in child care settings in Memphis, Tennessee. Overall, reports of abandoned, mistreated, and unnecessarily endangered children have been reported in the Tennessee press over the last few years. I salute the Memphis Commercial Appeal, for their in-depth reporting on day care health and safety issues which has helped bring this serious matter to public attention.

However, I would caution that this is not just a concern in Memphis or Tennessee; it is nationwide and it needs to be addressed. There is alarming evidence to suggest that more must be done to improve the health and safety of children in child care settings.

For example, a 1998 Consumer Product Safety Commission Study revealed that two-thirds of the 200 licensed child care settings investigated exhibited safety hazards, such as insufficient child safety gates, cribs with soft bedding, and unsafe playgrounds.

In 1997 alone, 31,000 children ages 4 and younger were treated in hospital emergency rooms for injuries sustained in child care or school settings. And, quite tragically, since 1990, more than 56 children have died in child care settings nationwide.

Child care health and safety issues are regulated at the state and local levels, which work diligently to ensure that child care settings are as safe as possible. I have worked closely with the Tennessee Department of Human Services on how best to address the issue and quickly realized one of the main problems was the lack of resources that the state could draw upon to improve health and safety.

To help address this issue and protect our children, I have joined with Senator DODD, the recognized leader in Congress on child care issues, to introduce the "Children's Day Care Health and Safety Improvement Act," which will establish a state block grant program, authorizing $200 million for states to carry out activities related to the improvement of the health and safety of children in child care settings.

These grants may be used for the following activities:

To train and educate child care providers to prevent injuries and illnesses and to promote health-related practices;

To improve and enforce child care provider licensing, regulation, and registration, by conducting more inspections of day care providers to ensure that they are carrying out state and local guidelines to ensure that our children are safe;

To rehabilitate child care facilities to meet health and safety standards, like the proper placement of fire exits and smoke detectors, the proper disposal of sewage and garbage, and ensuring that play ground equipment is safe;

To employ health consultants to give health and safety advice to child care providers, such as CPR training, first aid training, prevention of sudden infant death syndrome, and how to recognize the signs of child abuse and neglect;

To provide assistance to enhance child care providers' ability to serve children with disabilities;

To conduct criminal background checks on child care providers, to ensure that day care providers are credible and reliable as they care for our children;

To provide information to parents on what factors to consider in choosing a safe and healthy day care setting for their children. Parents must know that the setting they are choosing have a proven safety record; and

To improve the safety of transportation of children in child care.

I am pleased that Tennessee is carrying out many of the activities authorized under the "Children's Day Care Health and Safety Act." Under this bill, Tennessee would receive an estimated $4.2 million to help expand health and safety activities.

Mr. President, as a father, I understand the parental bond. A parent's number one concern is the safety, protection and health of their children. Parents need to be reassured their children are safe when they rely on others to care for their children. I am hopeful that this legislation will give Tennessee, and all states, the needed resources to implement necessary reforms and activities which they determine will improve the health and safety conditions of child care providers as they care for our children.

I want to thank Senator DODD for joining me in this effort and for the work of his staff, Jeanne Ireland. I would also like to thank the American Academy of Pediatrics, the Children's Defense Fund and the National Association for the Education of Young children for their input and letters of support for this bill. I would also like to thank Governor Sundquist and members of the Tennessee Department of Human Services, especially, Ms. Deborah Neill, the Director of Child Care, Adult and Community Programs, for their input on this important and needed legislation. And finally, I would like to thank and acknowledge the assistance of the Mayor of Memphis, the Honorable W. W. Herenton and his staff, who have been of great help in developing this legislation.

Mr. President, I ask unanimous consent that the text of the bill and letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2236

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Children's Day Care Health and Safety Improvement Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) of the 21,000,000 children under age 6 in the United States, almost 13,000,000 spend some part of their day in child care;

(2) a review of State child care regulations in 47 States found that more than half of the States had inadequate standards or no standards for ⅔ of the safety topics reviewed;

(3) a research study conducted by the Consumer Product Safety Commission in 1998 found that ⅔ of the 200 licensed child care settings investigated in the study exhibited at least 1 of 8 safety hazards investigated, including insufficient child safety gates, cribs with soft bedding, and unsafe playground surfacing;

(4) compliance with recently published voluntary national safety standards developed by public health and pediatric experts was found to vary considerably by State, and the States ranged from a 20 percent to a 99 percent compliance rate;

(5) in 1997, approximately 31,000 children ages 4 and younger were treated in hospital emergency rooms for injuries in child care or school settings;

(6) the Consumer Product Safety Commission reports that at least 56 children have died in child care settings since 1990;

(7) the American Academy of Pediatrics identifies safe facilities, equipment, and transportation as elements of quality child care; and

(8) a research study of 133 child care centers revealed that 85 percent of the child care center directors believe that health consultation is important or very important for child care centers.

SEC. 3. DEFINITIONS.

In this Act:

(1) CHILD WITH A DISABILITY; INFANT OR TODDLER WITH A DISABILITY.—The terms "child with a disability" and "infant or toddler with a disability" have the meanings given the terms in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401).

(2) ELIGIBLE CHILD CARE PROVIDER.—The term "eligible child care provider" means a provider of child care services for compensation, including a provider of care for a school-age child during non-school hours, that—

(A) is licensed, regulated, registered, or otherwise legally operating, under State and local law; and

(B) satisfies the State and local requirements,

applicable to the child care services the provider provides.

(3) FAMILY CHILD CARE PROVIDER.—The term "family child care provider" means 1 individual who provides child care services for fewer than 24 hours per day, as the sole caregiver, and in a private residence.

(4) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(5) STATE.—The term "State" means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act $200,000,000 for fiscal year 2001 and such sums as may be necessary for each subsequent fiscal year.

SEC. 5. PROGRAMS.

The Secretary shall make allotments to eligible States under section 6. The Secretary shall make the allotments to enable the States to establish programs to improve the health and safety of children receiving child care outside the home, by preventing illnesses and injuries associated with that care and promoting the health and well-being of children receiving that care.

SEC. 6. AMOUNTS RESERVED; ALLOTMENTS.

(a) AMOUNTS RESERVED.—The Secretary shall reserve not more than ½ of 1 percent of the amount appropriated under section 4 for each fiscal year to make allotments to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands to be allotted in accordance with their respective needs.

(b) STATE ALLOTMENTS.—

(1) GENERAL RULE.—From the amounts appropriated under section 4 for each fiscal year and remaining after reservations are made under subsection (a), the Secretary shall allot to each State an amount equal to the sum of—

(A) an amount that bears the same ratio to 50 percent of such remainder as the product of the young child factor of the State and the allotment percentage of the State bears to the sum of the corresponding products for all States; and

(B) an amount that bears the same ratio to 50 percent of such remainder as the product of the school lunch factor of the State and the allotment percentage of the State bears to the sum of the corresponding products for all States.

(2) YOUNG CHILD FACTOR.—In this subsection, the term "young child factor" means the ratio of the number of children under 5 years of age in a State to the number of such children in all States, as provided by the most recent annual estimates of population in the States by the Census Bureau of the Department of Commerce.

(3) SCHOOL LUNCH FACTOR.—In this subsection, the term "school lunch factor" means the ratio of the number of children who are receiving free or reduced price lunches under the school lunch program established under the National School Lunch Act (42 U.S.C. 1751 et seq.) in the State to the number of such children in all States, as determined annually by the Department of Agriculture.

(4) ALLOTMENT PERCENTAGE.—

(A) IN GENERAL.—For purposes of this subsection, the allotment percentage for a State shall be determined by dividing the per capita income of all individuals in the United States, by the per capita income of all individuals in the State.

(B) LIMITATIONS.—If an allotment percentage determined under subparagraph (A) for a State—

(i) is more than 1.2 percent, the allotment percentage of the State shall be considered to be 1.2 percent; and

(ii) is less than 0.8 percent, the allotment percentage of the State shall be considered to be 0.8 percent.

(C) PER CAPITA INCOME.—For purposes of subparagraph (A), per capita income shall be—

(i) determined at 2-year intervals;

(ii) applied for the 2-year period beginning on October 1 of the first fiscal year beginning after the date such determination is made; and

(iii) equal to the average of the annual per capita incomes for the most recent period of 3 consecutive years for which satisfactory data are available from the Department of Commerce on the date such determination is made.

(c) DATA AND INFORMATION.—The Secretary shall obtain from each appropriate Federal agency, the most recent data and information necessary to determine the allotments provided for in subsection (b).

(d) DEFINITION.—In this section, the term "State" includes only the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

SEC. 7. STATE APPLICATIONS.

To be eligible to receive an allotment under section 6, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. The application shall contain information assessing the needs of the State with regard to child care health and safety, the goals to be achieved through the program carried out by the State under this Act, and the measures to be used to assess the progress made by the State toward achieving the goals.

SEC. 8. USE OF FUNDS.

(a) IN GENERAL.—A State that receives an allotment under section 6 shall use the funds made available through the allotment to carry out 2 or more activities consisting of—

(1) providing training and education to eligible child care providers on preventing injuries and illnesses in children, and promoting health-related practices;

(2) strengthening licensing, regulation, or registration standards for eligible child care providers;

(3) assisting eligible child care providers in meeting licensing, regulation, or registration standards, including rehabilitating the facilities of the providers, in order to bring

the facilities into compliance with the standards;

(4) enforcing licensing, regulation, or registration standards for eligible child care providers, including holding increased unannounced inspections of the facilities of those providers;

(5) providing health consultants to provide advice to eligible child care providers;

(6) assisting eligible child care providers in enhancing the ability of the providers to serve children with disabilities and infants and toddlers with disabilities;

(7) conducting criminal background checks for eligible child care providers and other individuals who have contact with children in the facilities of the providers;

(8) providing information to parents on what factors to consider in choosing a safe and healthy child care setting; or

(9) assisting in improving the safety of transportation practices for children enrolled in child care programs with eligible child care providers.

(b) SUPPLEMENT, NOT SUPPLANT.—Funds appropriated pursuant to the authority of this Act shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide services for eligible individuals.

SEC. 9. REPORTS.

Each State that receives an allotment under section 6 shall annually prepare and submit to the Secretary a report that describes—

(1) the activities carried out with funds made available through the allotment; and

(2) the progress made by the State toward achieving the goals described in the application submitted by the State under section 7.

AMERICAN ACADEMY OF PEDIATRICS,
Washington, DC, March 8, 2000.
Hon. CHRISTOPHER DODD,
U.S. Senate, Washington, DC.
Hon. BILL FRIST,
U.S. Senate, Washington, DC.

DEAR SENATORS DODD AND FRIST: On behalf of the 55,000 members of the American Academy of Pediatrics, I would like to applaud you for introducing the "Children's Day Care Health and Safety Improvement Act."

The Academy and its members, along with many others, have been working for years attempting to ensure that all children receive high-quality child care and early education. Yet, the statistics about the health and safety of child care setting are very disturbing. Multiple studies have found that many child care arrangements not only fail to give children the type of intellectual stimulation and emotional support they need, but actually compromise the health and safety of the youngsters in their care.

One review of state child care regulations in 47 states found that more than half of the states' safety-related regulations had inadequate or no standards for 24 out of the 36 safety topics examined. Most notable were the inattention to playground safety, choking hazards, and firearms. Studies of child care settings themselves have also been disheartening. One four-state study found that only one in seven child care centers (14%) were rated as good quality. Another study found that 13 percent of regulated and 50 percent of nonregulated family child care providers offer care that is inadequate. The Consumer Product Safety Commission reports that about 31,000 children, 4 years old and younger, were treated in U.S. hospital emergency rooms for injuries at child care/school settings in 1997, and that the agency knows of at least 56 children who have died in child care setting since 1990.

By providing states with funds for activities specifically aimed at improving the health and safety of child care, your bill should help to reduce the incidence of preventable illness, injury, disability, and even death, for the millions of children who spend their days in out-of-home child care.

The "Children's Day Care Health and Safety Improvement Act" is much-needed legislation, and we look forward to working with you to support its enactment. Thank you for your continued dedication to improving children's lives.

Sincerely,

DONALD E. COOK,
President.

CHILDREN'S DEFENSE FUND,
Washington, DC, March 8, 2000.
Hon. BILL FRIST,
U.S. Senate, Washington, DC.

DEAR SENATOR FRIST: Given the importance of high quality child care to millions of young children and their families, the Children's Defense Fund welcomes the introduction of the Children's Day Care Health and Safety Improvement Act. The bill recognizes the wide range of activities that must be addressed in order to ensure the health and safety for children in child care. New resources to states targeted on these various activities will make a significant impact on their efforts to move forward.

We look forward to working with you towards the passage of this important bill. Thank you for standing up for children.

Sincerely yours,

MARIAN WRIGHT EDELMAN.

CHILDREN'S DEFENSE FUND,
Washington, DC, March 8, 2000.
Hon. CHRISTOPHER DODD,
U.S. Senate, Washington, DC.

DEAR SENATOR DODD: Given the importance of high quality child care to millions of young children and their families, the Children's Defense Fund welcomes the introduction of the Children's Day Care Health and Safety Improvement Act. The bill recognizes the wide range of activities that must be addressed in order to ensure the health and safety for children in child care. New resources to states targeted on these various activities will make a significant impact on their efforts to move forward.

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Sincerely yours,

MARIAN WRIGHT EDELMAN.

NATIONAL ASSOCIATION FOR THE
EDUCATION OF YOUNG CHILDREN,
Washington, DC, March 9, 2000.
Hon. CHRISTOPHER DODD,
U.S. Senate, Washington, DC.
Hon. WILLIAM FRIST,
U.S. Senate, Washington, DC.

DEAR SENATORS DODD AND FRIST: The National Association for the Education of Young Children (NAEYC) is committed to ensuring excellence in early childhood education, and to working with health and other providers to support families and children's well being. We are pleased that you share our concerns, about the need to improve the health and safety of children in a variety of child care settings and support a federal partnership with states, communities, and providers in meeting that goal.

The Child Care Health and Safety Improvement Act that you will be introducing today seeks to strengthen state licensing and other regulatory standards and enforcement, linkages between child care providers and health services providers, and training to child care providers in injury prevention and health promotion. This legislation addresses many of our concerns and reflects NAEYC principles for ensuring that child care settings are healthy and safe learning environments.

As this bill moves forward, we would be happy to work to make further improvements in the legislation.

Sincerely,

ADELE ROBINSON,
Director of Policy Development.

Mr. DODD. Mr. President, I am pleased to join Senator FRIST in introducing The Children's Day Care Health and Safety Act, legislation that I believe will have a significant impact on the well-being of the 13 million children who spend some part of every day in child care.

Each morning, millions of parents drop their children off at a child care center, a neighbor's home, or their church's day care center, assuming—or at least hoping—that their children will be safe and well cared for. And, in the vast majority of circumstances that's the case. But, unfortunately, there is alarming evidence to suggest that, far too often, unsafe child care settings are compromising the health of our children.

In 1997 alone, 31,000 children ages 4 and younger were treated in hospital emergency rooms for injuries sustained in child care or school settings. Since 1990, more than 55 children have died while in child care settings.

Perhaps most tragically, many of these deaths and injuries were most likely preventable—if providers were knowledgeable about basic health and safety practices and if states did a better job of developing and enforcing strong health and safety regulations.

Almost all child care providers want to give good care to the children in their charge. Despite the fact that we pay child care providers abysmally—typically below poverty wages with no paid sick leave—individuals join this profession because they love children and want to help them grow and thrive. But, we do far too little to support providers in making sure that the environment they provide to our children is a safe and healthy one.

Many child care providers are unaware of the importance of removing soft bedding from cribs—which presents a suffocation hazard for infants and increases the likelihood of child dying from SIDS. Many child care providers are also unaware of the need to place window-blind cords out of reach. Consequently, one child every month strangles in the loop of a cord.

An investigation by the Consumer Product Safety Commission revealed that two-thirds of licensed child care settings surveyed exhibited these type of safety hazards, as well as other, such as insufficient child safety gates and unsafe playgrounds.

Some states have taken action to improve health and safety practices. For example, Connecticut requires child care centers to receive at least monthly visits from a nurse or pediatrician, who can advise providers on concerns ranging from the basics, like the importance of handwashing after diaper-changing, to more complex issues, such as how to accommodate the special needs of a child with a disability.

But, many states are hard-pressed simply to meet the enormous demand for child care from working families and families transitioning off welfare. With all the pressure to create child care slots and to help families find any kind of care, unfortunately, child care health and safety often becomes an afterthought.

A survey of state child care standards found that only one-third of states had minimally acceptable child care quality regulations. Two-thirds of states had regulations that didn't even address the basics—provider training, safe environments and appropriate ratios. And in many cases, even when there are good standards on the books, enforcement is lax.

Too often we view finding safe, high quality child care as a problem parents should struggle with on their own. It's time we recognize that unsafe child care is a public health crisis, not a personal problem.

That's why I'm so pleased to join Senator FRIST today in introducing legislation that would provide grants to the states to reduce child care health and safety hazards. Grants could be used for a broad range of activities that we know have the greatest impact on health and safety, such as training and educating providers on injury and illness prevention; improving health and safety standards; improving enforcement of standards, including increased surprise inspections; renovating child care centers and family day care homes; helping providers serve children with disabilities; and conducting criminal background checks on child care providers.

I am also pleased that this legislation has been endorsed by the American Academy of Pediatrics, the Children's Defense Fund, and the National Association for the Education of Young Children.

Sadly just as our children grow—the number of child care abuses and hazards has grown over the years, as well. This measure can help ensure that critically important safeguards are provided so that day care is a safe haven, not a hazard.

By Mr. CRAIG:

S. 2237. A bill to amend the Internal Revenue Code of 1986 to provide for the deductibility of premiums for any medigap insurance policy of Medicare+Choice plan which contains an outpatient prescription drug benefit, and to amend title XVIII of the Social Security Act to provide authority to expand existing medigap insurance policies; to the Committee on Finance.

SENIORS' SECURITY ACT OF 2000

• Mr. CRAIG. Mr. President, I rise today to introduce the "Seniors' Security Act of 2000—a bill that will address the growing problem of prescription drug coverage for senior citizens.

As we are all aware, seniors' access to prescription drugs is an important issue. Currently, traditional fee-for service Medicare covers few drugs for seniors. At the same time, however, prescription drugs are an increasing component of seniors' health care. For these reasons, I believe that it is time Congress worked to increase American seniors' access to prescription drugs.

The Senior's Security Act of 2000 will increase seniors' access to prescription drugs in two ways. First, it will extend tax equity to seniors by allowing them to deduct the cost of health insurance that contains a qualified prescription drug benefit. We already provide such favorable tax treatment for employer-provided health insurance and are moving toward doing so for the self-employed. If we are truly concerned about seniors' access to prescription drugs, we should do the same for them.

In addition, SSA 2000 will also allow both current and future seniors to deduct the cost of long-term care insurance from their taxes and make long-term care insurance available through employer-provided flexible spending accounts (FSAs).

SSA 2000 also provides for the design by National Association of Insurance Commissioners (NAIC) of additional Medigap policies in order to make prescription drug coverage more accessible and affordable. This process follows that which produced the existing Medigap policies. SSA 2000 also directs the Medicare Payment Advisory Commission (MedPAC) to analyze and report on the salient issues in the design of prescription drug benefit policies. MedPAC is directed to issue their findings in a June 1, 2000 report to Congress and the NAIC in order to aid in designing new Medigap policies.

I believe SSA 2000 will make prescription drug coverage cheaper, both directly and indirectly. More than 18 million seniors have an income tax liability that can be reduced by this reform; by increasing the number of participants and making new Medigap policies a available, the bill will indirectly reduce the cost of coverage, as well. Unlike some other proposed reform measures in this area, it preserves and strengthens the private insurance market—it contains no mandates, no price controls, and preserve all existing Medigap policies—rather than jeopardizing or eliminating it.

This bill does not attempt to address the issue of prescription drug coverage for every senior; instead, it is the answer for a portion of the senior population who have been paying at least part of the costs for their health care and prescription drugs, but still need and deserve to have a reduction in their out-of-pocket expenses. The Seniors' Security Act of 2000 is the best way to provide relief to this group of seniors, while at the same time continuing to work towards solutions for those seniors who aren't as economically secure.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2237

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Seniors' Security Act of 2000".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Deduction for premiums for medigap insurance policies and Medicare+Choice plans containing outpatient prescription drug benefits and for long-term care insurance.
Sec. 3. Determination of annual actuarial value of drug benefits covered under a Medicare+Choice plan and a medigap policy.
Sec. 4. Inclusion of qualified long-term care insurance contracts in cafeteria plans and flexible spending arrangements.
Sec. 5. Authority to provide for additional medigap insurance policies.

SEC. 2. DEDUCTION FOR PREMIUMS FOR MEDIGAP INSURANCE POLICIES AND MEDICARE+CHOICE PLANS CONTAINING OUTPATIENT PRESCRIPTION DRUG BENEFITS AND FOR LONG-TERM CARE INSURANCE.

(a) IN GENERAL.—Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to additional itemized deductions) is amended by redesignating section 222 as section 223 and by inserting after section 221 the following:

"SEC. 222. PREMIUMS FOR MEDIGAP INSURANCE POLICIES AND MEDICARE+CHOICE PLANS CONTAINING OUTPATIENT PRESCRIPTION DRUG BENEFITS AND FOR LONG-TERM CARE INSURANCE.

"(a) DEDUCTION.—

"(1) IN GENERAL.—There shall be allowed as a deduction an amount equal to 100 percent of the amount paid during the taxable year for—

"(A) any medicare supplemental policy (as defined in section 1882(g)(1) of the Social Security Act) which contains an outpatient prescription drug benefit with an annual actuarial value that is equal to or greater than $500,

"(B) any Medicare+Choice plan (as defined in section 1859(b)(1) of such Act) which contains an outpatient prescription drug benefit with an annual actuarial value that is equal to or greater than $500, and

"(C) any coverage limited to qualified long-term care services (as defined in section 7702B(c)) or any qualified long-term care insurance contract (as defined in section 7702B(b)).

"(2) INFLATION ADJUSTMENT.—

"(A) IN GENERAL.—In the case of any calendar year beginning after 2000, each of the dollar amounts in subparagraphs (A) and (B) of paragraph (1) shall be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) an adjustment for changes in per capita expenditures under title XVIII of the Social Security Act for prescription drugs as determined under the most recent Health Care Financing Administration National Health Expenditure projection.

"(B) ROUNDING.—If any dollar amount after being increased under subparagraph (A) is not a multiple of $10, such dollar amount shall be rounded to the nearest multiple of $10.

"(b) LIMITATIONS.—

"(1) DEDUCTION NOT AVAILABLE TO INDIVIDUALS ELIGIBLE FOR EMPLOYER-SUBSIDIZED COVERAGE.—

"(A) IN GENERAL.—In any taxable year—

"(i) subsection (a) shall not apply with respect to any policy or coverage described in paragraph (1)(A) or (1)(B) of such subsection if in such taxable year the taxpayer is eligible to participate in any employer-subsidized plan for individuals age 65 or older which contains an outpatient prescription drug benefit described in such subsection, and

"(ii) subsection (a) shall not apply with respect to any policy or coverage described in paragraph (1)(C) of such subsection if in such taxable year the taxpayer is eligible to participate in any employer-subsidized plan which includes coverage for qualified long-term care services (as so defined) or any qualified long-term care insurance contract (as so defined).

"(B) EMPLOYER-SUBSIDIZED PLAN.—For purposes of subparagraph (A)—

"(i) IN GENERAL.—The term 'employer-subsidized plan' means any plan described in subparagraph (A)—

"(I) which is maintained by any employer (or former employer) of the taxpayer or of the spouse of the taxpayer, and

"(II) 50 percent or more of the cost of the premium of which (determined under section 4980B) is paid or incurred by the employer.

"(ii) EMPLOYER CONTRIBUTIONS TO CAFETERIA PLANS, FLEXIBLE SPENDING ARRANGEMENTS, AND MEDICAL SAVINGS ACCOUNTS.—Employer contributions to a cafeteria plan, a flexible spending or similar arrangement, or a medical savings account which are excluded from gross income under section 106 shall be treated for purposes of this subparagraph as paid by the employer.

"(C) AGGREGATION OF PLANS OF EMPLOYER.—A health plan which is not otherwise described in subparagraph (A) shall be treated as described in such subparagraph if such plan would be so described if all health plans of persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 were treated as one health plan.

"(D) SEPARATE APPLICATION TO HEALTH INSURANCE AND LONG-TERM CARE INSURANCE.—Subparagraphs (A) and (C) shall be applied separately with respect to—

"(i) plans which include coverage limited to qualified long-term care services or are qualified long-term care insurance contracts, and

"(ii) plans which do not include such coverage and are not such contracts.

"(E) DEDUCTION AVAILABLE WITH RESPECT TO POLICIES AND PLANS CONTAINING OUTPATIENT PRESCRIPTION DRUG COVERAGE IF DISCLOSURE REQUIREMENTS ARE MET.—Subsection (a) shall apply in any taxable year with respect to any policy or plan described in paragraph (1)(A) or (1)(B) of such subsection only if the issuer of such policy or the administrator of such plan discloses to the taxpayer that such policy or plan is intended to be a policy or plan so described.

"(2) DEDUCTION NOT AVAILABLE FOR PAYMENT OF PART B PREMIUMS.—Any amount paid as a premium under part B of title XVIII of the Social Security Act shall not be taken into account under subsection (a).

"(3) LIMITATION ON LONG-TERM CARE PREMIUMS.—In the case of a qualified long-term care insurance contract (as so defined), only eligible long-term care premiums (as defined in section 213(d)(10)) shall be taken into account under subsection (a)(2).

"(c) SPECIAL RULES.—For purposes of this section—

"(1) COORDINATION WITH MEDICAL DEDUCTION, ETC.—Any amount paid by a taxpayer for insurance to which subsection (a) applies shall not be taken into account in computing the amount allowable to the taxpayer as a deduction under section 213(a).

"(2) DEDUCTION NOT ALLOWED FOR SELF-EMPLOYMENT TAX PURPOSES.—The deduction allowable by reason of this section shall not be taken into account in determining an individual's net earnings from self-employment (within the meaning of section 1402(a)) for purposes of chapter 2."

(b) CONFORMING AMENDMENTS.—

(1) Subsection (a) of section 62 of the Internal Revenue Code of 1986 is amended by inserting after paragraph (17) the following:

"(18) MEDICARE AND LONG-TERM CARE INSURANCE COSTS OF CERTAIN INDIVIDUALS.—The deduction allowed by section 222."

(2) The table of sections for part VII of subchapter B of chapter 1 of such Code is amended by striking the last item and inserting the following:

"Sec. 222. Premiums for medigap insurance policies and Medicare+Choice plans containing outpatient prescription drug benefits and for long-term care insurance.

"Sec. 223. Cross reference."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1999.

SEC. 3. DETERMINATION OF ANNUAL ACTUARIAL VALUE OF DRUG BENEFITS COVERED UNDER A MEDICARE+CHOICE PLAN AND A MEDIGAP POLICY.

(a) IN GENERAL.—For purposes of subparagraphs (A) and (B) of section 222(a)(1) of the Internal Revenue Code of 1986 (as added by section 2), the Secretary of Health and Human Services shall establish procedures for a Medicare+Choice organization offering a Medicare+Choice plan under part C of title XVIII of the Social Security Act (42 U.S.C. 1395w-21 et seq.) or an issuer of a medicare supplemental policy (as defined in section 1882(g)(1) of such Act (42 U.S.C. 1395ss(g)(1))) to demonstrate that the annual actuarial value of the outpatient prescription drug benefit offered under such plan or policy is equal to or greater than the amount described in section 222(a)(1) of the Internal Revenue Code of 1986 that is applicable for the year involved.

(b) REQUIREMENTS.—The procedures established pursuant to subsection (a)—

(1) shall be based on—

(A) a standardized set of utilization and price factors; and

(B) a standardized population that is representative of all medicare enrollees and calculated based on projected utilization if all enrollees have outpatient prescription drug coverage;

(2) shall apply the same principles and factors in comparing the value of the coverage of different outpatient prescription drug benefit packages; and

(3) shall not take into account the method of delivery or means of cost control or utilization used by the organization offering the plan or the issuer of the policy.

(c) CONSULTATION.—In establishing the procedures described in subsection (a), the Secretary of Health and Human Services shall consult with an independent actuary who is a member of the American Academy of Actuaries.

(d) UPDATE.—The Secretary shall periodically update the procedures established under subsection (a).

(e) DEMONSTRATION OF ACTUARIAL VALUE.—The actuarial value of the outpatient prescription drug benefit shall be set forth by the Medicare+Choice organization offering the Medicare+Choice plan or the issuer of the medicare supplemental policy in an actuarial report that has been prepared—

(1) by an individual who is a member of the American Academy of Actuaries;

(2) using generally accepted actuarial principles; and

(3) in conformance with the requirements of subsection (b).

SEC. 4. INCLUSION OF QUALIFIED LONG-TERM CARE INSURANCE CONTRACTS IN CAFETERIA PLANS AND FLEXIBLE SPENDING ARRANGEMENTS.

(a) CAFETERIA PLANS.—Section 125(f) of the Internal Revenue Code of 1986 (defining qualified benefits) is amended by inserting before the period at the end "; except that such term shall include the payment of premiums for any qualified long-term care insurance contract (as defined in section 7702B) to the extent the amount of such payment does not exceed the eligible long-term care premiums (as defined in section 213(d)(10)) for such contract".

(b) FLEXIBLE SPENDING ARRANGEMENTS.—Section 106 of the Internal Revenue Code of 1986 (relating to contributions by employer to accident and health plans) is amended by striking subsection (c).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1999.

SEC. 5. AUTHORITY TO PROVIDE FOR ADDITIONAL MEDIGAP INSURANCE POLICIES.

(a) IN GENERAL.—

(1) EXPANSION OF NUMBER OF BENEFIT PACKAGES.—Section 1882(p) of the Social Security Act (42 U.S.C. 1395ss(p)) is amended—

(A) in paragraph (2)(B), by striking ", and" and inserting "other than the medicare supplemental policies described in subsection (v); and"; and

(B) in paragraph (2)(C), by striking the period and inserting "and the policies described in subsection (v).".

(2) AUTHORITY TO PROVIDE FOR ADDITIONAL POLICIES.—Section 1882 of the Social Security Act (42 U.S.C. 1395ss) is amended by adding at the end the following:

"(v) AUTHORITY TO PROVIDE FOR ADDITIONAL POLICIES.—

"(1) IN GENERAL.—The standards under subsection (p) may be modified (in the manner described in paragraph (1)(E) of such subsection (applying paragraph (3)(A) of such subsection as if the reference to 'this subsection' were a reference to 'the Seniors' Security Act of 2000')) to establish additional benefit packages consistent with the succeeding provisions of this subsection.

"(2) REQUIREMENTS FOR NEW PACKAGES THAT INCLUDE PRESCRIPTION DRUG COVERAGE.—In the case of any benefit package added under paragraph (1) that provides coverage for outpatient prescription drugs, such benefit package—

"(A) shall not provide first-dollar coverage of outpatient prescription drugs;

"(B) may provide a stop-loss coverage benefit for outpatient prescription drugs that limits the application of any beneficiary cost-sharing during a year after incurring a certain amount of out-of-pocket covered expenditures;

"(C) shall not include benefits for prescription drugs otherwise available under part A or B; and

"(D) shall be consistent with the requirements of this section and applicable law.

"(3) USE OF FORMULARIES.—In the case of any benefit package added under paragraph (1) that provides coverage for outpatient prescription drugs, the issuer of any policy containing such a benefit package may use formularies.

"(4) SPECIAL OPEN ENROLLMENT.—

"(A) ESTABLISHMENT.—If any benefit package is added under paragraph (1), the Secretary shall establish an applicable period in which any eligible beneficiary may enroll in any medicare supplemental policy containing such benefit package under the terms described in subparagraph (D).

"(B) ELIGIBLE BENEFICIARY DEFINED.—In this paragraph, the term 'eligible beneficiary' means a beneficiary under this title who is enrolled in a medicare supplemental policy as of the first day that any benefit package added under paragraph (1) is available in the State in which such beneficiary resides.

"(C) APPLICABLE PERIOD DEFINED.—In this paragraph, the term 'applicable period' means—

"(i) in the case of an eligible beneficiary who is enrolled in a medicare supplemental policy which has a benefit package classified as 'H', 'I', or 'J' under the standards established under subsection (p)(2), the 180-day period that begins on the day described in subparagraph (B); and

"(ii) in the case of an eligible beneficiary who is enrolled in a medicare supplemental policy which has a benefit package classified as 'A' through 'G' under the standards established under subsection (p)(2), the 63-day period that begins on the day described in subparagraph (B).

"(D) TERMS DESCRIBED.—The terms described under this subparagraph are terms which do not—

"(i) deny or condition the issuance or effectiveness of a medicare supplemental policy described in subparagraph (A) that is offered and is available for issuance to new enrollees by such issuer;

"(ii) discriminate in the pricing of such policy, because of health status, claims experience, receipt of health care, or medical condition; or

"(iii) impose an exclusion of benefits based on a preexisting condition under such policy.

"(5) ABILITY FOR ISSUER TO CANCEL CERTAIN POLICIES.—Notwithstanding subsection (q)(2), an issuer of a policy containing a benefit package added under paragraph (1) that provides coverage for outpatient prescription drugs may terminate such a policy in a market but only if—

"(A) the termination is—

"(i) done in accordance with State law in such market; and

"(ii) applied uniformly to individuals enrolled under such policy;

"(B) the issuer provides notice to each individual enrolled under such policy of such termination at least 90 days prior to the date of the termination of coverage under such policy; and

"(C) the issuer offers to each individual enrolled under such policy, for at least 180 days after providing the notice pursuant to subparagraph (B), the option to purchase all other medicare supplemental policies currently being offered by the issuer under the terms described in paragraph (4)(D).".

(b) SALE OF NON-DUPLICATIVE MEDIGAP INSURANCE POLICIES AUTHORIZED.—Section 1882(d)(3) of the Social Security Act (42 U.S.C. 1395ss(d)(3)) is amended—

(1) in subparagraph (A), by adding at the end the following:

"(ix) Nothing in this subparagraph shall be construed as preventing the sale of more than 1 medicare supplemental policy to an individual, provided that the sale is of a medicare supplemental policy that does not duplicate any health benefits under a medicare supplemental policy owned by the individual."; and

(2) in subparagraph (B)—

(A) in clause (ii)(I), by inserting ", unless a second policy is designed to compliment the coverage under the first policy" before the comma at the end; and

(B) in clause (iii)—

(i) in subclause (I), by striking "(II) and (III)" and inserting "(II), (III), and (IV)";

(ii) by redesignating subclause (III) as subclause (IV); and

(iii) by inserting after subclause (II) the following:

"(III) If the statement required by clause (i) is obtained and indicates that the individual is enrolled in 1 or more medicare supplemental policies, the sale of another policy is not in violation of clause (i) if such other policy does not duplicate health benefits under any policy in which the individual is enrolled.".

(c) NAIC TO CONSULT WITH MEDPAC IN REVISING MODEL STANDARDS.—

(1) IN GENERAL.—In revising the model regulation under section 1882(v) of the Social Security Act (42 U.S.C. 1395ss(v)) (as added by subsection (a)), the National Association of Insurance Commissioners (in this section referred to as the "NAIC") should—

(A) consult with the Medicare Payment Advisory Commission established under section 1805 of such Act (42 U.S.C. 1395b-6) (in this subsection referred to as "MedPAC"); and

(B) consider the MedPAC report transmitted to NAIC in accordance with paragraph (2)(B)(ii).

(2) MEDPAC ANALYSIS AND REPORT.—

(A) ANALYSIS.—MedPAC shall conduct an analysis of the following issues:

(i) The conditions necessary to create a well-functioning, voluntary medicare supplemental insurance market that provides coverage for outpatient prescription drugs.

(ii) The scope of outpatient prescription drug coverage for medicare beneficiaries, including individuals enrolled in Medicare+Choice plans.

(iii) The implications of a medicare supplemental policy that would require issuers of medicare supplemental policies to provide outpatient prescription drug coverage and a stop-loss benefit instead of providing coverage for other benefits available through existing medicare supplemental policies.

(iv) The portion of out-of-pocket spending of medicare beneficiaries on health care expenses attributable to outpatient prescription drugs.

(v) The availability of private health insurance policies that cover outpatient prescription drugs to beneficiaries that are not entitled to benefits under the medicare program.

(vi) The scope of outpatient prescription drug coverage provided by employers to medicare beneficiaries.

(vii) The impact of outpatient prescription drugs on the overall health of medicare beneficiaries.

(viii) The effect of providing coverage for outpatient prescription drugs on the amount of funds expended by the medicare program.

(ix) Whether modifications of benefit packages of existing medicare supplemental policies that provide coverage for outpatient prescription drugs or the creation of new benefit packages that provide coverage for outpatient prescription drugs would allow payment for these policies to be integrated with a Federal contribution.

(x) Such other issues relating to outpatient prescription drugs that would assist Congress in improving the medicare program.

(B) REPORT TO CONGRESS.—

(i) IN GENERAL.—Not later than June 1, 2000, MedPAC shall submit to Congress a report containing a detailed analysis of the issues described in subparagraph (A) together with recommendations for such legislation and administrative actions as MedPAC considers appropriate.

(ii) TRANSMISSION TO NAIC.—At the same time MedPAC submits the report to Congress under clause (i), MedPAC shall transmit such report to the NAIC.●

By Mr. BAUCUS:

S. 2238. A bill to designate 3 counties in the State of Montana as High Intensity Drug Trafficking Areas and authorize funding for drug control activities in those areas; to the Committee on the Judiciary.

ADMITTING MONTANA TO THE ROCKY MOUNTAIN HIDTA

Mr. BAUCUS. Mr. President, I rise today to introduce critical legislation in the fight against methamphetamine use in rural America.

Methamphetamine, also known as "meth" is a powerful and addictive drug. Considered by many youths to be a casual, soft-core drug with few lasting effects, meth can actually cause more long-term damage to the body than cocaine or crack.

I recently invited General Barry McCaffrey, our drug czar, along with Dr. Don Vereen, his deputy, to Montana to focus attention on the problem of meth use. Their visit was well-received by residents of our state, and much-needed. The fact is, there are a good many talented Montanans working on the meth problem, but they have few resources with which to wage the battle. Moreover, their efforts are often fragmented, not coordinated to the extent they could be, particularly among the treatment, prevention, and law enforcement communities.

To make their job easier, Montana has petitioned to be considered part of the Rocky Mountain High Intensity Drug Trafficking Area (HIDTA). Although the Rocky Mountain HIDTA authorities have stated their willingness to include Montana in its organization, they lack the resources to make that happen.

The bill I am introducing today would authorize funding to make Montana's admission to the Rocky Mountain HIDTA a reality. Here's why that's necessary.

In 1998, the number of juveniles charged with drug-related or violent crimes in the Yellowstone County Youth Court rose by 30 percent. In Lame Deer—the community of the Northern Cheyenne Indian Reservation—kids as young as 8 years old have been seen for meth addiction. Last November in our state, a meth lab blew up in Great Falls, leading to a half dozen arrests. Meth use in Montana has doubled in the past few years. Cases are growing and the states law enforcement can no longer fight the problem.

Mr. President, the DEA reported an increase of meth lab seizures in Montana of 900% from 1993 to 1998. And according to the Office of National Drug Control Policy, based on methamphetamine admission rates per 100,000 persons, Montana is one of eight states with a "serious methamphetamine problem."

The meth problem is particularly severe on Montana's Indian reservations, of which our state has seven. Life is hard there. In some reservation towns, over half of the working age adults are unemployed. Because meth is cheap and relatively easy to make, these lower-income individuals are a natural target for meth peddlers. Without viable employment options, too often these young people turn to drugs.

And that's the case throughout Montana, not just on the reservations. In 1998, Montana ranked 47th in the nation in per-capita personal income, 50th in personal income from wages and salaries, and second in the nation for the number of people who work two or more jobs.

Since poverty and drug use often go hand in hand, it came as little surprise to me when a recent report showed a dramatic uptick in the incidence of drug abuse in rural America.

The report, commissioned by the Drug Enforcement Administration and funded by the National Institute on Drug Abuse, focused primarily on 13- and 14-year-olds. It showed that eighth graders in rural America are 83 percent more likely to use crack cocaine than their urban counterparts. They are 50 percent more likely to use cocaine, 34 percent more likely to smoke marijuana, 29 percent more likely to drink alcohol. Even more shocking, the report showed that rural eighth graders were 104 percent more likely to use amphetamines, including methamphetamine. Let me clarify, Mr. President. That is double the rate of urban eighth graders.

The bill I am proposing today would provide Montana the resources to put forth a coordinated effort in the fight against meth in Montana. By admitting Yellowstone, Cascade and Missoula counties to the Rocky Mountain HIDTA, Montana can focus its efforts on the three largest problem areas for meth use. It would increase law enforcement and forensic personnel in Montana; coordinate efforts to exchange information among law enforcement agencies; and engage in a public information campaign to educate the public about the dangers of meth use.

Mr. President, the time has come to fight this scourge. Montana is under seige by meth, and we must do all we can to stop it—for the good of our state and those around us.

By Mr. ALLARD (for himself, Mr. CAMPBELL, Mr. HATCH, Mr. BENNETT, and Mr. BINGAMAN):

S. 2239. A bill to authorize the Bureau of Reclamation to provide cost sharing for the endangered fish recovery implementation programs for the Upper Colorado River and San Juan River basins; to the Committee on Energy and Natural Resources.

COST SHARING FOR ENDANGERED FISH RECOVERY IMPLEMENTATION PROGRAMS

Mr. ALLARD. Mr. President, today I am introducing legislation to authorize the Bureau of Reclamation to provide cost sharing for the endangered fish recovery implementation programs for the Upper Colorado River and San Juan River basins.

This legislation is the product of years of meetings between water districts, power users, state and federal government and environmental groups. It authorizes federal and non-federal funding of an Upper Basin Recovery Program for endangered species in the Colorado River Basin and the San Juan River Basin. The goal of the program is to recover the Colorado pikeminnow, humpback chub, razorback sucker and bonytail chub while continuing to meet future water supply needs in the Upper Basin states of Colorado, Utah, Wyoming and New Mexico.

To date, more than $20 million has been spent for capital projects to recover the endangered fish. Failure to recover the endangered species could result in limitations on current and future water diversions and use in the Upper Basin states. The legislation provides Congress and the Upper Basin stakeholders a finite Recovery Program under an authorized spending cap.

The legislation authorizes $100 million for capital construction, operations and maintenance to implement other aspects of the program that include fish ladders, hatchery facilities, removal of non-native species and habitat restoration. The cost sharing program authorizes $46 million of federal funds to the Bureau of Reclamation and the remaining $54 million will be generated from state contributions not to exceed $17 million; contributions from power revenues up to $17 million and the remaining $20 million from replacement power credit and capital cost of water.

The States of Colorado, New Mexico, Utah and Wyoming all support the program. Other supporters include: the Colorado River Energy Distributors Association, the Upper Colorado River Endangered Fish Recovery Implementation Program, the Environmental Defense Fund, The Nature Conservancy, Northern Colorado Water Conservancy District, Colorado River Water Conservation District, Southern Ute Indian Tribe and Colorado Water Congress.

It is critical to affirm the federal government's commitment to the implementation of the Recovery Programs. The bill reflects compromise on all sides of the issue and recognizes that protection of endangered species can coincide with water development and water use. The participants want to move ahead with this program and are willing to help share in the costs. I urge my Senate colleagues to support this important legislation.

By Mr. CRAPO:

S. 2241. A bill to amend title XVII of the Social Security Act to adjust wages and wage-related costs for certain items and services furnished in geographically reclassified hospitals; to the Committee on Finance.

• Mr. CRAPO. Mr. President, I rise today to introduce the Medicare Wage-Index Reclassification Act of 2000. This bill will amend the Social Security Act to redirect additional Medicare reimbursements to rural hospitals. Currently, hospitals throughout the country are losing Medicare reimbursements, which results in severe implications for surrounding communities.

As you know, in an attempt to keep Medicare from consuming its limited reserves, Congress enacted the Balanced Budget Act of 1997 (BBA), which made sweeping changes in the manner that health care providers are reimbursed for services rendered to Medicare beneficiaries. These were the most significant modifications in the history of the program.

All of the problems with the BBA—whether hospitals, nursing facilities, home health agencies, or skilled nursing facilities—are especially acute in rural states, where Medicare payments are a bigger percentage of hospital revenues and profit margins are generally much lower. These facilities were already managed at a highly efficient level and had "cut the fat out of the system." Therefore, the cuts implemented in the BBA hit the rural communities in Idaho and throughout the United States in a very significant and serious way.

In the 1st session, the Senate Finance Committee did a tremendous job of bringing forth legislation that adjusted Medicare payments to health care providers hurt by cuts ordered in the BBA. While this was a meaningful step, the Senate must continue to address the inequities in the system.

My bill would expand wage-index reclassification by requiring the Secretary of Health and Human Services to deem a hospital that has been reclassified for purposes of its inpatient wage-index to also reclassify for purposes of other services which are provider-based and for which payments are adjusted using a wage-index. In other words, this legislation would require the Secretary to use a hospital's reclassification wage-index to adjust payments for hospital outpatient, skilled nursing facility, home health, and other services, providing those entities are provider-based. This change should have been made in BBA when Congress required that prospective payment systems be established for these other services. As such, this change would address an issue that has been left unaddressed for several years.

It makes sense that, if a hospital has been granted reclassification by the Medicare Geographic Classification Review Board for certain inpatient services, it also be granted wage-index reclassification for outpatient and other services. It is estimated that this provision would help approximately 400 hospitals, 90 percent which are rural. Furthermore, this provision would be budget neutral.

I know my colleagues in the Senate share my commitment of promoting access to health care services in rural areas. Expanding wage-index geographic reclassification will allow hospitals to recoup lost funds and use those funds to address patients' needs in an appropriate, effective, and meaningful way. I encourage my colleagues to co-sponsor the Medicare Wage-Index Reclassification Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2241

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Wage-Index Reclassification Act of 2000".

SEC. 2. HOSPITAL GEOGRAPHIC RECLASSIFICATION FOR LABOR COSTS FOR ALL ITEMS AND SERVICES REIMBURSED UNDER PROSPECTIVE PAYMENT SYSTEMS.

(a) IN GENERAL.—Section 1886(d)(10) of the Social Security Act (42 U.S.C. 1395ww(d)(10)) is amended by adding at the end the following new subparagraph:

"(G) APPLICATION OF HOSPITAL GEOGRAPHIC RECLASSIFICATION FOR INPATIENT SERVICES TO ALL HOSPITAL-FURNISHED ITEMS AND SERVICES REIMBURSED UNDER PROSPECTIVE PAYMENT SYSTEM.—

"(i) IN GENERAL.—In the case of a hospital with an application approved by the Medicare Geographic Classification Review Board under subparagraph (C)(i)(II) to change the hospital's geographic classification for a fiscal year for purposes of the factor used to adjust the DRG prospective payment rate for area differences in hospital wage levels that applies to such hospital under paragraph (3)(E), the change in the hospital's geographic classification for such purposes shall apply for purposes of adjustments to payments for variations in costs which are attributable to wages and wage-related costs for all PPS-reimbursed items and services.

"(ii) PPS-REIMBURSED ITEMS AND SERVICES DEFINED.—For purposes of clause (i), the term 'PPS-reimbursed items and services' means, for cost reporting periods beginning during the fiscal year for which such change has been approved, items and services furnished by the hospital, or by an entity or department of the hospital which is provider-based (as determined by the Secretary), for which payments—

"(I) are made under the prospective payment system for hospital outpatient department services under section 1833(t); and

"(II) are adjusted for variations in costs which are attributable to wages and wage-related costs.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to items and services furnished on or after October 1, 2001.●

By Mr. THOMAS:

S. 2242. A bill to amend the Federal Activities Inventory Reform Act of 1998 to improve the process for identifying the functions of the Federal Government that are not inherently governmental functions, for determining the appropriate organizations for the performance of such functions on the basis of competition, and for other purposes; to the Committee on Governmental Affairs.

THE FAIR ACT AMENDMENTS OF 2000

Mr. THOMAS. Mr. President, I rise today to introduce legislation to improve the implementation of legislation that Congress passed in 1998, the Federal Activities Inventory Reform Act.

It has been 45 years, since President Dwight D. Eisenhower issued Bureau of the Budget Bulletin 55-4, proclaiming, "It is the policy of the Government to rely on the private sector to supply the products and services the Government needs."

Why is it, then, the Federal government has identified some one million positions on its payroll that are commercial in nature? As the author of the FAIR Act, I had hoped that my legislation would have put into place a process, albeit 45 years later, to substantively implement Ike's policy.

Despite almost a half-century of policy that "the Federal government should not start or carry on any activity to provide a commercial product or service if the product or service can be procured from the private sector" more than 100 agencies have released FAIR Act inventories identifying some one million commercial Federal positions. Of these, 440,000 are in civilian agencies and more than 65 percent have been exempted from potential outsourcing. In the Department of Defense, 504,000 non-uniformed positions are considered commercial, but 196,000 or 39 percent are exempt from outsourcing.

The first year experience with the FAIR Act raises fundamental questions. If it has been the Federal Government's policy for 45 years to rely on the private sector for commercially available goods and services, how did we get to the point where despite claims of "reinventing government," "the smallest Federal workforce since the Kennedy Administration" and other political rhetoric, we have one million Federal employees engaged in commercial activities? How is it that of those one million positions, roughly half will not even be studied to determine if government or private sector performance provides the best value to the taxpayers?

The FAIR Act was intended to shed sunshine on the Federal Government's commercial activities. Its purpose was to tell the American people what its government does and put in place a process to determine how to best get the job done. Unfortunately, implementation of the law has fallen short of these expectations.

The law requires agencies to inventory activities and positions that are not inherently governmental. Inventories are published so that interested parties, both public and private, can challenge inclusions or omissions from the list. However, the Office of Management and Budget (OMB) has overstepped its authority by creating a series of "reason codes" that enable agencies to declare activities commercial but exempt from potential outsourcing, and then declaring such reason code designations outside the challenge process. As a result, 482,000 positions, roughly half the government's entire FAIR inventory, has been declared commercial, but exempt from potential outsourcing, public-private competition, or challenge. That is wrong, inconsistent with the law and down right un-FAIR.

Manipulation of the process has also cast a long shadow on the sunshine Congress was seeking. Take for example the Department of Energy. Of 11,765 commercial positions on its inventory, just 618 are "commercial competitive." Within the agency's Bonneville Power Administration (BPA), 1,263 of the agency's 2,267 commercial positions were classified as "management" and of these 1,259 were considered "commercial, in-house core," exempt from further review. Unfortunately, DoE is not alone in gaming the system. The U.S. Army Corps of Engineers, which has 4,500 employees, has inventoried all its positions in just two categories.

These practices, too, are un-FAIR, particularly for federal employees. How can BPA or Corps of Engineers' employees tell if their positions are slated for potential outsourcing? How is the private sector to determine if the positions the Corps has on its inventory involve management of campgrounds, integration of their computer systems, designing a dam, mapping a flood plain, or painting the walls of an office building if all these activities are aggregated into two broad categories? These actions fail to shed sunshine and render the FAIR Act challenge process moot.

The FAIR Act also requires a "review" of commercial activities that survive the inventory and challenge process "within a reasonable time." The Act's legislative history clearly demonstrates Congress intended for such a review to be either direct outsourcing or a public-private competition similar to that envisioned in OMB Circular A-76. To date, OMB has not issued guidance on how it will implement such reviews, nor has it established a timetable.

Due to OMB's dismal performance thus far, it is clear that Congress will have to pass a package of FAIR Act amendments to make sure the job is done right. Today I introduce legislation to do just that.

This legislation is largely technical in nature but the major provisions would improve the accuracy and usefulness of the inventories, make sure Federal employees are notified when their jobs appear on the inventories, fortify the review process, require a report on the portability of federal employees' pension benefits, ban federal agencies from performing any commercial activity for other federal agencies or state and local governments unless a cost comparison is conducted and prohibits the conversion of any activity on a FAIR Act inventory to Federal Prison Industries.

I look forward to working with Chairman THOMPSON and Ranking Member LIEBERMAN of the Government Affairs Committee to see that this common sense legislation is enacted into law this year.

By Ms. LANDRIEU (for herself, Ms. SNOWE, Mr. KERRY, Mr. CLELAND, Mrs. MURRAY, Ms. MIKULSKI, Mr. ABRAHAM, and Mr. JEFFORDS):

S. 2243. A bill to reauthorize certain programs of the Small Business Administration, and for other purposes; to the Committee on Small Business.

NATIONAL WOMEN'S BUSINESS COUNCIL REAUTHORIZATION ACT OF 2000

Ms. LANDRIEU. Mr. President, today I, along with Senators SNOWE, KERRY, CLELAND, MURRAY, MIKULSKI, ABRAHAM, and JEFFORDS, am introducing the National Women's Business Council Re-authorization Act of 2000. This legislation would ensure that one of our most valued resources may continue its work in support of women's business ownership. The bi-partisan National Women's Business Council has provided important advice and counsel to the Congress since it was established in 1988. At that time, there were 2.4 million women business owners documented; today, there are over 9 million women who own and operate businesses in every sector, from home based services to construction trades to high tech giants. Women are changing the face of our economy at an unprecedented rate, and the Council has been our eyes and ears as we anticipate the needs of this burgeoning entrepreneurial sector. The 15 appointees to the Council, all prominent business women, have been hard at work during the last three years. Some of their accomplishments include: hosting Summit '98, a national economic forum that produced a Master Plan of initiatives and recommendations to sustain and grow the entrepreneurial economy; preparing a Best Practices Guide for Contracting with Woman, and issuing a comprehensive statistical study of 11 years of federal contracting with women owned businesses; co-hosting a series of highly regarded policy forums with the Federal Reserve in 10 cities, including New Orleans, Louisiana, on capital access issues facing entrepreneurs and working to secure the collection of data on women-owned businesses by the Bureau of the Census, and funding new research on a range of issues concerning women's business development.

Recently, the Council has stepped up efforts to increase access to credit for women-owned businesses. This spring, the Council will release a report in collaboration with the Milken Institute, which will identify model programs that have been successful in increasing the flow of credit to small, women owned businesses, especially those in the retail, service or high tech sectors. The Council is also working to increase investments in women-led firms by launching Springboard 2000, a national series of women's venture capital forums. Building on the momentum of its highly successful Silicon Valley event in January, the Council will host at least two more forums showcasing women-led businesses before private, corporate and venture capital investors. As my colleague Senator KERRY has said so often, the equity markets are the last frontier for women entrepreneurs. The Council's venture capital fairs provide women entrepreneurs with much needed access to capital so that they can launch and grow their high tech businesses.

The Council is leading the effort to increase access to competitive contracting opportunities by working with federal agencies and women's business organizations. Later this year, the Council will release an extensive report on the characteristics and experiences of the over 5,000 women business owners who have been successful in receiving federal contracts. We eagerly look forward to reviewing their findings.

Under the chairmanship of Kay Koplovitz, the Council has indeed taken a bold new approach in its advocacy of the fastest growing business sector. As a result of the Council's work this year, we will know more than ever about women's business enterprise, their economic trends, the characteristics of their owners and their public and private sector needs. The Council has been a powerful resource for policy makers by providing valuable data, information and recommendations which are essential if we are to assist our communities in sustaining the unparalleled number of new businesses launched in the last 7 years.

It is for these reasons and more that I am introducing legislation to re-authorize the Council for another three years. It is imperative that the National Women's Business Council continues its great work and expands its activities to support initiatives that are creating the infrastructure for women's entrepreneurship at the state and local level.

By Mr. WYDEN (for himself and Mr. BAUCUS):

S. 2244. A bill to increase participation in employee stock purchase plans and individual retirement plans so that American workers may share in the growth in the United States economy attributable to international trade agreements; to the Committee on Finance.

WORKING FAMILIES TRADE BONUS ACT

Mr. WYDEN. Mr. President, many working Americans fell like they've been left on the sidelines in the high-stakes game of international trade. As U.S. companies expand overseas, corporate profits soar. Workers standby watching for some tangible benefits for their own pocketbooks. A May 1999 Los Angeles Times story captured Americans' skepticism toward trade. The story found just over half the public in March 1994 believed that treaties such as NAFTA would create U.S. jobs, with only 32% fearing jobs loss. But by December 1998, the attitudes had flip-flopped. A Wall Street Journal/NBC News poll found that 58% of Americans believed that trade had reduced U.S. jobs and wages.

Nowhere has Americans' growing alienation from the world trading system been more evident than at the November 1999 World Trade Organization (WTO) Ministerial meeting. The nightly news was filled with the pictures of workers protesting the WTO in the streets of Seattle. This sense of alienation will continue to grow unless workers themselves start to see more direct benefits from trade.

The legislation I am pleased to introduce today with Senator BAUCUS is an effort to narrow America's dividend divide in world trade. Our bill, The Working Families Trade Bonus Act, says that when companies win from world trade, workers should win, too. The bill would do this by encouraging companies to give their workers added Trade Bonus stock options—which workers at

Fortune magazine's top 100 U.S. companies identified as one of the key reasons they work for the company. And for the millions of working Americans who don't have stock plans—farmers, self-employed and small business people—the bill would allow them to double the maximum allowable annual IRA contribution.

The bill specifically targets workers who are often excluded by company stock option plans—those at the lower end of company pay scales. The Trade Bonus program prohibits a company from discriminating in favor of highly compensated employees and requires that all employees be allowed to purchase the maximum amount of stock allowed by law at the lowest price allowed by law. The program would not allow companies to substitute stock options for regular compensation. Together, these safeguards assure that all workers are included in the trade winner's circle.

Proponents of free trade, like Senator BAUCUS and myself, have done a lot of talking about its benefits. Manufactured goods are the centerpiece of our nation's export—accounting for nearly two-thirds of total U.S. exports of goods and services. Exports support about one in every five American factory jobs. These jobs pay about 15 percent more on average than non-export-related jobs, require more skills and are less prone to economic downturns than those accounted for fully one-third of our nation's economic growth, and since 1950, international trade flows have grown twice as fast as the economy. Yet, most workers have few good things to say about free trade because they've never seen any direct benefits from it. It's time to turn the rhetoric about free trade into real benefits for workers. It's time to widen the winner's circle to make sure that American workers share directly in the rewards of free trade.

Our legislation would require the Secretary of Commerce to determine annually, beginning with 1998, whether international trade has contributed to an increase in U.S. GDP. This determination would be included in the President's budget for the subsequent fiscal year. For every year in which the Secretary makes a determination that trade has contributed to an increase in the U.S. GDP, employers would be encouraged to contribute additional compensation up to $2,000 per worker per year to employee stock purchase plans. These additional contributions to an employee's stock purchase plan—the Trade Bonus—would not be subject to capital gains tax. For workers who are not eligible for an employee stock purchase plan Trade Bonus, the bill allows them to double the allowable annual amount of their IRA contribution—to a maximum of $4,000.

For employers with 100 or fewer employees that do not have employee stock purchase plans, the bill would give them a significant incentive to create them; the bill offers a one-time tax credit to help offset all the administrative fees directly related to establishing an employee stock purchase plan. It would also provide limited tax credits for three subsequent years for costs directly related to IRS compliance and employee education about the Trade Bonus program. The language of this section is drawn from previous legislation and assures that the tax credit applies only to the actual cost of creating the employee stock purchase plan and not to services that may be related to retirement planning, such as tax preparation, accounting, legal or brokerage services.

The bill sets out guidelines for employers establishing or expanding an employee stock purchase plan under the Trade Bonus program, including that employees be eligible for the maximum amount of $2,000 at the lowest price allowed by law; that employers make the plan available to the widest range of employees without discrimination in favor of highly compensated employees; that employers ensure that the trade bonus is in addition to compensation an employee would normally receive (and that safeguards be in place to do so); and that it does not result in lack of diversification of an employee's assets.

Here's how the Working Families Trade Bonus Act would work. As under current law, employee stock purchase plans offer stock to participants at a discount. The current minimum purchase price is the lesser of 85% of the value of the stock on the date of the grant of the options (usually the beginning of the purchase period) or 85% of the value of the stock when the option is exercised—usually the end of the purchase period. This means that, in the period during which the stock has appreciated, the employee can get the benefit of the appreciation and, in a period during which the stock has depreciated, the employee might still be able to buy employer stock at a discounted price, or, if the plan provides, could decline to purchase the stock.

For example, let's say the President announces in the budget for FY 2001 that international trade contributed to growth in US GDP in 1999. Fleet of Foot Shoes, an athletic shoe manufacturer in Florence, Oregon, decides to award its workers the full $2,000 trade bonus on February 1, 2000. If a share of Fleet of Foot stock is worth $100 on the date of the grant of the option and $200 when the option is exercised, say December 2001, the employees' purchase price can be as low as $85. This means the employee can purchase stock worth $200 for only $85, so the employee is able to purchase more than 40 shares of stock for the price of only 20 shares. Alternatively, if the stock is worth $50 when the option is exercised, the employee is able to purchase stock worth $50 for only $42.50.

Here is how the tax benefit would work. Under current law, employees who hold qualified stock at least two years from the date of grant of the option and one year from the purchase of the stock are entitled to a capital gains tax break until the point they sell the stock. If an employee chooses to sell stock purchased through the Trade Bonus and the purchase price was less than the fair market value on the date the option was granted, then the difference between the purchase price and the fair market value will be taxed as ordinary income in the year the stock is sold. Under my proposal, the remainder of the gain that would otherwise be taxed as a capital gain in the same year would not be taxed. So, using the Trade Bonus, if an employee pays $85 to buy a share of stock whose fair market value is $100, holds onto the share for more than the required two years and then sells it for $150, the $15 discount on the original purchase price would be taxed as ordinary income, but the employee would not pay capital gains tax on the $50 increase in the value of the share of stock.

About one-half of all American adults own stock today, and stocks are now the largest asset families own, exceeding even home equity. Fortune's January 2000 survey found 36 of the 58 publicly held companies on the top 100 list offer options to all employees. According to a 1998 survey of Oregon technology companies, almost two-thirds of Oregon's technology companies offer stock options. In today's tight employment market where companies compete to attract and retain the best employees, stock purchase plans are becoming increasingly common. The National Center for Employee Ownership estimates that seven and a half million Americans work for companies that make stock options available, and that employees own nine percent of total corporate equity in the United States. A recent Federal Reserve study found that one-third of the firms it surveyed offer stock options to employees other than executives.

Our legislation will build upon this trend. The Working Families Trade Bonus Opportunity Act will give workers the chance to share directly in the benefits of free trade. This legislation will help put real money into the pockets of working Americans, and help move stock options out of the corner office and onto the shop floor. I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2244

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Working Families Trade Bonus Act".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) exports represent a growing share of United States production, and exports have accounted for more than 10 percent of the United States gross domestic product in recent years,

(2) export growth represented more than 36 percent of overall United States growth in gross domestic product between 1987 and 1997,

(3) international trade flows in the United States have grown twice as fast as the economy since 1950, and, in real terms, the growth rate for international trade has averaged about 6.5 percent a year,

(4) between 1987 and 1997, more than 5,500,000 United States jobs have been created by international trade,

(5) the globalization of the United States economy demands that appropriate domestic policy measures be undertaken to assure American workers enjoy the benefits of globalization rather than be undermined by it, and

(6) when the domestic economy and United States companies achieve growth and profits from international trade, workers ought to share in the benefits.

(b) PURPOSE.—It is the purpose of this Act to assist American workers in benefiting directly when international trade produces domestic economic growth.

TITLE I—TRADE BONUS

SEC. 101. DETERMINATION AND ANNOUNCEMENT OF TRADE BONUS.

(a) DETERMINATION.—

(1) IN GENERAL.—The Secretary of Commerce or the Secretary's delegate shall, for each calendar year after 1998, determine whether international trade of the United States contributed to an increase in the gross domestic product of the United States for such calendar year.

(2) TIME FOR DETERMINATION; SUBMISSION.—The Secretary shall make and submit to the President the determination under paragraph (1) as soon as practicable after the close of a calendar year, but in no event later than June 1 of the next calendar year. Such determination shall be made on the basis of the most recent available data as of the time of the determination.

(b) INCLUSION IN BUDGET.—The President shall include the determination under subsection (a) with the supplemental summary of the budget for the fiscal year beginning in the calendar year following the calendar year for which the determination was made.

TITLE II—PROVISIONS TO ENSURE WORKERS SHARE IN TRADE BONUS

SEC. 201. UNITED STATES POLICY ON INTERNATIONAL TRADE BONUS.

(a) GENERAL POLICY OF THE UNITED STATES.—It is the policy of the United States that if there is an increase in the portion of the gross domestic product of the United States for any calendar year which is attributable to international trade of the United States—

(1) workers ought to share in the benefits of the increase through—

(A) the establishment of employee stock purchase plans by employers that have not already done so,

(B) the expansion of employee stock purchase plans of employers that have already established such plans, and

(C) the opportunity to make additional contributions to individual retirement plans if the workers are unable to participate in employee stock purchase plans,

(2) employers should contribute additional compensation to such employee stock purchase plans in an amount up to $2,000 per employee, and

(3) workers should contribute additional amounts up to $2,000 to individual retirement plans.

(b) GUIDELINES.—It is the policy of the United States that any employer establishing or expanding an employee stock purchase plan under the policy stated under subsection (a) should—

(1) provide that the amount of additional stock each employee is able to purchase in any year there is a trade bonus is the amount determined by the employer but not in excess of $2,000,

(2) make the plan available to the widest range of employees without discriminating in favor of highly compensated employees,

(3) allow for the purchase of the maximum amount of stock allowed by law at the lowest price allowed by law, and

(4) ensure that the establishment or expansion of such plan—

(A) provides employees with compensation that is in addition to the compensation they would normally receive, and

(B) does not result in a lack of diversification of an employee's assets, particularly such employee's retirement assets.

SEC. 202. ELIMINATION OF CAPITAL GAINS TAX ON GAIN FROM STOCK ACQUIRED THROUGH EMPLOYEE STOCK PURCHASE PLAN.

(a) IN GENERAL.—Part I of subchapter P of chapter 1 (relating to treatment of capital gains) is amended by adding at the end the following new section:

"SEC. 1203. EXCLUSION FOR GAIN FROM STOCK ACQUIRED THROUGH EMPLOYEE STOCK PURCHASE PLAN.

"(a) GENERAL RULE.—Gross income of an employee shall not include gain from the sale or exchange of stock—

"(1) which was acquired by the employee pursuant to an exercise of a trade bonus stock option granted under an employee stock purchase plan (as defined in section 423(b)), and

"(2) with respect to which the requirements of section 423(a) have been met before the sale or exchange.

"(b) TRADE BONUS STOCK OPTION.—For purposes of this section—

"(1) IN GENERAL.—The term 'trade bonus stock option' means an option which—

"(A) is granted under an employee stock purchase plan (as defined in section 423(b)) for a plan year beginning in a calendar year following a calendar year for which a trade bonus percentage has been determined under section 101 of the Working Families Trade Bonus Act, and

"(B) the employer designates, at such time and in such manner as the Secretary may prescribe, as a trade bonus stock option.

"(2) ANNUAL LIMITATION.—Options may not be designated as trade bonus stock options with respect to an employee for any plan year to the extent that the fair market value of the stock which may be purchased with such options (determined as of the time the options are granted) exceeds $2,000."

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (9) of section 1(h) (relating to maximum capital gains rate) is amended by striking "and section 1202 gain" and inserting "section 1202 gain, and gain excluded from gross income under section 1203(a)".

(2) Section 172(d)(2)(B) (relating to modifications with respect to net operating loss deduction) is amended by striking "section 1202" and inserting "sections 1202 and 1203".

(3) Section 642(c)(4) (relating to adjustments) is amended by inserting "or 1203(a)" after "section 1202(a)" and by inserting "or 1203" after "section 1202".

(4) Section 643(a)(3) (defining distributable net income) is amended by striking "section 1202" and inserting "sections 1202 and 1203".

(5) Section 691(c)(4) (relating to coordination with capital gain provisions) is amended by inserting "1203," after "1202,".

(6) The second sentence of section 871(a)(2) (relating to capital gains of aliens present in the United States 183 days or more) is amended by inserting "or 1203" after "section 1202".

(7) The table of sections of part I of subchapter P of chapter 1 is amended by adding at the end the following:

"Sec. 1203. Exclusion for gain from stock acquired through employee stock purchase plan."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to stock acquired on and after the date of the enactment of this Act.

SEC. 203. TRADE BONUS CONTRIBUTIONS TO INDIVIDUAL RETIREMENT PLANS.

(a) IN GENERAL.—Section 219(b) (relating to maximum amount of deduction) is amended by adding at the end the following new paragraph:

"(5) ADDITIONAL CONTRIBUTIONS IN TRADE BONUS YEARS.—

"(A) IN GENERAL.—If there is a determination under section 101 of the Working Families Trade Bonus Act that there is a trade bonus for any calendar year, then, in the case of an eligible individual, the dollar amount in effect under paragraph (1)(A) for taxable years beginning in the subsequent calendar year shall be increased by $2,000.

"(B) ELIGIBLE INDIVIDUAL.—For purposes of subparagraph (A), the term 'eligible individual' means, with respect to any taxable year, any individual other than an individual who is eligible to receive a trade bonus stock option (as defined in section 1203(b)) for a plan year beginning in the taxable year."

(b) CONFORMING AMENDMENTS.—

(1) Section 408(a)(1) is amended by striking "in excess of $2,000 on behalf of any individual" and inserting "on behalf of any individual in excess of the amount in effect for such taxable year under section 219(b)(1)(A)".

(2) Section 408(b)(2)(B) is amended by striking "$2,000" and inserting "the dollar amount in effect under section 219(b)(1)(A)".

(3) Section 408(b) is amended by striking "$2,000" in the matter following paragraph (4) and inserting "the dollar amount in effect under section 219(b)(1)(A)".

(4) Section 408(j) is amended by striking "$2,000".

(5) Section 408(p)(8) is amended by striking "$2,000" and inserting "the dollar amount in effect under section 219(b)(1)(A)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 204. CREDIT FOR SMALL EMPLOYER STOCK PURCHASE PLAN START-UP COSTS.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business related credits) is amended by adding at the end the following new section:

"SEC. 45D. SMALL EMPLOYER STOCK PURCHASE PLAN CREDIT.

"(a) GENERAL RULE.—For purposes of section 38, in the case of an eligible employer, the small employer stock purchase plan credit determined under this section for any taxable year is an amount equal to the qualified start-up costs paid or incurred by the taxpayer during the taxable year.

"(b) LIMITS ON START-UP COSTS.—In the case of qualified start-up costs not paid or incurred directly for the establishment of a qualified stock purchase plan, the amount of the credit determined under subsection (a) for any taxable year shall not exceed the lesser of 50 percent of such costs or—

"(1) $2,000 for the first taxable year ending after the date the employer established the qualified employer plan to which such costs relate,

"(2) $1,000 for each of the second and third such taxable years, and

"(3) zero for each taxable year thereafter.

"(c) DEFINITIONS.—For purposes of this section—

"(1) ELIGIBLE EMPLOYER.—

"(A) IN GENERAL.—The term 'eligible employer' means, with respect to any year, an employer which has 100 or fewer employees who received at least $5,000 of compensation from the employer for the preceding year.

"(B) REQUIREMENT FOR NEW QUALIFIED EMPLOYER PLANS.—Such term shall not include an employer if, during the 3-taxable year period immediately preceding the 1st taxable year for which the credit under this section is otherwise allowable for a qualified stock purchase plan of the employer, the employer and each member of any controlled group including the employer (or any predecessor of either) established or maintained an employee stock purchase plan with respect to which contributions were made, or benefits were accrued, for substantially the same employees as are in the qualified stock purchase plan.

"(2) QUALIFIED START-UP COSTS.—The term 'qualified start-up costs' means any ordinary and necessary expenses of an eligible employer which are paid or incurred in connection with—

"(A) the establishment or maintenance of a qualified stock purchase plan in which employees are eligible to participate, and

"(B) providing educational information to employees regarding participation in such plan and the benefits of participating in the plan.

Such term does not include services related to retirement planning, including tax preparation, accounting, legal, or brokerage services.

"(3) QUALIFIED STOCK PURCHASE PLAN.—

"(A) IN GENERAL.—The term 'qualified stock purchase plan' means an employee stock purchase plan which—

"(i) allows an employer to designate options as trade bonus stock options for purposes of section 1203,

"(ii) limits the amount of options which may be so designated for any employee to not more than $2,000 per year, and

"(iii) does not discriminate in favor of highly compensated employees (within the meaning of section 414(q)).

"(B) EMPLOYEE STOCK PURCHASE PLAN.—The term 'employee stock purchase plan' has the meaning given such term by section 423(b).

"(d) SPECIAL RULES.—

"(1) AGGREGATION RULES.—All persons treated as a single employer under subsection (a) or (b) of section 52, or subsection (n) or (o) of section 414, shall be treated as one person. All qualified stock purchase plans of an employer shall be treated as a single qualified stock purchase plan.

"(2) DISALLOWANCE OF DEDUCTION.—No deduction shall be allowable under this chapter for any qualified start-up costs for which a credit is determined under subsection (a).

"(3) ELECTION NOT TO CLAIM CREDIT.—This section shall not apply to a taxpayer for any taxable year if such taxpayer elects to have this section not apply for such taxable year."

(b) CREDIT ALLOWED AS PART OF GENERAL BUSINESS CREDIT.—Section 38(b) (defining current year business credit) is amended by striking "plus" at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting ", plus", and by adding at the end the following new paragraph:

"(13) in the case of an eligible employer (as defined in section 45D(c)), the small employer stock purchase plan credit determined under section 45D(a)."

(c) PORTION OF CREDIT REFUNDABLE.—Section 38(c) (relating to limitation based on amount of tax) is amended by adding at the end the following new paragraph:

"(4) PORTION OF SMALL EMPLOYER PENSION PLAN CREDIT REFUNDABLE.—

"(A) IN GENERAL.—In the case of the small employer stock purchase plan credit under subsection (b)(13), the aggregate credits allowed under subpart C shall be increased by the lesser of—

"(i) the credit which would be allowed without regard to this paragraph and the limitation under paragraph (1), or

"(ii) the amount by which the aggregate amount of credits allowed by this section (without regard to this paragraph) would increase if the limitation under paragraph (1) were increased by the taxpayer's applicable payroll taxes for the taxable year.

"(B) TREATMENT OF CREDIT.—The amount of the credit allowed under this paragraph shall not be treated as a credit allowed under this subpart and shall reduce the amount of the credit allowed under this section for the taxable year.

"(C) APPLICABLE PAYROLL TAXES.—For purposes of this paragraph—

"(i) IN GENERAL.—The term 'applicable payroll taxes' means, with respect to any taxpayer for any taxable year—

"(I) the amount of the taxes imposed by sections 3111 and 3221(a) on compensation paid by the taxpayer during the taxable year,

"(II) 50 percent of the taxes imposed by section 1401 on the self-employment income of the taxpayer during the taxable year, and

"(III) 50 percent of the taxes imposed by section 3211(a)(1) on amounts received by the taxpayer during the calendar year in which the taxable year begins.

"(ii) AGREEMENTS REGARDING FOREIGN AFFILIATES.—Section 24(d)(3)(C) shall apply for purposes of clause (i)."

(d) CONFORMING AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

"Sec. 45D. Small employer stock purchase plan credit."

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to costs paid or incurred in connection with qualified stock purchase plans established after the date of the enactment of this Act.

By Mr. GRASSLEY:

S. 2245. A bill to amend the Harmonized Tariff Schedule of the United States to modify the article description with respect to certain hand-woven fabrics; to the Committee on Finance.

HARMONIZED TARIFF SCHEDULE LEGISLATION

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2245

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CERTAIN HAND-WOVEN FABRICS.

(a) IN GENERAL.—Subheadings 5111.11.30 and 5111.19.20 of the Harmonized Tariff Schedule of the United States are amended by striking ", with a loom width of less than 76 cm" each place it appears and inserting "yarns of different colors".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 30th day after the date of enactment of this Act.

By Mr. BOND (for himself and Mr. GRASSLEY):

S. 2246. A bill to amend the Internal Revenue Code of 1986 to clarify that certain small businesses are permitted to use the cash method of accounting even if they use merchandise or inventory; to the Committee on Finance.

SMALL BUSINESS ACCOUNTING METHOD CLARIFICATION ACT OF 1999

Mr. BOND. Mr. President, I rise today to introduce a bill that addresses an issue of growing concern to small businesses across the nation—tax accounting methods. And I am pleased to be joined in this effort by my colleague from Iowa, Senator GRASSLEY.

While this topic may lack the notoriety of some other tax issues currently in the spotlight like the estate tax or alternative minimum tax, it goes to the heart of a business' daily operations—reflecting its income and expenses. And because it is such a fundamental issue, one may ask: "What's the big deal?" Hasn't this been settled long ago?" Regrettably, recent efforts by the Treasury Department and Internal Revenue Service (IRS) have muddied what many small business owners have long seen as a settled issue.

To many small business owners, tax accounting simply means that they record cash receipts when they come in and the cash they pay when they write a check for a business expense. The difference is income, which is subject to taxes. In its simplest form, this is known as the "cash receipts and disbursements" method of accounting—or the "cash method" for short. It is easy to understand, it is simple to undertake in daily business operations, and for the vast majority of small enterprises, it matches their income with the related expenses in a given year. Coincidentally, it's also the method of accounting used by the Federal Government to keep track of the $1.7 trillion in tax revenues it collects each year as well as all of its expenditures for salaries and expenses, procurement, and the cost of various government programs.

Unfortunately, the IRS has taken a different view in recent years with respect to small businesses on the cash method. In too many cases, the IRS contends that a small business should report its income when all events have occurred to establish the business' right to receipt and the amount can reasonably be determined. Similar principles are applied to determine when a business may recognize an expense. This method of accounting is known as "accrual accounting." The reality of accrual accounting for a small business is that it may be deemed to have income well before the cash is actually received and an expense long after the cash is actually paid. As a result, accrual accounting can create taxable income for a small business that has yet to receive the cash necessary to pay the taxes.

While the IRS argues that the accrual method of accounting produces a more accurate reflection of "economic income," it also produces a major headache for small enterprise. Few entrepreneurs have the time or experience to undertake accrual accounting, which forces them to hire costly accountants and tax preparers. By some estimates, accounting fees can increase as much as 50% when accrual accounting is required, excluding the cost of high-tech computerized accounting systems that some businesses must install. For the brave few that try to handle the accounting on their own, the accrual method often leads to major mistakes, resulting in tax audits and additional costs for professional help to sort the whole mess out—not to mention the interest and penalties that the IRS may impose as a result of the mistake.

To make matters even worse, the IRS recently began focusing on small service providers who use some merchandise in the performance of their service. In an e-mail sent to practitioners in my State of Missouri and in Kansas, the IRS' local district office took special aim at the construction industry asserting that "[t]axpayers in the construction industry who are on the cash method of accounting may be using an improper method. The cash method is permissible only if materials are not an income producing factor." For these lucky service providers, the IRS now asserts that the use of merchandise requires the business to undertake an additional and even more onerous form of bookkeeping—inventory accounting.

Let's be clear about the kind of taxpayer at issue here. It's the home builder who by necessity must purchase wood, nails, dry wall, and host of other items to provide the service of constructing a house. Similarly, it's a painting contractor who will often purchase the paint when she renders the service of painting the interior of a house. These service providers generally purchase materials to undertake a specific project and at its end, little or no merchandise remains. They may even arrange for the products to be delivered directly to their client. In either case, the IRS insists that inventory accounting is now required.

Mr. President, if we thought that accrual accounting is complicated and burdensome, imagining in having to keep track of all the boards, nails, and paint used in the home builder's and painter's jobs each year. And the IRS doesn't stop at inventory accounting for these service providers. Instead, they use it as the first step to imposing overall accrual accounting—a one-two punch for the small service provider when it comes to compliance burdens.

Even more troubling is the cost of an audit for these unsuspecting service providers who have never known they were required to use inventories or accrual accounting. According to a survey of practitioners by the Padgett Business Services Foundation, audits of businesses on the issue of merchandise used in the performance of services resulted in tax deficiencies from $2,000 to $14,000, with an average of $7,200. That's a pretty steep price to pay for an accounting method error that the IRS has for years never enforced.

In many cases, like retailing, inventory accounting makes sense. Purchasing or manufacturing products and subsequently selling them is the heart of a retail business, and keeping track of those products is a necessary reality. But for a service provider with incidental merchandise, like a roofing contractor, inventory accounting is nothing short of an unnecessary government-imposed compliance cost.

The bill I'm introducing today, the Small Business Tax Accounting Simplification Act of 2000, addresses both of these issues. First, it establishes a clear threshold for when small businesses may use the cash method of accounting. Simply put, if a business has an average of $5 million in annual gross receipts or less during the preceding three years, it may use the cash method. Plain and simple—no complicated formula; no guessing if you made the right assumptions and arrived at the right answer. If the business exceeds the threshold, it may still seek to establish, as under current law, that the cash method clearly reflects its income.

Some may argue that this provision is unnecessary because section 448(b) and (c) already provide a $5 million gross receipts test with respect to accrual accounting. That's a reasonable position since many in Congress back in 1986 intended section 448 to provide relief for small business taxpayers using the cash method. Unfortunately, the IRS has twisted this section to support its quest to force as many small businesses as possible into costly accrual accounting. The IRS construes section 448 as merely a $5 million ceiling above which a business can never use the cash method. My bill corrects this misinterpretation once and for all—if a business has average gross receipts of $5 million or less, it is free to use cash accounting.

Second, for small service providers, the Small Business Tax Accounting Simplification Act, creates a straightforward threshold for inventory accounting. If the amount paid for merchandise by a small service provider is less than 50% of its gross receipts, based on its prior year's figures, no inventory accounting would be required. Above that level, the taxpayer would look more like a retail business and inventory accounting may make sense.

These two thresholds set forth in my bill are common sense answers to an increasing burden for small businesses in this country. In addition, it sends a clear signal to the IRS: stop wasting scarce resources forcing small businesses to adopt complex and costly accounting methods when the benefit to the Treasury is simply a matter of timing. Whether a small business uses the cash or accrual method or inventory accounting or not, in the end, the government will still collect the same amount of taxes—maybe not all this year, but very likely early in the next year. What small business can go very long without collecting what it is owed or paying its bills?

To date, the Treasury Department's answer has been to suggest a $1 million threshold under which a small business could escape accrual accounting and presumably inventories. While it is a step in the right direction, it simply doesn't go far enough. Even ignoring inflation, if a million dollar threshold were sufficient, why would Congress have tried to enact a $5 million threshold 14 years ago? My bill completes the job that the Treasury Department has been unable or unwilling to do.

Mr. President, the legislation I introduce today is substantially similar to the bill introduced in the other body by my good friend and fellow Missourian, JIM TALENT (H.R. 2273). With the strong support he has built among his colleagues in the other chamber and in the small business community, I expect to continue the momentum in the Senate and achieve some much needed relief from unnecessary compliance burdens and costs for America's small businesses.

The call for tax simplification has been growing increasingly loud in recent years, and the bill I offer today provides an excellent opportunity for us to advance the ball well down the field. This is not a partisan issue; it's a small business issue. And I urge my colleagues on both sides of the aisle to join me in this common sense legislation for the benefit of America's small enterprises, which contribute so greatly to this country's economic engine.

Mr. President, I ask unanimous consent to print in the RECORD a copy of the bill and a description of its provisions.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2246

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Tax Accounting Simplification Act of 2000".

SEC. 2. CLARIFICATION OF CASH ACCOUNTING RULES FOR SMALL BUSINESS.

Section 446 of the Internal Revenue Code of 1986 (relating to general rule for methods of accounting) is amended by adding at the end the following new subsection:

"(g) SMALL BUSINESS TAXPAYERS PERMITTED TO USE CASH ACCOUNTING METHOD WITHOUT LIMITATION.—Notwithstanding any other provision of law, a taxpayer shall not be required to use an accrual method of accounting for any taxable year, if the average annual gross receipts of such taxpayer (or any predecessor) for the 3-year-period ending with the preceding taxable year does not exceed $5,000,000. The rules of paragraphs (2) and (3) of section 448(c) shall apply for purposes of the preceding sentence. In the case of a C corporation or a partnership which has a C corporation as a partner, the first sentence of this subsection shall apply only if such C corporation or partnership meets the requirements of section 448(b)(3).".

(b) CLARIFICATION OF INVENTORY RULES FOR SMALL BUSINESS.—Section 471 of the Internal Revenue Code of 1986 (relating to general rule for inventories) is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

"(c) SMALL BUSINESS SERVICE PROVIDERS NOT REQUIRED TO USE INVENTORIES.—A taxpayer shall not be required to use inventories under this section for a taxable year if the amounts paid for merchandise sold during the preceding taxable year were less than 50 percent of the gross receipts received during such preceding taxable year. For purposes of this subsection, gross receipts for any taxable year shall be reduced by returns and allowances made during such year.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SMALL BUSINESS TAX ACCOUNTING SIMPLIFICATION ACT OF 2000—DESCRIPTION OF PROVISIONS

The bill amends section 446 of the Internal Revenue Code to provide a clear threshold for small businesses to use the cash receipts and disbursements method of accounting, instead of accrual accounting. To qualify, the business must have $5 million or less in average annual gross receipts based on the preceding three years.

The bill also amends section 471 of the Internal Revenue Code to provide a small service provider exception to the inventory accounting rules. Under this provision, if the amount spent on merchandise by a service provider is less than 50% of its gross receipts, inventory accounting under section 471 would not be required. This 50% test is based on the service provider's purchases and gross receipts in the preceding taxable year.

Both provisions of the bill would be effective beginning on the date of enactment.

ADDITIONAL COSPONSORS

S. 353

At the request of Mr. GRASSLEY, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 353, a bill to provide for class action reform, and for other purposes.

S. 577

At the request of Mr. HATCH, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 577, a bill to provide for injunctive relief in Federal district court to enforce State laws relating to the interstate transportation of intoxicating liquor.

S. 1452

At the request of Mr. SHELBY, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 1452, a bill to modernize the requirements under the National Manufactured Housing Construction and Safety Standards of 1974 and to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes.

S. 1464

At the request of Mr. HAGEL, the names of the Senator from Ohio (Mr. VOINOVICH), and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 1464, a bill to amend the Federal Food, Drug, and Cosmetic Act to establish certain requirements regarding the Food Quality Protection Act of 1996, and for other purposes.

S. 1571

At the request of Mr. JEFFORDS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1571, a bill to amend title 38, United States Code, to provide for permanent eligibility of former members of the Selected Reserve for veterans housing loans.

S. 1572

At the request of Mr. ROTH, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 1572, a bill to provide that children's sleepwear shall be manufactured in accordance with stricter flammability standards.

S. 1588

At the request of Mr. BAUCUS, the names of the Senator from Virginia (Mr. ROBB), and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 1588, a bill to authorize the awarding of grants to Indian tribes and tribal organizations, and to facilitate the recruitment of temporary employees to improve Native American participation in and assist in the conduct of the 2000 decennial census of population, and for other purposes.

S. 1755

At the request of Mr. BROWNBACK, the names of the Senator from Mississippi (Mr. LOTT), the Senator from Washington (Mr. GORTON), the Senator from Maine (Ms. SNOWE), the Senator from Missouri (Mr. ASHCROFT), the Senator from Michigan (Mr. ABRAHAM), the Senator from Massachusetts (Mr. KERRY), and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. 1755, a bill to amend the Communications Act of 1934 to regulate interstate commerce in the use of mobile telephones.

At the request of Mr. DORGAN, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 1755, supra.

S. 1762

At the request of Mr. COVERDELL, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 1762, a bill to amend the Watershed Protection and Flood Prevention Act to authorize the Secretary of Agriculture to provide cost share assistance for the rehabilitation of structural measures constructed as part of water resources projects previously funded by the Secretary under such Act or related laws.

S. 1855

At the request of Mr. MURKOWSKI, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1855, a bill to establish age limitations for airmen.

S. 1883

At the request of Mr. BINGAMAN, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1883, a bill to amend title 5, United States Code, to eliminate an inequity on the applicability of early retirement eligibility requirements to military reserve technicians.

S. 1900

At the request of Mr. LAUTENBERG, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1900, a bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued by Amtrak, and for other purposes.

S. 1933

At the request of Mr. THOMPSON, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 1933, a bill to amend the Internal Revenue Code of 1986 to permit the consolidation of life insurance companies with other companies.

S. 1941

At the request of Mr. DODD, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1941, a bill to amend the Federal Fire Prevention and Control Act of 1974 to authorize the Director of the Federal Emergency Management Agency to provide assistance to fire departments and fire prevention organizations for the purpose of protecting the public and firefighting personnel against fire and fire-related hazards.

S. 1962

At the request of Mr. ASHCROFT, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1962, a bill to amend the Congressional Budget Act of 1974 to protect Social Security and Medicare surpluses through strengthened budgetary enforcement mechanisms.

S. 2001

At the request of Mr. GRAMS, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 2001, a bill to protect the Social Security and Medicare surpluses by requiring a sequester to eliminate any deficit.

S. 2003

At the request of Mr. JOHNSON, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2003, a bill to restore health care coverage to retired members of the uniformed services.

S. 2035

At the request of Mr. SPECTER, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 2035, a bill to amend title 49, United States Code, to clarify the application of the Act popularly known as the "Death on the High Seas Act" to aviation incidents.

S. 2074

At the request of Mr. ASHCROFT, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2074, a bill to amend title II of the Social Security Act to eliminate the social security earnings test for individuals who have attained retirement age.

S. 2093

At the request of Mr. DOMENICI, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 2093, a bill to amend the Transportation Equity Act for the 21st Century to ensure that full obligation authority is provided for the Indian reservation roads program.

S. 2097

At the request of Mr. GRAMM, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2097, a bill to authorize loan guarantees in order to facilitate access to local television broadcast signals in unserved and underserved areas, and for other purposes.

S. CON. RES. 34

At the request of Mr. SPECTER, the names of the Senator from Virginia (Mr. WARNER) and the Senator from Georgia (Mr. COVERDELL) were added as cosponsors of S. Con. Res. 34, a concurrent resolution relating to the observance of "In Memory" Day.

S. CON. RES. 76

At the request of Mr. LEAHY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. Con. Res. 76, a concurrent resolution expressing the sense of Congress regarding a peaceful resolution of the conflict in the state of Chiapas, Mexico and for other purposes.

S. CON. RES. 88

At the request of Mr. SCHUMER, the name of the Senator from Nevada (Mr. BRYAN) was added as a cosponsor of S. Con. Res. 88, a concurrent resolution expressing the sense of Congress concerning drawdowns of the Strategic Petroleum Reserve.

S.J. RES. 39

At the request of Mr. CAMPBELL, the names of the Senator from South Dakota (Mr. DASCHLE), the Senator from Missouri (Mr. ASHCROFT), and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of S.J. Res. 39, a joint resolution recognizing the 50th anniversary of the Korean War and the service by members of the Armed Forces during such war, and for other purposes.

S. RES. 87

At the request of Mr. DURBIN, the names of the Senator from California (Mrs. BOXER) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. Res. 87, a resolution commemorating the 60th Anniversary of the International Visitors Program.

S. RES. 106

At the request of Mr. DOMENICI, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. Res. 106, a resolution to express the sense of the Senate regarding English plus other languages.

S. RES. 247

At the request of Mr. CAMPBELL, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. Res. 247, a resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

S. RES. 257

At the request of Mr. CRAIG, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. Res. 257, a resolution expressing the sense of the Senate regarding the responsibility of the United States to ensure that the Panama Canal will remain open and secure to vessels of all nations..

S. RES. 258

At the request of Mr. CRAIG, the names of the Senator from Florida (Mr. MACK), the Senator from Louisiana (Mr. BREAUX), the Senator from Virginia (Mr. ROBB), the Senator from Minnesota (Mr. WELLSTONE), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Utah (Mr. HATCH), the Senator from Ohio (Mr. VOINOVICH), the Senator from Missouri (Mr. BOND), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. Res. 258, a resolution designating the week beginning March 12, 2000 as "National Safe Place Week."

SENATE CONCURRENT RESOLUTION 93—EXPRESSING THE SUPPORT OF CONGRESS FOR ACTIVITIES TO INCREASE PUBLIC AWARENESS OF MULTIPLE SCLEROSIS

Mr. REED submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 93

Whereas multiple sclerosis is a chronic and often disabling disease of the central nervous system which often first appears in people between the ages of 20 and 40, with lifelong physical and emotional effects;

Whereas multiple sclerosis is twice as common in women as in men;

Whereas an estimated 250,000 to 350,000 individuals suffer from multiple sclerosis nationally;

Whereas symptoms of multiple sclerosis can be mild, such as numbness in the limbs, or severe, such as paralysis or loss of vision;

Whereas the progress, severity, and specific symptoms of multiple sclerosis in any one person cannot yet be predicted;

Whereas the annual cost to each affected individual averages $34,000, and the total cost can exceed $2,000,000 over an individual's lifetime;

Whereas the annual cost of treating all people who suffer from multiple sclerosis in the United States is nearly $9,000,000,000;

Whereas the cause of multiple sclerosis remains unknown, but genetic factors are believed to play a role in determining a person's risk for developing multiple sclerosis;

Whereas many of the symptoms of multiple sclerosis can be treated with medications and rehabilitative therapy;

Whereas new treatments exist that can slow the course of the disease, and reduce its severity;

Whereas medical experts recommend that all people newly diagnosed with relapse-remitting multiple sclerosis begin disease-modifying therapy;

Whereas finding the genes responsible for susceptibility to multiple sclerosis may lead to the development of new and more effective ways to treat the disease;

Whereas increased funding for the National Institutes of Health would provide the opportunity for research and the creation of programs to increase awareness, prevention, and education; and

Whereas Congress as an institution, and Members of Congress as individuals, are in unique positions to help raise public awareness about the detection and treatment of multiple sclerosis and to support the fight against multiple sclerosis: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) all Americans should take an active role in the fight to end the devastating effects of multiple sclerosis on individuals, their families, and the economy;

(2) the role played by national and community organizations and health care professionals in promoting the importance of continued funding for research, and in providing information about and access to the best medical treatment and support services for people with multiple sclerosis should be recognized and applauded; and

(3) the Federal Government has a responsibility to—

(A) continue to fund research so that the causes of, and improved treatment for, multiple sclerosis may be discovered;

(B) continue to consider ways to improve access to, and the quality of, health care services for people with multiple sclerosis;

(C) endeavor to raise public awareness about the symptoms of multiple sclerosis; and

(D) endeavor to raise health professional's awareness about diagnosis of multiple sclerosis and the best course of treatment for people with the disease.

• Mr. REED. Mr. President, today I introduce a Resolution which would express the support of Congress for activities that will raise public awareness of multiple sclerosis.

Multiple sclerosis (MS) is a chronic, often disabling disease of the central nervous system. Symptoms can range from mild numbness in the limbs to paralysis and blindness. Most people with MS are diagnosed between the ages of 20 and 40, but the unpredictable physical and emotional effects of this debilitating disease can be lifelong. The progress, severity and specific symptoms of MS in any one person cannot yet be predicted, but advances in research and treatment are giving hope to those affected by the disease. It is known that MS afflicts twice as many women as men, however, once an individual is diagnosed with MS their symptoms can be effectively managed and complications avoided through regular medical care.

Nationally, it is estimated that between 250,000 and 350,000 individuals suffer from MS, which is approximately 1 out of every 1,000 people. In Rhode Island, the rate is slightly higher—1.5 out of every 1,000. Over 3,000 individuals and their families in my home state are affected by this disease.

It is my hope that through this resolution we can bring greater attention to the devastating affects of this disease, while also building support for additional research. It is through more intensive research efforts by agencies such as the National Institutes of Health that we will better understand some of the potential causes of this disease, as well as develop more effective methods of treatment, and maybe someday prevention. Indeed, it is only with greater resources that we can build public awareness about MS and enhance our scientific understanding of this mysterious illness.

I would like to take this opportunity to express my sincere gratitude to the National Multiple Sclerosis Society as well as the Rhode Island Chapter of the Multiple Sclerosis Society for their encouragement and assistance in developing this important Resolution. It is through their grassroots efforts that individuals suffering from MS can get information about their disease as well as learn more about resources available in their communities, research being conducted, and support services for family members. Their support is essential to those who have been afflicted with MS, and I hope that through this resolution the Congress can assist in bolstering these important efforts.

In closing, I encourage my colleagues to join me in supporting this important Resolution to raise awareness and encourage people to become more educated about this debilitating disease.•

SENATE CONCURRENT RESOLUTION 94—PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE

Mr. LOTT submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 94

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Thursday, March 9, 2000, or Friday, March 10, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, March 20, 2000, or until such time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate, after consultation with the Minority Leader of the Senate, shall notify the Members of the Senate to reassemble whenever, in their opinion, the public interest shall warrant it.

SENATE CONCURRENT RESOLUTION 95—COMMEMORATING THE TWELFTH ANNIVERSARY OF THE HALABJA MASSACRE

Mr. LOTT (for himself, Mr. HELMS, Mr. BROWNBACK, Mr. KERREY, and Mr. SHELBY) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 95

Whereas on March 16, 1988, Saddam Hussein attacked the Iraqi Kurdish city of Halabja with chemical weapons, including nerve gas, VX, and mustard gas;

Whereas more than 5,000 men, women, and children were murdered in Halabja by Saddam Hussein's chemical warfare, in gross violation of international law;

Whereas the attack on Halabja was part of a systemic, genocidal attack on the Kurds of Iraq known as the "Anfal Campaign";

Whereas the Anfal Campaign resulted in the death of more than 180,000 Iraqi Kurdish men, women, and children;

Whereas, despite the passage of 12 years, there has been no successful attempt by the United States, the United Nations, or other bodies of the international community to bring the perpetrators of the Halabja massacre to justice;

Whereas the Senate and the House of Representatives have repeatedly noted the atrocities committed by the Saddam Hussein regime;

Whereas the Senate and the House of Representatives have on 16 separate occasions called upon successive Administrations to work toward the creation of an International Tribunal to prosecute the war crimes of the Saddam Hussein regime;

Whereas in successive fiscal years monies have been authorized to create a record of the human rights violations of the Saddam Hussein regime and to pursue the creation of an international tribunal and the indictment of Saddam Hussein and members of his regime;

Whereas the Saddam Hussein regime continues the brutal repression of the people of Iraq, including the denial of basic human, political, and civil rights to Sunni, Shiite, and Kurdish Iraqis, as well as other minority groups;

Whereas the Secretary General of the United Nations has documented annually the failure of the Saddam Hussein regime to deliver basic necessities to the Iraqi people despite ample supplies of food in Baghdad warehouses;

Whereas the Saddam Hussein regime has at its disposal more than $12,000,000,000 per annum (at current oil prices) to expend on all categories of human needs;

Whereas, notwithstanding a complete lack of restriction on the purchase of food by the Government of Iraq, infant mortality rates in areas controlled by Saddam Hussein remain above pre-war levels, in stark contrast to rates in United Nations-controlled Kurdish areas, which are below pre-war levels; and

Whereas it is unconscionable that after the passage of 12 years the brutal Saddam Hussein dictatorship has gone unpunished for the murder of hundreds of thousands of innocent Iraqis, the use of banned chemical weapons on the people of Iraqi Kurdistan, and innumerable other human rights violations: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) commemorates the suffering of the people of Halabja and all the victims of the Anfal Campaign;

(2) condemns the Saddam Hussein regime for its continued brutality towards the Iraqi people;

(3) strongly urges the President to act forcefully within the United Nations and the United Nations Security Council to constitute an international tribunal for Iraq;

(4) calls upon the President to move rapidly to efficiently use funds appropriated by Congress to create a record of the crimes of the Saddam Hussein regime;

(5) recognizes that Saddam Hussein's record of brutality and belligerency threaten both the people of Iraq and the entire Persian Gulf region; and

(6) reiterates that it should be the policy of the United States to support efforts to remove the regime headed by Saddam Hussein from power in Iraq and to promote the emergence of a democratic government to replace that regime, as set forth in Public Law 105–338.

SENATE RESOLUTION 267—EXECUTIVE RESOLUTION DIRECTING THE RETURN OF CERTAIN TREATIES TO THE PRESIDENT

Mr. HELMS, from the Committee on Foreign Relations, reported the following original resolution; which was placed on the Executive Calendar:

S. RES. 267

Resolved, That the Secretary of the Senate shall return to the President of the United States the following treaties:

(1) The Optional Protocol of Signature Concerning the Compulsory Settlement of Disputes. (Ex. N, 861 (Treaty Doc. 86–14)).

(2) The International Convention on Civil Liability for Oil Pollution Damage done in Brussels at the International Legal Conference on Marine Pollution Damage, signed on November 29, 1969 (Ex. G, 91–2 (Treaty Doc. 91–17)).

(3)(A) The International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (Supplementary to the International Convention on Civil Liability for Oil Pollution Damage of 1969), done at Brussels, December 18, 1971.

(B) Certain Amendments to the International Convention for the Prevention of Pollution of the Sea by Oil of 1954, relating to Tanker Tank Size and Arrangement and the Protection of the Great Barrier Reef. (Ex. K, 92–2 (Treaty Doc. 92–23)).

(4) The Trademark Registration Treaty, done at Vienna on June 12, 1973 (Ex. H, 94–1 (Treaty Doc. 94–8)).

(5) The Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Strategic Offensive Arms and the Protocol Thereto, together referred to as the "SALT II Treaty", both signed at Vienna, Austria, on June 18, 1979, and related documents (Ex. Y, 96–1 (Treaty Doc. 96–25)).

(6) The Convention with Denmark for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, signed at Washington on June 17, 1980 (Ex. Q, 96–2 (Treaty Doc. 96–52)).

(7) The Convention on the Recognition of Studies, Diplomas and Degrees Concerning Higher Education in the States Belonging to the Europe Region, signed on behalf of the United States on December 21, 1979 (Ex. V, 96–2 (Treaty Doc. 96–57)).

(8) The Protocol Amending the Convention of August 16, 1916, for the Protection of Migratory Birds in Canada and the United States of America, signed at Ottawa January 30, 1979 (Ex. W, 96–2 (Treaty Doc. 96–58)).

(9) The Supplementary Convention on Extradition Between the United States of America and the Kingdom of Sweden, signed at Washington on May 27, 1981 (Treaty Doc. 97-15).

(10) The Protocol, signed at Washington on August 23, 1983, together with an exchange of letters, Amending the Convention Between the Government of the United States of America and the Government of the Kingdom of Denmark for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, signed at Washington on June 17, 1980 (Treaty Doc. 98-12).

(11) The Consular Convention Between the United States of America and the Republic of South Africa, signed at Pretoria on October 28, 1982 (Treaty Doc. 98-14).

(12) The Protocol signed at Washington on October 12, 1984, Amending the Interim Convention on Conservation of North Pacific Fur Seals Between the United States, Canada, Japan, and the Soviet Union (Treaty Doc. 99–5).

(13)(A) The Protocol of 1984 to Amend the International Convention on Civil Liability for Oil Pollution Damage, 1969 (Civil Liability Convention).

(B) The Protocol of 1984 to Amend the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971 (Fund Convention) (Treaty Doc. 99-12).

(14) The Treaty Between the United States of America and the Republic of Haiti Concerning the Reciprocal Encouragement and Protection of Investment, with Protocol, signed at Washington, December 13, 1983 (Treaty Doc. 99-16).

(15) The Consular Convention Between the United States of America and the Socialist Federal Republic of Yugoslavia, signed at Belgrade June 6, 1988 (Treaty Doc. 101-3).

(16) The Treaty on the International Registration of Audiovisual Works. (Treaty Doc. 101-8).

(17) The Treaty Between the Government of the United States of America and the Federal Republic of Nigeria on Mutual Legal Assistance in Criminal Matters, signed at Washington on September 13, 1989 (Treaty Doc. 102-26).

(18) The Protocol Amending the Convention Between the United States of America and Canada with Respect to Taxes on Income and on Capital signed at Washington on September 26, 1980, as amended by the Protocols signed on June 14, 1983, and March 28, 1984, signed at Washington August 31, 1994 (Treaty Doc. 103-28).

SENATE RESOLUTION 268—DESIGNATING JULY 17 THROUGH JULY 23 AS "NATIONAL FRAGILE X AWARENESS WEEK"

Mr. EDWARDS (for himself, Mr. HAGEL, Mr. ROBB, Mrs. BOXER, and Mr. KERREY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 268

Whereas Fragile X is the most common inherited cause of mental retardation, affecting people of every race, income level, and nationality;

Whereas 1 in every 260 women is a carrier of the Fragile X defect;

Whereas 1 in every 4,000 children is born with the Fragile X defect, and typically requires a lifetime of special care at a cost of over $2,000,000;

Whereas Fragile X remains frequently undetected due to its recent discovery and the lack of awareness about the disease, even within the medical community;

Whereas the genetic defect causing Fragile X has been discovered, and is easily identified by testing;

Whereas inquiry into Fragile X is a powerful research model for neuropsychiatric disorders, such as autism, schizophrenia, pervasive developmental disorders, and other forms of X-linked mental retardation;

Whereas individuals with Fragile X can provide a homogeneous research population for advancing the understanding of neuropsychiatric disorders;

Whereas with concerted research efforts, a cure for Fragile X may be developed;

Whereas Fragile X research, both basic and applied, has been vastly underfunded despite the prevalence of the disorder, the potential for the development of a cure, the established benefits of available treatments and intervention, and the significance that Fragile X research has for related disorders; and

Whereas the Senate as an institution and Members of Congress as individuals are in unique positions to help raise public awareness about the need for increased funding for research and early diagnosis and treatment for the disorder known as Fragile X: Now, therefore, be it

Resolved, That the Senate—

(1) designates July 17 through July 23 as National Fragile X Awareness Week; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe National Fragile X Awareness Week with appropriate recognition and activities.

Mr. EDWARDS. Mr. President, I rise today with my colleague, Senator HAGEL, submit the National Fragile X Awareness Week Resolution. This measure will establish July 17 through July 23 as National Fragile X Awareness Week.

Fragile X is the leading known cause of mental retardation. Despite the devastating impact of the disease, the disorder is relatively unknown to many, even in the medical community, largely due to its fairly recent discovery.

Today, one in 2,000 males and one in 4,000 females have the gene defect. One in every 260 women is a carrier. Current studies estimate that as many as 90,000 Americans suffer from Fragile X, yet up to 80 to 90 percent of them are undiagnosed. It does not effect one racial or ethnic group more than another, and it is found in every socioeconomic group.

Scientists have only known exactly what causes Fragile X since 1991. The disorder results from a defect in a single gene. Other diseases caused by single gene defects include cystic fibrosis and muscular dystrophy. In fact, the incidence of Fragile X is similar to that of cystic fibrosis.

Fragile X occurs when a specific gene, which should hold a string of molecules that repeat six to fifty times, over-expands, causing the gene to hold anywhere from 200 to 1,000 copies of the same sequence, repeating over and over, much like a record skipping out of control. The result of this error is that instructions needed for the creation of a specific protein in the brain are lost. Consequently, the Fragile X protein is either low or absent in the affected person. The lower the level of the protein, the more severe the resulting disabilities.

People with Fragile X have effects ranging from mild learning disabilities to severe mental retardation. Behavioral problems associated with Fragile X include aggression, anxiety, and seizures. The effects on both the victims of the disorder and their families are profound, taking a huge emotional and financial toll. People with Fragile X have a normal life expectancy but usually incur special costs that on average add up to over $2 million over their lifetime. Because it is inherited, many families have more than one child with Fragile X.

Recent advances in Fragile X research now make it possible to test definitively for the disorder through DNA analysis. Yet many doctors are still not familiar with Fragile X, and subtle symptoms in early childhood can make it difficult to detect.

Today, in our country, thousands of children have Fragile X, but their parents have never heard of the disease. These parents know something is wrong, but they cannot give the problem a name, and neither can any doctor they have consulted. They may know their child has mental retardation, but they do not know why. They do not know that if they have more children, those children may also be at risk. They do not know there are treatments for the problem. They do not know that someone is working on a cure.

The same holds true for many adults in our society. They are living in group homes and in institutions around the country. They have been cared for during entire lifetimes by devoted family members. Yet they have never had a diagnosis beyond "mental retardation."

The need to raise the profile of Fragile X across our nation is clear. The impact of the current lack of understanding of this disorder is that all too often it is years before the diagnosis is made. As a result, early intervention and treatment are delayed—treatment that could help to mitigate the effects of the disorder.

We also hope that by raising awareness we can communicate the good news about Fragile X. Now that scientists have identified the missing protein that causes the disorder, there is hope for a cure. And because Fragile X is the only single-gene disease known to directly impact human intelligence, understanding the disease can give us insight into human intelligence and learning and into dealing with other single gene defects. Understanding Fragile X may also unlock some of the mysteries of autism, schizophrenia, and other neurological disorders. But we need to fund research efforts into this devastating disease.

Mr. President, this resolution seeks to raise awareness in both the general population and the medical community about the presence and effects of Fragile X. By doing so, we hope to promote earlier diagnosis of the disease, more effective treatment, and support for research that will one day lead to a cure.

SENATE RESOLUTION 269—EXPRESSING THE SENSE OF THE SENATE WITH RESPECT TO UNITED STATES RELATIONS WITH THE RUSSIAN FEDERATION, GIVEN THE RUSSIAN FEDERATION'S CONDUCT IN CHECHNYA, AND FOR OTHER PURPOSES

Mr. HELMS submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 269

Whereas the Senate of the United States unanimously passed Senate Resolution 262 on February 24th, 2000, to condemn the indiscriminate use of force by the Government of the Russian Federation against the people of Chechnya, to prompt peace negotiations between the Government of the Russian Federation and the Government of Chechnya led by elected President Aslan Maskhadov, and to prompt the Government of the Russian Federation to immediately grant international organizations full and unimpeded access in Chechnya and the surrounding regions so that they can provide much needed humanitarian assistance and investigate alleged atrocities and war crimes;

Whereas the Committee on Foreign Relations of the Senate received credible evidence and testimony reporting that Russian forces in Chechnya caused the deaths of countless thousands of innocent civilians; caused the displacement of well over 250,000 innocents; forcibly relocated refugee populations; and have committed widespread atrocities, including summary executions, torture, and rape;

Whereas the Government of the Russian Federation has repeatedly violated the principles of the freedom of the press by subjecting journalists, such as Radio Free Liberty/Radio Europe correspondent Andrei Babitsky, who oppose or question its policies to censorship, intimidation, harassment, incarceration, and violence;

Whereas the Government of the Russian Federation continues its military campaign in Chechnya, including the use of indiscriminate force, causing further dislocation of people from their homes, the deaths of noncombatants and widespread suffering;

Whereas this war contributes to ethnic hatred and religious intolerance within the Russian Federation, jeopardizes prospects for the establishment of democracy in the Russian Federation, undercuts the ability of the international community to trust the Russian Federation as a signatory to international agreements, generates political instability within the Russian Federation, and is a threat to the peace in the region; and

Whereas the Senate expresses its concern over the war and humanitarian tragedy in Chechnya, and its desire for a peaceful and durable settlement to the conflict: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the indifference of most Western governments, including that of the United States, toward this conflict has encouraged the Government of the Russian Federation to intensify and expand its military campaign in Chechnya, further contributing to the suffering of the Chechen people;

(2) the Acting President of the Russian Federation, Vladimir Putin, is directly responsible for the conduct of Russian troops in and around Chechnya and accountable for war crimes and atrocities committed by them against the Chechen people;

(3) the Acting President of the Russian Federation should—

(A) immediately cease the military operations in Chechnya and initiate negotiations toward a just peace with the leadership of the Chechen government, including President Aslan Maskhadov;

(B) grant international missions immediate full and unimpeded access into Chechnya and surrounding regions so that they can monitor and report on the situation there and investigate alleged atrocities and war crimes;

(C) allow international humanitarian agencies immediate full and unimpeded access to Chechen civilians, including those in refugee, detention and so-called "filtration camps" or any other facility where citizens of Chechnya are detained; and

(D) investigate fully the atrocities committed in Chechnya, including those alleged in Alkhan-Yurt and Grozny, and initiate prosecutions against officers and soldiers accused of those atrocities;

(4) the President of the United States should—

(A) affirm respect for human rights, democratic rule of law, and international accountability as a foundation of United States foreign policy;

(B) affirm respect for human rights, democratic rule of law, and international accountability as a precondition to United States-Russian cooperation;

(C) reevaluate United States foreign policy toward the Russian Federation given its conduct in Chechnya, remilitarization, and questionable commitment to democracy;

(D) support societal forces in the Russian Federation fighting to preserve democracy there, including empowering human rights activists and promoting programs designed to strengthen the independent media, trade unions, political parties, civil society, and the democratic rule of law;

(E) promote peace negotiations between the Government of the Russian Federation and the leadership of the Chechen government, including President Aslan Maskhadov, through third-party mediation by the Organization for Security and Cooperation in Europe (OSCE), the United Nations, or other appropriate parties;

(F) endorse the call of the United Nations High Commissioner for Human Rights for an investigation of alleged war crimes committed by the Russian military in Chechnya; and

(G) take tangible steps to demonstrate to the Government of the Russian Federation that the United States strongly condemns its conduct in Chechnya and its unwillingness to find a just political solution to the conflict in Chechnya, including—

(i) a refusal to participate in bilateral summit meetings with the Government of the Russian Federation;

(ii) a call for the suspension of the Russian Federation from the forum of G–7 plus 1 state; and

(iii) a suspension of financial assistance to the Russian Federation provided through the International Monetary Fund, the World Bank, the Export-Import Bank of the United States, and the Overseas Private Investment Corporation; and

(5) the President of the United States should not reverse the actions taken under paragraph (4)(G) until the Government of the Russian Federation has—

(A) ceased its military operations in Chechnya and initiated negotiations toward a just peace with the leadership of the Chechen government led by President Aslan Maskhadov;

(B) provided full and unimpeded access into and around Chechnya to international missions to monitor and report on the situation there and to investigate alleged atrocities and war crimes;

(C) granted international humanitarian agencies immediate full and unimpeded access to Chechen civilians, including those in refugee, detention, and so-called "filtration camps" or any other facility where citizens of Chechnya are detained; and

(D) investigated fully the atrocities committed in Chechnya including those alleged in Alkhan-Yurt and Grozny, and initiated prosecutions against officers and soldiers accused of those atrocities.

SENATE RESOLUTION 270—DESIGNATING THE WEEK BEGINNING MARCH 11, 2000, AS "NATIONAL GIRL SCOUT WEEK"

Mr. HATCH, from the Committee on the Judiciary, reported the following original resolution; which was placed on the calendar:

S. Res. 270

Whereas March 12, 2000, is the 88th anniversary of the founding of the Girl Scouts of the United States of America;

Whereas on March 16, 1950, the Girl Scouts of the United States of America became the first national organization for girls to be granted a Federal charter by Congress;

Whereas through annual reports required to be submitted to Congress by its charter, the Girl Scouts of the United States of America regularly informs Congress of its progress and program initiatives;

Whereas the Girl Scouts of the United States of America is dedicated to inspiring girls and young women with the highest ideals of character, conduct, and service to others so that they may become model citizens in their communities;

Whereas the Girl Scouts of the United States of America offers girls aged 5 through 17 a variety of opportunities to develop strong values and life skills and provides a wide range of activities to meet girls' interests and needs;

Whereas the Girl Scouts of the United States of America has a membership of nearly 3,000,000 girls and over 900,000 adult volunteers, and is one of the preeminent organizations in the United States committed to girls growing strong in mind, body, and spirit; and

Whereas by fostering in girls and young women the qualities on which the strength of the United States depends, the Girl Scouts of the United States of America, for 88 years, has significantly contributed to the advancement of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning March 11, 2000, as "National Girl Scout Week"; and

(2) requests the President to issue a proclamation designating the week beginning March 11, 2000, as "National Girl Scout Week" and calling on the people of the United States to observe the day with appropriate ceremonies and activities.

SENATE RESOLUTION 271—REGARDING THE HUMAN RIGHTS SITUATION IN THE PEOPLE'S REPUBLIC OF CHINA

By Mr. WELLSTONE (for himself, Mr. TORRICELLI, Mr. LEAHY, Mr. FEINGOLD, and Mr. BROWNBACK) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. Res. 271

Whereas the annual meeting of the United Nations Commission on Human Rights in Geneva, Switzerland, provides a forum for discussing human rights and expressing international support for improved human rights performance;

Whereas in 1999, the Senate passed Senate Resolution 45 urging the United States to introduce and make all necessary efforts to pass a resolution condemning human rights practices of the Government of the People's Republic of China at the annual meeting of the United Nations Commission on Human Rights in Geneva, Switzerland;

Whereas the United States thereafter introduced a resolution condemning human rights practices of the Government of the People's Republic of China at the annual meeting of the United Nations Commission on Human Rights in Geneva, Switzerland;

Whereas this resolution was kept off the agenda of the full Commission by a "no-action" motion of the Government of the People's Republic of China, had no cosponsors, and received little support from European and other industrialized nations and did not pass;

Whereas, according to the Department of State and international human rights organizations, the human rights record of the Government of the People's Republic of China has deteriorated sharply over the past year and authorities of the People's Republic of China continue to commit widespread and well-documented human rights abuses in China;

Whereas such abuses stem from an intolerance of dissent and fear of civil unrest on the part of authorities in the People's Republic of China and from a failure to adequately enforce laws in the People's Republic of China that protect basic freedoms;

Whereas such abuses violate internationally accepted norms of conduct enshrined by the Universal Declaration of Human Rights;

Whereas the People's Republic of China has signed the International Covenant on Civil and Political Rights, but has yet to take the necessary steps to make it legally binding;

Whereas authorities in the People's Republic of China have recently escalated efforts to extinguish expressions of protest or criticism and have detained scores of citizens associated with attempts to organize a legal democratic opposition, as well as religious leaders, academics, and members of minority groups;

Whereas these efforts underscore that the Government of the People's Republic of China continues to commit serious human rights abuses that must be condemned; and

Whereas the United States will again introduce a resolution condemning human rights practices of the Government of the People's Republic of China at the annual meeting of the United Nations Commission on Human Rights in Geneva, Switzerland, on March 20, 2000: Now, therefore, be it

Resolved, That (a) the Senate supports the decision of the Administration to introduce a resolution at the 56th Session of the United Nations Human Rights Commission in Geneva, Switzerland, calling upon the People's Republic of China to end its human rights abuses.

(b) It is the sense of the Senate that the United States should make every effort necessary to pass such a resolution, including through initiating high level contact between the Administration and representatives of the European Union and other governments, and ensuring that the resolution be placed on the full United Nations Human Rights Commission's agenda by aggressively enlisting support for the resolution and soliciting cosponsorship of it by other governments.

Mr. WELLSTONE. Mr. President, today I am offering a resolution in support of the President's decision to introduce a China resolution at the annual meeting of the UN Human Rights Commission in Geneva on March 20th and urging the President to make every effort necessary to pass it. This important resolution calls on China to end its human rights abuses.

The President must ensure that this resolution be placed on the agenda of the full Human Rights Commission. He must enlist support for this resolution by other governments, especially by the European Union, and get them to cosponsor it. Year after year China has used a parliamentary tactic known as a "no-action" motion so that resolutions condemning its human rights abuses are struck down before they are even placed on the agenda of the full Commission. We must not allow this to happen this year.

Last year the Senate passed a resolution urging the United States to introduce a resolution condemning China's human rights practices at the 1999 Geneva meeting. Although the administration introduced a resolution, it was kept off the agenda of the full Commission by a "no-action" motion of China. It had no co-sponsors and received little support from European and other industrialized nations. The resolution did not pass because it didn't even come up.

This year the President announced in January his decision to again introduce a resolution in Geneva condemning China's human rights practices. According to the Administration the goal of the resolution is to "shine an international spotlight directly on China's human rights practices" through "international action." But, as of today, there has been little international action. The resolution still has no co-sponsors.

When President Clinton formally delinked trade and human rights in 1994, he pledged, on the record, that the US would "step up its efforts, in cooperation with other states, to insist that the United Nations Human Rights Commission pass a resolution dealing with the serious human rights abuses in China." While the U.S. has claimed an intention at least to speak out on human rights, the substance of US-China relations—trade, military contacts, high level summits—go foward while Chinese leaders continue to crack down on dissidents throughout the country of over one billion.

The Chinese government continues to commit widespread abuses and has taken actions that flagrantly violate the commitment it has made to respect internationally-recognized human rights. Just this week Mary Richardson, the UN High Commissioner for Human Rights, announced that she is deeply concerned about the deterioration in China's human rights practices. Mr. Shen Guofang, China's Deputy Representative at the United Nations said, "China now has the best human rights situation in its history." This is unbelievable. Is the current system the best China has to offer its own citizens? If this is so, this issue will remain a point of contention between China and the international community.

In January, China convicted two of the last leaders of the Chinese Democracy Party. These disgraceful arrests were part of a further crackdown by the government on efforts to form the country's first opposition party. The arrests worked—they effectively obliterated the Party. But those fighting for democracy in China have not forgotten those they have lost, and they continue to fight.

Chinese authorities blocked the delivery of foreign donations to help the families of people killed in the crackdown on the Tiananmen student democracy movement. Mr. Lu Wenhe, a Chinese citizen who has lived in the US for twenty years, was detained in Beijing on his way to meet a woman whose 17-year-old son was shot dead by soldiers in 1989. Mr. Lu was forced to sign over his check to an officer of the Shanghai State Security Bureau. Donors stopped payment on the check but Chinese authorities continued to harass Mr. Lu's parents in Shanghai to come up with the money or risk losing their apartment and car.

And China continues to limit freedom of information. In January Chinese authorities arrested a scholar from Pennsylvania. Mr. Song, a librarian at Dickinson College and a scholar of China's cultural revolution, was formally charged with "the purchase and illegal provision of intelligence to foreigners." He was held for over four months. The "intelligence" that he is charged with possessing were documents that were already published as part of a collection of historical materials relating to the Cultural Revolution. Nothing could better illustrate the Chinese authorities' determination to suppress history or thought than the arrest of a scholar engaged in historical research.

Since September, Beijing has arrested thousands of practitioners of Falun Gong and Zhong Gong, both popular spiritual movements, whose threats to the regime are that they are not under the Party's control. President Zemin announced in January that crushing the Falum Gong movement was one of the "three major political struggles" of 1999.

The Department of State's 1999 Country Reports on Human Rights Practices details an extraordinary amount of human rights violations. In October a Falum Gong practitioner in Shandong died from being beaten while in police custody. The official media reported she had died from a heart attack. According to Chinese authorities, two others who died in police custody jumped from a moving train. In March the Western press reported a 1997 case in which police executed four farmers in rural China over a monetary dispute.

The arrested dissidents and their courageous supporters deserve our full backing, and the administration's, in their historic struggle to bring democracy to China. In light of China's still deteriorating human rights record, I urge the administration to make all efforts necessary to pass its resolution in Geneva. Past experience has demonstrated that, when the United States has applied sustained pressure, the Chinese authorities have responded in ways that signal their willingness to engage on the issue of human rights. This pressure needs to be exercised now.

By ensuring that this resolution be placed on the agenda of the full Human Rights Commission, and enlisting support of the resolution and soliciting cosponsors of it by other governments, the United States can truly "shine an international spotlight directly on China's human rights practices" through "international action," and not just pay it lip service. The US must demonstrate its true commitment to securing China's adherence to human rights standards.

It is time for the United States to provide the leadership on which the people of China depend. We must take action to get this important resolution passed. The UN Human Rights Commission is the major international body which oversees the human rights conditions of all states. Getting this resolution placed on the agenda of the full Human Rights Commission will foster substantive debate on human rights in China and Tibet.

As Americans, we must take action and lead the international effort to condemn the human rights situation in China and Tibet. I hope my colleagues will join me in passing this resolution.

SENATE RESOLUTION 272—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES SHOULD REMAIN ACTIVELY ENGAGED IN SOUTHEASTERN EUROPE TO PROMOTE LONG-TERM PEACE, STABILITY, AND PROSPERITY; CONTINUE TO VIGOROUSLY OPPOSE THE BRUTAL REGIME OF SLOBODAN MILOSEVIC WHILE SUPPORTING THE EFFORTS OF THE DEMOCRATIC OPPOSITION; AND FULLY IMPLEMENT THE STABILITY PACT

Mr. VOINOVICH submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 272

Whereas the North Atlantic Treaty Organization's (NATO's) March 24, 1999 through June 10, 1999 bombing of the Federal Republic of Yugoslavia focused the attention of the international community on southeastern Europe;

Whereas the international community, in particular the United States and the European Union, made a commitment at the conclusion of the bombing campaign to integrate southeastern Europe into the broader European community;

Whereas there is an historic opportunity for the international community to help the people of southeastern Europe break the cycle of violence, retribution, and revenge and move towards respect for minority rights, establishment of the rule of law, and the further development of democratic governments;

Whereas the Stability Pact was established in July 1999 with the goal of promoting cooperation among the countries of southeastern Europe, with a focus on long-term political stability and peace, security, democratization, and economic reconstruction and development;

Whereas the effective implementation of the Stability Pact is important to the long-term peace and stability in the region;

Whereas the people and Government of the Former Yugoslav Republic of Macedonia have a positive record of respect for minority rights, the rule of law, and democratic traditions since independence;

Whereas the people of Croatia have recently elected leaders that respect minority rights, the rule of law, and democratic traditions;

Whereas positive developments in the Former Yugoslav Republic of Macedonia and the Republic of Croatia will clearly indicate to the people of Serbia that economic progress and integration into the international community is only possible if Milosevic is removed from power; and

Whereas the Republic of Slovenia continues to serve as a model for the region as it moves closer to European Union and NATO membership: Now, therefore, be it

Resolved, That the Senate—

(1) welcomes the tide of democratic change in southeastern Europe, particularly the free and fair elections in Croatia, and the regional cooperation taking place under the umbrella of the Stability Pact;

(2) recognizes that in this trend, the regime of Slobodan Milosevic is ever more an anomaly, the only government in the region not democratically elected, and an obstacle to peace and neighborly relations in the region;

(3) expresses its sense that the United States cannot have normal relations with Belgrade as long as the Milosevic regime is in power;

(4) views Slobodan Milosevic as a brutal indicted war criminal, responsible for immeasurable bloodshed, ethnic hatred, and human rights abuses in southeastern Europe in recent years;

(5) considers international sanctions an essential tool to isolate the Milosevic regime and promote democracy, and urges the Administration to intensify, focus, and expand those sanctions that most effectively target the regime and its key supporters;

(6) supports strongly the efforts of the Serbian people to establish a democratic government and endorses their call for early, free, and fair elections;

(7) looks forward to establishing a normal relationship with a new democratic government in Serbia, which will permit an end to Belgrade's isolation and the opportunity to restore the historically friendly relations between the Serbian and American people;

(8) expresses the readiness of the Senate, once there is a democratic government in Serbia, to review conditions for Serbia's full reintegration into the international community;

(9) expresses its readiness to assist a future democratic government in Serbia to build a democratic, peaceful, and prosperous society, based on the same principle of respect for international obligations, as set out by the Organization for Security and Cooperation in Europe (OSCE) and the United Nations, which guide the relations of the United States with other countries in southeastern Europe;

(10) calls upon the United States and other Western democracies to publicly announce and demonstrate to the Serbian people the magnitude of assistance they could expect after democratization; and

(11) recognizes the progress in democratic and market reform made by Montenegro, which can serve as a model for Serbia, and urges a peaceful resolution of political differences over the abrogation of Montenegro's rights under the federal constitution.

SENATE RESOLUTION 273—DESIGNATING THE WEEK BEGINNING MARCH 11, 2000, AS "NATIONAL GIRL SCOUT WEEK"

Mrs. HUTCHISON (for herself, Ms. MIKULSKI, Mr. HATCH, Ms. SNOWE, Mr. WARNER, Mr. BUNNING, Mr. BOND, Mr. ASHCROFT, Mr. SMITH of Oregon, Mr. HELMS, Mr. MURKOWSKI, Mr. CRAIG, Mr. DOMENICI, and Ms. COLLINS) submitted the following resolution; which was considered and agreed to:

S. RES. 273

Whereas March 12, 2000, is the 88th anniversary of the founding of the Girl Scouts of the United States of America;

Whereas on March 16, 1950, the Girl Scouts of the United States of America became the first national organization for girls to be granted a Federal charter by Congress;

Whereas through annual reports required to be submitted to Congress by its charter, the Girl Scouts of the United States of America regularly informs Congress of its progress and program initiatives;

Whereas the Girl Scouts of the United States of America is dedicated to inspiring girls and young women with the highest ideals of character, conduct, and service to others so that they may become model citizens in their communities;

Whereas the Girl Scouts of the United States of America offers girls aged 5 through 17 a variety of opportunities to develop strong values and life skills and provides a wide range of activities to meet girls' interests and needs;

Whereas the Girl Scouts of the United States of America has a membership of nearly 3,000,000 girls and over 900,000 adult volunteers, and is one of the preeminent organizations in the United States committed to girls growing strong in mind, body, and spirit; and

Whereas by fostering in girls and young women the qualities on which the strength of the United States depends, the Girl Scouts of the United States of America, for 88 years, has significantly contributed to the advancement of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning March 11, 2000, as "National Girl Scout Week"; and

(2) requests the President to issue a proclamation designating the week beginning March 11, 2000, as "National Girl Scout Week" and calling on the people of the United States to observe the day with appropriate ceremonies and activities.

AMENDMENTS SUBMITTED

RECOGNIZING THE PLIGHT OF THE TIBETAN PEOPLE AND CALLING FOR SERIOUS NEGOTIATION BETWEEN CHINA AND THE DALAI LAMA

MACK AMENDMENT NO. 2884

Mr. GRAMS (for Mr. MACK) proposed an amendment to the resolution (S. Res. 60) recognizing the plight of the Tibetan people on the fortieth anniversary of Tibet's attempt to restore its independence and calling for serious negotiations between China and the Dalai Lama to achieve a peaceful solution to the situation in Tibet; as follows:

On page 3, strike lines 2 through 16 and insert the following:

(1) March 10, 2000 should be recognized as the Tibetan Day of Commemoration in solemn remembrance of those Tibetans who sacrificed, suffered, and died during the Lhasa uprising, and in affirmation of the inherent rights of the Tibetan people to determine their own future; and

(2) March 10, 2000 should serve as an occasion to renew calls by the President, Congress, and other United States Government officials on the Government of the People's Republic of China to enter into serious negotiations with the Dalai Lama or his representatives until such a time as a peaceful solution, satisfactory to both sides, is achieved.

In the preamble, strike all the whereas clauses and insert the following:

Whereas during the period of 1949–1950, the newly established communist govenment of the People's Republic of China sent an army to invade Tibet;

Whereas the Tibetan army was ill equipped and outnumbered, and the People's Liberation Army overwhelmed Tibetan defenses;

Whereas, on May 23, 1951, a delegation sent from the capital city of Lhasa to Peking to negotiate with the Government of the People's Republic of China was forced under duress to accept a Chinese-drafted 17-point agreement that incorporated Tibet into China but promised to preserve Tibetan political, cultural, and religious institutions;

Whereas during the period of 1951–1959, the failure of the Government of the People's Republic of China to uphold guarantees to autonomy contained in the 17-Point Agreement and the imposition of socialist reforms resulted in widespread oppression and brutality;

Whereas on March 10, 1959, the people of Lhasa, fearing for the life of the Dalai Lama, surrounded his palace, organized a permanent guard, and called for the withdrawal of the Chinese from Tibet and the restoration of Tibet's independence;

Whereas on March 17, 1959, the Dalai Lama escaped in disguise during the night after two mortar shells exploded within the walls of his palace and, before crossing the Indian border into exile two weeks later, repudiated the 17-Point Agreement;

Whereas during the "Lhasa uprising" begun on March 10, 1959, Chinese statistics estimate 87,000 Tibetans were killed, arrested, or deported to labor camps, and only a small percentage of the thousands who attempted to escape to India survived Chinese military attacks, malnutrition, cold, and disease;

Whereas for the past forty years, the Dalai Lama has worked in exile to find ways to allow Tibetans to determine the future status of Tibet and was awarded the Nobel Peace Prize for his efforts in 1989;

Whereas it is the policy of the United States to support substantive dialogue between the Government of the People's Republic of China and the Dalai Lama or his representatives;

Whereas the State Department's 1999 Country Report on Human Rights Practices finds that "Chinese government authorities continued to commit serious human rights abuses in Tibet, including instances of torture, arbitrary arrest, detention without public trial, and lengthy detention of Tibetan nationalists for peacefully expressing their political or religious views.";

Whereas President Jiang Zemin pointed out in a press conference with President Clinton on June 27, 1997, that if the Dalai Lama recognizes that Tibet is an inalienable part of China and Taiwan is a province of China, then the door to negotiate is open;

Whereas all efforts by the U.S. and private parties to enable the Dalai Lama to find a negotiated solution have failed;

Whereas the Dalai Lama has specifically stated that he is not seeking independence and is committed to finding a negotiated solution within the framework enunciated by Deng Xiaoping in 1979; and

Whereas China has signed but failed to ratify the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights: Now, therefore, be it

Amend the title of the resolution to read as follows: "Recognizing the plight of the Tibetan people on the forty-first anniversary of Tibet's 1959 Lhasa uprising and calling for serious negotiations between China and the Dalai Lama to achieve a peaceful solution to the situation in Tibet.".

NOTICE OF HEARINGS

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources. The purpose of this hearing is to receive testimony on the status of monuments and memorials in and around Washington, D.C.

The hearing will take place on Thursday, March 23 at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD–364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Jim O'Toole or Kevin Clark of the Committee staff.

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources. The purpose of this hearing is to receive testimony on the incinerator component at the proposed Advanced Waste Treatment Facility at the Idaho National Engineering and Environmental Laboratory and its potential impact on the adjacent Yellowstone and Grand Teton National Parks.

The hearing will take place on Tuesday, March 28 at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD–364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Jim O'Toole or Kevin Clark of the Committee staff.

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing will take place Thursday, March 30, 2000 at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this oversight hearing is to receive testimony on the October 1999 announcement by President Clinton to review approximately 40 million acres of national forest lands for increased protection.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Mark Rey.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, March 9, 2000, at 9:30 a.m., in open session to receive testimony on the Department of Energy's fiscal year 2001 budget request for atomic energy defense activities in review of the Defense authorization request for fiscal year 2001 and Future Years Defense Programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, March 9, 2000, to conduct a hearing on "The Final Report of The International Financial Institution Advisory Commission."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. SMITH of new Hampshire. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, March 9, 2000, at 10:00 a.m., in SD226.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in executive session during the session of the Senate on Thursday, March 9, 2000, at 10:00 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor and Pensions be authorized to meet in executive session for the consideration of S. 2, the Educational Opportunities Act, during the session of the Senate on March 9, 2000.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, March 9, 2000, to hear testimony regarding Penalty and Interest Provisions in the Internal Revenue Code.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EUROPEAN AFFAIRS

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Subcommittee on European Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, March 9, 2000, at 2:00 pm to hold a SD–419.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CLEAN AIR, WETLANDS, PRIVATE PROPERTY, AND NUCLEAR SAFETY

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air, Wetlands, Private Property, and Nuclear Safety be authorized to meet during the session of the Senate on Thursday, March 9, 9:00 a.m., to conduct an oversight hearing on the Nuclear Regulatory Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PERSONNEL

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, March 9, 2000, at 2:30 p.m., in open session to receive testimony on active and reserve military and civilian personnel programs in review of the Defense Authorization Request for fiscal year 2001 and the Future Years Defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTELLIGENCE

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, March 9, 2000, at 9:30 a.m. and 2:00 p.m. to hold closed hearings on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, RESTRUCTURING, AND THE DISTRICT OF COLUMBIA

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Governmental Affairs Committee Subcommittee on Oversight of Government Management, Restructuring, and the District of Columbia be authorized to meet on Thursday, March 9, 2000, at 10:00 a.m. for a hearing on Managing Human Capital in the Twenty-first Century.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—H.R. 5

Mr. GRAMS. Mr. President, I ask unanimous consent that on Tuesday, March 21, at 2:15 p.m., the Senate begin consideration of Calendar No. 439, H.R. 5, and it be considered under the following time agreement:

Two hours on the bill to be equally divided in the usual form between the two managers;

One amendment to be offered by the chairman and ranking member of the Finance Committee making a correction to the House bill, limited to 10 minutes of debate to be equally divided;

One amendment to be offered by Senator BOB KERREY of Nebraska regarding Social Security reform, and limited to 1 hour to be equally divided in the usual form;

Also, one amendment to be offered by Senator GREGG regarding Social Security reform and limited to 1 hour to be equally divided in the usual form.

I further ask unanimous consent that no other amendments or motions be in order, other than motions to table, and following the disposition of the above described amendments and the use or yielding back of time, the Senate proceed to vote on passage of the bill, as amended, if amended, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMS. Mr. President, I ask unanimous consent that the two amendments described in the agreement be printed in the RECORD.

There being no objection, the amendments were ordered to be printed in the RECORD, as follows:

AMENDMENT NO.—

(Purpose: To amend title II of the Social Security Act to improve the annual report of the social security trustees, and for other purposes)

At the appropriate place, insert the following:

SEC. . SOCIAL SECURITY REPORTING IMPROVEMENTS.

(a) FINDINGS.—Congress makes the following findings:

(1) The Social Security Advisory Board, the Technical Panel on Assumptions and Methods of the Social Security Advisory Board (in this section referred to as the “Panel”), and the Office of the Chief Actuary of the Social Security Administration should be commended for their professional, nonpartisan work to project the future financial operations of the social security program established under title II of the Social Security Act.

(2) The Panel reported its recommendations in November 1999.

(3) The Panel recommended a series of changes to current projections of the financial operations of the social security program which would, if adopted, increase existing estimates of the program's unfunded liabilities.

(4) The Panel further recommended the use of standards of comparison that emphasize program sustainability, such as showing the program's projected annual income rates, cost rates, and balances with an emphasis that is equal to 75-year program solvency.

(5) The Panel further recommended that reform proposals be evaluated using standards of comparison that include the proposal's impact on the Federal unified budget, as well as a recognition of the funding shortfalls present under current law.

(6) The Panel made several other recommendations that are worthy of consideration, involving issues that include, but are not limited to, workforce participation, poverty rates among the elderly, and assumptions regarding equity investment returns.

(7) Adoption of the Panel's recommendations would assist in developing a fiscally responsible reform solution that avoids passing hidden costs to future taxpayers.

(b) EXPANSION OF ANNUAL REPORT OF THE TRUSTEES OF THE SOCIAL SECURITY TRUST FUNDS AND OTHER REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Section 201(c) of the Social Security Act (42 U.S.C. 401(c)) is amended by inserting before the penultimate sentence the following: “Such report also shall include the information described in subsection (n).”.

(2) ADDITIONAL CONTENTS OF BOARD OF TRUSTEES' REPORT.—Section 201 of the Social Security Act (42 U.S.C. 401) is amended by adding at the end the following:

“(n) For purposes of subsection (c), the information described in this subsection is the information (including changes to information that, as of the date of enactment of this subsection, is required to be included in the report required under subsection (c)), recommended in the November 1999 report of the Technical Panel on Assumptions and Methods of the Social Security Advisory Board under the headings ‘Presentation Issues’ and ‘Methodology’, that the Board of Trustees determines is practicable and appropriate to the purposes of such report. The presentational and informational recommendations referred to in the preceding sentence include, but are not limited to, the following:

“(1) Presenting measures of the long-term sustainability of the old-age, survivors, and disability insurance program established under this title with an emphasis equal to actuarial solvency, by highlighting the program's projected annual income rates, cost rates, and annual balances throughout the 75-year valuation window used by the Board of Trustees.

“(2) Presenting a clear and explicit projection of such program's unfunded liabilities.

“(3) Presenting benefit levels and tax rates throughout the long-range valuation period that reflect the estimates included in the report of the Board of Trustees of the Trust Funds regarding the percentage of benefits that can be funded under currently projected program revenues, and the percentage that taxes would need to be increased in order to fund promised benefits.”.

(3) ANNUAL REPORT FROM THE COMMISSIONER OF SOCIAL SECURITY.—Section 704 of the Social Security Act (42 U.S.C. 904) is amended by adding at the end the following new subsection:

“Annual Report to Congress

“(f) The Commissioner shall submit an annual report to Congress that includes the following:

“(1) An evaluation, determined in conjunction with the Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget, on the effects upon national savings levels and on the fiscal operations of the Federal Government of enacted provisions of law relating to the Federal old-age, survivors, and disability insurance benefits program established under title II.

“(2) Estimates of average lifetime values of benefits for different age, income, and gender cohorts, respectively, for recipients of old-age, survivors, and disability insurance benefits under such program, that are consistent with the estimates of the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and Federal Disability Insurance Trust Fund of the percentage of benefits that can be funded under such enacted provisions of law.”.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to reports made for calendar years beginning after the date of enactment of this Act.

(c) SENSE OF CONGRESS REGARDING SOCIAL SECURITY REFORM LEGISLATION.—It is the sense of Congress that Congress and the President should not miss a critical opportunity to enact comprehensive bipartisan social security reform legislation that meets the standard of 75-year actuarial solvency and also addresses the following issues:

(1) The permanent sustainability of the social security program.

(2) The long-term impact of reform upon the fiscal operations of the Federal Government as a whole.

(3) The need for a clear and explicit presentation of the anticipated reduction in the social security program's unfunded liabilities.

(4) Ensured continued solvency under alternative assumptions regarding mortality, fertility, rates of return, and other appropriate economic and demographic assumptions.

(5) The total amount of retirement income provided under proposed reform in comparison to a standard that explicitly recognizes the benefit reductions or tax increases that enacted provisions of law relating to the social security program would require, according to the estimates in the most recent report of the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and Federal Disability Insurance Trust Fund.

(6) The long-term impact of the current projections of insolvency and of alternative reform proposals upon workforce participation, poverty among the elderly, national savings levels, and other issues identified by the Panel.

(d) SENSE OF CONGRESS REGARDING IMPLEMENTATION OF RECOMMENDATIONS.—It is the sense of Congress that the recommendations of the Panel should be implemented to the extent deemed reasonable by the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, in consultation with the agencies and offices that have research, estimating, and reporting responsibilities pertinent to the social security program.

AMENDMENT NO.—

(Purpose: To redesignate the term for the age at which an individuals is eligible for old-age benefits)

At the end add the following:

SEC. . REDESIGNATION OF TERM FOR AGE AT WHICH AN INDIVIDUAL IS ELIGIBLE FOR OLD-AGE BENEFITS.

(a) IN GENERAL.—Title II of the Social Security Act (42 U.S.C. 401 et seq.) is amended—

(1) by striking "retirement age" each place it appears and inserting "the age of eligibility for old-age benefits";

(2) by striking "early retirement age" each place it appears and inserting "the age of early eligibility for old-age benefits"; and

(3) by striking "delayed retirement" each place it appears and inserting "delayed exercise of eligibility for old-age benefits".

(b) CONFORMING AMENDMENT.—Section 202(q)(9) of the Social Security Act (42 U.S.C. 402(q)(9)) is amended by striking "early retirement" and inserting "early eligibility for old-age benefits".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

Mr. GRAMS. Mr. President, it is the leader's understanding that these are the amendments that will be offered on Tuesday, unless technical changes are required which would be cleared by the Finance chairman and ranking member.

GREEK INDEPENDENCE DAY: A NATIONAL DAY OF CELEBRATION OF GREEK AND AMERICAN DEMOCRACY

Mr. GRAMS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 435, S. Res. 251.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 251) designating March 25, 2000, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

There being no objection, the Senate proceeded to consider the resolution.

Mr. GRAMS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 251) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 251

Whereas the ancient Greeks developed the concept of democracy, in which the supreme power to govern was invested in the people;

Whereas the Founding Fathers of the United States of America drew heavily upon the political experience and philosophy of ancient Greece in forming our representative democracy;

Whereas the founders of the modern Greek state modeled their government after that of the United States in an effort to best imitate their ancient democracy;

Whereas Greece is one of the only 3 nations in the world, beyond the former British Empire, that has been allied with the United States in every major international conflict this century;

Whereas the heroism displayed in the historic World War II Battle of Crete epitomized Greece's sacrifice for freedom and democracy as it presented the Axis land war with its first major setback and set off a chain of events which significantly affected the outcome of World War II;

Whereas President Clinton, during his visit to Greece on November 20, 1999, referred to modern day Greece as "a beacon of democracy, a regional leader for stability, prosperity and freedom, helping to complete the democratic revolution that ancient Greece began";

Whereas these and other ideals have forged a close bond between our 2 nations and their peoples;

Whereas March 25, 2000, marks the 179th anniversary of the beginning of the revolution which freed the Greek people from the Ottoman Empire; and

Whereas it is proper and desirable to celebrate with the Greek people and to reaffirm the democratic principles from which our 2 great nations were born: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 25, 2000, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy"; and

(2) requests the President to issue a proclamation calling upon the people of the United States to observe the day with appropriate ceremonies and activities.

NATIONAL GIRL SCOUT WEEK

Mr. GRAMS. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Senate Resolution 273, submitted earlier by Senator HUTCHISON of Texas.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 273) designating the week beginning March 11, 2000, as "National Girl Scout Week."

There being no objection, the Senate proceeded to consider the resolution.

Mrs. HUTCHISON. Mr. President, this year commemorates the 88th anniversary of the founding of this outstanding organization and designates the week of March 11, 2000 as National Girl Scout week. I am joined in supporting this resolution by Senator MIKULSKI and Senator HATCH.

On March 16, 1950, the Girl Scouts of the United States of America became the first national organization for girls to be granted a Federal charter by Congress.

The Girl Scout Organization has long been dedicated to inspiring girls and young women with the highest ideals of character, conduct, and service to others to that they may become model citizens in their communities. It is not easy growing up, particularly in today's society. The Girl Scouts is one organization that has consistently guided young women in their formative years.

For 88 years, the Girl Scout movement has provided valuable leadership skills for countless girls and young women across the nation. Today, overall membership in the Girl Scouts is the highest it has been in 26 years, with 2.7 million girls and over 850,000 adult volunteers. I am proud to say that I, too, was a Girl Scout.

I am pleased to be joined by Senator MIKULSKI in support of this legislation which designates the week beginning March 11, 2000, as "National Girl Scout Week." I ask our colleagues to join us.

Mr. GRAMS. Mr. President, I proudly rise today to pay tribute to the Girl Scouts of the U.S.A. on the occasion of the 88th anniversary of its founding. To honor an organization that gives back so much to our communities, Congress has established March 12–18 as National Girl Scout Week.

Created in 1912 by Juliette Gordon Law, the first Girl Scout group consisted of only 18 girls. Since then, the Girl Scouts have evolved into the largest voluntary organization for girls in the world. Nearly 3.5 million active members strive toward excellence in character, conduct, patriotism and service—attributes that are vital to a young person's development. The Girl Scouts have given direction to over 40 million American women throughout its rich 86-year history.

Girl Scouting empowers young women from every background with the tools they will need to be the outstanding leaders of the future. For example, we all know about those famous Girl Scout cookies. I have certainly enjoyed my fair share. Through their annual cookie sales, girls learn valuable life lessons in goal setting, money management, and community involvement.

Of course, there is much more to scouting than the sale of cookies, such as the organization's long tradition of serving others without the expectation of reward. Girls are encouraged to incorporate service into their lives, whether it takes the form of common, everyday acts around the house or community service work outside the home. Instilled with compassion for others, Girl Scouts head into the world as caring, valuable members of society.

Additionally, I take this opportunity to commend the 850,000 adult volunteers who serve as leaders for the Girl Scouts. Their devotion to providing opportunities for girls to meet their potential is unparalleled. In my home state of Minnesota, nearly 20,000 volunteers devote their time and energy to over 60,000 Girl Scouts. Clearly, without these dedicated volunteers, the Girl Scouts would not provide the effective leadership it offers today.

For 88 years, the members and adult volunteers of the Girl Scouts of the U.S.A. have worked tirelessly for the betterment of this nation. I congratulate them on their achievements and wish for them a prosperous future as the Girl Scouts continue to nurture the lives of America's young women.

Mr. GRAMS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 273) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 273

Whereas March 12, 2000, is the 88th anniversary of the founding of the Girl Scouts of the United States of America;

Whereas on March 16, 1950, the Girl Scouts of the United States of America became the first national organization for girls to be granted a Federal charter by Congress;

Whereas through annual reports required to be submitted to Congress by its charter, the Girl Scouts of the United States of America regularly informs Congress of its progress and program initiatives;

Whereas the Girl Scouts of the United States of America is dedicated to inspiring girls and young women with the highest ideals of character, conduct, and service to others so that they may become model citizens in their communities;

Whereas the Girl Scouts of the United States of America offers girls aged 5 through 17 a variety of opportunities to develop strong values and life skills and provides a wide range of activities to meet girls' interests and needs;

Whereas the Girl Scouts of the United States of America has a membership of nearly 3,000,000 girls and over 900,000 adult volunteers, and is one of the preeminent organizations in the United States committed to girls growing strong in mind, body, and spirit; and

Whereas by fostering in girls and young women the qualities on which the strength of the United States depends, the Girl Scouts of the United States of America, for 88 years, has significantly contributed to the advancement of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning March 11, 2000, as "National Girl Scout Week"; and

(2) requests the President to issue a proclamation designating the week beginning March 11, 2000, as "National Girl Scout Week" and calling on the people of the United States to observe the day with appropriate ceremonies and activities.

RESOLUTION INDEFINITELY POSTPONED—S. RES. 270

Mr. GRAMS. Mr. President, I ask unanimous consent that Senate Resolution 270 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL FISH AND WILDLIFE FOUNDATION ESTABLISHMENT ACT AMENDMENTS

Mr. GRAMS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 440, S. 1653.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1653) to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act.

There being no objection, the Senate proceeded to consider the bill.

Mr. SMITH of New Hampshire. Mr. President, I am pleased that the Senate today has unanimously passed S. 1653, a bill to reauthorize and amend the National Fish and Wildlife Foundation. The Committee on Environment and Public Works, which I chair, reported this bill, again unanimously, last month. At that time, I noted how important it was to get the local communities and businesses involved in protecting the environment.

The Foundation was created in 1984 because Congress saw the need to create a private, nonprofit organization that could build public-private partnerships and consensus, where previously there had only been acrimony and, many times, contentious litigation. It was also envisioned that the Foundation would serve as an important tool in our effort to make a difference on the ground in communities throughout the United States. In its 16 years of existence the Foundation has more than lived up to our original expectations.

We have long known that the Federal government does not have all the financial resources necessary to solve the numerous environmental problems that exist in our country. We also know that local communities care and know more about their natural environment than the agencies in Washington, D.C. More often than not local communities recognize problems before they become environmental disasters that require significant amounts of money to resolve, if they can even be resolved. In order to ensure that the funds are available to local communities the Foundation has established something called "challenge grants."

"Challenge grants" are a mixture of federal and non-federal funds directed to on-the-ground conservation projects. They are called "challenge grants" because any grant awarded is expected to be matched by non-federal dollars. During this time of fiscal constraint, it is important to use all available resources to help us protect the environment. Local communities, states, individuals, nonprofit organizations and businesses can apply to the Foundation for a "challenge grant" for a specific project in one of five major areas: conservation education, wetlands and private lands, neotropical bird conservation, fisheries conservation and management, and wildlife and habitat management.

Since 1984, the Foundation has raised over $305 million in private donations using $135 million in Federal funds as leverage. Last year alone, they raised more than $50 million using $17 million of federal seed money. With these funds, the Foundation has financed more than 3,500 conservation projects throughout the United States and in 35 other countries. This is an extremely impressive record. Moreover, all of the Foundation's operating costs are covered by private donations, which means that federal and private dollars given for conservation are spent only on conservation.

The Foundation's 1999 annual report was just released, and I encourage all my colleagues to take a look at the number of partnerships that the Foundation has forged with, and the range of innovative projects that they have spearheaded. The organizations that the Foundation works with are a virtual who's who in the business world. Let me take a few minutes to discuss some of the projects they are currently working on.

The Foundation has pioneered some notable conservation programs, including implementing the North American Waterfowl Management plan, Partners in Flight for neotropical birds, Bring Back the Natives Program, the Exxon Save the Tiger Fund, and the establishment of the Conservation Plan for Sterling Forest in New York and New Jersey, to name a few.

The Shell Oil Company has pledged $5 million to the Foundation over the next five years to create the Shell Marine Habitat Program, a matching grant program. The Shell Marine Habitat Program supports problem-solving habitat restoration projects, practical research, education programs and innovative partnerships to preserve the Gulf of Mexico and Gulf coast marine environments. Funding is focused on efforts to reduce hypoxia and red and brown tides, and to protect barrier islands, coral reefs and other marine habitats. Last year alone $3.4 million were spent on these efforts, $3.15 million of which was from Shell and other private donors. More importantly, this project is receiving a significant amount of local support. A day-long effort last year to restore saltmarsh habitat had over 1,500 volunteers who planted 57,000 plants. It is these kinds of efforts that will make a significant difference to the health of the Gulf of Mexico.

Another fine example is the Budweiser Outdoor Programs. For six weeks last fall, a percentage of all bottles and cans of Budweiser sold was allocated for conservation purposes. The Foundation partnership with Budweiser resulted in more than a quarter of a million dollars that will help conserve vital elk and deer habitat, enhance wetlands and sustain healthy upland game bird populations in the Rocky Mountains.

In New Hampshire the Foundation worked closely with local organizations to purchase a 60-acre conservation easement along the entire shoreline of Clarksville Pond. Clarksville Pond is a beautiful area located in the heart of the Northern Forest. The owners of this land own a small campground that they needed to make some improvements which they could not afford. The sale of a permanent public access conservation easement was one way the property owners could raise the necessary funds without selling their land, and losing their livelihood. This is a win-win situation for everyone involved. The property owners were able to keep their land, the public was granted permanent access to the pond, and this beautiful area will remain undeveloped.

As I said, the National Fish and Wildlife Foundation has more than fulfilled the hopes of its original sponsors. It has helped to bring cooperative solutions to some difficult natural resource issues and is becoming widely recognized for its innovative approach to solving environmental problems. I strongly support the Foundation's work and want it to continue its important conservation efforts.

Mr. President, this legislation is quite simple. It makes three key changes to current law. First, the bill would expand the Foundation's governing Board of Directors from 15 members to 25 members. This will allow a greater number of individuals with a strong interest in conservation to actively participate in, and contribute to, the Foundation's activities.

The bill's second key feature would expand the Foundation's jurisdiction. Currently, the Foundation is only authorized to work with the Fish and Wildlife Service and the National Oceanic and Atmospheric Administration. S. 1653 would authorize them to work with all agencies within the Department of the Interior and the Department of Commerce. Mr. President, it is my view that the Foundation has an excellent track record, and all the agencies within the Departments of the Interior and Commerce should benefit from their knowledge and experience.

Finally, the bill would reauthorize appropriations to the Department of the Interior and the Department of Commerce through 2004.

Mr. President, last year this bill passed the Senate by unanimous consent, but unfortunately the House was unable to duplicate our efforts. I believe that this legislation will produce real conservation benefits and I thank my colleagues for once again giving the bill their support.

Mr. BAUCUS. Mr. President, I rise to strongly support the passage of S. 1653, the National Fish and Wildlife Foundation Establishment Act Amendments, a bipartisan bill that will encourage cooperative approaches to wildlife conservation.

By way of background, in 1984, with broad bipartisan support, Congress created the National Fish and Wildlife Foundation, a nonprofit corporation with the mission of conserving our nation's fish, wildlife, plant, and other natural resources.

Over the past 15 years, the Foundation has established a solid track record. It has achieved on-the-ground results. It has also stretched federal dollars and built public-private partnerships essential to conservation efforts. All told, the Foundation has provided more than 3,500 grants to over 940 private local organizations, state and country governments, tribes, federal and interstate agencies, and colleges and universities in all 50 states.

By requiring grantees to match Foundation grants with non-federal funds, the $135 million in federal funds invested by the Foundation have been leveraged to deliver more than $440 million to natural resource conservation efforts. Significantly, these funds are used to help build public-private partnerships among individual landowners, government and tribal agencies, conservation organizations, and business. The result is the development of consensus, locally-driven solutions to the challenges involved in protecting and managing fish, wildlife, plants, and other natural resources.

In my home state of Montana, where fishing, hunting, and the enjoyment of our natural resources are deeply ingrained into our way of life, the Foundation has made important contributions to conservation efforts. These contributions include supporting environmental education, habitat restoration and protection, resource management, and the development of conservation policy.

In 2000, the Foundation will support nine important projects in Montana, for a total $821,700. These projects include restoring arctic grayling within their historic range in the upper Missouri River basin; improving trout passage through the Milltown Dam to assist fluvial westslope cutthroat and bull trout moving upstream to spawn; supporting the Interagency Grizzly Bear Committee; supporting a comprehensive K thru 12 environmental education program for 300 Bitterroot Valley students; and partnerships with private landowners to conserve Montana's shortgrass prairie habitat and the bird species it supports.

Let me describe one of these efforts in a little more detail. In Northwest Montana, westslope cutthroat and bull trout have declined throughout their historic range over the last 100 years, in part because of barriers that limit their spawning migrations.

To address this problem, the Montana Department of Fish, Wildlife and Parks, working with the Blackfoot Chapter of Trout Unlimited will capture, tag, and transport mature westslope cutthroat and bull trout around Milltown Dam near Missoula and release them upstream of the dam so the fish can continue their spawning migration in the upper Clark Fork watershed (including the Blackfork River and its tributaries, and the Rock Creek drainage). Radio transmitters will be implanted in the fish to monitor their spawning sites and success.

This is just one example. Over the years, the Foundation has funded 187 projects and delivered a total of almost $13 million to conservation projects in Montana.

Mr. President, even with these accomplishments, the need to conserve the nation's natural resources remains. Today, in too many areas of the country, the health and sustainability of fish, wildlife, and plants, and the habitats on which they depend, are threatened. Bitter disputes continue to arise among interests when solutions to difficult natural resource problems are sought. Tight budgets often severely limit the ability of governments and private entities to adequately address conservation challenges. Because of all these factors, the Foundation, which promotes conservation by building partnerships and consensus, is as important today as it was in 1984.

The bill we are considering, the National Fish and Wildlife Foundation Establishment Act Amendments, will increase the Foundation's ability to carry out its mission. First and foremost, the legislation authorizes federal appropriations through 2004 to support the Foundation's work. The legislation also strengthens the Foundation by increasing the size of its board of directors and allowing board members to be removed for nonperformance. Finally, the bill broadens the Foundation's authority by allowing it to work with all agencies within the Departments of Interior and Commerce.

The legislation is nearly identical to legislation the Senate passed last year.

Mr. President, the National Fish and Wildlife Foundation has provided valuable assistance to this nation's natural resource conservation efforts over the past 15 years. If the legislation we are considering today is enacted, I have no doubt that the Foundation will continue its solid record of accomplishment. I urge my colleagues to support this important legislation.

Mr. GRAMS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1653) was read a third time and passed, as follows:

S. 1653

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Fish and Wildlife Foundation Establishment Act Amendments of 1999".

SEC. 2. PURPOSES.

Section 2(b) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701(b)) is amended by striking paragraph (1) and inserting the following:

"(1) to encourage, accept, and administer private gifts of property for the benefit of, or in connection with, the activities and services of the Department of the Interior and the Department of Commerce to further the conservation and management of fish, wildlife, plants, and other natural resources;".

SEC. 3. BOARD OF DIRECTORS OF THE FOUNDATION.

(a) Establishment and Membership.—Section 3 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3702) is amended by striking subsection (a) and inserting the following:

"(a) Establishment and Membership.—

"(1) In general.—The Foundation shall have a governing Board of Directors (referred to in this Act as the 'Board'), which shall consist of 25 Directors appointed in accordance with subsection (b), each of whom shall be a United States citizen.

"(2) Representation of diverse points of view.—To the maximum extent practicable, the membership of the Board shall represent diverse points of view relating to conservation and management of fish, wildlife, plants, and other natural resources.

"(3) Not federal employees.—Appointment as a Director of the Foundation shall not constitute employment by, or the holding of an office of, the United States for the purpose of any Federal law.".

(b) Appointment and Terms.—Section 3 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3702) is amended by striking subsection (b) and inserting the following:

"(b) Appointment and Terms.—

"(1) Agency heads.—The Director of the United States Fish and Wildlife Service and the Under Secretary of Commerce for Oceans and Atmosphere shall be Directors of the Foundation.

"(2) Appointments by the Secretary of the Interior.—

"(A) In general.—Subject to subparagraph (B), after consulting with the Secretary of Commerce and considering the recommendations submitted by the Board, the Secretary of the Interior shall appoint 23 Directors who meet the criteria established by subsection (a), of whom—

"(i) at least 6 shall be educated or experienced in fish, wildlife, or other natural resource conservation;

"(ii) at least 4 shall be educated or experienced in the principles of fish, wildlife, or other natural resource management; and

"(iii) at least 4 shall be educated or experienced in ocean and coastal resource conservation.

"(B) Transition provision.—

"(i) Continuation of terms.—The 15 Directors serving on the Board as of the date of enactment of this paragraph shall continue to serve until the expiration of their terms.

"(ii) New directors.—The Secretary of the Interior shall appoint 8 new Directors. To the maximum extent practicable, those appointments shall be made not later than 45 calendar days after the date of enactment of this paragraph.

"(3) Terms.—

"(A) In general.—Subject to subparagraph (B), each Director (other than a Director described in paragraph (1)) shall be appointed for a term of 6 years.

"(B) Initial appointments to new member positions.—Of the Directors appointed by the Secretary of the Interior under paragraph (2)(B)(ii), the Secretary shall appoint—

"(i) 2 Directors for a term of 2 years;

"(ii) 3 Directors for a term of 4 years; and

"(iii) 3 Directors for a term of 6 years.

"(4) Vacancies.—

"(A) In general.—The Secretary of the Interior shall fill a vacancy on the Board. To the maximum extent practicable, a vacancy shall be filled not later than 45 calendar days after the occurrence of the vacancy.

"(B) Term of appointments to fill unexpired terms.—An individual appointed to fill a vacancy that occurs before the expiration of the term of a Director shall be appointed for the remainder of the term.

"(5) Reappointment.—An individual (other than an individual described in paragraph (1)) shall not serve more than 2 consecutive terms as a Director, excluding any term of less than 6 years.

"(6) Request for removal.—The Executive Committee of the Board may submit to the Secretary a letter describing the nonperformance of a Director and requesting the removal of the Director from the Board.

"(7) Consultation before removal.—Before removing any Director from the Board, the Secretary shall consult with the Secretary of Commerce.".

(c) Technical Amendments.—

(1) Section 4(c)(5) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(c)(5)) is amended by striking "Directors of the Board" and inserting "Directors of the Foundation".

(2) Section 6 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3705) is amended—

(A) by striking "Secretary" and inserting "Secretary of the Interior or the Secretary of Commerce"; and

(B) by inserting "or the Department of Commerce" after "Department of the Interior".

SEC. 4. RIGHTS AND OBLIGATIONS OF THE FOUNDATION.

(a) Principal Office of the Foundation.—Section 4(a)(3) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(a)(3)) is amended by inserting after "the District of Columbia" the following: "or in a county in the State of Maryland or Virginia that borders on the District of Columbia".

(b) Investment and Deposit of Federal Funds.—Section 4(c) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(c)) is amended—

(1) by redesignating paragraphs (3) through (7) as paragraphs (7) through (11), respectively; and

(2) by inserting after paragraph (2) the following:

"(3) to invest any funds provided to the Foundation by the Federal Government in obligations of the United States or in obligations or securities that are guaranteed or insured by the United States;

"(4) to deposit any funds provided to the Foundation by the Federal Government into accounts that are insured by an agency or instrumentality of the United States;

"(5) to make use of any interest or investment income that accrues as a consequence of actions taken under paragraph (3) or (4) to carry out the purposes of the Foundation;

"(6) to use Federal funds to make payments under cooperative agreements entered into with willing private landowners to provide substantial long-term benefits for the restoration or enhancement of fish, wildlife, plants, and other natural resources on private land;".

(c) Agency Approval of Acquisitions of Property.—Section 4(e)(1) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(e)(1)) is amended by striking subparagraph (B) and inserting the following:

"(B) the Foundation notifies the Federal agency that administers the program under which the funds were provided of the proposed acquisition, and the agency does not object in writing to the proposed acquisition within 60 calendar days after the date of the notification.".

(d) Repeal.—Section 304 of Public Law 102-440 (16 U.S.C. 3703 note) is repealed.

(e) Agency Approval of Conveyances and Grants.—Section 4(e)(3)(B) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(e)(3)(B)) is amended by striking clause (ii) and inserting the following:

"(ii) the Foundation notifies the Federal agency that administers the Federal program under which the funds were provided of the proposed conveyance or provision of Federal funds, and the agency does not object in writing to the proposed conveyance or provision of Federal funds within 60 calendar days after the date of the notification.".

(f) Reconveyance of Real Property.—Section 4(e) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(e)) is amended by striking paragraph (5) and inserting the following:

"(5) Reconveyance of real property.—The Foundation shall convey at not less than fair market value any real property acquired by the Foundation in whole or in part with Federal funds if the Foundation notifies the Federal agency that administers the Federal program under which the funds were provided, and the agency does not disagree within 60 calendar days after the date of the notification, that—

"(A) the property is no longer valuable for the purpose of conservation or management of fish, wildlife, plants, and other natural resources; and

"(B) the purposes of the Foundation would be better served by use of the proceeds of the conveyance for other authorized activities of the Foundation.".

(g) Expenditures for Printing Services or Capital Equipment.—Section 4 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703) is amended by adding at the end the following:

"(h) Expenditures for Printing Services or Capital Equipment.—The Foundation shall not make any expenditure of Federal funds in connection with any 1 transaction for printing services or capital equipment that is greater than $10,000 unless the expenditure is approved by the Federal agency that administers the Federal program under which the funds were provided.".

SEC. 5. FUNDING.

Section 10 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3709) is amended to read as follows:

"SEC. 10. FUNDING.

"(a) Authorization of Appropriations.—

"(1) In general.—There are authorized to be appropriated to carry out this Act for each of fiscal years 2000 through 2004—

"(A) $30,000,000 to the Department of the Interior; and

"(B) $10,000,000 to the Department of Commerce.

"(2) REQUIREMENT OF ADVANCE PAYMENT.—The amount made available for a fiscal year under paragraph (1) shall be provided to the Foundation in an advance payment of the entire amount on October 1, or as soon as practicable thereafter, of the fiscal year.

"(3) USE OF APPROPRIATED FUNDS.—Subject to paragraph (4), amounts made available under paragraph (1) shall be provided to the Foundation for use for matching, on a 1-to-1 basis, contributions (whether in currency, services, or property) made to the Foundation by private persons and State and local government agencies.

"(4) PROHIBITION ON USE FOR ADMINISTRATIVE EXPENSES.—No Federal funds made available under paragraph (1) shall be used by the Foundation for administrative expenses of the Foundation, including for salaries, travel and transportation expenses, and other overhead expenses.

"(b) ADDITIONAL AUTHORIZATION.—

"(1) IN GENERAL.—In addition to the amounts authorized to be appropriated under subsection (a), the Foundation may accept Federal funds from a Federal agency under any other Federal law for use by the Foundation to further the conservation and management of fish, wildlife, plants, and other natural resources in accordance with the requirements of this Act.

"(2) USE OF FUNDS ACCEPTED FROM FEDERAL AGENCIES.—Federal funds provided to the Foundation under paragraph (1) shall be used by the Foundation for matching, in whole or in part, contributions (whether in currency, services, or property) made to the Foundation by private persons and State and local government agencies.

"(c) PROHIBITION ON USE OF GRANT AMOUNTS FOR LITIGATION AND LOBBYING EXPENSES.—Amounts provided as a grant by the Foundation shall not be used for—

"(1) any expense related to litigation; or

"(2) any activity the purpose of which is to influence legislation pending before Congress.".

SEC. 6. LIMITATION ON AUTHORITY.

The National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701 et seq.) is amended by adding at the end the following:

"SEC. 11. LIMITATION ON AUTHORITY.

"Nothing in this Act authorizes the Foundation to perform any function the authority for which is provided to the National Park Foundation by Public Law 90–209 (16 U.S.C. 19e et seq.).".

NATIONAL SAFE PLACE WEEK

Mr. GRAMS. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar No. 447, Senate Resolution No. 258.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 258) designating the week beginning March 12, 2000, as "National Safe Place Week."

There being no objection, the Senate proceeded to consider the resolution.

Mr. GRAMS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 258) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 258

Whereas today's youth are vital to the preservation of our country and will be the future bearers of the bright torch of democracy;

Whereas youth need a safe haven from various negative influences such as child abuse, substance abuse and crime, and they need to have resources readily available to assist them when faced with circumstances that compromise their safety;

Whereas the United States needs increased members of community volunteers acting as positive influences on the Nation's youth;

Whereas the Safe Place program is committed to protecting our Nation's most valuable asset, our youth, by offering short term "safe places" at neighborhood locations where trained volunteers are available to counsel and advise youth seeking assistance and guidance;

Whereas Safe Place combines the efforts of the private sector and non-profit organizations uniting to reach youth in the early stages of crisis;

Whereas Safe Place provides a direct means to assist programs in meeting performance standards relative to outreach/community relations, as set forth in the Federal Runaway and Homeless Youth Act guidelines;

Whereas the Safe Place placard displayed at businesses within communities stands as a beacon of safety and refuge to at-risk youth;

Whereas over 300 communities in 33 States and more than 6,800 business locations have established Safe Place programs;

Whereas over 35,000 young people have gone to Safe Place locations to get help when faced with crisis situations;

Whereas through the efforts of Safe Place coordinators across the country each year more than one-half million students learn that Safe Place is a resource if abusive or neglectful situations exist; and

Whereas increased awareness of the program's existence will encourage communities to establish Safe Places for the Nation's youth throughout the country: Now, therefore, be it

Resolved, That the Senate—

(1) proclaims the week of March 12 through March 18, 2000, as "National Safe Place Week"; and

(2) requests that the President issue a proclamation calling upon the people of the United States and interested groups to promote awareness of and volunteer involvement in the Safe Place programs, and to observe the week with appropriate ceremonies and activities.

TIBETAN DAY OF COMMEMORATION

Mr. GRAMS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Resolution 60 and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 60) recognizing the plight of the Tibetan people on the 40th anniversary of Tibet's attempt to restore its independence and calling for serious negotiations between China and the Dalai Lama to achieve a peaceful solution to the situation in Tibet.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MACK. Mr. President, S. Res. 60, makes March 10, 2000 the Tibetan Day of Commemoration. This marks the forty-first anniversary of the 1959 Lhasa uprising over the course of which over 87,000 Tibetans were killed, arrested, or deported to labor camps by the People's Liberation Army. So tomorrow, we honor the memory of the more than 87,000 Tibetans who struggled for the preservation of Tibet. We also honor the 6 million Tibetans today who keep alive the hope of freedom in Tibet and the tens of thousands of exiles who hope to return home.

The Dalai Lama of Tibet has issued a statement for this anniversary which I would ask unanimous consent appear in the record immediately following my remarks. My distinguished colleague from California, Senator FEINSTEIN, has also issued a statement in favor of this resolution and commemorating the 41st anniversary of the Lhasa uprising.

From 1949, when the new communist government in Beijing sent an army to invade Tibet, through to the present, Tibet has been a victim of PLA tyranny, oppression, and cultural genocide. Unfortunately, there has been no respite from persecution over the past year and Tibetans in the world today are facing the very real and unfortunate threat of seeing their homeland and culture obliterated. According to the most recent State Department Report on Human Rights, "Chinese government authorities continued to commit serious human rights abuses in Tibet, including instances of torture, arbitrary arrest, detention without public trial, and lengthy detention of Tibetan nationalists for peacefully expressing their political or religious views." Things continue to get worse in Tibet, and this resolution recognizes their ongoing struggle with the PRC.

President Clinton has demonstrated an interest in Tibet and has spoken to President Jiang Zemin both privately and publicly, urging him to begin serious negotiations with the Dalai Lama. I urge President Clinton in the final months of his administration to match his rhetoric with actions and do what he can to get negotiations started between the Dalai Lama and the People's Republic of China.

I am pleased that we have acted today to formally recognize the continual denial of basic rights to the people of Tibet and to encourage a peaceful resolution between China and the

Dalai Lama, or his representatives, as an entire body. We can agree unanimously and in a bipartisan manner that there should be a peaceful resolution to this situation and that this Senate can stand united in our support for the Tibetan people, the preservation of their culture, and the right for them to negotiate peacefully for an end to over 50 years of brutal rule by the PRC.

Mr. President, I ask unanimous consent that a statement of the Dalai Lama be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of His Holiness the Dalai Lama on the Occasion of the 41st Anniversary of the Tibetan National Uprising March 10, 2000

My sincere greetings to my fellow countrymen in Tibet as well as in exile and to our friends and supporters all over the world on the occasion of the 41st anniversary of the Tibetan National Uprising Day of 1959.

We are at the beginning of the 21st century. If we look at the events that took place in the 20th century mankind made tremendous progress in improving our material well-being. At the same time, there was massive destruction, both in terms of human lives and physical structures as peoples and nations sought recourse to confrontation instead of dialogue to resolve bilateral and multilateral problems. The 20th century was therefore in a way a century of war and bloodshed. I believe that we have learned valuable lessons through these experiences. It is clear that any solution resulting from violence or confrontation is not lasting. I firmly believe that it is only through peaceful means that we can develop better understanding between ourselves. We must make this new century a century of peace and dialogue.

We commemorate this March 10th anniversary at a time when the state of affairs of our freedom struggle is complex and multifarious, yet the spirit of resistance of our people inside Tibet continues to increase. It is also encouraging to note that worldwide support for our cause is increasing. Unfortunately, on the part of Beijing there is an evident lack of political will and courage to address the issue of Tibet sensibly and pragmatically through dialogue.

Right from the beginning, ever since the time of our exile, we have believed in hoping for the best but preparing for the worst. In this same spirit, we have tried our best to reach out to the Chinese government to bring about a process of dialogue and reconciliation for many years. We have also been building bridges with our overseas Chinese brothers and sisters, including those in Taiwan, and to enhance significantly mutual understanding, respect and solidarity. At the same time we have continued with our work of strengthening the base of our exiled community by creating awareness about the true nature of the Tibetan struggle, preserving Tibetan values, promoting nonviolence, augmenting democracy and expanding the network of our supporters throughout the world.

It is with great sadness I report that the human rights situation in Tibet today has taken a critical turn in recent years. The "strike hard" and "patriotic re-education" campaigns against Tibetan religion and patriotism have intensified with each passing year. In some spheres of life we are witnessing the return of an atmosphere of intimidation, coercion and fear, reminiscent of the days of the Cultural Revolution. In 1999 alone there have been six known cases of deaths resulting from torture and abuse. Authorities have expelled a total of 1,432 monks and nuns from their monasteries and nunneries for refusing to either oppose Tibetan freedom or to denounce me. There are 615 known and documented Tibetan political prisoners in Tibet. Since 1996, a total of 11,409 monks and nuns have been expelled from their places of worship and study. It is obvious that there has been little change with regard to China's ruthless political objective in Tibet since the early sixties when the late Panchen Lama, who personally witnessed Communist China's occupation of Tibet from the 50s to the beginning of the 60s, wrote his famous 70,000 character petition. Even today the present young reincarnate Panchen Lama is under virtual house arrest, making him the youngest political prisoner in the world. I am deeply concerned about this.

The most alarming trend in Tibet is the flood of Chinese settlers who continue to come to Tibet to take advantage of Tibet's opening to market capitalism. This along with the widespread disease of prostitution, gambling and karaoke bars, which the authorities quietly encourage, is undermining the traditional social norms and moral values of the Tibetan people. These, more than brute force, are successful in reducing the Tibetans to a minority in their own country and alienating them from their traditional beliefs and values.

This sad state of affairs in Tibet does nothing to alleviate the suffering of the Tibetan people or to bring stability and unity to the People's Republic of China. If China is seriously concerned about unity, she must make honest efforts to win over the hearts of the Tibetans and not attempt to impose her will on them. It is the responsibility of those in power, who rule and govern, to ensure that policies towards all its ethnic groups are based on equality and justice in order to prevent separation. Though lies and falsehood may deceive people temporarily and the use of force may control human beings physically, it is only through proper understanding, fairness and mutual respect that human beings can be genuinely convinced and satisfied.

The Chinese authorities see the distinct culture and religion of Tibet as the principal cause for separation. Accordingly, there is an attempt to destroy the integral core of the Tibetan civilization and identity. New measures of restrictions in the fields of culture, religion and education coupled with the unabated influx of Chinese immigrants to Tibet amount to a policy of cultural genocide.

It is true that the root cause of the Tibetan resistance and freedom struggle lies in Tibet's long history, its distinct and ancient culture, and its unique identity. The Tibetan issue is much more complex and deeper than the simple official version Beijing upholds. History is history and no one can change the past. One cannot simply retain what one wants and abandon what one does not want. It is best left to historians and legal experts to study the case objectively and make their own judgements. In matters of history political decisions are not necessary. I am therefore looking towards the future.

Because of lack of understanding, appreciation and respect for Tibet's distinct culture, history and identity China's Tibet policies have been consistently misguided. In occupied Tibet there is little room for truth. The use of force and coercion as the principal means to rule and administer Tibet compel Tibetans to lie out of fear and local officials to hide the truth and create false facts in order to suit and to please Beijing and its stewards in Tibet. As a result China's treatment of Tibet continues to evade the realities in Tibet. This approach is shortsighted and counter-productive. These policies are narrow-minded and reveal the ugly face of racial and cultural arrogance and a deep sense of political insecurity. The development concerning the flights of Agya Rinpoche, the Abbot of Kumbum Monastery, and more recently Karmapa Rinpoche are cases in point. However, the time has passed when in the name of national sovereignty and integrity a state can continue to apply such ruthless policies with impunity and escape international condemnation. Moreover, the Chinese people themselves will deeply regret the destruction of Tibet's ancient and rich cultural heritage. I sincerely believe that our rich culture and spirituality not only can benefit millions of Chinese but can also enrich China itself.

It is unfortunate that some leaders of the People's Republic of China seem to be hoping for the Tibetan issue to disappear with the passage of time. Such thinking on the part of the Chinese leaders is to repeat the miscalculations made in the past. Certainly, no Chinese leader would have thought back in 1949/50 and then in 1959 that in 2000 China would still be grappling with the issue of Tibet. The old generation of Tibetans has gone, a second and a third generation of Tibetans have emerged. Irrespective of the passage of time the freedom struggle of the Tibetan people continues with undiminished determination. It is clear that this is not a struggle for the cause of one man nor is it that of one generation of Tibetans. It is therefore obvious that generations of Tibetans to come will continue to cherish, honor and commit themselves to this freedom struggle. Sooner or later, the Chinese leadership will have to face this fact.

The Chinese leaders refuse to believe that I am not seeking separation but genuine autonomy for the Tibetans. They are quite openly accusing me of lying. They are free to come and visit our communities in exile to find out the truth for themselves.

It has been my consistent endeavor to find a peaceful and mutually acceptable solution to the Tibetan problem. My approach envisages that Tibet enjoy genuine autonomy within the framework of the People's Republic of China. Such a mutually beneficial solution would contribute to the stability and unity of China—their two topmost priorities—while at the same time the Tibetans would be ensured of the basic right to preserve their own civilization and to protect the delicate environment of the Tibetan plateau.

In the absence of any positive response from the Chinese government to my overtures over the years, I am left with no alternative but to appeal to the members of the international community. It is clear now that only increased and concerted international efforts will persuade Beijing to change its policy on Tibet. In spite of immediate negative reactions from the Chinese side, I strongly believe that such expressions of international concern and support are essential for creating an environment conducive for the peaceful resolution of the Tibetan problem. On my part, I remain committed to the process of dialogue. It is my firm belief that dialogue and a willingness to look with honesty and clarity at the reality of Tibet can lead us to a viable solution.

I would like to take this opportunity to thank the numerous individuals, governments, members of parliaments, non-governmental organizations and various religious orders for their support. The sympathy and support shown to our cause by a growing number of well-informed Chinese brothers and sisters is of special significance and a great encouragement to us Tibetans. I also wish to convey my greetings and express my deep sense of appreciation to our supporters all over the world who are commemorating this anniversary today. Above all I would like to express on behalf of the Tibetans our gratitude to the people and the Government of India for their unsurpassed generosity and support during these past forty years of our exile.

With my homage to the brave men and women of Tibet who have died for the cause of our freedom, I pray for an early end to the sufferings of our people.

Mr. GRAMS. Mr. President, I ask unanimous consent that an amendment at the desk to the resolution be agreed to, the resolution, as amended, be agreed to, the amendment to the preamble be agreed to, and the preamble, as amended, be agreed to, the title amendment be agreed to, and the motion to reconsider be laid upon the table, and, finally, any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2884) was agreed to, as follows:

AMENDMENT NO. 2884

(Purpose: To provide a complete substitute)

On page 3, strike lines 2 through 16 and insert the following:

(1) March 10, 2000 should be recognized as the Tibetan Day of Commemoration in solemn remembrance of those Tibetans who sacrificed, suffered, and died during the Lhasa uprising, and in affirmation of the inherent rights of the Tibetan people to determine their own future; and

(2) March 10, 2000 should serve as an occasion to renew calls by the President, Congress, and other United States Government officials on the Government of the People's Republic of China to enter into serious negotiations with the Dalai Lama or his representatives until such a time as a peaceful solution, satisfactory to both sides, is achieved.

In the preamble, strike all the whereas clauses and insert the following:

Whereas during the period 1949–1950, the newly established communist government of the People's Republic of China sent an army to invade Tibet;

Whereas the Tibetan army was ill equipped and outnumbered, and the People's Liberation Army overwhelmed Tibetan defenses;

Whereas, on May 23, 1951, a delegation sent from the capital city of Lhasa to Peking to negotiate with the Government of the People's Republic of China was forced under duress to accept a Chinese-drafted 17-point agreement that incorporated Tibet into China but promised to preserve Tibetan political, cultural, and religious institutions;

Whereas during the period of 1951–1959, the failure of the Government of the People's Republic of China to uphold guarantees to autonomy contained in the 17-Point Agreement and the imposition of socialist reforms resulted in widespread oppression and brutality;

Whereas on March 10, 1959, the people of Lhasa, fearing for the life of the Dalai Lama, surrounded his palace, organized a permanent guard, and called for the withdrawal of the Chinese from Tibet and the restoration of Tibet's independence;

Whereas on March 17, 1959, the Dalai Lama escaped in disguise during the night after two mortar shells exploded within the walls of his palace and, before crossing the Indian border into exile two weeks later, repudiated the 17-Point Agreement;

Whereas during the 'Lhasa uprising' begun on March 10, 1959, Chinese statistics estimate 87,000 Tibetans were killed, arrested, or deported to labor camps, and only a small percentage of the thousands who attempted to escape to India survived Chinese military attacks, malnutrition, cold, and disease;

Whereas for the past forty years, the Dalai Lama has worked in exile to find ways to allow Tibetans to determine the future status of Tibet and was awarded the Nobel Peace Prize for his efforts in 1989;

Whereas it is the policy of the United States to support substantive dialogue between the Government of the People's Republic of China and the Dalai Lama or his representatives;

Whereas the State Department's 1999 Country Report on Human Rights Practices finds that "Chinese government authorities continued to commit serious human rights abuses in Tibet, including instances of torture, arbitrary arrest, detention without public trial, and lengthy detention of Tibetan nationalists for peacefully expressing their political or religious views.";

Whereas President Jiang Zemin pointed out in a press conference with President Clinton on June 27, 1997, that if the Dalai Lama recognizes that Tibet is an inalienable part of China and Taiwan is a province of China, then the door to negotiate is open;

Whereas all efforts by the U.S. and private parties to enable the Dalai Lama to find a negotiated solution have failed;

Whereas the Dalai Lama has specifically stated that he is not seeking independence and is committed to finding a negotiated solution within the framework enunciated by Deng Xiaoping in 1979; and

Whereas China has signed but failed to ratify the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights: Now, therefore, be it

Amend the title of the resolution to read as follows: "Recognizing the plight of the Tibetan people on the forty-first anniversary of Tibet's 1959 Lhasa uprising and calling for serious negotiations between China and the Dalai Lama to achieve a peaceful solution to the situation in Tibet.".

The resolution (S. Res. 60), as amended, was agreed to.

The preamble, as amended, was agreed to.

The title amendment was agreed to.

The resolution, as amended, with its preamble, as amended, reads as follows:

(S. Res. 60 was not available for printing. It will appear in a future issue of the RECORD.)

ORDER FOR COMMITTEES TO FILE

Mr. GRAMS. Mr. President, I also ask unanimous consent that notwithstanding the adjournment of the Senate, committees have from 12 noon until 2 p.m. on Wednesday, March 15, 2000, in order to file legislative matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMEMORATING THE TWELFTH ANNIVERSARY OF THE HALABJA MASSACRE

Mr. GRAMS. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Con. Res. 95, submitted earlier by Senator LOTT for himself and others.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 95) commemorating the twelfth anniversary of the Halabja massacre.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. GRAMS. I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 95) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 95

Whereas on March 16, 1988, Saddam Hussein attacked the Iraqi Kurdish city of Halabja with chemical weapons, including nerve gas, VX, and mustard gas;

Whereas more than 5,000 men, women, and children were murdered in Halabja by Saddam Hussein's chemical warfare, in gross violation of international law;

Whereas the attack on Halabja was part of a systemic, genocidal attack on the Kurds of Iraq known as the "Anfal Campaign";

Whereas the Anfal Campaign resulted in the death of more than 180,000 Iraqi Kurdish men, women, and children;

Whereas, despite the passage of 12 years, there has been no successful attempt by the United States, the United Nations, or other bodies of the international community to bring the perpetrators of the Halabja massacre to justice;

Whereas the Senate and the House of Representatives have repeatedly noted the atrocities committed by the Saddam Hussein regime;

Whereas the Senate and the House of Representatives have on 16 separate occasions called upon successive Administrations to work toward the creation of an International Tribunal to prosecute the war crimes of the Saddam Hussein regime;

Whereas in successive fiscal years monies have been authorized to create a record of the human rights violations of the Saddam Hussein regime and to pursue the creation of an international tribunal and the indictment of Saddam Hussein and members of his regime;

Whereas the Saddam Hussein regime continues the brutal repression of the people of Iraq, including the denial of basic human, political, and civil rights to Sunni, Shiite, and Kurdish Iraqis, as well as other minority groups;

Whereas the Secretary General of the United Nations has documented annually the failure of the Saddam Hussein regime to deliver basic necessities to the Iraqi people despite ample supplies of food in Baghdad warehouses;

Whereas the Saddam Hussein regime has at its disposal more than $12,000,000,000 per annum (at current oil prices) to expend on all categories of human needs;

Whereas, notwithstanding a complete lack of restriction on the purchase of food by the Government of Iraq, infant mortality rates in areas controlled by Saddam Hussein remain above pre-war levels, in stark contrast to rates in United Nations-controlled Kurdish areas, which are below pre-war levels; and

Whereas it is unconscionable that after the passage of 12 years the brutal Saddam Hussein dictatorship has gone unpunished for the murder of hundreds of thousands of innocent Iraqis, the use of banned chemical weapons on the people of Iraqi Kurdistan, and innumerable other human rights violations: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) commemorates the suffering of the people of Halabja and all the victims of the Anfal Campaign;

(2) condemns the Saddam Hussein regime for its continued brutality towards the Iraqi people;

(3) strongly urges the President to act forcefully within the United Nations and the United Nations Security Council to constitute an international tribunal for Iraq;

(4) calls upon the President to move rapidly to efficiently use funds appropriated by Congress to create a record of the crimes of the Saddam Hussein regime;

(5) recognizes that Saddam Hussein's record of brutality and belligerency threaten both the people of Iraq and the entire Persian Gulf region; and

(6) reiterates that it should be the policy of the United States to support efforts to remove the regime headed by Saddam Hussein from power in Iraq and to promote the emergence of a democratic government to replace that regime, as set forth in Public Law 105-338.

RECOGNIZING THE 50TH ANNIVERSARY OF THE KOREAN WAR AND THE SERVICE BY MEMBERS OF THE ARMED FORCES

Mr. GRAMS. Mr. President, I ask unanimous consent the Senate now proceed to the immediate consideration of Calendar No. 446, Senate Joint Resolution 39.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

A resolution (S.J. Res. 39) recognizing the 50th anniversary of the Korean War and the service by members of the Armed Forces during such war, and for other purposes.

There being no objection, the Senate proceeded to the immediate consideration of the joint resolution.

Mr. GRAMS. I ask unanimous consent that the joint resolution be read the third time and passed, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (S.J. Res. 39) was read the third time and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S. J. RES. 39

Whereas on June 25, 1950, Communist North Korea invaded South Korea with approximately 135,000 troops, thereby initiating the Korean War;

Whereas on June 27, 1950, President Harry S Truman ordered military intervention in Korea;

Whereas approximately 5,720,000 members of the Armed Forces served during the Korean War to defeat the spread of communism in Korea and throughout the world;

Whereas casualties of the United States during the Korean War included 54,260 dead (of whom 33,665 were battle deaths), 92,134 wounded, and 8,176 listed as missing in action or prisoners of war; and

Whereas service by members of the Armed Forces in the Korean War should never be forgotten: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress—

(1) recognizes the historic significance of the 50th anniversary of the Korean War;

(2) expresses the gratitude of the people of the United States to the members of the Armed Forces who served in the Korean War;

(3) honors the memory of service members who paid the ultimate price for the cause of freedom, including those who remain unaccounted for; and

(4) calls upon the President to issue a proclamation—

(A) recognizing the 50th anniversary of the Korean War and the sacrifices of the members of the Armed Forces who served and fought in Korea to defeat the spread of communism; and

(B) calling upon the people of the United States to observe such anniversary with appropriate ceremonies and activities.

ORDERS FOR MONDAY, MARCH 20, 2000

Mr. GRAMS. Mr. President, I ask unanimous consent when the Senate completes its business today, it stand in adjournment under the provisions of S. Con. Res. 94 until the hour of 12 noon on Monday, March 20. I further ask consent that on Monday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business with Senators permitted to speak for up to 5 minutes each, with the following exceptions:

Senator DURBIN or his designee, from 12 to 2 p.m.; Senator THOMAS or his designee from 2 p.m. until 4 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. GRAMS. For the information of all Senators, the Senate will convene at noon on Monday, March 20, and will be in a period of morning business throughout the day. As a reminder, there will be no votes on Monday. On Tuesday, March 21, the Senate will begin consideration of H.R. 5, the Social Security earnings legislation. Under a previous agreement, there will be approximately 4 hours of debate with three amendments in order to the bill. Therefore, Senators can expect votes throughout the afternoon on Tuesday.

During the remainder of the week of March 20, the Senate could consider any of the following items: Crop insurance, budget resolution, agricultural sanctions, satellite bill, or the Export Administration Act, and therefore votes can be expected to occur.

ADJOURNMENT UNTIL MONDAY, MARCH 20, 2000

Mr. GRAMS. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the provisions of S. Con. Res. 94.

The PRESIDING OFFICER. Under the previous order, the Senate is adjourned until the hour of 12 noon on Monday, March 20, 2000.

Thereupon, the Senate, at 6:22 p.m. adjourned until Monday, March 20, 2000, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate March 9, 2000:

DEPARTMENT OF ENERGY

MADELYN R. CREEDON, OF INDIANA, TO BE DEPUTY ADMINISTRATOR FOR DEFENSE PROGRAMS, NATIONAL NUCLEAR SECURITY ADMINISTRATION. (NEW POSITION)

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JOHN L. WOODWARD, JR., 3961

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. DAVID F. WHERLEY, JR., 8592

THE JUDICIARY

S. DAVID FINEMAN, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA, VICE NORMA LEVY SHAPIRO, RETIRED.

MARY A. MCLAUGHLIN, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA, VICE MARVIN KATZ, RETIRED.

DEPARTMENT OF STATE

W. ROBERT PEARSON, OF TENNESSEE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF TURKEY.

IN THE AIR FORCE

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

JAMES L. ABERNATHY, 4625
DAVID S. ANGLE, 1866
DAVID E. AVENELL, 8489
TRAVIS D. BALCH, 3742
JOSEPH G. BALSKUS, 7948
ANTHONY B. BASILE, 3004
DANIEL W. BECK, 1761
DONALD M. BOONE, 2981
RICHARD S. CAIN, 7718
CRAIG E. CAMPBELL, 3178
DONALD H. CHAMBERLAIN, 8290
MICHAEL G. COLANGELO, 7498
ARTHUR O COMPTON, 0979
JAMES D. CONRAD, 6297
DOUGLAS T. CROMACK, 1005
THOMAS L. DODDS, 1284
PATRICK F DUNN, 3163
CLAUDE J. EICHELBERGER, 6301
WILLIAM H. ETTER, 7521
DANTE M. FERRARO, JR., 4959
KATHLEEN E. FICK, 3666
RONALD K. GIRLINGHOUSE, 3172
THOMAS M. GREENE, 7478
DAVID J. HATLEY, 7777
THOMAS J. HAYNES, 7181
DEBORA F. HERBERT, 2205
RANDALL D. HERMAN, 5038
ALLISON A. HICKEY, 4946
ROBERT A. HICKEY, 3853
RANDALL E. HORN, 6293
WILLIAM E. HUDSON, 4783
THOMAS INGARGIOLA, 3954
JOHN C. INGLIS, 8571
RICHARD W. JOHNSON, 7574
VERLE L. JOHNSTON, JR., 9950
RICHARD W. KIMBLER, 4718
DEBRA N. LARRABEE, 7182
MICHAEL L. LEEPER, 9268
ALAN E. LEW, 3168
CONNIE S. LINTZ, 8077
SALVATORE J. LOMBARDI, 1566
HENRY J. MACIOG, 5459
NAOMI D. MANADIER, 5052
GREGORY L. MARSTON, 2616
EUGENE A. MARTIN, 5987
THADDEUS J. MARTIN, 2444
CRAIG M. MCCORMICK, 0761
DENNIS W. MENEFEE, 5023
DENNIS J. MOORE, 5840
MARIA A. MORGAN, 8913
BARBARA J. NELSON, 8708
ROBERT B. NEWMAN, JR., 1651
CHRISTOPHER M. NIXON, 0909
DONALD D. PARDEN, 6008
FRANCIS W. PEDROTTY, 4566
KATHLEEN T. PERRY, 4521
THOMAS F. PRENGER, 8798
JOHN A. RAMSEY, 8645
MARVIN L. RIDDLE, 6190
RENNY M. ROGERS, 3978
RUSSELL H. SAHR, 4331
LOIS H. SCHMIDT, 4688
TIMOTHY W. SCOTT, 4093
JACK F. SCROGGS, 2350
SAMUEL S. SIVEWRIGHT, 2197
JOHN B. SOILEAU, JR., 9074
BENJAMIN J. SPRAGGINS, 6740
JAY T. STEVENSON, 5844
DAVID K. TANAKA, 7560
TIMOTHY G. TARRIS, 9515
WAYNE L. THOMAS, 9265
JAMES K. TOWNSEND, 5698
TERRANCE R. TRIPP, 5154
KAY L. TROUTT, 1008
BRIAN A. TRUMAN, 9784
CURTIS M. WHITAKER, 4706
MARK WHITE, 4178
KENNARD R. WIGGINS, JR., 6227
BRENT E. WINGET, 6522
DARRYLL D.M. WONG, 0536

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JAMES G. AINSLIE, 3745
SHAWN W. FLORA, 3468
DOUGLAS MCCREADY, 1972
THERESA M. ODEKIRK, 9713
THOMAS M. PENTON, JR., 5692

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 624:

To be lieutenant colonel

JANE H. EDWARDS, 4764

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT IN THE NURSE CORPS (AN), MEDICAL SERVICE CORPS (MS), MEDICAL SPECIALIST CORPS (SP) AND VETERINARY CORPS (VC) (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

To be lieutenant colonel

JEFFREY J. ADAMOVICZ, 5950 MS
ROXANNE AHRMAN, 6973 AN
MATTHEW J. ANDERSON, 2054 AN
RANDALL G. ANDERSON, 7870 MS
DEBRA C. APARICIO, 2509 AN
DONALD F. ARCHIBALD, 0893 MS
DAVID R. ARDNER, 8740 MS
KIMBERLY K. ARMSTRONG, 0214 AN
CHERYL M. BAILLY, 4393 AN
FRANCIS W. BANNISTER, 8266 MS
LINDA M. BAUER, 9966 AN
*TERRY K. BESCH, 8189 VC
STEVEN G. BOLINT, 1946 MS
LORI L. BOND, 7574 AN
CRYSTAL M. BRISCOE, 7970 VC
HORTENSE R. BRITT, 8953 AN
*HENRIETTA W. BROWN, 2442 AN
DAVID P. BUDINGER, 0740 MS
KAY D. BURKMAN, 6448 VC
*SPENCER J. CAMPBELL, 3903 MS
BRIAN T. CANFIELD, 3583 MS
*CHARLES E. CANNON, 1712 MS
*CALVIN B. CARPENTER, 9003 VC
*MARGARET N. CARTER, 0834 VC
JANICE E. CARVER, 2899 AN
THOMAS H. CHAPMAN, JR., 9929 AN
STEVEN H. CHOWEN, 6496 MS
*JAMES A. CHURCH, 9049 AN
EDWARD T. CLAYSON, 3923 MS
*RUSSELL E. COLEMAN, 2765 MS
JOHN M. COLLINS, 1159 MS
JOHN P. COLLINS, 9712 MS
JOYCE CRAIG, 3529 AN
*JOSEPH F. CREEDON, JR., 6752 SP
PETER C. DANCY, JR., 7329 MS
SHERYL L. DARROW, 8875 AN
RAYMOND A. DEGENHARDT, 0970 AN
*DONALD W. DEGROFF, 5335 MS
DANNY R. DEUTER, 3693 MS
CHERYL D. DICARLO, 5030 VC
GEORGE A. DILLY, 9138 SP
LAURIE L. DURAN, 1718 AN
RHONDA L. EARLS, 4512 AN
WANDA I. ECHEVARRIA, 7588 AN
SAMUEL E. EDEN, 5104 MS
RICHARD T. EDWARDS, 7111 MS
BRENDA K. ELLISON, 8159 SP
*RICHARD J. ELLISTON, 4834 MS
STEVEN D. EUHUS, 7788 MS
*ANN M. EVERETT, 1347 AN
SHERI L. FERGUSON, 6204 AN
JULIE A. FINCH, 0607 AN
DANIEL J. FISHER, 3412 MS
ELAINE D. FLEMING, 9217 AN
LORRAINE A. FRITZ, 9099 AN
MARY S. GAMBREL, 4819 AN
ALEXANDER GARDNER III, 4979 MS
MARY E. GARR, 3936 MS
KATHRYN M. GAYLORD, 8344 AN
DAVID G. GILBERTSON, 7355 MS
MARK H. GLAD, 7353 MS
RICARDO A. GLENN, 9577 MS
ROBERT E. GRAY, 8227 MS
*STEVEN W. GRIMES, 2435 AN
CHRISTINA M. HACKMAN, 0012 AN
*KAREN A. HAGEN, 8306 AN
CHRISTINE S. HALDER, 4188 MS
TERESA I. HALL, 9799 AN
RITA K. HANNAH, 1581 AN
BRYANT E. HARP, JR., 1667 MS
*SALLY C. HARVEY, 2149 MS
BRUCE E. HASELDEN, 1411 MS
BERNARD F. HEBRON, 4942 MS
HEIDI A. HECKEL, 9153 SP
DAVID HERNANDEZ, 7709 AN
CLAUDE HINES, JR., 4444 MS
MARK E. HODGES, 3827 AN
CHARLOTTE L. HOUGH, 1006 AN
ROBERT E. HOUSLEY, JR., 0296 MS
RANDOLPH G. HOWARD, JR., 4662 MS
LINDA L. HUNDLEY, 2260 AN
DONNA L. HUNT, 9740 AN
THOMAS C. JACKSON II, 3075 MS
CLIFETTE JOHNSON II, 3418 AN
RICHARD N. JOHNSON, 6484 MS
DARIA D. JONES, 6117 AN
DAVID D. JONES, 0226 MS
SANDRA D. JORDAN, 6627 AN
VAN A. JOY, 0915 MS
PHILIP KAHUE, 2849 MS
JUNG S. KIM, 9419 AN
JOSHUA P. KIMBALL, 4569 MS
MICHAEL S. LAGUTCHIK, 7337 VC
MARSHA A. LANGLOIS, 1221 MS
*TERRY J. LANTZ, 5726 MS
*JAMES L. LARABEE, 8496 AN
WILLIAM J. LAYDEN, 5275 MS
JOHN R. LEE, 6997 MS
CATHY E. LEPPIAHO, 8153 MS
PATRICIA M. LEROUX, 1909 AN
GLORIA R. LONG, 1185 AN
LESLIE S. LUND, 3444 AN
LISA C. MACPHEE, 0631 MS
LEO H. MAHONY, JR., 4144 SP
LANCE S. MALEY, 0737 MS
THIRSA MARTINEZ, 8361 MS
BRUCE W. MCVEIGH, 2409 MS
JOHN R. MERCIER, 2556 MS
TALFORD V. MINDINGALL, 0091 MS
ULISES MIRANDA III, 3958 MS
RAFAEL C. MONTAGNO, 5546 MS
OCTAVIO C. MONTVAZQUEZ, 1388 MS
CONNIE J. MOORE, 3752 AN
JOSEF H. MOORE, 1725 SP
JANET MOSER, 0590 VC
SHONNA L. MULKEY, 7296 MS
MICHAEL C. MULLINS, 2409 MS
DAVETTE L. MURRAY, 4473 MS
SUSAN M. MYERS, 3231 AN
JANE E. NEWMAN, 3753 AN
DOUGLAS E. NEWSON, 1645 AN
*VICKI J. NICHOLS, 7343 AN
KIMBERLY A. NIKO, 5863 AN
MARY C. OBERHART, 5905 AN
JOHN F. PARE, 2283 AN
JESSIE J. PAYTON, JR., 9041 MS
JOSEPH A. PECKO, 3699 MS
JEROME PENNER III, 7180 MS
SUZANNE R. PIEKLIK, 4466 AN
FONZIE J. QUANCEFITCH, 9878 VC
*DORIS A. REEVES, 9992 AN
*LUE D. REEVES, 7905 AN
MICHAEL L. REISS, 8985 MS
GEORGE C. RENISON, 3981 VC
KAROLYN RICE, 0455 MS
MARIA D. RISALITI, 6648 AN
CHRISTOPHER V. ROAN, 9618 MS
GEORGE A. ROARK, 8201 MS
LAURA W. ROGERS, 5784 AN
MIGUEL A. ROSADO, 7797 AN
DENISE M. ROSKOVENSKY, 6541 AN
ROBBIN V. ROWELL, 7659 SP
YOLANDA RUIZISALES, 5770 AN
MICHAEL P. RYAN, 2422 MS
KRISTINE A. SAPUNTZOFF, 0750 AN
PATRICK D. SARGENT, 0187 MS
WAYNE R. SMETANA, 8818 MS
SUSAN G. SMITH, 0562 AN
EARLE SMITH II, 0496 MS
WADE L. SMITH, JR., 6594 MS
NANCY E. SOLTEZ, 6620 AN
KERRY L. SOUZA, 0667 AN
EMERY SPAAR, 6041 MS
GLENNA M. SPEARS, 4288 AN
DEBRA A. SPENCER, 2307 AN
JOYCE D. STANLEY, 5480 AN
BARRY T. STEEVER, 6202 AN
MARC J. STEVENS, 2775 MS
JOHN R. STEWART, 1020 MS
ROBINETTE J. STRUTTONAMAKER, 6702 SP
STEPHANIE M. SWEENY, 2838 AN
JOHN R. TABER, 7013 VC
REGINA L. TELLITOCCI, 7856 AN
ROBERT D. TENHET, 5358 MS
JOHN H. TRAKOWSKI, JR., 9435 MS
JOE M. TRUELOVE, 9633 MS
*CORINA VAN DE POL, 1546 MS
LORNA M. VANDERZANDEN, 9866 VC
LINDA J. VANWEELDEN, 8553 AN
KEITH R. VESELY, 5234 VC
JIMMY C. VILLIARD, 9266 VC
ROBERT W. WALLACE, 4711 MS
KEVIN M. WALSH, 9461 AN
JASPER W. WATKINS III, 3219 MS
VIRGIL G. WIEMERS, 4104 AN
PATRICIA A. WILHELM, 0683 AN
JAMES A. WILKES, 2577 MS
*KATHLEEN J. WILTSIE, 3252 AN
KELLY A. WOLGAST, 7403 AN
JOHN S. WONG, 6541 AN
JOHN F. ZETO, 0247 MS

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

JOSEPH L. BAXTER, JR., 8381

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

ROBERT F. BLYTHE, 0812

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

GEORGE P. HAIG, 4611

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

MELVIN J. HENDRICKS, 4805

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

JON E. LAZAR, 8144

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

LAWRENCE R. LINTZ, 2437

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

DAVID E. LOWE, 6673

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

MICHAEL S. NICKLIN, 5769

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

ROBERT J. WERNER, 9272

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

CARL M. JUNE, 4857

CONFIRMATIONS

EXECUTIVE NOMINATIONS CONFIRMED BY THE SENATE MARCH 9, 2000:

THE JUDICIARY

MARSHA L. BERZON, OF CALIFORNIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT.

RICHARD A. PAEZ, OF CALIFORNIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT.

HOUSE OF REPRESENTATIVES—*Thursday, March 9, 2000*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. LAHOOD).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 9, 2000.

I hereby appoint the Honorable RAY LAHOOD to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend James David Ford, D.D., offered the following prayer:

We are privileged and thankful, O God, that we can begin a new day with these words of prayer. With gratefulness for the wonder and beauty and glory of Your creation; with appreciation for friends who care for us and support us in our every need; with enthusiasm for the honor of being called to serve the people of our Nation; with joy for the opportunities to live and breathe the meaning of faith and hope and love, we offer these words of thanksgiving and praise. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. GIBBONS. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GIBBONS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Pennsylvania (Mr. PITTS) come forward and lead the House in the Pledge of Allegiance.

Mr. PITTS led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1000) "An Act to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that there will be 10 one-minute speeches on each side.

BABY BODY PARTS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, there is a doctor in Illinois who produced the following advertisement. It reads, "Fresh fetal tissue harvested and shipped to your specifications, where and when you need it."

It also reads: "Liver, spleen, pancreas, intestines, kidney, brain, lungs," and I will not read them all, "with appropriate discounts that apply if specimen is significantly fragmented."

And at the bottom it says, "All that you need to initiate service is a purchase order number, payment type, and your billing address."

Mr. Speaker, this is horrific. These are body parts of babies sold on the open market like toys or collectibles. This is a violation of law. Selling body parts of babies is wrong, it is unethical, it is illegal, it is dangerous to the women from whom these body parts are taken and it must stop. The administration must enforce the law. We do not live in Nazi Germany. There is a hearing at 2 o'clock before the Committee on Commerce. I hope, Mr. Speaker, this practice will be stopped in America.

INCREASE THE MINIMUM WAGE

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I am appalled today that there is going to be real debate on whether or not we are going to raise the minimum wage by one dollar over 2 years or 3 years. We are talking about present minimum wage of $5.15 an hour. Can we imagine that in the greatest economy that we have ever known? Persons who are heads of these companies are making multi-million-dollar salaries per year and the ones who make them get there cannot even get a dollar raise in minimum wage. These are working mothers who have to pay child care, shelter, food, transportation. Most do not even have health care, so we have to pay that as taxpayers. I cannot believe this Nation ought to be outraged that we are debating whether or not we are going to raise minimum wage by one dollar, just one dollar, over a 2-year or a 3-year period. That is unconscionable. I do not know anyone in any State that can live on minimum wage and take care of all of their responsibilities. Their responsibilities become ours.

AID FOR COLOMBIA

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, there are those who compare providing aid to Colombia to providing aid to Vietnam. This is an expected but faulty comparison.

Unlike Vietnam, the consequences for failure in Colombia will not be another fallen domino in a far-off land. It will be more drug-related deaths in our own streets among our own children. Without immediate action on the proposed aid package to Colombia, the drug lords will continue, largely unimpeded, to produce and distribute their deadly drugs which kill almost as many American kids and young adults each year as died in Vietnam. That, Mr. Speaker, should be a wake-up call.

Because Colombia is right here in our own hemisphere and not halfway around the world, what happens there will affect us more profoundly than what happened in Vietnam. The fact that Colombia is only 4 hours away by plane and can be reached by a car or truck, it becomes that much more important for us to help the country fight the narco-terrorists. The drugs which enter the United States each day from Colombia are far more of a threat to our national security than any Communist regime in Southeast Asia.

MINIMUM WAGE

(Mr. GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Speaker, last week the Republican majority and the Democratic minority passed with no negative votes the removal of caps on the Social Security earnings. But it seems the Republican majority did not learn how to pass legislation on a bipartisan basis. Today we have a Frankenstein piece of legislation. None of the parts fit together. Even the names do not fit. Bipartisan legislation should be what is on this floor, but instead we have a budget-busting tax cut that does not even help small business.

I support a minimum-wage increase. The Republican proposal falls short of meeting the needs of the American family. The Republican leadership is more willing to push a budget-busting, debt-increasing $123 billion tax cut that will go to the top 1 percent than to help American small business with a reasonable tax cut.

We are presently enjoying one of the strongest economies ever, but the benefits are not flowing fairly to both the working people but also to the small business. We need to bring legislation to this floor that provides a real pay increase and a tax package that is sensible and responsible, not one that is just going to increase our debt. Hopefully, we will see the error of our ways and reject this Frankenstein piece of legislation.

KILL THE DEATH TAX

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, we have all experienced the loss of a loved one. It is a time when family and friends come together to console each other in an effort to ease the sorrow. Unfortunately, it is also a time when the callous Federal tax collector comes knocking. Today when someone dies, the Federal Government assesses a tax of up to 55 percent on the value of their estate. As a result, approximately 70 percent of family-owned businesses and small farms are not passed on to the next generation, another loss that the grieving family and American society as a whole must endure.

But today, Mr. Speaker, we have the opportunity to ease this unfair burden. The Wage and Employment Growth Act reduces the top estate tax from 55 percent down to 50 by 2002 and will further reduce all rates by 1 percent in the years 2003 and 2004. Mr. Speaker, 77 percent of the American public believes the death tax is unfair and should be repealed. This will be one loss that the American family will not grieve for.

LEAVE "TOUCHED BY AN ANGEL" ON TELEVISION

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute.)

Mr. TRAFICANT. Mr. Speaker, hundreds of thousands of Americans signed petitions to have the popular TV show "Touched by an Angel" removed from television. They want it canceled. They said, quote-unquote, "It refers too much to God." Unbelievable. But just turn on the TV. Murder, rape, terrorism, graphic depiction of sex. Beam me up, Mr. Speaker. Mass murder is okay, but God is offensive? I think it is time, ladies and gentlemen, for Congress to tell these petitioners to leave God and "Touched by an Angel" alone. Leave it on TV.

I yield back all the sex, drugs, and murder on television.

RELIEF FROM THE DEATH TAX

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, when someone in a family dies, the whole family necessarily goes through a very painful experience. Losing a loved one is difficult enough, but unfortunately the Government makes it even tougher. This is because of the death tax. Today when someone dies, the Federal Government assesses a tax of up to 55 percent on the value of his or her estate. This makes it nearly impossible for farmers to pass on the family farm to their children or for a small business owners to pass on their life's work to their children. This is ridiculous. Mr. Speaker, Americans should not have to visit both the IRS and the undertaker on the same day. We need to give Americans relief from the death tax. This week we are voting on the Small Business Tax Fairness Act which would lessen the tax bite families feel when a loved one passes away. This is the right thing to do. I hope my colleagues will join me in helping give the American people relief from the death tax.

SKYROCKETING FUEL PRICES

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Mr. Speaker, fuel prices are skyrocketing through the roof while Congress and the administration sit and twiddle their thumbs mumbling platitudes about waiting for the free market to work. I have got a news flash for the President, the Secretary of Energy and my colleagues that do not want to do anything.

There is no free market in oil. The huge oil conglomerates secretly conspire against consumers to drive up oil prices and the OPEC countries openly collude to reduce production and create an artificial shortage. The Justice Department should vigorously investigate and prosecute the price fixing and anticompetitive actions by the major oil companies. And the President as a big supporter of the WTO and rules-based trade should file a complaint against the OPEC nations.

The WTO charter, article 11, says that they cannot do this. They cannot artificially depress production. We should file a complaint and collect hundreds of millions of dollars in damages levied through the WTO organization. If the administration is willing to use the full force and credibility of the Government on behalf of a single banana exporter with no export production in the United States, then they should certainly act on behalf of U.S. consumers who are being gouged by OPEC and other oil-producing nations.

ADDRESSING THE DEATH TAX

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, with the economy strong and our government taking in budget surpluses, the time has come to address some nagging fairness issues in our Tax Code. The House has already done that twice this year by passing relief from the marriage tax penalty and voting to end the Social Security earnings limit.

Now the time has come to address another unfair provision in our Tax Code, the death tax. Today, when a person dies, the Federal Government assesses a tax of up to 55 percent on the value of his or her estate. Thus, many Americans, small business owners and farmers, are unable to pass on their life's work to their children. This is totally unfair. Today, the House will be voting on the Small Business Tax Fairness Act which will deliver relief from the death tax. This commonsense legislation will make it easier for Americans to pass on a small business to the next generation. We should all support this bill that will help restore the American dream to American families. In fact, we ought to get rid of the unfair death tax altogether.

TIME TO INCREASE MINIMUM WAGE

(Mr. WISE asked and was given permission to address the House for 1 minute.)

Mr. WISE. Mr. Speaker, I rise today in support of increasing the minimum wage for America's workers. In West Virginia alone, at least 5 percent of the hourly workforce makes the bare minimum wage, but by raising it from $5.15 an hour to $6.15 an hour over 2 years, at least 106,000 workers would get an increase. That would also mean 50,000 full-time workers in West Virginia would see an increase in their wages. Who are they? It is the senior citizen who is cooking the biscuits in a convenience store. It is the mother who is working full time at a health care center. Today in West Virginia, a full-time minimum-wage worker with two children earns $10,700 a year, or $3,200 below the Federal poverty line. I hear the argument that the minimum wage only goes to students. I was one of those students working my way through college on the minimum wage, and the only wage increase I ever got was when this Congress raised the minimum wage. It is time to give workers an increase.

□ 1015

THE PRESIDENT'S HUMAN RIGHTS REPORT SHOULD NOT BE IGNORED

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, yesterday in his comments about giving China MFN, the President said, "I believe the choice between economic rights and human rights, between economic security and national security is a false one."

If that is the case, Mr. President, why is the Chinese Government continuing to persecute the Catholic Church? Why is the Chinese Government persecuting the Protestant Church? Why is the Clinton administration going against its own human rights report and not speaking out for those who are being plundered and killed in Tibet? Why is the Chinese government persecuting the Muslims in China? Why, if one reads today's Washington Times, are we allowing the Chinese Government to increase its spying activities in the United States?

Mr. President, if you really believe that there is no connection, then you have not read your own human rights report.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). The Chair would advise Members to address the Chair and not the President.

INTERNATIONAL ABDUCTION OF CHILDREN MUST BE STOPPED

(Mr. LAMPSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMPSON. Mr. Speaker, I rise today to tell the story of Tom Sylvester and his daughter Carina. Her story is the fifth account in my series of one minutes on the more than 10,000 American children who have been abducted to foreign countries.

Carina Sylvester was born in 1994 and was abducted by her mother Monika in 1995 and was taken to Austria. An Austrian trial court found Monika Sylvester to have violated The Hague Convention, but she refused to comply with the court order and did not voluntarily return Carina. Carina is now 5 years old and has lived in the home of her maternal grandparents in Graz, Austria; and since 1995, Tom has seen Carina only occasionally and only under strict supervision.

Mr. Speaker, this Nation has an enormous problem with children who have been abducted internationally and Congress must be part of the solution. These one minutes are about families and reuniting children and parents. They are just the first steps in our ongoing dialogue with the American people and my colleagues in an effort to bring our children home.

THE TRAFFICKING OF BABY BODY PARTS

(Mr. WELDON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON of Florida. Mr. Speaker, last night ABC's 20/20 brought something very important to the public's attention, the trafficking of babies' body parts and organs. Even today the House Subcommittee on Health and Environment is holding a hearing on this issue.

As a physician and a Congressman, I find this practice disturbing, disgusting, and, of course, highly immoral; but the truth of the matter is that this is currently going on in our country. Evidence has shown us that private companies and even public universities buy and sell baby organs for the sole purpose of experimentation. It has been brought to my attention that they pay as much as $150 for skin, $990 for a brain, and $325 for a spinal cord.

To make it worse, companies are making special syringes for abortion doctors so that they can prolong the abortion procedure itself and keep the baby alive long enough to get more money for these parts.

This practice is illegal. It is against the law. It is outrageous, and it boils down to human exploitation and death. I encourage my colleagues to oppose it.

THERE SHOULD BE AN INCREASE IN THE MINIMUM WAGE

(Mr. BACA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BACA. Mr. Speaker, I rise today to speak on behalf of working families across America. I am speaking in behalf of a $1.00 increase of the minimum wage over the next 2 years and opposing the passage of tax provisions of the Republicans' H.R. 3081.

The minimum wage proposal would benefit 11.8 million families and allow some comfort and economic dignity. Forty percent of minimum-wage working families are the sole bread winners in their families.

Raising the minimum wage would not cost additional jobs. It is our responsibility to allow everyone, I state everyone, a chance in America to have that dream, that opportunity, to enjoy life, an opportunity of quality of life by earning wages that are so important to a lot of us.

Raising the minimum wage, increasing it from $5.15 an hour, is our responsibility. We have the responsibility to assure that people can afford a decent living. We have individuals who cannot afford to pay for food to put on the table. We have the responsibility to make sure that America enjoys life a lot better. Let us increase the minimum wage.

SELLING OF BABY BODY PARTS MUST BE STOPPED

(Mrs. CHENOWETH-HAGE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CHENOWETH-HAGE. Mr. Speaker, I rise today to talk about the health risks to women that the sale of body parts represents. The evidence that these parts have actually been sold is overwhelming. More than one legitimate organization has been able to independently confirm their sale, including the National Conference of Catholic Bishops and ABC's 20/20.

More troubling is the fact that published price lists exist for certain parts of unborn children. This enables doctors to decide what the most effective procedure for delivery of intact unborn children might be for the highest profit. If procedures are changed to increase profit, this is inexcusable, Mr. Speaker.

The insertion of laminaria and forced dilation of women, often necessary for delivering intact fetuses, present real and legitimate risks to a woman's health. Think about it. Would not a virtually intact cadaver of a child raise the price that one could charge for the remains?

Mr. Speaker, this must stop.

HUD'S GUN BUYBACK PROGRAM SHOULD NOT BE ELIMINATED

(Mrs. MCCARTHY of New York asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MCCARTHY of New York. Mr. Speaker, the House Committee on Appropriations wants to eliminate the gun buyback program at the Nation's public housing authorities. This just makes no sense.

Last week, a first grader killed another first grader with a handgun. Yesterday, four people in Memphis were killed in what started as a domestic dispute but ended when a gunman shot to death his wife, two firefighters, and a sheriff's deputy.

The daily gun violence in this country is a national problem. It calls for a national solution.

The American people know that 13 children are killed every day by gun violence. Meanwhile, the Congress has done nothing. Now the leadership has directed the House appropriations to eliminate the Department of Housing Urban Development's gun buyback program. This program has been highly successful in partnering police with housing officers to remove guns from public housing and in curbing gun violence.

In fact, Memphis, the site of Wednesday's gun killings, would lose its buyback program and so would 80 public housing authorities across the Nation.

The supplemental appropriations bill now has language in it that rescinds more than $700,000 from the gun buyback program.

Mr. Speaker, this is crazy. When we have programs that work, we should not take them back. We have a moral obligation to reduce gun violence in this country.

A GREAT VICTORY FOR JACKSON COUNTY, OREGON, IN ELIMINATING THE SCOURGE OF ILLEGAL DRUGS

(Mr. WALDEN of Oregon asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALDEN of Oregon. Mr. Speaker, I rise today to commend the efforts of law enforcement officers in Jackson County, Oregon. Yesterday, 110 law enforcement officers from the FBI, Drug Enforcement Agency, IRS, INS, the Social Security Administration and the Jackson County Narcotics Enforcement Team, also called Jacnet, shut down a drug ring that was thought to supply 90 percent of the area's heroin and most of its methamphetamines.

Nineteen people were arrested; 28 houses and vehicles were searched in this early morning bust.

Mr. Speaker, this is a great victory for the work to protect our communities from the scourge of illegal narcotics, and I congratulate the law enforcement personnel who were involved.

The bust is also a great victory for cooperative collaborative counter-drug efforts. Jacnet is itself made up of people of the Jackson County Sheriff's Office, the Oregon State Police, Medford and Central Point Police Departments, and the Oregon National Guard. Add Federal agencies and we have all levels of government working together to fight drugs, and it works.

That is why I am working to increase funding for the federally-designated High Intensity Drug Trafficking Areas, including Jackson County.

Mr. Speaker, this is a program that works, and I intend to keep pursuing it. I congratulate those law enforcement agencies that were involved in making our communities safer.

AT A TIME OF EXTRAORDINARY PROSPERITY, THE MINIMUM WAGE SHOULD BE INCREASED

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, today we have an opportunity to vote on a measure that will truly make a difference in the lives of all Americans and that is an increase in the minimum wage. At this time of extraordinary prosperity, hard-working Americans deserve to have a much needed raise, to bring the minimum wage closer to a living standard.

Unfortunately, once again, the Republican leadership is attempting to delay, to derail this meaningful legislation. I call upon that leadership to end their delay tactics and allow a fair vote on this bill. This increase in the minimum wage should not be tied to an irresponsible $120 billion tax package that will benefit only the richest of the rich, the super rich. Instead, we should be voting for an alternative which would provide a much needed increase in minimum wage and responsible tax relief for small businesses.

It is time for us to do the right thing. It is time for us to raise that minimum wage fifty cents this year, fifty cents next year from $5.15 to $6.15. We send a message if we do that, that we honor their hard work, commitment and dedication.

DR. JONES, A MODERN DAY DR. MENGELA WHEN IT COMES TO SELLING BABY BODY PARTS

(Mr. TANCREDO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TANCREDO. Mr. Speaker, last night I watched in amazement as the owner of a company, Opening Lines, made it known in a 20/20 undercover investigation that his company is in the business of selling fetal tissue for profit.

When asked by the actor posing as a potential investor how much they could make from selling body parts, Dr. Miles Jones, the owner of Opening Lines and a pathologist, stated, "It is market force. It is whatever it can go for."

He went on to say that a single fetus could make his company up to $2,500.

Mr. Speaker, this is in blatant defiance of the law passed in 1993 under the NIH Reauthorization Act, namely that baby body parts cannot be sold for valuable consideration.

The Hippocratic Oath has gone out the window and been replaced by greed.

Dr. Jones went on further to state, over drinks and dinner at a fine restaurant, that his dream job would be to operate down in Mexico where laws are less stringent and where he could set up a system reminiscent of an assembly line.

This makes me sick. I am grateful that the Subcommittee on Health and Environment is holding a hearing today, in fact, to look into this barbaric issue. It is time that Congress gets off the sidelines, sheds the light of day on people like Dr. Jones, or should I say a modern day Dr. Mengela.

PROVIDING FOR CONSIDERATION OF H.R. 1695, IVANPAH VALLEY AIRPORT PUBLIC LANDS TRANSFER ACT

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 433 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 433

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1695) to provide for the conveyance of certain Federal public lands in the Ivanpah Valley, Nevada, to Clark County, Nevada, for the development of an airport facility, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Resources now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. The amendment printed in the report of the Committee on Rules accompanying this resolution shall be considered as read and shall not be subject to a demand for division of the question in the

House or in the Committee of the Whole. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

□ 1030

Mr. HASTINGS of Washington. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the distinguished gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H.R. 433 would grant H.R. 1695, the Ivanpah Valley Public Lands Transfer Act, an open rule. The rule waives all points of order against consideration of the bill and provides 1 hour of general debate, equally divided between the chairman and ranking minority member of the Committee on Resources.

The rule makes in order the Committee on Resources amendment in the nature of a substitute now printed in the bill as an original bill for the purpose of amendment, which shall be open for debate at any point. The rule also waives all points of order against the committee amendment in the nature of a substitute.

The rule further provides that the amendment printed in the report of the Committee on Rules accompanying the resolution shall be considered as read and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

The rule authorizes the Chair to accord priority and recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD. It allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce voting time to 5 minutes on a postponed question if the vote follows a 15 minute vote.

Finally, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, H.R. 1695 has been introduced by the gentleman from Nevada (Mr. GIBBONS) in order to address a problem of increasing concern in his district. Southern Nevada is the fastest growing area in the United States. Both the rapidly expanding population and the area's growing popularity as a destination for travel and tourism have placed great strain on its existing commercial airport.

This bill would make available land currently in Federal ownership for the construction of a second major airport to be known as the Ivanpah Valley Airport, which would serve as an alternative for cargo and charter flight operations. The site is in an ideal location for such a facility and is on land that is no longer needed by the Interior Department's Bureau of Land Management. The bill requires the county to pay fair market value for this land.

Because the Congressional Budget Office estimates that implementing H.R. 1695 would result in a net increase in spending of approximately $1 million over the years 2001 to 2004, pay-as-you-go procedures would apply.

Those of us who represent districts in the West where so much of our land is owned by the Federal Government and that is not on the local tax rolls tend to be very supportive of proposals that move unneeded land out of Federal ownership, especially when it can be put to the kind of high-priority use as envisioned by the legislation of the gentleman from Nevada (Mr. GIBBONS). Members who have concerns about the provisions of this bill will be pleased that the Committee on Rules has reported an open rule so that any proposed amendments to H.R. 1695 that are consistent with House rules may be fully considered and debated.

Accordingly, Mr. Speaker, I urge my colleagues to support the open rule for H.R. 1695.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I thank the gentleman for yielding me this time. I yield myself such time as I may consume.

Mr. Speaker, this is an open rule. It will allow for full consideration of a bill to transfer land in Nevada to construct an airport which will serve Las Vegas.

As the gentleman from Washington (Mr. HASTINGS) has described, the rule for the debate time provides that the bill be equally divided and controlled by the Chairman and ranking minority member of the Committee on Resources.

The rule permits amendments under the 5-minute rule, which is the normal amending process in the House. All Members on both sides of the aisle will have an opportunity to offer germane amendments.

The rule also makes in order an amendment that is expected to be offered by the gentleman from Utah (Mr. HANSEN) that addresses several concerns in the bill.

Southern Nevada is one of the fastest growing areas in the country, which has placed increasing demands on Las Vegas's McCarran International Airport. Because so much of Nevada is owned by the Federal Government, the land transfer is necessary to satisfy the region's growing need for air service.

Mr. Speaker, this legislation brings to mind a related issue that is very important to me, and that is the need for regional cooperation and broad citizen support for airport expansion. In my own community in the Miami Valley of Ohio, the City of Dayton is proposing a major expansion that attempts to address the region's future air travel needs. It is important to the citizens of the area to have sufficient opportunity to contribute to the planning process and for key segments of the community to reach a mutually acceptable agreement. The process can be long and frustrating, but there is no other way to advance public cause, even one that has the potential to provide long-term benefits to the region.

The House Committee on Rules has permitted a compromise measure to come before the House that is acceptable to both sides of the aisle. It is this kind of creative problem-solving and a willingness to compromise that will advance the project and serve the Las Vegas area.

Mr. Speaker, this open rule was approved by a voice vote by the Committee on Rules, and I urge its adoption.

Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, the previous question is ordered on the resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The Chair will reduce to 5 minutes the time for a record vote, if ordered, on the Speaker's approval of the Journal following this vote.

The vote was taken by electronic device, and there were—yeas 406, nays 0, not voting 28, as follows:

[Roll No. 34]

YEAS—406

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Doggett
Dooley
Doolittle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schakowsky
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—28

Barr
Boswell
Brown (OH)
Clement
Cooksey
Dixon
Doyle
Dunn
Frost
Granger
Herger
Kleczka
Larson
LaTourette
McCollum
McIntosh
Moran (VA)
Payne
Pickering
Salmon
Sanchez
Scarborough
Schaffer
Scott
Spence
Stupak
Vento
Young (AK)

□ 1058

Messrs. MALONEY of Connecticut, KLINK and KANJORSKI changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated For:

Ms. SANCHEZ. Mr. Speaker, during rollcall vote No. 34 on March 9, 2000, I was unavoidably detained. Had I been present, I would have voted "aye."

THE JOURNAL

The SPEAKER pro tempore (Mr. LaHood). Pursuant to clause 8 of rule XX, the pending business is the question of agreeing to the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HASTINGS of Washington. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. The Chair will reverse an earlier statement and announce that this will be a 15-minute vote on approving the Journal.

The vote was taken by electronic device, and there were—yeas 369, noes 45, answered "present" 1, not voting 19, as follows:

[Roll No. 35]

AYES—369

Abercrombie
Ackerman
Allen
Andrews
Archer
Armey
Baca
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Clayton
Coble
Collins
Combest
Condit
Conyers
Cook
Cox
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)

Miller, Gary
Minge
Mink
Moakley
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pastor
Paul
Pease
Pelosi
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schakowsky
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stabenow
Stark
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Upton
Velázquez
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOES—45

Aderholt
Baird
Bilbray
Borski
Brady (PA)
Chenoweth-Hage
Clay
Clyburn
Coburn
Costello
Crane
Dickey
English
Filner
Gibbons
Gutierrez
Hastings (FL)
Hefley
Hill (MT)
Hilleary
Hilliard
Hinchey
Kucinich
Lewis (GA)
LoBiondo
McDermott
Miller, George
Moore
Oberstar
Pascrell
Peterson (MN)
Pickett
Ramstad
Sabo
Strickland
Stupak
Sweeney
Taylor (MS)
Thompson (CA)
Thompson (MS)
Udall (NM)
Visclosky
Waters
Weller
Wu

ANSWERED "PRESENT"—1

Tancredo

NOT VOTING—19

Bono
Brown (OH)
Capuano
Clement
Cooksey
Frank (MA)
Frost
Granger
Kasich
LaTourette
McCollum
McIntosh
Moran (VA)
Payne
Scarborough
Schaffer
Scott
Spence
Vento

□ 1112

So the Journal was approved.

The result of the vote was announced as above recorded.

□ 1113

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. CON. RES. 396

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of House Concurrent Resolution 396.

The SPEAKER pro tempore (Mr. OSE). Is there objection to the request of the gentleman from California?

There was no objection.

IVANPAH VALLEY AIRPORT PUBLIC LANDS TRANSFER ACT

The SPEAKER pro tempore. Pursuant to House Resolution 433 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1695.

□ 1114

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1695) to provide for the conveyance of certain Federal public lands in the Ivanpah Valley, Nevada, to Clark County, Nevada, for the development of an airport facility, and for other purposes, with Mr. LAHOOD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. GEORGE MILLER) each will control 30 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Chairman, I yield myself such time as I may consume, and I rise in support of H.R. 1695, introduced by my colleague, the gentleman from Nevada (Mr. GIBBONS).

An enormous amount of effort has gone into the preparation of this bill, and I would like to commend the gentleman from Nevada (Mr. GIBBONS) for working so diligently on this bill and bringing it to the floor. I do not think a lot of my colleagues realize that the gentleman from Nevada probably knows as much about aviation as any Member in the Congress, serving both as a military pilot and a commercial pilot, as well as the many other accomplishments he has had in his life. And I commend him on doing an excellent job on a piece of legislation that has been quite controversial, but which I think we now have a meeting of the minds on.

Clark County, Nevada, is the fastest growing metropolitan area in the Nation, and its current McCarran Airport, located in Las Vegas, is quickly exceeding capacity. The exorbitant growth in development and tourism has made the need for another airport in the Las Vegas metro area absolutely critical. The ever-increasing influx of visitors to southern Nevada is overrunning the present airport. Approximately half of the visitors to Las Vegas arrive as passengers at McCarran Airport, and that figure will continue to climb as the city increasingly becomes an international destination. I have been given to understand that it is now the ninth busiest airport in America.

H.R. 1695 authorizes the sale of Federal lands to Clark County for the construction of a new airport which will serve southern Nevada and the Las Vegas Valley. Clark County would pay fair market value for 6,500 acres in Ivanpah Valley, the proceeds of which would be used to purchase and preserve environmentally-sensitive areas within the State of Nevada.

The topography and orientation of the Ivanpah Valley make it an ideal location for an airport. The land is a dried-up lakebed, with nothing more than an interstate highway and a railroad on either side. An airport in this valley would be close enough to serve the metro area; however, its existence will not interfere with the current airspace needs of McCarran Airport or Nellis Air Force Base.

The environmental impact of this airport will be minimal. Nevertheless, H.R. 1695 ensures full compliance with all of the National Environmental Protection Act's provisions prior to operation of this airport. The airport will be located 16 miles away from the Mojave Preserve to avoid interference with that area. The Secretary of Transportation will design an airspace management plan that will avoid, to the maximum extent possible, overflights of the Mojave Preserve.

Mr. Chairman, at the appropriate time I will be offering an en bloc amendment to address the outstanding concerns with this legislation. The amendment has been agreed to by the minority and provides bipartisan support for this legislation, and I thank my staff and the staff of the gentleman from Nevada (Mr. GIBBONS) and the minority for working diligently to work out this en bloc amendment.

Mr. Chairman, I reiterate my support for H.R. 1695 and ask for the endorsement of the Members to provide this much-needed improvement to Nevada's infrastructure.

Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman H.R. 1695 directs the conveyance of a substantial tract of public lands located near the Mojave National Preserve for the development of a large commercial airport and related facilities for the Las Vegas area.

As reported by the Committee on Resources, H.R. 1695 was a controversial measure. The bill was opposed by the administration, the environmental community, and many Members because the legislation failed to adequately address the potential environmental impacts, land-use conflicts, and administrative problems associated with large-scale land conveyance.

Attempts were made to address these significant issues in the Committee on Resources. These efforts were spearheaded by our colleague, the gentleman from Minnesota (Mr. VENTO), who is unable to be here with us today because he is recovering from major surgery; but I know he is watching this closely. The gentleman from Minnesota has been involved in the legislative consideration of this matter for several years, and his expertise on public lands issues gave him keen insight into the problems associated with the bill. The gentleman from Minnesota offered several constructive amendments to the legislation in committee. Although the committee did not adopt these amendments at that time, the seeds of his efforts are bearing fruit.

H.R. 1695 was headed to the floor this week with solid opposition from the administration, from the environmental community, and from many Members of Congress, including myself, concerned about the environmental consequences of this proposal. Fortunately, efforts have been underway to address these concerns, and for that I want to commend our colleague, the gentlewoman from Nevada (Ms. BERKLEY). The involvement of the gentlewoman from Nevada (Ms. BERKLEY) was critical in helping to diffuse that opposition and make possible the manager's amendment that will be offered to this legislation.

In helping to craft these changes, the gentlewoman from Nevada showed herself to be a strong advocate for her community and the environment. I can attest to that fact because I have been cornered by her numerous times over the last couple of months about this legislation and about her concerns for the opposition to the legislation that was being registered at that time.

As a result of that, I believe the manager's amendment that we now have before us makes a significant improvement to the bill by providing a joint lead agency status for the Department of the Interior on the Environmental Impact Statement necessary for the planning and construction of an airport facility on the conveyed lands. This is important, since the lands to be conveyed are currently administered by the Department of the Interior; and the potential environmental impacts of such an airport involve the Mojave National Preserve and other resource responsibilities of the Interior Department.

A detailed EIS will be crucial in determining whether an airport should be placed within the Ivanpah Valley. As noted in the NEPA regulations, found in 40 CFR 1502.14, the EIS must rigorously explore and objectively evaluate all reasonable alternatives, including the no-action alternative. Further, it will have to include a detailed analysis of environmental issues and consequences associated with the proposed airport facilities and the related infrastructure.

These are questions that cannot be answered today. With the potential impacts to the environment that exist with the proposal, especially for the Mojave National Preserve, it is incumbent the EIS thoroughly address all alternatives and environmental consequences.

As one of the cosponsors of the California Desert Protection Act, I have a long-standing interest in protecting the biological diversity of the region's desert ecosystem, especially as it relates to the Mojave National Preserve and the wilderness areas designated in the 1994 act. These are areas that some might dismiss as dirt and rock but in truth hold significant environmental values that ought to be addressed before any decision is made about a new airport that could negatively impact these areas.

Even with these changes made by the manager's amendment, the bill is not perfect; but it is certainly an improvement as to what the House would otherwise have been faced with. And again I want to commend the committee and the gentlewoman from Nevada (Ms. BERKLEY) for their efforts in putting together this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. HANSEN. Mr. Chairman, I yield such time as he may consume to the gentleman from Nevada (Mr. GIBBONS), the sponsor of this legislation.

Mr. GIBBONS. Mr. Chairman, before I begin, I would like to take this moment to thank my colleague, the gentleman from Utah (Mr. HANSEN), for having participated diligently with me in 3 years of effort to bring this bill to the floor here today. The efforts of the gentleman from Utah have been critical in terms of his work and his support to bridge those gaps between the questions that have been raised by the environmental and minority committees and bringing together all of those parties so that we have a workable resolution, a workable bill here today.

The en bloc amendment of the gentleman from Utah (Mr. HANSEN) offered here today, Mr. Chairman, is certainly one which I think allows for us to proceed with this bill and which will accomplish the goals that Las Vegas needs to have in the coming years with a new airport that will relieve the stress of congestion at the ninth busiest airport in America today.

Mr. Chairman, as has already been mentioned; southern Nevada is the fastest growing area in the United States. Last year alone, in Las Vegas, there were more than 20,000 new homes constructed in the area. And because Nevada has somewhere between 87 and 92 percent of its land owned by the Federal Government, it makes expansion for many of our communities almost impossible. Fortunately, H.R. 1695 addresses the issue of smart growth and expansion and prepares Clark County, the home of Las Vegas, for the 21st century.

As Las Vegas and southern Nevada continue to grow, a greater demand is put upon its airport and its facility. Currently, passengers traveling through the Las Vegas McCarran International Airport account for approximately 50 percent of the 31 million visitors who come to Las Vegas each and every year. As the Valley's resorts increasingly become desirable nationally and internationally as travel destinations, this percentage can be expected to climb, and an exhausting strain will be placed on McCarran Airport. That is why this legislation is so critically important to the future of the Las Vegas Valley, indeed the economy of our State.

This is similar to the Dulles International Airport and the National Airport situation that we had existing right here in Washington, D.C. When Washington National, now Ronald Reagan National Airport, was becoming overcrowded and burdened by excess travel, there was a demand, 30 years ago, to increase its capacity by building a facility 30 miles to the west of here. That became known as Dulles International Airport. Today, the same problems, the same stress, are occurring in Las Vegas with the McCarran International Airport. Thirty miles to the Southwest will be the Ivanpah Airport as a reliever facility for McCarran's International Airport.

The Ivanpah Airport will be located far enough away from McCarran's Airport and the Nellis Air Force Base in Las Vegas to be free from their flight restrictions, yet it has a close proximity to Interstate 15 and the Union Pacific Railroad which will provide an excellent union of intermodal and multimodal transportation opportunities. And lastly, it is surrounded by vacant Federal land, which gives Clark County an opportunity to continue their forward-thinking and responsible growth while protecting the airport from incompatible land uses.

As McCarran reaches its physical capacity, expected to be in the year 2008, H.R. 1695 becomes a necessity to accommodate this county's favorable oasis in the desert and its future. There are those who rally against smart growth, forward-thinking planning, or even needed expansion. However, with the guidance and hard work, as I said earlier, of our colleague, the gentleman from Utah (Mr. HANSEN), and after working on this legislation for over 3 years, dedicating many hours to working out these compromises with the administration and environmental organizations, I believe we have finally found a common ground among all groups.

This compromise is reflected, as I said earlier, in the manager's amendment. It allows greater say by the Secretary of the Interior on initial Environmental Impact Statement planning processes to take care of the administration's objections. The manager's amendment also takes care of a small technical problem associated with the revisionary clause; and, finally, it addresses a small concern brought up by the Committee on the Budget. However, if there are still concerns by some in this body, I would like to take the next few minutes, Mr. Chairman, to dispel these thoughts and concerns.

Some have stated that H.R. 1695 makes the National Environmental Protection Agency process moot.

☐ 1130

Realize, however, that NEPA is a necessity. Before the Ivanpah site can be developed as an airport, the Secretary of Transportation and the Secretary of Interior will be required to prepare a full Environmental Impact Statement pursuant to NEPA. H.R. 1695 merely authorizes the sale of the land which otherwise could not be sold.

Another question has been raised that others have stated that the bill obstructs policy comment required by FLPMA. There is only one reference to FLPMA in H.R. 1695, and it is not a waiver of public comment or environmental protections.

Since the Ivanpah Airport project is to be Congressionally mandated, this subsection merely relieved the Secretary from the requirement that the project be accounted for in land inventories, maps, and land use plans. Not to mention there have been numerous local public meetings by the Clark County Commission concerning the Ivanpah Airport project.

There is no significant local opposition to providing Southern Nevada a much needed second airport site. The bill is supported by the entire bipartisan Congressional delegation, the State, city, county and many local businesses and labor unions in Nevada.

Another concern raised was that one of the most timely and important issues facing Clark County is growth and the protection of their natural resources. Mr. Chairman, this issue was weighed heavily when I crafted H.R. 1695 because of its proximity to the Mojave Preserve.

However, the Ivanpah site is more than 16 miles from the Mojave Preserve and there is already a substantial community between the Mojave Preserve and the airport site known as Primm, Nevada. This community is located at the California State line, which includes three casinos and a large regional outlet mall.

Because of this existing development, the BLM land management plan has already decided to sell over 5,000 acres of land along Interstate 15 for private development. Any further releases of land will require an amendment to the land management plan. If an airport is built at Ivanpah, a clear zone will be established around it which will preclude additional growth surrounding the site.

A provision was added to H.R. 1695 which requires the Secretary of Transportation to work with the Secretary of the Interior to develop an air space management plan which precludes, except when safety requires, arrivals or departures over the Mojave Preserve.

H.R. 1695 also mandates that the air space management plan determine the optimum flight approach and departure corridors. This was done in a proactive manner to minimize overflight impacts on the preserve.

Another question that was raised was to ensure that the people of America receive fair compensation for their public lands. H.R. 1695 requires that the land be sold at fair market value. I repeat, Mr. Chairman, that the land will be sold at fair market value. This is not a give-away. The bill originally allowed the land to be purchased in phases and the new appraisals were required every 3 years. At a resources hearing, however, the County has indicated its intent to purchase the entire site as soon as possible; and the bill was amended in committee to require Clark County to buy the entire parcel for fair market value.

It is important to ensure that our citizens not only realize the benefits of this new airport but are justly compensated for its use, for the use of our public lands.

Another concern was that flights over or near the preserve will destroy the scenic vistas, natural quiet, and night skies.

Mr. Chairman, let me say that, although H.R. 1695 precludes flights from the Ivanpah Airport over the Mojave National Preserve, the preserve is already heavily impacted by aircraft overflight. In fact, the preserve is actually located beneath one of the world's most concentrated air traffic corridors. Air traffic in and out of the Los Angeles basin airports, such as Los Angeles International, Palmdale Airport, John Wayne/Orange County Airport, Burbank, Ontario, and the Long Beach Airport, to name a few. Those airports require current overflights of the Mojave Preserve.

Additionally, there are a number of military airfields in California which also impact the Mojave Preserve with their operations. To give my colleagues an idea, there are in excess of 400,000 operations on the airways over the Mojave Preserve at 6,000 feet or more above the preserve.

Mr. Chairman, once again, there are 400,000 operations each year over the Mojave Preserve at 6,000 feet or more above the preserve.

Additionally, there are 147,000 operations that fly over the Mojave Preserve annually at altitudes of 10,000 to 16,000 feet, which is comparable to the elevations of aircraft 16 miles from the Ivanpah location.

This is the same distance between the Ivanpah Airport and the Mojave Preserve, which simply means that all aircraft arriving and departing at Ivanpah at a distance of 16 miles will be at least 10,000 feet and probably 16,000 feet or more above the preserve.

Finally, concerns have been advanced about airport related light emissions impacting star gazing activities within the Mojave Preserve. Frankly, a small commercial service airport located between the two communities, such as Jean and Primm, Nevada, will contribute little, if any, to the local light emulating from the Ivanpah Valley.

The last concern I would like to address this morning is the potential impact to the desert tortoise, mountain sheep, and their habitats. Clark County and I are extremely sensitive to the concerns regarding the potential impact of the airport on these desert animals. However, it was determined that the airport did not impact the critical habitat for the desert tortoise or areas of critical concern as set forth in the BLM Resource Management Plan.

Remember that the site will also have to pass the rigorous standards of the National Environmental Policy Act process, as well as a possible section 7 consultation under the Endangered Species Act.

It is important to note that the United States Air Force Research Laboratory studied the effects of subsonic as well as supersonic aircraft noise on the desert tortoise. The report, dated May 1999, stated, "There was no increase in blood lactate levels during or post exercise. The most extreme response to simulated subsonic aircraft noise was a typical reptilian defense response."

The University of Arizona also evaluated the effects of simulated low-altitude F–16 jet aircraft noise on the behavior of captive mountain sheep. They concluded "that when F–16 aircraft flew over the sheep, the noise levels created did not alter behavior or increase heart rates to the detriment of the population."

Mr. Chairman, I would like to point out that these aircraft were flying along a ridge line at 125 meters, that is approximately 375 feet, above the ground, not the 6,000 feet or more that would be used by aircraft traveling to, arriving, or departing from the Ivanpah Airport and possibly over the Mojave Preserve.

And if there were a safety issue requiring them to fly over, that would be a rare and abnormal occurrence that would only occur infrequently, at best.

Finally, I would again like to thank the gentleman from Utah (Mr. HANSEN), the chairman of the subcommittee, for his hard work once again and dedication in helping me see this project through over the last 3 years.

As a freshman, and with the help of former Congressman John Ensign, the gentleman from Utah (Chairman HANSEN) stood behind the people of Southern Nevada and enabled us to get to this point today. The State of Nevada owes the gentleman many thanks.

Mr. Chairman, I ask everyone to support H.R. 1695, which is so very important to the Southern Nevada area and its future.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the gentleman from Nevada (Mr. GIBBONS) for all of his work and effort in coming to an agreement on this legislation. I know that he has been involved with it for a considerable period of time.

Mr. Chairman, I yield such time as she may consume to the gentlewoman from Nevada (Ms. BERKLEY); and I again thank her for all of her help and effort on this legislation.

Ms. BERKLEY. Mr. Chairman, I rise in support of H.R. 1695.

I particularly wish to thank the gentleman from California (Mr. GEORGE MILLER) for his help with this issue; the gentleman from Minnesota (Mr. OBERSTAR), who was instrumental in making sure that this, in fact, was heard by all the parties; the gentleman from Utah (Chairman HANSEN) for his extraordinarily diplomatic work on these efforts; and I want to thank my colleague the gentleman from Nevada (Mr. GIBBONS) for graciously acknowledging my involvement, and I wish to do the same to him.

Mr. Chairman, I represent the fastest growing district in the United States, which is located in one of the fastest growing States in the United States. I have 5,000 new residents a month coming into Southern Nevada to establish residence and raise their families there.

In addition to that, we have 32 million visitors a year coming to Southern Nevada to enjoy the exciting family entertainment that Las Vegas offers to its visitors. A very large percentage of that 32 million visitors that come to Las Vegas do so by accessing McCarran Airport. Because of the unprecedented growth and the extraordinary growth that we have experienced in Southern Nevada, it has become apparent recently that the McCarran Airport will be at 100 percent capacity by the year 2008.

It was, therefore, imperative that we moved quickly in order to facilitate the ability of Southern Nevada to continue to grow, continue to prosper, continue to allow people easy access to enjoy our Southern Nevada life-style. Therefore, it became very important for us to pass this legislation so that we might have another access route for people to come to Southern Nevada.

The Ivanpah Airport is not a new idea. It is certainly a very important one for the people of Southern Nevada, particularly for our continued growth and development.

One of the things that is particularly important about this legislation is the fact that we have been able to marry and blend not only the economic needs of our community but the environmental needs, as well. And for somebody like me and my family that are now three generations of Southern Nevadans, the environment was as important to me as the future growth and development of my community.

To be able to blend both needs for future prosperity and to continue the vibrant economy of Southern Nevada, blend that with the environmental concerns, which we all have, in order to maintain the beauty of the environment and keep it as pristine as possible, to be able to blend both of those very important needs in a piece of legislation that all parties concerned about this have agreed to support I think is great statesmanship, and I applaud everybody that was involved in the process.

It was very important that we have all the parties at the table agreeing not only to see that the future of Southern Nevada is in very good hands and the economy, the future growth, and prosperity of our economy is ensured into the next several decades, but also to make sure that the thing we care about the most, our beautiful desert environment, is protected.

So I want to applaud my colleagues for working very diligently to make sure that this piece of legislation was, in fact, crafted in a way that everybody could be very excited about the future of Las Vegas, the future of Southern Nevada, not only the economic side but the environmental side, as well.

Mr. HANSEN. Mr. Chairman, I yield myself such time as I may consume.

□ 1145

Mr. Chairman, the gentleman from Alaska (Mr. YOUNG), the chairman of the full committee, is not able to be here and has asked that I read into the RECORD his brief statement.

He says,

Mr. Chairman, I rise in strong support of H.R. 1693, a bill to provide for the conveyance of certain Federal-owned land for the development of a much needed airport for the Ivanpah Valley in Nevada. This piece of legislation was introduced by one of our most active and effective resource committee members, our colleague, Congressman Jim Gibbons from Nevada.

I want to commend the gentleman for his hard work on this bill that is so important to Nevada and to the many visitors to Nevada who will someday use this airport facility.

Nevada has the highest percentage of Federally owned lands of any State in the union with more than 80 percent of Nevada's land base owned and managed by Federal conservation agencies. This of course makes it very difficult to provide for public services in fast growing areas such as Clark County, Nevada. I can sympathize with the problem. Alaska has similar problems since so much of my State is owned by the Federal Government.

However, I am satisfied that this land transfer will not in any way lessen or diminish the quality of the environment in Nevada but is absolutely necessary to provide an essential means of air transportation for the region. My committee has held hearings not only on the issues relating to this airport but also to the impacts of the Minneapolis-St. Paul Airport expansion on the Minnesota Valley National Wildlife Refuge.

The Minnesota refuge is home to a broad range of wildlife species, including threatened bald eagles, 35 mammal species, 23 reptile and amphibian species and 97 species of birds including tundra swans migrating all the way from Alaska. Our hearings revealed that the expansion of the Minneapolis Airport would result in overflights as low as 500 feet above the wildlife refuge. Yet the environmental impact statement for the Minnesota Airport revealed that the wildlife would not be disturbed so much that the airport expansion should be stopped. They also found no impact on the threatened bald eagle and no need for the protections of the endangered species act. The scientist studying the impacts of the airport found that the wildlife in the refuge would adjust to the noise from the low overflights. They found that there is little scientific evidence that wildlife would be seriously harmed by over 5,000 takeoffs and landings per month at less than 2,000 feet above these important migratory bird breeding, feeding and resting areas.

Just as the Minneapolis Airport has no impact on the wildlife refuge less than one mile away, I am sure that the new airport in the Ivanpah Valley of Nevada will have little if any impact on the environment and will have no impact on any wildlife refuges or preserves. Building this much-needed airport is, however, an issue of public safety and the safety of the flying public as well as those who will operate private planes and commercial flights.

I strongly support this legislation and urge my colleagues to do so as well.

Mr. Speaker, I insert the following letters for the RECORD.

COMMITTEE ON RESOURCES,
Washington, DC, March 8, 2000.

Hon. BUD SHUSTER,
Chairman, Committee on Transportation and Infrastructure, Rayburn HOB, Washington, DC.

DEAR MR. CHAIRMAN: This week the leadership may schedule H.R. 1695, the Ivanpah Valley Public Lands Transfer Act, for consideration under a rule. This bill, authored by Congressman Jim Gibbons, directs the Secretary of the Interior to sell approximately 6400 acres of Bureau of Land Management land just south of Las Vegas, Nevada, to Clark County to develop an airport facility and related infrastructure. The bill was referred to the Committee on Resources, which filed its report on the bill on November 16, 1999 (H. Rept. 106–471).

While the H.R. 1695 is primarily a public land transfer bill, Section 4 directs the Secretary of Transportation, in consultation with the Secretary of the Interior, to develop an airspace management plan that shall, to the maximum extent practicable, avoid the airspace for the Mojave Desert Preserve in California. In addition, under Section 4(b), the Federal Aviation Administration must make certain certifications to the Secretary of the Interior regarding Clark County's airspace assessment.

The Committee on Resources recognizes your Committee's jurisdiction over Section 4 under Rule X of the Rules of the House of Representatives. I agree that allowing this bill to go forward in no way impairs your jurisdiction over this or any similar provisions, and I would be pleased to place this letter and any response you may have in the Congressional Record during our deliberations on this bill. In addition, if a conference is necessary on this bill, I would support any request to have the Committee on Transportation and Infrastructure be represented on the conference.

This bill is vitally important to Congressman Jim Gibbons and the people of Clark County, Nevada, so I very much appreciate your cooperation, and that of Aviation Subcommittee Chairman John Duncan (who serves on both our Committees) and Rob Chamberlin of your staff during this very busy time. I look forward to passing this bill on the Floor soon and thank you again for your assistance.

Sincerely,

DON YOUNG,
Chairman.

COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE,
Washington, DC, March 8, 2000.

Hon. DON YOUNG,
Chairman, Committee on Resources, Longworth House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for you letter of March 8, 2000 regarding H.R. 1695, the Ivanpah Valley Public Lands Transfer Act. I understand that this bill is primarily a land transfer bill. However, as you point out, Section 4 of the bill requires the Secretary of Transportation, in consultation with the Secretary of the Interior, to develop an airspace management plan that shall, to the maximum extent practicable, avoid the airspace for the Mojave Desert Preserve in California. In addition, under Section 4(b), the Federal Aviation Administration must make certain certifications to the Secretary of the Interior regarding Clark County's airspace assessment. These provisions are of jurisdiction interest to the Committee on Transportation and Infrastructure.

Your recognition of the Committee's jurisdiction and your acknowledgment that allowing this bill to go forward will not impair the Committee's jurisdiction over this or other similar provisions allay my jurisdiction concerns. In addition, I am pleased to accept your offer of placing our letters in the Congressional Record as well as your offer of support if the Committee on Transportation & Infrastructure requests representation on any potential conference.

Thank you for your assistance on this issue and your continued support of aviation matters.

With warm personal regards, I remain,

Sincerely,

BUD SHUSTER,
Chairman.

Mr. VENTO. Mr. Chairman, I would like to express my vigorous opposition to H.R. 1695, the "Ivanpah Valley Airport Public Lands Transfer Act." Since this project could not meet the environmental or procedural expectations of the federal government to transfer 6,600 acres of public land administratively, this body must now debate the merits of legislation that visibly flaunts thirty years of sound federal land use policy and procedure. It is my hope that as the full House debates this measure it will see the numerous inconsistencies with regard to standard federal policy that makes this legislation unacceptable. Frankly, the advocates have systematically avoided the administrative procedure this measure was before the bill's sponsors introduced it three years ago. During this time, a transfer could have been achieved administratively without forcing a policy and land transfer down the Department of Interior's throat. One wonders if the sponsors want an airport site or a political confrontation.

H.R. 1695 directs the sale of 6,600 acres of public land near the Mojave Desert Preserve for the development of a commercial cargo airport for the city of Las Vegas and its surrounding suburbs. Although the Bureau of Land Management (BLM) has failed to identify this land for disposal because of the important environmental and recreational resources it contains, Clark County, Nevada is seeking ownership of this land at substantially discounted prices. This mandatory conveyance of public lands circumvents the existing statutory requirements for land use planning and the sale of public lands including the Federal Land Policy and Management Act (FLMPA) and the National Environmental Policy Act (NEPA). As a result of this directed land sale, Clark County is circumventing the necessary environmental safeguards that, under normal circumstances would allow this project to proceed in an environmentally responsible manner and make it accountable to the public through the NEPA and FLPMA public participation processes prior to the land transfer taking place.

The intent of this legislation makes it apparent that Clark County has self-determined that there is not need for them to follow a national policy regarding the disposal of federal lands. It became apparent during the hearing on this legislation that the county has independently, and subjectively, studied the issue and determined that there is no other feasible alternative than construction of an airport in this area. The feasibility review obtained by the Committee shows that Clark County only briefly mentions any harmful environmental impacts associated with the construction of this airport and that the county made no attempt to study alternative areas on which to locate the airport.

While in committee, I offered an amendment that would have addressed the problems associated with this bill by requiring a full environmental review of the proposed airport and its surrounding facilities. This amendment contained language from the Airport and Airway Development Act of 1970 (PL 91–258) that directs the Secretary of Transportation to consult with the Secretary of the Interior regarding environmental impacts associated with the construction of an airport facility. If adverse impacts were found, but there were no alternative sites on which to locate the airport, then the amendment allowed for reasonable steps to be taken to reduce the impact of this airport on the environment. Unfortunately, it was defeated and, instead, replaced with a toothless amendment that only references NEPA after the land transfer is complete.

It is my understanding that an agreement has been made to address the Department of Interior's concerns. This agreement allows the Federal Aviation Administration and the National Park Service to jointly proceed on the development of the Environmental Impact Statement prior to construction of the airport. This amendment follows the premise of the amendment I offered in Committee by not making the location of the airport an irrevocable decision regardless of the environmental impacts associated with its construction. This represents a positive step forward in the development of this legislation by all interested parties. Although I am still troubled by H.R. 1695, I am grateful that supporters of this legislation were able to find common ground with its opponents to include a firewall that may provide a small measure of environmental protection to this ecologically sensitive region.

Should construction of this airport be allowed to proceed, it would be a mistake to not discuss the irreversible impacts that it may have on the land and its inhabitants. In 1994, Congress established the Mojave National Preserve that is adjacent to the proposed airport. Because of prevailing winds to the south, the airport can only accommodate a north-south facing runway that forces all departing planes to fly directly over the northern portion of the preserve. The environmental degradation associated with the airport and low-flying planes will ultimately threaten one of the most ecologically diverse desert landscapes in the world. The low-flying craft would destroy the natural quiet and visitor experience to those exploring the area, harm wildlife and destroy spectacular views of the night sky through light pollution.

In addition to displacing the migratory habits of humans while on vacation in the area, the construction and operation of this airport will have dire consequences for the 700 plants and 200 animal species that permanently reside here. Unlike humans, the wildlife does not have the ability to escape the intrusion of man's inventions into their increasingly displaced and ecologically fragmented world. Two animals that would be especially threatened by noise generated from the airport include the desert bighorn sheep and the endangered desert tortoise. Studies have demonstrated that repeated jet noise at regular intervals could increase the stress levels of these animals and have an adverse impact on their reproductive efforts and their ability to detect and escape predators.

The location of the proposed airport on a dry lakebed also raises important hydrologic concerns that may threaten to ground this project before it gets its wings in the air. The BLM testified during the hearing on H.R. 1695 that this dry lakebed periodically floods and that displaced water could affect development in the area. Furthermore, the region lacks any reliable source of water. The closest water resource is located south of Primm, Nevada in a California aquifer. Should the proposed airport and its facilities tap into this aquifer, it could place a severe strain on water resources for the flora and fauna, in addition to creating clean air problems, resulting from dust storms created by the evaporation of what little moisture remains in the dry lakebed.

Finally, I would like to point out the administrative shortcomings of this legislation. Firstly, H.R. 1695 makes the United States liable for claims that may arise from a conveyance by failing to protect the valid and existing rights that under normal circumstances would be standard policy for such legislation. This legislation also fails to compensate the federal government for the fair market value of the land by requiring it to be appraised without reflecting any future enhancements that may increase its value. Lastly, there are a number of administrative costs associated with the bill that the federal government, not Clark County, must pay, including land and resource surveys, appraisals and land transfer patent expenses. I would like to stress that it is Clark County directing the purchase of this land and not the federal government.

Mr. Chairman, this project deserves the same environmental scrutiny as other similar projects being pursued around the Nation. I find it disturbing that this Congress may blatantly disregard the rules and procedures established by them to practically give away federal land to a county that has determined the sites of its next large airport, without the benefit of a full environmental review. If the sponsors worked as hard to resolve the problems and work with the Department of Interior as they have the past three years to circumvent the policy and laws in place, we would have a resolution, not a confrontation as is evident today! It is my hope that this body will find it beneficial to carry out the proper studies so Clark County can provide to its citizens and visitors a safe and environmentally friendly solution for air transport. Without adequate safeguards, though, I fear that Congress will give its nod of approval to a project that essentially subsidizes a community's efforts to carry out an ill-conceived plan. While it is true that the Las Vegas area is in need of a new airport, a project of this magnitude should proceed in the same responsible manner as required by other communities to ensure the safety and health of their communities and surrounding environment.

Mr. OBERSTAR. Mr. Chairman, I rise in strong support of H.R. 1695, a bill that would allow for the sale of certain Federal public lands in the Ivanpah Valley, Nevada to Clark County for the purposes of building a new airport. I applaud the efforts of the Gentlewoman from Nevada, Congresswoman BERKLEY, not only for her early recognition that a third airport is key to accommodate the explosive growth in the Las Vegas area, but also for her dedication to ensure that the construction of any new airport will be balanced with environmental concerns in the nearby Mojave Preserve. As of a few days ago, many issues with regard to H.R. 1695 were still unresolved. However, through Congresswoman BERKLEY's tireless efforts to bridge the gap on a bipartisan basis, those issues have been resolved such that H.R. 1695 has full support from all parties involved.

The demand for aviation has grown dramatically over the last several decades, a trend that is expected to continue for the foreseeable future. In 1998, 656 million passengers flew commercially, twice the number in 1980. This number is expected to grow to almost 1 billion over the next 10 years. In addition, the air cargo market is growing faster than any other sector of the aviation industry, an average of 6.6% a year. To accommodate that growth, the Boeing Company estimates that the world's jet freighter fleet will have to double by 2017—that means adding 1,000 more aircraft.

No where has this explosive growth in aviation been evident as in the Las Vegas, Nevada area. Passenger traffic at Las Vegas' McCarran International Airport has increased by 64 percent since 1990, with growth at 13 percent alone in 1999. In less than eight years, McCarran will be at full capacity. To accommodate this rapid growth, several options have been carefully considered, such as adding a 5th runway at McCarran. However, the costs of constructing an additional runway are estimated at upwards of 1.7 billion—four times the cost of the Ivanpah proposal—and would have involved the condemnation of several homes surrounding the airport. After careful consideration of other possible sites, the Department of Aviation concluded that the site located in the Ivanpah Valley was the most suitable. Importantly, the site located in the Ivanpah Valley is the only area that will allow aircraft to use a full precision instrument approach that will not result in airspace conflict with nearby McCarran Airport.

Although H.R. 1695 will allow for the sale by the Bureau of Land Management of approximately 6,600 acres of public land located in Ivanpah Valley to Clark County for purposes of developing this third airport, it also contains many safeguards to preserve environmental interests at the Mojave Preserve. First, H.R. 1695 would require the Secretaries of Transportation and Interior to work together to develop an airspace management plan to restrict arrivals or departures over the Mojave Preserve, unless necessary for safety. In addition, Clark County would have to conduct an assessment, with Federal Aviation Administration (FAA) approval, to identify potential impacts on access to the Las Vegas Basin under VFR flight rules.

Importantly, the Managers Amendment to H.R. 1695, offered by the Gentleman from Utah, Congressman HANSEN, would require, prior to construction of the airport, a full environmental assessment under the National Environmental Policy Act, with the Departments of Interior and Transportation as co-lead agencies. If, at the conclusion of the NEPA process, the FAA and Clark County determine that the site is not suitable for an airport facility, custody of the land would revert back to the Department of Interior. This provision is pivotal in ensuring that all potential impacts of aircraft overflights on the Mojave Preserve are assessed before any construction begins.

Passage of H.R. 1695 will allow the Las Vegas area to plan for its future growth by increasing air capacity, while preserving the integrity of the environment in the Mojave Preserve. I urge my colleagues to support this important legislation.

Mr. HANSEN. Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield back the balance of my time.

Mr. HANSEN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 1695

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ivanpah Valley Airport Public Lands Transfer Act".

SEC. 2. CONVEYANCE OF LANDS TO CLARK COUNTY, NEVADA.

(a) IN GENERAL.—Notwithstanding the land use planning requirements contained in sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712 and 1713), but subject to subsection (b) of this section, the Secretary shall convey to the County all right, title, and interest of the United States in and to the Federal public lands identified for disposition on the map entitled "Ivanpah Valley, Nevada-Airport Selections" numbered 01, and dated April 1999, for the purpose of developing an airport facility and related infrastructure. The Secretary shall keep such map on file and available for public inspection in the offices of the Director of the Bureau of Land Management and in the district office of the Bureau located in Las Vegas, Nevada.

(b) CONDITIONS.—The Secretary shall make no conveyance under subsection (a) until each of the following conditions are fulfilled:

(1) The County has conducted an airspace assessment to identify any potential adverse effects on access to the Las Vegas Basin under visual flight rules that would result from the construction and operation of a commercial or primary airport, or both, on the land to be conveyed.

(2) The Federal Aviation Administration has made a certification under section 4(b).

(3) The County has entered into an agreement with the Secretary to retain ownership of Jean Airport, located at Jean, Nevada, and to maintain and operate such airport for general aviation purposes.

(c) PAYMENT.—

(1) IN GENERAL.—As consideration for the conveyance of each parcel, the County shall pay to the United States an amount equal to the fair market value of the parcel.

(2) DEPOSIT IN SPECIAL ACCOUNT.—The Secretary shall deposit the payments received under paragraph (1) in the special account described in section 4(e)(1)(C) of the Southern Nevada Public Land Management Act (31 U.S.C. 6901 note).

(d) REVERSION AND REENTRY.—

(1) IN GENERAL.—During the 5-year period beginning 20 years after the date on which the Secretary conveys the lands under subsection (a), if the Secretary determines that the County is not developing or progressing toward the development of the conveyed lands as an airport facility, all right, title, and interest in those lands shall revert to the United States, and the Secretary may reenter such lands.

(2) PROCEDURE.—Any determination of the Secretary under paragraph (1) shall be made only on the record after an opportunity for a hearing.

(3) REFUND.—If any right, title, and interest in lands revert to the United States under this subsection, the Secretary shall refund to the County all payments made to the United States for such lands under subsection (c).

SEC. 3. MINERAL ENTRY FOR LANDS ELIGIBLE FOR CONVEYANCE.

The public lands referred to in section 2(a) are withdrawn from mineral entry under the Act of

May 10, 1872 (30 U.S.C. 22 et seq.; popularly known as the Mining Law of 1872) and the Mineral Leasing Act (30 U.S.C. 181 et seq.).

SEC. 4. ACTIONS BY THE DEPARTMENT OF TRANSPORTATION.

(a) DEVELOPMENT OF AIRPSACE MANAGEMENT PLAN.—The Secretary of Transportation shall, in consultation with the Secretary, develop an airspace management plan for the Ivanpah Valley Airport that shall, to the maximum extent practicable and without adversely impacting safety considerations, restrict aircraft arrivals and departures over the Mojave Desert Preserve in California.

(b) CERTIFICATION OF ASSESSMENT.—The Administrator of the Federal Aviation Administration shall certify to the Secretary that the assessment made by the County under section 2(b)(1) is thorough and that alternatives have been developed to address each adverse effect identified in the assessment, including alternatives that ensure access to the Las Vegas Basin under visual flight rules at a level that is equal to or better than existing access.

SEC. 5. COMPLIANCE WITH NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 REQUIRED.

Prior to operation of an airport facility on lands conveyed under section 2, all actions required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to that operation shall be completed.

SEC. 6. DEFINITIONS.

In this Act—

(1) the term "County" means Clark County, Nevada; and

(2) the term "Secretary" means the Secretary of the Interior.

The CHAIRMAN. The amendment printed in House Report 106–515 shall be considered read and shall not be subject to a demand for division of the question.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

AMENDMENT NO. 1 OFFERED BY MR. HANSEN

Mr. HANSEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 printed in House Report 106–515 offered by Mr. HANSEN:

Page 2, line 12, after "section" insert "and valid existing rights".

Page 3, strike line 22 and insert the following:

Management Act of 1998 (112 Stat. 2345). The second sentence of section 4(f) of such Act (112 Stat. 2346) shall not apply to interest earned on amounts deposited under this paragraph.

Page 3, strike line 23 and all that follows through page 4, line 14, and insert the following:

(d) REVERSION AND REENTRY.—If, following completion of compliance with section 5 of this Act, the Federal Aviation Administration and the County determine that an airport cannot be constructed on the conveyed lands—

(1) the Secretary of the Interior shall immediately refund to the County all payments made to the United States for such lands under subsection (c); and

(2) upon such payment—

(A) all right, title, and interest in the lands conveyed to the County under this Act shall revert to the United States; and

(B) the Secretary may reenter such lands.

Page 5, strike line 16 and all that follows through line 19 and insert the following:

Prior to construction of an airport facility on lands conveyed under section 2, all actions required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to initial planning and construction shall be completed by the Secretary of Transportation and the Secretary of the Interior as joint lead agencies.

Mr. HANSEN. Mr. Chairman, I am happy to note that we recently reached a compromise with the minority to add these en bloc amendments to the bill. The amendments would make fairly technical changes to the environmental review requirements and the revisionary clause in the bill.

The original reversionary clause of this bill in section 2(d) gave a lengthy period of time before the Secretary of the Interior could assess the development and progress of land and determine whether it should be given back to the United States. Under the amendment, Clark County and the FAA would determine whether the airport could be constructed on the conveyed lands through the NEPA process. If it was determined that the airport could not be constructed, the title to the land would immediately revert to the United States and the Secretary of the Interior must refund to the county all payments made for the land. This language is agreed to by the majority and the minority as well as the airport authority.

The second major change is a complete rewrite of section 5 dealing with compliance of the National Environmental Protection Act of 1969. Under the amendment, NEPA compliance must occur prior to the initial planning and construction of the airport. Moreover, the language provides that the Secretary of Transportation and Secretary of the Interior will be joint lead agencies in conducting the NEPA work for the initial planning and construction. However, we do not expect the Secretary of the Interior to be a joint lead agency in subsequent NEPA compliance which the airport may experience during its long-term development.

Lastly, Mr. Chairman, there is a technical amendment to the nature of how the proceeds are expended by the Secretary. This amendment is made at the request of the Committee on the Budget.

Mr. Chairman, these are bipartisan amendments that serve to make this bill acceptable to both sides of the aisle. I urge my colleagues to support the amendments.

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in support of this amendment. I thank the gentleman from Utah, the gentleman from Nevada, and the gentlewoman from Nevada for working out this amendment to make the bill acceptable to both sides of the aisle. I urge Members to support the amendment.

Mr. GIBBONS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today in strong support of the en bloc amendments to H.R. 1695 as offered by the gentleman from Utah (Mr. HANSEN). First as we have already heard, there is a change to how the revenues generated from the sale of this property to Clark County, Nevada will be handled. This amendment simply states that those revenues were to be applied under section 4(f) of the act, 112 Statutes 2346, which provided for those proceeds to be generated in the same fashion that the southern Nevada land sales proceeds were developed. However, the Committee on the Budget decided that it needed to revise its treatment of the interest since that was not covered in the prior act. That interest amount will go to the general treasury on any funds that are generated from the sale of this property.

Secondly, as the gentleman from Utah has already explained, the reentry revision finally recognizes that, if under the Secretary's determination that this project cannot go forward under the NEPA process and that there is a determination of a no-action alternative, this property then will be reverted back to the United States and title to the United States and the money which will be paid by Clark County shall be returned to Clark County for the reversionary interest.

Lastly, of course, is the determination that prior to construction, facility owned lands will be required to address all of the National Environmental Policy Act requirements of 1969. To dispel any concerns, Mr. Chairman, that Members may have, I would like to share with them the environmental process that this airport will have to comply with. Under title 49, section 47101, subsection H, Consultation, let me say that to carry out the policy of this section, the Secretary of Transportation shall consult with the Secretary of Interior and the administrator of the Environmental Protection Agency about any project included in a project grant application involving the location of an airport or runway or any major runway extension that may have a significant effect on, one, natural resources including fish and wildlife; two, natural scenic and recreational assets; three, water and air quality; or, four, another factor affecting the environment.

Under subsection C, the environmental requirements, the Secretary of Transportation may approve an application under this subchapter for an airport development project involving the location of an airport or runway or a major runway extension, A, only if the sponsor certifies to the secretary that (i) an opportunity for a public hearing was given to consider the economic, social and environmental impacts of the location and the location's consistency with the objectives of any planning that the community has carried out and (ii) the airport management board has voting representation from the communities in which the project is located or has advised the communities that they have the right to petition the secretary about a proposed project.

Subsection B of that part says that only if the chief executive officer of the State in which the project will be located certifies in writing to the secretary that there is a reasonable assurance that the project will be located, designed, constructed and operated in compliance with the applicable air and water quality standards, except that the administrator of the Environmental Protection Agency shall make the certification instead of the chief executive officer if, subsection (i) the State has not approved any applicable State or local standards, and (ii) the administrator has prescribed applicable standards.

And subsection C finally says that if the application is found to have a significant adverse effect on natural resources including fish and wildlife, natural, scenic and recreational assets, water and air quality, or another factor affecting the environment, only after finding that no possible and prudent alternative to the project exists and that every reasonable step has been taken to minimize the adverse effect.

Mr. Chairman, these are simply items that this project is going to have to comply with. There is no attempt in this bill to skirt or circumvent any of the environmental process. We think that this amendment brings forward and highlights those aspects. We certainly rise in support of the en bloc amendment offered by the gentleman from Utah.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Utah (Mr. HANSEN).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HANSEN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 417, noes 3, not voting 14, as follows:

[Roll No. 36]

AYES—417

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cook
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—3

Chenoweth-Hage
Coburn
Paul

NOT VOTING—14

Brown (OH)
Cooksey
Granger
Horn
Hunter
Johnson, Sam
LaTourette
McCollum
Murtha
Scarborough
Schaffer
Spence
Vento
Wise

□ 1224

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there any other amendments? If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. OSE) having assumed the chair, Mr. LAHOOD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1695) to provide for the conveyance of certain Federal public lands in the Ivanpah Valley, Nevada, to Clark County, Nevada, for the development of an airport facility, and for other purposes, pursuant to House Resolution 433, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HANSEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 420, nays 1, not voting 13, as follows:

[Roll No. 37]

YEAS—420

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coburn
Collins
Combest
Condit
Conyers
Cook
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
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Delahunt
DeLauro
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Fossella
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Frank (MA)
Franks (NJ)
Frelinghuysen
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Green (TX)
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Inslee
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Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (NC)
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Kind (WI)
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McGovern
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McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
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Price (NC)
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Strickland
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Taylor (MS)
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Thompson (CA)
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Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
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Watt (NC)
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Weller
Wexler
Weygand
Whitfield
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Wilson
Wise
Wolf
Woolsey
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Wynn
Young (AK)
Young (FL)
Scarborough
Schaffer
Spence
Tiahrt
Vento
Waters

NAYS—1

Coble

NOT VOTING—13

Brown (OH)
Cooksey
Granger
Johnson, Sam
LaTourette
McCollum
Saxton

☐ 1339

Mr. SENSENBRENNER and Mr. BRADY of Texas changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. COBLE. Mr. Speaker, on rollcall No. 37 I inadvertently pressed the "no" button. I meant to vote "yes."

GENERAL LEAVE

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill, H.R. 1695.

The SPEAKER pro tempore (Mr. LaHood). Is there objection to the request of the gentleman from Nevada?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 3081, WAGE AND EMPLOYMENT GROWTH ACT OF 1999, AND H.R. 3846, MINIMUM WAGE INCREASE ACT

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 434 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 434

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 3081) to increase the Federal minimum wage and to amend the Internal Revenue Code of 1986 to provide tax benefits for small businesses, and for other purposes. The bill shall be considered as read for amendment. In lieu of the amendment recommended by the Committee on Ways and Means now printed in the bill, an amendment in the nature of a substitute consisting of the text of H.R. 3832 shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) two hours of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit with or without instructions.

Sec. 2. Upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3846) to amend the Fair Labor Standards Act of 1938 to increase the minimum wage, and for other purposes. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill and any amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce; (2) the amendments printed in the report of the

Committee on Rules accompanying this resolution, which shall be in order without intervention of any point of order (except those arising under section 425 of the Congressional Budget Act of 1974) and which may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, and shall be separately debatable for the time specified in the report equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

SEC. 3. (a) In the engrossment of H.R. 3081, the Clerk shall—

(1) await the disposition of H.R. 3846;

(2) add the text of H.R. 3846, as passed by the House, as new matter at the end of H.R. 3081;

(3) conform the title of H.R. 3081 to reflect the addition of the text of H.R. 3846 to the engrossment;

(4) assign appropriate designations to provisions within the engrossment; and

(5) conform provisions for short titles within the engrossment.

(b) Upon the addition of the text of H.R. 3846 to the engrossment of H.R. 3081, H.R. 3846 shall be laid on the table.

□ 1345

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman and my friend from Massachusetts (Mr. MOAKLEY), pending which I yield myself such time as I may consume. During consideration of this resolution, all time is yielded for the purpose of debate only.

Mr. Speaker, this resolution provides for the consideration of H.R. 3081 in the House under a closed rule without intervention of any point of order.

The rule provides that the bill be considered as read and that, in lieu of the amendment recommended by the Committee on Ways and Means now printed in the bill, the text H.R. 3832 shall be considered as adopted.

The rule provides two hours of debate equally divided and controlled by the chairman and the ranking minority member of the Committee on Ways and Means.

The rule provides one motion to recommit H.R. 3081 with or without instructions.

The rule also provides for consideration of H.R. 3846 in the House under a modified closed rule. It provides that the bill be considered as read and provides for 1 hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce.

The rule provides for consideration of the amendments printed in the Committee on Rules report accompanying the resolution, which shall be in order without intervention of any point of order, except those arising under section 425 of the Congressional Budget Act of 1974, prohibiting consideration of legislation containing certain unfunded mandates.

The rule provides that the amendments printed in the Committee on Rules report accompanying the resolution may only be offered by the Member designated in the report, shall be considered as read, and shall be separately debatable for the time specified in the report equally divided and controlled by the proponent and an opponent.

The rule provides one motion to recommit H.R. 3846 with or without instructions.

Finally, the rule provides that in the engrossment of H.R. 3081, The Clerk shall add the text of H.R. 3846 as passed by the House as a new matter at the end of H.R. 3081, after which H.R. 3846 shall be laid upon the table.

Mr. Speaker, the rule before us today is a carefully crafted rule that makes in order two separate bills. The first is a bill out of the Committee on Ways and Means, H.R. 3081, the Wage and Employment Growth Act of 1999, which provides a series of tax benefits to small businesses.

The second piece of legislation, H.R. 3846, is a bill to increase the minimum wage by $1.00 through incremental steps over the course of 3 years.

Mr. Speaker, the Committee on Ways and Means bill, like almost every tax bill for many, many years, will not be open to further amendments on the House Floor. This long-standing policy is designed to keep the Internal Revenue Code from becoming more cluttered than it is already with special interest provisions.

Also, amendments offered on short notice on the House floor might have unintended consequences which may not be fully appreciated without the adequate time to research those issues.

The Committee on Ways and Means bill will be subject to 2 hours of debate and allows the minority a motion to recommit with instructions. The minimum wage bill will receive 1 hour of general debate and makes in order two amendments, one to increase the minimum wage over the course of 2 years rather than 3 and another allows States flexibility to determine their own minimum wage.

By making these amendments in order, the rule facilitates a thorough debate and vote on the major issues associated with the two bills under consideration, and by allowing a motion to recommit the legislation with or without instructions, the minority is assured their perspective on this issue will be aired and will be voted upon.

Mr. Speaker, I am particularly pleased that Congress is undertaking an important effort to give tax relief to hard working people who run small businesses and create jobs. Through small business provisions, they include an acceleration of the increase in the self-employed health insurance deduction to 100 percent. This is crucial to making health care more available to innovative people who take risks by starting and running their own businesses.

It is often too difficult and costly for a small business to set up pensions or retirement plans for their employees, especially in their new and start-up years. The legislation before the House today provides pension reform and improves retirement security. It increases contribution and benefit levels and limits in tax-favored retirement plans. It shortens investing requirements of employer matching contributions which is very important in today's marketplace, where a worker often spends only a few years on the job and then moves on.

Mr. Speaker, I represent a district in Texas that has many, many small businesses. In my district and all across America, small businesses are an important part of our economy. Small business is the engine that drives the economy and creates new jobs in America. In fact, small businesses create more jobs than any other types of businesses, including large corporations. Too many businesses fail because our unfair Tax Code and because of heavy regulatory burdens that consume critical operating capital in their early years. These small business tax provisions do not just help small businesses but they help everyone by encouraging job growth.

I remind my colleague that this rule allows for vigorous debate on every major issue related to the underlying legislation.

Mr. Speaker, like many other conservative Members of this body, I question if raising the minimum wage might actually hurt those it is intended to help. I am afraid that employers may look at their rising payroll ledgers and decide to cut back on the number of employees that they hire to offset the added expense of the minimum wage hike.

Having said that, it is apparent to me that a majority of Members feel now that it is the appropriate time to pass a minimum wage increase. I strongly support this rule because by allowing for an increase in the minimum wage, it ensures measures to offset the impact of doing so as part of a major deal that has been encouraged by my party.

Mr. Speaker, I encourage all Members to support the rule so that the House may debate the important issues contained in the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I thank my colleague and my friend from Texas (Mr. SESSIONS) for yielding me the customary half-hour, and I yield myself such time as I may consume.

Mr. Speaker, this rule provides for the consideration of two bills, a minimum wage bill and a bill providing predominately estate tax breaks. Then once both bills pass, they lump them together and they go to the entire White House.

Mr. Speaker, this is a very bad combination of tax breaks and much too slow minimum wage hikes. By stretching the minimum wage out to 3 years, the Republican minimum wage bill is a year late and several dollars short, while their tax bill could just as well be called who wants to make a millionaire a multimillionaire.

Mr. Speaker, once again my Republican colleagues have taken a perfectly good idea to raise the $5.15 minimum wage by a dollar and turned it into another way to make the rich richer while stiffing the rest of the citizenry.

Furthermore, Mr. Speaker, by linking these two bills together and creating this very unholy marriage, they have doomed both of these bills to the veto bin, and American workers deserve better.

Over 10 million people work for minimum wage in this country, and minimum wage workers are predominately women and minorities. They are the people who take care of our youngsters, our senior citizens. They clean up our offices. They cook our food. They pump our gas. Mr. Speaker, despite working full-time they earn only $10,700 a year.

Let me repeat, Mr. Speaker, full-time a minimum wage worker in the United States makes only $10,700 a year. That is only $3,200 below the poverty line. I think it is high time they get a raise, even if it is only a dollar an hour, but my Republican colleagues want to phase this raise in over 3 years instead of 2.

Mr. Speaker, for those who say there is not much difference between 2 and 3 years, let me add that that extra year will mean a net loss of $1,000 over 3 years to minimum wage workers.

Any Member who is committed to welfare reform, any Member who is committed to getting families off the dole and into the workplace should take that commitment to the next step and give these people that very much needed raise. They will still be below the poverty level but at least the poverty line will be in sight.

A dollar an hour may not sound like much to most people, but let me say it does make a big difference. It will mean an overall raise of about $2,000 to over 10 million Americans. Instead of giving these people the help they need, my Republican colleagues are watering it down by stretching it out to 3 years and then dooming it by attaching this very lopsided tax break for the very rich.

Last month, my colleagues on the Republican side of the aisle introduced a marriage penalty bill and most of the benefits of that bill went to the top 25 percent of wage earners and half of it went to people who pay no marriage tax at all. Today's Republican tax bill is no different. 91.4 percent of the tax cuts in this bill will go to the richest top 10 percent of taxpayers and most of those people do not even own small businesses.

What it means, Mr. Speaker, is that for every dollar in higher wages for minimum wage workers, the rich will get $10.90 in tax breaks. We had a marriage penalty bill for people who pay no marriage penalty, and now we have a small business tax bill for people who do not own small businesses.

Mr. Speaker, this is just the second installment of that $800 billion tax break that they tried to get through last year.

Mr. Speaker, minimum wage workers are not looking for a handout. They work hard for a living, and they deserve a fair day's pay. Our country is enjoying a tremendous economic expansion so now really is the time to make sure that the minimum wage workers can share in it.

My Democratic colleagues want to offer a minimum wage bill, a real minimum wage bill, to make sure that they can share in it, and we want to offer a small business tax bill that will actually help small businesses. Yes, we have a small business tax bill that will help small businesses instead of helping the rich get richer. Under this rule, we just cannot do it.

Just this morning, a Washington Post editorial warns that these tax cuts are much too high a price to pay for a wage increase to which they bear very little relationship.

□ 1400

If I may at this time read a column from The Washington Post, today's editorial page.

> Inverting the Minimum Wage. Congressional Republicans are seeking enactment of still another batch of deceptively packaged tax cuts whose long-term cost the Government just cannot afford. The latest are to be voted on today in the House in connection with the minimum-wage increase. The gloss is that they will compensate small employers for the added cost of the higher wage. The fact is that most of the benefit will go to other than small employers and has nothing to do with the wage.

Then I will skip, Mr. Speaker, because I do not want to read the whole thing, but it is a very interesting column, and these are not my words, these are the words of the editorial writers of the Washington Post. Then they say,

> An estimated three-fourths of the tax savings in the bill would go to the highest income 1 percent of all the taxpayers and 90 percent to the highest income 10 percent. The tax savings are 11 times greater than the estimated cost to employers of the minimum wage increase because that is the pretext for them.

Then it goes on to say, Mr. Speaker, "The tax cuts are too high a price to pay for the wage increase to which they bear so little relation."

It goes on and on, Mr. Speaker. I think the people in this Chamber get the picture.

I urge my colleagues to really look at this closely and see if the title really matches the contents. I urge my colleagues to defeat the previous question in order that we can put a Democratic alternative forward that really does give a minimum wage and really does help small business.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

I really enjoy being in debates with my colleagues on the other side. They want to argue about how we have to give and give and give, but when it comes time for the taxpayer or the small businessperson or the person that has made the investment to get something that is fair treatment back, they get nothing in return from my friends. I would like to also add that there were 48 of my colleagues on the other side of the aisle that voted for this outrageous marriage penalty: 48 Democrats joined the majority party because it is the right thing to do for the American families to get 1,400 more dollars rather than giving it to Uncle Sam.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding and I congratulate him on managing what obviously is a somewhat challenging and controversial rule.

I happen to be one who believes very much that we have a responsibility to put into place economic policies which will ensure that everyone, regardless of where they are on the economic scale, has an opportunity to improve their plight. I want to see those at the lower end of the economic spectrum get their wages up. I want us to encourage growth and investment and productivity so that those wages can increase.

I do have a difficulty, however, with having the Federal Government mandate a wage rate that frankly has the potential to jeopardize economic growth and has the potential again to hurt most those we are trying to assist.

Now, having said that, I realize that a majority of this House supports an increase in the minimum wage. I am in the minority here in believing that we should simply encourage economic growth through tax and other investment incentives. But I am in the minority. I am in the minority, so I feel the responsibility to do everything that we possibly can to allow a free flow of ideas and debate on these very important questions that are before us: and that is why we have, as the gentleman from Texas (Mr. SESSIONS) has outlined, an extraordinarily fair and balanced rule which allows all of the alternatives that are out there to be considered. One over two, one over three. We have tax incentives which some of us do support. So we have a wide range of options that are there, put into place.

I will say that I happen to think that tax relief is something that is much needed, and the issues that my friend from his summer spot in South Boston mentioned, the tax issue, is something that enjoys bipartisan support. The gentleman from Texas (Mr. SESSIONS) said that 48 Democrats joined in support of the marriage tax penalty. President Clinton stood here during his State of the Union message and talked about his support for that. He indicated that he was adamantly opposed to increasing the earnings cap for retirees. Now, he is prepared to sign it and we welcome that.

So aspects that were in that tax bill that he vetoed last year, he has clearly indicated that he supports and we welcome that kind of support and recognition of the fact that we as a country need to do everything, and as a Congress, need to do everything that we can to encourage this kind of economic growth.

Specifically, the items that are in this tax package that are particularly beneficial, of course, allow us to deal with this health care question by providing for the self-employed workers to deduct their health care insurance expenses. We also, and I see my very dear friend from New York (Mr. RANGEL) here, we want to encourage community redevelopment. We want the community renewal movement to go ahead. Again, President Clinton has joined with Speaker HASTERT in supporting that. So I know that my friend from New York will strongly embrace that provision that is in this measure.

So there are very, very good aspects of it; and I hope that we will see a strong vote for this rule. But before my colleagues get a chance to vote for the rule, I suspect that there just may be a vote on the previous question. So in light of that, I urge my colleagues on both sides of the aisle to join in support of the previous question so that we can move ahead with a fair, balanced rule that allows all of the different ideas out there to be considered, and then we will do what Speaker HASTERT said when he on the opening day of the 106th Congress just a little over a year ago stood here and said we will allow the House to work its will so that the majority will prevail.

Mr. MOAKLEY. Mr. Speaker, I am very happy that my chairman really has the courage to say he is against the minimum wage. Unfortunately, many people are hiding behind this bill who are also against the minimum wage.

Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. RANGEL), the ranking Democrat on the Committee on Ways and Means, who is in favor of a real minimum-wage increase.

Mr. RANGEL. Mr. Speaker, let me join in congratulating the distinguished chairman of the Committee on Rules. His honesty in terms of opposing the minimum wage for the lowest working employees is really to be commended for coming forward and saying it, because like Governor Bush, I wondered about the meanness on this side of the aisle; and it is good to see that people are willing to say that there is a reason behind it.

Mr. Speaker, one can be reforming and want results if one is going to cave in to the things that one believes in, and I would like to join with my Senator who makes it abundantly clear that the country is really not looking for tax cuts, but looking for us to do the right thing, protecting Social Security, Medicare, the Patients' Bill of Rights, affordable drugs. These are the things that the Congress, not Republicans and not Democrats, but working together, should be doing. There is very, very little compassion for the working people at a time that our country is doing so great.

I oppose the rule because my colleagues do not even give us an opportunity to have an alternative. What is the fear in just allowing the House to work its will? There was a time that the tax-writing committee used to be involved in taxes. We yield to the distinguished people on the Committee on Rules to pick and choose what they would like. But when they do not have the courage of the gentleman from California (Mr. DREIER) to say that they are against the minimum-wage increase, for God's sake, do not kill it by just burdening taxes on it. Just say that we do not want reform on this side of the House of Representatives.

How dare my colleagues say, how dare my colleagues say that the tax provisions in this bill is to protect small businesses. That is outrageous. It is an insult to the American people. It is clear that two-thirds of the tax benefits, they do not go to small businesses, they go to the richest Republicans that we have. So do what you want politically and kill the minimum-wage bill, but for God's sake, do not say that you are doing it fairly.

The same thing applies to the Patients' Bill of Rights. If you do not want patients to have a bill of rights, and your leadership does not, do not compromise and say you are coming out for it and then load it up with hundreds of billions of dollars in tax cuts.

Mr. Speaker, it was clear to us a long time ago what our Republican colleagues' game plan was, and that is to do absolutely nothing and get out of this House of Representatives. And how did they intend to do it? By getting this big $800 billion tax cut, thinking about anything you could imagine, and having the President veto it so that you could go home and campaign on just how we Democrats are against tax cuts. Well, guess what? We Democrats are for tax cuts, but we also are for saving Social Security, saving Medicare, and helping all Americans enjoy it and not just the chosen and the blessed few.

Why is it that when my colleagues' tax cut was vetoed, they did not move to override the veto? Could it be that they had lack of votes, or could it be they had lack of guts? In any event, now they have to give us an $800 billion tax cut $200 billion at a time. What does the $122 billion tax cut have to do with giving working people a buck increase from $5.15 to $6.15? Why did my Republican colleagues wait until the President said he would veto it before they brought it to the floor?

Many of the things that my colleagues have in the tax provision we support. Why did they overdo it? If they really wanted to be fair, why did they not give us a chance really to report out a tax bill that the President will sign?

Now, if my Republican colleagues want to be against the working poor, do it. But at least have the courage to stand up here and to say that every time you steal one of the President's good ideas that you have to load it up with some piece of the $800 billion tax cut until you have to force him to veto it.

So if we want to talk about reformists with results, we better walk away from many of the critics outside of our side of the aisle that are talking about the way my colleagues on the other side of the aisle are not taking care of the people's business.

Mr. Speaker, I want to thank my colleagues for seeing their way clear to allowing the gentleman from Ohio (Mr. TRAFICANT) to have an amendment to this bill, and I wondered why my colleagues could not reach beyond that to allow some of us on the tax-writing committee to have an amendment to the tax bill.

I know one thing: my Republican colleagues may be for reform, but they certainly are not supporting results.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Hearing my colleagues talk about this rule would make me think that they simply do not understand what the Committee on Rules did. First of all, the Committee on Rules, under Republicans, has always insisted or guaranteed that there will be a motion to recommit to the minority party. As my recollection tells me, that rarely happened when the Democrats were in control.

Secondly, the fairness of this rule is very obvious to everyone. We will have a separate vote that will be on the provisions for minimum wage from the vote for the tax package, which means if the gentleman from New York or any of my colleagues wish to vote yes or no on minimum wage, they will be allowed to do that. If they want to vote yes or no on the tax package, they will be allowed to do that. If we were being unfair, we would have put them together. Then we would have heard that would be a poison pill, and I think that that could be said and it would be true.

The fact of the matter is that the wisdom of this Committee on Rules is that we are trying to present an opportunity of fairness to fully debate the issue, to allow open votes that will take place; and I am very, very proud of what we have done. I believe that any criticism like this is from someone that simply has not read the rule, taken the time to read the rule, or who is trying to dissuade someone else by not using the facts that are at hand.

Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. SHIMKUS).

□ 1415

Mr. SHIMKUS. Mr. Speaker, I want to thank the Committee on Rules and commend them for the work they have done. We worked in a bipartisan manner with a group of Republicans and Democrats, myself, the gentleman from New York (Mr. LAZIO), the gentleman from California (Mr. CONDIT), and the gentleman from Alabama (Mr. CRAMER) to try to reach across the divide to address an issue that would do two things: It would increase the minimum wage, while protecting those jobs that could be lost through the increase of a minimum wage.

In this rule, the will of the House will be heard. I think that is the important thing. If we want to judge the fairness of a rule, the question is, does the House have the ability to have their will heard on votes? We will have a debate, and we will have a vote on the tax cut portion of this bill, so those who believe that it is important to cut taxes to help offset the cost of small business can vote yes, and those who do not can vote no.

Not many people in the 20th District of Illinois read the Washington Post. I have great respect for the gentleman from Massachusetts (Mr. MOAKLEY), but they do read the Herald and Review from Decatur, Illinois.

In an October 26, 1999, editorial, it reads: "Minimum Wage Tax Break Sensible." I will quote just a portion of it.

The paper stated that "When the minimum wage increases, someone has to pay for it, because business owners have to maintain a profit level. The result could be higher prices or fewer jobs at minimum wage. Just as a worker will offer his labor at an acceptable wage level, an employer will pay workers a wage that will permit his company to earn a profit. That is why a minimum wage increase alone won't work, and why a bill to raise the rate linked to some tax breaks for small businesses makes sense."

Again, that is from the October 26 Herald and Review from Decatur, Illinois.

So we are going to have a vote on the tax cut. We are going to have a vote and debate on an issue that me and my friends on the conservative side want, State flexibility. We are going to have a debate. We are going to have a debate and a vote, and the will of the House is going to move forward.

We are going to have a debate and we are going to have a vote on the increase, whether it should be $1 over 3 years or $1 over 2 years. The will of the House will have an opportunity to be spoken.

I think the rule is pretty fair and pretty balanced, but what I really appreciate about the rule is that I think it respects the work that we tried to do over an entire year of keeping a balance, trying to get to the center ground to raise the minimum wage and cut taxes and protect jobs, a group of two Republicans and two Democrats that worked long and hard to get to the point where we are here today.

I want to thank the gentleman from California (Mr. DREIER), the chairman, I want to thank the Committee on Rules, and I urge all my colleagues to support the rule.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to correct my dear friend, the gentleman from Texas. Since 1892, the rules of the House have prohibited the Committee on Rules from reporting any rule that prevents a motion to recommit from being made.

Mr. SESSIONS. Mr. Speaker, will the gentleman yield?

Mr. MOAKLEY. I yield to the gentleman from Texas.

Mr. SESSIONS. A motion to recommit with instructions.

Mr. MOAKLEY. I thought the gentleman was just talking about a motion to recommit.

Mr. SESSIONS. With instructions.

Mr. MOAKLEY. That was added later.

Mr. SESSIONS. I thank the gentleman for helping me with that history, Mr. Speaker.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. GEPHARDT), the leader of the Democratic Party in the House of Representatives.

Mr. GEPHARDT. Mr. Speaker, do not be fooled. This is not an illustration of bipartisanship at work. This debate is a good illustration of how to turn what should have been a proud bipartisan moment for the House into a partisan action by Republican leaders. The majority is performing a charade of bipartisanship. It is not the real thing.

For more than 2 years, there has been a true bipartisan effort in this House to increase the minimum wage by $1 over 2 years. This effort has repeatedly run head on into the desire by Republican leaders to keep this issue off the floor for good, but the bipartisan coalition never gave up, thanks to the efforts of Members on both sides of the aisle like the gentleman from Michigan (Mr. BONIOR) and the gentleman from New York (Mr. QUINN). Because of their persistence and because of the insistence of the American people, Republican leaders had no choice but to bring a minimum wage bill to the floor.

Like so many times before, Republican leaders decided if they could not kill a popular bill they disagree with, they would kill it through neglect. They would try and kill it, attacking it in the light of day on the floor of the House with legislative trickery.

Today they are dispensing dollars to the wealthy through the tax bill that is going to be attached at the end, but pennies to the working poor. Republican leaders are forcing us to vote on a minimum wage bill originally designed to help hard-working low-income families that is tied to a regressive tax bill designed to give $120 billion in tax breaks to the very wealthiest Americans. They are preventing Democrats from even offering an alternative that would provide tax cuts targeted to owners of small businesses and family farms, giving relief to those who need it.

For every penny that would go to working low-income Americans, Republicans want to give 10 cents or a dime to the wealthiest Americans among us.

It is really emblematic of their values. Republicans do not seem able to ever give a break to working families without making sure that they first take care of the wealthiest in America with even greater largesse.

We should be voting on a minimum wage that provides a real pay increase and a tax package that provides sensible, responsible tax relief to small businesses, just as the Democratic tax alternative would do. We should be voting on a bill that will be signed by the President, so we can get this minimum wage increase to the people who need it now.

The Republican rule is designed to produce a bill that will eliminate the possibility that we can ever get this minimum wage done this year. The people who need it need it now. They do not need to have a bill vetoed by the President because the bill gets joined up with a tax bill that the President will not sign.

If we are really, truly committed to working in a bipartisan manner and ensuring that a minimum wage bill passes this year, Members will join me in voting against this rule and putting together a rule that will allow us to have a tax bill joined with the minimum wage that will get this bill signed by the President of the United States.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. CLAY), the ranking member of the Committee on Education and the Workforce, a gentleman who knows what the minimum wage is, he has been fighting it for so long.

Mr. CLAY. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in opposition to this rule, because it limits the opportunity for Members to have a fair and open debate on a pocketbook issue affecting millions of workers.

First, it denies us an opportunity to offer a Democratic substitute that would phase in a $1 increase over a 2-year period. This parliamentary maneuver bars Members from debating and amending provisions of the bill that repeal overtime pay for millions of employees working in computers, sales, and funeral services.

This maneuver is even more insulting to Members of this body because the effect of these overtime provisions were never considered in this Congress by the Committee on Education and the Workforce, or evaluated by expert witnesses to determine what impact they may have on the work force.

Second, Mr. Speaker, the rule automatically includes the DeMint amendment, which will destroy the concept of a Federal minimum wage by allowing 50 States to enact 50 different Federal minimum wage provisions.

What a disaster, Mr. Speaker. What an administrative nightmare: fifty States, some of them competing against each other to see who can reduce their State's minimum wage to a level as close to Mexico's and other Nations that exploit their workers.

Mr. Speaker, this House should not be in the business of relegating our workers to slave wages in order to compete with cruel, insensitive economic systems of Third World countries. This rule should be opposed because it abuses the House rules, because it violates fair play, and because it stacks the deck against American workers. I urge its defeat, Mr. Speaker.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. BONIOR), the Democratic whip.

Mr. BONIOR. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, the dictionary defines "outrage" as a forcible violation of others' rights, and a gross or wanton offense or indignity. That definition could easily apply to this rule. But what else can we expect when the Republican leader once again this year tells the American people that raising the minimum wage is, and I quote "the wrong thing?"

Let me tell the Members what Democrats think is wrong, Mr. Speaker. We think it is wrong that even as our economy is surging ahead, millions of Americans are left behind. They are the workers who earn the minimum wage. These are the folks that look after our children at day care, that take care of our parents and our grandparents when they are sick. These are the folks who work in our hospitals, who clean our offices.

Most of them are women. They have families of their own, in many instances. They struggle to keep a roof over their heads, the heads of their children, food on the table; to give their kids a better life, a little bit of hope; to spend some time with them, but they cannot spend any time with them because they are making $10,700 a year, $2,300 below the poverty level, if they have two children.

What do they end up doing? They are out there working two and often three jobs, and it is not right. They deserve a raise, just like the rest of America. By providing a $1 increase over 2 years, our plan will help them achieve just that.

Some may ask, what is the difference between a $1 increase over 2 years or $1 over 3 years? The answer to that is, $1,000. I know some of my Republican leadership friends may seem to think, well, that is pocket change. That is not a lot of money. But to a poverty wage worker, it can make all the difference in the world. It can make a difference on whether their children get another pair of blue jeans, whether they can meet the bills at the end of the month, whether they may even have a little left over to go to the movies. It makes a heck of a difference.

Our initiative does not stop with providing a fair wage, Mr. Speaker. We understand that small businesses are creating most of the jobs in this country and we want to help them. That is why our plan expands the tax relief for family businesses and family farms. It provides for the deductibility of health care premium insurance. Our plan offers a higher minimum wage to workers who have earned it, and tax relief to the businesses who need it.

Under the outrageous rule that we have before us right now, it is a plan we will not even have a fair chance to consider. Instead, the leadership on this side of the aisle is presenting us with an elaborate scheme. They will provide a wage increase all right, but only if it is tied to this jumbo tax cut for the wealthy and the super rich, tax cuts that are reckless and that are enormous.

Their message basically is this, to working families: Sure, we will give you a little bologna sandwich, but first you have to buy my friends who belong to the country club a really nice, thick, juicy steak dinner. Mr. Speaker, we have news for the Republican leaders, and it is that the minimum wage was never intended to become a meal ticket for their fat cat friends.

Mr. Speaker, what the Republican leaders propose is not policy-making, it is a shell game. No wonder the President has pledged that he will veto the Republican plan. Whether we agree with it or not, every Member of this House deserves a chance to consider our substitute, but this rule would deny us that opportunity, and that is why we are fighting it.

We will not be denied. We will offer motions to recommit that will give workers a fair minimum wage and provide real tax relief for small businesses and family farms.

□ 1430

Mr. Speaker, our plan is the only one that provides the raise that workers have earned and the tax relief small business and family farms need. Vote against this outrageous rule. Bring back a rule that will give us some sense of equity and fairness and stand with us for America's workers, for small business, for the family farmer. We are not asking for anything more; and by God, the country deserves nothing less.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, when I hear the debate on the other side, the debate is as though these Republicans have not allowed a fair and open rule, a great vote for people who think we ought to raise the minimum wage and a great vote and an opportunity for small businesses, men and women who create opportunity for America. You would think by listening to the other side that they do not want to create opportunity and jobs and growth and happiness and the opportunity for the next generation to be employed.

I want to stand up and say that my Republican Party has the provisions that accelerate the increase and the self-employed health insurance deduction to 100 percent because we want people to be able to have, not only health insurance, we want people to have their own doctors; that we want to do the things that will extend work opportunities and tracks credits to extend welfare to work.

We want to put America to work, want to have opportunity and jobs that are available for everyone. That is what this fair and open rule is about.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Perry Township, Ohio (Ms. PRYCE) who sits on the Committee on Rules with me.

Ms. PRYCE of Ohio. Mr. Speaker, I rise in support of this very fair rule which will allow the House to work its will on the question of raising the minimum wage and providing tax relief to the very businesses that will pay the cost of this new Federal mandate.

Now, no matter what my colleagues' position may be on the minimum wage or on tax relief, they will have an opportunity to make their views very clear through the procedure by which we will consider these two bills. Now what could be fairer?

For those who support this minimum wage, this rule makes in order legislation to increase it by a dollar over 3 years. If that table is not fast enough, the rule allows Members to vote for a Democrat amendment that increases the minimum wage by $1 over 2 years.

Now, of course, many of my colleagues do not think the government should play any role in setting the wages and telling businesses what to pay employees. Even these Members will have at least two opportunities to make their disapproval known when they vote against the Martinez-Traficant amendment and final passage.

Whatever one's view is on the minimum wage, I hope that we all recognize that this policy is not free. Someone actually has to pay the higher wages. Those who pay the highest prices are the small businesses across this Nation, the engines of our economy, those businesses which are creating jobs for some of our workers who are the very, very hardest to employ.

That is why this rule also allows the House to vote on tax relief for these small companies. The mom and pop store fronts and the new start-up businesses, the dreams of our country's entrepreneurs.

Under this rule, Members can register their support for these businesses by voting for legislation that increases the self-employed health insurance deduction to 100 percent, reduces the death tax so that family businesses can be passed on from one generation to the next. It increases the deduction for business meal expenses, and it reforms pension laws to help businesses offer more retirement security to their workers.

All of these changes will be helpful to the businessmen and women who are responsible for the innovations and job creation that are making this economy so very strong.

Mr. Speaker, we are dealing with some controversial issues today on which Members of the House have very, very different views. But this rule gives all Members a fair opportunity to express their position and let the House work its will.

Many of my colleagues on the other side of the aisle are not happy, but believe me, Mr. Speaker, many of our colleagues on this side of the aisle are not happy either; and it is my experience that that usually means we have a pretty good rule.

I urge all of my colleagues to support it.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I rise today to support raising the minimum wage over a period of 2 years instead of 3 years. The current minimum wage is $5.15 per hour. At this rate, a full-time year-round minimum wage earner in the United States makes approximately $10,712 per year. In 1998, the yearly salary determined necessary for a family of three to rise above the poverty level in this country was $13,003, an amount $2,291 more than the minimum wage salary provides. Clearly, the current minimum wage is too low.

Congress has already inexcusably allowed the value of the minimum wage to fall 21 percent lower than in 1979. If the minimum wage is not increased by the year 2001, recent studies show that the inflation adjusted value will fall to $4.90 per hour.

It is essential that the minimum wage is raised over the course of 2 years instead of 3. That is why I will support the Traficant amendment, and I urge everyone to support the Traficant amendment.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, the previous speaker was right. Not all of us are happy with this rule. I believe it deals fairly with the minimum wage question. But I continue to not understand why the majority party continues to refuse to allow a substitute tax bill when there are sufficient Members on both sides of the aisle who I believe would like our version better than the version that is put before us.

But here again, the fundamental question is why not allow a simple vote? Why not allow the package put together by the gentleman from New York (Mr. RANGEL) and the gentleman from Tennessee (Mr. TANNER) to have the opportunity to have the will of the House worked?

The bill that we will be voting on today continues the fiscal irresponsible pattern of legislation coming from the majority side that, once again, will squander our national surplus and our opportunity to deal with Social Security and Medicare. This, when one adds up this $122 billion unpaid for, will amount to something over $400 billion now voted by the House and by the Senate in spending the surplus that is not yet real.

The tax bill that this rule will allow is the latest in the series of tax bills that will drain the projected budget surplus drip by drip without regard for the consequences.

If we pass this bill today, it will be fiscally reckless for this body to continue to rush down this path of passing tax cuts and spending bills without a road map.

Why do we continue to casually waive the budget rules? Why do we just continue to come to this floor of the House without first bringing a road map so we can deal with how we are going to spend money and cut taxes this year?

The tax bill before us is simply a political document that will never become law. We know this. It appears the majority wants a political issue rather than dealing with the estates of family farmers and small businessmen and women.

If my colleagues are truly concerned about estate tax relief, which I am and have been, I very much appreciate what could have been an opportunity to vote on an immediate exemption exclusion of $4 million estates immediately. But, yet, the bill that we have before us pays more attention to estates over $10 million. I do not understand this.

The President has promised that he will sign into law the Democratic tax package. The fact the leadership will not allow the House to vote on this amendment suggests they are more interested in keeping a political issue, which I fail to understand, than they are on actually providing tax relief to small businesses.

This rule is unfair to our children and grandchildren who will face the consequences of our fiscal irresponsibility if this bill should become law, which it will not.

What I do not understand is why we never allow the House of Representatives to work our will so that we might send something to the President that the President will actually sign. Mr. Speaker, I ask that simple question. Why not let the House be the House?

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Speaker, I was sitting in my office not intending to participate in this debate and really got incensed. I sat there, and I wondered, what must the American people be thinking is going on here? What must my Republican colleagues be thinking? Do they think the American people are stupid? What are they doing?

It is obvious that their leadership does not support the minimum wage increase, and they are trying to kill the minimum wage increase by loading it up with an irresponsible tax cut that benefits the richest people in America. Are we stupid? Do they think we are stupid? That is exactly what is going on here.

The President has said, I will veto this bill. We cannot stand here on the floor and say, hey, we are being bipartisan. There is no bipartisanship here.

All we are trying to do is get a wage increase for people in America who need it and want it. All they are trying to do is kill that minimum wage increase. They will try anything and everything to accomplish that objective.

We should not sit here and pretend that we are doing something being bipartisan. There is nobody being bipartisan in this House. If they were being bipartisan, they would separate these two bills, let them be voted up or down, give us the opportunity to offer amendments on both bills, and let the House work its will.

That is all we are asking for in this equation. It is quite obvious that the Republicans are not going to give it to us and not going to give the opportunity to the American people to have a wage increase.

Mr. MOAKLEY. Mr. Speaker, just directing my conversation to the gentleman from Texas (Mr. Sessions), is he the only remaining speaker?

Mr. SESSIONS. Mr. Speaker, I have one additional speaker who I am going to give 7 minutes to, rundown the time to where we have a minute or so left, and then I will reserve 1 minute for myself when that speaker is through.

Mr. MOAKLEY. Then I would be delighted to sit back and listen to the gentleman's speaker for 7 minutes right now.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

In response to both gentlemen who have just spoken, the fact of the matter is that the Republican House of Representatives is not going to send a tax increase, which is what President Clinton wants to sign. The American people understand this. The bills that the President wants to sign are tax increases that take money away from people.

Forty-eight of my colleagues on the Democrat side came across just within weeks to sign the marriage penalty. The President of the United States cannot join us.

What we are doing today is talking about a minimum wage that is good for America and great for the people who employ those people, small businesses.

Mr. Speaker, I yield 7 minutes to the gentleman from Ohio (Mr. Traficant).

Mr. TRAFICANT. Mr. Speaker, I disagree with the Democrat leadership on their analysis of this bill. I support the rule. I will support the tax break. I will support an amendment to increase the minimum wage $1 over a 24-month span, and I will vote for final passage when they are linked together.

My district desperately needs an increase in the minimum wage. The sharpest politician to ever sit on Independence Avenue, with great political wisdom, owns two-thirds of the votes, and there are many political machinations that follow down the road on this bill. But a tax break for the boss who raises the wages of my workers is a decent trade-off for me.

Am I totally crazy about their tax break? Not totally. There is a thing called a conference. But in the last 4 years, we have had two increases in the minimum wage that were under Republican Party leadership.

The Republicans could have brought a bill out here today that did not have an opportunity for $1 over 2 years. They could have left it $1 over 3 years. They did that. I thank them for that. But I want to also say this, those who say that the Republican Party's tactics are simply mean spirited, trying to kill a minimum wage are not truthful.

□ 1445

Their concerns over inflation causing a downward spiral that could hurt my workers is a valid concern that I share, just as they do. I believe our economy is strong enough that it can absorb both.

But I think the point that I would like to make today is this: there are many people who come from different backgrounds. I look around and I see great Members coming from very, very poor families. I come from a very poor family. My dad finally got on his feet maybe when I was about 11 years old. My dad never worked for a poor man.

This business of bashing one another should stop. Is this bill good for America or not? My Democrat colleagues are saying it is not. I am a Democrat. I am saying it is, after it goes through the conference and after we go through the political machinations to work out those problems. That is what the process is all about, my colleagues.

But let us look at this. How many times do we come to the floor that we bash, that we pit old against the young; rich against the poor; black against the white; man against the woman; worker against the company? My colleagues, without a company there is no worker. Without an entrepreneur there is no company. I think the Democrat Party has got to look at this issue.

I am appealing to the Democrat Party to pass the rule. I do not want to see the Republican Party on their own pass the rule and give an opportunity for a minimum-wage increase on their own, because President Clinton is sharp. I believe if the Clinton White House and the Republican leadership, whose intentions I believe are honorable, were to get together in reasonableness on that tax scheme, we will have a minimum-age increase, and my people desperately need it.

My colleagues, the gas prices in America are beginning to approach $2 a gallon. So I want to say this: I want to commend the Republican Party and the Republican leadership for bringing out an opportunity for a minimum-wage increase and, yes, politically machinating the process to accommodate some of their goals. That is what we do here. We are not the Rotary.

In closing, Democrats, my amendment does this: the bill says there is a $1 increase over 3 years. The Traficant bill would accelerate the minimum wage of $1 over 2 years. I am asking for a positive vote. I will vote "yes" on the previous question; I will vote "yes" on the rule.

And I will also say this in closing: I served on the majority and on the minority; and we have had, in my opinion, much fairer rules coming from this majority party than we did when I was in the majority. That is telling it like it is.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge Members to vote "no" on the previous question. If the previous question is defeated, I will offer an amendment to the rule that will allow the Democrats to offer a substitute to both the minimum-wage bill and to the small business tax bill.

It is extremely unfortunate that the majority leadership in this House has shut the minority out of the amendment process on these two very critical bills. The two substitutes proposed by the Democrats are reasonable, and they are responsible alternatives to the two bills being offered by the Republicans. Members deserve an opportunity to choose between these two approaches. So, Mr. Speaker, I urge Members to vote "no" on the previous question so that we may consider these two sensible alternatives.

The Vote on the Previous Question: What It Really Means

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislation or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

The vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

Mr. Speaker, I submit for the RECORD the text of the amendments I have just referred to and other extraneous materials:

PREVIOUS QUESTION FOR H. RES. SMALL BUSINESS TAX AND MINIMUM WAGE INCREASE H.R. 3081 AND H.R. 3846—MARCH 9, 2000

Strike all after the resolving clause and insert in lieu thereof the following:

Providing for consideration of the bill (H.R. 3081) to increase the Federal minimum wage and to amend the Internal Revenue Code of 1986 to provide tax benefits for small businesses, and for other purposes, and for consideration of the bill (H.R. 3846) to amend the Fair Labor Standards Act of 1938 to increase the minimum wage, and for other purposes.

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 3081) to increase the Federal minimum wage and to amend the Internal Revenue Code of 1986 to provide tax benefits for small businesses, and for other purposes. The bill shall be considered as read for amendment. In lieu of the amendment recommended by the Committee on Ways and Means now printed in the bill, the amendment in the nature of a substitute printed in part A of the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; (2) the amendment in the nature of a substitute printed in section 4 of this resolution, if offered by Representative Rangel or a designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

SEC. 2. After disposition of H.R. 3081, it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 3846) to amend the Fair Labor Standards Act of 1938 to increase the minimum wage, and for other purposes. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce; (2) the amendment in the nature of a substitute printed in section 5 of this resolution, if offered by Representative Bonior or a designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

SEC. 3. (a) In the engrossment of H.R. 3081, the Clerk shall—

(1) await the disposition of H.R. 3846;

(2) add the text of H.R. 3846, as passed by the House, as new matter at the end of H.R. 3081;

(3) conform the title of H.R. 3081 to reflect the addition of the text of H.R. 3846 to the engrossment;

(4) assign appropriate designations to provisions within the engrossment; and

(5) conform provisions for short titles within the engrossment.

(b) Upon the addition of the text of H.R. 3846 to the engrossment of H.R. 3081, H.R. 3846 shall be laid on the table.

SEC. 4. The second amendment specified in the first section of this resolution is as follows:

Strike all after the enacting clause, and insert the following:

TITLE II—AMENDMENTS OF INTERNAL REVENUE CODE OF 1986

SEC. 200. SHORT TITLE.

(a) SHORT TITLE.—This title may be cited as the "Small Business Tax Relief Act of 2000".

(b) TABLE OF CONTENTS.—

TITLE II—AMENDMENTS OF INTERNAL REVENUE CODE OF 1986

Sec. 200. Table of contents.

Subtitle A—Permanent Extension of Work Opportunity Credit and Welfare-to-Work Credit

Sec. 201. Work opportunity credit and welfare-to-work credit; repeal of age limitation on eligibility of food stamp recipients.

Subtitle B—Deduction for 100 Percent of Health Insurance Costs of Self-Employed Individuals

Sec. 211. Deduction for 100 percent of health insurance costs of self-employed individuals.

Subtitle C—Pension Provisions

Sec. 221. Treatment of multiemployer plans under section 415.

Sec. 222. Early retirement limits for certain plans.

Sec. 223. Certain post-secondary educational benefits provided by an employer to children of employees excludable from gross income as a scholarship.

Subtitle D—Business Tax Relief

Sec. 231. Increase in expense treatment for small businesses.

Sec. 232. Small businesses allowed increased deduction for meal and entertainment expenses.

Sec. 233. Restoration of deduction for travel expenses of spouse, etc. accompanying taxpayer on business travel.

Sec. 234. Increased credit and amortization deduction for reforestation expenditures.

Sec. 235. Repeal of modification of installment method.

Subtitle E—Expansion of Incentives for Public Schools

Sec. 241. Expansion of incentives for public schools.

Subtitle F—Increased Estate Tax Relief for Family-Owned Business Interests

Sec. 251. Increase in estate tax benefit for family-owned business interests.

Subtitle G—Revenue Offsets

PART I—REVISION OF TAX RULES ON EXPATRIATION

Sec. 261. Revision of tax rules on expatriation.

PART II—DISALLOWANCE OF NONECONOMIC TAX ATTRIBUTES

SUBPART A—DISALLOWANCE OF NONECONOMIC TAX ATTRIBUTES; INCREASE IN PENALTY WITH RESPECT TO DISALLOWED NONECONOMIC TAX ATTRIBUTES

Sec. 266. Disallowance of noneconomic tax attributes.

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Sec. 268. Penalty on marketed tax avoidance strategies which have no economic substance, etc.

Sec. 269. Effective dates.

SUBPART B—LIMITATIONS ON IMPORTATION OR TRANSFER OF BUILT-IN LOSSES

Sec. 271. Limitation on importation of built-in losses.

Sec. 272. Disallowance of partnership loss transfers.

PART III—ESTATE AND GIFT TAX OFFSETS

Sec. 276. Valuation rules for transfers involving nonbusiness assets.

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Sec. 281. Consistent amortization periods for intangibles.

Sec. 282. Modification of foreign tax credit carryover rules.

Sec. 283. Recognition of gain on transfers to swap funds.

Subtitle A—Permanent Extension of Work Opportunity Credit and Welfare-to-Work Credit

SEC. 201. WORK OPPORTUNITY CREDIT AND WELFARE-TO-WORK CREDIT; REPEAL OF AGE LIMITATION ON ELIGIBILITY OF FOOD STAMP RECIPIENTS.

(a) PERMANENT EXTENSION.—

(1) IN GENERAL.—

(A) Section 51(c) of the Internal Revenue Code of 1986 is amended by striking paragraph (4).

(B) Section 51A of such Code is amended by striking subsection (f).

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to individuals who begin work for the employer after December 31, 2001.

(b) REPEAL OF AGE LIMITATION ON ELIGIBILITY OF FOOD STAMP RECIPIENTS.—

(1) IN GENERAL.—Subparagraph (A) of section 51(d)(8) of such Code is amended to read as follows:

"(A) IN GENERAL.—The term 'qualified food stamp recipient' means any individual who is certified by the designated local agency as being a member of a family—

"(i) receiving assistance under a food stamp program under the Food Stamp Act of 1977 for the 6-month period ending on the hiring date, or

"(ii) receiving such assistance for at least 3 months of the 5-month period ending on the hiring date, in the case of a member of a family who ceases to be eligible for such assistance under section 6(o) of the Food Stamp Act of 1977.”

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to individuals who begin work for the employer after the date of the enactment of this Act.

Subtitle B—Deduction for 100 Percent of Health Insurance Costs of Self-Employed Individuals

SEC. 211. DEDUCTION FOR 100 PERCENT OF HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.

(a) IN GENERAL.—Paragraph (1) of section 162(l) of the Internal Revenue Code of 1986 is amended to read as follows:

“(1) ALLOWANCE OF DEDUCTION.—In the case of an individual who is an employee within the meaning of section 401(c)(1), there shall be allowed as a deduction under this section an amount equal to 100 percent of the amount paid during the taxable year for insurance which constitutes medical care for the taxpayer and the taxpayer's spouse and dependents.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2000.

Subtitle C—Pension Provisions

SEC. 221. TREATMENT OF MULTIEMPLOYER PLANS UNDER SECTION 415.

(a) COMPENSATION LIMIT.—Paragraph (11) of section 415(b) of the Internal Revenue Code of 1986 (relating to limitation for defined benefit plans) is amended to read as follows:

“(11) SPECIAL LIMITATION RULE FOR GOVERNMENTAL AND MULTIEMPLOYER PLANS.—In the case of a governmental plan (as defined in section 414(d)) or a multiemployer plan (as defined in section 414(f)), subparagraph (B) of paragraph (1) shall not apply.”.

(b) COMBINING AND AGGREGATION OF PLANS.—

(1) COMBINING OF PLANS.—Subsection (f) of section 415 of such Code (relating to combining of plans) is amended by adding at the end the following:

“(3) EXCEPTION FOR MULTIEMPLOYER PLANS.—Notwithstanding paragraph (1) and subsection (g), a multiemployer plan (as defined in section 414(f)) shall not be combined or aggregated with any other plan maintained by an employer for purposes of applying the limitations established in this section, except that such plan shall be combined or aggregated with another plan which is not such a multiemployer plan solely for purposes of determining whether such other plan meets the requirements of subsection (b)(1)(A).”.

(2) CONFORMING AMENDMENT FOR AGGREGATION OF PLANS.—Subsection (g) of section 415 of such Code (relating to aggregation of plans) is amended by striking “The Secretary” and inserting “Except as provided in subsection (f)(3), the Secretary”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 1999.

SEC. 222. EARLY RETIREMENT LIMITS FOR CERTAIN PLANS.

(a) IN GENERAL.—Subparagraph (F) of section 415(b)(2) of the Internal Revenue Code of 1986 is amended to read as follows:

“(F) MULTIEMPLOYER PLANS AND PLANS MAINTAINED BY GOVERNMENTS AND TAX EXEMPT ORGANIZATIONS.—In the case of a governmental plan (within the meaning of section 414(d)), a plan maintained by an organization (other than a governmental unit) exempt from tax under this subtitle, a multiemployer plan (as defined in section 414(f)), or a qualified merchant marine plan—

“(i) subparagraph (C) shall be applied—

“(I) by substituting ‘age 62’ for ‘social security retirement age’ each place it appears, and

“(II) as if the last sentence thereof read as follows: ‘The reduction under this subparagraph shall not reduce the limitation of paragraph (1)(A) below (i) 80 percent of such limitation as in effect for the year, or (ii) if the benefit begins before age 55, the equivalent of such 80 percent amount for age 55.’, and

“(ii) subparagraph (D) shall be applied by substituting ‘age 65’ for ‘social security retirement age’ each place it appears. For purposes of this subparagraph, the term ‘qualified merchant marine plan’ means a plan in existence on January 1, 1986, the participants in which are merchant marine officers holding licenses issued by the Secretary of Transportation under title 46, United States Code.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to years beginning after December 31, 1999.

SEC. 223. CERTAIN POST-SECONDARY EDUCATIONAL BENEFITS PROVIDED BY AN EMPLOYER TO CHILDREN OF EMPLOYEES EXCLUDABLE FROM GROSS INCOME AS A SCHOLARSHIP.

(a) IN GENERAL.—Section 117 of the Internal Revenue Code of 1986 (relating to qualified scholarships) is amended by adding at the end the following:

“(e) EMPLOYER-PROVIDED POST-SECONDARY EDUCATIONAL BENEFITS PROVIDED TO CHILDREN OF EMPLOYEES.—

“(1) IN GENERAL.—In determining whether any amount is a qualified scholarship for purposes of subsection (a), the fact that such amount is provided in connection with an employment relationship shall be disregarded if—

“(A) such amount is provided by the employer to a child (as defined in section 151(c)(3)) of an employee or former employee of such employer,

“(B) such amount is provided pursuant to a plan which meets the nondiscrimination requirements of subsection (d)(3), and

“(C) amounts provided under such plan are in addition to any other compensation payable to employees and such plan does not provide employees with a choice between such amounts and any other benefit.

For purposes of subparagraph (C), the business practices of the employer (as well as such plan) shall be taken into account.

“(2) DOLLAR LIMITATIONS.—

“(A) PER CHILD.—The amount excluded from the gross income of the employee by reason of paragraph (1) for a taxable year with respect to amounts provided to each child of such employee shall not exceed $2,000.

“(B) AGGREGATE LIMIT.—The amount excluded from the gross income of the employee by reason of paragraph (1) for a taxable year (after the application of subparagraph (A)) shall not exceed the excess of the dollar amount contained in section 127(a)(2) over the amount excluded from the employee's gross income under section 127 for such year.

“(3) PRINCIPAL SHAREHOLDERS AND OWNERS.—Paragráph (1) shall not apply to any amount provided to any child of any individual if such individual (or such individual's spouse) owns (on any day of the year) more than 5 percent of the stock or of the capital or profits interest in the employer.

“(4) SPECIAL RULES OF APPLICATION.—In the case of an amount which is treated as a qualified scholarship by reason of this subsection—

“(A) subsection (a) shall be applied without regard to the requirement that the recipient be a candidate for a degree, and

“(B) subsection (b)(2)(A) shall be applied by substituting ‘section 529(e)(5)’ for ‘section 170(b)(1)(A)(ii)’.

“(5) CERTAIN OTHER RULES TO APPLY.—Rules similar to the rules of paragraphs (4), (5), and (7) of section 127(c) shall apply for purposes of this subsection.”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2000.

Subtitle D—Business Tax Relief

SEC. 231. INCREASE IN EXPENSE TREATMENT FOR SMALL BUSINESSES.

(a) IN GENERAL.—Paragraph (1) of section 179(b) of the Internal Revenue Code of 1986 (relating to dollar limitation) is amended to read as follows:

“(1) DOLLAR LIMITATION.—The aggregate cost which may be taken into account under subsection (a) for any taxable year shall not exceed $30,000.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 232. SMALL BUSINESSES ALLOWED INCREASED DEDUCTION FOR MEAL AND ENTERTAINMENT EXPENSES.

(a) IN GENERAL.—Subsection (n) of section 274 (relating to only 50 percent of meal and entertainment expenses allowed as deduction) is amended by adding at the end the following new paragraph:

“(4) SPECIAL RULE FOR SMALL BUSINESSES.—

“(A) IN GENERAL.—In the case of any taxpayer which is a small business, paragraph (1) shall be applied by substituting for ‘50 percent’—

“(i) ‘55 percent’ in the case of taxable years beginning in 2001 and 2002, and

“(ii) ‘60 percent’ in the case of taxable years beginning in 2003, 2004, 2005 and 2006, and

“(iii) ‘65 percent’ in the case of taxable years beginning after 2006.

“(B) SMALL BUSINESS.—For purposes of this paragraph, the term ‘small business’ means, with respect to expenses paid or incurred during any taxable year—

“(i) any C corporation which meets the requirements of section 55(e)(1) for such year, and

“(ii) any S corporation, partnership, or sole proprietorship which would meet such requirements if it were a C corporation.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2000.

SEC. 233. RESTORATION OF DEDUCTION FOR TRAVEL EXPENSES OF SPOUSE, ETC. ACCOMPANYING TAXPAYER ON BUSINESS TRAVEL.

(a) IN GENERAL.—Subsection (m) of section 274 of the Internal Revenue Code of 1986 (relating to additional limitations on travel expenses) is amended by striking paragraph (3).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 234. INCREASED CREDIT AND AMORTIZATION DEDUCTION FOR REFORESTATION EXPENDITURES.

(a) INCREASE IN CREDIT.—Paragraph (1) of section 48(b) of the Internal Revenue Code of 1986 (relating to reforestation credit) is amended by striking “10 percent” and inserting “20 percent”.

(b) REDUCTION IN AMORTIZATION PERIOD.—Subsection (a) of section 194 of such Code (relating to amortization of reforestation expenditures) is amended—

(1) by striking “84 months” and inserting “36 months”, and

(2) by striking “84-month period” and inserting “36-month period”.

(c) Increase in Maximum Amount Which May Be Amortized.—Paragraph (1) of section 194(b) of such Code is amended by striking “$10,000 ($5,000” and inserting “$20,000 ($10,000”.

(d) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 235. REPEAL OF MODIFICATION OF INSTALLMENT METHOD.

(a) In General.—Subsection (a) of section 536 of the Ticket to Work and Work Incentives Improvement Act of 1999 (relating to modification of installment method and repeal of installment method for accrual method taxpayers) is repealed effective with respect to sales and other dispositions occurring on or after the date of the enactment of such Act.

(b) Applicability.—The Internal Revenue Code of 1986 shall be applied and administered as if that subsection (and the amendments made by that subsection) had not been enacted.

Subtitle E—Expansion of Incentives for Public Schools

SEC. 241. EXPANSION OF INCENTIVES FOR PUBLIC SCHOOLS.

(a) In General.—Chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subchapter:

“Subchapter X—Public School Modernization Provisions

“Part I. Credit to holders of qualified public school modernization bonds.

“Part II. Qualified school construction bonds.

“Part III. Incentives for education zones.

“PART I—CREDIT TO HOLDERS OF QUALIFIED PUBLIC SCHOOL MODERNIZATION BONDS

“Sec. 1400F. Credit to holders of qualified public school modernization bonds.

“SEC. 1400F. CREDIT TO HOLDERS OF QUALIFIED PUBLIC SCHOOL MODERNIZATION BONDS.

“(a) Allowance of Credit.—In the case of a taxpayer who holds a qualified public school modernization bond on a credit allowance date of such bond which occurs during the taxable year, there shall be allowed as a credit against the tax imposed by this chapter for such taxable year an amount equal to the sum of the credits determined under subsection (b) with respect to credit allowance dates during such year on which the taxpayer holds such bond.

“(b) Amount of Credit.—

“(1) In general.—The amount of the credit determined under this subsection with respect to any credit allowance date for a qualified public school modernization bond is 25 percent of the annual credit determined with respect to such bond.

“(2) Annual credit.—The annual credit determined with respect to any qualified public school modernization bond is the product of—

“(A) the applicable credit rate, multiplied by

“(B) the outstanding face amount of the bond.

“(3) Applicable credit rate.—For purposes of paragraph (1), the applicable credit rate with respect to an issue is the rate equal to an average market yield (as of the day before the date of issuance of the issue) on outstanding long-term corporate debt obligations (determined under regulations prescribed by the Secretary).

“(4) Special rule for issuance and redemption.—In the case of a bond which is issued during the 3-month period ending on a credit allowance date, the amount of the credit determined under this subsection with respect to such credit allowance date shall be a ratable portion of the credit otherwise determined based on the portion of the 3-month period during which the bond is outstanding. A similar rule shall apply when the bond is redeemed.

“(c) Limitation Based on Amount of Tax.—

“(1) In general.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

“(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

“(B) the sum of the credits allowable under part IV of subchapter A (other than subpart C thereof, relating to refundable credits).

“(2) Carryover of unused credit.—If the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.

“(d) Qualified Public School Modernization Bond; Credit Allowance Date.—For purposes of this section—

“(1) Qualified public school modernization bond.—The term ‘qualified public school modernization bond’ means—

“(A) a qualified zone academy bond, and

“(B) a qualified school construction bond.

“(2) Credit allowance date.—The term ‘credit allowance date’ means—

“(A) March 15,

“(B) June 15,

“(C) September 15, and

“(D) December 15.

Such term includes the last day on which the bond is outstanding.

“(e) Other Definitions.—For purposes of this subchapter—

“(1) Local educational agency.—The term ‘local educational agency’ has the meaning given to such term by section 14101 of the Elementary and Secondary Education Act of 1965. Such term includes the local educational agency that serves the District of Columbia but does not include any other State agency.

“(2) Bond.—The term ‘bond’ includes any obligation.

“(3) State.—The term ‘State’ includes the District of Columbia and any possession of the United States.

“(4) Public school facility.—The term ‘public school facility’ shall not include—

“(A) any stadium or other facility primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public, or

“(B) any facility which is not owned by a State or local government or any agency or instrumentality of a State or local government.

“(f) Credit Included in Gross Income.—Gross income includes the amount of the credit allowed to the taxpayer under this section (determined without regard to subsection (c)) and the amount so included shall be treated as interest income.

“(g) Bonds Held by Regulated Investment Companies.—If any qualified public school modernization bond is held by a regulated investment company, the credit determined under subsection (a) shall be allowed to shareholders of such company under procedures prescribed by the Secretary.

“(h) Credits May Be Stripped.—Under regulations prescribed by the Secretary—

“(1) In general.—There may be a separation (including at issuance) of the ownership of a qualified public school modernization bond and the entitlement to the credit under this section with respect to such bond. In case of any such separation, the credit under this section shall be allowed to the person who on the credit allowance date holds the instrument evidencing the entitlement to the credit and not to the holder of the bond.

“(2) Certain rules to apply.—In the case of a separation described in paragraph (1), the rules of section 1286 shall apply to the qualified public school modernization bond as if it were a stripped bond and to the credit under this section as if it were a stripped coupon.

“(i) Treatment for Estimated Tax Purposes.—Solely for purposes of sections 6654 and 6655, the credit allowed by this section to a taxpayer by reason of holding a qualified public school modernization bonds on a credit allowance date shall be treated as if it were a payment of estimated tax made by the taxpayer on such date.

“(j) Credit May Be Transferred.—Nothing in any law or rule of law shall be construed to limit the transferability of the credit allowed by this section through sale and repurchase agreements.

“(k) Reporting.—Issuers of qualified public school modernization bonds shall submit reports similar to the reports required under section 149(e).

“(l) Penalty on Contractors Failing To Pay Prevailing Wage.—

“(1) In general.—If any contractor on any project funded by any qualified public school modernization bond has failed, during any portion of such contractor’s taxable year, to pay prevailing wages that would be required under section 439 of the General Education Provisions Act if such funding were an applicable program under such section, the tax imposed by chapter 1 on such contractor for such taxable year shall be increased by 200 percent of the amount involved in such failure.

“(2) Amount involved.—For purposes of paragraph (1), the amount involved with respect to any failure is the excess of the amount of wages such contractor would be so required to pay under such section over the amount of wages paid.

“(3) Abatement of tax if failure corrected.—If a failure to pay prevailing wages is corrected within a reasonable period, then any tax imposed by paragraph (1) with respect to such failure (including interest, additions to the tax, and additional amounts) shall not be assessed, and if assessed the assessment shall be abated, and if collected shall be credited or refunded as an overpayment.

“(4) No credits against tax.—The tax imposed by paragraph (1) shall not be treated as a tax imposed by this chapter for purposes of determining—

“(A) the amount of any credit allowable under this chapter, or

“(B) the amount of the minimum tax imposed by section 55.

“(m) Termination.—This section shall not apply to any bond issued after December 31, 2004.

“PART II—QUALIFIED SCHOOL CONSTRUCTION BONDS

“Sec. 1400G. Qualified school construction bonds.

“SEC. 1400G. QUALIFIED SCHOOL CONSTRUCTION BONDS.

“(a) Qualified School Construction Bond.—For purposes of this subchapter, the term ‘qualified school construction bond’ means any bond issued as part of an issue if—

“(1) 95 percent or more of the proceeds of such issue are to be used for the construction, rehabilitation, or repair of a public school facility or for the acquisition of land on which such a facility is to be constructed with part of the proceeds of such issue,

“(2) the bond is issued by a State or local government within the jurisdiction of which such school is located,

“(3) the issuer designates such bond for purposes of this section, and

“(4) the term of each bond which is part of such issue does not exceed 15 years.

“(b) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—The maximum aggregate face amount of bonds issued during any calendar year which may be designated under subsection (a) by any issuer shall not exceed the sum of—

“(1) the limitation amount allocated under subsection (d) for such calendar year to such issuer, and

“(2) if such issuer is a large local educational agency (as defined in subsection (e)(4)) or is issuing on behalf of such an agency, the limitation amount allocated under subsection (e) for such calendar year to such agency.

“(c) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—There is a national qualified school construction bond limitation for each calendar year. Such limitation is—

“(1) $11,000,000,000 for 2001,

“(2) except as provided in subsection (f), zero after 2001.

“(d) HALF OF LIMITATION ALLOCATED AMONG STATES.—

“(1) IN GENERAL.—One-half of the limitation applicable under subsection (c) for any calendar year shall be allocated among the States under paragraph (2) by the Secretary. The limitation amount allocated to a State under the preceding sentence shall be allocated by the State to issuers within such State and such allocations may be made only if there is an approved State application.

“(2) ALLOCATION FORMULA.—The amount to be allocated under paragraph (1) for any calendar year shall be allocated among the States in proportion to the respective amounts each such State received for Basic Grants under subpart 2 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6331 et seq.) for the most recent fiscal year ending before such calendar year. For purposes of the preceding sentence, Basic Grants attributable to large local educational agencies (as defined in subsection (e)) shall be disregarded.

“(3) MINIMUM ALLOCATIONS TO STATES.—

“(A) IN GENERAL.—The Secretary shall adjust the allocations under this subsection for any calendar year for each State to the extent necessary to ensure that the sum of—

“(i) the amount allocated to such State under this subsection for such year, and

“(ii) the aggregate amounts allocated under subsection (e) to large local educational agencies in such State for such year,

is not less than an amount equal to such State's minimum percentage of the amount to be allocated under paragraph (1) for the calendar year.

“(B) MINIMUM PERCENTAGE.—A State's minimum percentage for any calendar year is the minimum percentage described in section 1124(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6334(d)) for such State for the most recent fiscal year ending before such calendar year.

“(4) ALLOCATIONS TO CERTAIN POSSESSIONS.—The amount to be allocated under paragraph (1) to any possession of the United States other than Puerto Rico shall be the amount which would have been allocated if all allocations under paragraph (1) were made on the basis of respective populations of individuals below the poverty line (as defined by the Office of Management and Budget). In making other allocations, the amount to be allocated under paragraph (1) shall be reduced by the aggregate amount allocated under this paragraph to possessions of the United States.

“(5) ALLOCATIONS FOR INDIAN SCHOOLS.—In addition to the amounts otherwise allocated under this subsection, $200,000,000 for calendar year 2001 shall be allocated by the Secretary of the Interior for purposes of the construction, rehabilitation, and repair of schools funded by the Bureau of Indian Affairs. In the case of amounts allocated under the preceding sentence, Indian tribal governments (as defined in section 7871) shall be treated as qualified issuers for purposes of this subchapter.

“(6) APPROVED STATE APPLICATION.—For purposes of paragraph (1), the term ‘approved State application’ means an application which is approved by the Secretary of Education and which includes—

“(A) the results of a recent publicly-available survey (undertaken by the State with the involvement of local education officials, members of the public, and experts in school construction and management) of such State's needs for public school facilities, including descriptions of—

“(i) health and safety problems at such facilities,

“(ii) the capacity of public schools in the State to house projected enrollments, and

“(iii) the extent to which the public schools in the State offer the physical infrastructure needed to provide a high-quality education to all students, and

“(B) a description of how the State will allocate to local educational agencies, or otherwise use, its allocation under this subsection to address the needs identified under subparagraph (A), including a description of how it will—

“(i) give highest priority to localities with the greatest needs, as demonstrated by inadequate school facilities coupled with a low level of resources to meet those needs,

“(ii) use its allocation under this subsection to assist localities that lack the fiscal capacity to issue bonds on their own, and

“(iii) ensure that its allocation under this subsection is used only to supplement, and not supplant, the amount of school construction, rehabilitation, and repair in the State that would have occurred in the absence of such allocation.

Any allocation under paragraph (1) by a State shall be binding if such State reasonably determined that the allocation was in accordance with the plan approved under this paragraph.

“(e) HALF OF LIMITATION ALLOCATED AMONG LARGEST SCHOOL DISTRICTS.—

“(1) IN GENERAL.—One-half of the limitation applicable under subsection (c) for any calendar year shall be allocated under paragraph (2) by the Secretary among local educational agencies which are large local educational agencies for such year. No qualified school construction bond may be issued by reason of an allocation to a large local educational agency under the preceding sentence unless such agency has an approved local application.

“(2) ALLOCATION FORMULA.—The amount to be allocated under paragraph (1) for any calendar year shall be allocated among large local educational agencies in proportion to the respective amounts each such agency received for Basic Grants under subpart 2 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6331 et seq.) for the most recent fiscal year ending before such calendar year.

“(3) ALLOCATION OF UNUSED LIMITATION TO STATE.—The amount allocated under this subsection to a large local educational agency for any calendar year may be reallocated by such agency to the State in which such agency is located for such calendar year. Any amount reallocated to a State under the preceding sentence may be allocated as provided in subsection (d)(1).

“(4) LARGE LOCAL EDUCATIONAL AGENCY.—For purposes of this section, the term ‘large local educational agency’ means, with respect to a calendar year, any local educational agency if such agency is—

“(A) among the 100 local educational agencies with the largest numbers of children aged 5 through 17 from families living below the poverty level, as determined by the Secretary using the most recent data available from the Department of Commerce that are satisfactory to the Secretary, or

“(B) 1 of not more than 25 local educational agencies (other than those described in subparagraph (A)) that the Secretary of Education determines (based on the most recent data available satisfactory to the Secretary) are in particular need of assistance, based on a low level of resources for school construction, a high level of enrollment growth, or such other factors as the Secretary deems appropriate.

“(5) APPROVED LOCAL APPLICATION.—For purposes of paragraph (1), the term ‘approved local application’ means an application which is approved by the Secretary of Education and which includes—

“(A) the results of a recent publicly-available survey (undertaken by the local educational agency or the State with the involvement of school officials, members of the public, and experts in school construction and management) of such agency's needs for public school facilities, including descriptions of—

“(i) the overall condition of the local educational agency's school facilities, including health and safety problems,

“(ii) the capacity of the agency's schools to house projected enrollments, and

“(iii) the extent to which the agency's schools offer the physical infrastructure needed to provide a high-quality education to all students,

“(B) a description of how the local educational agency will use its allocation under this subsection to address the needs identified under subparagraph (A), and

“(C) a description of how the local educational agency will ensure that its allocation under this subsection is used only to supplement, and not supplant, the amount of school construction, rehabilitation, or repair in the locality that would have occurred in the absence of such allocation.

A rule similar to the rule of the last sentence of subsection (d)(6) shall apply for purposes of this paragraph.

“(f) CARRYOVER OF UNUSED LIMITATION.—If for any calendar year—

“(1) the amount allocated under subsection (d) to any State, exceeds

“(2) the amount of bonds issued during such year which are designated under subsection (a) pursuant to such allocation, the limitation amount under such subsection for such State for the following calendar year shall be increased by the amount of such excess. A similar rule shall apply to the amounts allocated under subsection (d)(5) or (e).

"(g) SPECIAL RULES RELATING TO ARBITRAGE.—

"(1) IN GENERAL.—A bond shall not be treated as failing to meet the requirement of subsection (a)(1) solely by reason of the fact that the proceeds of the issue of which such bond is a part are invested for a temporary period (but not more than 36 months) until such proceeds are needed for the purpose for which such issue was issued.

"(2) BINDING COMMITMENT REQUIREMENT.—Paragraph (1) shall apply to an issue only if, as of the date of issuance, there is a reasonable expectation that—

"(A) at least 10 percent of the proceeds of the issue will be spent within the 6-month period beginning on such date for the purpose for which such issue was issued, and

"(B) the remaining proceeds of the issue will be spent with due diligence for such purpose.

"(3) EARNINGS ON PROCEEDS.—Any earnings on proceeds during the temporary period shall be treated as proceeds of the issue for purposes of applying subsection (a)(1) and paragraph (1) of this subsection.

"PART III—INCENTIVES FOR EDUCATION ZONES

"Sec. 1400H. Qualified zone academy bonds.

"SEC. 1400H. QUALIFIED ZONE ACADEMY BONDS.

"(a) QUALIFIED ZONE ACADEMY BOND.—For purposes of this subchapter—

"(1) IN GENERAL.—The term 'qualified zone academy bond' means any bond issued as part of an issue if—

"(A) 95 percent or more of the proceeds of such issue are to be used for a qualified purpose with respect to a qualified zone academy established by a local educational agency,

"(B) the bond is issued by a State or local government within the jurisdiction of which such academy is located,

"(C) the issuer—

"(i) designates such bond for purposes of this section,

"(ii) certifies that it has written assurances that the private business contribution requirement of paragraph (2) will be met with respect to such academy, and

"(iii) certifies that it has the written approval of the local educational agency for such bond issuance, and

"(D) the term of each bond which is part of such issue does not exceed 15 years.

Rules similar to the rules of section 1400G(g) shall apply for purposes of paragraph (1).

"(2) PRIVATE BUSINESS CONTRIBUTION REQUIREMENT.—

"(A) IN GENERAL.—For purposes of paragraph (1), the private business contribution requirement of this paragraph is met with respect to any issue if the local educational agency that established the qualified zone academy has written commitments from private entities to make qualified contributions having a present value (as of the date of issuance of the issue) of not less than 10 percent of the proceeds of the issue.

"(B) QUALIFIED CONTRIBUTIONS.—For purposes of subparagraph (A), the term 'qualified contribution' means any contribution (of a type and quality acceptable to the local educational agency) of—

"(i) equipment for use in the qualified zone academy (including state-of-the-art technology and vocational equipment),

"(ii) technical assistance in developing curriculum or in training teachers in order to promote appropriate market driven technology in the classroom,

"(iii) services of employees as volunteer mentors,

"(iv) internships, field trips, or other educational opportunities outside the academy for students, or

"(v) any other property or service specified by the local educational agency.

"(3) QUALIFIED ZONE ACADEMY.—The term 'qualified zone academy' means any public school (or academic program within a public school) which is established by and operated under the supervision of a local educational agency to provide education or training below the postsecondary level if—

"(A) such public school or program (as the case may be) is designed in cooperation with business to enhance the academic curriculum, increase graduation and employment rates, and better prepare students for the rigors of college and the increasingly complex workforce,

"(B) students in such public school or program (as the case may be) will be subject to the same academic standards and assessments as other students educated by the local educational agency,

"(C) the comprehensive education plan of such public school or program is approved by the local educational agency, and

"(D)(i) such public school is located in an empowerment zone or enterprise community (including any such zone or community designated after the date of the enactment of this section), or

"(ii) there is a reasonable expectation (as of the date of issuance of the bonds) that at least 35 percent of the students attending such school or participating in such program (as the case may be) will be eligible for free or reduced-cost lunches under the school lunch program established under the National School Lunch Act.

"(4) QUALIFIED PURPOSE.—The term 'qualified purpose' means, with respect to any qualified zone academy—

"(A) constructing, rehabilitating, or repairing the public school facility in which the academy is established,

"(B) acquiring the land on which such facility is to be constructed with part of the proceeds of such issue,

"(C) providing equipment for use at such academy,

"(D) developing course materials for education to be provided at such academy, and

"(E) training teachers and other school personnel in such academy.

"(b) LIMITATIONS ON AMOUNT OF BONDS DESIGNATED.—

"(1) IN GENERAL.—There is a national zone academy bond limitation for each calendar year. Such limitation is—

"(A) $400,000,000 for 1998,

"(B) $400,000,000 for 1999,

"(C) $400,000,000 for 2000,

"(D) $1,400,000,000 for 2001,

"(E) except as provided in paragraph (3), zero after 2001.

"(2) ALLOCATION OF LIMITATION.—

"(A) ALLOCATION AMONG STATES.—

"(i) 1998, 1999, and 2000 LIMITATIONS.—The national zone academy bond limitations for calendar years 1998, 1999, and 2000 shall be allocated by the Secretary among the States on the basis of their respective populations of individuals below the poverty line (as defined by the Office of Management and Budget).

"(ii) LIMITATION AFTER 2000.—The national zone academy bond limitation for any calendar year after 2000 shall be allocated by the Secretary among the States in the manner prescribed by section 1400G(d); except that in making the allocation under this clause, the Secretary shall take into account—

"(I) Basic Grants attributable to large local educational agencies (as defined in section 1400G(e)).

"(II) the national zone academy bond limitation.

"(B) ALLOCATION TO LOCAL EDUCATIONAL AGENCIES.—The limitation amount allocated to a State under subparagraph (A) shall be allocated by the State education agency to qualified zone academies within such State.

"(C) DESIGNATION SUBJECT TO LIMITATION AMOUNT.—The maximum aggregate face amount of bonds issued during any calendar year which may be designated under subsection (a) with respect to any qualified zone academy shall not exceed the limitation amount allocated to such academy under subparagraph (B) for such calendar year.

"(3) CARRYOVER OF UNUSED LIMITATION.—If for any calendar year—

"(A) the limitation amount under this subsection for any State, exceeds

"(B) the amount of bonds issued during such year which are designated under subsection (a) (or the corresponding provisions of prior law) with respect to qualified zone academies within such State,

the limitation amount under this subsection for such State for the following calendar year shall be increased by the amount of such excess.".

(b) REPORTING.—Subsection (d) of section 6049 of such Code (relating to returns regarding payments of interest) is amended by adding at the end the following new paragraph:

"(8) REPORTING OF CREDIT ON QUALIFIED PUBLIC SCHOOL MODERNIZATION BONDS.—

"(A) IN GENERAL.—For purposes of subsection (a), the term 'interest' includes amounts includible in gross income under section 1400F(f) and such amounts shall be treated as paid on the credit allowance date (as defined in section 1400F(d)(2)).

"(B) REPORTING TO CORPORATIONS, ETC.—Except as otherwise provided in regulations, in the case of any interest described in subparagraph (A) of this paragraph, subsection (b)(4) of this section shall be applied without regard to subparagraphs (A), (H), (I), (J), (K), and (L)(i).

"(C) REGULATORY AUTHORITY.—The Secretary may prescribe such regulations as are necessary or appropriate to carry out the purposes of this paragraph, including regulations which require more frequent or more detailed reporting."

(c) OTHER CONFORMING AMENDMENTS.—

(1) Subchapter U of chapter 1 of such Code is amended by striking part IV, by redesignating part V as part IV, and by redesignating section 1397F as section 1397E.

(2) The table of subchapters for chapter 1 of such Code is amended by adding at the end the following new item:

"Subchapter X. Public school modernization provisions."

(3) The table of parts of subchapter U of chapter 1 of such Code is amended by striking the last 2 items and inserting the following item:

"Part IV. Regulations."

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to obligations issued after December 31, 2000.

(2) REPEAL OF RESTRICTION ON ZONE ACADEMY BOND HOLDERS.—In the case of bonds to

which section 1397E of the Internal Revenue Code of 1986 (as in effect before the date of the enactment of this Act) applies, the limitation of such section to eligible taxpayers (as defined in subsection (d)(6) of such section) shall not apply after the date of the enactment of this Act.

Subtitle F—Increased Estate Tax Relief for Family-Owned Business Interests

SEC. 251. INCREASE IN ESTATE TAX BENEFIT FOR FAMILY-OWNED BUSINESS INTERESTS.

(a) Transfer to Credit Provisions.—Section 2057 of the Internal Revenue Code of 1986 (relating to family-owned business interests) is hereby moved to part II of subchapter A of chapter 11 of such Code, inserted after section 2010, and redesignated as section 2010A.

(b) Increase in Credit; Surviving Spouse Allowed Unused Credit of Decedent.—Subsection (a) of section 2010A of such Code, as redesignated by subsection (a) of this section, is amended to read as follows:

"(a) Increase in United Credit.—For purposes of determining the unified credit under section 2010 in the case of an estate of a decedent to which this section applies—

"(1) In general.—The applicable exclusion amount under section 2010(c) shall be increased (but not in excess of $2,000,000) by the adjusted value of the qualified family-owned business interests of the decedent which are described in subsection (b)(2) and for which no deduction is allowed under section 2056.

"(2) Treatment of unused limitation of predeceased spouse.—In the case of a decedent—

"(A) having no surviving spouse, but

"(B) who was the surviving spouse of a decedent—

"(i) who died after December 31, 2000, and

"(ii) whose estate met the requirements of subsection (b)(1) other than subparagraph (B) thereof,

there shall be substituted for '$2,000,000' in paragraph (1) an amount equal to the excess of $4,000,000 over the exclusion equivalent of the credit allowed under section 2010 (as increased by this section) to the estate of the decedent referred to in subparagraph (B). For purposes of the preceding sentence, the exclusion equivalent of the credit is the amount on which a tentative tax under section 2001(c) equal to such credit would be imposed."

(c) Conforming Amendments.—

(1) The table of sections for part IV of subchapter A of chapter 11 of such Code is amended by striking the item relating to section 2057.

(2) Paragraph (10) of section 2031(c) of such Code is amended by striking "section 2057(e)(3)" and inserting "section 2010A(e)(3)".

(3) The table of sections for part II of subchapter A of chapter 11 of such Code is amended by inserting after the item relating to section 2010 the following new item:

"Sec. 2010A. Family-owned business interests."

(d) Effective date.—The amendments made by this section shall apply to estates of decedents dying after December 31, 2000.

Subtitle G—Revenue Offsets

PART I—REVISION OF TAX RULES ON EXPATRIATION

SEC. 261. REVISION OF TAX RULES ON EXPATRIATION.

(a) In General.—Subpart A of part II of subchapter N of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 877 the following new section:

"SEC. 877A. TAX RESPONSIBILITIES OF EXPATRIATION.

"(a) General Rules.—For purposes of this subtitle—

"(1) Mark to market.—Except as provided in subsection (f), all property of a covered expatriate to whom this section applies shall be treated as sold on the day before the expatriation date for its fair market value.

"(2) Recognition of gain or loss.—In the case of any sale under paragraph (1)—

"(A) notwithstanding any other provision of this title, any gain arising from such sale shall be taken into account for the taxable year of the sale, and

"(B) any loss arising from such sale shall be taken into account for the taxable year of the sale to the extent otherwise provided by this title, except that section 1091 shall not apply to any such loss.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account under the preceding sentence.

"(3) Exclusion for certain gain.—The amount which would (but for this paragraph) be includible in the gross income of any individual by reason of this section shall be reduced (but not below zero) by $600,000. For purposes of this paragraph, allocable expatriation gain taken into account under subsection (f)(2) shall be treated in the same manner as an amount required to be includible in gross income.

"(b) Election To Defer Tax.—

"(1) In general.—If the taxpayer elects the application of this subsection with respect to any property treated as sold by reason of subsection (a), the payment of the additional tax attributable to such property shall be postponed until the due date of the return for the taxable year in which such property is disposed of (or, in the case of property disposed of in a transaction in which gain is not recognized in whole or in part, until such other date as the Secretary may prescribe).

"(2) Determination of tax with respect to property.—For purposes of paragraph (1), the additional tax attributable to any property is an amount which bears the same ratio to the additional tax imposed by this chapter for the taxable year solely by reason of subsection (a) as the gain taken into account under subsection (a) with respect to such property bears to the total gain taken into account under subsection (a) with respect to all property to which subsection (a) applies.

"(3) Termination of postponement.—No tax may be postponed under this subsection later than the due date for the return of tax imposed by this chapter for the taxable year which includes the date of death of the expatriate (or, if earlier, the time that the security provided with respect to the property fails to meet the requirements of paragraph (4), unless the taxpayer corrects such failure within the time specified by the Secretary).

"(4) Security.—

"(A) In general.—No election may be made under paragraph (1) with respect to any property unless adequate security is provided with respect to such property.

"(B) Adequate security.—For purposes of subparagraph (A), security with respect to any property shall be treated as adequate security if—

"(i) it is a bond in an amount equal to the deferred tax amount under paragraph (2)(A) for the property, or

"(ii) the taxpayer otherwise establishes to the satisfaction of the Secretary that the security is adequate.

"(5) Waiver of certain rights.—No election may be made under paragraph (1) unless the taxpayer consents to the waiver of any right under any treaty of the United States which would preclude assessment or collection of any tax imposed by reason of this section.

"(6) Elections.—An election under paragraph (1) shall only apply to property described in the election and, once made, is irrevocable. An election may be under paragraph (1) with respect to an interest in a trust with respect to which gain is required to be recognized under subsection (f)(1).

"(7) Interest.—For purposes of section 6601, the last date for the payment of tax shall be determined without regard to the election under this subsection.

"(c) Covered Expatriate.—For purposes of this section—

"(1) In general.—The term 'covered expatriate' means an expatriate who meets the requirements of subparagraph (A) or (B) of section 877(a)(2).

"(2) Exceptions.—An individual shall not be treated as a covered expatriate if—

"(A) the individual—

"(i) became at birth a citizen of the United States and a citizen of another country and, as of the expatriation date, continues to be a citizen of, and is taxed as a resident of, such other country, and

"(ii) has been a resident of the United States (as defined in section 7701(b)(1)(A)(ii)) for not more than 8 taxable years during the 15-taxable year period ending with the taxable year during which the expatriation date occurs, or

"(B)(i) the individual's relinquishment of United States citizenship occurs before such individual attains age 18½, and

"(ii) the individual has been a resident of the United States (as so defined) for not more than 5 taxable years before the date of relinquishment.

"(d) Section Not To Apply to Certain Property.—This section shall not apply to the following property:

"(1) United states real property interests.—Any United States real property interest (as defined in section 897(c)(1)), other than stock of a United States real property holding corporation which does not, on the day before the expatriation date, meet the requirements of section 897(c)(2).

"(2) Interest in certain retirement plans.—

"(A) In general.—Any interest in a qualified retirement plan (as defined in section 4974(c)), other than any interest attributable to contributions which are in excess of any limitation or which violate any condition for tax-favored treatment.

"(B) Foreign pension plans.—

"(i) In general.—Under regulations prescribed by the Secretary, interests in foreign pension plans or similar retirement arrangements or programs.

"(ii) Limitation.—The value of property which is treated as not sold by reason of this subparagraph shall not exceed $500,000.

"(e) Definitions.—For purposes of this section—

"(1) Expatriate.—The term 'expatriate' means—

"(A) any United States citizen who relinquishes his citizenship, and

"(B) any long-term resident of the United States who—

"(i) ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)), or

"(ii) commences to be treated as a resident of a foreign country under the provisions of a tax treaty between the United States and the foreign country and who does not waive the benefits of such treaty applicable to residents of the foreign country.

"(2) Expatriation date.—The term 'expatriation date' means—

"(A) the date an individual relinquishes United States citizenship, or

"(B) in the case of a long-term resident of the United States, the date of the event described in clause (i) or (ii) of paragraph (1)(B).

"(3) Relinquishment of citizenship.—A citizen shall be treated as relinquishing his United States citizenship on the earliest of—

"(A) the date the individual renounces his United States nationality before a diplomatic or consular officer of the United States pursuant to paragraph (5) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(5)),

"(B) the date the individual furnishes to the United States Department of State a signed statement of voluntary relinquishment of United States nationality confirming the performance of an act of expatriation specified in paragraph (1), (2), (3), or (4) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(1)–(4)),

"(C) the date the United States Department of State issues to the individual a certificate of loss of nationality, or

"(D) the date a court of the United States cancels a naturalized citizen's certificate of naturalization.

Subparagraph (A) or (B) shall not apply to any individual unless the renunciation or voluntary relinquishment is subsequently approved by the issuance to the individual of a certificate of loss of nationality by the United States Department of State.

"(4) Long-term resident.—The term 'long-term resident' has the meaning given to such term by section 877(e)(2).

"(f) Special Rules Applicable to Beneficiaries' Interests in Trust.—

"(1) In general.—Except as provided in paragraph (2), if an individual is determined under paragraph (3) to hold an interest in a trust on the day before the expatriation date—

"(A) the individual shall not be treated as having sold such interest,

"(B) such interest shall be treated as a separate share in the trust, and

"(C)(i) such separate share shall be treated as a separate trust consisting of the assets allocable to such share,

"(ii) the separate trust shall be treated as having sold its assets on the day before the expatriation date for their fair market value and as having distributed all of its assets to the individual as of such time, and

"(iii) the individual shall be treated as having recontributed the assets to the separate trust.

Subsection (a)(2) shall apply to any income, gain, or loss of the individual arising from a distribution described in subparagraph (C)(ii).

"(2) Special rules for interests in qualified trusts.—

"(A) In general.—If the trust interest described in paragraph (1) is an interest in a qualified trust—

"(i) paragraph (1) and subsection (a) shall not apply, and

"(ii) in addition to any other tax imposed by this title, there is hereby imposed on each distribution with respect to such interest a tax in the amount determined under subparagraph (B).

"(B) Amount of tax.—The amount of tax under subparagraph (A)(ii) shall be equal to the lesser of—

"(i) the highest rate of tax imposed by section 1(e) for the taxable year which includes the day before the expatriation date, multiplied by the amount of the distribution, or

"(ii) the balance in the deferred tax account immediately before the distribution determined without regard to any increases under subparagraph (C)(ii) after the 30th day preceding the distribution.

"(C) Deferred tax account.—For purposes of subparagraph (B)(ii)—

"(i) Opening balance.—The opening balance in a deferred tax account with respect to any trust interest is an amount equal to the tax which would have been imposed on the allocable expatriation gain with respect to the trust interest if such gain had been included in gross income under subsection (a).

"(ii) Increase for interest.—The balance in the deferred tax account shall be increased by the amount of interest determined (on the balance in the account at the time the interest accrues), for periods after the 90th day after the expatriation date, by using the rates and method applicable under section 6621 for underpayments of tax for such periods.

"(iii) Decrease for taxes previously paid.—The balance in the tax deferred account shall be reduced—

"(I) by the amount of taxes imposed by subparagraph (A) on any distribution to the person holding the trust interest, and

"(II) in the case of a person holding a nonvested interest, to the extent provided in regulations, by the amount of taxes imposed by subparagraph (A) on distributions from the trust with respect to nonvested interests not held by such person.

"(D) Allocable expatriation gain.—For purposes of this paragraph, the allocable expatriation gain with respect to any beneficiary's interest in a trust is the amount of gain which would be allocable to such beneficiary's vested and nonvested interests in the trust if the beneficiary held directly all assets allocable to such interests.

"(E) Tax deducted and withheld.—

"(i) In general.—The tax imposed by subparagraph (A)(ii) shall be deducted and withheld by the trustees from the distribution to which it relates.

"(ii) Exception where failure to waive treaty rights.—If an amount may not be deducted and withheld under clause (i) by reason of the distributee failing to waive any treaty right with respect to such distribution—

"(I) the tax imposed by subparagraph (A)(ii) shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax, and

"(II) any other beneficiary of the trust shall be entitled to recover from the distributee the amount of such tax imposed on the other beneficiary.

"(F) Disposition.—If a trust ceases to be a qualified trust at any time, a covered expatriate disposes of an interest in a qualified trust, or a covered expatriate holding an interest in a qualified trust dies, then, in lieu of the tax imposed by subparagraph (A)(ii), there is hereby imposed a tax equal to the lesser of—

"(i) the tax determined under paragraph (1) as if the day before the expatriation date were the date of such cessation, disposition, or death, whichever is applicable, or

"(ii) the balance in the tax deferred account immediately before such date.

Such tax shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax and any other beneficiary of the trust shall be entitled to recover from the covered expatriate or the estate the amount of such tax imposed on the other beneficiary.

"(G) Definitions and special rule.—For purposes of this paragraph—

"(i) Qualified trust.—The term 'qualified trust' means a trust—

"(I) which is organized under, and governed by, the laws of the United States or a State, and

"(II) with respect to which the trust instrument requires that at least 1 trustee of the trust be an individual citizen of the United States or a domestic corporation.

"(ii) Vested interest.—The term 'vested interest' means any interest which, as of the day before the expatriation date, is vested in the beneficiary.

"(iii) Nonvested interest.—The term 'nonvested interest' means, with respect to any beneficiary, any interest in a trust which is not a vested interest. Such interest shall be determined by assuming the maximum exercise of discretion in favor of the beneficiary and the occurrence of all contingencies in favor of the beneficiary.

"(iv) Adjustments.—The Secretary may provide for such adjustments to the bases of assets in a trust or a deferred tax account, and the timing of such adjustments, in order to ensure that gain is taxed only once.

"(3) Determination of beneficiaries' interest in trust.—

"(A) Determinations under paragraph (1).—For purposes of paragraph (1), a beneficiary's interest in a trust shall be based upon all relevant facts and circumstances, including the terms of the trust instrument and any letter of wishes or similar document, historical patterns of trust distributions, and the existence of and functions performed by a trust protector or any similar advisor.

"(B) Other determinations.—For purposes of this section—

"(i) Constructive ownership.—If a beneficiary of a trust is a corporation, partnership, trust, or estate, the shareholders, partners, or beneficiaries shall be deemed to be the trust beneficiaries for purposes of this section.

"(ii) Taxpayer return position.—A taxpayer shall clearly indicate on its income tax return—

"(I) the methodology used to determine that taxpayer's trust interest under this section, and

"(II) if the taxpayer knows (or has reason to know) that any other beneficiary of such trust is using a different methodology to determine such beneficiary's trust interest under this section.

"(g) Termination of Deferrals, Etc.—In the case of any covered expatriate, notwithstanding any other provision of this title—

"(1) any period during which recognition of income or gain is deferred shall terminate on the day before the expatriation date, and

"(2) any extension of time for payment of tax shall cease to apply on the day before the expatriation date and the unpaid portion of such tax shall be due and payable at the time and in the manner prescribed by the Secretary.

"(h) Regulations.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section."

(b) Tax on Gifts and Bequests Received by United States Citizens and Residents From Expatriates.—

(1) In general.—Subtitle B of the Internal Revenue Code of 1986 (relating to estate and gift taxes) is amended by inserting after chapter 13 the following new chapter:

"CHAPTER 13A—GIFTS AND BEQUESTS FROM EXPATRIATES

"Sec. 2681. Imposition of tax.

"SEC. 2681. IMPOSITION OF TAX.

"(a) In General.—If, during any calendar year, any United States citizen or resident receives any covered gift or bequest, there is hereby imposed a tax equal to the product of—

"(1) the highest rate of tax specified in the table contained in section 2001(c) as in effect on the date of such receipt, and

"(2) the value of such covered gift or bequest.

"(b) Tax To Be Paid by Recipient.—The tax imposed by subsection (a) on any covered gift or bequest shall be paid by the person receiving such gift or bequest.

"(c) Exception for Certain Gifts.—Subsection (a) shall apply only to the extent that the covered gifts and bequests received during the calendar year exceed $10,000.

"(d) Tax Reduced By Foreign Gift or Estate Tax.—The tax imposed by subsection (a) on any covered gift or bequest shall be reduced by the amount of any gift or estate tax paid to a foreign country with respect to such covered gift or bequest.

"(e) Covered Gift or Bequest.—

"(1) In general.—For purposes of this chapter, the term 'covered gift or bequest' means—

"(A) any property acquired by gift directly or indirectly from an individual who, at the time of such acquisition, was an expatriate, and

"(B) any property acquired by bequest, devise, or inheritance directly or indirectly from an individual who, at the time of death, was an expatriate.

"(2) Exceptions for transfers otherwise subject to estate or gift tax.—Such term shall not include—

"(A) any property shown on a timely filed return of tax imposed by chapter 12 which is a taxable gift by the expatriate, and

"(B) any property shown on a timely filed return of tax imposed by chapter 11 of the estate of the expatriate.

"(3) Transfers in trust.—Any covered gift or bequest which is made in trust shall be treated as made to the beneficiaries of such trust in proportion to their respective interests in such trust (as determined under section 877A(f)(3)).

"(f) Expatriate.—For purposes of this section, the term 'expatriate' has the meaning given to such term by section 877A(e)(1).".

(2) Clerical amendment.—The table of chapters for subtitle B of such Code is amended by inserting after the item relating to chapter 13 the following new item:

"Chapter 13A. Gifts and bequests from expatriates."

(c) Definition of Termination of United States Citizenship.—Section 7701(a) of such Code is amended by adding at the end the following new paragraph:

"(47) Termination of united states citizenship.—

"(A) In general.—An individual shall not cease to be treated as a United States citizen before the date on which the individual's citizenship is treated as relinquished under section 877A(e)(3).

"(B) Dual citizens.—Under regulations prescribed by the Secretary, subparagraph (A) shall not apply to an individual who became at birth a citizen of the United States and a citizen of another country."

(d) Conforming Amendment.—Paragraph (1) of section 6039G(d) of such Code is amended by inserting "or 877A" after "section 877".

(e) Clerical Amendment.—The table of sections for subpart A of part II of subchapter N of chapter 1 of such Code is amended by inserting after the item relating to section 877 the following new item:

"Sec. 877A. Tax responsibilities of expatriation.".

(f) Effective Date.—

(1) In general.—Except as provided in this subsection, the amendments made by this section shall apply to expatriates (within the meaning of section 877A(e) of the Internal Revenue Code of 1986, as added by this section) whose expatriation date (as so defined) occurs on or after March 9, 2000.

(2) Gifts and bequests.—Chapter 13A of the Internal Revenue Code of 1986 (as added by subsection (b)) shall apply to covered gifts and bequests (as defined in section 2681 of such Code, as so added) received on or after March 9, 2000.

PART II—DISALLOWANCE OF NONECONOMIC TAX ATTRIBUTES

Subpart A—Disallowance of Noneconomic Tax Attributes; Increase in Penalty With Respect to Disallowed Noneconomic Tax Attributes

SEC. 266. DISALLOWANCE OF NONECONOMIC TAX ATTRIBUTES.

Section 7701 of the Internal Revenue Code of 1986 is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) Disallowance of Noneconomic Tax Attributes.—

"(1) In general.—In determining liability for any tax under subtitle A, noneconomic tax attributes shall not be allowed.

"(2) Noneconomic tax attribute.—For purposes of this subsection, a noneconomic tax attribute is any deduction, loss, or credit claimed to result from any transaction unless—

"(A) the transaction changes in a meaningful way (apart from Federal income tax consequences) the taxpayer's economic position, and

"(B)(i) the present value of the reasonably expected potential income from the transaction (and the taxpayer's risk of loss from the transaction) are substantial in relationship to the present value of the tax benefits claimed, or

"(ii) in the case of a transaction which is in substance the borrowing of money or the acquisition of financial capital, the deductions claimed with respect to the transaction for any period are not significantly in excess of the economic return for such period realized by the person lending the money or providing the financial capital.

"(3) Presumption of noneconomic tax attributes.—For purposes of paragraph (2), the following factors shall give rise to a presumption that a transaction fails to meet the requirements of paragraph (2):

"(A) The fact that the payments, liabilities, or assets that purport to create a loss (or other benefit) for tax purposes are not reflected to any meaningful extent on the taxpayer's books and records for financial reporting purposes.

"(B) The fact that the transaction results in an allocation of income or gain to a tax-indifferent party which is substantially in excess of such party's economic income or gain from the transaction.

"(4) Treatment of built-in loss.—The determination of whether a transaction results in the realization of a built-in loss shall be made under subtitle A as if this subsection had not been enacted. For purposes of the preceding sentence, the term 'built-in loss' means any loss or deduction to the extent that such loss or deduction had economically been incurred before such transaction is entered into and to the extent that the loss or deduction was economically borne by the taxpayer.

"(5) Definition and special rules.—For purposes of this subsection—

"(A) Tax-indifferent party.—The term 'tax-indifferent party' means any person or entity exempt from tax under subtitle A. A person shall be treated as a tax-indifferent party with respect to a transaction if, by reason of such person's method of accounting, the items taken into account with respect to the transaction have no substantial impact on such person's liability under subtitle A.

"(B) Series of related transaction.—A transaction which is part of a series of related transactions shall be treated as meeting the requirements of paragraph (2) only if—

"(i) such transaction meets such requirements without regard to the other transactions, and

"(ii) such transactions, if treated as 1 transaction, would meet such requirements.

A similar rule shall apply to a multiple step transaction with each step being treated as a separate related transaction.

"(C) Normal business transactions.—In the case of a transaction which is an integral part of a taxpayer's trade or business and which is entered into in the normal course of such trade or business, the determination of the potential income from such transaction shall be made by taking into account its relationship to the overall trade or business of the taxpayer.

"(D) Treatment of fees.—In determining whether there is risk of loss from a transaction (and the amount thereof), potential loss of fees and other transaction expenses shall be disregarded.

"(E) Treatment of economic return enhancements.—The following shall be treated as economic returns and not tax benefits:

"(i) The credit under section 29 (relating to credit for producing fuel from a nonconventional source).

"(ii) The credit under section 42 (relating to low-income housing credit).

"(iii) The credit under section 45 (relating to electricity produced from certain renewable resources).

"(iv) The credit under section 1397E (relating to credit to holders of qualified zone academy bonds) or any similar program hereafter enacted.

"(v) Any other tax benefit specified in regulations.

"(F) Exceptions for nonbusiness transactions.—

"(i) Individuals.—In the case of an individual, this subsection shall only apply to transactions entered into in connection with a trade or business or activity engaged in for profit.

"(ii) Charitable transfers.—This subsection shall not apply in determining the amount allowable as a deduction under section 170, 545(b)(2), 556(b)(2), or 642(c).

"(6) Economic substance doctrine, etc., not affected.—The provisions of this subsection shall not be construed as altering or supplanting any rule of law referred to in section 6662(i)(2)(B) and the requirements of this subsection shall be construed as being in addition to any such rule of law."

SEC. 267. INCREASE IN SUBSTANTIAL UNDERPAYMENT PENALTY WITH RESPECT TO DISALLOWED NONECONOMIC TAX ATTRIBUTES.

(a) In General.—Section 6662 of the Internal Revenue Code of 1986 (relating to imposition of accuracy-related penalty) is amended by adding at the end the following new subsection:

"(i) Increase in Penalty in Case of Disallowed Noneconomic Tax Attributes.—

"(1) In general.—In the case of the portion of the underpayment to which this subsection applies—

"(A) subsection (a) shall be applied with respect to such portion by substituting '40 percent' for '20 percent', and

"(B) subsection (d)(2)(B) and section 6664(c) shall not apply.

"(2) Underpayments to which subsection applies.—This subsection shall apply to an underpayment to which this section applies by reason of paragraph (1) or (2) of subsection (b) but—

"(A) only to the extent that such underpayment is attributable to—

"(i) the disallowance of any noneconomic tax attribute (determined under section 7701(m)), or

"(ii) the disallowance of any other benefit—

"(I) because of a lack of economic substance or business purpose for the transaction giving rise to the claimed benefit,

"(II) because the form of the transaction did not reflect its substance, or

"(III) because of any other similar rule of law, and

"(B) only if the underpayment so attributable exceeds $1,000,000.

"(3) Increase in penalty not to apply if compliance with disclosure requirements.—Paragraph (1)(A) shall not apply if the taxpayer—

"(A) discloses to the Secretary within 30 days after the closing of the transaction appropriate documents describing the transaction, and

"(B) files with the taxpayer's return of tax imposed by subtitle A—

"(i) a statement verifying that such disclosure has been made,

"(ii) a detailed description of the facts, assumptions of facts, and factual conclusions with respect to the business or economic purposes or objectives of the transaction that are relied upon to support the manner in which it is reported on the return,

"(iii) a description of the due diligence performed to ascertain the accuracy of such facts, assumptions, and factual conclusions,

"(iv)(I) a statement (signed by the senior financial officer of the corporation under penalty of perjury) that the facts, assumptions, or factual conclusions relied upon in reporting the transaction are true and correct as of the date the return is filed, to the best of such officer's knowledge and belief, and

"(II) if the actual facts varied materially from the facts, assumptions, or factual conclusions relied upon, a statement describing such variances,

"(v) copies of any written material provided in connection with the offer of the transaction to the taxpayer by a third party,

"(vi) a full description of any express or implied agreement or arrangement with any advisor, or with any offeror, that the fee payable to such person would be contingent or subject to possible reimbursement, and

"(vii) a full description of any express or implied warranty from any person with respect to the anticipated tax results from the transaction."

(b) Modifications to Penalty on Substantial Understatement of Income Tax.—

(1) Modification of threshold.—Subparagraph (A) of section 6662(d)(2) of such Code is amended to read as follows:

"(A) In general.—For purposes of this section, there is a substantial understatement of income tax for any taxable year if the amount of the understatement for the taxable year exceeds the lesser of—

"(i) $1,000,000, or

"(ii) the greater of 10 percent of the tax required to be shown on the return for the taxable year or $5,000."

(2) Reduction of penalty on account of disclosure not to apply to tax shelters.—Subparagraph (C) of section 6662(d)(2) of such Code is amended by striking clause (ii), by redesignating clause (iii) as clause (ii), and by striking clause (i) and inserting the following new clause:

"(i) In general.—Subparagraph (B) shall not apply to any item attributable to a tax shelter."

(c) Treatment of Amended Returns.—Subsection (a) of section 6664 of such Code is amended by adding at the end the following new sentence: "For purposes of this subsection, an amended return shall be disregarded if such return is filed on or after the date the taxpayer is first contacted by the Secretary regarding the examination of the return."

SEC. 268. PENALTY ON MARKETED TAX AVOIDANCE STRATEGIES WHICH HAVE NO ECONOMIC SUBSTANCE, ETC.

(a) Penalty.—

(1) In general.—Section 6700 of the Internal Revenue Code of 1986 (relating to promoting abusive tax shelters, etc.) is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

"(c) Penalty on Substantial Promoters for Promoting Tax Avoidance Strategies Which Have No Economic Substance, Etc.—

"(1) Imposition of penalty.—Any substantial promoter of a tax avoidance strategy shall pay a penalty in the amount determined under paragraph (2) with respect to such strategy if any tax benefit attributable to such strategy (or any similar strategy promoted by such promoter) is not allowable by reason of any rule of law referred to in section 6662(i)(2)(A).

"(2) Amount of penalty.—The penalty under paragraph (1) with respect to a promoter of a tax avoidance strategy is an amount equal to 100 percent of the gross income derived (or to be derived) by such promoter from such strategy.

"(3) Tax avoidance strategy.—For purposes of this subsection, the term 'tax avoidance strategy' means any entity, plan, arrangement, or transaction a significant purpose of the structure of which is the avoidance or evasion of Federal income tax.

"(4) Substantial promoter.—For purposes of this subsection —

"(A) In general.—The term 'substantial promoter' means, with respect to any tax avoidance strategy, any promoter if—

"(i) such promoter offers such strategy to more than 1 potential participant, and

"(ii) such promoter may receive fees in excess of $1,000,000 in the aggregate with respect to such strategy.

"(B) Aggregation rules.—For purposes of this paragraph—

"(i) Related persons.—A promoter and all persons related to such promoter shall be treated as 1 person.

"(ii) Similar strategies.—All similar tax avoidance strategies of a promoter shall be treated as 1 tax avoidance strategy.

"(C) Promoter.—The term 'promoter' means any person who participates in the promotion, offering, or sale of the tax avoidance strategy.

"(D) Related person.—Persons are related if they bear a relationship to each other which is described in section 267(b) or 707(b).

"(4) Coordination with subsection (a).—No penalty shall be imposed by this subsection on any promoter with respect to a tax avoidance strategy if a penalty is imposed under subsection (a) on such promoter with respect to such strategy."

(2) Conforming amendment.—Subsection (d) of section 6700 of such Code is amended—

(A) by striking "Penalty" and inserting "Penalties", and

(B) by striking "penalty" the first place it appears in the text and inserting "penalties".

(b) Increase in Penalty on Promoting Abusive Tax Shelters.—The first sentence of section 6700(a) of such Code is amended by striking "a penalty equal to" and all that follows and inserting "a penalty equal to the greater of $1,000 or 100 percent of the gross income derived (or to be derived) by such person from such activity."

SEC. 269. EFFECTIVE DATES.

(a) In General.—Except as provided in subsections (b) and (c), the amendments made by this subpart shall apply to transactions after the date of the enactment of this Act.

(b) Section 267.—The amendments made by subsections (b) and (c) of section 267 shall apply to taxable years ending after the date of the enactment of this Act.

(c) Section 268.—The amendments made by subsection (a) of section 268 shall apply to any tax avoidance strategy (as defined in section 6700(c) of the Internal Revenue Code of 1986, as amended by this title) interests in which are offered to potential participants after the date of the enactment of this Act.

Subpart B—Limitations on Importation or Transfer of Built-in Losses

SEC. 271. LIMITATION ON IMPORTATION OF BUILT-IN LOSSES.

(a) In General.—Section 362 of the Internal Revenue Code of 1986 (relating to basis to corporations) is amended by adding at the end the following new subsection:

"(e) Limitation on Importation of Built-in Losses.—

"(1) In general.—If in any transaction described in subsection (a) or (b) there would (but for this subsection) be an importation of a net built-in loss, the basis of each property described in paragraph (2) which is acquired in such transaction shall (notwithstanding subsections (a) and (b)) be its fair market value immediately after such transaction.

"(2) Property described.—For purposes of paragraph (1), property is described in this paragraph if—

"(A) gain or loss with respect to such property is not subject to tax under this subtitle in the hands of the transferor immediately before the transfer, and

"(B) gain or loss with respect to such property is subject to such tax in the hands of the transferee immediately after such transfer.

In any case in which the transferor is a partnership, the preceding sentence shall be applied by treating each partner in such partnership as holding such partner's proportionate share of the property of such partnership.

"(3) Importation of net built-in loss.—For purposes of paragraph (1), there is an importation of a net built-in loss in a transaction if the transferee's aggregate adjusted bases of property described in paragraph (2) which is transferred in such transaction would (but for this subsection) exceed the fair market value of such property immediately after such transaction.”

(b) COMPARABLE TREATMENT WHERE LIQUIDATION.—Paragraph (1) of section 334(b) of such Code (relating to liquidation of subsidiary) is amended to read as follows:

“(1) IN GENERAL.—If property is received by a corporate distributee in a distribution in a complete liquidation to which section 332 applies (or in a transfer described in section 337(b)(1)), the basis of such property in the hands of such distributee shall be the same as it would be in the hands of the transferor; except that the basis of such property in the hands of such distributee shall be the fair market value of the property at the time of the distribution—

“(A) in any case in which gain or loss is recognized by the liquidating corporation with respect to such property, or

“(B) in any case in which the liquidating corporation is a foreign corporation, the corporate distributee is a domestic corporation, and the corporate distributee's aggregate adjusted bases of property described in section 362(e)(2) which is distributed in such liquidation would (but for this subparagraph) exceed the fair market value of such property immediately after such liquidation.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions after the date of the enactment of this Act.

SEC. 272. DISALLOWANCE OF PARTNERSHIP LOSS TRANSFERS.

(a) TREATMENT OF CONTRIBUTED PROPERTY WITH BUILT-IN LOSS.—Paragraph (1) of section 704(c) of the Internal Revenue Code of 1986 is amended by striking “and” at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting “, and”, and by adding at the end the following:

“(C) if any property so contributed has a built-in loss—

“(i) such built-in loss shall be taken into account only in determining the amount of items allocated to the contributing partner, and

“(ii) except as provided in regulations, in determining the amount of items allocated to other partners, the basis of the contributed property in the hands of the partnership shall be treated as being equal to its fair market value immediately after the contribution.

For purposes of subparagraph (C), the term ‘built-in loss’ means the excess of the adjusted basis of the property over its fair market value immediately after the contribution.”

(b) ADJUSTMENT TO BASIS OF PARTNERSHIP PROPERTY ON TRANSFER OF PARTNERSHIP INTEREST IF THERE IS SUBSTANTIAL BUILT-IN LOSS.—

(1) ADJUSTMENT REQUIRED.—Subsection (a) of section 743 of such Code (relating to optional adjustment to basis of partnership property) is amended by inserting before the period “or unless the partnership has a substantial built-in loss immediately after such transfer”.

(2) ADJUSTMENT.—Subsection (b) of section 743 of such Code is amended by inserting “or with respect to which there is a substantial built-in loss immediately after such transfer” after “section 754 is in effect”.

(3) SUBSTANTIAL BUILT-IN LOSS.—Section 743 of such Code is amended by adding at the end the following new subsection:

“(d) SUBSTANTIAL BUILT-IN LOSS.—For purposes of this section, a partnership has a substantial built-in loss with respect to a transfer of an interest in a partnership if the transferee partner's proportionate share of the adjusted basis of the partnership property exceeds 110 percent of the basis of such partner's interest in the partnership.”

(4) CLERICAL AMENDMENTS.—

(A) The section heading for section 743 of such Code is amended to read as follows:

“SEC. 743. ADJUSTMENT TO BASIS OF PARTNERSHIP PROPERTY WHERE SECTION 754 ELECTION OR SUBSTANTIAL BUILT-IN LOSS.”

(B) The table of sections for subpart C of part II of subchapter K of chapter 1 of such Code is amended by striking the item relating to section 743 and inserting the following new item:

“Sec. 743. Adjustment to basis of partnership property where section 754 election or substantial built-in loss.”

(c) ADJUSTMENT TO BASIS OF UNDISTRIBUTED PARTNERSHIP PROPERTY IF THERE IS SUBSTANTIAL BASIS REDUCTION.—

(1) ADJUSTMENT REQUIRED.—Subsection (a) of section 734 of such Code (relating to optional adjustment to basis of undistributed partnership property) is amended by inserting before the period “or unless there is a substantial downward adjustment”.

(2) ADJUSTMENT.—Subsection (b) of section 734 of such Code is amended by inserting “or unless there is a substantial downward adjustment” after “section 754 is in effect”.

(3) SUBSTANTIAL DOWNWARD ADJUSTMENT.—Section 734 of such Code is amended by adding at the end the following new subsection:

“(d) SUBSTANTIAL DOWNWARD ADJUSTMENT.—For purposes of this section, there is a substantial downward adjustment with respect to a distribution if the sum of the amounts described in subparagraphs (A) and (B) of subsection (b)(2) exceeds 10 percent of the aggregate adjusted basis of partnership property immediately after the distribution.”

(4) CLERICAL AMENDMENTS.—

(A) The section heading for section 734 of such Code is amended to read as follows:

“SEC. 734. ADJUSTMENT TO BASIS OF UNDISTRIBUTED PARTNERSHIP PROPERTY WHERE SECTION 754 ELECTION OR SUBSTANTIAL BASIS REDUCTION.”

(B) The table of sections for subpart B of part II of subchapter K of chapter 1 of such Code is amended by striking the item relating to section 734 and inserting the following new item:

“Sec. 734. Adjustment to basis of undistributed partnership property where section 754 election or substantial basis reduction.”

(d) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendment made by subsection (a) shall apply to contributions made after the date of the enactment of this Act.

(2) SUBSECTION (b).—The amendments made by subsection (a) shall apply to transfers after the date of the enactment of this Act.

(3) SUBSECTION (c).—The amendments made by subsection (a) shall apply to distributions after the date of the enactment of this Act.

PART III—ESTATE AND GIFT TAX OFFSETS

SEC. 276. VALUATION RULES FOR TRANSFERS INVOLVING NONBUSINESS ASSETS.

(a) IN GENERAL.—Section 2031 of the Internal Revenue Code of 1986 (relating to definition of gross estate) is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following new subsection:

“(d) VALUATION RULES FOR CERTAIN TRANSFERS OF NONBUSINESS ASSETS.—For purposes of this chapter and chapter 12—

“(1) IN GENERAL.—In the case of the transfer of any interest in an entity other than an interest which is actively traded (within the meaning of section 1092), the value of such interest shall be determined by taking into account—

“(A) the value of such interest's proportionate share of the nonbusiness assets of such entity (and no valuation discount shall be allowed with respect to such nonbusiness assets), plus

“(B) the value of such entity determined without regard to the value taken into account under subparagraph (A).

“(2) NONBUSINESS ASSETS.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘nonbusiness asset’ means any asset which is not used in the active conduct of 1 or more trades or businesses.

“(B) EXCEPTION FOR CERTAIN PASSIVE ASSETS.—Except as provided in subparagraph (C), a passive asset shall not be treated for purposes of subparagraph (A) as used in the active conduct of a trade or business unless—

“(i) the asset is property described in paragraph (1) or (4) of section 1221(a) or is a hedge with respect to such property, or

“(ii) the asset is real property used in the active conduct of 1 or more real property trades or businesses (within the meaning of section 469(c)(7)(C)) in which the transferor materially participates and with respect to which the transferor meets the requirements of section 469(c)(7)(B)(ii).

For purposes of clause (ii), material participation shall be determined under the rules of section 469(h), except that section 469(h)(3) shall be applied without regard to the limitation to farming activity.

“(C) EXCEPTION FOR WORKING CAPITAL.—Any asset (including a passive asset) which is held as a part of the reasonably required working capital needs of a trade or business shall be treated as used in the active conduct of a trade or business.

“(3) PASSIVE ASSET.—For purposes of this subsection, the term ‘passive asset’ means any—

“(A) cash or cash equivalents,

“(B) except to the extent provided by the Secretary, stock in a corporation or any other equity, profits, or capital interest in any entity,

“(C) evidence of indebtedness, option, forward or futures contract, notional principal contract, or derivative,

“(D) asset described in clause (iii), (iv), or (v) of section 351(e)(1)(B),

“(E) annuity,

“(F) real property used in 1 or more real property trades or businesses (as defined in section 469(c)(7)(C)),

“(G) asset (other than a patent, trademark, or copyright) which produces royalty income,

“(H) commodity,

“(I) collectible (within the meaning of section 401(m)), or

“(J) any other asset specified in regulations prescribed by the Secretary.

“(4) LOOK-THRU RULES.—

“(A) IN GENERAL.—If a nonbusiness asset of an entity consists of a 10-percent interest in any other entity, this subsection shall be applied by disregarding the 10-percent interest and by treating the entity as holding directly its ratable share of the assets of the other entity. This subparagraph shall be applied successively to any 10-percent interest of such other entity in any other entity.

‘‘(B) 10-PERCENT INTEREST.—The term ‘10-percent interest’ means—

‘‘(i) in the case of an interest in a corporation, ownership of at least 10 percent (by vote or value) of the stock in such corporation,

‘‘(ii) in the case of an interest in a partnership, ownership of at least 10 percent of the capital or profits interest in the partnership, and

‘‘(iii) in any other case, ownership of at least 10 percent of the beneficial interests in the entity.

‘‘(5) COORDINATION WITH SUBSECTION (b).—Subsection (b) shall apply after the application of this subsection.’’

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers after the date of the enactment of this Act.

SEC. 277. CORRECTION OF TECHNICAL ERROR AFFECTING LARGEST ESTATES.

(a) IN GENERAL.—Paragraph (2) of section 2001(c) of the Internal Revenue Code of 1986 is amended by striking ‘‘$10,000,000’’ and all that follows and inserting ‘‘$10,000,000. The amount of the increase under the preceding sentence shall not exceed the sum of the applicable credit amount under section 2010(c) (as increased by section 2010A) and $359,200.’’

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to estates of decedents dying, and gifts made, after December 31, 2000.

PART IV—OTHER OFFSETS

SEC. 281. CONSISTENT AMORTIZATION PERIODS FOR INTANGIBLES.

(a) START-UP EXPENDITURES.—

(1) ALLOWANCE OF DEDUCTION.—Paragraph (1) of section 195(b) of the Internal Revenue Code of 1986 (relating to start-up expenditures) is amended to read as follows:

‘‘(1) ALLOWANCE OF DEDUCTION.—If a taxpayer elects the application of this subsection with respect to any start-up expenditures—

‘‘(A) the taxpayer shall be allowed a deduction for the taxable year in which the active trade or business begins in an amount equal to the lesser of—

‘‘(i) the amount of start-up expenditures with respect to the active trade or business, or

‘‘(ii) $5,000, reduced (but not below zero) by the amount by which such start-up expenditures exceed $50,000, and

‘‘(B) the remainder of such start-up expenditures shall be allowed as a deduction ratably over the 180-month period beginning with the month in which the active trade or business begins.’’

(2) CONFORMING AMENDMENT.—Subsection (b) of section 195 is amended by striking ‘‘AMORTIZE’’ and inserting ‘‘DEDUCT’’ in the heading.

(b) ORGANIZATIONAL EXPENDITURES.—Subsection (a) of section 248 of such Code (relating to organizational expenditures) is amended to read as follows:

‘‘(a) ELECTION TO DEDUCT.—If a corporation elects the application of this subsection (in accordance with regulations prescribed by the Secretary) with respect to any organizational expenditures—

‘‘(1) the corporation shall be allowed a deduction for the taxable year in which the corporation begins business in an amount equal to the lesser of—

‘‘(A) the amount of organizational expenditures with respect to the taxpayer, or

‘‘(B) $5,000, reduced (but not below zero) by the amount by which such organizational expenditures exceed $50,000, and

‘‘(2) the remainder of such organizational expenditures shall be allowed as a deduction ratably over the 180-month period beginning with the month in which the corporation begins business.’’

(c) TREATMENT OF ORGANIZATIONAL AND SYNDICATION FEES OR PARTNERSHIPS.—Section 709(b) of such Code (relating to amortization of organization fees) is amended by redesignating paragraph (2) as paragraph (4) and by amending paragraph (1) to read as follows:

‘‘(1) ALLOWANCE OF DEDUCTION.—If a taxpayer elects the application of this subsection (in accordance with regulations prescribed by the Secretary) with respect to any organizational expenses—

‘‘(A) the taxpayer shall be allowed a deduction for the taxable year in which the partnership begins business in an amount equal to the lesser of—

‘‘(i) the amount of organizational expenses with respect to the partnership, or

‘‘(ii) $5,000, reduced (but not below zero) by the amount by which such organizational expenses exceed $50,000, and

‘‘(B) the remainder of such organizational expenses shall be allowed as a deduction ratably over the 180-month period beginning with the month in which the partnership begins business.

‘‘(2) DISPOSITIONS BEFORE CLOSE OF AMORTIZATION PERIOD.—In any case in which a partnership is liquidated before the end of the period to which paragraph (1)(B) applies, any deferred expenses attributable to the partnership which were not allowed as a deduction by reason of this section may be deducted to the extent allowable under section 165.’’

(d) CONFORMING AMENDMENT.—Subsection (b) of section 709 of such Code is amended by striking ‘‘AMORTIZATION’’ and inserting ‘‘DEDUCTION’’ in the heading.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after the date of the enactment of this Act.

SEC. 282. MODIFICATION OF FOREIGN TAX CREDIT CARRYOVER RULES.

(a) IN GENERAL.—Section 904(c) of the Internal Revenue Code of 1986 (relating to limitation on credit) is amended—

(1) by striking ‘‘in the second preceding taxable year,’’, and

(2) by striking ‘‘or fifth’’ and inserting ‘‘fifth, sixth, or seventh’’.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to credits arising in taxable years beginning after December 31, 2000.

SEC. 283. RECOGNITION OF GAIN ON TRANSFERS TO SWAP FUNDS.

(a) INTERESTS SIMILAR TO PREFERRED STOCK TREATED AS STOCK.—Clause (vi) of section 351(e)(1)(B) of the Internal Revenue Code of 1986 (relating to transfer of property to an investment company) is amended to read as follows:

‘‘(vi) except as otherwise provided in regulations prescribed by the Secretary—

‘‘(I) any interest in an entity if the return on such interest is limited and preferred, and

‘‘(II) interests (not described in subclause (I)) in any entity if substantially all of the assets of such entity consist (directly or indirectly) of any assets described in subclause (I), any preceding clause, or clause (viii).’’

(b) CERTAIN TRANSFERS DEEMED TO BE TO INVESTMENT COMPANIES.—Subsection (e) of section 351 of such Code is amended by adding at the end the following new paragraph:

‘‘(3) TRANSFERS OF MARKETABLE SECURITIES TO CERTAIN CORPORATIONS.—A transfer of property to a corporation if—

‘‘(A) such property is marketable securities (as defined in section 731(c)(2)), other than a diversified portfolio of securities,

‘‘(B) such corporation—

‘‘(i) is registered under the Investment Company Act of 1940 as an investment company, or is exempt from registration as an investment company under section 3(c)(7) of such Act because interests in such corporation are offered to qualified purchasers within the meaning of section 2(a)(51) of such Act, or

‘‘(ii) is formed or availed of for purposes of allowing persons who have significant blocks of marketable securities with unrealized appreciation to diversify those holdings without recognition of gain, and

‘‘(C) the transfer results, directly or indirectly, in diversification of the transferor’s interest.’’

(c) TRANSFERS TO PARTNERSHIPS.—Subsection (b) of section 721 of such Code is amended to read as follows:

‘‘(b) SPECIAL RULE.—Subsection (a) shall not apply to gain realized on a transfer of property to a partnership if, were the partnership incorporated—

‘‘(1) such partnership would be treated as an investment company (within the meaning of section 351), or

‘‘(2) section 351 would not apply to such transfer by reason of section 351(e)(3).’’

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to transfers after March 8, 2000.

(2) BINDING CONTRACTS.—The amendments made by this section shall not apply to any transfer pursuant to a written binding contract in effect on August 4, 1999, and at all times thereafter before such transfer if such contract provides for the transfer of a fixed amount of property.

SEC. 5. The amendment specified in section 2 of this resolution is as follows:

Strike all after the enacting clause and insert the following:

At the appropriate place, insert the following:

TITLE —MINIMUM WAGE INCREASE

SEC. 01. SHORT TITLE.

This title may be cited as the ‘‘Fair Minimum Wage Act of 2000.’’

SEC. 02. MINIMUM WAGE INCREASE.

Paragraph (1) of section 6(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

‘‘(1) except as otherwise provided in this section, not less than—

‘‘(A) $5.65 an hour during the year beginning on the date that is 30 days after the date of enactment of the Fair Minimum Wage Act of 2000; and

‘‘(B) $6.15 an hour beginning on the date that is 1 year after the date on which the increase in subparagraph (A) takes effect;’’.

SEC. 03. MINIMUM WAGE IN THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

(a) IN GENERAL.—Subject to subsection (b), the provisions of section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) shall apply to the Commonwealth of the Northern Mariana Islands.

(b) TRANSITION.—

(1) IN GENERAL.—Notwithstanding subsection (a), the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) shall be $3.55 an hour beginning on the date that is 30 days after the date of enactment of this section.

(2) INCREASES IN MINIMUM WAGE.—

(A) In general.—On the date that is 6 months after the date of enactment of this Act, and every 6 months thereafter, the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) shall be increased by $0.50 per hour (or such a leaser amount as may be necessary to equal the minimum wage under such section) until such time as the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under this subsection is equal to the minimum wage set forth in section 6(a)(1) of such Act for the date involved.

(B) Further increases.—With respect to dates beginning after the minimum wage applicable to the Commonwealth of the Northern Mariana Islands is equal to the minimum wage set forth in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)), as provided in subparagraph (A), such applicable minimum wage shall be immediately increased so as to remain equal to the minimum wage set forth in section 6(a)(1) of such Act for the date involved.

Mr. MOAKLEY: Mr. Speaker, I yield back the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Today, we have had an opportunity to have a vigorous debate about the rule, the rule which will decide how we are going to follow forth on talking about the bill that is before us.

We have a tax bill, a tax bill that gives an opportunity to the workers of America to have more small businesses, and more people who want to take that risk and opportunity to go and invest their savings and to open up their own stores and to do things that might be a lifetime dream. On the other hand, we are going to allow a vote that would be very directly for people who wish to support raising the minimum wage.

What we have done is we have crafted a fair rule. We have talked about the essence of what Republicans and Democrats are all about today; and I am very, very proud of what we have done and appreciate those who have spoken today.

There is an amendment at the desk, Mr. Speaker. The amendment will strike out the language allowing States to opt out of the minimum-wage increase.

AMENDMENT OFFERED BY MR. SESSIONS

Mr. SESSIONS. Mr. Speaker, I ask unanimous consent that the amendment at the desk be considered as adopted.

The SPEAKER pro tempore (Mr. LaHood). The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. Sessions:

Strike section 2 and insert the following:

Sec. 2. Upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3846) to amend the Fair Labor Standards Act of 1938 to increase the minimum wage, and for other purposes. An amendment striking section 5 shall be considered adopted. The bill, as amended, shall be considered as read for amendment. The previous question shall be considered as ordered on the bill, as amended, and any further amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce; (2) the amendment numbered 2 in House Report 106–516, which shall be in order without intervention of any point of order (except those arising under section 425 of the Congressional Budget Act of 1974) and which may be offered only by a Member designated in the report, shall be considered as read, and shall be separately debatable for the time specified in the report equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. The amendment is agreed to.

Mr. SESSIONS. Mr. Speaker, I move the previous question on the resolution, as amended.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MOAKLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the resolution, as amended.

The vote was taken by electronic device, and there were—yeas 216, nays 208, not voting 10, as follows:

[Roll No. 38]

YEAS—216

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Green (WI)
Greenwood
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Martinez
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—208

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey

Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—10

Brown (OH)
Cooksey
Granger
McCollum
Meek (FL)
Myrick
Scarborough
Schaffer
Spence
Vento

☐ 1516

Messrs. JEFFERSON, JOHN and POMEROY changed their vote from "yea" to "nay."

Mr. PITTS and Mr. GILMAN changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the resolution, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MOAKLEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 214, noes 211, not voting 10, as follows:

[Roll No. 39]

AYES—214

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Green (WI)
Greenwood
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Martinez
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—211

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hastings (FL)
Hefley
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—10

Brown (OH)
Cooksey
Granger
McCollum
Myrick
Scarborough
Schaffer
Spence
Terry
Vento

☐ 1527

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. TERRY. Mr. Speaker, on rollcall No. 39, I was inadvertently detained. Had I been present, I would have voted "yes."

WAGE AND EMPLOYMENT GROWTH ACT OF 1999

Mr. ARCHER. Mr. Speaker, pursuant to House Resolution 434, I call up the bill (H.R. 3081) to increase the Federal minimum wage and to amend the Internal Revenue Code of 1986 to provide tax benefits for small businesses, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. PEASE). Pursuant to House Resolution 434, the bill is considered read for amendment.

The text of H.R. 3081 is as follows:

H.R. 3081

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Wage and Employment Growth Act of 1999".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; references; table of contents.

TITLE I—AMENDMENTS TO FAIR LABOR STANDARDS ACT OF 1938

Sec. 101. Minimum wage.
Sec. 102. Exemption for computer professionals.
Sec. 103. Exemption for certain sales employees.
Sec. 104. Exemption for funeral directors.

TITLE II—SMALL BUSINESS PROVISIONS
Sec. 201. Deduction for 100 percent of health insurance costs of self-employed individuals.
Sec. 202. Increase in expense treatment for small businesses.
Sec. 203. Small businesses allowed increased deduction for meal expenses.
Sec. 204. Increased deductibility of business meal expenses for individuals subject to Federal limitations on hours of service.
Sec. 205. Repeal of occupational taxes relating to distilled spirits, wine, and beer.
TITLE III—PENSION PROVISIONS
Subtitle A—Expanding Coverage
Sec. 301. Increase in benefit and contribution limits.
Sec. 302. Plan loans for subchapter S owners, partners, and sole proprietors.
Sec. 303. Modification of top-heavy rules.
Sec. 304. Elective deferrals not taken into account for purposes of deduction limits.
Sec. 305. Repeal of coordination requirements for deferred compensation plans of State and local governments and tax-exempt organizations.
Sec. 306. Elimination of user fee for requests to IRS regarding pension plans.
Sec. 307. Deduction limits.
Sec. 308. Option to treat elective deferrals as after-tax contributions.
Sec. 309. Reduced PBGC premium for new plans of small employers.
Sec. 310. Reduction of additional PBGC premium for new and small plans.
Subtitle B—Enhancing Fairness for Women
Sec. 321. Catchup contributions for individuals age 50 or over.
Sec. 322. Equitable treatment for contributions of employees to defined contribution plans.
Sec. 323. Faster vesting of certain employer matching contributions.
Sec. 324. Simplify and update the minimum distribution rules.
Sec. 325. Clarification of tax treatment of division of section 457 plan benefits upon divorce.
Sec. 326. Modification of safe harbor relief for hardship withdrawals from cash or deferred arrangements.
Subtitle C—Increasing Portability for Participants
Sec. 331. Rollovers allowed among various types of plans.
Sec. 332. Rollovers of IRAs into workplace retirement plans.
Sec. 333. Rollovers of after-tax contributions.
Sec. 334. Hardship exception to 60-day rule.
Sec. 335. Treatment of forms of distribution.
Sec. 336. Rationalization of restrictions on distributions.
Sec. 337. Purchase of service credit in governmental defined benefit plans.
Sec. 338. Employers may disregard rollovers for purposes of cash-out amounts.
Sec. 339. Minimum distribution and inclusion requirements for section 457 plans.
Subtitle D—Strengthening Pension Security and Enforcement
Sec. 341. Repeal of 150 percent of current liability funding limit.
Sec. 342. Maximum contribution deduction rules modified and applied to all defined benefit plans.
Sec. 343. Missing participants.
Sec. 344. Periodic pension benefits statements.
Sec. 345. Civil penalties for breach of fiduciary responsibility.
Sec. 346. Excise tax relief for sound pension funding.
Sec. 347. Excise tax on failure to provide notice by defined benefit plans significantly reducing future benefit accruals.
Sec. 348. Protection of investment of employee contributions to 401(k) plans.
Sec. 349. Treatment of multiemployer plans under section 415.
Sec. 350. Technical corrections to Saver Act.
Sec. 351. Model spousal consent language and qualified domestic relations order.
Sec. 352. Elimination of ERISA double jeopardy.
Subtitle E—Reducing Regulatory Burdens
Sec. 361. Modification of timing of plan valuations.
Sec. 362. ESOP dividends may be reinvested without loss of dividend deduction.
Sec. 363. Repeal of transition rule relating to certain highly compensated employees.
Sec. 364. Employees of tax-exempt entities.
Sec. 365. Clarification of treatment of employer-provided retirement advice.
Sec. 366. Reporting simplification.
Sec. 367. Improvement of employee plans compliance resolution system.
Sec. 368. Substantial owner benefits in terminated plans.
Sec. 369. Modification of exclusion for employer provided transit passes.
Sec. 370. Repeal of the multiple use test.
Sec. 371. Flexibility in nondiscrimination, coverage, and line of business rules.
Sec. 372. Extension to international organizations of moratorium on application of certain nondiscrimination rules applicable to State and local plans.
Sec. 373. Notice and consent period regarding distributions.
Sec. 374. Annual report dissemination.
Sec. 375. Excess benefit plans.
Sec. 376. Benefit suspension notice.
Sec. 377. Clarification of church welfare plan status under State insurance law.
Subtitle F—Plan Amendments
Sec. 381. Provisions relating to plan amendments.
TITLE IV—EXTENSION OF WORK OPPORTUNITY CREDIT AND WELFARE-TO-WORK CREDIT
Sec. 401. Work opportunity credit and welfare-to-work credit.
TITLE V—ESTATE TAX RELIEF
Subtitle A—Reductions of Estate and Gift Tax Rates
Sec. 501. Reductions of estate and gift tax rates.
Subtitle B—Unified Credit Replaced With Unified Exemption Amount
Sec. 511. Unified credit against estate and gift taxes replaced with unified exemption amount.
Subtitle C—Modifications of Generation-skipping Transfer Tax
Sec. 521. Deemed allocation of GST exemption to lifetime transfers to trusts; retroactive allocations.
Sec. 522. Severing of trusts.
Sec. 523. Modification of certain valuation rules.
Sec. 524. Relief provisions.
Subtitle D—Conservation Easements
Sec. 531. Expansion of estate tax rule for conservation easements.
TITLE VI—TAX RELIEF FOR DISTRESSED COMMUNITIES AND INDUSTRIES
Subtitle A—American Community Renewal Act of 1999
Sec. 601. Short title.
Sec. 602. Designation of and tax incentives for renewal communities.
Sec. 603. Extension of expensing of environmental remediation costs to renewal communities.
Sec. 604. Extension of work opportunity tax credit for renewal communities.
Sec. 605. Conforming and clerical amendments.
Subtitle B—Timber Incentives
Sec. 611. Temporary suspension of maximum amount of amortizable reforestation expenditures.
TITLE VII—REAL ESTATE PROVISIONS
Subtitle A—Improvements in Low-Income Housing Credit
Sec. 701. Modification of State ceiling on low-income housing credit.
Sec. 702. Modification of criteria for allocating housing credits among projects.
Sec. 703. Additional responsibilities of housing credit agencies.
Sec. 704. Modifications to rules relating to basis of building which is eligible for credit.
Sec. 705. Other modifications.
Sec. 706. Carryforward rules.
Sec. 707. Effective date.
Subtitle B—Provisions Relating to Real Estate Investment Trusts
PART I—TREATMENT OF INCOME AND SERVICES PROVIDED BY TAXABLE REIT SUBSIDIARIES
Sec. 711. Modifications to asset diversification test.
Sec. 712. Treatment of income and services provided by taxable REIT subsidiaries.
Sec. 713. Taxable REIT subsidiary.
Sec. 714. Limitation on earnings stripping.
Sec. 715. 100 percent tax on improperly allocated amounts.
Sec. 716. Effective date.
PART II—HEALTH CARE REITS
Sec. 721. Health care REITs.
PART III—CONFORMITY WITH REGULATED INVESTMENT COMPANY RULES
Sec. 731. Conformity with regulated investment company rules.
PART IV—CLARIFICATION OF EXCEPTION FROM IMPERMISSIBLE TENANT SERVICE INCOME
Sec. 741. Clarification of exception for independent operators.
PART V—MODIFICATION OF EARNINGS AND PROFITS RULES
Sec. 751. Modification of earnings and profits rules.
Subtitle C—Private Activity Bond Volume Cap
Sec. 761. Acceleration of phase-in of increase in volume cap on private activity bonds.
Subtitle D—Exclusion From Gross Income for Certain Forgiven Mortgage Obligations
Sec. 771. Exclusion from gross income for certain forgiven mortgage obligations.

TITLE VIII—MISCELLANEOUS PROVISIONS

Sec. 801. Credit for modifications to intercity buses required under the Americans with Disabilities Act of 1990.
Sec. 802. Certain educational benefits provided by an employer to children of employees excludable from gross income as a scholarship.
Sec. 803. Tax incentives for qualified United States independent film and television production.

TITLE I—AMENDMENTS TO FAIR LABOR STANDARDS ACT OF 1938

SEC. 101. MINIMUM WAGE.

(a) INCREASE.—Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

"(1) except as otherwise provided in this section, not less than—

"(A) $5.15 an hour beginning September 1, 1997,

"(B) $5.48 an hour during the year beginning April 1, 2000,

"(C) $5.81 an hour during the year beginning April 1, 2001, and

"(D) $6.15 an hour during the year beginning April 1, 2002.".

(b) OVERTIME.—Section 7(e) of such Act (29 U.S.C. 207(e)) is amended by striking paragraph (1).

SEC. 102. EXEMPTION FOR COMPUTER PROFESSIONALS.

Section 13(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(a)) is amended by amending paragraph (17) to read as follows:

"(17) any employee who is a computer systems, network, or database analyst, designer, developer, programmer, software engineer, or other similarly skilled worker—

"(A) whose primary duty is—

"(i) the application of systems or network or database analysis techniques and procedures, including consulting with users, to determine hardware, software, systems, network, or database specifications (including functional specifications);

"(ii) the design, configuration, development, integration, documentation, analysis, creation, testing, securing, or modification of, or problem resolution for, computer systems, networks, databases, or programs, including prototypes, based on and related to user, system, network, or database specifications, including design specifications and machine operating systems;

"(iii) the management or training of employees performing duties described in clause (i) or (ii); or

"(iv) a combination of duties described in clauses (i), (ii), or (iii) the performance of which requires the same level of skills; and

"(B) who, in the case of an employee who is compensated on an hourly basis, is compensated at a rate of not less than $27.63 an hour.

For purposes of paragraph (17), the term 'network' includes the Internet and intranet networks and the world wide web. An employee who meets the exemption provided by paragraph (17) shall be considered an employee in a professional capacity pursuant to paragraph (1).".

SEC. 103. EXEMPTION FOR CERTAIN SALES EMPLOYEES.

(a) AMENDMENT.—Section 13(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(a)) is amended by striking the period at the end of paragraph (17) and inserting a semicolon and by adding at the end the following:

"(18) any employee employed in a sales position if—

"(A) the employee has specialized or technical knowledge related to products or services being sold;

"(B) the employee's—

"(i) sales are predominantly to persons or entities to whom the employee's position has made previous sales; or

"(ii) position does not involve initiating sales contacts;

"(C) the employee has a detailed understanding of the needs of those to whom the employee is selling;

"(D) the employee exercises discretion in offering a variety of products and services;

"(E) the employee receives—

"(i) base compensation, determined without regard to the number of hours worked by the employee, of not less than an amount equal to one and one-half times the minimum wage in effect under section 6(a)(1) multiplied by 2,080; and

"(ii) in addition to the employee's base compensation, compensation based upon each sale attributable to the employee;

"(F) the employee's aggregate compensation based upon sales attributable to the employee is not less than 40 percent of one and one-half times the minimum wage multiplied by 2,080;

"(G) the employee receives a rate of compensation based upon each sale attributable to the employee which is beyond sales required to reach the compensation required by subparagraph (F) which rate is not less than the rate on which the compensation required by subparagraph (F) is determined; and

"(H) the rate of annual compensation or base compensation for any employee who did not work for an employer for an entire calendar year is prorated to reflect annual compensation which would have been earned if the employee had been compensated at the same rate for the entire calendar year.".

(b) CONSTRUCTION.—The amendment made by subsection (a) may not be construed to apply to individuals who are employed as route sales drivers.

SEC. 104. EXEMPTION FOR FUNERAL DIRECTORS.

Section 13(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(a)) is amended by striking the period at the end of paragraph (18) and inserting "; or" and by adding after paragraph (18) the following:

"(19) any employee employed as a licensed funeral director or a licensed embalmer.".

TITLE II—SMALL BUSINESS PROVISIONS

SEC. 201. DEDUCTION FOR 100 PERCENT OF HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.

(a) IN GENERAL.—Paragraph (1) of section 162(l) is amended to read as follows:

"(1) ALLOWANCE OF DEDUCTION.—In the case of an individual who is an employee within the meaning of section 401(c)(1), there shall be allowed as a deduction under this section an amount equal to 100 percent of the amount paid during the taxable year for insurance which constitutes medical care for the taxpayer and the taxpayer's spouse and dependents.".

(b) CLARIFICATION OF LIMITATIONS ON OTHER COVERAGE.—The first sentence of section 162(l)(2)(B) is amended to read as follows: "Paragraph (1) shall not apply to any taxpayer for any calendar month for which the taxpayer participates in any subsidized health plan maintained by any employer (other than an employer described in section 401(c)(4)) of the taxpayer or the spouse of the taxpayer.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 202. INCREASE IN EXPENSE TREATMENT FOR SMALL BUSINESSES.

(a) IN GENERAL.—Paragraph (1) of section 179(b) (relating to dollar limitation) is amended to read as follows:

"(1) DOLLAR LIMITATION.—The aggregate cost which may be taken into account under subsection (a) for any taxable year shall not exceed $30,000.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 203. SMALL BUSINESSES ALLOWED INCREASED DEDUCTION FOR MEAL EXPENSES.

(a) IN GENERAL.—Subsection (n) of section 274 (relating to only 50 percent of meal and entertainment expenses allowed as deduction) is amended by adding at the end the following new paragraph:

"(4) SPECIAL RULE FOR SMALL BUSINESSES.—

"(A) IN GENERAL.—In the case of any taxpayer which is a small business, paragraph (1) shall be applied by substituting for '50 percent' with respect to expenses for food or beverages—

"(i) '55 percent' in the case of taxable years beginning in 2001, and

"(ii) '60 percent' in the case of taxable years beginning after 2001.

"(B) SMALL BUSINESS.—For purposes of this paragraph, the term 'small business' means, with respect to expenses paid or incurred during any taxable year—

"(i) any C corporation which meets the requirements of section 55(e)(1) for such year, and

"(ii) any S corporation, partnership, or sole proprietorship which would meet such requirements if it were a C corporation."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2000.

SEC. 204. INCREASED DEDUCTIBILITY OF BUSINESS MEAL EXPENSES FOR INDIVIDUALS SUBJECT TO FEDERAL LIMITATIONS ON HOURS OF SERVICE.

(a) IN GENERAL.—Paragraph (3) of section 274(n) (relating to only 50 percent of meal and entertainment expenses allowed as deduction) is amended to read as follows:

"(3) SPECIAL RULE FOR INDIVIDUALS SUBJECT TO FEDERAL HOURS OF SERVICE.—In the case of any expenses for food or beverages consumed while away from home (within the meaning of section 162(a)(2)) by an individual during, or incident to, the period of duty subject to the hours of service limitations of the Department of Transportation, paragraph (1) shall be applied by substituting '80 percent' for '50 percent'."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2000.

SEC. 205. REPEAL OF OCCUPATIONAL TAXES RELATING TO DISTILLED SPIRITS, WINE, AND BEER.

(a) REPEAL OF OCCUPATIONAL TAXES.—

(1) IN GENERAL.—The following provisions of part II of subchapter A of chapter 51 of the Internal Revenue Code of 1986 (relating to occupational taxes) are hereby repealed:

(A) Subpart A (relating to rectifier).

(B) Subpart B (relating to brewer).

(C) Subpart D (relating to wholesale dealers) (other than sections 5114 and 5116).

(D) Subpart E (relating to retail dealers) (other than section 5124).

(E) Subpart G (relating to general provisions) (other than sections 5142, 5143, 5145, and 5146).

(2) NONBEVERAGE DOMESTIC DRAWBACK.—Section 5131 is amended by striking ", on payment of a special tax per annum,".

(3) INDUSTRIAL USE OF DISTILLED SPIRITS.—Section 5276 is hereby repealed.

(b) CONFORMING AMENDMENTS.—

(1)(A) The heading for part II of subchapter A of chapter 51 and the table of subparts for such part are amended to read as follows:

“PART II—MISCELLANEOUS PROVISIONS

“Subpart A. Manufacturers of stills.

“Subpart B. Nonbeverage domestic drawback claimants.

“Subpart C. Recordkeeping by dealers.

“Subpart D. Other provisions.”

(B) The table of parts for such subchapter A is amended by striking the item relating to part II and inserting the following new item:

“Part II. Miscellaneous provisions.”

(2) Subpart C of part II of such subchapter (relating to manufacturers of stills) is redesignated as subpart A.

(3)(A) Subpart F of such part II (relating to nonbeverage domestic drawback claimants) is redesignated as subpart B and sections 5131 through 5134 are redesignated as sections 5111 through 5114, respectively.

(B) The table of sections for such subpart B, as so redesignated, is amended—

(i) by redesignating the items relating to sections 5131 through 5134 as relating to sections 5111 through 5114, respectively, and

(ii) by striking “and rate of tax” in the item relating to section 5111, as so redesignated.

(C) Section 5111, as redesignated by subparagraph (A), is amended—

(i) by striking “and rate of tax” in the section heading,

(ii) by striking the subsection heading for subsection (a), and

(iii) by striking subsection (b).

(4) Part II of subchapter A of chapter 51 is amended by adding after subpart B, as redesignated by paragraph (3), the following new subpart:

“Subpart C. Recordkeeping by Dealers

“Sec. 5121. Recordkeeping by wholesale dealers.

“Sec. 5122. Recordkeeping by retail dealers.

“Sec. 5123. Preservation and inspection of records, and entry of premises for inspection.”

(5)(A) Section 5114 (relating to records) is moved to subpart C of such part II and inserted after the table of sections for such subpart.

(B) Section 5114 is amended—

(i) by striking the section heading and inserting the following new heading:

“SEC. 5121. RECORDKEEPING BY WHOLESALE DEALERS.”,

and

(ii) by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

“(c) WHOLESALE DEALERS.—For purposes of this part—

“(1) WHOLESALE DEALER IN LIQUORS.—The term ‘wholesale dealer in liquors’ means any dealer (other than a wholesale dealer in beer) who sells, or offers for sale, distilled spirits, wines, or beer, to another dealer.

“(2) WHOLESALE DEALER IN BEER.—The term ‘wholesale dealer in beer’ means any dealer who sells, or offers for sale, beer, but not distilled spirits or wines, to another dealer.

“(3) DEALER.—The term ‘dealer’ means any person who sells, or offers for sale, any distilled spirits, wines, or beer.

“(4) PRESUMPTION IN CASE OF SALE OF 20 WINE GALLONS OR MORE.—The sale, or offer for sale, of distilled spirits, wines, or beer, in quantities of 20 wine gallons or more to the same person at the same time, shall be presumptive evidence that the person making such sale, or offer for sale, is engaged in or carrying on the business of a wholesale dealer in liquors or a wholesale dealer in beer, as the case may be. Such presumption may be overcome by evidence satisfactorily showing that such sale, or offer for sale, was made to a person other than a dealer.”

(C) Paragraph (3) of section 5121(d), as so redesignated, is amended by striking “section 5146” and inserting “section 5123”.

(6)(A) Section 5124 (relating to records) is moved to subpart C of part II of subchapter A of chapter 51 and inserted after section 5121.

(B) Section 5124 is amended—

(i) by striking the section heading and inserting the following new heading:

“SEC. 5122. RECORDKEEPING BY RETAIL DEALERS.”,

(ii) by striking “section 5146” in subsection (c) and inserting “section 5123”, and

(iii) by redesignating subsection (c) as subsection (d) and inserting after subsection (b) the following new subsection:

“(c) RETAIL DEALERS.—For purposes of this section—

“(1) RETAIL DEALER IN LIQUORS.—The term ‘retail dealer in liquors’ means any dealer (other than a retail dealer in beer) who sells, or offers for sale, distilled spirits, wines, or beer, to any person other than a dealer.

“(2) RETAIL DEALER IN BEER.—The term ‘retail dealer in beer’ means any dealer who sells, or offers for sale, beer, but not distilled spirits or wines, to any person other than a dealer.

“(3) DEALER.—The term ‘dealer’ has the meaning given such term by section 5121(c)(3).”

(7) Section 5146 is moved to subpart C of part II of subchapter A of chapter 51, inserted after section 5122, and redesignated as section 5123.

(8) Part II of subchapter A of chapter 51 is amended by inserting after subpart C the following new subpart:

“Subpart D. Other Provisions

“Sec. 5131. Packaging distilled spirits for industrial uses.

“Sec. 5132. Prohibited purchases by dealers.”

(9) Section 5116 is moved to subpart D of part II of subchapter A of chapter 51, inserted after the table of sections, redesignated as section 5131, and amended by inserting “(as defined section 5121(c))” after “dealer” in subsection (a).

(10) Subpart D of part II of subchapter A of chapter 51 is amended by adding at the end thereof the following new section:

“SEC. 5132. PROHIBITED PURCHASES BY DEALERS.

“(a) IN GENERAL.—Except as provided in regulations prescribed by the Secretary, it shall be unlawful for a dealer to purchase distilled spirits from any person other than a wholesale dealer in liquors who is required to keep the records prescribed by section 5121.

“(b) PENALTY AND FORFEITURE.—

“For penalty and forfeiture provisions applicable to violations of subsection (a), see sections 5687 and 7302.”

(11) Subsection (b) of section 5002 is amended—

(A) by striking “section 5112(a)” and inserting “section 5121(c)(3)”,

(B) by striking “section 5112” and inserting “section 5121(c)”,

(C) by striking “section 5122” and inserting “section 5122(c)”.

(12) Subparagraph (A) of section 5010(c)(2) is amended by striking “section 5134” and inserting “section 5114”.

(13) Subsection (d) of section 5052 is amended to read as follows:

“(d) BREWER.—For purposes of this chapter, the term ‘brewer’ means any person who brews beer or produces beer for sale. Such term shall not include any person who produces only beer exempt from tax under section 5053(e).”

(14) The text of section 5182 is amended to read as follows:

“For provisions requiring recordkeeping by wholesale liquor dealers, see section 5112, and by retail liquor dealers, see section 5122.”

(15) Subsection (b) of section 5402 is amended by striking “section 5092” and inserting “section 5052(d)”.

(16) Section 5671 is amended by striking “or 5091”.

(17)(A) Part V of subchapter J of chapter 51 is hereby repealed.

(B) The table of parts for such subchapter J is amended by striking the item relating to part V.

(18)(A) Sections 5142, 5143, and 5145 are moved to subchapter D of chapter 52, inserted after section 5731, redesignated as sections 5732, 5733, and 5734, respectively, and amended by striking “this part” each place it appears and inserting “this subchapter”.

(B) Section 5732, as redesignated by subparagaph (A), is amended by striking “(except the tax imposed by section 5131)” each place it appears.

(C) Subsection (c) of section 5733, as redesignated by subparagraph (A), is amended by striking paragraph (2) and by redesignating paragraph (3) as paragraph (2).

(D) The table of sections for subchapter D of chapter 52 is amended by adding at the end thereof the following:

“Sec. 5732. Payment of tax.

“Sec. 5733. Provisions relating to liability for occupational taxes.

“Sec. 5734. Application of State laws.”

(E) Section 5731 is amended by striking subsection (c) and by redesignating subsection (d) as subsection (c).

(19) Subsection (c) of section 6071 is amended by striking “section 5142” and inserting “section 5732”.

(20) Paragraph (1) of section 7652(g) is amended—

(A) by striking “subpart F” and inserting “subpart B”, and

(B) by striking “section 5131(a)” and inserting “section 5111(a)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, but shall not apply to taxes imposed for periods before such date.

TITLE III—PENSION PROVISIONS

Subtitle A—Expanding Coverage

SEC. 301. INCREASE IN BENEFIT AND CONTRIBUTION LIMITS.

(a) DEFINED BENEFIT PLANS.—

(1) DOLLAR LIMIT.—

(A) Subparagraph (A) of section 415(b)(1) (relating to limitation for defined benefit plans) is amended by striking “$90,000” and inserting “$160,000”.

(B) Subparagraphs (C) and (D) of section 415(b)(2) are each amended by striking “$90,000” each place it appears in the headings and the text and inserting “$160,000”.

(C) Paragraph (7) of section 415(b) (relating to benefits under certain collectively bargained plans) is amended by striking “the greater of $68,212 or one-half the amount otherwise applicable for such year under paragraph (1)(A) for ‘$90,000’ ” and inserting “one-half the amount otherwise applicable for such year under paragraph (1)(A) for '$160,000' ".

(2) LIMIT REDUCED WHEN BENEFIT BEGINS BEFORE AGE 62.—Subparagraph (C) of section 415(b)(2) is amended by striking "the social security retirement age" each place it appears in the heading and text and inserting "age 62".

(3) LIMIT INCREASED WHEN BENEFIT BEGINS AFTER AGE 65.—Subparagraph (D) of section 415(b)(2) is amended by striking "the social security retirement age" each place it appears in the heading and text and inserting "age 65".

(4) COST-OF-LIVING ADJUSTMENTS.—Subsection (d) of section 415 (related to cost-of-living adjustments) is amended—

(A) by striking "$90,000" in paragraph (1)(A) and inserting "$160,000", and

(B) in paragraph (3)(A)—

(i) by striking "$90,000" in the heading and inserting "$160,000", and

(ii) by striking "October 1, 1986" and inserting "July 1, 2000".

(5) CONFORMING AMENDMENT.—Section 415(b)(2) is amended by striking subparagraph (F).

(b) DEFINED CONTRIBUTION PLANS.—

(1) DOLLAR LIMIT.—Subparagraph (A) of section 415(c)(1) (relating to limitation for defined contribution plans) is amended by striking "$30,000" and inserting "$40,000".

(2) COST-OF-LIVING ADJUSTMENTS.—Subsection (d) of section 415 (related to cost-of-living adjustments) is amended—

(A) by striking "$30,000" in paragraph (1)(C) and inserting "$40,000", and

(B) in paragraph (3)(D)—

(i) by striking "$30,000" in the heading and inserting "$40,000", and

(ii) by striking "October 1, 1993" and inserting "July 1, 2000".

(c) QUALIFIED TRUSTS.—

(1) COMPENSATION LIMIT.—Sections 401(a)(17), 404(l), 408(k), and 505(b)(7) are each amended by striking "$150,000" each place it appears and inserting "$200,000".

(2) BASE PERIOD AND ROUNDING OF COST-OF-LIVING ADJUSTMENT.—Subparagraph (B) of section 401(a)(17) is amended—

(A) by striking "October 1, 1993" and inserting "July 1, 2000", and

(B) by striking "$10,000" both places it appears and inserting "$5,000".

(d) ELECTIVE DEFERRALS.—

(1) IN GENERAL.—Paragraph (1) of section 402(g) (relating to limitation on exclusion for elective deferrals) is amended to read as follows:

"(1) IN GENERAL.—

"(A) LIMITATION.—Notwithstanding subsections (e)(3) and (h)(1)(B), the elective deferrals of any individual for any taxable year shall be included in such individual's gross income to the extent the amount of such deferrals for the taxable year exceeds the applicable dollar amount.

"(B) APPLICABLE DOLLAR AMOUNT.—For purposes of subparagraph (A), the applicable dollar amount shall be the amount determined in accordance with the following table:

"For taxable years beginning in calendar year:	The applicable dollar amount:
2001	$11,000
2002	$12,000
2003	$13,000
2004	$14,000
2005 or thereafter	$15,000.".

(2) COST-OF-LIVING ADJUSTMENT.—Paragraph (5) of section 402(g) is amended to read as follows:

"(5) COST-OF-LIVING ADJUSTMENT.—In the case of taxable years beginning after December 31, 2005, the Secretary shall adjust the $15,000 amount under paragraph (1)(B) at the same time and in the same manner as under section 415(d), except that the base period shall be the calendar quarter beginning July 1, 2004, and any increase under this paragraph which is not a multiple of $500 shall be rounded to the next lowest multiple of $500.".

(3) CONFORMING AMENDMENTS.—

(A) Section 402(g) (relating to limitation on exclusion for elective deferrals), as amended by paragraphs (1) and (2), is further amended by striking paragraph (4) and redesignating paragraphs (5), (6), (7), (8), and (9) as paragraphs (4), (5), (6), (7), and (8), respectively.

(B) Paragraph (2) of section 457(c) is amended by striking "402(g)(8)(A)(iii)" and inserting "402(g)(7)(A)(iii)".

(C) Clause (iii) of section 501(c)(18)(D) is amended by striking "(other than paragraph (4) thereof)".

(e) DEFERRED COMPENSATION PLANS OF STATE AND LOCAL GOVERNMENTS AND TAX-EXEMPT ORGANIZATIONS.—

(1) IN GENERAL.—Section 457 (relating to deferred compensation plans of State and local governments and tax-exempt organizations) is amended—

(A) in subsections (b)(2)(A) and (c)(1) by striking "$7,500" each place it appears and inserting "the applicable dollar amount", and

(B) in subsection (b)(3)(A) by striking "$15,000" and inserting "twice the dollar amount in effect under subsection (b)(2)(A)".

(2) APPLICABLE DOLLAR AMOUNT; COST-OF-LIVING ADJUSTMENT.—Paragraph (15) of section 457(e) is amended to read as follows:

"(15) APPLICABLE DOLLAR AMOUNT.—

"(A) IN GENERAL.—The applicable dollar amount shall be the amount determined in accordance with the following table:

"For taxable years beginning in calendar year:	The applicable dollar amount:
2001	$11,000
2002	$12,000
2003	$13,000
2004	$14,000
2005 or thereafter	$15,000.

"(B) COST-OF-LIVING ADJUSTMENTS.—In the case of taxable years beginning after December 31, 2005, the Secretary shall adjust the $15,000 amount specified in the table in subparagraph (A) at the same time and in the same manner as under section 415(d), except that the base period shall be the calendar quarter beginning July 1, 2004, and any increase under this paragraph which is not a multiple of $500 shall be rounded to the next lowest multiple of $500.".

(f) SIMPLE RETIREMENT ACCOUNTS.—

(1) LIMITATION.—Clause (ii) of section 408(p)(2)(A) (relating to general rule for qualified salary reduction arrangement) is amended by striking "$6,000" and inserting "the applicable dollar amount".

(2) APPLICABLE DOLLAR AMOUNT.—Subparagraph (E) of 408(p)(2) is amended to read as follows:

"(E) APPLICABLE DOLLAR AMOUNT; COST-OF-LIVING ADJUSTMENT.—

"(i) IN GENERAL.—For purposes of subparagraph (A)(ii), the applicable dollar amount shall be the amount determined in accordance with the following table:

"For taxable years beginning in calendar year:	The applicable dollar amount:
2001	$7,000
2002	$8,000
2003	$9,000
2004 or thereafter	$10,000.

"(ii) COST-OF-LIVING ADJUSTMENT.—In the case of a year beginning after December 31, 2004, the Secretary shall adjust the $10,000 amount under clause (i) at the same time and in the same manner as under section 415(d), except that the base period taken into account shall be the calendar quarter beginning July 1, 2003, and any increase under this subparagraph which is not a multiple of $500 shall be rounded to the next lower multiple of $500.".

(3) CONFORMING AMENDMENTS.—

(A) Clause (I) of section 401(k)(11)(B)(i) is amended by striking "$6,000" and inserting "the amount in effect under section 408(p)(2)(A)(ii)".

(B) Section 401(k)(11) is amended by striking subparagraph (E).

(g) ROUNDING RULE RELATING TO DEFINED BENEFIT PLANS AND DEFINED CONTRIBUTION PLANS.—Paragraph (4) of section 415(d) is amended to read as follows:

"(4) ROUNDING.—

"(A) $160,000 AMOUNT.—Any increase under subparagraph (A) of paragraph (1) which is not a multiple of $5,000 shall be rounded to the next lowest multiple of $5,000.

"(B) $40,000 AMOUNT.—Any increase under subparagraph (C) of paragraph (1) which is not a multiple of $1,000 shall be rounded to the next lowest multiple of $1,000.".

(h) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2000.

SEC. 302. PLAN LOANS FOR SUBCHAPTER S OWNERS, PARTNERS, AND SOLE PROPRIETORS.

(a) AMENDMENT TO 1986 CODE.—Subparagraph (B) of section 4975(f)(6) (relating to exemptions not to apply to certain transactions) is amended by adding at the end the following new clause:

"(iii) LOAN EXCEPTION.—For purposes of subparagraph (A)(i), the term 'owner-employee' shall only include a person described in subclause (II) or (III) of clause (i).".

(b) AMENDMENT TO ERISA.—Section 408(d)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1108(d)(2)) is amended by adding at the end the following new subparagraph:

"(C) For purposes of paragraph (1)(A), the term 'owner-employee' shall only include a person described in clause (ii) or (iii) of subparagraph (A).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to loans made after December 31, 2000.

SEC. 303. MODIFICATION OF TOP-HEAVY RULES.

(a) SIMPLIFICATION OF DEFINITION OF KEY EMPLOYEE.—

(1) IN GENERAL.—Section 416(i)(1)(A) (defining key employee) is amended—

(A) by striking "or any of the 4 preceding plan years" in the matter preceding clause (i),

(B) by striking clause (i) and inserting the following:

"(i) an officer of the employer having an annual compensation greater than $150,000,",

(C) by striking clause (ii) and redesignating clauses (iii) and (iv) as clauses (ii) and (iii), respectively, and

(D) by striking the second sentence in the matter following clause (iii), as redesignated by subparagraph (C).

(2) CONFORMING AMENDMENT.—Section 416(i)(1)(B)(iii) is amended by striking "and subparagraph (A)(ii)".

(b) MATCHING CONTRIBUTIONS TAKEN INTO ACCOUNT FOR MINIMUM CONTRIBUTION REQUIREMENTS.—Section 416(c)(2)(A) (relating to defined contribution plans) is amended by adding at the end the following: "Employer matching contributions (as defined in section 401(m)(4)(A)) shall be taken into account for purposes of this subparagraph.".

(c) DISTRIBUTIONS DURING LAST YEAR BEFORE DETERMINATION DATE TAKEN INTO ACCOUNT.—

(1) IN GENERAL.—Paragraph (3) of section 416(g) is amended to read as follows:

"(3) DISTRIBUTIONS DURING LAST YEAR BEFORE DETERMINATION DATE TAKEN INTO ACCOUNT.—

"(A) IN GENERAL.—For purposes of determining—

"(i) the present value of the cumulative accrued benefit for any employee, or

"(ii) the amount of the account of any employee,

such present value or amount shall be increased by the aggregate distributions made with respect to such employee under the plan during the 1-year period ending on the determination date. The preceding sentence shall also apply to distributions under a terminated plan which if it had not been terminated would have been required to be included in an aggregation group.

"(B) 5-YEAR PERIOD IN CASE OF IN-SERVICE DISTRIBUTION.—In the case of any distribution made for a reason other than separation from service, death, or disability, subparagraph (A) shall be applied by substituting '5-year period' for '1-year period'.".

(2) BENEFITS NOT TAKEN INTO ACCOUNT.—Subparagraph (E) of section 416(g)(4) is amended—

(A) by striking "LAST 5 YEARS" in the heading and inserting "LAST YEAR BEFORE DETERMINATION DATE", and

(B) by striking "5-year period" and inserting "1-year period".

(d) DEFINITION OF TOP-HEAVY PLANS.—Paragraph (4) of section 416(g) (relating to other special rules for top-heavy plans) is amended by adding at the end the following new subparagraph:

"(H) CASH OR DEFERRED ARRANGEMENTS USING ALTERNATIVE METHODS OF MEETING NONDISCRIMINATION REQUIREMENTS.—The term 'top-heavy plan' shall not include a plan which consists solely of—

"(i) a cash or deferred arrangement which meets the requirements of section 401(k)(12), and

"(ii) matching contributions with respect to which the requirements of section 401(m)(11) are met.

If, but for this subparagraph, a plan would be treated as a top-heavy plan because it is a member of an aggregation group which is a top-heavy group, contributions under the plan may be taken into account in determining whether any other plan in the group meets the requirements of subsection (c)(2).".

(e) FROZEN PLAN EXEMPT FROM MINIMUM BENEFIT REQUIREMENT.—Subparagraph (C) of section 416(c)(1) (relating to defined benefit plans) is amended—

(A) by striking "clause (ii)" in clause (i) and inserting "clause (ii) or (iii)", and

(B) by adding at the end the following:

"(iii) EXCEPTION FOR FROZEN PLAN.—For purposes of determining an employee's years of service with the employer, any service with the employer shall be disregarded to the extent that such service occurs during a plan year when the plan benefits (within the meaning of section 410(b)) no employee or former employee.".

(f) ELIMINATION OF FAMILY ATTRIBUTION.—Section 416(i)(1)(B) (defining 5-percent owner) is amended by adding at the end the following new clause:

"(iv) FAMILY ATTRIBUTION DISREGARDED.—Solely for purposes of applying this paragraph (and not for purposes of any provision of this title which incorporates by reference the definition of a key employee or 5-percent owner under this paragraph), section 318 shall be applied without regard to subsection (a)(1) thereof in determining whether any person is a 5-percent owner.".

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2000.

SEC. 304. ELECTIVE DEFERRALS NOT TAKEN INTO ACCOUNT FOR PURPOSES OF DEDUCTION LIMITS.

(a) IN GENERAL.—Section 404 (relating to deduction for contributions of an employer to an employees' trust or annuity plan and compensation under a deferred payment plan) is amended by adding at the end the following new subsection:

"(n) ELECTIVE DEFERRALS NOT TAKEN INTO ACCOUNT FOR PURPOSES OF DEDUCTION LIMITS.—Elective deferrals (as defined in section 402(g)(3)) shall not be subject to any limitation contained in paragraph (3), (7), or (9) of subsection (a), and such elective deferrals shall not be taken into account in applying any such limitation to any other contributions.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to years beginning after December 31, 2000.

SEC. 305. REPEAL OF COORDINATION REQUIREMENTS FOR DEFERRED COMPENSATION PLANS OF STATE AND LOCAL GOVERNMENTS AND TAX-EXEMPT ORGANIZATIONS.

(a) IN GENERAL.—Subsection (c) of section 457 (relating to deferred compensation plans of State and local governments and tax-exempt organizations), as amended by section 211, is amended to read as follows:

"(c) LIMITATION.—The maximum amount of the compensation of any one individual which may be deferred under subsection (a) during any taxable year shall not exceed the amount in effect under subsection (b)(2)(A) (as modified by any adjustment provided under subsection (b)(3)).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to years beginning after December 31, 2000.

SEC. 306. ELIMINATION OF USER FEE FOR REQUESTS TO IRS REGARDING PENSION PLANS.

(a) ELIMINATION OF CERTAIN USER FEES.—The Secretary of the Treasury or the Secretary's delegate shall not require payment of user fees under the program established under section 7527 of the Internal Revenue Code of 1986 for requests to the Internal Revenue Service for determination letters with respect to the qualified status of a pension benefit plan maintained solely by one or more eligible employers or any trust which is part of the plan. The preceding sentence shall not apply to any request—

(1) made after the 5th plan year the pension benefit plan is in existence, or

(2) made by the sponsor of any prototype or similar plan which the sponsor intends to market to participating employers.

(b) PENSION BENEFIT PLAN.—For purposes of this section, the term "pension benefit plan" means a pension, profit-sharing, stock bonus, annuity, or employee stock ownership plan.

(c) ELIGIBLE EMPLOYER.—For purposes of this section, the term "eligible employer" has the same meaning given such term in section 408(p)(2)(C)(i)(I) of the Internal Revenue Code of 1986. The determination of whether an employer is an eligible employer under this section shall be made as of the date of the request described in subsection (a).

(d) EFFECTIVE DATE.—The provisions of this section shall apply with respect to requests made after December 31, 2000.

SEC. 307. DEDUCTION LIMITS.

(a) IN GENERAL.—Section 404(a) (relating to general rule) is amended by adding at the end the following:

"(12) DEFINITION OF COMPENSATION.—For purposes of paragraphs (3), (7), (8), and (9), the term 'compensation' shall include amounts treated as participant's compensation under subparagraph (C) or (D) of section 415(c)(3).".

(b) CONFORMING AMENDMENT.—Subparagraph (B) of section 404(a)(3) is amended by striking the last sentence thereof.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2000.

SEC. 308. OPTION TO TREAT ELECTIVE DEFERRALS AS AFTER-TAX CONTRIBUTIONS.

(a) IN GENERAL.—Subpart A of part I of subchapter D of chapter 1 (relating to deferred compensation, etc.) is amended by inserting after section 402 the following new section:

"SEC. 402A. OPTIONAL TREATMENT OF ELECTIVE DEFERRALS AS PLUS CONTRIBUTIONS.

"(a) GENERAL RULE.—If an applicable retirement plan includes a qualified plus contribution program—

"(1) any designated plus contribution made by an employee pursuant to the program shall be treated as an elective deferral for purposes of this chapter, except that such contribution shall not be excludable from gross income, and

"(2) such plan (and any arrangement which is part of such plan) shall not be treated as failing to meet any requirement of this chapter solely by reason of including such program.

"(b) QUALIFIED PLUS CONTRIBUTION PROGRAM.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified plus contribution program' means a program under which an employee may elect to make designated plus contributions in lieu of all or a portion of elective deferrals the employee is otherwise eligible to make under the applicable retirement plan.

"(2) SEPARATE ACCOUNTING REQUIRED.—A program shall not be treated as a qualified plus contribution program unless the applicable retirement plan—

"(A) establishes separate accounts ('designated plus accounts') for the designated plus contributions of each employee and any earnings properly allocable to the contributions, and

"(B) maintains separate recordkeeping with respect to each account.

"(c) DEFINITIONS AND RULES RELATING TO DESIGNATED PLUS CONTRIBUTIONS.—For purposes of this section—

"(1) DESIGNATED PLUS CONTRIBUTION.—The term 'designated plus contribution' means any elective deferral which—

"(A) is excludable from gross income of an employee without regard to this section, and

"(B) the employee designates (at such time and in such manner as the Secretary may prescribe) as not being so excludable.

"(2) DESIGNATION LIMITS.—The amount of elective deferrals which an employee may designate under paragraph (1) shall not exceed the excess (if any) of—

"(A) the maximum amount of elective deferrals excludable from gross income of the employee for the taxable year (without regard to this section), over

"(B) the aggregate amount of elective deferrals of the employee for the taxable year which the employee does not designate under paragraph (1).

"(3) ROLLOVER CONTRIBUTIONS.—

"(A) IN GENERAL.—A rollover contribution of any payment or distribution from a designated plus account which is otherwise allowable under this chapter may be made only if the contribution is to—

"(i) another designated plus account of the individual from whose account the payment or distribution was made, or

"(ii) a Roth IRA of such individual.

"(B) COORDINATION WITH LIMIT.—Any rollover contribution to a designated plus account under subparagraph (A) shall not be taken into account for purposes of paragraph (1).

"(d) DISTRIBUTION RULES.—For purposes of this title—

"(1) EXCLUSION.—Any qualified distribution from a designated plus account shall not be includible in gross income.

"(2) QUALIFIED DISTRIBUTION.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified distribution' has the meaning given such term by section 408A(d)(2)(A) (without regard to clause (iv) thereof).

"(B) DISTRIBUTIONS WITHIN NONEXCLUSION PERIOD.—A payment or distribution from a designated plus account shall not be treated as a qualified distribution if such payment or distribution is made within the 5-taxable-year period beginning with the earlier of—

"(i) the first taxable year for which the individual made a designated plus contribution to any designated plus account established for such individual under the same applicable retirement plan, or

"(ii) if a rollover contribution was made to such designated plus account from a designated plus account previously established for such individual under another applicable retirement plan, the first taxable year for which the individual made a designated plus contribution to such previously established account.

"(C) DISTRIBUTIONS OF EXCESS DEFERRALS AND EARNINGS.—The term 'qualified distribution' shall not include any distribution of any excess deferral under section 402(g)(2) and any income on the excess deferral.

"(3) AGGREGATION RULES.—Section 72 shall be applied separately with respect to distributions and payments from a designated plus account and other distributions and payments from the plan.

"(e) OTHER DEFINITIONS.—For purposes of this section—

"(1) APPLICABLE RETIREMENT PLAN.—The term 'applicable retirement plan' means—

"(A) an employees' trust described in section 401(a) which is exempt from tax under section 501(a), and

"(B) a plan under which amounts are contributed by an individual's employer for an annuity contract described in section 403(b).

"(2) ELECTIVE DEFERRAL.—The term 'elective deferral' means any elective deferral described in subparagraph (A) or (C) of section 402(g)(3).".

(b) EXCESS DEFERRALS.—Section 402(g) (relating to limitation on exclusion for elective deferrals) is amended—

(1) by adding at the end of paragraph (1) the following new sentence: "The preceding sentence shall not apply to so much of such excess as does not exceed the designated plus contributions of the individual for the taxable year.", and

(2) by inserting "(or would be included but for the last sentence thereof)" after "paragraph (1)" in paragraph (2)(A).

(c) ROLLOVERS.—Subparagraph (B) of section 402(c)(8) is amended by adding at the end the following:

"If any portion of an eligible rollover distribution is attributable to payments or distributions from a designated plus account (as defined in section 402A), an eligible retirement plan with respect to such portion shall include only another designated plus account and a Roth IRA.".

(d) REPORTING REQUIREMENTS.—

(1) W–2 INFORMATION.—Section 6051(a)(8) is amended by inserting ", including the amount of designated plus contributions (as defined in section 402A)" before the comma at the end.

(2) INFORMATION.—Section 6047 is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

"(f) DESIGNATED PLUS CONTRIBUTIONS.—The Secretary shall require the plan administrator of each applicable retirement plan (as defined in section 402A) to make such returns and reports regarding designated plus contributions (as so defined) to the Secretary, participants and beneficiaries of the plan, and such other persons as the Secretary may prescribe.".

(e) CONFORMING AMENDMENTS.—

(1) Section 408A(e) is amended by adding after the first sentence the following new sentence: "Such term includes a rollover contribution described in section 402A(c)(3)(A).".

(2) The table of sections for subpart A of part I of subchapter D of chapter 1 is amended by inserting after the item relating to section 402 the following new item:

"Sec. 402A. Optional treatment of elective deferrals as plus contributions.".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 309. REDUCED PBGC PREMIUM FOR NEW PLANS OF SMALL EMPLOYERS.

(a) IN GENERAL.—Subparagraph (A) of section 4006(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)(3)(A)) is amended—

(1) in clause (i), by inserting "other than a new single-employer plan (as defined in subparagraph (F)) maintained by a small employer (as so defined)," after "single-employer plan,",

(2) in clause (iii), by striking the period at the end and inserting ", and", and

(3) by adding at the end the following new clause:

"(iv) in the case of a new single-employer plan (as defined in subparagraph (F)) maintained by a small employer (as so defined) for the plan year, $5 for each individual who is a participant in such plan during the plan year.".

(b) DEFINITION OF NEW SINGLE-EMPLOYER PLAN.—Section 4006(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)(3)) is amended by adding at the end the following new subparagraph:

"(F)(i) For purposes of this paragraph, a single-employer plan maintained by a contributing sponsor shall be treated as a new single-employer plan for each of its first 5 plan years if, during the 36-month period ending on the date of the adoption of such plan, the sponsor or any member of such sponsor's controlled group (or any predecessor of either) had not established or maintained a plan to which this title applies with respect to which benefits were accrued for substantially the same employees as are in the new single-employer plan.

"(ii)(I) For purposes of this paragraph, the term 'small employer' means an employer which on the first day of any plan year has, in aggregation with all members of the controlled group of such employer, 100 or fewer employees.

"(II) In the case of a plan maintained by two or more contributing sponsors that are not part of the same controlled group, the employees of all contributing sponsors and controlled groups of such sponsors shall be aggregated for purposes of determining whether any contributing sponsor is a small employer.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plans established after December 31, 2000.

SEC. 310. REDUCTION OF ADDITIONAL PBGC PREMIUM FOR NEW AND SMALL PLANS.

(a) NEW PLANS.—Subparagraph (E) of section 4006(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)(3)(E)) is amended by adding at the end the following new clause:

"(v) In the case of a new defined benefit plan, the amount determined under clause (ii) for any plan year shall be an amount equal to the product of the amount determined under clause (ii) and the applicable percentage. For purposes of this clause, the term 'applicable percentage' means—

"(I) 0 percent, for the first plan year.

"(II) 20 percent, for the second plan year.

"(III) 40 percent, for the third plan year.

"(IV) 60 percent, for the fourth plan year.

"(V) 80 percent, for the fifth plan year.

For purposes of this clause, a defined benefit plan (as defined in section 3(35)) maintained by a contributing sponsor shall be treated as a new defined benefit plan for its first 5 plan years if, during the 36-month period ending on the date of the adoption of the plan, the sponsor and each member of any controlled group including the sponsor (or any predecessor of either) did not establish or maintain a plan to which this title applies with respect to which benefits were accrued for substantially the same employees as are in the new plan.".

(b) SMALL PLANS.—Paragraph (3) of section 4006(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)) is amended—

(1) by striking "The" in subparagraph (E)(i) and inserting "Except as provided in subparagraph (G), the", and

(2) by inserting after subparagraph (F) the following new subparagraph:

"(G)(i) In the case of an employer who has 25 or fewer employees on the first day of the plan year, the additional premium determined under subparagraph (E) for each participant shall not exceed $5 multiplied by the number of participants in the plan as of the close of the preceding plan year.

"(ii) For purposes of clause (i), whether an employer has 25 or fewer employees on the first day of the plan year is determined taking into consideration all of the employees of all members of the contributing sponsor's controlled group. In the case of a plan maintained by two or more contributing sponsors, the employees of all contributing sponsors and their controlled groups shall be aggregated for purposes of determining whether 25-or-fewer-employees limitation has been satisfied.".

(c) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendments made by subsection (a) shall apply to plans established after December 31, 2000.

(2) SUBSECTION (b).—The amendments made by subsection (b) shall apply to plan years beginning after December 31, 2000.

Subtitle B—Enhancing Fairness for Women

SEC. 321. CATCHUP CONTRIBUTIONS FOR INDIVIDUALS AGE 50 OR OVER.

(a) In General.—Section 414 (relating to definitions and special rules) is amended by adding at the end the following new subsection:

"(v) Catchup Contributions for Individuals Age 50 or Over.—

"(1) In general.—An applicable employer plan shall not be treated as failing to meet any requirement of this title solely because the plan permits an eligible participant to make additional elective deferrals in any plan year.

"(2) Limitation on amount of additional deferrals.—

"(A) In general.—A plan shall not permit additional elective deferrals under paragraph (1) for any year in an amount greater than the lesser of—

"(i) the applicable percentage of the applicable dollar amount for such elective deferrals for such year, or

"(ii) the excess (if any) of—

"(I) the participant's compensation for the year, over

"(II) any other elective deferrals of the participant for such year which are made without regard to this subsection.

"(B) Applicable percentage.—For purposes of this paragraph, the applicable percentage shall be determined in accordance with the following table:

"For taxable years beginning in:	The applicable percentage is:
2001	10 percent
2002	20 percent
2003	30 percent
2004	40 percent
2005 and thereafter	50 percent.

"(3) Treatment of contributions.—In the case of any contribution to a plan under paragraph (1)—

"(A) such contribution shall not, with respect to the year in which the contribution is made—

"(i) be subject to any otherwise applicable limitation contained in section 402(g), 402(h), 403(b), 404(a), 404(h), 408, 415, or 457, or

"(ii) be taken into account in applying such limitations to other contributions or benefits under such plan or any other such plan, and

"(B) such plan shall not be treated as failing to meet the requirements of section 401(a)(4), 401(a)(26), 401(k)(3), 401(k)(11), 401(k)(12), 401(m), 403(b)(12), 408(k), 408(p), 408B, 410(b), or 416 by reason of the making of (or the right to make) such contribution.

"(4) Eligible participant.—For purposes of this subsection, the term 'eligible participant' means, with respect to any plan year, a participant in a plan—

"(A) who has attained the age of 50 before the close of the plan year, and

"(B) with respect to whom no other elective deferrals may (without regard to this subsection) be made to the plan for the plan year by reason of the application of any limitation or other restriction described in paragraph (3) or contained in the terms of the plan.

"(5) Other definitions and rules.—For purposes of this subsection—

"(A) Applicable dollar amount.—The term 'applicable dollar amount' means, with respect to any year, the amount in effect under section 402(g)(1)(B), 408(p)(2)(E)(i), or 457(e)(15)(A), whichever is applicable to an applicable employer plan, for such year.

"(B) Applicable employer plan.—The term 'applicable employer plan' means—

"(i) an employees' trust described in section 401(a) which is exempt from tax under section 501(a),

"(ii) a plan under which amounts are contributed by an individual's employer for an annuity contract described in section 403(b),

"(iii) an eligible deferred compensation plan under section 457 of an eligible employer as defined in section 457(e)(1)(A), and

"(iv) an arrangement meeting the requirements of section 408 (k) or (p).

"(C) Elective deferral.—The term 'elective deferral' has the meaning given such term by subsection (u)(2)(C).

"(D) Exception for section 457 plans.—This subsection shall not apply to an applicable employer plan described in subparagraph (B)(iii) for any year to which section 457(b)(3) applies.".

(b) Effective Date.—The amendment made by this section shall apply to contributions in taxable years beginning after December 31, 2000.

SEC. 322. EQUITABLE TREATMENT FOR CONTRIBUTIONS OF EMPLOYEES TO DEFINED CONTRIBUTION PLANS.

(a) Equitable Treatment.—

(1) In general.—Subparagraph (B) of section 415(c)(1) (relating to limitation for defined contribution plans) is amended by striking "25 percent" and inserting "100 percent".

(2) Application to section 403(b).—Section 403(b) is amended—

(A) by striking "the exclusion allowance for such taxable year" in paragraph (1) and inserting "the applicable limit under section 415",

(B) by striking paragraph (2), and

(C) by inserting "or any amount received by a former employee after the 5th taxable year following the taxable year in which such employee was terminated" before the period at the end of the second sentence of paragraph (3).

(3) Conforming amendments.—

(A) Subsection (f) of section 72 is amended by striking "section 403(b)(2)(D)(iii))" and inserting "section 403(b)(2)(D)(iii), as in effect before the enactment of the Wage and Employment Growth Act of 1999)".

(B) Section 404(a)(10)(B) is amended by striking ", the exclusion allowance under section 403(b)(2),".

(C) Section 415(a)(2) is amended by striking ", and the amount of the contribution for such portion shall reduce the exclusion allowance as provided in section 403(b)(2)".

(D) Section 415(c)(3) is amended by adding at the end the following new subparagraph:

"(E) Annuity contracts.—In the case of an annuity contract described in section 403(b), the term 'participant's compensation' means the participant's includible compensation determined under section 403(b)(3).".

(E) Section 415(c) is amended by striking paragraph (4).

(F) Section 415(c)(7) is amended to read as follows:

"(7) Certain contributions by church plans not treated as exceeding limit.—

"(A) In general.—Notwithstanding any other provision of this subsection, at the election of a participant who is an employee of a church or a convention or association of churches, including an organization described in section 414(e)(3)(B)(ii), contributions and other additions for an annuity contract or retirement income account described in section 403(b) with respect to such participant, when expressed as an annual addition to such participant's account, shall be treated as not exceeding the limitation of paragraph (1) if such annual addition is not in excess of $10,000.

"(B) $40,000 aggregate limitation.—The total amount of additions with respect to any participant which may be taken into account for purposes of this subparagraph for all years may not exceed $40,000.

"(C) Annual addition.—For purposes of this paragraph, the term 'annual addition' has the meaning given such term by paragraph (2).".

(G) Subparagraph (B) of section 402(g)(7) (as redesignated by section 211) is amended by inserting before the period at the end the following: "(as in effect before the enactment of the Wage and Employment Growth Act of 1999)".

(3) Effective date.—The amendments made by this subsection shall apply to years beginning after December 31, 2000.

(b) Special Rules for Sections 403(b) and 408.—

(1) In general.—Subsection (k) of section 415 is amended by adding at the end the following new paragraph:

"(4) Special rules for sections 403(b) and 408.—For purposes of this section, any annuity contract described in section 403(b) for the benefit of a participant shall be treated as a defined contribution plan maintained by each employer with respect to which the participant has the control required under subsection (b) or (c) of section 414 (as modified by subsection (h)). For purposes of this section, any contribution by an employer to a simplified employee pension plan for an individual for a taxable year shall be treated as an employer contribution to a defined contribution plan for such individual for such year.".

(2) Effective date.—

(A) In general.—The amendment made by paragraph (1) shall apply to limitation years beginning after December 31, 1999.

(B) Exclusion allowance.—Effective for limitation years beginning in 2000, in the case of any annuity contract described in section 403(b) of the Internal Revenue Code of 1986, the amount of the contribution disqualified by reason of section 415(g) of such Code shall reduce the exclusion allowance as provided in section 403(b)(2) of such Code.

(3) Modification of 403(b) exclusion allowance to conform to 415 modification.—The Secretary of the Treasury shall modify the regulations regarding the exclusion allowance under section 403(b)(2) of the Internal Revenue Code of 1986 to render void the requirement that contributions to a defined benefit pension plan be treated as previously excluded amounts for purposes of the exclusion allowance. For taxable years beginning after December 31, 1999, such regulations shall be applied as if such requirement were void.

(c) Deferred Compensation Plans of State and Local Governments and Tax-Exempt Organizations.—

(1) In general.—Subparagraph (B) of section 457(b)(2) (relating to salary limitation on eligible deferred compensation plans) is amended by striking "33⅓ percent" and inserting "100 percent".

(2) Effective date.—The amendment made by this subsection shall apply to years beginning after December 31, 2000.

SEC. 323. FASTER VESTING OF CERTAIN EMPLOYER MATCHING CONTRIBUTIONS.

(a) Amendments to 1986 Code.—Section 411(a) (relating to minimum vesting standards) is amended—

(1) in paragraph (2), by striking "A plan" and inserting "Except as provided in paragraph (12), a plan", and

(2) by adding at the end the following:

"(12) Faster vesting for matching contributions.—In the case of matching contributions (as defined in section 401(m)(4)(A)), paragraph (2) shall be applied—

"(A) by substituting '3 years' for '5 years' in subparagraph (A), and

"(B) by substituting the following table for the table contained in subparagraph (B):

"Years of service:	The nonforfeitable percentage is:
2	20
3	40
4	60
5	80
6	100.".

(b) Amendments to ERISA.—Section 203(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1053(a)) is amended—

(1) in paragraph (2), by striking "A plan" and inserting "Except as provided in paragraph (4), a plan", and

(2) by adding at the end the following:

"(4) Faster vesting for matching contributions.—In the case of matching contributions (as defined in section 401(m)(4)(A) of the Internal Revenue Code of 1986), paragraph (2) shall be applied—

"(A) by substituting '3 years' for '5 years' in subparagraph (A), and

"(B) by substituting the following table for the table contained in subparagraph (B):

"Years of service:	The nonforfeitable percentage is:
2	20
3	40
4	60
5	80
6	100.".

(c) Effective Dates.—

(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall apply to contributions for plan years beginning after December 31, 2000.

(2) Collective bargaining agreements.—In the case of a plan maintained pursuant to one or more collective bargaining agreements between employee representatives and one or more employers ratified by the date of the enactment of this Act, the amendments made by this section shall not apply to contributions on behalf of employees covered by any such agreement for plan years beginning before the earlier of—

(A) the later of—

(i) the date on which the last of such collective bargaining agreements terminates (determined without regard to any extension thereof on or after such date of the enactment), or

(ii) January 1, 2001, or

(B) January 1, 2005.

(3) Service required.—With respect to any plan, the amendments made by this section shall not apply to any employee before the date that such employee has 1 hour of service under such plan in any plan year to which the amendments made by this section apply.

SEC. 324. SIMPLIFY AND UPDATE THE MINIMUM DISTRIBUTION RULES.

(a) Simplification and Finalization of Minimum Distribution Requirements.—

(1) In general.—The Secretary of the Treasury shall—

(A) simplify and finalize the regulations relating to minimum distribution requirements under sections 401(a)(9), 408(a)(6) and (b)(3), 403(b)(10), and 457(d)(2) of the Internal Revenue Code of 1986, and

(B) modify such regulations to—

(i) reflect current life expectancy, and

(ii) revise the required distribution methods so that, under reasonable assumptions, the amount of the required minimum distribution does not decrease over a participant's life expectancy.

(2) Fresh start.—Notwithstanding subparagraph (D) of section 401(a)(9) of such Code, during the first year that regulations are in effect under this subsection, required distributions for future years may be redetermined to reflect changes under such regulations. Such redetermination shall include the opportunity to choose a new designated beneficiary and to elect a new method of calculating life expectancy.

(3) Effective date for regulations.—Regulations referred to in paragraph (1) shall be effective for years beginning after December 31, 2000, and shall apply in such years without regard to whether an individual had previously begun receiving minimum distributions.

(b) Repeal of Rule Where Distributions Had Begun Before Death Occurs.—

(1) In general.—Subparagraph (B) of section 401(a)(9) is amended by striking clause (i) and redesignating clauses (ii), (iii), and (iv) as clauses (i), (ii), and (iii), respectively.

(2) Conforming changes.—

(A) Clause (i) of section 401(a)(9)(B) (as so redesignated) is amended—

(i) by striking "for other cases" in the heading, and

(ii) by striking "the distribution of the employee's interest has begun in accordance with subparagraph (A)(ii)" and inserting "his entire interest has been distributed to him,".

(B) Clause (ii) of section 401(a)(9)(B) (as so redesignated) is amended by striking "clause (ii)" and inserting "clause (i)".

(C) Clause (iii) of section 401(a)(9)(B) (as so redesignated) is amended—

(i) by striking "clause (iii)(I)" and inserting "clause (ii)(I)",

(ii) by striking "clause (iii)(III)" in subclause (I) and inserting "clause (ii)(III)",

(iii) by striking "the date on which the employee would have attained the age 70½," in subclause (I) and inserting "April 1 of the calendar year following the calendar year in which the spouse attains 70½,", and

(iv) by striking "the distributions to such spouse begin," in subclause (II) and inserting "his entire interest has been distributed to him,".

(3) Effective date.—The amendments made by this subsection shall apply to years beginning after December 31, 2000.

(c) Reduction in Excise Tax.—

(1) In general.—Subsection (a) of section 4974 is amended by striking "50 percent" and inserting "10 percent".

(2) Effective date.—The amendment made by this subsection shall apply to years beginning after December 31, 2000.

SEC. 325. CLARIFICATION OF TAX TREATMENT OF DIVISION OF SECTION 457 PLAN BENEFITS UPON DIVORCE.

(a) In General.—Section 414(p)(11) (relating to application of rules to governmental and church plans) is amended—

(1) by inserting "or an eligible deferred compensation plan (within the meaning of section 457(b))" after "subsection (e))", and

(2) in the heading, by striking "governmental and church plans" and inserting "certain other plans".

(b) Waiver of Certain Distribution Requirements.—Paragraph (10) of section 414(p) is amended by striking "and section 409(d)" and inserting "section 409(d), and section 457(d)".

(c) Tax Treatment of Payments From a Section 457 Plan.—Subsection (p) of section 414 is amended by redesignating paragraph (12) as paragraph (13) and inserting after paragraph (11) the following new paragraph:

"(12) Tax treatment of payments from a section 457 plan.—If a distribution or payment from an eligible deferred compensation plan described in section 457(b) is made pursuant to a qualified domestic relations order, rules similar to the rules of section 402(e)(1)(A) shall apply to such distribution or payment.".

(d) Effective Date.—The amendments made by this section shall apply to transfers, distributions, and payments made after December 31, 2000.

SEC. 326. MODIFICATION OF SAFE HARBOR RELIEF FOR HARDSHIP WITHDRAWALS FROM CASH OR DEFERRED ARRANGEMENTS.

(a) In General.—The Secretary of the Treasury shall revise the regulations relating to hardship distributions under section 401(k)(2)(B)(i)(IV) of the Internal Revenue Code of 1986 to provide that the period an employee is prohibited from making elective and employee contributions in order for a distribution to be deemed necessary to satisfy financial need shall be equal to 6 months.

(b) Effective Date.—The revised regulations under subsection (a) shall apply to years beginning after December 31, 2000.

Subtitle C—Increasing Portability for Participants

SEC. 331. ROLLOVERS ALLOWED AMONG VARIOUS TYPES OF PLANS.

(a) Rollovers From and to Section 457 Plans.—

(1) Rollovers from section 457 plans.—

(A) In general.—Section 457(e) (relating to other definitions and special rules) is amended by adding at the end the following:

"(16) Rollover amounts.—

"(A) General rule.—In the case of an eligible deferred compensation plan established and maintained by an employer described in subsection (e)(1)(A), if—

"(i) any portion of the balance to the credit of an employee in such plan is paid to such employee in an eligible rollover distribution (within the meaning of section 402(c)(4) without regard to subparagraph (C) thereof),

"(ii) the employee transfers any portion of the property such employee receives in such distribution to an eligible retirement plan described in section 402(c)(8)(B), and

"(iii) in the case of a distribution of property other than money, the amount so transferred consists of the property distributed,

then such distribution (to the extent so transferred) shall not be includible in gross income for the taxable year in which paid.

"(B) Certain rules made applicable.—The rules of paragraphs (2) through (7) (other than paragraph (4)(C)) and (9) of section 402(c) and section 402(f) shall apply for purposes of subparagraph (A).

"(C) Reporting.—Rollovers under this paragraph shall be reported to the Secretary in the same manner as rollovers from qualified retirement plans (as defined in section 4974(c)).".

(B) Deferral limit determined without regard to rollover amounts.—Section 457(b)(2) (defining eligible deferred compensation plan) is amended by inserting "(other than rollover amounts)" after "taxable year".

(C) Direct rollover.—Paragraph (1) of section 457(d) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", and", and by inserting after subparagraph (B) the following:

"(C) in the case of a plan maintained by an employer described in subsection (e)(1)(A), the plan meets requirements similar to the requirements of section 401(a)(31).

Any amount transferred in a direct trustee-to-trustee transfer in accordance with section 401(a)(31) shall not be includible in gross income for the taxable year of transfer.".

(D) WITHHOLDING.—

(i) Paragraph (12) of section 3401(a) is amended by adding at the end the following:

"(E) under or to an eligible deferred compensation plan which, at the time of such payment, is a plan described in section 457(b) maintained by an employer described in section 457(e)(1)(A); or".

(ii) Paragraph (3) of section 3405(c) is amended to read as follows:

"(3) ELIGIBLE ROLLOVER DISTRIBUTION.—For purposes of this subsection, the term 'eligible rollover distribution' has the meaning given such term by section 402(f)(2)(A).".

(iii) LIABILITY FOR WITHHOLDING.—Subparagraph (B) of section 3405(d)(2) is amended by striking "or" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", or", and by adding at the end the following:

"(iv) section 457(b).".

(2) ROLLOVERS TO SECTION 457 PLANS.—

(A) IN GENERAL.—Section 402(c)(8)(B) (defining eligible retirement plan) is amended by striking "and" at the end of clause (iii), by striking the period at the end of clause (iv) and inserting ", and", and by inserting after clause (iv) the following new clause:

"(v) an eligible deferred compensation plan described in section 457(b) of an employer described in section 457(e)(1)(A).".

(B) SEPARATE ACCOUNTING.—Section 402(c) is amended by adding at the end the following new paragraph:

"(11) SEPARATE ACCOUNTING.—Unless a plan described in clause (v) of paragraph (8)(B) agrees to separately account for amounts rolled into such plan from eligible retirement plans not described in such clause, the plan described in such clause may not accept transfers or rollovers from such retirement plans.".

(C) 10 PERCENT ADDITIONAL TAX.—Subsection (t) of section 72 (relating to 10-percent additional tax on early distributions from qualified retirement plans) is amended by adding at the end the following new paragraph:

"(9) SPECIAL RULE FOR ROLLOVERS TO SECTION 457 PLANS.—For purposes of this subsection, a distribution from an eligible deferred compensation plan (as defined in section 457(b)) of an employer described in section 457(e)(1)(A) shall be treated as a distribution from a qualified retirement plan described in 4974(c)(1) to the extent that such distribution is attributable to an amount transferred to an eligible deferred compensation plan from a qualified retirement plan (as defined in section 4974(c)).".

(b) ALLOWANCE OF ROLLOVERS FROM AND TO 403 (b) PLANS.—

(1) ROLLOVERS FROM SECTION 403 (b) PLANS.—Section 403(b)(8)(A)(ii) (relating to rollover amounts) is amended by striking "such distribution" and all that follows and inserting "such distribution to an eligible retirement plan described in section 402(c)(8)(B), and".

(2) ROLLOVERS TO SECTION 403 (b) PLANS.—Section 402(c)(8)(B) (defining eligible retirement plan), as amended by subsection (a), is amended by striking "and" at the end of clause (iv), by striking the period at the end of clause (v) and inserting ", and", and by inserting after clause (v) the following new clause:

"(vi) an annuity contract described in section 403(b).".

(c) EXPANDED EXPLANATION TO RECIPIENTS OF ROLLOVER DISTRIBUTIONS.—Paragraph (1) of section 402(f) (relating to written explanation to recipients of distributions eligible for rollover treatment) is amended by striking "and" at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting ", and", and by adding at the end the following new subparagraph:

"(E) of the provisions under which distributions from the eligible retirement plan receiving the distribution may be subject to restrictions and tax consequences which are different from those applicable to distributions from the plan making such distribution.".

(d) SPOUSAL ROLLOVERS.—Section 402(c)(9) (relating to rollover where spouse receives distribution after death of employee) is amended by striking "; except that" and all that follows up to the end period.

(e) CONFORMING AMENDMENTS.—

(1) Section 72(o)(4) is amended by striking "and 408(d)(3)" and inserting "403(b)(8), 408(d)(3), and 457(e)(16)".

(2) Section 219(d)(2) is amended by striking "or 408(d)(3)" and inserting "408(d)(3), or 457(e)(16)".

(3) Section 401(a)(31)(B) is amended by striking "and 403(a)(4)" and inserting ", 403(a)(4), 403(b)(8), and 457(e)(16)".

(4) Subparagraph (A) of section 402(f)(2) is amended by striking "or paragraph (4) of section 403(a)" and inserting ", paragraph (4) of section 403(a), subparagraph (A) of section 403(b)(8), or subparagraph (A) of section 457(e)(16)".

(5) Paragraph (1) of section 402(f) is amended by striking "from an eligible retirement plan".

(6) Subparagraphs (A) and (B) of section 402(f)(1) are amended by striking "another eligible retirement plan" and inserting "an eligible retirement plan".

(7) Subparagraph (B) of section 403(b)(8) is amended to read as follows:

"(B) CERTAIN RULES MADE APPLICABLE.—The rules of paragraphs (2) through (7) and (9) of section 402(c) and section 402(f) shall apply for purposes of subparagraph (A), except that section 402(f) shall be applied to the payor in lieu of the plan administrator.".

(8) Section 408(a)(1) is amended by striking "or 403(b)(8)" and inserting ", 403(b)(8), or 457(e)(16)".

(9) Subparagraphs (A) and (B) of section 415(b)(2) are each amended by striking "and 408(d)(3)" and inserting "403(b)(8), 408(d)(3), and 457(e)(16)".

(10) Section 415(c)(2) is amended by striking "and 408(d)(3)" and inserting "408(d)(3), and 457(e)(16)".

(11) Section 4973(b)(1)(A) is amended by striking "or 408(d)(3)" and inserting "408(d)(3), or 457(e)(16)".

(f) EFFECTIVE DATE; SPECIAL RULE.—

(1) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after December 31, 2000.

(2) SPECIAL RULE.—Notwithstanding any other provision of law, subsections (h)(3) and (h)(5) of section 1122 of the Tax Reform Act of 1986 shall not apply to any distribution from an eligible retirement plan (as defined in clause (iii) or (iv) of section 402(c)(8)(B) of the Internal Revenue Code of 1986) on behalf of an individual if there was a rollover to such plan on behalf of such individual which is permitted solely by reason of any amendment made by this section.

SEC. 332. ROLLOVERS OF IRAS INTO WORKPLACE RETIREMENT PLANS.

(a) IN GENERAL.—Subparagraph (A) of section 408(d)(3) (relating to rollover amounts) is amended by adding "or" at the end of clause (i), by striking clauses (ii) and (iii), and by adding at the end the following:

"(ii) the entire amount received (including money and any other property) is paid into an eligible retirement plan for the benefit of such individual not later than the 60th day after the date on which the payment or distribution is received, except that the maximum amount which may be paid into such plan may not exceed the portion of the amount received which is includible in gross income (determined without regard to this paragraph).

For purposes of clause (ii), the term 'eligible retirement plan' means an eligible retirement plan described in clause (iii), (iv), (v), or (vi) of section 402(c)(8)(B).".

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 403(b) is amended by striking "section 408(d)(3)(A)(iii)" and inserting "section 408(d)(3)(A)(ii)".

(2) Clause (i) of section 408(d)(3)(D) is amended by striking "(i), (ii), or (iii)" and inserting "(i) or (ii)".

(3) Subparagraph (G) of section 408(d)(3) is amended to read as follows:

"(G) SIMPLE RETIREMENT ACCOUNTS.—In the case of any payment or distribution out of a simple retirement account (as defined in subsection (p)) to which section 72(t)(6) applies, this paragraph shall not apply unless such payment or distribution is paid into another simple retirement account.".

(c) EFFECTIVE DATE; SPECIAL RULE.—

(1) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after December 31, 2000.

(2) SPECIAL RULE.—Notwithstanding any other provision of law, subsections (h)(3) and (h)(5) of section 1122 of the Tax Reform Act of 1986 shall not apply to any distribution from an eligible retirement plan (as defined in clause (iii) or (iv) of section 402(c)(8)(B) of the Internal Revenue Code of 1986) on behalf of an individual if there was a rollover to such plan on behalf of such individual which is permitted solely by reason of the amendments made by this section.

SEC. 333. ROLLOVERS OF AFTER-TAX CONTRIBUTIONS.

(a) ROLLOVERS FROM EXEMPT TRUSTS.—Paragraph (2) of section 402(c) (relating to maximum amount which may be rolled over) is amended by adding at the end the following: "The preceding sentence shall not apply to such distribution to the extent—

"(A) such portion is transferred in a direct trustee-to-trustee transfer to a qualified trust which is part of a plan which is a defined contribution plan and which agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution which is includible in gross income and the portion of such distribution which is not so includible, or

"(B) such portion is transferred to an eligible retirement plan described in clause (i) or (ii) of paragraph (8)(B).".

(b) OPTIONAL DIRECT TRANSFER OF ELIGIBLE ROLLOVER DISTRIBUTIONS.—Subparagraph (B) of section 401(a)(31) (relating to limitation) is amended by adding at the end the following: "The preceding sentence shall not apply to such distribution if the plan to which such distribution is transferred—

"(i) agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution which is includible in gross income and the portion of such distribution which is not so includible, or

“(ii) is an eligible retirement plan described in clause (i) or (ii) of section 402(c)(8)(B).”.

(c) RULES FOR APPLYING SECTION 72 TO IRAS.—Paragraph (3) of section 408(d) (relating to special rules for applying section 72) is amended by inserting at the end the following:

“(H) APPLICATION OF SECTION 72.—

“(i) IN GENERAL.—If—

“(I) a distribution is made from an individual retirement plan, and

“(II) a rollover contribution is made to an eligible retirement plan described in section 402(c)(8)(B)(iii), (iv), (v), or (vi) with respect to all or part of such distribution,

then, notwithstanding paragraph (2), the rules of clause (ii) shall apply for purposes of applying section 72.

“(ii) APPLICABLE RULES.—In the case of a distribution described in clause (i)—

“(I) section 72 shall be applied separately to such distribution,

“(II) notwithstanding the pro rata allocation of income on, and investment in, the contract to distributions under section 72, the portion of such distribution rolled over to an eligible retirement plan described in clause (i) shall be treated as from income on the contract (to the extent of the aggregate income on the contract from all individual retirement plans of the distributee), and

“(III) appropriate adjustments shall be made in applying section 72 to other distributions in such taxable year and subsequent taxable years.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions made after December 31, 2000.

SEC. 334. HARDSHIP EXCEPTION TO 60-DAY RULE.

(a) EXEMPT TRUSTS.—Paragraph (3) of section 402(c) (relating to transfer must be made within 60 days of receipt) is amended to read as follows:

“(3) TRANSFER MUST BE MADE WITHIN 60 DAYS OF RECEIPT.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), paragraph (1) shall not apply to any transfer of a distribution made after the 60th day following the day on which the distributee received the property distributed.

“(B) HARDSHIP EXCEPTION.—The Secretary may waive the 60-day requirement under subparagraph (A) where the failure to waive such requirement would be against equity or good conscience, including casualty, disaster, or other events beyond the reasonable control of the individual subject to such requirement.”.

(b) IRAS.—Paragraph (3) of section 408(d) (relating to rollover contributions), as amended by section 229, is amended by adding after subparagraph (H) the following new subparagraph:

“(I) WAIVER OF 60-DAY REQUIREMENT.—The Secretary may waive the 60-day requirement under subparagraphs (A) and (D) where the failure to waive such requirement would be against equity or good conscience, including casualty, disaster, or other events beyond the reasonable control of the individual subject to such requirement.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after December 31, 2000.

SEC. 335. TREATMENT OF FORMS OF DISTRIBUTION.

(a) PLAN TRANSFERS.—

(1) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Paragraph (6) of section 411(d) (relating to accrued benefit not to be decreased by amendment) is amended by adding at the end the following:

“(D) PLAN TRANSFERS.—

“(i) A defined contribution plan (in this subparagraph referred to as the ‘transferee plan’) shall not be treated as failing to meet the requirements of this subsection merely because the transferee plan does not provide some or all of the forms of distribution previously available under another defined contribution plan (in this subparagraph referred to as the ‘transferor plan’) to the extent that—

“(I) the forms of distribution previously available under the transferor plan applied to the account of a participant or beneficiary under the transferor plan that was transferred from the transferor plan to the transferee plan pursuant to a direct transfer rather than pursuant to a distribution from the transferor plan,

“(II) the terms of both the transferor plan and the transferee plan authorize the transfer described in subclause (I),

“(III) the transfer described in subclause (I) was made pursuant to a voluntary election by the participant or beneficiary whose account was transferred to the transferee plan,

“(IV) the election described in subclause (III) was made after the participant or beneficiary received a notice describing the consequences of making the election,

“(V) if the transferor plan provides for an annuity as the normal form of distribution under the plan in accordance with section 417, the transfer is made with the consent of the participant's spouse (if any), and such consent meets requirements similar to the requirements imposed by section 417(a)(2), and

“(VI) the transferee plan allows the participant or beneficiary described in clause (iii) to receive any distribution to which the participant or beneficiary is entitled under the transferee plan in the form of a single sum distribution.

“(ii) Clause (i) shall apply to plan mergers and other transactions having the effect of a direct transfer, including consolidations of benefits attributable to different employers within a multiple employer plan.

“(E) ELIMINATION OF FORM OF DISTRIBUTION.—Except to the extent provided in regulations, a defined contribution plan shall not be treated as failing to meet the requirements of this section merely because of the elimination of a form of distribution previously available thereunder. This subparagraph shall not apply to the elimination of a form of distribution with respect to any participant unless—

“(i) a single sum payment is available to such participant at the same time or times as the form of distribution being eliminated, and

“(ii) such single sum payment is based on the same or greater portion of the participant's account as the form of distribution being eliminated.”.

(2) AMENDMENT TO ERISA.—Section 204(g) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(g)) is amended by adding at the end the following:

“(4)(A) A defined contribution plan (in this subparagraph referred to as the ‘transferee plan’) shall not be treated as failing to meet the requirements of this subsection merely because the transferee plan does not provide some or all of the forms of distribution previously available under another defined contribution plan (in this subparagraph referred to as the ‘transferor plan’) to the extent that—

“(i) the forms of distribution previously available under the transferor plan applied to the account of a participant or beneficiary under the transferor plan that was transferred from the transferor plan to the transferee plan pursuant to a direct transfer rather than pursuant to a distribution from the transferor plan;

“(ii) the terms of both the transferor plan and the transferee plan authorize the transfer described in clause (i);

“(iii) the transfer described in clause (i) was made pursuant to a voluntary election by the participant or beneficiary whose account was transferred to the transferee plan;

“(iv) the election described in clause (iii) was made after the participant or beneficiary received a notice describing the consequences of making the election;

“(v) if the transferor plan provides for an annuity as the normal form of distribution under the plan in accordance with section 205, the transfer is made with the consent of the participant's spouse (if any), and such consent meets requirements similar to the requirements imposed by section 205(c)(2); and

“(vi) the transferee plan allows the participant or beneficiary described in clause (iii) to receive any distribution to which the participant or beneficiary is entitled under the transferee plan in the form of a single sum distribution.

“(B) Subparagraph (A) shall apply to plan mergers and other transactions having the effect of a direct transfer, including consolidations of benefits attributable to different employers within a multiple employer plan.

“(5) ELIMINATION OF FORM OF DISTRIBUTION.—Except to the extent provided in regulations, a defined contribution plan shall not be treated as failing to meet the requirements of this section merely because of the elimination of a form of distribution previously available thereunder. This paragraph shall not apply to the elimination of a form of distribution with respect to any participant unless—

“(A) a single sum payment is available to such participant at the same time or times as the form of distribution being eliminated; and

“(B) such single sum payment is based on the same or greater portion of the participant's account as the form of distribution being eliminated.”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to years beginning after December 31, 2000.

(b) REGULATIONS.—

(1) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—The last sentence of paragraph (6)(B) of section 411(d) (relating to accrued benefit not to be decreased by amendment) is amended to read as follows: “The Secretary shall by regulations provide that this subparagraph shall not apply to any plan amendment that does not adversely affect the rights of participants in a material manner.”.

(2) AMENDMENT TO ERISA.—The last sentence of section 204(g)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(g)(2)) is amended to read as follows: “The Secretary of the Treasury shall by regulations provide that this paragraph shall not apply to any plan amendment that does not adversely affect the rights of participants in a material manner.”.

(3) SECRETARY DIRECTED.—Not later than December 31, 2001, the Secretary of the Treasury is directed to issue final regulations under section 411(d)(6) of the Internal Revenue Code of 1986 and section 204(g) of the

Employee Retirement Income Security Act of 1974, including the regulations required by the amendments made by this subsection. Such regulations shall apply to plan years beginning after December 31, 2001, or such earlier date as is specified by the Secretary of the Treasury.

SEC. 336. RATIONALIZATION OF RESTRICTIONS ON DISTRIBUTIONS.

(a) MODIFICATION OF SAME DESK EXCEPTION.—

(1) SECTION 401(k).—

(A) Section 401(k)(2)(B)(i)(I) (relating to qualified cash or deferred arrangements) is amended by striking "separation from service" and inserting "severance from employment".

(B) Subparagraph (A) of section 401(k)(10) (relating to distributions upon termination of plan or disposition of assets or subsidiary) is amended to read as follows:

"(A) IN GENERAL.—An event described in this subparagraph is the termination of the plan without establishment or maintenance of another defined contribution plan (other than an employee stock ownership plan as defined in section 4975(e)(7)).".

(C) Section 401(k)(10) is amended—

(i) in subparagraph (B)—

(I) by striking "An event" in clause (i) and inserting "A termination", and

(II) by striking "the event" in clause (i) and inserting "the termination",

(ii) by striking subparagraph (C), and

(iii) by striking "OR DISPOSITION OF ASSETS OR SUBSIDIARY" in the heading.

(2) SECTION 403(b).—

(A) Paragraphs (7)(A)(ii) and (11)(A) of section 403(b) are each amended by striking "separates from service" and inserting "has a severance from employment".

(B) The heading for paragraph (11) of section 403(b) is amended by striking "SEPARATION FROM SERVICE" and inserting "SEVERANCE FROM EMPLOYMENT".

(3) SECTION 457.—Clause (ii) of section 457(d)(1)(A) is amended by striking "is separated from service" and inserting "has a severance from employment".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after December 31, 2000.

SEC. 337. PURCHASE OF SERVICE CREDIT IN GOVERNMENTAL DEFINED BENEFIT PLANS.

(a) 403(b) PLANS.—Subsection (b) of section 403 is amended by adding at the end the following new paragraph:

"(13) TRUSTEE-TO-TRUSTEE TRANSFERS TO PURCHASE PERMISSIVE SERVICE CREDIT.—No amount shall be includible in gross income by reason of a direct trustee-to-trustee transfer to a defined benefit governmental plan (as defined in section 414(d)) if such transfer is—

"(A) for the purchase of permissive service credit (as defined in section 415(n)(3)(A)) under such plan, or

"(B) a repayment to which section 415 does not apply by reason of subsection (k)(3) thereof.".

(b) 457 PLANS.—

(1) Subsection (e) of section 457 is amended by adding after paragraph (16) the following new paragraph:

"(17) TRUSTEE-TO-TRUSTEE TRANSFERS TO PURCHASE PERMISSIVE SERVICE CREDIT.—No amount shall be includible in gross income by reason of a direct trustee-to-trustee transfer to a defined benefit governmental plan (as defined in section 414(d)) if such transfer is—

"(A) for the purchase of permissive service credit (as defined in section 415(n)(3)(A)) under such plan, or

"(B) a repayment to which section 415 does not apply by reason of subsection (k)(3) thereof.".

(2) Section 457(b)(2) is amended by striking "(other than rollover amounts)" and inserting "(other than rollover amounts and amounts received in a transfer referred to in subsection (e)(17))".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to trustee-to-trustee transfers after December 31, 2000.

SEC. 338. EMPLOYERS MAY DISREGARD ROLLOVERS FOR PURPOSES OF CASH-OUT AMOUNTS.

(a) QUALIFIED PLANS.—

(1) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Section 411(a)(11) (relating to restrictions on certain mandatory distributions) is amended by adding at the end the following:

"(D) SPECIAL RULE FOR ROLLOVER CONTRIBUTIONS.—A plan shall not fail to meet the requirements of this paragraph if, under the terms of the plan, the present value of the nonforfeitable accrued benefit is determined without regard to that portion of such benefit which is attributable to rollover contributions (and earnings allocable thereto). For purposes of this subparagraph, the term 'rollover contributions' means any rollover contribution under sections 402(c), 403(a)(4), 403(b)(8), 408(d)(3)(A)(ii), and 457(e)(16).".

(2) AMENDMENT TO ERISA.—Section 203(e) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1053(c)) is amended by adding at the end the following:

"(4) A plan shall not fail to meet the requirements of this subsection if, under the terms of the plan, the present value of the nonforfeitable accrued benefit is determined without regard to that portion of such benefit which is attributable to rollover contributions (and earnings allocable thereto). For purposes of this subparagraph, the term 'rollover contributions' means any rollover contribution under sections 402(c), 403(a)(4), 403(b)(8), 408(d)(3)(A)(ii), and 457(e)(16) of the Internal Revenue Code of 1986.".

(b) ELIGIBLE DEFERRED COMPENSATION PLANS.—Clause (i) of section 457(e)(9)(A) is amended by striking "such amount" and inserting "the portion of such amount which is not attributable to rollover contributions (as defined in section 411(a)(11)(D))".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after December 31, 2000.

SEC. 339. MINIMUM DISTRIBUTION AND INCLUSION REQUIREMENTS FOR SECTION 457 PLANS.

(a) MINIMUM DISTRIBUTION REQUIREMENTS.—Paragraph (2) of section 457(d) (relating to distribution requirements) is amended to read as follows:

"(2) MINIMUM DISTRIBUTION REQUIREMENTS.—A plan meets the minimum distribution requirements of this paragraph if such plan meets the requirements of section 401(a)(9).".

(b) INCLUSION IN GROSS INCOME.—

(1) YEAR OF INCLUSION.—Subsection (a) of section 457 (relating to year of inclusion in gross income) is amended to read as follows:

"(a) YEAR OF INCLUSION IN GROSS INCOME.—

"(1) IN GENERAL.—Any amount of compensation deferred under an eligible deferred compensation plan, and any income attributable to the amounts so deferred, shall be includible in gross income only for the taxable year in which such compensation or other income—

"(A) is paid to the participant or other beneficiary, in the case of a plan of an eligible employer described in subsection (e)(1)(A), and

"(B) is paid or otherwise made available to the participant or other beneficiary, in the case of a plan of an eligible employer described in subsection (e)(1)(B).

"(2) SPECIAL RULE FOR ROLLOVER AMOUNTS.—To the extent provided in section 72(t)(9), section 72(t) shall apply to any amount includible in gross income under this subsection.".

(2) CONFORMING AMENDMENTS.—

(A) So much of paragraph (9) of section 457(e) as precedes subparagraph (A) is amended to read as follows:

"(9) BENEFITS OF TAX EXEMPT ORGANIZATION PLANS NOT TREATED AS MADE AVAILABLE BY REASON OF CERTAIN ELECTIONS, ETC.—In the case of an eligible deferred compensation plan of an employer described in subsection (e)(1)(B)—".

(B) Section 457(d) is amended by adding at the end the following new paragraph:

"(3) SPECIAL RULE FOR GOVERNMENT PLAN.—An eligible deferred compensation plan of an employer described in subsection (e)(1)(A) shall not be treated as failing to meet the requirements of this subsection solely by reason of making a distribution described in subsection (e)(9)(A).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after December 31, 2000.

Subtitle D—Strengthening Pension Security and Enforcement

SEC. 341. REPEAL OF 150 PERCENT OF CURRENT LIABILITY FUNDING LIMIT.

(a) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Section 412(c)(7) (relating to full-funding limitation) is amended—

(1) by striking "the applicable percentage" in subparagraph (A)(i)(I) and inserting "in the case of plan years beginning before January 1, 2004, the applicable percentage", and

(2) by amending subparagraph (F) to read as follows:

"(F) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A)(i)(I), the applicable percentage shall be determined in accordance with the following table:

"In the case of any plan the beginning in—	**The applicable percentage is—**
2001	160
2002	165
2003	170.".

(b) AMENDMENT TO ERISA.—Section 302(c)(7) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1082(c)(7)) is amended—

(1) by striking "the applicable percentage" in subparagraph (A)(i)(I) and inserting "in the case of plan years beginning before January 1, 2004, the applicable percentage", and

(2) by amending subparagraph (F) to read as follows:

"(F) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A)(i)(I), the applicable percentage shall be determined in accordance with the following table:

"In the case of any plan year beginning in—	**The applicable percentage is—**
2001	160
2002	165
2003	170.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2000.

SEC. 342. MAXIMUM CONTRIBUTION DEDUCTION RULES MODIFIED AND APPLIED TO ALL DEFINED BENEFIT PLANS.

(a) IN GENERAL.—Subparagraph (D) of section 404(a)(1) (relating to special rule in case of certain plans) is amended to read as follows:

"(D) SPECIAL RULE IN CASE OF CERTAIN PLANS.—

``(i) In general.—In the case of any defined benefit plan, except as provided in regulations, the maximum amount deductible under the limitations of this paragraph shall not be less than the unfunded termination liability (determined as if the proposed termination date referred to in section 4041(b)(2)(A)(i)(II) of the Employee Retirement Income Security Act of 1974 were the last day of the plan year).

``(ii) Plans with less than 100 participants.—For purposes of this subparagraph, in the case of a plan which has less than 100 participants for the plan year, termination liability shall not include the liability attributable to benefit increases for highly compensated employees (as defined in section 414(q)) resulting from a plan amendment which is made or becomes effective, whichever is later, within the last 2 years before the termination date.

``(iii) Rule for determining number of participants.—For purposes of determining whether a plan has more than 100 participants, all defined benefit plans maintained by the same employer (or any member of such employer's controlled group (within the meaning of section 412(l)(8)(C))) shall be treated as one plan, but only employees of such member or employer shall be taken into account.

``(iv) Plans established and maintained by professional service employers.—Clause (i) shall not apply to a plan described in section 4021(b)(13) of the Employee Retirement Income Security Act of 1974.''.

(b) Conforming Amendment.—Paragraph (6) of section 4972(c) is amended to read as follows:

``(6) Exceptions.—In determining the amount of nondeductible contributions for any taxable year, there shall not be taken into account so much of the contributions to one or more defined contribution plans which are not deductible when contributed solely because of section 404(a)(7) as does not exceed the greater of—

``(A) the amount of contributions not in excess of 6 percent of compensation (within the meaning of section 404(a)) paid or accrued (during the taxable year for which the contributions were made) to beneficiaries under the plans, or

``(B) the sum of—

``(i) the amount of contributions described in section 401(m)(4)(A), plus

``(ii) the amount of contributions described in section 402(g)(3)(A).

For purposes of this paragraph, the deductible limits under section 404(a)(7) shall first be applied to amounts contributed to a defined benefit plan and then to amounts described in subparagraph (B).''.

(c) Effective Date.—The amendments made by this section shall apply to plan years beginning after December 31, 2000.

SEC. 343. MISSING PARTICIPANTS.

(a) In General.—Section 4050 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1350) is amended by redesignating subsection (c) as subsection (e) and by inserting after subsection (b) the following:

``(c) Multiemployer Plans.—The corporation shall prescribe rules similar to the rules in subsection (a) for multiemployer plans covered by this title that terminate under section 4041A.

``(d) Plans Not Otherwise Subject to Title.—

``(1) Transfer to corporation.—The plan administrator of a plan described in paragraph (4) may elect to transfer a missing participant's benefits to the corporation upon termination of the plan.

``(2) Information to the corporation.—To the extent provided in regulations, the plan administrator of a plan described in paragraph (4) shall, upon termination of the plan, provide the corporation information with respect to benefits of a missing participant if the plan transfers such benefits—

``(A) to the corporation, or

``(B) to an entity other than the corporation or a plan described in paragraph (4)(B)(ii).

``(3) Payment by the corporation.—If benefits of a missing participant were transferred to the corporation under paragraph (1), the corporation shall, upon location of the participant or beneficiary, pay to the participant or beneficiary the amount transferred (or the appropriate survivor benefit) either—

``(A) in a single sum (plus interest), or

``(B) in such other form as is specified in regulations of the corporation.

``(4) Plans described.—A plan is described in this paragraph if—

``(A) the plan is a pension plan (within the meaning of section 3(2))—

``(i) to which the provisions of this section do not apply (without regard to this subsection), and

``(ii) which is not a plan described in paragraphs (2) through (11) of section 4021(b), and

``(B) at the time the assets are to be distributed upon termination, the plan—

``(i) has missing participants, and

``(ii) has not provided for the transfer of assets to pay the benefits of all missing participants to another pension plan (within the meaning of section 3(2)).

``(5) Certain provisions not to apply.—Subsections (a)(1) and (a)(3) shall not apply to a plan described in paragraph (4).''.

(b) Effective Date.—The amendment made by this section shall apply to distributions made after final regulations implementing subsections (c) and (d) of section 4050 of the Employee Retirement Income Security Act of 1974 (as added by subsection (a)), respectively, are prescribed.

SEC. 344. PERIODIC PENSION BENEFITS STATEMENTS.

(a) In General.—Section 105(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1025 (a)) is amended to read as follows:

``(a)(1) Except as provided in paragraph (2)—

``(A) The administrator of an individual account plan shall furnish a pension benefit statement—

``(i) to a plan participant at least once annually, and

``(ii) to a plan beneficiary upon written request.

``(B) The administrator of a defined benefit plan shall furnish a pension benefit statement—

``(i) at least once every 3 years to each participant with a nonforfeitable accrued benefit who is employed by the employer maintaining the plan at the time the statement is furnished to participants, and

``(ii) to a participant or beneficiary of the plan upon written request.

``(2) Notwithstanding paragraph (1), the administrator of a plan to which more than 1 unaffiliated employer is required to contribute shall only be required to furnish a pension benefit statement under paragraph (1) upon the written request of a participant or beneficiary of the plan.

``(3) A pension benefit statement under paragraph (1)—

``(A) shall indicate, on the basis of the latest available information—

``(i) the total benefits accrued, and

``(ii) the nonforfeitable pension benefits, if any, which have accrued, or the earliest date on which benefits will become nonforfeitable,

``(B) shall be communicated in a manner calculated to be understood by the average plan participant, and

``(C) may be provided in written, electronic, telephonic, or other appropriate form.

``(4) In the case of a defined benefit plan, the requirements of paragraph (1)(B)(i) shall be treated as met with respect to a participant if the administrator provides the participant at least once each year with notice of the availability of the pension benefit statement and the ways in which the participant may obtain such statement. Such notice shall be provided in written, electronic, telephonic, or other appropriate form, and may be included with other communications to the participant if done in a manner reasonably designed to attract the attention of the participant.''.

(b) Conforming Amendments.—

(1) Section 105 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1025) is amended by striking subsection (d).

(2) Section 105(b) of such Act (29 U.S.C. 1025(b)) is amended to read as follows:

``(b) In no case shall a participant or beneficiary of a plan be entitled to more than one statement described in subsection (a)(1)(A) or (a)(1)(B)(ii), whichever is applicable, in any 12-month period.''.

(c) Effective Date.—The amendments made by this section shall apply to plan years beginning after December 31, 2000.

SEC. 345. CIVIL PENALTIES FOR BREACH OF FIDUCIARY RESPONSIBILITY.

(a) Imposition and Amount of Penalty Made Discretionary.—Section 502(l)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132(l)(1)) is amended—

(1) by striking ``shall'' and inserting ``may'', and

(2) by striking ``equal to'' and inserting ``not greater than''.

(b) Applicable Recovery Amount.—Section 502(l)(2) of such Act (29 U.S.C. 1132(l)(2)) is amended to read as follows:

``(2) For purposes of paragraph (1), the term `applicable recovery amount' means any amount which is recovered from any fiduciary or other person (or from any other person on behalf of any such fiduciary or other person) with respect to a breach or violation described in paragraph (1) on or after the 30th day following receipt by such fiduciary or other person of written notice from the Secretary of the violation, whether paid voluntarily or by order of a court in a judicial proceeding instituted by the Secretary under subsection (a)(2) or (a)(5). The Secretary may, in the Secretary's sole discretion, extend the 30-day period described in the preceding sentence.''.

(c) Other Rules.—Section 502(l) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132(l)) is amended by adding at the end the following:

``(5) A person shall be jointly and severally liable for the penalty described in paragraph (1) to the same extent that such person is jointly and severally liable for the applicable recovery amount on which the penalty is based.

``(6) No penalty shall be assessed under this subsection unless the person against whom the penalty is assessed is given notice and opportunity for a hearing with respect to the violation and applicable recovery amount.''.

(d) Effective Dates.—

(1) In general.—The amendments made by this section shall apply to any breach of fiduciary responsibility or other violation of part 4 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 occurring on or after the date of enactment of this Act.

(2) Transition rule.—In applying the amendment made by subsection (b) (relating to applicable recovery amount), a breach or other violation occurring before the date of enactment of this Act which continues after the 180th day after such date (and which may have been discontinued at any time during its existence) shall be treated as having occurred after such date of enactment.

SEC. 346. EXCISE TAX RELIEF FOR SOUND PENSION FUNDING.

(a) In General.—Subsection (c) of section 4972 (relating to nondeductible contributions) is amended by adding at the end the following new paragraph:

"(7) Defined benefit plan exception.—In determining the amount of nondeductible contributions for any taxable year, an employer may elect for such year not to take into account any contributions to a defined benefit plan except to the extent that such contributions exceed the full-funding limitation (as defined in section 412(c)(7), determined without regard to subparagraph (A)(i)(I) thereof). For purposes of this paragraph, the deductible limits under section 404(a)(7) shall first be applied to amounts contributed to defined contribution plans and then to amounts described in this paragraph. If an employer makes an election under this paragraph for a taxable year, paragraph (6) shall not apply to such employer for such taxable year.".

(b) Effective Date.—The amendments made by this section shall apply to years beginning after December 31, 2000.

SEC. 347. EXCISE TAX ON FAILURE TO PROVIDE NOTICE BY DEFINED BENEFIT PLANS SIGNIFICANTLY REDUCING FUTURE BENEFIT ACCRUALS.

(a) Amendment to 1986 Code.—Chapter 43 (relating to qualified pension, etc., plans) is amended by adding at the end the following new section:

"SEC. 4980F. FAILURE OF APPLICABLE PLANS REDUCING BENEFIT ACCRUALS TO SATISFY NOTICE REQUIREMENTS.

"(a) Imposition of Tax.—There is hereby imposed a tax on the failure of any applicable pension plan to meet the requirements of subsection (e) with respect to any applicable individual.

"(b) Amount of Tax.—

"(1) In general.—The amount of the tax imposed by subsection (a) on any failure with respect to any applicable individual shall be $100 for each day in the noncompliance period with respect to such failure.

"(2) Noncompliance period.—For purposes of this section, the term 'noncompliance period' means, with respect to any failure, the period beginning on the date the failure first occurs and ending on the date the failure is corrected.

"(c) Limitations on Amount of Tax.—

"(1) Overall limitation for unintentional failures.—In the case of failures that are due to reasonable cause and not to willful neglect, the tax imposed by subsection (a) for failures during the taxable year of the employer (or, in the case of a multiemployer plan, the taxable year of the trust forming part of the plan) shall not exceed $500,000. For purposes of the preceding sentence, all multiemployer plans of which the same trust forms a part shall be treated as one plan. For purposes of this paragraph, if not all persons who are treated as a single employer for purposes of this section have the same taxable year, the taxable years taken into account shall be determined under principles similar to the principles of section 1561.

"(2) Waiver by secretary.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the tax imposed by subsection (a) to the extent that the payment of such tax would be excessive relative to the failure involved.

"(d) Liability for Tax.—The following shall be liable for the tax imposed by subsection (a):

"(1) In the case of a plan other than a multiemployer plan, the employer.

"(2) In the case of a multiemployer plan, the plan.

"(e) Notice Requirements for Plans Significantly Reducing Benefit Accruals.—

"(1) In general.—If an applicable pension plan is amended to provide for a significant reduction in the rate of future benefit accrual, the plan administrator shall provide written notice to each applicable individual (and to each employee organization representing applicable individuals).

"(2) Notice.—The notice required by paragraph (1) shall be written in a manner calculated to be understood by the average plan participant and shall provide sufficient information (as determined in accordance with regulations prescribed by the Secretary) to allow applicable individuals to understand the effect of the plan amendment.

"(3) Timing of notice.—Except as provided in regulations, the notice required by paragraph (1) shall be provided within a reasonable time before the effective date of the plan amendment.

"(4) Designees.—Any notice under paragraph (1) may be provided to a person designated, in writing, by the person to which it would otherwise be provided.

"(5) Notice before adoption of amendment.—A plan shall not be treated as failing to meet the requirements of paragraph (1) merely because notice is provided before the adoption of the plan amendment if no material modification of the amendment occurs before the amendment is adopted.

"(f) Applicable Individual; Applicable Pension Plan.—For purposes of this section—

"(1) Applicable individual.—The term 'applicable individual' means, with respect to any plan amendment—

"(A) any participant in the plan, and

"(B) any beneficiary who is an alternate payee (within the meaning of section 414(p)(8)) under an applicable qualified domestic relations order (within the meaning of section 414(p)(1)(A)),

who may reasonably be expected to be affected by such plan amendment.

"(2) Applicable pension plan.—The term 'applicable pension plan' means—

"(A) any defined benefit plan, or

"(B) an individual account plan which is subject to the funding standards of section 412,

which had 100 or more participants who had accrued a benefit, or with respect to whom contributions were made, under the plan (whether or not vested) as of the last day of the plan year preceding the plan year in which the plan amendment becomes effective. Such term shall not include a governmental plan (within the meaning of section 414(d)) or a church plan (within the meaning of section 414(e)) with respect to which the election provided by section 410(d) has not been made.".

(b) Amendment to ERISA.—Section 204(h) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(h)) is amended by adding at the end the following new paragraph:

"(3)(A) A plan to which paragraph (1) applies shall not be treated as meeting the requirements of such paragraph unless, in addition to any notice required to be provided to an individual or organization under such paragraph, the plan administrator provides the notice described in subparagraph (B).

"(B) The notice required by subparagraph (A) shall be written in a manner calculated to be understood by the average plan participant and shall provide sufficient information (as determined in accordance with regulations prescribed by the Secretary of the Treasury) to allow individuals to understand the effect of the plan amendment.

"(C) Except as provided in regulations prescribed by the Secretary of the Treasury, the notice required by subparagraph (A) shall be provided within a reasonable time before the effective date of the plan amendment.

"(D) A plan shall not be treated as failing to meet the requirements of subparagraph (A) merely because notice is provided before the adoption of the plan amendment if no material modification of the amendment occurs before the amendment is adopted.".

(c) Clerical Amendment.—The table of sections for chapter 43 is amended by adding at the end the following new item:

"Sec. 4980F. Failure of applicable plans reducing benefit accruals to satisfy notice requirements.".

(d) Effective Dates.—

(1) In general.—The amendments made by this section shall apply to plan amendments taking effect on or after the date of the enactment of this Act.

(2) Transition.—Until such time as the Secretary of the Treasury issues regulations under sections 4980F(e)(2) and (3) of the Internal Revenue Code of 1986 and section 204(h)(3) of the Employee Retirement Income Security Act of 1974 (as added by the amendments made by this section), a plan shall be treated as meeting the requirements of such sections if it makes a good faith effort to comply with such requirements.

(3) Special rule.—The period for providing any notice required by the amendments made by this section shall not end before the date which is 3 months after the date of the enactment of this Act.

SEC. 348. PROTECTION OF INVESTMENT OF EMPLOYEE CONTRIBUTIONS TO 401(K) PLANS.

(a) In General.—Section 1524(b) of the Taxpayer Relief Act of 1997 is amended to read as follows:

"(b) Effective Date.—

"(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall apply to elective deferrals for plan years beginning after December 31, 1998.

"(2) Nonapplication to previously acquired property.—The amendments made by this section shall not apply to any elective deferral which is invested in assets consisting of qualifying employer securities, qualifying employer real property, or both, if such assets were acquired before January 1, 1999.".

(b) Effective Date.—The amendment made by this section shall apply as if included in the provision of the Taxpayer Relief Act of 1997 to which it relates.

SEC. 349. TREATMENT OF MULTIEMPLOYER PLANS UNDER SECTION 415.

(a) Compensation Limit.—Paragraph (11) of section 415(b) (relating to limitation for defined benefit plans) is amended to read as follows:

"(11) Special limitation rule for governmental and multiemployer plans.—In the case of a governmental plan (as defined in section 414(d)) or a multiemployer plan (as defined in section 414(f)), subparagraph (B) of paragraph (1) shall not apply.".

(b) Effective Date.—The amendment made by this section shall apply to years beginning after December 31, 2000.

SEC. 350. TECHNICAL CORRECTIONS TO SAVER ACT.

Section 517 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1147) is amended—

(1) in subsection (a), by striking "2001 and 2005 on or after September 1 of each year involved" and inserting "2001, 2005, and 2009 in the month of September of each year involved";

(2) in subsection (b), by adding at the end the following new sentence: "To effectuate the purposes of this paragraph, the Secretary may enter into a cooperative agreement, pursuant to the Federal Grant and Cooperative Agreement Act of 1977 (31 U.S.C. 6301 et seq.), with the American Savings Education Council.";

(3) in subsection (e)(2)—

(A) by striking subparagraph (D) and inserting the following:

"(D) the Chairman and Ranking Member of the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations of the House of Representatives and the Chairman and Ranking Member of the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations of the Senate;";

(B) by redesignating subparagraph (G) as subparagraph (J); and

(C) by inserting after subparagraph (F) the following new subparagraphs:

"(G) the Chairman and Ranking Member of the Committee on Finance of the Senate;

"(H) the Chairman and Ranking Member of the Committee on Ways and Means of the House of Representatives;

"(I) the Chairman and Ranking Member of the Subcommittee on Employer-Employee Relations of the Committee on Education and the Workforce of the House of Representatives; and";

(4) in subsection (e)(3)(A)—

(A) by striking "There shall be no more than 200 additional participants." and inserting "The participants in the National Summit shall also include additional participants appointed under this subparagraph.";

(B) by striking "one-half shall be appointed by the President," in clause (i) and inserting "not more than 100 participants shall be appointed under this clause by the President,", and by striking "and" at the end of clause (i);

(C) by striking "one-half shall be appointed by the elected leaders of Congress" in clause (ii) and inserting "not more than 100 participants shall be appointed under this clause by the elected leaders of Congress", and by striking the period at the end of clause (ii) and inserting "; and"; and

(D) by adding at the end the following new clause:

"(iii) The President, in consultation with the elected leaders of Congress referred to in subsection (a), may appoint under this clause additional participants to the National Summit. The number of such additional participants appointed under this clause may not exceed the lesser of 3 percent of the total number of all additional participants appointed under this paragraph, or 10. Such additional participants shall be appointed from persons nominated by the organization referred to in subsection (b)(2) which is made up of private sector businesses and associations partnered with Government entities to promote long term financial security in retirement through savings and with which the Secretary is required thereunder to consult and cooperate and shall not be Federal, State, or local government employees.";

(5) in subsection (e)(3)(B), by striking "January 31, 1998" in subparagraph (B) and inserting "May 1, 2001, May 1, 2005, and May 1, 2009, for each of the subsequent summits, respectively";

(6) in subsection (f)(1)(C), by inserting ", no later than 90 days prior to the date of the commencement of the National Summit," after "comment" in paragraph (1)(C);

(7) in subsection (g), by inserting ", in consultation with the congressional leaders specified in subsection (e)(2)," after "report";

(8) in subsection (i)—

(A) by striking "beginning on or after October 1, 1997" in paragraph (1) and inserting "2001, 2005, and 2009"; and

(B) by adding at the end the following new paragraph:

"(3) Reception and representation authority.—The Secretary is hereby granted reception and representation authority limited specifically to the events at the National Summit. The Secretary shall use any private contributions received in connection with the National Summit prior to using funds appropriated for purposes of the National Summit pursuant to this paragraph."; and

(9) in subsection (k)—

(A) by striking "shall enter into a contract on a sole-source basis" and inserting "may enter into a contract on a sole-source basis"; and

(B) by striking "fiscal year 1998" and inserting "fiscal years 2001, 2005, and 2009".

SEC. 351. MODEL SPOUSAL CONSENT LANGUAGE AND QUALIFIED DOMESTIC RELATIONS ORDER.

(a) Model Spousal Consent Language.—Section 205(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1055(c)) is amended by adding at the end the following new paragraph:

"(9) Not later than January 1, 2001, the Secretary of Labor shall develop model language for the spousal consent required under paragraph (2) which—

"(A) is written in a manner calculated to be understood by the average person, and

"(B) discloses in plain terms whether—

"(i) the waiver is irrevocable, and

"(ii) the waiver may be revoked by a qualified domestic relations order.".

(b) Model Qualified Domestic Relations Order.—Section 206(d)(3) of such Act (29 U.S.C. 1056(d)(3)) is amended by adding at the end the following new subparagraph:

"(O) Not later than January 1, 2001, the Secretary shall develop language for a qualified domestic relations order which meets—

"(i) the requirements of subparagraph (B)(i), and

"(ii) the requirements of this Act related to the need to consider the treatment of any lump sum payment, qualified joint and survivor annuity, or qualified preretirement survivor annuity.".

(c) Publicity.—The Secretary of Labor shall include publicity for the model language required by the amendments made by this section in the pension outreach efforts undertaken by each Secretary.

SEC. 352. ELIMINATION OF ERISA DOUBLE JEOPARDY.

(a) Elimination of Second Lawsuits by the Secretary.—Section 502(h) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132(h)) is amended—

(1) by inserting "(1)" after "(h)", and

(2) by adding at the end the following:

"(2) In any case in which—

"(A) a complaint in an action brought against a person under subsection (a)(2) is served in accordance with paragraph (1), and

"(B) the action is maintained as a class action or derivative action under the Federal Rules of Civil Procedure,

"(C) the action is resolved by a court-approved settlement agreement,

"(D) the complaint is served upon the Secretary at least 90 days prior to final court approval of the settlement agreement, and

"(E) the Secretary receives a fully executed copy of the settlement agreement within the time established by the court for notifying the plan's participants of the proposed compromise pursuant to Rule 23 or 23.1 of the Federal Rules of Civil Procedure,

the Secretary shall be barred from litigating any claim against such person under subsection (a)(2) that was, or could have been, brought in that action with respect to the same plan. Notwithstanding this paragraph, the Secretary shall not be barred from litigating any claim against such person under subsection (a)(2) if the Secretary filed a complaint under subsection (a)(2) prior to the final court approval of the settlement agreement.".

(b) Effective Date.—The amendments made by this section are effective with respect to all actions or claims commenced by the Secretary that are pending on or after the date of the enactment of this Act.

Subtitle E—Reducing Regulatory Burdens

SEC. 361. MODIFICATION OF TIMING OF PLAN VALUATIONS.

(a) In General.—Section 412(c)(9) (relating to annual valuation) is amended—

(1) by striking "For purposes" and inserting the following:

"(A) In general.—For purposes", and

(2) by adding at the end the following:

"(B) Election to use prior year valuation.—

"(i) In general.—Except as provided in clause (ii), if, for any plan year—

"(I) an election is in effect under this subparagraph with respect to a plan, and

"(II) the assets of the plan are not less than 125 percent of the plan's current liability (as defined in paragraph (7)(B)), determined as of the valuation date for the preceding plan year,

then this section shall be applied using the information available as of such valuation date.

"(ii) Exceptions.—

"(I) Actual valuation every 3 years.—Clause (i) shall not apply for more than 2 consecutive plan years and valuation shall be under subparagraph (A) with respect to any plan year to which clause (i) does not apply by reason of this subclause.

"(II) Regulations.—Clause (i) shall not apply to the extent that more frequent valuations are required under the regulations under subparagraph (A).

"(iii) Adjustments.—Information under clause (i) shall, in accordance with regulations, be actuarially adjusted to reflect significant differences in participants.

"(iv) Election.—An election under this subparagraph, once made, shall be irrevocable without the consent of the Secretary.".

(b) Amendments to ERISA.—Paragraph (9) of section 302(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1053(c)) is amended—

(1) by inserting "(A)" after "(9)", and

(2) by adding at the end the following:

"(B)(i) Except as provided in clause (ii), if, for any plan year—

"(I) an election is in effect under this subparagraph with respect to a plan, and

"(II) the assets of the plan are not less than 125 percent of the plan's current liability (as defined in paragraph (7)(B)), determined as of the valuation date for the preceding plan year,

then this section shall be applied using the information available as of such valuation date.

"(ii)(I) Clause (i) shall not apply for more than 2 consecutive plan years and valuation shall be under subparagraph (A) with respect to any plan year to which clause (i) does not apply by reason of this subclause.

"(II) Clause (i) shall not apply to the extent that more frequent valuations are required under the regulations under subparagraph (A).

"(iii) Information under clause (i) shall, in accordance with regulations, be actuarially adjusted to reflect significant differences in participants.

"(iv) An election under this subparagraph, once made, shall be irrevocable without the consent of the Secretary of the Treasury.".

(c) Effective Date.—The amendments made by this section shall apply to plan years beginning after December 31, 2000.

SEC. 362. ESOP DIVIDENDS MAY BE REINVESTED WITHOUT LOSS OF DIVIDEND DEDUCTION.

(a) In General.—Section 404(k)(2)(A) (defining applicable dividends) is amended by striking "or" at the end of clause (ii), by redesignating clause (iii) as clause (iv), and by inserting after clause (ii) the following new clause:

"(iii) is, at the election of such participants or their beneficiaries—

"(I) payable as provided in clause (i) or (ii), or

"(II) paid to the plan and reinvested in qualifying employer securities, or".

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 363. REPEAL OF TRANSITION RULE RELATING TO CERTAIN HIGHLY COMPENSATED EMPLOYEES.

(a) In General.—Paragraph (4) of section 1114(c) of the Tax Reform Act of 1986 is hereby repealed.

(b) Effective Date.—The repeal made by subsection (a) shall apply to plan years beginning after December 31, 1999.

SEC. 364. EMPLOYEES OF TAX-EXEMPT ENTITIES.

(a) In General.—The Secretary of the Treasury shall modify Treasury Regulations section 1.410(b)-6(g) to provide that employees of an organization described in section 403(b)(1)(A)(i) of the Internal Revenue Code of 1986 who are eligible to make contributions under section 403(b) of such Code pursuant to a salary reduction agreement may be treated as excludable with respect to a plan under section 401 (k) or (m) of such Code that is provided under the same general arrangement as a plan under such section 401(k), if—

(1) no employee of an organization described in section 403(b)(1)(A)(i) of such Code is eligible to participate in such section 401(k) plan or section 401(m) plan, and

(2) 95 percent of the employees who are not employees of an organization described in section 403(b)(1)(A)(i) of such Code are eligible to participate in such plan under such section 401 (k) or (m).

(b) Effective Date.—The modification required by subsection (a) shall apply as of the same date set forth in section 1426(b) of the Small Business Job Protection Act of 1996.

SEC. 365. CLARIFICATION OF TREATMENT OF EMPLOYER-PROVIDED RETIREMENT ADVICE.

(a) In General.—Subsection (a) of section 132 (relating to exclusion from gross income) is amended by striking "or" at the end of paragraph (5), by striking the period at the end of paragraph (6) and inserting ", or", and by adding at the end the following new paragraph:

"(7) qualified retirement planning services.".

(b) Qualified Retirement Planning Services Defined.—Section 132 is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following:

"(m) Qualified Retirement Planning Services.—

"(1) In general.—For purposes of this section, the term 'qualified retirement planning services' means any retirement planning service provided to an employee and his spouse by an employer maintaining a qualified employer plan.

"(2) Nondiscrimination rule.—Subsection (a)(7) shall apply in the case of highly compensated employees only if such services are available on substantially the same terms to each member of the group of employees normally provided education and information regarding the employer's qualified employer plan.

"(3) Qualified employer plan.—For purposes of this subsection, the term 'qualified employer plan' means a plan, contract, pension, or account described in section 219(g)(5).".

(c) Effective Date.—The amendments made by this section shall apply to years beginning after December 31, 2000.

SEC. 366. REPORTING SIMPLIFICATION.

(a) Simplified Annual Filing Requirement for Owners and Their Spouses.—

(1) In general.—The Secretary of the Treasury shall modify the requirements for filing annual returns with respect to one-participant retirement plans to ensure that such plans with assets of $250,000 or less as of the close of the plan year need not file a return for that year.

(2) One-participant retirement plan defined.—For purposes of this subsection, the term "one-participant retirement plan" means a retirement plan that—

(A) on the first day of the plan year—

(i) covered only the employer (and the employer's spouse) and the employer owned the entire business (whether or not incorporated), or

(ii) covered only one or more partners (and their spouses) in a business partnership (including partners in an S or C corporation),

(B) meets the minimum coverage requirements of section 410(b) of the Internal Revenue Code of 1986 without being combined with any other plan of the business that covers the employees of the business,

(C) does not provide benefits to anyone except the employer (and the employer's spouse) or the partners (and their spouses),

(D) does not cover a business that is a member of an affiliated service group, a controlled group of corporations, or a group of businesses under common control, and

(E) does not cover a business that leases employees.

(3) Other definitions.—Terms used in paragraph (2) which are also used in section 414 of the Internal Revenue Code of 1986 shall have the respective meanings given such terms by such section.

(b) Simplified Annual Filing Requirement for Plans With Fewer Than 25 Employees.—In the case of a retirement plan which covers less than 25 employees on the first day of the plan year and meets the requirements described in subparagraphs (B), (D), and (E) of subsection (a)(2), the Secretary of the Treasury shall provide for the filing of a simplified annual return that is substantially similar to the annual return required to be filed by a one-participant retirement plan.

(c) Effective Date.—The provisions of this section shall take effect on January 1, 2001.

SEC. 367. IMPROVEMENT OF EMPLOYEE PLANS COMPLIANCE RESOLUTION SYSTEM.

The Secretary of the Treasury shall continue to update and improve the Employee Plans Compliance Resolution System (or any successor program) giving special attention to—

(1) increasing the awareness and knowledge of small employers concerning the availability and use of the program,

(2) taking into account special concerns and circumstances that small employers face with respect to compliance and correction of compliance failures,

(3) extending the duration of the self-correction period under the Administrative Policy Regarding Self-Correction for significant compliance failures,

(4) expanding the availability to correct insignificant compliance failures under the Administrative Policy Regarding Self-Correction during audit, and

(5) assuring that any tax, penalty, or sanction that is imposed by reason of a compliance failure is not excessive and bears a reasonable relationship to the nature, extent, and severity of the failure.

SEC. 368. SUBSTANTIAL OWNER BENEFITS IN TERMINATED PLANS.

(a) Modification of Phase-In of Guarantee.—Section 4022(b)(5) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1322(b)(5)) is amended to read as follows:

"(5)(A) For purposes of this paragraph, the term 'majority owner' means an individual who, at any time during the 60-month period ending on the date the determination is being made—

"(i) owns the entire interest in an unincorporated trade or business,

"(ii) in the case of a partnership, is a partner who owns, directly or indirectly, 50 percent or more of either the capital interest or the profits interest in such partnership, or

"(iii) in the case of a corporation, owns, directly or indirectly, 50 percent or more in value of either the voting stock of that corporation or all the stock of that corporation.

For purposes of clause (iii), the constructive ownership rules of section 1563(e) of the Internal Revenue Code of 1986 shall apply (determined without regard to section 1563(e)(3)(C)).

"(B) In the case of a participant who is a majority owner, the amount of benefits guaranteed under this section shall equal the product of—

"(i) a fraction (not to exceed 1) the numerator of which is the number of years from the later of the effective date or the adoption date of the plan to the termination date, and the denominator of which is 10, and "(ii) the amount of benefits that would be guaranteed under this section if the participant were not a majority owner.".

(b) MODIFICATION OF ALLOCATION OF ASSETS.—

(1) Section 4044(a)(4)(B) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1344(a)(4)(B)) is amended by striking "section 4022(b)(5)" and inserting "section 4022(b)(5)(B)".

(2) Section 4044(b) of such Act (29 U.S.C. 1344(b)) is amended—

(A) by striking "(5)" in paragraph (2) and inserting "(4), (5),", and

(B) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively, and by inserting after paragraph (2) the following:

"(3) If assets available for allocation under paragraph (4) of subsection (a) are insufficient to satisfy in full the benefits of all individuals who are described in that paragraph, the assets shall be allocated first to benefits described in subparagraph (A) of that paragraph. Any remaining assets shall then be allocated to benefits described in subparagraph (B) of that paragraph. If assets allocated to such subparagraph (B) are insufficient to satisfy in full the benefits described in that subparagraph, the assets shall be allocated pro rata among individuals on the basis of the present value (as of the termination date) of their respective benefits described in that subparagraph.".

(c) CONFORMING AMENDMENTS.—

(1) Section 4021 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1321) is amended—

(A) in subsection (b)(9), by striking "as defined in section 4022(b)(6)", and

(B) by adding at the end the following:

"(d) For purposes of subsection (b)(9), the term 'substantial owner' means an individual who, at any time during the 60-month period ending on the date the determination is being made—

"(1) owns the entire interest in an unincorporated trade or business,

"(2) in the case of a partnership, is a partner who owns, directly or indirectly, more than 10 percent of either the capital interest or the profits interest in such partnership, or

"(3) in the case of a corporation, owns, directly or indirectly, more than 10 percent in value of either the voting stock of that corporation or all the stock of that corporation.

For purposes of paragraph (3), the constructive ownership rules of section 1563(e) of the Internal Revenue Code of 1986 shall apply (determined without regard to section 1563(e)(3)(C)).".

(2) Section 4043(c)(7) of such Act (29 U.S.C. 1343(c)(7)) is amended by striking "section 4022(b)(6)" and inserting "section 4021(d)".

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to plan terminations—

(A) under section 4041(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1341(c)) with respect to which notices of intent to terminate are provided under section 4041(a)(2) of such Act (29 U.S.C. 1341(a)(2)) after December 31, 2000, and

(B) under section 4042 of such Act (29 U.S.C. 1342) with respect to which proceedings are instituted by the corporation after such date.

(2) CONFORMING AMENDMENTS.—The amendments made by subsection (c) shall take effect on the date of the enactment of this Act.

SEC. 369. MODIFICATION OF EXCLUSION FOR EMPLOYER PROVIDED TRANSIT PASSES.

(a) IN GENERAL.—Section 132(f)(3) (relating to cash reimbursements) is amended by striking the last sentence.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1999.

SEC. 370. REPEAL OF THE MULTIPLE USE TEST.

(a) IN GENERAL.—Paragraph (9) of section 401(m) is amended to read as follows:

"(9) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this subsection and subsection (k), including regulations permitting appropriate aggregation of plans and contributions.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to years beginning after December 31, 2000.

SEC. 371. FLEXIBILITY IN NONDISCRIMINATION, COVERAGE, AND LINE OF BUSINESS RULES.

(a) NONDISCRIMINATION.—

(1) IN GENERAL.—The Secretary of the Treasury shall, by regulation, provide that a plan shall be deemed to satisfy the requirements of section 401(a)(4) of the Internal Revenue Code of 1986 if such plan satisfies the facts and circumstances test under section 401(a)(4) of such Code, as in effect before January 1, 1994, but only if—

(A) the plan satisfies conditions prescribed by the Secretary to appropriately limit the availability of such test, and

(B) the plan is submitted to the Secretary for a determination of whether it satisfies such test.

Subparagraph (B) shall only apply to the extent provided by the Secretary.

(2) EFFECTIVE DATES.—

(A) REGULATIONS.—The regulation required by paragraph (1) shall apply to years beginning after December 31, 2000.

(B) CONDITIONS OF AVAILABILITY.—Any condition of availability prescribed by the Secretary under paragraph (1)(A) shall not apply before the first year beginning not less than 120 days after the date on which such condition is prescribed.

(b) COVERAGE TEST.—

(1) IN GENERAL.—Section 410(b)(1) (relating to minimum coverage requirements) is amended by adding at the end the following:

"(D) In the case that the plan fails to meet the requirements of subparagraphs (A), (B) and (C), the plan—

"(i) satisfies subparagraph (B), as in effect immediately before the enactment of the Tax Reform Act of 1986,

"(ii) is submitted to the Secretary for a determination of whether it satisfies the requirement described in clause (i), and

"(iii) satisfies conditions prescribed by the Secretary by regulation, that appropriately limit the availability of this subparagraph.

Clause (ii) shall apply only to the extent provided by the Secretary.".

(2) EFFECTIVE DATES.—

(A) IN GENERAL.—The amendment made by paragraph (1) shall apply to years beginning after December 31, 2000.

(B) CONDITIONS OF AVAILABILITY.—Any condition of availability prescribed by the Secretary under regulations prescribed by the Secretary under section 410(b)(1)(D) of the Internal Revenue Code of 1986 shall not apply before the first year beginning not less than 120 days after the date on which such condition is prescribed.

(c) LINE OF BUSINESS RULES.—The Secretary of the Treasury shall, on or before December 31, 2000, modify the existing regulations issued under section 414(r) of the Internal Revenue Code of 1986 in order to expand (to the extent that the Secretary determines appropriate) the ability of a pension plan to demonstrate compliance with the line of business requirements based upon the facts and circumstances surrounding the design and operation of the plan, even though the plan is unable to satisfy the mechanical tests currently used to determine compliance.

SEC. 372. EXTENSION TO INTERNATIONAL ORGANIZATIONS OF MORATORIUM ON APPLICATION OF CERTAIN NONDISCRIMINATION RULES APPLICABLE TO STATE AND LOCAL PLANS.

(a) IN GENERAL.—Subparagraph (G) of section 401(a)(5), subparagraph (H) of section 401(a)(26), subparagraph (G) of section 401(k)(3), and paragraph (2) of section 1505(d) of the Taxpayer Relief Act of 1997 are each amended by inserting "or by an international organization which is described in section 414(d)" after "or instrumentality thereof)".

(b) CONFORMING AMENDMENTS.—

(1) The headings for subparagraph (G) of section 401(a)(5) and subparagraph (H) of section 401(a)(26) are each amended by inserting "AND INTERNATIONAL ORGANIZATION" after "GOVERNMENTAL".

(2) Subparagraph (G) of section 401(k)(3) is amended by inserting "STATE AND LOCAL GOVERNMENTAL AND INTERNATIONAL ORGANIZATION PLANS.—" after "(G)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2000.

SEC. 373. NOTICE AND CONSENT PERIOD REGARDING DISTRIBUTIONS.

(a) EXPANSION OF PERIOD.—

(1) IN GENERAL.—Subparagraph (A) of section 205(c)(7) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1055) is amended by striking "90-day" and inserting "180-day".

(2) MODIFICATION OF REGULATIONS.—The Secretary of the Treasury shall modify the regulations of such Secretary under part 2 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 to the extent that they relate to sections 203(e) and 205 of such Act to substitute "180 days" for "90 days" each place it appears.

(3) EFFECTIVE DATE.—The amendments made by paragraph (1) and the modifications required by paragraph (2) shall apply to years beginning after December 31, 2000.

(b) CONSENT REGULATION INAPPLICABLE TO CERTAIN DISTRIBUTIONS.—

(1) IN GENERAL.—The Secretary of the Treasury shall modify the regulations under section 205 of the Employee Retirement Income Security Act of 1974 to provide that the description of a participant's right, if any, to defer receipt of a distribution shall also describe the consequences of failing to defer such receipt.

(2) EFFECTIVE DATE.—The modifications required by paragraph (1) shall apply to years beginning after December 31, 2000.

SEC. 374. ANNUAL REPORT DISSEMINATION.

(a) IN GENERAL.—Section 104(b)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1024(b)(3)) is amended by striking "shall furnish" and inserting "shall make available for examination (and, upon request, shall furnish)".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to reports for years beginning after December 31, 1998.

SEC. 375. EXCESS BENEFIT PLANS.

(a) IN GENERAL.—Section 3(36) of the Employee Retirement Income Security Act of

1974 (29 U.S.C. 1002(36)) is amended to read as follows:

"(36) The term 'excess benefit plan' means a plan, without regard to whether such plan is funded, maintained by an employer solely for the purpose of providing benefits to employees in excess of any limitation imposed by section 401(a)(17) or 415 of the Internal Revenue Code of 1986 or any other limitation on contributions or benefits in such Code on plans to which any of such sections apply. To the extent that a separable part of a plan (as determined by the Secretary of Labor) maintained by an employer is maintained for such purpose, that part shall be treated as a separate plan which is an excess benefit plan.".

(b) Effective Date.—The amendment made by this section shall apply to years beginning after December 31, 1999.

SEC. 376. BENEFIT SUSPENSION NOTICE.

(a) Modification of Regulation.—The Secretary of Labor shall modify the regulation under section 203(a)(3)(B) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1053(a)(3)(B)) to provide that, except in the case of employment, subsequent to the commencement of payment of benefits, with a former employer, the notification required by such regulation—

(1) may be included in the summary plan description for the plan furnished in accordance with section 104(b) of such Act (29 U.S.C. 1024(b)), rather than in a separate notice, and

(2) need not include a copy of the relevant plan provisions.

(c) Effective Date.—The modification made under this section shall apply to plan years beginning after December 31, 1999.

SEC. 377. CLARIFICATION OF CHURCH WELFARE PLAN STATUS UNDER STATE INSURANCE LAW.

For purposes of determining the status under State insurance law of a church plan (as defined in section 414(e) of the Internal Revenue Code and section 3(33) of the Employee Retirement Income Security Act that is a welfare plan (as defined in section 3(1)), such church plan (and any trust under such plan) shall be deemed a single-employer plan that—

(1) reimburses costs from general church assets;

(2) purchases insurance coverage with general church assets; or

(3) both.

For purposes of this paragraph, the term "reimbursing costs from general church assets" means engaging in a practice that does not have the effect of transferring or spreading risk. The scope of this paragraph is limited to determining the status of a church welfare plan under State insurance law, and does not otherwise recharacterized the status, or modify or affect the rights, of any plan participant, including those who make plan contributions.

Subtitle F—Plan Amendments

SEC. 381. PROVISIONS RELATING TO PLAN AMENDMENTS.

(a) In General.—If this section applies to any plan or contract amendment—

(1) such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in subsection (b)(2)(A), and

(2) such plan shall not fail to meet the requirements of section 411(d)(6) of the Internal Revenue Code of 1986 by reason of such amendment.

(b) Amendments to Which Section Applies.—

(1) In general.—This section shall apply to any amendment to any plan or annuity contract which is made—

(A) pursuant to any amendment made by this title, or pursuant to any regulation issued under this title, and

(B) on or before the last day of the first plan year beginning on or after January 1, 2003.

In the case of a government plan (as defined in section 414(d) of the Internal Revenue Code of 1986), this paragraph shall be applied by substituting "2005" for "2003".

(2) Conditions.—This section shall not apply to any amendment unless—

(A) during the period—

(i) beginning on the date the legislative or regulatory amendment described in paragraph (1)(A) takes effect (or in the case of a plan or contract amendment not required by such legislative or regulatory amendment, the effective date specified by the plan), and

(ii) ending on the date described in paragraph (1)(B) (or, if earlier, the date the plan or contract amendment is adopted),

the plan or contract is operated as if such plan or contract amendment were in effect, and

(B) such plan or contract amendment applies retroactively for such period.

TITLE IV—EXTENSION OF WORK OPPORTUNITY CREDIT AND WELFARE-TO-WORK CREDIT

SEC. 401. WORK OPPORTUNITY CREDIT AND WELFARE-TO-WORK CREDIT.

(a) Temporary Extension.—Sections 51(c)(4)(B) and 51A(f) (relating to termination) are each amended by striking "June 30, 1999" and inserting "December 31, 2001".

(b) Clarification of First Year of Employment.—Paragraph (2) of section 51(i) is amended by striking "during which he was not a member of a targeted group".

(c) Effective Date.—The amendments made by this section shall apply to individuals who begin work for the employer after June 30, 1999.

TITLE V—ESTATE TAX RELIEF

Subtitle A—Reductions of Estate and Gift Tax Rates

SEC. 501. REDUCTIONS OF ESTATE AND GIFT TAX RATES.

(a) Maximum Rate of Tax Reduced to 50 Percent.—

(1) In general.—The table contained in section 2001(c)(1) is amended by striking the two highest brackets and inserting the following:

"Over $2,500,000	$1,025,800, plus 50% of the excess over $2,500,000.".

(2) Phase-in of reduced rate.—Subsection (c) of section 2001 is amended by adding at the end the following new paragraph:

"(3) Phase-in of reduced rate.—In the case of decedents dying, and gifts made, during 2001, the last item in the table contained in paragraph (1) shall be applied by substituting '53%' for '50%'.".

(b) Repeal of Phaseout of Graduated Rates.—Subsection (c) of section 2001 is amended by striking paragraph (2) and redesignating paragraph (3), as added by subsection (a), as paragraph (2).

(c) Additional Reductions of Rates of Tax.—Subsection (c) of section 2001, as so amended, is amended by adding at the end the following new paragraph:

"(3) Phasedown of tax.—In the case of estates of decedents dying, and gifts made, during any calendar year after 2002—

"(A) In general.—Except as provided in subparagraph (C), the tentative tax under this subsection shall be determined by using a table prescribed by the Secretary (in lieu of using the table contained in paragraph (1)) which is the same as such table; except that—

"(i) each of the rates of tax shall be reduced by the number of percentage points determined under subparagraph (B), and

"(ii) the amounts setting forth the tax shall be adjusted to the extent necessary to reflect the adjustments under clause (i).

"(B) Percentage points of reduction.—

"For calendar year:	**The number of percentage points is:**
2003	1.0
2004 and thereafter	2.0.

"(C) Coordination with credit for state death taxes.—Rules similar to the rules of subparagraph (A) shall apply to the table contained in section 2011(b) except that the Secretary shall prescribe percentage point reductions which maintain the proportionate relationship (as in effect before any reduction under this paragraph) between the credit under section 2011 and the tax rates under subsection (c).".

(d) Effective Dates.—

(1) Subsections (a) and (b).—The amendments made by subsections (a) and (b) shall apply to estates of decedents dying, and gifts made, after December 31, 2000.

(2) Subsection (c).—The amendment made by subsection (c) shall apply to estates of decedents dying, and gifts made, after December 31, 2002.

Subtitle B—Unified Credit Replaced With Unified Exemption Amount

SEC. 511. UNIFIED CREDIT AGAINST ESTATE AND GIFT TAXES REPLACED WITH UNIFIED EXEMPTION AMOUNT.

(a) In General.—

(1) Estate tax.—Part IV of subchapter A of chapter 11 is amended by inserting after section 2051 the following new section:

"SEC. 2052. EXEMPTION.

"(a) In general.—For purposes of the tax imposed by section 2001, the value of the taxable estate shall be determined by deducting from the value of the gross estate an amount equal to the excess (if any) of—

"(1) the exemption amount for the calendar year in which the decedent died, over

"(2) the sum of—

"(A) the aggregate amount allowed as an exemption under section 2521 with respect to gifts made by the decedent after December 31, 2000, and

"(B) the aggregate amount of gifts made by the decedent for which credit was allowed by section 2505 (as in effect on the day before the date of the enactment of the Wage and Employment Growth Act of 1999).

Gifts which are includible in the gross estate of the decedent shall not be taken into account in determining the amounts under paragraph (2).

"(b) Exemption Amount.—For purposes of subsection (a), the term 'exemption amount' means the amount determined in accordance with the following table:

"In the case of calendar year:	**The exemption amount is:**
2001	$675,000
2002 and 2003	$700,000
2004	$850,000
2005	$950,000
2006 or thereafter	$1,000,000.".

(2) Gift tax.—Subchapter C of chapter 12 (relating to deductions) is amended by inserting before section 2522 the following new section:

"SEC. 2521. EXEMPTION.

"In computing taxable gifts for any calendar year, there shall be allowed as a deduction in the case of a citizen or resident of the

United States an amount equal to the excess of—

"(1) the exemption amount determined under section 2052 for such calendar year, over

"(2) the sum of—

"(A) the aggregate amount allowed as an exemption under this section for all preceding calendar years after 2000, and

"(B) the aggregate amount of gifts for which credit was allowed by section 2505 (as in effect on the day before the date of the enactment of the Wage and Employment Growth Act of 1999).".

(b) Repeal of Unified Credits.—

(1) Section 2010 (relating to unified credit against estate tax) is hereby repealed.

(2) Section 2505 (relating to unified credit against gift tax) is hereby repealed.

(c) Conforming Amendments.—

(1) Subparagraph (B) of section 2001(b)(1) is amended by inserting before the comma "reduced by the amount described in section 2052(a)(2)(B)".

(2)(A) Subsection (b) of section 2011 is amended—

(i) by striking "adjusted" in the table, and

(ii) by striking the last sentence.

(B) Subsection (f) of section 2011 is amended by striking ", reduced by the amount of the unified credit provided by section 2010".

(3) Subsection (a) of section 2012 is amended by striking "and the unified credit provided by section 2010".

(4)(A) Subsection (b) of section 2013 is amended by inserting before the period at the end of the first sentence "and increased by the exemption allowed under section 2052 or 2106(a)(4) (or the corresponding provisions of prior law) in determining the taxable estate of the transferor for purposes of the estate tax".

(B) Subparagraph (A) of section 2013(c)(1) is amended by striking "2010,".

(5) Paragraph (2) of section 2014(b) is amended by striking "2010,".

(6) Clause (ii) of section 2056A(b)(12)(C) is amended to read as follows:

"(ii) to treat any reduction in the tax imposed by paragraph (1)(A) by reason of the credit allowable under section 2010 (as in effect on the day before the date of the enactment of the Wage and Employment Growth Act of 1999) or the exemption allowable under section 2052 with respect to the decedent as a credit under section 2505 (as so in effect) or exemption under section 2521 (as the case may be) allowable to such surviving spouse for purposes of determining the amount of the exemption allowable under section 2521 with respect to taxable gifts made by the surviving spouse during the year in which the spouse becomes a citizen or any subsequent year,".

(7) Paragraph (3) of section 2057(a) is amended to read as follows:

"(3) Coordination with exemption amount.—

"(A) In general.—Except as provided in subparagraph (B), if this section applies to an estate, the exemption amount under section 2052 shall be $625,000.

"(B) Increase in exemption amount if deduction is less than $675,000.—If the deduction allowed by this section is less than $675,000, the amount of the exemption amount under section 2052 shall be increased (but not above the amount which would apply to the estate without regard to this section) by the excess of $675,000 over the amount of the deduction allowed.".

(8)(A) Subparagraph (B) of section 2101(b)(1) is amended by inserting before the comma "reduced by the aggregate amount of gifts for which credit was allowed by section 2505 (as in effect on the day before the date of the enactment of the Wage and Employment Growth Act of 1999)"

(B) Subsection (b) of section 2101 is amended by striking the last sentence.

(9) Section 2102 is amended by striking subsection (c).

(10) Subsection (a) of section 2106 is amended by adding at the end the following new paragraph:

"(4) Exemption.—

"(A) In general.—An exemption of $60,000.

"(B) Residents of possessions of the United States.—In the case of a decedent who is considered to be a nonresident not a citizen of the United States under section 2209, the exemption under this paragraph shall be the greater of—

"(i) $60,000, or

"(ii) that proportion of $175,000 which the value of that part of the decedent's gross estate which at the time of his death is situated in the United States bears to the value of his entire gross estate wherever situated.

"(C) Special rules.—

"(i) Coordination with treaties.—To the extent required under any treaty obligation of the United States, the exemption allowed under this paragraph shall be equal to the amount which bears the same ratio to the exemption amount under section 2052 (for the calendar year in which the decedent died) as the value of the part of the decedent's gross estate which at the time of his death is situated in the United States bears to the value of his entire gross estate wherever situated. For purposes of the preceding sentence, property shall not be treated as situated in the United States if such property is exempt from the tax imposed by this subchapter under any treaty obligation of the United States.

"(ii) Coordination with gift tax exemption and unified credit.—If an exemption has been allowed under section 2521 (or a credit has been allowed under section 2505 as in effect on the day before the date of the enactment of the Wage and Employment Growth Act of 1999) with respect to any gift made by the decedent, each dollar amount contained in subparagraph (A) or (B) or the exemption amount applicable under clause (i) of this subparagraph (whichever applies) shall be reduced by the exemption so allowed under 2521 (or, in the case of such a credit, by the amount of the gift for which the credit was so allowed).".

(11)(A) Subsection (a) of section 2107 is amended by adding at the end the following new paragraph:

"(3) Limitation on exemption amount.—Subparagraphs (B) and (C) of section 2106(a)(4) shall not apply in applying section 2106 for purposes of this section.".

(B) Subsection (c) of section 2107 is amended—

(i) by striking paragraph (1) and by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively, and

(ii) by striking the second sentence of paragraph (2) (as so redesignated).

(12) Section 2206 is amended by striking "the taxable estate" in the first sentence and inserting "the sum of the taxable estate and the amount of the exemption allowed under section 2052 or 2106(a)(4) in computing the taxable estate".

(13) Section 2207 is amended by striking "the taxable estate" in the first sentence and inserting "the sum of the taxable estate and the amount of the exemption allowed under section 2052 or 2106(a)(4) in computing the taxable estate".

(14) Subparagraph (B) of section 2207B(a)(1) is amended to read as follows:

"(B) the sum of the taxable estate and the amount of the exemption allowed under section 2052 or 2106(a)(4) in computing the taxable estate.".

(15) Subsection (a) of section 2503 is amended by striking "section 2522" and inserting "section 2521".

(16) Paragraph (1) of section 6018(a) is amended by striking "the applicable exclusion amount in effect under section 2010(c)" and inserting "the exemption amount under section 2052".

(17) Subparagraph (A) of section 6601(j)(2) is amended to read as follows:

"(A) the amount of the tax which would be imposed by chapter 11 on an amount of taxable estate equal to $1,000,000, or".

(18) The table of sections for part II of subchapter A of chapter 11 is amended by striking the item relating to section 2010.

(19) The table of sections for part IV of subchapter A of chapter 11 is amended by inserting after the item relating to section 2051 the following new item:

"Sec. 2052. Exemption.".

(20) The table of sections for subchapter A of chapter 12 is amended by striking the item relating to section 2505.

(21) The table of sections for subchapter C of chapter 12 is amended by inserting before the item relating to section 2522 the following new item:

"Sec. 2521. Exemption.".

(d) Effective Date.—The amendments made by this section—

(1) insofar as they relate to the tax imposed by chapter 11 of the Internal Revenue Code of 1986, shall apply to estates of decedents dying after December 31, 2000, and

(2) insofar as they relate to the tax imposed by chapter 12 of such Code, shall apply to gifts made after December 31, 2000.

Subtitle C—Modifications of Generation-skipping Transfer Tax

SEC. 521. DEEMED ALLOCATION OF GST EXEMPTION TO LIFETIME TRANSFERS TO TRUSTS; RETROACTIVE ALLOCATIONS.

(a) In General.—Section 2632 (relating to special rules for allocation of GST exemption) is amended by redesignating subsection (c) as subsection (e) and by inserting after subsection (b) the following new subsections:

"(c) Deemed Allocation to Certain Lifetime Transfers to GST Trusts.—

"(1) In general.—If any individual makes an indirect skip during such individual's lifetime, any unused portion of such individual's GST exemption shall be allocated to the property transferred to the extent necessary to make the inclusion ratio for such property zero. If the amount of the indirect skip exceeds such unused portion, the entire unused portion shall be allocated to the property transferred.

"(2) Unused portion.—For purposes of paragraph (1), the unused portion of an individual's GST exemption is that portion of such exemption which has not previously been—

"(A) allocated by such individual,

"(B) treated as allocated under subsection (b) with respect to a direct skip occurring during or before the calendar year in which the indirect skip is made, or

"(C) treated as allocated under paragraph (1) with respect to a prior indirect skip.

"(3) Definitions.—

"(A) Indirect skip.—For purposes of this subsection, the term 'indirect skip' means any transfer of property (other than a direct skip) subject to the tax imposed by chapter 12 made to a GST trust.

"(B) GST trust.—The term 'GST trust' means a trust that could have a generation-skipping transfer with respect to the transferor unless—

"(i) the trust instrument provides that more than 25 percent of the trust corpus must be distributed to or may be withdrawn by 1 or more individuals who are non-skip persons—

"(I) before the date that the individual attains age 46,

"(II) on or before one or more dates specified in the trust instrument that will occur before the date that such individual attains age 46, or

"(III) upon the occurrence of an event that, in accordance with regulations prescribed by the Secretary, may reasonably be expected to occur before the date that such individual attains age 46;

"(ii) the trust instrument provides that more than 25 percent of the trust corpus must be distributed to or may be withdrawn by one or more individuals who are non-skip persons and who are living on the date of death of another person identified in the instrument (by name or by class) who is more than 10 years older than such individuals;

"(iii) the trust instrument provides that, if one or more individuals who are non-skip persons die on or before a date or event described in clause (i) or (ii), more than 25 percent of the trust corpus either must be distributed to the estate or estates of one or more of such individuals or is subject to a general power of appointment exercisable by one or more of such individuals;

"(iv) the trust is a trust any portion of which would be included in the gross estate of a non-skip person (other than the transferor) if such person died immediately after the transfer;

"(v) the trust is a charitable lead annuity trust (within the meaning of section 2642(e)(3)(A)) or a charitable remainder annuity trust or a charitable remainder unitrust (within the meaning of section 664(d)); or

"(vi) the trust is a trust with respect to which a deduction was allowed under section 2522 for the amount of an interest in the form of the right to receive annual payments of a fixed percentage of the net fair market value of the trust property (determined yearly) and which is required to pay principal to a non-skip person if such person is alive when the yearly payments for which the deduction was allowed terminate.

For purposes of this subparagraph, the value of transferred property shall not be considered to be includible in the gross estate of a non-skip person or subject to a right of withdrawal by reason of such person holding a right to withdraw so much of such property as does not exceed the amount referred to in section 2503(b) with respect to any transferor, and it shall be assumed that powers of appointment held by non-skip persons will not be exercised.

"(4) Automatic allocations to certain GST trusts.—For purposes of this subsection, an indirect skip to which section 2642(f) applies shall be deemed to have been made only at the close of the estate tax inclusion period. The fair market value of such transfer shall be the fair market value of the trust property at the close of the estate tax inclusion period.

"(5) Applicability and effect.—

"(A) In general.—An individual—

"(i) may elect to have this subsection not apply to—

"(I) an indirect skip, or

"(II) any or all transfers made by such individual to a particular trust, and

"(ii) may elect to treat any trust as a GST trust for purposes of this subsection with respect to any or all transfers made by such individual to such trust.

"(B) Elections.—

"(i) Elections with respect to indirect skips.—An election under subparagraph (A)(i)(I) shall be deemed to be timely if filed on a timely filed gift tax return for the calendar year in which the transfer was made or deemed to have been made pursuant to paragraph (4) or on such later date or dates as may be prescribed by the Secretary.

"(ii) Other elections.—An election under clause (i)(II) or (ii) of subparagraph (A) may be made on a timely filed gift tax return for the calendar year for which the election is to become effective.

"(d) Retroactive Allocations.—

"(1) In general.—If—

"(A) a non-skip person has an interest or a future interest in a trust to which any transfer has been made,

"(B) such person—

"(i) is a lineal descendant of a grandparent of the transferor or of a grandparent of the transferor's spouse or former spouse, and

"(ii) is assigned to a generation below the generation assignment of the transferor, and

"(C) such person predeceases the transferor,

then the transferor may make an allocation of any of such transferor's unused GST exemption to any previous transfer or transfers to the trust on a chronological basis.

"(2) Special rules.—If the allocation under paragraph (1) by the transferor is made on a gift tax return filed on or before the date prescribed by section 6075(b) for gifts made within the calendar year within which the non-skip person's death occurred—

"(A) the value of such transfer or transfers for purposes of section 2642(a) shall be determined as if such allocation had been made on a timely filed gift tax return for each calendar year within which each transfer was made,

"(B) such allocation shall be effective immediately before such death, and

"(C) the amount of the transferor's unused GST exemption available to be allocated shall be determined immediately before such death.

"(3) Future interest.—For purposes of this subsection, a person has a future interest in a trust if the trust may permit income or corpus to be paid to such person on a date or dates in the future.".

(b) Conforming Amendment.—Paragraph (2) of section 2632(b) is amended by striking "with respect to a direct skip" and inserting "or subsection (c)(1)".

(c) Effective Dates.—

(1) Deemed allocation.—Section 2632(c) of the Internal Revenue Code of 1986 (as added by subsection (a)), and the amendment made by subsection (b), shall apply to transfers subject to chapter 11 or 12 made after December 31, 1999, and to estate tax inclusion periods ending after December 31, 1999.

(2) Retroactive allocations.—Section 2632(d) of the Internal Revenue Code of 1986 (as added by subsection (a)) shall apply to deaths of non-skip persons occurring after the date of the enactment of this Act.

SEC. 522. SEVERING OF TRUSTS.

(a) In General.—Subsection (a) of section 2642 (relating to inclusion ratio) is amended by adding at the end the following new paragraph:

"(3) Severing of trusts.—

"(A) In general.—If a trust is severed in a qualified severance, the trusts resulting from such severance shall be treated as separate trusts thereafter for purposes of this chapter.

"(B) Qualified severance.—For purposes of subparagraph (A)—

"(i) In general.—The term 'qualified severance' means the division of a single trust and the creation (by any means available under the governing instrument or under local law) of two or more trusts if—

"(I) the single trust was divided on a fractional basis, and

"(II) the terms of the new trusts, in the aggregate, provide for the same succession of interests of beneficiaries as are provided in the original trust.

"(ii) Trusts with inclusion ratio greater than zero.—If a trust has an inclusion ratio of greater than zero and less than 1, a severance is a qualified severance only if the single trust is divided into two trusts, one of which receives a fractional share of the total value of all trust assets equal to the applicable fraction of the single trust immediately before the severance. In such case, the trust receiving such fractional share shall have an inclusion ratio of zero and the other trust shall have an inclusion ratio of 1.

"(iii) Regulations.—The term 'qualified severance' includes any other severance permitted under regulations prescribed by the Secretary.

"(C) Timing and manner of severances.—A severance pursuant to this paragraph may be made at any time. The Secretary shall prescribe by forms or regulations the manner in which the qualified severance shall be reported to the Secretary.".

(b) Effective Date.—The amendment made by this section shall apply to severances after the date of the enactment of this Act.

SEC. 523. MODIFICATION OF CERTAIN VALUATION RULES.

(a) Gifts for Which Gift Tax Return Filed or Deemed Allocation Made.—Paragraph (1) of section 2642(b) (relating to valuation rules, etc.) is amended to read as follows:

"(1) Gifts for which gift tax return filed or deemed allocation made.—If the allocation of the GST exemption to any transfers of property is made on a gift tax return filed on or before the date prescribed by section 6075(b) for such transfer or is deemed to be made under section 2632 (b)(1) or (c)(1)—

"(A) the value of such property for purposes of subsection (a) shall be its value as finally determined for purposes of chapter 12 (within the meaning of section 2001(f)(2)), or, in the case of an allocation deemed to have been made at the close of an estate tax inclusion period, its value at the time of the close of the estate tax inclusion period, and

"(B) such allocation shall be effective on and after the date of such transfer, or, in the case of an allocation deemed to have been made at the close of an estate tax inclusion period, on and after the close of such estate tax inclusion period.".

(b) Transfers at Death.—Subparagraph (A) of section 2642(b)(2) is amended to read as follows:

"(A) Transfers at death.—If property is transferred as a result of the death of the transferor, the value of such property for purposes of subsection (a) shall be its value as finally determined for purposes of chapter 11; except that, if the requirements prescribed by the Secretary respecting allocation of post-death changes in value are not met, the value of such property shall be determined as of the time of the distribution concerned.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendments made by section 1431 of the Tax Reform Act of 1986.

SEC. 524. RELIEF PROVISIONS.

(a) IN GENERAL.—Section 2642 is amended by adding at the end the following new subsection:

``(g) RELIEF PROVISIONS.—

``(1) RELIEF FOR LATE ELECTIONS.—

``(A) IN GENERAL.—The Secretary shall by regulation prescribe such circumstances and procedures under which extensions of time will be granted to make—

``(i) an allocation of GST exemption described in paragraph (1) or (2) of subsection (b), and

``(ii) an election under subsection (b)(3) or (c)(5) of section 2632.

Such regulations shall include procedures for requesting comparable relief with respect to transfers made before the date of the enactment of this paragraph.

``(B) BASIS FOR DETERMINATIONS.—In determining whether to grant relief under this paragraph, the Secretary shall take into account all relevant circumstances, including evidence of intent contained in the trust instrument or instrument of transfer and such other factors as the Secretary deems relevant. For purposes of determining whether to grant relief under this paragraph, the time for making the allocation (or election) shall be treated as if not expressly prescribed by statute.

``(2) SUBSTANTIAL COMPLIANCE.—An allocation of GST exemption under section 2632 that demonstrates an intent to have the lowest possible inclusion ratio with respect to a transfer or a trust shall be deemed to be an allocation of so much of the transferor's unused GST exemption as produces the lowest possible inclusion ratio. In determining whether there has been substantial compliance, all relevant circumstances shall be taken into account, including evidence of intent contained in the trust instrument or instrument of transfer and such other factors as the Secretary deems relevant.''.

(b) EFFECTIVE DATES.—

(1) RELIEF FOR LATE ELECTIONS.—Section 2642(g)(1) of the Internal Revenue Code of 1986 (as added by subsection (a)) shall apply to requests pending on, or filed after, the date of the enactment of this Act.

(2) SUBSTANTIAL COMPLIANCE.—Section 2642(g)(2) of such Code (as so added) shall take effect on the date of the enactment of this Act and shall apply to allocations made prior to such date for purposes of determining the tax consequences of generation-skipping transfers with respect to which the period of time for filing claims for refund has not expired. No implication is intended with respect to the availability of relief for late elections or the application of a rule of substantial compliance prior to the enactment of this amendment.

Subtitle D—Conservation Easements

SEC. 531. EXPANSION OF ESTATE TAX RULE FOR CONSERVATION EASEMENTS.

(a) WHERE LAND IS LOCATED.—

(1) IN GENERAL.—Clause (i) of section 2031(c)(8)(A) (defining land subject to a conservation easement) is amended—

(A) by striking ``25 miles'' both places it appears and inserting ``50 miles'', and

(B) striking ``10 miles'' and inserting ``25 miles''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to estates of decedents dying after December 31, 1999.

(b) CLARIFICATION OF DATE FOR DETERMINING VALUE OF LAND AND EASEMENT.—

(1) IN GENERAL.—Section 2031(c)(2) (defining applicable percentage) is amended by adding at the end the following new sentence: ``The values taken into account under the preceding sentence shall be such values as of the date of the contribution referred to in paragraph (8)(B).''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to estates of decedents dying after December 31, 1997.

TITLE VI—TAX RELIEF FOR DISTRESSED COMMUNITIES AND INDUSTRIES

Subtitle A—American Community Renewal Act of 1999

SEC. 601. SHORT TITLE.

This subtitle may be cited as the ``American Community Renewal Act of 1999''.

SEC. 602. DESIGNATION OF AND TAX INCENTIVES FOR RENEWAL COMMUNITIES.

(a) IN GENERAL.—Chapter 1 is amended by adding at the end the following new subchapter:

``Subchapter X—Renewal Communities

``Part I. Designation.
``Part II. Renewal community capital gain; renewal community business.
``Part III. Family development accounts.
``Part IV. Additional incentives.

``PART I—DESIGNATION

``Sec. 1400E. Designation of renewal communities.

``SEC. 1400E. DESIGNATION OF RENEWAL COMMUNITIES.

``(a) DESIGNATION.—

``(1) DEFINITIONS.—For purposes of this title, the term 'renewal community' means any area—

``(A) which is nominated by one or more local governments and the State or States in which it is located for designation as a renewal community (hereinafter in this section referred to as a 'nominated area'); and

``(B) which the Secretary of Housing and Urban Development designates as a renewal community, after consultation with—

``(i) the Secretaries of Agriculture, Commerce, Labor, and the Treasury; the Director of the Office of Management and Budget; and the Administrator of the Small Business Administration; and

``(ii) in the case of an area on an Indian reservation, the Secretary of the Interior.

``(2) NUMBER OF DESIGNATIONS.—

``(A) IN GENERAL.—The Secretary of Housing and Urban Development may designate not more than 15 nominated areas as renewal communities of which—

``(i) only 5 may be designated during the first 12 months of the period referred to in paragraph (4)(B),

``(ii) an additional 5 may be designated during the second 12 months of such period, and

``(iii) the remaining 5 may be designated during the last 12 months of such period.

``(B) MINIMUM DESIGNATION IN RURAL AREAS.—Of the areas designated under paragraph (1), at least 3 must be areas—

``(i) which are within a local government jurisdiction or jurisdictions with a population of less than 50,000,

``(ii) which are outside of a metropolitan statistical area (within the meaning of section 143(k)(2)(B)), or

``(iii) which are determined by the Secretary of Housing and Urban Development, after consultation with the Secretary of Commerce, to be rural areas.

``(3) AREAS DESIGNATED BASED ON DEGREE OF POVERTY, ETC.—

``(A) IN GENERAL.—Except as otherwise provided in this section, the nominated areas designated as renewal communities under this subsection shall be those nominated areas with the highest average ranking with respect to the criteria described in subparagraphs (B), (C), and (D) of subsection (c)(3). For purposes of the preceding sentence, an area shall be ranked within each such criterion on the basis of the amount by which the area exceeds such criterion, with the area which exceeds such criterion by the greatest amount given the highest ranking.

``(B) EXCEPTION WHERE INADEQUATE COURSE OF ACTION, ETC.—An area shall not be designated under subparagraph (A) if the Secretary of Housing and Urban Development determines that the course of action described in subsection (d)(2) with respect to such area is inadequate.

``(C) PRIORITY FOR EMPOWERMENT ZONES AND ENTERPRISE COMMUNITIES WITH RESPECT TO FIRST HALF OF DESIGNATIONS.—With respect to the first 10 designations made under this section—

``(i) all shall be chosen from nominated areas which are empowerment zones or enterprise communities (and are otherwise eligible for designation under this section); and

``(ii) two shall be areas described in paragraph (2)(B).

``(4) LIMITATION ON DESIGNATIONS.—

``(A) PUBLICATION OF REGULATIONS.—The Secretary of Housing and Urban Development shall prescribe by regulation no later than 4 months after the date of the enactment of this section, after consultation with the officials described in paragraph (1)(B)—

``(i) the procedures for nominating an area under paragraph (1)(A);

``(ii) the parameters relating to the size and population characteristics of a renewal community; and

``(iii) the manner in which nominated areas will be evaluated based on the criteria specified in subsection (d).

``(B) TIME LIMITATIONS.—The Secretary of Housing and Urban Development may designate nominated areas as renewal communities only during the 36-month period beginning on the first day of the first month following the month in which the regulations described in subparagraph (A) are prescribed.

``(C) PROCEDURAL RULES.—The Secretary of Housing and Urban Development shall not make any designation of a nominated area as a renewal community under paragraph (2) unless—

``(i) the local governments and the States in which the nominated area is located have the authority—

``(I) to nominate such area for designation as a renewal community;

``(II) to make the State and local commitments described in subsection (d); and

``(III) to provide assurances satisfactory to the Secretary of Housing and Urban Development that such commitments will be fulfilled,

``(ii) a nomination regarding such area is submitted in such a manner and in such form, and contains such information, as the Secretary of Housing and Urban Development shall by regulation prescribe; and

``(iii) the Secretary of Housing and Urban Development determines that any information furnished is reasonably accurate.

``(5) NOMINATION PROCESS FOR INDIAN RESERVATIONS.—For purposes of this subchapter, in the case of a nominated area on an Indian reservation, the reservation governing body (as determined by the Secretary of the Interior) shall be treated as being both the State and local governments with respect to such area.

“(b) Period for Which Designation Is in Effect.—

“(1) In general.—Any designation of an area as a renewal community shall remain in effect during the period beginning on the date of the designation and ending on the earliest of—

“(A) December 31, 2007,

“(B) the termination date designated by the State and local governments in their nomination, or

“(C) the date the Secretary of Housing and Urban Development revokes such designation.

“(2) Revocation of designation.—The Secretary of Housing and Urban Development may revoke the designation under this section of an area if such Secretary determines that the local government or the State in which the area is located—

“(A) has modified the boundaries of the area, or

“(B) is not complying substantially with, or fails to make progress in achieving, the State or local commitments, respectively, described in subsection (d).

“(c) Area and Eligibility Requirements.—

“(1) In general.—The Secretary of Housing and Urban Development may designate a nominated area as a renewal community under subsection (a) only if the area meets the requirements of paragraphs (2) and (3) of this subsection.

“(2) Area requirements.—A nominated area meets the requirements of this paragraph if—

“(A) the area is within the jurisdiction of one or more local governments;

“(B) the boundary of the area is continuous; and

“(C) the area—

“(i) has a population, of at least—

“(I) 4,000 if any portion of such area (other than a rural area described in subsection (a)(2)(B)(i)) is located within a metropolitan statistical area (within the meaning of section 143(k)(2)(B)) which has a population of 50,000 or greater; or

“(II) 1,000 in any other case; or

“(ii) is entirely within an Indian reservation (as determined by the Secretary of the Interior).

“(3) Eligibility requirements.—A nominated area meets the requirements of this paragraph if the State and the local governments in which it is located certify (and the Secretary of Housing and Urban Development, after such review of supporting data as he deems appropriate, accepts such certification) that—

“(A) the area is one of pervasive poverty, unemployment, and general distress;

“(B) the unemployment rate in the area, as determined by the most recent available data, was at least 1½ times the national unemployment rate for the period to which such data relate;

“(C) the poverty rate for each population census tract within the nominated area is at least 20 percent; and

“(D) in the case of an urban area, at least 70 percent of the households living in the area have incomes below 80 percent of the median income of households within the jurisdiction of the local government (determined in the same manner as under section 119(b)(2) of the Housing and Community Development Act of 1974).

“(4) Consideration of high incidence of crime.—The Secretary of Housing and Urban Development shall take into account, in selecting nominated areas for designation as renewal communities under this section, the extent to which such areas have a high incidence of crime.

“(5) Consideration of communities identified in GAO study.—The Secretary of Housing and Urban Development shall take into account, in selecting nominated areas for designation as renewal communities under this section, if the area has census tracts identified in the May 12, 1998, report of the Government Accounting Office regarding the identification of economically distressed areas.

“(d) Required State and Local Commitments.—

“(1) In general.—The Secretary of Housing and Urban Development may designate any nominated area as a renewal community under subsection (a) only if—

“(A) the local government and the State in which the area is located agree in writing that, during any period during which the area is a renewal community, such governments will follow a specified course of action which meets the requirements of paragraph (2) and is designed to reduce the various burdens borne by employers or employees in such area; and

“(B) the economic growth promotion requirements of paragraph (3) are met.

“(2) Course of action.—

“(A) In general.—A course of action meets the requirements of this paragraph if such course of action is a written document, signed by a State (or local government) and neighborhood organizations, which evidences a partnership between such State or government and community-based organizations and which commits each signatory to specific and measurable goals, actions, and timetables. Such course of action shall include at least five of the following:

“(i) A reduction of tax rates or fees applying within the renewal community.

“(ii) An increase in the level of efficiency of local services within the renewal community.

“(iii) Crime reduction strategies, such as crime prevention (including the provision of such services by nongovernmental entities).

“(iv) Actions to reduce, remove, simplify, or streamline governmental requirements applying within the renewal community.

“(v) Involvement in the program by private entities, organizations, neighborhood organizations, and community groups, particularly those in the renewal community, including a commitment from such private entities to provide jobs and job training for, and technical, financial, or other assistance to, employers, employees, and residents from the renewal community.

“(vi) State or local income tax benefits for fees paid for services performed by a nongovernmental entity which were formerly performed by a governmental entity.

“(vii) The gift (or sale at below fair market value) of surplus real property (such as land, homes, and commercial or industrial structures) in the renewal community to neighborhood organizations, community development corporations, or private companies.

“(B) Recognition of past efforts.—For purposes of this section, in evaluating the course of action agreed to by any State or local government, the Secretary of Housing and Urban Development shall take into account the past efforts of such State or local government in reducing the various burdens borne by employers and employees in the area involved.

“(3) Economic growth promotion requirements.—The economic growth promotion requirements of this paragraph are met with respect to a nominated area if the local government and the State in which such area is located certify in writing that such government and State, respectively, have repealed or otherwise will not enforce within the area, if such area is designated as a renewal community—

“(A) licensing requirements for occupations that do not ordinarily require a professional degree;

“(B) zoning restrictions on home-based businesses which do not create a public nuisance;

“(C) permit requirements for street vendors who do not create a public nuisance;

“(D) zoning or other restrictions that impede the formation of schools or child care centers; and

“(E) franchises or other restrictions on competition for businesses providing public services, including but not limited to taxicabs, jitneys, cable television, or trash hauling,

except to the extent that such regulation of businesses and occupations is necessary for and well-tailored to the protection of health and safety.

“(e) Coordination With Treatment of Empowerment Zones and Enterprise Communities.—For purposes of this title, if there are in effect with respect to the same area both—

“(1) a designation as a renewal community; and

“(2) a designation as an empowerment zone or enterprise community,

both of such designations shall be given full effect with respect to such area.

“(f) Definitions and Special Rules.—For purposes of this subchapter—

“(1) Governments.—If more than one government seeks to nominate an area as a renewal community, any reference to, or requirement of, this section shall apply to all such governments.

“(2) State.—The term ‘State’ includes Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, the Northern Mariana Islands, and any other possession of the United States.

“(3) Local government.—The term ‘local government’ means—

“(A) any county, city, town, township, parish, village, or other general purpose political subdivision of a State;

“(B) any combination of political subdivisions described in subparagraph (A) recognized by the Secretary of Housing and Urban Development; and

“(C) the District of Columbia.

“(4) Application of rules relating to census tracts and census data.—The rules of sections 1392(b)(4) and 1393(a)(9) shall apply.

“PART II—RENEWAL COMMUNITY CAPITAL GAIN; RENEWAL COMMUNITY BUSINESS

“Sec. 1400F. Renewal community capital gain.

“Sec. 1400G. Renewal community business defined.

“SEC. 1400F. RENEWAL COMMUNITY CAPITAL GAIN.

“(a) General Rule.—Gross income does not include any qualified capital gain recognized on the sale or exchange of a qualified community asset held for more than 5 years.

“(b) Qualified Community Asset.—For purposes of this section—

“(1) In general.—The term ‘qualified community asset’ means—

“(A) any qualified community stock;

"(B) any qualified community partnership interest; and

"(C) any qualified community business property.

"(2) QUALIFIED COMMUNITY STOCK.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'qualified community stock' means any stock in a domestic corporation if—

"(i) such stock is acquired by the taxpayer after December 31, 2000, and before January 1, 2008, at its original issue (directly or through an underwriter) from the corporation solely in exchange for cash;

"(ii) as of the time such stock was issued, such corporation was a renewal community business (or, in the case of a new corporation, such corporation was being organized for purposes of being a renewal community business); and

"(iii) during substantially all of the taxpayer's holding period for such stock, such corporation qualified as a renewal community business.

"(B) REDEMPTIONS.—A rule similar to the rule of section 1202(c)(3) shall apply for purposes of this paragraph.

"(3) QUALIFIED COMMUNITY PARTNERSHIP INTEREST.—The term 'qualified community partnership interest' means any capital or profits interest in a domestic partnership if—

"(A) such interest is acquired by the taxpayer after December 31, 2000, and before January 1, 2008;

"(B) as of the time such interest was acquired, such partnership was a renewal community business (or, in the case of a new partnership, such partnership was being organized for purposes of being a renewal community business); and

"(C) during substantially all of the taxpayer's holding period for such interest, such partnership qualified as a renewal community business.

A rule similar to the rule of paragraph (2)(B) shall apply for purposes of this paragraph.

"(4) QUALIFIED COMMUNITY BUSINESS PROPERTY.—

"(A) IN GENERAL.—The term 'qualified community business property' means tangible property if—

"(i) such property was acquired by the taxpayer by purchase (as defined in section 179(d)(2)) after December 31, 2000, and before January 1, 2008;

"(ii) the original use of such property in the renewal community commences with the taxpayer; and

"(iii) during substantially all of the taxpayer's holding period for such property, substantially all of the use of such property was in a renewal community business of the taxpayer.

"(B) SPECIAL RULE FOR SUBSTANTIAL IMPROVEMENTS.—The requirements of clauses (i) and (ii) of subparagraph (A) shall be treated as satisfied with respect to—

"(i) property which is substantially improved (within the meaning of section 1400B(b)(4)(B)(ii)) by the taxpayer before January 1, 2008; and

"(ii) any land on which such property is located.

"(c) CERTAIN RULES TO APPLY.—Rules similar to the rules of paragraphs (5), (6), and (7) of subsection (b), and subsections (e), (f), and (g), of section 1400B shall apply for purposes of this section.

"SEC. 1400G. RENEWAL COMMUNITY BUSINESS DEFINED.

"For purposes of this part, the term 'renewal community business' means any entity or proprietorship which would be a qualified business entity or qualified proprietorship under section 1397B if—

"(1) references to renewal communities were substituted for references to empowerment zones in such section; and

"(2) '80 percent' were substituted for '50 percent' in subsections (b)(2) and (c)(1) of such section.

"PART III—FAMILY DEVELOPMENT ACCOUNTS

"Sec. 1400H. Family development accounts for renewal community EITC recipients.
"Sec. 1400I. Designation of earned income tax credit payments for deposit to family development account.

"SEC. 1400H. FAMILY DEVELOPMENT ACCOUNTS FOR RENEWAL COMMUNITY EITC RECIPIENTS.

"(a) ALLOWANCE OF DEDUCTION.—

"(1) IN GENERAL.—There shall be allowed as a deduction—

"(A) in the case of a qualified individual, the amount paid in cash for the taxable year by such individual to any family development account for such individual's benefit; and

"(B) in the case of any person other than a qualified individual, the amount paid in cash for the taxable year by such person to any family development account for the benefit of a qualified individual but only if the amount so paid is designated for purposes of this section by such individual.

"(2) LIMITATION.—

"(A) IN GENERAL.—The amount allowable as a deduction to any individual for any taxable year by reason of paragraph (1)(A) shall not exceed the lesser of—

"(i) $2,000, or

"(ii) an amount equal to the compensation includible in the individual's gross income for such taxable year.

"(B) PERSONS DONATING TO FAMILY DEVELOPMENT ACCOUNTS OF OTHERS.—The amount which may be designated under paragraph (1)(B) by any qualified individual for any taxable year of such individual shall not exceed $1,000.

"(3) SPECIAL RULES FOR CERTAIN MARRIED INDIVIDUALS.—Rules similar to rules of section 219(c) shall apply to the limitation in paragraph (2)(A).

"(4) COORDINATION WITH IRAS.—No deduction shall be allowed under this section for any taxable year to any person by reason of a payment to an account for the benefit of a qualified individual if any amount is paid for such taxable year into an individual retirement account (including a Roth IRA) for the benefit of such individual.

"(5) ROLLOVERS.—No deduction shall be allowed under this section with respect to any rollover contribution.

"(b) TAX TREATMENT OF DISTRIBUTIONS.—

"(1) INCLUSION OF AMOUNTS IN GROSS INCOME.—Except as otherwise provided in this subsection, any amount paid or distributed out of a family development account shall be included in gross income by the payee or distributee, as the case may be.

"(2) EXCLUSION OF QUALIFIED FAMILY DEVELOPMENT DISTRIBUTIONS.—Paragraph (1) shall not apply to any qualified family development distribution.

"(c) QUALIFIED FAMILY DEVELOPMENT DISTRIBUTION.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified family development distribution' means any amount paid or distributed out of a family development account which would otherwise be includible in gross income, to the extent that such payment or distribution is used exclusively to pay qualified family development expenses for the holder of the account or the spouse or dependent (as defined in section 152) of such holder.

"(2) QUALIFIED FAMILY DEVELOPMENT EXPENSES.—The term 'qualified family development expenses' means any of the following:

"(A) Qualified higher education expenses.

"(B) Qualified first-time homebuyer costs.

"(C) Qualified business capitalization costs.

"(D) Qualified medical expenses.

"(E) Qualified rollovers.

"(3) QUALIFIED HIGHER EDUCATION EXPENSES.—

"(A) IN GENERAL.—The term 'qualified higher education expenses' has the meaning given such term by section 72(t)(7), determined by treating postsecondary vocational educational schools as eligible educational institutions.

"(B) POSTSECONDARY VOCATIONAL EDUCATION SCHOOL.—The term 'postsecondary vocational educational school' means an area vocational education school (as defined in subparagraph (C) or (D) of section 521(4) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2471(4))) which is in any State (as defined in section 521(33) of such Act), as such sections are in effect on the date of the enactment of this section.

"(C) COORDINATION WITH OTHER BENEFITS.—The amount of qualified higher education expenses for any taxable year shall be reduced as provided in section 25A(g)(2).

"(4) QUALIFIED FIRST-TIME HOMEBUYER COSTS.—The term 'qualified first-time homebuyer costs' means qualified acquisition costs (as defined in section 72(t)(8) without regard to subparagraph (B) thereof) with respect to a principal residence (within the meaning of section 121) for a qualified first-time homebuyer (as defined in section 72(t)(8)).

"(5) QUALIFIED BUSINESS CAPITALIZATION COSTS.—

"(A) IN GENERAL.—The term 'qualified business capitalization costs' means qualified expenditures for the capitalization of a qualified business pursuant to a qualified plan.

"(B) QUALIFIED EXPENDITURES.—The term 'qualified expenditures' means expenditures included in a qualified plan, including capital, plant, equipment, working capital, and inventory expenses.

"(C) QUALIFIED BUSINESS.—The term 'qualified business' means any trade or business other than any trade or business—

"(i) which consists of the operation of any facility described in section 144(c)(6)(B), or

"(ii) which contravenes any law.

"(D) QUALIFIED PLAN.—The term 'qualified plan' means a business plan which meets such requirements as the Secretary may specify.

"(6) QUALIFIED MEDICAL EXPENSES.—The term 'qualified medical expenses' means any amount paid during the taxable year, not compensated for by insurance or otherwise, for medical care (as defined in section 213(d)) of the taxpayer, his spouse, or his dependent (as defined in section 152).

"(7) QUALIFIED ROLLOVERS.—The term 'qualified rollover' means any amount paid from a family development account of a taxpayer into another such account established for the benefit of—

"(A) such taxpayer, or

"(B) any qualified individual who is—

"(i) the spouse of such taxpayer, or

"(ii) any dependent (as defined in section 152) of the taxpayer.

Rules similar to the rules of section 408(d)(3) shall apply for purposes of this paragraph.

“(d) Tax Treatment of Accounts.—

“(1) In general.—Any family development account is exempt from taxation under this subtitle unless such account has ceased to be a family development account by reason of paragraph (2). Notwithstanding the preceding sentence, any such account is subject to the taxes imposed by section 511 (relating to imposition of tax on unrelated business income of charitable, etc., organizations). Notwithstanding any other provision of this title (including chapters 11 and 12), the basis of any person in such an account is zero.

“(2) Loss of exemption in case of prohibited transactions.—For purposes of this section, rules similar to the rules of section 408(e) shall apply.

“(3) Other rules to apply.—Rules similar to the rules of paragraphs (4), (5), and (6) of section 408(d) shall apply for purposes of this section.

“(e) Family Development Account.—For purposes of this title, the term ‘family development account’ means a trust created or organized in the United States for the exclusive benefit of a qualified individual or his beneficiaries, but only if the written governing instrument creating the trust meets the following requirements:

“(1) Except in the case of a qualified rollover (as defined in subsection (c)(7))—

“(A) no contribution will be accepted unless it is in cash; and

“(B) contributions will not be accepted for the taxable year in excess of $3,000.

“(2) The requirements of paragraphs (2) through (6) of section 408(a) are met.

“(f) Qualified Individual.—For purposes of this section, the term ‘qualified individual’ means, for any taxable year, an individual—

“(1) who is a bona fide resident of a renewal community throughout the taxable year; and

“(2) to whom a credit was allowed under section 32 for the preceding taxable year.

“(g) Other Definitions and Special Rules.—

“(1) Compensation.—The term ‘compensation’ has the meaning given such term by section 219(f)(1).

“(2) Married individuals.—The maximum deduction under subsection (a) shall be computed separately for each individual, and this section shall be applied without regard to any community property laws.

“(3) Time when contributions deemed made.—For purposes of this section, a taxpayer shall be deemed to have made a contribution to a family development account on the last day of the preceding taxable year if the contribution is made on account of such taxable year and is made not later than the time prescribed by law for filing the return for such taxable year (not including extensions thereof).

“(4) Employer payments; custodial accounts.—Rules similar to the rules of sections 219(f)(5) and 408(h) shall apply for purposes of this section.

“(5) Reports.—The trustee of a family development account shall make such reports regarding such account to the Secretary and to the individual for whom the account is maintained with respect to contributions (and the years to which they relate), distributions, and such other matters as the Secretary may require under regulations. The reports required by this paragraph—

“(A) shall be filed at such time and in such manner as the Secretary prescribes in such regulations; and

“(B) shall be furnished to individuals—

“(i) not later than January 31 of the calendar year following the calendar year to which such reports relate; and

“(ii) in such manner as the Secretary prescribes in such regulations.

“(6) Investment in collectibles treated as distributions.—Rules similar to the rules of section 408(m) shall apply for purposes of this section.

“(h) Penalty for Distributions Not Used for Qualified Family Development Expenses.—

“(1) In general.—If any amount is distributed from a family development account and is not used exclusively to pay qualified family development expenses for the holder of the account or the spouse or dependent (as defined in section 152) of such holder, the tax imposed by this chapter for the taxable year of such distribution shall be increased by 10 percent of the portion of such amount which is includible in gross income.

“(2) Exception for certain distributions.—Paragraph (1) shall not apply to distributions which are—

“(A) made on or after the date on which the account holder attains age 59½,

“(B) made to a beneficiary (or the estate of the account holder) on or after the death of the account holder, or

“(C) attributable to the account holder's being disabled within the meaning of section 72(m)(7).

“(i) Application of Section.—This section shall apply to amounts paid to a family development account for any taxable year beginning after December 31, 2000, and before January 1, 2008.

“SEC. 1400I. DESIGNATION OF EARNED INCOME TAX CREDIT PAYMENTS FOR DEPOSIT TO FAMILY DEVELOPMENT ACCOUNT.

“(a) In General.—With respect to the return of any qualified individual (as defined in section 1400H(f)) for the taxable year of the tax imposed by this chapter, such individual may designate that a specified portion (not less than $1) of any overpayment of tax for such taxable year which is attributable to the earned income tax credit shall be deposited by the Secretary into a family development account of such individual. The Secretary shall so deposit such portion designated under this subsection.

“(b) Manner and Time of Designation.—A designation under subsection (a) may be made with respect to any taxable year—

“(1) at the time of filing the return of the tax imposed by this chapter for such taxable year, or

“(2) at any other time (after the time of filing the return of the tax imposed by this chapter for such taxable year) specified in regulations prescribed by the Secretary.

Such designation shall be made in such manner as the Secretary prescribes by regulations.

“(c) Portion Attributable to Earned Income Tax Credit.—For purposes of subsection (a), an overpayment for any taxable year shall be treated as attributable to the earned income tax credit to the extent that such overpayment does not exceed the credit allowed to the taxpayer under section 32 for such taxable year.

“(d) Overpayments Treated as Refunded.—For purposes of this title, any portion of an overpayment of tax designated under subsection (a) shall be treated as being refunded to the taxpayer as of the last date prescribed for filing the return of tax imposed by this chapter (determined without regard to extensions) or, if later, the date the return is filed.

“(e) Termination.—This section shall not apply to any taxable year beginning after December 31, 2007.

“PART IV—ADDITIONAL INCENTIVES

“Sec. 1400K. Commercial revitalization deduction.

“Sec. 1400L. Increase in expensing under section 179.

“SEC. 1400K. COMMERCIAL REVITALIZATION DEDUCTION.

“(a) General Rule.—At the election of the taxpayer, either—

“(1) one-half of any qualified revitalization expenditures chargeable to capital account with respect to any qualified revitalization building shall be allowable as a deduction for the taxable year in which the building is placed in service, or

“(2) a deduction for all such expenditures shall be allowable ratably over the 120-month period beginning with the month in which the building is placed in service.

The deduction provided by this section with respect to such expenditure shall be in lieu of any depreciation deduction otherwise allowable on account of such expenditure.

“(b) Qualified Revitalization Buildings and Expenditures.—For purposes of this section—

“(1) Qualified revitalization building.—The term ‘qualified revitalization building’ means any building (and its structural components) if—

“(A) such building is located in a renewal community and is placed in service after December 31, 2000;

“(B) a commercial revitalization deduction amount is allocated to the building under subsection (d); and

“(C) depreciation (or amortization in lieu of depreciation) is allowable with respect to the building (without regard to this section).

“(2) Qualified revitalization expenditure.—

“(A) In general.—The term ‘qualified revitalization expenditure’ means any amount properly chargeable to capital account—

“(i) for property for which depreciation is allowable under section 168 (without regard to this section) and which is—

“(I) nonresidential real property; or

“(II) an addition or improvement to property described in subclause (I);

“(ii) in connection with the construction of any qualified revitalization building which was not previously placed in service or in connection with the substantial rehabilitation (within the meaning of section 47(c)(1)(C)) of a building which was placed in service before the beginning of such rehabilitation; and

“(iii) for land (including land which is functionally related to such property and subordinate thereto).

“(B) Dollar limitation.—The aggregate amount which may be treated as qualified revitalization expenditures with respect to any qualified revitalization building for any taxable year shall not exceed the excess of—

“(i) $10,000,000, reduced by

“(ii) any such expenditures with respect to the building taken into account by the taxpayer or any predecessor in determining the amount of the deduction under this section for all preceding taxable years.

“(C) Certain expenditures not included.—The term ‘qualified revitalization expenditure’ does not include—

“(i) Acquisition costs.—The costs of acquiring any building or interest therein and any land in connection with such building to the extent that such costs exceed 30 percent of the qualified revitalization expenditures determined without regard to this clause.

"(ii) Credits.—Any expenditure which the taxpayer may take into account in computing any credit allowable under this title unless the taxpayer elects to take the expenditure into account only for purposes of this section.

"(c) When Expenditures Taken Into Account.—Qualified revitalization expenditures with respect to any qualified revitalization building shall be taken into account for the taxable year in which the qualified revitalization building is placed in service. For purposes of the preceding sentence, a substantial rehabilitation of a building shall be treated as a separate building.

"(d) Limitation on Aggregate Deductions Allowable With Respect to Buildings Located in a State.—

"(1) In general.—The amount of the deduction determined under this section for any taxable year with respect to any building shall not exceed the commercial revitalization deduction amount (in the case of an amount determined under subsection (a)(2), the present value of such amount as determined under the rules of section 42(b)(2)(C) by substituting '100 percent' for '72 percent' in clause (ii) thereof) allocated to such building under this subsection by the commercial revitalization agency. Such allocation shall be made at the same time and in the same manner as under paragraphs (1) and (7) of section 42(h).

"(2) Commercial revitalization deduction amount for agencies.—

"(A) In general.—The aggregate commercial revitalization deduction amount which a commercial revitalization agency may allocate for any calendar year is the amount of the State commercial revitalization deduction ceiling determined under this paragraph for such calendar year for such agency.

"(B) State commercial revitalization deduction ceiling.—The State commercial revitalization deduction ceiling applicable to any State—

"(i) for each calendar year after 2000 and before 2008 is $6,000,000 for each renewal community in the State; and

"(ii) zero for each calendar year thereafter.

"(C) Commercial revitalization agency.—For purposes of this section, the term 'commercial revitalization agency' means any agency authorized by a State to carry out this section.

"(e) Responsibilities of Commercial Revitalization Agencies.—

"(1) Plans for allocation.—Notwithstanding any other provision of this section, the commercial revitalization deduction amount with respect to any building shall be zero unless—

"(A) such amount was allocated pursuant to a qualified allocation plan of the commercial revitalization agency which is approved (in accordance with rules similar to the rules of section 147(f)(2) (other than subparagraph (B)(ii) thereof)) by the governmental unit of which such agency is a part; and

"(B) such agency notifies the chief executive officer (or its equivalent) of the local jurisdiction within which the building is located of such allocation and provides such individual a reasonable opportunity to comment on the allocation.

"(2) Qualified allocation plan.—For purposes of this subsection, the term 'qualified allocation plan' means any plan—

"(A) which sets forth selection criteria to be used to determine priorities of the commercial revitalization agency which are appropriate to local conditions;

"(B) which considers—

"(i) the degree to which a project contributes to the implementation of a strategic plan that is devised for a renewal community through a citizen participation process;

"(ii) the amount of any increase in permanent, full-time employment by reason of any project; and

"(iii) the active involvement of residents and nonprofit groups within the renewal community; and

"(C) which provides a procedure that the agency (or its agent) will follow in monitoring compliance with this section.

"(f) Regulations.—For purposes of this section, the Secretary shall, by regulations, provide for the application of rules similar to the rules of section 49 and subsections (a) and (b) of section 50.

"(g) Termination.—This section shall not apply to any building placed in service after December 31, 2007.

"SEC. 1400L. INCREASE IN EXPENSING UNDER SECTION 179.

"(a) General Rule.—In the case of a renewal community business (as defined in section 1400G), for purposes of section 179—

"(1) the limitation under section 179(b)(1) shall be increased by the lesser of—

"(A) $35,000; or

"(B) the cost of section 179 property which is qualified renewal property placed in service during the taxable year; and

"(2) the amount taken into account under section 179(b)(2) with respect to any section 179 property which is qualified renewal property shall be 50 percent of the cost thereof.

"(b) Recapture.—Rules similar to the rules under section 179(d)(10) shall apply with respect to any qualified renewal property which ceases to be used in a renewal community by a renewal community business.

"(c) Qualified Renewal Property.—For purposes of this section—

"(1) In general.—The term 'qualified renewal property' means any property to which section 168 applies (or would apply but for section 179) if—

"(A) such property was acquired by the taxpayer by purchase (as defined in section 179(d)(2)) after December 31, 2000, and before January 1, 2008; and

"(B) such property would be qualified zone property (as defined in section 1397C) if references to renewal communities were substituted for references to empowerment zones in section 1397C.

"(2) Certain rules to apply.—The rules of subsections (a)(2) and (b) of section 1397C shall apply for purposes of this section.".

SEC. 603. EXTENSION OF EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS TO RENEWAL COMMUNITIES.

(a) Extension.—Paragraph (2) of section 198(c) (defining targeted area) is amended by redesignating subparagraph (C) as subparagraph (D) and by inserting after subparagraph (B) the following new subparagraph:

"(C) Renewal communities included.—Except as provided in subparagraph (B), such term shall include a renewal community (as defined in section 1400E) with respect to expenditures paid or incurred after December 31, 2000.".

(b) Extension of Termination Date for Renewal Communities.—Subsection (h) of section 198 is amended by inserting before the period "(December 31, 2007, in the case of a renewal community, as defined in section 1400E).".

SEC. 604. EXTENSION OF WORK OPPORTUNITY TAX CREDIT FOR RENEWAL COMMUNITIES.

(a) Extension.—Subsection (c) of section 51 (relating to termination) is amended by adding at the end the following new paragraph:

"(5) Extension of credit for renewal communities.—

"(A) In general.—In the case of an individual who begins work for the employer after the date contained in paragraph (4)(B), for purposes of section 38—

"(i) in lieu of applying subsection (a), the amount of the work opportunity credit determined under this section for the taxable year shall be equal to—

"(I) 15 percent of the qualified first-year wages for such year; and

"(II) 30 percent of the qualified second-year wages for such year;

"(ii) subsection (b)(3) shall be applied by substituting '$10,000' for '$6,000';

"(iii) paragraph (4)(B) shall be applied by substituting for the date contained therein the last day for which the designation under section 1400E of the renewal community referred to in subparagraph (B)(i) is in effect; and

"(iv) rules similar to the rules of section 51A(b)(5)(C) shall apply.

"(B) Qualified first- and second-year wages.—For purposes of subparagraph (A)—

"(i) In general.—The term 'qualified wages' means, with respect to each 1-year period referred to in clause (ii) or (iii), as the case may be, the wages paid or incurred by the employer during the taxable year to any individual but only if—

"(I) the employer is engaged in a trade or business in a renewal community throughout such 1-year period;

"(II) the principal place of abode of such individual is in such renewal community throughout such 1-year period; and

"(III) substantially all of the services which such individual performs for the employer during such 1-year period are performed in such renewal community.

"(ii) Qualified first-year wages.—The term 'qualified first-year wages' means, with respect to any individual, qualified wages attributable to service rendered during the 1-year period beginning with the day the individual begins work for the employer.

"(iii) Qualified second-year wages.—The term 'qualified second-year wages' means, with respect to any individual, qualified wages attributable to service rendered during the 1-year period beginning on the day after the last day of the 1-year period with respect to such individual determined under clause (ii).".

(b) Congruent Treatment of Renewal Communities and Enterprise Zones for Purposes of Youth Residence Requirements.—

(1) High-risk youth.—Subparagraphs (A)(ii) and (B) of section 51(d)(5) are each amended by striking "empowerment zone or enterprise community" and inserting "empowerment zone, enterprise community, or renewal community".

(2) Qualified summer youth employee.—Clause (iv) of section 51(d)(7)(A) is amended by striking "empowerment zone or enterprise community" and inserting "empowerment zone, enterprise community, or renewal community".

(3) Headings.—Paragraphs (5)(B) and (7)(C) of section 51(d) are each amended by inserting "or community" in the heading after "zone".

(4) Effective date.—The amendments made by this subsection shall apply to individuals who begin work for the employer after December 31, 2000.

SEC. 605. CONFORMING AND CLERICAL AMENDMENTS.

(a) Deduction for Contributions to Family Development Accounts Allowable Whether or Not Taxpayer Itemizes.—Subsection (a) of section 62 (relating to adjusted gross income defined) is amended by inserting after paragraph (19) the following new paragraph:

"(20) FAMILY DEVELOPMENT ACCOUNTS.—The deduction allowed by section 1400H(a)(1).".

(b) TAX ON EXCESS CONTRIBUTIONS.—

(1) TAX IMPOSED.—Subsection (a) of section 4973 is amended by striking "or" at the end of paragraph (3), adding "or" at the end of paragraph (4), and inserting after paragraph (4) the following new paragraph:

"(5) a family development account (within the meaning of section 1400H(e)),".

(2) EXCESS CONTRIBUTIONS.—Section 4973 is amended by adding at the end the following new subsection:

"(g) FAMILY DEVELOPMENT ACCOUNTS.—For purposes of this section, in the case of family development accounts, the term 'excess contributions' means the sum of—

"(1) the excess (if any) of—

"(A) the amount contributed for the taxable year to the accounts (other than a qualified rollover, as defined in section 1400H(c)(7)), over

"(B) the amount allowable as a deduction under section 1400H for such contributions; and

"(2) the amount determined under this subsection for the preceding taxable year reduced by the sum of—

"(A) the distributions out of the accounts for the taxable year which were included in the gross income of the payee under section 1400H(b)(1);

"(B) the distributions out of the accounts for the taxable year to which rules similar to the rules of section 408(d)(5) apply by reason of section 1400H(d)(3); and

"(C) the excess (if any) of the maximum amount allowable as a deduction under section 1400H for the taxable year over the amount contributed to the account for the taxable year.

For purposes of this subsection, any contribution which is distributed from the family development account in a distribution to which rules similar to the rules of section 408(d)(4) apply by reason of section 1400H(d)(3) shall be treated as an amount not contributed.".

(c) TAX ON PROHIBITED TRANSACTIONS.—Section 4975 is amended—

(1) by adding at the end of subsection (c) the following new paragraph:

"(6) SPECIAL RULE FOR FAMILY DEVELOPMENT ACCOUNTS.—An individual for whose benefit a family development account is established and any contributor to such account shall be exempt from the tax imposed by this section with respect to any transaction concerning such account (which would otherwise be taxable under this section) if, with respect to such transaction, the account ceases to be a family development account by reason of the application of section 1400H(d)(2) to such account."; and

(2) in subsection (e)(1), by striking "or" at the end of subparagraph (E), by redesignating subparagraph (F) as subparagraph (G), and by inserting after subparagraph (E) the following new subparagraph:

"(F) a family development account described in section 1400H(e), or".

(d) INFORMATION RELATING TO CERTAIN TRUSTS AND ANNUITY PLANS.—Subsection (c) of section 6047 is amended—

(1) by inserting "or section 1400H" after "section 219"; and

(2) by inserting ", of any family development account described in section 1400H(e),", after "section 408(a)".

(e) INSPECTION OF APPLICATIONS FOR TAX EXEMPTION.—Clause (i) of section 6104(a)(1)(B) is amended by inserting "a family development account described in section 1400H(e)," after "section 408(a),".

(f) FAILURE TO PROVIDE REPORTS ON FAMILY DEVELOPMENT ACCOUNTS.—Paragraph (2) of section 6693(a) is amended by striking "and" at the end of subparagraph (C), by striking the period and inserting ", and" at the end of subparagraph (D), and by adding at the end the following new subparagraph:

"(E) section 1400H(g)(6) (relating to family development accounts).".

(g) CONFORMING AMENDMENTS REGARDING COMMERCIAL REVITALIZATION DEDUCTION.—

(1) Section 172 is amended by redesignating subsection (j) as subsection (k) and by inserting after subsection (i) the following new subsection:

"(j) NO CARRYBACK OF SECTION 1400K DEDUCTION BEFORE DATE OF THE ENACTMENT.—No portion of the net operating loss for any taxable year which is attributable to any commercial revitalization deduction determined under section 1400K may be carried back to a taxable year ending before the date of the enactment of section 1400K.".

(2) Subparagraph (B) of section 48(a)(2) is amended by inserting "or commercial revitalization" after "rehabilitation" each place it appears in the text and heading.

(3) Subparagraph (C) of section 469(i)(3) is amended—

(A) by inserting "or section 1400K" after "section 42"; and

(B) by inserting "AND COMMERCIAL REVITALIZATION DEDUCTION" after "CREDIT" in the heading.

(h) CLERICAL AMENDMENTS.—The table of subchapters for chapter 1 is amended by adding at the end the following new item:

"Subchapter X. Renewal Communities.".

Subtitle B—Timber Incentives

SEC. 611. TEMPORARY SUSPENSION OF MAXIMUM AMOUNT OF AMORTIZABLE REFORESTATION EXPENDITURES.

(a) INCREASE IN DOLLAR LIMITATION.—Paragraph (1) of section 194(b) (relating to amortization of reforestation expenditures) is amended by striking "$10,000 ($5,000" and inserting "$25,000 ($12,500".

(b) TEMPORARY SUSPENSION OF INCREASED DOLLAR LIMITATION.—Subsection (b) of section 194(b) (relating to amortization of reforestation expenditures) is amended by adding at the end the following new paragraph:

"(5) SUSPENSION OF DOLLAR LIMITATION.—Paragraph (1) shall not apply to taxable years beginning after December 31, 1999, and before January 1, 2004.

(c) CONFORMING AMENDMENT.—Paragraph (1) of section 48(b) is amended by striking "section 194(b)(1)" and inserting "section 194(b)(1) and without regard to section 194(b)(5)".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

TITLE VII—REAL ESTATE PROVISIONS

Subtitle A—Improvements in Low-Income Housing Credit

SEC. 701. MODIFICATION OF STATE CEILING ON LOW-INCOME HOUSING CREDIT.

(a) IN GENERAL.—Clauses (i) and (ii) of section 42(h)(3)(C) (relating to State housing credit ceiling) are amended to read as follows:

"(i) the unused State housing credit ceiling (if any) of such State for the preceding calendar year,

"(ii) the greater of—

"(I) the applicable amount under subparagraph (H) multiplied by the State population, or

"(II) $2,000,000,".

(b) APPLICABLE AMOUNT.—Paragraph (3) of section 42(h) (relating to housing credit dollar amount for agencies) is amended by adding at the end the following new subparagraph:

"(H) APPLICABLE AMOUNT OF STATE CEILING.—For purposes of subparagraph (C)(ii), the applicable amount shall be determined under the following table:

"For calendar year:	The applicable amount is:
2000	$1.35
2001	1.45
2002	1.55
2003	1.65
2004 and thereafter	1.75.".

(c) ADJUSTMENT OF STATE CEILING FOR INCREASES IN COST-OF-LIVING.—Paragraph (3) of section 42(h) (relating to housing credit dollar amount for agencies), as amended by subsection (c), is amended by adding at the end the following new subparagraph:

"(I) COST-OF-LIVING ADJUSTMENT.—

"(i) IN GENERAL.—In the case of a calendar year after 2004, the $2,000,000 in subparagraph (C) and the $1.75 amount in subparagraph (H) shall each be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting 'calendar year 2003' for 'calendar year 1992' in subparagraph (B) thereof.

"(ii) ROUNDING.—

"(I) In the case of the amount in subparagraph (C), any increase under clause (i) which is not a multiple of $5,000 shall be rounded to the next lowest multiple of $5,000.

"(II) In the case of the amount in subparagraph (H), any increase under clause (i) which is not a multiple of 5 cents shall be rounded to the next lowest multiple of 5 cents.".

(d) CONFORMING AMENDMENTS.—

(1) Section 42(h)(3)(C), as amended by subsection (a), is amended—

(A) by striking "clause (ii)" in the matter following clause (iv) and inserting "clause (i)", and

(B) by striking "clauses (i)" in the matter following clause (iv) and inserting "clauses (ii)".

(2) Section 42(h)(3)(D)(ii) is amended—

(A) by striking "subparagraph (C)(ii)" and inserting "subparagraph (C)(i)", and

(B) by striking "clauses (i)" in subclause (II) and inserting "clauses (ii)".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years after 2000.

SEC. 702. MODIFICATION OF CRITERIA FOR ALLOCATING HOUSING CREDITS AMONG PROJECTS.

(a) SELECTION CRITERIA.—Subparagraph (C) of section 42(m)(1) (relating to certain selection criteria must be used) is amended—

(1) by inserting ", including whether the project includes the use of existing housing as part of a community revitalization plan" before the comma at the end of clause (iii), and

(2) by striking clauses (v), (vi), and (vii) and inserting the following new clauses:

"(v) tenant populations with special housing needs,

"(vi) public housing waiting lists,

"(vii) tenant populations of individuals with children, and

"(viii) projects intended for eventual tenant ownership.".

(b) PREFERENCE FOR COMMUNITY REVITALIZATION PROJECTS LOCATED IN QUALIFIED CENSUS TRACTS.—Clause (ii) of section

42(m)(1)(B) is amended by striking "and" at the end of subclause (I), by adding "and" at the end of subclause (II), and by inserting after subclause (II) the following new subclause:

"(III) projects which are located in qualified census tracts (as defined in subsection (d)(5)(C)) and the development of which contributes to a concerted community revitalization plan,".

SEC. 703. ADDITIONAL RESPONSIBILITIES OF HOUSING CREDIT AGENCIES.

(a) Market Study; Public Disclosure of Rationale for Not Following Credit Allocation Priorities.—Subparagraph (A) of section 42(m)(1) (relating to responsibilities of housing credit agencies) is amended by striking "and" at the end of clause (i), by striking the period at the end of clause (ii) and inserting a comma, and by adding at the end the following new clauses:

"(iii) a comprehensive market study of the housing needs of low-income individuals in the area to be served by the project is conducted before the credit allocation is made and at the developer's expense by a disinterested party who is approved by such agency, and

"(iv) a written explanation is available to the general public for any allocation of a housing credit dollar amount which is not made in accordance with established priorities and selection criteria of the housing credit agency.".

(b) Site Visits.—Clause (iii) of section 42(m)(1)(B) (relating to qualified allocation plan) is amended by inserting before the period "and in monitoring for noncompliance with habitability standards through regular site visits".

SEC. 704. MODIFICATIONS TO RULES RELATING TO BASIS OF BUILDING WHICH IS ELIGIBLE FOR CREDIT.

(a) Adjusted Basis To Include Portion of Certain Buildings Used by Low-Income Individuals Who Are Not Tenants and by Project Employees.—Paragraph (4) of section 42(d) (relating to special rules relating to determination of adjusted basis) is amended—

(1) by striking "subparagraph (B)" in subparagraph (A) and inserting "subparagraphs (B) and (C)",

(2) by redesignating subparagraph (C) as subparagraph (D), and

(3) by inserting after subparagraph (B) the following new subparagraph:

"(C) Inclusion of basis of property used to provide services for certain nontenants.—

"(i) In general.—The adjusted basis of any building located in a qualified census tract (as defined in paragraph (5)(C)) shall be determined by taking into account the adjusted basis of property (of a character subject to the allowance for depreciation and not otherwise taken into account) used throughout the taxable year in providing any community service facility.

"(ii) Limitation.—The increase in the adjusted basis of any building which is taken into account by reason of clause (i) shall not exceed 10 percent of the eligible basis of the qualified low-income housing project of which it is a part. For purposes of the preceding sentence, all community service facilities which are part of the same qualified low-income housing project shall be treated as one facility.

"(iii) Community service facility.—For purposes of this subparagraph, the term 'community service facility' means any facility designed to serve primarily individuals whose income is 60 percent or less of area median income (within the meaning of subsection (g)(1)(B)).".

(b) Certain Native American Housing Assistance Disregarded in Determining Whether Building Is Federally Subsidized for Purposes of the Low-Income Housing Credit.—Subparagraph (E) of section 42(i)(2) (relating to determination of whether building is federally subsidized) is amended—

(1) in clause (i), by inserting "or the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.) (as in effect on October 1, 1997)" after "this subparagraph)", and

(2) in the subparagraph heading, by inserting "OR NATIVE AMERICAN HOUSING ASSISTANCE" after "HOME ASSISTANCE".

SEC. 705. OTHER MODIFICATIONS.

(a) Allocation of Credit Limit to Certain Buildings.—

(1) The first sentence of section 42(h)(1)(E)(ii) is amended by striking "(as of" the first place it appears and inserting "(as of the later of the date which is 6 months after the date that the allocation was made or".

(2) The last sentence of section 42(h)(3)(C) is amended by striking "project which" and inserting "project which fails to meet the 10 percent test under paragraph (1)(E)(ii) on a date after the close of the calendar year in which the allocation was made or which".

(b) Determination of Whether Buildings Are Located in High Cost Areas.—The first sentence of section 42(d)(5)(C)(ii)(I) is amended—

(1) by inserting "either" before "in which 50 percent", and

(2) by inserting before the period "or which has a poverty rate of at least 25 percent".

SEC. 706. CARRYFORWARD RULES.

(a) In General.—Clause (ii) of section 42(h)(3)(D) (relating to unused housing credit carryovers allocated among certain States) is amended by striking "the excess" and all that follows and inserting "the excess (if any) of—

"(I) the unused State housing credit ceiling for the year preceding such year, over

"(II) the aggregate housing credit dollar amount allocated for such year.".

(b) Conforming Amendment.—The second sentence of section 42(h)(3)(C) (relating to State housing credit ceiling) is amended by striking "clauses (i) and (iii)" and inserting "clauses (i) through (iv)".

SEC. 707. EFFECTIVE DATE.

Except as otherwise provided in this subtitle, the amendments made by this subtitle shall apply to—

(1) housing credit dollar amounts allocated after December 31, 1999, and

(2) buildings placed in service after such date to the extent paragraph (1) of section 42(h) of the Internal Revenue Code of 1986 does not apply to any building by reason of paragraph (4) thereof, but only with respect to bonds issued after such date.

Subtitle B—Provisions Relating to Real Estate Investment Trusts

PART I—TREATMENT OF INCOME AND SERVICES PROVIDED BY TAXABLE REIT SUBSIDIARIES

SEC. 711. MODIFICATIONS TO ASSET DIVERSIFICATION TEST.

(a) In General.—Subparagraph (B) of section 856(c)(4) is amended to read as follows:

"(B)(i) not more than 25 percent of the value of its total assets is represented by securities (other than those includible under subparagraph (A)), and

"(ii) except with respect to a taxable REIT subsidiary and securities includible under subparagraph (A)—

"(I) not more than 5 percent of the value of its total assets is represented by securities of any one issuer,

"(II) the trust does not hold securities possessing more than 10 percent of the total voting power of the outstanding securities of any one issuer, and

"(III) the trust does not hold securities having a value of more than 10 percent of the total value of the outstanding securities of any one issuer.".

(b) Exception for Straight Debt Securities.—Subsection (c) of section 856 is amended by adding at the end the following new paragraph:

"(7) Straight debt safe harbor in applying paragraph (4).—Securities of an issuer which are straight debt (as defined in section 1361(c)(5) without regard to subparagraph (B)(iii) thereof) shall not be taken into account in applying paragraph (4)(B)(ii)(III) if—

"(A) the issuer is an individual, or

"(B) the only securities of such issuer which are held by the trust or a taxable REIT subsidiary of the trust are straight debt (as so defined), or

"(C) the issuer is a partnership and the trust holds at least a 20 percent profits interest in the partnership.".

SEC. 712. TREATMENT OF INCOME AND SERVICES PROVIDED BY TAXABLE REIT SUBSIDIARIES.

(a) Income From Taxable REIT Subsidiaries Not Treated as Impermissible Tenant Service Income.—Clause (i) of section 856(d)(7)(C) (relating to exceptions to impermissible tenant service income) is amended by inserting "or through a taxable REIT subsidiary of such trust" after "income".

(b) Certain Income From Taxable REIT Subsidiaries Not Excluded From Rents From Real Property.—

(1) In general.—Subsection (d) of section 856 (relating to rents from real property defined) is amended by adding at the end the following new paragraphs:

"(8) Special rule for taxable REIT subsidiaries.—For purposes of this subsection, amounts paid to a real estate investment trust by a taxable REIT subsidiary of such trust shall not be excluded from rents from real property by reason of paragraph (2)(B) if the requirements of either of the following subparagraphs are met:

"(A) Limited rental exception.—The requirements of this subparagraph are met with respect to any property if at least 90 percent of the leased space of the property is rented to persons other than taxable REIT subsidiaries of such trust and other than persons described in section 856(d)(2)(B). The preceding sentence shall apply only to the extent that the amounts paid to the trust as rents from real property (as defined in paragraph (1) without regard to paragraph (2)(B)) from such property are substantially comparable to such rents made by the other tenants of the trust's property for comparable space.

"(B) Exception for certain lodging facilities.—The requirements of this subparagraph are met with respect to an interest in real property which is a qualified lodging facility leased by the trust to a taxable REIT subsidiary of the trust if the property is operated on behalf of such subsidiary by a person who is an eligible independent contractor.

"(9) Eligible independent contractor.—For purposes of paragraph (8)(B)—

"(A) In general.—The term 'eligible independent contractor' means, with respect to any qualified lodging facility, any independent contractor if, at the time such contractor enters into a management agreement or other similar service contract with the taxable REIT subsidiary to operate the facility, such contractor (or any related person) is actively engaged in the trade or business of operating qualified lodging facilities for any person who is not a related person with respect to the real estate investment trust or the taxable REIT subsidiary.

"(B) Special rules.—Solely for purposes of this paragraph and paragraph (8)(B), a person shall not fail to be treated as an independent contractor with respect to any qualified lodging facility by reason of any of the following:

"(i) The taxable REIT subsidiary bears the expenses for the operation of the facility pursuant to the management agreement or other similar service contract.

"(ii) The taxable REIT subsidiary receives the revenues from the operation of such facility, net of expenses for such operation and fees payable to the operator pursuant to such agreement or contract.

"(iii) The real estate investment trust receives income from such person with respect to another property that is attributable to a lease of such other property to such person that was in effect as of the later of—

"(I) January 1, 1999, or

"(II) the earliest date that any taxable REIT subsidiary of such trust entered into a management agreement or other similar service contract with such person with respect to such qualified lodging facility.

"(C) Renewals, etc., of existing leases.—For purposes of subparagraph (B)(iii)—

"(i) a lease shall be treated as in effect on January 1, 1999, without regard to its renewal after such date, so long as such renewal is pursuant to the terms of such lease as in effect on whichever of the dates under subparagraph (B)(iii) is the latest, and

"(ii) a lease of a property entered into after whichever of the dates under subparagraph (B)(iii) is the latest shall be treated as in effect on such date if—

"(I) on such date, a lease of such property from the trust was in effect, and

"(II) under the terms of the new lease, such trust receives a substantially similar or lesser benefit in comparison to the lease referred to in subclause (I).

"(D) Qualified lodging facility.—For purposes of this paragraph—

"(i) In general.—The term 'qualified lodging facility' means any lodging facility unless wagering activities are conducted at or in connection with such facility by any person who is engaged in the business of accepting wagers and who is legally authorized to engage in such business at or in connection with such facility.

"(ii) Lodging facility.—The term 'lodging facility' means a hotel, motel, or other establishment more than one-half of the dwelling units in which are used on a transient basis.

"(iii) Customary amenities and facilities.—The term 'lodging facility' includes customary amenities and facilities operated as part of, or associated with, the lodging facility so long as such amenities and facilities are customary for other properties of a comparable size and class owned by other owners unrelated to such real estate investment trust.

"(E) Operate includes manage.—References in this paragraph to operating a property shall be treated as including a reference to managing the property.

"(F) Related person.—Persons shall be treated as related to each other if such persons are treated as a single employer under subsection (a) or (b) of section 52.".

(2) Conforming amendment.—Subparagraph (B) of section 856(d)(2) is amended by inserting "except as provided in paragraph (8)," after "(B)".

(3) Determining rents from real property.—

(A)(i) Paragraph (1) of section 856(d) is amended by striking "adjusted bases" each place it occurs and inserting "fair market values".

(ii) The amendment made by this subparagraph shall apply to taxable years beginning after December 31, 2000.

(B)(i) Clause (i) of section 856(d)(2)(B) is amended by striking "number" and inserting "value".

(ii) The amendment made by this subparagraph shall apply to amounts received or accrued in taxable years beginning after December 31, 2000, except for amounts paid pursuant to leases in effect on July 12, 1999, or pursuant to a binding contract in effect on such date and at all times thereafter.

SEC. 713. TAXABLE REIT SUBSIDIARY.

(a) In General.—Section 856 is amended by adding at the end the following new subsection:

"(l) Taxable REIT Subsidiary.—For purposes of this part—

"(1) In general.—The term 'taxable REIT subsidiary' means, with respect to a real estate investment trust, a corporation (other than a real estate investment trust) if—

"(A) such trust directly or indirectly owns stock in such corporation, and

"(B) such trust and such corporation jointly elect that such corporation shall be treated as a taxable REIT subsidiary of such trust for purposes of this part.

Such an election, once made, shall be irrevocable unless both such trust and corporation consent to its revocation. Such election, and any revocation thereof, may be made without the consent of the Secretary.

"(2) 35 percent ownership in another taxable REIT subsidiary.—The term 'taxable REIT subsidiary' includes, with respect to any real estate investment trust, any corporation (other than a real estate investment trust) with respect to which a taxable REIT subsidiary of such trust owns directly or indirectly—

"(A) securities possessing more than 35 percent of the total voting power of the outstanding securities of such corporation, or

"(B) securities having a value of more than 35 percent of the total value of the outstanding securities of such corporation.

The preceding sentence shall not apply to a qualified REIT subsidiary (as defined in subsection (i)(2)). The rule of section 856(c)(7) shall apply for purposes of subparagraph (B).

"(3) Exceptions.—The term 'taxable REIT subsidiary' shall not include—

"(A) any corporation which directly or indirectly operates or manages a lodging facility or a health care facility, and

"(B) any corporation which directly or indirectly provides to any other person (under a franchise, license, or otherwise) rights to any brand name under which any lodging facility or health care facility is operated.

Subparagraph (B) shall not apply to rights provided to an eligible independent contractor to operate or manage a lodging facility if such rights are held by such corporation as a franchisee, licensee, or in a similar capacity and such lodging facility is either owned by such corporation or is leased to such corporation from the real estate investment trust.

"(4) Definitions.—For purposes of paragraph (3)—

"(A) Lodging facility.—The term 'lodging facility' has the meaning given to such term by paragraph (9)(D)(ii).

"(B) Health care facility.—The term 'health care facility' has the meaning given to such term by subsection (e)(6)(D)(ii).".

(b) Conforming Amendment.—Paragraph (2) of section 856(i) is amended by adding at the end the following new sentence: "Such term shall not include a taxable REIT subsidiary.".

SEC. 714. LIMITATION ON EARNINGS STRIPPING.

Paragraph (3) of section 163(j) (relating to limitation on deduction for interest on certain indebtedness) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", and", and by adding at the end the following new subparagraph:

"(C) any interest paid or accrued (directly or indirectly) by a taxable REIT subsidiary (as defined in section 856(l)) of a real estate investment trust to such trust.".

SEC. 715. 100 PERCENT TAX ON IMPROPERLY ALLOCATED AMOUNTS.

(a) In General.—Subsection (b) of section 857 (relating to method of taxation of real estate investment trusts and holders of shares or certificates of beneficial interest) is amended by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively, and by inserting after paragraph (6) the following new paragraph:

"(7) Income from redetermined rents, redetermined deductions, and excess interest.—

"(A) Imposition of tax.—There is hereby imposed for each taxable year of the real estate investment trust a tax equal to 100 percent of redetermined rents, redetermined deductions, and excess interest.

"(B) Redetermined rents.—

"(i) In general.—The term 'redetermined rents' means rents from real property (as defined in subsection 856(d)) the amount of which would (but for subparagraph (E)) be reduced on distribution, apportionment, or allocation under section 482 to clearly reflect income as a result of services furnished or rendered by a taxable REIT subsidiary of the real estate investment trust to a tenant of such trust.

"(ii) Exception for certain services.—Clause (i) shall not apply to amounts received directly or indirectly by a real estate investment trust for services described in paragraph (1)(B) or (7)(C)(i) of section 856(d).

"(iii) Exception for de minimis amounts.—Clause (i) shall not apply to amounts described in section 856(d)(7)(A) with respect to a property to the extent such amounts do not exceed the one percent threshold described in section 856(d)(7)(B) with respect to such property.

"(iv) Exception for comparably priced services.—Clause (i) shall not apply to any service rendered by a taxable REIT subsidiary of a real estate investment trust to a tenant of such trust if—

"(I) such subsidiary renders a significant amount of similar services to persons other than such trust and tenants of such trust who are unrelated (within the meaning of section 856(d)(8)(F)) to such subsidiary, trust, and tenants, but

"(II) only to the extent the charge for such service so rendered is substantially comparable to the charge for the similar services rendered to persons referred to in subclause (I).

"(v) Exception for certain separately charged services.—Clause (i) shall not apply to any service rendered by a taxable REIT subsidiary of a real estate investment trust to a tenant of such trust if—

"(I) the rents paid to the trust by tenants (leasing at least 25 percent of the net leasable space in the trust's property) who are not receiving such service from such subsidiary are substantially comparable to the rents paid by tenants leasing comparable space who are receiving such service from such subsidiary, and

"(II) the charge for such service from such subsidiary is separately stated.

"(vi) Exception for certain services based on subsidiary's income from the services.—Clause (i) shall not apply to any service rendered by a taxable REIT subsidiary of a real estate investment trust to a tenant of such trust if the gross income of such subsidiary from such service is not less than 150 percent of such subsidiary's direct cost in furnishing or rendering the service.

"(vii) Exceptions granted by Secretary.—The Secretary may waive the tax otherwise imposed by subparagraph (A) if the trust establishes to the satisfaction of the Secretary that rents charged to tenants were established on an arms' length basis even though a taxable REIT subsidiary of the trust provided services to such tenants.

"(C) Redetermined deductions.—The term 'redetermined deductions' means deductions (other than redetermined rents) of a taxable REIT subsidiary of a real estate investment trust if the amount of such deductions would (but for subparagraph (E)) be decreased on distribution, apportionment, or allocation under section 482 to clearly reflect income as between such subsidiary and such trust.

"(D) Excess interest.—The term 'excess interest' means any deductions for interest payments by a taxable REIT subsidiary of a real estate investment trust to such trust to the extent that the interest payments are in excess of a rate that is commercially reasonable.

"(E) Coordination with section 482.—The imposition of tax under subparagraph (A) shall be in lieu of any distribution, apportionment, or allocation under section 482.

"(F) Regulatory authority.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this paragraph. Until the Secretary prescribes such regulations, real estate investment trusts and their taxable REIT subsidiaries may base their allocations on any reasonable method.".

(b) Amount Subject to Tax Not Required To Be Distributed.—Subparagraph (E) of section 857(b)(2) (relating to real estate investment trust taxable income) is amended by striking "paragraph (5)" and inserting "paragraphs (5) and (7)".

SEC. 716. EFFECTIVE DATE.

(a) In General.—The amendments made by this part shall apply to taxable years beginning after December 31, 2000.

(b) Transitional Rules Related to Section 711.—

(1) Existing arrangements.—

(A) In general.—Except as otherwise provided in this paragraph, the amendment made by section 711 shall not apply to a real estate investment trust with respect to—

(i) securities of a corporation held directly or indirectly by such trust on July 12, 1999,

(ii) securities of a corporation held by an entity on July 12, 1999, if such trust acquires control of such entity pursuant to a written binding contract in effect on such date and at all times thereafter before such acquisition,

(iii) securities received by such trust (or a successor) in exchange for, or with respect to, securities described in clause (i) or (ii) in a transaction in which gain or loss is not recognized, and

(iv) securities acquired directly or indirectly by such trust as part of a reorganization (as defined in section 368(a)(1) of the Internal Revenue Code of 1986) with respect to such trust if such securities are described in clause (i), (ii), or (iii) with respect to any other real estate investment trust.

(B) New trade or business or substantial new assets.—Subparagraph (A) shall cease to apply to securities of a corporation as of the first day after July 12, 1999, on which such corporation engages in a substantial new line of business, or acquires any substantial asset, other than—

(i) pursuant to a binding contract in effect on such date and at all times thereafter before the acquisition of such asset,

(ii) in a transaction in which gain or loss is not recognized by reason of section 1031 or 1033 of the Internal Revenue Code of 1986, or

(iii) in a reorganization (as so defined) with another corporation the securities of which are described in paragraph (1)(A) of this subsection.

(C) Limitation on transition rules.—Subparagraph (A) shall cease to apply to securities of a corporation held, acquired, or received, directly or indirectly, by a real estate investment trust as of the first day after July 12, 1999, on which such trust acquires any additional securities of such corporation other than—

(i) pursuant to a binding contract in effect on July 12, 1999, and at all times thereafter, or

(ii) in a reorganization (as so defined) with another corporation the securities of which are described in paragraph (1)(A) of this subsection.

(2) Tax-free conversion.—If—

(A) at the time of an election for a corporation to become a taxable REIT subsidiary, the amendment made by section 1021 does not apply to such corporation by reason of paragraph (1), and

(B) such election first takes effect before January 1, 2004,

such election shall be treated as a reorganization qualifying under section 368(a)(1)(A) of such Code."

PART II—HEALTH CARE REITS

SEC. 721. HEALTH CARE REITS.

(a) Special Foreclosure Rule for Health Care Properties.—Subsection (e) of section 856 (relating to special rules for foreclosure property) is amended by adding at the end the following new paragraph:

"(6) Special rule for qualified health care properties.—For purposes of this subsection—

"(A) Acquisition at expiration of lease.—The term 'foreclosure property' shall include any qualified health care property acquired by a real estate investment trust as the result of the termination of a lease of such property (other than a termination by reason of a default, or the imminence of a default, on the lease).

"(B) Grace period.—In the case of a qualified health care property which is foreclosure property solely by reason of subparagraph (A), in lieu of applying paragraphs (2) and (3)—

"(i) the qualified health care property shall cease to be foreclosure property as of the close of the second taxable year after the taxable year in which such trust acquired such property, and

"(ii) if the real estate investment trust establishes to the satisfaction of the Secretary that an extension of the grace period in clause (i) is necessary to the orderly leasing or liquidation of the trust's interest in such qualified health care property, the Secretary may grant one or more extensions of the grace period for such qualified health care property.

Any such extension shall not extend the grace period beyond the close of the 6th year after the taxable year in which such trust acquired such qualified health care property.

"(C) Income from independent contractors.—For purposes of applying paragraph (4)(C) with respect to qualified health care property which is foreclosure property by reason of subparagraph (A) or paragraph (1), income derived or received by the trust from an independent contractor shall be disregarded to the extent such income is attributable to—

"(i) any lease of property in effect on the date the real estate investment trust acquired the qualified health care property (without regard to its renewal after such date so long as such renewal is pursuant to the terms of such lease as in effect on such date), or

"(ii) any lease of property entered into after such date if—

"(I) on such date, a lease of such property from the trust was in effect, and

"(II) under the terms of the new lease, such trust receives a substantially similar or lesser benefit in comparison to the lease referred to in subclause (I).

"(D) Qualified health care property.—

"(i) In general.—The term 'qualified health care property' means any real property (including interests therein), and any personal property incident to such real property, which—

"(I) is a health care facility, or

"(II) is necessary or incidental to the use of a health care facility.

"(ii) Health care facility.—For purposes of clause (i), the term 'health care facility' means a hospital, nursing facility, assisted living facility, congregate care facility, qualified continuing care facility (as defined in section 7872(g)(4)), or other licensed facility which extends medical or nursing or ancillary services to patients and which, immediately before the termination, expiration, default, or breach of the lease of or mortgage secured by such facility, was operated by a provider of such services which was eligible for participation in the medicare program under title XVIII of the Social Security Act with respect to such facility.".

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2000.

PART III—CONFORMITY WITH REGULATED INVESTMENT COMPANY RULES

SEC. 731. CONFORMITY WITH REGULATED INVESTMENT COMPANY RULES.

(a) Distribution Requirement.—Clauses (i) and (ii) of section 857(a)(1)(A) (relating to requirements applicable to real estate investment trusts) are each amended by striking "95 percent (90 percent for taxable years beginning before January 1, 1980)" and inserting "90 percent".

(b) Imposition of Tax.—Clause (i) of section 857(b)(5)(A) (relating to imposition of tax in case of failure to meet certain requirements) is amended by striking "95 percent (90 percent in the case of taxable years beginning before January 1, 1980)" and inserting "90 percent".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

PART IV—CLARIFICATION OF EXCEPTION FROM IMPERMISSIBLE TENANT SERVICE INCOME

SEC. 741. CLARIFICATION OF EXCEPTION FOR INDEPENDENT OPERATORS.

(a) In General.—Paragraph (3) of section 856(d) (relating to independent contractor defined) is amended by adding at the end the following flush sentence:

"In the event that any class of stock of either the real estate investment trust or such person is regularly traded on an established securities market, only persons who own, directly or indirectly, more than 5 percent of such class of stock shall be taken into account as owning any of the stock of such class for purposes of applying the 35 percent limitation set forth in subparagraph (B) (but all of the outstanding stock of such class shall be considered outstanding in order to compute the denominator for purpose of determining the applicable percentage of ownership).".

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2000.

PART V—MODIFICATION OF EARNINGS AND PROFITS RULES

SEC. 751. MODIFICATION OF EARNINGS AND PROFITS RULES.

(a) Rules for Determining Whether Regulated Investment Company Has Earnings and Profits From Non-RIC Year.—Subsection (c) of section 852 is amended by adding at the end the following new paragraph:

"(3) Distributions to meet requirements of subsection (a)(2)(B).—Any distribution which is made in order to comply with the requirements of subsection (a)(2)(B)—

"(A) shall be treated for purposes of this subsection and subsection (a)(2)(B) as made from the earliest earnings and profits accumulated in any taxable year to which the provisions of this part did not apply rather than the most recently accumulated earnings and profits, and

"(B) to the extent treated under subparagraph (A) as made from accumulated earnings and profits, shall not be treated as a distribution for purposes of subsection (b)(2)(D) and section 855.".

(b) Clarification of Application of REIT Spillover Dividend Rules to Distributions To Meet Qualification Requirement.—Subparagraph (B) of section 857(d)(3) is amended by inserting before the period "and section 858".

(c) Application of Deficiency Dividend Procedures.—Paragraph (1) of section 852(e) is amended by adding at the end the following new sentence: "If the determination under subparagraph (A) is solely as a result of the failure to meet the requirements of subsection (a)(2), the preceding sentence shall also apply for purposes of applying subsection (a)(2) to the non-RIC year.".

(d) Effective Date.—The amendments made by this section shall apply to distributions after December 31, 2000.

Subtitle C—Private Activity Bond Volume Cap

SEC. 761. ACCELERATION OF PHASE-IN OF INCREASE IN VOLUME CAP ON PRIVATE ACTIVITY BONDS.

(a) In General.—The table contained in section 146(d)(2) (relating to per capita limit; aggregate limit) is amended to read as follows:

"Calendar Year	Per Capita Limit	Aggregate Limit
2000	$55.00	165,000,000
2001	60.00	180,000,000
2002	65.00	195,000,000
2003	70.00	210,000,000
2004 and thereafter.	75.00	225,000,000.".

(b) Effective Date.—The amendment made by this section shall apply to calendar years beginning after 1999.

Subtitle D—Exclusion from gross income for certain forgiven mortgage obligations

SEC. 771. EXCLUSION FROM GROSS INCOME FOR CERTAIN FORGIVEN MORTGAGE OBLIGATIONS.

(a) In General.—Paragraph (1) of section 108(a) of the Internal Revenue Code of 1986 (relating to exclusion from gross income) is amended by striking "or" at the end of both subparagraphs (A) and (C), by striking the period at the end of subparagraph (D) and inserting ", or", and by inserting after subparagraph (D) the following new subparagraph:

"(E) in the case of an individual, the indebtedness discharged is qualified residential indebtedness.".

(b) Qualified Residential Indebtedness Shortfall.—Section 108 of such Code (relating to discharge of indebtedness) is amended by adding at the end the following new subsection:

"(h) Qualified Residential Indebtedness.—

"(1) Limitations.—The amount excluded under subparagraph (E) of subsection (a)(1) with respect to any qualified residential indebtedness shall not exceed the excess (if any) of—

"(A) the outstanding principal amount of such indebtedness (immediately before the discharge), over

"(B) the sum of—

"(i) the amount realized from the sale of the real property securing such indebtedness reduced by the cost of such sale, and

"(ii) the outstanding principal amount of any other indebtedness secured by such property.

"(2) Qualified residential indebtedness.—

"(A) In general.—The term 'qualified residential indebtedness' means indebtedness which—

"(i) was incurred or assumed by the taxpayer in connection with real property used as a residence and is secured by such real property,

"(ii) is incurred or assumed to acquire, construct, reconstruct, or substantially improve such real property, and

"(iii) with respect to which such taxpayer makes an election to have this paragraph apply.

"(B) Refinanced indebtedness.—Such term shall include indebtedness resulting from the refinancing of indebtedness under subparagraph (A)(ii), but only to the extent the refinanced indebtedness does not exceed the amount of the indebtedness being refinanced.

"(C) Exceptions.—Such term shall not include qualified farm indebtedness or qualified real property business indebtedness.".

(c) Conforming Amendments.—

(1) Paragraph (2) of section 108(a) of such Code is amended—

(A) in subparagraph (A) by striking "and (D)" and inserting "(D), and (E)", and

(B) by amending subparagraph (B) to read as follows:

"(B) Insolvency exclusion takes precedence over qualified farm exclusion; qualified real property business exclusion; and qualified residential shortfall exclusion.—Subparagraphs (C), (D), and (E) of paragraph (1) shall not apply to a discharge to the extent the taxpayer is insolvent.".

(2) Paragraph (1) of section 108(b) of such Code is amended by striking "or (C)" and inserting "(C), or (E)".

(3) Subsection (c) of section 121 of such Code is amended by adding at the end the following new paragraph:

"(4) Special rule relating to discharge of indebtedness.—The amount of gain which (but for this paragraph) would be excluded from gross income under subsection (a) with respect to a principal residence shall be reduced by the amount excluded from gross income under section 108(a)(1)(E) with respect to such residence.".

(d) Effective Date.—The amendments made by this section shall apply to discharges after the date of the enactment of this Act.

TITLE VIII—MISCELLANEOUS PROVISIONS

SEC. 801. CREDIT FOR MODIFICATIONS TO INTERCITY BUSES REQUIRED UNDER THE AMERICANS WITH DISABILITIES ACT OF 1990.

(a) In General.—Subsection (a) of section 44 (relating to expenditures to provide access to disabled individuals) is amended to read as follows:

"(a) General Rule.—For purposes of section 38, the amount of the disabled access credit determined under this section for any taxable year shall be an amount equal to the sum of—

"(1) in the case of an eligible small business, 50 percent of so much of the eligible access expenditures for the taxable year as exceed $250 but do not exceed $10,250, and

"(2) 50 percent of so much of the eligible bus access expenditures for the taxable year with respect to each eligible bus as exceed $250 but do not exceed $30,250.".

(b) Eligible Bus Access Expenditures.—Section 44 is amended by redesignating subsections (d) and (e) as subsections (e) and (f), respectively, and by inserting after subsection (c) the following new subsection:

"(d) Eligible Bus Access Expenditures.—For purposes of this section—

"(1) In general.—The term 'eligible bus access expenditures' means amounts paid or incurred by the taxpayer for the purpose of enabling the taxpayer's eligible bus to comply with applicable requirements under the Americans With Disabilities Act of 1990 (as in effect on the date of the enactment of this subsection).

"(2) Certain expenditures not included.—The amount of eligible bus access expenditures otherwise taken into account under subsection (a)(2) shall be reduced to the extent that funds for such expenditures are received under any Federal, State, or local program.

"(3) Eligible bus.—The term 'eligible bus' means any automobile bus eligible for a refund under section 6427(b) by reason of transportation described in section 6427(b)(1)(A).".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1999, and before January 1, 2012.

SEC. 802. CERTAIN EDUCATIONAL BENEFITS PROVIDED BY AN EMPLOYER TO CHILDREN OF EMPLOYEES EXCLUDABLE FROM GROSS INCOME AS A SCHOLARSHIP.

(a) In General.—Section 117 (relating to qualified scholarships) is amended by adding at the end the following new subsection:

"(e) EMPLOYER-PROVIDED EDUCATIONAL BENEFITS PROVIDED TO CHILDREN OF EMPLOYEES.—

"(1) IN GENERAL.—In determining whether any amount is a qualified scholarship for purposes of subsection (a), the fact that such amount is provided in connection with an employment relationship shall be disregarded if—

"(A) such amount is provided by the employer to a child (as defined in section 151(c)(3)) of an employee of such employer,

"(B) such amount is provided pursuant to a plan which meets the nondiscrimination requirements of subsection (d)(3), and

"(C) amounts provided under such plan are in addition to any other compensation payable to employees and such plan does not provide employees with a choice between such amounts and any other benefit.

For purposes of subparagraph (C), the business practices of the employer (as well as such plan) shall be taken into account.

"(2) DOLLAR LIMITATIONS.—

"(A) PER CHILD.—The amount excluded from the gross income of the employee by reason of paragraph (1) for a taxable year with respect to amounts provided to each child of such employee shall not exceed $2,000.

"(B) AGGREGATE LIMIT.—The amount excluded from the gross income of the employee by reason of paragraph (1) for a taxable year (after the application of subparagraph (A)) shall not exceed the excess of the dollar amount contained in section 127(a)(2) over the amount excluded from the employee's gross income under section 127 for such year.

"(3) PRINCIPAL SHAREHOLDERS AND OWNERS.—Paragraph (1) shall not apply to any amount provided to any child of any individual if such individual (or such individual's spouse) owns (on any day of the year) more than 5 percent of the stock or of the capital or profits interest in the employer.

"(4) DEGREE REQUIREMENT NOT TO APPLY.—In the case of an amount which is treated as a qualified scholarship by reason of this subsection, subsection (a) shall be applied without regard to the requirement that the recipient be a candidate for a degree.

"(5) CERTAIN OTHER RULES TO APPLY.—Rules similar to the rules of paragraphs (4), (5), and (7) of section 127(c) shall apply for purposes of this subsection."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 803. TAX INCENTIVES FOR QUALIFIED UNITED STATES INDEPENDENT FILM AND TELEVISION PRODUCTION.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 (relating to refundable credits) is amended by redesignating section 35 as section 36 and by inserting after section 34 the following new section:

"SEC. 35. UNITED STATES INDEPENDENT FILM AND TELEVISION PRODUCTION WAGE CREDIT.

"(a) AMOUNT OF CREDIT.—There shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to 20 percent of the qualified wages paid or incurred during the calendar year which ends with or within the taxable year.

"(b) ONLY FIRST $20,000 OF WAGES PER YEAR TAKEN INTO ACCOUNT.—With respect to each qualified United States independent film and television production, the amount of qualified wages paid or incurred to each qualified United States independent film and television production employee which may be taken into account for a calendar year shall not exceed $20,000.

"(c) QUALIFIED WAGES.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified wages' means any wages paid or incurred by an employer for services performed by an employee while such employee is a qualified United States independent film and television production employee.

"(2) QUALIFIED UNITED STATES INDEPENDENT FILM AND TELEVISION PRODUCTION EMPLOYEE.—

"(A) IN GENERAL.—The term 'qualified United States independent film and television production employee' means, with respect to any period, any employee of an employer if substantially all of the services performed during such period by such employee for such employer are performed in an activity related to any qualified United States independent film and television production in a trade or business of the employer.

"(B) CERTAIN INDIVIDUALS NOT ELIGIBLE.—Such term shall not include—

"(i) any individual described in subparagraph (A), (B), or (C) of section 51(i)(1), and

"(ii) any 5-percent owner (as defined in section 416(i)(1)(B).

"(3) COORDINATION WITH OTHER WAGE CREDITS.—No credit shall be allowed under any other provision of this chapter for wages paid to any employee during any calendar year if the employer is allowed a credit under this section for any of such wages.

"(4) WAGES.—The term 'wages' has the same meaning as when used in section 51.

"(d) QUALIFIED UNITED STATES INDEPENDENT FILM AND TELEVISION PRODUCTION.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified United States independent film and television production' means any production of any motion picture (whether released theatrically or directly to video cassette or any other format), a mini series, or a pilot production for a dramatic series if—

"(A) the production is produced in whole or in substantial part within the United States (determined on the basis of proportion of the qualified United States independent film and television production employees with respect to such production to total employee performing services related to such production),

"(B) the production is created primarily for use as public entertainment or for educational purposes, and

"(C) the total production cost of the production is less than $10,000,000.

"(2) PUBLIC ENTERTAINMENT.—The term 'public entertainment' includes a motion picture film, video tape, or television program intended for initial broadcast via the public broadcast spectrum or delivered via cable distribution, or productions that are submitted to a national organization that rates films for violent or adult content. Such term does not include any film or tape the market for which is primarily topical, is otherwise essentially transitory in nature, or is produced for private noncommercial use.

"(3) TOTAL PRODUCTION COST.—The term 'total production cost' includes costs incurred in the delivery of the final master copy but does not include development, acquisition, and marketing costs of the qualified United States independent film and television production.

"(e) CONTROLLED GROUPS.—For purposes of this section—

"(1) all employers treated as a single employer under subsection (a) or (b) of section 52 shall be treated as a single employer for purposes of this subpart, and

"(2) the credit (if any) determined under this section with respect to each such employer shall be its proportionate share of the wages giving rise to such credit.

"(f) CERTAIN OTHER RULES MADE APPLICABLE.—Rules similar to the rules of section 51(k) and subsections (c) and (d) of section 52 shall apply for purposes of this section.".

(b) DENIAL OF DOUBLE BENEFIT.—Subsection (a) of section 280C is amended by inserting "35," before "45A(a),".

(c) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting before the period ", or from section 35 of such Code".

(2) The table of sections for subpart C of part IV of subchapter A of chapter 1 is amended by striking the last item and inserting the following new items:

"Sec. 35. United States independent film and television production wage credit.

"Sec. 36. Overpayments of tax.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to wages paid or incurred after the date of the enactment of this Act in taxable years ending after such date.

The SPEAKER pro tempore. The amendment consisting of the text of H.R. 3832 is adopted.

The text of H.R. 3081, as amended by inserting the text of H.R. 3832, is as follows:

H.R. 3832

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Small Business Tax Fairness Act of 2000".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; references; table of contents.

TITLE I—SMALL BUSINESS PROVISIONS

Sec. 101. Deduction for 100 percent of health insurance costs of self-employed individuals.
Sec. 102. Increase in expense treatment for small businesses.
Sec. 103. Increased deduction for meal expenses.
Sec. 104. Increased deductibility of business meal expenses for individuals subject to Federal limitations on hours of service.
Sec. 105. Income averaging for farmers and fishermen not to increase alternative minimum tax liability.
Sec. 106. Repeal of occupational taxes relating to distilled spirits, wine, and beer.
Sec. 107. Repeal of modification of installment method.

TITLE II—PENSION PROVISIONS

Subtitle A—Expanding Coverage

Sec. 201. Increase in benefit and contribution limits.
Sec. 202. Plan loans for subchapter S owners, partners, and sole proprietors.

Sec. 203. Modification of top-heavy rules.
Sec. 204. Elective deferrals not taken into account for purposes of deduction limits.
Sec. 205. Repeal of coordination requirements for deferred compensation plans of State and local governments and tax-exempt organizations.
Sec. 206. Elimination of user fee for requests to IRS regarding pension plans.
Sec. 207. Deduction limits.
Sec. 208. Option to treat elective deferrals as after-tax contributions.

Subtitle B—Enhancing Fairness for Women

Sec. 221. Catchup contributions for individuals age 50 or over.
Sec. 222. Equitable treatment for contributions of employees to defined contribution plans.
Sec. 223. Faster vesting of certain employer matching contributions.
Sec. 224. Simplify and update the minimum distribution rules.
Sec. 225. Clarification of tax treatment of division of section 457 plan benefits upon divorce.
Sec. 226. Modification of safe harbor relief for hardship withdrawals from cash or deferred arrangements.

Subtitle C—Increasing Portability for Participants

Sec. 231. Rollovers allowed among various types of plans.
Sec. 232. Rollovers of IRAs into workplace retirement plans.
Sec. 233. Rollovers of after-tax contributions.
Sec. 234. Hardship exception to 60-day rule.
Sec. 235. Treatment of forms of distribution.
Sec. 236. Rationalization of restrictions on distributions.
Sec. 237. Purchase of service credit in governmental defined benefit plans.
Sec. 238. Employers may disregard rollovers for purposes of cash-out amounts.
Sec. 239. Minimum distribution and inclusion requirements for section 457 plans.

Subtitle D—Strengthening Pension Security and Enforcement

Sec. 241. Repeal of 150 percent of current liability funding limit.
Sec. 242. Maximum contribution deduction rules modified and applied to all defined benefit plans.
Sec. 243. Excise tax relief for sound pension funding.
Sec. 244. Excise tax on failure to provide notice by defined benefit plans significantly reducing future benefit accruals.
Sec. 245. Treatment of multiemployer plans under section 415.

Subtitle E—Reducing Regulatory Burdens

Sec. 261. Modification of timing of plan valuations.
Sec. 262. ESOP dividends may be reinvested without loss of dividend deduction.
Sec. 263. Repeal of transition rule relating to certain highly compensated employees.
Sec. 264. Employees of tax-exempt entities.
Sec. 265. Clarification of treatment of employer-provided retirement advice.
Sec. 266. Reporting simplification.
Sec. 267. Improvement of employee plans compliance resolution system.
Sec. 268. Modification of exclusion for employer provided transit passes.
Sec. 269. Repeal of the multiple use test.
Sec. 270. Flexibility in nondiscrimination, coverage, and line of business rules.
Sec. 271. Extension to international organizations of moratorium on application of certain nondiscrimination rules applicable to State and local plans.
Sec. 272. Notice and consent period regarding distributions.

Subtitle F—Plan Amendments

Sec. 281. Provisions relating to plan amendments.

TITLE III—ESTATE TAX RELIEF

Subtitle A—Reductions of Estate and Gift Tax Rates

Sec. 301. Reductions of estate and gift tax rates.
Sec. 302. Sense of the Congress concerning repeal of the death tax.

Subtitle B—Unified Credit Replaced With Unified Exemption Amount

Sec. 311. Unified credit against estate and gift taxes replaced with unified exemption amount.

Subtitle C—Modifications of Generation-Skipping Transfer Tax

Sec. 321. Deemed allocation of GST exemption to lifetime transfers to trusts; retroactive allocations.
Sec. 322. Severing of trusts.
Sec. 323. Modification of certain valuation rules.
Sec. 324. Relief provisions.

Subtitle D—Conservation Easements

Sec. 331. Expansion of estate tax rule for conservation easements.

TITLE IV—TAX RELIEF FOR DISTRESSED COMMUNITIES AND INDUSTRIES

Subtitle A—American Community Renewal Act of 2000

Sec. 401. Short title.
Sec. 402. Designation of and tax incentives for renewal communities.
Sec. 403. Extension of expensing of environmental remediation costs to renewal communities.
Sec. 404. Extension of work opportunity tax credit for renewal communities.
Sec. 405. Conforming and clerical amendments.

Subtitle B—Timber Incentives

Sec. 411. Temporary suspension of maximum amount of amortizable reforestation expenditures.

TITLE V—REAL ESTATE PROVISIONS

Subtitle A—Improvements in Low-Income Housing Credit

Sec. 501. Modification of State ceiling on low-income housing credit.
Sec. 502. Modification of criteria for allocating housing credits among projects.
Sec. 503. Additional responsibilities of housing credit agencies.
Sec. 504. Modifications to rules relating to basis of building which is eligible for credit.
Sec. 505. Other modifications.
Sec. 506. Carryforward rules.
Sec. 507. Effective date.

Subtitle B—Private Activity Bond Volume Cap

Sec. 511. Acceleration of phase-in of increase in volume cap on private activity bonds.

Subtitle C—Exclusion From Gross Income for Certain Forgiven Mortgage Obligations

Sec. 512. Exclusion from gross income for certain forgiven mortgage obligations.

TITLE I—SMALL BUSINESS PROVISIONS

SEC. 101. DEDUCTION FOR 100 PERCENT OF HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.

(a) In General.—Paragraph (1) of section 162(l) is amended to read as follows:

"(1) Allowance of deduction.—In the case of an individual who is an employee within the meaning of section 401(c)(1), there shall be allowed as a deduction under this section an amount equal to 100 percent of the amount paid during the taxable year for insurance which constitutes medical care for the taxpayer and the taxpayer's spouse and dependents.".

(b) Clarification of Limitations on Other Coverage.—The first sentence of section 162(l)(2)(B) is amended to read as follows: "Paragraph (1) shall not apply to any taxpayer for any calendar month for which the taxpayer participates in any subsidized health plan maintained by any employer (other than an employer described in section 401(c)(4)) of the taxpayer or the spouse of the taxpayer.".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 102. INCREASE IN EXPENSE TREATMENT FOR SMALL BUSINESSES.

(a) In General.—Paragraph (1) of section 179(b) (relating to dollar limitation) is amended to read as follows:

"(1) Dollar limitation.—The aggregate cost which may be taken into account under subsection (a) for any taxable year shall not exceed $30,000.".

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 103. INCREASED DEDUCTION FOR MEAL EXPENSES.

(a) In General.—Paragraph (1) of section 274(n) (relating to only 50 percent of meal and entertainment expenses allowed as deduction) is amended by striking "50 percent" in the text and inserting "the allowable percentage".

(b) Allowable Percentages.—Subsection (n) of section 274 is amended by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively, and by inserting after paragraph (1) the following new paragraph:

"(2) Allowable percentage.—For purposes of paragraph (1), the allowable percentage is—

"(A) in the case of amounts for items described in paragraph (1)(B), 50 percent, and

"(B) in the case of expenses for food or beverages, 60 percent (55 percent for taxable years beginning during 2001)."

(c) Conforming Amendment.—The heading for subsection (n) of section 274 is amended by striking "50 Percent" and inserting "Limited Percentages".

(d) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 104. INCREASED DEDUCTIBILITY OF BUSINESS MEAL EXPENSES FOR INDIVIDUALS SUBJECT TO FEDERAL LIMITATIONS ON HOURS OF SERVICE.

(a) In General.—Paragraph (4) of section 274(n) (relating to limited percentages of meal and entertainment expenses allowed as deduction), as redesignated by section 103, is amended to read as follows:

"(4) Special rule for individuals subject to federal hours of service.—In the case of any expenses for food or beverages consumed while away from home (within the meaning of section 162(a)(2)) by an individual during, or incident to, the period of duty subject to the hours of service limitations of the Department of Transportation, paragraph (2)(B) shall be applied by substituting '80 percent' for the percentage otherwise applicable under paragraph (2)(B)."

(b) Effective Date.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2000.

SEC. 105. INCOME AVERAGING FOR FARMERS AND FISHERMEN NOT TO INCREASE ALTERNATIVE MINIMUM TAX LIABILITY.

(a) In General.—Section 55(c) (defining regular tax) is amended by redesignating paragraph (2) as paragraph (3) and by inserting after paragraph (1) the following:

"(2) Coordination with income averaging for farmers and fishermen.—Solely for purposes of this section, section 1301 (relating to averaging of farm and fishing income) shall not apply in computing the regular tax.".

(b) Allowing Income Averaging for Fishermen.—

(1) In general.—Section 1301(a) is amended by striking "farming business" and inserting "farming business or fishing business,".

(2) Definition of elected farm income.—

(A) In general.—Clause (i) of section 1301(b)(1)(A) is amended by inserting "or fishing business" before the semicolon.

(B) Conforming amendment.—Subparagraph (B) of section 1301(b)(1) is amended by inserting "or fishing business" after "farming business" both places it occurs.

(3) Definition of fishing business.—Section 1301(b) is amended by adding at the end the following new paragraph:

"(4) Fishing business.—The term 'fishing business' means the conduct of commercial fishing as defined in section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802).".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 106. REPEAL OF OCCUPATIONAL TAXES RELATING TO DISTILLED SPIRITS, WINE, AND BEER.

(a) Repeal of Occupational Taxes.—

(1) In general.—The following provisions of part II of subchapter A of chapter 51 of the Internal Revenue Code of 1986 (relating to occupational taxes) are hereby repealed:

(A) Subpart A (relating to proprietors of distilled spirits plants, bonded wine cellars, etc.).

(B) Subpart B (relating to brewer).

(C) Subpart D (relating to wholesale dealers) (other than sections 5114 and 5116).

(D) Subpart E (relating to retail dealers) (other than section 5124).

(E) Subpart G (relating to general provisions) (other than sections 5142, 5143, 5145, and 5146).

(2) Nonbeverage domestic drawback.—Section 5131 is amended by striking ", on payment of a special tax per annum,".

(3) Industrial use of distilled spirits.—Section 5276 is hereby repealed.

(b) Conforming Amendments.—

(1)(A) The heading for part II of subchapter A of chapter 51 and the table of subparts for such part are amended to read as follows:

"PART II—MISCELLANEOUS PROVISIONS

"Subpart A. Manufacturers of stills.

"Subpart B. Nonbeverage domestic drawback claimants.

"Subpart C. Recordkeeping by dealers.

"Subpart D. Other provisions."

(B) The table of parts for such subchapter A is amended by striking the item relating to part II and inserting the following new item:

"Part II. Miscellaneous provisions."

(2) Subpart C of part II of such subchapter (relating to manufacturers of stills) is redesignated as subpart A.

(3)(A) Subpart F of such part II (relating to nonbeverage domestic drawback claimants) is redesignated as subpart B and sections 5131 through 5134 are redesignated as sections 5111 through 5114, respectively.

(B) The table of sections for such subpart B, as so redesignated, is amended—

(i) by redesignating the items relating to sections 5131 through 5134 as relating to sections 5111 through 5114, respectively, and

(ii) by striking "and rate of tax" in the item relating to section 5111, as so redesignated.

(C) Section 5111, as redesignated by subparagraph (A), is amended—

(i) by striking "and rate of tax" in the section heading,

(ii) by striking "(a) Eligibility for Drawback.—", and

(iii) by striking subsection (b).

(4) Part II of subchapter A of chapter 51 is amended by adding after subpart B, as redesignated by paragraph (3), the following new subpart:

"Subpart C—Recordkeeping by Dealers

"Sec. 5121. Recordkeeping by wholesale dealers.

"Sec. 5122. Recordkeeping by retail dealers.

"Sec. 5123. Preservation and inspection of records, and entry of premises for inspection."

(5)(A) Section 5114 (relating to records) is moved to subpart C of such part II and inserted after the table of sections for such subpart.

(B) Section 5114 is amended—

(i) by striking the section heading and inserting the following new heading:

"SEC. 5121. RECORDKEEPING BY WHOLESALE DEALERS.",

and

(ii) by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

"(c) Wholesale Dealers.—For purposes of this part—

"(1) Wholesale dealer in liquors.—The term 'wholesale dealer in liquors' means any dealer (other than a wholesale dealer in beer) who sells, or offers for sale, distilled spirits, wines, or beer, to another dealer.

"(2) Wholesale dealer in beer.—The term 'wholesale dealer in beer' means any dealer who sells, or offers for sale, beer, but not distilled spirits or wines, to another dealer.

"(3) Dealer.—The term 'dealer' means any person who sells, or offers for sale, any distilled spirits, wines, or beer.

"(4) Presumption in case of sale of 20 wine gallons or more.—The sale, or offer for sale, of distilled spirits, wines, or beer, in quantities of 20 wine gallons or more to the same person at the same time, shall be presumptive evidence that the person making such sale, or offer for sale, is engaged in or carrying on the business of a wholesale dealer in liquors or a wholesale dealer in beer, as the case may be. Such presumption may be overcome by evidence satisfactorily showing that such sale, or offer for sale, was made to a person other than a dealer."

(C) Paragraph (3) of section 5121(d), as so redesignated, is amended by striking "section 5146" and inserting "section 5123".

(6)(A) Section 5124 (relating to records) is moved to subpart C of part II of subchapter A of chapter 51 and inserted after section 5121.

(B) Section 5124 is amended—

(i) by striking the section heading and inserting the following new heading:

"SEC. 5122. RECORDKEEPING BY RETAIL DEALERS.",

(ii) by striking "section 5146" in subsection (c) and inserting "section 5123", and

(iii) by redesignating subsection (c) as subsection (d) and inserting after subsection (b) the following new subsection:

"(c) Retail Dealers.—For purposes of this section—

"(1) Retail dealer in liquors.—The term 'retail dealer in liquors' means any dealer (other than a retail dealer in beer) who sells, or offers for sale, distilled spirits, wines, or beer, to any person other than a dealer.

"(2) Retail dealer in beer.—The term 'retail dealer in beer' means any dealer who sells, or offers for sale, beer, but not distilled spirits or wines, to any person other than a dealer.

"(3) Dealer.—The term 'dealer' has the meaning given such term by section 5121(c)(3)."

(7) Section 5146 is moved to subpart C of part II of subchapter A of chapter 51, inserted after section 5122, and redesignated as section 5123.

(8) Part II of subchapter A of chapter 51 is amended by inserting after subpart C the following new subpart:

"Subpart D. Other Provisions

"Sec. 5131. Packaging distilled spirits for industrial uses.

"Sec. 5132. Prohibited purchases by dealers."

(9) Section 5116 is moved to subpart D of part II of subchapter A of chapter 51, inserted after the table of sections, redesignated as section 5131, and amended by inserting "(as defined in section 5121(c))" after "dealer" in subsection (a).

(10) Subpart D of part II of subchapter A of chapter 51 is amended by adding at the end thereof the following new section:

"SEC. 5132. PROHIBITED PURCHASES BY DEALERS.

"(a) In General.—Except as provided in regulations prescribed by the Secretary, it shall be unlawful for a dealer to purchase distilled spirits from any person other than a wholesale dealer in liquors who is required to keep the records prescribed by section 5121.

"(b) Penalty and Forfeiture.—

"For penalty and forfeiture provisions applicable to violations of subsection (a), see sections 5687 and 7302."

(11) Subsection (b) of section 5002 is amended—

(A) by striking "section 5112(a)" and inserting "section 5121(c)(3)",

(B) by striking "section 5112" and inserting "section 5121(c)",

(C) by striking "section 5122" and inserting "section 5122(c)".

(12) Subparagraph (A) of section 5010(c)(2) is amended by striking "section 5134" and inserting "section 5114".

(13) Subsection (d) of section 5052 is amended to read as follows:

"(d) Brewer.—For purposes of this chapter, the term 'brewer' means any person who brews beer or produces beer for sale. Such term shall not include any person who produces only beer exempt from tax under section 5053(e)."

(14) The text of section 5182 is amended to read as follows:

"For provisions requiring recordkeeping by wholesale liquor dealers, see section 5112, and by retail liquor dealers, see section 5122."

(15) Subsection (b) of section 5402 is amended by striking "section 5092" and inserting "section 5052(d)".

(16) Section 5671 is amended by striking "or 5091".

(17)(A) Part V of subchapter J of chapter 51 is hereby repealed.

(B) The table of parts for such subchapter J is amended by striking the item relating to part V.

(18)(A) Sections 5142, 5143, and 5145 are moved to subchapter D of chapter 52, inserted after section 5731, redesignated as sections 5732, 5733, and 5734, respectively, and amended—

(i) by striking "this part" each place it appears and inserting "this subchapter", and

(ii) by striking "this subpart" in section 5732(c)(2) (as so redesignated) and inserting "this subchapter".

(B) Section 5732, as redesignated by subparagraph (A), is amended by striking "(except the tax imposed by section 5131)" each place it appears.

(C) Subsection (c) of section 5733, as redesignated by subparagraph (A), is amended by striking paragraph (2) and by redesignating paragraph (3) as paragraph (2).

(D) The table of sections for subchapter D of chapter 52 is amended by adding at the end thereof the following:

"Sec. 5732. Payment of tax.

"Sec. 5733. Provisions relating to liability for occupational taxes.

"Sec. 5734. Application of State laws."

(E) Section 5731 is amended by striking subsection (c) and by redesignating subsection (d) as subsection (c).

(19) Subsection (c) of section 6071 is amended by striking "section 5142" and inserting "section 5732".

(20) Paragraph (1) of section 7652(g) is amended—

(A) by striking "subpart F" and inserting "subpart B", and

(B) by striking "section 5131(a)" and inserting "section 5111(a)".

(21) The table of sections for subchapter D of chapter 51 is amended by striking the item relating to section 5276.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 2001, but shall not apply to taxes imposed for periods before such date.

SEC. 107. REPEAL OF MODIFICATION OF INSTALLMENT METHOD.

(a) IN GENERAL.—Subsection (a) of section 536 of the Ticket to Work and Work Incentives Improvement Act of 1999 (relating to modification of installment method and repeal of installment method for accrual method taxpayers) is repealed effective with respect to sales and other dispositions occurring on or after the date of the enactment of such Act.

(b) APPLICABILITY.—The Internal Revenue Code of 1986 shall be applied and administered as if that subsection (and the amendments made by that subsection) had not been enacted.

TITLE II—PENSION PROVISIONS

Subtitle A—Expanding Coverage

SEC. 201. INCREASE IN BENEFIT AND CONTRIBUTION LIMITS.

(a) DEFINED BENEFIT PLANS.—

(1) DOLLAR LIMIT.—

(A) Subparagraph (A) of section 415(b)(1) (relating to limitation for defined benefit plans) is amended by striking "$90,000" and inserting "$160,000".

(B) Subparagraphs (C) and (D) of section 415(b)(2) are each amended by striking "$90,000" each place it appears in the headings and the text and inserting "$160,000".

(C) Paragraph (7) of section 415(b) (relating to benefits under certain collectively bargained plans) is amended by striking "the greater of $68,212 or one-half the amount otherwise applicable for such year under paragraph (1)(A) for '$90,000' " and inserting "one-half the amount otherwise applicable for such year under paragraph (1)(A) for '$160,000' ".

(2) LIMIT REDUCED WHEN BENEFIT BEGINS BEFORE AGE 62.—Subparagraph (C) of section 415(b)(2) is amended by striking "the social security retirement age" each place it appears in the heading and text and inserting "age 62".

(3) LIMIT INCREASED WHEN BENEFIT BEGINS AFTER AGE 65.—Subparagraph (D) of section 415(b)(2) is amended by striking "the social security retirement age" each place it appears in the heading and text and inserting "age 65".

(4) COST-OF-LIVING ADJUSTMENTS.—Subsection (d) of section 415 (related to cost-of-living adjustments) is amended—

(A) by striking "$90,000" in paragraph (1)(A) and inserting "$160,000", and

(B) in paragraph (3)(A)—

(i) by striking "$90,000" in the heading and inserting "$160,000", and

(ii) by striking "October 1, 1986" and inserting "July 1, 2000".

(5) CONFORMING AMENDMENT.—Section 415(b)(2) is amended by striking subparagraph (F).

(b) DEFINED CONTRIBUTION PLANS.—

(1) DOLLAR LIMIT.—Subparagraph (A) of section 415(c)(1) (relating to limitation for defined contribution plans) is amended by striking "$30,000" and inserting "$40,000".

(2) COST-OF-LIVING ADJUSTMENTS.—Subsection (d) of section 415 (related to cost-of-living adjustments) is amended—

(A) by striking "$30,000" in paragraph (1)(C) and inserting "$40.000", and

(B) in paragraph (3)(D)—

(i) by striking "$30,000" in the heading and inserting "$40,000", and

(ii) by striking "October 1, 1993" and inserting "July 1, 2000".

(c) QUALIFIED TRUSTS.—

(1) COMPENSATION LIMIT.—Sections 401(a)(17), 404(l), 408(k), and 505(b)(7) are each amended by striking "$150,000" each place it appears and inserting "$200,000".

(2) BASE PERIOD AND ROUNDING OF COST-OF-LIVING ADJUSTMENT.—Subparagraph (B) of section 401(a)(17) is amended—

(A) by striking "October 1, 1993" and inserting "July 1, 2000", and

(B) by striking "$10,000" both places it appears and inserting "$5,000".

(d) ELECTIVE DEFERRALS.—

(1) IN GENERAL.—Paragraph (1) of section 402(g) (relating to limitation on exclusion for elective deferrals) is amended to read as follows:

"(1) IN GENERAL.—

"(A) LIMITATION.—Notwithstanding subsections (e)(3) and (h)(1)(B), the elective deferrals of any individual for any taxable year shall be included in such individual's gross income to the extent the amount of such deferrals for the taxable year exceeds the applicable dollar amount.

"(B) APPLICABLE DOLLAR AMOUNT.—For purposes of subparagraph (A), the applicable dollar amount shall be the amount determined in accordance with the following table:

"For taxable years beginning in calendar year:	**The applicable dollar amount:**
2001	$11,000
2002	$12,000
2003	$13,000
2004 or thereafter	$14,000.".

(2) COST-OF-LIVING ADJUSTMENT.—Paragraph (5) of section 402(g) is amended to read as follows:

"(5) COST-OF-LIVING ADJUSTMENT.—In the case of taxable years beginning after December 31, 2004, the Secretary shall adjust the $14,000 amount under paragraph (1)(B) at the same time and in the same manner as under section 415(d), except that the base period shall be the calendar quarter beginning July 1, 2003, and any increase under this paragraph which is not a multiple of $500 shall be rounded to the next lowest multiple of $500.".

(3) CONFORMING AMENDMENTS.—

(A) Section 402(g) (relating to limitation on exclusion for elective deferrals), as amended by paragraphs (1) and (2), is further amended by striking paragraph (4) and redesignating paragraphs (5), (6), (7), (8), and (9) as paragraphs (4), (5), (6), (7), and (8), respectively.

(B) Paragraph (2) of section 457(c) is amended by striking "402(g)(8)(A)(iii)" and inserting "402(g)(7)(A)(iii)".

(C) Clause (iii) of section 501(c)(18)(D) is amended by striking "(other than paragraph (4) thereof)".

(e) DEFERRED COMPENSATION PLANS OF STATE AND LOCAL GOVERNMENTS AND TAX-EXEMPT ORGANIZATIONS.—

(1) IN GENERAL.—Section 457 (relating to deferred compensation plans of State and local governments and tax-exempt organizations) is amended—

(A) in subsections (b)(2)(A) and (c)(1) by striking "$7,500" each place it appears and inserting "the applicable dollar amount", and

(B) in subsection (b)(3)(A) by striking "$15,000" and inserting "twice the dollar amount in effect under subsection (b)(2)(A)".

(2) APPLICABLE DOLLAR AMOUNT; COST-OF-LIVING ADJUSTMENT.—Paragraph (15) of section 457(e) is amended to read as follows:

"(15) APPLICABLE DOLLAR AMOUNT.—

"(A) IN GENERAL.—The applicable dollar amount shall be the amount determined in accordance with the following table:

"For taxable years beginning in calendar year:	**The applicable dollar amount:**
2001	$11,000
2002	$12,000
2003	$13,000
2004 or thereafter	$14,000.

"(B) COST-OF-LIVING ADJUSTMENTS.—In the case of taxable years beginning after December 31, 2004, the Secretary shall adjust the $14,000 amount specified in the table in subparagraph (A) at the same time and in the same manner as under section 415(d), except that the base period shall be the calendar quarter beginning July 1, 2003, and any increase under this paragraph which is not a multiple of $500 shall be rounded to the next lowest multiple of $500.".

(f) SIMPLE RETIREMENT ACCOUNTS.—

(1) LIMITATION.—Clause (ii) of section 408(p)(2)(A) (relating to general rule for qualified salary reduction arrangement) is amended by striking "$6,000" and inserting "the applicable dollar amount".

(2) APPLICABLE DOLLAR AMOUNT.—Subparagraph (E) of 408(p)(2) is amended to read as follows:

"(E) APPLICABLE DOLLAR AMOUNT; COST-OF-LIVING ADJUSTMENT.—

"(i) In general.—For purposes of subparagraph (A)(ii), the applicable dollar amount shall be the amount determined in accordance with the following table:

"For taxable years beginning in calendar year:	The applicable dollar amount:
2001	$7,000
2002	$8,000
2003	$9,000
2004 or thereafter	$10,000.

"(ii) Cost-of-living adjustment.—In the case of a year beginning after December 31, 2004, the Secretary shall adjust the $10,000 amount under clause (i) at the same time and in the same manner as under section 415(d), except that the base period taken into account shall be the calendar quarter beginning July 1, 2003, and any increase under this subparagraph which is not a multiple of $500 shall be rounded to the next lower multiple of $500.".

(3) Conforming amendments.—

(A) Clause (I) of section 401(k)(11)(B)(i) is amended by striking "$6,000" and inserting "the amount in effect under section 408(p)(2)(A)(ii)".

(B) Section 401(k)(11) is amended by striking subparagraph (E).

(g) Rounding Rule Relating to Defined Benefit Plans and Defined Contribution Plans.—Paragraph (4) of section 415(d) is amended to read as follows:

"(4) Rounding.—

"(A) $160,000 amount.—Any increase under subparagraph (A) of paragraph (1) which is not a multiple of $5,000 shall be rounded to the next lowest multiple of $5,000.

"(B) $40,000 amount.—Any increase under subparagraph (C) of paragraph (1) which is not a multiple of $1,000 shall be rounded to the next lowest multiple of $1,000.".

(h) Effective Date.—The amendments made by this section shall apply to years beginning after December 31, 2000.

SEC. 202. PLAN LOANS FOR SUBCHAPTER S OWNERS, PARTNERS, AND SOLE PROPRIETORS.

(a) Amendment to 1986 Code.—Subparagraph (B) of section 4975(f)(6) (relating to exemptions not to apply to certain transactions) is amended by adding at the end the following new clause:

"(iii) Loan exception.—For purposes of subparagraph (A)(i), the term 'owner-employee' shall only include a person described in subclause (II) or (III) of clause (i).".

(b) Effective Date.—The amendment made by this section shall apply to loans made after December 31, 2000.

SEC. 203. MODIFICATION OF TOP-HEAVY RULES.

(a) Simplification of Definition of Key Employee.—

(1) In general.—Section 416(i)(1)(A) (defining key employee) is amended—

(A) by striking "or any of the 4 preceding plan years" in the matter preceding clause (i),

(B) by striking clause (i) and inserting the following:

"(i) an officer of the employer having an annual compensation greater than $150,000,",

(C) by striking clause (ii) and redesignating clauses (iii) and (iv) as clauses (ii) and (iii), respectively, and

(D) by striking the second sentence in the matter following clause (iii), as redesignated by subparagraph (C).

(2) Conforming amendment.—Section 416(i)(1)(B)(iii) is amended by striking "and subparagraph (A)(ii)".

(b) Matching Contributions Taken Into Account for Minimum Contribution Requirements.—Section 416(c)(2)(A) (relating to defined contribution plans) is amended by adding at the end the following: "Employer matching contributions (as defined in section 401(m)(4)(A)) shall be taken into account for purposes of this subparagraph.".

(c) Distributions During Last Year Before Determination Date Taken Into Account.—

(1) In general.—Paragraph (3) of section 416(g) is amended to read as follows:

"(3) Distributions during last year before determination date taken into account.—

"(A) In general.—For purposes of determining—

"(i) the present value of the cumulative accrued benefit for any employee, or

"(ii) the amount of the account of any employee,

such present value or amount shall be increased by the aggregate distributions made with respect to such employee under the plan during the 1-year period ending on the determination date. The preceding sentence shall also apply to distributions under a terminated plan which if it had not been terminated would have been required to be included in an aggregation group.

"(B) 5-year period in case of in-service distribution.—In the case of any distribution made for a reason other than separation from service, death, or disability, subparagraph (A) shall be applied by substituting '5-year period' for '1-year period'.".

(2) Benefits not taken into account.—Subparagraph (E) of section 416(g)(4) is amended—

(A) by striking "last 5 years" in the heading and inserting "last year before determination date", and

(B) by striking "5-year period" and inserting "1-year period".

(d) Definition of Top-Heavy Plans.—Paragraph (4) of section 416(g) (relating to other special rules for top-heavy plans) is amended by adding at the end the following new subparagraph:

"(H) Cash or deferred arrangements using alternative methods of meeting nondiscrimination requirements.—The term 'top-heavy plan' shall not include a plan which consists solely of—

"(i) a cash or deferred arrangement which meets the requirements of section 401(k)(12), and

"(ii) matching contributions with respect to which the requirements of section 401(m)(11) are met.

If, but for this subparagraph, a plan would be treated as a top-heavy plan because it is a member of an aggregation group which is a top-heavy group, contributions under the plan may be taken into account in determining whether any other plan in the group meets the requirements of subsection (c)(2).".

(e) Frozen Plan Exempt From Minimum Benefit Requirement.—Subparagraph (C) of section 416(c)(1) (relating to defined benefit plans) is amended—

(A) by striking "clause (ii)" in clause (i) and inserting "clause (ii) or (iii)", and

(B) by adding at the end the following:

"(iii) Exception for frozen plan.—For purposes of determining an employee's years of service with the employer, any service with the employer shall be disregarded to the extent that such service occurs during a plan year when the plan benefits (within the meaning of section 410(b)) no employee or former employee.".

(f) Elimination of Family Attribution.—Section 416(i)(1)(B) (defining 5-percent owner) is amended by adding at the end the following new clause:

"(iv) Family attribution disregarded.—Solely for purposes of applying this paragraph (and not for purposes of any provision of this title which incorporates by reference the definition of a key employee or 5-percent owner under this paragraph), section 318 shall be applied without regard to subsection (a)(1) thereof in determining whether any person is a 5-percent owner.".

(g) Effective Date.—The amendments made by this section shall apply to years beginning after December 31, 2000.

SEC. 204. ELECTIVE DEFERRALS NOT TAKEN INTO ACCOUNT FOR PURPOSES OF DEDUCTION LIMITS.

(a) In General.—Section 404 (relating to deduction for contributions of an employer to an employees' trust or annuity plan and compensation under a deferred payment plan) is amended by adding at the end the following new subsection:

"(n) Elective Deferrals Not Taken Into Account for Purposes of Deduction Limits.—Elective deferrals (as defined in section 402(g)(3)) shall not be subject to any limitation contained in paragraph (3), (7), or (9) of subsection (a), and such elective deferrals shall not be taken into account in applying any such limitation to any other contributions.".

(b) Effective Date.—The amendment made by this section shall apply to years beginning after December 31, 2000.

SEC. 205. REPEAL OF COORDINATION REQUIREMENTS FOR DEFERRED COMPENSATION PLANS OF STATE AND LOCAL GOVERNMENTS AND TAX-EXEMPT ORGANIZATIONS.

(a) In General.—Subsection (c) of section 457 (relating to deferred compensation plans of State and local governments and tax-exempt organizations), as amended by section 211, is amended to read as follows:

"(c) Limitation.—The maximum amount of the compensation of any one individual which may be deferred under subsection (a) during any taxable year shall not exceed the amount in effect under subsection (b)(2)(A) (as modified by any adjustment provided under subsection (b)(3)).".

(b) Effective Date.—The amendment made by subsection (a) shall apply to years beginning after December 31, 2000.

SEC. 206. ELIMINATION OF USER FEE FOR REQUESTS TO IRS REGARDING PENSION PLANS.

(a) Elimination of Certain User Fees.—The Secretary of the Treasury or the Secretary's delegate shall not require payment of user fees under the program established under section 7527 of the Internal Revenue Code of 1986 for requests to the Internal Revenue Service for determination letters with respect to the qualified status of a pension benefit plan maintained solely by one or more eligible employers or any trust which is part of the plan. The preceding sentence shall not apply to any request—

(1) made after the 5th plan year the pension benefit plan is in existence, or

(2) made by the sponsor of any prototype or similar plan which the sponsor intends to market to participating employers.

(b) Pension Benefit Plan.—For purposes of this section, the term "pension benefit plan" means a pension, profit-sharing, stock bonus, annuity, or employee stock ownership plan.

(c) Eligible Employer.—For purposes of this section, the term "eligible employer" has the same meaning given such term in section 408(p)(2)(C)(i)(I) of the Internal Revenue Code of 1986. The determination of whether an employer is an eligible employer under this section shall be made as of the date of the request described in subsection (a).

(d) Effective Date.—The provisions of this section shall apply with respect to requests made after December 31, 2000.

SEC. 207. DEDUCTION LIMITS.

(a) In General.—Section 404(a) (relating to general rule) is amended by adding at the end the following:

‘‘(12) Definition of compensation.—For purposes of paragraphs (3), (7), (8), and (9), the term ‘compensation’ shall include amounts treated as participant's compensation under subparagraph (C) or (D) of section 415(c)(3).’’.

(b) Conforming Amendment.—Subparagraph (B) of section 404(a)(3) is amended by striking the last sentence thereof.

(c) Effective Date.—The amendments made by this section shall apply to years beginning after December 31, 2000.

SEC. 208. OPTION TO TREAT ELECTIVE DEFERRALS AS AFTER-TAX CONTRIBUTIONS.

(a) In General.—Subpart A of part I of subchapter D of chapter 1 (relating to deferred compensation, etc.) is amended by inserting after section 402 the following new section:

‘‘SEC. 402A. OPTIONAL TREATMENT OF ELECTIVE DEFERRALS AS PLUS CONTRIBUTIONS.

‘‘(a) General Rule.—If an applicable retirement plan includes a qualified plus contribution program—

‘‘(1) any designated plus contribution made by an employee pursuant to the program shall be treated as an elective deferral for purposes of this chapter, except that such contribution shall not be excludable from gross income, and

‘‘(2) such plan (and any arrangement which is part of such plan) shall not be treated as failing to meet any requirement of this chapter solely by reason of including such program.

‘‘(b) Qualified Plus Contribution Program.—For purposes of this section—

‘‘(1) In general.—The term ‘qualified plus contribution program’ means a program under which an employee may elect to make designated plus contributions in lieu of all or a portion of elective deferrals the employee is otherwise eligible to make under the applicable retirement plan.

‘‘(2) Separate accounting required.—A program shall not be treated as a qualified plus contribution program unless the applicable retirement plan—

‘‘(A) establishes separate accounts (‘designated plus accounts’) for the designated plus contributions of each employee and any earnings properly allocable to the contributions, and

‘‘(B) maintains separate recordkeeping with respect to each account.

‘‘(c) Definitions and Rules Relating to Designated Plus Contributions.—For purposes of this section—

‘‘(1) Designated plus contribution.—The term ‘designated plus contribution’ means any elective deferral which—

‘‘(A) is excludable from gross income of an employee without regard to this section, and

‘‘(B) the employee designates (at such time and in such manner as the Secretary may prescribe) as not being so excludable.

‘‘(2) Designation limits.—The amount of elective deferrals which an employee may designate under paragraph (1) shall not exceed the excess (if any) of—

‘‘(A) the maximum amount of elective deferrals excludable from gross income of the employee for the taxable year (without regard to this section), over

‘‘(B) the aggregate amount of elective deferrals of the employee for the taxable year which the employee does not designate under paragraph (1).

‘‘(3) Rollover contributions.—

‘‘(A) In general.—A rollover contribution of any payment or distribution from a designated plus account which is otherwise allowable under this chapter may be made only if the contribution is to—

‘‘(i) another designated plus account of the individual from whose account the payment or distribution was made, or

‘‘(ii) a Roth IRA of such individual.

‘‘(B) Coordination with limit.—Any rollover contribution to a designated plus account under subparagraph (A) shall not be taken into account for purposes of paragraph (1).

‘‘(d) Distribution Rules.—For purposes of this title—

‘‘(1) Exclusion.—Any qualified distribution from a designated plus account shall not be includible in gross income.

‘‘(2) Qualified distribution.—For purposes of this subsection—

‘‘(A) In general.—The term ‘qualified distribution’ has the meaning given such term by section 408A(d)(2)(A) (without regard to clause (iv) thereof).

‘‘(B) Distributions within nonexclusion period.—A payment or distribution from a designated plus account shall not be treated as a qualified distribution if such payment or distribution is made within the 5-taxable-year period beginning with the earlier of—

‘‘(i) the first taxable year for which the individual made a designated plus contribution to any designated plus account established for such individual under the same applicable retirement plan, or

‘‘(ii) if a rollover contribution was made to such designated plus account from a designated plus account previously established for such individual under another applicable retirement plan, the first taxable year for which the individual made a designated plus contribution to such previously established account.

‘‘(C) Distributions of excess deferrals and earnings.—The term ‘qualified distribution’ shall not include any distribution of any excess deferral under section 402(g)(2) and any income on the excess deferral.

‘‘(3) Aggregation rules.—Section 72 shall be applied separately with respect to distributions and payments from a designated plus account and other distributions and payments from the plan.

‘‘(e) Other Definitions.—For purposes of this section—

‘‘(1) Applicable retirement plan.—The term ‘applicable retirement plan’ means—

‘‘(A) an employees' trust described in section 401(a) which is exempt from tax under section 501(a), and

‘‘(B) a plan under which amounts are contributed by an individual's employer for an annuity contract described in section 403(b).

‘‘(2) Elective deferral.—The term ‘elective deferral’ means any elective deferral described in subparagraph (A) or (C) of section 402(g)(3).’’.

(b) Excess Deferrals.—Section 402(g) (relating to limitation on exclusion for elective deferrals) is amended—

(1) by adding at the end of paragraph (1) the following new sentence: ‘‘The preceding sentence shall not apply to so much of such excess as does not exceed the designated plus contributions of the individual for the taxable year.’’, and

(2) by inserting ‘‘(or would be included but for the last sentence thereof)’’ after ‘‘paragraph (1)’’ in paragraph (2)(A).

(c) Rollovers.—Subparagraph (B) of section 402(c)(8) is amended by adding at the end the following:

‘‘If any portion of an eligible rollover distribution is attributable to payments or distributions from a designated plus account (as defined in section 402A), an eligible retirement plan with respect to such portion shall include only another designated plus account and a Roth IRA.’’.

(d) Reporting Requirements.—

(1) W–2 information.—Section 6051(a)(8) is amended by inserting ‘‘, including the amount of designated plus contributions (as defined in section 402A)’’ before the comma at the end.

(2) Information.—Section 6047 is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

‘‘(f) Designated Plus Contributions.—The Secretary shall require the plan administrator of each applicable retirement plan (as defined in section 402A) to make such returns and reports regarding designated plus contributions (as so defined) to the Secretary, participants and beneficiaries of the plan, and such other persons as the Secretary may prescribe.’’.

(e) Conforming Amendments.—

(1) Section 408A(e) is amended by adding after the first sentence the following new sentence: ‘‘Such term includes a rollover contribution described in section 402A(c)(3)(A).’’.

(2) The table of sections for subpart A of part I of subchapter D of chapter 1 is amended by inserting after the item relating to section 402 the following new item:

‘‘Sec. 402A. Optional treatment of elective deferrals as plus contributions.’’.

(f) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

Subtitle B—Enhancing Fairness for Women

SEC. 221. CATCHUP CONTRIBUTIONS FOR INDIVIDUALS AGE 50 OR OVER.

(a) In General.—Section 414 (relating to definitions and special rules) is amended by adding at the end the following new subsection:

‘‘(v) Catchup Contributions for Individuals Age 50 or Over.—

‘‘(1) In general.—An applicable employer plan shall not be treated as failing to meet any requirement of this title solely because the plan permits an eligible participant to make additional elective deferrals in any plan year.

‘‘(2) Limitation on amount of additional deferrals.—

‘‘(A) In general.—A plan shall not permit additional elective deferrals under paragraph (1) for any year in an amount greater than the lesser of—

‘‘(i) the applicable percentage of the applicable dollar amount for such elective deferrals for such year, or

‘‘(ii) the excess (if any) of—

‘‘(I) the participant's compensation for the year, over

‘‘(II) any other elective deferrals of the participant for such year which are made without regard to this subsection.

‘‘(B) Applicable percentage.—For purposes of this paragraph, the applicable percentage shall be determined in accordance with the following table:

‘‘For taxable years beginning in:	**The applicable percentage is:**
2001	10
2002	20

"For taxable years beginning in:	The applicable percentage is:
2003	30
2004 and thereafter	40

"(3) TREATMENT OF CONTRIBUTIONS.—In the case of any contribution to a plan under paragraph (1)—

"(A) such contribution shall not, with respect to the year in which the contribution is made—

"(i) be subject to any otherwise applicable limitation contained in section 402(g), 402(h), 403(b), 404(a), 404(h), 408, 415, or 457, or

"(ii) be taken into account in applying such limitations to other contributions or benefits under such plan or any other such plan, and

"(B) such plan shall not be treated as failing to meet the requirements of section 401(a)(4), 401(a)(26), 401(k)(3), 401(k)(11), 401(k)(12), 401(m), 403(b)(12), 408(k), 408(p), 408B, 410(b), or 416 by reason of the making of (or the right to make) such contribution.

"(4) ELIGIBLE PARTICIPANT.—For purposes of this subsection, the term 'eligible participant' means, with respect to any plan year, a participant in a plan—

"(A) who has attained the age of 50 before the close of the plan year, and

"(B) with respect to whom no other elective deferrals may (without regard to this subsection) be made to the plan for the plan year by reason of the application of any limitation or other restriction described in paragraph (3) or contained in the terms of the plan.

"(5) OTHER DEFINITIONS AND RULES.—For purposes of this subsection—

"(A) APPLICABLE DOLLAR AMOUNT.—The term 'applicable dollar amount' means, with respect to any year, the amount in effect under section 402(g)(1)(B), 408(p)(2)(E)(i), or 457(e)(15)(A), whichever is applicable to an applicable employer plan, for such year.

"(B) APPLICABLE EMPLOYER PLAN.—The term 'applicable employer plan' means—

"(i) an employees' trust described in section 401(a) which is exempt from tax under section 501(a),

"(ii) a plan under which amounts are contributed by an individual's employer for an annuity contract described in section 403(b),

"(iii) an eligible deferred compensation plan under section 457 of an eligible employer as defined in section 457(e)(1)(A), and

"(iv) an arrangement meeting the requirements of section 408 (k) or (p).

"(C) ELECTIVE DEFERRAL.—The term 'elective deferral' has the meaning given such term by subsection (u)(2)(C).

"(D) EXCEPTION FOR SECTION 457 PLANS.—This subsection shall not apply to an applicable employer plan described in subparagraph (B)(iii) for any year to which section 457(b)(3) applies.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions in taxable years beginning after December 31, 2000.

SEC. 222. EQUITABLE TREATMENT FOR CONTRIBUTIONS OF EMPLOYEES TO DEFINED CONTRIBUTION PLANS.

(a) EQUITABLE TREATMENT.—

(1) IN GENERAL.—Subparagraph (B) of section 415(c)(1) (relating to limitation for defined contribution plans) is amended by striking "25 percent" and inserting "100 percent".

(2) APPLICATION TO SECTION 403(b).—Section 403(b) is amended—

(A) by striking "the exclusion allowance for such taxable year" in paragraph (1) and inserting "the applicable limit under section 415",

(B) by striking paragraph (2), and

(C) by inserting "or any amount received by a former employee after the 5th taxable year following the taxable year in which such employee was terminated" before the period at the end of the second sentence of paragraph (3).

(3) CONFORMING AMENDMENTS.—

(A) Subsection (f) of section 72 is amended by striking "section 403(b)(2)(D)(iii))" and inserting "section 403(b)(2)(D)(iii), as in effect before the enactment of the Small Business Tax Fairness Act of 2000)".

(B) Section 404(a)(10)(B) is amended by striking ", the exclusion allowance under section 403(b)(2),".

(C) Section 415(a)(2) is amended by striking ", and the amount of the contribution for such portion shall reduce the exclusion allowance as provided in section 403(b)(2)".

(D) Section 415(c)(3) is amended by adding at the end the following new subparagraph:

"(E) ANNUITY CONTRACTS.—In the case of an annuity contract described in section 403(b), the term 'participant's compensation' means the participant's includible compensation determined under section 403(b)(3).".

(E) Section 415(c) is amended by striking paragraph (4).

(F) Section 415(c)(7) is amended to read as follows:

"(7) CERTAIN CONTRIBUTIONS BY CHURCH PLANS NOT TREATED AS EXCEEDING LIMIT.—

"(A) IN GENERAL.—Notwithstanding any other provision of this subsection, at the election of a participant who is an employee of a church or a convention or association of churches, including an organization described in section 414(e)(3)(B)(ii), contributions and other additions for an annuity contract or retirement income account described in section 403(b) with respect to such participant, when expressed as an annual addition to such participant's account, shall be treated as not exceeding the limitation of paragraph (1) if such annual addition is not in excess of $10,000.

"(B) $40,000 AGGREGATE LIMITATION.—The total amount of additions with respect to any participant which may be taken into account for purposes of this subparagraph for all years may not exceed $40,000.

"(C) ANNUAL ADDITION.—For purposes of this paragraph, the term 'annual addition' has the meaning given such term by paragraph (2).".

(G) Subparagraph (B) of section 402(g)(7) (as redesignated by section 211) is amended by inserting before the period at the end the following: "(as in effect before the enactment of the Small Business Tax Fairness Act of 2000)".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to years beginning after December 31, 2000.

(b) SPECIAL RULES FOR SECTIONS 403(b) AND 408.—

(1) IN GENERAL.—Subsection (k) of section 415 is amended by adding at the end the following new paragraph:

"(4) SPECIAL RULES FOR SECTIONS 403(b) AND 408.—For purposes of this section, any annuity contract described in section 403(b) for the benefit of a participant shall be treated as a defined contribution plan maintained by each employer with respect to which the participant has the control required under subsection (b) or (c) of section 414 (as modified by subsection (h)). For purposes of this section, any contribution by an employer to a simplified employee pension plan for an individual for a taxable year shall be treated as an employer contribution to a defined contribution plan for such individual for such year.".

(2) EFFECTIVE DATE.—

(A) IN GENERAL.—The amendment made by paragraph (1) shall apply to limitation years beginning after December 31, 1999.

(B) EXCLUSION ALLOWANCE.—Effective for limitation years beginning in 2000, in the case of any annuity contract described in section 403(b) of the Internal Revenue Code of 1986, the amount of the contribution disqualified by reason of section 415(g) of such Code shall reduce the exclusion allowance as provided in section 403(b)(2) of such Code.

(3) MODIFICATION OF 403(b) EXCLUSION ALLOWANCE TO CONFORM TO 415 MODIFICATION.—The Secretary of the Treasury shall modify the regulations regarding the exclusion allowance under section 403(b)(2) of the Internal Revenue Code of 1986 to render void the requirement that contributions to a defined benefit pension plan be treated as previously excluded amounts for purposes of the exclusion allowance. For taxable years beginning after December 31, 1999, such regulations shall be applied as if such requirement were void.

(c) DEFERRED COMPENSATION PLANS OF STATE AND LOCAL GOVERNMENTS AND TAX-EXEMPT ORGANIZATIONS.—

(1) IN GENERAL.—Subparagraph (B) of section 457(b)(2) (relating to salary limitation on eligible deferred compensation plans) is amended by striking "33⅓ percent" and inserting "100 percent".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to years beginning after December 31, 2000.

SEC. 223. FASTER VESTING OF CERTAIN EMPLOYER MATCHING CONTRIBUTIONS.

(a) AMENDMENTS TO 1986 CODE.—Section 411(a) (relating to minimum vesting standards) is amended—

(1) in paragraph (2), by striking "A plan" and inserting "Except as provided in paragraph (12), a plan", and

(2) by adding at the end the following:

"(12) FASTER VESTING FOR MATCHING CONTRIBUTIONS.—In the case of matching contributions (as defined in section 401(m)(4)(A)), paragraph (2) shall be applied—

"(A) by substituting '3 years' for '5 years' in subparagraph (A), and

"(B) by substituting the following table for the table contained in subparagraph (B):

"Years of service:	The nonforfeitable percentage is:
2	20
3	40
4	60
5	80
6	100.".

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to contributions for plan years beginning after December 31, 2000.

(2) COLLECTIVE BARGAINING AGREEMENTS.—In the case of a plan maintained pursuant to one or more collective bargaining agreements between employee representatives and one or more employers ratified by the date of the enactment of this Act, the amendments made by this section shall not apply to contributions on behalf of employees covered by any such agreement for plan years beginning before the earlier of—

(A) the later of—

(i) the date on which the last of such collective bargaining agreements terminates (determined without regard to any extension thereof on or after such date of the enactment), or

(ii) January 1, 2001, or

(B) January 1, 2005.

(3) Service required.—With respect to any plan, the amendments made by this section shall not apply to any employee before the date that such employee has 1 hour of service under such plan in any plan year to which the amendments made by this section apply.

SEC. 224. SIMPLIFY AND UPDATE THE MINIMUM DISTRIBUTION RULES.

(a) Simplification and Finalization of Minimum Distribution Requirements.—

(1) In general.—The Secretary of the Treasury shall—

(A) simplify and finalize the regulations relating to minimum distribution requirements under sections 401(a)(9), 408(a)(6) and (b)(3), 403(b)(10), and 457(d)(2) of the Internal Revenue Code of 1986, and

(B) modify such regulations to—

(i) reflect current life expectancy, and

(ii) revise the required distribution methods so that, under reasonable assumptions, the amount of the required minimum distribution does not decrease over a participant's life expectancy.

(2) Fresh start.—Notwithstanding subparagraph (D) of section 401(a)(9) of such Code, during the first year that regulations are in effect under this subsection, required distributions for future years may be redetermined to reflect changes under such regulations. Such redetermination shall include the opportunity to choose a new designated beneficiary and to elect a new method of calculating life expectancy.

(3) Effective date for regulations.—Regulations referred to in paragraph (1) shall be effective for years beginning after December 31, 2000, and shall apply in such years without regard to whether an individual had previously begun receiving minimum distributions.

(b) Repeal of Rule Where Distributions Had Begun Before Death Occurs.—

(1) In general.—Subparagraph (B) of section 401(a)(9) is amended by striking clause (i) and redesignating clauses (ii), (iii), and (iv) as clauses (i), (ii), and (iii), respectively.

(2) Conforming changes.—

(A) Clause (i) of section 401(a)(9)(B) (as so redesignated) is amended—

(i) by striking "for other cases" in the heading, and

(ii) by striking "the distribution of the employee's interest has begun in accordance with subparagraph (A)(ii)" and inserting "his entire interest has been distributed to him,".

(B) Clause (ii) of section 401(a)(9)(B) (as so redesignated) is amended by striking "clause (ii)" and inserting "clause (i)".

(C) Clause (iii) of section 401(a)(9)(B) (as so redesignated) is amended—

(i) by striking "clause (iii)(I)" and inserting "clause (ii)(I)",

(ii) by striking "clause (iii)(III)" in subclause (I) and inserting "clause (ii)(III)",

(iii) by striking "the date on which the employee would have attained the age 70½," in subclause (I) and inserting "April 1 of the calendar year following the calendar year in which the spouse attains 70½,", and

(iv) by striking "the distributions to such spouse begin," in subclause (II) and inserting "his entire interest has been distributed to him,".

(3) Effective date.—The amendments made by this subsection shall apply to years beginning after December 31, 2000.

(c) Reduction in Excise Tax.—

(1) In general.—Subsection (a) of section 4974 is amended by striking "50 percent" and inserting "10 percent".

(2) Effective date.—The amendment made by this subsection shall apply to years beginning after December 31, 2000.

SEC. 225. CLARIFICATION OF TAX TREATMENT OF DIVISION OF SECTION 457 PLAN BENEFITS UPON DIVORCE.

(a) In General.—Section 414(p)(11) (relating to application of rules to governmental and church plans) is amended—

(1) by inserting "or an eligible deferred compensation plan (within the meaning of section 457(b))" after "subsection (e))", and

(2) in the heading, by striking "governmental and church plans" and inserting "certain other plans".

(b) Waiver of Certain Distribution Requirements.—Paragraph (10) of section 414(p) is amended by striking "and section 409(d)" and inserting "section 409(d), and section 457(d)".

(c) Tax Treatment of Payments From a Section 457 Plan.—Subsection (p) of section 414 is amended by redesignating paragraph (12) as paragraph (13) and inserting after paragraph (11) the following new paragraph:

"(12) Tax treatment of payments from a section 457 plan.—If a distribution or payment from an eligible deferred compensation plan described in section 457(b) is made pursuant to a qualified domestic relations order, rules similar to the rules of section 402(e)(1)(A) shall apply to such distribution or payment.".

(d) Effective Date.—The amendments made by this section shall apply to transfers, distributions, and payments made after December 31, 2000.

SEC. 226. MODIFICATION OF SAFE HARBOR RELIEF FOR HARDSHIP WITHDRAWALS FROM CASH OR DEFERRED ARRANGEMENTS.

(a) In General.—The Secretary of the Treasury shall revise the regulations relating to hardship distributions under section 401(k)(2)(B)(i)(IV) of the Internal Revenue Code of 1986 to provide that the period an employee is prohibited from making elective and employee contributions in order for a distribution to be deemed necessary to satisfy financial need shall be equal to 6 months.

(b) Effective Date.—The revised regulations under subsection (a) shall apply to years beginning after December 31, 2000.

Subtitle C—Increasing Portability for Participants

SEC. 231. ROLLOVERS ALLOWED AMONG VARIOUS TYPES OF PLANS.

(a) Rollovers From and to Section 457 Plans.—

(1) Rollovers from section 457 plans.—

(A) In general.—Section 457(e) (relating to other definitions and special rules) is amended by adding at the end the following:

"(16) Rollover amounts.—

"(A) General rule.—In the case of an eligible deferred compensation plan established and maintained by an employer described in subsection (e)(1)(A), if—

"(i) any portion of the balance to the credit of an employee in such plan is paid to such employee in an eligible rollover distribution (within the meaning of section 402(c)(4) without regard to subparagraph (C) thereof),

"(ii) the employee transfers any portion of the property such employee receives in such distribution to an eligible retirement plan described in section 402(c)(8)(B), and

"(iii) in the case of a distribution of property other than money, the amount so transferred consists of the property distributed,

then such distribution (to the extent so transferred) shall not be includible in gross income for the taxable year in which paid.

"(B) Certain rules made applicable.—The rules of paragraphs (2) through (7) (other than paragraph (4)(C)) and (9) of section 402(c) and section 402(f) shall apply for purposes of subparagraph (A).

"(C) Reporting.—Rollovers under this paragraph shall be reported to the Secretary in the same manner as rollovers from qualified retirement plans (as defined in section 4974(c)).".

(B) Deferral limit determined without regard to rollover amounts.—Section 457(b)(2) (defining eligible deferred compensation plan) is amended by inserting "(other than rollover amounts)" after "taxable year".

(C) Direct rollover.—Paragraph (1) of section 457(d) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", and", and by inserting after subparagraph (B) the following:

"(C) in the case of a plan maintained by an employer described in subsection (e)(1)(A), the plan meets requirements similar to the requirements of section 401(a)(31).

Any amount transferred in a direct trustee-to-trustee transfer in accordance with section 401(a)(31) shall not be includible in gross income for the taxable year of transfer.".

(D) Withholding.—

(i) Paragraph (12) of section 3401(a) is amended by adding at the end the following:

"(E) under or to an eligible deferred compensation plan which, at the time of such payment, is a plan described in section 457(b) maintained by an employer described in section 457(e)(1)(A); or".

(ii) Paragraph (3) of section 3405(c) is amended to read as follows:

"(3) Eligible rollover distribution.—For purposes of this subsection, the term 'eligible rollover distribution' has the meaning given such term by section 402(f)(2)(A).".

(iii) Liability for withholding.—Subparagraph (B) of section 3405(d)(2) is amended by striking "or" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", or", and by adding at the end the following:

"(iv) section 457(b).".

(2) Rollovers to section 457 plans.—

(A) In general.—Section 402(c)(8)(B) (defining eligible retirement plan) is amended by striking "and" at the end of clause (iii), by striking the period at the end of clause (iv) and inserting ", and", and by inserting after clause (iv) the following new clause:

"(v) an eligible deferred compensation plan described in section 457(b) of an employer described in section 457(e)(1)(A).".

(B) Separate accounting.—Section 402(c) is amended by adding at the end the following new paragraph:

"(11) Separate accounting.—Unless a plan described in clause (v) of paragraph (8)(B) agrees to separately account for amounts rolled into such plan from eligible retirement plans not described in such clause, the plan described in such clause may not accept transfers or rollovers from such retirement plans.".

(C) 10 percent additional tax.—Subsection (t) of section 72 (relating to 10-percent additional tax on early distributions from qualified retirement plans) is amended by adding at the end the following new paragraph:

"(9) SPECIAL RULE FOR ROLLOVERS TO SECTION 457 PLANS.—For purposes of this subsection, a distribution from an eligible deferred compensation plan (as defined in section 457(b)) of an employer described in section 457(e)(1)(A) shall be treated as a distribution from a qualified retirement plan described in 4974(c)(1) to the extent that such distribution is attributable to an amount transferred to an eligible deferred compensation plan from a qualified retirement plan (as defined in section 4974(c))."

(b) ALLOWANCE OF ROLLOVERS FROM AND TO 403 (b) PLANS.—

(1) ROLLOVERS FROM SECTION 403 (b) PLANS.—Section 403(b)(8)(A)(ii) (relating to rollover amounts) is amended by striking "such distribution" and all that follows and inserting "such distribution to an eligible retirement plan described in section 402(c)(8)(B), and".

(2) ROLLOVERS TO SECTION 403 (b) PLANS.—Section 402(c)(8)(B) (defining eligible retirement plan), as amended by subsection (a), is amended by striking "and" at the end of clause (iv), by striking the period at the end of clause (v) and inserting ", and", and by inserting after clause (v) the following new clause:

"(vi) an annuity contract described in section 403(b).".

(c) EXPANDED EXPLANATION TO RECIPIENTS OF ROLLOVER DISTRIBUTIONS.—Paragraph (1) of section 402(f) (relating to written explanation to recipients of distributions eligible for rollover treatment) is amended by striking "and" at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting ", and", and by adding at the end the following new subparagraph:

"(E) of the provisions under which distributions from the eligible retirement plan receiving the distribution may be subject to restrictions and tax consequences which are different from those applicable to distributions from the plan making such distribution.".

(d) SPOUSAL ROLLOVERS.—Section 402(c)(9) (relating to rollover where spouse receives distribution after death of employee) is amended by striking "; except that" and all that follows up to the end period.

(e) CONFORMING AMENDMENTS.—

(1) Section 72(o)(4) is amended by striking "and 408(d)(3)" and inserting "403(b)(8), 408(d)(3), and 457(e)(16)".

(2) Section 219(d)(2) is amended by striking "or 408(d)(3)" and inserting "408(d)(3), or 457(e)(16)".

(3) Section 401(a)(31)(B) is amended by striking "and 403(a)(4)" and inserting ", 403(a)(4), 403(b)(8), and 457(e)(16)".

(4) Subparagraph (A) of section 402(f)(2) is amended by striking "or paragraph (4) of section 403(a)" and inserting ", paragraph (4) of section 403(a), subparagraph (A) of section 403(b)(8), or subparagraph (A) of section 457(e)(16)".

(5) Paragraph (1) of section 402(f) is amended by striking "from an eligible retirement plan".

(6) Subparagraphs (A) and (B) of section 402(f)(1) are amended by striking "another eligible retirement plan" and inserting "an eligible retirement plan".

(7) Subparagraph (B) of section 403(b)(8) is amended to read as follows:

"(B) CERTAIN RULES MADE APPLICABLE.—The rules of paragraphs (2) through (7) and (9) of section 402(c) and section 402(f) shall apply for purposes of subparagraph (A), except that section 402(f) shall be applied to the payor in lieu of the plan administrator.".

(8) Section 408(a)(1) is amended by striking "or 403(b)(8)" and inserting ", 403(b)(8), or 457(e)(16)".

(9) Subparagraphs (A) and (B) of section 415(b)(2) are each amended by striking "and 408(d)(3)" and inserting "403(b)(8), 408(d)(3), and 457(e)(16)".

(10) Section 415(c)(2) is amended by striking "and 408(d)(3)" and inserting "408(d)(3), and 457(e)(16)".

(11) Section 4973(b)(1)(A) is amended by striking "or 408(d)(3)" and inserting "408(d)(3), or 457(e)(16)".

(f) EFFECTIVE DATE; SPECIAL RULE.—

(1) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after December 31, 2000.

(2) SPECIAL RULE.—Notwithstanding any other provision of law, subsections (h)(3) and (h)(5) of section 1122 of the Tax Reform Act of 1986 shall not apply to any distribution from an eligible retirement plan (as defined in clause (iii) or (iv) of section 402(c)(8)(B) of the Internal Revenue Code of 1986) on behalf of an individual if there was a rollover to such plan on behalf of such individual which is permitted solely by reason of any amendment made by this section.

SEC. 232. ROLLOVERS OF IRAS INTO WORKPLACE RETIREMENT PLANS.

(a) IN GENERAL.—Subparagraph (A) of section 408(d)(3) (relating to rollover amounts) is amended by adding "or" at the end of clause (i), by striking clauses (ii) and (iii), and by adding at the end the following:

"(ii) the entire amount received (including money and any other property) is paid into an eligible retirement plan for the benefit of such individual not later than the 60th day after the date on which the payment or distribution is received, except that the maximum amount which may be paid into such plan may not exceed the portion of the amount received which is includible in gross income (determined without regard to this paragraph).

For purposes of clause (ii), the term 'eligible retirement plan' means an eligible retirement plan described in clause (iii), (iv), (v), or (vi) of section 402(c)(8)(B).".

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 403(b) is amended by striking "section 408(d)(3)(A)(iii)" and inserting "section 408(d)(3)(A)(ii)".

(2) Clause (i) of section 408(d)(3)(D) is amended by striking "(i), (ii), or (iii)" and inserting "(i) or (ii)".

(3) Subparagraph (G) of section 408(d)(3) is amended to read as follows:

"(G) SIMPLE RETIREMENT ACCOUNTS.—In the case of any payment or distribution out of a simple retirement account (as defined in subsection (p)) to which section 72(t)(6) applies, this paragraph shall not apply unless such payment or distribution is paid into another simple retirement account.".

(c) EFFECTIVE DATE; SPECIAL RULE.—

(1) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after December 31, 2000.

(2) SPECIAL RULE.—Notwithstanding any other provision of law, subsections (h)(3) and (h)(5) of section 1122 of the Tax Reform Act of 1986 shall not apply to any distribution from an eligible retirement plan (as defined in clause (iii) or (iv) of section 402(c)(8)(B) of the Internal Revenue Code of 1986) on behalf of an individual if there was a rollover to such plan on behalf of such individual which is permitted solely by reason of the amendments made by this section.

SEC. 233. ROLLOVERS OF AFTER-TAX CONTRIBUTIONS.

(a) ROLLOVERS FROM EXEMPT TRUSTS.—Paragraph (2) of section 402(c) (relating to maximum amount which may be rolled over) is amended by adding at the end the following: "The preceding sentence shall not apply to such distribution to the extent—

"(A) such portion is transferred in a direct trustee-to-trustee transfer to a qualified trust which is part of a plan which is a defined contribution plan and which agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution which is includible in gross income and the portion of such distribution which is not so includible, or

"(B) such portion is transferred to an eligible retirement plan described in clause (i) or (ii) of paragraph (8)(B).".

(b) OPTIONAL DIRECT TRANSFER OF ELIGIBLE ROLLOVER DISTRIBUTIONS.—Subparagraph (B) of section 401(a)(31) (relating to limitation) is amended by adding at the end the following: "The preceding sentence shall not apply to such distribution if the plan to which such distribution is transferred—

"(i) agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution which is includible in gross income and the portion of such distribution which is not so includible, or

"(ii) is an eligible retirement plan described in clause (i) or (ii) of section 402(c)(8)(B).".

(c) RULES FOR APPLYING SECTION 72 TO IRAS.—Paragraph (3) of section 408(d) (relating to special rules for applying section 72) is amended by inserting at the end the following:

"(H) APPLICATION OF SECTION 72.—

"(i) IN GENERAL.—If—

"(I) a distribution is made from an individual retirement plan, and

"(II) a rollover contribution is made to an eligible retirement plan described in section 402(c)(8)(B)(iii), (iv), (v), or (vi) with respect to all or part of such distribution,

then, notwithstanding paragraph (2), the rules of clause (ii) shall apply for purposes of applying section 72.

"(ii) APPLICABLE RULES.—In the case of a distribution described in clause (i)—

"(I) section 72 shall be applied separately to such distribution,

"(II) notwithstanding the pro rata allocation of income on, and investment in, the contract to distributions under section 72, the portion of such distribution rolled over to an eligible retirement plan described in clause (i) shall be treated as from income on the contract (to the extent of the aggregate income on the contract from all individual retirement plans of the distributee), and

"(III) appropriate adjustments shall be made in applying section 72 to other distributions in such taxable year and subsequent taxable years.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions made after December 31, 2000.

SEC. 234. HARDSHIP EXCEPTION TO 60-DAY RULE.

(a) EXEMPT TRUSTS.—Paragraph (3) of section 402(c) (relating to transfer must be made within 60 days of receipt) is amended to read as follows:

"(3) TRANSFER MUST BE MADE WITHIN 60 DAYS OF RECEIPT.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), paragraph (1) shall not apply to any transfer of a distribution made after the 60th day following the day on which the distributee received the property distributed.

"(B) HARDSHIP EXCEPTION.—The Secretary may waive the 60-day requirement under subparagraph (A) where the failure to waive such requirement would be against equity or good conscience, including casualty, disaster, or other events beyond the reasonable control of the individual subject to such requirement.".

(b) IRAs.—Paragraph (3) of section 408(d) (relating to rollover contributions), as amended by section 233, is amended by adding after subparagraph (H) the following new subparagraph:

"(I) Waiver of 60-day requirement.—The Secretary may waive the 60-day requirement under subparagraphs (A) and (D) where the failure to waive such requirement would be against equity or good conscience, including casualty, disaster, or other events beyond the reasonable control of the individual subject to such requirement.".

(c) Effective Date.—The amendments made by this section shall apply to distributions after December 31, 2000.

SEC. 235. TREATMENT OF FORMS OF DISTRIBUTION.

(a) Plan Transfers.—

(1) Amendment to internal revenue code of 1986.—Paragraph (6) of section 411(d) (relating to accrued benefit not to be decreased by amendment) is amended by adding at the end the following:

"(D) Plan transfers.—

"(i) A defined contribution plan (in this subparagraph referred to as the 'transferee plan') shall not be treated as failing to meet the requirements of this subsection merely because the transferee plan does not provide some or all of the forms of distribution previously available under another defined contribution plan (in this subparagraph referred to as the 'transferor plan') to the extent that—

"(I) the forms of distribution previously available under the transferor plan applied to the account of a participant or beneficiary under the transferor plan that was transferred from the transferor plan to the transferee plan pursuant to a direct transfer rather than pursuant to a distribution from the transferor plan,

"(II) the terms of both the transferor plan and the transferee plan authorize the transfer described in subclause (I),

"(III) the transfer described in subclause (I) was made pursuant to a voluntary election by the participant or beneficiary whose account was transferred to the transferee plan,

"(IV) the election described in subclause (III) was made after the participant or beneficiary received a notice describing the consequences of making the election,

"(V) if the transferor plan provides for an annuity as the normal form of distribution under the plan in accordance with section 417, the transfer is made with the consent of the participant's spouse (if any), and such consent meets requirements similar to the requirements imposed by section 417(a)(2), and

"(VI) the transferee plan allows the participant or beneficiary described in clause (iii) to receive any distribution to which the participant or beneficiary is entitled under the transferee plan in the form of a single sum distribution.

"(ii) Clause (i) shall apply to plan mergers and other transactions having the effect of a direct transfer, including consolidations of benefits attributable to different employers within a multiple employer plan.

"(E) Elimination of form of distribution.—Except to the extent provided in regulations, a defined contribution plan shall not be treated as failing to meet the requirements of this section merely because of the elimination of a form of distribution previously available thereunder. This subparagraph shall not apply to the elimination of a form of distribution with respect to any participant unless—

"(i) a single sum payment is available to such participant at the same time or times as the form of distribution being eliminated, and

"(ii) such single sum payment is based on the same or greater portion of the participant's account as the form of distribution being eliminated.".

(2) Effective date.—The amendment made by this subsection shall apply to years beginning after December 31, 2000.

(b) Regulations.—

(1) Amendment to internal revenue code of 1986.—The last sentence of paragraph (6)(B) of section 411(d) (relating to accrued benefit not to be decreased by amendment) is amended to read as follows: "The Secretary shall by regulations provide that this subparagraph shall not apply to any plan amendment that does not adversely affect the rights of participants in a material manner.".

(2) Secretary directed.—Not later than December 31, 2001, the Secretary of the Treasury is directed to issue final regulations under section 411(d)(6) of the Internal Revenue Code of 1986, including the regulations required by the amendments made by this subsection. Such regulations shall apply to plan years beginning after December 31, 2001, or such earlier date as is specified by the Secretary of the Treasury.

SEC. 236. RATIONALIZATION OF RESTRICTIONS ON DISTRIBUTIONS.

(a) Modification of Same Desk Exception.—

(1) Section 401(k).—

(A) Section 401(k)(2)(B)(i)(I) (relating to qualified cash or deferred arrangements) is amended by striking "separation from service" and inserting "severance from employment".

(B) Subparagraph (A) of section 401(k)(10) (relating to distributions upon termination of plan or disposition of assets or subsidiary) is amended to read as follows:

"(A) In general.—An event described in this subparagraph is the termination of the plan without establishment or maintenance of another defined contribution plan (other than an employee stock ownership plan as defined in section 4975(e)(7)).".

(C) Section 401(k)(10) is amended—

(i) in subparagraph (B)—

(I) by striking "An event" in clause (i) and inserting "A termination", and

(II) by striking "the event" in clause (i) and inserting "the termination",

(ii) by striking subparagraph (C), and

(iii) by striking "or disposition of assets or subsidiary" in the heading.

(2) Section 403(b).—

(A) Paragraphs (7)(A)(ii) and (11)(A) of section 403(b) are each amended by striking "separates from service" and inserting "has a severance from employment".

(B) The heading for paragraph (11) of section 403(b) is amended by striking "separation from service" and inserting "severance from employment".

(3) Section 457.—Clause (ii) of section 457(d)(1)(A) is amended by striking "is separated from service" and inserting "has a severance from employment".

(b) Effective Date.—The amendments made by this section shall apply to distributions after December 31, 2000.

SEC. 237. PURCHASE OF SERVICE CREDIT IN GOVERNMENTAL DEFINED BENEFIT PLANS.

(a) 403(b) Plans.—Subsection (b) of section 403 is amended by adding at the end the following new paragraph:

"(13) Trustee-to-trustee transfers to purchase permissive service credit.—No amount shall be includible in gross income by reason of a direct trustee-to-trustee transfer to a defined benefit governmental plan (as defined in section 414(d)) if such transfer is—

"(A) for the purchase of permissive service credit (as defined in section 415(n)(3)(A)) under such plan, or

"(B) a repayment to which section 415 does not apply by reason of subsection (k)(3) thereof.".

(b) 457 Plans.—

(1) Subsection (e) of section 457 is amended by adding after paragraph (16) the following new paragraph:

"(17) Trustee-to-trustee transfers to purchase permissive service credit.—No amount shall be includible in gross income by reason of a direct trustee-to-trustee transfer to a defined benefit governmental plan (as defined in section 414(d)) if such transfer is—

"(A) for the purchase of permissive service credit (as defined in section 415(n)(3)(A)) under such plan, or

"(B) a repayment to which section 415 does not apply by reason of subsection (k)(3) thereof.".

(2) Section 457(b)(2) is amended by striking "(other than rollover amounts)" and inserting "(other than rollover amounts and amounts received in a transfer referred to in subsection (e)(17))".

(c) Effective Date.—The amendments made by this section shall apply to trustee-to-trustee transfers after December 31, 2000.

SEC. 238. EMPLOYERS MAY DISREGARD ROLLOVERS FOR PURPOSES OF CASH-OUT AMOUNTS.

(a) Qualified Plans.—Section 411(a)(11) (relating to restrictions on certain mandatory distributions) is amended by adding at the end the following:

"(D) Special rule for rollover contributions.—A plan shall not fail to meet the requirements of this paragraph if, under the terms of the plan, the present value of the nonforfeitable accrued benefit is determined without regard to that portion of such benefit which is attributable to rollover contributions (and earnings allocable thereto). For purposes of this subparagraph, the term 'rollover contributions' means any rollover contribution under sections 402(c), 403(a)(4), 403(b)(8), 408(d)(3)(A)(ii), and 457(e)(16).".

(b) Eligible Deferred Compensation Plans.—Clause (i) of section 457(e)(9)(A) is amended by striking "such amount" and inserting "the portion of such amount which is not attributable to rollover contributions (as defined in section 411(a)(11)(D))".

(c) Effective Date.—The amendments made by this section shall apply to distributions after December 31, 2000.

SEC. 239. MINIMUM DISTRIBUTION AND INCLUSION REQUIREMENTS FOR SECTION 457 PLANS.

(a) Minimum Distribution Requirements.—Paragraph (2) of section 457(d) (relating to distribution requirements) is amended to read as follows:

"(2) Minimum distribution requirements.—A plan meets the minimum distribution requirements of this paragraph if such plan meets the requirements of section 401(a)(9).".

(b) Inclusion in Gross Income.—

(1) Year of inclusion.—Subsection (a) of section 457 (relating to year of inclusion in gross income) is amended to read as follows:

"(a) Year of Inclusion in Gross Income.—

"(1) In general.—Any amount of compensation deferred under an eligible deferred compensation plan, and any income attributable to the amounts so deferred, shall be includible in gross income only for the taxable year in which such compensation or other income—

"(A) is paid to the participant or other beneficiary, in the case of a plan of an eligible employer described in subsection (e)(1)(A), and

"(B) is paid or otherwise made available to the participant or other beneficiary, in the case of a plan of an eligible employer described in subsection (e)(1)(B).

"(2) Special rule for rollover amounts.—To the extent provided in section 72(t)(9), section 72(t) shall apply to any amount includible in gross income under this subsection.".

(2) Conforming amendments.—

(A) So much of paragraph (9) of section 457(e) as precedes subparagraph (A) is amended to read as follows:

"(9) Benefits of tax exempt organization plans not treated as made available by reason of certain elections, etc.—In the case of an eligible deferred compensation plan of an employer described in subsection (e)(1)(B)—".

(B) Section 457(d) is amended by adding at the end the following new paragraph:

"(3) Special rule for government plan.—An eligible deferred compensation plan of an employer described in subsection (e)(1)(A) shall not be treated as failing to meet the requirements of this subsection solely by reason of making a distribution described in subsection (e)(9)(A).".

(c) Effective Date.—The amendments made by this section shall apply to distributions after December 31, 2000.

Subtitle D—Strengthening Pension Security and Enforcement

SEC. 241. REPEAL OF 150 PERCENT OF CURRENT LIABILITY FUNDING LIMIT.

(a) Amendment to Internal Revenue Code of 1986.—Section 412(c)(7) (relating to full-funding limitation) is amended—

(1) by striking "the applicable percentage" in subparagraph (A)(i)(I) and inserting "in the case of plan years beginning before January 1, 2004, the applicable percentage", and

(2) by amending subparagraph (F) to read as follows:

"(F) Applicable percentage.—For purposes of subparagraph (A)(i)(I), the applicable percentage shall be determined in accordance with the following table:

"In the case of any plan year beginning in—	The applicable percentage is—
2001	160
2002	165
2003	170.".

(b) Effective Date.—The amendments made by this section shall apply to plan years beginning after December 31, 2000.

SEC. 242. MAXIMUM CONTRIBUTION DEDUCTION RULES MODIFIED AND APPLIED TO ALL DEFINED BENEFIT PLANS.

(a) In General.—Subparagraph (D) of section 404(a)(1) (relating to special rule in case of certain plans) is amended to read as follows:

"(D) Special rule in case of certain plans.—

"(i) In general.—In the case of any defined benefit plan, except as provided in regulations, the maximum amount deductible under the limitations of this paragraph shall not be less than the unfunded termination liability (determined as if the proposed termination date referred to in section 4041(b)(2)(A)(i)(II) of the Employee Retirement Income Security Act of 1974 were the last day of the plan year).

"(ii) Plans with less than 100 participants.—For purposes of this subparagraph, in the case of a plan which has less than 100 participants for the plan year, termination liability shall not include the liability attributable to benefit increases for highly compensated employees (as defined in section 414(q)) resulting from a plan amendment which is made or becomes effective, whichever is later, within the last 2 years before the termination date.

"(iii) Rule for determining number of participants.—For purposes of determining whether a plan has more than 100 participants, all defined benefit plans maintained by the same employer (or any member of such employer's controlled group (within the meaning of section 412(l)(8)(C))) shall be treated as one plan, but only employees of such member or employer shall be taken into account.

"(iv) Plans established and maintained by professional service employers.—Clause (i) shall not apply to a plan described in section 4021(b)(13) of the Employee Retirement Income Security Act of 1974.".

(b) Conforming Amendment.—Paragraph (6) of section 4972(c) is amended to read as follows:

"(6) Exceptions.—In determining the amount of nondeductible contributions for any taxable year, there shall not be taken into account so much of the contributions to one or more defined contribution plans which are not deductible when contributed solely because of section 404(a)(7) as does not exceed the greater of—

"(A) the amount of contributions not in excess of 6 percent of compensation (within the meaning of section 404(a)) paid or accrued (during the taxable year for which the contributions were made) to beneficiaries under the plans, or

"(B) the sum of—

"(i) the amount of contributions described in section 401(m)(4)(A), plus

"(ii) the amount of contributions described in section 402(g)(3)(A).

For purposes of this paragraph, the deductible limits under section 404(a)(7) shall first be applied to amounts contributed to a defined benefit plan and then to amounts described in subparagraph (B).".

(c) Effective Date.—The amendments made by this section shall apply to plan years beginning after December 31, 2000.

SEC. 243. EXCISE TAX RELIEF FOR SOUND PENSION FUNDING.

(a) In General.—Subsection (c) of section 4972 (relating to nondeductible contributions) is amended by adding at the end the following new paragraph:

"(7) Defined benefit plan exception.—In determining the amount of nondeductible contributions for any taxable year, an employer may elect for such year not to take into account any contributions to a defined benefit plan except to the extent that such contributions exceed the full-funding limitation (as defined in section 412(c)(7), determined without regard to subparagraph (A)(i)(I) thereof). For purposes of this paragraph, the deductible limits under section 404(a)(7) shall first be applied to amounts contributed to defined contribution plans and then to amounts described in this paragraph. If an employer makes an election under this paragraph for a taxable year, paragraph (6) shall not apply to such employer for such taxable year.".

(b) Effective Date.—The amendments made by this section shall apply to years beginning after December 31, 2000.

SEC. 244. EXCISE TAX ON FAILURE TO PROVIDE NOTICE BY DEFINED BENEFIT PLANS SIGNIFICANTLY REDUCING FUTURE BENEFIT ACCRUALS.

(a) Amendment to 1986 Code.—Chapter 43 (relating to qualified pension, etc., plans) is amended by adding at the end the following new section:

"SEC. 4980F. FAILURE OF APPLICABLE PLANS REDUCING BENEFIT ACCRUALS TO SATISFY NOTICE REQUIREMENTS.

"(a) Imposition of Tax.—There is hereby imposed a tax on the failure of any applicable pension plan to meet the requirements of subsection (e) with respect to any applicable individual.

"(b) Amount of Tax.—

"(1) In general.—The amount of the tax imposed by subsection (a) on any failure with respect to any applicable individual shall be $100 for each day in the noncompliance period with respect to such failure.

"(2) Noncompliance period.—For purposes of this section, the term 'noncompliance period' means, with respect to any failure, the period beginning on the date the failure first occurs and ending on the date the failure is corrected.

"(c) Limitations on Amount of Tax.—

"(1) Overall limitation for unintentional failures.—In the case of failures that are due to reasonable cause and not to willful neglect, the tax imposed by subsection (a) for failures during the taxable year of the employer (or, in the case of a multiemployer plan, the taxable year of the trust forming part of the plan) shall not exceed $500,000. For purposes of the preceding sentence, all multiemployer plans of which the same trust forms a part shall be treated as one plan. For purposes of this paragraph, if not all persons who are treated as a single employer for purposes of this section have the same taxable year, the taxable years taken into account shall be determined under principles similar to the principles of section 1561.

"(2) Waiver by secretary.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the tax imposed by subsection (a) to the extent that the payment of such tax would be excessive relative to the failure involved.

"(d) Liability for Tax.—The following shall be liable for the tax imposed by subsection (a):

"(1) In the case of a plan other than a multiemployer plan, the employer.

"(2) In the case of a multiemployer plan, the plan.

"(e) Notice Requirements for Plans Significantly Reducing Benefit Accruals.—

"(1) In general.—If an applicable pension plan is amended to provide for a significant reduction in the rate of future benefit accrual, the plan administrator shall provide written notice to each applicable individual (and to each employee organization representing applicable individuals).

"(2) Notice.—The notice required by paragraph (1) shall be written in a manner calculated to be understood by the average plan participant and shall provide sufficient information (as determined in accordance with regulations prescribed by the Secretary) to allow applicable individuals to understand the effect of the plan amendment.

"(3) Timing of notice.—Except as provided in regulations, the notice required by paragraph (1) shall be provided within a reasonable time before the effective date of the plan amendment.

"(4) Designees.—Any notice under paragraph (1) may be provided to a person designated, in writing, by the person to which it would otherwise be provided.

"(5) Notice before adoption of amendment.—A plan shall not be treated as failing to meet the requirements of paragraph (1) merely because notice is provided before the adoption of the plan amendment if no material modification of the amendment occurs before the amendment is adopted.

"(f) Applicable Individual; Applicable Pension Plan.—For purposes of this section—

"(1) Applicable individual.—The term 'applicable individual' means, with respect to any plan amendment—

"(A) any participant in the plan, and

"(B) any beneficiary who is an alternate payee (within the meaning of section 414(p)(8)) under an applicable qualified domestic relations order (within the meaning of section 414(p)(1)(A)),

who may reasonably be expected to be affected by such plan amendment.

"(2) Applicable pension plan.—The term 'applicable pension plan' means—

"(A) any defined benefit plan, or

"(B) an individual account plan which is subject to the funding standards of section 412,

which had 100 or more participants who had accrued a benefit, or with respect to whom contributions were made, under the plan (whether or not vested) as of the last day of the plan year preceding the plan year in which the plan amendment becomes effective. Such term shall not include a governmental plan (within the meaning of section 414(d)) or a church plan (within the meaning of section 414(e)) with respect to which the election provided by section 410(d) has not been made.".

(b) Clerical Amendment.—The table of sections for chapter 43 is amended by adding at the end the following new item:

"Sec. 4980F. Failure of applicable plans reducing benefit accruals to satisfy notice requirements.".

(c) Effective Dates.—

(1) In general.—The amendments made by this section shall apply to plan amendments taking effect on or after the date of the enactment of this Act.

(2) Transition.—Until such time as the Secretary of the Treasury issues regulations under sections 4980F(e)(2) and (3) of the Internal Revenue Code of 1986 (as added by the amendments made by this section), a plan shall be treated as meeting the requirements of such sections if it makes a good faith effort to comply with such requirements.

(3) Special rule.—The period for providing any notice required by the amendments made by this section shall not end before the date which is 3 months after the date of the enactment of this Act.

SEC. 245. TREATMENT OF MULTIEMPLOYER PLANS UNDER SECTION 415.

(a) Compensation Limit.—Paragraph (11) of section 415(b) (relating to limitation for defined benefit plans) is amended to read as follows:

"(11) Special limitation rule for governmental and multiemployer plans.—In the case of a governmental plan (as defined in section 414(d)) or a multiemployer plan (as defined in section 414(f)), subparagraph (B) of paragraph (1) shall not apply.".

(b) Effective Date.—The amendment made by this section shall apply to years beginning after December 31, 2000.

Subtitle E—Reducing Regulatory Burdens

SEC. 261. MODIFICATION OF TIMING OF PLAN VALUATIONS.

(a) Amendments to 1986 Code.—Section 412(c)(9) (relating to annual valuation) is amended—

(1) by striking "For purposes" and inserting the following:

"(A) In general.—For purposes", and

(2) by adding at the end the following:

"(B) Election to use prior year valuation.—

"(i) In general.—Except as provided in clause (ii), if, for any plan year—

"(I) an election is in effect under this subparagraph with respect to a plan, and

"(II) the assets of the plan are not less than 125 percent of the plan's current liability (as defined in paragraph (7)(B)), determined as of the valuation date for the preceding plan year,

then this section shall be applied using the information available as of such valuation date.

"(ii) Exceptions.—

"(I) Actual valuation every 3 years.—Clause (i) shall not apply for more than 2 consecutive plan years and valuation shall be under subparagraph (A) with respect to any plan year to which clause (i) does not apply by reason of this subclause.

"(II) Regulations.—Clause (i) shall not apply to the extent that more frequent valuations are required under the regulations under subparagraph (A).

"(iii) Adjustments.—Information under clause (i) shall, in accordance with regulations, be actuarially adjusted to reflect significant differences in participants.

"(iv) Election.—An election under this subparagraph, once made, shall be irrevocable without the consent of the Secretary.".

(b) Effective Date.—The amendments made by this section shall apply to plan years beginning after December 31, 2000.

SEC. 262. ESOP DIVIDENDS MAY BE REINVESTED WITHOUT LOSS OF DIVIDEND DEDUCTION.

(a) In General.—Section 404(k)(2)(A) (defining applicable dividends) is amended by striking "or" at the end of clause (ii), by redesignating clause (iii) as clause (iv), and by inserting after clause (ii) the following new clause:

"(iii) is, at the election of such participants or their beneficiaries—

"(I) payable as provided in clause (i) or (ii), or

"(II) paid to the plan and reinvested in qualifying employer securities, or".

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 263. REPEAL OF TRANSITION RULE RELATING TO CERTAIN HIGHLY COMPENSATED EMPLOYEES.

(a) In General.—Paragraph (4) of section 1114(c) of the Tax Reform Act of 1986 is hereby repealed.

(b) Effective Date.—The repeal made by subsection (a) shall apply to plan years beginning after December 31, 2000.

SEC. 264. EMPLOYEES OF TAX-EXEMPT ENTITIES.

(a) In General.—The Secretary of the Treasury shall modify Treasury Regulations section 1.410(b)-6(g) to provide that employees of an organization described in section 403(b)(1)(A)(i) of the Internal Revenue Code of 1986 who are eligible to make contributions under section 403(b) of such Code pursuant to a salary reduction agreement may be treated as excludable with respect to a plan under section 401 (k) or (m) of such Code that is provided under the same general arrangement as a plan under such section 401(k), if—

(1) no employee of an organization described in section 403(b)(1)(A)(i) of such Code is eligible to participate in such section 401(k) plan or section 401(m) plan, and

(2) 95 percent of the employees who are not employees of an organization described in section 403(b)(1)(A)(i) of such Code are eligible to participate in such plan under such section 401 (k) or (m).

(b) Effective Date.—The modification required by subsection (a) shall apply as of the same date set forth in section 1426(b) of the Small Business Job Protection Act of 1996.

SEC. 265. CLARIFICATION OF TREATMENT OF EMPLOYER-PROVIDED RETIREMENT ADVICE.

(a) In General.—Subsection (a) of section 132 (relating to exclusion from gross income) is amended by striking "or" at the end of paragraph (5), by striking the period at the end of paragraph (6) and inserting ", or", and by adding at the end the following new paragraph:

"(7) qualified retirement planning services.".

(b) Qualified Retirement Planning Services Defined.—Section 132 is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following:

"(m) Qualified Retirement Planning Services.—

"(1) In general.—For purposes of this section, the term 'qualified retirement planning services' means any retirement planning service provided to an employee and his spouse by an employer maintaining a qualified employer plan.

"(2) Nondiscrimination rule.—Subsection (a)(7) shall apply in the case of highly compensated employees only if such services are available on substantially the same terms to each member of the group of employees normally provided education and information regarding the employer's qualified employer plan.

"(3) Qualified employer plan.—For purposes of this subsection, the term 'qualified employer plan' means a plan, contract, pension, or account described in section 219(g)(5).".

(c) Effective Date.—The amendments made by this section shall apply to years beginning after December 31, 2000.

SEC. 266. REPORTING SIMPLIFICATION.

(a) Simplified Annual Filing Requirement for Owners and Their Spouses.—

(1) In general.—The Secretary of the Treasury shall modify the requirements for filing annual returns with respect to one-participant retirement plans to ensure that such plans with assets of $250,000 or less as of the close of the plan year need not file a return for that year.

(2) One-participant retirement plan defined.—For purposes of this subsection, the term "one-participant retirement plan" means a retirement plan that—

(A) on the first day of the plan year—

(i) covered only the employer (and the employer's spouse) and the employer owned the entire business (whether or not incorporated), or

(ii) covered only one or more partners (and their spouses) in a business partnership (including partners in an S or C corporation),

(B) meets the minimum coverage requirements of section 410(b) of the Internal Revenue Code of 1986 without being combined with any other plan of the business that covers the employees of the business,

(C) does not provide benefits to anyone except the employer (and the employer's spouse) or the partners (and their spouses),

(D) does not cover a business that is a member of an affiliated service group, a controlled group of corporations, or a group of businesses under common control, and

(E) does not cover a business that leases employees.

(3) Other definitions.—Terms used in paragraph (2) which are also used in section 414 of the Internal Revenue Code of 1986 shall have the respective meanings given such terms by such section.

(b) Simplified Annual Filing Requirement for Plans With Fewer Than 25 Employees.—In the case of a retirement plan which covers less than 25 employees on the first day of the plan year and meets the requirements described in subparagraphs (B), (D), and (E) of subsection (a)(2), the Secretary of the Treasury shall provide for the filing of a simplified annual return that is substantially similar to the annual return required to be filed by a one-participant retirement plan.

(c) Effective Date.—The provisions of this section shall take effect on January 1, 2001.

SEC. 267. IMPROVEMENT OF EMPLOYEE PLANS COMPLIANCE RESOLUTION SYSTEM.

The Secretary of the Treasury shall continue to update and improve the Employee Plans Compliance Resolution System (or any successor program) giving special attention to—

(1) increasing the awareness and knowledge of small employers concerning the availability and use of the program,

(2) taking into account special concerns and circumstances that small employers face with respect to compliance and correction of compliance failures,

(3) extending the duration of the self-correction period under the Administrative Policy Regarding Self-Correction for significant compliance failures,

(4) expanding the availability to correct insignificant compliance failures under the Administrative Policy Regarding Self-Correction during audit, and

(5) assuring that any tax, penalty, or sanction that is imposed by reason of a compliance failure is not excessive and bears a reasonable relationship to the nature, extent, and severity of the failure.

SEC. 268. MODIFICATION OF EXCLUSION FOR EMPLOYER PROVIDED TRANSIT PASSES.

(a) In General.—Section 132(f)(3) (relating to cash reimbursements) is amended by striking the last sentence.

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 269. REPEAL OF THE MULTIPLE USE TEST.

(a) In General.—Paragraph (9) of section 401(m) is amended to read as follows:

"(9) Regulations.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this subsection and subsection (k), including regulations permitting appropriate aggregation of plans and contributions.".

(b) Effective Date.—The amendment made by this section shall apply to years beginning after December 31, 2000.

SEC. 270. FLEXIBILITY IN NONDISCRIMINATION, COVERAGE, AND LINE OF BUSINESS RULES.

(a) Nondiscrimination.—

(1) In general.—The Secretary of the Treasury shall, by regulation, provide that a plan shall be deemed to satisfy the requirements of section 401(a)(4) of the Internal Revenue Code of 1986 if such plan satisfies the facts and circumstances test under section 401(a)(4) of such Code, as in effect before January 1, 1994, but only if—

(A) the plan satisfies conditions prescribed by the Secretary to appropriately limit the availability of such test, and

(B) the plan is submitted to the Secretary for a determination of whether it satisfies such test.

Subparagraph (B) shall only apply to the extent provided by the Secretary.

(2) Effective dates.—

(A) Regulations.—The regulation required by paragraph (1) shall apply to years beginning after December 31, 2000.

(B) Conditions of availability.—Any condition of availability prescribed by the Secretary under paragraph (1)(A) shall not apply before the first year beginning not less than 120 days after the date on which such condition is prescribed.

(b) Coverage Test.—

(1) In general.—Section 410(b)(1) (relating to minimum coverage requirements) is amended by adding at the end the following:

"(D) In the case that the plan fails to meet the requirements of subparagraphs (A), (B) and (C), the plan—

"(i) satisfies subparagraph (B), as in effect immediately before the enactment of the Tax Reform Act of 1986,

"(ii) is submitted to the Secretary for a determination of whether it satisfies the requirement described in clause (i), and

"(iii) satisfies conditions prescribed by the Secretary by regulation that appropriately limit the availability of this subparagraph.

Clause (ii) shall apply only to the extent provided by the Secretary.".

(2) Effective dates.—

(A) In general.—The amendment made by paragraph (1) shall apply to years beginning after December 31, 2000.

(B) Conditions of availability.—Any condition of availability prescribed by the Secretary under regulations prescribed by the Secretary under section 410(b)(1)(D) of the Internal Revenue Code of 1986 shall not apply before the first year beginning not less than 120 days after the date on which such condition is prescribed.

(c) Line of Business Rules.—The Secretary of the Treasury shall, on or before December 31, 2000, modify the existing regulations issued under section 414(r) of the Internal Revenue Code of 1986 in order to expand (to the extent that the Secretary determines appropriate) the ability of a pension plan to demonstrate compliance with the line of business requirements based upon the facts and circumstances surrounding the design and operation of the plan, even though the plan is unable to satisfy the mechanical tests currently used to determine compliance.

SEC. 271. EXTENSION TO INTERNATIONAL ORGANIZATIONS OF MORATORIUM ON APPLICATION OF CERTAIN NONDISCRIMINATION RULES APPLICABLE TO STATE AND LOCAL PLANS.

(a) In General.—Subparagraph (G) of section 401(a)(5), subparagraph (H) of section 401(a)(26), subparagraph (G) of section 401(k)(3), and paragraph (2) of section 1505(d) of the Taxpayer Relief Act of 1997 are each amended by inserting "or by an international organization which is described in section 414(d)" after "or instrumentality thereof)".

(b) Conforming Amendments.—

(1) The headings for subparagraph (G) of section 401(a)(5) and subparagraph (H) of section 401(a)(26) are each amended by inserting "AND INTERNATIONAL ORGANIZATION" after "GOVERNMENTAL".

(2) Subparagraph (G) of section 401(k)(3) is amended by inserting "STATE AND LOCAL GOVERNMENTAL AND INTERNATIONAL ORGANIZATION PLANS.—" after "(G)".

(c) Effective Date.—The amendments made by this section shall apply to years beginning after December 31, 2000.

SEC. 272. NOTICE AND CONSENT PERIOD REGARDING DISTRIBUTIONS.

(a) Expansion of Period.—

(1) Amendment to 1986 code.—Subparagraph (A) of section 417(a)(6) is amended by striking "90-day" and inserting "180-day".

(2) Modification of regulations.—The Secretary of the Treasury shall modify the regulations under sections 402(f), 411(a)(11), and 417 of the Internal Revenue Code of 1986 to substitute "180 days" for "90 days" each place it appears in Treasury Regulations sections 1.402(f)–1, 1.411(a)–11(c), and 1.417(e)–1(b).

(3) Effective date.—The amendment made by paragraph (1) and the modifications required by paragraph (2) shall apply to years beginning after December 31, 2000.

(b) Consent Regulation Inapplicable to Certain Distributions.—

(1) In general.—The Secretary of the Treasury shall modify the regulations under section 411(a)(11) of the Internal Revenue Code of 1986 to provide that the description of a participant's right, if any, to defer receipt of a distribution shall also describe the consequences of failing to defer such receipt.

(2) Effective date.—The modifications required by paragraph (1) shall apply to years beginning after December 31, 2000.

Subtitle F—Plan Amendments

SEC. 281. PROVISIONS RELATING TO PLAN AMENDMENTS.

(a) In General.—If this section applies to any plan or contract amendment—

(1) such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in subsection (b)(2)(A), and

(2) such plan shall not fail to meet the requirements of section 411(d)(6) of the Internal Revenue Code of 1986 by reason of such amendment.

(b) Amendments to Which Section Applies.—

(1) In general.—This section shall apply to any amendment to any plan or annuity contract which is made—

(A) pursuant to any amendment made by this title, or pursuant to any regulation issued under this title, and

(B) on or before the last day of the first plan year beginning on or after January 1, 2003.

In the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), this paragraph shall be applied by substituting "2005" for "2003".

(2) Conditions.—This section shall not apply to any amendment unless—

(A) during the period—

(i) beginning on the date the legislative or regulatory amendment described in paragraph (1)(A) takes effect (or in the case of a plan or contract amendment not required by such legislative or regulatory amendment, the effective date specified by the plan), and

(ii) ending on the date described in paragraph (1)(B) (or, if earlier, the date the plan or contract amendment is adopted),

the plan or contract is operated as if such plan or contract amendment were in effect, and

(B) such plan or contract amendment applies retroactively for such period.

TITLE III—ESTATE TAX RELIEF

Subtitle A—Reductions of Estate and Gift Tax Rates

SEC. 301. REDUCTIONS OF ESTATE AND GIFT TAX RATES.

(a) MAXIMUM RATE OF TAX REDUCED TO 50 PERCENT.—

(1) IN GENERAL.—The table contained in section 2001(c)(1) is amended by striking the two highest brackets and inserting the following:

"Over $2,500,000	$1,025,800, plus 50% of the excess over $2,500,000.".

(2) PHASE-IN OF REDUCED RATE.—Subsection (c) of section 2001 is amended by adding at the end the following new paragraph:

"(3) PHASE-IN OF REDUCED RATE.—In the case of decedents dying, and gifts made, during 2001, the last item in the table contained in paragraph (1) shall be applied by substituting '53%' for '50%'.".

(b) REPEAL OF PHASEOUT OF GRADUATED RATES.—Subsection (c) of section 2001 is amended by striking paragraph (2) and redesignating paragraph (3), as added by subsection (a), as paragraph (2).

(c) ADDITIONAL REDUCTIONS OF RATES OF TAX.—Subsection (c) of section 2001, as so amended, is amended by adding at the end the following new paragraph:

"(3) PHASEDOWN OF TAX.—In the case of estates of decedents dying, and gifts made, during any calendar year after 2002—

"(A) IN GENERAL.—Except as provided in subparagraph (C), the tentative tax under this subsection shall be determined by using a table prescribed by the Secretary (in lieu of using the table contained in paragraph (1)) which is the same as such table; except that—

"(i) each of the rates of tax shall be reduced by the number of percentage points determined under subparagraph (B), and

"(ii) the amounts setting forth the tax shall be adjusted to the extent necessary to reflect the adjustments under clause (i).

"(B) PERCENTAGE POINTS OF REDUCTION.—

"For calendar year:	The number of percentage points is:
2003	1.0
2004	2.0.

"(C) TABLE FOR YEARS AFTER 2004.—The table applicable under this subsection to estates of decedents dying, and gifts made, during calendar year 2004 shall apply to estates of decedents dying, and gifts made, after calendar year 2004.

"(D) COORDINATION WITH CREDIT FOR STATE DEATH TAXES.—Rules similar to the rules of subparagraph (A) shall apply to the table contained in section 2011(b) except that the Secretary shall prescribe percentage point reductions which maintain the proportionate relationship (as in effect before any reduction under this paragraph) between the credit under section 2011 and the tax rates under subsection (c).".

(d) EFFECTIVE DATES.—

(1) SUBSECTIONS (a) AND (b).—The amendments made by subsections (a) and (b) shall apply to estates of decedents dying, and gifts made, after December 31, 2000.

(2) SUBSECTION (c).—The amendment made by subsection (c) shall apply to estates of decedents dying, and gifts made, after December 31, 2002.

SEC. 302. SENSE OF THE CONGRESS CONCERNING REPEAL OF THE DEATH TAX.

(a) FINDINGS.—Congress finds the following:

(1) The death tax stifles economic growth by taking productive resources out of the private sector, thereby causing unemployment and inhibiting job creation.

(2) The death tax penalizes hard work and entrepreneurial activity by causing the demise of small, family-owned businesses when an owner dies.

(3) The death tax rates in the United States are the second highest among all industrialized nations.

(4) The death tax prevents minorities from gaining an economic foothold in the economy since it limits the inter-generational transfer of wealth, which is critical to establishing a legacy and power base for minorities in our society.

(5) The death tax presents serious challenges for farmers whose value is in their land, not liquid assets, and who must sell land to pay the tax, thereby jeopardizing the future existence of the already-struggling family farm.

(6) The death tax contributes to the development of rural areas by causing farms and ranches to be sold and subdivided.

(7) Previous attempts by Congress to create death tax exemptions have been ineffective due to an inability to legislatively duplicate the complex family relationships that exist in our society.

(8) Increasing entrepreneurship and investment in retirement will bring a whole new class of people under the death tax.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the death tax relief in this Act is considered a first step in our effort to ultimately repeal this onerous tax.

Subtitle B—Unified Credit Replaced With Unified Exemption Amount

SEC. 311. UNIFIED CREDIT AGAINST ESTATE AND GIFT TAXES REPLACED WITH UNIFIED EXEMPTION AMOUNT.

(a) IN GENERAL.—

(1) ESTATE TAX.—Subsection (b) of section 2001 (relating to computation of tax) is amended to read as follows:

"(b) COMPUTATION OF TAX.—

"(1) IN GENERAL.—The tax imposed by this section shall be the amount equal to the excess (if any) of—

"(A) the tentative tax determined under paragraph (2), over

"(B) the aggregate amount of tax which would have been payable under chapter 12 with respect to gifts made by the decedent after December 31, 1976, if the provisions of subsection (c) (as in effect at the decedent's death) had been applicable at the time of such gifts.

"(2) TENTATIVE TAX.—For purposes of paragraph (1), the tentative tax determined under this paragraph is a tax computed under subsection (c) on the excess of—

"(A) the sum of—

"(i) the amount of the taxable estate, and

"(ii) the amount of the adjusted taxable gifts, over

"(B) the exemption amount for the calendar year in which the decedent died.

"(3) EXEMPTION AMOUNT.—For purposes of paragraph (2), the term 'exemption amount' means the amount determined in accordance with the following table:

"In the case of calendar year:	The exemption amount is:
2001	$675,000
2002 and 2003	$700,000
2004	$850,000
2005	$950,000
2006 or thereafter	$1,000,000.

"(4) ADJUSTED TAXABLE GIFTS.—For purposes of paragraph (2), the term 'adjusted taxable gifts' means the total amount of the taxable gifts (within the meaning of section 2503) made by the decedent after December 31, 1976, other than gifts which are includible in the gross estate of the decedent."

(2) GIFT TAX.—Subsection (a) of section 2502 (relating to computation of tax) is amended to read as follows:

"(a) COMPUTATION OF TAX.—

"(1) IN GENERAL.—The tax imposed by section 2501 for each calendar year shall be the amount equal to the excess (if any) of—

"(A) the tentative tax determined under paragraph (2), over

"(B) the tax paid under this section for all prior calendar periods.

"(2) TENTATIVE TAX.—For purposes of paragraph (1), the tentative tax determined under this paragraph for a calendar year is a tax computed under section 2001(c) on the excess of—

"(A) the aggregate sum of the taxable gifts for such calendar year and for each of the preceding calendar periods, over

"(B) the exemption amount under section 2001(b)(3) for such calendar year."

(b) REPEAL OF UNIFIED CREDITS.—

(1) Section 2010 (relating to unified credit against estate tax) is hereby repealed.

(2) Section 2505 (relating to unified credit against gift tax) is hereby repealed.

(c) CONFORMING AMENDMENTS.—

(1)(A) Subsection (b) of section 2011 is amended—

(i) by striking "adjusted" in the table, and

(ii) by striking the last sentence.

(B) Subsection (f) of section 2011 is amended by striking ", reduced by the amount of the unified credit provided by section 2010".

(2) Subsection (a) of section 2012 is amended by striking "and the unified credit provided by section 2010".

(3) Subparagraph (A) of section 2013(c)(1) is amended by striking "2010,".

(4) Paragraph (2) of section 2014(b) is amended by striking "2010,".

(5) Clause (ii) of section 2056A(b)(12)(C) is amended to read as follows:

"(ii) to treat any reduction in the tax imposed by paragraph (1)(A) by reason of the credit allowable under section 2010 (as in effect on the day before the date of the enactment of the Small Business Tax Fairness Act of 2000) or the exemption amount allowable under section 2001(b) with respect to the decedent as a credit under section 2505 (as so in effect) or exemption under section 2521 (as the case may be) allowable to such surviving spouse for purposes of determining the amount of the exemption allowable under section 2521 with respect to taxable gifts made by the surviving spouse during the year in which the spouse becomes a citizen or any subsequent year,".

(6) Subsection (a) of section 2057 is amended by striking paragraphs (2) and (3) and inserting the following new paragraph:

"(2) MAXIMUM DEDUCTION.—The deduction allowed by this section shall not exceed the excess of $1,300,000 over the exemption amount (as defined in section 2001(b)(3))."

(7)(A) Subsection (b) of section 2101 is amended amended to read as follows:

"(b) COMPUTATION OF TAX.—

"(1) IN GENERAL.—The tax imposed by this section shall be the amount equal to the excess (if any) of—

"(A) the tentative tax determined under paragraph (2), over

"(B) a tentative tax computed under section 2001(c) on the amount of the adjusted taxable gifts.

"(2) TENTATIVE TAX.—For purposes of paragraph (1), the tentative tax determined under this paragraph is a tax computed under section 2001(c) on the excess of—

"(A) the sum of—

"(i) the amount of the taxable estate, and

"(ii) the amount of the adjusted taxable gifts, over

"(B) the exemption amount for the calendar year in which the decedent died.

"(3) Exemption amount.—

"(A) In general.—The term 'exemption amount' means $60,000.

"(B) Residents of possessions of the United States.—In the case of a decedent who is considered to be a nonresident not a citizen of the United States under section 2209, the exemption amount under this paragraph shall be the greater of—

"(i) $60,000, or

"(ii) that proportion of $175,000 which the value of that part of the decedent's gross estate which at the time of his death is situated in the United States bears to the value of his entire gross estate wherever situated.

"(C) Special rules.—

"(i) Coordination with treaties.—To the extent required under any treaty obligation of the United States, the exemption amount allowed under this paragraph shall be equal to the amount which bears the same ratio to the exemption amount under section 2001(b)(3) (for the calendar year in which the decedent died) as the value of the part of the decedent's gross estate which at the time of his death is situated in the United States bears to the value of his entire gross estate wherever situated. For purposes of the preceding sentence, property shall not be treated as situated in the United States if such property is exempt from the tax imposed by this subchapter under any treaty obligation of the United States.

"(ii) Coordination with gift tax exemption and unified credit.—If an exemption has been allowed under section 2521 (or a credit has been allowed under section 2505 as in effect on the day before the date of the enactment of the Small Business Tax Fairness Act of 2000) with respect to any gift made by the decedent, each dollar amount contained in subparagraph (A) or (B) or the exemption amount applicable under clause (i) of this subparagraph (whichever applies) shall be reduced by the exemption so allowed under 2521 (or, in the case of such a credit, by the amount of the gift for which the credit was so allowed).".

(8) Section 2102 is amended by striking subsection (c).

(9)(A) Subsection (a) of section 2107 is amended by adding at the end the following new paragraph:

"(3) Limitation on exemption amount.—Subparagraphs (B) and (C) of section 2101(b)(3) shall not apply in applying section 2101 for purposes of this section.".

(B) Subsection (c) of section 2107 is amended—

(i) by striking paragraph (1) and by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively, and

(ii) by striking the second sentence of paragraph (2) (as so redesignated).

(10) Paragraph (1) of section 6018(a) is amended by striking "the applicable exclusion amount in effect under section 2010(c)" and inserting "the exemption amount under section 2001(b)(3)".

(11) Subparagraph (A) of section 6601(j)(2) is amended to read as follows:

"(A) the amount of the tentative tax which would be determined under the rate schedule set forth in section 2001(c) if the amount with respect to which such tentative tax is to be computed were $1,000,000, or".

(12) The table of sections for part II of subchapter A of chapter 11 is amended by striking the item relating to section 2010.

(20) The table of sections for subchapter A of chapter 12 is amended by striking the item relating to section 2505.

(13) The table of sections for subchapter C of chapter 12 is amended by inserting before the item relating to section 2522 the following new item:

"Sec. 2521. Exemption.".

(d) Effective Date.—The amendments made by this section—

(1) insofar as they relate to the tax imposed by chapter 11 of the Internal Revenue Code of 1986, shall apply to estates of decedents dying after December 31, 2000, and

(2) insofar as they relate to the tax imposed by chapter 12 of such Code, shall apply to gifts made after December 31, 2000.

Subtitle C—Modifications of Generation-skipping Transfer Tax

SEC. 321. DEEMED ALLOCATION OF GST EXEMPTION TO LIFETIME TRANSFERS TO TRUSTS; RETROACTIVE ALLOCATIONS.

(a) In General.—Section 2632 (relating to special rules for allocation of GST exemption) is amended by redesignating subsection (c) as subsection (e) and by inserting after subsection (b) the following new subsections:

"(c) Deemed Allocation to Certain Lifetime Transfers to GST Trusts.—

"(1) In general.—If any individual makes an indirect skip during such individual's lifetime, any unused portion of such individual's GST exemption shall be allocated to the property transferred to the extent necessary to make the inclusion ratio for such property zero. If the amount of the indirect skip exceeds such unused portion, the entire unused portion shall be allocated to the property transferred.

"(2) Unused portion.—For purposes of paragraph (1), the unused portion of an individual's GST exemption is that portion of such exemption which has not previously been—

"(A) allocated by such individual,

"(B) treated as allocated under subsection (b) with respect to a direct skip occurring during or before the calendar year in which the indirect skip is made, or

"(C) treated as allocated under paragraph (1) with respect to a prior indirect skip.

"(3) Definitions.—

"(A) Indirect skip.—For purposes of this subsection, the term 'indirect skip' means any transfer of property (other than a direct skip) subject to the tax imposed by chapter 12 made to a GST trust.

"(B) GST trust.—The term 'GST trust' means a trust that could have a generation-skipping transfer with respect to the transferor unless—

"(i) the trust instrument provides that more than 25 percent of the trust corpus must be distributed to or may be withdrawn by 1 or more individuals who are non-skip persons—

"(I) before the date that the individual attains age 46,

"(II) on or before one or more dates specified in the trust instrument that will occur before the date that such individual attains age 46, or

"(III) upon the occurrence of an event that, in accordance with regulations prescribed by the Secretary, may reasonably be expected to occur before the date that such individual attains age 46;

"(ii) the trust instrument provides that more than 25 percent of the trust corpus must be distributed to or may be withdrawn by one or more individuals who are non-skip persons and who are living on the date of death of another person identified in the instrument (by name or by class) who is more than 10 years older than such individuals;

"(iii) the trust instrument provides that, if one or more individuals who are non-skip persons die on or before a date or event described in clause (i) or (ii), more than 25 percent of the trust corpus either must be distributed to the estate or estates of one or more of such individuals or is subject to a general power of appointment exercisable by one or more of such individuals;

"(iv) the trust is a trust any portion of which would be included in the gross estate of a non-skip person (other than the transferor) if such person died immediately after the transfer;

"(v) the trust is a charitable lead annuity trust (within the meaning of section 2642(e)(3)(A)) or a charitable remainder annuity trust or a charitable remainder unitrust (within the meaning of section 664(d)); or

"(vi) the trust is a trust with respect to which a deduction was allowed under section 2522 for the amount of an interest in the form of the right to receive annual payments of a fixed percentage of the net fair market value of the trust property (determined yearly) and which is required to pay principal to a non-skip person if such person is alive when the yearly payments for which the deduction was allowed terminate.

For purposes of this subparagraph, the value of transferred property shall not be considered to be includible in the gross estate of a non-skip person or subject to a right of withdrawal by reason of such person holding a right to withdraw so much of such property as does not exceed the amount referred to in section 2503(b) with respect to any transferor, and it shall be assumed that powers of appointment held by non-skip persons will not be exercised.

"(4) Automatic allocations to certain GST trusts.—For purposes of this subsection, an indirect skip to which section 2642(f) applies shall be deemed to have been made only at the close of the estate tax inclusion period. The fair market value of such transfer shall be the fair market value of the trust property at the close of the estate tax inclusion period.

"(5) Applicability and effect.—

"(A) In general.—An individual—

"(i) may elect to have this subsection not apply to—

"(I) an indirect skip, or

"(II) any or all transfers made by such individual to a particular trust, and

"(ii) may elect to treat any trust as a GST trust for purposes of this subsection with respect to any or all transfers made by such individual to such trust.

"(B) Elections.—

"(i) Elections with respect to indirect skips.—An election under subparagraph (A)(i)(I) shall be deemed to be timely if filed on a timely filed gift tax return for the calendar year in which the transfer was made or deemed to have been made pursuant to paragraph (4) or on such later date or dates as may be prescribed by the Secretary.

"(ii) Other elections.—An election under clause (i)(II) or (ii) of subparagraph (A) may be made on a timely filed gift tax return for the calendar year for which the election is to become effective.

"(d) Retroactive Allocations.—

"(1) In general.—If—

"(A) a non-skip person has an interest or a future interest in a trust to which any transfer has been made,

"(B) such person—

"(i) is a lineal descendant of a grandparent of the transferor or of a grandparent of the transferor's spouse or former spouse, and

"(ii) is assigned to a generation below the generation assignment of the transferor, and

"(C) such person predeceases the transferor,

then the transferor may make an allocation of any of such transferor's unused GST exemption to any previous transfer or transfers to the trust on a chronological basis.

"(2) SPECIAL RULES.—If the allocation under paragraph (1) by the transferor is made on a gift tax return filed on or before the date prescribed by section 6075(b) for gifts made within the calendar year within which the non-skip person's death occurred—

"(A) the value of such transfer or transfers for purposes of section 2642(a) shall be determined as if such allocation had been made on a timely filed gift tax return for each calendar year within which each transfer was made,

"(B) such allocation shall be effective immediately before such death, and

"(C) the amount of the transferor's unused GST exemption available to be allocated shall be determined immediately before such death.

"(3) FUTURE INTEREST.—For purposes of this subsection, a person has a future interest in a trust if the trust may permit income or corpus to be paid to such person on a date or dates in the future.".

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 2632(b) is amended by striking "with respect to a direct skip" and inserting "or subsection (c)(1)".

(c) EFFECTIVE DATES.—

(1) DEEMED ALLOCATION.—Section 2632(c) of the Internal Revenue Code of 1986 (as added by subsection (a)), and the amendment made by subsection (b), shall apply to transfers subject to chapter 11 or 12 made after December 31, 1999, and to estate tax inclusion periods ending after December 31, 1999.

(2) RETROACTIVE ALLOCATIONS.—Section 2632(d) of the Internal Revenue Code of 1986 (as added by subsection (a)) shall apply to deaths of non-skip persons occurring after December 31, 1999.

SEC. 322. SEVERING OF TRUSTS.

(a) IN GENERAL.—Subsection (a) of section 2642 (relating to inclusion ratio) is amended by adding at the end the following new paragraph:

"(3) SEVERING OF TRUSTS.—

"(A) IN GENERAL.—If a trust is severed in a qualified severance, the trusts resulting from such severance shall be treated as separate trusts thereafter for purposes of this chapter.

"(B) QUALIFIED SEVERANCE.—For purposes of subparagraph (A)—

"(i) IN GENERAL.—The term 'qualified severance' means the division of a single trust and the creation (by any means available under the governing instrument or under local law) of two or more trusts if—

"(I) the single trust was divided on a fractional basis, and

"(II) the terms of the new trusts, in the aggregate, provide for the same succession of interests of beneficiaries as are provided in the original trust.

"(ii) TRUSTS WITH INCLUSION RATIO GREATER THAN ZERO.—If a trust has an inclusion ratio of greater than zero and less than 1, a severance is a qualified severance only if the single trust is divided into two trusts, one of which receives a fractional share of the total value of all trust assets equal to the applicable fraction of the single trust immediately before the severance. In such case, the trust receiving such fractional share shall have an inclusion ratio of zero and the other trust shall have an inclusion ratio of 1.

"(iii) REGULATIONS.—The term 'qualified severance' includes any other severance permitted under regulations prescribed by the Secretary.

"(C) TIMING AND MANNER OF SEVERANCES.—A severance pursuant to this paragraph may be made at any time. The Secretary shall prescribe by forms or regulations the manner in which the qualified severance shall be reported to the Secretary.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to severances after December 31, 1999.

SEC. 323. MODIFICATION OF CERTAIN VALUATION RULES.

(a) GIFTS FOR WHICH GIFT TAX RETURN FILED OR DEEMED ALLOCATION MADE.—Paragraph (1) of section 2642(b) (relating to valuation rules, etc.) is amended to read as follows:

"(1) GIFTS FOR WHICH GIFT TAX RETURN FILED OR DEEMED ALLOCATION MADE.—If the allocation of the GST exemption to any transfers of property is made on a gift tax return filed on or before the date prescribed by section 6075(b) for such transfer or is deemed to be made under section 2632 (b)(1) or (c)(1)—

"(A) the value of such property for purposes of subsection (a) shall be its value as finally determined for purposes of chapter 12 (within the meaning of section 2001(f)(2)), or, in the case of an allocation deemed to have been made at the close of an estate tax inclusion period, its value at the time of the close of the estate tax inclusion period, and

"(B) such allocation shall be effective on and after the date of such transfer, or, in the case of an allocation deemed to have been made at the close of an estate tax inclusion period, on and after the close of such estate tax inclusion period.".

(b) TRANSFERS AT DEATH.—Subparagraph (A) of section 2642(b)(2) is amended to read as follows:

"(A) TRANSFERS AT DEATH.—If property is transferred as a result of the death of the transferor, the value of such property for purposes of subsection (a) shall be its value as finally determined for purposes of chapter 11; except that, if the requirements prescribed by the Secretary respecting allocation of post-death changes in value are not met, the value of such property shall be determined as of the time of the distribution concerned.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers subject to chapter 11 or 12 of the Internal Revenue Code of 1986 made after December 31, 1999.

SEC. 324. RELIEF PROVISIONS.

(a) IN GENERAL.—Section 2642 is amended by adding at the end the following new subsection:

"(g) RELIEF PROVISIONS.—

"(1) RELIEF FOR LATE ELECTIONS.—

"(A) IN GENERAL.—The Secretary shall by regulation prescribe such circumstances and procedures under which extensions of time will be granted to make—

"(i) an allocation of GST exemption described in paragraph (1) or (2) of subsection (b), and

"(ii) an election under subsection (b)(3) or (c)(5) of section 2632.

Such regulations shall include procedures for requesting comparable relief with respect to transfers made before the date of the enactment of this paragraph.

"(B) BASIS FOR DETERMINATIONS.—In determining whether to grant relief under this paragraph, the Secretary shall take into account all relevant circumstances, including evidence of intent contained in the trust instrument or instrument of transfer and such other factors as the Secretary deems relevant. For purposes of determining whether to grant relief under this paragraph, the time for making the allocation (or election) shall be treated as if not expressly prescribed by statute.

"(2) SUBSTANTIAL COMPLIANCE.—An allocation of GST exemption under section 2632 that demonstrates an intent to have the lowest possible inclusion ratio with respect to a transfer or a trust shall be deemed to be an allocation of so much of the transferor's unused GST exemption as produces the lowest possible inclusion ratio. In determining whether there has been substantial compliance, all relevant circumstances shall be taken into account, including evidence of intent contained in the trust instrument or instrument of transfer and such other factors as the Secretary deems relevant.".

(b) EFFECTIVE DATES.—

(1) RELIEF FOR LATE ELECTIONS.—Section 2642(g)(1) of the Internal Revenue Code of 1986 (as added by subsection (a)) shall apply to requests pending on, or filed after, December 31, 1999.

(2) SUBSTANTIAL COMPLIANCE.—Section 2642(g)(2) of such Code (as so added) shall take effect on the date of the enactment of this Act and shall apply to transfers subject to chapter 11 or 12 of the Internal Revenue Code of 1986 made after December 31, 1999.

Subtitle D—Conservation Easements

SEC. 331. EXPANSION OF ESTATE TAX RULE FOR CONSERVATION EASEMENTS.

(a) WHERE LAND IS LOCATED.—

(1) IN GENERAL.—Clause (i) of section 2031(c)(8)(A) (defining land subject to a conservation easement) is amended—

(A) by striking "25 miles" both places it appears and inserting "50 miles", and

(B) striking "10 miles" and inserting "25 miles".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to estates of decedents dying after December 31, 1999.

(b) CLARIFICATION OF DATE FOR DETERMINING VALUE OF LAND AND EASEMENT.—

(1) IN GENERAL.—Section 2031(c)(2) (defining applicable percentage) is amended by adding at the end the following new sentence: "The values taken into account under the preceding sentence shall be such values as of the date of the contribution referred to in paragraph (8)(B).".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to estates of decedents dying after December 31, 1997.

TITLE IV—TAX RELIEF FOR DISTRESSED COMMUNITIES AND INDUSTRIES

Subtitle A—American Community Renewal Act of 2000

SEC. 401. SHORT TITLE.

This subtitle may be cited as the "American Community Renewal Act of 2000".

SEC. 402. DESIGNATION OF AND TAX INCENTIVES FOR RENEWAL COMMUNITIES.

(a) IN GENERAL.—Chapter 1 is amended by adding at the end the following new subchapter:

"Subchapter X—Renewal Communities

"Part I. Designation.
"Part II. Renewal community capital gain; renewal community business.
"Part III. Family development accounts.
"Part IV. Additional incentives.

"PART I—DESIGNATION

"Sec. 1400E. Designation of renewal communities.

"SEC. 1400E. DESIGNATION OF RENEWAL COMMUNITIES.

"(a) DESIGNATION.—

"(1) DEFINITIONS.—For purposes of this title, the term 'renewal community' means any area—

"(A) which is nominated by one or more local governments and the State or States in which it is located for designation as a renewal community (hereinafter in this section referred to as a 'nominated area'); and

"(B) which the Secretary of Housing and Urban Development designates as a renewal community, after consultation with—

"(i) the Secretaries of Agriculture, Commerce, Labor, and the Treasury; the Director of the Office of Management and Budget; and the Administrator of the Small Business Administration; and

"(ii) in the case of an area on an Indian reservation, the Secretary of the Interior.

"(2) NUMBER OF DESIGNATIONS.—

"(A) IN GENERAL.—The Secretary of Housing and Urban Development may designate not more than 15 nominated areas as renewal communities.

"(B) MINIMUM DESIGNATION IN RURAL AREAS.—Of the areas designated under paragraph (1), at least 3 must be areas—

"(i) which are within a local government jurisdiction or jurisdictions with a population of less than 50,000,

"(ii) which are outside of a metropolitan statistical area (within the meaning of section 143(k)(2)(B)), or

"(iii) which are determined by the Secretary of Housing and Urban Development, after consultation with the Secretary of Commerce, to be rural areas.

"(3) AREAS DESIGNATED BASED ON DEGREE OF POVERTY, ETC.—

"(A) IN GENERAL.—Except as otherwise provided in this section, the nominated areas designated as renewal communities under this subsection shall be those nominated areas with the highest average ranking with respect to the criteria described in subparagraphs (B), (C), and (D) of subsection (c)(3). For purposes of the preceding sentence, an area shall be ranked within each such criterion on the basis of the amount by which the area exceeds such criterion, with the area which exceeds such criterion by the greatest amount given the highest ranking.

"(B) EXCEPTION WHERE INADEQUATE COURSE OF ACTION, ETC.—An area shall not be designated under subparagraph (A) if the Secretary of Housing and Urban Development determines that the course of action described in subsection (d)(2) with respect to such area is inadequate.

"(C) PRIORITY FOR EMPOWERMENT ZONES AND ENTERPRISE COMMUNITIES WITH RESPECT TO FIRST 10 DESIGNATIONS.—With respect to the first 10 designations made under this section—

"(i) all shall be chosen from nominated areas which are empowerment zones or enterprise communities (and are otherwise eligible for designation under this section); and

"(ii) two shall be areas described in paragraph (2)(B).

"(4) LIMITATION ON DESIGNATIONS.—

"(A) PUBLICATION OF REGULATIONS.—The Secretary of Housing and Urban Development shall prescribe by regulation no later than 4 months after the date of the enactment of this section, after consultation with the officials described in paragraph (1)(B)—

"(i) the procedures for nominating an area under paragraph (1)(A);

"(ii) the parameters relating to the size and population characteristics of a renewal community; and

"(iii) the manner in which nominated areas will be evaluated based on the criteria specified in subsection (d).

"(B) TIME LIMITATIONS.—The Secretary of Housing and Urban Development may designate nominated areas as renewal communities only during the 36-month period beginning on the first day of the first month following the month in which the regulations described in subparagraph (A) are prescribed.

"(C) PROCEDURAL RULES.—The Secretary of Housing and Urban Development shall not make any designation of a nominated area as a renewal community under paragraph (2) unless—

"(i) the local governments and the States in which the nominated area is located have the authority—

"(I) to nominate such area for designation as a renewal community;

"(II) to make the State and local commitments described in subsection (d); and

"(III) to provide assurances satisfactory to the Secretary of Housing and Urban Development that such commitments will be fulfilled,

"(ii) a nomination regarding such area is submitted in such a manner and in such form, and contains such information, as the Secretary of Housing and Urban Development shall by regulation prescribe; and

"(iii) the Secretary of Housing and Urban Development determines that any information furnished is reasonably accurate.

"(5) NOMINATION PROCESS FOR INDIAN RESERVATIONS.—For purposes of this subchapter, in the case of a nominated area on an Indian reservation, the reservation governing body (as determined by the Secretary of the Interior) shall be treated as being both the State and local governments with respect to such area.

"(b) PERIOD FOR WHICH DESIGNATION IS IN EFFECT.—

"(1) IN GENERAL.—Any designation of an area as a renewal community shall remain in effect during the period beginning on the date of the designation and ending on the earliest of—

"(A) December 31, 2007,

"(B) the termination date designated by the State and local governments in their nomination, or

"(C) the date the Secretary of Housing and Urban Development revokes such designation.

"(2) REVOCATION OF DESIGNATION.—The Secretary of Housing and Urban Development may revoke the designation under this section of an area if such Secretary determines that the local government or the State in which the area is located—

"(A) has modified the boundaries of the area, or

"(B) is not complying substantially with, or fails to make progress in achieving, the State or local commitments, respectively, described in subsection (d).

"(c) AREA AND ELIGIBILITY REQUIREMENTS.—

"(1) IN GENERAL.—The Secretary of Housing and Urban Development may designate a nominated area as a renewal community under subsection (a) only if the area meets the requirements of paragraphs (2) and (3) of this subsection.

"(2) AREA REQUIREMENTS.—A nominated area meets the requirements of this paragraph if—

"(A) the area is within the jurisdiction of one or more local governments;

"(B) the boundary of the area is continuous; and

"(C) the area—

"(i) has a population, of at least—

"(I) 4,000 if any portion of such area (other than a rural area described in subsection (a)(2)(B)(i)) is located within a metropolitan statistical area (within the meaning of section 143(k)(2)(B)) which has a population of 50,000 or greater; or

"(II) 1,000 in any other case; or

"(ii) is entirely within an Indian reservation (as determined by the Secretary of the Interior).

"(3) ELIGIBILITY REQUIREMENTS.—A nominated area meets the requirements of this paragraph if the State and the local governments in which it is located certify (and the Secretary of Housing and Urban Development, after such review of supporting data as he deems appropriate, accepts such certification) that—

"(A) the area is one of pervasive poverty, unemployment, and general distress;

"(B) the unemployment rate in the area, as determined by the most recent available data, was at least 1½ times the national unemployment rate for the period to which such data relate;

"(C) the poverty rate for each population census tract within the nominated area is at least 20 percent; and

"(D) in the case of an urban area, at least 70 percent of the households living in the area have incomes below 80 percent of the median income of households within the jurisdiction of the local government (determined in the same manner as under section 119(b)(2) of the Housing and Community Development Act of 1974).

"(4) CONSIDERATION OF HIGH INCIDENCE OF CRIME.—The Secretary of Housing and Urban Development shall take into account, in selecting nominated areas for designation as renewal communities under this section, the extent to which such areas have a high incidence of crime.

"(5) CONSIDERATION OF COMMUNITIES IDENTIFIED IN GAO STUDY.—The Secretary of Housing and Urban Development shall take into account, in selecting nominated areas for designation as renewal communities under this section, if the area has census tracts identified in the May 12, 1998, report of the Government Accounting Office regarding the identification of economically distressed areas.

"(d) REQUIRED STATE AND LOCAL COMMITMENTS.—

"(1) IN GENERAL.—The Secretary of Housing and Urban Development may designate any nominated area as a renewal community under subsection (a) only if—

"(A) the local government and the State in which the area is located agree in writing that, during any period during which the area is a renewal community, such governments will follow a specified course of action which meets the requirements of paragraph (2) and is designed to reduce the various burdens borne by employers or employees in such area; and

"(B) the economic growth promotion requirements of paragraph (3) are met.

"(2) COURSE OF ACTION.—

"(A) IN GENERAL.—A course of action meets the requirements of this paragraph if such course of action is a written document, signed by a State (or local government) and neighborhood organizations, which evidences a partnership between such State or government and community-based organizations and which commits each signatory to specific and measurable goals; actions, and timetables. Such course of action shall include at least five of the following:

"(i) A reduction of tax rates or fees applying within the renewal community.

"(ii) An increase in the level of efficiency of local services within the renewal community.

"(iii) Crime reduction strategies, such as crime prevention (including the provision of such services by nongovernmental entities).

"(iv) Actions to reduce, remove, simplify, or streamline governmental requirements applying within the renewal community.

"(v) Involvement in the program by private entities, organizations, neighborhood organizations, and community groups, particularly those in the renewal community, including a commitment from such private entities to provide jobs and job training for, and technical, financial, or other assistance to, employers, employees, and residents from the renewal community.

"(vi) State or local income tax benefits for fees paid for services performed by a nongovernmental entity which were formerly performed by a governmental entity.

"(vii) The gift (or sale at below fair market value) of surplus real property (such as land, homes, and commercial or industrial structures) in the renewal community to neighborhood organizations, community development corporations, or private companies.

"(B) RECOGNITION OF PAST EFFORTS.—For purposes of this section, in evaluating the course of action agreed to by any State or local government, the Secretary of Housing and Urban Development shall take into account the past efforts of such State or local government in reducing the various burdens borne by employers and employees in the area involved.

"(3) ECONOMIC GROWTH PROMOTION REQUIREMENTS.—The economic growth promotion requirements of this paragraph are met with respect to a nominated area if the local government and the State in which such area is located certify in writing that such government and State, respectively, have repealed or otherwise will not enforce within the area, if such area is designated as a renewal community—

"(A) licensing requirements for occupations that do not ordinarily require a professional degree;

"(B) zoning restrictions on home-based businesses which do not create a public nuisance;

"(C) permit requirements for street vendors who do not create a public nuisance;

"(D) zoning or other restrictions that impede the formation of schools or child care centers; and

"(E) franchises or other restrictions on competition for businesses providing public services, including but not limited to taxicabs, jitneys, cable television, or trash hauling,

except to the extent that such regulation of businesses and occupations is necessary for and well-tailored to the protection of health and safety.

"(e) COORDINATION WITH TREATMENT OF EMPOWERMENT ZONES AND ENTERPRISE COMMUNITIES.—For purposes of this title, if there are in effect with respect to the same area both—

"(1) a designation as a renewal community; and

"(2) a designation as an empowerment zone or enterprise community,

both of such designations shall be given full effect with respect to such area.

"(f) DEFINITIONS AND SPECIAL RULES.—For purposes of this subchapter—

"(1) GOVERNMENTS.—If more than one government seeks to nominate an area as a renewal community, any reference to, or requirement of, this section shall apply to all such governments.

"(2) STATE.—The term 'State' includes Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, the Northern Mariana Islands, and any other possession of the United States.

"(3) LOCAL GOVERNMENT.—The term 'local government' means—

"(A) any county, city, town, township, parish, village, or other general purpose political subdivision of a State;

"(B) any combination of political subdivisions described in subparagraph (A) recognized by the Secretary of Housing and Urban Development; and

"(C) the District of Columbia.

"(4) APPLICATION OF RULES RELATING TO CENSUS TRACTS AND CENSUS DATA.—The rules of sections 1392(b)(4) and 1393(a)(9) shall apply.

"PART II—RENEWAL COMMUNITY CAPITAL GAIN; RENEWAL COMMUNITY BUSINESS

"Sec. 1400F. Renewal community capital gain.

"Sec. 1400G. Renewal community business defined.

"SEC. 1400F. RENEWAL COMMUNITY CAPITAL GAIN.

"(a) GENERAL RULE.—Gross income does not include any qualified capital gain recognized on the sale or exchange of a qualified community asset held for more than 5 years.

"(b) QUALIFIED COMMUNITY ASSET.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified community asset' means—

"(A) any qualified community stock;

"(B) any qualified community partnership interest; and

"(C) any qualified community business property.

"(2) QUALIFIED COMMUNITY STOCK.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'qualified community stock' means any stock in a domestic corporation if—

"(i) such stock is acquired by the taxpayer after December 31, 2000, and before January 1, 2008, at its original issue (directly or through an underwriter) from the corporation solely in exchange for cash;

"(ii) as of the time such stock was issued, such corporation was a renewal community business (or, in the case of a new corporation, such corporation was being organized for purposes of being a renewal community business); and

"(iii) during substantially all of the taxpayer's holding period for such stock, such corporation qualified as a renewal community business.

"(B) REDEMPTIONS.—A rule similar to the rule of section 1202(c)(3) shall apply for purposes of this paragraph.

"(3) QUALIFIED COMMUNITY PARTNERSHIP INTEREST.—The term 'qualified community partnership interest' means any capital or profits interest in a domestic partnership if—

"(A) such interest is acquired by the taxpayer after December 31, 2000, and before January 1, 2008;

"(B) as of the time such interest was acquired, such partnership was a renewal community business (or, in the case of a new partnership, such partnership was being organized for purposes of being a renewal community business); and

"(C) during substantially all of the taxpayer's holding period for such interest, such partnership qualified as a renewal community business.

A rule similar to the rule of paragraph (2)(B) shall apply for purposes of this paragraph.

"(4) QUALIFIED COMMUNITY BUSINESS PROPERTY.—

"(A) IN GENERAL.—The term 'qualified community business property' means tangible property if—

"(i) such property was acquired by the taxpayer by purchase (as defined in section 179(d)(2)) after December 31, 2000, and before January 1, 2008;

"(ii) the original use of such property in the renewal community commences with the taxpayer; and

"(iii) during substantially all of the taxpayer's holding period for such property, substantially all of the use of such property was in a renewal community business of the taxpayer.

"(B) SPECIAL RULE FOR SUBSTANTIAL IMPROVEMENTS.—The requirements of clauses (i) and (ii) of subparagraph (A) shall be treated as satisfied with respect to—

"(i) property which is substantially improved (within the meaning of section 1400B(b)(4)(B)(ii)) by the taxpayer before January 1, 2008; and

"(ii) any land on which such property is located.

"(c) CERTAIN RULES TO APPLY.—Rules similar to the rules of paragraphs (5), (6), and (7) of subsection (b), and subsections (e), (f), and (g), of section 1400B shall apply for purposes of this section.

"SEC. 1400G. RENEWAL COMMUNITY BUSINESS DEFINED.

"For purposes of this part, the term 'renewal community business' means any entity or proprietorship which would be a qualified business entity or qualified proprietorship under section 1397B if—

"(1) references to renewal communities were substituted for references to empowerment zones in such section; and

"(2) '80 percent' were substituted for '50 percent' in subsections (b)(2) and (c)(1) of such section.

"PART III—FAMILY DEVELOPMENT ACCOUNTS

"Sec. 1400H. Family development accounts for renewal community EITC recipients.

"Sec. 1400I. Designation of earned income tax credit payments for deposit to family development account.

"SEC. 1400H. FAMILY DEVELOPMENT ACCOUNTS FOR RENEWAL COMMUNITY EITC RECIPIENTS.

"(a) ALLOWANCE OF DEDUCTION.—

"(1) IN GENERAL.—There shall be allowed as a deduction—

"(A) in the case of a qualified individual, the amount paid in cash for the taxable year by such individual to any family development account for such individual's benefit; and

"(B) in the case of any person other than a qualified individual, the amount paid in cash for the taxable year by such person to any family development account for the benefit of a qualified individual but only if the amount so paid is designated for purposes of this section by such individual.

"(2) LIMITATION.—

"(A) IN GENERAL.—The amount allowable as a deduction to any individual for any taxable year by reason of paragraph (1)(A) shall not exceed the lesser of—

"(i) $2,000, or

“(ii) an amount equal to the compensation includible in the individual's gross income for such taxable year.

“(B) Persons donating to family development accounts of others.—The amount which may be designated under paragraph (1)(B) by any qualified individual for any taxable year of such individual shall not exceed $1,000.

“(3) Special rules for certain married individuals.—Rules similar to rules of section 219(c) shall apply to the limitation in paragraph (2)(A).

“(4) Coordination with IRAs.—No deduction shall be allowed under this section for any taxable year to any person by reason of a payment to an account for the benefit of a qualified individual if any amount is paid for such taxable year into an individual retirement account (including a Roth IRA) for the benefit of such individual.

“(5) Rollovers.—No deduction shall be allowed under this section with respect to any rollover contribution.

“(b) Tax Treatment of Distributions.—

“(1) Inclusion of amounts in gross income.—Except as otherwise provided in this subsection, any amount paid or distributed out of a family development account shall be included in gross income by the payee or distributee, as the case may be.

“(2) Exclusion of qualified family development distributions.—Paragraph (1) shall not apply to any qualified family development distribution.

“(c) Qualified Family Development Distribution.—For purposes of this section—

“(1) In general.—The term ‘qualified family development distribution’ means any amount paid or distributed out of a family development account which would otherwise be includible in gross income, to the extent that such payment or distribution is used exclusively to pay qualified family development expenses for the holder of the account or the spouse or dependent (as defined in section 152) of such holder.

“(2) Qualified family development expenses.—The term ‘qualified family development expenses’ means any of the following:

“(A) Qualified higher education expenses.

“(B) Qualified first-time homebuyer costs.

“(C) Qualified business capitalization costs.

“(D) Qualified medical expenses.

“(E) Qualified rollovers.

“(3) Qualified higher education expenses.—

“(A) In general.—The term ‘qualified higher education expenses’ has the meaning given such term by section 72(t)(7), determined by treating postsecondary vocational educational schools as eligible educational institutions.

“(B) Postsecondary vocational education school.—The term ‘postsecondary vocational educational school’ means an area vocational education school (as defined in subparagraph (C) or (D) of section 521(4) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2471(4))) which is in any State (as defined in section 521(33) of such Act), as such sections are in effect on the date of the enactment of this section.

“(C) Coordination with other benefits.—The amount of qualified higher education expenses for any taxable year shall be reduced as provided in section 25A(g)(2).

“(4) Qualified first-time homebuyer costs.—The term ‘qualified first-time homebuyer costs’ means qualified acquisition costs (as defined in section 72(t)(8) without regard to subparagraph (B) thereof) with respect to a principal residence (within the meaning of section 121) for a qualified first-time homebuyer (as defined in section 72(t)(8)).

“(5) Qualified business capitalization costs.—

“(A) In general.—The term ‘qualified business capitalization costs’ means qualified expenditures for the capitalization of a qualified business pursuant to a qualified plan.

“(B) Qualified expenditures.—The term ‘qualified expenditures’ means expenditures included in a qualified plan, including capital, plant, equipment, working capital, and inventory expenses.

“(C) Qualified business.—The term ‘qualified business’ means any trade or business other than any trade or business—

“(i) which consists of the operation of any facility described in section 144(c)(6)(B), or

“(ii) which contravenes any law.

“(D) Qualified plan.—The term ‘qualified plan’ means a business plan which meets such requirements as the Secretary may specify.

“(6) Qualified medical expenses.—The term ‘qualified medical expenses’ means any amount paid during the taxable year, not compensated for by insurance or otherwise, for medical care (as defined in section 213(d)) of the taxpayer, his spouse, or his dependent (as defined in section 152).

“(7) Qualified rollovers.—The term ‘qualified rollover’ means any amount paid from a family development account of a taxpayer into another such account established for the benefit of—

“(A) such taxpayer, or

“(B) any qualified individual who is—

“(i) the spouse of such taxpayer, or

“(ii) any dependent (as defined in section 152) of the taxpayer.

Rules similar to the rules of section 408(d)(3) shall apply for purposes of this paragraph.

“(d) Tax Treatment of Accounts.—

“(1) In general.—Any family development account is exempt from taxation under this subtitle unless such account has ceased to be a family development account by reason of paragraph (2). Notwithstanding the preceding sentence, any such account is subject to the taxes imposed by section 511 (relating to imposition of tax on unrelated business income of charitable, etc., organizations). Notwithstanding any other provision of this title (including chapters 11 and 12), the basis of any person in such an account is zero.

“(2) Loss of exemption in case of prohibited transactions.—For purposes of this section, rules similar to the rules of section 408(e) shall apply.

“(3) Other rules to apply.—Rules similar to the rules of paragraphs (4), (5), and (6) of section 408(d) shall apply for purposes of this section.

“(e) Family Development Account.—For purposes of this title, the term ‘family development account’ means a trust created or organized in the United States for the exclusive benefit of a qualified individual or his beneficiaries, but only if the written governing instrument creating the trust meets the following requirements:

“(1) Except in the case of a qualified rollover (as defined in subsection (c)(7))—

“(A) no contribution will be accepted unless it is in cash; and

“(B) contributions will not be accepted for the taxable year in excess of $3,000.

“(2) The requirements of paragraphs (2) through (6) of section 408(a) are met.

“(f) Qualified Individual.—For purposes of this section, the term ‘qualified individual’ means, for any taxable year, an individual—

“(1) who is a bona fide resident of a renewal community throughout the taxable year; and

“(2) to whom a credit was allowed under section 32 for the preceding taxable year.

“(g) Other Definitions and Special Rules.—

“(1) Compensation.—The term ‘compensation’ has the meaning given such term by section 219(f)(1).

“(2) Married individuals.—The maximum deduction under subsection (a) shall be computed separately for each individual, and this section shall be applied without regard to any community property laws.

“(3) Time when contributions deemed made.—For purposes of this section, a taxpayer shall be deemed to have made a contribution to a family development account on the last day of the preceding taxable year if the contribution is made on account of such taxable year and is made not later than the time prescribed by law for filing the return for such taxable year (not including extensions thereof).

“(4) Employer payments; custodial accounts.—Rules similar to the rules of sections 219(f)(5) and 408(h) shall apply for purposes of this section.

“(5) Reports.—The trustee of a family development account shall make such reports regarding such account to the Secretary and to the individual for whom the account is maintained with respect to contributions (and the years to which they relate), distributions, and such other matters as the Secretary may require under regulations. The reports required by this paragraph—

“(A) shall be filed at such time and in such manner as the Secretary prescribes in such regulations; and

“(B) shall be furnished to individuals—

“(i) not later than January 31 of the calendar year following the calendar year to which such reports relate; and

“(ii) in such manner as the Secretary prescribes in such regulations.

“(6) Investment in collectibles treated as distributions.—Rules similar to the rules of section 408(m) shall apply for purposes of this section.

“(h) Penalty for Distributions Not Used for Qualified Family Development Expenses.—

“(1) In general.—If any amount is distributed from a family development account and is not used exclusively to pay qualified family development expenses for the holder of the account or the spouse or dependent (as defined in section 152) of such holder, the tax imposed by this chapter for the taxable year of such distribution shall be increased by 10 percent of the portion of such amount which is includible in gross income.

“(2) Exception for certain distributions.—Paragraph (1) shall not apply to distributions which are—

“(A) made on or after the date on which the account holder attains age 59½,

“(B) made to a beneficiary (or the estate of the account holder) on or after the death of the account holder, or

“(C) attributable to the account holder's being disabled within the meaning of section 72(m)(7).

“(i) Application of Section.—This section shall apply to amounts paid to a family development account for any taxable year beginning after December 31, 2000, and before January 1, 2008.

“SEC. 1400I. DESIGNATION OF EARNED INCOME TAX CREDIT PAYMENTS FOR DEPOSIT TO FAMILY DEVELOPMENT ACCOUNT.

“(a) In General.—With respect to the return of any qualified individual (as defined in section 1400H(f)) for the taxable year of the tax imposed by this chapter, such individual may designate that a specified portion (not less than $1) of any overpayment of tax for such taxable year which is attributable to the earned income tax credit shall be deposited by the Secretary into a family development account of such individual. The Secretary shall so deposit such portion designated under this subsection.

“(b) Manner and Time of Designation.—A designation under subsection (a) may be made with respect to any taxable year—

“(1) at the time of filing the return of the tax imposed by this chapter for such taxable year, or

“(2) at any other time (after the time of filing the return of the tax imposed by this chapter for such taxable year) specified in regulations prescribed by the Secretary.

Such designation shall be made in such manner as the Secretary prescribes by regulations.

“(c) Portion Attributable to Earned Income Tax Credit.—For purposes of subsection (a), an overpayment for any taxable year shall be treated as attributable to the earned income tax credit to the extent that such overpayment does not exceed the credit allowed to the taxpayer under section 32 for such taxable year.

“(d) Overpayments Treated as Refunded.—For purposes of this title, any portion of an overpayment of tax designated under subsection (a) shall be treated as being refunded to the taxpayer as of the last date prescribed for filing the return of tax imposed by this chapter (determined without regard to extensions) or, if later, the date the return is filed.

“(e) Termination.—This section shall not apply to any taxable year beginning after December 31, 2007.

“PART IV—ADDITIONAL INCENTIVES

“Sec. 1400K. Commercial revitalization deduction.

“Sec. 1400L. Increase in expensing under section 179.

“SEC. 1400K. COMMERCIAL REVITALIZATION DEDUCTION.

“(a) General Rule.—At the election of the taxpayer, either—

“(1) one-half of any qualified revitalization expenditures chargeable to capital account with respect to any qualified revitalization building shall be allowable as a deduction for the taxable year in which the building is placed in service, or

“(2) a deduction for all such expenditures shall be allowable ratably over the 120-month period beginning with the month in which the building is placed in service.

The deduction provided by this section with respect to such expenditure shall be in lieu of any depreciation deduction otherwise allowable on account of such expenditure.

“(b) Qualified Revitalization Buildings and Expenditures.—For purposes of this section—

“(1) Qualified revitalization building.—The term ‘qualified revitalization building’ means any building (and its structural components) if—

“(A) such building is located in a renewal community and is placed in service after December 31, 2000;

“(B) a commercial revitalization deduction amount is allocated to the building under subsection (d); and

“(C) depreciation (or amortization in lieu of depreciation) is allowable with respect to the building (without regard to this section).

“(2) Qualified revitalization expenditure.—

“(A) In general.—The term ‘qualified revitalization expenditure’ means any amount properly chargeable to capital account—

“(i) for property for which depreciation is allowable under section 168 (without regard to this section) and which is—

“(I) nonresidential real property; or

“(II) an addition or improvement to property described in subclause (I);

“(ii) in connection with the construction of any qualified revitalization building which was not previously placed in service or in connection with the substantial rehabilitation (within the meaning of section 47(c)(1)(C)) of a building which was placed in service before the beginning of such rehabilitation; and

“(iii) for land (including land which is functionally related to such property and subordinate thereto).

“(B) Dollar limitation.—The aggregate amount which may be treated as qualified revitalization expenditures with respect to any qualified revitalization building for any taxable year shall not exceed the excess of—

“(i) $10,000,000, reduced by

“(ii) any such expenditures with respect to the building taken into account by the taxpayer or any predecessor in determining the amount of the deduction under this section for all preceding taxable years.

“(C) Certain expenditures not included.—The term ‘qualified revitalization expenditure’ does not include—

“(i) Acquisition costs.—The costs of acquiring any building or interest therein and any land in connection with such building to the extent that such costs exceed 30 percent of the qualified revitalization expenditures determined without regard to this clause.

“(ii) Credits.—Any expenditure which the taxpayer may take into account in computing any credit allowable under this title unless the taxpayer elects to take the expenditure into account only for purposes of this section.

“(c) When Expenditures Taken Into Account.—Qualified revitalization expenditures with respect to any qualified revitalization building shall be taken into account for the taxable year in which the qualified revitalization building is placed in service. For purposes of the preceding sentence, a substantial rehabilitation of a building shall be treated as a separate building.

“(d) Limitation on Aggregate Deductions Allowable With Respect to Buildings Located in a State.—

“(1) In general.—The amount of the deduction determined under this section for any taxable year with respect to any building shall not exceed the commercial revitalization deduction amount (in the case of an amount determined under subsection (a)(2), the present value of such amount as determined under the rules of section 42(b)(2)(C) by substituting ‘100 percent’ for ‘72 percent’ in clause (ii) thereof) allocated to such building under this subsection by the commercial revitalization agency. Such allocation shall be made at the same time and in the same manner as under paragraphs (1) and (7) of section 42(h).

“(2) Commercial revitalization deduction amount for agencies.—

“(A) In general.—The aggregate commercial revitalization deduction amount which a commercial revitalization agency may allocate for any calendar year is the amount of the State commercial revitalization deduction ceiling determined under this paragraph for such calendar year for such agency.

“(B) State commercial revitalization deduction ceiling.—The State commercial revitalization deduction ceiling applicable to any State—

“(i) for each calendar year after 2000 and before 2008 is $6,000,000 for each renewal community in the State; and

“(ii) zero for each calendar year thereafter.

“(C) Commercial revitalization agency.—For purposes of this section, the term ‘commercial revitalization agency’ means any agency authorized by a State to carry out this section.

“(e) Responsibilities of Commercial Revitalization Agencies.—

“(1) Plans for allocation.—Notwithstanding any other provision of this section, the commercial revitalization deduction amount with respect to any building shall be zero unless—

“(A) such amount was allocated pursuant to a qualified allocation plan of the commercial revitalization agency which is approved (in accordance with rules similar to the rules of section 147(f)(2) (other than subparagraph (B)(ii) thereof)) by the governmental unit of which such agency is a part; and

“(B) such agency notifies the chief executive officer (or its equivalent) of the local jurisdiction within which the building is located of such allocation and provides such individual a reasonable opportunity to comment on the allocation.

“(2) Qualified allocation plan.—For purposes of this subsection, the term ‘qualified allocation plan’ means any plan—

“(A) which sets forth selection criteria to be used to determine priorities of the commercial revitalization agency which are appropriate to local conditions;

“(B) which considers—

“(i) the degree to which a project contributes to the implementation of a strategic plan that is devised for a renewal community through a citizen participation process;

“(ii) the amount of any increase in permanent, full-time employment by reason of any project; and

“(iii) the active involvement of residents and nonprofit groups within the renewal community; and

“(C) which provides a procedure that the agency (or its agent) will follow in monitoring compliance with this section.

“(f) Regulations.—For purposes of this section, the Secretary shall, by regulations, provide for the application of rules similar to the rules of section 49 and subsections (a) and (b) of section 50.

“(g) Termination.—This section shall not apply to any building placed in service after December 31, 2007.

“SEC. 1400L. INCREASE IN EXPENSING UNDER SECTION 179.

“(a) General Rule.—In the case of a renewal community business (as defined in section 1400G), for purposes of section 179—

“(1) the limitation under section 179(b)(1) shall be increased by the lesser of—

“(A) $35,000; or

“(B) the cost of section 179 property which is qualified renewal property placed in service during the taxable year; and

“(2) the amount taken into account under section 179(b)(2) with respect to any section 179 property which is qualified renewal property shall be 50 percent of the cost thereof.

“(b) Recapture.—Rules similar to the rules under section 179(d)(10) shall apply with respect to any qualified renewal property which ceases to be used in a renewal community by a renewal community business.

"(c) QUALIFIED RENEWAL PROPERTY.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified renewal property' means any property to which section 168 applies (or would apply but for section 179) if—

"(A) such property was acquired by the taxpayer by purchase (as defined in section 179(d)(2)) after December 31, 2000, and before January 1, 2008; and

"(B) such property would be qualified zone property (as defined in section 1397C) if references to renewal communities were substituted for references to empowerment zones in section 1397C.

"(2) CERTAIN RULES TO APPLY.—The rules of subsections (a)(2) and (b) of section 1397C shall apply for purposes of this section.".

SEC. 403. EXTENSION OF EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS TO RENEWAL COMMUNITIES.

(a) EXTENSION.—Paragraph (2) of section 198(c) (defining targeted area) is amended by redesignating subparagraph (C) as subparagraph (D) and by inserting after subparagraph (B) the following new subparagraph:

"(C) RENEWAL COMMUNITIES INCLUDED.—Except as provided in subparagraph (B), such term shall include a renewal community (as defined in section 1400E) with respect to expenditures paid or incurred after December 31, 2000.".

(b) EXTENSION OF TERMINATION DATE FOR RENEWAL COMMUNITIES.—Subsection (h) of section 198 is amended by inserting before the period "(December 31, 2007, in the case of a renewal community, as defined in section 1400E).".

SEC. 404. EXTENSION OF WORK OPPORTUNITY TAX CREDIT FOR RENEWAL COMMUNITIES.

(a) EXTENSION.—Subsection (c) of section 51 (relating to termination) is amended by adding at the end the following new paragraph:

"(5) EXTENSION OF CREDIT FOR RENEWAL COMMUNITIES.—

"(A) IN GENERAL.—In the case of an individual who begins work for the employer after the date contained in paragraph (4)(B), for purposes of section 38—

"(i) in lieu of applying subsection (a), the amount of the work opportunity credit determined under this section for the taxable year shall be equal to—

"(I) 15 percent of the qualified first-year wages for such year; and

"(II) 30 percent of the qualified second-year wages for such year;

"(ii) subsection (b)(3) shall be applied by substituting '$10,000' for '$6,000';

"(iii) paragraph (4)(B) shall be applied by substituting for the date contained therein the last day for which the designation under section 1400E of the renewal community referred to in subparagraph (B)(i) is in effect; and

"(iv) rules similar to the rules of section 51A(b)(5)(C) shall apply.

"(B) QUALIFIED FIRST- AND SECOND-YEAR WAGES.—For purposes of subparagraph (A)—

"(i) IN GENERAL.—The term 'qualified wages' means, with respect to each 1-year period referred to in clause (ii) or (iii), as the case may be, the wages paid or incurred by the employer during the taxable year to any individual but only if—

"(I) the employer is engaged in a trade or business in a renewal community throughout such 1-year period;

"(II) the principal place of abode of such individual is in such renewal community throughout such 1-year period; and

"(III) substantially all of the services which such individual performs for the employer during such 1-year period are performed in such renewal community.

"(ii) QUALIFIED FIRST-YEAR WAGES.—The term 'qualified first-year wages' means, with respect to any individual, qualified wages attributable to service rendered during the 1-year period beginning with the day the individual begins work for the employer.

"(iii) QUALIFIED SECOND-YEAR WAGES.—The term 'qualified second-year wages' means, with respect to any individual, qualified wages attributable to service rendered during the 1-year period beginning on the day after the last day of the 1-year period with respect to such individual determined under clause (ii).".

(b) CONGRUENT TREATMENT OF RENEWAL COMMUNITIES AND ENTERPRISE ZONES FOR PURPOSES OF YOUTH RESIDENCE REQUIREMENTS.—

(1) HIGH-RISK YOUTH.—Subparagraphs (A)(ii) and (B) of section 51(d)(5) are each amended by striking "empowerment zone or enterprise community" and inserting "empowerment zone, enterprise community, or renewal community".

(2) QUALIFIED SUMMER YOUTH EMPLOYEE.—Clause (iv) of section 51(d)(7)(A) is amended by striking "empowerment zone or enterprise community" and inserting "empowerment zone, enterprise community, or renewal community".

(3) HEADINGS.—Paragraphs (5)(B) and (7)(C) of section 51(d) are each amended by inserting "OR COMMUNITY" in the heading after "ZONE".

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to individuals who begin work for the employer after December 31, 2000.

SEC. 405. CONFORMING AND CLERICAL AMENDMENTS.

(a) DEDUCTION FOR CONTRIBUTIONS TO FAMILY DEVELOPMENT ACCOUNTS ALLOWABLE WHETHER OR NOT TAXPAYER ITEMIZES.—Subsection (a) of section 62 (relating to adjusted gross income defined) is amended by inserting after paragraph (19) the following new paragraph:

"(20) FAMILY DEVELOPMENT ACCOUNTS.—The deduction allowed by section 1400H(a)(1).".

(b) TAX ON EXCESS CONTRIBUTIONS.—

(1) TAX IMPOSED.—Subsection (a) of section 4973 is amended by striking "or" at the end of paragraph (3), adding "or" at the end of paragraph (4), and inserting after paragraph (4) the following new paragraph:

"(5) a family development account (within the meaning of section 1400H(e)),".

(2) EXCESS CONTRIBUTIONS.—Section 4973 is amended by adding at the end the following new subsection:

"(g) FAMILY DEVELOPMENT ACCOUNTS.—For purposes of this section, in the case of family development accounts, the term 'excess contributions' means the sum of—

"(1) the excess (if any) of—

"(A) the amount contributed for the taxable year to the accounts (other than a qualified rollover, as defined in section 1400H(c)(7)), over

"(B) the amount allowable as a deduction under section 1400H for such contributions; and

"(2) the amount determined under this subsection for the preceding taxable year reduced by the sum of—

"(A) the distributions out of the accounts for the taxable year which were included in the gross income of the payee under section 1400H(b)(1);

"(B) the distributions out of the accounts for the taxable year to which rules similar to the rules of section 408(d)(5) apply by reason of section 1400H(d)(3); and

"(C) the excess (if any) of the maximum amount allowable as a deduction under section 1400H for the taxable year over the amount contributed to the account for the taxable year.

For purposes of this subsection, any contribution which is distributed from the family development account in a distribution to which rules similar to the rules of section 408(d)(4) apply by reason of section 1400H(d)(3) shall be treated as an amount not contributed.".

(c) TAX ON PROHIBITED TRANSACTIONS.—Section 4975 is amended—

(1) by adding at the end of subsection (c) the following new paragraph:

"(6) SPECIAL RULE FOR FAMILY DEVELOPMENT ACCOUNTS.—An individual for whose benefit a family development account is established and any contributor to such account shall be exempt from the tax imposed by this section with respect to any transaction concerning such account (which would otherwise be taxable under this section) if, with respect to such transaction, the account ceases to be a family development account by reason of the application of section 1400H(d)(2) to such account."; and

(2) in subsection (e)(1), by striking "or" at the end of subparagraph (E), by redesignating subparagraph (F) as subparagraph (G), and by inserting after subparagraph (E) the following new subparagraph:

"(F) a family development account described in section 1400H(e), or".

(d) INFORMATION RELATING TO CERTAIN TRUSTS AND ANNUITY PLANS.—Subsection (c) of section 6047 is amended—

(1) by inserting "or section 1400H" after "section 219"; and

(2) by inserting ", of any family development account described in section 1400H(e),", after "section 408(a)".

(e) INSPECTION OF APPLICATIONS FOR TAX EXEMPTION.—Clause (i) of section 6104(a)(1)(B) is amended by inserting "a family development account described in section 1400H(e)," after "section 408(a),".

(f) FAILURE TO PROVIDE REPORTS ON FAMILY DEVELOPMENT ACCOUNTS.—Paragraph (2) of section 6693(a) is amended by striking "and" at the end of subparagraph (C), by striking the period and inserting ", and" at the end of subparagraph (D), and by adding at the end the following new subparagraph:

"(E) section 1400H(g)(6) (relating to family development accounts).".

(g) CONFORMING AMENDMENTS REGARDING COMMERCIAL REVITALIZATION DEDUCTION.—

(1) Section 172 is amended by redesignating subsection (j) as subsection (k) and by inserting after subsection (i) the following new subsection:

"(j) NO CARRYBACK OF SECTION 1400K DEDUCTION BEFORE DATE OF THE ENACTMENT.—No portion of the net operating loss for any taxable year which is attributable to any commercial revitalization deduction determined under section 1400K may be carried back to a taxable year ending before the date of the enactment of section 1400K.".

(2) Subparagraph (B) of section 48(a)(2) is amended by inserting "or commercial revitalization" after "rehabilitation" each place it appears in the text and heading.

(3) Subparagraph (C) of section 469(i)(3) is amended—

(A) by inserting "or section 1400K" after "section 42"; and

(B) by inserting "AND COMMERCIAL REVITALIZATION DEDUCTION" after "CREDIT" in the heading.

(h) CLERICAL AMENDMENTS.—The table of subchapters for chapter 1 is amended by adding at the end the following new item:

"Subchapter X. Renewal Communities.".

Subtitle B—Timber Incentives

SEC. 411. TEMPORARY SUSPENSION OF MAXIMUM AMOUNT OF AMORTIZABLE REFORESTATION EXPENDITURES.

(a) Increase in Dollar Limitation.—Paragraph (1) of section 194(b) (relating to amortization of reforestation expenditures) is amended by striking "$10,000 ($5,000" and inserting "$25,000 ($12,500".

(b) Temporary Suspension of Increased Dollar Limitation.—Subsection (b) of section 194(b) (relating to amortization of reforestation expenditures) is amended by adding at the end the following new paragraph:

"(5) Suspension of dollar limitation.—Paragraph (1) shall not apply to taxable years beginning after December 31, 2000, and before January 1, 2004.

(c) Conforming Amendment.—Paragraph (1) of section 48(b) is amended by striking "section 194(b)(1)" and inserting "section 194(b)(1) and without regard to section 194(b)(5)".

(d) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

TITLE V—REAL ESTATE PROVISIONS

Subtitle A—Improvements in Low-Income Housing Credit

SEC. 501. MODIFICATION OF STATE CEILING ON LOW-INCOME HOUSING CREDIT.

(a) In General.—Clauses (i) and (ii) of section 42(h)(3)(C) (relating to State housing credit ceiling) are amended to read as follows:

"(i) the unused State housing credit ceiling (if any) of such State for the preceding calendar year,

"(ii) the greater of—

"(I) the applicable amount under subparagraph (H) multiplied by the State population, or

"(II) $2,000,000,".

(b) Applicable Amount.—Paragraph (3) of section 42(h) (relating to housing credit dollar amount for agencies) is amended by adding at the end the following new subparagraph:

"(H) Applicable amount of state ceiling.—For purposes of subparagraph (C)(ii), the applicable amount shall be determined under the following table:

"For calendar year:	The applicable amount is:
2001	$1.35
2002	1.45
2003	1.55
2004 and thereafter	1.65.".

(c) Adjustment of State Ceiling for Increases in Cost-of-Living.—Paragraph (3) of section 42(h) (relating to housing credit dollar amount for agencies), as amended by subsection (c), is amended by adding at the end the following new subparagraph:

"(I) Cost-of-living adjustment.—

"(i) In general.—In the case of a calendar year after 2004, the $2,000,000 in subparagraph (C) and the $1.65 amount in subparagraph (H) shall each be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting 'calendar year 2003' for 'calendar year 1992' in subparagraph (B) thereof.

"(ii) Rounding.—

"(I) In the case of the amount in subparagraph (C), any increase under clause (i) which is not a multiple of $5,000 shall be rounded to the next lowest multiple of $5,000.

"(II) In the case of the amount in subparagraph (H), any increase under clause (i) which is not a multiple of 5 cents shall be rounded to the next lowest multiple of 5 cents.".

(d) Conforming Amendments.—

(1) Section 42(h)(3)(C), as amended by subsection (a), is amended—

(A) by striking "clause (ii)" in the matter following clause (iv) and inserting "clause (i)", and

(B) by striking "clauses (i)" in the matter following clause (iv) and inserting "clauses (ii)".

(2) Section 42(h)(3)(D)(ii) is amended—

(A) by striking "subparagraph (C)(ii)" and inserting "subparagraph (C)(i)", and

(B) by striking "clauses (i)" in subclause (II) and inserting "clauses (ii)".

(e) Effective Date.—The amendments made by this section shall apply to calendar years after 2000.

SEC. 502. MODIFICATION OF CRITERIA FOR ALLOCATING HOUSING CREDITS AMONG PROJECTS.

(a) Selection Criteria.—Subparagraph (C) of section 42(m)(1) (relating to certain selection criteria must be used) is amended—

(1) by inserting ", including whether the project includes the use of existing housing as part of a community revitalization plan" before the comma at the end of clause (iii), and

(2) by striking clauses (v), (vi), and (vii) and inserting the following new clauses:

"(v) tenant populations with special housing needs,

"(vi) public housing waiting lists,

"(vii) tenant populations of individuals with children, and

"(viii) projects intended for eventual tenant ownership.".

(b) Preference for Community Revitalization Projects Located in Qualified Census Tracts.—Clause (ii) of section 42(m)(1)(B) is amended by striking "and" at the end of subclause (I), by adding "and" at the end of subclause (II), and by inserting after subclause (II) the following new subclause:

"(III) projects which are located in qualified census tracts (as defined in subsection (d)(5)(C)) and the development of which contributes to a concerted community revitalization plan,".

SEC. 503. ADDITIONAL RESPONSIBILITIES OF HOUSING CREDIT AGENCIES.

(a) Market Study; Public Disclosure of Rationale for Not Following Credit Allocation Priorities.—Subparagraph (A) of section 42(m)(1) (relating to responsibilities of housing credit agencies) is amended by striking "and" at the end of clause (i), by striking the period at the end of clause (ii) and inserting a comma, and by adding at the end the following new clauses:

"(iii) a comprehensive market study of the housing needs of low-income individuals in the area to be served by the project is conducted before the credit allocation is made and at the developer's expense by a disinterested party who is approved by such agency, and

"(iv) a written explanation is available to the general public for any allocation of a housing credit dollar amount which is not made in accordance with established priorities and selection criteria of the housing credit agency.".

(b) Site Visits.—Clause (iii) of section 42(m)(1)(B) (relating to qualified allocation plan) is amended by inserting before the period "and in monitoring for noncompliance with habitability standards through regular site visits".

SEC. 504. MODIFICATIONS TO RULES RELATING TO BASIS OF BUILDING WHICH IS ELIGIBLE FOR CREDIT.

(a) Adjusted Basis To Include Portion of Certain Buildings Used by Low-Income Individuals Who Are Not Tenants and by Project Employees.—Paragraph (4) of section 42(d) (relating to special rules relating to determination of adjusted basis) is amended—

(1) by striking "subparagraph (B)" in subparagraph (A) and inserting "subparagraphs (B) and (C)",

(2) by redesignating subparagraph (C) as subparagraph (D), and

(3) by inserting after subparagraph (B) the following new subparagraph:

"(C) Inclusion of basis of property used to provide services for certain nontenants.—

"(i) In general.—The adjusted basis of any building located in a qualified census tract (as defined in paragraph (5)(C)) shall be determined by taking into account the adjusted basis of property (of a character subject to the allowance for depreciation and not otherwise taken into account) used throughout the taxable year in providing any community service facility.

"(ii) Limitation.—The increase in the adjusted basis of any building which is taken into account by reason of clause (i) shall not exceed 10 percent of the eligible basis of the qualified low-income housing project of which it is a part. For purposes of the preceding sentence, all community service facilities which are part of the same qualified low-income housing project shall be treated as one facility.

"(iii) Community service facility.—For purposes of this subparagraph, the term 'community service facility' means any facility designed to serve primarily individuals whose income is 60 percent or less of area median income (within the meaning of subsection (g)(1)(B)).".

(b) Certain Native American Housing Assistance Disregarded in Determining Whether Building Is Federally Subsidized for Purposes of the Low-Income Housing Credit.—Subparagraph (E) of section 42(i)(2) (relating to determination of whether building is federally subsidized) is amended—

(1) in clause (i), by inserting "or the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.) (as in effect on October 1, 1997)" after "this subparagraph)", and

(2) in the subparagraph heading, by inserting "OR NATIVE AMERICAN HOUSING ASSISTANCE" after "HOME ASSISTANCE".

SEC. 505. OTHER MODIFICATIONS.

(a) Allocation of Credit Limit to Certain Buildings.—

(1) The first sentence of section 42(h)(1)(E)(ii) is amended by striking "(as of" the first place it appears and inserting "(as of the later of the date which is 6 months after the date that the allocation was made or".

(2) The last sentence of section 42(h)(3)(C) is amended by striking "project which" and inserting "project which fails to meet the 10 percent test under paragraph (1)(E)(ii) on a date after the close of the calendar year in which the allocation was made or which".

(b) Determination of Whether Buildings Are Located in High Cost Areas.—The first sentence of section 42(d)(5)(C)(ii)(I) is amended—

(1) by inserting "either" before "in which 50 percent", and

(2) by inserting before the period "or which has a poverty rate of at least 25 percent".

SEC. 506. CARRYFORWARD RULES.

(a) In General.—Clause (ii) of section 42(h)(3)(D) (relating to unused housing credit carryovers allocated among certain States) is amended by striking "the excess" and all that follows and inserting "the excess (if any) of—

"(I) the unused State housing credit ceiling for the year preceding such year, over

"(II) the aggregate housing credit dollar amount allocated for such year.".

(b) Conforming Amendment.—The second sentence of section 42(h)(3)(C) (relating to State housing credit ceiling) is amended by striking "clauses (i) and (iii)" and inserting "clauses (i) through (iv)".

SEC. 507. EFFECTIVE DATE.

Except as otherwise provided in this subtitle, the amendments made by this subtitle shall apply to—

(1) housing credit dollar amounts allocated after December 31, 2000, and

(2) buildings placed in service after such date to the extent paragraph (1) of section 42(h) of the Internal Revenue Code of 1986 does not apply to any building by reason of paragraph (4) thereof, but only with respect to bonds issued after such date.

Subtitle B—Private Activity Bond Volume Cap

SEC. 511. ACCELERATION OF PHASE-IN OF INCREASE IN VOLUME CAP ON PRIVATE ACTIVITY BONDS.

(a) In General.—The table contained in section 146(d)(2) (relating to per capita limit; aggregate limit) is amended to read as follows:

"Calendar Year	Per Capita Limit	Aggregate Limit
2001	$55.00	$165,000,000
2002	60.00	180,000,000
2003	65.00	195,000,000
2004, 2005, and 2006.	70.00	210,000,000
2007 and thereafter.	75.00	225,000,000.".

(b) Effective Date.—The amendment made by this section shall apply to calendar years beginning after 2000.

Subtitle C—Exclusion From Gross Income for Certain Forgiven Mortgage Obligations

SEC. 512. EXCLUSION FROM GROSS INCOME FOR CERTAIN FORGIVEN MORTGAGE OBLIGATIONS.

(a) In General.—Paragraph (1) of section 108(a) (relating to exclusion from gross income) is amended by striking "or" at the end of both subparagraphs (A) and (C), by striking the period at the end of subparagraph (D) and inserting ", or", and by inserting after subparagraph (D) the following new subparagraph:

"(E) in the case of an individual, the indebtedness discharged is qualified residential indebtedness.".

(b) Qualified Residential Indebtedness Shortfall.—Section 108 (relating to discharge of indebtedness) is amended by adding at the end the following new subsection:

"(h) Qualified Residential Indebtedness.—

"(1) Limitations.—The amount excluded under subparagraph (E) of subsection (a)(1) with respect to any qualified residential indebtedness shall not exceed the excess (if any) of—

"(A) the outstanding principal amount of such indebtedness (immediately before the discharge), over

"(B) the sum of—

"(i) the amount realized from the sale of the real property securing such indebtedness reduced by the cost of such sale, and

"(ii) the outstanding principal amount of any other indebtedness secured by such property.

"(2) Qualified Residential Indebtedness.—

"(A) In general.—The term 'qualified residential indebtedness' means indebtedness which—

"(i) was incurred or assumed by the taxpayer in connection with real property used as the principal residence (within the meaning of section 121) of the taxpayer and is secured by such real property,

"(ii) is incurred or assumed to acquire, construct, reconstruct, or substantially improve such real property, and

"(iii) with respect to which such taxpayer makes an election to have this paragraph apply.

"(B) Refinanced indebtedness.—Such term shall include indebtedness resulting from the refinancing of indebtedness under subparagraph (A)(ii), but only to the extent the amount of the indebtedness resulting from such refinancing does not exceed the amount of the refinanced indebtedness.

"(C) Exceptions.—Such term shall not include qualified farm indebtedness or qualified real property business indebtedness.".

(c) Conforming Amendments.—

(1) Paragraph (2) of section 108(a) is amended—

(A) in subparagraph (A) by striking "and (D)" and inserting "(D), and (E)", and

(B) by amending subparagraph (B) to read as follows:

"(B) Insolvency exclusion takes precedence over qualified farm exclusion; qualified real property business exclusion; and qualified residential shortfall exclusion.—Subparagraphs (C), (D), and (E) of paragraph (1) shall not apply to a discharge to the extent the taxpayer is insolvent.".

(2) Paragraph (1) of section 108(b) is amended by striking "or (C)" and inserting "(C), or (E)".

(3) Subsection (c) of section 121 of such Code is amended by adding at the end the following new paragraph:

"(4) Special rule relating to discharge of indebtedness.—The amount of gain which (but for this paragraph) would be excluded from gross income under subsection (a) with respect to a principal residence shall be reduced by the amount excluded from gross income under section 108(a)(1)(E) with respect to such residence.".

(d) Effective Date.—The amendments made by this section shall apply to discharges after December 31, 2000.

The SPEAKER pro tempore. The gentleman from Texas (Mr. ARCHER) and the gentleman from New York (Mr. RANGEL) each will control 1 hour.

The Chair recognizes the gentleman from Texas (Mr. ARCHER).

GENERAL LEAVE

Mr. ARCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill, H.R. 3081.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

□ 1530

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today will be another day of accomplishment for the American people because today Congress will once again do the right thing and pass a plan to help make health care more affordable and accessible for hard-working, middle-income, self-employed Americans. We will also strengthen our pension system for millions of Americans and make it better for working women and people who switch jobs so often and in that way all Americans can be more secure in their retirement.

Mr. Speaker, I am proud that Congress is here today once again pushing to remove the gruesome death tax penalty from the Tax Code and to send it one step closer to the grave. Clearly, the death tax is one of the most unfair taxes in the Tax Code today. It is terribly complex and, what is worse, at a time when the only economic cloud on our horizon is our negative private savings rate, the death tax is a dollar for dollar tax on the personal savings of Americans. That is wrong.

Furthermore, it often prevents families from being able to see their small businesses go down to their heirs and forced to be sold in order to pay the tax. No one should have to visit the undertaker and the IRS on the same day.

Today the House considers the Small Business Tax Fairness Act to help the diesel engine of our economy and the job creation factory of our country. That factory is America's small businesses. More than 6 out of every 10 American workers is employed by a small business. Small businesses have created two-thirds of the new jobs since 1970, and small businesses account for close to 40 percent of the GNP.

American women are starting new businesses at twice the rate of men. This year, in fact, will be the first year in our entire history where women will own more than half of all businesses, about 8 million across the Nation. The Small Business Tax Fairness Act is aimed to help those hard-working, middle-income Americans, the shopkeeper in South Carolina, the restaurant owner in California, and the small family in Ohio. These Americans are not rich. The average small business owner makes about $40,000 a year, and the average restaurant owner makes about $50,000 a year; but as we have heard already this morning, and it is really a shame, Democrats who want to divide our country are making the same old class warfare arguments that do nothing to help unite us; do nothing to help recognize the ladder of upward mobility for all Americans and that no one stays fixed in where they are today.

We should be expanding opportunity for all, not pitting one group of Americans against another. Is expanding the low-income housing tax credit a tax break for the rich? Is creating new renewal communities in America's most poverty stricken communities a tax break for the rich? Is helping self-employed Americans get health insurance at a tax break, is that helping the rich? Is strengthening our pension system a tax break for the rich?

All these provisions are included in this bill, but Democrats still cannot stop the tax cut for the rich broken record. Why can Democrats not leave the divisive class warfare rhetoric back in the 20th century where it belongs?

Once again, Democrats are fighting tax relief, any tax relief and all tax relief, whether it is for married couples or whether it is for small businesses.

Mr. Speaker, today Congress is once again doing the right thing. It was right to balance the budget and to pay down the debt, and we did that. It was right to strengthen Medicare, and we did that. It was right to cut taxes for families, promote higher education, expand health care, and we have done that. It was right to fix the failed welfare system so Americans can discover the freedom of independence and personal responsibility. It was right to reform the IRS, and we did that. It was right to help our school children and help parents and teachers with education reform. It was right to stop the raid on the Social Security trust fund and protect every dime of Social Security from being spent on other programs, and we have done that.

It is right to pass this plan today, a plan to help more Americans get health insurance, to give millions of Americans more retirement security, to help small businesses continue to create jobs and economic growth, and to put a nail in the coffin of one of the worst taxes in America today, the death tax.

Mr. Speaker, I urge the passage of this bill, and I would like to submit for the RECORD the following correspondence between Chairman GOODLING and myself:

Committee on Ways and Means,
Washington, DC, March 7, 2000.

Hon. William F. Goodling,
Chairman, Committee on Education and the Workforce, Rayburn House Office Building, Washington, DC.

Dear Chairman Goodling: I write to confirm our mutual understanding with respect to further consideration of H.R. 3801, the "Wage and Employment Growth Act." H.R. 3801 was favorable reported by the Committee on Ways and Means on November 11, 1999.

In addition to the tax items considered by the Committee on Ways and Means, H.R. 3081 contains a number of provisions within the jurisdiction of the Education and Workforce Committee. In addition to the amendments to the Fair Labor Standards Act in Title I, the bill also contains provisions in Title III relating to the Employee Retirement Income Security Act (ERISA) and other pension related matters, which were previously approved by your Committee and included in the conference report for H.R. 2488, the "Taxpayer Refund and Relief Act." You may recall that, in order to expedite consideration of H.R. 2488, you agreed to withhold the ERISA related items when the bill was considered on the floor pending subsequent action in conference.

Similarly, in order to expedite consideration of H.R. 3081, it is my understanding that you will agree to withhold consideration on the floor of the ERISA and pension related items within your Committee's jurisdiction at this time. This is being done based on the understanding that I will support efforts to include the agreed upon provisions in the final conference report on H.R. 3081, and that I will not object to a request for conferees with respect to matters within the jurisdiction of your Committee when a House-Senate conference is convened on this legislation.

Finally, I will include in the Record a copy of our exchange of letters on this matter during floor consideration. Thank you for your assistance and cooperation in this matter. With best personal regards,

Sincerely,

Bill Archer,
Chairman.

Committee on Education
and the Workforce,
Washington, DC, March 7, 2000.

Hon. Bill Archer,
Chairman, Committee on Ways and Means, Longworth HOB, Washington, DC.

Dear Chairman Archer: Thank you for your letter and for working with me regarding H.R. 3081, the Wage and Employment Growth Act. As you have correctly noted H.R. 3081 contains a number of provisions within the jurisdiction of the Committee on Education and the Workforce. I understand that in order to expedite consideration of the bill, all provisions within the sole jurisdiction of the Committee on Education and the Workforce will be deleted from the bill, including Title I, Amendments to the Fair Labor Standards Act; Section 377, a free standing provision dealing with the clarification of church plans under state insurance law; and all pension amendments to ERISA contained in Title III.

I appreciate your support and efforts to include the above referenced pension provisions in the final conference agreement on H.R. 3081. I also appreciate your support in my request to the Speaker for the appointment of conferees from my Committee with respect to matters within the jurisdiction of my Committee when a conference with the Senate is convened on this legislation.

Thank you for working with me to develop this legislation and for agreeing to include this exchange of letters in the Congressional Record during the House debate on H.R. 3081. I look forward to working with you on these issues in the future.

Sincerely,

Bill Goodling,
Chairman.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, when we are talking about justice, equity, and fair play, it is not right to call this a class war. While it is true that in the Republican tax bill, which basically came out of the Committee on Rules, that there are some democratic principles that we can support, the truth of the matter is one does not have to be an accountant or H&R Block or a tax lawyer to see that the $120 billion tax cut is not for the small business person. So take a look at it. Clearly, it is targeted for the wealthiest Americans that we have.

Now, it may not be bad to do that, but do not pile up on a bill that is just trying to give a dollar extra in terms of minimum wage. If these things want to be done, come out and let the Committee on Ways and Means have hearings, vote on it and bring it to the floor so that the floor can work its will.

What my colleagues are basically doing today is to say how can we kill the minimum wage bill. Now, the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules, he stood up in this well and he said he thought it was bad to superimpose congressional rule on employers, and I know a lot of my colleagues think that is true. So why not just take the minimum wage bill, leave the tax portion to the Committee on Ways and Means, and vote up or down on what is right on minimum wage. Or do it their way and say, hey, the President is inclined to support minimum wage; maybe politically we can vote for it and have the President to veto it.

Now, how can one get the President to veto it? Load it up with provisions of the tax bill that passed last year because he would veto it.

Now, it just seems to me that if my colleagues on the other side did not have the political courage to get a vote to override the President's veto, we should not do on legislation for minimum wage what the Committee on Ways and Means and what this House is not prepared to do with a straight shot.

Everything that the people want is going to be taken, whether it is the Patients' Bill of Rights, affordable drugs, and it is going to be said that my colleagues on the other side are for these things and then add on to it substantial tax cuts that is not for the working people but for those who really have the highest earnings and deserve the benefits the least.

If one takes a look at the alternative that we asked for, many of the things that are in their bill we have, but what we do is close the loopholes of Americans that after enjoying the benefits of the great prosperity that we have renounce their citizenship, renounce their country, renounce the American flag and flee off to foreign countries. For crying out loud, why would anyone be opposed to closing up that loophole? It is in our alternative.

We then will target the tax money, not $122 billion but $36 billion, to the small farmers, the small businesspeople, and this is what they want and this is what the President is willing to sign.

We have targeted relief for people that need and deserve it. So if what my colleagues on the other side are trying to say is that they are for an increase in the minimum wage but they want to help the small businessman, how do they explain that three-fourths of the bill, in terms of tax cuts, is not going to the small businessman, not going to the small farmer? Is this their way to kill a bill by having the President to veto it and then wait until their whole legislative process collapses and then we negotiate with the President?

We should not have to negotiate with any President. We should legislate, and we should also give the minority an opportunity to express its will.

What does that mean? Why would the rule deny us an opportunity just for an alternative, just to give Republicans and Democrats an opportunity to say that we have a better way to do it?

Well, we know one thing, that what is really trying to be done is to get that 800 pound billion dollar gorilla back up here to the tax floor in smaller pieces. It did not work last year. It was vetoed last year. An override for the veto last year was not run for, and an override this year is not being thought about to try for.

There are things that we should be working together on: Fixing up Social Security, Medicare, Patients' Bill of Rights, affordable drugs, education; not to do it as Democrats, not to do it as Republicans but to do it as Americans and as Members of Congress and working with the President. One does not have to like the President to work with him, but they cannot do it alone and the only time we can accomplish something is by cooperation, as the chairman and I did when we brought to the floor removing the penalty for people who want to work after 65. That is what is called cooperation. That is how bills are not vetoed, and that is how we can work again.

Mr. Speaker, I reserve the balance of my time.

Mr. ARCHER. Mr. Speaker, I yield 2½ minutes to the gentleman from Illinois (Mr. CRANE), the ranking Republican member of the Committee on Ways and Means.

Mr. CRANE. Mr. Speaker, I thank the chairman, the gentleman from Texas (Mr. ARCHER), for yielding me this time.

Mr. Speaker, we stand on this floor, representatives of a country that is basking in a time of great economic prosperity. The United States is at full employment and business is expanding with new jobs being created at a rate rarely experienced in anyone's lifetime. Today we have an opportunity to return money to Americans who work hard and, based on that work, pay too much in taxes.

While I wish it could be more, it is time to give a little back. I am particularly pleased with the death tax relief provisions and delighted that we continue our efforts to eradicate it. Whether it is the family farm or a more traditional business, the death tax is an assault upon the moral values of every family in this country that has had the wherewithal to create a business from nothing, persevere through the bad times and hope to leave it to their children.

Unfortunately, it is all too often that a family is forced to sell its business because the Federal Government has decreed that it is entitled to a disproportionate share of a family's business once the owner has died. In effect, Uncle Sam put a bounty on family-owned businesses. The old saying is that death and taxes are sure things, and years ago the Federal Government made certain that through the death tax the two are inextricably intertwined.

This bill gives us an opportunity to loosen just a little the stranglehold the Tax Code has on these families and their livelihoods.

I also want to convey my support for accelerating the 100 percent health insurance deduction for the self-employed. Being able to purchase health care insurance means that more children and men and women will have access to the best health care system in the world.

I was pleased we were able to include a reinstatement of the installment method of accounting for accrual basis taxpayers, which has been so detrimental to hundreds of thousands of businesses across the country, many of them in my home State of Illinois.

□ 1545

Mr. Speaker, I will continue my fight to drastically reform our tax system and reduce the tax burden our American families struggle with every day.

I urge my colleagues to vote in support of H.R. 3081, the Small Business Tax Fairness Act of 2000.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. LEVIN), a senior member of the Committee on Ways and Means.

Mr. LEVIN. Mr. Speaker, there has been a lot of talk on the Republican side about the "straight-talk express." This bill is the "double-talk express."

These are the facts: our Democratic bill does more, does more for small business than the Republican bill. The Republican bill does most for the very wealthy. As the gentleman from New York (Mr. RANGEL) eloquently stated, about three-quarters of the tax relief in this bill goes to the upper 1 percent, and this is called a small business bill. This is called a minimum wage bill.

Mr. Speaker, we are not fighting any tax relief; we are fighting for the right kind of tax relief. What the Republicans are doing here is using the minimum wage as a bargaining chip, and the very wealthy pick up most of the winnings.

The class warfare here, if there is any, is against the working poor. A Member of Congress earns in one month what a low-income family working hard earns in about a year. I do not demean the work of those of us in Congress, and we should not demean the work of those who are in low-income categories.

We passed a welfare reform bill here; and I voted for it, people moving from welfare to work. Tens of thousands of them who have moved from welfare to work under the present minimum wage cannot earn enough to get above the poverty line; cannot earn enough when they work hard 40 hours a week to get above the poverty line. What my colleagues are trying to do is to nickel and dime this bill and tie it to a bill that is going to be vetoed. Why pass a bill through here that the President says he is going to veto? What is the sense of doing that? This is the same old same old Republican majority.

Mr. Speaker, it is time to turn a new leaf in this House. The people who work hard for a living at a minimum wage deserve an increase. They are way behind in terms of real dollars where they were 15 years ago, even after the action of a couple of years ago. It is a disgrace to tie this bill to something else. Bring it up alone. Mr. Speaker, we know why they will not do it, because they know it will pass. Eventually, we are going to pass a bill here that addresses the needs of hard-working, low-income families, and not a bill that gives almost 75 percent to the most wealthy 1 percent in the United States of America.

Mr. ARCHER. Mr. Speaker, I yield 3 minutes to the gentlewoman from the State of Washington (Ms. DUNN), a respected Member of the Committee on Ways and Means.

Ms. DUNN. Mr. Speaker, I want to thank the gentleman from Texas (Mr. ARCHER) and all of the other people, Republicans and Democrats, who worked so hard and so fairly to put the provisions together that we will be voting on today. This bill provides essential relief that is a down payment toward the ultimate repeal of the devastating death tax.

The freedom to attain prosperity and to accumulate wealth is uniquely American; and when unfettered, it is a wonderful thing to behold. Yet, the current tax treatment of a person's life savings is so onerous that children are often forced to turn over more than half of their inheritance to the Federal Government, in cash, within 9 months of the death of the parent. We all know stories about the basic unfairness of this tax. It is just as wrong as it is tragic, and it dishonors the hard work of those who have passed on.

As a result, in the past, Congress has tried to provide targeted death tax relief to certain people. In 1997, a new death tax provision was enacted to provide additional relief to smaller family-held businesses and farms. Although it was a good idea at the time, this exemption has proven to be a boondoggle for attorneys who are hired by families trying to navigate their way through the 14-point eligibility test.

The Democrats now propose to increase this family-owned business exemption under the guise of relief. Well, it will not work. Many estate planners have told us that this exemption is so complex that fewer than 2 percent of businesses or farms even qualify. As much as we try, it is simply impossible to duplicate in law the complex family relationships that exist in the real world.

Democrats will also argue today that this tax only hits a select few. This argument is misleading because it only focuses on a portion of the debate: who pays the tax. What they do not tell us is that the mere existence of the tax forces businesses to spend an average of $67,000 per year in life insurance premiums and attorneys and accountant fees in order to prepare for the tax. The total cost of compliance in the private sector alone is about equal to the total dollars collected in this tax each year. In addition, their argument does not account for the number of businesses who sell before the owner dies in order to pay a lower capital gains tax.

The Chicago-based Vanguard, one of America's last remaining black-owned newspapers, was forced to sell last year because they could not pay the millions of dollars they owed in death tax. As a result, that community lost an important voice. This is typical of what happens when a family-owned enterprise cannot afford to pay the high after-death taxes.

That is also why the Black Chamber of Commerce, the Hispanic Chamber of Commerce, and the National Indian Business Council all support the repeal of the death tax. They argue that it takes 2 or 3 generations to gain an economic foothold in the community. To them, the death tax is an enemy.

Mr. Speaker, I urge every single one of my colleagues on the floor of this House to vote against the repeal of the unfair death tax that we can do away with in this bill.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. PHELPS).

Mr. PHELPS. Mr. Speaker, I rise in strong opposition today to the Republican tax cut package. I urge that all Members who support fair, affordable, small business tax relief to instead cosponsor the Democratic alternative which we should have been allowed to consider on the floor today.

Yesterday I testified before the Committee on Rules in favor of a rule that made in order both the wage and tax provisions of the Democratic alternative. This alternative, originally sponsored by the gentleman from Michigan (Mr. BONIOR), the gentleman from New York (Mr. RANGEL), the gentleman from Texas (Mr. SANDLIN), and myself included a two-step, one-dollar minimum wage increase and a $32 billion package of targeted small business tax relief. It had strong support in the House and across the country, and it merited an opportunity for debate in a clean up or down vote. Unfortunately, perhaps because they too were aware of our proposal's popularity, the committee recommended a closed rule on H.R. 3081.

This should not be a partisan issue. This is an issue of fairness and fiscal responsibility of making it easier for working men and women to provide for their families and making it easier for employers to help them do so. Members on both sides of the aisle deserve the chance to vote on a package of sensible, targeted tax provisions that are fully paid for and that serve the specific purpose of helping to offset the burdens that result from an increased minimum wage.

Instead, we have before us a sprawling, incredibly expensive tax cut bill which lavishes the vast majority of its benefits on the wealthiest one-third or 1 percent of taxpayers. In fact, the portion of the Republican bill which actually helps small businesses is less than the $32 billion provided by our substitute. Yet, the Republican bill carries a cost of $122 billion over 10 years. Unlike the Democratic package, which is fully offset, H.R. 3081 jeopardizes not only the future of Social Security and Medicare, but also our ability to give Americans the biggest tax break of all by paying down the national debt.

At the conclusion of this debate, a motion to recommit will be offered that will contain the Democratic tax statistic. I urge support of the Democratic alternative.

Mr. ARCHER. Mr. Speaker, I yield 2½ minutes to the gentleman from Florida (Mr. FOLEY), a respected member of the Committee on Ways and Means.

Mr. FOLEY. Mr. Speaker, let me thank the chairman of the committee for the excellent bill that is on the floor today, and let me urge the members of the minority to use a little caution when characterizing these bills.

First and foremost, I supported increasing minimum wage and will vote again that same way today. But let me also detail for my colleagues the fact that the process today in the bill we are debating are in fact sponsored largely by a number of prominent Democrats. Pension modernization that is coming within this bill is known as the Portman-Cardin bill; distressed communities, which does not sound like something that is for the rich in Palm Beach, known as Watts-Talent-Frost and 19 others. Low income housing, Johnson-Rangel, the ranking member of the committee, on a bill that I have sponsored with the gentleman from New Jersey (Mr. ANDREWS) for forgiving mortgage obligations, that is, forgiving debt for somebody who has gone bankrupt. We are trying to help those that need help rebuilding their lives.

Why do we debate this bill if it is going to be vetoed by the President? I heard that question asked by my colleague. We have to do that until the President finally gets it right. We did that three times with welfare reform and finally, finally the President signed the bill. Lo and behold, every Member running for Congress for reelection, Democrat or Republican, gets up and says, we have reformed welfare. Now they take credit for it because it is a good bill.

The other thing that bothers me in this process is many of the people that advocate putting another dollar burden on the average small business owner are those same people who have never actually worked outside this process in their life. They have not had a small business. I owned a restaurant. It was difficult to make ends meet, difficult to make payroll; and at times, I went without a paycheck because I had to pay my staff. Yes, I agree increasing the minimum wage will help, but I certainly do not find it a problem to at least assist the small businesses in making that increase in payroll costs softened at least by some important tax provisions.

Now, we can sit here and wrangle all day about a bad bill, a good bill, this bill, that bill. I have heard many Members of Congress today say, help the small people out, and I agree. People at minimum wage are seeing increased fuel costs. I am not hearing much being done by the Energy Department or the White House, other than to say, my God, gas prices are up. I think we need some help for people that are, in fact, paying for gas at the pump. But one thing we can do certainly today is help provide some incentives for small business.

Mr. Speaker, again, if people would look carefully at what is in this bill, they will not be taken in by the persuasive arguments of some on the other side that this is for the wealthy. That is an easy argument. They always come with that wealthy argument: it is for the rich; it is for the rich. Folks, look at the bill. Health insurance, pension modernization, distressed communities, low-income housing. These issues are not for the rich; these are for every American.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, Members may not recognize this fellow in the fedora standing in the shadows, but they ought to be aware of what he is doing. He is a caricature of America's leading tax shelter hustlers. This bill is his bill. By restricting amendments, by assuring that we cannot deal with the leading causes of injustice in our tax system today, Republicans have protected the tax shelter hustlers.

Only yesterday, the Secretary of the Treasury, Larry Summers, told the Senate Finance Committee that failure to address this issue of tax shelters "in a meaningful way puts the fairness and efficacy of our tax system at risk." He has also said that the most serious compliance problem we have in the American tax system today is the failure to deal with tax shelter hustlers. This bill in particular, like the Committee on Ways and Means, in general does absolutely nothing to stop the tax shelter hustlers that are robbing the Treasury of upwards of $10 billion a year.

Only this week we learned that the tax shelter problem has gotten so serious that one insurance company after another is moving to Bermuda. It is so bad that even some of the insurance companies that remain in this country are saying, our competitors are gaining an unfair advantage through their tax shelters.

□ 1600

It is wrong, and that is why the substitute that the gentleman from New York (Mr. RANGEL) has proposed incorporates a bill that I wrote concerning abusive tax shelters. It would do something about the most serious compliance problem with our tax system. The instant bill does absolutely nothing.

There is another problem that the gentleman from New York (Mr. RANGEL) addresses. As incredible as this tax shelter hustler problem is, there is even one greater problem. Some Americans have grown so prosperous that they can afford the arrogance of renouncing their citizenship and discovering one day that the Port Royal Golf Course in Bermuda is their hometown, that they have new citizenship. This expatriotism problem represents a multi-billion dollar scandal of people renouncing their citizenship for the sole purpose of dodging taxes.

Once again, like the fellow in the fedora, those who have so little patriotism, those scoundrels, who would renounce their American citizenship to evade their taxes, they are fully protected in this bill. But they are fully dealt with in the substitute of the gentleman from New York (Mr. RANGEL). Republicans are so fearful of dealing with these real tax problems in this country.

And who do Members think picks up the tax tab for the hustler in the fedora and the scoundrel, who renounces his American citizenship? Small business and individual taxpayer because who else is left to pick up the tab? So by dodging these serious problems of tax dodging our Republican colleagues are actually imposing more burden on the small businesses of America.

Mr. ARCHER. Mr. Speaker, I yield 2½ minutes to the respected gentlewoman from Connecticut (Mrs. JOHNSON), a member of the Committee on Ways and Means.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise in strong support of this legislation. Small business is the engine of our growing economy. It also creates more new jobs than all the big business put together. Yet, it finds it very difficult to pay higher wages for entry level jobs.

Today, between the various bills that we will pass, we will increase the minimum wage, but we will also cut costs for our small businesses so they will have the revenues to pay the higher wage without laying people off.

I am proud that the Republican approach very carefully and realistically focuses on job retention, as well as fair wages. I am also pleased that this bill has lots of things in it for working people, not just about wages, but in this bill we pass pension legislation that allows women over 50 to make catch-up contributions to pension plans. This means women who stay home and take care of their children, when they return to the work force, can make those catch-up contributions and retire with the level of security that, frankly, they need, and we in America need them to have.

It is also true that this bill allows portability, makes it much easier to carry your pension from one job to another without fear of loss. It also allows faster vesting.

This is terrific legislation for working people. It will enable small businesses to offer pension plans. It will give women a fair shake in the retirement security business. In addition, it will spread and encourage the building of affordable housing in our cities.

If there is one crisis that is looming that we are not talking about, it is the need for low-wage earners to have decent places to live and rent in our cities. This bill addresses that issue, as well.

It also cuts costs for small business in other ways, allowing them to expense the cost of equipment so they can hire more people and do better strengthening our economy and the fabric of our communities.

This is broad-based tax reform for small business. It helps working people, not only through wages, when it is coupled with the following bill, but through housing, pension reform, health care deductibility for premiums.

We need to think holistically about opportunity in America. That is what this tax bill does. Cutting taxes means we can save for our retirement. Cutting taxes strengthens our economy and helps our people.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. MCDERMOTT).

Mr. McDERMOTT. Mr. Speaker, Yogi Berra says, it is deja vu all over again, and here we are again. It is another month. We saw the February tax bill, and now we have the March tax bill. This one cuts $120 billion out of the tax base with no budget, no concern for Medicare, no concern for social security. We are simply giving it away again.

This one has an interesting twist to it, because it says, you small business guys, we are going to do something for you. We are going to raise the minimum wage for your workers, and that is going to be a cost to you. Now we have to give something to the small business people.

But let me tell the Members, it is premised on the idea that small business people must be stupid, that they cannot read tax law, because this bill is not designed for small business people. Two-thirds of the $120 billion in tax breaks goes for the estate tax. That affects the 2 percent richest people at the top of the society. That is why this graph is so illustrative. The Republican tax bill is all loaded on the end of the rich people.

The gentleman from New York (Mr. RANGEL) has put a bill forward that says, yes, we believe there ought to be some estate tax changes, but like this blue line, it ought to start way back with small people's estates and sort of be equal all the way. Not the Republicans, give it all to the rich. That is why we have a spike down here in accounts of $25 million and more. That is not for small business people.

We talk about what we are going to do for pension changes. Eighty-seven percent of the pension changes go to the 5 percent of the people at the top. It is, again, a bill skewed to the people at the top. That is in the face of not doing anything about Medicare, not doing anything about social security. Let us just shovel the money out the door.

Now, between the February bill and this bill, we have served up to the American people the belief that they are going to get $375 billion in taxes, a reduction. Now wait for the April bill and the May bill and the June bill. They will be right back where they were last year with a tax cut of over $792 billion, which the President vetoed.

If Members think that the President is not paying attention, and that if they send it to him one piece at a time he will not understand what they are doing, they are really kind of underestimating the intellect of the President. He can add. He can add the February bill to the March bill to the April bill to the May bill, and he is going to veto them all. This is a poison pill for a raise in the minimum wage. That is all it is designed to do.

Mr. ARCHER. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, the gentleman has an interesting chart. The fascinating thing about it is, though, that the people that he claims will get the benefit of the reduction in the death tax are dead. They do not get any benefit. They are gone. The real issue is, who are their heirs? How is it distributed?

But they do not want to talk about that. That is the reason why there is no official distribution table on the death tax, because it is not going to benefit the people who have died, it is the people who lose their jobs and it is the people who have the distribution.

Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. McCRERY), a respected member of the Committee on Ways and Means.

Mr. McCRERY. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, every time we bring a bill to the floor to cut taxes, the Democrats come up with the same old objection: "Oh, it is a tax cut for the rich." The way they define rich, I just want all those folks out in America who are middle class to know that they are actually rich, because they are among those defined to be rich by the Democrats. So keep that in mind.

Let me just enumerate a few provisions of this bill that are clearly not for the rich: a 100 percent health insurance deductibility for the self-employed. Those are not rich folks, those are folks that have started their own business and worked for years and years at those razor-thin margins to keep it going, and they do not get the same health care treatment as big corporations. This bill will do that.

Community renewal, tax breaks to build the inner city and rural areas to try to provide jobs in those areas. That is not for the rich. A low-income housing tax credit. We are going to increase the amount of money available for low-income housing in this country. That is not for the rich. There is pension reform, and 77 percent of people on pensions are middle class and lower-income workers, not rich.

Finally, if we want to talk about the estate tax, yes, if we count all the assets and the income of the folks who are affected by the death tax, we could think they are rich. The fact is that a great many of those folks, like farmers, like small business owners, are asset rich and cash poor. When they die, for their small business or their farm to keep alive, to keep going, we had better have death tax relief, or those small farms and small businesses are going to go away because their heirs are cash poor. They cannot afford to pay the tax, so they have to sell the farm or sell the business in order to pay the tax. That is not right.

This bill will get us just a little way down the road towards correcting the inequity in the Tax Code of America.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. TANNER), a member of the committee.

Mr. TANNER. Mr. Speaker, I thank the gentleman for yielding time to me. I want to thank the gentleman from New York (Mr. RANGEL) for the opportunity to say a few words.

Mr. Speaker, I am still, as a Blue Dog, mystified as to this procedure, this process. The majority party continues to bring bills to the floor when we do not have a budget. We owe $3.7 trillion in hard cash, and we are paying $240 billion year in interest alone. One-third of all of the individual and corporate taxes being collected on April 15 go to pay nothing but interest. Yet, we bring these tax measures to the floor.

If we pass this one, this body will have passed over $300 billion worth of tax cuts with no budget, not doing anything about the debt, nothing about social security, energy, nothing about Medicare, recruitment and retention in the military, readiness of the country. We need military modernization, we need a pay raise for the troops. The veterans, it will take $3 billion to help the veterans.

We do not have time for that, but we do have time for $300 billion worth of tax cuts over the next 10 years on money that is not even here. This money is projected. They have to be living in a cave not to understand that oil prices are rising, if Members do not understand that. That puts tremendous inflationary pressure on the system. This projection of a huge surplus could go away just as easily as it came about with rising oil prices, rising interest rates. That surplus that all of these tax cuts come out of may never get here.

Mr. Speaker, the other part I want to talk about is the estate tax. I do not like estate taxes. I am responsible for a bill to do away with them. But politics is the art of the possible. Here it is not, in this day, in this time, possible politically to do away with the estate tax.

What did the gentleman from New York (Mr. RANGEL) write? He wrote true estate tax relief for the small family farmer. Tim and Susan Lucky live in my district in Gibson County, Tennessee. They have a farm that is worth about $3 million. They do not have any money, but they have a farm worth about $3 million. Do Members know what they pay, under the bill of the gentleman from New York (Mr. RANGEL) in estate taxes? Nothing. Do Members know what they pay under the Republican plan in estate taxes? It would be $336,000. Tell me who is interested in estate tax relief for the family farmer and the small businessman.

This is a fact, under these bills that are mentioned. We did not get to offer the bill of the gentleman from New York (Mr. RANGEL). Do Members know why? Because it will pass.

So legislative malpractice in bringing tax bills to the floor without a budget is the same legislative malpractice in shutting out a bill like this.

Mr. ARCHER. Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. HERGER), another respected member of the Committee on Ways and Means.

Mr. HERGER. Mr. Speaker, small businesses are the backbone of our Nation's economy, creating jobs, economic growth, and innovation. The legislation before us today, the Small Business Tax Fairness Act, provides the tax reform necessary to ensure that small businesses will continue to prosper.

For example, this legislation will help the self-employed afford health care by providing full deductibility of health insurance premiums. It will help small businesses acquire the tools they need to compete by increasing the amount small businesses can expense.

This legislation also provides much needed assistance to families attempting to pass a business from one generation to the next by reducing the burdensome death tax.

□ 1615

Furthermore, this legislation will help Americans save for their retirement by modernizing pension laws.

Mr. Speaker, I am especially pleased that the legislation before us today includes a provision I authored, which will restore peace of mind to small business owners by allowing small businesses to once again make use of installment sales. This provision will correct an urgent situation whereby thousands of small business owners have seen the value of their businesses drop by 10 to 20 percent.

Enactment of the Installment Tax Correction Act aspect of this legislation will mean real relief and fairness for those who have spent a lifetime building a business only to see a change in tax law threaten their retirement.

I urge all my colleagues to support tax fairness by supporting this legislation.

Mr. RANGEL. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Florida (Mrs. THURMAN), a member of the Committee on Ways and Means.

Mrs. THURMAN. Mr. Speaker, I thank the gentleman from New York (Mr. RANGEL) for his work on this piece of legislation.

Mr. Speaker, today in America, there are about 203,000 women working full time for minimum wage. These women are working to support their families. These are not high school students working for extra spending money.

Raising the Federal minimum wage by $1 would give these mothers an extra $2,000 a year. That $2,000 would feed a family of four for 7 months.

Mr. Speaker, look around in these neighborhoods. These are the nursing aids who attend to our mothers and our fathers, the day care workers who care for our children, the clerks who help us at the grocery store. But do my colleagues know what? This raise is in jeopardy today because the Republican leadership has attached a risky tax scheme and doing little for small businesses of America. I support raising the minimum wage and providing tax cuts for small businesses, but not this way.

Today, this House is considering $122 billion tax scheme that, according to Citizens for Tax Justice, will give 73 percent of the tax cut to people who make $319,000 and higher, while doing little for working families and small business.

It is irresponsible for us, once again, to be bullied into voting for a tax bill that is not paid for, breaking our own rules in this House. If this economy should falter and this surplus is not real, then we are going to put it back on the children and back on the grandchildren. Do my colleagues know what? The ones that we are raising that we want them to have the opportunity to have a small business will not be there because they will have debt because we do not pay for it.

However, the gentleman from New York (Mr. RANGEL) and Members put together a Democratic substitute like the rules tell us to do, paid for, which should be considered here today. But guess what? We are not even going to be given the opportunity other than talk about it. We will not even get any votes on it.

It would have provided $32 billion in targeted tax cuts designed to help small businesses offset the cost of implementing the minimum wage. These targeted cuts include 100 percent deductibility for health insurance for self-employed, a permanent extension of the Work Opportunity Tax Credit, and Welfare to Work Tax Credit, and estate tax relief. The gentleman from Tennessee (Mr. TANNER) said it better than anybody.

The SPEAKER pro tempore (Mr. PEASE). Without objection, the gentleman from Ohio (Mr. PORTMAN) will control the time of the gentleman from Texas (Mr. ARCHER).

There was no objection.

Mr. PORTMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH. Mr. Speaker, I thank the gentleman from Ohio (Mr. PORTMAN), who has been one of our most vigorous advocates of pension reform, for yielding me this time. I am happy to see that this legislation has some of his work included.

Mr. Speaker, I rise in strong support of this legislation. This package provides much needed relief to small businesses that, combined with an increase in the minimum wage, is a win-win situation for workers and entry-level positions who are trying to work their way into the mainstream of our strong economy.

I have been a long-time supporter of raising the minimum wage, and this $1 increase that we have proposed is the equivalent of a 20 percent raise over 3 years. That sends a strong positive message to working seniors, first-time workers, and those striving to work their way out of the welfare system.

Combined with that minimum wage increase, this legislation provides much-needed tax relief that will assist small businesses and their workers. For example, it enhances the retirement security of all Americans by increasing pension portability, allowing workers over 50 to catch up on contributions and increasing the contribution and benefits limits in defined contribution and benefits plans.

It encourages job creation among small businesses through increasing the expense and write-off for equipment, an important pro-growth initiative.

This legislation also reforms a section of the code that punishes people by artificially lowering the value of their pension through caps.

It also creates tax incentives to lure investment back into some of our most depressed communities so that they can share in our economic prosperity. It expands incentive for the creation of affordable housing.

Notwithstanding all of that, we are hearing rhetoric on the other side of the aisle, as incredible as it may sound, that this is all tax cuts for the rich. In reality, we are simply helping all American workers partake of the current financial prosperity of our country.

I urge all of my colleagues to look beyond the rhetoric and to support this important fairness legislation.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Massachusetts (Mr. NEAL), a member of the Committee on Ways and Means.

Mr. NEAL of Massachusetts. Mr. Speaker, the Republican leadership in the House is finally dealing with the minimum wage issue. We are going to do something for millions of wage earners making $10,712 annually. I just cannot figure out what the long-term goal is, to kill a bill before it gets to the President? To get the President to veto it? Or simply to get this hot potato off of their hands?

The issue is not going to go away simply because a poison pill is added to the minimum wage increase in the form of a tax bill, a tax bill that has such little support today that the Republican leadership did not even dare to give the gentleman from New York (Mr. RANGEL) a substitute, because they knew that Democratic substitute, with the help of their own Members, would prevail.

I support a number of items in this proposal today, but not allowing the Democratic substitute has stifled debate in an irresponsible way here. Our bill was targeted and paid for and, most importantly, had the most votes.

The fact that it is not paid for today is crucial because this is just one of the several bills that will come to the House floor this year, all designed to have a dramatic revenue loss in the future, justified by questionable estimates about the budget situation, estimates that can change very quickly in any sign of a downturn. That is the context in which this debate takes place today.

Moreover, there are provisions in this bill before us that overreach, especially in the estate and pension areas and should be opposed on the merits.

In the pension area, the bill does contain a number of proposals that everyone supports. These proposals are in the administration's bill. These proposals are in my bill. They are in the Portman bill. They are in the Democratic Caucus bill. But there are also, in this bill today, many provisions lobbied extensively by the business community that are highly controversial; and that in the end is the problem.

Let me read from a quote that the administration has offered on this proposal. "H.R. 3832 contains pension provisions that would raise the maximum retirement plan contribution and compensation limits for business owners and executives. This would weaken the pension anti-discrimination and top-heavy protections for moderate- and lower-income workers. These provisions are regressive, would not significantly increase plan coverage or national savings, and could lead to cuts in retirement benefits for moderate- and lower-income workers while benefits for the highly paid executives are maintained or even increased."

I cannot support this proposal. As I have suggested in the past, and I will suggest again today, the proponents of pension legislation should meet with the administration, develop a consensus package on these items that might well be enacted this year, especially those items involving pension portability. That would clear away the underbrush, if I may use that word, and allow us to focus on the more serious differences between us.

I believe that all of us want to expand pension coverage for those who do not have it and want the current employer-based pension system to simply work better.

Mr. PORTMAN. Mr. Speaker, I yield myself 2½ minutes to respond to some of the comments that were just made and talk a little bit about this package.

First, I want to commend the gentleman from Texas (Chairman ARCHER) for putting this good tax relief package together.

We have to recall where we are. We are in the process of raising the minimum wage, and this is simply an attempt to try to cushion the impact of that minimum wage on job loss in this country, because all the studies show there will be an impact on the economy particularly among smaller businesses. So these proposals are focused on smaller businesses.

In the pension area in particular, the problem we have of a gap of people not having pensions is primarily among smaller businesses. There are about 70 million Americans today who do not have pension coverage. That is unacceptable. That has happened increasingly with the administration's position that I just heard announced about pension reform. It will continue to happen. It will continue to have fewer and fewer people getting pensions because the administration seems to be taking the position that any kind of pension reform that would at all incur, increase, and expand coverage for defined contribution plans and defined benefit plans somehow is going to help the rich too much.

Let me tell my colleagues about the limits that the gentleman from Massachusetts (Mr. NEAL) just talked about. He said the administration is opposed to raising the limits, the contribution limits and the benefit limits on pensions. Somehow this would be counterproductive. It would hurt low-wage workers.

Let me tell my colleagues what the limits are today. Today the limit is about $170,000 compensation limit under defined contribution plan and defined benefit plan. We propose raising it to $200,000 a year. In 1993, under a Democrat Congress, I might say, that limit was at $235,000. It was reduced over time, strictly as a revenue grab, in order to effect the deficit we lived in and had in this country.

If that $235,000 were adjusted to inflation today, it would be $290,000 limit. Now, tell me, if the Treasury Department opposes this pension provision because the limits are too high, why did a Democrat Congress have $235,000 limit that would now be almost $300,000?

We are talking about just raising it up to $200,000 because, yes, we believe that those 70 million Americans who do not have a pension now, particularly in small businesses, where only 19 percent of small businesses because of the costs and the burdens and the liabilities now have any coverage. We believe those small businesses ought to be able to offer a pension plan to their employees. We want every employee in America to have a pension plan. That is the purpose of this legislation.

It is focused on small business because that is where most of the problem is with regard to the pension coverage, but it is going to help every American be able to put more aside for retirement.

It also provides for portability and people to take a pension from job to job. Finally, it provides, yes, for some common sense regulatory relief so that the costs and burdens are reduced for those smaller businesses.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I join in this discussion because I want to raise the question of why we are using this time to try and talk about the need for tax cuts for the wealthy. This is all about increasing minimum wage. We are being sidetracked. We are being taken off course while the Republicans are attempting one more time to get their outrageous tax cuts into law by any means necessary.

Whether we are talking about the tax cuts that are being indicated in order, as they would say, to do minimum wage increase, or whether we are talking about the ongoing, continuing effort to just give more tax breaks to the rich, we find ourselves having to defend time and time again against trying to do more and more for the rich corporations and the richest Americans in this country.

Let us force this discussion on whether or not there is a need for an increase in the minimum wage for the poorest of the working people in this Nation at a time when everyone is touting how well we are doing in this economy, how well people are doing in Silicon Valley. There are 260,000 millionaires in Silicon Valley alone. My colleagues would dare say that we cannot have this modest increase in minimum wage until we do some more tax cuts for the rich. This is outrageous. We have had to fight our Republican friends every step of the way.

The alternative that we have designed would, of course, take care of some of those areas where we could do some targeted tax cuts. This is not the way to do it. I would ask my friends and my colleagues to resist this effort to give more tax cuts to the rich.

Mr. PORTMAN. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CALVERT).

☐ 1630

Mr. CALVERT. Mr. Speaker, I thank the gentleman for yielding me this time.

I am a former small business owner. I understand what overregulation does to small business. I understand what overtaxation does to small business. I understand what too much litigation does to a small business. I understand what happens when the Government increases the cost to stay in business. And I know that a lot of businesses do not stay in business.

A lot of small businesses are not in Silicon Valley; they are in our hometowns. They are our local dry cleaners, our local drive-thru restaurants, the local carryout. These are not big corporations. These are small mom and pop businesses. Matter of fact, two-thirds of the job creation in this country is by small businesses, and we need to help them. We need to help them stay in business because, without some of these minor changes in the Tax Code, they are not going to be around.

What is wrong with allowing small businesses an opportunity to deduct their health care expenses? What is wrong with some changes in the death tax, which everyone agrees is a disgrace? We should not have a death tax in this country, a tax of up to 55 percent of the value of one's estate, when they have paid taxes all of their lives.

Small business is important. And as one of the few people in the House that actually operated a small business, I would like to see it stay around, so I am hoping my colleagues will get together and vote on this and vote to support this Tax Relief Act.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. WYNN), who has committed his career to the protection of small business.

Mr. WYNN. Mr. Speaker, I thank the gentleman for yielding me this time.

I never cease to be amazed at how my Republican colleagues can take basically a good idea and turn it into a vehicle to give more tax relief to the very wealthy. It absolutely amazes me.

We do have a good idea here. We ought to help small businesses. Small businesses are the engine of America's economy. They create half of the jobs and contribute to half of the gross domestic product. So there are things we can do to help small business. On the other hand, however, when we look at this Republican proposal, we find it is not small businesses, not the mom and pop neighborhood restaurants and groceries; it is the real fat cats who get the lion's share of the benefits.

Let me talk about first what the Democrats want to do to help small business. First of all, we want to give 100 percent deductibility for health insurance. That is something small businesses want. We also want to increase small business deductions for investments in plants and equipment. We want to extend the work opportunity tax credit and the welfare-to-work tax credit. These are tax benefits that actually benefit small businesses and help them hire workers. We also want to address the estate tax issue, and we want to raise up to $4 million, the exemption, for estate taxes. So we are concerned about that issue. We want to give an increase in the meals deduction for small neighborhood restaurants, so they can benefit from that.

There is a package of things that we want to do, that I actually believe some Republicans want to do, that we ought to do. That package is reasonable, about $36 billion, and we can pay for it with the offsets in the Democratic proposal. Unfortunately, the Republicans would not allows us to bring this proposal to the floor.

Now, let us look at the Republican plan. It is bloated: $120 billion. And when we ask ourselves if small businesses are not benefiting from this, the question then becomes, who is? I can tell my colleagues who is: 73 percent of the benefit in the Republican plan goes to the richest 1 percent of Americans. These people are already doing very well in our current economy. They have stocks, they have bonds, they do not need this massive tax relief package.

On the other hand, our approach says let us help small business; let us save Social Security and Medicare by being fiscally prudent. I ask my colleagues to consider the Democratic alternative and reject the Republican approach.

Mr. PORTMAN. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. SWEENEY).

Mr. SWEENEY. Mr. Speaker, I am here to talk about a specific provision that is part of this bill, and I think it really points out the difference between what our philosophy is and what the other side believes in. It is the installment tax consumer credit that is part of this bill, repealed last year by the administration as a revenue enhancer.

What the administration prefers to do is force the hard-working American families, those in the small business community, to pay taxes even before they receive payment for the sale of their business. And it has real human impact.

For example, several months ago Dorothy and George Long arranged for the sale of their bed and breakfast in my district in Upstate New York. They had worked for over 30 years to build this business, and now they were looking forward to the sale of the business so they could retire. Unfortunately, they may have to reconsider those plans because they are, with the current structure, left with three very tough choices: take a loan out in order to pay for the capital gains tax immediately due, break their contract and face a lawsuit, or suffer the consequences of nonpayment of taxes.

Mr. Speaker, I think that it is very important that we pass this bill today because we have to ensure that small businesses remain healthy. And providing for these kinds of tax reductions in small business will do that.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Speaker, I thank the gentleman for yielding me this time.

The Republican proposal we have before us today, I believe, is shameful. The Republicans claim that small businesses need tax breaks to offset an increase in the minimum wage, and we Democrats have a proposal that would do just that. But what Republicans are not telling us is that they offer the wealthiest Americans a tax cut of $123 billion but fail to provide working families a decent wage. Under the Republican proposal, minimum wage workers would have to wait 3 years to receive a mere dollar increase in their wages.

Tell the woman working 40 hours a week, breaking her back pressing garments or cleaning hotel rooms, that she has to wait 3 years to get a dollar increase in her wage while the wealthiest Americans are getting a $123 billion tax cut.

Tell a father, laboring all day in the field or in a factory, facing the indignity of a poverty-level wage, that he has to wait 3 years to get a dollar increase in pay while the wealthy are getting a $123 billion tax cut.

Tell a single mom, who leaves her child in the care of strangers, with no idea about the quality of care they receive while she waits on tables, that she has to wait 3 years for a dollar increase in her wages while the wealthy are getting a $123 billion tax cut.

We Democrats are not willing to tell those people who get up every day, work hard, play by the rules and at the end of the week find themselves in such circumstances that they must wait.

Rather than proposing a timely increase in their wages, our Republican colleagues have opted to sacrifice these families in the name of tax cuts for the wealthy. This is a lose-lose scenario for minimum-wage workers.

First, the Republican proposal jeopardizes their ability to provide for their children and denies them basic health and retirement security, and then Republicans propose an excessive tax cut for the wealthy that will jeopardize Medicare and Social Security.

We must prevent this double jeopardy for working families.

The SPEAKER pro tempore (Mr. PEASE). Without objection, the gentleman from Illinois (Mr. WELLER) will control the time of the gentleman from Ohio (Mr. PORTMAN).

There was no objection.

Mr. WELLER. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, I rise in support of increasing the minimum wage by a dollar. I also rise in support of helping small business and low-wage workers save for their retirement. This is a good package of legislation, raising the minimum wage and helping small employers and little guys and gals who work.

We give 100 percent deductibility for the self-employed, to make health insurance more affordable and increase access to health care. We expand the low-income housing tax credit, a public-private partnership to help provide affordable housing for low-income working families. We increase the meal deduction, which helps truck drivers and traveling salesmen who have to travel for their work. And we also expand pension opportunities, which particularly benefit working women, and that is one of our goals.

But, my colleagues, I wanted to talk about one particular provision in this legislation, and it is legislation that works towards the goals of this Congress, to make our Tax Code more fair, particularly for working Americans. This is an issue that has been brought to my attention usually by a spouse of a construction worker, someone who has seen their spouse get up early in the morning for the last 30 years, go out and work, come home dead tired from back-breaking construction labor. These are folks who work hard, get callouses on their hands, get their hands dirty, but they work hard.

This legislation addresses a fairness issue for the building trades, dealing with the section 415 pension limitations. Those are limitations on multiemployer pension funds usually managed by a building trade union, like the operating engineers or the laborers or the electricians, even maritime unions. It is important legislation because what this legislation does is it gives those construction workers and those maritime workers the pension benefits they were promised and deserve. Currently we have limits in section 415 of the pension code that prevent them from getting what they were promised. In fact, no matter how many hours they work, no matter how many hours they put in each day, whether they have overtime and what is contributed, there is a cap. And, unfortunately, that cap is not fair.

And I want to thank the chairman of the Committee on Ways and Means, the gentleman from Texas (Mr. ARCHER), for including this important provision, which helps 10 million working Americans. When I think of the section 415 issue I think of the working couple that first brought it to my attention, Lori and Larry Kohr from Peru, Illinois. Larry's a retired laborer, and he recently told me, when he retired, that his benefit should have been just a little under $40,000 a year in pension benefits from his laborer's pension fund, or about $3,300 a month. But he was shocked to learn that once he retired he only got about half of it because of that 415 pension limitation.

My colleagues, this is a fairness issue. These individuals have worked hard. For people like Lori and Larry Kohr, where Larry Kohr should be getting about $3,300 a month, Larry Kohr, like 10 million other construction workers, is seeing only about half what he should get. This Republican Congress is working to bring fairness so that these kind of construction workers, as well as maritime workers, get their full pension benefits. Right now they only get about half. We want to give them the full amount.

That is the goal of this legislation. That is why I urge my colleagues to support H.R. 3081, to fix the 415 pension limitations, to help couples like Lori and Larry Kohr of Peru, Illinois, to make our Tax Code more fair. Let us vote "aye" to help the self-employed make health insurance more affordable, with 100 percent deductibility; let us help the poor find affordable housing by expanding the low-income housing tax credit; and let us expand pension opportunities, particularly to help working women; and let us help those traveling salespeople and truck drivers who are forced to be on the road to work; and let us lift that 415 pension cap.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Mr. Speaker, I realize that not all of our colleagues are on the floor at the moment, but for those who are paying attention to this discussion here today, how is it possible for us to make any progress in this at all if we are going to sit here and talk about let us help. The gentleman who spoke previously knows perfectly well that the 415 provision he is talking about is in both bills.

This is not a Republican issue or a Democratic issue, and it has been made that way. If those of us who are genuinely interested in the minimum wage, and in tax breaks for businesses that deserve it with respect to the minimum wage, had been allowed to carry on our negotiations, Republicans and Democrats alike, we would have that legislation on this floor and we would not have this agonizing session that we are having today. The reason that we are not here today on a bill that Republicans and Democrats can get together on is because the Republican leadership has said they do not want that to happen.

How can we turn the poorest of the poor into an issue that we then utilize to try to hurt them because we think it is going to benefit us somehow? I appeal to my Republican colleagues and to those Democrats who may be concerned about it in terms of small business implications. We have crafted a bill which is essentially the Republican-Democratic compromise that we wanted in the first place. It is not our fault; it is not the fault of the gentleman from New York (Mr. RANGEL) that that is appearing as "the Democratic substitute."

I wish it would say just the substitute on this issue, because Republicans and Democrats can support it and take credit. The Democrats will say, hey, yes, we were for the minimum wage; but we were not hurting small business. We are actually benefiting small business with targeted tax credits for small business. That was not something I dreamed up as a Democrat. There is no such thing as a business meal entertainment deduction for Republicans and a spousal travel deduction for Democrats. It helps everybody connected with the travel industry, with the tourism industry, for those who want to take people off welfare and put them to work. That is Republicans and Democrats.

My plea to my colleagues, Mr. Speaker, is to pass the so-called Democratic substitute because it is really the congressional substitute, to see to it that small businesses and those directly affected by the minimum wage will have the benefit of it. Please take this off the ideological lines. Mr. Bush and Mr. Gore are going to beat each other up for 7 months and 27 days after today.

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The poor people in this country who deserve the tax break, the small business people who deserve the benefit of the minimum wage combination of tax incentives and a minimum wage raise will be the beneficiaries and we can all take credit.

My bottom line plea to you, Mr. Speaker, and to my colleagues, Republicans and Democrats alike, let us put this together, a minimum wage increase and a small business tax incentive that makes some sense, that blends together. We can all claim credit for it. We can all come out of this institution today feeling that we have accomplished something not as Democrats or Republicans but as Americans who are concerned about other Americans.

The SPEAKER pro tempore (Mr. PEASE). Without objection, the gentleman from Ohio (Mr. PORTMAN) will reclaim control of his time.

There was no objection.

Mr. PORTMAN. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I certainly agree with my colleague the gentleman from Hawaii (Mr. ABERCROMBIE) that we need to work together on these proposals. I would just suggest to him that many of the proposals that he talked about, the 415 changes from multi-employer plans that are so important to unions, the health care insurance for those who are self-employed, the provisions in here for community renewal; I certainly think should be bipartisan. The pension provisions have been bipartisan from the start. We have 80 Democrat cosponsors and 80 Republican cosponsors. I think this is sort of America's bill. There are people who think the Democrat bill does not do that.

The Small Business Survival Committee has written us a letter saying that the Democrat alternative is a de facto tax increase on small businesses. We can talk more about that later.

Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Speaker, I rise for the purpose of entering into a colloquy with my friend the gentleman from Ohio (Mr. PORTMAN).

Mr. Speaker, I am grateful for the hard work my colleagues on the Committee on Ways and Means have done in putting together a strong package of tax relief for America's small businesses.

Unfortunately, I have been contacted by constituents concerned about potential interpretations of sections 235, 241 and 281 of H.R. 3081. They fear these could negatively affect pension benefits.

I have written the distinguished gentleman from Texas (Mr. ARCHER) and the distinguished gentleman from Ohio (Mr. BOEHNER) detailing these concerns, which I will insert into the RECORD.

Over the past months, I appreciate the time the gentleman from Ohio and all the members of the committee concerned with pension issues have spent as we have worked to ensure that these concerns are properly addressed.

Mr. Speaker, I would like to get assurances from the gentleman from Ohio (Mr. PORTMAN) that these sections that I have mentioned are not intended to harm participants.

It is my understanding that these provisions are not intended to be interpreted in such a way as to reduce pension benefits, discourage companies from increasing pension benefits, or allow for violations of the Tax Code.

So I ask my friend from the State of Ohio (Mr. PORTMAN) is my understanding correct?

Mr. PORTMAN. Mr. Speaker, will the gentlewoman yield?

Mrs. KELLY. I yield to the gentleman from Ohio.

Mr. PORTMAN. Mr. Speaker, I thank the gentlewoman from New York (Mrs. KELLY) for yielding.

Mr. Speaker, I would say absolutely that her understanding is correct. In fact, just the opposite is intended by these provisions and will be the effect of these provisions, which is to say that they will expand pension coverage for American workers.

Mrs. KELLY. Mr. Speaker, reclaiming my time, I thank the gentleman very much for his comments. I really appreciate his assurances and his continuing efforts on this legislation.

With these efforts, we can assure concerned individuals that pensions are enhanced and protected by this legislation. We have the opportunity to level the playing field for small businesses today with this legislation that provides, among other things, millions of entrepreneurs with 100-percent health insurance deductibility next year and increases the business meal deduction to 60 percent.

Most importantly, the bill repeals the unfair installment sales tax that has already impacted small businesses by drastically reducing their value and blocking their sale.

I look forward to voting in favor of this important legislation today, and I urge all of my colleagues to join me in strong support.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my friend, the gentleman from Ohio (Mr. PORTMAN) just got finished talking about the degree of bipartisanship that went into this bill; and if he is talking about his willingness to work with Democrats in order to reach bipartisanship, nobody in this House works harder than he does in order to accomplish that end.

But my friend knows that, as relates to this particular bill, that his colleagues on the other side of the aisle put tax cuts on top of tax cuts on top of tax cuts until they were convinced that the President of the United States would veto this bill.

This has nothing to do with the degree of cooperation that the gentleman from Ohio (Mr. PORTMAN) has given to us in the Committee on Ways and Means over the years. But that small bit of bipartisanship that is displayed in this bill is overwhelmingly knocked out by the degree of partisanship to make this bill be vetoed.

I look forward to the day that we will not be talking about one part of a bill but that we will be talking about an entire bill as we work together, Republicans and Democrats, not for our parties but for our Congress and for our country.

Mr. Speaker, I yield 2 minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, we need to reject this Republican tax plan. Despite its title, this is no small business tax cut. Moreover, this proposal would cut taxes before we even have the outlines of a budget resolution.

In reality with this bill, the top one percent of taxpayers will get an average tax cut of $6,000 and the top one percent of taxpayers of those earning over $319,000 a year. The lower 60 percent get an average of $4 each, $4, not even enough to buy a movie ticket. For 60 percent of the public, this is no tax cut at all.

Now, we are used to seeing Republican tax plans that favor the wealthy, but this one has to set a record. Seventy-three percent of the benefits go to the wealthiest one percent in this country.

Moreover, this bill is premature. We have not passed a budget resolution, but the Republicans are coming in with yet another huge tax cut. We have done nothing in this House to secure the solvency of Social Security, nothing to protect the future of Medicare, nothing to provide prescription drug coverage for seniors, and nothing to pay down the national debt.

This bill jeopardizes our ability to achieve any of these goals. We should reject this misleading, irresponsible Republican tax plan. And I have to say, simple fairness would require that we be given a chance to vote on the Rangel alternative Democratic plan, which was a real small business tax cut and which would not disrupt our ability to achieve other important national priorities.

Mr. PORTMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Speaker, as chairman of the Subcommittee on Tax, Finance and Exports of the Small Business Committee, this bill is the bare minimum we should do to help small businesses prosper. We must remember that our economy thrives and unemployment is low primarily because of small businesses.

I want to commend the gentleman from Texas (Chairman ARCHER) for quickly resolving the installment sales issue. Without this reform, thousands of small business owners will have seen their lifetime of investment and hard work erode all because the Federal Government wants to collect taxes early.

This legislation also addresses many of the unresolved priorities still left over from the 1995 White House Conference on Small Business. The number two issue at that conference was full deduction of meals expense. This bill increases the meals deduction to 60 percent. More importantly, it provides relief for our truckers by allowing them to deduct 80 percent of their meals expense.

The number four issue at the conference was estate, or death tax, relief. This bill provides meaningful death tax reform. This will help small businesses pass their businesses on to the children.

The number five issue for the conference was health care reform. This bill provides immediate 100 percent deductibility of health insurance for the self-employed.

Finally, the number seven issue at the White House Conference on Small Business was pension reform. The bill contains many of the bipartisan reforms championed by the gentleman from Ohio (Mr. PORTMAN) and the gentleman from Maryland (Mr. CARDIN). The legislation is another in a series of tax relief bills by the Republicans.

Contrast this to the President's budget, where he proposes 106 separate tax increases totaling $181 billion. I will not support the increase of the minimum wage, which is tampering with the free enterprise system. But to offset that, Mr. Speaker, let us help the small businesses by having a very modest tax cut.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the ranking member for his kindness.

Mr. Speaker, I hope that my staff accepts my apology for discarding the comments that have been prepared for me and allow me to speak from the heart. Though, when we begin to speak about tax issues, one would think that our focus should be basically on the analytical numbers. But this is an issue of the heart.

My hometown newspaper accounts for what we do up here every week and gives a recording of how we voted. Sometimes they do an excellent job, many times, but I take issue sometimes because they do not account for some of the very good legislative initiatives that are in fact alternatives or substitutes.

Today I rise to support the substitute for the minimum wage, because it is from the heart that I speak. Today I also rise to support the Democratic alternative to give small businesses a real tax cut. And the reason, Mr. Speaker, is because Americans want us to do business here. They do not want us to make political havoc.

Believe it or not, the Republican legislation does nothing to help small businesses with respect to tax cuts because it does not help the lowest of those at 2.5 million, but really this tax cut is for those whose net is $30 million.

I support tax cuts for small businesses, and I go on record today supporting the alternative that the Democrats have offered that will provide estate tax relief for family farms and small businesses, give small businesses a greater tax increase. And, yes, I support the alternative for an increase in the minimum wage, Mr. Speaker. Because I asked a sixth grader today whether $5 was any money. It is not. And that is what the minimum wage is right now, $5.15.

The Democratic alternative will give us 50 cents for 2 years, which means a dollar to $6.15. Can we do any less for a women who works, has four children, and has a disabled husband?

Today I speak to the heart. Let us not play to the politics of this. Let us vote for real tax relief for small business and let us provide those with an income who need minimum wage.

I would say, Mr. Speaker, let us not support bills that will be vetoed by the President of the United States.

Mr. PORTMAN. Mr. Speaker, I yield 3½ minutes to the gentleman from Arizona (Mr. HAYWORTH) a member of the Committee on Ways and Means.

Mr. HAYWORTH. Mr. Speaker, I thank my colleague from Ohio for yielding me the time.

Mr. Speaker, let us speak from the heart. Let us engage in this debate. With the American people watching, Mr. Speaker, let us take a look at who benefits from tax reductions.

It is sad to hear my friends on the left reminiscent of that scene in motion pictures. "No tax relief, not for nobody, not for no how, not for no reason" seems to be the canard of the day.

Who do they think is helped by reducing the death tax? It is the family farmer. It is the small business person in rural communities throughout Arizona and throughout America. Because time after time we have seen it.

Gene Stenson, for example. His dad founded a railroad track manufacturing company down in Florida in 1967. But after his dad's death in 1976, the Stensons had to shut down a facility not in Florida but in North Carolina, laying off two-thirds of their 110 employees to pay the death tax.

Is that compassion? Is that a tax cut only for the wealthy? No. It exposes the canard of the left and their philosophy that was bent on bankrupting this country with deficit budget after deficit budget. Now that we are putting our House in order for Main Street and Wall Street, Mr. Speaker, we want to put it in order for every street.

Is it not compassionate to offer 100 percent health insurance deductibility for the self-employed? Of course it is compassionate. Again, we heard from my friend the gentleman from Maine (Mr. ALLEN) just a few minutes ago, saying, oh, listen, we need to get to work on these vital issues.

I hear from my friends on the left how important it is to have health insurance coverage. This is a major step forward. Time and again I hear from my constituents, why can we not enjoy what major corporations enjoy, 100 percent deductibility of health insurance?

This tax relief is offered. The community renewal portion of this tax relief legislation is something that is bipartisan in nature. It helps America's most low-income areas. Family development accounts help the working poor save for lifetime needs. The working poor, the family with two children earning just a little bit over $12,000. Nineteen million Americans qualified for the EIC in 1999, low-income housing tax credit.

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Pension reform that my colleague from Ohio has worked on, that the ranking member talked about being so important in a bipartisan fashion, the portability to take your benefits in your personal retirement and move them from job to job.

Mr. Speaker, we have a fundamental choice here. We can embrace the canards and the class warfare of the left to have issues to squabble about in the campaign, or we can embrace common sense tax relief, pension reform, health insurance deductibility for all Americans. That is the true measure of compassion, not the subjugation to the lowest rung of the economic ladder but the empowerment of all Americans. That is what we will do with this legislation.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

The senior Senator from Arizona would be proud of the gentleman that represents the 6th Congressional District of Arizona as related to 100 percent deductibility of health insurance because that is in the Democratic bill and in the Republican bill and so many other things he speaks well of; but he would be sorely disappointed that you would just ignore the needs for Social Security and Medicare as you go on and take 75 percent of that amount, of the $122 billion tax bill, and make certain that those who are the wealthiest benefit most. You did a fantastic job up until Tuesday, and I hate to see you losing those principles now.

Mr. Speaker, I yield 2 minutes to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong opposition to this Republican legislation and to all the proposals that the Republican Party is offering today. In fact, what they are offering is not only absurd but it is an insult to American working people. They are proposing a paltry increase in the minimum wage of $1 over 3 years, and at the same time they are proposing a huge tax break for the richest people in this country.

Millions of low-wage workers are working 40 or 50 hours a week struggling to keep their heads above water. In terms of the purchasing power of the minimum wage, it is lower today than it was 20 years ago. And in hearing this cry of working people, the Republicans are proposing a 33-cent-an-hour increase in the minimum wage. But at the same time they are proposing a gigantic tax break for the people who do not need it, the people who are making over $300,000 a year. And 75 percent of their tax proposal goes to those people.

To add insult to injury, in my State of Vermont where the legislature had the decency to raise the minimum wage to at least $5.75 an hour, the Republican proposal will mean nothing for the next 2 years. And Vermont is not alone. Many other States have moved to raise the minimum wage. So right now, at a time when this country has the greatest gap between the rich and the poor of any industrialized nation, where we have the richest 1 percent owning more wealth than the bottom 95 percent, where we have millions of workers working longer hours for lower wages than was the case 20 years ago, what the Republicans are saying is, that is not bad enough, let us make it worse.

Let us reject this proposal.

Mr. Speaker, I rise in strong opposition to H.R. 3832. This bill is being touted as a package of tax provisions designed to offset the impacts of an increase in the minimum wage on small business. Yet some of the pension provisions included in the bill don't have a single thing to do with small business tax relief and are simply new tax breaks that mostly accrue to the wealthiest Americans.

The pension provisions in this legislation will not increase pension coverage for millions of Americans that currently lack it, and may even reduce coverage for lower and middle-income employees according to the Center on Budget and Policy Priorities.

According to the non-partisan Institute for Taxation and Economic Policy:

The 20 percent of individuals with the highest incomes would receive 96.5 percent of the new pension tax breaks.

By contrast, the bottom 60 percent of the population would receive less than one percent of the benefits of the new pension provisions.

Last November, Treasury Secretary Summers and Labor Secretary Herman, criticized these pension provisions, saying that they "could lead to reductions in retirement benefits for moderate and lower-income workers."

Mr. Speaker, if the Congress is really concerned about protecting the pensions of American workers it should quickly address the cash balance pension rip off scheme being implemented by hundreds of large corporations all over this country. In fact if this Congress is really concerned about protecting the pensions of American workers it should pass H.R. 2902, the Pension Benefits Preservation and Protection Act, legislation that I authored and that now has a total of 80 co-sponsors.

Mr. Speaker, all across this country, American workers are deeply concerned about the status of their pension plans. That concern is well founded. Since 1985, despite large profits and growing surpluses in their pension funds, twenty percent of Fortune 500 companies and over 300 companies in all have slashed the retirement benefits that they promised their employees. Many more companies are contemplating similar action. Not only is this trend outrageous, it is also illegal under current law. Cash balance schemes violate age discrimination laws because they cut the accrual rate of pension benefits as a worker gets older. Workers should not have their pension benefits reduced just because of their age.

Frankly, it is simply unacceptable that during a time of record breaking corporate profits, huge pension fund surpluses, massive compensation for CEOs (including very generous retirement benefits), that corporate America renege on the commitments that they have made to workers by slashing their pensions.

Just last month I authored comments to the Internal Revenue Service stating that these cash balance schemes violate the pension age discrimination laws. 59 other Members of Congress joined me in signing on to these IRS comments. These comments detail how corporations are stealing the benefits of their most loyal and experienced workers.

Consider this: if a company reduced pension benefits based on race, or religion, or gender, the federal government would be sure to take appropriate action against the company. But, when it comes to enforcing the pension age discrimination laws, the federal government has clearly been asleep at the wheel. Fortunately, some of us in Congress are beginning to wake them up.

Corporations currently receive over $80 billion a year in federal government subsidies through the tax code. American taxpayers have a right to expect that corporations who take advantage of this special tax treatment will not blatantly violate the law.

Yet, hundreds of corporations throughout the country from IBM to AT&T are doing just that by converting their traditional defined benefit pension plans to these cash balance schemes.

Cash balance schemes are nothing but a replay of the corporate pension raids we experienced during the 1980's. While these companies claim that they are converting to cash balance plans to attract younger workers into their workforce, the fact of the matter is that cash balance plans are intentional attempts to slash the pension benefits of older workers.

The reason why large corporations are targeting their older workers' pensions is easy to understand. Millions and millions of Americans in the so-called "baby boom" generation are rapidly approaching retirement age. Companies that reduce the pensions of older workers will thus realize tremendous cost savings when these people retire.

Companies claim that they are converting to cash balance schemes to attract a younger, more mobile workforce. But, worker mobility is not the rationale for converting to a cash balance plan, money is. As 11,000 people a day turn 50, which cash balance promoter Watson Wyatt claims will turn us into a "Nation of Floridas," employers are looking for any way possible to reduce older workers' promised benefits. This is outrageous.

But, what is even more outrageous is that they are not being honest to the employees whose pensions they are slashing. As Joseph Edmunds stated at a 1987 Conference of Consulting Actuaries, "It is easy to install a cash balance plan in place of a traditional defined benefit plan and cover up cutbacks in future benefits."

Despite the protestations of cash balance promoters, cash balance schemes are implemented to unlawfully cut the benefits of older employees and to disguise those cuts by implementing a plan that makes it virtually impossible for employees to make an "apples to apples" comparison of their benefits under the old and new plans.

Not only does the federal government need to enforce the laws that are on the books, Congress also must pass meaningful pension protections right now. That is why I introduced H.R. 2902. This legislation would primarily do three things:

First, it would send a directive to the Secretary of Treasury to enforce the laws that are already on the books;

Second, it would provide a safe harbor making cash balance plans legal only if employees are given the choice to remain in their old pension plan with detailed disclosure; and

Third, it would provide a major disincentive for companies to slash the future pension benefits of employees.

Mr. Speaker, H.R. 2902 would provide meaningful pension protection to millions of Americans, unlike the current bill being considered right now. My legislation is being supported by the Pension Rights Center, the National Council of Senior Citizens, the Communications Workers of America, the IBM Employees Benefits Action Coalition, and several other groups. I urge my colleagues to defeat H.R. 3832, and work with me to pass real pension protection.

I include my letter to the IRS signed by 50 other Members, as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC.

DEPARTMENT OF THE TREASURY,
Internal Revenue Service, Ben Franklin Station, Washington, DC.

Attn: CC:DOM:CORP:R (Cash Balance Plans and Conversions).

We, the undersigned Members of Congress, are pleased to respond to your request for comments on cash balance pension plans. (64 Fed. Reg. 56578.)

INTRODUCTION

We commend the Internal Revenue Service and Department of Treasury for the decision to further evaluate your position on the conversion of traditional defined benefit pension plans to so-called "cash balance" pension plans, and for soliciting public comments on this matter. Although such conversions have been occurring for many years, increased understanding of these conversions has raised serious questions, particularly whether they violate federal anti-age discrimination statutes.[1]

Prior to the recent, and growing, scrutiny of cash balance conversions by employees, Members of Congress, and some actuaries, the complexity of these plans have made it understandably difficult for the cognizant federal agencies to fairly evaluate the age discriminatory effect of these plans. In this instance, the problem has been exacerbated by what—in the most generous terms—can be described as an almost complete lack of candor on the part of many proponents of cash balance conversions in communications with their employees and the media.[2]

Numerous respected national journals have played a critical role in bringing to light not only the age discriminatory impact of these conversions but also the clear age discriminatory intent of at least some cash balance backers. Given the large volume of new information and concern about cash balance plan conversions, we urge the Department of Treasury, IRS, and all other cognizant federal agencies to thoroughly reexamine the existing legal requirements for defined benefit pension plans and the extent to which cash balance conversions fail to comply therewith. Workers and members of Congress do not have access to the full documentation related to these conversions on an individualized basis, making it critical that the key government oversight agencies use their access to plan documents to fully examine and understand the nature and effect of these conversions. We urge all of the involved agencies to act quickly within their respective regulatory authority to remedy the significant legal irregularities that appear to permeate these conversions, and if it is concluded that the agencies do not have sufficient authority, to propose legislation to Congress to address any outstanding legal issues.

The comments that follow address the following topics:

(1) Cash balance conversions are often intentional attempts to cut the pension benefits of older employees and increase the operating income of employers.

(2) Cash balance plans are defined benefit plans, not defined contribution plans.

(3) Cash balance plans fail to meet the requirements for defined benefit plans and violate federal anti-age discrimination statutes.

(4) The "wear-away" feature of many cash balance conversions violate federal anti-age discrimination statutes.

(5) Cash balance conversions should therefore be disqualified under existing law.

(6) A safe harbor should be established allowing cash balance plans to meet existing legal requirements only if all employees are allowed to choose which pension plan works best for them with detailed disclosure.

Throughout your consideration of cash balance conversions, we ask the IRS and the Department of the Treasury to bear in mind, that while the United States has a "voluntary" pension system, that system is, and should be, subject to rigorous statutory and regulatory oversight. This voluntary pension system receives over $80 billion a year in federal government subsidies through, inter alia, the tax code. It will always be the case that corporations will favor public subsidies without any governmental oversight. However, the taxpayers have a right to expect that corporations who take advantage of this special tax treatment will adhere to requirements of the law, including federal age discrimination statutes. Given the substantial sums of money in corporate pension plans, experience has repeatedly shown that, without governmental vigilance, corporations will attempt to manipulate their pension plans at the expense of their employees. Cash balance conversions are just the latest vehicle to accomplish that goal. In this case, federal age discrimination statutes provide the IRS and other federal agencies with the means to stop these schemes, which are intentional efforts to wring savings from the pensions of older employers.

(1) Cash balance conversions are often intentional attempts to cut the pension benefits of older employees and increase the operating income of employers.

Cash balance plans are a relatively recent innovation. The first cash balance plan was implemented in 1984, according to the consulting firm Watson Wyatt Worldwide.[3] Almost universally, companies implementing a cash balance plan are converting from some other type of defined benefit plan.[4] To date, 22% of the Fortune 100 companies have converted to some sort of hybrid pension plan, over 70% of which are cash balance plans.[5] It is estimated that 20% of those in the Fortune 500 have converted to a cash balance plan.[6]

Cash balance promoters explain the popularity of cash balance conversions by arguing that cash balance plans provide employers with a competitive advantage because these plans better suit the desires of an increasingly mobile workforce.[7] Promoters have also stated that cash balance plans are easier for employees to understand because the benefit is expressed in terms of a lump sum dollar amount as opposed to a monthly benefit under a traditional defined benefit plan.[8] These rationales for cash balance conversions are frequently pretextual.

In truth, a significant reason that corporations convert to a cash balance plan is to cut the pension benefits of older workers—workers who comprise a larger and larger percentage of the workforce.[9] That cash balance plans reduce the accrual rate for older workers is not a well-kept secret. Kyle N. Brown, a retirement and pension lawyer with Watson Wyatt Worldwide said to a Society of Actuaries Conference in October of 1998: "The economic value that is accrued, is different in hybrid plans than it is for traditional plans. In essence, that is part of the reason why you want to put these plans in. You know you are trying to get a different pattern of accrual. Well, what that means is

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Footnotes at end of letter.

that for your older, longer service workers, that their rate of accrual is going to go down. There is going to be a reduction in their rate of accrual."

The reason why large corporations are targeting their older workers' pensions is easy to understand. Millions and millions of Americans in the so-called "baby boomer" generation are rapidly approaching retirement age. In Watson Wyatt's July 1998 edition of its Insider newsletter, the aging of the U.S. labor market is carefully detailed.[10] As the newsletter demonstrates, the number of workers in the 55–64 age category is expected to grow by 54% in the decade from 1996 to 2006.[11] Companies that target the pensions of older workers will thus realize tremendous cost savings when these people retire.

In addition, Watson Wyatt's Insider dispels one of the other myths advanced by cash balance proponents, namely, that these plans are a response to an increasingly mobile American workforce: "Contrary to popular belief, Americans are not changing jobs faster than ever before. According to an in-depth study of employment records by Watson Wyatt, as baby boomers are driving up the average age of the workforce, job mobility is decreasing." [12]

Cash balance plans are thus not a response to a more mobile work force. In fact, as Watson Wyatt admits, the percentage of workers staying at a single employer for 10 years has risen in the last ten years, as has the percentage staying with the same company for 20 years.[13]

Worker mobility is not the rationale for converting to a cash balance plan, money is. As 11,000 people a day turn 50, which Watson Wyatt posits will turn us into a "Nation of Floridas," employers need to find ways to retain them. Instead of creating incentives to retain older workers, companies have turned to cash balance plans, which make it much more likely that older workers will have to delay retirement.[14] Employers who convert to a cash balance plan thus see a two-fold benefit. Companies retain older workers who can no longer afford to retire and the benefits the employees do receive at retirement will be significantly lower.

Just as with the worker mobility argument, cash balance promoters are disingenuous when they argue that the "lump sum" feature of cash balance plans are easier for employees to understand. To the contrary, cash balance proponents have argued in favor of these plans because they make it more difficult for employees to understand that their benefits are being reduced.[15]

Again, cash balance promoters have been very open amongst themselves about the ability of these plans to mask benefit cuts. In a July 27, 1989 letter from Kwasha Lipton to Onan Corporation, the consultant notes, "One feature which might come in handy is that it is difficult for employees to compare prior pension benefits formulas to the cash balance approach."

Similarly, Joseph Edmunds stated at a 1987 Conference of Consulting Actuaries, "[I]t is easy to install a cash balance plan in place of a traditional defined benefit plan and cover up cutbacks in future benefits."

Likewise, William Torrie of PriceWaterhouseCoopers at the October 18–23, 1998 Society of Actuaries meeting said, "[C]onverting to a cash balance plan does have an advantage of it masks a lot of the changes. . . ."

In addition, current accounting rules actually encourage the practice of reducing pension benefits. Due to Financial Accounting Standard (FAS) 87, companies are able to report pension assets as operating income. By listing pension assets as operating income, companies can increase their bottom line by cutting the pension benefits of their workforce, which is exactly what is happening today.[16] This is wrong, and must be put to an end immediately.

We understand that the intended purpose of FAS 87 was to require the disclosure of pension liabilities. While transparency regarding an employer's pension situation—both as to liabilities and surpluses—would appear to be proper, clearly pension assets are not operating income.[17] And allowing them to be characterized as such creates two perverse incentives. First, it encourages employers to reduce pension benefits in order to create large pension surpluses. Second, it distorts the financial health of the company, making investors believe the company is more profitable than it actually is. Surplus pension assets should be used for cost of living increases for pensioned retirees, and other retirement benefits. Unfortunately, that is not happening today.[18] We believe that FAS 87 should be changed to require employers to list net pension cost as investment income instead of operating income.[19]

In summary, despite the protestations of cash balance promoters, these conversions are implemented to unlawfully cut the benefits of older employees and to disguise those cuts by implementing a plan that makes it virtually impossible for employees to make an "apples to apples" comparison of their benefits under the old and new plans.[20] We ask that the Treasury Department, the IRS, and other federal agencies keep the admissions of cash balance promoters in mind when evaluating cash balance plans' compliance with federal age discrimination statutes.[21]

(2) Cash balance plans are defined benefit plans, not defined contribution plans.

Although there seems to be little dispute that cash balance plans are defined benefit plans and not defined contribution plans, we address it briefly.[22] ERISA and the Code recognize only two types of pension plans: defined benefit and defined contribution plans. In the most basic terms, the distinction between the two is who bears the risk of investment gains and losses. In defined benefit plans, the employer bears the risk and in defined contribution plans, it is the participant. ERISA defines a defined contribution or individual account plan as, "[A] pension plan which provides for an individual account for each participant and for benefits based solely on the amount contributed to the participant's account, and any income, expenses, gains, and losses, and any forfeitures of accounts of other participants which may be allocated to such participant's account." [23]

A defined benefit plan is any other pension plan which is not a defined contribution plan.[24]

Cash balance pension plans are not defined contribution plans because they are employer-funded and participants do not bear the risk (nor reap the benefits) of investment gains and losses. Nor, despite the fact that participants are presented with hypothetical "cash balances" do they have segregated accounts.

Employer cash balance contributions are typically comprised of two components: a pay credit and an interest credit. The pay credit is generally a fixed rate of an employee's salary. The interest credit is designed to mimic defined contribution plans by providing a hypothetical investment return, usually calculated as a fixed interest rate or tied to an index such as the yield on 30-year U.S. Treasury Bonds. Because this interest credit is calculated based on the difference between an employee's age and normal retirement age, the amount of this interest credit relative to the pay credit decreases as the employee ages.

(3) Cash balance plans fail to meet the requirements for defined benefit plans and violate federal anti-age discrimination statutes.

Because cash balance plans are defined benefit plans, they must comply with the letter of the relevant provisions of ERISA, the Internal Revenue Code and the ADEA. All three legal regimes provide that the rate of pension benefit accruals not be reduced based on the employee's age.[25] Cash balance pension conversions violate these provisions because the rate of benefit accrual is reduced and is reduced because of the employee's age. This problem is exacerbated by plan provisions commonly referred to as "wear away," which prevents older workers from earning new benefits under the new plan until they exceed those that the employee accrued under the former plan.

As the IRS is aware, the Code and ERISA contains a detailed set of standards with which defined benefit plans must comply. Those standards include rules for reporting and disclosure, participation and vesting, funding, fiduciary responsibility, and administration and enforcement. The benefit accrual requirements, which are contained in the participation and vesting requirements, are fundamental and critical protections to ensure that pension plan participants fairly accrue and receive benefits under their pension plans. The benefit accrual rules are an important assurance that participants are treated fairly and that the plan sponsor does not design the plan to benefit only certain types of workers.

Under section 204(b)(1)(G) of ERISA, defined benefit plans are not in compliance with the law ". . . if the participant's accrued benefit is reduced on account of an increase in his age or service." Furthermore, under ERISA §204(b)(1)(H)(i) and Code §411(b)(1)(H)(i) and ADEA §4(i)(1)(A), a defined benefit shall not be treated as in compliance ". . . if, under the plan, an employee's benefit accrual is ceased, or the rate of an employee's benefit accrual is reduced, because of the attainment of any age."

In addition, one of the key elements of a defined benefit plan is that it promises and provides benefits in the form of an annuity, a monthly or regular stream of payments at retirement. ERISA §3(23) expressly requires that defined benefit plans determine an individual's accrued benefit ". . . expressed in the form of an annual benefit commencing at normal retirement age." And, Code §411(a)(7), for purposes of section 411 vesting and accrual rules, defines "accrued benefit" in the case of a defined benefit plan as "the employee's accrued benefit determined under the plan and, except as provided in subsection 9(c)(3), expressed in the form of an annual benefit commencing at normal retirement age." We firmly believe that the age-neutrality of benefit accruals must be assessed based upon a normal retirement age annuity and not on the basis of cash balance plan "hypothetical accounts" which have no legal status under current law.

Based upon these requirements, cash balance conversions are in violation of ERISA, the Internal Revenue Code and ADEA. By definition, older participants accrue benefits at a lesser rate because they have a shorter period of time to earn interest than younger workers do. Under a cash balance scheme, the interest credit is tied directly to the employee's age.

As Lee Sheppard observed in her January 11, 1999 article in Tax Notes Today (emphasis added), "Whether a cash balance plan would satisfy the proposed [IRS] regulation depends on the definition of 'rate of accrual.' If rate of accrual is defined by projecting the participant's benefit to an annual benefit beginning at normal retirement age, then cash balance plans flunk, because *the size of the participant's actuarially determined benefit is purely a function of his or her age. Indeed, it is impossible to estimate a cash balance plan participant's pension benefit without knowing his or her age.*"

Professor Edward Zelinsky of the Benjamin N. Cardozo School of Law came to the same conclusion in his October 1999 paper, entitled, "The Cash Balance Controversy" (emphasis added), "As a matter of law, the typical cash balance plan violates the statutory prohibition on age-based reductions in the rate at which participants accrue their benefits * * *. *There is no dispute about the underlying arithmetic: as cash balance participants age, the contributions made for them decline in value in annuity terms.* Moreover, cash balance arrangements are defined benefit plans and therefore measure accrued benefits in terms of annuity equivalents, not in terms of the contributions themselves."

Cash balance promoters attempt to counter conclusions such as Ms. Sheppard's and Professor Zelinsky's by arguing that the rate of benefit accrual under a cash balance plan should not be calculated by projecting the pension benefits into an annuity beginning at normal retirement age. They point out that neither the Code nor ERISA define "rate of benefit accrual." Instead, some suggest that the IRS should look at the absolute dollar amount "credited" to employees' cash balance "accounts" annually or that the IRS should remove cash balance interest credits from its analysis.

This argument is generally founded on statutory construction that is nonsensical. The accepted canons of statutory construction dictate that words and phrases should not be interpreted in isolation, but rather in the context in which they are used. Section 411(a)(7) of the Code requires an employees "accrued benefit" to be expressed in terms of an annual benefit commencing at normal retirement age * * *." The term "accrued benefit" is used throughout section 411(b)(1). Cash balance promoters opine that, because the term "rate of benefit accrual" is used instead of "accrued benefit" in section 411(b)(1)(H)(i), Congress did not intend that the IRS should evaluate compliance with §411(b)(1)(H)(i) by projecting an employee's annual benefit beginning at normal retirement age.

It is not surprising that the term accrued benefit is not used in §411(b)(1)(H)(i). This subparagraph is concerned with the pace at which the accrued benefit grows. To insert the term "accrued benefit" in this section would make it nonsensical. However, by reference to the provisions in the same paragraph, it is obvious that the benefit that is accruing is the projected annual benefit at normal retirement age.[26]

Any doubt about the meaning of the language of §411(b)(1)(H)(i) is resolved by comparing it to the §411(b)(2)(A), which states in relevant part, "A defined contribution plan satisfies the requirements of this paragraph if * * * the rate at which amounts are allocated to the employee's account is not reduced, because of the attainment of any age."

In essence, cash balance promoters argue that the IRS should apply §411(b)(2)(A) in determining whether cash balance conversions violate the age discrimination statute. But, cash balance plans are defined benefit plans, not defined contribution plans. As such, cash balance plans must comply with §411(b)(1)(H)(i). A comparison of the language of these two sections evidences a different standard. The only interpretation that makes sense given the context of §411(b)(1)(H)(i) and a comparison with the language of §411(b)(2)(A) is that the rate of benefit accrual is evaluated in terms of the projected annual benefit at normal retirement age.

This interpretation is borne out in the comments of Paul Strella—currently at the pension consultant firm of William M. Mercer and formerly a Tax Benefit Counsel at the Department of Treasury—at a 1992 Enrolled Actuaries Meeting: "There is a rule in the Internal Revenue Code, along with ERISA, that says that the rate of accrual, the rate of benefit accrual in a pension plan can not decline merely on account of increasing age. Well, a cash balance plan does exactly that."

This view is also apparently shared by some within the IRS. For example, a September 3, 1998 memorandum from the District Director of the Ohio Key District in Cincinnati, Ohio to the Director of Employee Plans Division in Washington, DC states that at least one cash balance plan "does not satisfy the clear and straightforward requirement of §411(b)(1)(H)(i) of the Code because the plan's benefit accrual rate decreases as a participant attains each additional year of age."

(4) The "wear-away" feature of many cash balance conversions violate federal anti-age discrimination statutes.

In addition to violating Code §411(b)(1)(H)(i), and related sections of ERISA and the ADEA, by reducing benefit accruals based on age, many cash balance plans violate federal age discrimination law, including §411(d)(6) of the Code, through their use of the wear-away mechanism. It was only during the past year that members of Congress became aware that in many cash balance conversions, older workers do not accrue new pension benefits until they have "worn away" their previously earned benefits. To permit pension plans to include "wear away" violates both the letter and spirit of two key ERISA [and ADEA] principles: (1) that accrued benefits cannot be reduced, and (2) that pension plans cannot discriminate on the basis of age. To deny participants additional accruals on the basis of years of service and benefits already accrued under the plan before the amendment is contrary to public policy. In this situation, benefits accrued based on years of service absolutely is a proxy for age. Plan wear-away provisions do not meet the ERISA/IRC exception for explicit uniform limitations on benefit accruals for all workers based upon a maximum number of years of service. Under wear-away clauses, the only workers who do not receive continued accruals are the oldest workers. To claim that they always remain entitled to their accrued benefit, even though every day it is being eroded and used against their ability to earn new benefits, makes a mockery of ERISA's accrued benefit protections.

There is little doubt that the wear-away feature of cash balance plans is targeted at older workers. The wear-away takes place because the benefits the employee is entitled to under the traditional defined benefit plan are greater than those under the cash balance plan. By definition, the employees that fit this profile are older workers because benefits under a traditional defined benefit plan accrue more quickly for the older, more senior workers while the rate of accrual under a cash balance plan accrue more slowly for this group of employees. Given the age discriminatory intent of cash balance promoters, the IRS should cast a jaundiced eye at their claims that the disproportionate impact of wear-away on older workers is not by design.

In our mind, the practice of wear-away is contrary to the law and public policy and cannot be allowed to continue. The fact that the IRS has not objected to these provisions in the past, and may have given some plan sponsors prefatory language refuting any age discrimination questions, should not stand in the way of the IRS and other agencies fresh assessment of whether cash balance plans comply with the law. In light of the wealth of new information that has become public in the past year, it is critical that the IRS take all needed steps to ensure that all pension plans comply with the law.

(5) Cash balance conversions should therefore be disqualified under existing law.

As we have discussed, cash balance pension conversion are illegal under §411(b)(1)(H) of the Internal Revenue Code, §204(b)(1)(H) of ERISA, and §4(i)(1)(A) of ADEA in terms of accrual rates. We have also indicated that most cash balance conversions are in violation of §411(d)(6) of the Internal Revenue Code dealing with wear away.

Since, cash balance conversions are in violation of these laws, we believe that the IRS should disqualify these conversions under current law. Cash balance promoters have appealed for regulatory relief on the grounds that they were lulled into a false sense of security about the legality of cash balance conversions. We have little sympathy for their arguments. Much of the difficulty in uncovering the age discriminatory nature of cash balance conversions lies with the promoters themselves and they are entitled to no benefit from the confusion of their own making.

Finally on this point, we note that most of the arguments made by cash balance promoters are policy arguments for why hybrid pension plans, including cash balance plans, are a positive development that deserve the support of the federal government. Even if those arguments had some merit, which in our strong view they do not, those arguments are inappropriate in this regulatory context. Cash balance conversions violate federal anti-age discrimination statutes.

(6) A safe harbor should be established allowing cash balance plans to meet existing legal requirements only if all employees are allowed to choose which pension plan works best for them with detailed disclosure.

In consideration of the goals of the age discrimination regimes in the Code, ERISA, and the ADEA, and based on our considerable consultation with employees affected by cash balance conversions, we also believe that a safe harbor should be established that would protect the tax-exempt status of cash balance conversions if the employers offer all current employees the choice to remain in the traditional defined benefit plan. We believe that such a safe harbor would come the closest to proverbial "win-win" outcome for all stakeholders in the cash balance pension debate.

The safe harbor that we are recommending would necessarily require the employer to provide a detailed individualized statement allowing the employees to easily compare between the traditional defined benefit plan and the cash balance plan. If the company does not want to provide these individualized statements, the company may be exempted from this requirement only if they allow their employees to choose which pension plan works best for them on the date that they leave the company. On this date, the company must also allow the employees to compare exactly how much they would receive under the traditional defined benefit plan and the cash balance plan.

Due to the complexities involved, we believe that companies that have already converted to cash balance plans should be given at least 90 days to make the above changes in their pension plan. As we noted above, from a policy standpoint we believe this represents a middle ground that would most effectively address the concerns of all involved. For the employers, their pension plans would continue to enjoy tax-exempt status. And, for the employees, they would be able to continue to receive the pension benefits that were promised to them.

We do not, however, offer here an opinion about whether the IRS has the authority to implement such a safe harbor under current federal law. If the IRS determines that it does not have the authority to do so, we stand ready to support an IRS request to implement the necessary statutory changes.

Thank you for giving us this opportunity to express our views. We look forward to working with you to address the serious age discriminatory impact of cash balance conversions.

Sincerely,

Bernard Sanders, George Miller, William Clay, Martin Frost, Barney Frank, Edward J. Markey, Patsy Mink, Marcy Kaptur, Peter J. Visclosky, Rush D. Holt, Carolyn B. Maloney, Lynn C. Woolsey, Sherrod Brown, John Conyers, Jr., Jerrold Nadler, Martin Olav Sabo, Nancy Pelosi, Luis V. Gutierrez, John Elias Baldacci, Cynthia A. McKinney, Donald M. Payne, Peter A. DeFazio.

Tammy Baldwin, Lane Evans, Frank Pallone, Jr., Sheila Jackson-Lee, Tom Lantos, Steven R. Rothman, Dennis J. Kucinich, Janice D. Schakowsky, Eleanor Holmes Norton, Robert A. Brady, Corrine Brown, Michael P. Forbes, Gary L. Ackerman, John Joseph Moakley, James P. McGovern, John F. Tierney, Neil Abercrombie, Bob Filner.

Michael F. Doyle, Major R. Owens, Michael E. Capuano, Danny K. Davis, Alcee L. Hastings, Carolyn McCarthy, Bobby Rush, Barbara Lee, Ron Klink, Tom Barrett, John W. Olver, Bennie G. Thompson, Sanford D. Bishop, Jr., Ted Strickland, Jesse L. Jackson, Jr., Bobby Scott, Stephanie Tubbs Jones, Pat Danner, James Traficant, Bill Luther.

FOOTNOTES

[1] These anti-age discrimination statutes include not only the ADEA, but also the Internal Revenue Code, and ERISA as amended.

[2] Outside pension advisors who promote the cash balance concept as a way to cut pension benefits were well aware of the age discriminatory impact of these conversions as evidenced by comments made in correspondence and at actuarial meetings. For instance, comments made at numerous American Society of Actuaries meetings bear out the widespread understanding that cash balance conversions targeted the benefits of older workers. This does not, however, in any way absolve the many corporations—including many Fortune 500 companies—who have made these conversions and who all ostensibly have sufficient inhouse expertise to understand the impact of these plans. We are not aware of any companies who have implemented a cash balance conversion based on the advice of outside consultations but who lacked a full understanding of the ramifications for their older workers. If they do exist, they have yet to come forward.

[3] See www.watsonwyatt.com/homepage/us/news/pres rel/Jan99/hybrid-tm.htm.

[4] Based on unconfirmed anecdotal evidence, there may be one or two companies that have implemented a cash balance "from scratch." However, given the hundreds of companies that have implemented conversions, federal agencies' review of cash balance plans should focus on them in the context of conversions.

[5] See www.watsonwyatt.com/homepage/us/news/pres rel/Jan99/hybrid-tm.htm.

[6] Daniel Eisenberg, "The Big Pension Swap," Time Magazine (April 19, 1999) at 36 ("20% of Fortune 500 companies, including AT&T and Xerox, now offer these plans which cover close to 10 million workers nationwide.").

[7] Ellen Schultz, "The Young and Vestless," The Wall Street Journal (December 16, 1999) at A1. ("Employers . . . increasingly acknowledge that switching to the new plans does reduce benefits for many veteran employees. But compensating for this, they say, is that the plans are better for a younger, more mobile workforce.").

[8] The ERISA Industry Committee, Understanding Cash Balance Plan: ("Unlike traditional defined benefit plans, cash balance plans provide an easily understood account balance for each participant.").

[9] There is also growing evidence that cash balance conversions do not benefit younger workers. Ellen Shultz, "The Young and Vestless," The Wall Street Journal (December 16, 1999) at A1. ("Many younger workers are no more likely to collect a benefit from these new-fangled plans than they are from traditional pensions. And when they do collect, they often fare only a little better under a cash-balance system."

[10] See www.watsonwyatt.com/hompage/us/new/Insider/6 98.HTM.

[11] See id.

[12] *See id.* (emphasis added).

[13] See id.

[14] See www.watsonwyatt.com/homepage/us/res/workmgmt-tm.htm ("Are you paying for performance or for tenure and *age*:") (emphasis added).

[15] The authors understand that no current federal law prevents a company from reducing future pension benefits. However, federal law prohibits such cuts from being implemented in an age discriminatory fashion. In this case, companies are using cash balance plans to conceal impermissible age discrimination.

[16] Ellen Shultz, "Joy of Overfunding: Companies Reap a Gain Off Fat Pension Plans," The Wall Street Journal (June 15, 1999) at A1. ("Thanks to an accounting rule that is little known to either shareholders or analysts, and that was written for a very different era, there is a way to gain from the pension surplus. The rule provides that if investment returns on pension assets exceed the pension plans' current costs, a company can report the excess as a credit on its income statement. Voila: higher earnings.").

[17] Ellen Shultz, "How Pension Surpluses Lift Profits," The Wall Street Journal (September 20, 1999) at C1. ("Pension income isn't what you would consider operating income at these companies; it is more along the lines of investment income.").

[18] Ellen Shultz, "Joy of Overfunding: Companies Reap a Gain Off Fat Pension Plans," The Wall Street Journal (June 15, 1999) at A1. ("In the early 1980s, 60% of large companies provided regular cost-of-living increases for pensioned retirees; today, with the plans in better financial shape, fewer than 4% do.)

[19] A September 17, 1999 Bear Stearns Study, entitled "Retirement Benefits Impact Operating Income," reached a similar conclusion. ("We . . . recommend that the components of net pension cost be disaggregated for purposes of financial analysis.)

[20] While not the focus of these comments, the authors do believe that current federal law needs to be amended to increase the disclosure requirements when companies decrease their employees' future pension benefits.

[21] In light of these statements, in the event of litigation challenging the legality of cash balance conversions, the authors believe plaintiffs would have little difficulty establishing the discriminatory intent of the actuaries and companies promoting cash balance plans.

[22] The authors have omitted a lengthy discussion of the differences between defined contribution and defined benefit plans because the IRS is well versed in those distinctions.

[23] ERISA §3(34).

[24] ERISA §3(35) (describing a defined benefit plan as "a pension plan other than an individual account plan.")

[25] See ERISA §204(b)(1)(H)(i), Code §411(b)(1)(H)(i) and ADEA §4(i)(1)(A).

[26] See, e.g., NRLB v. Federbush Co. Inc., 121 F. 2d 954, 957 (2d 1941) ("Words are not pebbles in alien juxtaposition; they have only a communal existence; and not only does the meaning of each interpenetrate the other, but all in their aggregate take their purport from the setting in which they are used. . . .")

Mr. PORTMAN. Mr. Speaker, I yield myself 1 minute to respond briefly. We are going to hear a lot about tax cuts for the rich from the other side apparently. I would just like to remind Members about what is actually in this legislation. There is health insurance for those who are self-employed. Those are people who are primarily small businesspeople. These are not the rich. There is community renewal here for our very poorest neighborhoods, rural and urban neighborhoods around America. Those are the people who will benefit. With regard to the low-income tax credit, that is going to benefit not the rich; it is going to benefit people who need the benefit of government help in housing.

With regard to pensions, and I see my colleague here from North Dakota. Let us look at the benefits. Seventy-seven percent of the people who are currently participating in pensions make less than $50,000 a year. These are not rich people. These are people who need our help. I would just say, I have now had a chance to look at the Democratic alternative, as I have been sitting here, in more detail. It provides a net $8 million in tax relief as I see it over 5 years. The Republican alternative provides through all those items I just mentioned about $48 billion worth of needed tax relief that is going to help all Americans.

Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. REYNOLDS).

Mr. REYNOLDS. Mr. Speaker, I think my colleague from Ohio outlined specifically that anyone who tries to sell this tax plan as a tax cut for the rich has not read the legislation introduced by my Republican colleagues. This bill clearly goes after taking an opportunity to take care of middle America and our low-income families, whether it is addressing low-income tax credits or housing or more particularly looking at those people who pay insurance.

To have an opportunity as self-employed individuals to begin to have some relief on the cost of paying for that insurance while self-employed is an opportunity that this bill begins to address. Quite frankly we need to do more than what the $28 billion that has been afforded in this tax package has done for Americans.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Speaker, I thank the gentleman for yielding me the time. I want to begin by commending the gentleman from Ohio (Mr. PORTMAN), who is truly a leader in retirement savings initiatives. How I wish that the provisions in this bill that reflect his very good work were before us in a fair and thoroughly considered way. I think we could have a 100 percent vote out of this House as we advance the opportunities for Americans to save for retirement. But unfortunately, that is anything but the bill that is in front of us.

They will talk about this good thing, and they will talk about that good thing and let us recognize them for what they are, window dressing on a bill, the heart of which is an estate tax cut giving direct tax benefit to the wealthiest people in the country. It is a fine thing to do, but is that our first priority for tax relief?

Some will say our farmers need this, and I want to contrast in the balance of my remarks their plan versus our plan as it regards farmers. An analysis of their proposal shows that farms under $13 million, farms and small businesses with assets under $13 million fare better under the Democrat substitute. The Democrat substitute effectively takes up to $4 million for estate tax relief. Checking with the census on data in North Dakota, the State I represent, 99.7 percent of the farms fare better under the Democrat plan because they are under that $13 million figure. That lets us know the amount in their plan that goes toward the wealthiest, the very wealthiest people in this country.

Only this majority could take what was initially designed to be minimum wage legislation and lard it up with a huge windfall for the wealthiest people in this country. I particularly resent saying that theirs is the one that helps the family farmer. If Members want to help the family farmer, vote for the Democrat substitute that effectively takes estate tax relief to $4 million, not their plan.

The SPEAKER pro tempore (Mr. PEASE). Without objection, the gentleman from Arizona (Mr. HAYWORTH) will control the time of the gentleman from Ohio (Mr. PORTMAN).

There was no objection.

Mr. HAYWORTH. Mr. Speaker, I yield myself 1 minute to make a couple of points in response to my good friend from North Dakota. I am pleased that he embraces the notion of death tax relief for family farms. I am sorry he neglected to offer us the name of the source for his analysis that smaller farms would be helped. I look forward to a response on their side on their time with that information.

What I would also like to point out is correspondence that the Speaker has received from the Small Business Survival Committee, Mr. Speaker. It reads, and I quote, "The alternative offered by the minority, the alternative is a de facto tax increase on small businesses, that are the leading source of new jobs and economic expansion in America. The alternative to the tax plan being considered today would severely jeopardize the financial security of the small business community."

I would reiterate that when we take a look at the package being offered as the alternative, Mr. Speaker, it offers a net $8 million of tax relief as opposed to the majority common sense plan, $48 billion in tax relief.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Speaker, this budget-busting, Social Security-risking tax bill would cause the sheriff of Nottingham to cringe in embarrassment because it is the most regressive tax bill in recent history. Three-quarters of the benefits go to the top 1 percent, a group of people with an average income of $900,000. Its estate tax provisions are even more regressive. We are denounced for class warfare rhetoric, but this bill is a sneak attack against working Americans.

Mr. Speaker, in the spirit of today's game shows, this bill does not ask who wants to be a millionaire, nor does it ask who wants to marry a multimillionaire. It asks who wants to give huge tax breaks to multi-multimillionaires. And I emphasize "million heirs," because the breaks go chiefly not to those who are rich because of their efforts but those who become rich because of their clever selection of parents.

Ninety-five percent of Americans get 13 bucks out of this bill. There are some pennies for average Americans. But the top 1 percent get $6,000 of tax relief, or as we say in L.A., dinner at Spagos. This bill is so obnoxious, so regressive, that it is being packaged in the rhetoric of talking about the average beauty shop owner. But to get the benefits, you need an estate of $4 million and more. That is a lot of beauty shops. And then they take this deceptively packaged tax bill and they feel they cannot conceal it enough, so they wrap it in an increase in the minimum wage. This bill provides over $100 billion of tax relief to the superrich, and it provides $11 billion of wage increases to those who make $5.15 an hour.

Mr. Speaker, I include for the RECORD the following documents from the Citizens for Tax Justice:

HOUSE GOP MINIMUM WAGE PLAN OFFERS $11 IN UPPER-INCOME TAX BREAKS FOR EVERY $1 IN WAGE HIKES FOR LOW EARNERS

The House GOP leadership's $123 billion tax-cut/minimum wage plan, to be voted on this week, would give upper-income taxpayers $11 in tax breaks over the next decade for every dollar in increased wages paid to low-wage workers.

Unbalanced Acts, a joint analysis of the GOP proposal by Citizens for Tax Justice and the *Economic Policy Institute*, finds:

> Over the next decade, the proposed tax cuts will total $122.8 billion. Over the same period, wage increases stemming from the $1 boost in the minimum wage will total only $11.2 billion. This means that over ten years, for every dollar in higher wages for low-wage workers, $10.90 in upper-income tax breaks will be provided.
>
> Almost all the tax cuts (91.4%) would go to the best-off tenth of all taxpayers. In fact, the top one percent of all taxpayers, those making more than $319,000 a year, would get almost three-quarters of the tax reductions. Their average annual tax cut under the plan would be $6,128 each (in 1999 dollars). That compares to only a $4 average tax cut for the bottom 60 percent.
>
> While the tax bill's permanent tax cuts grow to $17.6 billion by 2010, the effect of the minimum wage proposals will be totally eroded by inflation after 2006.

"The minimum wage hike will allow low-wage workers to share in the gains of this economic recovery, while the proposed tax cuts will needlessly provide a second helping of the economic pie to the wealthiest taxpayers," said EPI Vice President Lawrence Mishel.

"It's ridiculous that a minimum wage bill supposedly designed to aid low-wage workers would actually give its biggest benefits to the highest-income people in the country," said Citizens for Tax Justice, director Robert S. McIntyre.

EPI's minimum wage analysis compares the wage hikes under the GOP plan, which would boost the minimum wage by $1 over three years, to the wages that affected workers would earn if their wages merely keep up with inflation over the next decade. The GOP's three-year phase-in of the wage boost provides an $11.2 billion gain to these workers over ten years—$3.8 billion less than the Bonior-Kennedy proposal's two-year implementation plan, which would produce a total of $15 billion in higher wages.

The distributional effects of the tax cuts were analyzed by CTJ using the Institution on Taxation and Economic Policy Tax Model. The $123 billion estimated ten-year cost of the tax cuts is based on preliminary, March 1, 2000 estimates from the Joint Committee on Taxation. (The tax cut plan would, among other things: cut estate taxes by $79 billion over ten years—representing almost two-thirds of the total proposed tax cuts; increase the write-off for business meals to 60% of cost from 50% under current law; provide added tax breaks for pensions and 401(k) plans; increase the limits on immediate write-offs of business capital investments; speed up the date when 100% of self-employed health insurance can be deducted; restore a loophole for installment sales that was repealed in 1999; expand enterprise zones; expand the tax credit for investors in low-income housing; expand the tax credit for investors in low-income housing; and augment tax breaks for private tax-exempt bonds.)

A table detailing the distributional effects of the tax cuts follows:

EFFECTS OF THE TAX CUTS IN THE HOUSE GOP 2000 MINIMUM WAGE BILL

[Annual effects at 1999 levels; $-billion except averages.]

Income group	Income range	Average income	Estate tax cuts	Corporate tax breaks	Pensions & 401Ks	Total tax cuts	Average tax cut	Percent of total tax cut
Lowest 20%	Less than $13,600	$8,600	−0.0	−0.0	−0.0	−0.0	−1	0.3%
Second 20%	13,600–24,400	18,800	−0.0	−0.1	−0.0	−0.1	−4	0.9%
Middle 20%	24,400–39,300	31,100	−0.0	−0.2	−0.0	−0.2	−7	1.7
Fourth 20%	39,300–64,900	50,700	−0.0	−0.3	−0.0	−0.3	−13	3.0
Next 15%	64,900–130,000	86,800	−0.0	−0.4	−0.1	−0.6	−29	5.3%
Next 4%	130,000–319,000	183,000	−0.8	−0.5	−0.4	−1.7	−329	15.7%
Top 1%	319,000 or more	915,000	−5.7	−1.4	−0.7	−7.7	−6,128	73.1%
All			−6.5	−2.8	−1.2	−10.6	−83	100.0%
Addendum:								
Bottom 60%	Less than $39,300	$19,500	0.0	−0.3	−0.0	−0.3	−4	2.8%
Top 10%	92,500 or more	218,000	−6.5	−2.0	−1.1	−9.7	−765	91.4%

Notes: Figures show the annual effects of the approximately $123 billion in tax cuts over the next 10 years included in the GOP minimum wage increase plan to be voted on by the House on March 9 or 10. All provisions are measured as fully effective, at 1999 income levels. Distributional figures do not include the faster phase-in of the self-employed health insurance deduction.

Source: Institute on Taxation and Economic Policy Tax Model. Citizens for Tax Justice, March 7, 2000.

The report, *Unbalanced Acts*, is available on-line at both www.epinet.org and www.ctj.org. It can also be obtained by calling 1-800-374-4844.

UNBALANCED ACTS

A COMPARISON OF THE PROPOSED MINIMUM WAGE AND TAX BILLS

(By Jared Bernstein, Robert S. McIntyre, and Lawrence Mishel)

The good news is that an increase in the federal minimum wage looks like a real possibility. How good the news is, however, depends on which of the two competing proposals wins out. The differences between the two proposals are not insignificant, especially when considering the billions of dollars in tax cuts in which the GOP leadership has couched its minimum wage proposal. A comparison of the size and phase-in periods of the competing minimum wage proposals in relation to the proposed $123 billion GOP tax cut package finds that:

The $123 billion in tax reductions proposed by the House GOP leadership over the 2000–10 period is nearly 11 times greater than the $11.2 billion in wage hikes that would be generated by its accompanying minimum wage proposal.

Over the course of a decade, for every dollar in higher wages generated for low-wage workers by the House GOP plan, $10.90 in tax cuts will be provided, mostly for those with the highest incomes.

While the tax bill's permanent tax cuts grow to $17.6 billion in fiscal year 2010, the effect of both of the minimum wage proposals will be totally eroded by inflation after fiscal year 2006.

The Bonior-Kennedy minimum wage proposal's two-year implementation plan providers a total of $15 billion in higher wages, while the GOP plan's three-year schedule provides an $11.2 billion gain to these workers, or $3.8 billion less.

Ninety-one percent of the gains from the GOP's proposed tax reductions are targeted to the wealthiest 10%, with 73.1% accruing to the richest 1% of households. In contrast, the minimum wage proposals are designed to aid the lowest-income workers.

AN ANALYSIS OF THE GAINS FROM THE TAX AND MINIMUM WAGE PROPOSALS

Quantifying the aggregate wage gains over the next 10 years under both the Bonior-Kennedy and the House GOP minimum wage proposals (see appendix for methodology) allows for a clear comparison of the proposed minimum wage increases and the proposed tax legislation (Table 1).

TABLE 1.—COMPARISON OF ANNUAL AND CUMULATIVE IMPACT OF HOUSE GOP TAX AND MINIMUM WAGE PLANS, 2000–10

[amounts in billions]

Fiscal year	House GOP		Comparison of House GOP tax and min wage plan	
	Tax cuts	Min wage	(1) − (2)	Ratio of tax cuts to MW plan (in percent) (1)/(2)
Annual impact:				
2000	$0.5	$0.7	−$0.2	73
2001	2.4	1.7	0.7	142
2002	9.2	3.2	6.1	292
2003	10.6	2.7	7.9	395
2004	10.8	1.7	9.1	626
2005	12.3	0.9	11.4	1,301
2006	13.4	0.4	13.0	3,421
2007	14.4		14.4	(1)
2008	15.2		15.2	(1)
2009	16.3		16.3	(1)
2010	17.6		17.5	(1)
Cumulative impact:				
2000–10	122.8	11.2	111.6	1,093
2000–05	45.8	10.8	35.0	422

(1) Cannot calculate ratio with zero as denominator.

Source: EPI/Joint Committee on Taxation.

The GOP minimum wage proposal would be phased in over three years, with two annual increases of $0.33 and one of $0.34; the Bonior-Kennedy plan would involve two annual $0.50 increases. After the full implementation of these increases, the effects of the minimum wage hike will decline as inflation continues its ongoing erosion of the value of the minimum wage. After fiscal year 2006, inflation will have eroded the new minimum to the point that it will represent no improvement over the current level. Since it takes the GOP plan an additional year to push the minimum wage to the $6.15 level, the $11.2 billion in cumulative gains under the House GOP plan are significantly less than the $15 billion impact of the Bonior-Kennedy plan.

Ultimately, though, the size of the GOP's proposed tax cuts quickly dwarfs that of either minimum wage proposal. By fiscal year 2002, the $9.2 billion in proposed tax cuts are nearly three times as large as the cumulative $3.2 billion in minimum wage hikes up to that point. The annual tax cuts eventually rise to $17.6 billion in 2010, but the minimum wage increase's effect falls to zero after 2006. Thus, the tax cuts grow over time and are permanent, but the minimum wage legislation, while important, has but a temporary impact because neither of the current proposals guarantee further increases after the $6.15 level is reached. (Indexing the minimum wage to inflation or wage growth would remedy this problem of minimum wage erosion.)

The 10-year impact of the House GOP tax legislation—$122.8 billion over the 2000–10 period—is 10.9 times as large as the $11.2 billion in total wage hikes that the GOP's minimum wage boost would produce. Thus, over the course of 10 years, for every dollar in higher wages generated for low-wage workers by the House GOP plan, $10.90 in tax cuts will be provided for mostly those with the highest incomes in the nation.

THE DISTRIBUTIONAL IMPACT OF THE GOP TAX PROPOSAL

The distributional assessment of the tax plan (Table 2) is based on the Institute on Taxation and Economic Policy Tax Model. Among other things, the GOP tax cuts would:

Cut the top estate tax rate from 55% to 48%; eliminate the 5% surtax that recaptures the benefits of the lower estate tax rates; reduce other estate tax rates by 2 percentage points; and replace the credit against estate taxes with an exemption (worth more to the largest estates). The $79 billion in estate tax cuts over 10 years are almost two-thirds of the total tax cuts proposed in the bill.

In crease the write-off for business meals from 50% to 60% of cost under current law.

Provide added tax breaks for pensions and 401(k) plans.

Increase the limits on immediate write-offs of business capital investments.

Speed up the date when 100% of self-employed health insurance can be deducted.

Restore a loophole for installment sales that was repealed in 1999.

Expand enterprise zones.

Provide tax breaks for timber companies.

Expenad the tax credit for investors in low-income housing.

Augment tax breaks for private tax-exempt bonds.

Table 2 shows that almost all of the benefits of the tax legislation (91.4%) would accrue to the wealthiest 10% of the population. In fact, the wealthiest 1% would get 73.1% of the proposed tax reductions.

A one-dollar increase in the minimum wage provides no economic rationale for tax cuts of the magnitude proposed in the GOP legislation. Yet, as with the last minimum wage increase, Congress again intends to use this opportunity to implement a regressive tax cut. As the above analysis has shown, the benefits to the wealthy from this proposal far outweigh the benefits of the wage increase.

TABLE 2.—EFFECTS OF THE TAX CUTS IN THE HOUSE GOP 2000 MINIMUM WAGE BILL

[Annual effects at 1999 levels; $ billion except averages]

Income group	Income range	Average income	Estate tax cuts	Corporate tax breaks	Pensions & 401Ks	Total tax cuts	Average tax cut	Percent of total tax cut
Lowest 20%	Less than $13,600	$8,600	$0.0	$0.0	$0.0	$0.0	$ − 1	0.3
Second 20%	13,600–24,400	18,800	0.0	− 0.1	0.0	− 0.1	− 4	0.9
Middle 20%	24,400–39,300	31,100	0.0	− 0.2	0.0	− 0.2	− 7	1.7
Fourth 20%	39,300–64,900	50,700	0.0	− 0.3	0.0	− 0.3	− 13	3.0
Next 15%	64,900–130,000	86,800	0.0	− 0.4	− 0.1	− 0.6	− 29	5.3
Next 4%	130,000–319,000	183,000	− 0.8	− 0.5	− 0.4	− 1.7	− 329	15.7
Top 1%	319,000 or more	915,000	− 5.7	− 1.4	− 0.7	− 7.7	− 6,128	73.1
All			− 6.5	− 2.8	− 1.2	− 10.6	− 83	100.0
Addendum:								
Bottom 60%	Less than $39,300	19,500	0.0	− 0.3	0.0	− 0.3	− 4	2.8
Top 10%	$92,500 or more	218,000	− 6.5	− 2.0	− 1.1	− 9.7	− 765	91.4

Figures show the annual effects of the approximately $123 billion in tax cuts over the next 10 years included in the GOP minimum wage increase plan to be voted on by the House on March 9 or 10. All provisions are measured as fully effective, at 1999 income levels. Distributional figures do not include the faster phase-in of the self-employed health insurance deduction. Source: Institute on Taxation and Economic Policy Tax Model. Citizens for Tax Justice, March 7, 2000.

APPENDIX: MINIMUM WAGE SIMULATION METHODOLOGY

To determine the aggregate wages generated by a minimum wage increase, one needs to identify the hourly wages and weekly hours of workers in the "affected range," i.e., those whose wages fall below the proposed new minimum wage. We identify those in the "affected range" by "aging" the 1999 hourly wage distribution found in the Outgoing Rotation Group files of the Current Population Survey by a 2.5% rate of inflation (the long-term rate projected by the Congressional Budget Office). Our analysis assumes that in the absence of a minimum wage increase, low-wage workers would maintain their real wage, seeing no improvement or deterioration. This assumes wage growth depletes the size of the working population in the affected range, as some workers' wages will eventually exceed that of the newly established minimum wage. (The minimum wage would rise in two annual $0.50 increments in the Bonior-Kennedy version and two $0.33 annual increments and a $0.34 increment in House GOP plan). When those earning $5.15 in 1999 see their earnings reach $6.15, then the minimum wage legislation no longer has any effect, which under our assumptions would take place eight years from now. We assume that the minimum wage increases take effect in April of the relevant year.

The aggregate wage benefit is computed for workers in the affected range as the difference between their simulated wage level and the new minimum ($6.15 in later years; other values in the transition years) multiplied by their average weekly hours for 52 weeks. We increase the wage gain to reflect a labor force growing by 1% annually.

The wage gains associated with minimum wage increases in this simulation would be smaller (larger) if we assumed either a faster (slower) inflation rate or real wage gains (declines).

Mr. HAYWORTH. Mr. Speaker, I yield myself 1 minute in brief response to my colleague from California. Mr. Speaker, it was interesting to listen to the litany of game shows. Perhaps one we might call on our friends on the left to actually watch and live up to is the game show "To Tell the Truth" because that seems to be sadly, noticeably absent from the litany of lines we are hearing today from the left.

My friend from California and others in this Chamber are well aware that small business owners, family farmers, actually create jobs for other Americans, so reducing the tax bite, saying death to the death tax actually empowers Americans to keep their jobs, rather than seeing family farms sold off to pay off a huge tax bill, and the same thing with businesses.

Mr. Speaker, I yield 4½ minutes to the gentleman from New York (Mr. LAZIO), a member of the Committee on Commerce.

Mr. LAZIO. Mr. Speaker I want to thank the gentleman from Arizona, I want to thank the chairman of the Committee on Ways and Means for his leadership in bringing this to the floor, and I want to thank the Republicans and Democrats that helped shape this bill. These tax provisions that represent, let us put this in perspective, about 1 percent of the non-Social Security surplus that we will generate, about one penny out of every dollar.

This Small Business Tax fairness Act that is under debate today was drafted in the spirit of mutual respect, Republicans and Democrats not presuming to know what the final product was; but we have come together to try and craft something from the start. This bill was introduced by myself and cosponsored by colleagues from both sides of the aisle. I want to, if I can, pay special tribute to the gentleman from Illinois (Mr. SHIMKUS), who played a key role in drafting this legislation. Additional Republican cosponsors included the gentleman from Illinois (Mr. WELLER), the gentleman from Pennsylvania (Mr. SHERWOOD), and the gentleman from Mississippi (Mr. PICKERING). And on the Democratic side of the aisle, the gentleman from California (Mr. CONDIT) and the gentleman from Alabama (Mr. CRAMER) helped craft this bill, were involved from the beginning. Additional Democratic cosponsors, including the gentleman from Georgia (Mr. BISHOP), the gentleman from Mississippi (Mr. SHOWS), and the gentleman from Minnesota (Mr. PETERSON), also played key roles.

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These Members came together in the spirit of bipartisan cooperation. They gathered with goodwill to come to grips with a complex and tangible problem.

This bill represents a credible and honest effort to find a workable balance between the contending viewpoints that are found both in this House and in the American public at large.

We came to the table with the realization that a wage increase was fair but we also came to the table with a desire to protect the small business people who will end up bearing the direct burden of any wage increase that we pass here today. We wanted to avoid the real life situations in which low-wage workers would be laid off because of the increased pressure this bill places on small employers' bottom lines.

In short, we wanted to find a win/win. In fact, Mr. Speaker, that is exactly what we have done.

Mr. Speaker, we all wish to ensure that American workers at the bottom of the economic ladder are fairly compensated for their hard and honest labor. Yet we must also recognize that Federal wage mandates imposed from on high in Washington can have a particularly negative impact on the small businesses where these very same low-wage earners are employed.

For those who wish to say that they want to balance the minimum wage increase with tax relief for America's small businesses, they can do that here today. For those who say that they favor letting the self-employed deduct health insurance costs, they can do precisely that today. For those who say they wish to vote for low-income housing tax credits, they can do precisely that today. If, however, they wish to conjure up reasons to vote against this bill, they may be able to do that.

Mr. Speaker, we here in Washington are about to impose higher payroll payments upon mom and pop stores throughout the country. Is it not only fair that we should also offer these same small business owners Federal help and not make them shoulder this burden alone?

I would like to know what the opponents of this bill find so objectionable about provisions that help small business owners offer pensions to their workers. I would like to understand why anyone would oppose the community renewal provisions of this bill that help bring hope to America's most economically troubled regions. What is wrong with balancing this wage increase that elevates salaries at double the rate of inflation, with aid to the small businesses who in the end will be forced to pay the bill for what we pass here on Capitol Hill?

Mr. Speaker, the energy of entrepreneurs, people who have the courage to risk all to realize their vision and dreams, should be rewarded, not punished. Do we really wish to leave the owners of small computer firms, restaurants, and mom and pop stores hanging out on a limb where we shove them off alone? I think not, Mr. Speaker. Let us offer those owners of mom and pop stores a helping hand.

In the beginning, I must admit that I was a bit perturbed and perplexed and even puzzled by the opposition to this bill; but upon reflection, I am not so perplexed after all.

No, Mr. Speaker, I am neither perplexed nor puzzled by the opposition to this bill.

I remain, however, perturbed. I am perturbed by the fact that many of the people in opposition would be motivated by the other "P" word: Politics, to injure the small business owners and workers who form the backbone of the American economy.

This bill represents an honest and good faith effort in which representatives from both sides of the partisan divide came together to achieve the best possible results, and the best possible result is precisely what we shall achieve here on the floor of the Chamber today when we pass this bill.

Mr. Speaker, we are first and foremost public servants. Let us put election year political jockeying aside and do what the people of America expect us to do. Let us do what we came here to Washington to do. Let us make people's lives better. Let us pass this bill.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do not care how much time they give my friend, the gentleman from New York (Mr. LAZIO), to speak. He has to be pretty hard put to find any bipartisanship on the tax provisions in this bill. We can rest assured if there was any attempt, we would not find 90 percent of the tax cuts going to 10 percent of the highest income people here. If we did have a bipartisanship, we would not find three-fourths of the tax cuts going to the highest income people.

Let me say this to my friend, the gentleman from Arizona (Mr. HAYWORTH). He came pretty close to calling one of our colleagues a liar that was speaking. He came very, very close. I do hope that a reflection on the RECORD might bring out the best that he has in his personality and his character so that we can continue to work together as friends in this legislature, notwithstanding the TV shows that he watches.

Mr. Speaker, I yield 2 minutes to my friend, the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, there they go again. The majority is once again bringing up legislation that purports to help the average hard-working, taxpaying American but in reality is just more relief for their well-to-do friends and business partners.

The gentleman from Arizona (Mr. HAYWORTH) watches television. He is telling his friends that the price is right, yet he is putting all of America into jeopardy.

We cannot continue to widen the gap between those who have and those who have less. Just like the majority's so-called marriage penalty relief, this tax cut/minimum wage increase does just that. It actually widens the income gap.

Billions and billions in tax cut benefits for the majority's rich friends and one dollar to America's working people; one dollar to America's working people.

All Americans should share in the prosperity of this booming economy, not just America's corporate CEOs. The Democratic substitute would allow those at the low end of the wage scale to share in this prosperity. I urge my colleagues on both sides of the aisle to remember the priorities of the average American. Let us raise the minimum wage, save Social Security and Medicare, pay down the national debt and stop helping the wealthy under the pretense of helping the average hard-working American.

Mr. Speaker, the saying goes, a rising tide lifts all boats but it is very clear that if this is approved the majority's proposal will leave an awful lot of smaller boats stuck in the muck of economic misery.

Defeat this bill and let us have all America set sail on the ship of prosperity.

Mr. HAYWORTH. Mr. Speaker, I yield myself 1 minute to respond to some of the rhetorical fireworks in the past couple of minutes.

Mr. Speaker, I appreciate my good friend, the ranking member of the committee, the gentleman from New York (Mr. RANGEL), and I am sorry that he felt it necessary to offer a personal attack by way of rhetoric, but we will look past that and go to the facts because as we know facts are stubborn things.

When we examine the alternative offered by the minority, it is actually cruel because it offers tax relief with one hand and takes it away with the other. I point specifically to two increases, two estate tax increases, in the Democratic alternative; and I would point out, Mr. Speaker, that Americans for Tax Reform have sent a letter to the chairman of the Committee on Ways and Means where they state specifically the Democratic alternative would result in new taxes on estates, corporate income, and capital gains alone.

So I think that is important to remember.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Speaker, America's labor force is the backbone of our flourishing economy. Without the efforts of workers in America's industries, big business could not thrive. When we do our job, we receive due compensation. The American people should be no different. It is our job to ensure that America's workers are not taken advantage of.

It is convenient for big business to forget those whose labor helps their companies thrive. Well, it is our job to remind them. It is our job to ensure that the minimum wage levels will afford our Nation's workforce with a decent life-style. It is our job to ensure that the Social Security trust fund is intact when they retire.

It amazes me that while colleagues on the other side of the aisle profess to raise the minimum wage, they continue in their quest to provide careless tax benefits to the wealthy and threaten the Social Security trust fund.

Raising the minimum wage over the course of 3 years is not enough. Our workers deserve more. Our workers deserve better. America's workers are doing their jobs and now is the time that we do ours.

Mr. Speaker, I urge that we reject this bill and fully support the Democratic alternative.

Mr. HAYWORTH. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, I thank the gentleman from Arizona (Mr. HAYWORTH) for yielding me this time.

Mr. Speaker, small businesses are the backbone of our economy. They employ over half the private workforce in this country. They contribute half of all sales. They are responsible for half the private gross domestic product in the United States.

Now, what this bill will provide is needed relief for small business and for America's workers. The new tax relief provisions will create new jobs. They will promote continued economic growth. They will continue to promote the type of employment policies in which people can find jobs.

The reforms in the pension system will enhance retirement security. The acceleration of the 100 percent health deduction for the self-employed will help ensure that workers will be able to afford quality health care in the private marketplace.

It is time to remove some of the government ties that still bind the engine behind America's unprecedented economic prosperity. It is small business that leads to this prosperity, and I urge my colleagues to pass this bill.

Mr. RANGEL. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, on the 29th of September, 1.4 million Americans will go to the mailbox looking for their paycheck. They are the young people who serve in the Army, the Navy, the Air Force and the Marines. It will not be there because the same people who claim to be for national defense, the same people who claim that there is this huge surplus out there, have seen to it that they are not going to get paid until two days later, October 1. That is so there can be an accounting gimmick and their pay counts against next year's budget and not this year's budget.

Now, if one is a Congressman and they make about $130,000, waiting 2 extra days for their pay is no big deal but if one is an E–4 with a child and a wife waiting that extra weekend to buy the Pampers or the baby formula, it is a big deal.

So the same folks who did this are saying we have over $100 billion to give away in tax breaks, 90 percent of which is going to the richest Americans, but we do not have enough for someone if they serve in the Armed Forces, and we are going to delay their pay. That is how much we think of them.

It gets even worse. If one served their Nation honorably, they were promised health care for the rest of their life if they served 20 years. Those same people who show up at the base hospitals they are being told, we are sorry, there is not enough money to take care of them; they are to go out and fend for themselves on Medicare; but there is $120 billion in tax breaks for the wealthiest Americans.

It gets even worse. For 3 years the same folks who are saying there is all this money laying around, that is why we have to have these tax breaks, froze the budget for the VA. They froze it.

Mr. Speaker, if there is not enough money to take care of those who need it the most, then there is not tax breaks for the least.

Mr. HAYWORTH. Mr. Speaker, I yield myself 1 minute in response to my colleague, the gentleman from Mississippi (Mr. TAYLOR), with whom I see eye to eye on many issues of national security.

I appreciate his points but it is interesting that it is somewhat of a selective outrage at the majority in this legislative body because I can remember the President of the United States, Mr. Speaker, visiting this Chamber for a State of the Union message and in outlining budget priorities failed to even articulate just a bit of rhetoric for those veterans who have served our country.

Indeed, as the record reflects, it was the majority adding $1,700,000,000 in health care benefits for our veterans. The other irony, I would point out to my friends in the minority, is this, just a few short months ago they embraced tax relief to the tune of $300 billion and yet now, Mr. Speaker, they tell us it is risky to propose real tax relief of even $48 billion to help America's working families.

□ 1730

Mr. RANGEL. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I need to remind my colleague from Arizona that it is the House's responsibility to deal with the House's business. The gentleman from Mississippi was talking about what we do, not what the President does, and that needs to be taken into account.

What we are about to do today is add-to. When we add up all of the tax cuts that have now been proposed by the majority in the House and the Senate, it is $500 billion. This is money that is saying our debt continues to go up and the risk to Social Security increases with every bill that is passed like the one before us today.

Mr. Speaker, we do not with small businesses any favors or family farmers any favors by enacting a tax cut which brings them minimal relief, minimal relief at the same time it undermines the fiscal discipline that has produced the longest economic expansion period in the history of our country. The Democratic alternative would provide an immediate $4 million exclusion for estate tax that would exempt more than 90 percent of the family farms from paying any estate tax at all.

I would welcome the opportunity today on this floor to debate between the bill of the majority and the bill of the minority on a line-by-line basis. Then the rhetoric would stop, I say to my friend from Arizona, and we could have an honest discussion. Why would you not permit an honest discussion of these issues? Why do you pass over the fact that the statement of the gentleman from Mississippi was 100 percent true? Why do you continue to do that with rhetoric? Why is it so important to continue to discuss tax cuts when we ought to be debating the very issues that we seem to all be agreed to.

Vote against this bill and vote for the motion to recommit.

Mr. Speaker, I rise in opposition to this fiscally irresponsible tax bill and in strong support of the Democratic alternative which will be offered as the motion to recommit.

I said on many occasions that the tax bill that this body passed and the President vetoed last year was the most fiscally irresponsible legislation in my 21 years in Congress. We are well on our way to replicating that dubious achievement this year. If we pass this bill today, the total cost of tax bills passed by the House or the Senate to date will total nearly $500 billion when the interest costs are taken into account. More costly tax bills stand in line to follow.

The tax bill before us is simply a political document that never will become law. Worse, this tax bill put forward by the Majority does not provide meaningful relief from the estate taxes for small businesses and farmers. It may be a good deal for wealthy individuals with estates of $10 million or more, but it doesn't do much for the vast majority of small businesses and family farmers in my district.

We do small businesses, family farmers and ranchers no favor by enacting a tax cut which brings them minimal relief at the same time it undermines the fiscal discipline which has produced the longest economic expansion period in the history of our country.

The Democratic alternative developed by CHARLIE RANGEL and JOHN TANNER is a fiscally responsible tax proposal which would provide real and meaningful tax relief for the largest number of small businesses. Incidentally, it also could be signed into law.

The Democratic alternative would provide an immediate $4 million exclusion for the estate tax which would exempt more than 90% of family owned farms from paying any estate tax at all. There are 193,024 family farmers in the State of Texas with farms valued at less than 5 million dollars who would benefit from the estate tax relief in the Democratic substitute. The bill before us does very little for these family farms.

The Democratic alternative contains several other important tax breaks for small businesses that I have long supported. It immediately implements the 100% deduction of health insurance for the self-employed. It makes permanent both the Work Opportunity Credit and the Welfare-to-Work Credit for businesses which hire disadvantaged workers. It increases the business meal deduction and the first-year 100% deduction for investment expenses. And, importantly, the Democratic alternative will maintain the fiscal discipline that has produced our strong economy because the tax cuts in the Democratic alternative are paid for. No wonder the small business community has been so impressed with this proposal.

The President has promised that he will sign into law the Democratic tax package. The fact that the leadership left only a procedural vote to indicate support of this amendment raises the question of what is more important to them: actually providing tax relief to small businesses or keeping a political issue alive.

Vote against this bill and vote for the motion to recommit so we can pass business tax relief which genuinely has been targeted towards small businesses and which can be signed into law.

Mr. HAYWORTH. Mr. Speaker, I yield myself 1 minute.

In response to my colleague from Texas, the reason we engage in this debate, and it is good that there are honest, philosophical differences; but I think all Members of the House, Mr. Speaker, need to be reminded that the money we are talking about does not belong to the Federal Government; it serves no higher purpose when we leave it in the hands of Washington bureaucrats, and the best way to empower all Americans is to make sure that all Americans hold on to more of their hard-earned money.

I would be happy to point out again that if we examine the alternative offered by the minority, it offers tax relief in one hand, it takes it away with estate tax increases on the other hand. The net tax relief of the minority package is a total of $8 million as opposed to $48 billion of comprehensive relief offered by a bipartisan majority. Again, I would point out that many Members of the minority, just a few short weeks ago, embraced a $300 billion tax relief package.

Mr. RANGEL. Mr. Speaker, I yield 10 seconds to the gentleman from Texas (Mr. STENHOLM) to respond to what the gentleman from Arizona just alleged.

Mr. STENHOLM. Mr. Speaker, I appreciate my friend's comments. I would also point out that we have a $5.6 trillion debt that needs to be addressed. That is what we are talking about on this side. Pay down the debt first, and then let us deal with tax cuts and other priorities.

Mr. HAYWORTH. Mr. Speaker, I yield myself 30 seconds.

The SPEAKER pro tempore (Mr. PEASE). The gentleman from New York (Mr. RANGEL) controls the time.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. BACA).

Mr. BACA. Mr. Speaker, I rise in behalf of the working families. I am speaking about the $1 increase in the minimum wage over the next 2 years, and I oppose the passage of the tax scheme provision, the Republican tax bill, H.R. 3081, that benefits the wealthy. We are talking about a cost over 10 years of $122 billion. That is not being fiscally responsible. We are talking about the need to be fiscally responsible, and we have that responsibility. We have the responsibility to do the death tax reduction. This bill is not dealing with the death tax reduction. We have the responsibility to working families, families right now that need an increase. There are many individuals that are struggling right now.

I myself come from a poor family and know what it is like to struggle, when one is just making minimum wage. Many of our students that are up in the gallery and others are saying look, we need an increase right now. We want to make sure that we can afford to put food on the table. We want to enjoy the same things that other individuals enjoy. We want to enjoy the quality of life. We want to make sure that we do not have to struggle like many others. We are very fortunate in our country that we have the ability for those of us who earn the money, but for those individuals that are poor and disadvantaged, we need to help them.

Mr. Speaker, I rise today to speak on behalf of working families across America.

I am speaking about a one-dollar increase in minimum wage over the next two years and opposing the passage of the tax provisions of the Republican tax bill, H.R. 3081.

The minimum wage proposal would benefit millions of families and allow them some comfort and economic dignity.

40% of minimum wage workers are the sole breadwinners in their families.

It is our responsibility to allow everyone—everyone—a chance at the American Dream and opportunity to bridge together and help improve the quality of life for all Americans.

The working people of America—the ones who built this country—deserve the opportunity to provide for themselves and their family.

You can't raise a family on $5.15 an hour.

You can't house a family on $5.15 an hour.

And you certainly can't put a decent roof over their heads for $5.15 an hour.

Parents who are forced to work two jobs are unable to spend much time with their children. That is wrong.

Democrats have been pushing for an increase since January of 1998 and it has taken the Republican leadership too long to respond.

How can they give themselves a $4,600 pay raise last year and then deny Labor a $1 pay raise over two years?

Republicans have used up all their excuses.

Now is the time to give these Americans a raise.

This issue is not about politics but about women . . . about children . . . and most importantly . . . about fairness.

Why should we vote for open markets in China and then deny the American worker his overdue benefits?

Why should we vote for a tax bill that will benefit only the wealthy and do nothing for the working class?

These votes are simple . . . yes to minimum wage and no to the tax.

I say we pass the minimum wage bill and change the slanted tax bill . . . and give laboring Americans the dignity to live.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded not to address comments about occupants of the gallery.

Mr. HAYWORTH. Mr. Speaker, I yield myself 1 minute. Welcome, my colleague from California, to this Chamber and to the debate. To my colleagues on the left and my friend from Texas, whom I guess left the Chamber, I would simply point out again that facts are stubborn things.

It is a fact that we have paid down over $140 billion of this debt. It is a fact that the budgeteers not here in Congress, but down at the other end of Pennsylvania Avenue at the White House who assessed what has transpired here with our budget, say that in 1999, for the first time since 1960, the United States Government offered a budget surplus over and above those funds of the Social Security Trust Fund. I would remind my colleagues that it was the efforts of this majority to lock away 100 percent of the Social Security surplus for Social Security in stark contrast to previous majorities in earlier years where that Social Security money was spent just as fast as it could be printed.

Mr. RANGEL. Mr. Speaker, I yield 1½ minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, this week I visited a beautiful farm, 85 acres in Holmdel, New Jersey, the Garden State. This property is one of the largest parcels of undeveloped land in that township. The farm has survived two world wars, the Great Depression, the advent of the technological revolution, and the factory farm. But today, because of the estate tax, family members may have to sell the property to developers. This is true even though some of the survivors would like to keep the land in the family and preserve it as open space and farmland.

Well, when a government policy robs families of their heritage and forces communities to develop land instead of preserving it, something needs to be changed. I am proud to cosponsor the legislation introduced by the gentleman from New York (Mr. RANGEL) that would help mitigate this unfair tax which hits so many in New Jersey.

The Rangel small business tax package would relieve the estate tax burden for family-owned farms and small businesses, and also includes other helpful tax cuts, including a provision to make permanent the work opportunity and welfare-to-work tax credits. The proposal would also accelerate 100 percent health insurance deduction for the self-employed and increase the tax deductions for business expenses. This is a responsible package to preserve family farms and small businesses and is compatible with efforts to shore up Social Security and Medicare and pay down the debt.

Central New Jersey supports eliminating the estate tax for family-owned farms and businesses. I urge my colleagues to support responsible estate tax relief.

Mr. HAYWORTH. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. GARY MILLER).

Mr. GARY MILLER of California. Mr. Speaker, this bill is about cleaning up neighborhoods and helping people afford housing. It would increase the State authority for the low-income housing tax credit from $1.25 per person to $1.65 per person, and it will index that cap to inflation. What does that mean to people in your district and mine struggling to afford housing?

Here are some statistics: the current credit on caps is $1.25 per person. It has not been changed since 1986, which means that while housing is currently affordable and the buying power of taxpayers has been decreased by almost 50 percent, it is not what it used to be. Mr. Speaker, 12 million Americans who are eligible for this program are not benefiting, which means that they are paying a very high portion of their income for rent or they are living in substandard housing.

Also, this legislation helps distressed areas by creating renewal communities with pro-growth tax initiatives to create jobs, encourage personal savings, and clean up neighborhoods on former industrial sites so new businesses can grow.

Some people have said this tax cut is for the rich, but obviously that is not true. The truth is that those who argue against this kind of a tax cut are simply against any kind of a tax cut. They are terrified about letting any money get away from the Government because they honestly believe government is a solution to all of our problems.

Mr. Speaker, I urge all of my colleagues to support this bill that will help people improve their communities and afford housing.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

For someone to say that Democrats are against any tax cuts, they obviously did not read the substitute. We have $36 billion worth of tax cuts here. The only difference is that we give a clear, no-tax status to those people who have estates that are $4 million tax free and we give relief up to $13 million. The Republicans have most all of their tax cut going to people in higher incomes. So one cannot say that when we look at the substitute, we have a $36 billion tax cut there, that we do not believe in tax cuts.

The truth of the matter is that the majority does not believe in a one-dollar increase in the minimum wage, because if they did believe in it, they would have worked out in a bipartisan way how we could bring the President to sign a bill. It is as simple as that. As a matter of fact, if they had just stopped at $36 billion, we could have walked out of here, men and women, Republican and Democrats, going to our home districts and saying, not only did we help those that work every day, even though it is at near-poverty wages, but we gave relief to small employers who may not be able to afford that $1. That is what we could have done. That could have been the beginning of us working together toward other tax cuts after we take care of Social Security and Medicare and affordable drugs, after we make certain that we protect the patient's right to be able to sue, after we do those basic things, again, not as the majority and minority, not as Republicans and Democrats, but as Members of Congress working together to improve the quality of life for most Americans, especially working Americans.

There will be enough differences for us to go to the polls and to campaign, but we do not have to fight on each and every issue. Why cannot the majority take a deep breath, get a life, and try to do some of the things that the senior Senator from Arizona was saying. Be responsible. Stop thinking only in terms of tax cuts.

The American people say, I want a tax cut. They are saying, that is my money. But we have a responsibility to take care of that over $5 billion of Federal debt that we have to pay down. We have to take care of Medicare. We have to take care of Social Security. While we are at it, they say, yes, take care of cutting my taxes; but during this period of prosperity, do not deny the working poor a $1 increase in the minimum wage.

So I suggest to the other side that they know that they have begged for a veto. The worst thing that could happen to my colleagues is for the President to decide not to be held hostage and to swallow these irresponsible tax cuts, but that is not going to happen. Because it was this President that has led us to this period of prosperity and he is not going to allow politically motivated Members of this House to drive them into doing something this irresponsible because he wants a minimum wage.

Mr. Speaker, it is not too late for my colleagues to change their wayward ways and to attempt to sit down and to work with Democrats and to work with the President and to do the right thing. My Republican colleagues could not get this 800-pound gorilla off the floor last year, and you will not be able to do it this year.

Mr. HAYWORTH. Mr. Speaker, I yield myself such time as I may consume.

I thank my colleague from New York. I thought for a moment there he was engaged in self-analysis when he talked about playing politics and who was holding whom hostage over reasonable relief for working Americans when it comes to taxation.

Again, facts are stubborn things. It is worth noting that this Congress together, in a bipartisan fashion, joined to create a lockbox for Social Security that kept the Social Security surplus, 100 percent of it, intact and reserved for Social Security; that it is this Congress, working together, that paid down $143 billion of a $5 trillion national debt that hangs over the heads of our children; that it is this common sense Congress, working in a bipartisan fashion, with sober, business-minded friends in the minority in a bipartisan fashion to offer reasonable tax relief and search for a way to find common ground. Indeed, that is what this legislation provides.

Mr. Speaker, we offer tax relief for working Americans. We offer empowerment for the economically downtrodden. We offer a way to say death to the death tax and make sure that people stay gainfully employed and that family farms and small businesses are not sold off to satisfy the insatiable desire of those who always seek for the public Treasury personal funds. That, in the final analysis, is what this debate comes down to, Mr. Chairman. It is this question: To whom does the money belong? Does it belong to Washington bureaucrats, or does it belong to the American people who work hard, pay their taxes, and play by the rules?

Mr. Speaker, a bipartisan majority supports the notion that the money belongs to the people who earn it, who work hard and play by the rules, and who deserve to have a good chunk of their money stay in their pockets.

In conclusion, I would simply point out that the minority alternative offers, are we ready for this, a net tax relief package of $8 million as opposed to broad-based tax relief of $48 billion under the bipartisan majority plan.

□ 1745

That is what we must work for, economic empowerment, not only through wages, but allowing all Americans to keep more of their hard-earned money. That is why I am pleased to support the commonsense majority plan that passed out of the Committee on Ways and Means and comes to this floor for the consideration of all my colleagues.

Mr. MOORE. Mr. Speaker, I rise today in support of H.R. 3832, the Small Business Tax Fairness Act of 2000.

I have long been a supporter of targeted tax relief that will help sustain the growth of economy, support the continued health of our nation's small businesses, restore and rehabilitate our rural and urban communities, and provide incentives for individuals to save for their retirement.

While I would have included provisions that differ somewhat from this version had I drafted this bill myself, I strongly support the following provisions that will benefit small businesses and the self employed, low-income and rural areas, and the working poor and middle-income America:

100 Percent Deductibility of Health Insurance Costs: This provision will level the playing field for the self-employed and reduce the burden on the over 44 million Americans currently without health insurance.

Small Business Expensing: A majority of our nation's small businesses exceed the current small-business expensing limits in only three months. This bill would raise the threshold from $20,000 to $30,000, which will free up capital resources for additional investment in small businesses to expand and create new jobs.

Installment Sales Tax Correction: Last year, Congress passed and the President signed into law a bill that provided much needed tax relief to individuals and businesses through extending certain tax credits. Unfortunately, this law contained a provision, which will be repealed by H.R. 3832, that prohibits small businesses that use accrual accounting methods from selling assets in installments.

Community Development and Low-Income Assistance: The measure also provides for the creation of "renewal communities" to assist low-income and rural areas with tax relief that will help spur economic growth. Additionally, the bill includes an expansion of the low-income housing tax credit to help build and support more low-income housing for the working poor.

Enhancing Retirement Security: In an increasingly mobile workforce, it is critically important that we allow for shorter vesting schedules and increased portability of retirement benefits between jobs. This bill does that. By removing artificial and administrative barriers, these provisions will make it significantly easier for working Americans to save and invest for their retirement. Other provisions in this bill will increase limits on employer-sponsored retirement plans, increase pension opportunities for women who have historically been left out of retirement savings plans, and provide new and expanded opportunities for all Americans to save and invest for their future.

This bill also reduces the estate tax. While I support providing estate tax relief to American families, small business owners, and farmers who have worked their entire lives to transfer a portion of their estates upon their death, I do not advocate a full repeal of the estate tax. I therefore object to the provision in Section 302 of the bill that expresses the sense of Congress that the estate tax should be repealed. Simply, a full repeal of the estate tax will have budget implications that this country simply cannot afford. With over $200 billion in lost revenue, this has the potential to put this country back on the wrong fiscal track of increased deficit spending and an exploding national debt.

Mr. Speaker, this year the House of Representatives has already passed a $182 billion marriage penalty relief bill. I supported that measure because that bill provided needed tax relief for married couples by reducing the marriage tax penalty while strengthening the financial resources of the American family and fostering economic prosperity into the 21st century. Today, we will likely pass a $122 billion tax relief bill. That brings the total tax relief approved by the House to date up to $304 billion or a little more than 30 percent of the projected on budget surplus of $930 billion.

I warned the House when we passed the marriage penalty tax and I will warn the House again today: This Congress has yet to act on a budget resolution and, as such, has no knowledge about how this legislation will fit into our other collective commitments to extend the solvency of Social Security and Medicare and reduce our national debt. Although the majority claims to support retiring the publicly held debt, they have begun the session by scheduling several tax bills funded by the projected budget surplus without giving any consideration to the impact that the bills will have on the ability to retire our $5.6 trillion national debt.

We can, we should, and we have cut taxes. I have supported these bills because each has had a relatively modest cost when considered in isolation; and I will support one more bill—clean legislation that will increase the deductible contribution limits to Individual Retirement Accounts. Today, the Wall Street Journal reported that the majority is contemplating bringing a bill to the floor that would increase IRA limits to $5,000. I have such a bill and I urge the leadership in both parties to consider H.R. 802 because it will help increase national savings and encourage individual private retirement accounts to supplement Social Security benefits.

I am concerned, however, that the total costs of these bills will be nearly as much as the vetoed tax bill, and could even be more expensive. These tax cuts, however, must be made in the context of a fiscally responsible budget that eliminated the publicly held debt, strengthens Social Security and Medicare, and addresses our other other priorities. While I will be supporting this legislation, I will also be redoubling my efforts to push fiscal responsibility—to call for a plan I voted for last summer that would reserve 50 percent of on-budget surpluses for debt reduction, 25 percent for securing Social Security and protecting Medicare, and 25 percent for tax cuts.

We have exceeded that threshold and I urge the leadership to recognize that enough is enough. I urge my colleagues to move forward in a bipartisan manner to address these other important issues and place all of our priorities in context of a responsible budget resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, today I rise in strong opposition to the Small Business Tax Legislation coupled with the Minimum Wage Increase bill. This Republican Tax Bill is a poison pill designed to defeat the increase in the minimum wage—the President has indicated that he would veto the Republican tax bill even if it were included in legislation increasing minimum wage.

I have long supported estate tax relief for American families; however, this bill is not a responsible measure in providing such relief. I reject the Republican bill and its solution to estate tax relief and strongly support the Democratic alternative.

The Democratic alternative provides greater tax relief to small businesses in the following respects:

A. It liberalizes and makes permanent the Work Opportunity Tax Credit, a credit that will directly benefit many small businesses employing minimum wage workers. The Republican bill does nothing.

B. It provides far greater estate tax relief for family farms and small businesses than the Republican bill. The overwhelming percentage of estates with farms and small business interests will receive greater estate tax relief.

C. It provides small businesses a greater increase in the business meal deduction than the Republican bill.

D. It contains provisions identical to those contained in the Republican bill on priority issues such as 100% deductibility for health insurance premiums for the self employed, increase in small business expensing, and repeal of the provision enacted last year changing installment method.

E. The Democratic alternative will be signed by the President. Therefore, these priority provisions actually could become law if the Democratic alternative passes. Otherwise, they merely will be contained in yet another bill vetoed by the President.

During 1995 and 1996, the House Republicans alone defeated meaningful reforms that would have stopped a few extraordinarily wealthy individuals from gaining large tax benefits by renouncing their allegiance to this country.

The House Republicans succeeded in overcoming the opposition of the Senate Republicans and Democrats, the Administration, and the House Democrats. They insisted on tax expatriation legislation with many loopholes that enable wealthy individuals to turn their backs on this country and walk away with large accumulations of wealth.

The Democratic alternative contains provisions that effectively will eliminate the tax expatriation loophole. Voting for the Republican bill will be a vote to place the interests of wealthy expatriates ahead of minimum wage workers.

The Democratic alternative also contains provisions to close down the aggressive use of corporate tax shelters. Again, voting for the Republican bill is a vote to place the interests of large corporations using aggressive tax avoidance schemes ahead of minimum wage workers.

The Republican bill would cost approximately $122 billion over the next 10 years and is part of their strategy to enact their irresponsible $800 billion tax bill in a piecemeal fashion. The Republicans once again are asking the House to vote for tax cuts before knowing whether there is a budget framework that will protect Social Security and Medicare, provide a prescription drug benefit, and pay down the national debt. These are the priorities of our constituents. How can we support a bill that threatens fiscal discipline and the welfare of our families?

The Small Business Tax Legislation bill, is highly misleading. The overwhelming bulk of the tax relief contained in the Republican bill will go to the estates of extremely wealthy individuals and not to small businesses.

According to the Center On Budget and Policy Priorities this Republican sponsored bill contains an array of tax cuts that would mostly benefit high-income individuals, and likely lead to reductions in pension benefits for lower-income working families.

The pension provisions mentioned in this bill would be a major expansion of pension-related tax preferences for high-income persons. The proposed pension changes relax some provisions of current law that limit contributions that highly paid individuals may make to pension plans, as well as the amount of the pension payments that such high-income individuals receive when they retire.

Some of the pension provisions in this bill would reduce the pension coverage for lower- and middle-income workers. For example, increasing pension contribution limits for well compensated executives and owners, then they could maintain contributions for their own pension plans while reducing contributions for other employees.

The estate tax reductions in this legislation would go to the estates of wealthy people who are investors with extensive holdings in real estate and/or stocks or other financial instruments and who were NOT owners of small businesses. An estate tax reduction of this magnitude would not justify an offset for the effects of a higher minimum wage on small businesses.

The Minimum Wage legislation rightfully seeks to increase the minimum wage from $5.15 to $6.15 an hour for the millions of hard working people in our country. However, the coupling of this minimum wage increase with alleged small business tax measures is a poor match. According to the Center On Budget and Policy Priorities there is little evidence that modest minimum-wage increases have significant negative effects on small businesses.

Voting for this Republican bill is a vote to place the interests of large corporations using aggressive tax avoidance schemes ahead of minimum wage workers. I will always advocate for the benefit of those hardworking Americans that so desperately need a minimum wage increase and tax cut.

Mr. BENTSEN. Mr. Speaker, I rise in opposition to H.R. 3081, the "Wage Employment Growth Act of 1999." The short title of the Republican bill is highly misleading. My Republican colleagues assert that this measure is targeted to offset the financial hardship on small businesses resulting from increasing the minimum wage.

The GOP bill would cost approximately $122 billion over the next ten years and is part of Republicans' strategy to enact their failed and irresponsible $800 billion tax bill incrementally. This is the second tax bill the House has considered this year, spending the projected surplus before we have even passed a budget resolution to determine the nation's overall tax spending and debt reduction plans. The Republican leadership seems intent on scoring political points rather than governing. They determine fiscal policy by election strategy not financial prudence.

H.R. 3081 also purports to promote the establishment of pension plans by small employers. As an advocate for removing barriers to employer-sponsored pension programs, I am disappointed with what the Republicans have set out before us. Mr. BLUNT (D-Mo.) and I have sponsored H.R. 352, a measure aimed at helping small business owners set up pension plans so their employees may save for their retirement. H.R. 352 proposes to ease the regulatory and administrative burdens on small businesses and includes a five-year tax credit for employers that establishes any type of qualified retirement plan. Many of the main concepts in H.R. 352 were incorporated in H.R. 1102 which was supposedly subsumed into H.R. 3081. Unfortunately, what has emerged from the Republicans does not resemble H.R. 352 nor does it encourage small business employers to help their employees save for retirement.

Today, only 21 percent of all individuals employed by small businesses with less than 100 employees participate in an employer-sponsored plan, compared to 64 percent of those who work for businesses with more than 100 employees. The Republican bill squanders an unprecedented opportunity to address an impending crisis—the retirement of nearly 76 million Baby Boomers. Even as incomes rise, we have an abysmally low savings rate of 3.8 percent of disposable personal income. If the economy slows in the near future, that figure may rise by only one or two percentage points, which is still low by historical standards.

There are many provisions in H.R. 3081 which are meritorious and should be enacted by the House including resolving the question of installment sales, estate tax which really helps family-owned businesses and farms and expands pension opportunities. But, Congress must first adopt a budget plan which prudently allocates the projected budget surplus which does not lead us toward renewed deficit spending.

As a member of the Budget Committee, I continue to advocate that Congress preserve the budget surplus and use it to pay off the national debt while strengthening Social Security. The $3.7 trillion dollar public debt is a tremendous burden on the economy. By forcing the government to borrow money in private markets, the debt drives up interest rates and takes investment capital away from private companies, thereby reducing productivity. As interest payments on the debt grow, it saps both private investment and vital programs such as Medicare and education. Regrettably, H.R. 3081 jeopardizes our ability to protect Social Security and Medicare and pay down the national debt.

Mr. WELDON of Florida. Mr. Speaker, today I rise in support of the Small Business Tax Fairness Act and increasing the federal minimum wage one dollar over three years.

The nearly 3 million small business owners and their employees in the state of Florida deserve this tax fairness package, which will save American small business owners $45.3 billion over the next five years. Let's remember that most Americans work for small businesses and strengthening them will help us create good jobs here in America. Liberals who oppose this package use outrageous language to describe our proposal which will help not only the owners of small businesses and farms, but their employees.

The Small Business Tax Fairness Act continues the Republican commitment to rework the tax code to provide tax fairness to all hardworking Americans. Tragically, owners of mom and pop stores, restaurants, and farms have been unfairly saddled with these tax burdens for decades. They are called "rich" because of their holdings; but almost all of them would agree that those holdings are necessary tools and materials for the success of their businesses.

For example a tractor and a plow can easily cost upwards of $50,000. Helping farmers to purchase new farm equipment may be labeled as a tax cut for the rich by liberal opponents of this bill. But, because of their narrow vision and interest in partisan rhetoric they fail to acknowledge and see everyone who benefits. I can guarantee you that the benefits flow to American workers who manufactured the tractor, the truckers who shipped it, the miners who mined the raw materials, and those who work in the factory where the tires and other components are made, The tax relief package clearly is good for all Americans.

With regard to estate taxes, as someone who represents Florida, I know about the loss of farm land and open spaces. Estate taxes force too many families to sell the farmland to developers just to pay the taxes. I have seen it time and again in my congressional district where families have been forced to sell citrus farms in order to pay estate taxes when a parent dies. The bill provides some tax relief that will help farmers and their families keep the family farm.

The bill also encourages savings. We have the lowest savings rate in American history. Our bill helps Americans save money for the future. It helps make pension plans more portable so that American workers who have placed money in a company pension plan can move to another job more easily without losing all that they have put in a pension plan. This will help all American workers and their families.

We provide Americans with a tax deduction for the purchase of health insurance so that they are not impoverished when faced with a serious illness. I am disappointed that the liberals have labeled as a "tax break for the rich," a bill that allows the uninsured to fully deduct the costs of purchasing health insurance premiums. I think we should be about helping the uninsured, not sticking it to them.

We also authorize HUD to designate 15 "renewal communities" in both urban and rural areas. This will help these economically depressed communities recover.

We also increase the business meal deduction to 60%. This will spur economic growth. It will help the waiter, the waitress, and the cook who will have more customers.

Not only does our package spur economic growth by providing this tax relief, but it provides a reasonable increase in the minimum wage. As in the base bill, I support raising the minimum wage by a dollar over the next three years. The phased-in wage increase will help employees and it will give those small businesses who operate at the margins an opportunity to adjust so that they can remain competitive and ensure that jobs are not lost.

I would ask my colleagues to support this bill.

Mrs. MINK of Hawaii. Mr. Speaker, I rise in opposition to the H.R. 3081.

H.R. 3081 provides irresponsible tax cuts that will do nothing to help the people that need it the most—the working families.

Instead, H.R. 3081 will spend over $100 billion of the taxpayer's money over the next ten years to provide tax relief to some of the wealthiest families.

In contrast, the Democratic tax proposal focuses on working families.

It would raise the estate tax exclusion for family farms and businesses to $4 million. Under current law, it is now $1.3 million. With this change, the Democrats would be helping families save their businesses so it can be passed on to the next generation.

This would help the neighborhood pharmacist pass his drug store on to his daughter. It would help the Mom and Pop store continue thriving with a son or daughter. It would allow the family farm to stay in the family.

The Democratic substitute will repeal a provision that currently disallows a business deduction for travel expenses incurred when your spouse or child accompanies you on a business trip. This deduction would allow the family to spend more time together. It would make it easier for a working mom to take her daughter on a business trip with her. It would make it easier for a husband and father to include his family. It would help keep the family together.

The Democrats are committed to putting families first. Our tax proposals focus on the family.

In addition, it provides an exclusion for post-secondary educational benefits provided for employee's children; it provides funding for school construction; it extends the Work Opportunity and the welfare-to-work tax credits. And it makes changes to Section 415 affecting pensions to help workers save for retirement.

And it does all of this and more at a cost of $30 billion over ten years—a fraction of the cost of the Republican bill.

Perhaps that is why the Republicans would not allow the Democrats to offer this tax proposal as a substitute to their bill. We have targeted our tax cuts to help the people that really need it and at a cost that is much more responsible.

The Republicans want their bill or no bill. We have another choice. The motion to recommit will give you the opportunity to vote for the Democratic substitute.

We are experiencing great financial times right now; some Americans are getting rich, but most poor working families are getting nowhere.

Since 1979, 98 percent of the increase in incomes in America has gone to the top 20 percent.

We must not enact irresponsible tax cuts that will benefit only the wealthiest families in this country as a trade-off for a $1 minimum wage increase spread over 3 years.

I urge a "no" vote on H.R. 3081 and an "aye" vote on the motion to recommit.

Mr. BALLENGER. Mr. Speaker, I am pleased that the House is voting on a package of tax relief designed to help America's small businessmen and women shoulder the burden of another increase in the federal minimum wage.

Congress has already voted on many of the changes contained in the Small Business Tax Fairness Act (H.R. 3081) in the context of previous Republican-authored tax relief bills which either died in the other body or were vetoed by President Clinton. In the interest of protecting the small businesses and the jobs they create in my congressional district and around the nation, I believe this bill is needed and must accompany any proposed increase in the federal minimum wage. As such, I applaud Ways and Means Committee Chairman BILL ARCHER for his persistence in fighting for tax relief in this context as well as for measures which he championed to relieve the tax burden on working families.

Although I believe the $45.8 billion price tag of H.R. 3081 is modest in comparison to earlier bills, it makes some important changes in the tax code which will help to insure the strength of the small business sector, the backbone of the American economy. First, the bill further reduces over five years a tax, created in 1916 in order to break up and redistribute a concentration of the nation's wealth, which was used to help fund World War I. This war was won in 1918, but the tax on estates remains. It is important to note that this tax penalizes not only so-called rich families, but the workers employed by these family businesses or farms if the 55% federal tax rate destroys or financially cripples these enterprises. I found this fact to be startling, only one-third of family-owned businesses survive into the next generation in many cases because of this so-called death tax.

In addition, Congress needs to correct a problem created by Public Law 106–170 and once again allow accrual basis businesses to use the installment method of accounting on the sale of assets and the business. Congressional Republicans have continued the fight to provide the self-employed with 100 percent deductibility for their health insurance costs and have included it in this bill. As a small businessman myself, I know the importance of the increase from $19,000 to $30,000 in the amount of equipment eligible for expensing which H.R. 3081 seeks. Needless to say, the comprehensive package of pension reforms in the bill have widespread support and include provisions which in the past enjoyed the support of business and labor.

I've mentioned the changes in H.R. 3081 which my constituents have consistently advocated. I hope we will see a large bipartisan majority voting for this tax relief package today. It is in everyone's interest to see to it that our nation's small businesses continue to flourish.

The SPEAKER pro tempore (Mr. PEASE). All time having expired, pursuant to House Resolution 434, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. RANGEL. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. RANGEL. Yes, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. RANGEL moves to recommit the bill, H.R. 3081, to the Committee on Ways and Means with instructions to report the same forthwith back to the House with the following amendment:

Strike all after the enacting clause, and insert the following:

TITLE II—AMENDMENTS OF INTERNAL REVENUE CODE OF 1986

SEC. 200. SHORT TITLE.

(a) SHORT TITLE.—This title may be cited as the "Small Business Tax Relief Act of 2000".

(b) TABLE OF CONTENTS.—

TITLE II—AMENDMENTS OF INTERNAL REVENUE CODE OF 1986

Sec. 200. Table of contents.

Subtitle A—Permanent Extension of Work Opportunity Credit and Welfare-to-Work Credit

Sec. 201. Work opportunity credit and welfare-to-work credit; repeal of age limitation on eligibility of food stamp recipients.

Subtitle B—Deduction for 100 Percent of Health Insurance Costs of Self-Employed Individuals

Sec. 211. Deduction for 100 percent of health insurance costs of self-employed individuals.

Subtitle C—Pension Provisions

Sec. 221. Treatment of multiemployer plans under section 415.

Sec. 222. Early retirement limits for certain plans.

Sec. 223. Certain post-secondary educational benefits provided by an employer to children of employees excludable from gross income as a scholarship.

Subtitle D—Business Tax Relief

Sec. 231. Increase in expense treatment for small businesses.

Sec. 232. Small businesses allowed increased deduction for meal and entertainment expenses.

Sec. 233. Restoration of deduction for travel expenses of spouse, etc. accompanying taxpayer on business travel.

Sec. 234. Increased credit and amortization deduction for reforestation expenditures.

Sec. 235. Repeal of modification of installment method.

Subtitle E—Expansion of Incentives for Public Schools

Sec. 241. Expansion of incentives for public schools.

Subtitle F—Increased Estate Tax Relief for Family-Owned Business Interests

Sec. 251. Increase in estate tax benefit for family-owned business interests.

Subtitle G—Revenue Offsets

PART I—REVISION OF TAX RULES ON EXPATRIATION

Sec. 261. Revision of tax rules on expatriation.

PART II—DISALLOWANCE OF NONECONOMIC TAX ATTRIBUTES

SUBPART A—DISALLOWANCE OF NONECONOMIC TAX ATTRIBUTES; INCREASE IN PENALTY WITH RESPECT TO DISALLOWED NONECONOMIC TAX ATTRIBUTES

Sec. 266. Disallowance of noneconomic tax attributes.

Sec. 267. Increase in substantial underpayment penalty with respect to disallowed noneconomic tax attributes.

Sec. 268. Penalty on marketed tax avoidance strategies which have no economic substance, etc.

Sec. 269. Effective dates.

SUBPART B—LIMITATIONS ON IMPORTATION OR TRANSFER OF BUILT-IN LOSSES

Sec. 271. Limitation on importation of built-in losses.

Sec. 272. Disallowance of partnership loss transfers.

PART III—ESTATE AND GIFT TAX OFFSETS

Sec. 276. Valuation rules for transfers involving nonbusiness assets.

Sec. 277. Correction of technical error affecting largest estates.

PART IV—OTHER OFFSETS

Sec. 281. Consistent amortization periods for intangibles.

Sec. 282. Modification of foreign tax credit carryover rules.

Sec. 283. Recognition of gain on transfers to swap funds.

(c) COORDINATION WITH BUDGET RULES.—If, without regard to this sentence, any provision of this Act would result in an increase or decrease in revenue in fisal year 2001, notwithstanding any other provision of this Act, such provision shall be first effective on October 1, 2001, except that the determination of amounts required to be paid (or refunds required to be allowed) on or after such date shall be made as if this sentence had not been enacted.

Subtitle A—Permanent Extension of Work Opportunity Credit and Welfare-to-Work Credit

SEC. 201. WORK OPPORTUNITY CREDIT AND WELFARE-TO-WORK CREDIT; REPEAL OF AGE LIMITATION ON ELIGIBILITY OF FOOD STAMP RECIPIENTS.

(a) PERMANENT EXTENSION.—

(1) IN GENERAL.—

(A) Section 51(c) of the Internal Revenue Code of 1986 is amended by striking paragraph (4).

(B) Section 51A of such Code is amended by striking subsection (f).

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to individuals who begin work for the employer after December 31, 2001.

(b) REPEAL OF AGE LIMITATION ON ELIGIBILITY OF FOOD STAMP RECIPIENTS.—

(1) IN GENERAL.—Subparagraph (A) of section 51(d)(8) of such Code is amended to read as follows:

"(A) IN GENERAL.—The term 'qualified food stamp recipient' means any individual who is certified by the designated local agency as being a member of a family—

"(i) receiving assistance under a food stamp program under the Food Stamp Act of 1977 for the 6-month period ending on the hiring date, or

"(ii) receiving such assistance for at least 3 months of the 5-month period ending on the hiring date, in the case of a member of a family who ceases to be eligible for such assistance under section 6(o) of the Food Stamp Act of 1977."

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to individuals who begin work for the employer after the date of the enactment of this Act.

Subtitle B—Deduction for 100 Percent of Health Insurance Costs of Self-Employed Individuals

SEC. 211. DEDUCTION FOR 100 PERCENT OF HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.

(a) IN GENERAL.—Paragraph (1) of section 162(l) of the Internal Revenue Code of 1986 is amended to read as follows:

"(1) ALLOWANCE OF DEDUCTION.—In the case of an individual who is an employee within the meaning of section 401(c)(1), there shall be allowed as a deduction under this section an amount equal to 100 percent of the amount paid during the taxable year for insurance which constitutes medical care for the taxpayer and the taxpayer's spouse and dependents.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2000.

Subtitle C—Pension Provisions

SEC. 221. TREATMENT OF MULTIEMPLOYER PLANS UNDER SECTION 415.

(a) COMPENSATION LIMIT.—Paragraph (11) of section 415(b) of the Internal Revenue Code of 1986 (relating to limitation for defined benefit plans) is amended to read as follows:

"(11) SPECIAL LIMITATION RULE FOR GOVERNMENTAL AND MULTIEMPLOYER PLANS.—In the case of a governmental plan (as defined in section 414(d)) or a multiemployer plan (as defined in section 414(f)), subparagraph (B) of paragraph (1) shall not apply.".

(b) COMBINING AND AGGREGATION OF PLANS.—

(1) COMBINING OF PLANS.—Subsection (f) of section 415 of such Code (relating to combining of plans) is amended by adding at the end the following:

"(3) EXCEPTION FOR MULTIEMPLOYER PLANS.—Notwithstanding paragraph (1) and subsection (g), a multiemployer plan (as defined in section 414(f)) shall not be combined or aggregated with any other plan maintained by an employer for purposes of applying the limitations established in this section, except that such plan shall be combined or aggregated with another plan which is not such a multiemployer plan solely for purposes of determining whether such other plan meets the requirements of subsection (b)(1)(A).".

(2) CONFORMING AMENDMENT FOR AGGREGATION OF PLANS.—Subsection (g) of section 415 of such Code (relating to aggregation of plans) is amended by striking "The Secretary" and inserting "Except as provided in subsection (f)(3), the Secretary".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 1999.

SEC. 222. EARLY RETIREMENT LIMITS FOR CERTAIN PLANS.

(a) IN GENERAL.—Subparagraph (F) of section 415(b)(2) of the Internal Revenue Code of 1986 is amended to read as follows:

"(F) MULTIEMPLOYER PLANS AND PLANS MAINTAINED BY GOVERNMENTS AND TAX EXEMPT ORGANIZATIONS.—In the case of a governmental plan (within the meaning of section 414(d)), a plan maintained by an organization (other than a governmental unit) exempt from tax under this subtitle, a multiemployer plan (as defined in section 414(f)), or a qualified merchant marine plan—

"(i) subparagraph (C) shall be applied—

"(I) by substituting 'age 62' for 'social security retirement age' each place it appears, and

"(II) as if the last sentence thereof read as follows: 'The reduction under this subparagraph shall not reduce the limitation of paragraph (1)(A) below (i) 80 percent of such limitation as in effect for the year, or (ii) if the benefit begins before age 55, the equivalent of such 80 percent amount for age 55.', and

"(ii) subparagraph (D) shall be applied by substituting 'age 65' for 'social security retirement age' each place it appears.

For purposes of this subparagraph, the term 'qualified merchant marine plan' means a plan in existence on January 1, 1986, the participants in which are merchant marine officers holding licenses issued by the Secretary of Transportation under title 46, United States Code.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to years beginning after December 31, 1999.

SEC. 223. CERTAIN POST-SECONDARY EDUCATIONAL BENEFITS PROVIDED BY AN EMPLOYER TO CHILDREN OF EMPLOYEES EXCLUDABLE FROM GROSS INCOME AS A SCHOLARSHIP.

(a) IN GENERAL.—Section 117 of the Internal Revenue Code of 1986 (relating to qualified scholarships) is amended by adding at the end the following:

"(e) EMPLOYER-PROVIDED POST-SECONDARY EDUCATIONAL BENEFITS PROVIDED TO CHILDREN OF EMPLOYEES.—

"(1) IN GENERAL.—In determining whether any amount is a qualified scholarship for purposes of subsection (a), the fact that such amount is provided in connection with an employment relationship shall be disregarded if—

"(A) such amount is provided by the employer to a child (as defined in section 151(c)(3)) of an employee or former employee of such employer,

"(B) such amount is provided pursuant to a plan which meets the nondiscrimination requirements of subsection (d)(3), and

"(C) amounts provided under such plan are in addition to any other compensation payable to employees and such plan does not provide employees with a choice between such amounts and any other benefit.

For purposes of subparagraph (C), the business practices of the employer (as well as such plan) shall be taken into account.

"(2) DOLLAR LIMITATIONS.—

"(A) PER CHILD.—The amount excluded from the gross income of the employee by reason of paragraph (1) for a taxable year with respect to amounts provided to each child of such employee shall not exceed $2,000.

"(B) AGGREGATE LIMIT.—The amount excluded from the gross income of the employee by reason of paragraph (1) for a taxable year (after the application of subparagraph (A)) shall not exceed the excess of the dollar amount contained in section 127(a)(2) over the amount excluded from the employee's gross income under section 127 for such year.

"(3) PRINCIPAL SHAREHOLDERS AND OWNERS.—Paragraph (1) shall not apply to any amount provided to any child of any individual if such individual (or such individual's spouse) owns (on any day of the year) more than 5 percent of the stock or of the capital or profits interest in the employer.

"(4) SPECIAL RULES OF APPLICATION.—In the case of an amount which is treated as a qualified scholarship by reason of this subsection—

"(A) subsection (a) shall be applied without regard to the requirement that the recipient be a candidate for a degree, and

"(B) subsection (b)(2)(A) shall be applied by substituting 'section 529(e)(5)' for 'section 170(b)(1)(A)(ii)'.

"(5) CERTAIN OTHER RULES TO APPLY.—Rules similar to the rules of paragraphs (4), (5), and (7) of section 127(c) shall apply for purposes of this subsection."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2000.

Subtitle D—Business Tax Relief

SEC. 231. INCREASE IN EXPENSE TREATMENT FOR SMALL BUSINESSES.

(a) IN GENERAL.—Paragraph (1) of section 179(b) of the Internal Revenue Code of 1986 (relating to dollar limitation) is amended to read as follows:

"(1) DOLLAR LIMITATION.—The aggregate cost which may be taken into account under subsection (a) for any taxable year shall not exceed $30,000.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 232. SMALL BUSINESSES ALLOWED INCREASED DEDUCTION FOR MEAL AND ENTERTAINMENT EXPENSES.

(a) IN GENERAL.—Subsection (n) of section 274 (relating to only 50 percent of meal and entertainment expenses allowed as deduction) is amended by adding at the end the following new paragraph:

"(4) SPECIAL RULE FOR SMALL BUSINESSES.—

"(A) IN GENERAL.—In the case of any taxpayer which is a small business, paragraph (1) shall be applied by substituting for '50 percent'—

"(i) '55 percent' in the case of taxable years beginning in 2001 and 2002, and

"(ii) '60 percent' in the case of taxable years beginning in 2003, 2004, 2005 and 2006, and

"(iii) '65 percent' in the case of taxable years beginning after 2006.

"(B) SMALL BUSINESS.—For purposes of this paragraph, the term 'small business' means, with respect to expenses paid or incurred during any taxable year—

"(i) any C corporation which meets the requirements of section 55(e)(1) for such year, and

"(ii) any S corporation, partnership, or sole proprietorship which would meet such requirements if it were a C corporation."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2000.

SEC. 233. RESTORATION OF DEDUCTION FOR TRAVEL EXPENSES OF SPOUSE, ETC. ACCOMPANYING TAXPAYER ON BUSINESS TRAVEL.

(a) In General.—Subsection (m) of section 274 of the Internal Revenue Code of 1986 (relating to additional limitations on travel expenses) is amended by striking paragraph (3).

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 234. INCREASED CREDIT AND AMORTIZATION DEDUCTION FOR REFORESTATION EXPENDITURES.

(a) Increase in Credit.—Paragraph (1) of section 48(b) of the Internal Revenue Code of 1986 (relating to reforestation credit) is amended by striking “10 percent” and inserting “20 percent”.

(b) Reduction in Amortization Period.—Subsection (a) of section 194 of such Code (relating to amortization of reforestation expenditures) is amended—

(1) by striking “84 months” and inserting “36 months”, and

(2) by striking “84-month period” and inserting “36-month period”.

(c) Increase in Maximum Amount Which May Be Amortized.—Paragraph (1) of section 194(b) of such Code is amended by striking “$10,000 ($5,000” and inserting “$20,000 ($10,000”.

(d) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 235. REPEAL OF MODIFICATION OF INSTALLMENT METHOD.

(a) In General.—Subsection (a) of section 536 of the Ticket to Work and Work Incentives Improvement Act of 1999 (relating to modification of installment method and repeal of installment method for accrual method taxpayers) is repealed effective with respect to sales and other dispositions occurring on or after the date of the enactment of such Act.

(b) Applicability.—The Internal Revenue Code of 1986 shall be applied and administered as if that subsection (and the amendments made by that subsection) had not been enacted.

Subtitle E—Expansion of Incentives for Public Schools

SEC. 241. EXPANSION OF INCENTIVES FOR PUBLIC SCHOOLS.

(a) In General.—Chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subchapter:

“Subchapter X—Public School Modernization Provisions

“Part I. Credit to holders of qualified public school modernization bonds.

“Part II. Qualified school construction bonds.

“Part III. Incentives for education zones.

“PART I—CREDIT TO HOLDERS OF QUALIFIED PUBLIC SCHOOL MODERNIZATION BONDS

“Sec. 1400F. Credit to holders of qualified public school modernization bonds.

“SEC. 1400F. CREDIT TO HOLDERS OF QUALIFIED PUBLIC SCHOOL MODERNIZATION BONDS.

“(a) Allowance of Credit.—In the case of a taxpayer who holds a qualified public school modernization bond on a credit allowance date of such bond which occurs during the taxable year, there shall be allowed as a credit against the tax imposed by this chapter for such taxable year an amount equal to the sum of the credits determined under subsection (b) with respect to credit allowance dates during such year on which the taxpayer holds such bond.

“(b) Amount of Credit.—

“(1) In general.—The amount of the credit determined under this subsection with respect to any credit allowance date for a qualified public school modernization bond is 25 percent of the annual credit determined with respect to such bond.

“(2) Annual credit.—The annual credit determined with respect to any qualified public school modernization bond is the product of—

“(A) the applicable credit rate, multiplied by

“(B) the outstanding face amount of the bond.

“(3) Applicable credit rate.—For purposes of paragraph (1), the applicable credit rate with respect to an issue is the rate equal to an average market yield (as of the day before the date of issuance of the issue) on outstanding long-term corporate debt obligations (determined under regulations prescribed by the Secretary).

“(4) Special rule for issuance and redemption.—In the case of a bond which is issued during the 3-month period ending on a credit allowance date, the amount of the credit determined under this subsection with respect to such credit allowance date shall be a ratable portion of the credit otherwise determined based on the portion of the 3-month period during which the bond is outstanding. A similar rule shall apply when the bond is redeemed.

“(c) Limitation Based on Amount of Tax.—

“(1) In general.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

“(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

“(B) the sum of the credits allowable under part IV of subchapter A (other than subpart C thereof, relating to refundable credits).

“(2) Carryover of unused credit.—If the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.

“(d) Qualified Public School Modernization Bond; Credit Allowance Date.—For purposes of this section—

“(1) Qualified public school modernization bond.—The term 'qualified public school modernization bond' means—

“(A) a qualified zone academy bond, and

“(B) a qualified school construction bond.

“(2) Credit allowance date.—The term 'credit allowance date' means—

“(A) March 15,

“(B) June 15,

“(C) September 15, and

“(D) December 15.

Such term includes the last day on which the bond is outstanding.

“(e) Other Definitions.—For purposes of this subchapter—

“(1) Local educational agency.—The term 'local educational agency' has the meaning given to such term by section 14101 of the Elementary and Secondary Education Act of 1965. Such term includes the local educational agency that serves the District of Columbia but does not include any other State agency.

“(2) Bond.—The term 'bond' includes any obligation.

“(3) State.—The term 'State' includes the District of Columbia and any possession of the United States.

“(4) Public school facility.—The term 'public school facility' shall not include—

“(A) any stadium or other facility primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public, or

“(B) any facility which is not owned by a State or local government or any agency or instrumentality of a State or local government.

“(f) Credit Included in Gross Income.—Gross income includes the amount of the credit allowed to the taxpayer under this section (determined without regard to subsection (c)) and the amount so included shall be treated as interest income.

“(g) Bonds Held by Regulated Investment Companies.—If any qualified public school modernization bond is held by a regulated investment company, the credit determined under subsection (a) shall be allowed to shareholders of such company under procedures prescribed by the Secretary.

“(h) Credits May Be Stripped.—Under regulations prescribed by the Secretary—

“(1) In general.—There may be a separation (including at issuance) of the ownership of a qualified public school modernization bond and the entitlement to the credit under this section with respect to such bond. In case of any such separation, the credit under this section shall be allowed to the person who on the credit allowance date holds the instrument evidencing the entitlement to the credit and not to the holder of the bond.

“(2) Certain rules to apply.—In the case of a separation described in paragraph (1), the rules of section 1286 shall apply to the qualified public school modernization bond as if it were a stripped bond and to the credit under this section as if it were a stripped coupon.

“(i) Treatment for Estimated Tax Purposes.—Solely for purposes of sections 6654 and 6655, the credit allowed by this section to a taxpayer by reason of holding a qualified public school modernization bonds on a credit allowance date shall be treated as if it were a payment of estimated tax made by the taxpayer on such date.

“(j) Credit May Be Transferred.—Nothing in any law or rule of law shall be construed to limit the transferability of the credit allowed by this section through sale and repurchase agreements.

“(k) Reporting.—Issuers of qualified public school modernization bonds shall submit reports similar to the reports required under section 149(e).

“(l) Penalty on Contractors Failing To Pay Prevailing Wage.—

“(1) In general.—If any contractor on any project funded by any qualified public school modernization bond has failed, during any portion of such contractor's taxable year, to pay prevailing wages that would be required under section 439 of the General Education Provisions Act if such funding were an applicable program under such section, the tax imposed by chapter 1 on such contractor for such taxable year shall be increased by 200 percent of the amount involved in such failure.

“(2) Amount involved.—For purposes of paragraph (1), the amount involved with respect to any failure is the excess of the amount of wages such contractor would be so required to pay under such section over the amount of wages paid.

“(3) Abatement of tax if failure corrected.—If a failure to pay prevailing wages is corrected within a reasonable period, then any tax imposed by paragraph (1) with respect to such failure (including interest, additions to the tax, and additional amounts) shall not be assessed, and if assessed the assessment shall be abated, and if collected shall be credited or refunded as an overpayment.

"(4) NO CREDITS AGAINST TAX.—The tax imposed by paragraph (1) shall not be treated as a tax imposed by this chapter for purposes of determining—

"(A) the amount of any credit allowable under this chapter, or

"(B) the amount of the minimum tax imposed by section 55.

"(m) TERMINATION.—This section shall not apply to any bond issued after December 31, 2004.

"PART II—QUALIFIED SCHOOL CONSTRUCTION BONDS

"Sec. 1400G. Qualified school construction bonds.

"SEC. 1400G. QUALIFIED SCHOOL CONSTRUCTION BONDS.

"(a) QUALIFIED SCHOOL CONSTRUCTION BOND.—For purposes of this subchapter, the term 'qualified school construction bond' means any bond issued as part of an issue if—

"(1) 95 percent or more of the proceeds of such issue are to be used for the construction, rehabilitation, or repair of a public school facility or for the acquisition of land on which such a facility is to be constructed with part of the proceeds of such issue,

"(2) the bond is issued by a State or local government within the jurisdiction of which such school is located,

"(3) the issuer designates such bond for purposes of this section, and

"(4) the term of each bond which is part of such issue does not exceed 15 years.

"(b) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—The maximum aggregate face amount of bonds issued during any calendar year which may be designated under subsection (a) by any issuer shall not exceed the sum of—

"(1) the limitation amount allocated under subsection (d) for such calendar year to such issuer, and

"(2) if such issuer is a large local educational agency (as defined in subsection (e)(4)) or is issuing on behalf of such an agency, the limitation amount allocated under subsection (e) for such calendar year to such agency.

"(c) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—There is a national qualified school construction bond limitation for each calendar year. Such limitation is—

"(1) $11,000,000,000 for 2001,

"(2) except as provided in subsection (f), zero after 2001.

"(d) HALF OF LIMITATION ALLOCATED AMONG STATES.—

"(1) IN GENERAL.—One-half of the limitation applicable under subsection (c) for any calendar year shall be allocated among the States under paragraph (2) by the Secretary. The limitation amount allocated to a State under the preceding sentence shall be allocated by the State to issuers within such State and such allocations may be made only if there is an approved State application.

"(2) ALLOCATION FORMULA.—The amount to be allocated under paragraph (1) for any calendar year shall be allocated among the States in proportion to the respective amounts each such State received for Basic Grants under subpart 2 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6331 et seq.) for the most recent fiscal year ending before such calendar year. For purposes of the preceding sentence, Basic Grants attributable to large local educational agencies (as defined in subsection (e)) shall be disregarded.

"(3) MINIMUM ALLOCATIONS TO STATES.—

"(A) IN GENERAL.—The Secretary shall adjust the allocations under this subsection for any calendar year for each State to the extent necessary to ensure that the sum of—

"(i) the amount allocated to such State under this subsection for such year, and

"(ii) the aggregate amounts allocated under subsection (e) to large local educational agencies in such State for such year,

is not less than an amount equal to such State's minimum percentage of the amount to be allocated under paragraph (1) for the calendar year.

"(B) MINIMUM PERCENTAGE.—A State's minimum percentage for any calendar year is the minimum percentage described in section 1124(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6334(d)) for such State for the most recent fiscal year ending before such calendar year.

"(4) ALLOCATIONS TO CERTAIN POSSESSIONS.—The amount to be allocated under paragraph (1) to any possession of the United States other than Puerto Rico shall be the amount which would have been allocated if all allocations under paragraph (1) were made on the basis of respective populations of individuals below the poverty line (as defined by the Office of Management and Budget). In making other allocations, the amount to be allocated under paragraph (1) shall be reduced by the aggregate amount allocated under this paragraph to possessions of the United States.

"(5) ALLOCATIONS FOR INDIAN SCHOOLS.—In addition to the amounts otherwise allocated under this subsection, $200,000,000 for calendar year 2001 shall be allocated by the Secretary of the Interior for purposes of the construction, rehabilitation, and repair of schools funded by the Bureau of Indian Affairs. In the case of amounts allocated under the preceding sentence, Indian tribal governments (as defined in section 7871) shall be treated as qualified issuers for purposes of this subchapter.

"(6) APPROVED STATE APPLICATION.—For purposes of paragraph (1), the term 'approved State application' means an application which is approved by the Secretary of Education and which includes—

"(A) the results of a recent publicly-available survey (undertaken by the State with the involvement of local education officials, members of the public, and experts in school construction and management) of such State's needs for public school facilities, including descriptions of—

"(i) health and safety problems at such facilities,

"(ii) the capacity of public schools in the State to house projected enrollments, and

"(iii) the extent to which the public schools in the State offer the physical infrastructure needed to provide a high-quality education to all students, and

"(B) a description of how the State will allocate to local educational agencies, or otherwise use, its allocation under this subsection to address the needs identified under subparagraph (A), including a description of how it will—

"(i) give highest priority to localities with the greatest needs, as demonstrated by inadequate school facilities coupled with a low level of resources to meet those needs,

"(ii) use its allocation under this subsection to assist localities that lack the fiscal capacity to issue bonds on their own, and

"(iii) ensure that its allocation under this subsection is used only to supplement, and not supplant, the amount of school construction, rehabilitation, and repair in the State that would have occurred in the absence of such allocation.

Any allocation under paragraph (1) by a State shall be binding if such State reasonably determined that the allocation was in accordance with the plan approved under this paragraph.

"(e) HALF OF LIMITATION ALLOCATED AMONG LARGEST SCHOOL DISTRICTS.—

"(1) IN GENERAL.—One-half of the limitation applicable under subsection (c) for any calendar year shall be allocated under paragraph (2) by the Secretary among local educational agencies which are large local educational agencies for such year. No qualified school construction bond may be issued by reason of an allocation to a large local educational agency under the preceding sentence unless such agency has an approved local application.

"(2) ALLOCATION FORMULA.—The amount to be allocated under paragraph (1) for any calendar year shall be allocated among large local educational agencies in proportion to the respective amounts each such agency received for Basic Grants under subpart 2 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6331 et seq.) for the most recent fiscal year ending before such calendar year.

"(3) ALLOCATION OF UNUSED LIMITATION TO STATE.—The amount allocated under this subsection to a large local educational agency for any calendar year may be reallocated by such agency to the State in which such agency is located for such calendar year. Any amount reallocated to a State under the preceding sentence may be allocated as provided in subsection (d)(1).

"(4) LARGE LOCAL EDUCATIONAL AGENCY.—For purposes of this section, the term 'large local educational agency' means, with respect to a calendar year, any local educational agency if such agency is—

"(A) among the 100 local educational agencies with the largest numbers of children aged 5 through 17 from families living below the poverty level, as determined by the Secretary using the most recent data available from the Department of Commerce that are satisfactory to the Secretary, or

"(B) 1 of not more than 25 local educational agencies (other than those described in subparagraph (A)) that the Secretary of Education determines (based on the most recent data available satisfactory to the Secretary) are in particular need of assistance, based on a low level of resources for school construction, a high level of enrollment growth, or such other factors as the Secretary deems appropriate.

"(5) APPROVED LOCAL APPLICATION.—For purposes of paragraph (1), the term 'approved local application' means an application which is approved by the Secretary of Education and which includes—

"(A) the results of a recent publicly-available survey (undertaken by the local educational agency or the State with the involvement of school officials, members of the public, and experts in school construction and management) of such agency's needs for public school facilities, including descriptions of—

"(i) the overall condition of the local educational agency's school facilities, including health and safety problems,

"(ii) the capacity of the agency's schools to house projected enrollments, and

"(iii) the extent to which the agency's schools offer the physical infrastructure needed to provide a high-quality education to all students, "(B) a description of how the local educational agency will use its allocation under this subsection to address the needs identified under subparagraph (A), and

"(C) a description of how the local educational agency will ensure that its allocation under this subsection is used only to supplement, and not supplant, the amount of school construction, rehabilitation, or repair in the locality that would have occurred in the absence of such allocation.

A rule similar to the rule of the last sentence of subsection (d)(6) shall apply for purposes of this paragraph.

"(f) CARRYOVER OF UNUSED LIMITATION.—If for any calendar year—

"(1) the amount allocated under subsection (d) to any State, exceeds

"(2) the amount of bonds issued during such year which are designated under subsection (a) pursuant to such allocation,

the limitation amount under such subsection for such State for the following calendar year shall be increased by the amount of such excess. A similar rule shall apply to the amounts allocated under subsection (d)(5) or (e).

"(g) SPECIAL RULES RELATING TO ARBITRAGE.—

"(1) IN GENERAL.—A bond shall not be treated as failing to meet the requirement of subsection (a)(1) solely by reason of the fact that the proceeds of the issue of which such bond is a part are invested for a temporary period (but not more than 36 months) until such proceeds are needed for the purpose for which such issue was issued.

"(2) BINDING COMMITMENT REQUIREMENT.—Paragraph (1) shall apply to an issue only if, as of the date of issuance, there is a reasonable expectation that—

"(A) at least 10 percent of the proceeds of the issue will be spent within the 6-month period beginning on such date for the purpose for which such issue was issued, and

"(B) the remaining proceeds of the issue will be spent with due diligence for such purpose.

"(3) EARNINGS ON PROCEEDS.—Any earnings on proceeds during the temporary period shall be treated as proceeds of the issue for purposes of applying subsection (a)(1) and paragraph (1) of this subsection.

"PART III—INCENTIVES FOR EDUCATION ZONES

"Sec. 1400H. Qualified zone academy bonds.

"SEC. 1400H. QUALIFIED ZONE ACADEMY BONDS.

"(a) QUALIFIED ZONE ACADEMY BOND.—For purposes of this subchapter—

"(1) IN GENERAL.—The term 'qualified zone academy bond' means any bond issued as part of an issue if—

"(A) 95 percent or more of the proceeds of such issue are to be used for a qualified purpose with respect to a qualified zone academy established by a local educational agency,

"(B) the bond is issued by a State or local government within the jurisdiction of which such academy is located,

"(C) the issuer—

"(i) designates such bond for purposes of this section,

"(ii) certifies that it has written assurances that the private business contribution requirement of paragraph (2) will be met with respect to such academy, and

"(iii) certifies that it has the written approval of the local educational agency for such bond issuance, and

"(D) the term of each bond which is part of such issue does not exceed 15 years.

Rules similar to the rules of section 1400G(g) shall apply for purposes of paragraph (1).

"(2) PRIVATE BUSINESS CONTRIBUTION REQUIREMENT.—

"(A) IN GENERAL.—For purposes of paragraph (1), the private business contribution requirement of this paragraph is met with respect to any issue if the local educational agency that established the qualified zone academy has written commitments from private entities to make qualified contributions having a present value (as of the date of issuance of the issue) of not less than 10 percent of the proceeds of the issue.

"(B) QUALIFIED CONTRIBUTIONS.—For purposes of subparagraph (A), the term 'qualified contribution' means any contribution (of a type and quality acceptable to the local educational agency) of—

"(i) equipment for use in the qualified zone academy (including state-of-the-art technology and vocational equipment),

"(ii) technical assistance in developing curriculum or in training teachers in order to promote appropriate market driven technology in the classroom,

"(iii) services of employees as volunteer mentors,

"(iv) internships, field trips, or other educational opportunities outside the academy for students, or

"(v) any other property or service specified by the local educational agency.

"(3) QUALIFIED ZONE ACADEMY.—The term 'qualified zone academy' means any public school (or academic program within a public school) which is established by and operated under the supervision of a local educational agency to provide education or training below the postsecondary level if—

"(A) such public school or program (as the case may be) is designed in cooperation with business to enhance the academic curriculum, increase graduation and employment rates, and better prepare students for the rigors of college and the increasingly complex workforce,

"(B) students in such public school or program (as the case may be) will be subject to the same academic standards and assessments as other students educated by the local educational agency,

"(C) the comprehensive education plan of such public school or program is approved by the local educational agency, and

"(D)(i) such public school is located in an empowerment zone or enterprise community (including any such zone or community designated after the date of the enactment of this section), or

"(ii) there is a reasonable expectation (as of the date of issuance of the bonds) that at least 35 percent of the students attending such school or participating in such program (as the case may be) will be eligible for free or reduced-cost lunches under the school lunch program established under the National School Lunch Act.

"(4) QUALIFIED PURPOSE.—The term 'qualified purpose' means, with respect to any qualified zone academy—

"(A) constructing, rehabilitating, or repairing the public school facility in which the academy is established,

"(B) acquiring the land on which such facility is to be constructed with part of the proceeds of such issue,

"(C) providing equipment for use at such academy,

"(D) developing course materials for education to be provided at such academy, and

"(E) training teachers and other school personnel in such academy.

"(b) LIMITATIONS ON AMOUNT OF BONDS DESIGNATED.—

"(1) IN GENERAL.—There is a national zone academy bond limitation for each calendar year. Such limitation is—

"(A) $400,000,000 for 1998,

"(B) $400,000,000 for 1999,

"(C) $400,000,000 for 2000,

"(D) $1,400,000,000 for 2001,

"(E) except as provided in paragraph (3), zero after 2001.

"(2) ALLOCATION OF LIMITATION.—

"(A) ALLOCATION AMONG STATES.—

"(i) 1998, 1999, and 2000 LIMITATIONS.—The national zone academy bond limitations for calendar years 1998, 1999, and 2000 shall be allocated by the Secretary among the States on the basis of their respective populations of individuals below the poverty line (as defined by the Office of Management and Budget).

"(ii) LIMITATION AFTER 2000.—The national zone academy bond limitation for any calendar year after 2000 shall be allocated by the Secretary among the States in the manner prescribed by section 1400G(d); except that in making the allocation under this clause, the Secretary shall take into account—

"(I) Basic Grants attributable to large local educational agencies (as defined in section 1400G(e)).

"(II) the national zone academy bond limitation.

"(B) ALLOCATION TO LOCAL EDUCATIONAL AGENCIES.—The limitation amount allocated to a State under subparagraph (A) shall be allocated by the State education agency to qualified zone academies within such State.

"(C) DESIGNATION SUBJECT TO LIMITATION AMOUNT.—The maximum aggregate face amount of bonds issued during any calendar year which may be designated under subsection (a) with respect to any qualified zone academy shall not exceed the limitation amount allocated to such academy under subparagraph (B) for such calendar year.

"(3) CARRYOVER OF UNUSED LIMITATION.—If for any calendar year—

"(A) the limitation amount under this subsection for any State, exceeds

"(B) the amount of bonds issued during such year which are designated under subsection (a) (or the corresponding provisions of prior law) with respect to qualified zone academies within such State,

the limitation amount under this subsection for such State for the following calendar year shall be increased by the amount of such excess.".

(b) REPORTING.—Subsection (d) of section 6049 of such Code (relating to returns regarding payments of interest) is amended by adding at the end the following new paragraph:

"(8) REPORTING OF CREDIT ON QUALIFIED PUBLIC SCHOOL MODERNIZATION BONDS.—

"(A) IN GENERAL.—For purposes of subsection (a), the term 'interest' includes amounts includible in gross income under section 1400F(f) and such amounts shall be treated as paid on the credit allowance date (as defined in section 1400F(d)(2)).

"(B) REPORTING TO CORPORATIONS, ETC.—Except as otherwise provided in regulations, in the case of any interest described in subparagraph (A) of this paragraph, subsection (b)(4) of this section shall be applied without regard to subparagraphs (A), (H), (I), (J), (K), and (L)(i).

"(C) REGULATORY AUTHORITY.—The Secretary may prescribe such regulations as are necessary or appropriate to carry out the purposes of this paragraph, including regulations which require more frequent or more detailed reporting."

(c) OTHER CONFORMING AMENDMENTS.—

(1) Subchapter U of chapter 1 of such Code is amended by striking part IV, by redesignating part V as part IV, and by redesignating section 1397F as section 1397E.

(2) The table of subchapters for chapter 1 of such Code is amended by adding at the end the following new item:

"Subchapter X. Public school modernization provisions."

(3) The table of parts of subchapter U of chapter 1 of such Code is amended by striking the last 2 items and inserting the following item:

"Part IV. Regulations."

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to obligations issued after December 31, 2000.

(2) REPEAL OF RESTRICTION ON ZONE ACADEMY BOND HOLDERS.—In the case of bonds to which section 1397E of the Internal Revenue Code of 1986 (as in effect before the date of the enactment of this Act) applies, the limitation of such section to eligible taxpayers (as defined in subsection (d)(6) of such section) shall not apply after the date of the enactment of this Act.

Subtitle F—Increased Estate Tax Relief for Family-Owned Business Interests

SEC. 251. INCREASE IN ESTATE TAX BENEFIT FOR FAMILY-OWNED BUSINESS INTERESTS.

(a) TRANSFER TO CREDIT PROVISIONS.—Section 2057 of the Internal Revenue Code of 1986 (relating to family-owned business interests) is hereby moved to part II of subchapter A of chapter 11 of such Code, inserted after section 2010, and redesignated as section 2010A.

(b) INCREASE IN CREDIT; SURVIVING SPOUSE ALLOWED UNUSED CREDIT OF DECEDENT.—Subsection (a) of section 2010A of such Code, as redesignated by subsection (a) of this section, is amended to read as follows:

"(a) INCREASE IN UNITED CREDIT.—For purposes of determining the unified credit under section 2010 in the case of an estate of a decedent to which this section applies—

"(1) IN GENERAL.—The applicable exclusion amount under section 2010(c) shall be increased (but not in excess of $2,000,000) by the adjusted value of the qualified family-owned business interests of the decedent which are described in subsection (b)(2) and for which no deduction is allowed under section 2056.

"(2) TREATMENT OF UNUSED LIMITATION OF PREDECEASED SPOUSE.—In the case of a decedent—

"(A) having no surviving spouse, but

"(B) who was the surviving spouse of a decedent—

"(i) who died after December 31, 2000, and

"(ii) whose estate met the requirements of subsection (b)(1) other than subparagraph (B) thereof,

there shall be substituted for '$2,000,000' in paragraph (1) an amount equal to the excess of $4,000,000 over the exclusion equivalent of the credit allowed under section 2010 (as increased by this section) to the estate of the decedent referred to in subparagraph (B). For purposes of the preceding sentence, the exclusion equivalent of the credit is the amount on which a tentative tax under section 2001(c) equal to such credit would be imposed."

(c) CONFORMING AMENDMENTS.—

(1) The table of sections for part IV of subchapter A of chapter 11 of such Code is amended by striking the item relating to section 2057.

(2) Paragraph (10) of section 2031(c) of such Code is amended by striking "section 2057(e)(3)" and inserting "section 2010A(e)(3)".

(3) The table of sections for part II of subchapter A of chapter 11 of such Code is amended by inserting after the item relating to section 2010 the following new item:

"Sec. 2010A. Family-owned business interests."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying after December 31, 2000.

Subtitle G—Revenue Offsets

PART I—REVISION OF TAX RULES ON EXPATRIATION

SEC. 261. REVISION OF TAX RULES ON EXPATRIATION.

(a) IN GENERAL.—Subpart A of part II of subchapter N of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 877 the following new section:

"SEC. 877A. TAX RESPONSIBILITIES OF EXPATRIATION.

"(a) GENERAL RULES.—For purposes of this subtitle—

"(1) MARK TO MARKET.—Except as provided in subsection (f), all property of a covered expatriate to whom this section applies shall be treated as sold on the day before the expatriation date for its fair market value.

"(2) RECOGNITION OF GAIN OR LOSS.—In the case of any sale under paragraph (1)—

"(A) notwithstanding any other provision of this title, any gain arising from such sale shall be taken into account for the taxable year of the sale, and

"(B) any loss arising from such sale shall be taken into account for the taxable year of the sale to the extent otherwise provided by this title, except that section 1091 shall not apply to any such loss.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account under the preceding sentence.

"(3) EXCLUSION FOR CERTAIN GAIN.—The amount which would (but for this paragraph) be includible in the gross income of any individual by reason of this section shall be reduced (but not below zero) by $600,000. For purposes of this paragraph, allocable expatriation gain taken into account under subsection (f)(2) shall be treated in the same manner as an amount required to be includible in gross income.

"(b) ELECTION TO DEFER TAX.—

"(1) IN GENERAL.—If the taxpayer elects the application of this subsection with respect to any property treated as sold by reason of subsection (a), the payment of the additional tax attributable to such property shall be postponed until the due date of the return for the taxable year in which such property is disposed of (or, in the case of property disposed of in a transaction in which gain is not recognized in whole or in part, until such other date as the Secretary may prescribe).

"(2) DETERMINATION OF TAX WITH RESPECT TO PROPERTY.—For purposes of paragraph (1), the additional tax attributable to any property is an amount which bears the same ratio to the additional tax imposed by this chapter for the taxable year solely by reason of subsection (a) as the gain taken into account under subsection (a) with respect to such property bears to the total gain taken into account under subsection (a) with respect to all property to which subsection (a) applies.

"(3) TERMINATION OF POSTPONEMENT.—No tax may be postponed under this subsection later than the due date for the return of tax imposed by this chapter for the taxable year which includes the date of death of the expatriate (or, if earlier, the time that the security provided with respect to the property fails to meet the requirements of paragraph (4), unless the taxpayer corrects such failure within the time specified by the Secretary).

"(4) SECURITY.—

"(A) IN GENERAL.—No election may be made under paragraph (1) with respect to any property unless adequate security is provided with respect to such property.

"(B) ADEQUATE SECURITY.—For purposes of subparagraph (A), security with respect to any property shall be treated as adequate security if—

"(i) it is a bond in an amount equal to the deferred tax amount under paragraph (2)(A) for the property, or

"(ii) the taxpayer otherwise establishes to the satisfaction of the Secretary that the security is adequate.

"(5) WAIVER OF CERTAIN RIGHTS.—No election may be made under paragraph (1) unless the taxpayer consents to the waiver of any right under any treaty of the United States which would preclude assessment or collection of any tax imposed by reason of this section.

"(6) ELECTIONS.—An election under paragraph (1) shall only apply to property described in the election and, once made, is irrevocable. An election may be under paragraph (1) with respect to an interest in a trust with respect to which gain is required to be recognized under subsection (f)(1).

"(7) INTEREST.—For purposes of section 6601, the last date for the payment of tax shall be determined without regard to the election under this subsection.

"(c) COVERED EXPATRIATE.—For purposes of this section—

"(1) IN GENERAL.—The term 'covered expatriate' means an expatriate who meets the requirements of subparagraph (A) or (B) of section 877(a)(2).

"(2) EXCEPTIONS.—An individual shall not be treated as a covered expatriate if—

"(A) the individual—

"(i) became at birth a citizen of the United States and a citizen of another country and, as of the expatriation date, continues to be a citizen of, and is taxed as a resident of, such other country, and

"(ii) has been a resident of the United States (as defined in section 7701(b)(1)(A)(ii)) for not more than 8 taxable years during the 15-taxable year period ending with the taxable year during which the expatriation date occurs, or

"(B)(i) the individual's relinquishment of United States citizenship occurs before such individual attains age 18½, and

"(ii) the individual has been a resident of the United States (as so defined) for not more than 5 taxable years before the date of relinquishment.

"(d) SECTION NOT TO APPLY TO CERTAIN PROPERTY.—This section shall not apply to the following property:

"(1) UNITED STATES REAL PROPERTY INTERESTS.—Any United States real property interest (as defined in section 897(c)(1)), other than stock of a United States real property holding corporation which does not, on the day before the expatriation date, meet the requirements of section 897(c)(2).

"(2) INTEREST IN CERTAIN RETIREMENT PLANS.—

"(A) IN GENERAL.—Any interest in a qualified retirement plan (as defined in section 4974(c)), other than any interest attributable to contributions which are in excess of any limitation or which violate any condition for tax-favored treatment.

"(B) FOREIGN PENSION PLANS.—

“(i) IN GENERAL.—Under regulations prescribed by the Secretary, interests in foreign pension plans or similar retirement arrangements or programs.

“(ii) LIMITATION.—The value of property which is treated as not sold by reason of this subparagraph shall not exceed $500,000.

“(e) DEFINITIONS.—For purposes of this section—

“(1) EXPATRIATE.—The term ‘expatriate’ means—

“(A) any United States citizen who relinquishes his citizenship, and

“(B) any long-term resident of the United States who—

“(i) ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)), or

“(ii) commences to be treated as a resident of a foreign country under the provisions of a tax treaty between the United States and the foreign country and who does not waive the benefits of such treaty applicable to residents of the foreign country.

“(2) EXPATRIATION DATE.—The term ‘expatriation date’ means—

“(A) the date an individual relinquishes United States citizenship, or

“(B) in the case of a long-term resident of the United States, the date of the event described in clause (i) or (ii) of paragraph (1)(B).

“(3) RELINQUISHMENT OF CITIZENSHIP.—A citizen shall be treated as relinquishing his United States citizenship on the earliest of—

“(A) the date the individual renounces his United States nationality before a diplomatic or consular officer of the United States pursuant to paragraph (5) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(5)),

“(B) the date the individual furnishes to the United States Department of State a signed statement of voluntary relinquishment of United States nationality confirming the performance of an act of expatriation specified in paragraph (1), (2), (3), or (4) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(1)–(4)),

“(C) the date the United States Department of State issues to the individual a certificate of loss of nationality, or

“(D) the date a court of the United States cancels a naturalized citizen's certificate of naturalization.

Subparagraph (A) or (B) shall not apply to any individual unless the renunciation or voluntary relinquishment is subsequently approved by the issuance to the individual of a certificate of loss of nationality by the United States Department of State.

“(4) LONG-TERM RESIDENT.—The term ‘long-term resident’ has the meaning given to such term by section 877(e)(2).

“(f) SPECIAL RULES APPLICABLE TO BENEFICIARIES' INTERESTS IN TRUST.—

“(1) IN GENERAL.—Except as provided in paragraph (2), if an individual is determined under paragraph (3) to hold an interest in a trust on the day before the expatriation date—

“(A) the individual shall not be treated as having sold such interest,

“(B) such interest shall be treated as a separate share in the trust, and

“(C)(i) such separate share shall be treated as a separate trust consisting of the assets allocable to such share,

“(ii) the separate trust shall be treated as having sold its assets on the day before the expatriation date for their fair market value and as having distributed all of its assets to the individual as of such time, and

“(iii) the individual shall be treated as having recontributed the assets to the separate trust.

Subsection (a)(2) shall apply to any income, gain, or loss of the individual arising from a distribution described in subparagraph (C)(ii).

“(2) SPECIAL RULES FOR INTERESTS IN QUALIFIED TRUSTS.—

“(A) IN GENERAL.—If the trust interest described in paragraph (1) is an interest in a qualified trust—

“(i) paragraph (1) and subsection (a) shall not apply, and

“(ii) in addition to any other tax imposed by this title, there is hereby imposed on each distribution with respect to such interest a tax in the amount determined under subparagraph (B).

“(B) AMOUNT OF TAX.—The amount of tax under subparagraph (A)(ii) shall be equal to the lesser of—

“(i) the highest rate of tax imposed by section 1(e) for the taxable year which includes the day before the expatriation date, multiplied by the amount of the distribution, or

“(ii) the balance in the deferred tax account immediately before the distribution determined without regard to any increases under subparagraph (C)(ii) after the 30th day preceding the distribution.

“(C) DEFERRED TAX ACCOUNT.—For purposes of subparagraph (B)(ii)—

“(i) OPENING BALANCE.—The opening balance in a deferred tax account with respect to any trust interest is an amount equal to the tax which would have been imposed on the allocable expatriation gain with respect to the trust interest if such gain had been included in gross income under subsection (a).

“(ii) INCREASE FOR INTEREST.—The balance in the deferred tax account shall be increased by the amount of interest determined (on the balance in the account at the time the interest accrues), for periods after the 90th day after the expatriation date, by using the rates and method applicable under section 6621 for underpayments of tax for such periods.

“(iii) DECREASE FOR TAXES PREVIOUSLY PAID.—The balance in the tax deferred account shall be reduced—

“(I) by the amount of taxes imposed by subparagraph (A) on any distribution to the person holding the trust interest, and

“(II) in the case of a person holding a nonvested interest, to the extent provided in regulations, by the amount of taxes imposed by subparagraph (A) on distributions from the trust with respect to nonvested interests not held by such person.

“(D) ALLOCABLE EXPATRIATION GAIN.—For purposes of this paragraph, the allocable expatriation gain with respect to any beneficiary's interest in a trust is the amount of gain which would be allocable to such beneficiary's vested and nonvested interests in the trust if the beneficiary held directly all assets allocable to such interests.

“(E) TAX DEDUCTED AND WITHHELD.—

“(i) IN GENERAL.—The tax imposed by subparagraph (A)(ii) shall be deducted and withheld by the trustees from the distribution to which it relates.

“(ii) EXCEPTION WHERE FAILURE TO WAIVE TREATY RIGHTS.—If an amount may not be deducted and withheld under clause (i) by reason of the distributee failing to waive any treaty right with respect to such distribution—

“(I) the tax imposed by subparagraph (A)(ii) shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax, and

“(II) any other beneficiary of the trust shall be entitled to recover from the distributee the amount of such tax imposed on the other beneficiary.

“(F) DISPOSITION.—If a trust ceases to be a qualified trust at any time, a covered expatriate disposes of an interest in a qualified trust, or a covered expatriate holding an interest in a qualified trust dies, then, in lieu of the tax imposed by subparagraph (A)(ii), there is hereby imposed a tax equal to the lesser of—

“(i) the tax determined under paragraph (1) as if the day before the expatriation date were the date of such cessation, disposition, or death, whichever is applicable, or

“(ii) the balance in the tax deferred account immediately before such date.

Such tax shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax and any other beneficiary of the trust shall be entitled to recover from the covered expatriate or the estate the amount of such tax imposed on the other beneficiary.

“(G) DEFINITIONS AND SPECIAL RULE.—For purposes of this paragraph—

“(i) QUALIFIED TRUST.—The term ‘qualified trust’ means a trust—

“(I) which is organized under, and governed by, the laws of the United States or a State, and

“(II) with respect to which the trust instrument requires that at least 1 trustee of the trust be an individual citizen of the United States or a domestic corporation.

“(ii) VESTED INTEREST.—The term ‘vested interest’ means any interest which, as of the day before the expatriation date, is vested in the beneficiary.

“(iii) NONVESTED INTEREST.—The term ‘nonvested interest’ means, with respect to any beneficiary, any interest in a trust which is not a vested interest. Such interest shall be determined by assuming the maximum exercise of discretion in favor of the beneficiary and the occurrence of all contingencies in favor of the beneficiary.

“(iv) ADJUSTMENTS.—The Secretary may provide for such adjustments to the bases of assets in a trust or a deferred tax account, and the timing of such adjustments, in order to ensure that gain is taxed only once.

“(3) DETERMINATION OF BENEFICIARIES' INTEREST IN TRUST.—

“(A) DETERMINATIONS UNDER PARAGRAPH (1).—For purposes of paragraph (1), a beneficiary's interest in a trust shall be based upon all relevant facts and circumstances, including the terms of the trust instrument and any letter of wishes or similar document, historical patterns of trust distributions, and the existence of and functions performed by a trust protector or any similar advisor.

“(B) OTHER DETERMINATIONS.—For purposes of this section—

“(i) CONSTRUCTIVE OWNERSHIP.—If a beneficiary of a trust is a corporation, partnership, trust, or estate, the shareholders, partners, or beneficiaries shall be deemed to be the trust beneficiaries for purposes of this section.

“(ii) TAXPAYER RETURN POSITION.—A taxpayer shall clearly indicate on its income tax return—

“(I) the methodology used to determine that taxpayer's trust interest under this section, and

“(II) if the taxpayer knows (or has reason to know) that any other beneficiary of such trust is using a different methodology to determine such beneficiary's trust interest under this section.

"(g) Termination of Deferrals, Etc.—In the case of any covered expatriate, notwithstanding any other provision of this title—

"(1) any period during which recognition of income or gain is deferred shall terminate on the day before the expatriation date, and

"(2) any extension of time for payment of tax shall cease to apply on the day before the expatriation date and the unpaid portion of such tax shall be due and payable at the time and in the manner prescribed by the Secretary.

"(h) Regulations.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section."

(b) Tax on Gifts and Bequests Received by United States Citizens and Residents From Expatriates.—

(1) In general.—Subtitle B of the Internal Revenue Code of 1986 (relating to estate and gift taxes) is amended by inserting after chapter 13 the following new chapter:

"CHAPTER 13A—GIFTS AND BEQUESTS FROM EXPATRIATES

"Sec. 2681. Imposition of tax.

"SEC. 2681. IMPOSITION OF TAX.

"(a) In General.—If, during any calendar year, any United States citizen or resident receives any covered gift or bequest, there is hereby imposed a tax equal to the product of—

"(1) the highest rate of tax specified in the table contained in section 2001(c) as in effect on the date of such receipt, and

"(2) the value of such covered gift or bequest.

"(b) Tax To Be Paid by Recipient.—The tax imposed by subsection (a) on any covered gift or bequest shall be paid by the person receiving such gift or bequest.

"(c) Exception for Certain Gifts.—Subsection (a) shall apply only to the extent that the covered gifts and bequests received during the calendar year exceed $10,000.

"(d) Tax Reduced By Foreign Gift or Estate Tax.—The tax imposed by subsection (a) on any covered gift or bequest shall be reduced by the amount of any gift or estate tax paid to a foreign country with respect to such covered gift or bequest.

"(e) Covered Gift or Bequest.—

"(1) In general.—For purposes of this chapter, the term 'covered gift or bequest' means—

"(A) any property acquired by gift directly or indirectly from an individual who, at the time of such acquisition, was an expatriate, and

"(B) any property acquired by bequest, devise, or inheritance directly or indirectly from an individual who, at the time of death, was an expatriate.

"(2) Exceptions for transfers otherwise subject to estate or gift tax.—Such term shall not include—

"(A) any property shown on a timely filed return of tax imposed by chapter 12 which is a taxable gift by the expatriate, and

"(B) any property shown on a timely filed return of tax imposed by chapter 11 of the estate of the expatriate.

"(3) Transfers in trust.—Any covered gift or bequest which is made in trust shall be treated as made to the beneficiaries of such trust in proportion to their respective interests in such trust (as determined under section 877A(f)(3)).

"(f) Expatriate.—For purposes of this section, the term 'expatriate' has the meaning given to such term by section 877A(e)(1).".

(2) Clerical amendment.—The table of chapters for subtitle B of such Code is amended by inserting after the item relating to chapter 13 the following new item:

"Chapter 13A. Gifts and bequests from expatriates."

(c) Definition of Termination of United States Citizenship.—Section 7701(a) of such Code is amended by adding at the end the following new paragraph:

"(47) Termination of united states citizenship.—

"(A) In general.—An individual shall not cease to be treated as a United States citizen before the date on which the individual's citizenship is treated as relinquished under section 877A(e)(3).

"(B) Dual citizens.—Under regulations prescribed by the Secretary, subparagraph (A) shall not apply to an individual who became at birth a citizen of the United States and a citizen of another country."

(d) Conforming Amendment.—Paragraph (1) of section 6039G(d) of such Code is amended by inserting "or 877A" after "section 877".

(e) Clerical Amendment.—The table of sections for subpart A of part II of subchapter N of chapter 1 of such Code is amended by inserting after the item relating to section 877 the following new item:

"Sec. 877A. Tax responsibilities of expatriation.".

(f) Effective Date.—

(1) In general.—Except as provided in this subsection, the amendments made by this section shall apply to expatriates (within the meaning of section 877A(e) of the Internal Revenue Code of 1986, as added by this section) whose expatriation date (as so defined) occurs on or after March 9, 2000.

(2) Gifts and bequests.—Chapter 13A of the Internal Revenue Code of 1986 (as added by subsection (b)) shall apply to covered gifts and bequests (as defined in section 2681 of such Code, as so added) received on or after March 9, 2000.

PART II—DISALLOWANCE OF NONECONOMIC TAX ATTRIBUTES

Subpart A—Disallowance of Noneconomic Tax Attributes; Increase in Penalty With Respect to Disallowed Noneconomic Tax Attributes

SEC. 266. DISALLOWANCE OF NONECONOMIC TAX ATTRIBUTES.

Section 7701 of the Internal Revenue Code of 1986 is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) Disallowance of Noneconomic Tax Attributes.—

"(1) In general.—In determining liability for any tax under subtitle A, noneconomic tax attributes shall not be allowed.

"(2) Noneconomic tax attribute.—For purposes of this subsection, a noneconomic tax attribute is any deduction, loss, or credit claimed to result from any transaction unless—

"(A) the transaction changes in a meaningful way (apart from Federal income tax consequences) the taxpayer's economic position, and

"(B)(i) the present value of the reasonably expected potential income from the transaction (and the taxpayer's risk of loss from the transaction) are substantial in relationship to the present value of the tax benefits claimed, or

"(ii) in the case of a transaction which is in substance the borrowing of money or the acquisition of financial capital, the deductions claimed with respect to the transaction for any period are not significantly in excess of the economic return for such period realized by the person lending the money or providing the financial capital.

"(3) Presumption of noneconomic tax attributes.—For purposes of paragraph (2), the following factors shall give rise to a presumption that a transaction fails to meet the requirements of paragraph (2):

"(A) The fact that the payments, liabilities, or assets that purport to create a loss (or other benefit) for tax purposes are not reflected to any meaningful extent on the taxpayer's books and records for financial reporting purposes.

"(B) The fact that the transaction results in an allocation of income or gain to a tax-indifferent party which is substantially in excess of such party's economic income or gain from the transaction.

"(4) Treatment of built-in loss.—The determination of whether a transaction results in the realization of a built-in loss shall be made under subtitle A as if this subsection had not been enacted. For purposes of the preceding sentence, the term 'built-in loss' means any loss or deduction to the extent that such loss or deduction had economically been incurred before such transaction is entered into and to the extent that the loss or deduction was economically borne by the taxpayer.

"(5) Definition and special rules.—For purposes of this subsection—

"(A) Tax-indifferent party.—The term 'tax-indifferent party' means any person or entity exempt from tax under subtitle A. A person shall be treated as a tax-indifferent party with respect to a transaction if, by reason of such person's method of accounting, the items taken into account with respect to the transaction have no substantial impact on such person's liability under subtitle A.

"(B) Series of related transaction.—A transaction which is part of a series of related transactions shall be treated as meeting the requirements of paragraph (2) only if—

"(i) such transaction meets such requirements without regard to the other transactions, and

"(ii) such transactions, if treated as 1 transaction, would meet such requirements.

A similar rule shall apply to a multiple step transaction with each step being treated as a separate related transaction.

"(C) Normal business transactions.—In the case of a transaction which is an integral part of a taxpayer's trade or business and which is entered into in the normal course of such trade or business, the determination of the potential income from such transaction shall be made by taking into account its relationship to the overall trade or business of the taxpayer.

"(D) Treatment of fees.—In determining whether there is risk of loss from a transaction (and the amount thereof), potential loss of fees and other transaction expenses shall be disregarded.

"(E) Treatment of economic return enhancements.—The following shall be treated as economic returns and not tax benefits:

"(i) The credit under section 29 (relating to credit for producing fuel from a nonconventional source).

"(ii) The credit under section 42 (relating to low-income housing credit).

"(iii) The credit under section 45 (relating to electricity produced from certain renewable resources).

"(iv) The credit under section 1397E (relating to credit to holders of qualified zone academy bonds) or any similar program hereafter enacted.

"(v) Any other tax benefit specified in regulations.

"(F) EXCEPTIONS FOR NONBUSINESS TRANSACTIONS.—

"(i) INDIVIDUALS.—In the case of an individual, this subsection shall only apply to transactions entered into in connection with a trade or business or activity engaged in for profit.

"(ii) CHARITABLE TRANSFERS.—This subsection shall not apply in determining the amount allowable as a deduction under section 170, 545(b)(2), 556(b)(2), or 642(c).

"(6) ECONOMIC SUBSTANCE DOCTRINE, ETC., NOT AFFECTED.—The provisions of this subsection shall not be construed as altering or supplanting any rule of law referred to in section 6662(i)(2)(B) and the requirements of this subsection shall be construed as being in addition to any such rule of law."

SEC. 267. INCREASE IN SUBSTANTIAL UNDERPAYMENT PENALTY WITH RESPECT TO DISALLOWED NONECONOMIC TAX ATTRIBUTES.

(a) IN GENERAL.—Section 6662 of the Internal Revenue Code of 1986 (relating to imposition of accuracy-related penalty) is amended by adding at the end the following new subsection:

"(i) INCREASE IN PENALTY IN CASE OF DISALLOWED NONECONOMIC TAX ATTRIBUTES.—

"(1) IN GENERAL.—In the case of the portion of the underpayment to which this subsection applies—

"(A) subsection (a) shall be applied with respect to such portion by substituting '40 percent' for '20 percent', and

"(B) subsection (d)(2)(B) and section 6664(c) shall not apply.

"(2) UNDERPAYMENTS TO WHICH SUBSECTION APPLIES.—This subsection shall apply to an underpayment to which this section applies by reason of paragraph (1) or (2) of subsection (b) but—

"(A) only to the extent that such underpayment is attributable to—

"(i) the disallowance of any noneconomic tax attribute (determined under section 7701(m)), or

"(ii) the disallowance of any other benefit—

"(I) because of a lack of economic substance or business purpose for the transaction giving rise to the claimed benefit,

"(II) because the form of the transaction did not reflect its substance, or

"(III) because of any other similar rule of law, and

"(B) only if the underpayment so attributable exceeds $1,000,000.

"(3) INCREASE IN PENALTY NOT TO APPLY IF COMPLIANCE WITH DISCLOSURE REQUIREMENTS.—Paragraph (1)(A) shall not apply if the taxpayer—

"(A) discloses to the Secretary within 30 days after the closing of the transaction appropriate documents describing the transaction, and

"(B) files with the taxpayer's return of tax imposed by subtitle A—

"(i) a statement verifying that such disclosure has been made,

"(ii) a detailed description of the facts, assumptions of facts, and factual conclusions with respect to the business or economic purposes or objectives of the transaction that are relied upon to support the manner in which it is reported on the return,

"(iii) a description of the due diligence performed to ascertain the accuracy of such facts, assumptions, and factual conclusions,

"(iv)(I) a statement (signed by the senior financial officer of the corporation under penalty of perjury) that the facts, assumptions, or factual conclusions relied upon in reporting the transaction are true and correct as of the date the return is filed, to the best of such officer's knowledge and belief, and

"(II) if the actual facts varied materially from the facts, assumptions, or factual conclusions relied upon, a statement describing such variances,

"(v) copies of any written material provided in connection with the offer of the transaction to the taxpayer by a third party,

"(vi) a full description of any express or implied agreement or arrangement with any advisor, or with any offeror, that the fee payable to such person would be contingent or subject to possible reimbursement, and

"(vii) a full description of any express or implied warranty from any person with respect to the anticipated tax results from the transaction."

(b) MODIFICATIONS TO PENALTY ON SUBSTANTIAL UNDERSTATEMENT OF INCOME TAX.—

(1) MODIFICATION OF THRESHOLD.—Subparagraph (A) of section 6662(d)(2) of such Code is amended to read as follows:

"(A) IN GENERAL.—For purposes of this section, there is a substantial understatement of income tax for any taxable year if the amount of the understatement for the taxable year exceeds the lesser of—

"(i) $1,000,000, or

"(ii) the greater of 10 percent of the tax required to be shown on the return for the taxable year or $5,000."

(2) REDUCTION OF PENALTY ON ACCOUNT OF DISCLOSURE NOT TO APPLY TO TAX SHELTERS.—Subparagraph (C) of section 6662(d)(2) of such Code is amended by striking clause (ii), by redesignating clause (iii) as clause (ii), and by striking clause (i) and inserting the following new clause:

"(i) IN GENERAL.—Subparagraph (B) shall not apply to any item attributable to a tax shelter."

(c) TREATMENT OF AMENDED RETURNS.—Subsection (a) of section 6664 of such Code is amended by adding at the end the following new sentence: "For purposes of this subsection, an amended return shall be disregarded if such return is filed on or after the date the taxpayer is first contacted by the Secretary regarding the examination of the return."

SEC. 268. PENALTY ON MARKETED TAX AVOIDANCE STRATEGIES WHICH HAVE NO ECONOMIC SUBSTANCE, ETC.

(a) PENALTY.—

(1) IN GENERAL.—Section 6700 of the Internal Revenue Code of 1986 (relating to promoting abusive tax shelters, etc.) is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

"(c) PENALTY ON SUBSTANTIAL PROMOTERS FOR PROMOTING TAX AVOIDANCE STRATEGIES WHICH HAVE NO ECONOMIC SUBSTANCE, ETC.—

"(1) IMPOSITION OF PENALTY.—Any substantial promoter of a tax avoidance strategy shall pay a penalty in the amount determined under paragraph (2) with respect to such strategy if any tax benefit attributable to such strategy (or any similar strategy promoted by such promoter) is not allowable by reason of any rule of law referred to in section 6662(i)(2)(A).

"(2) AMOUNT OF PENALTY.—The penalty under paragraph (1) with respect to a promoter of a tax avoidance strategy is an amount equal to 100 percent of the gross income derived (or to be derived) by such promoter from such strategy.

"(3) TAX AVOIDANCE STRATEGY.—For purposes of this subsection, the term 'tax avoidance strategy' means any entity, plan, arrangement, or transaction a significant purpose of the structure of which is the avoidance or evasion of Federal income tax.

"(4) SUBSTANTIAL PROMOTER.—For purposes of this subsection —

"(A) IN GENERAL.—The term 'substantial promoter' means, with respect to any tax avoidance strategy, any promoter if—

"(i) such promoter offers such strategy to more than 1 potential participant, and

"(ii) such promoter may receive fees in excess of $1,000,000 in the aggregate with respect to such strategy.

"(B) AGGREGATION RULES.—For purposes of this paragraph—

"(i) RELATED PERSONS.—A promoter and all persons related to such promoter shall be treated as 1 person.

"(ii) SIMILAR STRATEGIES.—All similar tax avoidance strategies of a promoter shall be treated as 1 tax avoidance strategy.

"(C) PROMOTER.—The term 'promoter' means any person who participates in the promotion, offering, or sale of the tax avoidance strategy.

"(D) RELATED PERSON.—Persons are related if they bear a relationship to each other which is described in section 267(b) or 707(b).

"(4) COORDINATION WITH SUBSECTION (a).—No penalty shall be imposed by this subsection on any promoter with respect to a tax avoidance strategy if a penalty is imposed under subsection (a) on such promoter with respect to such strategy."

(2) CONFORMING AMENDMENT.—Subsection (d) of section 6700 of such Code is amended—

(A) by striking "PENALTY" and inserting "PENALTIES", and

(B) by striking "penalty" the first place it appears in the text and inserting "penalties".

(b) INCREASE IN PENALTY ON PROMOTING ABUSIVE TAX SHELTERS.—The first sentence of section 6700(a) of such Code is amended by striking "a penalty equal to" and all that follows and inserting "a penalty equal to the greater of $1,000 or 100 percent of the gross income derived (or to be derived) by such person from such activity."

SEC. 269. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsections (b) and (c), the amendments made by this subpart shall apply to transactions after the date of the enactment of this Act.

(b) SECTION 267.—The amendments made by subsections (b) and (c) of section 267 shall apply to taxable years ending after the date of the enactment of this Act.

(c) SECTION 268.—The amendments made by subsection (a) of section 268 shall apply to any tax avoidance strategy (as defined in section 6700(c) of the Internal Revenue Code of 1986, as amended by this title) interests in which are offered to potential participants after the date of the enactment of this Act.

Subpart B—Limitations on Importation or Transfer of Built-in Losses

SEC. 271. LIMITATION ON IMPORTATION OF BUILT-IN LOSSES.

(a) IN GENERAL.—Section 362 of the Internal Revenue Code of 1986 (relating to basis to corporations) is amended by adding at the end the following new subsection:

"(e) LIMITATION ON IMPORTATION OF BUILT-IN LOSSES.—

"(1) IN GENERAL.—If in any transaction described in subsection (a) or (b) there would (but for this subsection) be an importation of a net built-in loss, the basis of each property described in paragraph (2) which is acquired in such transaction shall (notwithstanding subsections (a) and (b)) be its fair market value immediately after such transaction.

"(2) PROPERTY DESCRIBED.—For purposes of paragraph (1), property is described in this paragraph if—

"(A) gain or loss with respect to such property is not subject to tax under this subtitle in the hands of the transferor immediately before the transfer, and

"(B) gain or loss with respect to such property is subject to such tax in the hands of the transferee immediately after such transfer.

In any case in which the transferor is a partnership, the preceding sentence shall be applied by treating each partner in such partnership as holding such partner's proportionate share of the property of such partnership.

"(3) Importation of Net Built-in Loss.—For purposes of paragraph (1), there is an importation of a net built-in loss in a transaction if the transferee's aggregate adjusted bases of property described in paragraph (2) which is transferred in such transaction would (but for this subsection) exceed the fair market value of such property immediately after such transaction."

(b) Comparable Treatment Where Liquidation.—Paragraph (1) of section 334(b) of such Code (relating to liquidation of subsidiary) is amended to read as follows:

"(1) In general.—If property is received by a corporate distributee in a distribution in a complete liquidation to which section 332 applies (or in a transfer described in section 337(b)(1)), the basis of such property in the hands of such distributee shall be the same as it would be in the hands of the transferor; except that the basis of such property in the hands of such distributee shall be the fair market value of the property at the time of the distribution—

"(A) in any case in which gain or loss is recognized by the liquidating corporation with respect to such property, or

"(B) in any case in which the liquidating corporation is a foreign corporation, the corporate distributee is a domestic corporation, and the corporate distributee's aggregate adjusted bases of property described in section 362(e)(2) which is distributed in such liquidation would (but for this subparagraph) exceed the fair market value of such property immediately after such liquidation."

(c) Effective Date.—The amendments made by this section shall apply to transactions after the date of the enactment of this Act.

SEC. 272. DISALLOWANCE OF PARTNERSHIP LOSS TRANSFERS.

(a) Treatment of Contributed Property With Built-in Loss.—Paragraph (1) of section 704(c) of the Internal Revenue Code of 1986 is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", and", and by adding at the end the following:

"(C) if any property so contributed has a built-in loss—

"(i) such built-in loss shall be taken into account only in determining the amount of items allocated to the contributing partner, and

"(ii) except as provided in regulations, in determining the amount of items allocated to other partners, the basis of the contributed property in the hands of the partnership shall be treated as being equal to its fair market value immediately after the contribution.

For purposes of subparagraph (C), the term 'built-in loss' means the excess of the adjusted basis of the property over its fair market value immediately after the contribution."

(b) Adjustment to Basis of Partnership Property on Transfer of Partnership Interest If There is Substantial Built-in Loss.—

(1) Adjustment required.—Subsection (a) of section 743 of such Code (relating to optional adjustment to basis of partnership property) is amended by inserting before the period "or unless the partnership has a substantial built-in loss immediately after such transfer".

(2) Adjustment.—Subsection (b) of section 743 of such Code is amended by inserting "or with respect to which there is a substantial built-in loss immediately after such transfer" after "section 754 is in effect".

(3) Substantial built-in loss.—Section 743 of such Code is amended by adding at the end the following new subsection:

"(d) Substantial Built-in Loss.—For purposes of this section, a partnership has a substantial built-in loss with respect to a transfer of an interest in a partnership if the transferee partner's proportionate share of the adjusted basis of the partnership property exceeds 110 percent of the basis of such partner's interest in the partnership."

(4) Clerical amendments.—

(A) The section heading for section 743 of such Code is amended to read as follows:

"SEC. 743. ADJUSTMENT TO BASIS OF PARTNERSHIP PROPERTY WHERE SECTION 754 ELECTION OR SUBSTANTIAL BUILT-IN LOSS."

(B) The table of sections for subpart C of part II of subchapter K of chapter 1 of such Code is amended by striking the item relating to section 743 and inserting the following new item:

"Sec. 743. Adjustment to basis of partnership property where section 754 election or substantial built-in loss."

(c) Adjustment to Basis of Undistributed Partnership Property If There is Substantial Basis Reduction.—

(1) Adjustment required.—Subsection (a) of section 734 of such Code (relating to optional adjustment to basis of undistributed partnership property) is amended by inserting before the period "or unless there is a substantial downward adjustment".

(2) Adjustment.—Subsection (b) of section 734 of such Code is amended by inserting "or unless there is a substantial downward adjustment" after "section 754 is in effect".

(3) Substantial downward adjustment.—Section 734 of such Code is amended by adding at the end the following new subsection:

"(d) Substantial Downward Adjustment.—For purposes of this section, there is a substantial downward adjustment with respect to a distribution if the sum of the amounts described in subparagraphs (A) and (B) of subsection (b)(2) exceeds 10 percent of the aggregate adjusted basis of partnership property immediately after the distribution."

(4) Clerical amendments.—

(A) The section heading for section 734 of such Code is amended to read as follows:

"SEC. 734. ADJUSTMENT TO BASIS OF UNDISTRIBUTED PARTNERSHIP PROPERTY WHERE SECTION 754 ELECTION OR SUBSTANTIAL BASIS REDUCTION."

(B) The table of sections for subpart B of part II of subchapter K of chapter 1 of such Code is amended by striking the item relating to section 734 and inserting the following new item:

"Sec. 734. Adjustment to basis of undistributed partnership property where section 754 election or substantial basis reduction."

(d) Effective Dates.—

(1) Subsection (a).—The amendment made by subsection (a) shall apply to contributions made after the date of the enactment of this Act.

(2) Subsection (b).—The amendments made by subsection (a) shall apply to transfers after the date of the enactment of this Act.

(3) Subsection (c).—The amendments made by subsection (a) shall apply to distributions after the date of the enactment of this Act.

PART III—ESTATE AND GIFT TAX OFFSETS

SEC. 276. VALUATION RULES FOR TRANSFERS INVOLVING NONBUSINESS ASSETS.

(a) In General.—Section 2031 of the Internal Revenue Code of 1986 (relating to definition of gross estate) is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following new subsection:

"(d) Valuation Rules for Certain Transfers of Nonbusiness Assets.—For purposes of this chapter and chapter 12—

"(1) In general.—In the case of the transfer of any interest in an entity other than an interest which is actively traded (within the meaning of section 1092), the value of such interest shall be determined by taking into account—

"(A) the value of such interest's proportionate share of the nonbusiness assets of such entity (and no valuation discount shall be allowed with respect to such nonbusiness assets), plus

"(B) the value of such entity determined without regard to the value taken into account under subparagraph (A).

"(2) Nonbusiness assets.—For purposes of this subsection—

"(A) In general.—The term 'nonbusiness asset' means any asset which is not used in the active conduct of 1 or more trades or businesses.

"(B) Exception for certain passive assets.—Except as provided in subparagraph (C), a passive asset shall not be treated for purposes of subparagraph (A) as used in the active conduct of a trade or business unless—

"(i) the asset is property described in paragraph (1) or (4) of section 1221(a) or is a hedge with respect to such property, or

"(ii) the asset is real property used in the active conduct of 1 or more real property trades or businesses (within the meaning of section 469(c)(7)(C)) in which the transferor materially participates and with respect to which the transferor meets the requirements of section 469(c)(7)(B)(ii).

For purposes of clause (ii), material participation shall be determined under the rules of section 469(h), except that section 469(h)(3) shall be applied without regard to the limitation to farming activity.

"(C) Exception for working capital.—Any asset (including a passive asset) which is held as a part of the reasonably required working capital needs of a trade or business shall be treated as used in the active conduct of a trade or business.

"(3) Passive asset.—For purposes of this subsection, the term 'passive asset' means any—

"(A) cash or cash equivalents,

"(B) except to the extent provided by the Secretary, stock in a corporation or any other equity, profits, or capital interest in any entity,

"(C) evidence of indebtedness, option, forward or futures contract, notional principal contract, or derivative,

"(D) asset described in clause (iii), (iv), or (v) of section 351(e)(1)(B),

"(E) annuity,

"(F) real property used in 1 or more real property trades or businesses (as defined in section 469(c)(7)(C)),

"(G) asset (other than a patent, trademark, or copyright) which produces royalty income,

"(H) commodity,

"(I) collectible (within the meaning of section 401(m)), or

"(J) any other asset specified in regulations prescribed by the Secretary.

"(4) Look-thru rules.—

"(A) In general.—If a nonbusiness asset of an entity consists of a 10-percent interest in any other entity, this subsection shall be applied by disregarding the 10-percent interest and by treating the entity as holding directly its ratable share of the assets of the other entity. This subparagraph shall be applied successively to any 10-percent interest of such other entity in any other entity.

"(B) 10-percent interest.—The term '10-percent interest' means—

"(i) in the case of an interest in a corporation, ownership of at least 10 percent (by vote or value) of the stock in such corporation,

"(ii) in the case of an interest in a partnership, ownership of at least 10 percent of the capital or profits interest in the partnership, and

"(iii) in any other case, ownership of at least 10 percent of the beneficial interests in the entity.

"(5) Coordination with subsection (b).—Subsection (b) shall apply after the application of this subsection."

(b) Effective Date.—The amendments made by this section shall apply to transfers after the date of the enactment of this Act.

SEC. 277. CORRECTION OF TECHNICAL ERROR AFFECTING LARGEST ESTATES.

(a) In General.—Paragraph (2) of section 2001(c) of the Internal Revenue Code of 1986 is amended by striking "$10,000,000" and all that follows and inserting "$10,000,000. The amount of the increase under the preceding sentence shall not exceed the sum of the applicable credit amount under section 2010(c) (as increased by section 2010A) and $359,200."

(b) Effective Date.—The amendment made by this section shall apply to estates of decedents dying, and gifts made, after December 31, 2000.

PART IV—OTHER OFFSETS

SEC. 281. CONSISTENT AMORTIZATION PERIODS FOR INTANGIBLES.

(a) Start-Up Expenditures.—

(1) Allowance of deduction.—Paragraph (1) of section 195(b) of the Internal Revenue Code of 1986 (relating to start-up expenditures) is amended to read as follows:

"(1) Allowance of Deduction.—If a taxpayer elects the application of this subsection with respect to any start-up expenditures—

"(A) the taxpayer shall be allowed a deduction for the taxable year in which the active trade or business begins in an amount equal to the lesser of—

"(i) the amount of start-up expenditures with respect to the active trade or business, or

"(ii) $5,000, reduced (but not below zero) by the amount by which such start-up expenditures exceed $50,000, and

"(B) the remainder of such start-up expenditures shall be allowed as a deduction ratably over the 180-month period beginning with the month in which the active trade or business begins."

(2) Conforming amendment.—Subsection (b) of section 195 is amended by striking "Amortize" and inserting "Deduct" in the heading.

(b) Organizational Expenditures.—Subsection (a) of section 248 of such Code (relating to organizational expenditures) is amended to read as follows:

"(a) Election to Deduct.—If a corporation elects the application of this subsection (in accordance with regulations prescribed by the Secretary) with respect to any organizational expenditures—

"(1) the corporation shall be allowed a deduction for the taxable year in which the corporation begins business in an amount equal to the lesser of—

"(A) the amount of organizational expenditures with respect to the taxpayer, or

"(B) $5,000, reduced (but not below zero) by the amount by which such organizational expenditures exceed $50,000, and

"(2) the remainder of such organizational expenditures shall be allowed as a deduction ratably over the 180-month period beginning with the month in which the corporation begins business."

(c) Treatment of Organizational and Syndication Fees or Partnerships.—Section 709(b) of such Code (relating to amortization of organization fees) is amended by redesignating paragraph (2) as paragraph (4) and by amending paragraph (1) to read as follows:

"(1) Allowance of deduction.—If a taxpayer elects the application of this subsection (in accordance with regulations prescribed by the Secretary) with respect to any organizational expenses—

"(A) the taxpayer shall be allowed a deduction for the taxable year in which the partnership begins business in an amount equal to the lesser of—

"(i) the amount of organizational expenses with respect to the partnership, or

"(ii) $5,000, reduced (but not below zero) by the amount by which such organizational expenses exceed $50,000, and

"(B) the remainder of such organizational expenses shall be allowed as a deduction ratably over the 180-month period beginning with the month in which the partnership begins business.

"(2) Dispositions before close of amortization period.—In any case in which a partnership is liquidated before the end of the period to which paragraph (1)(B) applies, any deferred expenses attributable to the partnership which were not allowed as a deduction by reason of this section may be deducted to the extent allowable under section 165."

(d) Conforming Amendment.—Subsection (b) of section 709 of such Code is amended by striking "Amortization" and inserting "Deduction" in the heading.

(e) Effective Date.—The amendments made by this section shall apply to amounts paid or incurred after the date of the enactment of this Act.

SEC. 282. MODIFICATION OF FOREIGN TAX CREDIT CARRYOVER RULES.

(a) In General.—Section 904(c) of the Internal Revenue Code of 1986 (relating to limitation on credit) is amended—

(1) by striking "in the second preceding taxable year,", and

(2) by striking "or fifth" and inserting "fifth, sixth, or seventh".

(b) Effective Date.—The amendment made by subsection (a) shall apply to credits arising in taxable years beginning after December 31, 2000.

SEC. 283. RECOGNITION OF GAIN ON TRANSFERS TO SWAP FUNDS.

(a) Interests Similar to Preferred Stock Treated as Stock.—Clause (vi) of section 351(e)(1)(B) of the Internal Revenue Code of 1986 (relating to transfer of property to an investment company) is amended to read as follows:

"(vi) except as otherwise provided in regulations prescribed by the Secretary—

"(I) any interest in an entity if the return on such interest is limited and preferred, and

"(II) interests (not described in subclause (I)) in any entity if substantially all of the assets of such entity consist (directly or indirectly) of any assets described in subclause (I), any preceding clause, or clause (viii)."

(b) Certain Transfers Deemed To Be to Investment Companies.—Subsection (e) of section 351 of such Code is amended by adding at the end the following new paragraph:

"(3) Transfers of marketable securities to certain corporations.—A transfer of property to a corporation if—

"(A) such property is marketable securities (as defined in section 731(c)(2)), other than a diversified portfolio of securities,

"(B) such corporation—

"(i) is registered under the Investment Company Act of 1940 as an investment company, or is exempt from registration as a investment company under section 3(c)(7) of such Act because interests in such corporation are offered to qualified purchasers within the meaning of section 2(a)(51) of such Act, or

"(ii) is formed or availed of for purposes of allowing persons who have significant blocks of marketable securities with unrealized appreciation to diversify those holdings without recognition of gain, and

"(C) the transfer results, directly or indirectly, in diversification of the transferor's interest."

(c) Transfers to Partnerships.—Subsection (b) of section 721 of such Code is amended to read as follows:

"(b) Special Rule.—Subsection (a) shall not apply to gain realized on a transfer of property to a partnership if, were the partnership incorporated—

"(1) such partnership would be treated as an investment company (within the meaning of section 351), or

"(2) section 351 would not apply to such transfer by reason of section 351(e)(3)."

(d) Effective Date.—

(1) In general.—The amendments made by this section shall apply to transfers after March 8, 2000.

(2) Binding contracts.—The amendments made by this section shall not apply to any transfer pursuant to a written binding contract in effect on August 4, 1999, and at all times thereafter before such transfer if such contract provides for the transfer of a fixed amount of property.

Mr. RANGEL (during the reading). Mr. Speaker, I ask unanimous consent that the motion to instruct be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. Rangel) is recognized for 5 minutes in support of his motion to recommit.

Mr. RANGEL. Mr. Speaker, if the Republicans want to have reform with results, if the Republicans really want to give some aid and assistance and comfort to the working poor, if the Republicans want to give a $1 increase in the minimum wage and at the same time give substantial relief to the employers that will be required to do this, they would support the motion to recommit.

Why? Because they would know that this motion to recommit would send to the President a bill that would do these things, and it would be a bill that would be signed by the President of the United States.

I know that many on the other side do not like the President. The question is, do they care for the American people and the working poor? He is still the President, and we have to work with him until the end of the year. If we want any bills at all to pass, we should be cooperating with Democrats and the President in order to get it done.

They just cannot pile $122 billion on a tax bill and forget the $5 trillion debt that we have and just move on, thinking that ultimately, before the year's end, they would have accomplished in piecemeal what they could not do last year with the $800 billion tax cut.

Mr. Speaker, I am suggesting that we do have an opportunity to vote on the motion to recommit. It incorporates most of the things that the Republicans would want done, some of the provisions we have worked with in a bipartisan way, and just rejects out of hand the irresponsible tax cuts, most of which go to the richest Americans that we have.

We still have an opportunity to deal with some of the serious questions of Medicare, social security, giving assistance in prescription drugs to our elderly, protecting a Patients' Bill of Rights. Democrats cannot do this alone, and we know in their hearts these are the issues they would want to address, but they just cannot do it by going into the Republican cloakroom and coming out with these imaginary, creative ideas without consulting with the minority and the President of the United States.

Is it not time we stop playing these political games? There is enough politics to go around between now and the election. Let us not play with the poorest of the poor, who are working every day to maintain their self-esteem, to provide food and clothing, pay their rent, get shelter for their kids. Let us not play around with social security and Medicare.

Let us do the right thing by the American people and support the motion to recommit. This could truly be a beginning, a beginning in saying that now that we have the presidential primaries behind us, that the candidates can stop going after each other on a personal basis and decide how they are going to address these issues to the American people on the question of issues and not personalities.

We in the House, where truly the people should govern, should set the examples for our presidential candidates by dealing with the issues, and not personality and not politics. We do not get this opportunity often, but this is the beginning of a new era, we would believe. The Members of the Committee on Ways and Means would like to be working together in dealing with tax policy.

We resent the idea that tax bills are coming out from the Committee on Rules and other standing committees without hearings, without debate, to just bring things to the floor because it passed the majority in the last year. What we should do is separate the question of taxes and deal with the question of minimum wage.

That is why we are here in this body encouraging people not to go on welfare but to work, work for their families, work for their communities, work for their country, and we will give them a decent wage with which to do it so they would not think about going on welfare.

But we cannot have it both ways. We are talking about $6.15. Is there anyone here that would like to send anybody in their family out to the work market to earn $6.15? Give America a break, vote for the motion to recommit.

The SPEAKER pro tempore. Is the gentleman from Arizona (Mr. HAYWORTH) opposed to the motion to recommit?

Mr. HAYWORTH. I most certainly am, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Arizona (Mr. HAYWORTH) is recognized for 5 minutes on the motion to recommit.

Mr. HAYWORTH. Mr. Speaker, I always listen with great interest to my colleague, the gentleman from New York (Mr. RANGEL), my close personal friend.

He said just a few minutes ago, we cannot have it both ways. Indeed, that is true. Sadly, this motion to recommit says to the American people, Mr. Speaker, "Wait, wait for tax relief. We believe it is important, perhaps not as important as a bipartisan majority of this House. We believe it is important, but you need to wait a while longer."

This legislation also, or this motion to recommit, offers tax relief with one hand and takes it away with the other.

Mr. Speaker, the American people have spoken loudly and clearly about the unfairness of the death tax. A recent issue of USA Today describes it thusly, quoting now:

"Taxes aren't popular to begin with. But of all the ways Uncle Sam takes a cut, none may be detested more than the tax levied on an estate after someone dies.

"The idea of the government reaching into the grave and grabbing 37 to 60 percent of the wealth accumulated during a lifetime is, well, ghoulish to many. It's the depressing confluence of the only two things in this world that Benjamin Franklin noted were 'certain.'"

Mr. Speaker, we remember the statement of Dr. Franklin. He said, "In this life, two things are inevitable, death and taxes." But Mr. Speaker, I think even Dr. Franklin, if he had the powers of prescience, could not begin to fathom that the constitutional Republic he helped to found would one day tax its citizens upon their death.

Mr. Speaker, a bipartisan majority of this House believes quite clearly there should be no taxation without respiration. Yet, with the motion to recommit, the minority in this House asks us to wait a bit longer.

I said earlier, in somewhat hyperbolic fashion, that, quoting the old movie line, sadly, our friends on the left say "No tax relief, not for nobody, nohow." That is the essence of their motion to recommit, because it once again delays, delays tax relief for the American people.

The record speaks quite clearly that this commonsense majority in Congress has delivered tax relief in the past, even as we have paid down the debt hanging over the heads of our children, even as we have walled off 100 percent of the social security surplus for social security.

Today we said to those businesses that are going to be affected, you deserve tax relief; to the self-employed, you deserve 100 percent deductibility of insurance; and no, you need not wait until there is beachfront property in Yuma, Arizona. You need not wait for the physically improbable to finally get tax relief, because, Mr. Speaker, we understand what the American people are saying loudly and clearly: Yes, save Medicare and social security; yes, improve education by empowering parents and teachers and getting funds into the classroom; yes, let us make sure we provide for our national security, so grossly neglected by the current administration.

But Mr. Speaker, the American people also say to us, let us provide financial security. Let us build on this prosperity by recognizing this simple truth: that the money earned by Americans belongs not to the Treasury of the United States and Washington bureaucrats, but to the people who earn it.

The legislation supported by the majority will enact that tax relief now. The alternative offered by the minority in this motion to recommit says yet again, let us delay and delay and delay some more. Sadly, Mr. Speaker, actions speak louder than words. The verbiage and the numbers, when we strip them all away, show an antipathy toward the simple notion that Americans should keep more of their hard-earned money.

Mr. Speaker, in conclusion, I would call on my colleagues to reject this motion to recommit. Vote for real tax relief and real prosperity for all Americans.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; the Speaker pro tempore announced that the noes appeared to have it.

Mr. RANGEL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 207, nays 218, not voting 9, as follows:

[Roll No. 40]

YEAS—207

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NAYS—218

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Green (WI)
Greenwood
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (OK)
Manzullo
Martinez
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—9

Cooksey
Ganske
Granger
Johnson, E. B.
McCollum
Scarborough
Schaffer
Spence
Vento

□ 1820

Messrs. THOMAS, LAZIO, QUINN, BARTLETT of Maryland, FRANKS of New Jersey, and YOUNG of Alaska changed their vote from "yea" to "nay."

Mr. DIXON and Mr. HALL of Texas changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. PEASE). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. ARCHER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 257, noes 169, not voting 9, as follows:

[Roll No. 41]

AYES—257

Aderholt
Archer
Armey
Bachus
Baird
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berkley
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Condit
Cook
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dooley
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Green (WI)
Greenwood
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Holt
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
Martinez
McCarthy (NY)
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moore
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman

Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sandlin
Sanford
Saxton
Sensenbrenner
Sessions

Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauscher
Tauzin
Taylor (NC)
Terry

Thomas
Thompson (CA)
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Wu
Young (AK)
Young (FL)

NOES—169

Abercrombie
Ackerman
Allen
Andrews
Baca
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Blagojevich
Blumenauer
Bonior
Borski
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez

Green (TX)
Gutierrez
Gutknecht
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha

Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pomeroy
Rahall
Rangel
Reyes
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schakowsky
Scott
Serrano
Sherman
Skelton
Slaughter
Snyder
Spratt
Stabenow
Stark
Stenholm
Stupak
Tanner
Taylor (MS)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wynn

NOT VOTING—9

Cooksey
Granger
Johnson, E. B.

McCollum
Scarborough
Schaffer

Spence
Strickland
Vento

□ 1832

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE JOINT RESOLUTION 89 and HOUSE JOINT RESOLUTION 90

Mr. PAUL. Mr. Speaker, I ask unanimous consent that the name of the gentleman from California (Mr. ROHRABACHER) be removed as a cosponsor of H.J. Res. 89 and H.J. Res. 90.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Texas?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3575

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 3575.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed a concurrent resolution of the following title in which concurrence of the House is requested:

S. Con. Res. 94. Concurrent Resolution providing for a conditional adjournment or recess of the Senate.

MINIMUM WAGE INCREASE ACT

Mr. GOODLING. Mr. Speaker, pursuant to House Resolution 434, I call up the bill (H.R. 3846) to amend the Fair Labor Standards Act of 1938 to increase the minimum wage, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

UNFUNDED MANDATE POINT OF ORDER

Mr. LARGENT. Mr. Speaker, pursuant to section 425(a) of the Congressional Budget Act of 1974, I make a point of order against consideration of H.R. 3846.

Section 425(a) states that a point of order lies against consideration of a bill that would impose an intra-governmental unfunded mandate in excess of $50 million.

The Congressional Budget Office has scored the language in H.R. 3846 as an $880 million unfunded mandate on America's State and local governments over 5 years. Section 1 of H.R. 3846 increases the Federal minimum wage from $5.15 to $6.15 an hour over 3 years. Therefore, I make a point of order against consideration of this bill.

The SPEAKER pro tempore. The gentleman from Oklahoma (Mr. LARGENT) makes a point of order that the bill violates section 425(a) of the Congressional Budget Act of 1974.

In accordance with section 426(b)(2) of the Act, the gentleman has met his threshold burden to identify the specific language in the bill (section 1) on which he predicates the point of order.

Under section 426(b)(4) of the Act, the gentleman from Oklahoma (Mr. LARGENT) and a Member opposed will each control 10 minutes of debate on the question of consideration.

Pursuant to section 426(b)(3) of the Act, after that debate the Chair will put the question of consideration, to wit: "Will the House now consider the bill?"

The gentleman from Oklahoma (Mr. LARGENT) will be recognized for 10 minutes, and the gentleman from Missouri (Mr. CLAY) will be recognized for 10 minutes.

The Chair recognizes the gentleman from Oklahoma (Mr. LARGENT).

Mr. LARGENT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, one of the real problems that I see we face in this body is that we are consumed with so much business from day-to-day that the institutional memory of the House of Representatives tends to be very short. And so, I hope to enter into a discourse here of a little history from 5 years ago about a bill that we passed overwhelmingly called the Unfunded Mandate Reform Act.

In 1995, the House decided to change the way Washington works with America's State houses and city halls. The Unfunded Mandate Reform Act was passed to protect hard-working State and local officials from the bullies in Washington, D.C.

Its sponsors stood on this floor and said, "For too long, Congress has imposed its own agenda on State and local governments without taking responsibility for the costs."

The Unfunded Mandate Reform Act passed this House by a vote of 394-28.

Several Members who have introduced the bill that is currently before us were, in fact, cosponsors of the Unfunded Mandate Reform Act. Today we are scheduled to trample this law by passing a Federal minimum wage increase.

Mr. Speaker, we need to keep our promise to America's State and local officials. By voting against their own State and local officials, the Members are telling them, "I know more than you do."

I want to be able to look my State and local officials square in the eye and tell them that I trust them.

Many of our colleagues worked at the local level as mayors or city councilmen. Others were State legislators. These Members know the frustration of having Washington tell them how to spend their limited resources.

One Member who used to work in a New York county government and who has been instrumental in shaping this bill on the floor today and the bill on the floor in 1995 said, "Many Federal mandates involve important programs that many of us might support in concept. But, if we are going to ask others to pay for them, we should give them more of a say in developing them, we should level with them about who is going to pay for them, and we should be ready to defend the costs."

Where was this principle when the minimum wage bill was drafted?

Unfunded mandates force State and local governments to reduce vital services and/or increase taxes, revamp their budgets and order their priorities. This is not the kind of Federal, State, and local government partnership the Founders envisioned.

The vote on this point of order should not be confused with support for or opposition to a minimum wage. That issue is irrelevant. Rather, it is a vote for or against local control and limited government.

Who knows best, Washington or City Hall?

Many States, including the State of Oklahoma, have raised the minimum wage above the Federal level. They did not need Washington to tell them to do this. Because, believe it or not, they did it all by themselves.

The Unfunded Mandate point of order can be raised against any bill that will cost State and local governments more than $50 million. CBO estimates that this increase will cost America's State and local governments $880 million. It costs the private sector $13.1 billion, $4.1 billion in one year alone.

The Unfunded Mandate will affect 750,000 State and local government employees. Twenty percent of these employees work for State colleges. Twenty-seven percent work for State and local schools. And we all know how much trouble school districts are having with the money as it is. Why make it harder?

Two-thirds of these employees work for local governments, one-third for State governments. Over 40 percent of the Mandate falls on States in the Southeast. Twenty-eight percent falls on States in the Midwest. Seventy-two percent of the burden falls on people in small towns and rural areas.

The States that will be hardest hit by this Unfunded Mandate are California, Texas, Louisiana, Florida, and Arizona.

Mr. Speaker, in conclusion, this Unfunded Mandate hurts State and local governments; it hurts schools and hospitals; it hurts nursing homes; it hurts workers who lose their jobs; and it hurts the businesses who have to lay them off. Perhaps the only people it does not hurt are us here in Congress.

But, most importantly, it hurts the trust we have developed with State houses and city halls. It is a reversion to an old way of doing business.

In a moment, I will request a recorded vote on this issue. Those wishing to steam roll the Unfunded Mandate law that we just voted on and passed overwhelmingly on 5 years ago will vote "aye." Those wishing to defend States and local governments against Washington's bullying ways will vote "nay." A "nay" vote will force Congress to be responsible for paying for its own laws.

This vote draws a line in the sand. Either Members are for local control or they are against it. Either they believe city halls and State houses know best or they believe Washington knows best. It is just that simple.

Vote "no" to show support for local control.

Mr. Speaker, I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Oklahoma (Mr. LARGENT) is suggesting that we deny over 10 million American workers a modest increase in the minimum wage based on a technical point of order.

The gentleman would deny 40 percent of minimum-wage workers who are the sole bread earner in their families a wage increase based on a technical point of order.

The gentleman would prevent an increase in the minimum wage that is supported by 81 percent of Americans on a technical point of order.

Mr. Speaker, the gentleman would condemn minimum-wage workers to an annual income of only $10,700, which is $3,000 less than the poverty level, on a technical point of order.

Mr. Speaker, the real Unfunded Mandate today is the majority's unpaid for and reckless $120 billion tax cut for the wealthy. This point of order is just another effort by the majority to deny a fair and just increase in the minimum wage.

So I urge Members who support increasing the minimum wage to vote "yes" on continuing consideration of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. LARGENT. Mr. Speaker, may I inquire how much time is remaining on each side?

The SPEAKER pro tempore. The gentleman from Oklahoma (Mr. LARGENT) has 5 minutes remaining, and the gentleman from Missouri (Mr. CLAY) has 8½ minutes remaining.

Mr. LARGENT. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I thank the gentleman for yielding to me, and I thank him for bringing up this valid Unfunded Mandate point of order.

Earlier today, we voted on a rule that waived the 1974 budget rule saying that we should have a budget before we pass a tax cut. I voted against that rule because I believe that we ought to live by the very rules that we pass in this House.

The gentleman from Oklahoma (Mr. LARGENT) has correctly pointed out what happened 5 years ago. It is important that we consider the costs when we are imposing on local governments, as well as small business men and women, it is important that we recognize that cost and that it is an unfunded mandate when we vote a cost without providing the money to pay for it.

I remember so well the speeches that were made on this legislation 5 years ago.

□ 1845

This problem could have been addressed earlier today by the DeMint-Stenholm State flexibility proposal. The approach in the DeMint-Stenholm amendment would have given States flexibility to debate the minimum wage as part of an overall policy to deal with poverty, low-income families, and welfare reform. I would much rather do it that way than the way in which we are proposing to do it today.

Some States may choose to have a lower minimum wage but offset this with State assistance to low-income families for health care, child care, job training, education or other programs. States may decide that it may be better to target assistance to low-income families in need through State programs instead of a minimum-wage increase. Some States may decide that the lower cost of living in their State make a lower minimum wage reasonable. Other States may decide that a higher cost of living justifies a higher minimum wage.

States are in the best position to make these judgments. These decisions should be made in a public debate in the State legislatures where these trade-offs can be debated, not on the floor of the House tonight.

I encourage all of my colleagues to vote to sustain this point of order and let us live by those bills that we pass.

Mr. LARGENT. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, I rise to support the gentleman from Oklahoma's point of order. I rise as a former Pennsylvania State legislator who knows a little bit about unfunded Federal mandates, as we had some experience with balancing our budget. I was appropriations chairman for 8 years in the State house. Every year as we went to work on our State budget, by the way, which was always balanced, we could not print money, we realized that the Federal Government had stuck us with some unfunded Federal mandates.

I think the largest one we had to grapple with every year was special ed. The law which Congress passed says that the Federal Government will provide 40 percent of the special ed funds. I think when I came to Congress 3 years ago, we were about 6 or 7 percent. I think today we are up around 14, 15 percent of those funds. But we are nowhere near the mandate in the law that Congress passed.

When this body tells States that they have to spend hundreds of millions of dollars here and millions of dollars there, it creates a hardship. Fiscal responsibility may be something that we have discovered here in Washington in the last 5 years, but to States that have been balancing their budgets all along, these mandates do cause some complications. Most States have to cut back other programs in order to meet these Federal demands. Mr. Speaker, I think when we approach unfunded Federal mandates, we should approach them with our eyes open. We should realize that the minimum wage, the Federal minimum wage, is just another unfunded Federal mandate that we are placing on local governments, on businesses, and it is sort of insulting to some of these local governments and State legislatures that have a better track record than Congress in keeping their fiscal houses in order when we pass these.

I urge my colleagues to vote "no" and sustain this point of order.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, I rise in opposition to this point of order, and I want to oppose a few cliches. Number one, the State capital does not always know best. Sometimes the Federal Government knows best. That is why we have a Federal Government and a Federal structure of government. If you leave it up to the States what the minimum wage will be, you cannot enforce the minimum wage, because businesses will tend to go to those States with a lower minimum wage and with less environmental protection. That is why we have Federal minimum wage laws and Federal environmental protection laws, so you do not have a race to the bottom because of the business climate in each State, so you can have a civilized minimum wage and environmental protection laws and occupational safety and health laws to protect workers.

Number two, it is not an unfunded mandate. Nobody is telling the States what they have to do, what programs they have to do. All we are saying is if you hire workers to do whatever you want to do, you have got to pay them a decent wage, not even a living wage, merely the minimum wage. That is not an unfunded mandate.

Number three, if it is construed to be an unfunded mandate, it shows one of the reasons that the unfunded mandate law was a foolish thing to pass because if it deprives us of the power of insisting on a basic minimum wage for people in States whether they work for State government or for private enterprise, it is foolish if we are deprived of that power because we are the tribunes of the people who must insist on minimum standards so that people are protected.

Mr. LARGENT. Mr. Speaker, I yield the balance of my time to the gentleman from Ohio (Mr. PORTMAN).

Mr. PORTMAN. Mr. Speaker, I thank the gentleman from Oklahoma for yielding me this time, and more importantly for raising the unfunded mandate point of order. I would just say to my friend from New York that it is not a foolish piece of legislation and yes, indeed there is an unfunded mandate here. This is precisely what this legislation was intended to do when we passed it 5 years ago.

One, to provide for information. We now have a Congressional Budget Office impact statement which shows there is going to be an $880 million impact on State and local government because of the minimum wage bill we are about to vote on. Second, it provides for accountability.

The gentleman from Oklahoma says he is going to ask for a vote. I think that is great. We are having a debate on this issue, we are having the information provided to us which we would not have had 5 years ago, and now we are going to have a vote on whether we as a Congress are going to impose an additional almost $1 billion unfunded mandate on State and local government.

If we really believe that in Congress we ought not to be imposing these costs on State and local government that have to take it out of things like fire and police services or raise taxes on our citizens back home, then we ought to take a very careful look at the unfunded mandate impact. And in my case, I am going to vote no, because a "no" vote means you are upholding the point of order, a "no" vote means you recognize that there will be an impact on State and local government that is inappropriate. I encourage my colleagues to vote no.

Mr. CLAY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The question is, Will the House now consider the bill?

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. CLAY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 274, nays 141, not voting 19, as follows:

[Roll No. 42]

YEAS—274

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Baird
Baker
Baldacci
Baldwin
Barcia
Barrett (NE)
Barrett (WI)
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Buyer
Callahan
Canady
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Doyle
Duncan
Edwards
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gilchrest
Gilman
Gonzalez
Gordon
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Ney
Northup
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Porter
Price (NC)
Quinn
Rahall
Rangel
Regula
Reyes
Rivers
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Sisisky
Skelton
Slaughter

Smith (NJ)
Snyder
Spratt
Stabenow
Stark
Strickland
Stupak
Sweeney
Tanner
Tauzin
Taylor (MS)
Thomas
Thompson (CA)
Thompson (MS)
Thune
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—141

Archer
Armey
Bachus
Ballenger
Barr
Bartlett
Barton
Bass
Bateman
Biggert
Blunt
Boehner
Bonilla
Brady (TX)
Bryant
Burr
Burton
Calvert
Camp
Campbell
Cannon
Chabot
Chambliss
Chenoweth-Hage
Clement
Coble
Coburn
Collins
Combest
Cook
Cox
Crane
Cubin
Cunningham
Deal
DeLay
DeMint
Dickey
Doolittle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
Everett
Ewing
Fowler
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hoekstra
Hostettler
Hulshof
Isakson
Jenkins
Johnson, Sam
Jones (NC)
Kasich
Kingston
Knollenberg
Kolbe
Largent
Latham
Lewis (KY)
Lucas (OK)
Manzullo
McCrery
McInnis
McIntosh
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Norwood
Nussle
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Ramstad
Reynolds
Riley
Rogan
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Sensenbrenner
Sessions
Shadegg
Simpson
Skeen
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Stump
Sununu
Talent
Tancredo
Taylor (NC)
Terry
Thornberry
Tiahrt
Toomey
Vitter
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Wicker

NOT VOTING—19

Cooksey
Davis (VA)
Dooley
Gephardt
Granger
Istook
Johnson, E.B.
Linder
McCollum
Metcalf
Oxley
Scarborough
Schaffer
Shuster
Smith (WA)
Spence
Tauscher
Thurman
Vento

□ 1918

Messrs. SMITH of Texas, TERRY, EVERETT, and KINGSTON changed their vote from "yea" to "nay."

Messrs. HUNTER, CROWLEY, MALONEY of Connecticut, and FOSSELLA changed their vote from "nay" to "yea."

So the question of consideration was decided in the affirmative.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Pursuant to House Resolution 434, the bill is considered read for amendment.

The text of H.R. 3846 is as follows:

H.R. 3846

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MINIMUM WAGE.

Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

"(1) except as otherwise provided in this section, not less than—

"(A) $5.15 an hour beginning September 1, 1997,

"(B) $5.48 an hour during the year beginning April 1, 2000,

"(C) $5.81 an hour during the year beginning April 1, 2001, and

"(D) $6.15 an hour beginning April 1, 2002;".

SEC. 2. EXEMPTION FOR COMPUTER PROFESSIONALS.

Section 13(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(a)) is amended by amending paragraph (17) to read as follows:

"(17) any employee who is a computer systems, network, or database analyst, designer, developer, programmer, software engineer, or other similarly skilled worker—

"(A) whose primary duty is—

"(i) the application of systems or network or database analysis techniques and procedures, including consulting with users, to determine hardware, software, systems, network, or database specifications (including functional specifications);

"(ii) the design, configuration, development, integration, documentation, analysis, creation, testing, securing, or modification of, or problem resolution for, computer systems, networks, databases, or programs, including prototypes, based on and related to user, system, network, or database specifications, including design specifications and machine operating systems;

"(iii) the management or training of employees performing duties described in clause (i) or (ii); or

"(iv) a combination of duties described in clauses (i), (ii), or (iii) the performance of which requires the same level of skills; and

"(B) who, in the case of an employee who is compensated on an hourly basis, is compensated at a rate of not less than $27.63 an hour.

For purposes of paragraph (17), the term 'network' includes the Internet and intranet networks and the world wide web. An employee who meets the exemption provided by paragraph (17) shall be considered an employee in a professional capacity pursuant to paragraph (1);".

SEC. 3. EXEMPTION FOR CERTAIN SALES EMPLOYEES.

(a) AMENDMENT.—Section 13(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(a)), as amended by section 2, is amended by adding at the end the following:

"(18) any employee employed in a sales position if—

"(A) the employee has specialized or technical knowledge related to products or services being sold;

"(B) the employee's—

"(i) sales are predominantly to persons or entities to whom the employee's position has made previous sales; or

"(ii) position does not involve initiating sales contacts;

"(C) the employee has a detailed understanding of the needs of those to whom the employee is selling;

"(D) the employee exercises discretion in offering a variety of products and services;

"(E) the employee receives—

"(i) base compensation, determined without regard to the number of hours worked by the employee, of not less than an amount equal to one and one-half times the minimum wage in effect under section 6(a)(1) multiplied by 2,080; and

"(ii) in addition to the employee's base compensation, compensation based upon each sale attributable to the employee;

"(F) the employee's aggregate compensation based upon sales attributable to the employee is not less than 40 percent of one and one-half times the minimum wage multiplied by 2,080;

"(G) the employee receives a rate of compensation based upon each sale attributable to the employee which is beyond sales required to reach the compensation required by subparagraph (F) which rate is not less than the rate on which the compensation required by subparagraph (F) is determined; and

"(H) the rate of annual compensation or base compensation for any employee who did not work for an employer for an entire calendar year is prorated to reflect annual compensation which would have been earned if the employee had been compensated at the same rate for the entire calendar year;".

(b) CONSTRUCTION.—The amendment made by subsection (a) may not be construed to apply to individuals who are employed as route sales drivers.

SEC. 4. EXEMPTION FOR FUNERAL DIRECTORS.

Section 13(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(a)), as amended by section 3, is amended by adding after paragraph (18) the following:

"(19) any employee employed as a licensed funeral director or a licensed embalmer.".

SEC. 5. STATE MINIMUM WAGE.

Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) is amended by adding at the end the following:

"(h)(1) An employer in a State that adopts minimum wage legislation that conforms to the requirement of paragraph (2) shall not be required to pay its employees at the minimum wage prescribed by subsection (a)(1).

"(2) Paragraph (1) shall apply in a State that adopts minimum wage legislation that—

"(A) sets a rate that is not less than $5.15 an hour; and

"(B) applies that rate to not fewer than the employees performing work within the State that would otherwise be covered by the minimum wage rate prescribed by subsection (a)(1).".

The SPEAKER pro tempore. An amendment striking section 5 is adopted.

The text of H.R. 3846, as amended, is as follows:

H.R. 3846

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MINIMUM WAGE.

Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

"(1) except as otherwise provided in this section, not less than—

"(A) $5.15 an hour beginning September 1, 1997,

"(B) $5.48 an hour during the year beginning April 1, 2000,

"(C) $5.81 an hour during the year beginning April 1, 2001, and

"(D) $6.15 an hour beginning April 1, 2002;".

SEC. 2. EXEMPTION FOR COMPUTER PROFESSIONALS.

Section 13(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(a)) is amended by amending paragraph (17) to read as follows:

"(17) any employee who is a computer systems, network, or database analyst, designer, developer, programmer, software engineer, or other similarly skilled worker—

"(A) whose primary duty is—

"(i) the application of systems or network or database analysis techniques and procedures, including consulting with users, to determine hardware, software, systems, network, or database specifications (including functional specifications);

"(ii) the design, configuration, development, integration, documentation, analysis, creation, testing, securing, or modification of, or problem resolution for, computer systems, networks, databases, or programs, including prototypes, based on and related to user, system, network, or database specifications, including design specifications and machine operating systems;

"(iii) the management or training of employees performing duties described in clause (i) or (ii); or

"(iv) a combination of duties described in clauses (i), (ii), or (iii) the performance of which requires the same level of skills; and

"(B) who, in the case of an employee who is compensated on an hourly basis, is compensated at a rate of not less than $27.63 an hour.

For purposes of paragraph (17), the term 'network' includes the Internet and intranet networks and the world wide web. An employee who meets the exemption provided by paragraph (17) shall be considered an employee in a professional capacity pursuant to paragraph (1);".

SEC. 3. EXEMPTION FOR CERTAIN SALES EMPLOYEES.

(a) AMENDMENT.—Section 13(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(a)), as amended by section 2, is amended by adding at the end the following:

"(18) any employee employed in a sales position if—

"(A) the employee has specialized or technical knowledge related to products or services being sold;

"(B) the employee's—

"(i) sales are predominantly to persons or entities to whom the employee's position has made previous sales; or

"(ii) position does not involve initiating sales contacts;

"(C) the employee has a detailed understanding of the needs of those to whom the employee is selling;

"(D) the employee exercises discretion in offering a variety of products and services;

"(E) the employee receives—

"(i) base compensation, determined without regard to the number of hours worked by the employee, of not less than an amount equal to one and one-half times the minimum wage in effect under section 6(a)(1) multiplied by 2,080; and

"(ii) in addition to the employee's base compensation, compensation based upon each sale attributable to the employee;

"(F) the employee's aggregate compensation based upon sales attributable to the employee is not less than 40 percent of one and one-half times the minimum wage multiplied by 2,080;

"(G) the employee receives a rate of compensation based upon each sale attributable to the employee which is beyond sales required to reach the compensation required by subparagraph (F) which rate is not less than the rate on which the compensation required by subparagraph (F) is determined; and

"(H) the rate of annual compensation or base compensation for any employee who did not work for an employer for an entire calendar year is prorated to reflect annual compensation which would have been earned if the employee had been compensated at the same rate for the entire calendar year;".

(b) CONSTRUCTION.—The amendment made by subsection (a) may not be construed to apply to individuals who are employed as route sales drivers.

SEC. 4. EXEMPTION FOR FUNERAL DIRECTORS.

Section 13(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(a)), as amended by section 3, is amended by adding after paragraph (18) the following:

"(19) any employee employed as a licensed funeral director or a licensed embalmer.".

The SPEAKER pro tempore. After 1 hour of debate on the bill, it shall be in order to consider Amendment No. 2 printed in House report 106–516, which may be offered only by the Member designated in the report, shall be considered read, and shall be debatable for the time specified, equally divided and controlled by the proponent and an opponent.

The gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Missouri (Mr. CLAY) each will control 30 minutes of debate on the bill.

The Chair recognizes the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Speaker, I yield 5 minutes to the gentleman from North Carolina (Mr. BALLENGER), our esteemed subcommittee chairman.

Mr. BALLENGER. Mr. Speaker, I would like to express my support for many of the provisions of H.R. 3846. The bill makes several changes in the Fair Labor Standards Act, which is the primary Federal statute that governs the hours of wages and work.

As a general rule, the law requires employers to pay employees time and a half for overtime hours. However, there are a number of exemptions from the minimum wage and overtime for specific groups of employees.

For example, there is a provision that has been part of the law since 1938 which provides an exemption from the minimum wage and overtime for an "outside sales employee." The general requirement for meeting the exemption is that the individual must regularly work outside the employer's business establishment selling products or services. There is no minimum salary requirement.

The bill would provide that a new exemption under the Fair Labor Standards Act for the so-called "inside sales" employee, who works primarily at the employer's facility using the computer and the fax and the phone to communicate with customers. The bill has a three-part test for an overtime exemption for inside sales personnel: a detailed "jobs duties" test, a "commission on sales" test and a "minimum compensation" test. This would remove some of the constraints within the current law which frequently work against many highly trained, highly skilled sales employees by restricting their ability to achieve great earnings.

The bill would further clarify the current exemption for computer professionals. In 1990, a bipartisan amendment to the act created an exemption for the minimum wage and overtime for certain high-skilled, well-compensated computer professionals. The exemption detailed a "jobs duties" test which clarified the treatment of these employees under the Act. However, there are now many new types of positions in the information technology industry that are not addressed by the current exemption, so the bill would update the law to reflect the recent changes in the technology industry.

I would also note that the language in H.R. 3846 is identical to a bipartisan bill, H.R. 3038, introduced by the gentleman from New Jersey (Mr. ANDREWS) and the gentleman from South Carolina (Mr. GRAHAM).

The bill would provide a new exemption under the Fair Labor Standards Act for licensed funeral directors and licensed embalmers from minimum wage and overtime. Licensed funeral directors and embalmers must typically undergo mandatory education and training to acquire the necessary skills to obtain their licenses and maintain their jobs. These types of employees are not specifically referenced in the current law, and this provision would provide some clarity as to their classification for the purposes of overtime.

Finally, Mr. Speaker, while I support the three straightforward reforms of the Fair Labor Standards Act, I am unable to support the underlying purpose of this bill, which is to increase the minimum wage. We have heard so much today from proponents of the increase about how raising the minimum wage is an effective antipoverty program. We have also heard that increasing the minimum wage imposes little social cost. Unfortunately, the facts do not support either of these beliefs.

First, most low-wage workers are not in poor families. Therefore, an increased earnings associated with a higher minimum wage would not significantly impact low-income families. According to recent studies, only one in four low-wage workers resides in the families in the bottom 20 percent of income distribution. Less than 1 dollar in 5 of the additional earnings going to families who rely on low-wage compensation as their primary source of compensation. When the additional earnings reach low-income families, most of the increase is taxed away by the Social Security contributions or the State and Federal income taxes.

Second, it is illogical to think that wages will rise without any adverse result. Businesses may decide to increase their prices, reduce their workforce, or to meet their operations, or cut back on customer services. In other situations where the employer cannot reduce costs or raise prices, they must absorb the new labor costs. The money comes out of the expansion or investment. Either way, there are clearly costs, and I would urge my colleagues to carefully consider these issues.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume, and I rise in opposition to H.R. 3846.

Mr. Speaker, minimum wage workers deserve a raise. In this time of unprecedented prosperity, fairness dictates that we act now. Since 1980, the average income of most workers has increased by 68 percent, while the real value of the minimum wage has declined by 16 percent. Unfortunately, this bill offers only 33 cents an hour next year to minimum-wage workers. Why do we, Mr. Speaker, nickel and dime those workers who need an increase the most?

Stretching the minimum wage increase over 3 years instead of 2, while at the same time authorizing tax cuts for the most wealthy, is a miscarriage of justice. This bill denies almost $1,000 in pay to minimum-wage workers, and it would permit other workers to work in excess of 40 hours a week for no additional pay.

Mr. Speaker, raising the minimum wage will not make workers rich; it will simply enable them to have a chance at supporting themselves and their families. A decent minimum wage encourages work and discourages reliance on welfare. A decent minimum wage allows workers to meet their own needs without dependence on others or welfare. A decent minimum wage will allow workers an amount of dignity through the elevation of their standard of living, and a strong minimum wage will allow workers to share in our prosperity.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield 7 minutes to the distinguished gentleman from Illinois (Mr. SHIMKUS), the author of the legislation.

Mr. SHIMKUS. Mr. Speaker, I rise to introduce H.R. 3846, a bill to raise the minimum wage $1 over 3 years, which is a complementary bill to the small business tax relief in H.R. 3832.

In 1996, I ran for this seat in Congress as an opponent of the minimum wage. My Democratic opponent and I debated this issue 13 times throughout the 20th district. In the last debate in Centralia, Illinois, a portion of the debate was for questions from the audience. A man raised his hand and went to the microphone wanting to address the issue of the minimum wage. What he said there in that question solidified my position on this issue. He said, because of the increase in the last minimum wage, I lost my second job.

This story reflects the reality that our decisions here have a direct impact, sometimes a negative impact, on the very people we are trying to help.

Mr. Speaker, I join the gentleman from New York (Mr. LAZIO), the gentleman from California (Mr. CONDIT), and the gentleman from Alabama (Mr. CRAMER) in crafting this bill, H.R. 3842, for two reasons. One, it is a political reality that the minimum wage is going to be increased during this Congress. While some may not like to hear it, it is true. However, if we are going to raise the minimum wage, I want to take an active role to ensure that no one loses their job as a result. These bills merged together will do just that.

My second reason for joining in this effort was to show my colleagues, my constituents, and even myself that we can work in a bipartisan fashion to address the issues that face our Nation. I am pleased that H.R. 3846 is truly a bipartisan product which encompasses all interested parties in the debate over raising the minimum wage.

The bill includes an increase of $1 over 3 years which is a compromise between the small business community who settled for $1 over 4 years and the labor community who fought for $1 over 2 years. H.R. 3846 also amends the Fair Labor Standards Act to clarify and update minimum wage and overtime exemptions for computer professionals, inside sales and funeral directors. The bill originally drafted included the State flex option, which I oppose, but allowed to be placed in to move the process to the floor; and I want to thank the gentleman from South Carolina (Mr. DEMINT) for pulling that with a unanimous consent earlier today.

We have heard and will continue to hear about how today's economy is running at such a break-neck speed that a minimum wage can be easily increased. Yet, the facts are that increasing the minimum wage has a significant impact on the ability of our Nation to create and sustain entry-level and second jobs. Multinational corporations and all of those listed with the stock exchanges appear to be doing extraordinarily well in terms of their profits. However, most minimum-wage jobs and most new jobs in general are created by small business owners. In fact, small businesses not only account for nearly 60 percent of the jobs in our Nation's workforce, small businesses created two-thirds of all new jobs since the early 1970s.

□ 1930

So let us keep in mind, it is not Bill Gates who is paying the minimum wage and creating new jobs, it is our neighborhood pharmacist creating new jobs. It is our local grocer. It is our favorite restaurant.

These small business owners are struggling every day to exist and expand in a market over which they have little control. Through their own blood, sweat, tears, and self-determination, these men and women are working to survive, expand, and provide jobs and a sense of community for our neighbors and our families.

H.R. 3846 is a bipartisan solution which provides a $1 increase in the minimum wage over the next 3 years. If we look back to the last increase in 1996, this $1 increase that we are proposing actually gives a greater increase to the recipients than if we tied their wage to the CPI, the consumer price index.

The CPI estimates that if the wage were to increase from 1996 to 2005 using the CPI, minimum wage workers would actually receive less than what our proposal provides.

This increase is a fair, phased-in proposal that allows us to protect the jobs of those who earn a minimum wage while gradually increasing it at the same time.

A key factor in helping to protect minimum wage jobs is that H.R. 3846 and H.R. 3832 do not gouge small businesses. In the Herald and Review of Decatur, Illinois, the editorial headline on October 26, 1999, read "Minimum Wage, Tax Break Link Sensible."

The paper stated that, when the minimum wage increases, someone has to pay for it, because business owners have to maintain a profit level. "The result could be higher prices or fewer jobs at minimum wage. Just as a worker will offer his work at an acceptable wage level, an employer will pay workers a wage that permits his company to earn a profit. That is why a minimum wage increase alone won't work and why a bill to raise the rate linked to some tax breaks for small businesses makes sense."

Mr. Speaker, I learned a lesson in 1996 when that constituent told us how he lost his job due to the increase in the minimum wage. I also learned many lessons working with my colleagues from both sides of the aisle in fashioning this bill: Our actions have consequences, some intended, some unintentional; some thought out, some never considered.

We have worked for the last year to put together a package that has arrows coming from all sides, but workers get a raise, small businesses get much-needed tax relief, and this Congress will have shown that we have addressed our Nation's issues in a bipartisan manner with a sense of purpose and civility.

Mr. Speaker, I am just sorry that we cannot address an issue of another group that is going to be severely impacted by increasing the minimum wage. That is our nonprofit organizations, those who go and ask for money to run the blood banks, to run the food pantries, to run the clothing stores. They will also be mandated to pass an increase in the minimum wage, and no real benefits to recover that, other than asking donors for additional support.

I congratulate the gentleman from New York (Mr. LAZIO) and my colleagues on the Democratic side, particularly the gentleman from California (Mr. CONDIT) and the gentleman from Alabama (Mr. CRAMER), all of whom are owed a debate of graduate for putting aside partisan and ideological differences for the purpose of doing the Nation's business. They certainly have my deepest gratitude.

Once again, I strongly urge my colleagues in Congress to support this sensible increase in the minimum wage.

Mr. CLAY. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. BONIOR), the distinguished minority whip.

Mr. BONIOR. Mr. Speaker, the other day I read that the co-founder of a high-tech company was spending $25 million to build himself a castle to live in. This castle had a moat around it. It had all the improvements that we could imagine. In this economy it is not unusual to hear stories like that, but there are other stories that are much more common, Mr. Speaker.

This is the story of a woman named Cheryl Costas from Pennsylvania, a 37-year-old mother of four whose husband is disabled with a back injury. That means her family depends on the check she brings home from her job at the grocery store. What does she earn? She earns $5.50. Cheryl and her husband are not thinking about building any castles. They are lucky just to keep a roof over their heads.

She is not alone. Today more than 10 million hourly workers earn less than $6.15 an hour. Almost 70 percent of them are adults. Three out of every five are women. A lot of them are single moms who have to work two, sometimes three jobs to make ends meet, and are never home to be with their kids. They are seldom home. They are struggling to give their kids, though, a better life.

Today we say that it is high time we do our part to help them. That is why we Democrats propose raising the minimum wage $1 over 2 years. That is $1,000 more than the Republicans have called for. That is enough money to buy nearly 3½ months' worth of groceries, enough money to buy their kids a new pair of jeans, and, God forbid, enough money maybe to take them out for an ice cream cone once in a while, or take them to a movie; enough money to help people live with a little bit more hope and dignity than they are able to do right now on $5.15 an hour.

That is why, Mr. Speaker, our plan has gained the support of religious leaders all across America. They understand that in this economy, there is no excuse for minimum wage workers earning $3,200 less than it takes a family of three to stay out of poverty in this country. They understand that when CEO salaries climb by 480 percent over the last 10 years, there is no excuse that the minimum wage purchases less than it did back in 1979.

Mr. Speaker, in short, they understand that while America is a prosperous Nation, we will never truly be successful until poverty wages become part of America's past and not our future. We can pass a wage increase that can make a difference in the lives of the working poor, $1 an hour over 2 years, or we can squander this opportunity and instead pass a wage increase that is inadequate; and coupled with this tax break, $122 billion over 10 years that we just passed, this tax break for the rich; and then, in addition, an assault on working rights that the gentleman from Missouri (Mr. CLAY) addressed.

Mr. Speaker, the fact is that buried in this Republican plan are provisions that would trash overtime protection for nearly 1 million workers on the job today.

Just the other day I read where the Republican leader, the gentleman from Texas (Mr. ARMEY), said he believes raising the minimum wage is wrong. He topped what he said just a few years ago, that he would fight with every fiber in his body to defeat it.

I would say to the gentleman from Texas that he should take a moment and listen to the real America out there, not just those enjoying the best of times, but the working families fighting to keep these from becoming the worst of times.

Those Americans not only need a raise, they have earned a raise. They have earned it by cleaning our offices, they have it by bagging our groceries, they have earned it by cooking our meals, by helping care for our children. They have earned it by taking care of our ailing parents and grandparents. They have earned it by tending to the sick in our hospitals.

Mr. Speaker, we owe it to people like Cheryl and all these others out there, these 10 million, to listen to their voices. We owe it to them to act. I urge Members to vote for the amendment that will be raised on the floor of the House in about an hour to move the minimum wage up $1 over 2 years. I thank my colleague, the gentleman from Missouri (Mr. CLAY) for his leadership on this.

Mr. Speaker, I include for the RECORD correspondence from religious organizations which support increasing the minimum wage by $1 over 2 years.

The material referred to is as follows:

RELIGIOUS LEADERS ASK $1/HOUR INCREASE IN MINIMUM WAGE IN 2000-2001

March 7, 2000, Washington, DC.—Eighteen Jewish, Orthodox, Roman Catholic and Protestant leaders of denominations and national religious organizations today released a letter to President Clinton and Members of Congress which calls for two 50-cent increases in the minimum wage beginning this year.

The letter witnesses to their common conviction that poverty in the midst of abundance is unacceptable and that the standard of equality of opportunity rings hollow when minimum wage employees cannot provide an adequate economic base for their families.

The full text of their letter follows.

MARCH 7, 2000.

DEAR PRESIDENT CLINTON AND MEMBERS OF CONGRESS, We religious leaders urge you, during this session of Congress, to pass legislation that will increase the minimum wage by $1.00 over the next two years. So many of the working poor are in deep pain because of lack of sufficient income to provide for themselves and their families. We believe, as does a high percentage of the American public, that increasing the minimum wage by $1.00 over two years would be one of the most compassionate and effective ways of responding to that pain. We believe that justice and compassion for "the least of these" demands that we act now.

This $1.00 increase would mean an additional $2,000 per year for those working people and their families who are most in need of additional income; full-time workers who are paid the minimum wage. This $1.00 increase would lift a family of two out of poverty. The extra $2,000 per year would buy approximately six months of groceries, or four months of rent; or seventeen months of tuition and fees at a two-year college. Surely in a time of enormous prosperity for so many, in a time when some among us have so much and some so little, we can do no less.

An estimated 18,500,000 workers would benefit from a $1.00 increase in the minimum wage. 10,100,000, about 7½ percent of the workforce, would benefit directly from a $1.00 increase. Of this group 69 percent are adults (age twenty and older) and 60 percent are women. Spillover effects of the increase would likely raise the wages of an additional 8,400,000 workers who currently earn up to $7.15 an hour.

We are aware that there are some who believe that increasing the minimum wage will increase unemployment. However, a number of recent studies, including one by the Bureau of Labor Statistics, do not support this belief. Bureau of Labor Statistics data show that employment increased and unemployment decreased, since the last increases in the minimum wage took effect in 1996 and 1997. Further, economists at the Economic Policy Institute studies the 1996-1997 minimum wage increases and found overall there was no statistically significant effect on job opportunities. Other studies could be cited.

Please support an increase in the minimum wage by $1.00 over the next two years so that justice may be done and compassion received.

Signatories

The Rev. Dr. Robert W. Edgar, General Secretary, National Council of the Churches of Christ in the U.S.A.; The Rt. Rev. McKinley Young, Ecumenical Officer, African Methodist Episcopal Church; The Rev. Dr. Daniel E. Weiss, General Secretary, American Baptist Churches; The Rev. David Beckmann, President, Bread for the World; Rabbi Paul Menitoff, Executive Vice President, Central Conference of American Rabbis; The Rev. Dr. Richard L. Hamm, General Minister and President, Christian Church (Disciplies of Christ); Bishop Nathaniel Linsey, Ecumenical Officer, Christian Methodist Episcopal Church; Dr. Kathleen S. Hurty, Executive Director, Church Women United; The Most Rev. Frank T. Griswold, Presiding Bishop and Primate, The Episcopal Church; The Rev. H. George Anderson, Presiding Bishop, Evangelical

Lutheran Church in America; His Grace Bishop Dimitiros of Xanthos, Ecumenical Officer, Greek Orthodox Archdiocese of America; The Rev. Dr. Clifton Kirkpatrick, Stated Clerk, Presbyterian Church (U.S.A.); Bishop Thomas Gumbleton, Auxiliary Bishop, Roman Catholic Archdiocese of Detroit; Rabbi David Saperstein, Director, Union of American Hebrew Congregations, Center of Reformed Judaism; The Rev. John H. Thomas, President, United Church of Christ; The Rev. William Boyd Grove, Ecumenical Officer, Council of Bishops, United Methodist Church; The Rev. John Buehrens, President, Unitarian Universalist Association of Congregations; and Dr. Valora Washington, Executive Director, Unitarian Universalist Service Committee.

NATIONAL COUNCIL OF THE CHURCHES OF CHRIST IN THE USA

STATEMENT ON MINIMUM WAGE

By Robert W. Edgar, General Secretary, National Council of the Churches of Christ in the U.S.A.

"Speak out for those who cannot speak, for the rights of all the destitute. Speak out, judge righteously, defend the rights of the poor and needy." Proverbs 31:8–9 (NRSV)

Even as our nation continues to enjoy unprecedented prosperity and record low unemployment, the religious community is deeply dismayed by the increasing evidence that many people are not participating in this widespread affluence. As providers of a broad variety of services to people in need, we know that hunger is increasing among low-income working families, and that the lack of health care coverage and soaring prices for housing are undermining their well-being. The people who operate feeding programs in our congregations tell us that more and more children are being brought by their parents to church meal programs and food distribution centers. We are greatly troubled by the depth and extent of poverty among these vulnerable little ones.

Consequently we call on Congress to raise the minimum wage by 50¢ now and 50¢ in one year. Even this small increase would make a tremendous difference in the ability of low-wage workers to support themselves and their families. For a household with a full-time, full year worker, an additional $1 an hour would provide $2,000 more each year to meet the needs of the family, a significant improvement for those affected.

With an additional $2,000 of income, many families who now utilize soup kitchens and mass feeding programs would be able to eat most of their meals at home, providing nourishing food for their children in a familiar setting. Others would be able to move away from inadequate or dangerous housing, thus providing their children with safer places to live, study, and play.

We know that the great majority of minimum wage workers are adults and that close to half of them are the sole supporters of their families. In a nation that honors as a core value the right and responsibility of parents to attend to the welfare of their children, how can we tolerate the conditions that allow heads of households to work full time and still be forced to try to support their families on incomes that are substantially below the poverty level? How can we bear to have the children of working parents be dependent on charity for their clothes and food?

Our concept of justice holds that no person who works should be impoverished, and that no family which seeks to meet its own needs, however modestly it is able to do so, should live in want. Thus, we call on Congress to give prompt approval to the legislation now before it which would increase the minimum wage by $1 over two years.

Friends Committee on
National Legislation,
Washington, DC, March 1, 2000.

Dear Representative: I am writing on behalf of the Friends Committee on National Legislation (FCNL) regarding minimum wage legislation.

Perhaps as early as next week, you will be called to vote on alternative proposals to increase the minimum wage. H.R. 3081 has been introduced by Reps. Lazio and Skimkus; an alternative bill has been introduced by Reps. Bonior, Rangel, Phelps, and Sandlin. Although these two proposals appear similar in their minimum wage provisions (they each propose to increase the minimum wage by $1, spread over either three or two years, respectively) we believe that only one of these proposals (the Bonior-Rangel bill) will help to reduce the growing economic disparity between the poorest and the weathiest in the U.S.

Many economic indicators give evidence of the growing disparity. For example, a report issued last fall by the Center for Budget and Policy Priorities indicates that, since 1977, the after-tax income of the wealthiest 1% in the U.S. has grown by 115%, the income of the wealthiest 20% has grown by 43%, the income of the middle three-fifths has grown by 8%, while the income of the poorest 20% has actually dropped by 9%. Current Census Bureau figures reveal that, for 1997, the household income of the top 20% of all households by income was 49.4%, nearly as much as the bottom 80% of all households. FCNL believes that Congress should act to reduce this enormous and growing economic gap.

H.R. 3081 includes a tax-cut package which, it is estimated, will cost the U.S. about $120 billion over ten years. Moreover, since these cuts would have a major effect on estate taxes, they would primarily benefit those at higher income levels. Under the guise of helping minimum wage workers, H.R. 3081 would likely increase the economic disparity in the U.S. and thus rachet up the distress experienced by poor individuals and families as they try to subsist on minimum wage jobs. We oppose this charade.

The Bonior-Rangel alternative minimum wage bill also includes a tax-cut package, however it is substantially more modest ($30 billion over 10 years) and is directed primarily at small businesses, many of whom will bear the brunt of any minimum wage increase. The tax-cut package in the Bonior-Rangel alternative minimum wage bill is thus designed to provide a more equitable response to the effects of the minimum wage increase. This package would include, among other elements, incentives to help employers hire disadvantaged workers and 100% tax-deductibility of health insurance for the self-employed in 2000, both measures that would aid many low-income workers.

We recognize that in this period of unprecedented economic growth and budget surpluses, tax cuts are very attractive. However, FCNL holds that this is not the time to markedly reduce government revenues (through tax breaks) but rather the time to invest in programs that benefit society, such as those that reduce the economic gap between the wealthiest and poorest in the U.S. We believe that the Bonior-Rangel-Phelps-Sandlin alternative minimum wage bill, with its combination of a minimum wage increase spread over only two years and a tax-cut package that includes elements designed to assist lower-income workers, is an appropriate bill.

We urge you to support the Bonior-Rangel-Phelps-Sandlin alternative minimum wage bill. We urge you to oppose H.R. 3081 and any substantially similar substitute bill.

Sincerely,

Florence C. Kimball,
Legislative Education Secretary.

Help Families Sustain Themselves: Raise the Minimum Wage $1 Over Two Years

This week, Congress has an opportunity to take a powerful step forward for the future of America's children and families. Both parties in both houses agree that it is time to raise the minimum wage. They should do it on the shortest possible timetable.

The crafters of welfare reform legislation asserted that their new policies would free people from dependency and enable them to support their families in dignity through work. Thus far, we have seen that this will not happen unless the earnings from work are adequate to support a family. Millions of women are struggling to support their families through work outside the home. Yet even a full-time job at minimum wage is insufficient to bring a family of two out of poverty.

To raise the minimum wage by $1 an hour is a small but vital step toward the goal of seeing that every family has a livable income. In the long run, the minimum wage should be indexed to inflation (as Rep. Bernie Sanders has proposed), but not until its purchasing power is adequate to sustain a family. To do it in two years is a reasonable and cautious proposal; spreading the increase over three years would cost each full-time minimum wage earner hundreds of dollars that can never be made up.

To fulfill the great national purpose expressed in our welfare reform laws, we need to see that everyone does their part, including employers. As long as the minimum wage fails to pay enough to sustain even a family of two, low-income families will continue to subsidize employers who are not ready or able to pay the full cost of doing business. The sooner we can end corporate dependency on the poor, the better.

Dr. Valora Washington,
Executive Director Unitarian Universalist
Service Committee.

March 8, 2000.

Dear President Clinton and Members of Congress: We at NETWORK, A National Catholic Social Justice Lobby, urge you to support passage of legislation designed to raise the minimum wage by $1.00 over a two-year period and to reject efforts to link this raise to tax cuts that primarily benefit people who are wealthy.

NETWORK's more than 10,000 members include individuals and organizations working directly with people who live in poverty, including the more than 10 million workers who must currently support themselves and their families in minimum wage jobs. In an era of unparalleled economic prosperity, it is unconscionable that millions of hard-working people are forced to choose among feeding their children, finding adequate housing, and buying health insurance for their families. They simply cannot afford to do it all on the poverty-level income from minimum wage jobs. Clearly, justice demands that we do better. An immediate increase in the minimum wage is a small but important step in the movement toward a livable wage for all.

Even as we support this legislation, we understand that a person working full time and supporting two children would still be living below the poverty line after the $1.00 increase goes into effect. We are confident that your leadership in this area will continue beyond the passage of this bill toward securing a living wage for all workers.

NETWORK believes that a living wage is a fundamental right. The U.S. Catholic Bishops explain:

> The way power is distributed in a free-market economy frequently gives employers greater bargaining power than employees in the negotiation of labor contracts. Such unequal power may press workers into a choice between an inadequate wage and no wage at all. But justice, not charity, demands certain minimum guarantees. The provision of wages and other benefits sufficient to support a family in dignity is a basic necessity to prevent this exploitation of workers. (Economic Justice for All, 1986)

Thank you for understanding that anyone who works full-time should not live in poverty. We look forward to your continued support on this very important issue.

Sincerely,

KATHY THORNTON,
RSM NETWORK National Coordinator.

Mr. GOODLING. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. TANCREDO), a member of the committee.

Mr. TANCREDO. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, we hear the plaintive cries about our need to help the poor: our need, our desire to increase the minimum wage. The term "our" is used over and over again, "us", as if in fact we in this body are actually the people that will be giving the money to the most needy, the people who are going to be benefiting from the increase in the minimum wage.

But, of course, it is none of us here who actually are providing this money that we are so freely giving away. We are giving away other people's money as we do so often here, we do so well and so often. To pretend as though it is coming out of our hide, out of our wallets, no, it is not. We are going to pass a law here to force somebody else to pay somebody else the money.

Of course, who will actually benefit? Will the "poor" actually benefit from an increase in the minimum wage? Economic analysis consistently shows that most of the benefits of mandated higher entry-level wages go to families who are already above the poverty level.

In 1997, nearly 60 percent of poor Americans over the age of 15 did not work and would not be helped by such an increase. Fewer than 10 percent of poor Americans over the age of 15 who could benefit from increasing the minimum wage worked an average of 16 hours a week.

The neediest families would receive a relatively small portion of the increase wage bill. Most of the benefits would go to families who earn more than twice the poverty threshold.

The idea that we are doing all of this for this category of worker, that we will raise them up out of poverty as a result of forcing people to pay an increase in the minimum wage, is absolutely false. The economists that came in and talked to us in our committee could never make that kind of allegation.

They tried to. They even tried to explain where they came up with an idea of $1 over a 2-year or 3-year period of time. There is absolutely no economic benefit or no economic model they could point to saying this was the correct amount. Mr. Speaker, there was absolutely not one shred of evidence to show any of us on the committee that $1 was right, and even the economists said, no, we do not know that $1 is right. It has no significance. It is what you will get away with politically. It sounds good. It is a nice, round number, $1, but it has absolutely no relevance to any economic theory. Nobody could ever show us that it was important or that it mattered in the total scheme of things. It was just a nice round number.

Do Members know what, that is what this whole idea of increasing the minimum wage is, is just a nice-sounding thing that we can go home with and explain that we have done something so good for the poor. In fact, we have done absolutely nothing.

The idea that the government knows best how much money anybody should make for any particular job is idiotic. I will fully admit that I do not know what anyone should make in this economy. I do not know what the smallest minimum wage should be, or the highest. I admit that, because there is something that is in fact important and that does make that decision. It is called the marketplace. I will trust the marketplace.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. FROST).

Mr. FROST. Mr. Speaker, I rise today to offer my strong support for raising the minimum wage by $1 over a sensible 2-year period. For too long now we have pleaded with the majority to simply allow us to vote on a 2-year minimum wage increase. Apparently many Republican Members still do not understand the importance of the minimum wage to millions of America's working families.

Let us be clear about what we are talking about this evening: 11 million working Americans, 10 percent of our work force, toil for the minimum wage. To these working families, a minimum wage increase means a raise of $2,000 a year; that is, if we raise it $1 an hour.

Today a single mother with two children who works full-time for the minimum wage does not earn enough to make ends meet. She makes just $10,700 annually. That is $3,000 below the poverty line. Mr. Speaker, this is inexcusable. We are in the midst of the longest economic expansion in American history. Surely we can afford a modest increase in salaries for working Americans at the bottom of the economic ladder.

I support the Democratic alternative because working families need a raise over 2 years, not 3. Opponents of this real wage increase have again trotted out their usual arguments: "We cannot afford a minimum wage increase. A minimum wage increase will result in massive job losses for low-income workers."

Economic evidence has again debunked these well-circulated myths. The last minimum wage increase did not result in job loss. In reality, overall employment grew among low-income workers after the minimum wage increase, 9.9 million working Americans saw a direct increase in their salaries, and nearly 20 million workers, 18 percent of the work force, also got a boost in pay.

The time has come for those who pay lip service to the value of work to put their money where their mouth is. It is time to make work pay for working families.

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the gentleman from Alabama (Mr. ADERHOLT).

Mr. ADERHOLT. Mr. Speaker, I rise today in support of increasing the minimum wage and in support of H.R. 3846. This legislation is the result of hard work by both Democrats and Republicans. I commend my colleagues on both sides of the aisle for working together to bring forth this compromise.

Despite the harsh words about this issue from some in both parties, this legislation is a good example of Congress at its best, Democrats and Republicans working together and working to do what is best for America's working families. This is what the American people expect, and quite frankly, it is what they deserve.

This legislation will go a long way toward helping many working families make ends meet. Far too many families in this Nation depend on one or more family members making minimum wage in order to pay their bills and all of their expenses.

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This legislation will give these hard-working Americans a leg up, and I urge its adoption.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. OWENS).

Mr. OWENS. Mr. Speaker, common sense and logic dictate that we should build into our economic policy a simple way to share in the great prosperity that this Nation is presently experiencing. A minimum wage increase is the way to share our great wealth with the people on the bottom.

At this time of great prosperity, the gap is growing ever wider between rich and poor. In New York where the rich are richest, the gap between rich and poor is greatest.

The infant mortality rate in New York is greater than anywhere else in the country. The Democratic substitute proposes a simple $1 increase over a 2-year period, a simple $2,000 increase in the annual pay. The best way to share the wealth and help the poor is to increase the amount of money in their paychecks.

If my colleagues care about family values, common sense dictates that they support this small increase in income. If the new compassionate conservativism is not just phony public relations, then grant this measly $1 increase over a 2-year period.

We need improvements in all of the social safety net programs: child care, health care, more public housing, decent schools, and educational opportunity. I support more funds and more programs to deal with these very serious problems. But the best way, the most efficient way, and the most effective way to help the poor is to put more money in their paychecks.

Conservatives, step forward and show your compassion at a time when millionaires and billionaires are having their income doubled in a year, surely you can afford to give a $1 increase over a 2-year period to the poorest people in the country.

Working families should not have to live in poverty. They go to work every day, and still they are in poverty. Even with this increase to $6.15 an hour over a 2-year period, we will not reach the $8 that is necessary to get out of poverty. Working families need higher paychecks. Compassionate conservatives, step forward and show your compassion.

Mr. GOODLING. Mr. Speaker, I yield 5 minutes to the gentleman from Maryland (Mr. BARTLETT), my neighbor across the border.

Mr. BARTLETT of Maryland. Mr. Speaker, I would like us for a few moments to think about what raising the minimum wage means. What we are doing is telling a business that certainly they are prosperous enough to pay a dollar more an hour to their employees.

This is clearly, then, an attempt on our part to mandate something, which clearly we cannot mandate; and that is prosperity. If we can mandate prosperity, then there are some other things that I would like us to mandate. How about happiness? It is just as reasonable that we can mandate happiness as we can mandate prosperity. If we can mandate prosperity and happiness, then I am particularly interested in mandating longevity.

If we really can mandate prosperity, then why should we stop at a small dollar an hour increase? Why do we not make the minimum wage $10 an hour or $20 an hour. See, if we really do have the power to mandate prosperity, why should we be so miserly in the delegation of this power. Let us make it $10 an hour or $20 an hour.

The minimum wage is not an issue in the district that I have the honor of representing. I see signs out at sheet stores $7.25 an hour. But I will tell my colleagues where it is important. It is important in those areas where we are cutting off the bottom rung of the economic ladder for those who need it most.

Who works for minimum wage? Young people living with their parents count for 37.6 percent of those on minimum wage. 85.1 percent of all those on minimum wage either live with their parents, are single and live alone, have a working spouse, or extended family members and nonrelatives living in the home. Only 5, let me repeat this, only 5.5 percent of minimum wage earners are single parents, and only 7.8 percent are in married single-earner families where the household may or may not include children.

What I want to do is to give all the payroll taxes back to head of family that is working on minimum wage. I want to give more than that. I have no problem helping the working poor. But what we cannot do is pretend that we can do something we cannot do, and that is to mandate prosperity.

The marketplace determines, we cannot possibly determine the value of a job. The marketplace determines the value of a job. But I will tell my colleagues what we can do is come in after the marketplace has determined the value of a job, and then we can help, we can help so that person, that family can live a reasonable life.

I need also to say that this bill is clearly unconstitutional. I carry a Constitution, and I will tell my colleagues, they can search this from front to back, article 1 section 8 has in it all of the powers of the Congress. There is not even a hint in the Constitution that this is something that we can do. Doing this makes a mockery of the 10th Amendment, which says that if one cannot find it in article 1, section 8 the Congress cannot do it.

Minimum wage eliminates jobs. That is why my colleagues have not made it $10 an hour or $20 an hour because they know that eliminates jobs. This small increase will also eliminate jobs. If one makes eating in McDonald's too expensive, those jobs simply disappear. If one makes the product that is produced by a manufacturer too expensive, those jobs go to the Pacific Rim.

We do not need to hurt those that we are pretending to help by trying to do something that we clearly cannot do. Let us let the marketplace determine the value of the jobs and let us help in a lot of ways after the marketplace determines the value of the job.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PAYNE).

Mr. PAYNE. Mr. Speaker, the reason the minimum wage must be increased over 2 years instead of 3 years is simple, because the increase is long overdue. The tiptoe approach that many Members of the other side of the aisle advocate is not fair for hard working men and women that find themselves at the lower spectrum of the income wage.

Just a little while ago, I received a letter from a constituent of mine that worked full time all year-round and was still significantly below the poverty line for his family of three. If my colleagues are wondering how a full-time worker in this day and age could still be below the poverty line, the answer lies in the inadequate minimum wage of $5.15 an hour. Even a modest $1 increase that we are debating today is not enough to lift him and his family above the poverty line. Why then should he, and the other 11.8 million minimum wage workers, have to wait 3 years for a dollar increase to take place?

The opponents of raising the minimum wage over 2 years claim that it will have a negative impact on jobs. Since the last increase in the minimum wage in 1996, 1997, the unemployment rate has dropped to its lowest level in 30 years, and an estimated 8.7 million new jobs are being created. These are not Internet jobs. By contrast, 1.2 million new retail jobs have been added, 415,000 new restaurant jobs have been added and over 4.4 million service jobs have sprung up.

How does that have a negative impact on employment? Let me leave my colleagues with this thought: Between 1980 and 1998, the average worker increased their pay by 68 percent, while at the same time, the pay for the average CEO has increased by 757 percent. If the minimum wage had been indexed to CEO pay, it would be worth $23 an hour. We need to cut this disparity.

We need to have a minimum wage, we should have a livable wage which is even $8.30 an hour if we are going to take people out of poverty. We cannot continually tell people to work 40 hours a week, 52 weeks a year, a family of three, and still be in poverty. It is hypocrisy.

We have grown to the lowest unemployment rate in the history, and we had an increase in the minimum wage. Please reject the 3-year, add the 2-year, which should be a 1-year.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Mr. Speaker, I strongly support raising the minimum wage. This is long overdue. The last increase took effect in 1996, 1997.

A family of three, a mother and two children, making the minimum wage, earns only slightly over $10,000 a year, $3,000 below the poverty level. A dollar increase of the minimum wage still keeps this family in poverty.

The majority of minimum-wage earners today are women. Almost a million women earn the minimum wage, and an additional 5.8 million are paid wages between $5.15 and $6.15.

Currently, nine States, including Hawaii, boast a higher minimum wage than mandated by the Federal law. America must follow the call of the States and update our wage standards. Eleven million people today work for the minimum wage.

Arguments that a minimum wage increase would contribute to a loss of jobs are spurious at best, considering that the U.S. jobs grew by another 8.7 million at the pace of 240,000 jobs a month since the last increase.

Economic reports have shown that there has been no negative impact to business because of the 1996 minimum wage increase. The Economic Policy Institute documents several clear facts about the last increase. It raised the wages for 4 million workers. Seventy percent of these were adults, and 59 percent were women. Forty percent of the increase went to families at the bottom 20 percent of the income scale.

The Republican bill raises the minimum wage by spanning the dollar increase over a period of 3 years, sacrificing $1,200 to a family desperately in need of this money. Around here, it does not sound like much, but to a family trying to scrape by on a minimum wage, this is $400 less for the family per year than the Democratic substitute.

I urge this House to adopt the amendment that will put this wage increase effective in 2 years.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, I thank the gentleman from Missouri (Mr. CLAY) for yielding me this time.

Mr. Speaker, among the people who work the hardest in our country are those who make the least. Tonight we are about to vote for a long overdue increase in the minimum wage.

I appreciate the cooperation of the majority in including in this underlying legislation, legislation that I have co-authored involving the treatment of inside and outside sales employees on parity, involving the clarification of the computer professionals exemption, and involving the definition of funeral professionals.

I will vote with my Democratic colleagues who would wish to reconsider those matters in committee so that they may have a fair look at them, but I support them because I think they are the right thing to do.

I am going to strongly support the Democratic amendment to make the minimum wage increase 2 years. The people who will be most affected by that, Mr. Speaker, are not watching us tonight. They are cleaning offices. They are taking care of the elderly and the sick in nursing homes. They are involved in stores and retail. They are doing very difficult jobs for very long hours, or they are home resting after a long and weary day.

At a time of booming prosperity, lowered unemployment, and greater opportunity, it is unconscionable that we have waited this long to raise the minimum wage for our lowest paid people. To make them wait for 3 years would be even more unconscionable.

It is imperative that we pass the Democratic amendment to make the minimum wage 2 years instead of 3 and pass the underlying bill as well. It is a long overdue and a deserved raise for the hard-working people of America.

Mr. GOODLING. Mr. Speaker, I yield myself 30 seconds. I certainly was shocked and surprised to hear that the last speaker would support something in order to get rid of three things that he is either the lead sponsor or the cosponsor. He is a cosponsor of inside sales, the lead sponsor of computer professionals, and a cosponsor of funeral directors. So that was kind of a shock.

Mr. Speaker, I reserve the balance of my time.

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Mr. CLAY. Mr. Speaker, I yield 30 seconds to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, I appreciate the endorsement of my efforts by the gentleman from Pennsylvania (Mr. GOODLING).

I would simply say that my colleagues, who wished that there had been regular order to consider these in committee, I believe, should have been given that opportunity, where I know the gentleman would have given them a fair and complete hearing.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, I thank the gentleman for yielding me this time.

The House is considering a minimum-wage bill that is contingent on tax breaks. Under the guise of tax breaks for small businesses to offset the minimum wage increase, Republicans give $122 billion in tax breaks to the wealthiest taxpayers, increasing the Federal minimum over an extended period of 3 years. Mr. Speaker, this debate should be about minimum wage. Tax relief is a separate issue.

My colleague from New York has crafted a small business tax relief bill that actually provides tax breaks to small businesses and is fully offset. However, I truly believe that today this debate should be first and foremost about giving a raise to America's lowest paid workers with tax relief for the small businesses that would be most affected.

Believe me when I say that no one can support a family, especially in my district in New York City, on $5.15 an hour. A full-time, year-round minimum-wage worker earns only $10.72. That is almost $3,000 less than the $13,290 needed to raise a family of three out of poverty, and much less than what it takes to provide any sort of comfortable existence for a working family.

Every year we do not increase the minimum wage, its current value decreases. In fact, if we do not increase the minimum wage today, its value will fall to $4.67 by the year 2003 in inflation-adjusted dollars; $4.67 an hour for a week's work that will only bring in $186.80, and that is before taxes. We should think about budgeting for our own families and ask the question, could I support them on less than $187 per week?

Furthermore, I do not believe the arguments on the other side of the aisle that any minimum-wage increase will adversely impact low-wage earners. A study by the Economic Policy Institute showed that minimum-wage increases in 1996 and 1997 did not result in job loss. Our hard-working Americans deserve better. They do not deserve to work two and three jobs to pay rent. Our economy is booming and salaries of business workers have increased tremendously.

Let us help those who are at the lowest end of the salary spectrum, those who work just as hard, if not harder than us, to support their families and make ends meet.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, as I have listened to this debate, it reminds me of Victor Hugo, who once said that there is always more misery among the lower classes than there is humanity in the higher. It seems to me that the Republican approach to this issue further promotes the misery and suffering of the lower class and illuminates the inhumanity of the higher: huge tax breaks for the wealthy, while stringing along and stringing out those at the bottom.

Today, a working mother, full time, under the current minimum-wage law, earns a meager $10,000 a year. Combined with recent cuts in welfare, food stamps and affordable housing, it is impossible to live on that kind of salary.

Now, I know it is difficult to understand the significance of a dollar raise when one has never had to function at that level. It is hard to know what it is like to be broke when one has always had more than what one needed. But I know full well how important a dollar raise is. In my district there are 54,000 households with incomes below $10,000 a year and 165,000 people living at or below the poverty level. These are solid Americans, struggling to live a good and decent life.

It is time for us to listen to those who have the need. It is time to give help to the young, to the poor, to those who are disinherited, to those that life has been less than the American Dream.

I urge that we vote "yes" in support of the Traficant amendment and that we move towards a livable wage so that every person in this country can live with dignity, with pride, and the ability to pay their bills.

Mr. CLAY. Mr. Speaker, I yield back the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in a free society one is generally paid according to their qualifications to do the job, the demand for their skills, and their dedication to doing a good job. However, H.R. 3846 has some much-needed reforms to the Fair Labor Standards Act of 1938. Let me repeat, 1938. This is the 21st century, and we are still dealing with rules and regulations and laws of 1938. These three reforms are important regulatory relief for small businesses.

Section 2 amends the Fair Labor Standards Act and updates the current computer professionals exemption from the overtime provisions of the act. The gentleman from New Jersey (Mr. ANDREWS), the gentleman from South Carolina (Mr. GRAHAM), and the gentleman from New York (Mr. OWENS) supported this legislation.

With the explosion of new jobs in the Internet industry, many positions that did not exist a decade ago are causing confusion as to the appropriate classification of these workers. This provision clarifies the existing exemption in the law. There was a lot of discussion in committee on this. The bill would specify additional duties performed by workers who have similar skills to those already exempted.

This bipartisan reform is identical to H.R. 3038, introduced by the gentleman from New Jersey (Mr. ANDREWS), the gentleman from South Carolina (Mr. GRAHAM), and the gentleman from New York (Mr. OWENS) from the other side of the aisle.

Section 3 amends the Fair Labor Standards Act to provide increased opportunity and flexibility for sales professionals. The House passed an identical bipartisan bill in 1998 with considerable Democrat support. Sales employees who work outside of the office, traveling from customer to customer, have always been exempt from overtime requirements, but technology has left the Fair Labor Standards Act behind. Today, sales professionals can better serve their customers and be more productive using modern communications and computers to keep in touch with their customers.

There is no reason to penalize these innovative workers because they do not get in their cars to visit their customers. With the ever-increasing use of technology, the law must be updated to accommodate the changes that have occurred in the job duties and functions of an inside sales force. This exemption would only be extended to sales employees who meet strict criteria regarding job duties, compensation, structure, and minimum salary.

This section is identical to H.R. 1302, introduced by the gentleman from Ohio (Mr. BOEHNER) and the gentleman from New Jersey (Mr. ANDREWS). It is amazing. Every one of these pieces of legislation has the gentleman from New Jersey (Mr. ANDREWS) right in the forefront. All three are bipartisan pieces of legislation. This provision is also identical to H.R. 2888, which passed the House by a vote of 261 to 165 last Congress with bipartisan support.

Section 4 exempts licensed funeral directors and licensed embalmers from minimum wage and overtime requirements. The act does not specifically address the treatment of these employees. This provision will offer some clarity in this area of the law.

H.R. 793 was introduced by the gentleman from South Carolina (Mr. GRAHAM) and the gentleman from New Jersey (Mr. ANDREWS). It is identical to section 4 of this bill. What they offered is identical to section 4 of this bill.

I support these reforms that provide needed regulatory relief for employees and small businesses.

Ms. JACKSON-LEE of Texas. Mr. Speaker, today I rise in support of the Traficant/Martinez Amendment to increase the minimum wage over a two-year period, rather than the three-year period currently in this bill. I am in strong favor of increasing the minimum wage for all hardworking Americans; however, I cannot support the Republican sponsored bill—Minimum Wage Increase (HR 3846). This bill seeks to give large tax breaks to the wealthy, on the backs of working families and this I will not accept.

HR 3846 will provide a $1 an hour increase in the federal minimum wage over three years, reaching $6.15 by the year 2002. However, this bill will not keep pace with the inflation rate, presently 21% below the 1979 level. This is because this measure delays and stretches out the much-needed minimum wage increase over the next three years.

Economists at the Economic Policy Institute analyzed the effects of the real value of minimum wage inequality in the overall wage structure. They concluded that for workers with less than a college education (representing approximately 75% of the total labor force) maintaining the minimum wage at its 1979 purchasing power results in a significant decline in the real hourly wage rate of those earning above the minimum.

As a consequence, women with just high school diplomas have experienced a decline in their average real hourly rate. This is just an example of the widening equality in our nation's wage structure. We must support sensible minimum wage increases.

This bill also seeks to eliminate the overtime protections that benefit many of hard working families throughout the nation. For example, this bill will exclude hi-technology employees, salespersons, and funeral directors from inclusion in the overtime calculation. Terminating overtime will encourage workers to work longer hours for less money with less time for quality family time.

In addition, the bill also permits states to "opt out" of any increase in the minimum wage above the current level of $5.15. Thus, states could freeze the minimum wage at its current level, or provide a smaller increase than set by the bill. This measure is unacceptable, and the President rightfully will veto this bill.

Minimum wage increases are not just about dollars and cents. It is about the majority of those who live either in poor families or families in which the primary earner has low wages. We must give those who have not prospered in this age of economic prosperity a chance to provide for their families. An honest wage, for an honest day's work.

Higher wages will increase greater employee loyalty and effort at the workplace. Though an employer's payroll cost may go up, employers will gain productivity and reduced turnover, training, and recruitment costs.

The last time we increased the minimum wage was back in 1996. How can we not come together and resolve our difference? With 72% of minimum wage workers making $15,000 a year in annual income, we must seek responsible legislation to increase the minimum wage.

I cannot support a bill that couples an inadequate minimum wage increase with large tax cuts for those who have benefited most in this economic boom. Let us not forget those who need assistance. American workers need wage increases now, and we cannot stand idly by while our citizens fall deeper into economic despair. However, I will not support irresponsible tax cuts at the expense of those who truly need a wage increase.

Mr. COX. Mr. Speaker, the New York Times has editoralized against any minimum wage at all. Their editorial was headlined: The Right Minimum Wage: $0.00

Let me quote from that editorial:

Raise the legal minimum price of labor above the productivity of the least skilled workers and fewer will be hired.

If a higher minimum means fewer jobs, why does it remain on the agenda of some liberals? A higher minimum would undoubtedly raise the living standard of the majority of low-wage workers who could keep their jobs. That gain, it is argued, would justify the sacrifice of the minority who became unemployable. The argument isn't convincing. Those at greatest risk from a higher minimum would be young, poor workers, who already face formidable barriers to getting and keeping jobs.

Perhaps the mistake here is to accept the limited terms of the debate. The working poor obviously deserve a better shake. But it should not surpass our ingenuity or generosity to help some of them without hurting others.

* * * The idea of using a minimum wage to overcome poverty is old, honorable—and fundamentally flawed. It's time to put this hoary debate behind us, and find a better way to improve the lives of people who work very hard for very little.

Tonight's debate is just as hoary as when that editorial was written—in 1987.

Indeed, this debate is so hoary that I need only to reproduce here the remarks I made in

1996 and 1989 when Congress debated this same subject.

Washington, May 23, 1996

The Minimum Wage

Mr. COX of California. Mr. Speaker, I would like to share with my colleagues some words that come from a 67-year-old woman who works at the minimum wage in Santa Ana, CA: Dear Congressman—she wrote me recently—I strongly advise you not to raise the minimum wage. In my working career, I have had a lot of under, slightly over and straight minimum wage jobs. As a single parent, I managed to raise my son without any handout from the government. Although raising the minimum wage may sound like a great humanitarian idea, it really isn't.

In the past every time minimum wages were raised, the entire national work force, plus welfare recipients, also demanded and received raises. The cost of goods and services rose to meet the higher cost of labor, and you forced me to work a lot of overtime to maintain the same buying power I had before my 'generous' raise.

I am now 67 years old and consider myself extremely lucky to have an employer willing to hire elderly people like myself. My employer is a small businessman. Recently because of the economy he was forced to raise his prices and cut his overhead just to stay in business. I took a Small Business Administration class in college, and I know that he has to match my Social Security payments, pay higher State disability and workers compensation. He and others like him will have no alternative but to close their doors and I will be unemployed.

When I lose my job, because my employer can no longer afford to stay in business, what is the government going to do about me, someone who is willing to work? How is the government going to help support me? Who is going to pay for this?

Very truly yours, Joanna B. Menser, Santa Ana, CA.

That is a personal story, but how about the big picture? How about macroeconomics, and how about the views of such institutional stalwarts of the liberal point of view as the New York Times? Some time ago the New York Times ran an editorial on the minimum wage. The headline was, the right minimum wage, zero. By that the New York Times did not mean that people should actually work for nothing. Rather, what they meant is that wages, the cost and the price of labor should be determined in a free market and in fact no one should be held to a so-called minimum wage but, rather, everyone should have the opportunity to make an increasing wage in return for higher skills and higher productivity.

Let me read from that editorial in the New York Times which was titled, 'The Right Minimum Wage: $0.00.' 'Anyone working in America,' the New York Times says, 'surely deserves a better standard than can be managed on the minimum wage.'

I think we can all agree with that.

But there is a virtual consensus among economists that the minimum wage is an idea whose time has passed. Raising the minimum wage by a substantial amount would price poor working people out of the job market, people like Joanna Menser, whose remarks we just heard.

'An increase in the minimum wage,' the New York Times wrote in their editorial, 'would increase unemployment.' Let me repeat this line from the New York Times editorial: 'An increase in the minimum wage would increase unemployment. Raise the legal minimum price of labor above the productivity of the least skilled worker, and fewer will be hired.'

If a higher minimum wage means fewer jobs, why does it remain on the agenda of some liberals,' the New York Times asked.

'Those at greatest risk from a higher minimum wage would be young poor workers who already face formidable barriers to getting and keeping jobs.'

They conclude their editorial in the New York Times as follows: 'The idea of using a minimum wage to overcome poverty is old, honorable, and fundamentally flawed.' This is the New York Times now. This is not Congressman Chris Cox from California.

'The idea of using a minimum wage to overcome poverty is old, honorable, and fundamentally flawed. It's time to put this hoary debate behind us and find a better way to improve the lives of people who work very hard for very little.'

Finally, the New York Times of Friday, April 19, just last Friday, is worth noticing here on the floor in this debate among our colleagues. Three factoids from the New York Times, Friday April 19, 1996, I commend to all of my colleagues:

Number of times in 1993 and 1994, when Democrats controlled Congress, that President Clinton mentioned in public his advocacy of a minimum wage increase: zero. Number of times he has done so in 1995 and 1996, when Republicans have controlled Congress, 47. Number of congressional hearings Democrats held on the minimum wage in 1993 and 1994: zero.

WASHINGTON, MARCH 22, 1989

Debating Government-Mandated Wage Controls

Mr. COX. Mr. Chairman, I rise in opposition to H.R. 2 and in support of the Goodling-Penny-Stenholm bipartisan substitute which is endorsed by President Bush.

No less a liberal bastion than the New York Times has supported President Bush's arguments that the substantial increase in the minimum wage being urged here today is a bad idea. In an editorial today, the New York Times said, "An increased minimum wage is no answer to poverty."

On January 14, 1987, the New York Times—in an editorial titled, "The Right Minimum Wage: Zero," set out in great detail the arguments in favor of expanded opportunity for the working poor—and against the minimum wage. I'd like to share a portion of the Times editorial with you now, because it is right on target in this current debate.

The Federal minimum wage has been frozen at $3.35 an hour for . . . years. . . . It's no wonder, then, that Edward Kennedy, the . . . chairman of the Senate Labor Committee, is being pressed by organized labor to battle for an increase. No wonder, but still a mistake. . . . [T]here's a virtual consensus among economists that the minimum wage is an idea whose time has passed.

Raising the minimum [wage] by a substantial amount would price working poor people out of the job market. . . . It would increase employers' incentives to evade the law, expanding the underground economy. More important, it would increase unemployment. . . . If a higher minimum [wage] means fewer jobs, why does it remain on the agenda of some liberals? . . . Perhaps the mistake here is to accept the limited terms of the debate. The working poor obviously deserve a better shake. But it should not surpass our ingenuity or generosity to help some of them without hurting others. . . . The idea of using a minimum wage to overcome poverty is old, honorable—and fundamentally flawed. It's time to put this hoary debate behind us, and find a better way to improve the lives of people who work very hard for very little.

That is what the New York Times has said. Frankly, Mr. Chairman, I could not have put it better myself.

Finally, Mr. Speaker, I direct the attention of our colleagues to this policy statement on wage and price controls issued by the House Policy Committee on May 21, 1996.

House Republicans are committed to higher take-home pay and better job opportunities for low-income Americans. We strongly support policies to give low-income Americans increased wages and improved chances to find work. But we are against government-mandated wage and price controls that destroy jobs and hurt the economy.

President Nixon concluded, after leaving the Presidency, that the wage and price controls initiated during his Administration were a serious mistake. During much of the 1970s, the President and Congress imposed harsh wage and price controls on most sectors of the economy. These policies were disastrous for the long-term economy and failed to meet even short-term goals, instead contributing to the "stagflation"—economic stagnation coupled with runaway inflation—for which the Carter era is known. By destroying economic opportunity, these policies dimmed the American Dream for millions.

All this changed in 1981, when, as one of his first actions as President, Ronald Reagan ended the remaining Carter price controls. His action became the first element of a coordinated economic program of deregulation, the end of price and wage controls, elimination of trade barriers, an inflation-fighting monetary policy, and tax cuts to encourage economic growth and increase the take-home pay of all Americans. Ronald Reagan's economic policy ushered in the longest peacetime economic expansion in American history.

Echoing Ronald Reagan, Candidate Bill Clinton promised in 1992 to balance the budget, cut taxes for the middle class, and "grow" the economy. But once in office, he signed into law the largest tax increase in American history, stifling economic growth. In 1995, the economy grew at a sickly 1.5%. Clinton's vetoes of spending cuts insure continued deficits well into the 21st century. Then, having succeeded in implementing this tax-and-spend agenda—without a single Republican vote in the House or Senate—he sought to nationalize our health care system by placing a bureaucrat in nearly every health care decision, levying taxes on "excessive" health care benefits, and imposing price controls to ration health care for every American.

Republicans strongly opposed to Clinton's effort to impose price controls on one-seventh of our national economy. That principled opposition to government controls on the health care system contributed measurably to the 1994 election of the first Republican Congress in 40 years.

Government should not—indeed, cannot—rationally determine the prices of labor, goods, or services for health care, energy, or any other industry in a free market economy. In the 1970s, when the federal government imposed price controls on gasoline, the result was shortages and long lines. By attempting artificially to fix the price of gasoline, government ensured we got less of it. Wage controls have precisely the same effect. "Raise the legal minimum price of labor above the productivity of the least skilled workers," the New York Times editorialized when the Democrats controlled Congress, "and fewer will be hired." Their editorial was headlined, "The Right Minimum wage: $0.00." The politically liberal editorial policy of the New York Times caused them to ask: "If a higher minimum means fewer jobs, why does it remain on the agenda of some liberals?" Their answer: the liberal arguments aren't convincing—particularly since "those at greatest risk from a higher minimum would be young, poor workers, who already face formidable barriers to getting and keeping jobs."

Because in so many cases the minimum wage jobs that will be lost are the all-important first jobs—the jobs that give young Americans the experience, the discipline, and the references they need to move to better, higher-paying jobs in the future—an imprudent increase in the minimum wage would contribute to cycles of poverty and dependence.

Such government focus on starting wages is especially misguided since low paying, entry-level jobs usually yield rapid pay increases. According to data compiled by the Labor Department, 40% of those who start work at the minimum wage will receive a raise within only four months. Almost two-thirds will receive a raise within a year. After 12 months' work at the minimum wage, the average pay these workers earn jumps to more than $5.50 an hour—a 31 percent increase.

In a very real sense, the minimum wage is really a starting wage—the pay an unskilled, inexperienced worker can expect on first entering the work force. Once these workers have a foot on the employment ladder, their hard work and abilities are quickly rewarded. But these rewards can only be earned if workers can find that all-important first job. Consider who earns the minimum wage. According to the Labor Department, half are under 25 years of age, often high school or college students. Sixty-three percent work part time. Sixty-two percent are second income earners. And fully 80 percent live in households with incomes above the poverty level. Even Labor Secretary Robert Reich, in a 1993 memorandum to now-Treasury Secretary Robert Rubin, admitted that "most minimum wage earners are not poor." But while undue increases in the minimum wage do little to help the poor, curtailing unskilled employment opportunities will exacerbate poverty.

Bill Clinton himself has argued against raising the minimum wage. In 1993, he called it "the wrong way to raise the incomes of low-income workers." He was right: according to Labor Department statistics, half a million jobs were lost in the two years following the last increase in the minimum wage. In the year after the minimum wage was increased, 15.6 percent fewer young men (aged 15–19), and 13 percent fewer women, had jobs. Over three-fourths of the 22,000 members of the American Economics Association believe a minimum wage increase would lead to a loss in jobs. Many estimates of the cost of raising the minimum wage exceed one half of a million jobs lost. One such study, by Michigan State University Professor David Neumark and Federal Reserve Economist William Wascher, estimates a loss between 500,000 and 680,000 jobs.

"The primary consequence of the minimum wage law is not an increase in the incomes of the least skilled workers," liberal economists William Bumble and Clinton Federal Reserve appointee Alan Blinder recently wrote, "but a restriction of their employment opportunities." An increase would also be an unfunded mandate on every State locality in America. According to the Congressional Budget office, the minimum wage increase will cost state and local governments (that is taxpayers) $1.4 billion over five years.

President Clinton did not raise the issue of minimum wage publicly during 1993 or 1994, when the Democrats controlled the Congress. Congressional Democrats, likewise, failed to hold even a single hearing on the minimum wage during that same period. The Democrat devotion to this issue in 1996 is entirely political—and, as the New York Times editorialized, inexplicable for liberals who care about the working poor.

The snare and delusion of wage and price controls must not distract us from the fundamental economic and fiscal policy reforms necessary to expand our economy and create good job opportunities for all Americans. A balanced budget, tax relief for workers and small business, and regulatory relief from unnecessary government red tape offer the surest means of steering our economy toward lasting growth. Comprehensive welfare reform that promotes work and breaks the cycle of dependency can go far toward restoring the natural incentives for individual responsibility and personal growth. And redoubled efforts to focus our educational resources in the classroom—where educators, parents, and students exercise control over learning rather than taking dictation from federal and state governments—can pave the way for a better trained and more employable workforce for the future.

These solid Republican policies will lead us to a better, stronger America. Wage and price controls, in contrast, are premised on the notion that government fiat can raise wages without cost—a notion that fails both in theory and in fact. It is individual initiative rather than government beneficiaries that creates wealth, jobs, and a higher standard of living for all Americans.

Mr. PAUL. Mr. Speaker, I appreciate the opportunity to explain why I oppose the H.R. 3846, a bill to raise the federally-mandated minimum wage. Raising living standards for all Americans is an admirable goal, however, to believe that Congress can raise the standard of living for working Americans by simply forcing employers to pay their employees a higher wage is equivalent to claiming that Congress can repeal gravity by passing a law saying humans shall have the ability to fly.

Economic principles dictate that when government imposes a minimum wage rate above the market wage rate, it creates a surplus "wedge" between the supply of labor and the demand for labor, leading to an increase in unemployment. Employers cannot simply begin paying more to workers whose marginal productivity does not meet or exceed the law-imposed wage. The only course of action available to the employer is to mechanize operations or employ a higher-skilled worker whose output meets or exceeds the "minimum wage." This, of course, has the advantage of giving the skilled worker an additional (and government-enforced) advantage over the unskilled worker. For example, where formerly an employer had the option of hiring three unskilled workers at $5 per hour or one skilled worker at $16 per hour, a minimum wage of $6 suddenly leaves the employer only the choice of the skilled worker at an additional cost of $1 per hour. I would ask my colleagues, if the minimum wage is the means to prosperity, why stop at $6.65—why not $50, $75, or $100 per hour?

Those who are denied employment opportunities as a result of the minimum wage are often young people at the lower end of the income scale who are seeking entry-level employment. Their inability to find an entry-level job will limit their employment prospects for years to come. Thus, raising the minimum wage actually lowers the employment and standard of living of the very people proponents of the minimum wage claim will benefit from government intervention in the economy!

Furthermore, interfering in the voluntary transactions of employers and employees in the name of making things better for low wage earners violates citizens' rights of association and freedom of contract as if to say to citizens "you are incapable of making employment decisions for yourself in the marketplace."

Mr. Speaker, I do not wish my opposition to this bill to be misconstrued as counseling inaction. Quite the contrary, Congress must enact ambitious program of tax cuts and regulatory reform to remove government-created obstacles to job growth. For example, I would have supported the reforms of the Fair Labor Standards Act contained in this bill had those provisions been brought before the House as separate pieces of legislation. Congress should also move to stop the Occupational Safety and Health Administration (OSHA) from implementing its misguided and unscientific "ergonomics" regulation. Congress should also pass my H.J. Res. 55, the Mailbox Privacy Protection Act, which repeals Post Office regulations on the uses of Commercial Mail Receiving Agencies (CMRAs). Many entrepreneurs have found CMRAs a useful tool to help them grow their businesses. Unless Congress repeals the Post Office's CMRA regulations, these businesses will be forced to divert millions of dollars away from creating new jobs into complying with postal regulations!

Because one of the most important factors in getting a good job is a good education, Congress should also strengthen the education system by returning control over the education dollar to the American people. A good place to start is with the Family Education Freedom Act (H.R. 935), which provides parents with a $3,000 per child tax credit for K–12 education expenses. I have also introduced the Education Improvement Tax Cut (H.R. 936), which provides a tax credit of up to $3,000 for donations to private school scholarships or for cash or in-kind contributions to public schools.

I am also cosponsoring the Make College Affordable Act (H.R. 2750), which makes college tuition tax deductible for middle-and-working class Americans, as well as several pieces of legislation to provide increased tax deductions and credits for education savings accounts for both higher education and K–12. In addition, I am cosponsoring several pieces of legislation, such as H.R. 1824 and H.R. 838, to provide tax credits for employers who provide training for their employees.

My education agenda will once again make America's education system the envy of the world by putting the American people back in control of education and letting them use more of their own resources for education at all levels. Combining education tax cuts, for K–12, higher education and job training, with regulatory reform and small business tax cuts such as those Congress passed earlier today is the best way to help all Americans, including those currently on the lowest rung of the economic ladder, prosper.

However, Mr. Speaker, Congress should not fool itself into believing that the package of small business tax cuts will totally compensate for the damage inflicted on small businesses and their employees by the minimum wage increase. This assumes that Congress is omnipotent and thus can strike a perfect balance between tax cuts and regulations so that no firm, or worker, in the country is adversely effected by federal policies. If the 20th Century taught us anything it was that any and all attempts to centrally plan an economy, especially one as large and diverse as America's, are doomed to fail.

In conclusion, I would remind my colleagues that while it may make them feel good to raise the federal minimum wage, the real life consequences of this bill will be vested upon those who can least afford to be deprived of work opportunities. Therefore, rather than pretend that Congress can repeal the economic principles, I urge my colleagues to reject this legislation and instead embrace a program of tax cuts and regulatory reform to strengthen the greatest producer of jobs and prosperity in human history: the free market.

Mr. WATTS of Oklahoma. Mr. Speaker, I would like take the time to express to you my significant concern over the current debate which is occurring in Washington regarding increasing the minimum wage. The impact of a $1.00 per hour increase in the minimum wage on rural hospitals would be devastating. The impact on direct payroll alone could amount to hundreds of thousands of dollars. What is impossible to estimate is the impact that it will have on other hospital costs, for example, food costs, medical supplies, pharmaceuticals, and utilities. Where is it anticipated these funds will come from?

At many rural hospitals, over 80% of the patients they treat are beneficiaries of either the Medicare or Medicaid program. Certainly, unless reimbursement levels are increased under these programs, there is no source for providing the funds that a minimum wage increase would require. The remaining 20% of patients that rural hospitals serve are largely charity patients, for whom there is no reimbursement, or private sector patients whose reimbursement is fixed under managed care agreements.

The minimum wage issue is a glaring example of the concerns which are frequently expressed about unfunded mandates—Congress cannot continue to impose higher levels of cost on rural hospitals without increasing reimbursements under the Medicare and Medicaid programs by a like amount. Continuing to proceed with unfunded mandates will simply bring about the demise of rural health care, unless some method of relief is instituted.

Our rural hospitals have suffered enough. Before casting your vote on the minimum wage bill, I urge my colleagues to contact your rural hospitals to hear first hand the devastating impact an increase in the minimum wage would have upon them.

Mr. SMITH of Texas. Mr. Speaker, raising the minimum wage is touted as a way to help many blue-collar workers. And there are millions of others who earn more than the proposed minimum wage increase but who still struggle to make ends meet.

Reform of our immigration policies would help all these workers.

Each year, almost a million legal immigrants enter the United States. Of these, about 300,000 lack a high school education. This policy destroys the opportunities of American workers with a similar education level.

Our immigration policy should create opportunities for those in the workforce. But it does the opposite.

The National Academy of Sciences concluded in a study that competition from immigration was responsible for "about 44 percent of the total decline in relative wage[s] of high school drop outs."

The Center for Immigration Studies calculated that "immigration may reduce the wages of the average native in a low-skilled occupation by . . . $1,915 a year." It concluded that: "Reducing the flow of less-skilled immigrants who enter each year would . . . have the desirable effect of reducing job competition between more established immigrants and new arrivals for low-wage jobs."

The RAND Corporation reported that in California, "the widening gap between the number of jobs available for non-college-educated workers and the increasing number of new non-college-educated immigrants signals growing competition for jobs and, hence, a further decline in relative earnings at the low end of the labor market."

The U.S. Commission on Immigration Reform, chaired by former Congresswoman Barbara Jordan, found that "immigration of unskilled immigrants comes at a cost to unskilled U.S. workers . . ."

The Brookings Institution published a paper concluding that "immigration has had a marked adverse impact on the economic status of the least skilled U.S. workers . . ."

Think of a single mother barely surviving in a minimum wage job who sees her annual wages depressed by $,2000 because she must compete with more and more unskilled immigrants. She might even be a recent immigrant seeking a better life for herself and her children. Or think of the recent welfare recipient struggling to keep his first job.

Think what they could do for themselves and their children with that lost money—buy a used car, put a down payment on a modest home, fix the furnace before winter comes. Or think what will happen if they actually lose their jobs because of the never-ending competition from new arrivals.

The $1,915 reduction in wages that competition with immigrants costs low-skilled workers equals a $1 increase in the minimum wage.

To be certain, it is not the immigrants themselves who are to blame and who understandably want to come to America. But who knows how many people have been hurt by the unintended consequences of our outdated immigration policy?

No one should complain about the plight of the working poor or the persistence of minority unemployment or the levels of income inequality without acknowledging the unintended consequences of our present immigration policy and the need to reform it.

Mr. VENTO. Mr. Speaker, I support a raise in the minimum wage. The fact of the matter is that this is an issue on which we can no longer drag our feet. Each month that passes without a minimum wage increase means another paycheck that falls short of keeping hard working people out of poverty.

However, there are some provisions in the Republican bill which concern me greatly. Therefore, I support both of the Democratic amendments being offered to this legislation which would rectify language I find troublesome. The first amendment would strike the provision of the bill that permits states to opt-out of any increase in the federal minimum wage above the current level of $5.15 per hour. The opt-out language included in the bill is simply an underhanded method of undermining an increase in the minimum wage. Hard working people can't "opt-out" of living in poverty; states should not be able to effectively ignore this initiative by opting out of paying a decent wage.

The second amendment would mandate that the $1 increase would take effect over two years rather than three. Let's be frank, raising the minimum wage by $1 is helpful, but still only restores the purchasing power of this wage to what it was in 1982. Making workers wait for three years rather than two to actually reap the benefits of this raise is almost adding insult to injury, working people need—and deserve—to see a prompt implementation of this legislation.

Unlike many other legislative initiatives, raising the platform for workers' wages would actually benefit those who need it most. Fifty-seven percent of the gains from the last minimum wage increase assisted families at the bottom 40 percent of the income scale.

Many of the arguments that we have heard repeatedly from those who are against raising the minimum wage simply do not hold water. Opponents of this legislation maintain that teenage workers are the only people to benefit from a raise in the minimum wage. However, 70 percent of minimum wage workers are over the age of 20, and 40 percent are the sole breadwinners in their families. Therefore, this myth should be put to rest so that we can finally focus on helping working families.

Beyond the purely financial hardships faced by minimum wage earners, we can not forget the cultural and family ramifications as well. The work schedules maintained by parents in many households erode time and attention they could be spending on their children. Despite working longer hours and sending more family members into the workforce, minimum wage workers are increasingly less able to hold onto what were once considered the essential elements of a middle class life. I'm not talking about extravagant living, but rather comfortable economic survival—a roof over your head, some food on the table, and the ability to spend quality time with family.

Simply stated, the disturbing trend of the wealthiest Americans grabbing the lion's share of income gains must be put to an end. Raising minimum wage is a much needed, positive step toward closing the income gap. It is time that the workers who are largely responsible for the day to day operations to finally get fair compensation for their hard work.

Mr. STARK. Mr. Speaker, I rise today in opposition of H.R. 3846, the GOP's feeble attempt to raise the minimum wage and H.R. 3081, the Wage and Employment Growth Act. I cannot support this half-hearted gesture that gives our lowest-paid workers a mere $1 per hour increase over three years when the Democratic alternative would have offered these workers $1 per hour increase over a two-year period and would have eliminated the top-heavy Republican tax cuts. Unfortunately, the leadership did not allow for debate and a vote on the Democratic alternative. The Wage Growth and Opportunity Act is a misleading title. This bill actually gives tax breaks to the wealthiest Americans but is disguised as offsetting the effects of a minimum wage increase on small businesses. I will not support this misleading and reckless bill.

Studies have shown that increasing the minimum wage does not have a discernable impact on small businesses as some would have you believe. But given that the sponsors of the tax proposal want the American taxpayers to believe that a minimum wage increase can hurt small businesses, then we must scrutinize the bill on the floor of the House today.

H.R. 3081 does little for small businesses but does much for the wealthiest one percent of Americans. While the GOP intends to prolong a minimum wage increase, and thus lower the benefit from an increase, it also wants to provide $123 billion in tax breaks to the wealthy. It does this through estate tax relief for the wealthy and pension changes that benefit those who contribute $10,000 per year to their 401(k) plans.

Nearly 65 percent of H.R. 3081 is dedicated to reducing the estate tax for all estates. Only a small fraction of estate taxes are paid on small businesses included in estates. This bill has little bearing on small businesses and has nothing to do with the minimum wage. The estate tax provisions in this bill are targeted to wealthy individuals who don't even own small family businesses. I'd hardly consider Microsoft a small business, yet Bill Gates will reap a $6 billion tax break from H.R. 3081.

We still don't have a Medicare prescription drug benefit for seniors, yet our legislative leadership is asking Congress to squander billions of dollars on those who don't need it. We also don't have a plan in place to shore-up Social Security for future retirees. I suggest to my colleagues that we take a close look at our legislative priorities prior to enacting such irresponsible tax cuts.

The tax cuts proposed today grow over time and are permanent. The minimum wage bill is not permanent and does not grow with the rate of inflation. The Republican tax bill over ten years is nearly eleven times greater than their proposed minimum wage increase. Clearly, the tax bill before us today is a gift to the wealthy at the expense of our minimum wage workers and seniors.

I urge my colleagues to defeat the GOP minimum wage and tax bill and give minimum wage workers $1 per hour increase over two year, not three.

Mr. EVANS. Mr. Speaker, I rise today to urge my colleagues to stand up for America's working families.

Today we will vote on a measure that will affect millions of people across America. Unfortunately, the Republicans want to use this opportunity to instantly give another tax break to the wealthy and make working families wait three years for a complete increase in the minimum wage.

The Republicans will do anything they can to avoid raising the minimum wage. Last year, even while they raised their own pay, they refused to allow a vote on a measure to raise it. This year, the Republicans say they will raise the minimum wage one dollar over three years, but only if they can hand out $122 billion in tax breaks skewed to the most affluent in our society.

Instead of letting Democrats introduce a tax substitute which provides more relief to family farms and small businesses, the Republicans are standing behind a bill which would give the top one percent of all taxpayers almost three-quarters of the tax reduction. As a cosponsor of the Small Business Tax Relief Act, I am proud to say that, under our bill, family farms and small businesses worth up to $4 million would pay no estate tax at all.

I urge my colleagues to support the Democratic Small Business Tax Relief Act and to enact a minimum wage increase over two years. It is time to take care of America's working men and women.

Mr. SANDLIN. Mr. Speaker, I rise today in strong support of increasing the minimum wage. A real increase in the minimum wage is long-overdue. In a period of unprecedented economic expansion, every worker should reap the benefits of the booming economy. The real issue here is a much-deserved minimum wage hike, and Congress must ensure that every minimum wage worker receives the increase our economy can surely afford.

The Fair Labor Standards Act (FLSA) sets the current minimum wage at $5.15 per hour. This is unacceptably low. At $5.15 per hour, a minimum wage worker who is employed 40 hours per week for 52 weeks will earn a mere $10,712 a year. This is approximately $1,000 below the poverty level for a family of two. We cannot continue to sit idly by while working families struggle in a growing economy. Increasing the minimum wage to $6.15 per hour will help fulfill our moral obligation to working people—the obligation to pay a living wage.

Mr. Speaker, the global strength of the United States and the strength of our economy is due to the strength of our labor force. Full-time, working families should not be allowed to fall below the poverty level. It is time that we give the workers who help run this nation and fuel our economy just compensation for their work.

Beyond this, the need to pay a fair minimum wage to the average American worker is crucial to the overall success of our country's economy. Since the last minimum wage increase in 1996, the economy has created new jobs at a pace of over 250,000 per month; the inflation rate has been cut nearly in half; and the unemployment rate has fallen to 4.4 percent. By raising the minimum wage, we will give monetary merit to the workers who are responsible for this unprecedented growth and increase their purchasing power.

The impact from the last minimum wage increase is clear: 10 million workers got a raise, and there is no evidence that jobs were lost. Furthermore, economic studies find no negative effect of the minimum wage on employment. In fact, recent research has even suggested that higher wages can increase employment because they improve employers' ability to attract, retain, and motivate workers. Finally, recent increases in the minimum wage have helped reduce the welfare caseload by increasing the incentive to work.

While I do not believe that an increase in the minimum wage should have to be tied to a tax cut, I do support the provisions of this particular small business tax package. Specifically, this bill contains important estate tax relief for small business and family farms. I have fought for repeal of this egregious tax since I came to Congress, and I am happy today to finally see some meaningful relief.

In addition to estate tax relief, this bill would increase contribution and benefit limits for retirement plans, enabling more Americans to save for their future. It also increases business meal deductions to 60% and accelerates the 100% deduction for health insurance for the self-employed and increases the deduction for the purchase of business equipment. Perhaps one of the most important provisions of the tax portion with regard to small businesses is the repeal of a current law prohibiting businesses that use accrual accounting methods from selling assets in installments and spreading out their tax liability. Unfortunately, this provision was part of a larger tax relief bill passed last year and has proven to be detrimental to small businesses. As a cosponsor of H.R. 3594, the Installment Tax Correction Act, legislation which would repeal this penalty, I am happy to lend my support to this important provision. Finally, the tax portion of today's bill would also authorize the creation of fifteen new "renewal communities" that would be eligible for various tax breaks and would increase the low-income housing tax credit.

Mr. Speaker, the critical issue at stake today is a much-needed increase in the minimum wage. The minimum wage plays an important role in ensuring that all workers share in the growing economy, and there are numerous reasons for an increase. I call on my colleagues today to support this much-needed legislation and help ensure that no working American will have to live in poverty.

Mr. COYNE. Mr. Speaker, I rise today in support of a minimum wage increase over two years and in opposition to an unjustifiable tax break.

Mr. Speaker, the minimum wage has significantly improved the quality of life for American Working families. And yet, the majority of Republicans in Congress have consistently opposed or worked to eviscerate the minimum wage.

Today we see Congressional Republicans bowing to significant pressure to raise the minimum wage—but offering a minimum wage bill that as their leadership recently acknowledged, raises the minimum wage as little as possible over the longest possible period of time. It would also provide numerous exemptions for certain categories of workers and allow states to opt out of the minimum wage increase. I find such an attack on America's working families to be indefensible.

That is bad enough, but the Republican House Leadership will also attempt to either kill or take advantage of a minimum wage bill by linking it to a tax package, provides that $122 billion in tax breaks to some of the wealthiest families in the country. Three quarters of the tax breaks in this bill would go to the one percent of the American people with incomes of more than $300,000. If that is not class warfare, I don't know what is.

The bill's supporters argue that the tax breaks are necessary to offset the cost to small businesses of increasing the minimum wage. Since the Republican proposal provides eleven dollars in tax cuts for every one dollar in increased wages, that argument rings false.

Moreover, the Republican tax package is back-loaded, which means that the bill's impact on the federal budget will not be fully felt for many years to come. It puts another massive dent in the projected budget surplus before Congress has adopted a plan to save Social Security, a plan to preserve Medicare, a play to provide a Medicare prescription drug benefit, a plan for paying down the national debt, or even a budget plan for the coming fiscal year. While the substance of the tax bill is unacceptable, the timing of this tax cut is inexplicable.

I urge my colleague to reject this unwise approach. Let's pass a clean minimum wage increase—or barring that, let's pass a tax break package that helps the struggling "Mom and Pop" businesses on Main Street, not the folks already living on Easy Street. I urge my colleagues to vote against the bill and in favor of a motion to recommit with instructions.

Mr. DINGELL. Mr. Speaker, I rise today to express my strong support for giving the American people a raise. I share the belief of millions of Americans who strongly believe anyone who works hard should be rewarded by receiving wages that not only allow them to subsist and survive, but to feed, clothe, house and support their families. Working Americans should not have to live in poverty or turn to federal assistance to subsist. The simple idea that hard work should be rewarded is a fundamental American value. I would note a recent ABC news poll shows 83 percent of Americans support a higher minimum wage.

Mr. Speaker, the minimum wage must keep pace with the changing value of the dollar. The value of today's minimum wage is 21 percent less than it was in 1979. At a minimum, it is time to raise the minimum wage by $1.00 over two years. In my opinion, it should be raised higher still. Raising the minimum wage to $6.15 over two years simply restores the value of the minimum wage to 1982's level.

Currently, a full-time minimum wage worker earns $10,700 per year $3,200 below the poverty level. Forty percent of minimum wage workers are sole breadwinners for their families. The Traficant-Martinez amendment would directly benefit nearly 10 million workers nationwide, 400,000 in Michigan alone.

The Republican leadership has worked hard to prevent a real minimum wage increase, tying the minimum wage to a fiscally irresponsible tax cut the President has promised to veto. In place of a helpful wage package, they also have offered a watered down minimum wage increase that provides little immediate assistance to workers and, for some ludicrous reason, allows states to opt out. These deceptive attempts to dupe the American public only shortchange those Americans at the bottom of the pay scale and help corporate businesses and special interest groups. Mr. Speaker, let's not play politics with hard working Americans' salaries. Let's give workers a real raise.

Mr. GOODLING. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). All time for general debate has expired.

It is now in order to consider amendment No. 2 printed in House Report 106–516.

AMENDMENT NO. 2 OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. TRAFICANT:

Amend section 1 to read as follows:

SECTION 1. MINIMUM WAGE.

Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

"(1) except as otherwise provided in this section, not less than—

"(A) $5.15 an hour beginning September 1, 1997,

"(B) $5.65 an hour during the year beginning April 1, 2000, and

"(C) $6.15 an hour beginning April 1, 2001;".

The SPEAKER pro tempore. Pursuant to House Resolution 434, the gentleman from Ohio (Mr. TRAFICANT) and a Member opposed each will control 15 minutes.

Does the gentleman from North Carolina (Mr. BALLENGER) seek time in opposition?

Mr. BALLENGER. Yes, Mr. Speaker, I am opposed to the amendment.

The SPEAKER pro tempore. The gentleman will have the time in opposition.

The Chair recognizes the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. MARTINEZ), the coauthor of this amendment, and as he walks down the aisle, I want to thank him for coming to my district some 15 years ago and helping to save many family homes in my valley. I consider the gentleman to be one of the great Democrats in the House, and I am proud to have him as a coauthor.

Mr. MARTINEZ. Mr. Speaker, I thank the gentleman from Ohio (Mr. TRAFICANT) for his kind remarks.

Mr. Speaker, I rise today to join my colleague in Ohio in offering an amendment that will raise the minimum wage by $1 over 2 years.

The last time Congress raised the minimum wage was back in 1996. This amendment raises the minimum wage in two steps, the first is to $5.65 an hour beginning April 1, 2000 and the second is to $6.15 an hour beginning April 1, 2001.

Let me put it in simple terms, Mr. Speaker. A $1 increase in the minimum wage is enough for a family of four to buy groceries for 7 months or pay rent for 5 months. Now, one of my colleagues said we are trying to promote prosperity and happiness. I can tell my colleagues that we are not trying to promote prosperity; but for sure, coming from a poor family, I can say that when there is a little more on the table, or the landlord is not knocking at the door for the rent, yes, it brings a lot of happiness.

Now, I would have preferred that we were debating a clean minimum-wage bill, one free of special-interest exemptions, but reality dictates otherwise. American men and women cannot and should not have to wait any longer for Congress to provide them with a living wage. This increase is long overdue. It is unacceptable to delay the American worker this pay raise even one additional year. A 3-year increase, as proposed by the bill, would cost a full-time, year-round worker more than $900 over 2 years. Now, $900 may not sound like a lot of money to Members of Congress, but to millions of Americans who make a minimum wage, it can sometimes make the difference in raising them above the poverty level.

America has achieved the longest period of economic growth in our entire history, Mr. Speaker. It is time, with the lowest unemployment rates in 30 years, with the lowest poverty rates in 20 years, that we provide a decent wage to working men and women, the very people who made this economic growth possible. Why must these people, these men and women, wait for even 1 more year?

There are nearly 12 million American workers who depend on us today to do the right thing. Will we do the right thing and provide them with a step up to a better future for their families and their children? Will we provide these families a chance to pursue the American Dream? Mr. Speaker, it is embarrassing for the richest Nation in the world, the most powerful Nation in the world, the most advanced Nation in the world to have a minimum wage that falls below the level needed to keep a family out of poverty.

I urge every Member, and I especially urge Members on the other side of the aisle, to show that compassion that I know they can show and take a stand for working families in this country.

Mr. BALLENGER. Mr. Speaker, I yield myself such time as I may consume, and I rise in opposition to the amendment of my good friends, and I would like to apologize to them ahead of time.

We have heard so much discussion today from the proponents of the increase about a higher minimum wage lifting the working poor out of poverty. But the proposed increase will have little impact on low-income families because few workers actually support families under the minimum wage. The minimum wage is typically paid to individuals who are just entering the workforce, the overwhelming majority of whom are young, single, and childless.

According to the statistics, or the data that we get from the U.S. Census Bureau, 37 percent of those who benefited from the last-minimum wage increase were young people living with their parents.

□ 2015

Some 85 percent either live with their parents, or are single and childless, or living alone, or have a working spouse. Only one in ten minimum wage earners is trying to support a family. In reality, the minimum wage is a poorly targeted issue for anti-poverty as a tool.

The proponents of a higher minimum wage increase seem to suggest that entry-level employees work for years without a wage increase. But according to recent research, the vast majority of those who start at the minimum wage do not remain there long. Nearly two-thirds of minimum wage workers move above the minimum wage within one year of working. The majority of minimum wage workers use entry level positions to gain experience and acquire the skills necessary to move ahead in better paying jobs.

Those employees who do not quickly advance beyond the minimum wage tend to be the least skilled, the least educated, and the least experienced workers. Typically, those are the most vulnerable in terms of losing their jobs or having their hours of work reduced. Research has shown that the minimum wage increases shift many jobs from low-skilled adults to teenagers and students.

Mr. Speaker, I urge my colleagues to oppose this amendment. Increasing the minimum wage is an ineffective way of helping those in need. It is not well targeted at poor families. And while it benefits some individuals, it will clearly harm others by lessening employment opportunities.

For the 25 percent of low-wage workers whose families are poor, hiking the minimum wage too quickly may do more harm than good. Minimum wage increases cause price increases that disproportionately affect the poor.

We also heard testimony regarding the disemployment effects of the higher minimum wage. Witnesses concluded that the net effect of the minimum wage is to increase the proportion of families that are poor.

In addition, Chairman Greenspan has testified before Congress that the wage inflation that we may have could derail the booming economy. The hallmark of the economic good times we enjoy today has been low inflation. Raising the minimum wage will contribute to raise inflation at the same time as the Federal Reserve is raising interest rates to contain the deleterious effects of wage inflation.

Mr. Speaker, I reserve the balance of my time.

Mr. TRAFICANT. Mr. Speaker, might I inquire how much time is remaining on each side?

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The gentleman from Ohio (Mr. TRAFICANT) has 11½ minutes remaining. The gentleman from North Carolina (Mr. BALLENGER) has 12 minutes remaining.

Mr. TRAFICANT. Mr. Speaker, I yield 1 minute to the dynamic gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, now I know why we are here trying to convince some of the Members on the other side of the aisle that we should allow a $1 raise over a 2-year period of time. They really do not understand.

The gentleman from North Carolina (Mr. BALLENGER) just told us that there are no real people out there who are working for a minimum wage that are taking care of families. He said they are teenagers and they are people just starting in the workplace.

Well, I do not know what he knows about home health care workers, people who do some of the toughest work who make minimum wages. I do not know if he knows that many of the people who serve food in our restaurants, waiters and waitresses, make minimum wage. I do not know if he knows what is happening in the nursing homes, where they are taking care of the sick and the elderly, that many of them are on minimum wage. I do not know if he knows that the airport safety workers who check us when we go through the metal detectors are making minimum wage. He does not know that they are elevator operators.

Well, now I know why we must tell this story over and over and over again. They are ignorant of the facts.

Mr. BALLENGER. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I do not know how many people here have ever worked at the minimum wage. I did when it was 65 cents an hour.

I would like to mention, in fact, that in every one of the cases that the gentlewoman from California (Ms. WATERS) mentioned, all of these are going to result in cost increases.

Take day-care. I checked this out at home. The day-care workers that we have started on the CEDA program and they are now up to $7.50 an hour, $8 an hour. If we raise the minimum wage, do not tell me that they are still able to charge the same price for day-care.

So anybody that uses day-care, anybody that uses those services for the elderly, they are going to all suffer from the increased costs.

The SPEAKER pro tempore. The gentleman from North Carolina (Mr. BALLENGER) has 11½ minutes remaining. The gentleman from Ohio (Mr. TRAFICANT) has 10½ minutes remaining.

Mr. TRAFICANT. Mr. Speaker, I yield 1 minute to the dynamic gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I rise in strong support of the 2-year increase in the minimum wage.

Working men and women deserve an immediate increase in the minimum wage from a meager $5.15 to $6.15 an hour. During these times of unprecedented economic prosperity, we should do nothing less.

What we really should be talking about, though, is a livable wage, a living wage, which in Northern California, for example, is $14 an hour.

I also oppose the Republicans' proposal for the tax cut because $123 billion will go to the wealthiest of Americans. This is wrong. Why should the rich get a tax break while America's lowest wage workers continue to struggle each and every day to make ends meet? We should be supporting our lowest wage individuals.

The Republican plan ignores these hard-working men and women. When in the world are we going to begin to close these huge income disparities in our country? Income inequality should not exist in a country such as America.

Let us be fair to working men and women. Let us raise the minimum wage as soon as possible. At least we should raise it within 2 years.

Mr. TRAFICANT. Mr. Speaker, since I have more speakers, will the gentleman from North Carolina (Mr. BALLENGER) yield some of his time to me as a courtesy?

Mr. BALLENGER. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, I want to thank my distinguished friend from North Carolina for that gesture. He has always been fair. Even though we disagree on this, we agree more often than not; and I thank him.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Speaker, I rise in strong support of this amendment to raise the minimum wage by $1 over 2 years.

In this era of unprecedented prosperity, we should be both willing and able to ensure that workers are not left behind.

Now, I have no doubt that we are able to provide this increase. We live in a wealthy Nation that is in its economic prime, 110 consecutive months of growth in our economy. We live in a Nation in which enterprises are starting all the time, in which top executives are compensated with almost unimaginable sums of money. Sixty-three new millionaires a day are being created in the Silicon Valley alone. Study after study has shown that the minimum wage does not cost jobs.

So there is no question that we are able to provide this increase. The only question is whether we are willing to do so. And the answer ought to be a resounding "yes."

For more than 60 years, the minimum wage has protected the Nation's workers and, in doing so, has helped the Nation's economy and society as a whole. But the minimum wage has not kept up with inflation and, in relative terms, is more minimal than ever.

We should not be abandoning hardworking people, people who often work long hours in dangerous jobs, at a time when most Americans are doing so well.

The people at the top of the economic ladder are enjoying this record prosperity. What about those at the bottom end? Can we not lift them up? I think the answer should be clearly "yes."

So I urge my colleagues to support this amendment. It is moderate, it is affordable, and it is the right thing to do.

Mr. BALLENGER. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, what we are contemplating here in changing the minimum wage is in one sense I think unacceptable. I have already expressed my concerns about doing this audacious thing to believe for just a moment, even a second, that we in this body know what is the right amount of money to pay anybody for anything for any job that they do, but now we are contemplating doing even more damage by reducing the number of years in which this would occur.

Increasing the minimum wage from $5.15 to $5.65 or $6.15 an hour over 2 years, as has been proposed, would be unparalleled. It would amount to a 44.7 percent increase in the minimum wage, or $1.90 per hour since 1996, when the minimum wage was $4.25.

Congress has never raised the minimum wage by more than $1.05 per hour over a 5-year period, and that $1.05 an hour hike occurred between 1978 and 1982, when inflation was increasing by an average of 9.8 percent per year, far more than the 2.5 percent average rate over the last 5 years.

Now, these are facts. These are economic facts. But I do not expect them to carry today. Because, of course, this entire debate is not over economic facts. It is over emotion and what feels good to many of our colleagues here, their ability to say again that we, this royal "we" have somehow increased the minimum wage, when, of course, we are not doing anything but forcing somebody else to pay an increase in the minimum wage, not us, not the Congress, are forcing employers to do that.

And so, it is in a way senseless, I suppose, to try and argue statistics and facts. The fact is, as has been pointed out more than once, that most of the people who will actually benefit from such an increase are not those people most in need, not the "working poor." They will not be the beneficiaries of this move.

But it does not matter. It would not matter I think frankly if not a single person in America who was accurately classified as the "working poor" were the beneficiary of this particular piece of legislation. If not a single one of them benefitted, we would still do this. And the reason, of course, is because it sounds good, it plays well. We know that.

We know exactly what happens when you take polls on this issue and you say to the general public, How do you feel about raising the minimum wage? Do you not think it is only right that somebody should be making x number of dollars an hour? And the response is always, oh, of course, sure, absolutely. Because, of course, there is no real understanding of the economic impact of something like this.

Does anybody really think that this does not have them in the slightest inflationary tendency or impact? I mean the big "I" word, the thing that scares everybody to death that sends the stock market into tailspins every time Mr. Greenspan even mentions it, "inflation." "Inflation." But we are doing something here, of course, that is, in fact, inflationary. It does not matter. It will not matter because those kinds of arguments will not hold the day.

I know that. I know where this bill is heading. I know where the votes are. But I have to plead with my colleagues to think carefully about the steps they take. Because now we are not just talking about making a huge mistake in, quote, increasing the starting wage, as if we knew that a dollar an hour over any period of time, a year, 2 years, 3 years, 5 years, as if we knew that that was right. That is what is amazing about this. We argue it as if we have some understanding of what this meant, of some internal mechanism in our own minds that says, yes, of course we know that there is some economic reason for us to do this, that the economy will prosper, that everybody will be better off as a result of this. But this is absolutely false, my colleagues, totally false.

As mentioned before, even when we asked the most prestigious members of the academy, economists from all over the country who came to testify, in favor of increasing the minimum wage, by the way, they were not hostile witnesses in the committee, but when we asked them, on what basis did you arrive at the conclusion that a dollar was right, they said, there is no basis.

□ 2030

There is absolutely nothing. It is just a good, round number. There is no economic reason for this. There is not even a moral justification for it. Because, as I say, we will not be improving the lives of the people that we have heard so much about on the floor of the House today. In fact, we may be doing damage to them. But we do not know that because, of course, we are trying to be the unseen hand in the market. We have made this assumption about the fact that we know exactly how to adjust the marketplace between an employer and employee.

I do not doubt for a moment that there are people out there working for perhaps less than they are worth, and I certainly do not doubt for a moment that there are people out there working for more than they are worth. We have heard all about these people, heads of companies making these outrageous sums of money as if this has any relevance whatsoever to this particular piece of legislation. It of course does not.

But just as we can concede that we do not know what is right for the highest wage earners to make, it is appropriate for us to concede that we do not know what is right for the lowest wage earners to make. We simply do not know that. Let us confess it. Let us tell the people the truth. We do not know if a dollar is right over a year, over 2 years, over 3, over 4, we have no idea. It sounds good, so, therefore, we are going to propose it.

Mr. TRAFICANT. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. MARTINEZ), my coauthor, to respond to the previous speaker.

Mr. MARTINEZ. Mr. Speaker, I do not challenge the gentleman from Colorado's figures. They are probably accurate. But his logic is a little skewed. Every year the cost of living goes on and almost every other wage earner is guaranteed at least that cost of living increase, whether he works for an organized shop or not. But the fact is, that if the cost of living keeps going on, and you do not raise the minimum wage, that minimum wage is going to buy less than what it bought last year and the year before and the year before and so that eventually they are going to be living in poverty, worse than they are now.

The fact is, that we need to understand the premise of a minimum wage is to make sure people do not starve to death. That is what it is. All we are doing is trying to provide them with somewhat of a livable wage. If what you are saying is allow the marketplace to determine, that does not even determine, because an employer himself determines.

Every employer, and I was in business, there are other costs that go up, cost of materials to produce your product, cost of operations in your facility if it is a service facility that make the price of your service go up; and you have to increase that to keep up with that. It is no different with the wage.

Mr. TRAFICANT. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Ohio (Mrs. JONES), a dynamic young Member from the Cleveland area, doing a great job replacing Lou Stokes, one of our greatest.

Mrs. JONES of Ohio. I thank the gentleman from Ohio (Mr. TRAFICANT) for that warm introduction.

Mr. Speaker, I rise in support of this amendment. At a time when our economy is at its best, why not give those at the bottom of the economic ladder an opportunity to eat a piece of the bountiful pie? Currently, a full-time minimum-wage worker makes $10,920, out of which they must pay all of their expenses. One dollar over 2 years is not all we would like to have, but it is better than having it over 3 years.

I guess very few Republicans make minimum wage. Otherwise, they would be screaming on the floor like we are protesting like the Democrats. We are telling these families, buy your children food. No, wait, wait 3 years, you can buy food in 3 years. No, wait, buy your children shoes in 3 years. No, wait, get the medicine you need over 3 years. Do not even try and drive a car because gasoline has increased over the last 6 months more than we are offering an increase in the minimum wage. Bread costs the same for minimum wage workers. How do they buy it? Eggs cost the same for minimum wage workers. How do they buy it? Meat costs the same for minimum wage workers. How will they buy it?

The economic fact is that people are underpaid at minimum wage. The economic fact is they need more to buy clothing, to buy shoes; and let us not even think about health care, which they do not get on minimum wage. I urge my colleagues to vote in support of this amendment.

Mr. TRAFICANT. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. SHERWOOD).

Mr. SHERWOOD. I thank the gentleman from Ohio for yielding me the time.

Mr. Speaker, I rise today in support of the amendment to increase the Federal minimum wage by $1 over 2 years. Our Nation's economic expansion came a little late to the 10th Congressional District of Pennsylvania. Unfortunately, we have too many working Americans in my district for whom the struggle to afford housing and other basic necessities is a formidable challenge. That is why I made a commitment to support a minimum-wage increase.

Since last fall, I have been working with my colleagues on both sides of the aisle to bring about an increase in the minimum wage. The Bureau of Labor Statistics found that 4 million workers in America earn $5.15 an hour. I have too many of those workers in my district, and their families are working three jobs to support the family.

Just yesterday, the U.S. Department of Labor issued a report on our Nation's workers' productivity. In the fourth quarter of 1999, both the business sector and the nonfarm sector saw productivity rises which were the largest since the fourth quarter of 1992. Manufacturing productivity rose at a 10.3 percent annual rate. Our economy has enjoyed 20 consecutive years of labor productivity. I believe now is the time for a Federal minimum-wage increase. It has been more than 2 years since we did this.

I am aware that businesses, and I was a businessman for 30 years, particularly those in the restaurant and the retail industries, will face higher labor costs. For that reason, I supported the Small Business Tax Fairness Act of 2000. That includes several key provisions to provide the needed tax relief to keep these small businesses going, which have been the engines of our economic growth.

Mr. Speaker, it is time to let a little of our unprecedented prosperity down to the people that work the hardest for their wages.

Mr. TRAFICANT. Mr. Speaker, I yield 1½ minutes to the gentleman from Mississippi (Mr. TAYLOR), a good friend and a powerful fighter for the military second to none.

Mr. TAYLOR of Mississippi. Mr. Speaker, there is a line from a very popular song, "Harvest for the World." It keeps asking the question rhetorically, why do those who pay the price come home with the least?

When it came time to balance the budget this year, it was done at the expense of the men and women in uniform. They delayed their pay by 2 days. Again, for a Congressman, no big deal. For a young E–4, a young E–5 trying to take care of his wife and his kid, that is probably a weekend when baby formula does not get bought, or the Pampers do not get bought, and they try to make do as best they can.

I listen to Members of this body say we have to give the senior citizens a COLA, and everybody votes for it. We have to give the retirees a COLA. Everybody votes for it. So if we are willing to reward people for what they have done, why are we not willing to reward people for what they are doing in some of the crummiest jobs in America? What this whole amendment is about is 17 cents an hour, the difference between the Republican proposal and the Democratic proposal. We are willing to give them that 17 cents a year sooner. If we want people to value work, then work must have value.

I encourage my colleagues to vote for the Traficant amendment.

Mr. TRAFICANT. Mr. Speaker, I yield 1 minute to the dynamic gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, let us raise the minimum wage. Let us do it from $5.15 to $6.15 an hour. Let us do it in 2 years, 50 cents this year and 50 cents next year. My God, imagine. Let us try to string it out, which my colleagues on the other side of the aisle would do, 33 cents a year. I wonder if that is what they would do with their raises, to let it just drift out at 33 cents a year. It is unconscionable. We have a unique opportunity to do something for hard-working Americans in this country. This alternative provides that opportunity.

Seventy percent of minimum-wage workers are adults. Sixty percent are women. Nearly half are full-time workers. There are more than 60,000 people in my own State of Connecticut who rely on a minimum-wage job. You cannot raise a family on $5.15 an hour even when you work full time. The minimum wage is the best measure of our willingness to defend the ideal that if you work hard, if you play by the rules, then you should be able to support your family and create a better life for your family. This is about our values, who we are as Americans. Let us pass a minimum wage; let us do it in 2 years and give these folks a break.

Mr. TRAFICANT. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, I proudly stand in support of a minimum-wage increase. The original bill, H.R. 3846, falls short of meeting the needs of the American family and that is why the Traficant-Martinez amendment is needed. A full-time, year-round minimum-wage worker with a family of three earns about $2,000 less than what is needed to live above the Federal poverty line. Our economy is the strongest it has been in years and these American workers deserve to share in our prosperity.

That is why I support the Democratic substitute by my California and Ohio colleagues which increases the minimum wage instead of from 3 years to 2 years over the period of time. More than 11.8 million workers will benefit from this increase. In my home State of Texas, 13.3 percent of the workforce stands to benefit from such an increase, and that is over 1 million workers. That is why an increase will give not only my constituents but also hard-working Americans the chance to earn a livable wage.

We had a great Senator from Texas named Ralph Yarborough. When he debated the minimum wage, he said, it is time we put the jam on the lower shelf for the little people.

Mr. TRAFICANT. Mr. Speaker, I yield 30 seconds to the fiery gentleman from Vermont (Mr. SANDERS), who tells it like it is.

Mr. SANDERS. Mr. Speaker, I thank the gentleman for yielding me this time. Let me be very honest and say that I think a $1-an-hour increase over a 2-year period is not enough. In my view, we should raise the minimum wage today to at least $6.50 an hour. The idea, however, of doing it over a 3-year period is an absolute insult to millions and millions of low-income workers who are struggling to keep their heads above water. Let us defeat the Republican proposal. Let us pass the Traficant amendment.

Mr. TRAFICANT. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The gentleman from Ohio is recognized for 4 minutes.

Mr. TRAFICANT. Mr. Speaker, I want to commend the Speaker, the Republican leadership and the Republican Party for giving us an opportunity to bring this amendment. I want to thank the distinguished gentleman from North Carolina for being so fair, which he always is. Ironically as we bash around here, in the last 4 years there have been two minimum wage increases and the Republicans were in the majority.

□ 2045

Quite frankly, I do not like the spin that it is mean spirited by the Republicans to oppose the minimum wage. I believe they make a valid argument that inflation could hurt every one of our workers.

Now having made that statement, I think it is time to tell it like it is. We have people out there that are struggling to make a go of it. We have gasoline prices now approaching $2.00. We have families that build the economy, not kill it.

The last minimum wage increase spurred an economic boom for the following simple reason: Poor people do not have enough money to save. Poor people spend their money, put their money on the streets and they grow the economy. This is a growth bill, not a wage increase bill.

Now, I voted earlier today to reduce taxes for a tax break. The gentleman from California (Mr. MARTINEZ) and I were the only two Democrats. Yes, I want to give the boss a break. He deserves it so he can give a raise to my people who desperately need it. Without an investor, there is no company. Without a company, there is no worker. Mr. Speaker, without an entrepreneur, there is no job.

There is reasonableness here, but what I am trying to do today is to ensure that if this vehicle is vetoed and we revisit it, we will be revisiting $1.00 over two years. Let me say this: That 17 cents is not going to kill anybody.

Now I come from a very poor family, and that is not making a political statement here. Many of my colleagues have. My father finally got into that middle class maybe when I was about 10, 11 years old. We had a lot of love, but my dad never worked for a poor man.

We cannot continue to pit rich against poor, old against young, black against white. This partisanship must end.

I want to commend the Republican Party for reaching out and including in their bill a minimum wage increase that we thank them for, but we think it is a little too modest, quite frankly, and we are asking the Republican Party Members to join with us and pass this amendment.

There is one last statement here. When someone waters the tree, the big tree, do they water the leaves or do they water the roots?

We cut back on welfare. We must incentivize work and incentivize work by making work more attractive, making work one that people will aspire to; moving from dependence to independence, self-actualized lifestyles. This is more than a minimum wage increase.

I want to commend the Republican Party here. I want to commend their Speaker. I want to commend each and every one of them for allowing the gentleman from California (Mr. MARTINEZ) and I to bring this amendment and I am asking for the votes from the Republican side of the aisle.

I would say to the gentlemen from Pennsylvania (Mr. GOODLING) and the gentleman from Illinois (Mr. HYDE), I want them to consider voting for this. I am asking them for their vote.

Mr. BENTSEN. Mr. Speaker, I rise in support of raising the national minimum wage by $1.00 over two years. The Traficant amendment to H.R. 3846 accomplishes this goal.

American workers need relief and three years is simply not soon enough. The Democratic measure increases the minimum wage to $6.15 by September 1, 2000. Some context is needed for considering this amendment. In 1998, approximately 4.4 million wage and salary workers, paid on an hourly basis, earned at or below $5.15 per hour. Today's minimum wage has 21% less purchasing power that it had in 1979. According to a recent study by the Economic Policy Institute, some 10.3 million American workers stand to benefit from a new increase in the minimum wage. Forty percent of minimum wage earners are the sole breadwinners in their families. The Democratic proposal is patently more responsive than H.R. 3846 to the needs of America's workers and should be passed by this body.

I support raising the minimum wage because I believe it will help ensure work pays more than welfare and assists lower-income families struggling to make ends meet. Mr. Chairman, lets really think about what this really means for American families. Minimum wage workers play a pivotal role in today's economy—caring for our parents and grandparents in their homes, and for our children in daycare. Under current law, a single mother of two, employed full-time, 40 hours per week for 52 weeks, earns $10,712, $3,200 below the poverty line. Work should be a bridge out of poverty but, unfortunately, there were nearly 3.4 million full-time workers in 1997 who still lived below the poverty line. We all know that we cannot truly reform our welfare system unless we ensure that work pays more than welfare and truly allows families to become self-sufficient. Raising the minimum wage is a critical part of this equation.

Opponents of this legislation argue that raising the minimum wage over two years will endanger the longest economic expansion in our nation's history. If history is an indicator, this is simply not a reasonable concern. Since the minimum wage increase in 1996, statistics indicate that employment has actually increased in every sector, even among those regarded as the most difficult to employ. Further, over the past two years the minimum wage has increased 90 cents, while the unemployment and inflation rates have decreased to record lows.

The Traficant amendment is responsive to this labor trend and provides American workers with much needed relief. Again, the Department measure is more responsive to the needs of America's workers than the Republican alternative and should be adopted.

Mr. CONYERS. Mr. Speaker, I rise today in support of the Traficant/Martinez amendment to H.R. 3846, the "Minimum Wage Increase" bill. This amendment would provide for a real minimum wage increase of $1 over two years, which is so necessary for American workers. By combining the minimum wage bill with H.R. 3081, a bill that gives $122 billion in tax breaks to the wealthiest taxpayers, instead of allowing a clean vote on real minimum wage reform, the Republican leadership has shown that they only want to pay lip service to this vital pay raise for America's low-wage workers.

Even though the minimum wage was raised to $5.15/hour in 1996, you certainly can't raise a family on that salary. At present, a single person, male or female, working full time, earning the minimum wage and supporting a family of three, takes in $10,700 a year, placing them well below the poverty line. In Detroit, an astounding 43% of the population lives below that poverty line.

Raising the minimum wage is extremely important because we have to continue to redress the damage inflicted during the 1980's, when American workers lost 25% of their purchasing power. From 1990 to 1995, this trend continued and they lost a further 12%. If we really wanted to match the purchasing power of the minimum wage in 1968, when it reached its peak, the minimum wage today would be $7.40/hour across the board.

I joined Representative DAVID BONIOR earlier this year in introducing a bill to raise the minimum wage to $6.15/hour. The increase would occur in fifty cent increments over two years. This would be an important first step towards addressing the fundamental economic injustice resulting from the stagnant wages during the Reagan-Bush era. The amendment before the House today would provide this real pay increase which has been delayed so long to working Americans for far too long.

An increase in the minimum wage would benefit 300,000 people in my state of Michigan alone. Most of those who earn the minimum wage are women, and 40% of them are the sole breadwinners of the family.

The 12 million people who earn the minimum wage across the country are the people who prepare our food, care for our elderly and our children. Remember an increase in the minimum wage will not only help close the increasing gap between the rich and the poor, but will benefit all Americans. Extra buying power will be injected into small businesses, family stores, and restaurants, stimulating the economy at the local level and the state level. Through increasing the earnings of so many families American children will learn the value of hard work—that it really pays to work hard.

Many of my colleagues from across the aisle have suggested that an increase in the minimum wage will cost jobs. However numerous studies have proven that increasing the minimum wage will not cost jobs and the buoyancy of the American economy ensures this fact. Since the last minimum wage hike in 1996, unemployment has fallen to its lowest (official) rate in 25 years, inflation has dropped from 2.5 to 1.7% and the American economy continues to grow, creating jobs at a historic high of 250,000 per month.

Americans appreciate the raise too: three polls taken during 1998 by the Washington Post and the Los Angeles Times all showed that 76% to 78% approve the wage increase.

I urge my colleagues to join with me in supporting the Trafficant/Martinez amendment for a real minimum wage increase. The American people deserve a living wage.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MARTINEZ. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 246, noes 179, not voting 9, as follows:

[Roll No. 43]

AYES—246

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Ganske
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Gordon
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hyde
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
LaFalce
LaHood
Lampson
Lantos
Larson
Lazio
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Quinn
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Serrano
Shays
Sherman
Sherwood
Shimkus
Shows
Sisisky
Skelton
Slaughter
Smith (NJ)
Snyder
Spratt
Stabenow
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Weygand
Wilson
Wise
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—179

Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Gallegly
Gekas
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Isakson
Istook
Jenkins
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kingston
Knollenberg
Kolbe
Kuykendall
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
McCrery
McInnis
McIntosh
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Sensenbrenner
Sessions
Shadegg
Shaw
Shuster
Simpson
Skeen
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Toomey
Vitter
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Whitfield
Wicker
Wolf

NOT VOTING—9

Cooksey
Granger
Johnson, E. B.
McCollum
Scarborough
Schaffer
Smith (WA)
Spence
Vento

☐ 2110

Mr. PACKARD, Mr. WHITFIELD, and Mrs. ROUKEMA changed their vote from "aye" to "no."

Ms. ROS-LEHTINEN and Mr. GREENWOOD changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Pursuant to House Resolution 434, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. CLAY

Mr. CLAY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. CLAY. Yes, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. CLAY moves to recommit the bill H.R. 3846 to the Committee on Education and the Workforce with instructions to report the same back to the House with the following amendments:

Strike sections 2, 3, and 4 of the bill.

At the end of the bill, insert the following section:

SEC. MINIMUM WAGE IN THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

(a) IN GENERAL.—Subject to subsection (b), the provisions of section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) shall apply to the Commonwealth of the Northern Mariana Islands.

(b) TRANSITION.—

(1) IN GENERAL.—Nothwithstanding subsection (a), the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) shall be $3.55 an hour beginning on the date that is 30 days after the date of enactment of this section.

(2) INCREASES IN MINIMUM WAGE.—

(A) IN GENERAL.—On the date that is 6 months after the date of enactment of this Act, and every 6 months thereafter, the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) shall be increased by $0.50 per hour (or such a lesser amount as may be necessary to equal the minimum wage under such section) until such time as the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under this subsection is equal to the minimum wage set forth in section 6(a)(1) of such Act for the date involved.

(B) FURTHER INCREASES.—With respect to dates beginning after the minimum wage applicable to the Commonwealth of the Northern Mariana Islands is equal to the minimum wage set forth in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)), as provided in subparagraph (A), such applicable minimum wage shall be immediately increased so as to remain equal to the minimum wage set forth in section 6(a)(1) of such Act for the date involved.

Mr. CLAY (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) is recognized for 5 minutes in support of the motion to recommit.

Mr. CLAY. Mr. Speaker, this motion is to recommit with instructions.

H.R. 3864 repeals overtime pay for millions of employees working in the computer sales and funeral services industry. These antiworking provisions, Mr. Speaker, have never been considered by the Committee on Education and the Workforce in this Congress or evaluated by expert witnesses to determine what impact they will have on the workforce. Eliminating overtime means workers will work longer hours for less pay. In effect, this bill steals time and money from workers.

My motion strikes the provisions of the bill that repeal overtime pay. It also closes the legal loophole that permits sweat shops to operate in the Northern Mariana Islands by phasing in the Federal minimum wage. I urge Members to support this motion to preserve overtime pay for workers.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. GOODLING) in opposition to the motion to instruct.

Mr. GOODLING. Mr. Speaker, I yield to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, first, let me say that I have jurisdiction over the Marianas. We have reviewed this. We requested a GAO report and most of the accusations made, in fact all of the accusations made, by the Interior Department have been proven false. In fact, the Marianas improved the well-being of their people. I have been there. It has worked well, and we have made an independent nation out of the Marianas.

□ 2115

To have this motion to recommit and enforce this I say undue burden upon the Marianas would be wrong to those people there. This Congress said they shall be independent. This would take their independence away from them. I rise in strong opposition to the motion to recommit.

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have debated today a very difficult issue. There are those who are convinced that the wage hike is necessary. There are those who are convinced that the wage hike is unnecessary. But one thing that both sides of the aisle agree on, however, is that certain forward-looking reforms need to be made to the Fair Labor Standards Act, written in 1938, for the 21st century.

Taking out the three FLSA reforms is not only a purely political act ignoring the needs of the American workplace, it is also a purely political act that ignores the bipartisan foundation these three sensible reforms rest upon.

The bipartisan reform measure that updates the FLSA with respect to computer professionals is identical to H.R. 3038, a bill introduced by the gentleman from New Jersey (Mr. ANDREWS), the gentleman from South Carolina (Mr. GRAHAM), and the gentleman from New York (Mr. OWENS).

The bipartisan reform measure reflects the computer professionals' problem that they are faced with today. The current computer exemptions which remain require that they be paid $57,000 a year. That does not sound like a minimum wage problem to me. The reform measure recognizes the real world and our changing economy by simply updating the current computer professionals' exemption from the overtime provisions of the FLSA. The measure simply clarifies existing law.

The second reform measure, dealing with sales employees, is identical, is identical to the bipartisan Sales Incentives Compensation Act, H.R. 1302, introduced by the gentleman from Ohio (Mr. BOEHNER) and the gentleman from New Jersey (Mr. ANDREWS). This measure simply reflects the changes in the workplace that enable sales employees to be more productive with modern communications technology. In the 105th Congress it passed overwhelmingly, with bipartisan support.

The third reform measure is a bipartisan effort. It is identical to H.R. 793, introduced by the gentleman from South Carolina (Mr. GRAHAM) and the gentleman from New Jersey (Mr. ANDREWS). The form simply exempts licensed funeral directors and embalmers from minimum wage and overtime, which codifies what the courts have said over and over again, they are professionals.

The last-minute attempt to strip these minor but important measures from the bill is a last-minute attempt to score political votes and points. This 11th hour attempt marginalizes the good-faith efforts of the Members to deal with difficult issues in a serious way, and I ask Members to reject the motion to recommit and support the bipartisan efforts that are in this bill.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. CLAY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 181, noes 243, not voting 10, as follows:

[Roll No. 44]

AYES—181

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Crowley
Cummings
Danner
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Dooley
Doyle
Edwards
Engel
Etheridge
Evans
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moakley
Mollohan
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Skelton

Slaughter
Snyder
Spratt
Stabenow
Stark
Strickland
Stupak
Tanner
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Velázquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOES—243

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boyd
Brady (TX)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Condit
Cook
Cox
Cramer
Crane
Cubin
Cunningham
Davis (FL)
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doggett
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Eshoo
Everett
Ewing
Farr
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kind (WI)
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Manzullo
Martinez
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Udall (NM)
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Burton
Cooksey
Granger
Johnson, E. B.
McCollum
Scarborough
Schaffer
Smith (WA)
Spence
Vento

□ 2137

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. CLAY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 282, noes 143, not voting 9, as follows:

[Roll No. 45]

AYES—282

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Bono
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Buyer
Camp
Canady
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodling
Gordon
Green (TX)
Green (WI)
Greenwood
Gutierrez
Hall (OH)
Hastings (FL)
Hayes
Hill (IN)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hunter
Hyde
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
LaFalce
LaHood
Lampson
Lantos
Larson
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Ney
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Petri
Phelps
Pomeroy
Price (NC)
Quinn
Rahall
Rangel
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Sisisky
Skelton
Slaughter
Smith (NJ)
Snyder
Spratt
Stabenow
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Weygand
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—143

Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Biggert
Bliley
Blunt
Boehner
Bonilla
Boyd
Brady (TX)
Bryant
Burr
Burton
Callahan
Calvert
Campbell
Cannon
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Dickey
Doolittle
Dreier
Dunn
Ehrlich
Ewing
Fossella
Fowler
Goode
Goodlatte
Goss
Graham
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayworth
Hefley
Herger
Hill (MT)
Hoekstra
Hostettler
Hulshof
Hutchinson
Isakson
Istook
Jenkins
Johnson, Sam
Jones (NC)
Kasich
Kingston
Knollenberg
Kolbe
Kuykendall
Largent
Latham
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
McCrery
McInnis
McIntosh
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Nethercutt
Northup
Norwood
Ose
Oxley
Packard
Paul
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Ramstad
Reynolds
Rogan
Rohrabacher
Royce
Ryun (KS)
Salmon
Sanford
Sensenbrenner
Sessions
Shadegg
Simpson
Skeen
Smith (MI)
Smith (TX)
Souder
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Toomey
Vitter
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Whitfield

NOT VOTING—9

Cooksey
Granger
Johnson, E.B.
McCollum
Scarborough
Schaffer
Smith (WA)
Spence
Vento

□ 2150

Mr. WATTS of Oklahoma changed his vote from “aye” to “no.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Pursuant to section 3 of House Resolution 434, the text of H.R. 3846 will be appended to the engrossment of H.R. 3081; and H.R. 3846 will be laid on the table.

GENERAL LEAVE

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3842.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3842, MINIMUM WAGE INCREASE ACT

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 3842, the Clerk be authorized to make technical corrections and conforming changes to the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PERSONAL EXPLANATION

Mr. STUPAK. Mr. Speaker, I was unavoidably detained at a bipartisan meeting on youth violence and missed rollcall vote on House Resolution 433 regarding the consideration of H.R. 1695. Had I been present I would have voted "aye."

ANNOUNCEMENT OF AMENDMENT PROCESS FOR H.R. 2372, PRIVATE PROPERTY RIGHTS IMPLEMENTATION ACT

(Mr. LINDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LINDER. Mr. Speaker, this evening a "Dear Colleague" letter was sent to all Members informing them that the Committee on Rules is planning to meet the week of March 13 to grant a rule which may limit the amendment process on H.R. 2372, the Private Property Rights Implementation Act.

Any Member who wishes to offer an amendment should submit 55 copies and a brief explanation of the amendment by 4 p.m. on Tuesday, March 14, to the Committee on Rules in room H–312 of the Capitol. Amendments should be drafted to the text of the bill as reported by the Committee on the Judiciary.

Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

CONFERENCE REPORT ON S. 376, OPEN-MARKET REORGANIZATION FOR THE BETTERMENT OF INTERNATIONAL TELECOMMUNICATIONS ACT

Mr. BLILEY. Mr. Speaker, I call up the conference report on the Senate bill (S. 376) to amend the Communications Satellite Act of 1962 to promote competition and privatization in satellite communications, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of March 2, 2000, at page H636.)

The SPEAKER pro tempore. The gentleman from Virginia (Mr. BLILEY) and the gentleman from Michigan (Mr. DINGELL) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia (Mr. BLILEY).

GENERAL LEAVE

Mr. BLILEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the conference report on S. 376.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BLILEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, tonight the House will pass and send to the President the conference report on S. 376, very important legislation to privatize the intergovernmental satellite organizations.

The bill lowers prices for consumers and promotes the free enterprise market. It opens new opportunities for American companies seeking to do business overseas. It creates new and better jobs. It breaks up a cartel. It ends a monopoly.

I started working on this issue when I became chairman of the Committee on Commerce in 1995. The bill the gentleman from Massachusetts (Mr. MARKEY) and I introduced in the last Congress was reported out of the conference committee and passed 403 to 16. The bill we are considering today is based on and reflects the hard work we did back then.

This bill will lead to the pro-competitive privatization of the intergovernmental organizations, INTELSAT and Inmarsat.

INTELSAT, like the U.N., is a treaty-based organization, not a company. They cannot be sued, taxed, or regulated. Governments, not the market, determine its action.

INTELSAT is like the oil cartel OPEC. It is run by a combination of the world's governments and owned by a consortium of national telecommunications monopolies and dominant players: by government monopolies, for government monopolies, of government monopolies. Its supporters call it a "cooperative." Where I come from, that is called a "cartel."

The INTELSAT system is like the post office. Its U.S. signatory COMSAT has a government-sponsored monopoly over access for its services in the U.S.

Our legislation puts an end to all this. Our legislation requires privatization and an end of the U.N.-like intergovernmental structure. It also ends the privileges and immunities.

Our legislation ends the cartel by freeing up the existing ownership structure.

Finally, our legislation ends the monopoly over access to INTELSAT from the U.S. held by COMSAT.

I should add that we do welcome a pro-competitive INTELSAT into the international marketplace.

I urge all Members to support this consensus conference report and submit a joint statement on behalf of myself and the ranking democrat of the Telecommunications, Trade and Consumer Protection Subcommittee, Mr. MARKEY.

JOINT STATEMENT OF PRIMARY ORIGINAL SPONSORS OF LEGISLATION COMMITTEE ON COMMERCE CHAIRMAN TOM BLILEY AND RANKING DEMOCRAT OF THE TELECOMMUNICATIONS, TRADE AND CONSUMER PROTECTION SUBCOMMITTEE EDWARD J. MARKEY

The Conference Report the House is considering today is based on the hard work we have done on this issue over the years. As the primary sponsors of this legislation in the House we believe it is important for us to clarify the meaning of several provisions in this legislation.

First, section 624(1) is, with one change discussed below, identical to section 624(4) in H.R. 3261 and an identical provision in the bill which passed the House in the last Congress. Circumstances have changed with respect to this particular section which require clarification of its meaning. Last August, ICO, also known as ICO Global Communications (Holdings) Ltd., declared bankruptcy and bankruptcy proceedings have been ongoing since then. All references in the Conference Report to ICO are viewed as references to the entity formally known as ICO Global Communications (Holdings) Ltd.

The policy reasons for section 624 were that Inmarsat should not be able to expand by repurchasing all or some of, or control, its spin-off, ICO. A primary purpose of the legislation is to dilute the ownership by signatories or former signatories of INTELSAT, Inmarsat and their spin-offs.

When the bankruptcy process is complete, the charter of ICO is likely to have fundamentally changed. First, the ownership structure is likely to be very different from that of Inmarsat. Most importantly, ICO is likely to be liquidated in bankruptcy and its assets and subsidiaries acquired by a new entity with an ownership structure will be very different from that of Inmarsat. This post-bankruptcy "new-ICO" will be controlled by new investors. Thus the policy reasons for the prohibition on ownership by ICO of Inmarsat no longer apply if it does indeed emerge from bankruptcy in such a reconstituted form. This would occur, for example, if ICO emerges from bankruptcy in a structure that fully reorganizes the corporation so that there is no governmental ownership of the reconstituted company beyond the one percent ownership by Inmarsat permitted by section 624(1), where no officers or managers of the new company are simultaneously officers or managers of any signatory or hold positions in any intergovernmental organization, and where any transactions or other relationships between this reconstituted company and Inmarsat can be conducted on an arm's length basis.

Furthermore, the limitations of section 624 were never intended to apply to a company acquiring the assets of ICO or to investors in such a company. Thus the purchase of interests in Inmarsat of greater than one percent by "new-ICO," or by investors in "new-ICO," would not be prohibited by this legislation.

The one change in section 624 from H.R. 3261 was to allow the ownership of up to one percent of ICO by Inmarsat, which was likely to be the result of the bankruptcy proceedings.

Second, we have also inserted into the Record a letter dated February 12, 1997 from United States Trade Representative Ambassador Charlene Barshefsky which states USTR's finding that "[w]e have also concluded that the United States cannot be forced to grant a license to a privatized ISO (should the ISO change its treaty status and incorporate in a country) or to a future privatized affiliate, subsidiary or other form of spin-off from the ISO. Existing U.S. communications and antitrust law, regulation, policy and practice will continue to apply to license applicants if a GBT deal goes into effect."

It is clear that this legislation's provisions are consistent with the U.S. WTO obligations as applied to not only INTELSAT and Inmarsat, but also to their privatized successors and spin-offs.

Third, it is important to clarify section 648, which addresses exclusivity arrangements. This provision was contained in H.R. 3261 as section 649 and was described in Mr. Bliley's extension of remarks on that bill. This provision applies to foreign market exclusivity whether it was obtained by actively seeking it or passively accepting it. This language is designed to prevent any satellite operator who serves the U.S. market from benefitting from exclusivity in any foreign market.

Mr. Speaker, I submit for the Record correspondence regarding the conference report.

February 28, 2000.

Hon. William J. Clinton,
President of the United States,
The White House, Washington, DC.

Dear Mr. President: We are writing to urge you to support international satellite telecommunications reform legislation. As you are aware, Chairmen Bliley and Burns and Representative Markey, principal sponsors of the House and the Senate bills now in conference, recently announced that a compromise has been reached on this satellite privatization legislation. The bills in conference, S. 376 and H.R. 3261, were quite different, although both had the stated purpose of promoting a competitive global market for international satellite communications. This is a very delicately balanced compromise that may well unravel if it is reopened.

The companies listed below represent every aspect of the U.S. commercial international satellite industry, as well as the largest U.S. users of international satellite services. We firmly believe that the compromise is fair and balanced. As with most compromises, none of the parties is entirely happy, but the compromise has gained significant support for being fair, reasonable, and timely. In fact, all of the U.S. companies involved in this legislative effort support it. It is critical that this long-overdue reform package, as represented by the recent compromise, be passed by Congress and signed by the President as soon as possible.

We urge you to support this compromise without modification and to expedite final enactment of this important telecommunications policy reform that is key to promoting U.S. competitiveness in the international marketplace.

Sincerely,

American Mobile Satellite Corporation; AT&T Corp.; Columbia Communications Corporation; Ellipso, Inc.; General Electric Company; Hughes Electronics Corporation; Iridium LLC, Level 3 Communications, Inc.; MCI WorldCom; PanAmSat Corporation; Sprint, and Teledesic Corporation.

Telecommunications Industry Association,
Washington, DC, March 6, 2000.

Hon. William Jefferson Clinton,
The President of the United States,
The White House, Washington, DC.

Dear Mr. President: I am writing to you on behalf of the Telecommunications Industry Association (TIA) to urge you to sign the Conference Report to S. 376, the Open Market Reorganization for the Betterment of the International Telecommunications Act (ORBIT). TIA represents over 1000 suppliers of communications and information technology products on public policy, standards and marketing developing initiatives. Our member companies manufacture or supply virtually all of the products used in building and updating global communications networks.

We strongly support this important legislation. While the House and Senate bills were originally very different, under the leadership of Chairman Bliley, Senator Burns and Representative Markey, principal sponsors of the House and Senate bills, the conference managers were able to reconcile the differences between the House and Senate bills in order to achieve a truly bipartisan agreement. Not only is this bill widely supported in the House and Senate, but also it is strongly supported by every American industry group and all interested companies, from service providers to the entire satellite industry to all of the communications manufacturers and suppliers of TIA.

This consensus agreement is the key that will unlock the international satellite sector to competition. Enactment of this bill will create new jobs and new business opportunities for domestic satellite companies, who will at last be able to compete on a global scale. The manufacturers of TIA will only benefit from the enabling effect that this satellite reform legislation will have on the rapid deployment of new communications technologies.

TIA urges your swift approval of this bipartisan compromise, which has already passed the Senate by unanimous consent. After five long years of debate, the time for pro-competitive privatization is now. The sooner this agreement is enacted into law the sooner the American consumer will be able to reap the benefits of competition in the international telecommunications marketplace.

It is critical to American industry, consumers and workers that you sign this important legislation.

Sincerely,

Matthew J. Flanigan,
President, TIA.

New Skies,
March 8, 2000.

Senator Conrad Burns,
Chairman, Senate Commerce, Science and Transportation Committee, Subcommittee on Communications, Washington, DC.
Representative Thomas J. Bliley, Jr.,
Chairman, House Commerce Committee, Washington, DC.

Dear Senator Burns and Representative Bliley: On behalf of New Skies Satellites N.V. ("New Skies"), I am writing to endorse the version of S. 376, the "Open-market Reorganization for the Betterment of International Telecommunications Act" (the "ORBIT Act"), that recently was approved by the committee of conference and that was passed by the Senate on March 2, 2000. Although New Skies had concerns with earlier drafts of the legislation, I am pleased that, as a result of constructive discussions with the conferees and their staffs, these concerns have been redressed in the current version of the ORBIT Act.

New Skies believes that the ORBIT Act now provides an appropriate framework within which to regularize New Skies' continued access to the U.S. market and to foster a vibrant and competitive market for international satellite services. Specifically, the ultimate passage of the ORBIT Act will ensure that New Skies will be able to provide high quality satellite services to, from and within the United States on a long term basis, thereby increasing competition and securing the pro-competitive objectives of the authors of the legislation. Plainly the true beneficiaries of this important legislation are U.S. satellite users and the American citizens they serve.

Sincerely,

Robert W. Ross,
Chief Executive Officer.

Chambers Associates Incorporated,
Washington, DC, March 1, 2000.

Hon. William J. Clinton,
President of the United States,
Washington, DC.

Dear Mr. President: I am writing on behalf of Inmarsat Holdings Ltd. (Inmarsat) to say that Inmarsat now supports the international satellite privatization bill, the "Open-Market Reorganization for the Betterment of International Telecommunications Act."

As Inmarsat's Washington representative, I am authorized to say that in light of important changes made to the legislation earlier today, Inmarsat now endorses the bill in its modified form.

Sincerely,

W. Allen Moore,
Vice President.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE,
Washington, DC, February 12, 1997.
Mr. KENNETH GROSS,
President and Chief Operating Officer, Columbia Communications, Bethesda, MD.

DEAR MR. GROSS: I am writing in reply to a letter of January 31, 1997, from your legal counsel, regarding the negotiations on basic telecommunications services at the World Trade Organization. The U.S. goal in these negotiations is to strengthen the ability of the U.S. satellite services industry to compete globally, and on a level playing field, with the inter-governmental satellite services organizations and with satellite service providers of other countries.

The United States has taken a number of steps to make certain that our key trade partners provide market access for satellite-based delivery of basic telecom services. Based on a note issued by the chairman of the negotiations in November, 1996, which has become part of the formal record of the proceedings, we have clarified the scheduling approach with regard to satellites. As a result, close to forty countries have made offers that would provide full market access for satellite-based delivery of all scheduled services on an immediate or phased-in basis.

WTO members that make specific commitments on satellites will be subject to allocating and assigning frequencies in accordance with the principles of most-favored-nation and national treatment, as well as in accordance with the requirement for domestic regulations in the General Agreement on Trade in Service. Almost all of the countries making full satellite commitments have also adopted the reference paper on pro-competitive regulatory commitments. As a result, they will be obligated to provide additional regulatory safeguards with respect to allocation and use of radio frequencies.

A successful agreement on basic telecom services would also obligate those countries which have not made satellite commitments to provide treatment no less favorable to satellite service providers of the United States than the treatment provided to service suppliers of other countries. This would apply, for example, to how WTO members reach decisions regarding new market access arrangements involving service suppliers of other countries.

I share your deep concern regarding the possible distortive impact on competition in the U.S. satellite services market of certain proposals for restructuring INTELSAT. The United States has proposed a restructuring of INTELSAT that would lead to the creation of an independent commercial affiliate, INTELSAT New Corporation (INC). If made independent, the United States believes that the creation of INC will enhance competition and help ensure the continuation of INTELSAT's mission of global connectivity for core services. As you are aware, however, many INTELSAT members are resisting the idea of independence for INC and we believe that a failure to achieve independence could adversely affect competition in the U.S. satellite services market. In the WTO negotiations we have taken pains to preserve our ability to protect competition in the U.S. market.

Our legal conclusion, for which there is a consensus among participants in the WTO negotiations, is that the ISOs do not derive any benefits from a GBT agreement because of their status as treaty-based organizations. The status of ISOs was discussed in detail in the GBT multilateral sessions. No delegation in the GBT negotiations has contested this conclusion.

We have also concluded that the United States cannot be forced to grant a license to a privatized ISO (should the ISO change its treaty status and incorporate in a country) or to a future privatized affiliate, subsidiary or other form of spin-off from the ISO. Existing U.S. communications and antitrust law, regulation, policy and practice will continue to apply to license applicants if a GBT deal goes into effect. Both Department of Justice and FCC precedent evidence long-standing concerns about competition in the U.S. market and actions to protect that competition. We have made it clear to all our negotiating partners in the WTO that the United States will not grant market access to a future privatized affiliate, subsidiary or other form of spin-off from the ISOs, that would likely lead to anti-competitive results.

It has always been U.S. practice to defend vigorously any challenge in the WTO to allegations that U.S. measures are inconsistent with our WTO obligations. There is no question that we would do the same for any FCC decision to deny or condition a license to access an ISO or a future privatized affiliate, subsidiary or other form of spin-off from the ISO. For your information, section 102(c) of the Uruguay Round Agreements Act, specifically denies a private right of action in U.S. courts on the basis of a WTO agreement. Therefore, a FCC decision is not subject to judicial review in U.S. courts based upon a WTO agreement, such as the General Agreement on Trade in Services.

The United States is confident that it would win if a U.S. decision went to WTO dispute settlement. If the United States did not prevail, however, we would not allow trade retaliation measures to deter us from protecting the integrity of U.S. competition policy.

I appreciate the support your firms' representatives have expressed for our objectives in the WTO negotiations.

Sincerely,

CHARLENE BARSHEFSKY,
U.S. Trade Representative-Designate.

Mr. BLILEY. Mr. Speaker, I reserve the balance of my time.

Mr. DINGELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the conference report.

This bill would mandate privatization of two international treaty organizations, INTELSAT and Inmarsat, according to a specific timetable and criteria. Privatization of these organizations has been a goal for us in the Congress for a number of years.

It is interesting to note that these treaty groups themselves have been working diligently towards privatization. They have demonstrated their commitment to this goal, because to do so is in their own interest. In fact, Inmarsat has already privatized and INTELSAT is well on its way to accomplishing this end.

Any opposition I had to the House-passed bill was based on my belief that the privatization criteria carried in the legislation were too dictatorial and had little chance of being accomplished in their original form. I am happy to report that some of the more onerous provisions in the House bill have been removed in conference. I believe the conference report is now worthy of support.

Specifically, I am pleased that the provisions were added in conference that protect national security and public safety agencies from losing the INTELSAT services they need to perform their missions. I am also satisfied that U.S. companies who rely on INTELSAT will be given a voice in the FCC licensing process before INTELSAT services may be curtailed. The bill was also improved by removing an unconstitutional provision that would have nullified existing legal contracts.

Finally, Mr. Speaker, I would like to mention another important change in this legislation that persuaded me to sign the conference report. It involves the treatment of spin-off companies, or so-called "separated entities," from INTELSAT. The original House-passed bill inappropriately singled out a specific company that was already spun off from INTELSAT, has since been incorporated, and is known as New Skies Satellites.

The earlier version contained provisions that would have been punitive towards that company, apparently because the drafters believed the company might not be a true competitor for INTELSAT. This is, of course, not so. In recognition of that impending IPO, and New Skies' clear demonstration to the marketplace of its independence, the majority of the conferees of the House, including myself, insisted on changes to remove any doubt that New Skies meets the licensing criteria contained in the bill.

I would like to thank my good friends, the gentleman from Virginia (Mr. BLILEY), and Chairman BURNS, from the other body, for working with me to include these important changes and making it one we can all support. I am happy to have assisted in making the legislative history of this particular provision.

Mr. Speaker, I reserve the balance of my time.

Mr. BLILEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana (Mr. TAUZIN), the chairman of the Subcommittee on Telecommunications, Trade, and Consumer Protection of the Committee on Commerce.

Mr. TAUZIN. Mr. Speaker, I simply want to join my colleagues, the chairman of our committee, the gentleman from Virginia (Mr. BLILEY), who has made a very important announcement this week about his own retirement, in the success of this work and so many works that he has carried through our Committee on Commerce over the years of his stewardship. All of us owe a debt of gratitude to him for his leadership on our committee, and on this bill in particular.

As the gentleman said, it has been a bill that he has worked on throughout his stewardship as chairman of our committee; and he has brought it to a compromise position now where Members on both sides of the aisle, antagonists for many years over this bill, have come to common agreement.

I want to thank him in particular for working out the concerns that I have had over the years with the provisions called "fresh look," which I believe would have abrogated contracts.

□ 2200

I will be very careful in watching the implementation of this legislation to ensure that the FCC does in fact respect the sanctity of contracts as this legislation is implemented.

But, most importantly, I want to thank the gentleman from Virginia (Chairman BLILEY) and the gentleman from Michigan (Mr. DINGELL), the ranking minority member, for the extraordinary way in which the final conference indeed answered the concerns of many of us with regard to the implementation of this legislation and has arrived at a point where we can all agree that this does in fact accomplish the goals of privatization and of open market competition and, more importantly, add new elements, new companies and new competition and choices for Americans in satellite service.

This has been a long fight for the gentleman from Virginia (Chairman BLILEY). Tonight represents a very big victory for him in his efforts toward achieving open markets and satellite competition and for choice for consumers. I think we all owe him, as I said, a debt of gratitude and compliment him on his good work.

Mr. Speaker, I rise in strong support of this compromise agreement and conference report and urge all the Members of our body to adopt it and send it on to the President.

I would like to commend my colleagues on both sides of the aisle and on both sides of the Capitol for their work on the compromise satellite privatization legislation crafted by this conference. The effort to create a new policy framework that more accurately reflects the emerging global satellite marketplace than does current satellite communications law, has been a bi-partisan one. I am pleased that we have finally reached this point where we have before us prudent and reasonable compromise legislation that will privatize INTELSAT and Inmarsat in a competitive manner, and will also ensure that the United States continues to enjoy its position as a world leader in global satellite communications technology and service. Moreover, this compromise legislation will enable the completion of Lockheed Martin's proposed $2.7 billion dollar acquisition of COMSAT, which will further enhance market competition.

I am pleased that the legislation repeals unconditionally upon enactment the current ownership restrictions on COMSAT that have prevented Lockheed Martin from purchasing 100% COMSAT. COMSAT has carried out its job as the U.S. signatory to INTELSAT quite successfully. However, COMSAT's business performance acutely demonstrates that COMSAT must reinvent itself if it is to better react to the ever-evolving marketplace. Because of its inability to swiftly take advantage of new market opportunities, COMSAT, over the years, has experienced a steady decline in market share. This compromise legislation unshackles COMSAT from the antiquated regulatory burdens that have to date hampered its success. This legislation enables Lockheed Martin to complete its acquisition of COMSAT. By fortifying COMSAT, through an infusion of financial and human capital, Lockheed Martin will transform COMSAT into a vibrant commercial company, thereby introducing a new American company in the satellite services marketplace. Consumers will be the beneficiaries of this increasingly vibrant satellite marketplace as competition brings about lower prices, superior technology and greater choices.

As a fervent protector of property rights, I am pleased to note that this compromise satellite privatization legislation recognizes the property rights of the industry participants. Specifically, the legislation does not contain any "fresh look" provisions. To include "fresh look" would allow the Federal Government to permit COMSAT's corporate customers to abrogate their current contracts with COMSAT. The "fresh look" provisions were rejected by both chambers because they amounted to an unconstitutional takings of COMSAT's property and violated the 5th Amendment's Takings Clause which prohibits the government from taking private property without just compensation. No one can doubt that COMSAT has a property interest in its existing contracts. Indeed, this asset represented a significant portion of the $2.7 billion dollar purchase price of COMSAT offered by Lockheed Martin. This constitutional violation would have subjected the U.S. Government—and the taxpayers—to substantial claims for damages. In that same vein, this conference agreement wisely rejects Level IV direct access—a provision like "fresh look" that would have forced COMSAT to divest its investment in INTELSAT at fire sale prices before INTELSAT's privatization. I will watch the Commission closely as it implements this legislation to ensure that it does not force the abrogation of contracts or other such agreements.

In fact, one of the primary marketplace successes that will grow out of this conference agreement will be the benefit to customers and consumers from unshackling a new competitor in the satellite industry from the restrictions placed upon it last summer by the FCC. Although at an earlier point in this process some Members viewed INTELSAT's spinoff of New Skies Satellites with suspicion, New Skies has proven itself to be a persistent and independent competitor—even in the face of limitations imposed by the FCC on its access to the U.S. market. By the time the conferees arrived at the negotiating table, New Skies was well on its way to an initial public offering of stock. If conducted within the broad time frame established by the conferees, the IPO will entitle New Skies to full and nondiscriminatory U.S. market access under the bill. I want to express my appreciation to Chairman BLILEY and ranking Member MARKEY, as well as to Chairman BURNS, for responding affirmatively to the concerns of other House conferees that the New Skies issue be addressed. Once the New skies IPO is done and its stock is trading publicly, the underlying purposes of this legislation will have been met. Thus, I am confident that the FCC will respond by removing the discriminatory conditions it previously placed on New Skies' ability to extend the full benefits of vigorous market competition to American customers.

Again, I commend my colleagues for their hard work in developing the proper framework to inject genuine competition in the international satellite marketplace by privatizing INTELSAT and Inmarsat in a meaningful way and for allowing the transformation of COMSAT, a company that has served this country well.

Mr. DINGELL. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I thank the gentleman very much for yielding me the time.

Mr. Speaker, this is a very, very historic evening. Tonight, as we pass this legislation, we break down the final governmentally-sanctioned monopoly that had been granted over the last decades to private telecommunications companies.

We did the bulk of the work in the 1992 Cable Act and in the 1996 Telecommunications Act, but this was the last refuge of the last monopoly; and, as of tonight, it too has ended.

I want to congratulate the chairman, the gentleman from Virginia (Mr. BLILEY), for his excellent work on this bill. I have worked very closely with him over the last counsel of terms on this legislation. Although, I have to admit that I did introduce the first bill back in 1983. Although, most of my last couple of decades was notable for its lack of success in legislating in this area. But I think the inexorable momentum of the move toward the privatization of telecommunications companies has in fact finally swept down this final barrier, as well.

I want to congratulate the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Michigan (Mr. DINGELL). Working together with them, we have been able to craft I believe a compromise that works for everyone. The gentleman from Ohio (Mr. OXLEY) has been there all the way. This is, without question, compromise at its best. Over in the Senate, Senator BURNS, without question, was leading the way.

Back in 1962 when COMSAT was formed, it would have been inconceivable that a private company would be able to launch satellites. So, as a result, the Government had to grant monopolies. But since the beginning of the 1990s, and really back in the 1980s, when Rene Anselmo of PanAmSat came on the scene, it was clear now we had reached the point where private sector companies could compete. And, in fact, the United States is far in the lead in these areas. And, so, this legislation really does help to make it possible to open up that competition even further.

I want to congratulate the staffers, Ed Hearst and Mike O'Rielly, Cliff Riccio, Monica Azare, Andy Levin, and David Schuler, along with Collin Proel on my staff who has been working on this bill for 4 years. This has been a long, long effort: and I know, just through Collin's work, how much time and how much negotiation has gone into it.

This is a good bill. And as we finish tonight, hopefully enacting it unanimously, we will open up a brand new era of competition in the skies of this world and that will be a good thing.

I congratulate again the chairman, along with the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Michigan (Mr. DINGELL) and the gentleman from Ohio (Mr. OXLEY). This is a good bill.

Mr. BLILEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. OXLEY).

Mr. OXLEY. Mr. Speaker, let me begin by thanking the gentleman from Virginia (Mr. BLILEY), the chairman of the full committee, who has shown immense leadership in this issue and one that we have dealt with for a number of years.

I did not realize it was 1983 when the gentleman from Massachusetts (Mr. MARKEY) first introduced his legislation. But in the true spirit of the Committee on Commerce, we were able to craft a compromise that will truly change the satellite industry for the better based on competition, new technologies, and breaking up the last monopoly, as my friend from Massachusetts (Mr. MARKEY) said.

So my hat is off to the chairman on his efforts in this very important piece of legislation, along with the gentleman from Michigan (Mr. DINGELL) and the gentleman from Massachusetts (Mr. MARKEY) and the gentleman from Louisiana (Mr. TAUZIN) and Senator BURNS and others on the Senate side for bringing us to where we are tonight.

There were times when I did not think we were going to be successful in our efforts. Too many times this bill reached a Sisyphus proportions where we were perhaps doomed to roll that rock up the proverbial mountain and have it rolled back, as my friend from Massachusetts (Mr. MARKEY) reminds us so many times on some of these pieces of legislation.

But I guess if it was easy, we would have done it long ago. And so our hats are off to the chairman; and as he is a retiring Member, this will be perceived as one of his greatest triumphs for our committee and for the entire country and for this he is to be congratulated.

So I thank everyone involved with this.

Mr. DINGELL. Mr. Speaker, I have no more requests for time, and I yield back the balance of my time.

Mr. BLILEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to thank again the gentleman from Michigan (Mr. DINGELL) for his cooperation and particularly thank the gentleman from Massachusetts (Mr. MARKEY) who labored on this long before I got really into the picture and has been invaluable in his help in moving us to this time.

Mr. PALLONE. Mr. Speaker, I rise to commend the efforts of Chairman BLILEY, Mr. DINGELL, Mr. MARKEY, Mr. TAUZIN, Mr. OXLEY and our friends in the other body for reaching a consensus on legislation to promote more competition in the satellite communication industry. The conference agreement on S. 376 is landmark legislation that will finally update our nation's satellite communication laws for the 21st century.

I am pleased that the conference agreement is a bipartisan bill that will encourage the privatization of INTELSAT without imposing unreasonable restrictions or penalties that will hurt consumers. Of course, if INTELSAT thumbs its nose at the standards set forth in this bill for a pro-competitive privatization, its ability to offer services in the United States could be hindered dramatically. However, this leverage is necessary to ensure that INTELSAT truly privatizes, and to ensure that we finally have a level playing field in the satellite services market.

I am also pleased that the conferees made several necessary changes to the conference agreement to ensure that the Department of Defense and other agencies that protect our national security would not be harmed by any limitations imposed upon INTELSAT if it were to fail to privatize in a timely manner. This bill is explicit in its protection of our national security interests, and I especially want to thank Mr. DINGELL, the Ranking Member of the Commerce Committee, for including this language in the bill.

It is also important to note that this bill eliminates several antiquated statutes that have hindered the growth and expansion of satellite communications companies. In particular, this bill will enable Lockheed Martin to complete its acquisition of COMSAT Corporation. I am confident that this merger will enhance competition in the satellite services market, and I urge the FCC to act on this merger as soon as possible. American companies like Lockheed Martin and COMSAT deserve the right to compete in the global satellite market now without any further delay.

I want to thank all of the members and staff who worked so hard on this important legislation. I urge its immediate adoption.

Mr. SHAYS. Mr. Speaker, I rise in support of S. 376, the Communications Satellite Competition and Privatization Act, and commend House Commerce Chairman TOM BLILEY and Congressman EDWARD MARKEY for their work in crafting this important legislation. This bill is yet another feather in their cap—another important step in Congress's ongoing efforts to deregulate the telecommunications industry.

S. 376 will enhance competition and open foreign markets for U.S. companies by promoting the privatization of the intergovernmental satellite organizations—called Intelsat and Inmarsat—that dominate international commercial satellite communications. These organizations operate as a cartel-like structure comprised of the national telephone monopolies and dominant companies of its member organizations.

The provisions contained in S. 376—which will update policies dating back to 1062—are long overdue. I don't think anyone in this Congress needs to be told the extent to which communications technology has changed in the past 40 years.

Back in 1962, it was widely believed that only governments could finance and manage a global satellite system. Today, however, two companies in my own district—GE Americom and PanAmSat—are among the private companies that offer high-quality international services. These companies have launched private sector ventures that must compete with Intelsat, an intergovernmental behemoth.

Yet, we still have the same structure for international satellite communications that was designed before Neil Armstrong walked on the moon. The result is a distorted marketplace, stifled competition and innovation, and increased prices for consumers.

Mr. Speaker, the promotion of a competitive satellite communications marketplace is a goal we should all support and I urge my colleagues to support this pro-trade, pro-consumer bill.

Mr. BLILEY. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

ANNUAL REPORT ON FEDERAL ADVISORY COMMITTEES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Government Reform:

To the Congress of the United States:

As provided by the Federal Advisory Committee Act (FACA), as amended (Public Law 92-463; 5 U.S.C., App. 2, 6(c)), I hereby submit the Twenty-seventh Annual Report on Federal Advisory Committees, covering fiscal year 1998.

In keeping with my commitment to create a more responsive government, the executive branch continues to implement my policy of maintaining the number of advisory committees within the ceiling of 534 required by Executive Order 12838 of February 10, 1993. Accordingly, the number of discretionary advisory committees (established under general congressional authorizations) was again held to substantially below that number. During fiscal year

1998, 460 discretionary committees advised executive branch officials. The number of discretionary committees supported represents a 43 percent reduction in the 801 in existence at the beginning of my Administration.

Through the planning process required by Executive Order 12838, the total number of advisory committees specifically mandated by statute also continues to decline. The 388 such groups supported at the end of fiscal year 1998 represents a modest decrease from the 391 in existence at the end of fiscal year 1997. However, compared to the 439 advisory committees mandated by statute at the beginning of my Administration, the net total for fiscal year 1998 reflects nearly a 12 percent decrease since 1993.

The executive branch has worked jointly with the Congress to establish a partnership whereby all advisory committees that are required by statute are regularly reviewed through the legislative reauthorization process and that any such new committees proposed through legislation are closely linked to compelling national interests. Furthermore, my Administration will continue to direct the estimated costs to fund required statutory groups in fiscal year 1999, or $45.8 million, toward supporting initiatives that reflect the highest priority public involvement efforts.

Combined savings achieved through actions taken during fiscal year 1998 to eliminate all advisory committees that are no longer needed, or that have completed their missions, totaled $7.6 million. This reflects the termination of 47 committees, originally established under both congressional authorities or implemented by executive agency decisions. Agencies will continue to review and eliminate advisory committees that are obsolete, duplicative, or of a lesser priority than those that would serve a well-defined national interest. New committees will be established only when they are essential to the conduct of necessary business, are clearly in the public's best interests, and when they serve to enhance Federal decisionmaking through an open and collaborative process with the American people.

I urge the Congress to work closely with the General Services Administration and each department and agency to examine additional opportunities for strengthening the contributions made by Federal advisory committees.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 9, 2000.*

RECESS OR ADJOURNMENT OF SENATE FROM MARCH 9, 2000 OR MARCH 10, 2000 UNTIL MARCH 20, 2000

The SPEAKER pro tempore laid before the House the following privileged Senate concurrent resolution (S. Con. Res. 94) providing for recess or adjournment of the Senate from March 9, 2000, or March 10, 2000, until March 20, 2000, or second day after Members are notified.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 94

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Thursday, March 9, 2000, or Friday, March 10, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, March 20, 2000, or until such time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate, after consultation with the Minority Leader of the Senate, shall notify the Members of the Senate to reassemble whenever, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore. Without objection, the Senate concurrent resolution is concurred in.

There was no objection.

A motion to reconsider was laid on the table.

ADJOURNMENT TO MONDAY, MARCH 13, 2000

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 2 p.m. on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

HOUR OF MEETING ON TUESDAY, MARCH 14, 2000

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, March 13, 2000, it adjourn to meet at 12:30 p.m. on Tuesday, March 14 for morning-hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

PROPOSED SALE OF ATTACK HELICOPTERS TO TURKEY WOULD DESTABILIZE REGION, THREATEN HUMAN RIGHTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, the Clinton administration is currently considering a $4 billion sale of attack helicopters to the Republic of Turkey. I am here tonight, Mr. Speaker, to express my strong opposition to this proposal.

Providing these helicopters to Turkey will only serve to increase tensions and instability in a region of the world that is vital to U.S. interests and which is already plagued by conflicts and human rights violations.

Put very simply, Mr. Speaker, I am concerned that the Turkish Armed Forces will use this advanced American military technology to threaten its neighbors and abuse its own citizens.

Mr. Speaker, several organizations have called upon the Clinton administration to refuse an export license for the attack helicopters to the Turkish Army because Turkey has failed to make progress on human rights benchmarks set by the administration in 1998 as a condition for approval of the export license.

Among those organizations working to block the export license is Amnesty International. Dr. William F. Schulz, Executive Director of Amnesty International USA, stated that, "Based on the State Department's own annual human rights report, Turkey fails to meet the human rights benchmarks."

Indeed, Mr. Speaker, the section on Turkey in the State Department's annual human rights report issued just a few weeks ago states that, "The security forces continue to torture, beat, and otherwise abuse persons regularly. Torture, beatings, and other abuses by security forces remained widespread, at times resulting in deaths. Security forces at times beat journalists."

Mr. Speaker, in a particularly relevant issue with regard to the helicopters, both the State Department and Amnesty International have reported the use of helicopters to attack Kurdish villages in Turkey and to transport troops to regions where they have tortured and killed civilians.

Do we really want to see American advanced technology used by Turkey to accomplish these operations against the Kurdish people with even more ruthless efficiency?

Mr. Speaker, this helicopter deal is also a danger to regional stability in the Eastern Mediterranean and the Caucasus.

Recently there has been a thawing in Greek-Turkish relations, a trend which we all welcome. The sale of these helicopters to Turkey has the potential to upset this recent progress in the relations between these neighbors. It could well be seen by Greece as a destabilizing step at a time when we are seeking renewed efforts to resolve the Cyprus conflict, an issue that the administration considers a major priority.

In terms of Turkey's legitimate defense needs, it was hard to see any justification for these advanced attack helicopters. Indeed, Mr. Speaker, it is apparent that Turkey is already overarmed.

The neighboring country that has suffered the most from the Turkish Government's aggressive militaristic and nationalistic posture is Armenia. In the years between 1915 and 1923, Turkey perpetrated genocide against the Armenian people resulting in 1.5 million innocent Armenian civilians being murdered.

In the year 2000, Turkey continues to maintain an illegal blockade of its border with Armenia, which has prevented the delivery of vitally needed supplies to Armenia. Even Turkish business people would like to see the opening of corridors of trade and transport with Armenia. Turkey has also backed Azerbaijan in the conflict over Nagorno Karabagh. Given this pattern of hostility, the people of Armenia have every reason to fear the acquisition of these helicopters by Turkey.

Mr. Speaker, the Government of Turkey knows how the game is played here in Washington. They have recently signed a $1.8 million year contract for the lobbying services of several former Members of this Congress to push for the helicopter deal.

I urge the administration to resist this type of pressure, and I call on my colleagues in Congress to join me in using our position as elected officials to prevent this helicopter deal. Providing these helicopters to Turkey does nothing to promote American interests or values, does nothing to promote stability, and does nothing to advance the cause of human rights.

□ 2215

MICROBICIDES DEVELOPMENT ACT OF 2000

The SPEAKER pro tempore (Mr. HAYES). Under a previous order of the House, the gentlewoman from Maryland (Mrs. MORELLA) is recognized for 5 minutes.

Mrs. MORELLA. Mr. Speaker, today I am joined by the gentlewoman from California (Ms. PELOSI) in introducing the Microbicides Development Act of 2000, legislation to promote the development of a new technology for preventing sexually transmitted diseases, including HIV.

Across this country and around the world, AIDS is rapidly becoming a women's epidemic. In the United States, women constitute the fastest growing group of those newly infected with HIV. Worldwide almost half of the 14,000 adults infected daily with HIV in 1998 were women, of whom nine out of 10 live in developing countries. In Africa, teenage girls have infection rates five to six times that of teenage boys, both because they are more biologically vulnerable to infection and because older men often take advantage of young women's social and economic powerlessness.

Equally alarming, the United States has the highest incidence of sexually transmitted diseases, STDs, in the industrialized world. 15.4 million Americans acquired a new STD in 1999 alone. Sexually transmitted diseases, including HIV/AIDS, represent a women's health emergency. Biologically and socially, women are more vulnerable to STDs than men. Many STDs, again I say that is sexually transmitted diseases, are transmitted more easily from a man to a woman and are more likely to remain undetected in women, resulting in delayed diagnosis and treatment and more severe complications. Not only are women at greater risk of acquiring STDs than men; but in most cases the consequences of contracting STDs, including infertility, ectopic pregnancy, cancer, and infant mortality, are more serious and permanent for women.

Yet 20 years into the AIDS crisis, and at a time when the incidence of STDs is reaching epidemic proportions, the only public health advice to women about preventing HIV and other STDs is to be monogamous or to use condoms. Experience has shown, however, that for many women, neither message is realistic or effective. A woman cannot protect herself by being faithful if her sexual partner is not, nor can every woman always insist on condom use. In Africa, for example, where women account for 55 percent of the continent's HIV infections, women typically have little say over condom use and too often the consequences in terms of lost trust, abandonment, or abuse are perceived as more threatening than the risk of contracting a disease. Women clearly need an alternative.

This legislation has the potential to save billions in health care costs. The total cost to the U.S. economy of STDs, excluding HIV infection, was approximately $10 billion in 1999 alone. When the cost of sexually transmitted HIV infection is included, that total rises to $17 billion.

Federal funding is key. Currently, less than 1 percent of the budget for HIV/AIDS-related research at the National Institutes of Health is being spent on microbicide research, and best estimates show that less than half this amount is dedicated directly to product development. Clearly, this is not nearly enough to keep pace with the growing STD and HIV epidemics. For 2001, our legislation will ensure that Federal investment in this critical research be doubled from the current level of less than $25 million.

There is an urgent need for HIV and STD prevention methods within women's personal control. Since the early 1990s, topical microbicides have attracted scientific attention as a possible new technology for preventing STDs, including HIV.

Not only do microbicides make good sense from a public health perspective but recent studies demonstrate that women want and need prevention alternatives. A recent survey by the Alan Guttmacher Institute estimated that 21 million American women are interested in a microbicidal product. Microbicide acceptability studies in 13 countries worldwide, six in Africa, two in Latin America, three in Asia plus France and Poland, have documented high interest and willingness to use microbicides.

Five of the top 10 most frequently reported infectious diseases, that is 87 percent of all cases, are sexually transmitted. Over one in three adults age 15 to 65 are now living with an incurable viral STD. Dr. Anthony Fauci, director of the National Institute of AIDS and Infectious Diseases, has stated that he considers microbicide research a priority in the fight against AIDS and STDs.

Dr. Peter Piot, Executive Director of UNAIDS, the United Nations agency that coordinates a global response to the HIV epidemic, has said,

> There is an urgent need for more methods to prevent HIV infection, especially those that put women in control. The search for an effective and safe vaginal microbicide has been progressing too slowly—we need more researchers from the public and private sectors acting with appropriate urgency to develop a microbicide.

A number of obstacles currently impede the development and introduction of microbicides. For major pharmaceutical companies, there is skepticism about whether such products would be profitable after the costs of research and marketing are met because such products would have to be inexpensive. Concern has also been raised over liability, since microbicides would promise to offer some protection against life-threatening illness, even though levels of product efficacy would be stipulated in labeling.

Absent leadership by major pharmaceutical companies, small biopharmaceutical firms, academic and nonprofit institutes have taken the lead on microbicide research and development. However, many small companies and nonprofit entities lack the resources to take a potential product through the rigorous clinical trials required to evaluate products for FDA approval.

Researchers estimate that it costs up to $50 million to complete research on an existing compound (and at least twice that to start from scratch with a new compound)—far more than many of these small companies and nonprofit entities have the capacity to invest.

Public funds are necessary to fill in the gaps in the research and development process and to create incentives for greater investment by private industry. Without federal leadership and funding, a microbicide is not likely to be available anytime soon.

Despite scientific promise and public health need, investment in microbicide research has been woefully inadequate. Through the work of the National Institutes of Health, non-profit research institutions, and small private companies, a number of microbicide products are poised for successful development. Some 24 products are currently in or ready for clinical (human) trials and 36 promising compounds exist that could be investigated further. But this "pipeline" will only be unblocked if the federal government helps support the necessary safety and efficacy testing necessary to move the best candidates to the marketplace.

Public health officials and members of Congress need to take notice. Given the growing number of promising microbicides in development, we have everything we need to bring a microbicide to market within five years—except the money. That's why Representative NANCY PELOSI and I are introducing legislation today that increases the federal investment in this potentially life-saving technology. Specifically, our bill, the "STD Microbicide Development Act of 2000," does the following:

Instructs the Director of the National Institutes of Health to establish a program to support research to develop microbicides, including expanding and intensifying basic research on the initial mechanisms of STD infection, identifying appropriate models for evaluating safety and efficacy of microbicidal products, enhancing clinical trials, and expanding behavioral research on use, acceptability and compliance with microbicides.

Instructs the NIH Director, in consultation with all relevant NIH institutes and federal agencies, to develop a 5-year implementation plan regarding the microbicides research program.

Authorizes $50 million in FY 2001, $75 million in FY 2002, and $100 million in FY 2003 for federal microbicide research and development.

Mr. Speaker, thanks to the leadership of Leslie Wolfe and the Center for Women Policy Studies who first brought the need for microbicides research to my attention, I introduced Women and HIV/AIDS research and prevention legislation back in 1990. Congress has confirmed the importance of microbicides research by including report language I submitted during the appropriations process calling for greater NIH attention to this research. Now that the reality of a microbicide is much closer, more resources and greater coordination of federal research is urgently needed. With vigorous attention and sustained investment, a microbicide could be available within five years.

Microbicides represent another potential weapon in the arsenal against HIV/AIDS and Stds. Microbicides would be an important complement to potential HIV vaccines since they are likely to be available sooner, will be easier and cheaper to distribute, and will be effective against a range of sexually transmitted infections. They are particularly important for women, whose risk of infection is high and whose direct control over existing prevention options is low.

Microbicides will give women all over the world one more way of protecting themselves against the ravage of HIV/AIDS and other Stds. I urge all of my colleagues to support the important legislation we are introducing today, and give women and their families a fighting chance against the HIV and STD epidemics. Women in this country and around the world, as well as their partners and children, desperately need and deserve more options to stop the spread of deadly infections.

GULF WAR ILLNESSES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

Mr. METCALF. Mr. Speaker, America has been built by the bravery and sacrifice of patriots. Every freedom that America stands for, has been fought for by brave American men and women. Exactly 135 years ago this week, Abraham Lincoln stood on the east steps of this grand Capitol building and delivered his second inaugural address. Thousands stood in silent attention as he delivered his concluding paragraph:

> With malice toward none; with charity for all; with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in; to bind up the Nation's wounds; to care for him who shall have borne the battle, and for his widow and his orphan, to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations.

Mr. Speaker, there is nothing more important our country can do than bind up the wounds of those who fight for the freedom of all Americans. We must fulfill the promises we have made to our sons and daughters who have put on the uniform of this country.

In 1991, American troops began coming down with an alarming spectrum of maladies which soon became known as Gulf War illnesses. These valiant soldiers offered their lives in service to America. They deserve every effort by their government to answer questions about what might have made them sick. They deserve every effort by their government to try to find treatment for their illnesses.

But what is really happening? Unfortunately, some in government have given the appearance that they will do everything in their power to block the answers to the questions and to block the search for treatments. A recent scientific, peer-reviewed study showed an overwhelmingly large number of tested veterans suffering from Gulf War illnesses are testing positive for antibodies to squalene. This study, "Antibodies to Squalene in Gulf War Syndrome," was recently published in the February 2000 issue of Experimental and Molecular Pathology. On January 31, I and nine of my House colleagues sent a letter requesting that the Department of Defense do an objective analysis of this study. We had great hope for that test, that this study might prove to be a breakthrough that would lead to better treatments for suffering Gulf War era veterans.

While waiting for a response to our request, I discovered that the Department of Defense was misrepresenting and attacking the article on its own Anthrax Vaccination Inoculation Program Web site, AVIP. In one section, AVIP even claimed that the conclusions derived from the test results in the study had no scientific basis. The results of a peer-reviewed study published in a scientific journal have no scientific basis? This is an outrageous statement. Our DOD is obviously stonewalling this issue. Therefore, I sent a letter to Secretary Cohen requesting that the inaccurate AVIP statements be removed. DOD needs to do this immediately.

Last week, DOD delivered the response requested by myself and my nine colleagues. I had hoped that DOD would seize this opportunity to conduct a legitimate, thorough inquiry of the scientific, peer-reviewed study. Instead, we were provided irrelevant material and an anonymous half-page analysis. It is difficult to imagine that DOD would expect Congress to accept a half-page anonymously written analysis as an appropriate response to our request. The main point of our letter was completely ignored.

Mr. Speaker, we need answers and action from DOD, not a maze of smoke and mirrors. The people's representatives are asking for answers from Secretary Cohen, and all we are getting is stonewalling and bureaucratic delay tactics. How can DOD expect to regain the seriously eroded trust of its military personnel if misrepresentations posted on the official Web site are allowed to go unchallenged and congressional requests for legitimate information are stonewalled?

Mr. Speaker, Secretary Cohen must intervene to halt the misinformation campaign being waged by DOD officials concerning issues surrounding antibodies to squalene research. He must provide Members of Congress and those suffering from Gulf War illnesses the real answer. The Department of Defense must stop this deadly game of delay and distraction—many of our veterans are dying and thousands more are suffering indescribable agonies.

Mr. Speaker, as Abraham Lincoln said 135 years ago just a short distance from this House floor, let us "care for him who shall have born the battle." Congress must do whatever is necessary to get the care needed to our suffering Gulf War-era veterans.

ISSUES AFFECTING THE WEST

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Colorado (Mr. McINNIS) is recognized for half the time until midnight as the designee of the majority leader.

Mr. McINNIS. Mr. Speaker, I appreciate the time that I have been given this evening. The gentleman from Utah (Mr. HANSEN) who is a longtime friend of mine and I intend to spend the next little while with Members talking about issues that are important to the West. As many Members know, my district is the Third Congressional District of the State of Colorado. That district geographically is larger than the State of Florida. I adjoin the fine State of Utah.

As Members know, many of the issues that we share in Utah are very similar to the issues in the State of Colorado. In fact, as we look at the map that I have here to my left, many issues of the West, whether we are talking about Wyoming, Montana, Idaho, Nevada, Arizona, New Mexico, we have many similar issues in the West.

Tonight, to begin our remarks, I thought I would talk a little about what the concept of multiple use really means. What is multiple use? Why is it critical to the West? What is the history of multiple use? We really need to turn our clocks back in time and look at the beginning of this country, when most of the populations, again referring to the map to my left, were on the East Coast.

Back then, possession really was nine-tenths of the law. In other words, you really had to go out and occupy the land. You could not just have a deed. We kind of take that for granted today. If we have a deed for property, we go down and register it at the county courthouse and we do not have to worry about going out and standing on the land in order to continue possession or sometimes even able to initiate possession.

In the frontier days, you had to do that. What our forefathers, the problem they ran into is people really did not want to leave the East. Our new country had just made some purchases. We got land like through the Louisiana Purchase, and we needed to get people out there. Just the fact that we bought the land from other countries as a young country did not mean we really were going to be able to hold on to the land. What we had to do is move people onto the land. We had to give people incentive to move from the East to go to the West.

And so to give that kind of incentive to our citizens of this young country, our government decided to offer incentives to them. The incentive that they thought would be the most attractive is to say to the young frontiers people, if you go west and we all remember the saying, "Go west, young man, go west," if you go west, you can secure a piece of property; and if you work that land for a long enough period of time, you get to own the land. It is yours.

□ 2230

All you have to do is possess it. Just go to it, work it and possess it for a period of time and we will give you 160 acres or we will give you 320 acres, and it is through what we all know as the Homestead Act.

Well, that worked fine for many of the States out here where you had rich soils, you did not have the severe kind of weather, where on 160 acres a family, a frontier family, could raise some cows, they could farm that land and feed a family. What happened over a period of time is that as the people begin to get into the deep West, like the Rocky Mountains of Colorado or into the Rocky Mountains in Wyoming or down into New Mexico, the leaders in Washington, D.C. discovered these people were not really staying there; that you could not even feed a cow off of 160 acres in many of these areas in the deep West.

So the people were not staying there, and they were concerned about what do we do on possession. We have to give people incentive to stay in these areas.

First of all, let me say what they decided not to do. They said we cannot possibly give them an equivalent amount of acreage; in other words the same amount of acreage in the mountains that would give you the same kind of living that you would have in, for example, the State of Nebraska or Ohio. Out there you can do it on 160 acres, and the equivalent in these mountains would be about 3,000 acres. They said politically we cannot give away 3,000 acres to these frontiers people, and somebody came up with an idea. We do not have to give away the land. In fact, unlike the East, unlike the East, where we give the land away and where we have a large amount of private ownership, let us as the Federal Government go ahead and keep ownership of the land in the West. The government will continue to own the land but we will allow the people to use the land. We will have multiple use.

We will allow the people to farm on the land. We will allow the people to raise cattle on the land. We will allow the people to extract natural resources on the land. This was many, many years ago.

Throughout time, the uses of multiple use have evolved dramatically. In fact, in my district, almost every road in my district goes across government lands. Every drop of water in my district, if it is not out of a well, either comes across, is stored upon or originates on Federal lands; all of our power lines, all of our radio towers, all of our cellular telephone towers. We are totally dependent on the West on this concept of multiple use.

What does this map to my left show? I think it is very important. This map that I have tonight, for all here in the chambers, is to demonstrate very clearly where the Federal Government owns land. It is very important to take a look, as we go from the north, the Canadian border, follow my pen, we go down through here, we go right through Colorado, we go right through New Mexico, we come right down here to Texas, go around and we hit Mexico down there.

Look at the amount of Federal land on this side. Very little. In fact, we have some in the Appalachians here; we have some down in the Everglades. We have some areas up here. New York has some but a lot of that is owned by the counties, not by the Federal Government.

Compare this, which could be identified with pencil points on this map, with what has happened in the West. This is the amount of government ownership of land in the West.

Let me give an example of what happens as a consequence of that. First, let me give a statistic. Outside of Alaska, which is 99 percent owned by the government, that is Alaska right there, now that is half the size of its actual proportion for this map, that is 99 percent but if you exclude Alaska, 88 percent of the Federal land in the lower 48 States, 88 percent of the land owned by the Federal Government lies in these 11 western States.

What does that mean for practical, every day living, for the ordinary people out there? Well, in the East, when you have planning and zoning, which is very important, your local communities, your city councils or your local governmental entities, they decide planning and zoning.

If someone wants to build a bike path, if someone wants to have a water project, if they want to do some kind of construction, if they want to do a road, the people in the East, their local municipalities have control of planning and zoning.

You would be deeply offended, you would have strong objections if the Federal Government came into your community in Connecticut or came into your community in Tennessee or Ohio and said, hey, we want to take over planning and zoning of your local community, you would say, bug out. Well, planning and zoning is a local matter, it is a local issue. If it is not the city council that does your planning and zoning, it may be your local county or it is a combination of the two, but it is not the Federal Government. The Federal Government does not do the planning and zoning out here in the East.

Guess what happens in the West. In the West, just by the fact, just under de facto that the West has such massive amounts of Federal land, they in effect do our planning and zoning.

We have so much Federal land in my district alone, 22 million acres; 22 million acres of Federal land in my district alone. When you want to build a road, when you want to deal with water, you have to deal with the Federal planning and zoning commission, which is the government in Washington, D.C.

One of our problems at the very beginning, at the very beginning, is that in the East it rains a little differently than it rains in the West. In fact, in the fine State of Colorado, we are the only State in the Union where all of our water runs out of the State. We have no water that comes into Colorado for our use. It all runs out of the State, the only State in the Union.

We are very dependent on our water resources that are on those Federal lands. We are entirely dependent on the concept of multiple use.

Well, the problem with having planning and zoning at a Federal level is that in Washington, D.C. they seem to think one shoe fits all, one size fits all. So they start applying policies that may work okay for the Appalachians or may work okay for the State parks or Federal parks in New York State, they start putting those applications on the massive Federal land holdings in the West. There is not a lot of recognition to my colleagues here in the East, with due respect, there is not a lot of recognition on their part of our difficulties that we have in the West.

So when we have people out of the administration or the bureaucracy in Washington, D.C. starting to make decisions based on their life experience in the East, when they start making decisions that have impact on the West they need to realize what kind of impact it has and what kind of unintended consequences there are.

For example, in the East your problem back here is getting rid of water. In the West, in the West, our problem is storing water, is keeping the water. In this region right here of which Colorado has the highest elevation, my district, in fact, the Third District of Colorado has the highest elevation of any district in the nation. We do not have much rain. We get some rain but we are an arid state. The West is an arid area, a lot different than the East.

We depend very heavily on our snowfall and then we have to depend on a period of time we get about 60 to 110 days of runoff, the spring runoff. It is going to start here in about another month, maybe another 6 weeks, we have the spring runoff for about 60 to 110 days. After that 110th day, if we do not have the capability to store the water we have real problems. During that 60 days to 110 days, if we do not have the capability to control flooding we have real problems.

Take a look at what some people in the East have done. The bureaucracy, for example, of the national Sierra Club, now the national Sierra Club has done some reasonable things but one of the things, their number one goal, as dictated by the bureaucracy, their bureaucracy in the East because they have very little understanding of our water issues in the West, their number one goal is to go out here and to drain Lake Powell.

That lake, which is a huge storage facility for water in the West, for power, for flood control, and frankly for a lot of recreation, a lot of family activities on that lake, in fact on that lake, to give you an idea of the size, there is more shoreline on Lake Powell than there is on the entire Pacific West Coast. What is the response for the planning and zoning commission of one of the more active environmental groups in the East? Their number one goal, take down the dam and drain Lake Powell.

Well, this extends into these issues of people in the East dictating the planning and zoning by the fact that the government has these large land holdings in the West. These policies have ramifications. They have ramifications on our national parks. They have ramifications on our national monuments. They have ramifications on our business community, meaning the small ranchers and the small businesses. They have ramifications not only on our water storage but our water accessibility, the ability to transport water.

Every highway we have, it has consequences there. It has consequences on the environment. There are a lot of things that I urge my colleagues here today, if they live east of this red border that I have just shown here, I am urging to take some time and study why the issues in the West are different. In the West, when the frontier people went out there, remember what happened. The government made a deal with them: We are going to keep ownership of the land. In the East we gave the fellow citizens the land. We arranged for private property, which every family in America dreams of owning their own piece of property and in the East we followed that. We followed that dictation, but in the West we gave you a little guarantee. We will let you use the land but because we cannot give away that massive amount of land we are going to keep ownership. That is what they said in Washington, D.C.

So as we progress through a number of different issues dealing with the West, I urge my colleagues, please sit down, take a look at the history; understand that in the West it does not rain like it does in the East. Understand that in the West that concept of multiple use is a way of life. In the West, life is written in water, not in blood. These are very important.

Now as we continue through our special orders this evening, I would like to turn the podium over to my colleague, the gentleman from Utah (Mr. HANSEN), who will take us to the next step. This gave us a little basic history. We now have an idea of where the Federal land ownership is in this country. We have an idea of the concept of multiple use and what it means. We have an idea that in the West water is something we have to store to use.

In the East, of course, we have always known this but it is something for a large part that has to be gotten rid of. I think it is a good way to kind of transition into the next area of what we want to talk about tonight in the West, and for that I would turn it over to my colleague, the gentleman from Utah (Mr. HANSEN).

We both have generations of family in our respective States. We have deep, deep roots. Beyond that, both the gentleman from Utah (Mr. HANSEN) and myself are very, very dedicated and very loyal to our States. We care about the citizens we represent and we care about the heritage of the West. The West to us is paramount. Oh, we are Americans, do not get that wrong, but it is paramount that we be able to represent the West out here in the East.

Mr. HANSEN. Mr. Speaker, will the gentleman yield?

Mr. McINNIS. I yield to the gentleman from Utah.

Mr. HANSEN. Mr. Speaker, I appreciate my friend, the gentleman from Colorado (Mr. McINNIS), for the excellent explanation he has given regarding the difference between the East and the West.

It is very common, as chairman of the Subcommittee on National Parks and Public Lands, to get all kinds of letters from folks in the East talking about how some day I want to go out and see that, and I own it as much as you do. I find that very interesting because some of them will never come. Basically, if you want to go back 200 years where did they get their ground? At one time, all of that map was owned by the Federal Government but they got it given to them and now they want to control what we do in the West.

We have no problem with that if they are reasonable but we also feel that the people who occupy the ground, who play on the ground, who make a living on the ground, who are raised on that ground, ought to have some say in it and I do not see why people think it is so totally irresponsible when somebody from the West, who has lived there all their life, gets just a tiny bit upset when someone who has never been there wants to tell them how they can drive their car, how he they can plow their fields, where they can put their cows, where they can have recreation. I think that is really kind of reasonable.

Mr. Speaker, when I read the Constitution, the words that jump out at me are the first words and they say, "we, the people." I have been in this business quite awhile. I have been an elected official for the last 40 years. I started out as a city councilman in a little town in Utah called Farmington. I still remember about that little town that if I ever wanted to do something as a city councilman or mayor pro temp as I served for a year and a half, I would have to advertise it. Even something as small as putting a bid out to put a piece of water in for the culinary water system or something for the sewer, we had to advertise it.

Later on in the State legislature, when I was speaker of the House, we found the same thing. We had what we call sunshine laws and most of our people have those laws; most of our legislative bodies have those. So we had to do it so the people were there, the people could see it. We did not do things behind closed doors.

□ 2245

Why do we sit there and have C–SPAN on? So that the people can see their government in action. Most of our committees, when there are very important people testifying, C–SPAN comes in and films it and we open the doors and the public come in. The exception would be the Select Committee on Intelligence where I sat for a number of years, or the Committee on Armed Services which I am a member of, and occasionally things of high security, of course we do not want to have the public look at them. But the vast, vast majority of things, the public should look at.

Therefore, if it is truly we, the people, and we are not going to do things in a closet; I often wonder about this current administration that back in September of 1996, the President stood on the south rim of the Grand Canyon where the Colorado River goes through and proclaimed on his proclamation 1.7 million acres in southern Utah as a national monument. Now, of course he has a right to do that under that bill, but people have to realize that in 1906, Teddy Roosevelt, the great conservationist, found himself in the position of saying, how do we ever protect these Indian ruins and all of these beautiful dwellings that we are finding? People were going in and desecrating those. So they passed this law, and if one wants to look it up, it is only about a paragraph long and it talks about what one can do to protect them.

It says that the President can go in and he can sign a proclamation and his proclamation has to say, what is the historic nature of this issue? An historic national park, a good example would be where the two trains met in Promontory, Utah, and we joined the Nation from California to the East with the railroad, a great understanding of what a national historic area would be. If we look at archeological areas, it also says they can do that. And then in this law it says they will proclaim that as the smallest acreage available to protect that site.

We found in this particular instance that we did not know anything about it. If I may define the word "we," it would be the members of the Utah delegation, the Utah legislature, the Utah governor. So we were hearing about it and hearing rumor; we did not know where this rumor was coming from. So we would call down to places like the White House and they would say we are hearing the same rumor. We do not know anything about it.

In fact, my administrative assistant called up Kathleen McGinty. She was head counsel of environmental quality in the White House working for the Clinton-Gore administration. We said we keep hearing this rumor and she said we hear the same, and the next day they are out proclaiming this.

To find out what really happened, we went to the trouble of subpoenaing all of the papers from the White House and the Department of the Interior. We made a compilation of those and I have it in my hand, and we wrote a book called Behind Closed Doors. Remember, Mr. Speaker, this is a government of we, the people. The people are the ones who are supposed to have an understanding of this. In this we found some very interesting things.

When we expressed our concern to the Clinton administration, of course they denied this. As late as September 11, the Secretary of Interior Bruce Babbitt wrote to Utah Senator BENNETT and pretty much told him that. Then, in a letter written to Professor Wilkenson asking him to draw up the proclamation, the solicitor of the Department of the Interior, John Leshy wrote, I cannot emphasize confidentiality too much. If word leaks out, it probably will not happen.

Then, on August 5, 1996, Katie McGinty wrote a memo to Marcia Hale telling her to call some key Democrats to get their reaction. However, conspicuously absent on their list was a Democrat from Utah. In the memo Mrs. McGinty emphasized that this should be kept secret, saying any public release of this information would probably foreclose the President's option to proceed.

Now, we may ask ourselves, why did they want to keep it a secret? Why did they not let the world see it, let people have the scrutiny of a microscope looking at this. Well, let us face it. It was a political election stunt and the type of thing that had to be perfectly planned and perfectly timed to be done just before the presidential election.

Now we may ask ourselves, why did we do this? In another memo we found from Kathleen McGinty she said quote, "I do not think there is a danger of the abuse of the withdrawal of the Antiquities authority, especially, especially because these lands are not really in endangered." There we have it, in their own words. The administration did not think there was any real danger. Okay. Let us ask ourselves, what does this proclamation do? Does it stop coal mining? No. Does it stop mineral development? No. Does it stop petroleum? No, CONOCO is still drilling. Does it stop people from visiting the grounds? No. Does it stop roads from being built? No. In fact, more roads are being built because more people want to see it. I was down there a number of times, standing there and people from New Jersey drove up and they said I see a car, two cars here, one was State and one was Federal, where is the Grand Staircase Escalante? And at this point we said, you are standing in it. They said, well, what is there to see? We said, look around. If you like sagebrush you will love this area, because that is basically all there was.

Why did the administration not come to us in Congress? And let me make this point. Congress, according to the United States Constitution, is the only entity that has control of the public grounds, period. Anyway, they did not come to us because it was an election stunt and we could all see this.

So I kind of say well, why did he pick a national monument? Why did he not just sit there in his armchair and say to the people, I am going to withdraw this pursuant to 43 U.S.C. 170–1204? Because it would not sell that way. It has to be on the south rim of the Grand Canyon with that beautiful panorama behind you, with the wind blowing through the hair of the President and all of these people standing there cheering. Then they finally found out, well, what did we really get out of it. I noticed even the Southern Utah Wilderness Alliance and the Salt Lake Tribune said that they are really just election-year environmentalists, and that is what we find.

Now, Mr. Speaker, we found ourselves in a situation well, what happens now? Again we see this abuse coming about. This antiquities law. Not a lot of people say these things should be protected. I hope the American public realizes that when that passed, that is all there was, was the 1906 antiquities law. There was not the 1915 park bill that created Yellowstone, and now we are up to 379 units of the park system. There was not the NEPA Act of 1969 that gave us environmental protection. There was not the FLPMA Act of 1976. There was not the 1964 Wilderness bill. There was not the 1973 Endangered Species Act, there was not the Trails Act, there was not the Scenic Rivers Act. There was none of that stuff. So that is all we had.

Now, at this point we have all kinds of laws. So why with all of that protection did we see in January of this year again the President of the United States goes to the south rim of the Grand Canyon and proclaims another national monument on what we call the Arizona strip. While he is standing there he also declares one in Phoenix, he also declares one on the California coast, and now rumor, and before I used to say, oh, that is just rumor, do not pay any attention to it. Now rumor has it that my friend standing in the well might get one, the gentleman from Montana (Mr. HILL) may get one; rumor has it that people down in the district of the gentlewoman from California (Ms. BONO) may get one, and for what reason? Could somebody give us a reason why this is going on?

What do the American people get out of this? It is an election-year stunt; and actually, as many courts have said, someone should push this up across the street to those nine folks that wear black robes and see if the 1906 antiquity law is even constitutional. Because if you have to go up against the idea, it says in the Constitution of the United States of America that the only people who have use of the public ground is this body and the body over on the other side, and they are the ones to take care of it.

Mr. Speaker, I hope people realize, and little by little I am so impressed with the public, because it is starting to dawn on them just what the gentleman from Colorado is talking about: Who uses that ground? Now, the dentist from New York who writes me on a regular basis, the attorney from Florida who writes me on a regular basis and says, Mr. Chairman, we have as much use on that ground as you do, and they keep talking about the people who graze. On March 1, right across the street in the Supreme Court there is a battle raging now: Is that a right that they have, and the court will decide that. That was filed in 1995, and unfortunately it was just heard on the 1st of March.

Other people are filing suits. Grazing was one, timber was one, and mining was one. The big three. Put the big three aside. They do not mean much anymore. The public of the United States wants access to that ground on that west side of that map. That is what they want, and they want it for a lot of reasons.

The gentleman from Colorado (Mr. MCINNIS) talked about Lake Powell, one of the most beautiful areas on earth. Go down there. Mr. Speaker, 400,000 people launched boats on Lake Powell last summer. 400,000. It has far surpassed many of the other areas because it is such a gorgeous area, let alone the power that it provides, let alone the water that it provides, and let alone the whole southwest part of America is there because of the Colorado River drainage. Those people want access.

Talk to the guy who has a four wheel drive outfit, talk to the guy who rides one of these little four wheel ATV things, talk to the people in Utah, and now we are on the map because of something we call trail bikes. Talk to the person who has a wave runner and where he wants to go. The backpacker. Talk to the guy that likes to shoot a deer or an elk or a moose in that area. They want access to that ground. They do not want it tied up like the Sierra Club wants it tied up. They want access. Should it be done in an environmentally-sensitive way? Of course it should be.

On the other side of the coin, it really bothers some of our folks, and they are justified in this when they get hammered and taken out of the use of this ground which is theirs to use. To that dentist from New York, that lawyer from Florida, come on back and use the ground. We would love to have you there, but spend a few bucks while you are there, because we have another problem. It is called payment in lieu of taxes. The gentleman from Colorado (Mr. MCINNIS) pointed out all of that ground that is owned by the Federal Government and all of our buddies from the East that are saying that is just as much our ground as it is your ground. Well, then pay your share. It is called payment in lieu of taxes. They want to play on it, they want to tell us how to use it, they want to take us off the ground, but when it comes to paying their share, they do not do it. That bothers an awful lot of us.

The little county of Garfield, 93 percent owned by the Federal Government. It has the beautiful Bryce Canyon in it. These people come in and what do they do? They go up and play in that area and they start a fire. Who fights the fire? Garfield County. And they have a minuscule budget. They go up there and they break a leg because they are not accustomed to that area, who goes out and picks them up in an ambulance? Garfield County. They go out and throw their trash all over the place, and who pays for it? Garfield County pays for it. But when we say pay your share, if you want to tell us how to do it, pay your share; and they are not doing it.

Mr. Speaker, if I may say so, this House is responsible, that House is responsible, but no one seems to care. I still remember a man in leadership when I first got here and he said oh, it is just those western guys, who care. Take the money away from them anyway. All of us rednecks out there, I guess. Frankly, we resent it. If you are going to tell us how to run it, do it. I see bill after bill coming out of our colleagues from New York and all of these other areas, but they have never even been out there, but they want to tell us how to do it. My next comment to them, if you are going to tell us how, you pay. If you are going to come out and play, you pay. I think these people should take a stronger attitude.

When I was Speaker of the Utah House, we passed something called the Sagebrush Rebellion Resolution. I remember coming back here as a freshman and going down to the White House, and there was a man by the name of Ronald Reagan. He made this statement to the Secretary of Interior, John Blot, the Secretary of the Interior, Jim Watt. He said, we are now good neighbors, and that is what we wanted to be. Now, we are again finding ourselves with an administration that is running rampant and roughshod over every one of us; and we feel that we should again have good neighbors with the Forest Service and with the BLM and with the Park Service.

With that said, Mr. Speaker, I yield back to the gentleman from Colorado.

Mr. McINNIS. Mr. Speaker, I appreciate the time from the gentleman from the State of Utah.

Now let us go to the next step of our conversation tonight on our night-side chat with my colleagues about the issues of the West. Remember at the beginning of the comments, I say to my colleagues, that we talked about the fact of the massive differences between the western United States and the eastern United States. My colleagues will remember that I qualified my remarks. We are the United States of America. We are one country, a country I am very proud of, the superpower of the world. We have a lot to be proud of as Americans.

In fact, today, I say to the gentleman from Utah, I had a number of young people who come back on their visits to the Nation's capital. I am so proud of that generation. It was interesting when I talked to these youngsters. We had Jessica, we had Amber, we had Ben, and we had Mary. Those particular students, one was from Aspen, one was from Steam Boat Springs, Colorado, one was from La Junta, Colorado, and I believe the other one was from Alamosa, Colorado.

But the issues they talked about are issues of the West. We have grown up in the West, and we like our lifestyle in the west. And just as we are proud to be Americans with this country and the attributes of this country, we have a lot of things in the West that we are proud of, and we have a lot of things in the West that we share with everyone. We have a lot of monuments.

The gentleman talked about Bryce Canyon. I was in the gentleman's fine State last week. My parents have a winter home out there in Saint George, Utah.

□ 2300

It is a beautiful State. The gentleman has done a darned good job in Utah, the rest stops, the way they protected and preserved that land. The gentleman's State has done a good job.

I am proud to say that the State of Colorado, my former colleagues in the State House, my colleagues who serve as County Commissioners, our Governor of the State of Colorado, Governor Bill Owens, these people have done a good job in Colorado of preserving our lands.

We care about those lands. Those are our lands. That is where our heritage is. That is where our roots are. If Members have ever skied in Colorado, they have skied in the Third Congressional District. My congressional district has all of the ski areas in the State of Colorado.

The next time Members go and ski in Colorado, and for many, they have skied in Colorado, the next time Members go, take a look to see if they see a sign of all of the terrible abuse that some of the more radical environmental organizations in this country like Earth First or Ancient Forests or some of these people, take a look and see if Members think those ski areas are that bad.

While they are looking at those ski areas, take a look at how many children are on those ski areas, how many families, what kind of family entertainment. They are not out running the streets, out causing trouble, but they as a family unit are enjoying, under the concept of multiple use, these lands.

We do not just have to go in the wintertime to see how important these lands are for family, for multiple use, for our economy out there. Go in the summertime. Go on the Mesa Verde, down in the Four Corners where we share our borders. Go up here to Dinosaur, the national monument there. Go to the Black Canyon National Monument, which is now a national park, thanks to my colleague, Senator CAMPBELL, and the bill that I sponsored here in the House.

Go down to the National Sand Dunes, which we hope to make a national park. Go to the Rocky Mountain National Park. Go to the Air Force Academy, the district of the gentleman from Colorado (Mr. HEFLEY), over in Colorado Springs.

There are a lot of things in Colorado and Utah and in the West. We could go to Wyoming to Jackson Hole. Go to the museum up in Cody, Wyoming, probably the most fantastic museum representing the West in the entire West. Members can go to any area. There are lots of areas of the West that we have preserved. There are lots that we have protected.

But remember what Teddy Roosevelt's concept was. Teddy Roosevelt never wanted to lock people off the land, but Teddy Roosevelt, on the other hand, did not want people to abuse the land. It is the same concept the gentleman from Utah (Mr. HANSEN) and I agree with. We have a right to use that land, but nobody has a right to abuse that land. No one has a right to abuse that land, contrary to some of the more radical organizations that we see especially here in the east.

These environmental groups, I have yet to meet one person, and I do not think there is a person in this Chamber, that will tell me they are out to destroy land. I do not have anybody that is against wilderness, wilderness as a concept, not under the definition of wilderness that we have seen labeled or put around our collar.

People love the outdoors. I do not know anybody, actually, who is against the small ranches and small businesses throughout all of these areas. There are a lot of good people out there in those mountains. There are a lot of good people in the West.

But for my colleagues here in the East, get a good understanding of what is fundamental to their lifestyle, what is fundamental to their survival before we pass regulations here in Washington, D.C., before they impose back here in the East.

Look at the point, clear out here. And as we come out, it is like this, and it starts right there. At this distance, before Members do that, come out here and look at the issues. Come out here and see why water is so important to us. Next to our people in Colorado, and I am sure it is the same for my colleagues in the State of Utah, I cannot think of anything more important than the water.

There are a lot of people that want this water out of Colorado because, as I said earlier, Colorado is the only State where all of our water goes out. We have to have multiple use on Federal land to preserve some of that water for the people of the State of Colorado, to preserve some of that water for people throughout the West. The Colorado River basin, as the gentleman from Utah mentioned, is absolutely critical for life in the West.

Our whole purpose, Mr. Speaker, in talking this evening, it is not to lecture my colleagues, it is to tell them that things in the West are different geologically, the water situation is different, the lay of the land is different, and the ownership of the land is different.

Mr. Speaker, my colleagues here in the East do not know what it is like to have massive ownership by the government. Most of the Members sitting in this Chamber, most of the Members from the East, outside of highways that are obviously owned by the government, maybe the local Post Office, they have never experienced massive ownership by the government of the lands that will completely surround one. They have never had to rely on access agreements with the government to drive into their town, to turn on their radio, to get electrical power into their community, to protect areas of the environment that they think are important.

Yet here in the West, we are, unfortunately, very subject to the whims of the people in this little city called Washington, D.C. in the East.

What the gentleman from Utah (Mr. HANSEN) and I are asking tonight is that as we consider individually each of these issues in the West, look at it on a customized basis. We need to customize it. We need to figure out what the ramifications are.

I will give an idea. It is very easy for people in the East to condemn grazing on land in the West. We have a particular area that is absolutely beautiful, and in fact, it is one of the areas under the monument. We have the Colorado National Monument, and we are trying to put it into a preservation area and work with the Secretary. We are trying our darnedest.

But up there we have several ranches, four or five big ranches up on the Colorado Monument; it is beautiful, Grand Junction, Colorado. But these ranches, these are true working ranches like the King Ranch, like my friend Doug King and his ranch up there; the Gores, the Gore ranch, they are dependent on the grazing permits. The grazing permits are on Federal lands.

Do Members know what happens if we follow the wishes of some of the more radical groups back here in Washington, D.C. and we eliminate those grazing rights? Do Members know what happens to those ranches? They cannot operate as a ranch anymore. So what is the logical thing for them to do? The logical thing for them to do is take these beautiful, wide open spaces and to break them into 35-acre ranchettes.

What does that result in? That results in bumper to bumper traffic up to the top of the Colorado National Monument. Instead of being able to look, and in my district, throughout my district we can look for a long, long ways and never see another person. But we have been discovering, we have a lot of growth. I do not think that is necessarily good. In some regards, slow, steady growth is good, but the kind of growth we have had, we have had a sudden surge. We have a lot of people who would like to get their hands on the ranches and divide them. We have a lot of people who would like to make a profit off of them.

Some of the Members here who are supporting doing away with grazing in the West on Federal lands, they should take a look at the unintended consequence. The unintended consequence is we are going to take that land and divide it into ranchettes. Is that really what the Members want to do? Is that what they think is going to help protect those open spaces?

By the way, let us go back to ranching. Ranching families like David and Sue Ann Smith from Meeker, Colorado, they have been on that ranch since the 1870s or the 1880s. They love that land. They do not make much money on that ranch, but they have raised generation after generation after generation.

Before we take action back here that wipes out those generations of hard work, of having their hands in the soil, before we do that, consider what the consequences are. Understand again, and I continually come back to water, because water is absolutely critical, the fact that we have to store water.

We have lots of organizations here that say we should not have any more water storage projects in the country. They do not understand the West. If they do understand the West, they are trying to mislead us here in the East that in the West we do not need water storage projects.

Again, as I said earlier, take a look at our ski areas. Some groups have said, burn them down. Take a look at what happened in Vail, Colorado, last year, arson. Some people actually stand proud and say, Veil, Colorado, that ski area, they had it coming. They should have burnt them down. Come on, Mr. Speaker, that is not how we operate in this country.

Take a look, I think we have done a very professional job. I want to note that Colorado was the first State with minimum stream flow. In our State, those of us who have lived there very long and many people who have just moved there, they appreciate the fact that open space, parks, and protection of our environment are as critical to us as the water.

But along and in the same bracket and in the same category, the concept of multiple use and the concept of having local input, and the concept of taking into consideration local needs is important, too.

Go back to my original comments. Remember back here, take a look at some of these States. Do Members think the Federal government has anything to do with land control in some of these States like that? Take a look at the State of Kansas, the State of Nebraska. Members can see on the map here, do they think the government has much to do with those States? No. So it is very easy for people back in some of these States that do not have a lot of Federal Government land to dictate out here to the States that do have Federal Government land what they ought to be doing, because it does not bother them.

If the people from a State like Ohio or a State like Kansas or some other State dictate what is going on, it does not impact them. From New York State, it does not impact them if they go out to the West and eliminate grazing, or tell us we cannot have multiple use, because they do not feel the impact.

□ 2310

We feel the impact. We live the impact. We have to survive the impact. Just think how much control is exercised in this area by a city far, far away on the eastern coast.

As the gentleman from Utah (Mr. HANSEN) knows, we in the West are very, very proud of what we have. It is American soil. We are citizens of the United States. But we also, all of us, have been raised with consideration of our fellow citizens.

I urge my colleagues in here, those of you who live east of the Colorado border, for example, who really have not given much thought to the consequences of your actions here on Federal lands, slow it down a little, and give it some consideration.

Mr. Speaker, in consideration of the time and the fact that I have taken the majority of it, I yield to the gentleman from Utah (Mr. HANSEN), and I appreciate very much his participation this evening.

But I think it is important, Mr. Speaker, that we continue to have these kinds of nightside chats. I guess it is one of our responsibilities to try and come to our colleagues here and talk to them about these issues and try and bring the awareness level up so that multiple use is not looked upon as the devil of the west, it is looked upon as the survival of the west.

Mr. HANSEN. Mr. Speaker, I would hope that more Americans would realize this concept of multiple use. It has worked very well for us for a long time and out in the West. What does one do in multiple use when one only has one use like so many of our eastern States that do not even have to consider the issue.

The gentleman from Colorado (Mr. MCINNIS) brought up the idea of grazing. Grazing is basically a tool. Should it be used judiciously? Absolutely. We should not denude the ground. We should be very careful with the ground.

But yet, on the other hand, those of us who have been in that business and understand it, as some of my relatives have been, and I have worked on ranches myself, one finds oneself in a situation where grazing on the public ground keeps down those grasses.

In Canada, as I understand, at one time, they did away with it; now they are asking people from Montana, North Dakota, and Idaho to bring those cows and sheep over there to keep those grasses down so they do not have the fires.

Also, grazing is used in areas to open up trails. Grazing is used for various things. It should not be a thing where we hurt the ground, but that is part of multiple use.

What about timber? When I was chairman of the Subcommittee on Forests and Forest Health, we went all through the West and had all kinds of hearings. I flew over it. I walked it. I was in jeeps on it. I went with Weyerhauser. I went with other people. The best forest, the most wholesome, vibrant forest there is in America is private forest. But they are managed. They cut trees.

Contrary to what a lot of our friends back East do not understand, timber is a renewable resource. That is why it is under the Committee on Agriculture, because it is like a crop. We can take it out. We do not have anything against our eastern friends. This is one big Nation. We are all good Americans. We hope and we work to do things right, and we invite our eastern friends to come out whenever they would like to, and we appreciate it. We want them to take care of the ground as we have for hundreds of years.

Mr. Speaker, I think the very one thing that the Constitution tells us that we are supposed to do is defend this Nation. I guess I am one of the old guys on the Committee on Armed Services, and it really kind of bothers me as we see a deterioration of this.

I want to tie this into the ground thing. Because just recently, about a month ago, some of our environmental friends filed a lawsuit right here in Washington, D.C. That lawsuit is that all military aircraft have to be 2,000 feet above public grounds; i.e., forest, BLM, parks, things such as that.

Well, I am not the kind of pilot that the Speaker is or others, but I have spent quite a few hours in the cockpit of an airplane. Let me just tell my colleagues this, I think, after 20 years on the Committee on Armed Services, I have some understanding of how we train people. I tell my colleagues, these guys who fly those F-16s, those F-15s, and others, they have got to learn how to fly those things in the worst conditions, because they may be called to go back to Saudi Arabia and fly over to Iran. They may be called to Germany. They may be called to be on the Pacific Rim.

We want these young men and women to be the very, very best. How we do that? It is one word. It is training. We give them good equipment and we train, train, train, train. A lot of them, I hope that is all they have to do in their military career.

Now, tell me how we are going to do surface-to-air work? How we are going to do those things? As these young, great, macho pilots say, we have got to drag our wheels through the grass. Do we have a lot of these areas in the West and the East? We have them all over. They are called training ranges.

What a terrible thing it would be if the courts uphold this, and we stop the training of our helicopter pilots, our fighter pilots. Right in my home State of Utah, we have the Utah Test and Training Range, an area that is not multiple use, but does have some wilderness study areas in it. They have pilots from Hill Air Force Base, Mountain Home Air Force Base, Nellis Air Force Base. Navy Base in Nevada.

They train in that area hundreds and hundreds of sorties. They come over those mountains, and they are right down on the deck, and they are going about 600 nauts. They are moving along. They are darn good. They know how to fly.

Yet, if we have to get to the point that our environmental communities in the East are saying to us, no, we will not let you graze, we will not let you cut timber, we will not let you mine, and we will not let you train your pilots. We will not let you use the cruise missiles. We will not let you put Abrams tanks on it like we used in the Persian Gulf, and you saw that Abrams M1-A1 tank wipe out those military tanks that Saddam Hussein had purchased from the Soviet Union. It was literally a turkey shoot. Why is it? Because they trained on those grounds out there.

That to me is one of the most important things that the American public can do. If anything, we have to come back to the idea of multiple use. We have to come back to the idea of moderation. We have to realize that other people's point of view means something.

Can my colleagues blame the folks who live in those 11 western States when they get just a tad irritated, say doggone it, Mr. Congressman, I have lived here all of my life. I am a fifth generation rancher. Now I am told by this BLM guy or this Forest Service guy who was trained in New York, and for some reason, New Yorkers are always looked at as the enemy, and I say that tongue in cheek, that they always look back at that area and say, why can he come out and tell me what to do on my ground?

So I go back to what I said earlier. I think Ronald Reagan said it right to the Secretary of Agriculture, John Bach and the Secretary of Interior, Mr. Watt when he said we are going to be good neighbors. We are going to come let us reason together. We are going to sit down and do that.

I am sure people will find that the hand of fellowship and cooperation will be extended to anybody who wants to sit down and work things out. But the thing that bothers us is sometimes the high-handed attitude that we get when somebody comes in the dark of the night, ignores the wishes of the people on the ground, and puts in a big monument, or comes up with regulations that are way beyond the purview and the latitude and the scope of authority that is given to this Congress. That is where the resentment comes up.

So I agree with the gentleman from Colorado (Mr. MCINNIS). It is an education thing. These chats should be brought out. We welcome what we hear. Every time we do one of these, we get a number of letters, some of them a little tough. But we appreciate people writing in.

Mr. MCINNIS. Mr. Speaker, I ask to incorporate into the RECORD the written documents that I have here.

If the gentleman from Utah (Mr. HANSEN) does not have any further comments at this point in time, Mr. Speaker, I would conclude by saying this, we are good neighbors. In the West, we feel very strongly about the good neighbor attitude. But give us an opportunity to be good neighbors. Give us an opportunity to work with you and let you be aware of how important multiple use is, of what the differences between water in the East and water in the West is.

□ 2319

We are here not in a confrontational mood. We are here in an attempt to build a coalition to let us continue to have the kind of life-styles that others enjoy, and that is a life-style that has come through hundreds of years of living here in the east, and in the west in the time we have out there. We want to be a good neighbor. We want the right to continue to use the land. We do not want anybody to abuse the land.

Mr. Speaker, I conclude tonight's night-side chat by expressing my appreciation to the gentleman from the State of Utah (Mr. HANSEN) for his participation, and submitting for the RECORD, as I mentioned earlier, the research data done by the Center for the New West:

GROWTH, OPEN SPACE AND WILDERNESS

COLORADO OPINION RESEARCH SHOWS SUPPORT FOR WILDERNESS DECLINES AS PUBLIC LEARNS MORE ABOUT RESTRICTIONS

(By Philip M. Burgess and Kara Steele)

Summary. An opinion survey of Colorado voters, conducted by Strategies West for Center for the New West, shows that public support for designation of additional wilderness areas is not unconditional and very much depends on the specific circumstances. Wilderness proposals that are the product of broad public input and that seek to balance preservation with multiple use of natural resources would seem to enjoy the strongest support. It is clear that using polling data that shows general support for wilderness areas to "demonstrate" support for any specific proposal is highly misleading and must not go unchallenged.

Background. The federal government owns 47% of the land in the 11 "public lands states"—all located in the Western U.S.* In four states, the federal government owns more than half the land—Idaho, Nevada, Oregon and Utah. In Colorado, more than one-third of the land is owned by the Federal government.

Most of these federal land holdings in the West are managed by the U.S. Bureau of Land Management (BLM) and the U.S. Forest Service, making the BLM and the Forest service the de factor planning and zoning board for much of the rural West. Result: Issues that anywhere else in the nation would be state of local issues—like locating a road or bike path or building a water system or camping facilities—are federal issues in the West. Examples: BLM or Forest Service managers decide how many cows will graze, where they will graze and at what time of year—or where a pipeline or road must go.

Over the past decade Center-sponsored studies and forums, Congressional hearings and media reports have documented increasing dissatisfaction with "one-size fits-all" federal policies that guide the management of federal lands and the highly-intrusive administrative practices of federal land managers. A major concern is that land use decisions by federal authorities can have a strong bearing on jobs and economic opportunity in the small towns and rural areas adjacent to federal lands. Increasingly, Westerners and, to be fair, some federal land managers, have called for major reforms in federal land management policies—and especially for policies and practices that would allow greater decentralization of decision-making within the federal system and more local participation and administrative flexibility in this system of federal control.

The bottom line: Both Westerners and many outside the West are dissatisfied with the way the federal government managers its land holdings in the West—including national parks, wilderness and other federal lands—and the concern is highest among those most affected. These include tourists and other visitors to the West, farmers, ranchers and small business people who live and work in the rural West, and economic development professionals who struggle to make things work in the transition to America's New Economy.

In addition, there is growing concern in Congress about how President Clinton uses executive power—and especially the willingness of this executive branch to usurp and Constitution authority of Congress (violating the separation of powers among co-equal branches of government) and the states (violating the principles of federalism). The concern came to a head in October when Western members of Congress initiated a resolution to block the Clinton administration from designating 570,000 acres near the Grand Canyon as a national monument and to restrict the administration's ability to lock up other land holdings without subjecting its proposals to legislative review.

These are initial moves of an increasingly assertive Western Congressional delegation determined to restrict the power of the president to withdraw millions of acres of public land from multiple use without public participation or comment by bikers, climbers, builders of camp sites and explorers for oil and gas and other natural resources. These are among the most effected individuals and groups whose access to the land is often restricted or prohibited.

These concerns, and the timing of these moves by Western members of Congress, reflect a backlash from President Clinton's 1996 election year designation of 1.7 million acres in Utah as the Escalante/Grand Staircase National Monument, a stealth decision without Congressional review and without broad consultation with state and local elected leaders or the public.

By contrast, when the process of restricting public use of the land includes broad intergovernmental consultation and public participation, good things happen. Example: October's designation of the Black Canyon National Park in Western Colorado. This designation of America's newest national park was supported by Sen. Ben Nighthorse Campbell, Rep. Scott McInnis and other members of Colorado's Congressional delegation and by most state and local elected leaders and the public in Colorado.

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*The 11 public lands states, located in the lower 48, are Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

OMISSION FROM THE CONGRESSIONAL RECORD OF WEDNESDAY, MARCH 8, 2000

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PASCRELL (at the request of Mr. GEPHARDT) on account of official business in the district.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. EDDIE BERNICE JOHNSON of Texas (at the request of Mr. GEPHARDT) for today after 4:00 p.m. on account of official business.

Mr. SCHAFFER (at the request of Mr. ARMEY) for today on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. JACKSON-LEE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mr. LEVIN, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

(The following Members (at the request of Mr. HANSEN) to revise and extend their remarks and include extraneous material:)

Mr. METCALF, for 5 minutes, today.

Mrs. EMERSON, for 5 minutes, March 14.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 935. An act to authorize research to promote the conversion of biomass into biobased industrial products, and for other purposes; to the Committee on Agriculture; in addition to the Committee on Science for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADJOURNMENT

Mr. McINNIS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 20 minutes p.m.), under its previous order, the House adjourned until Monday, March 13, 2000, at 2 p.m.

NOTICE OF PROPOSED RULEMAKING

U.S. CONGRESS,
OFFICE OF COMPLIANCE,
Washington, DC, February 16, 2000.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 4(c)(4) of the Veterans Employment Opportunities Act of 1998 ("VEO") (2 U.S.C. §1316a(4)) and section 304(b) of the Congressional Accountability Act of 1995 (2 U.S.C. §1384(b)), I am submitting on behalf of the Office of Compliance, U.S. Congress, this advance notice of proposed rulemaking for publication in the Congressional Record. This advance notice seeks comment on a number of regulatory issues arising under section 4(c) of VEO, which affords to covered employees of the legislative branch the rights and protections of selected provisions of veterans' preference law.

Very truly yours,
GLEN D. NAGER,
Chair of the Board.

OFFICE OF COMPLIANCE

The Veterans Employment Opportunities Act of 1998: Extension of Rights and Protections Relating to Veterans' Preference Under Title 5, United States Code, to Covered Employees of the Legislative Branch

ADVANCE NOTICE OF PROPOSED RULEMAKING

Summary: The Board of Directors of the Office of Compliance ("Board") invites comments from employing office, covered employees, and other interested persons on matters arising from the issuance of regulations under section 4(c)(4) of the Veterans Employment Opportunities Act of 1998 ("VEO"), Pub. L. 105-339, 112 Stat. 3186, codified at 2 USC §1316a.

The provisions of section 4(c) will become effective on the effective date of the Board regulations authorized under section 4(c)(4). VEO §4(c)(6). Section 4(c)(4) of the VEO directs the Board to issue regulations to implement section 4. Section 304 of the Congressional Accountability Act of 1995 ("CAA"), Pub. L. 104-1, 109 Stat. 3, prescribes the procedure applicable to the issuance of substantive regulations by the Board. Upon initial review, the Board has concerns that a plain reading of VEO may yield regulations that are the same as the regulations of the executive branch yet provide veterans' preference rights and protections to no currently "covered employee" of the legislative branch. If that is the case, questions arise over the nature and scope of the Board's authority to modify the regulations in order to achieve a more effective implementation of veterans' preference rights and protections to "covered employees."

The Board issues this Advance Notice of Proposed Rulemaking ("ANPR") to solicit comments from interested individuals and groups in order to encourage and obtain participation and information in the development of regulations.

Dates: Interested parties may submit comments within 30 days after the date of publication of this Advance Notice in the Congressional Record.

Addresses: Submit written comments (an original and 10 copies) to the Chair of the Board of Directors, Office of Compliance, Room LA 200, John Adams Building, 110 Second Street, S.E., Washington, DC 20540-1999. Those wishing to receive notification of receipt of comments are requested to include a self-addressed, stamped post card. Comments may also be transmitted by facsimile machine to (202) 426-1913. This is not a toll-free call. Copies of comments submitted by the public will be available for review at the Law Library Reading Room, Room LM-201, Law Library of Congress, James Madison Memorial Building, Washington, DC, Monday through Friday, between the hours of 9:30 a.m. and 4:00 p.m. For further information contact: Executive Director, Office of Compliance at (202) 724-9250. This notice is also available in the following formats: large print, Braille, audio tape, and electronic file on computer disk. Requests for this notice in an alternative format should be made to Mr. Rick Edwards, Director, Central Operations Department, Office of the Senate Sergeant at Arms, (202) 224-2705.

Background

The Veterans Employment Opportunity Act of 1998[1] strengthen[s] and broadens"[2] the rights and remedies available to military veterans who are entitled, under the Veterans' Preference Act of 1944[3] (and its amendments), to preferred consideration in appointment to the federal civil service of the executive branch and in retention during reductions in force ("RIFs"). In addition, and most relevant to this ANPR, VEO affords to "covered employees" of the legislative branch (as defined by section 101 of the CAA (2 USC §1301)) the rights and protections of selected provisions of veterans' preference law. VEO §4(c)(2). The selected statutory sections made applicable to such legislative branch employees by VEO may be summarized as follows.

A definitional section prescribes the categories of military veterans who are entitled to preference ("preference eligible"). 5 USC §2108. Generally, a veteran must be disabled or have served on active duty in the Armed Forces during certain specified time periods or in specified military campaigns to be entitled to preference. In addition, certain family members (mainly spouses, widow[er]s, and mothers) of preference eligible veterans are entitled to the same rights and protections.

In the appointment process, a preference eligible individual who is tested or otherwise numerically evaluated for a position in the competitive service is entitled to have either 5 or 10 points added to his/her score, depending on his or her military service, or disabling condition. 5 USC §3309. Where experience is a qualifying element for the job, a preference eligible individual is entitled to credit for having relevant experience in the military or in various civic activities. 5 USC §3311. Where physical requirements (age, height, weight) are a qualifying element, preference eligible individuals (including those who are disabled) may obtain a waiver of such requirements in certain circumstances. 5 USC §3312. For certain positions in the competitive service (guards, elevator operators, messengers, custodians), only preference eligible individuals can be considered for hiring, unless no one else is available. 5 USC §3310.

Finally, in prescribing retention rights during RIFs, the sections in subchapter I of chapter 35 of Title 5, USC, with a slightly modified definition of "preference eligible," require that employing agencies give "due effect" to the following factors: (a) employment tenure (i.e., type of appointment); (b) veterans' preference; (c) length of service, and, (d) performance ratings. 5 USC §§3501, 3502. Such considerations also apply where RIFs occur in connection with a transfer of agency functions from one agency to another. 5 USC §3503. In addition, where physical requirements (age, height, weight) are a qualifying element for retention, preference eligible individuals (including those who are disabled) may obtain a waiver of such requirements in certain circumstances. 5 USC §3504.

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[1] Pub. L. 105-339 (Oct. 31, 1998).

[2] Sen. Rept. 105-340, 105 Cong., 2d Sess. at 19 (Sept. 21, 1998).

[3] Act of June 27, 1944, ch. 287, 58 Stat. 387, amended and codified in various provisions of Title 5, USC.

Section 4(c)(4)(A) of the VEO authorizes the Board of Directors of the Office of Compliance established under the CAA to issue regulations to implement section 4(c) of the VEO pursuant to the rulemaking procedures of section 304 of the CAA, 2 USC §1384. Pursuant to that authority, the Board invites comments before promulgating proposed rules under section 4 of the VEO.

Section 4(c)(4)(B) of the VEO specifies that these regulations "shall be the same as substantive regulations (applicable with respect to the executive branch) promulgated to implement . . . [the referenced statutory provisions] . . . except to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section." Section 4(c)(4)(C) further states that the "regulations issued under subparagraph (A) shall be consistent with section 225 of the Congressional Accountability Act of 1995 (2 USC §1361)."

Interpretative issues

The Board has identified and reviewed the regulations issued by the Office of Personnel Management (OPM) to implement the relevant provisions of the veterans' preference laws. These regulations are integrated into the body of personnel regulations in Title 5 of the Code of Federal Regulations (CFR) issued by OPM under its authority to oversee and regulate civilian employment in the executive branch. See 5 USC §§1103, 1104, 1301, 1302. The Board's review has raised a number of interpretative issues concerning the identity of legislative branch employees affected by the statute and regulations; potential legal and factual bases, if any, for modification of the regulations; and the scope of the Board's statutory authority to promulgate certain of the regulations in place in the executive branch. Before discussing those issues, the Board summarizes below the pertinent executive branch regulations which implement the statutory sections of veterans' preference law made applicable to covered legislative branch employees by VEO.

5 CFR Part 211 implements the definitional section, 5 USC §2108, declaring the requirements that a military veteran or his family member must meet to be considered "preference eligible."

5 USC §332.401 and §337.101 implement 5 USC §3309 which, in the appointment process, requires that a preference eligible individual who is tested or otherwise numerically evaluated for a position in the competitive service is entitled to have either 5 or 10 points added in his/her score.

5 CFR §337.101 also implements 5 USC §3311, which provides that, where experience is a qualifying element for the job, a preference eligible individual is entitled to credit for having relevant experience in the military or in various civic activities.

Subpart D of Part 330, 5 CFR, implements 5 USC §3310, which restricts to preference eligible individuals the positions of guards, elevator operators, messengers, and custodians in the competitive service.

5 CFR §339.204 and §339.306 implement 5 USC §3312, which provides that, where physical requirements (age, height, weight) are a qualifying element for an examination or appointment in the competitive service, preference eligible individuals (including those who are disabled) may obtain a waiver of such requirements in certain circumstances.

Finally, Part 351 of 5 CFR implements those provisions of subchapter I of chapter 35 of 5 USC, which prescribed retention rights during RIFs, including those instances where an agency function is transferred to another agency.

First. The statutory rights and protections that are applicable under VEO envision that veterans' preference is to be accorded in appointments to the "competitive service." This presents an interpretative issue for the Board in proposing regulations that "are the same" as those in the executive branch because there is a substantial question whether any covered employee, as defined by VEO §4(c)(1), encumbers a position in the "competitive service." The "competitive service," as the term is used in the relevant statutes, is not a generic term descriptive of any personnel system in which applicants vie for appointment. Rather, the competitive service is an integral, specifically defined component of the federal civil service system, in which, for over a century, appointment to employment (mainly in the executive branch) has been determined through competitive examinations.

In the competitive service, Congress has prescribed that the "selection and advancement shall be determined solely on the basis of relative ability, knowledge, and skills, after fair and open competition." 5 USC §2301(b)(1). Toward this end, Congress gave the President the authority to prescribe rules "which shall provide, as nearly as conditions of good administration warrant,for * * * open, competitive examinations for testing applicants for appointment in the *competitive service.* * * *" 5 USC §3304(a)(1) (emphasis supplied). In addition, OPM has been granted authority, "subject to rules prescribed by the President under this title for the administration of the competitive service, [to} prescribe rules for, control, supervise, and preserve the records of, examinations for the competitive service." 5 USC §1302(a).

In this setting, the "competitive service" has a specific meaning. Congress has enacted a three-fold definition: First, the competitive service consists of "all civil service positions in the *executive branch*," with exceptions for (a) positions specifically excepted from the competitive service by statute (known as the excepted service[4]); (b) positions requiring Senate confirmation, and (c) positions in the Senior Executive Service.[5] 5 USC §2102(a)(1)(A)–(C) (emphasis added). Second, the competitive service includes "civil positions not in the executive branch which are specifically included in the competitive service by statute." 5 USC §2102(a)(2). Third, the competitive service encompasses those "positions in the government of the District of Columbia which are specifically included in the competitive service by statute." 5 USC §2102(a)(3).

Arguably, the Board should take these statutory definitions into account in promulgating regulations. Under VEO, the regulations issued by the Board must be consistent with section 225 of the CAA (2 USC §1361), which in part requires as a rule of construction that, except where inconsistent with definitions and exemptions provided in the CAA, the definitions and exemptions in the laws made applicable by the CAA shall also apply. Applying this rule of construction to the foregoing definitions arguably yields the following conclusions. The first definition may not be relevant because legislative branch employees are not part of the executive branch. Similarly, the third definition may not be relevant because it pertains to employees of the government of the District of Columbia. In contrast, the second definition is arguably relevant because it includes "civil positions not in the executive branch," within which category falls the legislative branch (and the judicial branch). However, upon an initial review of those legislative offices in which "covered employees" as defined by VEO can be employed,[6] it may be that no "covered employee" in the legislative branch satisfies the qualification in the second definition that the job position be "specifically included in the competitive service by statute." Accordingly, insofar as the state authorizes the board to propose substantive regulations that are the same as the regulations of the executive branch, the Board could end up proposing regulations that apply to no one.

On the other hand, VEO mirrors the rulemaking provisions of the CAA in directing the Board upon good cause shown to modify executive branch regulations if it would be more "effective for the implementation of rights and protections" made applicable to covered employees.[7] Under this approach, the statute may authorize proposing modifications of the executive branch regulations to take account of the void in competitive service positions for covered employees. In other words, if the regulations are essentially ineffective because in practice they afford rights and protections to no one, should the Board authorize modifications that make them effective by applying the rights and protections of veterans' preference laws to some arguably analogous employees? If so, as a factual and legal matter, what modifications to the regulations does the statute authorize?

Second. While the applicable statutory appointment provisions (5 USC §§3309–3312) are directed with particularity to the competitive service, the applicable statutory retention provisions (5 USC chapter 35, subchapter

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[4] Generally, these are positions that are excepted by law, by executive order, or by the action of OPM placing a position or group of positions in what are known as excepted service Schedules A, B, or C. For example, certain entire agencies such as the Postal Service, the Federal Bureau of Investigation, and the Central Intelligence Agency are excepted by law. In other cases, certain jobs or classes of jobs in an agency are excepted by OPM. 5 CFR Part 213. This includes attorneys, chaplains, student trainees, and others.

[5] These generally are high-level, managerial positions in the executive department whose appointment does not require Senate confirmation. See 5 USC §3123(a)(2), which defines the term "Senior Executive Service position."

[6] The definition of "covered employee" under section VEO §4(c)(1) has the same meaning as the term under section 101 of the CAA, 2 USC §1302, which includes any employee of the House of Representatives, the Senate, the Capitol Guide Service, the Capitol Police, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, the Office of Compliance, or the Office of Technology Assessment. Under VEO §4(c)(5), the following employees are excluded from the term "covered employee": (A) presidential appointees confirmed by the Senate, (B) employees appointed by a Member of Congress or by a committee or subcommittee of either House of Congress, and (C) employees holding positions the duties of which are equivalent to those in Senior Executive Service.

[7] Compare VEO §4(c)(3)(B) with CAA §§202(d)(2), 203(c)(2), 204(c)(2), 205(c)(2), 206(c)(2), 210(e)(2), 215(d)(2), 220(d)(2)(A).

I) with one exception are not. Section 3501(b) states that subchapter I "applies to each employee in or under an Executive agency" without singling out the competitive service for specific coverage. Only §3504, which provides for waiver of physical requirements (including age, height, weight) for job retention purposes, is directed specifically to competitive service positions. Nonetheless, OPM has written major portions of the implementing regulations (found principally in 5 CFR Part 351) in terms of the competitive service and the excepted service. See, e.g., 5 CFR §351.501 (order of retention for competitive service), §351.502 (order of retention for excepted service). Were the Board simply to propose regulations that are the same as the executive branch's without modifications, there may not be any covered employees in the legislative branch who are in the competitive service or the excepted service, as defined by statute and regulation. Therefore, once again the issue of whether the statute authorizes a modification of these regulations arises.

Third. A survey of the regulations indicates that some of the rules promulgated by OPM[8] derive not from the statutory sections concerning veterans' preference that have been made applicable to the legislative branch through VEO but from OPM's overarching statutory authority to regulate and supervise civilian employment policies and practices in the executive branch pursuant to 5 USC §§1302–04. This latter supervisory authority arguably has not been bestowed upon the Board with respect to personnel management in the legislative branch. Therefore, a question is presented whether the Board's authority over veterans' preference is coextensive with OPM's authority to regulate personnel management in the executive branch. The Board must identify what parts of the veterans' preference regulations are an exercise of OPM's supervisory authority that arguably has not been bestowed upon the Board with respect to personnel management in the legislative branch, or determine that the statute authorizes the Board to exercise authority coextensive with OPM's authority to promulgate regulations governing the statutory sections made applicable through VEO.

Fourth. There is some indication that the Senate Committee on Veterans' Affairs was aware of the problem of applying the rights and protections of veterans' preference, including the regulations, to the legislative branch. The Senate Committee Report that accompanied the VEO bill included the following comment: "The Committee notes that the requirement that veterans' preference principles be extended to the legislative and judicial branches does *not* mandate the creation of civil service-type evaluation or scoring systems by these hiring entities. *It does require, however, that they create systems that are consistent with the underlying principles of veterans' preference laws.*"[9]

But in enacting the legislation Congress took no further steps to codify this precatory statement nor did it (or the Committee) provide any explanation of the intent of this highly general comment.[10] Therefore, the question is presented whether the statute requires the creation of "systems that are consistent with the underlying principles of veterans' preference laws"? If so, how is this to be effectuated? If not, what effect if any does this Committee comment have?

Fifth. By virtue of the selectivity with which Congress made veterans' preference laws applicable, there are regulations relating to veterans' preferences in Title 5 CFR that are not being considered because they are linked to statutory provisions not made applicable by VEO. Examples include regulations in Part 302 pertaining to the excepted service,[11] which were promulgated to implement 5 USC §3320; those regulations in Part 332 that implement 5 USC §3314 and §3315, which afford rights to preference eligible individuals who either have resigned or have been separated or furloughed without delinquency or misconduct; and those regulations in Subpart D of Part 315 that implement 5 USC §3316, which addresses the reinstatement rights of preference eligible individuals. The task of promulgating regulations that are the "same" as those of the executive branch will entail in part identifying and excluding those whose statutory underpinning has not been made applicable by VEO to the legislative branch.

Request for comment

In order to promulgate regulations that properly fulfill the directions and intent of these statutory provisions, especially in light of the foregoing analysis, the Board needs comprehensive information and comment on a variety of topics. The Board has determined that, before publishing proposed regulations for notice and comment, it will provide all interested parties and persons with this opportunity to submit comments, with supporting data, authorities and argument, as to the content of and bases for any proposed regulations. The Board wishes to emphasize, as it did in the development of the regulations issued to implement sections 202, 203, 204, 205, and 220 of the CAA, that commentors who propose a modification of the regulations promulgated by OPM for the executive branch, based upon an assertion of "good cause," should provide specific and detailed information and the rationale necessary to meet the statutory requirements for good cause to depart from the executive branch's regulations. It is not enough for commentors simply to propose a revision to the executive branch's regulations or to request guidance on an issue; rather, if commentors desire a change in the executive branch's regulations, they must explain the legal and factual basis for the suggested change. The Board must have these explanations and information if it is to be able to evaluate proposed regulations and make proposed regulatory changes. Failure to provide such information and authorities will greatly impede, if not prevent, adoption of proposals suggested by commentors.

So that it may make more fully informed decisions regarding the promulgation and issuance of regulations, in addition to inviting and encouraging comments on all relevant matters, the Board specifically requests comments on the following issues:

(1) What positions, if any, of the legislative branch encumbered by "covered employees" (as defined by §4(c)(1) of VEO) fall within the meaning of the "competitive service" as the latter term is used in 5 USC §§3309–3312?

(2) In the absence of any such "competitive service" positions in the legislative branch, what, if any, positions held by "covered employees" are subject to a merit-based system of appointment (which may include examinations, testing, evaluation, scoring and such other elements that are common to the "competitive service" of the executive branch)?

(3) Does VEO authorize the Board to extend the rights and protections of veterans' preference for purposes of appointment to those positions identified in (2) above notwithstanding they are not technically "competitive service" positions?

(4) In order to provide for effective implementation of veterans' preference rights, could the Board, under the "good cause" provision of §4(c)(4)(B) and VEO, modify the most relevant substantive regulations of the executive branch pertaining to veterans' preference in the appointment of "covered employees" so as to make them applicable to the legislative branch without reference to the "competitive service"?

(5) How would the rights and protections of subchapter I of chapter 35, Title 5 USC (pertaining to retention during RIFs), be applied to "covered employees" (as defined by §4(c)(1) of VEO)?

(6) Does VEO authorize the Board to extend the rights and protections of veterans' preference for purposes of retention during reductions in force to "covered employees" holding positions that are not technically within the "competitive service" or the "excepted service"?

(7) In order to provide for effective implementation of veterans' preference rights, could the Board, under the "good cause" provision of §4(c)(4)(B) of VEO, modify the most relevant substantive regulations of the executive branch pertaining to veterans' preference in the retention of "covered employees" during reductions in force so as to make them applicable to the legislative branch without reference to the "competitive service" or the "excepted service"?

(8) In view of the fact that VEO does not explicitly grant the Board the authority exercised by OPM under 5 USC §§1103, 1104, 1301 and 1302 to execute, administer, and enforce the federal civil service system, does the Board have the authority to propose regulations that would vest the Board with responsibilities similar to OPM's over employment practices involving covered employees in the legislative branch?

(9) Is the Board empowered by the statute to give effect to the comment in the legislative history that employing offices of the legislative branch should "create systems that are consistent with the underlying principles of veterans' preference laws," as discussed by the Senate Report accompanying the bill enacted as VEO (Sen. Rept. 105–340, 105th Cong., 2d Sess., at 17 (Sept. 21, 1998)? If so, how should such effect be given?

(10) Under VEO, what steps, if any, must employing offices of the legislative branch take to "create systems that are consistent with the underlying principles of veterans' preference laws," as discussed by the Senate Report accompanying the bill enacted as VEO (Sen. Rept. 105–340 (105th Cong., 2d Sess. Sept. 21, 1998), at 17)?

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[8] See, e.g. 5 CFR §351.205 ("The Office of Personnel Management may establish further guidance and instructions for planning preparation, conduct and review of reduction in force through the Federal Personnel Manual System. OPM may examine an agency's preparations for reduction in force at any stage.").

[9] Sen. Rept. 105–340, 105 Cong., 2d Sess. at 17 (Sept. 21, 1998).

[10] Compare Administrative Office of the United States Courts Personnel Act of 1990, Pub. L. 101–474, 104 Stat. 1097, §3. Individuals in this office of the judicial branch are afforded the right to veterans' preference "in a manner and to an extent consistent with preference accorded to preference eligibles in the executive branch." §3(a)(11). However, the Congress also empowered the Director of the Administrative Office to establish by regulation a personnel management system that parallels many of the features of the executive branch's personnel system regulated by OPM. VEO contains no comparable provisions giving similar powers to the Board or any other legislative branch entity.

[11] For a description of the "excepted service," see note 4 infra.

(11) With respect to positions restricted to preference eligible individuals under 5 USC §3310, namely guards, elevator operators, messengers, and custodians, the Board seeks information and comment on the following issues and questions:

(a) The identity, in the legislative branch, of guard, elevator operator, messenger, and custodian positions within the meaning of these terms under 5 USC §3310.

(b) The identity of covered employing offices responsible for personnel decisions affecting employees who fill positions of guard, elevator operator, messenger, and custodian within the meaning of 5 USC §3310 and the implementing regulations.

(c) Would police officers and other employees of the United States Capitol Police be considered "guards" under the application of the rights and protections of this section to covered employees under VEO?

(d) Whether the current methods of hiring include an entrance examination within the meaning of 5 CFR §330.401 and, if not, whether the affected employing offices believe that the statute mandates the creation of such an examination and/or allows such an examination to be required of the employing offices?

(e) What changes, if any, in the regulations are required to effectuate the rights and protections of 5 USC §3310 as applied by VEO?

(12) Which executive branch regulations, if any, should not be adopted because they are promulgated to implement inapplicable statutory provisions of veterans' preference law or are otherwise inapplicable to the legislative branch?

(13) What modification, if any, of the executive branch regulations would make them more effective for the implementation of the rights and protections made applicable under VEO as provided by VEO §4(c)(4)(B)?

Signed at Washington, DC, on this 16th day of February, 2000.

GLEN D. NAGER,
Chair of the Board,
Office of Compliance.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6520. A letter from the Under Secretary, Research Education, and Economics, Department of Agriculture, transmitting the Department's final rule—Stakeholder Input Requirements for Recipients of Agricultural Research, Education, and Extension Formula Funds (RIN: 0584-AA23) received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6521. A letter from the Under Secretary, Acquisition and Technology, Department of Defense, transmitting the annual report detailing test and evaluation activities of the Foreign Comparative Testing Program during FY 1999, pursuant to 10 U.S.C. 2350a(g); to the Committee on Armed Services.

6522. A letter from the Assistant Secretary of Defense, Health Affairs, Department of Defense, transmitting Final Report Chiropractic Health Care Demonstration Program; to the Committee on Armed Services.

6523. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the 2000 "International Narcotics Control Strategy Report," pursuant to 22 U.S.C. 2291(b)(2); to the Committee on International Relations.

6524. A letter from the Acting Deputy Associate Administrator for Acquisition Policy, Office of Governmentwide Policy, GSA, Department of Defense, transmitting the Department's final rule—Federal Acquisition Regulation; Foreign Acquisition (Part 25 Rewrite) [FAC 97-15; FAR Case 97-024; Item II] (RIN: 9000-AH30), received January 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6525. A letter from the Director, Executive Office of the President, Office of Administration, transmitting the Integrity Act reports for each of the Executive Offices of the President, as required by the Federal Managers' Financial Integrity Act; to the Committee on Government Reform.

6526. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Atlantic Surf Clam and Ocean Quahog Fishery; Suspension of Minimum Surf Clam Size for 2000 [I.D. 122299B] received January 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6527. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Pacific Yellow Tuna Fisheries; Closure of U.S. Purse Seine Fishery for Yellowfin Tuna in the Eastern Pacific Ocean [Docket No. 991207319-9319-01; I.D. 120899A] received January 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6528. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Closures of Specified Groundfish Fisheries in the Gulf of Alaska [Docket No. 991223348-9348-01; I.D. 122399A] received January 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6529. A letter from the Chief Justice, Supreme Court of the United States, transmitting a copy of the Report of the Proceedings of the Judicial Conference of the United States, held in Washington D.C., on September 15, 1999, pursuant to 28 U.S.C. 331; to the Committee on the Judiciary.

6530. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Garrison, ND [Airspace Docket No. 99-AGL-51] received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6531. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Burlington, VT [Airspace Docket No. 99-ANE-93] received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6532. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Burlington, VT [Airspace Docket No. 99-ANE-94] received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6533. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; O'Neill, NE [Airspace Docket No. 99-ACE-55] received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6534. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Grand Island, NE [Airspace Docket No. 99-ACE-56] received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6535. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Ord, NE [Airspace Docket No. 00-ACE-2] received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6536. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Remove Class D and Class E Airspace; Kansas City, Richards-Gebaur Airport, MO [Airspace Docket No. 00-ACE-4] received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6537. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Creston, IA [Airspace Docket No. 00-ACE-1] received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6538. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Monticello, IA [Airspace Docket No. 00-ACE-5] received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6539. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767 Series Airplanes [Docket No. 97-NM-186-AD; Amendment 39-11468; AD 99-26-09] (RIN: 2120-AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6540. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD-11 Series Airplanes [Docket No. 99-NM-262-AD; Amendment 39-11463; AD 99-26-03] (RIN: 2120-AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6541. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737-100, -200, and -200C Series Airplanes [Docket No. 98-NM-189-AD; Amendment 39-11466; AD 99—26-07] (RIN: 2120-AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6542. A letter from the Deputy Executive Secretary, Department of Health and Human Services, transmitting the Department's final rule—Tribal Temporary Assistance for Needy Families Program (Tribal TANF) and Native Employment Works (NEW) Program (RIN: 0970-AB78) received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6543. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Comments on Items for Year 2000 Published Guidance Priority List [Notice 2000-10] received January 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTED BILL SEQUENTIALLY REFERRED

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 3244. Referred to the Committee on Ways and Means for a period ending not later than March 24, 2000, for consideration of such provisions of the bill and amendment recommended by the Committee on International Relations as fall within the jurisdiction of that committee pursuant to clause 1(s), rule X.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. FRANKS of New Jersey:

H.R. 3871. A bill to establish a Federal Internet Crimes Against Children computer training facility; to the Committee on the Judiciary.

By Mrs. JOHNSON of Connecticut (for herself, Mrs. Thurman, and Mr. Shays):

H.R. 3872. A bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs; to the Committee on Ways and Means.

By Mr. KILDEE (for himself, Mr. Scott, and Mrs. McCarthy of New York):

H.R. 3873. A bill to assist local educational agencies in financing and establishing alternative education systems, and for other purposes; to the Committee on Education and the Workforce.

By Mr. RANGEL (for himself, Mr. Gephardt, Mr. Bonior, Mr. Matsui, Mr. Coyne, Mr. Neal of Massachusetts, Mr. Obey, Mr. LaFalce, Mrs. Mink of Hawaii, Mr. Skelton, Mr. Stenholm, Mr. Ackerman, Mr. Spratt, Mr. Evans, Mr. Wise, Mr. Sawyer, Mr. Serrano, Mr. Abercrombie, Mr. Engel, Ms. DeLauro, Mr. Nadler, Mr. Hinchey, Mr. Brown of Ohio, Ms. Eddie Bernice Johnson of Texas, Mr. Stupak, Mr. Wynn, Mr. Forbes, Mr. Kind, Mr. Strickland, Mr. McGovern, Mr. Turner, Mr. Boswell, Mr. Hinojosa, Ms. Sanchez, Mr. Sandlin, Mr. Wu, Mr. Holt, Mrs. Capps, Mr. Meeks of New York, Mr. Larson, Ms. Berkley, Mrs. Napolitano, Mr. Phelps, Mr. Gonzalez, Mr. Inslee, and Mr. Udall of Colorado):

H.R. 3874. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; to the Committee on Ways and Means.

By Mr. COLLINS (for himself, Mr. Tanner, Mr. Hayworth, Mr. Lewis of Georgia, Mrs. Johnson of Connecticut, and Mrs. Thurman):

H.R. 3875. A bill to suspend temporarily the duty on certain steam or other vapor generating boilers used in nuclear facilities; to the Committee on Ways and Means.

By Mr. COYNE:

H.R. 3876. A bill to suspend temporarily the duty on Baytron P; to the Committee on Ways and Means.

By Mr. COYNE:

H.R. 3877. A bill to suspend temporarily the duty on dimethyl dicarbonate; to the Committee on Ways and Means.

By Mr. GEJDENSON:

H.R. 3878. A bill to authorize the Secretary of the Army to convey land to the town of Thompson, Connecticut, for fire fighting and emergency services purposes; to the Committee on Transportation and Infrastructure.

By Mr. GEJDENSON (for himself, Mr. Meeks of New York, Mr. Towns, Mr. Hall of Ohio, Mr. McDermott, Mr. Snyder, Ms. Lee, Ms. Millender-McDonald, and Mr. Wexler):

H.R. 3879. A bill to support the Government of the Republic of Sierra Leone in its peace-building efforts, and for other purposes; to the Committee on International Relations, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRAHAM (for himself, Mr. George Miller of California, and Mr. Kildee):

H.R. 3880. A bill to increase the amount of student loans that may be forgiven for service as a teacher in a school with a high concentration of low-income students; to the Committee on Education and the Workforce.

By Mr. GRAHAM:

H.R. 3881. A bill to amend the Internal Revenue Code of 1986 to repeal the 1993 4.3-cent increases in motor fuel taxes; to the Committee on Ways and Means.

By Mr. INSLEE (for himself, Mr. Dicks, Mr. Metcalf, Mr. Smith of Washington, Mr. Baird, and Mr. McDermott):

H.R. 3882. A bill to require the Secretary of the Army to conduct studies and to carry out ecosystem restoration and other protective measures within Puget Sound, Washington, and adjacent waters, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KUCINICH (for himself, Mr. Metcalf, Mr. Hinchey, Mr. Conyers, Mr. Sanders, Ms. Woolsey, and Ms. Lee):

H.R. 3883. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of genetically engineered foods; to the Committee on Commerce.

By Mr. LAFALCE (for himself, Mr. Kanjorski, Mr. Maloney of Connecticut, Ms. Hooley of Oregon, Mr. Weygand, Ms. Lee, Mr. Forbes, Mr. Gutierrez, Mr. Sandlin, Mr. Romero-Barcelo, and Mrs. Christensen):

H.R. 3884. A bill to amend section 203 of the National Housing Act to provide for 1 percent downpayments for FHA mortgage loans for teachers and public safety officers to buy homes within the jurisdictions of their employing agencies; to the Committee on Banking and Financial Services.

By Mr. LAHOOD (for himself and Mr. Rush):

H.R. 3885. A bill to amend the Public Health Service Act to revise and extend the programs relating to organ procurement and transplantation; to the Committee on Commerce.

By Mr. LEACH (for himself, Mr. LaFalce, Mrs. Roukema, and Mr. Vento):

H.R. 3886. A bill to combat international money laudering, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. LEVIN (for himself, Mr. Foley, Mr. Pallone, Mr. Leach, Mr. Moran of Virginia, Mr. Bonior, and Ms. Berkley):

H.R. 3887. A bill to promote primary and secondary health promotion and disease prevention services and activities among the elderly, to amend title XVIII of the Social Security Act to add preventive benefits, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Ways and Means, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY of New York:

H.R. 3888. A bill to amend the Federal Election Campaign Act of 1971 to require the disclosure of certain information by persons conducting phone banks during campaigns for election for Federal office, and for other purposes; to the Committee on House Administration.

By Mrs. MCCARTHY of New York (for herself and Mr. Gilman):

H.R. 3889. A bill to provide for the construction and renovation of child care facilities, and for other purposes; to the Committee on Banking and Financial Services.

By Mrs. MINK of Hawaii:

H.R. 3890. A bill to amend title II of the Social Security Act to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies if the recipient dies after the first 15 days of such month, and for other purposes; to the Committee on Ways and Means.

By Mrs. MORELLA (for herself, Ms. Pelosi, Mrs. Kelly, Mrs. Maloney of New York, Mr. Boehlert, and Mr. Greenwood):

H.R. 3891. A bill to amend the Public Health Service Act with respect to facilitating the development of microbicides to prevent the transmission of sexually transmitted diseases; to the Committee on Commerce.

By Mr. PALLONE:

H.R. 3892. A bill to amend the Marine Protection, Research, and Sanctuaries Act of 1972 to transfer to a Commission on Dredge Material Policy the authority to issue permits for transportation of dredged material for the purpose of dumping it into ocean waters; to the Committee on Transportation and Infrastructure.

By Mr. PALLONE:

H.R. 3893. A bill to amend the Marine Protection, Research, and Sanctuaries Act of 1972 to restrict ocean dumping at the site off the coast of New Jersey known as the "Historic Area Remediation Site", to dumping of dredged material having levels of contaminants that do not exceed background ambient contamination levels; to the Committee on Transportation and Infrastructure.

By Mr. PALLONE:

H.R. 3894. A bill to amend the Marine Protection, Research, and Sanctuaries Act of 1972 to restrict ocean dumping at the site off the coast of New Jersey known as the "Historic Area Remediation Site", to dumping of dredged material from States that have developed and made commercially available alternative uses for dredged material, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. PASCRELL (for himself, Mrs. Roukema, Mr. Holt, Mr. Andrews, Mr. Franks of New Jersey, Mr. Kennedy of Rhode Island, Mr. Frelinghuysen, Mrs. McCarthy of New York, Mr. Pallone, Mr. Wynn, and Mr. Rothman):

H.R. 3895. A bill to provide for disclosure of fire safety standards and measures with respect to campus buildings, and for other purposes; to the Committee on Education and the Workforce.

By Mr. RAMSTAD (for himself, Mr. Davis of Virginia, Mr. Ehrlich, Mr. Moran of Virginia, Mr. Rothman, Ms. Sanchez, Mr. Sherman, Mr. Strickland, and Mr. Terry):

H.R. 3896. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide standards and procedures to guide both State and local law enforcement agencies and law enforcement officers during internal investigations, interrogation of law enforcement officers, and administrative disciplinary hearings, to ensure accountability of law enforcement officers, to guarantee the due process rights of law enforcement officers, and to require States to enact law enforcement discipline, accountability, and due process laws; to the Committee on the Judiciary.

By Mr. REYES (for himself, Mr. Cummings, Mr. Hinojosa, Ms. Roybal-Allard, Mr. Wynn, Mrs. Napolitano, Ms. Eddie Bernice Johnson of Texas, Mr. Rodriguez, Mr. Gutierrez, Mr. Martinez, Mr. Romero-Barçelo, Mr. Becerra, Mr. Serrano, Mr. Gonzalez, Mr. Crowley, and Ms. Waters):

H.R. 3897. A bill to provide for digital empowerment, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on Commerce, Banking and Financial Services, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROHRABACHER (for himself, Mr. Sensenbrenner, Mr. Hall of Texas, Mr. Gordon, Mr. Weldon of Florida, Mr. Calvert, Mr. Bartlett of Maryland, Mr. Lucas of Oklahoma, Mr. Cook, and Ms. Jackson-Lee of Texas):

H.R. 3898. A bill to amend the Internal Revenue Code of 1986 to exclude from Federal taxation certain income derived from the manufacture of products and provision of services in outer space; to the Committee on Ways and Means.

By Mrs. ROUKEMA (for herself, Mr. Dreier, Mr. Royce, Mr. Metcalf, Mr. LaFalce, Mr. Vento, Mr. Bentsen, and Mr. Kanjorski):

H.R. 3899. A bill to merge the deposit insurance funds at the Federal Deposit Insurance Corporation; to the Committee on Banking and Financial Services.

By Mrs. ROUKEMA (for herself, Mr. Leach, Mr. McCollum, Mr. Bereuter, Mr. Baker, Mr. Bachus, Mr. Castle, Mr. King, Mrs. Kelly, Mr. Paul, Mr. Metcalf, Mr. Lucas of Oklahoma, Mr. English, Mr. Sweeney, Mr. Hill of Montana, Mr. Jones of North Carolina, Mr. Sessions, Mr. Terry, and Mr. Manzullo):

H.R. 3900. A bill to repeal the authority of the Federal Deposit Insurance Corporation and the Board of Governors of the Federal Reserve System to impose examination fees on State depository institutions; to the Committee on Banking and Financial Services.

By Ms. SCHAKOWSKY:

H.R. 3901. A bill to amend the Truth in Lending Act, the Revised Statutes of the United States, the Home Mortgage Disclosure Act of 1975, the Home Ownership and Equity Protection Act of 1994 to protect consumers from predatory lending practices, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. TRAFICANT:

H.R. 3902. A bill to impose a civil penalty on any energy-producing company that implements an unreasonable price increase for crude oil, residual fuel oil, or refined petroleum products; to the Committee on Commerce.

By Mr. DEUTSCH (for himself, Mr. Ackerman, Mr. Andrews, Mr. Baker, Mr. Berman, Mrs. Bono, Mr. Brown of Ohio, Mr. Cannon, Mr. Chabot, Mr. Diaz-Balart, Mr. Doolittle, Mr. Forbes, Mr. Gonzalez, Mr. Hinchey, Mr. Hoeffel, Mr. Jefferson, Mr. King, Mrs. Lowey, Mr. McIntosh, Mr. McNulty, Mr. Martinez, Mr. Payne, Mr. Rogan, Mr. Rohrabacher, Mr. Royce, Mr. Sandlin, Mr. Schaffer, Mr. Stark, Mr. Tancredo, Mr. Wexler, and Mr. Wynn):

H. Con. Res. 272. Concurrent resolution commending the people of Taiwan for reaffirming, in their upcoming presidential elections, their dedication to democratic ideals, and for other purposes; to the Committee on International Relations.

By Mr. GEJDENSON (for himself, Mr. Gilman, Mr. Sanders, Mr. Larson, Mr. Hinojosa, Mr. Clement, Mr. Gilchrest, Mr. Minge, Ms. Danner, Mr. Barcia, Mr. Burr of North Carolina, and Mr. Walsh):

H. Con. Res. 273. Concurrent resolution expressing the sense of Congress concerning drawdowns of the Strategic Petroleum Reserve; to the Committee on Commerce.

By Mr. KLINK (for himself, Mr. Baldacci, Mr. Murtha, Mr. Holden, Mr. Coyne, Mr. Brady of Pennsylvania, Mr. Gejdenson, Mr. Wynn, Mr. Olver, Mr. Sanders, Mr. Weygand, and Mr. Maloney of Connecticut):

H. Con. Res. 274. Concurrent resolution expressing the sense of the Congress concerning drawdowns of the Strategic Petroleum Reserve; to the Committee on Commerce.

By Mr. WEXLER (for himself, Mr. Price of North Carolina, Mr. Rohrabacher, Mr. Kucinich, and Mr. Meeks of New York):

H. Con. Res. 275. Concurrent resolution expressing the sense of the Congress with regard to Iraq's failure to release prisoners of war from Kuwait and nine other nations in violation of international agreements; to the Committee on International Relations.

By Mr. GEKAS (for himself, Mr. Bentsen, Mr. Callahan, Mrs. Morella, Mr. Nethercutt, Ms. Pelosi, and Mr. Porter):

H. Res. 437. A resolution to express the sense of the House of Representatives that the Federal investment in biomedical research should be increased by $2,700,000,000 in fiscal year 2001; to the Committee on Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. YOUNG of Alaska introduced a bill (H.R. 3903) to deem the vessel M/V MIST COVE to be less than 100 gross tons, as measured under chapter 145 of title 46, United States Code; which was referred to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 3: Mrs. Chenoweth-Hage.

H.R. 27: Mr. Manzullo.

H.R. 40: Mr. Traficant.

H.R. 72: Mr. Mica.

H.R. 82: Mr. Saxton and Mr. Bartlett of Maryland.

H.R. 86: Mr. Buyer.

H.R. 90: Mr. Gejdenson.

H.R. 107: Mr. Vitter.

H.R. 303: Mr. Doyle, Mr. Dooley of California, Mr. Shays, Mr. Isakson, and Mr. Hinojosa.

H.R. 363: Mr. Foley, Mr. Pastor, Mr. Strickland, and Ms. Eshoo.

H.R. 373: Mr. Sessions.

H.R. 488: Mr. Ford and Ms. Carson.

H.R. 515: Ms. Rivers.

H.R. 519: Mr. Whitfield.

H.R. 618: Mr. Bachus.

H.R. 623: Mr. Shadegg.

H.R. 664: Mr. Moakley.

H.R. 701: Mr. Synder and Mr. Goodling.

H.R. 780: Mr. McHugh, Ms. Carson, and Mr. Bishop.

H.R. 802: Mr. Boswell, Mr. Baird, Mr. Young of Florida, Mr. Fletcher, Mr. Reyes, Mr. Wynn, Ms. Berkley, and Mrs. Mink of Hawaii.

H.R. 809: Mr. Forbes.

H.R. 816: Mr. Rothman and Mrs. Maloney of New York.

H.R. 827: Mr. Baird.

H.R. 829: Ms. Woolsey.

H.R. 852: Mr. Minge.

H.R. 864: Mr. Deal of Georgia, Mr. Barr of Georgia, Mr. Smith of Texas, and Ms. Granger.

H.R. 865: Mr. Abercrombie.

H.R. 870: Mr. Hilleary.

H.R. 896: Mr. Nussle and Mr. Sessions.

H.R. 937: Mr. Goodling.

H.R. 979: Mrs. Jones of Ohio, Mr. Boswell, Mr. DeFazio, and Mr. Smith of Washington.

H.R. 997: Mr. Sessions.

H.R. 1016: Mr. Herger, Mr. Coburn, Mr. Tancredo, Mr. Paul, Mr. Toomey, Mr. Pitts, Mr. Terry, and Mr. Bartlett of Maryland.

H.R. 1020: Mr. Andrews and Mr. Sisisky.

H.R. 1021: Mr. Conyers.

H.R. 1041: Mr. Rogan.

H.R. 1046: Ms. DeLauro.

H.R. 1071: Mr. Udall of New Mexico.

H.R. 1093: Mr. Ryan of Wisconsin.

H.R. 1102: Mr. Terry and Mr. Ford.

H.R. 1194: Mr. Frost.

H.R. 1221: Mr. LaHood.

H.R. 1315: Mr. Kuykendall.

H.R. 1349: Mr. DeFazio.

H.R. 1352: Mr. Holt.

H.R. 1367: Mr. Boswell.

H.R. 1413: Mr. Sam Johnson of Texas.

H.R. 1422: Ms. Stabenow and Mr. Oberstar.

H.R. 1505: Mr. Greenwood and Mr. Holden.

H.R. 1509: Mr. Norwood, Mrs. Fowler, Ms. McKinney, Mr. Lewis or Georgia, Mr. Taylor of Mississippi, Mr. Leach, and Ms. Lofgren.

H.R. 1621: Mr. Reyes and Mr. Taylor of Mississippi.

H.R. 1650: Ms. BERKLEY.

H.R. 1728: Mr. ANDREWS.

H.R. 1795: Mr. CUMMINGS and Mr. LEACH.

H.R. 1870: Mr. McNULTY, Mr. KENNEDY of Rhode Island, Mrs. MYRICK, and Ms. GRANGER.

H.R. 1926: Mr. TRAFICANT.

H.R. 2000: Mr. PICKETT, Mr. JENKINS, Mr. WHITFIELD, and Mr. DOOLITTLE.

H.R. 2059: Mr. FILNER.

H.R. 2088: Mr. ISAKSON.

H.R. 2100: Mr. FRANK of Massachusetts and Mr. PRICE of North Carolina.

H.R. 2101: Mr. UPTON.

H.R. 2121: Mr. CANNON.

H.R. 2129: Mr. ROGAN, Mr. BISHOP, Mr. SHOWS, Mr. OXLEY, Mr. HILLEARY, Ms. McKINNEY, and Mr. OSE.

H.R. 2267: Mr. OBEY and Mr. PETRI.

H.R. 2362: Mr. OXLEY.

H.R. 2372: Mr. RADANOVICH.

H.R. 2409: Mr. OBERSTAR.

H.R. 2459: Mr. REYES, Ms. MILLENDER-McDONALD, and Mr. McGOVERN.

H.R. 2550: Mr. OSE.

H.R. 2594: Mr. ROTHMAN.

H.R. 2631: Mr. CLYBURN, Mrs. THURMAN, Mr. DeFAZIO, and Mr. UDALL of Colorado.

H.R. 2660: Mr. HASTINGS of Florida.

H.R. 2697: Mr. ROMERO-BARCELÓ.

H.R. 2738: Mr. BLUMENAUER.

H.R. 2765: Ms. LOFGREN, Mr. FORBES, Mr. HOEFFEL, Mr. WEXLER, and Mrs. MORELLA.

H.R. 2812: Mr. HILLIARD, Mr. EVANS, Mrs. MEEK of Florida, Ms. SLAUGHTER, Mr. OBERSTAR, Mrs. JONES of Ohio, Mr. OWENS, Mr. RANGEL, Mr. STRICKLAND, Mr. JACKSON of Illinois, Mr. STUPAK, and Ms. CARSON.

H.R. 2817: Mr. PRICE of North Carolina and Mr. LUCAS of Kentucky.

H.R. 2836: Mr. BAKER.

H.R. 2867: Mr. TANCREDO and Mr. SOUDER.

H.R. 2870: Mr. RAHALL.

H.R. 2892: Ms. DeLAURO.

H.R. 2894: Mr. UPTON.

H.R. 2915: Mr. EVANS and Mr. GORDON.

H.R. 2919: Mr. SOUDER.

H.R. 2934: Mr. KUCINICH, Mr. CONYERS, Mr. JEFFERSON, Mr. CLEMENT, Ms. MILLENDER-McDONALD, Mrs. CLAYTON, Mrs. THURMAN, Mrs. TAUSCHER, Ms. LEE, Ms. LOFGREN, Mr. STARK, Mr. PAYNE, Mr. BOUCHER, and Mr. HINCHEY.

H.R. 2965: Mr. DIXON.

H.R. 2966: Mr. HINOJOSA.

H.R. 2973: Mr. McHUGH.

H.R. 2991: Mr. HAYWORTH and Mr. JENKINS.

H.R. 3008: Mr. HINCHEY, Ms. McKINNEY, and Ms. DeLAURO.

H.R. 3054: Mr. BLUMENAUER, Mr. MORAN of Virginia, Mr. BONIOR, and Mr. McGOVERN.

H.R. 3071: Mrs. CLAYTON.

H.R. 3083: Mr. MALONEY of Connecticut and Mr. ROMERO-BARCELO.

H.R. 3091: Mr. CONYERS.

H.R. 3174: Mr. BARR of Georgia, Mr. KOLBE, and Mr. WAMP.

H.R. 3193: Mr. LATHAM.

H.R. 3195: Mr. FILNER, Mr. GILCHREST, Mr. DIXON, and Mr. CLEMENT.

H.R. 3202: Mr. SMITH of New Jersey.

H.R. 3210: Ms. McKINNEY.

H.R. 3249: Mr. FILNER and Mr. WAXMAN.

H.R. 3273: Ms. LOFGREN, Mr. FROST, Mr. ABERCROMBIE, and Mr. McGOVERN.

H.R. 3294: Mr. RILEY.

H.R. 3301: Mr. QUINN, Ms. McKINNEY, and Mrs. ROUKEMA.

H.R. 3320: Mr. GOODLING.

H.R. 3328: Mr. GEJDENSON.

H.R. 3375: Mr. LAMPSON, Mr. ETHERIDGE, Mr. BARRETT of Wisconsin, Ms. STABENOW, and Ms. JACKSON-LEE of Texas.

H.R. 3396: Mr. KUYKENDALL, Mr. ROGAN, Mr. BERMAN, Mr. DOOLITTLE, Mr. DREIER, and Mrs. BONO.

H.R. 3460: Mr. BURTON of Indiana.

H.R. 3508: Ms. HOOLEY of Oregon, and Mr. PAYNE.

H.R. 3514: Ms. PRYCE of Ohio, Mr. DIAZ-BALART, Mr. KENNEDY of Rhode Island, Mr. BROWN of Ohio, Ms. CARSON, and Mr. TIERNEY.

H.R. 3519: Ms. CARSON.

H.R. 3543: Ms. CARSON, Mr. ETHERIDGE, and Ms. STABENOW.

H.R. 3546: Mr. FRANK of Massachusetts, Mr. HOEFFEL, Mr. MEEKS of New York. Mr. TIERNEY, Mr. CUMMINGS, Mr. DELAHUNT, Ms. LEE, Ms. HOOLEY of Oregon, Mrs. MORELLA, Mr. MARKEY, Ms. LOFGREN, Mr. KUCINICH, Mr. INSLEE, Mr. EVANS, Mr. LIPINSKI, Ms. DeGETTE, Mr. GILMAN. Mr. GOODLING, Mr. RANGEL, Ms. MILLENDER-McDONALD, Ms. McKINNEY, Mr. HINCHEY, and Mr. KUYKENDALL.

H.R. 3573: Mr. THUNE, Mr. HINOJOSA, Mr. McNULTY, Mr. COLLINS, Mr. HYDE, Mr. BAIRD, and Mr. KILDEE.

H.R. 3575: Mr. GORDON, Mr. McGOVERN, Mr. SMITH of Washington, Mr. BARRETT of Wisconsin, and Mr. DUNCAN.

H.R. 3582: Mr. GOODLING.

H.R. 3593: Mr. EWING, Mr. CONDIT, Mr. BARRETT of Nebraska, and Mr. THOMPSON of California.

H.R. 3594: Mrs. EMERSON, Mr. INSLEE, Mr. TAUZIN, Mr. McCOLLUM, Mr. FRELINGHUYSEN, Mr. BOEHNER, Mr. SIMPSON, Ms. CARSON, Mr. CONDIT, Mr. MINGE, Mr. SPRATT, and Mr. KIND.

H.R. 3613: Mr. BALDACCI, Mr. GONZALEZ, and Mr. GUTIERREZ.

H.R. 3626: Mr. HAYWORTH.

H.R. 3629: Mr. THUNE.

H.R. 3634: Mr. CAPUANO, Ms. DeGETTE, Ms. CARSON, and Mrs. MEEK of Florida.

H.R. 3639: Ms. JACKSON-LEE of Texas, Mr. ABERCROMBIE, Mr. SISISKY, Mr. KANJORSKI, and Mr. GEJDENSON.

H.R. 3644: Mr. MALONEY of Connecticut and Mr. McGOVERN.

H.R. 3655: Ms. CARSON, Ms. LOFGREN, Mr. STENHOLM, and Mr. PAYNE.

H.R. 3660: Mr. BATEMAN, Mr. SMITH of Michigan, Mr. LUCAS of Kentucky, Mr. HAYWORTH, and Mr. LATHAM.

H.R. 3692: Mr. CALVERT.

H.R. 3694: Mr. McNULTY.

H.R. 3695: Mr. NUSSLE, Mr. HOEKSTRA, Mr. SESSIONS, and Mr. SALMON.

H.R. 3698: Mr. WAXMAN, Mr. SCOTT, Ms. DeGETTE, Mr. LEWIS of Kentucky, Mr. HILLEARY, and Mr. RAHALL.

H.R. 3700: Mr. McHUGH, Mr. HINCHEY, and Mr. LIPINSKI.

H.R. 3702: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 3709: Mr. COOK, Mr. DeFAZIO and Ms. MILLENDER-McDONALD.

H.R. 3710: Mr. BONIOR, Mr. MARKEY, Mr. REYES, Mr. MURTHA, Mr. DELAHUNT, Mr. HOEFFEL, and Mr. WHITFIELD.

H.R. 3732: Ms. BALDWIN and Mr. FRANK of Massachusetts.

H.R. 3767: Mr. GALLEGLY.

H.R. 3807: Ms. PELOSI and Mr. WEINER.

H.R. 3809: Mr. BALDACCI.

H.R. 3825: Mr. LEACH.

H.R. 3842: Mr. BALDACCI, Mr. CARDIN, and Mr. FATTAH.

H.R. 3844: Mr. COLLINS, Mr. DREIER, Mr. HERGER, Mr. BILBRAY, Mr. ROHRABACHER, Mrs. CHENOWETH-HAGE, Mr. McKEON, Mr. BARTLETT of Maryland, Mrs. BONO, Mr. McHUGH, and Mr. CALVERT.

H.J. Res. 90: Mr. NORWOOD.

H. Con. Res. 115: Mr. BENTSEN and Mr. HOYER.

H. Con. Res. 119: Mr. BILIRAKIS.

H. Con. Res. 225: Mr. FROST, Mr. NEAL of Massachusetts, Mr. FRANK of Massachusetts, Ms. LOFGREN, Mr. ROMERO-BARCELO, Mr. ANDREWS, Mr. GUTIERREZ, Mr. ROTHMAN, Mr. RAHALL, Mr. ROHRABACHER, and Mr. BAIRD.

H. Con. Res. 250: Mr. RANGEL and Mr. WATT of North Carolina.

H. Con. Res. 253: Mr. WELDON of Florida, Mr. CHABOT, Mr. PAUL, Mrs. CHENOWETH-HAGE, Mr. TOOMEY, Mr. SANFORD, Mr. SHADEGG, Mr. DICKEY, Mr. SMITH of Michigan, Mr. SAM JOHNSON of Texas, Mr. SUNUNU, Mr. LARGENT, Mr. COBURN, Mr. BURTON of Indiana, and Mr. SOUDER.

H. Con. Res. 254: Mr. GIBBONS, Mr. CANNON, Mr. WALDEN of Oregon, Mr. STUMP, Mr. THUNE, and Mr. HAYWORTH.

H. Con. Res. 261: Ms. EDDIE BERNICE JOHNSON of Texas.

H. Con. Res. 265: Mr. GILMAN.

H. Con. Res. 267: Mr. NADLER.

H. Res. 107: Mr. ACKERMAN, Mr. McDERMOTT, and Mr. HILLIARD.

H. Res. 187: Mr. FORBES.

H. Res. 213: Mr. BUYER, Ms. DeLAURO, and Mrs. THURMAN.

H. Res. 397: Ms. CARSON and Mr. DOOLEY of California.

H. Res. 429: Mr. BONIOR, Mr. ROMERO-BARCELO, Mr. ROGAN, Mr. BILBRAY, Mr. FALEOMAVAEGA, Ms. LEE, and Mr. WYNN.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3575: Mr. FRANK of Massachusetts.

H.J. Res. 89: Mr. ROHRABACHER.

H.J. Res. 90: Mr. ROHRABACHER.

H. Res. 396: Mr. BERMAN.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 8, by Mr. STARK on House Resolution 372: Ronnie Shows, Shelley Berkley, and Frank Mascara.

EXTENSIONS OF REMARKS

A PROCLAMATION HONORING NANCY CHILES DIX

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Mr. NEY. Mr. Speaker, I commend the following article to my colleagues:

Nancy Chiles Dix has spent her life serving people. As a member of the Ohio State Senate, she worked tirelessly in Columbus to represent the people of our area with honor. For years, Nancy has also been an avid supporter of the Republican party, always willing to put forth the extra effort to support the party and its candidates.

Additionally, Nancy devotes her time to supporting increased cancer research and educating our young people. She was recently honored at the John A. Alford Memorial Dinner for her commitment and support of cancer research and named the President of the Par Excellence Learning Center in Newark, OH.

Over the years, Nancy has proven herself to be a great friend not only to myself but to our entire area.

Mr. Speaker, I ask that my colleagues join me in honoring Nancy Chiles Dix. Her lifelong service and commitment are to be commended. I am proud to call her a constituent and a friend.

INTRODUCTION OF H. CON. RES. 259—EXPRESSING THE CONCERN OF CONGRESS REGARDING HUMAN RIGHTS VIOLATIONS BASED ON SEXUAL ORIENTATION

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Mr. LANTOS. Mr. Speaker, with the support of 30 of our colleagues—including both Republicans and Democrats—I introduced House Concurrent Resolution 259, a bill decrying human rights violations based on sexual orientation and gender identity. I did this, Mr. Speaker, because I believe very strongly that we in the Congress must send a strong message that—no matter what any of our colleague's views may be on the question of the lifestyle of gays and lesbians—that gay, lesbian, bisexual and transgender people must be treated with dignity and respect, not with hatred and violence.

All around the world, Mr. Speaker, unacceptable violations of human rights have taken place against individuals solely on the basis of their real or perceived sexual orientation. These ongoing persecutions against gay people include arbitrary arrests, rape, torture, imprisonment, extortion, and even execution.

The scope of these humans rights violations is staggering, and for the victims there are few avenues for relief. Mr. Speaker, some states create an atmosphere of impunity for rapists and murderers by failing to prosecute or investigate violence targeted at individuals because of their sexual orientation. These abuses are not only sanctioned by some states, often, they are perpetrated by agents of the state.

Mr. Speaker, in Afghanistan, men convicted of sodomy by Taliban Shari'a courts are placed next to standing walls by Taliban officials and subsequently executed as the walls are toppled upon them, and they are buried under the rubble. Police in countries such as Turkey, Albania, and Russia, among others, routinely commit human rights abuses such as extortion, entrapment, and even physical assaults.

In Brazil, a lesbian couple was tortured and sexually assaulted by civil police. Despite the existence of a medical report and eye-witness testimony, their case remains unprosecuted. Many of us in the Congress protested when, in Zimbabwe, members of "Gays and Lesbians of Zimbabwe" were threatened and brutally assaulted for forming an organization to advocate for social and political rights. In Uganda, the president ordered police to arrest all homosexuals, and the punishment for conviction of homosexual activity is life in prison.

Mr. Speaker, around the world, individuals are targeted and their basic human rights are denied because of their sexual orientation. The number and frequency of such grievous crimes against individuals cannot be ignored. Violence against individuals for their real, or perceived, sexual orientation violates the most basic human rights this Congress has worked to protect and defend.

H. Con. Res. 259 puts the United States on record against such horrible human rights violations. As a civilized country, we must speak out against and condemn these crimes. Our resolution notes the violence against gay people in countries as wide ranging as Saudi Arabia, Mexico, China, El Salvador, and other countries. By calling attention to this unprovoked and indefensible violence, this resolution will broaden awareness of human rights violations based on sexual orientation.

H. Con. Res. 259 reaffirms that human rights norms defined in international conventions include protection from violence and abuse on the basis of sexual identity, but it does not seek to establish a special category of human rights related to sexual orientation or gender identity. Furthermore it commends relevant governmental and non-governmental organizations (such as Amnesty, Human Rights Watch, and the International Gay and Lesbian Human Rights Commission) for documenting the ongoing abuse of human rights on the basis of sexual orientation. Our resolution condemns all human rights violations based on sexual orientation and recognizes that such violations should be equally punished, without discrimination.

This legislation is endorsed by a broad coalition of international human rights groups, gay rights groups, and faith-based organizations, among others. They include: Amnesty International, International Gay and Lesbian Human Rights Commission, Human Rights Watch, National Gay and Lesbian Taskforce, Human Rights Campaign, Log-Cabin Republicans, Liberty Education Fund, National Council of the Churches of Christ in the USA, Equal Partners in Faith, the United Church of Christ, the National Organization of Women (NOW), NOW Legal Defense and Education Fund, and the Anti-Defamation League.

Mr. Speaker, the protection of gender identity is not a special right or privilege, but it should be fully acknowledged in international human rights norms. I ask that my colleagues join with me in wholeheartedly embracing and supporting basic human rights for all people, no matter what their sexual orientation might be. It is the only decent thing to do.

Mr. Speaker, I ask that the text of H. Con. Res. 259 be included in the RECORD.

HOUSE CONCURRENT RESOLUTION 259

Expressing the concern of Congress regarding human rights violations against lesbians, gay men, bisexuals, and transgendered individuals around the world.

Whereas treaties, conventions, and declarations to which the United States are a party address government obligations to combat human rights violations, and the overall goals and standards of these treaties, conventions, and declarations in promoting human rights of all individuals have been found to be consistent with, and in support of, the aspirations of the United States at home and globally, as well as consistent with the Constitution of the United States;

Whereas articles 3 and 5 of the 1948 Universal Declaration of Human Rights, articles 6 and 7 of the 1966 International Covenant on Civil and Political Rights, and the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, guarantee all individuals the right to life, liberty, and security of person, and guarantee that no one shall be subjected to torture or to cruel, inhuman, or degrading treatment or punishment;

Whereas the fundamental human right not to be arbitrarily deprived of life is violated when those convicted of homosexual acts in Afghanistan are sentenced to be executed and are crushed by having walls toppled over them, and there remain a number of other countries around the world that call for the possible execution of those convicted of homosexual acts, including Saudi Arabia, Yemen, Kuwait, Mauritania, and Iran;

Whereas the fundamental right not to be subjected to torture or other cruel, inhuman, or degrading treatment is violated when gay men, lesbians, bisexuals and transgendered individuals are subjected to severe beatings while in police custody in Turkey and Albania, and individuals in these groups are also routinely the victims of human rights abuses, such as extortion, entrapment, physical assaults, and rape, committed by the police in Mexico, Argentina, and Russia, among other countries;

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Whereas a number of lesbians, gay men, bisexuals, and transgendered individuals are targeted and tortured or killed by paramilitary groups in Colombia and El Salvador, which operate in collusion with the military, police, and other government officials;

Whereas articles 2 and 7 of the Universal Declaration of Human Rights and articles 2, 14, and 26 of the International Covenant on Civil and Political Rights guarantee all individuals freedom from arbitrary discrimination and equal protection before the law;

Whereas in many countries arbitrary detention or cruel, inhuman, or degrading treatment or conditions in detention directly result from the application of penal laws criminalizing same sex behavior between consenting adults, such as a 5-year sentence for private same sex behavior between consenting adults in Romania, and some of those individuals who have been convicted in Romania report torture, including rape, in prison, and all are unable to seek redress for abuses in detention;

Whereas in Pakistan and Saudi Arabia the sentence for same sex behavior between consenting adults includes "flogging" and in Singapore and Uganda the sentence for same sex behavior between consenting adults can extend to life in prison;

Whereas many governments, on the basis of vague laws, may target and persecute lesbians, gay men, bisexuals, and transgendered individuals: in the People's Republic of China individuals in these groups are imprisoned under laws against "hooliganism", in Argentina, individuals in these groups are imprisoned under the laws against "vagrants and crooks", and the vagueness of these laws makes it difficult to monitor governmental persecution;

Whereas articles 19 and 20 of the Universal Declaration of Human Rights and articles 19 and 22 of the International Covenant on Civil and Political Rights guarantee all individuals freedom of expression and freedom of association;

Whereas the fundamental rights of freedom of expression and association are violated when governments deny the right of lesbians, gay men, bisexuals, and transgendered individuals to form organizations or advocate for rights, such as in Zimbabwe where members of Gays and Lesbians of Zimbabwe (GALZ) have been threatened and brutally assaulted;

Whereas in some countries agents of the government are directing or are complicitous in abuses committed on the basis of sexual orientation and gender identity and investigations and prosecution of those agents for violations often do not occur;

Whereas due to failure by governments to investigate and prosecute human rights violations based on sexual orientation and gender identity, private individuals feel encouraged to violently attack lesbians, gay men, bisexuals, and transgendered individuals with impunity, contributing to the atmosphere of fear and intimidation;

Whereas lesbians and bisexual women who suffer human rights violations are often abused because of their sexual orientation while their gender often incites, compounds, and aggravates this abuse, and, moreover, since their gender is not recognized as a factor, their abuse often goes unrecorded;

Whereas violations of internationally recognized human rights norms are to be considered crimes regardless of the status of the victims and are to be punished without discrimination;

Whereas fundamental access to legal protection from violations of internationally recognized human rights norms is often unavailable to the victims;

Whereas lesbians and bisexual women face additional obstacles in these countries when seeking assistance from police, judges, and other officials due to pervasive gender bias;

Whereas the preceding clauses constitute only a few examples of the violations suffered by lesbians, gay men, bisexuals and transgendered individuals, the full range and extent of such violations are not known because governments create an atmosphere of immunity for those perpetrating such human rights violations and prevent victims from seeking effective protection and just redress and thus their suffering remains undocumented and unremedied; and

Whereas many nongovernmental human rights organizations, including Amnesty International, Human Rights Watch, and the International Gay and Lesbian Human Rights Commission, as well as the United States Department of State and the United Nations, have documented, and are continuing to document, the ongoing violations of the human rights of lesbians, gay men, bisexuals, and transgendered individuals: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) condemns all violations of internationally recognized human rights norms based on the real or perceived sexual orientation or gender identity of an individual, and commends nongovernmental human rights organizations, including Amnesty International, Human Rights Watch, and the International Gay and Lesbian Human Rights Commission, as well as the United States Department of State and the United Nations, for documenting the ongoing abuse of human rights on the basis of sexual orientation and gender identity; and

(2)(A) recognizes that human rights violations abroad based on sexual orientation and gender identity should be equally punished without discrimination and equally classified as crimes, regardless of the status of the victims and that such violations should be given the same consideration and concern as human rights violations based on other grounds in the formulation of policies to protect and promote human rights globally; and

(B) further recognizes that the protection of sexual orientation and gender identity is not a special category of human rights, but it is fully embedded in the overall human rights norms defined in international conventions.

REGIONAL PARTIES WIN IN INDIA; INDIA'S DISINTEGRATION APPEARS CLOSER

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Mr. DOOLITTLE. Mr. Speaker, recently regional parties won elections in two states in India. Neither the ruling BJP nor the opposition Congress Party was able to pull off a complete victory.

These results only increase the instability that already plagues India. To retain control of the government, the BJP had to assemble a coalition of 24 parties. Clearly, the days when a national party could dominate India's government are gone.

While the political instability increases, there are 17 independence movements within India's borders. Many experts on the situation in South Asia have predicted the disintegration of India. From these results it looks like that disintegration is closer.

America is a country founded on the idea of freedom. I urge President Clinton to raise the issue of freeing the political prisoners during his upcoming visit to India. I also urge him to bring up the question of self-determination. It is time to speak out for freedom.

TRIBUTE TO SUSAN SKERKER

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Mr. DINGELL. Mr. Speaker, today I rise in honor and congratulate a good friend as she marks the end of her journey with Ford Motor Company in Dearborn, Michigan.

Twenty-seven years ago, Susan Skerker embarked upon a career in the auto industry that would lead her down many paths and face-to-face with many challenges, not least of which was helping to steer Ford through an ever-changing global market place.

Susan has distinguished herself as a leader in the auto industry and as such has led one of Ford's major corporate headquarters staffs. She has served as the Director of the Worldwide Government Affairs Public Policy office and worked closely with those of us in Michigan who know why Detroit is called Motor City.

On behalf of my colleagues in the Michigan Congressional delegation, I am pleased to recognize Susan and acknowledge that her efforts on behalf of the company and the industry are thought of most highly. Susan has been a true friend, one I could trust to give me good advice about everything from air bags to global warming. Her knowledge and insight have been invaluable to me in representing the 16th Congressional District in the House of Representatives.

Mr. Speaker, as Susan's family and friends gather to celebrate her many accomplishments and the closing of this chapter of her life, I wanted to share with my colleagues just how much Susan's service and friendship have meant to me.

One leg of Susan's journey has come to an end, but around the bend a new one awaits. I wish Susan every happiness and continued success in all she does.

TRIBUTE TO JOSEPH PARISI, SR.

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the deeds of a person I am proud to call my friend, Joseph Parisi, Sr., of Englewood Cliffs, New Jersey, who is being feted today because of his many years of service and leadership. It is only fitting that we gathered here in his honor, for he epitomizes a strong spirit of caring and generosity.

Joe Parisi is a graduate of Memorial High School in North Bergen. Joe also attended Fork Union Military Academy and studied at the Panzer College of Physical Education and Hygiene.

Joe has always been an active and involved leader in his community. He was the co-founder and chairman of the Witte Scholarship Fund, a scholarship designed to benefit the children of law enforcement officers throughout the Bergen County. Furthering his belief in civic participation, Joe is also a past trustee of the Bergen Community College Foundation, which helps provide private funding for the development of college facilities.

Joe's career took off in 1948 when he became an apprentice insurance agent with Fred Otterstedt. It was the small steps in the beginning of his career that taught him the fundamentals that would make him the leader he is today. By 1955, Joe has become the owner and CEO of the Otterstedt Insurance Agency in Englewood Cliffs.

As a leader in the business community, Joseph Parisi is the Director of the IFA Insurance Company and a past member or president of many other councils and associations. He is a past member of the Producer Council of the Maryland Casualty Insurance Group, the Jonathan Trumbull Association of the Hartford Insurance Company, the New Jersey Independent Insurance Agents Legislative Committee, the Council of Circle Agents of the Continental Insurance Companies and the Crum and Forster Insurance Company's Agency Council. Mr. Parisi is also the past President of the Hudson County Insurance Agents Association.

Joseph Parisi has continually touched the lives of the people around him. Former New Jersey Governor Jim Florio appointed him as a commissioner of the New Jersey Quincentennial Columbus Day Celebration. Joe is a past trustee of the Bergen County 200 Club. He is also the Second Vice President of the Bergen County League of Municipalities. In addition, Joe is a past president of the Bergen County Democratic Mayor's Association and served as chair of the Bergen County Democratic Organization for five years. He is also a member of the Lions Club, VFW, UNICO, Knights of Columbus and UNITI.

Known for a questioning mind and an ability to get things done, Joseph Parisi was elected Mayor of the Borough of Englewood Cliffs in 1976. For the four years prior, Joe served as a member of the Englewood Cliffs Borough Council. In addition to these roles, Joe also served as Police Commissioner while on the Council. As a former mayor in New Jersey, Mr. Speaker, I can say that I can think of no elected official who works harder or cares more about his constituents. Perhaps the greatest tribute to Joe Parisi is the unwavering faith of voters of Englewood Cliffs. They have demonstrated this by electing him time and again.

Mr. Speaker, I ask that you join me, our colleagues, Joe's family, friends and the State of New Jersey in recognizing the outstanding and invaluable service to the community of Joseph Parisi, Sr.

TRIBUTE TO ROBERT A. HOOVER

HON. HELEN CHENOWETH-HAGE

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Mrs. CHENOWETH-HAGE. Mr. Speaker, last month the security of the United States Congress' legislative web site, Thomas, was breached by individuals commonly known as computer "hackers." Although little harm was done, the cyberattack illustrates the vulnerability of our nation's computer systems.

The simple fact is, computer viruses have attacked business and government information systems, as well as personal home computers. To complicate matters even further, innocent individuals continue to be exploited when their web-based credit card and account information are used for illegal purposes.

To combat cyberattacks, the Republican-led Congress is working diligently to explore ways to enhance computer security. Additionally, the Clinton administration has created a panel to review American cyberspace security.

In fact, one of the experts selected to serve on the panel as an advisor to President Clinton is Dr. Bob Hoover, President of the University of Idaho. Mr. Speaker, it is a true honor to congratulate Bob today on such a well-deserved accomplishment. I must say, Bob is well qualified for this position, and I know he will represent the State of Idaho, and the nation very, very well.

When Bob became the 15th president of the University of Idaho in July 1996, he brought with him 25 years of experience as teacher, researcher and administrator in higher education. His nearly four years of experience at the University of Idaho have seen a period of unparalleled accomplishment.

Perhaps his greatest successes, however, have been in the areas of collaboration with various colleges and universities and with the private sector. In northern Idaho, for instance, Bob has been instrumental in the formation of the North Idaho Center for Higher Education, a partnership between the University of Idaho, North Idaho College, Lewis Clark State College, and Idaho State University. Additionally, he is working with the College of Southern Idaho, Idaho State University and Boise State University to expand and strengthen higher education. Even further, in southwestern Idaho he has worked with the University of Idaho Foundation to purchase land in Boise for the construction of a major facility that will allow the university to expand its efforts with Boise State University and Idaho State University.

In addition to these efforts, Bob has developed and implemented the University of Idaho Strategic Plan to help guide the school in meeting new goals in teaching, research and outreach. Also, he has been instrumental in the creation of the Inland Northwest Research Alliance, which is now a partner with Bechtel B&W Idaho in the management of the Idaho National Engineering and Environmental Laboratory.

Without a doubt, Bob's efforts to develop research strength at the University of Idaho has elevated the institution to one of the leading centers of teaching and research, especially in the critical area of computer network security. In fact, in recognition of University of Idaho's expertise in this field, the National Security Agency has designated it as one of the seven national centers of excellence in information security.

Just as important, though, I'm pleased to call Bob a friend, and I look forward to working with him in the future to enhance the quality of life in Idaho. Mr. Speaker, I know my colleagues will join me in honoring Dr. Bob Hoover for his long-standing commitment to the State of Idaho and the Nation.

TRIBUTE TO JACK P. KOSZDIN

HON. HOWARD L. BERMAN

OF CALIFORNIA

HON. BRAD SHERMAN

OF CALIFORNIA

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Mr. BERMAN. Mr. Speaker, my colleagues, Mr. SHERMAN and Mr. WAXMAN, and I rise today to pay tribute to Jack P. Koszdin, who will be honored on March 26, 2000, by the Democratic Party of the San Fernando Valley (DPSFV). Because of his public service and outstanding achievements he will be recognized on the occasion of DPSFV's annual Greenberg Memorial Award Luncheon.

Jack Koszdin has been a stalwart member of the Democratic Party for over thirty years. As chairman of the DPSFV Leadership Council he has proven himself to be a savvy strategist and a potent rainmaker. Because of his love of politics and representational democracy, he has worked tirelessly on behalf of numerous local, state, and federal candidates and made a real difference in many of their contests.

Like us, Jack has been a long-time active supporter of labor. As a currently practicing attorney he fights daily in the trenches for workers and other litigants on a case by case basis. Since 1995, he has been a senior partner with Koszdin, Fields & Sherry, in Van Nuys. Prior to this he was a sole practitioner for eighteen years. One of us, HOWARD BERMAN, had the privilege of practicing law with him for nearly six years. Jack is one of the most skilled and knowledgeable practitioners in the field of workers' compensation in the entire country. He is a great teacher with a huge heart and wonderful sense of humor.

He began his prodigious law career in 1956 as a senior partner with Levy, Koszdin and Woods after he graduated from the UCLA school of law. He distinguished himself in law school by being elected class president in 1954. He now counts teaching at UCLA and serving as a Law Professor at the University of West Los Angeles among his many accomplishments.

Jack has held numerous prestigious judicial positions including Judge Pro Tem for the Workers' Compensation Appeals Board, Municipal Judge Pro Tem for the San Fernando Valley and Vice Chairman of the Building Rehabilitation Appeals Board. He now participates in the State Insurance Commissioner

Study of Workers' Compensation and medical benefits. In addition, Jack has been co-host of the Union Voice Radio Program and has been a legal advisor to the Valley Labor Political Education Counsel. Furthermore, he has amassed an impressive community service record which includes active membership on both the Red Cross and Cerebral Palsy Association's Board of Directors. He has assumed leadership roles in organizations such as the Men's Guild, San Fernando Valley Child Guidance Clinic where he served as President.

It is our distinct pleasure to ask our colleagues to join with us in saluting Jack Koszdin for his outstanding achievements, and to congratulate him for receiving the prestigious honors granted him by DPSFV.

TRIBUTE TO MRS. MOZELL H.W. ISAAC

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Mrs. Mozell H.W. Isaac, who celebrated her 70th birthday on March 4, 2000.

A life-long resident of Lee County, South Carolina, Mrs. Isaac has served her community for over fifty years in numerous ways. Through the Clemson Extension Service, the public school system and other civic, religious, and fraternal organizations, Mozell H.W. Isaac has been an advocate for Lee County and its residents. Mrs. Mozell H.W. Isaac was not only an active citizen in the community, but also a mother of four, all of whom maintained close ties with the community and its affairs. One of her sons served two terms on the County Council, another works with youth correction programs in New York, one daughter works with the Guardian Ad Litem program for the county, and another is a paralegal in Columbia. She also is the proud grandmother of six grandchildren and two great-grandchildren.

Mr. Speaker, I ask you and my colleagues to join me today in paying tribute to an individual who has been a lifelong public servant, and shown tireless dedication to her community. I wish Mrs. Mozell H.W. Isaac a Happy 70th Birthday and many more returns.

IN HONOR OF MR. JAMES BERGIN

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay special tribute to James Bergin. Mr. Bergin is an honorable citizen who has worked tirelessly to improve the quality of life for countless New Yorkers.

Mr. Bergin is an invaluable community leader of the Upper East Side. While Mr. Bergin seeks no praise for himself for what he does, he deserves our gratitude for his years of service to the community. James Bergin has distributed over one million pounds of government surplus food to the poor in his community and has found apartments for veterans and seniors in difficult times.

Mr. Bergin has participated in efforts to reduce crime in his neighborhood through Community Patrol programs, on foot and in his wheelchair. He has met with gangs and succeeded in significantly reducing gang activities in his neighborhood.

Among Mr. Bergin's many contributions to the health and well-being of New York City residents, Mr. Bergin has solicited funds from local store owners to give 15 scholarships to children to continue their education. He has solicited city funds to build two playgrounds for children, one for ages two to five and one for ages six to eleven.

Mr. Bergin's efforts to solicit money for charitable causes is never ending. He has an annual holiday party for children in low income neighborhoods and makes sure they all have a present to open and an opportunity to visit Santa and enjoy ice cream soda and Christmas candy.

Mr. Bergin recently filmed a video on the proper way to handle a 911 call that involves armed intruders in residences. Mr. Bergin was asked to sign a release for possible distribution of his video. Mr. Bergin has attended every Manhattan North Community Picnic and interacted with the Manhattan North Community. Mr. Bergin's work in the community has helped in reducing drug traffic by 30% on the Upper East Side of Manhattan.

Mr. Speaker, I salute the life and work of Mr. James Bergin and I ask my fellow Members of Congress to join me in recognizing Mr. Bergin's contributions to the New York community.

TUNISIA INDEPENDENCE

HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Mr. HILLIARD. Mr. Speaker, I rise today to congratulate the Government and the people of Tunisia on the occasion of their 44th Anniversary of Independence. While Tunisia gained its independence from France just 43 years ago, the country has a rich and treasured history, dating back to ancient Carthage.

Last year I had an opportunity to visit Tunisia, where I met with top government officials. My visit was personally enriching, and allowed me to engage in meaningful discussions on how to increase cooperation and exchange between the United States and Tunisia.

The relationship between the United States and Tunisia is much older than the 44th National Day celebration may suggest. In fact, America first signed a treaty of peace and friendship with Tunisia in 1797. While our country was struggling with the Civil War, Tunisia supported the anti-slavery movement here and consistently spoke out on the significance of human dignity. During World War II, Tunisia's nationalist leaders suspended their struggle against France in order to support the Allied cause. In 1956, the United States was the first world power to recognize Tunisia's independence.

Tunisia has been one of the primary countries of interest in Northern Africa for a trade partnership, as our country recognizes the significance of greater trade with Africa. In addition to promoting economic growth and stability in the region, Tunisia has also been a valuable participant in efforts to broker lasting peace in the Middle East, the Mediterranean, and throughout the continent of Africa.

Mr. Speaker, I hope all my colleagues will join with me in congratulating Tunisia on its 44th Independence Anniversary, and honor a great friend and partner.

ORANGE PARK HIGH SCHOOL CHOSEN AS GRAMMY SIGNATURE SCHOOL

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Mr. STEARNS. Mr. Speaker, I would like to take this opportunity to congratulate Orange Park High School for being named as a GRAMMY Signature School by the GRAMMY Foundation. Orange Park High School happens to be in my Congressional District and it has a fine reputation as a public school of education. However, I believe the Orange Park High School's receipt of this most recent honor should be given the recognition it deserves for this great achievement. It was won through a rigorous competition that was held throughout the nation.

This honor was achieved by the school for its outstanding music education program and makes Orange Park High School one of 100 schools to be chosen to receive a certificate of recognition based on its great level of commitment to music education.

The GRAMMY Foundation began the selection process last September when it mailed out over 18,000 applications to high school across the country requesting information about the schools' music programs. These applications were then submitted to an independent data compilation firm for processing. Some schools were asked to submit additional documentation such as recordings of school concerts, sample concert programs, music curriculum and repertoire that was reviewed by an independent screening committee.

The GRAMMY Signature School advisory committee is comprised of members of the American Federation of Musicians, ASCAP, the Berklee College of Music, BMI, Crossroads School, Music Educators National Conference, Thelonius Monk Institute, University of Massachusetts at Amherst, National Association of Music Merchandisers, National Music Council, Music Performance Trust Funds, University of Southern California-Thornton School of Music, and the Cherokee Nation.

The GRAMMY Foundation is a non-profit arm of the Recording Academy and it is dedicated to advancing music and arts-based education throughout the entire country thereby ensuring access to America's rich cultural legacy. The Foundation aims to strengthen our educational system through cultural, professional and educational initiatives.

I also want to pay special tribute to Bert Creswell, Director of Bands, W. Steve Ogilvie, Association Director of Bands, Jeff Mills, Associate Director of Bands, Janet Metcalf, William S. Ward, Judy Creswell, and the Orange Park High School Raider Band Parents Association for all their assistance because without their invaluable contributions this recognition would not be possible.

Michael Greene, President/CEO of the Recording Academy said at the time: "We are thrilled to give national recognition to these schools for an outstanding job of fostering their arts programs in a difficult cultural environment." He went on to say: "We applaud them for their success in ensuring that music education does not become a cultural casualty in their district, and for implementing music education programs that make a positive difference in the lives of young adults."

I am very proud that the dedication and effort shown by the faculty and students of Orange Park High School has been rewarded by being named as a GRAMMY Signature School.

IN HONOR OF DARIEN'S 2000 CITIZEN OF THE YEAR

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Mrs. BIGGERT. Mr. Speaker, I rise today in honor of Ed Tomei, the 2000 Citizen of the Year for Darien, Illinois.

The city of Darien is at the heart of Illinois' 13th Congressional District. It is a central crossroads for a growing region. Incorporated in 1969, it is still a young community in comparison to many of its surrounding neighbors. Over the last 31 years a great deal of hard work and dedication has been invested to make this community what it is today. The people of Darien continue to work hard to live up to the city's understated motto—"a nice place to live."

Well, I am happy to confirm that it is a nice place to live, and much of the credit for that goes to Darien's Citizen of the Year, Ed Tomei.

Ed and his family moved to Darien in 1970 shortly after the city's incorporation. Ed soon threw himself into the work of improving and representing the community he called home. He served eight years as an alderman and four years as the Fire and Police Commissioner. He became a member of the Hinsdale South High School Booster Club as well as the Hinsdale Jaycees. Ed also took part in the West Suburban Ducks Unlimited Group, a wildlife preservation organization.

Ed invested countless hours to help make the creation of the Indian Prairie Library a reality, and he has shown time and again his commitment to his community. Despite his heavy schedule, Ed continues to find the time to play Santa Claus at Christmas.

Ed Tomei put his heart and soul into Darien—and his neighbors noticed. As impressive as his civic accomplishments are, it is the words that his neighbors wrote about that show the true mark of this man.

One wrote, "he has always exhibited generosity, enthusiasm, diligence and integrity of the highest order. . . After thirty years of progress it's easy to forget how much of the smooth running of the City in the early days was due to efforts 'above and beyond' the call of duty such as Ed provided."

Another said, "[i]ntegrity, commitment and leadership are the three traits that comprise the heart of Ed Tomei's character and what make him an outstanding citizen."

That is high praise indeed, but praise that is well deserved. It is outstanding citizens like Ed that have built the great nation that we live in today. Congratulations to Ed Tomei, Darien's 2000 Citizen of the Year. He has made Darien much more than "a nice place to live."

THE FUEL TAX COST REDUCTION ACT

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Mr. COLLINS. Mr. Speaker, with a fill-up at the gas pump draining more and more of a worker's wallet, it is time for Congress to provide relief to consumers. Congress has the power to help offset the rapidly increasing costs that are being imposed on working Americans, and we must act now.

Today I rise to introduce the Fuel Tax Cost Reduction Act—a bill to repeal a 4.3 cents per gallon tax on gasoline. This bill expands on legislation I have introduced in the past by repealing the 1993 deficit reduction fuel tax as it applies to all modes of transportation.

Mr. Speaker, this tax was included in the massive 1993 tax-hike. The purpose of this tax increase was to "reduce the deficit" during the time period when the old Congressional majority was regularly passing deficit-driven budgets that far outspent each year's tax receipts. Since that time, the Republican majority has taken action to balance the budget so that today the Federal government is running a positive cash flow. The end of annual deficits should mean the end of "deficit-reduction" taxes.

Today, world oil prices are climbing, and experts now predict that the price of gasoline will rise to at least $2 a gallon. American families need help and this is the kind of tax relief that will help working families the most.

SALUTE TO FEDERAL WORKERS' 1999 COMBINED FEDERAL CAMPAIGN

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Ms. NORTON. Mr. Speaker, I rise today to recognize the generosity of our local federal workers, who participated in the 1999 Combined Federal Campaign (CFC). Federal employees in the national capital area contributed a record setting $44.3 million in 1999, far exceeding campaign goals by 8.5 percent. Thanks to their generosity, these funds will be used to help needy people in the District of Columbia, across the nation and around the globe. As we know, the CFC provides more than money, it builds stronger, healthier lives and communities.

My sincere congratulations to Health and Human Services Secretary Donna E. Shalala, who chaired the 1999 CFC and promoted it through more than 40 visits to federal agencies. A special salute as well to the thousands of committed CFC volunteers and federal workers who made this year's campaign a resounding success.

HONORING SISTER CATHERINE SCHNEIDER ON HER GOLDEN JUBILEE AS A SERVANT SISTER OF THE IMMACULATE HEART OF MARY

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Mr. BORSKI. Mr. Speaker, I rise today to honor Sister Catherine Schneider who is celebrating her Golden Jubilee as a Servant Sister of the Immaculate Heart of Mary on March 17, 2000.

Sister Schneider dedicated her entire body of knowledge to the educational development and advancement of children of all ages. She introduced the fundamentals of primary education to younger children by teaching first and second grade at St. Gabriel and St. Raphael parishes. She continued this advancement of education with her insightful and thought-provoking classroom instructions in Religion and Social Studies at St. Cecilia, Assumption, Our Lady of Fatima, and St. Laurence parishes.

Beyond the scope of her classroom responsibilities, she continued to enhance the educational prowess of her students. She selflessly did this by sacrificing her lunch periods to tutor her students who may be floundering in certain areas of their education. She implemented several student-centered programs such as the May Procession and the altar servers to ensure the stewardship and spirituality of a Catholic education.

Constantly striving to serve her devotion in all of its capacities, Sister Schneider held two secretarial positions at St. Augustine and the Holy Name of Jesus parishes. She willingly accepted the tasks that were presented to her and genuinely welcomed visitors to both schools. She freely served the infirmary patients at Camilla Hall by simply listening to their needs and by offering them a kind word of inspiration. Even as a patient herself, she toiled with the switchboard as an operator. Sister Schneider continually served and educated others which had reciprocal benefits and values on her own life.

Mr. Speaker, Sister Catherine Schneider should be commended for her tireless pursuit to support and value the advancement of education and her deep devotion to duty. I congratulate and highly revere Sister Schneider upon this most glorious occasion of her Golden Jubilee, and I offer her my best wishes for continued faith and dedication in the coming years.

WE NEED NOT SIT IDLY BY

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Mr. BOEHLERT. Mr. Speaker, the citizens in my district and across the Northeast have struggled this winter to pay for their heating bills because of the extraordinary recent spikes in the price of home heating oil. The price of diesel fuel rose sharply, too, delivering a severe economic blow to farmers, truckers, and businesses that depend on shipping products by truck. And since just about everything we wear, eat and use in our daily lives is shipped over land by truck, the high cost of fuel took a bite out of just about every consumer's budget. It's been a rough winter for the Northeast.

Unfortunately, it looks like we're not in the clear, yet. Recent headlines report that many experts now predict steep prices of gasoline during the peak driving season this summer, making this winter's crisis seem "like a cakewalk" by comparison.

Why are we all of a sudden experiencing such exorbitant energy prices? Are they simply the outcome of free market forces, the perpetual balancing of supply and demand? No. We are being held hostage by oil producing countries—many of whom have accepted generous assistance from the United States in the past—who now have colluded to slash oil production, distort the market, and drive up the price of oil, which has climbed to about $32 a barrel, up from $12 this time last year.

But we need not sit idly by. There are actions we can take to break the resolve of these oil producing countries. A release of oil from our Strategic Petroleum Reserves would have an immediate and dramatic impact on the price of oil—and send a strong signal to oil producing countries that the U.S. will not stand for unfair and harmful trade practices.

Today I am introducing legislation expressing the sense of Congress that the President and Secretary of Energy immediately draw upon the Strategic Petroleum Reserve to supplement the oil market in the United States, bring the price of fuel back down to reasonable levels, and counter the anti-competitive practices of oil producing countries and the economic hardship they have caused Americans.

Identical legislation has been introduced in the Senate by Senators SCHUMER and COLLINS. I urge my colleagues to join me in calling upon the Administration to use the authority it already has—and indeed has used in the past—to draw upon our oil reserves and come to the assistance of businesses and consumers across the country.

HONORING ANNE STANBACK FOR OUTSTANDING SERVICE

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Ms. DELAURO. Mr. Speaker, it gives me great pleasure to rise today to express my sincere thanks and appreciation to Anne Stanback for her service and dedication to the Connecticut Women's Education and Legal Fund (CWEALF).

As the Executive Director of the Connecticut Women's Education and Legal Fund, Anne has led the organization in its mission to empower women and their families to achieve equal opportunities in their personal and professional lives. After a five year tenure at the helm of this organization, Anne is closing this chapter of her professional life to seek new endeavors. Her unique combination of energy and spirit has brought great success to the CWEALF.

Recently celebrating it's 25th anniversary, CWEALF has long been a powerful voice for women's rights—a vital source of solidarity and inspiration for women. Under Anne's leadership, CWEALF has expanded its membership, accessibility, and programs, ensuring that the voices of women across Connecticut are heard. With Anne as Executive Director, CWEALF established a toll free referral hotline, allowing women access to legal information and referral services. They also established a $250,000 endowment and increased membership, ensuring that their services will be available well into the future.

Anne has worked hard to ensure that the voices of women are not lost. With her guidance, CWEALF expanded its child-support program, which provides information to single mothers about child support enforcement laws. By educating child-care workers, CWEALF was able to establish community networks, working to ensure the safety and security of our most precious resource—our children. One of the most impressive victories CWEALF has achieved under Anne's direction was blocking the establishment of a surgical center that was willing to extend reproductive healthcare services only to men. Anne and CWEALF led the opposition to this project, making a strong statement that in all facets of public and private life, women must be treated equally.

I applaud Anne's efforts to improve the lives of Connecticut women and their families—she is indeed a true role model for today's young women. It is an honor for me to join with the CWEALF organization to bid farewell to Anne and extend my best wishes to her and her family as she begins a new journey. Connecticut is truly a better place for her work.

SENIOR CITIZENS' FREEDOM TO WORK ACT OF 1999

SPEECH OF

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2000

Mr. JONES of North Carolina. Mr. Speaker, I rise today in support of the H.R. 5, the Senior Citizens Freedom to Work Act.

I would like to applaud the efforts of Representative SAM JOHNSON who sponsored this bill and my fellow republican colleagues. Your hard work on behalf of our nation's seniors to repeal the Social Security earnings limit should be commended.

Within North Carolina alone, 24,386 seniors were effected by the earnings limit in 1999, 2.1 percent of all seniors.

In my opinion, this tax is unfair and un-American.

Penalizing productive and hardworking citizens who choose to continue working during their golden years undermines the very fabric of this nation.

As the baby boom generation retires the number of effected seniors will only continue to rise.

Please join me in supporting this legislation to ensure that working seniors do not receive a smaller Social Security check just because they earn a paycheck.

HONORING THE LIFE AND CONTRIBUTIONS OF E.R. (BOB) GREGG

HON. JIM TURNER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Mr. TURNER. Mr. Speaker, I rise today to honor a great American, a patriot and leader, a successful businessman, a fellow Texan and a good and loyal friend, E.R. (Bob) Gregg, who after many years of dedicated service to his community, to his county and to the State of Texas, passed away on November 19, 1999.

Following in the footsteps of his grandfather, Capt. E. L. Gregg, and his parents, Eldredge and Helena Gregg, Bob Gregg worked diligently and tirelessly to help those in need, to strengthen East Texas' business community, and to improve our education system. Following graduation from Kemper Military Institute, the University of Texas at Austin and the Southern Methodist University School of Banking, the Rusk native served in the U.S. Army during the Korean War and held an officer's position with the Texas National Guard.

Bob's work with various organizations in East Texas and his list of contributions are numerous. Bob Gregg was very active in the banking community for more than 30 years and served as vice president, president and board chairman of Allied Texas Bank of Jacksonville. He was a Mason, a Past Potentate of the Sharon Shrine Temple in Tyler, a lifetime member of the Jaycees, and a recipient of the Jaycee's "One of the Five Outstanding Young

Texans" award. He was a past chairman of the Jacksonville Chamber of Commerce and was named Jacksonville's Citizen of the Year in 1992. Because of his dedication to the value of education, he served for five years on the Jacksonville Independent School District Board of Trustees and for 18 years on the State Board of Education.

Bob Gregg was a dedicated member of the Jacksonville First United Methodist Church and a member and past president of the Jacksonville Lions Club. He was a charter member and three term past president of the Jacksonville Rodeo Association Board and treasurer of the Jacksonsville Unit of the Salvation Army for 45 years. He was a board member of the Rusk Industrial Foundation and a member of the Board of Trustees of Lon Morris College, which he attended earlier in his life. From his post as a member of the Commissioners Court for a decade, Bob was a compelling and effective leader for East Texans. He had been Cherokee County Commissioner for precinct 1 since 1989 and was a member of the East Texas Council of Governments Executive Committee. He was also a member of the Region 1 Water Group and a board member of both the East Texas Housing Development and Cherokee County Crimestoppers.

Bob made a positive impact on the lives of many East Texans and personified the definition of a true and loyal American who set a high standard for us all to live by. He was an outstanding example to his family and friends, and has been as asset to the many communities that he touched over the years.

Mr. Speaker, it is with sincere gratitude and the utmost respect that I rise today to ask that you join me and our colleagues in honoring the selfless service of Bob Gregg, who will be missed by so many people who were lucky enough to know him. I would also like to take this opportunity to extend my heart-felt condolences to his wife Mary, his two sons, and the entire Gregg family. Although Bob is no longer with us, his will and drive to make East Texas a better place will continue on forever.

IN MEMORY OF NEW YORK TIMES MANAGING EDITOR E. CLIFTON DANIEL, JR.

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Mr. SKELTON. Mr. Speaker, it is with deep sadness that I inform the House of the death of my friend Clifton Daniel, of Manhattan, New York. He was 87.

Mr. Daniel was born in Zebulon, North Carolina, in 1912. During high school summers, he worked behind the soda fountain in his father's drug store and contributed stories to the local newspaper. In 1933, he graduated from the University of North Carolina and was hired by the Raleigh News & Observer as a reporter, editor and columnist. After three years, Mr. Daniel went to New York to find another journalist position. The Associated Press hired him to report from Washington, Switzerland and London during the next six years.

In 1944, Mr. Daniel joined the New York Times, beginning his 33-year career with the newspaper. He developed a reputation for graceful writing and tireless reporting while in Britain covering the Supreme Headquarters, Allied Expeditionary Force. He left London to cover the Allied ground forces in Europe until the fighting ended. After the war was over, the New York Times named him the chief foreign correspondent in the Middle East, where he reported on the birth of Israel, the rise of Arab nationalism and the collapse of a Soviet Azerbaijani puppet state in northern Iran. He then returned to London, where he covered the death of King George VI and the coronation of Queen Elizabeth II. In 1954, he served as the Times's Moscow correspondent, winning an Overseas Press Club award in 1956 for his Moscow reporting.

Mr. Daniel continued his career at the New York Times and was named managing editor in 1964, the second highest editorial position at the newspaper. During his five years in that job, he is credited with injecting renewed life into the paper, seeking improved writing and expanded coverage of arts and society. Mr. Daniel then served as an associate editor and worked in New York Times broadcasting ventures until he became the Washington bureau chief in 1973. In addition to supervising the bureau, he wrote articles that chronicled the fall of President Nixon's administration and covered the new administration of President Ford. Upon announcing his retirement in 1977, Mr. Daniel spoke highly of the variety and excitement he experienced during his distinguished career at the New York Times.

On 21 April 1956, Mr. Daniel married Margaret Truman Daniel, former President Truman's only child. They met during a dinner party in 1955 and kept their romance a secret until a month before their wedding in Independence, Missouri.

Mr. Speaker, Clifton Daniel was a true friend and great American. I know the Members of the House will join me in extending heartfelt condolences to his family: his wife of more than 43 years, Margaret; his four sons; and five grandchildren.

INTRODUCTION OF H.R. 3806 TO HONOR UNKNOWN CASUALTIES OF THE ATTACK ON PEARL HARBOR

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Mrs. MINK of Hawaii. Mr. Speaker, I rise today to tell my colleagues about my bill H.R. 3806, which I have introduced to correct the omission of important information on the grave markers of service members who died in the December 7, 1941 air attack on Pearl Harbor, which launched the U.S. into World War II.

Six American battleships were sunk in the attack: including the U.S.S. *Arizona,* U.S.S. *Oklahoma,* U.S.S. *Nevada,* U.S.S. *California,* and U.S.S. *West Virginia.* Six destroyers and light cruisers were sunk or damaged. On the airfields, 164 planes were destroyed, with another 128 damaged.

However, what is truly staggering to me is the sheer loss of life. Altogether, 2,403 people were killed, and 2,340 of them served in the military.

Immediately after the attack, the military worked around-the-clock to recover remains and place them in temporary graves on the island of Oahu. Tragically, 961 of the bodies were never found.

The suddenness and severity of the attack made it difficult to identify many of those casualties who were found. Sometimes only ashes were recovered. Nevertheless, the Navy graves carried wooden crosses, which provided as much information as was known about the deceased.

Later, nearly a thousand remains were moved to their final resting lace at the National Memorial Cemetery of the Pacific, located at Punchbowl Crater, in Honolulu, Hawaii. In 252 graves lie the remains of 647 casualties whose identities are unknown.

Regrettably, when these unknown remains were moved to Punchbowl, the information from the wooden crosses was not inscribed on the permanent gravestone. The gravestones today carry just the word, "UNKNOWN," and a few also include "December 7, 1941" as the date of death.

Surviving comrades and family members are carrying on the fight to better preserve their memory. A leader in this effort is Raymond Emory, a retired Navy chief petty officer from my state of Hawaii. As historian for the Pearl Harbor Survivor's Association, he spent thousands of hours over 12 years to research Navy burial records to learn more about these slain service members.

Ray Emory's research has so far established that 74 of the Punchbowl Cemetery grave sites carry the remains of 124 Navy crewmen from the U.S.S. *Arizona* who died on December 7, 1941. In more than a dozen of these cases, he also found out their duty station about the ship.

Navy historians have painstakingly double-checked Mr. Emory's research and have confirmed its accuracy. This information should be placed on the grave site markers along with the word, "Unknown." Surely a sailor whom we know died on board the U.S.S. *Arizona* should have his grave site marked to show he was an unknown sailor who died in the service of his country on board to U.S.S. *Arizona.*

My bill directs the Department of Veterans Affairs to add this new information to the grave markers, so that they will be remembered for their specific service on a specific ship, on a specific day in history.

I urge all of my colleagues to support this measure, as the very least we can do to honor their supreme sacrifice for their country.

ELIAN GONZALEZ

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2000

Mr. DIAZ-BALART. Mr. Speaker, I had the pleasure of reading these articles by James Taranto of the Wall Street Journal regarding the case of 6 year old Elian Gonzalez. I would highly recommend them to all who are interested in learning the truth about that sad case from someone who has thoroughly researched it with great insight and sensitivity and submit them for the RECORD.

[From the Wall Street Journal, Jan. 31, 2000]

HAVANA'S HOSTAGES

(By James Taranto)

MIAMI.—No aspect of the Elian Gonzalez debate is more galling than the way Fidel Castro and his U.S. supporters have posed as champions of family unity. Havana routinely divides families by preventing children in Cuba from joining their parents in America, with nary an objection from the National Council of Churches and its allies in the fight for Elian's deportation.

There are no official statistics on the number of separated families; Cuban-American leaders here offer estimates ranging from hundreds to thousands. Many stateside family members hesitate to go public for fear of retaliation against kin in Cuba. But in three weeks, a new group called Mission Elian has documented 32 such cases. In some, children in Cuba are separated from both parents in America.

Typical is the story of Jose Cohen, the 35-year-old owner of a e-commerce company here. He had worked in Cuba's foreign-investment office, entertaining guests from abroad. Visitors told him about the outside world and whetted his appetite for freedom. So in August 1994 he, his brother Isaac and two other men crowded into a tiny two-seat motorized raft for a three-day voyage to America. Mr. Cohen left behind his wife, Lazara Brito Cohen, and his children, stepdaughter Yanelis, now 15, daughter Yamila, 11, and son Isaac, eight.

When Mr. Cohen became a U.S. resident in April 1996, he applied for and was granted U.S. visas for his family. Mrs. Cohen applied to the Cuban government for exit visas. Hearing nothing for a year, she began sending letters to Cuban officials, from Fidel Castro on down. Mr. Cohen produces a sheaf of photocopied responses on Cuban government letterhead, each informing his wife that her case is being referred to another agency. Mr. Cohen says even the evasive answers have stopped since Mr. Castro made Elian's case a case celebre.

Mrs. Cohen's experience can't be chalked up to mere bureaucratic inefficiency. When she tried to enroll Yanelis in high school in 1998, the school director told her that teens with foreign immigration visas are not permitted to study beyond junior high. Mrs. Cohen also has received menacing unsigned notes slipped under her front door. "Forget about leaving Cuba. You will never leave Cuba," one said. Declared another: "Your husband has a wife in the U.S." She once showed one of the notes to a bureaucrat at the immigration office. He read it and smiled.

Another time, a man with a government ID card appeared at Mrs. Cohen's door. "We want to help you," he said—and then tried to seduce her. She rebuffed his advances and threw him out.

"Every time we see the hope of living like every other family, it's not in the near future," Mr. Cohen says. "My wife and three children are hostage of the regime."

Bettina Rodriguez-Aguilera, a 42-year-old motivational speaker who heads Mission Elian, grew up in a family divided by Fidel Castro. She was a baby when her parents moved to the U.S. in 1959, taking her and her teen brother with them. Her father later returned to Cuba, where he wrote to her brother, who had stayed behind in America, asking him to apply for a visa waiver to speed his return to the U.S.

He mentioned in the letter that he didn't intend to join the local Communist Party cell, known as a block party. For this he was charged with "counterrevolutionary activities" and imprisoned for 14 years. Ms. Rodriguez-Aguilera didn't see him until he came back to the U.S. when she was 17. His many years as a political prisoner had broken his spirit. "Even though he was out of prison, his mind was still in prison," she says. He died in 1988.

Sometimes the Castro government boasts to families that they are being held hostage. In 1991 Maj. Orestes Lorenzo, a fighter pilot in the Cuban air force, flew his MiG–27 to the Boca Chica Naval Air Station in the Florida Keys, where he defected. He left behind his wife and two young sons. They were summoned to the office of Gen. Raul Castro, the dictator's brother, and told they would never be allowed to leave Cuba. "He has to return," Gen.

Havana's practice of taking families hostage shouldn't surprise us. It is part and parcel of a totalitarian ideology enshrined in laws giving the state limitless power over the most intimate aspects of the lives of Cubans—including children. Article 5 of Cuba's Code of the Child, enacted in 1978, stipulates that anyone who comes in contact with a child must contribute to "the development of his communist personality." Article 8 calls for "efficient protection of youth against all influences contrary to their communist formation." Many Cubans here tell stories similar to that of Miami architect Ricardo Fernandez. His cousin in Cuba was summoned to meet her daughter's teacher, who demanded to know why she was sending the girl to church.

To develop the "communist personality," Havana harnesses that most potent influence: peer pressure. Mr. Cohen says Yamila, his 11-year-old daughter, was hustled with her classmates onto a bus earlier this month for an impromptu field trip. Destination: the U.S. diplomatic mission in Havana, where the children were told to join a rally demanding Elian's return. On the phone later, Mr. Cohen asked Yamila why she had gone along with the order. "I was very nervous about what the rest of the children would say," she told him.

This is the society to which the Clinton administration is trying to repatriate Elian—a society in which the government demands ideological purity even from six-year-olds. How can this be in any child's best interest?

Havana's efforts at thought control work. The image of a mental prison recurs often in conversations with Cuban immigrants here. They talk about wearing la mascara—the mask—to hide their true feelings. They describe a process of self-censorship in which they don't allow themselves even to think certain things, lest a counterrevolutionary sentiment slip out in an unguarded moment. Since the government controls the economy, unemployment is among the risks for those who deviate. Mr. Cohen says his brother David, once a physician at a Havana clinic, was fired for wearing a Star of David necklace. The Cuban government has also blocked David Cohen's effort to emigrate to the Dominican Republic.

It is in this context that we must evaluate Elian's father's refusal to come to the U.S. for a reunion with his son. He may well be a hostage, wearing la mascara and reading a government script. Sister Jeanne O'Laughlin, the nun who oversaw last week's reunion between Elian and his grandmothers, has said she sensed at the meeting that the women were being manipulated by the Cuban government. On Thursday Sister O'Laughlin issued a statement saying the meeting had changed her mind: She now believes Elian should stay.

Gen. Rafael del Pino, who was the No. 2 man in the Cuban Defense Ministry when he defected to the U.S. in 1987, knows what it's like to have a custody dispute with the Cuban government. He escaped on a small plane and brought his wife, their two children and a teenage son by his previous marriage. His former wife later appeared on Cuban television and before the National Assembly, Cuba's one-party legislature, accusing her ex-husband of kidnapping and demanding her son's return.

But in 1995 she herself escaped on a raft. Mr. del Pino says she told him her complaints had been coerced by Havana. Reached by phone at her home in North Carolina, she refuses to say, pointing out that her mother and daughter remain in Cuba.

This story leads Mr. Lorenzo, who made his own freedom flight four years after the general's to speculate: What if, like Mr. del Pino's ex-wife, Elian's father eventually decides to escape? "I wonder if we'll find that the father left the island with Elian, and they all died at sea," Mr. Lorenzo says. "Who are we going to blame for that?"

[From the Wall Street Journal, Jan. 24, 2000]

ELIAN'S JOURNEY

(By James Taranto)

MIAMI.—It's hard for people who have never lived under communism to comprehend the passions the Elian Gonzalez case has ignited in the Cuban-American community. Just as white people can't completely understand what it's like to feel the sting of racial prejudice, those of us lucky enough to have grown up in a free land can't fully fathom the meaning of totalitarianism. But the lawmakers, judges and bureaucrats who control Elian's fate have an obligation to try. By contemplating the lengths to which people will go to escape, they can at least glimpse a shadow of the horror.

Elian and his mother were traveling with 12 other people, two of whom survived. Nivaldo Fernandez, a chef in a five-star tourist restaurant who was separated from his wife, and Arianne Horta, a single full-time mom, had been dating for less than a year when they decided to leave Cuba together. They have kept a low profile until now because Mrs. Horta fears for her five-year-old daughter, Estefani Erera, whom she left behind in Cuba. On Friday Ms. Horta went public with her plight at a press conference here organized by Rep. Ileana Ros-Lehtinen (R., Fla.).

A few days earlier, I sat down with Mr. Fernandez and Ms. Horta to hear an account of their harrowing voyage. This is their story, as translated by Carlos Corredoira, Mr. Fernandez's best friend.

Fifteen Cubans from the coastal city of Cardenas boarded a 17-foot boat bound for America before dawn on Nov. 21. Along with three survivors and Elian's mother and stepfather, the group included Ms. Horta's young daughter and two families, the Muneros and the Rodriguezes. A Rodriguez family friend was also aboard. Aside from the two children, the youngest member of the group was 17.

The trip was troubled from the start. Their outboard motor failed almost immediately, and they spent the day on a small island just off the coast trying to repair it. As Elian and Estefani played together on the island, Elian was exuberant: he kept shouting "Me voy para la Yuma!": "I'm going to the United States!" (La Yuma is a Cuban colloquialism for the U.S.) But Estefani was scared and cried much of the time.

In the evening they returned and got the motor fixed. Ms. Horta decided Estefani was not up to the trip. She faced an agonizing choice: her daughter or her freedom. She decided to leave Estefani behind with her grandmother and send for her after she settled in the U.S. She had no idea the trip would turn into an international incident.

Just before dawn the next morning, they set off again. Two hours later, Elian saved their lives. Two Cuban patrol boats pulled up, one on each side. They tried unsuccessfully to capsize the little boat by moving from side to side, making waves. Then a sailor on the large vessel threatened to sink the boat with a water cannon.

"We have kids in here!" Mr. Fernandez shouted. "We have five or six kids!" He backed up his bluff by hoisting Elian. The sailor backed down. The patrol boats continued to follow for an hour, turning back when they reached international waters.

Things got much worse that night. The motor died. High waves tossed the boat about. Water splashed over the sides of the craft, threatening to sink it. A fuel tank tipped over. The gasoline burned a hole in one of the three large inner tubes the group had taken along in case of emergency. Seconds later, the boat capsizes.

The 14 Cubans spent the night clinging to the hull. Several cruise ships passed by, but no one heard their cries for help. At dawn they tried to turn their boat over. Instead it sank. Their food was gone. They grabbed the inner tubes and held on for their lives.

As the boat sank, Ms. Horta snatched a jug of water. She told Elian's mother, Elizabeth Broton: "Only give this water to Elian." That selfless act may well have saved Elian's life.

By evening, the Cubans were dehydrated, and some started to hallucinate. The first to succumb was 17-year-old Jicary Munero, Elian's stepfather's brother. He swam away from the inner tube, shouting: "Look, there's a little island! I see lights!" His brother and one of the Rodriguez men swam after him.

Suddenly all was quiet. In the space of seconds, three men had died, and two women had become widows. Elian's stepfather's parents had also seen two sons perish. Mr. Fernandez struggled to keep their spirits up. "Let's pray together," he told them.

Hunger and hallucination killed more that night. The Rodriguezes' friend, a 25-year-old woman named Lirka, was starving. She swam away, shouting, "I want black beans and rice!" Mr. Fernandez tried to save her. She drowned just as he reached her. When he returned to the inner tube, it was empty. Elian's stepfather's parents had drowned, too. Later the widow Rodriguez started swimming and shouting. "There's light over there!" Her brother-in-law tried to save her. Both drowned quickly.

The group had dwindled to six: Mr. Fernandez, Ms. Horta, Elian, his mother, and the parents of the two dead Rodriguez men. Mr. Fernandez and Ms. Horta, exhausted, fell asleep clinging to their inner tube. They awoke to find that the elder Rodriguezes had drowned overnight.

All the struggle and death had worn Elian's mother down. "I want to die," she said. "All I want is for my son to live. If there's one here who has to die, it's me, not him." Elian was begging for milk; his mother had given him her sweater to protect him from the chilly waters.

Mr. Fernandez and Ms. Horta dozed off again. Hours later they were awakened by sharks nipping at their legs. (Both showed me their scars: Mr. Fernandez has several dozen small tooth marks on his ankles; Ms. Horta has three larger wounds on her thighs.)

They were alone. The rope that held the inner tubes together had come loose as they slept. Mr. Fernandez, who had tried to lift the others' spirits, found himself losing hope. "I'm tired," he told Ms. Horta. "I can't make it. I want to die."

As night fell, the couple saw lights in the distance. They tried swimming toward shore, but the current was against them. Again they slept.

They awoke at dawn on Thanksgiving Day. Closer to shore, they began swimming toward land. They arrived in Key Biscayne, Fla., yacht harbor. They had made it.

Exhausted and dehydrated, they collapsed. Later Mr. Fernandez, lying in bed in a Miami hospital, told police there might be other survivors. A cop showed him a photo: "Did this little kid come with you?"

"Yes. Is he alive?" Elian had made it too.

After leaving the hospital, Mr. Fernandez and Ms. Horta went straight to the immigration office and began the process of becoming Americans. Their new lives are a classic immigrant struggle. Ms. Horta is going to school to learn English. Mr. Fernandez, the erstwhile five-star chef, is looking for work; last week he had an interview for a job washing cars at an auto dealership.

Nivado Fernandez is full of faith in his new country. "I was born on July 3, 1967," he says, "I was born again on Nov. 25, 1999, because that's when I came to the land of liberty." Would he do it again if he knew how harrowing the journey would be? "Yes. Even if I died in the middle of the sea, I would have died with dignity, trying to come to this country."

Arianne Horta longs to be reunited with Estefani, her five-year-old daughter. The Immigration and Naturalization Service, the selfsame agency that is demanding Elian's immediate deportation in the name of family reunification, tells Horta it can't do anything about her little girl until Ms. Horta attains residency status, which won't happen until next year. In contrast to Elian's father, last seen ranting on ABC's "Nightline" about his desire to assassinate U.S. politicians, Ms. Horta maintains a quiet dignity. "I cry a lot," she says.

This week Congress will take up legislation to declare Elian Gonzalez a U.S. citizen. It should extend the same privilege to Estefani Erera. There's no guarantee that Fidel Castro would allow her to emigrate, but such an action would remove the obstacle on this side of the Florida Straits. Making Estefani an American would be a fitting tribute to her mother's heroism—and to the memories of the 11 who didn't make it.

HONORING THE JEWISH HOME FOR THE AGED ON ITS 85TH ANNIVERSARY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2000

Ms. DELAURO. Mr. Speaker, it gives me great pleasure to rise today to honor an organization that has been an invaluable asset to the New Haven, Connecticut community since its inception 85 years ago—the Jewish Home for the Aged.

In October, the Jewish Home for the Aged celebrated 85 years of care and service to the elderly of our community. Founded by the Sisters of Zion, what began as a small sanctuary for poor, elderly Jewish men and women without families, has grown into a distinguished and highly respected nursing care facility. Over the years, the home has worked diligently to address the ever-changing needs of our aging population. Throughout its history, quality care has been their prime goal, constantly expanding both in space and services.

Through personal appeals and their first Charity Ball, in 1916 the Sisters of Zion were able to raise the funds necessary to purchase a wood house at 169 Davenport Avenue in New Haven, giving the Jewish Home for the Aged its first residence. In its formative years, the Jewish Home for the Aged was run completely by women, an unique undertaking given the times. Every succession of Board members has had to grapple with the financial realities of caring for the elderly. As a non-profit, the Home has had extraordinary success through a myriad of fund-raising efforts, a strong tradition that continues today. Throughout its rich history, the remarkable success of the Jewish Home for the Aged has been due to the strong leadership and dedication of the staff and administration—our sincere thanks to them for all of their extraordinary efforts.

This past year, the Home suffered an enormous loss with the unexpected passing of its Executive Director, and my dear friend, Rick Wallace. Rick was an incredible leader, committed to overcoming the massive changes and rising costs in health care that have impeded our seniors from accessing quality care. He held a strong belief that in order to meet these new challenges, Jewish organizations throughout the community would have to work together to provide their residents with a continuum of care. Dedicated to the Home's future success, Rick ensured that the Home was a founding member of the Jewish Care Network. Rick dedicated his career to the mission of the Home and it is my hope that they will carry on his strength and vision as they move ahead into the future.

The Jewish Home for the Aged has had an invaluable impact on our community since its founding. I am indeed proud to stand today to honor them as they celebrate their 85th anniversary and to extend my best wishes for continued success.

NORTHERN IRELAND IN CRISIS AS SAINT PATRICK'S DAY APPROACHES

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2000

Mr. GILMAN. Mr. Speaker, next week is Saint Patrick's Day, when so many Irish and their many friends around the globe celebrate the great patron saint's day of honor. This year's Saint Patrick's day was to have held out great hope for lasting peace and justice in the long troubled north of Ireland. The Irish and peace loving people all over the world were joyous last November 29th when the new Northern Ireland power sharing executive was finally formed and the British government devolved most of home rule to Belfast. Along with the Northern Ireland assembly, north/south and east/west bodies, the future of all of the island of Ireland was bright for peaceful democratic change in the unsatisfactory status quo that has long been the north of Ireland. The Good Friday accord supported by the people of both the north and south of Ireland was finally being implemented and change was to come through democratic means and new power sharing institutions.

It was a step backwards in the search for lasting peace and justice in the north of Ireland when the British Government on February 11, 2000 suspended the power sharing institutions that had been the best chance to produce overall change in the north, including decommissioning.

Regrettably, the Irish peace process since February 11, 2000 is once again in crisis. The most recent announcement that the IRA is withdrawing from their efforts with the arms decommissioning body is another body blow to a fragile and tenuous future in the north of Ireland.

Even after positive steps were being made to resolve the arms issue—the IRA had committed to put them beyond use—the old unionist veto by the Ulster Unionist Party (UUP) forced the suspension of power sharing under the threat of resignation by the UUPs First Minister, David Trimble from the new local government. Terms of the Good Friday Accord set out simultaneous time frames for removal of the guns on both sides from Irish politics.

Those who have unilaterally changed its terms and exercised a veto over its operation must explain their intransigence, and be held accountable for failing to carry out the terms of the Good Friday peace accord.

In order to create the climate for arms decommissioning as envisioned by the terms of the Good Friday Accord, power-sharing institutions must be reestablished, sooner rather than later.

The accord itself set a mid-May 2000 time frame for good faith efforts by all sides at getting all of arms decommission in the North Ireland. Regrettably, the institutions that should have been in place for the last 18 months has only been up and running for just the last 10 weeks. Now they have been suspended.

We soon will have the marching season again in the north of Ireland. We cannot let the political vacuum in the north go on indefinitely. We need the political institutions up and running so change can come peacefully through democratic means. Only then can we expect the political process that the Good Friday accord set in motion can help make the guns on both sides in the north, both irrelevant, and unnecessary.

The parties need to get back to the table and fully implement the Good Friday Accord. As Senator George Mitchell has wisely said, history might forgive the failure to reach an agreement in the long conflict over Northern Ireland, but will never forgive the failure to implement one that has been agreed upon by both governments and all of the parties in the long troubled region.

Let us, on this St. Patrick's Day, hope and pray for a united, peaceful Ireland.

HONORING THE TORRANCE MEMORIAL MEDICAL CENTER

HON. STEVEN T. KUYKENDALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2000

Mr. KUYKENDALL. Mr. Speaker, I rise today to honor the Torrance Memorial Medical Center, and important facility within my district. The largest community hospital in the area, Torrance Memorial is currently celebrating is 75th anniversary.

For 75 years, the Torrance Memorial Medical Center has played an integral role in the health and welfare of the South Bay and Peninsula communities. The medical center has come a long way since it first opened its doors in 1925. More babies were delivered and more patients were admitted during the last quarter of 1999 than during its first ten years in operation.

With 380 beds, the Torrance facility is widely recognized as one of the most technologically advanced private hospitals in the regions. A leader in the health care industry, Torrance Memorial specializes in acute care, particularly in the areas of cardiology, cancer treatment, burn treatment, and neonatal care. The center has provided first rate medical care to tens of thousands of local residents throughout the years.

Torrance Memorial is an active member of the community. It is a pioneer in prevention, education, and community services providing classes, lectures, daycare, and physician referrals to help the residents of the South Bay and surrounding communities play a greater role in their own health.

I commend the staff and volunteers of the Torrance Memorial Medical Center for providing such outstanding care, and I congratulate then on this milestone. The South Bay is grateful for your services.

TRIBUTE TO PATRICIA CAMPBELL GLENN

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2000

Mr. PAYNE. Mr. Speaker, I would like to ask my colleagues here in the House of Representatives to join me in honoring a woman of remarkable accomplishments, Patricia Campbell Glenn, who has earned a reputation as an outstanding public servant.

As the Regional Director of the United States Department of Justice, Community Relations Service in Region II consisting of New York, New Jersey, the U.S. Virgin Islands and Puerto Rico, her agency is responsible for the mediation of all community-based racial and ethnic disputes. Ms. Glenn has the distinction of being the only female director in the country. During her tenure at the Department, she was deputized as a special U.S. Marshall in Conway County, Arkansas; she mediated systemic issues cases in federal correctional facilities, and she mediated disputes between Native Americans and the federal government. In 1996, she was selected to direct the National Arson Task Force in Washington, D.C. for the Community Relations Service. The Task Force had the direct responsibility for the resolution of all disputes related to the arson of churches. Ms. Glenn has conducted Hate Crime training with the Federal Law Enforcement Training Center out of Glynco, Georgia since 1992, the U.S. Trustees, Bankruptcy Courts, the National Organization of Black Law Enforcement Executives, the Federal Bureau of Investigation and the U.S. Secret Service, Uniform Division.

Her impressive achievements include being selected as one of the fifty outstanding females in the Justice system; becoming the first female to receive the Outstanding Regional Director Award; being listed in Who's Who in American Women and in the Midwest; and being selected in 1998 as National Mother of the Year by the Ashley Steward Retail Association. In addition, she was responsible for the first nationwide agreement with the Federal Emergency Management Agency to provide assistance when problems between races and cultures arose during national disasters; mediation of community concern regarding police practices in Paterson, New Brunswick, Montclair and Newark, New Jersey; mediation between African American and Jewish faculty at Kean University; and many other achievements. She received a B.S. in English Education from Ohio State University and an M.A. in Speech Communication from Montclair State University. She has lectured at Yale University, conducted classes at Passaic Community College, taught Conflict Resolution in Moscow and established conflict resolution programs in St. Petersburg and Komi, Russia. Currently, she is an adjunct instructor at Montclair State University.

Mr. Speaker, I know my colleagues join me in paying tribute to a remarkable public servant, Patricia Campbell Glenn, for her highly successful work and in wishing her all the best in her future endeavors.

PERSONAL EXPLANATION

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2000

Mrs. NAPOLITANO. Mr. Speaker, on Wednesday, March 8, 2000, I was unavoidably late in returning from California. If I had been here to vote, I would have voted "yea" for all of the following:

H.R. 1827—Government Waste Corrections Act; H.R. 2952—To redesignate the Facility of the U.S. Postal Service in Greenville, South Carolina as the Keith D. Oglesby Station; H.R. 3018—To designate the U.S. Postal Office in Charleston, South Carolina as the Marybelle H. Howe Post Office; S. Con. Res. 91—Congratulating the Republic of Lithuania on the tenth anniversary of the reestablishment of its independence from the rule of the former Soviet Union; and H.J. Res. 86—Recognizing the 50th anniversary of the Korean War and the service by members of the Armed Forces.

HONORING NANNIE PARKS ROGERS AS THE 1999 NCNW APPRECIATION AWARD RECIPIENT

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2000

Ms. DELAURO. Mr. Speaker, it gives me great pleasure to rise today to join the New Haven National Council of Negro Women in posthumously honoring my good friend, Nannie Parks Rogers, with their annual appreciation award.

Each year the NCNW of New Haven recognizes outstanding men, women, and youngsters for their efforts on behalf of our community. These annual awards honor individuals who have reached out to the community and dedicated themselves to the continued improvement and enhancement of Greater New Haven.

Nan Rogers was an extraordinary figure who enriched the lives of everyone she touched. Spending more than forty years in the field of education, Nan worked closely with people as both an educator and counselor. Her dedication and strong belief in the vital importance of education led her through an unparalleled career. Nan valued the opportunities her career offered—from young children beginning their formal education, to teens as they made their choices about life, and finally to adults returning to college and restructuring their lives.

A longtime resident of the Newhallville neighborhood in New Haven, Nan was an active member in many organizations throughout the city. Among the myriad of activities she was involved in were her memberships in St. Andrew's Episcopal Church, the National Council of Negro Women, the Mary B. Ashford Adult Services Center, the NAACP, the Business and Professional Women's Club, and the Inner City Day Care Council, Inc. Nan is also credited as a founder of the African American Women's Agenda, a community based group whose goal is to address the issues affecting African American women and to ensure that their voices are heard, both locally and nationally. Nan was a true advocate for her community, striving to enhance the quality of life for our children and families.

Sadly, Nan passed away in March of this year at the age of 70. I am fortunate enough to have known Nan and blessed to have called her my friend. I would like to extend my sincere sympathies to her daughter, Robin, grandchildren, Marcus and Sarah, family, and friends. Nan will certainly be missed but her contributions will not be forgotten. I am truly honored to stand today to pay tribute to Nannie Parks Rogers as the recipient of the 1999 NCNW Appreciation Award Recipient.

SENIOR CITIZENS FREEDOM TO WORK ACT OF 1999

SPEECH OF

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2000

Mr. GILMAN. Mr. Speaker, I rise today to strongly support H.R. 5, The Senior Citizens Freedom to Work Act of 2000. I ask my colleagues to join me in supporting this worthwhile piece of legislation.

This objective of this bill is simple and straightforward: it would totally remove the future earnings limit for working seniors who receive Social Security.

For too many years, those senior citizens, aged 65–69, who chose to continue to work, have had their Social Security benefits deducted by one dollar for every three dollars earned once their earnings went over the limit. For many years, this limit was $12,500 annually.

The 104th Congress made a much needed change in 1997, by raising the limit to $30,000 by 2002.

I have long believed that more needs to be done on this issue. Ever since coming to Washington, in the 93rd Congress, I have introduced legislation to either raise the earnings limit, or eliminate it, altogether. I believe that repeal of this regulation is one of the most effective things we in Congress can do to show our seniors that we recognize the value of their contributions to both our Nation's economy and to the character of our individual communities.

The Social Security earnings limit is a relic from the Great Depression era, when concern over mass unemployment led many to believe that the imposition of the limit would prevent retired individuals from competing with younger workers for scarce jobs. While the limit's utility in the 1930s is debatable, most everyone agrees with the argument that it has no place in today's work environment.

The earnings limit only serves to discourage seniors from working and diminishes their potential impact on society. It is a condescending regulation that conveys the message that seniors have nothing to contribute and are better off not serving in the work force. In doing this, it both reduces the standard of living for working seniors, as well as rob the country of the valuable experience and workplace skills of those senior citizens who, because of the earnings limit, forego returning to the workplace.

Thanks to revolutionary advances in the field of medicine, Americans are living longer than ever before in our Nation's history. Consequently, senior citizens are the fastest growing component of our country's population.

Moreover, the U.S. economy is currently running at very close to full employment. While the unemployment rate is at a historic low, demand for finished goods shows no signs of abating. Employers recognize this, and are searching for ways to address this challenge. Many have turned to senior citizens, who are a vast, largely untapped, labor resource. Consequently, recruitment of senior citizens by private industry is on the rise, and shows more signs of increasing in the future.

Given this, it simply makes no sense to maintain an arbitrary earnings limit that penalizes those individuals of retirement age who wish to continue being productive members of the work force. Nobody who wishes to enjoy retirement should be forced to work, however, those who do work should not be unfairly penalized for doing so.

Our senior citizens have their own unique and invaluable contributions to make to our society as a whole. I have long encouraged my colleagues in Congress to recognize and reward this initiative, rather than penalize it by clinging to outmoded regulatory relics.

For far too long, the poor budgetary environment made repeal of this limit a practical impossibility. Today's environment of growing surpluses has knocked away this last obstacle to reform. We need to seize this opportunity to provide simple, but effective reform for our working seniors.

Moreover, while important, the repeal of this limit should only be the first step towards improving the economic welfare of our senior citizens. Congress still needs to repeal the earnings limit for those seniors aged 62–64, and this debate should be the prelude to a full review of the taxes levied on our senior citizens, with the goal of repealing all taxes on Social Security benefits, which in effect are a discriminatory form of double taxation.

I am pleased to see that the President has finally stated his public support for the elimination of the earnings limit, and I commend my colleagues on the Ways and Means Committee for their diligence and attention to this issue in their recent favorable consideration of this bill.

I ask my colleagues to join me in supporting this timely, and important legislation.

HONORING THE SOUTH BAY WOMEN OF THE YEAR

HON. STEVEN T. KUYKENDALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2000

Mr. KUYKENDALL. Mr. Speaker, I rise today to pay tribute to some exceptional women from my district being honored tomorrow as the South Bay Women of the Year. The honorees are Mrs. Katharine Ward Clemmer, the Honorable Katy Geissert, Ms. Jill Gomes, Mrs. Renee Henry, Mrs. Pamela Kenoyer, Mrs. Elaine Klessig, Mrs. Mary Jane Schoenheider, and Mrs. Darla Voorhees.

This honor is given to several remarkable women each year by the Switzer Center School and Clinical Services located in the City of Torrance, which serves children with learning, emotional, or social challenges. The 2000 South Bay Women of the Year Awards are presented to women who are making a difference in the lives of others. These individuals are being recognized for selflessly giving their time and efforts to improve the community. They are making an impact in the lives of others, not because they have to, but because they want to.

I thank the Switzer Center for recognizing these women and their significant accomplishments. I commend these eight women for their important contributions to the South Bay community. They have touched the lives of many. I congratulate them on receiving this award.

PERSONAL EXPLANATION

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2000

Mr. HINOJOSA. Mr. Speaker, because of a transit problem, I unfortunately missed rollcall votes 29, 30, 31, 32 and 33. Had I been present I would have voted as follows:

Rollcall No. 29, Government Waste Corrections Act (H.R. 1827)—"yea"; rollcall No. 30, To Redesignate the Facility of the U.S. Postal Service in Greenville, SC, as the Keith D. Oglesby Station (H.R. 2952)—"yea"; rollcall No. 31, To Designate the U.S. Postal Office Located at 557 East Bay Street in Charleston, SC, as the Maybelle H. Howe Post Office (H.R. 3018)—"yea"; rollcall No. 32, Congratulating Lithuania on the 10th Anniversary of its Independence, S. Con. Res. 91—"yea"; rollcall No. 33, Recognizing the 50th Anniversary of the Korean War, H. J. Res. 86—"yea."

CONGRATULATING THE CHURCH OF THE ANNUNCIATION

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2000

Mrs. ROUKEMA. Mr. Speaker, I rise to congratulate the Church of the Annunciation in Paramus, New Jersey, on the dedication of its restored and renovated church building. This newly completed work not only provides more space for worship and community activity, but reflects the measure of faith it brings to the community and the growth of the church congregation.

The $2.2 million project will provide more than 8,000 square feet, reconfigured to meet the Second Vatican Council's direction for greater participation of the congregation in services. Modern lighting and sound systems have been added while maintaining the church's classic gothic design. Meeting space for parish organizations and community services has been expanded and the entire complex has been adopted for the physically challenged.

A church is, of course, far more than bricks and mortar. It is a place of prayer, worship and solace for all. As Pastor Michael Sheehan has said, the renovation project is a proclamation of the congregation's faith in the future that the Lord will continue to be with His people in Paramus.

A key element of the spirit surrounding the Church of the Annunciation has been the tradition of Christian charity. Members of this compassionate congregation have worked selflessly to help the less fortunate in the community, providing aid and assistance whenever and wherever it has been needed. They have truly embraced the Gospel according to St. Matthew: "I was hungry and you gave me meat. I was thirsty and you gave me drink. I was a stranger and you took me in. I was naked and you clothed me. I was sick and you visited me. I was in prison and you came unto me."

The Church of the Annunciation traces its history to 1951, when Newark Archbishop Thomas J. Walsh ordered the construction of a new church to accommodate the rapidly growing Catholic population in Bergen County. Archbishop Walsh chose the site of the former House of Divine Providence, a Catholic charity hospital for the terminally ill that had remained vacant since it was gutted by fire in 1925. The Rev. William J. Buckley was assigned as the first pastor and held the first Mass in the Midland Avenue firehouse on September 14, 1952. The new church was dedicated the following March on the day before Palm Sunday. The first year of full operation saw 78 baptisms, four weddings and three funerals.

Rapid growth followed over the next several years, including construction of a rectory and the establishment of a church school for kindergarten–eighth grade. While the school closed in 1983 due to falling enrollment, overall growth has continued and the church today is the spiritual home of more than 1,200 families.

The Church of the Annunciation has been served by many distinguished clergy, but some have a special place in the memory of parishioners. Archbishop Walsh entrusted the Rev. William J. Buckley, an experienced priest of 29 years, with the important job of founding the church, overseeing the establishment of the new parish and serving as the first pastor. A practical man as well as a spiritual leader, the Rev. Buckley's first purchase was a 4-by-7-inch leather-bound accounts book in which to record the church's finances. In 1967, the Vietnam War touched the lives of the parish all too closely when the Rev. Charles Watters was killed in action. Pastor from 1956 to 1963, Father Watters was serving as an Army chaplain with the 173rd Airborne Brigade when his unit engaged a heavily armed enemy battalion. During the battle, Father Watters rushed to the front lines to aid wounded soldiers and give last rites to the dying. He repeatedly ran through intense enemy fire to rescue the wounded or give aid, and was eventually struck and killed. Father Watters received the Congressional Medal of Honor for his heroism. The traditions and standards set by Father Buckley and Father Watters are ably carried on today by Father Sheehan.

The Church of the Annunciation has been a center of community life for generations, a gathering place for weddings, funerals and other passages of life not just for today's generation but their parents and grandparents as well. It continues to play a major role in the lives of its congregation and will do so for many years to come. In these times of moral upheaval and increasing violence among our youth—as evidenced by tragic shootings in schools across the nation—we especially value the dedication and commitment of our churches to the guidance of our young people. This is in the best tradition of building upon the strong foundations of our American democracy.

As the Church approaches the 50-year mark, the promise of its future seems bright. The faithfulness of its clergy, the devotion of its congregation and its dedication to Christian values are evidence of its enduring place in the community.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me in congratulating the Church of the Annunciation on nearly half a century of serving the spiritual needs of its congregation, and wishing this church and its parishioners the best for the future. God bless and Godspeed.

IN MEMORY OF CHARLES SCHULZ

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2000

Mr. GOODLATTE. Mr. Speaker, it is a privilege and an honor to stand before you today and pay tribute to the celebrated cartoonist Charles Schulz. His legacy will be remembered around the world for years to come. For 50 years, Mr. Schulz gave us the lovable characters that we could identify with, the Peanuts Gang.

I would also like to inform my colleagues of Schulz's generous contributions to the National D-Day Memorial Foundation in Bedford, Virginia. The Foundation is a group of veterans and volunteers designated by the U.S. Congress to build and maintain a memorial to Allied Forces who invaded the Normandy coast of France on June 6, 1944. The Foundation is charged with designing, building and operating a national memorial that will provide a place of reverence and solemnity honoring those who sacrificed so much on D-Day. The Foundation is committed to educating citizens of the world, especially young people, about the scope of the invasion; the role of individual American service men and women; the sacrifices made by the families and communities on the home front; and the critical importance and significance of D-Day.

Since its creation, Charles Schulz provided great support to the Foundation and the advancement of its goals. All donations in Charles Schulz's name should be directed, per Mr. Schultz's request, to The Campaign to Build The National D-Day Memorial and Education Center.

Again, I ask my colleagues to join me in recognition of this man's support for such a worthy cause.

COMMUNIST CHINA'S THREAT AGAINST TAIWAN

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2000

Mr. ROHRABACHER. Mr. Speaker, communist China recently issued a so-called "white paper" threatening to attack the Republic of China on Taiwan, almost immediately after a high level Clinton Administration delegation led by Strobe Talbott visited Beijing. Reportedly, Talbott told the Chinese dictators that President Clinton wanted "a constructive strategic partnership." Through the militant "white paper" Beijing stated it would militarily conquer Taiwan if Taiwan's democratically elected leaders refused to meet Beijing's timetable for reunification talks. This is a new condition meant to frighten voters in Taiwan prior to Taiwan's presidential election on March 18.

This latest bluster by Beijing is comparable to the 1996 Chinese "missile test" in the Taiwan Strait during Taiwan's first democratic Presidential election. Beijing failed to deter Taiwanese voters from electing President Lee Teng-hui. On March 18, the first time in China's 5,000 year history, Taiwanese voters will democratically choose a new president to replace a democratically elected leader.

Communist China's threats against Taiwan are deplorable. Taiwan is a vibrant democracy and its people should have every right to elect their new leader without any sort of outside interference. Beijing should recognize the fact that the Chinese people now have two separate governments—one democratic and the other a militant dictatorship. Reunification talks between Beijing and Taipei should be conducted as between two equal entities, allowing both sides to discuss the creation of a new democratic China through the free will of all Chinese people.

During this sensitive period, we should make clear to Beijing that the United States Government has zero tolerance for Beijing's bullying gestures toward the brave people of Taiwan. There current actions are sound reason to deny any trade agreements, such as the so called Permanent Normal Trade Relations proposal.

ORGAN DONATION AND TRANSPLANTATION IMPROVEMENTS ACT

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2000

Mr. RUSH. Mr. Speaker, today, I am pleased to join with my colleague, RAY LAHOOD, in introducing the Organ Donation and Transplantation Improvements Act of 2000, a bill to amend the Public Health Service Act to improve the national system of organ allocation and transplantation.

Under the provisions of the National Organ Transplant Act (NOTA), the U.S. Department of Health and Human Services has the responsibility for establishing and administering a national organ allocation program. In April of 1998, the Department published a regulation which directs the Organ Procurement and Transplantation Network (OPTN) to address a number of inefficiencies and inequities in the existing organ allocation program. UNOS, the United Network for Organ Sharing, and a number of transplant centers, strongly objected to the regulation. The groups in opposition sought and secured a rider to the Omnibus Appropriations enacted in 1998 which blocked implementation of the Secretary's proposed regulation.

In October, 1998, the Congress suspended implementation of the Final Rule for one year to allow further study of its potential impact. During that time, Congress asked the Institute of Medicine (IOM) to review current Organ Procurement Transplantation Network (OPTN) policies and the potential impact of the Final Rule. The IOM study was completed in July of last year and provided overwhelming evidence in favor of the new regulations. Nevertheless, at the end of the last session of Congress, a second moratorium was added onto the Work Incentives Improvement Act, that provided for an additional 90-day delay of implementation of the Final Rule.

In the midst of this debate, last October, the House Commerce Committee debated and reported legislation, H.R. 2418, that would divest the Department of Health and Human Services of any authority to require anything of the OPTN. Functions of a scientific, clinical or medical nature would be in the sole discretion of the OPTN. All administrative and procedural functions would require mutual agreement of the Secretary and the Network.

Opponents of H.R. 2418, including the Governor of the great state of Illinois, believe that the legislation would create an unregulated monopoly of organ allocations, and allow UNOS to run the organ allocation program unfettered. The legislation also favors small states with small centers at the expense of patients waiting for transplants at larger centers. The state of Illinois represents 9 percent of the population and receives only 4 percent of the transplants.

The legislation which Mr. LAHOOD and I are introducing today takes elements from a variety of different sources and combines them into a comprehensive bill aimed at improving the performance of the nation's organ donation and transplant system. The bill includes elements from:

The existing National Organ Transplant Act (NOTA);

H.R. 2418, the Organ Procurement and Transplantation Network (OPTN) Amendments of 1999;

The OPTN regulation promulgated by the Department of Health and Human Services and revised in 1999; and

Recommendations from the Institute of Medicine in its 1999 report: Organ Procurement and Transplantation.

The goal of the Donation and Transplantation Act is to increase organ donation rates and to foster a fair and effective system for improving the nation's organ transplantation system.

The legislation that we are introducing supports a number of programs aimed at increasing organ donation by establishing a grant program to assist organ procurement organizations (OPO) and other non-profit organizations in developing and expanding programs aimed at increasing organ donation rates; creating a Congressional Donor Medal to be awarded to living organ donors or to organ donor families; establishing a system of accountability and places the responsibility for increasing organ donation with the Department of Health and Human Services (HHS must report its progress to Congress); and establishes a system of support for state programs to increase organ donation.

Congress created the Organ Procurement and Transplantation Network (OPTN) in 1984 to create a fair and effective system for matching organ donors with patients in need of organ transplants. The Act maintains the high medical standards established by Congress in 1984; further defines the organ allocation standards established by Congress in 1984 in order to ensure a fair and equitable system of allocation based upon the recent recommendations of the Institute of Medicine; establishes new standards of financial accountability in the operation of the OPTN; and requires the Department of Health and Human Services to work with the OPTN contractor to monitor and enforce the policies of the OPTN.

The Act further removes the burden for organ allocation from the Organ Procurement Organizations (OPOs) and establishes a process, based upon sound medical criteria, for the certification and recertification of OPOs. The legislation further provides an opportunity for OPOs that fail to meet standards to implement a corrective plan of action.

Our legislation implements the recommendations of the Institute of Medicine through the creation of an advisory board to review OPTN policies and ensure the best performance of the OPTN in the effective and equitable procurement and allocation of donated organs. The legislation also includes a provision to reimburse individuals who donate organs for the non-medical travel expenses and maintains the current standard of enduring that patients have the best data and information about the nation's organ transplant system. Finally, Mr. Speaker, as with the current law, our legislation provides that the OPTN will continue to be operated by a private non-profit organization, with rules that will be subject to review by the Secretary of Health and Human Services.

Mr. Speaker, the legislation that Congressman LAHOOD and I have introduced today is a sound compromise worthy of consideration. I hope that our colleagues will join us in support of this legislation.

HONORING ALVIS BROOKER, ALDERMAN, 23RD WARD, NEW HAVEN, CONNECTICUT

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2000

Ms. DeLAURO. Mr. Speaker, I rise today to honor my good friend, the late Honorable Alvis Brooker, Alderman for the 23rd Ward of New Haven, Connecticut. On Monday, November 15, Alvis succumbed to the same rare liver disease that took the life of the great Walter Payton.

Alvis was an incredible force in the Dwight/West River section of New Haven, representing more than 5000 city residents. He was a member of the West River Neighborhood Association as well as the Dwight Central Management Team. Both of these groups are neighborhood organizations whose mission is to improve and enhance the neighborhood and quality of life for its residents. He worked diligently to address the needs of those he represented, especially the various security, housing, and revitalization issues they faced. He was instrumental in the George

Street revitalization project, which involved a complete rehabilitation of the New Horizon Apartments, an elderly affordable housing complex. He also played an integral role in securing the funding for the development of Shaws Supermarket at Dwight Place which has brought about an economic renaissance in the area. Alvis always brought the needs of his constituents to City Hall—ensuring that their voices were heard.

During his three term tenure on the Board of Aldermen Board, he chaired the Public Safety and Substance Abuse Committee as well as the Youth and Youth Services Committee. As a case manager with the New Haven Family Alliance, he worked with primarily high-risk adolescents with drug and alcohol problems. His career experiences brought an uncommon insight to these committees and he was able to communicate the specific issues which our young people face with a unique authority. Prior to his work at the New Haven Family Alliance, Alvis pursued a counseling career within the Connecticut Department of Corrections, counseling inmates with substance abuse problems and lectured on the Criminal Justice System at public schools and universities across Connecticut. He also started and facilitated a program entitled "Youth Reaching Out to Youth", a program that designed an environment where teens could counsel each other on the difficult issues which they faced each day.

In only 33 years of life, Alvis Brooker left an invaluable mark on our community. Behind the myriad of Aldermanic Citations and Mayoral Proclamations, there was a man who truly cared about his community. He was a leader in every sense of the word and will always be remembered for his unwavering commitment and tireless work on behalf of our children and families. He has certainly been an inspiration to all of us in the New Haven community and it was indeed a privilege to work with him and I am proud to have called him my friend.

It is with a heavy heart that I rise today to join his mother, Sallie, family, friends, colleagues, and the community he loved well to bid a fond farewell to my dear friend, Alvis Brooker. His strength and good heart will live on.

UPHOLDING DEMOCRACY IN TAIWAN

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2000

Mr. HINCHEY. Mr. Speaker, in the spring of 1996, the People's Republic of China (PRC) conducted two guided missile tests north of Taiwan, in an effort to intimidate the voting populous. Fortunately, the people in Taiwan recognized this act of intimidation by the PRC and overwhelmingly elected Lee Teng-hui as their first freely elected president in China's 5,000-year history.

This year, on the eve of Taiwan's second presidential election, the People's Republic of China has once again renewed its militaristic intimidation tactics against Taiwan. On at least two occasions, Beijing leaders had made it abundantly clear that it could invade Taiwan if Taiwan refused to engage in reunification talks. There is widespread concern throughout Taiwan, South Asia, and here in the United States that the PRC will continue its efforts to intimidate Taiwan. These attempts to destabilize Taiwan's healthy policy and economy would eventually lead to the surrender of Taiwan to mainland China.

I trust the voters in Taiwan will once again choose one of the three leading candidates as their president on March 18. It is vitally important that Taiwan's security not be compromised in any way. In the meantime, the goal of both governments should be increased dialog and a cooling of inflammatory rhetoric. Fear and instability will not serve the people of either Taiwan or the PRC, and it certainly will not serve the interest of the United States.

INTRODUCTION OF THE SOCIAL SECURITY BENEFITS PROTECTION ACT OF 2000

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2000

Mrs. MINK of Hawaii. Mr. Speaker, I rise today to introduce a bill that is very important to me, to my constituents in Hawaii, and to the people of the United States of America—the Social Security Benefits Protection Act.

Under current law, the Social Security Administration does not pay benefits for the last month of life. It doesn't matter what day of the month the retiree dies. Even if a Social Security beneficiary dies on the very last day of the month, the surviving spouse or family members must send back the Social Security check for that month.

This is an unfair and heartless rule.

When a loved one dies, there are expenses that the family must take care of:

There are final bills to pay. There are utility bills that need to be paid. There is rent or a mortgage that must be taken care of, and oftentimes, there are final health expenses.

Companies will not cancel these bills for that final month of life. These expenses must still be paid. So why is Social Security telling the family that the final month of Social Security income must be returned? This money is needed for these expenses.

My bill corrects this unfair rule in a simple and straightforward way:

It says that if you die after the 15th of the month, your surviving spouse or the family estate will get the Social Security check for that full month.

Mr. Speaker, I urge my colleagues to join me and support the Social Security Benefits Protection Act.

INTRODUCTION OF THE DEPOSIT INSURANCE FUNDS MERGER ACT OF 2000

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2000

Mr. LAFALCE. Mr. Speaker, today I join my colleagues, the Chair of the Financial Institutions Subcommittee of the Banking Committee, MARGE ROUKEMA, in introducing the Deposit Insurance Funds Merger Act of 2000. I would like to thank Congresswoman ROUKEMA for her leadership in putting forward this timely legislation.

I believe the merger of the Bank Insurance Fund (BIF) and Savings Association Insurance Fund (SAIF) is a matter of substantial public policy importance that should be addressed on its independent merits. A merger of the BIF and SAIF would clearly benefit the deposit insurance system by creating a single, more diversified fund that is less vulnerable to regional economic problems. In addition, a merger of the funds would more accurately reflect the reality of today's financial services industry, in which 46 percent of the SAIF deposits are held by commercial banks and FDIC-regulated state savings banks. In fact, the funds have lost their independent identities, and we should rationalize their structure. Both industries should support the change as bringing needed rationality and stability to the deposit insurance funds.

The merger of the funds is an issue that I therefore believe merits independent consideration and Congressional action in the near term.

I look forward to working closely with my colleagues on this very critical issue.

TRIBUTE TO LEE KANON ALPERT

HON. HOWARD L. BERMAN

OF CALIFORNIA

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2000

Mr. BERMAN. Mr. Speaker, my colleague, Mr. SHERMAN, and I, today pay tribute to Lee Kanon Alpert, who has been selected to receive this year's prestigious Fernando Award for outstanding volunteerism. He will be honored Friday March 10, 2000 at the 41st Annual Special Recognition Dinner by the Board of Directors of the Fernando Award Foundation and his name will be placed alongside previous winners at the base of the magnificent bronze statue of "Fernando" which stands in the San Fernando Valley Civic Center.

The Fernando Award was created to honor individuals who have exemplified leadership, volunteerism and dedication. It is recognized as the leading award for civic accomplishment in the San Fernando Valley. The process by which selection is made each year includes extensive participation by community organizations and community leaders. This year that process has yielded a particularly worthy recipient.

Lee has been a practicing attorney for over 28 years. In his distinguished legal career, he has developed expertise in numerous areas of the law, including administrative and governmental relations, arbitration and mediation, family law and real estate transactions. Despite his extensive professional responsibilities, he has taken an active role in the community, serving on numerous boards and commissions, providing public commentary on radio and television programs, writing articles and editorials for legal and news publications and assuming leadership roles within a variety of civic organizations.

Lee Alpert currently serves as President of the Los Angeles City Board of Building and Safety Commission and is outgoing president of the California State University Northridge, Advisory Board. He is the current co-chair of the California State Assembly Business Advisory Commission which provides counsel to Assembly member Robert Hertzberg. He has previously served as the co-chair of the California State Senate Small Business Advisory Commission. Since 1993 he has chaired the Governing Board of Directors of the Encino—Tarzana Regional Medical Centers (Hospitals) Joint Venture between American Medical International (AMI) and Health Trust, Inc.

Mr. Speaker, distinguished colleagues, please join in paying tribute to Lee Alpert. We are grateful for the tireless service he has given to his community and the many ways he exemplifies good citizenship. We congratulate him on the well deserved honor he is about to receive.

HONORING DR. IRVING SMILER FOR HIS FIFTY YEARS OF SERVICE TO THE FRANKFORD COMMUNITY

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2000

Mr. BORSKI. Mr. Speaker, I rise today to honor Dr. Irving Smiler for his fifty years of service to the Frankford Community.

During the post World War II era, Dr. Irving Smiler rose to reclaim one's sense of nationalism for the American ideals of life, liberty, and the pursuit of happiness. Dr. Smiler devoted his entire life for the betterment of others. Dr. Smiler, a native Philadelphian, located his pursuit in the Frankford Community and for the past fifty years toiled to create a community worth noting. I am honored to know an individual of such character, voice, and determination.

Dr. Smiler advanced the meaning of an honest life by devoting his mindset to the study of Podiatry. After completely his undergraduate work at Temple University College of Podiatric Medicine in 1948, he felt the true testament of the "American Dream" by struggling to locate a place of business to put that education into action. Finally, he located Frankford and Pratt where he went into business with a young optometrist. Together they formed a practice and a lasting friendship in the heart of Frankford.

To further advance his practice and knowledge base, Dr. Smiler gained more autonomy and liberty by acquiring a Doctorate of Podiatric Medicine in the late 1960's. Skillfully juggling his responsibilities to his beloved wife and three children, he managed to publish several medical journals and a book entitled, Geriatric Foot Care: An Aging Challenge. These publications served solely as a foundation for Dr. Smiler's devotion and dedication to the education of others which was apparent through his numerous lectures to the Frankford Hospital Community.

The pursuit of happiness in the eyes of Dr. Smiler based upon his curriculum vitae and his professional development was twofold, first to the study of Podiatry and secondly to the betterment of the community. Dr. Smiler is a solid witness and steward of the American ideals of life, liberty, and the pursuit of happiness.

Mr. Speaker, Dr. Irving Smiler should be commended for his tireless pursuit to support the development of the Frankford Community from its post World War II conception to even beyond the new millennium. I congratulate and highly revere Dr. Smiler upon this most glorious occasion on his fifty years of service and I offer him my best wishes in the coming years.

LUTHER MASINGILL

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2000

Mr. WAMP. Mr. Speaker, I rise today to honor a citizen who has contributed as much as anyone in the Third District of Tennessee to the wonderful quality of life that all of us who live there are privileged to enjoy. The occasion is his 78th birthday, but this tribute could be delivered any day. It is a testament to how universally known, loved and admired he is that you only have to say the word "Luther," and just about anyone will know you are referring to Luther Masingill, who has made Chattanooga's mornings brighter for 60 years.

He signed on as host of his near universally known morning show on WDEF Radio, then an AM only station, on December 31, 1940. Franklin Delano Roosevelt was President then, and we were on the eve of World War II. Luther has seen Chattanooga—and the world—change mightily during his years on the air. Eleven U.S. Presidents as well as numerous Tennessee governors and Chattanooga mayors have come and gone while Luther has held way on the air. Luther has stayed on, however; and the "secrets" of his success and value to the Chattanooga area have remained the same.

His radio show, now broadcast on WDEF AM and FM from 6–9 a.m. each weekday morning, does not focus on the controversies that tear us apart. By design, Luther devotes his show to the things that bring us together and make us human. Is your dog or cat missing? Would you like to buy or sell an animal? Is your civil club meeting or having a sale? His show is very much about neighbors helping neighbors and swapping information across the backyard fence, or at the grocery store, or after church. And his devoted listeners treat Luther as their friend and neighbor, which indeed he is.

Luther plays relaxing, traditional music in between announcements; and his warm, reassuring voice has made countless folks in Southeast Tennessee, North Georgia, North Alabama and Western North Carolina begin the day in a better spirit, no matter what the day may bring. He also does a spot on the noon news on Channel 12, WDEF television, and he's been with that station since it signed on in 1954.

Today, March 9, 2000, is your 78th birthday, Luther; and so we say a loud "Happy Birthday!" and thanks for all you have done to enrich our lives and communities. And here's wishing you many more years on the air!

PROVIDE RELIEF TO AMERICAN ENERGY CONSUMERS: SUSPEND THE TARIFF ON NUCLEAR STEAM GENERATORS

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2000

Mr. COLLINS. Mr. Speaker, in ongoing efforts to ensure safety and efficiency, nuclear power plants must periodically replace their steam generators. When a Florida manufacturing plant closes its doors following the delivery of two steam generators this year, there will no longer be any steam generator producers in the United States. Consequently, the 103 nuclear power facilities located in the United States will have no choice but to import replacement steam generators.

Under the Harmonized Tariff Schedule, steam generators imported for use in nuclear power plants are taxed at a duty rate of 5.2 percent (except those imported from Canada, where a zero duty rate applies). Importing a single $30 million steam generator results in a tariff of approximately $1.56 million. Because nuclear plants generally replace two of these generators at a time, the cost of this hidden tax to consumers is considerable. Unless it is addressed, this duty will increase the cost of supplying electricity to Georgia's rate payers by $2.7 million this year. Such unnecessary expenses are inevitably incorporated into the rate base.

According to the Nuclear Regulatory Commission (NRC), at least a dozen nuclear power plants are planning to replace their steam generators over the next several years. Since there are no domestic manufacturers, there is no legitimate reason to continue imposing this duty. American consumers should not be required to bear this unnecessary cost.

Today, with the support and original cosponsorships of colleagues from Tennessee, Arizona, Georgia, and Connecticut, I am introducing legislation that will suspend the duty on steam generators for nuclear facilities for five years, providing significant relief for energy consumers around the country. I urge my colleagues to join me in support of this legislation.

HONORING NORTH CAROLINA AGRICULTURE COMMISSIONER JIM GRAHAM

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2000

Mr. ETHERIDGE. Mr. Speaker, I rise today on behalf of myself and Mr. PRICE of North Carolina to honor a great American and a true friend to farmers, North Carolina Agricultural

Commissioner Jim Graham. When Jim announced that he would not be a candidate for re-election to the post he has held since 1964, citizens of the state could be pardoned if they looked to the heavens for a possible misalignment of the planets. After all, this individual has become a North Carolina icon, beloved by the farmers he promised "to take care of," and by individual citizens who appreciated his unfailing good humor and dedication. "I love my job," Jim Graham said at the end of every speech he gave. He meant it, and the people knew.

Still, North Carolinians will understand and approve of the Commissioner's decision. He is, after all, now 78 years of age; he has served well and long; and he deserves a respite from the day-to-day turmoil that is characteristic of any public office. His friends—and all of North Carolina is filled with Jim Graham's friends—wish for him peace and joy for the rest of his years.

But it will be difficult to conjure up his successor, and he will be missed. It is extremely doubtful that any campaign for Agricultural Commissioner will ever be as colorful as those run by Graham, who could bray like the donkey of the party he represented and was not above making promises that others would never have dared keep. Such as the one Graham made that he would kiss the north end of a mule who was headed south if a particular county would vote Democratic from the top of the ticket to the bottom. And it did, and he did, to the amusement of the whole state's media.

Graham came to the job as Commissioner of Agriculture like an eagle returning to its nest—without hesitation. Reared on a farm in Rowan County, he knows from whereof he speaks when he talks about the "sweat and blood" farmers must expend in order to make a living. From day one, his love for those who till the soil has been unquestioned.

The Commissioner was born on April 7, 1921 to a Rowan County couple, the late James T. and Laura Graham. He attended high school in Rowan County and is a graduate of his beloved North Carolina State University. Graham taught agriculture in Iredell County for three years, then because superintendent of Upper Mountain Research State in Laurel Springs before becoming manager of the Winston-Salem Fair for three years. After a one-year stint as secretary of the North Carolina Hereford Association, he became general manager of the State Farmers Market. Governor Terry Sanford, who never hesitated when the job came open upon the death of L.Y. Ballentine, appointed him Commissioner of Agriculture in 1964.

Commissioner Graham's tenure as Agricultural Commissioner coincided with North Carolina's transition from a largely rural agriculture state known chiefly for its tobacco to the growing Sun Belt technology giant it is becoming today. The Research Triangle was in its infancy when Graham took office. Today, it is the heartbeat of North Carolina, propelling the state into an Information Age where the assumed parameters change by the day.

Jim Graham prospered in that atmosphere, glorifying farmers wherever he went. He also began promoting new crops North Carolina farmers had not grown before. Within the department, he hired good people, insisted that they run an efficient agency, and he expanded the agency as the state grew. He organized state farmers markets in Asheville, Greensboro, Charlotte, Raleigh, and Lumberton, but he also promoted the use of microelectronics technology for the inspection of meat, poultry and seafood so consumers could be protected.

Graham was an early proponent of foreign trade, realizing that North Carolina farmers would be better off if they could sell their products to the rest of the world. Today, the state is one of the leaders in the export of agricultural products. The department ran a boll weevil eradication program that was so successful that cotton is once again a stable crop in the state. The department modernized its soil testing service and promoted it heavily, thereby increasing per acre production for all crops.

Commissioner Graham, ever the showman on behalf of agriculture, was in his element as he grew the North Carolina State Fair into an event that today attracts more than 6 million persons annually. The State Fair is now 10 days of the best that North Carolina farmers, dairymen, and craftsmen can produce, surrounded by enough entertainment to make the Fair an October delight for young and old. Presiding over it is always the "Sod Father" in his cowboy hat and boots, typically with a crowd following him around the fairgrounds.

As Commissioner, Graham has been honored with dozens of awards and distinguished service citations. Catawba College has award him the Honorary doctor of Humanitarian Service, and NC State named him the winner of its alumni Meritorious Service Award.

But it is Graham's personality, his inner being, that will be most missed after his retirement. The kind of inner strength that caused him to personally care for his wife, Helen, as they fought the terrible disease of Alzheimer's that ended in her death last year.

Commissioner Graham is the soul of agriculture in this state and was proud of it. North Carolinians will miss him in that office.

They will miss a public servant who never took himself so seriously that he could not reach out and grab a slice of the humor of life—even if the joke was on him.

They will miss a man so genuine that he could tell a newspaper columnist this about his concern for farmers:

"These people are hurting. One fellow wrote me that if we could just pay his light bill, he'd try to get by. That's the situation they're in. I'm worried about 'em."

Can a society ask more of those who call themselves public servant?

Jim Graham has served his state and its people with distinction, with honesty, with hard work, and with honor.

He is a gentleman who is also a gentleman. We thank a Kind Providence that it saw fit to place us on the same Highway of Life of James A. Graham, and allowed us to share that life.

HONORING LIEUTENANT STANLEY WILLIAM KONESKY, JR. FOR OUTSTANDING SERVICE TO THE COMMUNITY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2000

Ms. DELAURO. Mr. Speaker, it gives me great pleasure to rise today to honor my good friend, Lieutenant Stanley Konesky for the invaluable contributions he has made to the Branford community. On Thursday, December 16, family, friends, and community members gathered to show their appreciation on the occasion of his retirement from the Branford Police Department.

Stan's outstanding level of commitment and dedication to the Branford community throughout his twenty-eight year career has been incredible. He has been a driving force in community awareness and public safety locally and nationally, striving to give our families better neighborhoods in which to raise our children. His work has had an invaluable impact on our community and we are all grateful.

Rising through the ranks of the Branford Police Department, Stan has served the community in several different capacities. During his first years as a patrol officer, Stan administered crime prevention and patrol deployment grants and created and implemented the Student Awareness School Program—a program recognized by the United States Congress as an exemplary nationwide program. As he continued his career, Stan undertook several projects focusing on the prevention of youth violence, directing effective programs for youngsters throughout Branford. He also continued to focus on discovering ways to find more state and federal support for Connecticut police departments. His devotion to ensuring public safety led to implementing several state and federal grants, such as COPS FAST, an earlier version of the COPS Universal Hiring Program. His efforts have also included the publication of several articles in leading crime prevention magazines as well as instructional books on crime prevention. Somehow, Stan also found time to volunteer his time on several committees throughout the Branford community: The Board of Education Strategic Planning Team, the Branford School Base Health Program, and the Branford Volunteer Service Committee have all benefitted from his service. He has also served as the President of the Walter Camp Football Foundation and has generously given his time as a coach for youth baseball and basketball leagues. His unique spirit and commitment are reflected in the 10 medals of commendation, 330 letters of appreciation and recognition from the public, a myriad of community service awards, and a US Congressional Recognition Award. Words alone cannot adequately convey just what Stan has been to the Branford community.

Stan's dedication and generosity has truly enriched the Branford community. His diligence and extraordinary hard work has given police departments across the country and many youngsters access to the necessary support to ensure the safety of our communities, our families, and our children. I have had the opportunity to work with Stan on several different projects and the enthusiasm and excitement he has shown is amazing. I would like to extend my personal thanks to him for all the assistance he has given me over the years. For his many contributions, whether professional or volunteer, I rise today to join his family, friends and colleagues in congratulating Lieutenant Stanley Konesky on his retirement from the Branford Police Department. I extend my deepest appreciation and very best wishes as he begins a new career and seeks new goals to achieve.

HONORING RAY CHAMPINE FROM MARTIN, TN

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2000

Mr. TANNER. Mr. Speaker, I rise to honor Ray Champine, a longtime Postal Service Letter Carrier in Martin, TN, who, with no regard for his own safety, entered the burning home of an elderly customer in order to rescue him. While on his route, Mr. Champine was alerted by a smoke alarm and smoke emitting from the eaves of a house that there was a problem. After asking a neighbor to call the fire department, he bravely entered the house and crawled through the thick, black smoke until he found the elderly man near his bed in the back of the house. Although surrounded by the encompassing smoke and struggling to breathe, Mr. Champine dragged the man away from the fire in order to remove him to safety outside the burning home. He smashed through a window hoping it was the backdoor and local rescuers heard the breaking glass and knocked down the door closest to the broken window. Martin Fire Captain Dickie Hart and Police Captain Don Teal were able to bring both men to safety. Martin Director of Public Safety, J.D. Sanders, praised Mr. Champine and other rescuers, saying, "If they hadn't shown up when they did, both men would probably have died at the back door. As it is, Mr. Champine without a doubt, is a hero."

Mr. Speaker, I also include an article about this heroic deed for the RECORD.

[Volunteer Voices, Feb. 2000]

". . . WITHOUT A DOUBT A HERO"—MARTIN CARRIER RISKS LIFE TO SAVE CUSTOMER

Imagine standing in front of a burning building, knowing there's someone inside, and knowing that unless you do something to help, that person is probably going to die.

That's the exact situation Martin, TN City Carrier Ray Champine found himself facing on December 7 of last year. But what he did would definitely fall into the category of "above and beyond the call."

Champine was making his normal deliveries on Oxford Street. He had just put the mail in the box when he heard a high pitched whine.

"I was almost sure it was a smoke alarm, but I couldn't tell where it was coming from," said Champine. "So I went back to the previous house to see if it was coming from there."

As Champine approached Golsby Gatewood's home, he saw a wisp of smoke coming from under the eaves of the house.

"I asked the next-door neighbors to call the fire department, but I knew Mr. Gatewood wasn't real mobile, so I decided to try to help him," said Champine.

After repeatedly calling to Gatewood, Champine finally heard him respond. The front door was unlocked and smoke was beginning to fill the room.

"It was already pitch black inside the house, so I kept calling for Mr. Gatewood," said Champine. "I finally found him near his bed in the back of the house and I tried to help him out the fastest way I could by dragging him out of the building."

But by that time, the fire had spread through the front of the home, blocking the front door. Champine dragged Gatewood to the back of the house then tried to escape by breaking what he thought was the window of the side door.

"The smoke was so thick I didn't realize I was breaking a window that was a few feet from the door," Champine. "If I had known that, I would have just reached out and opened it."

Rescuers who had just arrived on the scene, heard the breaking glass and Martin Fire Capt. Dickie Hart and Police Capt. Don Teal knocked down the door.

Martin Director of Public Safety J.D. Sanders praised Champine's heroic action.

"If Dickie and Don hadn't shown up when they did, both of the men probably would have died right there by that back door. As it is, Mr. Champine is without a doubt, a hero. Without him, there's no question that Mr. Gatewood wouldn't have made it."

Officers on the scene reported that the smoke was so thick in the building that only Gatewood could be seen when the door was opened, even though Champine was standing next to the elderly gentleman.

Champine suffered a cut on his hand from breaking the window, and sustained burns to his face, ears and eyes. He was hospitalized for several days following the incident for severe smoke inhalation.

Postmaster Glenn Shegog added her voice to those who praised Champine.

"Ray is an outstanding employee and a great co-worker and we're all thankful that he's on the road to recovery," said Shegog.

After all is said and done, Champine's only request was a simple one. "I'd really like to find my cap," said Champine. "I lost it somewhere in the house and I'd really like to have it back."

THE SILVER ANNIVERSARY CAPITAL PRIDE FESTIVAL, JUNE 2–11, 2000

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2000

Ms. NORTON. Mr. Speaker, I rise to pay tribute to the 25th Annual Capital Pride Festival, a celebration of and for the National Capital Area's lesbian, gay, bisexual, and transgendered communities and their friends.

Since its beginning in 1975, the Capital Pride Festival has grown from a small block party into a nine-day series of events. On Sunday, June 11, 2000, the Festival will culminate in a large downtown parade and a magnificent Pennsylvania Avenue street fair attended by people of all backgrounds from the District and the region. In 1999, more than 200 contingents marched in the parade; more than 200,000 people attended the street fair in the shadow of the Capitol; and hundreds of vendors and organizations set up stalls, booths and pavilions. The street fair featured more than five hours of local entertainers and national headline performers.

Last year, when I recognized this celebration in the House, it had been 35 years since the passage of the Civil Rights Act of 1964. Yet another year has passed, and despite evidence of pervasive prejudice in employment, Congress has not yet protected sexual orientation from discrimination. Far worse, in the face of many reports of violence and physical abuse, Congress has not yet enacted protection against abuse solely because of a person's sexual orientation. Congress must pass the Employment Non-Discrimination Act (ENDA). Congress must pass the Hate Crimes Prevention Act and, now, Congress must pass the Permanent Partners Immigration Act of 2000.

In this new millennium, let us achieve the American goal of eliminating discrimination based on sexual orientation, unite loved ones, celebrate the accomplishments of the Gay and Lesbian Community, and remember those who we have lost.

Mr. Speaker, I ask the House to join me in saluting the 25th Annual Capital Pride Festival, its organizers, the Whitman-Walker Clinic and One-in-Ten, its sponsors, and the volunteers, whose dedicated and creative energy make the Pride Festival possible. May we truly have "Pride 25."

TAX CREDITS WITHOUT INSURANCE REPORT DON'T WORK: PART 2

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2000

Mr. STARK. Mr. Speaker, yesterday, I submitted data (page E247) showing that refundable tax credits to purchase health insurance don't work, unless we accompany the credits with insurance reform.

Yesterday's data on 120 different price quotes for individual and family insurance did not include any follow-up calls to the insurers to see what would happen if there were medical underwriting.

I asked my staff to call 8 insurers in the Los Angeles and Northern Virginia markets which had provided quotes through the Internet service, Quotesmith.com. My staffer confirmed the Internet quoted price and then said, "Oh by the way, four years ago, I had a bout of skin cancer. . . ." You would have thought my staffer had an active case of bubonic plague! The results are listed below.

Again, Mr. Speaker, this small sample experiment shows that refundable tax credits without insurance reform are not worth much. I urge Members interested in this approach to consider the types of reforms included in H.R. 2185.

PRICE QUOTES AFTER MEDICAL UNDERWRITING

Health insurance company	Price before cancer (per month)	Price after cancer (per month)	Response[1]
Los Angeles, California			
Blue Cross of California	$109	$501/$288	A physical is required. Initially, 15-20% increase in rates for pre-existing conditions. when condition specified as cancer, there is a temporary plan that is offered for a period of 5-6 months at $501, until the actual plan of $288 has an opening.
Health Net Life Insurance	107	0	Access was automatically denied over the phone once the condition of cancer was mentioned.
CPIC Life	125	0	Access was automatically denied over the phone once the condition of cancer was mentioned.
Aetna US Healthcare	171	0	Only provide coverage through employment.
CIGNA	134	N/A	No physical is required, however there is a set of questions that need to be answered before exact rate can be given.
FAIRFAX COUNTY, VIRGINIA			
Celtic Life	167	167	Do not increase their prices based upon any pre-existing condition. However, they will either include a rider coverage, exclusion clause, or decline coverage.
Reliance Insurer/Ultimate choice Company	113	N/A	Possible chance for increase, however more incline to provide exclusion clause.
Unicare Life and Health Insurance	164	[1,2] 164	Based upon actual diagnosis there may be a waiver clause added that will eliminate any sort of payment for conditions related to the cancer for either 2.5, or 10 years after entering the plan.

[1] Responses based upon information from sales representatives not actual underwriters.

[2] Company may or may not increase fees, based upon doctor's findings and underwriters suggestion.

LETTER OF GRATITUDE

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2000

Mr. SANDERS. Mr. Speaker, I insert for printing in the RECORD the following letter from Robert and Patricia Arnold of Newport, Vermont expressing their gratitude to the personnel of the Naval Nuclear Power Training Command for taking action to save their son, Nathaniel's, life.

I believe the views of Robert and Patricia Arnold will benefit my colleagues.

NEWPORT, VT,
December 27, 1999.

Admiral [Frank L.] BOWMAN
Director, Dir. Div. of NAVREACT DOE, Washington, DC.

DEAR ADMIRAL BOWMAN, On November 23, 1999, our eighteen year old son, Nathaniel Spencer Arnold, a Seaman in training at Naval Nuclear Power Training Command, was admitted to the hospital and near death as a result of a serious illness he had encountered in the preceding six weeks. Nathaniel had enlisted in the Navy on July 29th, 1999, completed boot camp, and was three weeks into his training at Naval Nuclear Power Training Command. He had graduated from boot camp with academic honors for his division and, as of November 24th, was maintaining a 3.2 average at Naval Nuclear Power Training Command. The significance of his efforts and ability are better understood with the knowledge that he maintained this standing at Naval Nuclear Power Training Command while losing 45 of his normal 150 pounds in the course of battling the illness he had encountered during the preceding six weeks. It is also indicative of the value Nathaniel placed on fulfilling his desire to enter the Navy and to excel at his chosen career.

On November 26, we were contacted by Lt. Callahan, acting in behalf of the Navy and the Naval Nuclear Power Training Command, to notify us of the seriousness of our son's illness and to arrange for and make the travel arrangements to get my wife and I down to Charleston. We were informed that due to the seriousness of his illness, the Navy had established a watch for him pending either his recovery or his death. It would be difficult to detail all the events which have transpired since that eventful day but suffice it to say that despite his prognosis at the time, Nathaniel survived his illness and went on to impress the doctors with his remarkably quick and continuing recovery process. Words can never express the personal meaning to us of Nathaniel's recovery.

Nonetheless, we can express our appreciation to the Navy and the personnel acting in behalf of the Navy for the efforts taken in behalf of Nathaniel and ourselves. This letter is written to express for the record our deep appreciation to the Navy and its representatives at the Naval Nuclear Power Training Command in Charleston, South Carolina, for those efforts. It is very plain to us that Nathaniel's life would have been lost but for the efforts of the Navy in securing the medical treatment he received. It is also very plain to us that our presence with Nathaniel also played an important role in his survival of that eventful night of November 26th in which he turned the corner with respect to battling his illness. . . . a presence he would have been denied but for the help we obtained with our travel arrangements through the efforts of the Navy personnel at Naval Power Training Command.

I would like to specially recognize Captain Hicks, the commanding officer of the NNPTC, for his role in ensuring that the Naval Nuclear Power Training Command offered its best to Nathaniel and ourselves during this process. And I would be remiss not to mention the efforts of Commander Crossley and Lt. Callahan for the quality of their efforts in Nathaniel's and our behalf. I would like to commend Commander Crossley for his direct interest and rapport with Nathaniel which contributed in no small way to Nathaniel's recovery. And I would like to commend Lt. Callahan for his personal interest and the thoroughness with which he carried out the directions of Captain Hicks and Commander Crossley in ensuring that everything possible was done for Nathaniel and ourselves while in Charleston. And the direct interest of not only Petty Officer Baker but also his wife in Nathaniel's well-being during his hospitalization should not be omitted. All of these individuals contributed not only in Nathaniel's recovery but also conveyed a very positive image of the Navy to all involved in this process. . . . from the hospital staff all the way down to the family and friends of the other residents of the Intensive Care Unit at the Trident Medical Center in Charleston and ourselves.

We would like to do all we can to recognize the Navy's efforts in helping Nathaniel successfully recover from his illness and to recognize the individual endeavors of the Navy personnel in carrying out those efforts. We would also like to recognize the excellent relationship which exists between the Navy and the medical staff of the Trident Medical Center which permitted Nathaniel to receive the care he required. This letter is being written for that purpose and my wife and I hope that it has, in some way, accomplished our desire to recognize the Navy, its personnel, and those operating in behalf of the Navy for their excellence in returning to us the life of our son.

Very truly yours,
ROBERT AND PATRICIA ARNOLD.

THE MEDICARE WELLNESS ACT OF 2000

HON. MARK FOLEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2000

Mr. FOLEY. Mr. Speaker, for far too long, our health care system has been taking the wrong approach. The primary focus has been on treating people once they become sick rather than preventing their illness in the first place. I have often spoken out in favor of a greater focus on preventive health care. My home state of Florida has one of the largest senior populations in the country. Heart disease and cancer account for roughly 60% of deaths in the state each year, with strokes contributing significantly to the other 40%. It would be great if we could cut the incidence of heart disease and strokes in half by providing individuals with nutrition and smoking cessation counseling.

More and more, health care providers and health insurance companies in the private sector are making periodic disease screening and lifestyle counseling available to their patients at no extra cost. In fact, they are encouraging their patients to take advantage of these services. Although we did pass several very important preventive benefits in the Balanced Budget Act of 1997, I would like to see the federal Medicare system play a greater role in promoting disease prevention and healthy lifestyles.

I am pleased to join Congressman LEVIN in sponsoring the Medicare Wellness Act in the House to encourage this fundamental shift in Medicare policy. In addition to expanding disease screening and prevention services, this bill will also create mechanisms within the Department of Health and Human Services to increase awareness of factors that impact health and to encourage a change in personal health habits.

Not only does preventive care create a healthier population with a higher quality of life, it also saves money. This is especially important for the Medicare system as we struggle to control its spending to maintain its solvency in the wake of rising health care costs.

Even though expanding preventive benefits will cost money in the short term, the long term savings will be immense. Keeping people healthier will reduce the number of hospital admissions, operations, and drug prescriptions—three of Medicare's highest cost items.

I am confident that with the combined efforts of Congressman LEVIN and myself—along with Senators GRAHAM, JEFFORDS and BINGAMAN—the Medicare Wellness Act will be a significant part of any Medicare legislation that is considered this year.

MEDICARE WELLNESS ACT OF 2000 SUMMARY

The Medicare Wellness Act represents a concerted effort to change the fundamental focus of the Medicare program. It would change the program from a sickness program to a wellness program, one that treats illness before it happens.

Title I: Establishes the Healthy Seniors Promotion Program. This program will bring together all the agencies within the Department of Health and Human Services that address the medical, social and behavioral issues affecting the elderly and instruct them to conduct a series of studies that will increase knowledge about and utilization of prevention services among the elderly.

Title II: Adds several new preventative screening and counseling benefits to the Medicare program, including: screening for hypertension, counseling for tobacco cessation (for those with a history of tobacco use), screening for glaucoma (for high-risk beneficiaries), counseling for hormone replacement therapy, screening for vision and hearing loss, nutrition therapy (for high risk beneficiaries), expanded screening and counseling for osteoporosis, and screening for cholesterol (for beneficiaries with a history of heart disease).

Title III: Establishes a health risk appraisal and education program aimed at major behavioral risk factors such as diet, exercise, alcohol and tobacco use, and depression. This program will target both pre-65 individuals and current Medicare beneficiaries. The main goal of this program is to increase awareness among individuals of major risk factors that impact on health, to change personal health habits, improve health status, and save the Medicare program money.

Titles IV and V: Authorize prevention demonstration projects and require the Institute of Medicine to conduct a study every five years to assess the scientific validity of the entire Medicare prevention benefits package. The study will be reviewed by Congress using a "fast-track" process which will force Congress out of the business of micro-managing the Medicare program.

Title VI: Authorizes a demonstration project on depression screening. The results will be evaluated by the Institute of Medicine, which will make recommendations to Congress about whether to add this benefit to Medicare.

THE MEDICARE WELLNESS ACT OF 2000

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2000

Mr. LEVIN. Mr. Speaker, today I am pleased to join with my colleague, MARK FOLEY, in introducing the Medicare Wellness Act of 2000. We believe this bill will accelerate Medicare's transformation from a "sickness" program to a "wellness" program. Helping seniors stay healthy improves quality of life for Medicare beneficiaries, and in the long run, it will save Medicare money on hospitals and nursing homes.

The Medicare Wellness Act would modernize Medicare by adding basic preventive care benefits. Most working Americans take these benefits—things like blood pressure screening, glaucoma testing, and cholesterol screening—for granted. Unfortunately, the Medicare program currently pays nothing if seniors choose to get these screenings.

In 1997, Congress added the first preventive care benefits to Medicare. For the first time, Medicare beneficiaries could get mammograms, colorectal cancern screening, and diabetes self-management services. Unfortunately, the number of seniors getting those screenings has not increased as much as we hoped. Part of the reason is that all those benefits are still subject to Medicare cost-sharing. For many seniors, that means they still can't afford to get the screenings they need. Another problem is that seniors simply are not aware of the new benefits. The Medicare Wellness Act would correct both problems by eliminating cost sharing for prevention services and authorizing new public education efforts.

In my congressional district, use of Medicare's prevention benefits is still disappointingly low. According to researchers at the Dartmouth Medical School, over 70% of my senior constituents do not receive annual mammograms, and over 80% are not screened for colorectal cancer. I believe the Medicare Wellness Act will help improve these rates, while also giving 1.4 million people in Michigan access to new prevention benefits.

We are pleased to be joined in this effort by Senators BOB GRAHAM, JIM JEFFORDS, and JEFF BINGAMAN, who have introduced companion legislation in the other body.

The bipartisan, bicameral consensus that Medicare needs to cover preventive benefits gives us a real opportunity to improve Medicare now. The sooner we act, the sooner senior citizens will have better health insurance.

FORTY-FOURTH ANNIVERSARY OF TUNISIAN INDEPENDENCE

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2000

Mr. RAHALL. Mr. Speaker, I rise to acknowledge the anniversary of the 44th year of Independence for the Republic of Tunisia, to be celebrated on March 20, 2000.

Legend has it that more than 200 years ago, Tunis, as token of esteem and friendship, sent one of its finest stallions to U.S. President George Washington. Unfortunately, customs officials in the nascent republic denied entry to the horse, which spent its remaining days in the port of Baltimore.

After this somewhat rocky start, I am pleased to note that U.S.-Tunisian relations have improved considerably. Tunisia is about to celebrate its 44th anniversary of the establishment of the Republic of Tunisia as an independent country, a time during which Tunisia has enjoyed a strong and healthy relationship with the United States.

I congratulate Tunisia for its many accomplishments, not the least of which is to have established a more democratic system of government, making every effort to broaden political debate, including passage of an electoral law that reserved 19 seats of the National assembly for members of opposition political parties.

Tunisia has a very impressive economic record, having turned to economic programs designed to privatize state owned companies and to reform the banking and financial sectors over the last decade.

As a result Tunisia's economy has grown at an average rate of 4.65 percent just in the last several years, and its economic success has had a beneficial impact on Tunisia's international standing. Tunisia is one of the few countries to graduate successfully from development assistance and to join the developed world.

Tunisia has also become a moderating force in the Middle East peace process, taking an active role within the international community in fighting terrorism, while maintaining internal stability in the face of external chaos.

I am pleased with the increasingly strong ties between the United States and Tunisia, and join the American people in congratulating the people of Tunisia on this historic occasion. I encourage my colleagues to do the same.

IN RECOGNITION OF TEXAS PUBLIC SCHOOLS WEEK

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2000

Mr. PAUL. Mr. Speaker, as this is Texas Public Schools Week, I wanted to take a moment to offer my thanks to the parents and teachers of my district and those across Texas for all of their hard work to make sure our children get the best education possible. Unfortunately, Congress and the federal bureaucracy continues to strip authority away from parents, teachers and local school boards. While Congress promises the American people that expansions of federal control over local schools will create an education utopia, the fact is the federal education bureaucracy has only made educating the next generation more difficult and diverted resources away from the classroom. For example, while the federal government provides less than 10% of education funding, many school districts find that over 50% of their paperwork is generated by federal mandates. The federal government also forces local school officials to jump through numerous hoops in order to get Washington to return a ridiculously small portion of taxpayer moneys to local public schools.

Over thirty years of centralized control of education has resulted in failure and frustrated parents. It is time for Washington to return control of the nation's school system to the people who best know the needs of the children: local communities and parents. The key to doing so is to return control of the education dollar back to the American people.

In order to give control of education back to the people I have introduced the Family Education Freedom Act (HR 935). This bill provides parents with a $3,000 per child tax credit for K–12 education expenses.

The Family Education Freedom Act fulfills the American people's goal of greater control over their children's education by simply allowing parents to keep more of their hard-earned money to spend on education rather than force them to send it to Washington to support education programs reflective of the values and priorities of Congress and the federal bureaucracy.

The Family Education Freedom Act will help parents strengthen their child's public education. Parents may use the credit to improve schools by helping to finance the purchase of education tools such as computers or extracurricular activities such as music programs. Parents of public school students may also wish to use the credit to pay for special services for their children.

I have also introduced the Teacher Tax Cut (HR 937), which provides a $1,000 tax credit for every teacher in America. Quality education is impossible without quality teaching. Yet, America's teachers remain underpaid compared to other professionals. Adding insult to injury, teachers often have to use their own money to purchase supplies for their classroom. For example, according to the Association of Texas Professional Educators, many Texas teachers spent between $50–300 of their own money on school supplies during the 1998–99 school year!

Because America's teachers are underpaid because they are overtaxed, the best way to raise teacher take-home pay is to reduce their taxes. Raising teachers' take-home pay via a $1,000 tax credit lets teachers know the American people and the Congress respect their work and encourages high-quality people to enter, and remain in, the teaching professional have also introduced the Education Improvement Tax Cut (HR 936), which provides a $3,000 tax credit for cash or in-kind donations to public schools to support academic or extra-curricular programs. This legislation encourages local-citizens and community leaders to help strengthen local public schools. The Education Improvement Tax Cut Act also ensures that education funding matches the needs of individual communities. People in one community may use this credit to purchase computers, while children in another community may, at last, have access to a quality music program because of community leaders who took advantage of the tax credit contained in this bill.

Mr. Speaker, my education agenda of returning control over the education dollar to the American people is the best way to strengthen public education. First of all, unlike plans to expand the federal education bureaucracy, my bills are free of "guidelines" and restrictions that dilute the actual number of dollars spent to educate a child. In addition, the money does not have to go through federal and sate bureaucrats, each of whom get a cut, before it reaches the classroom. Returning power over the education dollar to the American people will also free public school teachers, administrators and principals from having to comply with numerous federal mandates. Therefore, school personnel will be able to devote their time to working with parents and other concerned citizens to make sure all children are receiving the best possible education.

In conclusion, Mr. Speaker, I once again extend my thanks to all those who are involved in the education of our nation's children. I also call upon my colleagues to help strengthen public schools by returning control over the education dollar to parents and other concerned citizens, as well as raising teacher take-home pay by cutting their taxes, so that the American people can once again make the American education system the envy of the world.

IN HONOR OF LONNIE R. ANDERSON—WHITLEY COUNTY SUPERINTENDENT OF SCHOOLS AND WINNER OF F.L. DUPREE AWARD FOR EXEMPLARY CONTRIBUTIONS TO EDUCATION

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2000

Mr. ROGERS. Mr. Speaker, we often hear about grand, universal plans for making positive changes in our nation's public education system. None of these plans, however, can substitute for the daily effort of educators working at the local level. It is these dedicated professionals, in tens of thousands of local school districts across the nation, who bear the responsibility for touching the lives of the students in their communities. These educators hold the key to the transformation of our nation's system of education—one student at a time.

Today, I want to honor one such professional in Whitley County, Kentucky. The Kentucky School Boards Association (KSBA) has recognized my constituent, Whitley School Superintendent Lonnie R. Anderson, for his distinguished service to the field of education. He has been awarded the KBSA's annual F.L. Dupree Award for exemplary contributions to education. The family of the late F.L. Dupree, Sr., a Lexington businessman and supporter of Kentucky public schools sponsors the award.

Superintendent Anderson has worked tirelessly for the parents and students served by the Whitley County School District over the past nine years. Through his hard work and dedication, he has been a driving force in bringing about positive changes in the school district, as well as the surrounding community.

Lonnie Anderson accepted the school district's top job in 1991 when the district ranked last among Kentucky's 176 public school districts and the county schools were required to be under state management. In 1999, after nearly a decade of Superintendent Anderson's leadership, the Whitley County School District was measured as one of the top districts in the state for academic improvement. During this period, the district has twice earned "rewards" rankings through the state's system of school assessment and accountability.

Superintendent Anderson is an alumnus of Cumberland College, Union College, and Eastern Kentucky University. He began his education career as a classroom teacher and coordinator of the gifted and talented program in Whitley County. Through a total of 17 years with the school district, he has also served as athletic director, food service director, Chapter I coordinator, and public relations coordinator.

In a recent article in the Corbin (KY) News-Journal, Anderson is credited with the following achievements for the Whitley County School District:

Augmented the district's reading curriculum with the Accelerated Reader Program and the Reading Coaches Program, which pairs high school students with at-risk second and third-graders. Anderson also employs a district reading specialist, established the Even Start Family Literacy Program for parents of young children and initiated a summer reading program.

Directed a school facility modernization effort that built three new elementary schools and established an alternative school. The program also resulted in a new science wing, library and kitchen at Whitley County High School and renovated a middle school and four elementary schools.

Developed the Parents as Volunteer Educators Program (PAVE), in which 600 parents now participate.

Implemented a cash management program that increased earnings on investments from $52,545 in 1990 to $332,986 in 1999.

Introduced an energy program with a utilities cost avoidance of over $150,000 since its implementation in 1998.

Established a newspaper for the school district, The District Ed News, that spotlights student and school achievements and is distributed to every household in the district.

Initiated HEROES (Honoring Educators/Staff Recognizing Outstanding and Extraordinary Services) to honor staff members for years of service to the district.

United five separate adult education providers into one comprehensive program now serving twice the number of people.

One principal who supported Superintendent Anderson's nomination of this prestigious award correctly described him as "an agent of positive change" for the Whitley County School District.

I join educators, parents and students in Whitley County and across Kentucky in congratulating Superintendent Lonnie R. Anderson for being selected for this distinguished award and recognize his outstanding leadership and continued contribution to public education.

"A SOLDIERS STORY" TRIBUTE TO MR. WILLIAM ELLIS

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2000

Mr. CAMP. Mr. Speaker, I rise today to pay tribute to Mr. William Ellis, a decorated soldier from World War II. I would like to acknowledge his selfless acts as a young Sergeant leading his infantrymen through Germany. His Bronze Star, Good Conduct Medal and many other awards demonstrate his bravery and patriotism. I am proud to stand and honor this glorious citizen of the United States and would like to call his admirable actions to the attention of my colleagues in the House of Representatives.

I have attached for the RECORD one of Mr. Ellis' first-hand experiences, which he shared with me. He has titled it, "A Soldiers Story."

The winter of 1944–1945 in Germany was bitter cold. I was a young infantry sergeant, a 19 year old squad leader in an infantry division that had been advancing and fighting in the mountains for sometime. During a lull in the fighting we came across a valley with a cluster of old stone cottages inhabited by farmers. All the young men had gone to war leaving the old folks to fend as best they could. This was a chance to catch a few hours of much needed sleep indoors. After posting perimeter guards nightfall was first approaching and we sat about to find places to stay for awhile. The house I picked out was much like the others, its stone steps worn down in the middle from many generations that had come and gone. An old German couple lived there and seemed pleasant enough. After sharing what few rations I had with them I went over and sat down in front of the fireplace soaking up some welcomed heat. There was not much light, just an oil lamp and the fireplace. The old man came and sat beside me. I took out my pipe which I always carried along with a package of tobacco that my folks had sent from back home. As I filled my pipe I noticed this old man looking at me intensely with a hungering expression in his eyes. In my faltering German I asked him, "du haben sie pipe ja?" Whereupon he got up with an alacrity which belied his age and brought down a pipe from atop the mantel and I passed the package of tobacco to him. He put only a small amount in his pipe, "Nix nix," I said and filled his pipe to the brim. There we sat, a young American soldier and an old German farmer, smoking our pipes in silence each with our own thoughts. The silence was broken only once when the old man looked over at me and said, "pipe goot, ja?" I replied, "ja, pipe goot." As I got up to go "sack out" for a few hours I gave the old man the package of tobacco. Tears rolled down his cheeks as he said "danko, danko." I am now about the same age as was the old man and have thought about the incident a number of times in the intervening years. Each time I have come to the same conclusion, it was a most satisfying conversation.

UNDERAGE ALCOHOL DRINKING

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2000

Mr. RADANOVICH. Mr. Speaker, I would like to submit the text of the following correspondence to the House of Representatives.

DEAR DR. FLETCHER: Thank you for sending me a pre-publication copy of your article "Alcohol Home Delivery Services: A Source of Alcohol for Underage Drinkers". As I indicated in our phone conversation, the Senate Judiciary Committee held a hearing on "Interstate Alcohol Sales and the 21st Amendment" March 9, 1999. Testimony at that hearing made reference to your article.

Within the context of that hearing, Utah Attorney General Wayne Klein referenced your upcoming study to indicate that 10% of 12th graders and 7% of 8 to 20 year-olds obtained alcohol through delivery services in the last year. This has left an impression amongst Senators and in the record that these youths were purchasing through interstate alcohol direct shipment mechanisms.

It is my understanding that the questions in your study did not distinguish between interstate delivery mechanisms and delivery from stores within a community. In fact my understanding of our conversation and of your article is that it typically is a community liquor outlet in the area which is making the delivery and that most of these deliveries are beer. As I understand it, your study did not attempt to distinguish interstate shipments of alcohol by common carriers and the purchase and delivery of alcohol from community sources.

Because there has been significant misinterpretation of these results, I am asking that you write Senators Hatch (FAX (202) 224-9102) and Leahy (FAX (202) 224-3479) to clarify the degree to which your studies have relevance to the issue of Interstate Alcohol Sales. I would also like to obtain a copy of your letter, which I am sure will be added to the official record of the committee.

As this is a current and significant issue here on Capitol Hill, your earliest response would be most appreciated. Please let me know if you have any questions or concerns in this regard.

Sincerely,

JOHN MCCAMMAN,
Chief of Staff.

DEAR MR. MCCAMMAN: This letter is to provide clarification on the findings of the research article "Alcohol Home Delivery Service: A Source of Alcohol for Underage Drinkers." This article is being cited to demonstrate that persons under the legal drinking age of 21 are using direct shipment mechanisms to obtain alcohol. I would like to provide some relevant background on the paper to address this contention.

The survey that is the basis of the article was intended to address whether underage individuals were having alcohol delivered from local liquor stores. Respondents were asked: "In the last year, have you purchased alcoholic beverages that were delivered by a store to a home or individual?" We think this wording is more consistent with retail home deliveries than with direct shipment purchases. While it is possible that some youths interpreted the question to include direct shipment deliveries via the internet, the history of the internet suggests that this is unlikely. Access to the internet did not proliferate until the last several years. Our survey was administered in 1995 in small and medium sized communities. Internet access typically did not become available in smaller towns until significantly later than in larger metro areas.

It is possible that some of our respondents who said they purchased delivered alcohol purchased it via telephone 800 numbers, but there are several factors that makes this less likely. First, we think that youth alcohol purchases tend to be spontaneous, in other words, alcohol is purchased right before consumption. Second, most purchases via 800 numbers require a credit card. Lastly, the delivery time is less predictable which increase the likelihood that an adult will intervene and makes the purchases more "risky." These mitigating factors probably apply to a greater degree to younger individuals than to older youth. While alcohol purchases that are delivered directly to the consumer in any manner clearly raise concerns about unmonitored access to alcohol, our paper does not directly address the issue of youth direct shipment of alcohol or interstate retail sales.

Sincerely,

LINDA A. FLETCHER,
ALCOHOL EPIDEMIOLOGY PROGRAM,
University of Minnesota.

SENIOR CITIZENS' FREEDOM TO WORK ACT OF 1999

SPEECH OF

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2000

Mr. ETHERIDGE. Mr. Speaker, I rise in support of H.R. 5, the Senior Citizens Freedom to Work Act. Currently, eight-hundred thousand seniors lose some or all of their Social Security benefits due to the Social Security earnings limit. Seniors ages 65 to 69 have one dollar of their benefits off-set for every three dollars they earn over the $17,000 income limit.

I strongly support eliminating the earnings limit for every working senior receiving Social Security. Eliminating the earnings limit is not only the fair thing to do for working seniors, it would improve the quality and efficiency of Social Security as well. Repealing the earnings test will make Social Security easier and less expensive to administer. Contrary to the arguments of opponents of H.R. 5, repealing the earnings limit will not jeopardize the long-term solvency of Social Security. Under current law, workers who have their benefits reduced due to the earnings limit receive an actuarial adjustment that increases their benefits once they stop working.

Mr. Speaker, repealing the earnings limit on working seniors is an area where there is a bipartisan consensus for action. I will continue to work to forge the same bipartisan consensus on more comprehensive action to strengthen Social Security for all of our seniors.

IN RECOGNITION OF BEN THORNBURG

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2000

Mr. PORTMAN. Mr. Speaker, I rise today to pay tribute to Ben Thornburg, who is being honored by the National Association of Music Educators for his composition entitled "A Prayer." Ben is a senior at Princeton High School in Cincinnati, and he will be honored tonight at the Music Educators National Conference in Washington, D.C., where his composition will be performed by the Princeton High School A Cappella Choir in the Omni Shoreham Ballroom.

The Music Educators National Conference's nationwide Student Composition Competition recognizes talented young music students in the United States. Ben is one of only 24 elementary through university-level students chosen from across the country. He is an exceptional student composer, and he represents his school and his community well.

By every indication, Ben has a very promising future. I know that the people of Greater Cincinnati join me in wishing him the very best tonight. We are very proud of Ben's achievements and we hope this is the beginning of a bright and successful career.

LEHIGH VALLY HERO DONNA MULHOLLAND

HON. PATRICK J. TOOMEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2000

Mr. TOOMEY. Mr. Speaker, today I rise to pay tribute to one of my constituents, Mrs. Donna Mulholland. Mrs. Mulholland, who is the President and Chief Executive Officer of Easton Hospital in my district, recently won the Girl Scout's World of Well-Being Award for service to the community. As a CEO of a major hospital in my district, Mrs. Mulholland has shown a passionate commitment to quality health care. Through years of hard work and diligence, she gained the experience and knowledge needed to make an impact in her field.

In addition to her corporate excellence, Mrs. Mulholland's personal actions also serve as a model for the community. She has been active as a mentor for the Girl Scouts, serving to motivate and inspire other young women to succeed in their chosen fields. Her contributions in business and community service won her this distinction. I applaud Mrs. Mulholland for her professional achievements and her devotion to the Lehigh Valley community. Donna Mulholland is a Lehigh Valley Hero.

NATIONAL ASSOCIATION OF MEDICAL MINORITY EDUCATORS

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2000

Mr. McGOVERN. Mr. Speaker, I rise today to honor an organization that has done so much to promote the increase of minority personnel within the health professions. Since its establishment in 1975, the National Association of Medical Minority Educators (NAMME) has worked to attract minority students to health professions and enhance the retention and graduation rate of minority students from professional health schools.

Comprised of nearly 300 health educators from approximately 140 health professions institutions, and organizations, NAMME members work in allopathic medicine, osteopathic medicine, dentistry, veterinary medicine, optometry, pharmacy, podiatry, public health, chiropractic, nursing and all of the allied health professions. Collectively, they work to promote the recruitment and development of minority faculty, administrators, and managerial personnel in the health professions, support the delivery of quality health care for minority populations, and promote the philosophy of equal educational opportunity.

I am thrilled that NAMME has chosen the City of Worcester, my home town, to serve as the site of their 11th annual conference. As the face of America changes, so too does the face of our health care providers. It is my belief that organizations such as NAMME are essential for the success of the health care profession.

HONORING ALICIA JACKSON OF BEAVER DAM, KENTUCKY

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2000

Mr. WHITFIELD. Mr. Speaker, I would like to congratulate and honor a Kentucky student from my District who has achieved national recognition for exemplary volunteer service in her community. Alicia Jackson of Beaver Dam, Kentucky is a senior at Ohio County High School in Hartford. Alicia was named one of my state's top honorees in the 2000 Prudential Spirit of Community Awards program, a nationwide program under which more than 20,000 high school and middle school students were considered for awards.

Alicia is being recognized for her efforts in organizing a week-long series of events to promote Community Traffic Safety Week at her school. Activities organized by Alicia included a crash re-enactment and presentations by guest lecturers.

Alicia is an inspiring example of how we as individual citizens can contribute to our community. People of all ages need to think about how we can work at the local level to ensure the health and vitality of our towns and neighborhoods.

Alicia should be extremely proud to have been singled out from such a large group of volunteers. I heartily applaud Alicia for her initiative and positive impact on others within her community. She offers an encouraging example of the promise which America's youth offer for the future.

PERSONAL EXPLANATION

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2000

Mr. KUCINICH. Mr. Speaker, on March 8, 2000, I missed 5 recorded votes because I was a witness in a legal action to keep St. Michael Hospital in Cleveland from closing.

If I had been present, I would have voted "aye" on rollcall 29, 30, 31, 32 and 33.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2000

Ms. WOOLSEY. Mr. Speaker, during rollcall votes Nos. 29 through 33 on March 8, 2000, I was unavoidably detained. Had I been present, I would have voted "yea" on each.

IN HONOR OF THE ANCIENT ORDER OF HIBERNIANS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2000

Mr. KUCINICH. Mr. Speaker, I rise to honor Cleveland's Ancient Order of Hibernians and Ladies Ancient Order of Hibernians as organizations integral in maintaining and promoting appreciation for Irish culture, history and traditions in the Cleveland community.

The Ancient Order of Hibernians is the oldest Catholic lay organization in America. Its roots in America can be traced to 1836 in New York. The group began to assist Irish immigrants to the new world in obtaining jobs and social services. Today, the Ancient Order of Hibernians has shifted its purpose to charitable activities in support of the Church's missions, community service, and the promotion and preservation of their Irish cultural heritage in America.

The Ladies Ancient Order of Hibernians was first organized in 1894 in Omaha, Nebraska under the name "Daughters of Erin." The motto of the Ladies Ancient Order of Hibernians is "Friendship, Unity and Christian Charity." Its purpose is to promote Irish history, traditions and culture, and to support the Church through Mission work and Catholic Action activities.

On March 17, 2000, Cleveland's Ancient Order of Hibernians and Ladies Ancient Order of Hibernians are hosting the 133rd Annual St. Patrick's Day Banquet accompanying Cleveland's annual St. Patrick's Day Parade. These are the oldest and longest running events in the state of Ohio honoring the Irish patron, St. Patrick, and sharing Irish culture, history and traditions with the community.

At the 133rd Annual St. Patrick's Day Banquet, The United Irish Societies Honorees for the 2000 St. Patrick's Day Parade will be recognized. These individuals have given selflessly of themselves to insure the proud Irish heritage will continue. The honorees include: Mr. William Chambers, the Grand Marshall of the Parade; Ms. Nora Carr, the Irish Mother of the Year; Ms. Linda Carney and Mr. James McGuirk, Parade Co-Chairs; and Mr. James McGuirk, the Hibernian of the Year.

My fellow colleagues, please join me in honoring Cleveland's Ancient Order of Hibernians, Ladies Ancient Order of Hibernians, and all of The United Irish Societies Honorees for the 2000 St. Patrick's Day Parade. The contributions and achievements of these groups and Irish Americans have inspired us all to respect and appreciate the Irish Culture.

A TRIBUTE IN HONOR OF ROBERT G. MILES

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2000

Mr. BARCIA. Mr. Speaker, I rise today to congratulate Mr. Robert G. Miles on his appointment as the new president and chief executive officer of Lutheran Child and Family Service of Michigan, a statewide social service organization. Bob is a public servant in the truest sense of the term. As anyone who has ever met Bob knows, he is a man who has devoted his life to helping Michigan's children and families to improve their own lives.

Since completing his distinguished academic career with an undergraduate degree from Concordia University and a Master of Science Degree in Exceptional Education from the University of Wisconsin-Milwaukee, Bob has been integrally involved in the community around him. He is a peer reviewer and team leader for the National Council on Accreditation of Services to Children and Families, the largest accrediting body for this work in North America. He is chairman of the Lutheran Church Missouri Synod's National Task Force on Children at Risk and Welfare Reform. He works closely with Bay City Public Schools, the Michigan Federation of Private Child and Family Agencies, and the Bay County Red Cross. In 1990, Bob was named Concordia University Alumnus of the Year. Additionally, he was appointed to the Michigan International Year of the Family Council by Governor Engler in 1994.

Now, Bob has the opportunity to bring his enormous talents to lead an organization he has been with for nearly 15 years, one that has a history deserving of such an impressive leader. Last year, Lutheran Child and Family Service of Michigan celebrated its 100th year, and the organization is stronger than ever, employing more than 250 people, caring for more than 500 children each day, and providing innumerable additional services to families and individuals through its 18 service sites. In 1999 alone, Lutheran Child and Family Services of Michigan impacted more than 9,000 lives through counseling, foster care placements, and adoption, among its many other programs.

Mr. Speaker, with countless statistics showing that Americans today are less involved in their communities than they once were, people like Bob Miles are among the most valuable resources our nation has to preserve the sanctity of our towns and neighborhoods. His contributions and efforts on behalf of Michigan's children and families are both legendary and tangible. They reflect the years of tireless commitment to preserving the vitality of the American family, and helping those who need it the most. Bob Miles has given selflessly of himself to better the lives of the people around him, and for that he deserves the highest of praise.

Bob has given so much to his community through the years, but it could not have been possible without the love and support of his family—including his wife Mary and their three children, Stephanie, Paul, and Nathan. As he undertakes his new position, I ask all my colleagues to join me in offering congratulations to Robert Miles, and extending our best wishes for continued success.

IN SUPPORT OF INTERNATIONAL SATELLITE REFORM

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2000

Mr. DEUTSCH. Mr. Speaker, I am pleased to rise in strong support of international satellite reform, S. 376, the Open-Market Reorganization for the Betterment of International Telecommunications Act (ORBIT). I commend Chairman BLILEY and Congressmen MARKEY, DINGELL, OXLEY, and TAUZIN for their hard work in reaching a balanced compromise with Senate conferees. This bill has bipartisan support in the Congress and support from the United States commercial international satellite industry, as well as the largest U.S. users of international satellite services.

S. 376 will lead to more competition and eliminate the unfair market advantages long-held by intergovernmental treaty organizations. These entities have been dominant since the United States established an industry model in 1962 that relied on intergovernmental entities to provide commercial satellite services. Our 1962 Communications Satellite Act has been overtaken by amazing technological changes, which have created a vibrant private international satellite industry. We must assure that Intelsat and Inmarsat privatize in a manner that will put all industry players on an equal footing and not permit their intergovernmental legacy to distort competition.

Accordingly, ORBIT establishes explicit criteria for the privatization of Intelsat and Inmarsat. The FCC is directed to use these criteria in determining whether or not to allow the private successors and affiliates of Intelsat and Inmarsat access to the United States market. These criteria for judging and privatization, coupled with the market access restrictions if the criteria are not met, are very important to provide clear incentives to Intelsat, Inmarsat, and their spin-offs.

Intelsat, with its 143 member nations, is comprised largely of state telephone companies that control access to their national markets. They have a history of denying market access to U.S. companies that seek to compete with Intelsat. This bill will help open those markets. One of the provisions in S. 376 that is essential to this market-opening goal prohibits exclusive arrangements with foreign countries. It even-handedly prohibits any satellite operator serving the United States from enjoying the exclusive right to handle telecommunications traffic to or from the U.S. and any other country. The intent is to prevent a satellite operator from benefitting from exclusivity in any foreign market, no matter how it derives its exclusivity. Thus, all satellite operators will have a fair opportunity to provide global service.

I urge my colleagues to join in supporting this overdue reform of international satellite policy. This legislation will bring the full benefits of competition to consumers and it will begin to open access to foreign markets for United States companies.

HOMEOWNERSHIP OPPORTUNITIES FOR UNIFORMED SERVICES AND EDUCATORS ACT

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2000

Mr. LAFALCE. Mr. Speaker, today, along with a number of my colleagues, I will be introducing the "Homeownership Opportunities for Uniformed Services and Educators Act," also known as the HOUSE Act.

This legislation reinvests a small portion of the profits earned each year by the Federal Housing Administration (FHA) single family Mutual Mortgage Insurance Fund (MMIF) in low down payment mortgages, to help localities with the recruitment and retention of qualified K–12 teachers, policemen and firemen, and to make it easier for these public servants to buy a home. This bill is supported by the National Education Association, the American Federation of Teachers, the American Association of School Administrators, and the Fraternal Order of Police.

Specifically, the HOUSE Act authorizes 1% down FHA mortgage loans for qualified teachers, policemen, and firemen, and defers the 2.25% up-front FHA premium normally charged for such loans until the loan is repaid. The effect of this is dramatic. A typical borrower buying a $130,000 home would see their down payment reduced by $5,000, from $6,300 to $1,300.

In addition, the bill provides an incentive for continued service as a teacher, policeman, or fireman, by waiving 20% of the deferred FHA premium for each year that a borrower continues to live and work in the school district or local jurisdiction that employs them. Thus, after five years, the FHA premium would not only be deferred, it would be waived altogether.

To qualify, a teacher must be a full time K–12 teacher, buying a home within the school district in which that teacher is employed, or a policeman or fireman who is buying a home in the jurisdiction that employs them.

The FHA single family MMIF mortgage fund is strong. This week, FHA released audited financial results for fiscal year 1999, which showed a $5 billion increase in the fund's capital from the previous year. FHA's capital level of over $16 billion is substantially in excess of Congressionally required capital standards. The HOUSE bill proposes to use a very small portion of these profits to help public servants who teach our children and who police our streets to buy a home in the community in which they serve. I urge its adoption.

HONORING THE POLICE OFFICERS OF THE 114TH PRECINCT, NEW YORK CITY

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2000

Mr. CROWLEY. Mr. Speaker, too often our news headlines are filled with bad news, while good stories and honorable people are overlooked. That is why today. I rise to pay tribute to some heroes who put their lives on the line to save then people, including two young children.

In the cold, early morning hours of January 26, 2000, Anti-crime unit Officers Daniel Lewis and Steve Zanetis of the 114th Precinct of the New York City Policy Department responded to a burglar alarm. Instead of a crime scene, they smelled smoke and heard the cries of people trapped in the upper floor apartments.

Close behind the two anti-crime officers, Sergeants Andre Allen and Gary Placco arrived with other officers from the 114th to assist in a rescue. Amidst smoke and flames, the officers proceeded to locate and rescue 10 children, women and men trapped in the apartments.

Other 114th Precinct personnel on the scene were: Captain Ordonex, Officers Adam Schneider, John Pranzo, Jeffrey McRae, Greg Fraccalvieri, Joseph Reznick, James Kostaris, Greg Link, John Seymour, Kenneth Marchello, Sue Lentini, Frank Caruso, Wayne Kendall, and Terrence Floyd.

Thanks to the quick thinking and actions of these brave officers of the 114th Precinct, all residents survived. Three officers suffered minor injuries and were treated, then released from area hospitals.

Mr. Speaker I recently had an opportunity to meet these courageous officers who went above and beyond the call of duty, and to issue each of them Congressional Citations. Now I ask you to please join me in commending these intrepid police officers.

PERSONAL EXPLANATION

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2000

Ms. MILLENDER-McDONALD Mr. Speaker, on Tuesday, February 29, 2000 and Wednesday, March 1, 2000 I was unable to vote due to an illness. Had I been present I would have voted "yea" on rollcall vote number 26, S. 613, "yea" on rollcall vote number 27, H.R. 5, and "yea" on rollcall vote number 28, H.R. 1883.

PERSONAL EXPLANATION

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2000

Ms. ROYBAL-ALLARD. Mr. Speaker, due to an unavoidable scheduling conflict in my Congressional District on Wednesday March 8, I was not present for rollcall votes 29–33. Had I been present, I would have voted "yea" on all five votes.

THE KUNO RADIO STATION

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2000

Mr. ORTIZ. Mr. Speaker, I ask my colleagues to join me today I commending the pioneering Spanish-language radio station in Corpus Christi, Texas, KUNO Radio Station on their 50th anniversary. KUNO Radio has long been a force in my hometown of Robstown and my adopted home of Corpus Christi.

KUNO, which first went on the air in May of 1950, has been the political and cultural center of the Hispanic community of South Texas. KUNO was the first radio station in South Texas, and the second in the nation, to offer public affairs, talk radio and editorial programming in Spanish. KUNO takes a democratic approach to talk radio: whoever shows up to comment on programming gets air time.

On that note, let me offer a special tribute to Victor Lara Ortegon, one of the great radio personalities of South Texas who essentially grew up with KUNO. Victor joined the station in 1953, and he is the one who instituted the wildly popular public affairs show, "Comentarios." If you are a political candidate in South Texas, you go to "Comentarios" or you lose.

One of the early and great contributions to modern music by KUNO was the access and exposure they gave Tejano music and musicians. KUNO is recognized as one of the venues that launched a thousand Tejano talents, including the late, great Selena, who grew up in Corpus Christi. The Tejano genre grew up in South Texas, fortified by KUNO and other stations that followed their lead, launching Tejano as a strong, multi-million-dollar international industry.

KUNO has been a news leader in South Texas; they are often the first news organization to announce election results. Their tireless dedication to news and information is legendary. In 1970, Hurricane Celia knocked all local programming off the air. KUNO was the first radio station back on the air, thanks to an affiliate's generosity with a generator and emergency antenna.

Through the years, KUNO has provided for the culture of South Texas by holding large, outdoor concerts, bringing music to the people directly. They have provided for the political sensibilities of South Texas by providing a forum for political debates and treating us all to the best election and candidate coverage available. They have been a part of the journey of the local, state and federal governments in the last half of the 20th Century.

I ask that my colleagues join me today in recognizing the contributions made by KUNO to the social and political lives of South Texas.

INVESTING IN OUR COMMUNITIES

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2000

Mr. BONIOR. Mr. Speaker, I rise today to commend Comcast Cablevision, for investing in our future. In Macomb County, Michigan, Comcast has offered free high speed Internet service to schools and libraries. More than seventy schools are already using this service and more schools are being wired each week.

While many Americans are prospering, it is important that we do all we can to ensure that everyone has the same opportunity to learn and excel in this digital age. It is crucial that all students have access in school to the latest technology and training so that when our children enter the workforce they are fully prepared to meet the challenges of the future.

Since passage of the Telecommunications Act of 1996, telecommunications companies have had a great incentive to invest in our communities and improve service to consumers. Comcast and many other telecommunications companies are beginning to offer more advanced services and lower prices for consumers and I applaud their efforts and the progress we have made since passage of the 1996 Act.

HONORING THE LATE DONALD C. DONALDSON

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2000

Mr. HALL of Texas. Mr. Speaker, I rise today in tribute to Donald C. Donaldson, a man who dedicated more than thirty-five years of his life to federal service, who died on December, 12, 1999.

Mr. Donaldson was born on May 27, 1922, in Akron, Ohio. He lived through the Great Depression and went on to attend Akron University, where he enrolled in the ROTC program. The following year, in August of 1941, he enlisted as an Aviation Cadet in the Navy Reserve V–5 program. He was enlisted in the Naval Cadet Program at NACSB in Detroit. He went through flight preparation schools and graduated from Naval Air Training Command in Pensacola, FL, in 1944. This period in Mr. Donaldson's life was signified by his realization of his life's passion, which was to fly airplanes.

Mr. Donaldson subsequently accepted a commission in the United States Marine Corps as 2nd Lt. and took his oath of office on May 13, 1944. At this time he also received his Civil Aeronautics Administration Certificate for single engine aircraft. He served in the Pacific Theater of World War II, and at the end of the war, he was stationed in Okinawa. Afterwards, he returned to a reserve squadron in Akron.

2nd Lt. Donaldson worked tirelessly to become qualified on an astounding number of airplanes. He was certified to fly more than forty different aircraft at the end of his life, with the F4U Corsair being his favorite. 2nd Lt.

Donaldson continued to improve his aviation skills and knowledge by attending numerous flight schools. He attended the Naval Justice Program at the U.S. Naval Academy. In January of 1951, he was promoted to the rank of Captain, and he was subsequently transferred to Carrier Air Group, Fleet Marines Fleet Pacific, Marine Corps Air Station El Toro. Attached to VMF(N)–513, Captain Donaldson flew over thirty-three missions against the supply routes of North Korea and was awarded the Air Medal at the forward airbase of 1st Marine Air Wing. In May of 1955, Cap. Donaldson was presented with permanent citations and Gold Stars for his service.

On June 30, 1956, Cap. Donaldson resigned his commission and was given his Honorable Discharge. Upon his departure from the USMC, Cap. Donaldson was a highly decorated officer. He had been presented with the Distinguished Flying Cross, Air Medal, PUCW 1*, American Defense, WWII Victory Medal, Asiatic Pacific 1*, Korean Service Ribbon 1*, UN Ribbon, National Defense Service Medal, Presidential Unit Citation with 1*, American Campaign Medal, Asiatic Pacific Campaign, Korean Service Medal w2*, UN Service Medal, Korean PUC, and the Organized Res. Medal.

After the military, Cap. Donaldson continued to pursue his passion for aviation by accepting a job with the Goodyear Aircraft Corporation, where he continued to gain certifications on numerous aircraft. He then left Goodyear to accept a position with the National Aviation Facilities Experimental Center in Atlantic City, NJ, as an experimental systems pilot. He participated in the "Runaway Jetliner" experiment as well as being involved in the development and modernization of the national system of navigation and traffic control facilities. He tested the Doppler radar which is now widely used in airports. In 1967, he was transferred to Dallas, where he became an Air Carrier Inspector with the Air Carrier District Office. He would later become a supervisor. Upon his retirement in 1986, he was recognized as the pilot qualified to fly the most airplanes as First seat.

He is survived by his wife of forty-nine years, Darlene Donaldson; his four sons James, Richard, Robert, and David; four granddaughters; and one grandson. Captain Donaldson dedicated his entire life to his family and country, all the while pursuing his life's calling, aviation. So, Mr. Speaker, as we adjourn today, let us do so in the memory of Donald C. Donaldson and his many contributions to his family, aviation, air safety, and the people of America.

PERSONAL EXPLANATION

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2000

Mr. MILLENDER-McDONALD. Mr. Speaker, on Wednesday March 8, 2000, I was in my district attending to district business therefore missing roll call votes 29 through 33. Had I been present I would have voted "yea" on these roll call votes.

HONORING THE 111TH ENGINEER BATTALION FROM ABILENE, TEXAS

HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2000

Mr. STENHOLM. Mr. Speaker, I rise today to recognize the 111th Engineer Battalion, based in Abilene, Texas. This group of soldiers has been mobilized to serve our Nation in Bosnia to enforce provisions of the Dayton Peace Accords.

I include for the RECORD a copy of a resolution that I offered the Battalion as they prepared to leave for Bosnia. I know all of my colleagues would join me in wishing these men and women our best wishes and hopes for a successful mission and a safe return home to their families.

RESOLUTION

Whereas, The 111th Engineer Battalion has been mobilized to serve our nation in Bosnia; and

Whereas, Their mission will serve to enforce the provisions of the Dayton Peace Accords, as well as, to serve as representatives of the United States to many citizens abroad; and

Whereas, The soldiers who serve in the 111th Engineer Battalion, based in Abilene, Texas, represent communities from across the Big Country and this Nation with great pride and distinction; and

Whereas, Not only have these brave individuals made tremendous sacrifices to serve their nation, but so have their families and employers; and

Whereas, We understand the growing unrest in our world today and the importance our military plays in the world scene, be it

Resolved, That I, Charles W. Stenholm, as Congressman for the 17th District of Texas, do officially recognize and extend my best wishes to the 111th Engineer Battalion, their successful mission, and their safe return home, and present this flag flown over the United States Capitol as a symbol of my pride in these distinguished military personnel.

CHARLES W. STENHOLM,
Member of Congress.

THE 75TH ANNIVERSARY OF KGO RADIO

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2000

Ms. PELOSI. Mr. Speaker, I rise today to recognize the 75th anniversary of KGO Radio, a renowned San Fransciso media institution.

I commend KGO for taking its commitment to our Bay Area Community seriously, both on and off the air.

KGO's news team and talk show hosts a trusted source of local information and commentary. The station has an outstanding record in giving back to the community. Perhaps that's why KGO has been Northern California's most listened to station for more than 2 years.

In addition to its seven hours of comprehensive news programming, KGO's programming menu also includes extensive local public affairs talk shows that provide the area with invaluable community forums.

But I am most pleased by enormous, decades-long commitment that KGO has made to its community off the air—efforts that have gone far beyond lip service to have a positive impact on the Bay Area. In 1999 alone, it sponsored and promoted more than 50 community events. For these events, KGO aired more than 1,800 promotional announcements, worth more than $1,000,000. And, during the same period, it ran more than 3,500 public service announcements worth more than $800,000. Finally, KGO-sponsored community service efforts raised $1,950,000 for charitable causes.

Mr. Speaker, let us join in congratulating KGO on its 75th anniversary of serving the Bay Area Community. There is much here to celebrate—whether for the KGO Radio's award-winning news team or its efforts to support its local community; whether for its work in providing important on-air community forums or its willingness to promote local efforts from coastal cleanups to cultural diversity.

ALTERNATIVE EDUCATION FOR SAFE SCHOOLS AND SAFE COMMUNITIES ACT OF 2000

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2000

Mr. KILDEE. Mr. Speaker, today I am introducing the Alternative Education for Safe Schools and Safe Communities Act of 2000. This legislation will assist States and school districts in their efforts to fund alternative education programs and services for students who have been suspended or expelled from school and reduce the number of suspensions and expulsions. This legislation will provide our schools with an important tool in their efforts to ensure safer schools and safer communities while providing vital educational opportunity.

Presently, numerous students are suspended or expelled from school annually. Regardless of the reason these students received a suspension or expulsion—disruptive behavior, verbal abuse, a violent act—they are often left to fend for themselves without any educational services, or worse yet no supervision or guidance. The loss of educational services for these students is a destructive force to their chances to advance academically, be promoted from grade to grade, or to resist the temptation to dropout of school. In addition, students not in school and without any supervision can bring the problems which necessitated their suspension or expulsion to the community—increasing juvenile delinquency and possibly other violence and crime.

Under the Gun-Free Schools Act, schools are required to expel a student for one-year if they bring a firearm to school. In school year 1997–1998, that amounted to 3,507 expulsions. Unfortunately, fewer than half of these students were referred for alternative education placements. In fact, students expelled for firearm violations often do not receive educational services through alternative programs or schools. This lack of continuing education and supervision may put the community at risk of gun violence from these children.

While there are times when students may need to be removed from their school due to behavior, whether violent or non-violent, little is accomplished by risking their academic future through a lack of educational services. This legislation will promote alternative placements for suspended or expelled students so the problems they brought to school do not become problems of the community. The legislation would also require school districts to reduce the numbers of suspensions of expulsions of students. I would like to make it clear that this program's funding should not make it easier to remove students from the classroom in greater numbers, but rather should enhance the ability of school districts to provide continuing educational services for the students they do remove from the classroom.

Specifically, the Alternative Education for Safe Schools and Safe Communities Act of 2000 would authorize $200 million to assist school districts in reducing the number of suspensions and expulsions and establishing or improving programs of alternative education for students who have been suspended or expelled from school. Additional specifics of the program include:

States would receive allocations based on the amount of Title I, Part A dollars they receive. States would then distribute 95 percent of this funding to local school districts.

School districts would use funding to both reduce the number of suspensions and expulsions and establish or develop alternative education programs.

Students participating in alternative education programs would be taught to challenging State academic standards.

Students would be provided with necessary mental health, counseling services and other necessary supports.

States and school districts would be required to coordinate efforts with other service providers including public mental health providers and juvenile justice agencies.

School districts would have to plan for the return of students participating in alternative education programs to the regular educational setting, if it is appropriate, to meet the needs of the child and his or her prospective classmates.

School districts would have to meet continually increasing performance goals to maintain funding. These performance goals include: reductions in the number of suspensions and expulsions, reduction in the number of incidents of violent and disruptive behavior, and others.

The Department of Education would be required to identify or design model alternative education programs for use by school districts and then disseminate these examples of "best practices."

The future of all our children is too critical to allow those who have been suspended or expelled from school to become the future burdens on our social welfare system, or to have the disruptive and unsafe acts they did in schools take place in the greater community. I urge Members to cosponsor this legislation.

GRANNY D'S CROSS-COUNTRY WALK IN SUPPORT OF CAMPAIGN FINANCE REFORM

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2000

Mr. SHAYS. Mr. Speaker, my colleague MARTY MEEHAN of Massachusetts and I rise to commend 91 year old Doris Haddock—known throughout the country as Granny D—for her cross-country trek in support of campaign finance reform. Granny D began her crusade on January 1, 1999 in Pasadena, California and walked 3,200 miles across the country until she arrived at the Capitol on February 29, 2000.

She traveled through the snow in Maryland, dust storms in California's Mojave Desert, and heat of a Texas summer—all the way to Washington, DC. We are happy to place the attached statement into the CONGRESSIONAL RECORD, which in Doris' own words, describes how she chose to undertake such an amazing feat.

A native of Dublin, New Hampshire and an activist since the 1960s, Granny D felt compelled to push for campaign finance reform—and thus began her idea for walking cross-country. She has walked 10 miles a day, six days a week and stayed with people she met on "the road." Granny D inspired citizens from around the nation to walk with her for a day or so as she helped raise awareness of such an important issue—campaign finance reform.

In an age where cynicism and low voter turnout has become a norm, Granny D has demonstrated that civil activism is alive and well in America. We join Granny D in support of reforming our campaign finance system by eliminating the unregulated, unlimited campaign gifts known as soft money, applying our campaign laws to sham issue ads, and increasing disclosure. Combined together, these reforms will slam shut the open door that currently allows anyone—corporations, labor unions, wealthy individuals, even foreign nationals—to purchase limitless influence in our political system.

We believe this is a crucial first step to protect our democracy and thank Granny D for raising awareness of this issue by courageously walking across our nation in support of campaign finance reform. As Helen Keller stated: "I am only one; but still I am one. I cannot do everything, but still I can do something; I will not refuse to do something I can do."

STATEMENT OF GRANNY D

I have been asked to speak briefly this morning about the spiritual side of my journey across the United States.

I would like to share three brief thoughts.

The first thought is that God often speaks to us with crazy ideas. He is full of them, I think.

When I first received the thought of walking across America for campaign finance reform, I knew it was a rather crazy idea. It would have been easy to brush it off as such, and to change the subject as my son and I drove along that Florida highway where the thought first came.

What is calling, anyway? It is a picture window that suddenly appears, revealing a possible alternative life.

Possible, yes. I indeed might be able to walk the country—as I have kept up my physical conditioning with cross-country skiing and walking. Possible, yes—for such an undertaking (if it were not in fact an undertaking!) might bring some needed attention to the issue. And possible, yes—it might in fact be more interesting than staying at

If God sends us a crazy idea and we toss it off as such, I think He understands. He will be happy to send it along to someone else, or try some other ideas on us later.

If it keeps coming back, slightly revised, earmarked, highlighted, perhaps it is a calling. So we consider it more seriously.

If it seems immediately appealing, however, and we jump for it, is there some test to know if it is a proper calling and not just our own harebrained senility?

Well, I think there may indeed be a test, and that is the second spiritual aspect of my journey that I would like to share.

Despite all my best efforts before I left on my walk to arrange help along the way, I got almost no response from the churches or police departments along the way to whom I sent a thousand letters of self-introduction.

So my first steps were little leaps of faith into the kind heart and soul of America, and my faith was of course rewarded. Most remarkably, though there were troubles along the way, and a hospital stay and so many breakdowns of my support van and so many little traumas and troubles, what I saw on the whole was an opening up of heaven, and a flowing down of all the resources and all the right people I needed.

After my difficult crossing of the Mojave Desert in California, I crossed the bridge into Parker, Arizona on my 89th birthday. The Marine Corps Marching Band was at the bridge, playing Happy Birthday to me. The remarkable part of that story is that they just happened to be there on other business. It also happened to be Parker Days, and they were delighted to have me lead the parade and tell the whole city about campaign finance reform, which I did. When, some days later I walked into Wickenburg, Arizona, it happened to be Wickenburg Days and again I found myself in a parade and telling everyone about campaign reform.

Now, the parade organizers did not know me or care about this issue, but the family who kindly put me up there, after my stay in the hospital for dehydration, happened to be good friends of the parade chairman. It was like that every step of the way—always just the right person at just the right moment.

It continued across the country. Let me remind you that last Sunday it rained heavily in Washington, and last Monday it was very cold and windy, and Tuesday, when a nice day would be good for the big march across town to the Capitol steps, why, the weather here was a perfect springlike day.

The blessings have been uncountable.

I do not mean to suggest that the Lord makes doing the right thing easy. My walk was not easy. But he seems to clear the field for you when you are ready to do serious battle. He does appreciate, I think, our moments of courage and He does not mind showing His hand at such times.

Finally, let me make a spiritual note regarding the issue itself.

Is it not so that we are charged in this life with doing God's work where we might? Are we not the keepers of our brothers and sisters? Are we not to be agents for justice and equality and kindness? Surely we cannot fulfill our high role if we do not have the power to manage our collective resources. Surely, only a free and empowered people can properly take care of one another. If we allow ourselves to lose our ability to manage our considerable common wealth to best address the great needs of our people, we abdicate our earthy responsibilities to our God, do we not?

If we allow the greedy and the inhuman elements to steal away from us our self-government, because we did not have the energy or the courage to fight for it and to use it as a tool of our love and our wisdom, how shall we answer for that?

Is campaign finance reform a religious issue? It is one of the central religious issues of our times, and I of course speak to the condition of the entire world, not just our few states. If we are to do the right things for our people and for the lovely home given us by God, then we must, as free adults, have the power to do what is right. I do not mean that churches and states should mix: it is enough that our civic values, which we all share with only a few arguments around the edges, are informed by our deeper beliefs in the equality of people and basic rights of all God's creations.

PENSION COVERAGE

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2000

Mr. GEJDENSON. Mr. Speaker, America's workers have made the record 107 month economic expansion possible. They deserve to reap the rewards of our national prosperity. They deserve income security, and in particular, they deserve to have a pension and the ability to save for retirement. Approximately 51 million workers—about half the workforce—lack pension coverage of any kind. For these workers, retirement security is more precarious and their economic future more uncertain.

This Congress has an obligation to expand pension coverage to boost retirement security for all Americans. We know what will make a difference to millions of workers. We should, for example, increase the portability of different types of pensions by allowing employees to more easily roll-over these assets when they change jobs. We should provide tax relief to help small businesses starting a pension plan. We should reduce vesting periods. These are common-sense steps, and steps that we are all ready and willing to take. In fact, more than 100 members of this body have joined me sponsoring the Retirement Security Act, which would implement each of these options, and more.

The bill before us today, H.R. 3932, takes some steps in the right direction on pensions. Regrettably, it shortchanges average working men and women who need the most help in saving for retirement. Instead, it sweetens the pension pot for the wealthiest employees, those who have little to worry about with respect to their own retirement. The implicit, unsubstantiated promise of H.R. 3832 is that highly-compensated employees, who presumably have decision-making authority about pension coverage, will expand pension coverage for lower-wage employees as they attempt to take advantage of the bill's enhanced contribution and disbursement features for themselves. It is an $18 billion gamble that may not pay off for most workers. The only certainty is that the highly compensated will benefit.

According to an analysis prepared by the Center on Budget and Policy Priorities, of the $18 billion in pension benefits in H.R. 3832, 91.5% would accrue to the top 10 percent of earners, those with annual incomes above $89,000. At the same time, the lowest 60% of earners would receive less than 1% of the benefits in the package. To make matters worse, the Center's analysis shows that the increasing income thresholds for determining contributions to pension plans from $170,000 to $200,000, employers can save money by reducing pension coverage for lower wage employees. Indeed, if an employer contributes a flat percentage of each employee's pay to a pension, he can continue to reward the highest paid workers with the same dollar contribution while reducing the percentage of pay contributed to each worker at the lower end of the pay-scale.

I believe that we would better direct these resources toward middle- and lower-income workers and toward small business that want to provide retirement security to their employees. My bill accomplishes these goals by shortening vesting periods, providing credits to small businesses that start plans, and boosting pension equity for women. The President has proposed a series of pension and savings initiatives that would enhance retirement savings. He proposes tax credits that would encourage small businesses to establish a pension plan and to match employee contributions. He also proposes tax credits for financial institutions that establish retirement savings accounts for lower-income workers who do not have pension coverage at work.

Some in this body think passing these pension provisions today gets Congress off the hook in terms of real reform. It does not. I stand here to say that our job is far from finished when it comes to helping middle- and low-income workers save for retirement. I hope that we can all continue to work on this issue and pass comprehensive legislation expanding size pension coverage to every American.

BLACK HISTORY MONTH HONOREES

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2000

Mr. LAMPSON. Mr. Speaker, I rise today to honor local citizens from the 9th District of Texas who were chosen during Black History Month for their work. While the dedication of African-American leaders is well-known throughout the United States, local citizens, right here in the Southeast Gulf Coast region, are just as important to ensuring equal rights for all Texans. Last month I asked members of the communities in the 9th District to nominate individuals for my "Unsung Heroes" award that gives special recognition to those unsung heroes, willing workers, and individuals who are so much a part of our nation's rich history. Recipients were chosen because they embodied a giving and sharing spirit, and had made a contribution to our nation.

These individuals have not only talked the talk, but they have walked the walk. They have worked long and hard for equal rights in their churches, schools, and in their communities. While their efforts may not make the headlines every day, their pioneering struggle for equality and justice is nevertheless vital to our entire region. This region of Southeast Texas is not successful in spite of our diversity; we are successful because of it.

Please join me in recognizing and congratulating these community leaders for their support of bringing justice and equality to Southeast Texas. It is leaders like these men and women that continue to be a source of pride not only during Black History Month, but all year long. The winners of this years "Unsing Heroes" award are:

Ms. Sharon Lewis, Mrs. Eslen Brown Love, Constable Terry Petteway, Mr. Alex Pratt, Miss June Pinckney Ross, Ms. Ann Simmons, Mr. James Steadham, Mrs. Maggie Williams, Mrs. Valencia Huff Arceneaux, Mr. T.D. Armstrong, Mr. Melton Bell, Mr. Craig Bowie, Ms. Linda Brooks, Dr. Lisa Cain, Mrs. Izola Collins, Mr. Paul A. Cox, Pastor Marvin C. Delaney, Mrs. Idella Duncan, Mrs. Gloria Ellisor, Mayor Leon Evans, Ms. Vera Bell Gary, Ms. Wilina Gatson, Mrs. Ann Grant, Mr. Deyossie Harris, Mrs. Edna Jensen, Mr. Cleveland Nisby, Mr. Collis Cannon, Reverend Ransom Howard, Mrs. Hargie Faye Savoy, Judge Theodore Johns, Mr. Eddie Seniguar, Mrs. Marie Hubbard, Judge Paul Brown, Mr. Lewis Hodge, Mrs. Mandy Plummber, Mrs. Fabiola B. Small, Dr. Rosa Smith-Williams, Mr. Tobe Duhon, Rev. Isaiah Washington, Sr., Mrs. Barbara Hannah-Keys, Ms. Nina Gail Stelley, Mr. Herman Hudson, Mrs. Lillian M. LeBlanc, Dr. Carroll Thomas, Dr. William T.B. Lewis, Mr. Raymond Johnson, Mr. Amos Evans, State Rep. Al Price, and Rev. G.W. Daniels.

Mr. Speaker, the recipients of the "Unsung Heroes" award are dedicated and hardworking individuals who have done so much for their neighbors and for this nation as a whole. Today, I stand to recognize their spirit and to say that I am honored to be their Representative.

HONORING CENTRAL CONNECTICUT STATE UNIVERSITY MEN'S BASKETBALL TEAM

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2000

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise enthusiastically, to pay tribute to the Central Connecticut State University men's basketball team for their accomplishment this week.

This past Monday, the CCSU Blue Devils defeated Robert Morris 63–46 to win the Northeast Conference tournament final for the first time since joining Division I in 1986. This is an amazing achievement for coach Howie Dickenman and the entire Blue Devil team. The team will now make their first appearance playing the NCAA tournament.

The leadership and hard work demonstrated by coach Howie Dickenman and the Blue Devils is an example to us all. While finishing with a record of 4–22, only two seasons ago, they have proven this year, that through persistence and strength of character, any sought after goal is possible.

I hope my colleagues will join me in congratulating this extraordinary group of young men and their coaches, parents, classmates and others who supported and cheered them on through this long journey.

Their determination throughout the entire season has been an inspiration to all of us. Congratulations to the Blue Devils and best of luck in the NCAA tournament!

IN RECOGNITION OF KATIE McGWIN

HON. ROBERT A WEYGAND

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2000

Mr. WEYGAND. Mr. Speaker, I rise today in recognition of Katie McGwin, a resident of North Kingstown, Rhode Island and a fifth-grader at Quidnesset Elementary School. Katie was among the winners of this year's National Sportsmanship Day essay contest for her positive essay on responsibility and encouragement.

March 7th was the Tenth Annual National Sportsmanship Day and I am pleased to say that in all of the fifty states, and in one hundred and one other countries students, athletes, coaches, and educators spent the day focusing on the merits of good sportsmanship. In more than 12,000 institutions worldwide, students participated in programs such as "The No Swear Zone", essay and poster contests, student roundtables, and coaches forums in an effort to promote good sportsmanship among our youth.

Just ten years ago this program existed only in Rhode Island elementary schools, founded by my good friend Mr. Daniel E. Doyle, Jr., Executive Director of the Institute for International Sport at the University of Rhode Island, and now it is an international event. This is a wonderful program whose value is evident by the speed of its growth and broad reach of its appeal.

Katie's essay espoused the virtues of true sportsmanship and brought to light the benefits that sportsmanship can offer to our families, our communities, and our nation. Sportmanship, as Katie notes, is about many things, both on and off the field of play; it is about hard work and effort, responsibility, kindness to others, honesty, fair play, ethical behavior and it is about encouragement. These values are beneficial for our homes, for our workplaces and for our schools. In an age when violence too often penetrates our educational institutions and our communities, these are the ethics and values—which Katie so eloquently discussed—that must be promoted and encouraged by parents, educators and coaches.

I would like to commend Katie for her wisdom and her character and want to encourage her to maintain them throughout her life as they will bring her success in her professional and personal life.

PERSONAL EXPLANATION

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2000

Mr. GARY MILLER of California. Mr. Speaker, on Wednesday, March 8, 2000 votes were held while I was in route to the Capitol, as were other members, therefore, I missed roll call votes 29, 30, and 31.

Had I been present, I would have voted "yes" on the passage of H.R. 1827, the "Government Waste Corrections Act."

Had I been present, I would have voted "yes" to suspend the rules and pass the H.R. 2952 redesignate the facility of the U.S. Postal Service in Greenville, South Carolina as the Keith D. Oglesby Station.

Had I been present, I would have voted "yes" to suspend the rules and pass, as amended H.R. 3018 to designate the U.S. Postal Office in Charleston, South Carolina as the Marybelle H. Howe Post Office.

A TRIBUTE IN HONOR OF CONNIE M. DEFORD

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2000

Mr. BARCIA. Mr. Speaker, I rise today to honor a wonderful lady, Ms. Connie Deford, of Bay City, Michigan, on the occasion of her retirement from her post as City Clerk of Bay City. Connie has been our trusted clerk since 1986, and I can assure you, Mr. Speaker, that both in character and spirit, Connie is an inspiration to those around her and will be sorely missed by her co-workers.

Connie was born in my home town of Bay City and has a long history of contributing to our community, both as an elected official and as a civic leader. In fact, Connie's service to Bay City is touted as a model for all aspiring elected officials. Everyone who has worked with Connie knows that her retirement will leave very big shoes to fill. However, her accomplishments as City Clerk will endure as a blueprint for all to follow.

Connie is very active in our city's civic affairs and has been awarded numerous awards for her extraordinary service. Mr. Speaker, time restraints dictate that I mention just a few of the many honors she has received. Perhaps one of her most prestigious awards is the Quill Award, given by the International Institute of Municipal Clerks, the largest international clerk organization, to recognize the most qualified and dedicated clerk in the world. Other awards she has received include being elected Michigan Municipal Clerk of the Year, nominated for the Bay Area Chamber of Commerce Athena Award for Professional Women, awarded the Paul Harris Fellowship Rotarian of the Year, and awarded the Great Lakes College Honorary Doctor of Letters, as well as the Municipal League Special Award of merit.

Her contributions to our community are equally impressive. Connie has been an active member of her church, Holy Trinity, where she is on the Administration Commission and serves as a member of the Adult Choir. She is involved with such admirable institutions as the March of Dimes, the Salvation Army, the Great Lakes College Foundation, and the Michigan Municipal League Foundation.

With Connie's unflagging energy and civic-minded commitment, I am sure that retirement will not mean slowing down. Rather, it will mean a new direction and a new focus that will produce results which impact positively on many, many people in our community. I am also sure that Connie will enjoy the company of her daughter Brigette and son Keane, as well as her two grandchildren Austin and Angela.

Mr. Speaker, I invite you and our colleagues to join with me in congratulating Bay City City Clerk Connie Deford on the occasion of her retirement, and thanking her for her selfless service to our community. We in Bay City, Michigan, have been truly fortunate to be the recipient of her commitment and vision. Connie has not only been a motivator and creator of civic pride, she precisely embodies our civic pride. I wish her continued success in all her future endeavors.

DRUG COMPANY PROFITEERING: HOW MUCH IS ENOUGH FOR AMGEN?

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2000

Mr. STARK. Mr. Speaker, submitted are portions of a letter which I have sent to the Federal Trade Commission and others.

When one looks at Amgen's SEC filings, it is clear that this price increase was not necessary. It is pure profiteering, largely at taxpayer expense. It is another example of how Flo and her allies cannot be believed in the debate of a Medicare pharmaceutical benefit.

The ancient Greeks knew the wisdom of moderation, and called it the Golden Mean. All these guys know is Golden Greed.

COMMITTEE ON WAYS AND MEANS,
SUBCOMMITTEE ON HEALTH,
Washington, DC, March 8, 2000.

Hon. ROBERT PITOFSKY,
Chairman, Federal Trade Commission,
Washington, DC.

DEAR MR. CHAIRMAN: I urge the Commission to conduct an immediate investigation of the recent price increase in recombinant human erythropoietin (rHuEPO) announced by the Amgen Corporation. Such an investigation would be very important in the developing debate on the rapid rise in pharmaceutical expenses (15.4% last yar) and Medicare payment policy.

Briefly put, Amgen makes about $1 billion dollars a year *in profit* on the sale of its sole source, monopoly product EPOGEN to Medicare providers. Medicare pays $10 for a unit that, the last we know, cost about 50 cents to make. The company recovered its entire R&D costs for this product—about $170 million—in roughly the first year of its sales to Medicare (1990).

While the price/unit has been stable since 1991, the cost to Medicare has soared while the improvement in patients' hematocrits has been disappointingly flat. Part of the reason for the increase in dosage is that we have set a higher quality standard for the desired hematocrits. But I believe another, big part of the reason that the dosage has increased so dramatically is that while Medicare reimburses providers $10 per 1000 units, the company provides a volume discount, which encourages providers to use more EPO, because the more they use, the more I believe this "volume discount" has caused many American dialysis centers to administer the product in an inefficient and even wasteful manner.

The national Dialysis Outcomes Quality Initiative (DOQI), and most foreign nations recommend the administration of EPO subcutaneously—in an injection rather than through the dialysis process. When administered this way, there is data that, at least for a period of time, about 60–70% of patients would need about 30% less EPO. The company's volume discount, therefore, has probably caused Medicare and the taxpayer to spend $100 to $200 million more per year than would be needed if we administered the drug the way the quality experts recommend and most foreign countries practice.

In addition to the waste and extra expenditure, too much EPO can be dangerous. It has side effects.[2]

The Amgen price increase takes advantage of the first increase in Medicare payment for dialysis in a decade. In the Balanced

With all this as a background, Amgen's price hike is important to understand and can help shape the Congressional debate on drug reimbursement policy and Medicare payment policy to dialysis centers.

First, I find Amgen's explanation to providers (copy attached) interesting: "This change in price, the first since EPOGEN was launched eleven years ago, is being implemented as a result of continually increasing costs associated with Amgen's business."

As I indicated there is data from a decade ago that the cost of production was about 5 percent and that all R&D costs were recovered in a year. In many industries, productivity is able to actually lower the cost of various high tech products. Can the FTC tell us what the cost of production is today, and how that compares to other increased costs of Amgen in marketing, litigation against potential competitors, overhead, and political contributions, etc.? Can the FTC give us an estimate of the current yearly profit to Amgen from sales of EPO and how much this price increase will add to those profits? The latest 10–Q for Amgen for the three months ended September 30, 1999 shows net income of $300 million, compared to $221 million in the same period, 1998. That same SEC filing shows product sales of $769.2 million and cost of sales, $98.9 million. The cost of sales as a percent of total sales actually declined between 1998 and 1999. All of this calls into question Amgen's justification for the price increase. As one security analyst is quoted as saying (attached) "They promised Wall Street a certain level of earnings this year. . . . Maybe this is the only way they can achieve that."

So did costs of production really go up that much, or did Amgen's other expenses go up, and this is just a way to tap the Medicare cash cow? The answer to this type of question is important for how we structure a Medicare prescription drug benefit.

The coincidence of Amgen's price increase absorbing most of the Congressional dialysis payment increase should inspire us to consider ways to prevent that from happening again. If we don't, it would be easy to see Amgen doing another 3.9% increase next spring to absorb the second 1.2% dialysis payment increase scheduled for 2001.

Thank you for your early review of this entire situation.

Sincerely,

PETE STARK,
Member of Congress.

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[1] One physician has indicated to me that Amgen discounts EPO linked to the potential growth in use per year. "Rumor has it that the target growth is greater than the incident growth in the ESRD program. In other words, if the ESRD program grows by 7%, the Amgen target for discount is some larger number, like 10%." Another expert tells me that the volume incentive is based on 5% growth per quarter. (If the FTC could determine the exact nature of the discount, it would be very helpful to understanding prescribing patterns.)

[2] One analyst notes that between 1989 and 1995, fifteen month survival has decreased by 20% for hemodialysis patients. This analyst asks if it is possible that inappropriate dispensing of EPO may play a contributing role? See attached. This is a question I believe needs to be investigated by public health authorities.

INDIA'S RELIGIOUS TYRANNY GOES ON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2000

Mr. TOWNS. Mr. Speaker, I was distressed to read an article in the Washington Times of February 25 datelined Calcutta reporting that the government of India's state of Orissa is now requiring anyone converting to Christianity to get a government permit. This policy has been met with protests in front of government offices in Calcutta, because it is just the latest chapter in the ongoing religious tyranny in India.

As you know, thousands of Sikhs languish in Indian jails without charge and without trial. These Sikhs are political prisoners in "the world's largest democracy." Many of them have been in prison illegally since the Indian government attacked the Sikhs' holiest shrine, the Golden Temple in Amritsar, in June 1984. That is coming up on 16 years now!

The BJP, which runs the central government, destroyed the most revered mosque in India, the mosque at Ayodhya, intending to put a Hindu temple on the site. Hindus affiliated with the BJP's parent organization, the RSS, burned a Christian missionary and his two sons, ages 8 and 10, to death in their jeep while they slept. The mob surrounded the family's jeep and chanted "Victory to Hannuman," a Hindu god. RSS-affiliated Hindu extremists have burned down Christian churches, schools, and prayer halls. They have murdered priests and raped nuns. In 1997, the police broke up a Christian religious festival with gunfire.

The Indian government has sent over 700,000 troops to Kashmir and half a million to Punjab, Khalistan, to suppress the freedom of the Muslim and Sikh populations there. It has killed tens of thousands of Christians, Sikhs, Muslims, Assamese, Manipuris, Dalits, and others.

President Clinton will soon be going to India. While he is there, one important thing that he should do is to press the Indian government on the subject of human rights. If we do not support the human rights of all the people of South Asia, who will?

I call on the President to raise these issues in the strongest terms. Also, we should cut off aid to India until it observes the basic standards of human rights for all and we should support freedom for the people of South Asia by going on record in support for self-determination for the people of Punjab, Khalistan, Kashmir, Nagaland, and the other nations of South Asia that now live under occupation.

Mr. Speaker, I would like to submit the Times article into the RECORD.

[From the Washington Times, Feb. 25, 2000]

CHRISTIANS IN INDIA PROTEST 'BIAS' ORDER

CALCUTTA—Hundreds of Christians converged on a government office yesterday to protest what they said was a discriminatory order by the Orissa state government on religious conversions.

The protesters said the order, which requires people who are converting to Christianity to apply to a local official and get police clearance, violates the Indian Constitution.

The protesters belong to the Bangiya Christiya Pariseba, or United Forum of Catholics and Protestants. They delivered a statement to the Orissa government through its local office in Calcutta.

PERSONAL EXPLANATION

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2000

Mr. DAVIS of Illinois. Mr. Speaker, on March 8, 2000 I had to delay my return to the Capitol in order to attend to personal business in my district. During my absence, I missed rollcall vote 29, 30, 31 and 32.

Had I been present, I would have voted yes on the motion to suspend the rules and pass H.R. 2952, the Keith D. Oglesby Post Office, H.R. 3018, the South Carolina Post Office Designation and S. Con. Res. 91 recognizing the forcible incorporation of the Baltic states of Estonia, Latvia, and Lithuania into the former Soviet Union.

I would have also voted "yes" on final passage of H.R. 1827 the Government Waste Corrections Act on March 8, 2000.

HOUSE OF REPRESENTATIVES—*Monday, March 13, 2000*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. MILLER of Florida).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 13, 2000.

I hereby appoint the Honorable DAN MILLER to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend James David Ford, D.D., offered the following prayer:

We are appreciative, O God, of our own heritage of faith for we know that we have gained strength and confidence by knowing our traditions and the values that make our traditions come alive. Yet we celebrate this day, gracious God, the opportunities that we have to hear other voices of faith and to learn about differing traditions. Grant every person, whatever their background or responsibility, not only to experience the fullness of their own faith, but to understand more fully the practice and traditions of others. Help us to lift our eyes and open our ears so we realize more fully that every person has been created in Your image and we share together in Your abiding spirit and love. This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Oregon (Mr. DEFAZIO) come forward and lead the House in the Pledge of Allegiance.

Mr. DEFAZIO led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled bill on Friday, March 10, 2000:

S. 376, to amend the Communications Satellite Act of 1962 to promote competition and privatization in satellite communications, and for other purposes.

APPOINTMENT AS INSPECTOR GENERAL FOR U.S. HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore. Without objection, and pursuant to clause 6 of rule II, the Chair announces the joint appointment by the Speaker, majority leader, and minority leader of Mr. Steven A. McNamara of Sterling, Virginia, to the position of Inspector General for the United States House of Representatives for the 106th Congress.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed a bill, a joint resolution, and a concurrent resolution of the following titles in which concurrence of the House is requested:

S. 1653. An act to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act.

S.J. Res. 39. Joint resolution recognizing the 50th anniversary of the Korean War and the service by members of the Armed Forces during such war, and for other purposes.

S. Con. Res. 95. Concurrent resolution commemorating the twelfth anniversary of the Halabja massacre.

FEDERAL BUREAUCRACY IS PREVENTING AMERICA'S CHILDREN FROM LEARNING

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, there is some troubling news about our educational system which seems to be heading in the wrong direction.

A recent survey of college students showed that 45 percent of those college students would be denied U.S. citizenship because they could not correctly answer at least seven out of ten basic American history questions.

Mr. Speaker, foreigners know more about U.S. history and they know that history better than our own children. The poll showed that 56 percent of students could not place in order of occurrence the U.S. invasion of Normandy, the Korean War, the Cuban Missile Crisis and the fall of the Berlin Wall. But 94 percent knew that Leonardo DiCaprio was the lead actor in "Titanic."

Mr. Speaker, Federal spending on education is at an all-time high; and yet, 40 percent of our Nation's fourth graders fall below the basic level of reading achievement. It is obvious that more money on failing programs is not the answer.

We need to enact real educational reform that give parents and teachers the resources they need to educate our children.

Mr. Speaker, I yield back all the Federal bureaucracy that is preventing our children from learning U.S. history.

AMERICA IS SUBSERVIENT TO OPEC COUNTRIES

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, how long can we Americans tolerate the spectacle of our country groveling at the feet of OPEC countries and begging them to produce more oil, pleading with them to send us more oil, pleading with them to reduce the cost of gasoline at the pump, of our energy costs?

We are subservient to the OPEC countries. The greatest country in the world is being dictated to in its practices by OPEC. We cannot tolerate that. We shall not sustain that.

For those purposes, we are going to begin to circulate very soon a bill which will create a blue ribbon commission to determine how within 10 years we can become self-sufficient in energy. No more of this dependence on foreign oil. We can do it ourselves and we must.

We must explore to the fullest extent the oil possibilities in our own land, in Alaska, and wherever energy can be produced and conserved. We must give offshore drilling a fair chance with due diligence and due respect to the environment. But we must do everything possible so that we do not have to be enslaved by OPEC.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

CONGRESS AND THE PRESIDENT MUST DO SOMETHING ABOUT THE HIGH COST OF OIL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, gasoline is nearing $2 a gallon across the United States. Diesel is up 50 percent. Home heating oil at one point spiked over 100 percent increase from last year. Aviation fuel is on the rise.

Now we have got the Federal Reserve saying they are worried about inflation so they are going to jack up interest rates. Of course, we have got the oil companies at OPEC fixing prices and curtailing production, causing inflation. I say the likelihood of an economic disaster or recession or a dramatic slowdown is pretty great.

Now, what is the response? Well, the response of the Clinton administration and the Republican leadership in Congress to the artificial shortages and the run up in prices is pathetic.

The administration sounds like a bunch of corporate Republicans, let the free market work. Well, guess what? There is no free market in the production and distribution of oil.

The OPEC cartels have met and decided to hold down production and drive up prices to profit themselves and the multi-national oil companies with whom they work hand in glove. Free market? Sure.

Now, the Republican response is equally pathetic, cut taxes, cut taxes. That seems to be the only solution to anything around here. How much? 4.3 cents. They are going to cut gasoline taxes by 4.3 cents. That will solve the problem.

Well, guess what? The taxes were the same level last year when gas was a dollar a gallon. Now it is going to be $2 a gallon. And that 4.3 cents, the oil companies will suck that up in less than an hour. That is a pathetic response.

They do have another response. Drill the Alaskan National Wildlife Refuge. Ninety-five percent of the north slope is available for oil exploitation.

There is one little tiny bit left. Let us go and punch holes in there. For what? To destroy that pristine area, for what? For 6 months' supply if the optimists are right. More likely, for a few pathetic months' supply. Ruin that area for all time.

And ironically, the same party, the Republicans, jammed legislation through this House 5 years ago demanding that the United States export the oil currently being produced in Alaska.

Now, that is kind of strange. They want to go up and destroy the Alaskan National Wildlife Refuge to produce more oil that they will then export. Why are they doing that? Well, because the big oil companies wanted that, and they are beholding to the big oil companies. This is a predictable and pathetic response to a national crisis.

There is an alternative. Take on the big oil companies. Well, there are not too many around here that want to do that. But, guess what? There is a way we can do it. The President is all for rules-based trade. The Republican majority says they are the greatest defenders of the World Trade Organization. They provided the majority of votes to create it, and they defend it day in and day out in this body.

Article 11 of the Charter of the World Trade Organization, of which six OPEC countries are full members, prohibits, prohibits restrictions on the productions of materials for export.

It is pretty simple. Here we have an organization the U.S. has created, the Clinton administration and the Republican majority backs a hundred percent, they say they want rules-based trade. Well, let us use those rules.

Now, they filed a complaint for a guy who grows bananas. Now, we do not grow bananas in the United States. But he is a big campaign contributor, so the U.S. used its clout in that organization for bananas, used it for hormone-laced beef. But somehow it seems that we cannot use our clout in that organization to file a complaint against OPEC and the largest multi-national oil companies in the world.

It is time to stand tall as a Nation to those oil companies and their partners, the OPEC nations. Use the rules we have. That is a good beginning. There is more that needs to be done.

I am introducing legislation today to ask the President, to strongly urge the President to file that complaint. I hope he does not need that legislation to move forward.

We also need to begin dealing with all the subsidies we provide to those countries, the foreign aid, the military subsidies and the others.

Burden sharing. Kuwait is one of the countries dragging its feet for additional oil production. Did we not save Kuwait?

Now, Kuwait says they are not going to lift a finger. In fact, they want to keep prices down because nobody in Kuwait has to work because the prices are so high. They import workers in Kuwait. Maybe a little burden sharing is in order for some of these countries that we are protecting and extending billions of dollars or our defense umbrella to every year.

And then finally, let us get serious about conservation and renewables and energy independence in this country. If anything poses a threat to this Nation in the next century, it is the fact that we have not gotten serious about concentration and renewables and now we are importing 60 percent of our oil.

This is a threat to the future security of this country. This Congress should not sit on its hands, nor should the President downtown just because some of the largest campaign contributors in the world do not want to do anything about the higher prices for oil. We can do something. It is in our power. Let us act.

DOD'S PRIVATIZATION POLICY IN GUAM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Guam (Mr. UNDERWOOD) is recognized for 60 minutes as the designee of the minority leader.

Mr. UNDERWOOD. Mr. Speaker, I take this opportunity to do an extended special order on a matter of significance not only to the people in Guam but to the general readiness of our military, and that is the Department of Defense's continuing privatization efforts.

Today I want to discuss this matter which affects not only Guam, my home district, but certainly the whole readiness posture of our Armed Forces.

The Department of Defense has for many years been pursuing a better way to improve efficiencies in the way they conduct business and have begun many, many initiatives to improve their business practices. And like any large government bureaucracy, DoD has for years employed amongst its ranks thousands of civilians, technicians, and specialists, operators, maintenance personnel, laborers, and hundreds of other classifications of jobs.

In all likelihood, I am sure that we all recognize that there are many redundancies and cost inefficiencies and unsound business practices which cried out for reform. Indeed, there were thousands of uniform personnel carrying out tasks and assignments that would have been more suitable for a civilian technician.

However, as a result of the Cold War and in the name of military readiness, these non-war fighting jobs remained a part and parcel of DoD's workforce.

In the age of tight budgets and military drawdowns during the 1990s, the time has come to reform the Federal Government in general, and DoD in particular, in order to cut costs and create a more efficient organization, particularly as we drew down our uniform personnel.

These policies that were employed by the Department of Defense took several different forms and, to be fair, were proscribed in many ways by both Congress and the administration.

First, there was the lowering of the troop ceiling to cut back military end strength. Secondly, the DoD asked for and received, with Congress's blessings, two rounds of base closures and realignments.

Finally, the DoD dusted off an old friend, known as OMB Circular A–76 to implement the third major reform policy initiative. Of course, DoD all along could and would employ so-called reductions in force, or RIFs, to reduce the bureaucracy in order to save money.

In any event, OMB Circular A–76 was employed in tremendous fashion for many reasons that will be clear in a moment.

☐ 1415

A–76, as it is generally referred to as a tool to conduct a public versus private competition in a commercial activity in order to determine if those jobs are best performed by the government or by the private sector, initially cost was the sole determinant and, to a large degree, it still is.

More typically, however, the Department of Defense has moved towards a so-called results based assessment in which the winner of the public/private competition is judged on how best they can perform a task based on the quality of the outcome of the work, balanced by price considerations.

For example, if an A–76 study determines that a particular job would be better performed by the private sector, the government agency that conducted the study would be able to lay off those civil service employees based upon that independent empirical data. The particular agency's bureaucrats claim that they are justified in these decisions because numbers do not lie. In the alternative, statistics have shown that when a study is won by the civil servants, remember there is a competition as they reinvent themselves, there is still a 30 percent reduction in cost. This fact alone supports the so-called win/win touted by A–76 proponents.

If the public sector employees are allowed to bid for their jobs at a lower rate and they out bid the private contractor that has been brought in by the government, they are allowed to keep their jobs. So, therefore, a lot of people think that all of a sudden this is a win/win situation.

Sounds great. The problem is that these cost cutting advocates overlook the simple fact that the government is not a business. Could the government be made more efficient? Definitely. More responsive? Undoubtedly. Well, how about more cost effective? Well, it depends on how you measure cost. True, practices that enabled famous $600 hammers and $3,000 toilet seats needed to be rooted out but when one looks at hard-to-define requirements such as military readiness, what is inherently governmental, what is the measure of a good value and what about the men and women who make up the civil service, who have long done so out of patriotism and job stability and good benefits and fair play? They are not out to bilk the government or run up costs for profit like many unscrupulous contractors who win these bids point of fact do in the end.

What we are looking at are two distinct but related things. First is the general policy of reducing the Federal civilian workforce and outsourcing that work to the private sector. The second is the dynamics of A–76 process itself and for both I would like to use the Guam experience on that, because right now, as we speak, the largest BOS contract, so-called Base Operation System contract, to date as a result of the A–76 process is being implemented with Raytheon, the winner, in Guam and effectively putting out of focus about 900 jobs in Guam.

Now, Guam's story on this began with the Base Realignment and Closure Commission in 1995. What the Navy did was that they decided in 1995 that they wanted to close down a unit in the Naval Activities Section of Guam called the Public Works Center, and when the Navy was turned down by the BRAC Commission, allowed to realign it but they were not allowed to close down the Public Works Center, they then decided that they would apply A–76; therefore creating a tremendous sense of loss because the BRAC process is the process that was outlined by Congress and by law to make a fair assessment of what can be closed and what cannot be closed.

When the Navy lost their claim that the Public Works Center on Guam should be closed or realigned downward in dramatic fashion, they didn't say, okay, we tried it in front of the BRAC Commission and we lost. They turned around and then dusted off A–76 and went ahead and did it anyway.

So in the spring of 1997, the Navy announced that they were going to look towards the bundling of all kinds of functions in this particular situation and offer them up to a private contractor or to the public sector. In other words, letting the workers themselves bid in something called a most efficient organization.

The Navy justified using a Base Operating System contract, taking such diverse things as providing day care to loading ordnance to house maintenance, and bundling them all in one contract because they said that this was the way that they would get an economy of scale.

Another cost saving measure that was being considered by the Navy at the time was to use foreign or H–2 workers which were allowed into Guam and therefore it would significantly depress the costs of the contractor, thereby competing more unfairly with the existing civil service.

So after I heard about, in particular, the foreign labor possibility, I introduced an amendment to the Department of Defense reauthorization prohibiting the use of H–2 workers on any Base Operating System contract that would be contracted out in Guam, but the Navy continued on. The Navy continued on with the BOS contract.

Now, the BOS contract was designed to bid out a significant amount of money to one single contractor. In the end, it was Raytheon that won this contract.

Now, the Navy attempted to sell this to the people of Guam saying even though the likely winner would be a contractor that would not be from Guam, there would be a lot of subcontracting out to local contractors. I did not take them at their face value and I invited the Small Business Administration, and with SBA's help we were successful in garnering approximately $65 million in small business set-asides.

So even though the Navy was unwilling to do this, we had to bring them in and then get them to say, look, if you are going to privatize this at least try to benefit the private companies in the local community. So we were able to do this.

In the meantime, you had at work the civil service employees who were being asked to consider the possibility of bidding for their jobs that they used to have in what is called a most efficient organization. Imagine if you were employed in a company and the managers of the company came to you one day and said, the only way that you can conceivably hold on to your jobs is that we are going to bid out your jobs against another company, a private company, and if you can prove to us that you can do the work that you do now for less money than the private company is bidding, you will be able to keep your jobs. That is basically what they were confronted with.

Now, in the meantime, the local civil service employees, the American Federation of Government Employees Local 1689 and the local union, is generally well placed to challenge and fight the A–76 process and they have done so from time to time trying to figure out how to be helpful, but they continually asserted that all that was needed, at least some of their leaders continually asserted that somehow or another Congress would simply pass a single amendment that would simply exempt Guam specifically from this process, kind of a silver bullet technique which I told them was not realistic and which in light of all the things that have gone on with all the privatization efforts certainly is unrealistic.

Well, the Navy last fall decided and announced that Raytheon Technical Services was the winner and finally this past January the Navy announced that the base operating support functions would be sent out to the private sector for performance. The in-house servants, these are the people who actually work these jobs, had bid $600 million for what was approximately a $900 million operation.

Raytheon, which won the competition, bid at $321 million. The huge disparity in the bids is testament to the Navy's disenchanted efforts in assisting the local workforce and the inherent weakness in the A-76 process, which there is still inadequate union input.

The study on Guam analyzed some 1,200 positions, 950 at the Public Works Center alone. Many of these workers have pursued the DOD's general priority placement program which enables alternative Federal employment on a worldwide basis. Others choose early retirement. Those who left who face involuntary separation will earn the so-called right of first refusal for the contracted jobs with Raytheon, meaning that at the end of the day if you cannot find a job somewhere else within the civil service system or you are too young for early retirement, you have the right of first refusal. Raytheon offers you the job, more likely at a rate 20 percent, 30 percent less than what you used to make for the same job, and you have the right to accept it or you have the right to turn it down.

Now, the A-76 process is not the best of methods to mete out savings. However, in some respects it does afford the civil service an opportunity to fight it out and occasionally the MEOs or the civil service employees win in various A-76 studies that have been conducted around the country.

A-76 is criticized by both the public workforce and the unions, as well as the private sector who view the process as favoring the government, not to mention the costs they generally must expend in order to win. It has long been a concern of many Members of Congress, particularly those who sit on the House Committee on Armed Services, that the Department of Defense has placed so high a stake in the outsourcing and privatization process that it is literally not only threatening the livelihoods of those loyal civil service workers who have been employed for the Department of Defense for a long time but it is threatening the very readiness of our military forces.

In 1999, the Department of Defense announced that by fiscal year 2005, over 230,000 positions will have been studied for possible outsourcing. The department estimates that by that time they will have saved some $11.2 billion and achieve a steady state savings rate beginning in fiscal year 2005 of approximately $3.4 billion annually. The problem with these numbers, as we have already experienced through careful review in the House Committee on Armed Services, is that they are based on far too many assumptions. Indeed, the individual services often do not account for the costs of performing the study, especially when they extol the anticipated savings. These costs can include the paying of the cost comparison study itself as well as associated costs for voluntary separation incentive pay, early retirement benefits and the general reductions in forces, meaning RIFs.

One of the things that in our case, in Guam's case, on this, which has compounded the tragedy and the impact of this, is that when the Department of Defense carries this out, there are provisions in the U.S. law that the DOD perform an economic impact assessment on the community faced with downsizing from outsourcing. Unfortunately, this law was not passed until after the Navy had decided to go ahead with Guam's outsourcing study. Regardless, the study requirement is not comprehensive and is little more than a review of surmised local economic impact.

If DOD had been required to do an impact study for Guam, it would show that Guam was really a poor model for the Department of Defense to conduct this study on a big base/small base comparison, which was part of their logic. Indeed, even the Navy abandoned this comparison study in favor of continuing forward with Guam's solitary A-76. If the Navy had been required to do this study, it would have shown that in the case of Guam the scale of the economy, which is 150,000 people, roughly about 60,000 people gainfully employed, about 1/6th working directly for the Federal Government, approximately 10,000 in the late 1980s to early 1990s, that any kind of downsizing would have had dramatic impact on the economic future of the island.

For Guam, the job loss was something of unique and dramatic proportions because we are talking about a very large number of workers in a very small community.

Furthermore, it is an erosion of part of the middle class in Guam, which helps sustain the economy, the rest of the economy in Guam, through good salaries and mortgages and all the kinds of consumer purchasing which goes on in Guam.

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Furthermore, it had a dramatic impact on the civil service workers themselves far out of proportion to the same process being experienced by other civil service workers.

When you lose your Federal job in Guam, you cannot drive over to the next county to find another Federal job, or find another job at all. If you wanted to stay within the Federal system, it meant that you would have to sell your home and travel at least 3,500 miles to Hawaii, if lucky enough, or perhaps 6,000 miles to the West Coast, or, if very unlucky, 9,000 miles to the East Coast. In fact, people who went through the Navy apprenticeship program and had the promise of gainful employment and learned some very unique skills in their lives, were now faced with the prospect that because of the A-76 process, because of impending RIFs, they now had to uproot their families and move thousands of miles away.

The Navy completely disregards all of this because they say it is not required. Their main concern is the so-called cost savings, which, in the end, they have been unable to document. Now we have not only the impact on the Guam economy and the local economy, but we also have to consider the impact on the workers themselves.

For those workers who choose to stay on island, who choose to stay in the local community and leave the Federal service for a contractor job, they are given the so-called right of first refusal.

Let us just take a look at what is meant by a right of first refusal. The wages for this are calculated by something called a prevailing wage calculator in the Federal system. This measures a wage rate for a particular job, but does not account for the cost of consumer goods that are available on island.

Federal jobs, when you are employed in the Federal job you have your base salary plus you have a cost of living adjustment because of where you are. It depends on whether you are in a high-cost area or in a low-cost area. Guam happens to be a high-cost area. But here we have a situation where the private contractor is not required to pay the COLA, can simply ignore the COLA, and, moreover, is probably going to offer significantly less for the base pay for the same position.

I will give you a few examples of this. Case one is a management level employee working out of the Navy Family Services Section at Commander Naval Force, Marianas. She indicated that they were very busy developing the contract assurances standards for Raytheon. She indicated that this area of operation would be subcontracted. When asked if it was true that Raytheon was renegotiating the contract, she replied, with Family Services they are not meeting their recruitment goal. She added that salary offers to affected civil service staff were at least 50 percent of what they were previously making, if you compute the COLA into it.

In one case, a staff member making $28,000, not a very high sum of money, per annum base pay, was offered $17,000 by the contractor. She said that employees have turned the jobs down, and these are positions that require a level of experience that is not easily found anywhere, but in particular in the case of Guam, because of its isolation. Here you had a group of trained civil service employees who knew the job, who understood the job, who had been experienced in the job. They are forced to leave the island by this A-76 process. The contractor comes in and says I can do it for less, does not have the labor pool to identify, and will end up bringing in a lot of people from off island, from off of Guam, resulting in some level of displacement of the population.

What has now started to happen is that employees are being offered match-based pay without COLA, and this has resulted in an erosion of Raytheon's plan, because Raytheon has had to reconsider how they were doing this.

Now, predictably, what does that mean for Raytheon? What would that mean for the contractor? It means that the contractor might likely come back up and increase the amount of money it is going to take to carry out the award, in effect, driving the cost up, so now they are not saving the money they anticipated. It will not be long before in this continuing process that perhaps in 2 or 3 or 4 years of this privatized contracting system, the cost of conducting, of implementing the contract, might be driven up as high as that originally bid by the civil service workers.

Case two. This refers to the Personal Property Office, which is responsible for packing and movement of service members' and dependents' personal goods. Unlike the case I just gave you, Raytheon will administer this contract.

Interviews were conducted with nine affected employees. These interviews were conducted beginning in mid-February, last month. Of the nine interviewed, only two were given offers with a simple accept or decline scenario. In both cases the employees' base pay is $28,000, or $12.68 an hour, and the offers were for $8.50 an hour, a cut of about one-third. The source indicated that the company representatives are now complaining that there were activities that were being performed out of this particular shop that they were not aware of during the bidding process.

Utilizing the quadrennial review, every 4 years we get a defense review as the progenitor, the Department of Defense has conveniently been provided with a mandate to plow back the anticipated savings into modernization projects. The Department is fond of claiming that through the synthesis of private sector innovations into government operational practices they will be able to mete out the "best value" for the taxpayer. Interestingly, "best value" is not always necessarily the lowest cost.

In A-76 studies, the Pentagon has moved towards results-based work when drafting the Performance-Based Review, formerly the Public Works Statement. This calculus is then used to devise the request for proposal which both the public and private sector then bid on. One of the negative results of this is the creative financing that a contractor employs when devising its bid against the public workforce.

Now, for example, at the Public Works Center in Guam, Raytheon, which won the bid in the public-private competition, now has a dubious plan to hire workers for a 32-hour work week to perform base operation support. Raytheon used the 32-hour configuration to win the bid, claiming that they could accomplish the entire workload that previously was done by the civil service. The goal, they claim, was to hire as many of the former civil service employees as possible. The rub is that, of course, very few of these former workers are taking the positions, because the pay is too low and the benefits are far less.

So if you were bidding for the contract, let us say you worked in the shop and there were 15 of you civil service employees and your work was up for this A-76 review, there are 15 of you, so you are now going to find a way to bid. Well, you anticipate you are going to take a pay cut, and maybe you will conclude that, well, maybe 13 of us can do what the 15 used to do formerly. But now, in the meantime, the contractor is outbidding, and in this instance has used the strategy of cutting back on 20 percent of the hours, but still giving the illusion that they are giving everybody the right of first refusal.

It is very, very convenient, very effective, to be able to demonstrate and dramatize that you have actually brought costs down. But, in the long run, we know those costs are going to start creeping back up.

So, what is Raytheon going to do? Well, they will have to renegotiate so they can hire workers at a higher rate. This seems almost like Raytheon lowballed the contract in order to win, and is now claiming they cannot comply with the terms. So now they will negotiate for more money.

There is no savings to be had here. The bottom line is that most of Guam's brightest civil service workforce has already left the island, a brain drain, and those who are left are going to have a very difficult time.

Unlike BRAC, there is no job retraining for the displaced. If you were displaced by BRAC, you get some retraining. If you are displaced by A-76, you do not get job training. Guam's experience with the Navy's A-76 is an example of commercial activities administration at its worst. As a result of the dismal salaries and the 32-hour work week, many of Guam's workers are simply not taking the jobs, preferring unemployment insurance, which will pay a higher benefit.

The island has a limited population that cannot accommodate a war-time surge in work. Now, imagine this: Guam has a service of what we normally refer to as forward-deployed bases. It has to have a surge capacity, because if something happens in East Asia that brings about a conflict, there will be a dramatic increase in the nature of resupply and logistics work in Guam, not only in terms of munitions and ordnance, but also just in terms of providing supplies for American forces that could potentially be used in a conflict in East Asia.

What has A-76 done? Well, A-76 has depleted the capacity of a civilian workforce in Guam to be able to deal with such a contingency.

Furthermore, by this A-76 process, and this applies nationally, you are taking people that are younger and basically driving them out of the civil service, and the people who are going to be in the priority placement system are going to be older and they are going to be moving around from position to position within the civil service, thereby creating a general aging in the civil service workforce. Not that there is anything wrong with having an older workforce, but, in the process of managing your human resources, you want to have a natural progression of people who are older, who in turn mentor those who are younger, and who in turn mentor those who are younger still.

Well, we are taking the middle out of that as a result of this A-76 process. The employees who decide to stay on island and who leave the civil service are permitted, as I said earlier, with a right to first refusal for private sector jobs. But we have seen this is not very meaningful when the positions being offered are far below what they were previously earning.

The local Navy command on Guam is not to blame for the inherent weaknesses of the A-76 process. In fact, I would have to say they have done a very decent job in advertising their civil service employees with regard to benefits, Separation Incentive Pay, VERA, and Priority Placement Programs. However, the methods of employment and application of the A-76 rules and procedures were applied haphazardly by Navy's Pacific Division in Hawaii, with little regard for the human toll. Their desire to save money is so egregious, apparently, among some people, that they misinterpreted what functions should be exempt.

I am just going to give one example here before I make my conclusion. One of the things when you conduct a study like this is that you are supposed to make an assessment of what kind of activity constitutes "inherently governmental." What does it mean to say that we are able to contract out everything except these positions, because they are inherently governmental?

Now, when you ask that question in terms of the Department of Defense, what is "inherently governmental?" Well, one would assume that those things which are inherently governmental are those items, those activities, which directly contribute to the war-fighting capability and readiness of our Armed Services.

In Guam's case, in this A–76 process which I have just outlined, PACDIV's assessors nominated Guam's ordnance shop for the cutting board. Now, Guam has a huge facility currently called Naval Magazine which supplies ordnance for the fleet, which is the largest magazine, largest ordinance storage facility, of the Navy in the entire Pacific.

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But the Navy, some of these guys who are driven by this desire to save money, decided that moving around ordnance was somehow not connected to war-fighting capability or the preparation for war-fighting. Sometimes in the Committee on National Security we talk about the state of readiness; and this is an area, ordnance, where I think that if we do not have trained civil service employees with proven records, patriotic records, not dependent upon contractors who may or may not find the workers, who then have to deal with, well, what if we have a big surge of activity, we are going to have to charge even more.

So we have all of these factors, and the Navy decided that the RFP for ordnance needed to be let out. But it is even more incompetent than this particular issue because now the Navy has admitted that they inaccurately calculated the work data for the ordnance activity which they have contracted out; and now, today, Navy and Raytheon are renegotiating to increase the scope of the work and, guess what, move up the cost.

So there we have it, Mr. Speaker. What we have here is an example of how not to do an A–76 study, an example of how an A–76 commercial study cannot only negatively impact a community in terms of its economic base, but also deal with an almost unconcern with the human toll, the individual experience of the civil service worker, and in the process, not really understand what is inherently governmental.

We had a hearing, a joint hearing between the Subcommittee on Civil Service and the Subcommittee on Readiness over in the Committee on Armed Services last week. When I asked the question of DOD officials, what does the term "inherently governmental" mean for defense operations, and they said, well, every service kind of defines it its own way. Well, if you have the motivation to cut costs as the primary motivator in making the decision on A–76, "inherently governmental" is going to be defined in a way that is going to hurt readiness and is going to be damaging to the security and defense of this country.

In conclusion, Mr. Speaker, in light of these fallacies and problems which have occurred on Guam and which occur in other places as well with the Navy's A–76, I am calling for two things: one, I am calling for the Navy to explore halting the implementation of this contract, exploring every possible avenue to stop and take a breather on this contract until many of these grievances and miscalculations can be reassessed. Secondly, I am calling upon the U.S. General Accounting Office to conduct an audit into the way the Navy organized, planned, and conducted this outsourcing study on Guam with seemingly little regard to the impact on the small isolated community that, relative to its population, has a dramatically significant role in the readiness of the U.S. military in the western Pacific.

Finally, our beleaguered civil servants are beginning to emerge as a kind of endangered species. As times and practices change, they too will have to adapt in order to remain relevant in the national defense arena. In spite of this, they should not have to endure negative fallout as a result of DOD's panacea called outsourcing, notwithstanding their own admitted skepticism.

The DOD must do better in bridging the benefits gap to alleviate displaced employees, especially when, inevitably, many will lose their livelihoods. In the end, all DOD may be left with is reduced readiness, a degraded military capability, and an exiled civil service workforce that collectively contributes to the weakening of America's national security policy.

U.S. GOVERNMENT SHOULD HONOR COMMITMENT TO MILITARY RETIREES

The SPEAKER pro tempore (Mr. MILLER of Florida). Under the Speaker's announced policy of January 6, 1999, the gentleman from Oregon (Mr. WALDEN) is recognized for 30 minutes as the designee of the majority leader.

Mr. WALDEN of Oregon. Mr. Speaker, my purpose in rising this afternoon is threefold. I would like to share with my colleagues a story that is virtually unparalleled in illustrating the difficulty many military retirees face in the effort to have their government fulfill its promise of lifelong health care.

Second, I want to salute the extraordinary efforts of a retired service member in my district, Mr. Len Gagne of Ashland, Oregon, whose selfless devotion to his fellow service members has endured long after the Government's commitment to them waned.

Finally, I want to highlight the importance, indeed the absolute necessity, of honoring our Nation's commitment to provide lifelong health care coverage to our military retirees.

Here on this picture next to me are some of the 2,500 military retirees in Oregon's Rogue Valley, all of whom entered the armed services with the explicit promise of lifelong medical care following their retirement. As most of my colleagues know, due to downsizing and the subsequent lack of space available at many military medical facilities, that promise has not been kept.

Thirteen years ago, Len Gagne and a number of retirees pictured here banded together to form a courier service to help military retirees from the region obtain prescription drugs more easily. Living in rural Oregon where the majority of military retirees live hundreds of miles from the nearest military facility makes getting prescriptions filled difficult.

The group began a service to get prescription drug orders filled at the Army Medical Center at Fort Lewis, Washington. Now, the prescription orders for these men and women were sent to Eugene, Oregon, and then to Fort Lewis where they were later picked up by volunteers and driven back to Oregon. All of the costs associated with this distribution effort were borne by the private individuals and not by the Government. So unorthodox was this service that the prescriptions were stored and distributed out of a member's home for several years before the use of facilities at the Naval Reserve Center in Central Point, Oregon were made available.

About 8 years ago, the makeshift prescription delivery service shifted facilities when Beale Air Force Base, located 13 miles east of Marysville, California, became Oregon's primary care location. Twice a month, courier trips were made to Beale, eventually filling as many as 2,200 prescriptions per month. In total, the volunteer couriers, who used their own vehicles and never accepted a dime of government reimbursement, covered more than 25,000 miles a year. The selflessness of these men and women allowed many older retirees who could not otherwise have made the trip the opportunity to get the prescription drugs they needed.

Mr. Speaker, I have been disappointed to learn that this practice has become widespread among military retirees, a practice that they should not have to go through to get the prescriptions this government guaranteed them.

Mr. Gagne's operation continued until last year when authorities at Beale shut down the courier service, as many military facilities across the United States have been forced to do so in recent years. Prescriptions were no longer filled for those who did not appear at Beale in person. But because many of these men and women are either too elderly or too ill to make the taxing journey to Beale or Fort Lewis, this cut-off essentially closed the door on life-saving prescription drugs for these retirees, some of whom have dedicated over 30 years of service to this great country of ours.

Around the time Mr. Gagne learned of the cut-off at Beale, he devised a plan to continue providing the medicines that he and his fellow service members needed, a strategy that was as innovative as it was selfless. Len learned of a policy that allowed military retirees whose prescriptions are filled at a base being closed under the Base Realignment and Closure, BRAC, plan to be eligible for permanent mail delivery of prescription medicines. He also learned that McClellan Air Force Base, located nine miles east of Sacramento, would be closing in July of 2000. Though the Rogue Valley retirees lived literally hundreds of miles away from McClellan, Len reasoned that if they could demonstrate their dependence on the pharmacy service at that base, according to the policy, their supply of prescriptions would be secure.

So, Mr. Gagne arranged bus trips to transport groups of retirees to the closing base where they signed statements of dependency on its pharmacy. Again, the people pictured in this photograph on display in the House Chamber are a part of that group that went on the bus trip. Now, we have to understand the distance from Medford, Oregon, to Sacramento is 309 miles, roughly the distance between Washington, D.C. and New Haven, Connecticut, or Greensboro, North Carolina, if one wanted to go south.

Imagine, Mr. Speaker, having to go from Washington, D.C. to Connecticut or North Carolina to get your prescriptions filled. Imagine, a nearly 620 mile round trip every time you wanted to go to the drugstore. Well, they chartered buses at $1,150 per trip, all paid for by themselves; and approximately 40 people at a time made the 16-hour round trip to McClellan, where they got a 3-month supply of medicines and thereby qualified for the BRAC pharmacy benefit.

The retirees and dependents pictured here, many of whom are decorated combat veterans of World War II, are seen standing outside the McClellan clinic during one such trip. I am told that Mr. Gagne's ingenuity in organizing these trips is probably without precedent. No other retirees have ever traveled en masse to a closing base simply to qualify for the BRAC benefit. It goes without saying that it is appalling that these retirees are forced to find loopholes in the system simply to gain what they were promised by this government years ago.

Mr. Speaker, the basic contract that binds a professional military to the government it serves is an uncomplicated one. It is an understanding which assumes that in exchange for a life spent in service to the Nation, the government has certain fundamental obligations to its retirees. In the United States, these obligations have traditionally meant a reasonable retirement wage and promise of lifetime access to health care. In return, the American people are ensured of their defense by a group whose dedication to duty is the very definition of professionalism throughout the world, a group whose members have laid down their lives by the hundreds of thousands in defense of the ideals and freedoms we so often invoke in this House.

The hallowed bonds between the Government and the military are straining in ways that are becoming ominously apparent with each passing year. This strain is manifest in the thousands of loyal soldiers on food stamps whose condition is often alluded to in this very Chamber, but remains uncorrected. It is obvious in the declining enlistment and re-enlistment rates that have caused a near panic among senior military officials; and I submit to my colleagues, Mr. Speaker, that a government unconcerned about busloads of aged retirees traveling hundreds of miles at their own expense for basic medicines is not a government committed to strengthening those bonds. For how can we ask our service members to continue to perform their vital duties while the Government fails to uphold its fundamental responsibility to care for those who have served in the past.

It is examples such as the one I have related that compelled me to cosponsor the Keep Our Promise to Americans Military Retirees Act. I urge my colleagues who have not yet done so to join us in advancing this essential piece of legislation. The men and women of the United States military who provide the very blanket of security under which we spend our lives deserve no less. It is nothing short of outrageous that military retirees across this Nation are forced to undergo such adversity simply to get what was promised to them in the first place. I urge my colleagues to restore the military's faith in the government it serves and renew our commitment to our retired service members.

Finally, Mr. Speaker, I want to extend my personal gratitude to Len Gagne and those who assist him and the thousands of men and women like him whose commitment to their comrades is matched only by their devotion to the Nation they so tirelessly serve.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

(The following Member (at the request of Mr. GIBBONS) to revise and extend his remarks and include extraneous material:)

Mr. NEY, for 5 minutes, March 14.

SENATE BILL AND CONCURRENT RESOLUTION REFERRED

A bill a and concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1653. An act to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act; to the Committee on Resources.

S. Con. Res. 95. Concurrent resolution commemorating the twelfth anniversary of the Halabja massacre; to the Committee on International Relations.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 376. An act to amend the Communications Satellite Act of 1962 to promote competition and privatization in satellite communications, and for other purposes.

ADJOURNMENT

Mr. WALDEN of Oregon. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 58 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, March 14, 2000, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6544. A letter from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Nectarines and Peaches Grown in California; Revision of Reporting Requirements [Docket No. FV99-916-3FR] received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6545. A letter from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Salable Quantities and Allotment Percentages for the 2000-2001 Marketing Year [Docket No. FV00-985-1 FR] received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6546. A letter from the Assistant General Counsel for Regulations, Office of Special Education and Rehabilitative Services, Department of Education, transmitting the Department's final rule—Rehabilitation Short-Term Training—received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6547. A letter from the Deputy Executive Secretariat, Administration for Children and Families, Department of Health and Human Services, transmitting the Department's final rule—Head Start Program (RIN: 0970-AB87) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6548. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule—Regulation of Short-Term Natural Gas Transportation Services, and Regulation of Interstate Natural Gas Transportation Services [Docket Nos. RM98-10-000 & RM98-12-000; Order No. 637] received February 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6549. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report stating that for the quarter beginning on October 1, and extending through December 31, 1999, the NRC had no instance of denying the public any documents containing safeguards information; to the Committee on Commerce.

6550. A letter from the Acting Secretary, Department of State, transmitting a report which sets forth all sales and licensed commercial exports pursuant to section 25(a)(1) of the Arms Export Control Act, pursuant to 22 U.S.C. 2765(a); to the Committee on International Relations.

6551. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Procurement List Additions and Deletions—received January 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6552. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Woundfin and Virgin River Chub (RIN: 1018-AD23) received January 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6553. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Endangered Status for the Plant Plagiobothrys hirtus (Rough Popcornflower) (RIN: 1018-AE44) received January 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6554. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure [Docket No. 970930235-7235-01; I.D. 021400A] received February 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6555. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Department's final rule—Summer Flounder Fishery [Docket No. 981014259-8312-02; I.D. 121699B] received January 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6556. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna [I.D. 1201199C] received January 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6557. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747-400 and 767 Series Airplanes Powered by Pratt & Whitney PW4000 Series Engines [Docket No. 99-NM-114-AD; Amendment 39-11462; AD 99-26-02] (RIN: 2120-AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6558. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives.; Boeing Model 737-600, -700, and -800 Series Airplanes [Docket No. 99-NM-134-AD; Amendment 39-11469; AD 99-26-10] (RIN: 2120-AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6559. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 99-NM-361-AD; Amendment 39-11502; AD 2000-01-5] (RIN: 2120-AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6560. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; International Aero Engines AG V2500-A1 Series Turbofan Engines [Docket No. 98-ANE-76-AD Amendment 39-11446; AD 99-25-03] (RIN: 2120-AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6561. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Gulfstream American (Frakes Aviation) Model G-73 (Mallard) and G-73T Series Airplanes [Docket No. 99-NM-141-AD; Amendment 39-11296; AD 99-19-07] (RIN: 2120-AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6562. A letter from the Deputy General Counsel, Investment Division, Small Business Administration, transmitting the Administration's final rule—Small Business Investment Companies—received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

6563. A letter from the Director, Office of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting the Department's final rule—National Service Life Insurance (RIN: 2900-AJ78) received February 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

6564. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Return of information as to payments to employees [Rev. Rul. 2000-6] received January 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6565. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Publicity of information [Rev. Proc. 2000-13] received January 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6566. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Underwriting Income [TD 8857] (RIN: 1545-AU60) received January 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6567. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Section 1504(d) Elections—Deferral of Termination [Notice 2000-7] received January 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6568. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Application Procedures for Qualified Intermediary Status Under Section 1441; Final Qualified Intermediary Withholding Agreement [Rev. Proc. 2000-12] received January 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6569. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Communications Excise Tax; Prepaid Telephone Cards [TD 8855] (RIN: 1545-AV63) received January 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6570. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rulings and determination letters [Rev. Procedure 2000-7] received January 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HYDE: Committee on the Judiciary. H.R. 1443. A bill to provide for the collection of data on traffic stops; with an amendment (Rept. 106-517). Referred to the Committee of the Whole House on the State of the Union.

Mr. CANADY: Committee on the Judiciary. H.R. 2372. A bill to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the United States Constitution, have been deprived by final actions of Federal agencies, or other government officials or entities acting under color of State law; to prevent Federal courts from abstaining from exercising Federal jurisdiction in actions where no State law claim is alleged; to permit certification of unsettled State law questions that are essential to resolving Federal claims arising under the Constitution; and to clarify when government action is sufficiently final to ripen certain Federal claims arising under the Constitution; with an amendment (Rept. 106-518). Referred to the Committee of the Whole House on the State of the Union.

Mr. ARCHER: Committee on Ways and Means. H.R. 984. A bill to provide additional trade benefits to certain beneficiary countries in the Caribbean, to provide assistance to the countries in Central America and the Caribbean affected by Hurricane Mitch and Hurricane Georges, and for other purposes; with an amendment (Rept. 106-519 Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 984. Referral to the Committees on International Relations, Banking and Financial Services, the Judiciary, and Armed

Services extended for a period ending not later than May 26, 2000.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SENSENBRENNER:

H.R. 3904. A bill to prevent the elimination of certain reports; to the Committee on Science.

By Mr. HOUGHTON (for himself, Mr. Neal of Massachusetts, Mrs. Johnson of Connecticut, Mr. Kleczka, Mr. Sam Johnson of Texas, Mr. Matsui, Mr. McCrery, Mr. Cardin, Mr. Lewis of Kentucky, and Mr. Becerra):

H.R. 3905. A bill to amend the Internal Revenue Code of 1986 to repeal the provision taxing policyholder dividends of mutual life insurance companies and to repeal the policyholders surplus account provisions; to the Committee on Ways and Means.

By Mr. DeFAZIO (for himself, Mr. Sanders, Ms. Slaughter, Mr. Hinchey, and Mrs. Jones of Ohio):

H. Con. Res. 276. Concurrent resolution strongly urging the President to file a complaint at the World Trade Organization against oil-producing countries for violating trade rules that prohibit quantitative limitations on the import or export of resources or products across borders; to the Committee on Ways and Means.

By Mr. HOYER (for himself, Mr. Wynn, Mrs. Morella, Mr. Moran of Virginia, and Mr. Davis of Virginia):

H. Con. Res. 277. Concurrent resolution authorizing the use of the Capitol grounds for the Greater Washington Soap Box Derby; to the Committee on Transportation and Infrastructure.

By Mr. TRAFICANT:

H. Con. Res. 278. Concurrent resolution authorizing the use of the Capitol Grounds for the 19th annual National Peace Officers' Memorial Service; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 740: Mr. DeFazio.

H.R. 1237: Mr. Frank of Massachusetts, Ms. Woolsey, Mrs. Fowler, Ms. Pelosi, and Mr. Mica.

H.R. 1389: Mr. Upton and Ms. Hooley of Oregon.

H.R. 1532: Mr. Payne.

H.R. 2321: Mr. Sanders.

H.R. 2356: Mr. Pomeroy and Mr. Bilbray.

H.R. 2635: Mr. Doolittle and Mr. Goodling.

H.R. 2697: Mr. Traficant.

H.R. 2965: Mr. Levin.

H.R. 3270: Ms. McKinney.

H.R. 3304: Mr. Istook.

H.R. 3305: Mr. Paul.

H.R. 3306: Mr. Paul and Mr. Istook.

H.R. 3439: Mr. Herger, Mr. Franks of New Jersey, Mr. Knollenberg, Mr. Barr of Georgia, and Mr. Brady of Texas.

H.R. 3485: Mr. Andrews.

H.R. 3519: Mr. Castle and Mr. Bentsen.

H.R. 3544: Ms. Roybal-Allard and Mr. Frost.

H.R. 3580: Mr. Tierney, Mr. McGovern, Mr. Frost, Ms. Slaughter, Mrs. Thurman, Mr. Goode, Mr. Souder, Mr. Walsh, Mr. Neal of Massachusetts, Mr. Engel, Mr. Shows, Mrs. Maloney of New York, Mr. Bentsen, Mr. Meehan, Mr. Capuano, Mr. Oberstar, Mr. Markey, Mr. Delahunt, Mr. Owens, Mr. Wexler, Mr. Clement, Mr. Kolbe, Mr. Lucas of Oklahoma, Mrs. McCarthy of New York, and Mr. Maloney of Connecticut.

H.R. 3591: Mr. Kanjorski, Ms. Millender-McDonald, Mr. Cramer, Mr. Clement, Mr. Serrano, Mr. Waxman, Mr. McIntyre, Mr. Ortiz, Mr. Thompson of California, Mr. Dixon, Ms. Pelosi, Mr. Matsui, Mr. Stenholm, Mr. Baca, Mr. Shows, Mrs. Tauscher, Ms. Sanchez, Ms. Lofgren, Mrs. Thurman, Mr. Campbell, Mr. Rush, and Mr. Lucas of Kentucky.

H.R. 3608: Mr. Thompson of California.

H.R. 3809: Mr. Frank of Massachusetts and Mrs. Maloney of New York.

H.R. 3816: Mr. Cramer, Mr. Udall of New Mexico, and Mr. McGovern.

H.R. 3849: Mr. Sam Johnson of Texas, Mr. McCrery, Mr. Deal of Georgia, Mr. Norwood, and Mr. Crane.

H.R. 3891: Mr. Hinchey.

H. Con. Res. 262: Mrs. Tauscher and Mr. Largent.

H. Res. 420: Mr. Brown of Ohio.

EXTENSIONS OF REMARKS

AUTHORIZING THE USE OF THE CAPITOL GROUNDS FOR THE GREATER WASHINGTON SOAP BOX DERBY

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 2000

Mr. HOYER. Mr. Speaker, I rise today to once again introduce a resolution for the Greater Washington Soap Box Derby to hold its race along Constitution Avenue. This bill will permit the 59th running of the Greater Washington Soap Box Derby, which is to take place on the Capitol Grounds on Saturday, June 24th, 2000.

This resolution authorizes the Architect of the Capitol, the Capitol Police Board, and the Greater Washington Soap Box Derby Association to negotiate the necessary arrangements for carrying out running of the Greater Washington Soap Box Derby in complete compliance with rules and regulations governing the use of the Capitol Grounds.

In the past, the full House has supported this resolution once reported favorably by the full Transportation Committee. I ask for my colleagues to join with me, and Representatives ALBERT WYNN, CONNIE MORELLA, JIM MORAN, and TOM DAVIS, in supporting this resolution.

From 1992 to 1999, the Greater Washington Soap Box Derby welcomed over 40 contestants which made the Washington, DC race one of the largest in the country. Participants range from ages 9 to 16 and hail from communities in Maryland, the District of Columbia and Virginia. The winners of this local event will represent the Washington Metropolitan Area in the National Race, which will be held in Akron, Ohio on July 22, 2000.

The Soap Box Derby provides our young people with an opportunity to gain valuable skills such as engineering and aerodynamics. Furthermore, the Derby promotes team work, a strong sense of accomplishment, sportsmanship, leadership, and responsibility. These are positive attributes that we should encourage children to carry into adulthood.

The young people involved spend months preparing for this race, and the day that they complete it makes it all the more worthwhile.

FORMER UAW PRESIDENT UNDERSTANDS THAT PNTR FOR CHINA IS IN AMERICA'S NATIONAL INTEREST

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 2000

Mr. BEREUTER. Mr. Speaker, as the debate on providing China with Permanent Normal Trade Relations (PNTR) status conditioned on China's entry into the World Trade Organization (WTO) intensifies, I recommend to my colleagues and submit for the RECORD the following commentary written by Leonard Woodcock in the Los Angeles Times on March 9, 2000. A key lieutenant in the 1930's drive to unionize the U.S. auto industry, Mr. Woodcock rose in the union ranks to become president of the United Auto Workers union from 1971–1977. Later that decade he served as the United States Ambassador to China. Indeed, Mr. Woodcock is uniquely qualified to judge from a labor perspective the merits and impact of providing China with PNTR in the context of the United States-China WTO bilateral accession agreement. He supports the agreement and PNTR status for China. Therefore, Mr. Speaker, it is hard to understand why other labor leaders and their Democratic supporters in Congress cannot be as supportive as is the former president of the United Auto Workers, Leonard Woodcock.

[From the Los Angeles Times, Mar. 9, 2000]

EVOLUTION DOESN'T OCCUR OVERNIGHT

WTO AGREEMENT: ORGANIZED LABOR SHOULD SUPPORT IT. IT'S IN BOTH U.S. AND CHINESE INTERESTS

(By Leonard Woodcock)

The recent U.S.-China World Trade Organization bilateral accession agreement appears to be good for workers in both countries. I was privileged, as U.S. ambassador to China, to sign the 1979 trade agreement that provided for most-favored-nation trade status to China and have, as a private citizen, been involved with this issue for many years.

American labor has a tremendous interest in China's trading on fair terms with the U.S. The agreement we signed with China this past November marks the largest single step ever taken toward achieving that goal. The agreement expands American jobs. And while China already enjoys WTO-based access to our economy, this agreement will open China's economy to unprecedented levels of American exports, many of which are high-quality goods produced by high-paying jobs.

There is reason to fear unfair trade practices. Yet this agreement actually provides better protections than our existing laws allow. It stipulates 12 years of protections against market surges and provides unusually strong anti-dumping laws—which aim to counter unfairly priced imports—for 15 years.

I have, therefore, been startled by organized labor's vociferous negative reaction to this agreement. The reality is that the U.S. as a whole benefits mightily from this historic accord. The AFL-CIO argues that nothing in this agreement demands that free trade unions be formed in China. Yet the WTO does not require this of any of its 136 member countries, and the WTO is the wrong instrument to use to achieve unionization.

We should, instead, be asking a more important question: Are Chinese workers better off with or without this agreement? The answer is that this agreement, in a variety of ways, will be enormously beneficial to Chinese workers.

On a subtle level, the changes the agreement requires of China's economic system will work in favor of investment by Western firms and take away some of the key advantages Asian firms now enjoy in China. Every survey has demonstrated that working conditions and environmental standards in plants run by West European and North American firms are usually better than those in Asian and in indigenous Chinese firms.

The greater foreign presence also will expose Chinese workers to more ideas about organization and rights. That is perhaps one reason why almost every Chinese political dissident who has spoken out on this issue has called the U.S.-China WTO agreement good news for freedom in China.

The trade deficit with China is a troublesome one to the labor movement. We need to put it in perspective in two ways. First, if we were to block access of goods from China to the U.S., this would not increase American jobs. That is because the Chinese exports—mostly toys, tools, apparel, cheap electronics, etc.—would be produced in other low-wage countries, not in the U.S. Yet if China stopped buying from us, we would lose about 400,000 jobs, mostly high-wage.

Second, a large portion of exports from "China" are goods produced in the main in Hong Kong, Taiwan and Southeast Asia. The major components are then shipped to China for final assembly and packaging, but the entire cost of the item (often only 15% of which was contributed in China) is attributed to China's export ledger. Exports to the U.S. from Hong Kong and Taiwan have declined over the past decade almost as fast as imports from China have increased. Yet the companies making the profits are in Hong Kong and Taiwan, and they will simply shift their operations to Vietnam or elsewhere if we close down exports from China.

Americans are broadly concerned about the rights and quality of life of Chinese citizens. My perspective on this serious issue is influenced by my experience in the U.S. In my lifetime, women were not allowed the vote, and labor was not allowed to organize. And, in my lifetime, although the law did not permit lynching, it was protected and carried out by legal officeholders. As time passed, we made progress, and I doubt if lectures or threats from foreigners would have moved things faster.

Democracy, including rights for workers, is an evolutionary process. Isolation and containment will not promote improved rights for a people. Rather, working together and from within a society will, over time, promote improved conditions. The U.S.-China WTO agreement will speed up the evolutionary process in China. American labor should support it because it is in our interests, and it is the interests of Chinese workers too.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

PROFESSOR HELLE PORSDAM: A DISTINCTIVE INSIGHT ON AMERICAN CULTURE AND THE LAW

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 2000

Mr. LANTOS. Mr. Speaker, I would like to urge my colleagues to take notice of the work of a talented Danish scholar, Professor Helle Porsdam of Denmark's Odense University. Dr. Porsdam's book, Legally Speaking: Contemporary American Culture and the Law, which was recently published by the University of Massachusetts Press, offers evidence of her extraordinary perceptiveness in her analysis of American culture.

In Legally Speaking, Dr. Porsdam discusses the social impact of the law in the United States. Whereas many European and Asian nations find symbols of their national identity in royalty or an established church, Americans look to an institution far more consistent with our egalitarian roots: our system of justice. Despite our frequent frustrations with the legal profession—ambulance-chasing lawyers, legal "sharks," frivolous lawsuits, the O.J. Simpson trial—the law epitomizes our most cherished civil ideals of fairness and equality. When a citizen is wronged, we look to the courts to make things right. When a crime is committed, the courts offer our sole vehicle for judgment and punishment. When our rights are violated, our courts can restore them. For this reason, Dr. Porsdam contends, the law serves more than just a functional purpose for the American people: it is a "civil religion" in which we place a particular kind of faith. The courts arbitrate more than just lawsuits and criminal cases; they pass judgment on our hopes and dreams as well.

Dr. Porsdam's book analyzes America's moral investment in the legal system, and it further demonstrates how this facet of our national identity has permeated our culture. From The People's Court to L.A. Law, from Tom Wolfe's Bonfire of the Vanities to Scott Turow's Presumed Innocent, the evidence of our society's attraction to judicial institutions is overwhelming. Dr. Porsdam carefully and thoughtfully explores the connections between the allure of the law and our faith in it.

The perceptiveness of Dr. Porsdam in Legally Speaking has earned the endorsement of scholars across our country. Lewis D. Sargentich of Harvard Law School noted that the book is "full of valuable insight." Her "emphasis on the symbolic, unifying, aspirational side of law in American life, and her showing of this aspect of law through a close look at a series of contemporary 'cultural texts,' combine to produce a unique scholarly contribution." Maxwell H. Bloomfield, the author of American Lawyers in a Changing Society, was equally effusive, praising Dr. Porsdam's work as "an innovative and engaging study exploring the pervasive influence of law in the shaping of contemporary American culture. It is a strikingly original piece of work for which no comparable models exist."

Mr. Speaker, I could not agree more with these distinguished scholars. I urge my colleagues to join me in reading Legally Speaking and in appreciating the brilliant observations of Dr. Helle Porsdam.

PERSONAL EXPLANATION

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 2000

Mrs. CAPPS. Mr. Speaker, on Wednesday, March 8, 2000, I was on a plane returning from my district and was unable to attend votes. Had I been here I would have made the following votes: Rollcall Nos. 29—"aye"; 30—"aye"; 31—"aye"; 32—"aye"; and 33—"aye".

IN RECOGNITION OF THE BROOKLYN CHINESE-AMERICAN ASSOCIATION'S TWELFTH ANNIVERSARY

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 2000

Ms. VELÁZQUEZ. Mr. Speaker, I rise today to recognize the Brooklyn Chinese-American Association (BCA) in honor of its Twelfth Anniversary.

An ancient Chinese proverb states: "If you want 1 year of prosperity, grow grain. If you want 10 years of prosperity, grow trees. If you want 100 years of prosperity, grow people" Twelve years ago, the Brooklyn Chinese-American Association did just that. The Association started out as a small, social services agency with a mission to provide assistance to the growing Asian-American community in Sunset Park, Borough Park and Bay Ridge sections of Brooklyn.

Since then, the Asian-American community has seen tremendous growth and recent estimates show that more than 200,000 people of Asian descent now live throughout the borough. As a result, Sunset Park and its surrounding neighborhoods are commonly known as "Brooklyn Chinatown."

BCA has expanded throughout the years to meet the growing need of Asian-Americans by providing day care and senior centers, with a main community center and ten other service sites in Sunset Park, Borough Park, Bay Ridge, Sheepshead Bay and Bensonhurst.

Through its programs and services, BCA provides assistance to more than 800 individuals a day. Stepping into a new Millennium and its thirteenth year of community services, offering a wide array of new programs including comprehensive bilingual social services and other programs to meet the growing challenges in this new century.

What started out as a small agency has flourished into the largest community-based, multi-human services community development organization, providing assistance to Asian-Americans throughout the borough of Brooklyn as well as other parts of the city.

I congratulate BCA on its Twelfth Anniversary and wish the Association continued prosperity as it offers members of the Asian-American community guidance today, tomorrow and into the future.

HONORING VETERANS ON THE 50TH ANNIVERSARY OF THE KOREAN WAR

SPEECH OF

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Mr. HOLT. Mr. Speaker, recently, the House of Representatives joined together in a bipartisan fashion to pass House Joint Resolution 86, legislation recognizing the 50th anniversary of the Korean war and commending the bravery and patriotism of the 5.72 million men and women who fought bravely in that conflict. I have spoken with many New Jerseyans who served in the Korean war, and I can tell you, this tribute is long overdue.

Too often we hear the Korean war referred to as the "forgotten war," because it was sandwiched between this Nation's victory in World War II and the Vietnam war. Because of that, the over 55,000 men and women who lost their lives in the Korean war, and those who served, sometimes do not receive the recognition and gratitude that they are owed. I am hopeful that Congress' passage of this legislation will serve as a first step towards reversing that gross inequity.

Victory during World War II signaled the beginning of a world where the United States shouldered the role of undisputed leader of the free world. America was the only democratic power capable of responding to the spreading advances of communism when North Korea commenced its attack on the south. With the aid of the Soviet Union and China, North Korea thought they would swiftly and easily unite the Korean peninsula under communist rule. Only through the blood and sacrifice of men in a thousand dark battles, was the tide turned and freedom restored.

The determination that America showed in Korea set in motion the events that ultimately led to the fall of the Berlin Wall and the end of Soviet communism. By standing up for freedom and democracy in South Korea we sent a clear message that where democracy was threatened, the United States would stand firm. Here in Washington, DC, the inscription at the Korean Memorial reminds us that "freedom is not free," and that the young American men and women who have been willing to pay the price for freedom are owed a tremendous debt of gratitude. We must remember their sacrifices.

Mr. Speaker, the brave men and women who served in the Korean war fought not for personal gain, but rather to insure freedom for all generations to come. We must not forget what their blood bought. I hope my colleagues will join with me to honor and call attention to our nation's Korean war veterans.

MILITARY RECRUITERS SHOULD BE WELCOME IN HIGH SCHOOLS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 2000

Mr. BEREUTER. Mr. Speaker, this Member highly commends and submits for the RECORD an editorial from the March 7, 2000, Norfolk Daily News expressing concern that some public high schools do not cooperate with military recruiters while allowing universities and colleges on campus. High school students should have a full range of postsecondary options presented to them, in order to make an informed decision about life after high school.

[From the Daily News, Mar. 7, 2000]

Cooperation Is Important Duty—Recruiters Deserve Welcome From All of Nation's Public High Schools

Members of the Senate Armed Services Personnel subcommittee heard testimony recently that many high schools refuse to cooperate with military recruiters. It is important for members of Congress to find out why this is so, and whether a more cooperative attitude can be encouraged.

With the Army, Navy and Air Force falling short of their recruitment goals in the past year and new peacekeeping demands being put on U.S. forces, it is important that enlistments in the all volunteer force be encouraged.

Much is being done to improve pay and benefits, to improve military housing and shorten long tours of foreign duty. Provision of enlistment incentives that include funds for later college training has helped the services and the educational institutions as well.

In this free society, it may not be possible to do much about some people described by Sgt. 1st Class Elizabeth Green, an Army Reserve recruiter in Los Angeles. She told the Senate subcommittee that when visiting one of the high schools in her recruiting area, she is regularly greeted by parents who protest her presence.

Recruiters from each of the services agreed that about half of the schools bar military representatives and also refuse access to student directories that would allow correspondence with prospective enlistees. By contrast, the recruiters noted, colleges that seek to recruit high school students get full cooperation.

It is a difference in treatment that should not exist. Public high schools have a special burden to ensure their graduates the broadest possible career opportunities. Military service is an important option, and each of the branches ought to be welcomed to career days or any other similar events.

Sen. Charles Robb, D-Va., a member of the subcommittee that heard testimony from the recruiters, suggested that legislation be considered to provide some inducement for schools to cooperate with recruiters.

A different approach could be in order. With federal money playing an increasing, though still minor, role in public education, Washington ought not consider more rewards for cooperating but impose funding cuts for failure to do so. That would get more attention.

While little is said these days about patriotic duties and an obligation all Americans have to help protect the nation from overt aggression and terrorists, a fundamental duty of citizenship needs to include support of the nation's military services.

IN HONOR OF PROCEED'S 30TH ANNIVERSARY AND MS. HAYDEE LOPEZ FOR 25 YEARS OF DEDICATED SERVICE TO THE ORGANIZATION

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 2000

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize PROCEED on its 30th Anniversary and Ms. Haydee Lopez on her retirement after twenty-five years of service and commitment to the organization.

Based in Elizabeth, New Jersey, PROCEED has assisted the underprivileged in the City of Elizabeth and Union County through comprehensive programs since 1970. As the organization prepares to celebrate this milestone, it is also honoring the accomplishments and dedication of Ms. Haydee Lopez, a woman who defines the vision and the promise of the organization.

Joining PROCEED in 1975, Ms. Lopez served as both the force and the heart behind the organization. Described as a leader, an optimist, and a believer, Ms. Lopez always set the standard at PROCEED, never hesitating to purchase supplies or necessities for clients with her own resources, or to work for "gratis" when the budget faced a financial crisis.

Ms. Lopez has served the Hispanic community, the constituents of PROCEED, and her fellow workers with pride, devotion, and professionalism. Whether acting in her capacity as Executive Secretary, Acting Executive Director, or Financial Officer, Ms. Lopez always made those around her feel that they were valued.

Ms. Lopez is happily married and the mother of two children and four grandchildren. She was born in Ponce, Puerto Rico, and moved to Elizabeth in 1970.

I ask my colleagues to join me in congratulating PROCEED on its 30th anniversary and to thank Ms. Haydee Lopez for her unyielding dedication to the Elizabeth community. All of your efforts on behalf of PROCEED are truly remarkable and I wish you a happy retirement.

MINIMUM WAGE INCREASE ACT

SPEECH OF

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2000

Mr. BLUMENAUER. Mr. Speaker, it's time for a minimum wage increase, it's time to help family businesses.

We are playing out the next round of inappropriate tax cuts, this time under the guise of helping minimum wage workers. A discussion on the minimum wage and small business taxes is appropriate. We must increase the minimum wage so that it at least keeps up with inflation. We can provide tax assistance to those who need it. But the two efforts should not be linked. This is a political exercise that guarantees that nothing will pass. It invites a veto.

A two-year minimum wage bill would pass and swiftly become law. Oregon's experience has shown that you can have healthy economic growth and a higher minimum wage. As Oregon's wage rate was phased in from 1997 to 1999, 57,000 welfare recipients found jobs, a 33% reduction in the total welfare caseload. Total unemployment in our state has dropped from 6% to 4.7% since Oregon's wage rate increased to $6.50 an hour over a year ago, to become the highest minimum wage in the nation.

I am eager to work for tax reform for those who need it most: closely-held businesses, farms and woodlots. The Democratic alternative would increase the current $1.3 million estate tax exclusion to a $4 million per family exclusion. We could pass this kind of targeted tax bill tomorrow, but we can and should do more. The current estate tax often forces sale of assets, cutting of timber or even sale of the business itself to pay the tax. We should permanently exempt closely-held family businesses and farms from estate taxes so long as the assets stay within the family or the same closely-held ownership.

The Republican tax bill does not target those who need the most help. Only ⅙ of the benefits go to "small business." The majority of taxpayers would only see about a $4 tax cut. Worse, the Republican tax bill commits over a hundred billion dollars in tax breaks without a budget and without guaranteed protections for Medicare and Social Security. This is a dangerous game.

I urge the Republican leadership to stop playing politics. Don't force a bill that doesn't stand a chance of being enacted into law. Give Congress the chance to vote a fair minimum wage increase up or down. Allow a proposal to help family businesses and farms to stay in the family. These are two proposals the American people support and deserve.

ORANGE COUNTY SPIKERS SENIOR VOLLEYBALL TEAM

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 2000

Ms. SANCHEZ. Mr. Speaker, today, I rise to congratulate the Orange County Spikers Seniors Volleyball Team for winning the bronze medal at the U.S. National Senior Olympics in Orlando, Florida. The Spikers were the only 55 and older team representing the State of California to be invited to participate in this event. I commend them for all of their hard work and dedication.

This team was formed two years ago, and has since won every Southern California Senior Olympics Tournament in Orange County, San Diego, Palm Springs, and Los Angles.

Their valiant performance serves as a wonderful example for exercising seniors. As an avid sports fan, I appreciate hearing the exciting news and cannot wait to learn of future Spikers' successes and achievements.

I would like to take this opportunity to acknowledge each team player. The Spikers' roster includes manager, Harold Shiffer; coach Jim Godfrey; and players Gale Kinell, Allen

Brown, Vladimir Von Rauner, Neale Davis, Al Barta and Ruben Hernandez.

Please join me in extending my sincere congratulations to the Orange County Spikers. These hard-working individuals have brought pride to their community and they deserve our praise for their perseverance and commitment.

NUCLEAR AGE PEACE FOUNDATION

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 2000

Mrs. CAPPS. Mr. Speaker, I would like to draw my colleagues' attention to the following article by David Krieger, President of the Nuclear Age Peace Foundation in Santa Barbara. Although I do not agree with all of the views stated in this op-ed, it is a thoughtful and provocative article and merits a close reading. The Nuclear Age Peace Foundation does important work in the struggle to wage peace and end the threat of nuclear war, and I commend their work in this area.

[From the Santa Barbara News-Press]

THE MOST IMPORTANT MORAL ISSUE OF OUR TIME

(By David Krieger)

There are many reasons to oppose nuclear weapons. They are illegal, undemocratic, hugely expensive and they undermine rather than increase security. But by far the most important reason to oppose these weapons is that they are profoundly immoral.

Above all, the issue of nuclear weapons in our world is a deeply moral issue, and for the religious community to engage this issue is essential. For the religious community to ignore this issue is shameful.

I have long believed our country would become serious about providing leadership for the elimination of nuclear weapons in the world only when the churches, synagogues and mosques became serious about demanding such leadership.

The abolition of nuclear weapons is the most important issue of our time. I do not say this lightly. I know how many other important life-and-death issues there are in our world. I say it because nuclear weapons have the capacity to end all human life on our planet and most other forms of life. This puts them in a class by themselves.

Although I refer to nuclear weapons, I don't believe these are really weapons. They are instruments of mass annihilation. They incinerate, vaporize and destroy indiscriminately. They are instruments of portable holocaust. They destroy equally soldiers; the aged and the newly born; healthy and the infirm.

Nuclear weapons hold all creation hostage. In an instant they could destroy this city or any city. In minutes they could leave civilization—with all its great accomplishments—in ruins. These cruel and inhumane devices hold life itself in the balance.

There is no moral justification for nuclear weapons. None. As Gen. Lee Butler, a former commander in chief of the U.S. Strategic Command, has said: "We cannot at once keep sacred the miracle of existence and hold sacrosanct the capacity to destroy it."

That nuclear weapons are an absolute evil was the conclusion of the president of the International Court of Justice, Mohammed Bedjaoui, after the court was asked to rule on the illegality of these weapons.

I think it is a reasonable conclusion—the only conclusion a sane person could reach. I would add that our reliance on these evil instruments debases our humanity and insults our Creator.

Albert Einstein was once asked his opinion as to what weapons would be used in a third world war. He replied that he didn't know, but if there was a third world war, a fourth world war would probably be fought with sticks and stones. His response was perhaps overly optimistic.

Controlling and eliminating these weapons is a responsibility that falls to those of us now living. It is a responsibility we are currently failing to meet.

Ten years after the end of the Cold War, there are still some 36,000 nuclear weapons in the world, mostly in the arsenals of the U.S. and Russia. Some 5,000 of these weapons remain on hair-trigger alert, ready to be launched on warning and subject to accident or miscalculation.

Today arms controls is in crisis. The U.S. Senate recently failed to ratify the Comprehensive Test Ban Treaty, the first treaty voted down by the Senate since the treaty of Versailles. Congress has also announced its intention to deploy a National Missile Defense "as soon as technologically feasible." This would abrogate the 1972 Anti-Ballistic Missile Treaty, a cornerstone of arms control. The Russian Duma has not yet ratified START II, which was signed in 1993.

Efforts to prevent the proliferation of nuclear weapons are also in crisis. There is above all the issue of Russian "loose nukes." There is no assuredness that these weapons are under control. There is also the new nuclear arms race in South Asia. There is also the issue of Israel possessing nuclear arms—with the implicit agreement of the Western nuclear weapons states—in their volatile region of the world.

The Non-Proliferation Treaty is also in crisis. This will become more prominent when the five-year review conference for the treaty is held this spring. Most non-nuclear weapons states believe that the nuclear weapons states have failed to meet their obligations for good faith negotiations to achieve nuclear disarmament. More than 180 states have met their obligations not to develop or acquire nuclear weapons. The five nuclear weapons states, however, have failed to meet their obligations for good faith efforts to eliminate their nuclear arsenals.

The U.S. government continues to consider nuclear weapons to be essential to its security. NATO has referred to nuclear weapons as a "cornerstone" of its security policy.

Russia recently proposed that the U.S. and Russia go beyond the START II agreement and reduce their strategic nuclear arsenals to 1,500 weapons each. The U.S. declined, saying it was only prepared to go down to 2,000 to 2,500 weapons each. Such is the insanity of our time.

Confronting this insanity are four efforts I will describe briefly.

The New Agenda Coalition is a group of middle-power states—including Brazil, Egypt, Ireland, Mexico, New Zealand, Sweden and South Africa—calling for an unequivocal undertaking by the nuclear weapons states for the speedy and total elimination of their nuclear arsenals. U.N. resolutions of the New Agenda Coalition have passed the General Assembly by large margins in 1998 and 1999, despite lobbying by the U.S., U.K. and France to oppose these resolutions.

A representative of the New Agenda Coalition recently stated at a meeting at the Carter Center: "A U.S. initiative today can achieve nuclear disarmament. It will require a self-denying ordnance, which accepts that the five nuclear weapons states will have no nuclear weapons in the foreseeable future. By 2005 the United States will already have lost the possibility of such an initiative." I agree with this assessment. The doors of opportunity, created a decade ago by the end of the Cold War, will not stay open much longer.

The Middle Powers Initiative is a coalition of eight prominent international non-governmental organizations that are supporting the role of middle power states in seeking the elimination of nuclear weapons. The Middle Powers Initiative recently collaborated with the Carter Center in bringing together representatives of the New Agenda Coalition with high-level US policymakers and representatives of civil society. It was an important dialogue. Jimmy Carter took a strong moral position on the issue of nuclear disarmament, and you should be hearing more from him in the near future.

Abolition 2000 is a global network of more than 1,400 diverse civil society organizations from 91 countries on six continents. The primary goal of Abolition 2000 is a negotiated treaty calling for the phased elimination of nuclear weapons within a timebound framework. One of the current efforts of Abolition 2000 is to expand its network to over 2000 organizations by the time of the Non-Proliferation Treaty Review Conference this spring. You can find out more about Abolition 2000 on the web at www.wagingpeace.org.

A final effort I will discuss is the establishment of a U.S. campaign for the elimination of nuclear weapons. The Nuclear Age Peace Foundation has hosted a series of meetings with key U.S. leaders in the area of nuclear disarmament. These include former military, political and diplomatic leaders, among them Gen. Butler, Sen. Alan Cranston, and Ambassador Jonathan Dean.

I believe we have worked out a good plan for a Campaign to Alert America, but we currently lack the resources to push this campaign ahead at the level that it requires. We are doing the best we can, but we are not doing enough. We need your help, and the help of religious groups all over this country.

I will conclude with five steps that the leaders of the nuclear weapons states could take now to end the nuclear threat to humanity. These are steps that we must demand of our political leaders. These are steps that we must help our political leaders to have the vision to see and the courage to act upon.

Commerce good faith negotiations to achieve a Nuclear Weapons Convention requiring the phased elimination of nuclear weapons, with provisions for effective verification and enforcement.

De-alert all nuclear weapons and de-couple all nuclear warheads from their delivery vehicles.

Declare policies of No First Use of nuclear weapons against other nuclear weapons states and policies of No Use against non-nuclear weapons states.

Ratify the comprehensive Test Ban Treaty and reaffirm commitments to the 1972 Anti-Ballistic Missile Treaty.

Reallocate resources from the tens of billions of dollars currently being spent for maintaining nuclear arsenals to improving human health, education and welfare throughout the world.

The future is in our hands. I urge you to join hands and take a strong moral stand for humanity and for all Creation. We do it for the children, for each other, and for the future. The effort to abolish nuclear weapons is an effort to protect the miracle that we all share, the miracle of life.

Each of us is a source of hope. Will you turn to the persons next to you, and tell them, "You give me hope," and express to them your commitment to accept your share of responsibility for saving humanity and our beautiful planet.

Together we will change the world!

A TRIBUTE TO ELINOR GUGGENHEIMER

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 2000

Mrs. LOWEY. Mr. Speaker, I rise today to express my great admiration for Elinor Guggenheimer, a remarkable human being and community leader who this year receives the Maggie Kuhn Award from Presbyterian Senior Services.

A woman of boundless compassion, great intelligence, and exceptional ability, Ms. Guggenheimer has touched countless lives in the New York area through a variety of professional and civic activities, while also promoting the cause of equality and social justice throughout the Nation.

Ms. Guggenheimer has always been a pioneer, recognizing the unique needs of young people and the elderly years before these causes attracted broad popular support. She founded the Day Care Council of New York in 1948 and the Day Care and Child Development Council of America in 1958, drawing attention to our shared responsibility to nurture children. And she founded the Council of Senior Centers and Services in 1979, establishing a true intergenerational commitment to senior citizens.

Ms. Guggenheimer was also a pioneer in her own life—demonstrating through her personal example that women had the same capacity for leadership as men. She was the first woman to serve on the New York City Planning Commission—one of many posts, including Consumer Affairs Commissioner, from which she helped temper the sometimes harsh character of New York with a gentle spirit and a true love for her neighbors.

Ms. Guggenheimer's commitment to equal opportunity is equally evident in her founding of several influential women's organizations, including the New York Women's Forum, the National Women's Forum, and International Women's Forum, and the New York Women's Agenda.

Like so many others, I feel personally indebted to Elinor Guggenheimer for all she has done to improve our nation and celebrate our most cherished ideals. I am proud to join in recognizing Ms. Guggenheimer and confident that her works will remain an inspiration for many years to come.

MINIMUM WAGE INCREASE ACT

SPEECH OF

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2000

Mr. FORBES. Mr. Speaker, I rise before you to urge all of my colleagues to vote to raise the minimum wage to $6.15 over a 2-year period.

The cost of living on Long Island is extremely high. Long Islanders are burdened by high property taxes, high State taxes, and extremely high housing prices. Currently, the median price for a house on the Island is approximately $200,000. In addition, Long Island has the highest electric rates in the United States.

Unfortunately, when all of these factors are combined, many people, who have lived on Long Island all their lives and are now raising their families there, can no longer afford to live on the Island.

These people are our child care workers, our home health workers, our nursing aides and other service workers, and many are single mothers. These workers who are vital to our communities are making minimum wage or slightly above. By raising the level of the minimum wage in 2 years, we can help give these Long Islanders a chance and keep them and their families in our communities.

In talking to the Long Island Housing Partnership, an organization that helps low-income families buy homes, I learned that a two-parent family, in which both parents are making the current minimum wage, cannot qualify to buy new affordable housing that will be built in East Patchogue, Long Island. This hard-working family's income is too low to qualify. This family cannot even afford to rent an apartment at this rate.

Let's give Long Island families a fighting chance. Vote to raise the minimum wage in two increments.

MINIMUM WAGE INCREASE ACT

SPEECH OF

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2000

Mr. KENNEDY of Rhode Island. Mr. Speaker, we are here because America needs a raise. For too long, many Americans have been working too hard for too little. They work more and more but take home less and less. This isn't the American way.

In America an honest day's work deserves an honest day's pay. That's what the minimum wage is all about.

Today, pay is not keeping pace with expenses. The work day is still 8 hours. Workers still punch the clock 5 days a week. The same work still needs to get done. And the same job is done—but at the end of the week, when it's time to go through the bills, the pay check doesn't go as far as it used to.

The Traficant-Martinez substitute that we will have a chance to vote on later today, will help working families' wages go farther. The substitute will increase the minimum wage by 1 dollar over 2 years. In two incremental steps it will raise the total wage to $6.15. This modest increase will provide a higher standard of living for 12 million low-income working families.

Many of us do not realize the face of today's minimum wage worker. When we last increased the minimum wage, we found that nearly 60 percent of workers who benefited were women and 71 percent of those who were lifted up by the wage increase were adults.

In my district in Rhode Island, it is families like the O'Neill family who could use an increase in the minimum wage. The O'Neill family is headed by a single mother with three children who works fulltime as a child care worker. Despite her hard work, Ms. O'Neill barely makes ends meet.

Her weekly salary barely covers the rent, food, utilities, clothing, and a student loan that was taken out so that Ms. O'Neill could learn emergency medical training and become a better day care worker.

The Traficant-Martinez substitute will help families like the O'Neills. It may not help them to have a new car or a 2-week vacation, but it will help them to make ends meet.

Again, the Traficant-Martinez substitute is the only way to bring a wage increase to deserving families without delay and I urge my colleagues to support it.

HONORING JUDGE JOE BROWN

HON. HAROLD E. FORD, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 2000

Mr. FORD. Mr. Speaker, I ask my colleagues to join me in honoring Judge Joe Brown of Memphis.

Judge Brown has served as a distinguished jurist and community leader, and has demonstrated the law to millions of Americans via his television program. He is a nationally recognized figure with a reputation for outspoken and hands-on problem solving with urban youth. He is also well-known for his innovative sentencing policies in addition to leading the re-opening of the case against James Earl Ray in the death of Dr. Martin Luther King, Jr.

A graduate of UCLA, Judge Brown became the first African American prosecutor in Memphis. Currently, he unselfishly spends a large portion of his weekends in the toughest neighborhoods in Memphis, following up on probationers and helping teens stay out of trouble.

Judge Brown has displayed exemplary dedication not only to the law, but also to the youth in Memphis and across the nation. His accomplishments have earned him a place among our nation's finest as the newest member of the Phi Alpha Delta Law Fraternity International. Congratulations to Judge Brown.

A BILL TO REPEAL SECTION 809, WHICH TAXES POLICYHOLDER DIVIDENDS OF MUTUAL LIFE INSURANCE COMPANIES, AND TO REPEAL SECTION 815, WHICH APPLIES TO POLICYHOLDERS SURPLUS ACCOUNTS

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 2000

Mr. HOUGHTON. Mr. Speaker, I am pleased to join my colleague from Massachusetts, Mr. NEAL, together with a number of other colleagues, in introducing our bill, "The Life Insurance Tax Simplification Act of 2000." The bill repeals two sections of the Internal Revenue Code which no longer serve valid tax policies goals.

This Congress has taken a major step forward in rewriting the regulatory structure of the financial services industry in the United States. This realignment is already having a positive impact on the way life insurance companies serve their customers, conduct their operations and merge their businesses to achieve greater market efficiencies. Unfortunately, the tax code contains several provisions which no longer represent valid tax policy goals, and in fact are carry-overs from the old tax and regulatory regimes that separated the life insurance industry from the rest of the financial world and differentiated between the stock and mutual segments of the life insurance industry. Today, the lines of competition are not between the stock and mutual segments of the life insurance industry. Rather, life insurers must compete in an aggressive, fast moving global financial services marketplace contrary to the premises underlying these old, outmoded tax rules.

In 1984 Congress enacted Section 809, which imposed an additional tax on mutual life insurers to guarantee that stock life insurers would not be competitively disadvantaged by what was then thought to be the dominant segment of the industry. Section 809 operates by taxing some of the dividends that mutual life insurers pay to their policyholders. When Section 809 was enacted, mutual life insurers held more than half the assets of U.S. life insurance companies. It is estimated that within a few years, life insurers operating as mutual companies are expected to constitute less than ten percent of the industry.

Section 809 has not been a significant component of the substantial taxes paid by the life insurance industry, including mutual companies. But it has been extremely burdensome because of its unpredictable nature and complexity. The tax is based on a bizarre formula under which the tax of each mutual life insurer increases if the earnings of its large stock company competitors rise—even when a mutual company's earnings fall. The provision has been criticized by the Treasury Department and others as fundamentally flawed in concept. The original rationale behind the enactment of Section 809 no longer exists, and mutual life insurers should not pay taxes based on the earnings of their competitors or solely because they exist in the mutual form. Accordingly, the bill would repeal Section 809.

Section 815 was added to the Code as part of the 1959 changes to the life insurance companies tax structure. Before 1959, life insurance companies were taxed only on their investment income. Underwriting (premium) income was not taxed, and underwriting expenses were not deductible. The change in 1959 provided that all life insurance companies paid tax on investment income not set aside for policyholders and on one-half of their underwriting income. The other half of underwriting income for stock companies was not taxed unless it was distributed to shareholders. The amount of that income was called a "policyholders surplus account" or "PSA". No money was set aside; a PSA was and is just a bookkeeping entry. Mutual companies were not required to establish PSAs. The 1959 tax structure sought to tax the proper amount of income of stock and mutual companies alike and the PSA mechanism helped implement that goal.

In 1984, Congress rewrote the rules again. Both stock and mutual companies were subjected to tax on all their investment and underwriting income. In this context, dividend deductions for mutuals were limited under Section 809, and the tax exclusion for a portion of stock company's underwriting income was discontinued. Congress made a decision not to tax the amount excluded between 1959 and 1984. Rather the amounts are only taxed if one of the specific events described in the current Section 815 occurs (principally dissolution of the company).

The bill would repeal the obsolete Section 815 provision. Since 1984, the Government has collected relative small amounts of revenue with respect to PSAs as companies avoid the specific events which trigger PSAs taxation. There is not a "fund," "reserve," "provision" or "allocation" on a life insurance company's books to pay PSA taxes because, under generally accepted accounting principles, neither the government nor taxpayers have ever believed that significant amounts of tax would be triggered. Nevertheless, the continued existence of the PSAs does result in a burden on the companies in today's changing financial services would—a burden based on bookkeeping entries made from fifteen to forty years ago to comply with Congress' then vision of how segments of the life insurance industry should be taxed. In addition, the Administration has made recent proposals to require that PSA balances be taxed, even though no triggering event has taken place—thus another cloud of uncertainty.

The repeal of these two provisions, Sections 809 and 815, would provide certainty, less complexity, and remove two provisions from the Internal Revenue Code, which no longer serve a valid tax policy goal in the life insurance tax structure of the Internal Revenue Code. We urge our colleagues to join us in cosponsoring this legislation.

TRIBUTE TO U.S. ATTORNEY GENERAL EDWARD LEVI

HON. RAY LaHOOD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 2000

Mr. LAHOOD. Mr. Speaker, on behalf of myself and my colleague, ROBERT MATSUI, I would like to pay tribute today to the life of former U.S. Attorney General Edward Levi. It is with great sorrow that I acknowledge his passing, but it is with great privilege and honor that I speak about him today.

U.S. Supreme Court Justice John Paul Stevens recently said of Mr. Levi, "Wisdom, wit, a quiet grace and tireless willingness to strive for excellence have seldom been combined in such measure in one individual." I could not have summed up a man who has meant so much, to so many, better myself.

Author, professor, devoted father, and husband, Edward Levi is remembered by most as the U.S. Attorney General who helped to rebuild the Justice Department after Watergate and the resignation of President Richard Nixon. But, moreover, he was a man who accomplished more in his lifetime than most people dream of.

Starting out during World War II as a special assistant in the U.S. Attorney General's office, Mr. Levi returned to his alma mater of the University of Chicago in 1945 to assume a professorship in their distinguished school of law. While at the university, Mr. Levi quickly rose through the ranks becoming the Dean of the Law School in 1950, provost in 1962, and president of the distinguished university in 1968, a position he held until 1975. He was the first member of the Jewish community to serve as a leader of a major U.S. university.

In 1975, Mr. Levi was praised for his even-handed response to the student uprising that culminated in the takeover of the school's administration building. His unique sense and display of leadership surrounding this incident did not go unnoticed. He was quickly appointed to the position of U.S. Attorney General, a post he served from 1975–1977. Former President Ford, said, "Ed Levi, with his outstanding academic and administrative record at the University of Chicago, was a perfect choice. * * * When I assumed the Presidency in August 1974, it was essential that a new attorney general be appointed who would restore integrity and competence to the Department of Justice." Mr. Levi did just that.

Mr. Speaker, words certainly cannot do justice to the life of this fine individual. He was an exemplary individual, and it goes unsaid that his unmatchable leadership will be missed. I want to express my condolences to the Levi family, particularly his wife Kate, sons John, David, and Michael, and brother Harry. Let us not forget his impressive accomplishments, but above all, let us never forget the kind-hearted man behind the distinguished titles.

IN MEMORY OF RODNEY D. HANSON

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 2000

Mr. NEY. Mr. Speaker, I rise today in memory of Rodney D. Hanson, who passed away on February 22, 2000. Rodney was born on June 24, 1945, the son of Harry R. and Doris A. Hanson.

Rodney was a graduate of Hamline University in St. Paul, MN, and later received a masters of arts degree in English from Ohio University. He received his juris doctorate degree from the Ohio State University College of Law. Rodney was a partner in the law firm of Thomas, Fregata, Myser, Hanson and Davis. Rodney also worked hard to serve the community. He was a member of St. Mary's Church in St. Clairsville, where he served as a lector. He was also a member of the Knights of Columbus and the St. Clairsville Sunrise Rotary Club. Rodney served as a trustee and president of the board of the Belmont-Harrison Juvenile District. He further served the public as a member and past president of the Belmont County Bar Association and a member of the Ohio State Bar Association in which he was a member of the School Law and Law Library Committees.

Mr. Speaker, it is a privilege for me to pay my last respects to a gentleman who gave so much of himself to his community, his church, and his family. Rodney will be missed by all whose lives he touched. I am honored to have represented him and proud to have been able to call him a friend.

PERSONAL EXPLANATION

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 2000

Mr. McCOLLUM. Mr. Speaker, on March 9, 2000, I was unavoidably detained and missed rollcall votes. Had I been present, I would have voted "yes" on rollcall vote No. 39 on H. Res. 434, which provided for the consideration of H.R. 3081 and H.R. 3846; "no" on rollcall vote No. 40, on motion to recommit H.R. 3081 with instruction; "yes" on rollcall vote No. 41, passage of H.R. 3081 the Wage and Employment Growth Act; "no" on rollcall vote No. 43 on agreeing to the Traficant amendment which would provide for the increase in the minimum wage to occur over a 2-year period instead of a 3-year period; "no" on rollcall vote No. 44 on motion to recommit H.R. 3846 with instructions; "no" on rollcall vote No. 45 on final passage of H.R. 3846 which amended the Fair Labor Standards Act of 1938 and increased the minimum wage.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, March 14, 2000 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 15

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the Legislative recommendation of the Veterans of Foreign Wars.
345 Cannon Building

MARCH 21

9:30 a.m.
Health, Education, Labor, and Pensions
To hold hearings on regulating Internet pharmacies.
SD–430

Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings to examine issues dealing with Alzheimer Disease.
SD–216

10 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Federal Communications Commission and the Securities and Exchange Commission.
S–146, Capitol

United States Senate Caucus on International Narcotics Control
To hold hearings to review the annual certification process.
SD–215

Environment and Public Works
Transportation and Infrastructure Subcommittee
To hold hearings on General Services Association's fiscal year 2001 Capital Investment and Leasing Program, including the courthouse construction program.
SD–406

Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Secretary of the Senate, and the Sergeant at Arms.
SD–116

10:30 a.m.
Indian Affairs
To hold hearings on S.2102, to provide to the Tembisa Shoshone Tribe a permanent land base within its aboriginal homeland.
SR–485

2 p.m.
Environment and Public Works
Superfund, Waste Control, and Risk Assessment Subcommittee
To hold hearings to examine the current status of cleanup activities under the Superfund program.
SD–406

Banking, Housing, and Urban Affairs
Housing and Transportation Subcommittee
To hold oversight hearings on HUD's Public Housing Assessment System (PHASE).
SD–628

MARCH 22

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on the President's proposed budget request for fiscal year 2001 for the Forest Service, Department of Agriculture.
SD–124

Indian Affairs
Business meeting, to consider pending calendar business; to be followed by hearings on the nomination of Thomas N. Soaker, of Arizona, to be Special Trustee, Office of Special Trustee for American Indians, Department of the Interior.
SR–485

Commerce, Science, and Transportation
To hold hearings on the nomination of Susan Ness, of Maryland, to be a Member of the Federal Communications Commission.
SR–253

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the Legislative recommendation of the Vietnam Veterans of America, the Retired Officers Association, American Ex-Prisoners of War, AMVETS, and the National Association of State Directors of Veterans Affairs.
345 Cannon Building

Governmental Affairs
To hold oversight hearings to examine Department of Energy's management of health and safety issues surrounding DOE's gaseous diffusion plants in Tennessee and Ohio.
SD–342

Governmental Affairs
To hold hearings on Department of Energy's management of health and safety issues surrounding the DOE's gaseous diffusion plants at Oak Ridge, Tennessee, and Pachytene, Ohio.
SD–342

2 p.m.
Judiciary
Antitrust, Business Rights, and Competition Subcommittee
To hold oversight hearings on certain antitrust issues.
SD–226

2:30 p.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to examine recent program and management issues at NASA.
SR–253

Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on H.R.862, to authorize the Secretary of the Interior to implement the provisions of the Agreement conveying title to a Distribution System from the United States to the Clear Creek Community Services District; H.R.992, to convey the Sly Park Dam and Reservoir to the El Dorado Irrigation District; H.R.1235, to authorize the Secretary of the Interior to enter into contracts with the Solan County Water Agency, California, to use Solan Project facilities for impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes; S.2091, to amend the Act that authorized construction of the San Luis Unit of the Central Valley Project, California, to facilitate water transfers in the Central Valley Project; H.R.3077, to amend the Act that authorized construction of the San Luis Unit of the Central Valley Project, California, to facilitate water transfers in the Central Valley Project; S.1659, to convey the Lower Yellowstone Irrigation Project, the Savage Unit of the Pick-Sloan Missouri Basin Program, and the Intake Irrigation Project to the appurtenant irrigation districts; and S.1836, to extend the deadline for commencement of construction of a hydroelectric project in the State of Alabama.
SD-366

MARCH 23

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Environmental Protection Agency.
SD-138

Health, Education, Labor, and Pensions
Public Health Subcommittee
To hold hearings on safety net providers.
SD-430

Energy and Natural Resources
To hold hearings on the nomination of Thomas A. Fry, III, of Texas, to be Director of the Bureau of Land Management, Department of the Interior.
SD-366

10 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the National Oceanic and Atmospheric Administration of the Department of Commerce, and the Securities and Exchange Commission.
S-146, Capitol

Judiciary
Business meeting to consider pending calendar business.
SD-226

Banking, Housing, and Urban Affairs
To hold oversight hearings on the Monetary Policy Report to Congress pursuant to the Full Employment and Balanced Growth Act of 1978.
SD-216

10:30 a.m.
Governmental Affairs
Business meeting to consider pending calendar business.
SD-342

2 p.m.
Judiciary
Constitution, Federalism, and Property Rights Subcommittee
To hold hearings to examine racial profiling within law enforcement agencies.
SD-226

2:30 p.m.
Foreign Relations
Business meeting to mark up the proposed Technical Assistance, Trade Promotion and Anti-Corruption Act.
SD-419

Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold oversight hearings to examine the status of monuments and memorials in and around Washington, D.C.
SD-366

MARCH 28

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings to examine the current state of deployment of hi-speed Internet technologies, focusing on rural areas.
SR-253

Small Business
To hold hearings to examine the extent of office supply scams, including toner-phoner schemes.
SD-562

Health, Education, Labor, and Pensions
Children and Families Subcommittee
To hold hearings on child safety on the Internet.
SD-430

Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings to examine issues dealing with mind body and alternative medicines.
SD-192

10 a.m.
Appropriations
Transportation Subcommittee
To hold hearings to examine the implementation of the Driver's Privacy Protection Act, focusing on the positive notification requirement.
SD-192

2:30 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold oversight hearings on the incinerator component at the proposed Advanced Waste Treatment Facility at the Idaho National Engineering and Environmental Laboratory and its potential impact on the adjacent Yellowstone and Grand Teton National Parks.
SD-366

MARCH 29

9:30 a.m.
Health, Education, Labor, and Pensions
Business meeting to consider pending calendar business.
SD-430

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of the Interior.
SD-124

Energy and Natural Resources
Business meeting to consider pending calendar business.
SD-366

10 a.m.
Governmental Affairs
To hold hearings on how to structure government to meet the challenges of the millennium.
SD-342

Governmental Affairs
To hold hearings on meeting the challenges of the millennium, focusing on proposals to increase the efficiency and effectiveness of the Federal Government.
SD-342

Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense, focusing on Air Force programs.
SD-192

2:30 p.m.
Indian Affairs
Business meeting, to consider pending calendar business; to be followed by hearings on S.1967, to make technical corrections to the status of certain land held in trust for the Mississippi Band of Choctaw Indians, to take certain land into trust for that Band.
SR-485

MARCH 30

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Housing and Urban Development.
SD-138

Energy and Natural Resources
To hold hearings on S.882, to strengthen provisions in the Energy Policy Act of 1992 and the Federal Nonnuclear Energy Research and Development Act of 1974 with respect to potential Climate Change; and S.1776, to amend the Energy Policy Act of 1992 to revise the energy policies of the United States in order to reduce greenhouse gas emissions, advance global climate science, promote technology development, and increase citizen awareness.
SD-366

Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the National Institutes of Health, Department of Health and Human Services.
SD-124

10 a.m.
Health, Education, Labor, and Pensions
To hold hearings on medical records privacy.
SD-430

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold oversight hearings on the President's October 1999 announcement to review approximately 40 million acres of national forest lands for increased protection.
SD-366

APRIL 4

9:30 a.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Bureau of Indian Affairs and Office of the Special Trustee, Department of the Interior.

SD–138

APRIL 5

9:30 a.m.

Indian Affairs

To hold hearings on S.612, to provide for periodic Indian needs assessments, to require Federal Indian program evaluations.

SR–485

10 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense, focusing on Army programs.

SD–192

APRIL 6

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Veterans Affairs.

SD–138

APRIL 8

10 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense, focusing on medical programs.

SD–192

APRIL 11

9:30 a.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Energy.

SD–138

10 a.m.

Energy and Natural Resources

To hold hearings on S.282, to provide that no electric utility shall be required to enter into a new contract or obligation to purchase or to sell electricity or capacity under section 210 of the Public Utility Regulatory Policies Act of 1978; S.516, to benefit consumers by promoting competition in the electric power industry; S.1047, to provide for a more competitive electric power industry; S.1284, to amend the Federal Power Act to ensure that no State may establish, maintain, or enforce on behalf of any electric utility an exclusive right to sell electric energy or otherwise unduly discriminate against any consumer who seeks to purchase electric energy in interstate commerce from any supplier; S.1273, to amend the Federal Power Act, to facilitate the transition to more competitive and efficient electric power markets; S.1369, to enhance the benefits of the national electric system by encouraging and supporting State programs for renewable energy sources, universal electric service, affordable electric service, and energy conservation and efficiency; S.2071, to benefit electricity consumers by promoting the reliability of the bulk-power system; and S.2098, to facilitate the transition to more competitive and efficient electric power markets, and to ensure electric reliability.

SD–216

APRIL 12

9:30 a.m.

Indian Affairs

Business meeting, to consider pending calendar business; to be followed by hearings on S.611, to provide for administrative procedures to extend Federal recognition to certain Indian groups, and will be followed by a business meeting to consider pending committee business.

SR–485

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Corporation for National and Community Service, Community Development Financial Institutions, and Chemical Safety Board.

SD–138

10 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense, focusing on missile defense programs.

SD–192

APRIL 13

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the National Aeronautics and Space Administration.

SD–138

APRIL 26

10 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense.

SD–192

SEPTEMBER 26

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs on the Legislative recommendation of the American Legion.

345 Cannon Building

POSTPONEMENTS

MARCH 15

9:30 a.m.

Indian Affairs

Business meeting to consider pending calendar business; to be followed by hearings on the proposed Indian Health Care Improvement Act.

SR–485

APRIL 19

9:30 a.m.

Indian Affairs

Business meeting to consider pending calendar business; to be followed by hearings on S.611, to provide for administrative procedures to extend Federal recognition to certain Indian groups.

SR–485

HOUSE OF REPRESENTATIVES—*Tuesday, March 14, 2000*

The House met at 12:30 p.m.

MORNING HOUR DEBATES

The SPEAKER. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Iowa (Mr. LATHAM) for 5 minutes.

ACCOLADES TO WOMEN'S AND MEN'S BASKETBALL TEAMS IN THE STATE OF IOWA

Mr. LATHAM. Mr. Speaker, as everyone knows, we are starting March Madness, and there is something exceptional happening in the State of Iowa. I want to congratulate the Drake Women's Basketball team for making the tournament, but what is really happening in Iowa is the fact that both the Iowa State University Men's and Women's Basketball teams not only won the regular season championship in the Big 12, but each of them also won the Big 12 tournaments over the weekend.

This is unprecedented in the Big 12. The Iowa State Women have had a tremendous year. They are going to host the tournament at Ames; and we wish them the very, very best.

The Iowa State Men at the beginning of the season some people even rated them as being at the bottom of the Big 12 this year. In fact, they came through with an outstanding phenomenon performance and not only won, as I said before, the regular season but won the tournament; and I want to congratulate Marcus Fizer as the Most Valuable Player.

This is a great thing that is happening in Iowa. Minneapolis is going to look like Iowa State Cyclone country this weekend when the Iowa State Men go up there to play in the first round of the tournaments. Both coaches, Bill Fennelly and Larry Eustachy, have done a fabulous job this year. And I just want to send my congratulations to Iowa State, the great performance they have had.

I wish them the best of luck in the tournaments. No matter what happens, they will have given Iowa State fans across this country something really to cheer about.

In conclusion, Mr. Speaker, all I can say is go Cyclones.

REPUBLICAN ESTATE TAX POLICY

The SPEAKER pro tempore (Mrs. BIGGERT). Under the Speaker's announced policy of January 19, 1999, the gentleman from Massachusetts (Mr. FRANK) is recognized during morning hour debates for 5 minutes.

Mr. FRANK of Massachusetts. Madam Speaker, rarely have the differences between the two political parties been more graphically demonstrated than when we debated the package of a minimum wage increase and tax reductions.

The resistance on the part of the Republican leadership to a fairly small minimum wage increase in the midst of the greatest prosperity we have ever known speaks a great deal to a social insensitivity, but equally distressing to me is their decision that we should begin to reduce one of the most progressive taxes in America. And, of course, their goal is ultimately to repeal it. I speak of the estate tax.

We have some unfair taxes in America, and many people feel that working people, people of average income, people who are making $30,000, $40,000, $50,000 a year pay an unfair share of the tax burden. And I believe that is true in part because of the payroll taxes.

We have one tax, the estate tax, which literally applies only to millionaires. And it does not even apply to millionaires. It applies to people who have shown a rare talent. They have shown an ability to be related to millionaires.

Madam Speaker, I think being related to a millionaire is certainly a great asset in life, and I would recommend it to people. If you have a chance to be related to someone very wealthy, take it. But I do not believe that being related to an extremely wealthy person who has just died is a mark of inherent value. It is neutral. It does not make you a bad person, but it does not make you a hero either.

And the notion that you have an absolute right to be greatly rewarded by your good fortune in having a very rich relative seems to me a mistake. Now, what is particularly interesting is the estate tax brings in a little over $20 billion a year, and it will soon be the case that your estate has to be a million dollars or more before you pay it. And the great bulk of it is paid by people who die and leave tens of millions of dollars.

Now, here is what we do if we abolish the estate tax, as the Republican party wants to do it, we say to old people who, because most of the people who pay the estate tax or over 90 percent were 65 or older when they die, we say to these older people who died rich that we will be very protective of them, or at least of their smart relatives who figured out how to be related to them.

On the other hand, if you are old and alive and not very rich, but you are on Medicare and cannot afford prescription drugs, the Republican position is, well, that is tough, you will just have to learn to deal with it. In other words, the Republican party tells us on the one hand we cannot afford this wealthy Nation to provide full prescription drug coverage to middle-income and lower-income elderly people, not the very poor, they are covered by Medicaid, but people who are making $25,000, $30,000, $35,000 a year in retirement, they ought to get no aid because we need the money that would have gone to pay for prescription drugs to alleviate the problem of Bill Gates' heirs and the heirs of other people who have made millions of dollars.

In other words, we are being asked to show more respect for older people who are dead and rich than for older people who are still alive and not wealthy.

Madam Speaker, now, there is one other aspect of this effort to reduce and, ultimately, repeal the estate tax that ought to be called into question, and that is the negative effect it will have on private charity.

My Republican colleagues talk about how much they want to help private charity. According to a recent study, I will put the New York Times article displaying this study from a couple of Boston College researchers, into the RECORD, for estates that are over $20 million, a very considerable number, 39 percent of the money at death goes to chart, while only 34 percent goes to taxes. And, indeed, these two professors conclude in their study, two eminent scholars from an institution mostly in my district, at Boston College. They conclude that, I am now quoting from the article, if the estate tax is repealed or significantly reduced, however, as Congress voted to do earlier this year in a bill that President Clinton vetoed, that was last year, bequests to charities might be smaller than the Boston College model predicted.

The Republican approach is to go to the aid of the wealthiest 1 or 2 percent of the people in the country and not just to them, but to the people who are smart enough to be related to them or to have otherwise ingratiated themselves to them, to deny prescription drug coverage to the great bulk of middle-income Americans and lower-income Americans, and while we are at it, reduce the amount that goes to private charity. That is the difference between the parties.

Madam Speaker, I include the following two articles for the RECORD which illustrate these points.

[From the New York Times, July 25, 1999]

Study Contradicts Foes of Estate Tax

(By David Cay Johnston)

Congressional opponents of the estate tax say it discourages savings, costs the economy more than it raises for the Government and makes it very difficult for a family-owned farm or business to be passed to the next generation.

But all of those arguments are contradicted by Government tax and economic data, according to a book-length study that will be published tomorrow in the policy magazine Tax Notes.

The article comes after the House passed on Thursday night the Republicans' bill to cut taxes by $792 billion, including the repeal of the estate tax. Similar legislation was being considered in the Senate but the outcome of the repeal is in doubt because President Clinton has promised to veto it.

Yet the article in Tax Notes seems likely to have a profound effect on the debate over estate taxes, experts say. Data from estate tax returns and other records do not support the claims of estate tax opponents, according to the article, by Charles Davenport and Jay A. Soled, professors at Rutgers University who teach estate tax law and business management.

The estate tax is projected in the Federal budget to raise about $28 billion this year. That is less than one-third of 1 percent of the gross domestic product, which is too slight to retard economic growth, the authors say.

While the tax rate on the largest estates can be 55 percent, Internal Revenue Service data cited in the study show that in 1996 the average tax on estates of $600,000 to $1 million was 6 percent.

It costs the I.R.S. 2 cents on the dollar to administer the tax, the authors calculate. They say the combined private and Government costs total about 7 cents on the estate tax dollar.

Professors Davenport and Soled said Congressional testimony by critics of the estate tax contending that the tax costs more than it raises was based on flawed data, including a study that estimated that every dollar raised in Federal income taxes cost the economy 65 cents more. That figure was dismissed as absurd by the authors.

They also disputed another contention of the critics, that rich people spend heavily in their later years in order to reduce estate taxes. Instead, the authors say, many rich people save more money to offset the tax

They say that the reasons family businesses are not passed to the next generation have little to do with estate taxes. A primary reason, the authors say, is the burden on heirs who want to keep the business and must raise cash to pay off those heirs who do not.

While the estate tax nominally begins when net worth at death exceeds $650,000 (1.3 million for a married couple), Congress lets a couple pass on $4.5 million untaxed if they own a business and $7.4 million if they own a farm. Only about 1 in 1,000 American families is worth $7.4 million.

The estate tax will be paid this year by the wealthiest 2 percent of Americans who die.

The Congressional Joint Committee on Taxation estimated last week that repeal of the estate tax would reduce Federal revenues by $75 billion over the next 10 years, even though the Federal budget projects the estate tax will raise more than that amount in the next three years alone.

The chairman of the House Ways and Means Committee, Representative Bill Archer of Texas, who had not seen the article, said that he was skeptical of its claims and any data drawn from I.R.S. records.

"Every dollar taken by the death tax is a dollar taken out of savings when what this country needs is more private savings," said Mr. Archer, the author of the House Republicans' tax bill. He said the costs of the estate tax included discouraging wealthy foreigners from moving to the United States with their capital and skills.

As to whether existing exemptions are enough for farms to stay in families, he said, "The input from the Ag Belt is totally contrary to that."

The authors say that among the virtues they see in the estate tax are that it taxes some money that has slipped past the income tax system, it is paid only by those most able to pay, it encourages financial planning and charitable giving and it tends to ease the trend toward concentration of wealth. The richest 1 percent of Americans now one half of all stocks, bonds and other assets, a record level, according to Professor Edward N. Wolff of New York University.

Experts say the Tax Notes article may be as influential as the 1994 Yale Law Review article by Edward J. McCaffery of the University of Southern California Law School, who exhorted liberals to join conservatives in opposing the estate tax as inefficient and unfair. Since then, the Tax Notes article says, "talk about the death-tax has been a monologue by the tax's opponents." The article is available at www.tax.org on the internet.

[From the New York Times, October 20, 1999]

A Larger Legacy May Await Generations X, Y and Z

(By David Cay Johnston)

Boston College researchers say that the widely cited estimate that $10.4 trillion of wealth will be transferred to younger generations over a half-century is far short of the likely amount. They estimate the wealth transfer will be $41 trillion to $136 trillion.

"It can now be safely said that the forthcoming wealth transfer will be many times larger than anyone has, previously estimated," said Paul G. Schervish, director of the Boston College Social Welfare Research Institute, who has spent the last 15 years studying wealth and who created a computer model to study wealth transfers.

The new figures suggest that charities, in particular, stand to benefit from a platinum era of giving. Mr. Schervish and John J. Havens, his deputy at the institute, estimated that between now and 2055 charities would receive bequests of $16 trillion to $53 trillion, measured in 1998 dollars, assuming that the estate tax remains unchanged.

The widely cited estimate of $10.4 trillion—about $13 trillion today adjusted for inflation—in wealth transfer was made in 1993 by two Cornell University professors, Robert B. Avery and Michael S. Rendall, using data from the Census Bureau and other sources. Their estimate was restricted to households in which the chief wage earner was 50 or older and who had living children; it covered 1990 to 2044.

The Boston College analysis, using a computer simulation model created to estimate wealth transfers, covers all Americans who were at least age 18 in 1998. It estimates wealth transfers from 1998 to 2052, when the youngest of those in the study will turn 73.

The Boston College study is based on modest assumptions about growth in wealth compared with historical experience. The study's low estimate that $41 billion will be transferred between generations by 2055 assumes that the value of all assets, adjusted for inflation, increases at 2 percent annually, while the high estimate assumes 4 percent annual real growth. Another profile assumes 3 percent annual real growth in the value of assets and projects $73 trillion in wealth transfers.

Actual growth in wealth, adjusted for inflation, averaged 5.3 percent annually from 1950 to this year, according to Prof. Edward N. Wolff, a New York University wealth expert.

Total wealth in 1998 was $32 trillion, the Boston College researchers estimated. Professor Wolff, who had not seen the new study, said, "That figure is in the right neighborhood," noting that his own research indicated total wealth of $29.1 trillion today.

The amount of wealth transferred can be greater than current wealth for two reasons. One is economic growth. The other is that over 55 years some fortunes will pass through two—even three—generations. Mr. Avery, now an economist with the Federal Reserve, said that while he had some qualms about the techniques used by the Boston College researchers, as described to him in a telephone interview, their estimates sounded reasonable over all.

Mr. Avery warned, however, that while economists could make fairly accurate predictions about death rates far into the future, assumptions about how much wealth people would accumulate were risky, especially looking out a half-century.

"The important message is that there is a lot of wealth in this country," Mr. Avery said.

John J. Havens, a co-author of the Boston College study, said that while he was confident of the economic model he wanted to focus on the low end of the estimate, $41 trillion, because "it helps protect against potential charges of irrational exuberance arising from" the computer model's assuming steady economic growth without a depression or a sustained recession in the first half of the 21st century.

A quarter-century ago Professor Havens developed one of the first computer programs to model economic behavior. The model estimates that for estates of $20 million or more, 39 percent of the money will go to charity, 23 percent to heirs, 34 percent to taxes and 3 percent for fees and burial expenses. Data from the Internal Revenue Service show the same ratios in 1995 for large estates.

For estates of $1 million to just under $5 million, the study assumes that charity will get 8 percent; heirs, 66 percent; taxes, 22 percent, and fees and burial expenses, 4 percent.

For estates of less than $1 million, Professors Schervish and Havens estimated, nearly 90 cents of each dollar would be passed to heirs and little would go to charity or taxes.

One recent analysis found that among estates valued at $600,000 to $1 million in 1997, estate taxes averaged 6 percent, even though the estate tax rate began at 37 percent on amounts above the $600,000 exemption then in effect.

The Boston College study covers what are known as final estates, meaning the death of a single person or the second spouse in a married couple, since bequests to a spouse are tax free. The estimates of how much will be bequeathed to charity may be low, based on I.R.S. data in recent years, which show that growing numbers of people are engaging in estate planning so that more of their money will go to charity after their deaths and less to the Government. The I.R.S. data show that the share of money in estates going to charity is slowly rising, a trend that if continued through 2055 would mean far more for charities than the $16 trillion to $53 trillion cited in the study.

If the estate tax is repealed or significantly reduced, however, as Congress voted to do earlier this year in a bill that President Clinton vetoed, bequests to charities might be smaller than the Boston College model predicted.

HERE WE GO AGAIN

The SPEAKER pro tempore (Mrs. BIGGERT). Under the Speaker's announced policy of January 19, 1999, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Madam Speaker, I might point out to the gentleman from Massachusetts (Mr. FRANK) that all the money that is in the estate has already been taxed and what Republicans are trying to say is why should the Government tax twice this money that is there.

Madam Speaker, I am here because of recent newspaper articles that have been published, especially in the New York Times. Last Thursday, a Federal jury convicted Maria Hsai, a friend and a political supporter of Vice President AL GORE, on five felony counts for arranging more than $100,000 in illegal donations during the 1996 presidential campaign.

Prosecutors allege that Hsai tapped a Buddhist temple and some of her business clients for money to reimburse Hsai donors who were listed as contributors in campaign records.

Hsai was charged with causing false statements to be filed with the Federal Election Commission. According to evidence presented in the case, $109,000 in reimbursed donations went to the Clinton-Gore 1996 campaign and to the Democratic Party.

Hsai's fund raising also included $65,000 in Hsai donations which she funneled through monks and nuns the day after Vice President GORE's 1996 visit to the Buddhist Temple in California.

Now, of course, Madam Speaker, the Vice President initially had no recollection that he was attending a fund raiser but believed, rather, that he was attending a community outreach program. That is, of course, until the video footage surfaced showing him at the temple and after documents turned up that referred to the event in advance as a fund raiser. Only then, Madam Speaker, did the Vice President modify his characterization, saying he thought it was a finance-related situation.

Ironically enough, in response to Hsai's conviction, the Attorney General, Janet Reno, said, "The verdict sends a clear message that the Department of Justice will not tolerate violations of our Federal campaign finance laws."

Evidently her comments need to be revised to mean the Department of Justice will tolerate campaign finance laws in some cases and not in others, for the Attorney General's action indicate there are certain violations of our Federal campaign finance laws she is willing to tolerate or unwilling to get to the bottom of.

The Los Angeles Times reported last Friday on Charles LaBella's report to Attorney General Janet Reno warning that numerous conflicts of interest made the Justice Department's insistence that its own lawyers handling the inquiry into the 1996 Clinton-Gore campaign a "recipe for disaster."

Madam Speaker, my colleagues will recall that Mr. LaBella was hand picked by the Attorney General to head the Campaign Financing Task Force and to take over the Department of Justice's public integrity section's investigation into political fund-raising abuses.

Mr. LaBella's report, which the Attorney General has still kept sealed for nearly 2 years, found "a pattern of conduct" on the part of White House officials, including the President, that warranted an independent counsel probe.

Additionally, Mr. LaBella found that senior Justice officials engaged in "gamesmanship" and legal "contortions" to avoid an independent inquiry into the Clinton-Gore fund-raising abuses.

According to the L.A. Times, Madam Speaker, Mr. LaBella found "The campaign finance allegations present the earmarks of a loose enterprise employing different actors at different levels who share a common goal, bring in the money."

Among those singled out for special treatment according to the LaBella report were the President, Vice President AL GORE, First Lady Hillary Rodham Clinton, and former White House aide Harold Ickes.

The Times said the report was the first indication, the first indication, that Mrs. Clinton's involvement in the fund-raising scandal arising from the 1996 presidential election was under scrutiny.

Since the fund raising first made headlines in 1996, Attorney General Janet Reno has refused to allow outside prosecutors to narrowly focus their investigations of alleged White House wrongdoings. Examples include her refusal to appoint investigations into fund-raising telephone calls by the Vice President from the White House and the issue ads funded by the Democratic National Committee.

To further confound matters, she has long gone against her own FBI director.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair must remind Members that it is not in order in debate to level or repeat personal charges against the President or the Vice President.

Mr. STEARNS. Madam Speaker, this is being reported from the L.A. Times, the New York Times, and all the newspapers in Central Florida. So all I am doing is reporting what is in the newspaper.

The SPEAKER pro tempore. The Chair is addressing the standard of decorum in debate on the House floor.

Mr. STEARNS. Well, Madam Speaker, if you are quoting from a newspaper, like the New York Times, can you do that?

The SPEAKER pro tempore. No.

Mr. STEARNS. You cannot quote from the New York Times newspaper?

The SPEAKER pro tempore. The Member makes the words his own by quoting from the newspaper.

Mr. STEARNS. But I have used the word "quotation." I have actually put the word "quotation" in there to signal that these are not my words but these are words from the newspaper.

I mean, it appears to me, Madam Speaker, that if you cannot quote the newspapers on the House floor and use "quotation," that seems to be a denial of the right for a Member to use newspapers in an edifying way.

The SPEAKER pro tempore. It is a settled precedent that the standard is the same whether the Member speaks on his own account or quotes another source.

Mr. STEARNS. Out of deference to you, Madam Speaker, yes.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. STEARNS. So, Madam Speaker, it is time for the Attorney General to disclose Mr. LaBella's report. That is all I am asking here today.

The American people have a right to know what is in that report. In fact, they should have an opportunity to know what the FBI director said when he also recommended that an independent counsel be appointed.

☐ 1245

I think at this point, I think that the newspapers speak for themselves and so now, Madam Speaker, I think the Attorney General should come forward and tell us when she is going to make that report available.

MAKING ATLANTA, GEORGIA A MORE LIVABLE COMMUNITY

The SPEAKER pro tempore (Mrs. BIGGERT). Under the Speaker's announced policy of January 19, 1999, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Madam Speaker, one indication of how the momentum for the efforts across the country to promote livability has been gaining speed is the comments from governors who are talking about smart growth and livability in their State of the State addresses. One State deserves special attention and that is Georgia, where we have been watching a renaissance in our cities and inner suburbs taking place.

Atlanta, which some have sort of dismissed as the poster child of sprawl, is making significant progress under the leadership of Governor Barnes and with the assistance of business leaders like John Williams, who was recently profiled in the New York Times.

Atlanta has been characterized by some as the area of the most rapid growth in the history of human settlement. A more than 25 percent increase in population since 1990, the city in that time frame has grown from north to south from 65 miles to 110 miles, and the results have been devastating, frankly. The average Atlanta commuter drives 36½ miles daily, the average, the longest work trip commute in the world.

This has had serious problems in terms of their air quality to the point that Federal transportation officials have withheld resources because it is not meeting air quality standards. Over 60 percent of the State's rivers and streams do not meet water quality standards, almost twice the national average.

It is losing business. In 1998, Atlanta lost a bid for the Harley Davidson plant. Hewlitt Packard decided not to expand its Atlanta facilities; and in fact, the city lost its 1997 top rank as the country's best real estate market and is now 15 among 18 cities that are monitored.

There are even concerns about the health implications. Last fall, the Centers for Disease Control reported amongst the alarming national increase in obesity rates that the greatest percentage increase occurred in Georgia, over 100 percent in the last 10 years. Some of these experts were speculating that it may be related to the bad air that discourages exercise and the poor urban design that makes it hard to find places to walk, bike, and otherwise exercise.

Asthma is the number one reason for childhood hospitalization in Atlanta, but there are very positive signs on the horizon. As I mentioned, the leadership of Governor Barnes, with the business community, was able to create the Georgia Regional Transportation Authority to coordinate and oversee for the first time metropolitan Atlanta's fight against pollution, traffic, and unplanned growth. There is an exciting 138-acre redevelopment in the old Atlantic Steel site that is combining residential, retail, office and entertainment space in a transit-oriented development on a brownfield site in midtown Atlanta.

Recently, we have seen another business, Bell South, decided to relocate from 75 different suburbans office areas to three centers for 13,000 employees inside the perimeter and all adjacent to transit. In no small way, this has been the result of business leadership exemplified by Mr. Williams, head of Post Properties. In fact, he has been here on Capitol Hill meeting with senators and representatives talking about how, in fact, his business, which was built on the development of suburban luxury office, has discovered a significant opportunity to move this new housing into the increased demand closer in central cities, growing at more than 10 percent a year as opposed to 2 percent in the suburbs. They have shifted their focus from development on existing farm lands and wood lots to more urban locations and expanding to make a profit in in-town housing, not just in projects in Atlanta but also the real estate markets in Texas, Florida, and Virginia.

One of the reasons why the livable communities initiatives are being successful is not just because of political leadership but because business leaders, like Mr. Williams, the president of the chamber of commerce for metropolitan Atlanta, understand what is at stake and they have practiced their civic leadership in the broader sense of the community and with their personal business practices. This is a very positive sign for those of us who want more livable communities so that our families can be safe, healthy, and economically secure.

SOCIAL SECURITY MUST BE SAVED FOR THE NEXT GENERATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Michigan (Mr. SMITH) is recognized during morning hour debates for 5 minutes.

Mr. SMITH of Michigan. Madam Speaker, I would like to discuss for the next 4 or 5 minutes why everybody is talking about Social Security, why they are concerned that Social Security is in trouble some time in the future, why young people today think the chances of their getting any Social Security are pretty remote. It is the young people today, probably under 35 years old, that are most at risk in not having Social Security in their retirement years if we continue to fail to do anything to keep Social Security solvent.

The chart that I brought in represents where we are now. If we look at the top left part of the chart, the little blue area in the top left is the current surpluses coming in to the Social Security trust fund, in other words, the amount of taxes that are in excess of benefits payments going out. That is going to stop around 2011 or 2012. At that point, there are going to be fewer Social Security taxes coming in than are needed to pay current benefits. Of course, Social Security, since it started in 1935, has been sort of a Ponzi game where current workers pay in their taxes that is immediately sent out to current retirees, and so it is a pay-as-you-go program.

The red portion represents where we are in terms of what is going to be the additional amount of dollars needed to pay current Social Security benefits in future years. We get down to 2019, and we are going to need something like $400 billion additional money from some place, either increased taxes or increased borrowing, to pay promised Social Security benefits. It is a problem.

We are now looking at probably the best economic times in the history of the United States, where we are having a surplus of total revenues coming into the Federal Government. The question is now, do we use those revenues to spend on new expanded social programs and expand the size of Federal Government? Do we use those monies to start solving the Social Security problem? Here is what is needed: right now the average retiree that retires from now on is not going to get the money back that they and their employer put into Social Security, so essentially a zero-percent return on their finances unless they are lucky enough to live into their 80s and 90s or to be 100 years old.

So what do we do? I think one thing we have to do in the first place is to understand the seriousness of the problem. To demonstrate how serious it is, I projected what is going to be needed in payroll taxes if we do nothing in the next 30 or 40 years. If we are going to have a FICA tax, a payroll tax, that accommodates the needs of Social Security and Medicare and medicaid, Social Security taxes are projected to go up to be 40 percent of one's income within the next 35 to 40 years.

All we have to do to verify that kind of serious situation, increasing the cost of producing everything we produce in this country, is to look at what is happening in Europe, in Japan. Several countries now in Europe are up to that 40 percent mark. Japan is approaching it. A country like France, the effective payroll deduction to pay for the senior programs in France now is approximately 70 percent of payroll. It is no wonder that France is finding it very difficult to compete in the world market.

If we do nothing in this country, if we keep putting these proposed solutions off because it is easy to demagog, because really there is only two ways, Madam Speaker, to fix Social Security and to fix Medicare. We either bring more revenues into the program or we reduce the amount of money coming out. That means increasing taxes or reducing benefits. One way to increase revenues, though, is starting to get a better return on the investments coming in to Social Security, coming into Medicare. That means investing some of that money in real returns with real investments. That is why I have advocated for the last several years that we have personal retirement savings accounts that can draw real interest returns so that modest-income workers today can retire wealthy because of the magic of compound interest.

My grandson painted our fence this last summer, and I tried to convince him to put his money into a Roth IRA, and we figured what that money would be worth 50 years from now. He said, Grandpa, I want to really buy a car with that money and save up for a car. So we went step by step, year after year to see if that money would return revenues and we found out that $160 would turn into $70,000 by the time he was ready to retire.

We have to have some real retirement accounts. We have to start getting real returns on the money that is coming in from Social Security.

TUBERCULOSIS, A WORLDWIDE EPIDEMIC

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Ohio (Mr. BROWN) is recognized during morning hour debates for 5 minutes.

Mr. BROWN of Ohio. Madam Speaker, remember when we were children, in some cases 30, 40, 50 years ago, tuberculosis clinics were closing in virtually every community in America. I remember growing up in Mansfield, Ohio, in the 1950s and 1960s; and I remember that tuberculosis clinic was closed there because Americans realized that tuberculosis was not really much of a problem in the United States of the 1960s or 1970s or 1980s.

People are surprised in this country, Members of Congress are surprised, citizens are surprised, to learn that tuberculosis in 1999 killed 2 million people around the world. It killed more people in 1999 around the world than in any year in history. Tuberculosis is one of the greatest infectious disease killers of adults worldwide, killing someone every 15 seconds. It is the biggest killer of young women around the world. It is the biggest killer of people with HIV/AIDS. Of the deaths from AIDS in Africa, literally one-third of those deaths actually are from tuberculosis.

The World Health Organization estimates that one-third of the world's population of the 6 billion people in the world, some 2 billion are infected with the bacteria that causes tuberculosis, including an estimated 10 to 15 million people in the United States.

In India, 1,300 people a day in India, 1,300 people a day die from tuberculosis. An estimated 8 million people around the world develop active TB each year. It is spreading as a result of inadequate treatment, and it is a disease that knows no national borders; and it is becoming more and more of a problem in the United States. The threat that TB poses for Americans derives, one, from the global spread of tuberculosis and, second, from the emergence and spread of strains of tuberculosis that are multidrug resistant.

In the U.S., TB treatment is normally only about $2,000 per patient in the United States and in developing countries as little as $15 or $20 or no more than $100 per patient, regular, sort of standard tuberculosis. The costs can go up to as much as $250,000 a patient to treat multidrug resistant tuberculosis, and the treatment is much less likely to be successful.

Multidrug-resistant TB kills more than half those infected even in the United States and other industrialized nations.

Madam Speaker, the gentlewoman from Maryland (Mrs. MORELLA), Republican from Maryland, and I are bipartisanly sponsoring legislation which will authorize an appropriation of $100 million to U.S. Agency for International Development, USAID, for the purpose of diagnosing and treating TB in high-incidents countries. The director general of the World Health Organization, Secretary General Gro Brundtland, said that tuberculosis is not a medical problem, it is a political problem. We know how to take care of people with tuberculosis. We know how to treat tuberculosis. The question is the political will to do it, the resources available to do it.

Tuberculosis experts estimate that it will cost an additional $1 billion each year worldwide to control this disease.

□ 1300

The great majority of funds are used for the direct implementation of DOTS Tuberculosis Control Program, DOTS stands for directly observed treatment, where a person infected with TB must take medication every day for up to 6 months, and, if they stop taking it, then even when they stop coughing up blood or stop showing symptoms of TB, their multi-drug-resistant TB can come back. That is why it is simple to treat, but difficult to make sure that people take their medicine every day.

The medicine is there. The will needs to be there, the outreach workers need to be available, whether it is in the United States or India or Nigeria or wherever across the world.

Resources under our legislation will be used primarily in those countries having the highest incidence of tuberculosis. It is a problem worldwide that we as a wealthy country have a moral obligation to deal with. It is a problem worldwide that we have a practical reason to deal with, because tuberculosis, with more tourism, travel, with more business development, with more trade, with more airplanes, tuberculosis has come into our country in greater and greater incidence, unless we in fact try to deal with tuberculosis internationally.

That is why we already have bipartisan support for the legislation that the gentlewoman from Maryland (Mrs. MORELLA) and I are working on. That is why I ask other Members to join us in cosponsoring this legislation which I will be introducing next week. March 24 is International Tuberculosis Day. We will be introducing the bill next week, the week of March 24, and ask other Members to cosponsor it.

TRIBUTE TO COMMANDER PETER GUMATAOTAO, COMMANDING OFFICER, U.S.S. "DECATUR"

The SPEAKER pro tempore (Mrs. BIGGERT). Under a previous order of the House, the gentleman from Guam (Mr. UNDERWOOD) is recognized for 2 minutes.

Mr. UNDERWOOD. Madam Speaker, today I rise on behalf of the people of Guam to recognize the arrival yesterday Guam time of the naval warship U.S.S. *Decatur*, commanded by our own native son, Commander Peter Gumataotao.

Peter is the embodiment of all that is right with Guam. He is proud of his culture and ancestry, the Chamorro people. He understands Guam's history and the sacrifices of her people to help restore democracy around the world during World War II. And, most importantly, Peter is respectful and loyal to his family, his island, his command, and to his country.

He is a graduate of the U.S. Naval Academy and earned his Masters degree from the Naval War College. He has built an illustrious career as a U.S. Naval officer and has been decorated and recognized for his good work at every duty station.

His selection to command the U.S.S. *Decatur* is demonstrative of his continuing excellence and ability; and it is the first time, to our knowledge, that a native of Guam has commanded a warship that has sailed into Guam.

Guam is proud of her son, and we welcome him back to our shores. Peter will continue to command the *Decatur* through the high seas and into danger, when necessary, to defend democracy around the world.

On behalf of the people of Guam and his family, we will continue to keep you in our hearts, Peter, and wish you and your crew a safe voyage and congratulations. Welcome home. Thank you very much for your excellent service.

COMMANDER PETER A. GUMATAOTAO, UNITED STATES NAVY, COMMANDING OFFICER U.S.S. DECATUR (DDG 73)

Commander Peter. A. Gumataotao, a native of Agana, Guam, earned his commission in May 1981 from the U.S. Naval Academy in Annapolis, Maryland, where he received a Bachelor of Science Degree in Resources Management.

His first tour at sea was on board U.S.S. *Bagley* (FF 1069) as First Lieutanant and CIC Officer. He later served as Battery Control Officer in U.S.S. *Wordern* (CG 18). During this tour was the recipient of the Hawaii Navy League Award.

Ashore, he served as Assistant Surface Operations Officer and Surface Systems Analysis Officer for COMTHIRDFLT. He was COMTHIRDFLT's primary action officer for the planning and execution of Operational Test Launches of Tomahawk cruise missiles to include the only open ocean Tomahawk Anti-Ship Missile (TASM) live test shot conducted in the Pacific Fleet. During his tour as Combat Systems Officer aboard U.S.S. *Reuben James* (FFG 57), the ship received the Battle Efficiency Award, and his department was awarded the Spokane Trophy Award for Combat Systems excellence. Commander Gumataotao was the recipient of the COMNAVSURFPAC Shiphandler of the Year award while on board U.S.S. *Reuben James*. Additionally, U.S.S. *Reuben James* was one of two ships that accompanied CINCPACFLT on a historic port visit to Vladivostok, Russia in 1990. While serving as Combat Systems Officer for COMDESRON THIRTY ONE, Commander Gumataotao participated in numerous underseas warfare research and development projects both in open ocean and shallow water towed array operations.

Commander Guamataotao earned a Master of Arts Degree in National Security Strategic Studies at the Naval War College in Newport, Rhode Island and was the United States representative at the Naval Staff College.

His most recent sea assignment was as Executive Officer on board U.S.S. *Curtis Wilbur* (DDG 54). During this tour, Commander Guamataotao assumed the duties as Commanding Officer of U.S.S. *Curtis Wilbur* while the ship was deployed to the Arabian Gulf. Following his sea tour, he served as a Fellow for the CNO Operations Strategic Studies Group at the Center for Naval Analysis in Washington, DC and then served as Congressional Liaison for Surface Programs at the Navy Office of Legislative Affairs.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 1 o'clock and 2 minutes p.m.), the House stood in recess until 2 p.m.

☐ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. GIBBONS) at 2 p.m.

PRAYER

The Chaplain, the Reverend James David Ford, D.D., offered the following prayer:

Let us pray using the words of Psalm 46:

God is our refuge and strength, a very present help in trouble. Therefore, we will not fear though the earth should change, though the mountains shake in the heart of the sea; though its waters roar and foam, though the mountains tremble with its tumult.

There is a river whose streams make glad the city of God, the holy habitation of the Most High, God is in the midst of her, she shall not be moved; God will help her right early. The nations rage, the kingdoms totter; he utters his voice, the earth melts. The Lord of hosts is with us; the God of Jacob is our refuge. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from New York (Mrs. KELLY) come forward and lead the House in the Pledge of Allegiance.

Mrs. KELLY led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

THE TAIWAN FACILITIES ENHANCEMENT ACT

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, this Member rises to alert his colleagues to the introduction of H.R. 3707, the Taiwan Facilities Enhancement Act. This bill authorizes construction of modern, secure facilities for the American Institute on Taiwan.

In the Taiwan Relations Act of 1979, the Congress established the American Institute on Taiwan to perform on behalf of the United States Government any and all programs and other relations with Taiwan. These facilities are grossly inadequate today from a security perspective, and major enhancements would be necessary to bring them into compliance with security requirements.

Mr. Speaker, Congress must specifically act to authorize because it is not a normal embassy or a consulate.

Mr. Speaker, over 20 years after the enactment of the Taiwan Relations Act, our unofficial relations with the people of Taiwan are stronger, more robust, and more important than ever. For very practical and security reasons, the Congress needs to act to upgrade our diplomatic facilities on Taiwan as well.

It will also demonstrate that we have and will have a presence in Taipei for the long-term, if necessary, to assure that any reunification is peaceful and uncoerced. This Member hopes that all Members of Congress will cosponsor and support this legislation.

BLISS MANUFACTURING BANKRUPTED

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, Bliss Manufacturing in my district makes bumpers for General Motors. Not any more. Bliss bankrupted yesterday, putting 500 of my workers on the street due to two reasons: number one, the continuing flood of illegal steel imports; and number 2, after a recent decision by the United States International Trade Commission that ruled in favor of Japan, Russia, Brazil, and Korea.

Beam me up. Even the Youngstown Vindicator, one of the most respected newspapers in Ohio, one of the staunchest supporters of free trade in open markets, said enough is enough. I agree with the Youngstown Vindicator.

I will be submitting legislation this week that my colleagues should support. I want to yield back the gutless wonders of the United States International Trade Commission and the Clinton/Gore administration that appointed them.

COLOMBIA AID PACKAGE

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, soon the House is expected to consider the supplemental appropriations bill which contains the Colombia aid package. While this package is far from perfect, it is essential that we pass it now. Failure to do so would send a signal to the drug cartels in Colombia that this Congress is not serious about helping Colombia fight the war on drugs.

In fact, delaying the passage of this bill any further has and will lead to increased violence in Colombia. On March 8, just last week, for example, 100 guerillas from the drug cartel-backed FARC attacked a village 250 miles south of Bogota and released 92 of their compatriots who were imprisoned there. No doubt further delays will lead to more and even more bolder attacks.

This recent attack should present us with the more clear evidence that any further delay in passing a comprehensive aid package to Colombia will result in more violence, more attacks, and could threaten the very existence of the Colombian government.

Mr. Speaker, if we fail to act now, we will leave our friends in Colombia vulnerable to the narcoterrorists who will freely build their power and wealth upon the broken lives of our children. I urge support for the supplemental.

FAMILY FARMERS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, the small family farm is quickly becoming an endangered species in this Nation. And with farmers being hit by the inheritance tax or what we should call the death tax, it is no surprise. Many family farmers work hard their whole lives struggling to make ends meet as they feed not only their own families, but families around the world. But instead of showing gratitude to farmers for their lifetime of work, our government instead punishes these farmers when they pass their farm on to the next generation.

When a farmer dies, the Federal Government assesses a tax of up to 55 percent on the value of his or her farm. This is ridiculous. It is tragic. For many people, the American dream is to build up a business or a farm and then pass it on to their children. Yet many times the children have to sell the farm just to pay the taxes.

Death should not be a taxable event. We are losing our farms. We should repeal the death tax.

I urge all of my colleagues to work towards this end. Farmers deserve a thank you, not an IOU.

TRADING WITH THE ENEMY

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, soon this august body will be debating the trade status of the United States with the People's Republic of China. We will begin discussing whether or not the U.S. should expand its trade relationships with a nation that has, one, stolen top secret nuclear technology from the United States and its laboratories; two, continues to be a known violator of human rights; and three, has threatened the United States with nuclear war.

Just a couple of weeks ago, China threatened to fire long-range nuclear missiles at the United States if we defend Taiwan. Mr. Speaker, how can we trust a nation that has stolen U.S. technology and secrets, oppressed its own people, and now threatens the United States with nuclear war?

The actions of China appear no different from those of the Soviet Union during the Cold War. We did not consider an open trade policy with the USSR then, and we should not consider granting normal trade relationships with China today.

I yield back the dangerous Clinton trade policies which force Americans to give to a nation that is all ready and willing to launch a nuclear attack on us.

CONGRESS SHOULD REPEAL THE GAS TAX TODAY

(Mr. COLLINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLLINS. Mr. Speaker, the lead story on most all newscasts today is about the high price of gasoline and fuel.

In just the past 2 weeks, the price has risen 12 cents per gallon, with a national average today at $1.53 per gallon as compared to less than $1 one year ago. For the past two weeks the people at home have asked, what is Congress going to do about the high price of gasoline?

Mr. Speaker, the only controlling factor the Congress has pertaining to the price of gas or fuel is the tax imposed by Congress. In 1993, the Congress increased the gas tax by 4.3 cents per gallon for deficit reduction. Today there is no deficit. Today Congress can repeal the 4.3 cents gas tax and help with the cost of gas and fuel.

Mr. Speaker, I am aware of the needs and the challenges of infrastructure, but the Congress must adjust its needs, the same as a family adjusts its budget to meet its needs.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BALLENGER). Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules, but not before 6 p.m. today.

ESTABLISHING A JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES

Mr. THOMAS. Mr. Speaker, I move to suspend the rules and concur in the Senate Concurrent Resolution (S. Con. Res. 89) to establish a Joint Congressional Committee on Inaugural Ceremonies for the inauguration of the President-elect and the Vice President-elect of the United States on January 20, 2001.

The Clerk read as follows:

S. CON. RES. 89

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. ESTABLISHMENT OF JOINT COMMITTEE.

There is established a Joint Congressional Committee on Inaugural Ceremonies (in this resolution referred to as the "joint committee") consisting of 3 Senators and 3 Representatives, to be appointed by the President of the Senate and the Speaker of the House of Representatives, respectively. The joint committee is authorized to make the necessary arrangements for the inauguration of the President-elect and Vice President-elect of the United States on January 20, 2001.

SEC. 2. SUPPORT OF THE JOINT COMMITTEE.

The joint committee—

(1) is authorized to utilize appropriate equipment and the services of appropriate personnel of departments and agencies of the Federal Government, under arrangements between the joint committee and the heads of those departments and agencies, in connection with the inaugural proceedings and ceremonies; and

(2) may accept gifts and donations of goods and services to carry out its responsibilities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. THOMAS) and the gentleman from Maryland (Mr. HOYER) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, everyone, I think, is becoming aware that this is a presidential election year, but it is not just a political event. It is, in fact, an important governmental institutional event. It is, in the long history of governments, the longest peaceful transition between those who hold the executive position in this government.

Senate Concurrent Resolution 89 is the traditional start of this institutional process. The chairman of the Senate Committee on Rules and the ranking member have cleared through the Senate and presented to the House this concurrent resolution, which will establish the Joint Congressional Committee on the inaugural ceremonies surrounding the selection of the President of the United States on the first Tuesday after the first Monday in November of the year 2000 for that ceremony on January 20, 2001.

Mr. Speaker, I reserve the balance of my time.

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this resolution. This routine concurrent resolution will create, as the chairman has said, the customary joint committee of this Congress to prepare for the inauguration of the 43rd President and the 46th Vice President of the United States on January 20, 2001.

The joint committee will consist of three Senators and three Representatives who will plan the ceremony transferring the highest office in the land to the person chosen as our next chief executive.

That simple but elegant, dignified ceremony is the grandest in our national life, and symbolizes our commitment to peaceful, democratic self-governance. The chairman correctly pointed out that ours is the longest-standing democracy in history. That transfer of power is a magnificent testimony to the people of the United States and our commitment to democracy.

I urge all Members to support the resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. THOMAS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. THOMAS) that the House suspend the rules and concur in the Senate Concurrent Resolution, Senate Concurrent Resolution 89.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of S. Con. Res. 89, the Senate concurrent resolution just concurred in.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

AUTHORIZING USE OF CAPITOL ROTUNDA BY JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES

Mr. THOMAS. Mr. Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 90) to authorize the use of the rotunda of the Capitol by the Joint Congressional Committee on Inaugural Ceremonies in connection with the proceedings and ceremonies conducted for the inauguration of the President-elect and the Vice President-elect of the United States.

The Clerk read as follows:

S. CON. RES. 90

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. USE OF THE ROTUNDA OF THE CAPITOL.

The rotunda of the United States Capitol is authorized to be used on January 20, 2001, by the Joint Congressional Committee on Inaugural Ceremonies in connection with the proceedings and ceremonies conducted for the inauguration of the President-elect and the Vice President-elect of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. THOMAS) and the gentleman from Maryland (Mr. HOYER) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is obviously an adjoining resolution which, having created the structure of the committee to assist in this inaugural ceremony, the facilities of the Capitol Rotunda are made available.

Oftentimes, the Rotunda is used for, in essence, social and ceremonial activities. However, those Members who were here might remember that January day of 1985 at the inaugural ceremony of the second term of then President Ronald Reagan.

His 1980 election was a balmy springlike day with the West Front being the focal point for the inauguration. In January of 1985, it was an extremely cold and bitter snowy January, and in fact, the swearing-in ceremony had to take place in that Rotunda, packed as tightly as I have ever seen it packed with people anticipating, once again, the inauguration of a president of the United States.

□ 1415

This Senate concurrent resolution offered by the chairman of the Senate Committee on Rules and the ranking member, as it states quite clearly, would be in connection with the ceremonies. Let us hope that it is, in fact, a social and ceremonial use of the rotunda rather than cover because of the kind of weather that no one wants to accompany an inauguration of the President of the United States.

Mr. Speaker, I reserve the balance of my time.

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, all of us were very pleased that the judgment was made to move into the rotunda, and, that in fact, the rotunda was available on January 20, 1985. I think the temperature outside with the windchill was many degrees below zero. It was a very cold period. Very frankly, the health of all of those in attendance, including the President himself, would have been at stake had we remained outside.

More than that, however, the rotunda, of course, is one of our most historical sites, in the middle of the United States Capitol, which is perceived around the world as the center of democracy.

I rise in support of this resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, no matter how cold that day was, the event certainly warmed the hearts of all Americans. We look forward to the ceremonies surrounding the next President of the United States, and it certainly will warm all of our hearts once again.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentleman from California (Mr. THOMAS) that the House suspend the rules and concur in the Senate concurrent resolution, S. Con. Res. 90.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on Senate Concurrent Resolution 90.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

SMALL BUSINESS INVESTMENT CORRECTIONS ACT OF 2000

Mrs. KELLY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3845) to make corrections to the Small Business Investment Act of 1958, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3845

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Investment Corrections Act of 2000".

SEC. 2. DEFINITIONS.

(a) SMALL BUSINESS CONCERN.—Section 103(5)(A)(i) of the Small Business Investment Act of 1958 (15 U.S.C. 662(5)(A)(i)) is amended by inserting "regardless of the allocation of control during the investment period under any investment agreement between the business concern and the entity making the investment" before the semicolon at the end.

(b) LONG TERM.—Section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662) is amended—

(1) in paragraph (15), by striking "and" at the end;

(2) in paragraph (16), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(17) the term 'long term', when used in connection with equity capital or loan funds invested in any small business concern or smaller enterprise, means any period of time not less than 1 year.".

SEC. 3. SUBSIDY FEES.

(a) DEBENTURES.—Section 303(b) of the Small Business Investment Act of 1958 (15

U.S.C. 683(b)) is amended by striking "plus an additional charge of 1 percent per annum which shall be paid to and retained by the Administration" and inserting "plus, for debentures issued after September 30, 2000, an additional charge, in an amount established annually by the Administration, of not more than 1 percent per year as necessary to reduce to zero the cost (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) to the Administration of purchasing and guaranteeing debentures under this Act, which shall be paid to and retained by the Administration".

(b) PARTICIPATING SECURITIES.—Section 303(g)(2) of the Small Business Investment Act of 1958 (15 U.S.C. 683(g)(2)) is amended by striking "plus an additional charge of 1 percent per annum which shall be paid to and retained by the Administration" and inserting "plus, for participating securities issued after September 30, 2000, an additional charge, in an amount established annually by the Administration, of not more than 1 percent per year as necessary to reduce to zero the cost (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) to the Administration of purchasing and guaranteeing participating securities under this Act, which shall be paid to and retained by the Administration".

SEC. 4. DISTRIBUTIONS.

Section 303(g)(8) of the Small Business Investment Act of 1958 (15 U.S.C. 683(g)(8)) is amended—

(1) by striking "subchapter s corporation" and inserting "subchapter S corporation";

(2) by striking "the end of any calendar quarter based on a quarterly" and inserting "any time during any calendar quarter based on an"; and

(3) by striking "quarterly distributions for a calendar year," and inserting "interim distributions for a calendar year,".

SEC. 5. CONFORMING AMENDMENT.

Section 310(c)(4) of the Small Business Investment Act of 1958 (15 U.S.C. 687b(c)(4)) is amended by striking "five years" and inserting "1 year".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Mrs. KELLY) and the gentlewoman from New York (Ms. VELÁZQUEZ) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first, I would like to thank the gentlewoman from New York (Ms. VELÁZQUEZ), the ranking member of the Committee on Small Business, for her efforts in moving this noncontroversial, yet crucial legislation through the committee process on the floor today.

H.R. 3845, the SBIC Corrections Act, is a specific, clear-cut bill offered in an efficient and timely fashion. The purpose of H.R. 3845 is to amend the Small Business Investment Act to make changes in the Small Business Investment Company program at the Small Business Administration, commonly known as SBIC program.

Created by Congress in 1958, SBICs are licensed by the Small Business Administration. They are privately organized and privately managed firms. SBICs serve as profit-motivated businesses that have a chance to invest in small businesses and a chance to share in the success of the small businesses they expand and thrive.

SBICs serve as partners with the government and the private sector by using both their own capital and funds borrowed through the Federal Government to provide venture capital to small, independent businesses, both start-ups and established businesses.

H.R. 3845 contains four technical changes to improve the program and correct problems brought to the committee's attention through the oversight process. We heard testimony regarding these changes at a hearing held on March 9. SBA has examined this legislation and is in agreement with the changes the Committee on Small Business has made.

The bill makes four minor changes in the SBIC program. First, H.R. 3845 modifies the definition of control for SBIC investment in small businesses, eliminating a cumbersome five-prong test and setting a clear statutory standard.

Second, the legislation modifies the definition of long-term investment to harmonize that definition with accepted business practice and the tax and banking laws, changing it from 5 years to 1 year.

Third, the bill allows the administration to adjust the subsidy fee for the SBIC program to maintain the subsidy rate of the program at zero. It is an unfortunate side effect of the success of the program that the current fixed 1 percent fee is actually taking in more money than the cost of the program, resulting in an unnecessary cost to borrowers.

I would also point out that this section has been amended to be effective after the end of the year; therefore, the bill has no impact on direct spending in the current fiscal year.

Finally, the bill changes the language in the investment act concerning distributions by SBICs. H.R. 3845 will allow SBICs more flexibility in making distributions to their investors and will simplify the accounting and tax procedures for SBICs by permitting distributions according to the quarterly needs of SBICs.

Mr. Speaker, while these changes are minor, they are essential to the continued success of this valuable program. I urge my colleagues to support H.R. 3845 and the thousands of small businesses who could not flourish without the capital provided by the SBIC program.

Mr. Speaker, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, as an original cosponsor of H.R. 3845, I rise in strong support of this legislation that continues to build on a program that has been critical to the success of this Nation's small businesses.

Mr. Speaker, as many Members of this body are aware, the Small Business Investment Company program created in the 1950s has been one of the most successful tools in helping this Nation's entrepreneurs succeed. This private-public partnership has provided access to capital, resulting in more than $15 billion worth of investment in 90,000 small businesses. Of that, $600 million has gone to businesses located in low- and moderate-income communities. SBICs have helped such household names as Apple Computers, Federal Express, and Callaway Golf get off the ground.

With today's passage of H.R. 3845, we will build on work already undertaken by this body last year that passed, and the President signed, legislation that streamlined the SBIC program. These changes increased flexibility, allowing more businesses to receive the vital financing that they need.

But given last year's passage of sweeping financial modernization legislation that allowed banks, insurance companies, and investment firms to compete in all sectors of financial services, it is critical that we update the SBIC program.

The Gramm-Leach-Bliley legislation, while providing an important new service to small business, has had a rippling effect throughout the entire financial community, including the SBIC program. Banks are no longer required to use the SBIC program for venture capital investments, and the new realities of venture capital are that we must, too, make some adjustment that will ensure this program continues a strong record of service.

Let me give my colleagues an example of the types of changes we must make. Since the program was created in the 1950s, it was established that, in order to be deemed a long-term investment, the investment must be held for 5 years. However, when we passed financial modernization, the definition of long-term investment was set at 1 year. If the SBIC program is to continue as an attractive investment option, rules like what is considered a long-term investment must be consistent with the rest of this Nation's financial laws.

The legislation also addresses the critical issues of control. When the SBIC program was originally created, it was clear that SBICs would not serve as holding companies. Over the life of the program in recognition of the changes in venture capital investment, several exceptions have been put in place that will allow for limited control. Unfortunately, rather than updating the program, this has created a complicated and burdensome system for both the SBIC and SBA that, in the end, limits assistance to small businesses.

This legislation recognizes that today's SBICs act as incubators of business ideas. It is still the intent that SBICs do not become holding companies; but in many cases, SBICs may need to create, capitalize, and operate small business concerns in the early years.

The other changes under consideration ensure that the fees are not overburdensome and that the SBICs will be given the maximum flexibility with tax distribution to help with the cash flow.

I want to also commend the gentleman from Missouri (Mr. TALENT), the chairman, and the gentlewoman from New York (Mrs. KELLY) for their hard work on this legislation.

These changes will continue to make the SBIC program the current flagship program that it is. I believe it is important to act quickly to ensure that the SBIC program continues its mission of creating future companies that, in turn, become common household names.

Mr. Speaker, I yield back the balance of my time.

Mrs. KELLY. Mr. Speaker, I yield myself such time as I may consume.

In closing, Mr. Speaker, I would like to state that this technical corrections act is entirely that, technical in nature. However, it will save time and expense for both SBA and SBICs by eliminating duplicative filings and inefficient use of the SBA resources.

Mrs. KELLY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Mrs. KELLY) that the House suspend the rules and pass the bill, H.R. 3845, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. KELLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3845.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

JOEL T. BROYHILL POSTAL BUILDING

Mr. MCHUGH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3699) to designate the facility of the United States Postal Service located at 8409 Lee Highway in Merrifield, Virginia, as the "Joel T. Broyhill Postal Building".

The Clerk read as follows:

H.R. 3699

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JOEL T. BROYHILL POSTAL BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 8409 Lee Highway in Merrifield, Virginia, shall be known and designated as the "Joel T. Broyhill Postal Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Joel T. Broyhill Postal Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MCHUGH) and the gentleman from Pennsylvania (Mr. FATTAH) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. MCHUGH).

GENERAL LEAVE

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3699.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Virginia (Mr. WOLF) introduced this bill, H.R. 3699, on February 29 of this year, with each Member of the House delegation from the State of Virginia supporting the legislation, which is the standing policy on the Committee on Government Reform.

As noted, Mr. Speaker, this bill designates the facility of the United States Postal Service located at 8409 Lee Highway in Merrifield, Virginia, as the "Joel T. Broyhill Postal Building."

The Congressional Budget Office has reviewed the legislation and has determined the enactment of H.R. 3699 would have no significant impact upon the Federal budget. Spending by the Postal Service is classified as off-budget and, thus, is not subject to pay-as-you-go procedures. As well, the bill contains no intergovernmental or private sector mandates as defined in the Unfunded Mandates Reform Act. It would impose no cost on State, local, or tribal governments.

Mr. Speaker, I am very proud of the record of this subcommittee in working with particularly the distinguished gentleman from Philadelphia, Pennsylvania (Mr. FATTAH), the ranking minority member, in having the opportunity to bring a host of postal naming bills to this floor.

Today we have two bills that certainly are no exception, two bills that seek to name facilities after individuals who, as their predecessors have done, have so admirably served their country, have served, in these instances, their Congress and their government here in Washington, and most importantly have served their communities.

□ 1430

I am going to be pleased in a moment to yield to our good friend and colleague, the gentleman from Virginia (Mr. WOLF), for a full description of the background of our first designee. But I would just say that this is an individual who was elected to the 83rd Congress in 1955 and for 22 years served in this House proudly.

Of interest, he was the first Member of Congress to represent what was then the newly created 10th Congressional District of Virginia, where he served as a member on the Republican side of the aisle. It is also important to note, Mr. Speaker, that Congressman Broyhill was also a member of what was then the Committee on Post Office and Civil Service, that committee at the time that oversaw the activities of the postal service and, as such, I think is particularly worthy of this particular designation.

His time in Congress, I think, would merit such a designation, but Congressman Broyhill accumulated a record of service that extends far beyond the halls of this hallowed institution. He was a decorated veteran. He served in World War II as a captain and, at age 25, he fought in the Battle of the Bulge, where he was taken prisoner and held in a German POW camp until he heroically escaped and rejoined the advancing allied forces.

In short, Mr. Speaker, this is an individual that dedicated most of his life to service of his country, both in a public fashion and, as we have just heard, in his military capacity as well.

Congressman Broyhill today is the father of three daughters and one stepdaughter and resides not far from this body, in Arlington, Virginia. It is with great pride, Mr. Speaker, that I bring this bill to the floor and ask for its enthusiastic adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. FATTAH. Mr. Speaker, I yield myself such time as I may consume.

As a member of the Committee on Government Reform, I am pleased to join with the gentleman from New York (Mr. MCHUGH) in the consideration of two postal-naming bills. Both bills honor fine individuals who have contributed much to the improvement of their country and their State.

First, we will consider H.R. 3699, which honors Joel Broyhill. When the time is appropriate, Mr. Speaker, after we hear from the prime sponsor, I will yield to my colleague, the gentleman from the fine State of Virginia (Mr. MORAN), to make some further comments on this bill.

Mr. Speaker: H.R. 3699 and H.R. 3701, both sponsored by Congressman FRANK

WOLF, have met the committee cosponsorship requirement and are supported by the entire Virginia congressional delegation. It must be voted that the persons honored by H.R. 3699 and H.R. 3701—former members of Congress—Joel Broyhill and Joseph Fisher, both represented the congressional district currently held by Congressman FRANK WOLF.

As the Ranking minority member of the Subcommittee on the Postal Service, I would like to thank Chairman BURTON and Chairman MCHUGH for their support and assistance in the accommodation and timely consideration of these postal naming bills.

Mr. Speaker, H.R. 3699, to designate the United States Postal Service located at 8409 Lee Highway in Merrifield, Virginia, as the "Joel T. Broyhill Postal Building," was introduced by Congressman WOLF on Tuesday, February 29, 2000, with the support and cosponsorship of the entire Virginia delegation.

Congressman Joel T. Broyhill was born in 1919 in Hopewell, Virginia. A World War II Army veteran, he fought in the famous "Battle of the Bulge," was captured and held as a POW in a German camp until his escape. Mr. Broyhill returned to Virginia and was elected to Congress in 1952, representing the 1oth District for 22 years. He served as a Republican member of the House Committee on Post Office and Civil Service, the Committee on the District of Columbia, and the Committee on Ways and Means.

I urge swift adoption of this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. MCHUGH. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. WOLF), who is the primary author of this bill, a gentleman who has worked very hard to bring these two very meritorious measures to the floor before us today.

Mr. WOLF. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, it is a privilege, as the representative of the 10th Congressional District of Virginia, to speak today in very strong support of legislation I introduced which would designate the postal facility located at 8409 Lee Highway in Merrifield, Virginia, as the Joel T. Broyhill Postal Building. I want to thank the gentleman from New York (Mr. MCHUGH) of the Subcommittee on Postal Service and the entire Committee on Government Reform for moving this legislation very, very fast.

The Honorable Joel T. Broyhill was elected to Congress in 1952 and began his career in the service in the House as a Republican Member in 1953 in the 83rd Congress. I can still remember looking down and seeing Congressman Broyhill as he served here on the floor for so many years.

Born in Hopewell, Virginia, on November 4, 1919, Joel Broyhill served 22 years as a representative of the 10th Congressional District. He was the first Member of Congress to represent the newly created 10th. He began his congressional career and service as a member, as the gentleman from New York (Mr. MCHUGH) said, of the House Committee on Post Office and Civil Service and the District of Columbia, and later became a member of the powerful House Committee on Ways and Means.

Constituent services, assisting people he represented, was the cornerstone of Joel Broyhill's service in Congress. According to the Almanac of American Politics in 1972, and I quote, they said, "There were few offices that took care of constituents' needs and complaints with more efficiency." Congressman Broyhill estimated that he aided more than 100,000 10th Congressional District residents in his 20-plus year service in office. The almanac also describes Congressman Broyhill as a Member of Congress and says that he "should be credited with voting his conscience."

Congressman Broyhill is a decorated veteran and for 4 years served bravely, along with thousands of other young American soldiers, in World War II as a captain in the 106th Infantry Division. At the age of 25, Captain Broyhill fought in one of the most decisive and costly conflicts in World War II, the famous, the infamous, the Battle of the Bulge. He was taken prisoner and held in a German POW camp until he heroically escaped and was able to rejoin advancing allied forces.

Congressman Broyhill has dedicated most of his life to serving his country in both war and peace, in public and in a military capacity. His commitment and his devotion to public service is deserving of recognition, and it is appropriate that the postal building at 3409 Lee Highway in Merrifield, Virginia, be renamed in his honor. He also loved this body and loved this House, and I appreciate the fact that the House has honored him with this.

Congressman Broyhill is the father of three daughters, one step-daughter and resides today in Arlington, Virginia.

Mr. Speaker, the entire Virginia congressional delegation has sponsored this legislation today, and we join in asking our colleagues to vote in support of H.R. 3699 to honor former Congressman Joel T. Broyhill through the naming of the Joel T. Broyhill Postal Building in Merrifield, Virginia.

I would also like to announce that Senator WARNER has introduced identical legislation in the Senate where we hope it goes for a quick passage.

Mr. FATTAH. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank the gentleman for yielding me this time, the distinguished gentleman from Pennsylvania (Mr. FATTAH).

Mr. Speaker, it is entirely appropriate that we name the central post office facility in Merrifield, Virginia, after Joel Broyhill. Mr. Broyhill served Arlington County and Fairfax County and Northern Virginia extraordinarily well during his long public career. It was a transitional period during those days and Mr. Broyhill earned a reputation for excellent service to his constituency, particularly Federal workers.

A native of Hopewell, Virginia, this distinguished gentleman attended public schools, graduated from Fork Union Military Academy, and then, upon completion of his studies at George Washington University, enlisted in the Army.

The gentleman from New York (Mr. MCHUGH) and the gentleman from Virginia (Mr. WOLF) have described his courage and valor. He escaped the German forces after the Battle of the Bulge and then rejoined advancing American forces. After his distinguished career in the military ended, he did not end his public service. After concluding his military career, he resumed real estate pursuits but then ran for Congress.

His base was his long service with the Arlington County Chamber of Congress, the County Planning Commission in Arlington, and then served for 22 years in the United States Congress. He was a vigilant advocate for Federal workers. He served his country well. As the gentleman from Virginia (Mr. WOLF) has said, he was credited with always voting his conscience.

It is entirely appropriate, Mr. Speaker, that we recognize his commitment and devotion to public service by naming this central post office in his honor.

Mr. DAVIS of Virginia. Mr. Speaker, it gives me great pleasure to rise today to honor Mr. Joel T. Broyhill. I am proud to be a co-sponsor along with my colleagues from Northern Virginia, Congressmen FRANK WOLF and JOM MORAN, of H.R. 3699, designating that the facility of the United States Postal Service located at 3409 Lee Highway in Merrifield, Virginia, to be known as "Joel T. Broyhill Postal Building." Mr. Broyhill has served a distinguished career in the United States Army and as a Representative from Virginia's 10th Congressional District.

Born in Hopewell, Virginia, November 1919, the Honorable Joel Broyhill was first elected to the Eighty-third Congress in 1952 as a Republican and served for 22 years as representative of the 10th Congressional District. He was the first elected representative of the newly created district. He served as a member of the House Committee on Post Office and Civil Service, and a committee nearest to my heart, the Committee on the District of Columbia and the Committee on Ways and Means.

Congressman Broyhill, a decorated veteran, served four years in World War II as a Captain in the 106th Infantry Division. At age 25, he fought in the "Battle of the Bulge" and was held captive in a German POW camp until he heroically escaped and made his way back to the advancing Allied armies.

The Honorable Joel Broyhill has dedicated his life to serving his country in both the military and as a public official. The Almanac of American Politics stated that Congressman Broyhill "should be credited by voting his conscience." His commitment and dedication to public service is deserving of recognition, and it is appropriate that the postal building at 3409 Lee Highway in Merrifield, Virginia.

In closing, Mr. Speaker, I am proud to honor such a man as Joel Broyhill. He was ably served his country and community. I know my colleagues join me in honoring and thanking Joel for his many years of dedicated service to the people of Virginia's 10th Congressional District.

Mr. FATTAH. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MCHUGH. Mr. Speaker, I would simply urge all our Members to support this very worthy piece of legislation honoring an equally worthy individual.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentleman from New York (Mr. MCHUGH) that the House suspend the rules and pass the bill, H.R. 3699.

The question was taken.

Mr. MCHUGH. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

JOSEPH L. FISHER POST OFFICE BUILDING

Mr. MCHUGH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3701) to designate the facility of the United States Postal Service located at 3118 Washington Boulevard in Arlington, Virginia, as the "Joseph L. Fisher Post Office Building".

The Clerk read as follows:

H.R. 3701

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JOSEPH L. FISHER POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 3118 Washington Boulevard in Arlington, Virginia, shall be known and designated as the "Joseph L. Fisher Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Joseph L. Fisher Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MCHUGH) and the gentleman from Pennsylvania (Mr. FATTAH) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. MCHUGH).

GENERAL LEAVE

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3701, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Virginia (Mr. WOLF) once again has taken the mantle of leadership in introducing this bill, H.R. 3701. Also on February 29 of this year and, as in the previous enactment, he has brought the entire House delegation of the State of Virginia in support of his proposal in concert with the standing policy of the Committee on Government Reform.

As we have heard, H.R. 3701 designates the facility of the United States Postal Service located at 3118 Washington Boulevard in Arlington, Virginia, as the Joseph L. Fisher Post Office Building.

The Congressional Budget Office has also reviewed this legislation and determined that its enactment would have no significant impact on the Federal budget. Spending by the postal service is classified as off budget and not subject to pay-as-you-go procedures. This act would have no impact or cost on State, local, or tribal governments.

Once again, Mr. Speaker, we have an individual and an opportunity to honor an individual who served in this body. Joseph L. Fisher was elected as a representative from the 10th District of Virginia in 1974, the 94th Congress, as a Democrat, and served for three terms, interestingly enough, immediately following our previous honoree, Representative Broyhill.

As in our previous designee, then Congressman Fisher went on to a very storied, very meritorious career in public service. After his leaving Congress, he served as Secretary of Human Resources for the Commonwealth of Virginia during Governor ROBB's administration. He was a professor of political economy at George Mason University. He served as the Chairman of the National Academy of Public Administration. He served as the head of the Unitarian Universalist Association, and on and on and on.

As I have said previously, we are indeed privileged today to have the opportunity to honor two individuals who have served in a broad range of capacities that have really exemplified what the commitment to public service should be and, in fact, is all about.

Congressman Fisher passed from our midst in Arlington, Virginia, in 1992; but he is survived today by his wife, Margaret, seven children, 16 grandchildren, and two great-grandsons. And certainly to them we want to extend our most heartfelt feelings of appreciation and deep respect for the actions of Joseph L. Fisher in support of this House, in support of his government, and in support of his community.

I will be pleased in a moment to yield to the author, the gentleman from Virginia (Mr. WOLF), for some more extensive remarks.

Mr. Speaker, I reserve the balance of my time.

Mr. FATTAH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to also add my voice in support of H.R. 3701. This is another bill authored by our good friend and colleague, the gentleman from the State of Virginia (Mr. WOLF), who has been concerned with, among many other issues, the question of making sure that this Congress recognizes the importance of family.

□ 1445

I think that is evident by these two bills, he understands that family extends even to Members who have left this body. And we honor ourselves by recognizing the contributions of those who come before us.

So I want to thank him for offering this bill, and I add my support to it.

Mr. Speaker, H.R. 3701, to designate the United States Postal Service located at 3118 Washington Boulevard in Arlington, Virginia, as the "Joseph L. Fisher Post Office Building," was introduced with the support and cosponsorship of the entire Virginia delegation.

The late Congressman Joseph L. Fisher was born in Rhode Island. In 1963 he was elected to the Arlington, Virginia County Board and served as chairman of the Washington Metropolitan Area Transit Authority. After unseating a former member of Congress, Congressman Joel Broyhill in 1974, Congressman Fisher was elected to represent the 10th District where he served for three terms. Congressman Fisher, a Democrat, was a dedicated member of the Committee on Ways and Means and Committee on the Budget. During his time in the Congress, he made a reputation for his work on taxes, energy and budget policy.

At the time of his death in 1992, Congressman Fisher was a Distinguished Visiting Professor of Political Economy at George Mason University.

I urge swift adoption of this measure and thank my colleague, Congressman WOLF for seeking to honor such distinguished men and former members of Congress.

Mr. Speaker, I reserve the balance of my time.

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as I mentioned, we are very fortunate today to have two individuals designated in these two bills who are so worthy of this designation that I am confident we are about to bestow.

Again, to that opportunity, we owe much to the sponsors of both bills, the gentleman from Virginia (Mr. WOLF).

Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, it is an honor and a privilege to speak in support of the legislation I introduced to designate the post office located at 3118 Washington Boulevard in Arlington, Virginia, as the "Joseph L. Fisher Post Office."

I want to again thank the gentleman from New York (Chairman McHUGH) of the Postal Service subcommittee and all the members of the Committee on Government Reform for their efforts to move this legislation to the House floor today.

Born in Rhode Island on January 11, 1914, the same year as my dad was born, the late Congressman Joseph L. Fisher was first elected as representative of the 10th District in 1974 as a Democrat and began his service in the 94th Congress. He served for three terms and was the second Member of Congress to represent Virginia's 10th Congressional District.

As the current representative of the 10th District, I am honored to offer this legislation to highlight the public service career of Joe Fisher, which spanned over 50 years.

Economist, educator, author, and congressman, Joe Fisher earned his undergraduate degree at Bowdoin College and went on to graduate studies at the London School of Economics, Harvard University, and The George Washington University. In 1942, he married the former Margaret, now Peggy, Saunders Winslow.

He served as Senior Economic Advisor on the Council of Economic Advisors during the Truman Administration. During his 6 years in Congress, he was a member of the powerful House Committee on Ways and Means and the Committee on the Budget and earned a reputation for his diligent work on taxation, energy, and budget policy. He also served as the chairman of seven task forces all charged with important national policy issues.

He held the position of economist at the U.S. Department of State before serving his country in World War II in the Pacific theater from 1943 to 1946. He was also deeply involved in community activities.

He was elected to the Arlington County Board in 1963 and served as its chairman. Working closely with his community, he became an advocate for regional air and water pollution and transit improvement projects. He also served as chairman of Washington Metropolitan Area Transit Authority and president and chairman of the Washington Metropolitan Council of Governments.

After his service in Congress, he continued his public service career during Virginia Governor CHARLES ROBB's administration as secretary of human resources for the Commonwealth of Virginia. He was also a professor of political economy at George Mason University and chairman of the National Academy of Public Administration. He also served as head of the Unitarian Universalist Association, the church's international administrative body.

As an author, he wrote several books, including World Prospects for Natural Resources in 1964 and Resources in America's Future in 1963. The Joseph L. Fisher papers are featured in a collection at George Mason University.

Former Virginia Governor L. Douglas Wilder once stated, "Joe proved how well one can serve the people. He did it every day, pushing for the kinds of things that would truly improve the quality of life for all of his constituents."

Congressman Fisher dedicated his life to public service and was a committed advocate of the causes in which he believed. It is fitting to recognize his commitment to public service by renaming the post office located at 3118 Washington Boulevard Arlington, Virginia, in tribute to him.

Congressman Fisher passed away in Arlington, Virginia, on February 19, 1992, and is survived by his wife Peggy, 7 children, 16 grandchildren, and 2 great grandsons.

Mr. Speaker I urge our colleagues to join me in supporting this legislation to honor the late Congressman Joseph L. Fisher for his dedicated public service. I would say that Senator WARNER has introduced identical legislation in the Senate, and we are hopeful for a quick passage.

I want to again really thank the chairman for moving these so very, very fast.

Mr. McHUGH. Mr. Speaker, I reserve the balance of my time.

Mr. FATTAH. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank again my good friend, the gentleman from Pennsylvania (Mr. FATTAH), for yielding me the time and for his leadership in the Congress.

Mr. Speaker, I rise in very strong support of this legislation to rename the central post office in Arlington County after the late Joe Fisher, who so ably represented Virginia's old 10th District between 1974 and 1980.

I want to commend my good friend and distinguished colleague, the gentleman from Virginia (Mr. WOLF), who now represents the new 10th District of Virginia, for his leadership on this bill, as well as the prior bill with regard to Mr. Broyhill.

Joe Fisher was one of the finest men I ever knew. I am proud to stand on his inspirational shoulders today. He was extraordinarily intelligent, holding a doctorate from Harvard in economics. He was a man of unquestioned integrity and genuine humility. He worked hard and purposefully, and he understood our responsibility to the future, particularly in the area of environmental preservation.

Many young people who are active in Government service and public service today got their start working for and observing Congressman Joe Fisher.

During his service here in the House, Joe was a leader on economic issues, tax reform, and economic policy. It is amazing to think that he was appointed to the Committee on Ways and Means in his very first term.

The leadership of my party appointed Joe to head no less than seven task forces that helped to draft the Energy Policy Act of 1978. He was a founding member of the Environmental Study Conference that provided a bicameral forum in which to examine our Nation's environmental policies. And he was a strong voice for Federal workers in Northern Virginia, as well as for people in need throughout the country.

After leaving this body in 1980, Joe continued his public service as Secretary of Human Resources in the administration of then Governor CHUCK ROBB. He, in fact, had the unenviable task during that period of time when we had a recession in the State of administering Virginia's AFDC and Medicaid programs. But he had a heart that was as expansive as his mind. And throughout his tenure, he earned a reputation for being fair minded, even handed, and extraordinarily effective.

When he left Richmond, he continued serving the public as a professor at George Mason University, which is a post he held until he passed away at the age of 78. He has left a legacy in Northern Virginia particularly, but in this country generally.

With regard to Northern Virginia, I think it is fair to say that he was instrumental in transforming Northern Virginia from what had at one time been a segregated, insular suburb to a progressive and inclusively caring community. That probably would have happened without Joe Fisher, but it happened sooner and more profoundly because of Joe Fisher.

Beyond his service to Virginia and this Nation, those of us who knew Joe Fisher came to appreciate the renaissance character of his personality and intellect. He was an avid sportsman and hiker. He was a national leader of the Unitarian Church. But first and foremost, he was a devoted husband and father to his wife Peggy and their seven children.

Mr. Speaker, I am very proud to support this bill to honor the lifetime of public service that Joe Fisher provided our country. Again, I commend my good friend the gentleman from Virginia (Mr. WOLF) for his leadership on it.

Mr. FATTAH. Mr. Speaker, I yield back the balance of my time.

Mr. McHUGH. Mr. Speaker, I yield myself such time as I may consume for a final word of appreciation for the leadership of the gentleman from Virginia (Mr. WOLF) on this and a plea to our colleagues to adopt, as well, this piece of legislation honoring a very worthy individual.

Mr. DAVIS of Virginia. Mr. Speaker, it gives me great pleasure to rise today to honor Mr. Joseph L. Fisher. I am proud to be an original co-sponsor of H.R. 3701, introduced by Representative FRANK WOLF and Representative JIM MORAN, which designates the United States Post Office facility located at 3118 Washington Boulevard in Arlington, Virginia, to be known as the "Joseph L. Fisher Post Office Building." Mr. Fisher served a distinguished career in both the U.S. Armed Forces and as the first Representative from Virginia's 10th Congressional District.

Born in Pawtucket, Rhode Island, January 11, 1914, the late Congressman Joseph Fisher was first elected as the representative of the 10th Congressional District of Virginia in 1974 as a Democrat and began his service in the Ninety-fourth Congress. He held the seat of Congressman FRANK WOLF. He served three terms and was the second Member of Congress to represent the 10th Congressional District. He served the 10th district through a period of tremendous growth and change for Northern Virginia. During his six years in Congress he served as a member of the House Ways and Means and Budget committees and earned a reputation for his diligent work on taxation, energy and budget policy. He also served as chair of seven task forces all on national policy issues.

When he first came to Northern Virginia he accepted a position as an economist at the U.S. Department of State before serving his country in World War II in the Pacific theater from 1943 to 1946. After he returned to the area, he was elected to the Arlington County Board in 1963 and became an advocate for regional air, water pollution and transit improvement projects. He also served as a Chairman of the Washington Metropolitan Area Transit Authority.

After his service in Congress, he continued his public service at the state level during Virginia Governor CHARLES S. ROBB's administration as Secretary of Human Resources for the Commonwealth of Virginia. Former Virginia Governor L. Douglas Wilder once stated, "Joe proved how well one can serve the people. He did it every day."

Congressman Fisher dedicated his life to public service and was a committed advocate of the causes in which he believed. It is fitting to recognize his service and commitment by renaming the post office located at 3118 Washington Boulevard, Arlington County, Virginia.

In closing, Mr. Speaker, I am proud to honor such a man as Joseph Fisher. He has ably served his country and community. I know my colleagues join me in honoring Joseph for his many years of service to his nation and the people of Virginia's 10th Congressional District.

Mr. MCHUGH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentleman from New York (Mr. MCHUGH) that the House suspend the rules and pass the bill, H.R. 3701.

The question was taken.

Mr. MCHUGH. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

EXPRESSING SUPPORT FOR HUMANITARIAN ASSISTANCE TO REPUBLIC OF MOZAMBIQUE

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 431) expressing support for humanitarian assistance to the Republic of Mozambique, as amended.

The Clerk read as follows:

H. RES. 431

Whereas in February 2000, the southern Africa nations of Botswana, Madagascar, Mozambique, South Africa, Zambia, and Zimbabwe began to experience severe flooding caused by days of heavy rain;

Whereas the Republic of Mozambique bore the brunt of the torrential rains and experienced the worst flooding in 100 years;

Whereas roads, homes, bridges, the energy infrastructure, and crops were destroyed;

Whereas many towns are without potable water and the corresponding public health threat from water-borne diseases is severe;

Whereas on February 22, 2000, tropical cyclone Eline blew full force into Mozambique, exacerbating an already terrible humanitarian crisis;

Whereas continued rainfall from swollen rivers in neighboring southern African countries threatens to bring more flood waters into Mozambique;

Whereas thousands of Mozambicans have lost everything and are in desperate need of water, food, and shelter;

Whereas in 1992 Mozambique ended a bloody 16 year civil war and has made substantial progress on democratic freedoms and multi-party elections;

Whereas Mozambique is one of the world's poorest countries where 27 percent of all babies born die before the age of 5;

Whereas the flooding has virtually wiped out the significant economic recovery the Mozambican people have worked hard to achieve over the last 8 years;

Whereas large segments of Mozambican crops were spared from the cyclone and flooding and could be utilized to feed needy citizens later this year;

Whereas the Government of Mozambique will require massive international assistance over the next 90 days and the growing international relief effort must remain on high alert for the next several weeks;

Whereas prior to the flood disaster, Mozambique was one of the first countries to qualify for benefits under the World Bank/IMF Heavily Indebted Poor Countries initiative; and

Whereas the total amount of Mozambique's external debt is $5.3 billion: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the Government of the Republic of South Africa for its quick response and assistance to the Mozambican people;

(2) commends the Government of the United Kingdom for announcing debt cancellation for Mozambique so that precious financial resources may be dedicated to the national relief and recovery effort;

(3) commends the Administration for its growing involvement and leadership in coordinating America's disaster assistance package to the Republic of Mozambique;

(4) supports the efforts of the United States Government to assist in coordinating international efforts to help the Republic of Mozambique salvage what remains of this year's food crops and to provide seeds for rural agricultural growers;

(5) encourages the international community to continue to provide emergency relief, airlift capacity, and other disaster assistance to the Republic of Mozambique for the next 90 days;

(6) urges the international community to take all necessary steps to locate and demarcate areas that may now harbor semi-boyant plastic land mines transported to new locations by the flooding in Mozambique;

(7) requests that the international community develop a coordinated response to the Government of Mozambique's request for recovery and reconstruction assistance for buildings and transportation infrastructure;

(8) encourages the international community to assist the nations of southern Africa to increase their capacity to respond to national emergencies and natural disasters; and

(9) urges the International Monetary Fund and other international creditors to fully accelerate debt reduction efforts with respect to Mozambique's external debt in the aftermath of the severe flooding.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from New York (Mr. MEEKS) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on House Resolution 431.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the waters of southern Africa's worst flooding in a century are slowly beginning to recede, but the flood waters have left behind an altered landscape. Where there were homes, there are now ruins. Where there were schools, there is now only rubble. Throughout Mozambique, where there were signs of steady economic progress, once again there is a spectre of hunger and disease.

We still do not know how many people have perished in Mozambique. We believe that 40,000 cattle have drowned. A third of their onion crop has been destroyed. We know that Mozambique and other nations in the region need serious help. When a disaster this scope afflicts a wealthy nation like our own Nation, it is an enormous challenge. But when it happens to a country where the average annual per capita income is less than what we might pay for a dinner for two in one of our favorite restaurants, it is tragic.

Our Nation and other nations are already helping, but their work has only just begun. I fully support this resolution introduced by our good friend and colleague the gentleman from New York (Mr. MEEKS) because it reiterates this Congressional commitment to help our brothers in southern Africa in a time of need.

Mr. Speaker, I reserve the balance of my time.

Mr. MEEKS of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of the resolution.

Mr. Speaker, let me first thank the chairman, the gentleman from New York (Mr. GILMAN), for his support on this piece of legislation, this resolution.

Mr. Speaker, for the past 3 weeks, the world has watched with great anguish as the people of the Republic of Mozambique clung to whatever they could to escape raging flood waters. The storms that ravaged Mozambique are the worst the southern African region has seen in more than 100 years. The nations of Botswana, Zambia, Zimbabwe, and South Africa have also experienced national emergencies from the rainy flooding season.

However, Mozambique bore the brunt of the storms and is still threatened by flood waters from neighboring countries who are forced to open their dams to ease the pressure of these structures.

In the southern third of Mozambique, virtually all the primary roads, bridges, electric grid facilities, and clean water wells have been destroyed. Many buildings and homes that were built along the fertile flood planes of the Save and Limpopo Rivers will need to be relocated or rebuilt.

Mr. Speaker, it is ironic that a nation that has experienced much success over the past 8 years to reform its Government and economy has suffered the economic disaster caused by the floods.

Mozambique recently held its second multi-party elections in 1999 and has privatized over 800 former government-owned enterprises.

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For the first time in as long as anyone can remember, Mozambique did not request international food aid. Additionally, because the Mozambique government's track record and economic performance was so strong, the nation qualified for the World Bank and IMF Highly Indebted Poor Countries program.

With the flood waters comes the threat of waterborne diseases and other public health problems. Another problem comes from land mines. Mozambique has thousands of semi-buoyant plastic land mines that may have been uncovered by the rising waters. These new areas must be located and demarcated to avoid the unnecessary damage they can do to the population.

In the midst of destruction and great human tragedy, we witnessed the miracle of life above the flood water as a mother gave birth to a child while clinging to a tree.

Additionally, a vast quantity of the country's crops was spared from the flood waters. If the international community can get seeds and tools to the right areas, Mozambique's 2000 harvest yield should be available to help the emergency food shortages.

The Clinton administration has announced its intention to draw down $37.6 million of DOD funds to assist the Mozambicans. The administration's package also includes the relocation of military assets, small boats and helicopters, to the region to assist.

The Clinton administration has also announced today that it will cancel Mozambique's bilateral debt. We must be prepared to do all we can to assist Mozambique and to help it get back on track so that her hard-fought economic and political reforms are not washed away with the flood waters.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. ROYCE), the distinguished chairman of our Subcommittee on Africa.

Mr. ROYCE. Mr. Speaker, I thank the chairman, the gentleman from New York (Mr. GILMAN) for yielding me this time.

Mr. Speaker, I would like to state my support for this resolution put forward by the gentleman from New York (Mr. MEEKS), a member of the Subcommittee on Africa. This resolution is a strong statement of support for humanitarian aid efforts in Mozambique; and as we have seen in news reports, Mozambique has borne the brunt of the destructive torrential rains and tropical cyclones. Unbelievably, Mozambique has been hit with over 500 percent of its average annual rainfall over the course of a couple of weeks.

Flooding has also hit South Africa and Zambia and Zimbabwe, Mozambique's neighbors and partners in the Southern Africa Development Community.

This resolution commends South Africa, for one, for helping Mozambique. Special recognition should be given to the tireless efforts of the South African helicopter teams who saved an estimated 14,000 stranded Mozambicans from their homes, from the roof tops of their now-destroyed homes.

These were heroic efforts which saved innumerable lives, and some quarter of a million Mozambicans are now living in relief camps. Food, tents, medicine, and blankets are desperately needed. I applaud the U.S. military units now involved in rescue and relief efforts in Mozambique. American military forces are the best in the world. They bring unparalleled skills to this multi-international operation, skills that have been demonstrated in humanitarian operations in the Balkans and Bangladesh and in Latin America.

I would like to say a few words about Mozambique's recent history. The example of Mozambique is a strong counter to those who see nothing in Africa but war, famine, and disease. Mozambique has put an era of authoritarian one-party rule behind it and successfully resolved the bloody, bitter civil conflict that once tore apart the country's social fabric. It is moving toward a market-based economy, one that has registered several years of impressive growth, growth in the 8 percent range.

This natural disaster is a setback on this progress. Today, we can only do our best to see that Mozambique's move toward a more prosperous future is not derailed. As we speak, humanitarian relief efforts are being made by the U.S. and by Germany and by Britain, Canada and many other countries.

It is my hope that out of this disaster some good may come. Some African governments, faced with limited resources, are being asked some tough questions by their citizens. A newspaper in Namibia has noted, no single Namibian would question the need to send assistance to Mozambique, whereas they can quite legitimately question the need for military assistance to Congo, which is torn by war.

A Zimbabwean paper focusing on the flooding in Zimbabwe wrote, "The government was unable to respond properly to the plight of the victims in the flooding in the south of the country because the majority of our helicopters were in the Congo."

I hope that African citizens will increasingly question their government's presence in the war in the Congo; and if pressure is put on to end this destructive war, if Africans decide that they want to help others in need, not fight unwinnable wars, then something positive will come out of this disaster.

Today, the people of Mozambique need help. Mozambique has shown that it knows the road to a better life. It deserves America's help in overcoming this natural disaster, and this resolution expresses support for U.S. relief efforts in Mozambique, and I ask my colleagues to support it. I thank the chairman of the full committee, and I also want to thank the gentleman from New York (Mr. MEEKS) for introducing this legislation.

Mr. MEEKS of New York. Mr. Speaker, I yield 2 minutes to the gentlewoman from the State of Michigan (Ms. KILPATRICK), and a member of the Subcommittee on Foreign Operations, Export Financing and Related Programs.

Ms. KILPATRICK. Mr. Speaker, I would say to the gentleman from New

York (Mr. MEEKS) and the rest of the Subcommittee on Foreign Operations, Export Financing and Related Programs, we appreciate them bringing this amendment forward to our committee.

The resolution is most desperately needed. I want to report that last week in appropriations, we have a commitment from our chairman, the gentleman from Florida (Mr. YOUNG), as well as the chairman from the Subcommittee on Foreign Operations, Export Financing and Related Programs, the gentleman from Alabama (Mr. CALLAHAN), to see that Mozambique gets the assistance that they need. We offered an amendment that would replenish the accounts, the $37 million that has been taken from the military and DOD, as well as replenishing the child survival accounts, as well as international assistance.

Mozambique, after 16 years of war, is now one of the fastest growing countries on the continent. It is our responsibility, as a partner in the world, that we address this most desperate need that they have today.

Nineteen million people; 1 million homeless; 2 million land mines have been identified. The cyclone has now moved those mines, and we must go in there and assist them, as they grow and help themselves.

So I would say to the gentleman from New York (Mr. MEEKS) and the rest of my colleagues, this is one of the most important resolutions we will see in this Congress.

I commend the Committee on International Relations, as well as our Members on the Committee on Appropriations, for adopting an amendment to see that Mozambique gets the financial assistance they deserve.

Mr. GILMAN. Mr. Speaker, I yield 5 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I want to thank the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations, for yielding this time to me.

Mr. Speaker, I certainly want to commend my colleague, the gentleman from New York (Mr. MEEKS), for introducing this very worthy resolution honoring the United States civilian and military personnel serving bravely to rescue victims of the flooding in Mozambique, and expressing our support for humanitarian assistance to the Republic of Mozambique.

The survivors of this massive natural disaster face the challenges of fighting disease, reclaiming their lives, and rebuilding their homes. As neighbors in this rapidly shrinking world, we must do what we can to assist with these efforts.

I want to raise a point, however, in my statement, a point that I think needs to be raised because flooding is a predictable disaster and much of this tragedy could have been averted by the pre-deployment of trained resources.

Mr. Speaker, the recent flooding that has left millions homeless in Mozambique underscores the point that sadly there is a broad ignorance of effective flood disaster management. Flooding is the leading cause of weather-related death worldwide, and the situation in Mozambique is not unique.

Much criticism has been leveled at the delayed response of United States resources to the area. Without rehashing the stories found in the newspapers, I want to point out that when civilian rescue teams were sent from the Miami-Dade Urban Search and Rescue Team, nobody on that team had been trained for swift-water rescue. Though the most dangerous part of this flood disaster has passed and the waters are receding, the weather patterns over Mozambique continue to change and just a little rain is sufficient to make the standing and receding water dangerous, not only dangerous but rapidly moving water.

Very specific training is required for rescue personnel to work in this environment without putting themselves in danger, and very few rescue teams have even one person adequately trained for this type of situation.

The bottom line, Mr. Speaker, is that much more needs to be done about how we plan for, respond to, and educate people about floods. Recently, work has begun to raise awareness of this issue on the national level. Last month, as the flood waters were rising in Mozambique, I testified along with the gentleman from California (Mr. BILBRAY), before the Subcommittee on Oversight, Investigations and Emergency Management, of the Committee on Transportation and Infrastructure, about the need to develop a coherent national flood response plan.

A constituent of mine, Chief Steve Miller of the Cabin John Fire Department, worked with Lieutenant Marshall Parks of the San Diego Lifeguard Service to propose such a plan to coordinate local, regional, and Federal flood response efforts.

Without much effort or expense, many urban search and rescue teams nationwide can incorporate flood and swift-water rescue components as has already been done in California. Perhaps next time such a team is dispatched regionally, nationally, or internationally, they will be better trained and better equipped to move more effectively and serve the victims of disaster.

I wish to reiterate the pride I feel for the humanitarian service being provided by American personnel in Mozambique, and indeed the need is there. Stemming waterborne diseases such as cholera and malaria, while providing clean water and seeding reclaimed farmland, are important first steps to recovery of that nation. Let us hope that we will learn from this experience and better prepare ourselves for flood disaster at home.

With such resources coordinated nationally, we can better assist flood victims around the world.

Mr. MEEKS of New York. Mr. Speaker, I yield 1 minute to the gentleman from Connecticut (Mr. GEJDENSON), the ranking member of the Committee on International Relations.

Mr. GEJDENSON. Mr. Speaker, I join my colleagues in urging the administration's continued effort during this incredible humanitarian disaster. Some 650,000 people have been left homeless. Hundreds, I think some 300 schools and clinics, have been destroyed, washed away; children left orphaned; a country that was just coming to pull itself together after many difficult years finds itself under a natural assault that has really dislocated and devastated people's lives.

I join my colleagues, and I know the American citizens, who have responded with such strong support for our help in this particular instance.

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It is clear that all of us in Congress and society have such a great opportunity because of our own success as a Nation to be helpful and to join with other nations in providing some assistance in this very terrible situation.

Mr. MEEKS of New York. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. PAYNE), a Member who has long been working in the valiant effort with reference to Africa.

Mr. PAYNE. Mr. Speaker, I rise today in support of H. Res. 431, a resolution to support humanitarian aid for Mozambique. I would like to thank the gentleman from New York (Mr. GILMAN), the Chairman of the Committee on International Relations, for allowing this to come to the full committee, and the gentleman from Connecticut (Mr. GEJDENSON) for also supporting this resolution.

I would like to commend the gentleman from California (Mr. ROYCE), the chairman of the Subcommittee on Africa, for his outstanding work on the Subcommittee on Africa, where he has taken many initiatives. I would like to give special congratulations to the gentleman from New York (Mr. MEEKS), a new member on the committee, who has taken his responsibilities extremely seriously and has been a tremendous asset to the Subcommittee on Africa with his energy and his knowledge and his compassion for the work of the subcommittee. So it is a pleasure for me to work alongside the gentleman and other members of the Subcommittee on Africa, the gentleman from Florida (Mr. HASTINGS) and the gentlewoman from California (Ms. LEE).

Mr. Speaker, let me say that this is a very timely resolution. As you know, the Republic of Mozambique has been experiencing severe floods which began early last month, the worst in over 40 years. Massive flooding not only devastated the lands of Mozambique, but it also hit South Africa, Zimbabwe, Zambia, and Madagascar. What began as a heavy rain soon turned into Cyclone Eline and brought disastrous floods to the south and central parts of the country.

Secondly, there was a second cyclone that came unexpectedly, and then a third. So the initial slow response was exacerbated by the fact that the second and third cyclone came to bring devastating rains to that region.

Grim images flashed over CNN and showed Mozambicans stranded on tops of trees and utility poles. Sophia Pedro, a young mother, gave birth to a baby, a little girl, in a treetop, where she sought refuge for 4 days earlier. The torrential rains took a heavy toll on the population, with several hundred dead and over 1 million refugees.

This natural disaster, the worst in Southern Africa's recorded history, has interrupted the economic, political, and social miracle of Mozambique which it has created for itself during the past decade. Few people know that before this disaster, Mozambique had the fastest and most sustained economic growth of any country in the world.

This resolution recognizes these things that I have mentioned, and further calls for the U.S. to take the lead in the international community to coordinate relief efforts; it commends South Africa for its swift response; it commends the British government for cancelling its bilateral debt; and, finally, it encourages the multilateral institutions to constructively deal with debt reduction.

Mozambique has complied with the Heavily Indebted Poor Countries Initiative, HIPC. Last year, Mozambique completed the requirements to receive $3.7 billion in debt reduction from external creditors, the largest reduction under the HIPC initiative.

In conclusion, let me say Mozambique is an impoverished country of 19 million, and debt relief means flood relief. Land mines have been exposed and must be dealt with. Mozambique, as we all know, was one of the last colonies in Africa. It wasn't until 1974 when Mozambique and Guinea-Bissau and Cape Verde and Angola became independent, the final release of countries other than South Africa under a colonial-type regime.

But after independence, after the colonial powers were thrown off them, the Cold War took its toll by rearing its ugly head and wreaked havoc on that country, with Renamo forces being supported by the West and Frelimo forces being supported by the opposition parties. Therefore, it created the civil war that continued on because of the U.S. and the Soviet Union. It had nothing to do with the people of Mozambique, but pawns again of the major powers in the world. So we feel that they are still recovering from this 16-year civil war between Renamo and Frelimo which ended in 1992.

I had the opportunity to talk to President Chissano just one month ago where the miracle of Mozambique was discussed. He was just reelected in January of this year.

So we are asking for more assistance for this catastrophic situation. Although relief was slow initially, I am pleased, however, that USAID finally supplied some $12.8 million for airlifts, and the Department of Defense allotted $37.6 million for an emergency assistance package to include a 30-day deployment of resources.

Conversely, the response to natural disasters in Turkey was met with an overnight swift and quick and decisive action. This disaster alone costs the country hundreds of millions of dollars to rebuild. It will cost them many, many person hours. Ambassador Marcos of Mozambique has estimated that for flood supplies alone and medicine, the costs will exceed $65 million that they need immediately.

So we are simply here to once again say that we all support the aid going to Mozambique, and we hope that the world will continue to support them.

Mr. MEEKS of New York. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I want to commend the Committee on International Relations under the leadership of the gentleman from New York (Chairman GILMAN) and the ranking member, the gentleman from Connecticut (Mr. GEJDENSON), and also the Subcommittee on Africa, under the leadership of the gentleman from California (Mr. ROYCE) and the gentleman from New Jersey (Mr. PAYNE).

Mr. Speaker, I want to congratulate my colleague, the gentleman from New York (Mr. MEEKS), for his very timely presentation of this resolution, which commends the United States Government for its ultimate response to a very real and ongoing crisis.

I also want to join in commending South Africa for its swift action and the serious effort that it put forth, and the United Kingdom for initiating debt relief. Ultimately debt relief, for not only Mozambique, but for many of the nations of Africa, is going to provide serious help to the ultimate development of those countries, and I am pleased to see that it has taken shape.

I also want to take this opportunity to commend the people in my city, the City of Chicago, where we have initiated our own private response. I want to commend the Chicago Public School System under the leadership of Paul Vallas and Gary Chico, whose children have pledged to raise between $75,000 and $100,000 through their Kids Helping Kids program that will go to Mozambique. Also I want to commend Alderman Ed Smith, chairman of the Health Committee. We are seeking to find medical resources that are not going to be used by our city that will conversely be used to give to the people of Mozambique.

So I join all of those who are in support of this resolution, congratulate again the gentleman from New York (Mr. MEEKS) and all of those who have made it happen.

Mr. MEEKS of New York. Mr. Speaker, I am happy to yield 2 minutes to the gentleman from Pennsylvania (Mr. FATTAH).

Mr. FATTAH. Mr. Speaker, I rise to reiterate our thanks to the gentleman from New York (Mr. MEEKS) and his colleague, the gentleman from New York (Mr. GILMAN) who chairs the Committee on International Relations, for having this resolution before this Congress today.

It is critically important that our country, a superpower, have a super heart when it comes to humanitarian disaster, such as what we see in Mozambique. I wanted to commend the administration and our country, and in particular all American citizens, for what we have done, and challenge us to do even more.

We need to provide all of the relief possible in terms of this crisis, and we also need to recognize and commend South Africa for its initial response. Hopefully, as we look down this road, perhaps there are joint arrangements that we could make, perhaps with South Africa, to help develop their capacity there to respond to humanitarian disasters on the continent, because they are obviously much more capable and able to develop the political will to act in a swift way, as exhibited by their actions here in Mozambique.

But I want to thank my colleague, the gentleman from New York (Mr. MEEKS) for the introduction of this resolution, and thank him for his efforts, along with that of the gentlewoman from California (Ms. WATERS) and in particular the gentleman from New Jersey (Mr. PAYNE) for the attention they have brought to this issue, to make sure that our Nation does all it should do, given our role in this world.

Mr. MEEKS of New York. Mr. Speaker, I yield the balance of my time to the gentlewoman from California (Ms. WATERS), a strong advocate for the continent of Africa and the country of Mozambique.

The SPEAKER pro tempore (Mr. STEARNS). The gentlewoman from California is recognized for 3 minutes.

Ms. WATERS. Mr. Speaker, I would like to thank my colleague, the gentleman from New York (Mr. MEEKS), for his leadership in sponsoring this resolution. I would like to also thank the gentleman from New York (Mr. GILMAN) and other members of the Committee on International Relations for their quick response.

I rise in favor of H. Res. 431. This resolution supports the efforts of the United States to provide disaster assistance to Mozambique in the aftermath of two consecutive cyclones resulting in torrential rains and severe flooding. The resolution also encourages the international community to continue to provide emergency relief, and urges the International Monetary Fund and other international creditors to fully accelerate debt reduction efforts for Mozambique. I am proud to be an original cosponsor of this resolution.

Upon learning of the severe flooding, I immediately contacted Assistant Secretary Susan Rice for Africa, and I immediately sent a letter to President Clinton encouraging swift and substantial relief for Mozambique and the other surrounding countries. I wanted to make sure we did not make the mistake of waiting too long. I did not want the kind of delay we had experienced with Rwanda, a different kind of disaster, but indeed a disaster that could have been mitigated had we moved faster.

Mozambique is experiencing its worse flooding in 50 years. Flooding along the Limpopo River is particularly severe. Several other countries in Southern Africa are also affected by these floods. The extent of the death and destruction is still unknown. However, the floods clearly have a devastating impact on the people of the region. There are now 250,000 homeless people living in camps in Mozambique alone. Those displaced people are in desperate need of food, clean water, medicine, blankets and tents.

Relief efforts are continuing, but they have been hampered somewhat by the destruction of the country's infrastructure. Many roads and bridges have been completely washed out, and others are still under water. All relief delivered to date has had to be airlifted, which is slow and expensive.

Disaster assistance is essential, but it is not enough to adequately address the critical needs of the people of Mozambique or other countries of Southern Africa affected by the floods. We must also enable the governments of the affected countries to begin to repair and reconstruct their damaged infrastructure. These countries need funding and technical assistance for the repair and reconstruction of roads, bridges, schools and hospitals, energy facilities, telecommunications, and other essential infrastructure.

For these reasons, I will introduce the Limpopo River Debt Relief and Reconstruction Act to provide assistance to Mozambique and other Southern African countries affected by flooding to enable them to provide for the needs of their people, repair their damaged infrastructure, and rebuild their economies.

Mr. Speaker, I urge my colleagues to support House Resolution 431.

□ 1530

Mr. GILMAN. Mr. Speaker, I want to thank all of our proponents of the measure and urge our colleagues to fully support this severely needed measure to help the country of Mozambique.

Ms. SCHAKOWSKY. Mr. Speaker, I rise in strong support of H. Res. 431, a resolution expressing support for humanitarian assistance to the Republic of Mozambique. I am proud to join my colleague, the gentleman from New York (Mr. MEEKS) and other Members in expressing concern for the people of Mozambique and commending those who are providing assistance to Mozambique during this difficult time. I also want to thank my African and Caribbean Task Force in the 9th Congressional District of Illinois for underscoring for me the importance of this aid and the United States' support for other international development and debt relief initiatives.

On February 9 of this year, several Southern African nations including Mozambique, Botswana, South Africa, Zambia and Zimbabwe began to experience serious flooding as a result of heavy rainfall. Mozambique experienced the most severe consequences. On February 22, Tropical Cyclone Eline blew into Mozambique. The cyclone worsened an already critical situation.

Mozambique is now facing a severe humanitarian and economic crisis. Water supplies are in jeopardy, thousands of Mozambicans are homeless, crops and livestock have been destroyed and the threat of disease has been increased.

It is important that the United States and the international community take an active and committed role in Mozambique's recovery efforts and those of other Southern African nations. Mozambique is one of the world's most heavily indebted poor countries according to the World Bank and therefore does not possess adequate means by which to address this crisis.

I join my colleagues in commending South Africa and the United Kingdom for acting quickly to assist Mozambique. The Administration should also be commended for its increasing efforts to provide disaster assistance to Mozambique. I hope the message of this resolution will encourage the continuing efforts of the Administration and increasing involvement of the international community in providing emergency relief to Mozambique.

This tragic disaster serves as a reminder of the importance of debt relief and development assistance efforts that focus on sub-Saharian Africa. We need to help those nations to bolster their capacity to respond to natural disasters and the needs of their people in general. My thoughts and prayers are with the people of Southern Africa. I am determined to help maintain a long-term commitment to the welfare of those nations. I urge all Members to vote in support of H. Res. 431.

Mr. CUMMINGS. Mr. Speaker, I rise today in strong support of H. Res. 431.

As Americans, we are a major partner in the global community. It is our right and responsibility to assist members of the community suffering great misfortune. The United States' response to the crisis in Mozambique must reflect those values.

It is in this spirit that I strongly support the resolution, which urges increased U.S. and international humanitarian, disaster, and economic relief for the Republic of Mozambique.

The rains, cyclone and subsequent flooding in Mozambique have devastated communities and infrastructure that had just begun to rebuild after a 16-year civil war.

In supporting this resolution, I commend U.S. humanitarian and disaster relief organizations, on the front lines, who've been working tirelessly to save lives. Two organizations based in my district of Baltimore, MD—Lutheran World Relief and Catholic Relief Services—are providing emergency food, shelter, and technical assistance to those in need. We must continue to support those efforts.

Again, I support H. Res. 431 and urge President Clinton to continue our involvement and leadership in this effort.

Mr. GILMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the resolution, House Resolution 431, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Transportation and Infrastructure; which was read and, without objection, referred to the Committee on Appropriations:

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES,
Washington, DC, March 8, 2000.

Hon. J. DENNIS HASTERT,
Speaker of the House,
Washington, DC.

DEAR MR. SPEAKER: Enclosed are copies of resolutions adopted on February 16, 2000 by the Committee on Transportation and Infrastructure.

With kind regards, I am

Sincerely,

BUD SHUSTER,
Chairman.

Enclosures.

RESOLUTION—DOCKET 2616—UPPER TURKEY CREEK BASIN, KANSAS

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of Army is requested to review the report of the Chief of Engineers on the Turkey Creek Basin, Kansas and Missouri, dated

June 21, 1999, and other pertinent reports, to determine whether any modifications of the recommendations contained therein are advisable at the present time in the interest of flood damage reduction for areas of Turkey Creek Basin in Johnson and Wyandotte Counties, Kansas, upstream of the project for flood damage reduction authorized in section 101(a)(24) of Public Law 106-53, the Water Resources Development Act of 1999.

Adopted: February 16, 2000.

Attest: Bud Shuster, Chairman.

Resolution—Docket 2617—Surf City, North Carolina

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of Army is requested to review the report of the Chief of Engineers on West Onslow Beach and New River Inlet, North Carolina, published as House Document Number 393, 102nd Congress, 2nd Session, dated September 23, 1992, and other pertinent reports to determine whether any modifications of the recommendations contained therein are advisable at the present time in the interest of shore protection and related purposes for Surf City, North Carolina.

Adopted: February 16, 2000.

Attest: Bud Shuster, Chairman.

Resolution—Docket 2618—Ocracoke Island, North Carolina

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on Ocracoke Island, North Carolina, published as House Document Number 109, 89th Congress, 1st Session, dated March 10, 1965, and other pertinent reports, to determine whether any modifications of the recommendations contained therein are advisable at the present time in the interest of shore protection and related purposes for Ocracoke Island, North Carolina.

Adopted: February 16, 2000.

Attest: Bud Shuster, Chairman.

Resolution—Docket 2619—Daytona Beach Shores, Florida

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, that in accordance with Section 110 of the River and Harbor Act of 1962, the Secretary of the Army is requested to review the feasibility of providing shoreline erosion control, storm damage reduction, environmental restoration and protection, and related improvements to the shoreline at Daytona Beach Shores, Florida and adjacent areas.

Adopted: February 16, 2000.

Attest: Bud Shuster, Chairman.

Resolution—Docket 2620—Sabine Pass to Galveston Bay, Texas

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That in accordance with section 110 of the Rivers and Harbors Act of 1962, the Secretary of the Army is requested to review the feasibility of providing shore protection and related improvements between Sabine Pass and the entrance to Galveston Bay, Texas, in the interest of protecting and restoring environmental resources on and behind the beach, to include the 77,000 acres of freshwater wetlands and the maritime resources of east Galveston Bay and Rollover Bay, and including the feasibility of providing shoreline erosion protection and related improvements to the Galveston Island Beach, Texas, with consideration of the need to develop a comprehensive body of knowledge, information, and data on coastal area changes and processes to include impacts from federally constructed projects in the vicinity of Galveston Island.

Adopted: February 16, 2000.

Attest: Bud Shuster, Chairman.

Resolution—Docket 2621—Gulley Brook, Ohio

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Corps of Engineers for Chagrin River, Ohio, dated December 2, 1946, and other related reports to determine whether any modifications of the recommendations contained therein are advisable at the present time in the interest of environmental restoration and protection and flood damage reduction for Gulley Brook, a tributary of the Chagrin River, in the vicinity of Willoughby, Ohio.

Adopted: February 16, 2000.

Attest: Bud Shuster, Chairman.

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6 p.m.

Accordingly (at 3 o'clock and 31 minutes p.m.), the House stood in recess until approximately 6 p.m.

□ 1802

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. MORELLA) at 6 o'clock and 2 minutes p.m.

REPORT ON H.R. 3908, EMERGENCY SUPPLEMENTAL APPROPRIATIONS, FISCAL YEAR 2000

Mr. YOUNG of Florida, from the Committee on Appropriations, submitted a privileged report (Rept. No. 106-521) on the bill (H.R. 3908) making emergency supplemental appropriations for the fiscal year ending September 30, 2000, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. All points of order are reserved.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 3699, by the yeas and the nays, and

H.R. 3701, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series unless there is intervening business.

JOEL T. BROYHILL POSTAL BUILDING

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3699.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. MCHUGH) that the House suspend the rules and pass the bill, H.R. 3699, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 405, nays 0, not voting 29, as follows:

[Roll No. 46]

YEAS—405

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley

Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reynolds
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—29

Boswell
Cook
Cox
Deutsch
Franks (NJ)
Gonzalez
Hansen
Hinojosa
Jackson-Lee (TX)
Johnson, Sam
Klink
Maloney (CT)
McCollum
McIntosh
Meeks (NY)
Mollohan
Myrick
Ortiz
Packard
Reyes
Rodriguez
Ros-Lehtinen
Rush
Snyder
Stark
Taylor (NC)
Waxman
Weygand
Wicker

□ 1826

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUPPORT AND GOOD WISHES TEMPER A SERIOUS HEALTH CHALLENGE

(Mr. VENTO asked and was given permission to address the House for 1 minute.)

Mr. VENTO. Madam Speaker, I know a few of my colleagues have noticed I have not been around the last month or so. And believe me, spending a month in Minnesota in February is not necessarily a voluntary decision that one might make. I would much rather have been with my colleagues.

As my colleagues know, I have returned from experiencing a serious illness. But I wanted to point out some of the experience I had just briefly, and I will try to be brief.

But I think the true mark of who we are as persons is who we can call our friends. If we are fortunate, we have those friends to fall back on and lean on during the unexpected events of our lives, the disappointments and the challenges.

I rise to say that I feel that I am very fortunate and blessed to call so many of my colleagues and many others my friends, especially during this period in my life as I do face this serious health challenge.

Simply put, the outpouring of affection that I have received has been overwhelming from my colleagues on both sides of the aisle and from my constituents, my friends, and from my family. Cards and letters, calls and visits, not to mention their prayers, both spoken and unspoken, are very much appreciated. They have lifted the spirits of my staff, my family, and certainly myself.

In early February, I was diagnosed with a rare form of cancer, mesothelioma, which required aggressive treatment. A month ago, I underwent pretty aggressive surgery. In the near future, I will receive chemo and then radiation treatment on top of that.

I am surely in the middle of a 10-round major event of my life. But my spirits are good, as my colleagues can tell, and I am optimistic. And I am greatly reinforced by the outpouring of support that has been so generously offered.

□ 1830

The past 2 months have given me good cause to reflect upon and to genuinely appreciate the value of our collective experience; victories savored, setbacks endured and shared values and, to be sure, challenges ahead.

For the past 24 years in this body, I have had the privilege to serve as a Member. It is an honor and I have been reminded most vividly of the strong bond that has been established with my constituents in Minnesota and the role of service in the United States Congress, and the important work with other public servants similarly charged. Good people, good Americans.

Too often in my experience, it has served some political cynical purposes to denigrate public service. I regret that. It is my belief each of us should aspire to inspire others, young people in particular; to give of ourselves and themselves, as we have done; to define the differences between skepticism and cynicism. Indeed, in serving the people's interest we should be proud and respectful. When direction is lost, when purpose is needed, no further than the words of Minnesota's happy warrior and my mentor serve us well, the very embodiment of public service, Hubert H. Humphrey, to guide us, and I quote, "If there is dissatisfaction with the status quo, good. If there is ferment, so much the better. If there is restlessness, I am pleased. Then let there be ideas and hard thought and hard work." end quote.

Together, as Members of Congress, we would do well to strive to serve as Minnesota's Humphrey instructed us to make people's lives better, to provide opportunity and to give new hope. To me, the key of all we have done and continue to do is that we have done this together.

So as I make my plans to meet the new health challenge, I am grateful that I am not making this journey alone but with so many cheering me on, my friends supporting and encouraging me. In the words of Tennyson, I intend to continue to strive, to seek, to find, and as most of my colleagues who know me well, not to yield.

Madam Speaker, I thank my constituents, my colleagues, my friends all, for the outpouring of concern and the care as I have faced this challenge. I am very grateful.

JOSEPH L. FISHER POST OFFICE BUILDING

The SPEAKER pro tempore (Mrs. MORELLA). The pending business is the question of suspending the rules and passing the bill, H.R. 3701.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. MCHUGH) that the House suspend the rules and pass the bill, H.R. 3701, on which the yeas and nays are ordered.

This will be a 15-minute vote.

The vote was taken by electronic device, and there were—yeas 400, nays 0, not voting 34, as follows:

[Roll No. 47]

YEAS—400

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hastings (FL)
Hastings (WA)
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Jackson (IL)
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Johnson, E.B.
Jones (NC)
Jones (OH)
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Meehan
Meek (FL)
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Millender-McDonald
Miller (FL)
Miller, Gary
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Moran (KS)
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Morella
Murtha
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Pascrell
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NOT VOTING—34

Becerra
Blumenauer
Boswell
Cook
Cox
Deutsch
Duncan
Franks (NJ)
Gonzalez
Hansen
Hinojosa
Jackson-Lee (TX)
Johnson, Sam
Kasich
Klink
McCollum
Meeks (NY)
Mollohan
Myrick
Ortiz
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Ros-Lehtinen
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Royce
Rush
Smith (WA)
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Waxman
Weygand
Wicker

☐ 1851

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. SAM JOHNSON of Texas. Madam Speaker, due to the primary election in my state of Texas today, I was unavoidably detained and missed the following votes. Had I been present, I would have voted:

"Yea" on H.R. 3699 designating the Joel T. Broyhill Post Office; "Yea" on H.R. 3701 designating the Joseph L. Fisher Post Office

PERSONAL EXPLANATION

Ms. ROS-LEHTINEN. Madam Speaker, on rollcall numbers 46 and 47, I was unavoidably detained in my district. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. DEUTSCH. Madam Speaker, I was unavoidably detained today during rollcall vote No. 46 on H.R. 3699 and rollcall vote No. 47 on H.R. 3701. Had I been present I would have voted "yea" on both.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE RESOLUTION 396

Mr. OWENS. Madam Speaker, I ask unanimous consent that my name be removed as a cosponsor of House Resolution 396, expressing the sense of the House of Representatives that a biennial budget process should be enacted in the second session of the 106th Congress.

The SPEAKER pro tempore (Mrs. MORELLA). Is there objection to the request of the gentleman from New York?

There was no objection.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 1501, JUVENILE JUSTICE REFORM ACT OF 1999

Ms. LOFGREN. Madam Speaker, pursuant to clause 7(c) of rule XXII, I hereby announce my intention to offer a motion to instruct conferees on H.R. 1501 tomorrow. The form of the motion is as follows:

Ms. LOFGREN moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill, H.R. 1501, be instructed to insist that the committee of conference should have its first substantive meeting to offer amendments and motions within the next 2 weeks.

Madam Speaker, while I understand the House rules do not allow Members to coauthor motions to instruct, I would like to say that the gentlewoman from New York (Mrs. MCCARTHY) supports this motion and intends to speak on its behalf tomorrow.

SUPPORT HUMANITARIAN RELIEF ASSISTANCE TO THE REPUBLIC OF MOZAMBIQUE

(Ms. CARSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CARSON. Madam Speaker, I rise in support of H.R. 431, a bill to support humanitarian relief assistance to the Republic of Mozambique. The people of Mozambique have suffered tremendous hardship due to rains that started over a month ago. The flood's side effects of disease, homelessness, and hunger are even more damaging when coupled with 2 million displaced land mines left over from the civil war.

Just as the people of Mozambique seem to be turning the corner to independence, democratic government, and economic advancement, this tragic event has occurred that only, some say, only a God in heaven can control.

As humans, we cannot rationalize or understand nature's catastrophes. As a country, we must follow our belief that not only is the aid to Mozambique necessary because of our national interests and stability, but also because of our moral interest. If there is any short-term gain in this tragedy, it is an opportunity to pass the test of compassion, charity, and humanity that God administers.

I reiterate and encourage the Members of this august body to support H.R. 431, which will provide humanitarian relief assistance to the Republic of Mozambique.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TRIBUTE TO VETERAN CONGRESSIONAL AIDE CARY R. BRICK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. MCHUGH) is recognized for 5 minutes.

Mr. MCHUGH. Madam Speaker, I rise today with a sense of mixed emotions, because it is an occasion of good-byes, but it is also an opportunity to recognize the work and career of someone who is very special to this House, and certainly to me personally, my chief of staff, Cary R. Brick. His 30-year Congressional staff career spans the service of three consecutive New York State Congressmen. He really has an uncommon record of service, and I am pleased that I have this opportunity tonight to say a few words.

Cary is the most senior chief of staff in the New York Congressional Delegation, and, in fact, one of the most senior staffers to serve this institution. He began his Capitol Hill career in January of 1969 as press secretary to the late Robert C. McEwen, and later served as his executive assistant. When Bob McEwen retired in 1980, Cary was appointed by his successor, former Representative David O'Brien Martin, to serve as his administrative assistant.

When I was elected following Dave Martin's retirement in 1992, I asked Cary to stay on as my chief of staff as well, and it remains to this day one of the easiest and certainly one of the best decisions I have made in my 7-plus years in this House.

Cary Brick has served our current office, that of my predecessors, and our Congressional constituents with the highest level of dedication and enthusiasm. There are few, if any, communities, institutions, organizations or individuals in our district who have not benefited in some way from his work.

Additionally, as the administrator of my Congressional allowances, Cary has made it possible for us to return nearly $1.5 million to the Congressional coffers, without ever sacrificing the needs of the office and our constituents. He has handled his many responsibilities with the highest level of integrity and has gained a well-earned reputation on Capitol Hill as a dedicated professional.

At a time, Madam Speaker, when the Congressional staff turnover rate is estimated to be 40 percent a year, it is unlikely that anyone will ever equal his achievement. His retirement is a loss to the institution of Congress, the people of New York's 24th Congressional District, his fellow staffers, and me personally.

There are many remarkable things about Cary Brick's career as a Congressional aide, but, rather than citing his impressive biography, I would share but a single glimpse into Cary's psyche that I believe reveals much about what makes him particular.

□ 1900

Simply put, Cary loves New York's North Country. Just as Dorothy loved Kansas in the Wizard of Oz, Cary truly believes that there is "no place like home."

Although he and his wife, Erin, have raised two beautiful daughters in their Northern Virginia house, Sarah and Rebecca have always known their home is in New York. His strong ties to the North Country and his strong sense of community have helped him keep that perspective. He never lost sight of what matters most. Although his job brought him to Washington, D.C., Cary embraced, even relished, the fact that he worked for every citizen of New York's 24th District.

Through his service as my chief of staff for the last 7½ years, our interaction has been far more than a work relationship. We have celebrated the many achievements our combined efforts have produced; and there have, of course, been a few disappointments over which we have agonized together as well. He has been my advisor, my confidant, and most of all, my friend. In a town where personal ambition often obscures public interest, I can say without hesitation that Cary's brand of loyalty and friendship has been a priceless gift.

When Cary publicly announced his retirement, one quote stood out as a great "sound bite" that stood out time and time again and on Capitol Hill. He said, "To have been an inside observer of congressional participation and debate in every national and world event during the final third of the 20th century is an awesome opportunity that few others have had." Awesome, indeed.

However, Mr. Speaker, nothing about Cary's quote should lead anyone to believe that he has in any way been on the sidelines or a mere observer. Rather, he has been a soldier on both the front lines and in the war room. His battlefield has been Capitol Hill. From Watergate to the Gulf War to the closure of Plattsburgh Air Force Base, he has earned his stripes through many battles. His weapons have been quick thinking, his unmatched instincts and his constant integrity; and his ammunition has been the power of his words and his proven ability to mobilize forces.

For your uncommon commitment, loyalty and sense of duty, Cary, we all salute you.

Mr. Speaker, I am happy to yield at this time to the gentleman from New York (Mr. WALSH), my friend and colleague and neighbor to the south and a good friend and associate of Cary Brick's as well, for a few comments.

Mr. WALSH. Mr. Speaker, I thank my good friend for yielding time. I have a prepared statement that I would like to enter into the record regarding Cary Brick, and it was penned by a good friend of his, my chief of staff, Art Jutton who has served almost as long as Cary has. Cary was always referred to as the dean of the delegation because of his seniority. I suspect Art may be in line for that, although Mr. Brick may not want to give up that title.

Cary has been a true exemplary public servant, someone who has served the country well, served his Members of Congress well, served the people of the North Country well. He is a role model for anyone who would be willing to enter public service and suffer the slings and arrows that we take in this business; but he never lost his sense of humor, never lost his wisdom and his ability to stand back from the fray and make a cognitive decision that is always of benefit, not only to the Member of Congress in whose office he served, but to other Members who were smart enough to ask.

So I would like to join my colleague. I identify with everything that he said. I wish the gentleman well in his selection of a replacement, although it is a tough pair of shoes to fill. Mr. Speaker, my best to Cary and his family as he retires.

KICKING OFF THE REBIRTH OF THE CONGRESSIONAL RURAL CAUCUS

The SPEAKER pro tempore (Mr. DEAL of Georgia). Under a previous order of the House, the gentleman from North Dakota (Mr. POMEROY) is recognized for 5 minutes.

Mr. POMEROY. Mr. Speaker, I want to commend the two preceding speakers for recognizing Mr. Brick. All too often I think those that serve us so well do not get the particular commendation that they are so richly deserving of; and I am very pleased that this individual, in the capstone of his distinguished career, received the kind of recognition just provided.

Mr. Speaker, this is kick-off day, kick-off of the Rural Caucus. I particularly want to commend the gentlewoman from Missouri (Mrs. EMERSON); the gentlewoman from North Carolina (Mrs. CLAYTON); and the gentleman from Kansas (Mr. MORAN), my cochairs in the Rural Caucus, in announcing the rebirth of this important endeavor. As a representative of one of the most rural districts in the House, the entire State of North Dakota, I am very pleased with this initiative and proud to be a part of it.

In the last 7 years, our Nation's economy has been growing by leaps and bounds. Unemployment rates are at all-time lows, consumer confidence is at an all-time high, the rising stock market is creating unprecedented levels of wealth. But for this sky-rocketing economy for so many Americans, the situation in rural America, our smallest towns and villages across the country, has been quite different. The boom of Wall Street is not meeting necessarily the needs of rural Main Streets. I think rural America is at a serious crossroads tonight. As I travel throughout my home State, I literally see many fine, long-standing communities shrinking and disappearing.

In an ever-more urban House, we have to understand the distinct and enormous challenges facing rural America. In the House today, there are only 57 Members out of the 435 who represent predominantly rural areas compared to 130 years ago. We know that after the next decennial census now being conducted, the rural representation in this Chamber will shrink even further. According to census information, however, 1 out of 4 Americans, 62 million, live in rural areas. Due to the lack of representation, I believe, of rural America in the House, many rural Americans suffer from funding formulas or programs that do not represent their unique needs.

Mr. Speaker, we have had 110 Members, Republican and Democrat both, join in the rebirth and relaunch of the Congressional Rural Caucus. I think that this initial success is due in large part to the stress that the rural areas in each of our districts is experiencing. In North Dakota, the agriculture sector is facing a flat-out depression. Farmers are receiving $2.50 a bushel for wheat, nearly 30 percent below the cost of production. In North Dakota the farm auctions replace the church picnic as a social gathering in many communities. I am hopeful that the Congressional Rural Caucus with Members from all over the United States will be able to advocate Federal policies that address our most pressing needs in rural America.

In addition to production agriculture, however, there are many interrelated facets of our rural communities that need attention and will be emphasized by the Rural Caucus, issues like education, health care, technology and economic development. They are all essential parts of our small towns in rural America. Without the access to quality education, rural residents fall behind the learning curve. Without access to quality health care, they stand exposed to unexpected health concerns. Without access to technology, rural residents will be left out of the technological revolution. Without investments in rural development, our communities and our residents will not find places of employment, new economic opportunities for them, to continue living in these parts of the world.

Education, for one, is a vital component to the prosperity of rural America. We take great pride in the quality of our schools and the student achievement; but in keeping the quality of rural schools, we know that there is going to be an ongoing commitment of resources and partnership between local, State, and increasingly Federal participation. This critical investment in our children is one of the most cost-effective ways to ensure opportunity and prosperity. Unfortunately, most Federal funds are channeled to larger urban school districts. Small and rural school districts, we feel, have not gotten their fair due, and this will be a target area of the caucus.

Another pressing issue is rural health care. We hear about millions who lack health care coverage, and yet we see in rural areas the actual care delivery system being strained, people having to drive further and further distances to receive access to even emergency primary health care services.

On technology, we see people use the Internet to access a variety of information; and yet we see that the prospect of the digital divide, separating the kind of Internet access that provides so many new opportunities for us across the country, may provide a distinct have and have-not, with rural America being left behind as the latest technology comes on board.

For all of these reasons, I am very proud to join with my colleagues in the Rural Caucus. I commend the bipartisan effort, and I know that we will stand together as we face these challenges.

THE CONGRESSIONAL RURAL CAUCUS: SPEAKING OUT FOR RURAL AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, tonight I join the gentleman from North Dakota (Mr. POMEROY) and my other cochairs, the gentlewoman from North Carolina (Mrs. CLAYTON) and the gentlewoman from Missouri (Mrs. EMERSON), as we celebrate today the coming together of about 212 Members of Congress, both Republicans and Democrats, to revitalize the Congressional Rural Caucus. Last year the four of us came together with this common goal: to speak out for rural America and to find ways that we could do that here in the U.S. Congress. Today, we have celebrated the hard work and our ability to bring us all together for a united voice for rural America.

Our jobs as Members of the Congressional Rural Caucus, and we would enjoin any of our colleagues to continue to join us in this pursuit, is to promote economic and social policies that support and help the continued viability of our rural communities. In many instances throughout my home State of Kansas, our rural communities continue to struggle. We continue to lose population from once-thriving communities and elsewhere across the Great Plains region. Demographic trends show that young people are leaving the lands of their ancestors and that the population left behind is rapidly aging.

Kansas has 105 counties. Fifty-eight of those counties are smaller today than they were in 1890. Eighty Kansas counties have lost population in the last 2 decades. Seventy counties will lose population in the next decade.

So as a result, Kansas communities are confronted with serious challenges of prosperity and even of survival. Concerned parents wonder if their children will receive a public school education sufficient to meet the demands of tomorrow's global marketplace. I myself want to raise my children, I have a 9-year-old daughter and a 12-year-old daughter, I would like for them to have the opportunity to be raised in rural America and to raise their children, if they so choose, in rural Kansas; and we are concerned about the availability not only of education but of health care, especially in our smallest communities. Even though our unemployment rates are low, we see significant under-employment in many areas of rural Kansas. That is the state of the job market in too many of our small communities.

The world of information technology, the Internet, is equally important to our towns and to our homes. Connecting that last mile will be a formidable challenge. Telecommunications is vital to rural America's economic development. It is vital to our schools and our hospitals, and it is vital to our businesses. Business must have access to deal with their customers and suppliers; students and individuals need access to the Internet to communicate, to acquire knowledge and develop skills to maintain our competitiveness.

I serve as the chairman of the Telecommunications Task Force of the Congressional Rural Caucus; and I am committed to working with other

Members of Congress, with the industry and with the administration, to ensure the availability of advanced telecommunications services in our rural communities. Many of the challenges confronting rural America can be met and overcome with the commitment that adequate resources are directed toward the development of rural communities, and access to telecommunications is one of those critical issues we face.

By bringing quality health care, education, information, and commerce to rural families and to business, an advanced telecommunication infrastructure can overcome any disadvantages of distance and low density.

By providing one voice for rural America, the congressional caucus will ensure communities remain viable and competitive. Our job in Congress is to raise the awareness of rural issues to preserve this way of life. As Congress debates important issues like access to telecommunications, we must address the opportunities and challenges that we face in rural America. Rural America across this country needs to demonstrate to ourselves and to the rest of the world our commitment for a better life. I urge my colleagues to join us in this effort to fight and to speak out for rural America.

EXPRESSING SUPPORT FOR HUMANITARIAN ASSISTANCE TO THE REPUBLIC OF MOZAMBIQUE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

Ms. MILLENDER-McDONALD. Mr. Speaker, we just passed out of this House tonight H.R. 431, a very important piece of legislation, expressing support for humanitarian assistance to the Republic of Mozambique. I want to commend our government, nongovernmental organizations, and other nations for their response to the flood crisis in Mozambique. Cyclone Eline devastated that poor country, driving residents from their homes, children from their schools, shopkeepers from their businesses, and doctors and patients from their clinics. The only refuge was roofs, treetops and scraps of land protruding here and there from swirling waters. One young woman, Sophie Pedro, gave birth to a baby girl in a tree top where she had sought refuge for 4 days.

The heavy toll on the population and massive destruction of the infrastructure, however, have dwarfed these early emergency relief-and-rescue efforts.

□ 1915

The flood waters have destroyed a decade-long economic recovery undertaken by Mozambique. Before these disastrous floods, Mr. Speaker, the government had embarked upon sustained efforts to manage public resources better, improve the climate for investors, and promote private sector development. Mozambique had complied with the Structural Adjustment Program requirements, the Enhanced Structural Adjustment Facility, and more recently the Heavily Indebted Poor Countries Initiative.

Last year, Mozambique completed the requirement to receive $3.7 billion in debt reduction from external creditors, the largest reduction under the HIPC Initiative. Prudent fiscal and monetary policies and structural reforms increased international confidence in Mozambique's economy, reflected in higher long-term capital inflows and a stable exchange rate.

However, the disaster now will cost the country nearly all their hard-won economic gains. It will take hundreds of millions of dollars to rebuild the transportation and communication infrastructure, schools, clinics, homes, and businesses.

While Mozambique has been one of Africa's economic success stories, the floods threaten to return the country to conditions reminiscent of the command economy of the 1970s and the ravaging civil war of the 1980s.

To sustain its economic gains, Mozambique will need more than emergency aid and logistical relief. It will need long-term reconstruction and rehabilitation assistance. Already the multilateral institutions are considering new construction loans. Unfortunately, Mr. Speaker, these new loans will only compound Mozambique's existing debt burden, even with the substantial reductions under the HIPC program.

I applaud the President's decision to forgive Mozambique's remaining bilateral debt and encourage this Congress, the World Bank, and the International Monetary Fund to follow suit. Mozambique has played by the rules. They have restructured their economy, adhered to all conditionalities imposed by the multilateral financial institutions, and stayed the course with their fiscal and monetary policies.

The Mozambican people have made great short-term sacrifice for the long-term future prosperity of their country. If we do not address this current crisis with speedy and substantial current multilateral debt forgiveness, we will betray our social contract with the men, women, and children of Mozambique.

In fact, Mr. Speaker, we should look at a permanent relief force so we will not have to come before this body every time a disaster occurs.

CONGRESSIONAL RURAL CAUCUS/ RURAL TRANSPORTATION

The SPEAKER pro tempore (Mr. DEAL of Georgia). Under a previous order of the House, the gentleman from Ohio (Mr. NEY) is recognized for 5 minutes.

Mr. NEY. Mr. Speaker, tonight I rise, along with my colleagues before me, to promote the kick-off of the Congressional Rural Caucus. I am proud to be a member of this caucus, which will work to better represent the interests of rural America by raising awareness of the needs of communities in these areas.

Mr. Speaker, my district, the 18th Congressional District of Ohio, is mostly rural, made up of people who proudly support the coal and steel industries, agriculture, and various other manufacturing industries. A native of the Ohio Valley, I have represented this district for a number of years, both as a State Representative and a State Senator, and now in Congress. I am well aware of the needs of the people who live there.

Tonight previously Members heard from colleagues who talked about education in rural America. We also heard about telecommunications. Tonight I want to focus on transit, but there are a lot of other needs today. There is housing.

We were visited by Bruce Veldt from the Ohio Department of Development who was talking to us about rural housing initiatives. We have had many people who are concentrating on the things that are important, and they are coming from the State of Ohio. They are communicating more. But I think this kick-off of our Congressional Rural Caucus is something that is going to be able to work across all 50 States to help rural America.

Mr. Speaker, unfortunately, too often rural communities have been an afterthought in Federal policy discussions and program development. The establishment of the bipartisan Congressional Rural Caucus, which currently has 112 members, will help to ensure that the interests of rural America are properly represented in Federal policy and legislation.

One area that undoubtedly exhibits the need for better representation of rural America is the transportation arena. Rural areas are often left out of negotiations when State transportation planning is being planned, with most of the decision-making power being left to the State and metropolitan officials, who have a place at the table.

In June 1998, when Congress passed the landmark Transportation Equity Act for the 21st century, better known as TEA-21, it marked the beginning of a new era in rural transportation. In addition to providing more Federal funds to help improve the infrastructure and services in rural America, the new law reinforces the intermodal philosophy and takes an important first step in strengthening the role local officials wield in the decision-making process and planning process.

As a member of the Committee on Transportation and Infrastructure, I was privileged to have served on the TEA-21 conference committee. I am proud to have fought for the language which increased the presence of local rural officials in the transportation and planning process. This is good for rural America and it is good for transportation.

However, challenges abound in rural areas. The needs still greatly outpace Federal, State, and local resources. I would like to just give a few examples.

One in every 14 households in rural America is without a vehicle, despite being the most prevalent mode of transportation. Nearly 38 percent of county roads are inadequate for current travel, and nearly half of major rural bridges are structurally deficient.

This is significant, as 81 percent or 3.1 million miles of the Nation's public highway system exist in rural America.

While still an important mode of transportation, inner city bus service has almost completely disappeared off the face of rural America. In 1965, 23,000 communities were linked together with daily bus service. As we start the new century, that number has dwindled to a mere 4,500, from 23,000 down to 4,500. Those are communities with rural routes. Too often the rural routes are the ones that are eliminated.

This decline has implications, not only for passenger service, but also for essential freight services, as intercity buses often provide the only daily package express service in remote rural communities.

Public transit is becoming a vital source of transportation in rural areas, especially as disabled and elderly populations rise. Yet, 38 percent of rural residents live in an area without any form of public transportation. This can be directly linked to the fact that less than 10 percent of Federal spending for public transportation goes to rural communities.

Air service is often seen as an essential factor in attracting and retaining businesses in rural communities, but the high cost of subsidizing service limits its availability. On this, the eve of the day when Congress is scheduled to take up the Aviation Investment and Reform Act, or known as AIR-21, the conference report, a bill which will reauthorize and increase funding for Federal aviation programs, as well as provide improved passenger service to rural areas, on this eve, I wish to thank the gentleman from Pennsylvania (Mr. SHUSTER) and the rest of the Committee on Transportation and Infrastructure who, on a bipartisan basis, have recognized the needs of rural America when it comes to aviation.

TEA-21 does help ensure rural elected officials and communities are represented in the planning process, which is best described as the gateway for accessing Federal transportation funds. This will help States develop comprehensive plans that use our limited resources most wisely, as well as contribute to the economic and social growth of rural areas.

Even with the new TEA-21 provisions, however, rural elected officials are still on an uneven playing field with urban and state officials. That is why members of groups like the National Association of Counties, National League of Cities, National Association of Development Organizations and the American Public Works Association continue to advocate federal legislation that closes the equity gap in planning and programming.

In conclusion, Mr. Speaker, transportation is an essential component of addressing the needs of rural America. It not only connects people to jobs, health care and family in a way that enhances one's quality of life, but it also serves as the lifeline of the rural and national economies. I look forward to serving with the other members of the Congressional Rural Caucus and to bettering the lives of those we serve.

I just want to pay tribute to the rural caucus, who is going to absolutely make life better across rural America by their bipartisan effort.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 1000, WENDELL H. FORD AVIATION INVESTMENT AND REFORM ACT FOR THE 21ST CENTURY

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 106-523) on the resolution (H. Res. 438) waiving points of order against the conference report to accompany the bill (H.R. 1000) to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3843, SMALL BUSINESS REAUTHORIZATION ACT OF 2000

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 106-524) on the resolution (H. Res. 439) providing for consideration of the bill (H.R. 3843) to reauthorize programs to assist small business concerns, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ISSUES CONCERNING RURAL AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. SCHAFFER) is recognized for 5 minutes.

Mr. SCHAFFER. Mr. Speaker, I, too, wish to commend those who provided the leadership in the House of establishing the Congressional Rural Caucus. As a member of that caucus, I am enthusiastic about the work before us and the goals that we propose to undertake.

The kick-off of that caucus is an exciting time and I think an important realization that rural issues need some help here in the United States Congress. There seem to be fewer and fewer of us who represent rural communities, and our goal and our charge over the rest of this Congress and on into the future years involves elevating the priority of rural issues in the Congress. I am excited to be part of that.

Sixty-two million Americans live in rural America. That is one out of every four people. We should not be leaving 25 percent of our citizens out of the economic prosperity we are enjoying generally as a Nation today.

In the Fourth Congressional District of Colorado, it is a largely rural area and depends heavily on agriculture. The fragile support system of small towns scattered throughout the region depends on the bounty of our natural resources. The tax base in small cities and counties in Colorado and all over rural America is usually small and less flexible than in larger cities in suburban areas. With such small populations, tax bases rarely grow, and increased taxes have a much greater impact on the individual property owner.

Residents of these areas cannot afford tax increases to support the needs of their small communities, so local governments have to make do with what they have. They cannot afford to compensate for an ever-changing Federal role with respect to an overregulatory propensity here in Washington. The Federal government and Congress must allow these people to raise the resources they need, and we should spend less of our time regulating every last penny out of them.

All too often Federal agencies propose regulations without keeping in mind these rural communities. These communities, I submit, cannot afford to comply with too many more new rules and regulations.

One of the biggest offenders in the overregulating of rural America is the Fish and Wildlife Service, through the Endangered Species Act. Regulations involving sensitive animals and plants can clean out just about any small town's economy if the species in question happens to be in a community.

Rural communities, like those in my district, are often supported by agriculture. Agriculture is not benefiting from the economic prosperity that the rest of the country is currently experiencing. They are suffering even more thanks to the Endangered Species Act.

My district contains the short grass prairie ecosystem that attracts many small critters, such as the Preble's Meadow Jumping Mouse, the blacktailed prairie dogs, the mountain plover, as well as their predators, and a handful of other species that the government has determined to be threatened or endangered.

If one ran into a rare mineral on his land, his property value might increase overnight, but find an endangered species on your property, if that species decides to take up residence on your land, your property value will sink, because the Fish and Wildlife Service now determines what you do with your land, and any value received from production is subsequently lost.

While many homeowners in our country do not have to worry about a Preble's Meadow Jumping Mouse or a mountain plover, a rural American, or more specifically a farmer, can see these little animals ruin their livelihood and take away much of their rights as landowners.

Often their losses are not even helpful in recovering the species. Out of thousands of Endangered Species Act listings, approximately 22 species have been delisted since 1973. Seven of those were due to extinction, eight of them due to data error, and only seven have actually been helped by the Endangered Species Act. That is less than 1 percent.

Private landowners, I believe, are the best stewards of their land. They are often willing to set aside a portion of their land to help preserve these valuable species. In fact, private landowners are the most responsible and most helpful for endangered and threatened species recovery, more so, I say, than the government is.

Unfortunately, farmers are often punished for voluntarily creating habitat suitable for these declining species by unknowingly giving the Fish and Wildlife Service a right of passage onto their land to monitor species recovery. Farmers and ranchers are often told what they can and cannot do with all of their land. That sometimes means they cannot produce the products that constitute the basis for their income.

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The Endangered Species Act is not only invasive, but it impacts disproportionately rural America. This law and the regulations that come with it often eliminate the only income that rural communities have.

In Colorado, here is an interesting example, Mr. Speaker, four fish which are found mostly in the rural part of my State, include two types of Chub, the squawfish and the sucker, are being protected with a budget of $60 million. However, the economic impact of this recovery is $650 million. Meanwhile, over in the State of Washington, anglers are paid a $3 bounty for every squawfish caught measuring over 11 inches in their rivers.

The Endangered Species Act needs to be reformed, Mr. Speaker. It is just one more example of the kinds of issues that the rural caucus intends to focus on in our efforts to reach out to rural America and elevate the prominence of rural issues on the floor of the House.

ESA affects all aspects of Rural America:

Road building—Rural communities typically have inferior transportation systems to begin with. The ESA doesn't help a community build a much needed road that may bring more commerce to the area. They must check first to see if they are invading on any endangered or threatened species' territory or they could face litigation or government fines. These delays can be both costly and devastating to a community that needs the business to survive.

Water use—Rural Communities tend to rely on less sophisticated systems to provide water for their communities. Unfortunately, these systems often rely on what is seen as potential habitat for endangered or threatened species. Towns often have to spend millions of dollars to divert water or create new systems to avoid impact to a species.

Construction in general—when a rural community wants to build a new hospital, school or maybe even a new store to bring some revenue to the area, they frequently face road blocks because the only land they have might be the preferred habitat of a species that may not even be living in the area.

Tax base—small towns may have to spend their small tax base to defend themselves from Environmental groups, or on costly modifications to their infrastructure, because of a species that may or not be in their community and, in some cases, may not actually be endangered or even exist.

When the Fish and Wildlife Service considers a listing in Rural America, the economic consequences are brought to their attention, but they often place the lowest priority on the communities they devastate.

While the Mountain Plover was being evaluated for listing, the government suggested if the plover was listed, farmers would have to cease normal farming practices from late April to mid-May because this coincides with the plover's nesting season. For a farmer in the Eastern Plains, this would be devastating because this is the only time of the year for planting most crops. USDA Natural Resource Conservation Service wrote that the plover's listing "may adversely impact a number of common agriculture practices in the shortgrass prairie region in the United States." In already difficult times for farmers in America, the elimination of their planting season would cause extinction of the Rural Farmer in the eastern plains.

Farmers are often fined for continuing farming activities on their property, even if the species is not known to exist on their land, but just because their land might be potential habitat for an animal the government is concerned about.

The bottom line:

Federal agencies should not create mandates that will financially devastate entire communities.

Rural America is already burdened because they face various economic disadvantages.

Rural Americans cannot bear the burden of species recovery.

The government should take into consideration the economic consequences to already strained Rural Americans, and work with the communities, not against them.

ESTABLISHING A NATIONAL OCEAN DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Hawaii (Mrs. MINK) is recognized for 5 minutes.

Mrs. MINK of Hawaii. Mr. Speaker, I rise today to introduce a resolution in support of establishing a National Ocean Day.

A National Ocean Day would help to focus the public's attention on the vital role the ocean plays in the lives of our nation's people and the significant impact our people have on the health of this vital resource.

The ocean covers 71 percent of the Earth's surface and is key to the life support systems of all creatures on this planet. It contains a wondrous abundance and diversity of life—from the smallest microorganism to the blue whale. The potential of the ocean's tremendous resources are not yet fully explored and likely includes life-saving medicines and treatments.

Two-thirds of the world's people live within 50 miles of a coast and one out of six American jobs is in fishing, shipping, or tourism. Some 90 percent of the world's trade is transported on the oceans.

The health of our ocean ecosystems are threatened by global warming, pollution, overfishing, and the destruction of coral reefs. We must take steps today to protect this irreplaceable resource.

The State of Hawaii has designated the first Wednesday of June as Ocean Day in recognition of the significant role the ocean plays in the lives of Hawaii's people, culture, history, and traditions. I hope my colleagues will join me in calling for a National Ocean Day to help focus nationwide attention on the need for responsible stewardship of this precious resource.

POWS AND MIAS IN VIETNAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, back in 1993 I met a gentleman named Binh Ly. And Mr. Ly told me and other Congressmen that he had a business partner, Mr. Nguyen Van Hao, who met with former Secretary of Commerce Ron Brown to seek his help in normalizing relations with Vietnam.

Mr. Ly said that Mr. Hao who met with Ron Brown three or four times told him that Ron Brown wanted $700,000 in up-front money to start the normalization process with Vietnam. Mr. Brown said initially that he never met with Mr. Hoa, but later, it was found out that he did indeed meet with him three times.

The FBI, on October 2 of 1992, was reported in the New York Times to have discovered evidence that the Vietnamese government was preparing to establish a special bank account in Singapore, and the evidence was in the form of a large transfer of an undisclosed sum of money or a transfer of undisclosed sum of money between the East Asian banks.

The interesting thing about this is that Mr. Ly told us before we found out about that that there was going to be $700,000 transferred to the Banque Indosuez in Singapore for Mr. Brown from the Vietnamese government.

Now, the reason I bring this up is we had hearing on this, and Mr. Brown was investigated. Unfortunately, Mr. Brown died in a plane crash over in the former Yugoslav a few years ago, but the fact of the matter is, Mr. Ly made this statement, and the normalization process then did go forward.

The administration said that the reason the normalization process was going forward was we wanted to heal old wounds and that the Vietnamese government had agreed that they would give us a full accounting of the 2,300 POW-MIAs that were still missing and unaccounted for in Vietnam while we normalize relations with Vietnam. And we have received a few reports on the POW-MIAs that were unreported up until the normalization took place, but the process went forward. And we normalized relations.

Mr. Speaker, now, here we are 7 years later in the year 2000, and we still have 2,023 POW-MIAs unaccounted for. Every President up until this administration had said that we would never start the normalization process until we had a full accounting of our POW-MIAs.

There is a lot of families in this country that still wonder what happened to their husbands, their fathers, their sons that do not know and may never know what happened to them because the Vietnamese government has not lived up to the commitment that they made.

Many people believe to this day that the reason the normalization process took place was because of the potential money being given to Ron Brown and others in the government as a payoff to start the process.

Others believed that the administration really did want to get a complete accounting of the POW-MIAs and they believed the Vietnamese government when they said they would give us a complete accounting.

Here we are 7 years later, and we have had an accounting of maybe 200 out of the 2,300 that were missing and are still missing and unaccounted for.

The reason I come to the floor tonight is because I am very concerned about something that is taking place as we speak. The Secretary of Defense of the United States, Mr. Cohen, has gone to Vietnam. And he is meeting with Vietnamese leaders to talk about the POW-MIA issue and to show good faith on the part of the United States Government in the peaceful agreements that have been made by this administration with the Vietnamese government.

The thing that concerns me is that our Secretary of Defense has gone over there at almost exactly 25 years to the day that we have seen our troops pull out of Saigon, now Ho Chi Minh City. That really bothers me.

They are celebrating in Vietnam. They are taking our Secretary of Defense around to war memorials showing where their valiant airmen shot down our young Americans who were killed, and they are celebrating their victory over the United States 25 years after the fall of Saigon.

Our Secretary of Defense is over there during this celebration. To me, as an American, it seems unseemly. And I think a lot of Americans, especially those who served in Vietnam or who had loved ones that died and are still unaccounted for in Vietnam, would feel the same way.

Mr. Speaker, I just say to this administration and to the Secretary of Defense, if he wanted to go to Vietnam to talk to them about the POW-MIA issue, if he wanted to go to Vietnam to tell them how important their relationship with us is, then why in the world did he do it during their celebrations of the defeat of the United States and Vietnam? It makes no sense to me. It rubs me the wrong way.

I hope that the Secretary of Defense and others in the administration hear what we had to say. He should have done it at a different time.

ISSUES FACING RURAL AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. PETERSON) is recognized for 5 minutes.

Mr. PETERSON of Pennsylvania. Mr. Speaker, it is certainly a good day for rural America. I want to congratulate the gentlewoman from Missouri (Mrs. EMERSON) and the gentlewoman from North Carolina (Mrs. CLAYTON) for reviving the Rural Caucus. I do not know what happened that it died. It should never have. For someone who represents a very rural district, it is certainly a delight that we have it back.

Why do we need a Rural Caucus? Well, first, I come from a very rural district, the most rural district east of the Mississippi, from northern tier Pennsylvania. A lot of people do not think of Pennsylvania as being rural. They think of Philadelphia and Lancaster and Pittsburgh. But much of Pennsylvania is rural. It is the most rural population in the country. One-third of Pennsylvanians live in towns of less than 2,500. That is rural.

Now, the problem we have is that urban America, who really runs this country, dominates governments at State and national level, does not understand the needs of rural America. I call rural America the heartland of this country where we have some of our finest, hardest working people with the best work ethic.

There is nothing more than we can point to today than the farm crisis. As I look out on the beautiful farmlands that are in Pennsylvania and other neighboring States, and as we see the farmers leave and the barns fall down and the underbrush grows up on what was beautiful farm fields, we are gradually losing much of our heritage in this country.

The farm crisis, if not addressed, will again put more and more rural people out of work and send them to the cities to push more urban sprawl. It is vital that this Congress meets the needs to preserve farms in this country because of the vital role that we play.

My message to the White House is stop the food embargoes. Allow American farmers to sell their products at a fair price around the world. By lifting the embargoes, it would be $12 billion to $15 billion added to the farm budgets, and our farmers would get a much better price for their products because their markets would be expanded.

Another issue that is facing rural America is rural health care. I chaired health issues in Pennsylvania for a decade. I understand them. Rural health care is paid an unfair payment in comparison to urban suburban America. Why should a procedure in rural America be paid maybe half as much as a procedure in suburban urban America. There is no real reason for that except that is the rules that have been promulgated by HCFA that administers Medicare and Medicaid.

If rural America's health payments are not equalized or made fair, we will lose rural health care, and there will be no winners because those people will have to travel long distance to suburban areas. HCFA will pay the high price for the same health care that could have been administered in the hometown communities.

Rural transportation, rural airports, rural rail lines, we cannot afford to lose another mile of rail line in rural America. We cannot afford to have another community lose its ability to have rail service because it will make sure that certain jobs and certain opportunities are not available to them. Local air service is vital to the future of rural America, and it is under threat in this country because of government policies.

Another issue that has just been recently brought into the national news is the explosion of substance abuse in this country and in particular in rural America. Rural America was always thought to be free of drug use. It was an urban problem. Mr. Speaker, the recent studies show that there is more abuse among young people in rural America than any other part.

One of the reasons is we do not have adequate enforcement in rural America. The strike force, the drug strike force, the special groups that have been put together to work in urban America and suburban America, they do not like to work out in rural America. Because we do not have adequate enforcement, drug usage is on the rise, and we are losing young people by the thousands because drugs, not only harm young people, they often kill them. Drugs are dangerous. Drugs are not healthy. Drugs are not safe. We must somehow stop the drug culture in all of America and specifically rural America.

A question I ask: Is rural America prepared for e-commerce? Do we have adequate ability to the Web, to the Internet? Are our telephone systems up to date? Do we have digital switching? Do we have an adequate amount of fiber optics? Because if we do not, it will be no different than if we do not have highways and we do not have rail and we do not have air service. E-commerce is where the future is.

One of the issues is equity in education. Rural school districts have historically been underfunded in comparison to urban and suburban districts. Suburban America has a strong tax base and can afford a good educational system. Urban America has some of the similar problems of rural. We have always subsidized them. But we have not subsidized rural education in the same manner that we have subsidized urban education. So rural education has had to take a back seat. Not all of the opportunities that are needed for our young people are there.

One of the issues facing this country and rural America is, do we have adequate access to technical education. My answer is no. The jobs that are out there today, many of them are high-tech jobs, many of them are mid-tech jobs. But we need an education that is a blend of academic and technology.

America is not prepared in my view, and rural America very much so, not prepared for the jobs of tomorrow, not prepared for the jobs of today. We are not adequately training the workforce. What is going to happen if we do not prepare this technical workforce, we are going to export another level of manufacturing that we should not lose and we do not need to lose if we do not prepare the workforce for the manufacturing companies.

The manufacturing companies that are still processing and manufacturing in America today are very high-tech. There is a computer and a robot hooked together all the way down the line. It is a very high-tech manufacturing, and it takes a worker far more than was needed in the past when one just needed a willing worker. One needs a person today that is trained.

ELIMINATION ON BAN ON IMPORTING TO UNITED STATES IRANIAN CAVIAR, CARPETS, AND PISTACHIOS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

Mr. SHERMAN. Mr. Speaker, I thank the House for this opportunity, because I was not on the list to address the House today and did not expect to do so. My remarks may be intemperate because I come here in anger. I speak here not with any prepared text, but from a few roughly thrown together notes. I know those who prepare the CONGRESSIONAL RECORD like a prepared text to follow afterwards, but they will, unfortunately, have to rely upon our outstanding court reporter.

Mr. Speaker, 20 minutes ago, I became aware of a horrifying news report, a report that filled me with anger at a proposed administration policy, a policy that may be taken by an administration that I have supported time and time again with my vote and with my voice.

Today, news reports indicate that this Friday the State Department plans to announce an elimination on the ban on importing to the United States of Iranian caviar, carpets, and pistachios. We will be told that these three exports are insignificant to a Nation with so much oil. But Iran is able to export its oil on the world market and obtain the world price. Nothing America does influences that price or the total demand for Iranian oil.

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In contrast, Iran stands to benefit substantially if its three major non-energy exports are allowed into the United States. Nothing we do could have a greater impact in the area of importing goods from Iran than to allow carpets, pistachios, and caviar into our markets.

Mr. Speaker, do we really need Iranian caviar? The Russian caviar somehow does not satisfy the palates of the most discriminating? I do not think so. I think the greater thirst, the greater craving than for Iranian caviar is the thirst, the craving in the State Department to make concessions of a tangible nature to Iran before we get more than the first wisp of improved Iranian behavior.

Mr. Speaker, about a year ago, 13 Jews were arrested in Shiraz, Iran; and they were charged with espionage for the United States. Ten of those 13 remain in prison. All 13 go to trial next month. All of them face the death penalty. Why would America liberalize our export rules while these 13 face the death penalty for allegedly spying for us?

Mr. Speaker, since the Iranian revolution, 17 members of the Jewish community have been executed at roughly the rate of one per year in a constant and bloody effort at community repression, and yet our State Department wants to let in the caviar, the carpets. Mr. Speaker, that caviar will not taste good. There is blood in the caviar; the carpets wrap human bodies. And we have got to stand firm for once.

Mr. Speaker, the Vice President of the United States has said that Iran's treatment of the 13 Jews held in Shiraz would be a test for the Iranian government. But what test proctor is so wimpish as to award an A to the student before that student even turns in a paper? The test is still outstanding. Can Iran stop its repression of the oldest Jewish community outside of Israel? Can they let go of the desire of some of the hard-liners in Iran to oppress this small remaining community of 30,000 people?

Mr. Speaker, we have to understand how stupid and outrageous these espionage charges are. Here in the United States we are a multiethnic society. Anyone can grow up to be a spy. We can have Jewish-American spies, Chinese-American spies, or English-American spies, because everyone participates in our society. In Iran, no Jew is allowed anywhere near anything of strategic significance, and America would not be the world's only superpower if we made a practice of hiring as our spies those in a small community prohibited from getting anywhere close to any of the information we might find significant.

Mr. Speaker, these 13 are not held out of a genuine belief that they might be guilty of espionage, but rather as an effort to torture a community and perhaps execute 13 of its members.

Mr. Speaker, there is blood in the caviar, bodies have been wrapped in the carpets, and it is time for America to say no until the 13 Jews of Shiraz are liberated and until the Iranian government takes other important actions as well.

TIMELY TOPICS FOR A NIGHT-SIDE CHAT

The SPEAKER pro tempore (Mr. ISAKSON). Under the Speaker's announced policy of January 6, 1999, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes as the designee of the majority leader.

Mr. MCINNIS. Mr. Speaker, it is time for another night-side chat. I look forward to visiting with my colleagues in the next few minutes. There are a number of topics I would like to cover this evening, but first and foremost I have just listened to the gentleman from California (Mr. SHERMAN) and his points on caviar from Iran. The gentleman's comments were excellent, and they were right on point.

It is amazing how the administration, in my opinion, is dealing with the oil situation that we have got, the high gasoline prices that all of our constituents pay out there, yet this week they are going to lift the restraints and allow Iran, which is a member of OPEC, to go ahead and trade these products in our country. When we consider even further what the gentleman from California (Mr. SHERMAN) has said in regards to the terrorist acts and the problems that we have had with the country of Iran, it makes it even more astonishing that the administration would lift those trade restraints and allow Iran to come in here and trade as if they are our neighbors in our neighborhood. It does not make sense.

I had to put my two bits in on that because I think it is important and because I want to talk a little this evening about gasoline prices. It has hit all of us across this country.

I also want to talk about my case of the week. As many of my colleagues know, I used to be a police officer; and I like to highlight some of the more absurd cases I read about in our national press. This week's case comes out of the State of Colorado, my home State.

I want to talk a little about law enforcement and our drug enforcement in the State of Colorado. We have a lot of good hard-working law enforcement officers in Colorado.

And then, finally, colleagues, I wanted to talk about probably the most important topic of this evening: guns. Guns. A little controversy later on in the discussion, so I hope my colleagues will stay around because I want to talk about guns and what kind of situation we have got with guns. I want to talk about gun squads. I want to talk about guns, and I think at the conclusion of those remarks, my colleagues will walk out of this Chamber supporting what we are doing in the State of Colorado in regards to guns.

Let us start at the top. Let us start talking about gasoline prices. We all know what is happening at the pump. And, by the way, I have heard a few news commentators say, gosh, we have nothing to complain about, look at the gas prices in Europe. Well, let me just say that we should not compare the gas prices in Europe with the gas price in the United States because the gas price in Europe is not comprised of extra cost of production; it is taxes. It is extra taxes in Europe.

I do not think we in this country ought to sit idly buy and say we ought to raise our price of gasoline, just like the Europeans do, which means we are going to put a substantial tax increase on our gas prices. I think our country has every reason to object to the high prices of gasoline as we now see it. Our entire economy is dependent upon fuel and oil.

Now, sure, we would like to lessen that dependence in the future. In fact, during the oil crisis in the 1970s we had a very aggressive drive to reduce our dependence on oil; but in fact we increased our dependence on oil, to the extent that we are much more dependent today on foreign oil than we were after the crisis in the 1970s, when we said we were going to be less dependent. A number of different factors played into that.

Now, it is very easy to condemn oil. I deal with a number of people that are anti-oil. They think it is all big corporations, or they think this country has deserves what it gets in regards to oil. Well, if we really take a look at how fundamental it is, in fact there is not in this great room of ours, nothing, whether it is the furniture, whether it is the vehicles we use to get here, the electricity that lights the facility or powers this microphone or works TV cameras, all of this is very dependent upon this fuel. If we did not have this fuel, if the price gets out of hand, we will have an economic crisis. And when we have an economic crisis, that means we cannot do a lot of things that we think are good in our society, things like helping other countries, things like helping our own people, things like providing a strong military defense, things like providing health care, Medicare, Social Security. All of that is very dependent on a healthy economy.

And when we look at our economy, the foundation of our economy, we have several pillars. One is good people. We have good people in this country. We have efficiency. We have economies of scale in this country. We have expertise. We have education. But amongst those pillars is oil, and we have to have decently priced oil. It is essential for us.

Now, I want to point out that I have a disagreement with the Vice President's policy, as I take it, on oil. The Vice President's policy has been stated in a book that he wrote in 1992. Raise the taxes. My disagreement with the Vice President's policy and the administration's policy is that they should not be raising taxes on fuel. We are trying to get the gasoline price down, not take the gasoline price up. We cannot just continue to layer tax after tax after tax on the American people.

I should point out again my disagreement with the Vice President. That was the tie-breaking vote in 1994, when the gasoline taxes were raised 4.3 cents per gallon. That may not sound like a lot, until we think about one of these poor working people that has to go to work every day who are pulling into a gas pump. They did not see a raise at work, and they are not seeing any more efficiencies. All they are seeing is they have to reach down deeper and deeper into their pocket and pull out more and more money at the gas pump. Then there are people in Washington, D.C. that think it is a good idea to have policies that say we ought to raise taxes more on gasoline. Those policies and the policies of that administration are wrong. We should not be doing that. We have to worry about this economy.

Now, what can we do? We can all complain about gasoline prices and OPEC, and I can tell my colleagues that I have had experience with gasoline prices in Colorado. My district is the 3rd District of the State of Colorado. It is all the Rocky Mountains; almost all of the mountains in Colorado, and we have experienced high gasoline prices out there. Nothing like we are seeing today, but we have experienced those kind of prices.

But today's price is being driven by a cartel. We do not allow cartels in this country. It is a monopoly. We do not allow that. We have antitrust legislation in this country, so we do not have cartels that stick it to the people.

Now, some people say, well, it is the market. Let the market work. Well, let the market, if the market works in a true market form. I am a firm believer in Adam Smith. I am a strong believer in the philosophy of Adam Smith and capitalism and the market. But it is an unfair advantage in the market if we let a cartel go in. The cartel is not a concept of the market, and that is what is happening to your gasoline prices.

People say why is the price going up? Well, part of it is the policy of the administration, in my opinion, that I have stated my disagreement with. But the strongest push upward, the more immediate push upward that we have seen in the last few weeks is as a direct result of this cartel called OPEC.

Okay, well let us talk about the battle we are involved in. We have OPEC over here. It is a cartel. And as my colleague, the gentleman from California (Mr. SHERMAN), said, Iran is a member of OPEC. We have a number of different countries, Algeria, Nigeria, Indonesia, Saudi Arabia, Kuwait. These countries all belong to this good old boy club. Now, surely some of us have heard, especially being in politics in an election year, we have to get rid of the good old boy club. There is not a better more definite example of the good old boy club than the cartel and OPEC. They are putting a noose around us and keep tightening the noose.

Well, does this country deserve to have a noose put around us? Let us take a look at some of the OPEC members. Kuwait, for example. Maybe we should dial up Kuwait on the telephone: Hey, Kuwait, how long is your memory? Was it not America that gave you your country back about 9 years ago? Was it not America that lost 50 or so soldiers giving you back your country? Was it not America that rebuilt your country? And this is how you express gratitude: you go into this cartel and say stick it to the Americans?

By the way, Saudi Arabia and Nigeria, and all these other countries of OPEC, whose expertise do you think you are using for the mechanical aspects of taking that oil out of the ground, of transporting that oil, of marketing that oil?

We have had a good friendship over the years with many of those OPEC countries. It would be a shame if that friendship is allowed to be diluted by greed, which is the only bottom line when dealing with a cartel. Greed is the only bottom line that a cartel results in. It is the only result one gets with a cartel. It brings greed. And there are a lot of victims sacrificed as a result of greed.

What is my proposal? I think the President, and I have heard the comments of the administration, and I refer to the administration's policy, I am not referring to the President or Vice President personally, as my colleagues know, but the President and the Vice President's policies of saying we should not tamper with it, it is the market, let the market deal with this, is wrong. A cartel is not part of the market. And if the administration is going to consider it part of the market, then let us play by market rules, which means let us get in there and tussle a little. Let us get in that market and say, all right, if OPEC wants to charge us 20 some bucks or 25 bucks a barrel for oil, we are going to start taxing American products that go over to make it possible for them to produce that oil.

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Now, starting tomorrow, if they want drill bits out of the United States to drill down, maybe we ought to charge them an extra premium to help us offset the fuel costs we are being dealt with.

They want to transport? If they are using any kind of American expertise or American personnel, maybe we ought to have a special little assessment, we will not call it a tax, an assessment to make it a little softer approach, lets call it an assessment. We are going to put an assessment on OPEC.

Two people can play this game. If OPEC wants to come in with a cartel to the free world and you want to put a stranglehold on us, it goes two ways. They are not totally independent of the United States. In fact, I say to OPEC and any number of those countries, not only was Kuwait dependent on the United States to free their country and give it back to them, all of those countries over there, without exception, all of them are dependent upon American expertise for their own economies.

Maybe we ought to play a little tit for tat, as they say. That is what they do in the market; they get competition out there. Let us compete. Let us not just say, well, the competition has put together this cartel so we will just let things kind of wander as they might, as we hear from the Vice President's administration.

Let us get out there and let us get in the ring with them. Let us take a look at foreign aid. Last year four countries, Algeria, Nigeria, Indonesia, and Venezuela, $165 million in aid, $165 million in aid to those four OPEC countries, foreign aid from the United States.

When our budget comes up this year, maybe we ought to take a look at the OPEC countries that we have in our budget that we are giving money to to help with their problems under our foreign aid program; and maybe we ought to remember what they are doing to us, to the American citizens, to the hard working people that have to get to work every day, turn on their lights, feed a family, maybe we ought to remember what they are doing to us when we do our foreign aid bill this year. I think it is important.

I think these gasoline prices will have a negative impact on our economy. It is nothing to laugh at. It is not something, as the administration says, well, we will just kind of let it go, you know, let the market take place.

If we had a true market form the way that Adam Smith talked about a true market, we would not have a cartel out there, competition would be allowed to thrive, and we would not have this kind of situation occurring.

The administration has got to recognize they do not have an Adam Smith type of playing field out there, they have got a cartel. And that is what is jacking up the price to the American people. The American people deserve an aggressive behavior out of its Nation's capital before our economy begins to crumble as a result of these oil prices.

And we have got the leverage to do it. It is not like we are totally disarmed in this battle. We have got lots of leverage. That foreign aid is just one small part of it. American expertise is a big part of it. What we do for those countries is a big part of the leverage we have. We ought to put it all on the table. They laid out their cards. They got together and decided which cards were best to play poker with. And so, instead of playing poker with each one of them, they all got together and put their cards and are coming up with the best hand.

Well, they do not have all the leverage. We have got some leverage. I urge my colleagues, let us get aggressive. Let us not sit back and take it. Let us get aggressive on this. We have got leverage, and let us use it.

CASE OF THE WEEK

I am going to change horses here for a minute. I want to talk about my crazy case of the week. First a little of my background.

As I said before, I used to be a police officer. And you cannot ever get that out of your blood. By the way, I want to say to my colleagues, of course, I am from Colorado. I was a police officer in Colorado. I have got a number of good colleagues out there who still are on the force. And just a message to all law enforcement across the country, my constituents' colleagues, they have got our full support. We love good cops. We do not like bad cops, but we love good cops. And they deserve the kind of credibility that they have.

In most communities, I guess I should take that back, in every community, overall there is strong respect and admiration for our police officers.

Let me tell my colleagues about a case that I read about in the Denver Post. I will cite the article. Denver Post, March 11. That was last Saturday. This case involves a defendant who is accused of murder.

This defendant went out and allegedly, and everything I say this evening is allegedly, although the evidence, in my opinion, proves it up, but the decision has not yet been made, so it is all allegedly, let us take that into consideration, this defendant allegedly goes out with one of his buddies and decides that they want to go ahead and rape a woman. And, of course, if you rape them, you better murder her, too.

So they go out and hit a jogger with their car. They hit a jogger with the car. The jogger falls, gets cut up and things. And this defendant jumps out and says how apologetic he is that he hit her with his car and he offers to take her to the hospital. Good Samaritan, I am sorry I hit with you with my car. Let me take you to the hospital.

The smartest thing that woman ever did was say, no, I will get my own help. I do not need your help. I am not going to let you take me to the hospital.

So that victim did not work out. So then they go on down and they find another victim, a 23-year-old young woman. They take her. They rape her. They beat her. They abuse her. They torture her. Then they murder her.

Well, let me tell my colleagues what the defense is saying. Now, I have got to tell my colleagues, in fair disclosure, I did used to be a cop. I am biased toward the prosecution side. I used to be an attorney. I practiced law. I could not practice defense law. I mean, I know that they are entitled to a defense, but, as an attorney, I chose not to do defense law because I just could not find myself defending somebody whom the facts made very clear were guilty.

But that is an aside. An attorney has an obligation to defend its client. I just could not do that kind of work. But I do disclose to all of my colleagues, I have a bent towards the prosecution. But these are facts out of the newspaper. This is not the gentleman from Colorado (Mr. MCINNIS) coming up with an idea. These are facts out of the newspaper.

So they go and rape this person. The defense puts on their case. And guess what the defense says? Oh, the defendant, this guy that did this, he thought he was the victim. He thought in his mind, and this is true, this is what the psychiatrist testifies to, that in his mind he thought he was being raped. In his mind, he thought she, the true victim, the murder victim, he thought she was causing infidelity in his marriage and he just did not really know what he was doing when he killed her because he thought he was the victim and he was trying to push her away from raping him and from causing an extramarital affair in his marriage. It is incredible.

Dr. Riyana Rogers, a forensic psychiatrist who currently works as a professor at the University of California in San Francisco, let me tell my colleagues something, I hope I get the opportunity some day to meet her or that my colleagues get an opportunity to ask her about this defense.

Come on, folks. Can you really think that a mental illness will allow a defendant, who earlier in the day, by the way, earlier in the day very methodically tried to get a woman in his car. He hit her with his car. By the way, I should also add this fact: A year earlier they had a witness testify that he dreamed or had a fantasy of going out and grabbing a woman and raping her. He said he wanted to rape a girl and kill her and make her boyfriend watch, according to videotaped testimony.

And yet, this psychiatrist comes to the common people of America and says, look, I am sorry that the victim got raped. I am sorry that the woman got raped. I am sorry that the woman was abused. I am sorry that the woman was tortured. I am sorry that the woman was killed. But, you know, in this case the real victim was this guy. I know he is the one that killed her. Yeah, he killed her. But he is the victim. He thought he was getting raped. He thought she was disrobing him. He thought he was being tortured. He thought it was his marriage that would suffer as a result of this situation. So he called upon himself to justify it.

Well, I am telling my colleagues, it makes me sick. Now, the jury is still out on this. I hope the jury does not buy it. If the jury buys it, I can tell my colleagues this will be one of the saddest chapters in American defense law in the history of this country. I said "defense," not prosecution, "defense." Because it does a disfavor to your industry to their profession, and I used to be an attorney, it does a disfavor to their profession if somebody is going to get off the hook by claiming that, in fact, they were the victim of the rape, they were the victim and blame it on the sweet child of 23 who never saw another day.

That is the case of the week.

LAW ENFORCEMENT

Next, I want to visit for a minute about law enforcement. I want to thank especially the Intensity Drug Trafficking Area.

Senator CAMPBELL and I worked very intensely, as maybe my colleagues know, on the appropriations bill. We put appropriations in starting about 3 years ago. We have got it in every year since. Senator CAMPBELL, on the Senate side, has done a tremendous job for this, I on the House side. And it is the Intensity Drug Trafficking Area. We have Garfield, Eagle, Rio Blanco Counties are participating on a tri-county team, along with the communities in there.

For example, my good friend Terry Wilson, the chief of police of the Glenwood Springs Police Department, I used to be on that department, I worked with the gentleman, he is doing a great job. And I want my colleagues to know here, this is a good program.

What we have done is we have focused in on high drug trafficking corridors. We have given local money. We have not come in and said, we know better. The Federal Government has not sent in a bunch of agents and said, we know how to tell local law enforcement to do their job.

What we have done is made available expertise and put money into those communities so that those communities can go out onto their highways, into their counties, into their cities on these corridors and intercede that drug trafficking. And it has been a great success. I want to acknowledge that success this evening.

AMERICA WANTS SOLUTION TO GUN PROBLEM

Now I want to talk about guns. We have seen a lot of tragedy in this country. We have seen a lot of debate. Unfortunately, a lot of it is being motivated by politics. But we have seen a lot of debates on guns in this country. And there has been opportunities for exaggerations on both sides of this debate on guns.

There is a problem out there. Now, a lot of people will go with the satisfaction of just having the debate itself so they think they can score political points. But the core of America, the core of America, wants a solution to this problem. They want us to work out something that makes sense that will work.

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I think there are a number of people across this country that have come up with an answer that does work. I think it is being completely ignored, most specifically by the national media. I must say that in Colorado, the local media has done strong justification to the program that I am going to talk about.

Let me give a little brief history of the program that I want to visit about, but first of all let us talk a little more, very briefly, about this gun issue. My position has always been, as a Congressman and as a State representative for years before that, that it is the misuse of the weapon that we must focus on. Putting all your attention on possession of the weapon it is a distraction. It is not the possession of the weapon that creates the problem. It is the misuse of that weapon that creates the bigger problem, in my opinion.

How do you deal with misuse?

Now, this sounds simple. It is so simple, you are going to say, right, get on to the next point; but the fact is when you have misuse you have to go after it. You cannot have misuse of a weapon, misuse of a gun, and ignore it, because the misuse will only grow unproportionately. You have to go after the misuse. That is a simple rule, rule number one, go after the misuse.

Number two, what do you do about the misuse? How do you go after it? Well, I am going to go through a project that I think is very effective in going after it, but there are other things. This project incorporates all of them. One, be quick, swift. If you see misuse, if you see misbehavior, move quickly to stop it. You must intercede quickly. Delay of time works against you. You must intercede quickly. You must intercede with significant force. I don't mean you call in the Army. I am just saying that you have to be able to reach out there and grab that misuse and stop it.

So, one, you have to go after it; two, you have to do it quickly; and, three, you have to have significant ability to stop it, to enforce it. It is very much like touching a hot burner.

That is an experience that all of us have had at some point in our early years. The elements of touching a hot burner are contained within this project that I am going to go through with you, but I think it is the answer. Instead of talking about, well, we should have this and we should have more laws on the books here and more laws on the books there, let me say politically it sounds great, but it is a distraction. It is going after possession.

Let us go after misuse and let us compare it to a burner, a hot burner. A hot burner is very, very dangerous. A gun misused is very, very dangerous. A car driven at a high speed or misused is very, very dangerous. You must have consequences if you are going to stop that misuse.

Well, take a look at a hot burner. First of all, there is a warning. Now, the first time you touch it, you probably did not know the difference when you were very, very small, between a red hot burner and a burner that was just black, it was not red in its color. So you walk up to a burner and it is red. Well, after the first time that signal alone will send little signals to your brain, trouble ahead, trouble ahead, there is a hot burner; do not touch that burner.

The first time that signal did not go up because it was not implanted. The impression was not made on your mind what a red burner meant. We are going to place impressions on minds with this project. We are going to take care of that. We want people to see the red burner.

The second thing you did when you did not recognize that the red burner was a signal that there is danger is you approached it; and as you approached it, you began to feel heat. The heat was of little consequence because you did not really know what it meant. You knew it meant heat as a small child. So you kept going to the burner and you touched it.

What happened when you touched that burner? There were immediate impressions made on your mind. Ouch, ouch, it hurt. The response was immediate, the consequence was immediate, and the impression on your mind lasted you for the rest of your life: do not ever touch a red hot burner.

Today I want to talk a little about Project Exile. That is the red hot burner. We want people out there to know, Mr. Speaker, that it is red hot; and if you touch it, it is going to burn and the consequences are going to be severe because we want to create an impression in your mind that the misuse or the illegal use of weapons or guns in this country will not be tolerated; zero tolerance.

It does not require new laws, by the way, no new laws, no new gun laws, none of this stuff. Put all the political argument aside. By the way, this project is supported non-partisanly. I will talk later about my friend Ken Salazar in the State of Colorado, the attorney general; a little later about Tom Strickland and all of the attorneys general who work for him who have done a tremendous job, the same thing with the Colorado State attorney generals there, attorneys there who have done a good job. We have a lot of Republicans in there. Wayne LaPierre, head of the NRA, is involved in this, our governor, of course, in the State of Colorado, Bill Owens, a tremendous leader for the State of Colorado. He is involved in it. It is bipartisan.

Let me begin by starting with a little brief history on where it started. It actually started in the East, in Virginia. Now, you are talking to Scott McInnis. It takes me a lot to credit something beginning in the East. I am strong on the West, but this one started in the East. It started in Richmond, Virginia.

What happened in 1997 is Richmond suffered from the second highest per-capita murder rate in the country, second highest rate in the country. So they decided to put together a project they called Project Exile; and in 1998, as a result of this project, the city's homicides were cut by 33 percent, the lowest they had had since 1987, all as a result of Project Exile.

Project Exile, what is it? What does it mean? It is a Federal, State, and local effort. It is not just a Federal effort. The Feds are not coming into your State, into your community, into your county telling you what to do. They are working a partnership. This is a partnership. The Feds, they are a partnership with the State; and they are a partnership with the local government.

The effort in Colorado, as it was in Virginia, was led by the United States Attorney General's office. Those are the ones who prosecute, from a Federal level, gun crimes. Where do we come up with the name "exile"? What we wanted, and I say "we," I wanted a part of it, I just think it is a wonderful program and that is why I am promoting it; but the reason the word "exile" came is if you violate a gun law, if you misuse that weapon, and violate that gun law, you are going to be exiled to prison, exiled to prison. Thus, the name Project Exile; Colorado Project Exile.

In this particular case in the history, it started in Virginia, but this is what many of our billboards in Colorado are going to look like, just exactly like this, pack an illegal gun, i.e., misuse, misuse, abuse of the law, touch the burner, pack your bags for prison; and then report illegal guns, we give a 1-800 number. It have been so successful this Project Exile in Virginia that it has been implemented in Boston, it has been implemented in New Orleans, in Rochester, in Birmingham, in Baltimore and many other cities across the country, and now we in Colorado have adopted this and I urge my colleagues on the House floor, take a look at it for their own State.

Look, there is a lot of rhetoric going on out there about these guns, and there have been some tragedies. There have always been tragedies with guns, misuse of guns; but put all the rhetoric aside. I have seen some rhetoric over the weekend, and most of it seems to focus on possession. We have the laws in place. We have a lot of gun laws in this country, and a lot of those laws are good laws. They make sense. For example, you cannot have an automatic machine gun. It makes sense.

We have a lot of laws that make sense. You cannot misuse a gun, you cannot use a gun in a robbery, in this and that. It makes sense. Let us use them. Let us let people know that we mean business when we talk about gun laws.

Well, Colorado Project Exile had a press conference last week. The NRA was there. I know some of you every time you mention the NRA your hair bristles. Other people stand up and clap. That was one side that was there.

The U.S. Attorney's Office was there. The Colorado attorney general, who is a Democrat, Ken Salazar; and I applaud my colleague who does a darn good job in Colorado, he was there. Mark, my colleague here on the House floor, Mark was there; Tom Strickland, U.S. attorney, State of Colorado, he was there and his staff was there. By the way, a lot of Ken's staff was there. Of course, the governor led off on this thing. Bill Owens has done a tremendous job for us.

The sheriff's department was there. Police departments were there. The Colorado state patrol was there. Lee White, an individual in Colorado who has put a lot of effort in helping us raise money, they have gone out and raised money to take this campaign to the people; go out to the people and tell them, the burner is hot. It is red hot. If you touch it, you will be exiled into pain. In this particular case you are going to be exiled into prison.

Well, the project has multiple aspects to it; but the goal of the project is this, this is our goal in Project Exile: raise the stakes. You break a gun law in Colorado, we are raising the stakes. The citizens of Colorado are going to raise the stakes at the poker table. No longer are we just going to talk about issues like possession. We are going to raise the stakes, and we are going to look at the laws we have. We are going to make it very painful for you to violate gun laws in the State of Colorado. We want to make that burner hot. We want to make it red hot. We want it very clear that if you violate Federal or State gun laws you will go to prison.

One of the ways that we are going to do it is we are getting a message out there. We really have three components to it. Remember at the beginning of my comments, Mr. Speaker, I talked about the gun squads. Gun squads, you said? What is he doing on the House floor talking about gun squads? Sounds like some kind of gun fanatic out there. No. We have a new gun squad, just like the vice squad. Vice squad goes after things, the drug squad goes after things, the traffic squad goes after things. Well, now the gun squad.

Remember everything I am telling you about was supported by everybody from the NRA clear over to the State patrol, the city police, Democrats, Republicans. We are going to have a gun squad, and they are going to be looking for people violating those gun laws. If you are packing an illegal gun, if you are breaking a law like that, you are going to pay the consequences, so be ready. It is fair game; you are fair game. We have to let those constituents out there who think they are going to get away with violating those laws, who think we are going to ignore the fact that we have lots of laws on the books, we are going to let them know we mean business. That burner will be hot.

So our gun squad will consist of a cooperative effort from our partnership with the Federal, the State and the local, to go out and coordinate our gun laws. For example, I will give you an example, every police officer in the State of Colorado will be given this placard. Now, this placard has the gun laws.

You are saying, Scott, why do you give this placard on gun laws to the State Patrol, for example, or to the Grand Junction Police Department or people like that? Why do you give them this placard?

This is not State gun law. This is a quick summary of Federal gun laws. Every police officer will have this; and they will be able to, when they make a stop or when they come into a situation, they will be able to very quickly figure out if there is a gun law, Federal gun law, violation that has taken place.

Remember, they already know their city ordinances, city laws. They know the State laws, but really they do not have right at their hand, right in their palm, the Federal gun laws. Now they will have it, and they will be able to immediately know if we have a situation that the gun squad ought to look at. Our effort is to coordinate the gun laws at the local level, the gun laws at the State level, and the gun laws at the Federal level so that we can come up with the maximum temperature on that burner so that the person who continues to misbehave in our society and causes us a lot of grief, I mean talk about the challenge to the second amendment; I am a strong supporter of the second amendment. You talk about a challenge to the second amendment, it is these people out there that are breaking the laws that make other people in our society think that it is the second amendment that is the cause.

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The cause is that our coordination has not taken place. We are not making that burner hot enough. We are not making it hot enough for those people that violate the laws.

Well, secondly, of course, the second thing goes along on the enforcement. I have told you this, those officers will have this. We are doing lots of educational seminars in Colorado. We have citizens in Colorado, not just cops, not just lawmakers, and I have many, many good colleagues in the State house and State Senate in Colorado that support this. We are getting common people out there to go out and raise money to help us make the public, and, in this particular case, the law enforcement agencies, aware that, number one, we are behind you. You men and women out there have got a tough job on the street. You need to know that we are going to stand behind you, and we are going to stand behind you on this one. We are there. We are there with you.

Two, we are going to make information accessible to you.

Three, once you go through this effort, we are going to follow through with the prosecution side of it. We are going to go after this.

The third element we need to talk about is public awareness. This is not just a fancy poster to bring on to the House floor. This is a duplicate copy of what our billboards and what our advertising program is going to be like in the State of Colorado.

Now, I say "ours." It is ours. It is the people of the State of Colorado. In fact, it is the people of the United States of America focusing in Colorado, or in Baltimore, or in West Virginia. It is your taxpayer dollars in the U.S. Attorney's Office.

But in Colorado our project is going to read Colorado, Project Exile. Remember what exile means. You violate the law, you do the crime, you do the time, except this time we are going to do something. We are really doing it. Pack an illegal gun, pack your bags for prison, and a 1-800 number. I will talk about that later.

Mr. Speaker, when I was in the state legislature in the 1980s we decided we were going to get tough on guns. We decided we were going to get tough on crime. We decided we were going to get tough on judges who we did not think were doing an adequate enough job of being tough on these people.

We toughened up in Colorado. We built prisons and we sent people to prisons and our crime rate dropped like a rock in water. Why? Because they knew there were consequences. They knew the punishment would be there and they knew it would be fairly immediate and it worked in Colorado.

Now, look, I have heard the age-old argument, well, look, Scott McInnis in Colorado has the wrong idea. Build more schools and less prisons.

Mr. Speaker, that is comparing apples to oranges. Who does not want to build more schools? Who does not support stronger education? But the finest education system in the world in a society that has it, and I happen to think the United States, when you look at the overall picture of education, I think we have one of the finest systems in the world, still has got people that are going to misbehave.

The Catholic priesthood is one of the finest callings man could go to, in my opinion. I am a Catholic. But if you are Jewish, maybe a Rabbi, or whatever. It is one of the finest callings you can go to, but you have bad people. No matter how well you educate a Catholic priest, no matter how well you educate a Rabbi, or no matter how well you educate your general population, you are going to have some bad apples out there, and some of these apples are animals, just like the fellow I mentioned before, who declares he is the victim because he raped a woman, murdered her and tortured her. She was not the victim; he was the victim. That guy ought to be in prison. I do not care what kind of school you build in Colorado, you are not going to do much with this guy.

Face the fact that a certain percentage of your population you are going to have to deal, you are going to have to consequences.

So that is what we are doing. We are saying you are going to go to prison. We are not going to go out and rehabilitate you, we are not going to go out and doodle around and slap you on the hand and tell you we are going to look the other way, although in the past I can tell you very few gun laws in the State of Colorado in my opinion were enforced. We looked the other way. Too much hassle. "It's okay. Old Joe here has got to use this weapon in a robbery or something, let's get him on a robbery."

Well, things have changed. Now, tragedy, of course, has created this change. Not just tragedy at Columbine, we all know about that, but tragedy in the other cases too, and it is time for the whole Nation, every one of my colleagues sitting on this floor, to change, not change, because I know you are supportive, I do not know anybody that is not, let us use the laws we have got. Let us go after them.

Let us talk about the 1-800 number. "Report illegal guns, 1-800-283-guns." Where did that come from? Remember the program, maybe you have seen it in your neighborhood, I have got it in my neighborhood, neighborhood watch, the neighborhood watch program? Or crime watchers, where you call in. You do not have to give your name, and we put rewards out there?

We went out in law enforcement, I used to be a cop, we went out there and recognized, you know, we do not know it all. We cannot do it all. We have got to form a partnership. We need to form a partnership with our citizens. We need to reach out to our citizens and ask them to help us. That is where crime watchers came, that is where neighborhood watch came about, and that is exactly what is going to happen with Colorado Project Exile. We are asking for your help.

We are going to give you a 1-800 number. If you know somebody that is carrying an illegal weapon, you know somebody that used a weapon in a crime, you know somebody that has a fully automatic weapon that is illegal, call us, 1-800. No expense. No cost. You are helping yourself, you are helping your society. Call us. We mean business. You call us. Let us prove to you we are not going to tolerate this kind of behavior in society. We have got some good solid laws on the books.

I want to remind everybody, the National Rifle Association supports this. This is not something that has got a polarization going on out there. There is a lot of polarization today. I just saw it over the weekend. The President's policies are this, somebody else's policies are this, the Vice President is demanding apologies.

Forget all of that rhetoric. Let us talk about right here. This is it. This is a policy that works. It is nonpartisan. It reaches out and brings lots of partners into our partnership, and our partnership is a strong partnership, as witnessed by the number of people that were at that press conference last week in Colorado announcing the kickoff.

Now, has it made a difference? You bet it has.

Remember, the press conference was last week, the statewide effort. Tom Strickland, the U.S. Attorney in the State of Colorado, actually initiated this in October of last year.

Let me tell you, first of all, has it been accepted by the public in Colorado? I have talked to you about how all the leaders have come together in a non-polarized partnership and formed a team. But have the people who we work for, have they accepted it?

The answer in Colorado is yes. The media has accepted it. Denver Post, Denver Rocky Mountain News, Colorado Springs Gazette, Grand Junction Daily Sentinel, Boulder Daily Camera, I could go on and on. This has strong support in Colorado.

In 1998, let me give you a few examples, these are some statistics. Primary charge, weapons used to facilitate drug trafficking. In 1998, eight people were charged. In 1999, 36 were charged. Project Exile was only in effect for 3 months.

Another startling statistic. A felon in possession of a gun, in 1998, 17 people, in Colorado, we have 3 million people, we got a lot of felons. Colorado is a great State, do not get me every wrong, but every State has felons out there, too many felons, and we know those felons, we know more than 17 felons had guns in their possession.

Well, now we are going to know a lot more, because we are getting participation from the community and from the law enforcement agencies and from the prosecutors and from the Federal Government with its assistance. Now we know we are going to find out a lot more about these felons. That number jumped by 30 percent, by 30 percent, and we were only in effect for 3 months.

We have a number of others. But let me just give you an idea. Here are some crimes in Colorado that recently charges have been filed under Operation Project Exile. In my opinion and in the expert opinion of the U.S. Attorney's Office and other people who really are in the field hands-on, these charges would not have been filed in Colorado, would not have been filed in Colorado, had it not been for our team effort on Colorado Project Exile.

What are they? I will give you an example. Delivery of a firearm to a common carrier without notice. Illegal exportation of guns via commercial airliners to Honduras. They were exporting illegal weapons to Honduras. Had this project not been in effect starting in October of last year, our guess is charges would never have been filed under this law.

Possession of two sawed-off shotguns. We know sawed-off shotguns are illegal. It has been a long time since there were charges filed. Project Exile, we are filing charges. We filed them.

Possession of a firearm by a prohibited person, possessed an Uzi and a sawed-off shotgun and had domestic violence convictions and attempted third degree assault charges. All of those were wrapped up under Colorado Project Exile. Our belief is that most of those charges would not have been filed, had we not decided to take an aggressive, very aggressive, stance on the existing gun laws.

Drug user, addict in possession of a firearm, marijuana and methamphetamines, while possessing explosive devices and possession of unregistered firearms, destructive devices. In the past we think that it was too complicated or the coordination was not right or the team was not in place. We think in this particular case those charges would have been overlooked. Not under Colorado Project Exile.

Possession of a firearm by a prohibited person. Possessed a 9 millimeter semiautomatic assault weapon and had a misdemeanor domestic violence conviction. Another case, look the other way. Not intentionally look the other way, but the sophistication, the teamwork was not there; the commitment to aggressively go after the laws that already exist was not there. It is all there now.

I stress to you, one of our biggest partners are our constituents. This is not isolated to the police department or to the U.S. Attorney's Office or to Ken Salazar at the State Attorney General Office or our Governor. This is statewide.

Possession of a firearm by an illegal alien. Federal firearm license, selling to a non-resident of Colorado, failure on the background check and selling to a convicted felon.

So you can see, I have got page after page after page of violations we think will now be aggressively pursued against the people who decide that their misbehavior is something that society is going to have to tolerate. Their theory is, "Hey, I do what I want to do. If I want to carry around a sawed-off shotgun or misuse a weapon, society is going to have to adapt to my behavior." Well, we have got news for you. You are going to adapt to society's behavior.

Let me say in conclusion, this Project Exile is not an attack on the Second Amendment. I am a strong believer in that. In fact, I think it helps us support the Second Amendment. This Project Exile is not ignorance of the problems we have out there of the tragedy. In fact, I think it is going to do a lot more to avert tragedies and to get our hands on these tragedies that are taking place than any of the rhetoric going on right now in the Nation by the highest levels of our administration.

This is going to get things done. This is not talk. Talk is cheap. This is going to get things done. It has got support of the major law enforcement agencies in Colorado, from your local police department to the Attorney General, to the U.S. Attorney General's office. It has got the Governor. It has got Democrats and Republicans in the State house and the State senate supporting it.

In fact, maybe the best way to summarize, I have not found anybody who objects to it. I have not found anybody who says to ignore the laws, the laws in existence on the books now. In fact, my friends who support the Second Amendment, one of their basic points is let us see what happens when we enforce the laws we currently have on the books. Let us see what happens when we make the consequences of touching a burner immediate and painful. Their bet, my bet, everyone involved in this, the bet is you will not touch that burner again, and society will be better for it.

Mr. Speaker, I would urge all colleagues, in their respective districts, in their respective States, go out there, talk to their Attorney General. If you are Republicans, talk to the Democrats. If you are Democrat, talk to the Republican leaders in your State. Form a team like we did in Colorado and put in your own Project Exile. My bet, and I think it is a safe bet, and I am a betting man and I like safe bets, my bet is that after 1 year you will find out that your Project Exile has accomplished more than all of the rhetoric combined for all of the States.

□ 2045

But the rhetoric aside, put the action in place. You pack an illegal gun; you pack your bags for prison.

CHARACTER EDUCATION IN OUR SCHOOLS: AN INNOVATION THAT WORKS

The SPEAKER pro tempore (Mr. ISAKSON). Under the Speaker's announced policy of January 6, 1999, the gentleman from North Carolina (Mr. ETHERIDGE) is recognized for 60 minutes as the designee of the minority leader.

Mr. ETHERIDGE. Mr. Speaker, this evening I want to talk with my colleagues about the future. As I talk about the future, I want to talk about the children of this country, because they truly are our future.

Mr. Speaker, I rise this evening to talk about education, particularly an effort in education called character education. We talk about a lot of things that work and things that do not work; but as my colleagues know, before I came to the people's House to serve in this body, I was the State superintendent of schools in the State of North Carolina. As I have told many of my colleagues from time to time, there are a lot of things in education that a lot of us who work in it, if we are honest with ourselves, do not know a great deal about when we do do some of the things that work and a lot of the things that do not work. I happen to know firsthand that character education can make a difference to teach our children values and make sure that our students are well rounded and prepared to become good citizens.

In 1989 when I took over as State superintendent, we did a survey of about 25,000 students across our State, and I was quite alarmed at some of the results we got back. About 37 percent of the students said that they did not respect their fellow students nor their teachers, and it was quite obvious from that data that something needed to be done.

We pulled together teachers, administrators, members of the clergy. We pulled together members from the bench and we did an extensive study for about a year and a half, almost 2 years, and came up with what we called ethics education. We put together some principles, and ultimately that evolved into character education. It was later adopted by the State board of education and then the North Carolina general assembly in 1995; and we received a grant in 1995 from the U.S. Department of Education to begin a process in three of our school districts, three of the larger ones, incidentally, Wake County, Cumberland County, and Mecklenberg County to pilot character education.

Now, across my congressional district, school leaders have developed character education initiatives that really are making a difference for stronger schools and better communities. Wake County, as I just mentioned, was one of the early leaders. Not only were they a leader by receiving the funds and initiating the project and having community meetings, because this truly is based at the school level and the community level; but they have become a leader through their innovative effort that they call Uniting for Character.

In that process, there are a number of principles that they focus on and that they come together on, which are respect, citizenship, justice and fairness, honesty, caring, respect and trustworthiness are the core; and each community must develop those issues that they believe in. What we recommend is that the educators, the parents, the business community, all in the community come together and work together collaboratively to come up with those core issues that they want to use.

In Johnston County, another county in the district, they have come together and done theirs. The principal of Selma Elementary School, a school which I visited just a few weeks ago, attributes 59 fewer suspensions during the 1995–1996 school year to their character education program. They also attribute the fact that they have had academic growth, tremendous academic growth over the years and again this year, and I visited that school again to see what kind of progress they were making. They again are showing progress as a result of character education. It is not a program that teachers have to struggle with as another addition to their already crowded school day. It is integrated in the curriculum in the standard course of study that we use in North Carolina, and it is taught along with everything else they do, and I will talk about that more in just a few moments.

Mr. Speaker, some of my colleagues and certainly others across the country may have seen the CBS News profile that was done several months ago on one of the successful character education programs in the Nash Rocky Mount school system, Baskerville Elementary School, a school that really was having a difficult time. They were having problems with truancy, they were having problems with discipline, their academics were suffering, and under the leadership of a dynamic principal named Anne Edge, she took this on, she got her staff involved, she got the community involved, and she literally indoctrinated the children in that school, and it is working well.

I visited there several weeks ago, and I can tell my colleagues as a result of that program being implemented properly and being supported by the community, supported by the central office staff and the local school board, that is one public school that has turned around and is making a difference and it has become infectious. It is working all across Nash Rocky Mount school system in North Carolina.

This morning, Mr. Speaker, I had the opportunity to visit Tramway Elementary School in Lee County, another school in my district where character education really fills the entire community with hope. I went into that school this morning, and I was so pleased to see the number of parents who were there. They were there participating, active in the school. They had other members of the school faculty there, but the impressive part of it was what was happening with the students. The young people in that classroom gave reports, probably half the class got up and read reports and shared with me and with the others present what character education had done, what a difference it had made, and the different character traits that they had picked up as a result of reading such books over the last several months as Charlotte's Web and any other number of books that they had been assigned to read as special reading projects. That is what making good citizens is all about.

When we have good citizens in the classroom, we have good citizens in the school; and it flows over into the community, and it goes home with the children. They are reinforcing in Tramway Elementary and Baskerville Elementary and schools all across the second district, and certainly across North Carolina, what parents are teaching at home; and in some cases, children are taking it home and reinforcing it with parents and really helping parents understand.

I was in Combs Elementary School in Wake County, one of the first schools I visited talking about this issue of character education and the bill that I introduced on February 16 entitled character education, or Character Counts in the 21st Century. We have in that school children speaking languages from probably about 12 to 14 different countries. It was amazing how they were sharing and helping one another, talking about these issues of character that brings them together, that helps those children be better students academically and better students in terms of sharing within that school environment being good citizens.

Mr. Speaker, character education works because it teaches our children to see the world through a moral lens. Children learn that actions do have consequences, and if we deal with it at an early age with early intervention, we will see a difference not only in our classrooms, but in our communities and across this country, and many of the challenges that we are facing together we will not have to face in the future. Yes, we will continue to face the challenges in the adult community for years to come, but we need to get back to those principles that we talked about many years ago, and character education certainly works. It works when teachers work with parents and with children and with the entire community to instill a spirit of a shared responsibility.

That is why character education is so important, if we can get it on issues like this that are important to the community. Education is a shared responsibility. I try to remind my colleagues here and in every speech I give back home, education starts in the home; and if there is no education in the home, the challenge of teachers is almost insurmountable. How in the world, if we cannot teach one child or two children at home, do we expect a teacher to take the responsibility of 30? It is a shared responsibility.

When we talk about character education and we emphasize those values, as I talked about earlier, of courage, and certainly courage is important in everything we do; good judgment, as we talk to children; integrity in our teaching every day in the various courses, whether it be math, whether it be history; kindness, in the things that children do for one another, and we reward those things. It is one thing to be punished; it is another thing to be rewarded when one does something good.

Children learn very quickly in life, if they get rewarded for doing good things, they will do good things again. And if they are not rewarded, and all they see is punishment and the dark side of life, I can tell my colleagues it will be difficult. Early intervention works. Kindness. Perseverance. We can teach it without having it laid on to something else. We can do it in the course of what we are teaching every day. How we respect one another. We respect other's property; we respect the school property, and it carries over into the community where young people work with their brothers and sisters, where they do it on the job. Self-discipline. Self-discipline is an important value. These are principles we can agree on. They are things that the community decides they want to do. It brings the PTAs together with the teachers, with the community interest. It is important.

As a father of two public school teachers, my heart aches for the victims of recent school violence. I can assure my colleagues that not only do the parents hurt, but so do all of those folks who work with children, whether it was in their school or not, because it affects them. The scars are there.

So rather than engaging in those divisive debates and partisan posturing, I call on my colleagues in this Congress on both sides of the aisle to pass progressive innovations that work, things like character education. It is not one-upsmanship, even though I introduced it on February 16. It is going to take both sides of the aisle, Democrats and Republicans, liberals and conservatives, working together to make a difference.

Mr. Speaker, I am happy to yield to my colleague from New York who has really been a leader not only on this issue of character education but in school construction and in the areas of education.

□ 2100

Mr. CROWLEY. Mr. Speaker, I want to thank my good friend, the gentleman from North Carolina (Mr. ETHERIDGE), for all his good works and especially in introducing this piece of legislation. I think this is, I say to the gentleman, in all honesty, long overdue. We have to go back to teaching civics. We have to go back to teaching responsibility. We have go back to teaching on self-worth.

How can a child have respect for others when the child does not even respect himself or herself? That is what this legislation, I believe, is attempting to do and will do teaching respect, citizenship, I will just list them, justice and fairness, honesty, caring, responsibility, trustworthiness. That almost sounds like the Boy Scout oath that I recollect as a child, but things that I think have been lost unfortunately, and not only reflective in schools, but just in general.

We see it on television. We see it in the movies, and that is what the children are exposed to today. They are not getting enough, I do not believe, of that attention on these issues in the classroom.

I do not understand what we are afraid of. I do not know what it is we are afraid of by instilling these into children, that is what is going to make them better individuals when they get older.

Going back again, as I said before, we cannot expect these children to have respect for others when they do not respect themselves. We see what is happening in our schools today. We see the violence that is coming out of our schools today and what is happening in schools, a 6-year-old child being shot to death by another 6-year-old child. It is incredible, incredible, but it is existing. It is happening.

Mr. Speaker, we have to do something about it. I am a strong proponent of gun control. I think we need to do something about that, but I think we have to do more than simply gun control. Instilling values, again, into children is really where we have to go.

And I say to the gentleman, you know how much I have been working with you on the issue of school modernization. This is a part of school modernization, school modernization and construction. We have to do more than build new schools and modernize those schools.

We have to build the character of the children that we are educating in those schools. We do have a responsibility. We do have to provide a seat for those children.

In my district, as the gentleman knows, School Districts 24 and 30 in New York City are in the top three most overcrowded school districts in the City in New York, the most overcrowded school district in the country.

We have over a million students in that school district. The average age of a school building in New York City is 55 years of age, and one out of every five is over 75 years of age.

We are teaching children in classrooms and schools that were built at the beginning of the last century. And as the gentleman was pointing out on the poster there, the issue of caring, what message are we sending back to our children when we do not give them the proper tools that they need to learn, to take it a step further, to prepare them for their life, to have a proper job, a pensionable job, to have the ability to invest.

Unless we instill in them the virtues that the gentleman is suggesting we do today, we are in deep, deep trouble. We have to go back to the way we used to do things I think, to new, modernized classrooms and to new schools, but to go back to the basics. I think that is where we have been lost.

I want to thank the gentleman for all of his hard work and leadership on this issue.

Mr. ETHERIDGE. Reclaiming my time just one moment please. The gentleman from New York (Mr. CROWLEY) was talking about these things of school modernization; that is so critically important. I was in a school this morning that I was talking about and that is in Lee County in my district. It is a relatively new school within the last 2 years.

You can tell all the difference in the world when you go into the new school. It was a new building. They had moved from an old building into a new building. There was a corridor in the middle of the building that was open, one of the parents as a memorial to his mother, I believe it was, had planted flowers and kept them on a regular basis in planters, just a gorgeous area where children could go during the day, a little respite to get away for a child that goes to that school who may come from a home where there are no flowers, from a home where there is no caring for flowers.

Schools need to be safe havens for all children. It is important to teach all of these character traits, but for us as adults, as the gentleman has pointed out, it is very important that we live up to those. Children are a lot smarter than we give them credit.

I was listening to those children this morning when they went through talking about the character traits they had learned from each book they had read. They were seated on the floor in a carpeted classroom that was new and fresh. And it was nice.

Mr. Speaker, I could not help but think as I walked away what a difference it would make in this country if every child, every child in every community had a nice, spacious classroom, well lighted, well supplied with the resources that the teachers needed. And there was just an outstanding teacher there. It is a lot easier to recruit quality people in a quality facility and that goes to the point the gentleman was making. I would yield.

Mr. CROWLEY. It is a great point. I think maybe all too often we forget about those who are entrusted with an incredibly difficult job, but a so important job, and that is teaching our young.

We forget sometimes about the lack of resources that they have. We forget that they are also in those overcrowded classrooms; that they are called upon to perform duties without the proper resources, and in those same Archaean schools, they have their hands full.

Some may say what are we doing now, we are asking them to not only teach them math and science and history and reading, we have to transform them into mothers and fathers as well.

We are not really asking them to, mothers and fathers have a responsibility, but it is enhanced and reinforced by teachers. It is an incredible responsibility they have, but one we ought to cherish more as a society. I do not quite frankly think we do enough.

I have, as the gentleman knows, a 6-month-old son at home. Every day I just take pride and joy in looking at him develop. He is 6 months now. In 6 more months he will be a year. It is not too far from now that he is going to be going to kindergarten and first grade. I am concerned about what environment he is going to be in and other children like him are going to be in.

It has changed my life incredibly, but it has also opened my eyes up in many respects to what we have to do, this Congress, individual States and local governments, but especially this Congress, to make sure that my son and other children like him have all that they can have to make the best of their lives.

Mr. ETHERIDGE. Mr. Speaker, I agree with the gentleman. When we think about it, I went into two schools today and last week I was in two others talking with children, school administrators, looking, listening, seeing what was going on.

Sometimes I am not real sure I am hearing what I hear, but I hear people say, it is not the Federal government's role, it is somebody else's role. We do not need to be doing this or doing that.

The gentleman was talking about his child who is 6 months now. I remember when we had one in elementary PTA and one in middle school PTA and one in high school PTA. It has changed our lives.

The point I want to make in talking about this whole role of education and who has responsibility, all of us do. There is a Federal, State, and local role. There is a parent's role and there is a community role.

I have never, in all the years I have been going into schools, 8 as a State superintendent and years before that as a county commissioner, a State legislator, and now a Congressman, I have never had a child nor an administrator nor a teacher ask me whether the money came from the Federal, State, or local. They just knew they did not have enough.

Even in some of the nicer schools we go into, and it is true in my State and I assume it is across the country, as the gentleman talked about earlier, these people are there because they care. They work hard. They take our most precious possessions, our children, and they work hard at educating them. But they have never asked me who provided the money. They do not really care. They just do not have enough.

I do not know of any PTA that is not selling something today or maybe having a fund-raising project to buy some resources for the school, because they in many cases are short something, copying paper or whatever it may be. The reason they do it is because they care. They care. And I care, as the gentleman cares. I hope more of our colleagues will care on both sides of the aisle, and make sure that we do not get into partisan rhetoric of whether or not character education is in or whether or not we put money into school buildings or whether we put counselor money in or special education funds. We will never have enough resources to meet all the needs. We recognize that.

But as the gentleman pointed out, the commitment of caring and putting the resources we can will send a powerful signal that we will support those people who every day go in, and a lot of folks say at 8 and get off at 3, but it is not so any more. That is not so. Many of them show up at 6 and 7 for bus duty and a lot of other duty. At the end of the day when the children leave, they are still there tutoring or having a lot activities in the evenings, or PTAs.

They are long hours for not the kind of pay that we ought to be giving them for the most precious thing we have in this country, and that is our children.

Mr. CROWLEY. I think the gentleman is absolutely right. I would also add that teaching these subjects in any which way that the curriculum will be developed, and I understand through the gentleman's legislation it would vary from school district to school district, and it could be done with the cooperation of businesses and local entities that would be able to come in and work on it as well, but I think in many respects, in many ways, by addressing these issues in a classroom, we can start to see through to some of the troubled students, and realize a little earlier some of the children who may not be coming around, who may still be outside the pale here, and get them the professional help they may need to bring them back in, as well.

Quite often really for children their first exposure to the general public and to other children outside the family is really in school; social development, where they really begin to do that is in school, and their first exposure. I think teachers more often than parents are in a position to see that these children interact with those who they may not be familiar with.

They are not experts, they are not psychiatrists or psychologists, and maybe sometimes we expect them to be everything. I do not mean to be saying that. But they are really in the front line, and they can see these children and they watch them develop, whether it be the principal or the guidance counselor or their home room teacher.

There are many ways in which they can teach these things. It can be taught in history classes. Certain aspects can be taught in science classes, language arts classes, on and on. There are different ways these can be taught and graded, as well. There has to be that grading. There has to be that responsibility. There has to be reporting back so someone is accountable. I think this is really what is sorely missing in our schools today.

Mr. ETHERIDGE. I thank the gentleman. The gentleman touched on the accountability piece, because that is part of the accountability piece, responsibility.

The point the gentleman made about children in schools and how much they can be impressed by their teachers, that is true. I am sure the gentleman can think of a teacher that made a difference in his life. I certainly can, my fifth grade teacher, who is still living. I visit with her from time to time and call on her, Ms. Barbara. She is a delightful lady.

I think of my own children. The gentleman will do this as he goes through with his child, as he goes to school. The first thing is, the child has a good-looking teacher, the teacher becomes their first girlfriend, in some cases.

Mr. CROWLEY. I had a couple of those myself. I hope my wife is not listening.

Mr. ETHERIDGE. My older son liked one of the teachers. We had her home for dinner because he just idolized her. All of a sudden, that is why this is so important to be taught and integrated in the curriculum, because teachers do have a significant impact. They can change lives, there is no question. They are changing lives every single day in classrooms across this country, because those young minds are like little sponges, they really are. They can be changed and molded for good.

I certainly know teachers made a difference in my life, and in telling me that I could be whatever I wanted to be. I never had the idea of being in the United States Congress, but they at least told me I could go to college. For a lot of children, that is what they need.

I think the gentleman is absolutely correct in what he said. Teachers have a great opportunity. I think we have a great challenge of honoring what they do every day.

Mr. CROWLEY. I think in many respects teachers are doing these things already, too, in an informal way, inspiring young people, but they are not getting everyone. It is almost impossible to get everyone.

I daresay if this bill became law, we are still never going to get everyone, but I think we would get a lot more than we are getting right now. There would be more accountability on these issues.

□ 2115

I certainly remember teachers that influenced my life in so many, many different ways. But one of the things I see that is missing today in my district is a lack of a sense of involvement by young people in the community. I do not see the volunteerism. I do not see the dedication towards voting, being inspired to want to get out. That is not universal, but I do not see enough of it where we see young people wanting to get out and vote, wanting to learn who their elected officials are, what the process is about.

I am almost amazed sometimes when I go to a school and teach, like many of us do, a little government class. They have some ideas and some concept. They are obviously learning. But they have not put the whole thing together yet. That is because they do not think they are living it. They are learning about it, but they are not living it. They are not really going out to the community and putting what they are learning in schools together.

I think going back to the gentleman's bill again, learning about respect, citizenship, justice and fairness, caring, those are words that say to me, one cannot just do it in school, one has to do it elsewhere, in the home, and, as the gentleman says, in the broader community. I think what we are making is better citizens.

Mr. ETHERIDGE. Mr. Speaker, what the gentleman from New York (Mr. CROWLEY) is really talking about is civic responsibility. It has to start at a young age, and we reinforce it every step along the way with teachers in the classroom, with parents, in the community, where students come in contact with one another. I have seen that over the last several weeks in visiting schools.

I would even encourage my colleagues here to go in and talk with students as much as they can. I think they appreciate it. I think the schools appreciate it. The teachers do. Because it makes all the difference in the world.

I remember growing up, I never remember seeing an elected official in my school that I remember. I really do not. A Member of the United States Congress I know I did not see. But I think it makes a difference.

I agree with the gentleman from New York, teachers are doing it in a number of ways. But I think if we can formalize it in a way, and with this, it would allow the Secretary of Education to provide grants to those communities on a one-time basis to pool these groups together, because one does need some resources to facilitate the community coming together, to at least define these issues or other issues that they think are as important to that community.

Ultimately, we start to see the point the gentleman from New York made earlier, the involvement of the community in that public school, because it is about the public, bringing them to that school, getting their involvement. Because children can feel when their parents are concerned about the school. They will ask the questions. Then we start seeing it turns into academics.

I know in our State, North Carolina, we have seen, over the last 7 or 8 years, academic scores go up in every category, one of two States in the Nation where it is happening, and our discipline problems have gone down.

Now, I think it is part of that is, number one, we have good people in the classroom. That is the beginning point. But, secondly, we do have a lot of character education in a lot of our schools. Thirdly, we have started to put more resources, we need to do more of that.

A lot of things that we need to do, I do not know that there is any one thing, but there is one thing about it, if we start with the good core principles of developing strong character, we can build a lot of things around that foundation.

Mr. Speaker, I yield to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, the one thing I think I would like to say is that it is heartening to know, I guess to a degree, that a Yankee from New York and a southern gentleman from North Carolina share similar concerns and have similar problems as well in terms of overcrowding and old school buildings, but also on these issues that the gentleman from North Carolina is talking about.

This is universal. This is not a New York issue. This is not a California issue. It is not a North Carolina issue. It is not a Democratic from the party sense, it is not a Democrat or Republican issue, it is really an American issue. It is an issue we all have to grapple with and we should all be working on, not trying to, as the gentleman said before, to create one-up-oneupmanship. This is something we should all be working on together.

If one asks the average Member here, I think everyone would be in agreement, I think they agree 100 percent, these are the things that we believe are lacking right now. I do not see politics coming into play here. It is common sense to me. This is all pure common sense.

It is my hope doing these special orders and talking about the legislation of the gentleman from North Carolina (Mr. ETHERIDGE) and other bills as well, like the Rangel-Etheridge School Construction and Modernization bill, again, to me, it is not about politics.

Children do not know Democrat or Republican, they are just learning about it. In the first grade, they have an idea who George Washington and Abraham Lincoln were, but they do not know what party they belong to. Really, this is about children. Black, white, it makes no difference, they are all the same. They all deserve to have equal treatment. A part of that equal treatment is being exposed to these very issues the gentleman is talking about.

Mr. ETHERIDGE. Mr. Speaker, I could not help but thinking as the gentleman from New York (Mr. CROWLEY) was going through it, we talk about children. If one goes in certainly the early classrooms, early years, kindergarten, prekindergarten, first, second grade, their eyes are so bright, they have such visions and opportunity, and they are so trusting. If we can capture that, we can help them there, we can make a difference.

One of the leading newspapers in our States said a number of years ago, and they are absolutely correct, and I have used it a number of times since then, they said that children do not know what they need, they only know what they get. It is our responsibility as adults, as policy makers at every level to make sure they get what they need to be good citizens, to be well educated, and make sure the 21st Century is productive for them so that those of us who are now adults are a lot better off.

It is like one of my friends said when we had a study commission, and I appointed one to get some things done, he was a corporate head of a large corporation. He came to North Carolina from New York, an outstanding citizen, never finished high school. Never went to college. He made a substantial sum of money. He said, I am a lucky fellow. He said, I may never see anyone else like me. He said, but I am going to make sure every child that comes through these public schools has the best opportunity they can have, because I do not care what they look like or where they come from, I want them to get a good education and make a lot of money because I want to draw my Social Security when I retire. So I have always remembered that.

But getting back to this issue of character and really formalizing that in our public schools, I agree with the gentleman from New York. I do think that it is important that every child be exposed to these types of principles, hopefully in every classroom, that is agreed to by the school community and the broader community. I know it will have an impact. It has in North Carolina on discipline, on academics. When children feel good about themselves, they have their own self-respect, their own inner strength, they do so much better. They do so much better.

Mr. CROWLEY. Mr. Speaker, I could not agree more. I hate to keep harkening back to my own problems back in New York. It is sometimes difficult for me to imagine, though, how children who are being taught in hallways, are being taught in closets, or school rooms that were once bathrooms, those are really some of the problems that our teachers are faced with and our administrators in New York City.

I guess if I lived in other parts of the country, I would have a hard time believing as well that that is how we can treat our children. I think I said it to the gentleman from North Carolina once I heard that Reverend Jackson had taken a number of children from inner-city schools in Chicago and brought them out to the suburbs and showed them what it was like in those suburban schools. What I thought was more important, he took those children from the suburbs and brought them back to the city to show those children what the city schools are like and what they were not afforded in those schools.

I think the same can be done in my district. We are lacking so much in terms of proper environments to, as the gentleman said before, caring, instilling that in children.

Getting back into buildings, we really have to address that issue. I do not want to wait to address that issue before we start addressing this issue as well. But sometimes it can be difficult to imagine how can we do this, how can we teach all these issues, respect and caring and honesty and justice and fairness and citizenship, when children are being taught in makeshift classrooms and hallways. There is no gym anymore because it has been put into cubicles so children can have a seat in a classroom.

What we are facing in my district is that, by the year 2007, if we do not do more, we are going to be between 20,000 and 60,000 seats shy in Queens County alone. Queens County is going to be between 20,000 and 60,000 seats shy. It is a major, major crisis. So it is sometimes hard for me to imagine how we can do it.

We have great teachers in New York City. We really do, fantastic and dedicated people. But it is hard to imagine how can they do it. They have to.

We need to do this, and we cannot wait for the other to get done first. We have got to address both. But it is an awesome task and awesome responsibility. But I do hope, despite our problems in New York, that this bill does become more.

Mr. ETHERIDGE. Mr. Speaker, I think it comes back to the issue that the gentleman from New York raised earlier. We have to do it whether it is done at the Federal, State, local, however, jointly get the job done.

In my district, well in North Carolina as a State, over the next 10 years, we are projected to be the fifth fastest growing State in the Nation in school population. We cannot build schools fast enough. Yet, I went by a school, visited a school earlier this morning where my children used to go. It is a fairly new school by school standards. They had trailers all over the place. All the inside interior of the building, like the gentleman from New York was saying, the lounge was now a classroom. It was never built for a classroom. It was a small area where one was tutoring students. That is not acceptable. That is not acceptable. They are doing it, but it is not acceptable.

One can talk about these principles, and one can teach them, and teachers can reinforce them. But children also understand that somewhere along the line somebody is not being quite honest with them when they say they do not have the resources when they see other nice new buildings going up or they think they are not really caring whether other things are happening when they could provide those resources. Children do not know what they need. They only know what they get.

Mr. CROWLEY. Mr. Speaker, just going back to the list of the gentleman from North Carolina again, it is a lack of responsibility, a lack of caring, a lack of being honest, a lack of justice and fairness, a lack of respect.

A word that is not up there but I think is encompassed in all of that I think is dignity. There is no dignity here if we are not teaching these points we are talking about here. But more importantly, if we are not demonstrating it on a daily basis in school construction and modernization, giving them the tools and making sure the teachers are prepared are really all a part of that. But right now, if we do not provide these, we are guilty of not showing the true dignity of the student and the individual and the human being.

Mr. ETHERIDGE. Mr. Speaker, I thank the gentleman from New York (Mr. CROWLEY) for sharing with me his time this afternoon and sharing with my colleagues and the people the critical needs of, not only character education, but this whole issue of education that he cares so much about and has worked so hard on here, and I thank him for it.

As we work together with our colleagues to make sure that, not only is character education integrated and a part of our curriculum in the future, but all of these issues of education continue to be at the top of our agenda. Because if we are going to have the kind of future we want to have in the 21st century, and America continues to be strong and a Nation that leads the world, we will do it through one thing. We will do it through education and providing those opportunities to our children and all the children of this country, no matter where they may live, no matter what their economic background might happen to be.

☐ 2130

HMO LEGISLATION

The SPEAKER pro tempore (Mr. ISAKSON). Under the Speaker's announced policy of January 6, 1999, the gentleman from Iowa (Mr. GANSKE) is recognized for 60 minutes.

Mr. GANSKE. Mr. Speaker, I rise tonight to clarify points about HMO legislation before Congress for my colleagues, particularly members of the conference committee, and to specifically address two memoranda that have been recently released by the Heritage Foundation and one by the Blue Cross/Blue Shield Association.

Mr. Speaker, I refer to the Heritage Foundation Backgrounder N1350, The Patients' Bill of Rights, Prescription for Massive Federal Health Regulation, by John Hoff; to Heritage Foundation Executive Memorandum 658, Why the Texas HMO Liability Law is Not a Proven Model for Congress; and to a letter by Mary Nell Leonard, Senior Vice President of Blue Cross/Blue Shield, with accompanying memo, A Regulatory Quagmire, Questions and Answers about the Bipartisan Consensus Managed Care Improvement Act of 1999.

Mr. Speaker, these memos are primarily a rehash of previous arguments that have been made frequently on the floor. We had several days of full debate on the Bipartisan Consensus Managed Care Improvement Act, and we debated all of these issues. However, these repackaged arguments deserve comment, I think, precisely because they are so specious.

Let me start with the Backgrounder. It makes three main charges: that the House bill would encourage costly litigation, expose employers to risk of litigation over benefits, and would impose powerful new Federal regulations on private health plans.

The organization of this paper is clever in that there is a mixture of accuracy and distortions in discussing the House bill. But it primarily tries to scare conservative legislatures with the bogeyman of massive Federal regulation. The summary of this paper bemoans the establishment of an intrusive new Federal bureaucracy with new rules on utilization review, internal and external review, grievance processes, drug formularies, clinical trials, patient information, and doctors' incentive arrangements, among others.

This paper makes it seem as if these rules are proposed just for the fun of it, as if these new regulations would be there just for their own sake. Well, Mr. Speaker, the gentleman from Georgia (Mr. NORWOOD), the gentleman from South Carolina (Mr. GRAHAM), the gentleman from Georgia (Mr. BARR), myself, and many other conservatives do not propose regulations just for the hell of it. The paper leaves unmentioned the reasons for these rules for HMOs, reasons why 80 percent of the American public wants Congress to fix this problem and fix it now.

Let me give my colleagues some real-life examples of why new rules are necessary for HMOs. This little boy lost his hands and his feet because an HMO decided he could travel 60 miles to an emergency room instead of going to the nearest emergency room. This woman lost her life because an HMO gagged her doctors. This woman's HMO would not pay her hospital bills because, when she fell off a cliff and went to the emergency room, she had not phoned for prior authorization.

Mr. Speaker, if regulation is bad simply because it is regulation, then we can just pack up the Federal and State governments, and we can all go home. Of course, we would soon have monopolies controlling everything; water we could not drink and buildings that fall down in earthquakes.

Mr. Speaker, a year ago we talked an awful lot on this floor about the rule of law. Well, without patient protection legislation, we will sure continue to have lawless HMOs. If there are no Federal standards in health care, then who does ensure quality and solvency? Who fights against fraud in the insurance industry?

Well, the State should do it, some say. Okay. Then let us repeal ERISA, the Employee Retirement Income Security Act, which preempts State oversight of employer health plans. Let us turn it back to the States. Oh no, would say the group health plans. We do not want State oversight. But then again, we do not want Federal oversight either. To be quite frank, the HMOs say, we do not want any oversight. So just leave ERISA alone, we will police ourselves, thank you.

Well, Mr. Speaker, maybe we ought to ask that little boy who lost his hands and feet, or the family that lost its mother how well self-imposed standards in the HMO industry work.

I could give a reasoned rebuttal to every page of this Backgrounder, but we do not have time tonight to go over this sentence by sentence. So let me just give my colleagues a few examples.

On page 4 this paper says the House's bill's external appeals board is "biased" because, and this is from the Backgrounder, "neither the entity nor its members can have what is considered to be a conflict of interest or have familial, financial, or professional relationships with the insurer, the health plan, the plan sponsor, the doctor who provided the treatment involved, the institution at which the care is provided, or with the manufacturer or medical supplier involved in the coverage decision." That is in the Backgrounder.

This Backgrounder says the board is "biased" because it does not have a specific statutory language prohibition against one of those peer reviewers having a familial relationship with the patient but does prohibit a relationship with the HMO. Well, Mr. Speaker, that is just plain wrong. The bill that passed on this floor with 275 votes specifically says, "A clinical peer or other entity meets the independence requirement of this paragraph if the peer or entity does not have a familial, financial, or professional relationship with any related party." Mr. Speaker, what could be clearer than that?

Or how about the discussion on the "medical necessity quandary" on page 5 of this Backgrounder? Now, I have spoken many times on this floor about the Employee Retirement Income Security Act and medical necessity. Indeed, the Heritage Backgrounder tries to use some of my own arguments.

Under current Federal law, HMOs can define as medically necessary or unnecessary anything they want. One HMO, for example, has defined medically necessary as "the cheapest, least expensive care." That HMO could deny surgical correction of this boy's cleft palate because it would be cheaper to just provide a plastic upper denture. Of course, his speech would not be very good, but it sure does meet that plan's definition of medical necessity. After all, that would be cheap.

The bipartisan House bill corrects that travesty by giving the external appeals board the final say in determining medical necessity, as long as the treatment is not explicitly excluded from coverage in the contract. The review panel can consider many things in its decision, even the plan's own guidelines, but is not "bound" by those planned guidelines.

So the author in this Backgrounder rightly states that outcomes data can provide valuable guidance but cannot match the characteristics of individual patients, thus echoing arguments that I have made on this floor many times. Amazingly, he then, the author of this paper, then criticizes the House bill's external appeals provision exactly because it recognizes that reality and states that the appeals board can consider outcome studies but is not bound by them.

But in the very next paragraph in this paper, we get to what the HMOs really do not like about that provision in the Bipartisan Consensus Managed Care Improvement Act that passed this House, and that is that doctors, not HMO bureaucrats, would be making those medical decisions. As this paper states it, "The legislation would punt these crucial questions to the subjective consideration of external reviewers." Mr. Speaker, note the pejorative words punt and subjective. Where in this paper is the criticism of the "subjective consideration" of HMOs looking at their bottom line?

The author goes on to say, "The bill will turn the determination of what is covered over to government-controlled external reviewers who are directed to make their decision regardless of what the private health plan and its enrollees agree upon." Once again negative adjectives, like government-controlled, show the writer's prejudice. For heaven's sake, we have already established that the House bill reviewers are independent, not government-controlled. What the HMOs really do not like is that the peer reviewers in the bill that passed this House are not HMO controlled.

Furthermore, as I already stated, the external panel cannot overrule specifically excluded benefits. But that is rarely where the dispute is. It usually involves denial of care for treatment that fit well within standards of care.

To show my colleagues how abusive the HMO industry can be on this issue of medical necessity, listen to testimony that a former HMO medical reviewer gave before my congressional committee in which she admitted that she had made medical decisions for HMOs that had killed people. She said, "I wish to begin by making a public confession." Mr. Speaker, this is a former HMO medical reviewer. She said, "In the spring of 1987, as a medical reviewer, I caused the death of a man. Since that day, I have lived with this act and many others eating into my heart and soul. The primary ethical norm is to do no harm. I did worse: I did death. Instead of using a clumsy bloody weapon, I used the simplest of tools, my words. This man died because I denied him a necessary operation to save his heart. I felt little pain or remorse at the time. The man's faceless distance soothed my conscience. Like a skilled soldier, I was trained for this moment. When moral qualms arose, I was to remember 'I am not denying care, I am only denying payment.'"

This former HMO medical reviewer then listed the many ways that managed health care plans deny care to patients, but she emphasized one particular point: the right of HMOs to decide what care is medically necessary. She said, "There is one last activity that I think deserves a special place on this list, and this is what I call the smart bomb of cost containment, and that is medical necessity denials.

☐ 2145

"Even when medical criteria is used, it is rarely developed in any kind of standard traditional clinical process, it is rarely standardized across the field, the criteria is rarely available for prior review by the physicians or members of the plan."

Well, Mr. Speaker, I have a complete discussion of this critical issue in this Dear Colleague. I will be sending this Dear Colleague to every Member of the House and the Senate. I especially hope that the conferees, at least, will take the time to read this because this is one of the two or three most important issues before the conference.

The next several pages of this Heritage paper describes some of the House bill's provisions, again, without providing a context of the problems with HMOs that make these provisions important. The author even criticizes the prohibition on gag rules that some HMOs have tried to impose on doctors.

For heaven's sake, Mr. Speaker, over 300 Members of the House signed on to a bill that would ban HMOs from trying to keep doctors from telling patients the whole story about their treatment options.

Apparently, the Heritage Foundation also does not like the fact that Congress has already prohibited Medicare HMOs from paying doctors to limit care. This is on page 9 of this Backgrounder.

The Norwood-Dingell-Ganske HMO reform bill uses the same language that the vast majority of Members of this House and the Senate voted on for Medicare to prohibit HMOs from paying doctors to limit care.

I am a physician, and I want to tell my colleagues that there should not be a conflict of interest in doctors providing needed care to their patients. Yet some HMOs pay a doctor more if he or she withholds referrals or treatment.

Congress has already overwhelmingly said that this practice is ethically wrong. So, as an aside, and I hope somebody from the Supreme Court, some clerk, is listening to this special order, I think the Supreme Court should consider that Congress has already legislated on this behavior of HMOs as it considers the Hurdrick case that is currently on its docket.

Well, this paper even calls the bipartisan bill an attack on fee-for-service coverage. Wrong again. In fact, the House bill recognizes the difference between HMOs and fee-for-service plans and exempts those fee-for-service plans from requirements that are pertinent to HMOs.

The House bill would, however, require PPOs and point-of-service plans to follow fair utilization reviews, a fair internal and external appeals process, and require that enrollees be given adequate information about the plan. ERISA plans do not currently have to do that. And 275 bipartisan supporters of the House bill do think that every plan covering everyone in this country, regardless of the type, should follow those minimum requirements.

Now, the Blue Cross paper, "a regulatory quagmire," tries to make some similar points on regulation. So my comment will apply to both. I would note that Blue Cross owns HMOs, so caveat emptor.

Well, how would the House bill work? As in the Health Insurance Portability and Accountability Act, the provisions of the House bill form a Federal policy floor. States are encouraged to bring their laws into compliance. If a State fails to enforce the law, then the Federal Government would. Same way under the Health Insurance Portability Act. And under the Health Insurance Portability Act, all States except four have already complied.

Now, on the patient protection issue, most States have already enacted some of the provisions of the House HMO reform bill into State law. For example, 50 States have enacted internal review, 50 States have enacted access to information, 46 States gag prohibition, 41 States emergency care provisions, 32 States external review, 34 States direct access to OB-GYNs, 24 States continutity-of-care provisions.

Mr. Speaker, it will not be hard for those States to comply. But the important point to note is that no matter how good a State's patient protections law are, these State laws generally do not apply to ERISA plans. And that is exactly why we need Federal legislation to protect the people who receive their insurance from their employer.

Now, the HMO industry complains that the Norwood-Dingell-Ganske bill would result in dual regulation and be confusing to consumers. But we have dual regulation today. We already have complex dual regulation that differs from jurisdiction to jurisdiction.

The Bipartisan Consensus Managed Care Improvement Act will actually simplify things for consumers. What is clear today is that the consumer in an ERISA health plan, an employer health plan, has basically nowhere to go to turn for help. But if our bipartisan House bill would become law, the vast majority of consumers would be able to go to their State insurance commissioners for questions about their rights because all States would have a minimum standard.

Furthermore, I would point out that it can be hardly valid to criticize the House bill for Federal-State conflicts. We have had a Federal-State system of regulation of commerce for 200-plus years.

Yes, if the Norwood-Dingell-Ganske bill becomes law, there will be questions of Federal-State jurisdiction to work out, as there is in any bill. And I would say, what is new?

Now, as an example of delay of implementation, the Blue Cross memo, the one that says "quagmire of regulation," points out that the Health Insurance Portability Act still has not been fully implemented on the privacy regulations. Well, I should point out that Congress had something to do with that, since Congress did not meet its own deadline on legislation for privacy. But I sure do not see any groundswell calling for repeal of the Health Insurance Portability Act. In fact, Mr. Speaker, I have had many constituents thank me for their health insurance portability.

In any congressional bill, there has to be the right balance between prescription and flexibility. The House bill provides a reasonable balance. But on page 6, again of this Heritage Backgrounder, the legislative language of our bill, the House bill, is criticized for being too loose. But then, Mr. Speaker, on page 11, the same bill is criticized for being too rigid. There is just no pleasing those opponents of HMO reform.

Let us discuss the liability issue a bit. The HMO community is clearly getting nervous that Governor Bush says he supports the Texas Health Care Liability Act of 1997. So Heritage came out with a memo entitled "Why the Texas HMO Liability Law is not a Proven Model for Congress."

However, if you actually read the memo, you will be struck with how similar the House bill is to the Texas law, which Governor Bush says is working just fine, thank you. No avalanche of lawsuits. No extraordinary increase in premiums. No Diaspora of HMOs from Texas.

Now, the Heritage memo notes that, on September 1, 1997, the Texas legislature passed the Texas Health Care Liability Act, according to Heritage, by a "sizable majority." Sizable majority indeed. The bill passed the Texas Senate unanimously. It passed the Texas House 120–21. It was veto proof.

Well, what did the Texas bill do? According to this Heritage paper, it "created a new cause of action against three entities in the event of a failure to exercise ordinary care. These entities are: a health insurance carrier, a health maintenance organization, or other managed care entity."

Mr. Speaker, in plain language, the Texas liability bill allowed patients to sue HMOs for negligence, just plain language.

So what has happened in Texas since the bill was passed? Well, in September 1998, Federal judge Vanessa Gilmore refused to void the Texas right to sue. On October 18, 1999, the first case was filed "Plocica v. NYLCare."

The HMO wanted the case moved to Federal court, but the Federal court remanded it back to State court. But it is interesting to know a little bit about this case because it makes the case for having a strong enforcement provision in a bill that Congress would pass.

Mr. Plocica was suicidal in a hospital in Texas. His treating doctor thought he should stay in the hospital, needed more psychiatric care. His HMO, NYLCare, said, no, we are sending you home. Under State law, NYLCare should have taken their treatment denial to what Governor Bush calls the "IRO Panel," the Independent Review Organization Panel. But NYLCare ignored State law, so Mr. Plocica went home. That night he drank half a gallon of antifreeze, and he died a horrible death. His family has sued NYLCare for breaking Texas law.

It should be noted that, under current Federal ERISA law, NYLCare would be liable for only the cost of care denied, in this case I guess the cost of a day or two in the hospital. That is hardly justice to a family that has just lost its father and hardly a disincentive to an HMO from not following the law.

There have been only a few cases filed under Texas law. Heritage says it is too early for this to be accurate. I would point out that Texas has a 2-year statute of limitations on these cases.

What you see is what you have got. If the cases are not filed by now, they never will be. The Texas law exempts employers from liabilities stating "this chapter does not create any liability on the part of an employer or employer group, purchasing organization, or a pharmacy licensed by the State Board of Pharmacy that purchases coverage or assumes risk on behalf of its employees."

Mr. Speaker, the Norwood-Dingell-Ganske bill is written differently, for the following reason: Unlike State-regulated plans, ERISA, the Employee Retirement Income Security Act, provides liability preemption for self-insured plans, some of which are self-administered or actually are HMOs owned by the company.

Now, I am referring here to section 302(a) of the Bipartisan Consensus Managed Care Reform Improvement Act of 1999. This section creates a limited exception to ERISA's general "preemption" of State laws that relate to employee benefit plans. This exception only applies to State law causes of action against any person based on personal injury or wrongful death resulting from providing or arranging for insurance, administrative services or medical services by such person to or for a group health plan.

So that is kind of complicated language. Let me see if I can explain this a little simpler. This language does not, let me repeat, "does not" disturb ERISA preemption of State law actions against a plan sponsor except, "except" for the exercise of discretion by an employer on an employee's treatment that has resulted in a personal injury to that patient.

□ 2200

Other decisions by plan sponsors, including setting up a uniform benefit plan, is not, let me repeat, is not affected by section 302(a) of the Norwood-Dingell-Ganske bill. Opponents to our legislation claim that the bipartisan bill would subject employers to a flood of lawsuits in State courts over all benefit decisions and suggest that employers would be forced to abandon health insurance benefits.

Mr. Speaker, according to a memorandum done by one of the leading ERISA labor law firms in Washington, Gardner, Carton and Douglas, this memorandum, which I will be happy to share with any of my colleagues, this is simply not correct. I will be happy to provide this brief to anyone who desires a copy.

The gentleman from Georgia (Mr. NORWOOD) and I and the gentleman from Michigan (Mr. DINGELL) have always wanted to protect innocent employers from liability. The vast majority of businesses, certainly small businesses, simply contract with an HMO to provide health coverage for their employees. They do not get involved with the HMO's decisions.

So we wrote protections for businesses into our bill, the bill that passed this House. Those provisions are discussed in this brief, which makes four main points in a well-documented and scholarly review.

First, lawsuits would not be against employers. Under current ERISA law, suits seeking State law remedies for injury or death of group health plan participants are already allowed in some jurisdictions. Those cases show us that suits are normally brought against the HMO, not against the employers. Why? Because employers are generally not involved in treatment decisions, the type of decisions that lead to an employee's injury or death. Ordinary benefits decisions, such as setting up a benefit plan, are not affected by our bill.

Second, employer exposure would be limited. If an employer exercises discretion in making a benefit claim decision under its group health plan and that decision results in injury or death, then the section in our bill makes an exception to the ERISA preemption and would allow an employee to sue in State court, but to recover a patient must first prove that the sponsor exercised discretion which resulted in the injury or death and then must prove all elements of a State law cause of action based on the employer's conduct in making the decision on that particular claim. The injured patient must have a viable State law cause of action because section 302(a) in our bill only creates an exception to the preemption and does not create a new cause of action.

Three, the statute's plain meaning limits employer liability. According to a thorough review of the law in this brief, the brief by Gardner, Carton and Douglas from September 27, 1999, the liability provisions in this House bill that protect employers would be interpreted under the Supreme Court's well established, quote, plain meaning, unquote, analysis. Such an analysis supports the bill's clear intention to continue to prevent any liability suits against employers that do not exercise discretion that results in injury or death. Specific language in our bill states that other types of discretionary employer language would not be affected and would not be subject to State tort law claims.

The Heritage interpretations in this backgrounder simply ignore the quote, plain meaning, unquote, language of the Supreme Court.

Number 4, employer health plans would not be destroyed. The limited legal exposure of employers in the House bill will not cause them to abandon health insurance for their employees. The experience of nonERISA group health plans supports this. A recent study by Kaiser Family Foundation compared ERISA health plans to nonERISA employer health plans, such as CalPERS or the State of Colorado. That study showed that the incidents of lawsuits and costs against nonERISA health plans, where an employee can sue the health plan, is very low, in the range of 0.3 to 1.4 cases per 100,000 enrollees per year at a cost of 3 to 13 cents per month per employee.

Mr. Speaker, am I going to be told that an employer is going to drop his health care coverage for an employee for the difference in cost of 3 to 13 cents per month per employee? I think that a lot of employers would soon have no employees if that were the case.

Furthermore, employees would not need to abandon control, control, over a group health plan to remain protected under our bill, the bill that passed the House. Having HMOs or other third parties make claims decisions as in the case for the vast majority of small businesses, but then monitoring the third party would preserve your employer control. If they are not doing a good job, you do not sign them up next year.

An alternative for some self-insured third party administrators would be to insure their exposure. If third party administrators truly are not making medical decisions like they all claim, then their risk will be small and their premiums will be very low.

Mr. Speaker, in addition, the House bipartisan bill delineates in section 514(e)(2)(B) several employer activities which specifically will not constitute an exercise of discretionary authority, such as decisions to include or exclude any specific benefit from the plan; decisions to provide extra contractual benefits outside the plan; decisions not to consider the provision of a benefit while an internal or external review of a claim is being conducted.

Contrary to our opponents' claims, these carve-outs further insulate employers from State law actions, but I think a bit of legislative history is interesting here.

Mr. Speaker, first business groups complained that without these provisions they would not be able to advocate for an employee not being treated fairly by their HMO. So the gentleman from Georgia (Mr. NORWOOD) and I put those exceptions into the bill. Then those same business groups complained that the exceptions were in the bill. You just cannot please some people.

Now let us talk about the punitive damages protections in the House bill. This is another case in point of how you just cannot please some people. This provision was suggested to me, as a matter of fairness, by members of the industry. They said if we are going to be bound by the external review board's decision and if we follow the board's decision, then we should not be liable for punitive damages, quote/unquote.

Know what? I agreed, and this provision in my original bill was incorporated into the Norwood-Dingell-Ganske bill. Maybe Heritage does not think that this provision is significant, but that is not what I have heard from the industry. Remember, this punitive damages relief would apply to all health plans under our bill, not just to group health plans.

While the Heritage paper closes by saying that the bipartisan House bill would result in, quote, a staggering amount of red tape for American doctors and patients, unquote, well, Mr. Speaker over 300 patient and professional organizations have endorsed the bipartisan House bill. Spare them your crocodile tears, please.

The Heritage paper also quotes Professor Alain Enthoven, a health policy analyst, from his paper, "Managed Care: What Went Wrong? Can It Be Fixed?"

Mr. Speaker, the Bipartisan Consensus Managed Care Improvement Act will go a long way to fixing the problem that Dr. Paul Ellwood, the father of managed care, expounded on at a Harvard conference last year. In speaking of the takeover of health care by managed care, Dr. Ellwood said, quote, "Market forces will never work to improve health care quality, nor will voluntary efforts by doctors and health plans. It does not make any difference how powerful you are or how much you know, patients can get atrocious care and can do very little about it."

Remember, this is the originator of the concept of managed care. He goes on to say, "I have increasingly felt that we have to shift the power to the patients. I am mad," he said, "in part because I have learned that terrible care can happen to anyone."

Mr. Speaker, the Norwood-Dingell-Ganske bipartisan House bill which passed this House with 275 bipartisan votes would shift that power to the patient. I sincerely hope that the conference committee gets the message.

CYBER TERRORISM, A REAL THREAT TO SOCIETY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from New Jersey (Mr. ANDREWS) is recognized for half the remaining time until midnight, approximately 50 minutes, as the designee of the minority leader.

Mr. ANDREWS. Mr. Speaker, I want to begin by expressing my appreciation to the Chair at this very late hour and to the members of the staff who are so diligently working here with us and for us at this very late hour as well.

We are gathered tonight at a time of unprecedented peace and power for our country. Because of the enormous dedication and sacrifice of Americans who have served in our armed forces throughout history, around the world in the past and at present, our country is stronger and more secure than it has ever been, and that is a blessing for which we are truly thankful.

Certainly that thanks is directed at those who wear the uniform of our country tonight around the world and those who have so nobly worn it in the past. It is truly a gift and a legacy that we enjoy tonight.

Our relative strength in the world does not mean that we live in a purely safe world, a world without risk. We must endeavor not to repeat the mistakes of history, where very often at times when we felt most safe we were most vulnerable.

There are clearly three areas of major threats to our country's security as we gather tonight. The first is the threat of an emerging competing global superpower in the People's Republic of China. The second is the continued virulent presence of regional negative hostile dictatorial forces such as Saddam Hussein in the Persian Gulf, President Milosevic in the former Yugoslavia. Those two threats, the threat of China and the threat of those regional dictators, are very severe threats indeed. I trust that in the coming weeks and months we will consider as a Congress, along with the executive branch and the military, ways to confront those threats.

This evening I want to spend, Mr. Speaker, some time talking about a threat that is not so easily detected, is not so obvious, but a threat that I believe is truly lethal and deadly, a threat that is unlike any threat that we have faced in the history of our republic, and that is the silent but deadly threat of cyber terrorism, the quiet but lethal assault on our country's systems and people, which I believe will be one of the major issues in the new century, the new millennium, in the defense of our country.

Unlike the growth of a large superpower army, unlike the proliferation of arms from a hostile nation state, we cannot readily or easily see the development of the cyber threat. I pray that we may never feel it and tonight I would like to talk about how we can prepare for it.

I would like to begin by talking about what has already happened to make it clear that our subject tonight is not an imaginary one. It is all too real. Listen to George Tenet, the director of the Central Intelligence Agency, speaking a few months ago. He said, and I am quoting, "An adversary capable of implanting the right virus or accessing the right terminal can cause massive damage to the United States of America," the right virus or the right terminal.

□ 2215

In 1998, two youngsters in California, directed by a hacker in the Middle East who was later described as the Analyzer, launched attacks which disrupted our troop movements in the Persian Gulf. These two young hackers, based in California and directed by the Analyzer in the Middle East, disrupted troop deployments to the Persian Gulf in February of 1998 from California, launched attacks against the Pentagon systems, the National Security Agency and a nuclear weapons research lab.

The deployment disruptions, that is, the disruptions in the deployment of our troops around the world and the Persian Gulf, from a computer terminal in California, were described by Deputy Secretary of Defense John Hamre, a real leader in this field, as "the most organized and systematic attack" on U.S. defense systems ever detected. In fact, they were so expertly conducted that President Clinton was warned in the early phases that Iraq was most probably the electronic attacker.

Two teenagers steered and directed by a master hacker halfway around the world, launching what our number one defender has called the most organized and systematic attack on sophisticated defense computer systems, so sophisticated that in the early hours of the attack the President of the United States was told by his most wise and knowledgeable advisers that Iraq was the electronic attacker. It was not Iraq, it was two U.S. citizens directed by a hacker in the Middle East.

On March 10, 1997, another teenager, this one based in Massachusetts, invaded a computer system run by the Bell Atlantic company in Massachusetts, knocked out telephone communications, among them telecommunications, telephone service, for the Worcester, Massachusetts air traffic control system at that airport in western Massachusetts. The tower was knocked out for 6 hours.

Let me read from a report from the Boston Globe of March 19, 1998. "The computer breach knocked out phone and radio transmission to the control tower at the Worcester airport for 6 hours, forcing controllers to rely on one cellular phone and battery powered radios to direct planes."

One teenager hacking into a computer system of a major regional telephone company, knocking out for 6 hours the telecommunications capacity of an entire area, and including an airport. And as people flew through the skies above Worcester, Massachusetts, the air traffic controllers relied on one cell phone and battery powered radios to direct the planes.

Joseph Hogan, who manages the control tower at Worcester and 26 other airports for the Federal Aviation Administration, said this: "We relied on our back-up systems, and, thank goodness, they worked. Had we been busier, the potential for a serious incident with dire consequences was there." Six hours.

In 1997, our intelligence community conducted what was called Operation Eligible Receiver, a war game played in cyberspace, an intelligent and far-reaching attempt by the U.S. military and intelligence community to game out what would happen if a hostile foreign power tried to attack our systems around the country.

A so-called red team put together by the intelligence community pretended to be North Korea. Thirty-five men and women specialists, 35 people using hacking tools freely available on 1,900 web sites, Mr. Speaker, any of our listeners tonight could access on their home computer right now. These 35 men and women accessing those 1,900 web sites in the public domain managed to shut down large segments of America's power grid and silence the command and control system of the Pacific Command in Honolulu.

The Defense Information Systems Agency, DISA, launched some 38,000 attacks against its own systems to test their vulnerabilities. Only 4 percent of the people in charge of those targeted systems realized they were under attack, and, of those, only 1 in 150 reported the intrusion to the superior authority.

We had a war game, and the good guys lost. The smartest and most capable people that we have were rather easily outwitted by this war game.

A Pentagon report goes on to say that probing attacks against the Pentagon, there are tens of thousands of them a year, are routed and looped through half a dozen other countries to camouflage where the attack originated. Information warfare specialists at the Pentagon estimate that a properly prepared and well-coordinated attack by fewer than 30, 30 computer virtuosos, strategically located around the world, with a budget of less than $10 million, could bring the United States to its knees. Such a strategic attack mounted by a cyber-terrorist group, either sub-state or non-state actors, that is to say either terrorist groups that are not part of any state or terrorist groups that are sponsored by a rogue state, would shut down everything from electric power grids to air traffic control centers. A combination of cyber-weapons, poison gas and even nuclear devices could produce a global Waterloo for the United States.

In 1999, the Pentagon tracked 22,144 intrusions on its own sensitive computer systems. 22,144 times in the last calendar year people figured out how to hack their way in to our most vulnerable systems. That is according to Major General John H. Campbell of the United States Air Force.

Deputy Secretary Hamre reports that his sources show that there are at least 20 countries who presently have information warfare strategies and operations active against the United States. This is an overwhelming and compelling body of evidence that says that this is not a question of whether we will be prepared for something that will happen to us in the future; this is a question of how well we are prepared for something that is happening to us right now, tonight, around the world.

Now, there is good news to report. As a member of the Committee on Armed Services, I have had the opportunity to meet and listen to and be briefed by some incredibly committed and talented men and women, both in the civilian service of this country and the Department of Defense and in the uniform of this country in the branches of our armed Services, and also serving in the various intelligence agencies of this government.

Mr. Speaker, we are blessed tonight with a robust, dynamic and bright corps of young men and women who are committed to defending their country. With the tools that we have given them, they are doing a magnificent job. Deputy Secretary of Defense Hamre is the leader of this effort and deserves special praise. His Assistant Secretary, Art Money, deserves special praise, and so do many others who work at their direction who have foreseen this problem, have been so diligent in pursuing it, and are truly inspiring in their level of preparation.

I have no doubt, no doubt whatsoever, that if we do our job, Mr. Speaker, and give these civilians and uniformed personnel and intelligence personnel the tools to do their job, they will excel in doing their job and protect our country.

This issue is not new to this floor. The gentleman from Pennsylvania (Mr. WELDON), my friend and colleague from nearby Pennsylvania, has been working on this issue years before it found its way into the headlines. He is serving as the Chairman of the Subcommittee on Research and Development of our Committee on Armed Services and has been a long time advocate of this cause.

The gentleman from South Carolina (Mr. SPENCE), the chairman of the Committee on Armed Services, a Republican, and the gentleman from Missouri (Mr. SKELTON), the Democratic ranking member of the committee, have very wisely appointed a special task force of our committee to focus on cyber-terrorism in this year's defense budget. That special committee is ably chaired by my neighbor and friend, the gentleman from New Jersey (Mr. SAXTON). The members of the committee are truly dedicated to this purpose, and I believe that the efforts of Chairman SPENCE and Mr. SKELTON and Chairman WELDON and Chairman SAXTON and those of us working with them on this effort are going to elevate this issue in this Congress, in this defense budget and defense bill, and take some important steps that really need to be taken.

Now, these steps would follow on the heels of the President's directive number 63 which was issued on May 22, 1998. That directive, which is well under way, is a good first step toward addressing the very real problems that I talked about tonight. But I think we have to build on those steps and understand the very unique nature of the problem before us.

Our country is organized, and well organized, for the world of physical space. Our military strategy has always been about protecting and defending key points of territory, the seas, land, so we could protect the sovereignty and rights of our people. We have always recognized a distinction in our civil law between civilian and military, between police action and law enforcement on the one hand and military action on the other.

These are time-honored and wise distinctions that we should never forfeit, but they are distinctions based on the physical world. And when we deal with the world of cyber-terrorism, we need to rethink them. By no means should we abandon cherished principles that recognize that civilian authority rules our country and the military serves civilian authority. By no means should we abandon the principle that recognizes the rights of Americans to enjoy privacy in their homes, the reasonable expectation of privacy in their affairs.

By no means should we forfeit those principles, but by no means should we permit those who would do us harm and terror to hide behind those principles to abuse the purposes of those principles and subject the country to horrible acts of destruction.

This month I will be introducing legislation that creates a strategy to address what I believe are the three great questions posed for our country by the here and instant onslaught of cyber-terrorism.

The first question is how can we make sure that our military is fully prepared? The President has given us great guidance in this in his budget proposals for the new fiscal year. He has set aside $91 million, not for software or fancy computers or bricks and mortar, but he set aside $91 million so we can be sure that the smartest and most motivated Americans serve their country in this field. Scholarships for bright young students, continuing education for those who already serve, institutes and centers and programs for people to come together from the worlds of business and academia and government and the military and think about ways that we can address and solve these problems.

I believe, based upon the classified briefings I have been privileged to receive and the record in the public domain, that the U.S. military; the U.S.

intelligence community and the civilian employees of the Department of Defense are ahead of the curve in this area. We are by no means invulnerable in our defense infrastructure, but this is a problem that has been thoroughly analyzed, and I believe we are well on the way to thoroughly protecting the key defense infrastructure of our country in military bases around our country and around the world.

But that leads us to the second question, which I am not so confident has been resolved, and that is what can we do to protect ourselves against the place at which we are most vulnerable, and that is in the civilian infrastructure and civilian systems of our country?

□ 2230

When the California hackers hacked into the Pentagon computers and disrupted our troop deployments in the Persian Gulf, it was shocking. But the Defense Department has acted swiftly and, I believe, powerfully, to prevent future repeats of this problem, future manifestations of this problem.

The same really cannot be said of our civilian sector, of the air traffic control system, of water and power utilities, of our banking and financial system, of our transportation and law enforcement systems. Not because these people are not doing their jobs; they are doing a very good job, Mr. Speaker. But I think the same level of confidence cannot be stated about civilian institutions because they are civilian institutions. Thank God for the fact that the United States of America is not organized as a military society.

In our country, the military does not run the airports, the military does not run our court system or our 911 system or our water and sewer and power systems; and may they never, because we are not that kind of society and the military is not designed for that purpose in America. These systems are run by some combination of public and private institutions that do a wonderful job of fueling and supporting the strongest economy in the world, but they are not organized for the purpose of preventing cyber-terrorism.

The phone companies are organized for the purpose of making our calls go through and our data. The water and sewer and power utilities are organized for the purpose of making the lights go on when we turn the switch and the water go on when we turn the faucet and the heat go on when we turn the thermostat up. The air traffic control system is designed to get us safely from one point to another. The 911 system is designed to dispatch the brave and courageous men and women who ride in our police cars and who drive our ambulances and serve on our fire trucks and other emergency vehicles. Those systems work.

Late in 1999, we saw as a country that we had a major and comprehensive effort to make sure that accidental breakdowns in that system would not paralyze and cripple our country. The phrase "Y2K" became forever embedded in our national lexicon, and it was an American success story. At my house, we filled our bathtub up with water on New Year's Eve and made sure we had all the flashlights ready and made sure we had some means of communicating with our loved ones, because we were not sure, were not exactly sure that the water would work or the lights would stay on and the phones would work the next day, or at 12:01. To the everlasting credit of America's institutions, in most cases, in most ways, everything worked, because we were prepared.

But the Y2K story was really just the tip of the iceberg, Mr. Speaker, because the real question is what if somebody intended to do us harm. What if it was not an accident that the computer systems turned over from 99 to 00, but what if someone who could not defeat us by dropping bombs on our power plants or could not defeat us by having an army invade our shores decided to defeat us and create chaos in America by hacking into our systems on purpose and create that kind of havoc? Are we prepared? I think the answer is not nearly well enough, as the incident in Massachusetts in 1997 shows.

So what do we do about it? Well, there are three approaches we could take and two of them are absolutely wrong. One approach would be to say that let us militarize everything, let us be sure we can defend our airports and our power plants and our phone systems and our 911 system; let us put the military in charge of it. There is no one, I trust, in this House and no one, I am certain, in America's military establishment who would want that result, nor would I.

The second approach would be to say, let us just see what happens. Let us let the normal market forces which work so well in organizing our economy handle this problem. I know of very few captains of industry who would be so naive as to agree with that statement. Our phone companies, our power companies, our transportation companies are not organized to defend against terrorists, nor should they be. They are organized to deliver goods and services at a profit or in the proper way to the public.

So there needs to be a third approach that is a partnership between and among the military community, the intelligence community, the private sector, the academic sector, and law enforcement. I think that American ingenuity in the utility companies and the telecommunications companies, in law enforcement could absolutely do this job and make us thoroughly well prepared for the cyber-attacks which are happening to us as we speak, but they need help. My legislation will propose that very high standards be set, the same way they were for Y2K. They will propose an active, cooperative system between and among our military and our law enforcement and our civilian entities, and it will propose reasonable and well-targeted financial assistance for those aspects of industry and the private and civilian sector that reach the goal most expeditiously and most efficiently.

There are precedents for this, Mr. Speaker. Our MIRAD program, our shipbuilding program is a good precedent and it works this way, and my legislation will reflect this principle. We say to certain shipbuilders that if you are building a cargo ship, the Government of the United States will subsidize in part the construction of that ship through loan guarantees and direct contributions. We will help you build your ship. What you need to do for us in exchange is to make that ship available at a time of national emergency, to carry military cargo so we can deploy our troops around the world if and when necessary. It is burden-sharing between the vibrant commercial sector and the military and law enforcement carrying out its mission to defend and protect the country.

That is the approach that I think we should take in our bill, is to share the burden with the dynamic private sector, but encourage and indeed require that sector to bring its level of protection up so that when someone wants to hack into an air traffic control system, when someone wants to mask the computers at the water utility so that when the person reading the water utility computer screen thinks there is no arsenic in the water because that is what the printout says, but there is arsenic in the water because someone has bugged the computer, there is a backup system. Or when someone, and this has happened, hacks into the telephone system and reroutes 911 calls to a pornographic call-in line, as has happened, or a pizza delivery service, as has happened, chaos will not occur; but there will be a backup system in place.

The third thing that my legislation will do is to answer the question of prevention, and prevention is what we most want. We want our military to be able to protect us so that we can prevent cyber-attacks. We want our civilian sector to ramp up its efforts so that we can be protected from cyber-attacks. However, sometimes they are still going to happen, as they did in 1998 when the California hackers, aided by the Middle East hacker, disrupted our troop deployment; as it did in 1997 when the airport air traffic control system in Massachusetts shut down for 6 hours. It is still going to happen.

How do we very quickly find the perpetrators and understand whether this is a law enforcement problem that requires prosecution in our criminal law enforcement system or whether it is an international terror problem that requires a military or diplomatic response.

There are two changes that I believe are foremost of importance that will be in the legislation that I propose. The first change is a change that says to the Department of Defense, we are going to take the handcuffs off your hands and when a Defense Department information system or computer is attacked, we are going to let you find out who did it.

I think most Americans would be amazed, Mr. Speaker, to find out that we have a law that works this way: if tonight a hacker hacked into an important Defense Department software system or computer that affected the launch codes for our nuclear weapons, or that affected our defenses against poison or nerve gas, we have a law that says, until the law enforcement people conclude and prove that the hackers are foreign agents, the Department of Defense cannot do anything about it. They have to wait until the law enforcement people conclude that it is not a domestic threat, it is foreign. In other words, we treat these hackers the same way we would someone who is running an illegal NCAA basketball betting pool on-line.

Now, I do not for one minute disregard or impugn the abilities of our law enforcement people. They do a great job. But their job is to deal with organized crime or with those who would do harm within America. It is certainly not to deal with the Libyan special services forces or with people in North Korea who would do us harm.

We need a law which says, when the Department of Defense's computer systems are under attack, they do not have to wait to find out who did it, that they can immediately and expeditiously figure it out and take whatever steps are necessary, consistent with our Constitution and consistent with our law to do something about that.

The second change that I think is imperative is that we change the law so that our government can find out more easily about criminal records of people in very sensitive jobs that affect government infrastructure. Believe it or not, right now, if the following occurred, the Department of Defense and others would have a hard time getting information. Let me sketch this scenario.

If what happened in Massachusetts in 1997 had happened because a vendor who was working for the phone company as a troubleshooter deliberately sabotaged the air traffic control system, and that vendor had someone working there who was a spy for the vendor; and that spy, in fact, had some kind of criminal record at the State or local level that would attach that spy's conduct or relationships with foreign agents, and we had in our CIA database evidence that if we knew that this spy, if we knew about his record that we could figure out who was hooked in internationally, our military people cannot get access to the State and local criminal records of that spy. It is illegal. It is unbelievable.

The fourth amendment does not give someone who wants to do harm to the people of this country license to do so with impunity. There is no Member of this body who is more committed to the principles of the fourth amendment than me. I think it needs to be respected and revered in every way. But this is not a fourth amendment issue; this is a national security issue. We need to change the law in such a way that our military protectors and defenders, if they have intelligence that says that someone is trying to hack into the air traffic control system because they are working for the Libyan government or the North Korean government or the Iraqi government, and there is evidence in State and local criminal records that would help them find that person and stop them, we need to empower them to do that. The legislation that I will be proposing will do just that.

Mr. Speaker, the gentleman from Pennsylvania (Mr. WELDON), the chairman of the Subcommittee on Research and Development, and I have both served in local government; and we understand that one of the things that happens in local government is that for a long time people will say, there really needs to be a traffic light at such-and-such an intersection; it is really dangerous. And they come out to meetings and they tell their mayor and they tell their council and they talk for years about the need for a traffic light. Then, in places where government is not very responsive, which is not true in Delaware County, Pennsylvania, and it is not true in my area either, in places where government is not responsive, they do not put up the traffic light. They wait until there is a fatality, a fatal accident at that intersection, and then they rush and put the traffic light up.

I never want to come to this floor and have 435 Members clamoring to pass legislation that would unlock the potential of our military people, consistent with our Constitution; I never want to have them coming to this floor clamoring to do that because the morning news is full of reports of planes crashing over the sky over a major airport, or thousands of people being poisoned because their drinking water was poisoned and the computer systems that would have told the utility that were hacked into.

☐ 2245

I never want to have a national uproar because all the 911 calls for a major city went to a pizzeria or an airline reservation counter instead of to the police and the fire department. I never want to have a situation where there is financial chaos and there is a run on our banks because the checking account records or credit card records of millions of Americans are deliberately sabotaged.

Mr. Speaker, this is not the stuff of a Tom Clancy novel. It is the stuff that Members of this House are hearing about, both in classified and unclassified briefings. We have been warned, and to the Paul Reveres of this effort, like the gentleman from Pennsylvania (Mr. WELDON), the gentleman from South Carolina (Mr. SPENCE), and the gentleman from Missouri (Mr. SKELTON) who have paid attention to this, Secretary Hamre, people that work with him, we need to give them the tools that they need to continue to do this job.

I notice that my friend, the gentleman from Pennsylvania (Mr. WELDON) is here. I am happy to yield to him, and commend him on his leadership on this for many years.

Mr. WELDON of Pennsylvania. Mr. Speaker, I thank my colleague and friend for yielding. I came over for this special order, having watched his beginning and agreeing totally with the statement, and I appreciate the gentleman's leadership in making this a personal issue for him, for taking the time to understand a very complicated issue that many Members do not have the time to get in to, but which is so vitally important to our country.

As the gentleman knows from hearings that we have held in our Subcommittee on Military Research and Development, we are going through a major revolution in America that the people really do not understand. In fact, we only have had one other revolution of this kind in our country's history. It was when we changed from an agrarian country where we made most of our living on the farms and on the land to an industrial economy, where people went to work in our factories building products and materials. It was a difficult change for America, but we did it because we wanted to lead the world economy in the 1900s, and we did it very successfully.

Now we are going through a similar revolution, changing from an industrial economy to an information economy, where more and more every day in our lives we are affected by the use of computers and information technology.

As a result, some very interesting and difficult challenges face us, because the single biggest technology, probably, to improving our quality of life has been the use of information technology.

I would argue, and I think my colleague would agree with me, that the single biggest vulnerability to continuing our quality of life is the use of information technology. If an adversary wants to take out America, they know in most cases they cannot match us gun for gun, tank for tank, plane for plane. That is an impossible task. But they know full well that our society is largely dependent upon information systems: our military systems, our smart weapons; but even beyond that, our information systems. Our banking, our communications, our air traffic control, electric grid, are all based on information technology.

So if you are an adversary of the U.S. in the 21st century, you are going to try to find a way to neutralize that technology advantage, to level the playing field. That is exactly what nations are doing today. As my colleague knows, in classified hearings we have held, there are in fact countries today that are working very diligently in finding ways to be able to shut down the communications and information systems of America during times of conflict.

It is a major concern for us also because we are having a difficult time keeping talented young people in the service when they can make three to four times the amount of money they are making as a software engineer for the Pentagon going out to work for a private company. So we have a very difficult challenge keeping up with that technology leap.

In fact, in the past, in the history of the country, military technology has often been ahead of the civilian community: the first airplane, the first jet engine. That is changing now. With the growth of the information revolution, the private sector and information technology companies and some of our would-be adversaries have the technology capability equal to or better than we have in the military. Therefore, we have a tough time keeping up.

So the kinds of ideas that the gentleman is pursuing, the kinds of strategies to focus the attention of the American people, not just our military, on information vulnerability are critically important.

I will give the gentleman a couple of horror stories. I cannot give the details. But to highlight the point he has made, we had a classified hearing several years ago where it was documented to us that one of our military hospitals had all of its health care records, all the blood types of all the patients, changed by a hacker who broke into the IT system without the administration of the hospital knowing all the blood types had been changed.

If the American citizen sitting at home wants to understand the impact on their life, imagine a loved one being in the hospital and all of a sudden, every blood type of every patient has been changed by someone who had access to that information system.

The banking system in America likes to pride itself on being the best at information security, but we all know there was a New York bank just a few years ago that had $10 million illegally transferred out of its accounts by a St. Petersburg, Russia firm that they were not able to stop, and the banking community has had examples like that where hackers have broken in and taken money away.

As the gentleman has pointed out, we need to think differently in the 21st century. If a terrorist group comes into America and wants to discharge a chemical or biological weapon, we need to have broad-based data systems so we can detect whether or not there is a pattern of occurrence of health care problems that might indicate to us that someone has released some type of toxic material. Because a warning may not be accompanied by a bomb, it may simply be a low-key release of an agent that we will not be able to determine unless we have processes in place to be able to do massive data mining.

I want to also applaud my colleague because he has been assisting very aggressively in establishing the first smart region in America. The idea behind this initiative, the HUBs project, is to link up as many of our institutions in the four States of New Jersey, Delaware, Pennsylvania, and Maryland to demonstrate that we can build smart regions in America, we can link technology, but we must build security in the process. We must have encryption capability, we must have security controls and access controls, not just in the government agency systems but also in our hospitals, in our schools, in our colleges, in our private business establishments.

I just want to add my comments and my praise. The gentleman is a leader in this effort. I look forward to the legislation that the gentleman is working on. As I have told the gentleman, I would be happy to cosponsor it. We need forward thinking, because this is really a new challenge. It is the single biggest threat to our security in the 21st century, the threat of being able to disarm America's economy and America's quality of life by disarming our information systems.

Mr. ANDREWS. I thank my friend, and again, long before this was an issue on the evening news or the front page of the newspaper, the gentleman from Pennsylvania (Mr. WELDON) was working on this issue on his committee, on the floor.

It is not a partisan issue, it is an issue that he has played a major role in educating people about. We thank the gentleman for that, and I look forward to following the gentleman's lead and to bringing legislation to this floor this spring that will help address these issues.

Mr. WELDON of Pennsylvania. I look forward to supporting it. The gentleman mentioned bipartisan. He is so right. The gentleman mentioned John Hamre's name. There is no one I respect more in this administration than John Hamre. It is unfortunate that he is leaving to go head the Center for Strategic and International Security, but he is a great leader.

It was John Hamre who 2 years ago, in leading this administration on this issue, made this quote: "It is not a matter of if America has an electronic Pearl Harbor, but when."

This past year when he came in before our committee, he said that we were at war, in a cyber war, at the very moment he came in, because we were in the middle of a massive attack on our defense information systems by an organized network that we think was focused in a selected few countries, but it has been a totally bipartisan effort.

The gentleman's leadership has been critically important. There is a need for more work like the gentleman is doing, and again I look forward to supporting the gentleman's legislation.

Mr. ANDREWS. I thank my friend for being here tonight as well, Mr. Speaker. We are going to summarize.

I want again say that each one of us involved in this effort is devoted to the idea of our constitutional principles, devoted to the idea of the separation of civilian and military; of the fact that in this country, the military responds to decisions by the civilian sector.

Each one of us is firmly committed to the sanctity of the constitutional rights of privacy, the protection against search and seizure, the rights of legitimate people in our country to be protected from the abuse of State power. We need not choose between forfeiting our Fourth Amendment rights and defending our country. These are consistent goals.

But in order to pursue these goals, we need to rethink the way we pursue them. I think that is so very, very important.

Mr. Speaker, I am here late tonight, and normally I would have the greatest privilege of my life, which is tucking my 7-year-old and 5-year-old into bed, my daughters Jaqueline and Josie, and their mother did that a while ago, I hope, tonight.

We are really fortunate that we put our children to bed tonight in a country that is safe and strong. It is not safe and strong everywhere, there are children who are going to sleep tonight in horribly violent neighborhoods and areas and horribly violent homes, ruined by alcohol and drug abuse and by all kinds of pernicious behavior.

But this is a country that, at least in terms of pernicious behavior in the world, is safer than it has ever been, and is the safest place in the world because of those who sacrificed in the service of their country, and who do so tonight.

But despite that sacrifice, there is a war going on tonight. As we put our children to sleep tonight, we have to put them to sleep with the sure understanding that there are evil and pernicious people in the world who are trying to do to us what Hitler and the Japanese could not do to us with their bombs and their armaments in World War II, could not do to us what the former Soviet Union threatened to do with us with their intercontinental ballistic missiles in the Cold War, could not do to us what foreign powers have tried to do to us throughout our history. That is to undermine and destroy the sovereignty and sanctity of our country. The way they are trying to do it is pernicious, it is lethal, but it is very quiet.

I pray that the night will never come when we wake up and hear that millions of our fellow citizens have been poisoned by their drinking water because the software that is supposed to detect poison was hacked into.

I pray that we never wake up and hear that thousands of people crashed to their death above airports because of an intentional violation of our air traffic control system.

I pray that we never wake up and find financial chaos, and people withdrawing their money from our banking system because the money they thought was safe and the records they thought were accurate proved to be neither.

I pray that we never wake up to a country where, when we try to call our police and fire and emergency management personnel by dialing 911, we cannot get through because someone has deliberately interfered with that system.

This is a reality. Now, thankfully, it is a reality that our military and our intelligence community are preparing vigilantly to protect us against. It is our job to give them the tools. But there is immense preparation that still must be done on this floor in legislation with our resources to both require and incentivize our civilian sector to meet the same standards of protection as our military has met, and then to give our military and law enforcement the tools to apprehend those who do us harm.

Mr. Speaker, it is my prayer that this issue will become irrelevant because we will be so well prepared, but I do not assume that that is the case.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HAYES). The Chair would remind all Members to address their remarks to the Chair and not the television audience.

ILLEGAL NARCOTICS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Florida (Mr. MICA) is recognized for half the remaining time until midnight, approximately 30 minutes.

Mr. MICA. Mr. Speaker, I come to the floor of the House again at this late hour to talk about an issue that I always try to address the House on Tuesday nights on, and that is the question or problem relating to illegal narcotics.

It has been several weeks. We have had some intervening business and time away from the House of Representatives, but some things have happened, and I wanted to report on my activities as chair of the Subcommittee on Criminal Justice, Drug Policy and Human Resources.

□ 2300

I also wanted to highlight some of the reports that have filtered through the media on this subject and bring my colleagues up to date on where we are and where we are going.

Since I last addressed the House, there have been some serious incidents in our Nation. One that has sort of riveted and focused the attention of the Congress and the American people was a situation with a 6 year old killing a 6 year old. The method was by a gun, and all the attention has focused on the gun. But like many of the other stories about tragedy in our society today, they fail to focus on the real problem, the situation that led to that tragedy.

In this instance, we had a 6 year old who, unfortunately, came from a crack house setting. The belief is that the father was in jail, a family without any normal nuclear bounds, and a situation where you had, I believe, a stolen weapon. No one focused that the root of the problem was, indeed, illegal narcotics, drug trafficking, drug addiction, crimes related to illegal narcotics.

I had an opportunity to conduct, at the request of Members, a hearing this past week when the Congress was in recess, traveled to Sacramento, the capital of California, and also down to San Diego to visit our joint agency task force operations in Alameda, California to see how our war on drugs and our problems with illegal narcotics in that area of the country are progressing.

The story I heard in hearings in California was as horrible as the death of this 6 year old, but magnified many, many times in stories of deaths of young people that I had never heard of and I am sure the American people had not heard of.

We had testimony by a lady by the name of Susan Webber Brown on one of the occasions of hearing, and I believe this was the one in Sacramento. Susan Webber Brown, who is involved with a program out there to help drug-addicted families, gave us some incredible and powerful testimony.

She talked about a 15 month old who overdosed on methamphetamine in Rancho Cordova. That is a 15 month old. A 5 month old tested positive for methamphetamine and succumbs to death with 12 rib fractures, a burned leg, and scarred feet by a methamphetamine addict in Los Angeles, California. Not killed with a gun, but murdered by illegal narcotics.

She testified to a 13 month old who died of heart trauma, broken spine, and broken neck by a methamphetamine addict. She was also raped and sodomized. This was in the California high desert.

Susan Webber Brown testified about a 25-month-old Oregon toddler who overdosed on methamphetamine. She testified to us about a 2 month old who dies on methamphetamine, who had methamphetamine in her system in San Jose, California.

Another death that we did not read about or was not publicized was the 2 year old who ate methamphetamine from a baby food jar in Twentynine Palms, California; a 14 month old who drinks lye and water from a parent's methamphetamine laboratory, hospitalized permanently with severe organ damage in Fairfield, California; a new baby who died from mother's breast milk laced with methamphetamine in Orange County.

An 8-week-old, 11-pound boy dies from methamphetamine poisoning found inside a baby bottle in Orange County. An 8 year old watches and hears mom die in a methamphetamine laboratory in Oroville, California. A 6 month old overdoses, semicomatose, seizing, and hospitalized who drank methamphetamine from a bottle. A 4 year old who tested positive for methamphetamine, beaten and hair pulled out by the mom's boyfriend in Chico, California.

One of the worst stories that was told and video pictures presented at our hearing was of a young child, a young girl who was beaten and tortured by her parents who were both on methamphetamine. When they finished beating and torturing this child, Susan Webber Brown told a stunned audience that they basically scalded their daughter to death, high on methamphetamine.

Now, we have heard about a 6 year old killing a 6 year old with a gun, but we have not heard these stories of babies even younger being victimized. Hidden behind the other stories are the facts that this 6 year old, again, came from a home setting, if one could call it a home, of illegal narcotics.

I was absolutely shocked by the methamphetamine epidemic in California and the Midwest. I have held hearings in Washington, and we have talked about it. We have heard testimony here about it. But until one hears individuals, visits the locale, and sees firsthand the damage that has been done by methamphetamines, one cannot imagine the damage that has been done.

It is amazing that the President of the United States, it is amazing that the leadership of this country, it is amazing that the media of this country can focus on a tragedy like a 6 year old shooting a 6 year old, not focus on the root causes of that death and the deaths I have cited here.

In fact, we are now up to 15,973 drug-related deaths in this country. That is the 1998 count, and the count continues to skyrocket. Many of these are silent deaths, not making the front page, not being discussed in the talk shows or the subject of the root causes of the death and the tragedy, not coming forward or part of the discussion. But I intend to make it part of the discussion.

Methamphetamine production, trafficking, and use has increased in our rural communities and midsize cities, according to a published paper that came out January 26 this year. The report stated that lab seizures, the drug labs that were seized by the Drug Enforcement Administration, have increased sixfold in the past 5 years, from 263 seizures in 1994 to 1,627 labs in 1998.

We heard testimony, not only in Sacramento, but also down in San Diego about methamphetamine. We had law enforcement officials who brought methamphetamine to Sacramento and showed us that methamphetamine. They know where most of it is coming from or at least part of the main ingredients of methamphetamine, and that is Mexico. We know that the largest amount of methamphetamine reaching our country is coming through Mexico.

Unfortunately, we have not had a national strategy in place to deal with the problem of methamphetamine or other narcotics now coming through Mexico. In fact, in the last several weeks, this administration has, again, certified Mexico. Mexico is now the source of nearly 70 percent of the illegal narcotics entering the United States.

□ 2310

Now, it is a fact that 70 to 75 percent of the heroin and cocaine is produced now in Colombia, but some 70 percent-plus of the hard narcotics coming into the United States, the vast majority of illegal marijuana, is coming through Mexico.

The United States Government and the administration is required under our Federal law to certify whether or not a country is participating and cooperating with doing two things: stopping the production and also stopping the traffic of illegal narcotics. This administration says that Mexico is cooperating on both accounts. I tend to believe that that is not the case. I believe the administration acted in both conflict with the facts and also contrary to the intent of the law that was passed that requires an assessment of cooperation and then gives the countries who do cooperate trade, finance, and other aid benefits from the United States.

So I think, in fact, this administration has misused the certification process, particularly with a country like Mexico that is failing to even meet minimal requests of the United States for cooperation in combating the production and trafficking of illegal narcotics.

In last week's Washington Times there is an article: "Mexican Ruling Party Soft on Drugs, Foe Said." There are two major candidates for the Presidency of Mexico and one is a gentleman by the name of Vincente Fox. He is a Conservative National Action Party member. He said that, in fact, the current administration in Mexico is in league with the drug bosses, to use his quote. They have been part of the problem. They have negotiated with the narcos. And many PRI members have been jailed for being narcos.

He went on to say that, in fact, Mexico and this ruling party have made a joke out of the certification law. He said that this entire process has been made a charade by Mexican officials. Let me quote him. He said, "The government's attitude was making a mockery of the annual assessment by Washington of efforts by Mexico and other countries to combat drug trafficking, a ritual known as certification, which is widely resented in Mexico. This is just making a fool of the United States, and this certification business is no use at all."

He went on to say, "Each time certification comes around, the Mexican government arrests two or three drug bosses, puts them in jail, and acts as if it is getting very serious with drug trafficking," he said. "Then certification is awarded and the Mexican government forgets about the whole business and does not think about it again until the following year."

This is the comment of a gentleman who may very well become the next president of Mexico and one of the leading officials there, attesting publicly as to how Mexico and the current government makes it a joke and makes a fool of the United States in this process.

I was so pleased, in fact I sent a personal note to our United States ambassador, Jeffrey Davidow, who just previous to Mr. Fox's pronouncement, the candidate for the Mexican presidency, had the courage to finally be one of the first few Clinton administration officials to tell it like it is. He said, "The fact is that the headquarters of drug trafficking is in Mexico, just like the headquarters of the mafia is in Sicily." Ambassador Davidow was speaking in Spanish before a group of alumni of Southern California in Mexico City. He was very frank. This made all the papers down in Mexico.

But even the Mexicans are shocked by recent events, which we also looked at in our hearing in San Diego, where just across the border, in Tijuana, just a few days before we arrived there, the chief of police, and this was actually the second chief of police, was slaughtered in an assassination. A brutal assassination. And again, the second police chief so assassinated by drug lords and drug gangs in that city.

In fact, Tijuana, which is located in the Baja Peninsula, has been the scene of not only corruption but now extreme violence, with hundreds and hundreds of drug-related murders. And Tijuana has one of the highest murder rates of any city in the Western Hemisphere. And almost all of these slaughters are done by drug traffickers. Yet this administration has certified Mexico as fully cooperating.

I have been a critic and, based on the hearings that we have conducted, have said that in Mexico, I believe from the office of the president, the current president, there is no doubt about the past president, in fact the past president's family, Salinas, was involved in narcotics trafficking and profits from narcotics up to their eyeballs and packed away hundreds of millions of dollars in accounts around the world; but even within the current president's office we have had evidence, both public accusations and also behind closed doors, and information about the level of corruption all the way to that office.

I had said also to the attorney general's office, and I am not saying that the attorney general or the President of Mexico personally are now involved, but within those offices, the highest offices of Mexico have in fact been corrupted. I had repeated that not knowing that in fact the headlines would be just a few days ago that in a box rented to a senior official at the Federal attorney general's office a public servant with a modest salary had sitting $700,000 in cash. That official committed suicide some few days ago. Yet another example of tremendous amounts of money involved in corruption at the highest level of Mexican officials' offices.

I just read in the last 2 days that a legal adviser to the Mexico City attorney general's office had been found strangled in his home, along with his two elderly sisters. They said that Salvador Cordero, 64, had apparently been tortured before he was killed in his home some 30 miles west of the Mexican capital. Again, the rampant violence in Mexico, that corruption is now leading to incredible acts of violence, this has raised the concern of both of the Mexican candidates for president. And we heard the comments of one Mexican high official, again a leading candidate, and the joke they have made out of the process of certification that the United States relies on to try to enlist cooperation from Mexico.

□ 2320

Now, we have not asked a lot from Mexico. We have asked that our DEA agents be armed and adequately protect themselves, the limited number that Mexico allows. That still has not been granted. We have asked for a sign and an executed maritime agreement. That still has not been granted. We have asked for the extradition of one major drug lord from Mexico. To date there has not been one Mexican national drug kingpin extradited to the United States.

So the corruption, the killing goes on. The amounts of money in this corrupt process are absolutely astounding. Again, we held a hearing that documented from a former United States Customs official that one Mexican general had attempted in a sting operation to place $1.1 billion in drug profits in American financial institutions.

So the corruption is in the military, it is in the President's office, the Attorney General and cabinet members' office, in the police, in the States.

We saw in the Yucatan Peninsula, Quintana Roo, which is the Yucatan Province, we saw the governor there who we knew was involved heavily in drug trafficking and immune from prosecution because of his status that he holds in Mexico. They do not go after sitting officials. And a few days before he was to leave office, he fled the country and has not been located. But we know that the entire Yucatan Peninsula and the government there is run and directed by narco-traffickers; and again this all has implications in the United States, the methamphetamine coming in in unbelievable quantity.

We had testimony from officials in Wisconsin and Iowa, in addition to the hearing that I held in California, talking about Mexican drug cartels operating in the Midwest bringing this death and deadly destruction.

The effects of methamphetamine I had no idea could destroy people in such a fashion or cause such incredibly savage behavior as we have heard in these hearings.

Now, this is not rocket science. We know where illegal narcotics are coming from. As I said, we have Colombia, which is the source now of over 70 percent of the heroin and 70 percent of the cocaine. It is interesting to note that Colombia did not produce at the beginning of the Clinton administration almost any heroin. There was none produced in Colombia. There was almost no coca produced in Colombia at the beginning of the Clinton administration.

But I will be darned if this administration, through one bungling act after another, could not make Colombia into the largest source of illegal narcotics. Now, we are talking about producing. We know that a hundred percent of all the cocaine in the world comes from Peru, Bolivia and Colombia.

Through a program instituted by the gentleman from Illinois (Mr. HASTERT), Mr. Zeliff, some of the others here who worked on it in reinstituting source country programs, we have been able to cut production of cocaine and coca in both Peru and Bolivia by some 60 percent.

In Colombia, this administration has done everything possible to bungle and thwart and stop assistance for international programs to aid Colombia in dealing with illegal narcotics production and trafficking. They have done everything imaginable. And I will detail those in just a minute. But those illegal narcotics are coming up in trafficking and now they form cartels with Mexican traffickers and they are coming up through the United States.

We know how this traffic pattern has emerged. We also know what works and what does not work. I cannot believe the media and the garbage that they continue to publish and the misstatement that the war on drugs has been a failure. And it is repeated over and over.

The war on drugs existed in the Reagan and the Bush administration. The war on drugs was closed down by the Clinton administration in some very specific acts.

This chart, let us take just a minute and look at the war on drugs. This was the trend with Ronald Reagan and George Bush, and we saw the long-term trend in lifetime prevalence of drugs.

This is the percentage of 12th graders, a pretty good indication of where we are going on the narcotics issue and use of illegal narcotics, going down, down, down. This is the beginning of the Andean strategy. This is the beginning of the war on drugs bringing the military in, the Vice President's task force. And look at what happened to the use of illegal narcotics.

Then we have the election of Mr. Clinton. Let me, if I can, quote some facts on what took place with the election of Mr. Clinton.

First of all, we have a question of international programs to stop illegal drugs at their source. That would be source country programs. Look at this here. Source country programs, international programs under Mr. Bush and previously Mr. Reagan. We had increases in 1993, 1994, 1995. And it does take a little while to get a budget in place for a new administration and a new Congress. We are a little bit ahead of the curve. But Federal drug spending on international programs was cut 50 percent during the Democrat controlled Congress from 1992 to 1994. Fifty percent of that means to stop drugs at their source. What we had been successful in stopping drugs at their source, they cut 50 percent.

On interdiction, which is the next most cost-effective way to stop illegal narcotics is to get the drugs not only where they are produced at their source, because that farmer is getting a few dollars or a few pesos, and the most effective thing is to stop the illegal narcotics at the next level and that is to interdict them.

You can interdict them through intelligence and provide that intelligence to another country, which was part of the strategy that we had with the Bush and Reagan administrations, very cost effective. And then that country goes after the plane or the trafficker, whatever, and stops it.

Federal drug spending on interdiction was cut 33 percent during the Democrat controlled Congress from 1992 to 1994. Again, part of the strategy to close down the war on drugs. And when you close down the war on drugs, and you see the chart here, let us look at this chart here for a moment, because you see us getting back up to in 1999, basically, if you look at dollars and use 1991 or 1992 dollars to 1999, we are back where we were at the end of the Bush and Reagan administrations and their anti-narcotics programs.

□ 2330

So basically some of the comments and one of them that really irritated me is a column by Marjorie Williams. I do not know who she is but she put it in the Washington Post Friday, March 10, and she said, despite two decades of proof that interdiction and tough law enforcement will do nothing to stop the sale or use of drugs, this is the type of trash that the media puts out and convinces people that the war on drugs is a failure. In fact, the war on drugs was specifically closed down.

Let us go back up to this chart here. Go back to this chart here. The Clinton administration, go back to 1992, 1993, they slashed, first of all, the drug czar's staff from 112 to 27. They cut the source country programs, which I just cited. If you put another one of these dots where they appointed Jocelyn Elders as Surgeon General you can see another little surge in use.

In 1994 and 1995, they stopped U.S. intelligence information-sharing with Colombia and Peru and slashed the U.S. military and Coast Guard anti-narcotics program.

Is this showing that that is a war on drugs? In fact, they dismantled the war on drugs. In 1996 and 1997, they blocked the antidrug assistance to Colombia. They also distorted the program that we have to certify countries as cooperating, decertified Colombia without a national interest waiver and blocked and stopped the equipment getting to Colombia.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HAYES). There being no other Member claiming time, the gentleman from Florida (Mr. MICA) is recognized for the remainder of the hour.

Mr. MICA. Mr. Speaker, I will try not to take that but as one can tell, I am just getting warmed up tonight. I do get excited about this issue, Mr. Speaker, because it has some incredible impact, not only six year olds killing six year olds but thousands and thousands of lives lost across this country and families destroyed by illegal narcotics.

We know what works in this effort. We know what does not work. We know that, again, the Clinton administration blocked aid to Colombia and that is why we are here in the next few weeks and about to pass $1.7 billion, $1.5 billion, whatever we end up with, in aid to Colombia, because the situation this administration created by these specific actions has created such a disaster. This is not something that just jumped up on us. This is something that was predicted in hearings, and I participated in some of those hearings.

I took out a quote not from me but a quote from the gentleman from California (Mr. HORN) and he says, "As you recall, as of May 1, 1994, the Department of Defense decided unilaterally to stop sharing realtime intelligence regarding aerial traffic in drugs with Colombia and Peru. Now, as I understand it, that decision, which has not been completely resolved, has thrown diplomatic relations with the host countries into chaos." The gentleman from California (Mr. HORN) said this August 2, 1994, the beginning of the end of the situation in Colombia, the beginning of presenting this Congress and the American people with a bill for $1.7 billion, a direct action of this administration to close down sharing that information. Not only did they do this in 1994, they turned around and did it again, according to a GAO report that I asked be conducted of the current operations the last couple of years in that region. I received a report in December, just a few months ago, that the administration, despite the requests of their appointed ambassador in Peru to increase, again, the surveillance, who said that if you do not do this you will get more cocaine produced, even though the Congress and the Republican Congress put into effect a very effective eradication and crop substitution program, in spite of what we had done their own ambassador said, hey, do not do this again, or do not do this in fact; you will have problems.

In fact, we have seen an increase in production because, again, they made the same mistake just in the last 24 months that they made in 1994. We saw this coming. We asked them not to do it.

Let me also bring up another headline, 1994. How do we get ourselves into these incredible situations? This is Thursday, August 4, Washington Post, U.S. Refusal to Share Intelligence in Drug War Is Called Absurd.

We did it in 1994, we cut off aid and assistance. Was this a partisan attack, something the Republicans did? I cited my colleague, the gentleman from California (Mr. HORN), a fellow Republican. These are the comments of ROBERT TORRICELLI who at that time was chairman of the Subcommittee on Foreign Affairs on the Western Hemisphere and the gentleman from California (Mr. LANTOS), chairman of the Subcommittee on International Security, denounced as absurd the administration's argument that current law might expose U.S. officials to prosecution. They distorted the law with some liberal interpretations to close down information-sharing to stop going after drug traffickers, basically sharing information allowing the other countries to, if necessary, shoot down these planes.

There is nothing more effective than shooting down drug traffickers to stop illegal narcotics. These are direct actions that got us into this situation today. These are the actions that require a 1.6, 1.7, who knows how many billion dollars, to get us out of this predicament. Colombia produces and that area around Colombia produces 20 percent of our oil supply, and if you have paid for gasoline lately you can see why the source of oil production is a strategic value to the United States.

What is interesting is that, back to Mexico for a minute, I received these reports from DEA on heroin production and they can tell us where heroin is coming from on what is called a signature program. It is almost sort of like reading DNA from a blood test, and they can tell me almost the country and the field that heroin is grown from. You have to remember again that the policy of this administration allowed in 6 or 7 years a country which produced no heroin, they did not produce any heroin, any poppies at the beginning of the Clinton administration in Colombia, and this shows now South American production, by 1997 they got it up to 75 percent of the heroin seized in the United States came from Colombia. That is where it is coming from. Fourteen percent came from Mexico.

This administration just certified in the last few weeks Mexico fully cooperating. That means they are helping reduce production and reduce trafficking. Two criteria, reduce production, reduce trafficking. I got the report from 1998. You have not read about this. No one will talk about this. Mexico is up to 17 percent. Now, simple mathematics will say that is a 20 percent increase in production. It shows a slight decrease in America but we are getting more from the country that the administration just certified, Mexico; in fact, a 20 percent increase in heroin production in one year.

This, again, does not require a rocket scientist to know where the heroin is coming from. We know that it is coming from Colombia. We know it is coming from Mexico. We heard it in the hearings this past week in California, which is also seeing a recurrence and proliferation of extremely deadly and high purity heroin in addition to incredible volumes of methamphetamine. This is from the country the administration just certified, where corruption is so rampant, where the leading candidate says, ha, ha, we made a fool out of the United States in its own process that grants trade, finance, benefits to Mexico.

These are the headlines that we see now with a country that the administration just certified: Drugs Flood in From Mexico. This is not necessarily a conservative publication the last time I checked, the Washington Post. "Increase in traffic on land and sea alarms U.S. officials," and it should alarm U.S. officials because the U.S. officials are the ones that allowed it to get into that situation.

Let me show this chart.

□ 2340

This is part of a chart from a report that I also requested from GAO. This report, given to me just a few weeks ago, shows me that assets DOD contributes to reducing illegal drug supply have declined.

If you look at the red here, these are provided by DOD, and these are requested by SOUTHCOM. SOUTHCOM is our Southern Command, which is asking for surveillance assistance, or to conduct surveillance, and equipment and resources to conduct surveillance. Requested by SOUTHCOM, requested by SOUTHCOM, 1997, 1998, 1999, requested by SOUTHCOM. This is what they got.

This is a war on drugs by destroying any effort to have combat, and to have combat the first basic thing you need to do is stop the activity at its source. Then the next thing you would do is get surveillance and information. This report told me that the surveillance flights declined 68 percent from 1992 to 1999, 68 percent in surveillance, and this shows even less attention by this administration to stop drugs at their source or do anything about it, and a 62 percent reduction in maritime activity, anti-narcotic activity by the administration.

So what you have had is a closing down of any semblance of a war on drugs, and this is in spite of the fact that this Republican Congress, which took over in 1995, has done some very positive things in trying to restart the war on drugs. In fact, we have been successful in that effort, which Mr. Zeliff and now the gentleman from Illinois (Speaker HASTERT) went down personally and began the efforts to start the eradication of cocaine in Peru and Bolivia, and that program has shown some 60 to 65 percent reduction in just several years. Speaker HASTERT and the Republican Congress led an effort for a supplemental appropriation that put $800 million into the anti-narcotics effort. That is where you saw that bump up. But even with the money there, the funds are diverted, the reported by DOD tells us, from the war on drugs. Even our vice president has taken some of the assets I have found for surveillance, our AWACS, and diverted them to check oil spills in Alaska.

So the resources that the Congress appropriates and tries to get to Colombia, including $300 million of assistance which we appropriated a year before last October, those assets still have not gotten there.

Most of the money was for Blackhawk helicopters which can be used for eradication or going after drug traffickers in the high altitudes. We know where the stuff is grown; we know who is trafficking. If you have the capability, and the Colombians have the capability, just like President Fujimora had the capability and went after drug traffickers, wiped them out, stopped the destabilization, the terror in that country, which was also financed and run by drug traffickers, the same thing can be done in Colombia, but we cannot get even the basic equipment we funded over a year ago there.

Most of that, as I said, was in several of these helicopters we have tried to get to the national police force there, and this administration, in fact, is the gang that can't shoot straight. They cannot even get the helicopters there. In fact, the helicopters that were sent there sat on the tarmac and did not have the armoring that could be used. In one of the greatest fiascoes of this entire effort by this administration, they delivered the ammunition that should have gone 2 or 3 years ago to Colombia to the back door of the State Department loading dock during the holidays. This in fact is an effort that has been a disaster by this administration.

Every time I think the administration cannot bungle anything else, I am shocked. I was shocked to have people come in from my locale today and show me their pre-census mailing that was sent out. This administration that runs our census, that is a scary thought right there, sent out 120 million mailings, and sent out the wrong Zip Code on all 120 million of them. One of my cities they sent out the wrong name to the entire city in Florida. When I think that they cannot possibly bungle it any further, I am always amazed.

This is, again, a very sad story for the United States, because we have a good friend and a good neighbor in Mexico, wonderful people. They are tremendously gifted. They are hardworking, dedicated people, and their country has been taken over by drug traffickers, and those drug traffickers are so emboldened that now they are offering rewards and bounties on United States agents, $200,000 reward as reported by drug traffickers. This is how emboldened they have gotten. This is from the country that has been certified as cooperating in this war on drugs.

Again we find this administration, the gang that can't shoot straight or get a war on drugs together, in The Washington Post, March 13, just a few days ago, U.S. officials cite trend in Colombia. Lack of air support hindering drug war.

Well, my friends, there has been no drug war, as you can see, since 1993, with the exception of what the Republican majority has been able to get in dribbles and drabs and in spite of the bureaucrats who have fought us every inch of the way, in spite of the administration who has blocked aid, assistance, ammunition, anything that you could possibly use in a war on drugs from getting to the source.

Finally, now the situation has deteriorated so that even this administration is coming forth with a very expensive plan, and it is an expensive plan because they made very costly mistakes. This is also a repetitive mistake, because of lack of air support and the surveillance that is so incredible for any type of mission, military or anti-narcotics mission. And our military does not fire or fight in this war on drugs or arrest people. They merely provide surveillance and information. In this case we are not asking for United States troops or anyone to go in there. We are only asking to get that information to countries that are beseeched by drug traffickers like Colombia, like Peru, and like Bolivia.

It is a very difficult situation we have been put in. I know there are some Members who are concerned about expending those dollars in this effort. Some are concerned on the Republican side of the aisle because we have attempted to spend money on a real war on drugs, and every dollar we have spent has either been diverted or not gotten to the source, or handled in such an incompetent manner that nothing is accomplished. That does bring some criticism from the Republican side of the aisle.

The other side of the aisle, we hear the human rights concerns. I share human rights concerns. Anyone who commits human rights abuses should be held accountable, and whether it is from paramilitary right-wing extremists, or from left-wing terrorists on the communist-socialist side, the murder they commit is not justified and should not be tolerated. But both of these activities I am told are financed in Colombia by narco-terrorists, people who are living and also promoting their criminal, murderous behavior with the proceeds and supported by the profits from illegal narcotics.

□ 2350

That has destabilized Colombia. There have been 35,000 people killed in that war; there have been over 800,000 in just 2 years, displaced as many as Kosovo; and Kosovo I do not know has imported any drugs or produced any drugs that is killing 15,700 Americans in 1998 and destroying thousands and thousands of lives, so certainly this is in our national interest to proceed.

So I appeal to my colleagues on both sides of the aisle. I am sorry that it is so difficult for this administration to learn lessons of what it takes. I am so sorry that they have also convinced the media that the war on drugs is a failure. We, in fact, have doubled the amount of money for treatment. We need even more treatment. But those liberal, the liberal programs, in fact, do not work. We know that tough enforcement programs, the Rudy Guiliani programs. Rudy Guiliani, just stop and think about this, took office and over 2,200 people died in murders in the years in which he assumed office. That figure was down in the 600 range. Tough enforcement works.

Take another example, the liberal Mayor Schmoke who turned his back, instituted a needle exchange program, had liberal narcotics policies in Baltimore. Baltimore had 312 deaths, murders in Baltimore in 1997; they had 312 in 1998; and they had 60,000 heroin and drug addicts in Baltimore; 60,000, one in eight a city council member told the press, one in eight. Imagine, taking that model and imposing it on the rest of the United States. Think of one in eight Americans under a liberal policy for narcotics. We could do that and we would have one incredible society. We think it is expensive to support 2 million people in our prisons; imagine supporting somewhere in the neighborhood of 40 million Americans as drug addicts. It is not a pleasant thought.

So we know it works. We know we can stop drugs at their source. Richard Nixon did it; the Chinese have done it. We have done it in Peru and Bolivia; we can do it in Colombia. We can also cooperate with others, even the United Nations; and Pino Arlacchi who heads the United Nations Office of Drug Control Policy, the former Italian prosecutor who helped rub out organized crime, and who we have worked so effectively with the last couple of years since he took office in stopping the rest of the drugs at their source in Afghanistan and Burma, in Colombia and other countries where we do not have the best relations. But a simple plan; not a great deal of money needs to be expended. Because we could put 100,000 a year; we could put 500,000 more police on the streets, and we will not get it all, but we know we can stop it cost effectively at its source.

If we do not have tough enforcement, it does not work. If we do not have tough prosecution, it does not work. It is unfortunate that we do have so many Americans hooked on illegal narcotics and so many have succumbed to the philosophy that if it feels good, do it; and they have become addicted and victims in this whole disaster that has rained terror on the United States and so many of our families.

Mr. Speaker, the hour is late. I hope to come back and finish and also update the House on additional information we have received, our subcommittee has received. We look forward to working with Members on both sides of the aisle, both in passage of this Colombian effort, plan Colombia in our efforts to rid our Nation of illegal narcotics and also assist other countries in stopping the production and trafficking of hard drugs.

We also look forward to enhancing our treatment programs and rewarding programs that do a good job and encouraging our young people not to take the path of illegal narcotics and the path of death and destruction of their lives.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Boswell (at the request of Mr. Gephardt) for today on account of a death in the family.

Ms. Jackson-Lee of Texas (at the request of Mr. Gephardt) for today on account of official business in the district.

Mr. Ortiz (at the request of Mr. Gephardt) for today on account of official business in the district.

Mr. Reyes (at the request of Mr. Gephardt) for today on account of official business in the district.

Mr. Gonzalez (at the request of Mr. Gephardt) for today on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Pomeroy) to revise and extend their remarks and include extraneous material:)

Mr. Pomeroy, for 5 minutes, today.

Mr. Pallone, for 5 minutes, today.

Mrs. Clayton, for 5 minutes, today.

Ms. Millender-McDonald, for 5 minutes, today.

Mrs. Christensen, for 5 minutes, today.

Mr. Lipinski, for 5 minutes, today.

Mrs. Mink of Hawaii, for 5 minutes, today.

(The following Members (at the request of Mr. Jones of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. Schaffer, for 5 minutes, today.

Mr. Weldon of Florida, for 5 minutes, March 16.

Mr. Jones of North Carolina, for 5 minutes, today and March 15.

Mr. Hunter, for 5 minutes, today.

Mr. Burton of Indiana, for 5 minutes, March 15.

Mrs. Biggert, for 5 minutes, March 15.

Mr. Metcalf, for 5 minutes, today.

Mr. Ramstad, for 5 minutes, March 15.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. Peterson of Pennsylvania, for 5 minutes, today.

Mr. Sherman, for 5 minutes, today.

ADJOURNMENT

Mr. MICA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 56 minutes p.m.), the House adjourned until tomorrow, March 15, 2000, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports and amended reports concerning the foreign currencies and U.S. dollars utilized for official foreign travel during the first, second, third, and fourth quarters of 1998 and 1999, by Committees of the U.S. House of Representatives, and for miscellaneous groups in connection with official foreign travel during the calendar year 2000 are as follows:

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1998

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Caleb McCarry	1/21	1/30	Cuba		729.00						729.00
							969.00				969.00
Grover Joseph Rees	1/18	1/25	Peru		1,414.00						1,414.00
Commercial airfare							2,846.00				2,846.00
Hon. Alcee Hastings	2/18	2/21	Austria		528.00						528.00
Commercial airfare							3,911.69				3,911.69
Hon. Doug Bereuter	2/17	2/21	Israel		1,154.00						1,154.00
Commercial airfare							2,110.11				2,110.11
Hon. Howard Berman	2/15	2/21	Israel		1,684.00						1,684.00
Commercial airfare							6,265.00				6,265.00
Richard Kessler	2/15	2/21	Israel		1,684.00						1,684.00
Commercial airfare							4,993.00				4,993.00
Hon. Bob Clement	1/4	1/6	Italy		796.00						796.00
	1/6	1/8	Macedonia		372.00						372.00
	1/8	1/9	Azerbaijan		346.00						346.00
	1/9	1/12	Belgium		170.00						170.00
Richard Garon	1/12	1/15	Syria		751.00						751.00
Commercial airfare							3,329.22				3,329.22
Michael Van Dusen	1/12	1/15	Syria		801.00						801.00
	1/15	1/16	Cyprus		146.00						146.00
Commercial airfare							4,789.17				4,789.17
Hon. Doug Bereuter	1/7	1/11	South Korea		912.00						912.00
	1/12	1/18	Australia		1,655.00						1,655.00
Commercial airfare							2,434.00				2,434.00
	1/23	1/25	England		300.00						300.00
Commercial airfare							583.44				583.44
Mark Gage	1/3	1/7	Kazakhstan		944.00						944.00
			Uzbekistan		702.00						702.00
			Turkmenistan		944.00						944.00
Commercial airfare							6,319.00				6,319.00
Hon. Amo Houghton	1/2	1/10	South Korea								
Hon. Eni F.H. Faleomavaega	1/6	1/10	South Korea		912.00						912.00
Commercial airfare							3,269.00				3,269.00
Carol Reynolds	1/5	1/11	South Korea		1,153.00						1,153.00
Commercial airfare							3,825.00				3,825.00
Cliff Kupchan	1/4	1/7	Kazakhstan		1,014.00						1,014.00
	1/7	1/10	Uzbekistan		772.00						772.00
	1/10	1/13	Turkmenistan		1,014.00						1,014.00
Commercial airfare							6,319.00				6,319.00
Grover Joseph Rees	2/17	2/20	Marshall Islands		740.00						740.00

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1998—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Commercial airfare							4,787.98				4,787.98
Paul Berkowitz	2/17	2/20	Marshall Islands		614.88						614.88
Commercial airfare							4,229.00				4,229.00
Deborah Bodlander	1/3	1/10	Israel		2,149.00						2,149.00
Commercial airfare							4,721.00				4,721.00
Hon. Eni F.H. Faleomavaega	1/12	1/13	Malaysia		162.00						162.00
Commercial airfare							3,957.56				3,957.56
John Mackey	1/12	1/15	Colombia		352.00						352.00
Commercial airfare							1,752.00				1,752.00
Peter Brookes	1/5	1/7	Thailand		380.00						380.00
	1/7	1/12	Vietnam		1,140.00						1,140.00
	1/12	1/15	Cambodia		620.00						620.00
	1/15	1/17	Malaysia		224.00						224.00
	1/17	1/20	Indonesia		591.00						591.00
Commercial airfare							4,888.50				4,888.50
Kristen Gilley	1/5	1/7	Thailand		380.00						380.00
	1/7	1/12	Vietnam		1,140.00						1,140.00
	1/12	1/15	Cambodia		560.00						560.00
	1/15	1/17	Malaysia		224.00						224.00
	1/17	1/20	Indonesia		591.00						591.00
Commercial airfare							4,888.50				4,888.50
Elana Broitman	1/5	1/7	Thailand		380.00						380.00
	1/7	1/9	Vietnam		382.18						382.18
Commercial airfare							3,586.00				3,586.00
John Mackey	2/15	2/19	South Africa		635.00						635.00
	2/29	2/21	Nigeria		515.00						515.00
Commercial airfare							6,289.20				6,289.20
Cliff Kupchan	2/15	2/19	South Africa		635.00						635.00
	2/19	2/21	Nigeria		515.00						515.00
Commercial airfare							6,289.20				6,289.20
Lester Munson	2/15	2/19	South Africa		635.00						635.00
	2/19	2/21	Nigeria		515.00						515.00
Commercial airfare							6,289.20				6,289.20
Vincent Morelli	1/19	1/21	Nicaragua		297.50						297.50
Commercial airfare							1,547.00				1,547.00
Paul Bonicelli	1/19	1/21	Nicaragua		297.50						297.50
	1/21	1/23	El Salvador		150.00						150.00
Commercial airfare							1,538.00				1,538.00
David Adams	1/19	1/21	Nicaragua		297.50						297.50
	1/21	1/23	El Salvador		150.00						150.00
Commercial airfare							1,538.00				1,538.00
Michael Ennis	1/4	1/7	Sri Lanka		584.00						584.00
	1/7	1/12	India		923.00						923.00
	1/12	1/15	Pakistan		555.00						555.00
Commercial airfare							6,939.00				6,939.90
Richard Kessler	1/4	1/7	Sri Lanka		584.00						584.00
	1/7	1/12	India		1,179.00						1,179.00
	1/12	1/15	Pakistan		555.00						555.00
Commercial airfare							6,939.90				6,939.90
Robert Hathaway	1/4	1/7	Sri Lanka		584.00						584.00
	1/7	1/12	India		944.00						944.00
	1/12	1/15	Pakistan		555.00						555.00
Commercial airfare							6,939.90				6,939.90
John Walker Roberts	1/7	1/12	India		1,202.00						1,202.00
	1/12	1/15	Pakistan		555.00						555.00
Commercial airfare							6,447.90				6,447.90
Hon. Benjamin Gilman	1/15	1/18	Belgium		852.00						852.00
	1/18	1/20	France		598.00						598.00
Hon. Ileana Ros-Lehtinen	1/15	1/18	Belgium		852.00						852.00
	1/18	1/20	France		598.00						598.00
Commercial airfare							377.20				377.20
Hon. Kevin Brady	1/16	1/18	Belgium		568.00						568.00
Commercial airfare							5,069.21				5,069.21
Hon. Robert Wexler	1/15	1/18	Belgium		852.00						852.00
	1/18	1/20	France		598.00						598.00
	1/20	1/22	Poland		556.00						556.00
Richard Garon	1/15	1/18	Belgium		792.00						792.00
	1/18	1/20	France		548.00						548.00
	1/20	1/22	Poland		506.00						506.00
Francis Record	1/18	1/20	France		498.00						498.00
	1/20	1/22	Poland		406.00						406.00
Commercial airfare							1,871.00				1,871.00
Hillel Weinberg	1/15	1/18	Belgium		572.00						572.00
	1/18	1/20	France		532.00						532.00
	1/20	1/22	Poland		344.00						344.00
Robert King	1/15	1/18	Belgium		852.00						852.00
	1/18	1/20	France		598.00						598.00
	1/20	1/22	Poland		556.00						556.00
Linda Solomon	1/15	1/18	Belgium		852.00						852.00
	1/18	1/20	France		598.00						598.00
	1/20	1/22	Poland		556.00						556.00
Parker Brent	1/15	1/18	Belgium		852.00						852.00
	1/18	1/20	France		598.00						598.00
	1/20	1/22	Poland		556.00						556.00
Committee total					60,635.56		142,848.78				203,484.34

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BEN GILMAN, Chairman, Mar. 1, 2000.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1998

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Gary Ackerman	4/2	4/3	Colombia		271.00						271.00

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1998—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	4/3	4/5	Chile		548.00						548.00
	4/5	4/7	Argentina		546.00						546.00
	4/7	4/9	Peru		612.00						612.00
Commercial airfare							1,360.76				1,360.76
	5/23	5/26	Israel		1,260.00						1,260.00
David Adams	4/2	4/3	Colombia		271.00						271.00
	4/3	4/5	Chile		548.00						548.00
	4/5	4/7	Argentina		546.00						546.00
	4/7	4/9	Peru		612.00						612.00
	5/24	5/27	Japan		678.00		5,449.00				6,127.00
	5/27	5/31	South Korea		848.00						848.00
Curtis Banks	5/7	5/9	Costa Rica		468.00						468.00
Hon. Cass Ballenger	4/2	4/3	Colombia		242.00						242.00
	4/3	4/5	Chile		328.00						328.00
	4/5	4/7	Argentina		311.00						311.00
	4/7	4/9	Peru		380.00						380.00
Brent Parker	4/2	4/3	Colombia		271.00						271.00
	4/3	4/5	Chile		548.00						548.00
	4/5	4/7	Argentina		546.00						546.00
	4/7	4/9	Peru		612.00						612.00
	5/23	5/26	Israel		1,260.00						1,260.00
Deborah Bodlander	5/23	5/26	Israel		1,260.00						1,260.00
Elana Broitman	4/1	4/9	China		1,344.00		4,113.00				5,457.00
Peter Brookes	5/24	5/27	Japan		678.00		5,449.00				6,127.00
	5/27	5/31	South Korea		823.00						823.00
Hon. Pat Danner	4/2	4/3	Colombia		271.00						271.00
	4/3	4/5	Chile		548.00						548.00
	4/5	4/7	Argentina		546.00						546.00
	4/7	4/9	Peru		612.00						612.00
Hon. Eni Faleomavaega	4/2	4/3	Colombia		271.00						271.00
	4/3	4/5	Chile		548.00						548.00
	4/5	4/7	Argentina		546.00						546.00
	4/7	4/9	Peru		612.00						612.00
Rich Garon	4/2	4/3	Colombia		271.00						271.00
	4/3	4/5	Chile		498.00						498.00
	4/5	4/7	Argentina		496.00						496.00
	4/7	4/9	Peru		552.00						552.00
	5/7	5/9	Costa Rica		398.00						398.00
	5/23	5/26	Israel		1,080.00						1,080.00
Kristen Gilley	4/2	4/9	China		1,294.00						1,244.00
	4/9	4/11	Hong Kong		684.05		4,557.00				5,241.05
Hon. Benjamin Gilman	4/2	4/3	Colombia		271.00						271.00
	4/3	4/5	Chile		548.00						548.00
	4/5	4/7	Argentina		546.00						546.00
	4/7	4/9	Peru		612.00						612.00
	5/7	5/9	Costa Rica		468.00						468.00
	5/23	5/26	Israel		1,260.00						1,260.00
Hon. Alcee Hastings	4/23	4/25	Spain		645.00		3,718.43				4,363.43
Robert Hathaway	5/24	5/26	China		514.00						514.00
	5/26	5/30	North Korea		651.00		4,527.00				5,178.00
	5/30	6/1	Japan		552.00						552.00
	6/1	6/2	South Korea		262.00						262.00
John Herzberg	4/2	4/7	Bosnia		1,505.00		4,161.00				5,666.00
	4/7	4/8	Croatia		262.00						262.00
	4/8	4/9	Bosnia		301.00						301.00
	4/9	4/10	Croatia		254.00						254.00
	5/25	5/28	Austria		513.00		5,351.84				5,864.84
	5/28	5/30	Belgium		440.00						440.00
Celes Hughes	5/25	5/28	Austria		513.00		5,351.84				5,864.84
	5/28	5/30	Belgium		440.00						440.00
Kenneth Katzman	5/23	5/26	Israel		1,182.71						1,182.71
Allison Kiernan	5/23	5/26	Israel		1,260.00						1,260.00
Hon. Robert King	5/23	5/26	Israel		1,260.00						1,260.00
Mark Kirk	4/1	4/9	Bosnia		2,750.00		5,602.00				8,352.00
	4/10	4/14	Yugoslavia								
	4/15	4/15	Israel								
	4/16	4/19	Jordan		1,200.00						1,200.00
Clifford Kupchan	4/2	4/7	Bosnia		1,505.00		4,161.00				5,666.00
	4/7	4/8	Croatia		301.00						301.00
	4/8	4/9	Bosnia		301.00						301.00
	4/10	4/14	Serbia/Montenegro		293.00						293.00
John Mackey	4/2	4/3	Colombia		271.00						271.00
	4/3	4/5	Chile		548.00						548.00
	4/5	4/7	Argentina		546.00						546.00
	4/7	4/9	Peru		612.00						612.00
	4/16	4/16	Colombia		243.00						243.00
	4/17	4/20	Chile		999.00						999.00
	5/28	5/30	Italy		516.00						516.00
	5/30	6/1	Ireland		393.30		2,295.00				2,688.30
Caleb McCarry	4/2	4/3	Colombia		271.00						271.00
	4/3	4/5	Chile		548.00						548.00
	4/5	4/7	Argentina		546.00						546.00
	4/7	4/9	Peru		273.00						273.00
	5/7	5/9	Costa Rica		330.00						330.00
Stephen Rademaker	5/24	5/26	China		514.00		4,527.00				5,041.00
	5/26	5/30	North Korea		1,016.00						1,016.00
	5/30	6/1	Japan		552.00						552.00
	6/1	6/2	South Korea		262.00						262.00
Grover Joseph Rees	5/25	5/27	Indonesia		494.00		4,549.00				5,043.00
Francis Record	5/24	5/27	Japan		628.00		5,452.0				6,080.00
	5/27	5/31	South Korea		648.00						648.00
Hon. Dana Rohrabacher	4/5	4/8	Taiwan		805.00		2,968.02				3,773.02
	4/8	4/14	Thailand		1,140.00						1,140.00
	4/14	4/15	Malaysia		102.00						102.00
	4/15	4/17	Philippines		198.00						198.00
Kimberly Roberts	4/2	4/3	Colombia		271.00						271.00
	4/3	4/5	Chile		548.00						548.00
	4/5	4/7	Argentina		546.00						546.00
	4/7	4/9	Peru		612.00						612.00
Hon. Marshall Sanford	4/2	4/3	Colombia		271.00						271.00
	4/3	4/5	Chile		548.00						548.00

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1998—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	4/5	4/7	Argentina		546.00						546.00
	4/7	4/9	Peru		612.00						612.00
Hon. Christopher Smith	5/25	5/27	Indonesia		494.00		4,601.00				5,095.00
Hillel Weinberg	5/25	5/28	Austria		483.00		5,351.84				5,834.84
	5/28	5/30	Belgium		410.00						410.00
Committee total					63,394.06		83,545.73				146,939.79

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BEN GILMAN, Chairman, Mar. 1, 2000.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1998

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
David Adams	8/10	8/12	Venezuela		265.00		4,162.50				4,427.50
	8/13	8/15	Argentina		966.00						966.00
Paul Bonicelli	8/10	8/12	Venezuela		265.00		4,162.50				4,427.50
	8/13	8/15	Argentina		966.00						966.00
Hon. Matt Salmon	7/1	7/6	Israel		1,719.00		5,544.00				7,263.00
Hillel Weinberg	7/1	7/8	Israel		[3] 1,087.00		5,169.99				6,256.99
Kristen Gilley	7/6	7/8	Czech Republic		450.00						450.00
	7/8	7/11	United Kingdom		1,260.00		6,115.47				7,375.47
Mark Kirk	6/30	7/5	Yugoslavia		[3] 850.00		5,796.00				6,646.00
	7/6	7/9	Czech Republic		[3] 450.00						450.00
	7/9	7/11	United Kingdom		[3] 1,260.00						1,260.00
Richard Garon	6/30	7/4	Yugoslavia		550.00		4,171.18				4,721.18
John Herzberg	6/30	7/4	Yugoslavia		550.00		4,171.18				4,721.18
Maria Pica	6/30	7/4	Yugoslavia		500.00		4,171.18				4,671.18
Lester Munson	8/23	8/26	South Africa		532.00		7,532.80				8,064.80
	8/26	8/28	Zimbabwe		368.00						368.00
Peter Mamacos	8/23	8/26	South Africa		[3] 434.00		7,454.93				7,888.93
	8/26	8/28	Zimbabwe		[3] 552.00						552.00
Hon. Eni Faleomavaega	6/27	7/3	French Polynesia		105.45		3,163.52				3,268.97
Caleb McCarry	8/11	8/13	Haiti				907.00				907.00
Denis McDonough	8/12	8/16	Cuba		375.00		1,387.39				1,762.39
	8/16	8/20	Mexico		[3] 1,027.00						1,027.00
Hon. Jay Kim	8/9	8/15	South Korea		1,484.00		3,999.00				5,483.00
Ronald Crump	8/9	8/15	South Korea		1,484.00		4,087.00				5,571.00
Hon. Alcee Hastings	8/9	8/12	Jordan		829.00						829.00
	8/13	8/14	Turkey		452.00						452.00
	8/15	8/16	Kyrgyzstan		558.00						558.00
	8/17	8/18	Mongolia		354.00						354.00
	8/19	8/20	China		552.00						552.00
	8/21	8/23	South Korea		524.00						524.00
Mark Gage	8/9	8/12	Jordan		[3] 779.00						779.00
	8/13	8/14	Turkey		[3] 422.00						422.00
	8/15	8/16	Kyrgyzstan		[3] 478.00						478.00
	8/17	8/18	Mongolia		[3] 329.00						329.00
	8/19	8/20	China		[3] 261.00						261.00
	8/21	8/23	South Korea		[3] 484.00						484.00
Mark Gage	6/28	7/2	Ukraine		[3] 613.00		4,736.18				5,349.18
	7/2	7/6	Moldova		[3] 613.00						613.00
Elana Broitman	6/29	7/2	Ukraine		[3] 700.00		4,509.17				5,209.17
Clifford Kupchan	6/28	7/2	Ukraine		[3] 680.00		4,736.18				5,416.18
	7/2	7/6	Moldova		[3] 680.00						680.00
Paul Berkowitz	7/18	7/21	Germany		600.00		5,511.11				6,111.11
	8/10	8/18	India		2,201.00		5,850.52				8,051.52
	8/19	8/20	Nepal								
	8/20	8/21	Thailand		190.00						190.00
Stephen Rademaker	7/8	7/10	Panama		334.00		1,323.00				1,657.00
	8/3	8/4	Canada		184.00		293.61				477.61
John Mackey	7/8	7/10	Panama		334.00		1323.00				1,657.00
Thomas Sheehy	6/28	7/4	Congo		1,240.00		7,179.77				8,419.77
	7/4	7/6	Uganda		310.00						310.00
Gregory Simpkins	6/28	7/4	Congo		1,240.00		7,179.77				8,419.77
	7/4	7/6	Uganda		310.00						310.00
Amos Hochstein	6/28	7/4	Congo		1,240.00		7,179.77				8,419.77
	7/4	7/6	Uganda		310.00						310.00
Jodi Christiansen	6/28	7/4	Congo		1,240.00		7,179.77				8,419.77
	7/4	7/6	Uganda		310.00						310.00
Hon. Christopher Smith	8/13	8/16	Thailand		760.00		706.00				1,466.00
G. Joseph Rees	7/7	7/9	Czech Republic		[3] 430.00		4,988.22				5,418.22
	7/9	7/11	Switzerland		[3] 500.00						500.00
	8/13	8/18	Thailand		760.00		3,858.00				4,618.00
	8/18	8/21	Philippines		594.00						594.00
Robert King	7/4	7/7	Germany		916.00		1,203.11				2,119.11
	7/7	7/10	Czech Republic		846.00				716.52		1,562.52
	7/10	7/14	Poland		1,112.00						1,112.00
Lester Munson	7/8	7/12	Morocco		447.20		4,834.25				5,281.45
	7/12	7/13	Algeria								
Celes Hughes	7/8	7/12	Morocco		447.20		4,834.25				5,281.45
	7/12	7/13	Algeria								
Maria Pica	8/10	8/13	China		[3] 718.00		4,846.00				5,564.00
	8/13	8/19	North Korea		[3] 1,028.00						1,028.00
	8/19	8/24	China		408.00						408.00
Mark Kirk	8/10	8/13	China		828.00		4,846.00				5,674.00
	8/13	8/19	North Korea		1,428.00						1,428.00
	8/19	8/24	China		408.00						408.00
Peter Brookes	8/10	8/13	China		828.00		4,846.00				5,674.00
	8/13	8/19	North Korea		1,428.00						1,428.00
	8/19	8/24	China		(3)						

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1998—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Committee total					50,736.85		163,959.32		716.52		215,412.69

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Represents refund of unused per diem.

BEN GILMAN, Chairman, Feb. 8, 2000.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Cass Ballenger	11/29	12/1	Nicaragua		[3] 74.00						74.00
Paul Berkowitz	12/7	12/10	Taiwan		934.50						934.50
	12/10	12/12	Hong Kong		694.00						694.00
	12/12	12/15	Thailand		[3] 720.00						720.00
Commercial airfare							4,266.46				4,266.46
Hon. Cass Ballenger	12/1	12/2	Mexico		[3] 188.99						188.99
	12/2	12/4	El Salvador		[3] 30.00						30.00
	12/4	12/6	Nicaragua		[3] 176.25						176.25
Paul Berkowitz	12/3	12/4	India		365.25						365.25
	12/4	12/7	Nepal		712.00						712.00
	12/8	12/10	Bhutan		312.00						312.00
	12/11	12/13	India		385.00						385.00
Commercial airfare							7,408.70				7,408.70
Deborah Bodlander	11/15	11/19	Qatar		900.00						900.00
Commercial airfare							5,697.90				5,697.90
Deborah Bodlander	12/2	12/6	England		1,416.00						1,416.00
Malik Chaka	12/3	12/6	Senegal		687.50						687.50
Commercial airfare							4,220.78				4,220.78
Jodi Christiansen	11/29	12/1	Nicaragua		187.50						187.50
Theodros Dagne	11/21	11/25	Cote d'Ivoire		625.00						625.00
	11/25	11/28	Ghana		[3] 634.00						634.00
	11/28	12/1	Nigeria		[3] 770.00						770.00
	12/1	12/3	Mali		250.00						250.00
	12/3	12/5	Senegal		487.50						487.50
	12/6	12/8	Rwanda		264.00						264.00
Commercial airfare							9,383.49				9,383.49
John Herzberg	11/5	11/9	Serbia-Montene		596.00						596.00
	11/9	11/11	Bosnia-Herzego		[3] 542.00						542.00
	11/11	11/13	Austria		376.00						376.00
Commercial airfare							4,576.76				4,576.76
Amos Hochstein	12/9	12/12	Turkey		[3] 443.00						443.00
	12/2	12/13	Qatar		[3] 159.00						159.00
	12/13	12/15	Saudi Arabia		[3] 72.00						72.00
Commercial airfare							6,332.54				6,332.54
Celes Hughes	12/7	12/9	Jordan		438.00						438.00
	12/9	12/12	Turkey		563.00						563.00
	12/12	12/13	Qatar		199.0						199.00
	12/13	12/15	Saudi Arabia		[3] 272.00						272.00
Commercial airfare							6,485.00				6,485.00
Kenneth Katzman	12/7	12/9	Jordan		[3] 423.00						423.00
	12/9	12/12	Turkey		[3] 513.00						513.00
	12/12	12/13	Qatar		199.00						199.00
	12/13	12/15	Saudi Arabia		[3] 272.00						272.00
Commercial airfare							6,485.00				6,485.00
Mark Kirk	11/5	11/9	Servia-Montenegro		650.00						650.00
	11/10	11/15	Argentina		918.99		7,568.97				8,487.96
John Mackey	11/10	11/12	Belgium		498.00						498.00
	11/12	11/13	United Kingdom		315.00						315.00
	11/13	11/17	Ireland		892.00						892.00
Commercial airfare							4,811.48				4,811.48
John Mackey	12/5	12/11	Ireland		1,431.00						1,431.00
Commercial airfare							6,605.52				6,605.52
Caleb McCarry	11/11	11/13	Nicaragua		[3] 366.00						366.00
Commercial airfare							1,176.00				1,176.00
Caleb McCarry	11/29	12/1	Nicaragua		[3] 137.50						137.50
Denis McDonough	11/11	11/13	Nnicaragua		[3] 366.00						366.00
Commercial airfare							1,176.00				1,176.00
Hon. Robert Menendez	11/29	12/1	Nicaragua		187.50						187.50
Hon. Donald Payne	11/21	11/25	Code d'Ivoire		625.00						625.00
	11/25	11/28	Ghana		695.97						695.97
	11/28	12/1	Nigeria		831.00						831.00
	12/1	12/3	Mali		[3] 50.00						50.00
	12/3	12/5	Senegal		[3] 100.00		6,611.68				6,711.68
Maria Pica	11/5	11/9	Serbia		596.00						596.00
	11/9	11/11	Bosnia		554.00						554.00
	11/11	11/13	Austria		376.00						376.00
Commercial airfare							4,517.76				4,517.76
Stephen Rademaker	12/7	12/9	Jordan		438.00				66.84		504.84
	12/9	12/12	Turkey		563.00						563.00
	12/12	12/13	Qatar		199.00						199.00
	12/13	12/15	Saudi Arabia		286.00						286.00
Commercial airfare							6,485.00				6,485.00
Francis Record	11/9	11/13	Kazakstan		1,100.00						1,100.00
Commercial airfare							5,223.54				5,223.54
Francis Record	12/7	12/9	Jordan		388.00						388.00
	12/10	12/11	Turkey		413.00						413.00
	12/11	12/12	Qatar		149.00						149.00
	12/12	12/16	Saudi Arabia		72.00						72.00
Commercial airfare							6,485.00				6,485.00
Grover Joseph Rees	12/7	12/10	Taiwan		589.50				12.00		601.50
	12/10	12/12	Hong Kong		584.00						584.00
	12/12	12/15	Thailand		960.00				13.00		973.00

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1998—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Commercial airfare							4,053.46				4,053.46
Dana Rohrabacher	11/30	12/2	Kuwait		676.00						676.00
	12/2	12/5	Taiwan		1,180.00						1,180.00
	12/5	12/11	Philippines		804.00						804.00
Commercial airfare							6,378.89				6,378.89
Tom Campbell	11/22	11/25	Cote D'Ivore		625.00		2,438.84				3,063.84
	11/25	11/28	Ghana		695.97						695.97
	11/28	12/1	Nigeria		970.00						970.00
	12/1	12/3	Mali		250.00						250.00
	12/3	12/6	Senegal		587.50						587.50
	12/7	12/12	Morocco		604.00						604.00
Malik Chaka	11/22	11/25	Cote D'Ivore		625.00						625.00
	11/25	11/28	Ghana		695.97						695.77
	11/28	12/1	Nigeria		970.00						970.00
	12/1	12/3	Mali		250.00						250.00
Committee total					40,145.39		118,388.77		91.84		158,626.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Represents refund of unused per diem.

BEN GILMAN, Chairman, Mar. 1, 2000.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MARCH. 31, 1999

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Gary Ackerman	1/10	1/12	Finland		568.00						568.00
	1/12	1/14	Germany		508.00						508.00
	1/14	1/16	France		502.00						502.00
Commercial airfare							1,664.00				1,664.00
Hon. Cass Ballenger	2/13	2/14	El Salvador		210.00						210.00
	2/14	2/15	Panama		217.00						217.00
	2/15	2/16	Colombia		145.00						145.00
	2/16	2/18	Venezuela								
	2/18	2/21	Mexico		368.00						368.00
Hon. Doug Bereuter	1/9	1/11	South Korea		136.00						136.00
	1/11	1/14	Indonesia		699.00						699.00
	1/14	1/16	China		334.00						334.00
Paul Berkowitz	2/14	2/18	India		867.00						867.00
Commercial airfare							6,744.18				6,744.18
Hon. Doug Bereuter	1/16	1/18	Taiwan		1,335.00						1,335.00
	1/18	1/19	Japan								
Deborah Bodlander	1/9	1/13	Yemen		1,132.00						1,132.00
	1/13	1/15	Egypt		417.00						417.00
	1/15	1/18	Lebanon		190.00						190.00
	1/18	1/23	Israel		1,465.00						1,465.00
Commercial airfare							6,524.00				6,524.00
	3/7	3/10	Qatar		597.00						597.00
Commercial airfare							6,015.40				6,015.40
Hon. Kevin Brady	1/14	1/16	France		502.00						502.00
	1/16	1/18	Austria		480.00						480.00
Commercial airfare							3,137.20				3,137.20
Brent Parker	1/10	1/12	Finland		568.00						568.00
	1/12	1/14	Germany		508.00						508.00
	1/14	1/16	France		502.00						502.00
	1/16	1/18	Austria		480.00						480.00
Peter Brookes	1/10	1/13	Australia		517.00						517.00
	1/14	1/16	New Zealand		300.00						300.00
Commercial airfare							8,213.70				8,213.00
Hon. John Cooksey	2/12	2/14	United Kingdom		610.08						610.08
	2/14	2/16	Jerusalem		360.50						360.50
	2/16	2/17	Turkey		88.00						88.00
	2/17	2/19	Bahrain		390.64						390.64
	2/19	2/20	Turkey		181.31						181.31
	2/20	2/21	Ireland		264.00						264.00
Hon. Joseph Crowley	2/25	2/28	Colombia		386.00						386.00
Commercial airfare							1,651.40				1,651.40
Michael Ennis	1/10	1/11	South Korea		136.00						136.00
	1/11	1/14	Indonesia		661.00						661.00
	1/14	1/16	Hong Kong		334.00						334.00
	1/16	1/18	Taiwan		667.50						667.50
Richard Garon	1/10	1/12	Finland		568.00						568.00
	1/12	1/14	Germany		508.00						508.00
	1/14	1/16	France		502.00						502.00
	1/16	1/18	Austria		480.00						480.00
	1/27	1/28	Dominican Republic		161.00						161.00
Kristin Gilley	1/9	1/13	Yemen		962.00						962.00
	1/13	1/15	Egypt		452.00						452.00
	1/15	1/18	Lebanon		400.00						400.00
	1/18	1/22	Israel		1,415.00						1,415.00
Commercial airfare							6,524.16				6,524.16
Hon. Benjamin Gilman	1/10	1/12	Finland		568.00						568.00
	1/12	1/14	Germany		508.00						508.00
	1/14	1/16	France		502.00						502.00
	1/16	1/18	Austria		480.00						480.00
	1/27	1/28	Dominican Republic		161.00						161.00
Charisse Glassman	2/24	3/1	Nigeria		1,607.00						1,607.00
	3/1	3/2	Cape Verde		75.00						75.00
Jason Gross	2/13	2/16	Greece		625.00						625.00
	2/16	2/17	Cyprus		200.00						200.00
	2/17	2/18	Greece		124.00						124.00
	2/18	2/20	Turkey		678.00						678.00

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MARCH. 31, 1999—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Commercial airfare							2,714.72				2,714.72
John Herzberg	1/10	1/12	Finland		568.00						568.00
	1/12	1/14	Germany		508.00						508.00
	1/14	1/16	France		502.00						502.00
	1/16	1/18	Austria		480.00						480.00
	2/14	2/16	Greece		626.00						626.00
Commercial airfare					2,714.72						2,714.72
Hon. Earl Hilliard	1/10	1/12	Finland		568.00						568.00
	1/12	1/14	Germany		508.00						508.00
	1/14	1/16	France		502.00						502.00
	1/16	1/18	Austria		480.00						480.00
Charmaine Houseman	2/14	3/1	Nigeria		1,532.00						1,532.00
	3/1	3/2	Cape Verde		75.00						75.00
Robert King	1/10	1/12	Finland		568.00						568.00
	1/12	1/14	Germany		508.00						508.00
	1/14	1/16	France		502.00						502.00
	1/16	1/18	Austria		480.00						480.00
Hon. Barbara Lee	2/25	2/27	Nigeria		1,255.00						1,255.00
Commercial airfare							3,726.60				3,726.60
John Mackey	1/10	1/12	Finland		568.00						568.00
	1/12	1/14	Germany		508.00						508.00
	1/14	1/16	France		502.00						502.00
	1/16	1/18	Austria		480.00						480.00
	2/14	2/18	Colombia		950.00						950.00
	2/18	2/21	Mexico		455.00						455.00
Commercial airfare							1,439.67				1,439.67
Caleb McCarry	1/27	1/28	Dominican Republic		111.0						111.00
	1/26	2/28	Colombia		361.00						361.00
Commercial airfare							1,662.40				1,662.40
Dennis McDonough	1/27	1/28	Dominican Republic		91.00						91.00
	2/26	2/28	Colombia		386.00						386.00
Commercial airfare			Commercial				702.40				702.40
Hon. Cynthia McKinney	12/27	12/28	United Kingdom		365.00						365.00
	1/1	1/02	Burundi		197.00				1,876.96		2,073.96
Commercial airfare							7,700.92				7,700.92
	2/4	2/7	Netherlands		754.87						754.87
Commercial airfare							4,780.47				4,780.47
Hon. Gregory Meeks	2/24	3/1	Nigeria		1,532.00						1,532.00
	3/1	3/2	Cape Verde		117.52						117.52
Lester Munson	2/24	3/1	Nigeria		1,532.00						1,532.00
	3/1	3/2	Cape Verde		75.00						75.00
Hon. Donald Payne	2/24	3/1	Nigeria		1,607.00						1,607.00
	3/1	3/2	Cape Verde		75.00						75.00
Alfred Prados	1/9	1/13	Yemen		650.14						650.14
	1/13	1/15	Egypt		81.96						81.96
	1/15	1/18	Lebanon								
	1/18	1/23	Israel		904.92						904.92
Commercial airfare							6,524.16				6,524.16
Joseph Rees	1/24	1/25	Taiwan		217.00						217.00
	1/25	1/30	Vietnam		541.00						541.00
	1/30	1/31	Philippines		198.00						198.00
Commercial airfare							3,931.40				3,931.40
Walker Roberts	1/10	1/13	Australia		517.00						517.00
	1/14	1/16	New Zealand		300.00						300.00
Commercial airfare							8,213.70				8,213.70
	2/14	2/16	Greece		626.00						626.00
	2/16	2/18	Turkey		200.00						200.00
Commercial airfare							2,714.72				2,714.72
Hon. Dana Rohrabacher	2/20	2/21	Marshall Islands		185.00						185.00
Hon. Edward Royce	2/25	3/1	Nigeria		1532.00						1532.00
	3/1	3/2	Cape Verde		75.00						75.00
Thomas Sheehy	2/24	3/1	Nigeria		1,532.00						1,532.00
	3/1	3/2	Cape Verde		75.00						75.00
Linda Solomon	1/10	1/12	Finland		568.00						568.00
	1/12	1/14	Germany		508.00						508.00
	1/14	1/16	France		502.00						502.00
	1/14	1/16	France		502.00						502.00
	1/16	1/18	Austria		480.00						480.00
Hillel Weinberg	1/10	1/12	Finland		404.00						404.00
	1/12	1/14	Germany		319.00						319.00
	1/14	1/18	France		329.00						329.00
	1/16	1/18	Austria		288.00						288.00
Hon. Robert Wexler	1/17	1/21	Czech Republic		928.00						928.00
Commercial airfare							2,201.05				2,201.05
Committee total					63,607.26		86,786.25		1,876.96		152,270.47

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BEN GILMAN, Chairman, Mar. 1, 2000.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1999

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Cass Ballenger	5/28	5/30	Venezuela		205.00						205.00
	5/30	5/31	Honduras		152.00						152.00
	5/31	6/2	El Salvador		320.00						320.00
Paul Berkowitz	3/29	3/30	Italy		276.00						276.00
	3/30	4/3	India		1,476.00						1,476.00
	4/3	4/4	Czech Republic		127.00						127.00
	4/4	4/8	Switzerland		1,100.00						1,100.00

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1999—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Commercial airfare							1,898.05				1,898.05
Nancy Bloomer	3/27	3/28	Italy		328.00						328.00
	3/28	3/30	Israel		658.00						658.00
	3/30	4/1	Egypt		452.00						452.00
	4/1	4/3	Jordan		588.00						588.00
	4/3	4/5	Tunisia		358.00						358.00
	4/5	4/8	Morocco		569.00						569.00
Jason Gross	3/29	3/30	U.K.		315.00		5,824.23				6,139.23
	3/30	4/1	Ireland		412.00						412.00
	4/1	4/3	U.K.		520.00						520.00
Deborah Bodlander	3/27	3/28	Italy		228.00						228.00
	3/28	3/30	Israel		578.00						578.00
	3/30	4/1	Egypt		337.00						337.00
	4/1	4/3	Jordan		448.00						448.00
	4/3	4/5	Tunisia		238.00						238.00
	4/5	4/8	Morocco		501.00						501.00
Paul Bonicelli	5/28	5/30	Venezuela		515.00						515.00
	5/30	5/31	Honduras		152.00						152.00
	5/31	6/2	El Salvador		320.00						320.00
Peter Brookes	3/28	3/30	Japan		502.00						502.00
	3/30	4/1	South Korea		476.00						476.00
	4/1	4/4	Taiwan		955.50						955.50
Commercial airfare							2,971.20				2,971.20
Malik Chaka	6/2	6/5	Kenya		780.00						780.00
	6/5	6/7	Sudan				714.28				714.28
	6/7	6/7	Kenya								
	6/7	6/7	Amsterdam								
Commercial airfare							4,951.09				4,951.09
Marion Chamber	3/26	3/28	Turkmenistan		382.00		114.00				496.00
	3/28	4/1	Uzbekistan		1,063.00		106.00				1,169.00
	4/1	4/3	Kazakhstan		783.00						783.00
	4/3	4/5	Kyrgyzstan		272.00						272.00
	4/5	4/6	Kazakhstan								
Commercial airfare							6,407.59				6,407.59
Mark Clack	3/30	4/1	Egypt		452.00		2,487.38				2,939.38
	4/1	4/3	Jordan		588.00						588.00
	4/3	4/5	Tunisia		358.00						358.00
	4/5	4/8	Morocco		661.00						661.00
Michael Ennis	3/26	3/28	Turkmenistan		382.00						382.00
	3/28	4/1	Uzbekistan		1,063.00						1,063.00
	4/1	4/3	Lazaljstam		783						783.00
	4/3	4/5	Kyrgyzstan		272.00						272.00
	4/5	4/6	Kazakhstan								
Commercial airfare							6,407.59				6,407.59
Hon. Eni Faleomavaega	4/3	4/5	South Korea		576.00						576.00
	4/5	4/8	Australia		354.00						354.00
	4/8	4/11	New Zealand		259.00						259.00
Commercial airfare							799.67				799.67
Hon. Sam Gejdenson	5/28	5/30	Lithuania		397.00						397.00
	5/30	6/1	Belarus		492.00						492.00
Commercial airfare							4,508.58				4,508.58
Hon. Benjamin Gilman	3/27	3/28	Italy		328.00						328.00
	3/28	3/30	Israel		658.00						658.00
	3/30	4/1	Egypt		452.00						452.00
	4/1	4/3	Jordan		588.00						588.00
	4/3	4/5	Tunisia		358.00						358.00
	4/5	4/8	Morocco		661.00						661.00
Charisse Glassman	6/1	6/5	Kenya		900.00						900.00
	6/5	6/7	Sudan				714.28				714.28
	6/7	6/7	Kenya								
	6/7	6/7	Amsterdam								
Commercial airfare							5,960.25				5,960.25
Hon. Alcee Hastings	4/22	4/24	Denmark		720.25						720.25
Commercial airfare							4,411.01				4,411.01
	6/11	6/14	Haiti		455.50						455.50
Hon. Earl Hilliard	3/27	3/28	Italy		328.00						328.00
	3/28	3/30	Israel		658.00						658.00
	3/30	4/1	Egypt		452.00						452.00
	4/1	4/3	Jordan		588.00						588.00
	4/3	4/5	Tunisia		358.00						358.00
	4/5	4/8	Morocco		661.00						661.00
Amos Hochstein	3/27	3/30	Italy		300.00						300.00
	3/28	3/30	Israel		587.00						587.00
	5/28	5/30	Finland		384.00						384.00
	5/30	6/1	Belgium		438.00						438.00
Commercial airfare							4,369.46				4,369.46
Hon. Amo Houghton	6/15	6/17	South Africa				5,559.31				5,559.31
Hon. Barbara Lee	4/1	4/4	South Africa								
	4/5	4/7	Ghana								
	4/8	4/10	South Africa								
Commercial airfare							8,019.20				8,019.20
John Mackey	5/27	6/1	Spain		1,347.50						1,347.50
Commercial airfare							2,862.84				2,862.84
Michelle Maynard	5/28	5/30	Lithuania		297.00						297.00
	5/30	6/1	Belarus		342.00						342.00
Commercial airfare							4,697.58				4,697.58
Caleb McCarry	5/29	5/30	Ecuador		325.00						325.00
	5/30	5/31	Peru		103.00						103.00
	5/31	5/31	Aruba		73.00						73.00
	5/31	6/1	Curacao		177.00						177.00
	6/1	6/3	Panama		323.00						323.00
Commercial airfare							2,109.62				2,109.62
Denis McDonough	5/29	5/30	Ecuador		325.00						325.00
	5/30	5/31	Peru		103.00						103.00
	5/31	6/2	Colombia		386.00						386.00
Commercial airfare							856.20				856.20
Kathleen Moazed	3/30	4/1	South Korea		476.00						476.00
	4/1	4/2	China		276.00						276.00
	4/2	4/3	Hong Kong		297.00						297.00
	4/3	4/5	Vietnam		456.00						456.00
Commercial airfare							6,625.88				6,625.88

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1999—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Lester Munson	3/27	3/28	Italy		328.00						328.00
	3/28	3/30	Israel		658.00						658.00
	3/30	4/1	Egypt		452.00						452.00
	4/1	4/3	Jordan		588.00						588.00
	4/3	4/5	Tunisia		350.00						350.00
	4/5	4/8	Morocco		569.00						569.00
Hon. Donald Payne	6/4	6/6	Kenya		750.00						750.00
	6/6	6/7	Sudan				714.28				714.28
	6/7	6/7	Kenya								
	6/7	6/7	Amsterdam								
Commercial airfare							5,752.20				5,752.20
Stephen Rademaker	3/28	3/30	Japan		502.00						502.00
	3/30	4/1	South Korea		476.00						476.00
	4/1	4/2	Taiwan		409.50						409.50
Commercial airfare							3,132.73				3,132.73
	6/1	6/3	Panama		348.00						348.00
Commercial airfare							1,694.40				1,694.40
Grover Joseph Rees	4/3	4/5	Czech Republic		400.00						400.00
	4/5	4/8	Switzerland		900.00						900.00
Commercial airfare							4,493.73				4,493.73
	5/30	5/31	Singapore		233.00						233.00
	5/31	6/10	Indonesia		1,627.00						1,627.00
	6/10	6/11	Singapore		254.00						254.00
Commercial airfare							4,344.40				4,344.40
John Mackey	3/29	3/30	U.K.		315.00						315.00
	3/30	4/3	Ireland		824.00						824.00
Commercial airfare							5,087.68				5,087.68
John Walker Roberts	3/28	3/30	Japan		502.00						502.00
	3/30	4/1	South Korea		476.00						476.00
	4/1	4/4	Taiwan		955.50						955.50
Commercial airfare							3,864.73				3,864.73
Kimberly Roberts	3/27	3/28	Italy		328.00						328.00
	3/28	3/30	Israel		658.00						658.00
	3/30	4/1	Egypt		452.00						452.00
	4/1	4/3	Jordan		588.00						588.00
	4/3	4/5	Tunisia		358.00						358.00
	4/5	4/8	Morocco		569.00						569.00
Hon. Mark Sanford	5/28	5/30	Venezuela		205.00						205.00
	5/30	5/31	Honduras		152.00						152.00
	5/31	6/2	El Salvador		320.00						320.00
Hon. Tom Tancredo	6/2	6/2	Amsterdam		900.00						900.00
	6/2	6/5	Kenya								
	6/5	6/7	Sudan				714.28				714.28
	6/7	6/7	Kenya								
	6/7	6/7	Amsterdam								
Commercial airfare							6,961.09				6,961.09
Hillel Weinberg	5/28	5/30	Finland		384.00						384.00
	5/30	6/1	Belgium		438.00						438.00
Commercial airfare							4,467.73				4,467.73
Peter Yeo	3/30	4/1	South Korea		476.00						476.73
	4/1	4/2	China		276.00						276.00
	4/2	4/3	Hong Kong		297.00						297.00
	4/3	4/5	Vietnam		456.00						456.00
Commercial airfare							6,625.88				6,625.88
Mark Kirk	3/27	3/28	Italy		328.00						328.00
	3/28	3/30	Israel		658.00						658.00
	3/30	4/1	Egypt		452.00						452.00
	4/1	4/3	Jordan		588.00						588.00
	4/3	4/5	Tunisia		358.00						358.00
	4/5	4/7	Morocco		255.00						255.00
	4/7	4/11	Macedonia				4,717.55				4,717.55
Committee total					59,617.75		135,725.97				195,343.72

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BEN GILMAN, Chairman, Mar. 1, 2000.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1999

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
David Adams	8/8	8/10	Japan		522.00						522.00
	8/10	8/11	Hong Kong		297.00						297.00
	8/11	8/14	China		621.00						621.00
	8/14	8/18	Mongolia		483.00						483.00
Commercial airfare							6,514.68				6,514.68
Hon. Cass Ballenger	8/29	8/30	Venezuela		103.65						103.65
	8/30	9/1	Colombia		108.65						108.65
	9/1	9/3	Nicaragua		402.65						402.65
Hon. Doug Bereuter	8/31	9/3	Australia		664.00		178.02				842.02
Sean Carroll	8/17	8/19	Venezuela		541.94		1,521.40				2,063.34
Mark Kirk	8/24	8/25	Macedonia		95.30		4,638.40				4,733.70
	8/25	8/27	Serbia		114.60						114.60
	8/27	8/29	Montenegro		120.60						120.60
	8/29	9/1	Bosnia		701.85						701.85
Paul Berkowitz	7/3	7/4	Thailand		796.00						796.00
	7/5	7/6	Cambodia		472.00						472.00
	7/7	7/8	Laos								
	7/8	7/10	Thailand								
Commercial airfare							4,753.40				4,753.40
	8/8	8/10	Taiwan		530.00						530.00
	8/10	8/12	Thailand		498.00						498.00

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1999—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	8/13	8/17	Australia		1,078.67						1,078.67
	8/17	8/20	New Zealand		713.19						713.19
Nancy Bloomer	7/8	7/10	United Kingdom		766.00						766.00
Commercial airfare							534.52				534.52
Deborah Bodlander	7/3	7/6	Syria		540.00						540.00
	7/6	7/8	Lebanon		70.00						70.00
Commercial airfare							6,924.71				6,924.71
Paul Bonicelli	8/17	8/19	Venezuela		514.94						514.94
Commercial airfare							1,521.40				1,521.40
Parker Brent	8/8	8/10	Taiwan		530.00						530.00
	8/10	8/12	Thailand		498.00						498.00
	8/13	8/17	Australia		1,078.67						1,078.67
	8/17	8/20	New Zealand		713.19						713.19
Peter Brookes	8/8	8/10	Taiwan		530.00						530.00
	8/10	8/12	Thailand		498.00						498.00
	8/13	8/17	Australia		1,078.67						1,078.67
	8/17	8/20	New Zealand		713.19						713.19
Thomas Callahan	7/8	7/11	South Africa		208.50						208.50
Commercial airfare							7,280.11				7,280.11
	8/17	8/24	Ethiopia		1,421.00						1,421.00
	8/24	8/25	Saudi Arabia		166.00						166.00
	8/25	8/28	Eritrea		524.00						524.00
Commercial airfare							6,641.81				6,641.81
Hon. Tom Campbell	7/5	7/8	Zimbabwe		477.00						477.00
	7/8	7/11	South Africa		300.00						300.00
Commercial airfare							3,632.11				3,632.11
	8/8	8/10	Taiwan		530.00						530.00
	8/10	8/12	Thailand		498.00						498.00
	8/13	8/17	Australia		1,078.67						1,078.67
	8/17	8/20	New Zealand	713.19							713.19
	9/10	9/12	Haiti		183.00						183.00
Sean Carroll	8/29	8/30	Venezuela		283.65						283.65
	8/30	9/1	Colombia		386.00						386.00
	9/1	9/3	Nicaragua		427.50						427.50
Malik Chaka	8/8	8/9	Guinea		1,450.00						1,450.00
	8/9	8/11	Sierra Leone								
	8/11	8/16	Guinea								
Commercial airfare							4,379.40				4,379.40
Mark Clack	8/8	8/9	Guinea		1450.00						1450.00
	8/9	8/11	Sierra Leone								
	8/11	8/16	Guinea								
Commercial airfare							4,379.40				4,379.40
Theodore Dagne	7/5	7/8	Zimbabwe		477.00						477.00
	7/8	7/11	South Africa		300.00						300.00
Commercial airfare							7,280.11				7,280.11
Hon. William Delahunt	9/1	9/2	Nicaragua		232.50						232.50
Commercial airfare							1,127.60				1,127.60
Michael Ennis	8/21	8/24	Turkey		579.00						579.00
	8/24	8/25	Armenia		300.00						300.00
	8/26	8/30	Georgia		300.00						300.00
	8/30	9/2	Azerbaijan		808.00						808.00
Commercial airfare							5,926.60				5,926.60
Hon. Eni Faleomavaega	8/9	8/10	Taiwan		265.00		2,060.76				2,325.76
	8/10	8/12	Thailand		498.00						498.00
	8/13	8/17	Australia		1,078.67						1,078.67
	8/17	8/20	New Zealand		713.19						713.19
	9/10	9/12	Haiti		183.00						183.00
Mark Gage	8/28	8/31	Slovak Republic		519.50						519.50
	8/31	9/2	Romania		492.00						492.00
	9/2	9/4	Bulgaria		190.00						190.00
	9/4	9/6	Hungary		553.00						553.00
	9/6	9/7	Netherlands		207.00						207.00
Rich Garon	8/8	8/10	Taiwan		530.00						530.00
	8/10	8/12	Thailand		498.00						498.00
	8/13	8/17	Australia		1,078.67						1,078.67
	8/17	8/20	New Zealand		713.19						713.19
Kristen Gilley	8/8	8/10	Taiwan		530.00						530.00
	8/10	8/12	Thailand		498.00						498.00
	8/12	8/17	Australia		1,325.43						1,325.43
	8/17	8/19	New Zealand		641.14						641.14
Commercial airfare							3,624.41				3,624.41
Hon. Benjamin Gilman	7/8	7/10	United Kingdom		766.00						766.00
Commercial airfare							534.52				534.52
	8/8	8/10	Taiwan		530.00						530.00
	8/10	8/12	Thailand		498.00						498.00
	8/13	8/17	Australia		1,078.67						1,078.67
	8/17	8/20	New Zealand		713.19						713.19
Charisse Glassman	7/5	7/8	Zimbabwe		477.00						477.00
	7/8	7/11	South Africa		300.00						300.00
Commercial airfare							6,008.17				6,008.17
	9/10	9/12	Haiti		183.00						183.00
Jason Gross	8/24	8/25	Macedonia		160.00						160.00
	8/25	8/27	Serbia		244.00						244.00
	8/27	8/29	Montenegro		250.00						250.00
	8/29	8/31	Bosnia		602.00						602.00
Commercial airfare							4,638.40				4,638.00
Hon. Alcee Hastings	8/8	8/10	Taiwan		530.00						530.00
	8/10	8/12	Thailand		498.00						498.00
	8/13	8/17	Australia		1,078.67						1,078.67
	8/17	8/20	New Zealand		713.19						713.19
John Herzberg	8/24	8/25	Macedona		160.00						160.00
	8/25	8/27	Serbia		238.00						238.00
	8/27	8/29	Montenegro		250.00						250.00
	8/29	8/31	Bosnia		602.00						602.00
Commercial airfare							4,638.40				4,638.40
Amos Hochstein	7/3	7/6	Syria		612.00						612.00
	7/6	7/10	Lebanon		105.00						105.00
Commercial airfare							6,924.71				6,924.71
Mark Kirk	8/24	9/1	Yugoslavia		1032.25						1032.35
Commercial airfare							4,638.40				4,638.40
John Mackey	8/8	8/10	Taiwan		530.00						530.00

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1999—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	8/10	8/12	Thailand		498.00						498.00
	8/12	8/14	Ireland		380.00						380.00
Commercial airfare							2,685.20				2,685.20
	8/30	8/31	Slovak Republic		293.50						293.50
	8/31	9/2	Romania		492.00						492.00
	9/2	9/4	Bulgaria		250.00						250.00
	9/4	9/6	Hungary		502.00						502.00
	9/6	9/7	Netherlands		207.00						207.00
Commercial airfare							2,340.85				
Caleb McCarry	8/29	8/30	Venezuela		283.65						283.65
	8/30	9/1	Colombia		386.00						386.00
	9/1	9/3	Nicaragua		427.50						427.50
	9/10	9/12	Haiti		118.00						118.00
Cynthia McKinney	8/26	8/28	Democratic Republic of the Congo		579.00		197.21				776.21
Commercial airfare							6,043.40				6,043.40
Kathleen Moazed	8/23	8/26	Armenia		400.00						400.00
	8/26	8/30	Georgia		300.00						300.00
	8/30	9/2	Azerbaijian		950.00						950.00
Commercial airfare							5,924.63				5,924.63
Vince Morelli	8/17	8/19	Venezuela		541.94						541.94
Commercial airfare							1,521.40				1,521.40
Hon. Donald Payne	7/5	7/8	Zimbabwe		477.00						477.00
	7/8	7/11	South Africa		300.00						300.00
Commercial airfare							5,704.17				5,704.17
	9/10	9/12	Haiti		183.00						183.00
Joseph Rees	8/9	8/11	Switzerland		3,200.00						3,200.00
	8/11	8/14	Macedonia								
	8/14	8/18	Kosovo								
	8/18	8/19	Macedonia								
	8/19	8/24	Italy								
Commercial airfare							5,031.39				5,031.39
Matthew Reynolds	8/8	8/10	Japan		522.00						522.00
	8/10	8/11	Hong Kong		297.00						297.00
	8/11	8/14	China		621.00						621.00
	8/14	8/18	Mongolia		388.00						388.00
Commercial airfare							6,514.68				6,514.68
Hon. Dana Rohrabacher	8/28	8/31	Slovak Republic		589.50						589.50
	8/31	9/2	Romania		522.00						522.00
	9/2	9/4	Bulgaria		250.00						250.00
	9/4	9/6	Hungary		502.00						502.00
	9/6	9/7	Netherlands		207.00						207.00
Linda Solomon	8/8	8/10	Taiwan		530.00						530.00
	8/10	8/12	Thailand		498.00						498.00
	8/13	8/17	Australia		1,078.67						1,078.67
	8/17	8/20	New Zealand		713.19						713.19
Matthew Reynolds	8/8	8/10	Japan		522.00						522.00
	8/10	8/11	Hong Kong		297.00						297.00
	8/11	8/14	China		621.00						621.00
	8/14	8/18	Mongolia		388.00						388.00
Commercial airfare							6,514.68				6,514.68
Hon. Dana Rohrabacher	8/28	8/31	Slovak Republic		589.50						589.50
	8/31	9/2	Romania		522.00						522.00
	9/2	9/4	Bulgaria		250.00						250.00
	9/4	9/6	Hungary		502.00						502.00
	9/6	9/7	Netherlands		207.00						207.00
Linda Solomon	8/8	8/10	Taiwan		530.00						530.00
	8/10	8/12	Thailand		498.00						498.00
	8/13	8/17	Australia		1,078.67						1,078.67
	8/17	8/20	New Zealand		713.19						713.19
Committee total					69,639.58		136,264.37				205,903.95

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BEN GILMAN, Chairman, Mar. 1, 2000.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1999

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
David Abramowitz	12/14	12/17	Argentina		825.00						825.00
	12/17	12/18	Paraguay		135.00						135.00
	12/18	12/20	Brazil		474.00						474.00
Commercial airfare							4,032.45				4,032.45
Hon. Cass Ballenger	12/2	12/4	Curacao		455.06						455.06
	12/4	12/6	Aruba		353.60						353.60
	12/6	12/8	Ecuador		310.04						310.04
	12/8	12/10	Panama		295.23						295.23
Peter Brookes	12/6	12/9	Philippines		627.00						627.00
	12/9	12/11	Singapore		398.00						398.00
	12/11	12/12	Hong Kong		594.00						594.00
Commercial airfare							6,605.79				6,605.79
Hon. Tom Campbell	11/21	11/22	Thailand		249.00						249.00
	11/22	11/26	Burma		626.00						626.00
	11/26	12/1	Vietnam		1,390.00						1,390.00
	12/1	12/2	Thailand		498.00						498.00
Commercial airfare							3,053.45				3,053.45
Malik Chaka	12/2	12/8	Cote d'Ivoire		1,027.00						1,027.00
	12/8	12/9	France		283.00						283.00
Commercial airfare							6,385.94				6,385.94
Mark Clack	11/29	12/2	Nigeria		835.00						835.00
	12/2	12/3	Ghana		200.00						200.00
Commercial airfare							5,974.20				5,974.20

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1999—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
David Fite	12/8	12/9	Philippines		209.00						209.00
	12/9	12/11	Singapore		398.00						398.00
	12/11	12/13	Hong Kong		594.00						594.00
	12/13	12/16	China		693.00						693.00
Commercial airfare							6,605.79				6,605.79
Mark Gage	11/29	12/3	Russia		1,450.00						1,450.00
Commercial airfare							5,003.61				5,003.61
Hon. Sam Gejdenson	11/29	12/2	Nigeria		900.00						900.00
	12/2	12/3	Ghana		200.00						200.00
Commercial airfare							6,054.45				6,054.45
Kristen Gilley	12/14	12/17	Argentina		825.00						825.00
	12/17	12/18	Paraguay		135.00						135.00
	12/18	12/20	Brazil		474.00						474.00
Commercial airfare							4,032.45				4,032.45
Charisse Glassman	11/19	11/20	Thailand		249.00						249.00
	11/21	11/26	Burma		626.00						626.00
	11/27	11/29	Vietnam		754.00						754.00
	11/30	12/1	Thailand		498.00						498.00
Commercial airfare							5,148.45				5,148.45
Hon. Barbara Lee	11/29	12/2	Nigeria		900.00						900.00
	12/2	12/3	Ghana		200.00						200.00
Commercial airfare							6,274.20				6,274.20
John Mackey	11/4	11/6	Colombia		486.00						486.00
Commercial airfare							1,744.45				1,744.45
John Mackey	12/14	12 17	Argentina		825.00						825.00
	12/17	12/18	Paraguay		135.00						135.00
	12/18	12/20	Brazil		474.00						474.00
Commercial airfare							4,032.45				4,032.45
John Mackey	12/2	12/3	United Kingdom		349.00						349.00
	12/3	12/4	Ireland		311.00						311.00
Commercial airfare							5,006.55				5,006.55
Kathleen Moazed	11/13	11/17	England		730.000				420.00		1,150.00
Commercial airfare							5,029.66				5,029.66
Larry Nowels	11/21	11/22	Thailand		249.00						249.00
	11/22	11/26	Burma		626.00						626.00
	11/26	12/1	Vietnam		1,390.00						1,390.00
	12/1	12/2	Thailand		263.00						263.00
Commercial airfare							4,596.45				4,596.45
Hon. Donald Payne	11/20	11/21	Thailand		249.00						249.00
	11/21	11/26	Burma		626.00						626.00
	11/27	11/28	Thailand		249.00						249.00
Commercial airfare							10,469.20				10,469.20
Douglas Rasmussen	11/21	11/22	Thailand		249.00						249.00
	11/22	11/26	Burma		626.00						626.00
	11/26	12/1	Vietnam		1,390.00						1,390.00
Douglas Rasmussen	12/1	12/2	Thailand		243.00						243.00
Commercial airfare							4,937.45				4,927.45
Grover Joseph Rees	11/22	11/25	Switzerland		536.00						536.00
Commercial airfare							4,138.24				4,138.24
Grover Joseph Rees	12/12	12/15	Philippines		573.00						573.00
	12/15	12/19	Vietnam		398.00				26.26		424.26
	12/20	12/20	Japan		105.00						105.00
Commercial airfare							4,214.76				4,214.76
Francis Record	10/29	10/31	Germany		602.00						602.00
Commercial airfare							5,067.01				5,067.01
John Walker Roberts	12/6	12/9	Philippines		627.00						627.00
	12/9	12/11	Singapore		398.00						398.00
	12/11	12/13	Hong Kong		594.00						594.00
	12/14	12/16	China		543.00						543.00
Commercial airfare							6,605.79		450.00		7,055.79
Hon. Edward Royce	11/20	11/21	Moldova		225.00						225.00
	11/21	11/24	Russia		797.00						797.00
	11/24	11/25	Norway		276.00						276.00
Tanya Shamson	11/29	12/3	Russia		1,450.00						1,450.00
Commercial airfare							5,003.61				5,003.61
Thomas Sheehy	12/2	12/8	Cote d'Ivoire		1,027.00						1,027.00
Commercial airfare							4,355.13				4,355.13
Hon. Christopher Smith	11/22	11/24	Switzerland		536.00						536.00
Commercial airfare							4,138.24				4,138.24
Hon. Christopher Smith	12/16	12/18	Vietnam		366.00				26.26		392.26
	12/19	12/19	Japan		201.00						201.00
	12/15	12/16	Hong Kong		212.00		4,045.20				4,257.20
Hillel Weinberg	10/29	10/31	Germany		434.00						434.00
Commercial airfare							4,417.01				4,417.01
Hillil Weinberg	11/29	11/30	Portugal		166.00						166.00
	11/30	12/3	Belgium		826.00						826.00
Commercial airfare							4,470.00				4,470.00
Peter Yeo	12/8	12/9	Philippines		209.00						209.00
	12/9	12/11	Singapore		398.00						398.00
Peter Yeo	12/11	12/13	Hong Kong		594.00						594.00
	12/13	12/16	China		693.00						693.00
Commercial airfare							6,605.79				6,605.79
Rohrabacher, Dana	11/18	11/22	Kuwait		887.00		6,393.17				7,280.17
Hickey, Peter	12/15	12/16	Hong Kong		297.00						297.00
	12/16	12/19	Vietnam		441.00		4,057.88		26.26		4,525.14
Cooksey, John	11/20	11/22	Thailand		498.00		4,666.00				5,164.00
	11/22	11/26	Burma		626.00						626.00
	11/26	12/1	Vietnam		1,390.00						1,390.00
	12/1	12/2	Thailand		249.00						249.00
Committee total					45,323.93		163,164.82		948.78		209,437.53

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[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BEN GILMAN, Chairman, Mar. 1, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1999

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Dana Rohrabacher	10/8	10/11	Hungary	144,090			3,644.24			144,090	3,644.24
Harlan Watson	10/29	11/6	Germany		1,422.00		956.00	179.80	70.00	179.80	2,448.00
Hon. F. James Sensenbrenner	11/18	11/21	Spain		819.00		5,791.96				6,610.96
Jeff Lungren	11/18	11/21	Spain		819.00		5,791.96				6,610.96
Committee total					3,060.00		16,184.16				19,314.16

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[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

F. JAMES SENSENBRENNER, JR., Chairman, Mar. 1, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HOUSE DELEGATION TO RUSSIA AND GERMANY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 3 AND 6, 2000

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Porter Goss	2/3	2/4	Russia		381.00						
Hon. Norman Dicks	2/3	2/4	Russia		381.00						
Hon. Howard Berman	2/3	2/4	Russia		381.00						
Hon. Norman Sisisky	2/3	2/4	Russia		381.00						
Hon. Doug Bereuter	2/3	2/4	Russia		381.00						
Hon. Julian Dixon	2/3	2/4	Russia		381.00						
Jim Boxold (Goss)	2/3	2/4	Russia		381.00						
Hon. Porter Goss	2/4	2/6	Germany		454.00						
Hon. Norman Dicks	2/4	2/6	Germany		454.00						
Hon. Howard Berman	2/4	2/6	Germany		454.00						
Hon. Norman Sisisky	2/4	2/6	Germany		454.00						
Hon. Doug Bereuter	2/4	2/6	Germany		454.00						
Hon. Julian Dixon	2/4	2/6	Germany		454.00						
Jim Boxold (Goss)	2/4	2/6	Germany		454.00						
Committee total					5,845.00						

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[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

PORTER J. GOSS, Chairman.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6571. A letter from the Office of the Administrator, Agricultural Research Center, Department of Agriculture, transmitting the Department's final rule—National Agricultural Library Fees for Loans and Copying—received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6572. A letter from the Administrator, Farm Service Agency, Department of Agriculture, transmitting the Department's final rule—1999 Crop and Market Loss Assistance (RIN: 0560–AG13) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6573. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Melon Fruit Fly [Docket No. 99–097–1] received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6574. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA–7305] received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

6575. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Final Flood Elevation Determinations—received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

6576. A letter from the Assistant Secretary, Department of Education, transmitting Rehabilitation Training: Rehabilitation Short-Term Training, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

6577. A letter from the Administrator, Food and Nutrition Service, Department of Agriculture, transmitting the Department's final rule—Special Supplemental Nutrition Program for Women, Infants, and Children (WIC): Bloodwork Requirements (RIN: 0584–AC30) received February 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6578. A letter from the Secretary, Department of Health and Human Services, transmitting the annual report to Congress on progress in achieving the performance goals referenced in the Prescription Drug User Fee Act of 1992 (PDUFA), for the Fiscal Year 1999, pursuant to 21 U.S.C. 379g nt.; to the Committee on Commerce.

6579. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Medical Devices; Reclassification and Codification of Neodymium: Yttrium: Aluminum: Garnet (Nd:YAG) Laser for Peripheral Iridotomy [Docket No. 93P–0277] received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6580. A communication from the President of the United States, transmitting notification that the Iran emergency is to continue in effect beyond March 15, 2000, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 106–210); to the Committee on International Relations and ordered to be printed.

6581. A letter from the Comptroller General, General Accounting Office, transmitting List of all reports issued or released by the GAO in January 2000, pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform.

6582. A letter from the Assistant Secretary for Management and Budget, Department of Health and Human Services, transmitting a copy of the revised commercial activities inventory; to the Committee on Government Reform.

6583. A letter from the Administrator, General Services Administration, transmitting the 1997–1998 report to Congress on programs for the utilization and donation of Federal personal property, pursuant to 40 U.S.C. 484(o); to the Committee on Government Reform.

6584. A letter from the Executive Officer, National Science Board, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1999, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

6585. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—West Virginia Regulatory Program [WV0077–FOR] received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6586. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants: Endangered Status for the Armored Snail and Slender Campeloma (RIN: 1018–AF29) received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6587. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska;

Pollock by Vessels Not Participating in Cooperatives that are Catching Pollock for Processing by the Inshore Component in the Bering Sea Subarea of the Bering Sea and Aleutian Islands Management Area [Docket No. 000119015–0015–01; I.D. 021100A] received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6588. A letter from the Secretary of Veterans Affairs, transmitting the FY 1998 annual report, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Veterans' Affairs.

6589. A letter from the Secretary, Department of Transportation, transmitting notification of the actions the Secretary has taken regarding security measures at Port-au-Prince International Airport, Port-au-Prince, Haiti, pursuant to 49 U.S.C. 44907(d)(3); jointly to the Committees on Transportation and Infrastructure and International Relations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TALENT: Committee on Small Business. H.R. 3845. A bill to make corrections to the Small Business Investment Act of 1958, and for other purposes (Rept. 106–520). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Florida: Committee on Appropriations. H.R. 3908. A bill making emergency supplemental appropriations for the fiscal year ending September 30, 2000, and for other purposes (Rept. 106–521). Referred to the Committee of the Whole House on the State of the Union.

Mr. TALENT: Committee on Small Business. H.R. 3843. A bill to reauthorize programs to assist small business concerns, and for other purposes (Rept. 106–522). Referred to the Committee of the Whole House on the State of the Union.

Mr. REYNOLDS: Committee on Rules. House Resolution 438. Resolution waiving points of order against the conference report to accompany the bill (H.R. 1000) to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes (Rept. 106–523). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 439. Resolution providing for consideration of the bill (H.R. 3843) to reauthorize programs to assist small business concerns, and for other purposes (Rept. 106–524). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BLILEY (for himself, Mr. Upton, Mr. Barton of Texas, and Mr. Burr of North Carolina):

H.R. 3906. A bill to ensure that the Department of Energy has appropriate mechanisms to independently assess the effectiveness of its policy and site performance in the areas of safeguards and security and cyber security; to the Committee on Commerce, and in addition to the Committees on Armed Services, and Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BLILEY (for himself, Mr. Barton of Texas, Mr. Upton, Mr. Burr of North Carolina, Mr. Sensenbrenner, and Mr. Calvert):

H.R. 3907. A bill to provide for the external regulation of nuclear safety and occupational safety and health at Department of Energy facilities; to the Committee on Commerce, and in addition to the Committees on Science, Armed Services, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Florida:

H.R. 3908. A bill making emergency supplemental appropriations for the fiscal year ending September 30, 2000, and for other purposes.

By Mr. RUSH:

H.R. 3909. A bill to designate the facility of the United States Postal Service located at 4601 South Cottage Grove Avenue in Chicago, Illinois, as the "Henry W. McGee Post Office Building"; to the Committee on Government Reform.

By Mr. BOEHNER:

H.R. 3910. A bill to authorize the Secretary of Agriculture to make grants to assist low and moderate income individuals to finance the construction, refurbishing, and servicing of individual household water well systems in rural areas; to the Committee on Agriculture.

By Mr. COLLINS (for himself, Mr. Norwood, Mr. Hoekstra, Mr. Greenwood, Mr. English, Mr. Deal of Georgia, Mr. Foley, Mr. Lewis of Georgia, Mrs. Johnson of Connecticut, Mr. Wise, Mr. Goss, Mrs. Capps, and Mr. McDermott):

H.R. 3911. A bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare Program for surgical first assisting services of certified registered nurse first assistants; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEAL of Georgia (for himself, Mr. Chambliss, and Mr. Norwood):

H.R. 3912. A bill to amend title XIX of the Social Security Act to make optional the requirement that a State seek adjustment or recovery from an individual's estate of any medical assistance correctly paid on behalf of the individual under the State plan under such title; to the Committee on Commerce.

By Mr. LEACH:

H.R. 3913. A bill to authorize the acceptance of endowment contributions for educational and cultural international exchange programs of the Department of State and the designation of such programs in recognition of the contributions; to the Committee on International Relations.

By Mr. MENENDEZ:

H.R. 3914. A bill to amend the Truth in Lending Act to prevent credit card issuers from advertising and offering 1 type of credit card and then issuing another type of credit card without the informed consent of the consumer, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. NETHERCUTT (for himself, Mr. Callahan, Mr. Foley, Mrs. Thurman, Mrs. Myrick, and Mr. Frost):

H.R. 3915. A bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax with respect to employees who participate in the military reserves, to allow a comparable credit for participating self-employed individuals, and to restore the pre-1986 status of deductions incurred in connection with services performed as a member of a Reserve component of the Armed Forces; to the Committee on Ways and Means.

By Mr. PORTMAN (for himself, Mr. Matsui, Mr. Dreier, Mr. Frost, Mr. Watts of Oklahoma, Mr. Cardin, Mr. McCrery, Mr. Becerra, Ms. Dunn, Ms. Lofgren, Mr. Gary Miller of California, Mr. Smith of Washington, Mr. McInnis, Mr. Snyder, Mr. Terry, and Mr. Bentsen):

H.R. 3916. A bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services; to the Committee on Ways and Means.

By Mr. RANGEL:

H.R. 3917. A bill to amend the Internal Revenue Code of 1986 to provide that the penalty on the reimportation of tobacco products exported from the United States shall not apply in certain cases; to the Committee on Ways and Means.

By Mr. ROGERS (for himself, Mr. Smith of Texas, and Mr. Reyes):

H.R. 3918. A bill to establish the Bureau of Immigration Services and the Bureau of Immigration Enforcement within the Department of Justice; to the Committee on the Judiciary.

By Mr. SAXTON (for himself, Mr. Faleomavaega, Mr. Abercrombie, Mr. Bilbray, Mrs. Christensen, Mr. Deutsch, Mr. Gilchrest, Mr. Goss, Mr. Greenwood, Mr. Romero-Barceló, Ms. Ros-Lehtinen, Mr. Shaw, and Mr. Underwood):

H.R. 3919. A bill to provide assistance for the conservation of coral reefs, to coordinate Federal coral reef conservation activities, and for other purposes; to the Committee on Resources.

By Ms. WATERS (for herself, Mrs. Christensen, Mr. Meeks of New York, Ms. Jackson-Lee of Texas, Mr. Capuano, Mrs. Maloney of New York, Mrs. Jones of Ohio, Mrs. Meek of Florida, Mr. Hilliard, Ms. Lofgren, Mr. Owens, Ms. Norton, Ms. Kilpatrick, Ms. Carson, Mr. Pastor, Mr. Lewis of Georgia, Ms. DeLauro, Mrs. Morella, Mrs. Napolitano, Mr. Jackson of Illinois, Mr. Cummings, Mr. Conyers, and Mr. Payne):

H.R. 3920. A bill to improve the conditions for women inmates in jails and correctional facilities; to the Committee on the Judiciary.

By Mr. FRANKS of New Jersey (for himself and Mr. Hoyer):

H. Con. Res. 279. Concurrent resolution authorizing the use of the Capitol Grounds for the 200th birthday celebration of the Library of Congress; to the Committee on Transportation and Infrastructure.

By Mr. FRANKS of New Jersey:

H. Con. Res. 280. Concurrent resolution authorizing the 2000 District of Columbia Special Olympics Law Enforcement Torch Run to be run through the Capitol Grounds; to the Committee on Transportation and Infrastructure.

By Mr. SHUSTER (for himself and Mr. Oberstar):

H. Con. Res. 281. Concurrent resolution authorizing the use of the East Front of the

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1999

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Dana Rohrabacher	10/8	10/11	Hungary	144,090			3,644.24			144,090	3,644.24
Harlan Watson	10/29	11/6	Germany		1,422.00		956.00	179.80	70.00	179.80	2,448.00
Hon. F. James Sensenbrenner	11/18	11/21	Spain		819.00		5,791.96				6,610.96
Jeff Lungren	11/18	11/21	Spain		819.00		5,791.96				6,610.96
Committee total					3,060.00		16,184.16				19,314.16

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

F. JAMES SENSENBRENNER, JR., Chairman, Mar. 1, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HOUSE DELEGATION TO RUSSIA AND GERMANY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 3 AND 6, 2000

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Porter Goss	2/3	2/4	Russia		381.00						
Hon. Norman Dicks	2/3	2/4	Russia		381.00						
Hon. Howard Berman	2/3	2/4	Russia		381.00						
Hon. Norman Sisisky	2/3	2/4	Russia		381.00						
Hon. Doug Bereuter	2/3	2/4	Russia		381.00						
Hon. Julian Dixon	2/3	2/4	Russia		381.00						
Jim Boxold (Goss)	2/3	2/4	Russia		381.00						
Hon. Porter Goss	2/4	2/6	Germany		454.00						
Hon. Norman Dicks	2/4	2/6	Germany		454.00						
Hon. Howard Berman	2/4	2/6	Germany		454.00						
Hon. Norman Sisisky	2/4	2/6	Germany		454.00						
Hon. Doug Bereuter	2/4	2/6	Germany		454.00						
Hon. Julian Dixon	2/4	2/6	Germany		454.00						
Jim Boxold (Goss)	2/4	2/6	Germany		454.00						
Committee total					5,845.00						

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

PORTER J. GOSS, Chairman.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6571. A letter from the Office of the Administrator, Agricultural Research Center, Department of Agriculture, transmitting the Department's final rule—National Agricultural Library Fees for Loans and Copying—received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6572. A letter from the Administrator, Farm Service Agency, Department of Agriculture, transmitting the Department's final rule—1999 Crop and Market Loss Assistance (RIN: 0560-AG13) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6573. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Melon Fruit Fly [Docket No. 99-097-1] received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6574. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA-7305] received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

6575. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Final Flood Elevation Determinations—received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

6576. A letter from the Assistant Secretary, Department of Education, transmitting Rehabilitation Training: Rehabilitation Short-Term Training, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

6577. A letter from the Administrator, Food and Nutrition Service, Department of Agriculture, transmitting the Department's final rule—Special Supplemental Nutrition Program for Women, Infants, and Children (WIC): Bloodwork Requirements (RIN: 0584-AC30) received February 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6578. A letter from the Secretary, Department of Health and Human Services, transmitting the annual report to Congress on progress in achieving the performance goals referenced in the Prescription Drug User Fee Act of 1992 (PDUFA), for the Fiscal Year 1999, pursuant to 21 U.S.C. 379g nt.; to the Committee on Commerce.

6579. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Medical Devices; Reclassification and Codification of Neodymium: Yttrium: Aluminum: Garnet (Nd:YAG) Laser for Peripheral Iridotomy [Docket No. 93P-0277] received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6580. A communication from the President of the United States, transmitting notification that the Iran emergency is to continue in effect beyond March 15, 2000, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 106-210); to the Committee on International Relations and ordered to be printed.

6581. A letter from the Comptroller General, General Accounting Office, transmitting List of all reports issued or released by the GAO in January 2000, pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform.

6582. A letter from the Assistant Secretary for Management and Budget, Department of Health and Human Services, transmitting a copy of the revised commercial activities inventory; to the Committee on Government Reform.

6583. A letter from the Administrator, General Services Administration, transmitting the 1997-1998 report to Congress on programs for the utilization and donation of Federal personal property, pursuant to 40 U.S.C. 484(o); to the Committee on Government Reform.

6584. A letter from the Executive Officer, National Science Board, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1999, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

6585. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—West Virginia Regulatory Program [WV0077-FOR] received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6586. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants: Endangered Status for the Armored Snail and Slender Campeloma (RIN: 1018-AF29) received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6587. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska;

Pollock by Vessels Not Participating in Cooperatives that are Catching Pollock for Processing by the Inshore Component in the Bering Sea Subarea of the Bering Sea and Aleutian Islands Management Area [Docket No. 000119015-0015-01; I.D. 021100A] received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6588. A letter from the Secretary of Veterans Affairs, transmitting the FY 1998 annual report, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Veterans' Affairs.

6589. A letter from the Secretary, Department of Transportation, transmitting notification of the actions the Secretary has taken regarding security measures at Port-au-Prince International Airport, Port-au-Prince, Haiti, pursuant to 49 U.S.C. 44907(d)(3); jointly to the Committees on Transportation and Infrastructure and International Relations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TALENT: Committee on Small Business. H.R. 3845. A bill to make corrections to the Small Business Investment Act of 1958, and for other purposes (Rept. 106-520). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Florida: Committee on Appropriations. H.R. 3908. A bill making emergency supplemental appropriations for the fiscal year ending September 30, 2000, and for other purposes (Rept. 106-521). Referred to the Committee of the Whole House on the State of the Union.

Mr. TALENT: Committee on Small Business. H.R. 3843. A bill to reauthorize programs to assist small business concerns, and for other purposes (Rept. 106-522). Referred to the Committee of the Whole House on the State of the Union.

Mr. REYNOLDS: Committee on Rules. House Resolution 438. Resolution waiving points of order against the conference report to accompany the bill (H.R. 1000) to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes (Rept. 106-523). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 439. Resolution providing for consideration of the bill (H.R. 3843) to reauthorize programs to assist small business concerns, and for other purposes (Rept. 106-524). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BLILEY (for himself, Mr. Upton, Mr. Barton of Texas, and Mr. Burr of North Carolina):

H.R. 3906. A bill to ensure that the Department of Energy has appropriate mechanisms to independently assess the effectiveness of its policy and site performance in the areas of safeguards and security and cyber security; to the Committee on Commerce, and in addition to the Committees on Armed Services, and Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BLILEY (for himself, Mr. Barton of Texas, Mr. Upton, Mr. Burr of North Carolina, Mr. Sensenbrenner, and Mr. Calvert):

H.R. 3907. A bill to provide for the external regulation of nuclear safety and occupational safety and health at Department of Energy facilities; to the Committee on Commerce, and in addition to the Committees on Science, Armed Services, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Florida:

H.R. 3908. A bill making emergency supplemental appropriations for the fiscal year ending September 30, 2000, and for other purposes.

By Mr. RUSH:

H.R. 3909. A bill to designate the facility of the United States Postal Service located at 4601 South Cottage Grove Avenue in Chicago, Illinois, as the "Henry W. McGee Post Office Building"; to the Committee on Government Reform.

By Mr. BOEHNER:

H.R. 3910. A bill to authorize the Secretary of Agriculture to make grants to assist low and moderate income individuals to finance the construction, refurbishing, and servicing of individual household water well systems in rural areas; to the Committee on Agriculture.

By Mr. COLLINS (for himself, Mr. Norwood, Mr. Hoekstra, Mr. Greenwood, Mr. English, Mr. Deal of Georgia, Mr. Foley, Mr. Lewis of Georgia, Mrs. Johnson of Connecticut, Mr. Wise, Mr. Goss, Mrs. Capps, and Mr. McDermott):

H.R. 3911. A bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare Program for surgical first assisting services of certified registered nurse first assistants; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEAL of Georgia (for himself, Mr. Chambliss, and Mr. Norwood):

H.R. 3912. A bill to amend title XIX of the Social Security Act to make optional the requirement that a State seek adjustment or recovery from an individual's estate of any medical assistance correctly paid on behalf of the individual under the State plan under such title; to the Committee on Commerce.

By Mr. LEACH:

H.R. 3913. A bill to authorize the acceptance of endowment contributions for educational and cultural international exchange programs of the Department of State and the designation of such programs in recognition of the contributions; to the Committee on International Relations.

By Mr. MENENDEZ:

H.R. 3914. A bill to amend the Truth in Lending Act to prevent credit card issuers from advertising and offering 1 type of credit card and then issuing another type of credit card without the informed consent of the consumer, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. NETHERCUTT (for himself, Mr. Callahan, Mr. Foley, Mrs. Thurman, Mrs. Myrick, and Mr. Frost):

H.R. 3915. A bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax with respect to employees who participate in the military reserves, to allow a comparable credit for participating self-employed individuals, and to restore the pre-1986 status of deductions incurred in connection with services performed as a member of a Reserve component of the Armed Forces; to the Committee on Ways and Means.

By Mr. PORTMAN (for himself, Mr. Matsui, Mr. Dreier, Mr. Frost, Mr. Watts of Oklahoma, Mr. Cardin, Mr. McCrery, Mr. Becerra, Ms. Dunn, Ms. Lofgren, Mr. Gary Miller of California, Mr. Smith of Washington, Mr. McInnis, Mr. Snyder, Mr. Terry, and Mr. Bentsen):

H.R. 3916. A bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services; to the Committee on Ways and Means.

By Mr. RANGEL:

H.R. 3917. A bill to amend the Internal Revenue Code of 1986 to provide that the penalty on the reimportation of tobacco products exported from the United States shall not apply in certain cases; to the Committee on Ways and Means.

By Mr. ROGERS (for himself, Mr. Smith of Texas, and Mr. Reyes):

H.R. 3918. A bill to establish the Bureau of Immigration Services and the Bureau of Immigration Enforcement within the Department of Justice; to the Committee on the Judiciary.

By Mr. SAXTON (for himself, Mr. Faleomavaega, Mr. Abercrombie, Mr. Bilbray, Mrs. Christensen, Mr. Deutsch, Mr. Gilchrest, Mr. Goss, Mr. Greenwood, Mr. Romero-Barceló, Ms. Ros-Lehtinen, Mr. Shaw, and Mr. Underwood):

H.R. 3919. A bill to provide assistance for the conservation of coral reefs, to coordinate Federal coral reef conservation activities, and for other purposes; to the Committee on Resources.

By Ms. WATERS (for herself, Mrs. Christensen, Mr. Meeks of New York, Ms. Jackson-Lee of Texas, Mr. Capuano, Mrs. Maloney of New York, Mrs. Jones of Ohio, Mrs. Meek of Florida, Mr. Hilliard, Ms. Lofgren, Mr. Owens, Ms. Norton, Ms. Kilpatrick, Ms. Carson, Mr. Pastor, Mr. Lewis of Georgia, Ms. DeLauro, Mrs. Morella, Mrs. Napolitano, Mr. Jackson of Illinois, Mr. Cummings, Mr. Conyers, and Mr. Payne):

H.R. 3920. A bill to improve the conditions for women inmates in jails and correctional facilities; to the Committee on the Judiciary.

By Mr. FRANKS of New Jersey (for himself and Mr. Hoyer):

H. Con. Res. 279. Concurrent resolution authorizing the use of the Capitol Grounds for the 200th birthday celebration of the Library of Congress; to the Committee on Transportation and Infrastructure.

By Mr. FRANKS of New Jersey:

H. Con. Res. 280. Concurrent resolution authorizing the 2000 District of Columbia Special Olympics Law Enforcement Torch Run to be run through the Capitol Grounds; to the Committee on Transportation and Infrastructure.

By Mr. SHUSTER (for himself and Mr. Oberstar):

H. Con. Res. 281. Concurrent resolution authorizing the use of the East Front of the

Capitol Grounds for performances sponsored by the John F. Kennedy Center for the Performing Arts; to the Committee on Transportation and Infrastructure.

By Mr. HAYES:

H. Con. Res. 282. Concurrent resolution declaring the "Person of the Century" for the 20th century to have been the American G.I.; to the Committee on Armed Services.

By Mrs. MINK of Hawaii:

H. Res. 440. A resolution expressing the sense of the House of Representatives that there should be established a National Ocean Day to recognize the significant role the ocean plays in the lives of the Nation's people and the important role the Nation's people must play in the continued life of the ocean; to the Committee on Resources.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. GOSS:

H.R. 3921. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel ANTJA; to the Committee on Transportation and Infrastructure.

By Mr. WU:

H.R. 3922. A bill for the relief of Zhen Shang Lin; to the Committee on the Judiciary.

By Mr. WU:

H.R. 3923. A bill for the relief of En Chung Wu; to the Committee on the Judiciary.

By Mr. WU:

H.R. 3924. A bill for the relief of Jin Shaun Huang; to the Committee on the Judiciary.

By Mr. WU:

H.R. 3925. A bill for the relief of Han Lin; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 7: Mrs. Biggert, Mr. Rohrabacher, and Mr. Miller of Florida.

H.R. 49: Mr. Romero-Barceló.

H.R. 110: Ms. Carson.

H.R. 410: Mr. Levin.

H.R. 488: Ms. Velázquez, Mrs. McCarthy, of New York, Mr. Walsh, Ms. Baldwin, Mr. Hastings of Florida, and Mr. Borski.

H.R. 534: Mr. Lewis of Kentucky.

H.R. 566: Mr. Franks of New Jersey.

H.R. 583: Mrs. Meek of Florida and Mr. Latham.

H.R. 601: Mr. Jenkins and Mr. Holt.

H.R. 625: Mr. Klink.

H.R. 637: Mr. Fletcher and Ms. Pelosi.

H.R. 645: Mrs. Clayton.

H.R. 721: Mr. Allen, Mr. Sanders, and Mr. Kind.

H.R. 745: Mr. Canady of Florida.

H.R. 827: Mrs. Napolitano.

H.R. 828: Mr. Ehlers.

H.R. 937: Mr. Calvert.

H.R. 941: Mrs. Morella.

H.R. 957: Mr. Weldon of Pennsylvania.

H.R. 1001: Mr. Nethercutt.

H.R. 1008: Mr. Klink.

H.R. 1044: Mr. Stenholm, Mr. LaHood, and Mr. Boswell.

H.R. 1046: Mr. Kennedy of Rhode Island and Mr. McIntyre.

H.R. 1111: Mr. Wexler.

H.R. 1160: Mr. Klink.

H.R. 1168: Mr. Hill of Indiana and Ms. Norton.

H.R. 1227: Mr. Sabo.

H.R. 1248: Mr. Gejdenson.

H.R. 1322: Mr. Miller of Florida.

H.R. 1405: Mr. Frank of Massachusetts, Mr. Waxman, Mr. McNulty, Mr. Hinchey, Mrs. Jones of Ohio, and Mr. Snyder.

H.R. 1456: Mr. Radanovich.

H.R. 1531: Mr. McNulty and Mr. Becerra.

H.R. 1592: Mr. Hall of Ohio.

H.R. 1621: Mr. Lampson.

H.R. 1681: Mr. Owens and Mr. Clay.

H.R. 1769: Ms. McKinney, Mr. Stupak, and Mr. LaTourette.

H.R. 1770: Ms. Norton, Ms. McKinney, Mr. Stark, Mr. Kucinich, Mr. Frost, and Mr. Rush.

H.R. 1775: Mr. Campbell and Ms. Lofgren.

H.R. 1798: Mr. Bilbray and Mr. Markey.

H.R. 1899: Mr. Menendez, Mr. LaHood, Ms. Stabenow, Mr. Sabo, Ms. Carson, and Mr. Weygand.

H.R. 1954: Mr. Rogan.

H.R. 2129: Mr. Collins and Mr. Tauzin.

H.R. 2175: Mr. Coyne, Ms. Carson, and Mr. Berman.

H.R. 2265: Ms. Woolsey.

H.R. 2341: Mrs. Northup.

H.R. 2382: Mr. Souder and Mr. McIntyre.

H.R. 2391: Mr. Riley, Ms. Berkley, Mr. Wicker, Mr. Hoyer, Ms. Ros-Lehtinen, and Mr. Price of North Carolina.

H.R. 2459: Mr. LaHood.

H.R. 2544: Mr. Smith of Washington, Mr. LaTourette, and Mr. Hill of Montana.

H.R. 2573: Mr. Greenwood.

H.R. 2660: Mr. Mascara.

H.R. 2686: Mr. Owens.

H.R. 2697: Mr. Gilman.

H.R. 2720: Mrs. Johnson of Connecticut.

H.R. 2749: Mr. Hobson and Mr. Watts of Oklahoma.

H.R. 2814: Mr. Stump.

H.R. 2842: Mr. Rothman.

H.R. 2870: Mr. Snyder.

H.R. 2883: Mrs. Bono, Mr. Nadler, Mr. Oxley, Mr. Saxton, Mr. Sabo, Mr. Smith of New Jersey, Mr. Udall of New Mexico, Mr. Wamp, and Mrs. Johnson of Connecticut.

H.R. 2888: Ms. Carson.

H.R. 2892: Mr. Crane.

H.R. 2927: Mr. Davis of Illinois.

H.R. 2945: Mr. Bentsen, Ms. Lofgren, Mr. Calvert, Mr. Baldacci, and Mr. Frost.

H.R. 2964: Mr. Strickland.

H.R. 2966: Mr. Bass, Ms. DeLauro, Mr. Greenwood, Mr. Sam Johnson of Texas, and Mrs. McCarthy of New York.

H.R. 3004: Mrs. Johnson of Connecticut.

H.R. 3100: Mr. Duncan and Mr. Clement.

H.R. 3116: Ms. Dunn.

H.R. 3141: Mrs. Mink of Hawaii and Mr. Lantos.

H.R. 3155: Mr. Goodling, Mr. English, and Mr. Blunt.

H.R. 3193: Mr. Spratt, Mr. Barrett of Wisconsin, Mr. Dicks, Mr. Gonzalez, Mr. Blumenauer, Ms. Brown of Florida, and Mr. Canady of Florida.

H.R. 3212: Mr. Borski and Mr. Tancredo.

H.R. 3224: Ms. McKinney, Mr. Evans, and Mr. Quinn.

H.R. 3244: Ms. DeLauro.

H.R. 3278: Mrs. Clayton and Mr. Bryant.

H.R. 3290: Mr. Barr of Georgia and Ms. Brown of Florida.

H.R. 3293: Mr. Rush, Mr. Wolf, Mr. Larson, Mr. Levin, Mr. Deal of Georgia, Mr. Dicks, Ms. Dunn, Ms. Roybal-Allard, Mr. Pombo, Ms. Hooley of Oregon, Mr. Taylor of North Carolina, Mr. Ehlers, Mr. Bartlett of Maryland, Mr. Burr of North Carolina, Ms. Sanchez, Ms. Granger, Mr. Barr of Georgia, and Mrs. Tauscher.

H.R. 3410: Mr. Bonilla and Mr. Chabot.

H.R. 3413: Mr. Jefferson, Mr. Moakley, Ms. McKinney, Mr. Frank of Massachusetts, Ms. DeLauro, Mr. Kildee, Mr. Kind, Mr. Capuano, Mrs. Mink of Hawaii, Mr. Fattah, Mr. Markey, Mr. Olver, Mr. Neal of Massachusetts, Mr. Ford, Mr. Andrews, Mr. Delahunt, Mr. Wu, Ms. Lee, Mr. Nadler, Mr. Owens, Mr. Hinchey, and Mr. Romero-Barceló.

H.R. 3514: Mr. Allen and Mr. Doyle.

H.R. 3536: Mrs. Roukema.

H.R. 3540: Mr. Nussle, Ms. McKinney, Mr. Shows, Mr. Nadler, Mr. Tierney, Mr. Baird, and Mr. Stupak.

H.R. 3544: Mr. Cox, Mr. Ramstad, Mr. Wamp, Mr. English, Mr. Quinn, Ms. Ros-Lehtinen, Mr. Salmon, Mr. Petri, Mr. Metcalf, Mr. Oxley, Mr. Sununu, Mr. Gutknecht, Ms. Eshoo, Mr. Kolbe, Mr. Green of Wisconsin, Mr. McGovern, Mr. Schaffer, Mr. Evans, Mr. Coyne, Mrs. Cubin, Mr. Crowley, Mr. Forbes, Mr. Scarborough, Mr. LaHood, Mr. Barrett of Wisconsin, Mr. Souder, Mr. Shimkus, Mr. Gilchrest, Mr. Cunningham, and Mrs. Kelly.

H.R. 3560: Mr. Owens and Mr. Goodling.

H.R. 3564: Mr. Deal of Georgia.

H.R. 3573: Mr. Bass, Mr. Canady of Florida, Mr. Clement, Mr. Coyne, Ms. DeLauro, Mr. Greenwood, Mr. Holt, Mr. Sam Johnson of Texas, Mr. Klink, Mr. LaHood, Mr. Lipinski, Mr. George Miller of California, Mr. Pallone, Mr. Taylor of Mississippi, Mr. Vitter, and Mr. Wicker.

H.R. 3575: Mr. Barr of Georgia and Mrs. Emerson.

H.R. 3594: Mr. Hayes, Mr. Dickey, Mr. Barr of Georgia, Mr. Weygand, and Mr. Bryant.

H.R. 3614: Mr. Allen, Mr. Pastor, Mr. Burr of North Carolina, Mr. Sununu, and Mr. Deal of Georgia.

H.R. 3623: Ms. Jackson-Lee of Texas, Mr. Barrett of Wisconsin, Mr. Davis of Illinois, and Mr. Farr of California.

H.R. 3628: Ms. Millender-McDonald.

H.R. 3639: Mrs. Clayton, Mr. Spratt, Mr. Hoyer, and Mr. Weygand.

H.R. 3649: Ms. Eddie Bernice Johnson of Texas.

H.R. 3656: Mrs. Thurman and Mr. English.

H.R. 3671: Mr. Cunningham, Mr. Barcia, Mr. Ryun of Kansas, Mr. Walden of Oregon, Mr. Doolittle, Mr. Weldon of Pennsylvania, Mr. Pickering, Mr. McHugh, Mr. Sununu, Mr. Peterson of Minnesota, and Mr. Cannon.

H.R. 3657: Mr. Smith of Washington and Mr. Wolf.

H.R. 3692: Mr. Goodling.

H.R. 3694: Mr. Cunningham and Mr. McHugh.

H.R. 3698: Mr. Burr of North Carolina, Mr. Matsui, Mr. Barcia, Mr. Filner, Mr. Frank of Massachusetts, Mr. Phelps, and Mr. Goode.

H.R. 3705: Mr. Gordon, Ms. Waters, Mr. Nadler, Mr. Weygand, Mr. McGovern.

H.R. 3707: Mr. Lantos.

H.R. 3710: Mr. Deutsch, Mr. Doyle, Mr. Barcia, Mrs. Napolitano, Mr. Rush, Mr. Holden, Mr. Becerra, Mr. Phelps, Mr. Hilliard, and Mr. Goode.

H.R. 3732: Mr. Stupak, Mr. Paul, Mr. Vento, Mr. Olver, and Mrs. Biggert.

H.R. 3766: Mr. DeFazio, Mr. Allen, Mr. Baird, Ms. Pelosi, Mr. Moran of Virginia, Mr. Olver, Mr. Spratt, Mr. George Miller of California, Mr. Doyle, Mr. Phelps, and Mr. Rahall.

H.R. 3809: Mr. Filner and Mr. Kleczka.

H.R. 3822: Mr. ROHRABACHER, Mr. MCHUGH, Mr. UPTON, Mr. GREEN of Wisconsin, Mr. SHAYS, Mr. SWEENEY, Mr. MICA, Mr. RYUN of Kansas, Mr. BILIRAKIS, Mr. GOODE, Mr. CHABOT, Mr. CAMPBELL, Mr. SMITH of New Jersey, Mr. ROTHMAN, Mr. LOBIONDO, Ms. ROS-LEHTINEN, Mr. TANCREDO, Mr. GOODLING, and Mr. REYNOLDS.

H.R. 3826: Mr. OWENS, Mr. BOEHLERT, and Mr. SABO.

H.R. 3840: Ms. SLAUGHTER.

H.R. 3842: Mr. WHITFIELD.

H.R. 3844: Mr. KNOLLENBERG, Mr. MILLER of Florida, Mr. NETHERCUTT, Mr. CHAMBLISS, Mr. PAUL, Mr. RADANOVICH, Mr. COX, Mr. SHADEGG, and Mr. JONES of North Carolina.

H.R. 3849: Mr. ENGLISH, Mr. HAYWORTH, and Mr. NETHERCUTT.

H.R. 3861: Mr. INSLEE, Mr. PAYNE, Mr. MCGOVERN, Ms. WATERS, and Ms. SCHAKOWSKY.

H.R. 3873: Mr. PAYNE, Mr. MARTINEZ, and Mr. ROMERO-BARCELÓ.

H.R. 3887: Mr. CARDIN, Mr. MATSUI, and Mr. STARK.

H.J. Res. 53: Mr. CALVERT.

H.J. Res. 55: Mr. BLUNT.

H.J. Res. 90: Mr. NEY.

H. Con. Res. 62: Mr. MCINTYRE, Mr. SHAYS, Ms. DELAURO, Mr. KENNEDY of Rhode Island, and Mr. POMEROY.

H. Con. Res. 139: Mrs. NORTHUP.

H. Con. Res. 225: Mr. STUPAK, Mr. PALLONE, Mr. BLUMENAUER, Mr. KLINK, and Mr. RUSH.

H. Con. Res. 252: Mr. EWING, Mrs. ROUKEMA, Mr. SOUDER, and Mr. LATOURETTE.

H. Con. Res. 253: Mr. GUTKNECHT, Mr. ENGLISH, and Mr. STUPAK.

H. Con. Res. 273: Mr. ADERHOLT, Mr. CONYERS, Mr. CROWLEY, Mr. KILDEE, Mr. DELAHUNT, and Ms. DELAURO.

H. Con. Res. 275: Mr. BATEMAN.

H. Con. Res. 276: Mr. GEORGE MILLER of California, Mr. STARK, and Mr. BALDACCI.

H. Res. 187: Mr. SABO and Mr. NADLER.

H. Res. 430: Ms. MCKINNEY.

H. Res. 431: Mr. DIXON, Mr. JEFFERSON, Mr. HINCHEY, Ms. SLAUGHTER, Mrs. MALONEY of New York, Mr. OWENS, Mr. ENGEL, Mr. ACKERMAN, Mr. ROTHMAN, Mr. LANTOS, Mr. NADLER, Ms. MCKINNEY, Mr. BERMAN, Ms. NORTON, Mr. JACKSON of Illinois, and Ms. JACKSON-LEE of Texas.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. Res. 396: Mr. OWENS.

EXTENSIONS OF REMARKS

INTRODUCTION OF THE CORAL REEF CONSERVATION AND RESTORATION PARTNERSHIP ACT OF 2000

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 2000

Mr. SAXTON. Mr. Speaker, today I am pleased to introduce the Coral Reef Conservation and Restoration Partnership Act of 2000. I am joined in this effort by the distinguished gentleman from American Samoa, who is the ranking member of the Subcommittee on Fisheries Conservation, Wildlife and Oceans, along with 12 other bipartisan cosponsors.

Coral reefs support the economies of many local communities throughout the Atlantic Ocean, Carribean Sea, and Pacific Ocean. Coral reefs provide important areas for tourism, diving, fishing, scientific research and offers potential life saving pharmaceutical advances to treat human diseases. Unfortunately, many of our coral reef areas are threatened by a variety of natural impacts and human activities including coral disease, hurricanes, destructive fishing practices, over fishing, pollution, and changing ocean conditions. Under ideal circumstances, coral reefs can take decades or more to recover, and it is critical that we address the most serious problems facing these valuable marine areas. In cases where damage has occurred, we need to develop the technologies to help repair and restore coral reefs. Further, we need to improve our abilities to recognize areas that are susceptible to coral reef loss. This requires developing comprehensive maps of U.S. coral reef resources using new remote as well as using satellite data to monitor coral reef change.

Last year, I introduced H.R. 2903, the Coral Reef Conservation and Restoration Act, which was based on a bill approved by the House of Representatives in the 105th Congress. The Subcommittee on Fisheries Conservation, Wildlife and Oceans held a hearing on H.R. 2903 on October 21, 1998. The bill I am introducing today replaces that legislation and incorporates suggestions from that hearing, as well as provisions from H.R. 3133, the Coral Reef Protection Act, which was introduced by my friend and colleague from American Samoa, ENI FALEOMAVAEGA. Over the last several months, I have worked closely with him to craft the Coral Reef Conservation and Restoration Partnership Act. This bill represents a major step forward in this nation's efforts to conserve valuable coral reef ecosystems.

The Coral Reef Conservation and Restoration Partnership Act represents a combination of the best ideas for enhancing and conserving coral reefs. The bill greatly assists ongoing efforts to understand, map and conserve U.S. coral reefs. Our bill authorizes $15 million per year for coral reef conservation, for a total of $60 million over four years. This level of funding is consistent with the FY 2001 budget request of the National Oceanic and Atmospheric Administration.

The bill establishes a grant program to provide funding for coral reef projects carried out in local communities, States and U.S. Insular Areas that have limited sources of funding. Eligible grantees include local and State governments, certain nonprofit groups and educational institutions. A grant partner can receive up to 50 percent Federal matching funds for a variety of projects, such as mapping, monitoring, assessment, restoration and law enforcement. The Secretary of Commerce is given flexibility in the match requirements for small projects carried out in the Insular Areas.

The bill also provides statutory authority for the Coral Reef Task Force, which was established by Presidential Executive Order 13089. The Departments of Interior and Commerce are the designated Task Force co-chairs. The co-chairs can jointly designate the governors of the States and Territories to serve on the Task Force. The Task Force is charged with coordinating Federal agency activities, establishing a national coral reef action strategy, developing a comprehensive mapping, monitoring and assessment program for U.S. coral reefs, and providing regular reports to Congress on activities to conserve coral reefs.

Finally, our bill authorizes the National Oceanic and Atmospheric Administration (NOAA) to carry out a variety of coral reef-related conservation activities, including restoration, mapping, and monitoring. The proposed legislation recognizes NOAA's important role in managing coral reef resources, and authorizes ongoing activities consistent with the Magnuson-Stevens Fishery Conservation and Management Act, the Coastal Zone Management Act and the National Marine Sanctuaries Act.

Sine the Year of the Reef in 1997, I have been working to enact legislation that would focus the necessary resources to protect and restore coral reefs. I believe that the Coral Reef Conservation and Restoration Partnership Act will accomplish this goal; and I intend to work to ensure that this bill is signed into law. It is essential that we work to conserve our coral reef ecosystems for future generations. These ecosystems are the marine equivalent of the rain forest, rich in biological diversity and they provide innumerable benefits to the Nation.

I urge my colleagues to join with us by cosponsoring this important measure.

ROBERT "BAT" BATINOVICH HONORED WITH SAN FRANCISCO CATHOLIC CHARITIES' LOAVES AND FISHES AWARD

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 2000

Mr. LANTOS. Mr. Speaker, it is my great privilege today to call to the attention of my colleagues in the Congress the extraordinary accomplishments of Mr. Robert "Bat" Batinovich of San Mateo, California. Bat brings the same extraordinary leadership qualities and generosity of spirit to his charitable contributions that he does to his entrepreneurial enterprises.

A shining example in the business community of the possibilities for philanthropic contribution, Bat Batinovich has for years made quiet contributions to causes ranging from women's athletics to services for homeless families. This Saturday, March 18, 2000, the Catholic Charities of San Francisco will honor Mr. Batinovich with its annual Loaves and Fishes Award for outstanding service to the community. This award recognizes the distinguished charitable efforts of individuals and organizations, and Mr. Batinovich reflects perfectly the spirit of commitment and service that define the work of Catholic Charities.

Robert Batinovich is Chairman and CEO of Glenborough Realty Trust, a San Mateo-based real estate investment trust. He is a self-made man whose drive has taken him from tuna-fishing on the high seas to chairing the California Public Utilities Commission during the energy crisis. His passion and vivacity have marked every step along the way with joie de vivre. As a leader, Mr. Batinovich has gained the respect and affection of our entire community. His reputation for honesty and tenaciousness is unassailable, but Bat's most admirable quality is his discernment that true success extends beyond the business arena and necessarily includes one's relationship to one's family, friends and community.

I invite my colleagues to join me and the Catholic Charities of San Francisco in honoring the remarkable accomplishments of the benevolent Robert "Bat" Batinovich in business, in life and in our community.

CONGRATULATIONS TO MISSOURI SPORTS HALL OF FAME INDUCTEE TOM HENKE

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 2000

Mr. SKELTON. Mr. Speaker, it has come to my attention that retired major league baseball

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

pitcher Tom Henke, of Taos, Missouri, was inducted into the Missouri Sports Hall of Fame on February 6, 2000.

Tom began his major league baseball career with the Texas Rangers in 1982, then continued with the Toronto Blue Jays in 1985. He became the Blue Jays career leader with 217 saves during his eight years in Toronto, including a save during the 1992 World Series. In 1993, Tom returned to the Rangers and recorded a career-high 40 saves. He spent the final year of his sterling career pitching for the St. Louis Cardinals, the team he cheered for while growing up in Missouri. His 1995 season was one of the finest of his 15-year professional career. Tom was named to the National League All-Star team, was voted the Cardinals Player of the Year and won the Rolaids National League Relief Man Award. He donated the $25,000 award to the Taos Parks and Recreation Board and St. Francis Xavier School, and now devotes a portion of his time to helping local high school baseball programs.

Mr. Speaker, I wish to extend my congratulations to Tom Henke for his most deserved induction into the Missouri Sports Hall of Fame.

THE IMPORTANCE OF RURAL EDUCATION

HON. BILL BARRETT

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 2000

Mr. BARRETT of Nebraska. Mr. Speaker, as a member of the Rural Caucus, I would like to share my strong support for one of the most vibrant sectors of rural America—our rural schools. Out in my part of the country, schools, along with churches, are at the heart of a community. And, rural administrators, teachers, and school boards should be commended for the educational opportunities they work to offer rural school students.

Rural schools offer students the types of educational experiences we hope all students can have—small classes, quality basic academic programs, personal relationships with teachers and administrators, hands-on vocational education opportunities, and the chance to participate in a variety of quality extracurricular activities. In fact, more than 20 percent of students in this country attend small, rural schools. Rural schools in my district have done an exceptional job maximizing learning opportunities for their students by investing in distance learning technology, forming educational service units to offer special education and gifted and talented programs, and holding themselves accountable, not only to the federal government and to the state, but, most importantly, to parents.

When I consider excellent rural schools in my district, several examples come to mind. For instance, I think of the one-room Kindergarten through 6th grade Macon School in the tiny village of Macon, Nebraska, where students receive one-on-one attention in basic academic areas and the arts. From the first grade on, every student at the Macon School receives individual piano lessons from their teacher, Mrs. Johnson; writes plays, songs, and poems; and performs original programs to packed houses of family and friends. There aren't too many one-room schools left, but the Macon School is an example of how tiny rural schools can offer their students more enriching experiences than larger schools may be able to offer.

Rural schools also work together to keep their standards high. Schools like Franklin and Hildreth, Nebraska, have invested in state-of-the-art distance learning facilities so foreign language, advanced math, and other advanced courses can be available to all students, regardless of the size of their school or the distance between the teacher and the students. This year, these schools banded together to hire an exchange teacher, Cristina Bermejo, from Spain to teach Spanish. This teacher is physically located in the Franklin school, but her courses are beamed via two-way audio-video connection to Hildreth.

Because of their size and location, many schools in our rural areas are able to reach out to underserved and at-risk populations, like the Santee School in Santee, Nebraska. Led by a dedicated superintendent, Chuck Squire, the Santee School works to empower children from the Santee tribe and helps them gain the skills they need for the 21st Century workplace.

These are just a few examples of the high quality educational experiences students in rural school districts benefit. But, while there are certainly many benefits to rural education, there are also some real challenges facing rural schools. One is the difficulty of attracting teachers to work in far-flung school districts, especially in fields like foreign language, music, advanced math, and science. Recently, many schools in Nebraska have started offering signing bonuses to draw teachers to their schools.

In addition to staffing issues, federal funding formulas have not addressed the unique funding needs of these districts. The problem is that not all schools are created equal. Bigger schools have an advantage when it comes to attracting federal funds and resources. By their very nature, small, rural schools have their own strong points, as I have mentioned, but they struggle, nearly always, for needed funding. All current federal education formula grants unintentionally ignore small, rural schools by not producing enough revenue for rural schools to carry out the program the grant is intended to fund. To address this problem, together with Mr. Pomeroy, I introduced a bill, H.R. 2725, the Rural Education Initiative Act, which was later incorporated into the reauthorization package for the Elementary and Secondary Education Act (ESEA) and passed by the House last October.

This program is completely optional, but if a school district chooses to participate, the rural provisions will allow a small, rural school district with fewer than 600 students and located in a community with a Beale Code of 6, 7, 8, or 9 (the Beale Code is a measure used by the USDA to determine ruralness) to combine its federal education dollars in selected programs.

Small schools qualifying for this program would have the option to apply for a flexible lump-sum in place of funds from federal education formula grants. While federal education formula grants normally include strict rules for how they must be used, schools receiving the lump-sum grant could make their own decisions about how to use the money. For example, they could use the money to support local education and to improve student achievement or the quality of instruction. In exchange for this flexibility, school districts would have to meet high accountability standards.

When I've been in my congressional district, I have heard from many rural school administrators who have told me that this particular provision will help them serve their students even better. They can't wait for this provision to become law so rural America's students will be able to benefit from the same types of programs as their urban and suburban counterparts.

This provision has broad bipartisan support and more than 80 endorsements from education organizations across the country. It provides a commonsense approach to using federal dollars in the way Congress intended—to insure that all students, regardless of their background, have the opportunity to receive a high quality education.

As the ESEA reauthorization efforts continue during this session of Congress, I look forward to helping this provision and others designed to strengthen rural school districts become law. I am pleased that the Rural Caucus is taking a step forward to highlight some of the issues facing rural America, including rural education.

THE PASSING OF GOVERNOR MALCOLM WILSON

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 2000

Mr. GILMAN. Mr. Speaker, it is with deep regret that I inform our colleagues of the passing of one of the outstanding political leaders of New York State over the past century.

Malcolm Wilson was first elected to our New York State Assembly in 1938, at the young age of 24, representing a portion of Westchester County. Throughout his 20 years as a member of that chamber, he earned a statewide reputation for his honesty, integrity, and for his thorough understanding of our legislative process.

Malcolm Wilson was known as a superb debater, a skill he honed during his years as a star member of the debate team at Fordham University in the Bronx.

In the years following World War II, I came to know Malcolm Wilson quite well, as he was the coordinator of our Young Republican organization for the 9th Judicial District of New York. In that position, he impressed us all with his leadership and organizational skills.

In 1958, many leaders throughout New York State considered Malcolm Wilson their logical choice for Governor. But the nomination that year was won instead by Nelson Rockefeller, who brought to his candidacy extensive experience in the business world and in the State Department, but none in the legislative process. Accordingly, Rockefeller recognized that

Malcolm Wilson would be a superb Lieutenant Governor, due to the universal respect held for him in the legislature and his skill at maneuvering bills into law.

For 15 years, Malcolm Wilson served faithfully as our State's Lieutenant Governor. Often, during the end of that tenure, Malcolm cracked that he was number two "longer than Avis." But no one disputed his dedication to the cause of good government.

Late in 1973, when Governor Rockefeller resigned from office, Malcolm Wilson became the 50th Governor of New York State. While he brought his common sense principles to the Governor's mansion, he was denied election to a full term as Governor the following fall. It was the only time in his career that Malcolm Wilson lost an election.

Upon his passing yesterday, William Harrington, who served a decade as his legal counsel during the Lieutenant Governor years, stated: "When Malcolm spoke, people listened. I don't think there was anyone more learned about state government than Malcolm Wilson."

Mr. Speaker, during my own years as a New York State Assemblyman, Malcolm Wilson served as a great inspiration and was of immense assistance to our efforts. I can well remember that his door was always open to me or to any other legislator who sought his assistance.

In addition to being an outstanding public servant, Malcolm Wilson was a courageous veteran, having served in our Navy during World War II. He served on an ammunition ship and participated in the invasion of Normandy.

Malcolm was also a devoted husband to his wife, Katherine, who he married in 1941 and who died in 1980.

Gov. Malcolm Wilson was also known for his dedication to his faith. He was a trustee at St. Patrick's Cathedral in New York City and was an active member of St. Denis Church in Yonkers. He was a major sponsor of State legislation to provide secular textbooks and bus transportation to students at parochial schools.

Mr. Speaker, I invite our colleagues to join with me in extending our condolences to his daughters, Katharine and Anne, and to his six grandsons.

Gov. Malcolm Wilson was a giant of New York State history who will long be missed.

CONFERENCE REPORT ON S. 376, OPEN-MARKET REORGANIZATION FOR THE BETTERMENT OF INTERNATIONAL TELECOMMUNICATIONS ACT

SPEECH OF

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2000

Mr. STEARNS. Mr. Speaker, I think that the compromise before us accurately reflects the consensus of the Congress that we must encourage the privatization of INTELSAT without diminishing competition. I strongly support the satellite reform conference agreement and I urge my colleagues in the House to vote for its passage today.

As many of you know, for the last few years, there has been great disagreement between the House and Senate on how to craft a meaningful satellite communications reform bill. Under the leadership of Chairman BLILEY, Representative TAUZIN and Representative OXLEY, and Senator BURNS, we have reached the point in the debate where there is finally an agreement that can be enacted into law. I believe that the conference agreement achieves the core objectives of everyone who cares about satellite reform without imposing substantial threats to genuine market competition or breaching the Constitution.

When the House passed its satellite reform bill at the end of the first session of the 106th Congress, I expressed some concerns of mine about a provision in the House bill that seemed to place unnecessary conditions on lifting COMSAT's ownership caps. In my opinion, retaining this language would have continued to block the consummation of the Lockheed Martin-COMSAT merger. I am pleased that this issue I raised was addressed by the conferees. The conference agreement now before us does not impose any conditions on the removal of COMSAT's board and ownership restrictions. Those restrictions are eliminated upon enactment without conditions. This change will enable Lockheed Martin to acquire 100% of COMSAT without further delay. I thank Chairman BLILEY and the other conferees for amending this provision so that Lockheed Martin can more quickly enter the satellite communications market.

I am also pleased that the conference agreement does not contain fresh look and so-called Level IV direct access, which would have been confiscatory and punitive. Extracting those provisions, along with the significant improvements that were made to the House-passed privatization criteria, have put us in the position of being able to pass a compromise satellite reform bill that can be signed into law.

I congratulate my colleagues in the House and in the Senate on a job well done, and I look forward to the enactment of this legislation.

AMERICAN JOURNALIST KATI MARTON ADDRESSES THE STOCKHOLM HOLOCAUST CONFERENCE ON "REMEMBERING WALLENBERG"

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 2000

Mr. LANTOS. Mr. Speaker, just a few weeks ago in Stockholm representatives of 40 countries—including the Prime Ministers of Israel, Germany and Austria, and the President of Poland—as well as Holocaust survivors and spiritual leaders met to focus attention on the legacy of the Holocaust. This three-day international conference was organized by the government of Sweden as part of an effort to raise awareness among young people about the genocide of six million Jews and two million others, including Roma (Gypsies) and homosexuals, under the Nazi German regime.

All who participated in the conference spoke of the importance of remembering that most heinous tragedy and of fighting against anti-Semitism, racism and bigotry. In his address to the conference, German Chancellor Gerhard Schroeder said: "We must support each other in the teaching of humanity and civil courage, so that normal people shall never again, in the name of some criminal ideology, turn normal places into grim factories of execution."

Mr. Speaker, one of the highlights of this conference was the address by Hungarian-born American journalist Kati Marton entitled "Remembering Wallenberg." As she explained in her outstanding speech, the Swedish humanitarian Raoul Wallenberg was one of the true heroes during this blackest of chapters in the history of humankind. Against almost insurmountable odds, he went to Budapest at the height of the Nazi effort to extinguish the Jews of Hungary, and through courage, intelligence and incredible effort, he was instrumental in saving the lives of as many as one hundred thousand Jews.

Mr. Speaker, Kati Marton is superbly qualified to provide this outstanding appraisal of Wallenberg. She was born in Hungary, and both of her parents were journalists who suffered the Nazi occupation and the Communist takeover that followed. She and her parents were able to escape to the West, and eventually she came to the United States. Kati is a journalist and author of the first rank. She currently serves as the president of the Committee to Protect Journalists, a nonpartisan nongovernmental organization dedicated to protecting journalists and press freedom throughout the world. She is also the author of Wallenberg: Missing Hero and Death in Jerusalem.

Mr. Speaker, I submit the text of Kati Marton's Stockholm address "Remembering Wallenberg" to be placed in the RECORD, and I urge my colleagues to give it thoughtful attention.

REMEMBERING WALLENBERG

I am immensely grateful for this chance to talk about Raoul Wallenberg.

Fifty-five years after the Holocaust we are still learning things about that shameful chapter in history. The Swedish government's recent admission of its mistakes is both commendable and essential . . . Not only for the sake of historical truth—but to put present and future leaders on notice that they will be held accountable. Sweden did misjudge the character of the evil represented by Hitler . . . but this country also gave the world Raoul Wallenberg . . . one of the Holocaust's few genuine heroes. And today . . . thanks to Sweden . . . we are gathered here to learn not only from the misjudgements of the past terrible century . . . but from its extraordinary moments of humanity . . . If those terrible times are to remain real . . . and cautionary . . . to those who are lucky enough never to have experienced them . . . a great deal of the credit goes to conferences like this one . . . for which I thank the Swedish Government and the American Jewish Committee.

The historians of the Century that has just ended have the responsibility to tell the story of Wallenberg so that the next generation can understand humanity's extraordinary power for both perversity and compassion. Our responsibility is to shape public memory . . . and ultimately to stand against evil by bearing witness.

Since we are here in search of Historical Truth . . . I would like to say a few words about another Swede whose role in the Holocaust and its aftermath has for too long been forgotten or misunderstood . . . buried under rumor and misinformation: Count Folke Bernadotte. Bernadotte's assassination at the hands of Jewish extremists over half a century ago is a tragically prophetic tale . . . as we continue to search for peace in the Middle East.

In many ways, Folke Bernadotte was not the right man for the role of the United Nations first Arab-Israeli mediator . . . not in the overheated emotional climate . . . and volatile military situation . . . which prevailed during that traumatic first year of Israel's life. But—whatever his personal shortcomings or the weakness of his peace effort . . . Folke Bernadotte was a good man who threw caution to the winds and acted out of humanity. In the '40s . . . as now . . . those qualities were in short supply. He deserved better than he got: death at the hands of extremists opposed to any negotiated settlement of the Arab-Israeli conflict.

Long before Bernadotte landed in Palestine, he had proved himself a skilled negotiator and committed humanitarian. He was responsible for the War's most unsung, most controversial, and most successful rescue effort inside Germany.

Through many hours of hard nosed negotiations with the notorious Heinrich Himmler . . . Bernadotte extricated 21,000 prisoners . . . including 6,500 Jews . . . citizens of 20 different countries . . . bound for certain extermination . . . from the Nazi's grasp.

In carrying out his rescue, Bernadotte became the first representative of a humanitarian organization from a neutral country to set foot in one of the Reich's death camps.

Of course, 21,000 souls saved is a tiny number compared to the final death count . . . but it does mock such assertions as the one in the recent book, *The Myth of Rescue*, by Prof. William D. Rubinstein, "that not one plan or proposal made anywhere in the democracies by either Jews or non-Jewish champions of the Jews after the Nazi conquest of Europe could have rescued one single Jew who perished in the Holocaust." Moreover, how would Rubinstein account for the even more spectacular rescue of up to 100,000 Hungarian Jews by Raoul Wallenberg?

The line between the core subject of our conference: the Holocaust and Bernadotte's assassination, is direct and clear. The Holocaust had taught Bernadotte's assassins the bitter lesson of self-reliance in an unforgiving world. Suspicious even of their own country's founding fathers, they believed they alone were fit to determine Israel's future. Israel's leaders—people like David Ben Gurion and Golda Meir . . . the fabled pioneers revered by so many other Jews—were dismissed by Bernadotte's killers as cowards and compromisers.

Israelis today have chosen the pragmatic solution over the biblical one. Today, we can have an honest discussion of Bernadotte's tragic fate—and his very real contribution to the search for peace in the region.

We don't use the world hero much any more . . . we tend to be skeptical about those to whom it is attached. . . . If ever there was a period with a desperate hero shortage it is the Holocaust . . . that chapter of our Century which has changed our view of man and his capacity for inhumanity to his fellow man. . . . There were so few heroes in that bleak period from 1941 until 1945. . . . Heroism is not simply enduring when you have no choice . . . as a prisoner does . . . or an inmate in a camp . . . that is courage . . . Heroism is of a different order . . . it is when you have a choice and you embrace danger for the sake of others. . . . that is what Raoul Wallenberg did . . . and that is why he is that rare breed: a genuine Hero.

If Sweden made grave mistakes—so too did Washington during the Holocaust. Our leaders had known since 1942 that there were killing camps in Hitler's empire. . . . But Churchill and Roosevelt's only goal was to win the war. . . . They had been persuaded by the military that any large scale effort to save refugees from the Nazis killing camps would divert resources that should be channeled to the War effort. . . . There was also the ever-present poison of anti-Semitism, which still permeated the State Department . . . which, before the war, could have issued life-saving visas to hundreds of thousands of Jews. But, masquerading behind bureaucratic mumbo jumbo, American consular offices dragged their feet until it was too late, though Hitler made no secret of his plan to rid Germany of Jews . . . although at the outset he was willing to let German Jews leave, if they could find sanctuary. When America and the rest of the world was unwilling to take in more than a trickle it confirmed Hitler's view that the world really didn't give a damn about Jews anyway . . . so he proceeded to the Final Solution.

Why did Wallenberg volunteer to walk into the jaws of the Kafkaesque nightmare of Budapest? He had seen the Nazi's brutality, so he wasn't naive about their capacity for inhumanity. He had been to Berlin . . . to Palestine, . . . had seen the Jewish refugees and heard their stories of terror. He thought he could help. He was young . . . 31, and brave, recklessly brave. He was in part American educated . . . the University of Michigan. . . . so he had a larger view of the world than most Europeans. But we run out of rational explanations for why this well born young man with everything to live for packed a backpack in the hellish summer of 1944 and set off for the country that sheltered the largest Jewish community left in Europe . . . Hungary. He packed a pistol . . . and he packed dollars . . . from American sources: the War Refugee Board which was FDR's creation . . . an attempt to compensate for Washington's dismal record of nonrescue of Jews. Wallenberg knew he would need money to bribe Nazis and Hungarians. He was a coolheaded man. But nothing could have prepared him for what he found in the once graceful city of Budapest. . . .

The Jews of the city knew their relatives and friends in the provinces . . . a half a million of them in fact . . . had already taken their final train to Auschwitz. Adolf Eichmann had broken all his prior records for speed and efficiency in rounding up the Jews of the Hungarian countryside . . . including my grandparents. He had to work fast because by now even the most fanatic Nazi knew the War was lost. It would be just a matter of weeks . . . maybe months . . . until the combined force of the Red Army and the Allies brought Hitler to his knees. So the Jews of Budapest played a waiting game . . . and watched their city slowly turn into a Nazi garrison. They lived on rumors. Jews could no longer work, or take public transport, or sit on park benches. They could leave their homes only between 11 am and 5 pm. Many of them were hidden in the homes of Christian friends—waiting . . . for something.

Raoul Wallenberg started his rescue mission on a small scale . . . giving Swedish passports first only to Hungarian Jews who had business dealings with Sweden . . . or Swedish relatives . . . a few hundred. Raoul was testing the waters. The passports seemed to impress the local Nazis. They kept their hands off these freshly minted Swedes.

So Wallenberg got bolder . . . he started printing his own passports . . . which bore the Swedish royal emblem—thousands of them. And as word spread around the terrorized city that they were available, lines of Jews twisted around the Swedish embassy in Buda waiting for the magic passports. Those holding them didn't have to wear the yellow star . . . and were promised repatriation to Sweden. It was a young man's bluff . . . but in the atmosphere of near total anarchy which prevailed in this twilight time . . . the bluff seemed to be working.

With the dollars he was receiving from American Jewish organizations and the U.S. Government, he rented and even bought houses around the city. He declared them diplomatic property . . . flew the yellow and blue flag of Sweden . . . making them technically off limits to the legalistic-minded Germans. By the end of the War 30,000 Hungarian Jews lived in these safe houses.

Wallenberg played for time that summer . . . for the Russians were within earshot of the city . . . and the Allies were making their way to Berlin. He wrote his mother, "I'll try to be home a few days before the Russians arrive in Budapest . . ." Like everybody else, he assumed the Russians would be better than the Nazis. He did not imagine that the Russian liberation would turn into an Occupation.

In October 1944, Hungry's ruler, Regent Horthy, tried to bolt from Hitler's grip and declare Hungary's neutrality. Horthy was captured and replaced by a thug from Hungary's indigenous fascists, the Arrow Cross—a man completely loyal to Hitler and ready to resolve the festering problem of what to do with Budapest's resilient Jews. This was Wallenberg's real testing . . . now he was a man possessed . . . there was so little time. "These are extraordinary and tense times," he wrote his mother, "but we are struggling, which is the main thing. I am sitting by candelight with a dozen people around me . . . each with a request. I don't know who to deal with first. The days and nights are so filled with work . . ."

The city was in total panic now as the Arrow Cross broke into homes looking for Jews and then marched them to the edge of the frozen Danube to face firing squads . . . or line them up to die on the forced march to the German border.

Wallenberg was at his most resourceful . . . and most frenetic. He befriended the pretty Austrian wife of the Hungarian Foreign Minister and used that relationship to wring concessions from the Hungarian Nazis. He followed the endless columns of miserable humanity marching in rain and sleet the 120 miles to the border. When he could do nothing more he thrust blankets and food at them. But he always tried to pull people from the line. Sometimes he saved dozens this way, or, on a bad day, only one or two. Each life was sacred to him. Nearly one hundred thousand Jews were left in the city. Wallenberg even arranged to meet the Jews' executioner, to attempt to reason with him—Eichmann. "Leave now, while you can", Wallenberg urged Eichmann. Eichmann shook his head. "Budapest will be held as if it were Berlin." Eichmann tried to have Wallenberg killed. A traffic "accident" was arranged but Wallenberg was not in his car.

The siege of Budapest . . . one of the War's bloodiest struggles . . . began in December 1944 and turned the entire city into a battleground. Under the Allies' bombs the City was starving to death . . . living in cellars and praying for the Russians to arrive. The Nazis now rounded up 60,000 Jews who were not sheltered in Wallenberg's safe houses and forced them into a ghetto in the heart of Pest . . . living under conditions of far greater misery than anyone else in the hellish city.

Wallenberg, who always put things in writing (he had post War justice in mind), drew up sort of a contract guaranteeing the safety of the Jews in the ghetto and got an SS General to sign it. When the Arrow Cross men came to start the slaughter, the General blocked their way. Wallenberg had persuaded him that he would personally charge him with genocide before the War Crimes Tribunal that Churchill and Roosevelt had avowed would be convened after the war.

Early in January, the starving, ravaged city was at last "liberated". The Russians looted, pillaged and raped their way across the city . . . unleashing a new brand of terror. Everywhere the Russian soldiers turned there were reminders of the Swede. Who was this one man rescue squad? The fact that more Jews had survived the Hungarian Holocaust than any other was largely the result of his courage. His passports were scattered throughout the city, stories of his exploits were told by survivors.

The Russians came with their own plans for the city and the country. They were not just passing through . . . they were going to construct a Communist State, ruled by a single party, controlled by Moscow . . . it was the end of even the modicum of freedom the Hungarians had known before the War. But that was all carefully kept from the exhausted people . . . including Raoul Wallenberg. He should have at this point stayed underground—hidden like his fellow diplomats until the situation calmed down. But that was not Wallenberg's way. He had survived six months of savage Nazi brutality. He had begun to believe in his own immortality. He had plans for rebuilding the Jewish community of Budapest. He could not now abandon the people he had just saved.

So, in a supreme act of courage and recklessness, Wallenberg went looking for the Russian High Command. He found them . . . and at that point his good fortune ran out. His reward for saving up to one hundred thousand lives was not the warm homecoming he had dreamed of. In January 1945 Wallenberg began his long journey into the Soviet Gulag. He never returned.

His precise odyssey is a subject to some speculation and some dispute. Some things regarding his fate are indisputable. He was taken to the Lubyanka . . . the dreaded hell hole that is the KGB's headquarters in Moscow. Wallenberg was accused of being a spy . . . the catchall crime in the paranoid Stalinist state. The Soviets claimed he died of a heart attack two years later. But they never produced a body or a death certificate . . . In my research I interviewed former Gulag inmates who swore Wallenberg was alive through the Fifties, Sixties and even Seventies. The trail has gone cold in the last decade . . . and no one can wish this man such a long ordeal at the hands of his captors.

The injustice of this story is almost too much to bear . . . For Raoul Wallenberg had stood up to the two greatest evils of our Century . . . the Nazis and the Communists. He proved that one man acting fearlessly and with great imagination could make the brutes back off.

In a way, Wallenberg's story is a terrible reminder of the world's cowardice. How many people, how many countries, pleaded that there was nothing to be done. Hitler had power and numbers on his side. Wallenberg made liars of them all.

After the last few years of intimate contact with the savage ethnic wars of the Balkans . . . from Bosnia to Kosovo . . . to Rwanda . . . I have seen how quickly demagogues . . . from Hitler to Milosevic . . . can fan the flames of nationalism and hatred among their people . . . turning former neighbors into murderous enemies.

I hear so often in my prosperous, privileged country the question raised, "Why should we get involved in other's problems? Why should we risk our lives to stop genocidal warfare in another country, another continent?" I have a single word answer to those who say, "Let them take care of themselves. There is nothing to be done. It is inevitable." My answer is: Wallenberg.

TRIBUTE TO HOUSE ARMED SERVICES COMMITTEE STAFF MEMBER DOUGLAS H. NECESSARY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 2000

Mr. SKELTON. Mr. Speaker, I rise today to congratulate and pay tribute to Douglas H. Necessary, on the occasion of his retirement from the House Armed Services Committee staff after more than 15 years. He will be greatly missed by Members and staff alike.

Doug began his public service in the U.S. Army where he distinguished himself over a 20-year career. He rose from the enlisted ranks, received his commission, and was highly decorated during two combat tours in Vietnam as an infantry officer and retired as a lieutenant colonel. While in the Army, Doug also earned a Bachelor of Science degree from Auburn University and a Master of Arts degree from the Florida Institute of Technology.

Doug's accomplishments on the committee are numerous. He came to the House Armed Services Committee in October 1984, bringing skills that were especially useful in the areas of military procurement, acquisition reform, and research and development. Since 1993, Doug has served as the lead staff person responsible for those issues while working for both the full committee and for the Ranking Minority Member. Doug guided two legislative initiatives, the Federal Acquisition Streamlining Act of 1994 and the Clinger/Cohen Federal Acquisition Reform Act of 1996, that were landmark efforts to modernize and rectify a severely troubled military procurement process. Doug also pioneered efforts, in concert with Chairman Ron Dellums (D-CA), to better develop the Department of Defense's Small and Disadvantaged Business initiatives, particularly the Mentor-Protégé program.

Doug had a profound effect on the procurement of all of the Department of Defense's major weapons programs. At various times, he was the committee's staff person in charge of each of the services procurement programs, before becoming the lead staff with responsibility for all of the Department's programs. Doug became the ultimate expert on complex systems such as Ballistic Missile Defense, Theater Missile Defense, the V–22 Osprey, the B–2 bomber, the C–17, the F/A–18, and many others. His expertise was recognized not only by the Members of the House, but was also highly regarded by senior officials in the Department of Defense. His decisions about hardware programs were frequently guided by the awareness that the programs would result in weapons systems that would have to be used by real people, and he brought that kind of common sense approach to all of the issues he worked.

Doug has always integrated the depth of his factual knowledge with a keen sense of the realities that existed in the political and fiscal environment of the time. His advice allowed Members to understand what was important and what was possible. Because we knew what options existed, we were able to significantly advance our legislative initiatives. His work was always thorough and unbiased, and he had a unique knack for being able to explain complex and arcane subjects to novices and experts alike.

Perhaps the hallmark of Doug's career on the Hill was that he never lost sight of the ultimate goals of good government and sound national security policies. Good stewardship of the taxpayers' dollars and doing what was in America's best interests were always the guiding principles in his work. There is no doubt that the country is better off because of his extraordinary efforts.

I know I speak for countless members and staff when I thank Doug Necessary for his outstanding service to the country, to the House of Representatives, and to the Armed Services Committee. His expertise, his honesty, his friendliness, his availability, and perhaps especially his sense of humor, will be sorely missed. We wish Doug well as he moves on to the next phase of his life, knowing that he will make a difference for the better wherever he goes.

TRIBUTE TO JOHN F. HILBRICH AND WILLIAM J. BORAH

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 2000

Mr. VISCLOSKY. Mr. Speaker, It is with great pride and honor that I commend Mr. John F. Hilbrich and Mr. William J. Borah for their extraordinary service to their Northwest Indiana and Illinois communities. On Wednesday, March 15, 2000, these men will be honored at the 2000 Legal Community Recognition dinner, a benefit for the Calumet Council, Boy Scouts of America. This event, chaired by David E. Wickland, will be held at the Center for Visual and Performing Arts in Munster, IN.

John Francis Hilbrich, a northwest Indiana native, has dedicated his life to serving his community and his country. After completing his undergraduate work cum laude at the University of Notre Dame, he enrolled in their distinguished law program which he successfully completed in 1951. Mr. Hilbrich was admitted to the bar later that year. He went on to serve in the U.S. Army as a Counter-Intelligence Special Agent from 1951–53. He later became the Lake County Deputy Prosecuting Attorney as well as a member of the Diocesan Council, Roman Catholic Diocese of Gary. Mr. Hilbrich is currently a partner at the Hilbrich, Cunningham, and Schwerd law firm in Portage, IN.

In addition to his impressive career achievements, John Hilbrich has always used his skills to improve his community. He is a charter member on the Board of Directors for the Lake County Bar Association. Mr. Hilbrich is also a member of the Real Property, Probate, and Trust Law section of the Indiana Bar Association. He is a proud member of the National Diocesan Attorney Association and a Regional Director for Bank One.

William J. Borah was born and raised in Calumet City, IL. In 1971, he graduated with a bachelors degree in history from Christian Brothers University in Memphis, TN. He subsequently attended the University of Saint Louis, where he earned his education administration degree as well as a masters degree in history. He went on to receive his Juris Doctor from the University of Memphis School of Law in 1982.

In addition to owning his own law firm where he performs a multitude of tasks, Mr. Borah has taken an active interest in helping youth. He taught History at St. Louis High School from 1971–76, where he received the Superb Teacher Award. From 1976–79 he served as the Dean of Instruction at Frontier Community College in Fairfield, IL. In addition to carrying a full course schedule during his law school years, Mr. Borah served as a Dorm Director at Christian Brothers University.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in commending John F. Hilbrich and William J. Borah for their lifetime commitment to service in Northwest Indiana and Illinois, respectively. Our communities have greatly benefited from their selflessness and dedication.

IMPROVING PUBLIC TRUST IN GOVERNMENT

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 2000

Mr. ROEMER. Mr. Speaker, I would like to call to the attention of my colleagues an address by the distinguished former Member of the House, Lee Hamilton. I had the honor of serving with Lee for a number of years and he was widely respected as a reasoned and perceptive voice on how to improve the image and public understanding of Congress. The topic of his speech, "Improving Public Trust in Government" is especially timely. I encourage all Members to give it careful consideration and submit it for the RECORD.

IMPROVING PUBLIC TRUST IN GOVERNMENT

(By the Honorable Lee H. Hamilton)

INTRODUCTION

I am honored to be speaking at this John C. Whitehead Forum.

John Whitehead is one of the preeminent public servants of our time. He has been a friend for many years, and on countless occasions I have had reason to appreciate his constructive, problem-solving approach to national challenges. He will go into my Hall of Fame of distinguished public servants. His accomplishments in the private, public and nonprofit sectors make him a "triple threat" kind of performer. Our nation is deeply indebted to him for his remarkable service.

It is also a pleasure to be here because I have the highest esteem for the work of your Council. Your goal of improving the performance of government is tremendously important. I always think of such efforts as part of the quest for truth and justice. So I commend and encourage you in your good work.

Your partnerships with other organizations and the private sector help build the kind of large base we need to push for positive change in government performance.

I especially want to thank Pat McGinnis for her extraordinary leadership at the Council. She has done a remarkable job advancing the cause of good governance.

Pat has asked me to speak today about trust in government—with a particular emphasis on the Congress.

I approach the task with trepidation. I am only too aware of the low esteem in which the public holds the Congress—we rank only slightly above drug dealers and other felons. Having served in Congress for 34 years, that reputation does not fill me with confidence about my credibility on the topic of trust in government.

My constituents would often tell me just how awful my colleagues and I were. They would say to me fondly:

"You must be a bunch of idiots up there."

"You are irrelevant. Get out of my life."

"I know you have your hands in the till, Hamilton. Come clean!"

"Hell must be full of politicians like you."

Public distrust of government—always present in our history—has been on the rise over the past few decades. In the mid-1960s, three-quarters of Americans said they trusted the federal government to do the right thing most of the time. In the Council's poll this year, that number was down to 29 percent.

This decline in public confidence in government is deeply worrisome to all of us. It signals a great chasm between the government and the people, and makes it all the more difficult for government officials to carry out their responsibilities.

I. Reasons for public cynicism and distrust

The reasons why Americans are turned off by American politics today are many:

(1) Declining trust generally: Declining trust in government reflects a broader trend in our society of diminished confidence in authority and institutions generally—not just government. Since the 1960s, Americans have become less deferential and more skeptical of authority. Our government's involvement in Vietnam, Watergate, and other scandals contributed to this broad societal change. But many other institutions—including even our churches and synagogues—have suffered a drop in public trust as well.

(2) Changing economy: Even though the American economy has done exceedingly well in recent years, economic anxieties run high for many Americans worried about how to pay for education, health care, and retirement. Workers feel the threats of globalization and technology, and growing income inequality. I have always been impressed how economic pressures bear down on families, in good and bad times. To many people, government seems less relevant and not particularly helpful with their difficult work transitions and burdensome costs. Many Americans see the government as an obstacle rather than a helping hand to achieving the American dream.

(3) Poor leadership: There is disillusionment with the personal flaws of political leaders. This disillusionment is felt most strongly with respect to the misconduct of some of our presidents, but is also felt towards Members of Congress, cabinet members, and many other public officials. Many Americans believe public officials look out for themselves and pursue their own agendas rather than the interests of the people and the nation.

(4) Money and special interests: Americans feel that money and special interests have excessive influence in politics. Most Americans believe their own representative has traded votes for campaign contributions. They know our system of financing elections degrades politician and donor alike, and arouses deep suspicion of undue, disproportionate influence in exchange for the large contributions.

Special interests often contribute to public distrust of government by portraying government negatively—by using overblown rhetoric to convince people they are being endangered by sinister politicians and corrupt government. These groups excel at making themselves look good and the government look bad.

(5) Negative campaigns: Americans dislike the dirty, negative election campaigns that have become so common. They are turned off by personal attacks, and the view held by many politicians that to win a close race you must tear down your opponent. Americans disapprove of the way politicians attack other politicians' motives and criticize the very institutions they are seeking to join and lead. Candidates run for Congress today by running against Congress and often against government, too. It is really rather easy for a candidate for Congress to go before any audience in America and make himself look frugal, wise and compassionate and the Congress look extravagant, foolish and cold-hearted.

(6) Partisanship: There is a widespread belief that politics has become too partisan, too sharp-edged, too mean-spirited. The messy political process and the constant bickering signal to many Americans that partisan considerations take precedence in Washington over sound policy formulation.

(7) Performance of government: Large numbers of Americans are simply disappointed by the performance of government. They think it spends their money wastefully, is ineffective, or too intrusive. In a survey taken a couple years ago, 42 percent of Americans couldn't name a single important achievement of the federal government over the past 30 years.

(8) Media: The role of the media in politics exacerbates public disdain of government. The media accentuate differences and conflicts between politicians. I can remember many times when I was rejected for a TV talk show because my views were too moderate. The media focus on the personal lives of politicians, on style rather than substance, entertainment over education. Since the 1960s, newspaper and television coverage has become increasingly negative, cynical and adversarial.

So it is not surprising that many people think there is nothing right with our political system at all.

II. Consequences of skepticism

What are the consequences of this public distrust and skepticism of government?

Skepticism is healthy: To an extent, skepticism is healthy. Voters should not take everything politicians say at face value, or blindly trust everything the government does.

Skepticism is part of our American heritage. We can trace it back to the battle for independence, which was triggered by a growing disillusionment with British rule. The Constitution is based on assumptions of wariness of government and the need for checks and balances to restrain the branches.

Skepticism indicates an attitude of questioning, of independence of thought, of challenging the status quo. It suggests to our leaders that people will not believe them if they do not fully explain their views, or, of course, if they lie or act deceitfully. In this sense, it serves us well.

Too much skepticism is unhealthy: The program arises when skepticism becomes so deep that Americans have no trust in government.

The effectiveness of our public institutions depends on a basic foundation of mutual trust between the people and public officials. When skepticism turns to cynicism, our political system works only with great difficulty.

If politicians' character and motives are constantly attacked, reasoned debate and consideration of their views becomes impossible. The dialogue of democracy, upon which our system depends, comes to an end.

Often when I was meeting with a group of constituents, I could feel a curtain of doubt hanging between them and me: I took the positions I did, they believed, because of this or that campaign contribution, not because I'd spent time studying and weighing the merits of issues. I would often ask myself what I had done to prompt such profound doubt about my motives and actions. For whatever reason, those constituents had given themselves over to cynicism, and cynicism is the great enemy of democracy. It is exceedingly difficult for public officials to govern when their character, values and motives are always suspect.

III. What to do?

So how can we improve public trust in government?

I want to focus on what government—especially the Congress—can do.

Some of the factors contributing to the decline in public trust are not easily changed. The government cannot readily affect the negative tone of the media or the broad decline in confidence in authority and institutions.

But there is much that government can do to restore and build public trust.

1. Improve the way government works

The most basic and important way to restore confidence in government is to make the government work better and cost less—to make it more responsive, accountable, accessible, and efficient.

On this subject, let me say a few words about the role of the Congress.

In a number of ways, current practices of the Congress help alienate people from the political process, and weaken trust in government.

Several trends have made Congress less deliberative, less transparent, and less accountable.

Omnibus legislation: Congress is increasingly unable to pass its spending bills on time, and then makes major legislative decisions through huge omnibus measures that are shaped in a great hurry and in secret by a limited group of congressional leaders and staff. 5 of 13 appropriations bills were dumped into one omnibus bill this year, totaling $385 billion and composed of 2,000 pages. These bills—often gauged more by weight than the number of pages—are—from the standpoint of good process, if not content—an abomination.

Riders: Congress increasingly loads appropriations bills with legislative riders dealing with controversial policy measures that should be dealt with in other committees. These devices short-circuit deliberation and accountability.

Earmarks: There has been a proliferation of appropriations "earmarks," which target federal money to specific projects favored by individual Members. Many earmarks are just wasteful pork barrel spending inserted into an appropriations bill by a powerful Member, often without the knowledge or consent of his colleagues or the executive branch—on everything from the production of fighter aircraft to manufacturing chewing gum.

Circumventing committees: It has become common practice to bring bills directly to the House and Senate floor without full committee consideration. In 1995, for instance, a major Medicare reform package was crafted in the Speaker's office, rather than the appropriate committee which had jurisdiction over it. This practice excludes the main sources of policy expertise, cuts short deliberation, expands the influence of powerful lobbying groups, and places decisions more tightly in the hands of the congressional leadership and their staff.

Restrictive rules: Restrictive rules for the consideration of bills in Congress undermine debate. He who controls the rules of procedure almost always controls the results. Procedures are often used that sharply restrict debate, reduce the amendments and policy options that can be considered, and greatly advantage the leadership.

Scheduling practices: Selecting practices in the Congress weaken accountability. There is typically a rush of major legislation in the closing days of a session. Major policy choices are made with little advance notification, often late at night, and with inadequate information. The Congress now works a 2½ to 3 day week, except in the closing days of a session. The result is too little time for committee deliberation and floor consideration.

Senate filibusters: Senate filibusters, or the threat of them, have become too common. On many issues, the Senate no longer operates by majority rule because 60 Senators are needed to prevent an individual Senator from blocking consideration of legislation. Thirty years ago, filibusters were rare, and primarily occurred on issues of major constitutional importance. Today, the filibuster may be the single most important way in which the majority will is frustrated, and the greatest source of institutional gridlock in Washington.

Congress should make reforms to remedy these practices and make itself more efficient, accountable and transparent. It should:

Streamline and strengthen the committee system;

Reduce the use of omnibus legislation, riders and earmarks;

Adopt fairer rules and a more reasonable schedule; and

Diminish the number of Senate filibusters.

Campaign finance reform: Also critical to restoring trust in government is enacting campaign finance reform. Poll after poll shows that most Americans believe our campaign finance system corrupts the political process, and should be reformed. If Congress enacts serious campaign finance reform, it will make itself more accountable and boost public trust.

Oversight: Congress should also do a better job of performing its important task of overseeing executive branch operations. Monitoring executive branch implementation of legislation is one of the core responsibilities of Congress. If done properly, congressional oversight can protest the country from the imperial presidency and bureaucratic arrogance. It can maintain a degree of constituency influence in an administration, encourage cost-effective implementation of legislation, ensure that legislation achieves its intended purposes, and determine whether changing circumstances have altered the need for certain programs.

But in recent years, congressional oversight has declined and has shifted away from the systematic review of programs to highly politicized investigations of individual public officials—looking at great length, for instance, at Hilliary Clinton's commodity transactions or charges of money-laundering and drug trafficking at an Arkansas airport when Bill Clinton was governor. These personal investigations, while sometimes necessary, have been used excessively. They exacerbate partisan tensions and reduce the time and political will available for rooting out flaws in public policy.

A renewed commitment to congressional oversight will show that Congress is taking its responsibility seriously and help restore public confidence in the institution.

Tackle issues that concern voters most: Congress, and the government in general, can also strengthen public trust by tackling the big issues that concern voters most. In recent years, public confidence in Congress rose as Congress took tough steps to reduce the government's deficit and balance the federal budget. Today, the public is most concerned about the long-term outlook for Social Security and Medicare, education, and health care. In each of these areas, most Americans are looking to the government to act in a substantial and productive way. If the government addresses these issues, even if with only partial success, public perceptions of government will improve.

2. Improve public understanding of government

Yet improving the way government operates is not enough. We also need to do a better job explaining to Americans what the government does—how it works, why it is important, how it affects their everyday lives. We need to clear away misperceptions, and strengthen public appreciation for the political process. So we need to make government reforms, but we also need to educate people about the government's activities and importance.

I have often been struck by the extent to which Americans have incorrect assumptions about government spending and programs. For instance, Americans frequently complain about the large amount of money our government spends on foreign aid, which they think is around 20 percent of the total federal budget and say should be closer to 10 percent. It is small wonder, then, that foreign aid is a much criticized program. Yet only one percent of the federal budget actually goes to foreign aid.

We should better explain to people that most government spending goes to programs, such as national security, Social Security and Medicare, that are widely popular and beneficial to Americans. Support for the federal government improves considerably when people appreciate the influence of government and are informed about the government's role in improving health care for seniors, insuring food safety, discovering medical cures, and protecting the environment.

We should also work to improve public understanding of the way our system works. We should emphasize that the political process is adversarial, untidy and imprecise. Politicians may not be popular, but they are indispensable. Politics is the way that we express the popular will of the people in this country. At its best, our representative democracy gives us a system whereby all of us have a voice in the process and a stake in the product.

While we should work to make government as efficient as possible, we should explain that legislative deliberation and debate—even heated debate—and delay, are important parts of the legislative process. Delay occurs because the issues before the government are very complicated and intensely debated. It's an incredibly difficult job making policy for a country of this vast size and remarkable diversity. It's the job especially of the Congress to give the various sides a chance to be heard and to search for a broadly acceptable consensus. The founders established our system of checks and balances so that policies could not be rammed through the government with little debate or deliberation.

The Council for Excellence in Government, of course, plays a critical role in the area of public education about government. I have been trying to contribute to the effort through The Center on Congress, which I direct at Indiana University. The central mission of the Center is to help improve the public's understanding of Congress—its role in our country, its strengths and weaknesses, and its daily impact on the lives of ordinary Americans. Through newspaper columns, a website, videos, radio segments, and other media, we seek to explain to ordinary people the role and importance of Congress.

Finally, we must also include a dose of civic responsibility. Citizens must understand their own responsibility to be involved in the political process. I was particularly pleased the Council's poll found that a majority of Americans believe citizen engagement is the single most important change necessary to improve government.

My observation is that participation is the best antidote to cynicism. A person who is deeply involved in fighting for a better school board, a safer railroad crossing, or a more effective arms control treaty, is rarely cynical.

Effective government is a two-way street. Our system of government simply does not work very well without popular support and participation.

Freedom is not free.

IV. Optimism

I've recommended a lot of changes today, but let me not mislead you. Like you, I have concerns about declining trust in government. But I am confident that our political system still basically works. It has a remarkable resilience and underlying strength.

Our government needs reforms, and we need to work to rebuild confidence in government, but we do not need a radical overhaul of our institutions.

Given the size and diversity of our country, and the number and complexity of the challenges we confront, it seems to me that representative democracy works reasonably well in America. The system may be—and at times is—slow, messy, cumbersome, complicated, and even unresponsive, but it has served us well for many years, and continues to do so.

Just think about the condition of our country today. In general I think America is a better place today than it was when I came to Congress almost four decades ago.

The Cold War is over, and we are at peace.

Our economy is thriving and is the envy of the world.

We have greatly improved the lot of older Americans with programs like Social Security and Medicare.

Women and minorities have had new doors opened to them as never before.

The Internet has brought a world of knowledge to the most remote classrooms and homes.

And, most important of all, this is still a land of opportunity where everyone has a chance, not an equal chance unfortunately, but still a chance to become the best they can be.

We must be doing something right.

As I look at the government today, I'm not cynical, pessimistic or discouraged. I'm optimistic about the institutions of government and about the country. I am confident that our government will continue to meet the important challenges we will face in the coming years.

This was indeed the most encouraging finding in the Council's poll this summer—that despite their distrust, Americans still believe that government has an important role to play in the next century, particularly in defense, education, helping senior citizens, medical research, reducing violence and cleaning up the environment. Americans still recognize the importance of government, and look to government to better their lives and our nation.

So the opportunity for improving the relationship between government and the people is clearly there for all of us to seize.

Thank you.

IN RECOGNITION OF THE AGREEMENT BETWEEN THE OHIO VALLEY CHAPTER OF THE ASSOCIATED BUILDERS AND CONTRACTORS AND OSHA

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 2000

Mr. PORTMAN. Mr. Speaker, I rise to commend the partnership the Ohio Valley Chapter of the Associated Builders and Contractors, Inc. recently forged with the Occupational Safety and Health Administration (OSHA). These two groups have mutually recognized the importance of providing a safe work environment for our nation's construction workforce.

I am pleased to see the federal government and the private sector working so closely toward a common goal—worker safety and health. As part of this innovative partnership, participating contractors from the Ohio Valley chapter will voluntarily improve their current safety and health programs and adhere to a more stringent set of standards. In return, OSHA will recognize contractors who have demonstrated exemplary safety records.

According to the agreement, ABC and OSHA will take positive steps together, such as: maintaining an open communications policy at the regional, chapter, and national levels; sharing knowledge of the best industry technology, innovations, and practices that improve safety; cooperating in the development and improvement of safety programs; ensuring that policies and practices are effective, consistent, and fair; and promoting the principles of good faith and fair dealings.

This agreement is good for ABC contractors, OSHA, and most importantly, workers on the job site. I firmly believe that commonsense partnerships such as these, characterized by cooperation and communication, will best serve those it was meant to help—the worker.

MOTHER NATURE WAITS ON NO ONE

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 2000

Ms. SLAUGHTER. Mr. Speaker, oil prices have tripled since the end of 1998 and are higher than they have been in nearly a decade. Today in response, I am cosponsoring legislation that is an aggressive response to the reduction in oil produced by the Organization of Petroleum Exporting Countries (OPEC) nations. This legislation would direct the Administration to file a case with the World Trade Organization (WTO) against oil-producing countries. Article XI of the General Agreement on Tariffs and Trade (GATT) prohibits members of the WTO from setting quantitative restrictions on imports or exports. I believe oil-producing countries' production limits fall within this Article, therefore these countries have violated the rules of the WTO. With the majority of oil-producing nations already members of the WTO or in the process of applying for membership, a complaint filed by the United States would have an immediate impact on the current and future behavior of these countries.

This particular crisis has to be investigated. I consider these actions a shameful display of ingratitude on the part of Kuwait and Saudi Arabia, after Americans put their lives on the line to safeguard the stability and oil fields of these nations in the Gulf War.

I was pleased with Secretary Richardson's efforts to meet with oil industry representatives and OPEC members, but I frankly think that the cautious approach that the White House is taking is still too little and too late. We know that actions will speak louder than words.

The people that I represent in Monroe County, New York, have the dubious distinction this year of having had more snow than any place else in the United States. My constituents were then especially hard hit by the high heating oil and diesel fuel costs this winter. Now, the rest of the country is being affected by the soaring cost of gasoline. These enormous oil price increases pose a significant threat to our nation's continued economic growth by increasing the likelihood of inflation and the costs of doing business.

So, on behalf of all my constituents today who are still shoveling snow, paying their heating oil bills and now paying these high gas prices, I want to say to my colleagues and to everyone in this Congress that quick action is needed now. Mother Nature waits on no one.

A TRIBUTE TO KRISTENE THALMAN—A DEDICATED PUBLIC SERVANT

HON. EDWARD R. ROYCE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 2000

Mr. ROYCE. Mr. Speaker, I rise to recognize a distinguished American, Kristine Thalman.

She dedicated her career to public service in city government and she ensured that our local citizens received the services they expect from their municipalities.

She has been the Intergovernmental Relations Director for the City of Anaheim California, for the last thirteen years of her career. She retires this month. Her career at Anaheim has been admired by many of us here in Congress.

I want to take this opportunity to thank Kris for her assistance to me since I am pleased to have part of the City of Anaheim in my Congressional District.

Mr. Speaker, I understand that this Thursday is Kris' birthday and certainly greetings are also in order at this time.

THE ORDEAL OF ANDREI BABITSKY

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 2000

Mr. SMITH of New Jersey. Mr. Speaker, a small bit of good news has emerged from the tortured region of Chechnya, where the Russian military is killing, looting, and terrorizing the population under the guise of an "anti-terrorism operation."

Andrei Babitsky, the Radio Liberty correspondent who had disappeared in Chechnya in early February after Russian authorities had "exchanged" him to unknown persons in return for some Russian prisoners of war, has emerged in Dagestan and is now in Moscow recuperating from his ordeal. Mr. Babitsky's courageous reporting from the besieged city of Grozny had infuriated Russian military authorities, and he was arrested in mid-January and charged with "participating in an unlawful armed formation."

Prior to his release, Mr. Babitsky had spent time in the notorious Chernokozovo "filtration" camp where the Russian military has been detaining and torturing Chechens suspected of aiding the resistance. Following his arrival in Moscow, Mr. Babitsky provided a harrowing account of his incarceration at the Chernokozovo prison, and especially the savage treatment of his fellow prisoners. It is another graphic reminder that for all the fine words and denials coming out of Moscow, the Russian military has been conducting a brutal business that makes a mockery of the Geneva Conventions and the code of military conduct stipulated in the 1994 Budapest Document of the OSCE.

Mr. Speaker, last month President Clinton stated that Russia's Acting President Putin is a man the United States "can do business with." With this in mind, I would suggest for the RECORD excerpts from Mr. Babitsky's interview with an NTV reporter in Russia. If Mr. Putin is aware of the state of affairs at Chernokozovo and condoning it, I would submit that our business with Mr. Putin should be extremely limited. If he is not aware of the truth, then his authority over Russia is a chimera, and we might better deal with the real rulers of Russia.

Babitsky's statement follows:

[From Hero of the Day NTV Program, 7:40 p.m., Feb. 29, 2000]

INTERVIEW WITH RADIO LIBERTY CORRESPONDENT ANDREI BABITSKY

BABITSKY. On the 16th I tried to leave the city of Grozny through the settlement of Staraya Sunzha, a suburb of Grozny which at the time was divided into two parts. One part was controlled by federal troops and the other by the Chechen home guard.

I entered the territory controlled by the federals and it was there that I was recognized. I was identified as a journalist, I immediately presented my documents. All the subsequent claims that I was detained as a person who had to be identified are not quite clear to me. I had my passports with me, my accreditation card of a foreign correspondent.

Then I was taken to Khankala. Not what journalists who had covered the first war regarded as Khankala but to an open field. There was an encampment there consisting of trucks used as their office by army intelligence officers. Two of my cassettes that I had filmed in Grozny were taken from me. They contained unique frames. I think those were the last video pictures ever taken by anyone before Grozny was stormed. Those, again, were pictures of thousands of peaceful civilians many of whom, as we now know, were killed by federal artillery shells.

I spent two nights in Khankala, in the so-called Avtozak, a truck converted into a prison cell. On the third day I was taken to what the Chechens call a filtration center, the preliminary detention center in Chernokozovo.

I believe I am the only journalist of those who covered the first and the second Chechen wars who has seen a filtration center from the inside. I must say that all these horrors that we have heard from Chechens who had been there have been confirmed. Everything that we read about concentration camps of the Stalin period, all that we know about the German camps, all this is present there.

The first three days that I spent there, that was the 18th, 19th and the 20th, beatings continued round the clock. I never thought that I would hear such a diversity of expressions of human pain. These were not just screams, these were screams of every possible tonality and depth, these were screams of most diverse pain. Different types of beatings cause a different reaction.

Q. Are you saying that you got this treatment?

A. No, that was the treatment meted out to others. I was fortunate, it was established at once that I am a journalist, true, nobody knew what type of journalist I was. Everybody there were surprised that a journalist happened to be there. In principle, the people there cannot be described as intellectuals. They decided that there was nothing special about this, that such things do happen in a war. As a journalist I was "registered", as they say, only once. They have this procedure there. When a new detainee is being taken from his cell to the investigator he is made to crawl all the way under a rain of blows with rubber sticks.

It hurts but one can survive it. This is a light treatment as compared with the tortures to which Chechens are subjected day and night, those who are suspected of collaborating with the illegal armed formations. There are also cases when some testimony is beaten out of detainees.

Q. What is the prison population there?

A. In my opinion . . . I was in cell No. 17 during the first three days. In that cell there were 13 inhabitants of the village Aberdykel (sp.—FNS). Most of them were young. Judging by their stories, I am not an investigator and I could not collect a sufficiently full database, but in such an atmosphere one very rarely doubts the veracity of what you are told. Mostly these were young men who had nothing to do with the war. They were really common folk. They were treating everything happening around them as a calamity but they were not taking any sides. They were simply waiting for this calamity to pass either in this direction or that direction.

Beatings as a method of getting testimony. This is something that, unfortunately, is very well known in Russian and not only Russian history and tradition. But I must say that apart from everything, in my opinion, in all this torture, as it seemed to me, a large part is due to sheer sadism. In other words, an absolutely unwarranted torturing of people.

For instance, I heard . . . You know, you really can't see this because all this happens outside of your cell. But the type of screams leaves no doubt about what is happening. You know, this painful reaction. For two hours a woman was tortured on the 20th or the 19th. She was tortured, I have no other word to explain what was happening. That was not a hysteria. I am not a medic but I believe that we all know what a hysteria is. There were screams indicting that a person was experiencing unbearable pain, and for a long period of time.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE CARL B. ALBERT, FORMER MEMBER OF CONGRESS FROM THE STATE OF OKLAHOMA

SPEECH OF

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 8, 2000

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, Speaker Carl Albert passed away Friday, February 4, 2000, after a distinguished career during which he shepherded the nation through some of its most difficult years. The people of the Thirtieth Congressional District of Texas pay tribute to this great American and join the nation to express sincere sorrow regarding his passing.

Beginning in the Eightieth Congress, Speaker Albert spent the next thirty years representing the citizens of the Third Congressional District of Oklahoma in the U.S. Congress and helped create a new era of American opportunity. He supported civil rights and antipoverty legislation. Speaker Albert provided invaluable leadership to the House of Representatives as majority leader during the Eighty-seventh through Ninety-first Congresses. As leader of this legislative body during the Ninety-second through Ninety-fourth Congresses, Speaker Albert fostered a lasting legacy.

Speaker Albert successfully steered the nation through difficult times and ensured a fair forum for democratic discussion on issues ranging from the impeachment of President Richard Nixon to the war in Vietnam. He provided the nation with stability and security while he was first in line to succeed the President of the United States, in 1973 and again in 1974.

Speaker Albert personified great American values throughout his life. He rose from childhood poverty to become a Rhodes Scholar, winner of the Bronze Star, and a distinguished U.S. Congressman.

During a time when we sometimes let partisanship get the better of us, we should look at Carl Albert as a symbol of the most esteemed values of the U.S. Congress. I join the nation in paying tribute to an exemplary citizen, who was during his lifetime and continues to be an inspiration in the greatest traditions of domestic representation.

THE AFFORDABLE DRINKING WATER ACT OF 2000

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 2000

Mr. BOEHNER. Mr. Speaker, I rise today to introduce the Affordable Drinking Water Act of 2000. This legislation provides a new and creative way to bring safe drinking water in a cost-effective manner to those rural Americans who will struggle to meet this most basic need.

Under the bill, the government, working in partnership with nonprofit entities, would assist low to moderate-income individuals secure financing for the installation or refurbishing of individual household water well systems. The legislation authorizes a public/private partnership that allows homeowners of modest means to bring old household water well systems up to current standards, replace systems that have met their expected life, or provide homeowners without a drinking water source with a new individual household water well system.

The Affordable Drinking Water Act is a targeted approach. Only low to moderate income Americans who request assistance with their drinking water needs are eligible. The traditional federally subsidized long-pipe water systems run water lines across the countryside in front of homes that are experiencing drinking water problems, but also homes that are not. The current system serves customers without adequate financial means but also many that do not need financial help. This lack of targeting federal dollars is often a waste of scarce resources. This legislation creates a financing option to install individual wells where they make the most economic sense.

This bill also provides assistance to the drinking water delivery option many rural Americans prefer. In a recent national survey, more than 80% of well owners prefer their individual household water well systems to other drinking water delivery options. Only 8.3% said they would rather have their drinking water from a water utility company. This legislation gives consumers the ability to pay for new or refurbished individual household water well systems with convenient monthly payments, like other utility bills.

It is my understanding, Mr. Speaker, that organizations like the National Ground Water Association, a group that has a long and distinguished record preserving and protecting America's precious ground water resources, strongly endorses this legislation. It is my hope that other organizations and communities that support common sense, innovative approaches to providing affordable, safe water to rural Americans will also endorse the Affordable Drinking Water Act of 2000.

I urge my colleagues to support this legislation that provides a cost-effective alternative to meeting the drinking water needs of rural America.

IVANPAH VALLEY AIRPORT PUBLIC LANDS TRANSFER ACT

SPEECH OF

HON. JIM GIBBONS

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1695) to provide for the conveyance of certain Federal public lands in the Ivanpah Valley, Nevada, to Clark County, Nevada, for the development of an airport facility, and for other purposes:

Mr. GIBBONS. Mr. Chairman, I include the following letters of support for H.R. 1695, the Ivanpah Valley Airport Public Lands Transfer Act.

AIRPORTS COUNCIL
INTERNATIONAL,
Washington, DC, March 7, 2000.

DEAR MEMBER OF CONGRESS: Airports Council International-North America urges your strong support of H.R. 1695, the Ivanpah Valley Airport Public Lands Transfer Act. This legislation would enable the Clark County, Nevada Department of Aviation to buy 6,500 of federal land for a new airport to serve Las Vegas.

The number of air passengers traveling in the United States in expected to increase from less than 700 million to over a billion in just a few short years. We need to add airport capacity across the nation to accommodate this growth.

Air traffic at Las Vegas McCarran International airport grew 11 percent last year alone, creating the prospect of significant future delays if new runway and terminal facilities are not built. Las Vegas is currently the tenth busiest airport in the nation with connections to over 50 other cities. Delays in Las Vegas will mean delays in other cities as well.

The FAA Reauthorization package agreed to by the conferees this week provides airports with much of the funding they require to meet tomorrow's needs. In order for this important work to be done, airports such as Las Vegas must be able to overcome the environmental opposition to their expansion projects. Existing airports all across the nation are facing congestion in terminals and on runways. New airport capacity is needed today.

We urge you to support H.R. 1695.

Sincerely,

JEFFREY GOODELL,
Vice President, Government Affairs.

AMERICAN ASSOCIATION
OF AIRPORT EXECUTIVES,
Alexandria, VA, March 3, 2000.

Hon. JAMES GIBBONS,
U.S. Representative, Cannon House Office Building, Washington, DC.

DEAR REPRESENTATIVE GIBBONS: The U.S. House of Representatives will shortly be considering H.R. 1695, which would permit Clark County, Nevada to purchase 6,500 acres of federal land in the Ivanpah Valley for a future commercial airport site. Your support, and that of your colleagues, is critical to ensuring the continued economic vitality of Southern Nevada well into the 21st Century.

Passenger traffic at McCarran International Airport has been increasing for the past 16 consecutive months. During that period, passenger enplanements have risen by over 11 percent. Continued growth, at even a moderate rate, will bring the Airport to its effective capacity by 2012. The Clark County Department of Aviation estimates it will take at least seven years to plan, design and construct the new airport. I think you will agree that prompt congressional action is critical.

The Ivanpah Valley is the best location for a future second airport to serve the Las Vegas metropolitan area. The proposed location is 35 miles from the heart of the Las Vegas valley, between Jean and Prim, Nevada. Also, it is bounded by Interstate Highway 15 and main line of the Union Pacific Railroad, giving the new airport excellent and essential multimodal/intermodal surface access opportunities.

Thank you again for your support and assistance. If further information is desired, please do not hesitate to contact Randall H. Walker, Director of Aviation at (702) 261-5150.

Sincerely yours,

TODD HAUPTLI,
Senior Vice President for Policy and Government Affairs.

LAS VEGAS
CHAMBER OF COMMERCE

RESOLUTION IN SUPPORT OF IVANPAH AIRPORT LAND SALE

Whereas, visitors from outside the state directly and indirectly account for more than half the state's economic activity thereby constituting the economic lifeblood of Nevada; and

Whereas, airline passengers constitute nearly 50% of the visitors to the Las Vegas Valley and this percentage is likely to increase as Las Vegas adds to its presence as a gateway for international travelers; and

Whereas, McCarran International Airport has a capacity to handle 55 million passengers annually. In 1999, over 33.6 million passengers used McCarran and growth projections indicated the Airport could reach its capacity by the end of this decade; and

Whereas, having explored numerous options, the Clark County Department of Aviation believes the Ivanpah Valley offers the only feasible location for a second airport to service commercial air cargo and passenger traffic; and

Whereas, the County has committed to pay the Bureau of Land Management fair market value for the property, conduct an airspace analysis to minimize overflights of the Mojave National Preserve, and draft a thorough Environmental Impact Statement prior to initiating construction of the Ivanpah Valley Airport; now, therefore, be it

Resolved, the Las Vegas Chamber of Commerce endorses and supports the Department of Aviation's efforts to acquire Ivanpah Valley land for an airport; and be it further

Resolved, that the Las Vegas Chamber of Commerce as the representative of more than 6,000 member businesses in Southern Nevada, encourages the House of Representatives to pass H.R. 1695, providing the Bureau of Land Management with the authority to sell the identified land in the Ivanpah Valley to Clark County; and be it further

Resolved, that copies of this Resolution be transmitted to Nevada's Congressional delegation.

DONALD L. "PAT" SHALMY,
President General Manager.

MIRAGE RESORTS,
Las Vegas, NV, March 1, 2000.

Hon. JAMES GIBBONS,
U.S. Representative, Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN GIBBONS: The U.S. House of Representatives will shortly be considering HR 1695 which would permit Clark County, Nevada to purchase 6,500 acres of federal land in the Ivanpah Valley for a future commercial airport site. Your support, and that of your colleagues, is critical to ensuring the continued economic vitality of Southern Nevada well into the 21st Century.

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Thank you again for your support and assistance. If further information is desired, please do not hesitate to contact Randall H. Walker, Director Aviation at (702) 261–5150.

Sincerely yours,

PUTNAM MATHUR.

MGM GRAND,
Las Vegas, NV, March 1, 2000.

Hon. JAMES GIBBONS,
U.S. Representative, Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN GIBBONS: The U.S. House of Representatives will shortly be considering HR 1695 which would permit Clark County, Nevada to purchase 6,500 acres of federal land in the Ivanpah Valley for a future commercial airport site. Your support, and that of your colleagues, is critical to ensuring the continued economic vitality of Southern Nevada well into the 21st Century.

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Thank you again for your support and assistance. If further information is desired, please do not hesitate to contact Randall H. Walker, Director of Aviation at (702) 261–5150.

Sincerely yours,

WILLIAM J. HORNBUCKLE,
President and Chief Operating Officer.

DEL WEBB CORPORATION,
Henderson, NV, March 1, 2000.

Hon. JAMES GIBBONS,
U.S. Representative, 100 Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN JIM GIBBONS: As you are well aware, the House of Representatives will shortly consider H.R. 1695, which will permit Clark County, Nevada to purchase 6,500 acres of federal land in the Ivanpah Valley for a future commercial airport site.

I'm writing to encourage your support, and that of your colleagues, for this important piece of legislation. It is our belief that this bill is critical in order to ensure the continued economic vitality of Southern Nevada for decades to come. In just the last 16 months McCarran International Airport has seen an 11% increase in passenger traffic and will reach its effective capacity by the year 2012. Given the time constraints and requirements to plan, design and construct such a complex structure, the ability to acquire the site through immediate passage is crucial.

As a company that develops large tracts of land into master-planned communities, we're well acquainted with the limited land availability in the Las Vegas area and we believe the Ivanpah Valley is the best location for a future second airport. Also, immediate freeway access makes it an ideal location.

Additionally, we support the Clark County Department of Aviation's attempt to purchase these needed lands from the BLM. It is our understanding that they will pay for these lands at an agreed upon value based upon appraisals acceptable to both the BLM and the airport.

Therefore, we join with other community business leaders and agencies in encouraging your active support of this legislation. We are prepared to assist in moving this legislation forward.

I look forward to seeing you again in the near future.

Sincerely,

SCOTT HIGGINSON,
Vice President, Government Affairs.

THE CITY OF HENDERSON,
Henderson, NV, August 5, 1998.

Re S. 1964 and H.R. 3705.

Hon. JIM GIBBONS,
Longworth House Office Building, Washington, DC.

DEAR CONGRESSMAN GIBBONS: I would like to let you know that I am in full support of the above referenced legislation. As you know Henderson's Sky Harbor Airport currently is a reliever airport of small aircraft from the McCarran air space and air traffic. As this region continues to grow, our modes of effective and efficient transportation become an increasingly important part of maintaining and improving our economic strength.

The Clark County Department of Aviation staff has identified the Ivanpah Valley Airport as the prime location for future air transportation into this region. This new airport is absolutely critical for the Department of Aviation to fulfill its mission of never allowing the lack of airport infrastructure to be an impediment to people coming to visit Las Vegas, the Grand Canyon or other destinations in this region. I would like to thank you for your efforts to date regarding this legislation and would encourage you to continue to make every effort to seek passage this session.

Legislation of this type is visionary and will help ensure a bright future for Southern Nevada.

Sincerely,

JAMES B. GIBSON,
Mayor.

HOTEL EMPLOYEES & RESTAURANT EMPLOYEES INTERNATIONAL UNION,
Washington, DC, March 7, 2000.

Hon. SHELLEY BERKLEY,
Longworth House Office Building, Washington, DC.

DEAR CONGRESSWOMAN BERKLEY: On behalf of the Hotel Employees and Restaurant Employees International Union I want to convey support for enactment of H.R. 1965, the Ivanpah Valley Airport Public Lands Transfer Act. This bill will facilitate the purchase of federal land approximately 35 miles south of Las Vegas for the construction of an additional airport to serve southern Nevada. The phenomenal growth of the Las Vegas economy has in turn triggered double digit growth at McCarran International Airport.

It is vitally important that the transportation infrastructure be able to keep pace with growth in the hotel industry. This bill is important if the tourist based economy of Las Vegas is expected to continue to provide good paying employment opportunities. I urge you and your colleagues in the Congress to enact H.R. 1965 without amendment to pave the way for a second airport for southern Nevada.

Thank you.

Sincerely,

JOHN W. WILHELM,
General President.

NEVADA SERVICE EMPLOYEES UNION,
Las Vegas, NV, March 3, 2000.

Hon. JAMES GIBBONS,
U.S. Representative, Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN GIBBONS: On behalf of Nevada Service Employees Union, SEIU, Local 1107, we are writing to communicate our support for the enactment of H.R. 1965, the Ivanpah Valley Airport Public Lands Transfer Act.

This bill is of extreme importance to the community and is strongly supported by the membership of NSEU, SEIU, Local 1107.

It is our belief that the Ivanpah Valley is the best location for a second airport to serve the Las Vegas metropolitan area.

It is our further belief that the construction of this additional facility is critical with respect to ensuring the continued economic growth of Southern Nevada in that the additional airport will be able to accommodate the needs of Southern Nevada's vital industries.

Accordingly, we urge your colleagues to enact H.R. 1965.

Thank you in advance for your attention in this matter.

Sincerely,

VICKY HEDDERMAN,
President.
THOMAS M. BEATTY,
Executive Director.

SOUTHERN NEVADA BUILDING &
CONSTRUCTION TRADES COUNCIL,
Las Vegas, NV, March 2, 2000.

Hon. JAMES GIBBONS,
U.S. Representative, Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN GIBBONS: The U.S. House of Representatives will shortly be considering HR1695 which would permit Clark County, Nevada to purchase 6,500 acres of federal land in the Ivanpah Valley for a future commercial airport site. Your support, and that of your colleagues, is critical to ensuring the continued economic vitality of Southern Nevada well into the 21st Century.

This bill is very important to the construction industry and is strongly supported by the Southern Nevada Building and Construction Trades.

Passenger traffic at McCarran International Airport has been increasing for the past 16 consecutive months. During that period, passenger traffic has risen by over 11%. Continued growth, at even a moderate rate, will bring the Airport to its effective capacity by 2012. The Clark County Department of Aviation estimates it will take at least seven years to plan, design and construct the new airport. I think you will agree that prompt congressional action is critical.

The Ivanpah Valley is the best location for a future second airport to serve the Las Vegas metropolitan area. The proposed location is 35 miles from the heart of the Las Vegas valley, between Jean and Primm, Nevada. Also, it is bounded by Interstate Highway 15 and the main line of the Union Pacific Railroad, giving the new airport excellent and essential multimodal/intermodal surface access opportunities.

Thank you again for your support and assistance. If further information is desired, please do not hesitate to contact Randall H. Walker, Director Aviation at (702) 261-5150.

Sincerely yours,

JACK JEFFREY.

INTRODUCTION OF CORAL REEF CONSERVATION LEGISLATION

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 2000

Mr. FALEOMAVAEGA. Mr. Speaker, I am pleased to rise today with my good friend from New Jersey, the Chairman of the Fisheries Conservation, Wildlife and Oceans Subcommittee, Mr. SAXTON, to introduce bipartisan legislation to authorize a coral reef conservation program.

For many people, coral reefs are distant marine environments that they might never come in contact with unless they are fortunate enough to go on a tropical vacation. For too long now, as a Nation we have enjoyed the biological wealth provided by coral reefs, but failed in our obligations to devote the resources necessary to protect these vital treasures. While these precious ecosystems appeared to be in balance until not long ago, today human activities have significantly altered that balance—much to the detriment of the corals, and much to the demise of people who depend on coral reefs to sustain their communities and economies.

Unlike many other members of Congress, I come from a place where the coral reefs are essential to the very fabric of everyday life, Until recently, those of us from the Pacific islands have literally lived off our reefs and the surrounding local lands. We have recognized for generations that coral reefs form the fundamental building block of an intricate marine food chain, providing nutrients, food and habitats for a tremendous diversity of fish and other marine animals. And intuitively, we have all come to appreciate that without healthy coral reefs, our abundance of marine resources might soon come to a sudden end.

Unfortunately, the sad reality is that we have discovered that the coral reefs we depend on are under numerous threats. These threats come from many sources, including polluted run off, increased siltation, mining, and destructive fishing practices, notably the use of dynamite and cyanide, to name only a few. We have even come to appreciate that the decline in coral health could be linked to global climate change, and events such as El Nino.

But with recognition of the problem, and with increased resources to address it, we can begin to reverse the degradation of our coral reefs and achieve a sustainable balance towards the long-term conservation of these important marine ecosystems. Several recent activities, including the initiation of the International Coral Reef Initiative, the development of U.S. Coral Reef Initiative and the International Year of the Coral Reef, were all good beginnings. And just last week, the U.S. Coral Reef Task Force published a national action plan to conserve coral reefs. It is vital that we continue this positive momentum.

As the Senior Democrat on the Subcommittee on Fishery Conservation, Wildlife and Oceans, I have enjoyed working collaboratively with Chairman SAXTON and his able staff to address my concerns and issues raised by other Democrats in order to develop this consensus legislation.

The legislation we introduce today addresses many of the priorities I consider essential to any comprehensive coral reef conservation bill. Perhaps most significant, the legislation would codify the Coral Reef Task Force established under Executive Order 13089 to give this panel the authority it needs to address the myriad of problems confronting coral reefs today.

Importantly, this legislation would require the Task Force to initiate fundamental baseline research and management activities, most notably, the mapping of all coral reef resources in the U.S. Exclusive Economic Zone (EEZ). The bill would provide to the Task Force, through a National Program coordinated by the Department of Commerce, up to $5 million per year for 4 years to initiate this and other baseline activities, especially the development of comprehensive coral reef monitoring and assessment programs. It is expected that scientists and resource managers will gain from this previously unavailable information new insights regarding how human activities and other environmental factors are contributing to the degradation of coral reef ecosystems, and optimistically, how this degradation might be reversed. To ensure the continued comment from a broad range of interests involved in the management of coral reefs, it is anticipated that those Regional Fishery Management Councils established under the Magnuson-Stevens Fishery Conservation and Management Act which have corals within their jurisdiction, would be involved.

Of equal significance, this legislation would also authorize a coral reef conservation grant program to assist States and local communities in the protection, conservation and sustainable use of their coral reef resources. The bill would provide up to $10 million per year for 4 years for coral reef conservation grants and it is expected that these grants will help improve local capabilities, raise local public awareness, and promote the long-term conservation and restoration of coral reef ecosystems. I am also pleased that this legislation would ensure the equitable distribution of grant funds to applicants in the Pacific and Atlantic Oceans, the Gulf of Mexico and the Carribean Sea.

Allow me to close by simply saying that while this bill is not perfect, it is a fair and honorable compromise. The bill would establish a targeted, focused and locally-driven coral reef conservation program; importantly, a program grounded in science and built upon the ground-breaking and successful work of the Coral Reef Task Force. I commend Chairman SAXTON for his leadership and commitment to coral reef protection, and I thank my Democratic colleagues on the Fisheries Subcommittee who have worked with me throughout these negotiations.

A TRIBUTE—GARFIELD COUNTY 1999 EMPLOYEE OF THE YEAR

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 2000

Mr. McINNIS. Mr. Speaker, I wanted to take this moment to recognize the career of one of Garfield County's community leaders, and recipient of the Garfield County 1999 Employee of the Year Award, Judy Blakeslee. In doing so, I would like to honor this individual who, for many years, has exhibited dedication and experience to the Sheriff's Department of Garfield County.

As a Civil Deputy for the last 18 years, Judy handles restraining orders, evictions, garnishment of wages and custody orders in the county. Before becoming a Civil Deputy, Ms. Blakeslee spent her first year as Garfield County's Animal Control Officer. She took her role as a Civil Deputy to another level. She would go out of her way to aid displaced and needy families to the best of her ability.

Judy Blakeslee has more than proven herself as a valuable asset to the Sheriff's Department of Garfield County, therefore, receiving this award. This achievement recognizes her compassion, professionalism and dedication to her County.

It is with this, Mr. Speaker, that I say thank you to Judy Blakeslee on a truly exceptional career as a Garfield County employee. Ms. Blakeslee's dedicated service stands out and sets a standard for those who follow.

In conclusion I would note that as a police officer and attorney-at-law I had the privilege to work with Judy. I felt fortunate to have her as a friend and as a coworker.

CONGRATULATING THE U.S. GOVERNMENT PRINTING OFFICE

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 2000

Mr. GREEN of Texas. Mr. Speaker, I would like to direct the attention of the House to a recent article in the Chicago Tribune about one of our oldest friends . . . the U.S. Government Printing Office. I have a real appreciation of the GPO, having started as a printer's apprentice in 1968 as a member of Houston Typographic Union Local 87.

The article is profuse in its praise of the GPO, stating that while the agency usually "wears a low profile," the service that it provides the Congress and the Nation is absolutely crucial in our democratic system of government. In noting the vast range of publications the GPO handles—from the daily CONGRESSIONAL RECORD to the Findings of Fact in the Microsoft case—the article describes how the GPO has moved from a traditional ink-on-paper factory to a widely heralded provider of Government information over the Internet.

It is a success story that is worthy of everyone's attention.

A generation ago, the GPO had a workforce of 8,500. Today, there are about 3,300, yet not only does the GPO continue to print government publications, it is now a key player in the world of online government information. The incredible success of cutting staff by more than 50 percent while expanding services to Congress and the Nation is virtually without comparison.

The GPO's expert use of technology has made this achievement possible—technology which has transformed the way the GPO processes printing, and technology which makes it possible for the public to download more than 20 million publications a month from the GPO's online service, GPO Access.

Mr. Speaker, this is an incredible achievement, and I include the text of this excellent article for all of my colleagues on both sides of the aisle.

We are fortunate, indeed, to have an agency of this caliber, with its expert workforce and its record of savings and technological achievement, working in support of the Congress and the American people.

[From the Chicago Tribune, Tues., Mar. 7, 2000]

FROM THE STARR REPORT TO WHITE HOUSE MENUS, GOVERNMENT PRINTING OFFICE IS PAPERWORK CENTRAL

(By Glen Elsasser)

WASHINGTON—In a fortresslike complex near Capitol Hill, Kenneth Fatkin occupies the front lines of government. Though safely distanced from the frenzy of politics, he still confronts the handiwork of legions of federal agencies, Congress and the White House, handiwork that affects the lives of millions of Americans.

Amid shelves of reference books, Fatkin on a recent morning was scanning a set of proposed rules from the Federal Aviation Agency about the takeoff and landing of airplanes. Despite the abstruse language, he quickly marked up the page.

Fatkin works for the Government Printing Office, an agency that considers itself the largest supplier of government informational materials in the world. Those materials include everything from Independent Counsel Kenneth Starr's case against President Clinton to a "My Wetlands Coloring Book" for kids.

It also prints the Federal Register, which 100 proofreaders including Fatkin work around the clock to produce. Five days a week, the register provides a complete update of government rules, executive orders, presidential proclamations and proposed regulations.

Within the monstrous federal bureaucracy, the Government Printing Office generally wears a low profile, but a brief moment of fame came in 1998 when, under deadline, heavy security and massive publicity, the GPO published the Starr report. In all, the report and its two supplements took up five volumes totaling more than 8,000 pages.

The sale of the report, which detailed the president's relationship with former White House intern Monica Lewinsky, drew lines of purchasers outside its main bookstore and gave TV viewers a rare glimpse of the GPO headquarters.

More recently, the GPO played a crucial role in circulating the long-awaited findings in the ongoing Microsoft antitrust case. Within two hours after U.S. District Judge Thomas Penfield Jackson had announced his initial ruling at 4:30 p.m. on Nov. 4, printed copies were available at the GPO bookstore and the electronic version was ready on-line. A printed copy of the 207-page document, and an electronic disk, had been sent to the GPO immediately after his decision.

Another GPO staple is the Congressional Record, which chronicles the daily proceedings in Congress and prints debates verbatim. Requiring all-night production, an average copy of the Record runs 200 pages and must be available on the floor of both houses by 9 a.m. when Congress is in session.

Among the GPO's other key functions is printing the federal budget, which this year was accompanied by five related publications totaling 2,808 pages and weighing 12 pounds. The 2001 budget was also available immediately on CD–ROM and on the Internet.

The GPO prints congressional bills and reports, passports and Civil Service exams, the last of which is done under tight security at the Denver plant. It turns out postal cards, congressional stationery, White House invitations and menus, and the Supreme Court briefs of the Justice Department.

It also runs 24 bookstores in major cities, including Boston, Chicago, Columbus, Cleveland, Dallas, Detroit, Kansas City, Los Angeles, Milwaukee, San Francisco and Seattle. The subjects of the publications for sale cover an eclectic mix of titles and are reasonably priced.

Take, for example, the publications recently displayed in the window of the GPO bookstore near the White House.

A number of the titles are clearly self-help and offer practical advice on a variety of problems—"Eat Right to Lower Your Blood Pressure," "A Working Woman's Guide to Her Job Rights," "Marijuana: Facts Parents Need to Know" and "Safe and Smart: Making the After School Hours Work for Kids." All cost less than $10.

Other titles clearly appeal only to wonks, such as "Investigating the Year 2000 Problem: The 100 Day Report," a summary of findings by the Special Commission on the Year 2000 Technology Problem.

History is also well represented in the offerings: "Boston and the American Revolution," "Rise of the Fighter Generals, 1945-1982" and "The Three Wars of Lt. Gen. George Stratemeyer: His Korean War Diary." There are also art books such as "Language of the Land: The Library of Congress Book of Literary Maps" and titles obviously geared to children, like "My Wetlands Coloring Book."

The GPO maintains a list of its monthly bestsellers, and among the 1999 winners were "21st Century Skills for 21st Century Jobs," "Buying Your Home: Settlement Costs and Helpful Information," "Federal Benefits for Veterans and Dependents" and the "The Constitution of the United States and the Declaration of Independence."

Overseeing the operation is Michael DiMario, who was named public printer by President Clinton in 1993. He is the nation's 23rd public printer, chief of an agency that dates to the Civil War era but has changed substantially with technology.

"The computer has changed everything and is now fundamental to the printing process," said DiMario, a lawyer who has worked in various posts since joining the GPO in 1971. The only linotype operator left in the 33-acre facility is the one who sets type for book titles in gilt.

"In the late 1960s we moved into electronic photo composition, and the computer was used to compose data for printing," he said. "Today our presses are controlled by the computer."

Even though the computer now does much of the work, however, human skills—such as a broad knowledge of government, its lingo and methods of lawmaking—remain critical to the editing process.

By DiMario's count, the GPO handles 50 percent of the government's printing needs. Notable exceptions are the nation's currency, postage stamps, Treasury securities and certificates, done by the Bureau of Engraving and Printing; and the classified documents of intelligence agencies.

Since 1993, pursuant to a new federal law, the GPO has made the Congressional Record and other government publications available in an electronic format. In 1997, for example, the GPO and the Commerce Department teamed up to offer free Internet access to the Commerce Business Daily, which keeps tabs on government contract and subcontracting opportunities, small business and other set asides, special notices and sales of surplus U.S. property.

Today thousands of publications are available electronically—far surpassing the number of print titles available for sale in the

GPO bookstores. In fact, PC Week magazine in 1999 rated the GPO as one of the nation's top technology innovators.

Every month, DiMario estimates, 20 million GPO publications are downloaded from the Internet. During the first hour after the release of the Microsoft ruling, 152,000 successful connections were made on the GPO's popular Internet information service.

"The GPO has about 100,000 titles on-line that are on our own server here, and we provide links through our Web site [www.access.gpo.gov] to an additional 60,000 titles from other agencies," he said. "That's a moving target, and it is growing."

The GPO's publications are also available in electronic and traditional print formats at some 1,350 federal depository libraries. These are located at most colleges and universities, many public libraries and state and local government libraries.

Switching to electronics and decentralizing production has caused a massive reduction in the number of employees at the GPO complex, for many years ranked as the world's largest printing plant. This record, DiMario concedes, now probably belongs to private-sector companies such as Chicago's R.R. Donnelley & Sons.

"When I came here in the early 1970s, we had 8,500 employees," recalled DiMario. "Now we have 3,300 employees. Primarily the change occurred early when we retired the traditional letterpress operations. This transition continued, especially after Congress required the agency to acquire as much of its printing as possible from the private sector."

In recent years the GPO has contracted out 70 to 75 percent of its printing. "We have 10,000 contractors on a bid list to do this work," said DiMario, "and about 3,000 participate on a regular basis through the central office or the 20 regional and satellite printing procurement offices."

During the early years of the Reagan administration, labor relations at the GPO were stormy, with proposed furloughs and pay cuts as high as 22 percent. Things are much quieter now; prominently displayed on DiMario's office wall is an award from the Printing, Publishing and Media Workers Sector of the Communications Workers of America citing him for "maintaining equitable management relations."

Fatkin has seen the GPO go through many of these changes. Hired by the GPO in 1971, his job at first was to repair linotype machines. "Everything switched over after the computer hit big time in 1981," recalled Fatkin, who describes himself as a printer-proofreader. "There was a lot of ongoing retraining. The trouble today is that new people come in who can type 100 words a minute [on a computer] but don't know type faces and sizes. You learn that as an apprentice printer."

MINIMUM WAGE INCREASE ACT

SPEECH OF

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2000

Ms. SCHAKOWSKY. Mr. Speaker, at a time of unprecedented economic prosperity and growth, many American families are left behind. Those families work hard and play by the rules. They deserve a raise. But many of my colleagues on the other side are standing in the way of giving 10 million workers a raise in the minimum wage. Instead, they insist on sending to the President a bill to raise the minimum wage that is tied to a tax giveaway to the rich. As a result, we will see the economic gap expand even more. I applaud the President for making it clear that he will veto this dreadful bill.

This is not a minimum wage increase bill; it is a maximum giveaway to the wealthy. Under their $120 billion tax cut, the wealthiest 1% of all taxpayers, or those earning more than $319,000 a year, would get 73% of the total tax cut. This is not a surprise. The leaders of the other party have demonstrated many times during the past year that they would rather pass bills that benefit special interests and the rich instead of hardworking families.

A minimum wage worker earns $10,700 a year. That means a single mother on minimum wage with two kids earns $2,600 below the poverty line. Many of my colleagues on the other side would prefer to give her 33 cents a year over 3 years. Their tax plan gives millionaires $6,128 a year. Is this what Republicans meant by compassionate conservatism?

Sixty percent of minimum wage earners are women; nearly 75% are adults; ⅗ are the sole breadwinners in their families; and more than 50% work full-time. Those who have to take care of our children at daycare centers and our parents at nursing homes deserve better. They deserve more than $5.15 an hour. A raise in the minimum wage is about economic fairness and social justice. It is a small step in ensuring that all Americans share in our nation's economic prosperity and growth. I urge my Republican colleagues to stop playing politics with the economic welfare of 10 million hard working people.

HONORING LIEUTENANT RICHARD BEIRNE AS IRISHMAN OF THE YEAR

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 2000

Ms. DELAURO. Mr. Speaker, it gives me great pleasure to rise today to join West Haven's Irish community as it honors Lieutenant Richard Beirne as Irishman of the Year. His outstanding record of service, both professional and volunteer, serves as an example to us all.

Lieutenant Beirne has dedicated his lifetime to the West Haven community, devoting himself to improving the lot of our children and families. He began his career as a volunteer fireman in 1975, and was inducted as a career firefighter with the West Shore Fire Department in 1980. Few things are more important than feeling safe in our homes and workplaces. Whether hosing down flames, rescuing a child from a burning house, or waiting for our call, firefighters are there to protect us and provide us with the peace of mind we need to sleep at night. For twenty-five years, Lieutenant Beirne has shown a commitment to protect our community. There are no words that can express our sincere thanks and appreciation for his service.

Beyond his commendable professional career, Lieutenant Beirne has an unparalleled record of community involvement. A member of several service organizations, Lieutenant Beirne has made a tremendous effort to promote Irish-American culture. In addition, Lieutenant Beirne currently serves as the Vice President of Local 1198 Professional Firefighters Union AFL–CIO, he is working to ensure that firefighters—hard working men and women—are assured livable wages, quality health benefits, and secure pensions to support themselves and their families. Despite all of these commitments, Lieutenant Beirne still finds time to volunteer as the EMT for the Pop Warner Football League. Providing this service at practices as well as games, he ensures the safety of every child participating in the league. Lieutenant Beirne has shown an incredible level of commitment to his community. He has been a mentor to many youngsters and serves as an inspiration to us all.

Today, a community will gather to honor Richard Beirne as Irishman of the Year. I cannot think of a more deserving individual to be given such a title. I am pleased to join with his wife, Susan, children, Patrick and Katie, friends and the entire West Haven community in congratulating him on this very special honor. My best wishes to Richard and his family for continued health and happiness.

A TRIBUTE TO LEVERT HOAG A WONDERFUL AMERICAN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 2000

Mr. MCINNIS. Mr. Speaker, it is with great sadness that I wish to take this moment to recognize the remarkable life and significant achievements of one of Pueblo's leading ladies. Though she is gone, she will live on in the hearts of all who knew her and be remembered for long years by many who didn't.

LeVert Hoag, married to the late Pueblo chieftain publisher, Frank Hoag, Jr., died at the age of 87. She was known as an outgoing, enthusiastic, kind and warm person. Mrs. Hoag had a deep interest in the community, from the time she moved there in 1935. She was an integral part to Pueblo, helping out any where she could to make the Pueblo community a better place to live.

She was the chairman of the first Service League Follies in 1937, member of the Pueblo Community College Foundation, sponsor of the Hoag Theater, member of the Pueblo Hall of Fame and was also active in the United Way, the Pueblo County Tuberculosis and Health Association and the Muscular Dystrophy Association. Mrs. Hoag also served on the board of the Pueblo Civic Symphony and was also an honorary chairman of the Pueblo Metropolitan Museum.

LeVert Hoag is someone who will be missed by all of us. Those who knew of her will miss spending time with her. We, as a society, have lost someone who was rare to begin with. Mrs. Hoag made the ultimate sacrifice to help a total stranger. Hopefully we can all learn from the example that LeVert Hoag set.

And, perhaps, we can all try to become a little bit more like her.

RECOGNIZING THE FORMATION OF THE CONGRESSIONAL RURAL CAUCUS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 2000

Mr. SKELTON. Mr. Speaker, this week marks the official rebirth of the Congressional Rural Caucus. I am so pleased to have the opportunity to recognize the efforts of Representatives EVA CLAYTON of North Carolina, JO ANN EMERSON of Missouri, JERRY MORAN of Kansas, and EARL POMEROY of North Dakota to re-establish this important Caucus, and to thank the dozens of organizations and associations which have helped during the planning process and will continue to work with the Congressional Rural Caucus in the days ahead.

I am very excited to be a member of this new caucus. A number of years ago, I served a term as Chairman of the previously organized Congressional Rural Caucus. That group was extraordinarily valuable as an outlet for Members representing rural districts to discuss issues and work together to communicate the particular needs and concerns of rural America to the Congress as a whole. After several years of inactivity, I am glad that like-minded Members will once again have a bi-partisan organization that focuses on bringing the priorities of rural America to the forefront in the Congress.

In addition to recognizing the new membership of the Congressional Rural Caucus, I would like to say just a few words about one of the groups that has recently assisted with the organization of the Caucus and has for decades worked to improve life in rural America—the National Rural Electric Cooperative Association (NRECA).

One of our nation's greatest achievements during the last century was the electrification of rural America. Before the third decade of the 20th Century, only about 10 percent of America's rural population enjoyed the benefits of electricity. The rest chopped wood, pumped water by hand or carried it from a stream, washed and rinsed the laundry in tubs in the yard. Life without electricity was especially hard on women. They aged early and died young because of the hardships of rural living.

Rural electrification provides us with a wonderful example of American ingenuity and federal cooperation. The people of rural America who needed electric service came together as cooperatives to organize and run their own electric utilities, and the government provided loans that most bankers, then or today, could not have provided prudently.

Electricity—and the Rural Electrification Administration and the vision of Congress—made a huge difference. Today, more than 99 percent of rural Americans can watch television in the comfort of an all-electric home, can enjoy the efficiencies of all manner of appliances—from toasters to air-conditioners, from grain dryers to milking machines and refrigeration.

Because now most rural Americans have electric service, some would say the job is done. I would say the job is just begun. Rural America today faces a different set of challenges. Electric cooperatives have deep roots in their communities, and they have a stake in improving the quality of life, the economics, the health and education of their communities. Electric cooperatives have traditionally provided services well beyond basic electricity, from something as simple as lighting the little league field to something as complex as providing distance learning in rural schools, Internet access, water and sewer, satellite television, economic and community development. They could do more; they would do more. We need to consider how rural Americans across the country could benefit by harnessing the talent of rural electric cooperatives in new ways in this new century.

I look forward in the coming months and years, as a member of the Congressional Rural Caucus, to addressing our new rural challenges. Again, I would like to thank the co-chairs of the Caucus and all of the organizations that have worked to bring the Congressional Rural Caucus back to life. Together I think we can be a positive force to bring true and consistent prosperity and a high quality of life to rural Americans.

NRA RHETORIC

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 2000

Ms. SCHAKOWSKY. Mr. Speaker, Shame, shame, shame. The NRA's leadership has once again shamed our nation, the American people, and its own members. Wayne LaPierre, the NRA's Executive Vice President, on national television, suggested that the President of the United States promotes violence for his political gain. LaPierre said, "I've come to believe that he needs a certain level of violence in this country. He's willing to accept a certain level of killing to further his political agenda and his vice president too."

To all the parents who lost a son or daughter to gun violence, LaPierre is telling them to blame the President and not the guns. I would not be surprised to hear the NRA's leadership blaming school grief counselors of inciting more school shootings so they can have more business.

How can the NRA leadership ignore the fact that thirteen children die each day from gun violence? How can they ignore the fact that a majority of Americans want Congress to pass sensible gun safety measures? How can they lay blame on a President who supports background checks at gun shows, a ban on the import of large-capacity ammunition clips, and the sale of child safety locks with every handgun?

It's time for the NRA leadership to wake up and smell the gunpower in our communities and classrooms, and step out of the way of meaningful gun safety legislation. I submit the following New York Times editorial entitled "Desperate Rhetoric from the NRA," for the RECORD.

[From the New York Times, Mar. 14, 2000]

DESPERATE RHETORIC FROM THE N.R.A.

Americans have become used to hearing nutty talk from leaders of the National Rifle Association. But Sunday's outrageous assertion by the group's executive vice president, Wayne LaPierre, that President Clinton is "willing to accept a certain level of killing to further his political agenda" deserves special condemnation.

Mr. LaPierre made his sick suggestion that the president relishes having gun tragedies to exploit in an interview on ABC's "This Week." He was there to push the N.R.A.'s demonstrably false line that the nation already has enough gun laws on the books if only the administration would enforce them. Thanks largely to the N.R.A.'s lobbying, those laws do not adequately address issues of supply, distribution, design or child access.

In a new advertising campaign the N.R.A.'s president, Charlton Heston, accuses Mr. Clinton of engaging in lying and scare tactics to win support for gun control measures bottled up in Congress. But for dishonesty, it is hard to beat the N.R.A.'s own whopper in trying to portray the group as a friend of the reasonable gun safety measures it has been fighting to defeat or water down.

The sparring came just days after Mr. Clinton's meeting with key Congressional leaders at the White House failed to produce progress in freeing a modest gun control package from the House-Senate conference committee where it has been stalled for months. The sticking point remains the strong gun-show provision that cleared the Senate last May over the N.R.A.'s vehement opposition. This provision would extend to gun-show sales the same background check requirement that now applies to guns purchased from licensed dealers.

Two Democratic senators, Charles Schumer of New York and Richard Durbin of Illinois, are planning to step up the pressure by attaching gun control amendments to other legislation coming to the floor. This will force recorded votes on matters with broad public support, like mandatory trigger locks and background checks of buyers at gun shows, flea markets and Internet sales.

Only two weeks ago a 6-year-old killed a classmate with a handgun, one of many reasons gun regulation promises to be an issue in the long political campaign ahead. The chief obstacle to saner gun control remains the obstructionism of the N.R.A., whose extremist views and rhetoric should offend Americans fed up with all the gunfire.

CONGRESSIONAL RURAL CAUCUS

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 2000

Mr. BOYD. Mr. Speaker, today more than one hundred of my colleagues and I celebrate the formation of the Congressional Rural Caucus. Our bipartisan group will serve as a unified voice on behalf of rural Americans. One in every four Americans, or 62 million people, reside in rural areas and an additional 15 million Americans live in small cities and towns. Unfortunately, too often the logistical difficulties rural residents face prevent their concerns on issues like education, healthcare and agriculture from being heard. Our caucus hopes to share with our colleagues in Congress the unique needs of rural citizens and remind them of the important contributions rural America makes.

One of the most important concerns facing rural areas is the current agriculture crisis. While the majority of the United States has enjoyed a decade of unprecedented economic prosperity, our nation's family farmers have not benefited from this abundance. In the wake of NAFTA and the implementation of a national farm policy destined for failure, America's farmers have suffered, and many are on the verge of bankruptcy. This economic distress has impacted not just farmers, but the entire rural community.

Ensuring our farmers have the opportunity to compete with international growers on a level playing field is more than an issue of protecting the way of life of rural Americans; it is an issue of national security. No one wants our country to be dependent on third world nations to supply our evening suppers, but if we fail to act now, when our farmers are in need, that scenario could become a reality.

I look forward to working with my colleagues on the Congressional Rural Caucus to develop a viable alternative to the 1996 Freedom to Farm Act. Now that we are united, our caucus has the strength in numbers to turn Congress's attention to this important issue.

HONORING THE O'NEILL SCHOOL OF IRISH DANCING

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 2000

Ms. DELAURO. Mr. Speaker, it gives me great pleasure to rise today to thank the O'Neill School of Irish Dancing for taking part in the New Haven's St. Patrick's Day Parade during their visit to the United States. It is an honor for New Haven to host them at this annual celebration.

In my hometown of New Haven, Connecticut, St. Patrick's Day is a very special holiday. Every year the parade committee works diligently to sponsor a group from Ireland to participate in the celebration. This year we are honored to have the O'Neill School of Irish Dancing join us from Bornacoola, representing communities from Leitrim and Longford Counties in Ireland. In all, 57 boys and girls, ages 8 to 15 will travel to the U.S. to perform in the New Haven Parade and will be featured in the big parade in New York. These exceptionally talented young people will be performing a combination of traditional Irish step-dancing with pieces from the popular shows of Riverdance and Lord of the Dance. Our community certainly shares the excitement in their attendance.

Even more impressive than their young talent is the commitment and dedication they have put into making this trip possible. Inspired by the excitement of performing, these young people managed a variety of fundraisers to finance the trip. With tremendous community support and enthusiasm, both in Ireland and in the States, they achieved their goal and were able to raise enough money for the trip. They are truly a remarkable group of youngsters.

On behalf of the New Haven community, I am pleased to welcome the O'Neill School of Irish Dancers—we are certainly thrilled to host them during their visit. My sincere appreciation to the many people who have helped them join us for the upcoming celebration. I would like to extend my very best wishes for continued success. Happy St. Patrick's Day!

THE OCCASION OF THE CONGRESSIONAL RURAL CAUCUS KICK-OFF

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 2000

Mrs. CLAYTON. Mr. Speaker, not long ago I made a statement on the Floor of the House that, I believe, underscores the pressing need for a new and revived Rural Caucus.

I noted that, at the Farm Resource Center, a national crisis line for farmers, those seeking help can not get through.

The line is always busy. Small farmers and ranchers are struggling to survive in America. In fact, small farmers and ranchers are a dying breed. And, because they are a dying breed, quality and affordable food and fiber for all of us is at risk.

Passage of the 1996 Farm Bill sounded the death knell for many of our Nation's farmers and ranchers.

Farmers and ranchers, able to eke out a living from the land in past years, now find it almost impossible to break even. Most are losing money and fighting to stay in the farming business. And, the crisis line is busy.

We are all aware of the problems tobacco is having.

But, in North Carolina, according to a recent news report, the state's top farm commodity, hogs, have experienced a fifty percent drop in prices since 1996. Wheat is down forty-two percent. Soybeans are down thirty-six percent. Corn—thirty-one percent; peanuts—twenty-eight percent.

Turkey and cotton prices are down twenty-three percent, since 1996.

In fact, my friends, at the time I made my remarks, there was no commodity in North Carolina that makes money for farmers. And, the crisis line is busy. In 1862, the year the Department of Agriculture was created, ninety percent of the population farmed for a living.

Today, American producers represent less than 3 percent of the population.

By 1992, there were only 1.1 million small farms left in the United States, a 45 percent decline from 1959! North Carolina had only a little over 39,000 farms left in 1992, a 23 percent decline. In 1920, there were over 6 million farms in the United States and close to a sixth—926,000 were operated by African-Americans. In 1992, the landscape was very, very different.

Only 1 percent of the farms in the United States are operated by African-Americans.

One percent—18,816, is a paltry sum when African-Americans comprise 13 percent of the total American population.

In my home state of North Carolina, there has been a 64 percent decline in minority farmers, just over the last 15 years, from 6,996 farms in 1978 to 2,498 farms in 1992.

All farmers are suffering under this severe economic downturn.

Just before I made my remarks on the Floor, I spoke with a farmer who was working off the farm—not to earn extra money—but, to earn enough money to save his small farm.

He made no money from the farm, in fact he lost money.

Taking a job off the farm was the only thing he could do to save his farm and pass it on to his children.

The man is seventy years old.

And, the crisis line is busy.

Mr. Speaker, when next you drive through a state where the food and fiber for America is produced—the least expensive and best quality food and fiber in the world—take note of the farm, and the people who are trying to make their living from the land.

It will take us, Congress, to relieve the pressure on the national crisis lines.

Farmers and farm families deserve a chance—a chance for the dwindling number of farmers and ranchers who feed and help clothe us at prices that are unmatched around the world.

I am reminded of the story that the former Chairman of the House Agriculture Committee, Kika De LeGarza, would tell.

While touring a nuclear submarine, he asked the Commander how long could it stay submerged.

After some reluctance in responding to what the Commander considered top secret information, he finally told the Chairman, "As long as the food lasts."

Food, my friends, is vital to America's defense and national security.

And, the crisis line is busy.

Before the "Freedom to Farm" Bill of 1996, the farm price safety net was shield against uncertain and fluctuating commodity prices.

When that Bill was being considered, we referred to it as "Freedom to Fail." I am sad to report that our admonitions have been far too accurate. We must now correct that error.

If we do nothing 'about the real problems facing these hard-working citizens, they may not be there at a later time.

And, that will hurt all of us, because we too, as human beings, can stay only as long as the food lasts.

That is why we need a Rural Caucus, and that is why we are here today.

A TRIBUTE—LOUIS BRACH WAS TRULY A HERO

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 2000

Mr. McINNIS. Mr. Speaker, I want to ask that we all pause for a moment to remember a man who we have lost, Louis Brach. Though he is gone, he will live on in the hearts of all who knew him and be remembered for long years by many who didn't.

Mr. Brach was a former mayor, city councilman, as well as, an entrepreneur in Grand Junction. He was known as a wonderful businessman and had the gift of recognizing opportunity well ahead of others. As the owner of

Brach's Market, he would go out of his way to tend to all of his customers. When he moved to Grand Junction at the age of 5, he knew that he was destined to make a difference.

Louis Brach is someone who will be missed by many. His friends and family will miss the man that they all enjoyed spending time with. The rest of us will miss the man who exemplified the selflessness that so few truly possess. But, when we lose a man such as Mr. Brach, being missed is certainly no precursor to being forgotten. And, everyone who ever knew him, will walk through life differently for it.

RECOGNITION OF JO-ANNE F. WILKIE

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 2000

Mr. BONIOR. Mr. Speaker, I rise today to recognize Jo-Anne Wilkie of St. Clair, Michigan for her inexhaustible efforts to further her community's appreciation of the arts.

For the past fifteen years, Jo-Anne has served as the Executive Director of The Art Center in Mount Clemens, Michigan. She has worked relentlessly to expose our community to the fine arts, as well as to preserve the historic center for generations to come. Under Jo-Anne's direction the center has truly prospered, and her work on the "Art in Public Places" program has made a tangible contribution to the lives of thousands by bringing fine art out of the confines of museums and into the streets and parks of our community.

Jo-Anne's work in Mount Clemens is only one chapter in a life that has been devoted to serving her community. Before coming to Mount Clemens, Jo-Anne was an elementary school vocal music teacher, the Founding Executive Director of the Downriver Council for the Arts, and the General Supervisor of Arts and Special Programs for the City of Indianapolis Department of Parks and Recreation. For her extraordinary commitment and hard work, Jo-Anne was awarded the key to the City of Indianapolis.

Jo-Anne is now being honored by the Daughters of Isabella Queen of the Skies Circle No. 683, and I ask that you join with me in commending Jo-Anne Wilkie for her inspiring devotion to the improvement of our community through the arts.

HONORING THE LATE WALTER HALL

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 2000

Mr. LAMPSON. Mr. Speaker, I rise today with great sadness to honor Walter Hall, who passed away on Sunday afternoon at age 92. Walter Hall, known by many as "Mr. Democrat" was a man who not only talked the talk, but walked the walk. He was a true visionary with a vision of a better life for all Americans.

He spent his life fighting for equality, justice, and opportunity. Walter was at the forefront of the civil rights movement, he spoke out eloquently about his belief that all men were created equal. He led the charge to abolish the poll tax, supported equal rights for women, and worked for the Civil Rights Act in 1964 and the Voting Rights Act of 1965.

He was a community activist who believed in opportunity for all, and was always looking to the future of the Southeast Texas-Gulf Coast area. He negotiated with the city of Houston to supply clean drinking water to Galveston County cities, and helped build the first water and sewer facilities in League City, Hitchcock, La Marque, Dickinson, Alta Loma, Kemah and Friendswood. He is credited with bringing NASA to the Clear Lake area, for the location of the Mainland Medical Center, and for the expansion of the seawalls of Texas City and Galveston. Throughout his long and successful career as a banker he provided opportunity to many through small business loans.

He was a man of humble beginnings who became a man of great fortune and power. He served as a mentor for many young people interested in politics, and was a close friend of President Lyndon B. Johnson and Speaker of the House Sam Rayburn. "Mr. Democrat" was a liberal Democrat and proud of it. Walter was a tremendous influence on the political community in Texas, and those in the political arena often sought his advice. He was actively involved with Lyndon Johnson, Ralph Yarborough, Jack Brooks, myself, and numerous other national, state, and local public officials.

Walter was a family man. He married his high school sweetheart Helen, had three sons, 8 grandchildren, and 5 great grandchildren. In 1999 he donated Helen's Garden to the City of League City, a park in the Historical section of town featuring 100 year old Butler Oaks, to honor his late wife and to protect the oak trees. His hobbies included hunting and fishing, activities he could pursue with his family in tow.

Mr. Speaker, despite all his clout, Walter Hall remained a man of the people, honest and forthright. His was of the utmost character, and his attributes of selflessness and commitment to others are rare gifts that the Southeast Texas-Gulf Coast area was lucky to have. His work and his dedication to the people of this great country is unparalleled. Walter will be sorely missed.

INTRODUCTION OF THE HENRY W. MCGEE POST OFFICE BUILDING BILL

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 2000

Mr. RUSH. Mr. Speaker, I am pleased to introduce H.R. 3909, designating a United States Postal Service facility in the First Congressional District of Illinois as the "Henry W. McGee Post Office Building."

Henry McGee, the first black Postmaster of Chicago, gave 44 years of outstanding and exemplary service to the Post Office Department, now known as the U.S. Postal Service. He began his career in 1929 as a temporary substitute letter carrier and ended it in 1973 as General Manager of the eight metropolitan districts of Chicago.

For this reason alone, I think it is more than fitting to honor his service and commitment to excellence, by naming the post office facility at 4601 South Cottage Grove Avenue as the "Henry W. McGee Post Office Building." But Mr. McGee's accomplishments do not end here and neither should the praise.

Mr. McGee coordinated the arrangements for the 1939 convention of the National Alliance of Postal and Federal Employees and in 1945 he served as president of the Chicago branch of the National Alliance. In 1948, Mr. McGee was appointed by the postmaster to comanage the employment office, later becoming the manager and overseeing the conversion to career employment for a large number of female employees.

Continuing to strive for excellence, Mr. McGee acquired his bachelor of science degree from the Illinois Institute of Technology, and earned a promotion making him General Foreman. Later, he became Superintendent of the largest finance station of the Post Office Department. In 1961, Mr. McGee received a master's degree in Public Administration from the University of Chicago, while concurrently being promoted to Personnel Manager for the Chicago region of the Post Office Department, which encompassed Illinois and Michigan. Five years later, Mr. McGee became the first black Postmaster of Chicago.

Abraham Lincoln said: ". . . in the end it's not the years in your life that count. It's the life in your years."

I am honored to submit this legislation saluting 90-year-old Henry McGee, a praiseworthy and admirable man. I urge my colleagues to support this worthwhile measure.

A TRIBUTE TO FRUITA MONUMENT HIGH SCHOOL'S WILDCAT DEBATE TEAM

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 2000

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize the accomplishments of an outstanding student organization, the Fruita Monument High School Speech and Debate Team. In doing so I would like to honor the following individuals on the team for their superb contributions to the speech and debate team: Juli Carrillo, Ginger Jacobson, Jenna Birkhold, and Eric Slater.

The stellar performance by the team is a direct indication to why they qualified for the national competition, to be held in Portland, OR. Their love of argumentation and debating issues helped them become victorious. They have proven to be an asset to their school and community.

It is with this, Mr. Speaker, that I say congratulations to the Fruita Monument's Speech and Debate team on a truly exceptional accomplishment.

HONORING ANTHONY GENTILE

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 2000

Mr. NEY. Mr. Speaker, I commend and submit the following article to my colleagues:

Anthony Gentile has spent his life serving people. In 1965 he traveled to nine countries in Europe with Ohio Governor Jim Rhodes on a trade mission and was honored with an Executive Order of Ohio Commodore. In 1967, he was named "Citizen of the Year" by the Wintersville, Ohio Chamber of Commerce. Also that year, he was one of forty-two American Delegates to the Fifth International Mining Congress held in the Soviet Union. In 1977, he was the recipient of an honorary degree "Doctor of Humane Letters" by the Franciscan University of Steubenville as well as the Conservation and Reclamation Award for the State of Ohio, the only award given by the Governor.

Additionally, Mr. Gentile is a past member of the Board of Franciscan University of Steubenville and has served on the Board of the Union Bank in Steubenville, Ohio. He is currently listed in the World Who's Who in Commerce and Industry and Who's Who in Finance and Industry. Despite all of these efforts, he also finds time to devote to the cause of cancer research.

Mr. Gentile is married to the former Nina A. DiScipio. The couple have been married for fifty-six years and have four children.

Mr. Speaker, I ask that my colleagues join me in honoring Anthony Gentile. His lifelong service and commitment are to be commended. I am proud to call him a constituent and a friend.

CONGRESSIONAL RURAL CAUCUS

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 2000

Mrs. EMERSON. Mr. Speaker, I rise this evening to speak out for our rural American communities and to join my colleagues, Mrs. CLAYTON from North Carolina, Mr. MORAN from Kansas, Mr. POMEROY from North Dakota to celebrate the formation of the new Congressional Rural Caucus.

This morning we held a press conference to formally announce the formation of our new Congressional Rural Caucus. We were joined by several Members of the Rural Caucus, the Speaker of the House DENNIS HASTERT, former Representative Glenn English from Oklahoma who was representing the National Rural Network, and many Americans who live and work in our rural communities across our great nation.

Those attending the press conference expressed such strong support for our initiative to review the Congressional Rural Caucus. It really says to me that there is a great deal of support for our rural American communities. That there's a real recognition of just how important rural America is to our nation. It tells me that we're on the right track here with our Rural Caucus. And there is absolutely no doubt in my mind that our Rural Caucus can and will help communities achieve real results.

Since last August my colleagues, Mrs. CLAYTON from North Carolina, and Misters MORAN from Kansas, and POMEROY from North Dakota, have been hard at work laying the ground work for the Rural Caucus. And we've been hard at work recruiting Members to join and take an active part in the Rural Caucus. We set a goal of 100 Members by our kick-off date. We not only met our goal, we surpassed it. To date, there are well over 110 bipartisan Members of the Rural Caucus. And more Members are joining every day. We've all joined together to raise a loud voice for rural America on Capitol Hill. Think about it. With nearly a fourth of the House on board, that's one heck of a loud voice. And the list just keeps growing.

To my Rural Caucus colleagues I want to say "thank you." Thank you for standing up and speaking out for your rural communities. Together we can make a real difference for all of rural America, and I look forward to the work that lies ahead of us.

Now to be honest, we couldn't have done this alone. It took a lot of work and assistance and support from the many, many organizations of the National Rural Network. To all of the groups who have supported our efforts for the Rural Caucus, thank you. Because of your experience, your knowledge, and your living connections with rural America, you all are an integral part of the success of the Rural Caucus. And I look forward to working with you on all that lies ahead.

Now I want to briefly talk about why I think the Rural Caucus is so important and why I think it's needed here on Capitol Hill. You may know that about one in every four Americans—that's 62 million people—live in rural America. That's also about the same number of people who live in inner cities. And an additional 15 million people live in small cities and towns.

These 77 million Americans share many of the same problems of big city residents—such as poverty, high unemployment, and chronic underemployment. But rural Americans face unique challenges because they are dispersed over hundreds and thousands of miles. And despite the similarity of some of the issues faced in urban and rural America, rural communities consistently get the short end of the stick when it comes to federal funding. And this is across the board in all agencies and all sectors—from economic development, to health care, to education and everything in between and beyond.

Now I represent a very rural district in Southern Missouri. And if you visited my district, I think many of you'd be amazed to see that while the American economy has been booming, communities in my district—like so many of our agricultural and rural communities across the nation—are being left behind.

The past several years have been very hard on American producers. And the hard times on the farm and ranch don't stop at the gate. These hard times impact rural main street, from the local shops, to the communities, schools and homes. The fact is, our rural communities are faced with a Catch-22 situation. They don't have the infrastructure needed to attract new and high-tech businesses. At the same time, they don't have the resources needed to invest in the infrastructure that can attract new and high-tech businesses.

The bottom line is that we simply must do all we can to ensure that rural communities have the tools they need to turn their challenges into real opportunities for growth and prosperity in the 21st century. Rural America is just too important to our nation to not do all we can. The Congressional Rural Caucus can play an important part in seeing this goal become a reality. After all, our rural American communities are our past, our present, and our future.

MINIMUM WAGE INCREASE ACT

SPEECH OF

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2000

Mr. POMEROY. Mr. Speaker, virtually every day we hear reports of our booming economy and the unprecedented economic expansion. Unemployment and inflation rates are at historic lows. Today we will debate the merits of a one-dollar pay raise for the American worker—a pay raise the American people overwhelmingly support, need and deserve.

The 1990s brought our nation's CEOs a 481% rise in pay while the average American worker saw an increase of only 28%. If the minimum wage earner's pay had increased at the same level as the CEOs, they would be now earning nearly $46,000 a year.

In order to have the same purchasing power of the 1968 minimum wage, the current minimum wage would have to be raised to $7.49 per hour. Further, the one-dollar wage increase we are debating would only restore the real value of the minimum wage to 1982 levels. As it stands, a working parent with two children will earn $10,700 a year at the current minimum wage—$3,200 below the poverty line.

When we debated the last minimum wage increase in 1996, many of my colleagues voiced fears that it would reduce the number of jobs in the workplace, particularly for those harder-to-place employees or welfare recipients moving back into the workforce. It is clear that in the four years since Congress passed the last wage hike, the opposite occurred: nearly 10 million new jobs were created, the unemployment rate dropped and employers are actually having trouble finding enough workers to fill job openings.

Mr. Speaker, this increase is about raising the standard of living for more than 10 million hard-working Americans. It is time that we stop delaying and pass this increase in the minimum wage.

TRIBUTE TO KRISTINE ELLIOT-THALMAN

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 2000

Mr. GARY MILLER of California. Mr. Speaker, I rise today to pay tribute to a fine public servant, Kristine Elliot-Thalman, who will be retiring this month from her distinguished career at the City of Anaheim, California. As part of her service to the City, especially for the last 13 years, she has headed intergovernmental affairs matters involving local, state, and federal initiatives that are so important to Anaheim's vital needs.

Mr. Speaker, I am especially honored to bring Kris Thalman to the attention of the U.S. House of Representatives, because on the very same day as her retirement, she is having a birthday as well and congratulations are doubly in order.

My colleagues in Congress, many of whom have had the pleasure to know and work with Kris through the years, wish her Godspeed in whatever endeavors she may choose in the future.

HONORING MICHELLE KATHERINE MIHIN

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 2000

Mr. OBERSTAR. Mr. Speaker, I rise today to recognize a special member of the staff of the Committee on Transportation and Infrastructure, Michelle Katherine Mihin, who is leaving us this week to return to her home in Ohio and accept a position with the Charles Schwab organization, an exciting and richly deserved opportunity.

Originally from Youngstown, OH, Michelle came to the Washington area to attend Marymount University where she earned her Bachelor of Arts Degree in Political Science. Of particular relevance to us, Michelle was active for a number of years in, and served as President of, Marymount's Society for Political and Government Awareness. After graduation she stayed in the area and worked as an intern in the office of her Ohio Congressman, our colleague, JIM TRAFICANT.

Shortly thereafter in 1996, Michelle joined the Committee to work as a staff assistant with both our Aviation and Railroad Subcommittees. During her time with us, she has earned a solid reputation for excellence and dedication in her work. What has especially impressed us is the initiative she has taken to reach beyond her assigned responsibilities. Michelle has always been ready to volunteer and see what jobs needed to be done and plunge in to help to do them no matter what the issue or hour of the day. As an avocation, she has become our unofficial "Social Director". If there is an occasion to celebrate or a staff member to bid farewell, Michelle is always ready to volunteer and put her organizational talents to work. Above all, we will miss the sparkle, enthusiasm and the laughter she brings to the Committee.

On many occasions I have quoted one of those gems of wisdom where the thought stays with you but the author's name does not: "Success is getting what you want, happiness is wanting what you get"—Michelle has earned both. I join with all Michelle's friends on the Committee in wishing her every success and happiness in her future endeavors.

IMPROVE THE QUALITY AND COST EFFICIENCY OF THE MEDICARE SYSTEM: SUPPORT REIMBURSEMENT FOR CERTIFIED REGISTERED NURSE FIRST ASSISTANTS

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 2000

Mr. COLLINS. Mr. Speaker, today, I am pleased to introduce The Certified Registered Nurse First Assistant (CRNFA) Direct Reimbursement Act of 2000, which will provide equity in reimbursement for certified registered nurse first assistants who provide surgical first assisting services to Medicare patients.

Having received more advanced education and training in first assisting than any other non-physician provider, CRNFAs serve a vital role, directly assisting physicians with surgical procedures. Additionally, CRNFAs and RNFAs are the only providers—aside from the rare physician making house calls—who sometimes provide post-operative care by actually visiting patients at home following surgery. Thus, not only do CRNFAs have more clinical experience and education than other non-physician providers, but they also provide continuity of care to patients enabling higher quality and better patient outcomes.

CRNFAs also provide the additional benefit of cost efficiency. Health claims data from the Health Care Financing Administration (HCFA) reveal that physicians file more than 90% of the first assistant at surgery claims for Medicare reimbursement. Physicians receive 16 percent of the surgeon's fee for serving as a surgical first assistant. Under this legislation, CRNFAs will receive only 13.6 percent of the surgeon's fee for providing first assistant services. Furthermore, CRNFAs are equally as cost-effective as other non-physician first assisting providers who currently are reimbursed at 13.6 percent of the surgeon's fee for first assisting. Use of CRNFAs would, therefore, be a high quality yet cost-effective alternative for the nation's health care delivery system, affording additional flexibility to surgeons, hospitals and ambulatory surgery centers.

In closing, I would like to express my appreciation for the hard work of the Association of periOperative' Registered Nurses (AORN) and its president, Patricia Seifert, RN, in bringing this issue forward. As a provider of health care, the CRNFA is a viable solution for controlling rising health care costs. Working in collaborative practice with surgeons, CRNFAs are cost-effective to the patient and to the health care delivery system. I urge my colleagues to join me in supporting equity for certified registered nurse first assistants by cosponsoring The Certified Registered Nurse First Assistant Direct Reimbursement Act of 2000.

HONORING MICHAEL VICK

HON. ROBERT C. SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 2000

Mr. SCOTT. Mr. Speaker, it is with great pleasure that I take this time to acknowledge the accomplishments of one of Newport News, Virginia's hometown heroes, Michael Vick, who recently led the Virginia Tech Hokies to this year's Sugar Bowl. His leadership and humanity during this exciting battle of champions continue to make a lasting impression on the minds of many in Newport News and indeed throughout Virginia.

Michael's talent on the field is more than evident. His remarkable athletic achievements as quarterback for the Hokies included being named Big East Conference Offensive Player of the Year and Rookie of the Year, Player of the Year by Virginia's sports information directors for the Division I all-state football team, and being named to the all-state team. To top off this impressive list, Michael led the Nation in pass efficiency and earned third place in the Heisman Trophy balloting.

Although Michael has gained national prominence for his athletic achievements, he remains well aware that he is a role model to young people in the local community. As a graduate of Warwick High School in Newport News, he returns often to speak with young students. Michael encourages them to set goals and work hard to achieve success. In doing so, he displays humility and an appreciation for his own accomplishments. These are the same skills he champions on the field and in the classroom at Virginia Tech where he is a sophomore studying criminal justice.

The City of Newport News will join with Michael's family and friends to salute him and celebrate his accomplishments throughout the weekend of March 17. These activities include a student assembly at his alma mater, where his high school football jersey number will be retired. The program also includes a recognition dinner and a community rally.

In a time where we are inundated with negative media accounts of our Nation's youth and sports figures, Michael shines as a positive example that hard work, determination and perseverance do, in fact, equal success. Newport News will long remember his outstanding role as an athlete and a gentleman while leading the Hokies to a national championship game. I join with the citizens of Newport News, Virginia in looking forward to Michael's continued legacy of success.

A TRIBUTE—RECOGNIZING RACHEL OWEN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 2000

Mr. MCINNIS. Mr. Speaker, I would like to take a moment to recognize the accomplishments of one of Colorado's bright youth, and participant in the JASON Project in Houston, TX, Rachel Owen. In doing so, I would like to honor this teenager for her academic accomplishments.

As a student in middle school, Rachel became very active in the Science Outreach Center in Carbondale, CO. She then became an Argonaut in the JASON Project and from there, was chosen to attend a program at NASA in Houston. She is the first student from the Roaring Fork Valley to participate in this program.

Rachel is active in the Kids Teaching Kids program through the Science Outreach Center. She is also an exemplary student, receiving A's throughout her academic career. Her peers and teachers recognized her great accomplishments and held a pep rally in her honor.

It is with this, Mr. Speaker, that I say thank you to Rachel Owen on a truly exceptional accomplishment at the age of 14. If we had more citizens like her, I am certain that we would live in a very harmonious place.

HOUSE OF REPRESENTATIVES—*Wednesday, March 15, 2000*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. OSE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 15, 2000.

I hereby appoint the Honorable DOUG OSE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Dr. Richard Camp, Ministry to the National Parks, Boston, Massachusetts, offered the following prayer:

Oh Lord, our Lord, how majestic is Your name in all the Earth. Your never ending providence orders every event, sweetens every fear, and brings real good out of seeming evil. We come to You for the grace another day will require for its duties and events.

Help us to walk in wisdom to those to whom we must give account, to walk in kindness to those with whom we work, and to walk with courage as we seek to do what is right.

Guide the women and men of this Congress today. Give them the vision to see the impact of today's decisions on tomorrow's world. And may the ripple effect of their lives of integrity return to bless them and all people in the days ahead.

God of hope, fill us with joy and peace as we trust in You that, by the power of Your spirit, our whole life and outlook may be radiant with hope. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Illinois (Ms. SCHAKOWSKY) come forward and lead the House in the Pledge of Allegiance.

Ms. SCHAKOWSKY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

LEARN FROM OUR MISTAKES

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, some startling news: Last month the Commerce Department announced that the U.S. trade deficit surged to an all-time high in 1999. The trade deficit rose over 65 percent from 1998, over 65 percent.

Mr. Speaker, the U.S. economy is being shipped overseas and the American workers are being left behind unemployed and unable to reach the American dream. And in spite of this indisputable fact, the Clinton administration continues to encourage the expansion of current free trade policy, such as NAFTA, to other nations around the world.

Sadly, the President has also failed to mention another fact that the Commerce Department also announced, and that is that the United States experienced record trade deficits with its NAFTA trade partners last year, as well. Seems obvious to me and many of my colleagues here that NAFTA and similar trade policies have caused more harm than good for our economy and for the American workers.

Let us not make the same mistake twice.

Mr. Speaker, I yield back such ill-conceived trade policies that seem to only trade away American jobs for higher trade deficits.

WE HAVE MEANS TO PROTECT OUR FAMILIES, SUPPORT OUR SENIORS, AND EDUCATE OUR CHILDREN

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SCHAKOWSKY. Mr. Speaker, I rise on behalf of senior citizens who cannot afford to pay for their prescriptions. I rise for the children who go to overcrowded and broken down schools. I rise for the people who work full time and still cannot afford health insurance or quality child care. I rise for people who cannot afford to send their children to college. I rise for the 80 percent of the homeless who go to work every day and play by the rules and cannot afford a roof over their heads. I rise to oppose Republican budget priorities that will make the very rich even more rich.

We have the means to protect our seniors, to support our families, and to educate our children and to bring everyone along. This is the moment in history when we can and should do that.

REPUBLICAN BUDGET PLAN PAYS DOWN DEBT

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, would my colleagues go on a huge credit card spending spree if they knew that they would be dead and gone once the bill came due and their children would be responsible for paying it off? Of course not.

Most Americans work hard to make sure that they have some money to leave their children when they die. Most Americans would never dream of leaving their children a pile of debt for their inheritance. But that is exactly what the Federal Government has been doing for years.

For 40 years, when Democrats controlled the Congress, they spent money on more and more Government programs and created bigger and bigger debt and they knew that their children would be the ones saddled with the bill, but they kept spending and borrowing and spending more. That was wrong.

Republicans are putting an end to this kind of spending-now-and-paying-later mentality. One of our priorities in this budget is to pay down the public debt. We want to pay off those bills so our children do not have to.

Let us work together to make sure our legacy to our children is a sound economy, safe neighborhoods, and quality schools instead of decades' worth of bad debt.

INCOME TAX BUSINESS OUT OF CONTROL

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the income tax business is out of control.

Check this out. Steve and Heidi Salashi of Monroe Falls, Ohio, failed to file a 1997 income tax return with the City. The reason they did so is they only owed 19 cents. Nineteen cents.

Now, if that is not enough to bust your bunions, the City of Monroe Falls

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

took them to court. They face 6 months in jail and a thousand-dollar fine because they even lost the record of the Salashi family, which included, Mr. Speaker, a $25 late fee.

Beam me up, Mr. Speaker, it is time to put a dagger in the heart of income taxes. Our Tax Code is so heavy it would give a King Kong gorilla a hernia.

I yield back the anguish of the American taxpayers.

COLOMBIA AID PACKAGE

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, in Shakespeare's play Julius Caesar, the soothsayer warned Caesar to "beware of the Ides of March." Caesar did not listen and Caesar perished.

Today, on this Ides of March, I bring my colleagues fair warning. If we do not pass the Colombia aid package soon, our friends in Colombia could suffer the same fate as Caesar and our own children could be next.

Mr. Speaker, in fiscal year 1999, Federal agents intercepted nearly 2,800 pounds of heroin and 280,000 pounds of cocaine coming into the United States. And of these amounts, DEA estimates that 80 percent of the coke and 75 percent of the heroin originated in Colombia.

These are staggering figures indeed, but they only represent the seizures. I can assure my colleagues that much more is making it to our streets and to our young people.

Without U.S. help in fighting the drug war, the Colombian Government has little chance of ending the violence and stopping the flow of drugs. With the illegal drug trade providing the insurgents with over $600 million a year in drug money, it is likely that the duly-elected Government of Colombia will fall without our immediate help. Failing to act will stay with our children forever.

REPUBLICAN BUDGET PLAN OUT OF STEP WITH AMERICAN PEOPLE

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, it seems that once again the Republican budget would be just another re-run of last year's out-of-step ideas. This is a reckless plan. It fails to extend the life of Medicare by one day. It fails to extend the life of Social Security by one day.

Instead of investing in the future of American families by paying down the national debt, it spends nearly $150 billion on budget busting tax cuts that benefit mostly the wealthy in this country. The Republican plan is out of step with the American people.

In addition, Republicans think that the cost of prescription drugs is a low-income problem. They are wrong. The increasing cost of prescription drugs is putting a massive financial burden on middle-class seniors.

Democrats want to make sure that all seniors are covered. They should not have to be poor to get Medicare coverage for the overwhelming cost of prescription drugs. Americans want a budget that protects Social Security, Medicare, that allows for prescription drug benefits for all seniors.

It seems that the Republican budget once again fails to connect with the needs of middle-class families.

GAS PRICES TOO HIGH—PEOPLE ARE HURTING

(Mr. RADANOVICH asked and was given permission to address the House for 1 minute.)

Mr. RADANOVICH. Mr. Speaker, the American people are paying almost $2 a gallon for gas while the Clinton administration is asleep at the wheel. Gas prices are too high, and people are hurting.

Mr. Speaker, why do mothers have to choose between a gallon of gas and a gallon of milk? The American people have to swallow the soaring price of fuel at the pumps, seriously jeopardizing their livelihoods.

Whether it is a tractor-trailer, a delivery van, or a family minivan, gasoline prices are making Californians choke. Still, the Clinton administration has done nothing.

Since 1993, when Al Gore broke the tie in the U.S. Senate to impose this administration's gas tax, U.S. oil production has declined by 17 percent, oil producing jobs have declined by 27 percent, and 36 U.S. refineries have closed their doors.

We need action now, not later, Mr. Speaker. Gas prices need to be lowered now.

STUDENT ATHLETE PROTECTION ACT

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, today one of the great events in sports in America begins, March Madness, the NCAA tournament.

While our student athletes are going to be giving it all on the court, the coaches are going to be trying to outthink and out-strategize one another.

But what do these coaches have in common, coaches like Mike Krzyzewski at Duke, Mike Montgomery at Stanford, Bill Guthridge at North Carolina, Roy Williams at Kansas? They all support a bill that the gentleman from South Carolina (Mr. GRAHAM) and I have introduced called the Student Athlete Protection Act, a bill that seeks to preserve the integrity of college, amateur, and high school sports by imposing a complete ban on betting on college sports, not de minimus bets on pools and offices, but on betting in Las Vegas.

Let us try to protect the magic and the purity of the competition in these sports and support this bill.

WHITE HOUSE E-MAIL CONTROVERSY CONTINUES

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, the White House e-mail controversy continues. Five Northrop Grumman employees were so intimidated by the White House threats of jail that one was nearly fired when she refused to tell her own bosses about the administration's failure to turn over thousands of e-mail messages under subpoena.

Newly obtained information shows the White House threatened to have the five employees jailed after they found and reported a glitch in the White House computer system that prevented the discovery of more than 100,000 White House messages involving campaign finance abuses, Monica Lewinsky, Chinagate, and Filegate.

Mr. Speaker, the Justice Department does not even appear to be interested, does not want to check these e-mails for information about the campaign finance scandal.

Why has Janet Reno, the attorney general, been so silent on this matter?

GUN CONTROL IN AMERICA

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, some months ago I indicated that I would be on the floor on a regular basis bringing to the attention of this Congress and to the American people that 13 children die every day at the hands of a gun. Thirteen children die every day.

But yet this Congress, of which I am a Member, and the House Committee on the Judiciary Conference Committee on Gun Safety and Juvenile Justice, refused to meet.

On the other hand, gun-responsible legislation such as trigger locks, smart gun, and the legislation that I intend to offer that will provide educational programs and incentives to schools, hold parents and adults responsible for children that get guns has not been able to see the light of day.

But, on the other side, the National Rifle Association thinks we can save lives by ugly and undermining advertisement.

Well, Mr. Speaker, they can advertise all day long with all kinds of anecdotes, but they cannot save lives. It is time for the Conference Committee on Gun Safety and Juvenile Justice to meet and to meet now.

Mr. Speaker, let me just say to Mr. Walter Hall that I offer to his family my greatest sympathy.

TELECOMMUNICATIONS ACT OF 1996

(Mr. WHITFIELD asked and was given permission to address the House for 1 minute.)

Mr. WHITFIELD. Mr. Speaker, it has been 4 years since the enactment of the Telecommunications Act of 1996; and I am pleased to report that cable companies are responding to that Act and are delivering state-of-the-art telecommunication services in Kentucky's First Congressional District, as well as throughout the country.

Charter company has wired Murray State University with cable modems, giving students and faculty high-speed access to the Internet. Charter is also deploying cable modems in the town of Murray, Kentucky, and will offer residential services there in April.

In addition, Mediacom is offering cable modems in Marshall and Calloway counties and continues to upgrade its infrastructure with interactive fiber/coaxial cable facilities.

I am pleased that cable companies throughout the country are helping to fulfill the vision of the Telecommunications Act, which was designed to bring competition, expanded investment, and the delivery of broadband services to all Americans.

□ 1015

WALTER HALL, A MAN WHO NOT ONLY TALKED THE TALK BUT WALKED THE WALK

(Mr. LAMPSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMPSON. Mr. Speaker, I rise today with great sadness to honor Walter Hall of Dickinson, Texas, who passed away on Sunday at age 92. Walter Hall, known by many as "Mr. Democrat," was a man who not only talked the talk but walked the walk. He was a true visionary, with a vision of a better life for all Americans.

He spent his life fighting for equality, justice, and opportunity. He led the charge to abolish the poll tax, supported equal rights for women, and worked for the Civil Rights Act in 1964 and the Voting Rights Act in 1965.

He was a community activist who negotiated with the City of Houston to supply clean drinking water for Galveston County and is credited with bringing NASA to the Clear Lake area.

He was a man of humble beginnings, who became a man of great fortune and power. He served as a mentor for many young people interested in politics and was a close friend to President Lyndon Johnson and Speaker of the House Sam Rayburn. However, despite all his clout, he remained a man of the people, honest and forthright. He will be sorely missed.

EDUCATION REFORM MUST BE TOP PRIORITY

(Mr. SCHAFFER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHAFFER. Mr. Speaker, Alexis de Toqueville wrote in his famous work Democracy in America that in America there cannot be enough of knowledge, for all knowledge benefits both those who possess it and those who do not.

Alexis de Toqueville is quoted all the time, and there is good reason for it. His commentary here on the value of knowledge, about how education is important to everyone, is an example of his wisdom. Education is an issue that is important to those with children and to those who are not parents.

If a generation of American school children is receiving an inferior education, that is a serious concern for all of us. Of course, the reality is that our Nation's public schools include excellent schools, some that are unremarkable and others that are simply a disgrace.

It is the general trend toward mediocrity, the systematic dumbing down of curricula, textbooks, and standards, that I find most alarming.

I know that millions of parents agree, and that is why education reform must be a top priority for this Congress.

AMERICANS MANAGE TO BALANCE THEIR CHECKBOOKS EACH MONTH, AND WE SHOULD DO THE SAME

(Mr. GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Speaker, I would like to associate my remarks with the remarks of my colleague from Galveston County today with the death of Walter Hall. One, he is a great American but also a great Texan.

Let me say what I am really here for is that here we go again. It seems like Yogi Berra said, deja vu all over again. We are counting our surplus eggs before they have hatched. Like kids who have taken their parents' credit cards and are on a buying spree, my Republican colleagues are busy spending a budget surplus that does not exist yet. It is just a wish and a prayer.

Instead of paying down the $5.5 trillion national debt and securing the future of Social Security and Medicare, they want another tax cut. It is strange, for the first time this last 10 days we are actually having the Department of Treasury paying off part of our national debt, first time in recent history; but their efforts would stop this. We should be using the surplus to ensure that Social Security and Medicare will rest on a financially sound foundation well into the next century. My Republican friends, though, are proposing billions in tax cuts that would take this away. We need to do better. The American people need to do better. We need to do better.

THIS BUDGET IS A QUESTION OF VALUES

(Mr. MENENDEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, the budget is not just a question of numbers. It is a question of values. With Republicans ready to yet again propose a $150 billion tax cut for the wealthy, they have made their values very clear. They value giving a millionaire a tax break while our seniors struggle to pay for their prescription drugs. They value giving the wealthy a tax cut while mortgaging our children's future to pay for it.

We Democrats have a different set of values. We value the commitment we have made to preserving Social Security and Medicare. We value the years of hard work our seniors have labored to build this country and the right they have to be able to enjoy their golden years without having to choose between the drugs they need and the retirement that they deserve. We value our Nation's children, who deserve a debt-free future, which is why we Democrats are fighting to use the surplus to pay down the national debt.

That is why this budget is a question of values, and that is why we Democrats are ready to fight alongside our Nation's working families for the values they deserve.

WENDELL H. FORD AVIATION INVESTMENT AND REFORM ACT FOR THE 21ST CENTURY

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 438 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 438

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 1000) to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes. All points of order against the conference report and against its consideration are waived.

The SPEAKER pro tempore (Mr. OSE). The gentleman from New York (Mr. REYNOLDS) is recognized for 1 hour.

Mr. REYNOLDS. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, yesterday the Committee on Rules met and granted a standard rule for consideration of the conference report to accompany H.R. 1000, the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century. As is customary for all conference report rules, the rule waives all points of order against the conference report and against its consideration.

Mr. Speaker, Robert Louis Stevenson once wrote, "For my part, I travel not to go anywhere but to go. I travel for travel's sake. The great affair is to move."

This Nation's proud history is filled with the deeds and adventures of great explorers and brave pioneers whose journeys were often more fascinating than their destinations.

As we continue to explore, pioneer and grow, the people of a young nation no longer travel just for adventure or, as Stevenson opined, solely for travel's sake. We began traveling for a much simpler purpose. We traveled to get somewhere.

We never stop finding a way to do it safer, faster and cheaper.

Whether it was the trailblazers of the Old West laying rails across a new frontier or immigrants from the Old World digging the ditches of a new canal; the growth, prosperity and opportunities of this great Nation have been intertwined with our ability, as a people, to move.

Throughout that history, this Congress has been called upon for its leadership and sometimes its help to make certain that the transportation needs of this country and its citizens were met safely, efficiently, and adequately.

Often that work is not easy, and I commend the gentleman from Pennsylvania (Mr. SHUSTER) for his efforts and his diligence.

Mr. Speaker, air travel is as critical to our Nation's economy as its future, just as surely as wagon trains and railroads were to expanding our land and our prosperity.

Issues affecting airline, airport and aviation safety have been of paramount concern over the years, and this Congress has been working to find the solutions to those issues and problems.

Our Nation's travelers have rightfully called for a greater safety and an end to needless delays and uncertain schedules. The airline industry has called out for increased safety measures, much-needed radar modernization and funding for airport construction projects.

The Wendell H. Ford Aviation Investment and Reform Act for the 21st Century provides for critical changes to improve competition, reforms the Federal Aviation Administration, helps small communities and large airports alike, and most important, makes our skies safer.

Mr. Speaker, the safety of our skies and our citizens must remain a paramount concern of this Congress. This bill goes a long way toward improving airline safety by increasing investment for FAA's facilities and equipment budget by almost 50 percent so that the agency can modernize our antiquated air traffic control system.

Additionally, H.R. 1000 provides the FAA sufficient funding to hire and retain the air traffic controllers, maintenance technicians and inspectors necessary for the safety of the aviation system.

Mr. Speaker, this bill helps airline passengers and their families by strengthening the provisions of the Aviation Disaster Family Assistance Act that was created following the tragic Value Jet and TWA 800 crashes.

Those terrible tragedies left already fearful family members without timely or accurate information, something that should never happen again.

Additionally, this bill spurs needed competition on behalf of American consumers. In my own district in Upstate New York, the high cost of air travel has been an ongoing concern, as we earned the dubious distinction of being one of the costliest areas in the Nation to travel by air. This region of the State, as do others across the Nation, needs greater airline competition and lower airline costs.

H.R. 1000 addresses much of that concern, by setting a dated elimination of slot restrictions at O'Hare, LaGuardia and Kennedy Airports, allowing smaller communities better access to New York and Chicago, as well as immediate access for regional jets.

The bill also creates a new funding program to help small, underserved airports market and promote their air service and for the first time funds general aviation airports.

As our reliance on air travel for business and commerce, vocations and vacations continues to grow, this bill provides the assistance needed for burgeoning airports across the Nation.

In my own region, the Buffalo and Rochester Airports will see funds from the Airport Improvement Program more than double, as will most others across the United States.

Mr. Speaker, this bill not only accomplishes a great deal on behalf of competition, growth, and safety in America's aviation system, it is a product of deliberation and consensus reflecting both the complexities and agreement of the two Houses of this Congress, as well as the executive branch.

In conclusion, I would like to commend the gentleman from Pennsylvania (Mr. SHUSTER) of the Committee on Transportation and Infrastructure, and the gentleman from Minnesota (Mr. OBERSTAR), the ranking member, for their hard work on this measure. I urge my colleagues to support this rule and the underlying bill.

Mr. Speaker, at this point I would like to insert into the RECORD a series of correspondence between the chairman and the ranking member of the Committee on Rules and the Committee on Transportation and Infrastructure concerning application of section 106 of the conference report to accompany H.R. 1000.

COMMITTEE ON RULES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 10, 2000.

Hon. BUD SHUSTER,
Chairman, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

DEAR BUD: The Rules Committee is planning to meet on March 14th to grant a rule for the Conference Report to accompany H.R. 1000, the Wendell H. Ford Aviation Investment and Reform Act of the 21st Century (AIR21). Since the conference report contains provisions establishing new points of order in the rules of the House and Senate, we would appreciate you responding to the enclosed questions prior to the hearing. Your responses will help us to develop a legislative history that will assist in the implementation of the points of order contained in the legislation. Thank you for your cooperation.

Sincerely,

DAVID DREIER.
JOSEPH MOAKLEY.

QUESTIONS TO CHAIRMAN SHUSTER REGARDING THE APPLICATION OF SECTION 106 OF THE CONFERENCE REPORT TO ACCOMPANY H.R. 1000

1. How is the Chair to interpret the language in section 106 of the conference report with regard to a limitation amendment to a general appropriation bill? In particular, how should the Chair interpret "cause total budget resources in a fiscal year for aviation investment programs described in subsection (b) to be less than the amount required by subsection (a)(1)(A) for such fiscal year"? (Section 106(c)(1))

2. Is there statutory discretion for the FAA to reprogram funds in the event of an amendment that limits funding for a project? If so, where is the statutory discretion?

3. How is the Chair to interpret the language in section 106 of the conference report with regard to a supplemental appropriations bill or a continuing resolution?

4. How is the Chair to interpret the language in section 106 of the conference report with regard to an "across-the-board" cut?

5. What calculations would the Chair have to undertake in determining whether the point of order applies to a bill, joint resolution, amendment, motion or conference report?

6. To what extent should the Chair rely on estimates from outside entities? (e.g. Budget Committee, CBO, OMB).

Committee on Transportation and Infrastructure, Congress of the United States, House of Representatives,
Washington, DC, March 14, 1999.
Hon. David Dreier,
Chairman, Committee on Rules,
Washington, DC.

Dear Mr. Chairman: Pursuant to your letter of March 10, 2000, regarding the Conference Report on H.R. 1000, the Wendell H. Ford Aviation Investment and Reform Act of the 21st Century (AIR 21), attached are responses to the questions you sent to develop a legislative history that will assist in the implementation of the points of order contained in the legislation.

Please let us know if you need any further information. With warm personal regards, we remain,

Sincerely,
Bud Shuster,
Chairman.
James L. Oberstar,
Ranking Democratic Member.

Attachment.

1. How is the chair to interpret the language found in section 106 of the Conference Report with regard to a limitation amendment in a general appropriations bill? In particular, how should the chair interpret "cause total budgetary resources for a fiscal year for aviation investment programs described in subsection (b) to be less than the amount required by subsection (a)(1)(A) for such fiscal year"? (Section 106(c)(1))

The points of order in (c)(1) and (c)(2) should not restrict the ability of Members to offer amendments on appropriations bills that would have the effect of limiting funding for an aviation project or activity that would otherwise be funded from the Trust Fund.

The aviation statutes permit great flexibility in the permissible uses of funds (see question 2, infra). Therefore, if the Congress adopted an otherwise valid funding limitation on any aviation project or activity, then the aviation statutes permit sufficient flexibility such that the funds that would otherwise have been obligated on that project could be obligated on another project. As a result, a project limitation amendment would not "cause total budget resources" to be below the level specified by subsection (a)(1)(A) and would not be subject to the point of order in subsection (c)(1).

However, it is possible that a limitation amendment could be offered to an appropriations bill that would trigger the point of order. For example, a limitation amendment to reduce funding for aviation investment programs below the guaranteed levels would be subject to a point of order.

It is intended that these points of order will be triggered when action is taken that would cause the total budgetary resources that have been or will be made available from the Trust Fund or for capital programs to be less than the amounts specified in AIR 21. With respect to the point of order in section (c)(1), the intent of the word "cause" is that this point of order should lie against any specified legislative action (or proposal) that would have the direct or indirect effect of reducing the amount that has been or will be made available to be obligated from the Trust Fund below the level specified in subsection (a)(1)(A). A similar analysis would be used for the point of order in section (c)(2).

2. Is there statutory discretion for the FAA to reprogram funds in the event of an amendment that limits funds for the project? If so, where is the statutory discretion?

Yes, the FAA has statutory discretion to reprogram funds to other projects. Sections 48101 and 44502 of title 49 provide a broad authorization for the use of Facilities and Equipment funds. If such funds are prohibited from being used for a certain project, then the FAA may use those funds for a variety of other authorized purposes within the Facilities and Equipment program. Sections 48103 and 47104 of title 49 provide a similarly broad authorization for the use of Airport Improvement Program (AIP) funds. In addition, section 47117(f) (as redesignated by section 104(g) of AIR 21), permits any amount of obligation authority that cannot be used by the airport sponsor to which it has been apportioned to be used instead for other airport development projects through the AIP discretionary grant program.

3. How is the Chair to interpret the language in section 106 of the Conference report with respect to a supplemental appropriations bill or a continuing resolution?

The points of order in section 106 apply to any bill, joint resolution or conference report. They make no exception for supplemental appropriations bills or continuing resolutions.

Section 106 would apply to a supplemental appropriations bill, but would only be incurred if that bill would either cause total budgetary resources out of the Aviation Trust Fund to fall below that year's estimated taxes plus interest, or if the sum of the appropriations for the capital programs fell below the levels set forth in AIR 21.

With respect to a continuing resolution, the points of order in section 106 are intended to ensure that the amounts intended to be made available for a fiscal year are in fact made available. Therefore, if a continuing resolution is adopted making short-term funding available for FAA programs, it is not expected that any points of order in Section 106 would be at issue. However, if a continuing resolution were to attempt to undermine the funding guarantees in AIR 21, then the points of order in section 106 would be at issue.

4. How is the Chair to interpret section 106 with respect to an across-the-board cut?

The points of order in Section 106 would apply to any bill making an across-the-board cut if it would undermine the funding guarantees in AIR 21.

5. What calculations would the Chair have to undertake in determining whether the point of order applies to a bill, joint resolution, amendment, motion or conference report?

In a bill making general appropriations for transportation programs, the Chair would need to make a series of simple calculations to determine whether either or both points of order apply.

For the point of order in subsection (c)(1), the Chair would first need to determine the amount of total budget resources being made available. Subsection (b)(1) defines the term "total budget resources" and these headings are easily identifiable in each appropriations bill. Obviously, any amounts would need to be netted against any provisions which reduce the amounts made available in the bill.

After the Chair determines the amount of total budget resources being made available, he would need to compare it to the level of receipts plus interest for that year. Subsection (b)(2) defines the term "level of receipts plus interest" to mean the level of excise taxes and interest estimated to be credited to the Trust Fund in the President's Budget baseline projections for that year.

In general, for the point of order in subsection (c)(2), the Chair will need to determine whether the sum total of budget resources for Facilities and Equipment and Grants-in-Aid for Airports provided in that same, or previous measures, for that fiscal year is at least equal to the sum of the authorized levels for those programs for that fiscal year. The authorized levels for Facilities and Equipment and Grants-in-Aid for Airports are found in sections 48101 and 48103, respectively, of title 49, United States Code.

6. To what extent should the Chair rely on estimates from outside entities? (e.g. Budget Committee, CBO, OMB)

For the routine evaluation of the points of order, the Chair would rely on estimates from all appropriate entities. To the extent a dispute arises over the level of receipts and interest in the President's Budget, it is intended that the Chair be advised of amounts and levels by the Congressional Budget Office.

FOLLOW-UP QUESTIONS FROM CHAIRMAN DREIER AND RANKING MEMBER MOAKLEY

1. The first point is the question #1, where you mention "direct and indirect effect of reducing the amount that has been or will be made available to be obligated from the Trust fund . . .". Please elaborate on what you mean by an indirect effect? Are you talking about an indirect effect that is based in aviation funding (such as an FTE amendment) or do you mean an indirect effect based on more general discretionary spending?

2. The second point is in question #3, where you state how the point of order would apply to a continuing resolution. you seem to state that a short term continuing resolution would not be affected by the section 106 points of order. Short term C.R.s are meant to be a noncontroversial band-aid so Congress can work on the larger appropriation bills. However, your last sentence in your response to question #3 states that if a C.R. "were to attempt to undermine the funding guarantees in AIR 21, then the points of order in section 106 would be at issue." Would our typical short term C.R. "undermine funding guarantees," or do you mean the long term, year-long C.R.s?

RESPONSES TO FOLLOW-UP QUESTIONS FROM CHAIRMAN SHUSTER AND RANKING MEMBER OBERSTAR

Follow up to Question #1

We believe that the point of order would be triggered by any action that would directly or indirectly cause budget resources to be less than set forth in AIR 21. We mean indirect to refer to any action that might be taken which would undermine the funding guarantee. There are many ingenious ways that could be devised to undermine the funding guarantee, and we want the point of order to apply to any action which would accomplish this.

For example, an amendment which would have the effect of deeming an operations account activity to be a facilities and equipment account activity would be an indirect way of undermining the guarantee.

Follow-up to Question #3

Technically, the points of order in Section 106 of AIR 21 apply to any continuing resolution funding FAA programs. In the circumstance of the typical short-term continuing resolution making appropriations for days or a few weeks at the start of a fiscal year while Congress completed its work, we would not raise, nor would we object to a rule waiving the points of order. In the case of a longer continuing resolution, we would have to evaluate them on a case-by-case basis. As we have stated, the intent of the points of order is to prevent undermining the funding guarantees in AIR 21. We would look at any longer CR to determine if it would in practice undermine the funding guarantees.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I thank my colleague for yielding me this 30 minutes and yield myself such time as I may consume.

Mr. Speaker, this resolution waives all points of order against the conference report and its consideration.

Mr. Speaker, I support the underlying bill and want to praise the chairman and the ranking member of the Committee on Transportation and Infrastructure, as well as the chairman and the ranking member of the Subcommittee on Aviation, for the extraordinary work that they have done to ensure that America's aviation system will remain safe and competitive as we enter the 21st century.

Generations of taxpayers have spent millions of dollars ensuring that our aviation system is the envy of the world, but that superiority is by no means certain unless we act.

Many communities now find themselves cut off from the booming economy as a result of the inability to move their goods and services where they need to go. This problem has enormous economic implications for certain regions of the country, including my own. I have said it before and I will say it again, that economic development cannot occur without affordable, accessible air transportation.

My district of Rochester, New York, and, of course, my great interest in Buffalo is the largest per capita exporting city in the United States and last year 1.2 million people flew out of our airport.

My district, Rochester, contains Fortune 500 companies such as Eastman Kodak, Xerox Corporation, Johnson & Johnson, and Bausch and Lomb. Of equal importance are the hundreds of small and mid-sized high technology firms that have been growing in our region over the past several years. These companies are now critical to the lifeblood of our community, but many firms are either moving out or choosing to expand in other regions of the country due to exorbitant airfares and the inability to get a decent flight schedule.

A relatively young and growing Rochester-based firm recently wrote to me that high airfares to and from Rochester are the primary reason that it froze professional positions in its local office and opted instead to expand its mid-Atlantic offices.

□ 1030

Trends like this can and do enormous damage to any community. Rochester is like many mid-sized communities that somehow got left out of the benefits promised by deregulation. To be blunt, deregulation failed us. During the 1960s, 13 air carriers served our region, affording consumers choices and creating a competitive environment and produced reasonable fares. Now there is one dominant carrier, four additional carriers and a few very small ones that effectively serve our region, and my constituents pay some of the highest air fares in the country.

Major airline carriers have clipped the wings of any start-up carrier, and while more than one carrier may service our region, they do not compete among themselves on most routes. The result has been the creation of a de facto monopoly on individual routes that are gouging business people and consumers when they fly. For example, Mr. Speaker, one can fly from Rochester to Chicago round trip for $1,200 to the penny on any airline serving Rochester that will take you there.

Congress can and must level the playing field for start-up carriers so that they can compete with the major carriers. Low-cost airlines formed after deregulation are the primary source of price competition in other areas of the country, and Rochester is a prime example of what happens without this pressure.

Two years ago I pledged to my constituents to confront this problem head on in the Congress. I authored legislation and called on the Department of Transportation and the Department of Justice to get tough on the predatory behavior of major carriers. I have testified numerous times before my House and Senate colleagues and conducted hearings in Rochester with Secretary of Transportation Rodney Slater.

As we are here today, the Department of Justice has launched a full-blown antitrust investigation into the behavior of the major carriers. The Department of Transportation for the first time in 20 years is looking at measures to prevent anticompetitive behavior. Thirty-six States' Attorneys General are pressing their State courts into action, and comprehensive legislation before us today will provide additional airport capacity and help to improve large and small airports to ensure that we have fair competition.

Moreover, a new start-up airline, JetBlue, will be serving Rochester in the coming year. I was pleased to be in Buffalo for their inaugural flight to New York City, and I was also pleased to help ensure JetBlue's access to the slot-controlled John F. Kennedy Airport in New York City and look forward to the relief their flights will provide in our community.

Let me speak a moment about the slot issue, although this has been alleviated in this report. Slots refer to the landing and take-off rights for each flight. The slot provisions included in the underlying bill are critical to this debate, and I am delighted that the measure begins to undo the damage created by the current system.

Currently, major carriers have a stranglehold on these slots, effectively preventing low-cost carriers from entering the market. In the 18 years since airline deregulation, major airlines have increased their grip on access to slots at major airports. The four slot-controlled airports in the country, LaGuardia and Kennedy Airports in New York, O'Hare in Chicago and National Airport near Washington, the dominant airlines use their control of slots to squeeze out the smaller carriers and consumers are being crushed in the process.

When these slots were first distributed, DOT made clear to the airlines the slots were government property owned by the American people. The government reserved the right to reclaim them at a future date to promote fair competition. With the growing move by large airlines to consolidate slots, this action is long overdue, and I am delighted to see it in this bill.

Mr. Speaker, again, I want to commend the chairman and ranking member of both the Committee on Transportation and Infrastructure and the Subcommittee on Aviation for their extraordinary work and for standing firm in the conference on our behalf. I will not call for a recorded vote. I urge my colleagues to support the legislation that the resolution makes in order.

Mr. Speaker, I reserve the balance of my time.

Mr. REYNOLDS. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Speaker, I thank the gentleman for yielding, and I thank the gentleman from Pennsylvania (Mr. SHUSTER) for deferring to me because I have to be in a markup. I really appreciate the courtesy.

Mr. Speaker, I cannot support this conference report, as my friend from Pennsylvania knows. My concerns about this bill are the same as those I have expressed for many years. I believe this bill will increase safety hazards for those flying into O'Hare and for my constituents who live under O'Hare's increasingly congested flight paths. I believe this will help create massive gridlock and delays at O'Hare and across the Nation.

Compressing more aircraft operations into the extremely limited capacity at O'Hare compromises safety and poses a significant risk of an air tragedy. I do not now dispute the fact that demand has grown. However, this demand has outgrown the capacity of O'Hare to safely handle this growth.

We know that at current levels of operations, we are shoehorning too many flights into O'Hare, creating recurrent near misses and near catastrophes at an overloaded airport. To paraphrase one senior pilot, "O'Hare is an accident waiting to happen."

Adding more flights will only increase the already unacceptable safety hazards at O'Hare. The only way to shoehorn more flights into the airport is to increase the operations frequency in bad, low visibility weather, typically by squeezing the operations closer together in time and space; that is, reducing separation distances between aircraft, converging triple arrivals in fog and rain. Murphy's law tells us that it is only a matter of time before this increased jamming of flights results in a disaster.

The only way to safely address the Chicago metro region's critical capacity shortfall is to build a third airport. A third airport is the only safe, sound and effective response of the public's need for more flights.

To those who argue that lifting of the slot rule will increase competition, I challenge you to show the specific facts that demonstrate that lifting the slot rule will actually increase competition. We have had a slot exemption on the books since 1994 to allow new competition at O'Hare, 6 years, yet the overwhelming majority of added flights under this exemption have gone to the affiliates of two major airlines.

So, if you want to increase competition, why not do it in the safest, and I emphasize safest, most logical effective way possible. The answer to effectively creating real time competition in the Chicago region is a new regional airport of sufficient size to allow new entrants to come in with a critical mass of flight operations. That means the capacity to grow and accommodate thousands of flights daily, capacity that can only be obtained at a new metro Chicago airport.

Mark my words: Congress' action in lifting the slots will create an air traffic logjam of nightmare dimensions at O'Hare. We all know O'Hare already has a national reputation for delays. Thousands of stranded travelers frequently sleep overnight on temporary army cots at "Camp O'Hare." Yet Congress' action in lifting the slot limits will cause these already intolerable delays to skyrocket, not only for passengers on new flights, but for passengers on all the flights into and out of O'Hare.

Mr. Speaker, there will come a day when the chickens come home to roost on the failures in this bill. It is my fondest wish that I will not have to be the one standing in this House in the wake of a major catastrophe at O'Hare to tell my colleagues "I told you so."

Another unfortunate aspect of this bill is it is a tax increase. It raises the passenger facility charge on each ticket from $3 to $4.50. So those of you that campaign as tax slashers, ax the taxes, had better explain this to your folks, because this is a tax increase.

O'Hare field will have flight increases in the year 2002 while LaGuardia's increases do not occur until 2007. I cannot explain this differential. I can only speculate.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I would just like to reply to a few of the statements made by my colleague the gentleman from Illinois (Mr. HYDE).

First of all, in regards to the safety at O'Hare airport, the high density rule was never put in place because of safety, it was put in place for other reasons. About 6 or 7 months ago at a public hearing I had the Secretary of Transportation and also the head of the FAA, and I asked them about safety concerns at O'Hare airport. Both of them made mention of the fact that the high density rule was never put in place for any kind of safety rules whatsoever, it was put in place for other reasons. They had both recommended that the high density rule be removed at O'Hare airport. I asked them if removing the high density rule in the year 2000 would create any safety problems. Both of them testified, absolutely not.

The gentleman from Illinois (Mr. HYDE), who has opposed the lifting of the high density rule, was successful in having us move the date from 2000 back to 2002. There was a slow phase-in period at O'Hare airport from 2000 to 2002, and we can thank the lobbying by the gentleman from Illinois (Mr. HYDE) on behalf of that for that being in the bill.

The gentleman mentioned the increase in the passenger facility charge going from $3 to $4.50. We on the Federal level simply give the local airport authorities the ability to increase this passenger facility charge. We do not impose a new tax upon the flying public. But this increase in the PFC really will aid and assist the residents around O'Hare airport more than anyone else because it will enable us to soundproof more homes, more schools, more churches around O'Hare airport.

Also the lifting of the high density rule will allow us to put more flights into O'Hare airport when people are not sleeping. At the present time, because of the high density rule, many flights have been scheduled during the night hours and the early morning hours. Lifting the high density rule will spread the flights out more during the course of the daytime operation of O'Hare airport, thereby giving the sleeping quality around O'Hare a considerable increase.

So I understand the objections of the gentleman from Illinois (Mr. HYDE), but I think if you look at it in the short run and the long run, it is not only good for competition, it is really good for all the residents around O'Hare Airport.

Mr. REYNOLDS. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. SHUSTER), the chairman of the Committee on Transportation and Infrastructure.

Mr. SHUSTER. Mr. Speaker, the House passed AIR 21 by an overwhelming vote of 316 to 110. Then we went to conference with the Senate, and the Senate had several significant objections to the bill. For several months we negotiated in good faith.

As a result of that negotiation, the very leaders of the Senate who were opposed when we went into the conference, and I refer specifically to the distinguished chairman of the Committee on Appropriations, Senator STEVENS, the distinguished chairman of the Committee on the Budget, Senator DOMENICI, the distinguished chairman of the Appropriations Transportation Subcommittee, Senator SHELBY, the leaders in opposition as a result of our negotiating and compromising in good faith, have all become vigorous supporters of this legislation, and, indeed, cast their vote last week in the Senate for this legislation. Indeed, the vote in the Senate was an overwhelming 82 to 17.

But we did have to compromise. We had to compromise, and, as Henry Clay said many years ago, compromise is honorable, because in compromise, while you always give up something, you get something in return.

This legislation, with the overwhelming support it now has, does several things. First, we guarantee that the budget resources provided each year for the Aviation Trust Fund will equal this year's estimated receipts and interest. In other words, we unlock the Aviation Trust Fund, and, of course, without any tax increase.

Second, we guaranteed that the capital accounts, facilities and equipment, and the grants in aid to airports, will be fully funded each year from the trust fund. Now, this carries out the intent of Congress in establishing the trust fund, that the capital needs be met before the trust fund revenue can be used for operating accounts.

Third, the program has been structured in a way to ensure a significant general fund contribution, although the exact amount of that contribution will be left up to the Committee on Appropriations. This was an area of significant compromise.

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The House did not achieve our guaranteed general fund contribution that we wanted; but in another way, we created a mechanism by which general fund money can be available.

Fourth, the conference report contains strong and enforceable mechanisms to ensure that the funding guarantees are honored. Again, this was an area of compromise. The House dropped its insistence on off-budget or firewalls and agreed to use points of order as an enforcement mechanism.

Now, this agreement to use points of order was predicated on the commitment of the House leadership not to waive those points of order in situations where the guarantees would be undermined. In a March 8 letter to the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules, the Speaker of the House wrote, "I support these funding guarantees. I will oppose efforts to undermine these guarantees during the full term of the bill. If such an effort were to occur, I would oppose waiving any points of order enforcing the funding guarantees. The House-passed position on this matter was off-budget status for the aviation trust fund. In agreeing to the conference report, the House conferees made significant procedural concessions to the Senate premised on my assurance that as Speaker, I would oppose efforts to waive the section 106 points of order against any bill, joint resolution, amendment, motion or conference report, or amendment thereto. I am determined to follow through on this commitment, and I know I can count on the support of the Committee on Rules."

In response, in reply to the Speaker's letter, the gentleman from California (Mr. DREIER) indicated his full support for the Speaker's position. He stated, and I quote, "In recognition of the fact that section 106(C)(3) was removed from the conference report, you can count on my full support for your position."

While the funding guarantees and the enforcement mechanisms should in and of themselves provide sufficient assurance that the increased aviation funding called for in AIR 21 will materialize, our overall agreement on the conference report provided additional assurances. Both the House and Senate leadership have agreed to ensure that the fiscal year 2001 budget resolution fully fund AIR 21, both trust fund and general fund, for the full term of the bill, while not reducing funding for other transportation function 400 programs.

This ensures that the Committee on Appropriations will receive an allocation sufficient to fund aviation in fiscal year 2001 at about $12.7, $2.7 billion over the enacted fiscal year 2000 levels.

In closing, let me thank the chairman of the Committee on Rules and our leadership for this strong support. I understand the Speaker, once again, along with the majority leader, will be vigorously supporting this legislation.

Let me say to my good friend, the gentleman from Illinois (Mr. HYDE), he is absolutely right. There would be safety problems at O'Hare, but those safety problems would exist if this bill does not pass. It is the passage of this bill which provides for increased safety for O'Hare through modernization of the air traffic control system; and indeed, for that reason, the bill should be passed. It helps O'Hare; and indeed, there is no tax increase in this bill. What we do, particularly those of us who are conservative Republicans like my good friend, the gentleman from Illinois, we turn back to the local authorities, the local elected officials, the local airport authorities. It is their decision to decide whether or not there should be an increase in passenger facility charges. That is good conservative orthodoxy, and it is one more reason why this legislation should be passed.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I am glad to have the opportunity to speak in favor of the AIR 21 conference report today. I want to commend the leadership of the gentleman from Pennsylvania (Mr. SHUSTER), the chairman of the Committee on Transportation and Infrastructure; the gentleman from Minnesota (Mr. OBERSTAR); the gentleman from Tennessee (Mr. DUNCAN); and the gentleman from Illinois (Mr. LIPINSKI) for driving this through the hurdles and the barriers. They have done a tremendous job, I believe.

As a Member of Congress from New Jersey and a frequent flyer, I am often reminded of the shortfalls in our Nation's aviation infrastructure. There are many days when I spend far more time on the tarmac at Newark International Airport than in the air. Despite the hard work and the immense effort of the men and women who work there, every year Newark Airport is one of the worst airports in the Nation in delays. This long-standing problem with delays can only be solved with airport improvements and investment.

For people like me who use Newark International Airport, these new funds translate into other tangible improvements. For example, new airport improvement program funds can be used to improve Newark's existing runways and make improvements that will reduce delays. More funding for the facilities and equipment program will mean improved air traffic control equipment for a facility in desperate need of a new tower.

Additionally, about $3.8 billion will be provided for hub airports like Newark, which will allow it to acquire new radar like the ASDE-3 radar due to come on-line soon. Increased funding also translates to more noise abatement projects.

When it comes to addressing the priorities of America's airports, air noise has long taken a back seat behind infrastructure and technology concerns. We must move methodically on this complex issue. But to the human beings who live near airports, this matter could not be more important. I am talking about the quality-of-life issues near airports. It is time to make it a priority.

Most importantly, increasing the budget of the FAA operations will allow the agency to more efficiently design and implement important airspace-critical initiatives. That is why the National Airspace Redesign must be made a national priority.

Mr. Speaker, I implore the House not to move expeditiously on the subject of airport noise while we are trying to redesign the system. This is what makes sense. This is the safe way to go.

Completion and implementation of the redesign of the entire air traffic control system will result in fewer delays and fewer headaches for those on the ground. Having begun in New Jersey and Newark, the comprehensive airspace redesign is essential to Newark and its surrounding airports.

That is why I have offered the amendment to the House report that expresses the sense of the Congress that the administrator of the Federal Aviation Authority should complete and begin implementation of a comprehensive national airspace redesign as soon as practicable. This amendment has been included in the conference report.

Mr. Speaker, I urge all to vote in favor of this conference report. We owe it to our constituents who must deal with air noise traffic daily, day in and day out.

Mr. REYNOLDS. Mr. Speaker, I reserve the balance my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, I want to start out by commending the gentleman from Pennsylvania (Mr. SHUSTER), the chairman of the Committee on Transportation and Infrastructure, and the gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the committee, the two most effective combination leaders in the House. I know why the gentleman from Pennsylvania is: he is a Pitt grad. I cannot figure out what the secret of the gentleman from Minnesota is yet.

I want to commend the gentleman from Tennessee (Mr. DUNCAN), my very good friend, and the gentleman from Illinois (Mr. LIPINSKI), who has done a great job.

I am here for a little promotion, and I am here to talk about some business. This is good for America. The chairman has finally opened up some money. I pushed hard for general aviation because I have a small airport, and I want to get money for my district.

Second of all, I have now developed the longest runway between Newark and Chicago, Pittsburgh, Cleveland, Canada, and Louisville, Kentucky that has hardly no commercial flight. I am open for a cargo hub. I beat the hell out of Japan and China, and if my colleagues want me to stop doing that, give me a call. I want them to drop their cargo off in Youngstown.

Now, to my business. According to the Flight Safety Foundation, the number one cause of airplane disasters is situational awareness. Pilots do not know where they are. The Traficant amendment, which I thank my colleagues for including, includes the study and the utilization of a new technology called Enhanced Visual Laser Guidance Systems.

Now, I say to the gentleman from Illinois (Mr. JACKSON), here is how it works. The pilot is 20 miles out, he sees a red light blinking, he is too far right. He sees a green light blinking, he is too far left. He goes to where he sees the amber light, he goes right at it, and he lands in the same spot every time if it is zero density, no visibility.

Now I want to talk about the disastrous deaths of the people on that Arkansas flight. I say to the gentleman from Pennsylvania, this is the testimony: the pilot said he approached in dense fog. He circled towards the runway. At the last minute, he visually saw the runway and made that split second decision that he believed he could land his craft safely. He misjudged and made a bad decision. The plane landed long, which meant he landed further on the runway than he normally would have had he had visibility. But second of all, he hit a light stanchion, the light stanchion destroying the plane, bursting into flames, all died.

The Traficant amendment says it costs nothing to put it on an airplane. It is put in each airport. If it is dead-bang fog, the pilot will see that runway, and there is no need for light stanchions. The cold cathode lights do not reflect and the lights can even be seen.

Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. SHUSTER), the Pitt graduate, for accepting my language; and I thank the gentleman from Minnesota (Mr. OBERSTAR), although he did not listen to my speech. I am still trying to figure out how he is so effective with the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. REYNOLDS. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 5 minutes to the gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. Mr. Speaker, I thank the gentlewoman from New York for yielding me this time. I also would like to congratulate the gentleman from Pennsylvania (Mr. SHUSTER), the chairman of the committee; the gentleman from Minnesota (Mr. OBERSTAR), the ranking member; and the gentleman from Tennessee (Mr. DUNCAN), the subcommittee chairman; and the gentleman from Illinois (Mr. LIPINSKI), the ranking member.

As a member of the Subcommittee on Aviation, this has been one of the most important issues for us to address, especially in Maine. Deregulation of the airlines has benefited many America communities; but in many places it has created some challenges, no more so than in Bangor, Maine, where we were fortunate enough to hold a Subcommittee on Aviation hearing with the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from New Hampshire (Mr. BASS) and other Members that were there to listen to the testimony of Bangor International Airport and listen to the hardships the communities have in trying to make sure not only that they get quality service but they get service to make sure that every part of America has an opportunity at quality and dependable jet service.

Bangor has been very challenged by that deregulation. The declining availability of flights has caused other problems: increased reliance on small, noisy and uncomfortable prop planes, and people are forced to drive to Manchester or Boston, far away, in order to get connective flights.

This legislation is going to be able to double the appropriations that those kinds of airports get so that they can provide the improvements to be able to draw carriers, get dependable service, and make sure that the people whom we represent get that quality service and dependable service, without having to make those long, arduous trips and endangering public health and safety.

This bill is going to be able to address it. It is going to be a 3-year authorization. It is going to double that appropriation that was there before, not only to the primary airports in Bangor, Presque Isle, and in Portland, but also general aviation airports. It is going to make sure that a lot of those small general aviation airports get the needed infusion of resources to do an even better job.

Also, it does reinforce the importance of the trust fund. I think our work on the Committee on Transportation and Infrastructure has been to resurrect those trust fund laws to make sure that the taxes, whether it is on roads, rails or air, are going into a trust fund and those resources are going back to what those taxes and fees were first assigned for. I think this does that.

I compliment the committee and the bipartisan nature of our work. I am really pleased at the work by Secretary Slater and by FAA Administrator Jane Garvey.

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The bipartisan nature of our committee and the working partnership of it I think is truly a model for other committees in this Congress.

I compliment all of those, including the staffs of both sides who have worked so hard to bring this about, because it could not have been done without them. It may look easy, but it is a lot of hard work by an awful lot of people.

So it is critical that we maintain our focus on a balanced transportation infrastructure. I believe that this legislation does this. I encourage all Members to support this, it is badly needed, and to make sure we get this out there as soon as possible.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. JACKSON).

Mr. JACKSON of Illinois. Mr. Speaker, I want to thank the gentlewoman for yielding time to me.

Mr. Speaker, I rise today and urge a no vote on this rule. This up and coming Saturday in my congressional district, several thousand people will be marching, not only against this conference report but against the use of the passenger facility charge in the city of Chicago and in the northeastern Illinois region.

This conference report increases the passenger facility charge from $3 to $4.50. However, it fails to ensure that PFC funds earned will be used in the way Congress originally intended.

The stated purpose of the PFC act was to, and I quote, "enhance safety * * * or capacity of the national air transportation system; reduce noise * * * from airports; and furnish opportunities for enhanced competition among or between the carriers."

Appropriate use of PFCs has been an ongoing problem since they were instituted in 1990. The city of Chicago currently collects the $3 ticket tax to the tune of about $100 million a year, although much of this revenue stream is not being used as Congress intended, to increase capacity.

Instead, the city has used PFCs in a number of ways:

To finance a $2.2 billion cosmetic facelift at O'Hare Airport. And even without the flight restrictions offered, the lifting of those flight restrictions offered in this legislation, that $2.2 billion has not increased capacity at O'Hare Airport by one new flight;

To finance a $700 million terminal expansion at Midway Airport. The airport of the gentleman from Illinois, its longest runway is 6,446 feet, and therefore, no Series V or VI airplanes will ever land there. The $700 million at his airport for terminal expansion will not increase the size of the aircraft that land at his airport by 1 foot.

There are future plans to use PFCs in my city to finance highways leading to O'Hare Airport. Why should passengers flying on airplanes be paying for highways with passenger facility charge dollars? Because the traffic jams getting to the airport because of the growth in the northeastern part of our city and State is all concentrated in one area, with none of it working its way south.

Rather than using Federal taxes to enhance capacity, safety, or competition, Chicago is also spending $1.7 billion to enhance existing monopolies, without creating room for even one new flight, capacity being defined using at least four factors: runway length, space between runways and taxiways, airspace, spacing between aircraft, weight and restriction of the aircraft. Absolutely none of this money in the city of Chicago is being used for runway length or runway expansion. I associate myself with the remarks of the gentleman from Illinois (Mr. HYDE).

So despite soaring ticket prices, service by airlines to and from O'Hare is being systematically reduced, particularly to smaller cities. Due to rising fares and reduced services, the major airlines at O'Hare Airport are posting record profits, led by whooping 63 percent earnings gained by United Airlines in the fourth quarter of last year.

That is in part because then Congressman Rostenkowski pushed legislation through which created a $3 passenger facility charge or ticket tax, no matter what they choose to call it in this Congress it is a tax, to pay for a new airport, an airport that was never built.

However, the Governors of our State, Jim Edgar and Jim Ryan, quickly proposed building a new airport in and around my congressional district, where the growth and economic impact would greatly benefit my constituents.

Instead of using the resources for a much needed purpose, these resources are going to enhance existing monopolies at existing monopolistic airports. I urge my colleagues to vote no on this rule.

Mr. REYNOLDS. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Speaker, I rise in strong support of the rule and the conference report on AIR–21.

I would like to start by taking this opportunity to commend the gentleman from Pennsylvania (Mr. SHUSTER), the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Tennessee (Mr. DUNCAN), the gentleman from Illinois (Mr. LIPINSKI), and the other members of the conference committee for moving this legislation forward to ensure that our Nation's aviation system remains the finest and the safest in the world. That is our overarching objective, to maintain an aviation system that continues to be the finest and safest in the world.

AIR–21 offers a certain and responsible level of funding for aviation infrastructure funding. It also offers some good news for the environment.

I would like to draw my colleagues' attention to a provision that will, for the first time, provide Federal assistance to help airports address increasingly difficult air quality problems. I introduced legislation last year known as the Airport Air Quality Improvement Act. I am proud to say that this legislation has been incorporated into AIR–21 and is now part of the conference agreement.

My legislation is a pilot program under which the Secretary of Transportation is to issue grants to ten airports for the acquisition of low emission vehicles, equipment, and related infrastructure support. Grant selection will be targeted at airports submitting plans that will achieve the greatest pollution reductions per dollar of funds provided.

The ten airports selected would be required to match the up to $2 million Federal grant for each on a 50/50 basis. These airports will be located in areas not attaining Federal Clean Air Act standards.

Airports are now frequently the single largest source of pollution within their State or region. The operation of cars and trucks and buses and vans may account for up to 50 percent or more of airport emissions. This pilot program will promote the expanded use of natural gas and electric vehicles and equipment at our Nation's airports, helping to reduce smog-forming pollutants, greenhouse gases, and toxic air contaminants.

I am particularly pleased that this approach has not only drawn the support of our committee's bipartisan leadership, but also has been supported by groups including the National Conference of Mayors, the Union of Concerned Scientists, the Natural Gas Vehicle Coalition, the Electric Vehicle Association of the Americas, and virtually all of the major automobile manufacturers.

I would like to take a moment to acknowledge the leadership of the Natural Gas Vehicle Coalition in assembling the group of diverse interests which worked hard to make this initiative a reality. My staff and I look forward to working with the Secretary of Transportation, the FAA administrator, and their staffs toward the prompt and successful implementation of this Clean Air Act program.

Mr. Speaker, I would also like to point out that AIR–21 includes another provision that I have championed to provide whistle-blower protection for both FAA and airline employees so they can reveal legitimate safety problems without fear of retaliation.

I have worked closely with my colleague, the gentleman from South Carolina (Mr. CLYBURN), over the past two congresses to ensure that aviation workers can blow the whistle on safety problems without looking over their shoulders and fearing retribution.

I am proud to see this much needed protection included in the conference agreement. AIR–21 makes sense for the flying public, it makes sense for the Nation's airports, and it makes sense for the environment. That is a winning combination. I urge my colleagues to support this legislation.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. LIPINSKI), the ranking member of the Subcommittee on Aviation.

Mr. LIPINSKI. Once again, Mr. Speaker, I thank the gentlewoman from New York for yielding this time to me.

I would like to address some of the issues that the gentleman from Illinois (Mr. JACKSON) brought up. He is very much interested in building a third airport in the Chicagoland area in order to create economic development and job creation within his congressional district, which I understand and which I appreciate.

But we do not build an airport to create economic development and cause job creation, we build an airport because we need additional capacity. Obviously, no one believes, other than a small group of people, that we need additional capacity in the Chicagoland area at the present time. Not one single carrier, passenger or freight, has been willing to go into a third airport located within the area of the gentleman from Illinois (Mr. JACKSON). We all know that the carriers are the ones who really wind up footing the largest portion of the bill to create a new airport.

The gentleman talks about the misuse of the PFC. I believe this statement is totally and completely untrue. The PFC has been utilized for what it is supposed to be utilized for. Some areas of the country have tried to utilize it for other purposes. In this new AIR–21 bill, we have tightened what the PFC can be utilized for. In my own community around Midway Airport and around O'Hare Airport, it has been used extensively for noise reduction in homes, in churches, in schools.

The gentleman talks about not having competition at O'Hare Airport. At O'Hare Airport we have the two largest carriers in the world operating, American and United Airlines. They are in a fierce competition. Their competition drastically reduce prices at O'Hare Airport. They have flights from Chicago to Washington National starting at 6:30 a.m. running until 8 p.m. each and every day, every hour on the hour and every hour on the half-hour. This is terrific, terrific competition. The lifting of the high density rule will improve this competition.

And last but not least, it was not Dan Rostenkowski that pushed through the House of Representatives a PFC. The man who spearheaded it, the man who saw the wisdom in doing it, the man that had the vision to do it, is sitting right behind me. At the time he was the chairman of the Subcommittee on Aviation. Today he is the ranking member of the full Committee on Transportation and Infrastructure, the gentleman from Minnesota (Mr. OBERSTAR). I also worked with him, but he was the man that did it. Dan Rostenkowski was busy taking care of tax matters at that time.

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Speaker, I rise today in support of the rule and the conference report.

Though the effort to get this rule and conference report to the floor has been a lengthy one, let there be no mistaking that our fundamental purpose here for undertaking this initiative is to ensure the safety of the traveling public.

The legislation before this body today represents a level of commitment to this purpose that is unprecedented. While safety has always been a priority while formulating aviation policy, it is clear that efforts to provide adequate resources for this intention have fallen sometimes very short, having seen firsthand the antiquated equipment many of our air traffic controllers must use in keeping our skies safe, for instance, at Stewart Airport in my district.

I cannot overstate the importance of making sure that the days of reliance on this ancient and antiquated equipment must be limited.

By ensuring a strong and viable funding source for aviation investment, this bill marks a significant stride in making safety a priority in practice, not just in rhetoric.

I commend the gentleman from Pennsylvania (Mr. SHUSTER), the gentleman from Tennessee (Mr. DUNCAN), and the gentleman from Minnesota (Mr. OBERSTAR) for their leadership on this issue, and I encourage my colleagues to join me in supporting the rule and the bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio (Ms. JONES).

Ms. JONES of Ohio. Mr. Speaker, I thank my colleague, the gentlewoman from New York (Ms. SLAUGHTER), for yielding this time to me. I rise in support of the rule.

What does AIR-21 mean to the Eleventh Congressional District of Ohio? It is paramount to the continued service delivery of goods and services for our Nation's travelers. Further, I believe it is a step in the right direction for America.

I come from the city of Cleveland, that houses the Cleveland-Hopkins Airport. My father worked for 38 years as a skycap for United Airlines. I watched as a child the growth and expansion of Cleveland Hopkins Airport. But currently, it is unable to perform simultaneous landings because of inadequate runway space.

□ 1115

I know Cleveland is not the only city with limited runway space, and I would urge my colleagues who even represent small and medium-sized airports to support this rule and legislation. It will provide money for runways and other equipment at airports. It ensures the FAA has funding to hire and retain air traffic controllers, maintenance technicians, and safety inspectors. It authorizes funding to improve the training of airport screeners and requires cargo airlines to install collision avoidance systems on aircrafts.

This is the first comprehensive legislation we have had in recent memory that addresses many of these issues. Specifically, I am very happy that this will be the first time that explicitly racial discrimination in air travel will be prohibited. It is a long time coming, and it ought to be handled.

Furthermore, other projects that will be protected, it will protect funding for letters of intent and makes it clear that it is not necessary that an airport assess a passenger facility charge in order to get a letter of intent.

Because of the shortness of time and the number of people who would like to speak, I just urge my colleagues to vote in favor of the rule.

Mr. REYNOLDS. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Pennsylvania (Mr. SHERWOOD).

Mr. SHERWOOD. Mr. Speaker, I rise in support of the rule on this vital piece of legislation, the conference report on AIR 21. Specifically, I want to thank the gentleman from Pennsylvania (Chairman SHUSTER) and the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Illinois (Mr. LIPINSKI), ranking members, for including provisions in this bill that will bring fairer treatment to families of victims involved in airline disasters on the high seas. These provisions will have a similar effect to the intent of my bill, the Airline Disaster Relief Act, which passed the House 412 to 2.

This compromise language will allow families who have lost loved ones in aviation disasters over international waters to seek more categories of compensation previously ineligible under the 1920s Death on the High Seas Act.

It specifically addresses the inequities faced by families like those in Montoursville, Pennsylvania, a town in my district who lost 22 family members in the TWA Flight 800 disaster of July 1996.

The time has come to create one level playing field and one process for airline crash claims. The current treatment of land and sea crash victims as separate and unequal must come to an end. I want to thank the gentleman from Pennsylvania (Chairman SHUSTER) and the gentleman from Tennessee (Mr. DUNCAN) for their efforts to bring justice out of disaster.

A small part of the legacy that the victims of TWA-800 will have through the efforts of their families is that the laws of the greatest Nation on Earth will be changed for the better. With passage of this bill, no longer will a parent be told by our Nation's legal system that longitude and latitude will determine the value of their children.

I want to thank my colleagues for their compassion for the families of airline crash victims and the excellent work that they accomplished in crafting this bill.

I urge my colleagues to pass this rule and this bill. It is the just and right thing to do.

Ms. SLAUGHTER. Mr. Speaker, I yield 2½ minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, every Member here owes appreciation to the gentleman from Pennsylvania (Mr. SHUSTER), the gentleman from Minnesota (Mr. OBERSTAR), to the gentleman from Tennessee (Mr. DUNCAN), and the gentleman from Illinois (Mr. LIPINSKI) for today's bill.

What we are doing with this bill is to try to do with AIR 21 what we are trying to do with TEA 21. It is time to do for air what we are trying to do for surface transportation. Our committee has guaranteed the integrity of the Aviation Trust Fund and, therefore, the improvements in our airports that the American people have long awaited.

If you see large increases in this bill, such as the 50 percent increase for the FAA, it will seem less large when we consider the antiquated and obsolete nature of our traffic control system.

This bill is wonderfully comprehensive. There is not a Member here who will not be affected, because the reach is to small and large jurisdictions alike.

There has been increasing pressure on large hubs and airports. Members are aware of the pressure at National, Dulles, and Baltimore because they use these airports themselves and feel that pressure. Two measures directly affect these airports.

I do regret that the slots at National, an already overburdened airport, were raised to 24. I am pleased and very grateful that our committee tried to keep them to six, because this is a greatly overtaxed airport, surrounded by residences and businesses.

I want to thank our conferees for resisting the proposal of the Senate, the other body, for 48 slots. So, it is now only 24 slots. As much as I regret that number, I know the kind of fight our conferees had to make in order to get only 24.

I certainly want to say how grateful I am that the committee has eliminated the requirement that Federal appointees to the Metropolitan Washington Airports Authority here in this region, be confirmed before receiving any Federal money or proceeding with new facilities. The Members have seen what that has meant in delays to reviving these airports, particularly National and Dulles. It has been very painful for all concerned.

We have made it easier for millions of Americans who use these airports and for Members themselves, by allowing this airport region to operate as other airports do. I very much appreciate the work of the committee and of the conferees in particular.

Mr. REYNOLDS. Mr. Speaker, may I inquire how much time is remaining on both sides of the aisle.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The gentleman from New York (Mr. REYNOLDS) has 6 minutes remaining. All time has expired for the gentlewoman from New York (Ms. SLAUGHTER).

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, to close, this bill not only accomplishes a great deal on behalf of competition, growth, and safety in America's aviation system, it is a product of deliberation and consensus, reflecting both the complexities and agreement of the two Houses of this Congress as well as the Executive Branch.

Mr. Speaker, I urge my colleagues to support this rule and the underlying bill.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. SHUSTER. Mr. Speaker, pursuant to House Resolution 438, I call up the conference report on the bill (H.R. 1000) to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 438, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of March 8, 2000, at page H649.)

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 30 minutes.

Mr. OBEY. Mr. Speaker, it is my understanding that both the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) support the conference report. If that is the case, then under rule XXII, I ask that I be assigned one-third of the time in opposition.

The SPEAKER pro tempore. The Chair understands that the gentleman from Pennsylvania (Mr. SHUSTER) supports the conference report. Does the gentleman from Minnesota (Mr. OBERSTAR) also support the conference report?

Mr. OBERSTAR. Yes, I do, Mr. Speaker.

The SPEAKER pro tempore. Under clause 8(d)(2) of rule XXII, one-third of the time will be allotted to the gentleman from Wisconsin (Mr. OBEY) in opposition.

Each of the three gentlemen will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this conference report. The greatest aviation system in the world is hurdling toward gridlock and potential catastrophes in our skies, and this bill will make those skies safer, reduce flight delays, and increase competition by modernizing our air traffic control system and improving our airports.

But we would not be here today but for the tremendous bipartisan support in this House and the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Tennessee (Mr. DUNCAN), the gentleman from Illinois (Mr. LIPINSKI), and the unanimous support of our committee as AIR 21 worked its way through the House and passed overwhelmingly 316 to 110.

When we went to the Senate, we found that there was very strong opposition by some to certain provisions of our legislation. Indeed, the distinguished chairman of the Committee on Appropriations, Senator STEVENS, opposed it; the distinguished chairman of the Committee on Budget, Senator DOMENICI, opposed it; and the distinguished chairman of the Appropriations Transportation Subcommittee, Senator SHELBY, opposed it.

Because of their strong opposition, we negotiated in good faith, and we negotiated to remove and change the provisions that the appropriators found objectionable. As a result of that, I am so pleased to report that those very Senators who started out in opposition to the House bill, because of our compromises, ended up vigorously supporting the bill.

So I am a bit mystified, I must admit, that we still seem to have some opposition from appropriators in the House after the negotiations we conducted with the leading appropriators in the Senate and got their strong support. They voted for the bill as well as the chairman of the Committee on the Budget.

I also would be remiss if I certainly did not mention the strong support of both the majority leader and the minority leader in the Senate as well as Senator GORTON, Senator ROCKEFELLER, Senator HOLLINGS, and Senator WARNER, recognizing some of the problems we have here locally with the Reagan National Airport. So as a result of negotiation and good faith, these very Members who started out in opposition came around to support this bill.

By unlocking the Aviation Trust Fund, this conference report provides $40 billion over the next 3 years for aviation investment programs, $33 billion of which is from the trust fund, and $7 billion from the general fund. As a result, funding for airport improvement will increase by more than 50 percent without any tax increase. This will allow allocations for commercial passenger airports, and cargo airports to double. This money can be used to improve safety and increase capacity, leading to more air service and lower fares.

I also want to emphasize with regard to the problem we had on slots, again, we compromised in good faith. In Chicago, we delayed the increase in slots, and not only did so, but also provided for more capability for small airports to be able to have access to O'Hare.

In Washington, Reagan Airport, where the Senate was proposing 48 more slots, we cut it in half to 24. This could allow a growing airport, like Bloomington, Illinois, to obtain nonstop service to Reagan National and western hubs, like Salt Lake City, to obtain nonstop service there. So we acted in good faith there. We also sat down and, indeed, in my office met with Members of the New York delegation and worked out a compromise there.

So while this bill is not everything we would like it to be, it is not everything that passed this House overwhelmingly, it is indeed a compromise, a compromise which has extraordinary bipartisan support.

For the first time, general aviation airports will receive their own individual allocations. The bill also increases funding for air traffic control modernization by almost 50 percent. This money will be used to buy radar, computers, and other navigation equipment that is needed to ensure a safe and expeditious flight.

Indeed, beyond the money that is so badly needed, we provide fundamental reform in this bill. We create for the first time a chief operating office of the air traffic control system. We provide a five-member oversight board to oversee air traffic control.

So the reform provisions in this bill are very important, along with the increased investment required to modernize and take care of the extraordinary expansion which we see. We have gone from 230 million passengers a year flying before deregulation, 600 million last year, 665 million this year, and over a billion passengers flying commercially in America by the end of this decade. That does not even touch upon the extraordinary growth in cargo, which is projected to more than double, having already increased by 74 percent over the past 10 years.

□ 1130

The bill also gives State and local governments the flexibility and the discretion to increase passenger facility charges by up to $1.50. And, again, this is a compromise. The House said $3; the Senate said zero. We arrived at this enormously complicated scientific compromise of $1.50.

It is important to emphasize particularly to my fiscally conservative, like-minded colleagues that this is conservative orthodoxy. We are returning to local government, to locally elected airport authorities, this decision. It is not a decision being made here in Washington. It is one that lets them make that decision. Beyond that, these standards should allow the FAA to process PFC applications expeditiously without first undertaking a lengthy rulemaking.

But this bill, as I have emphasized, is more than money. It deals with modernization and reform. And while we phase out the slots, as I have already mentioned, we do it in a way that takes into consideration, in a compromise, the interests of the New York delegation, the Illinois delegation, and the Virginia delegation. And so, indeed, in that respect, it is as well a compromise.

In addition, the important safety initiatives in this bill are of great importance, requiring the installation of collision avoidance devices on cargo aircraft, installing emergency locator devices on small jet aircraft, penalties for the use of bogus parts, whistleblower protection for the airline and FAA employees.

In the negotiation on the most contentious budgetary issues, which we finally worked out and now have the vigorous support of both the budget and the appropriators in the Senate on, the key elements of that compromise are as follows: there is a strong and enforceable guarantee that the budget resources provided each year from the airport and airway trust fund will equal that year's trust fund receipts and interest, as estimated by the President's budget. In other words, the Aviation Trust Fund is unlocked, just as we did with the highway trust fund. We now put the trust back in the trust fund.

There is a strong and enforceable guarantee that the capital accounts, the facilities and equipment and AIP, will be fully funded each year from the trust fund. This carries out the original intent of the Congress in establishing the trust fund, that capital needs be met before trust fund revenue can be used for operating accounts.

Now, there is no guaranteed general fund contribution. We gave in on this point. Thus, the FAA will have to compete with other agencies for its operating budget requirements. However, the program has been structured in a way that will result in a significant general fund contribution each year, although the exact amount will be determined by the appropriation committees, not by us.

The House dropped its insistence on off-budget or fire walls, even though those provisions passed this House overwhelmingly 316 to 110. In a good compromise effort we dropped it and agreed to use points of order to enforce the guarantees. The House Republican leadership has promised not to waive these points of order, and I entered their statements in the record during the debate on the rule.

The Committee on Appropriations will retain full control and oversight over the appropriated accounts and will be able to shift funds between the capital accounts. I am pleased that both the Senate and House leadership have agreed to ensure that the fiscal 2001 budget resolution fully funds the AIR 21 trust fund and general fund for the full term of the bill. This means that there will be no reduction in funding for Coast Guard or Amtrak. While this result is not all that the House wanted, it is a fair compromise and one that the chairman of the Senate Committee on the Budget and Committee on Appropriations also support.

Indeed, I am again reminded of the great Henry Clay's statement that honorable compromise is the way to get things done. Everybody loses something, but everybody gains something as well; and that is what we bring here today.

And, finally, I take great pride in the fact that this is a totally bipartisan bill. When AIR 21 passed the House by an extraordinary vote, both the Speaker, the majority leader and the minority leader voted for it. I can again report today that the Speaker and the majority leader on our side vigorously support this bill. It is an example of strong bipartisan support to do what is right for the American people.

I urge a "yes" vote on the conference report.

Mr. Speaker, to the weary air traveler who is spending more time sitting in airports rather than flying on airplanes, help is on the way. At last, our aviation system is going to get the help it needs. With AIR 21, the money the traveling public pays in ticket taxes will finally be dedicated solely to improving the safety and efficiency of our aviation system. This legislation will make our skies safer, modernize air traffic control, reduce flight delays, and boost airline competition. This legislation will revitalize our overburdened aviation system.

The Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR 21) is a three-year bill that will increase aviation investment by $10 billion over current levels, with the lion's share of the funding going to radar modernization and much-needed airport construction projects. The total authorized funding for federal aviation programs for 2001–2003 will be $40 billion over the next three years, $33 billion of which will be guaranteed from the trust fund, while $6.7 billion will be available to be appropriated from the general fund.

AIR 21 will benefit all sectors of the airport and airway system.

AIR 21 WILL MAKE OUR SKIES SAFER

Increases the FAA's facilities & equipment budget by almost 50 percent so that the agency can modernize our antiquated air traffic control system;

Increases investment for runways and other equipment at airports that will enhance safety;

Provides the FAA sufficient funding to hire and retain the air traffic controllers, maintenance technicians, and safety inspectors necessary for the safety of the aviation system;

Creates a cost-sharing program for airports and airlines to purchase air traffic control equipment;

Authorizes funding to improve the training of airport screeners;

Makes runway incursion prevention devices and wind shear detection devices eligible for AIP funding;

Requires cargo airlines to install collision avoidance systems on their aircraft;

Provides whistleblower protection for both the FAA and airline employees so they can reveal legitimate safety problems without fear of retaliation;

Ensures that funding is available to raise safety standards at small airports.

AIR 21 IMPROVES COMPETITION

Provides substantially more money to build terminals, gates, taxiways, and other infrastructure to stimulate competition at airports;

Increases access and competition to Chicago O'Hare by abolishing slots in 2002;

Increases access and competition to New York LaGuardia and Kennedy airports by abolishing slots in 2007;

Creates 24 new slots at Washington Reagan National Airport. Twelve of the new slots may be used for flights within the 1,250 mile perimeter; 12 may be used for flights outside of the perimeter.

AIR 21 PRESERVES THE ENVIRONMENT

Increases funding for noise abatement projects;

Streamlines environmental laws;

Establishes guidelines for air tours over our national parks.

AIR 21 HELPS SMALL COMMUNITIES

Increases funding for non-hub airports from $500 thousand to $1.0 million per year;

For the first time, funds general aviation airports;

Doubles the small airport fund;

Creates a new discretionary set-aside for reliever airports;

Authorizes a contract tower cost-sharing program so that small airports can get the benefits of air traffic control services;

Creates an incentive program to help airlines buy regional jets if they agree to use them to serve small airports;

Creates a new funding program to help small, under-served airports market and promote their air service;

Phases out slot restrictions to provide smaller communities better access to New York and Chicago.

AIR 21 IMPROVES LARGE AIRPORTS

Doubles the amount of the annual passenger funding for primary airports (airports with 10,000 or more passengers per year);

Raises the cap on the amount of annual funding that a large airport can receive from $22 million to $26 million;

Doubles the funding for cargo airports;

Raises the cap on the Passenger Facility Charge (PFC) $1.50 so that an airport has the flexibility to proceed on its own with those improvement projects that cannot be funded through the Federal Airport Improvement Program. PFC's can only be used to fund airport projects that increase safety and competition or for noise abatement.

AIR 21 HELPS PASSENGERS AND PILOTS

Reforms the management of the FAA's air traffic control system by creating an oversight board similar to the one established in the recent IRS reform legislation;

Strengthen the provisions of the Aviation Disaster Family Assistance Act that was created following the Valujet and TWA 800 crashes;

Allows pilots to appeal an emergency revocation of their license to the safety board.

AIR 21 REFORMS THE FEDERAL AVIATION ADMINISTRATION

Important changes are made in the management structure of the FAA to ensure that money is spent wisely.

A management board is created to oversee the air traffic control modernization program. The Secretary would be expected to consult with Congress in choosing members of this board, although formal advice and consent is not required.

AIR 21 RESTORES THE TRUST IN THE AVIATION TRUST FUND

Ensures that aviation taxes are preserved for aviation improvements.

Funds aviation capital programs at their full levels.

Results in a general fund contribution of $6.7 billion.

AIR 21 CONFERENCE AGREEMENT FUNDING LEVELS '01–'03

[Compared to FY 2000 enacted level (dollars in millions)]

	Enacted		Authorized		'01–'03 Total
	2000	2001	2002	2003	
Operations	5,893	6,592	6,886	7,357	20,835
Airport Improvement Program (AIP)[1]	1,896	3,200	3,300	3,400	9,900
Facilities and equipment	2,045	2,657	2,914	2,981	8,552
Research, engineering, & development (RE&D)[2]	156	237	249	255	741
FAA total budget resources	9,991	12,686	13,349	13,993	40,028

[1] Amount for AIP in FY 2000 is the enacted obligation limitation, as reduced by the Government-wide across-the-board cut contained in the FY 2000 Consolidated Appropriations Act. The authorized level of contract authority provided by AIR 21 for FY 2000 is $2.475 billion.

[2] RE&D is not authorized in FY 2003. Amount shown above for FY 2003 is an estimate.

The gentleman from Oklahoma (Mr. WATKINS) requested $3.9 million to strengthen the runway and taxiways at the McAlester Regional Airport in McAlester, Oklahoma.

These improvements are required for the airport to accommodate C–130 aircraft associated with activities at the defense ammunition center located in McAlester.

This is the type of project that we now expect to be constructed under the increased AIP program.

Section 132 of the conference report allows DOT to approve 20 innovative financing projects at small- or non-hub airports for the following types of projects: (1) Payment of interest, (2) Commercial bond insurance, (3) Flexible non-federal share, and (4) Use of AIP entitlement funds to service debt on an earlier terminal development project.

The fourth proviso in this section—concerning the use of entitlement dollars for terminal debt—was added to the final conference report in lieu of a similar provision (included in the original House-passed air-21 bill at Mr. MICA's request) to assist Daytona Beach International Airport in coping with it's terminal debt service.

It is therefore my view that Daytona Beach Airport is well positioned to be selected as an innovative financing project under section 132.

Mr. Speaker I would like to thank all the House conferees who made such significant contributions to our deliberations. The gentleman from Alaska (Mr. YOUNG), the gentleman from Wisconsin (Mr. PETRI), the gentleman from Tennessee (Mr. DUNCAN), the gentleman from Illinois (Mr. EWING), the gentleman from California (Mr. HORN), the gentleman from New York (Mr. QUINN), the gentleman from Michigan (Mr. EHLERS), the gentleman from New Hampshire (Mr. BASS), the gentleman from Indiana (Mr. PEASE), the gentleman from New York (Mr. SWEENEY), the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from West Virginia (Mr. RAHALL), the gentleman from Illinois (Mr. LIPINSKI), the gentleman from Oregon (Mr. DEFAZIO), the gentleman from Illinois (Mr. COSTELLO), the gentlewoman from Missouri (Ms. DANNER), the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), the gentlewoman from California (Ms. MILLENDER-MCDONALD), the gentleman from Iowa (Mr. BOSWELL), the gentleman from Georgia (Mr. CHAMBLISS), the gentleman from Connecticut (Mr. SHAYS), the gentleman from South Carolina (Mr. SPRATT), the gentleman from Texas (Mr. ARCHER), the gentleman from Illinois (Mr. CRANE), the gentleman from New York (Mr. RANGEL), the gentleman from Wisconsin (Mr. SENSENBRENNER), the gentlewoman from Maryland (Mrs. MORELLA), the gentleman from Texas (Mr. HALL).

I would like to thank the staff who worked so hard to ensure the success of this legislative effort:

From the Committee on Transportation and Infrastructure: Jack Schenendorf, Mike Strachn, Roger Nober, David Schaffer, Rob Chamberlin, Adam Tsao, John Glaser, Chris Bertram, Sharon Barkeloo, David Ballof, David Heymsfeld, Ward McCarragher, Sheila Lockwood, Dara S. Schlieker, Stacie Soumbeniotis, Tricia Loveland, Colleen Corr, Michele Mihin, Kathy Guilfoy, Alex Del Pizzo, Tricia Law, Scott Brenner, and Jimmy Miller.

Former Committee Staff now with the FAA: Donna McLean, David Traynham, Paul Feldman, and Mary Walsh.

From the House Legislative Counsel: David Mendelsohn and Curt Haensel.

From the Senate: Jim Sartucci, Keith Hennesey, Mark Buse, Ann Choiniere, Mike Reynolds, Sam Whitehorn, Kerry Ates, Brett Hale, and Julia Kraus.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation is nothing less than a great tribute to our chairman, the gentleman from Pennsylvania (Mr. SHUSTER). He has been a warrior for keeping faith with the traveling public, whether highways, transitways or airways, and for fully investing the trust funds, the revenues that we agreed to tax people for to deposit in trust funds for surface and air transportation; to make sure that those funds are invested as intended in the compact between the traveling public and its government.

He has been a champion, and I salute him for the success he has achieved here in negotiating between the Senate and the House, the role that we together played with the administration in coming to this agreement, and to achieving this outcome that will result in significantly greater investment in aviation from those taxes derived from the traveling public.

It is also fitting that this is a tribute to former, now retired, Senator Wendell Ford. It was my great pleasure to work with Senator Ford for many years on aviation issues, during which I came to have a great appreciation for his dedication to improving air travel, capacity, safety, and security. His persistent country, down-home wisdom and his folk humor kept us always on track and on message, and he deserves the recognition of having this bill, ultimately this law, named in his honor.

Aviation is the most rapidly growing sector of our Nation's economy. It is, in fact, a $600 billion sector of our economy. It is the element that makes America a leader worldwide in technology. Every modern nation on the face of this earth, every industrialized country, every country seeking to be an industrialized nation patterns its aviation development after the United States.

They want to acquire our air traffic control technology, they want to fly to our shores, to our airports, and operate in our airspace. They want to be a partner with us, whether it is code sharing or in development of new technology or investment in airports. We are the leader. But we will not be the leader if we do not make the investments in modernizing the air traffic control system, if we do not make the investment in expansion of our airport capacity. We will not be able to handle the growth that is projected toward a billion air travelers in the U.S. airspace alone.

Today, worldwide, over a billion people travel by air, but 650 million of those travel in the U.S. airspace. That means that nearly two-thirds of all air travel in the entire world occurs in the U.S. airspace, and that is the safest airspace in the world. And it does not happen by accident. It happens because year after year the FAA does its job overseeing the airlines, the airlines do their part, and our air traffic control system maintains safety in the air and on the ground for aircraft maneuvering at airport terminals.

But we cannot expect to make those investments in expansion of airside capacity, in runways and taxiways, or in the efficiency of the air traffic control system without sustained investment, without a dedicated revenue stream; and this legislation gives us that dedicated revenue stream.

Mr. Speaker, I want to make just one comment about the high-density rule which was discussed during debate on the rule. Lifting of the high-density rule under this legislation, ultimately, in 2 years at O'Hare, will mean new service, with new economic impact at O'Hare in the amount of over $1.3 billion. It will produce net consumer benefits of well over $630 million.

The gentleman from Illinois (Mr. LIPINSKI), the ranking member of the Subcommittee on Aviation, has spent long hours crafting the language we know today as the modification of the high-density rule. And I give him great credit for his dedication, his hard work, his perception of what needs to be done and how to accommodate the concerns of airport neighbors to minimize noise impact but also maximize the capacity of this world's greatest airport, this treasure that we know as O'Hare. The gentleman deserves great credit and appreciation from all who travel through that airport and whose lives and livelihoods are dependent upon it.

Affected airlines, when the HDR is ultimately lifted, will be able to freely set schedules in cooperation with each other, with the FAA, and with the airport. Availability of gates and air traffic control flow management will act as controls on the number of flights a carrier will schedule for a particular time period. Under no circumstance will the FAA allow more departures or arrivals than controllers can safely manage. In other words, the 130 per-hour arrival and departure rule will remain in effect, but it will be managed in the interest of safety not on the basis of some other considerations.

That is extremely important. This airport must be freed from these constraints so that our national air traffic system can operate to its maximum capacity, which it will do when, ultimately, the high-density rule is lifted.

Mr. Speaker, this conference report is an important step toward restoring faith with the American people. This bill, the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR 21), unlocks the aviation trust fund and ensures that we will make critical investments in our nation's transportation system and future economic growth and development.

The demand for aviation has grown dramatically over the last several decades, a trend that is expected to continue for the foreseeable future. In 1998, 656 million passengers flew commercially, twice the number that flew in 1980. Over the next ten years, this number of passengers is expected to grow to almost 1 billion a year. In addition, the air cargo market is growing faster than any other sector of the aviation industry.

It is crucial that the capacity of the U.S. aviation system keep pace with this ever growing demand and it is our job to make sure there is sufficient funding to provide for the needed capacity. Unfortunately, aviation funding levels have fallen short of late and demand is growing faster than the system can handle.

We have seen evidence of this in the increasing number of delays experienced in the last few years. In 1999, the U.S. recorded more flight delays than in any year. Delays through October 1999 were up 22.6% over 1998. Delay is costly: in 1999 alone, delay cost the airline industry and the air travelling public over $6 billion. If we don't act now and ensure adequate funding for our air traffic control system (ATC) and the nation's airports we will reach gridlock in our aviation system.

In the U.S. the General Accounting Office (GAO) has estimated the capital development needs at the country's 3,304 airports to be $10 billion annually. The current sources of funding leave an annual gap of $3 billion. Moreover, this estimate does not take into account the needs that will soon arise, such as accommodating larger aircraft; addressing airport access issues and terminal expansion; dealing with environmental problems; and providing for technological advances, such as GPS/WAAS.

Taking care of the airport needs alone will not be enough to ensure that our aviation system will be able to accommodate the growing demand. We must also make sufficient investments in our ATC system. Modernizing the ATC system is a very demanding and costly enterprise. The FAA operates over 30,000 pieces of equipment: 470 air traffic control towers, 176 terminal radar control facilities (TRACONS) and 21 enroute centers (ARTCCS). The U.S. air traffic control system is the world's most vast and complex, operating 24 hours a day, 365 days a year. It serves half the people using commercial airlines in the entire world. As I have said before, modernizing the ATC system is like rebuilding your car, while driving down the freeway at 65 miles an hour.

Modernizing our ATC system is not only important for capacity or efficiency purposes, but for safety. Currently, the U.S. ATC system is the safest in the world, but maintaining this level of safety will require continued investments. As the airspace becomes more densely populated, we will need to improve the information available to controllers and pilots. More accurate navigation and surveillance equipment combined with automation tools will increase the margin of safety for every flight. Better weather detection and prediction equipment, common situational awareness for pilots and controllers, and improved communication systems will also raise the bar of safety in our air traffic control system. We must simultaneously maintain the current systems and ensure a safe transition to new technology.

Aviation safety and efficiency also requires that the FAA has the resources to hire, train and compensate the air traffic controllers, safety and security inspectors, and maintenance technicians to ensure that the system is operated safely, 365 days a year. This year, significant reductions in the operations budget of the FAA, which affects staffing, training and travel, are making it more difficult for FAA to inspect airlines and improve aviation safety and maintain security. The FAA cannot sustain high levels of aviation safety and security with such funding uncertainties and shortfalls.

AIR 21 begins to address the needs of our aviation system. This bill will ensure that the attention and focus our interstate highway system has received over the years is extended to aviation. As DOT Secretary Slater has said: "Aviation will be to the 21st Century, what the Interstate was to the 20th." As we did in the 20th Century, it is time to meet the challenges of the new Century.

AIR 21 meets four pressing challenges of our aviation system: Enhancing capacity and access at our nation's airports; accelerating the modernization of the air traffic control system; promoting competition in the airline industry; and increasing safety in the aviation system.

H.R. 1000, with its provisions on both AIP and PFC's, will help fill the need for airport development. An AIP funding level averaging over $3 billion annually, along with the ability to raise PFC's by $1.50 for projects significantly reducing congestion, safety, noise or enhancing competition, will mean that there is a balanced financing package in place to ensure that airports will be able to meet the tremendous growth in aviation over the next ten years. AIR 21 also establishes a new entitlement program for general aviation airports that will help meet the needs of smaller communities.

Modernizing the air traffic control system has been a constant struggle for the FAA. There have been successes: the Voice Switching and Control System (VSCS), the Display System Replacement (DSR), and the Host and Oceanic Computer System (HOCSR) have been put in place successfully at 20 enroute centers across this country. But too often, other programs, like Standard Terminal Automations Replacement System (STARS) and Wide Area Augmentation System (WAAS), end up being delayed and overbudget.

There is no single answer to these problems. Accordingly, H.R. 1000 proposes a number of changes to improve the acquisitions systems at the FAA. First, by providing sufficient and stable budgets, averaging around

$2.8 billion a year for air traffic control equipment—a dedicated revenue stream, paid for by air travellers—managers at the FAA will be able to plan and manage programs more efficiently. Tony Broderick, former FAA Assistant Administrator for Regulation and Certification, asked the key question in this regard: "We would never expect a business to run efficiently if the funding stream fluctuated widely, so why do we expect this of FAA managers?"

With stable funding in place, and procurement and management flexibility for FAA managers, we will ask for more of them. An air traffic control management board, created by this bill, will increase the focus on FAA acquisitions managers' performance, holding them accountable for meeting schedule and budget targets. We cannot use problems at the FAA to justify inaction. Instead, we must make the necessary reforms and the necessary investments in safety and air traffic control equipment.

AIR 21 also takes steps to extend the benefits of deregulation to more of the American traveling public. Deregulation has saved air travelers billions of dollars over pre-deregulation pricing. However, we also know that the quality and frequency of service to some communities has declined and that some consumers—because of single carrier dominance at major hubs—pay too much.

This bill creates a program to help small and medium size communities obtain and receive better air service. Secondly, it provides that large and medium hub airports that are dominated by one or two airlines must file a competition plan before they receive AIP grants or have a PFC application approved. Airports have already begun looking at ways to enhance competition through different leasing arrangements for gates, and requiring a competition plan should accelerate that process.

H.R. 1000 also sunsets the High Density Rule at three of the four slot-controlled airports in this country. This will help increase competition at these airports. A 1995 Department of Transportation study concluded that the net benefit to consumers from lifting the HDR at these three airports would be over $700 million a year from fare reductions and improved service. The largest benefits will be at Chicago O'Hare International Airport. Furthermore, as more effective air traffic management techniques are developed and new technology introduced, these annual benefits will grow.

All of these benefits of this bill will mean nothing if we fail to address safety issues. The funding increases in the bill will mean that FAA will have the resources to hire, train and compensate the air traffic controllers, safety and security inspectors, and maintenance technicians necessary to operate the system safely on a daily basis. In addition, funding will be set aside to help small airports enhance their safety standards. Further, no airport will be permitted to impose a PFC above $3 without ensuring that their "airside" safety needs are being met.

AIR 21 also addresses the problem of collisions between aircraft and other vehicles on the runway surface. H.R. 1000 would authorize $3 million annually, beginning in 2001, to ensure steady, persistent effort to reduce these incidents. H.R. 1000 also includes important safety legislation to provide whistle blower protection to FAA and airline employees so they can reveal safety problems without fear of retribution. Finally, cargo airlines would be required to install collision avoidance devices by December 21, 2002.

AIR 21 is the bill that will allow you to say that you have honored the agreement with a passenger who pays that tax. With your vote, you will help ensure that the U.S. has the safest, most secure and efficient aviation system in the world as the second century of aviation begins to be seen on the horizon.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. Young), the distinguished chairman of the Committee on Appropriations, to explain why this piece of legislation is a turkey and wrongheaded.

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman for yielding me this time, and I want to join with the gentleman from Minnesota (Mr. Oberstar) in paying tribute to the chairman of the committee. He certainly has shown his effectiveness in getting this bill through the process.

I suppose it is difficult in an election year for Members to vote against projects that might show up in their districts sometime between now and the election. In fact, I would say to the gentleman from Pennsylvania (Mr. Shuster), that I probably would like to have some of the money in my own district. But, I am hoping, for a number of reasons, that we are not going to pass the bill this year.

I would like to say this. I know that the authorizing committee sometimes wonders where I stand. I believe that the funds that go into a trust fund for a specific purpose should be protected and should be used by that trust fund only for those purposes. By the same token, I am strongly of the opinion that the trust fund or the authorizing legislation should not be able to mandate other spending. We have a difficult enough time in keeping our spending numbers down as low as we can without mandating more spending. This bill mandates certain amounts of spending.

Every time we create a new entitlement, every time we create a new mandated spending program, we are taking every Member of this Congress a little more out of the process of what the Constitution guarantees as our responsibility and our jurisdiction. That process is to make appropriations decisions for the United States Government.

This bill guarantees an appropriation of $10.5 billion for the FAA for fiscal year 2001. The bill earmarks $6.2 billion of that amount for capital programs, which are desirable, especially in election years.

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That leaves only $4.3 billion for the FAA's operating budget. The FAA requested $6.6 billion for that appropriation. So what we are talking about here is funding for the people that, frankly, run the safety operations of the FAA.

This is an expensive bill. Over the past 3 years, we have appropriated $28 billion for the FAA. Under this bill, we could be forced to provide $40 billion. That is $12 billion more.

I know that, in the budget process, all of this spending is going to go down as Federal expenditures. They will be scored. And those revenues will, therefore, not be available to reduce the Federal debt, to provide tax relief, or to address other budget initiatives.

In fact, this bill is a tax bill. This bill increases certain airport taxes. I am not sure that this Congress wants to be on record as increasing taxes.

Next year, a new President and a new Congress would have this much less money to put into new initiatives to provide for the safety of those who use airports and who fly in our airways.

Funding for airport construction grants under this bill will rise from $1.9 billion to $3.2 billion. And if that is not enough, as I said, the bill provides additional airport taxes, which would increase spending by another $700 million a year. So airport spending is going to approximately double overnight. I am not sure how wise it is to double a budget overnight.

Now, the electronics and software companies also like this bill. And I have no problem with them. I am not opposed to them. Those who pour concrete and build buildings and runways are going to like this bill. But I am concerned about the people who actually run the system, who provide the safety, who control the airplanes, who inspect the airplanes. I am concerned that their budget has been reduced dramatically because of this legislation.

Mr. Speaker, I have no illusions over what is going to happen here. Because when this bill was before the House before it went to conference, there was no doubt that the House strongly supported it. But I thought it was important to make the case today that this is just one more step toward more mandated spending, one more entitlement type program that takes Congress out of the mix and requires money to be spent in ways that Congress may or may not approve.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Tennessee (Mr. Duncan), the distinguished chairman of the Subcommittee on Aviation.

Mr. DUNCAN. Mr. Speaker, I rise in strong support of this conference report.

This is indeed an historic occasion, and I believe that we are on the brink of passing legislation that does more for small- and medium-sized communities and their airports than any other aviation bill in the history of the Congress.

In addition, this bill makes major strides towards ensuring that our aviation system remains one of the safest and most efficient in the world and it does so without any earmarked pork barrel type projects. We do this by ensuring that aviation taxes paid for by passengers and airlines on tickets and fuel will be spent for aviation purposes as they were intended.

This has been a long, hard fight. We have been without a reauthorization bill for the FAA for over 2 years. We have had no long-term guaranteed funding of critical FAA programs during that time. The AIP program has been without funding since last year.

Now, through the efforts of the gentleman from Pennsylvania (Chairman SHUSTER) and those of the gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the Committee on Transportation and Infrastructure, and the gentleman from Illinois (Mr. LIPINSKI), the ranking member of the Subcommittee on Aviation, we have guaranteed $3.3 billion of spending from this trust fund for FAA programs through 2003.

This was a team effort, Mr. Speaker, but I do not believe we would be here today without the great strong and effective leadership of the gentleman from Pennsylvania (Chairman SHUSTER). This bill is a real tribute to him, above everyone else.

I know that some people are concerned about the spending caps. Let me say two things about that. First, this money is desperately needed by an aging aviation infrastructure to reduce delays and allow our already stretched aviation system to catch up to the record number of passengers that traveled this past year and are predicted for the future, 656 million passengers this past year, one billion before this decade ends.

Aviation is the cornerstone of our Nation's economy. Everyone, even people who never fly, benefit from a strong aviation system.

Second, with respect to the spending caps, this bill still permits annual review and oversight of aviation programs and does not alter our current budgetary or appropriations structures. It gives the Committee on the Budget and the Committee on Appropriations the flexibility they have asked for. In fact, both the chairman of the Senate budget and appropriations committees voted for this very bill.

At the present, because of the willingness of everyone to work together, this bill is more fiscally conservative than the bill that passed this House several months ago by a vote of 316–110. At the present rate of growth, 10 new airports the size of Dallas/Ft. Worth, Atlanta Hartsfield, or Chicago/O'Hare would be needed to adequately absorb the increase in air passenger traffic.

According to the Air Cargo Association, in addition to this passenger growth, air cargo volume rose 50 percent last year and is increasing at a rate of 2½ times the increases in air passenger traffic. With all this growth, aviation delays are too high now and would be much higher without a bill such as the one we have before us today.

The airlines estimate that these delays will cost them over $4 billion in the next year.

I urge strong support for this bill.

The National Civil Aviation Review Commission has predicted that if we simply maintain the status quo, our aviation system will face gridlock early in this decade.

With these increases in travel, it is likely that people who wanted to fly could not fly without increased investment in aviation infrastructure. Flights would have to be limited in the very near future.

AIR 21 will ensure that proper investment is available to fund the necessary improvements to our aviation system.

By 2003, the bill raises the level of FAA operations to over $7 billion, the Airport Improvement Program to $3.4 billion, and the Facilities and Equipment account to $2.9 billion.

The increase in AIP funding will double the entitlement dollars for primary airports, double the minimum entitlement for small airports, and, for the first time, fund an entitlement for general aviation airports up to $150,000.

In addition to ensuring that our nation continues to have the safest, most secure, most efficient air service in the world, one of the most important benefits of this new funding will be the tremendous improvements in airport infrastructure at small and mid-size communities.

This bill doubles the small airport fund. This will give small and non-hub airports as well as general aviation airports more money to meet their needs.

In addition, the bill creates a new discretionary set-aside for reliever airports.

It authorizes a contract tower cost-sharing program so that small airports can get the benefits of air traffic control services, and creates an incentive program to help airlines buy regional jets if they agree to use them to serve small airports.

It also helps small communities by creating a new funding program to help small, underserved airports market and promote their air service. In addition the bill increases funding for the essential air service.

Phasing out the slot restrictions at New York and O'Hare will provide smaller communities better access to these large cities.

This provision will also act to increase competition when the slot restrictions are fully lifted in 2002 in Chicago and in 2007 in New York.

In addition, by providing substantially more money to build terminals, gates, taxiways, and other infrastructure, competition will be stimulated at other airports.

This bill also raises the cap on the Passenger Facility Charge from $3 to $4.50. Under this provision, each local airport continues to have the flexibility to determine whether it wants to charge this fee. By raising the cap, the locality also can determine how much up to the cap it wants to charge based on its individual needs. This new PFC provision can be implemented by the FAA without the need to institute a rulemaking proceeding.

AIR 21 also incorporates the National Park Overflights provisions based on a bill that I introduced. These provisions represent a strong compromise reached between all the parties involved in air tours over national parks. The provision will ensure that both air and ground visitors to our national parks will have the ability to experience and enjoy our national parks. I am personally proud of the work that went into these provisions and I thank Chairman YOUNG of the Resources Committee for his work on this issue also.

Finally, although everyone is talking about all the big things this bill does, it also does a lot of little things that merit mentioning.

We have raised the fine that can be imposed on unruly passengers, to $25,000. This will help to ensure the safety of the flight crew and other passengers on a flight.

We have also acted to improve the training of security screeners so that we can continue to assure the traveling public of its safety when it flies.

We have a provision requiring collision avoidance devices on cargo aircraft. This will ensure that cargo aircraft have similar technology that passenger aircraft have now to avoid collisions.

And we have changed the applicability of the Death on the High Seas Act so that it does not apply to airplane crashes within 12 miles of the United States. This will help to ensure that victims of tragic plane crashes over the water will have the same ability for recovery as those crashes over land.

AIR 21 has been a bipartisan project and has resulted in a bipartisan product that I truly believe is good for aviation.

In this bill, there is the promise of safety and efficiency in our nation's aviation infrastructure in the years to come.

That should be a promise we all can support.

I urge you to vote yes on the conference report for H.R. 1000.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska).

The Chair advises that the gentleman from Pennsylvania (Mr. SHUSTER) has 7 minutes remaining, the gentleman from Minnesota (Mr. OBERSTAR) has 13½ minutes remaining, and the gentleman from Wisconsin (Mr. OBEY) has 15½ minutes remaining.

Mr. OBEY. Mr. Speaker, I yield myself 7 minutes. Mr. Speaker, I have a great deal of respect for the gentleman from Pennsylvania (Mr. SHUSTER), and I have a great deal of respect and affection for the gentleman from Minnesota (Mr. OBERSTAR). He is a good friend of mine. But I simply cannot, in good conscience, abide in any way this legislation before us today.

Five years ago, when the majority party took control of this institution, we were told that we were going to see a new day and that we were going to see a high degree of fiscal responsibility and balance. Instead, this bill for the second time throws that promise out the window.

Two years ago, this House voted to require large increases in spending for highways and they put that requirement ahead of every other priority in Government.

Now, I am a strong supporter of the trust funds and I am a strong supporter of highway construction and airport construction, but I do not believe that that ought to be a higher priority than education, than health care, than cancer research, than environmental cleanup, than support for our farmers or support for our national defense. And yet, the House voted to put highways ahead of all of those 2 years ago.

Now, today it is taking us down that path for a second time and it is saying that our highest priority before all others is the funding of concrete to build new airports.

Now, I want to see new airport construction. The problem with this bill is that it pretends that it is only directing the spending of trust fund money, but, in reality, it also directs the spending of non-trust fund money.

Here is how it does it: It appropriates about $40 billion over the next 3 years to the FAA. It guarantees that $3.3 billion of that will have to be spent on bricks and mortar, on construction items. And it leaves us in this situation: It means that, if we do not then fully fund the remainder of that $40 billion out of non-trust fund monies in the appropriations process, that then the operations portion of the budget for the flying public will be severely crippled and shortchanged. And, obviously, we do not want to be in the position to do that.

The Committee on Appropriations is effectively denied by this legislation the ability to trade off the funding that we spend for operation versus construction by taking a bit out of the construction portion of the budget to fund operations. And the result is that that means that we are going to inevitably require reductions in many of the programs I have just mentioned.

Let me explain why. I am one of the biggest supporters I know of for highway construction and airport construction. But this proposal requires the 64 percent increase in just 1 year for airport entitlements without examining competing needs in education, biomedical research, veterans' health care, or anywhere else.

An extra billion dollars that is taken by this bill to fund airports is a billion dollars that we cannot use to fund 3,000 NIH grants for research and cancer and diabetes. It is a billion dollars that we cannot provide for special education. It is a billion dollars that prevents us from putting a dent in the $112 billion of renovation needs of our schools. It is a billion dollars that we cannot use to fund 9,000 security officers in our schools with the worst violence and drug problems.

What is happening is that this bill is being passed without regard to what is happening to the budget in the Committee on the Budget. And what is happening there is that the majority party is planning to mark up a FY 2001 budget resolution that provides only $289 billion in appropriation room for the coming year on the domestic side of the ledger. That is some $25 billion below the amount requested by the President, and it is some 2 percent below a freeze level.

Now, if we are going to provide outlays for highway and transit that are $3 billion this year above last year and $4.8 billion, or 19 percent, above by the year 2003, that means that other cuts are going to be required on other programs. And that seems to me that we should not want to do that.

If we take a look at this bill, under this bill, aviation outlays would escalate by 3 percent in 2001 and 41 percent by 2003. And all of that is supposed to take place in the context of a budget which will provide a cut below freeze level.

If we pass this bill today, I do not want to hear anyone who votes for it saying that they were for making more room for cancer research or for making more room for education or for making more room for defense, because they will be denying the Committee on Appropriations the flexibility that we need to try to meet all of those problems.

I would point out one additional problem with this legislation. It allows the Senate and the President to determine what the internal rules of the House of Representatives are going to be because it puts into law changes in House rules. It puts into law two new points of order that are aimed at precluding any current or future Member of the House from offering any bill, conference report, motion, amendment, or resolution that would alter aviation funding guarantees for the next 3 years in any way whatsoever.

Do we really believe that this institution ought to have to go to the President of the United States to get his permission to change our internal rules? I think that is outrageous.

It has been said that the leadership of both parties are in support of this bill today. If that is the case, then all it demonstrates is that the leadership of both parties are abdicating their responsibilities to the greater prerogatives and needs of this institution. And that is a crying shame, Mr. Speaker.

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Mr. SHUSTER. Mr. Speaker, I yield 30 seconds to my good friend, the gentleman from Florida (Mr. MICA), a member of the committee.

Mr. MICA. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. SHUSTER) for yielding me this time.

Mr. Speaker, it is my understanding, and I would like to enter into a colloquy with the chairman, that section 132 of the conference report allows DOT to approve 20 innovative financing projects such as allowing AIP entitlement funds to service debt on an earlier terminal development project at a small or nonhub.

Am I correct in understanding that the fourth provision in this section concerning the use of entitlement dollars for terminal debt was added to the final conference report to assist Daytona Beach International Airport in coping with its debt terminal service?

Mr. SHUSTER. Mr. Speaker, will the gentleman yield?

Mr. MICA. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. The gentleman is correct.

Mr. MICA. Then is it the chairman's belief that Daytona Beach International Airport is well positioned to be selected as an innovative financing project under this program?

Mr. SHUSTER. That is correct.

Mr. OBERSTAR. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I rise to pose a question to the chairman. In the conference report's joint explanatory statement, critical language directing the FAA administrator to ensure that all runways at civil airports have standard runway cost safety areas in accordance with the most cost-effective and efficient method appears out of sequence. This language, which ensures that future AIP runway grants include provisions of bringing runway safety areas in accordance with FAA regulations should be included in section 514 rather than 515. Is that the chairman's understanding as well?

Mr. SHUSTER. Mr. Speaker, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Yes, that is correct.

Mr. OBERSTAR. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. Mr. Speaker, I rise today in strong support of the conference report for H.R. 1000, the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century.

This is a historical piece of legislation that will unlock the aviation trust fund ensuring for the first time that aviation taxes will be used to fund aviation infrastructure needs.

The United States has the best aviation system in the world. It also has the busiest aviation system in the world. Unfortunately, our aging air traffic control system and our aging airports are having difficulty keeping up with the increased demand.

That is why we need AIR 21, by guaranteeing that aviation taxes are spent on aviation infrastructure needs. AIR 21 significantly increases investment in our Nation's airports, runways and air traffic control system today so that our aviation system is ready for the increased demand of tomorrow.

Although AIR 21 increases funding for the Airport Improvement Program, AIP, by over 50 percent, this is still not enough to fund the many, many airport projects that are needed to prepare our national aviation system for the 21st century.

Therefore, AIR 21 also authorizes local airport authorities to raise their passenger facility charge from a maximum of $3.00 to up to a maximum of $4.50. The PFC is a critical source of funding for local airport authorities. The PFC revenues allow local airports to fund needed safety, security, capacity, competition, and noise projects that otherwise would have to wait for years for Federal AIP funds or may not be eligible for AIP funds at all.

AIR 21 also helps increase competition in the airline industry in a number of ways. Most significantly, AIR 21 phases out the high-density rule at three of the four slot-controlled airports in the Nation. Eliminating this artificial constraint in operations at Chicago O'Hare in 2002 and at New York's Kennedy and LaGuardia Airports in 2007 will provide immediate and substantial benefit for both consumers and communities.

Today, very few new entrants, low-fare carriers, are able to serve slot-controlled airports because it is extremely costly to either buy a slot or go through the political process of obtaining a slot exemption. The phaseout of the slot restrictions creates new opportunities for new entrant airlines at these airports. These will increase competition and lower fares for all consumers.

In addition, the phaseout encourages increased air service between the high-density airports and small communities. Also, after slots are completely eliminated, carriers will have the scheduling flexibility to serve more designations from these three airports. As a result, carriers will have more opportunities to serve small and medium-sized communities because they no longer will have to worry about using their precious few slots on the most profitable routes.

Phasing out the slot restrictions at O'Hare, Kennedy, and LaGuardia is only one of many, many provisions in AIR 21 at improving air service to small communities. I am particularly proud of the fact that the EAS program has been improved, and I am particularly proud of the fact that we address the issue of the Bilateral Aviation Agreement between the United States and the United Kingdom.

Mr. Speaker, there are many, many more important provisions in AIR 21. I have highlighted only a few of them. I strongly urge my colleagues to vote in favor of the conference report for H.R. 1000. It will be a vote in favor of a strong, safe aviation system for the 21st century.

Mr. SHUSTER. Mr. Speaker, I yield 30 seconds to the distinguished gentleman from Michigan (Mr. EHLERS), a member of the committee.

Mr. EHLERS. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. SHUSTER) for yielding, and I also thank him for his good service as chairman of the committee and solving first our surface transportation problems and now our air transportation problems.

This bill, as presented to us, deserves passage. I am very pleased with the contributions it will make to solving the problems in Michigan, with the construction of the new terminal at the Wayne County Metro Airport and also at the Grand Rapids Airport with the construction that they have, particularly rebuilding a new runway.

I am especially pleased because I live in terror that we will have a major mid-air collision sometime, and this bill will provide funding for a new air traffic control system which will solve that problem. I congratulate the chairman.

Mr. OBERSTAR. Mr. Speaker, I yield 1½ minutes to the gentleman from West Virginia (Mr. RAHALL), the ranking member of the Subcommittee on Ground Transportation.

Mr. RAHALL. Mr. Speaker, I join in commending the distinguished chairman of the full committee, the gentleman from Pennsylvania (Mr. SHUSTER); the ranking member, the gentleman from Minnesota (Mr. OBERSTAR); subcommittee chairman, the gentleman from Tennessee (Mr. DUNCAN); and the ranking subcommittee member, the gentleman from Illinois (Mr. LIPINSKI) for their tremendous efforts in bringing forward to the House today this Aviation Investment and Reform Act for the 21st Century, AIR 21.

This measure does indeed make an investment in America, a badly needed investment, and one that will not just benefit airport facilities located in major cities but rural parts of this Nation as well.

Rural parts of this Nation often neglected under this bill will have the ability to make greater contributions to local economic development activities, and the pending measure will help them achieve their true potential through Federal policy changes.

In this regard, I would like to highlight two provisions that I had a part in fashioning. The first will provide $75 million in assistance to small airports to implement measures aimed at improving the costs and availability of air service to consumers, including through marketing and promotion, better use of airport facilities and air service subsidies. The second provision makes it clear that projects facilitating the transfer of cargo and passengers between air and ground transportation modes are eligible for funding under AIP.

In other words, air to transit, air to freight railroads, air to trucking facilities located on airport property can be built using Federal aviation funds.

This provision benefits both large and smaller airports, but in particular the small community and rural area facilities can utilize it as a means of expanding economic development and creating jobs.

In conclusion, Mr. Speaker, the concept of intermodalism, intermodalism, which is part and parcel of our Federal surface transportation laws and policies, has now finally found its way into aviation policy. I urge adoption of this report.

Mr. SHUSTER. Mr. Speaker, I yield 30 seconds to the gentleman from New York (Mr. SWEENEY), the distinguished vice chairman of the Subcommittee on Aviation.

Mr. SWEENEY. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. SHUSTER), our distinguished chairman, for yielding me this time.

In my brief period of time, let me just say that this is a great day of hope for the region of the country that I represent, a region that has been termed by the FAA as an underserviced area. This is a day of hope because it provides the necessary and requisite Federal resources that will give the people of that area the opportunity to connect with the rest of the world so that we can compete economically. I want to salute and congratulate the distinguished chairman of the Committee on Transportation and Infrastructure. I want to thank him for the opportunity not only to serve as vice chairman of the Subcommittee on Aviation in the Year of Aviation but also for the opportunity to have served as a conferee on this conference.

I urge my colleagues to support it.

First, I would like to thank Chairman SHUSTER for all his hard work and dedication to transportation issues—without his leadership—I don't think this body would be considering such a landmark piece of legislation.

Legislation that improves Air Safety, improves competition, preserves the environment, helps small communities, reforms the FAA, restores the trust in Aviation Trust Funds, and most importantly, helps passengers and pilots.

As the only freshman member of Congress on the Conference Committee, I was fortunate to work so close with the Chairman and the Aviation Subcommittee Chairman JOHN DUNCAN.

These two gentleman's commitment to making our skies safer and more accessible to passengers is truly remarkable and commendable.

I urge all my colleagues to support this conference report.

Help us finish the work started by AIR–21 when the House overwhelmingly passed H.R. 1000 last year.

This conference report will help every segment of the aviation industry. I'd like to focus on how it will help the great state of New York.

For example, the following small airports in my district will benefit by having a small, but dedicated, annual revenue stream that they can tap into to make the airport a better place for passengers and pilots alike.

This money will allow airports to start projects like installing runway lighting for improved safety, purchase snow removal equipment, update the airport plans for growth.

Adirondack Regional Airport in Saranac Lake, Seneca Falls, Lake Placid, Saratoga Springs, Glens Falls, Ticonderoga, Schroon Lake, and Hudson.

Larger airports in New York will also benefit from this bill.

Albany International Airport, which serves my district will receive twice as much as it did under the old funding formula.

Under this bill it will receive an additional $2 million per year.

Each year that money can go for excellent projects like navigation aides to improve safety, runway renovations, and acquiring land to expand safety areas.

This is the consummate Win-Win-Win conference report.

Passengers win by having improved safety and competition.

Airports win by having a larger dedicated funding stream so they improve their facilities—which in turn helps passengers and pilots.

Airlines win because this bill takes the first step in modernizing the air traffic control system—helping improve arrival and departures on time—which also help passengers.

In the end, this bill will ensure that America's air transportation system is one of the finest in the world.

Thank you again Chairmen SHUSTER and DUNCAN for all of your hard work in bringing this bill to the floor.

I urge all my colleagues to support this conference report.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Minnesota (Mr. SABO), the ranking Democrat on the Subcommittee on Transportation.

Mr. SABO. Mr. Speaker, my congratulations to my friend from Minnesota (Mr. OBERSTAR) and the gentleman from Pennsylvania (Mr. SHUSTER), again, on their ability to apparently pass a bill that gives their committee jurisdiction of funding priority over everything else. My only wish would be that their committee had jurisdiction over housing so we could deal with what is a true need in this country.

This, in my judgment, is one of the worst bills I have seen go through the Congress. It is wrong because of what it does within FAA. It says the top priorities are concrete; the lowest priorities are people.

It is plain and simple. The lowest programs for funding are air traffic controllers, personnel who deal with safety. They compete with other people for funding, but the people who pour the concrete do not. The people who buy facilities and equipment do not, and we have had a history in this agency of having a terrible time bringing any contract in on time or in an appropriate fashion. It does the wrong thing for FAA.

Then at the very day that the House Committee on the Budget is meeting to deal with the budget resolution for this session, where we hear we are going to have very tight restrictions on discretionary spending, we are going to say the first priority above everything else is building more runways, more runways, more important than anything else on the agenda. That is what we are doing with this bill. More important than other transportation priorities within our subcommittee, that small unprotected operation is going to have to compete with Amtrak and the Coast Guard. So if there are concerns about Amtrak or the Coast Guard, better take another look within the transportation area. If there are other concerns of what we are going to fund this year, if there are priorities beyond concrete for runways, take another look before casting what my colleagues might think is their easy vote.

Mr. Speaker, I rise in opposition to the conference report on AIR21 for several reasons. This is a bad bill that strikes a blow at fiscal responsibility. It continues to unfairly subsidize aviation from the general fund. And it will not adequately address the safety and security needs of our air traffic system.

This bill creates an unwarranted $33 billion entitlement for certain FAA capital and facilities programs before any other national needs are addressed. Before we consider any needs for housing, educating our children, helping our farmers, or providing for our veterans, this bill says fund airports first and guarantees a massive increase—46% in just one year and 59% over 3 years—for concrete and construction. That is wrong. It makes no sense.

In recent weeks, we have heard a lot about the need for reform of the budget process and especially in support of biennial budgeting. I ask, why have any budget process at all when we put highway and transit programs on automatic pilot for six years, and we put aviation infrastructure funding on automatic pilot for three years. What is the purpose of having a budget process where we carefully consider competing priorities, if one special interest after another simply declares that spending constraints do not apply to them?

Mr. Speaker, this is a bad bill because it perpetuates the myth that somehow we have shortchanged aviation needs over the years. Supporters of AIR21 argue that we need to "unlock" the Aviation Trust Fund. But, there is no evidence that aviation has been shortchanged and deserves special treatment outside of the regular budget process.

In fact, those who travel by air have gotten far more from the federal government than they are paying in aviation taxes, due to large subsidies paid by taxpayers out of the general fund. Since 1991, we have spent over $21 billion in general fund revenues for FAA operations. In eight out of the last ten years, we have spent more on the FAA than incoming receipts into the trust fund. The "historical" 30% general fund share of FAA expenses that the authorizers point to exists only because authorizing statutes have arbitrarily restricted the use of trust fund revenues to fund the FAA.

Mr. Speaker, this conference report is also a failed opportunity to fully address the FAA's needs and to bring our air traffic control system into the 21st century. As we speak, the FAA is struggling to address the needs of an air traffic control system that operates 24 hours a day, seven days a week. The FAA must provide adequate training for air traffic controllers and inspectors, and ensure that we have the necessary security personnel to address the growing threats across the globe.

The FAA has 170 aviation inspector positions which have remained vacant and has cancelled most training activities. Additional funding is required for spare parts for air traffic control equipment and to install new state of the art equipment that sits in warehouses because the agency lacks the necessary funding to bring them on line.

Our air traffic control will have to cope with a 66% increase in passenger traffic by the year 2010. That means more people and planes in the sky. Yet, AIR21 caps the amount of trust fund revenue that can be used for FAA operations, which will require discretionary general funds to make up the shortfall. Ironically, this bill constrains the most essential functions of the FAA under budget caps, while completely exempting the other 80% of the FAA's budget from any budget scrutiny at all.

This bill does not provide a balanced approach to addressing those needs, nor does it consider the impact of guaranteed funding for FAA capital programs on other transportation priorities—like the Coast Guard and Amtrak.

AIR21 would require a $1.8 billion or 46% increase next year for FAA capital accounts, and puts at risk needed funding for Coast Guard's operations and assets, and Amtrak capital investments.

Mr. Speaker, I cannot support a bill that puts aviation infrastructure ahead of all other national priorities, and then fails to fully address the air traffic control modernization needs within the FAA.

I urge the defeat of the conference report.

Mr. SHUSTER. Mr. Speaker, I yield 30 seconds to the gentleman from South Dakota (Mr. THUNE), a member of the committee.

Mr. THUNE. Mr. Speaker, I appreciate that generous allotment of time.

Mr. Speaker, I know this is wrapping up. I just want to credit the gentleman from Pennsylvania (Mr. SHUSTER) for his tireless efforts to make this bill become a reality that restores honesty and integrity to the aviation trust fund and goes a long ways towards seeing that the aviation taxes that are paid by passengers and airlines and general aviation users on tickets and fuel and cargo are actually being used to improve airport capacity and safety.

This has been a long time coming and the gentleman from Pennsylvania (Mr. SHUSTER) has worked very, very hard to ensure that we have unlocked this trust fund and this is going to be a wonderful thing for many of the airports across this country; and certainly in my State of South Dakota a lot of the rural areas are going to be very well served by this legislation. I encourage its passage.

Mr. OBERSTAR. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Speaker, I am pleased that the conferees were able to finish their work so we now have the opportunity to vote on this conference report. I know that this negotiation was complex and frustrating. I want to commend my colleagues for working so hard on behalf of the American people.

My State of Florida is keenly aware of the importance of getting AIR 21 passed and signed by the President.

□ 1215

This comes at a critical time for our Nation's travelers as aviation forecasts continue to show a rise in the number of passengers taking advantage of air travel.

In particular, I would like to take this opportunity to express my thanks for the inclusion of the Military Airport Program provisions in this bill. This program benefits communities like Jacksonville that suffered during BRAC. Florida's Cecil Field is a Naval Air Station closed during BRAC and selected for the MAP program last month. MAP helps turn former military airports over for civilian use. This is critical for my State.

Florida has an incredible aviation demands, and Cecil Field will be used to handle some of this growth. Jacksonville is the second fastest growing airport in the country and Orlando International Airport handles more than 30 million passengers a year.

Overall, I think this is a good bill, and I urge my colleagues to please vote for it.

I rise in support of this conference report. I am very pleased the conferees were able to finish their work so we now have an opportunity to vote on this conference report. I know that the negotiations were complex and frustrating, and I want to commend my colleagues for working so hard on behalf of the American people. My state of Florida is keenly aware of the importance of getting AIR 21 passed and signed by the President. This comes at a critical time for our nation's travelers, as aviation forecasts continue to show a rising number of passengers taking advantage of air travel.

In particular, I would like to take this opportunity to express my thanks for the inclusion of the Military Airport Program provision in this bill. This program benefits communities like Jacksonville that suffered during BRAC. Florida's Cecil Field is a Naval Air Station that was closed during BRAC and selected for the MAP program last month. MAP helps turn former military airports over to civilian use, and this is critical for my state.

Florida has incredible aviation demands, and Cecil Field will be used to handle some of this growth. Jacksonville is the 2nd fastest growing airport in the country and Orlando International Airport handles more than 30 million passengers a year. Overall, AIR 21 provides the vital transportation infrastructure investment that is needed to shore up safety and security, as well as providing the economic engine that will aid development not only in Florida, but across the nation as well. I urge my colleagues to support the conference report.

Mr. OBERSTAR. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-MCDONALD. Mr. Speaker, I rise in firm support of a very fair compromise bill that will help California's aviation system.

Mr. Speaker, I rise in strong support of the Conference Report on H.R. 1000, the Aviation Investment and Reform Act for the 21st Century. This Conference Report represents a fair and balanced compromise. AIR 21 will make our skies safer, reduce flight delays and increase competition by modernizing our air traffic control systems and improving our airports. With today's vote we have an opportunity to give America the aviation system it deserves, one firmly based on both safety and reliability.

Whether on television or in the newspapers we are reminded on an almost daily basis of the shortcomings in our Nation's aviation system. I, like so many of my colleagues have heard from many constituents who have suffered from airline delays and are deeply concerned about air safety. We have simply pushed our aviation infrastructure to the limits.

The aviation infrastructure in the United States has deteriorated because of increased usage. We can no longer afford to fail in meeting the current and future needs of the aviation system. Last year, more than 600 million people used air transportation as their mode of travel and in just 10 years, that number will skyrocket to a billion. The Conference Report on H.R. 1000 places the key to the Airport and Airway Trust Fund back in the hands of the people who use the system, that is to say passengers and consumers who both benefit from a more efficient and safer aviation system.

By unlocking the Airport and Airway Trust Fund, the Conference Report provides about $40 billion over the next three years for aviation investment programs. Funding for airport improvements will increase by more than 50 percent. This will allow allocations for commercial passenger airports and cargo airports to double. For the first time, general aviation airports will receive their own individual allocations. This money can be used to improve safety and increase capacity, leading to more air service and lower fares.

This bill will unlock the aviation trust fund and ensure that all trust fund receipts and interest will be invested in the Airport Improvement Program—the primary program for airport construction—and the Facilities and Equipment Program—the chief program for air traffic control equipment. This means that as more people use our aviation system, more money will be invested in it.

Mr. Speaker, I urge my Colleagues to vote Yes on the Conference Report on H.R. 1000. Let us give the American people the aviation system that they both want and deserve.

Mr. OBERSTAR. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, let me first commend the chairman of the Committee on Transportation and Infrastructure and our ranking member and all of our leadership, but most especially our chairman, who helped us to negotiate, through lots of tenacity and commitment, this agreed upon conference report. It was not easy coming, but we are very grateful for his leadership.

Mr. Speaker, today is where aviation is growing the fastest of any other method of transportation, and it really is an economic engine for practically every community where it exists, and most especially mine. This is the only way that we have goods and services moving at all times, and it has enabled us to enjoy the most prosperous time in our history. We have to attribute much of that to aviation.

Numerous jobs have been created because of our ability to move people very rapidly around the world, and all of us know what happens when jobs disappear. That is when we will need many more services spent in other ways, where most of us really do desire to be independent. This is a mode of transportation that really does it.

I understand clearly about distribution of funds. But when funds are collected from a particular industry with a commitment that those funds go back to that industry, then I think it is only fair and it only shows integrity when that is what happens to the funds.

With the passage of the facility fee, this is not distributed to everyone, only those passengers that use the service, and we need the improvements. That is one clear and fair way to get them.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield 30 seconds to the gentleman from California (Mr. GARY MILLER), a distinguished Member of our subcommittee.

Mr. GARY MILLER of California. Mr. Speaker, I rise in support of House Resolution 1000. Like many Members of this House, each Friday I board an airplane and travel to my district. My expectations for this weekly commute are similar to my constituents who regularly travel for business. I want to take off in a timely manner and be assured that all safety features are working accordingly.

This bill will help to create this peace of mind for all travelers. First of all, safety equipment such as windshear detection apparatus, runway incursion prevention devices and enhanced vision technologies will be eligible for airport improvement funding.

This type of comprehensive approach to airline safety is crucial for both improved safety and better spending practices.

Last year, $15 million was appropriated to purchase new approach lighting systems for airports whose systems were 20 years old and older. However, no money was appropriated for the installation of these lighting systems. As a result, we have airports which need these runway lights, but will be forced to continue to wait for them until funds can be appropriated.

In addition to serving on the Aviation Subcommittee of the Transportation and Infrastructure Committee, I also am a member of the House Science Committee. On behalf of Science Committee Chairman SENSENBRENNER and Technology Subcommittee Chairwoman MORELLA, I wish to thank Chairman SHUSTER, Ranking Member OBERSTAR, Aviation Subcommittee Chairman DUNCAN and Ranking Member LIPINSKI, for their cooperation to incorporate many of the provisions of H.R. 1551, the Civil Aviation Research and Development Authorization Act of 1999 into Title IX of the Conference Report that we are considering today.

Overall, Title IX authorizes $237 million in Fiscal Year 2001 and $249 million in FY 2002 for the projects and activities of the FAA's Research, Engineering and Development account. This represents an increase of roughly 35% over the FY2000 enacted level. Investing in aviation research and technology today is important to ensure that our aviation system meets the growing demands of the future, while enhancing safety.

I also wish to point out that during the Science Committee's consideration of H.R. 1551 last spring, I successfully offered an amendment to direct the FAA to place a greater priority on the non-structural components of its current aging aircraft research and development portfolio. The non-structural components of aging aircraft include electrical wiring, hydraulic lines and certain other electro-mechanical systems. Of the funding for projects and activities that comprise FAA's aging aircraft research and development portfolio, less than ten percent is targeted to address non-structural issues. I am very pleased that today's Conference Report includes my amendment to H.R. 1551 and I wish to thank the House and Senate Conferees for their support of my efforts in this area.

Mr. OBEY. Mr. Speaker, I yield 1 minute and 20 seconds to the gentleman from Virginia, Mr. MORAN.

Mr. MORAN of Virginia. Mr. Speaker, I know this bill is going to pass, and I understand that politics is the art of compromise, but this should not be the body of broken promises. Back in 1986, Congress made an iron-clad commitment that it would never increase the number of slots at Washington National Airport and it would never break the perimeter rule of 1,250 miles beyond Washington National Airport. Yet today we break that promise.

The Washington region, D.C., Maryland, and Virginia fulfilled its part of the bargain. It said we will fund the airports and be responsible for their administration and redevelopment. We fulfilled our part of the bargain, and now Congress breaks its part of the bargain.

It is wrong. I know what happened. I know the guy that is responsible. But it is irresponsible for us to do this. We ought not set a tradition of breaking promises. Our word ought to be good. We had an iron-clad agreement. This breaks that agreement by adding 24 more slots, 12 of them beyond the perimeter rule. Those slots should be at Dulles Airport, not at National Airport, and that is why I have to vote against this bill.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield 30 seconds to the gentleman from Idaho (Mr. SIMPSON), who serves on the Committee on Transportation and Infrastructure with distinction.

Mr. SIMPSON. Mr. Speaker, I want to congratulate the chairman and the ranking member for their diligent work in making sure that this bill came to pass, this conference report. I rise in its support. It is critical to Idaho, not only the general aviation airports, but also to the commercial airports in Idaho.

Unlike the previous speaker, I am very pleased that we have decided to extend the perimeter rule at Washington National Airport to those of us in the Western United States. It is critical. I hope that some of those slots that will be made available will be made available to the inter-mountain region's most important airport in Salt Lake City.

Mr. Speaker, I thank the chairman for his work on this legislation.

Mr. Speaker, I rise today to congratulate Chairman SHUSTER and Ranking Member OBERSTAR on the success of their determined efforts to enhance our nation's commitment to a safe and effective air transportation system.

Not only does this Conference Report provide landmark funding levels for augmenting and modernizing airport facilities, its multi-year reauthorization of the Airport Improvement Program breaks the cycle of short-term reauthorizations that has made safety- and capacity-enhancing projects at airports such as the Boise Air Terminal in my district needlessly difficult and costly.

Particularly important to the citizens of rural districts such as my own are the provisions which guarantee AIP funding for general aviation airports for the first time. These small facilities represent the backbone of Idaho aviation, and this legislation secures them the flexibility of funding they need to continue to play a vital role in agriculture, firefighting, and wilderness access in my district.

Another aspect of the conference report which I and many fellow Western members strongly support is the provision which allows exemptions for underserved communities to the current Perimeter Rule at Ronald Reagan Washington National Airport. I commend the conferees on creating a process which I believe fairly balances the interests of states inside the Perimeter and those of us from Western states without convenient access to Reagan National.

With 12 new slots at Reagan National, this report represents a slight loosening of the restrictive conditions that prevail at one of our nation's most important airports. These limited exemptions to the perimeter rule from hubs like Salt Lake City will improve service to the nation's capital for dozens of Western cities beyond the Perimeter—while at the same time ensuring that cities inside the Perimeter are not adversely impacted by new service. This is a fair balance which is consistent with the overall intent of the bill to improve air service to small and medium-sized cities.

Throughout consideration of this bill, our goal has been to ensure truth in budgeting for the Aviation Trust Fund and to improve air service for communities which have not experienced the benefits of deregulation to the same extent as larger markets. By refusing to accept a short-term reauthorization of FAA programs that would have interrupted the momentum for these much-needed reforms, Chairman SHUSTER and Ranking Member OBERSTAR have achieved a remarkable success.

Airports are key components to our regional economies and critical links to the world outside our communities. I support the Aviation Investment and Reform Act because it protects the investments we have made in these important facilities, and helps underserved communities take full advantage of the benefits of our nation's air transportation system. I urge my colleagues to do the same.

Mr. OBERSTAR. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Iowa (Mr. BOSWELL), an aviator and strong advocate for aviation.

Mr. BOSWELL. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. SHUSTER), the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Tennessee (Mr. DUNCAN), and the gentleman from Illinois (Mr. LIPINSKI) for their leadership. I have a lot of confidence in them. The times we have talked and traveled together, we talked about this thing; I know they are in the game and are concerned about this fact that we have got tremendous demands for increased traffic, both in people, personnel and freight. And we have got to deal with it, and we appreciate that.

Airport improvements, ATC equipment, longer runways, terminals, whatever, the infrastructure has got to be there to accommodate these things. But I am concerned about the people. I know these gentlemen are too. I do not even have to ask. I know they are. I think that was one of the things we fell a little short in.

I am going to support this, but I am going to expect me to be diligent and continue to watch this side of it, and I know that the gentleman from Pennsylvania (Chairman SHUSTER) will, as will the gentleman from Minnesota (Mr. OBERSTAR), that we watch this to be sure that this does not get pushed back somewhat. So I trust we can do that.

The question of slots is worrisome. Ms. Garvey, the Secretary of Transportation, says this is not a safety problem. They can work with this. Folks from our part of the country, we need some help and relief. I also have confidence that we will continue to work on that.

Advanced out to 2007, I hear people already working on trying to advance it out even further, so we have to be watching for this very much. I trust that we will.

So let us support this. Let us grow aviation. It is very important to our country's economy. Let us get on with it. I look forward to continuing dialogue on these things that I am a little bit worried about.

Mr. OBERSTAR. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the appropriators come to the floor fulminating that we have made aviation the highest priority. "Before all others," they said.

Well, not before all other issues that have a trust fund. Housing does not have a trust fund. If it did, we would be advocating the same thing. My good colleague from Minnesota said he would like to put other issues in the care of our committee. Give them to us. We will deal with them. But it does not have a trust fund, housing.

This does have a trust fund, and what we are simply doing is keeping faith with the traveling public, who agreed to be taxed for a specific purpose. All increases come from spending the taxes and interest out of the trust fund.

What the Committee on Appropriations would argue here is that they should be allowed to hoard those dollars in the budget, hold the trust fund hostage, in order, as one conferee from the other body said in the course of our debate in the conference, so we could fund Amtrak. They want to fund Amtrak out of the surplus they want to keep in the Aviation Trust Fund.

That does not keep faith with the traveling public. We have taken care of Amtrak, goodness knows, in this committee and in the Committee on Ways and Means, giving them $2.3 billion in previously-earned tax benefits from their predecessor railroads.

What this legislation does in fact with respect to the general fund is cut in half the general fund historic contribution to aviation, from 36 percent to 18 percent. All the rest is funded out of the trust fund.

If you want to say we would like to hold that trust fund, we would like to build up a surplus so that with that surplus we can fund other things, then be honest with the public and say that. But do not come and cry crocodile tears about priorities that are supposed to be set by the Committee on Budget and by the Committee on Appropriations itself.

My dear friend from across the water, with whom I differ on maybe one or two issues, called this a "turkey of a bill." Well, I want to say to my good friend that domesticated turkeys today do not fly, and his constituents will not either if we do not pass this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, there are over 100 trust funds and other special funds in the Federal budget. Should we put all of them ahead of cancer research, ahead of education, ahead of defense, ahead of other national priorities? I think not.

I am all for the trust funds. I am all for the trust funds, but I am not for placing this particular trust fund ahead of every other need of government. That is unfair. It is not right to have a 41 percent increase in 3 years for this program, while cutting all other domestic appropriations by $25 billion, as the Committee on Budget intends to do.

Mr. SHUSTER. Mr. Speaker, I yield 30 seconds to my good friend, the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Speaker, I just wanted to say to my good friend that the issue is not trust funds. The issue is whether we should have trust funds at all. That is a different debate. If you do not want trust funds, abolish them all and make everything subject to general revenues. But we do have a trust fund, and we are keeping faith.

Mr. OBEY. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, the issue is not whether we favor trust funds. We do favor trust funds. The issue is whether we ought to abuse trust funds and in the process leverage other spending outside of the trust fund. That is the issue.

Mr. Speaker, I yield the balance of my time to the gentleman from Virginia (Mr. WOLF).

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The gentleman from Virginia is recognized for 3 minutes.

Mr. WOLF. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, before I speak in opposition to this bill, let me congratulate the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) for their effective work.

This bill creates a new entitlement, and what the gentleman from Minnesota (Mr. OBERSTAR) has said and others about trust funds are true. But what the gentleman from Minnesota (Mr. SABO) said with regard to cancer research and others is also true. It also hurts the FAA operations fund. So when you are flying into that airport, it will suffer. It helps concrete. This is a pro-concrete bill.

□ 1230

It also hurts the Coast Guard. I think if my colleagues like the Coast Guard, the Coast Guard will suffer more; and frankly, I think the Coast Guard and Admiral Loy ought to get out of the Department of Transportation and get into some other department, like the Department of Defense. They will suffer no matter what anyone says.

It undermines the budget process. It undermines the budget process.

Lastly, why do we not get a committee to come and say, we want to increase funding for cancer? Well, let us find a cure for cancer or reduce cancer deaths by 50 percent by the year 2010. Let us put the money into reducing or finding a prevention for Alzheimer's. Let us put the money in for diabetes research.

This is a bad bill. It undermines the budget process; it distorts the priority of where this Congress ought to be. To the poor and the hungry and those like that, it says forget it, you do not have the lobbyists and you are not here.

Lastly, as the gentleman from Virginia (Mr. MORAN) said, it creates what I call the aluminum policy for National Airport. Do not say it is not a safety issue to add slots there at National Airport. Do not forget the airplane crash that took place there when people died when it hit the 14th Street Bridge. My colleagues are breaking their promise. Many of you who were here who voted for that policy are now breaking your promise. They want to stuff in as many airplanes as they possibly can from wherever they can. This is just the beginning.

• So I would say to my colleagues who are listening, unless you are already committed, vote no on this bill. It hurts the poor, it hurts the Coast Guard, it goes for concrete. Let us put into cancer research, let us put it in diabetes research, let us put it in Alzheimer's research. By doing this we will undermine the budget process, and it will make it harder for us to do what the American people want us to do. Vote no on the conference report.

Mr. Speaker, I rise in opposition to the conference report.

Mr. Speaker, history tells us that in good budgetary times it is very difficult for the budget process to keep a tight rein over federal spending. We see happening now a repeat of what happened during the late 1800's. During that time, various legislative committees convinced the Congress that the stingy ways of the Appropriations Committee had to be changed, that we needed to spend a lot more to make the country grow.

Well, Mr. Speaker, we did spend a lot more when we let the authorizing committees make those decisions, and we're doing it all over again. This bill spends an extra $12 billion over the next three years, compared to the past three. And some programs will get astronomical raises.

For example, the airport grants program will get $3.2 billion next year—a 64 percent increase in one year. Air traffic control modernization will get almost 30 percent more next year. Now, I agree there are needs out there, and that air traffic continues to rise. But the increases in this bill are uncalled for. FAA doesn't even know how to spend all of this money, if you look at their existing long-range plan. So we're really throwing money at them in this bill.

The bill also puts a priority on airport construction and equipment renovation, to the detriment of FAA's day-to-day operations, which I think is a dangerous shift in Congressional priorities. In some past years, the Appropriations Committees have reduced FAA's capital programs in order to fully fund their day-to-day operations, and that has made some contractors and businesses unhappy. That is because we put a priority on the smooth, safe functioning of the agency.

By contrast, this bill raises and locks in funding for the capital programs, and leaves FAA's operations out in the cold, begging for whatever remaining funds we can find. Members should not be surprised if we come up short, because we first have to fund the significantly increased guaranteed programs. We can't protect the operating budget anymore, because this bill takes that flexibility out of the appropriations process. In fact, this bill even takes that flexibility out of the hands of the Congressional leadership, by amending the Rules of the House to tie their hands as well.

The creation of new "guaranteed" programs continues a troubling trend. A few years ago we created new mandatory programs in the agriculture appropriations bill. Then in 1998 we walled off highway and transit spending. And now we're adding to that list most of our aviation programs. Of course, in each case we increase the funding, because that's the reason for doing it in the first place. Each time we do this we make a small constituency happy, but we make our job here infinitely more difficult, because we make the real discretionary budget smaller and smaller.

Then, when we want to begin new initiatives, like putting more police on the street, increasing education grants, or fighting a more intense war on drugs, we have to dip into the surplus to do it because we have effectively shrunk or walled off so much of the discretionary budget that we have no choice.

And this agreement is especially bad for the Washington metropolitan area. It breaks a commitment made to the area many years ago when we transferred the operation of Dulles and Reagan National airports from the federal government to a local authority. I worked with then Transportation Secretary Dole and others to come up with a finely tuned package that put decision-making for these two airports in the local community and provided the authority with bond financing to make airport improvements.

That package also established the perimeter rule and a limit on slots, or the number of daily takeoff and landing operations, at Reagan National. That rule essentially allowed the orderly development of Dulles and Reagan National airports, by limiting the length of flights which could be taken from Reagan National. That led to the enormously successful development of Dulles International Airport in my district—a development which might not have occurred without the perimeter rule in place.

By adding 24 daily slots at Reagan National and allowing some of those to fly beyond the perimeter, this conference report is starting down a slippery slope which could undermine the delicate balance between these two airports and choke off the economic expansion at Dulles and the surrounding community. This is a very bad decision, and much like our changes to the Wright amendment at Dallas Love Field a couple of years ago, sends the message to local communities that they shouldn't depend on the federal government keeping its word.

The commitment to the local community in providing a local authority to operate these airports and in setting slot and perimeter rules was also made because of safety and noise concerns to prevent Reagan National from having a so-called "aluminum skies" policy with unlimited flight operations. This conference report breaks faith with the local community and I cannot support it.

This is a very bad bill, for the Congress as an institution, for FAA employees—who are now relegated to the margins of the budget process—and for other federal programs which must pay for the additional programs in the bill. It is a good bill for the pork barrel, and a bad bill for sound federal policy.

Mr. SHUSTER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I recognize that there can be different opinions, but facts are difficult things to change. There are certain facts that need to be said. First of all, it is a fact that we are talking about aviation trust fund money paid for by the users that we say should be spent, and if we should not spend it, we ought to reduce the tax.

Secondly, as a result of unlocking the aviation trust fund, and get this, because this is a fact, not an opinion, the amount of general fund money required will be reduced rather than increased. In fact, it will be about cut in half, because of the portion of the money that comes from the trust fund. So by reducing the historic amount of general fund of money required, we are actually freeing up more general fund money for the Coast Guard and any other general fund expenditure; and indeed, those are expenditures that many of us vigorously support.

Thirdly, there is no tax increase here. What there is here, and certainly my conservative colleagues should embrace this, we are returning to the local authorities, to the locally elected officials the decision as to whether or not they should increase passenger facility charges. We do not increase them by one penny here; we give that authority to the local elected officials.

With regard to this building concrete, less than half of the money going into this bill will be for concrete. I in no way denigrate the importance of concrete, because we need more runways, we need more terminals. However, more than half of this money will indeed go to F&E, will go to operations, will go to improved air traffic control to make it safer so that we can have safer landings not only in good weather, but in bad weather as well.

This bill, when it came through the House, passed overwhelmingly, 316 to 110, with the Speaker of the House, the minority leader, the majority leader all supporting it. We went and negotiated with the Senate, and what we bring back to the House is less than that which overwhelmingly passed this House with strong majorities on both sides of the aisle. That compromise, which we admit is less than the bill that passed this House overwhelmingly, that compromise passed the Senate 82 to 17. It passed the Senate with the strong support of the chairman of the Senate Committee on Appropriations, who originally had been opposed to the House bill; with the strong support of the chairman of the Senate Committee on the Budget, who originally opposed the House bill; with the strong support of the chairman of the Subcommittee on Transportation of the Committee on Appropriations, who originally opposed the bill. We negotiated a compromise, and we are so thankful and appreciative that those people looking out for those other interests in the Senate were able to meet us halfway. We like to think we gave more than halfway; but that I guess is debatable, the point being we did compromise.

Mr. Speaker, we bring a bill the American people need. We bring a bill that must be passed or our aviation system will be hurtling toward gridlock and potential catastrophes in the sky. Let us pass this and send it down to the President, who, I understand, has said will sign this legislation enthusiastically.

Mr. HASTINGS of Washington. Mr. Speaker, I rise today in support of the Conference agreement on H.R. 1000, the "Aviation Investment and Reform Act for the 21st Century." I am especially pleased that the Conference agreement included 12 new perimeter rule exemptions at Ronald Reagan Washington National Airport.

As a representative from the State of Washington, my constituents will directly benefit from this common sense provision to ensure fairness for all Americans. It is essential that the Department of Transportation ensures that this new service is evenly distributed among carriers and cities to make certain that the maximum number of communities benefit from these new flights.

Mr. Speaker, it is especially important that small and midsize communities gain improved access through hubs such as Salt Lake City. We must guarantee that these important slot exemptions are not simply accessed by a few large cities for non-stop point-to-point service, so that citizens living throughout the West will benefit from these much needed slots via connections at Western hubs such as Salt Lake City. Currently, many passengers from small and medium-sized communities in the West are subject to double and often triple connections in order to reach Reagan National Airport. Adding new service from hubs like Salt Lake City will improve service to the nation's capital for dozens of cities throughout the west. This supports the overall objective of the legislation, which is to improve air service to small and medium-sized cities nationwide.

Once again, I thank you for this opportunity to underscore the need for a broad distribution of the perimeter rule exemptions. I urge my colleagues to support this legislation and encourage the Department of Transportation to ensure the equitable distribution of the new service beyond the perimeter rule.

Mr. CROWLEY. Mr. Speaker, I rise today in support of the conference report on the Federal Aviation Administration Authorization, or AIR–21, bill. Within this bill, the high-density rule (HDR) at LaGuardia and J.F.K. Airports in New York City will remain intact until 2007. As you know, the HDR limits the number of take-offs and landings at these airports.

Continuation of the HDR, particularly at the already congested LaGuardia Airport, was vital to my constituents, who are afflicted with constant noise. Additionally, there are safety concerns due to the already crowded airspace and the redirection of flights to accommodate more enplanements.

In June of this year, the Queens Congressional Delegation led the fight in the House of Representatives to preserve the HDR at LaGuardia and JFK Airports in AIR–21. Together, with the other Members of Congress representing the New York City metro and tri-state areas, we successfully fought to save the slot restrictions from immediate elimination, and, in fact, extended the HDR to the year 2007. This was a major victory for the neighbors of our airports and those of us who represent them in Congress and who have fought to keep the HDR in place. The result will be safer and quieter skies for the New York City Metropolitan area and beyond.

Mr. Speaker, I personally live beneath the flight path of airplanes taking off and landing at LaGuardia Airport. This makes me understand the frustration and angst of my constituents over the duration and volume of the noise when planes take-off and land. Noise from incoming planes can drown out the TV, a phone conversation, and even shake your windows.

I have been advocating on behalf of the community surrounding LaGuardia Airport for the past 13 years, first as a State Assemblyman and now, as a Member of Congress. I was honored to work with Chairman SHUSTER on this bill, particularly because he appreciates the concerns of myself, the Queens delegation, and our constituents. Working together with Congressman OBERSTAR, Chairman DUNCAN and Congressman LIPINSKI, we forged the language found in today's bill regarding the continuance of the HDR at LaGuardia Airport.

On behalf of all the New York City residents affected by aircraft noise, I strongly support this conference report and urge my colleagues to support passage of AIR–21.

Mr. LARSON. Mr. Speaker, I rise today in support of H.R. 1000—the Wendell H. Ford Aviation Investment and Reform Act for the Twenty-first Century. Although I am in strong support of the overall bill and the benefits it will provide to American aviation, I would like to draw my colleagues' attention to a particular aspect of the bill.

On September 2, 1998, two hundred thirty-one (231) people lost their lives in the tragic crash of Swiss Air Flight 111 off the coast of Nova Scotia. This tragedy struck my district when the Rizza family of Newington, Connecticut learned of Victor Rizza's untimely death and began to cope with the loss of a beloved member of their family. Since the date of the crash, the Rizza family, along with many of the other families affected by this disaster, have been stymied in their efforts to recover fair and just compensation for the losses that they have sustained due to the onerous and outdated provisions of an ancient shipping statute known as the Death on the High Seas Act.

This act denies families the ability to recover non-economic damages in a lawsuit. This means that a family member could not be compensated for the loss of their sons and daughters; sons and daughters could not be compensated for the loss of their elderly parents.

Section 404 of this legislation addresses this gross unfairness by amending the Death on the High Seas Act to allow for the recovery of non-economic damages. Although this legislation is not flawless, it is a step forward in bridging an existing gap in our system of compensation for those who have lost loved ones in aviation disasters.

While the existing statute recognizes the rights of those persons who are economically dependent upon family members lost in aviation accident, this new legislation recognizes the rights of parents, children, siblings and other family members who are dependent upon those lost in aviation disasters for care, comfort and companionship.

Specifically, this legislation allows these individuals to recover just compensation in aviation accidents for the loss of a loved one's care, comfort and companionship.

Athough this legislation cannot fully restore the lives of those affected by the loss of a loved one in an aviation disaster, it is an improvement upon their lives by compensating them for the void resulting from the unbearable loss of a family member.

I strongly urge my colleagues to support this important piece of legislation.

Mr. KUCINICH. Mr. Speaker, I voted today for H.R. 1000, the Aviation and Investment Reform Act for the 21st Century, because airport expansion is important to our national economy and the local economies surrounding each airport. In my district, Cleveland Hopkins International Airport is a tremendous asset to the people of Cleveland and Northeast Ohio. However, the value of Hopkins to business and recreational travelers, as well as the resource economy of the Greater Cleveland area, must be balanced to protect residents living near the airport, or who are otherwise affected by Hopkins operation and expansion.

Many issues have arisen at Hopkins, including the failure to look at other alternatives, the significant noise impacts from increased air traffic, and finally environmental concerns that include water quality, air quality, hazardous waste, and wetlands.

The current approach to Hopkins expansion assumes that Cleveland Hopkins International Airport will continue to be the sole airport serving all the needs of passengers and air cargo traffic for the next twenty years. Any expansion plans must include regional planning that considers use of already existing resources, including greater use of Burke Lakefront Airport, the Akron/Canton Regional Airport, and other local airports, as contributors to Northeast Ohio's air transportation mix. The Greater Cleveland business community criticized the Hopkins expansion proposal for its failure to include simultaneous operations under poor weather conditions. Greater use of other airports will allow for simultaneous runway operations under conditions of poor visibility.

Communities near Hopkins are already over-burdened with airport and train noise. The current Hopkins expansion proposal fails to consider the cumulative effects of the noise burden to neighboring communities. The Hopkins expansion proposal needs to consider greater use of other area airports to alleviate additional noise in the direct flight path, affecting Olmsted Falls, Olmsted Township, and Cleveland Wards 21, 20, and 19.

If the FAA approves the expansion as proposed, a displaced threshold must go into effect to protect communities in the flight path as a superior alternative than the fan-out procedure recommended in the DEIS. The displaced threshold would protect surrounding communities such as Bay Village, Berea, Brook Park, Fairview Park, Lakewood, North Olmsted, Parma, Parma Heights, Rocky River, Strongsville, and Westlake, by preventing the need for the fan-out. The FAA must also focus on beefing up its noise prevention procedures, such as noise monitoring and Noise Abatement Departure Procedures.

Greater attention must be focused on clean-up of hazardous materials buried at Hopkins and the NASA Glenn Research Center, the proposed site of a new 5L/23R runway. Costs must also be considered: the public needs to know how much such a cleanup is going to cost.

Wetlands have important features that help protect the environment by filtering out runoff and contributing to biological diversity. The federal policy on wetland protection is to first avoid impacting wetlands, then minimize the effects, and finally, if no alternative is available, to mitigate by restoring other wetland areas. Current expansion plans make no attempt to avoid or minimize the loss of 87.75 acres of wetland and 7900 linear feet of Abram Creek. Alternatives that avoid wetland loss, such as greater use of other airports, must be considered. If mitigation is the only alternative, a full accounting of how, and at what cost, these resources will be mitigated. Expansion proposals must account for how culverting Abram Creek will affect the water quality of the Rocky River and Lake Erie, explain how it will remediate these effects, and how much it will cost the taxpayers.

Alternatives must be considered that will minimize the contributions to the poor air quality that already exists and that will increase with an expanded Hopkins.

Once these issues are resolved, further expansion at Hopkins will be achievable, and the landmark legislation passed today will ensure funding can be made available.

Mr. NADLER. Mr. Speaker, have you noticed that you tend to get sick every time you fly? Many of us who are frequent flyers, know that the air on commercial flights is stale and poorly ventilated, and in some cases, it really does seem to make you ill. Though hundreds of flight crewmembers have reported hundreds of separate incidents of unexplained headaches, blurred vision and other health problems, no one has closely looked into this problem.

Health risks associated with poor air quality in airplanes include exposure to toxins, airborne viruses, and ozone. These risks are worsened by the fact that passengers do not breathe fresh air on flights, but instead inhale re-circulated "bleed air" that passes through the engine.

Passengers should be able to feel confident that they are not endangering their health when they fly to visit friends and relatives or as they arrive and depart from business trips. Airline industry workers should not feel their health is threatened as they earn a living. We must learn the nature and extent of the health risks that are associated with poor cabin air quality so that the problem can be corrected.

After learning of the potentially dangerous health risks for frequent flyers and flight crewmembers, I urged the AIR–21 conferees during negotiations to include a study of the air quality on commercial flights in this bill. I am pleased that the conference report calls for a comprehensive, 12-month study into the air quality of commercial airplane flight cabins. The independent study, to be undertaken by the National Academy of Sciences, will look into the contaminants to which flight crew and passengers are exposed, as well as the consequences of using engine and auxiliary "bleed air" as air sources. This study is long overdue.

The AIR–21 conference report also provides for a one-year study into the effects of helicopter noise on individuals in densely populated areas. As a representative of Manhattan and parts of Brooklyn, I have heard the pleas from many of my constituents who have been plagued by the daily disruption of helicopter noise. It is time for the FAA to investigate the harm this noise inflicts upon residents and develop procedures to reduce helicopter noise as much as possible.

The conference report addresses important safety concerns, as well as the growing capacity and infrastructure demands of the aviation industry. That is why I urge my fellow colleagues to support it.

Mr. SHAYS. Mr. Speaker, I rise in support of a number of provisions included in the Conference Report to H.R. 1000, the Wendell H. Ford Aviation Investment & Reform Act for the 21st Century (AIR–21), including Emergency Locator Transmitters (ELTs) and a study on helicopter noise. Unfortunately, I am voting against the legislation because it provides federal aviation programs budgetary protection not afforded to other equally vital federal programs.

I strongly support the ELT section included in this conference report and thank the House and Senate conference committees for including this life-saving provision.

On December 24, 1996 a Learjet with Pilot Johan Schwartz, 31, of Westport, Connecticut and Patrick Hayes, 30, of Clinton, Connecticut lost contact with the control tower at the Lebanon, New Hampshire Airport. Despite efforts by the federal government, New Hampshire state and local authorities, and Connecticut authorities, a number of extremely well organized ground searches failed to locate the two gentlemen or the airplane until November 1999—almost three years later.

The disappearance of the Learjet on Christmas Eve was a true tragedy. In my judgment, what is particularly frustrating about this situation is that had the plane been equipped with a moderately-priced location device, the plane may have been found quickly. While current law requires most planes to be equipped with an ELT, there are several exceptions.

For this reason, together with the rest of the Connecticut Congressional delegation and Congressman NEAL of Massachusetts, I introduced H.R. 267, to require ELTs on fixed wing aircraft, with a few exemptions, including planes used by manufacturers in development exercises, agricultural crop planes, acrobatic show planes and large commercial planes which already have on-board technology to be quickly located.

In a tragedy—where time can play the difference between life and death—it is critical aircraft are equipped with locating devices necessary to find the plane and its passengers.

I am extremely grateful for ELT provisions—which will save lives and funds spent on expensive search efforts—are included in the conference report today.

I also strongly support helicopter noise study provisions included in the conference report. I understand frustration with aircraft noise. It is loud and disruptive. The noise level can be overwhelming, and diminishes quality of life. I have been working for many years with officials at the Federal Aviation Administration (FAA) and local residents, to control aircraft noise in Fairfield County.

During consideration of the House-passed version, a provision I supported on helicopter noise was included in the manager's amendment to H.R. 1000. I am glad to see the conference report retains this provision to require the Secretary of Transportation to conduct a one-year study on the effects of nonmilitary helicopter noise on individuals and develop recommendations for noise reduction. In order to combat noise pollution from helicopters it is imperative we understand how it is affecting individuals and how to best reduce it.

On budgetary reasons, I cannot, however, support this conference report. AIR–21 authorizes approximately $40 billion over three years through fiscal year 2003 (FY 03) for airport improvements, air traffic control and Federal Aviation Administration (FAA) operations. Of this amount, $33 billion is allocated from the aviation trust fund and $7 billion will be "available for appropriation" from the general fund.

While I am pleased the conference report does not take the aviation trust fund off-budget, I do not support establishing a series of parliamentary points of order designed to guarantee authorized funding levels for aviation.

As someone who uses flies on a weekly basis, I understand the importance of a safe, efficient aviation system. But, I oppose affording aviation special protections not given to other important programs. In my judgment aviation programs should have to compete for funds in the overall budget, just as education, healthcare, elderly services and veterans programs are required to do.

Mr. WATTS of Oklahoma. Mr. Speaker, it is with great pride that I rise in strong support of H.R. 1000, the Aviation Investment and Reform Act for the 21st Century. I also want to commend Chairman Shuster and the Transportation Committee staff for their tireless efforts to improve the safety and efficiency of the nation's aviation system. As the number of Americans using our national airway system continues to increase, it is essential that we provide the necessary tools and resources to make air travel as safe and efficient as possible. Today, the House is considering legislation that will do just that. H.R. 1000, the Aviation Investment and Reform Act for the 21st Century, makes great strides toward improving passenger safety and reducing delays in our nation's aviation system.

America's skies are becoming increasingly crowded and, with aging radar and computer systems, passenger safety would have ultimately been at risk. AIR–21 takes the necessary steps to keep our skies safe by providing a $40 billion investment in America's aviation infrastructure designed to increase passenger safety and reduce flight delays.

In addition, AIR–21 will produce a greater return on Oklahoma's investment to the Aviation Trust Fund. Oklahoma's three primary airports—Will Rogers World Airport in Oklahoma City, Tulsa International Airport, and Lawton-Ft. Sill Regional—as well as 75 general aviation airports throughout Oklahoma, will see a significant increase in their funding. This increased funding will be used to improve the infrastructure and safety of Oklahoma's aviation system by upgrading equipment, modernizing computer systems, and improving landing strips across the State. These much needed improvements will attract future aviation industry to Oklahoma which will, in turn, bring more jobs to the citizens of our State.

Mr. Speaker, today we have the opportunity to enable significant improvements to the aviation system in the United States and ensure the safety of America's skies. I am honored to have the opportunity to play a role in making these significant improvements possible by casting my vote in favor of H.R. 1000. I strongly urge my colleagues in the House to join me in support of this very important legislation.

Mr. YOUNG of Alaska. Mr. Speaker, I rise to express my strong support for the conference report on AIR–21. This conference agreement is a product of hard fought negotiations by the conferees and it deserves our support.

The needs of our aviation system are great and last summer's delays were an obvious reminder of how bad things will get as the number of people traveling by air increases. AIR–21 addresses these needs by authorizing record levels of funding and by returning the aviation tax dollars to the aviation system. Through these investments air travel will be safer, competition between airlines will be improved and the level of confidence in the management of the FAA will be raised.

As a conferee, I supported the provisions which allow exemptions to the current perimeter rule at Ronald Reagan Washington National Airport. However, I want to make it clear that these limited exemptions must benefit citizens throughout the West. It should be clear that this very limited number of exemptions must not be awarded solely or disproportionately to one carrier or one airport. I expect that the DOT will ensure that the maximum number of cities benefit from these 12 slots.

Closer to home in Alaska, AIR–21 will provide great benefits. With over eleven hundred airports, seaplane bases and aircraft landing areas, Alaska has the largest number of general aviation airports in the U.S.

Because Alaska does not have a comprehensive road system, Alaskans must use air travel for tasks we take for granted, such as grocery shopping and medical care. The passage of AIR–21 will make flying in Alaska safer. For the first time general aviation airports will have a dedicated funding source that complements the airport improvement program to improve runways, install much needed lighting and enhance communications.

I appreciate the opportunity to speak today and commend Chairman SHUSTER for his leadership and dedication to improving air travel. AIR–21 is a good bill and one that I encourage all members to support.

Mr. WELDON of Florida. Mr. Speaker, I want to take a moment to recognize Mr. Jack King and his son, Chip King, a Navy fighter pilot. Jack is a public relations manager with United Space Alliance in my district, and is well known in the space program as the "Voice of Apollo." It was Jack's voice that millions of Americans heard chronicling our early adventures in space.

And, appropriately, his son, Chip, is also in the aerospace business. He's flying F–14s, and he recently flew a Sports Illustrated correspondent to give the public a taste of flying jet fighters. That flight was reported in the September 1999 edition of the magazine, and I will submit the full text of that article for the RECORD.

This is a great story about a father and son working in one of the industries in which our nation leads the world—aerospace. We need to work together in Washington to ensure fathers like Jack continue to work in our space industry, and that sons like Chip continue to faithfully serve in defense of our nation.

[From Sports Illustrated Magazine, Sept. 20, 1999]

ON A WING AND A PRAYER

(By Rick Reilly)

Now this message for America's most famous athletes: Someday you may be invited to fly in the backseat of one of your country's most powerful fighter jets. Many of you already have—John Elway, John Stockton, Tiger Woods to name a few. If you get this opportunity, let me urge you, with the greatest sincerity. . . .

Move to Guam. Change your name. Fake your own death. Whatever you do, do not go. I know. The U.S. Navy invited me to try it. I was thrilled, I was pumped. I was toast!

I should've known when they told me my pilot would be Chip (Biff) King of Fighter Squadron 213 at Naval Air Station Oceana in Virginia Beach. Whatever you're thinking a Top Gun named Chip (Biff) King looks like, triple it. He's about six-foot, tan, ice-blue eyes, wavy surfer hair, finger-crippling handshake—the kind of man who wrestles dyspeptic alligators in his leisure time. If you see this man, run the other way. Fast.

Biff King was born to fly. His father, Jack King, was for years the voice of NASA missions. ("T-minus 15 seconds and counting. . . ." Remember?) Chip would charge neighborhood kids a quarter each to hear his dad. Jack would wake up from naps surrounded by nine-year-olds waiting for him to say, "We have a liftoff."

Biff was to fly me in an F–14D Tomcat, a ridiculously powerful $60 million weapon with nearly as much thrust as weight, not unlike Colin Montgomerie. I was worried about getting airsick, so the night before the flight I asked Biff if there was something I should eat the next morning.

"Bananas," he said.

"For the potassium?" I asked.

"No," Biff said, "because they taste about the same coming up as they do going down."

The next morning, out on the tarmac, I had on my flight suit with my name sewn over the left breast. (No call sign—like Crash or Sticky or Leadfoot—but, still, very cool.) I carried my helmet in the crook of my arm, as Biff had instructed.

A fighter pilot named Psycho gave me a safety briefing and then fastened me into my ejection seat, which, when employed, would "egress" me out of the plane at such a velocity that I would be immediately knocked unconscious.

Just as I was thinking about aborting the flight, the canopy closed over me, and Biff gave the ground crew a thumbs-up. In minutes we were firing nose up at 600 mph. We leveled out and then canopy-rolled over another F–14. Those 20 minutes were the rush of my life. Unfortunately, the ride lasted 80.

It was like being on the roller coaster at Six Flags Over Hell. Only without rails. We did barrel rolls, sap rolls, loops, yanks and banks. We dived, rose and dived again, sometimes with a vertical velocity of 10,000 feet per minute. We chased another F–14, and it chased us. We broke the speed of sound. Sea was sky and sky was sea. Flying at 200 feet we did 90-degree turns at 550 mph, creating a G force of 6.5, which is to say I felt as if 6.5 times my body weight was smashing against me, thereby approximating life as Mrs. Colin Montgomerie.

And I egressed the bananas. I egressed the pizza from the night before. And the lunch before that. I egressed a box of Milk Duds from the sixth grade. I made Linda Blair look polite. Because of the G's, I was egressing stuff that did not even want to be egressed. I went through not one airsick bag, but two. Biff said I passed out. Twice.

I was coated in sweat. At one point, as we were coming in upside down in a banked curve on a mock bombing target and the G's were flattening me like a tortilla and I was in and out of consciousness, I realized I was the first person in history to throw down.

I used to know cool. Cool was Elway throwing a touchdown pass, or Norman making a five-iron bite. But now I really know cool. Cool is guys like Biff. men with cast-iron stomachs and Freon nerves. I wouldn't go up there again for Derek Jeter's black book, but I'm glad Biff does every day, and for less a year than a rookie reliever makes in a home stand.

A week later, when the spins finally stopped, Biff called. He said he and the fighters had the perfect call sign for me. Said he'd send it on a patch for my flight suit.

What is it? I asked.

"Two Bags."

Mr. GILMAN. Mr. Speaker, today, I rise to cast my vote in support of H.R. 1000, the Wendell H. Ford Aviation Investment & Reform Act for the 21st Century conference report. This crucial piece of legislation will not only allow the aviation system of the United States to provide needed improvements and remedy problems facing the industry today, but will also move our Nation's aviation system well into the next century.

The U.S. aviation system is in more dire need than most realize. Within the last five years air travel has increased 27%, and is expected to increase over 50%, to one billion passengers over the next ten years. This incredible increase is forcing the aviation system into a gridlock, which will result in a deterioration of safety, harm the efficiency and growth of our domestic economy, damage our position in the global marketplace and threaten the lives of our Nation's families.

Already, recent aviation accidents have highlighted the overwhelming importance of this legislation. Today's air traffic control system is the equivalent of a bridge about to collapse as more and more air traffic strains the system. Regrettably, I personally experienced the severity of this situation. As my Hudson Valley colleagues and I fought to acquire modern air traffic control equipment for Stewart International Airport in our region, it horrified us to learn that vital pieces of equipment, including a radar screen, were not available and that our air traffic controllers had been forced to use binoculars to guide in passenger aircraft.

New safety and security recommendations must be implemented and modernization efforts, already many years behind schedule, must be completed. The capital investments and operational funds needed to meet these priorities and to support the overall advancement of our air traffic control system are indeed daunting and must be met.

Today, the House of Representatives has the opportunity to make our airports and skies safer by passing this conference report. To my constituents in New York's 20th Congressional District, who live in the flight paths of Stewart and other regional airports, the passage of this bill will have a tremendous effect. This conference Report ensures that the FAA will have the funding to hire and retain air traffic controllers, maintenance technicians, and safety inspectors necessary to keep our airways safe. It will enhance safety at our airports by providing funding to modernize air traffic control facilities, improve runways and install collision avoidance systems. H.R. 1000 will increase the amount of money available for noise abatement projects, creates a new environmental streamlining program and encourages airports to use low emission vehicles.

In conclusion, this measure will be the most important piece of legislation for our Nation's aviation system to date. It will make our airways and airports safer, more competitive and more friendly to the communities around them and our Nation as a whole.

Accordingly, I urge our colleagues to fully support this important aviation measure.

Mr. WELLER. Mr. Speaker, I rise today in opposition to H.R. 1000, The Wendell H. Ford Aviation Investment and Reform Act for the 21st Century.

Mr. Speaker, this bill does not address the critical aviation needs of the South Suburbs of Chicago. Chicago desperately needs a South Suburban airport to be able not only to maintain its current level of aviation traffic but to continue to receive new flights into the community. Chicago is currently the aviation center of the United States. However, under this legislation, Chicago is certain to lose its preeminence as the nation's aviation leader.

Specifically, H.R. 1000 lifts slot restrictions at O'Hare airport after July 1, 2002. In the interim, the Department of Transportation must provide exemption to any airline flying to O'Hare if it uses aircraft with 70 seats or less under similar conditions outlined above. In addition, beginning on July 1, 2001, slot restrictions will apply only between the hours of 2:45 p.m. and 8:14 p.m.

Mr. Speaker, this is not an effective answer to the problems surrounding O'Hare airport. Just this past year, we have seen significantly higher delays at O'Hare airport. Attempting to push more flights into an already overcrowded airport will not solve the capacity problems of Chicago O'Hare nor will it reduce delays and congestion. In fact, this will only exacerbate a problem that will get progressively worse.

Aviation demand is expected to more than double by the year 2015. In order to meet this demand, it is necessary to expand and grow capacity, not to simply put more flights into an already overcrowded air system. Not only will this strategy force more delays, but it will also potentially increase the safety risks of the traveling public.

Both O'Hare and Midway will have reached operational capacity in the very near future. Unfortunately, neither of these airports can physically expand as they are both constrained by urban growth around them. Chicago is the nation's aviation leader, and, in order to protect that status, we must look beyond O'Hare and Midway airports and begin serious work on the South Suburban Airport—an airport that can grow and expand to meet the demands of this new century.

Additionally, the South Suburban Airport would create 236,000 permanent jobs and $5.1 billion in annual wages. 2.4 million people live within 45 minutes of the proposed South Suburban Airport—these people need and deserve to have the third airport built. Mr. Speaker, the time has come for the South Suburban Airport. Clearly, we need an airport which can grown and expand as necessary while relieving the congestion and delays at our other Chicago airports.

Finally, the bill contains no funds for the third airport. While the bill does contain what is effectively a tax increase on the flying public, not one dime is spent towards the creation of a South Suburban Airport. The measure authorizes the FAA to permit an airport to levy a Passenger Facility Charge of up to $4.50. This represents a 50 percent increase over the current Passenger Facility Charge. Mr. Speaker, I cannot support raising the prices that the flying public must pay to reach their destination when no funds are provided for the creation of a South Suburban Airport.

Mr. HANSEN. Mr. Speaker, I am very supportive of the Conference agreement provisions which allow exemptions to the current perimeter rule at Ronald Reagan Washington National Airport. I commend you on creating a process which I believe fairly balances the interests of Senators from states inside the perimeter and those of us from Western states without convenient access to Reagan National.

As you know, I have been involved and supportive of this effort since the legislation was first introduced. I want to reiterate that these limited exemptions must benefit citizens throughout the west. I want to make it clear that this very limited number of exemptions must not be awarded solely or disproportionately to one carrier or one airport. I expect that the DOT will ensure that the maximum number of cities benefit from these 12 slots.

While I would have preferred to eliminate the perimeter rule altogether or have more slots available for improved access to the West, the final agreement includes 12 slots and now the DOT must ensure that all parts of the West benefit. I am particularly concerned that small and midsized communities in the West, especially in the Northern tier have improved access through hubs like Salt Lake City.

These limited exemptions to the perimeter rule from hubs like Salt Lake City will improve service to the nation's capital for dozens of Western cities beyond the perimeter—while at the same time ensuring that cities inside the perimeter are not adversely impacted by new service. This is a fair balance which is consistent with the overall intent of the bill to improve air service to small and medium-sized cities.

Throughout this bill, our goal has been to improve air service for communities which have not experienced the benefits of deregulation to the extent of larger markets. The provision related to improved access to Reagan National is no different. Today, passengers from small and medium-sized communities in the West are forced to double or even triple connect to fly to Reagan National. My goal is to ensure that not just large city point-to-point service will benefit, but that passengers from all points west of the perimeter will have better options to reach Washington and Ronald Reagan Washington National Airport via connections at Western hubs like Salt Lake City. This provision is about using this restricted exemption process to spread improved access throughout the West—not to limit the benefits to a few large cities which already have a variety of options.

Mr. BORSKI. Mr. Speaker, I rise today to offer my support for H.R. 1000, the Aviation Investment and Reform Act for the 21st Century. First, I would like to congratulate Chairman DUNCAN and Ranking Member LIPINSKI for their tireless efforts on behalf of this bill.

I also want to thank Chairman SHUSTER and Ranking Member OBERSTAR for their leadership on the Transportation and Infrastructure Committee. The bipartisan way in which these two gentlemen conduct the committee is an example for all. Under their direction, this Congress has made the maintenance of and investment in our nation's infrastructure a top priority.

AIR–21 is good news for the American people and the country. This legislation maintains the integrity of the trust funds and reinforces the idea that the money we collect from air passengers should be spent on aviation to reduce the backlog of infrastructure needs at our nation's airports.

I am pleased that the impasse over this vital piece of legislation has ended and that the FAA will finally receive the funding they so desperately need. Additionally, AIR–21 is extremely important to Philadelphia, as well as to all airports because it provides the funding necessary to make improvements, enhance capacity, and to increase safety.

AIR–21 will increase spending on airport improvements, air traffic control, and other aviation needs. This "record level of investment," as Secretary Slater called the $40 billion that will go to the FAA, will make air travel safer and more efficient for everyone.

Mr. Speaker, we have all heard about how crowded our skies are. Domestic air travel had 655 million passengers over the past five years. This number is expected to reach over one billion in the next ten years. Air travel is the mode of choice for travelers today. The demand is unbelievable and is evidenced at Philadelphia International Airport, which is one of the busiest airports in the eastern region. The passage of this legislation will go a long way towards making Philadelphia International a better airport. Under this Conference Agreement Philadelphia Airport, a major hub, will receive almost $7 million. This money will be used for new projects that will improve the efficiency of Philadelphia's airport, since it is congested throughout the day and not just at peak times. Last year, the airport had over 23 million passengers and the funds that Philadelphia International Airport will receive will allow the airport to provide increased capacity for these travelers and to promote safety as well.

I would also like to note that the increase in the Passenger Facility Charge that the conferees reached agreement on is also important to Philadelphia's airport. This modest raise in the cap on the PFC will also allow individual airports, like Philadelphia, the flexibility to proceed with improvement projects not eligible for funding through the Airport Improvement Program.

The passage of this bill is essential because it increases funding for air traffic control modernization by almost 50 percent and funding for airport improvements will increase by more than 50 percent. This level of investment is vital to all airports not just Philadelphia's.

Mr. Speaker, I offer my support for AIR–21 and I urge my colleagues to vote for this important legislation. H.R. 1000 is good for transportation and good for the nation.

Mr. BARCIA. Mr. Speaker, I rise in support of Title IX of the Conference Report and will limit my remarks to Title IX of the Agreement, which provides a three-year authorization for the research and development activities of the Federal Aviation Administration.

I am particularly pleased with the authorization levels that are provided for aviation research and development, both in Title IX and in the Airway Facilities portion of the bill. The budget growth provided by Title IX is focused on more long-term research and will help reverse recent declines in this essential component of the agency's R&D investment.

Sufficient funds must be provided to enable FAA's research and development programs to develop the new technologies that will help increase the capacity and efficiency of operation of the airspace system, while ensuring its safety and security.

I would like to highlight a provision in Title IX that requires FAA to provide Congress with a complete description of its R&D programs. Some confusion exists about the full scope of FAA's R&D activities, since they appear in different parts of the agency's annual budget submission.

The Inspector General (IG) of the Department of Transportation, in recent testimony before the Science Committee, recommended that FAA identify in its budget basic research, applied research, and development activities, including prototype development. The IG pointed out that such reporting will give the agency a better idea of how it spends development funds and will provide Congress with a more comprehensive picture of FAA's civil aviation R&D investments.

The reporting provision included in Title IX requires FAA to provide Congress with a comprehensive description of its R&D programs by identifying the individual projects that appear in each category of the agency's budget. This information must be provided annually by FAA in the National Aviation Research Plan.

Mr. Speaker, in closing, I want to thank our Chairman SHUSTER and Ranking Member OBERSTAR on the Transportation Committee for working with us on Title IX. And as always it has been a pleasure working with Chairwoman MORELLA on FAA's research and development provisions. This Conference Agreement will ensure that FAA has the R&D resources needed to meet its challenging goals for the modernization of the national airspace system and for improving the safety of air travel.

Mr. COSTELLO. Mr. Speaker, I rise today in strong support of the AIR–21 Conference Report which reauthorizes funding for the Federal Aviation Administration. As a conferee on this bill, I am pleased that we were able to come together in a bipartisan fashion to provide the funding the FAA needs to provide America with a first class aviation infrastructure for the 21st century.

First, I want to thank Chairman SHUSTER and Ranking Member OBERSTAR for their leadership and persistence in making certain that all aviation tax revenue and interest be spent each year on aviation programs.

The Conference Agreement authorizes $40 billion in funding for the next three fiscal years—a 26 percent increase in FY01 alone. This funding provides increases for all aspects of the FAA, to modernize its systems and deal more effectively with our expanding air transportation industry.

This legislation serves to increase competition and aid small communities. The provisions to lift all slot restrictions at O'Hare, La Guardia and Kennedy, and increase the number of slots at National Airport can only help new airlines provide service and underserved communities receive service. I worked hard to ensure that rural communities in the Midwest stood to benefit from these new provisions. By improving capacity at large and small airports, the bill ensures more equitable competition in an industry where individual air carriers have market dominance over many communities. And by promoting access, the bill increases service which currently have little or no markets at all.

The bill also provides funding for small and general aviation airports through an annual entitlement. This provision will guarantee that small and general aviation airports will receive an annual federal investment to continue to implement safety improvements and projects to increase efficiency.

Finally, AIR–21 should provide money to allow the FAA to make administrative changes without harming ongoing effective programs like the Air Traffic Control Contract Program. I recently urged the FAA Administrator to reject proposals by some bureaucrats to cut this program which is so vital to many small communities, and I hope now with passage of AIR–21, she will do so.

Mr. Speaker, again I want to thank Chairman SHUSTER, Mr. OBERSTAR, Chairman DUNCAN, and Mr. LIPINSKI for their leadership in bringing this bill to the floor today. I urge my colleagues to join me in supporting this legislation in order to bring our aviation system into the 21st century.

Mr. BEREUTER. Mr. Speaker, this Member rises in strong support of the conference report for H.R. 1000, the AIR–21 legislation. This legislation is clearly needed to unlock the Aviation Trust Fund and to provide adequate funding for our nation's airports.

This Member would like to begin by commending the distinguished gentleman from Pennsylvania, (Mr. SHUSTER), the Chairman of the Transportation and Infrastructure Committee; the distinguished gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the Transportation Committee; the distinguished gentleman from Tennessee (Mr. DUNCAN), the Chairman of the Aviation Subcommittee; and the distinguished gentleman from Illinois (Mr. LIPINSKI), the ranking member of the Subcommittee and the other members of the conference committee for their extraordinary work in developing this conference report and bringing it to the Floor. This Member appreciates their diligence, persistence, and hard work.

This is an important bill for this Member's district, for the State of Nebraska, and for the Nation. It addresses the country's growing aviation needs in a fiscally responsible manner. Quite simply, the bill recognizes the need to spend aviation taxes on the aviation system. During the 105th Congress we restored the trust with American drivers by ensuring that gas taxes actually will be spent as available primarily on highway construction and maintenance. It is now time to ensure that this trust is restored with the flying public.

This conference report will lead to significantly increased funding for our nation's airports. As a result, it will result in reduced flight delays, improved air safety, and greater competition. The American people deserve to see this legislation enacted. They deserve it because they've already paid in taxes what it will now authorize.

This Member is concerned about growing needs at our nation's airports. While more people are flying, airport improvements are simply not keeping pace. That's because the money that passengers are paying each time they fly and fuel taxes are accumulating in the trust fund rather than being put to use to improve our airports and provide safer flying.

Unless we act now, the problems will only get worse. It is now anticipated that air travel will increase by more than 40 percent over the next ten years. This surge will place increased demands on an already over-burdened aviation system. According to the General Accounting Office, we are underfunding airport infrastructure by at least $3 billion each year. Currently, the needs of smaller airports are twice as great as their funding sources. Fortunately, we have the ability to act now. We can improve the system without raising taxes or threatening the funding for other government programs or services. We must unlock the money in the Aviation Trust Fund and spend it for what it was intended.

Airports across the country and the passengers who use them will all benefit from passage of this legislation. Large airports as well as small airports will be able to modernize and expand once the Trust Fund money is released.

The increases in funding will be substantial and passengers will notice the results if we make these investments now. As an example, the Lincoln Municipal Airport in Nebraska currently receives an entitlement of about $1 million per year. Under the conference report, this will increase to more than $2 million annually. Such an increase would greatly assist the airport with its planned $5 million runway project, which would replace the surface, comply with new safety requirements, and provide new lighting. General aviation airports in Nebraska, in communities such as Beatrice, Falls City, Blair, Fremont, Norfolk, York, Plattsmouth, and Nebraska City will also receive annual entitlements which will assist them with necessary projects.

Mr. Speaker, this Member urges his colleagues to support the conference report for H.R. 1000. It will provide the American people with the aviation system that they have paid for and deserve.

GENERAL AVIATION—CONFERENCE GA ENTITLEMENT

NEBRASKA

ANW—Ainsworth Municipal, Ainsworth, $150,000.

BVN—Albion Municipal, Albion, 150,000.

AIA—Alliance Municipal, Alliance, $117,533.

BIE—Beatrice Municipal, Beatrice, $39,800.

FNB—Brenner Field, Falls City, $60,000.

CDR—Chadron Municipal, Chadron, $111,600.

CNP—Chappell Municipal, Chappell, $1,000.

OLU—Columbus Municipal, Columbus, $43,200.

K46—Eagle Field, Blair, $150,000.

FBY—Fairbury Municipal, Fairbury, $118,800.

FET—Fremont Municipal, Fremont, $80,000.

OKS—Garden County, Oshkosh, $150,000.

HSI—Hastings Municipal, Hastings, $69,000.

IML—Imperial Municipal, Imperial, $119,200.

OFK—Karl Stefan Memorial, Norfolk, $150,000.

EAR—Kearney Municipal, Kearney, $80,475.

LXN—Lexington (Jim Kel), Lexington, $130,000.

MCK—Mc Cook Municipal, Mc Cook, $84,000.

VTN—Miller Field, Valentine, $150,000.

9V5—Modisett, Rushville, $99,253.

4D9—Municipal, Alma, $36,800.

JYR—Municipal, York, $100,000.

AFK—Nebraska City Municipal, Nebraska City, $150,000.

0V3—Pioneer Village Field, Minden, $77,200.

PMV—Plattsmouth Municipal, Plattsmouth, $150,000.

OGA—Searle Field, Ogallala, $93,400.

Summary for 'State' = NE (26 detail records)—Sum $2,661,261.

Mr. KOLBE. Mr. Speaker, I rise in opposition to H.R. 1000.

Although I support the reauthorization of the FAA and the Airport Improvement Program, I find the manipulation of the current budgeting process in this bill detrimental to a fiscally sound government, for which the Republicans have been fighting, and have achieved, as the majority party.

Why do we want to take a step backwards, back to when this House was governed by a tax and spend policy, in a misguided attempt to drastically inflate a federal agency's budget?

Where is the Republican agenda—the agenda to make the federal government smaller, leaner, more efficient?

This bill could increase taxes by an estimated $700 million if all the airports levy the additional charge that this bill authorizes—and I have no reason to believe that they wouldn't.

Is this what Congress wants to do today, raise taxes by $700 million when we have a surplus and are trying to cut taxes?

I cannot support this approach. With the rise in fuel costs, which has equated to a rise in airline prices, we don't need to pile on to this and put another increase onto an air traveler's expenses.

In addition, it is disappointing to see this bill come before the House today under the slogan of "unlocking the Aviation Trust Fund."

Federal trust funds are not your run-of-the-mill trust fund that can be compared to a family or business trust fund. These federal trust funds are authorizations for appropriations, and this has always been the intent since their creation.

But, don't take my word for it. Let me quote a CRS report:

> Whatever their intended purposes, federal trust funds are basically record-keeping devices that account for the spending authority available for certain programs. Although frequently thought of as holding financial assets, they do not.

I repeat: trust funds do not hold financial assets; there is no money in them.

The report goes on to say:

> Simply stated, as long as a trust fund has a balance, the Treasury Department has authority to keep issuing checks for the program, but balances do not provide the treasury with the cash to cover these checks.

So if it's the right policy to take trust funds off-budget, where is the cash going to come from to cover the checks written on the trust fund balance? Are we going to cut funding for our schools, for law enforcement, for environmental programs, for our Veterans?

We need to take a step back and understand where this road leads us.

I understand the supporters of this measure see guaranteed money every year.

Wouldn't this be nice if everyone had a guaranteed stream of cash flowing into their coffers every October First? But, that is not the way to run a fiscally responsible government.

We simply cannot govern a nation by compartmentalizing our budget through dedicated funding streams. Revenue streams must be spent on the nation's priorities as a whole. You can't run a business by restricting cash flows to expenses directly attributable to their related sales. Can GM effectively compete in the world market if the money they received from selling shock absorbers couldn't be used for maintenance of brake manufacturing equipment? No. GM can't, and neither can the federal government.

Republicans have governed our nation's tax dollars with restraint and have given the taxpayer some of their money back with tax cuts.

Let's not sabotage 5 and a half years of work. We should be looking at ways of streamlining federal agencies, not bloating their budgets by creating a mandatory account and increasing the taxes for this account.

Mr. BRADY of Pennsylvania. Mr. Speaker, I thank Chairman SHUSTER and Ranking Member OBERSTAR for the much needed Aviation Investment and Reform Act.

Mr. Speaker, I rise to support this Conference Report on H.R. 1000. Just last Friday, at the Philadelphia International Airport in my district, the air traffic control technology went down for 30 minutes. Thank God there were no incidents.

The FAA is—even as I speak—still trying to figure out what went wrong. This much needed legislation will speed up the process of updating that technology for the safety of the thousands of people who use our airport.

Mr. Speaker, my son, daughter-in-law and two precious granddaughters are flying out of Philadelphia Airport on Thursday. I want to make sure that they and everyone's children and grandchildren who are traveling are as safe as can be. This legislation will help Philadelphia International acquire state-of-the-art technology to keep the public safe. There is no price that can be put on human lives. So we should pass this report and spend what is needed to protect our constituents.

Mr. CRANE. Mr. Speaker, I speak out today in strong opposition to the conference report on the Aviation Investment and Reform Act, better known as AIR–21. While there is much to be said for certain portions of that measure, the negative aspects of it are far more pervasive. For many people living in the northwest suburbs of Chicago, those aspects are nothing short of disastrous.

To be sure, this AIR–21 conference report will make more money available to our nation's airports, not just for construction work but for service enhancements and security improvements as well. In addition, it will allow more people to fly to and from the busiest of those airports. For some people, those two features may be good news. But, for many others, they are anything but.

Not only will the 50% increase in the Passenger Facility Charge (PFC) have a negative affect on the airlines and those who patronize them, but the phaseout of the High Density Rule at O'Hare, LaGuardia and JFK Airports and the easing of that Rule at Reagan National Airport in Washington D.C. will be a living nightmare for thousands of people living near those facilities. In addition to being awakened at all hours of the day or night, but they will have a hard time getting much sleep in the first place.

Hardest hit will be those people who live near Chicago's O'Hare Airport. For them, the High Density Rule, or slot rule as it is often called, will be phased out by July 1, 2002, not January 1, 2007 as is the case for La Guardia and JFK Airports in New York. Or to put it another way, in just over two years, there will no longer be any set-limit on the number of flights that can arrive at, or depart from, O'Hare even though efforts to reduce existing noise levels there have met with little success. When that happens, not only is the total number of flights to and from O'Hare likely to increase dramatically—but so too will airport noise levels and the risk of planes colliding either on the runway or in nearby airspace. That two airliners nearly flew into one another over Lake Michigan not long ago should alert us to the fact that additions to O'Hare's very busy flight schedule could have safety as well as noise implications.

That said, Mr. Speaker and colleagues, please know that I fully understand and appreciate why you may want to make it easier for your constituents to visit Chicago, either to vacation or to conduct business. With all that the city has to offer—the Magnificent Mile, Navy Pier, the Museum of Science and Industry, Grant Park, the Field Museum, Shedd Aquarium and many other attractions too numerous to mention—it is no wonder that people from all over the country want more flights, and better flights schedules, to the City of Broad Shoulders. Make no mistake about it, Chicago is a wonderful place to visit and those of us fortunate enough to live in or near the city want to make it as easy as possible for anyone to do so. However, that can be readily accomplished without making it almost impossible for those living near O'Hare to get a good night's sleep, to carry on a quiet conversation, to have a peaceful cookout in their own back yard, or to relax in the knowledge that aircraft safety is not being put to an additional test.

As things now stand, there are no less than four other regional airports within 100 miles of Chicago. One of these—the Greater Rockford Airport—already has a 10,000 foot runway, the second longest in Illinois, plus an 8,200 foot runway and a 65,000 square foot passenger terminal that is currently underutilized. Another—Midway Airport on the west side of Chicago—is in the midst of a terminal expansion program that will enable it to serve even more air passengers than it does already. Since the passenger terminal at Greater Rockford could be expanded also, there is no compelling reason why any additional flights to Chicago could not be diverted to those two airports without inconveniencing air passengers to any great extent. Both lie within 60 miles of O'Hare, for those passengers wishing to catch a connecting flight and neither all that far, or out of reach, from downtown Chicago.

Given the existence of such an attractive and relatively-easy-to implement alternative to the adverse consequences of increasing flights to and from O'Hare, I would urge my colleagues to vote against this conference report. Not only would its defeat today enable us to make changes that would accommodate the demands for additional air service to Chicago by directing any extra flights to either Midway Airport or Greater Rockford Airport, but it would give us an opportunity to make several other improvements as well.

For instance, we could—and should—eliminate the 50% increase in the PFC that is making the airlines, their passengers and residents around O'Hare Airport understandably nervous. Also, we could—and should—take a look and see whether air traffic safety and aircraft noise abatement programs are being sufficiently funded and, if not, whether funds should be transferred from other projects so that people living near major airports can have some peace and quiet as well as peace of mind. They deserve every bit as much consideration as those who wish to see additional air service become a reality.

With that, Mr. Speaker, let me close by once again urging my colleagues to vote down this conference report. We can, and should, make it responsive not just to the needs of air travelers but to the very legitimate concerns of those living near our Nation's airports as well.

Mrs. MORELLA. Mr. Speaker, I rise in opposition to the conference report for the Aviation Investment and Reform Act for the 21st Century.

As a conferee on the Research and Development section of AIR–21, I applaud the strong bipartisan support for the significant increase in funding levels for the FAA's research, engineering, and development program. It is remarkable that the FY 2001 authorization will be 51% more than the current funding levels for these valuable activities.

However, some sections of the Aviation Investment and Reform Act are misguided in their purpose and detrimental to many of our constituents.

If the conference report for AIR–21 passes the House today, twenty-four new slots will be added to Reagan National Airport. Half of these additional slots will be used for flights outside of the existing perimeter rule of 1,250 miles.

Drafters of this legislation claim that additional slots will increase airline competition. What they do not realize is that the Washington Metropolitan Area retains an enviably high level of competitive service. Most major cities are served by a single airport with a dominant carrier. Washington, on the other hand, is fortunate to be served by three airports. With no dominant carrier, changing the slot and perimeter rule will only damage the environmental and economic balance that exists between National, Dulles, and BWI Airports. An increase in flights at National could mean fewer flights in and out of Dulles and BWI—which, in turn, would cause further flight delays.

The slot rule was originally part of a "good faith" agreement between federal, local, and airport officials when control of National and Dulles was transferred from the FAA to a local authority—the Metropolitan Washington Airports Authority (MWAA). This "good faith" provision has the effect of abating airport and air traffic noise. Any tampering with the current slot rule will open the doors to further changes that would impact the airports' neighbors in Maryland and Virginia.

The daily lives of these citizens are interrupted enough by airplane noise. They do not need additional flights disturbing their children at school or their family dinners at home. More and more, scientific studies reveal that noise at the decibel levels found in communities neighboring airports may cause hearing loss, impaired health, and antisocial behavior. On the floor of the House, I have often stressed that unlike oil spills or landfills, noise is an invisible pollutant, but the hazards are just as real.

The Federal Government should not be in the business of operating airports. The citizens living in the Washington Metropolitan area must have a voice in the ultimate determination of decisions that affect airport and air traffic noise. They are the ones that have to live each day with our decision.

Mr. MILLER of Florida. Mr. Speaker, I rise today to thank the conferees for including a provision in this bill that will help airports, like the Sarasota-Brandenton International Airport in my District, use certain terminal costs to be eligible for Passenger Facility Charge funding. As the author of the language, I also wish to clarify that the intent of the last three lines of Section 152 (2)(c) that reads "between calendar year 1989 and calendar year 1997," specifically refers to calendar years 1990 through 1996 and does not include calendar years 1989 and 1997.

Mr. BASS. Mr. Speaker, I want to congratulate the gentleman from Pennsylvania, Mr. SHUSTER, once again for developing legislation that returns budgetary honesty to our trust funds, ensuring that the necessary funding for our nation's transportation infrastructure is provided. Similar to the success of TEA–21 enacted last Congress, this bill, Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR–21), will make certain that the receipts and interest of the Aviation and Airways Trust Fund are used to improve our aviation infrastructure first and the administrations of operations second.

America's transportation system is the envy of the world. The United States, however, has pushed our air transportation system to the limit. Aviation delays are increasing as we exceed airport and runway capacity. The United States is home to 19 of the world's 20 busiest airports, yet we do not have the world's most advanced air traffic control systems. AIR–21 will provide the necessary funding for airports to keep pace with the dramatic increase in air travelers.

Nationwide, passenger travel has increased at a rate of five percent a year, and we expect more than a billion people will board planes by 2010. Manchester Airport, in my home state of New Hampshire, is the fastest growing airport in the country. In 1998, 1.94 million people flew out of Manchester, which represents a 70% increase over 1997.

This legislation will make it possible to increase airport capacity, which will not only reduce delays, but will also inject a healthy shot of competition into the airline industry. By creating more gates, more airlines will have the opportunity to fly popular routes, and the increased competition will help drive down ticket prices.

Upgrading antiquated FAA traffic control systems is another priority. Just last year, the FAA experienced more than 100 significant system outages where air traffic controllers lost some or all of the primary systems that help them track aircraft. We lead the world in technology yet we entrust the safety of our skies to computers made almost 30 years ago.

Additionally, among the many excellent provisions in this bill, I would like to call attention to a provision that requires the FAA to conduct a study of the use of recycled materials in the construction of airport runways, taxiways, and aprons. As used here, recycled materials includes recycled pavements, waste materials, and byproducts. This is an important environmental provision. It addresses an urgent need to do a better job of promoting the use of recycled materials. Furthermore, it does so in a way that will make recycling successful. This is critical to maximizing the volume of waste materials that actually gets recycled.

Last year, we included in TEA–21 a provision to create the Recycled Materials Resource Center. That center, funded by and working in close collaboration with the Federal Highway Administration, provides assistance to highway programs nationwide. It helps develop standards for the appropriate use of recycled materials, along with suitable tests to ensure compliance with those standards. In addition, it conducts research into specific applications to determine the conditions under which recycled materials can be used. This is needed for two reasons. First, to ensure the physical performance of the road or highway throughout its planned useful life. Equally important, it ensures that there will be no adverse environmental problems resulting from the use of a recycled material in place of virgin materials.

In short, this center was created to provide independent third party analysis of proposed uses, so that decision makers could approve the use of recycled materials in appropriate circumstances based on objective evidence, and with appropriate standards and tests. In other words, rather than just pushing for recycling and hoping the road or highway stands up under long-term use, this center is dedicated to promoting successful recycling. And doing so in a way that responds to legitimate concerns by public officials. Against this background, I proposed that we leverage this ongoing Federal investment in using recycled materials in transportation infrastructure by extending its benefits to our national effort to upgrade airports. After all, airport construction involves large amounts of pavement in runways, taxiways, and aprons; not to mention related parking lots and approach roads.

As with roads and highways, public officials want to do the right thing. They understand the value of recycling, providing it does not increase costs, and providing that they can be sure the runway, taxiway, or apron will be built to the required high performance standard. They do not need mandates, they need technical assistance and information based on independent analysis of the issues.

As with roads and highways, the FAA study needs to focus both on physical performance—will the pavement work as expected over its full useful life—and also on environmental performance over that same useful life. Public officials need assurance that there will be no unexpected environmental side effects in the future. They cannot be expected to risk possible contamination problems because of incomplete analysis. Therefore, this assurance of future environmental integrity must be based on sound science, validated by an independent third party. Therefore, as with earlier efforts with roads and highways, the logical place to start seems to be with a comprehensive study focusing on issues of long term physical performance, safety implications, and environmental benefits of using recycled materials in aviation pavement. Recognizing that much work has been done in this field, this provision provides that the FAA should carry it out by entering a contract with a university of higher education with expertise necessary to carry out the study.

A logical candidate to do such a study would be the Recycled Materials Research Center at the University of New Hampshire. It has directly relevant experience working with transportation pavements. Since the US Department of Transportation already is funding and utilizing this center, it seems especially appropriate that we should leverage that Federal investment by applying that expertise to related issues in airport construction.

Furthermore, I am pleased to see the section regarding Airplane Emergency Locator Transmitters (ELTs) included in AIR–21. The absence of ELTs has increased the costs of public and private search and rescue operations following certain aircraft crashes. One such crash occurred on December 24, 1996, when a plane piloted by Johan Schwartz and Patrick Hayes disappeared near Lebanon, New Hampshire. The States of New Hampshire, Connecticut, Vermont, New York, and Massachusetts conducted an extensive search, in cooperation with the Federal Government, in an unsuccessful effort to locate the plane and any survivors. It is believed that the existence of an ELT on this plane would have substantially increased the likelihood of finding the crash.

In conclusion, I believed that AIR–21 would help instill honesty in the budget process and allow us to invest in our airports to expand airport capacity and make our skies and airports safer. For too long, we've neglected our transportation needs and allowed the surpluses in the transportation trust funds to accrue in order to mask the size of the budget deficit. AIR–21 will ensure that the airline ticket taxes we pay each time that we fly will be used to improve our airports and aviation infrastructure.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). All time has expired. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 319, nays 101, not voting 14, as follows:

[Roll No. 48]

YEAS—319

Abercrombie
Ackerman
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
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Delahunt
DeLauro
DeMint
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Diaz-Balart
Dickey
Dingell
Dooley
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Dreier
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Edwards
Ehlers
Ehrlich
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English
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Fattah
Filner
Fletcher
Forbes
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Fossella
Fowler
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Franks (NJ)
Frost
Gallegly
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Gekas
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Gibbons
Gilchrest
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Goodlatte
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Gordon
Granger
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Greenwood
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Hall (OH)
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Hayes
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Hill (IN)
Hill (MT)
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Hilliard
Hoeffel
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Holden
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Hooley
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Hostettler
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Hunter
Hutchinson
Isakson
Istook
Jackson-Lee (TX)
Jefferson
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John
Johnson (CT)
Johnson, E. B.
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Knollenberg
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LaFalce
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Lewis (GA)
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Markey
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Menendez
Metcalf
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Millender-McDonald
Miller, Gary
Miller, George
Minge
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Moakley
Mollohan
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Murtha
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Northup
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Peterson (MN)
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Price (NC)
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Quinn
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Ros-Lehtinen
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Ryan (WI)
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Sanchez
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Simpson
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Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
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Strickland
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Talent
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Taylor (MS)
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Thomas
Thompson (CA)
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Thune
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Towns
Traficant
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Weldon (FL)
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Whitfield
Wilson
Wise
Woolsey
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Wynn
Young (AK)

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Archer
Baldwin
Barrett (NE)
Boehner
Bonilla
Boyd
Brady (TX)
Cardin
Castle
Chabot
Chenoweth-Hage
Coburn
Collins
Cox
Crane
Davis (IL)
DeLay
Dicks
Dixon
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Emerson
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Foley
Frelinghuysen
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Hall (TX)
Hayworth
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Inslee
Jackson (IL)
Johnson, Sam
Jones (NC)
Kaptur
Kennedy
Kilpatrick
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Kolbe
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Lewis (CA)
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Miller (FL)
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Roybal-Allard
Royce
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Sanford
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Shadegg
Shays
Skeen
Stark
Stenholm
Stump
Sununu
Tancredo
Taylor (NC)
Thornberry
Tiahrt
Tierney
Toomey
Visclosky
Walsh
Wamp
Waters
Weller
Wicker
Wolf
Young (FL)

NOT VOTING—14

Boucher
Cook
Gonzalez
Gutierrez
Hinojosa
Klink
McCollum
Myrick
Ortiz
Reyes
Rodriguez
Rush
Tanner
Walden

☐ 1258

Mr. LEWIS of California, Ms. ESHOO, Mr. CRANE, Ms. LOFGREN, Mr. COLLINS, Mrs. CHENOWETH-HAGE, and Messrs. FARR of California, HAYWORTH and STUMP changed their vote from "yea" to "nay."

Mr. LAZIO changed his vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. RODRIGUEZ. Mr. Speaker, I was absent this morning due to important business in my Congressional district yesterday and missed rollcall vote 48 on the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century.

Had I been present I would have voted "yea."

Mr. GONZALEZ. Mr. Speaker, on rollcall No. 48, on agreeing to the Conference Report to accompany H.R. 1000, I was away on official business. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. ORTIZ. Mr. Speaker, because of official business in my District (27th Congressional District of Texas) I was absent for rollcall votes 46–48. If I had been present for these votes, I would have voted as indicated below: Rollcall vote 46—"yea"; rollcall vote 47—"yea"; rollcall vote 48—"yea."

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1000.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

SMALL BUSINESS REAUTHORIZATION ACT OF 2000

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 439 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 439

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3843) to reauthorize programs to assist small business concerns, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Small Business. After general debate the bill shall be considered for amendment under the five-minute rule. Each section of the bill shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. House Resolution 432 is laid on the table.

Mr. HASTINGS of Washington. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the distinguished gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 439 would grant H.R. 3843, the Small Business Reauthorization Act of 2000, an open rule waiving all points of order against consideration of the bill. The rule provides one hour of general debate to be equally divided between the chairman and ranking member of the Committee on Small Business.

The rule provides that the bill shall be open to amendment by section and authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD.

The rule also allows the chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote.

Finally, the rule provides one motion to recommit with or without instructions and lays H. Res. 432, providing for consideration of the conference report to accompany S. 376, on the table.

H.R. 3843 reauthorizes a number of worthwhile Federal programs established to assist small businesses all across the country. In addition to SBA's various loan programs, the agency's management training and entrepreneurial counseling have proven very helpful to owners and operators of the smaller firms that are responsible for creating the majority of new jobs in our expanding economy.

In addition, Mr. Speaker, the bill makes a number of technical corrections to the 1958 Small Business Investment Act in order to increase the flexibility of the Small Business Investment Company program, and improve small business access to this program.

Mr. Speaker, as a long-time small business owner myself, I know firsthand what an important contribution small businesses make to the economy and the quality of life in every community. Helping small businesses get started and continue to grow is important to all of us.

The availability of capital and access to expert advice are among the greatest challenges facing our new business owners, and meeting those challenges is the heart of the Small Business Administration's mission.

Accordingly, Mr. Speaker, I encourage my colleagues to support the open rule reported by the Committee on Rules, and the underlying bill, H.R. 3845.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Washington (Mr. HASTINGS) for yielding me the time.

This is an open rule. As the gentleman from Washington has described, this rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Small Business.

This rule permits amendments under the 5-minute rule, which is the normal amending process in the House. All Members on both sides of the aisle will have the opportunity to offer germane amendments.

Mr. Speaker, small business is the backbone of the American economy. The Small Business Administration is the key source of assistance to nurture and grow American small businesses.

The Small Business Administration offers loans, technical assistance, and disaster assistance to small businesses. Under this bill, these programs will be authorized through the year 2003.

To give my colleagues an example of how these programs work, I cite the Small Business Development Center operated by the Dayton Area Chamber of Commerce in my district. Last year, the center received a $145,000 grant from the Small Business Administration, which was matched by non-Federal funds.

With those funds, the center counseled small business owners who did not have access to expensive, professional advising services.

According to the Dayton Area Chamber of Commerce, the counselors in the Dayton center worked with more than 1,200 businesses last year. A total of 429 jobs were created or retained as a result of the center's services. This is a terrific investment of Federal dollars.

I do regret that this bill does not authorize or reauthorize the Defense Economic Transition Initiative which targets assistance to communities hurt economically by declining defense spending. The authorization for this program expired in 1998.

Still, this is a good bill. It funds important programs to benefit small businesses. This is an open rule. I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I advise the gentleman from Ohio (Mr. HALL) that I have no requests for time, and I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Ms. VELÁZQUEZ), who is the ranking minority member.

Ms. VELAZGUEZ. Mr. Speaker, I would like to voice my strong support for the rule and the underlying legislation, H.R. 3845, the Small Business Reauthorization Act of 2000. This bipartisan legislation will provide critical funding for such vital programs as SBIC, 7(a), Microloan, and SBDC, allowing increased lending and technical assistance to our Nation's small businesses. These programs have played a large role in helping our Nation's most small businesses create and maintain this unprecedented economic growth.

This rule is fair and will allow Members to offer any germane amendments to the legislation. This clean numbers-only reauthorization bill is the first in recent memories. H.R. 3845 contains no new programs or policy changes and is due in large part to the hard work of the chairman and members of the Committee on Small Business that has passed 13 pieces of legislation, eight of which have been signed by the President.

This type of regular order is not often found in Congress these days, and I would like to commend the chairman and the members of our committee for their hard work.

With the passage of this reauthorization, we will assist in making the kind of economic decisions that not only will help close the widening economic gap in this country, but will hopefully keep us on the right track for continued prosperity in the future.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I am pleased to come to the floor today to support the reauthorization of the Small Business Administration. It is a pleasure for me to serve on this committee where I had the opportunity to work with small businesses and leaders from throughout our Nation to develop programs which are so valuable in promoting economic development in our communities.

This bill has been hashed out and agreed to in a bipartisan manner. I commend the gentleman from Missouri (Chairman TALENT), my good friend, for making this process so amicable. I commend the gentlewoman from New York (Ms. VELÁZQUEZ) for adding to that amicability.

The SBA has done a great job nationwide and more specifically in the State of New Jersey. In my State, 98.5 percent of the businesses in New Jersey are small businesses. We need the SBA to make sure these businesses continue to succeed and employ our workers.

A vote for this reauthorization is a vote to support funding for the 7(a) loan program, which will be able to make $1.3 billion in loans this upcoming year.

A vote for this reauthorization is also a vote for the 504 loan program, which provides small businesses with long-term fixed rate financing for the purchase of land, buildings, and equipment; 504 is fully funded by revenue from program fees to guarantee $3.75 billion in loans. In 1999, the 504 loan program led to the creation of 199 jobs in my district alone. It led to the retention of 37 jobs that were in danger of disappearing from the district.

In the two counties which comprise my district, Essex and Passaic County, these loans, both 7(a) and 504, were granted in 1999, 199 of them. Forty-five of those 199 were given to women-owned businesses in the amount of $6.1 million. Ninety-one loans were given to the minority-owned businesses in the amount of $17 million. This program works. It is results oriented, not process oriented.

I am pleased to support the reauthorization, Mr. Speaker, which provides funding to the New Jersey Small Business Development Centers, including three in my own district, which must be funded so that they might continue their great work.

In 1999, those Small Business Development Centers provided free one-on-one counseling to over 5,000 New Jersey businesses and small business owners.

As we enter the 21st century, the SBA is a leader in the field of technological support in the use of the Internet. Small businesses can help setting up their business on the Web through programs such as the one developed in New Jersey at Rutgers University. E-commerce is an important way for a business to compete and gain access to more markets.

I want to say, Mr. Speaker, in closing, that the bipartisan work that is done on the Committee on Small Business should be reflected and duplicated throughout all of the other departments, all of the other committees that work in this Congress of the United States. I am honored to serve, and I commend both the leader and the ranking member.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Speaker, small businesses are important to Missouri's 4th Congressional District. They represent the backbone of our thriving economy back home and throughout our Nation. It is the responsibility of the government to provide assistance when needed in order for new entrepreneurs to succeed.

That is why this legislation, H.R. 3843, should overwhelmingly be passed by this House.

□ 1315

It authorizes significant expenditures for programs that impact the would-be and current small businesses in Missouri every day.

Under this legislation, the small business development centers, like the one in Warrensburg, Missouri, are authorized at an appropriate level of $125 million each year over the next 3 years. These SBDCs provide invaluable technical assistance to up-and-coming small businesses throughout our country. I might add that the Missouri SBDC, led by statewide director Max Summers, is one of the premier SBDC programs in America.

H.R. 3843 authorizes steadily increased funding for the 7(a) 504 Microloan and SBIC programs. In addition, this measure provides for funding the administration's New Market Initiatives, the National Women's Business Council, the HUB Zone program, the Drug-Free Workplace program, and the SBA's authority to continue the small disadvantaged business certification program. It also authorizes significant funding for the disaster loans, surety bond guarantees, and the regular salaries and expenses for the SBA.

Missouri's 4th Congressional District thrives as a result of a growing economy, a strong work ethic, and a commitment to success due in part to the small business owners and their families. Let us pass this rule and let us pass the bill, H.R. 3843.

Mr. HALL of Ohio. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The Speaker pro tempore (Mr. LAHOOD). Pursuant to House Resolution 439, House Resolution 432 is laid on the table.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Pursuant to House Resolution 439 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3843.

□ 1317

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3843) to reauthorize programs to assist small business concerns, and for other purposes, with Mr. LAHOOD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule the gentleman from Missouri (Mr. TALENT) and the gentlewoman from New York (Ms. VELAZQUEZ) each will control 30 minutes.

The Chair recognizes the gentleman from Missouri (Mr. TALENT).

Mr. TALENT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the bill before us is H.R. 3843, the Small Business Authorization Act of 2000. This is a simple, straightforward, bipartisan bill. I hope the House will be able to deal with it in an expeditious fashion.

H.R. 3843 is the 3-year reauthorization for the Small Business Administration and its programs by the Committee on Small Business. This year we return to a format the committee has not used since the 1970s. The bill is a straight numbers-only reauthorization bill. There are no modifications to programs, no new programs, just the authorization levels for the next 3 years and extensions of existing programs. The committee has, instead, passed focused bills in particular areas of the SBA's work where we felt there was statutory changes that were needed. The House has passed many of those, some of which have already become law.

Mr. Chairman, let me briefly explain H.R. 3843. The bill contains the major authorizations for the SBA and its programs, programs which provide a variety of services for small businesses, financial assistance, technical and managerial assistance and disaster assistance.

Every year, the SBA provides over $11 billion in financing to small businesses. This financing is made available through a variety of programs and at a cost of less than $200 million appropriated dollars, a large return for the investment. Programs include the 7(a) program, the 504 program, the Microloan program, and the SBIC program.

Mr. Chairman, under H.R. 3843, authorizations for those programs will all rise steadily and modestly over the next 3 years. Our numbers reflect the administration's estimates and testimony we have heard from witnesses at the budget hearings for the regular salaries and expenses for the SBA. I believe the estimates are fair and reasonable authorization levels designed to provide for growth in the programs and take into account possible increases in demand.

H.R. 3843 will also reauthorize the SBA's programs for providing technical and managerial assistance to small businesses. The two most significant technical assistance programs are the Small Business Development Centers, or SBDCs, and the Service Corps of Retired Executives, known as SCORE.

In addition to its business assistance, the SBA also provides disaster loan assistance to homeowners and small businesses nationwide. The program is a key component of the overall Federal recovery effort for communities struck by natural disasters. The assistance is authorized by section 7(b) of the Small Business Act, which provides authority for reduced-interest rate loans. Currently, the interest rates fluctuate according to the statutory formula. The lower rate, not to exceed 4 percent, is offered to applicants with no credit available elsewhere, while a rate of a maximum of 8 percent is available for other borrowers.

Mr. Chairman, I want to speak from personal experience about the importance of this program. A few years ago, in 1993, large parts of my district were literally underwater. The help the SBA provided to my constituents and neighbors at the time was excellent and was vital to the rebuilding of our communities. Many other Members have experienced the same things in their districts.

Because of the unpredictable nature of disasters, the committee provides no specific authorization level for this program, a course of action that enables us to respond more quickly when additional assistance is needed.

Mr. Chairman, I urge my colleagues to support H.R. 3843. It is a good bill, it is a clean bill, and it is a bipartisan bill. It will continue to provide assistance to small business in a cost-effective and sound manner and deserves our approval.

Mr. Chairman, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 3843, the Small Business Reauthorization Act of 2000. The passage of this bipartisan legislation will provide our Nation's small businesses with the critical assistance they need to succeed.

As many in this Chamber are aware, we are currently experiencing one of the greatest economic booms in this Nation's history. It has been said that small business, which makes up 51 percent of the gross domestic product and contributes 47 percent of all sales in this country, are the engine that has driven this economic growth. And if small business has been this engine, then the Small Business Administration, with its loan and technical assistance programs, has been fuel for that engine.

SBA fills a critical gap in our small business community, helping those entrepreneurs who often have great ideas, energy, and drive, but lack that last element they need to succeed. SBA helps put those pieces in place, whether through mentoring, assistance with a business plan, or helping with a loan.

The legislation before us today provides record funding for such critical programs as SBIC, 7(a), Microloan, and SBIC. These programs have played a major role in helping our Nation's small businesses create and maintain our unprecedented economic growth. However, to continue assisting our Nation's small businesses, access to capital must be available. To assist with this critical issue, SBA has several loan programs aimed at helping entrepreneurs launch their businesses.

The flagship of these loan programs is the 7(a) program. Since its inception, this program has made loans to more than 600,000 businesses, totaling approximately $80 billion. With the passage of today's legislation, we will be making $1.3 billion more in loans available to small business. That will give companies like Woodman's Precision Machine in Massachusetts, that used 7(a) to go into a low-income area and expand its business, increasing its employment by 20 percent, the chance to revitalize our urban communities and create new jobs.

The 504 program helps entrepreneurs purchase their place of business or new equipment. Oftentimes during a debate the question is asked, are we giving taxpayers a good value for their dollar? I would say to my colleagues that the 504 program, which is totally run on fees, with no cost to the taxpayer, is a perfect example where the taxpayer clearly gets his money's worth.

With today's reauthorization, the program's fees will make sure that people like Fox Racing USA, a northern California family-owned business that designs, manufactures and sells motor cross and mountain bikes apparel, will succeed. Fox Racing USA, through a 504 loan, was able to purchase a new building, which expanded its business and tripled employment to 137 full-time jobs. Now, that is economic growth.

SBA programs have also played a critical role in moving individuals off of welfare. Moving from welfare to work is difficult in itself, but moving from welfare to owning your own business is pure inspiration, and SBA has made this happen through its Microloan program.

It helps people like a welfare mother in rural Appalachian Valley, Ohio, obtain a Microloan to start a home health care business that first helped move her family off welfare. Eventually, she was able to hire 52 additional employees, 50 of which were welfare recipients.

Today, with the passage of H.R. 3843, we ensure that these programs will continue to stand as a foundation as we look ahead to take on the new frontiers of technology, expansion, e-commerce, and continue to help bring economic development into low-income, rural and urban communities. These are the new challenges facing our Nation's small businesses. And by acting today and passing this legislation, we are taking that first step on the critical path toward choosing a new course for tomorrow.

Mr. Chairman, I reserve the balance of my time.

Mr. TALENT. Mr. Chairman, I yield 5 minutes to the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise today in support of H.R. 3843, the Small Business Reauthorization Act of 2000. This important legislation will reauthorize lending programs of the SBA, allowing our Nation's small businesses continued access to capital.

This legislation also reauthorizes other programs, such as the Small Business Development Centers and the

Service Corps of Retired Executives, the SCORE program, two programs which provide vital support to a dynamic community of entrepreneurs.

In addition, H.R. 3843 reauthorizes the National Women's Business Council, a bipartisan organization that advises both the President and the Congress on issues impacting women-owned businesses.

We are all aware of the role that small business plays in maintaining the economic strength of the United States. They create the vast majority of new jobs, provide countless new technological innovations, and drive economic growth. Technology, particularly the expansion of e-commerce, has opened doors for men and women who may have only dreamed 50 years ago of one day owning their own business.

While mom and pop stores continue to be a way of life in this country, "dot coms" are attractive enterprises that often allow business owners to work from home. As the mother of four, I understand the desire to telecommute or to establish a home-based business. Yet no matter how fast our small business sector grows, unfortunately there is often insufficient capital available for entrepreneurs to use to start up new businesses or for current small business owners to expand existing ones. This is the void that Small Business Administration's loan guarantee programs often fill.

Moreover, technical assistance must be readily available to our mom and pop establishments as they seek new and innovative ways to attract customers and preserve Main Street. By the same token, even the most technically skilled young entrepreneurs need information concerning business plans and the advice of mentors before they launch their businesses. Millions of our Nation's small business owners find exactly this kind of assistance at Small Business Development Centers across the country, and they receive valuable advice from SCORE volunteers every year.

Without passage of this important legislation, all of these valuable services would be threatened. Our Nation's small businesses and, indeed our economy, would suffer as a result.

Mr. Chairman, the gentleman from Missouri (Mr. TALENT) and the gentlewoman from New York (Ms. VELÁZQUEZ) have worked very closely to put together a bipartisan bill that deserves the backing of every Member of this House. I urge my colleagues to support the small business community and support H.R. 3843.

□ 1330

Ms. VELÁZQUEZ. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. CAROLYN MCCARTHY), the ranking Democratic member of the Subcommittee on Tax, Finance, and Exports.

Mrs. McCARTHY of New York. Mr. Chairman, I rise in support of legislation reauthorizing the Small Business Administration and its increasingly relied upon programs.

I want to thank the gentleman from Missouri (Chairman TALENT) for all the great work that he has done. It has been a pleasure working with him over these last few years. And certainly, I have nothing but good things to say about the gentlewoman from New York (Ms. VELÁZQUEZ), the minority ranking leader, my colleague.

Small businesses are the driving force of our economy, and access to capital is the number one concern. The SBA has filled this void by providing various loans and other technical assistance programs needed to survive in today's competitive market.

This legislation also takes into account the changing face of the business community and provides record funding levels over the next 3 years for core SBA programs.

For example, the 7(a) loan guarantee program, which is SBA's primary business loan program, is increased to provide $1.3 billion more in loans.

On Long Island, New York, this is extremely beneficial. Last year, SBA provided over $13 million in loans and other technical assistance to 86 small businesses in my district alone. The assistance provided to these businesses not only benefit them but the surrounding communities, as well.

As small businesses prosper, so do the neighborhoods in which they operate. Studies show that small businesses are the leading source of innovative ideas. That is why it is important to foster their growth and provide them with the tools and skills they need to succeed in today's business world.

Of particular importance to small businesses in my district is the need to take advantage of technology's role in the business sector. That is why I support funding increases for such incentives as small business development companies that help small businesses understand the role of e-commerce to compete in a technology driven economy.

In addition, I also support the Women's Business Center Program.

Mr. TALENT. Mr. Chairman, how much time do both sides have remaining?

The CHAIRMAN. The gentleman from Missouri (Mr. TALENT) has 23½ minutes remaining. The gentlewoman from New York (Ms. VELÁZQUEZ) has 23 minutes remaining.

Mr. TALENT. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH. Mr. Chairman, I particularly want to thank the chair and the ranking member for having produced, on a bipartisan basis, this very important piece of legislation.

Mr. Chairman, every small business begins with a dream. It is the dream of a saleswoman who longs to hang out a shingle on Main Street or the dream of an entrepreneur who envisions moving his inventions from his basement to department store shelves. Unfortunately, not everyone with a dream has the business experience or the capital to put their ideas in motion and compete successfully in an increasingly competitive marketplace.

Data from the Bureau of the Census indicates that over 99.9 percent of new employer firms and business closures are small firms. But with the help of the U.S. Small Business Administration, more and more small businesses are swimming upstream and are able to make it, making these dreams a reality.

Established in 1953, the SBA provides financial, technical, and management assistance to help Americans launch, manage, and expand their businesses. The SBA is the Nation's largest single financial backer of small businesses. They fund dreams; and, on the way, they have created millions of jobs and helped us build the economy of the future.

With their $45 billion portfolio of business loans, loan guarantees and disaster loans, the SBA provides the money that allows the corner hardware store to expand its line of power tools.

America's 23 million small businesses employ more than 50 percent of the private workforce. They generate more than half of the Nation's gross domestic product and they are the principal source of new jobs in the U.S. economy.

Last year, the SBA offered management and technical assistance to more than one million small business owners. Training classes allow the barber shop on Fifth Street to learn how to better manage their time and resources, while a mentoring program provides an inexperienced restaurant owner with an experienced one who can counsel and advise the new business owner.

The SBA has a proven track record of success, which is evident not only through the success of its members but through the jobs that it has created and the economic growth that it has fostered.

I urge all the Members in the House to take a look at this institution to recognize its value in the economy. It is the largest and most important programmatic commitment that the Federal Government has made to growing the Federal economy.

I urge my fellow Members to join in my enthusiasm and to vote in favor of reauthorizing this worthwhile program. I believe that this institution, which has helped so many small businesses lay the groundwork for the economy of the future, deserves to be reauthorized.

Ms. VELAZQUEZ. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS) the ranking Democratic member on the Subcommittee on Government Programs and Oversight.

Mr. DAVIS of Illinois. Mr. Chairman, I rise in support of H.R. 3843, the Small Business Reauthorization Act.

First of all, I want to commend the gentleman from Missouri (Chairman TALENT) and the gentlewoman from New York (Ms. VELÁZQUEZ), the ranking member, and all members of the committee, as well as staff, for working so well together to provide improved services to small businesses.

Today there are more than 25 million small businesses, the most ever in the United States. This bill provides America's 25 million small businesses with billions of dollars in technical assistance and access to capital programs.

It provides $45.5 billion for the SBA's 7(a) program, a program to provide loans to small businesses unable to secure financing on reasonable terms through normal channels; $13 billion for the 504 loan program to assist community development corporations who provide long-term fixed rate financing to small businesses in underserved areas; $10 billion for small business investment companies; $450 million in direct microlending loans and technical assistance; $750 million for small business development centers; 3 million for the women-owned businesses; $30 million for HUB zones.

This bill is a testament to the idea that when minds work together with a common interest, it does not matter which party, which area, which city, which State that they come from, that they all can come together for the common purpose of providing access to capital and direct services to those businesses in great need.

Mr. Chairman, I participated in the opening of a small day-care center this past Saturday, a $75,000 loan to a young couple. It is the pride of their life. It is the joy of their being. It is the testament to their tenacity.

I want to thank this committee for having the insight and foresight to provide that kind of impetus to growth and development in our country.

Mr. TALENT. Mr. Chairman, I yield myself such time as I may consume to say that I always appreciate the comments of the gentleman from Illinois (Mr. DAVIS).

Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Mrs. BONO).

Mrs. BONO. Mr. Chairman, I rise in strong support of H.R. 3843, a bill to reauthorize the Small Business Administration.

Small business owners across the country recognize the importance of the Small Business Administration in making sure that our country's entrepreneurs are provided with the tools they need to grow and prosper.

As we look to the exciting trade and technology opportunities of the 21st century, it is important that we examine closely the role that the Small Business Administration is going to play as an advocate for small business owners and a provider of information and resources.

Over the last several years, there have been proposals to disassemble the Small Business Administration. While I am a proponent of a leaner and more streamlined Federal Government, I believe that the SBA provides a unique service to entrepreneurs. Not only is the SBA a clearinghouse of information, but it is the main capital source for many small business owners.

In particular, I believe the work that has been done through the SBA regarding minority- and women-owned businesses has been particularly noteworthy. These constituencies have not been traditionally encouraged to pursue business ventures and, therefore, have not had the resources at their disposal to provide the know-how and funding to make their aspirations a reality.

This legislation recognizes the contributions made in these areas and strengthens the Federal commitment to the Microloan program, the HUBZone program, and the Women's Business Enterprise Development programs.

In the 44th District of California, we have seen several successful SBA efforts. There have been numerous 504 loans granted through the Certified Development Company program. Not only do these loans provide jobs, but they also improve the economy of the area as a whole and serve as an example to others that the SBA system does indeed work.

As well, we have a very successful branch of the Services Corps of Retired Executives, SCORE. These individuals have served as a valuable resource to the less experienced entrepreneurs in the area. In one noteworthy case, a retired accountant from our SCORE chapter was able to assist a local entrepreneur in putting together a successful business plan to qualify for an SBA loan. This has led to the business becoming one of the largest printers in the Coachella Valley.

While we must continue to find ways to improve the system, I encourage my colleagues to support H.R. 3843, the Small Business Reauthorization Act, and the Small Business Administration in their commitment to provide valuable resources for small business owners, the backbone of our economy.

Ms. VELÁZQUEZ. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Mrs. NAPOLITANO).

Mrs. NAPOLITANO. Mr. Chairman, I rise today in support of H.R. 3843, a bill that commits the U.S. Government to support and fund the Small Business Administration.

As my colleagues have heard, this is a truly bipartisan bill. I commend both sides, as well as Ms. Alvarez, the administrator, and staff because this is something truly, truly remarkable.

SBA programs, including its loan and microloan programs, technical assistance services, and small business development centers, have helped our Nation's small businesses grow and prosper. To communities like mine, that are so dependent on small businesses, this assistance is a true lifeline and must be preserved and strengthened.

I strongly believe assisting small business makes good business sense. There is a false perception that most people work for large corporations and for big business, but that is just not so. A&G Auto Sounds from east L.A. is a family-opened business that is being assisted in a purchase of a building by the SBA.

Let me give my colleagues some clear and convincing reasons why we must support our small businesses. Small businesses have created more than 10 million new jobs in the last 4 years and are a critical component in the implementation of the Welfare to Work initiative.

From 1992 to 1996, small businesses, those that are with less than 500 employees, created all of the net new jobs. Nearly 8 million women-owned firms now provide jobs for 18.5 million people, more than are employed in all of the Fortune 500 industrial firms combined. That is quite an achievement.

Minority-owned businesses have dramatically increased from 8.8 percent to 12.5 percent of all firms. And Hispanic-owned businesses are now the second fastest growing sector, behind women-owned business.

Let us not forget that small business is the vehicle by which millions of our constituents access the American dream. Small businesses create many opportunities for women, for minorities, and for immigrants.

Our small business owners work harder and longer. Fifty percent of small business owners work an average of 51 hours a week, as opposed to 34.6 in private industry. And another 26 percent work more than 60 hours a week. These are people with drive, with strong ambition, with new creativity, and with a desire to succeed.

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They thrive on challenge, and they help make our country the great country it is. We must pay attention to the needs of our small businesses, or we risk losing or at least hampering an important and necessary job creator that has led the way in the last decade to our current economic recovery. We cannot and must not turn our backs on them now.

I strongly urge my colleagues to vote for all small businesses by voting for H.R. 3843 and renew our commitment to the Small Business Administration.

Mr. TALENT. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. SWEENEY).

Mr. SWEENEY. Mr. Chairman, I thank the gentleman from Missouri (Mr. TALENT) for yielding me this time, and I congratulate him and the ranking member for their fine work on this reauthorization bill.

Mr. Chairman, I rise today to recognize an institution and engine for economic development in the great State of New York, the New York State Small Business Development Center. The center is the largest and most effective organization working directly with the State's small business community to ensure it survives and flourishes.

Companies grow from entrepreneurs with dreams. The growth of tomorrow's companies will be as dramatic or beneficial as the past generation of startups if we do not ignore their needs and, where possible, we reduce the burdens placed upon them. That is because today's business environment is simply too complex and cumbersome to give the current entrepreneurs the same chance of success.

Without an affirmative offer of help and assistance, we are stifling the very backbone that built this great Nation.

Mr. Chairman, for the past 16 years, the New York State Small Business Development Center has done just that. It has bridged the gap between government and the entrepreneurial sector to accomplish results. Since its founding in 1984, the program staff has worked with over 142,000 New York entrepreneurs and small business owners one on one, helping them acquire and invest over $1.42 billion and funding their business dreams and, importantly, creating jobs for others.

In fact, these entrepreneurs have reported that their investments created or saved 65,000 jobs in New York State alone.

The SBDC does this by delivering critical outside expertise in the form of business counseling and training centers through 22 regional offices located on campuses of the State University of New York City and the State University of New York and private universities throughout New York. The SBDC staff works one on one with entrepreneurs to find sources of funding new markets, new technologies, or simply better ways to deal with the changes in our new economy.

As a result, the SBDC serves all New Yorkers. In particular, the SBDC, by prioritizing its interests and its needs, provides help to members of our community that have not always been well represented in our business sector, such as women, minorities, veterans, and the disabled. It also emphasizes the economic development priorities of New York State, including international trade and the encouragement of technology-based industries.

As the former State labor commissioner in New York, it was my job to work aggressively on job creation. I speak today of the SBDC's commitment with that full knowledge and understanding that they are a critical component, and I ask all my colleagues in this House to join with me today in showing our resolve by contributing to the further growth and success of this program, our most cherished resource, our entrepreneurial citizens.

Ms. VELÁZQUEZ. Mr. Chairman, I yield 3 minutes to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Chairman, today I rise to emphasize the importance of small business funding. Small businesses are the economic engine which drive our prosperity.

I would like to thank our chairman, the gentleman from Missouri (Mr. TALENT), and I would like to particularly thank our ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ) and her staff. I have been serving on this committee for the past 15 months and there has not been a committee meeting where I have not been prepared not only by my staff but by her staff for all the meetings we have had. I want to thank her particularly for all the hard work that she and her staff does, too.

Small businesses are increasingly diverse and loans to African Americans and Hispanics have doubled. However, even considering this trend, much can still be done to help small businesses succeed. It is important, as we think about small businesses and we have rid our country of what we used to call welfare, that there are many people who used to be on welfare who are capable now of creating businesses through the Microloan business opportunities.

I would encourage my colleagues to vote in support of that.

One example, a small business in the 11th Congressional District reports a typical scenario that illustrates the importance of funding technical assistance for small business development. A woman wanted to begin a van transportation business for the purpose of taking people without access to transportation to church, shopping, and to visit incarcerated families.

She had a good credit rating and an innovative idea but no idea how to implement it. She took out a second mortgage on her house, bought vans and hired drivers. Her lack of experience with budgeting her cash flow, invoicing and collection almost sent her into bankruptcy before she sought help from the Small Business Development Corporation, which was able to help her devise a business plan.

Another woman started a cleaning business. She landed a contract from a housing organization to provide cleaning for 50 houses. Unfortunately, she did not know how to competitively price her services or plan her cash flow. Subsequently, she lost the contract. She was able, through the assistance of the Small Business Development Center, to get back on track and keep her business going.

Clearly, access to technical expertise and lending programs is vitally important. In the 11th Congressional District, during 1999, Small Business Development Corporation's counseling resulted in an economic impact of $2.5 million in increased sales; $1.9 million in export contracts; $2.9 million in government contracts and $5.7 million in business loans from all sources.

For all of Ohio, SBDCs have been at their funding cap since 1995. Small business development corporations have been at their funding cap since 1995. Clearly, this $3.1 million has had a significant effect on small business growth. This is not charity. It is sound economic policy.

It is time we stepped up our support to provide greater opportunities for small business development and that is why I stand in support of this piece of legislation.

Mr. TALENT. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma (Mr. WATKINS).

Mr. WATKINS. Mr. Chairman, I stand in strong support of H.R. 3843. I would like to ask my colleagues to envision with me a rural area of real economic distress since the Great Depression. One of the major characteristics of such an area is high unemployment, low income, and also the lack of financing. In fact, most of the small banks only make some cattle loans and maybe some crop loans and pickup truck loans to meet existing needs. We could not get Oklahoma City or Tulsa banks to come down to this rural area. We could not get Fort Worth and Dallas banks to come north of Red River. It was a no-man's land for finance. An area in economic distress; yes, but an economically distressed area that was waiting to be revitalized.

My years of public service have been devoted to building economic opportunities and job opportunities for our people. I have worked with a lot of industries, and I have found without question the number one thing they need to have is financing to help expand businesses and industries.

The SBA has provided a vital link to be able to provide those services through Section 7 and also the 504 loan programs. I established Rural Enterprise, Inc., in my district in order to try to provide some kind of professional expertise and needed assistance working with and packaging SBA loans. I am very proud to report to this Congress that through their efforts we have been able to finance over $150 million worth of new industry in those areas.

SBA has offered, along with working with EDA, and I know the gentleman from Ohio (Mr. TRAFICANT) knows I have worked with him on EDA and we worked on all kinds of financing packages, SBA has been able to offer an important and essential financing for many people. The entrepreneurs, and free enterprise individuals, have worked to start and make their dreams come true and offer jobs for their citizens. That is truly the American way.

Ms. VELÁZQUEZ. Mr. Chairman, I yield 4 minutes to the gentlewoman from California (Ms. MILLENDER-McDONALD).

Ms. MILLENDER-McDONALD. Mr. Chairman, I would like to thank the chairman and the ranking member for their outstanding work on this piece of legislation.

Mr. Chairman, I rise today in strong support of H.R. 3843, the Small Business Reauthorization Act of 2000, which will allow us to reauthorize the Small Business Administration programs for the next 3 years.

As a member of this committee, I am pleased to note that with the passage of this authorization bill, we continue the committee's work, to date having passed 13 bills and the President signing eight of them.

Furthermore, this is the first reauthorization that is a straight numbers-only bill since the 1970s. This was only made possible by the hard work that the chairman and ranking member and the committee did to deal with such issues as the women's business councils and centers, SBIC, SBIR, and improving loan programs.

This authorization, Mr. Chairman, takes into account the changing face of small business, which is much more global and are now at 96 percent of all exporters. In the global arena, we have new emerging markets and these new markets are prime opportunities for all the small businesses to become a part of this global marketplace.

The latest statistics reveal that small businesses do 30 percent of the total exporting of goods from this country. Moreover, the funding to provide programs like the export working capital will continue to assist small businesses in competing globally.

The 21st century has revealed the increasing diverse nature of small businesses. Minority-owned firms are growing at a rate of 62 percent. Women-owned firms are growing at a rate of 43 percent. Through passage of SBA's loan programs, we have and will continue a trend where loans to African Americans and Hispanics will double.

While SBA needs to look at small business failure rates, Mr. Chairman, we have to provide the necessary business infrastructure and technical assistance to assure the viability of new small businesses. This reauthorization provides record funding over the next 3 years for core SBA loan programs.

SBA's flagship program, 7 (A), will make $1.3 billion more in loans and the Microloan technical assistance program, which will more than double. Additionally, SBIC equity investment program will make $3.3 million more in loans and, combined with the technical corrections that were passed out yet in another bill, this program is ready to finance more businesses in the future.

Small businesses have taken off, Mr. Chairman, and we will be wise to join the forces to ensure its growth and prosperity.

Mr. Chairman, I would be remiss if I did not mention technology and its importance to small businesses. Studies show that small businesses are the leading force of innovation and that small firms produce twice as many innovations per employee as large firms. This innovation has been made possible by technology.

The technology provides funding for such incentives as SBDC, which we will offer to small businesses; and they will have the opportunity to make the jump to e-commerce and compete in the increasingly technology-driven economy. The passage of this authorization, Mr. Chairman, will assist small businesses in obtaining access to capital that is essential and important for the growth and technical support needed to remain competitive.

Moreover, the committee will have an aggressive agenda to work toward passing the President's new market initiative, which is aimed at helping low- and moderate-income communities.

Last year's New Market tour highlighted portions of my district of Watts, and I am here to say that it is of great importance to me that we continue our efforts to help low- and moderate-income communities. That is why I am urging my colleagues to support H.R. 3843 and continue to ensure that the Small Business Administration prepare itself and prepare new small businesses for the growth and the opportunities that are needed.

Ms. VELÁZQUEZ. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, with the passage of this legislation, we will be giving those with vision and drive a chance to succeed. As discussed earlier, these programs have helped countless individuals. From New York and Massachusetts, across this country to California, urban to rural, family-owned businesses, to welfare recipients, SBA programs have helped all of them succeed. This has been made possible through access to over $11 billion in loans annually and their flexible approach to counseling.

I would like to commend the gentleman from Missouri (Mr. TALENT) for his fairness and hard work on this legislation. We have a unique opportunity to prepare our Nation's entrepreneurs for a new economy that is more global, more diverse, and increasingly driven by technology.

With the passage of this reauthorization, we will assist in making the kind of economic decisions that not only will help close the widening economic gap in this country but will hopefully keep us on the right track for continued prosperity in the future.

Mr. Chairman, I yield back the balance of my time.

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Mr. TALENT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to close by thanking my colleague, the gentlewoman from New York (Ms. VELÁZQUEZ). It has been a pleasure working with her on this and other bills. I appreciate her assistance. I also want to thank her staffers, Michael Day and Eric Edwards, and my own staff, Harry Katrichis, Tee Rowe, Paul Denham, and Meredith Matty, for their good work.

Finally, Mr. Chairman, I want to urge my colleagues to support H.R. 3843. It has become a truism up here that small business is the backbone of the economy, and it is. It is also the backbone of our communities. If you look and see who is running the school bond issue campaign or the Christmas charity, it is usually the small businesses in the community.

Increasingly, Mr. Chairman, small business has become the backbone of opportunity for people in our society as well. Not everybody has the inclination or resources to get an advanced degree at a college or university, but everybody has the opportunity to dream of running a small business. There are a whole lot of people that other Members have mentioned who come off of welfare or back into the labor force after a while or work their way up in a company and learn to do something well. They want to open their own small businesses and make it succeed for themselves and their families. It happens all the time. It happens more often because of these programs.

I have become convinced in my time as chairman and on the committee that these programs reach out and help people who are good risks for America, and maybe that the market would not help absent these programs. So I am pleased and proud to sponsor this bill, along with my friend, the gentlewoman from New York (Ms. VELÁZQUEZ), and I urge all of my colleagues to support it.

Mr. PHELPS. Mr. Chairman, I rise today as a cosponsor and strong supporter of H.R. 3843, The Small Business Administration Reauthorization Act of 2000. This valuable piece of legislation will authorize funding for most SBA programs at record levels.

This legislation increases programs for the SBA primary lending programs, the 7a, 504 and microloan programs. These programs have played a large role in creating and maintaining this country's unprecedented economic growth. Increasing access to capital is essential to the creation and growth of small business.

This legislation reaffirms the SBA's commitment to women business owners by increasing funding for the Women's Business Centers. These Women's Business Centers provide assistance in training in finance, management, marketing, counseling and access to SBA programs and services.

I would like to compliment the Chairman and Ranking Member for their hard work and the bipartisan manner in which this committee has completed its work. This legislation is a straight, numbers-only bill because of the work the Small Business Committee has done to make important changes to many small business programs.

Small businesses are vital to my District in Southern Illinois. The passage of this legislation will allow people the benefit and drive to succeed. Access to much needed capital in rural areas will assist the economy and the community. I urge my colleagues to join me in supporting this important legislation, and look forward to the continued success of the SBA.

Mr. TALENT. Mr. Chairman, I yield back the balance of my time.

GENERAL LEAVE

Mr. TALENT. Mr. Chairman, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3843.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The CHAIRMAN. All time for general debate has expired.

The bill shall be considered by section as an original bill for the purpose of amendment, and, pursuant to the rule, each section is considered read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided the time for voting on the first question shall be a minimum of 15 minutes.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Small Business Reauthorization Act of 2000”.

The CHAIRMAN. Are there any amendments to section 1?

If not, the Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. REAUTHORIZATION OF SMALL BUSINESS PROGRAMS.

Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended by adding at the end the following:

“(g) FISCAL YEAR 2001.—

“(1) PROGRAM LEVELS.—The following program levels are authorized for fiscal year 2001:

“(A) For the programs authorized by this Act, the Administration is authorized to make—

“(i) $50,000,000 in technical assistance grants as provided in section 7(m); and

“(ii) $60,000,000 in direct loans, as provided in 7(m).

“(B) For the programs authorized by this Act, the Administration is authorized to make $19,200,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

“(i) $14,500,000,000 in general business loans as provided in section 7(a);

“(ii) $4,000,000,000 in financings as provided in section 7(a)(13) of this Act and section 504 of the Small Business Investment Act of 1958;

“(iii) $500,000,000 in loans as provided in section 7(a)(21); and

“(iv) $200,000,000 in loans as provided in section 7(m).

“(C) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

“(i) $2,500,000,000 in purchases of participating securities; and

“(ii) $1,500,000,000 in guarantees of debentures.

“(D) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $4,000,000,000 of which not more than $650,000,000 may be in bonds approved pursuant to section 411(a)(3) of that Act.

“(E) The Administration is authorized to make grants or enter cooperative agreements for a total amount of $5,000,000 for the Service Corps of Retired Executives program authorized by section 8(b)(1).

“(2) ADDITIONAL AUTHORIZATIONS.—

“(A) There are authorized to be appropriated to the Administration for fiscal year 2001—

“(i) $14,000,000 for the direct administration of the loan programs established under sections 7(a) and 7(m) of this Act and under title V of the Small Business Investment Act of 1958; and

“(ii) $10,000,000 for the salaries and expenses of the Investment Division established in title II of the Small Business Investment Act of 1958.

“(B) There are authorized to be appropriated to the Administration for fiscal year 2001 such sums as may be necessary to carry out the provisions of this Act not elsewhere provided for, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out title IV of the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

“(C) Notwithstanding any other provision of this paragraph, for fiscal year 2001—

“(i) no funds are authorized to be used as loan capital for the loan program authorized by section 7(a)(21) except by transfer from another Federal department or agency to the Administration, unless the program level authorized for general business loans under paragraph (1)(B)(i) is fully funded; and

“(ii) the Administration may not approve loans on its own behalf or on behalf of any other Federal department or agency, by contract or otherwise, under terms and conditions other than those specifically authorized under this Act or the Small Business Investment Act of 1958, except that it may approve loans under section 7(a)(21) of this Act in gross amounts of not more than $1,250,000.

“(h) FISCAL YEAR 2002.—

“(1) PROGRAM LEVELS.—The following program levels are authorized for fiscal year 2002:

“(A) For the programs authorized by this Act, the Administration is authorized to make—

“(i) $70,000,000 in technical assistance grants as provided in section 7(m); and

“(ii) $80,000,000 in direct loans, as provided in 7(m).

“(B) For the programs authorized by this Act, the Administration is authorized to make $20,250,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

“(i) $15,000,000,000 in general business loans as provided in section 7(a);

“(ii) $4,500,000,000 in financings as provided in section 7(a)(13) of this Act and section 504 of the Small Business Investment Act of 1958;

“(iii) $500,000,000 in loans as provided in section 7(a)(21); and

“(iv) $250,000,000 in loans as provided in section 7(m).

“(C) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

“(i) $3,500,000,000 in purchases of participating securities; and

“(ii) $2,500,000,000 in guarantees of debentures.

“(D) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $5,000,000,000 of which not more than $650,000,000 may be in bonds approved pursuant to section 411(a)(3) of that Act.

“(E) The Administration is authorized to make grants or enter cooperative agreements for a total amount of $6,000,000 for the Service Corps of Retired Executives program authorized by section 8(b)(1).

“(2) ADDITIONAL AUTHORIZATIONS.—

“(A) There are authorized to be appropriated to the Administration for fiscal year 2002—

“(i) $16,000,000 for the direct administration of the loan programs established under sections 7(a) and 7(m) of this Act and under title V of the Small Business Investment Act of 1958; and

“(ii) $11,000,000 for the salaries and expenses of the Investment Division established in title II of the Small Business Investment Act of 1958.

“(B) There are authorized to be appropriated to the Administration for fiscal year 2002 such sums as may be necessary to carry out the provisions of this Act not elsewhere provided for, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out title IV of the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

“(C) Notwithstanding any other provision of this paragraph, for fiscal year 2002—

“(i) no funds are authorized to be used as loan capital for the loan program authorized by section 7(a)(21) except by transfer from another Federal department or agency to the Administration, unless the program level authorized for general business loans under paragraph (1)(B)(i) is fully funded; and

“(ii) the Administration may not approve loans on its own behalf or on behalf of any other Federal department or agency, by contract or otherwise, under terms and conditions other than those specifically authorized under this Act or the Small Business Investment Act of 1958, except that it may approve loans under section 7(a)(21) of this Act in gross amounts of not more than $1,250,000.

"(i) Fiscal Year 2003.—

"(1) Program levels.—The following program levels are authorized for fiscal year 2003:

"(A) For the programs authorized by this Act, the Administration is authorized to make—

"(i) $90,000,000 in technical assistance grants as provided in section 7(m); and

"(ii) $100,000,000 in direct loans, as provided in 7(m).

"(B) For the programs authorized by this Act, the Administration is authorized to make $21,800,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

"(i) $16,000,000,000 in general business loans as provided in section 7(a);

"(ii) $5,000,000,000 in financings as provided in section 7(a)(13) of this Act and section 504 of the Small Business Investment Act of 1958;

"(iii) $500,000,000 in loans as provided in section 7(a)(21); and

"(iv) $300,000,000 in loans as provided in section 7(m).

"(C) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

"(i) $4,000,000,000 in purchases of participating securities; and

"(ii) $3,000,000,000 in guarantees of debentures.

"(D) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $6,000,000,000 of which not more than $650,000,000 may be in bonds approved pursuant to section 411(a)(3) of that Act.

"(E) The Administration is authorized to make grants or enter into cooperative agreements for a total amount of $7,000,000 for the Service Corps of Retired Executives program authorized by section 8(b)(1).

"(2) Additional authorizations.—

"(A) There are authorized to be appropriated to the Administration for fiscal year 2003—

"(i) $17,000,000 for the direct administration of the loan programs established under sections 7(a) and 7(m) of this Act and under title V of the Small Business Investment Act of 1958; and

"(ii) $12,000,000 for the salaries and expenses of the Investment Division established in title II of the Small Business Investment Act of 1958.

"(B) There are authorized to be appropriated to the Administration for fiscal year 2003 such sums as may be necessary to carry out the provisions of this Act not elsewhere provided for, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out title IV of the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

"(C) Notwithstanding any other provision of this paragraph, for fiscal year 2003—

"(i) no funds are authorized to be used as loan capital for the loan program authorized by section 7(a)(21) except by transfer from another Federal department or agency to the Administration, unless the program level authorized for general business loans under paragraph (1)(B)(i) is fully funded; and

"(ii) the Administration may not approve loans on its own behalf or on behalf of any other Federal department or agency, by contract or otherwise, under terms and conditions other than those specifically authorized under this Act or the Small Business Investment Act of 1958, except that it may approve loans under section 7(a)(21) of this Act in gross amounts of not more than $1,250,000.".

The CHAIRMAN. Are there any amendments to section 2?

If not, the Clerk will designate section 3.

The text of section 3 is as follows:

SEC. 3. ADDITIONAL REAUTHORIZATIONS.

(a) Small Business Development Centers Program.—Section 21(a)(4)(C)(iii)(III) of the Small Business Act (15 U.S.C. 648(a)(4)(C)(iii)(III)) is amended by striking "$95,000,000" and inserting "$125,000,000".

(b) Drug-Free Workplace Program.—Section 27(g)(1) of the Small Business Act (15 U.S.C. 654(g)(1)) is amended by striking "$10,000,000 for fiscal years 1999 and 2000" and inserting "$5,000,000 for each of fiscal years 2001 through 2003".

(c) HUBZone Program.—Section 31 of the Small Business Act (15 U.S.C. 657a) is amended by adding at the end the following new subsection:

"(d) Authorization of Appropriations.—There is authorized to be appropriated to carry out the program established by this section $10,000,000 for each of fiscal years 2001 through 2003.".

(d) Women's Business Enterprise Development Programs.—Section 411 of the Women's Business Ownership Act (Public Law 105–135; 15 U.S.C. 631 note) is amended by striking "$600,000, for each of fiscal years 1998 through 2000," and inserting "$1,000,000 for each of fiscal years 2001 through 2003,".

(e) Very Small Business Concerns Program.—Section 304(i) of the Small Business Administration Reauthorization and Amendments Act of 1994 (Public Law 103–403; 15 U.S.C. 644 note) is amended by striking "September 30, 2000" and inserting "September 30, 2003".

(f) Socially and Economically Disadvantaged Businesses Program.—Section 7102(c) of the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355; 15 U.S.C. 644 note) is amended by striking "September 30, 2000" and inserting "September 30, 2003".

The CHAIRMAN. Are there any amendments to section 3?

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Traficant:

At the end of the bill, add the following new section:

SEC. 4. LOAN APPLICATION PROCESSING.

(a) Study.—

(1) In general.—The Administrator of the Small Business Administration shall conduct a study to determine the average time that the Administration requires to process an application for each type of loan or loan guarantee made under the Small Business Act (15 U.S.C. 631 et seq.).

(2) Transmittal.—Not later than 1 year after the date of enactment of this section, the Administrator shall transmit to Congress the results of the study conducted under paragraph (1).

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TALENT. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman reserves a point of order against the amendment.

Mr. TRAFICANT. Mr. Chairman, I want to commend the gentleman from Missouri (Chairman Talent) and the gentlewoman from New York (Ms. Velázquez), the ranking member, for working together. I modified my amendment because, Mr. Chairman, they have stayed steadfast to numbers.

I want to thank SBA for coming to my district and helping my troubled district to help create jobs. I want to thank the gentlewoman from New York (Ms. Velázquez) and the gentleman from Missouri (Chairman Talent) for creating an environment where communities like mine can be helped.

My amendment does something though that deals with numbers. My business people are concerned about the number of days it takes to bureaucratically process a loan or loan guarantee.

The Traficant amendment, Mr. Chairman, is strictly a study that says study the process of an application for each type that they administer and then report back within 1 year how long it takes to complete one of these transactions. That is all it does. Once we get the information, quite frankly, we will know how long it takes, we can answer the business community, and hopefully accelerate that bureaucratic process by, if necessary, substantive legislative action.

Mr. TALENT. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Missouri.

Mr. TALENT. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, pursuant to my reservation, let me just ask the gentleman, he originally packed with the amendment a requirement that the agency produce regulations pursuant to the study. I understand the gentleman withdrew that.

Mr. TRAFICANT. Mr. Chairman, reclaiming my time, Amendment No. 2 takes that out. I would like to say to the chairman in lobbying him on the floor and the gentlewoman from New York (Ms. Velázquez) at this time, I would like, when further substantive legislation comes up and when that language would be germane, to include an amendment that says if it has taken 60 days, let us try and do it in 30 days. It is not in this amendment. I have stricken it.

Mr. TALENT. Mr. Chairman, if the gentleman will yield further, under the circumstances, and since I think that the amendment as the gentleman has changed it is at least borderline in terms of germaneness, and in view of the gentleman's good faith, I am going to withdraw my reservation.

I do agree with the amendment. I think we can take and work with it in conference.

Mr. Chairman, I withdraw my reservation of a point of order.

Ms. VELÁZQUEZ. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentlewoman from New York.

Ms. VELÁZQUEZ. Mr. Chairman, I would like to say I join with the chairman in supporting this amendment. Anything we can do to speed the processing of loans is beneficial, not only for SBA, but also for the gentleman's constituents and small businesses.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments?

If not, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CUNNINGHAM) having assumed the chair, Mr. LAHOOD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3843) to reauthorize programs to assist small business concerns, and for other purposes, pursuant to House Resolution 439, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. VELAZQUEZ. Mr. Chairman, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 410, nays 11, not voting 13, as follows:

[Roll No. 49]

YEAS—410

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Brady (PA)
Brady (TX)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Vitter
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—11

Barr
Canady
Chenoweth-Hage
Coburn
Doolittle
Hostettler
Paul
Rohrabacher
Royce
Sanford
Shadegg

NOT VOTING—13

Boyd
Brown (FL)
Collins
Cook
Hinojosa
John
Klink
Myrick
Nethercutt
Reyes
Rush
Tanner
Walden

□ 1430

Mr. BARR of Georgia changed his vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill just passed.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Louisiana?

There was no objection.

MOTION TO INSTRUCT CONFEREES ON H.R. 1501, JUVENILE JUSTICE REFORM ACT OF 1999

Ms. LOFGREN. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Ms. LOFGREN moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill, H.R. 1501, be instructed to insist that the committee of conference should have its first substantive meeting to offer amendments and motions within the next 2 weeks.

The SPEAKER pro tempore. The gentlewoman from California (Ms. LOFGREN) will be recognized for 30 minutes, and the gentleman from Arkansas (Mr. HUTCHINSON) will be recognized for 30 minutes.

The Chair recognizes the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, for 8 months the conference committee on the juvenile justice bill has done nothing, has not met. In fact, the last and the only meeting of the conference committee that has the opportunity to deal with the issue of gun safety was in August, and was not substantive.

Since then, we have seen shootings in day care centers and schools, we have seen 6-year-olds shoot 6-year-olds, we have seen firefighters shot as they try to do their jobs, and the congressional response has been simply nothing.

When the President calls congressional leaders to the Oval Office to get the conference started and no meeting is scheduled, something is wrong. A few days ago, the President called the chairman and the ranking members of the House and Senate Judiciary Committees to meetings at the White House to simply ask them to meet in an open and public conference meeting, and still no such meeting has been called.

We need to stop hiding behind closed-door negotiations. We cannot have a bill without a conference meeting, so we need to meet. Not having a meeting is the same as killing the bill. Time is running out, and the families of this Nation are waiting to see what we will do.

I am hopeful that we can come together on a bipartisan basis to support this motion to instruct, which simply says, get the job done. Sit down. Talk to each other. Have a meeting. I hope that such a meeting will produce a bill, will produce a law that we will all be able to support.

Recently I had the chance to read the statement of Robin Anderson, who bought the guns for Eric Harris and Dylan Klebold, the young men who killed those kids at Columbine High School.

What she says in her statement was that if there had been an instant check, if there had been a background check from the private gun dealers at the gun show where she bought the weapons that those boys used to kill all those kids, that she would not have purchased those guns. In fact, she says, "I wish a law requiring background checks had been in effect at the time. I don't know if Eric and Dylan would have been able to get guns from another source, but I would not have helped them. It was too easy. I wish it had been more difficult. I wouldn't have helped them buy the guns if I had faced a background check."

There has been a lot of unfortunate rhetoric in the last few days about the issue of gun safety and people questioning motives and the like. But I like the statement made by one of the Republican Members of this body at the White House earlier this morning. He said, what we want is we want to bury this as an issue. We do not want to bury any more kids. So please, let us support this motion to instruct.

Mr. Speaker, I reserve the balance of my time.

Mr. HUTCHINSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am delighted to respond to the gentlewoman from California (Ms. LOFGREN) on this motion to instruct conferees.

First, I want to say that this is an important issue. No one treats this issue lightly, because we are dealing with the lives of individuals as well as dealing with constitutional liberties. So it is a very, very important subject that arouses the passions of people, as it should. It is something that we have to deal with and should deal with.

I believe that we do have a consensus that we want to make progress on this. But as the gentlewoman knows, when we make progress in this body, there are many ways to do that, particularly whenever we not only have to work with ourselves but we have to work with our colleagues at the other end of this Capitol in the United States Senate. So there are a lot of ways to make progress.

I will oppose the motion to instruct conferees because I generally oppose motions to instruct because these artificial time lines, these artificial constraints, are really not helpful in the negotiating process, in the coming together of the different points of view. I believe that can be done as the conference committee has already met, and the gentlewoman, and she well knows, they have met. She argues that that is not a substantive meeting, but they discussed, they articulated their different views on this particular bill. To me that is a very substantive meeting.

The way the legislative process works, then we go back and we start working. We put out ideas. The chairman, the gentleman from Illinois (Mr. HYDE), who is on the conference committee, has an idea that he has presented that is being examined. There is a lot of work that is going on on this very, very important issue.

Whenever there is some indication that there is a meeting of the minds, that there is some room on both sides to come together, I am confident that this conference will meet and that they will pass substantive legislation.

I would also point out that not only is this an artificial time line, but it directs our conferees. As the gentlewoman knows, the chairman of the conference, who has the right to call the conference together, is the chairman of the Committee on the Judiciary on the Senate side, Chairman HATCH. So it is he that must make the decision to call the conferees together.

When I talk about areas of agreement, as I talk to my constituents and as I hear from different people, I believe that we have an agreement that we ought to protect children. I believe that we ought to provide parents with tools with which they can protect firearms, and they do not expose those children. Parents need all the tools that they can have.

I believe this is an area that we can reach agreement on. I believe we can reach agreement that we ought to keep guns out of the hands of criminals.

Whenever we want to expand the background checks to gun shows, there is basically a debate between a 24-hour waiting period and a 72-hour waiting period. I believe that people of good faith can resolve these differences, but there are clear differences. There are substantive constitutional rights at stake, so people, being passionate about this, want to be able to work these things out, fighting for their principles. I hope that we can come together on this.

But a lot of work is being done between the Members, dialogues are going on, ideas are being discussed. I believe this is the way to get this job done, rather than having these artificial time lines and constraints that are imposed.

So I thank the gentlewoman for her comments and her suggestions and engaging in this debate. We have had discussions, and I would be happy to sit down with her at any time. But for the conferees, I think the motion to instruct is inappropriate, is not conducive to working this thing out and reaching common ground.

For that reason, I would ask my colleagues to oppose the motion to instruct.

Mr. Speaker, I reserve the balance of my time.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would note that the speeches we gave to each other on August 5 have not been followed by action. The check has been in the mail for quite a long time.

Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, I rise in strong support of the motion offered by the gentlewoman from California (Ms. LOFGREN). I am horrified that we have to stand here on the floor of this House of Representatives, the people's House, and battle to keep the debate on gun safety alive.

I cannot believe that some of my colleagues, who work so hard every day to represent the best interests of the American people, think that it is in this country's best interest for Congress to drag its feet in passing comprehensive, commonsense gun safety legislation.

Frankly, in a country that was founded on the ideals of democracy and freedom of speech, it seems downright undemocratic to me that we cannot even get this conference committee to meet. As I understand it, it has been promised since August 5.

Here we are with the anniversary of Columbine looming, with more of our Nation's children dying each day from gun violence, two high school students massacre their classmates, and we will not discuss closing the gun show loophole; a 6-year-old shoots his classmate dead, and we will not discuss mandatory gun child safety locks.

This is about saving lives. This is about keeping our streets, communities, schools, places of worship, safe. Gun violence does not discriminate between the inner city and the suburbs. It does not discriminate between young and old, rich and poor, black and white. The tragedy of gun death touches us all, and shame on us if we stop this debate before it can begin in earnest.

The American people have asked Congress to be leaders in reducing gun violence, and have shown that they are willing to back up our leadership. As long as we refuse to meet, refuse to negotiate and discuss, we are ignoring our responsibility as lawmakers.

I urge my colleagues, let this conference meet. I urge my colleagues to support this motion.

Mr. HUTCHINSON. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Speaker, I thank the gentleman from Arkansas for yielding time to me.

Mr. Speaker, unfortunately, what we are witnessing here today is the continued politicization by the Democrats and by this administration of issues that really ought to be removed from the political arena and looked at objectively in the best interests of the American people, with the laws and our Constitution in mind.

Unfortunately, though, Mr. Speaker, every time there is a tragedy in our community, folks on the other side, including those clamoring for this resolution today, do not look to those in the community who are responsible for enforcing our gun laws, nor, of course, would they even dare to think of looking to the administration to enforce existing gun laws, which this administration has shamefully refused to enforce in a number of areas, including those, Mr. Speaker, relating to the very crimes that give rise to these cries today for precipitous action on the part of the Committee on the Judiciary conferees.

Rather, though, Mr. Speaker, than look to continually politicizing an issue regarding the safety of our children and efforts to construct a framework within which we can protect our children, within the bounds of our Constitution and our laws, the other side simply clamors for politicization.

□ 1445

The motivation of the gentlewoman from California (Ms. LOFGREN) who purports to speak so purely of the interests of the children is suspect by a letter that she and her Democrat colleagues sent on, I think it was, March 2 signed by the gentleman from Missouri (Mr. GEPHARDT), minority leader, and the gentleman from Michigan (Mr. BONIOR) and other members of their leadership and those who favor gun control.

What they say really provides a window into their thinking, not the language of the resolution today. They are demanding that the House accede to the requirements in the Senate bill on youth violence and gun control, even though the House of Representatives on two, count them, Mr. Speaker, two occasions last summer clearly, clearly voted down those provisions in the Senate bill.

The gentlewoman from New York (Mrs. MCCARTHY) and the gentleman from Michigan (Mr. CONYERS) both proposed amendments to the House bill that essentially mirror those in the Senate. Now the folks on the other side purporting to speak so purely and innocently and to blast us on this side for trying to reflect the will of the House rather than their political agenda are trying to force us to accede to something that the House reflecting the will of the people by majority vote has twice refused to adopt.

Instead of clamoring to politicize this issue, I would urge, although I do not think that this offer will be taken up, I would urge those on the other side to simply try and work with us, remove their very stilted and very blindered focus on gun control and look as we did, Mr. Speaker, at the substance of the bills that passed the House earlier last year and which were the subject of considerable debate by dozens upon dozens of experts in the youth violence legislation working group, with an equal number of Republicans and Democrats appointed by the Speaker and the Minority Leader on which I and many on the other side were honored to have served.

That body heard from experts all across the geographic agenda, the professional agenda and the political agenda, looking at very real, very concrete ways that we can help within the bounds of federalism to solve the problems of youth violence in our communities. Many of those ideas are reflected, Mr. Speaker, in the bill that we did pass in the House.

Now, I do not think any of us on this side, and certainly speaking for myself, Mr. Speaker, shy away from the debate on gun control. The other side wants to bring up gun control. I say bring it up, let us debate it, and let us vote it down. We do it all the time when they try and infringe on the Second Amendment.

But I would implore the other side to stop holding important youth violence legislation hostage because they want it to be a political Christmas tree for gun control. Let us at least bring it to the floor without artificial mandates mandating the House already do something that it has twice rejected, and they know it would happen again. They are simply trying to make the issue political.

Let us, instead, Mr. Speaker, pool our efforts, focus on real solutions to real problems, bring those pieces of legislation to the floor on which we can agree and on which school administrators and parents are imploring us to do, not listen to the plaintive cries of those that are now convicted of crime facing criminal activity, instead of bringing the quotes in here of those who now, after the fact, after they have contributed to tragedy say, oh, please, if only there had been a law to have stopped me from violating the law, I certainly would not have violated the law. That is absolute nonsense.

Let us look at the real laws that are on the books, those that are not being enforced by the Clinton administration, and let us come up with some real solutions.

Work with us on the other side instead of against the efforts to come forward and come back to the floor with a conference report that they know will not be rejected as the current one would be that they are demanding that we take up on the floor.

There is an historic opportunity here, Mr. Speaker, to come up with some real solutions to real problems with youth violence in our communities that fit within the bounds of the Constitution, not outside of those bounds; and, yet, the other side refuses to work with us, simply demanding, they are demanding in this letter, Mr. Speaker, that we adopt a position that already has been voted down twice by the House.

I urge rejection of the Lofgren motion to instruct.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just note that the motion before the body is only that the conference committee should meet, and I hope that we can do that; and if we would meet, that we would be able to find common ground that would be of value to the safety of America's children.

Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, for nearly a year, we have seen the Republican leadership scheme with their special interest friends to kill meaningful gun safety reform. Behind closed doors, yes, they have threatened Members of this House, they have twisted arms, and they have used every back-room tactic in the book to make sure that common sense, moderate gun safety reform would never see the light of day. They would, in fact, thwart the will of the American people.

Just when one thought that tactics could not get any worse, the leader in the NRA said this week that the President is, and I quote him, "willing to accept a certain level of killing to further his political agenda." Mr. Speaker, these are not the words and the comments of someone who is willing to work constructively to keep guns out of the hands of children and criminals. These are the views of a group that will do anything, say anything to make sure that even the most modest gun safety reforms are left for dead.

I call on the Republican leadership to help Democrats pass a bill that requires background checks at gun shows, child safety locks for all firearms, and a ban on high capacity ammunition clips. We have Democrats and Republicans in this body who are willing to do that. Let us vote for this motion to instruct.

Ms. LOFGREN. Mr. Speaker, may I ask how much time is remaining?

The SPEAKER pro tempore (Mr. LAHOOD). The gentlewoman from California (Ms. LOFGREN) has 23½ minutes remaining. The gentleman from Arkansas (Mr. HUTCHINSON) has 19 minutes remaining.

Ms. LOFGREN. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New York (Mrs. MCCARTHY), a leader in this country for gun safety measures.

Mrs. MCCARTHY of New York. Mr. Speaker, I stand in strong support on letting this motion go forward. We all know that things here in the House go extremely slow. But I happen to think that 8 months waiting so we can meet together and hash this out is too long. We have seen too many killings. We have seen too many killings in our schools, our churches. We have seen our firemen being shot.

I have to believe that the American people want us to do this. What upsets me is we know the American people want us to respond. Yet, we see the NRA coming out against us constantly, even to the point where they will put a flier out asking our Members to vote this down.

We had a meeting this morning in the White House, Republicans and Democrats. And I have to tell my colleagues one of the most interesting things that came out, in California, they have what we want to do as far as closing the gun show loophole. Do my colleagues know what, the gun shows are doing very, very well in California. No one has been denied their rights on buying guns. We have to remember the majority of people that go buy their guns get cleared extremely fast.

Let us sit together, let the American people hear our debates. This is not like we are rushing through it. Eight months is 8 months.

I have to tell my colleagues, Mother's Day of this year, the Million Mom March is going to be marching across this country because we want safety. We can handle all the other issues that work to reduce gun violence in this country, but there are more things we can do; and the bottom line is it is the easy access to guns that are killing our citizens. We can do something. The people of America are looking forward to us doing something.

It is bipartisan. Republicans and Democrats should be joining together on this. This is something good for the American people. After this morning and seeing my Republican colleagues working with us, and across this country, we do not ask registration of all those that are going to be in the Million Mom March. They are Republicans. They are Democrats. They are Independents. They are going to be sticking with us.

We are going to make a change in this country. We cannot wait any longer. Because each day, people are dying: our police officers, our firemen, our children, our loved ones. That is wrong. We have to make a difference. We have the moral obligation.

I ask all of my colleagues on the Republican and Democratic side to vote to let us sit down and talk. That is all we are doing. This has nothing to do with the Second Amendment. This has nothing to do with the Constitution. We are not even touching those laws. All we are trying to do is say we care about everyone in this country.

I as a victim and now I as a Congressperson have to say enough is enough. I cannot face any more victims that keep coming to my office and asking why we are not doing anything.

This should not be politics. We should not bring politics into this whatsoever. This is doing the right thing. If it was any other subject, it would have been passed more than 8 months ago.

One more month before Mother's Day, then my colleagues are going to see moms across this country making a difference.

Mr. HUTCHINSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to thank the gentlewoman from New York (Mrs. MCCARTHY) who just spoke and for the tone by which she presented the issue and the way she conducts herself on this issue of great importance. I know that she has personally been touched by this.

She indicated that this should not be a partisan issue. I agree with her completely. I think that whenever we can diminish the tone from a partisan standpoint, because there are people on both sides that take different positions on this issue, I would say that I still think it is a difficult issue. That is one of the reasons we are having a hard time getting together.

But the tone that the gentlewoman from New York represented is just what is needed to bring the sides together. I wanted to take this moment to thank her for what she had to say and the manner in which she had to say it.

Mr. Speaker, I reserve the balance of my time.

Ms. LOFGREN. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Missouri (Mr. GEPHARDT), the minority leader.

Mr. GEPHARDT. Mr. Speaker, I strongly support the motion that is before us today. The juvenile justice conference was supposed to hammer out a compromise bill. Instead, the conference seems to be in hibernation.

It is bad enough that the conference has not met since last August. What is even worse is that now Republican leaders have abandoned any effort to work out a bipartisan solution.

Republican leaders are now rapidly backtracking from efforts to move a bill out of conference that addresses the core issues behind the epidemic of violence that threatens our young people. Yesterday, the Majority Leader stated that he would support dismantling the juvenile justice bill to eliminate the Senate-passed gun safety provisions.

I think we have a simple choice to make. Do we back down and eviscerate the bipartisan compromise in the Senate, or do we move forward to protect the children of America? The choice should be clear to anyone who is fed up with violence in our schools and in our neighborhoods.

We must stand up for parents and the safety of their children by sitting down and reaching a bipartisan agreement to close the gun show loophole.

I had a policeman in Chicago who had been shot 13 times by a gang tell me that, when he goes to the high schools in Chicago and asks the students how many have a gun at home, everybody raises their hand. How many know where the gun is? Everybody raises their hand. How many have shot the gun? Everybody raises their hand.

He said that the gun show loophole is causing thousands of guns to flood into a city like Chicago. He said, look, gun safety measures will never stop crime, but it will help because, he said, the truth is our cities and our villages of this country are awash in guns. We do not need that many. We should not have that many.

A juvenile justice bill that ignores the issue of gun safety is a hollow bill that is an insult to the victims of these horrible acts of violence. Today we must stand our ground and send a strong message to the conferees that they must return with a bill that represents bipartisan sentiment and contains real protections for our children.

□ 1500

Mr. HUTCHINSON. Mr. Speaker, I yield myself such time as I may consume, and I want to respond to the minority leader and the remarks that he made.

I think the best way to respond is to go through some of the facts. He indicated that we on this side have abandoned an effort to seek a bipartisan solution, and that is quite the contrary. The only way anything is going to happen is through a bipartisan solution. I know that the gentleman from Illinois (Mr. HYDE), on the House side, is submitting some proposals out there in seeking a bipartisan solution to this. So we very much desire that because that is the only way it is going to work.

Secondly, the minority leader, the gentleman from Missouri (Mr. GEPHARDT), indicated that we should accept the Senate-passed gun provisions. Well, I might remind the gentleman from Missouri that those same provisions were defeated in this body. So what he is asking is that our conferees reject the will of this House. And I think that the will of this House has to carry some weight in the conference committee.

If we go back as to what has happened, some very important things happened during the debate. First of all, in the House, and we debated this issue, at a vote of 395 to 27 we passed a juvenile Brady law, which prohibited juveniles convicted of an act of violent juvenile delinquency from possessing a firearm, a common sense gun restriction that is appropriate that people in this body supported in a bipartisan way, and it was passed. And then again we passed a ban on the juvenile possession of semiautomatic assault weapons. It passed by an overwhelming bipartisan vote. Child safety locks, which I supported, passed by a vote of 311 to 115. It passed on an amendment. The ban of importation of large capacity ammo clips passed the House by a voice vote.

So all of this we did when we engaged in the debate. As my colleagues on the other side of the aisle well know, when these amendments were attached to the substantive bill, it was defeated on a bipartisan basis because there was a perception that it went too far and that it was not acceptable. So the other side had some, as a matter of fact many, Democrats voting against it because they felt like it did not go far enough, and others that voted against it because it went too far. So it was defeated on bipartisan basis by this House.

This paints the difficulty in which we find ourselves. The best way to achieve a result is not to ignore the will of the House, but to factor it in, and to try to arrive at a consensus. The motion to instruct conferees is not the right way to get it done. We are putting out these proposals, we are continuing the dialogue, and we need the other side's help in reaching a consensus. We think we can achieve this in a bipartisan way.

Mr. WEINER. Mr. Speaker, will the gentleman yield?

Mr. HUTCHINSON. I yield to the gentleman from New York.

Mr. WEINER. Mr. Speaker, would the gentleman from Arkansas tell me at what point in all of that deliberation did the House express the notion that we should not even meet in conference; that we should not even discuss these items? There seemed to have been, I would agree with the gentleman, broad consensus.

Mr. HUTCHINSON. Reclaiming my time, Mr. Speaker, what I was reciting was the debate that occurred in this House, which showed how much we did accomplish together and how much was defeated that was good that was defeated together. That is the difficulty the conferees find themselves in.

This is not a simple issue that we can politicize. We have to debate policy. We have to debate policy. And that is what we are doing in a very substantive way and that is what we are going to continue to do. We ask the help of the other side.

Mr. Speaker, I reserve the balance of my time.

Ms. LOFGREN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), a member of the Committee on the Judiciary and a member of the conference committee.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman for yielding me this time and for her leadership on this particular legislation.

I believe, Mr. Speaker, that the American people can understand and decipher between rhetoric and sincerity. On one side we have children dying every day; on the other side we have a special interest group that intimidates, lobbies, and obstructs. On one side we have those in a bipartisan way who are committed to meeting; on the other side we have a conference committee that, at best, is limited in its sincerity and intent to do right.

I think it is certainly a crime to suggest that those of us who want real gun safety legislation would be those who are undermining laws that would prevent gun violence, or that we are undermining laws that would want to have us enforce gun laws against those who would be criminal. I think our records mutually, both Democrats and Republicans, are strong on enforcing criminal laws.

In fact, the Brady law has seen 500,000 criminals not get guns. I ask my colleagues on the other side of the aisle if they think the Brady law is wrong. I have legislation that holds adults responsible for guns in the hands of children that supports trigger locks that I will be filing. Do they want us to go piece by piece, or can we come and be a committee of one that will listen to the American people, that will listen to the mothers who are going to march?

I ask my good friend from Georgia, and I lower my tone and I ask it out of great interest and sincerity, would he get the National Rifle Association to repudiate its ugly comments that suggest that the President of the United States and the Vice President of the United States, holding the two highest offices and the respect of the American people, that suggest that they are, in fact, fueling the fires of violence for their own political interest.

I am outraged and saddened that we would have an organization that has such a dominant hand on the Members of this Congress that they cannot even wiggle themselves out to stand up for dying children who are dying every day.

I simply ask, NRA, will you admit to your error and will you draw back on those ugly words? Will you pull them down so that we can have a conference, Mr. Speaker, that lowers the tone and works in a bipartisan way so that we can save the lives of children, so we can pass gun safety legislation and be committed not to special interest, not Democrats, not Republicans, not independents but the will of the American people? I ask my colleagues on the other side and I ask the representatives of the National Rifle Association in this Congress, will they repudiate such ugly, ugly words?

I want real gun safety legislation, Mr. Speaker, and I want to do it in a bipartisan and forceful manner on behalf of our children.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). The Chair would advise all Members to address their comments to the Chair.

Mr. HUTCHINSON. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Speaker, I again thank the gentleman from Arkansas for yielding me this time.

The previous speaker purports to, with all sincerity, indicate her willingness to work together in a bipartisan fashion. Yet more than any other speaker on this issue, she inflames the passions of politicization.

This is a matter that ought very much to be decided by all of us in this body, not by circulating letters drafted by the White House, not by taking intransigent positions as reflected in those letters, but by listening to our constituents. That is what we do. I presume that that is what she does. Until somebody tells me otherwise, I presume and will conclude that that is what the gentlewoman from Texas does.

One would simply wish that the gentlewoman would grant to us that same courtesy, to believe that we also represent our constituents. And our constituents, many of us on this side, including mine in Georgia, tell us that they believe in strong enforcement of our gun laws, that they believe in responsibility in schools and parents, and that is where our focus ought to be. And I would urge the gentlewoman to join us in keeping the focus there, not on artificial gun control or on outside groups.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. WEINER), a new member of the Committee on the Judiciary.

Mr. WEINER. Mr. Speaker, I have a great deal of respect for my colleagues on the other side. The gentleman from Arkansas (Mr. HUTCHINSON) argued persuasively that there are some very difficult issues to resolve here. And I think the forum to resolve these issues is in a conference committee where I believe, and many of my colleagues believe, that these issues will be resolved favorably to our interest.

But I think that we have to be careful not to keep repeating things that are simply incorrect as an argument for not having the conference. The gentleman from Georgia repeats again and again this notion that is perpetrated by the NRA that enforcement is down. Simply not true. Unsubstantiated by the facts. Twenty-five percent increase in the Federal enforcement in the last year; a 7 percent reduction in violent crime in the last year alone.

And the final proof in the pudding, if my colleagues do not want to compare it just year to year, there are 22 percent more people in prison for gun offenses today than there were in 1992. That is the fact of the matter.

The National Rifle Association would like to repeat and repeat and repeat the big lie that these laws are not being enforced. They are being enforced more now than at any time in the last decade. So my colleagues can have many reasons to oppose the conference committee, but that ought not be one of them.

Ms. LOFGREN. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. CONYERS), the ranking member of the House Committee on the Judiciary, and someone who has spent an enormous amount of time trying to forge an answer with the chairman of the committee.

Mr. CONYERS. Mr. Speaker, I want to commend the gentlewoman from California (Ms. LOFGREN) for the great work she is doing in bringing this motion to instruct, because this is the simplest level we can arrive at. I have never heard of a motion to instruct that had no substantive purpose whatsoever except to ask the conferees to meet. This must be a record of some sort.

And this is an absurd and morbid game that the National Rifle Association is playing, to accuse the President of being dishonest about gun safety legislation. Nobody wants it more than the President. We have met with him time and time again. We know that that is true.

The tired old tactics of delaying and distracting cannot hide one essential truth: we want an open and public debate of these issues. The President says have a conference. Matter of fact, there are more conservatives on the committee than there are liberals. So we will take whatever happens. But do not tell the American people that for 8 months we are not going to do anything whatsoever.

The NRA fears the debate. And that fact alone speaks volumes. When an organization is scared to take this debate out into the open, who is really lying? The NRA claimed at one point that they pioneered criminal background checks. Do not make me laugh. I was here. They fought the Brady bill tooth and nail. So who is really lying? They say they support gun show and background checks, but they offer bills that would exclude events where hundreds of guns are sold from any background checks.

And by the way, the biggest gun shows in America are in California, where they check very carefully the purchases that are done there. So we beg our colleagues to support the motion to instruct.

Mr. HUTCHINSON. Mr. Speaker, may I inquire on the balance of time?

The SPEAKER pro tempore. The gentleman from Arkansas (Mr. HUTCHINSON) has 14 minutes remaining, and the gentlewoman from California (Ms. LOFGREN) has 12 remaining.

Mr. HUTCHINSON. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, I voted for Brady, I voted to ban semiautomatics, and I am done voting.

I think it is time to start enforcing the laws. And I think it is time to start looking at political issues around here. I think we are playing a lot of football with guns.

On that juvenile crime bill I passed a little amendment that said, look, a teenager or kid that is involved with a gun that gets caught loses their driving privileges until they are 21. Where are we enforcing this law? Not this one, I hope, that becomes law.

Where is the aggressive record of this administration and even the past administration going after people that violate laws with the use of guns? I think we are throwing an awful lot on the NRA that need not be on the NRA. My God, when kids are building a bomb in the basement of a home, where is mom and dad? It is not the NRA's fault.

I do not want anybody's guns taken away. And I am telling the Democrats this: with the language that the Democrats have for these gun shows, there will be more illegal sales at gun shows than there will be legal sales if it was just left alone.

I do not want to argue the case. I say to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I say to the gentleman from Ohio that, as the one who made that amendment, I would like him to know that we have a modification of Lautenberg which allows 24-hour, 1-day, clearance for gun checks. And then for the 5 percent who cannot check in the 1-day, we have a 2-day period. Now does that take away anybody's rights?

□ 1515

Mr. TRAFICANT. Mr. Speaker, reclaiming my time, what if it was a 2-day sale, I say to the gentleman from Michigan (Mr. CONYERS), and it is a Saturday at 4 o'clock and that gun dealer wants to make a buck and just sells the gun anyway to Joe Blow.

Mr. Speaker, there are two sides of this issue, be careful, but the Clinton administration could be much more aggressive on crime and guns and that is the fact of it.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY), a distinguished member of the committee.

Ms. SCHAKOWSKY. Mr. Speaker, I know I am not alone in asking how long we have to wait and what is it going to take?

It is hard to believe that it is almost 1 year since the Columbine tragedy, and yet it appears that we have not learned a thing. Since Columbine, we have endured tragedies in Conyers, Georgia; my community of Rogers Park in Chicago, Illinois; Bloomington, Indiana; Atlanta, Georgia; Pelham, Alabama; Granada Hills, California; Ft. Worth, Texas; Honolulu, Hawaii; Seattle, Washington; Wilkinsburg, Pennsylvania; Memphis, Tennessee; Kayla Rollard in Mt. Morris Township in Michigan. Thirteen children, a Columbine's worth of children, every day are killed in the United States.

Communities are waiting. Parents are waiting. But most importantly, our children are waiting. Why can we not at least sit down and have this conference committee?

I rise to support this motion to instruct, and I urge my colleagues on both sides of the aisle to get to business. The American people are watching and they are waiting.

Mr. HUTCHINSON. Mr. Speaker, I reserve the balance of my time.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, every day children, young people, adults and seniors come to these hallowed halls to look to Congress for leadership, to set the example, to show democracy in action, to have a real debate and discussion on juvenile justice, gun control, and gun safety.

When tragedy strikes, who else should they look to but Congress to make the right decisions, to make the decisions that will affect their lives?

To the woman from the 11th Congressional District of Ohio whose son was a schizophrenic who was a convicted felon who purchased a gun in a gun show and came home and shot her, tell her it is enough. It is not enough.

It is time today to go back to conference and come up with true gun safety and true gun control. That is what the people expect. It is not the will of Congress. It is the will of the people that we need to listen to and follow through on.

Mr. HUTCHINSON. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Speaker, I thank the gentleman from Arkansas (Mr. HUTCHINSON) for yielding me the time.

Let us step back from the shouting and the dire predictions for just a moment, Mr. Speaker, and focus on the facts, as we have been trying to do.

The record of this administration is not one that withstands scrutiny on gun prosecutions. Now, one might think if one asked the average citizen in America every time the President comes out and talks about so many hundreds of thousands of people who have been prohibited from purchasing or acquiring a firearm because of the Brady background check that if we were to ask that average citizen how many of those cases do they think the administration might have prosecuted, I doubt that there are many, outside of those of us on the Committee on the Judiciary who have inquired of the administration the answer to those particular questions, who would know that in 1996 there were zero, in 1997 there were zero, and in 1998 that shot up to one prosecution for under the Brady instant background check.

If this administration were serious about enforcing existing laws, those statistics, in light of the President's annual trumpeting of how many hundreds of thousands of people not authorized to possess firearms were stopped because of Brady, they would be far different.

The prosecution for the transfer of a handgun or ammunition to a juvenile, it dropped precipitously, not from the hundreds to the hundreds but from nine in 1996 to six in 1998.

With regard even, Mr. Speaker, to those individuals who were able to acquire firearms even though prohibited under Federal law from doing so, after the 3-day check there were in excess of 3,000, in other words, over 3,000 individuals prohibited from possessing a firearm who were able to acquire one after the 3-day check, this administration knows who they are. They could find them tomorrow, every one of those 3,000.

Yet, what has the administration done? Have they sent for prosecution 3,000? No. Two thousand? No. One thousand? No. Five hundred? No. They have sent less than 200 of those cases referred for prosecution.

This, Mr. Speaker, is why we are having such a problem with regard to enforcement of existing Federal gun laws. This administration is asleep at the switch. They are not enforcing them.

And again, although we may be saying this on deaf ears here today, we would implore our colleagues to work with us to try and understand why, in the face of a doubling over the last 8 years of this administration's budget for ATF and DoJ, these are the statistics, shameful statistics on prosecutions. Work with us to figure out why they are doing this and then solve the problem with us and not start blasting in political terms bringing up the NRA bogeyman out there. Work with us on real facts, on real policy, and let us get away from the politics.

I urge this motion to instruct be defeated.

Ms. LOFGREN. Mr. Speaker, may I inquire what time remains?

The SPEAKER pro tempore. The gentlewoman from California (Ms. LOFGREN) has 10 minutes remaining, and the gentleman from Arkansas (Mr. HUTCHINSON) has 9 minutes remaining.

Ms. LOFGREN. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. NADLER), a member of the Committee on the Judiciary.

Mr. NADLER. Mr. Speaker, in 1994, the NRA told us we should not pass the Brady bill because the real problem was with the gun shows.

We passed the Brady bill. In the last 6 years, 500,000 felons and mentally disturbed people were prevented by the Brady law from acquiring guns; and numerous lives, obviously, were thereby saved.

Now we are trying to deal with the gun shows, and we are told we cannot require a 72-hour wait. Ninety-five percent of the time they will not need a wait of more than one day. Five percent of the people who want to buy guns cannot be cleared within a day. And those 5 percent are 20 times more likely, it turns out, to be felons or mentally disturbed people who should not get the guns, but they are the ones who would get the guns because we are told we cannot have more than 24 hours.

Now, in this country we have 4½ percent of the world's population and 86 percent of the gun deaths in the entire world, 86 percent. This is absurd.

Now we are told that the administration is not enforcing the law. Well, I think it has enforced the law, but the administration has asked for a large increase in enforcement. And, fine, we should increase enforcement. But what kind of foolish argument is it that says, they are not punishing people enough, therefore, do not do any prevention?

These bills are designed to prevent gun deaths. Enforcement is designed to punish them. Let us do both. An argument that we should have more enforcement is not an argument against intelligent preventive legislation.

No one would say, prosecute the drunk drivers more and eliminate the airbags and the seatbelts. That does not make sense.

Finally, all this resolution asks, Mr. Speaker, is not that these bills be passed, not that our version be adopted, but simply that the conference committee meet. It has not met since August. If the conference does not meet, if this resolution is defeated, it will simply confirm once again that the Republican leadership is totally subservient to the National Rifle Association.

Mr. HUTCHINSON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. MARTINEZ).

Mr. MARTINEZ. Mr. Speaker, I thank the gentleman from Arkansas (Mr. HUTCHINSON) for yielding me the time.

Mr. Speaker, I have listened for years and years, I have been here for 18 years listening to this debate; and I have come to some conclusions over that period of time.

I can understand the anxiety on our side of the aisle to have a conference. And I also can understand the anxiousness of people who want to stop children from getting killed. But the fact of the matter is that I think we are going about it the wrong way.

We have all kinds of things in our society that kill people: knives, bombs, cars. And it is not really those inanimate objects that are responsible for that. It is the people who are in control of those inanimate objects. I think we are addressing this thing in the wrong way.

Certainly in schools, the school teachers, the principals and all the other people ought to recognize behavior that is not right and normal and recognize that children ought to be counseled or adults. Certainly in our society we can tell the ones that are running around with anger in their hearts and such anger that they might pick up a gun and shoot somebody. But there are millions of gun owners in this country who keep their guns safely who have never killed anybody with that gun, who use them either for target shooting, for Olympic shooting, for hunting legitimately. They do not use many round magazines. They cannot have more than three rounds in a magazine at any one time in a hunting field, anyway.

But the fact is that I think we ought to be concentrating more on the deviant behavior of people who will pick up a gun and shoot somebody or the person that gets behind the wheel of a car drunk and will kill somebody or the person that will pick up a knife and stab somebody or the person that will poison somebody.

My colleague from Ohio (Mr. TRAFICANT) talked about children building bombs in garages and the parents did not even know about it. I think we ought to start looking at families and start to try to realize that we need to do more to bring family solidarity to where the parents know what the children are doing and how they are doing it and why they are doing it than concentrating on these other things which can be enforced every day anyway.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Kansas (Mr. MOORE).

Mr. MOORE. Mr. Speaker, the gentleman from Georgia (Mr. BARR) says that we should get with the real facts and recognize the real facts. I say to the gentleman and all those in this chamber, these are the real facts. A 6-year-old little girl is dead and that is a real fact, and she was shot dead by a 6-year-old little classmate who was holding an inanimate object, a gun.

This is a trigger lock. And had this trigger lock been in place, that 6-year-old little girl would still be alive because the gun could not have discharged.

In my district, in June of last year, a 6-year-old boy picked up a rifle leaning against the wall in his apartment when his mom went next door and shot his 4-year-old brother in the ear, fortunately not the head but the ear. That little boy would not have been injured and that gun could not have discharged had there been a trigger lock in place.

We need to start getting with the real facts and recognizing the realities in this country. I do not want to take anybody's gun away that is not a convicted felon, a mentally ill person, or a child without adult supervision. But, as a prosecutor for 12 years, I have seen firsthand gun violence.

I believe in the Second Amendment. I own a firearm myself. But adults who are going to exercise the right to own a firearm should do it responsibly.

Mr. HUTCHINSON. Mr. Speaker, I yield myself such time as I may consume. I want to respond to the gentleman from Kansas (Mr. MOORE) before he leaves the House chamber here.

In regard to that 6-year-old, what an extraordinary tragedy. But I think we have to talk about this in a rational, substantive way.

The fact is the biggest problem was the breakdown of that home, the fact that the mom was I believe in prison, the father was in prison, the mom was away, the gun was from an uncle, and the gun was found in a crack house. And I do not think in the circumstances of a crack house that someone is going to leave and say, oh, I forgot to put the trigger lock on.

Yes, I want my colleagues to know I support and I voted for safety locks to be sold with handguns, because we need to give parents the tools. But we cannot say to ourselves that this is going to solve the problems of violence. It would not have saved the 6-year-old.

What would have saved the 6-year-old is the strengthening of the home, the strengthening of our social service network, good welfare people who will help in that home environment. That is what would have saved that child.

And, yes, I am speaking as someone who supports the sale of safety locks with a handgun. But that will not carry over and mandate if they would follow it a crack dealer who has a handgun. And so, let us deal with this in a fair and substantive way.

I appreciate the gentleman for what he says. I believe that we can work together. We are so close on this. We want to do this. But we can carry out this battle in good faith. And I really hope that the conference will, as we work along the sides and discuss these things, that we will come to a closer agreement.

□ 1530

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. HUTCHINSON. I yield to the gentleman from Michigan for a question.

Mr. CONYERS. Mr. Speaker, I just wanted to thank the gentleman for agreeing on the importance of safety locks on handguns. The overriding debate here is whether or not we will ask the conference to resume its sitting.

Mr. HUTCHINSON. Mr. Speaker, reclaiming my time, that is right, and I will address that substantive point on this in just a moment.

Mr. Speaker, I reserve the balance of my time.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute across the aisle, to the gentleman from San Diego, California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Speaker, this is an issue that does cross the aisle. I think that those of us that really believe strongly in the Second Amendment or the First Amendment or any of our given rights realize that reasonable restrictions on our freedoms are not a threat to our freedoms. They are one of the best foundations of guaranteeing our freedoms.

I want to thank my colleague, the gentleman from Arkansas (Mr. HUTCHINSON) for his tone of saying we can work together to address these issues. I would say to my Democratic colleagues, the President has identified in his State of the Union that we need more enforcement; we need to crack down on the people who are trying to purchase guns illegally. We need to do more. The President agrees with that. The Democrats should agree with it. The Republicans should agree with it.

When it comes to the trigger locks, I am going to introduce a bill next week that not only identifies trigger locks but also recognizes that gun owners who have done the responsible thing and locked up their guns should not be held liable for the abuses of criminals. I think that is something we can come together on. We are not talking about in this conference very extreme proposals. What is not extreme is for us to finally now come together and let us take action on this. Let us not delay it. Let us move it forward and then the Republican and the Democratic proposals can come together and make it an American proposal.

Ms. LOFGREN. Mr. Speaker, I am quite honored to yield 1 minute to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I rise in strong support of the Lofgren motion to recommit and commend the gentlewoman from California (Ms. LOFGREN) for her consistent leadership on this issue. It has been almost a year since the Columbine tragedy and still the conference committee has not yet held one substantive meeting. That is what this motion calls for. It calls for them to meet and review and act on gun safety measures.

How many children have to die before this Congress acts?

My colleagues have mentioned the death of one 6-year old by another 6-year old. How young must the victims be of gun violence before the House leadership acts? Will they finally call a meeting if a 5-year old kills a 5-year old or a 4-year old kills a 4-year old? When are they going to at least meet and discuss what people on both sides of the aisle have said they support, safety locks, child safety locks? If the child safety lock was on that gun, whether it was in the house or the crack house or the street, that child would be alive today.

The conference should meet. Pass the Lofgren amendment.

Mr. HUTCHINSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to ask the gentlewoman from New York (Mrs. MALONEY) a question. First of all, looking at the fact situation that we are speaking of, I will certainly concede that if there had been a trigger lock on the gun then the child would not have been able to pull the trigger.

Would the gentlewoman also concede, though, before that would have taken place that the crack dealer or whoever had the gun would have had to place the trigger lock on there?

Mrs. MALONEY of New York. Mr. Speaker, will the gentleman yield?

Mr. HUTCHINSON. I yield to the gentlewoman from New York.

Mrs. MALONEY of New York. Mr. Speaker, I will state that they would have, but the example of the rifle in the home, the degree of probability that a trigger lock would have been on that gun is if we had passed it into law. That would have been a provision of safety. We should take that step.

Mr. HUTCHINSON. Reclaiming my time, I appreciate the gentlewoman's honest answer, and I think that is exactly where we are. We want to be able to provide a tool, but we have to recognize in this debate as well that it takes responsible parents and responsible people to use a trigger lock. There is no way we can mandate people to use something. We can mandate it, but criminals are not going to use a trigger lock when they are going out and doing criminal activity. That is just the fact of it.

We have to keep these guns away from children. We have to give parents the tools, and that is what we are trying to do.

Mr. Speaker, I reserve the balance of my time.

Ms. LOFGREN. Mr. Speaker, how much time remains on each side, and do I have the right to close?

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Arkansas (Mr. HUTCHINSON) has 4 minutes and the gentlewoman from California (Ms. LOFGREN) has 5 minutes. The gentlewoman from California (Ms. LOFGREN) has the right to close.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just make a couple of observations. No one law or measure will solve every problem. We know that. I think that we have heard a lot of discussion not only here today in these chambers but from individuals outside of this body critical of really very modest gun safety measures that if we do not have a 100 percent solution then we should just throw up our hands and do nothing.

That is not the way we operate in this country. Because there are some people who drive drunk and we do not effectuate an arrest and prosecution of every single person who has gotten behind the wheel drunk does not mean that we are going to say that it is okay to drive while drunk. Because the 408 children who died in accidental shootings last year in this country might not all have been saved because of a trigger lock is no excuse not to do what we can so that some of those children might have been saved.

I am hopeful that we can finally have a meeting of the conference committee on which I serve. When we met on August 5, we gave speeches to each other. I was there. I asked that we stay in that room and that we continue to work on the measure. At that point, my two teenagers were getting ready to start high school. Now my oldest daughter is getting ready to graduate from high school, and we have still done absolutely nothing.

We need to earn our paychecks. I travel 5,000 miles a week to come to this body to work, to hopefully serve the American people. I am coming here every week hoping that we can gain a law that will make some children safer, not just to rename post offices but to do something that actually will serve the American people.

Please, please, let us approve this motion to instruct conferees. Let us get to work.

Mr. Speaker, I reserve the balance of my time.

Mr. HUTCHINSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, I think this has been a very healthy debate. I welcome the debate. I think it has been good and very instructive.

I do want to respond to a number of things that have been raised. First of all, the NRA has been used a number of times. In fact, I was debating a colleague from the other side of the aisle and he used that word in the debate maybe four times, NRA-controlled and so on.

We have to recognize, and I think people in an honest debate recognize, that on the pro-gun side or pro-gun control side would be Handgun, Inc. I do not think we ought to silence their trying to get information to the Members of this body; nor should someone who is concerned about the Second Amendment. I think people have a right to speak, but the fact is that we are individual Members of this body elected to represent our constituents and that is who we are trying to represent in this debate.

I know the folks on the other side of the aisle are trying to do the same thing.

The substantive issue that the gentleman from Michigan (Mr. CONYERS) raised is we are talking about a motion to instruct conferees, just wanting to get the conferees together.

Now, I would just make the case that the way the conferees have worked in my experience in this body is that they meet and then they go apart for a time and try to negotiate and come together on the issues.

The fact is, we just passed the conference report on AIR-21, the aviation trust fund. I would dare say that that conference committee met and then they went away and negotiated, and whenever they negotiated the bill back together, and it took awhile to do it, they went back in there and they said we have a deal and they voted on it.

That is exactly what is happening with our conferees. Now I understand that my colleagues might want to have them meet together more often but the fact is that they are not doing nothing. The fact is that the conferees met on one occasion, and secondly they are continuing to negotiate.

The gentleman from Michigan (Mr. CONYERS) did a great job really, in essence, in responding to the proposal of the gentleman from Illinois (Mr. HYDE). The gentleman from Illinois (Mr. HYDE) has a proposal that is out there on the table right now that we are real close to coming together on this conference committee, and I think that the discussion has even continued today in this House.

So it is, I think, an artificial time constraint, artificial time lines, instructing the conferees, whenever our Members really do not have the control over it and it is the chairman of the Senate side that really calls the meeting together. I think it would be ill-advised to pass this motion to instruct conferees. I think it has been a healthy debate and again I congratulate the gentlewoman from California (Ms. LOFGREN) for raising this issue, and I believe this debate should continue.

Once again, what we agree upon, and I should not say we all because some of the Democrats do not agree with what I am saying and some of my Republican colleagues do not agree with what I am saying, but the fact is we want to keep guns away from children. We want to keep guns out of the hands of criminals.

We passed a number of provisions in this body by amendment that accomplished that, the juvenile Brady law, the ban of juvenile possession of semiautomatic weapons; child safety locks, we passed in this body; a ban on importation of large capacity ammo clips, we passed. Then whenever it was attached to the main bill, again it was defeated by 190 Democrats voted against that, voted against each of those things that I just said. A provision that we could have had child safety locks was voted down by 190 Democrats.

Some Republicans joined in that because they did not believe it went far enough. I appreciate their point of view on that but the fact is, it is a difficult issue. Our conferees are struggling with that.

So I would ask my colleagues to oppose the motion to instruct conferees. I believe we need to continue the discussion and whenever we say we are not going to have the conferees forced to meet, I hope they do meet. I hope they meet, but I hope they meet because we have reached some common ground and we can move this issue forward.

Again I thank the gentlewoman from California (Ms. LOFGREN) for her courteousness today in this debate and I look forward to continuing it.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am sure that the gentleman from Arkansas (Mr. HUTCHINSON) spoke what he thought was accurate, but I do not believe it is, in fact, accurate. I understand from our staff on the Democratic side that there has been no discussions at all at a staff level since October. There has been discussion about all of these negotiations that are going on behind closed doors. No one has spoken to me, and I am a member of the committee. No one has spoken to the gentlewoman from New York (Mrs. McCARTHY) and she is a member of the conference committee.

The gentleman from Michigan (Mr. CONYERS) has tried very mightily and in good faith, and I believe that the chairman of the committee, the gentleman from Illinois (Mr. HYDE) is also operating in good faith, trying to find a way for us to reach conclusion, but that is over. We are not getting anywhere.

It may be that we will not, in fact, be able to find common ground but I do know this: If we never talk to each other, if we never have a meeting, if we never share in public what we think, then we will never get to where the country needs us to be.

We were in the middle of the night last year when we ended up with the juvenile justice bill before us, and I thought it was ironic that the final bill that we had was actually a retreat from current law. It would have actually weakened the current state of the law and that is why I believe the NRA urged a yes vote on that bill and handgun control, the other side of the coin, urged a no vote. That is why we had so many people who believe in sensible gun safety measures opposing that measure because it actually was a retreat from where we are today.

Since that time, we have had many tragedies. We have had a 6-year-old kill another 6-year-old. We have had a preschool assaulted by a maniac with a gun and shooting little children. We have had firefighters shot at. We have had many tragedies and it may be that the 21 individuals and Members of this House who did not understand the need for modest gun safety measures last year may have received a wake-up call.

□ 1545

It is possible that we can come together, but it is not going to be possible if we never try.

Mr. Speaker, we have had a lot of rhetoric and discussion about various interest groups. I have not mentioned the NRA, but I will include for the record their missive urging a "no" vote on the Lofgren motion to instruct, because they have inserted themselves into even such an innocuous motion to instruct such as this.

We are not saying where the conference committee has to end up in this motion to instruct, although I have made no secret of the fact I hope we can adopt measures. Just that we can try.

Mr. Speaker, I would urge adoption of the resolution.

Mr. Speaker, I include for the RECORD the missive from the NRA.

SUPPORT THE SECOND AMENDMENT—THE NATIONAL RIFLE ASSOCIATION URGES YOU TO VOTE "NO" ON THE LOFGREN MOTION TO INSTRUCT TODAY!

Rep. Lofgren's motion to instruct demands a date certain deadline for the Juvenile Justice Conference Committee to begin deliberations on H.R. 1501. Yet at the same time, Rep. LOFGREN is also demanding that the House Conferees accept nothing less than the Senate-passed version of H.R. 1501.

In a letter, of March 2nd, from Congressmen GEPHARDT and BONIOR, and signed by Rep. LOFGREN and other Members, to Senator ORRIN HATCH, they demand the following "Such a conference report *MUST* include gun safety measures that are *AT LEAST* as strong as those passed by the Senate."

How can Rep. LOFGREN expect the House conferees to agree to something that failed in the House twice already last June (McCarthy and Conyers amendments) and will fail again if brought up for a vote? Do they really want to help address the juvenile crime problem in this country or are they just politically posturing in an election year?

There is no reason to force a deadline other than to allow political grandstanding on issues that Members are already trying to resolve in good faith, the National Rifle Association urges you to vote "no" today on the Lofgren motion to instruct conferees on H.R. 1501.

Mr. LANTOS. Mr. Speaker, the American people are urgently waiting for the Congress to take meaningful action on gun safety control—and the American people are not patient on this issue, Mr. Speaker. The American people are not patient. Despite repeated requests from our Democratic colleagues in this body and repeated requests of the Democratic members of the conference committee on H.R. 1501, the Juvenile Justice legislation, we are still awaiting action by the Republican leadership and the Republican members of the conference.

I strongly support the motion to instruct conferees that is being offered by my distinguished colleague and fellow Californian, Ms. LOFGREN. Her motion instructs the conferees to hold its first substantive meeting within the next two weeks. As President Clinton has said: "How many more people have to get killed before we do something?" The Senate adopted gun safety measures that close loopholes on our gun laws. The American people are strongly supportive of the type of provisions that are under consideration in this legislation. Now is the time for the conference committee to bring legislation back to this House.

Mr. Speaker, it is time for the will of the American people to be respected in the Congress of the United States, and it is time for us to tell the reprehensible representatives of the National Rifle Association that the will of the American people will prevail over the narrow special interests of groups like the NRA. The appalling attack on President Clinton last Sunday by Wayne LaPierre, Vice President of the National Rifle Association, only indicates how desperate that organization is to stop any meaningful effort to control gun violence and to enact needed gun safety legislation.

Mr. Speaker, the San Francisco Chronicle published an excellent editorial today which puts this issue and the desperation of the National Rifle Association into context. I ask that the editorial from the Chronicle be placed in the RECORD, and I urge my colleagues to read it. Mr. Speaker, I also urge my colleagues to support this motion being considered by the House today.

[From the San Francisco Chronicle, March 15, 2000]

NATIONAL RIFLE ASSOCIATION TAKES DESPERATE NEW TACK

National Rifle Association Executive Vice President Wayne LaPierre has crossed over into absurdity in his efforts to stymie gun control legislation this year.

LaPierre's outrageous accusation that President Clinton is "willing to accept a certain level of killing to further his political agenda" can do nothing but backfire. Clinton can be accused of many things, but few would agree that he considers any number of fatalities acceptable.

LaPierre and his crony, NRA President Charlton Heston, appear to have decided on a take-no-prisoners strategy against gun control even when their statements sound ludicrous.

Thoughtful NRA members should be embarrassed by the tactics and may want to remember former President George Bush's action after the NRA sent out a fund-raising letter calling federal law enforcement officers "jackbooted government thugs." Bush quit his NRA life membership in protest.

If it chose, the NRA could be a serious player at discussions on gun control legislation. The proposal that Clinton is trying to push through Congress this year would require background checks of prospective buyers at gun shows, mandate child safety locks on handguns, prohibit imports of large ammunition clips and punish negligent adults if children commit violent crimes because of easy access to guns.

But NRA arguments on the specifics are drowned out by its leadership's over-the-top rhetoric and knee-jerk opposition to any legislation that smacks of gun control. Contentions that the Clinton administration has not enforced current gun control laws, which may have some merit, also get lost because they appear to be a diversionary tactic to avoid talking about the details of proposed legislation.

The wave of school killings over the past few years stunned a nation into supporting more restrictions on obtaining guns. Last year, about a month after the Columbine killings, the Senate approved the first gun control measure since Republicans took over Congress in 1994. Agreement later fell apart, but the NRA is all too aware that Congress has been moving in a direction the gun organization detests.

Its latest tactics show a desperation and an apparent feeling that anything, no matter how outrageous, goes in an election year.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of the motion to instruct conferees on the Juvenile Justice legislation. This motion would instruct the conferees to meet within the next two weeks to have substantive meetings to offer the President a viable gun bill.

The American people have waited long enough for us to act on this legislation. We can no longer delay and wait for the next tragedy in order to take action.

Last week's tragedy in Memphis where 2 firefighters, 1 sheriff's deputy, and a woman died due to gun violence; underscores the country's need for responsible gun legislation.

It would seem that in almost the year since the Littleton shootings, we have done little to more forward on the Juvenile Justice Bill. If you recall, it took a considerable amount of time before this bill even got to the conference committee.

In the Crime Subcommittee, the original bill, H.R. 1501, was a bipartisan effort that was cosponsored by the entire subcommittee. This bill passed the day after the tragedy at Columbine.

However, after much partisan maneuvering, the bill never made it to the full Judiciary Committee. There were several delays and eventually, we left for the Memorial Day holiday without any action.

Through more partisan maneuvering in June, the bill bypassed the Committee and proceeded to the floor. The bipartisan bill that emphasized prevention and intervention as alternatives to punishment only, became a vehicle for a variety of issues—except for protecting children. This is a critical mistake.

Today, I support Senator DASCHLE's past statement that the Juvenile Justice Bill, which concerns access to guns and was adopted by both the Senate and the House, should move forward.

Furthermore, I support his believe that if the Juvenile Justice Bill does not go to conference; each Member of Congress should file independent bills until safe legislation is adopted.

I am taking the initiative by announcing, my legislation which would increase youth gun safety. My bill, "The Children Gun Safety and Adult Supervision Act," is a comprehensive gun safety proposal, but I still encourage the Conferees to first pass the current Juvenile Justice Bill so that affirmative action will finally be taken.

Through enhanced penalties for reckless supervising adults, gun safety education programs and limitations on the admittance of children into gun shows, my legislation seeks to prevent tragedies like the one that most recently occurred in Mount Morris Township, Michigan. This child shooting is the latest in a series of preventable shootings that occurred as a result of adults recklessly leaving firearms in the presence of children.

It is a shame that political maneuvering is still stalling even a non-binding resolution like Senator BOXER's that simply supports child gun safety legislation. Yet, I would like to say how delighted I was to hear of Senator DURBIN's amendment that would offer more funding for providing gun safety education.

In the past few weeks my office has received many calls and letters from constituents who believe that we support legislation that will take away their guns.

It is obvious that the propaganda machine of the National Rifle Association is working to change our focus from the issue of children and guns and gun ownership in general. Like many of my colleagues, I do not oppose responsible gun ownership.

However, like President Clinton, I am concerned about children and their access to guns. I am concerned that guns are not regulated in the same way that toys are regulated. I am concerned that we do not have safety standards for locking devices on guns. I am concerned that we do not prohibit children from attending gun shows unsupervised. I am concerned that we have not focused on the statistics on children and guns.

This motion to instruct urges the conferees to act immediately on the Juvenile Justice Bill. We cannot wait for another tragedy to occur. I urge my colleagues to support this motion.

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentlewoman from California (Ms. LOFGREN).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Ms. LOFGREN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 218, nays 205, not voting 11, as follows:

[Roll No. 50]

YEAS—218

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (WI)
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Bilbray
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Brady (PA)
Brown (FL)
Brown (OH)
Camp
Campbell
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dunn
Edwards
Ehlers
Ehrlich
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Forbes
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gephardt
Gilchrest
Gilman
Gonzalez
Greenwood
Gutierrez
Hall (OH)
Hastings (FL)
Hilliard
Hinchey
Hoeffel
Holden
Holt
Hooley
Horn
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kingston
Kleczka
Kucinich
Kuykendall
LaFalce
Lantos
Larson
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHugh
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Northup
Nussle
Oberstar
Obey
Olver
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Porter
Price (NC)
Quinn
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rogan
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Sabo
Sanchez
Sanders
Sawyer
Saxton
Schakowsky
Scott
Serrano
Shaw
Shays
Sherman
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Spratt
Stabenow
Stupak
Tancredo
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Watts (OK)
Waxman
Weiner
Weller
Wexler
Weygand
Wilson
Wolf
Woolsey
Wu
Wynn

NAYS—205

Aderholt
Archer
Armey
Baca
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Biggert
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Boswell
Boucher
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cooksey
Costello
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Deal
DeLay
DeMint
Dickey
Doolittle
Dreier
Duncan
Emerson
English
Everett
Ewing
Fletcher
Fossella
Fowler
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson, Sam
Jones (NC)
Kasich
King (NY)
Knollenberg
Kolbe
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Martinez
McCollum
McCrery
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Nethercutt
Ney
Norwood
Ortiz
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Rahall
Regula
Reynolds
Riley
Rogers
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Vitter
Walsh
Wamp
Watkins
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wise
Young (AK)
Young (FL)

NOT VOTING—11

Boyd
Cook
Hinojosa
John
Klink
Mascara
Myrick
Rush
Stark
Tanner
Walden

□ 1600

Mr. COLLINS, Mrs. CUBIN, Mr. COX, and Mrs. CHENOWETH-HAGE changed their vote from "yea" to "nay."

Mr. CAMPBELL changed his vote from "nay" to "yea."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. RES. 396

Mr. DOOLEY of California. Mr. Speaker, I ask unanimous consent to remove my name as cosponsor of H. Res. 396.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from California?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2372, THE PRIVATE PROPERTY RIGHTS IMPLEMENTATION ACT OF 2000

Ms. PRYCE of Ohio, from the Committee on Rules, submitted a privileged report (Rept. No. 106–525) on the resolution (H. Res. 44) providing for consideration of the bill (H.R. 2372) to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the United States Constitution, have been deprived by final actions of Federal agencies, or other government officials or entities acting under color of State law; to prevent Federal courts from abstaining from exercising Federal jurisdiction in actions where no State law claim is alleged; to permit certification of unsettled State law questions that are essential to resolving Federal claims arising under the Constitution; and to clarify when government action is sufficiently final to ripen certain Federal claims arising under the Constitution, which was referred to the House Calendar and ordered to be printed.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SHIMKUS). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE PRESIDENT'S VISIT TO PAKISTAN IS NO ENDORSEMENT OF MILITARY COUP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, as President Clinton prepares for his historic trip to South Asia, I wanted to address some of the key concerns that are sure to arise during his visit to Pakistan. While most of the President's trip will be spent in India, the world's largest democracy, and in Bangladesh, the President will also be traveling at the end of his trip to Pakistan. He will meet with General Musharraf, who seized power from the democratic, civilian government in a military coup last October.

Mr. Speaker, recently, Lally Weymouth of the Washington Post conducted an interview with Pakistan's military dictator, General Musharraf, and in the interview the general made some statements that cannot go unchallenged.

It is apparent from the general's comment that Pakistan is trying to create the appearance that the visit by the President of the United States constitutes an endorsement of the military coup. In particular, Mr. Speaker, General Musharraf stated of the President's decision to go to Pakistan, and I quote, "It is also recognition of the righteousness of our stand in Kashmir."

Now, Mr. Speaker, the White House has tried to make it clear that the trip does not represent an endorsement of the overthrow of Pakistan's civilian, elected government by General Musharraf.

In case there is any doubt, I would like to quote from President Clinton directly. Last Thursday, March 9, President Clinton said of his upcoming visit to Pakistan, and I quote, "I think it would be a mistake not to go, but it would be a grave mistake for people to think that my going represents some sort of endorsement of a nondemocratic process which occurred there."

The President went on to say that his visit is a "recognition that America's interest and values will be advanced if we maintain some contact with the Pakistani government." But he added, "I think that our ability to have a positive influence on the future direction of Pakistan in terms of the restoration of democracy, in terms of the ultimate resolution of issues in the Indian subcontinent and in terms of avoiding further dangerous conflicts, will be greater if we maintain our cooperation."

I want to emphasize that in this statement by the President and in all statements from the White House and the State Department about the President's decision to visit Pakistan, it has been stated and reiterated that the restoration of democracy is a key objective.

In her statement yesterday to the Asian Society, Secretary of State Madeleine Albright said that "The President will make clear our support for an early return to democratic rule as well as our ongoing friendship with the Pakistani people."

Mr. Speaker, what is even harder to take seriously is the General's statement about the righteousness of Pakistan's stand in Kashmir. Pakistan's involvement in Kashmir has consisted of supporting an ongoing terrorist campaign that has cost the lives of thousands of innocent civilians, mostly Hindus, but also many Muslims. Last year Pakistan further escalated tensions in the region by launching an attack against India's side of the line of control in Kashmir in the area of Kargil. This disastrous military campaign was condemned by the United States and other major nations.

It has been widely reported that General Musharraf was the architect of the Kargil attack. In his response to a question on this from the Washington Post the general said, "Whatever happened was the government's decision." That is an interesting admission, given Pakistan's earlier insistence that the hostilities in the Kargil area were the work of indigenous Kashmiri forces. Clearly, the fact that this was a government decision indicates that the Pakistani armed forces were directly involved, and General Musharraf was the army chief of staff at the time.

□ 1615

Mr. Speaker, President Clinton has stated that the U.S. will not mediate the Kashmir dispute between India and Pakistan unless and until both countries agree to U.S. mediation. He clearly is not taking sides on the issue of whether India vs. Pakistan is more righteous with regard to Kashmir.

Mr. Speaker, I hope President Clinton's upcoming meeting with General Musharraf will be an opportunity to demonstrate to General Musharraf that he and the regime that he leads cannot continue with the current policy of suppressing democracy and on provoking a conflict with India over Kashmir.

Mr. Speaker, I know that the gentleman from Washington (Mr. MCDERMOTT) shares many of the same concerns that I have about General Musharraf's recent statements, and on the important issues that the U.S. has to stress in our relationship with Pakistan.

I would also like to associate myself with the remarks that I believe he will be making later this evening.

H.R. 1055 WILL HELP MILITARY PERSONNEL AND THEIR FAMILIES ON FOOD STAMPS

The SPEAKER pro tempore (Mr. SHIMKUS). Under a previous order of the

House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, I want to start my comments by reading from an ABC 20/20 transcript that aired on June 25, 1999. The headlines of the feature were "Front Lines, Food Lines." Highlights of the show: Low-paid military families cannot make ends meet. I am going to read a couple of the statements from the show.

Tom Jarriel, ABC News: "In Kosovo, American troops again face danger from snipers and patrols through villages littered with landmines. It is a familiar example of American military troops deployed for peacekeeping while risking their lives serving on the front lines."

I further quote Tom Jarriel in this script. He says, "On this day, 115 families searching for clothing for their infants and food for their tables. Among them, Corporal Victor Miller and his wife, Deborah."

Corporal Victor Miller said, "We got lucky, we got a 10-pound ham."

Mr. Speaker, we have too many of our men and women in the military that are willing to die for this country on food stamps. It is absolutely unacceptable that this Congress will not do something about it.

Let me further quote Tom Jarriel: "Our men and women in service who carry the flag into battle, standing in line for a hand-out. It's a depressing reality. The reason—many in the military's lower enlisted ranks tell us they can barely support their families on government pay alone."

Mr. Speaker, I introduced several months ago House Resolution 1055. This would help our men and women in the military who are on food stamps with a small, modest $500 tax credit. I believe sincerely that when we have men and women in the military that are willing to die for this country, and they are being deployed as frequently and as often as men and women are being deployed, that we in Congress, both Democrat and Republican, should not allow men and women in uniform to be on food stamps. We have roughly 60 percent of the men and women in the military who are married.

Mr. Speaker, again, I want to say that I think that the Republican and House leadership should come together and pass legislation, whether it be this bill that I have introduced, H.R. 1055, which has 73 Members of the House, both Democrat and Republican, on that bill, but we need to speak during this session of Congress to those men and women in the military who are on food stamps, because I know when I speak to civic clubs in my district, when I speak to church groups in my district and I tell them that men and women in uniform are on food stamps, they cannot believe it. They say that it is deplorable and unacceptable.

Mr. Speaker, this Marine that I have in this photograph before me is getting ready to deploy to Bosnia. The little daughter on his feet, her name is Megan. If you can see, she is looking very intently with a worried look on her face. She is only 3 years old. In his arms he has a 6-month-old baby named Brittany. The little girl, I know she does not know that her father is going to be gone for 6 months to Bosnia, but when I look in her face I am seeing a child that might not ever see that father again.

I say to the Members of Congress today, it is absolutely unacceptable that we have men and women in uniform on food stamps. I hope that Members on both sides of the aisle will talk to their leadership and say, let us look at the possibility of moving H.R. 1055, and if not that, then let us use that as a vehicle to speak to those on food stamps.

Mr. SKELTON. Mr. Speaker, will the gentleman yield?

Mr. JONES of North Carolina. I am delighted to yield to my friend, the gentleman from Missouri (Mr. SKELTON), who is on the Committee on Armed Services.

Mr. SKELTON. To add a little to this, when the gentleman says there are young men and women, those who are married, on food stamps, that is absolutely correct. There was testimony in our Committee on Armed Services the other day wherein the former Secretary of Defense, Bill Perry, who is highly respected, regardless of the political party, testified to us that this year's budget, in addition to the budget recommended by the administration, this year's budget on modernization, which of course includes procurement, research, development, and spare parts, should be $10 to $20 billion in addition to what has been recommended.

There is also a matter of health care, which I know we are all looking at. I testified before the Committee on the Budget the other day suggesting very strongly that there be an additional $10 billion for modernization and $2 billion for health care for military retirees and for the active duty and their families, which of course might very well help in the picture that the gentleman now holds.

This is terribly important that we treat the young men and women fairly. It is a morale problem. We can have the finest barracks in the world, the finest places to work in the world, but if we do not have spare parts to fix the helicopters and trucks, it is a terrible morale problem. I appreciate the gentleman's remarks.

Mr. JONES of North Carolina. I thank the gentleman. I want to say that the gentleman is one of the leaders in this Congress, and I appreciate the support that the gentleman gives our men and women in uniform.

THE PRESIDENT'S UPCOMING VISIT TO PAKISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, I have taken the floor this afternoon to bring attention to the situation in the State of Pakistan. President Clinton has decided to include a stop in Pakistan during his upcoming tour to India and other parts of South Asia.

I do not agree with that decision to go to Pakistan. I do not believe it is right to reward this military government, which forcefully seized power from a democratically-elected government, with such a high level visit.

Pakistan has undergone political upheaval during most of its 52-year history. The military has overthrown the democratically-elected government four times, the latest being in November of last year. General Pervez Musharraf joined a long list of Pakistani generals who have usurped power in the unstable history of Pakistan. But unlike his three predecessors, General Musharraf has not laid out a plan to return to democracy.

He has said he will not allow a democratically-elected government to come to power unless there are major and deep-seated institutional reforms in place. However, he has not acted to institute any of the changes that would help Pakistan's government meet these rather vague requirements. As far as I am aware, he has only instituted minor revenue reforms.

Minor revenue reform is not what Pakistan needs. The Pakistani economy has all but collapsed. The judiciary is operating under loyalty oaths. A small upper class has a stranglehold on land and water, and the military and intelligence services have carte blanche to fly in the face of international law. Pakistan needs major overhauls of its institutions, not minor tax reforms.

Pakistan spends 50 percent of its budget on debt service and 40 percent of its budget on the military. That ratio is stunning. It is particularly alarming when we consider that Pakistan now has nuclear weapons. Economic growth is less than 2 percent, and foreign investment is almost nonexistent.

If the President or the general has not demonstrated his desire to invoke real reforms, it is hard for me to understand why we should go there. If he did, he would tax, for the first time ever, the agricultural sector. This sector contributes 25 percent of the Pakistani GDP, and employs 60 percent of the population, but the general is unwilling to take any steps that would anger the feudal landlords who run Pakistan.

The Constitution and the rule of law have been suspended in Pakistan. The judiciary is in turmoil. Defense attorneys are being gunned down, and judges are being forced to acquiesce to oaths of personal fealty to the strongman general. The total lack of justice as evidenced by the fate of Nawaz Sharif, the man who was elected by the people of Pakistan and overthrown by Musharraf.

In a recent interview by the Washington Post and Newsweek, Musharraf was asked why Sharif was on trial for attempted murder and hijacking, not just corruption. Musharraf answered, "Because he did do that." His guilt was not decided in a court of law, it was an edict from a military leader. Nawaz Sharif will be found guilty and executed in accordance with the general's law.

The degradation of the rule of law in Pakistan defies the sensibilities of the world, and contradicts the definition of a modern Nation State. If Pakistan is to take its rightful place in the community of nations, Pakistan must reestablish the judicial process.

With the rule of law suspended, Pakistan's military and intelligence service, the ISI, has conducted illegal operations that are inciting violence and tension in South Asia. Musharraf said in the interview that he has total control over the intelligence service, and that they are not involved in terrorist activities. This contradicts what is commonly reported in the world media and Musharraf's previous statements about the ISI activities in Kashmir.

I ask Members again, how can Pakistan take its place in the world community if it constantly allows its services to defy international law by conducting military and terrorist activities? That is why I am concerned about the President's visit. Many experts have said that the Pakistani general hopes to use Mr. Clinton's trip to persuade the United States of what Musharraf calls "the righteousness of Pakistan's position on Kashmir."

I call upon President Clinton to refrain from any involvement in the Kashmir dispute until both sides ask for our help. Instead, Mr. Clinton should put aside the gentle language of diplomacy and use this opportunity to demand that Pakistan move without pause towards full and fair elections.

Pakistan is a sick state. Democratic elections will not cure what ails Pakistan. However, the healing process cannot begin without them.

EXCHANGE OF SPECIAL ORDER TIME

Mr. DOGGETT. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from Illinois (Mr. LIPINSKI).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

THE IMPORTANCE OF ADDRESSING THE ISSUE OF H1B VISAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. DOGGETT) is recognized for 5 minutes.

Mr. DOGGETT. Mr. Speaker, I joined a number of colleagues this morning, some of whom will be speaking here this afternoon, about the importance of addressing the issue of H1B visas.

As I visit with local business leaders in central Texas, I know that the number one high technology issue in our community, and I think across this country, is work force development, the fact that we could have and do have already some serious shortages of skilled workers that can slow down the expansion that has fueled our economic growth throughout the country.

From offices regularly assisting our local high-tech companies in securing H1B visas, I also know that this is one of the answers that can assist us in addressing this worker shortage.

One of the reasons that central Texas prospers is that we live the lyrics of a great Lyle Lovett song: Oh, no, you are not from Texas, but Texas wants you anyway. And it is because we have been able to reach out and bring the best and brightest, not only from all over the country but from all over the world, that we have been able to keep our high-tech economy booming.

I support this bipartisan effort to get increases in the number of visas for highly-skilled high-tech workers to address this problem of worker shortage. It is a stopgap measure, however. We are only at March and we are already running out of the H1B visas. We need to solve the problem for our high-tech companies now, but we need to realize that this is not a permanent solution.

That is why this legislation also increases the fees for getting these visas, and then will plow that money back into developing our domestic work force and helping our teachers and our young people pursue careers in technology.

I believe that it is important also that we not only focus on the amount or the number of visas, or the amount of the money that will be charged to get them, but on the entire system that the Immigration Service and the Department of Labor use in addressing this issue.

I find it a system that is so plagued with bureaucracy that it is almost a daily problem for my office in Austin, as well as for the many companies with whom we work. It is time that that bureaucracy move into the electronic age in which our businesses operate at present.

□ 1630

So a principal focus of this bill is to see that the Immigration Service and the Department of Labor recognize that many people search for jobs now over the Internet and recognize those postings to fulfill the statutory requirements, and that we move to a system where one can file for an application on-line, where one can track an application on-line, and we reduce the level of bureaucracy in this entire process.

I am pleased to join in this bipartisan effort. I believe that it will be successful. There is already some legislation moving in the Senate. The White House has recently announced an interest in this topic. With good bipartisan support here, there is no reason that we should not be able to act and fulfill this very definite need in the very near future.

H-1B VISAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Washington. Mr. Speaker, I rise also to talk about the H-1B visa issue. I think it is of critical importance that we expand those visas. But that is only part of the solution to that problem.

The bill we introduced this morning that the gentleman from Texas (Mr. DOGGETT) referenced has a package of ideas that I think will help deal with the larger issue, which is basically filling the high-tech jobs that we have a crushing need for in this country.

If we talk to any tech business, they will tell us their number one biggest concern is finding the people to do the work that they have to be done. We have to understand that the technology sector of our technology is the faster growing sector out there. It is generating jobs and generating a strong economy. If we can find the scientists and the engineers and the biologists to fill these jobs, we could grow our economy even more and secure our economic future. We need the people to fill these jobs.

The H-1B visa bill that we introduced this morning attacks this in two different directions. One, we go out and try to attract the best and the brightest from around the world. That is just common sense. Why would not we want the best, brightest, and most capable minds in the world here in the U.S., growing our economy and generating jobs for us. We need to expand those numbers and bring those folks in.

But we also increase the fee for those H-1B visas and will, therefore, generate $200 million in money to invest in educating our own population to fill those jobs as well. Because this is a long-term problem. Bringing in people from other countries is a short-term solution. We heed to educate our own workforce so that they want to be scientists and engineers and have access to those jobs so they start filling them as well.

This is absolutely critical to the future of our economy. I think we should support this bill in the House and in the Senate and hopefully move forward with our economic situation so that we can fill those jobs that need to be filled.

Mr. Speaker, I yield to the gentleman from California (Mr. DOOLEY).

Mr. DOOLEY of California. Mr. Speaker, I am delighted to be joining the gentleman from Washington (Mr. SMITH) and the gentleman from Virginia (Mr. MORAN), the gentleman from Indiana (Mr. ROEMER), the gentleman from Texas (Mr. DOGGETT), the gentlewoman from California (Ms. ESHOO) and a number of other Members in the new Democrat coalition that are advancing a policy we think is very, very important, to allow the United States to maintain its relative advantage in terms of clearly being the leader in the world in technology.

This is absolutely critical for the United States, because when one looks at that technology sector, it is an area where we have created more jobs, where we have created more wealth, where we are creating more opportunities for our families.

What the H-1B legislation that we are introducing today is, in many ways, is going to ensure that the United States has the top 200,000 draft choices, the top 200,000 draft choices for the brightest, the most intelligent, the most capable engineers throughout the world.

We should feel fortunate as a country that these bright minds are interested in coming and investing their time and energy in creating jobs, in creating opportunities which are so important to the longer term future of this country.

We have also have made the commitment to ensure that we are investing in education and job training programs, which are going to ensure that we are developing the domestic talent that can eventually fill these positions.

We have come forth with a balanced approach, one which will continue to ensure that the United States is providing the leadership in the technology sector and also a commitment to provide up to $200 million, in education for our high school students, for our college students, for our post-college students to ensure that they are going to have the academic skills that are needed to fill the tremendous demand for employees in the technology sector.

EATING DISORDERS AWARENESS, PREVENTION AND EDUCATION ACT OF 2000

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Mrs. BIGGERT) is recognized for 5 minutes.

Mrs. BIGGERT. Mr. Speaker, food is one of life's greatest pleasures. Food is also one of life's greatest necessities. Yet, for many, food is the enemy, and the act of eating is torture.

Today it is estimated that 5 to 10 million Americans suffer from eating related diseases, including anorexia, bulimia, and binge eating disorder. As many as 50,000 of these individuals will die as a direct result of eating-related illnesses. High school girls are the most common victims of these deadly diseases, but a significant number of males also experience eating related problems.

We are all aware of the medical complications that result from anorexia or bulimia: malnutrition, liver damage, gum erosion, and, as I mentioned previously, even death. However, an often-overlooked consequence of eating disorders is the negative impact they have on a child's educational advancement. Due to lapses in concentration, loss of self-esteem, depression, and engaging in self-destructive behaviors, students with eating disorders often see their school performances decline.

Listen to how one young woman in my district described the destruction wreaked on her life by an eating disorder. I quote, "I am a 16-year-old girl with anorexia. Having this disease has been the most horrible experience of my life. It completely takes control of your life. It breaks up your family, friends, and your actual thinking decisions. I have had this disorder for over a year and a half. Over that year and a half, I have slowly been killing myself."

Despite the social and physical devastation these diseases inflict on young people, such as the girl I just mentioned, very few States or school districts have adequate programs or services to help children suffering from weight-related disorders.

It is for this reason that I rise today to introduce the Eating Disorders Awareness· Prevention and Education Act of 2000. This legislation is made up of three separate but interrelated sections. Together these provisions are designed to raise national awareness of the problems caused by eating disorders and to expand opportunities for parents and educators to address them at the school level.

This last goal is particularly crucial, as 86 percent of all eating disorder problems start by the age of 20. It is even more important when one considers that 10 percent of all victims report the onset of their illness by the age of 10.

Here is a quick summary of what the Eating Disorders Awareness Prevention and Education Act will do to combat this growing problem. First, the legislation provides States and local school districts with the option of using title VI funds, also known as the Innovative Strategies State Grant Program, to set up eating disorder prevention, awareness, and education programs.

This provision is consistent with congressional efforts over the past decade to raise educational achievement and increase student performance across the board.

Let us face it, a student suffering from an eating disorder is not going to perform at the highest achievement levels. This was confirmed during conversations with educators in my home State of Illinois. Over and over again, they told me about students whose grades dropped substantially or in some cases had to withdraw from school because of an eating disorder.

The second major provision of this bill is to conduct a joint study by the Department of Education and the National Center for Health to report to Congress on the impact eating disorders have on educational advancement and achievement.

The study will evaluate the extent to which students with eating disorders are more likely to miss school, have delayed rates of development or reduced cognitive skills. The study will also inventory the best practices of current State and local programs to educate youth about the dangers of eating disorders as well as assess the values of such programs.

The third and final section of this legislation calls for the Department of Education and Health and Human Services to carry out a national eating disorder public awareness campaign. This campaign will be similar to the anti-drug campaign now run by the Office of National Drug Control Policy.

Mr. Speaker, eating disorders present a serious threat to health and educational advancement of our Nation's children. They must be addressed.

The Eating Disorders Awareness Prevention and Education Act gives States, local school districts, and parents the tools to address this problem at its root, in schools and classrooms across the Nation.

Mr. Speaker, I thank those of my colleagues who have joined me in introducing this bipartisan legislation.

COLOMBIA IS NOT VIETNAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. SOUDER) is recognized for 5 minutes.

Mr. SOUDER. Mr. Speaker, we are about to consider a supplemental appropriations bill here in Congress. One of the things I keep hearing is, is the antinarcotics effort in Colombia going to lead us into another Vietnam. The ridiculous thing is that it shows what happens when we have a President without a clear foreign policy and no clear definition of compelling national interests.

We are certainly embroiled in another potential Vietnam. It is Kosovo. If one looks at the front page of the Washington Post today, it says "Kosovo Attacks Stir U.S. Concern. Official Says NATO May Have to Fight Ethnic Albanians."

When we were on the ground just before we voted the funds here in the House and Senate to support this effort, visited the camps of the Kosovars in Macedonia and other places, they said, no, we are not going to go back under the Serbs. Of course we are going to fight to take over this. We are going to be independent. There was not a single person who did not believe that they were going to continue their internal civil war.

What defines a clear compelling national interest is how it relates to the United States. In this bill, we are putting money back into the military that the President stripped out for Kosovo, but I do not hear complaints about that.

But in Colombia, we do have a clear compelling national interest, and it is most certainly not like Vietnam. In Vietnam, we were across the other side of the continent. Here, Colombia is a 2-hour flight from Miami, Florida, and produces 80 percent of the cocaine that comes into the United States, the drugs that are on the streets of Fort Wayne of northeast Indiana and all over this country.

Colombia has 40 million people. It is the second largest country in our hemisphere known historically as the area of the Monroe Doctrine, the fifth largest economy, and the oldest democracy in Latin America. This is not a propped up government like we were dealing with at multiple times in Vietnam. This is a democratically-elected government. In fact, the narco-guerillas do not have any popular support unlike the Viet Cong, which we could argue about how much they had.

But here is the latest approval ratings in Colombian polls: 73 percent for the Catholic Church, 71 percent for the Colombian National Police, 69 percent for the Colombian military, 9 percent for the terrorist paramilitary, and only 4 percent for the FARC and ELN. They know they do not even have the popular will in any village in their country. They control rural areas by force, but they do not control the major metro areas. The only way they can control the rural areas is by force.

Furthermore, in addition to the narcotics that are coming into this country being a compelling national interest. Obviously, Panama used to be part of Colombia. Panama is now vulnerable. It is right up against the areas, and the narco-terrorists have moved into that, threatening trade routes.

It is our eighth largest producer of oil in the United States. The government oil pipeline there has been attacked 700 times in the last number of years. They are predicting that they are going to be a net importer in 3 years if we can control the narco-terrorism.

Basically, they would not have this drug problem if we and Europe were not consuming the cocaine. This is not a domestic Colombian problem, this is a domestic Colombian democracy problem caused by our consumption and consumption in Europe.

They have a national police that is willing to fight. They have a military that is willing to fight. We are not proposing to put American armies on the ground like we have in Kosovo.

How in the world can this be compared to Vietnam? Vietnam is over in Europe. But we do not hear people yelling about that.

This is a clear compelling national interest on energy prices, on narcotrafficking going into this country, and our kids and families on the streets who are being destroyed by this, and because of trade related to Panama, and because it is the second oldest democracy in South America fighting for its life because of our problems here. We have the obligation to at least assist them with some additional fire power with which to fight the druggies who have been using our dollars to buy weapons to fight the people there who are trying to preserve their democracy.

Mr. Speaker, I include the following fact sheet for the RECORD, as follows:

FACT SHEET: THE GROWING EMERGENCY IN COLOMBIA

The Crisis: Narco-guerillas, funded by the illicit drug trade, now threaten the oldest democracy in Latin America. The Colombian government has the political will, but not the resources to combat this threat. Failing to provide U.S. "Supplemental" aid now will further weaken Colombia's democratic institutions, jeopardize its fragile economy and undermine its ability to negotiate a peace.

THE WORLD'S DRUG SUPPLY LINE

Colombian cocaine production has skyrocketed from 230 metric tons in 1995 to 520 metric tons in 1999 and now accounts for 80% of the world's cocaine supply and 90% of the U.S. cocaine supply.

Colombia has replaced Southeast Asia as the number one supplier of U.S. heroin (producing approximately 70% of the heroin seized in the U.S.).

Colombian narco-guerillas earn an estimated $600 million from the illegal drug trade each year. The 17,000 member FARC and 6,000 member ELN insurgency groups were declared terrorist organizations by the U.S. State Department in 1997 and now control 40% of the Colombian countryside.

INCREASED HUMAN SUFFERING

Since 1990, 35,000 Colombians have been killed by the guerilla insurgency including a presidential candidate, Supreme Court justices and 5,000 police.

At 27,000 homicides per year, Colombia's murder rate is the world's highest (10 times that of the U.S.). Fifteen American citizens are known to have died in Colombia as a result of the drug war and the internal conflict.

35% of all terrorist acts in the world are committed in Colombia (2,663 kidnappings last year alone). In fact, the longest held U.S. hostages are three missionaries from Florida, held by the FARC in Colombia since 1993.

Since 1990, the violence from the insurgency has displaced 1.7 million Colombians from their homes (more than in Bosnia, Kosovo or East Timor).

ECONOMIC CRISIS

Colombia is facing its worst economic recession in 70 years with 21% unemployment, a black market economy that undermines its tax base, and a lack of consumer and investor confidence.

Oil companies in Colombia are facing overwhelming security threats. One government-owned oil pipeline has been attacked 700 times by narco-guerillas (79 times in 1999 alone). These attacks have caused $100 millions in economic losses, and more than 1.7 million gallons of oil have been spilled.

FACT SHEET: WHY COLOMBIA MATTERS TO THE U.S.

DRUGS ARE KILLING AMERICAN KIDS

The U.S. Drug Czar says that illegal drugs account for 52,000 American deaths every year (compared to 58,000 during the entire Vietnam War).

One in every two American school kids will try illegal drugs before they graduate from the 12th grade.

The cost of illegal drugs to U.S. society is a staggering $110 billion a year.

U.S. prison population for drug-related crimes is approaching 2 million and 80% of all U.S. inmates are drug abusers.

A SIGNIFICANT TRADING PARTNER

Colombia is the 5th largest economy in Latin America and the 5th largest U.S. trading partner in the region.

Two-way trade with Colombia totals nearly $11 billion per year and accounts for 80% of the cut flowers and 21% of all coffee imports to the U.S.

20% of daily U.S. oil imports come from Colombia, Ecuador, and Venezuela (which has surpassed Saudi Arabia as the #1 supplier of crude oil to the U.S.). Colombia produces 820,000 barrels of oil daily and provides 330,000 barrels of crude oil per day to U.S. refineries in Texas and Louisiana.

Colombia is the 8th largest supplier of foreign crude oil to the U.S. reducing the U.S. dependence on oil from the OPEC nations of the Middle East.

REGIONAL STABILITY

Narco-guerilla incursions into neighboring countries (e.g., Venezuela, Ecuador, Panama and Peru) now threaten the stability of the entire region.

The strategically important Panama Canal is only 150 miles north of the Colombian border and is vulnerable to guerilla attacks since the pull-out of all U.S. military troops in accordance with the 1977 U.S./Panama Canal Treaty.

800,000 Colombians have fled their country in the last 4 years—seeking entry into the U.S. at an alarming rate (366,423 visa requests last year compared with only 150,514 in 1997).

Colombian political asylum requests have more than quadrupled (396 requests in the last quarter of 1999 compared with 334 in the previous 12 months).

FACT SHEET: THE ADMINISTRATION'S COLOMBIA AID PROPOSAL

$954 million in FY–00 . . . The "Supplemental" Request.

$150 million already passed in FY–00 Appropriations last fall.

$150 million in regular FY–01 budget submission.

$318 million "plus-up" to FY–01 budget request ($1.6 billion total over two years).

[In millions of dollars]

Additional Aid Request in six categories	*FY-00 Supplemental/ FY-01 "Plus-Up"*
1. Push into Southern Colombia	$512/$88

Additional Aid Request in six categories	*FY-00 Supplemental/ FY-01 "Plus-Up"*
2. Interdiction (Air, Water, Ground)	238/102
3. Colombian National Police Support	68/28
4. Alternative Economic Development	92/53
5. Boost Governing Capability	42/46
6. Economic (& Peace Process) Assistance	3/2
Total(s)	954/318

The proposal includes 85% for Colombia, 6% for other countries and 9% for U.S. agencies.

HIGHLIGHTS

30 new Blackhawks and 15 (State Dept) UN-1N Huey helicopters (in addition to 18 now in country) for Colombian troop air transport ($439M in FY-00/$13M in FY-01).

Two more Colombian counterdrug battalions ($30M in FY-00/$12M in FY-01).

Enhanced Colombian Army bases and air facilities ($18M in FY-00/$23M in FY-01).

Upgrade OV-10 interceptors, FLIR for AC-47 aircraft ($16M in FY-00/$5M in FY-01).

Relocate Ground Based Radars/build command center ($25M in FY-00/$12M in FY-01).

Upgrade airplanes, helos & bases for CNP eradication ($68M in FY-00/$28M in FY-01).

PROPOSED REGIONAL FUNDING

Peru Interdiction ($10M in FY-00/$12M in FY-01) eco. development, ($15M in FY-00).

Bolivia Interdiction ($2M in FY-00/$4M in FY-01) eco. development, ($12M in FY-00).

Ecuador Interdiction ($2M in FY-00/$4M in FY-01) eco. development, ($3M in FY-00) in addition, Manta FOL ($38.2M in FY-01) included under DOD funding.

PROPOSED FUNDING FOR U.S. AGENCIES

State Department ($61M in FY-00/$61M in FY-01) for support of Colombian military air mobility and police eradication operations.

Defense Department ($106M in FY-00/$41M in FY-01) for Manta FOL and training of Colombian counterdrug battalions.

Treasury Department ($2M in FY-00/$2M in FY-01) for "Kingpin Act" (Foreign Assistance Control).

US Customs ($68M in FY-00) for upgrade of four P-3 AEW aircraft.

DEA ($7M in FY-00/$3M in FY-01) for support of in country operations.

21% for Human Rights/Rule of Law/Economic Development and 79% for Interdiction & Eradication.

FACT SHEET: WHAT ABOUT HUMAN RIGHTS ABUSES IN COLOMBIA?

MORE AID FOR HUMAN RIGHTS RULE OF LAW, ECONOMIC DEVELOPMENT

The Administration's proposal has allotted 21% for combined Human Rights training and monitoring, the Rule of law including judicial reform, and Economic Development—(compared to only 10% last year).

Plan Colombia addresses systemic changes to get the cause of many human rights violations, including: the illicit drug trade, the peace process, the lack of government institutions in rural Colombia and a weak judicial system.

THE LEAHY LAW (VETTED UNITS)

The Leahy Amendment requires that all foreign units receiving U.S. economic assistance must be "vetted" for past or current human rights violations.

Leahy still applies—no U.S. aid will be provided to any Colombian military unit where there is "credible evidence" of serious human rights violations.

Supplemental funding supports Colombian military human rights training and ombudsmen, as well as security protection for human rights monitors. Personnel vetting includes the use of lie detector tests and NGO monitoring.

COMMITMENT AND IMPROVEMENTS BY THE COLOMBIAN GOVERNMENT

President Pastrana and his government are committed to reducing human rights violations whether conducted by the paramilitaries, narco-guerillas, or Colombia security forces. He fired four military generals with ties to the paramilitaries and involvement in human rights violations.

Defense Minister Tapias has taken dramatic steps to deal with the human rights allegations. The Colombian military is undergoing a transformation into a more professional organization. The annual human rights report has documented a steady decline in human rights violations by the Colombian military.

President Pastrana has publicly acknowledged the importance of deploying properly vetted units as a condition of U.S. aid.

BALANCED AID TO THE MILITARY AND THE COLOMBIAN NATIONAL POLICE

The current Administration's proposal is heavily weighed toward assistance to the Colombian military. However, it does include $96 million for the CNP (the 1999 drug supplemental was heavily weighted toward the CNP).

H-1B VISAS A RENEGING ON THE PROMISE TO AMERICAN WORKERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. ROHRABACHER) is recognized for 5 minutes.

Mr. ROHRABACHER. Mr. Speaker, just a few comments on some of the things that we have heard over these last few 5-minute Special Orders. I hope the American people who were listening understand what H-1B Visas are all about. We had several Members come down to the well and talk in glorious terms how important H-1B Visas are and about how we are going to give jobs, 200,000 jobs, to people who are the first string picks from overseas.

No, I am sorry, I would like to have 200,000 Americans have those jobs. H-1B Visas is nothing more than a reneging on the promise to the American worker that, when supply and demand means that their wages will go up, that we will, instead, import people from overseas to keep their wages down.

□ 1645

We do not need to import people into this country for high-tech jobs. We need to make sure our high-tech industries, which are making a whopping profit right now, spend that profit in training Americans for those jobs rather than giving them to 200,000 Pakistanis or Indians or others who will work for $25,000 a year and taking those jobs away from Americans who would be earning $75,000 a year. So H-1B visas are no gift to the American people.

I hope those people listening to the arguments that were just presented understand who is getting ripped off and who is being attacked here and who is being rewarded. Big business is being rewarded so they can keep their wages low, and the American worker is getting shafted with these H-1B visas.

Now, as far as human rights, which is something that we heard about today, and the President's visit to the subcontinent, let me just say that this administration has the worst human rights record of any administration in the history of this country. And it will be underscored again when the President visits the subcontinent and also underscored, of course, by the President's ongoing policy towards China.

First, let us look at China. The President is now lobbying this body to provide China with permanent WTO status, meaning a membership in the WTO and giving it permanent normal trade relations with the United States of America. Again, a shafting of the American working people in order to grovel before a dictatorship that uses slave labor overseas.

Yet Beijing, while the President is lobbying us, saying, oh, this will make the Chinese better and a nicer regime, more hospitable to human rights and democracy, they are in the midst of a campaign designed to eradicate a small religious sect based on yoga and meditation, the Falun Gong sect. They are also in the midst of threats and bluster and arming themselves to the teeth in order to commit forceful action against the little democracy on Taiwan. This, the world's worst human rights abuser and belligerent country is now, what, the country that this President wants us to give permanent normal trade relations to, to make them part of the WTO. Again, an undermining of democracy.

When the President goes to the subcontinent, yes, there are a lot of issues to be had. It was a wrong decision on the President's part to visit Pakistan when we had just had a military clique overthrowing a democratic government in Pakistan. That in itself is a horrible message around the world to democracies that are struggling and in societies where the military might be inclined to take over that government. So at least the President should skip Pakistan until they have made a commitment to return to democratic government. Yet that will not happen.

And when he goes to India, the President will not, I am sure, mention the problem in Kashmir. Because although my colleagues in the well a few minutes ago ignored that issue, the Indian government is involved with massive human rights abuses in Kashmir. The problem is not terrorism in Kashmir; the problem is the fact that India will not permit the people of Kashmir to have a plebiscite, which was mandated by the United Nations 40 years ago, and give them an alternative to solve their problem through the ballot box as to what country they would like to be part of. Instead, India controls Kashmir with an iron fist.

So we have a President ignoring human rights and democracy, visiting Southeast Asia, undermining the very fundamentals that will make this world a better place. It will not be a better place by ignoring Communist Chinese violations of human rights and democracy. It will not be a better place if the President goes to South Asia and ignores the military takeover of a democratic government in Pakistan. And it will not be a better place when the President goes to India and ignores the human rights violations in Kashmir.

THE 2000 CENSUS

The SPEAKER pro tempore (Mr. SHIMKUS). Under the Speaker's announced policy of January 6, 1999, the gentlewoman from New York (Mrs. MALONEY) is recognized for 60 minutes as the designee of the minority leader.

Mrs. MALONEY of New York. Mr. Speaker, census day, April 1, may be 17 days away, but the census has begun. Almost 100 million questionnaires have been delivered by the postal service this week, and 22 million more are being delivered by the Census Bureau in rural areas. I received mine the other day, and I urge all Americans to fill out their questionnaires and mail them back. It is the civic responsibility of every American to participate in the census.

The news on preparations for the census is good. Things are going well. So far, over 2.4 million people have returned their forms to the Census Bureau, and they have actually processed over 1.5 million forms already. On Monday alone the census questionnaire assistance phone handled 636,000 calls, 636,000 calls in 1 day; and they handled 434,000 yesterday. That is over a million calls in 2 days.

All 520 local census offices are up and open, computers and phones are operating, and the major data capture centers are tested and are already working. Though there are localized problems, recruiting is already ahead of schedule nationwide, at about 80 percent of the total needed. Given the prosperity of our Nation, it is very impressive, with this historically low unemployment, that the recruitment is going so well.

Mr. Speaker, for the benefit of my colleagues here, the number that Members can give to their constituents who are interested in working for the Census Bureau is 1-888-325-7733. I urge all of my colleagues to share this number with any constituent who may want full- or part-time work helping to obtain an accurate count.

While the most labor-intensive phases of the census are yet to come, it is important as well to take note of the successful operational elements of the 2000 census which have already been completed.

The paid advertising campaign is in its most active phase; and I, for one, feel that the quality of that effort has been tremendously effective. Other promotional activities include the census road tour vehicles. There are 12 of them moving through our Nation's cities and neighborhoods. The master address file of 120 million addresses may be the most complete ever, due to some improved processes, including the LUCA, Local Update of Census Addresses, today and new construction programs.

One of my favorite initiatives, the census in the schools program, has exceeded its original goals and sent over 1.5 million teaching kits to schools around the Nation. Particularly noteworthy is a new USA Today-CNN Gallop poll, one just the other day which came out and said that 96 percent of the respondents say they will mail back their questionnaires. I doubt that it will be that high, but it is certainly an important indicator of the all-important mail response rate and Americans' willingness to participate in the census. And all of this is very good news.

As the GAO indicated in a hearing before the Subcommittee on Census yesterday, in the final analysis it is the American people who will determine whether we have a successful census or not. It all comes down to filling out and mailing back the form. A year ago, many prophets of doom questioned the likely success of the 2000 census. While we are far from done, I think we can all take pride in the excellent work of the career professionals at the Census Bureau in successfully meeting the milestones to date.

As Census Director Ken Prewitt has emphasized, unexpected problems could develop tomorrow. In any massive operation there will be problems. But as of today, the census, as a whole, is running well and it is on track.

Mr. Speaker, I would like to yield to my colleague, the gentleman from Ohio (Mr. SAWYER), who is the former chair of the Subcommittee on Census.

Mr. SAWYER. Mr. Speaker, I thank the gentlewoman for the opportunity to speak today, and I thank her for her leadership in bringing this issue repeatedly to the floor during the time of her oversight responsibilities in preparation for this largest peace-time undertaking of the American government. But most of all, I thank her for the work that is going to lie ahead in the course of the summer.

The truth of the matter is that the conduct of the census is probably the closest thing to war in terms of undertaking a huge initiative with all kinds of planning ahead of time, but with the recognition that what is being done is being done in real-time. It is enormous. There will be slippage. It will be imperfect. And we need to understand that the work that we are doing will proceed and that the goal is indisputable: as complete and accurate a count as possible.

That really brings us to the $64,000 question. Can we conduct, in 2000, the census using the same design that we did in 1990 or 1980 or even 1970 and still expect to produce a useful and better outcome? The answer, quite clearly and quite simply, is no. That is the reason that census design over the decades, over the centuries, has changed as this Nation has changed.

The truth is there are no traditional methods in our history of census taking. There never has been a pure head count of the population. And reliability, sometimes called into question, is not a matter of opinion but is a mathematically measurable standard, not a political judgment.

The first census in 1790 took place on horseback. It took 9½ months to finish and visit a half million households and another year to compile the results. As the country grew, the methods changed. In the 1800s, people essentially would enumerate themselves by filling in schedules posted in town squares. And the country grew so fast after the Civil War, about a quarter per decade, 24 percent, that by 1880 census workers could not keep pace with the amount of information collected. It took 7 years to tabulate the results of that census. And that is why in the next decade, a young census employee, a graduate student from Columbia University, Herman Hollerith, developed the punch card system of tabulating data. It was that system that went on to lead to his founding of IBM.

The truth is that those kinds of changes have taken place in this century as well. In the 1920s and 1930s, W. Edwards Demming pioneered his now world-famous methods of statistical quality control at the Census Bureau. These same census methods will see wide application this year, after 7 decades of limited, growing, and now proven application.

The problem is that by 1990, the last census, the alarming drop in civic engagement that has plagued the electoral process also affected the census. Instead of the 78 percent return rate that we saw initially, or the 75 percent that took place in 1980, it fell to 65 percent of households nationwide. But even more tellingly, it fell to between 30 and 40 percent in the hardest-to-count neighborhoods. Not only had the holes in the census grown, the holes became larger than the fabric itself.

Costs skyrocketed in the 1990 census, not as a product of any failure of execution but a failure of design; and it earned the unenviable distinction of being the first census that was less accurate than its predecessor. That is why in the course of this decade so much effort has been made to combine the direct counting methods of the past with long proven scientific sampling techniques. Both techniques will be used in this decade. And it is important for us to understand that the result of that will be our ability to measure and control the quality of the count in ways that will help guide and inform policy for the next decade.

There is a lot that can go wrong in the course of a census. My colleagues heard the gentlewoman from New York (Mrs. MALONEY) talk about some of the things that are going right. Those are important measures of success. But the kinds of things that happen in any large undertaking are going to happen this year. We are going to have some household somewhere that gets a dozen or a score or maybe 100 forms, and it is not a sign of a failure of the census. We are going to have some enumerator who falls asleep on somebody's front porch, and it is not a sign of a failure in the census.

□ 1700

We are going to have a whole city block who never got their forms and had to be remailed. And it is not a sign of failure. It is the kind of thing that happens in large and complex undertakings. The kind of things that we need to watch throughout this year are the kind of things that the gentlewoman from New York (Mrs. MALONEY) is looking at through the oversight process in a responsible way, staying out of the way of excuses but understanding what is going on, watching the mail return rates.

Those will be a critical measure of the kinds of adjustments that need to be made in the course of the conduct of the census. The length of time consumed in responding to nonresponsive households and to follow up to make sure that they are counted. The longer the length of time that that takes, the more the quality of data deteriorates.

Finally, and perhaps the most important, the personnel retention and turnover rates that are a critical part of this huge human enterprise.

I join my colleague from New York (Mrs. MALONEY) in thanking the career professionals at the Census Bureau and Ken Pruitt and his leadership team for the work that they have done. I wish them the very best in the conduct of this enormously important national undertaking, and I thank all in this Congress who have been actively involved in our local communities to make sure that everyone has the opportunity to be counted. Because every one of us needs to count.

I thank my colleague for this opportunity to join with her today.

Mrs. MALONEY of New York. Mr. Speaker, reclaiming my time, I thank my colleague for his consistent outstanding work and commitment to getting an accurate count.

Our goal in this body has been to get the most accurate census possible, conduct it using the most up-to-date methods as recommended by the National Academy of Sciences and the vast majority of the professional scientific community.

It is very important that we get an accurate count because the census has a real impact on the lives of real people. Information gathered in the census is used by States and local governments to plan schools and highways by the Federal Government, to distribute funds for health care and other programs, and by businesses in deciding where to build new stores and factories and provide new services.

We are pleased to have the gentleman from Patterson, New Jersey (Mr. PASCRELL) with us, a former mayor, and he has firsthand knowledge of conducting a census which was conducted during the time that he was mayor. I thank him for joining us today, and I yield to him.

Mr. PASCRELL. Mr. Speaker, I am alarmed to hear that the Republican candidate for President is opposed to use the sampling methodologies for the 2000 Census. That methodology has been certified by the National Academy of Sciences, which is the body which determines scientific methodology with regards to medicine, the environment, biology, etcetera.

I am alarmed because these studies that I have just defined have shown that this is the only true way to obtain an effective count of our population. There is no such thing as a perfect count regardless of which methodology we use. But certainly the least perfect, the one which brings us further away from the number, is to believe that we can count noses by counting noses. It just does not work that way.

In particular, members of the population that have been historically undercounted are ethnic minorities and immigrants where there is a tremendous mobility in domicile from month to month, from year to year.

That decision by the Republican candidate for President casts serious doubt on the claim that he wants to reach out to the minority communities of America.

The beauty of the census is that it has no barriers due to education, background, citizenship, income, or heritage. It is, in fact, one of the most democratic events we undertake in our Nation.

There is no anecdotal data reflecting any breach of confidentiality in the history of the United States census. I think that is quite a record. We would only hope that other agencies in Government had that record. We have debated it on this floor.

Unfortunately, entire communities are not counted each decennial due to inherent flaws in the process of traditional head counts. Sampling is the way to correct this. I know from experience how important sampling is.

In 1995, the Census Bureau spent $3.3 million to test the use of statistical methods in making the census more accurate. My hometown, a town where I was the mayor, Patterson, New Jersey, was one of these cities; and the results are staggering. Through this technique, we found that the 1990 Census had missed 8,000 people in one city alone in only one part of that city. Imagine what that means for other towns, large and small, across this greatest of all nations.

As a result of that undercount, that county within which Patterson sits lost over $60 million in those 9 years. Since much of Federal funding is distributed by many items, yes, but one of those items being population, that is an amazing number. It is almost $10,000 per uncounted person, this phantom population.

An independent study by PriceWaterhouseCoopers estimates that in the 2000 Census, the one in which we just sent out the forms, the questionnaires, one in every six gets the long form, the rest of us get the short form, in that census undergoing right now in New Jersey, we will be undercounted in New Jersey by 72,000 people. That should be unacceptable to all of us regardless of which side of the aisle we sit on. If it happens, this undercount would result in tremendous underfunding of Federal dollars.

To disenfranchise millions of Americans, disproportionately minorities, children and the poor, and prevent them from getting their fair share of resources for priorities like schools, hospitals and roads, that is not compassionate. That is not conservative. Indeed, it is not fair.

So what we are asking for is there has been a hiatus since the Supreme Court decision and we will, now that the questionnaires will be returned and the enumerators are being sent out, that we not get back into the partisan battles of 1998 and 1999, that we work together to make sure that sampling becomes a major part without defying the Supreme Court position.

Mr. Speaker, this is a critical issue for America. The Constitution mandates a count. The Constitution does not mandate how that count will take place. Hopefully, we will not have the undercount that we have had since 1960 and 1970 and 1980 and 1990. This, hopefully, will be a different census.

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman from New Jersey for his comments. I agree completely that the census is about people, it is not about politics, it is about getting the most accurate count possible. Because the census is so important, we must do everything we can to ensure that everyone is included in the count.

We know that previous censuses overlooked millions of Americans, especially children and minorities. That is not fair, it is not accurate, and it is not acceptable. We are determined to do better.

One of the programs that the Census Bureau has initiated is one called Partnerships With Community Groups and the formation of Complete Count Committees that work in the neighborhoods to help work with the Census Bureau to make people aware of the census, encourage them to fill out their forms, and to improve the counting of all Americans.

Our next speaker, the gentleman from Maryland (Mr. CUMMINGS), is the chair of the Baltimore City Complete Count Committee. He is also one of the most active members on the Committee on Government Reform and Oversight on which the Census Subcommittee resides. I thank him for his work on the subcommittee and for taking a leadership role in his community, and I thank him for being here tonight.

Mr. CUMMINGS. Mr. Speaker, I thank the gentlewoman from New York (Mrs. MALONEY) on behalf of the Congress and all the people of this great United States of America for all of her hard work. And she has worked hard. She has been working on this issue for a long time and we thank her. Because a lot of the things that were talked about a little bit earlier, the program that she just talked about and others, are because she was in there and she was fighting and she continues to fight. And we thank her, we really do, all of us.

I also want to take a moment to thank Ken Pruitt. He visited my district about 2 weeks ago and met with some young children at one of our elementary schools encouraging them to go home and remind their parents to make sure that they filled out the form and sent it off into the mail and make sure that it got back. And that shows how sensitive the Census Bureau is that he would come and spend an hour and a half with elementary schoolchildren and sending them as messengers back to their homes to make sure that these forms were properly filled out and returned.

But, Mr. Speaker, I take the time tonight because I believe that all Americans regardless of race, ethnicity and socio-economic status deserve livable communities. All must share equitably in this great American dream.

In Baltimore, people work hard. They do not ask for a lot, but they deserve to have communities that are safe and healthy, communities where children can obtain quality educations. Creating livable communities for our Nation's residents greatly depends upon a complete and accurate census count.

I recently learned that Governor Bush has sided with the Republican majority in Congress that has objected to the use of modern scientific methods to provide accurate census data. As a candidate for the presidency of these diverse United States of America, his opposition to using modern scientific methods casts very serious doubts on his efforts to reach out to minority communities.

It is so unfortunate, but not surprising, that the compassionate conservatism does not include the community I represent. Use of modern scientific methods ensure that those communities traditionally missed will be counted.

In 1990, approximately 23,000 citizens, let me repeat that, 23,000 citizens, in Baltimore City were missed. The City lost as much as $650 million in critical Federal grants and loans. However, an accurate count is not just about the money, it is also about quality of life.

Census information impacts programs like Childcare and Development Block Grant, a program that enables low-income families to obtain child care while they are at work or obtaining a job or obtaining job training or going to school.

The Labor Department uses census estimates in support of the Workforce Investment Act to prepare young people and adults facing serious impediments to employment by providing jobs and skilled training.

The Department of Education uses census data to identify school districts and allocate funds under title I program, helping to provide extra help in basic education to students most in need, particularly communities and schools with high concentrations of children in low-income families.

□ 1715

The Treasury Department uses census data for the Community Reinvestment Act to help determine whether financial institutions are meeting the credit needs of minorities and low- and moderate-income areas.

As the honorary chair of Baltimore City's Complete Count Committee, my focus has been on the most difficult groups to enumerate; and the gentleman from Baltimore, Maryland (Mr. CARDIN), has joined me in those efforts.

We have worked hard to make sure that we reached the African American male population between 18 and 30 years old, children under 5 years old, undocumented residents, Hispanics, and native Americans. Using Governor Bush's method, even our best efforts will not ensure that these groups are counted. A complete and accurate Census 2000 will ensure that education, accessible health care, child care, access to jobs, and the protection of civil rights are the foundation of livable communities. Our citizens deserve no less.

I thank the gentlewoman from New York (Mrs. MALONEY) for yielding.

Mrs. MALONEY of New York. Mr. Speaker, I would like to really elaborate on a tremendous threat to an accurate count which has been brought up by some of my colleagues. At a press conference from Oakland on March 5, 2000, Governor George W. Bush finally revealed what we, many of us, suspected all along.

He has no intention of helping minorities, children and even the people of Texas by supporting the use of modern statistical methods for the census.

Let me read directly from the transcript. A reporter asked Governor Bush, and I quote, "Governor, you mentioned the similarities between California and Texas. One of the issues in the minority community in California is regarding the census and an undercount that they experienced 10 years ago and can expect to experience again. What is your position on the idea of using sampling methods which would count minority communities more fully? Your party is against it," end quote.

Governor Bush responded, and I quote, "Yeah, so am I. I think we need to count, an actual count. I think we need to spend the money, make the effort and work hard to get an actual count," end quote.

That was a very telling exchange. Governor Bush is willing to put his party's position ahead of what is right for the American people. Governor Bush sided with those in Congress who believe their partisan political power is best served by pretending that minority voters do not exist.

Why is this important to the presidential race if the census is now, if the census is this year? Let me say why. Under the plan that the professionals at the Census Bureau have devised, the more accurate data will correct the historical undercount of minorities. This will not be available until the beginning of the term of the next President.

The next President, if he should choose, could try to stop the numbers from being released to the States. This is exactly what President Bush did 10 years ago. That is why his statement from last week cast serious doubt on Governor Bush's claim that he wants to reach out to minority communities. The Bush census plan would effectively disenfranchise millions of Americans, disproportionately minorities, children, and the poor, and prevent them from getting their fair share of resources for priorities in their neighbors like schools, hospitals, and roads.

That is not compassionate. That is not conservative. That is not fair.

This decision puts Governor Bush at odds with the entire scientific community; from the National Academy of Sciences and the American Statistical Association to current Census Bureau professionals and even Dr. Barbara Bryant, former President Bush Census Bureau director.

All of these individuals and organizations agree that millions of Americans, disproportionately minorities, children and the poor, will again be missed if corrected numbers are not released. That is why a fair and accurate census is a priority for the civil rights community and groups like the Children's Defense Fund. Many civil rights communities have called getting the use of modern scientific methods to correct for the undercount the most important civil rights issue of the decade.

The governor's remarks remind me of something former Speaker Gingrich said in his book, Lessons Learned the Hard Way. Speaker Gingrich wrote about the error he made in holding the 1997 flood bill hostage in his effort to stop modern scientific methods. In explaining his actions, he said he stopped the flood bill because preventing a fair and accurate census was an issue, and I quote, "of great importance to our party," end quote.

Still it seems that Governor Bush did not always share the party's view on the census. Like our former speaker, who used to support modern statistical methods, the Texas Office of State Federal Relations under Governor Bush's leadership used to be in agreement with the scientific community on this issue. I quote from the 1997 Texas State Federal Relations Office priorities, and I quote,

> All sides in the census debate concede that traditional methods of calculation which seek to identify and count each individual resident will never provide a full and accurate portrait of the U.S. population. At issue is how to correct that so that everyone can acknowledge it is an undercount and specifically an undercount of certain populations, most often urban minorities. This issue is important to Texas, because many Federal funding distributions are made according to census results. Most Texans do not realize that well over one-third of the State budget is derived from Federal sources, and all of these Federal sources are tied to census numbers. Consequently, the accuracy of the census is vitally important to the State, and even members of his own State.

end quote.

This is a tremendously important issue. There was a report that was issued earlier last week by PriceWaterhouseCoopers and it was based on the impact of an accurate census data across the Nation; but on my city it stated that New York City stands to lose approximately $2.3 billion during the next decade if the Census Bureau is blocked from releasing the most accurate population data; $2.3 billion over 10 years. That is a lot of teachers; that is a lot of police officers, roads, bridges. It is important that we get an accurate count. It means a great deal to the people of America.

I have with me the next speaker, the gentleman from California (Mr. BACA). He is a first-term Congressman, a former Senator and he has direct knowledge of the problem of the undercount in his State.

Mr. BACA. Mr. Speaker, I want to thank my colleague, the gentlewoman from New York (Mrs. MALONEY), for giving me the opportunity to speak on this important issue. I appreciate the leadership that she has taken on this issue, especially urging and demanding an accurate count on the 2000 Census.

This is not about political wedges. This is about improving the quality of life. That is what this issue is about. It is not about political wedges. It is about improving the quality of life. This issue affects all Americans. This issue affects every man in America. This issue affects every woman in America. This issue affects every child in America.

During the census of 1990, nearly 18,000 residents of my congressional district were not counted. I state 18,000 residents of my congressional district were not counted. The undercount resulted in a loss of Federal dollars and funds that would have benefited, nearly $50 million in revenue, that would have gone over the past 10 years. Because we failed to do an accurate count, we lost $50 million over the last 10 years.

$50 million could have gone a long ways in providing much needed resources to my congressional district. $50 million would have brought the Inland Empire roads and infrastructure. $50 million could have brought the Inland Empire housing programs and projects and educational services, law enforcement for cities, parks and recreation, senior citizen services, youth centers, educational services. Overall, the State of California has lost out on more than 2.2 billion Federal dollars, and I state overall the State of California has lost out on more than 2.2 billion Federal dollars due to the 1990 census undercount.

Last week, the lieutenant governor of California, Cruz Bustamante, warned that our State could lose $5 billion, and I state $5 billion, in Federal funding if the undercount this year is similar to the 1990 undercount. That is why I commend our colleague from New York for urging for an accurate count and demanding an accurate count, not only what it means to my State but what it means to many other States across the Nation.

As Lieutenant Governor Cruz Bustamante said, we will have less than we deserve, and I state we will have less than what we deserve. This is not just a matter of loss of Federal dollars. People are being overlooked. Millions of Americans are being overlooked. It is a shame that California will not get its fair share of dollars if we do not do an accurate count. That is why it is important that we do an accurate count, not only for California but for others.

Ten years ago, millions of Americans were not included in the census count, a count that would have placed them equally alongside each and every other American. In 1990, 2.7 percent of people of California were not counted, 2.7 percent. 2.7 percent. That means one out of every 37 people in California were not counted. Yet our population continues to grow.

We have 34 million people or more in the State of California. It would be a shame if California did not have an accurate count and it did not receive its fair share of dollars back into our State.

The census undercount does not affect all Americans in the same way. Again, during the 1990 census, 7.6 percent of the black population was overlooked in that counting; I state, 7.6 percent. That means one out of every 13 black residents of California were not being counted.

Also, during the 1990 Census, 4.9 percent of Hispanic residents of California were not counted. That is 4.9 percent. That means 4.9, roughly one out of every 20 Latinos in California were not being counted. Imagine what it is going to be like this year if we do not do an accurate count. It is a shame if we do not do that. It is a shame that the leadership on the other side does not want to do an accurate count.

I am appalled that Governor Bush does not want to do an accurate count. I think it is important that we all do it in the State of California, that we do it in every State. I am truly appalled. 4.9 percent equals nearly 400,000 Latinos in California not counted the last 10 years. 400,000 is more than the population of Fresno, California; 400,000 is more than the population of Sacramento. It is more than the population of Oakland. 400,000 people not being counted is 400,000 too many.

However, it is not just a matter of blacks and Latinos not being counted. Millions of children also were overlooked over the last 10 years. Nationwide, more than 2 million children were not counted 10 years ago.

In California alone, 342,000 children were not counted in the 1990 Census. That is 342,000 children. Imagine the services that could have gone back to our schools, to our communities, to our State. This represents 4.2 percent of the children of California not being counted in 1990. This represents nearly one of every 24 children in California not being counted.

I join my colleagues here on the floor this evening in urging all Americans to stand up and be counted this year. I join with those who have been undercounted in the past in stressing the importance of being counted during the year 2000 Census. All Americans should be counted this year. If we do not do an accurate count, the Federal dollars do not come in and the taxpayers will have to pay for the services that we want and deserve.

I urge all of us to stand up and be counted. Whether we are white or whether we are American Indians, African Americans, Hispanic, Asian Americans, we should all stand up together and be counted. We are one Nation, a great Nation; and we are one people together unified and inclusive, and I state inclusive, and that is important that we are all included in this process and that every one of us is counted.

Filling out the forms and mailing them back is important. As the Chair indicated that April 1, everyone has received it, we urge everyone to return those back and to participate in the process. It is the responsibility of a partnership between all of us. It is not just the legislature's responsibility. It is a partnership for the total community, for businesses, for schools, for churches, for our communities to come together and do what is necessary for our States. If we come together collectively, we will put our political wedges aside and we will do what is good for America. We will do what is good for our country. We will do what is good for our State.

I thank my colleague for providing me the opportunity to speak on this important issue, and I yield the balance of my time back to the gentlewoman from New York (Mrs. MALONEY), who has done an outstanding job, who is a true fighter and a true leader leading us in this important issue that is affecting all Americans.

□ 1730

Mrs. MALONEY of New York. Mr. Speaker, our next speaker is the gentleman from Texas (Mr. GONZALEZ), an outstanding and consistent leader on this issue and others. He is the Chair of the Latino Caucus's Task Force on the Census and Civil Rights.

Mr. GONZALEZ. Mr. Speaker, I want to commend the gentlewoman's efforts. It is a great honor to serve with her.

Mr. Speaker, it is of great importance. It is just not a matter of partisan politics. It is just not a matter of Latino politics. I am very privileged to be the Chair of the Hispanic Caucus's Task Force on Civil Rights and the Census, but they really are one and the same. That is what I want to talk about this evening.

It is brief, but it is going to be very important. I am going to digress from the Federal funding aspect of what happens when we have inaccurate numbers. Not that that is not important, and I will give you a couple of examples why it is so important to Texas and for my district.

The 1990 census resulted in half a million Texans being missed, not counted. That is astounding. What was more astounding though is that 330,000 of those that were not counted were Hispanic or African Americans. That is something that we cannot tolerate and should not tolerate.

But, you may ask, why is it a civil rights issue? Because when the census misses people, it is not missing all people equally. The reality is that the people undercounted in the census are disproportionately Hispanics, African Americans, Asian Americans, Native Americans, and all other American minorities.

The unquestionable result of undercounting American minorities is not only a reduction in Federal funds for services in minority communities, which are in the greatest need, obviously; it is a blatantly unjust reduction in the political voice of those communities. This is indeed a political fight. It is a fight for the political representational rights of millions of Americans.

Based on these numbers we will be redrawing all lines. What do I mean by that? I mean we will be setting up what comprises school districts, city council districts, county commissioner districts in the State of Texas, State representative and State senators, as well as Congressional districts. Minorities will be underrepresented. They will not be counted. They will not exist for the purposes of making sure that they are represented when they draw those lines in the State legislatures.

We cannot start a new millennium with inaccurate numbers. This is not 1990. We have the ability; we have the science; we have the method; and it is there at our disposal, only if we use it.

Think of it, a new millennium; and we start it off with an inaccurate census that does not count everyone, and for 10 years going into the next century, we live with these inaccurate numbers, at great cost to the quality of life of our fellow Americans. That will not be tolerated, that should not be tolerated, and that is why I come here tonight to join my colleague from New York in a single voice to say that we are here to remind the American public, whether they be Republican, Democrat or Independents, that we must join together and use the best method to have an accurate census, because it truly impacts all of us.

The old quote, "For whom does the bell toll," well, it tolls for you and me, because we are all Americans in this great country. If one American goes without a voice, then all Americans are without a voice. This is not what this great country has been built on all these years. This is not what we have fought great wars over. This is a representational democracy, and we can never achieve that if we do not have an accurate census and if we do not utilize proven scientific methods, such as sampling.

So I beseech and implore everyone out there that has any questions about it, they can come and talk to us. We will be happy to have a dialogue. But let us not let this be reduced to some petty partisan squabble, where the only end game and end product will be some sort of perceived political advantage. There is much more at stake here.

GENERAL LEAVE

Mrs. MALONEY of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this special order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. MALONEY of New York. Mr. Speaker, I yield to the gentleman from Illinois (Mr. DAVIS), a member of the Census Subcommittee, who has been our most consistent advocate for an accurate count and a strong voice for civil rights and social justice and all scientific methods to correct the undercount.

I thank the gentleman for all of his hard work and leadership this year. We all appreciate it.

Mr. DAVIS of Illinois. Mr. Speaker, I certainly want, first of all, to thank the gentlewoman from New York (Mrs. MALONEY), who has done such an outstanding job of providing leadership on this issue over the past 2 years and more. As a matter of fact, the gentlewoman has been all across the country looking at different approaches, methods, techniques, talking to as many people as she possibly could, trying to get the message out; and I think all of America owes the gentlewoman a tremendous debt of gratitude for her unselfish efforts in trying to make sure that we do in fact have an accurate count. I certainly want to thank the gentlewoman.

Mr. Speaker, an accurate census is in the best interests of our Nation. In less than 22 days the Census Bureau will undertake the enormous task of counting the entire population. It is an exercise that has been done since 1790 when the first census was commissioned.

Unfortunately, during the first census, not everyone was counted. As a matter of fact, Africans in America were considered three-fifths of a person. Since 1790, we have evolved as a Nation to include at least on paper women and minorities as equal citizens of this democracy.

However, the proposed methods of counting the population by many in the Republican Party, including its most likely presidential nominee, Governor George Bush, could lead to a serious undercount of our citizens. This is tantamount to moving backwards instead of going forward.

The constituents of my district, the Seventh District of Illinois, deserve and demand an accurate count of the entire population. They realize, as many others do, that too much is at stake to get less than an accurate count.

In 1990, for example, we lost millions of dollars in Chicago in Federal funds because of a census undercount. According to the Census Bureau, at least 10 million people, at least 113,831 in the

State of Illinois, 81,000 in Cook County, and 68,000 in the City of Chicago, were not counted in the 1990 census. Many of those missed were children and women who live in minority communities, people who are in need of Federal programs to assist them in their daily living.

Because the 1990 census miscounted thousands of people in Chicago, every one of our residents were shortchanged on money to repair roads and streets. They were shortchanged on money for mass transit and senior citizen programs. They were shortchanged on money for schools, parks and job training.

Perhaps the most egregious shortchange was that of political representation. In a democracy, representation is essential to having a voice in local, State and Federal Government, and when those in powerful positions fail to do what is right, America loses. It is unfortunate that the census has become so political that those in power would ignore the voices of the National Academy of Sciences and others who have said that strict enumeration could result in millions more people being missed by the census.

I often say that when elephants rumble, it is the ground that gets trampled. In this case, it is the rights of those in rural and urban America, the rights of the poor, the rights of the needy, who will be abridged if they are not counted.

Perhaps Lincoln said it best when he said that you can fool some of the people some of the time, but you cannot fool all of the people all of the time.

So I am pleased to join with my colleagues in urging that those in powerful positions to lead do so, and not follow what many predict is a flawed way of counting our citizens. The essence of leadership requires that one do what is right and not politically expedient.

This is a great opportunity for Governor Bush to show that he is concerned about women, children and minorities in urban and rural communities. I urge him to reconsider his position on the census question and do the right thing, to make sure that every citizen is counted, because, if you are not counted, then truly you do not count.

Mr. Speaker, I want to urge all citizens of this country, and especially residents of the State of Illinois, to make sure that when you get the form, that you too do the right thing: Fill it out, complete it, send it in.

Again I say to the gentlewoman from New York (Mrs. MALONEY), I commend her for being a stalwart, a true trooper, a real soldier, as one might say, of the cause, carrying the message throughout all America that if you are not counted, then you truly do not count. I tell the gentlewoman, she counts in the hearts of millions of Americans who know the great work that she has done, and we all appreciate it.

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman very, very much for those kind statements and his professional statements.

Mr. Speaker, our next speaker is the gentleman from New Jersey (Mr. MENENDEZ), the Vice Chair of the Democratic Caucus, who has been a leader on this issue and many other issues that are important to our country. I thank the gentleman for coming tonight.

Mr. MENENDEZ. Mr. Speaker, let me thank the gentlewoman for organizing this special order this evening to speak to one of the most important peacetime activities that take place in our country, which is the census, and for her leadership as the ranking Democrat on the committee of jurisdiction that has dealt with the census. The gentlewoman has done a fantastic job in ensuring that the census be as full and as accurate as every American I think wants it to be, and we salute the gentlewoman for her work.

Mr. Speaker, the fact of the matter is that as Americans throughout the country get that census form in the mail, this is, again, one of the most important peacetime activities that we will conduct, because the census is about over 100 programs, with $150 billion every year, that in a great part are determined by the demographic information, the statistical information that the census derives.

So it is about schools, it is about seniors and home health care, it is about transportation dollars, it is about community-oriented policing, it is about housing, it is about every imaginable thing that we face in our communities, and the census dictates, to a large degree, the resources of Federal and State governments in the context of that information.

It is also about representation. This is more than a snapshot about who we are at a given time, although that is important throughout our country, for us to know who we as Americans are. But it is also about representation, because from Congressional districts in our various States, to legislative districts in our respective States, to even our local council people who may run a ward or district across the entire spectrum of the political landscape, the question of who represents us will be determined again by the census and its demographic information.

Lastly, it is about private sector decisions, which in fact make billions of dollars in decisions. Am I going to market to this part of the country? Am I going to open up my corporate headquarters in this part of the country? Am I going to open up a regional headquarters in this part of the country? Is this where I am going to put some of our stores?

Mr. Speaker, the repercussions are enormous, and that decision is made to a large degree by the demographic information in the census. In essence, democracy requires demography. That is why the census is so important.

For each one us who does not get counted, this is not about, well, I did the right thing, I sent my census form in. This is about being our brother's keeper.

□ 1745

It is about making sure that our family and our friends and everyone else that we know, our neighbors, make sure that their census form goes in, because when they do not get counted, each and every one of us is diminished. I am a New Jerseyan. When a New Jerseyan does not get counted, all New Jerseyans suffer. When someone from my community where I live does not get counted, all of the residents of my community suffer, because each person has actually a value. Roughly, that is about $1,000 per person for 10 years. For each individual person who does not get counted, roughly about $10,000, multiply that by the numbers of people undercounted and it is enormous. That means less opportunities for our children, for our grandparents, for our communities, for a better way of life.

Now, that is why we Democrats have been fighting to ensure that we have the most accurate census possible in this millennium year. This fight began with an agreement within the scientific community that the use of modern scientific methods, which we call statistical sampling, would greatly improve the accuracy of the 2000 Census. But despite the evidence from the scientific community, Republicans have persistently opposed an accurate census that includes that scientific determination to have a sampling.

Now, Mr. Speaker, when the Labor Department puts out labor statistics and we see what the unemployment rate is and Wall Street reacts to that and other businesses react to that, that is a statistical sample. It is in essence what scientists have said we can use and we already use that in the government. Why should we not use it for the census to ensure that we have the best possible count?

I am really concerned when I see that one of the two Presidential candidates, George W. Bush, falling in lockstep with his Republican congressional leadership, has made his true intentions known that he does not support what scientists say makes sound science, which is a full and accurate count by using modern statistical sampling methods. When he takes that position, which came about only after various caucuses in the Congress wrote to him and said, what is your position? We have heard the position of GORE on this. What is your position on the question of the census and sampling? He finally came forth and said, I do not support sampling. Therefore, I do not support good science. But more importantly, when he fails to support sampling, he fails to support having every citizen ultimately counted. He has no interest in an accurate census, he has no interest in a fair and full representation for all Americans, and he has no interest in ensuring that my constituents in New Jersey, much less his constituents in Texas, receive the Federal funds their communities are entitled to receive.

Mr. Speaker, let me give an example of that. In the 1990 census, for example, more than 486,000 Texans were missed in the 1990 census. This translated into a loss of $1 billion, $1 billion in Federal funds to the State of Texas during this past decade. Now, George W. Bush's decision earlier this month to oppose the use of modern statistical methods and thus oppose an accurate census demonstrates that he is not committed to correcting a problem.

But it is not just about affecting the Texans. It affects my constituents in New Jersey. Because when we fail to use statistical sampling, we fail in every State that has realized an undercount to realize for those citizens their full potential and the resources that they deserve.

So this decision actually means double trouble for Texans in the next decade. Estimates indicate that an undercount in 2000 similar to the one in 1990 could mean a loss of $2 billion in Federal funding for the State of Texas over the next decade, twice the amount in 1990. Now, usually when we identify a problem, common sense dictates that we try to solve it, I say to the gentlewoman; and so that ultimately is what we are trying to do here.

Ultimately, what the gentlewoman from New York (Mrs. MALONEY) is trying to do, what we are trying to do is to ensure an accurate count. In my own district, over 20,000 people were not counted in 1990. The State of New Jersey lost $231 million in Federal funding in that time period because of the undercount. That, and also lastly, because Hispanic Americans and other minorities who are among the greatest people who were undercounted, I hear all of these candidates talking about how they are reaching out to this community to ensure that, in fact, they vote for them. Well, if they want us to be counted on election day, they need to count on us in the census.

Mrs. MALONEY of New York. Mr. Speaker, I want to thank the gentleman and all of the other speakers tonight. I urge my colleagues and all Americans to support and participate in the census, to fill out their forms and mail them in and finally to urge this House to let the professionals at the Census Bureau do their job so that the 2000 Census will be the most accurate and inclusive ever.

Mrs. CLAYTON. Mr. Speaker, the Census, as we are all aware, is important to our nation for a host of serious reasons. Not only is the decennial census the largest peace-time mobilization of American resources and personnel, it is a great day for civic participation and engagement! This is perhaps one of the most important features of the Census.

The day the Census is taken is the one day in which everyone has the opportunity to make their presence known! On April 1st, everyone is equal—every response is equally important to the nation; to states and local communities.

In this great melting-pot we call the United States, the significance of Census participation cannot and should not be understated. Everyone—every citizen in this nation counts—and everyone should be counted—as the implications of the Census count are critical to each and everyone of us.

The Census count influences the manner in which billions of federal dollars are allocated to states and local governments. This affects all of us—rich and poor alike—as these funds are used for our roadways, educational systems, hospitals, health care and for so many other important initiatives.

That is why, I am dismayed with those who oppose using modern statistical methods to provide a more accurate Census count.

We now know with certainty that the undercount of minorities is well-documented. For example, the 1990 census missed 8.4 million people. The majority of those overlooked were children, the poor and people of color. The 1990 census missed: 4.4 percent of African Americans; 5 percent Hispanics; 2.3 percent of Asians and Pacific Islanders; and over 12 percent of Native Americans.

The 1990 census missed 7 percent of Black children, 5 percent of Hispanic children, and over 6 percent of Native American children.

What is compassionate and logical is to guarantee the right of each and every American to both accurate and fair political representation and a fair share—a fair share—of federal funds for education, health care and transportation and the like.

I am committed to ensuring that all Americans are counted and that all Americans receive their fair share of political representation and federal funds to which they are entitled.

In my District, the devastation caused by Hurricane Floyd has displaced many residents of eastern North Carolina. My staff and I, as well as numerous Census officials have taken steps to ensure that displaced citizens are informed about how to participate in the Census.

It is clear that Census 2000 is a civil rights issue. As such, it affects every citizen. Each of us is concerned with one or more of the following: Medicare; Medicaid; special education preschool programs; job training programs; disabled veterans outreach programs; adult education programs; bilingual education programs; child care programs and education programs; and Voting Rights Act.

This list could continue because the Census count affects a wide-range of programs and persons. However, what is fundamental regarding the significance of obtaining an accurate Census count is fair political representation and a fair distribution of federal funds.

The Census Bureau will provide us with two sets of numbers for the 2000 Census—an actual count and a statistically adjusted count. The Supreme Court ruled that statistically-based figures cannot be used for the reapportionment of U.S. House seats. However, states have the discretion as to which set they may use.

I encourage everyone to seriously consider the implications of obtaining an accurate Census count—one that reflects the U.S. population in its totality and diversity. I am quite cognizant of the fact that all Americans count, that is why I am committed to ensuring that every American gets counted!

CONGRESS NEEDS TO FACE FACTS ABOUT AMERICA'S WAR ON DRUGS

The SPEAKER pro tempore (Mr. ISAKSON). Under a previous order of the House, the gentleman from Minnesota (Mr. RAMSTAD) is recognized for 5 minutes.

Mr. RAMSTAD. Mr. Speaker, every day politicians talk about a drug-free America. Now, the Clinton administration is proposing to spend another $1.6 billion for drug eradication in Colombia so that we can become "drug-free America."

Mr. Speaker, let us get real. We have already spent $600 million to eradicate drugs at their source in Colombia, and what has happened? Both cocaine and heroin production in Colombia have skyrocketed. Despite eradication efforts, cocaine production in Colombia has more than doubled since 1995.

Colombia is now the source of 80 percent of the cocaine that comes into America, 75 percent of the heroin; and there is absolutely no sign Colombia's government can stop it or even make a dent in the problem any time soon, even with additional American dollars.

Let us face it. Our supply-side efforts have been a colossal failure. When will Congress and the President wake up and face reality?

Over the last 10 years, the Federal Government has spent over $150 billion to combat the supply of illegal drugs. Yet, the cocaine market is glutted, as always; and heroin is readily available at record-high purities. While the number of casual drug users may have declined slightly, the number of hardcore addicts has not.

In short, Mr. Speaker, the war on drugs by the United States Government has been a costly failure.

Now, Mr. Speaker, a soldier in that war is saying just that, telling it like it is, and Congress should listen to him. We should listen to retired Navy Lieutenant Commander Sylvester Salcedo, who served 3 years as a United States intelligence officer working closely with law enforcement officers and agencies doing antidrug work. As Lieutenant Commander Salcedo put it, quote, "The $1.6 billion being proposed on drug-fighting efforts in Colombia is good money thrown after bad."

Lieutenant Commander Salcedo also said recently that the stated goal of the aid package that is to disrupt the production and exports of drugs into our country is unrealistic and unrealizable. In fact, the lieutenant commander was so upset by the proposal, he wanted to return a Navy medal he received for his work with the Defense Department's Joint Task Force 6.

Rather than spend more money in Colombia, we should confront the issue of demand here at home in the United States, providing treatment services to the addicted population.

Mr. Speaker, this veteran of the drug war is absolutely correct. The lieutenant commander's stated goal, to get us to focus on our own drug addiction problem here in America, should be our goal as a Congress and as a country. As the lieutenant commander put it, quote, "Washington should spend its money not on helicopters and trainers, but on prevention programs and treatment for addicts."

Mr. Speaker, the cost of helicopters alone for Colombia would provide treatment for 200,000 American addicts. We are about to spend almost $2 billion, with a B, $2 billion on Colombia, while here at home we have 26 million addicts and alcoholics and most are unable to get into treatment.

When President Richard Nixon declared war on drugs in 1971, he directed 60 percent of the funding into treatment. Today, we are down to 18 percent.

The evidence is clear. We have had a misguided use of resources to put the emphasis on interdiction, crop eradication, border surveillance, more helicopters to fly into Colombia. We will never even come close, Mr. Speaker, to a drug-free America until we knock down the barriers to chemical dependency treatment right now for 26 million Americans already addicted to drugs and/or alcohol. That is right, 26 million addicts in the United States today, most unable to access treatment.

Last year, Mr. Speaker, 150,000 Americans died from the disease of addiction. Mr. Speaker, 150,000 of our fellow Americans died. We spent $246 billion in economic terms, lost productivity, absenteeism from work, more jail cells, social service costs, Ritalin for kids from families of addicts. American taxpayers paid over $150 billion for criminal and medical costs alone last year. That is more than we spent on education, transportation, agriculture, energy, space, and foreign aid combined; and 80 percent of our 2 million prisoners are in prison tonight because of drugs and/or alcohol.

How much evidence do we need here in Congress that we have a national epidemic of addiction crying out for more treatment, not more of the same, not more supply side?

Mr. Speaker, let us pass substance abuse parity, knock down the discriminatory barriers to treatment. Let us get real about addiction.

Mr. Speaker, this is not just another public policy issue; this is a life or death issue for 26 million chemically-dependent Americans. If we can pass parity legislation, provide the necessary treatment, then some day we can honestly talk and realistically talk about a drug-free America.

Mr. Speaker, every day, politicians talk about the goal of a "drug-free America." and now the Clinton Administration is proposing to spend another $1.6 billion for drug eradication in Colombia so we can become "drug-free America."

Mr. Speaker, let's get real! We've already spent $600 million to eradicate drugs at their source in Colombia and what's happened? Both cocaine and heroin production in Colombia have skyrocketed. Despite eradication efforts, cocaine production in Colombia has more than doubled since 1995.

Colombia is now the source of 80 percent of the cocaine and 75 percent of the heroin coming into the United States. And there's absolutely no sign Colombia's government can stop it or even make a dent in the problem any time soon, even with additional American aid.

Let's face it! Our supply-side efforts have been a colossal failure! When will Congress and the President wake up and face reality?

Over the last 10 years, the federal government has spent over $150 billion to combat the supply of illegal drugs, yet the cocaine market is glutted as always, and heroin is readily available at record-high purities. And while the number of casual drug users may have slightly declined, the number of hardcore addicts has not.

In short, the war on drugs by the U.S. government has been a costly failure.

And now, Mr. Speaker, a soldier in that war is saying just that, and Congress should listen to him.

We should listen to Retired Navy Lt. Comdr. Sylvester L. Salcedo, who served for 3 years as a U.S. intelligence officer working closely with law enforcement agencies doing anti-drug work.

As Lt. Cmdr. Salcedo put it, the $1.6 billion being proposed on drug-fighting efforts in Colombia is "good money thrown after bad."

Lt. Cmdr. Salcedo also said recently that the stated goal of the aid-package—to disrupt the production and export of drugs to the U.S.—is unrealistic and unrealizable. In fact, the Lt. Commander was so upset by this proposal he wanted to return a Navy medal he received for his work with the Defense Department's Joint Task Force Six (JTF–6).

Mr. Speaker, we need to listen to this experienced Naval commander who says, "I don't think we can make any progress on this drug issue by escalating our presence in Colombia. As in Vietnam, this policy is designed to fail. Rather than spend more money in Colombia, we should confront the issue of demand in the U.S. by providing treatment services to the addicted population. That's what's not being addressed."

Mr. Speaker, this veteran of the drug war is absolutely correct. The Lt. Commander's stated goal—"to get us to focus on our own drug addiction problem"—should be our goal as a Congress.

As Lt. Commander Salcedo put it, "Washington should spend its money not on helicopters and trainers but on prevention programs and treatment for addicts."

The cost of the helicopters alone for Colombia would provide treatment for 200,000 Americans who are chemically dependent. We're about to spend almost $2 billion on Colombia, while here at home we have 26 million addicts and alcoholics, and most are unable to access treatment.

When President Richard Nixon declared "war on drugs" in 1971, he directed 60 percent of the funding into treatment. Now, we're down to 18 percent!

The evidence is clear that it's been a misguided use of resources to put the emphasis on interdiction, crop eradication and border surveillance.

John Walsh of Drug Strategies, a private company, says $26 billion has already been spent solely on interdiction programs. Yet, by key measures of drug availability, they are all going in the wrong direction. He said "the focus of anti-drug efforts should be switched from interdiction and eradication to treatment of drug addicts."

Mr. Speaker, Mr. Walsh is absolutely right! We will never even come close to a drug-free America until we knock down the barriers to chemical dependency treatment for the 26 million Americans already addicted to drugs and/or alcohol.

That's right—26 million addicts in the U.S. today! 150,000 Americans died last year from drug and alcohol addiction. In economic terms, this addiction cost the American people $246 billion last year. American taxpayers paid over $150 billion for drug-related criminal and medical costs alone in 1997—more than was spent on education, transportation, agriculture, energy, space and foreign aid combined!

In addition, more than 80 percent of the 1.7 million prisoners in America are behind bars because of drug/alcohol addiction.

Mr. Speaker, how much evidence does Congress need that we have a national epidemic of addiction? An epidemic crying out for a solution that works. Not more cheap political rhetoric. Not more simplistic, supply-side fixes that obviously are not working.

Mr. Speaker, we must get to the root cause of addiction and treat it like other diseases. The American Medical Association told Congress and the nation in 1956 that alcoholism and drug addiction are a disease that requires treatment to recover.

Yet today in America, only 2 percent of the 16 million alcoholics and addicts covered by health plans are able to receive adequate treatment.

That's right. Only 2 percent of addicts and alcoholics covered by health insurance plans are receiving effective treatment for their chemical dependency, notwithstanding the purported "coverage" of treatment by their health plans.

That's because of discriminatory caps, artificially high deductibles and copayments, limited treatment stays and other restrictions on chemical dependency treatment that are different from other diseases.

If we are really serious about reducing illegal drug use in America, we must address the disease of addiction by putting chemical dependency treatment on par with treatment for other diseases. Providing equal access to chemical dependency treatment is not only the prescribed medical approach; it's also the cost-effective approach.

Mr. Speaker, as a recovering alcoholic myself, I know firsthand the value of treatment. As a recovering person of 18 years, I am absolutely alarmed by the dwindling access to treatment for people who need it. Over half of the treatment beds are gone that were available 10 years ago. Even more alarming, 60 percent of the adolescent treatment beds are gone.

Mr. Speaker, we must act now to reverse this alarming trend. We must act now to provide greater access to chemical dependency treatment.

That's why I have introduced the "Substance Abuse Treatment Parity Act"—the same bill that had the broad, bipartisan support last year of 95 cosponsors.

This legislation would provide access to treatment by prohibiting discrimination against the disease of addiction. The bill prohibits discriminatory caps, higher deductibles and copayments, limited treatment stays and other restrictions on chemical dependency treatment that are different from other diseases.

This is not another mandate because it does not require any health plan which does not already cover chemical dependency treatment to provide such coverage. It merely says those which offer chemical dependency coverage cannot treat it differently from coverage for medical or surgical services for other diseases.

In addition, the legislation waives the parity for substance abuse treatment if premiums increase by more than 1 percent and exempts small businesses with fewer than 50 employees.

Mr. Speaker, it's time to knock down the barriers to chemical dependency treatment. It's time to end the discrimination against people with addiction.

It's time to provide access to treatment to deal with America's No. 1 public health and public safety problem.

We can deal with this epidemic now or deal with it later.

But it will only get worse if we continue to allow discrimination against the disease of addiction and ignore the demand side.

We can build all the fences on our borders and all the prison cells money can buy. We can hire thousands of new border guards and drug enforcement officers. But dealing primarily with the supply side of this problem will never solve it.

That's because our nation's supply-side strategy does not attack the underlying problem of addiction that causes people to crave and demand drugs. We must get to the root cause of addiction and treat it like other diseases.

All the empirical data, including extensive actuarial studies, show that parity for chemical dependency treatment will save billions of dollars while not raising premiums more than 0.2 percent, or 44 cents a month per insured, according to a recent Rand Corp. study.

That means, under the worst-case scenario, 16 million alcoholics and addicts could receive treatment for the price of a cup of coffee per month to the 113 million Americans covered by health plans. At the same time, the American people would realize $5.4 billion in cost-savings from treatment parity, according to another recent study.

Of course, no dollar value can quantify the impact that greater access to treatment will have on the spouses, children and families who have been affected by the ravages of addiction: broken families, shattered lives, messed-up kids, ruined careers.

This is not just another policy issue. This is a life-or-death issue for 16 million Americans who are chemically dependent covered by health insurance but unable to access treatment. It's also a life-or-death issue for the other 10 million addicts and alcoholics without insurance.

This year, Congress should knock down the barriers to chemical dependency treatment and pass treatment parity legislation. The American people cannot afford to wait any longer for Congress to "get real" about addiction!

Then someday, we can realistically and honestly talk about the goal of a "Drug-Free America."

CENSUS 2000

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Florida. Mr. Speaker, I rise today to respond to some of the comments by some of my colleagues on the other side of the aisle concerning the upcoming 2000 Census. The census forms are in the mail, and people should have received them by now or will receive them shortly. Please complete those forms. I think, unfortunately, my colleagues tried to make it feel that it was not necessary to complete the forms, because only statistical sampling should be used or something. That was settled by the Supreme Court last year.

The important thing now is to complete the forms. We need to get everybody counted. Everybody living in this great country needs to be counted, and there is no excuse not to fill out your form. If you do not fill out your form, it costs the Government more to collect the data, it hurts your local community, and there is nothing to be gained by not completing that form, and I am saddened that my colleagues gave the impression that the Republicans do not want to count people. That is so sad that we have to stoop to that level of politics to say that we are not interested in counting people. That is so, so unfortunate. Because we are doing so much more this year to try to get everybody counted.

I am really pleased with what the Census Bureau is doing on a lot of important things to get the undercounted population raised up so that they are fully counted. In fact, this census cost 150 percent more than 1990. We spent less than $3 billion in 1990, and we are going to spend almost $7 billion; and we have given every penny that the Census Bureau has asked for.

Now, I know my colleagues say oh, let the professionals at the Census Bureau do it. The professionals know what to do. Let us look at the first major thing the Census Bureau did in sending out a prenotification letter that was just received last week by 120 million people in this country. Well, what happened with that letter? 120 million were sent out and guess what? All 120 million were misaddressed by the Census Bureau. That is the largest mass mailing mistake in history. Mr. Speaker, 120 million mistake, because one digit was added to everyone's address. These are the professionals that do not make mistakes.

Then this form letter has a return envelope. It explains that the form is coming in the mail and on the back it gives a chance if you want it in five different languages. Unfortunately, for the large number of people who just speak English, they do not understand what it was all about because it never explained in English why the letter was coming. So the Census Bureau is getting all of these questions, being tied up with phone calls, why are we getting this letter. I do not understand what it is all about. They forget to put it in English.

I am also glad that my colleague from New York put up the phone number to call, because we do need to work in the local census offices. Because the Census Bureau in their letter, instead of giving the number, what they gave is call directory assistance. Well, that is nice. That only costs 50 cents, whatever it is, in your particular phone provider area, but they did not even have the ability to put down the phone number.

□ 1800

Now these professionals have botched the first big job. I want to make sure we have everybody counted, so I am saying that these mistakes were unfortunate, it is embarrassing for the Bureau, and we need to do everything we can to get everybody counted.

Now they say that Governor Bush will not release another set of numbers. First of all, the Supreme Court has ruled. The Supreme Court ruled last January, a year ago January, and said we cannot use these statistically-adjusted numbers. I am a former statistics professor. We have a lot of use for sampling and adjustments, but the court has ruled, so stop going on about that issue.

They tried this in 1990. They did something called the PES, similar to what is called the ACE this time. It was a failure. What they did was they did a full count and then they tried to adjust it and get a second set of numbers.

When they came up with the second set of numbers, they were not reliable.

They played around with them for 2 years and they never used them. They still have never found a use for those numbers because it did not work.

To say, oh, we are going to have this adjusted set of numbers and they are going to be great, the statisticians will even tell us they are not sure it is going to work. They are going to take a sample of 300,000 and adjust the entire population, the 270 million people in this country, based on that 300,000 sample.

What we are working with in this is what is called census blocks, with maybe 25 people in them. It is a very complicated process. Here is a Census Bureau that cannot even send a letter out to tell us about the other matter straight. They botched it three different ways. And they are going to have the ability to do this extremely complicated experiment in statistics and get it right? I am really concerned about it.

Governor Bush is right to say, let us see what we can come up with. I do not think it is going to work. I feel very confident the Supreme Court is going to rule it is illegal and unconstitutional. In that case, we only have this set of numbers.

So please, everybody should complete their form. That is the best record we have. Everybody please complete their form, whether they get a short or long form. One out of every six people get the long form. I know there are a lot of questions on there, but we really need to get the best Census possible this year.

THE PRIORITIES OF THE FEDERAL BUDGET

The SPEAKER pro tempore (Mr. ISAKSON). Under the Speaker's announced policy of January 6, 1999, the gentleman from Colorado (Mr. SCHAFFER) is recognized for 60 minutes as the designee of the majority leader.

Mr. SCHAFFER. Mr. Speaker, just across the street here, the Committee on the Budget is working on unveiling the blueprint for the Federal budget. We do this every year to pay for everything from social security for our senior citizens to Head Start programs for America's preschoolers.

The budget, introduced by House Republicans this week, has a few important priorities. I would like to spend the next hour talking about those priorities.

First, we save and protect social security by walling off the money and making sure it cannot be spent on anything other than retirement for America's seniors. We pay down public debt.

Republicans disagree with the Democrats and the leadership coming out of the White House, the Clinton-Gore team over there, on the matter of spending. We on the Republican side do not think it is right to make our children pay tomorrow for money that we are spending today. We think, frankly, that we ought to have the courage to find the cash to pay for the things we want to buy now, rather than make my children and their children pay for it many, many years from now at many times the expense, after we factor in interest and just the general cost of bloating the Federal debt.

We also provide Americans with relief from the unfair tax on marriage and the unfair social security earnings limit, which penalizes senior citizens who want to work beyond retirement age. In fact, for those who earn over $17,000 this year, they will be penalized. They will actually have to pay dollars back to the Social Security Administration for every $3 over that $17,000 cap that they earn. For every $3 they earn, $1 has to go back to the government.

I just met with some constituents out in Colorado just last week at Wal-Mart, and found a number of individuals working there beyond traditional retirement age. One woman approached me and said she had to write a check. It was for $88. She said it was not the dollar amount that bothered her so much as it was the principle of the thing, the notion that just to work she has to pay. If she wants to be ambitious and continue being productive in the work force, she has to pay the government back as a result of this penalty.

We found the funding in our budget to eliminate that penalty altogether, and make it possible for people to go on working beyond retirement age without fear of being penalized and punished by their government for their entrepreneurial spirit, their dedication to work, and for their personal enterprise.

Finally, we strengthen funding for important priorities like education and defense, so both our children and our Nation have a more secure future.

These are the things I will be fighting for as the budget continues to work its way through Congress. These are the things I will continue to work for as I will help Congress craft a budget that meets the needs of people of all ages across my district in the Eastern Plains of Colorado.

Over the course of this next 55 minutes of the special order, we expect other members of the Republican majority to make their way down to the floor to talk about the various components in the budget bill that they find to be of particular interest to themselves and to their districts and to the American people at large.

I think the first and most dramatic reality of this budget, and a point of tremendous pride, deals with the Social Security surplus. The reason is because we have accomplished something this year that for many, many years the people in the media and our Democrat colleagues on the other side of the aisle said could not be done, and that is to save Social Security and to stop raiding the Social Security fund in order to pay for the rest of government.

In fact, the President would like to continue dipping into Social Security to pay for the kinds of spending and new programs and growth in government that he envisions for the country and that the Clinton-Gore team has been promoting.

Our budget does something very, very different. First of all, that budget reserves every penny of the Social Security surplus to strengthen the Social Security program.

Here are some key points. The budget creates a safe deposit box to assure the Social Security surplus is not spent on any other government programs. It reserves the entire Social Security surplus, $978 billion, over the next 5 years to pay down the debt held by the public. It reduces the government's interest payments to the public, thereby making funds available to pay Social Security benefits.

I brought a chart along here, Mr. Speaker, that shows exactly where we have come and how the history of this has gone. We have stopped raiding Social Security and spending beyond our means. This chart represents total spending for every dollar that comes into the Federal government. This is just tax dollars. This does not take into account the Social Security contributions of the American people.

As we can see, way back over here in 1995, the government was spending $1.23 for every dollar it brought in in terms of tax revenues. A portion of that, the blue portion here, 6 cents, involves Social Security spending, and 17 cents involves additional public debt. In other words, this is what the addition to the debt was back in 1995. The brown area here is financed by the tax dollars that the American people sent here to Washington, D.C.

This is what we inherited when Republicans took over the majority in Congress. This chart, if we could look backward into the past, continues here. It starts even higher with greater quantities of deficit spending and spending here in Washington.

What changed this chart and began to move our country in a direction of more responsible spending, as we see here, is a change in the leadership of the House of Representatives. This was the year that the American people threw the Democrats out of the majority in the House and Senate both and instituted Republicans as the majority party, because they believed that we were sincere and that we were quite intent on our promises to be more responsible with the taxpayers' dollars in Washington; that our goal would be to reduce the deficit quantities of spending in Washington, D.C. as quickly as possible.

If Members will remember, at the time we proposed a Contract with America, which were ten items that we promised we would introduce if elected. One of those promises was that we would find a way to balance the budget and actually get to the point we are here in 1999 in 2002. In other words, we suggested that we would accomplish this goal not in 1999, but 2 years from where we are now, and we managed to come in fully 4 years ahead of schedule.

So I think as a Republican majority we have in fact proven to the American people that we were serious about getting the Nation's fiscal house in order. We were quite serious about eliminating these huge red blocks in fiscal spending that are the legacy of the Clinton-Gore era of reckless, runaway spending in Washington; that we would reduce this in this case in 3 short years, and beyond that, stop raiding the blue area here, which is the Social Security funds that were used or borrowed essentially to pay for the rest of government spending.

It is an exciting accomplishment, and one that has solidified and is a commitment that is made in a more forceful way in the budget that is making its way as we speak from committee over here to the House floor.

Let me go through these numbers again. In 1995, the budget entailed, for every dollar in spending or for every dollar in taxation, tax revenues, about $1.23 in spending. In 1996, we reduced that to $1.16. In 1997 we reduced that to $1.09. In 1998 we reduced it to $1.02. In 1999, we managed to spend dollar for dollar. It was the first year that we no longer borrowed funds or increased the size of the debt in order to pay for government.

In 2000, we are actually spending less. In the year we are in now, we are actually spending less on government than the revenue coming in. That is significant because it allows us to reduce the debt much more quickly than we had anticipated.

Just by way of example, in 1998 we put $51 billion into debt relief reduction, into public debt reduction. In 1999, we put $89 billion into debt reduction. In 2000, we put $178 billion into public debt reduction.

That is what we can achieve by being more responsible and frugal with the taxpayers' dollars, realizing that this government spends far more money than it needs to, and that the Federal government in general simply taxes the American people too much. So we have some things we need to accomplish.

We do have growing needs in the country: Defending our Nation, for example; trying to find ways to get dollars to classrooms to help the students throughout the country who rely on certain Federal programs for their academic pursuits and goals.

But we also think that a government that taxes the American people too much and keeps too much of that cash here in Washington is a government that is irresponsible, so we want to take some of this savings and return it to the American people. That is a significant item, and I will spend a little more time on that, too.

But the other thing we want to do is make sure we pay down the national debt quicker. We think we can do that not only through being responsible and frugal, as we have been, as we can see over the last few years from 1995 when the Republicans took over the House right on up to today, but we also believe that by returning a portion, about one-third of the surplus savings that we are realizing back to the American people, that we can continue to stimulate the kind of economic growth that has made for a robust economy for our Nation that has resulted in tremendous prosperity.

What Republicans believe that is very, very different and distinguishes us from our friends over on the other side of the aisle is that the American people can spend their money more wisely than the government can. That is a huge distinction between the two parties. We are seeing that not only in the presidential race, but we are seeing that with respect to the debate of whether reducing this debt is a good idea.

There really are people over on the Democrat side who would prefer these red blocks to continue, who believe that the government can do better at spending the American people's cash than the American people themselves can. We, on the other hand, are firmly convinced that the American people make wise decisions about making family investments, about making investments about whether to expand the farm, buy new equipment, buy new business equipment; whether to buy a new business, whether to hire a new employee, whether to invest in education and improve the marketability of one's own children or themselves, for example, when it comes to obtaining marketable careers and jobs in the work force.

All of these are important items, and I am excited that the budget that the House Committee on the Budget is about to send over here to the full Chamber is one that just keeps us on track of spending less, saving more, and putting money aside for quicker debt relief.

I am joined here by a couple of Members who I know share my concern for not only staying on track with a responsible budget plan, but also for making sure that the dollars we do spend get those priorities and items that we need most. One of those is education.

The gentlewoman from New Mexico (Mrs. WILSON) is one of our colleagues who has been one of the most forceful advocates of getting dollars to the classroom. She is one who has also been an articulate spokesperson for the Individuals With Disabilities in Education Act. This is the one program that the Supreme Court requires the Congress to fund, and since that requirement has gone into place the Clinton-Gore team has not allocated the funds necessary to make this unfunded mandate work smoothly back in our home States. It ends up robbing our classrooms of the vital resources that are needed in order to reach our children.

It is an item that we have been working on in common, and our constituents care about equally, I believe. Mr. Speaker, I yield to the gentlewoman from New Mexico (Mrs. WILSON).

☐ 1815

Mrs. WILSON. Mr. Speaker, I wanted to come down tonight to talk a little bit about the budget and about public education, because really the reason that I got into public life is a concern about public education and how we are going to prepare kids for the 21st century.

I was very pleased to see what was coming out of the Committee on the Budget this afternoon, because we have had a lot of discussions about things; but when it really matters is when they start to get the numbers down on paper.

I wanted to see, like many of the people in this House and actually on both sides of the aisle wanted to see, a balanced budget that protected Social Security, did not raid Social Security anymore; but within that budget, we wanted to see some priorities.

National defense is certainly one. All of us know that we have been eroding our national defense over the last decade, and we may pay a price for that in the lack of readiness.

But the second and the one I would like to talk a little bit about tonight is education, where we are going on public education in this country.

There may be folks today who are listening to me tonight who remember when all a kid needed to get ready for school was a Big Chief tablet and a number 2 pencil. It is not that way anymore. We do not get protractors and slide rules in high school anymore.

We are on the verge of the 21st century. It is a wonderful opportunity, but it will only be an opportunity for our children if they are prepared for that century with a great public education. I do not mean just some kids. I mean, every kid in every neighborhood.

We can no longer tolerate the gaps between rich and poor, the gaps that have grown since many of these Federal programs were instituted, like title I, between rich and poor, and black and white and brown. They have grown wider. We cannot afford that as a Nation if the 21st century is to be just as much of an American century as the 20th century was.

So what are our dreams for the next decade? What do we want to see with respect to public education? How is that reflected in the commitment we are beginning to make here tonight and today with the next year's budget?

I think that there is kind of a myth out there that the Republican Congress does not care much about education. It always bothers me. It bothers me as a parent. It bothers me as a Member of Congress. I try to spend a lot of time talking with people about it because I think it is a myth, both in terms of financial commitment, but also in terms of personal commitment to the future of children. Because I happen to be one of those folks who believe that, unless America does have a strong system of public education, we cannot survive as a democracy. It requires an educated populous. We have to remain committed to that for every child.

I would like to talk a little bit about what is in this first budget with respect to education, this first look at this year's budget. For elementary and secondary education, the budget that came out of the committee today in the House Committee on Budget provides an increase of over $2.2 billion over the last fiscal year, fiscal year 2000, and an $20.6 billion increase over the next 5 years. That is a 9.4 percent increase in our commitment to public schools and Federal funding of public schools. That is the largest increase in the budget for the fiscal year 2001.

So the priority in the budget for this next year will be twofold: Defense, but first and foremost, public education.

The one area where we really differ, aside from how much money we should put into it, with the administration is flexibility. I want somebody making decisions about my child education who knows my son's name. I want teachers and principals and parents to have as much control as possible over the way those dollars are spent. I want those dollars to get into the classroom where they can pay for books and bricks and teacher salaries and teacher training. I do not think that Washington has the answers on public education. I have much more confidence in the principal of our local school than I do confidence on anyone that works in a Federal building here in Washington.

So where is the money going in education in this budget, and where have we been over the last 5 years? Over the last 5 years, this Congress has increased education spending by 26 percent. Last year, fiscal year 2000, we added $200 million over the previous year, a total of $1 billion more than the President requested in his budget.

The emphasis was on special education kids, and that is what I want to talk a little bit about here with this chart. The Federal Government assumed a responsibility for special education, that there is a civil rights issue around special education.

When we passed the IDEA Act originally, we promised to pay for 40 percent of the cost. But the Federal Government never met that obligation. The States and local school districts still have to meet those Federal requirements. So because the Federal Government did not pull its share of the load, States and local governments are having to foot the bill; and that money that could go for other priorities in education goes to special ed to meet the Federal requirements.

So the first requirement of this budget is to say let us meet the obligations the Federal Government has already assumed with respect to education and IDEA.

In the 2001 budget that just passed out of the Committee on Budget today, there is a $2 billion increase in IDEA funding, and that will boost us up to 12.6 percent of the cost of educating a special needs child.

This is the IDEA funding here on what we have done since 1996, and it shows the President's request, and it shows the amount that the Republican Congress has put into special ed, which every single year has been larger than the President's request. We want to fund our obligations before we bring in new programs and new programs created or controlled in Washington, and get this money down to the kids that need it in special education classrooms across this country.

I also want to talk a little bit about title VI, which is for innovative programs in education. It is not a huge program. But it does have a lot of local flexibility to fund things that, maybe, are just too much for a local school's budget, but they want to try something new, they want to try a new curriculum, they want to try teaching math using manipulatives or whatever they want to do.

Title VI is that kind of flexible funding. Every single year, the President has proposed to eliminate this funding. Every single year, the Congress has said give the local communities some flexibility and some funding to make some decisions, and fund title VI.

We are going to do that again. It was funded at $365 million last year, and we are going to continue to fund that in this year's budget, despite the President's request to zero out the program again this year.

Impact aid is a major issue for those of us in the West with a lot of public lands. I see the gentleman from Arizona (Mr. HAYWORTH) is here.

If one is in the Four Corners area of New Mexico, the counties there are 90 percent Federal land. So if one is funding one's schools based on property taxes, it is really tough. Fortunately, in New Mexico, we do not have property taxes that are funding our public schools. A lot of schools do.

What this says is, when the Federal Government owns the land, they have got to make a contribution to that school system; and that is what impact aid is for. It is the same if one has got a huge military base in one's town. There are kids there, and there is land that is owned by the Federal Government. It is kind of the contribution in lieu of taxes that might otherwise go to the local community.

Again, the President has requested very small amounts of money for impact aid, and the Congress consistently over the last 5 years has increased that funding.

I do not know if the gentleman from Arizona (Mr. HAYWORTH) would like to comment on impact aid.

Mr. HAYWORTH. Mr. Speaker, if the gentleman from Colorado (Mr. SCHAFFER) will yield, I would like to reiterate the point about impact aid, because we talk so much about education. Certainly it is our philosophy within this common sense majority, as the gentlewoman from New Mexico (Mrs. WILSON) has outlined, to transfer dollars and decisions back home, home to the family, home to the local school boards, home to the teachers.

But there are three clear and compelling places where the true Federal involvement in education cannot be disputed. As the gentlewoman from New Mexico reiterated, for children, dependents of men and women who have worn the uniform of our country, who are on active duty. So military dependents. For Native American children, because of the tribal trust treaty obligations ratified by the United States Senate and part of our law. Also for children within the District of Columbia. We have clear unassailable constitutionally mandated Federal involvement in education. Impact aid really affects, more than anyone else, children of military dependents and Native American children.

I watch with curiosity many things that go on here in Washington. I can remember before my colleagues on this floor joined me in this endeavor, relatively early in my time here, I introduced an amendment to add some $18 million to impact aid funding that would come out of the National Labor Relations Board. That is the Taj Mahal down the street encased in marble where each of the five commissioners has a private shower, a private dining room, and a private car, and, oh, yes, up to 22 lawyers working under his or her supervision.

To put that into perspective, across the street at the Supreme Court, an Associate Justice of the Supreme Court can have three clerks, three lawyers in his or her employ. The Chief Justice of the United States is only given five attorneys.

But when I came here and offered that modest amendment, the hue and cry from those who claim to be friends of Native Americans and who claim to want to add money to school funding for construction was resounding. Sadly, the modest amendment was defeated.

Yet, here we have again ample evidence, as the gentlewoman from New Mexico points out.

We all are certainly enthralled in hearing our President come and stand at that podium and offer a masterful, empathetic, sympathetic oratorical review. But the advice we learned long ago is not to listen necessarily to what is said; watch, instead, what is done. Plenty of folks can come and talk the talk. But can they walk the walk?

The gentlewoman from New Mexico (Mrs. WILSON) provides the evidence, the promise of the President in meager requests, the reality of Congress stepping forward with those funds for those schools where there is a clear and compelling and, ofttimes, described as a constitutional role to provide dollars for education.

It has been very interesting for our time here in Washington. We understand the notion of three separate and co-equal branches of government. But promises made by the executive are seldom followed up unless the responsible actions are taken here by a common sense majority. The gentlewoman from New Mexico offers that ample evidence.

Mrs. WILSON. Mr. Speaker, if the gentleman from Colorado (Mr. SCHAFFER) will continue to yield to me, I would like to talk a little bit about some of the other things that are going to be in this budget that came out of the committee today.

One of the things that I hear from kids in my district about is going to college. Fortunately, in New Mexico, we do have a program to give scholarships to kids who graduated from high school and who keep their grades up and can go to the University of New Mexico or New Mexico State.

A lot of kids, to get to college, which some of them want to do because they know they need to go, they need grants and loans. Most of us in this Congress required grants and loans and scholarships to go on to school.

The Pell Grant is one of the biggest ones funded by the Federal Government. This is what has happened with Pell Grants, the maximum award for Pell Grants since 1991. The change since 1995 is startling.

Americans and Republicans are willing to invest in education. They are willing and we are willing to say to a kid, if you will go to school and work hard and go to college and get a degree, we all know you are going to be contributing more to this country, because you have got a great education. We will provide that opportunity through Pell Grants.

The cost of a college education is going up. That means that the amount that a kid can get through a Pell Grant needs to go up, too. So we have made that continued commitment, and we will do so again in the budget this year.

□ 1830

We want a great school in every neighborhood. We want teachers that are well trained and that can work with us as partners in the education of our children. We want charter schools in this country to give people choice. Tomorrow, along with my colleague from Colorado, we will be introducing a charter school loan guarantee fund bill. The biggest barrier to charter schools in this country is they cannot get the capital money to fix up a building or a storefront in order to open and operate because most of them cannot get bond money.

So we are introducing a bill that will set up a Federal loan guarantee fund, so that people who are trying to set up charter schools can go to a bank and, without all of the signatures and putting their houses on the line and so many other things that people have been willing to do to start charter schools, there will be a Federal loan guarantee available there if the bank will loan them the money.

The concept in the bill is to make a $600 million Federal loan guarantee program, which should leverage $9 billion in public school construction in charter schools through the private markets. And what does that mean? It means a charter school, instead of paying 11.5 percent in interest to redo that old building or to redo the shopping mall, strip mall site for their school, can pay 5 or 5.5 percent. That is a lot more money that can go into teachers' salaries and materials for that charter school that does not have to be paid in interest. And we should make that investment in choice and public charter schools.

I call on the administration and my colleagues, because I expect this will be a bipartisan bill, to see if we can get this moving and get this through this year. I think it is up to us to commit ourselves and recommit ourselves to a decade of dreams for American education. We can no longer afford to leave any child behind, and that is why I wanted to come here tonight.

I thank the gentleman for his time.

Mr. SCHAFFER. Mr. Speaker, it occurred to me, listening to the gentlewoman from New Mexico, that people monitoring our proceedings and this discussion during this special order might be confused actually to see on the charts that Republicans are leading the way of investments and dollars in education. Confused, I say, because the media and our friends on the other side of the aisle have year after year tried to persuade the American people that we somehow are unconcerned about quality schools around the country.

We are not just talking about spending more money, although in the case of these priority projects we are talking about spending more money, but in the case of the Individuals with Disabilities and Education Act, this is an acknowledged obligation we have under the Civil Rights Act to carry out this program. And the problem is that this administration is, frankly, not interested in spending dollars on a program that we are obligated to carry out. They instead would like to keep the Federal Rules but have our local school principals figure out how to come up with the dollars to pay for it. So in the case of the four examples that were just presented, these are priority items for us. The IDEA program is our highest priority in the education budget this year.

But I want to keep it all in the proper context, again going back to the budget track record since the American people threw the Democrats out of the Speaker's chair, out of the majority, and put the Republicans in charge. We have dramatically dropped the amount of deficit spending in the country. What we are talking about today are the fruits of prioritization.

For too long in this town, Democrats, when put in charge of our national budget, talked about spending, but only spending. They did not talk about prioritization, picking those programs that truly make sense, that are truly in the best interest of the country, and getting rid of lesser priorities that, frankly, we have gotten rid of. And most Americans have not noticed that they are gone. That is the way we are able now to show and to establish for the House and for the American people that a Republican majority in Congress has delivered a balanced budget fully 4 years ahead of schedule.

We have eliminated these deficit spending blocks that my colleagues see here in red. We have ended this business of borrowing money from the Social Security Administration in order to pay for the rest of government, which is represented in the blue blocks, and now we are to the point where we are actually spending fewer dollars in Washington than the American people send us, which allows us to establish priorities, to make priorities for the American people, which the gentlewoman from New Mexico just described with respect to education.

We have other priorities, too. Not only do we want to elevate the stature of those priority programs that make sense for America's schoolchildren and for the defense of our country and for seniors and so on, we also want to send a certain amount of that money back home to the people who work hard to earn it, and we want to work harder to pay the debt down quicker. And we can do all these things by just being smarter in Washington.

That is what the American people believed we would do when they gave us the majority. They understood that the

Democrats were incapable of building a responsible budget. They threw them out. They took the gavel out of a Democrat Speaker's hand and put it into a Republican Speaker's hand; and we are here now, in 2000, getting ready to bring a 2001 budget to the floor which keeps us on track for more responsible spending.

I know the gentleman from South Dakota is one who has been instrumental in helping us fight the hard fights of bringing responsible budgets to this Congress and helping to make the priorities not just to spend more money but to spend money on things that really and truly do matter and are in the category of legitimate functions of our government at the expense of waste, fraud and abuse. I yield the floor to him.

Mr. THUNE. I thank the gentleman from Colorado for yielding, and would echo much of what he said, and the gentlewoman from New Mexico, who so very eloquently made the case for the investment that we have made in education, as well as the gentleman from Arizona and the gentleman from Colorado (Mr. TANCREDO) here on the floor this evening, who all share the same commitment.

I think that when we get right down to it on a very basic level, a budget is a statement of priorities. The budget resolution that will be adopted in the House, and I will admit I have not read the fine print at this point, but from all I have been able to gather about the work that the Committee on the Budget has underway, this is a budget that will be a reflection of the priorities that we have for this country.

Now, the people of South Dakota, the hard working people in my State, day in and day out, month in and month out, year in and year out have to go about balancing their budget. They do not have the luxury the Federal Government has had for so many years of going so far in the red and mortgaging their children's future. That is what has happened here in Washington.

So I think to suggest that we can, in a very straightforward way, make better use of the dollars that are at the disposal of the Washington government here and achieve the savings that are necessary so that people can keep more of what they earn and that we can distribute that power out of Washington and back home, I think is a very real commitment on the part of the Republican Congress.

Now, I will say that if we look at the statement of priorities that was evident in the President's budget, it was, is, and always will be the extension of the reach of big government and higher taxes. Make no mistake about it, that is exactly what was in the President's budget this year; and it has been in the President's budget every year since I have been here. And the gentleman from Arizona who was here in the Congress prior to our arrival here knows that we have made hard decisions about trying to come up with ways to achieve additional savings, come up with a budget that makes sense, that finds the waste, fraud and abuse in the Federal Government and roots it out so that we are being responsible to the people of this country who, again, day in and day out have to go about the process of coming up with a budget that makes sense for them and their families.

I just want to add that as I look at this budget resolution that we are in the process of considering this year. And look at the statement of priorities, it is a reflection of the things that we believe in profoundly. First off, I also have to note that if we look at the accomplishments of the past 5 years, which the gentleman from Colorado noted, where we have come from, the budgetary priorities that have been established in the last several Congresses since we took control of this institution, have allowed us to, for the first time since I was 8 years old, in 1969, balance the Federal budget. Even more importantly than that, last year, balance the Federal budget without raiding Social Security. That is a remarkable accomplishment.

And that is coupled with the first time in a great many years of actually retiring a portion of the 3.6 publicly held Federal debt. The last couple of years we have paid down $140 billion in debt. They said we could not do that. They said we could not reduce taxes. We reduced taxes in 1997, which has led to additional revenues. This program is working for the American people.

This year, this budget is a further reflection of those same priorities because they make essential investments in areas like the gentlewoman from New Mexico mentioned, and that is education. A program that is near and dear to my heart and the gentleman from Arizona (Mr. HAYWORTH) is impact aid, because we have a lot of federally impacted lands.

Special Ed. The Federal Government made a commitment that it has not fulfilled, not honored. We have a promise to the American people and the school districts in this country that we need to live up to, and we move down the path further this year toward honoring that commitment.

The commitment to our seniors to protect Social Security and Medicare, to ensure that the programs that they rely upon in their retirement years are going to be there. We are, for the first time, walling off that money and saying we are not going to spend the Social Security surplus. That is a significant and radical departure from what has been happening in the past several years here in the Congress.

Commitment to our veterans. Last year we increased spending on veterans health care by about $1.7 billion. This year, again, this budget resolution will recognize the commitment that we have to those who have served this country honorably and nobly. We need to ensure that we honor the promise that we made to them in the area of health care. This is a budget which will increase funding for veterans health care substantially.

Farmers. My State of South Dakota, farmers and small business people, farmers and ranchers, people working the land and trying to make a living and have had to deal with the tremendous terrible cycle of low prices, bad weather, and everything else associated with it, this budget puts aside about $8 billion for crop insurance reform. That is the risk-management tool that producers can use to help manage the risk and manage, as best they can, to try to avert the devastating effect of weather disasters that are so frequent.

Additional assistance, emergency assistance, to combat low prices in agriculture. We have made a commitment to our farmers in this country that we are going to stand with them and at the same time we are going to go after the markets that we have lost, to ensure we are doing everything we can to open additional market. And, frankly, there has been a tremendous failure on the part of this administration in that respect. But having said that, that is an effort that we will step up and intensify, to open those markets; and in the meantime we are going to see that our farmers have the income they need to pay the bills.

Our families. We make a commitment to our families, because we are also including in this budget resolution a significant piece of tax relief. Earlier this year we passed the marriage penalty relief tax measure, which, unfortunately, is still hung up, I think, in the other body but, hopefully, will clear there and get sent down to the White House. And I would urge the President to sign it into law because this is an important piece of legislation that recognizes we can no longer punish and penalize people in this country in the Tax Code for making a choice to be married. We need to deliver the additional tax relief that is called for in the budget resolution.

So we will make a commitment so that the families of this country have more money in their pockets to spend on their priorities, whether it is making the mortgage payment on the house, the car payment, day care payments, buying tennis shoes for the children, whatever that might be. Those are decisions that ought to be made in the family living room and not here in Washington. And that is again a reflection of our philosophy.

We make a commitment to our children by ensuring that the funding levels are there for education and, furthermore, by ensuring that we continue to systematically pay down the

Federal debt so that we are not saddling the next generation with an incredible, enormous burden of debt that they are never going to be able to get out from underneath.

Finally, we make a commitment to our military by increasing spending on defense. The record of this administration on defense is deplorable. Regarding the military today, in terms of equipment, weapon systems, personnel, pay for military people, we are having a terrible problem with retention. This budget goes a long ways toward addressing the very important priority that we place on ensuring that we have a safe and secure America. And the only way that we can have a safe and secure America is to have a strong America. And that means investing, making the necessary investment, in our national security.

This is a budget which is a reflection of our priorities. These are the things that are important to us as we begin to plan the future, as we move into this next century, and how best to allow the American people to realize their dreams and do it in a way that incorporates our belief in the principle of allowing them to make more of the decisions that affect their lives and distributing power from Washington, D.C. back into the living rooms of this country so individuals and families are making decisions and we are not wasting their money here in Washington, D.C. on new programs which, frankly, most of which do not do very much to help the hard-working Americans that we are here to represent.

So I just would add this evening to what has already been said by my colleagues, that if we look at this budget as it is being proposed and the priorities that it places and how those priorities fit in with the priorities of the good people of South Dakota, this is a budget which honors our commitment to our seniors, to our children, to our families, to our farmers and ranchers, to our veterans, and to those who wear the uniform of the United States of America.

□ 1845

This is a budget which ought to be passed and that we ought to put into law and begin the process of moving forward in a way again that incorporates the principles and values that we here share and that I think are shared by the American people and continue to do the good work that has been started in paying down debt, reducing taxes, and balancing the budget and doing it in a way that is efficient and smart and does not waste Federal dollars and doing it in the same way that the families of this country have to do on a day-in and day-out basis.

I am pleased to be here this evening to participate in this special order, and I thank the gentleman from Colorado (Mr. SCHAFFER) for yielding.

I would again simply say, I hope we have a number of other opportunities to debate this issue. This is a budget that is right for the people of this country, it is right for America, and we need to move it forward.

Mr. SCHAFFER. Mr. Speaker, I yield to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank my colleague from Colorado (Mr. SCHAFFER) for yielding.

Mr. Speaker, I thank all those who join us this evening to assess where we are headed with the majority budget plan which we will pass shortly from the Committee on the Budget for the American people to offer a roadmap that means continued prosperity for the American family for Main Street as well as Wall Street and all those avenues in between, for those who make their living from the soil in terms of farming and resource-based industries, and for those quite simply, Mr. Speaker, who work hard and play by the rules.

In the 1960s, there was talk of a credibility gap. Sadly, in this town at this time with the current administration there exists a credibility canyon that, quite frankly, eclipses for its sheer magnitude the dimensions of that incredible wonder that is found in the State of Arizona, Grand Canyon National Park. And sadly, it is not beautiful. Because the ugly truth of this credibility canyon is beautiful rhetoric, notwithstanding, sadly, when it comes to the administration and those who, Mr. Speaker, some have dubbed the Clinton-Gore gang, we cannot listen to what they say, we must watch what they do.

And even as we have seen the spectacle of our Vice President coming out for campaign finance reform saying he will renounce soft money, even on the same day when he directs his party to raise some $35 million in the same soft money, he stands and says he does not want to have happen, even when he talks about campaign finance reform while his former campaign aid Maria Hsai is convicted of campaign finance abuses over an appearance at a Buddhist temple, the Vice President tells us he did not realize was a fund-raising event, even as we see these different words and actions and contradictions, not limited to the campaign trail, not limited to one's conduct in office, but part of the budget process, again, my friend from Colorado (Mr. SCHAFFER) pointed out the gulf between the rhetoric of the administration, the reporting of those Washington journalists and the reality of what has been done here. And our colleague from South Dakota (Mr. THUNE) is quite right, the responsible, common sense, conservative majority understands that true compassion is not reflected with endless promises and pronouncements and phrases for focus groups and sound bites.

We understand that governing is hard work; and, accordingly, we have fashioned a budget that emphasizes education not simply with dollars but understanding who controls or who should control the priorities of education: parents in the home, teachers in the classroom, and locally elected leaders who can reflect a community's priorities. We have also stepped into the breach, as our colleague from New Mexico pointed out.

A point of personal privilege, Mr. Speaker. Two weeks ago I was honored with a visit from my cousin, who is a very special person. She has Downs syndrome. She is now 32. And I think about her years in different programs living at home with her aunt and uncle, working hard, always learning even with the challenges she confronted; and I think about the local school district in which she lived where there were empty promises made by a so-called compassionate group in Washington that left the funding to local leaders even when they had promised to pay for those programs.

This Congress has stepped up. In terms of national defense, this Congress has stepped up. Even as our President would strip those great funds and send them to Kosovo and the Baltic for misadventures, we have stepped up.

We want to do what is responsible for people who play by the rules, for people who need a helping hand. And just as people have left welfare and gone to work, and just as the American people have more of their hard-earned money to spend on themselves and their families, to save and invest as they see fit, we present a budget that reflects those priorities.

I am honored tonight to join now my two colleagues from Colorado to review that process, with the closing words, Do not listen to what is said. Watch what is done. Actions speak louder than words. This Congress is prepared to take the right kind of actions.

Mr. SCHAFFER. Mr. Speaker, I want to yield the floor over to somebody who has done the hard work of freedom and help make some of the tough choices here in Congress, my good friend and colleague from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Speaker, I appreciate my colleague's providing some time for me; and I appreciate him taking this hour to explain to the American public that there, in fact, is a difference.

We have all heard the lament, Mr. Speaker, when I go home, and I am sure when all of my colleagues, every Member of Congress, goes home; and some time or other someone says something like this. You know, there really is not all that much difference between the two parties. There is not really a dime's worth of difference between the two parties. I have heard it. We all have heard it. Sometimes I probably have said it.

But I must tell my colleagues that there is nothing that brings home the reality of the situation more than a budget resolution and nothing more that defines the differences between the two parties that, in fact, do exist than the budgets presented by the President of the United States, in this case, and by the Republican majority in response to it.

On February 7, 2000, President Clinton and Vice President GORE submitted their budget for fiscal year 2001. Their budget raises taxes and fees on working families by $250 billion. It creates 84 new Federal programs. It places Government spending increases on "auto pilot" and, as usual, takes a pass on any serious reform of Social Security or Medicare.

Now, that is the reality of the Democrat budget. So when we say things like there is not a dime's worth of difference, we may be right. There is not a dime's worth of difference. In this case, there are hundreds of billions of dollars' worth of difference between the two parties.

Because the Republican party has, in fact, submitted a budget set on priorities, as my colleague from South Dakota and my colleague from Colorado has indicated. We have, in fact, established education, defense, the preservation of Social Security and debt reduction as priorities.

These are not the priorities of the minority party. These are not the priorities of the President. We all recall the President of the United States standing right there, Mr. Speaker, where the Speaker is right now and telling the Nation not all that long ago that, in fact, "the era of big Government was over."

Now, words are supposed to have meaning. We are supposed to be able to define exactly what is meant when people use them. "The era of big government is over."

Perhaps, in fact, he was right. Perhaps, Mr. Speaker, in Clintonian double-speak this era of big Government is over and what we are anticipating now is the era of huge government. Maybe that is what he meant. I mean, that is the only way we can interpret the words as applied to his budget. Right?

What in here, 84 new programs, $250 billion more of taxes, what indicates to anyone that there is smaller Government on the horizon?

How about the following: These are taken directly out of the President's budget. These are proposals for new programs in an era of huge government, which he would like to see us enter into.

Let us see, new programs: Increase Amtrak funding by creating a new capital grant program for high-speed rail funded out of the Highway Trust Fund. Even though, by the way, Congress passed legislation to reduce Amtrak's dependence on the Government. It goes on and on. I am not going to read all of them, just a few I pick out as I go through.

Create a conservation security program; income payments to farmers who engage in "voluntary environmental efforts"; provide subsidized banking services in low-income areas; encourage the creation of low-cost bank accounts; increase access to ATMs; and enhance financial education. All might be wonderful ideas. I mean, all these things sound great.

What is the Federal Government's role in this and how do they fit an era of smaller government?

How about funding greening the globe initiatives, increased debt for nature funding. Create an initiative to prevent the spread of HIV within African militaries. Fund a clean partnership. Build a visitors center, an interpretive center. And acquire lands to preserve World War II Japanese-American internment camps in the West. Provide homeless vouchers, set-aside incrementals. Provide welfare-to-work set-aside incrementals. Create a voucher success fund. Create a housing production fund. Create an Indian home ownership intermediary initiative.

I mean, this all goes to Housing and Urban Development. Even though we know that HUD, of all the agencies of Government, and this is hard to say, I mean, when we are talking about the agencies that waste more of Government, I mean, I do not even know how we can prioritize it, it is so difficult. But let us look at what Congress discovered with HUD. They had hired hundreds of politically favored employees at salaries up to $100,000 a year each to promote department programs and publicize its activities.

The department dubbed these things "community builders." They have over 900 of these people, 10 percent of HUD's total staff, and these were never granted approval by Congress. The program was supposed to be reduced significantly and phased out by September 30, 1999. It has not happened. The President has asked for an increase in all of these things.

I know we are coming to the end of this hour, and so I want to return to my colleague from Colorado for his closing comments. I just want to say this, that the next time anyone says to you there is not a dime's worth of difference between the two parties, say, you know, you may be right because I think there are really billions, hundreds of billions of dollars of difference between the two parties, as evidenced by the budget.

This is the real world. This is not the world of rhetoric. This is where the rubber hits the road, so to speak. We can talk about era of less Government, but here is where we actually see what the President is talking about. Once again, I believe, Mr. Speaker, that the President has, in fact, deceived the American public.

Mr. SCHAFFER. Mr. Speaker, I thank the gentleman for recognizing us for this hour of special order to talk about the difference between the Republican vision of a budget that secures America's future and contrasting that with the Democrat version of a budget which simply spends us in oblivion and taxes us more.

We hope the Republican version is the one that emerges victorious over the next few days, and we will commit our efforts to see to it that that actually occurs.

□ 1900

AGRIBUSINESS CONSOLIDATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the lovely gentlewoman from Idaho (Mrs. CHENOWETH-HAGE) is recognized for 60 minutes as the designee of the majority leader.

Mrs. CHENOWETH-HAGE. Mr. Speaker, I begin my remarks tonight with the words from one of our Nation's greatest orators, Daniel Webster. This great Senator eloquently sums up the mission of agriculture for this Nation in a rally cry, and that rally cry is placed, Mr. Speaker, right above the Speaker's head in this very Chamber. That rally cry says, "Let us develop the resources of our land, call forth its powers, build up its institutions, promote all its great interests and see whether we also in our day and generation may not perform something worthy to be remembered."

Mr. Speaker, this foundational principle largely responsible for bringing the prosperity to this Nation is now being threatened. In fact, the market power struggle between corporate giants and helpless farm families is divesting rural America, especially when consumers are buying record amounts of food at record high prices while our family farm producers are going broke.

Mr. Speaker, few of us realize that approximately four big companies control most of the processing and distribution of all of the beef, pork, chicken and grain in this United States. Even further, on the distribution and retail side, there are only a handful of companies that control the United States grocery industry. Well, what has happened is that today these giant concentrated companies, with their economic market power, have usurped the farmers' and ranchers' share of the retail dollar, draining the lifeblood from the family farm and threatening our safe, sustainable and dependable American food supply. That is unacceptable.

I have to say, Mr. Speaker, I really appreciate the Albertsons Grocery Company that is headquartered in my district because they have realized the unrest that is growing with the American people in this concentration issue, and I am very pleased that they are now labeling their meat in most of their meat counters as to where the meat has been grown and processed, and my hat is off to a company that I am very, very proud of.

In the livestock industry, for instance, four meat packers control over 80 percent of the beef market and are using captive supplies and abusive market power to drive down the prices paid to producers. Specifically, our family farmers and small cattle producers are providing approximately 88 percent of the total investment it takes to put a steak on the consumer's plate but at the same time packers' and distributors' costs are making up the additional 12 percent of the remaining investment.

Now, unfortunately, while these big packers and retailers overpower the industry, cattle producers and consumers are losing big time every day on price, quality, consistency and food safety. The current situation in the cattle market is analogous to economic theories presented by the Nobel Prize winning economist Frederick August von Hayek over 50 years ago. Mr. Hayek points out that market capitalism is strongest when resource owners who are close to the economic circumstances of time and place.

When they are the ones that make the economic decisions, such a market structure results in the most efficient use of resources and competitive market.

On the other hand, Hayek demonstrates that the concentration of economic decision-making in the hands of a relatively small number of individuals is extremely harmful and counterintuitive to the capitalistic principles that have built this great Nation. It does not matter whether those individuals are government bureaucrats in a Soviet-styled Communist regime or are corporate executives in large companies. We must not let American agriculture fall into this trap. This concentration of power creates a cartel that is monopolistic by nature and rewards power and greed. This must stop, Mr. Speaker.

This phenomenon was confirmed by a study by Auburn professor and agricultural economist C. Robert Taylor, and the study reports that, and I quote, "The increasing gap between retail food prices and farm prices in the 1990s is due largely to exploitation of market power and not to extra services provided by the processors and retailers."

Mr. Speaker, I would like to point out this graph that I have here. As we can see, the red is the retail price and the green is the farm price. We see retail price leveled off at a very high mark while farm prices are taking a precipitous drop.

As we can see clearly in this chart, while the price of meat in the supermarket continues to climb, the price paid to producers continues to decline dramatically. This portion in the middle of the chart represents the inequitable market power that is growing that is gained by the retail industry.

Now, another glaring example is evidenced in the hog sector of our economy, Mr. Speaker. In 1999, Smithfield, the number three hog producer, bought out the number two producer, Carroll Foods. This catapulted them into the top spot ahead of Wendell Murphy. Then in September of 1999, Smithfield, the world's largest pork producer, announced intentions to purchase Murphy Family Farms, the new number two hog producer.

Well, this gives them 660,000 sows or one-eighth of the total breeding herd in this country. Imagine owning one out of every eight sows in an industry where only a few short years ago no single entity had even 1 percent of the market.

Mr. Speaker, the raw, robber baron, market power does not just stop here. In grain crop production we have gone from 80 individual companies selling seed down to 10, from 80 to 10, and out of these 10 players left, 3 of those 10 sell 75 percent of the seed in this country. With this high level of concentration among seed companies, we see great efforts to seize control of the entire process.

We might logically ask if anyone is aware of this trend besides the small producers who are being run out of business? Yes, Mr. Speaker, many people are aware. In fact, in 1997, the National Commission on Small Farms appointed by Agriculture Secretary Dan Glickman recommended actions for the U.S. Department of Agriculture to ensure the future for family farming and ranching. Unfortunately, after assessing USDA's responsive actions, an overwhelming majority of members who served on the Commission recently gave the USDA a "D" for implementing its recommendations to ensure fair market access for family farmers; not a good record for this administration; a failing grade, Mr. Speaker, and a failure to protect the livelihoods of these American farmers.

The Commission's major finding was that the erosion of the family farm in agriculture was not the result of inevitable market forces but of a bias at USDA towards, quote, large scale enterprises.

Now, despite the Commission's recommendations, I am sorry to report the USDA is continuing to allow the American producer to be exploited by an agribusiness monopoly.

Mr. Speaker, as a result, in my State, farmers and ranchers are on their knees. Our American food producers in rural communities are being destroyed while the processing and distribution conglomerates are gorging on unprecedented profits.

Let us not forget our responsibility to protect the American farmers and ranchers. As Thomas Jefferson said, and I quote from Jefferson, "Those who labor in the earth are the chosen people of God, if ever he had a chosen people, whose breasts he has made his peculiar deposit for substantial and genuine virtue. It is the focus in which he keeps alive that fire, which otherwise might escape from the face of the earth. Corruption of morals in the mass of cultivators is a phenomenon of which no age nor nation has furnished an example. It is the mark set on those, who, not looking up to heaven, to their own soil and industry, as does the husbandman, for their subsistence, depend for it on casualties and caprice of customers."

How can we have a fair marketing system when these conglomerates make record profits and my agricultural constituents in Idaho and those in America are being run out of business? How can that happen?

To complicate matters even further, listen to what Mr. Drabenstott, vice president of the Kansas City Federal Reserve, said before the House Committee on Agriculture in February 1999, and I quote from his testimony, "As supply chains become more dominant in their structure, farmers face a simple test; build new relationships or be left out of the game. The emergence of bigger players means producers must be more nimble and savvy in adjusting to the market realities."

Mr. Speaker, this shocking statement suggests that Mr. Drabenstott would like to see the American food producers subjugated to the status of serf. Under this scenario, the big corporate agricultural giants would severely hamper the farmer's ability to earn a fair return for their product as they are forced to get in line in the chain supply, a growing food for a narrowing market. Even further, it will erode the independence of farmers by shifting major decision making to a handful of corporate firms and executives. America is a great Nation because we were built on a strong moral threshold. That is to say, in part we have strongly encouraged small businessmen to freely enter the fair market system.

Unfortunately, the corporate conglomerates now stand between hundreds of thousands of producers and millions of consumers as they manipulate the markets to their own advantage. This is seriously handicapping our farmers and ranchers and consumers also, Mr. Speaker.

We all know that big agribusiness, like ConAgra, Cargill and IBP, need American producers more than farmers and ranchers need big agribusiness. So, again, remember we know from history that concentration of economic decision making in a small number of hands is the least productive and the least beneficial system. Ultimately, it only serves as the road to serfdom for American farmers.

Take, for instance, Communism. It took what Karl Marx called, quote, the means of production, and consolidated it into one giant entity, the government. That is what Communism did. It gave a small group of people control over the farms, the factories and even the roads and rivers. Yes, that is precisely what is happening here today, except that it is the corporate monopoly that is gaining a stranglehold on the means of production.

To make matters worse, the Federal Government is giving its winking approval. This is brutally wrong and against American principles and public policy that we have historically been able to rely on.

Mr. Speaker, the time has now come for the Clinton administration to use the powers at its disposal under the Packers and Stockyards Act of 1921 to provide a fair beef marketplace. The measure was enacted to prevent these kinds of anticompetitive practices by the big corporate giants. Undoubtedly, there is something wrong when the conglomerates are allowed to operate in blatant violation of Federal laws.

□ 1915

In fact, meat packers today look right into our eyes with a straight face, when their monopolistic practices remain unchecked by existing law, but they go ahead and deny that they are even regulated. This is a mockery of our existing laws and the justice system that we are supposed to be able to rely on.

I believe in a fair and competitive marketplace. However, I am very concerned that the individual agricultural producers have been overwhelmed by threats of predatory pricing. The time has come to restore the market balance between small producers and big agribusiness.

To help in this, legislative measures such as H.R. 1144, the Country of Origin Meat Labeling Act of 1999, which I introduced, complete price reporting, as well as other measures addressing anticompetitive practices by the meat packers, will give hope and encouragement to American producers and security to American consumers, because with this act coming into law, American consumers will know the country of origin which the meat came from.

Let me conclude by pointing out that the very powerful words of Theodore Roosevelt still ring true. President Roosevelt states in his March 4, 1905, inaugural address, "Never before have men tried so vast and formidable of an experiment as that of administering the affairs of a continent under the forms of a Democratic republic. The conditions which have told our marvelous material well-being, which have developed to a very high degree our energy, self-reliance and individual initiative, have also brought the care and anxiety inseparable from the accumulation of great wealth in these industries."

Mr. Speaker, these are important words.

TRIBUTE TO JAMES L. CADIGAN

The SPEAKER pro tempore (Mr. TANCREDO). Under the Speaker's announced policy of January 6, 1999, the gentleman from Massachusetts (Mr. DELAHUNT) is recognized for 60 minutes.

Mr. DELAHUNT. Mr. Speaker, throughout American history, our men and women in uniform have constantly risen to the challenge of our national defense, putting life and limb at risk for our security. This Nation, and the liberty for which it stands throughout the world, owes our veterans a deep and ongoing debt of gratitude.

Some would say that this debt is repaid in Memorial Day observances. But we all know what veterans, from the Revolution to the Kosovo campaign, appreciate most is respect. Respect for their commitment. Their sacrifice. Their medical needs. Respect for what they went through, so that we would not have to suffer. Respect for the families of friends who never made it home.

Tonight I take the floor of the United States House of Representatives to share with you the story of one soldier who has never received the respect I believe he is owed. His picture is to my right in his uniform holding a child. His name is Jim Cadigan, from the community of Hingham in the district in Massachusetts which I represent.

Once in a great while an individual serves this country with special distinction. When ordinary people demonstrate such extraordinary valor, official recognition not only honors the heroism, but also uplifts the entire Nation, whose freedom is safeguarded by such courage. Unfortunately, official recognition of this soldier's bravery has been less than forthcoming.

On a German battlefield in 1945, Lieutenant James Cadigan acted instinctively and against almost inconceivable odds to protect his platoon and apprehend dozens of armed enemy troops. For his selflessness, he earned the lifelong admiration of his comrades. But the Army that Jim served with such fierce loyalty has dismissed repeated recommendations, to express the degree of respect his bravery deserved.

Over the 3 years I have been privileged to serve in this chamber, I have labored to ensure a fair shake for Mr. Cadigan's candidacy to receive a Congressional Medal of Honor. Regrettably, Jim had more success on that German battlefield than in the corridors of the Pentagon. Thus, to honor the 55th anniversary of his heroism, I rise tonight as one grateful Member of Congress to salute Lieutenant Cadigan publicly for all he did for us.

To do so, I need only describe his remarkable acts of heroism. As you will see, the facts more than speak for themselves.

On February 26, 1945, Second Lieutenant James Cadigan, a Member of Company C, the 20th Armored Infantry Battalion, 10th Armored Division, led a platoon advancing on the German town of Zerf. Upon hearing that a second platoon had been ambushed and was pinned down by enemy fire, Lieutenant Cadigan, without concern for his own safety, charged fortified enemy positions perched on high ground and single-handedly wiped out two German machine gun nests.

Dozens of witnesses have testified that Lieutenant Cadigan killed or wounded 50 Germans, then took another 85 prisoner. The trapped U.S. platoon was able to escape and reorganize, saving scores of American lives. Most of these men made it back to the United States after the war. Without Jim Cadigan's heroism, it is likely that none of those men, or their children, grandchildren or great grandchildren, would be alive today.

One of Jim's comrades, Thomas Tomae of Irvington, New Jersey, reported, "Like the other men, I know that we never would have gotten out of there alive if Lieutenant Cadigan hadn't knocked out the 2 Nazi machine guns that were closing in on us."

From another comrade, John Milanak of Pittsburgh, Pennsylvania: "All of us were sure we would be killed that day. It was just like a miracle. I thanked God many times, but never more than that day. I say thank God for Lieutenant Cadigan. He saved so many lives."

When the smoke of the battle of Zerf cleared, Lieutenant Cadigan's commanding officer, Captain Melvin Mason, immediately began preparations to recommend him for the Congressional Medal of Honor. Before Captain Mason could submit the referral, however, he was seriously wounded in action himself and spent over a year convalescing in the hospital. Jim Cadigan's battalion commander was killed in action shortly thereafter.

With both of Lieutenant Cadigan's superiors out of action, and in the swirl of post-war homecomings, the Medal of Honor recommendation was not filed in a timely fashion under the statutory requirements then in effect. In fact, it was not until 1950 that Captain Mason inquired whether the commendation had been awarded.

When told that Jim Cadigan had not been recognized for his heroism, Mason and other comrades-in-arms began the arduous task of assembling eyewitness affidavits and other documentation from around the United States establishing his claim to the Medal of Honor.

This resolve resulted in Jim's being awarded the Silver Star in 1977, pending resolution of Captain Mason's Medal of Honor recommendation. The Silver Star is indeed a great honor, but not what those who know of Jim's deeds feel his heroism earned.

Why did Captain Mason devote himself to this task? Just listen to his account of that day in Zerf some 55 years ago. Again, I am quoting.

> Through these acts of bravery, two platoons were saved from being wiped out. His actions made it possible for us to get our wounded evacuated, reorganize and continue our attack. His inspiring leadership and amazing acts of courage revived the spirit and energy of all of the men and contributed most significantly to the capture of Zerf.
>
> These acts were most extraordinary, since Lieutenant Cadigan repeatedly exposed himself to deadly enemy fire, and again and again risked his life to save the rest of his comrades from what seemed to be certain death and defeat by the enemy. It would not normally be expected that any one man should carry a machine gun by himself through deadly enemy fire and single-handedly knock out two enemy machine guns.

Lieutenant Cadigan's quick reactions had changed his comrades' lives, but they carried far less weight within the Pentagon. Having awarded him the Silver Star, the Army washed its hands of his case. Why? Because the Medal of Honor paperwork had not been turned in on time. There was no chance for a review of the merits of his case because, as far as the Army was concerned, proper procedure had not been followed.

Imagine how many American lives would have been lost on that day in 1945 if Jim Cadigan had followed "proper procedure."

As word spread about the way the Army was treating Jim, veterans from across the country proceeded to rally to his cause. At his division's annual Labor Day reunion, the question is always the same: Has Jim received his Medal of Honor yet?

Many of you here this the chamber have heard from his supporters, his admirers. Some of you have joined with my predecessors and with me in introducing and cosponsoring specific legislation on his behalf. But the Army successfully argued against each of these bills, ostensibly because of the missed paperwork deadline.

As you know, Congress went to the lengths of amending Federal statutes governing cases like Jim's. Section 526 of the 1996 Defense Authorization Act explicitly provided for Pentagon review on the merits of potential Medal of Honor awards upon the personal petition of a Member of Congress.

Where I am from, Jim's story is well known. To say "Jim Cadigan" is the same as saying "hero." It has also become legendary how the military has treated him.

When I was sworn in as his Congressman in 1997, Jim Cadigan became one of my top personal priorities. I studied how the Army had handled my predecessor, Congressman Gary Studds', Section 526 review, and found an inexcusably inaccurate interpretation of its obligations under the statute.

In calling for reexamination of the evidence, I wrote to then Secretary Togo West that the Pentagon was required to "review the case afresh, not merely post-date an old rejection letter." It seemed to me that this was the time for proper procedure. Accordingly, I resubmitted a personal request for reconsideration of his case on its merits in accordance with Section 526 and backed it up with new legislation.

At the risk of raising Jim's blood pressure, let me recount what the review which followed by the Senior Army Deliberations Board was, what happened.

□ 1930

Well, the offices conducting this review never interviewed lieutenant Cadigan or any of the surviving eyewitnesses. They never requested a single document. They made a habit of ignoring inquiries from Members of Congress, and they took nearly 2 years, literally, to complete the review.

The result consisted in its entirety of a handwritten checkmark in a preprinted box which indicated that the petitioner did not meet the standard for the award of the medal of honor: as an expression of basic human compassion, I implored Army officials to speak directly to Mr. Cadigan or at least to review the results of this torturous process. Even a simple expression of common courtesy took on cosmic proportions within the Pentagon.

By the second year, when it became rather clear how this review of the merits would end, I requested in advance a copy of the complete record on which any final decision was based. The package I ultimately received fit in a very small envelope.

Notwithstanding the affidavits about the Battle of Zerf, it appeared that Army officials either did not read the materials or concluded that Jim and so many others were not to be believed.

Since a checkmark does not really answer these questions, I again sought a clarification of the rationale for the Pentagon's decision. I was told that the Army saw Jimmy's heroic acts as nothing more than what "we expect a platoon leader in combat to take" and that "the evidence presented did not meet the standard for an award of the Medal of Honor."

That sounded to me like a lot less like a rationale than like a rationalization.

It came as no surprise that I disagreed with the Army's decision, but I was most deeply disappointed that the decorations board record contained no analysis, no discussion, and no justification for the decision. It was, thus, impossible to determine how this decision was reached.

I understood from the beginning that this was an uphill battle. This is one brave soldier for whom adversity has never been an obstacle. While he expects no charity, however, he also abides no disrespect. Nor do the many comrades who have stood shoulder to shoulder with Jim Cadigan through the years, like Len Morris, an Army infantryman who landed on Omaha Beach and whose unit was fighting on February 26, 1945 in Luxembourg, only 10 miles from the Battle of Zerf. And John Donlon, another son of Quincy in the D-Day invasion who wrote me, and again I am quoting:

> Lieutenant Cadigan's gallant leadership for his men is an act of valor and the nobility of spirit and should be boldly and eloquently commemorated. We must glorify the values and ideals of a great Nation whose people came together in one of its finest hours and who offered up their lives to defeat the ruthless aggression of the forces of tyranny.

Mr. Speaker, over the past 55 years, international alliances have come and gone; the Cold War has boiled over and cooled down. Americans in uniform have served their country in many strange and far-away places. American society itself has been dramatically transformed and retransformed.

Throughout the tumult and turmoil of the last 55 years, certain universal values, however, have remained strong: commitment, courage, sacrifice, loyalty. But these are nothing more than lofty words chiseled in some granite memorial until they are brought to life by inspired acts like those of Lieutenant Jim Cadigan.

Jim Cadigan personified those values on that German battlefield 55 years ago; and he still does today, stirring the hearts of nearly all who hear his story.

None of this is lost on the members of Jimmy's family whose hearts ache every time they review this ordeal. Recently, his daughter, Mary, said to me, and again I am quoting, "It is shameful that a great soldier and leader is ignored all those years." Well, I agree with Mary. So if the United States Army cannot see fit to adequately honor a true American hero like James Cadigan, then I will do so as a Member of Congress.

Jim, we recall all those you saved 55 years ago as well as those who never made it home; and we thank you for the sacrifices you and your generation made so that we can enjoy the freedom we take for granted today. Jim, we thank you for saving so many American lives on that battlefield in 1945, enabling those young men to return to our soil and raise their own families, and for risking your life and your family's future for our sake.

Jim, thank you for proving that such qualities as commitment, courage, sacrifice, and loyalty still count for so much. And Jim, although the Army has denied you the Medal of Honor you deserve, in my eyes and in the eyes of those who really know what happens on the battlefield, you have already earned your Nation's highest honor and gratitude. You do not need a piece of medal pinned to your chest to prove that.

Jim Cadigan, in the name of the American people and the men whose lives you saved, I salute you as a true American hero.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. TANNER (at the request of Mr. GEPHARDT) for today on account of attending a funeral of a personal friend in the district.

Mr. WALDEN of Oregon (at the request of Mr. ARMEY) for today on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. MCDERMOTT, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. LIPINSKI, for 5 minutes, today.

Mr. SMITH of Washington, for 5 minutes, today.

Mr. WU, for 5 minutes, today.

Mr. DOGGETT, for 5 minutes, today.

Ms. STABENOW, for 5 minutes, today.

Mr. DOOLEY of California, for 5 minutes, today.

Ms. CARSON, for 5 minutes, today.

(The following Members (at the request of Mr. WELDON of Florida) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, March 21 and 22.

Mr. GEKAS, for 5 minutes, March 16.

Mr. SOUDER, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. ROHRABACHER, for 5 minutes, today.

The following Member (at his own request) to revise and extend his remarks and include extraneous material:

Mr. MILLER of Florida, for 5 minutes, today.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1000. An act to amend title 49 United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes.

ADJOURNMENT

Mr. DELAHUNT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 37 minutes p.m.), the House adjourned until tomorrow, March 16, 2000, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6590. A letter from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Almonds Grown in California; Revisions to Requirements Regarding Credit for Promotion and Advertising Activities [Docket No. FV99-981-4 FIR] received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6591. A letter from the Administrator, RMA, Department of Agriculture, transmitting the Department's final rule—Common Crop Insurance Regulations; Potato Crop Insurance Certified Seed Endorsement—received January 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6592. A letter from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Onions Grown in South Texas; Change in Container Requirements [Docket No. FV00-959-2 IFR] received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6593. A letter from the Secretary of Defense, transmitting the directive to study the need and appropriate criteria for two possible new decorations for individuals who are killed or injured in the line of duty while serving under competent authority with the Armed Forces; to the Committee on Armed Services.

6594. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Prompt Corrective Action—received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

6595. A letter from the Secretary, Department of Agriculture, transmitting the 1996 activities report on environmental assessment, restoration, and cleanup activities required by section 120(e)(5) of the Comprehensive Response, Compensation, and Liability Act (CERCLA); to the Committee on Commerce.

6596. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Over-The-Counter Human Drugs; Labeling Requirements; Final Rule; Technical Amendment [Docket Nos. 98N-0337, 96N-0420, 95N-0259, 90P-0201] (RIN: 0910-AA79) received January 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6597. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Department's final rule—Findings of Significant Contribution and Rulemaking on Section 126 Petitions for Purposes of Reducing Interstate Ozone Transport [FRL-6522-9] received January 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6598. A letter from the Deputy Chief, Competitive Pricing Division, Common Carrier Bureau, Federal Communications Commission, transmitting the Commission's final rule—Access Charge Reform [CC Docket No. 96-262, FCC 98-257] received January 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6599. A letter from the Chief Counsel (Foreign Assets Control), Department of Transportation, transmitting the Department's final rule—Reporting and Procedures Regulations: Mandatory License Application Form for Unblocking Funds Transfers—received February 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

6600. A letter from the Administrator, General Services Administration, transmitting the new mileage reimbursement rate for Federal employees who use privately owned automobiles while on official travel; to the Committee on Government Reform.

6601. A letter from the Director, Office of Personnel Management, transmitting the amended Commercial Activities Inventory; to the Committee on Government Reform.

6602. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Final Rule to List the Riparian Brush Rabbit and the Riparian, or San Joaquin Valley, Woodrat as Endangered (RIN: 1018-AE40) received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6603. A letter from the Assistant Secretary, Water and Science, Bureau of Reclamation, Department of the Interior, transmitting the Department's final, rule—Information Requirements for Certain Farm Operations In Excess of 960 Acres and the Eligibility of Certain Formerly Excess Land (RIN: 1006-AA38) received February 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6604. A letter from the Acting Director, Fish and Wildlife Services, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Endangered Status for Erigeron decumbens var. decumbens (Wilamette daisy) and Fender's blue butterfly (Icarcia icarioides fenderi) and Threatened Status for Lupinus sulphureus ssp. kincaidii (Kincaid's lupine) (RIN: 1018-AE53) received January 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6605. A letter from the Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the report on the Apportionment of Regional Fishery Management Council (RFMC) Membership in 1999; to the Committee on Resources.

6606. A letter from the Chairman, Commission On The Advancement Of Federal Law Enforcement, transmitting the final report entitled, "Law Enforcement In A New Century And A Changing World"; to the Committee on the Judiciary.

6607. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Aircraft Engines CF34 Series Turbofan Engines [Docket No. 98–ANE–19–AD; Amendment 39–11422; AD 99–23–26] (RIN: 2120–AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6608. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–200 Series Airplanes Modified in Accordance with Supplemental Type Certificate (STC) ST00969AT [Docket No. 96–NM–226–AD; Amendment 39–11562; AD 2000–3–05] (RIN: 2120–AA64) received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6609. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Company CF6–80C2 Series Turbofan Engines [Docket No. 98–ANE–79–AD; Amendment 39–11561; AD 2000–03–04] (RIN: 2120–AA64) received February 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6610. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model DHC–7 Series Airplanes [Docket No. 99–NM–165–AD; Amendment 39–11470; AD 99–26–11] (RIN: 2120–AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6611. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A330–301, –321, –322 Series Airplanes, and Model A340–211, –212, –213, –311, –312, and –313 Series Airplanes [Docket No. 99–NM–195–AD; Amendment 39–11471; AD 99–26–12] (RIN: 2120–AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6612. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Agusta S.p.A. Model AB412 Helicopters [Docket No. 99–SW–63–AD; Amendment 39–11474; AD 99–26–14] (RIN: 2120–AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6613. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300, A310, A300–600 Series Airplanes [Docket No. 98–NM–303–AD; Amendment 39–11458; AD 99–25–15] (RIN: 2120–AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6614. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD–11 and MD–11F Series Airplanes [Docket No. 99–NM–71–AD; Amendment 39–11457; AD 99–25–14] (RIN: 2120–AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6615. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F27 Mark 050 Series Airplanes [Docket No. 99–NM–317–AD; Amendment 39–11459; AD 99–25–16] (RIN: 2120–AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6616. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737 Model Series Airplanes [Docket No. 98–NM–383–AD; Amendment 39–11175; AD 99–11–05] (RIN: 2120–AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6617. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Various Transport Category Airplanes Equipped With Mode "C" Transponder(s) With Single Gillham Code Altitude Input [Docket No. 99–NM–328–AD; Amendment 39–11473; AD 99–23–22 R1] (RIN: 2120–AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6618. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; The New Piper Aircraft, Inc. Models PA–25 [Docket No. 99–CE–69–AD; Amendment 39–11464; AD 99–26–05] (RIN: 2120–AA64) received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6619. A letter from the Director, Office of Personnel Management, transmitting the annual report on employment and training programs for veterans during program year 1998 (October 1, 1997 through September 1, 1998), pursuant to 38 U.S.C. 2009(b); to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 441. Resolution providing for consideration of the bill (H.R. 2372) to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the United States Constitution, have been deprived by final actions of Federal agencies, or other government officials or entities acting under color of State law; to prevent Federal courts from abstaining from exercising Federal jurisdiction in actions where no State law claim is alleged; to permit certification of unsettled State law questions that are essential to resolving Federal claims arising under the Constitution; and to clarify when government action is sufficiently final to ripen certain Federal claims arising under the Constitution (Rept. 106–525). Referred to the House Calendar.

Mr. LEACH: Committee on Banking and Financial Services. H.R. 21. A bill to establish a Federal program to provide reinsurance for State disaster insurance programs; with an amendment (Rept. 106–526). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. WELLER (for himself, Mr. LIPINSKI, Mr. GUTIERREZ, and Mrs. BIGGERT):

H.R. 3926. A bill to amend the Illinois and Michigan Canal National Heritage Corridor Act of 1984 to increase the amount authorized to be appropriated to the Illinois and Michigan Canal National Heritage Corridor Commission; to the Committee on Resources.

By Mr. CONYERS (for himself, Mr. RANGEL, Mr. MEEKS of New York, Ms. JACKSON-LEE of Texas, Mr. SERRANO, Ms. CARSON, Mr. WYNN, Mr. OWENS, Mr. SCOTT, Mr. DAVIS of Illinois, Mr. TOWNS, Mr. GONZALEZ, Mr. UNDERWOOD, and Mr. CUMMINGS):

H.R. 3927. A bill to encourage greater community accountability of law enforcement agencies, and for other purposes; to the Committee on the Judiciary.

By Mrs. BIGGERT (for herself, Mrs. MALONEY of New York, Ms. RIVERS, Mrs. EMERSON, Mrs. MORELLA, Mr. GONZALEZ, Ms. MILLENDER-MCDONALD, Ms. KILPATRICK, Mrs. THURMAN, Mr. HINCHEY, Ms. ROS-LEHTINEN,, Mrs. JOHNSON of Connecticut, and Mrs. KELLY):

H.R. 3928. A bill to amend title VI of the Elementary and Secondary Education Act of 1965 to raise awareness of eating disorders and to create educational programs concerning the same, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILIRAKIS:

H.R. 3929. A bill to prohibit the provision of financial assistance the Federal Government to any person who is more than 60 days delinquent in the payment of any child support obligation; to the Committee on Government Reform.

By Mr. CASTLE:

H.R. 3930. A bill to suspend temporarily the duty on KN001 (a hydrochloride); to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 3931. A bill to suspend temporarily the duty on Methyl thioglycolate; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 3932. A bill to suspend temporarily the duty on KL540; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 3933. A bill to suspend temporarily the duty on DPC 083; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 3934. A bill to suspend temporarily the duty on DPC 961; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 3935. A bill to suspend temporarily the duty on Pro-Jet Magenta 364 Stage; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 3936. A bill to suspend temporarily the duty on Pro-Jet Black 263 Stage; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 3937. A bill to supend temporarily the duty on Pigment Yellow 184; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 3938. A bill to suspend temporarily the duty on Pro-Jet Yellow 1 Stage; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 3939. A bill to suspend temporarily the duty on Pigment Orange 73; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 3940. A bill to suspend temporarily the duty on Direct Black 19 Press Paste; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 3941. A bill to suspend temporarily the duty on Pro-Jet Black HSAQ Stage; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 3942. A bill to suspend temporarily the duty on Pro-Jet Fast Black 286 Paste; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 3943. A bill to suspend temporarily the duty on Pro-Jet Yellow 1G Stage; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 3944. A bill to suspend temporarily the duty on Pigment Red 255; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 3945. A bill to suspend temporarily the duty on Pro-Jet Cyan 1 Press Paste; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 3946. A bill to suspend temporarily the duty on Pro-Jet Black Alc Powder; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 3947. A bill to suspend temporarily the duty on Solvent Yellow 163; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 3948. A bill to suspend temporarily the duty on Pro-Jet Fast Yellow 2 RO Feed; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 3949. A bill to suspend temporarily the duty on Solvent Yellow 145; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 3950. A bill to suspend temporarily the duty on Pro-Jet Fast Magenta 2 RO Feed; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 3951. A bill to suspend temporarily the duty on Pigment Red 264; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 3952. A bill to suspend temporarily the duty on Pro-Jet Fast Cyan 2 Stage; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 3953. A bill to suspend temporarily the duty on Pro-Jet Cyan 485 Stage; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 3954. A bill to suspend temporarily the duty on triflusulfuron methyl formulated product; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 3955. A bill to suspend temporarily the duty on Pro-Jet Fast Cyan 3 Stage; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 3956. A bill to reduce temporarily the duty on Pro-Jet Cyan 1 RO Feed; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 3957. A bill to reduce temporarily the duty on Pro-Jet Fast Black 287 NA Paste/Liquid Feed; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 3958. A bill to suspend temporarily the duty on Pigment Yellow 168; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 3959. A bill to suspend temporarily the duty on 4-(Cyclopropyl-α-hy-droxy-methylene)-3,5-dioxo-cyclohexanecarboxylic acid ethyl ester; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 3960. A bill to suspend temporarily the duty on 8-α-oxo-emamectin benzoate desmethylemamectin benzoate emamectin benzoate methanol adduct 2-epl-emamectin benzoate emamectin benzoate isomer, 4-epl-Δ-2,3-emamectin benzoate dihydroemamectin benzoate; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 3961. A bill to suspend temporarily the duty on propanoic acid, 2-[4-[(5-chloro-3-fluoro-2-pyridinyl)oxy]-phenoxy]-2-propynyl ester; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 3962. A bill to suspend temporarily the duty on certain end-use products containing benzenesulfonamide, 2-(2-chloroethoxy)N-[[4methoxy-6methyl-1,3,5-triazin-2-yl)amino]carbonyl]-and 3,6-dichloro-2-methoxybenzoic acid; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 3963. A bill to suspend temporarily the duty on benzeneacetic acid, (E,E)-α-(-(methoxyimino)-2[[[[1-[3-trifluoromethyl) phenyl] ethylidene]amino]oxy]methyl]-, methyl ester; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 3964. A bill to suspend temporarily the duty on 3-[4,6–Bis(difluoromethoxy)-pyrimidin-2-yl]-1-(2-methoxycar-bonyl-phenylsulfonyl) urea; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 3965. A bill to suspend temporarily the duty on 5-dipropylamino-α,α,α-trifluoro-4,6-dinitro-o-toluidine; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 3966. A bill to suspend temporarily the duty on sulfur; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 3967. A bill to suspend temporarily the duty on end use products containing 3-(6-methoxy-4-methyl-1,3,5-triazin-2-yl)-1-[2-(2-chloro-ethoxy)-phenylsulfonyl]-urea; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 3968. A bill to suspend temporarily the duty on 4-cyclopropyl-6-methyl-N-phenyl-2-pyrimidinamine-4-(2,2-difluoro-1,3-benzodioxol-4-yl)-1H-pyrrole-3-carbonitrile; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 3969. A bill to suspend temporarily the duty on pigment blue 60; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 3970. A bill to suspend temporarily the duty on (R)-2-[2,6-dimethylphenyl)-methoxyacetyl-amino]-propionic acid methyl ester propanoic acid, 2-[4-[(5-chloro-3-fluoro-2-pyridinyl)oxy]-phenoxy]-2-propynl ester; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 3971. A bill to suspend temporarily the duty on certain end-use products containing benzothialdiazole-7-carbothioic acid S-methyl ester; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 3972. A bill to suspend temporarily the duty on benzothialdiazole-7-carbothioic acid S-methyl ester; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 3973. A bill to suspend temporarily the duty on O-(4-Bromo-2-chlorophenyl)-O-ethyl-S-propyl phosphorothioate; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 3974. A bill to suspend temporarily the duty on 1-[[2-(2,4-dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl] methyl]-1H–1,2,4-triazole; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 3975. A bill to suspend temporarily the duty on tetrahydro-3-methyl-N-nitro-5[[2-phenylthio)-5-thiazolyl]-4-H-1,3,5-oxadiazin-4-imine; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 3976. A bill to suspend temporarily the duty on 1-(4-methoxy-6-methyl-triazin-2-yl)-3-[2-(3,3,3-trifluoropropyl)-phenylsulfonyl]-urea; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 3977. A bill to suspend temporarily the duty on 1,2,4–Triazin-3(2H) one,4,5-dihydro-6-methyl-4-[(3-pyridinyl methylene)amino]; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 3978. A bill to suspend temporarily the duty on 4-(2,2-difluoro-1,3-benzodioxol-4-yl)-1H-pyrrole-3-carbonitrile; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 3979. A bill to suspend temporarily the duty on 3-(6-methoxy-4-methyl-1,3,5-triazin-2-yl)-1-[2-(2-chloro-ethoxy)-phenylsulfonyl]-urea-3,6-dichloro-2-methoxybenzoic acid; to the Committee on Ways and Means.

By Mr. COBURN (for himself, Mr. TANCREDO, Mr. PITTS, Mrs. CHENOWETH-HAGE, Mr. LARGENT, Mr. DEMINT, Mr. NORWOOD, Mr. HOEKSTRA, Mr. MCINTOSH, Mr. DELAY, Mr. TERRY, Mr. SCHAFFER, Mr. DOOLITTLE, Mr. RYUN of Kansas, Mr. GUTKNECHT, Mr. CANADY of Florida, Mr. STEARNS, Mr. ISTOOK, Mr. PICKERING, Mr. SHADEGG, Mr. HOSTETTLER, Mr. TALENT, Mr. GARY MILLER of California, Mr. BURTON of Indiana, and Mr. TIAHRT):

H.R. 3980. A bill to amend the Public Health Service Act with respect to disclosures regarding transfers of human fetal tissue; to the Committee on Commerce.

By Mr. CONYERS (for himself, Mr. RANGEL, Mr. MEEKS of New York, Ms. JACKSON-LEE of Texas, Mr. SERRANO, Ms. CARSON, Mr. WYNN, Mr. OWENS, Mr. SCOTT, Mr. DAVIS of Illinois, Mr. TOWNS, Mr. GONZALEZ, Mr. UNDERWOOD, Mr. CUMMINGS, Mr. HINCHEY, Mr. ENGEL, Ms. WATERS, and Mr. NADLER):

H.R. 3981. A bill to encourage greater community accountability of law enforcement agencies, and for other purposes; to the Committee on the Judiciary.

By Mr. COX:

H.R. 3982. A bill to amend the Internal Revenue Code of 1986 to repeal the 30-percent tax increase on highway gasoline, diesel fuel, and kerosene imposed by the 1993 tax bill; to the Committee on Ways and Means.

By Mr. DREIER (for himself, Ms. LOFGREN, Mr. SMITH of Washington, Mr. DAVIS of Virginia, Mr. DOOLEY of California, Mr. ARMEY, Ms. ESHOO, Ms. DUNN, Mr. MORAN of Virginia, Mr. OXLEY, Mr. DOGGETT, Mr. SHAYS, Mr. KENNEDY of Rhode Island, Mr. SESSIONS, Mr. MENENDEZ, Mr. KNOLLENBERG, Mr. ROEMER, Mr. LINDER, Ms. MCCARTHY of Missouri, Mr. KOLBE, Ms. PELOSI, and Mrs. MORELLA):

H.R. 3983. A bill to amend the Immigration and Nationality Act to promote a fairer and more efficient means for using highly skilled workers, to improve the collection and use of H-1B nonimmigrant fees, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Education and the Workforce, and Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANKS of New Jersey:

H.R. 3984. A bill to establish a National Clearinghouse for Character Education; to the Committee on Education and the Workforce.

By Mr. HASTINGS of Florida:

H.R. 3985. A bill to designate the facility of the United States Postal Service located at 14900 Southwest 30th Street in Miramar City, Florida, as the "Vicki Coceano Post Office Building"; to the Committee on Government Reform.

By Mr. HASTINGS of Washington:

H.R. 3986. A bill to provide for a study of the engineering feasibility of a water exchange in lieu of electrification of the Chandler Pumping Plant at Prosser Diversion Dam, Washington; to the Committee on Resources.

By Ms. JACKSON-LEE of Texas:

H.R. 3987. A bill to prevent children's access to firearms; to the Committee on the Judiciary.

By Mr. LAHOOD:

H.R. 3988. A bill to extend the temporary suspension of duty on Carbamic Acid (V-9069); to the Committee on Ways and Means.

By Mr. LAHOOD:

H.R. 3989. A bill to suspend temporarily the duty on nicosulfuron formulated product ("Accent"); to the Committee on Ways and Means.

By Mr. LAHOOD:

H.R. 3990. A bill to extend the temporary suspension of duty on Rimsulfuron; to the Committee on Ways and Means.

By Mr. LAHOOD:

H.R. 3991. A bill to extend the temporary suspension of duty on DPX-E9260; to the Committee on Ways and Means.

By Mr. LAHOOD:

H.R. 3992. A bill to extend the temporary suspension of duty on DPX-E6758; to the Committee on Ways and Means.

By Mrs. MCCARTHY of New York:

H.R. 3993. A bill to amend title XXVII of the Public Health Service Act, title I of the Employee Retirement Income Security Act of 1974, the Internal Revenue Code of 1986, and title XVIII of the Social Security Act to require that group and individual health insurance coverage, group health plans, and Medicare+Choice organizations provide prompt payment of claims; to the Committee on Commerce, and in addition to the Committees on Ways and Means, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. NAPOLITANO (for herself, Mr. Dreier, Mr. Martinez, and Ms. Roybal-Allard):

H.R. 3994. A bill to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to increase the Federal share of the costs of the San Gabriel Basin demonstration project; to the Committee on Resources.

By Ms. NORTON (for herself and Mr. Davis of Virginia):

H.R. 3995. A bill to establish procedures governing the responsibilities of court-appointed receivers who administer departments, offices, and agencies of the District of Columbia government; to the Committee on Government Reform.

By Mr. TALENT (for himself and Mr. Thune):

H.R. 3996. A bill to provide for grants to assist value-added agricultural businesses; to the Committee on Agriculture.

By Mrs. WILSON (for herself, Mr. Kasich, and Mr. Oxley):

H.R. 3997. A bill to improve systems for the delivery of dividends, interest, and other valuable property rights to lost security holders; to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILIRAKIS (for himself, Mr. Klink, Mrs. Maloney of New York, Mr. Gilman, Mr. Cunningham, Mr. Bilbray, Mr. McGovern, Mr. McNulty, Mr. Horn, Mr. Hinchey, Mr. Andrews, Mr. Brown of Ohio, Mrs. Kelly, Mr. Pallone, Ms. Stabenow, Mr. Matsui, Mr. Menendez, Ms. Lee, Mr. Blumenauer, Mr. Blagojevich, Mr. Capuano, Mr. Visclosky, Mr. Doyle, Mr. Payne, Ms. Ros-Lehtinen, and Mr. Evans):

H. Con. Res. 283. Concurrent resolution recognizing and honoring the members of the American Hellenic Educational Progressive Association (AHEPA) who are being awarded the AHEPA Medal for Military Service for service in the Armed Forces of the United States; to the Committee on Armed Services.

By Mr. BACHUS (for himself, Mr. Reynolds, Mr. Rohrabacher, Mr. Portman, Mr. Barcia, Mr. Buyer, Mr. Aderholt, Mr. Boucher, Mr. Cramer, Ms. Rivers, Mr. McIntyre, and Mr. Deal of Georgia):

H. Con. Res. 284. Concurrent resolution expressing the sense of the Congress that members of the Organization of Petroleum Exporting Countries should immediately increase crude oil production in order to increase crude oil supplies and achieve stable crude oil prices; to the Committee on International Relations, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAXTON (for himself, Mr. Chambliss, Mr. Sessions, Mr. Burr of North Carolina, Mr. Cooksey, Mr. Weldon of Pennsylvania, Mr. Gilchrest, Mr. Watts of Oklahoma, Mr. Snyder, Mrs. Kelly, Mr. Talent, Mr. Walden of Oregon, Mr. Bartlett of Maryland, Mr. Barcia, Mr. Kuykendall, Mr. Tiahrt, and Mr. Ewing):

H. Con. Res. 285. Concurrent resolution expressing the sense of Congress regarding Internet security and "cyberterrorism"; to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TRAFICANT (for himself and Mr. Ney):

H. Res. 442. A resolution calling upon the President to take certain actions regarding imports of steel products from certain countries; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 7: Mr. Herger and Mr. Ehrlich.

H.R. 175: Mr. Stenholm, Mr. Sensenbrenner, Mr. Norwood, Mr. Hall of Ohio, Mr. Coble, Mr. Vitter, and Mr. Baca.

H.R. 218: Mr. DeFazio, Mr. Ramstad, and Mr. Wise.

H.R. 352: Mr. Calvert.

H.R. 405: Ms. Danner.

H.R. 531: Mr. Davis of Illinois and Mr. Ney.

H.R. 721: Mr. Bishop.

H.R. 742: Mr. Lucas of Oklahoma and Mrs. McCarthy of New York.

H.R. 816: Mr. Walden of Oregon.

H.R. 957: Mrs. Morella.

H.R. 1055: Mr. Riley and Mr. Leach.

H.R. 1070: Mr. Holden, Mr. Goode, and Mr. Cramer.

H.R. 1071: Mr. George Miller of California.

H.R. 1178: Mr. Salmon.

H.R. 1187: Mr. Green of Wisconsin.

H.R. 1244: Mr. Ryun of Kansas.

H.R. 1272: Mr. Vitter.

H.R. 1304: Mr. Hlliard, Mr. Evans, Mr. Cramer, Mr. Murtha, Mr. Sanders, Mr. Everett, Mr. Hinojosa, and Mr. McDermott.

H.R. 1310: Mr. Norwood, Mrs. Clayton, Mr. Price of North Carolina, Mr. George Miller of California, Mr. Greenwood, Mr. Bachus, Ms. Berkley, Mr. Ney, Mr. Watt of North Carolina, Mr. Fossella, and Mr. Portman.

H.R. 1311: Mr. Green of Wisconsin and Mrs. Fowler.

H.R. 1388: Mr. Hutchinson.

H.R. 1454: Mr. Fattah.

H.R. 1503: Mr. McIntosh.

H.R. 1510: Ms. DeLauro.

H.R. 1577: Mr. Mascara.

H.R. 1622: Ms. Norton and Mr. Clyburn.

H.R. 1640: Mr. Ford, Mr. Larson, Ms. Eddie Bernice Johnson of Texas, Mr. Engel, and Mr. Strickland.

H.R. 1739: Mr. Lantos.

H.R. 1746: Ms. Pryce of Ohio and Mr. Bass.

H.R. 1747: Mr. Diaz-Balart.

H.R. 1760: Mr. Baker and Mr. Blumenauer.

H.R. 1775: Ms. Norton.

H.R. 2121: Mr. Owens and Mr. Wu.

H.R. 2128: Mr. Barr of Georgia.

H.R. 2200: Mr. Watt of North Carolina.

H.R. 2298: Mr. Owens.

H.R. 2321: Mr. Price of North Carolina.

H.R. 2328: Mr. McHugh and Mr. Sabo.

H.R. 2420: Mr. Stump, Mr. Knollenberg, Mrs. Emerson, Mr. Ryun of Kansas, Mr. Allen, Mr. LaTourette, Mr. Doolittle, Mrs. Napolitano, Mr. Costello, Mr. Coburn, Mr. Lipinski, and Ms. Baldwin.

H.R. 2470: Mr. Hutchinson.

H.R. 2586: Mr. Klink.

H.R. 2697: Mr. Rohrabacher, Mr. Quinn, and Mr. Scarborough.

H.R. 2825: Mr. Doolittle.

H.R. 2883: Mr. McCollum.

H.R. 2894: Mr. Bryant.

H.R. 2900: Ms. Slaughter, Mr. DeFazio, Mr. Owens, Ms. Millender-McDonald, Mr. Becerra, Mr. Rothman, Mr. Andrews, Mr. Engel, Mr. Rangel, and Mr. Campbell.

H.R. 2901: Mr. McNulty.

H.R. 2934: Ms. McCarthy of Missouri, Mr. Smith of Washington, Mr. Rush, Ms. Eddie Bernice Johnson of Texas, and Mr. Underwood.

H.R. 3039: Ms. Norton, Mrs. Morella, Mr. Gekas, and Mr. Wynn.

H.R. 3058: Ms. Ros-Lehtinen.

H.R. 3180: Mr. Oxley.

H.R. 3193: Mr. Berry, Mr. English, Mr. McGovern, Mr. Cramer, Mr. Gejdenson, Mr. Ryun of Kansas, Mr. Luther, and Mr. Bereuter.

H.R. 3248: Mr. Largent, and Mr. Weldon of Florida.

H.R. 3301: Ms. Brown of Florida and Mr. Barrett of Nebraska.

H.R. 3408: Mrs. Myrick and Mr. Hyde.

H.R. 3418: Mr. Phelps.

H.R. 3420: Mr. Barrett of Nebraska.

H.R. 3463: Mr. Knollenberg and Mr. Weiner.

H.R. 3543: Mr. Hill of Indiana, Ms. Kaptur, and Mr. Phelps.

H.R. 3545: Mr. Stupak, Mr. Becerra, Mr. Blumenauer, and Ms. Hooley of Oregon.

H.R. 3554: Mrs. Myrick, Mr. Oxley, Mrs. Morella, and Mr. Watts of Oklahoma.

H.R. 3571: Mr. Frank of Massachusetts.

H.R. 3573: Mr. Aderholt.

H.R. 3608: Mr. Phelps, Mrs. Kelly, and Mr. DeFazio.

H.R. 3634: Mr. Olver and Mr. Blumenauer.

H.R. 3639: Mr. Diaz-Balart, Mr. Sensenbrenner, Mr. Stenholm, and Mr. Barcia.

H.R. 3662: Ms. Carson, Mr. Kind, and Mr. Frank of Massachusetts.

H.R. 3686: Mr. Nadler and Ms. McKinney.

H.R. 3691: Mr. Schaffer.

H.R. 3694: Ms. Stabenow.

H.R. 3710: Mr. Rahall, Mr. Moakley, Mr. Dixon, Mr. Olver, Mr. Romero-Barcelo, Mr. Baldacci, and Mr. Kucinich.

H.R. 3807: Mr. Kennedy of Rhode Island.

H.R. 3809: Mrs. Kelly, Mr. Holden, Mr. Canady of Florida, and Mr. Deutsch.

H.R. 3822: Mr. Salmon, Mr. Boehlert, Mr. Gillmor, Mr. Ballenger, Mr. Lantos, Mr. Scarborough, Mr. Lipinski, Mr. Deal of Georgia, and Mr. Thune.

H.R. 3849: Mr. Sununu.

H.R. 3850: Mr. Oxley and Mr. Green of Wisconsin.

H.R. 3891: Mrs. Thurman.

H. Con. Res. 228: Mr. Klink.

H. Con. Res. 260: Mr. Radanovich, Mr. Armey, Mr. Kolbe, Mr. Sam Johnson of Texas, and Mr. Stearns.

H. Con. Res. 261: Ms. McKinney and Mr. Owens.

H. Con. Res. 269: Ms. Carson, Mrs. Morella, Mr. Blumenauer, Mr. Neal of Massachusetts, Mr. Cooksey, Mr. English, Mr. Doyle, Mr. Hall of Ohio, Mr. McDermott, Mr. Farr of California, Mr. McHugh, Mr. Pastor, Mr. Holden, and Mr. Frost.

H. Con. Res. 273: Mr. LoBiondo, Mrs. Kelly, Mr. Phelps, Mr. English, and Mr. Rothman.

H. Res. 208: Mr. Hoeffel, Mr. Lipinski, Mr. Waxman, and Mr. Klink.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. Res. 396: Mr. Dooley of California.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2372

Offered by: Mr. Boehlert

(Amendment in the Nature of a Substitute)

Amendment No. 1: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Private Property Rights Implementation Act of 2000".

SEC. 2. UNITED STATES AS DEFENDANT.

Section 1346 of title 28, United States Code, is amended by adding at the end the following:

"(h)(1) Any claim brought under subsection (a) that is founded upon a property right or privilege secured by the Constitution, but was allegedly infringed or taken by the United States, shall be ripe for adjudication upon a final decision rendered by the United States, that causes actual and concrete injury to the party seeking redress.

"(2) For purposes of this subsection, a final decision exists if—

"(A) the United States makes a definitive decision regarding the extent of permissible uses on the property that has been allegedly infringed or taken; and

"(B) one meaningful application, as defined by the relevant department or agency, to use the property has been submitted but denied, and the party seeking redress has applied for but is denied one appeal or waiver, where the applicable law of the United States provides a mechanism for appeal to or waiver by an administrative agency.

The party seeking redress shall not be required to apply for an appeal or waiver described in subparagraph (B) if no such appeal or waiver is available or if such an appeal or waiver would be futile.".

SEC. 3. JURISDICTION OF COURT OF FEDERAL CLAIMS.

Section 1491(a) of title 28, United States Code, is amended by adding at the end the following:

"(3) Any claim brought under this subsection founded upon a property right or privilege secured by the Constitution, but allegedly infringed or taken by the United States, shall be ripe for adjudication upon a final decision rendered by the United States, that causes actual and concrete injury to the party seeking redress. For purposes of this paragraph, a final decision exists if—

"(A) the United States makes a definitive decision regarding the extent of permissible uses on the property that has been allegedly infringed or taken; and

"(B) one meaningful application, as defined by the relevant department or agency, to use the property has been submitted but denied, and the party seeking redress has applied for but is denied one appeal or waiver, where the applicable law of the United States provides a mechanism for appeal or waiver.

The party seeking redress shall not be required to apply for an appeal or waiver described in subparagraph (B) if no such appeal or waiver is available or if such an appeal or waiver would be futile.".

SEC. 4. EFFECTIVE DATE.

The amendments made by this Act shall apply to actions commenced on or after the 120th day after the date of the enactment of this Act.

H.R. 3843

Offered By: Mr. Traficant

Amendment No. 1: At the end of the bill, add the following new section:

SEC. 4. LOAN APPLICATION PROCESSING.

(a) Study.—

(1) In general.—The Administrator of the Small Business Administration shall conduct a study to determine the average time that the Administration requires to process an application for each type of loan or loan guarantee made under the Small Business Act (15 U.S.C. 631 et seq.).

(2) Transmittal.—Not later than 1 year after the date of enactment of this section, the Administrator shall transmit to Congress the results of the study conducted under paragraph (1).

EXTENSIONS OF REMARKS

QUALITY TEACHER RECRUITMENT ACT OF 2000

HON. LINDSEY O. GRAHAM

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2000

Mr. GRAHAM. Mr. Speaker, last week Representative GEORGE MILLER, Representative DALE KILDEE and I introduced the Quality Teacher Recruitment Act of 2000. This bipartisan bill will help recruit high-quality teachers for the low income school districts that need them most.

The Quality Teacher Recruitment Act of 2000 will allow new teachers to have their federal education loans forgiven up to $17,750 after teaching in an eligible school for five consecutive years. This bill is a win for everyone: school districts will have an easier time recruiting high-quality teachers and new teachers will have their commitment to high-need schools rewarded by allowing them to significantly reduce their student loan debt. Most importantly, students will benefit from having highly qualified teachers in their classrooms.

In 1998, Congress passed and the President signed into law the Higher Education Amendments. This bill provided up to $5,000 in student loan forgiveness for teachers that taught for five years in a Title I school with 30 percent or higher poverty. In addition, this provision required that eligible secondary teachers have a relevant major to the area in which they were teaching and that eligible elementary school teachers were certified in reading, writing, math and other areas of curriculum as determined by the local school officials.

The $5,000 in loan forgiveness now offered is helpful, however, education majors graduate with an average of $17,750 in federal student loans. The Quality Teacher Recruitment Act of 2000 will improve on the existing loan forgiveness in the Higher Education Amendments by allowing qualifying teachers to have their loans forgiven up to this higher amount.

The Quality Teacher Recruitment Act of 2000 will benefit teachers, students, and school districts across the country. Whether it is a low income school in rural America, or a high poverty urban district, schools who have had historically difficult times recruiting teachers will profit from the Quality Teacher Recruitment Act of 2000.

TRIBUTE TO JUDGE NICHOLAS H. POLITAN

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2000

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the deeds of an important member of my district, Nicholas Politan of West Orange, New Jersey. Nicholas is being honored tonight with the 58th Annual Humanitarian Award from the Columbian Foundation, because of his years of service to the community. It is only fitting that he is honored, for he epitomizes caring and generosity of spirit.

Judge Politan, a life-long resident of Essex County, is a graduate of Arts High School and Rutgers University, Newark, New Jersey. He furthered his education at Rutgers Law School, where he served as Managing Editor of its Law Review.

Nicholas has always been a community leader. In 1960, he served as a Law Clerk to the Honorable Gerald McLaughlin, a Judge on the United States Court of Appeals for the Third Circuit. Following this trend in civic awareness Nicholas decided to open a law practice with his friend and partner James Cecchi in 1961. The time spent working in his practice instilled in him the attributes necessary for him to become the stellar force in the community he has now become. It was the small steps in the beginning of his career that taught him the fundamentals that would make him a role model to the people that he now serves.

Known for a questioning mind and an ability to get things done, Nicholas Politan worked in Lyndhurst, and practiced in many areas of the law. Along with his partner, he has served as both Director and Principal of the County Trust Company from 1980 through 1987. Politan's rise to higher office came with a personal call from President Ronald Reagan, who nominated him to the United States District Court.

On December 14, 1987 Judge Politan was sworn as United States District Court Judge. He has since presided over many significant and controversial cases. He has always served the people well, and remained fair and impartial. Described as affable and disarming by his colleagues, Judge Politan has proven that he has the intellectual integrity and fortitude to make difficult decisions.

Receiving the Columbian Foundation's Annual Humanitarian Award is a prestigious honor. The organization was founded in 1941 by business and professional men of Italian descent from Newark and the surrounding communities. The group's Annual Awards Dinner honors individual achievements. The Humanitarian Award is bestowed upon a man or woman that displays outstanding accomplishments, while supporting the works of the Foundation. These works include college scholarships for needy students, contributions to children's welfare and charitable organizations, donations to Columbus Hospital, the establishment of the Italian Institute of Seton Hall University and the support of similar programs at other colleges, universities and hospitals.

Nicholas, a native of Newark, was born on the city's. West Side. A current resident of West Orange, he lives with his wife for forty years, Marian. The couple has two sons, Nick and Vincent and five grandchildren.

Mr. Speaker, I ask that you join me, our colleagues, Nicholas' family and friends, the members of the Columbian Foundation, and the State of New Jersey in recognizing Nicholas H. Politan as a Columbian Foundation 1999 Honoree.

TRIBUTE TO LOIS KOENIG

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2000

Ms. ESHOO. Mr. Speaker, I rise today to honor Lois Koenig, a dedicated citizen and employee of San Mateo County, CA, who is retiring after more than 20 years of service to her community as Manager in the Human Services Agency.

Lois Koenig's distinguished career in public service is exceptional. During her tenure at the Human Services Agency, Lois designed many special projects including Intake Process, GAIN, and the GIS automation system. As Assistant to the Director, Lois was instrumental in bringing together the implementation of SUCCESS, San Mateo County's version of the California welfare reform program, CalWORK's. She also played a key role in developing the Human Services Strategic Plan which identified three outcomes which were used to measure the success of SUCCESS.

Lois Koenig has also served as a leader and mentor to other volunteers and has inspired many in her community to volunteer. Her leadership and exemplary work in volunteer services earned her outstanding and deserving recognition from the San Mateo County Board of Supervisors. In 1998, she was chosen for the Outstanding Community Service by Women Award in Management and also voted Volunteer of the Year by the Mid-Peninsula YMCA.

Lois Koenig's contributions and accomplishments include working with ten major nonprofit organizations in the County of San Mateo, Assisting them in raising funds, training their staff in budgeting and financial strategy skills, and helping to raise more than a quarter of a million dollars a year for the citizens of San Mateo County. Lois cochaired the Crystal Springs Trail Day Fundraising Events in 1997 and 1998 and raised funds for the upkeep of trails and the expansion of Sawyer Camp Trail in San Mateo County. She was also a member of the 1994 Tenth Annual San Mateo County Women's Hall of Fame Committee.

Mr. Speaker, I ask my colleagues to join me today in paying tribute to an exceptional person who has given much for the betterment of her community and our country.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

INTRODUCTION OF THE DISTRICT OF COLUMBIA RECEIVERSHIP ACCOUNTABILITY ACT OF 2000

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2000

Ms. NORTON. Mr. Speaker, I rise today to introduce the District of Columbia Receivership Accountability Act of 2000. This legislation became necessary because of information I have gathered that indicates that receiverships in the District of Columbia have been run largely unfettered by systematic supervision; guidelines for performance; monitoring to assure that promised actions are taken, and improvements achieved; cost and efficiency accountability; and other measures to assure that the agency is returned to the District promptly and in good condition.

The only District of Columbia agency to go promptly through receivership and emerge in good condition has been the D.C. Housing Authority. Its receiver, David Gilmore, demonstrated rare management and human relations talent. A Superior Court decision appointing a receiver for special education services for the District's juvenile detention center has been overturned by the D.C. Court of Appeals. Information concerning the other agencies in receivership have raised such serious questions that D.C. Subcommittee Chairman TOM DAVIS and I have requested GAO reports on all of the outstanding receiverships: Child and Family Services, the Commission on Mental Health Services, and the Corrections Medical Receiver for the D.C. Jail. However, information that we now have has led Chairman DAVIS and I to conclude that immediate legislation to assure adequate supervision of the agencies involved cannot await the completion of the GAO reports on these three agencies. Additional legislation may be necessary after completion of the GAO reports, but the bill we propose today is clearly necessary now to assure the safety and well-being of D.C. residents and cost effective reform of the receivership agencies.

Most of the outstanding receiverships appear to have similar problems, but the Child and Family Services receivership, appointed in 1995 by the U.S. District Court, caused special concern by D.C. officials and congressional members after the death of the infant, Brianna Blackmond. Brianna who was returned to her mother, after a judgment found that she neglected Brianna and her seven siblings, with apparent signoff from the court, lawyers, the child's advocate, and the social workers involved. Since the baby's death, no fair assessment of what went wrong, or fact-finding hearing by a court, and no effective remedial action to correct the problem, or assurance that more deaths of children might not occur, has been forthcoming. Instead, there have been reports of chaos and further deterioration in the agency. Chairman DAVIS has set a hearing on the Child and Family Services Agency receivership for April 14, 2000.

The Commission on Mental Health, charged with providing community-based and institutional mental health care to indigent residents of the District, was placed in receivership in 1997. The receiver has resigned and not only have the services not improved, but the plaintiffs agreed in a negotiated settlement to terminate the receivership because the agency appears to be in worse condition than when it was placed in receivership. Consequently, the court and all of the parties have agreed to a transition plan, and an interim receiver has been appointed by the court to return control of the agency to the city by April 1, 2001.

Medical services in the D.C. Jail were placed in receivership by the U.S. District Court in 1995 for a period of five years. Recently, the receiver let a contract at a cost three times the national average without comparing program and cost estimates regionally or nationally, and over the objections of the Corrections Trustee appointed pursuant to the 1997 Revitalization Act. The contract was given to an entity consisting of employees of the present receiver who have never had a contract before and whose only contract and only revenue would come from this D.C.-financed contract. In response to concerns I expressed, the court-appointed monitor detailed services provided without indicating if other jurisdictions provide similar services and asserted that medical conditions in the District were worse than other jurisdictions. However, she made no mention of the nearest comparable jurisdiction, the Baltimore Jail medical services, which also are operated by a private contractor pursuant to District Court supervision. The court monitor cited diseases at the D.C. Jail, which undoubtedly are found in big city jail populations throughout the country, and did not indicate why the District should have the same elevated costs and staffing levels now with presumably revitalized systems as it had under emergency conditions in the first years of receivership. The court monitor did not indicate why comparative costs assessments were never undertaken or what standards should guide a cost effective system and what completion of the receivership and return of control to the District should entail. No comprehensive outside professional audit was undertaken before the receiver approved large, ongoing costs for jail medical services.

Thus, three out of four of the existing receiverships present such substantial problems that Chairman TOM DAVIS and I have agreed that action to ensure higher standards and cost accountability cannot wait. The District of Columbia Receivership Accountability Act places affirmative duties on all receivers who are appointed by either Federal or D.C. courts to administer any department, agency, or office of the government of the District of the District of Columbia. These duties are:

First, best practices: The bill places an affirmative duty on each receiver to conduct all operations consistent with the best practices and financial stability and management efficiency of the District of Columbia.

Second, annual audit by the District's Inspector General: Each receiver must submit to an annual financial and program audit conducted by the Inspector General of the District of Columbia.

Third, controlling costs: Each receiver must ensure that costs are consistent with applicable regional and national standards (including personnel costs), except that this requirement may be waived during any initial two-year emergency period of the receivership.

Fourth, consultation with city officials on the budget: In preparing the annual budget for the entity in receivership, the receiver must consult with the Mayor and Chief Financial Officer of the District of Columbia. After this consultation, the receiver must prepare and submit her budget to the Mayor for inclusion in the city's annual budget. The Council may comment and make recommendations on the receiver's budget estimates.

Fifth, procurement practices: When entering into contracts, each receiver must fully comply with the procurement procedures of the District of Columbia and work through the District's procurement officials.

The bill applies to all receivers appointed beginning with 1995. Existing receivers must comply with the requirements of this bill beginning with fiscal year 2001. I urge my colleagues to support this important measure.

NATIONAL COUNCIL OF NEGRO WOMEN, INC., 17TH ANNUAL FOUNDER'S DAY LUNCHEON—"LEAVE NO ONE BEHIND: MOVING STRATEGICALLY INTO THE MILLENNIUM"

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2000

Mr. PALLONE. Mr. Speaker, on Saturday, March 18, 2000, the National Council of Negro Women, Inc. (NCNW), North Shore Area Section (NSAS) is sponsoring its 17th Annual Founder's Celebration Luncheon at Fort Monmouth, NJ.

On that occasion, the annual Mahala Field Atchison Award will be presented to Dorothy McNish, an NSAS member. Since 1989, this award has been presented annually to a member of the North Shore Area Section, in memory of Mrs. Atchinson, an exemplary educator and humanitarian. Her lifelong devotion to enriching the lives of children and making our community a better place has been recognized in many ways. In 1973, the Primary School on Sycamore Avenue in Tinton Falls, NJ, was renamed Mahala F. Atchinson School. It is indeed a significant honor for Ms. McNish to receive this award, and I am proud to pay tribute to her on this occasion.

The keynote speaker at Saturday's event will be Major General Robert Nabors, the Commander of the U.S. Army's CECOM (Communications Electronics Command) at Fort Monmouth. Major General Nabors has been the Commander at CECOM since September 1, 1998. He has served our country in numerous posts, both internationally in Vietnam, Korea, Germany, and Italy, and domestically, most recently at the command of the 5th Signal Command, prior to assuming the command at CECOM. During his distinguished career, he has won numerous awards and decorations. Major General Nabors and his wife Valerie have three adult children.

The National Council of Negro Women, Inc., North Shore Area Section, is a non-profit community-based organization striving to ensure the educational, social, economic and cultural enrichment of African American women, their families and their communities. The NCNW, which was founded in 1935 by the noted educator and human rights activist Mary McLeod Bethune, fulfills its mission through research, advocacy, national and community based services and programs in the U.S. and in African countries. Born of NCNW, NSAS has been a part of the Monmouth County community for 18 years.

I would like to pay tribute to all of those who have worked so hard to make Saturday's event a success, particularly NSAS current president Laura Lewis and luncheon chairperson Girdie B. Washington.

TRIBUTE TO BOY SCOUTS OF AMERICA TROOP 3

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2000

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the deeds of an important group from my district, Boy Scouts of America Troop 3 of Clifton, New Jersey. Troop 3 is celebrating both its 75th anniversary and its years of community service on this date. It is only fitting that we gather here for this honor, for this group epitomizes caring and generosity of spirit.

This Troop was formed not long after the founding of Boy Scouts of America. The national organization was Incorporated on February 8, 1910, and chartered by Congress on June 15, 1916. Troop 3 was organized in1923, and received its Charter from the Boy Scouts of America in January 1924 for the purpose of "Character Building, Americanization and Citizenship Training."

Since its inception, Troop 3 has always been involved in serving the community. The first Scoutmaster of this community organization was William Topp. The time spent under Scoutmaster Topp's leadership instilled in the Troop the attributes necessary for it to become the stellar force in the community it has now become. It was the small steps in the beginning of its development that gave it the fundamentals that would make its members role models to the people that they now serve.

Known for a questioning mind and an ability to get things done, William Topp, the Troop's first Scoutmaster, also organized its first committee. The members of this initial Committee were Adrion Wentink, Frank G. McIntosh and A.W. Moore. These visionary leaders fostered and aided the group during its nascent years, and helped it to become what it is today. Boy Scout Troop 3 is forever indebted to these men.

The early days of Troop 3 saw the Scouts participating in much of the same activities as today. These include basic Scouting activities such as hiking and camping. This Troop has shaped the lives of many generations of Americans, and this is a valuable and noble contribution to society.

This active and involved group from Clifton has many records of its 75-year history. The Troop's archives contain a picture dated July 25, 1926, which shows the Scouts preparing for a weekend trip. The Scouts were the guests of Clifton's then Mayor Thornburn. In addition, minutes of early meetings show that not much has changed in the order of Scout business. Then, as now, the meeting began with the recitation of the Scout Oath and Laws, followed by games and skill building.

Boy Scouts of America Troop 3 continually touches the lives of the people of Clifton. The troop is known throughout the community for its tradition of service. Whether the Scouts are aiding seniors or their fellow students, they have made an important and lasting impact on the citizens of Clifton over the last 75 years.

Mr. Speaker, I ask that you join me, our colleagues, Boy Scouts of America, the residents of Clifton, and the family and friends of past and present members of this organization in recognizing the outstanding and invaluable service to the community of Boy Scouts of America Scout Troop 3.

TRIBUTE TO PAUL KOENIG

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2000

Ms. ESHOO. Mr. Speaker, I rise today to honor Paul Koenig, an outstanding employee of San Mateo County, CA, who is retiring after 22 years of exceptional service to his community, his county and his country. He has served as Director of Environmental Services, Planning Director, Chief Building Official and Executive Director of the San Mateo Local Agency Formation Commission (LAFCo).

Paul Koenig's long and devoted career in public service began in September, 1965, when he joined Broward County, FL, as a Planner in the Research Division. In September 1966, he moved to California to work for the San Diego County Planning Department, where he became the Chief of Planning in 1976. In April 1978, Mr. Koenig relocated to the Bay Area and was hired by San Mateo County as Planning Director. He was soon appointed to other demanding leadership positions, all of which he carried out with equal diligence, commitment and expertise.

Paul Koenig's accomplishments in San Mateo County are numerous. His most outstanding accomplishments include the adoption of the first county Local Coastal Program (LCP) that was adopted and certified pursuant to the California Coastal Act of 1976; The Habitat Conservation Plan (HCP) for San Bruno Mountain, which was the first of its kind in the country to succeed in balancing the interests of private property owners with the need to preserve habitat for endangered species; the Coastside farm labor housing project in Half Moon Bay; the Devil's Slide tunnel project; the establishment of Edgewood County Park and Sawyer Camp Trail; and the establishment of a Joint Powers Authority to operate the County library system.

Paul Koenig's distinguished and successful career can be attributed to his professional skills, his work ethic and his personal characteristics. His flexibility and negotiating skills, along with his helpful nature and sense of humor earned him the respect of all those who worked with him. In addition, Mr. Koenig never neglected the day-to-day problems while keeping his focus on achieving larger goals.

We are all very grateful to Paul for his long commitment to public service. His vision, knowledge and commitment have helped immeasurably to improve the quality of life for our community.

Mr. Speaker, I ask my colleagues to join me today in paying tribute to a wonderful and distinguished man, my friend, and wish him all the best in his retirement.

THE 25TH ANNIVERSARY OF THE ANN M. KILEY CENTER

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2000

Mr. PORTER. Mr. Speaker, on the north end of my district lies a haven of hope called the Ann M. Kiley Center, where people with development disabilities can turn for training, guidance and a place to call home.

On April 4, 2000, the center will celebrate its 25th anniversary. Built in 1975 on 37 acres in Waukegan, IL, the facility consists of 48 single-story, four-bedroom homes. Residents range in age from 20 to 85, with an average age of 39.

Most individuals living at the Kiley Center function below the moderate level of retardation. The primary purpose of Kiley Center is to provide residential services, training and health services. Services focus on addressing basic needs, which enable an individual to function more independently in activities of daily living and in more advanced behaviors and skills needed to succeed in social, work, and leisure pursuits.

The mission of Kiley Center is to enable individuals to develop and achieve their personal goals. Is ultimate goal, whenever feasible, is to prepare for and return individuals to live in the community.

Mr. Speaker, how fortunate my district is to have a place where people with developmental disabilities can live in dignity as they strive to develop to their fullest potential. I congratulate the Ann M. Kiley Center for all the victories it has achieved in the past quarter century and invite my colleagues to join me as I wish this institution great success in providing many more years of quality service to the community.

TRAFFICKING BABIES' BODIES AND ORGANS

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2000

Mr. SCHAFFER. Mr. Speaker, the selling of aborted baby body parts for monetary consideration of any kind is evil. Unfortunately, this kind of commerce is one to which the Federal Government is enabler, facilitator, and partner. Although the current law hints against profiteering in the horrific destruction and dissection of babies for their tissue and organs, the weakly worded prohibition allows unscrupulous merchants to proceed without pause.

Equally egregious and unconscionable is the Federal Government's involvement in the exploitation of mothers and destruction of babies in the name of research. Bill Clinton, AL GORE, and their researchers at the NIH are major buyers and users in this fundamentally immoral trade in aborted baby body parts.

President George Bush banned Federal involvement in such merchandising in 1988. Currently, 10 States outlaw embryo harvesting. Clinton can attempt to mitigate the moral, ethical, and constitutional damage he and his administration have wrought upon the fiber and foundation of our great country by reinstating the Federal ban, eliminating Federal support for experimentation with aborted baby body parts, and closing the for-profit loophole.

Mr. Speaker, I hereby submit for the RECORD the following letter I posted to Bill Clinton urging him to respect the fundamental right of all human beings, namely, the Right to Life, and completely stop the destruction of any human being for "research."

HOUSE OF REPRESENTATIVES,
Washington, DC, March 6, 2000.

WILLIAM J. CLINTON,
President of the United States, The White House, Pennsylvania Avenue, NW., Washington, DC.

DEAR PRESIDENT CLINTON: In the waning days of your last term in office, you can still correct your unfortunate decision to allow the grossly immoral business of selling baby body parts for so-called "fetal tissue" research. Congress will soon hold hearings, and I ask you to join me in this effort to end the ongoing destruction of babies for the purpose of harvesting their tissue and organs.

As you know, President George Bush demonstrated great moral courage by banning federal funding of "fetal tissue" research. Unfortunately, in 1993 you signed the National Institutes of Health (NIH) Revitalization Act (P.L. 103-43) into law, effectively lifting the previous ban and allowing the egregious and inhumane trafficking of baby body parts in the name of "research."

Distressingly, a number of private companies have sought to meet the demand of public and private research facilities for baby body parts. As outrageous as that practice is, many companies have exploited the vague language within the NIH Revitalization Act to sell these gruesome remnants of abhorrent abortive procedures for profit.

Although the NIH Revitalization Act made it a federal felony for any person to knowingly purchase or sell baby body parts for "valuable consideration," it did not define the term to include "reasonable payments associated with the transportation, implantation, processing, preservation, quality control, or storage" of baby body parts. (P.L. 103-43, Sec. 112) Clearly, such loose language has given private merchants the incentive and means to evade federal law and felony charges while prospering through the harvesting and selling of tissue and organs from aborted babies.

Modern America has apparently not learned the lessons of World War II. Then, the possessions of massacred Jewish people, including the gold fillings in their teeth, were sold, often for profit, by unscrupulous and evil perpetrators. Barbaric experiments were performed on innocent, living human beings by their Nazi captors.

As a Representative to the United States Congress for Colorado's Fourth Congressional District, I am doing everything I can to end this malignant practice, whether it is for profit or for any "reasonable payments." That is why I have repeatedly spoken against this horrendous commerce and called on Congress to hold hearings to investigate the full scope of the situation.

The question remains, are you willing to end this unconscionable research and commerce by closing the loophole and stopping all activity involving the use of baby body parts or tissue for research? To kill the innocent and defenseless in the name of science contradicts and corrupts the very essence and foundation of our great country.

Please join me in calling for a complete ban on the destruction of any baby's body for research.

Very truly yours,

BOB SCHAFFER,
Member of Congress.

SECRETARY ALBRIGHT'S ADDRESS ON U.S. RELATIONS WITH SOUTH ASIA IN PREPARATION FOR THE PRESIDENT'S VISIT

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2000

Mr. LANTOS. Mr. Speaker, at a meeting of the Asia Society yesterday, our outstanding Secretary of State, Madeleine K. Albright, delivered a thoughtful speech in anticipation of the Presidential visit to India and Bangladesh, with a brief stop in Pakistan. This visit is the first to India by an American president in 22 years and it is the longest presidential visit ever. This will also be the first visit by a U.S. President to Bangladesh.

Secretary Albright's speech was a brilliant background analysis of United States relations and strategic interests in South Asia. With regard to India, she emphasized the good relations our nation has with India, and she said that our relations can and should be strengthened. At the same time, however, Secretary Albright stressed that nuclear proliferation is a critical issue for the United States, and in order for our relationship to achieve its rich possibilities India must take steps to curb the proliferation of nuclear weapons and missile delivery systems.

With regard to the brief visit to Pakistan, Secretary Albright emphasized: "I want to leave no room for doubt. In no way is this decision [to stop in Pakistan] to embrace the military coup or government led by General Musharraf. And no one should interpret it as such." She said that the United States has important interests with Pakistan, particularly in controlling the spread of nuclear and missile technology and in dealing with international terrorism.

In only one area do I find reason to disagree with our distinguished Secretary of State, Mr. Speaker. In discussing Kashmir, she noted that her father served as a member of a United Nations mission dealing with that troubled territory. She said: "He [my father] is now dead, and I am old, and yet still this tragic story goes on." Our Secretary of State is not old, Mr. Speaker, she has pursued with great vigor and energy her critical role as our nation's chief diplomat. We are fortunate to have as our Secretary of State a woman of such distinction and such vibrancy.

Mr. Speaker, I ask that Secretary Albright's address to the Asia Society be placed in the RECORD, and I urge my colleagues to give it the thoughtful and careful study that it deserves.

REMARKS TO THE ASIA SOCIETY—WASHINGTON, D.C., MARCH 14, 2000

Secretary of State Madeleine K. Albright

SECRETARY ALBRIGHT: I am indeed delighted to be here. Thank you very, very much, Ambassador Wisner, and to you as well to Marshall Bouton and the entire Asia Society. It's a great pleasure to be here. Ambassador Lodhi and Ambassador Gautam, it is a pleasure to have you here and other excellencies of the diplomatic corps; colleagues and friends from the worlds of scholarship and public policy, Capitol Hill and the press.

I have to warn you: This is a long speech. It's a "wonky" speech, and it basically—this, I think, is a perfect audience for it, because I think that you all have spent a great deal of time on the subject. I also, as I look around the audience, I see today people who signed an open letter to the President on the trip, and I think that you will find that many of your very thoughtful comments are reflected in the framework that I'm going to put forward here. At least, I hope you do.

I appreciate the chance to discuss the President's upcoming visit to South Asia. Our trip provides a rich opportunity to promote American interests in an area where a fifth of the world's people live, security risks are high, economic opportunities abound, and there is a potential for wide-ranging cooperation on global issues.

As befits the diversity of the region, our goals are many. In Bangladesh, we will both affirm and advance our friendship with a young democracy that was born in strife, and is surmounting huge obstacles.

During an extended visit to India, the President will seek to begin a new chapter in our relations with one of the world's leading countries and oldest civilizations. India is projected to pass China in size in the early decades of this century, and I can think of few greater gifts to the future than a strong and cooperative strategic relationship between India and the United States.

Finally, in Pakistan, the President will make clear our support for an early return to democratic rule, as well as our ongoing friendship for the Pakistani people.

In these areas and others, we are fortunate to have the support of America's South Asian communities. They are an amazing success story—and a remarkable resource. For the fruits of their hard work, generosity and genius are manifest here and on the subcontinent. And every day they help bind America and the region closer together.

As the new century begins, our foreign policy priorities include building a healthy and growing world economy, halting the spread of weapons of mass destruction, supporting democracy, and working with other nations to combat international terror, pollution, drug trafficking and disease.

We cannot succeed in meeting these priorities without South Asia. The President's trip offers us the opportunity to make progress towards each, and to forge ties that will benefit America for many years to come.

The first official stop on our schedule will be the first visit ever by an American president to Bangladesh. Although Bangladesh has a short history as an independent nation, it has already taken long strides to emerge from poverty and build an inclusive democracy. In the Muslim world and beyond, Bangladeshi democracy deserves recognition as a source of hope for its people and of inspiration to others.

We also want to support the constructive role Bangladesh plays in the international community. For example, it is a top contributor of troops to United Nations peacekeeping missions, and it has embarked with energy and distinction on a two-year term on the UN Security Council.

Bangladesh is also a valued partner on global issues. Last week it became the first South Asian country to ratify the Comprehensive Nuclear Test Ban Treaty. And it is working to stamp out child labor in its garment export industry; preserve its tropical forests, and lift the lives of women and disadvantaged with a remarkable microlending program that has been emulated around the world.

There is also a very practical economic dimension to this visit. As Bangladesh has moved to join the global economy, American investment there has risen thirty-fold in three years. And with the right policies in place, Bangladesh could make a quantum leap forward by exploiting its vast energy resources, particularly in natural gas.

Regional corruption in this area—I'm sorry. Regional cooperation in this area—Not good. We'll get to corruption. Regional cooperation in this area would benefit Bangladesh and all of South Asia. American companies can be the perfect partners to help seize such opportunities.

America can be a strong partner for India, as well. And the President's visit to India will be the centerpiece of his trip. In fact, Bill Clinton's five-day visit to five cities will be the most extensive trip to that country ever by an American president.

At the time of the last such visit, I was about to join the National Security Council in the Carter Administration. And let me state one truth at the outset. Twenty-two years is far too long an interval between presidential trips to India.

For decades, the enormous potential of Indo-US relations went largely untapped. The main reason was an all-encompassing Cold War. As the world became bipolar, India chose its own path of non-alignment.

The result, in the words of a former Indian Ambassador to Washington, was that Indo-US ties exhibited "a pattern of misunderstanding, miscalculations, and missed opportunities."

That legacy left a burden of history on both our nations that is only now lifting. Even after the Cold War's end, the United States and India were slow to explore in depth the many areas where our interests increasingly converge. We also failed to lay a fresh foundation for managing our differences.

The hesitation was on both sides. In some quarters in India, there was a lingering suspicion of US intentions in world affairs. And on the American side, some could not or would not understand India's compulsions and aspirations.

Today, however, this mindset of mutual distrust is beginning to change. And, in fact, I believe that both the United States and India are coming to realize that there was always something unnatural and regrettable about the estrangement of our two democracies. Nor is the democratic bond between us merely an "intangible." To the contrary, the values and heritage we share are the bedrock for all our steps forward.

And we have been a rich source of ideas and inspiration for one another. Mahatma Gandhi studied Thoreau and the New England Transcendentalists—who in turn were deeply indebted to ancient Indian philosophy. Martin Luther King, Jr. then looked to Gandhi's towering example of nonviolence. And the framers of India's Constitution looked to our own in developing their framework for a free society.

We both understand that true democracy is never achieved; it is always a pursuit. Human rights concerns in India are still being addressed—particularly in the areas of trafficking in women and children, communal violence, and child labor. But for all our imperfections, the United States and India are the world's most visible messengers of the truth that secular, pluralist democracy not only can work, it does work.

By almost any measure of diversity, India is a world unto itself: seventeen officially recognized languages and 22,000 dialects; every major world religion—including one of the largest Muslim populations on earth; an incredible collection of communities, creeds and cultures; and 600 million eligible voters in some 600,000 polling places—exercising the miracle of self-government.

Considering the vast problems it inherited at independence, Indians have good reason to take pride in their country's survival as a democracy. And India has done more than survive—it has made remarkable progress.

In half a century, the average life span in India has roughly doubled. In place of famine, a "Green Revolution" has brought surplus grain to export. And a social revolution is finally unlocking doors of economic and political opportunity for women and lower castes.

Huge challenges remain, however. Illiteracy is high. HIV/AIDS must be attacked with the same energy that has brought India to the verge of eradicating polio. And millions still cannot obtain clean water, make a telephone call, or afford even a bicycle for transportation.

But for all that, it is clear that—particularly in recent years—India has been on a rising road toward a better life for its people. It is in this context that next week, the leaders of the world's largest and oldest democracies will meet. And we have a great deal of long-awaited business to discuss.

One such area of business is business. The Indian economy was one of the great underreported success stories of the 1990s. By decade's end, the turn toward the free market that began in 1991 was yielding sustained growth rates of 6.5 percent per year.

And the greatest growth has come in areas that bode well for India's future. In recent years, software exports have jumped 50 percent annually—with no end in sight. American companies from Apple and Texas Instruments to Oracle and Microsoft have come to India for its high "tech" and high skills.

And while other countries beat a path to India's door, it continues to enrich the globe with talent. Indians make up 30 percent of software workers worldwide.

This should come as no surprise, in light of the subcontinent's history and culture. The Indian civilization gave the world several key building blocks of modern mathematics. And today, India's pool of trained scientists and engineers is second in size only to our own. In terms of purchasing power parity, India already has the world's fourth largest economy. By any yardstick, its middle class is one of the largest on the planet. And its massive economic takeoff is widely projected to continue.

In January, Treasury Secretary Summers told an Indian audience that a 10 percent annual growth rate is "well within your grasp." At that rate, India's standard of living would quintuple in just 20 years—even accounting for population growth.

Toward that end, Indian governments have undertaken new economic reforms. Late last year, India took steps to open up its insurance sector to foreign investors. We hope it will follow suit in telecommunications and other new sectors.

India's economic reforms are a work in progress. The remaining hurdles include growth-choking deficiencies in transportation and infrastructure; remnants of the old license Raj; too much public borrowing; and poorly targeted subsidies. Changing all this will not be easy. But the overall trends are plainly in the right direction.

This, of course, is good news for India. And as India's largest trade and investment partner, it is also good news for us.

Our two-way trade and investment in India is projected to grow vastly over the next decade. Whatever its exact magnitude, the economic potential of enhanced Indo-American ties is clearly enormous. And we are determined to realize much more of this potential.

Strengthening democracy is another goal we share with India. So I am delighted that Minister of External Affairs Jaswant Singh will join me and five other foreign ministers as co-sponsors of the Community of Democracies initiative in Warsaw this June. This is a splendid example of the kind of ambitious and yet practical cooperation that India and the United States are in a unique position to pursue.

We also look forward to working, at both government and NGO levels, with a very active Indian presence at the 56th Session of the UN Commission on Human Rights in Geneva.

And during the upcoming visit, we will launch an Asian Center for Democratic Governance in Delhi. This independent forum will be jointly sponsored by the US National Endowment for Democracy and the Confederation of Indian Industries.

We are also working with India to expand our cooperation in a broad range of other important areas, including science and technology, social development, and exchanges such as the Fulbright program.

Clean energy is an area in which we are striving to strengthen our partnership and benefit our shared environment. Unless we act, India will suffer greatly from global climate change, and by acting together, we and India can also contribute greatly to solving this problem. And President Clinton's trip will underscore that in this high-tech era, India can both prosper in the global economy and protect the global environment.

That brings me, at last, to security issues.

The United States continues to seek universal adherence to the NPT. We believe the South Asian nuclear tests of May 1998 were a historic mistake. And UN Security Council Resolution 1172 makes it plain that the international community agrees with us.

We recognize fully: Only the Indian government has the sovereign right to make decisions about what is necessary for the defense of India and its interests. The United States does not regard India's missiles or nuclear weapons as a direct threat to us. But we do regard proliferation—anywhere—as our Number One security concern.

And for this reason, we must accept that significant progress in this area is necessary, before India and the United States can realize fully the vast potential of our relationship.

Deputy Secretary Talbott and Minister Singh have gone to unprecedented lengths to put our dialogue on these topics on a more productive footing. And the Cold War's end opened up new opportunities to work toward a world in which the risks and roles of nuclear weapons can be reduced, and ultimately eliminated. We and India agree that it would be tragic if actions now being taken led the world not toward seizing these opportunities, but instead toward new risks of nuclear war.

We have not yet found a way to create sufficient common ground on these issues. But I am convinced that our relationship today has the strength and breadth to keep working through our differences and find a way forward.

So we will continue to discuss how to pursue security requirements without contributing to a costly and destabilizing nuclear and missile arms race. Our goal is to ensure that people everywhere will be freed of such devastating dangers and economic burdens.

We believe that the Comprehensive Test Ban Treaty would advance India's security interests—as, by the way, it would advance our own. And that is why, yesterday, I appeared yesterday with General Shalikashvili to highlight the important role in the Administration's continuing efforts with the US Senate on the CTBT that General Shalikashvili will play.

We likewise believe that steps to strengthen India's already-effective system of export controls would be in our common interests. So would a global treaty to ban the production of fissile material for weapons—and pending that, a multilateral moratorium.

India has emphasized that its decisions are not taken with a narrow regional focus, and we accept that point. But India's decisions also have consequences beyond South Asia. Here, prudence and clarity in India's plans and doctrines could yield great benefits. For a pattern of steeply rising defense budgets in Asia would serve neither the continent's security interests nor its development needs. Such principles of restraint are consistent with statements India's own leaders have made.

How India addresses all these issues will, of course, influence the decisions we make. But our goal is a qualitatively different and better relationship with India—not a simple return to the status quo before the tests.

Our ability to attain this goal will depend largely on what India does. And the limits on our ability to cooperate with India are a matter of US law, as well as our international obligations. And our approach to nonproliferation is global. We cannot abandon it simply because we desire an improved relationship. Any other stance would break faith with all the nations—from South Africa to South America to the former Soviet republics—who decisions to strengthen their own security and the cause of nonproliferation by joining the NPT. And it would give cover to states which, unlike India, might threaten us directly.

We will persist in our efforts to reconcile, to the greatest extent possible, our nonproliferation concerns with India's appreciation of its security requirements. Our dialogue on these subjects will be continued during the President's trip, and beyond.

One topic we will discuss in both India and Pakistan is the relationship between these two countries. Let me say a word about the President's decision to stop in Pakistan at the end of our trip. And on one key issue, I want to leave no room for doubt. In no way is this a decision to endorse the military coup or government led by General Musharraf. And no one should interpret it as such.

We are going to Pakistan because the United States has interests there which are important—and urgent. Our interests include avoiding the threat of conflict in South Asia; fostering democracy in Pakistan; fighting terrorism; preventing proliferation; and doing what we can to help create an environment of regional peace and security; and reaching out to a people whose history is one of friendship with the United States.

The President is not going to Pakistan to mediate the Kashmir dispute. We have made it clear he will not do that unless both sides ask.

Last 4th of July, the President's ability to engage directly with the Pakistani Government played a key role in defusing a tense conflict in Kargil. For the President to maintain such lines of communication may be very important in any future crisis.

Some of you know that, when I was a young girl, my father worked as a diplomat at the UN on the problem of Kashmir. He wrote a book whose first chapter contains the simple but eloquent statement, "The history of Kashmir is a sad story." He is now dead, and I am old, and yet still this tragic story goes on.

But today, the conflict over Kashmir has been fundamentally transformed. For nations must not attempt to change borders or zones of occupation through armed force. And now that they have exploded nuclear devices, India and Pakistan have all the more reason to avoid an armed conflict, and all the more reason to restart a discussion on ways to build confidence and prevent escalation.

India and Pakistan today must find some way to move forward. The process is not one that the international community can prescribe for them. We only know that it will take courage—but not the courage of soldiers.

And we can be sure of one more practical reality: Tangible steps must be taken to respect the Line of Control. For so long as this simple principle is violated, the people of Kashmir have no real hope of peace.

Another vital US interest in Pakistan is countering terrorism. The terrorist camps next door in Afghanistan directly threaten American lives. Because of Pakistan's influence with its neighbor, this matter will be high on the President's agenda.

General Musharraf has offered to go to Afghanistan himself to discuss concerns about terrorism. We hope to hear more from him about this. And we want to see steps to address the effects of terror on Pakistan's neighbors, notably India.

Nothing would do more to bolster the entire world's confidence in Pakistan's government than to learn that its people will regain their ability to choose their leaders sooner rather than later. And few things did more to undermine the confidence than the recent order that judges take an oath of loyalty to the military, rather than to the constitution.

In all these areas and others, we see opportunities not for mere gestures, but for real steps forward. For example, Pakistan's foreign minister has recently argued the advantages, from Pakistan's own standpoint, of early signature of the CTBT. Now, that would be the kind of coup for Pakistan—and I guarantee, the international community would rally around it.

President Clinton will go to India, and also to Bangladesh and Pakistan, to strengthen America's bonds with a region that is growing in importance with each passing year. And in so doing, he will affirm on an official level what many in this room can testify to in their own lives.

For the connections between America and South Asia are manifest. They may come in the form of a physician from Mumbai who spends part of her time each year in Los Angeles; or a businessman in Boston who is developing a new technology with a firm in Dhaka; or a teacher from Tennessee who is working with young people in Islamabad.

In today's world, geography is no longer destiny. America and South Asia are distant, but we are linked in the opportunities we have, the threats we face, and the changes to which we must respond.

President Clinton's historic visit offers the prospect of a welcome new chapter in our relations with India and her neighbors. But although that chapter may begin with a visit from the White House, it will be written by the people of all our countries.

For the President's visit, I ask your support next week. For the larger task, I urge your active participation in the months and years to come.

Thank you all very much for your attention.

TRIBUTE TO DORIS COLEY KENNER-JACKSON

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2000

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the deeds of a distinguished singer, Doris Coley Kenner-Jackson of Passaic, New Jersey, whose memorial today celebrates her remarkable talents and legacy. She epitomizes a strong spirit and never forgot from where she came.

Doris Coley Kenner-Jackson was born August 2, 1941 in Wayne County, North Carolina to the late Zeno and Ruth Best Coley. She was the oldest of five children born to this family. One brother, Leodie, preceded her in death. The world lost a truly remarkable woman on February 4, 2000 when Doris passed away at the Kaiser P. Memorial Hospital of Sacramento, California.

Her educational growth began in the two Goldsboro City Schools, Greenleaf and East End, and continued in Passaic where her family moved during the late Nineteen Fifties. Once in New Jersey she continued her education; and attended Passaic High School. During high school, Doris' main pursuit was music. It was at this time that she proved herself to be a remarkable singer.

Always an active and involved vocalist, Doris learned much of her skill in the church. Music was her passion and her gift to the world. Her love for music was deeply rooted in gospel. The early years spent singing in the church choir instilled in Doris the attributes necessary for her to become a stellar force in the music industry. It was the small steps in the beginning of her life that taught her the fundamentals that would make her a role model to scores upon scores of people worldwide.

Doris has had a remarkable career, which has taken her to the top of the charts. While she was a student at Passaic High School, she and three classmates, Shirley Alston Reeves, Beverly Lee and Addie Mickie Harris formed a pop ensemble that became the Shirelles.

The singing group eventually revolutionized the "girl group" sound of the Fifties and Sixties. This success was punctuated by ten hit singles including, "Tonight's the Night," "Will You Still Love Me Tomorrow?," "Soldier Boy," "Mama Said" and "Dedicated to the one I Love." The latter, an American classic, featured Doris as the lead vocalist. It is interesting to note that this sound is experiencing a current renaissance heralded by Britain's Spice Girls who debuted in the United States in 1996.

This native of North Carolina, who later moved to New Jersey, found fame and fortune around the world. As a member of the Shirelles, she received numerous awards in many countries. One highlight of her life and career came on January 17, 1996 in New York City, New York when the Shirelles were inducted into the Rock 'n' Roll Hall of Fame of Cleveland, Ohio. To mark this achievement, the auditorium of Passaic High School was named in honor of the group. In addition, Doris was inducted into the Rhythm & Blues Foundation.

Doris was united in marriage to Alfonza Kenner, until his death. Together they had two sons, Antonio and Gary. Later, she married Wallace Jackson with whom she had twins, Tracy Jackson and Staci Jackson Richardson.

All who knew Doris felt her magic and unique ability to form a distinctive bond with each and every person she met. The magic transcended all boundaries and is a true testament to the loving kindness of her spirit. Despite being ill, she was performing concerts until the end. This includes a series of shows from January 8 through January 15, 2000 aboard a cruise ship.

Mr. Speaker, I ask that you join our colleagues, the City of Passaic, Doris' family, friends and me, in recognizing the outstanding accomplishments in life and in music of Doris Coley Kenner-Jackson.

PERSONAL EXPLANATION

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2000

Ms. ESHOO. Mr. Speaker, on March 8, 2000, I missed five votes because I was delayed in California because of a canceled flight.

Had I been present, I would have voted "aye" on rollcall No. 29, "aye" on rollcall No. 31, "aye" on rollcall No. 32, "aye" on rollcall No. 33 and "aye" on rollcall No. 34.

MEMORIAL TRIBUTE TO BETTY WILSON

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2000

Mrs. NAPOLITANO. Mr. Speaker, my district lost a veteran community leader on Monday with the passing of Betty Wilson, the first woman to serve as mayor in Los Angeles County.

Born in Danville, Illinois on June 13, 1915, Betty Wilson and her husband Sterling Wilson moved to Santa Fe Springs in 1949. Working as a field deputy for Los Angeles City Council members for 25 years, Betty developed a keen understanding of public service. She was actively involved in efforts to make Santa Fe Springs a city, and when voters approved incorporation in 1957, they also elected her to the city council. The council then chose Betty to be the first mayor of Santa Fe Springs. As one of the founders of Santa Fe Springs, Betty played a key role in shaping the city's mission to be a business community. She served on the city council for four decades, retiring in 1997, and also served as mayor a total of 11 times.

Betty's dedication to public service is evident by the number of organizations she has been involved with and the awards she has won. Betty was Chapter President of the Santa Fe Springs Business and Professional Women's Club; a member of the Santa Fe Springs Women's Club; Honorary Member of the Soroptimist International of Santa Fe Springs; and the Los Angeles County Children's Services Task Force. She was President of the Los Angeles County Division of the League of California Cities, chaired the League's Human Resources Committee and served on the League's Revenue and Taxation Committee, Action Plan for Local Government Task Force, and Transportation Task Force. In addition to being the first woman mayor in Los Angeles County, Betty was the first woman to chair the National League of Cities.

Long active in the Sister City Program, Betty served three terms as President; became President Emeritus of the Town Affiliation Association of the U.S., Inc. (Sister Cities International); and was the Council Liaison to the Santa Fe Springs Sister City Committee, Community Program Committee and Beautification Committee.

Betty chaired the International Municipal Cooperation Committee; served as an Executive Committee member of the Southern California Joint Powers Insurance Authority; was co-Chair and Council Liaison for the Santa Fe Springs Emergency Preparedness Conference for Business and Industry; and sat on the Advisory Council for the Salvation Army Transitional Living Center in Whittier.

Betty Wilson's long list of community commitment has been recognized by her listing in "Who's Who in American Women" and in "Outstanding Civic Leaders of America." She was awarded the "Peace Dollar" for her work in the Sister City Program, and the Dwight D. Eisenhower Award for distinguished service in furtherance of the goals of international understanding through participation in the U.S. Sister Cities Program. Betty also received the United States Air Force Award for the advancement of peace through air power; the California Business and Professional Women's Club Civic Award; the National Civic Committee's People-to-People award; and the annual Good Scout Award by the Boy Scouts of America. Betty and her husband Sterling, who passed away in 1990, were named the 1985 "Residential Citizens of the Year" by the Santa Fe Springs Chamber of Commerce.

Betty is survived by her son Robert, daughter Jacqueline, four grandchildren and three great-grandchildren. Her family and friends will miss her greatly and to them I extend my sincerest heartfelt sympathy and pray that they will receive God's comforting graces in abundance.

WACHUSETT REGIONAL HIGH SCHOOL

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2000

Mr. McGOVERN. Mr. Speaker, it is with great pride that I rise to recognize Wachusett Regional High School for being designated a GRAMMY Signature School by the GRAMMY Foundation. The GRAMMY Foundation is a non for profit arm of the recording Academy, dedicated to advancing the role of music and art based education across the country and ensuring access to America's righ cultural legacy.

Wachusett was one of only 100 schools to be selected out of over 18,000 schools. I believe that this national recognition is a credit to all the students, parents, and teachers that make the Wachusett's music program so special. After submitting their application to an independent data compiling firm for processing last September, Wachusett was asked to submit additional information including recordings of school concerts, sample concert programs, and music curriculum, which was reviewed by an independent screening committee. The committee then designated Wachusett Regional High School as a GRAMMY Signature School.

Congratulations to Dr. Pandiscio, students, families, and all my friends at Wachusett Regional High School on this wonderful recognition. I join the entire community in celebrating is this marvelous achievement.

TRIBUTE TO RABBI AND MRS. SUGARMAN

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2000

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to Rabbi Marvin and Rebbetzin Avis Sugarman who will be honored at the Shaarey Zedek Congregation's 46th Annual Banquet on March 19, 2000. The occasion will mark Rabbi Sugarman's retirement and will celebrate the thirty-two years of dedicated service that both Rabbi and Mrs. Sugarman have given the Shaarey Zedek community since 1967.

I have known Rabbi Sugarman for 26 of those years and for all that time, I have watched with great admiration the tireless and energetic work that he and his wife have given to Shaarey Zedek. Their efforts have made it the largest Orthodox congregation in the San Fernando Valley and the second largest in Los Angeles. The depth of their concern for their congregants and their love for humanity made the temple community into a warm and welcoming family. No matter how busy he was, Rabbi Sugarman's first priority was to provide help and spiritual guidance to the members of his synagogue. He is a much respected and much beloved figure in Los Angeles.

Throughout Rabbi Sugarman's distinguished 44-year rabbinical career, he has been a dedicated student of Judaism. He has delivered thousands of learned sermons on a plethora of topics and issues, but his discourses on morality, responsibility, and duty have been especially enlightening and instructive. His focus has been not only upon his synagogue or even his religion, but against the moral decline and decay in our society. He has spoken out forcefully and effectively on this important subject.

Rebbetzin Sugarman will be honored for her understanding, devotion, intellectual integrity, and spiritual sensitivity. Her unwavering support has added immeasurably to the strength of this remarkable couple. By her active involvement in the synagogue Sisterhood and the Shaarey Zedek community at large, she provided both inspiration and example to its members. In addition, she has distinguished herself in her chosen career as a clinical dietitian in the health-care field and as the Administrative Dietitian in the Kosher Kitchen of Cedars-Sinai Medical Center.

Among the greatest achievements of Rabbi and Rebbetzin Sugarman are the five outstanding children they raised in their 44 years of marriage and among the great pleasures they look forward to in retirement is time to spend with the many grandchildren who bring them enormous pride.

It is distinct pleasure to ask my colleagues to join with me in saluting Rabbi and Rebbetzin Sugarman for their dedicated service to the Jewish community of Southern California.

TRIBUTE TO JOSÉ AND MAGALY ROHAIDY

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2000

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the deeds of two distinguished members of the Hispanic community and the community-at-large, José and Magaly Rohaidy of West New York, New Jersey, who are being feted today because of their many years of service and leadership. It is only fitting that we gathered here in their honor, for they epitomize care, generosity and professionalism.

Both of these eminent community leaders are dedicated journalists, José has served his profession since he was a young man in Havana, Cuba. He was the director for "Radio Nacional" of Cuba. The time spent working with this organization instilled in José the attributes necessary for him to become a stellar force in the journalism community. José has been a reporter for El Diario-La Prensa for more than 30 years. In addition he has worked with Radio WADO for more than two decades.

Known for a questioning mind and an ability to get things done, Magaly Rohaidy has also had a distinguished career. She began in the textile industry in Cuba. In 1970 she founded Mini-Mundo Magazine and served as Director. She has also been a reporter for El Diario for more than 15 years.

José and Magaly Rohaidy both were born in Cuba, and have been blissfully married for more than 42 years. They have four children, Lourdes, Maria Magdelena, Gabriel and José Gabriel. They are blessed with six grandchildren.

This pair continually touches the lives of the people around them. José helped to organize the Puerto Rican Parades of Paterson and Trenton, the Hispanic American Parade of New Jersey, the Dominican Parade of New Jersey and the Peruvian Parade of New Jersey. In addition, he and his wife created the "Toys Gift" program for children at Saint Joseph's Hospital in Paterson, Barnert Hospital in Paterson, and the General Hospital of Passaic. As a public servant in New Jersey, Mr. Speaker, I can say that I can think of no people who work harder or care more about others than these two remarkable people. Perhaps the greatest tribute to José and Magaly are the numerous awards and accolades they have received.

José was the first Hispanic reporter to be given an honorary degree from Essex County College in Newark, New Jersey. The Martian Women Association of Union City proclaimed Magaly Rohaidy the Mother of the Year. This organization is named for José Marti, the National Hero of Cuba. Congress also honored her as "the Woman of the Americas," and the New Jersey State Assembly named her as one of the 13 most notable women in the Garden State. Furthermore, Magaly was the Grand Marshal representing the Hispanic Community at the inaugural Hispanic-Italian-American Parade of New Jersey in Paterson. Mrs. Rohaidy is also the recipient of the Key to the City of Paterson.

On a personal note, Mr. Speaker, as a Mayor, Assemblyman, and now as Congressman, I have been privileged to work with numerous outstanding individuals. José and Magaly Rohaidy fall into this category, as exhibited by the many achievements and awards detailed on this page. The best thing I can say about José and Magaly Rohaidy, however, is that I am proud to call them my good friends.

Mr. Speaker, I ask that you join our colleagues, José and Magaly's family, friends, the State of New Jersey and me in recognizing the outstanding and invaluable service to the community of José and Magaly Rohaidy.

HONORING DNA CHAPTER 13 DURING NATIONAL TRANSPORTATION WEEK

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2000

Mr. GORDON. Mr. Speaker, I rise today to honor the members of the Nashville Chapter of Delta Nu Alpha Transportation Fraternity during National Transportation Week, May 14–20, 2000.

Congress and President John F. Kennedy first proclaimed National Transportation Week in 1962. Since then, National Transportation Week has been observed every year during the week in which the third Friday falls in May. It is important to recognize the men and women who deliver the goods from our farms and factories to suppliers and buyers all across this great nation, not only during a given week in the year, but throughout the year as well.

While transportation affords us the opportunity for leisure travel, it has become an increasingly important issue for those of us who commute to and from work. While I have been supportive of efforts to widen and expand our interstates to minimize traffic congestion, I also believe we need to consider alternatives like bus service and commuter rail.

In keeping with the objectives of its international organization, Volunteer Chapter 135 has done an excellent job in creating awareness of transportation issues, promoting safety in the industry and enabling young people to continue their education through numerous scholarship programs. During National Transportation Week, the Volunteer Chapter includes public schools in their awareness program with poster and essay contests and equipment demonstrations.

I ask the House to join me in recognizing the transportation industry and its workers. To Nashville Chapter 135, I say, "Roll on!"

TRIBUTE TO JOHN D. MURPHY

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2000

Mrs. MEEK of Florida. Mr. Speaker, I rise to pay tribute to a kind and decent man who lived his life helping others, and lost his life helping others.

John D. Murphy coached youth basketball and volunteered in his community. He attended the Million Man March, as well as the protest in Tallahassee against Gov. Jeb Bush's One Florida Plan to dismantle our state's affirmative action program. He was always thinking of others.

On the way home from the One Florida march, he came upon a chain-reaction auto accident that killed two people and injured 24. Despite the pleadings of his sisters, John Murphy left his van and went to help the injured. He was killed when a tractor-trailer filled with lumber overturned and buried him on the highway.

Mr. Speaker, John Murphy's sudden and tragic death is a source of great grief in his family and throughout our community. I join with his loved ones and those whose lives he touched in extending my deepest sympathy for their loss.

I would like to submit an article about John Murphy that appeared in the Miami Herald:

[From the Miami Herald, Mar. 10, 2000]

LOVED ONES FEEL LOSS OF I-10 PILEUP VICTIM

(By Adam Ramirez)

His sisters begged him not to leave the van and venture into the smoke-filled highway, but John D. Murphy insisted on trying to help motorists injured in Wednesday's horrific 23-vehicle crash on Interstate 10 near Wellborn, Fla.

Murphy, 36, who attended the Million Man March and coached youth sports for 12 years, was coming home from the protest of Gov. Jeb Bush's One Florida plan in Tallahassee. The Plantation man was killed when a tractor-trailer filled with lumber overturned and buried him on the highway.

"That's the kind of guy John was—he was always trying to help people, no matter who they were," longtime friend Calvin Joy said outside Murphy's Plantation home in Park Estates. "He devoted his life to helping people—and that's how he died."

Two other people were killed and at least 24 injured in the chain-reaction accident caused in part by heavy smoke on the highway about 90 miles east of Tallahassee in northern Florida, officials said. Also killed were truck driver Ben L. Helmuth III of Claxton, Ga., and Sheila Lindeck, 43, of Jacksonville, the Florida Highway Patrol said.

VERY SCARY SCENE

"It was a very scary scene when Mr. Murphy ran in there—smoke and flames everywhere," said Scott Pate, Suwannee County deputy emergency management director who arrived first on the scene. "He was a true Good Samaritan."

Twenty-three cars and trucks slammed into one another about 8 a.m. after some of them slowed and stopped when they suddenly came upon a cloud of smoke.

Seventeen miles of highway near Wellborn were closed after the accident but were reopened Thursday morning.

Murphy's sisters, Lydia and Jeryle Murphy, watched helplessly as he walked into the smoke and flames. A manager at BellSouth for six years, Murphy was driving a rental van with his sister and two of their children when they hit a thick patch of smoke and pulled over.

MISSING HALF HOUR

"John told them he saw people in the fire and smoke, and he had to go help them," Joy said. Murphy had been the best man in Joy's wedding. "About 30 minutes later, his sisters were asking police to find him." They didn't realize he was only a few feet away.

Erik Gebauer, of Melbourne, said he was driving a Mustang that slid under a tractor-trailer.

"I don't understand how I lived through that," Gebauer said Wednesday, his voice shaking. "All I can remember was pushing that freaking door. I felt death right behind me. I can't believe I made it."

Murphy drove the family to the state capital Monday night to participate in Tuesday's march against One Florida and was driving home Wednesday morning.

A longtime volunteer, Murphy served as a basketball and football coach for children ages 8 to 12 at nearby YMCA and Police Athletic League teams. A graduate of Tampa Technical College, he prided himself on being notoriously frugal, Joy said.

"He would drive five miles out of his way if he found gas two pennies cheaper," Joy said with a chuckle. "John was very active, on the MLK committee and active on city boards in Plantation. But more than anything, he loved his little daughter with all his heart—nothing came before her."

INTRODUCTION OF LAW ENFORCEMENT TRUST AND INTEGRITY ACT OF 2000

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2000

Mr. CONYERS. Mr. Speaker, I am pleased to introduce the Law Enforcement Trust and Integrity Act of 2000, along with additional cosponsors. This legislation is supported by both police and civil rights organizations around the country and is aimed at curbing outrages like the Los Angeles Rampart Division perjury scandal and tragedies such as the Amadou Diallo shooting. Unlike past measures, the Law Enforcement Trust and Integrity Act of 2000 takes a comprehensive approach at addressing the issue of police accountability and building trust between police departments and their communities.

The purpose of the legislation is to build trust between law enforcement entities, officials and the people they serve. Specifically, the legislation provides incentives for local police organizations to voluntarily adopt performance-based standards to ensure that incidents of misconduct will be minimized through appropriate management, training and oversight protocols and that if such incidents occur, that they will be properly investigated. The bill also provides police officers—the vast majority of whom are decent people who are concerned about their communities—with the tools necessary to work with their communities and to enhance their professional growth and education.

Specifically, our bill makes 12 concrete steps toward improving law enforcement management and misconduct prosecution tools and has the support of a broad range of legal, community-based and law enforcement groups, including: the NAACP; Urban League; LULAC; NCLR; National Asian Pacific Legal Consortium; National Lawyer's Guild; ACLU; NOBLE; National Black Police Association; and the United Methodist Church.

1. Accreditation of Local Law Enforcement Agencies—Authorizes the Department of Justice to work cooperatively with independent accreditation, law enforcement and community-based organizations to further develop and refine accreditation standards that can serve as models for police departments around the country in trying to balance proper law enforcement with respect for liberties. This section also authorizes the Attorney General to make grants to law enforcement agencies for the purpose of developing such standards and obtaining appropriate certification.

2. Law Enforcement Agency Development Programs—Authorizes the Attorney General to make grants to States and local governments to develop pilot programs such as civilian review boards, early warning and detection programs which have been proven effective in many jurisdictions.

3. Administrative Due Process Procedures—Requires the Attorney General to study the prevalence and impact of any law, rule or procedure which interferes with prompt and thorough investigations of abuse.

4. Enhanced Funding of Civil Rights Division—Authorizes appropriations for expenses for ongoing investigations of pattern-and-practice-of-abuse investigations pursuant to 42 U.S.C. 14141, and authorizes appropriations for expenses related to programs managed by the Community Relations Service.

5. Enhanced Authority in Pattern and Practice Investigations—Amends 42 U.S.C. 14141 to provide private cause of actions, but limits the provision only to declaratory and injunctive relief when there is a pattern and practice of discrimination.

6. Deprivation of Rights Under Color of Law—Amends section 242 of Title 18 of the United States Code to provide the needed statutory clarification requested by the Department of Justice to expressly define excessive use of force and non-consensual sexual conduct as deprivations of rights under color of law.

7. Study of Deaths in Custody—Amends section 20101(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C.A. 13701) to require assurances that States will follow guidelines established by the Attorney General for reporting deaths in custody.

8. National Task Force on Law Enforcement Oversight—Requires the Department of Justice to establish a task force to coordinate the investigation, prosecution and enforcement efforts of federal, state and local governments in cases related to law enforcement misconduct.

9. Immigration Enforcement Review Commission—Creates a commission to investigate civil rights complaints against the INS and Customs Services, with authority to make policy and disciplinary recommendations.

10. Federal Data Collection on Racial Profiling—Requires the Justice, Treasury and Interior Departments to collect data concerning the personal characteristics (race, ethnicity and gender) of individuals targeted for investigation (e.g., detention, traffic stop or warrantless search) by federal law enforcement agencies and requires the Justice Department to prepare a "master report" analyzing the findings and recommending improved policies and procedures.

11. Whistleblower Protection—The bill establishes civil and criminal penalties for retaliation against law enforcement officers who in good faith disclose, initiate or advocate on behalf of a civilian complainant in actions alleging police misconduct and creates private cause of action for retaliation.

12. Sexual Abuse in Correctional Facilities—Amends chapter 109A of title 18 to increase penalties and expand jurisdiction for sexual abuse offenses in correctional facilities.

The catalogue of high-profile incidents of police misconduct grows with each passing day. With the Rampart perjury scandal, Amadou Diallo shooting and Abner Louima assault, it should now be clear to all members, and the nation at-large, that police misconduct is an issue that we must address in a bipartisan manner. The energies of Congress should be focused on the adoption of legislative priorities that address the substance of law enforcement management and strengthen the current battery of tools available to sanction misconduct.

As a Congress we have been enthusiastic about supporting programs designed to get officers on the street. We must be just as willing to support programs designed to train and manage them after they get there. The current national climate requires decisive action to implement solutions. This legislation initiates the reforms necessary to restore public trust and accountability to law enforcement.

IMPORTANCE OF THE CENSUS TO RURAL AMERICA

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2000

Mr. NEY. Mr. Speaker, as you know, this week, 112 Members of Congress, along with members of Leadership from both sides of the aisle, officially kicked off the start of the Congressional Rural Caucus. Over the last days, a series of events was held to promote this renewed bipartisan effort that will help raise awareness of the concerns and issues facing rural America.

There are, of course, a number of issues that affect those who live in rural areas, but in reality, one event in particular can and will have long-lasting implications for rural America.

I'm talking about April 1, 2000, better known as Census Day.

Unfortunately, a number of Americans, whether they live in urban or rural communities, are still unaware of the importance of the decennial census. This is evident in the number of people, around 30 to 40 percent, who do not respond to a Census questionnaire.

But, I'd like to remind everyone that the outcome of the decennial census has the potential to change the face of rural America, both politically and socially.

Before I outline the potential outcomes let me first define what is rural America:

Rural and small town America is home to approximately one-third of the total US population, or about 82 million residents. This is equal to the percentage of Americans who live in urban centers.

Of the nation's 39,000 local governments, 86 percent serve populations under 10,000, and half have fewer than 1,000 residents. These communities cover at least 80 percent of the nation's land.

While farming remains a driving force in many rural communities, it no longer completely dominates the rural economy. The service and manufacturing sectors account for 22 percent and 17 percent respectively of rural employment, compared to 8 percent for agriculture.

And, many will be surprised to know that overall, Pennsylvania, Texas, North Carolina, Ohio and New York have the largest rural populations, with Michigan, Georgia, California, Indiana and Florida close behind.

Now, why is the census important to rural America?

First, the Constitution requires the federal government to conduct a census evey ten years to help apportion the 435 seats of the House of Representatives among the states. So, states that have a large undercount are at risk of losing political representation in Congress.

Second, billions of dollars in federal aid to states and local governments are allocated using census data. In 2000, almost $200 billion in federal aid will be distributed through 20 federal programs that range from agriculture to community development to education to health.

According to the National Association of Development Organizations (NADO), rural communities are at risk of losing $2,500 each year in federal and state aid for each person that is undercounted. That adds up to a significant amount of lost revenue for rural communities over a ten year period, especially when you consider the numbers.

In 1990, the census missed 5.9 percent of rural renters, compared with 4.2 percent of urban renters. The Census Bureau also estimates it missed about 1.2 percent of all rural residents, which is about three-quarters of a million people.

Let me put this into perspective. There are six states, plus the District of Columbia, that have populations below 750,000. So, the rural undercount is equivalent to misplacing Alaska, Delaware, North Dakota, South Dakota, Vermont, or Wyoming.

Third, accurate census data is essential for local decision makers, whether economic development planners, school board members or business leaders. The more data rural communities have at their disposal, the better prepared they will be to serve their citizens in terms of municipal services and programs. It is also an essential ingredient in developing strategic plans aimed at attracting new businesses and industries.

With so much at risk, it is vital that we all work together to ensure that rural Americans are counted. This is not a partisan issue, but a rural issue. Stand up and be counted Rural America!

PERSONAL EXPLANATION

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2000

Mr. GONZALEZ. Mr. Speaker, on rollcall Nos. 46 and 47, I was away on official business. Had I been present, I would have voted "aye" on each.

PERSONAL EXPLANATION

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2000

Mr. SMITH of Washington. Mr. Speaker, on Thursday, March 9, I had to fly home for my wife's ultrasound and missed several votes.

On House vote 42 on H.R. 3846 (Minimum Wage/Question of Continued Consideration) I would have voted "yes."

On House vote 43 on H.R. 3846 (Minimum Wage/Two-Year Increase) I would have voted "yes."

On House vote 44 on H.R. 3846 (Minimum Wage/Recommit) I would have voted "yes."

On House vote 45 (Minimum Wage/Passage) I would have voted "yes."

PERSONAL EXPLANATION

HON. LYNN N. RIVERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2000

Ms. RIVERS. Mr. Speaker, on rollcall vote 41—H.R. 3081, I inadvertently voted "yes." It was my intention to vote "no" on rollcall vote 41—H.R. 3081.

HOPE FOR SYRIA

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2000

Mr. McCOLLUM. Mr. Speaker, since its establishment, Israel has been fighting and striving for genuine and lasting peace with its neighbors so that it can concentrate on making the desert bloom, and, more recently, on developing one of the world's leading centers of high-tech industries. Israel is the United States' closest ally in the region, and the bulwark of furthering U.S. interests in the region. Little wonder that virtually the entire political spectrum in Washington is committed to supporting Israel's quest for peace and security.

However, despite this American commitment, the Middle East is in the midst of a crisis emanating from the latest developments in the Peace Process advocated by the Clinton Administration. The flagrant absurdity of this latest turn of events is an accurate manifestation of the Administration's overall policy. For nearly twenty years, the Syrian-dominated Lebanese Government has been demanding an Israeli withdrawal from south Lebanon. Now, when the Israeli Government committed to just such a unilateral withdrawal by next July, Beirut and Damascus threaten war. "An Israeli unilateral withdrawal [from south Lebanon] will not work. It will lead to another war," President Emile Lahoud warned, echoing Hafiz al-Assad's position. Why? The Israeli withdrawal from Lebanon will remove the primary Syrian point of pressure on Israel to accept the extremely disadvantageous "package deal" advocated by the Clinton Administration.

The Clinton Administration is pushing Israel and Syria to reach a peace agreement by next May. Both countries are under tremendous pressure to sign before the U.S. elections. The principles of the Israeli-Syrian agreement the Administration is pushing are: (1) a complete Israeli withdrawal from the Golan Heights and south Lebanon; (2) enduring and now legitimized Syrian occupation of Lebanon; (3) a U.S.-dominated international force in south Lebanon and the Golan Heights; and (4) a financial inducement package to both Israel and Syria that, by conservative estimates, will exceed $100 billion to be dispensed over a few years.

In its zeal to bring about this package deal, the Clinton Administration seems unperturbed by the widespread opposition in Israel to any withdrawal from the strategically crucial Golan Heights—particularly the kind of a total and speedy withdrawal the U.S. is trying to bring about. Moreover, the Administration ignores recent polls indicating that about two-thirds of the American public are against U.S. support for Syria and any form of deployment of troops in the Golan or Lebanon. Nor does the Clinton Administration take into consideration the significance of the pre-conditions introduced by Syria—a demand for an advance Israeli commitment to a full withdrawal with U.S. guarantees. This demand is intentionally phrased so as to bring about stalling of the peace process because, as Damascus knows well, Jerusalem cannot comply with the letter of the demand (even if Jerusalem is ready to commit to such a withdrawal) because Israeli law requires a referendum for any withdrawal from the Golan.

Most puzzling, however, is the White House's haste. The question it raises has nothing to do with the essence of the Israeli-Syrian "package deal". The Administration's sense of urgency does not make sense in the context of the internal dynamics in Syria.

Syria is in a major crisis. Hafiz al-Assad's health is in a bad shape. He is desperate to ensure that his son Bashar succeeds him and for the U.S. to provide for both averting the collapse of the Syrian economy and the pay-offs to the Syrian elite Bashar must make in order not to be toppled. The U.S. is also expected to replace the virtually free oil Syria now gets from Iran. By careful analysis, these financial requirements amount to $35–50 billion a year. Hafiz al-Assad is willing to "make peace" in order to ensure this U.S. financial support. He also expects the U.S. to legitimize the Syrian occupation of Lebanon which will also clear the Syrian drug and counterfeit trade as well as the income they provide for the Syrian ruling elite.

However, the Syrian ruling establishment, which is predominantly Allawite (a Shiite people that is a minority in predominantly Sunni Syria), is afraid of Bashar. He is young, inexperienced and weak. The Syrian elite knows that once Hafiz al-Assad dies, the Syrian Islamists and Iran may well rise up, overthrow and slaughter the Allawite elite, and establish a Sunni Islamist government in Damascus. If so, Iran and an Islamist Syria will then export Islamist subversion and instability to all other Arab countries, including such U.S. allies as Egypt, Saudi Arabia, and Jordan. Islamist terrorism by such organizations as the HizbAllah, HAMAS and Islamic Jihad, all of whom are already sponsored by Syria and Iran, would also escalate. The only way to prevent the rise of an Iran-dominated Islamist regime in Damascus is by securing a strong Allawite-dominated regime—something that Bashar is incapable of achieving despite all of his father's desperate grooming. The ongoing purges in Syria and Lebanon, as well as the sudden change of the Syrian Government, only highlighted Bashar's weakness and insecurity, as well as his father's trepidations.

The Syrian elite is fully aware of the Islamist threat. Indeed, there is a major segment within the Syrian Allawite elite led by Dr. Rifat al-Assad (Hafiz al-Assad's estranged brother) that is very pragmatic in addressing the forthcoming crisis. They believe that the only chance for the Allawite to remain in power (and thus survive slaughter by the Islamists) is by reversing the virtual collapse of the Syrian economy. Only an economic upsurge can avert the radicalization of the Sunni majority. And only improved relations with the U.S.-led West can save the Syrian economy from an impending collapse. Furthermore, Dr. Rifat al-Assad believes that a strong alliance between the peoples of the Eastern Mediterranean—the Allawites of Syria, the Christian Maronites of Lebanon, the Jews of Israel, and the Druze dwelling in all three countries—will transform the region into an economic power house as the bridge between East and West, as well as the bastion of regional stability as the source of prosperity and employment for all. Therefore, the Syrian elite led by Dr. Rifat al-Assad appears willing to reach agreement with the U.S. and Israel on all major issues in return for removing the sanctions and normalization of relations. Significantly, the Syrian Allawite elite believes that the alternative to such a deal is their slaughter—for them it is literally a life-saving deal.

Therefore, the U.S. should assist Dr. Rifat al-Assad and the responsible and pragmatic segments of the Syrian elite to come to power in a post-Hafiz al-Assad Damascus and begin the process of recovering and restoring the economy. Given Syria's crucial geo-strategic posture, it is imperative for the entire U.S.-led West to ensure that a pro-Western, Democratically oriented government—the kind of government Dr. Rifat al-Assad is striving for—is established in Damascus. Meanwhile, the U.S. and Israel should wait until the government of Dr. Rifat al-Assad redirects Syria's national policies and priorities, proves its commitment to policies of moderation and compromises, as well as economic reforms. Once stable, this Syrian government will be capable of making long-term commitments. Only then it would be possible for both Israel and Syria to reach enduring and genuine peace for the sake of peace. This kind of peace the U.S. should, and will, support.

TRIBUTE TO CHIEF JUSTICE ERNEST A. FINNEY, JR.

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2000

Mr. CLYBURN. Mr. Speaker, I rise to pay tribute to Ernest A. Finney, Jr., who will retire on March 23, 2000, as Chief Justice of the South Carolina Supreme Court.

Ernest Finney moved to Orangeburg, SC, from Virginia as a teenager when his father became the Dean of Claflin College in Orangeburg. He received his undergraduate degree from Claflin, and later his law degree from South Carolina State College.

Although an attorney, Mr. Finney began his career as a teacher in Conway, SC, where he supplemented his teaching salary by waiting tables. He attended his first meeting of the South Carolina Bar as a waiter, because blacks were not allowed membership in the state bar association.

After practicing civil rights law in my hometown Sumter, of South Carolina for a number of years, Mr. Finney began his distinguished public service career in 1973 when he was elected to the South Carolina House of Representatives, where he served until his election as Judge of the Third Judicial Circuit in 1976. On April 3, 1985, Mr. Finney was elected Associate Justice of the South Carolina Supreme Court, becoming the first African American to hold that office since Reconstruction. On May 11, 1994, Justice Finney was elected Chief Justice of the South Carolina Supreme Court.

In addition to his duties on the court, Chief Justice Finney is devoted to his family and community. He is married to the former Frances Davenport and is the father of three fine children—Lynn C., a college professor, Ernest A. III, and Jerry Leo, both attorneys. He is the grandfather of two—Amanda and Felicia. Chief Justice Finney is a dedicated alumnus of Claflin College, where he serves on the Board of Trustees, and is a long time member of Emmanuel United Methodist Church. He has been a role model and mentor for legions of young attorneys.

Mr. Speaker, Chief Justice Ernest A. Finney, Jr. guided the Supreme Court of South Carolina and the state judiciary with a steady, balanced hand. I ask that you and my colleagues join me in saluting him on the occasion of his retirement for a job well done.

IN RECOGNITION OF VIVIANA RISCA

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2000

Mr. ACKERMAN. Mr. Speaker, I rise today to pay tribute to Viviana Risca in honor of her reception of the first-place prize in this year's prestigious Intel Science Talent Search, America's oldest and most highly regarded pre-college science contest.

Viviana is first in her senior class of 292 students at Paul D. Schreiber High School, in Port Washington, NY. Her award-winning computer science project was chosen from over 1,500 submitted entries, reviewed by a board of ten distinguished scientists who judged the entries for their research ability, scientific originality and creative thinking.

Using DNA as the medium, Viviana studied steganography, a data encryption technique that embeds secret computer messages within large amounts of seemingly innocent information. For her molecular computing project, Viviana encrypted the secret message "JUNE 6_INVASION: NORMANDY," and then inserted it in the gene sequence of a DNA strand.

Over the years, more than 115,000 students from American high schools in all 50 states and overseas have completed independent research projects and submitted entries. More than 100 of the world's most coveted science and math honors have been won by alumni of this program. Five finalists of this contest have gone on to win the Nobel Prize, and thirty have been elected to the National Academy of Sciences.

I had the pleasure of meeting Viviana while she was in Washington, D.C. for the final phase of this year's competition. Viviana is a talented young woman and she is a fine example of the amazing potential of our nation's youth.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me today in congratulating Viviana Risca upon receiving the first place-prize for her outstanding scientific capabilities and tremendous innovation.

TRIBUTE TO ROLLIE ROTH

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2000

Mr. GALLEGLY. Mr. Speaker, I rise in tribute to Rollie Roth, who will be honored this week by the Simi Valley Education Foundation at the Lew Roth Awards Dinner, to be held at the Ronald Reagan Presidential Library in my district.

Rollie Roth has been an active member of the Simi Valley, CA, community for about 35 years. She served for eight years as a commissioner on the city's Public Safety Committee, assisted the community's Incorporation Study Committee on research projects and volunteered for the March of Dimes and American Cancer Society.

But it is in the area of education that Rollie Roth has truly made her mark.

She served on the PTA of every school that her three children—Paul, Miriam and Barry—attended. At Vista Fundamental School, she was responsible for the newsletter for two years. She also served two years as PTA President at Sycamore School.

With Rollie's full support, her husband, the late Lew Roth, served for 25 years on the Simi Valley Unified School District Board of Education. It was his vision that led to the founding of the Simi Valley Education Foundation.

In 1993, Rollie was appointed to the Foundation board. An energetic board member, she has served as Board Secretary and provides leadership in staging the benefit dinner that bears her husband's name.

Mr. Speaker, Rollie Roth has been a stabilizing influence for both the community and her family. She cared enough about her community, and of teaching her children the importance of community, to remain active after Lew's death while raising her children. Rollie Roth's dedication and determination has also influenced many others to become involved.

Mr. Speaker, I know my colleagues will join the Simi Valley Education Foundation and me in paying special tribute to Rollie Roth's years of dedication to our community and its children.

HONORING KRISTINE THALMAN FROM ANAHEIM, CA

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2000

Mr. COX. Mr. Speaker, I rise today to recognize Kristine Thalman, a loyal staff member at the city of Anaheim, CA. Kris will be retiring from the city after a long and distinguished career.

In her career, especially for the last 13 years, Kris has served as the Governmental Relations Director for the city. She has ensured very smooth relations between the city of California and many of us in Congress that we represent.

Mr. Speaker, it is with great pleasure that I ask my colleagues to join with me in honoring Kristine Thalman. It is fitting that all of us join with the family, friends, and the community of Anaheim, CA, in recognizing her service and dedication to the city and wish her well in her future endeavors.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 16, 2000 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 21

9:30 a.m.

Health, Education, Labor, and Pensions
To hold hearings on regulating Internet pharmacies.
SD-430

Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings to examine issues dealing with Alzheimers Disease.
SH-216

Small Business
Business meeting to consider certain legislation regarding the Small Business Administration and Small Business Innovation Research Program reauthorization.
SR-428A

10 a.m.

Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Federal Communications Commission and the Securities and Exchange Commission.
S-146, Capitol

Environment and Public Works
Transportation and Infrastructure Subcommittee
To hold hearings on General Services Association's fiscal year 2001 Capital Investment and Leasing Program, including the courthouse construction program.
SD-406

United States Senate Caucus on International Narcotics Control
To hold hearings to review the annual certification process.
SD-215

Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Secretary of the Senate, and the Sergeant at Arms.
SD-116

10:30 a.m.

Indian Affairs
To hold hearings on S. 2102, to provide to the Timbisha Shoshone Tribe a permanent land base within its aboriginal homeland.
SR-485

2 p.m.

Environment and Public Works
Superfund, Waste Control, and Risk Assessment Subcommittee
To hold hearings to examine the current status of cleanup activities under the Superfund program.
SD-406

Foreign Relations
To hold hearings to examine nonproliferation threats and U.S. policy formulation.
SD-419

Commission on Security and Cooperation in Europe
To hold hearings on the state of democratization and human rights in Turkmenistan.
334-CHOB

Banking, Housing, and Urban Affairs
Housing and Transportation Subcommittee
To hold oversight hearings on HUD's Public Housing Assesment System (PHAS).
SD-628

MARCH 22

9:30 a.m.

Appropriations
Interior Subcommittee
To hold hearings on the President's proposed budget request for fiscal year 2001 for the Forest Service, Department of Agriculture.
SD-124

Commerce, Science, and Transportation
To hold hearings on the nomination of Susan Ness, of Maryland, to be a Member of the Federal Communications Commission.
SR-253

Indian Affairs
Business meeting, to consider pending calendar business; to be followed by hearings on the nomination of Thomas N. Slonaker, of Arizona, to be Special Trustee, Office of Special Trustee for American Indians, Department of the Interior.
SR-485

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the Legislative recommendation of the Vietnam Veterans of America, the Retired Officers Association, American Ex-Prisoners of War, AMVETS, and the National Association of State Directors of Veterans Affairs.
345 Cannon Building

Governmental Affairs
To hold hearings on Department of Energy's management of health and safety issues surrounding the DOE's gaseous diffusion plants at Oak Ridge, Tennessee, and Piketon, Ohio.
SD-342

Governmental Affairs
To hold oversight hearings to examine Department of Energy's management of health and safety issues surrounding DOE's gaseous diffusion plants in Tennessee and Ohio.
SD-342

2 p.m.
Judiciary
Antitrust, Business Rights, and Competition Subcommittee
To hold oversight hearings on certain antitrust issues.
SD-226

Budget
Business meeting to discuss the President's proposed budget request for fiscal year 2001.
SD-608

2:30 p.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to examine recent program and management issues at NASA.
SR-253

Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on H.R. 862, to authorize the Secretary of the Interior to implement the provisions of the Agreement conveying title to a Distribution System from the United States to the Clear Creek Community Services District; H.R. 992, to convey the Sly Park Dam and Reservoir to the El Dorado Irrigation District; H.R. 1235, to authorize the Secretary of the Interior to enter into contracts with the Solano County Water Agency, California, to use Solano Project facilities for impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes; H.R. 3077, to amend the Act that authorized construction of the San Luis Unit of the Central Valley Project, California, to facilitate water transfers in the Central Valley Project; S. 1659, to convey the Lower Yellowstone Irrigation Project, the Savage Unit of the Pick-Sloan Missouri Basin Program, and the Intake Irrigation Project to the appurtenant irrigation districts; and S. 1836, to extend the deadline for commencement of construction of a hyroelectric project in the State of Alabama.
SD-366

MARCH 23

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Environmental Protection Agency.
SD-138

Energy and Natural Resources
To hold hearings on the nomination of Thomas A. Fry, III, of Texas, to be Director of the Bureau of Land Management, Department of the Interior.
SD-366

Health, Education, Labor, and Pensions
Public Health Subcommittee
To hold hearings on safety net providers.
SD-430

10 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the National Oceanic and Atmospheric Administration of the Department of Commerce, and the Securities and Exchange Commission.
S-146, Capitol

Banking, Housing, and Urban Affairs
To hold oversight hearings on the Monetary Policy Report to Congress pursuant to the Full Employment and Balanced Growth Act of 1978.
SH-216

Environment and Public Works
Fisheries, Wildlife, and Drinking Water Subcommittee
To resume hearings to examine the Environmental Protection Agency's proposed rules regarding changes in the total maximum daily load and NPDES permit programs pursuant to the Clean Water Act.
SD-406

Judiciary
Business meeting to consider pending calendar business.
SD-226

10:30 a.m.
Governmental Affairs
Business meeting to consider pending calendar business.
SD-342

2 p.m.
Judiciary
Constitution, Federalism, and Property Rights Subcommittee
To hold hearings to examine racial profiling within law enforcement agencies.
SD-226

2:30 p.m.
Foreign Relations
Business meeting to markup the proposed Technical Assistance, Trade Promotion and Anti-Corruption Act.
SD-419

Armed Services
SeaPower Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 2001 for the Department of Defense and the Future Years Defense Program, focusing on Navy and Marine Corps' seapower operational capability requirements.
SR-222

Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold oversight hearings to examine the status of monuments and memorials in and around Washinton, D.C.
SD-366

MARCH 28

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings to examine the current state of deployment of hi-speed Internet technologies, focusing on rural areas.
SR-253

Health, Education, Labor, and Pensions
Children and Families Subcommittee
To hold hearings on child safety on the Internet.
SD-430

Small Business
To hold hearings to examine the extent of office supply scams, including, toner-phoner schemes.
SD-562

Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings to examine issues dealing with mind body and alternative medicines.
SD-192

10 a.m.
Appropriations
Transportation Subcommittee
To hold hearings to examine the implementation of the Driver's Privacy Protection Act, focusing on the positive notification requirement.
SD-192

2:30 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold oversight hearings on the incinerator component at the proposed Advanced Waste Treatment Facility at the Idaho National Engineering and Environmental Laboratory and its potential impact on the adjacent Yellowstone and Grand Teton National Parks.
SD-366

MARCH 29

9:30 a.m.
Health, Education, Labor, and Pensions
Business meeting to consider pending calendar business.
SD-430

Energy and Natural Resources
Business meeting to consider pending calendar business.
SD-366

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of the Interior.
SD-124

10 a.m.
Governmental Affairs
To hold hearings on how to structure government to meet the challenges of the millennium.
SD-342

Governmental Affairs
To hold hearings on meeting the challenges of the millennium, focusing on

proposals to increase the efficiency and effectiveness of the Federal Government.

SD–342

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense, focusing on Air Force programs.

SD–192

2:30 p.m.

Indian Affairs

Business meeting, to consider pending calendar business; to be followed by hearings on S. 1967, to make technical corrections to the status of certain land held in trust for the Mississippi Band of Choctaw Indians, to take certain land into trust for that Band.

SR–485

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold hearings on S. 1778, to provide for equal exchanges of land around the Cascade Reservoir, S. 1894, to provide for the conveyance of certain land to Park County, Wyoming, and S. 1969, to provide for improved management of, and increases accountability for, outfitted activities by which the public gains access to and occupancy and use of Federal land.

SD–366

MARCH 30

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Housing and Urban Development.

SD–138

Energy and Natural Resources

To hold hearings on S. 882, to strengthen provisions in the Energy Policy Act of 1992 and the Federal Nonnuclear Energy Research and Development Act of 1974 with respect to potential Climate Change; and S. 1776, to amend the Energy Policy Act of 1992 to revise the energy policies of the United States in order to reduce greenhouse gas emissions, advance global climate science, promote technology development, and increase citizen awareness.

SD–366

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the National Institutes of Health, Department of Health and Human Services.

SD–124

10 a.m.

Health, Education, Labor, and Pensions

To hold hearings on medical records privacy.

SD–430

2:30 p.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold oversight hearings on the President's October 1999 announcement to review approximately 40 million acres of national forest lands for increased protection.

SD–366

APRIL 4

9:30 a.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Bureau of Indian Affairs and Office of the Special Trustee, Department of the Interior.

SD–138

APRIL 5

9:30 a.m.

Indian Affairs

To hold hearings on S. 612, to provide for periodic Indian needs assessments, to require Federal Indian program evaluations.

SR–485

10 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense, focusing on Army programs.

SD–192

APRIL 6

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Veterans Affairs.

SD–138

APRIL 8

10 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense, focusing on medical programs.

SD–192

APRIL 11

9:30 a.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Energy.

SD–138

10 a.m.

Energy and Natural Resources

To hold hearings on S. 282, to provide that no electric utility shall be required to enter into a new contract or obligation to purchase or to sell electricity or capacity under section 210 of the Public Utility Regulatory Policies Act of 1978; S. 516, to benefit consumers by promoting competition in the electric power industry; S. 1047, to provide for a more competitive electric power industry; S. 1284, to amend the Federal Power Act to ensure that no State may establish, maintain, or enforce on behalf of any electric utility an exclusive right to sell electric energy or otherwise unduly discriminate against any consumer who seeks to purchase electric energy in interstate commerce from any supplier; S. 1273, to amend the Federal Power Act, to facilitate the transition to more competitive and efficient electric power markets; S. 1369, to enhance the benefits of the national electric system by encouraging and supporting State programs for renewable energy sources, universal electric service, affordable electric service, and energy conservation and efficiency; S. 2071, to benefit electricity consumers by promoting the reliability of the bulk-power system; and S. 2098, to facilitate the transition to more competitive and efficient electric power markets, and to ensure electric reliability.

SH–216

APRIL 12

9:30 a.m.

Indian Affairs

Business meeting, to consider pending calendar business; to be followed by hearings on S. 611, to provide for administrative procedures to extend Federal recognition to certain Indian groups, and will be followed by a business meeting to consider pending committee business.

SR–485

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Corporation for National and Community Service, Community Development Financial Institutions, and Chemical Safety Board.

SD–138

10 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense, focusing on missile defense programs.

SD–192

APRIL 13

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the National Aeronautics and Space Administration.

SD–138

Energy and Natural Resources

To hold hearings on S. 282, to provide that no electric utility shall be required to enter into a new contract or obligation to purchase or to sell electricity or capacity under section 210 of the Public Utility Regulatory Policies Act of 1978; S. 516, to benefit consumers by promoting competition in the electric power industry; S. 1047, to provide for a more competitive electric power industry; S. 1284, to amend the Federal Power Act to ensure that no State may establish, maintain, or enforce on behalf of any electric utility an exclusive right to sell electric energy or otherwise unduly discriminate against any consumer who seeks to purchase electric energy in interstate commerce from any supplier; S. 1273, to amend the Federal Power Act, to facilitate the transition to more competitive and efficient electric power markets; S. 1369, to enhance the benefits of the national electric system by encouraging and supporting State programs for renewable energy sources, universal electric service, affordable electric service, and energy conservation and efficiency; S. 2071, to benefit electricity consumers by promoting the reliability of the bulk-power system; and S. 2098, to facilitate the transition to more competitive and efficient electric power markets, and to ensure electric reliability.

SH-216

2:30 p.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold hearings on S. 2034, to establish the Canyons of the Ancients National Conservation Area.

SD-366

APRIL 26

10 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense.

SD-192

SEPTEMBER 26

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs on the Legislative recommendation of the American Legion.

345 Cannon Building

POSTPONEMENTS

APRIL 19

9:30 a.m.

Indian Affairs

Business meeting to consider pending calendar business; to be followed by hearings on S. 611, to provide for administrative procedures to extend Federal recognition to certain Indian groups.

SR-485

HOUSE OF REPRESENTATIVES—*Thursday, March 16, 2000*

The House met at 10 a.m.

The Right Reverend M. Thomas Shaw, III, Bishop of the Diocese of Massachusetts, Boston, Massachusetts, offered the following prayer:

Gracious God, You have given us another new day. Again, today You give us the opportunity to experience Your rich and dynamic creativity. Again, today You invite us into your compassion, Your justice, Your hope, and, most of all, Your deep and abiding peace.

You tell us, God, that we are co-creators with You. Replenish us with Your life-giving spirit this morning. Open us to Your renewing power that we might be makers of peace and hope and justice and compassion with You. Draw us into the deep places of Your heart where we find the wisdom and grace to share in Your creativity. Help us to be gracious and open to one another because we know that each of us brings a share of Your creative vision.

We ask this all in Your name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New York (Mr. HOUGHTON) come forward and lead the House in the Pledge of Allegiance.

Mr. HOUGHTON led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING RIGHT REVEREND M. THOMAS SHAW III, TO U.S. HOUSE OF REPRESENTATIVES

(Mr. HOUGHTON asked and was given permission to address the House for 1 minute.)

Mr. HOUGHTON. Mr. Speaker, every so often somebody comes into our lives that has a tremendous impact on us. And this is the case of the man who just gave the invocation, Bishop Thomas Shaw.

He left his diocese, as the largest Episcopal diocese in this country, to come down and be with us for a month, not to preach, not to tell us things, but to learn with us about this great democracy.

He has given us much, and the most important thing he has given us is his example. Everyone has words. We use a lot of words around here. His example has been extraordinary. And I only hope that the examples that he gives to us will be given to others in other parts of this country to be able to come down and understand this precious thing which we call a Republic.

So I thank Bishop Shaw for being with us.

LET US STRENGTHEN SOCIAL SECURITY AND MEDICARE

(Mr. CUMMINGS asked and was given permission to address the House for 1 minute.)

Mr. CUMMINGS. Mr. Speaker, when some extra change comes our way, put it somewhere safe for a rainy day. As old as this adage may seem, it is a life lesson that has escaped some of my colleagues on the other side of the aisle.

Our grandmothers who planted this concept in our ears while giving us a few extra dollars might now frown upon the careless proposals set forth by the GOP with respect to our budget surplus.

With the rainy days that many forecast, the budget surplus should be put in the safest places. The budget surplus should be put in Social Security for the rainy day FY 2023, where some predict the fund may face depletion. It should be placed in Medicare to protect us from the rainy day of rising costs in the area of cost care for our elderly. It should be used to begin wiping away the cloud of our national debt.

The grandparents who shared their wisdom are the same people who will benefit from our responsible actions. Let us follow the advice of those who know best. Let us strengthen Social Security and Medicare. Let us pay down the national debt. Let us use our budget surplus to safeguard against a coming rainy day.

COLOMBIA AID PACKAGE

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, let us face it, illegal drugs are killing our kids at an alarming rate. Every year we lose 52,000 young lives to drugs, nearly equal to the number of Americans killed in Vietnam over 10 years.

According to the U.S. drug czar, one of every two American kids will try illegal drugs by the time they reach the 12th grade; many will become habitual users, leading to a life of crime, or worse, death.

This is staggering. The cost of drug abuse to our society is estimated to be $110 billion per year. Not to mention the cost of countless lives lost and dreams broken.

Each day that we put off consideration of the Colombia aid package, more of our kids will fall victim to the estimated 14 metric tons of heroin and 357 metric tons of cocaine which enters our country each year.

With our strong support, Colombia could be successful at slowing the flow of drugs from their country to ours. Failing to provide this important aid now may result in the loss of Colombia to the drug cartels and future generations of Americans to drug addiction.

I urge support for the Colombia aid package.

INTERNATIONAL ABDUCTION

(Mr. LAMPSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMPSON. Mr. Speaker, I rise today to tell the story of Jim Rinaman and his daughter Julia. Her story is the sixth account in my series of 1-minutes of more than 10,000 children who have been abducted to foreign countries.

In 1996, Mr. Rinaman's ex-wife, Sylvia Breitbach, escorted her mother back to Germany and took Julia with her. Ten days later Jim was notified via fax that she would not be returning and that she was keeping his daughter in Germany.

He immediately filed a Hague petition. And at an initial hearing, Sylvia was ordered to return Julia. She appealed the decision and has gone on to delay further court proceedings.

Jim has been through the German court process three times and still has not gained custody of nor access to his child. He has no contact or had had no contact with Julia since her abduction.

Mr. Speaker, these 1-minutes are about families and reuniting children with their parents. They are just the first steps in what will be an ongoing dialogue with the American people, the foreign countries who have our children, and my colleagues to bring our children home.

HISTORICAL LEGACY OF RONALD AND NANCY REAGAN

(Mr. GIBBONS asked and was given permission to address the House for 1

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, yesterday I had the great honor and privilege of appearing before the House Subcommittee on Domestic and International Monetary Policies to share with them my thoughts on the historical legacy of Ronald and Nancy Reagan.

And yet perhaps a greater honor to me was listening to the eloquent words of Caspar Weinberger, Jeane Kilpatrick, Peggy Noonan, and Martin Anderson. These close friends and trusted colleagues of the Reagans reflected on the dedication of our 40th President and his wife Nancy to our great Nation.

Even the former leader of the Soviet Union, Mikhail Gorbachev, submitted a letter to the subcommittee expressing his deep respect for former President Ronald Reagan.

Mr. Speaker, I am proud to be the sponsor of H.R. 3591, a bill to award the Congressional Gold Medal to Ronald and Nancy Reagan. Currently, this bill has approximately 280 cosponsors. It is a bipartisan effort to bestow a fitting tribute on the Reagans in recognition to their dedication and commitment to public service and to our country.

I encourage all of my colleagues to become cosponsors of H.R. 3591 and join me in saying "thank you" to the Reagans for dedicating so much of their lives to the people of the United States.

U.S. BORDER IS WIDE OPEN

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the border is wide open. Heroin and cocaine are coming across the border at, listen to the report, "record volumes." And nobody is doing anything about it.

Now, look, when a 10-year-old kid can get heroin as easily as he can get aspirin, something is dangerously wrong with America.

It is time to secure our homeland, time to secure our borders; and we cannot do that with the neighborhood crime watch. It is time to use the military.

My colleagues, I yield back the failed national drug strategy that we have in effect.

By the way, the victims are our own street kids. There is no war on drugs.

CENSUS 2000

(Mr. MILLER of Florida asked and was given permission to address the House for 1 minute.)

Mr. MILLER of Florida. Mr. Speaker, Census 2000 is underway. If my colleagues have not received their form, they will receive it shortly. Please complete that form and send it back as soon as possible. It is so important for this country and our own communities because so much money flows from Washington and our State capitals based on the population of our area. Whether it is health care or education or roads or sewers, it is so important.

Unfortunately, the minority yesterday started playing politics with the census again. And that is unfortunate, because there is no substitute for counting people. The sampling issue was settled by the Supreme Court over a year ago. And they could not have picked a worse day of a worse week to bring up the issue and to undermine response for the census, and that is indeed sad.

Everyone counts, black or white, Hispanic, Asian, young or old. Everyone counts in this country. Please complete this form and send it back today.

CHILD GUN SAFETY LEGISLATION

(Ms. DEGETTE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DEGETTE. Mr. Speaker, in less than one week, it will be a whole year since the school shooting in Jonesboro, Arkansas. And almost exactly one month later will mark the 1-year anniversary of the tragedy at Columbine High School just outside my district.

A month after that, a whole year will have gone by since the Senate passed their version of child gun safety legislation.

Mr. Speaker, what has been done here in the House? The sad answer is, nothing. We have done nothing to protect our citizens, to protect our families, and most importantly, to protect our children.

When is this House going to stand up against the gun violence being perpetrated against our children? When are we going to stand up for the safety of our families?

This Congress will be judged for as much as what it does not do as what it does. And, Mr. Speaker, it has not gone unnoticed by the public that we have done nothing to protect them from the horrific gun violence that continues to pollute our proud country.

The very least this House can do is pass common sense child gun safety legislation and pass it now.

HOW TO COME TO AGREEMENT ON THE BUDGET

(Ms. PRYCE of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PRYCE of Ohio. Mr. Speaker, many people ask me, How can you come to agreement on a budget with the President whose vision for America is so different from your own?

That is a fair question. And the answer is, with much difficulty.

Mr. Speaker, it is no secret that the Democrats and the Republicans have honest fundamental differences in our views of the role of government in our lives. It is no secret that the Democrats want government to have a greater role in our lives and Republicans think that the government role is already far too great.

□ 1015

It is no secret that Democrats want to increase the size and power of government. Republicans want to reduce them. It is no secret that the Democrats think that more government can help solve the problem of poverty. Republicans think that far from ending poverty, government welfare programs perpetuate it.

Mr. Speaker, we have disagreements on matters of principle, but the American people have asked us to work together on our country's budget. Let us go forward and carry out their wishes.

Next week we will have that very opportunity.

WOMEN'S HISTORY MONTH

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, March is Women's History Month, a time to reflect on the contributions that women have made to our heritage, but today I want to talk about how we here in Congress can actually make history for women.

The United States can make a difference in women's lives all around the world by ratifying CEDAW, the United Nations Convention on the Elimination of All Forms of Discrimination Against Women. Right now the United States is the only industrialized democracy in the world that has not ratified CEDAW. That is a disgrace.

Currently, the treaty is being held hostage in the Senate Foreign Relations Committee, where one man refuses to bring CEDAW forward for a vote in the Senate. Even though our colleagues in the other body must act to ratify CEDAW, we in the House can make a difference and we can make a difference by signing H. Res. 107, which calls on the Senate to take immediate action on CEDAW.

One of the most important lessons, Mr. Speaker, that we can teach the world during this Women's History Month is that the United States is truly committed to protecting women's rights.

THE PRACTICE OF USING HUMAN FETAL TISSUE FOR RESEARCH MUST BE STOPPED

(Mr. RYUN of Kansas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYUN of Kansas. Mr. Speaker, we should stop the practice of using human fetal tissue for research and for commerce, and we should certainly stop subsidizing its industry.

Although researchers profess to have the best intentions, this utilitarian view of human life cheapens the lives and dignity of all human beings. There has been substantial evidence to prove that some profit-oriented physicians have induced women to get abortions with the goal of trafficking those body parts of the deceased.

Private companies, institutions, and even public universities are buying and selling baby organs. This business of trafficking human flesh includes order forms for specific organs, detailed dissection orders, graphic brochures, and price lists for whole-body parts.

I feel that it is time to stop this appalling practice of human embryo and fetal tissue experimentation, and continue our legal role as protectors and healers of the born and pre-born. To make the destruction of our children's bodies into a money-making business is horrific and unconscionable and it must stop.

TAX CUTS THAT THREATEN TO BUST THE BUDGET ARE NOT NEEDED

(Mr. SHERMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHERMAN. Mr. Speaker, we are now enjoying and have enjoyed for several years the fruits of fiscal responsibility but that fiscal responsibility was put at risk yesterday in the Committee on the Budget, where that committee approved huge tax cuts that threaten to bust the budget and endanger Social Security and Medicare.

Earlier this month, we found out what types of tax cuts we were endangering our prosperity to finance, because this House passed not an increase in the earned income tax credit, not an increase in the standard deduction, no tax relief for working Americans but, rather, a huge tax cut where three-quarters of the benefit went to the top 1 percent of wealthiest Americans.

Mr. Speaker, the question in game show language seems to be, not who wants to be a millionaire or who wants to marry a multimillionaire but who wants to give huge tax cuts to multi-multimillionaires. It is time to return to fiscal responsibility.

BLACK PRESS DAY

(Mr. TERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TERRY. Mr. Speaker, I stand before you today on the occasion of Black Press Day. March 16 is the anniversary of the publication of the first black-owned newspaper in the United States.

On this date in 1827, the first edition of Freedom's Journal rolled off the press and on to the streets of New York City. I borrow from the Newspaper Publishers Association when I recite the credo of the Black Press. The Black Press believes that America can best lead the world away from racial and national antagonism when it accords to every person, regardless of race, color or creed, full human and legal rights. Hating no person, fearing no person, the Black Press strives to help every person in the firm belief that all are hurt as long as anyone is held back.

There is no better example of this credo than in my own district in Nebraska. The Omaha Star is one of the Nation's most renowned black-owned newspapers. We owe a special debt of gratitude to the pioneers of the Omaha Star, both past and present, who lead the fight for acceptance of all races.

So on behalf of all Nebraskans, I say to the people of Omaha Star, thank you.

WHAT HAVE WE BECOME AS A NATION?

(Mr. SCHAFFER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHAFFER. Mr. Speaker, in The Washington Post this morning there is an article on the front here talking about California, how the California Motor Vehicle Division rescinded a license plate because it mentions the Washington Redskins football team. It says that the license was offensive. Somebody apparently complained.

In California, taxpayers support the Motor Vehicle Department and therefore a single government-issued license plate depicting a football team is offensive and serious and intolerable; but in New York, obscuring the image of Mary, the mother of God, with animal feces and obscenities, well, that is just art we are told.

After all, taxpayers are obligated to subsidize art. Those like me who are offended by a government attack on our religion, we are told to lighten up.

Never let it be said, Mr. Speaker, that America lacks for vision, faith and decisiveness and courage when it comes to football and license plates.

Mr. Speaker, what have we become? Hail Mary, indeed. O, mother of the word incarnate, despise not my petition but in thy mercy herein answer me. Amen.

TAIWAN ELECTIONS AND CHINA

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, China has done it again. Yesterday, Chinese Premier Zhu Rongji threatened violence against Taiwan because it is holding free elections. He said to the people of Taiwan, "Do not act with impulse at this juncture. Otherwise, I am afraid you will not get another opportunity to regret."

This Chinese dictatorship condones forced abortions, engages in religious persecution against Christians and Muslims and Buddhists, has institutionalized slave labor and child labor. Even attempting to form an independent labor union in China is an offense punishable by death.

Mr. Speaker, Congress has been promised over and over that free market capitalism will create a more democratic and less hostile China. Yet, after 10 years of U.S. engagement with China, that nation remains a nation ruled by an authoritarian government with a violent aversion to human rights and a hostility to environment and labor standards.

What makes anyone think the next 10 years will be different? There are more corporate jets at Reagan National Airport during congressional debate on China every year than at any time during the year. A WTO deal for China is more about gaining access to a billion workers than it is a billion consumers. Vote no on permanent NTR.

TRUCKERS PLAY A VITAL PART IN AMERICA'S COMMERCE

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, today hundreds of truckers mount a demonstration in the Nation's capital.

America's truckers are a vital part of our economy. Truckers deliver the food we eat, the clothes we wear, and the materials used to build our homes. Unfortunately, for the past several months, truckers have been hit by rising gas and diesel prices. These outrageous fuel prices are threatening the livelihood of thousands of truckers across the United States, which is the reason for their demonstration today.

When truckers cannot afford to fill their tanks, they will be forced off the road. Without trucking, commerce in our Nation would be ground to a halt.

With gas and diesel prices expected to continue rising through the summer, even a greater number of truckers are going to be threatened. Energy Secretary Bill Richardson has admitted that the Clinton-Gore administration was asleep at the wheel when it comes to gas and diesel prices.

Now the American people must unfortunately foot the bill for the Clinton-Gore failure.

CONGRESS MUST STAND UP AND BE COUNTED WHEN IT COMES TO GUN CONTROL

(Ms. CARSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CARSON. Mr. Speaker, we have seen Members of Congress one by one come to the microphone before national television urging Americans to stand up and be counted in the 2000 Census.

I would add to that call and would also urge Congress to stand up and be counted and start counting the nearly 12 children who die each day from gunfire in America, approximately one every 2 hours, which is equivalent to a classroom of children every 2 days.

Why is it that Congress wants America to stand up and be counted and Congress is unwilling to stand up and be counted itself on legislation that would reduce youth crime and promote safety in our schools and communities?

That is what legislation that I have does, the Child Handgun Injury and Prevention Act, which is a bill to prevent children from injuring themselves with handguns, requiring safety devices on handguns, and establishing standards and tests and procedures for these devices.

As of today, we have 68 cosponsors. I would like for 435 Members of Congress to stand up and be counted.

COMPREHENSIVE GUN CONTROL LEGISLATION HAS BEEN DEBATED AND DEFEATED

(Mr. TANCREDO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TANCREDO. Mr. Speaker, my colleague from Colorado a little bit ago took the floor this morning to bemoan the fact that this Congress has done nothing, she says, this House has done nothing to pass gun control legislation.

I must remind both her and the American people that, in fact, a comprehensive gun control bill was on the floor of this House last year, H.R. 2122. It did, in fact, have provisions to close the gun show loophole. It instituted a juvenile Brady. There was a ban on the importation of high-capacity clips. It mandated trigger locks. It was a comprehensive piece of legislation. It failed on this floor by a vote of 198 Democrat no votes to 82 Republican no votes.

Now, why did this happen? It happened, Mr. Speaker, because in fact, with all the rhetoric aside, what the minority party wants here is not a solution to this problem but an issue in the next campaign.

CHILDREN OF COLONIAS

(Mr. REYES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REYES. Mr. Speaker, I rise to speak about a special group of students who are here in Washington this week. They are young people from my district who live in Colonias. These are communities on the southwest border without water, electricity, roads, education, and very poor health services. Unfortunately, Mr. Speaker, we have thousands of Americans living in these third-world conditions along our southern border.

With today's unprecedented prosperity, this is an unbelievable tragedy. Therefore, it is important to hear their stories. They will be providing testimony today from 3:45 to 5:30 in the Cannon Room 340. I ask my colleagues to listen with me and to commit to provide resources to make Colonias a safe and secure place to call home.

I want to recognize these students from my district. They are Alicia Contreras, Ubaldo Fernandez, Chris Herrera, Janet Dunbar, and Gilbert Vasquez.

□ 1030

We owe these students the amount of resources to provide them the hope and opportunity that all of us as Americans deserve.

ASTRONOMICAL GAS PRICING

(Mr. CALVERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CALVERT. Mr. Speaker, I rise today to continue my critique of the Clinton/Gore administration's role in the recent surge in gasoline and home heating oil prices. Yes, Mr. Speaker, the administration must shoulder much of the responsibility because they ignored the "two Ds," domestic production and diplomacy.

The United States imports the majority of its petroleum requirements largely because it is difficult to produce petroleum in this country. Mr. Speaker, the administration imposes serious limits on exploration, drilling, refining through an incredible permitting and regulatory scheme. These regulations force many facilities to shut down when oil prices are low and make it uneconomical to reopen when prices rise.

This takes us to the second D, diplomacy. The administration knew 1 year ago these prices were coming down the pipeline. Unfortunately, Secretary Richardson was preoccupied by a major spy scandal at the DOE. As he himself said on February 16, "It is obvious that the Federal Government was not prepared. We were caught napping. We go complacent."

Mr. Speaker, this administration gets "two Ds" and an "F."

END AIRBUS SUBSIDIES

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, it appears again that European governments may be ignoring their agreements to stop subsidizing Airbus. The British government's decision to make a loan of $868 million to Airbus for the development of another jumbo jet clearly flies in the face of the concept that the WTO rules are designed to end government subsidies to Airbus.

Now, folks have argued that Airbus is an infant industry. It is not an infant, it is not even an adolescent, it is a full adult competitor in the aircraft industry; and it ought to be treated as such.

We have tools to stop these subsidies. The WTO was designed to stop these subsidies. We are urging our government to be as aggressive as possible to demand answers as to how such a loan would be made, because we believe it will be shown that this is not a loan that was commercially available. Had it been commercially available, it would be available through commercial outlets.

This is a government acting as a venture capitalist for Airbus. We need to end these subsidies today.

MARRIAGE TAX ELIMINATION ACT SHOULD BE SIGNED INTO LAW

(Mr. WELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELLER. Mr. Speaker, I rise to ask a very fundamental and basic question and that question is, is it right, is it fair that under our Tax Code 25 million married working couples on average pay $1,400 more in higher taxes just because they are married. Is it right that under our Tax Code, married working couples, a husband and wife who are both in the workforce, pay higher taxes than an identical couple in identical circumstances who choose not to marry.

Mr. Speaker, it is wrong that under our Tax Code we have a marriage tax penalty suffered by 25 million married working couples; and I am proud that this House of Representatives has passed H.R. 6, the Marriage Tax Elimination Act, wiping out the marriage tax penalty for 25 million married working couples. My hope is that the Senate will join with the House and vote in a bipartisan way to wipe out the marriage tax penalty and put that legislation on the President's desk. My hope is that the President will once again keep his word and sign into law the legislation wiping out the marriage tax penalty.

Let us not forget that Bill Clinton and AL GORE vetoed that legislation last year. We hope they will sign it this year.

SMALL BUSINESS TAX FAIRNESS ACT SHOULD BE SIGNED INTO LAW

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, I rise today to talk about the American dream. Of course, the American dream is different for everybody, but for a significant number of Americans, the American dream means starting up a small business, helping it to grow, and then passing on that business to their children.

Unfortunately, our Federal Government punishes these people who want to pass their life's work on to their children. Approximately 70 percent of family-owned businesses are not passed on to the next generation. Mr. Speaker, 87 percent do not make it to the third generation.

This is no surprise when we factor in the death tax. The death tax forces families to pay taxes of up to 55 percent on the value of a deceased family Member's estate, making it virtually impossible for a small business owner or family farmer to pass that on to their family. This is wrong.

The House has passed the Small Business Tax Fairness Act which will deliver some relief from the death tax. I hope the President will sign it and help more families live out the American dream.

CENSUS BUREAU SHOULD CONSULT READER'S DIGEST

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, now, we have to love that government crowd down at the Census Bureau. I mean they are so typical government. We remember this crowd. They are the ones who did not want to bother counting the people just because that strange document called the Constitution requires a head-by-head count. What they wanted to do was sample.

Now, they showed us their efficiency last week; go home and check your mail if you do not believe me. They sent out 120 million forms to the wrong address. Check it. Every address had an extracurricular "1" in it.

Well, it still got through because the Post Office, being another governmental agency, knows how to think like a governmental agency so they figured out what the Census Bureau was really trying to do. But then they put all of the instructions on the back in every language under the sun. Well, not quite, but in 40 languages, they just overlooked English.

No problem, I know a lot of people are against English first in America, and apparently the census is too. But in it they did not put instructions in English. They have an enclosed envelope. I do not know what to do with the envelope, so I looked for the toll free number. The toll free number is not on the form.

So I just would ask the people at the Census Bureau, call the folks at Reader's Digest Sweepstakes. They will show you how to do a mailer, they will show you how to get responses and maybe we can get this thing done. But remember, they are the ones who are responsible for counting us. Does that not scare you?

ANNOUNCEMENT OF AMENDMENT PROCESS FOR THE BUDGET RESOLUTION FOR FISCAL YEAR 2001

Ms. PRYCE of Ohio. Mr. Speaker, the Committee on Rules is planning to meet the week of March 20 to grant a rule which will outline the amendment process for floor consideration of the budget resolution for fiscal year 2001.

The Committee on the Budget ordered the budget resolution on March 15 and is expected to file its committee report early next week.

Any Member wishing to offer an amendment should submit 55 copies and a brief explanation of the amendment to the Committee on Rules in room H–312 of the Capitol by 4 o'clock p.m. on Tuesday, March 21. As in recent years, the Committee on Rules intends to look more favorably toward amendments offered as complete substitutes.

Members should also use the Office of Legislative Counsel and the Congressional Budget Office to ensure that their substitute amendments are properly drafted and scored and should check with the Office of the Parliamentarian to be certain their substitute amendments comply with the Rules of the House.

ANNOUNCEMENT OF AMENDMENT PROCESS FOR H.R. 3822, OIL PRICE REDUCTION ACT OF 2000

Ms. PRYCE of Ohio. Mr. Speaker, I would like to make an announcement.

Today, a "Dear Colleague" letter will be sent to all Members informing them that the Committee on Rules is planning to meet next week to grant a rule for the consideration of H.R. 3822, the Oil Price Reduction Act of the Year 2000.

The Committee on Rules may grant a rule which would require the amendments be preprinted in the CONGRESSIONAL RECORD. In this case, amendments must be preprinted prior to their consideration on the floor.

Amendments should be drafted to the version of the bill reported by the Committee on International Relations.

Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules.

PROVIDING FOR CONSIDERATION OF H.R. 2372, PRIVATE PROPERTY RIGHTS IMPLEMENTATION ACT OF 2000

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 441 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 441

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2372) to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the United States Constitution, have been deprived by final actions of Federal agencies, or other government officials or entities acting under color of State law; to prevent Federal courts from abstaining from exercising Federal jurisdiction in actions where no State law claim is alleged; to permit certification of unsettled State law questions that are essential to resolving Federal claims arising under the Constitution; and to clarify when government action is sufficiently final to ripen certain Federal claims arising under the Constitution. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are waived. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted.

Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. MILLER of Florida). The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 441 is a fair rule that provides for the consideration of the key issues surrounding H.R. 2372, the Private Property Rights Implementation Act of 2000. The rule provides for an hour of general debate, after which the House will have the opportunity to debate two Democrat amendments and a bipartisan substitute.

Adequate time will be allowed to fully debate the merits of each amendment, with an hour of debate time provided for the bipartisan substitute. In addition, the minority will have the opportunity to offer a motion to recommit with or without instructions.

Mr. Speaker, today, with the adoption of this rule, the House will have the opportunity to open the Federal courthouse doors to America's private property owners who are clamoring outside, hoping to gain entrance to exercise their constitutional rights.

At one time in our Nation's history, the property rights of individuals were sacred. In our Constitution, the founding fathers provided that no person shall be denied of life, liberty or property without due process, nor shall private property be taken for public use without just compensation.

But increasingly, local, State, and Federal governments have overlooked the Constitution and placed more and more restrictions on land use in a manner that ignores, rather than protects, the interests of those who own the land. In these situations, it is only right that landowners have a fair opportunity to challenge the decisions of governmental bodies that affect their constitutional rights in court. But instead, their access to justice is routinely denied through procedural hurdles that prevent the resolution of their "takings" claims.

In fact, over the past decade, less than 20 percent of takings claims raised in the U.S. district court had the merits of their cases heard, and for those who chose to spend time and money to appeal their case, only about 36 percent had their appeals heard on the merits. For the few lucky property owners whose appellate cases were found to be "ripe" and the merits reached, the journey to an appellate court determination took them an average of 9½ years to navigate.

These numbers do not even take into account the many low-income or middle-class property owners who are too intimidated by the process and costs involved to venture down this road in the first place.

There are two major obstacles in the path of property owners who wish to vindicate their constitutional rights in Federal court. First, property owners must demonstrate that the government entity which has "taken" their property through an administrative action or regulation has reached a final decision regarding how the property may be used. Now, it is not hard for local governments to take advantage of takings law by repeatedly delaying their final decision on land use, putting property owners in a perpetual holding pattern and keeping them out of Federal court. In these situations, the merits of the cases are never heard.

Mr. Speaker, H.R. 2372 lowers this obstacle by clarifying when a final decision has been made, so that property owners can move on to the next step in resolving their claims.

□ 1045

Under current law, private property owners also must show they have sought compensation through the procedures the State has provided.

Why should we require that a State court complete its considerations of questions of Federal constitutional law before a Federal court can take action? This runs counter to the Supreme Court's refusal to require exhaustion of State judicial or administrative remedies in other Federal claims, since it is the paramount role of Federal courts to protect constitutional rights.

Further, the time, energy, and money that it takes to exhaust administrative remedies, pursue a case in State court, refile in Federal court, and fight a government entity with deep pockets, present hurdles that are far too high for the average property owner to ever clear.

H.R. 2372 will allow more takings cases to reach the merits in Federal courts by removing the requirement that property owners litigate their Federal takings claims in State court first.

While H.R. 2372 gives hope of swifter justice to many property owners, there are several things it will not do. It will not alter the substantive law of takings under the fifth amendment. It will not prevent local governments from enacting regulations to protect the environment or health and safety of its citizens within the bounds of the Constitution, and it will not reduce the heavy burden of proof faced by property owners in takings cases in the first place.

Still, there are concerns about these issues, particularly regarding this legislation's effect on local zoning processes. I am pleased to inform my colleagues that under this fair rule, an hour of debate on the Boehlert-Delahunt substitute will allow the House to fully consider this issue.

While this bill is not without controversy, this rule is fair in its treatment of the minority, as well as in its provision for ample debate of the issues at hand.

Mr. Speaker, I encourage my colleagues to support this rule, and I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2372, the Private Property Rights Implementation Act of 2000.

H.R. 2372 grants landowners across the country great access to Federal courts in local land use cases involving the takings clause of the fifth amendment.

This bill enjoys bipartisan support and is substantially similar to a bill passed by the House in the 105th Congress by a vote of 248 to 178.

H.R. 2372 is a procedural bill which clarifies how the Federal courts should deal with takings cases, and seeks to bring relief to property owners who today can spend an average of 10 years jumping through the administrative and judicial hurdles which currently prevent them from seeking remedy in Federal courts in order to be able to use their property.

Property owners surely deserve the right to a speedy judicial determination of a takings case, and this legislation seeks to provide that determination to them.

This rule allows for the consideration of a substitute to be offered by the gentleman from New York (Mr. BOEHLERT). The Boehlert substitute would eliminate local land use actions from the cases that would receive the expedited Federal court consideration provided in the bill. The Boehlert substitute is identical to the substitute offered in the last Congress, and would, as it did previously, leave intact accelerated access to Federal courts, Federal takings cases.

The rule also makes in order an amendment to be offered by the Committee on the Judiciary ranking member, the gentleman from Michigan (Mr. CONYERS), and the gentleman from North Carolina (Mr. WATTS).

The Conyers-Watts amendment seeks to ensure the uniformity in litigation of all constitutional claims, including those claims involving the uses of property. I urge adoption of the rule and the bill.

Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in opposition to this bill. The rule, I think, is obviously structured to limit and provide for some orderly consideration. I assume that they have tried to accommodate some of the many amendments that might be offered to this important bill.

This bill has been before us in the past, in the 104th and 105th Congress. Here it is again. It has gone to the Senate. It is unable to muster the votes there, obviously, to receive consideration on the Senate floor.

Frankly, this is a bad bill. Yesterday's Washington Post talked about the property rights and wrongs, and pointed out that this bill is moving in the wrong direction. It tends to take away from local governments the prerogatives and responsibilities they have for local zoning and for land use restrictions, which, as the Washington Post editorial points out, Mr. Speaker, is the quintessential or one of the quintessential roles of local and State governments.

Just look at the article yesterday in Congress Daily, or pardon me, Tuesday in Congress Daily, in which the advocates of this, the interest groups that are in favor of this, are speaking out as to what this bill does.

It says, "This bill will be a hammer to the head of these State and local bureaucracies." That is what this is. That is why this bill has earned the opposition from almost all the local entities, from the counties, from the townships, from the municipalities, from the States, because it fundamentally undercuts the procedures and processes that each of our States have put in place to try to resolve land use questions and zoning disputes.

Any of us that have served in local government or for that matter in the national government for very long in terms of the public policy process well understands that these decisions are not easy decisions.

Today, in essence, we expect local and State governments to make more and more decisions with regard to these land use issues, and to say the least, Mr. Speaker, they end up being controversial. We are telling developers where we might have commercial properties, industrial properties, where we want watersheds protected.

In essence, we have to take the information that we have with regard to these environmental questions and translate them into public policy. It is not easy. A lot of people are in a state of denial about what the consequences of their actions are in filling in swamps, filling in wetlands, dredging wetlands. These are the questions, the important issues that prevail with regard to this.

This bill would have us just steamroller over all of these particular processes, take a decision that might be made to deny or to grant a permit, and move that directly into the Federal courts to vastly increase the jurisdiction of the Federal courts in these cases, bypassing whatever local processes, whatever appeal processes, whatever expertise has been built up within the States or the State courts; steamrollering over that and in fact superimposing the Federal courts, to vastly increase the jurisdiction of the Federal courts in these decisions. We basically would have the Federal courts deciding and articulating zoning decisions at the local level.

Now, we have increased the jurisdiction of the Federal courts a lot. Whether or not we should do this now, no one is arguing that if there is a takings case that we should not follow the rules, the governance that has been developed over hundreds of years, basically, in terms of establishing that.

The proponents of this, of course, have as their goal to undercut and change the takings to vastly increase the compensation that is provided to circumvent, as it were, the Constitution and the constitutional prerogatives, to circumvent the local and State governments. That is what is at the core of this. As I say, and I use the words of the advocates of this, "This bill will be a hammer to the head of those State and local bureaucracies." That is what this is, to beat up and State and local governments.

I suggest that in this Congress we have looked to provide more authority and responsibility to State and local governments. We cannot take away the tools they need to do the job. That is what this does, is to say you have responsibility, but we are taking away the tools that you have today. We are reducing what you have today to deal with that.

Mr. Speaker, I rise in opposition to H.R. 2372, the Private Property Rights Implementation Act.

I am surprised that this legislation, which militates against the devolution of authority to state and local governments, has been championed as a constitutional prerogative. In addition to its adverse safety, health and environmental impacts, this bill would have the effect of elevating property rights over other constitutional rights, while violating the principles of local sovereignty and federalism.

More specifically, H.R. 2372 would undermine local land-use authority by allowing property owners to bypass local zoning appeals boards and state courts. Such preemption of local governmental authority could jeopardize local public health and land protections as well as other environmental safeguards. Instead, we should reinforce and strengthen the tools and authority for communities who choose to protect open space and control sprawl.

Moreover, this legislation would essentially create an exclusive process of resolution dispute for powerful special interests that did not want to adhere to the locally-elected decision-making authority. These special interests could simply use this process to force local communities to accept inappropriate development plans. Ultimately, this bill would empower a few at the expense of many, and democratic participation in land-use decisions would be markedly diminished, as the federal courts would become the guiding authority for local zoning.

Mr. Speaker, there is no question that private property is a fundamental component of the American experience. However, the Framers also realized that there would be circumstances where private property interests should be subordinate to the public welfare. Local governance and resolution against a backdrop of constitutional protection is necessary and has been in place for over 200 years.

It would be a serious mistake for this Congress to limit the jurisdictional authority of small counties, towns and cities. I urge my colleagues to reject this flawed legislation and reaffirm the historical responsibility of state and local governments to manage local land use decisions.

Mr. Speaker, I include for the RECORD two articles on this matter:

[From the Washington Post, March 15, 2000]

PROPERTY RIGHTS AND WRONGS

The House of Representatives is scheduled on Thursday to take up—once again—a piece of legislation designed to bolster commercial developers in their fights with state and local governments. The House passed a similar bill in 1997 that stalled in the Senate. It was a bad idea then—a gross affront to the ability of local governments to regulate private land use—and it's no better now.

The bill attacks state and local power not by changing the substantive rules that govern "takings"—appropriations of private property by government that require compensation under the Constitution. Rather, it would allow quicker access to the federal courts and change a longstanding doctrine under which those courts are supposed to avoid deciding questions of state law until state courts have a chance. These are profound, if subtle, changes from current law.

The current system, by letting state processes take precedence, encourages negotiation between developers and local authorities. But under this proposal, there would be no incentive for a developer to negotiate. The federal courts could be the first stop.

House conservatives are the self-proclaimed champions of state power, but here they would federalize countless quintessentially local disputes. The bill is opposed not just by environmental groups and the Justice Department also by local governments, many state attorneys general and the federal judiciary—which, among other concerns, does not need the additional workload of local land-use regulation. As Judge Frank Easterbrook of the of the 7th Circuit Court of Appeals wrote in a 1994 opinion, "Federal courts are not boards of zoning appeals. This message oft-repeated, has not penetrated the consciousness of property owners who believe that federal judges are more hospitable to their claims than are state judges. Why they should believe this we haven't a clue." Congress should not encourage the belief that federal courts ought to run local government.

[From the Congress Daily, March 13, 2000]

PROPERTY TAKINGS BILL SET FOR HOUSE FIGHT

(By Brady Mullins)

Supporters and opponents of a controversial property rights bill are bracing for a clash on the House floor Thursday that could mirror the fight over similar legislation in the 105th Congress.

At issue is legislation designed to speed the resolution of so-called takings cases in which state and local governments are accused of action that reduces the value of private property without compensating the property owner.

The bill would eliminate several hurdles and allow victims to more quickly pursue their cases in federal court. "The bill simply helps you get your case heard," said a GOP leadership source who supports the legislation.

"This bill will be a hammer to the head of these [state and local] bureaucracies," declared Jerry Howard, the chief lobbyist for the National Association of Home Builders. "If they don't deal in a timely manner with the citizens, the citizens could go to federal court."

But opponents of the legislation believe the bill usurps state authority over zoning issues and could be used as leverage by developers to force the hand of state and local governments in taking cases.

"This bill would severely undermine local zoning processes and represents an unprecedented congressional intrusion into local land use planning," Rep. Sherwood Boehlert, R-N.Y., wrote in a Dear Colleague sent Monday.

Boehlert's stance is supported by state and local authorities in groups ranging from the National Conference of State Legislators to the Conference of [State] Chief Justices.

The bill enjoys strong support among members from the South and West, irrespective of party affiliation, while representatives of the East and Midwest generally oppose the legislation.

Similar legislation passed the House in 1997, but died after the Senate failed to approve the measure by a veto-proof margin.

The outlook for the bill is similar this year, though each side claims to be moderately stronger.

"When people take a look at the bill they will realize that it is not all that it is cracked up to be because it undermines local authority over land use," according to one bill foe.

Indeed, the measure has fewer cosponsors than it had last Congress and several original cosponsors have dropped off the bill. But in the end, sources expect the bill to pass. The real fight will take place over several amendments and substitutes that legislation's supporters fear could weaken the measure.

The biggest threat appears to come in the form of an amendment championed by Boehlert that would strip the bill of key sections.

Boehlert failed to attach a similar amendment during the 1997 debate, but an aide predicted the amendment would pass this time because "the history of this bill is that the more people understand it, the less support the bill has."

House Judiciary ranking member John Conyers, D-Mich., and Reps. Jerrold Nadler, D-N.Y., and Maxine Waters, D-Calif., are expected to offer amendments on the floor as well.

Still, GOP leadership sources predict the bill will pass by a margin similar to the 1997 vote, when the House cleared the measure 248-178.

Ms. PRYCE of Ohio. Mr. Speaker, I am pleased to yield 2½ minutes to my distinguished colleague, the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Speaker, I rise in support of the rule but in strong, strong opposition to the bill.

I want to thank the Committee on Rules for its usual fine work on the rule. The rule allows for a full and fair and open debate in which all sides will have an equal chance to prevail. I wish I could say the same about the bill itself.

The bill takes an opposite approach, however. It is a blatant attempt to limit debate over local, local zoning issues, and to skew zoning proceedings so that one side has all the advantage. This effort to skew zoning proceedings in a way that limits the ability of local communities to determine their own destinies is unfair, it is wrongheaded, and it is unprecedented.

But equally amazing are the means the bill proposes to accomplish its goal of stacking the deck against the general public. First, the bill short-circuits local zoning processes by having Washington, for the first time ever, dictate local zoning procedures. Then this supposedly conservative bill bypasses State courts and eliminates the ability of Federal courts to turn down cases.

In short, the bill turns the principle of Federalism on its head. It is no wonder that this bill is adamantly opposed by the National Association of Counties, the National League of Cities, and 41 State attorneys general, to name just a few.

I will be offering a substitute with the gentleman from Massachusetts (Mr. DELAHUNT) that would remedy these glaring deficiencies. The amendment is identical to one I offered in 1997. The substitute would eliminate the section of H.R. 2372 that intrudes on local prerogatives, but would retain in their 1997 form the sections of the bill that accelerate access to Federal courts in cases against the Federal government.

Congress should be training its sights on Federal actions, not local ones. I urge everyone who opposes this bill to support the Boehlert-Delahunt amendment, because it will eliminate the primary failing of H.R. 2372, its unprecedented interference with local zoning processes.

I urge everyone who has qualms about the bill but still plans to vote for final passage to support the amendment, because it will allay their concerns.

Mr. FROST. Mr. Speaker, I yield 5 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Texas for yielding time to me.

Mr. Speaker, I rise today in opposition to this rule and to the bill. I appreciate the efforts that will be made by the previous speaker to help us cure some of the many ailments of this particular legislation. But I think the rule that we are addressing today will shortchange any debate that will help us understand the devastating impact of this legislation.

This legislation would undermine and preempt the traditional and historic rights and responsibilities of State and local governments and would mandate significant new unfunded costs for all State and local taxpayers. There lies the reason for the adamant opposition of the National League of Cities, of which I am a former member.

When we in local government attempt to make beautiful, if you will, places where our citizens live, it is extremely, if you will, cumbersome for the Federal government to interfere in that process. Put simply, it would create special rights for wealthy developers. In essence, we are talking about giving special priority to takings claims at the expense, for example, of civil rights complaints in the Federal courts.

The legislation unwisely and unconstitutionally attempts to allow takings claims against localities to bypass State courts and file directly in Federal court. When we attempted to raise up civil rights matters equal to this particular legislation, it was rejected and denied in committee. Meanwhile, local elected officials continue to dedicate themselves to improving the livability of their communities through the equitable balancing of private property rights with the rights of the community at large.

Zoning is an example. I believe that local governments adopt ordinances or approve building permits in good faith, not for the purpose of infringing on property rights, but to protect the property rights of all. Here lie the failings of this particular legislation. It will not protect the property rights of all.

Mr. Speaker, this bill will result in more frequent and more expensive litigation against local governments. The bill is clearly an invitation for developers to sue communities early and often.

□ 1100

In addition, the bill would force counties and cities to defend their challenges in distant and more expensive Federal courts. With that in mind, I would ask my fellow Americans to imagine the enormous financial burdens on some of our communities, which would be squandered because every day the local cities and townships would be facing large lawsuits in the Federal courts. Why would we want to do that? Why, in this Congress that talks about the rights of those outside the beltway, are we looking to pass this legislation?

Consider, for example, that there are 40,000 cities and towns in the United States, most of which have small populations, few professional staff and minuscule budgets. Ninety-seven percent of the cities and towns in America have populations less than 10,000. Virtually without exception counties, cities, and communities are forced to hire outside legal counsel each time they are sued, imposing overwhelming expenses.

Despite these facts, the rule for this bill would not permit a fair process for serious concerns to be addressed. I am disappointed that the Committee on Rules did not allow the amendment that I offered, which is an amendment supported by the Supreme Court, in a case ruled in 1999, which simply said that if a State has in process or has in place a proceeding to deal with these property issues, the case should go to the State courts first before dollars are expended and resources wasted by the Federal Court system and litigants heavily burdened.

Mr. Speaker, what a simple proposition. And yet this amendment was not accepted, even in light of the Supreme Court pronunciation that first property owners must demonstrate that the government entity charged with implementing the regulations has reached a final decision regarding the application of the regulations to the property at issue; and, as well, the 1999 Delmontes case held that the constitution requires that takings claims against localities must seek compensation in the State court.

I am very concerned, Mr. Speaker, that, in fact, we have a rule that does not allow the extensive debate on this bill that is needed; that those voices of localities will not be heard. And I will be very interested in the amendment that will be offered by the gentleman from New York, because I am looking for ways that this bill might be made better.

But the real problem is that this bill is even on the floor of the House, because it does damage to the constitutional premise of dealing with the protection of all of our property rights and not giving those who have a larger hand and larger access to money the higher hand in proceeding in litigation.

I am concerned that this rule does not answer all of our questions; that it would allow industry and developers to bypass local public health and land protections, and would make it easier to overcome a community's objection to toxic waste dumps or incinerators or sprawl.

This bill will add new and completely unnecessary burdens to the already overloaded Federal Court system. Therefore, the passage of this rule would seriously erode important, indeed, essential, environmental protections that we take for granted. I oppose the rule and I likewise oppose the bill. I wish we did not have to address this today.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. CANADY), Chairman of the Subcommittee on the Constitution.

Mr. CANADY of Florida. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I rise in support of the rule.

I want to join my friend, the gentleman from New York (Mr. BOEHLERT), in supporting the rule. I must, however, disagree with his opposition to this bill, which is an important piece of legislation designed to bring a greater measure of fairness to the administration of justice in this country.

There is a real problem that this bill seeks to address, a problem in which private property owners are denied meaningful access to the Federal courts when they have suffered a violation of their constitutional rights. It is important to understand that this bill does not deal with the run-of-the-mill zoning case. This bill deals with those extreme cases in which a local government decision or a decision by the Federal Government is made which deprives the landowner of all economically viable uses of the land. When the landowner is deprived of all beneficial uses of the land, then this bill comes into play. So it is important to understand that.

Now, why should a landowner who has suffered that constitutional deprivation not be allowed to go to Federal Court? There is no good answer.

It is important to also understand that the general rule for civil rights cases that are brought against local governments was articulated by the Supreme Court in a case called Monroe vs. Pape, in 1961, and this has been reaffirmed time after time after time by the Supreme Court. The Supreme Court there addressed the law under which these civil rights claims are brought against local governments at section 1983 of the U.S. Code, Title 42. In that Supreme Court case, the court said the Federal remedy under section 1983 is supplementary to the State remedy, and the latter need not be first sought and refused before the Federal one is invoked.

So the rule is, that applies to civil rights cases in general, that there need not be exhaustion of State administrative or judicial remedies, that is what the law is, except when it comes to takings claims in the Federal courts. I am simply suggesting that is not fair.

Now, it is also important to understand that this bill does not shortcircuit the local process. The bill shows substantial deference to the local process. After the landowner is first given a refusal, the landowner must appeal to the local planning commission, must make application for a waiver to the local zoning board, and must appeal to the local board of elected officials. In addition, if the landowner is initially turned down, is given an explanation of what uses could be made of the property, the landowner has to reapply and go through the process.

This is not shortcircuiting the process. It is simply saying when, at the end of the day, after the landowner has gone through all those local options that are available, and the message comes back from the local government that they are going to do something as a local government that takes that property, that owner has a right to get to Federal Court without further delay.

Mr. FROST. Mr. Speaker, I urge adoption of the rule.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I may consume.

In closing, let me remind my colleagues that this rule that we are considering is a fair rule. The House will have the opportunity to debate the major points of contention surrounding the private property rights legislation. The Committee on Rules has made in order two Democrat amendments as well as a bipartisan substitute which will be debatable for 1 hour.

Under the rule, questions of how this bill affects local decision-making and authority, how property owners' constitutional rights are treated as compared to other civil rights, and how we can ensure our citizens have the opportunity to see a timely resolution of their constitutional claims, all these things, will be discussed at length. Then, with the benefit of this debate, the House may work its will.

These are weighty questions, and the rule respects the disparate views of the Members of the House by providing for a full debate. I urge all my colleagues to support this fair rule so that we may move forward with today's debate and act to ensure that our citizens have access to their courts and the opportunity to fully exercise the constitutional rights that we each fight to uphold every day.

Mr. GOSS. Mr. Speaker, I rise in support of this rule. It is a balanced rule that provides an opportunity for the House to debate the main controversies surrounding H.R. 2372.

However, I do have some concerns about the bill itself. First, I want to applaud my colleague from Florida, along with Chairman HYDE and the other members of the Judiciary Committee for attempting to address the property rights issue. I have been involved in this subject for a very long time, going back to my service as a city councilman, mayor and county commissioner. This is a tough issue. It involves the need to balance protection of constitutionally guaranteed private property rights with other constitutional guarantees of public health, safety and welfare as traditional, legitimate functions of government. I will be the first to say that it is an imperfect system, there is no question about that. While our system of layering government and dividing authority isn't perfect, I believe it works well reasonably and ensures a balanced role for all three levels of government. We ought to trust the local officials to work through the zoning issues. They're the ones on the front lines—they deal with these questions every day and are in the best position to be directly responsive to the needs and concerns of the community. Of course, there are poster child examples of the extreme and cases of egregious takings without compensation.

If there are questions of State law that need to be resolved, we need State courts to decide those issues. If a legitimate takings claim exists, it is critical we ensure landowners their day in court in a timely manner.

We need to maintain for local officials a meaningful opportunity to work with the landowners to craft a compromise. In my view, it is not appropriate to have the Federal Government deciding local land use questions. In addition, some critics of this bill have argued that the Federal judiciary would be flooded with claims and simply could not handle the caseload that would result if this bill were enacted. For example, the Federal District Court for Southwest Florida, which I represent, is already short-handed and has a backlog of cases that is measured in years, not just months. Any changes to the current system must take these concerns into account.

In the end, balancing the right of a landowner to develop his property within the bounds set by the health, safety and welfare interests of the community is a difficult question—I, for one, do not believe there's any particular magic a Federal court has that can solve these problems and make them go away.

So, I will reluctantly oppose H.R. 2372. I do however, want to make mention of the fact that there are several provisions of the bill dealing with Federal takings that I do support. This is why I intend to support the amendment offered by Representative BOEHLERT, which would remove the provisions dealing with local governments but retain the sections dealing with Federal takings. Once again, I urge my colleagues to support this rule. It is a fair rule and we should pass it so the House can have an open debate about H.R. 2374.

Ms. PRYCE of Ohio. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. PEASE). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. PRYCE of Ohio. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore (Mr. PEASE). Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 276, nays 145, not voting 13, as follows:

[Roll No. 51]

YEAS—276

Aderholt
Archer
Armey
Baca
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boyd
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Chabot
Chambliss
Chenoweth-Hage
Clement
Coble
Coburn
Collins
Combest
Condit
Cooksey
Costello
Cox
Cramer
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeMint
Diaz-Balart
Dickey
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Foley
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (NY)
Manzullo
Martinez
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Moran (KS)
Moran (VA)
Morella
Murtha
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Ose
Oxley
Packard
Pascrell
Paul
Pease
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—145

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Barrett (WI)
Becerra
Bentsen
Berman
Blagojevich
Blumenauer
Bonior
Borski
Boucher
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clyburn
Conyers
Coyne
Crowley
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Engel
Eshoo
Evans
Farr
Fattah
Filner
Forbes
Frank (MA)
Gejdenson
Gephardt
Gonzalez
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hoeffel
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lantos
Larson
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moakley
Mollohan
Moore
Nadler
Neal
Oberstar
Olver
Pallone
Pastor
Payne
Pelosi
Peterson (MN)
Price (NC)
Rahall
Rivers
Roybal-Allard
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Scott
Serrano
Sherman
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Strickland
Tauscher
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Weiner
Wexler
Wise
Woolsey
Wu
Wynn

NOT VOTING—13

Cook
Crane
DeLay
Hinojosa
Jones (NC)
Klink
Myrick
Owens
Rangel
Rush
Stark
Waxman
Whitfield

□ 1132

Messrs. GREEN of Texas, LARSON, GEPHARDT, GEORGE MILLER of California, HASTINGS of Florida, JEFFERSON, Ms. SANCHEZ, Ms. DEGETTE, and Ms. SLAUGHTER changed their from "yea" to "nay."

Mr. DOOLITTLE changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore (Mr. PEASE). Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 2 p.m.

Accordingly (at 11 o'clock and 32 minutes a.m.), the House stood in recess until approximately 2 p.m.)

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. McHUGH) at 2 p.m.

GENERAL LEAVE

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that all

Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2372, the legislation to be considered by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

PRIVATE PROPERTY RIGHTS IMPLEMENTATION ACT OF 2000

The SPEAKER pro tempore. Pursuant to House Resolution 441 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2372.

□ 1401

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2372) to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the United States Constitution, have been deprived by final actions of Federal agencies, or other government officials or entities acting under color of State law; to prevent Federal courts from abstaining from exercising Federal jurisdiction in actions where no State law claim is alleged; to permit certification of unsettled State law questions that are essential to resolving Federal claims arising under the Constitution; and to clarify when government action is sufficiently final to ripen certain Federal claims arising under the Constitution, with Mr. LaTourette in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Florida (Mr. CANADY) and the gentleman from North Carolina (Mr. WATT) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. CANADY).

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Private Property Rights Implementation Act of 2000, which is now under consideration by the House, would provide property owners with meaningful access to justice when they seek to assert their Federal rights under the takings clause of the fifth amendment in Federal court.

The fifth amendment to the United States Constitution prohibits the Federal Government from taking private property for public use without just compensation. This takings clause, which was made applicable to the States through the fourteenth amendment, has been held to require the Government to provide just compensation not only when property is directly appropriated by the Government but also when governmental regulations deprive a property owner of all beneficial uses of the land.

Under current law, however, property owners whose property has been taken through government regulation may not proceed directly to Federal court to vindicate their rights. Instead, they must first clear two so-called prudential legal hurdles designed by the Supreme Court to help ensure that such claims are sufficiently ripe for adjudication.

First, property owners must demonstrate that the Government entity charged with implementing the regulations has reached a final decision regarding the application of the regulations to the property at issue and, second, property owners must show that they sought compensation through the procedures the State has provided for doing so.

The application of these requirements by the lower Federal courts has wreaked havoc upon property owners whose takings claims are systematically prevented from being heard on the merits in Federal court. Under these requirements, many property owners are forced to endure years of lengthy, expensive, and unnecessarily duplicative litigation in State and Federal court in order to vindicate their constitutional rights.

In today's debate, we will hear accounts of the Kafkaesque legal maze that property owners are thrown into, and I would urge the Members of the House to pay close attention to the experiences that Americans are going through under these faulty legal rules that are now being applied by the courts.

Property owners whose Federal takings claims are dismissed on ripeness grounds by Federal courts also sometimes face a procedural pitfall that results from being forced to litigate first in State court: application of the doctrines of res judicata and collateral estoppel to bar Federal takings claims.

This procedural trap operates as follows: Federal court will dismiss a property owner's takings claim because the property owner has not first litigated the claim in State court; when the property owner returns to Federal court after litigating the State law claim in State court, the Federal court will hold that the Federal takings claim is barred because it could have been litigated in the State court proceedings.

The effect of the reasoning of these cases is that many property owners have no opportunity to have their Federal constitutional claims heard in Federal court. No other constitutional rights are subjected to such tortuous procedural requirements before the merits of the plaintiffs' cases can be heard.

In addition to these procedural hurdles, Federal courts have also invoked various abstention doctrines in order to avoid deciding the merits of takings claims that are brought to Federal court.

The combined effect of all these procedural rules is that it is exceedingly difficult for property owners to vindicate their constitutional rights in Federal court. According to one commentator, Federal courts avoided the merits of over 94 percent of all takings cases litigated between 1983 and 1988. Another more recent study found that in 83 percent of the reported cases raised in Federal court between 1990 and 1998, that 83 percent of those were dismissed on ripeness or abstention grounds at the district court level.

H.R. 2372 was designed to address this systematic suppression of property rights claims by clarifying and simplifying the procedures which govern property rights claims in Federal court. In particular, H.R. 2372 clarifies, for purposes of the application of the ripeness doctrine, when a final decision has been made by the Government regarding the permissible uses of property.

H.R. 2372 also removes the requirement that property owners litigate their takings claims in State court first, and prevents Federal judges from abstaining in cases that involve only Federal takings claims.

Under the bill, before a landowner can go to Federal court, the landowner who has received a denial from a local government must pursue a wide range of available options at the local level. Now, this is a very important provision of the bill, and I urge all the Members of the House to pay close attention to this provision of the bill in particular.

The claim has been made that this bill short-circuits the zoning process; that somehow we run an end run around the zoning process; we eliminate any incentive for aggrieved property owners to negotiate with the local governments who are involved in the zoning. Those claims are simply untrue.

Under the bill, the landowner must pursue an appeal to the local planning commission, seek a waiver from the local zoning board and seek review by elected officials, if such redress is available, under the local procedures. Where the government disapproves an application and explains in writing the use, density and intensity of development that would be approved, the bill requires that the landowner submit a second application and be rejected a second time before going to Federal court.

So this bill shows substantial deference to the local zoning procedures, but the bill does recognize that at the end of the process at the local level, when all of these steps have been gone through, if the local government makes a decision that results in the taking of property without compensation, there should be access to the Federal courts to vindicate the constitutional right which has been violated.

Now, under the bill for a case to be ripe for adjudication in Federal court, the Government must either actually reach a final decision on the application or else the locality or Federal Government must fail to act on the application within a reasonable time.

The constitutional basis for this legislation is found in Congress' well-established authority to regulate practice and procedure in the Federal courts. The ripeness requirements that the courts have imposed are not mandated by the Constitution. There will be some debate over that here today.

It is clear that there are some problems with the decisions of the Supreme Court with respect to ripeness. Otherwise, we would not be here on the floor with this bill in an effort to correct those problems.

The Supreme Court in recent cases has made clear, the Supreme Court has stated, that the requirements with respect to ripeness that are at issue here are prudential, what the Court calls prudential procedural requirements that are created by the Court and are not constitutional requirements. Unfortunately, what the courts have considered prudential requirements are, in fact, working a grave injustice and denying Americans who have suffered a constitutional deprivation meaningful access to Federal courts.

The bill before the House today represents an appropriate exercise of Congress' authority over procedure in Federal courts to ensure that property rights are no longer treated as second-class rights with no meaningful Federal forums for their vindication.

I urge the Members to vote in favor of H.R. 1218, to reject the weakening amendments that will be offered and to have the House move forward with this important legislation to protect constitutional rights.

Mr. Chairman, I reserve the balance of my time.

Mr. WATT of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me acknowledge from the outset that we often get results from State courts, local governments, Federal courts, from every source, that we do not especially agree with. That happens quite often. But every time we get a result that we do not agree with, we cannot go back and change the law, at least we should not go back and try to change the whole process to address that.

I want to direct my colleagues back to 1994 when my Republican colleagues came to the majority in this House and one of their primary platforms was that we believe in States' rights and we are going to dismantle the Federal Government's bureaucracy and return rights to the States, devolve government back to the local level where it is close to the people. Ever since they came in on that platform, they have been retreating from that very principle of protecting States' rights and devolving government back into local control.

Now they have been doing it selectively, not uniformly; but I think the only principle that I can see running through every decision where they refuse to honor States' rights and local control is where their propertied constituents, their monied constituents, their corporate constituents, have a different interest and when that occurs they start to backtrack from this philosophical principle that they say they believe in.

Now, if one listens carefully, one would think that the Federal courts have no jurisdiction over these cases, property cases, and property takings cases.

Let me dissuade my colleagues of that notion: 28 United States Code section 1343, the section that is being amended by this proposed legislation, says, the district court shall have original jurisdiction of any civil action authorized by law to be commenced by any person to redress the deprivation under color of any State law, statute, ordinance, regulation, custom or usage of any right, privilege or immunity secured by the Constitution of the United States, or by any act of Congress providing for equal rights of citizens, or of all citizens within the jurisdiction of the United States.

That means that Federal courts have jurisdiction in constitutional cases, and the gentleman from Florida (Mr. CANADY) is correct that this right is being asserted under the fifth amendment to the Constitution.

The fifth amendment to the Constitution says, no person shall be deprived of life, liberty or property without due process of law; nor shall private property be taken for public use without just compensation.

□ 1415

Life, liberty, or property all in the same line, in the same section, and the 14th amendment applies that to the States. So the Federal courts have jurisdiction already. This is not about whether the Federal courts have jurisdiction in property matters; they already have it.

The problem is that the courts, the Federal courts, have made a voluntary decision that we are not going to assert our jurisdiction in every single property case. Where a matter involves a local zoning ordinance, where a matter involves a municipal waste incinerator, where a matter involves granting a building permit to a liquor store or how close a factory can be to homes or a range of other local zoning and property issues, the Federal courts have said hey, that is a local decision and we want the local administrative bodies and courts to deal with this before we get it into our purview.

Why do we want it? We want it because sometimes, these issues, quite often, most often, these issues also involve other State law and interests that the State courts and the local community can resolve better than the Federal courts. That is why my Republican colleagues came in in 1994 talking about returning local control to local communities and to the States. But the Federal courts have also said, we want these disputes to be ripe, and the record to be developed before the Federal courts will get involved.

Mr. Chairman, this bill runs completely counter to local control and local jurisdiction.

This bill would replace the common sense approach that the Federal courts have used which have empowered State and local officials with more resources and authority, as this Democratic administration and, I have thought, my Republican colleagues in the House supported. But the bill seeks to shift authority over these local matters from State and local officials to the Federal courts. It would do this by sharply limiting the discretion of Federal judges to abstain from deciding State law issues that have not been resolved previously by State courts and, secondly, the bill would deem a property rights challenge to State or local government action ripe for Federal court review, regardless of whether State and local officials have arrived at a final definitive position so that the Federal courts would be getting into the dispute before one even had any local disposition.

Finally, in addition to being a gross invasion of States' rights and local rights, this bill, for property matters, sets up a whole new hierarchy and says, we are going to elevate property rights above every other civil right that the law recognizes. In other civil rights areas, the Federal courts also defer to the local governments to make decisions. We do not assert jurisdiction in every Federal issue. Otherwise, every case that talked about due process would end up in the Federal court. That is not the way it works, because we have a Federal form of government and it is our obligation to respect the State and local governments' rights to make decisions that are inherently State and local government decisions or at least should be, in the initial instance.

Mr. Chairman, this bill is a bad idea; and we should reject it.

Mr. Chairman, I reserve the balance of my time.

Mr. CANADY of Florida. Mr. Chairman, may I inquire of the Chair concerning the amount of time remaining on both sides?

The CHAIRMAN. The gentleman from Florida (Mr. CANADY) has 22 minutes remaining, and the gentleman from North Carolina (Mr. WATT) has 21 minutes remaining.

Mr. CANADY of Florida. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. GARY MILLER).

Mr. GARY MILLER of California. Mr. Chairman, the argument made by my distinguished colleague was eloquent. However, it has nothing to do with what is before us today. Great words were used. Decisions are results that we do not agree with, as if we are challenging what local government says. States' rights, local control, corporate constituents, as if we are up here just trying to benefit large corporations who own property. When a dispute is ripe, before it can go to Federal court, property rights challenges belong at the State and local level. We are going to elevate property rights above all other rights.

My distinguished colleague needs to realize that 90 percent of all of the development programs that are presented to government are not from large corporations, not the Irvine Company, Ted Turner, or Kaufman & Broad, they are from small property owners who have a few investors. The problem is, most of the lawsuits are not against municipalities by the property owners, the lawsuits are against municipalities by no-growth groups trying to overturn local decisions, and that is what we are trying to deal with.

A property owner goes before a city council, a board of supervisors, whatever the local agency might be, and they ask for a reasonable decision on their property rights and what they can do with their property, and they are given that by local government. In essence, they have said, you can move forward with your project because we have given it due consideration. Then a lawsuit is imposed against the city or municipality to stop that by a no-growth group. The city at that point says to the property owner, it is up to you to defend the lawsuit. And then they have to go to superior court to do that. A decision is rendered, and then it goes to the appellate court to make a decision. That decision is rendered, and then it has to go to Federal court. Understand that these people are not the large corporations defending this lawsuit, these are small property owners who are trying to benefit from that property.

Many of these individuals have received their property through inheritance, it has been in the family for years, or they buy a small piece of property with a few investors and they try to earn a profit on that property. What happens is, by the time they get through the approval process, it is likely they are going to be in a recession to begin with, but undoubtedly, by the time they get through the legal process, they will be in a recession and, at that point, they will have already lost their investors.

What we are saying is, private property owners should have their day in court. They should not spend thousands and thousands of dollars going through a local process, only to have to go to court to be told by their attorney, understand, this is a process you are going to have to go to. If we win in superior court, it is going to be a challenge in the appellate court. When we win in the appellate court, we are going to go to Federal court.

Individual property owners, as a rule, do not have the money to go through this process. What we are doing is placing the burden on people who do not have the resources to defend themselves. Yet, my colleagues on the other side of the aisle will continually try to placate us with the comment that we need to provide housing for people of low income, when the system is designed to go against those people.

We are not saying that we want to overturn local control. We are not saying we want to overturn State control. We are saying that when local agencies have made a decision, whether it be a good decision or a bad decision, if the property owners feel they have been unfairly treated and their property rights have been taken from them, they should not have to spend years in State court, years in appellate court, only to be forced to go to Federal court.

If we look at the majority of the lawsuits, it is not from the property owner against the municipality or city, it is from some outside no-growth group against the city for the decision they made.

In California specifically, they are continually being sued for some sequel violation that might not be real at all, yet they are forced into court to prove that the lawsuit against them was not factually based. They are either then taken on a writ of mandamus in other States or in California, and they are saying you violated some zoning, some building or some procedural act on the level of the city and they are forced to go to court to defend it. That is ridiculous.

The gentleman's argument is offensive to small property owners that this is just rich corporations or the argument that it is going to take control away from local government. That is not where the lawsuits are occurring, and the gentleman needs to check that out. Friend to friend, the gentleman is wrong. The lawsuits are from outside agencies against cities, based on the decision they made entitling a property owner to use their property. We are saying, that should not be allowed. That is wrong. The assumption that all of these property owners are huge corporations, check it out. Ninety percent are small people who have small pieces of property or farms and they want to use those farms.

Now, some people in the Midwest will say, well, we are watching people use their farms today for development, and that is true. The problem is every time a farm is developed, people moved in who opposed the other farmers from using their property.

Mr. WATT of North Carolina. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman, I thank the manager of the bill for yielding me this time.

I rise in opposition to this measure because we have a proposal on the floor today in the Congress that is specifically directed at our local elected officials. As a prominent lobbyist has uttered, "This measure would be a hammer to the head of local zoning boards and community planning agencies." In doing that, we have had revealed to us the real effect of the bill, which will be to intimidate communities into approving ill-advised development plans out of fear that they will be hauled into Federal court if they do not. Because what we are doing is providing property developers and other corporations with special procedures created in H.R. 2372 that grant them expedited access to the Federal courts for property-taking claims exclusively.

Now, if that is what my colleagues want to do, that is fine. I object to it, but I think that it would be a terrible misuse of an important part of our Federal law which was originally created ironically to deal with civil rights claims. As a result of any kind of proposal like the one before us, again in the Congress; this was up before in I think 1997, we would, for example, allow a corporation which seeks an oversized commercial development and is dissatisfied with the initial land use decision by a small town, it could immediately threaten to bring suit in the Federal court against a town. The costs of litigating this issue in Federal court could overwhelm, if not bankrupt, thousands of small towns and counties around the country if that were to happen.

So what we would allow under the incredible premises of this bill, this case could proceed even if there were insufficient facts available for the Federal court to make a reasoned takings decision. If there were important unresolved State legal issues, it would not matter.

In essence, we are going to be telling the States that the Federal judiciary knows best when it comes to local land use decisions.

Please, let us not be a part of such a giveaway here today in the House of Representatives.

Mr. CANADY of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Chairman, I rise today in support of H.R. 2372, the Private Property Rights Implementation Act. I must say I just listened to the previous speaker and I have read this bill and I cannot find where it says what he says it does in that bill. It is the most amazing thing I have ever heard.

□ 1430

Mr. Chairman, I am not a lawyer, thank God for that, but I do not read it that way. What I am hearing, as a Committee on Resources chairman, frankly, is to help protect the fifth amendment of the United States Constitution.

The taking of private property, unfortunately, all too often the various governmental bureaucrats involved in land use decisions use their regulatory authority to take private property, and then blame other levels of government for their actions. I think maybe this is what the gentleman was speaking about. The Federal bureaucrats, through their efforts, will take private property and then blame someone else.

As a result, I support H.R. 2372, because it will ensure that landowners, landowners, little landowners, yes, big landowners, but mostly little landowners, the largest percentage of takings by this government is from little landowners, will get a fair chance to have their cases heard in Federal court, no matter which government bureaucracy is involved.

Mr. Chairman, H.R. 2372 will also ensure that land dispute cases are heard expeditiously in order to resolve these disputes very promptly. As a result of the expeditious court proceedings, taxpayers', as well as the private property owners', legal costs will be reduced. These prompt court proceedings will give even the poorest of our citizens the ability to defend their land.

Finally, H.R. 2372 will level the playing field between private property owners and the government. Landowners who wish to protect their legal and civil rights will now be able to afford court proceedings, and the government will no longer be able to pressure landholders into taking their land.

I want to stress this, that right now the bureaucrats take their time, slow it down, use undue pressure, and finally get the land away from the private property owners. Let us ensure that the smallest and the poorest landowners can have the same rights as the biggest corporations and the environmental groups.

I urge support of H.R. 2372 and oppose any amendments to this legislation, because this is the Constitution. The basis of our society is private land, not government land. When we have private land, we have something to do with our government. When it is owned by the government, we have nothing to do with the government.

I urge Members to pass this legislation.

Mr. WATT of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. BOEHLERT), our Republican colleague.

Mr. BOEHLERT. Mr. Chairman, I rise in strong opposition to this bill. The detrimental effects of H.R. 2372 are likely to be felt by virtually every citizen in virtually every community in this country.

Anywhere that citizens are trying to control growth, to limit traffic, or to preserve open space or conserve drinking water, this bill will have an adverse effect. Anywhere that citizens are trying to preserve the character of their neighborhoods by restricting pornography or alcohol or certain types of industry, this bill will have an adverse effect. Anywhere that citizens band together to try to do anything that any developer might oppose, this bill will have an adverse effect.

That is because this bill disempowers citizens and their towns and cities and counties, and skews local zoning rules to give developers the upper hand. It removes the incentive to negotiate zoning disputes, replacing that incentive with the threat of Federal court review.

Why is such a fundamental change in policy necessary? Is it because development is routinely being blocked? I think a quick tour of any congressional district in this country will prove that that is not the case. Homebuilding and other developments are booming in a booming economy. This bill is a vintage case of overreaching by a successful group that is upset because it does not win 100 percent of the time.

Let us not take power away from citizens and localities. Let us not overturn the fundamental principles of Federalism. Let us not advance a bill that is opposed by municipalities and courts and religious groups and environmentalists and labor unions.

Let us oppose H.R. 2372, and ensure that each community in this country retains the right to control its own destiny.

Mr. CANADY of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. POMBO).

Mr. POMBO. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, here we go again. If this bill passes, all local zoning gets thrown out the window. Everything goes to hell in a handbasket.

Well, I think it is time that maybe we talk a little bit about what the truth is. Why are we doing this? Currently they say that the developers, the local farmers, the small landowners, they have the ability to go to court if they want to challenge a local decision, and they do.

According to a recent survey, judges avoided addressing the merits of Federal takings claims in over 94 percent of all takings cases litigated, 94 percent. So 94 percent of the people did not even get their claim heard because the judge, for one reason or another, decided not to judge on the merits of that case.

So we are not talking about 100 percent of the time, we are not talking about a developer not winning 100 percent of the time. What we are talking about is 94 percent of the time the small family farmer, the small developer, the mom and pop guy, got thrown out of court and did not have access to their day in court.

Another recent survey reveals that 83 percent of takings claims initially raised in the United States district courts from 1990 to 1998 never reached the merits, and when they did reach the merits, it took property owners an average of 9.6 years to have an appellate court reach its determination, 9.6 years before the court would give them a final decision.

How many small property owners, how many mom and pop development companies, how many small farmers and ranchers, can afford to pay attorneys for almost 10 years, hundreds of thousands of dollars? Mr. Chairman, hundreds of thousands of dollars.

What ends up happening, and this is why most of these cases are never settled in court, is because the property is not worth what the attorneys want to go to court with.

There is a certain poll-tested wisdom out here that says if you bring up open space and drinking water and all the environmental things we all love, that that is the key to this. If we throw in pornography and liquor licenses as well, we might pull over a few more people. But the truth of the matter is that what this bill tries to do is guarantee access for the small property owners, the individuals that are out there that cannot have access under the current rules.

There is absolutely nothing wrong with allowing them into Federal court on a civil rights case to test their fifth amendment rights, nor shall private property be taken for public use without just compensation.

What are they afraid of? Are they afraid they are going to tell them they cannot keep taking peoples' property? I think our Constitution guarantees that. The system does not allow them into court.

Mr. WATT of North Carolina. Mr. Chairman, I yield myself 1 minute, just to make a clarification.

Mr. Chairman, I would like to make sure that this study that keeps getting cited dealing with how many cases get delayed and disposed of, let us make sure that we understand that this study was done by the National Association of Home Builders, and what it really shows is that in many cases, the vast majority of the cases, in fact, 29 of the 33 cases that they surveyed, the court dismissed the case because the claimant's lawyer refused to follow State procedures for seeking compensation before suing in the Federal court.

That is entirely consistent with the process that is in place at this point, because the objective is to get people to start at the local level and resolve these disputes at the local level before they are ripe to go into Federal court. So this is just a myth that has been created.

Mr. Chairman, I yield 3½ minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I thank the gentleman for yielding me the time, Mr. Chairman.

I have spent my entire public service career dealing with issues that promote livable communities. I know from personal experience that, at times, local land use laws can be time-consuming, expensive, and uncertain. Many times the development community draws the blame for things like sprawl and congestion when in fact they are abiding by outmoded local planning and transportation notions. Too often the development process becomes too political and painful.

But it is absolutely false to suggest that somehow the blame for this is on the shoulders of local officials who are trying to protect the community. I am willing to work to improve the process. I cosponsored and voted for a nearly identical bill in the 105th Congress which I hoped would be the first step in trying to have a rational discussion about this, and have been working with the development interests and local government and the environmental community to reach common ground.

I supported the bill, even though I made it clear at the time that the bill in that form would not and should not pass, but I thought it would be a beginning of an important discussion.

But rather than use that as a springboard, what we have back here again today is the identical bill. I am disappointed that the legislation represents no modification, no conciliation, and is not a productive contribution to the reform effort. It faces a certain veto by the President if in fact it could be passed, which it will not.

Occasional development hardships cannot justify short-circuiting the land use process against other homeowners, neighborhood associations, environmental groups, and local governments.

In Oregon, we have an elaborate system of appeals dedicated to land use, heralded as one of the best in the Nation. Our Land Use Board of Appeals has been developed and refined over the years, and at the same time, the process has been supported by our voters three times in State-wide initiatives.

It is entirely possible that if this misguided legislation would be passed in its present form, it would entirely circumvent our land use planning process.

The bill is further flawed because it is sending land use disputes to our already overtaxed Federal judiciary, with absolutely no guarantee that they can be resolved any faster. In fact, we have received indication from the Federal judiciary that they see this as a burden to their already strained system.

The only way this bill would produce a speedy resolution and reduce developer expenses is if small cities and counties stopped trying to enforce their land use laws. That is in fact what would happen, in many cases. This is counter to the rising tide around the country where people want more protection against unplanned growth, bad environmental decisions, and transportation problems.

Smart growth is not no growth. I am committed to working with the advocates of smart growth and livable communities and the development community to develop approaches that solve these problems. We can provide a balanced system of adjudication in land use disputes. The problem in some States like California is that they do not have a system. It is a series of patchworks that do not work.

Mr. Chairman, I would suggest that we support State-wide frameworks that are less political, more predictable, less costly, that will achieve timely administrative process and judicial review without leading to a race to the courts to bully local governments into dropping their rights.

Rather than evolving the debate, this bill before us is having a polarizing effect. I urge a no vote. I urge my colleagues to work with us to actually solve the problem for more livable communities.

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am disappointed that the gentleman from Oregon has changed his mind about the bill. I would point out there are some changes in the bill which are actually designed to encourage going through more at the local level. As the gentleman was saying, that is in the bill. He may not be aware of it.

Under the bill as it is now formulated, before going to Federal court, after an initial application is rejected by the local government, the landowners must appeal to the local planning commission, must make application for a waiver to the zoning board, and must also appeal to the local board of elected officials. That is quite a bit at the local level. I think it is appropriate that that be done before a lawsuit is instituted in Federal court.

But if, after going through that process at the local level, the landowner receives a decision which results in a taking of the landowner's land without compensation, I believe that the landowner should be able to go to Federal court.

For Members who are wondering what this fight is all about, let me boil it down to the real crux of the matter, here. The issue is whether landowners should have to exhaust their State judicial remedies, would have to go through State court, before they go to Federal court. It is not a matter of whether they are going to go to court or not. It is a matter of whether, if they are in this situation, they are going to go to State court rather than Federal court.

□ 1445

Under the rules as they now are, they are forced to go to State court to pursue their Federal constitutional claims before they can ever have an opportunity to get into Federal court unless they end up being barred through one rule or another. That is what this is about.

It is important that the Members step back from all the rhetoric that is flying around this and understand that that is what is at issue. I do not believe that it should be controversial that individuals whose Federal constitutional rights have been vindicated should have their day in Federal court. If the Federal courts exist for anything, it should be to protect Federal constitutional rights.

Now, arguments have been made that, oh, well, we are elevating property rights above other constitutional rights by passing this bill. That is simply wrong. The truth is that other civil rights receive superior treatment under the rules as they are now structured in the system. We are trying to bring property rights up to something close to parity with the way other rights are treated.

Now, the truth is also the general rule for civil rights claims that are brought pursuant to the law that the Congress passed, section 1983, where citizens and individuals are allowed to challenge local government actions that infringe constitutional rights, the rule is you do not have to exhaust either your State administrative or judicial remedies. Now we are actually requiring that you go through administrative remedies. But we are saying you should not have to exhaust your State remedies. So we are still not bringing it up to parity with the way the other rights are treated.

I know this is being denied over and over again. But that is, those are the facts. That is what the law is.

The Supreme Court in the landmark case of Monroe v. Pape back in 1961 said, the Federal remedy under section 1983, which is the section that we are dealing with in this statute and under which civil rights actions are brought against local governments, is supplementary to the State remedy; and the latter need not be first sought and refused before the Federal one is invoked.

They reiterated that in Ellis v. Dyson where they said exhaustion of State and judicial or administrative remedies was ruled not to be necessary, for we have long held that an action under section 1983 is free of that requirement.

Board of Regents, the State of New York v. Tomanio, in 1980, they said that this court has not interpreted section 1983 to require a litigant to pursue State judicial remedies prior to commencing an action under this section.

That is the rule with respect to civil rights claims in general, but they have different rules when it comes to property rights. I would suggest that that is what the Members of the House should focus on. That is also a problem that we are trying to address here.

Let me just point out that I think the talk about property rights and to treat them as though they are some kind of second class right is simply not fair. I would ask the Members of the House to consider what the Supreme Court said back in 1972 in a case called Lynch v. Household Finance Corporation. This is an opinion joined by Justices Brennan and Marshall. The Supreme Court said,

> The dichotomy between personal liberties and property rights is a false one. Property does not have rights. People have rights. The right to enjoy property without unlawful deprivation, no less than the right to speak or the right to travel, is in truth a personal right. In fact, a fundamental interdependence exists between the personal right to liberty and the personal right in property. Neither could have meaning without the other.

I would submit to the Members of the House that, if we are serious about protecting these rights which are so fundamental to our way of life and our system of government, we will remove the barriers that have been created to prevent individuals whose property rights have been infringed from having access, meaning full access to their day in Federal court.

Mr. Chairman, I reserve the balance of my time.

Mr. WATT of North Carolina. Mr. Chairman, I yield myself 30 seconds just to respond to the gentleman and thank him for his eloquent endorsement of the amendment that I will be offering. Because if he, in fact, believes that these are personal rights and that property rights should be on the exact same footing, our amendment would place them on the exact same footing with other civil rights.

I expect that the gentleman will be supporting my amendment and making his eloquent statement in support of it again. I appreciate the gentleman agreeing to do that.

Mr. Chairman, I yield 2 minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Chairman, I thank the gentleman from North Carolina for yielding me this time.

Mr. Chairman, I rise in strong opposition to this bill. The bill's title is not accurate. Despite all the talk on the other side about small property owners, the bill should be called the fast track for developers act. This bill allows for any case involving a takings claim to be brought into Federal court, bypassing State and local processes.

As an attorney practicing law for 19 years, it was my experience that most small-land owners do not rush to get into Federal court, but many large developers do. It was also my experience that takings claims, constitutional claims, even though frivolous, even though extraordinarily weak, will be tacked on it a great many local land institutes. That is why it seems to me that the passage of this bill will allow developers to put excessive pressure on local zoning boards and councils.

I speak with some experience. I was a city councilor in Portland for 6 years and the mayor of the city. In Portland, we have appropriate and sound local zoning procedures and practices. In this House, we should help local governments plan for smart growth and not tie their hands by federalizing every local land dispute in which a property owner claims his property is being taken without compensation.

My Republican colleagues argue that local school boards know better than Washington, and I agree. But when it comes to land use, they say that Federal courts, not local zoning boards, are the best way to resolve local land disputes.

Mr. Chairman, this bill is opposed by every organization, almost every organization representing State, county, and municipal governments. It is opposed by State Attorneys General, State Chief Justices, and the U.S. Judicial Conference. This bill is a serious affront to the principle of federalism.

I urge a "no" vote on this so-called takings bill that diminishes local control and empowers large developers.

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. DOOLEY).

Mr. DOOLEY of California. Mr. Chairman, I rise today to express my support for H.R. 2372, the Private Property Rights Implementation Act. The bill takes a new, more modest approach to the issue of property rights and has received widespread bipartisan support.

The legislation helps property owners by clearing some of the legal and procedural hurdles that make it both excessively time consuming and expensive to assert their claims. The bill proposes to do nothing except clarify the jurisdiction of Federal courts to hear and determine issues of Federal constitutional law.

H.R. 2372 is vastly different from previous property right bills. It does not attempt to define for a court when a taking has occurred, nor does it change or weaken any environmental law.

There has been some controversy generated surrounding this bill. Most of the criticism of this legislation is based upon the assumption that the bill cuts local government out of the decisionmaking process when it comes to land use decisions. But nothing could be further from the truth.

The truth is that H.R. 2372 applies only to Federal claims based on the fifth and 14th amendments that are filed in Federal court. The bill creates no cause of action against local governments. H.R. 2372 is only a procedural bill clarifying the rules so a decision can be reached faster on the facts of the case instead of wasting taxpayer money on jurisdictional questions.

Local governments will have no new limits on their ability to zone or regulate land use. Local agencies will get at least two, maybe three chances to resolve a land use decision locally before their decision will be defined as final, once on the original application, once on appeal, and yet again on review by an elected body.

H.R. 2372 does not provide a ticket to Federal court. Individuals already have a right to go to Federal court. The bill simply provides an objective definition of when enough is enough, so that both parties in a land use dispute can participate in meaningful negotiations.

I believe H.R. 2372 represents a moderate approach that Members can and should support.

Mr. WATT of North Carolina. Mr. Chairman, I yield 3 additional minutes to the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Chairman, let me give my colleagues some real-life examples of what this is all about based upon some recent court decisions.

In Recreational Developments of Phoenix, Incorporated v. The City of Phoenix, the land owners brought several takings challenges to a municipal ordinance that prohibited live sex clubs. The Federal court dismissed the takings challenge on ripeness grounds because the land owners had not sought compensation in State court. If this bill had been in effect, the City would have been forced to endure lengthy Federal court taking litigation to defend this ordinance, prohibiting live sex clubs.

In Maynard v. The City of Tupelo, in Mississippi, the State court rejected a taking challenge to a city ordinance that bans possession of open containers of alcoholic beverages or their consumption between midnight and 7 a.m. in restaurants. If this bill had been in effect, the claimant could have forced Tupelo to endure lengthy, expensive Federal court litigation to reach the same result.

In Guildford County Department of Emergency Services v. Seaboard Chemical Corporation, the State court rejected a takings challenge by a chemical company to a permit denial for a hazardous waste facility for health and safety reasons. If this bill had been in effect, that company could have subjected the county to expensive and lengthy Federal court litigation.

In Colorado Dog Fanciers v. The City of Denver, the State court rejected a takings challenge to an ordinance that bans possession of pit bulls, but allowed existing owners to obtain licenses. If this bill had been in effect, the claimants could have been challenged, and this sensible public policy measure would have endured expensive, Federal court litigation.

Zoning matters are local in nature. We should not federalize them.

Mr. CANADY of Florida. Mr. Chairman, may I inquire concerning the amount of time remaining on both sides.

The CHAIRMAN. The gentleman from Florida (Mr. CANADY) has 3½ minutes remaining, and the gentleman from North Carolina (Mr. WATT) has 6½ minutes remaining.

Mr. WATT of North Carolina. Mr. Chairman, I yield 1 additional minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentleman from North Carolina yielding me this time.

Mr. Chairman, we had an assertion by the gentleman from Florida (Mr. CANADY) about the procedures that would be followed. The fact is, under the bill that has been proposed, there is an exemption. If the claimant feels that it would be futile to pursue this claim, there is an additional problem. They talk a lot about the small individual property owners, but the fact is the vast majority of jurisdictions in this country are small governments that cannot afford to be involved with this.

So my colleagues have taken a theoretical problem for a few problems of small owners action, and they have substituted a massive burden on the part of many small governments who simply are not going to be able to undertake a well-financed aggressive development interest that seeks to move the other direction. I think it just simply reverses that presumption.

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. DOOLITTLE).

□ 1500

Mr. DOOLITTLE. Mr. Chairman, this is an important bill. I know the other side is trying to portray this as helping big developers, but the fact of the matter is, this bill is designed to help the little guy and anybody else, including a big developer, who seeks to assert the constitutional right to receive just compensation for the taking of his or her property. That is just something that is guaranteed by the U.S. Constitution and the fifth amendment. And yet, because of a network of procedures developed over the years, the effect of those procedures has been to make this amendment somehow secondary to some of the others.

We all know the reality. I mean a government is fighting with taxpayer dollars; and they have, usually, a vast amount to draw upon. They already have attorneys on staff, and they have firms on contract to wage these battles with taxpayer dollars. When the little guy is seeking to defend his or her constitutional right, and it takes on the average of 9½ years to get through the Federal Court system, that is bad enough already, but then it takes a number of years to get into the Federal Court system.

This bill, amongst other things, simply allows people to at least enter the Federal Court system. If anything, the bill does not go far enough because we have still got that long, drawn-out time when you, an individual, is paying lawyers at $300 or $400 an hour to litigate their claims. It is very, very difficult to reach the relief that they need. This bill makes an important step in that direction. It simply seeks to place the fifth amendment on an equal level to the fourth amendment or the first amendment, where they are not required to go first through the whole State process before they can get into Federal Court.

Mr. Chairman, I strongly urge an "aye" vote on this legislation.

Mr. WATT of North Carolina. Mr. Chairman, I yield myself 2 minutes.

This is the third or fourth time that somebody has come to the floor and talked about it taking 9½ years to get through the process. So let me be clear on how this 9½ year figure was derived. It was also the result of a study done by the National Association of Home Builders.

The problem is that in arriving at the study, they used only 14 Federal appellate court cases over a 9-year period, the period from 1990 to 1998. And, of course, if we take those 14 cases, anything can happen in a small number of cases, but that does not mean that we have got a massive problem. The bulk of the cases were being resolved before local zoning and planning commissions without any litigation, but those cases were just disregarded. The study ignored hundreds of takings cases litigated in State court each year, which comprised the overwhelming bulk of takings lawsuits. In those cases the States were giving fair and adequate remedies to the people who were coming into the State courts, which is exactly the way the process is supposed to work.

So, ironically, we are in here talking about let us put everything in Federal Court, when the 14 cases that they used to come up with this 9½ year figure are the ones that ended up in Federal Court. It was the State court and the local zoning boards that were making quick, efficient decisions. And now I guess my colleagues would have us bring everything into the courts so everything could take 9½ years because there is a massive backlog of cases in the Federal Court system.

Mr. Chairman, let me just make it clear that, again, the U.S. Constitution allows property takings cases to come in to the Federal Court. If there is a taking of property, that is a Federal right. The problem is, as in all other constitutional rights where property is deprived or liberty is deprived, or any other U.S. Constitutional case, if there is an opportunity to resolve the matter in the State courts, the Federal courts simply defer and say the State court should resolve it because of, interestingly enough, the very principle that the Republicans have told us over the years they stand for: government should be closer to the people and decisions should be made closer to the people. So we are going to defer, says the Federal Court, to local and State courts to make decisions that impact the rights of people, even if they involve Federal constitutional rights.

So this is not about whether an individual can get into Federal Court. It is about when someone can get into Federal Court. I would submit to my colleagues that over all of these years we have been saying to the State courts that we respect their ability to resolve cases that involve State and Federal law, and we should continue to honor that. To do otherwise would be absolutely contrary to every principle that my colleagues on the other side have said over this period of time that they have been in the majority that they stand for.

The only reason we are making it an exception here is because some developers, some moneyed interests, some propertied interests have been inconvenienced, and they happen to be constituents who normally support the other side. That is what this is really all about. There is no reason to do this based on any Federalism principle, and that is the principles we ought to be applying in this context.

Mr. Chairman, I would discourage my colleagues from turning that whole system upside down, as my colleagues who say they believe in States' rights would have us do.

Mr. Chairman, I yield back the balance of my time.

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think it is unfortunate that today in this debate we are hearing attacks on the motivation of those who are supporting this legislation. This legislation has been introduced because there is a real problem in the administration of justice, a problem that affects property owners, small and large, throughout this country, property owners whose property is taken by an action of government, and property owners who are denied meaningful access to the Federal Court. We are trying to correct that.

Now, my good friend, the gentleman from New York (Mr. BOEHLERT), went through a list of cases that were not litigated in Federal Court but were litigated in State court where the plaintiffs lost. It sounds like to me that those plaintiffs should have lost. And I would submit to the gentleman that they would have lost in Federal Court as well. So I do not know what that list of cases proves.

The Federal courts, in my experience, know how to dismiss cases. They know how to get rid of cases on summary judgment. They also know how, in certain circumstances, to award prevailing party attorneys' fees against the party who brings a frivolous claim. And that happens to developers and others who sue local governments when they do not have a basis for their claim. Those attorneys' fees are available and some courts will award them. So I think the Members need to keep that reality in mind.

And let us just step back from this and look at the fact that the truth is that, under the rules as they now exist, property rights claims are subjected to second-class treatment. That is the truth. We need to change it.

Mr. POMEROY. Mr. Chairman, I join the National Association of Counties, the U.S. Conference of Mayors, the Council of State Governments, and the National Association of Towns and Townships, and the National Conference of State Legislatures in opposing H.R. 2372. This legislation severely undercuts local decision making authority regarding land use matters and would burden small towns and cities across America with the huge burdens of higher legal fees to protect themselves from lawsuits in federal court.

H.R. 2372 supersedes local authority by removing to federal court local disputes concerning land use regulation. Under our federal system of government, land use matters have historically been the responsibility of State and local governments. Local communities, through locally-elected officials, work diligently to develop land use plans to best serve the needs of their citizens.

As a Representative of one of the most rural districts in the House—the entire state of North Dakota—I am also concerned about the financial impact of smaller cities and towns financially. Diane Shea, Associate Legislative Director of the National Association of Counties, in testimony before the House Judiciary Committee, discussed how the impact of this legislation would be especially severe on smaller cities and towns in the United States. Ms. Shea testified that 97 percent of the cities and towns in America have population under 10,000, and 52 percent have population less than 1,000. Similarly, out of 3,066 counties, 24 percent have population less than 10,000. She stated, "Virtually without exception, counties, cities, and towns with populations under 10,000 have no full time legal staff. These small communities are forced to hire outside legal counsel each time they are sued, imposing large and unexpected burdens on small governmental budgets."

Proponents of H.R. 2372 believe this legislation is only "procedural" and will better allow landowners to deal with State and local governments when citizens' private property are subject to a regulatory taking. In my opinion, there are better ways to protect citizens private property rather than undermining the principal of local control over land use matters and placing massive legal costs on over-burdened local governments.

I urge my colleagues to follow the advice of Judge Frank Easterbrook of the 7th Circuit Court of Appeals who wrote in a 1994 opinion, "Federal courts are not boards of zoning appeals" and oppose H.R. 2372.

Mr. CALVERT. Mr. Chairman, I rise today in support of H.R. 2372, the Private Property Rights Implementation Act. As a Member representing California, as well as a member of the Western Caucus, I am acutely aware of the need for legislation to protect private property owners.

H.R. 2372 addresses unequal and unfair treatment of property right claims. It simply allows property owners, injured by Government action and excessive regulation, equitable and simplified access to the federal courts. Currently, 83 percent of Federal property claims are thrown out of the court before their merits can be debated. With a statistic like that, no one can argue that the current process is fair.

It also levels the playing field for small and middle class property owners. Unfairly, private citizens find their pocket books disportionately strained by the cost of defending their fifth amendment property rights.

No matter what reason the Government has for restricting private property use, and there are some legitimate reasons, there is no excuse for denying landowners their day in court.

Mr. Chairman, I urge my colleagues to oppose all amendments which threaten to gut H.R. 2372, especially Mr. BOEHLERT's amendment. This amendment would eliminate the bill's provision which allows landowners to take their appeals to federal court.

This is not an issue about taking power away from the States and localities, it is about the rights of property owners to have their claims considered fairly and in a timely manner.

Mr. Chairman, I urge my colleagues to support H.R. 2372. To support the Fifth Amendment right of all American citizens.

Mr. SMITH of Texas. Mr. Chairman, I rise in support of H.R. 2372, the Private Property Rights Implementation Act. This legislation secures a basic right of all Americans: protection against government confiscation of homes, farms, and businesses.

One of our most basic rights is contained in the Constitution's Fifth Amendment. It is the right of all citizens to acquire, possess, and dispose of private property.

That constitutional right is now threatened by regulations imposed by government officials. The Government is able to confiscate the property of workers, farmers, and families without providing fair compensation.

H.R. 2372 will change that.

Mr. Chairman, I urge my colleagues to support this bill.

Mr. HYDE. Mr. Chairman, property rights are human rights just like any other civil right, and citizens whose federal property rights have been violated should have the same meaningful access to federal courts as those who suffer violations of other constitutional rights. The 14th Amendment provides that no person shall be deprived of life, liberty and property. Those are the big three. Property rights are not somehow inferior to other rights.

In *Lynch* v. *Household Finance Corporation*, 405 U.S. 538, 552 (1972), a woman's savings account was garnished under state law for alleged nonpayment of a loan, and she received no notice and no chance to be heard. She sued in federal court, but the court dismissed her suit, ruling that only personal rights merited a judicial hearing, not property rights. The Supreme Court disagreed. In an opinion joined by Justices Brennan and Marshall, the Supreme Court held that her due process rights were violated, and that "the dichotomy between personal liberties and property rights is a false one. Property does not have rights. People have rights. The right to enjoy property without unlawful deprivation, no less than the right to speak or the right to travel, is in truth a 'personal' right * * * In fact, a fundamental interdependence exists between the personal right to liberty and the personal right in property. Neither could have meaning without the other." *Id.* at 552.

I urge members to vote in favor of H.R. 2372.

Mr. UDALL of Colorado. Mr. Chairman, Colorado is one of the fastest-growing States in the union, and we have our share of contentious land-use disputes—in fact, sometimes it seems like we may have more than our share.

I believe that the Federal Government has a role in helping our communities to respond to the problems that come with that rapid growth. But I don't think the help that's needed is greater involvement of the Federal courts in more and more local land-use decisions.

So, I cannot support this bill.

I do not think the bill is needed. The vast majority of land-use disputes, including claims that local regulations or decisions amount to a "taking" of property, are resolved at the local or State level without significant delay. There is no need to short-circuit the decisionmaking process under local and State law. There is no need to bypass our State courts.

I also don't think the bill is sound policy. I am very concerned that it would severely tilt the field in favor of one interest, developers, and make it even harder for our communities to meet the challenges of growth and sprawl. It would saddle taxpayers of our towns, cities, and counties with the costs of expensive Federal litigation.

It's also not good for our Federal courts. According to the Judicial Conference of the United States—the body that speaks for our Federal judges—it "may adversely affect the administration of justice" and "contribute to existing backlogs in some judicial districts." That could be a serious problem in Colorado and other States where there are or will be judicial vacancies.

Finally, as a nonlawyer who takes very seriously the oath we all have taken to support the Constitution, I have listened carefully to the views of the many lawyers—including distinguished member of the Judiciary Committee—who have concluded that the bill is likely unconstitutional. Even if I thought the bill was otherwise desirable, that would make me hesitate. But, as I've said, the bill has other serious shortcomings—and the constitutional issues that have been raised mean that enacting this bill would inevitably lead to even more protracted and expensive litigation that would go all the way to the Supreme Court. However the Court might finally rule, that additional litigation is not something that I think is necessary or that Congress should encourage. So, again, I cannot vote for this bill.

I am submitting a letter from the mayor of the city of Boulder, CO, in opposition to H.R. 2372.

City of Boulder,
City Council Office,
Boulder, CO, September 7, 1999.

Re Opposition to takings legislation (H.R. 2372).

Hon. Mark Udall,
House of Representatives, Cannon House Office Building, Washington, DC.

Dear Congressman Udall: I am writing on behalf of the City of Boulder to strongly urge your opposition of a federal "takings" bill that is aimed at local governments. Rep. Charles Canady (R–FL) recently re-introduced this bill as H.R. 2372, the Private Property Rights Implementation Act of 1999. H.R. 2372 is virtually identical to takings legislation considered during the last Congress (H.R. 1534), which was sponsored by Rep. Elton Gallegly (R–CA).

Specifically, H.R. 2372 would allow developers to circumvent local zoning appeals mechanisms, bypass state courts, and sue towns, cities and counties for alleged takings directly in federal court. The bill's approach contradicts Supreme Court rulings that federal courts cannot decide if a local government has taken property without just compensation until claimants explore allowable alternative uses of the property and until they ask for and are denied just compensation in state court.

The Supreme Court's May 24, 1999, *City of Monterey* v. *Del Monte Dunes* decision makes it clear that H.R. 2372's attempt to allow takings claims against localities to bypass state courts is unconstitutional. The Court held that because the Fifth Amendment only bars takings without just compensation, there is "no constitutional injury" where state court compensation remedies are available. As the Court noted, these state court remedies are now available in every state. Thus, the nature of the constitutional right requires that a property owner utilize state judicial or other procedures for obtaining compensation before suing a locality in federal court.

Unfortunately, many Members of the last Congress co-sponsored the virtually identical H.R. 1534 without a full appreciation of either what it would do or the overwhelming opposition it would face from state and local governments, the courts and others. This was made obvious when 9 Republican and 4 Democratic co-sponsors voted against their own bill when the House approved H.R. 1534 on October 22, 1997. A 52–42 Senate cloture vote failed to receive the 60 votes necessary to end a bipartisan filibuster against consideration of the Senate companion bill, S. 2771.

In a July 10, 1998 letter to all Senators, the National Governors Association, National Association of Counties, National Conference of State Legislatures, U.S. Conference of Mayors and National League of Cities opposed S. 2271 because it would give "large-scale developers . . . a 'club' to intimidate local officials who are charged with acting in the best interests of the community as a whole." Threats of premature, expensive federal court lawsuits would pressure local officials to approve projects that would harm the property, health, safety and environment of neighbors.

In the last Congress, this bill was strongly opposed by virtually every membership organization representing state and local government, including the International Municipal Lawyers Association, and National Association of Towns and Townships, as well as 41 State Attorneys General. Opposition included both the Conference of Chief Justices on behalf of the state courts, and the Judicial Conference of the United States, chaired by Chief Justice Rehnquist, on behalf of the federal courts. It would have faced a Presidential veto if passed in Congress. In addition, the legislation was opposed by a broad array of environmental groups, including the National Wildlife Federation, League of Conservation Voters, Alliance for Justice, Sierra Club, Center for Marine Conservation, Environmental Defense Fund, National Audubon Society, National Trust for Historic Preservation, Scenic America, Natural Resources Defense Council, and Wilderness Society.

H.R. 2372 literally would convert local zoning and other land use disputes into federal cases. The result would undermine basic protections for private property, health, safety and the environment. Congress has repeatedly rejected bills that would radically alter the constitutional standards or judicial procedures for determining when a government action results in a taking of private property that requires payment of just compensation. In order to protect everyone's private property and the environment, I urge you to oppose this and other takings bills.

The City of Boulder's experience with takings legislation designed to oust the planning board of its ability to conduct Boulder's major site review process on a 500-home development is ample demonstration of the folly of this bill. As it was, the case was dismissed, and the dismissal was affirmed by the Tenth Circuit. Under this bill, Boulder would have faced a takings case in the federal courts, before the Planning Board could even act on the development application.

Thank you for your consideration. If you have any questions, please have your staff contact Joseph de Raismes, City Attorney, at (303) 441–3020.

Sincerely,

William R. Toor,
Mayor.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 2372

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Private Property Rights Implementation Act of 2000".

SEC. 2. JURISDICTION IN CIVIL RIGHTS CASES.

Section 1343 of title 28, United States Code, is amended by adding at the end the following:

"(c) Whenever a district court exercises jurisdiction under subsection (a) in an action in which the operative facts concern the uses of real property, it shall not abstain from exercising or relinquish its jurisdiction to a State court in an action in which no claim of a violation of a State law, right, or privilege is alleged, if a parallel proceeding in State court arising out of the same operative facts as the district court proceeding is not pending.

"(d) If the district court has jurisdiction over an action under subsection (a) in which the operative facts concern the uses of real property and which cannot be decided without resolution of an unsettled question of State law, the district court may certify the question of State law to the highest appellate court of that State. After the State appellate court resolves the question certified to it, the district court shall proceed with resolving the merits. The district court shall not certify a question of State law under this subsection unless the question of State law—

"(1) will significantly affect the merits of the injured party's Federal claim; and

"(2) is patently unclear.

"(e)(1) Any claim or action brought under section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983) to redress the deprivation of a property right or privilege secured by the Constitution shall be ripe for adjudication by the district courts upon a final decision rendered by any person acting under color of any statute, ordinance, regulation, custom, or usage, of any State or territory of the United States, that causes actual and concrete injury to the party seeking redress.

"(2)(A) For purposes of this subsection, a final decision exists if—

"(i) any person acting under color of any statute, ordinance, regulation, custom, or usage, of any State or territory of the United States, makes a definitive decision, as described in clauses (ii) and (iii), regarding the extent of permissible uses on the property that has been allegedly infringed or taken;

"(ii)(I) one meaningful application, as defined by applicable law, to use the property has been submitted but has been disapproved without a written explanation as described in subclause (II), and the party seeking redress has applied for one appeal and one waiver which has been disapproved, in a case in which the applicable statute, ordinance, custom, or usage provides a mechanism for appeal to or waiver by an administrative agency; or

"(II) one meaningful application, as defined by applicable law, to use the property has been submitted but has been disapproved, and the disapproval explains in writing the use, density, or intensity of development of the property that would be approved, with any conditions therefor, and the party seeking redress has resubmitted another meaningful application taking into account the terms of the disapproval, except that—

"(aa) if no such reapplication is submitted, then a final decision shall not have been reached for purposes of this subsection, except as provided in subparagraph (B); and

"(bb) if the reapplication is disapproved, or if the reapplication is not required under subparagraph (B), then a final decision exists for purposes of this subsection if the party seeking redress has applied for one appeal and one waiver with respect to the disapproval, which has been disapproved, in a case in which the applicable statute, ordinance, custom, or usage provides a mechanism of appeal to or waiver by an administrative agency; and

"(iii) if the applicable statute or ordinance provides for review of the case by elected officials, the party seeking redress has applied for

but is denied such review, or is allowed such review and the meaningful application is disapproved.

"(B) The party seeking redress shall not be required to apply for an appeal or waiver described in subparagraph (A) if no such appeal or waiver is available, if it cannot provide the relief requested, or if the application or reapplication would be futile.

"(3) For purposes of clauses (ii) and (iii) of paragraph (2), the failure to act within a reasonable time on any application, reapplication, appeal, waiver, or review of the case shall constitute a disapproval.

"(4) For purposes of this subsection, a case is ripe for adjudication even if the party seeking redress does not exhaust judicial remedies provided by any State or territory of the United States.

"(f) Nothing in subsection (c), (d), or (e) alters the substantive law of takings of property, including the burden of proof borne by the plaintiff.".

SEC. 3. UNITED STATES AS DEFENDANT.

Section 1346 of title 28, United States Code, is amended by adding at the end the following:

"(h)(1) Any claim brought under subsection (a) that is founded upon a property right or privilege secured by the Constitution, but was allegedly infringed or taken by the United States, shall be ripe for adjudication upon a final decision rendered by the United States, that causes actual and concrete injury to the party seeking redress.

"(2) For purposes of this subsection, a final decision exists if—

"(A) the United States makes a definitive decision, as defined in subparagraph (B), regarding the extent of permissible uses on the property that has been allegedly infringed or taken; and

"(B) one meaningful application, as defined by applicable law, to use the property has been submitted but has been disapproved, and the party seeking redress has applied for one appeal or waiver which has been disapproved, in a case in which the applicable law of the United States provides a mechanism for appeal to or waiver by an administrative agency.

The party seeking redress shall not be required to apply for an appeal or waiver described in subparagraph (B) if no such appeal or waiver is available, if it cannot provide the relief requested, or if application or reapplication to use the property would be futile.

"(3) For purposes of paragraph (2), the United States' failure to act within a reasonable time on any application, appeal, or waiver shall constitute a disapproval.

"(4) Nothing in this subsection alters the substantive law of takings of property, including the burden of proof borne by the plaintiff.".

SEC. 4. JURISDICTION OF COURT OF FEDERAL CLAIMS.

Section 1491(a) of title 28, United States Code, is amended by adding at the end the following:

"(3) Any claim brought under this subsection founded upon a property right or privilege secured by the Constitution, but allegedly infringed or taken by the United States, shall be ripe for adjudication upon a final decision rendered by the United States, that causes actual and concrete injury to the party seeking redress. For purposes of this paragraph, a final decision exists if—

"(A) the United States makes a definitive decision, as described in subparagraph (B), regarding the extent of permissible uses on the property that has been allegedly infringed or taken; and

"(B) one meaningful application, as defined by applicable law, to use the property has been submitted but has been disapproved, and the party seeking redress has applied for one appeal or waiver which has been disapproved, in a case in which the applicable law of the United States provides a mechanism for appeal or waiver.

The party seeking redress shall not be required to apply for an appeal or waiver described in subparagraph (B) if no such appeal or waiver is available, if it cannot provide the relief requested, or if application or reapplication to use the property would be futile. For purposes of subparagraph (B), the United States' failure to act within a reasonable time on any application, appeal, or waiver shall constitute a disapproval. Nothing in this paragraph alters the substantive law of takings of property, including the burden of proof borne by the plaintiff.".

SEC. 5. DUTY OF NOTICE TO OWNERS.

Whenever a Federal agency takes an agency action limiting the use of private property that may be affected by the amendments made by this Act, the agency shall give notice to the owners of that property explaining their rights under such amendments and the procedures for obtaining any compensation that may be due to them under such amendments.

SEC. 6. EFFECTIVE DATE.

The amendments made by this Act shall apply to actions commenced on or after the date of the enactment of this Act.

The CHAIRMAN. No amendment to that amendment is in order except those printed in House Report 106–525. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not subject to a demand for division of the question.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided the time for voting on the first question shall be a minimum of 15 minutes.

It is now in order to consider amendment no. 1 printed in House Report 106–525.

AMENDMENT NO. 1 OFFERED BY MR. WATT OF NORTH CAROLINA

Mr. WATT of North Carolina. Mr. Chairman, I offer an amendment that has been made in order under the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. WATT of North Carolina:

Page 3, beginning on line 8, strike "in an action in which the operative facts concern the uses of real property".

Page 3, beginning on line 16, strike "in which the operative facts concern the uses of real property and".

Page 4, line 4, strike "property".

Page 4, beginning on line 16, strike ", regarding the extent of permissible uses on the property that has been allegedly infringed or taken".

Page 4, line 20, strike "to use the property".

Page 5, line 4, strike "to use the property".

Page 5, beginning on line 6, strike "use, density, or intensity or development of the property that would be approved, with any conditions therefor," and insert instead "reasons for such disapproval".

Page 6, line 19, strike "the".

Page 6, line 20, strike "of takings of property".

Page 7, beginning on line 1, strike "that" and all that follows through "States," on line 4.

Page 7, beginning on line 10, strike ", regarding the extent of permissible uses on the property that has been allegedly infringed or taken".

Page 7, line 14, strike "to use the property".

Page 7, line 16, strike "or waiver".

Page 8, line 4, strike "the".

Page 8, line 5, strike "of takings of property".

Page 8, beginning on line 10, strike "founded" and all that follows through "States," on page 8, line 12.

Page 8, beginning on line 18, strike ", regarding the extent of permissible uses on the property that has been allegedly infringed or taken".

Page 8, line 22, strike "to use the property".

Page 8, line 24, strike "or waiver".

Page 9, line 15, strike "limiting the use of private property".

Page 9, line 17, strike "owners of that property" and insert instead "party affected by such action".

The CHAIRMAN. Pursuant to House Resolution 441, the gentleman from North Carolina (Mr. WATT) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to make full disclosure straight up front. I have been very up front about the fact that I believe the underlying bill is a bad idea. But if the underlying bill is a good idea, and if we are going to adopt the underlying bill, the same rules that apply to real property cases should apply to other constitutional cases.

I am holding in my hand the statutory provision under which an individual gets into Federal Court: 28 USC, section 1343. It is one page. It is one page. It enables people who have Federal constitutional rights, whether they are property rights, whether they are privacy rights, whether they are first amendment rights, if they have a Federal constitutional right, this is the statute that allows them to get into Federal Court. And property rights are under the same statute that every other civil right is under.

I am holding in this hand the bill. One, two, three, four, five, six, seven, eight, nine pages of special privileges that would be applied only to real-property cases. One page for civil-rights cases, nine pages for real-property cases that are already covered by the one page. There is no reason to do this. And if we do it, the effect is to relegate all other civil-rights cases to a second-class status.

Now, if the gentleman from Florida (Mr. CANADY) is correct in what he said, and I am quoting the same case that he quoted, it is Lynch vs. Household Finance, that says: "The dichotomy between personal liberties and property rights is a false one. Property does not have rights, people have rights. The right to enjoy property without unlawful deprivation, no less than the right to speak out or the right to travel, is, in truth, a personal right." And if we are going to do this for property rights cases, then, my colleagues, we ought to give nine pages to every other personal right that we have under the Constitution.

Now, I do not think this is a good idea, and I am going to vote against this bill even if this amendment passes. I am going to be honest with my colleagues. I think this is a bad idea because we are invading the States rights, we are invading the province of local governments. And local government and State government has a lot better ability to do this stuff than we do at the Federal level. That is exactly what my Republican colleagues have been preaching to us for the last 6 years.

But if we are going to do it, if we are going to elevate real-property rights to some special status, I beg of my colleagues to put all other civil rights on the same basis. And that is all this amendment would do.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Florida (Mr. CANADY) is recognized for 10 minutes in opposition to the amendment.

□ 1515

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman from North Carolina (Mr. WATT) seems to be concerned about the length of this bill.

The truth of the matter is that the length of this bill is because we are imposing additional requirements on property owners that they must meet over and above the requirements that other civil rights claimants would have to meet under the general rule. That is why this bill is as long as it is because we have these provisions in here that require exhaustion of the various steps at the local level.

Mr. Chairman, if we wanted to bring property rights up to absolute parity with other civil rights claims, we could have a very short bill. That bill would simply say that a person with a takings claim need not exhaust State, administrative, or judicial remedies, period. That would bring them up to absolute parity.

We have not gone that far. That is why I have suggested, I think quite accurately, that this is a very balanced approach which shows substantial deference to the local procedures, indeed more deference than is shown in any other context.

Now, the gentleman from North Carolina (Mr. WATT) seems to ignore the cases that I have cited over and over again which state the rule that is applied across the board in civil rights cases brought under section 1983 that State, administrative, and judicial remedies need not be exhausted. That is the law. That is well established. That is well understood.

I have quoted the cases, and let me quote them again. I will just quote the Monroe case from 1961 where the court said "the Federal remedy section 1983 is supplementary to the State remedy and the latter need not be first sought and refused before the Federal one is invoked."

Now, that is the way the law is except when we come to claims involving takings of private property. All we are saying is we want to do something to eliminate some of that inequity. The truth is we have not eliminated inequity entirely because of the procedures that we did require at the local level. And I think that is appropriate.

Ironically, and I do not think this is what the gentleman intends with his amendment, but I believe that the amendment of the gentleman from North Carolina (Mr. WATT) could very well be construed to impose a requirement to exhaust certain administrative remedies on other civil rights claims when those requirements are not imposed under law currently.

Now, I do not think that is what the gentleman wants to do. I would be quite surprised if he wants to require the exhaustion of administrative remedies. I would be surprised if the gentleman wants to require the exhaustion of administrative remedies for all those other civil rights claims that are brought under section 1983. But I think, if I understand his amendment correctly, that would be the consequence of it.

I think the Members need to focus on the fact that this bill is designed to deal with the particular well-documented problem. We have heard the examples. We have heard the statistics. The amendment would expand the reach of the bill to areas where there is no problem.

The gentleman has not been able to show why we should expand the bill to cover these other areas that he purports to be concerned about. The truth is there is no reason to expand the bill and, in expanding the bill, simply bringing down the protections that are available for other civil rights.

Now, there may be an argument in favor of doing that. I do not think that is what the gentleman wants to do, but that would be the consequence. So I very well understand why, if the amendment of the gentleman was adopted, why he still would vote against the bill.

Mr. Chairman, I reserve the balance of my time.

Mr. WATT of North Carolina. Mr. Chairman, would the Chair please advise us how much time remains.

The CHAIRMAN. Both sides have 6 minutes remaining.

Mr. WATT of North Carolina. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, first of all, I think all my colleagues should understand what we are talking about here. The gentleman from Florida (Mr. CANADY) says that this bill would impose certain limitations on other civil rights claims.

Fine. If it is good enough for the goose, it is good enough for the gander.

This whole thing of putting a property right here and a privacy right here, or the fifth amendment says that a State shall not deprive a person of life, liberty, or property. They are all in the same line. If we are going to treat one of them one way, then we ought to treat all of them the same way.

Now, there has been no willingness to do that on the part of the gentleman from Florida (Mr. CANADY) or on the part of my colleagues, many of them on the other side. They voted for something called the Prison Litigation Reform Act of 1995.

Let me read to my colleagues what the specific language says. And this bill passed. This is about deprivation of personal liberty. Remember, the fifth amendment says "life, liberty or property." But this is the limitation that my colleagues put on dealing with liberty.

It says, "no actions shall be brought with respect to prison conditions under section 1983 of this title," the same statutory provision that this bill amends, "or under any other Federal law by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are fully exhausted."

Now, that would not be so bad if we were just talking about prison conditions. But we are not talking about somebody getting out of jail. We are talking about things like the free exercise of religion and unusual physical violence by corrections officers or other inmates in these prison facilities, or access to legal resources or access to medical care.

My colleagues would have a prisoner who was being starved to death and deprived of medical care exhaust every State and local administrative remedy even though they have got a constitutional claim. But if one of their friends gets deprived of some real property, then they want to set up a whole new system. That is what this is about.

Mr. Chairman, I reserve the balance of my time.

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman from North Carolina (Mr. WATT) has raised the Prison Litigation Reform Act, and

I think that it is appropriate that he do that.

The truth is that what we are doing in this bill is similar to what was done in the Prison Litigation Reform Act, because there we do require inmates to go through administrative procedures. There are very safeguards to make certain that those procedures are adequate to protect the inmates. But in this bill we are also requiring that the property owner go through administrative procedures.

As I have detailed more than once today, after the initial denial, the property owner has to pursue an appeal to the planning commission. After that they have got to go to the zoning board for a variance. They have got to then appeal to the local board of elected officials. In some circumstances they will have to file an application again. They will have to file an application a second time and go through the process. So we are requiring substantial effort in the local process by the landowner.

So I think that, in some ways, what we are doing here is quite comparable with what was done in the Prison Litigation Reform Act where there was a serious pattern of abuse and frivolous lawsuits which moved the Congress to pass that on a bipartisan basis and move President Clinton to sign it into law. So that had significant bipartisan support.

What we are trying to do here today I think is also addressing a serious problem in the failure to give access to the Federal courts to individuals who are entitled to have access to the Federal courts to vindicate their constitutional rights.

My colleagues will notice that in the Prison Litigation Reform Act there is no requirement that State judicial remedies be exhausted. That is not in there. I do not think it should be in there.

What this bill is about at its core is helping ensure that State judicial remedies not be required to be exhausted before a property right litigant can get into Federal court.

So I appreciate the gentleman from North Carolina (Mr. WATT) bringing that bill up. And I just point out again, however, that the general rule when it comes to civil rights claims is that they need not exhaust either their judicial or their administrative remedies.

Mr. Chairman, I reserve the balance of my time.

Mr. WATT of North Carolina. Mr. Chairman, what is the time configuration, please?

The CHAIRMAN. Both sides now have 3 minutes remaining.

Mr. WATT of North Carolina. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I would like to ask the gentleman from Florida (Mr. CANADY) how long it takes to just simply file the permit that he is talking about, these steps that have to be taken? How hard is that in terms of just filing an appeal or a permit? How much time is involved with that? How hard is it?

Mr. CANADY of Florida. Mr. Chairman, will the gentleman yield?

Mr. BLUMENAUER. I yield to the gentleman from Florida.

Mr. CANADY of Florida. Mr. Chairman, what is required is that there be a meaningful application and that these steps be gone through as they are permitted under the local process.

Mr. BLUMENAUER. Mr. Chairman, reclaiming my time, in a typical jurisdiction in his community, how much does it take to file a meaningful application?

Mr. CANADY of Florida. Mr. Chairman, if the gentleman will continue to yield, it will vary from jurisdiction to jurisdiction and case to case depending upon the size of the development, the complexities of the issues involved. I think that it is important to understand that there are variations.

Mr. BLUMENAUER. Mr. Chairman, the gentleman from Florida (Mr. CANADY) could not answer the question. Just simply filing a meaningful appeal does not require in most cases huge amounts of time, huge amounts of money. It is simply an administrative action and does not require going through having any sort of ripening process at all. It is simply pushing paper.

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the point is the local government has to act on it. It is not ripe for adjudication until a decision is made or until they just sit on it for an unreasonable period of time. That is the way the bill is structured.

It is clear in the bill there has got to be a decision whether there has got to be unreasonable delay where they are just putting the application or the appeal aside and not considering it.

Mr. Chairman, I reserve the balance of my time.

Mr. WATT of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am not going to belabor this. I mean, it is quite obvious, if we read the United States Constitution, the fifth amendment says that the Government shall not deprive a person of life, liberty or property without due process of law. They are all on the same basis.

The statute that we operate under now puts them on the same basis. What this bill is all about is putting property rights and property disputes on a different basis than other constitutional rights.

Now, whether we like criminal defendants or not, they should not have a second-class status procedurally. Whether we like people who have been deprived of or about to be deprived of their life or liberty or have been deprived of their life or liberty should not be the determining factor of what process we use. And that is really what this is all about.

The proponents of this bill would like to selectively take some rights and elevate them above all other constitutional rights and give them a special privilege. And it should not go unnoticed to my colleagues that the rights that they want to elevate are the ones not having to do with personal liberties but those having to do with property.

This bill is about supporting the propertied interest in our country. And I do not have any problem with that. Believe me, I have nothing against people who have property. But their interests should not be elevated above the rights of other constitutional rights.

Mr. Chairman, I yield the balance of the time to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman, as I previously stated, I think this legislation is ill-advised because it assumes that the Federal judiciary knows better than State and local officials and judges when it comes to issues of local land use. I disagree.

Nevertheless, if we are going to give property owners the ability to "jump the line" into Federal court, it seems only fair that we should extend this same right to other section 1983 plaintiffs.

As a result, the Watt-Conyers amendment would allow all section 1983 plaintiffs bringing actions for constitutional violations to utilize the bill's provisions concerning ripeness and abstention—not just big corporations bringing actions.

As currently drafted, H.R. 2372 permits developers and polluters with taking claims against the government under section 1983 to avoid most State legal procedures, but ordinary citizens whose civil rights have been violated would be placed in a relative position of inferiority.

This turns the very purpose of section 1983 actions completely on its head. Section 1983 was adopted as part of the Civil Rights Act of 1871 in the wake of the Reconstruction amendments to the Constitution. Known as the "Ku Klux Klan Act," it was specifically designed to halt a wave of lynchings of African-Americans that had occurred under guise of state and local law.

The bill elevates real property rights over the very civil rights section 1983 was enacted to protect—civil rights such as the right to counsel, protected under the sixth amendment, the right to be free of "cruel and unusual punishment" under the eighth amendment, and the right to exercise one's parental rights. In cases involving these constitutional rights—and many others—Federal courts have abstained from deciding the constitutional claims brought under section 1983 and have sent these cases back to State court for adjudication.

To those Members who say this does not occur, I would like to quote the nonpartisan

Congressional Research Service which stated that "[a]bstention is indeed invoked by federal courts to dismiss or stay non-real-property-related section 1983 claims." CRS then goes on to cite a number of cases to support that point. Why will the majority refuse to acknowledge that Federal courts invoke the abstention doctrine against all section 1983 claims—not just those that involve takings of property?

The Watt-Conyers amendment would create an equal playing field for all claims brought under section 1983 and grant all of these plaintiffs expedited access to the Federal courts.

I urge the House to support this commonsense amendment.

□ 1530

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to encourage the Members of the House to reject the amendment that is offered by my colleague on the Committee on the Judiciary, the gentleman from North Carolina (Mr. WATT).

The amendment seeks to expand the scope of this bill in a way that is totally unjustified. The gentleman keeps reasserting that we are trying to elevate property rights above other rights, but that is just not so. That is just not so. This is one of those debates where there is a disconnect from reality.

I know the gentleman makes all his arguments in good faith but I just have to say that this is not accurate to claim that the bill would have that impact.

We are simply trying to treat property rights a little more fairly than they are treated under the current system, where the Federal courthouse door is shut and property owners are denied an opportunity to get into Federal court to vindicate their Federal constitutional rights when their property has been taken.

Remember, we are talking about extreme cases where there is a taking, because the local government makes a decision that deprives the landowner of any economically beneficial use of the property. That is the small category of cases that we are talking about.

In those cases, I submit that people should be able to get into Federal court to vindicate their Federal constitutional rights. I do not see why that is controversial. The gentleman's amendment would have the impact, which I know he does not intend, of bringing other rights down from the status they now enjoy and requiring that there be some exhaustion of administrative remedies in cases where there is no requirement of exhaustion of administrative remedies, under the cases that I have cited time and time again.

So I encourage the Members of the House to reject this unnecessary, unproductive, harmful amendment and move forward with focusing on the work that needs to be done through this legislation, which is ensuring that all Americans who have suffered the deprivation of a right through the taking of their property have meaningful access to the Federal courts.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. WATT).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. WATT of North Carolina. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 170, noes 251, not voting 13, as follows:

[Roll No. 52]

AYES—170

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Berkley
Berman
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Crowley
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Green (TX)
Gutierrez
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hoeffel
Holden
Holt
Hooley
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moakley
Moore
Moran (VA)
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stupak
Tauscher
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wynn

NOES—251

Aderholt
Archer
Armey
Baca
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonilla
Bono
Boswell
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Condit
Cooksey
Cox
Cramer
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Martinez
Mascara
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Mollohan
Moran (KS)
Morella
Murtha
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Pascrell
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Tiahrt
Toomey
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—13

Biggert
Blunt
Cook
Crane
Hinojosa
Hyde
Klink
McCollum
McKinney
Myrick
Rush
Stark
Whitfield

□ 1455

Messrs. BARRETT of Nebraska, BERRY, REGULA, and SHUSTER changed their vote from "aye" to "no."

Messrs. HOEFFEL, ROEMER, RODRIGUEZ, SHOWS, and FORBES changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 106–525.

AMENDMENT NO. 2 OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. TRAFICANT:

In section 5, after "the agency shall" insert ", not later than 14 days after the agency takes that action,".

The CHAIRMAN. Pursuant to House Resolution 441, the gentleman from Ohio (Mr. TRAFICANT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to first start out by commenting on the fine job that you are doing on this bill.

When this bill first came forward, I offered an amendment several years ago that the little guys do not have attorneys and accountants, and there may be an action that causes them to lose value in their property, but they would not even know about it. So the original Traficant amendment said, the government had to notify them when they have taken an action which may cause a devaluation of their property.

Having said that, this is a perfecting amendment. So the little guy, he does not have accountants and attorneys that might notify that this action taken by the government could hurt him, so the Traficant language says look, the government has to notify him. He may be hurt by this action.

□ 1600

But what this amendment does, it now sets a timetable. It says the Federal government shall notify that property owner within 14 days. It is very simple: Let that little guy know this action that was taken may hurt him, and, within 14 days, tell him about it and where he can go for information and compensation, if necessary.

Mr. CANADY of Florida. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Florida.

Mr. CANADY of Florida. Mr. Chairman, I thank the gentleman for yielding to me.

I am pleased to rise in support of the gentleman's amendment. I thank the gentleman for taking the initiative and offering the amendment. I encourage all the Members of the House to accept it.

Mr. TRAFICANT. Mr. Chairman, I reserve the balance of my time.

Mr. WATT of North Carolina. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from North Carolina (Mr. WATT) is recognized for 5 minutes in opposition to the amendment.

Mr. WATT of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I reluctantly have to oppose the gentleman's amendment. This bill is into micromanagement enough. We are micromanaging local governments, we are micromanaging State courts, and now we have gotten into micromanaging the time period within which the Federal government must do things.

I have no opposition to the Federal government having to notify a property owner after an adverse decision. That requirement I would presume is in the law now. But when we start imposing time limits such as this 14-day time limit, I think we are into micromanagement.

While I will not ask for a recorded vote on this, I cannot support it and would oppose it.

Mr. Chairman, I yield back the balance of my time.

Mr. TRAFICANT. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, I believe that is a reasonable argument, but remember that most of the corporations, most of the people that have money, they are notified immediately. Their lawyers and accountants say, hey, this could hurt.

That little guy does not have that option. That little guy needs that helping hand. I think it should be a 14-day requirement, and if in conference it is problematic, make it 30 days. But Mr. Chairman, we have some small business loan applicants waiting until they reach social security to make the decision. I want the people in my district to get a reasonable, timely notice.

The gentleman makes a good point and I respect it. If that 14 days is confining, they have my permission to make it 30 days, but I want a reasonable period of time for my little guy to be notified.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Would the gentleman entertain a friendly amendment to stretch the 14 days out to 30?' That would actually be a lot more reasonable.

PARLIAMENTARY INQUIRY

Mr. TRAFICANT. Parliamentary inquiry, Mr. Chairman. Would that be valid within the rules?

The CHAIRMAN. The gentleman may ask unanimous consent to modify his amendment.

MODIFICATION TO AMENDMENT NO. 2 OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I ask unanimous consent that my amendment be modified to, instead of a 14-day notification date, have a 30-day period.

The CHAIRMAN. The Clerk will report the amendment, as modified.

The Clerk read as follows:

Amendment No. 2, as modified, offered by Mr. TRAFICANT: In section 5, after "the agency shall" insert ", not later than 30 days after the agency takes that action,".

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment, as modified, was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 106–525.

AMENDMENT NO. 3 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. BOEHLERT

Mr. BOEHLERT. Mr. Chairman, I offer an amendment in the nature of a substitute made in order by the rule.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment No. 3 in the nature of a substitute offered by Mr. BOEHLERT:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Private Property Rights Implementation Act of 2000".

SEC. 2. UNITED STATES AS DEFENDANT.

Section 1346 of title 28, United States Code, is amended by adding at the end the following:

"(h)(1) Any claim brought under subsection (a) that is founded upon a property right or privilege secured by the Constitution, but was allegedly infringed or taken by the United States, shall be ripe for adjudication upon a final decision rendered by the United States, that causes actual and concrete injury to the party seeking redress.

"(2) For purposes of this subsection, a final decision exists if—

"(A) the United States makes a definitive decision regarding the extent of permissible uses on the property that has been allegedly infringed or taken; and

"(B) one meaningful application, as defined by the relevant department or agency, to use the property has been submitted but denied, and the party seeking redress has applied for but is denied one appeal or waiver, where the applicable law of the United States provides a mechanism for appeal to or waiver by an administrative agency.

The party seeking redress shall not be required to apply for an appeal or waiver described in subparagraph (B) if no such appeal or waiver is available or if such an appeal or waiver would be futile.".

SEC. 3. JURISDICTION OF COURT OF FEDERAL CLAIMS.

Section 1491(a) of title 28, United States Code, is amended by adding at the end the following:

"(3) Any claim brought under this subsection founded upon a property right or privilege secured by the Constitution, but allegedly infringed or taken by the United States, shall be ripe for adjudication upon a final decision rendered by the United States, that causes actual and concrete injury to the party seeking redress. For purposes of this paragraph, a final decision exists if—

"(A) the United States makes a definitive decision regarding the extent of permissible uses on the property that has been allegedly infringed or taken; and

"(B) one meaningful application, as defined by the relevant department or agency, to use the property has been submitted but denied, and the party seeking redress has applied for but is denied one appeal or waiver, where the applicable law of the United States provides a mechanism for appeal or waiver.

The party seeking redress shall not be required to apply for an appeal or waiver described in subparagraph (B) if no such appeal or waiver is available or if such an appeal or waiver would be futile.".

SEC. 4. EFFECTIVE DATE.

The amendments made by this Act shall apply to actions commenced on or after the 120th day after the date of the enactment of this Act.

The CHAIRMAN. Pursuant to House Resolution 441, the gentleman from New York (Mr. BOEHLERT) and a Member opposed each will control 30 minutes.

Mr. CANADY of Florida. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from Florida (Mr. CANADY) will be recognized for 30 minutes in opposition to the amendment.

Mr. BOEHLERT. Mr. Chairman, I ask unanimous consent that the gentleman from Massachusetts (Mr. DELAHUNT) be allocated 15 minutes of the total time allocated to me.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am offering this amendment in the nature of a substitute with the gentleman from Massachusetts (Mr. DELAHUNT) in an effort to remove the most glaring fault, one might almost say "sin", in this bill: its interference in local zoning processes.

Here is what the substitute would do. It would strike Section 2 of the bill, the section that deals with local zoning matters, and it would preserve Sections 3 and 4 of the bill, which deal with land disputes involving the Federal government. It would preserve those sections in the forms in which they came to the floor in 1997. Our substitute is identical to the one I offered at that time.

I have been hearing a few different arguments against the substitute, all of which are disingenuous. Let me deal with just one of them for now.

We are told that the substitute is unnecessary because Section 2 is simply an innocent attempt to ensure that local zoning cases move forward, a small and technical change that would be employed only in rare circumstances. That is what we are told.

I am afraid that the supporters of this bill are inviting us to enter an Alice-in-Wonderland world where words can mean anything they want them to mean. The actual fact is that Section 2 would fundamentally alter the balance of power in zoning cases. The top lobbyist for the National Association of Home Builders admitted as much when he told Congress Daily that the purpose of this bill is to put a hammer to the head of State and local officials. That is exactly what the bill would do.

The supporters of the bill have tried to obscure that fact. They have tried to sheathe the hammer, because they know the public would oppose any such pressure tactics. We know that from their own words.

For example, the National Association of Realtors signed a letter supporting H.R. 2372, but here is what they said in a separate press release that arrived in our office the very same day. The realtors said that a survey found that 95 percent, 95 percent of the public believed that "neighbors and local governments, not States or the Federal government, should make decisions concerning growth and related issues," and I agree with that.

But Section 2 of H.R. 2372 goes exactly in the opposite direction. It takes the unprecedented step of dictating local zoning procedures from Washington, short-circuiting those local processes in the bargain. It removes any incentive for developers to negotiate, taking growth issues out of the control of neighbors and local governments and handing them over to Federal judges who, exercising judicial restraint, do not want them.

The supporters of H.R. 2372 claimed these new rules will save time and money, but that, once again, gives away their hand. These new rules will save localities time and money only if they capitulate to the developers. If localities choose to fight to protect their citizens, then H.R. 2372 will make zoning cases even more prolonged and costly because Federal court litigation will be more time-consuming and costly than going to State courts.

That is why the groups that understand zoning so vociferously opposed H.R. 2372. That includes the National Association of Counties, the National League of Cities, the U.S. Conference of Mayors, the National Conference of State Legislatures, and the Association of Attorneys General.

The Boehlert-Delahunt amendment would eliminate the problem these groups have with the bill because it would leave local zoning intact. In short, the argument raised against the amendment simply cannot hold up, even under the most superficial scrutiny.

I urge all who oppose this bill to vote for the Boehlert-Delahunt amendment because it strikes the most problematic portion of the bill. I also urge those who have qualms about H.R. 2372 but still might intend to vote for final passage to also support the Boehlert-Delahunt amendment, because it will allay their concerns.

The Boehlert-Delahunt amendment simply ensures that this bill will improve Federal procedures, not wreck local ones. The amendment is supported by the League of Conservation Voters and the National League of Cities, and I urge its adoption.

Mr. Chairman, I reserve the balance of my time.

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I do rise in opposition to the substitute amendment offered by my friend, the gentleman from New York.

The substitute that the gentleman has offered would gut the bill. The change that the gentleman would make in the bill goes right to the heart of the bill and removes the provisions of the bill that are designed to deal with the real problem that was the motivation for introducing this bill.

He leaves in place some provisions of the bill that help clarify procedures at the Federal level, and I think those things, it is good to do that. But the real problem that the bill is trying to address has to do with abuse in the rules of the Federal court system which prevent landowners whose property has been taken at the local level from having meaningful access to the Federal courts.

The gentleman's amendment, as he has stated, would remove all the provisions that affect local land use decisions. We have to remember, the local land use decisions that would be affected by the bill are those local land use decisions that result in takings without compensation.

We have heard a lot about how this bill is going to affect every local zoning decision in the country. Members of the House, I hope Members can pierce through the rhetoric and understand that that is simply not true. There is no constitutional deprivation unless there is a taking in violation of the Constitution.

The court, the Supreme Court, has established a standard for such regulatory takings. What they have said, which is formulated I think most clearly and succinctly in the Lucas decision, which came down back in 1992, is that there is a regulatory taking when the local land use decision deprives the landowner of any economically beneficial use of his land.

So basically what we are talking about are decisions where they tell the landowner, you cannot do anything with your land that will be economically beneficial. I would suggest to the Members that is an extreme category of case.

There are some people who do not think that there should be constitutional protection against such governmental action. I think many of the people who are opposing this bill are people who simply do not agree with providing protection against that sort of extreme, overreaching land use decision. That is why they want to make it as difficult as they can for people to have a remedy for a violation of that right.

But the court has found that such a right exists. I think they are right. In those cases, all we are saying in this bill is that people should be able to have their day in Federal court. Why that is controversial or why that is something we should pause for one minute about here, I do not understand.

Make no mistake about it, if Members vote for this substitute, they are voting to destroy this bill. What is left will be a shell of what this bill was. So this is not a matter of just splitting the difference and voting for the substitute and then voting for the bill as a compromise. This would not amount to a compromise, it would amount to the destruction of the bill.

When we look at the substance of the objections to the bill that the sponsors of the substitute have raised, it seems to boil down to the claim that the bill would unfairly short-circuit the local zoning process.

I have explained why it only deals with a narrow category of cases, but consider what the bill says about the local zoning process and what the bill requires that property owners do before a case is ripe for adjudication in the Federal courts.

We do not tell a landowner, once you are rejected, you run right off to Federal court. That is what happens whenever people suffer any other kind of civil rights deprivation at the local level. Under Section 1983, they can go straight to Federal court without exhausting their State or administrative judicial remedies. But here in this bill we are saying, you are going to have to go through the administrative process. You are going to have to go through options that are available to you at the local level.

We say, you will have to appeal to the planning commission after you are denied. You have to then make an application for a waiver to the local zoning board. You have to seek review by the local elected governing board. But then at the end of that process after, you have gone through those steps, and in some cases you have to file a second application, after you have gone through all that, we are simply saying you should not have to go to State court to litigate the case there, but should be able to go to Federal court to have your Federal, and remember, it is a Federal constitutional right we are talking about here, should be able to go to Federal court to have a decision made regarding your Federal constitutional right.

□ 1615

One of the great ironies that has struck me in the course of the discussion over this issue is this, if a claim involving a taking is filed in State court, and the local government prefers for that case to be heard in Federal court, the local government has the right to have that case removed from State court to Federal court, and they do it.

That is a tactic that local governments will use to slow down the process, because once the case is going to State court, they will jump in and say let us move it to another forum. They have got the right to do that as a local government when the landowner does not have the right in the first place to go to Federal court.

Now, one would think that is so bizarre, that somebody might be making it up. If my colleagues have questions about that, I refer them to the case that was decided by the Supreme Court in 1997, the City of Chicago v. International College of Surgeons case.

That case says exactly what I have just explained, that a local government which has been sued in State court where a claim is raised, a Federal claim is raised of a Federal taking, has the right to go to the Federal district court and have that case removed from the State court to the Federal court.

Now, explain to me how it is fair that the local government can decide that the matter is going to be litigated in Federal court when the aggrieved property owner does not have the right to go to Federal court in the first place.

I suggest to my colleagues that is an absurd rule in the law of this land. It is a rule that this Congress should change by passing this bill. We will not change it if we adopt the amendment that is offered by the gentleman from New York (Mr. BOEHLERT).

As my colleagues consider this substitute amendment, let me urge them to consider a fundamental principle, which I have stated earlier in this debate, which I will state again, I will probably repeat before the debate is over, and that is people whose Federal constitutional rights are violated should have meaningful access to the Federal courts for the vindication of their Federal constitutional rights. If the Federal courts exist for any reason, it should be to protect Federal constitutional rights. Why that is controversial remains a mystery to me, and it will always remain a mystery to me.

I tell my colleagues I think it is because the local governments, and I used to represent local governments, and I respect them, and most of them make reasonable decisions in the vast majority of cases, but, occasionally, they will step over the proper bound and will violate someone's constitutional rights.

They have got a good deal under the existing system, because they can go to Federal court. They can take a case to Federal court if it is to their advantage, and they can keep it out of Federal court if it is to their advantage.

I think we should have a level playing field. It ought to be a two-way street. There is no reason there should be that kind of asymmetry in the system.

So I suggest that this amendment that is being offered be rejected and that we move forward to the passage of the bill so that we can correct the very real problem that exists in the administration of justice in this country.

Mr. Chairman, I reserve the balance of my time.

Mr. DELAHUNT. Mr. Chairman, I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I thank the gentleman from Massachusetts for yielding me this time.

Mr. Chairman, I think I have spent more time than anybody in this Chamber working with people around the country, in Florida, in Georgia, in the Northwest who are concerned about the livability of their community. That is my focus.

The notion that somehow that we are going to deal on these extreme takings cases, and that is what we need to focus on, misses the point entirely about the impact that this legislation would have.

The things that people care about in communities around the country are the impacts on small communities and a whole host of areas that are in a gray area, where it is not cut and dry.

I personally believe that, oftentimes, the decision making process is too uneven, is too political. That is why, State after State after State, is starting now to establish comprehensive land use planning processes from Tennessee, Oregon, Wisconsin. Georgia is now looking in metropolitan Atlanta because of the nightmare they have with sprawl and unplanned growth.

This legislation would undercut those efforts whenever people feel that they can have an opportunity to circumvent it. They do not have to perfect appeals.

The gentleman keeps talking about how they have to go through the process again and file applications. That is simply pushing paper. That is an application fee. It does not require an extensive effort.

If the gentleman reads the bill, he finds out there is a further exemption where, if people feel that the application or the reapplication or waiver would be futile, that they do not have to go through that process at all. That is absolutely the wrong approach to take.

The gentleman from New York (Mr. BOEHLERT), the author of this amendment, has pioneered a bipartisan effort to reach Superfund compromise. If we would have that same sort of spirit to deal with those few problems where there are legitimate issues about streamlining the process, come together, I think we could improve the process without going to the extremes of turning it around.

This turns it around. It places small and medium-sized jurisdictions at the mercy of people who will file these expensive appeals. It is going to back up the courts if they use it. It is not going to be any faster. It will, in fact, wear down. Remember the vast majority of jurisdictions in this country have fewer than a couple of thousand constituents.

I, in the past, have enjoyed working with the home builders trying to refine these efforts. They are doing a great job now I think of negotiating with the administration on Brownfield legislation.

We ought to take that approach, solve a problem rather than opening a floodgate, undercutting State and local efforts, and doing something that has no chance of being passed through this body and signed by the President, and is only going to inflame the opposition that people have to local efforts that do not support planned thoughtful growth.

Mr. BOEHLERT. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Chairman, I thank the gentleman from New York for yielding me this time.

Mr. Chairman, I want to compliment the gentleman from Florida (Mr. CANADY) on his attempt in the legislation to hold onto one of the foundations of this country, and that is the hallmark of private property rights.

But I want to make another suggestion on another hallmark of America and our freedom, and that is respect for one's neighbor, respect for the air one's neighbor breathes, the water he drinks, the dust around his property, the noise, the traffic, the odor, et cetera, et cetera, et cetera; that what one does on one's property does not adversely affect the quality of life for one's neighbor to use his property.

Now, there was also another fundamental in our democratic process which is embedded in the Constitution; and that is, if one's property is taken away for the public good, one is to be compensated at fair market value.

But now listen to this, what else is there in one's constitutional right in America? It is this. When one's property is regulated to prevent harm to one's neighbor from that dust or that odor or that inability to have a water management plant or storm water management plant or whatever, should one be compensated? The basic answer through our court system, through our legislation is no.

Let me give my colleagues two quick examples in my district. There was a 54-acre plot of land purchased for the purpose of bringing in out-of-State trash to be put on this land and then called a rubble fill. The local zoning board said, no, you cannot do it. It was appealed to the zoning appeals board. They said, no, you cannot do it. It was then taken to the State court; and the State court said, no, it will adversely affect your community for a number of reasons: Truck traffic, noise, dust, you name it.

The premise in this, and there was another example that I could use, almost the exact same thing with a sludge storage facility, to bring in out-of-State sludge to be stored on a 300-acre farm that only needed sludge, if they were going to use it, every third or fourth year. They were going to store thousands of tons of sludge. The zoning appeals board said no. The State court said no. They took it to Federal court.

If they could jump from the zoning appeals board to the Federal court, would the judge, in this case the judge lives in the community because it is a circuit court judge, would he have an understanding of the need for the neighbors in his community? I would say the answer is no. I say to my colleagues, support the Boehlert-Delahunt substitute.

Mr. CANADY of Florida. Mr. Chairman, may I inquire of the Chair concerning the amount of time remaining.

The CHAIRMAN. The gentleman from Florida (Mr. CANADY) has 21½ minutes remaining. The gentleman from New York (Mr. BOEHLERT) has 7½ minutes remaining. The gentleman from Massachusetts (Mr. DELAHUNT) has 12 minutes remaining.

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman from Maryland (Mr. GILCHREST) raised some interesting points, but I do not think they have anything to do with this bill because he was talking about land uses, where a local government makes a decision and they are not going to be approved. Those did not involve takings of the property.

We are talking about situations under this bill where there is a constitutional violation, a taking. If one has some doubt about it, look in the bill on page 4. The operative language is, any claim or action brought under section 42 U.S.C. 1983 to redress the deprivation of a property right or privilege secured by the Constitution.

That only comes up when the local government decides that they are going to impose a restriction that deprives the landowner of any beneficial economic use of the land.

Now, that is what we are dealing with here. I tell my colleagues I believe in local control. But I do not think that the neighbors in a community have the right to use the government to take someone else's property for the benefit of the community without paying for it. That is all we are saying here.

Mr. GILCHREST. Mr. Chairman, will the gentleman yield?

Mr. CANADY of Florida. I yield to the gentleman from Maryland.

Mr. GILCHREST. Mr. Chairman, I will say the rubble fill operator stood to make literally millions of dollars on the property, but it would have damage.

Mr. CANADY of Florida. Mr. Chairman, the important thing to understand, some people in the land use context do assert that they should have the right to the highest and best economic use of their property, but they do not, and they should not. Zoning has never permitted that. The Supreme Court does not provide for that. That is not the law of the land. It should not be the law of the land.

So what the gentleman from Maryland is talking about has nothing to do with the legal realities of what we are dealing with here. What we are talking about are those extreme cases where the government overreaches and denies all economically beneficial use of the land basically where they tell people they are going to turn their private property into a public preserve. That is not right.

Mr. Chairman, I yield 4 minutes to the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Mr. Chairman, I thank the gentleman from Florida for yielding me this time.

Mr. Chairman, let me be, perhaps, very clear about what this bill is not about so we do not get confused as we almost just did. It is not about zoning laws. Zoning laws under Federal court decisions are not takings. The reason they are not takings is all land owners benefit mutually from zoning laws. The government is not taking away one's value there. It is enhancing the general value of all properties zoned one way or another in that zoning condition.

We are not talking about nuisance laws. Nuisance laws are being held by the courts not to be takings.

We are talking about the kind of laws in which the general public benefits from, but a single landowner or class of landowners has to sacrifice his property for.

Dolan v. The City of Tigard is the best case on record. In that case, the City of Tigard, a local authority, tried to tell a landowner that we will only give you a building permit, which he was entitled to, if you give us some of your land for a green space and a running back.

Now, the court, after 10 years of litigation, finally held to that local authority, the Supreme Court rule did not have the right to take that man's and that woman's property in the course of giving them or not giving them a building permit without paying them just compensation. That was a taking.

This bill is all about making sure that wherever Federal civil rights violations of property takings occur, be they by Federal authorities or State authorities, that one has the right at least to go to Federal court and get one's Federal civil rights on property adjudicated.

I want to make that point again. The court in Dolan v. The City of Tigard made it very clear that the fifth amendment protection against government at any level taking your one's rights without paying one, that fifth amendment right is a civil right.

The court said it is no different, no distant relative to any other civil rights in the Bill of Rights, whether they be the right of free speech or the right of assembly or the right of religion.

The court in that decision said, in effect, that the right of Mr. Dolan and his wife to be protected against their own local government was not a local decision to be decided in State court. It was involving a civil right guaranteed under the Bill of Rights of our Constitution.

□ 1630

And the Supreme Court of our land finally settled it.

Now, why did it take 10 years? Because they had to go through this entire appeal process for all the court system. All the gentleman from Florida (Mr. CANADY) is doing is saying where this federally guaranteed right ought to be protected for the citizens of this land, they at least ought to have the Federal courts to go to to protect them. That is all this bill does.

When the right to go to Federal Court is taken away because it happens to be a State authority that took the property, or because it happens to be a local or county or parish authority that took that property, when that right is taken away to go to Federal Court, the landowner is condemned to 10 years of litigation.

There was another case in Texas that took 10 years, and it finally ended up in the court of claims and the government lost because they had taken the full value of a property owner's rights in a lot in a subdivision that they had declared a wetland. In that case the court begged Congress to do something about this. Nobody in our country ought to have to wait 10 years to go to court to get an answer as to whether or not the government took their property.

This bill is all about process. It is not about defining takings, it is not about saying when a taking occurs, it is not about saying what conditions under which a taking occurs are going to apply in the law of the land. It is simply about process. And if we deny people process to get their federally guaranteed civil rights adjudicated, we are denying them their rights. If it takes 10 years to get some court to finally tell a landowner that the government ought to pay the full value, not the value that is left over after the landowner has been regulated to death, then something is wrong in America.

This amendment ought to be defeated. This bill ought to be passed.

Mr. DELAHUNT. Mr. Chairman, I yield 2 minutes to the gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. Mr. Chairman, I thank the gentleman from Massachusetts (Mr. DELAHUNT) for yielding me this time, and I rise in favor of this amendment.

I rise in defense of the people of the 2nd District of Maine, and especially the loggers, the farmers, and the fishermen of Washington County. Unemployment there recently nudged above 10 percent. The traditional uses of land, the jobs they depend upon, and the families that need those paychecks are under fire. I have to take a stand on their behalf.

This amendment gets at the issue at heart, to be able to have a response to Federal action that is being taken in terms of listing. It gives the people of Washington County and the people of eastern Maine an opportunity for their day in court. They cannot afford to have expensive attorneys on retainers for long periods of time. This amendment allows them to have that process, to be expedited, to be able to be heard. It gets at exactly the issue before us: Federal action, Federal Court, expedited review.

Mr. Chairman, my constituents feel besieged by a Federal proposal to list as endangered Atlantic salmon in the rivers of the region. A listing would strain the economy which is based on natural resources. Moreover, the listing threat is unwarranted on the merits. It lacks sound science, and it fails to recognize strong state and local conservation efforts.

I have heard from people whose livelihoods depend on the land and water—from the working forests and blueberry barrens inland to the salmon pens along the coast. They are crying out for help, for a way to protect the natural environment while at the same time preserving jobs and a way of life.

I have heard them. I agree that the proposed listing is wrong and will unfairly hurt my constituents. Therefore, I have to use any tool at my disposal to send a message that this process is wrong.

I have focused on the provisions of H.R. 2372 that provide that any property right infringed by a Federal action would be ripe for adjudication upon a final decision by the Federal Government. This change would ensure that the people of downeast Maine would not be stuck in limbo by endless appeals but rather would have a straightforward process to seek redress.

The legislation being considered today is not perfect, and I will support attempts by my colleagues to make it better. I believe Mr. BOEHLERT'S amendment most succinctly addresses both my concerns and those of my constituents. He narrows the focus of the bill to the federal issues, and I will support him.

However, at the end of the day, I will support final passage of this legislation whatever its form. I believe this bill takes an important step in protecting the rights of my constituents.

Mr. BOEHLERT. Mr. Chairman, I yield 3 minutes to the gentleman from Iowa (Mr. GANSKE).

Mr. GANSKE. Mr. Chairman, I will vote against this bill if the Boehlert amendment fails.

How many times have my fellow Republicans stood on this floor and argued the benefits of local control? It seems to me that I have heard my fellow Republican colleagues argued forcefully for States' rights and local control when it concerns welfare reform, school vouchers, flexibility for crime prevention funding, and all sorts of things. Yet here we are today debating a bill that would take crucial power away from State and local governments, overwhelm the Federal judicial system with local land-use cases and possibly endanger public safety.

My fellow House conservatives, who are the champions of State power, would, in this bill, federalize countless quintessentially local cases. And for the life of me I cannot understand how the industries that support this bill think that this would benefit them.

First, they may very well find that they do not get speedier resolution of these disputes in Federal Court because the Federal courts are already clogged with drug cases. If my colleagues think the wait in Federal court is long now, just wait until local land-use cases are in Federal courts primarily.

I just met with the Federal judges in my State, in my district. They stressed how they are swamped with current jurisdiction. They do not want new jurisdiction. I urge every Member to meet with their own Federal judges.

Second, we just had a big debate in the Senate about how liberal some Federal jurisdictions are. Last year, I received a letter from an attorney in Iowa who works in the property rights area for home builders, who said there is no evidence that developers' claims would receive any more favorable hearing in Federal courts than in local jurisdictions.

This is borne out by the statement of Judge Frank Easterbrook of the 7th Circuit Court of appeals who said, "Federal courts are not boards of zoning appeals. This message, oft repeated, has not penetrated the consciousness of property owners who believe that Federal judges are more hospitable to their claims than are State judges. Why they should believe this, we haven't a clue." This seems to me like a pretty clear message that the Federal courts may not be all that sympathetic to developers.

And here is something else for my conservative colleagues to ponder. If this bill becomes law, it sets a precedent. What if in future years a liberal Congress decides that there will be no development of property outside of those areas already developed as determined by Federal law? Do we really want Federal Government primarily involved from the get-go in local land-use decisions? I certainly do not think so.

The base bill would encourage the belief that Federal courts ought to run local government. I urge my fellow conservatives to vote for the Boehlert amendment and vote against the base bill if it does not pass.

Mr. CANADY of Florida. Mr. Chairman, I yield 4 minutes to the gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Chairman, let me get this straight, my colleagues. The author of this amendment says that the underlying proposal, the underlying bill here, reminds him of Alice in Wonderland. Well, maybe he is familiar with a version of Alice in Wonderland from upstate New York; but it sure is not the version of Alice in Wonderland that we are familiar with down in Georgia. As a matter of fact, his amendment is as much like the looking glass in Alice in Wonderland as the looking glass was.

Let us look at what the gentleman who is proposing this gutting amendment is really saying. This is his amendment. It says: "Strike all after the enacting clause." Strike it. Wipe it out. All of its guarantees, all of its process, all of its substance. Strike it out. And then let us replace it with something that he calls the Private Property Rights Implementation Act of 2000. He very generously steals the title of the gentleman from Florida (Mr. CANADY), but that is the last similarity between these two pieces of paper.

He is saying that the only property rights that individuals will have for a reasonable, expedited, fair appeal to Federal Court, to assert a Federal guaranteed right, is if the Federal Government is coming in and taking property, as if it does not matter, in this Alice in Wonderland world of his, that some other government authority is coming in and snatching the property away. That is okay in his Alice in Wonderland world. Only can an individual assert their right in a reasonably, fair, and expedited manner so that it makes sense if it is the Federal Government coming in.

That is wrong. That is as if the gentleman were saying let us implement rights regarding the first amendment or the fourth amendment, and then we look and see what the gentleman from New York is saying, and he is saying an individual can go into Federal court only if it is the Federal Government taking away the right to free speech, or the right to free assembly, or the right to due process, or the right to equal protection, or the right to counsel, or the right to confront witnesses.

It makes no more sense to apply that limited, unreasonable, and unfair standard to property rights than it would to apply the standard embodied in this amendment, this gutting amendment, to private property rights.

The proposal that we are debating today, the underlying bill offered by the gentleman from Florida, the distinguished chairman of the Subcommittee on the Constitution, and which has been already passed by this body by a very large majority, stands for fundamental equal protection, due process, fairness, and expedited review of a Federal right in Federal Court. The amendment proposed by the gentleman from New York, that he erroneously characterizes as legitimate and fair implementation of rights, guts our constitution.

I would urge all of my colleagues to sift through the rhetoric, the cloud, the sky-is-falling rhetoric, defeat this amendment which guts the bill, and stand on this floor and use their voting cards to say that if an individual's property is taken, that they have a right to assert that in the form of their choosing, not the form chosen by the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, I yield myself 30 seconds.

The language in the substitute only guts the bill if the goal is to undermine local government. The language in the substitute is identical to the way sections 3 and 4 were presented to this House less than 3 years ago, language that was written, as they themselves admit, by the National Association of Home Builders. It is hard to understand why they would claim their own language was meaningless.

And as for striking all after the enacting clause, that is what all substitutes do under all circumstances.

Mr. DELAHUNT. Mr. Chairman, I yield myself such time as I may consume.

I am pleased to join with the gentleman from New York in offering this amendment in the nature of a substitute. Specifically, the substitute would eliminate those portions of the bill that confer upon large developers, and let us be candid, that is what we are really talking about here, large developers, the right to go directly to Federal Court to resolve purely local land disputes that have always, always, been handled at the State and local level.

Land use is, as the gentleman from Iowa said, quintessentially a local issue, a local matter; and it has been under local and State control since the beginning of the Republic. I think I heard a quote from one of the previous speakers that quoted a particular conservative Federal judge saying Federal courts are not boards of zoning appeals. Let us not denigrate them.

The bill before us would allow developers to bypass local zoning boards, local health departments, and local courts in their efforts to win at all cost. It would do so by sweeping aside long-established judicial and constitutional principles that require Federal courts to give State and local authorities the opportunity to decide such local matters for themselves.

The question was raised, why is this so controversial, because it enforces a right? It is controversial because it sweeps away two fundamental principles of our American jurisprudence: the abstention doctrine and the issue of rightness. That is why it is controversial. Because it absolutely impacts everything that we have embraced to this point in time since the beginning of the Republic as far as our jurisprudence is concerned.

The bill would inevitably result in lower environmental health and safety standards as local authorities seek to avoid exposure to costly lawsuits. By federalizing literally thousands of these cases, the bill would encourage developers to sue rather than negotiate with local officials and neighboring landowners. The resulting litigation would impose huge costs on local governments that, candidly, they cannot afford.

Let us remember, Mr. Chairman, that 97 percent of the cities and towns in America have populations under 10,000; 52 percent have populations under 1,000. Virtually without exception these small communities are forced to hire outside expensive legal counsel each time they are sued, imposing large and unanticipated costs on municipal budgets. Even then these communities are no match for corporate giants and large developers.

If the bill is allowed to go through without this amendment, we will be giving enormous leverage to developers and denying ordinary citizens and their elected representatives effective access to the courts.

□ 1645

That is what this underlying bill would do. And that is why it is opposed by a variety of groups that have already been enumerated: the National League of cities, they are concerned about the local State/Federal relationship and that is why they oppose it; the National Association of Towns and

Townships; the National Association of Counties; the National Conference of State Legislatures; the U.S. Conference of Mayors, all of whom are concerned about the core principle at stake here, which is the principle of federalism; the Conference of State Chief Justices; the Judicial Conference representing the Federal judiciary, because they are aware of fact that they cannot handle an increased backlog that this proposal, this underlying bill, would clearly generate.

The AFL-CIO is opposed to this bill because, in committee, the majority would have denied an exemption to the bill which would have allowed cases involving public health and public safety being exempted; and that is the reason that organized labor is opposed to this bill.

Apart from its effects on local communities, the bill, as I indicated, would overwhelm Federal courts that are already staggering under the burden of their existing caseloads.

Now, one might suppose that such a proposal as this was generated by those who favor a larger role in the Federal Government, but that is not the case. The authors of the bill are the very individuals whom The Washington Post referred to yesterday morning as "self-proclaimed champions of State power."

One might suppose that this proposal was generated by those who advocate a larger role for the Federal judiciary. But again, that is not the case. The proponents and authors of the bill are the very individuals who regularly come to the well of this House and rail against judicial activism by unelected Federal judges.

Only last Congress, they were on the floor attempting to pass a measure that was called the Judicial Reform Act, which would have prohibited Federal judges from ordering a State or local government to obey environmental protection, civil rights, or other laws if doing so would cost them any money.

The gentleman from New York will remember that measure because it was an amendment which we offered together that brought about its much deserved defeat.

What that bill attempted to do was to strip the Federal courts of jurisdiction or violations of Federal law that were indisputably within their proper sphere of authority.

What this bill attempts to do is to transfer to those very courts jurisdiction over violations of State and local laws that have never been within the scope of their authority. Well, so much for federalism. So much for local control.

So, Mr. Chairman, if my colleagues are concerned about unfunded mandates because it would impose additional costs upon local governments, vote for this substitute. If they are concerned about limited government and local control, vote for the substitute. If my colleagues are concerned about judicial intervention by unelected judges, vote for the substitute.

So, for all these reasons, I urge my colleagues to support the substitute and oppose this reckless and irresponsible bill.

Mr. Chairman, I reserve the balance of my time.

Mr. CANADY of Florida. Mr. Chairman, may I inquire of the Chair concerning the amount of time remaining?

The CHAIRMAN. The gentleman from Florida (Mr. CANADY) has 12 minutes remaining. The gentleman from New York (Mr. BOEHLERT) has 4 minutes remaining. The gentleman from Massachusetts (Mr. DELAHUNT) has 3½ minutes remaining.

Mr. CANADY of Florida. Mr. Chairman, I yield 3½ minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Chairman, I rise to express my strong opposition to the Boehlert amendment and urge my colleagues to oppose any efforts to delete provisions which provide access to the Federal courts for property owners pursuing takings claims against local governments.

Currently, property owners do not have the option of directly pursuing a fifth amendment claim in Federal court. They must exhaust all possible State and local administrative remedies first, which is an expensive and time consuming process that may leave owners in administrative limbo for years. On average, it takes 8 to 10 years for property owners to get a hearing on facts of their cases. That is just not right.

I am a strong advocate of the traditional and historic rights and responsibilities of State and local governments. I support the position that decisions affecting local communities are best made at the local level. However, individual private property owners seem to have no recourse in land-use disputes currently. Federal involvement is outlined in H.R. 2372 and constitutionally is needed to protect their rights.

I want to make sure individual property owners are heard regardless of whether there disagreement is with local, State or Federal governments. The Boehlert amendment would gut significant protections when the taking was made by State and local governments.

The base bill should be left intact to remedy this situation by defining issue when a government's agency decision is final so that owners do not encounter an infinite cycle of appeals. The bill does not change the way local, State, or Federal agencies resolve disputes with property owners.

H.R. 2372 is not targeted at local government, nor does it take away control of local zoning decisions from local officials. If anything, it is targeted at Federal courts for wasting time and money by delaying consideration of these very important cases.

By simply providing clearer language for Federal courts on when a final agency action has taken place, the courts have no reason not to hear the case on its merits.

Furthermore, H.R. 2372 does not permit Federal courts to get involved in the land use decision-making process, nor does it change the way agencies resolve disputes. Property owners can get into Federal court only after local government has reached a final decision. A final decision is reached only after the property owner makes a series of applications and appeals through the local planning and zoning process.

The legislation requires a property owner to pursue only Federal constitutional issues in Federal court, a function our Federal court system has always performed.

H.R. 2372 does not give the Federal judiciary any more or less power than it currently has. The Federal contract now has and always has had the responsibility to review the constitutionality of actions taken by all levels of government.

Property owners do not want centralized authority over land-use decisions. Indeed, that is more often the position of those opposed to property rights legislation. H.R. 2372 neither defines for a court when an unconstitutional taking has occurred, nor does it weaken any environmental statute.

While I have a great deal of respect for the advocates of the substitute, the Boehlert amendment is far more sweeping and has a far greater effect than acknowledged by its sponsors.

This amendment would not only render the bill useless but also set back property rights protections for the current already challenged status. This amendment protects the rights of the bureaucracy over the rights of the individual. This reform is simply about fairness.

For the sake of property owners, I hope H.R. 2372 will become law. I urge my colleagues to oppose the Boehlert amendment, pass H.R. 2372 ensuring meaningful access to Federal courts for Americans whose Federal constitutional rights may have been violated.

Mr. BOEHLERT. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Delaware (Mr. CASTLE), the former governor of Delaware.

Mr. CASTLE. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I do support the Boehlert-Delahunt amendment to this. I support it in its own right. I support it if it guts the bill. I support it under any conditions because I oppose the bill quite simply.

I find this amazing. Maybe the Democrats want to watch the NCAA for a couple of minutes while I talk, because I think I am aiming this mostly at Republicans until I heard the gentleman from Texas (Mr. STENHOLM). And that is that we are essentially mainstreaming this whole issue of land usage if there is any indication of a taking whatsoever to the Federal courts.

Now, we are the party that has complained about lawyers. We are the party that has complained about courts. We are the party that has complained about Federal courts.

I do not know what it is like in every other State in the United States of America, but in the State of Delaware, and I think this is probably true of almost all of our States, we have a lot of processes for handling local land-use issues. And there is a good reason for that.

These are the people who know what to do with it. It is why they are so opposed to this legislation. They have handled it before. The elected officials there, the appointed officials there have hearings. They have expertise, they have knowledge, they have technical ability to be able to handle the matters which come before them with respect to large land-use planning, zoning decisions, and dealing with land in general.

Our constituents, our neighbors have a right to be heard. Are they going to be heard by the Federal court judges who could care less about this issue, who do not want anything to do with this issue, who probably do not have a background in this issue, or do they want to be heard by people like us, their fellow elected officials and the other local people who are there? The answer is simple. They would prefer to have it done at the local level.

What we have in place now at the local level with appeals to the State courts and then to the Federal court if indeed some of these violations take place is exactly what it should be.

Let me just say this: Just the mere threat of going to the Federal court at some point by a large developer or by a large landowner is probably going to be enough in many cases to upset the apple cart altogether, and that too would be wrong.

So it is for all these reasons that all this opposition exists. I hope all of us will listen to that. Vote for the Boehlert-Delahunt amendment and do not vote for this legislation.

Mr. CANADY of Florida. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I would correct the gentleman that we are the party that is against liberal lawyers. We are the party against the socialists that want to take our property. We are against the people that deny our rights to fight for our private property.

I would tell the gentleman from Iowa (Mr. GANSKE) that he has got people in Iowa, he is a doctor, maybe he works out of a little brick house, but he wants to give his farmers the right to take it to a Federal Government if some rat at a local government overrides their rights. That is all we are asking for is to take it to the Federal level.

I would say to the gentleman who offered the amendment, they got milk, they got religion, the California Desert Plan, the California Central Valley Water Project. All of these were Federal intervention, not local control. We had eight farmhouses that burned to the ground because they could not disk around their property. We wanted local control.

This gives the private property owner the right and the ability to take it to the Federal Government when local overrides their civil rights.

I oppose this amendment and support the bill strongly. This is California. Look at what is controlled.

Mr. DELAHUNT. Mr. Chairman, I yield 30 seconds to the gentleman from North Carolina (Mr. WATT), the ranking member of the Subcommittee on the Constitution.

Mr. WATT of North Carolina. Mr. Chairman, I rise in hardy support of the Boehlert-Delahunt substitute. This may be the most direct vote we have taken in this Congress on State rights and local rights and this whole issue.

What this amendment does is it strikes out all of the references to local decisions and makes this about Federal decisions. Those are the decisions that ought to be in Federal court. The people who support States' rights ought to be thinking about it in that way.

Mr. DELAHUNT. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. CONYERS), the ranking member of the Committee on the Judiciary.

Mr. CONYERS. Mr. Chairman, I want to commend my colleagues on both sides of the aisle for this substitute, particularly the gentleman from New York (Mr. BOEHLERT) and the gentleman from Massachusetts (Mr. DELAHUNT).

H.R. 2372 would radically unbalance the playing field between local governments and large landowners. It allows big developers to threaten local governments with expensive litigation in federal court if the localities do not approve their plans.

For example, a large developer may apply for a permit to build 800 homes on a parcel of land. A zoning official may deny that request, and a zoning board may as well. Under the bill, if that zoning board is elected, the matter is then ripe for Federal district court. The costs of litigating this issue in Federal court would overwhelm—if not bankrupt—many small towns and counties.

Ninety-seven percent of the cities and towns in America have populations under 10,000. Virtually without exception, these towns have no full time legal staff. As a result, these small communities are forced to hire outside legal counsel each time they are sued—imposing large and unexpected burdens on small governmental budgets.

The bottom line is that these localities can't afford a Federal court battle, so under H.R. 2372, they would be pressured into approving plans that are not in the interests of the entire community.

The bill also undermines the ability of locally elected officials to protect public health and safety, safeguard the environment, and support the property values of all the residents of the community. Because a large developer can threaten a local community with Federal court litigation, local officials may be forced into the position of either having to approve their projects or face daunting legal expenses. Developers would have less incentive to resolve their disputes with neighbors or negotiate for a reasonable out-of-court settlement. The costs of defending unjustified federal takings litigation would threaten local community fire, police, and environmental protection services.

The substitute offered by Representatives BOEHLERT and DELAHUNT would remedy this glaring problem with the bill. By limiting the bill's scope to Federal takings, only, the substitute protects the independent decision-making of local officials. We want our local communities to make their decisions of the merits—not based on whether they can afford to fight a lawsuit in Federal court.

It is ironic, indeed, that the majority purports to respect "States' rights" yet supports legislation that would undermine local decision-making and authority in an area traditionally left to local control.

The substitute also eliminates H.R. 2372's onerous and over-burdensome requirement that a Federal agency give notice to the owners of private property whenever an agency's action may "affect" the use of that property. The Department of Justice has stated that this mandate could apply to countless Federal programs and regulatory actions that prohibit illegal activity or control potentially harmful conduct.

For example, a Federal prohibition on flying an unsafe airplane "limits" the use of the plane. Emission controls for a hazardous waste incinerator "limit" the use of the incinerator, and so on. It is also unclear how property owners could be identified—let alone notified—in cases where Federal action affects large numbers of people. The Federal Government would need to keep a "Big Brother" data base of property owners—just to comply with this portion of H.R. 2372. The substitute wisely eliminates this unwieldy requirement.

I urge my colleagues to vote "yes" on the Boehlert-Delahunt substitute.

Mr. BOEHLERT. Mr. Chairman, I yield 15 seconds to the gentleman from Iowa (Mr. GANSKE) to respond to the comments of the gentleman from California (Mr. CUNNINGHAM).

Mr. GANSKE. Mr. Chairman, I would respond to my colleague from California by noting that, if somebody wants to put a huge hog lot operation in some place in some county in Iowa, those local inhabitants want to be able to take this issue to State court first.

The CHAIRMAN. The gentleman from Florida (Mr. CANADY) has 7½ minutes remaining.

□ 1700

Mr. CANADY of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, I rise in opposition to this Boehlert amendment. I have the greatest respect for both of the sponsors of this amendment; but as my friend from Texas said, I believe this effectively guts the underlying bill. Indeed, I think that is its intent.

The fifth amendment of the Constitution prohibits the Government from taking private property without just compensation. This prohibition is applicable to local governments, of course, as all of us know through the 14th amendment.

I think that many of us are in agreement that a problem exists in the way that takings cases are adjudicated.

Let me say that for the most part I have opposed the efforts on the other side of the aisle to gut environmental protections. I support substantively those provisions in local, State and Federal law. However, it now takes on average 10 years for the average takings case to be heard. Because of this delay, an unbelievable 80 percent of the cases are never heard on their merits.

Robert Kennedy was quoted, and others have been as well, that justice delayed is justice denied.

I believe that with takings cases, it is clear that justice is being delayed and denied. Therefore, I suggest to my colleagues this is not about States' rights or Federal rights. This is not about liberals or conservatives. This is about whether in the United States of America when an individual feels aggrieved by their government at whatever level that government happens to be, that they have an opportunity for relief and redress; that they can appeal in a timely fashion to have the government's actions adjudged by an independent judiciary.

Now, because this is a constitutional right, it seems to me right and proper that they have access in a timely way to their Federal judiciary. Therefore, although I am in disagreement with most of my friends on this issue, which I perceive to be a process issue, an issue of not denying interminably the ability of Americans to seek redress in the courts, not a substantive issue as to the underlying environmental protections, which I support; but I very strongly support this bill on the process grounds that government ought not to, by constant and interminable delay, deny to any citizen, no matter how poor or how rich, the right to have their rights adjudicated in the courts of this land.

Therefore, I rise in opposition to my friend's amendment and in strong support of the underlying bill, and I thank the gentleman from Florida (Mr. CANADY) for yielding the time.

Mr. BOEHLERT. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I just would like to reiterate that it is a myth that it takes 10 years to resolve takings disputes. The National Association of Home Builders manufactured this total misleading fact by using only 14 Federal appellate cases over a 9-year period. So that is absolutely wrong, as also is that 83 percent figure. That involved only 33 cases, 29 of which were dismissed by the Court because the claimants' lawyer refused to follow State procedures for seeking compensation before going to the Federal court. That is the myth. This is a reality.

Mr. CANADY of Florida. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. POMBO).

Mr. POMBO. Mr. Chairman, I thank the gentleman from Florida (Mr. CANADY) for yielding me this time.

Mr. Chairman, it is not a myth. It is a reality. What this bill is all about is protecting the constitutionally guaranteed rights of the individual and that is what we are trying to do.

I was trying to follow along with this debate, and I ran across a letter that was sent out by a large fund-raising organization that masquerades as an environmental group known as the Sierra Club.

One of the things that they point out in their letter is that a recent poll determined, so now that they have everybody's attention, that it would allow industry and developers to bypass local public health and land protections. It goes on to talk about waste dumps, incinerators, urban sprawl. It sounds very much like the argument for this amendment and against the bill.

The truth of the matter is, there is nothing in this bill that in any way takes over local land-use control. That is just a scare tactic that they are trying to throw up that has nothing to do with this bill. What this bill is about is protecting the individuals' constitutionally guaranteed private property rights, and that is what scares the hell out of the proponents of this amendment.

Mr. BOEHLERT. Mr. Chairman, would the gentleman from Massachusetts (Mr. DELAHUNT) yield the time he has remaining to me?

Mr. DELAHUNT. Mr. Chairman, I yield the remaining time to the gentleman from New York (Mr. BOEHLERT).

The CHAIRMAN. The gentleman from New York (Mr. BOEHLERT) now controls 4 minutes.

Mr. BOEHLERT. Mr. Chairman, the gentleman from New York yields 1½ minutes to the distinguished gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, sometimes local zoning decisions reduce the value of property and sometimes local zoning decisions increase the value of property. Sometimes it is perceived as a takings. Sometimes it is perceived as a givings. Property owners take certain risks.

I agree with editorial criticism that points out this bill undermines the ability of literally every single community in the United States to control its own development at a time when traffic congestion, sprawl, open space, the availability and quality of drinking water, and other land-use issues are taking on increased visibility and importance.

I believe in local control of education. I believe in local control of zoning. That is why I support the Boehlert amendment, because it narrows this bad bill.

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. BOYD).

Mr. BOYD. Mr. Chairman, I thank my friend, the gentleman from Florida (Mr. CANADY), for yielding me this time.

Mr. Chairman, I stand in opposition to the Boehlert substitute to H.R. 2372. The substitute strips the bill of its primary purpose, that is, ensuring that property owners can have their fair day in court.

Today, property owners seeking just compensation for their takings claims face endless rounds of expensive, administrative, and judicial appeals. Certainly, local land-use decisions should be handled at the local level; but when those decisions infringe upon federally-constitutionally guaranteed rights, or when agencies leave land-use claims in regulatory limbo, property owners should be able to expeditiously defend their rights in Federal court.

H.R. 2372 does not give Federal courts new authority over questions that should be handled in State courts. It simply provides a procedural method to ensure a decision is reached on the facts of the case without spending 10 years in litigation to get there.

The Boehlert substitute on the other hand would codify the status quo. Even worse, the substitute establishes a dangerous precedent of requiring Federal courts to handle the same constitutional claim differently depending upon who the defendant is.

I hope my colleagues will defeat the Boehlert substitute and pass a bill that opens the courthouse door to property owners seeking protection of their fifth amendment rights.

The CHAIRMAN. The Chair would advise that the gentleman from New York (Mr. BOEHLERT) has 3 minutes remaining, and the gentleman from Florida (Mr. CANADY) has 1½ minutes and the right to close.

Mr. BOEHLERT. Mr. Chairman. I yield myself such time as I may consume.

Mr. Chairman, the supporters of this bill keep claiming that the bill is different this year, but those differences are more apparent than real and some of them change the bill for the worse. None of the language about appeals at the local level means anything, because the threat of Federal courts will still loom behind them. The appeal process will not encourage a developer to negotiate, as current rules do, because the developer will know that he can just bide his time and then threaten to take the municipality to Federal court.

Under the bill, the developer can simply submit the exact same proposal three times, remain intransigent, evade all the existing local and State forums, and threaten to go to Federal court.

I urge my colleagues not to be fooled by the procedural scaffolding that has been added to hide the real intent and impact of this bill.

There is a fundamental principle guiding our actions, and that fundamental principle is simply this: local zoning matters should be the purview of local government. That is why so many organizations oppose H.R. 2372 and stand with me; religious groups, United States Catholic Conference, the National Council of Churches of Christ, Evangelicals for Social Action, Religious Action Center of Reformed Judaism; environmental groups, including the League of Conservation Voters, which is the amalgam of all the environmental organizations. Incidentally, on fund-raising the Sierra Club is pikers compared to the National Association of Home Builders. State and local governments, the National Conference of State Legislatures, the National League of Cities, the National Association of Counties. It goes on and on. The Judicial Conference of the United States, chaired by Chief Justice William Rehnquist; the Conference of State Chief Justices; the American Federation of State, County and Municipal Employees; AFL–CIO; religious organizations, court organizations, labor organizations, environmental groups, State and local governments, because they share an abiding faith in the fundamental principle that local zoning matters should be the purview of local governments. People who are living in the neighborhood, people whose daily lives are impacted by these decisions, not some distant people far off, removed in the Nation's capital but people right in the neighborhood.

The fact of the matter is, if this bill passes, intimidation will be the rule of the day and town after town, municipality after municipality will capitulate because they cannot face the prospect of lengthy, costly litigation in some far, distant court. They want to decide for themselves at the local level, and we want to help them preserve this sacred fundamental principle.

I urge my colleagues to support the Boehlert-Delahunt amendment and to oppose the final bill if that Boehlert-Delahunt amendment does not get the necessary majority vote.

Mr. CANADY of Florida. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I urge the Members of the House to reject this amendment which would gut the bill. Let me point out, again, that this bill is not about local zoning decisions that reduce the value of property. This is about local zoning decisions that destroy the value of property; local zoning decisions that tell the owner of the property that that owner is deprived of any viable, beneficial economic use of the land.

This bill is about giving access to the Federal courts of this land to Americans whose property has been taken by regulatory action in violation of the Constitution of the United States.

The glory of this country is that we have a constitution. The glory of this country is that we protect the rights of the people of this country. We have a 14th amendment.

In the days after the Civil War, that 14th amendment was enacted to ensure that we had uniform protection for certain basic rights across the land that did not exist before the 14th amendment was passed. That is what we are talking about here today, giving reality to the promise of the 14th amendment, ensuring that all Americans will have access to the Federal courts to protect their Federal constitutional rights. That should not be controversial. That is not trumping any right that should not be trumped.

The Constitution should be honored here. We should recognize that the Constitution requires that we give meaningful access to the courts; and if we wish to see that constitutional rights are respected, as they should be, we will reject the amendment offered by the gentleman from New York (Mr. BOEHLERT) and move forward to the passage of this bill which will open up the courthouse doors to those who have suffered a deprivation of their constitutional rights.

Mrs. BIGGERT. Mr. Chairman, I rise today in support of the Boehlert amendment, and in opposition to H.R. 2372.

I am a strong supporter of private property rights, but I believe local land-use decisions are exactly that—local. In disputes regarding local zoning rules, the Federal court should not be the court of first resort, but rather the court of last resort.

Local zoning boards and planning commissions are rightfully responsible for regulating local land use, and have been for centuries. They balance the interests of property owners with community values, local circumstances, and the interests of neighboring property owners.

As a former local plan commission chairman, I know that negotiation is key to finding just the right balance. But this bill eliminates any incentive for negotiation at the local level, tipping the scale against budget-strapped localities.

It also removes accountability. Local zoning boards and planning commissions are accountable to locally elected officials and, ultimately, local residents.

Can a Federal judge make the same claim? I don't believe so.

Federal land use decisions that involve the taking of private property appropriately fall under the purview of the Federal Government and the Federal courts. In disputes regarding the Federal taking of private property, the Federal court should be the court of first resort. The Boehlert amendment recognizes this principle, and preserves bill language giving property owners expedited access to federal courts.

In its current form, this bill usurps state and local authority, and threatens our system of federalism. The Boehlert amendment corrects this situation and strengthens private property rights, and I would urge my colleagues to support it.

Mr. CANADY of Florida. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from New York (Mr. BOEHLERT).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BOEHLERT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 179, noes 234, not voting 21, as follows:

[Roll No. 53]

AYES—179

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (WI)
Bass
Bateman
Bereuter
Bilbray
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clyburn
Conyers
Cooksey
Costello
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Ehlers
Engel
Eshoo
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frelinghuysen
Ganske
Gejdenson
Gephardt
Gilchrest
Gilman
Goss
Greenwood
Gutierrez
Hall (OH)
Hinchey
Hoeffel
Holt
Horn
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kleczka
Kucinich
LaFalce
Lantos
Larson
Lazio
Leach
Lee
Levin
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Oberstar
Obey
Olver

Owens
Pallone
Pastor
Payne
Pelosi
Pomeroy
Porter
Portman
Price (NC)
Ramstad
Rangel
Regula
Reyes
Rivers
Rodriguez
Roemer
Roukema
Roybal-Allard
Sabo
Sanders
Sawyer
Saxton
Schakowsky
Serrano
Shaw
Shays
Sherman
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Stabenow
Strickland
Stupak
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weiner
Weldon (PA)
Wexler
Weygand
Wise
Wolf
Woolsey
Wynn
Young (FL)

NOES—234

Aderholt
Baca
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Becerra
Bentsen
Berkley
Berry
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Boswell
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Chabot
Chambliss
Clement
Coble
Coburn
Collins
Combest
Condit
Cox
Cramer
Crowley
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frost
Gallegly
Gekas
Gibbons
Gillmor
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Green (TX)
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hobson
Hoekstra
Holden
Hooley
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Isakson
Istook
Jefferson
Jenkins
John
Johnson, Sam
Jones (NC)
Kind (WI)
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Lampson
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Martinez
Mascara
McCarthy (NY)
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Mica
Moran (KS)
Murtha
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Pascrell
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pryce (OH)
Quinn
Radanovich
Rahall
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sandlin
Sanford
Scarborough
Schaffer
Scott
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (TX)
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Vitter
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
Wicker
Wilson
Wu
Young (AK)

NOT VOTING—21

Archer
Armey
Berman
Biggert
Chenoweth-Hage
Cook
Crane
Hastings (FL)
Hinojosa
Hyde
Kasich
Klink
Lewis (GA)
McCollum
Miller, Gary
Myrick
Rush
Skelton
Stark
Vento
Whitfield

☐ 1740

Messrs. LEWIS of California, ORTIZ, SPRATT, BACHUS, DICKEY, CANNON, HILLIARD, and BECERRA changed their vote from "aye" to "no."

Mr. BILBRAY changed his vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HASTINGS of Washington) having assumed the chair, Mr. LATOURETTE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2372) to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the United States Constitution, have been deprived by final actions of Federal agencies, or other government officials or entities acting under color of State law; to prevent Federal courts from abstaining from exercising Federal jurisdiction in actions where no State law claim is alleged; to permit certification of unsettled State law questions that are essential to resolving Federal claims arising under the Constitution; and to clarify when government action is sufficiently final to ripen certain Federal claims arising under the Constitution, pursuant to House Resolution 441, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. CONYERS. Yes, I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. CONYERS moves to recommit the bill H.R. 2372 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:
>
> Add at the end the following:
>
> **SEC. . LIMITATIONS ON APPLICATION.**
>
> This Act and the amendments made by this Act do not apply with respect to claims against a municipality, county, or similar unit of local government arising out of an action in that municipality, county, or unit—
>
> (1) to protect the public from prostitution or illegal drugs;
>
> (2) to control adult book stores and the distribution of pornography;
>
> (3) to protect against illegal ground water contamination, the operation of an illegal waste dump, or similar environmental degradation; or
>
> (4) that is a voter initiative or referendum to control development that threatens to overburden community resources.

Mr. CONYERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes on his motion to recommit.

Mr. CONYERS. Mr. Speaker, my motion to recommit would narrow the bill so that it does not interfere with the actions by local governments of certain specific actions; namely, four:

One, this bill should not interfere with the actions by local governments to protect the public from prostitution and illegal drugs.

Two, we should not interfere with actions by local governments to control adult bookstores and the distribution of pornography.

☐ 1745

Three, we should not interfere with the actions of local governments to protect against illegal groundwater contamination or the operation of an illegal waste dump.

Nor, four, should we interfere with local governments that try to prevent actions that arise from a voter initiative or a referendum to limit out of control development. We want to prevent local governments from being precluded from actions that arise from a voter initiative or referendum to limit out of control development.

Now, which Member among us wants to make it more difficult for local governments to take action to limit illegal drug use or prostitution? The people this bill protects are not just innocent landowners, they are also purveyors of pornography and common criminals who are misusing their property.

So I believe that, in these cases, local communities should be able to enact reasonable land use policies that protect their citizens. For example, this motion to recommit would help the City of Minneapolis, which successfully fought a court battle with the owners of a sauna in which numerous prostitution arrests had occurred. The sauna owners challenged the City's order to shut it as a taking of property. The City was able to defend itself in State court; but under this bill, this would have become a Federal court fight, far more expensive for the City to defend if they could have afforded it.

The same thing happened similarly in Miami where the City closed a motel with a history of repeated illegal drug activity and prostitution. The owner of the motel challenged the City's action under a taking. But the Florida State court denied their claim. But under this measure, H.R. 2372, the City would have been forced to defend the case before a Federal judge having far less of an understanding of the needs of local citizens.

So join me and others and many organizations that support these views. Vote yes on a common sense motion to recommit this bill, and bring it out as one that would be far more acceptable to far more local governments.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Does the gentleman from Florida (Mr. CANADY) rise in opposition to the motion to recommit?

Mr. CANADY of Florida. I do, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Florida (Mr. CANADY) is recognized for 5 minutes.

Mr. CANADY of Florida. Mr. Speaker, I rise to urge the Members of the House to reject this motion to recommit. Like most of the arguments that have been made against this bill, this motion to recommit has nothing to do with the substance or purpose of the bill.

I just ask the Members to look at what we have before us. There is a provision here that deals with protecting the public from prostitution or illegal drugs. There is nothing in the bill before the House that would in any way interfere with the ability of any local government to protect the public from prostitution or illegal drugs. That is obvious.

This is an effort to divert attention from the real issue which is now before the House as we move toward passage of this bill, and that issue is whether American citizens and others in this country who have their property taken by the action of government should have meaningful access to the Federal courts.

Protecting the public from prostitution or illegal drugs is not a taking. As a matter of fact, if one uses property for such illegal purposes, it is subject to forfeiture and confiscation by the government. Those laws are constitutional and valid. Nothing in this bill has anything to do with that.

The same thing could be said about the provision controlling adult book stores and distribution of pornography. The interesting thing about that is, on that point, controlling an adult book store and distribution property does not constitute a taking of property.

But I will tell my colleagues, under the rules that now exist in the Federal system, if someone feels that they have been restricted in such a business and their First Amendment rights have been violated, they go straight to Federal court. That happens under the existing law. But this bill has nothing to do with that at all.

On with the other provisions here. There is nothing in this bill that undermines the ability of local government to protect against illegal groundwater contamination, illegal dumping, and so on, because actions that government takes in that regard do not constitute takings of property.

So I would ask that the Members of the House focus on the purpose of this bill, understand that this is just an effort to divert the House from understanding the purpose of the bill, and let us move forward to reject this motion to recommit and pass the bill and establish our support for the principle, which should be uncontroversial in this country, that those people whose Federal constitutional rights have been violated have a right to have their day in Federal court.

The SPEAKER pro tempore. All time has expired.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. CONYERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 155, noes 254, not voting 25, as follows:

[Roll No. 54]

AYES—155

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Blagojevich
Blumenauer
Bonior
Borski
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clyburn
Conyers
Costello
Coyne
Crowley
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Gejdenson
Gephardt
Gonzalez
Gutierrez
Hill (IN)
Hilliard
Hinchey
Hoeffel
Holt
Hooley
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
Lantos
Larson
Lee
Levin
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roybal-Allard
Sabo
Sanders
Sawyer
Schakowsky
Scott
Serrano
Sherman
Slaughter
Smith (WA)
Spratt
Stabenow
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Wise
Woolsey

NOES—254

Aderholt
Armey
Baca
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berkley
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Clement
Coble
Coburn
Collins
Combest
Condit
Cooksey
Cox
Cramer
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler

Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Martinez
Mascara
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Murtha
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
Wicker
Wilson
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—25

Archer
Berman
Biggert
Chenoweth-Hage
Cook
Crane
Greenwood
Hastings (FL)
Hinojosa
Hyde
Kasich
Klink
LaFalce
Lewis (GA)
McCollum
Miller, Gary
Moran (VA)
Myrick
Payne
Rush
Skelton
Stark
Vento
Whitfield
Wynn

□ 1809

Mr. GANSKE and Mr. SHAYS changed their vote from "aye" to "no."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CONYERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 226, nays 182, not voting 26, as follows:

[Roll No. 55]

YEAS—226

Aderholt
Armey
Baca
Baker
Baldacci
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Berkley
Berry
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Boswell
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Chabot
Chambliss
Clement
Coble
Coburn
Collins
Combest
Condit
Cramer
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Foley
Ford
Fossella
Fowler
Franks (NJ)
Frost
Gallegly
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Green (TX)
Green (WI)
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Isakson
Jefferson
Jenkins
John
Johnson, E. B.
Johnson, Sam
Jones (NC)
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Lampson
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (NY)
Manzullo
Martinez
Mascara
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Meeks (NY)
Mica
Miller (FL)
Moran (KS)
Murtha
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Pease
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pombo
Pryce (OH)
Radanovich
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Scarborough
Schaffer
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Vitter
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
Weygand
Wicker
Wilson
Young (AK)
Young (FL)

NAYS—182

Abercrombie
Ackerman
Allen
Andrews
Bachus
Baird
Baldwin
Barcia
Barrett (WI)
Bass
Becerra
Bentsen
Bereuter
Bilbray
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clyburn
Conyers
Cooksey
Costello
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Ehlers
Engel
Eshoo
Evans
Farr
Fattah
Filner
Forbes
Frank (MA)
Frelinghuysen
Ganske
Gejdenson
Gephardt
Gilchrest
Gilman
Gonzalez
Goss
Gutierrez
Hinchey
Hoeffel
Holt
Hooley
Horn
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lantos
Larson
Lazio
Leach
Lee
Levin
Lofgren
Lowey
Luther
Maloney (CT)
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pitts
Pomeroy
Porter
Portman
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Rivers
Rodriguez
Roukema
Roybal-Allard
Sabo
Sanchez
Sanders
Sawyer
Saxton
Schakowsky
Serrano
Shays
Sherman
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Spratt
Stabenow
Strickland
Stupak
Tauscher
Thompson (CA)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weiner
Weldon (PA)
Wexler
Wise
Wolf
Woolsey
Wu
Wynn

NOT VOTING—26

Archer
Berman
Biggert
Chenoweth-Hage
Cook
Cox
Crane
Greenwood
Hastings (FL)
Hinojosa
Hyde
Istook
Kasich
Klink
Lewis (GA)
Lipinski
McCollum
Miller, Gary
Myrick
Paul
Payne
Rush
Skelton
Stark
Vento
Whitfield

□ 1816

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. HYDE. Mr. Speaker, on rollcall No. 55, had I been present, I would have voted "yea."

Mr. COX. Mr. Speaker, on rollcall No. 55, had I been present, I would have vote "yea."

PERSONAL EXPLANATION

Mr. BERMAN. Mr. Speaker, I was unable to cast a vote on the Boehlert amendment to H.R. 2372. However, had I been present, I would have voted "yea."

Also, I was unable to cast a vote on the motion to recommit H.R. 2372, Private Property Rights Implementation Act of 2000. However, had I been present, I would have voted "yea."

Also, I was unable to cast a vote on final passage of H.R. 2372, the Private Property Rights Implementation Act of 2000. However, had I been present, I would have voted "nay."

PRIVILEGED REPORT IN THE MATTER OF PROCEEDINGS AGAINST DR. MILES JONES

Mr. BLILEY, from the Committee on Commerce, submitted a privileged report (Rept. No. 106–527) in the matter of proceedings against Dr. Miles Jones, which was referred to the House Calendar and ordered to be printed.

PERSONAL EXPLANATION

Mr. BOYD. Mr. Speaker, yesterday, March 15, 2000, I was unavoidably detained during rollcall votes 49 and 50. Had I been present, I would have voted "aye" on rollcall vote 49 and "no" on rollcall vote 50.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1283

Mr. HILL of Montana. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1283, the Fairness in Asbestos Compensation Act.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Montana?

There was no objection.

PERMISSION FOR THE COMMITTEE ON THE BUDGET TO HAVE UNTIL MIDNIGHT, MONDAY, MARCH 20, 2000 TO FILE PRIVILEGED REPORT TO ACCOMPANY CONCURRENT RESOLUTION ON THE BUDGET

Mr. NUSSLE. Mr. Speaker, I ask unanimous consent that the Committee on the Budget have until midnight, March 20, 2000, to file a privileged report to accompany the concurrent resolution on the budget.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, I rise for the purpose of inquiring from the distinguished gentleman from Texas (Mr. ARMEY) the schedule for the remainder of the week and for the following week.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I am pleased to announce that the House has completed its legislation business for the week. The House will not be in session tomorrow.

On Monday, March 20, the House will meet in pro forma session at 2 p.m.

The House will next meet for legislative business on Tuesday, March 21, at 12:30 p.m. for morning-hour debates and 2 p.m. for legislative business. We will consider a number of bills under suspension of the rules, a list of which will be distributed to Members' offices tomorrow.

On Tuesday, no recorded votes are expected before 7 p.m.

On Wednesday, March 22, and the balance of the week, the House will consider the following measures, all of which will be subject to a rule:

H.R. 3822, the Oil Price Reduction Act; S. 1287, the Nuclear Waste Policy Amendment Acts of 2000; and the budget resolution for fiscal year 2001.

Mr. Speaker, I wish all my colleagues a happy St. Patrick's Day tomorrow and safe travel back to their districts.

Mr. BONIOR. Mr. Speaker, reclaiming my time, I ask the gentleman from Texas (Mr. ARMEY) what day he anticipates the budget resolution to come before us?

Mr. ARMEY. Mr. Speaker, if the gentleman will continue to yield, I thank the gentleman for asking.

Mr. Speaker, we would expect to consider the budget on the floor on Thursday. It will take a lot of floor time and always does. We will try our very best to complete the work on Thursday, but my colleagues should be advised that that may not be possible.

Mr. BONIOR. Mr. Speaker, I ask the gentleman, if in fact we do complete the budget on Thursday, is it possible that Friday might be a travel day for us as opposed to a meeting day?

Mr. ARMEY. Mr. Speaker, again, I appreciate the gentleman for asking.

As we have framed up the week's schedule, we are aware that there are a large number of Members that are concerned about the Amsted Ship event, and that is something that we are very anxious to accommodate Members.

Mr. BONIOR. Finally, Mr. Speaker, to my friend from Texas (Mr. ARMEY). Is the supplemental possible next week?

Mr. ARMEY. Mr. Speaker, I appreciate the question of the gentleman on that.

It has been our decision to concentrate on the budget this week, and we will not have an announcement on the supplemental until after we have completed our work.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. RES. 396

Mr. FARR of California. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H. Res. 396.

The SPEAKER pro tempore. Is there objection to the gentleman from California?

There was no objection.

ADJOURNMENT TO MONDAY, MARCH 20, 2000

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 2 p.m. on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

HOUR OF MEETING ON TUESDAY, MARCH 21, 2000

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, March 20, it adjourn to meet at 12:30 p.m. on Tuesday, March 21, for morning-hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALL OF PRIVATE CALENDAR ON TUESDAY, MARCH 21, 2000

Mr. ARMEY. Mr. Speaker, I ask unanimous consent to dispense with the call of the Private Calendar on Tuesday March 21, 2000.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

APPOINTMENT AS MEMBERS TO TICKET TO WORK AND WORK INCENTIVES ADVISORY PANEL

The SPEAKER pro tempore. Without objection, and pursuant to section 101(f)(3) of the Ticket to Work and Work Incentives Improvement Act of 1999 (42 U.S.C. 1320b-19), the Chair announces the Speaker's appointment of the following members on the part of the House to the Ticket to Work and Work Incentive Advisory Panel:

Mr. Steve Start, Spokane, Washington, to a 4-year term; and

Ms. Susan Webb, Phoenix, Arizona, to a 2-year term.

There was no objection.

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Mr. Speaker, on March 14, 2000, I was unavoidably detained in my district.

On H.R. 3699, had I been present, I would have voted "aye" on rollcall vote 46. On H.R. 3701, rollcall vote 47, had I been present, I would have voted "aye".

LET US STOP THE RHETORIC AND PASS REAL GUN SAFETY LEGISLATION FOR ALL OF AMERICA

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, yesterday in listening to Susan Wilson, who lost her daughter, lost her child in Jonesboro, by the terrible and tragic use of a gun, it reemphasized the importance that we in this Congress lower any debate that is political and focus on getting the task done. That is why I believe the conference committee should meet; and that is why I believe the legislation that I offered last evening, the Child Gun Safety and Gun Access Prevention Act of 2000, is a comprehensive gun safety proposal that we should address.

My legislation will protect children not only by raising the age of handgun eligibility and prohibiting youth from possessing semiautomatic assault weapons but by enhancing the penalties for those adults who recklessly disregard the risk that a child is capable of gaining access to a firearm.

We did it in Houston. We did it in Texas and it works. Parents and supervising adults must be held responsible for their children when their household contains dangerous firearms. This legislation also proposes penalty for youth possession of handguns and semi-automatic assault weapons, as well as the transfer of such weapons to youth and provides school districts with incentives, Mr. Speaker, to have gun safety prevention programs.

We are losing lives. Let us stop the rhetoric and pass real gun safety legislation for all of America.

Mr. Speaker, I rise today in support of the current Juvenile Justice legislation already passed by the Senate.

The American people have waited long enough for us to act on this legislation. We can no longer delay and wait for the next tragedy in order to take action.

It is imperative that we act now and not allow Republican leaders to dismantle the vital gun safety provisions contained within the current Juvenile Justice bill.

Simply passing a bill without any gun safety provisions would be irresponsible and a terrible mistake on the part of this Congress.

We must let the American people know that we are not afraid to take the steps necessary to enact responsible legislation.

We cannot allow the NRA to determine how this Congress acts at the expense of our children.

Today, I support Senator DASCHLE's past statement that the Juvenile Justice bill, which concerns access to guns and was adopted by both the Senate and the House, should move forward.

Furthermore, I support his belief that if the Juvenile Justice bill does not go to conference; each Member of Congress should file independent bills until safe legislation is adopted.

I am taking the initiative by announcing, my legislation which would increase youth gun safety. My bill "The Child Gun Safety and Gun Access Prevention Act of 2000," is a comprehensive gun safety proposal.

My legislation will protect children not only by raising the age of handgun eligibility and prohibiting youth from possessing semiautomatic assault weapons, but by enhancing the penalties for those adults who recklessly disregards the risk a child is capable of gaining access to a firearm. Parents and supervising adults must be held responsible for their children when their household contains dangerous firearms.

This legislation also proposes an enhanced penalty for youth possession of handguns and semiautomatic assault weapons, as well as, the transfer of such weapons to youth. Furthermore, children will be required to be accomplished by a parent when attending gun shows. Finally, as a preventative measure, my legislation encourages each school district to provide or participate in a firearms safety program.

Through enhanced penalties for reckless supervising adults, gun safety education programs and limitations on the admittance of children into gun shows, my legislation seeks to prevent tragedies like the one that most recently occurred in Mount Morris Township, MI. This child shooting is the latest in a series of preventable shootings that occurred as a result of adults recklessly leaving firearms in the presence of children.

It is a shame that political maneuvering is still stalling even a nonbinding resolution like Senator BOXER's that simply supports child gun safety legislation. Yet, I would like to say how delighted I was to hear of Senator DURBIN's amendment that would offer more funding for providing gun safety education.

In the past few weeks my office has received many calls and letters from constituents who believe that we support legislation that will take away their guns.

It is obvious that the propaganda machine of the National Rifle Association is working to change our focus from the issue of children and guns and gun ownership in general. Like many of my colleagues, I do not oppose responsible gun ownership.

However, like President Clinton, I am concerned about children and their access to guns. I am concerned that guns are not regulated in the same way that toys are regulated. I am concerned that we do not have safety standards for locking devices on guns. I am concerned that we do not prohibit children from attending gun shows unsupervised. I am concerned that we have not focused on the statistics on children and guns.

This motion to instruct urges the conferees to act immediately on the Juvenile Justice bill. We cannot wait for another tragedy to occur. I urge my colleagues to support this motion.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

AMERICA MUST DECLARE INDEPENDENCE FROM FOREIGN OIL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. GEKAS) is recognized for 5 minutes.

Mr. GEKAS. Mr. Speaker, our Nation must again declare independence, this time from dependence on foreign oil, foreign energy.

Why is this the case? Not just because our citizens are finding the prices increasing daily at the gas pump, not just because heating oil has risen in price steadily over the last several months, not because there are warning signs that the gasoline prices will continue to rise throughout the summertime, not just because we know statistically that we have 55 percent of our domestic energy needs have to come from abroad, not just because of that.

But if we find that all of these reasons are not important enough, then measure this, I ask the American public: For the sake of our national security, we must declare our independence from dependence on foreign support and imports of energy.

No more can the American people stand the spectacle of our Nation grovelling at the feet of the nations of OPEC and begging them to send us more oil, begging them to sell us more oil, to produce more oil. Please make it possible for us to have the oil we need. Please, we are begging them.

The only superpower in the world has to depend on that kind of diplomacy, begging the nations to send us more oil?

Well, we are better than that and we have the ingenuity and the resources and the brain power and the stamina and the intent and the greatness to become self-sufficient in our country on our needs for energy.

Therefore, I am introducing today the first step towards the declaration of this new independence of the United States, a bill that would create immediately a blue ribbon commission to determine ways and means by which our Nation will become energy self-sufficient.

No more shall we depend on foreign source energies for our needs. This commission would have to look into, as I view it, the possibility of more domestic drilling in the Midwest, in the North, in the Northwest to develop fully the possibilities of Alaskan new explorations, to determine how best we can fully develop offshore drilling, all of these with due consideration for the environment but necessary for our national survival.

We must weed through these obstacles that have been placed in front of us and which we have imposed on ourselves. There is no longer time in this new century for that kind of obstacle to get in the way of our being self-sufficient as a Nation.

We are calling our bill the NRG, the National Resources Governance Act of the year 2000. NRG. Energy. Energy. Do my colleagues get it? Energy, our own energy, so that we can propel our own automobiles, our own farm equipment, our own airplanes, our own machinery of all types so that we can continue to lead the world in the development of technology and telecommunications and all the other aspects of our society in which we lead the world.

But we cannot do that by placing our hands across the ocean and saying, please send us more energy, please do not raise the prices, please do not cut your production.

I, as an American, cannot any longer stand that. And I believe that a majority of the American citizens in our country feel the same way. We want to end our enslavement to foreign imports of energy. We want to declare independence for our country on the basic needs of our society to move at will, to produce at will, to provide for all our citizens as we want to provide, and actually to help the world as the superpower by creating our own ability to produce the energy necessary to fire the engine of our Nation towards even greater prosperity.

REDUCING SEDIMENT AND NUTRIENT LOSSES IN UPPER MISSISSIPPI RIVER BASIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KIND) is recognized for 5 minutes.

Mr. KIND. Mr. Speaker, today I am introducing an important bill aimed at reducing sediment and nutrient losses in the Upper Mississippi River Basin.

Over the last 6 months, I have worked closely with many of my colleagues here in the House, farmers, the navigation industry, sporting groups, conservation groups, and government agencies, to come up with an effective, basin-wide, and non-regulatory approach to dealing with this increasingly serious problem in our Nation's heartland.

Why is this important? Run-off from the land represents one of the greatest environmental threats to the Mississippi River. Huge quantities of sediment and nutrients flow into the river, filling in backwaters, degrading the wetland habitat on the river, and cutting off vital lifelines for a wide variety of wildlife.

The Upper Mississippi River Basin is North America's largest migratory route, with more than 40 percent of the waterfowl using this area as a flyway.

☐ 1830

Ongoing habitat loss and degradation threatens the river's $1.2 billion recreation and $6.6 billion tourism industry, and the river is the primary water drinking source for over 22 million Americans.

Impacts on the commercial navigation industry are severe, with barge traffic impeded by sediment buildup and the Corps of Engineers spending over $100 million each year on dredging to maintain a navigable channel in the main stem of the river.

Soil erosion reduces the long-term sustainability of family farms with farmers losing more than $300 million annually in applied nitrogen. This affects farm income at a time when we have a crisis in rural America.

As lawmakers, we must move beyond our current after-the-fact damage repair efforts and instead pass legislation that targets cost-effective measures to reduce sediment and nutrients from entering the river basin in the first place.

In order to reduce sediment and nutrient losses from the landscape, it is imperative that we develop sound scientific information from which to make our conservation decisions. My bill calls for the creation of a basin-wide sediment and nutrient monitoring system and a state-of-the-art computer modeling program to identify hot spots in the basin.

Armed with this information, we will be able to better target landowner-friendly financial and technical assistance to areas where it is most needed.

My bill calls for an expansion of four highly successful USDA conservation programs: CRP, wetland reserve, EQIP and wildlife habitat incentives program.

In addition, the bill includes strong protections for the privacy of personal data collected in connection with monitoring, modeling and technical and financial assessment activities.

This legislation calls for a comprehensive consensus approach to reducing sediment and nutrient intake in order to prevent damage from occurring in the river system. This legislation is collaborative and brings together the relevant Federal agencies in a holistic and comprehensive manner.

This approach, I believe, will have the greatest positive effect for the environment, for our farmers and for our communities in the Upper Mississippi Basin and will do so without creating new Federal regulations.

In 1875, Mr. Speaker, Mark Twain wrote a series of essays that were collected and published under the title Life on the Mississippi. Reflecting on his experiences as a steamboat pilot, Twain penned the following words about his beloved Mississippi River, and I quote.

> The face of the water in time became a wonderful book, a book that was a dead language to the uneducated passenger but which told its mind to me without reserve, delivering its most cherished secrets as clearly as if it uttered them with a voice. And it was not a book to be read once or thrown aside, for it had a new story to tell every day. Throughout the long 1,200 miles, there was never a page that was void of interest, never one that you could leave unread without loss, never one that you would want to skip thinking you could find higher enjoyment in some other thing. There never was so wonderful a book by a man.

The book of the great Mississippi River is one that I have been fortunate enough to read and reread throughout my life based on personal experience growing up on the river. For the sake of our children and for future generations, we must take measures today to ensure that a healthy and beautiful Mississippi River will be there for them to read as well.

I ask my colleagues for their support of this important legislation, and I look forward to working in this body and with my friends here to ensure passage as soon as possible.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. STARK (at the request of Mr. GEPHARDT) for today on account of personal business.

Mr. UNDERWOOD (at the request of Mr. GEPHARDT) for today and through March 26 on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. KIND) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mr. KIND, for 5 minutes, today.

Mrs. MALONEY of New York, for 5 minutes, today.

ADJOURNMENT

Mr. KIND. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 33 minutes p.m.), under its previous order, the House adjourned until Monday, March 20, 2000, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6620. A letter from the Associate Administrator, Dairy Programs, Department of Agriculture, transmitting the Department's final rule—Milk in the Southern Illinois-Eastern Missouri Marketing Area; Suspension of Certain Provisions of the Order [DA–00–02] received January 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6621. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Tuberculosis in Cattle and Bison; State Designations; California, Pennsylvania, and Puerto Rico [Docket No. 99–063–2] received February 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6622. A letter from the Associate Administrator, Livestock and Seed Program, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Soybean Promotion and Research: The Procedures To Request a Referendum Correction [No. LS–99–17] received January 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6623. A letter from the Acting Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; OMB Circular A–119 [DFARS Case 99–D024] received February 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6624. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—List of Communities Eligible for the Sale of Flood Insurance [Docket No. FEMA–7726] received January 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

6625. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Department's final rule—List of Communities Eligible for the Sale of Flood Insurance [Docket No. FEMA–7724] received January 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

6626. A letter from the Secretary, Department of Health and Human Services, transmitting Progress in achieving the performance goals referenced in the Prescription Drug User Fee Act of 1992 (PDUFA), pursuant to 21 U.S.C. 379g nt.; to the Committee on Commerce.

6627. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Medical Devices; Exemptions From Premarket Notification; Class II Devices; Vascular Tunnelers [Docket No. 99P–4064] received March 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6628. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Medical Devices; Exemption From Premarket Notification and Reserved Devices; Class I [Docket No. 98N–0009] received January 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6629. A letter from the Special Assistant to Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Creation of Low Power Radio Service [MM Docket No. 99–25 RM–9208 RM–9242] received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6630. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—List of Approved Spent Fuel Storage Casks: NAC–MPC Addition (RIN: 3150–AG 37) received March 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6631. A letter from the Administrator, Agency For International Development, transmitting a report on the funds appropriated by the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000; to the Committee on International Relations.

6632. A letter from the Secretary of Commerce, transmitting the annual report for Fiscal Year 1999 and 2000 on Foreign Policy Export Controls; to the Committee on International Relations.

6633. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Procurement List Additions—received January 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6634. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Commission's final rule—Procurement List Additions and Deletions—received March 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6635. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Prevailing Rate Systems; Changes in Federal Wage System Survey Jobs (RIN: 3206–AH81) received January 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6636. A letter from the Executive Vice President and Chief Financial Officer, Potomac Electric Power Company, transmitting the Balance Sheet of Potomac Electric Power Company as of December 31, 1999; to the Committee on Government Reform.

6637. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Fishing Vessels Greater Than 99 feet LOA Catching Pollock for Processing by the Inshore Component Independently of a Cooperative in the Bering Sea [Docket No. 99991223349–9349–01; I.D. 012800D] received February 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6638. A letter from the Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Spiny Dogfish Fishery Management Plan [Docket No. 990713189–9335–02; I.D. 060899B] (RIN: 0648–AK79) received January 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6639. A letter from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—American Lobster Fishery [Docket No. 990105002–9285–03; I.D. 110598D] (RIN: 0648–AH41) received January 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6640. A letter from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Western Pacific Pelagic Fisheries; Hawaii-based Pelagic Longline Area Closure [Docket No. 991221344–9344–01; I.D. 121099A] (RIN: 0648–AN44) received January 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6641. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Adminstration, transmitting the Administration's final rule—Fraser River Sockeye and Pink Salmon Fisheries; Inseason Orders [I.D. 111099A] received January 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6642. A letter from the Secretary, Department of Labor, transmitting the fifteenth annual report on trade and employment effects of the Caribbean Basin Economic Recovery Act, pursuant to 19 U.S.C. 2705; to the Committee on Ways and Means.

6643. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Pre-Filing Agreements Pilot Program [Notice 2000–12] received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6644. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Remedial Amendment Period [TD 8871] (RIN: 1545–AV22) received February 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6645. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—General Rules for Making and Maintaining Qualified Electing Fund Elections [TD 8870] (RIN: 1545–AV39) received February 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6646. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Travel and Tour Activities of Tax-Exempt Organizations [TD 8874] (RIN: 1545–AW10) received February 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6647. A letter from the Chairman, United States International Trade Commission, transmitting the Department's sixth report on the impact of the Andean Trade Preference Act, pursuant to 19 U.S.C. 3204; to the Committee on Ways and Means.

6648. A communication from the President of the United States, transmitting an account of all Federal agency climate change programs and activities; jointly to the Committees on Appropriations, International Relations, Science, Commerce, and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BLILEY: Committee on Commerce. Report of the Committee on Commerce on the Congressional Proceedings Against Dr. Miles Jones for Failure to Appear Pursuant to a Duly Authorized Subpoena (Rept. 106–527). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. EVANS (for himself, Ms. Berkley, Ms. DeLauro, Mr. Filner, Mr. Gutierrez, Ms. Brown of Florida, Ms. Carson, Mr. Reyes, Mr. Rodriguez, Mr. Shows, Mrs. Morella, Ms. Baldwin, Ms. Kaptur, Ms. Lofgren, Mrs. Mink of Hawaii, Ms. Waters, Mr. Abercrombie, Mr. Brown of Ohio, Mr. Costello, Mr.

Frost, Mr. Kennedy of Rhode Island, Mr. McHugh, and Mrs. Thurman):

H.R. 3998. A bill to amend title 38, United States Code, to provide that the rate of compensation paid by the Department of Veterans Affairs for the service-connected loss of one or both breasts due to a radical mastectomy shall be the same as the rate for the service-connected loss or loss of use of one or more creative organs; to the Committee on Veterans' Affairs.

By Mr. YOUNG of Alaska (for himself, Mrs. Christensen, and Mr. Faleomavaega):

H.R. 3999. A bill to clarify the process for the adoption of local constitutional self-government for the United States Virgin Islands and Guam, and for other purposes; to the Committee on Resources.

By Mr. BLAGOJEVICH:

H.R. 4000. A bill to amend chapter 44 of title 18, United States Code, to require ballistics testing of all firearms manufactured and all firearms in custody of Federal agencies, and to add ballistics testing to existing firearms enforcement strategies; to the Committee on the Judiciary.

By Mr. LEWIS of Georgia (for himself and Mr. Houghton):

H.R. 4001. A bill to amend the Tariff Act of 1930 relating to detentions and searches of travelers by the United States Customs Service, and for other purposes; to the Committee on Ways and Means.

By Mr. BRADY of Texas (for himself, Mr. Davis of Florida, and Mr. Bereuter):

H.R. 4002. A bill to amend the Foreign Assistance Act of 1961 to revise and improve provisions relating to famine prevention and freedom from hunger; to the Committee on International Relations.

By Mr. WELLER (for himself, Mrs. Johnson of Connecticut, Mr. Coyne, Ms. Dunn, Mr. English, Mr. Foley, Mr. Matsui, Mr. Neal of Massachusetts, Mr. Cardin, Mr. McNulty, and Mr. Houghton):

H.R. 4003. A bill to amend the Internal Revenue Code of 1986 to repeal the targeted area limitation on the expense deduction for environmental remediation costs and to extend the termination date of such deduction; to the Committee on Ways and Means.

By Mr. BROWN of Ohio (for himself, Mr. Chabot, Mr. Lantos, Mr. Stark, Mr. English, Mr. Larson, Mr. Rohrabacher, and Mr. Wexler):

H.R. 4004. A bill concerning the participation of Taiwan in the World Health Organization; to the Committee on International Relations.

By Mr. BROWN of Ohio:

H.R. 4005. A bill to amend title 36, United States Code, to recognize a flag to be known as the National Veterans Flag as the symbol of the Nation's admiration, respect, and appreciation for the veterans of service in the Armed Forces of the United States; to the Committee on the Judiciary.

By Mr. COLLINS (for himself, Mr. Pombo, Mr. Deal of Georgia, Mr. Graham, Mr. Hayworth, Mr. Sam Johnson of Texas, and Mr. Barr of Georgia):

H.R. 4006. A bill to amend the Internal Revenue Code of 1986 to reduce motor fuel excise tax rates; to the Committee on Ways and Means.

By Mr. DEFAZIO (for himself, Mr. George Miller of California, Mrs. Capps, Mr. Baird, Mr. Inslee, Mr. Bonior, and Mr. Farr of California):

H.R. 4007. A bill to suspend exports of Alaskan North Slope crude oil until the President determines that the domestic economy is not experiencing a shortage of foreign crude oil or an inflationary impact due to the demand for foreign crude oil; to the Committee on International Relations, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DEGETTE (for herself and Mr. Peterson of Pennsylvania):

H.R. 4008. A bill to amend the Public Health Service Act with respect to addressing the special needs of children regarding organ transplantation; to the Committee on Commerce.

By Ms. DEGETTE:

H.R. 4009. A bill to ban the import of large capacity ammunition feeding devices, to promote the safe storage and use of handguns by consumers, and to extend Brady background checks to gun shows; to the Committee on the Judiciary.

By Mr. FALEOMAVAEGA:

H.R. 4010. A bill to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act; to the Committee on Resources.

By Mr. GANSKE (for himself, Mr. Shimkus, Mr. Barrett of Nebraska, Mr. Evans, Mr. Leach, Mr. Boswell, Mr. Latham, Mr. Minge, Mr. LaHood, Mr. Ramstad, Mr. Terry, Mr. Phelps, Mr. Lipinski, Mr. Weller, Mr. Blunt, Ms. Danner, Mr. Ewing, Mr. Upton, Mr. Thune, Mr. Hulshof, Mr. Vento, Mr. Boehlert, Mr. Manzullo, Mr. Souder, and Mr. Strickland):

H.R. 4011. A bill to amend section 211 of the Clean Air Act to prohibit the use of MTBE, to provide flexibility within the oxygenate requirement of the Environmental Protection Agency's Reformulated Gasoline Program, to promote the use of renewable ethanol, and for other purposes; to the Committee on Commerce.

By Mr. KANJORSKI (for himself, Mr. Horn, Mrs. Maloney of New York, Mr. Kucinich, and Mr. Hinchey):

H.R. 4012. A bill to assure quality construction and prevent certain abusive contracting practices by requiring each bidder for a Federal construction contract to identify the subcontractors that the contractor intends to use to perform the contract, and for other purposes; to the Committee on Government Reform.

By Mr. KIND (for himself, Mr. Leach, Mr. Gutknecht, Mr. Minge, Mr. Manzullo, Mr. Evans, Mr. Nussle, Mr. Luther, Ms. Baldwin, and Mr. Vento):

H.R. 4013. A bill to establish a cooperative effort of the Department of Agriculture and the Department of the Interior to reduce sediment and nutrient loss in the Upper Mississippi River Basin; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEVIN:

H.R. 4014. A bill to provide for interregional primary elections and caucuses for selection of delegates to politial party Presidential nominating conventions; to the Committee on House Administration.

By Mr. MARKEY (for himself and Mr. Smith of New Jersey):

H.R. 4015. A bill to amend the Public Health Service Act to provide for Alzheimer's clinical research and training awards; to the Committee on Commerce.

By Mr. MARKEY (for himself and Mr. Smith of New Jersey):

H.R. 4016. A bill to direct the Medicare Payment Advisory Committee to conduct a study on reimbursement rates for physicians under the Medicare Program for diagnosis, treatment, and management of Alzheimer's disease; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. METCALF:

H.R. 4017. A bill to reimpose the prohibition on the export of Alaskan North Slope crude oil; to the Committee on International Relations, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NETHERCUTT (for himself and Mr. Latham):

H.R. 4018. A bill to amend the Agricultural Research, Extension, and Education Reform Act of 1998 to establish an educational program to improve the risk management skills of agricultural producers; to the Committee on Agriculture.

By Mr. PICKERING (for himself, Mr. Burr of North Carolina, Mr. Tauzin, Mr. Dingell, Mr. Boucher, Mr. Klink, Mr. Green of Texas, Mr. Hall of Texas, Mr. Largent, Mr. Oxley, Mr. Deal of Georgia, and Mr. Fossella):

H.R. 4019. A bill to place certain constraints and limitations on the authority of the Federal Communications Commission to review mergers and to impose conditions on licenses and other authorizations assigned or transferred in the course of mergers or other transactions; to the Committee on Commerce.

By Mr. RADANOVICH:

H.R. 4020. A bill to authorize an expansion of the boundaries of Sequoia National Park to include Dillonwood Giant Sequoia Grove; to the Committee on Resources.

By Mr. RADANOVICH (for himself, Mr. Thomas, and Mr. Dooley of California):

H.R. 4021. A bill to authorize a study to determine the best scientific method for the long-term protection of California's giant sequoia groves; to the Committee on Resources.

By Mr. ROHRABACHER (for himself, Mr. Spence, Mr. Rogan, Mr. Lipinski, Mr. Bartlett of Maryland, Ms. Ros-Lehtinen, Mr. Sam Johnson of Texas, Mr. Largent, Mr. Doolittle, Mr. Hunter, Mr. Jones of North Carolina, Mrs. Bono, Mr. McCollum, Mr. Tauzin, Mr. Smith of New Jersey, and Mr. Burton of Indiana):

H.R. 4022. A bill regarding the sale and transfer of Moskit anti-ship missiles by the Russian Federation; to the Committee on International Relations.

By Mr. ROYCE:

H.R. 4023. A bill to amend title 36 of the United States Code with regard to observance of Constitution Week; to the Committee on the Judiciary.

By Mr. ROYCE:

H.R. 4024. A bill to amend the Internal Revenue Code of 1986 to adjust the exclusion amount on the gain from the sale of a principal residence for inflation; to the Committee on Ways and Means.

By Mr. SALMON (for himself, Mr. HAYWORTH, Ms. PRYCE of Ohio, Mr. GARY MILLER of California, Mr. GALLEGLY, and Mr. HANSEN):

H.R. 4025. A bill to amend the Internal Revenue Code of 1986 to provide tax relief to elementary and secondary school teachers; to the Committee on Ways and Means.

By Mr. SHAW:

H.R. 4026. A bill to amend the Harmonized Tariff Schedule of the United States to provide duty-free treatment for certain foodstuffs originating in NAFTA countries; to the Committee on Ways and Means.

By Mr. SKELTON:

H.R. 4027. A bill to direct the Secretary of the Army to transfer a parcel of land to the Iconium Fire Protection District, St. Clair and Benton counties, Missouri, for use as a fire station; to the Committee on Transportation and Infrastructure.

By Mr. SMITH of New Jersey (for himself and Mr. MARKEY):

H.R. 4028. A bill to amend title XVIII of the Social Security Act to expand the definition of homebound for purposes of receiving home health services under the Medicare Program to allow Medicare beneficiaries to attend adult day care programs for treatment of Alzheimer's disease and other conditions; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of New Jersey (for himself and Mr. MARKEY):

H.R. 4029. A bill to amend the Public Health Service Act to provide for Alzheimer's clinical research and training awards, to amend title XVIII of the Social Security Act to expand the definition of homebound for purposes of receiving home health services under the Medicare Program to allow Medicare beneficiaries to attend adult day care programs for treatment of Alzheimer's disease and other conditions, to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Washington:

H.R. 4030. A bill to enhance benefits for active and retired military personnel; to the Committee on Armed Services, and in addition to the Committees on Ways and Means, Commerce, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UNDERWOOD:

H.R. 4031. A bill to amend the Organic Act of Guam for the purposes of clarifying the local judicial structure of Guam; to the Committee on Resources.

By Mrs. WILSON (for herself and Mr. SCHAFFER):

H.R. 4032. A bill to establish a loan guarantee program under which the Federal government shall guarantee payment of loans made by lending institutions for capital projects for public charter schools, and for other purposes; to the Committee on Education and the Workforce.

By Mr. JENKINS:

H.J. Res. 91. A joint resolution proposing a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mrs. MALONEY of New York (for herself, Mr. BOEHLERT, Mr. LANTOS, Mrs. MINK of Hawaii, and Mr. RAHALL):

H. Con. Res. 286. Concurrent resolution expressing the sense of Congress concerning the situation in Jericho; to the Committee on International Relations.

By Mr. SHERWOOD:

H. Con. Res. 287. Concurrent resolution expressing the sense of the Congress regarding the actions needed to address the recent dramatic price increase in heating oil and other petroleum distillates; to the Committee on Commerce, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOOMEY (for himself and Mr. ROEMER):

H. Con. Res. 288. Concurrent resolution recognizing the importance of families and children in the United States and expressing support for the goals and ideas of National Family Day; to the Committee on Education and the Workforce.

By Mr. FALEOMAVAEGA (for himself, Mr. YOUNG of Alaska, Mr. GEORGE MILLER of California, Mr. DOOLITTLE, Mr. JOHN, Mrs. NAPOLITANO, Mr. ORTIZ, and Mr. ROMERO-BARCELÓ):

H. Res. 443. A resolution expressing the sense of the House of Representatives with regard to the centennial of the raising of the United States flag in American Samoa; to the Committee on Resources.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 49: Mr. PALLONE.

H.R. 59: Mr. SCHAFFER.

H.R. 60: Mr. FRANKS of New Jersey.

H.R. 65: Mr. LARGENT.

H.R. 71: Mr. KLINK.

H.R. 142: Mr. SALMON.

H.R. 218: Mr. LUCAS of Kentucky.

H.R. 303: Mr. ROHRABACHER, Mr. McNULTY, Mr. RYUN of Kansas, and Mr. TIERNEY.

H.R. 347: Mr. McINTOSH.

H.R. 488: Mr. SERRANO and Mr. McNULTY.

H.R. 583: Mr. ADERHOLT and Mr. TIERNEY.

H.R. 606: Mr. KLINK.

H.R. 612: Mrs. McCARTHY of New York, Mr. PHELPS, and Mr. OWENS.

H.R. 780: Mr. KENNEDY of Rhode Island.

H.R. 844: Mr. ROHRABACHER, Mr. FILNER, Mr. OBERSTAR, Mr. RILEY, Mr. NETHERCUTT, Mr. McINTOSH, Mr. KUYKENDALL, Mr. DEAL of Georgia, Mr. DICKEY, Mr. BRYANT, Mr. RAHALL, and Mr. KIND.

H.R. 860: Mr. McNULTY.

H.R. 904: Mr. WEXLER, Mr. COMBEST, Mr. HAYWORTH, and Ms. ESHOO.

H.R. 1044: Mr. BOEHNER and Mr. COOKSEY.

H.R. 1046: Ms. DEGETTE and Mr. BECERRA.

H.R. 1055: Mr. HUNTER and Mr. McCOLLUM.

H.R. 1071: Ms. SANCHEZ, Mr. ANDREWS, Mr. CONYERS, and Mr. TIERNEY.

H.R. 1095: Ms. LOFGREN.

H.R. 1108: Mr. PRICE of North Carolina.

H.R. 1109: Mr. KUCINICH.

H.R. 1172: Ms. NORTON and Ms. JACKSON-LEE of Texas.

H.R. 1182: Mr. FRANKS of New Jersey, Mr. ANDREWS, and Mr. McGOVERN.

H.R. 1217: Mrs. McCARTHY of New York and Ms. ESHOO.

H.R. 1247: Mr. KLINK.

H.R. 1248: Mr. SESSIONS.

H.R. 1275: Mr. BONIOR, Mr. ISAKSON, Mr. NUSSLE, Mr. BOSWELL, Mr. CAMP, Mr. CUMMINGS, Ms. SANCHEZ, Mr. CLYBURN, and Mr. PICKETT.

H.R. 1294: Ms. HOOLEY of Oregon, Mr. ARMEY, and Mr. BARR of Georgia.

H.R. 1304: Mr. GALLEGLY and Mrs. JONES of Ohio.

H.R. 1318: Mr. DOOLITTLE.

H.R. 1325: Mr. DOYLE and Mr. WEYGAND.

H.R. 1349: Mr. PACKARD.

H.R. 1366: Mr. BONILLA.

H.R. 1515: Ms. NORTON, Mr. PASTOR, and Mr. CLYBURN.

H.R. 1617: Mr. MINGE.

H.R. 1621: Mr. LAFALCE and Ms. SCHAKOWSKY.

H.R. 1764: Mr. TIERNEY.

H.R. 1765: Mr. KLINK.

H.R. 1803: Mr. HERGER, Mr. PAUL, Mr. TOOMEY, Mr. PITTS, and Mr. BARTLETT of Maryland.

H.R. 1816: Mr. KENNEDY of Rhode Island.

H.R. 1824: Mr. PHELPS.

H.R. 1899: Mr. CLAY and Mrs. TAUSCHER.

H.R. 1989: Mr. RAHALL.

H.R. 2040: Mr. KLINK.

H.R. 2096: Mr. RUSH and Mr. EVANS.

H.R. 2141: Mr. PAYNE.

H.R. 2267: Mr. KLINK, Mr. ENGLISH, Mr. WAMP, and Mr. BONIOR.

H.R. 2308: Mr. SKELTON and Mrs. MYRICK.

H.R. 2321: Mr. FRANK of Massachusetts and Mr. McGOVERN.

H.R. 2335: Mr. HAYES, Mr. GOODLATTE, and Mr. NORWOOD.

H.R. 2457: Mr. WEYGAND and Mr. MURTHA.

H.R. 2498: Mr. LAHOOD and Mr. BLUMENAUER.

H.R. 2514: Mr. SCARBOROUGH.

H.R. 2548: Ms. McKINNEY and Mr. CRAMER.

H.R. 2579: Mr. MATSUI, Mr. UNDERWOOD, Mr. EVANS, Mr. STARK, Ms. NORTON, Ms. MILLENDER-McDONALD, Mr. PAYNE, Mr. WYNN, Mr. TIERNEY, Ms. KAPTUR, and Ms. DELAURO.

H.R. 2588: Mr. TAYLOR of Mississippi.

H.R. 2620: Mr. SNYDER.

H.R. 2635: Mr. LAHOOD and Mr. NORWOOD.

H.R. 2686: Mr. GILLMOR.

H.R. 2697: Mr. NEY and Mr. DEUTSCH.

H.R. 2738: Ms. PELOSI, Mr. SABO, and Mr. McGOVERN.

H.R. 2749: Mr. JONES of North Carolina.

H.R. 2817: Ms. VELÁZQUEZ, Mr. WEINER, and Ms. DELAURO.

H.R. 2867: Mr. KOLBE, Mr. METCALF, and Mr. BARTON of Texas.

H.R. 2870: Mr. KLINK.

H.R. 2899: Mr. DELAHUNT and Mr. ABERCROMBIE.

H.R. 2915: Mr. KUCINICH.

H.R. 2916: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2917: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2953: Mr. DOYLE, Mr. FROST, Mr. COSTELLO, and Mr. BLAGOJEVICH.

H.R. 2973: Mr. SENSENBRENNER.

H.R. 2991: Mr. COLLINS and Mrs. THURMAN.

H.R. 3034: Mr. GUTKNECHT.

H.R. 3113: Mr. BILBRAY, Mrs. TAUZIN, and Mr. LARGENT.

H.R. 3192: Mr. GILCHREST, Mr. TOWNS, Mr. McNULTY, Mr. NEAL of Massachusetts, Mr. DEFAZIO, Mr. KOLBE, and Mr. DEUTSCH.

H.R. 3195: Ms. DELAURO, Mr. CUNNINGHAM, and Mr. McGOVERN.

H.R. 3197: Mr. Moore.

H.R. 3212: Mr. Goodling.

H.R. 3214: Mr. Rangel, Mr. Leach, Mr. Frost, Mr. Greenwood, Mrs. Christensen, Ms. Kilpatrick, Mr. Crowley, Ms. Rivers, Ms. Lee, Ms. Stabenow, Mrs. Maloney of New York, Mrs. Mink of Hawaii, Mr. Clay, Mr. Bonior, Mr. Bentsen, Mrs. Kelly, Mr. Stenholm, Mr. Waxman, and Mr. Upton.

H.R. 3235: Mr. Diaz-Balart and Mr. Stark.

H.R. 3240: Mr. Minge, Mr. Pickett, Mr. Wamp, and Mr. Petri.

H.R. 3250: Mr. LaHood, Mr. Kennedy of Rhode Island, Mr. Kildee, and Mr. Tierney.

H.R. 3252: Mr. Cannon.

H.R. 3294: Mr. Edwards.

H.R. 3301: Mr. Barrett of Wisconsin.

H.R. 3307: Mr. Huchinson.

H.R. 3377: Mr. Lantos.

H.R. 3439: Mr. LoBiondo, Mr. McCrery, and Mr. Chambliss.

H.R. 3462: Mr. Ballenger, Mr. Goodling, Mr. Armey, and Mr. DeLay.

H.R. 3487: Mr. Smith of Washington.

H.R. 3489: Mr. Dingell, Mr. Fossella, Mr. Oxley, and Mr. Sununu.

H.R. 3500: Mr. Inslee, Mr. Evans, Mr. Kucinich, Mr. Wu, and Mr. Nadler.

H.R. 3530: Mr. Ehlers and Mr. Shays.

H.R. 3544: Mr. Smith of New Jersey, Mr. Miller of Florida, Ms. Danner, Mr. Baker, Mr. Borski, Mr. Rogan, Mr. Holden, Mr. Lipinski, Mr. Underwood, Mr. Sherwood, Mr. Ackerman, Mr. Kucinich, Mr. Bliley, Mr. Stupak, Mr. Hyde, Mr. Neal of Massachusetts, and Mr. Gibbons.

H.R. 3573: Mr. Fletcher, Mr. Souder, and Mr. Tanner.

H.R. 3575: Mr. Burton of Indiana, Mr. Kildee, Mrs. Thurman, Mr. Goode, Mr. Packard, Mr. Lazio, Mr. Larson, Mr. Houghton, Mr. Ramstad, Mr. McIntyre, and Mr. Lipinski.

H.R. 3576: Mr. Clement, Mr. Aderholt, and Mr. Blunt.

H.R. 3578: Mr. Barr of Georgia, Mr. Kolbe, and Mr. Foley.

H.R. 3582: Mrs. Morella.

H.R. 3591: Mrs. Capps, Mrs. Napolitano, Mr. Davis of Florida, Mr. Towns, Mr. Roemer, Mr. Sisisky, Mr. Turner, Mr. Dickey, Mr. Ford, Mr. Maloney of Connecticut, Mr. Farr of California, Mr. Murtha, Mr. Abercrombie, Mr. Dooley of California, Mr. John, Mr. Kildee, Mr. Pallone, Mr. Underwood, Mr. Vento, Mrs. McCarthy of New York, Mr. Rahall, Mr. Bishop, Ms. Berkley, Mr. Kucinich, Mr. Dicks, Mr. Lampson, Mr. Udall of Colorado, Mr. Kind, Mr. Reyes, Mr. Andrews, Mr. Delahunt, Mr. Hill of Indiana, and Mr. Pascrell.

H.R. 3600: Mr. Owens.

H.R. 3625: Mr. McCrery, Mr. Pickering, and Mr. Hutchinson.

H.R. 3634: Mr. Moran of Virginia, Mr. Lantos, Mr. Thompson of California, Mr. Allen, Mr. George Miller of California, and Mr. Frost.

H.R. 3650: Ms. Norton, Mr. DeFazio, Mr. Blumenauer, and Mr. Evans.

H.R. 3674: Mr. Baker.

H.R. 3686: Mr. Kucinich.

H.R. 3690: Mr. Canady of Florida.

H.R. 3691: Mr. Hall of Texas.

H.R. 3695: Mr. Manzullo and Mr. Schaffer.

H.R. 3710: Mr. Stupak, Mr. Mascara, and Mr. McNulty.

H.R. 3766: Mr. McNulty, Mr. Moakley, Mr. Wexler, Mr. LaFalce, and Ms. Baldwin.

H.R. 3798: Mr. Weiner and Mr. LaHood.

H.R. 3816: Mr. Klink.

H.R. 3822: Mr. Bachus and Mr. Everett.

H.R. 3842: Mr. Davis of Illinois, Mr. Thompson of California, Mr. English, Mr. Young of Alaska, Mr. McGovern, Mr. Deal of Georgia, and Mr. Rahall.

H.R. 3844: Mr. Deal of Georgia, Mr. Royce, Mr. Taylor of North Carolina, Mr. Bonilla, Mr. Salmon, Mr. Tiahrt, and Mr. Tancredo.

H.R. 3849: Mr. Forbes, Mr. Taylor of North Carolina, Mr. Hobson, Mr. Ballenger, Mr. Jones of North Carolina, Mr. Salmon, and Mr. Barr of Georgia.

H.R. 3883: Mr. DeFazio and Mr. Owens.

H.R. 3891: Ms. Roybal-Allard.

H.R. 3899: Mr. Gonzalez.

H.R. 3900: Mr. Goodling.

H.R. 3916: Mrs. Emerson, Mr. Cox, Mr. Davis of Virginia, Mr. Boehner, Mr. Boucher, and Mr. Thomas.

H.R. 3981: Ms. McKinney, Mr. Frank of Massachusetts, and Mr. Rahall.

H.R. 3983: Mr. English, Mr. Cunningham, Mr. Matsui, and Mr. Kind.

H. Con. Res. 115: Mrs. Kelly and Mr. Jefferson.

H. Con. Res. 217: Mr. McCollum and Mr. Stearns.

H. Con. Res. 253: Mr. DeMint.

H. Con. Res. 259: Mr. Crowley, Ms. Eshoo, and Mr. Gejdenson.

H. Con. Res. 262: Mr. Linder.

H. Con. Res. 272: Mr. Gary Miller of California, Ms. Berkley, and Mr. Doyle.

H. Con. Res. 273: Mr. Everett.

H. Con. Res. 276: Mr. Visclosky, Mr. Lipinski, Mr. Rothman, Ms. Brown of Florida, Mr. Taylor of Mississippi, and Mr. Everett.

H. Con. Res. 277: Ms. Norton.

H. Con. Res. 283: Mr. Filner, Mr. Gekas, and Mr. Jones of North Carolina.

H. Res. 187: Mr. Brown of Ohio.

H. Res. 213: Mr. Ryan of Wisconsin, Ms. Stabenow, Mr. Barrett of Wisconsin, and Mr. Spratt.

H. Res. 420: Mr. Calvert and Mr. Stearns.

H. Res. 437: Mr. Capuano.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1283: Mr. Hill of Montana.

H. Res. 396: Mr. Farr of California.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 7, by Mr. SHOWS on House Resolution 371: Julian C. Dixon, David D. Phelps, Bernard Sanders, Brian Baird, and Sherrod Brown.

Petition 8, by Mr. STARK on House Resolution 372: Julian C. Dixon, Bernard Sanders, Brian Baird, and Sherrod Brown.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 3908

Offered By: Mrs. Mink of Hawaii

Amendment No. 1: Page 76, strike lines 13 through 17 (section 4701).

H.R. 3908

Offered By: Mrs. Mink of Hawaii

Amendment No. 2: Page 76, strike lines 18 through 22 (section 4702).

EXTENSIONS OF REMARKS

ASTRONOMICAL GAS PRICING

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Mr. CALVERT. Mr. Speaker, I rise today to continue my critique of the Clinton-Gore Administration's role in the recent surge in gasoline and home-heating oil prices. Yes, Mr. Speaker, the Administration must shoulder much of the responsibility because they ignored the "two D's"—domestic production and diplomacy.

The United States imports around 55% of its petroleum requirements largely because it is so difficult to produce petroleum in this country. Mr. Speaker, the Administration imposes serious limits on exploration, drilling and refining oil through a Byzantine permitting and regulatory scheme. These regulations force many facilities to shut down when oil prices are low and make it uneconomical to reopen when prices rise.

This takes us to the second D—diplomacy. The Administration knew one year ago that these prices were coming down the pipeline. Unfortunately, Energy Secretary Richardson was preoccupied by a major spy scandal at DOE—as he himself said on February 16th, "It is obvious that the federal government was not prepared. We were caught napping. We got complacent."

The Administration was unable or unwilling to convince our friends in OPEC and other oil-producing countries to keep the spigot turned on. It is this lack of effort that brings us to where we are today—gasoline prices racing towards $2.50 a gallon.

The only thing that saved our seniors in the Northeast from freezing recently was the arrival of warmer weather. Now those living on fixed incomes will face exorbitant prices at the gas pump. That is the legacy of Clinton-Gore.

Mr. Speaker, I give this Administration's "two D's" and an "F."

CELEBRATING THE CENTENNIAL OF THE CALUMET THEATRE

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Mr. STUPAK. Mr. Speaker, I rise today to join other northern Michigan residents in celebrating the centennial of the Calumet Theatre, in Calumet, Michigan, on the beautiful Keweenaw Peninsula.

Despite its remoteness, this remarkable theater once provided a stage for some of the greatest actors and actresses who traveled the country shortly after the turn of the century. Like many institutions of its kind, the theater fell on hard times but was rediscovered by farsighted local residents. Now it is the bright jewel of a national project. The Calumet Theatre, which occupies a place on the National Register of Historic Places, sits in the heart of downtown Calumet, which is also listed on the National Register. Both in turn are major features and attractions in one of the nation's newest national parks, Keweenaw National Historic Park.

The performers who appeared for local audiences included such luminaries as Lillian Russell, John Philip Sousa, Sarah Bernhardt, Douglas Fairbanks Sr., Lon Chaney Sr., Jason Robards Sr., William S. Hart, and Wallace and Noah Beery.

Also appearing was Madame Helen Modjeska, whose spirit is being resurrected in a new book by author Susan Sontag, but whose actual ghost is said to occasionally walk the boards of the stage, just as she did in real life in 1900, 1902 and 1905.

As the story is told—even as far away as Madame Modjeska's home country of Poland—an actress with a New York theatrical troupe was playing the role of Kate in Taming of the Shrew in 1958, when she suddenly went blank on her monologue. She was saved by the pale figure of Madam Modjeska, who fed her the lines from the balcony.

Is there really a ghost, Mr. Speaker? Ask former reporter Rick Rudden, now editor of the Escanaba Daily Press, who spent a ghost hunting night in a theater filled with strong raps, knocks and other inexplicable sounds.

But it is my own district, Mr. Speaker, which threatened for many years to become a ghost of its own former glory in the heyday of copper mining. The copper boom is a fixture of the distant past, but the echoes of a dying industry can still be heard. As recently as 1995 the nearby White Pine Mine closed, taking with it 1,200 good-paying jobs.

This is the context in which we celebrate the centennial of the Calumet Theatre. The community—the region—looks back a hundred years to a grand past, but it need only look at yesterday to see a time of economic struggle and uncertainty. Yet, in the midst of these very lean years, residents have worked to save such assets as the theater, not only as showpieces for visitors but as living and working community centers for the performing arts.

As the theater's Web site proudly proclaims, restoration and performances at the Calumet Theatre are organized by the Calumet Theatre Company, a member-supported volunteer based organization. The theater now serves as a venue for 60–80 events annually, including symphony performances, folk music, jazz, opera, plays, dance, dinner movies, community events, as well as public meetings and guided tours.

With this passion for preserving and continuing such cultural traditions, Mr. Speaker, it is certainly no wonder that the early home of the current chairman of the National Endowment for the Arts, William Ivey, is only minutes from the Calumet Theatre.

I salute the people of Calumet for their foresight and hard work in restoring this community asset and ensuring it is included in our nation's inventory of architectural treasures. I am pleased the theater has been designated as a "Save America's Treasures" site by the Millennium Council at the White House. I thank Bill Ivey for his tireless efforts towards this goal, and I commend the Calumet Theatre Company for undertaking the day-to-day task of preserving this facility.

IN RECOGNITION OF ALICE CARDONA'S 70TH BIRTHDAY

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Ms. VELÁZQUEZ. Mr. Speaker, I rise today to recognize Alice Cardona on her 70th birthday and to take this opportunity to thank her for her life-long dedication and service in helping others in our community.

W.A. Nance once said "No person can be a great leader unless he takes genuine joy in the successes of those under him." Through her work in education advocacy and with Hispanic women, Alice's joy is evident.

Born and raised in New York City, Alice has had a long and distinguished career in public service. She was former Governor Cuomo's Assistant Director of the New York State Division for Women where she represented the Division at the Minority and Women Business Enterprise Advisory Council and various conferences, conventions and public affairs events, including serving as Ombudsperson to the Department of State. There she networked and reached out to community-based organizations and State agencies and national Latino organizations.

Alice had an equally long career in education advocacy where she was the ASPIRA of New York Director of the Parent Student Guidance Program and she served as a member of Commissioner Ambach's New York State Education Department, Bilingual Education Advisory Council for six years.

Alice has also founded several prominent organizations for Hispanic women including the Puerto Rican/Latino Education Roundtable, National Conference of Puerto Rican Women, New York City Chapter, National Latina Caucus, HACER, Inc., Hispanic Women's Center, Hispanic AIDS Forum, Women AIDS Resource Center, Queens Women's Network, the National Latina Institute for Reproductive Health, the New York State Spanish Domestic Violence Hotline, New York Women's Foundation, Sister Fund, New York Women's Agenda, and she is presently Chair of the Board of Puerto Rican Association for Community Affairs.

In recognition for her community service work, Alice not surprisingly, is the recipient of numerous honors and awards.

It is especially today, on her 70th birthday, that I thank Alice for all her hard work, time and energy she has spent over the years contributing to her community and wish her a very special birthday this year and in the years to come.

HONORING THE SAVANNAH SHAMROCKS RUGBY CLUB

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Mr. KINGSTON. Mr. Speaker, I would like to take this opportunity to recognize The Savannah Shamrocks Rugby Club, which is a nonprofit, charity aiding organization in Savannah, GA. The club was founded in 1978 and now has approximately sixty members. The club is comprised of Military personnel, Teachers, Scientists, Doctors, Engineers, Sales people, and College students. The team plays 24 games per year in Savannah, facing competition from local teams such as Georgia Southern, Hilton Head, Columbia, and Augusta. Occasionally, the club is given the opportunity to compete against International teams such as the British Navy, South America, and Canada. There are two seasons per year, one is played in the Fall and the other in the Spring.

The main highlight for the club is the popular, annual St. Patrick's Day Rugby Tournament. This tournament is held every year on St. Patrick's Day weekend, which makes it feasible for the "out of town teams" to compete. The tournament's overwhelming popularity on St. Patrick's Day is the main reason The Shamrocks is the number one amateur sporting event economically in the Savannah area. Based on sheer numbers of players and supporters, who attend this great event, it is estimated that approximately $3 million is generated to the local economy over this one weekend. During the rest of the year the club spends about $42,000 per year locally, and approximately $54,000 on "out of town" spending. The club also donates annually to local charities and in nine years the club has donated over $25,000 to MDA. The Shamrocks have hosted this tournament for the past twenty one years, and would like to continue to host the tournament for many more years to come.

It is my pleasure to commend this charitable organization, which provides many benefits to the community beyond the intense, competitive game of Rugby.

TRIBUTE TO THE REVEREND RICHARD BURNS

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Mr. THOMPSON of Mississippi. Mr. Speaker, it does my heart good to stand here and pay tribute to Reverend Richard Burns as he retires from the pulpit after more than 30 years of service.

Reverend Burns has spent many years bringing hope and comfort to people in his community. Rev. Burns, at the young age of 91, has been preaching at New Mount Elem Missionary Baptist Church for 32 years. Rev. Burns has dedicated his life to the upliftment of the word of the Bible to the people and his family of Vicksburg, Mississippi.

Rev. Burns was born in Vicksburg, MS and has nine children, thirty-six grandchildren and fifty great-grandchildren. With an impressive family roster as this one, Rev. Burns will be sure to have his time filled with enjoying his family. On February 19, 2000, Reverend Burns was honored for his service. He will be truly missed. However, it is pleasing to know that he will still be in the community doing his best to be a role model for many of us to follow.

TRIBUTE TO CONSTANCE AND DELBERT LORENSON ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Mr. STUPAK. Mr. Speaker, I would like to speak briefly tonight about a married couple that have had an incredibly wonderful and positive impact on my life. I use the occasion of the golden wedding anniversary of Connie and Delbert Lorenson on February 11 to reflect on the important values I learned from them as a young man. I learned much as a friend of the family, a frequent visitor and guest at their home in Gladstone, Michigan, and as a Boy Scout under Delbert's leadership.

In 1950, so the Escanaba Daily Press reminds us, Delbert Lorenson married the former Connie Jacks of Detroit at the Trinity Lutheran Church in Stonington. 1950 was certainly a different world, as most of us know, and the tiny town in Michigan's Upper Peninsula where they were married was in some ways even more remote from today. Nowadays, it seems the expression "family values" often applies to a concept in political campaigns; in 1950 in this most rural region of the Midwest it was—and it remains—a foundation of our way of life.

Not that we thought ourselves rural or remote. Television was just about to be beamed north from Green Bay, and the Interstate Highway System was about to be born. Cars were about to become sleek and common. The world was becoming much smaller in that post World War II world for this veteran and his new bride.

In reality, however, our world would remain slower and quieter for another decade. I spent a lot of time with the Lorensons' son, Rick. Although he was one year older, we participated together in high school sports, especially in football and track and field. Perhaps most important to my ties with this family, we were also Scouts together.

Delbert was my Scoutmaster, helping Rick and me achieve the goal of becoming Eagle Scouts. So it's natural, I suppose, that when I have recalled my time with the Lorensons, the memory of working for merit badges and attending troop meetings is bound together with the memory of dinners at the Lorenson home and camping trips together.

But today, as I think of Connie and Delbert's 50 years together, the values learned in Scouting are foremost in my mind. These values aren't mere categories of accomplishment checked off as one moves up the ranks of Scouting. Scouts are taught life skills—discipline, responsibility, perseverance, teamwork, respect for others, a sense of community, sacrifice—and we were taught these skills in the context of love, concern and a pervasive spirituality. What better skills can a couple possess to allow them to remain lovingly together for 50 years! What better skills can they teach to the next generation that might justifiably wear the label "family values!"

Rick and I have gone our separate paths, but our values were clearly formed in the same crucible. I have entered public service as a Member of Congress, and Rick has become a minister. Two other children, Tom and Pam, recently joined Rick in hosting a dinner and dance to celebrate their parents' 50 years together.

I treasure the wisdom I learned from the Lorensons. I wish them many, many more years of love, health and joy.

IN RECOGNITION OF GREEK INDEPENDENCE DAY

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Ms. VELÁZQUEZ Mr. Speaker, I rise today to recognize March 26th as Greek Independence Day. In honor of this day, The Federation of Hellenic Societies of Greater New York is organizing the annual Greek Independence Day Parade in New York City.

The Federation of Hellenic-American Societies of Greater New York was established on November 22nd, 1937 and has made the Parade a City ritual for the last 61 years.

In a March 24, 1999, proclamation declaring Greek Independence Day, President Clinton said "Greek thought and the passion for truth and justice deeply influenced many of our nation's earliest and greatest leaders. Americans of Greek descent have brought their energy, grace and determination to every field of endeavor, and they have added immeasurably to the richness and diversity of our national life."

New York has seen this passion, energy and grace ever since early days of Greek settlement in the City and I am proud to say that New York is the home of the largest Greek community in the United States.

This national holiday in Greece celebrates the anniversary of the country's proclamation of independence in 1821 after four centuries of Turkish occupation. The war that followed went on until 1829 when finally the Turkish sultan recognized the independence of Greece.

I thank The Federation of Hellenic Societies of Greater New York for all the contributions they have made to our community and in their efforts to make each year's Greek Independence Day Parade more memorable than the last.

HONORING THE LATE MOSES COX AND JAMES RANSOME AVANT, DISTINGUISHED VETERANS

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Mr. KINGSTON. Mr. Speaker, today I recognize two distinguished veterans from Georgia, Mr. Moses Cox and Mr. James Ransome Avant. On March 18, 2000 these two Veterans will be honored by their families and friends as they place Military Headstones on their graves in the Avant-Cox-Pierce Cemetery in Washington County, Georgia.

Mr. Moses Cox started his illustrious military career in our Nation's fight for freedom and independence. He proudly served as a Private (Scout) in the Revolutionary War with the North Carolina Militia for over three years. He fought in the victorious Patriot Battle of Moores Creek Bridge on February 27, 1776. This battle was a decisive victory over British Loyalists at a point in time that served to dramatically raise the morale of the Patriot forces. Soon thereafter Mr. Cox was called to bear arms in the battles of Brier Creek (GA), Battle of Catawba (NC), and at Gates Defeat (SC) where he was wounded in the right forearm. He gallantly continued the Patriot fight for independence and marched from Wilmington and Fayetteville, NC to Camden, SC.

Mr. Cox married Martha Patsy Avant; blessed with a large family, came by wagon train to Washington County, GA where he settled Cox Town Road and a small community called Coxtown, later changed to Oconee. He accepted over 400 acres of Pioneer Bounty land off Coxtown Road in Oconee, cleared the land, built a house and raised his large family. He was again called to arms to serve and protect his beloved country in the War of 1812. He served as Lieutenant in the 98th District of Georgia Militia from Washington County, Georgia. A fine soldier, father, and husband he was laid to rest on December 19, 1845 with only family honors.

Mr. James Ransome Avant proudly served as a Private in Company B, 12th Battalion Georgia Light Artillery, Confederate States Army during the Civil War. Mr. James Ransome was married to Moses and Martha Cox's granddaughter Lucretia Cox. Mr. Avant died in 1876 and also received a burial with family honors.

Family, friends, and guests will be gathering at the Avant-Cox-Pierce Cemetery off Coxtown Road in Oconee, Washington County, GA and honor these two Veterans. I would like to formally recognize the bravery, honor, and selfless services with which these veterans served as the families remember these special veterans on March 18, 2000.

TRIBUTE TO COACH SHIRLEY WALKER AND THE ALCORN STATE LADY BRAVES

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Mr. THOMPSON of Mississippi. Mr. Speaker, it gives me great pleasure to stand before you and pay tribute to someone who has been a pioneer in coaching women's basketball. Coach Shirley Walker, head coach of the Alcorn State Lady Braves won her first automatic bid to the NCAA tournament this past weekend as her Lady Braves won a convincing game (83–58) against Grambling State University for the Southwestern Athletic Conference (SWAC) Championship.

Although this was Coach Walker's fourth SWAC Championship, it was her first time earning an automatic invitation into the NCAA tournament. Getting an automatic invitation to the tournament has been a goal that Coach Walker has lobbied for her entire 21 seasons at Alcorn State. Coach Walker has been credited for her efforts in developing women's basketball in the SWAC by her peers and is most deserving of this opportunity to display her talents on the highest level college basketball has to offer. Without her contributions to this cause, women's basketball in the SWAC may have never had the chance to be represented at the NCAA tournament.

Mr. Speaker, this upcoming Saturday, Coach Walker and her Lady Braves set off on a journey many dream of at the beginning of each basketball season, I ask that you join me in congratulating them and wishing them the best of luck in the "Road to the Final Four!"

MINIMUM WAGE INCREASE ACT

SPEECH OF

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2000

Mr. QUINN. Mr. Speaker, I rise today in support of the Martinez/Traficant amendment to increase the minimum wage by $1.00 over two years.

I have been a proponent of increasing the minimum wage since elected to Congress. I feel strongly that we need to give the working poor an increase in their wages.

Our country is in the midst of the longest period of economic growth in our history and yet the disparity between rich and poor has never been greater. An increase of a dollar over two years is a highly effective way in which we can bridge the gap of the economic disparity in our country.

Over time, as the value of purchasing power of the minimum wage has been eroded by inflation, it has become impossible to expect workers to live a dignified life when they are employed at or below the minimum wage. That is why it needs to be raised now and why it needs to be raised by a dollar over the next two years. This increase would simply catch up the wage to inflation since the last time the minimum was raised.

There are over 12 million people working for or close to the minimum wage. Some studies have indicated that of these 12 million Americans who earn between $5.15 and $6.15, 15 percent are African-American, 60 percent are women; and nearly two-fifths are the only earner in their families.

Increasing the minimum wage to $6.15 an hour will not eliminate jobs or put people out of work. There is little or no evidence that illustrates job loss or the loss of opportunity since the last increase in the minimum wage.

It is imperative that the wage is increased by $1.00 over two years. Some have argued that a $1.00 an hour increase over 3 years is suffice for the working poor. Unfortunately, a minimum wage of $6.15 an hour would not lift a minimum wage earner out of poverty. Therefore, we in Congress owe it to the working poor to give them a raise over the shortest period of time—2 years.

A wage increase spread over 3 years would cost a full time minimum wage earner $1000. $1,000 may not seem like a lot of money to most people here but for minimum wage earners in Buffalo, New York and throughout the country that $1,000 a year may mean 6 months of rent payments, groceries on the table, or presents under the tree.

CONGRATULATIONS TO DR. SUSAN SOLOMON

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Mr. UDALL of Colorado. Mr. Speaker, I am proud to announce that a constituent from my district, Dr. Susan Solomon, is the recipient of the 1999 National Medal of Science. Dr. Solomon is a senior scientist at the National Oceanic and Atmospheric Administration, based in Boulder, Colorado, and is the first NOAA scientist to be awarded the medal, which is the nation's highest scientific honor. She is also the recipient of many other honors and awards that recognize her important work.

In commending her accomplishments, Secretary of Commerce William Daley called Dr. Solomon "one of the most important and influential researchers in atmospheric science during the past 15 years." I know I join all my colleagues in congratulating Dr. Solomon on this well-deserved honor.

Dr. Solomon first theorized in the 1980s that the explanation for the Antarctic ozone hole involved chemistry on clouds, not just gas molecule reactions, as was thought then. Dr. Solomon confirmed her theories with solid data observed during two National Ozone Expeditions to the Antarctic in 1986 and 1987, when she identified reactions between two different forms of chlorine on the stratospheric cloud surface. These reactions release chlorine molecules, which separate and act as catalysts in destroying ozone.

Because of Dr. Solomon's discovery, scientists were then able to conclude that the chlorine responsible for the ozone hole originates from chlorofluorocarbons and other man-made compounds.

Dr. Solomon and other leaders in her field provide important role models for today's students as they prepare to meet the demands of tomorrow's technology-based economy. But it is not only the young who can benefit from Dr. Solomon's example. She cites as the most important lesson from her research the "need to keep an open mind on environmental issues." We should all heed her very good advice.

ON THE 100TH BIRTHDAY OF CAROLINE L. GUARINI: THREE CENTURIES AND TWO MILLENNIA

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Mr. RANGEL. Mr. Speaker, I rise to recognize and honor the distinguished Caroline Guarini, mother of our former colleague, U.S. Congressman Frank J. Guarini, Jr., on the celebration of her 100th birthday, March 25, 2000. After 100 years, Caroline continues to be an inspiration to us all, a model wife, mother, and human being. Her everlasting dedication to those who are less fortunate, combined with her devotion to those who surround her, stand as testament to Caroline's commitment to making this world a better place for everyone.

Born on March 25, 1900, in Niagara Falls, NY, Caroline attended the Loretta Convent School and a business academy in Ontario, Canada. After completing her studies, she worked in her family's furniture business for a time, and in 1923 married Frank J. Guarini, Sr., who was a well known and highly respected attorney in Jersey City, NJ. A lieutenant in the U.S. Army during World War I, her husband was corporation counsel in Jersey City and a prominent member of the New Jersey Legislature. Together they enjoyed a life in politics.

Caroline has been active in many charitable and civic groups including the Cleo Club, the Dante Alighieri Society, and the American Committee for Italian Migration. Concerned for the needs of the less fortunate, she has spent countless hours delivering baskets of food and toys to the poor during the holiday seasons. As a senior citizen, she served as a hospital volunteer for the sick and elderly. Caroline's talents include singing and playing the piano. She has been active in her church choir and, at 100, still plays the piano remarkably well.

The Guarinis had two children, Frank Jr. and Marie. Influenced by the spirit and example of his parents—and since the apple doesn't fall far from the tree—Frank J. Guarini, Jr., studied law and went into politics. A distinguished attorney, he was elected to two terms in the New Jersey State Senate and seven terms in the U.S. House of Representatives. He served on the Ways and Means Committee and the Budget Committee. He was majority whip at-large for the Democratic leadership. He recently served as the United States of America Representative to the General Assembly of the United Nations. During World War II, the former member of Congress saw active combat duty in the Pacific as a Navy lieutenant.

Caroline's daughter and faithful companion, Marie, married Albert Mangin and began her career at New York's Lexington School for the Deaf, later teaching elementary school in Newark. The Mangins are the parents of two children, Peter, a noted attorney who is president of the Garden State Development which is engaged in rebuilding the Hudson County Waterfront, and Carol, who holds an MBA and is a medical consultant at Meditech in Boston.

When family and friends ask what she is looking forward to in the new millennium, Caroline, in her usual warm and gracious manner, says, "The celebration of my 100th birthday!"

Through a life that has spanned three centuries and two millennia, one phrase has followed Caroline throughout, and continues to ring true today—what a lady!

IN SUPPORT OF TAIWAN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Mr. RADANOVICH. Mr. Speaker, prior to Taiwan's second presidential election on March 18, the People's Republic of China increased its rhetoric and essentially gave Taiwan an ultimatum—to start reunification talks or risk invasion. Such hostile rhetoric from Beijing has evoked strong responses in both Taipei and Washington. The people in Taiwan are more determined than ever to disregard Beijing's dire warnings and reject Beijing's "one country, two systems" formula that governed the return of Hong Kong and Macao. The people of Taiwan would have to see a genuine Western-style democracy take hold in China before serious reunification talks could begin. In Washington, both administration officials and lawmakers have warned China that any action against Taiwan would be a matter of grave concern to the United States.

As a strong supporter of Taiwan's vibrant democracy, I believe we must do all we can to ensure that the voters in Taiwan are guaranteed the right to freely elect their president this March 18, and that China must not interfere in Taiwan's electoral process. I know that I, and many of my colleagues, become incensed when China repeatedly threatens its small and democratic neighbor—particularly during an election year. We certainly consider China's latest threats against Taiwan unwarranted, untimely, and unwise.

I am proud of the long-standing friendly relations between the United States and Taiwan, and I believe its time to show support for our friend.

TRIBUTE TO THOMAS GILMARTIN

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Mr. QUINN. Mr. Speaker, I am honored to rise today on the floor of this House in recognition of Mr. Thomas Gilmartin from my district, as the 2000 St. Patrick's Day Parade Grand Marshall.

A prominent Irish-American in Western New York, Tom's community service includes work with the Knights of Columbus, the Irish-American Cultural Association, the Gaelic-American Athletic Association, the Ancient Order of the Hibernians, and the Irish Parade Committee. In fact, he has been involved with the parade committee for over twelve years. In recognition of that dedicated service and his commitment to our Proud Irish-American Heritage, Tom will serve as the Grand Marshall of the 2000 St. Patrick's Day Parade in the City of Buffalo.

Recently, I selected the Buffalo St. Patrick's Day Parade as one of New York's local legacies. This program's chief purpose is to document distinctive examples of a cultural heritage in each of the nation's fifty states, which will then serve as a record of life in America at the end of the Twentieth Century. Our parade is a fitting example of that cultural tradition, and Tom Gilmartin will make a fine Grand Marshall during this important event.

Tom and his wife, Mary (Steffan) are lifelong residents of Western New York, and attend Mass at Sts. Peter and Paul R.C. Church in Hamburg. The Gilmartins have four children and one grandchild.

In addition to his outstanding community service, Tom served the Town of Hamburg as Superintendent for Buildings and Grounds for over 20 years, where I had the privilege of working with him as Town Supervisor. Prior to his service to the Town of Hamburg, Tom served the Village of Blasdell in the Department of Public Works. I am proud to call him my friend.

Mr. Speaker, today I would like to join with the entire Gilmartin Family, the United Irish American Association, and indeed, all of Western New York in tribute to Mr. Thomas Gilmartin, a proud Irishman and Grand Marshall of our great parade.

SMALL BUSINESS REAUTHORIZATION ACT OF 2000

SPEECH OF

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3843) to reauthorize programs to assist small business concerns, and for other purposes:

Mr. UDALL of Colorado. Mr. Chairman, I rise in support of H.R. 3843, the Small Business Reauthorization Act of 2000 and urge its adoption.

This reauthorization bill authorization funding for the SBA's primary lending programs, the 7(a), 504 and microloan programs. It also includes provisions to authorize and fund disaster loan surety bond guarantees, Small Business Development Centers (SBDC's) the Historically Underutilized Business Zone (HUBZone) program, the National Women's Business Council, the Service Corps of Retired Executives (SCORE) program, and the Drug Free Workplace program.

H.R. 3843 provides record funding for these critical programs that have played a large role in creating and maintaining this country's unprecedented economic growth. The record funding levels will insure that the core SBA programs will continue to grow over the next 3 years. When enacted, H.R. 3843 will fund $1.3 billion in additional 7(a) loans, $3.3 million more in SBIC equity investment loans, and a doubling in Microloan technical assistance grants.

Mr. Chairman, in the Second District of Colorado, many small businesses have reaped the benefits of technology related SBA programs. In particular the Small Business Innovation Research (SBIR) Program provides the funds necessary to refine their ideas, turn them into products, and to take those products to the commercial marketplace. Although the main purpose of the program remains meeting the federal government's research and development needs, small businesses have turned SBIR-inspired research into commercial products that have improved our economy and scientific advances that have helped to improve the health of people everywhere.

Studies show that nationwide, small businesses produce twice as many technological innovations per employee, as compared with large employers. In fact, most of the significant technological innovations of the 20th century ranging from personal computers to high resolution x-ray microscopes can be traced to the small business community.

Clearly, the success stories of small business owners who have participated in SBA programs provide powerful testimony to their merits. I commend Chairman TALENT and Ranking Member VELÁZQUEZ on crafting a bipartisan piece of legislation that authorizes record funding for the SBA over the next 3 years. I intend to continue working to help our small business succeed in today's technology driven economy.

Mr. Chairman, I urge my colleagues to vote "yes" on reauthorizing these important programs.

OUR RESPONSIBILITY TO AFRICA: SUPPORT AGOA TEXTILE PROVISIONS BENEFICIAL TO AFRICANS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Mr. RANGEL. Mr. Speaker, as we work toward final passage of the African Growth and Opportunity Act, I want to reiterate the importance of the provisions related to textile and apparel products. These provisions are paramount to the success of the legislation's primary objective—to promote the use of trade as a vehicle for sustainable development in sub-Saharan Africa.

In the March 7, 2000 edition of my hometown journal, the New York Times, Tom Friedman makes a compelling case for a commercially viable trade bill for Africa. While 85% of the garments sold in the United States are sewn outside of the United States, all 48 sub-Saharan African countries produce less than 1% of these products. Twenty-two individual countries export more clothing to the U.S. market than all of the countries in the entire sub-Saharan Africa region. Friedman rightfully points out that even "little Honduras" exports seven times more textiles and apparel to the U.S. than all 48 nations of sub-Saharan Africa combined.

It is critical that the African Growth and Opportunity Act that we pass contains provisions that allow African countries to produce duty-free textile and apparel without insurmountable hurdles and quantitative restrictions. Quantitative restrictions placed on that production are certain to discourage the investments necessary to grow industries and compete with Asian countries in the U.S. import market.

In this case, the so-called "technical details" of the final bill, though often overlooked, will mean the difference between a bill that is commercially viable for African and a symbolic bill. A symbolic bill would fail to sufficiently bolster African economies so that these countries can become better trading partners with the U.S. and better friends in the fight against transnational threats, such as illicit drug trafficking, environmental degradation, international terrorism and infectious disease.

I agree with Tom Friedman. Shame on all of us if we do not seize this historical moment to help, in a meaningful way, over 290 million people in sub-Saharan Africa living on $1 a day. In this era of globalization we must not ignore and leave behind 10% of the world's population.

[From the New York Times, Mar. 7, 2000]

DON'T PUNISH AFRICA

(By Thomas L. Friedman)

There is a travesty brewing in Congress that, if allowed to continue, will be a source of shame for all Americans. It will certainly be an ugly stain on the U.S. labor movement, particularly the apparel union and the A.F.L.-C.I.O.—a stain that will highlight all the unions' phony-baloney assertions in Seattle that they just want to improve worker rights around the world and help the poor.

This controversy has to do with a stalled trade bill called The African Growth and Opportunity Act. And the bottom line is this: At a time when Africa is ravaged by AIDS, at a time when 290 million Africans—more than the entire population of the U.S.—are living on a dollar a day, the main U.S. textile union, UNITE!; the main textile manufacturers' lobby, ATMI; and the lawmakers who bow to both of them are blocking a bill that would allow Africans to export clothing to America duty free—instead of with the current 17 percent import tax.

Why the opposition? Because Africa might increase its share of U.S. textile and apparel imports from its current level of 0.8 percent! Shame on the people blocking this bill. Shame on them.

Some 85 percent of the garments sold in the U.S. today are already sewn abroad. Honduras, little Honduras, already exports seven times more textiles and apparel to the U.S. than all 48 nations of sub-Saharan Africa combined. With our minimum wages, we can't produce jeans that retail for $16 and we don't want to. North Carolina's textile industry has already become highly automated and has moved away from low-value goods to high-value, high-tech fabrics. Much of the unionized labor force sewing clothes in the U.S. is in large cities and comprises new immigrants, many not citizens, since most Americans don't want these jobs.

If Africa were given duty-free access to our market, sophisticated textile plants in North Carolina wouldn't move to Madagascar. China would be the big loser, because Africans have the same skills to knit cashmere sweaters cheaply as people in China, and if Africa were given a 17 percent import tax advantage in shipping to the U.S., manufacturers would move their production from low-wage China to low-wage Africa. Which is why a study by the U.S. International Trade Commission concluded that "the impact of quota removal [for African imports] on U.S. producers and U.S. workers would be negligible."

So why do the unions still oppose it? Sheer knee-jerk protectionism—even though the bill has tough measures to protect against any surge in imports from Africa, and restricts free-trade status to African countries moving toward democracy, economic reform and real worker protection.

No matter. Right now the only version of the bill the textile makers would permit is one that says Africa can only import duty-free into the U.S. if it first buys all the fabric, thread and yarn from U.S. factories, then ships it to Africa to be sewn, and then ships it back to the U.S. to be sold—a costly obstacle course that would prevent any new investment in African factories. The real motto of U.S. trade unions is: We're for more worker standards in Africa, not more work.

This is really bad. This bill isn't a panacea for Africa, but it's important. Throughout the history of industrialization, poor countries have started down the road of development by sewing clothes. It's the one thing that poor people can do right away. It's critical that this bill go through now because by 2005 all the quotas on textile imports into the U.S. will expire. It will be a free-for-all. Right now investors are deciding where to locate plants for 2005—whether to stick with China or branch out to Africa, Vietnam or Mexico. If Africa is shut out from these investment decisions, it will fall even further behind.

The Clintonites talk the talk of Africa and AIDS, but, sadly, they have been afraid to get tough with the unions on this textile issue. Why is AIDS spreading so quickly among young women in Africa? One reason is that women have so few jobs they have to sell themselves to men with AIDS. Apparel jobs largely employ women. They make a difference.

But this is of no interest to the A.F.L.-C.I.O. crowd. All they care about is that Africa not sell more than 0.8 percent of garments here. Shame on them for what they are doing, and shame on us if we let them.

CONDEMNING THE RACIST AND ANTI-SEMITIC VIEWS OF THE REVEREND AL SHARPTON

HON. JOE SCARBOROUGH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Mr. SCARBOROUGH. Mr. Speaker, I offer the following for printing in the RECORD.

Whereas the Congress strongly rejects the racist and incendiary actions of the Reverend Al Sharpton;

Whereas the Reverend Al Sharpton has condoned anti-Semitic views in that protesters from the Reverend Sharpton's National Action Network have referred to members of the Jewish faith as "blood-sucking [J]ews", and "Jew bastards";

Whereas the Reverend Al Sharpton has referred to members of the Jewish faith as "white interlopers" and "diamond merchants";

Whereas the Reverend Al Sharpton was found guilty of defamation by a jury in a New York court arising from the false accusation that former Assistant District Attorney Steven Pagones, who is white, raped and assaulted a fifteen-year-old black girl;

Whereas to this day, the Reverend Al Sharpton has refused to accept responsibility and expresses no regret for defaming Mr. Pagones;

Whereas the Reverend Al Sharpton's vicious verbal anti-Semitic attacks directed at members of the Jewish faith, and in particular, a Jewish landlord, arising from a simple landlord-tenant dispute with a black tenant, incited widespread violence, riots, and the murder of five innocent people;

Whereas the Reverend Al Sharpton's fierce demagoguery incited violence, riots, and murder in the Crown Heights section of Brooklyn, New York, following the accidental death of a black pedestrian child hit by the motorcade of Orthodox Rabbi Menachem Schneerson;

Whereas the Reverend Al Sharpton led a protest in the Crown Heights neighborhood and marched next to a protester with a sign that read, "The White Man is the Devil";

Whereas the Reverend Al Sharpton has insulted members of the Jewish faith by challenging Jews to violence and stating to Jews to "pin down", their yarmulkes; and

Whereas the Reverend Al Sharpton has practiced the policies of racial division and made inflammatory remarks against whites by characterizing the death of Amadou Diallo as a "racially motivated police assassination": Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) condemns the practices of the Reverend Al Sharpton, which seek to divide Americans on the basis of race, ethnicity, and religion;

(2) expresses its outrage over the violence that has resulted due to the Reverend Al Sharpton's incendiary words and actions; and

(3) fervently urges elected officials and public servants, who have condoned and legitimized the Reverend Al Sharpton's incendiary words and actions, to publicly denounce and condemn such racist and anti-Semitic views.

NUNS ATTACKED IN INDIA, SAVED BY SIKH FAMILY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Mr. TOWNS. Mr. Speaker, the wave of violence against Christians by Hindu fundamentalists continues. Since Christmas 1998, churches have been burned, priests have been murdered, nuns have been raped, and Christian schools and prayer halls have been destroyed. The government of Orissa now requires anyone who wishes to change religions to get a permit from the government. Sikhs and Muslims have previously been subjected to similar tyranny.

These attacks have been carried out by Hindu fundamentalists who belong to a branch of the RSS, an openly Fascist umbrella organization that includes the ruling Bharatiya Janata Party under its umbrella.

In the most recent incident, a gang of RSS militants attacked the Convent of Our Lady of Grace in Panipat. Previously, a priest from the same complex had been murdered. This is the fourth attack on the church in Panipat, according to The Deccan Herald.

Fortunately, when the militant Hindus attacked the convent, the nuns screamed and the alarm went off, attracting the attention of the Sikh family next door. They got their gun and came over to the complex, where the RSS mob attacked the rescuers using steel rods and guns. One of the attackers was captured.

Unfortunately, this incident shows us again that there is no religious freedom in India. Hindu nationalist mobs associated with the ruling party have free rein to commit these acts of violence against the religious minorities and they rarely get any punishment from the government. Instead, the government uses these incidents to try to set one religious group against the other so that they can continue their brutal, intolerant, tyrannical rule. In the murder of missionary Graham Staines, which was carried out by Hindu militants chanting "Victory to Hannuman," a Hindu god, the government arrested a man who uses the alias Dara Singh in order to blame the Sikhs.

This kind of intolerance is unacceptable. As the lone superpower and the beacon of freedom in the world, the United States must act to bring freedom to all the people of South Asia. While President Clinton visits India, it is crucial that he bring up the issues of political prisoners, religious freedom, and self-determination.

There are also things we can do here in Congress. We should stop all American aid to India until these basic human rights are respected and we should declare our support for an internationally-supervised plebiscite on independence for Punjab, Khalistan, for Kashmir, for Nagaland, and for the other nations seeking to free themselves from India's brutal, corrupt rule. We must be prepared to take responsible measures to extend freedom to all the people of the world.

[From the Deccan Chronicle, Mar. 14, 2000]

SIKH FAMILY SAVES NUNS FROM BAWARIA ATTACK

New Delhi: A Sikh family saved the lives of five nuns who were attacked by a group of over ten armed men in the wee hours of the morning on 11 March, in Panipat. Putting their own safety at risk the male members of the family attacked the intruders armed with guns and steel rods who had entered the church where the Franciscan nuns were staying.

Answering to the alarm call of the nuns, the Sikh men immediately came to their rescue. The incident happened in Panipat in the convent of Our Lady of Grace. The Sikh family who have been staying in the Joti Nagar area next to the convent for over a decade, hearing the cries of the nuns and the alarm calls of the chowkidar, rushed to their help.

Armed with their licensed country made gun attacked the men. In the ensuing chaos the assailants attacked the Sikhs with steel rods and fired two rounds of gun shots. One of the Sikhs managed to nab one of the men, who in his desperation to escape bit him. Meanwhile the other gang members started firing from behind the church forcing the Sikhs to shoot back and attack them.

The nabbed man has been identified as Kala and belongs to the Bawaria caste. The gang is believed to be involved in the earlier attacks on the church. This is the fourth such attack in the past three months on the church in the Sonepath-Panipat Samalkha region.

The superior of the convent, Sr Vandana said, "We are very grateful to them for helping us, even though they could have been killed in the process. We will always remember them in our prayers."

Earlier a priest living in the same compound was attacked by unknown men a few weeks ago. As a result, two police guards were posted outside the church compound which houses a church, and quarters for the priest and nuns.

The police removed the guards from duty and within two days of this the church was attacked again. Recalling the incident Sr Vandana said, "Though convent houses six nuns, one of them was not present at the time of the incident. The men scaled the compound wall, broke opened the main wooden entrance of the convent and then tried to break in the door of the dormitories where the five nuns were sleeping. The shocked and panic struck nun rushed into the smaller rooms and bathroom, where they locked themselves. The men later broke open an almirah." The Sonepat-Panipat Samalkha region had reported spate of violence which included attack on a priest who narrowly escaped and threatened several nuns. The area also witnessed four cases of dacoity.

Earlier two cases of dacoity had taken place in Samalkha and Panipat within three days of each other. In Samalkha in the early hours of March 9, 2000, gang of ten men raided and looted the Ish Mata Church and made off with Rs 60,000 kept for refurbishing the church. Fr Azeem Raj of the church escaped by locking himself in the bathroom. On 1 January Fr Vikas of Panipat Church was serious injured and his skull and limbs fractured when he was attacked by a gang of armed men. This incident took place in the same compound where the nuns were attacked.

The district collector of the Panipat, Sandeep Garag said, thanked the Sikhs for the help and has advised that the guards be posted back to the church and more arms be sanctioned.

TRIBUTE TO THE LATE JAMES BLISS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Mr. FARR of California. Mr. Speaker, I rise today to recognize and honor a long time friend and community member. James Bliss served his community well as a long time forester for the Department of California Forestry.

James was born in Portland, Oregon. He lived in Monterey County for over twenty-five years, during which time he attended Monterey High School and went on to study in California Polytechnic State University in San Luis Obispo. My father, former State Senator Fred Farr, helped to get him his first job as a seasonal firefighter with the California Department of Forestry. He then went on to serve for thirty-four years with the Department of Forestry, retiring as Deputy Chief for Command

and Control in the Sacramento headquarters. His loyalty and integrity were recognized in an article by the San Francisco Examiner hailing him as "The Cool Field General Whose Enemy was Fire." His career did not end there. After his retirement he went on to work as general manager of R.C.C. Consultants Inc.

James will be forever remembered by dear family and friends. He is survived by his wife, Annette; his son, James Shelby; his daughter, Shannon Dudek; his brother, Todd Bliss; his sister, Teri Cotham; and his father, Edwin Bliss.

HONORING MR. ALFRED SZALA

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Mr. McGOVERN. Mr. Speaker, it is with great pride that I rise today to honor a truly dedicated public servant, Mr. Alfred A. Szala, the registrar for the town of Dartmouth, Massachusetts.

Mr. Szala has been a member of the Dartmouth Board of Registrars for 51 years and its chairman for over 30 years. He and his wife, Cecilia, have been happily married for 55 years and are proud to call Dartmouth, Massachusetts, home.

For a half-century, Mr. Szala has honorably served the people of Dartmouth. He has witnessed many elections over the past five decades and strongly believes it is everyone's civic responsibility to vote. His life has been dedicated to community service and he is a true role model for the next generation of leaders.

Mr. Speaker, it is with great honor that I honor Mr. Szala in the United States House of Representatives. He has given so much back to his community and for this we are all very grateful. Best wishes to him and his wonderful family.

CELEBRATING THE CAREER OF MR. BERNAL W. COY

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Ms. BALDWIN. Mr. Speaker, I rise today to recognize Mr. Bernal W. Coy of Richland Center, WI. Mr. Coy has served as an elected official in Richland County for over 41 years. He will retire this April. I rise to congratulate him and thank him for his many years of public service.

His exceptionally distinguished career has been marked with significant achievements. Mr. Coy was first elected to public office in 1958 as Richland County Clerk. He served honorably for more than 29 years, during an additional 14 terms. In 1988, Mr. Coy was then elected to the Richland County Board of Supervisors, representing the district of Richland Township. His leadership was recognized by his colleagues, who elected him to serve as Vice-Chairman of the County Board, a position he has held continuously ever since.

During his 41 years of public service, he helped to ensure long-term economic growth and higher standards of living for Richland County through his work in establishing the University of Wisconsin at Richland. He also helped to ensure the public good with his work towards the establishment of the Pine Valley Manor, which was a much-needed replacement of the former County Home. He helped to ensure justice and public safety with his involvement in the building of a new Sheriff's office, as well as an expansion to the Richland County Courthouse.

His public service was not without the strong support of one very important person, his wife Elaine. Together they have raised seven children. During the Second World War, Mr. Coy answered the call and served his country honorably. Amazingly, Mr. Coy still found time for civic involvement. Over the years he has served as a cornerstone of the Richland community in a variety of roles including the Richland Hospital Board, the American Legion, 40 et 8, the Lions Club, the Masonic Lodge, and as a Shriner.

Mr. Coy's selfless and lifelong public contributions serve as a shining light for others to emulate. This, coupled with his extensive civic involvement, exemplifies our most longstanding national values.

I thank him for his service to Wisconsin, and extend my very best wishes for a well-deserved retirement.

TRIBUTE TO WASHINGTON HIGH SCHOOL LADY CATS BASKETBALL TEAM

HON. JOE SCARBOROUGH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Mr. SCARBOROUGH. Mr. Speaker, the Washington High School Lady Cats basketball team of Pensacola, FL, deserves special commendation for recently capping its perfect season by winning the Class 4A Florida state championship. As 1999–2000 4A State Champions, earning an impressive 31–0 record, I proudly recognize their achievement as the only undefeated high school basketball team—boys or girls—in my State.

I grant credit for this outstanding achievement to the entire Lady Cats team. I especially congratulate Jessica Pierce, who was named Class 4A Player of the Year, as well as 4A tournament Most Valuable Player. She and Lady Cats Jeanine Albritton, Sarah Bennett, Syreeta Byrd, Tasha Cook, LaTrachia Davis, Audra Hayes, Laura Humphreys, Clenita Jones, Felecia Likely, Vicky McMillan, Ayana McWilliams, and Rebecca Rood demonstrated the necessary skill, teamwork, and dedication to achieve their success.

Coaches Ronnie Bond and Janis Bond also share in the Lady Cats success and deserve special recognition. In 25 years coaching Washington High School Lady Cats Basketball, they enjoyed 585 wins with only 113 losses. During their tenure, in fact, the Lady Cats claimed four State championships and landed four State runners up. Therefore, I regard the team's recent success as a tribute to these coaches tireless effort as well.

Mr. Speaker, I commend the Washington High School Lady Cats basketball team for exemplifying the true spirit of American sportsmanship. Their success shows the value of determination and commitment, and should inspire everyone to see that hard work and sacrifice lead to attaining the highest goals.

RECOGNIZING HERMAN S. "WOODY" DORSEY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute to Herman S. "Woody" Dorsey on the occasion of his receiving the 2000 James E. Stewart Award from the American Association of Blacks in Energy (AABE).

The American Association of blacks in Energy is the preeminent association of Black energy professionals. By virtue of training, expertise, and experience in the energy realm, AABE emerged in the energy crisis of the 1970s to create a structure by which Blacks bring their expertise, experience, and perspectives to bear on energy policymaking. AABE members provide a vital service to those of us trying to formulate the best energy policies for all the citizens of the United States. Since its establishment in 1977, AABE has continually and insightfully informed the members of the Congressional Black Caucus on considerations vital to an effective national energy policy. We are particularly indebted to AABE for their expert counsel for the past two decades.

The Stewart Award is AABE's highest level of recognition. This year's award honors Woody Dorsey's long years of local and national leadership dedicated to a AABE's growth and viability. Woody joins the ranks of 13 earlier distinguished recipients of the Stewart Award. It is bestowed only upon those who have demonstrated outstanding achievement and leadership both within the AABE and the larger African American community. Woody's career and life exemplifies both extraordinary achievement and leadership.

A member of the AABE Board of Directors since 1990, Woody rose through the officer ranks of AABE in record time. He served as the Board's chairman for two years during which time he increased the number of chapters in the organization by 35 percent. Woody also applied his skills and enthusiasm to the High Energy Partnership (HEP) program to guide promising young engineers from college to hands-on work experience with mentors. Woody was instrumental in getting his Company, the Consolidated Edison Company of New York to adopt a New York city high school in order to extend student development. As a result, students at Woody's "adopted" high school receive mentoring from energy professionals and college scholarships for engineering majors.

Since 1978, Mr. Dorsey has served as visiting engineering professor in the Black Executive Exchange Program (BEEP) of the National Urban League. Mr. Dorsey participated in the 1997 White House Conference on global warming. Mr. Dorsey is the Plant Manager of the 59th Street electrical generating plant in New York City. He was co-chairman of the Department of Energy's workshop on district heating and cooling and has written a number of technical papers on cogeneration.

Mr. Speaker, I want to congratulate Mr. Dorsey for meriting the distinguished Stewart Award. Woody is a true leader in AABE, his company, his community, and the Nation. We owe him a debt of gratitude.

HAVEN OF REST MINISTRIES

HON. TOM SAWYER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Mr. SAWYER. Mr. Speaker, the census is the largest, broadest, and most complex peacetime civic activity this Nation conducts. The Census Bureau will hire hundreds of thousands of temporary workers to ensure timely, accurate, and complete information.

We've all heard that, and some of us have had occasion to mention those facts once or twice.

But sometimes, the big picture can seem overwhelming. I'd like to address one small part of this big picture.

For more than half a century, the Haven of Rest Ministries in my home town of Akron, OH, has worked among the poor, homeless, and spiritually destitute. Founded by the Rev. and Mr. Charles C. Thomas, Haven of Rest provides a wide range of programs and services, not duplicated by other agencies or organizations in our community. Its doors are open 24 hours a day, 7 days a week, 365 days of year. There is never a charge.

Haven of Rest neither seeks nor receives financial assistance from the United Way or, more remarkably, from any government agency. The overwhelming percentage of its financial support—over 80 percent—comes from individuals.

In short, Haven of Rest is intimately in touch with a part of our community and a population who are often overlooked.

And now, Haven of rest is doing its part to assist in that civic activity we call the census. Haven of Rest has become a designated census site. As important, eight members of the Haven's staff have received training as census takers. They were selected because of their well-established relationship with the homeless, and that is where their energies will be focused—counting those hardest-to-count individuals, the wandering homeless who all too easily slip into invisibility.

That is exactly the sort of commitment, dedication, and civic partnership the census requires. This is (as we in Akron say) "where the rubber meets the road"—finding, identifying, and counting those who lack basic shelter.

For three generations, the Thomas family has guided the Haven of Rest with a deep and abiding sense of the dignity and worth of every individual. They understand and live the creed that everyone matters and every one of us counts.

I commend them for their caring, and for their inspirational demonstration of what "civic duty is really all about.

INTRODUCTION OF DILLONWOOD GIANT SEQUOIA GROVE PARK EXPANSION ACT; AND GIANT SEQUOIA GROVES PROTECTION AND MANAGEMENT ACT OF 2000

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Mr. RADANOVICH. Mr. Speaker, today I am introducing legislation to preserve some of America's greatest treasures—the giant sequoias of central California.

The first bill I am offering would expand the boundaries of Sequoia National Park. There is an area called Dillonwood Grove that includes one of the riches sequoia groves in the region. The private owners want this tract to become a part of our Park system and I support their right to do that. This bill would authorize the change.

The most compelling thing about Dillonwood, however, is that this private property has been actively managed for many years and it offers us living proof to the advantages of flexible forest management. While Dillonwood will enter into the Sequoia National Park, it is important to look at the management lessons from Dillonwood, as we seek to protect, restore and maintain the sequoia groves outside of the Park.

The President thinks the best way to do this by designating a 400,000-acre national monument. I disagree.

First, the giant sequoia in the Sequoia, Sierra and Tahoe Forests have been off limits to logging for over 10 years! A Mediated Settlement in 1990 set aside these groves to permanently ensure their protection. President George Bush signed a proclamation in 1992 to state the policy for management to be to protect, preserve and restore goods for giant sequoia groves in national forests. In fact, over 80% of the Sequoia National Forest is already off limits to logging.

The scientists also disagree. In 1996, the Sierra Nevada Ecosystem Project said the best way to keep the forest healthy was through active management of the groves. They did not recommend a monument. In addition, the Giant Sequoia Ecology Cooperative has advocated a flexible and adaptive management strategy. A monument designation would undermine this kind of flexibility.

I would like to introduce a letter into the RECORD from Dr. Douglas Piirto, a Professor of Forestry and Natural Resource Management at Cal Poly, in San Luis Obispo, California. He has been working on giant sequoia health for almost thirty years and is very concerned about how monument status will undermine forest management flexibility. I would encourage my colleagues to read his thoughtful recommendations.

Unfortunately, the Administration has completely ignored all of these scientific findings. And the Forest Service has done little to implement them.

Instead, what we now see is an election campaign driving forest policy. The campaign pollsters say we should lock it up! But this is not in the best interest of these sequoia groves—it is only in the best interest of one election campaign.

This second bill would authorize a National Research Council study of the forest. They should review past studies and offer recommendations for exactly what kind of management will preserve these treasures. The National Research Council offers us some of the best independent scientific review in the world and I hope the Administration will listen to them.

This should be about the health of the forest, not the health of an election campaign.

If we really care about the future of the giant sequoia, then we will listen to the scientists. Campaign spin doctors and their polls cannot and should not try to manage a forest.

MARCH 7, 2000.

Re Antiquities Act and Giant Sequoia Groves: Giant Sequoia--a Relic of the Past or an Icon to the Future

Hon. William Clinton,
President of the United States,
White House, Washington, DC.

DEAR PRESIDENT CLINTON: I write this letter with a highest degree of urgency and respect for your office. You are about to make a decision that NBC states in their 2/16/2000 news story could impact the long-term survival of giant sequoia trees. They are right but not in the context that they say it. Deciding to create a national monument for the giant sequoia groves that occur on national forest lands will result in the creation of places where "relics" of giant sequoia are featured. To think that simply drawing a line around a giant sequoia grove and stopping all management activity is in the best interest of the long-term survival of giant sequoia is incorrect. I fully disagree with any attempt to put the national forest giant sequoia groves in national monument status. A flexible range of management is needed that cannot occur if they are designated only as national monuments or national parks. I reach out to you at this time with the greatest degree of humility I can muster. There is no scientific justification in my opinion to designate giant sequoia groves on national forest land as national monuments. Our common interest is to see that they receive the best stewardship possible. So, as much as we may differ on a variety of issues, I need to have your attention for the next few minutes as I make my case regarding the future of giant sequoia groves.

I have organized this letter into the following sections: A Win/Win Solution; My Credentials, Interest, and Role in Giant Sequoia Management; The Problem As I See It; Why the Need for a Flexible Range of Management; What the Politics and Science Tells Us; Conclusion, and Selected References from my Curriculum Vitae. The recommendations presented in the Win/Win Section of this letter are supported and expanded upon by the information that is presented in the sections which follow it.

Please refer to the figure attached at the end of this letter before proceeding with reading the Win/Win Solution section of this letter. They say a picture tells what a 1,000 words can't do. The figure of the Confederate Group in Mariposa Grove illustrates what can happen to vegetation within a giant sequoia grove over an 80-year period. This letter makes the case that significant management flexibility is needed to respond to the dramatic changes in vegetation that can occur in giant sequoia groves.

A WIN/WIN SOLUTION

Let's first start with what I think most informed people agree on: (1) Some people might debate the meanings of the protect, preserve, and restore goals for national forest giant sequoia groves as specified in the 1992 Presidential Proclamation but most citizens would, I think, largely agree with their intent; (2) some type of management area designation featuring giant sequoias may be appropriate; (3) the subwatershed basin containing the giant sequoia grove should be the area that is specifically identified to receive a specific management area designation; (4) flexible/adaptive management, including fire surrogate methods (*e.g.*, selective thinning to reduce risk of catastrophic fire occurrence) is needed given the many different conditions that exist in national forest

1. Expand on the 1992 Presidential Proclamation by issuing a 2000 Presidential Proclamation directing the Forest Service to provide protection, preservation, and restoration work to the lands within the sub-watershed basin containing the giant sequoia groves. Ask Congress for approval of your proclamation if possible to gain a broader spectrum of support. Approximately 19,345 acres exist with the tree-line areas of the 38+ giant sequoia groves that occur on the Sequoia National Forest. Increasing management attention to the subwatersheds that contain the giant sequoia groves would increase this special designation status to about 100,000 acres on the Sequoia National Forest. I recommend that the remaining 300,000 acres be released from management area special designation which would respond to concerns expressed by the local forest products industry.

2. I recommend a designation other than national monument. National monument connotes to me the idea of preserving relics rather than adaptively managing ecosystems. The Forest Service has a large number of special designations it uses for the lands under its jurisdiction. One of those designations, I think, should suffice. The important thing is that a subwatershed area is identified for each grove that will fall under the three goals of protect, preserve, and restore.

3. The goals of protect, preserve, and restore should be expanded to include the Sierra and Tahoe National Forest groves.

4. Some further refinement as to the meaning of protect, preserve, and restore might be appropriate. I know they are referred to in the 1992 proclamation but the wording of any new proclamation must account for the current variety of conditions in the Sequoia, Sierra, and Tahoe groves. Please refer to the report titled "An Ecological Foundation for Management of National Forest Giant Sequoia Ecosystems" for further clarification.

5. The role of the Giant Sequoia Ecology Cooperative must be further defined, reinforced, and supported with staffing and funding. This important body has begun to make a difference but its efficiency could be improved with renewed and expanded support from the President. This will insure a cross-section of scientific support for the work occurring in all giant sequoia groves whether within state of federal jurisdiction.

6. Some direction as to how to bring about management in the 38+ national forest giant sequoia groves should be included in the 2000 Presidential Proclamation. For example, it would be an overwhelming task to write an EIS document for each national forest giant sequoia grove. So, specific direction laying out the actions necessary to move to projects within national forest giant sequoia groves, I think, is needed.

7. No matter what the 2000 Presidential Proclamation specifies, very little will be achieved without adequate funding and staffing. Drawing a line around giant sequoia groves does very little for their long-term sustainability.

8. Provide funding for a 2002 giant sequoia symposium. The Forest Service along with other agencies sponsored the highly effective 1992 symposium.

9. Finally, I think some credit must be given to the Forest Service for the work they have achieved to date. We know more today about national forest giant sequoia than ever before. That is because of the work they and others have done. No organization or agency is perfect. But the morale of an organization can be severely degraded when allegations are made that are not supported by science

The information which follows provides support to this Win/Win solution.

MY CREDENTIALS, INTEREST, AND ROLE IN GIANT SEQUOIA MANAGEMENT

My name is Dr. Douglas D. Piirto. I am presently a Professor of Forestry and Natural Resources Management at Cal Poly, San Luis Obispo. I am a Registered Professional Forester and Certified Silviculturist in California. My experience with giant sequoia and coast redwood started in 1972 and continues to the present. I have dedicated my career to furthering our knowledge about these two magnificent species with a major focus on giant sequoia. My Ph.D. work at UC Berkeley was focused on "Factors Associated with Tree Failure of Giant Sequoia." I published six papers based on my Ph.D. dissertation.

My experience with giant sequoia since completion of my Ph.D. work is extensive. I have worked as a Forest Manager on lands that contained giant sequoia groves. I have developed giant sequoia grove management plans, completed over $1,000,000 in research projects over the past 28 years focused on giant sequoia, have two major giant sequoia research projects ongoing, and have just finished a major report for the USDA Forest Service titled "An Ecological Foundation for Management of National Forest Giant Sequoia Ecosystems. I am well acquainted with almost all aspects of giant sequoia management, the public issues, and scientific information. For example, I annotated over 175 scientific articles for the recent report I just finished for the Forest Service. So, I speak with a significant amount of background regarding giant sequoia that has help up to the peer review process.

Further, I was actively involved in the planning and execution of the 1985 shortcourse titled Management of Giant Sequoia sponsored by the USDA Forest Service and the Society of American Foresters. I served as an expert witness for the 1991 Congressional Hearing on management of national forest giant sequoia groves. I was actively involved in the planning and execution of the 1992 Giant Sequoia Symposium which occurred as a result of recommendations made at the 1991 Congressional hearing. At that same time I completed a major study for the National Park Service titled Biological and Management Implications of Fire Pathogen Interactions in the Giant Sequoia Ecosystem.

My current research, funded by Save the Redwoods League and Sierra Forest Products focuses on evaluating vegetative structure of a highly altered giant sequoia grove (e.g., Converse Basin) and the Redwood Mountain Grove, a grove which has only had prescribed burning. We are obtaining some fascinating management oriented results from this study.

I present my comments, opinions and recommendation in this letter as a Cal Poly representative to the Giant Sequoia Ecology Cooperative, a group of managers and managers focused on linking science to management policies. The points I make in this letter are based on years of experience and interaction with many learned individuals. The comments I make should only be construed as my point of view and not that of the collective body of Cal Poly or of the Giant Sequoia Ecology Cooperative. However, having now said that, my opinions presented here are widely supported particularly my views on the need for an adaptive, flexible management strategy that is focused on the subwatersheds containing giant sequoia groves. Please refer to the Congressional Testimony I presented in 1991 that specifically outlines my views as to the need for a flexible management policy. Also refer to the McKinley Grove Environmental Assessment that I helped prepare in 1978. In that EA, I recommended that the

THE PROBLEM AS I SEE IT

Considerable discussion has and is occurring as to how to best protect naturally occurring giant sequoia groves. It is my opinion that the issue should rather focus on how to manage giant sequoia groves. However, defining what constitutes "best" management is not an easy matter and is subject to interpretation by various concerned individuals and organizations. I made this statement in my testimony to the 1991 Congressional Hearing on management of giant sequoia groves.

The 1991 Congressional Hearing led to several positive outcomes: 1.) the 1992 Giant Sequoia symposium; 2.) increased USDA Forest Service funding to located boundaries and inventory national forest giant sequoia groves; 3.) increased research activity on giant sequoia; 4.) 1992 Presidential Proclamation; 5.) development of a Giant Sequoia Ecology Cooperative which advises all organizations that have a responsibility for managing giant sequoia groves; and 6.) development of an ecological foundation report for management of national forest giant sequoia ecosystems. We didn't precisely know in 1990 where national forest giant sequoia groves began and ended. We do now because the 1989 Mediated Settlement followed by the 1992 Presidential Proclamation focused our attention on three objectives: protect, preserve, restore. And, increased funding led to our accurately locating the boundaries of all giant sequoia groves buffer zones, and subwatersheds. And more recently we have identified fire influence zones for several of the national forest giant sequoia groves. So to say that very little has occurred regarding national forest giant sequoia groves is a gross misstatement.

Drawing lines to exclude certain management activities is not what we as a society must focus on. Rather we must center our attention on flexible management strategies that accommodate the variety of stand conditions which exist within the proposed 400,000 acre national monument for national forest giant sequoia groves. As far as I can tell the actual acreage of national forest giant sequoia groves is something less than 19,345 acres. So, I wonder why it is necessary to reserve from use some 400,000 acres of land. Admittedly there are watershed and fire influence concerns which must be addressed but those areas outside the actual treeline areas of giant sequoia groves can be managed in such a fashion that both allows use and reduced risk of catastrophic fire or watershed events occurring within the giant sequoia groves.

And to think that one form of management is in the best interest of all the national forest giant sequoia groves fails to realize that there are significant differences in the composition and structure of the 38 national forest sequoia groves on the Sequoia National Forest. Converse Basin, for example when it was privately owned was extensively logged some 100 years ago. There have been two very large wildland fires that have also affected the Converse Basin grove as well. The structure and composition of the Converse Basin grove is thus much different from a grove that has not had this disturbance history. Thus it follows that our management approach for Converse Basin would by necessity be different from other less disturbed groves. Will establishing a national monument allow for this range of management flexibility? I think not. We must rise to higher level as we focus our attention on what is best management for national forest giant sequoia groves.

WHY THE NEED FOR A FLEXIBLE RANGE OF MANAGEMENT

Agencies are moving forward with management activities trying to "learn as they go" as to what works and doesn't work. For example, the California Department of Forestry and Fire Protection employs uneven-aged forest management practices (e.g., selective cutting) and prescribed burning to meet management objectives for the Mountain Home grove of giant sequoias. The USDI National Park Service employs prescribed burning focusing on fuel reduction. The USDA Forest Service was using both even and uneven-aged forest management followed by prescribed burning practices in several of the giant sequoia groves on the Tahoe, Sierra, and Sequoia National Forest in the 1970s and 1980s. The Forest Service has imposed a moratorium around 1988 on management projects in national forest giant sequoia groves until more is learned about them (e.g., inventories) and until a Land Management Plan Amendment can be developed and approved. The California Department of Parks and Recreation which manages Calaveras Bigtrees State Park employs primarily prescribed burning practices to meet management objectives. The Bureau of Land Management has recently launched a program to inventory attributes of the Case Mountain giant sequoia grove. But aside from custodial protection, BLM is not aggressively managing the Case Mountain grove until it evaluates a suitable management strategy. The managers of the Tule River Indian Reservation employ uneven management of the giant sequoia lands that occur there. The range of management approaches varies from timber management followed by prescribed burning to only prescribed burning to custodial management to let's wait and inventory what we have at this time. Which approach is correct?

A few long-term studies have been done focused on management strategies for giant sequoia groves. The USDI National Park Service has done work on prescribed burning but not in comparison to its effectiveness to silvicultural management strategies. To say that prescribed burning for fuel reduction is the only safe course of action for all giant sequoia groves is inappropriate because it is an opinion based on limited research information. We really do not know if prescribed burning alone is the best course of action for the long-term survival and perpetuation of the giant sequoia species. Prescribed burning has both positive and negative effects on the giant sequoia ecosystems.

Understanding that prescribed burning is not without its negative consequences, some foresters employed a variety of silvicultural methods to achieve desired management objectives. Silvicultural manipulation (e.g., tree removal) has both positive and negative consequences as does prescribed burning. Competing whitewood trees are either partially or totally removed from small areas of the larger giant sequoia groves to reduce fuel levels, reduce competition, and create seedbed conditions that enable giant sequoia to become established, survive, and grow. Very few young-growth stands of giant sequoia exist in California. The ones that do exist developed as a result of past site disturbances. Silvicultural manipulation of giant sequoia groves and adjacent areas can actually increase the amount of area occupied by young, healthy giant sequoia trees.

The decision as to what is the most appropriate course of action to take with reference to the management of giant sequoia is not an easy one to make given these uncertainties. However, it seems inappropriate to put all of the giant sequoia grove areas under the same form of management. Placing the 41+/− giant sequoia groves on the Sequoia, Sierra, and Tahoe National Forests into a national monument status reduces to a significant degree management flexibility. Management flexibility is needed as we learn more about effective approaches. National monument status will insure custodial protection but will this designation ultimately lead to healthy ecosystems and perpetuation of the giant sequoia species? Do we really have enough information to suggest that only national park or national monument status will result in "best"

WHAT THE POLITICS AND SCIENCE TELLS US

So who's right? What course of action should we as a nation take at this point in time? What have we learned from what research and management activities that have been undertaken? The lessons learned as I see them are:

1. There continues to be significant interest in the giant sequoia resource as there well should be. Yet this interest and concern is not supported by adequate funding to do research and carry out management in an orderly and planned manner.

2. Organizations and agencies involved with giant sequoia management have varied opinions as to what is the most appropriate course of action to follow.

3. More comparative research is needed to evaluate management approaches for giant sequoia ecosystems.

4. Significant site disturbance is needed to obtain giant sequoia seedling establishment and survival. Mineral soil conditions favor seedling establishment and canopy openings facilitate growth and survival of established seedling.

5. Thrifty young-growth stands of giant sequoia are not widespread with its native range.

6. Fire suppression over the past 90 years has resulted in significant stand density increases of associated tree species found in giant sequoia groves. These changes in stand density are also influencing pathogen and insect relationships in the grove areas.

7. Both prescribed burning and silvicultural manipulation of giant sequoia groves have positive and negative effects which are not fully understood. for example, researchers have measured lethal temperatures at significant depths beneath the bark of old-growth giant sequoia trees during prescribed burning operations.

8. Custodial protection without some form of prescribed burning and/or silvicultural manipulation is probably not in the best interest for perpetuating the species

9. Giant sequoia trees are subject to the same natural forces and man-caused influences as other tree species. Specimen giant sequoia trees have fallen within the boundaries of National Parks, State Parks, State Forests, National Forests, and on private lands. Various factors are involved. And in some cases human activities have probably contributed to premature failure in all of these governmentally protected and managed areas. It is not known whether or not the present rate of old-growth giant sequoia tree failures is higher than historic patterns.

10. Both prescribed burning and silvicultural manipulation of giant sequoia groves have received adverse public criticism. It seems that no one agency is doing a perfect job of giant sequoia management. However, Mountain Home State Forest might come closest if we were to judge performance on the amount of public criticism expressed and publicity received. But the Jury is still out as to what management approaches are most effective for perpetuation of the ecosystem and the giant sequoia species.

11. Giant sequoia groves have and are affected by a wide range of disturbance events. We understand that some proportion of a giant sequoia landscape should be comprised of early stage vegetation so that sustainability and the overall health of the grove is maintained.

CONCLUSION

Management by necessity must involve more than custodial protection. And it can't simply focus on changing jurisdictional authorities. Management must be continuous as the ecosystems within which giant sequoia occurs are dynamic. Given these three premises, I make a number of recommendations as shown in the Win/Win solution section of this letter.

Changing jurisdictional authorities is not the answer. Education and research continue to be needed on giant sequoia. Positive change will occur as we learn more about this most magnificent tree species and ecosystem. I truly believe that the giant sequoia groves are not relics of the past. They should not receive protective regulations that treat them as such. Drawing a circle around the giant sequoia groves and calling them national monuments seems to infer "relic" status. Flexible management strategies with restrictions on the extent of management activity that can occur at any one time seems to be, in my opinion, the better approach to insure the perpetuation of the giant sequoia species and the ecosystems within which they occur. Please refer you to the Win/Win Solution section at the beginning of this letter for more specifies as to the recommendations I offer.

Thank you for giving me this opportunity to express my opinions on giant sequoia. I list in the following section selected publications, technical reports, and invited presentations in support of my credentials to express an authoritative opinion on the pending proposal to establish a national monument for national forest giant sequoia groves.

SELECTED REFERENCES

I list only peer reviewed publications, technical reports, and papers I have delivered that are focused on giant sequoia. A complete listing of all my publications and presentations appears in my current Curriculum Vitae which is available upon request.

Peer reviewed publications

Piirto, D.D., and R. Rogers. 1999. An ecological foundation for management of giant sequioa groves. USDA Forest Service, Pacific Southwest Region, Sequoia National Forest R5-EM-TP-005 (peer reviewed).

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DOUGLAS D. PIIRTO. PH.D., RPF,
Professor of Forestry and Natural Resources Management.

TRIBUTE TO JOHN CARDINAL O'CONNOR—PERSONAL EXPLANATION

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Mrs. LOWEY. Mr. Speaker, on February 15, my colleagues honored John Cardinal O'Connor by passing H.R. 3557, a bill to award him the Congressional Gold Medal. Unfortunately, because I had requested and been granted official leave of absence, I was unable to cast my vote in support of this measure. Please let the record show that had I been here I would have voted "yes" for H.R. 3557.

As a fellow New Yorker, I have seen firsthand the good work of the Cardinal, in particular, his tireless efforts to improve Catholic-Jewish relations. The negotiations to establish diplomatic relations between the Vatican and

Israel were initiated, in large part, by Cardinal O'Connor. The Cardinal's work has truly enhanced human rights and religious tolerance around the globe.

Cardinal O'Connor has also been a leader in the effort to provide care to individuals stricken with AIDS. The Cardinal opened New York State's first AIDS-only unit at St. Clare's Hospital. This effort created a home for those in need of support and care, and supplied Cardinal O'Connor with yet another place to volunteer his time and counsel.

In addition to these remarkable accomplishments, Cardinal O'Connor has devoted his time to promoting racial equality, creating valuable educational opportunities for children, and assisting the poor, sick and disabled. It is clear that Cardinal O'Connor has touched the lives of many Americans and deserves this body's highest honor.

PRAISING GARROD HYDRAULICS

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Mr. GOODLING. Mr. Speaker, I would like to take this opportunity to extend my congratulations to the employees of Garrod Hydraulics, Inc. for receiving the ISO 9002 (International Organization of Standardization) registration. I am proud to honor the only company registered in the United States for Hydraulic Cylinder Repair, especially when it has been serving York County for over 20 years. With over 35 employees, the company is certainly expanding and has distinguished itself within the industry and the other 22,399 companies with ISO 9002 registration. Garrod Hydraulics has joined the fraternity of Best in the Class, and I salute their hard work and dedication.

HONORING MAGGIE ADELE McCULLOCH ON HER 1ST BIRTHDAY

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Mr. OLVER. Mr. Speaker, I rise today to pay tribute to Mark and Molly McCulloch of Holyoke as they celebrate the birthday of their daughter Maggie Adele McCulloch who turns 1 year old today, March 16, 2000.

Mr. Speaker, I commend the McCulloch family for their commitment to Massachusetts and their community.

Over the past decade, my constituent Mr. Mark McCulloch has played a prominent role in the community as Editor of the Holyoke Sun, Westfield Evening News, and now as Editor of the Ware River News. I am grateful for Mr. McCulloch's passion and commitment to politics and journalism.

As many of you know, a child's 1st birthday is a joyous occasion.

Therefore, it is only appropriate that I ask the House in joining me today in wishing Maggie Adele McCulloch a Happy Birthday.

HONORING MINNESOTA STAND DOWN

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Mr. VENTO. Mr. Speaker, I rise today to recognize and honor the tremendous success of the Minnesota Stand Down.

Since 1993, Minnesota Stand Down has set forth an excellent example of successful collaborative efforts with the National Guard and Reserve Units, homeless shelter programs, health care providers and other members of the community in order to help combat the growing problem of homeless veterans. With the help of hundreds of volunteers from over 150 different agencies and organizations, Minnesota Stand Down is truly a magical operation.

I have had the honor of attending and participating in numerous Stand Down events in Minnesota over the years. Each event gathered over 1,000 veterans in search of medical attention, shelter, food, legal assistance, transitional housing program assistance, showers and haircuts, clothing and meals. Most importantly, these special events provide companionship, camaraderie and mutual support.

In its eighth year, Minnesota Stand Down is designed to give homeless veterans a brief respite from life on the streets. In response to this growing problem, I have sponsored H.R. 566, The Stand Down Authorization Act. This important legislation would, in conjunction with the grassroots community, expand the VA's role in providing outreach assistance to homeless veterans. H.R. 566 has the strong support of over 100 bi-partisan cosponsors, the VA, the American Legion, the Veterans of Foreign Wars (VFW) and the Disabled American Vets (DAV). Stand Downs are not a solution to the problem of homelessness among veterans, but an opportunity to create an atmosphere and policy path conducive to bring about hope and long term solutions.

I would like to share with all Members an uplifting poem written by Kathy Lindboe, the daughter of Minnesota Stand Down coordinator, Bill Lindboe. It is my hope that this enlightening message will ignite our efforts in providing more resources towards our forgotten heroes . . . homeless veterans.

A LONELY MAN WALKS IN THE NIGHT

(By Kathy Lindboe)

A lonely man walks in the night, it is cold and quiet with no end in sight.
With looks of anger, looks of disgust, the strangers pass him.
They assume he must be another bum who deserves the street, never knowing his name, never knowing his feat.
That he fought for their freedom to walk on by,
that he fought for their country, he saw his friends die.
That he fought for tomorrow, he was shot in the chest, he fought for them all, for he loved them all best.
Now he talks to himself for some company.
He keeps his head down, he doesn't want them to see, his unshaven face, his frostbitten ears, the fear in his eyes from the last 30 years.
He hides from the world, existing on pride.
That for his country he lives, for this country, men died.
And his cry in the night, lingers on in his soul.
Another lonely man living, The war veterans role.

THE FED'S UNNECESSARY ASSAULT ON WAGES

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Mr. FRANK of Massachusetts. Mr. Speaker, I have become increasingly concerned that the relentless drive of the Federal Reserve to cut back on economic growth will lead to serious economic problems later this year. Federal Reserve officials have heretofore stressed that there is a time lag of many months between their decisions to raise interest rates and the effect those increases will have on the economy. We have recently had four Federal Reserve increases in interest rates, and by the Fed's own previous standards, only one of those could possibly have begun to have any economic impact, and that, barely so. For the Federal Reserve despite this to continue to raise interest rates threatens us with serious economic problems later in the year. I do not at this point believe that this will lead to a recession, although if the Fed continues to raise interest rates on a regular basis that will be the result. But what their actions will guarantee is a significant slow down in the growth of our economy. That is not only bad in itself, it will deprive our economy of the one factor that has served in recent years to alleviate the increasing trend towards exacerbating inequality that has accompanied overall prosperity for much of the past decade.

The justification for the Federal Reserve's action is of course that it is necessary to stave off inflation. This is a justification the Fed offers, despite what might appear to be the inconvenient fact that no inflation is in prospect. In a recent analysis, Jeff Faux of the Economic Policy Institute analyzes the Federal Reserve's argument, and delves into American economic history to show the fallacy of the Fed's approach.

Because of the importance of this topic to both the economic and social health of our country, and because of the cogency of Mr. Faux's analysis, I ask that it be printed here.

THE FED'S UNNECESSARY ASSAULT ON WAGES

(By Jeff Faux)

The Federal Reserve Board has raised its key interest rate a full percentage point since June 1999, and it has indicated that it will continue to raise rates until economic growth slows down.

It takes a while for interest rate changes to work their way through the economy. But sometime this year, the nation can expect to begin paying the costs. These costs will include: An increase in joblessness and a weakening of the bargaining power of low- and middle-income families, whose wages—after being stagnant for most of the 1990s—have been rising in the last several years because of tight labor markets. Higher housing, consumer credit, and general borrowing costs, a worsening of the trade deficit, because raising interest rates will increase the near-term value of the dollar.

According to Fed Chairman Alan Greenspan, these costs are justified by the benefits of slower growth, which will: (1) prevent the current boom from "overheating," i.e., generating politically unacceptable levels of inflation that must then be brought down by engineering a deep recession, and (2) deflate the overpriced stock market, thereby preventing a future crash.

But the slowing of the economy is unnecessary. As Greenspan himself admitted in his February 17 semi-annual report to Congress, "inflation has remained largely contained." Moreover, the historical evidence for Greenspan's inflationary scenario is weak. As for an overpriced stock market, the Fed has other policy options with which to deflate it. These realities suggest that the Fed's intervention has been aimed more at preventing wage increases than at preventing inflation.

If anything, lowering, rather than raising, interest rates is a more appropriate monetary policy for the current condition of the economy.

NO INFLATION SIGNALS

There are no signs that the economy is approaching close enough to capacity to represent a serious inflationary threat. The latest data show that the January "core" inflation rate—consumer prices other than volatile energy and food prices—rose only 1.9% above the year before, compared with a 2.3% annual increase a year earlier.

Nor is there any evidence that production is threatening to outstrip capacity. The Federal Reserve's own numbers show the capacity utilization rate at 81.6%, substantially below the 85.4% reached in 1988–89, at the peak of the last business cycle.

The employment cost index—the statistic said to be most watched by the Fed economists—in the fourth quarter of 1999 was rising at an annual rate of 4.5%. But productivity was rising even faster—by 5%—leaving room in the economy for more noninflationary wage increases.

THE DISAPPEARING NAIRU

It is of course plausible that at some point spending could outgrow the economy's capacity to produce, causing prices to accelerate to unacceptable levels. Economists have labeled the unemployment rate below which this inflationary spiral would theoretically ignite as the NAIRU, or the non-accelerating-inflation rate of unemployment.

In the early 1990s, the conventional wisdom among economists, including most at the Federal Reserve, was that the unemployment rate could not go below 6% without triggering an accelerating rate of inflation. The few economists who pointed out that there was little empirical evidence to support this theory and that the economy could achieve noninflationary unemployment rates of 4% or even lower were derided by the profession and ignored by the business media. (The late William Vickery of Columbia University, a Nobel Prize winner, said in 1994 that a 2% unemployment rate was feasible.)

The unemployment rate has now been below 6% since September 1994, below 5% since June 1997, and below 4.5% since April 1998. As we have seen, core inflation has not only not accelerated, it remains dormant.

The experience has taught us that no one, not even Dr. Greenspan, can calculate the NAIRU beforehand. Moreover, it has discredited the notion that low levels of unemployment will cause wages and prices to accelerate out of control. The NAIRU is revealed as useless as a guide to economic policy.

THE WRONG HISTORY LESSON

Still, the threat of the kind of runaway inflation that caused such economic and political havoc in the 1970s has been enough to stifle objections to the Fed's current strategy, even in an election year.

The inflationary terror with which Greenspan threatens us is a scenario in which rising demand in a peacetime economy bursts through the limits of capacity to set off a wage price spiral that feeds on itself, becomes politically unacceptable, and compels the government to bring it down by engineering a recession (reducing demand by reducing incomes). But, in fact, since 1914, when the U.S. began to measure consumer prices with a comprehensive index, a demand-driven peacetime economic boom has never generated the kind of inflation with which Greenspan frightens policy makers and the public.

A reasonable definition of "politically unacceptable" inflation is a condition in which rising consumer prices are used by the political opposition to successfully affect the outcome of elections. In this sense, price inflation was a significant national political issue on several 20th century occasions. One was the aftermath of World War I, when wartime inflation continued to increase through 1920. Prices rose 15% that year, and Republican Warren Harding, along with a GOP Congress, was elected on a platform of a "return to normalcy."

The next was 1946, when the end of World War II's price controls saw prices rise at a rate of 8.3% between 1945 and 1946. Rising meat prices were a particular sore spot with the voters, who elected a Republican Congress that November. Interestingly, prices rose at an annual rate of 11.3% over the next two years, but Democrat Harry Truman was still re-elected in 1948.

The next time that rising prices were a significant political issue was in the early 1970s. World oil prices were driven up by an oil-producing cartel, and a series of bad harvests in Russia and elsewhere caused global grain prices to rise as well. Price increases in these sectors then rippled through the U.S. economy. Between 1972 and 1980, consumer prices rose at an annual rate of 8.9%, and for three of those years the increases were in double digits. Political victims included Republican members of Congress decimated in the off-year election in 1974, President Gerald Ford in 1976, and President Jimmy Carter in 1980.

Thus, the general price increases that have reached politically troublesome levels have all involved several years of sustained inflation at rates that at some point reached double digits.

If we take a 5% increase in the consumer price index (CPI) as the point in which prices are moving toward this "politically unacceptable" range, we find that in no case since 1914 did price inflation reach even that level as a result of a peacetime economy growing beyond its capacity to produce. Every time the growth in the consumer price index reached 5%, the cause was exogenous to the domestic economy, i.e., war-related or energy and food price shocks emanating from outside U.S. borders.

Figure 4 shows the history of consumer price changes year-by-year since 1914. Working backward, the brief price spike in 1990 that put the CPI slightly over 5% was a result of a sharp, short run-up in oil prices during the Gulf War. As indicated above, the inflation of the 1970s was not a result of an overheated economy but was generated by world oil and grain price shocks. Nor was the previous bout of inflation in the late 1960s ignited by an insufficiently vigilant Fed; the culprit was Lyndon Johnson's refusal to raise taxes to pay for the Vietnam War. The inflation episode before that was fueled by the Korean War. And, as indicated, the other two bouts of inflation were the products of the 20th century's world wars.

In other words, the memories of inflation that give political support to Greenspan's policy of raising interest rates reflect past experiences that are irrelevant to the present condition of the American economy. In fact, one cannot find in modern history the inflationary scenario from which Greenspan is presumably protecting us.

DAMPENING STOCK MARKET EXUBERANCE

Recently, the stock market has been deflating on its own. Still, given the widespread casino mentality that pervades the markets, it is not unreasonable to attempt to bring down values more in line with economic fundamentals, i.e., the growth of employment, incomes, and production.

But it is not reasonable to undercut those economic fundamentals in order to bring down a speculative bubble in the stock market. Instead, the Fed should be trying to achieve balance by contracting the stock market and letting the productive 'part of the economy expand, gradually substituting real for speculative value in share prices.

Much of the recent overvaluation of U.S. stock markets has been fueled by excessive credit. The share of "margin debt" to the capitalization of the stock market is now at or above the heights reached just before the 1987 market crash. The ratio of margin debt to the gross domestic product (GDP) is now double what it was at that time.

A number of market observers, including financier George Soros and Stanley Fischer, deputy director at the International Monetary Fund, have recently advocated that the Fed let air out of this credit boom by raising margin requirements. But Asian Greenspan has consistently refused. When asked about this at his confirmation hearing before the U.S. Senate Banking Committee, Greenspan said that he did not want to discriminate against individuals who were not wealthy enough to have other assets against which to borrow in order to play the stock market. Given that people who use margin leverage to buy stock are typically wealthy by any reasonable standard, this is a rather weak rationale for favoring higher interest rate policies whose costs will largely be felt by lower and middle-income working people.

To the extent that Greenspan is concerned about irrational exuberance in the stock market, raising margin requirements should certainly be the weapon of choice.

WAGES—THE FED'S REAL TARGET

Given the absence of inflationary signals, the lack of historical precedent, and the Fed's disinclination to target the stock market bubble directly, it does not appear that preventing an outbreak of inflation—at least as most Americans

The Fed's defenders would of course argue that that is exactly how one prevents "wage-price" spirals from taking off. But as economist Jamie Galbraith has pointed out, every episode of accelerating inflation since 1960, with the exception of the lifting of Vietnam-era price controls after Richard Nixon's re-election, were led by prices, not by wages.

The current effort to slow down the economy, therefore, appears to be targeted at weakening the bargaining position of labor vis-á-vis capital. Indeed, throughout this economic expansion of the 1990s, we have seen a shift of market incomes from wages to profits. This shift has been so pronounced that economist Jared Bernstein has calculated that, even if labor costs were to accelerate to rising 1% faster than productivity (as opposed to their current slower growth rate), it would take four years before wages and profits went back to their respective shares in the decade of the 1980s.

It is reasonable to ask the following: if the expansion of profits and the subsequent reallocation of income from labor to capital that occurred throughout the 1990s did not by itself raise inflationary concerns, why should a potential swing back to labor's favor?

The Fed is unlikely to enlighten us. But it is obvious that Federal Reserve Boards have historically considered themselves defenders of the interests of those who invest for a living as opposed to those who work for wages. This one is no exception.

Greenspan deserves some credit for not having cut off this current expansion when the unemployment rate reached what the conventional wisdom assumed were NAIRU limits. On the other hand, he has responded much faster to problems in financial markets than to problems in labor markets. Thus, he was quick to intervene in the economy in the case of the stock market crash of 1987, the Asia financial crisis of 1997, and the Long Term Capital Management debacle of 1998. But he was so slow to react to a rising unemployment rate in the early 1990s that he allowed the economy to fall into a recession.

Greenspan himself has said on several occasions that job insecurity has been a significant factor in limiting labor's earnings during the expansion and thus adding to profits and the profit expectations that have fueled the stock market. From this perspective, raising interest rates to raise the unemployment rate, as opposed to targeting margin requirements, insures that labor's share remains depressed even as the financial markets are forced to undergo a correction.

KEEPING THE EXPANSION GOING

The economic policy task now facing the United States is how to keep the current expansion alive by keeping it in balance, e.g., avoiding speculative markets, excessive debt, and high interest rates. This will require careful management by both the Federal Reserve and the administration.

First, at the very least, the Fed should not raise interest rates any further. In fact, the Fed should gradually begin lowering rates to keep probing the economy's limits and to allow the dollar to fall and to make U.S. goods more internationally competitive. If and when signs appear that the domestic economy is overheating and price inflation threatens, there will be plenty of time to raise interest rates (or taxes) to reduce the growth rate.

Second, at the same time, the Fed should use its authority to raise margin requirements. In addition, both the Fed and the Clinton Administration should move to reduce excessive stock market and consumer credit use. Bank regulators should discourage the growing issuance of unsound mortgage lending and home equity loans and impose stricter regulation of credit care companies.

Tightening credit in speculative markets while allowing the rest of the economy to grow will bring more balance to the economy. In particular, it would help to raise real incomes and at the same time help reduce consumer debt, providing more stability and staying power for the household sector that has been the sustaining force for growth over the past decade.

Third, neither the Fed nor the Administration should attempt to slow economic growth if energy prices continue to rise. The lesson from the 1970s is that oil price cartels do not last. It helps that the U.S. economy is less energy intensive than it was in the 1970s and less vulnerable to energy price increases. The president's decision to increase subsidies to help low-income families to cope with temporarily higher heating oil prices was wise. If necessary, the Administration should use national oil reserves to counter any extraordinary short-term surge in prices that threatens to cut off economic growth.

This longest economic expansion in modern history has in the last few years finally begun to bring real income growth to low- and middle-income Americans. Maintaining that growth is essential for America's private sector to remain competitive and its public sector to have the revenues it needs to finance social investment.

The risk of jeopardizing these goals far outweighs any small risk of a sudden and historically unprecedented outbreak of demand-driven inflation.

H.R. —, THE NATIONAL FISH AND WILDLIFE FOUNDATION ESTABLISHMENT ACT AMENDMENTS OF 2000

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today to introduce legislation to amend and reauthorize the National Fish and Wildlife Foundation Establishment Act.

Since its creation in 1984, the National Fish and Wildlife Foundation has been very successful in establishing public and private partnerships to conserve fish, wildlife, and plants using Federal funds matched by private donations. On average, the Foundation has brought in more than two private sector dollars for every Federal dollar appropriated. With these funds, the Foundation has financed more than 3,500 on-the-ground conservation projects throughout the United States and abroad. Together with partnerships and challenge grants, the Foundation has provided $441 million for conservation projects. Their record is impressive.

To fund these projects, the Foundation has entered into partnerships with a wide range of State and local agencies, academic institutions, conservation groups, and businesses. In a time of diverse interests and an ever increasing strain on our natural resources, the ability to forge productive and workable partnerships between all sectors of society is of paramount importance. The Foundation possesses this ability, and makes unparalleled use of it to award grants in five major categories: conservation education, wetlands and private lands protection, neotropical migratory bird conservation, fisheries conservation and management, and wildlife and habitat management.

In the past, legislation to reauthorize the Foundation generated unnecessary and misguided criticism. Such criticism has been surprising considering the noncontroversial nature and mission of the Foundation and its solid history of bipartisan support in Congress. The National Fish and Wildlife Foundation represents one of Congress' finest conservation innovations, and embodies what we should strive to achieve every day—the intelligent and economical conservation of our fish, wildlife and plants.

This legislation is very similar to legislation introduced by the late Senator JOHN CHAFEE and passed by the Senate by unanimous consent. It is strongly supported by the National Fish and Wildlife Foundation as well as both the Fish and Wildlife Service and the National Oceanic and Atmospheric Administration.

Mr. Speaker, in the interest of time, I will submit additional comments describing the legislation and explaining the changes it makes to existing law.

In closing, the National Fish and Wildlife Foundation is an important element in our national effort to build partnerships to conserve our common natural heritage. I urge my friends and colleagues on both sides of the aisle to support this bill.

OBJECTIVES OF LEGISLATION

This legislation makes several significant changes to the National Fish and Wildlife Foundation's (Foundation) establishment legislation. First, it expands board membership from the current number of 15 to 25. Second, the bill expands the Foundation's jurisdiction to include additional agencies within the Department of the Interior and the Department of Commerce to further the conservation and management of fish, wildlife, and plants and natural resources. Third, it authorizes annual appropriations through fiscal year 2006 to the Department of the Interior for $30 million and to the Department of Commerce for $10 million. The Foundation's current authorization expired on September 30, 1998.

SECTION-BY-SECTION ANALYSIS

Section 2 would amend the National Fish and Wildlife Foundation Establishment Act by providing authority for the Foundation to accept and administer private gifts of property in connection with the work of agencies within the Department of the Interior and the Department of Commerce. Under current law, the Foundation is only authorized to accept and administer private gifts of property in connection with the Fish and Wildlife Service and NOAA.

Section 3 would increase the Foundation's Board of Directors from 15 to 25 members, including the Director of the Fish and Wildlife Service and the Under Secretary of Commerce for Oceans and Atmosphere (Administrator of NOAA).

Section 4 would authorize the Foundation to have its principal offices in the greater Washington D.C. metropolitan area. This section would also establish conditions for the Foundation to acquire and convey property (dependent upon agency approval) and invest and deposit Federal funds. Section 4 would revise provisions relating to agency approval of acquisitions of property and of conveyances and grants. It also would set forth limitations relating to the Foundation's conveyances of real property and overhead expenditures.

Section 5 would authorize appropriations of $40 million per year to implement the National Fish and Wildlife Foundation Establishment Act Amendments of 2000 through fiscal year 2006 of which $30 million would go to the Department of the Interior and $10 million would go to the Department of Commerce. This section would also authorize the

Foundation to accept funds from a Federal agency under any other Federal law to further its conservation and management activities. In addition, it would prohibit grant recipients from using Federal appropriations under this Act to engage in activities relating to lobbying or litigation.

Section 6 would clarify that nothing within this Bill authorizes the Foundation to perform activities that are within the jurisdiction of the National Park Foundation by Public Law 90-209 (16 U.S.C. 19e et seq.).

HONORING THE CORLEONE SOCIETY [UNIONE SPORTIVA CORLEONE]

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Mr. ENGEL. Mr. Speaker, today I recognize the members of the Corleone Society (Unione Sportiva Corleone) and their 25th Annual Dinner-Dance this week. I also take this opportunity to recognize Paolo Muratore and his 16 years of leadership as the President of the Corleone Society.

In 1973 a group of friends, originally from the Italian city of Corleone, met to celebrate a traditional holiday from their native town. During this event they decided to form the Corleone Society (Unione Sportiva Corleone) in order to extend their culture and traditions to the United States of America. The people of Corleone, a city of 15,000 inhabitants, have chosen a lion clutching a flaming heart as a symbol of their nobility and generosity. Since 1973 until today the members of the Corleone Society have contributed to the enrichment of our culture with the traditions and values of the city of Corleone in Sicily.

For 25 years the members of the Corleone Society have gathered together to celebrate their traditions and emphasize their commitment to noble causes. They award scholarships to support talented students in their educational endeavors. At the same time, they are dedicated to improving the health and welfare of children worldwide. The Corleone Society offers its patronage to orphanages and it sponsors sick children from abroad to receive medical treatment in the United States.

Mr. Speaker, I ask you and my colleagues to join me in expressing our gratitude for the indispensable services and contributions the Corleone Society has given to so many in the United States and around the world.

CENSUS DEBATE

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Mr. RYAN of Wisconsin. Mr. Speaker, I'd like to express my shock and disappointment at the tenor and content of the Special Order that was coordinated by the Ranking Member of the Subcommittee on the Census last night.

But before I go on please please everyone in America fill out your census forms and mail them in.

For months now Republicans and Democrats have been promoting the census. No political cheap shots, no debates over sampling. But after the Democrats ambush last night, it's time to take the gloves off.

As we all know, this is the most critical time for the census and for making sure that everyone participates. But the Democrats have obviously decided that promoting the census is secondary to promoting their own political agenda. Are the Democrats so scared of George Bush that they would inject politics into the census, the very week people are filling out their forms and mailing them in? Sadly the answer can only be yes.

Are the Democrats so afraid that we will retain the House in the upcoming election that they would risk alienating people from participating in the census? Once again, the sad answer is yes.

While it is no secret that our parties and the presidential candidates differ on the use of estimated numbers for purposes of adjustment, the fact that you could not simply promote the census during this most crucial of weeks is very disappointing.

Democrats have stated all along that they want everyone to fill out their forms to assist the Bureau in getting the best count ever. I now wonder whether this was merely a ruse you maintained to harbor another objective. The Democrat message on Wednesday to the American people was "Don't worry about filling out your form—let the government estimate where you are." The effect of these statements is to undermine a good mail-back response rate. There is a very good chance that statistical sampling will be found illegal for redistricting as it was found illegal by the Supreme Court for reapportionment. Supporters of sampling are selling people a false bill of goods.

Let's face reality for a moment—the Supreme Court ruled last January that sampling cannot be used for apportionment and that the Census Bureau must conduct a full enumeration. Therefore your attack on Presidential candidate George Bush is ludicrous. And as we both know, the National Academy of Sciences has yet to endorse the complex ACE estimation plan. In fact, at last month's NAS meeting there was much debate on both sides of the issue and it was clear that there was uncertainty. To suggest that the NAS has endorsed the specifics of ACE is to mislead the American people.

In conclusion, I think that those that participated in last night's ambush on Republicans have done far more to hurt the census efforts than you all may believe. Many Americans are concerned about the intrusiveness of the long form. Even the Bureau acknowledges that many of their phone calls and emails are complaints. All offices are fielding numerous calls from upset constituents. In fact, you could not have picked a worse day in a worse week to make your purely partisan political diatribe.

Last night, on the House floor, you had an opportunity to do one of two things: Promote the census and the importance of mailing back the forms, or use the opportunity for political grandstanding. Unfortunately, you chose the latter. To insert the debate over sampling and to take cheap shots at Governor Bush will not motivate one single person to fill out their census form and mail it in.

I can only hope that American people can see through your partisan motives and rhetoric and realize that the answer to their needs will not be met by a statistical silver bullet and that despite your obvious attempts to dissuade them, will fill out their census forms.

CONFERENCE REPORT ON S. 376, OPEN-MARKET REORGANIZATION FOR THE BETTERMENT OF INTERNATIONAL TELECOMMUNICATIONS ACT

SPEECH OF

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2000

Mr. KLINK. Mr. Speaker, I support the passage of the conference agreement on satellite communications reform. This is an important bill that will revise our laws to encourage more competition in the global satellite communication services market and deliver more choices to consumers. I strongly urge its adoption.

The conference agreement eliminates antiquated statutory barriers that have prevented the purchase of COMSAT. I am very pleased that the conferees dropped the Level IV direct access rules which would have unfairly taken value away from COMSAT shareholders. It also repeals the ownership cap on COMSAT without conditions, rather than making it contingent upon unrelated events as the House bill would have. In addition, the bill sets forth an effective roadmap for INTELSAT and Inmarsat to transition from intergovernmental organizations to truly pro-competitive, privatized entities.

I want to stress that while the bill gives the FCC authority to assess and evaluate INTELSAT's and Inmarsat's privatization efforts, nothing in this bill gives the FCC authority to control the business operations of these entities after they have attained a pro-competitive privatization. The bill will encourage the transition of INTELSAT and Inmarsat into normal, commercial entities so the global satellite market will be more competitive. Once privatization is achieved, INTELSAT and Inmarsat will be regulated by the FCC like any other business in the global satellite communications market.

Again, I am pleased that we will finally pass a bill that will truly level the playing field in the satellite communications services market, and I commend the Conferees for producing such a good, bipartisan bill.

NEW TESTS FOR PUBLIC SERVANTS

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Mr. KLECZKA. Mr. Speaker, I recently received a copy of a letter to the editor of the Milwaukee Journal Sentinel written by Mr. Steve Cywinski, one of my constituents from South Milwaukee. I submit this letter to be included in the RECORD.

NEW TESTS FOR PUBLIC SERVANTS

I was very impressed with the article in the Milwaukee Journal Sentinel on Sen. William Proxmire ("Proxmire honored for sharp eye on money," Dec. 8). He served from 1957–'89. His mission was to cut wasteful spending. He was credited with 168 Golden Fleece awards. My question: Is Bill Proxmire the only one of some 500 politicians in Washington. DC, who had his eyes and ears open? I would propose hearing and eye tests for politicians before being sworn into office.

STEVE CYWINSKI,
South Milwaukee.

PROPOSED ACCOUNTING RULE CHANGES FOR TECHNOLOGY MERGERS

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Mr. GOODLATTE. Mr. Speaker, in today's rapidly growing technology and information markets, the need for maintaining an accounting system that is best suited to handle the growing trend of technology sector mergers is key. The "pooling" system of accounting has made possible some of the largest mergers of our time; without this system the unifications of Netscape/AOL, Citicorp/Travelers, NationsBank/Bank of America, and Daimler/Chrysler quite possibly would have never taken place, reducing innovation and benefits to consumers.

Current regulations allow many high-tech companies to take advantage of this "pooling" system of accounting, which allows corporations to easily merge without attaching a goodwill accounting charge. This is the amount paid in an acquisition that is added to the fair market value of a company's tangible assets. If the Financial Accounting Standards Board has its way, it would require that all mergers be viewed not as the melding of separate entities, but as a direct purchase, forcing companies to accept the purchase method of accounting. This system worked for the bricks and mortar corporations of the past, but in the age of high-tech companies whose value lies in information, the purchase method of accounting has no place.

Forcing these high-tech/high performance companies to use the direct purchase accounting system will only serve to stifle growth and limit our country's edge in this information age. We should take every opportunity to support and ensure continued innovation and expansion in this technology sector that has done so much to energize our economy. This can be accomplished if we say yes to the continuation of pooling mergers, and no to attempts to further regulate this important sector of our economy.

GREATER PITTSTON FRIENDLY SONS OF ST. PATRICK HONOR MICHAEL TIGUE

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to Mr. Michael F. Tigue. This year the Greater Pittston Friendly Sons of St. Patrick will honor Mr. Tigue as "Man of the Year" at their 86th annual St. Patrick's Day banquet. I am honored to have been asked to participate in this prestigious event.

Michael Tigue is a lifelong resident of Hughestown, in my District in Pennsylvania. In the early days of the coal industry, young boys were used on the breakers to sort coal. It was backbreaking work that paid pennies a day. Michael Tigue was one of these lads while attending school. He later went on to work at the Lehigh Valley Railroad and then as a pipefitter. He is a member of Plumbers and Pipefitters Local Union 524, the Knights of Columbus and the Ancient Order of Hibernians.

Mr. Speaker, Michael Tigue has been married to his wife Joan for 56 years. They are the proud parents of four, Thomas, Mariclaire, Michael, and Kevin. Their son, State Representative Tom Tigue, is a longtime friend and colleague of mine.

The Tigues boast 10 grandchildren and 5 great grandchildren and are members of the Blessed Sacrament Parish in Hughestown.

Mr. Speaker, I applaud this year's choice for the Friendly Sons' "Man of the Year" award and send my sincere best wishes to Mr. Tigue and his family.

TAIWAN'S SECOND PRESIDENTIAL ELECTION

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Mr. ORTIZ. Mr. Speaker, on the eve of Taiwan's second presidential election there has been much talk about China's use of force against Taiwan. I am concerned that the voters of Taiwan may be intimidated in this election and their vote may be influenced. We should let the electoral process work itself through. The people of Taiwan deserve the right to exercise their judgment in this democratic election for one of the three candidates.

While we all agree that there is one China, reunification talks between Taiwan and Beijing should be conducted freely and the two sides should have equal footing in any negotiations. I urge all involved in this process to let the voters in Taiwan elect their new President on March 18. After all, peace and stability in the Taiwan Straits are in the best interests of everyone.

MINIMUM-WAGE INCREASE ACT

SPEECH OF

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2000

Ms. BROWN of Florida. Mr. Speaker, I rise today in support of an increase in the minimum wage. Last year in my state of Florida, more than half a million people earned the minimum wage, a full 10% of the state's employees. Many of these workers are women, and most are adults who are trying to support a family. Don't be fooled by the claims that these workers are all teenagers. In fact, seventy-two percent of our nation's minimum wage workers are adults, and their family incomes are well below the national average. For a family of four to live above the poverty threshold, which is $17,000 a year, the minimum wage would have to be increased to $8.19 an hour!

Since the 1980s, real earnings for our nation's workers have declined by 12 percent, while the wealthiest 20 percent swallowed up almost all of the increases. It's ironic that productivity, profits, executive pay and the stock market are rising, but the incomes of the poorest working families in our nation are not.

The last time we raised the minimum wage, 10 million American workers benefitted and no jobs were lost. The 1996 minimum wage increase provided a pay raise to 10 million workers, and since then the economy has continued to speed ahead, creating thousands of new jobs.

H.R. 3846 shortchanges minimum wage workers by stretching out a $1 an hour increase over 3 years, making low wage workers wait as long as possible before receiving the full increase.

In addition, this bill is loaded down with tax breaks for big business, and by doing so it threatens Social Security and other invaluable programs! Not surprisingly, 73% of the beneficiaries of these tax breaks are the wealthiest 1% of our citizens! This is another case of Reverse Robin Hood—stealing from the poor and working people, and giving tax breaks to the wealthy.

The Joint Committee on Taxation reports that this will cost our country $123 billion over the next ten years!

I urge my colleagues to vote for a fair minimum wage bill and support the Democratic substitute. Stand up for our country's hard working minimum wage earners and vote "no" on the Republican measures.

DALLAS STARS—1999 STANLEY CUP CHAMPIONS

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Mr. FROST. Mr. Speaker, the members of the North Texas Congressional Delegation honor today in Washington, DC, the 1999 National Hockey League Stanley Cup Champions—the Dallas Stars.

The Dallas Stars electrified all of Texas en route to winning the oldest trophy in North America and along the way these champs gave us some unforgettable performances on the ice. Whether it was the clutch play of center Mike Modano, the acrobatic saves of veteran goalie Eddie Belfour, the crushing defense of captain Derian Hatcher, the leadership of MVP Joe Nieuwendyk, or the stick handling of Brett Hull, who scored the Cup-winning goal—it seemed like every game a different Star player stepped up and inspired the team to victory.

Further, we would like to commend team owner Tom Hicks, President Jim Lites, General Manager Bob Gainey, and Coach Ken Hitchcock for giving all Texans a hockey team to be proud of and showing that hard work and perseverance do pay off. Many in this Nation scoffed when the Stars announced in 1993 that they were bringing professional hockey to Dallas, Texas. And now, just seven years later, Texas is the home to Stanley Cup Champions who have inspired many of our youth to participate in this team sport.

Again, on behalf of Congressmen DICK ARMEY, EDDIE BERNICE JOHNSON, SAM JOHNSON, and PETE SESSIONS, congratulations from the North Texas Congressional Delegation and a hearty Texas thank you to the mighty Dallas Stars, 1999 Stanley Cup Champions.

A TRIBUTE TO MRS. JUDITH KIRCHMAN

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Mr. McINTYRE. Mr. Speaker, today I want to extend my warmest thanks and my most sincere best wishes to my District Director, Judith Kirchman, who will be retiring in June after 20 years of service to the citizens of the Seventh Congressional District of North Carolina.

Judith, a native of Fayetteville, NC, began work in June 1980, for my predecessor, the Honorable Charlie Rose. During the past 20 years, Judith has performed superbly in various positions and tasks. From assisting citizens in their dealings with Federal agencies to being that "point person" on natural disasters to strategic advice and counsel, Judith has been both resourceful and thoughtful.

When I think of Judith's commitment to the public good, the words "spirit, sacrifice, and service" come to mind. Judith's positive spirit has always been to do the task at hand—a spirit that inspires others to achieve. Judith's sacrifice in time and commitment has been to make southeastern North Carolina a better place to live and work—a sacrifice that meant doing the right thing and not being concerned with who gets the credit.

Pearl S. Buck once said, "To serve is beautiful, but only if it is done with joy and a whole heart and free mind." Judith, there is no question that your 20 years of service have been the epitome of this statement. Service to others has been the embodiment of your life—service that sets a path for others to follow and that we all should emulate.

As you enter this next stage of your life, I am confident that your talents and energy will continue to be of benefit to many. Through your commitment to your church, your family, and your community, a shining jewel you will continue to be.

Bart Giamatti, the former president of Yale University, said it well in 1987,

> Be mindful of what we share and must share; not the least of which is that each of our hopes for a full and decent life depends upon others hoping the same and all of us sustaining each other's hopes . . . If there is no striving for the good life for any of us, there cannot be a good life for any of us.

Judith, on behalf of the citizens of the Seventh Congressional District of North Carolina, thank you so much for the good life you have given to so many. Now, you enjoy the same, and may God's strength, peace and joy be with you always.

SMALL BUSINESS REAUTHORIZATION ACT OF 2000

SPEECH OF

HON. ROBERT A. WEYGAND

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3843) to reauthorize programs to assist small business concerns and for other purposes:

Mr. WEYGAND. Mr. Chairman, I rise today to express my support for the reauthorization of the Small Business Administration, which has provided essential assistance and guidance to our nation's entrepreneurs since its creation in 1953. Though the agency was originally intended as a temporary response to address the economic concerns of the postwar economy, it has grown significantly and has helped small businesses become a driving force in our nation's economy.

Small businesses play an integral role in sustaining our Nation's economic strength. Innovative, flexible, and resilient, independent businesses have had a significant impact on all sectors of industry, from service to high-technology. Enterprises with fewer than 500 workers employ 52 percent of the Nation's private sector workforce, produce 51 percent of private sector output, represent 96 percent of exporters of goods, and produce virtually all new jobs in our changing economy. The small firm embodies the American ideals of independence, innovation and adaptability, which is one reason why the small business thrives in the United States.

Not only have small businesses had a positive impact on our economy, they also undertake significant responsibilities in communities. The 1996 changes to the Nation's welfare system emphasized the transition from government assistance to the work force, and small firms have been instrumental in providing employment to former welfare recipients. By doing so, workers learn new skills in a small, manageable atmosphere and can become productive members of a business team. Furthermore, small businesses cooperate with local government, schools, and other organizations to cement the bonds of a strong community. Whether sponsoring a little league team or donating computers to an elementary school, the small business is an anchor of any town or city.

As a former small business owner, I know firsthand the challenges faced by our Nation's entrepreneurs. Embarking on a new venture is a period of excitement for entrepreneurs, though the task ahead appears daunting and formidable. Not only must a small business owner consider the financial implications of an endeavor, he or she must also master the Federal and State regulations pertaining to business owners. Luckily, the Small Business Administration is available to provide financial assistance and legal expertise to entrepreneurs. In fiscal year 1999, the SBA provided $10.1 billion in loans to small businesses, with almost $108 million in loans to businesses in my State of Rhode Island. Furthermore, the SBA excels at providing continued assistance to firms, sharing information about new technologies, trade and export opportunities, and pertinent federal laws and regulations. I applaud the SBA for its commitment to fostering creativity and entrepreneurship in the United States, as well as its assistance to small businesses in meeting the new challenges of our Nation's changing economy.

Today we have the opportunity to enact legislation to reauthorize the Small Business Administration and its programs through fiscal year 2003. Given all of the substantial benefits this organization has provided in its 47-year history, I strongly believe that we must give this agency the opportunity to continue its mission for the next 3 years. I urge my colleagues to join me today in giving our nation's entrepreneurs the tools and resources needed to pursue their personal dreams. I urge them to vote in favor of SBA reauthorization.

APPLES FOR THREE MILLION TEACHERS ACT

HON. MATT SALMON

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Mr. SALMON. Mr. Speaker, last year Senator JON KYL and I introduced the K–12 Education Excellence Now (KEEN) Act to provide tax relief for all Americans, including our Nation's teachers. This year we are introducing another much-needed avenue for teacher relief: the Apples for Three Million Teachers Act. The bill will offer America's 3,107,000 public and private school educators a $100 dollar-for-dollar tax credit for out-of-pocket classroom expenses. It also contains another provision—one included in the $792 billion tax relief package vetoed by the President last year—that will permit educators to claim a tax deduction for expenses above $100. I am pleased to report that the Apples for Teachers Act passed 98–0 in the Senate as an amendment offered by Senator KYL and Senator SUSAN COLLINS to the Education Savings Accounts Bill (S. 1134). The House would be wise to incorporate this amendment into the education tax incentive package currently being crafted. The President has shown his tendency to deprive parents and grandparents of a tax-free way to save for education expenses in twice vetoing legislation expanding Education Savings Accounts to elementary and secondary educational expenses. He might hesitate if faced with the prospect of denying every K–12 teacher in America partial from classroom expenses

Education funding tends to be rigid, with money distributed on a categorical basis leaving teachers with little flexibility to direct funds. The Apples for Teachers Act is desperately needed because teachers often have to dip into their own resources to provide their students with the resources they need when, as so often is the case, the provided materials are inadequate. The National Education Association estimates that teachers spend an average of $408 annually on out-of-pocket, non-reimbursable materials for their classrooms. A seven year veteran teacher who now serves on my staff reports that this estimate may be very low. While teaching in inner city schools, she spent $900 to $1,200 annually to subsidize her classroom. She believes this is below or within the norm of her colleagues.

Further, in a letter endorsing the teacher tax relief contained in my broader KEEN Act, 53,000 educators of the National Science Teachers Association and 110,000 members of the National Council of Teachers of Mathematics commented that the KEEN tax credit bill "would alleviate a teacher's financial burden in getting needed materials for his or her classroom." Apples for Teachers furthers this same goal.

Certainly, one of the most important factors in the academic success of a student is teacher quality. But to achieve quality, teachers need more than praise: They need the resources necessary to provide our children with the learning materials teaching requires. It's time for Congress to assist the men and women in American who not only dedicate their careers to educating our children, but continue to sacrifice financially for them as well. I urge my colleagues to cosponsor the Apples for Teachers Act and believe that this legislation should be included in any tax package devoted to improving K–12 education.

NELSON MANDELA

HON. LAMAR S. SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Mr. SMITH of Texas. Mr. Speaker, at the suggestion of the distinguished former Chairman of the Senate Foreign Relations Committee, the Honorable Charles Percy, I am pleased to request that the following two part series on Nelson Mandela, recently published in The Christian Science Monitor, be submitted into the RECORD.

[From The Christian Science Monitor, Feb. 10, 2000]

MANDELA

(By John Battersby)

Ten years after Nelson Mandela walked out of prison on Robben Island, and seven months after stepping down as president of South Africa, he reflects, in an interview with the Monitor, on his legacy and the lasting influence his 27 years in prison had on him.

"Whatever my wishes may be, I cannot bind future generations to remember me in the particular way I would like," Nelson Mandela says.

Despite peace missions, a blistering schedule of overseas travel and stepped-up philanthropic activities, Mr. Mandela has begun to reflect on how he wants to be remembered both in an interview and at functions to pay tribute to him.

And despite his reluctance to be singled out and discuss his personal qualities, there is consensus in South Africa that without Mandela's personal commitment to reconciliation, his moral authority, integrity, and intense compassion, the country's transition to democracy might not have gone as smoothly.

Mandela is at pains to ensure that he is remembered as an ordinary mortal with qualities that are within the reach of ordinary people. "What always worried me in prison was [that I could acquire] the image of someone who is always 100 percent correct and can never do any wrong," he told one audience of 500. "People expect me to perform far beyond my ability."

He expanded on these reflections for the first time in a recent interview with the Monitor, which probed his philosophy of reconciliation, the origins of his moral integrity, and the experiences and influences that forged the qualities which have made him one of the heroes of the 20th century.

He also spoke about the importance of religion in his life and the crucial role of reflection and "the time to think" during his 27 years in jail.

History will remember Mandela for having the strength of conviction to risk engaging his jailers—and thereby humanizing them—from inside prison and eventually setting the stage for the ANC to negotiate them out of power. Mandela sees the success of the ANC in mobilizing both domestic and international opinion against the apartheid government as the key factor.

In the interview, Mandela insisted that he wanted to be remembered as part of a collective and not in isolation. On his release from jail 10 years ago tomorrow, he made it clear that he regarded himself as a "loyal and obedient servant" of the African National Congress (ANC), the liberation movement he headed before becoming South Africa's first democratically elected president in May 1994.

"I would like to be remembered as part of a team, and I would like my contribution to be assessed as somebody who carried out decisions taken by that collective," Mandela says, adding that even if he wanted to be remembered in a specific way that was not a realistic option.

Mandela was speaking in the living room of the house he shares with his second wife Graca Machel, whom he married in 1998. It is a doubly-story house in the plush Johannesburg neighborhood of Houghton.

"As prisoners, we used our individual and collective positions to make friends with some of our jailers. But this must be understood against the bigger picture of what was happening outside—an organized and disciplined struggle by our organization and the

PLEASE, NO SAINTHOOD

At the launch, late last year, of a book to commemorate him, written by South African journalist Charlene Smith (due out in the US this April, New Holland/Stuik), Mandela insisted that he not be elevated to some kind of sainthood.

The paradoxical side of the man is that he has sometimes taken on superhuman tasks such as his shuttle last October to Iran, Syria, Jordan, Israel, Gaza, and the United States in a bid to broker a comprehensive Middle East peace.

Despite what Madela described as "positive and cordial" meetings with Israeli Prime Minister Ehud Barak and President Ezer Weizman, Israel rejected his intervention. But Mandela was not unduly discouraged.

"There are bound to be setbacks," he says.

Mandela was greatly encouraged by the eventual outcomes of his interventions in East Timor and the handing over by Libya of those accused of the bombing of the Pan Am flight over the Scottish town of Lockerbie in 1988. He spent seven years mediating the behind-the-scenes negotiations with Saudi Arabia.

He says it is important that leaders should be presented to people with their weaknesses and all. "If you come across as a saint, people can become very discouraged," he says. "I was once a young man and I did all the things young men do," Mandela says, to drive home the point of his human fallibility.

Biographers and commentators have been intrigued by Mandela's extraordinary focus and unity of purpose during his years as a young ANC activist and later as its spiritual leader from behind bars.

"If you have an objective in life, then you want to concentrate on that and not engage in infighting with your enemies," he says in the interview. "You want to create an atmosphere where you can move everybody towards the goal you have set for yourself—as well as the collective for which you work.

"And, therefore, for all people who have found themselves in the position of being in jail and trying to transform society, forgiveness is natural because you have no time to be retaliative. . . . You want to mobilize everybody to support your cause and the aims you have set for your life," he says.

Asked about the origins of his passionate belief in reconciliation and forgiveness, Mandela goes into a lengthy explanation of how the launched he Mandela Children's Fund after a personal encounter with homeless children in Cape Town who had come to see him to explain their plight. He was so moved that he vowed in that moment to launch the fund, which has collected more than $25 million and has helped hundreds of children. Mandela donated a third of his presidential salary to the fund during his five years in office. Many business executives matched his example and some bettered it.

WHAT PRICE RECONCILIATION?

Mandela is sensitive to criticism from certain black leaders that he has leaned over too far toward whites in his efforts to achieve reconciliation and forgiveness. He becomes emotional when defending his impressive campaign over the past few years to get business leaders to donate funds for the building of schools and clinics in the rural areas.

"Why would anyone say that I am leaning too much towards whites? Tell me the record of any black man in this country who has done as much as that [for black people] . . . I am not aware of any other black man who has spent so much time addressing the problems of poverty, lack of education, and disease amongst our people," Mandela says, adding that he had nothing but cooperation and support from the white business community.

When it comes to his moral authority and achievement in persuading his jailers and their political bosses to negotiate with him, Mandela again stresses the moral high ground of the ANC cause.

"When you have attained the moral high ground, it is better to confront your people directly and say: Let's sit down and talk. So, it is not something that just comes from me. It is something that was worked out by the organization to which I belong."

Mandela speaks of the influence that veteran ANC leader Walter Sisulu had had on him while in prison and how he was instrumental in taking care of fellow prisoners regardless of their political background.

Mandela has in turn been praised by Eddie Daniels, a former Robben Island prisoner from a rival anti-apartheid organization, who has told how Mandela befriended him and kept his cell clean when he was ill.

TRANSFORMATION IN PRISON

Mandela says, "I can tell you that a man like Sisulu was almost like a saint in things of that nature.

"You would really admire him because he is continually thinking about other people.

"I learned a great deal from him—not only on that respect but also, politically, he was our mentor. He is a very good fellow . . . and humble. He led from behind and put others in front, but he reversed the position in situations of danger. Then he chose to be in the front line."

In "Mandela: The Authorized Biography" (Knopf), Anthony Sampson notes the remarkable transformation in the Mandela that emerged from jail compared with the impulsive activist with a quick temper he knew in the late 1950s (reviewed Sept. 30, 1999).

Mandela does not dispute Mr. Sampson's judgment and acknowledges the importance of mastering his anger while in prison. "One was angry at what was happening [in apartheid South Africa]—the humiliation, the loss of our human dignity. We tended to react in accordance with anger and our emotion rather than sitting down and thinking about things properly.

"But in jail—especially for those who stayed in single cells—you had enough opportunity to sit down and think. And you were in contact with a lot of people who had a high education and who were widely traveled. When they told of their experiences, you felt humbled.

"All those influences changed one," Mandela says. Sampson quotes from a letter that Mandela wrote to his then wife, Winnie, in 1981 after she had been jailed.

Mandela noted that there were qualities "in each of us" that form the basis of our spiritual life and that we can change ourselves by observing our reactions to the unfolding of life.

He urged Winnie in the letter "to learn to know yourself . . . to search realistically and regularly the processes of your own mind and feelings."

In the interview, Mandela says that one of the most powerful forces that changed him was thinking about how he had behaved and reacted to generosity and compassion expressed toward him in the past.

"For example, when I arrived in Johannesburg [as a young man], I was poor, and many people helped me get by. But when I became a lawyer and I was in a better position [financially], I became too busy with legal affairs and forgot about people who had helped me.

"Instead of going to them and saying: Look, here's a bunch of flowers or a box of chocolates and saying thank you, I had never even thought about these things. I felt that I had behaved like a wild man . . . like an animal and I really criticized myself for the way I had behaved.

"But I was able to do this because I had time to think about it, whereas outside jail—from morning to sunset—you are moving from one meeting to the other, and there is no time to think about problems. Thinking is one of the most important weapons in dealing with problems . . . and we didn't have that outside."

Peter Ustinov, the veteran actor, author, and international citizen, met Mandela in South Africa two years ago and was struck by the importance Mandela attached to the long period of solitude in prison.

"I had a most inspiring meeting with Nelson Mandela," Ustinov told this reporter in an interview in the Swiss Alpine town of Davos. "He told me with a certain amount of irony and wickedness: 'I am grateful for the 27 years I spent in prison because it gave me the opportunity to meditate and think deeply. . . . But since I came out of prison, I haven't had the time.'"

MAKE TIME FOR REFLECTION

How has Mandela made time to think since his release from jail in 1990? He says that he has tried to emulate the practice of businessmen who take a complete break from their work over weekends. Mandela says he consciously has tried to make time for reflection.

After his separation from Winnie, Mandela used to spend long periods in retreat in the home of a wealthy Afrikaner businessman, Douw Steyn, who ran an open house for the ANC to hold meetings during the negotiations with the government. It was here that Mandela proofread the script of his autobiography: "Long Walk to Freedom" (Little Brown).

In November last year, Mandela accepted an invitation to be the guest speaker at a gala evening to mark the transformation of the house into a super-luxury guest house, retreat, and conference center.

In an impromptu speech, Mandela waxed philosophical and introspective in paying tribute to the warmth and hospitality of his Afrikaner hosts.

"It has been said that difficulties and disaster destroy some people and make others," Mandela began. It was a phrase he had last used in a letter to Winnie in 1975. "Douw Steyn is one of those who has turned disaster into success," he said of the wealthy businessman who had formerly supported apartheid.

CHANGE YOURSELF FIRST

"One of the most difficult things is not to change society—but to change yourself," he said. "I came to stay here at some of the most difficult moments, and the way Liz and Douw treated me has left me with fond memories."

Mandela said that Douw Steyn had changed and was now part of the white business community that was sharing its resources with the poor. That gave him a feeling of fulfillment.

"It enables me to go to bed with an enriching feeling in my soul and the belief that I am changing myself [by reconciling with former adversaries]," Mandela said.

Mandela has spoken on other occasions of the importance of giving. When he received a bag of some 20,000 postcards in September from children who were invited to wish him well for his retirement, he said that there was nothing more important in life than giving. Tolerance is forged when people look beyond their own desires, he said.

Mandela said that religion had played a very important role in his life. He has tended to avoid talking about the subject in the past.

In December, Mandela addressed a gathering of religious leaders from the world's major faiths in Cape Town. He spoke publicly about his views on religion for the first time.

"I appreciate the importance of religion. You have to have been in a South African jail under apartheid where you could see the cruelty of human beings to each other in its naked form. Again, religious institutions and their leaders gave us hope that one day we would return."

Mandela said that real leaders were those who thought about the poor 24 hours a day and who knew in their hearts that poverty was the single biggest threat to society.

"We have sufficient cause to be cynical about humanity. We have seen enough injustice, strife, division, suffering, and pain, and our capacity to be massively inhuman. But this gathering counters despairing cynicism and reaffirms the nobility of the human spirit," Mandela said.

POWER OF RELIGION

Mandela went on to say, "Religion is one of the most important forces in the world. Whether you are a Christian, a Muslim, a Buddhist, a Jew, or a Hindu, religion is a great force, and it can help one have command of one's own morality, one's own behavior, and one's own attitude."

"Religion has had a tremendous influence on my own life. You must remember that during our time—right from Grade 1 up to university—our education was provided by religious institutions. I was in [Christian] missionary schools. The government [of the day] had no interest whatsoever in our education and, therefore, religion became a force which was responsible for our development," he said.

The discipline of jail also played a role in his transformation, he said.

"It was difficult, of course, to always be disciplined before one went to jail except to say that I have always liked sport. And to that extent I was disciplined in the sense that four days a week I went to the gym for at least two hours.

"Also, I was a lawyer, and I had to be disciplined to keep up with events in the legal field, and to that extent I was disciplined," he said.

But Mandela said there were many respects in which he and his colleagues were not disciplined when they went to jail.

"In prison, you had to follow a highly disciplined regime, and that, of course, influenced your behavior and your thinking," he said.

Mandela said there was also a personal discipline. "We continued to do our own exercises, and we continued with study and conversing with others to gain from their experiences."

He said that reading the biographies of the great leaders of the century also had a major impact on him. Mandela said it was through reading and biographies that he realized that problems make some people and destroy others. Mandela said that the prison experience taught him to respect even the most ordinary people. "I have been surprised a great deal sometimes when I see somebody who looks less than ordinary, but when you talk to the person and he (or she) opens his mouth, he is something completely different.

"It is possible that if I had not gone to jail and been able to read and to listen to the stories of many people . . . I might not have learned these things." (c) Copyright 2000. The Christian Science Publishing Society

[From the Christian Science Monitor, Feb. 11, 2000]

HOW WELL THEY REMEMBER THE DAY

(By Corinna Schuler)

Ten years ago today, Nelson Mandela walked through the gates of Victor Verster prison and, beaming, raised his right fist in a power salute. The crowd roared.

For black South Africans, it was a moment of triumph. For many whites, it was a time of trepidation. But today, just as Americans remember the assassination of President John Kennedy, virtually everyone in this country recalls precisely the instant when the world's most famous political prisoner became a free man. It's hard to overstate the significance. Everyone has a misty-eyed story to tell—from the television cameraman who left his wedding reception to capture the event to the lawyer who represented Mandela.

"Feb. 11, 1990, was the culmination of decades of struggle against apartheid," recalls Rev. Alan Boesak, then the leader of the United Democratic Front, who spent hours trying to keep frenzied masses of well-wishers calm. "It was crazy, but it was glorious. * * * His release * * * set in motion all other events that led to our reclaiming of the country."

The public had not seen Mandela since he was shipped to Robben Island. He had spent 27 years in South African jails, all the while fighting for the end of apartheid—the system of segregating blacks from whites. He emerged triumphant and went on to become the country's first black president.

Hundreds of photographers and television cameramen raced to see the man who emerged—thin, slightly grayed, and beaming— from his prison cell. "Within 20 feet or so of the gate, the cameras started clicking, a noise that sounded like some great herd of metallic beasts," Mandela writes in his autobiography, "Long Walk to Freedom."

When a television crew thrust "a long, dark furry object" at Mandela, he feared it was a newfangled weapon developed while he was in prison. "Winnie informed me that it was a microphone."

This was the story of the decade, if not the century.

"I was at my wedding reception when I got a call, and they said: 'come to work,'" television editor Kenny Geraghty remembers. "I had to cut a piece for [CBS journalist] Dan Rather * * * I hardly saw my wife for three weeks afterward. But there was no way I would have said no. We had been waiting years for that moment."

From his home in Johannesburg, lawyer George Bizos choked back tears as he watched the scene unfold on his television set. Mr. Bizos had defended Mandela and his comrades at the famous 1964 Rivonia trial. He lost that case, and dozens more that followed, as Bizos stood up again and again in valiant yet futile efforts to defend black activists.

"I had had nightmares that Mr. Mandela would die in prison," Bizos says. "His coming out was the most joyous occasion for me."

Helen Suzman, the only member of the liberal Progressive Conservative party in parliament and the lone voice of political opposition to apartheid rulers, also watched from her television. "I knew this meant a total turn-around in the political scene," she says today. "I was exhilarated. At last we would no longer be a pariah nation."

Mandela was whisked away from the prison gates to attend a planned 3 p.m. rally at the city's Grande Parade. But the anxious crowd went wild when they saw Mandela's car—surrounding the vehicle, shaking it, even jumping on top of the hood.

"It looked as though they were going to eat up that car," says Mr. Boesak. When several dozen marshals finally cleared a path, the driver sped away from the square. "Man, where are you going?" Mandela asked.

"I don't know!" he responded. "I've never experienced anything like this before."

They ended up at the home of fellow activist Dullah Omar. But soon, Archbishop Desmond Tutu phoned: Get back to the Grande Parade, he said, or "I think there is going to be an uprising."

Among thousands who waited more than six hours to see Mandela that day was Andre Odendaal, a local history professor. "I had been playing in a cricket match, but we called it off half way when we heard the news that Mandela was going to be released * * * I think it must have been like Liberation Day in Europe at the end of World War II."

Dusk had fallen by the time Mandela was finally led to the top floor of a stately building to see the cheering supporters. He had forgotten his glasses in his hasty departure from prison and was forced to read his speech with a pair he borrowed from his wife.

Mandela's main point was to stress that he was a "loyal and disciplined member" of the African National Congress—something he has repeated again and again to argue that he is not a saint, just one of many who fought in the struggle.

But, like it or not, Mandela is a living legend. Ahmed Kathrada, a man who was imprisoned with Mandela on Robben Island in 1964, says he is never annoyed that his leader is most famed for sacrificing freedom. "Some people criticize the so-called great-man theory of history," says Mr. Kathrada. "But Mandela as an individual really did play a decisive role in the history of South Africa. We are all proud."

Mandela is now deeply involved in the Burundi peace talks, but he now gets to spend more time with his family. "I scold my grandchildren when I get tired of playing with them," he said playfully this week.

He realizes that South Africans may romanticize the day of his release. But Bizos says the warm feelings people get—both black and white—whenever they think of that historic moment deserves a purpose. "A legend like Mandela is important for building a nation. It is unifying. And that is something South Africa needs as it goes through these difficult times of transition."

HOUSE OF REPRESENTATIVES—*Monday, March 20, 2000*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. PEASE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 20, 2000.

I hereby appoint the Honorable EDWARD A. PEASE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend James David Ford, D.D., offered the following prayer:

Our prayer this day, gracious God, is for a renewed sense of vision in our lives and in our work. Enable us to be involved not only with our own objectives, but give us a vision of the goals of our own institution, of those values and ideals that bind us together as one people.

Let us show regard for one another and so honor each other; let us respect each other so we can be instruments of healing in a broken world; let us be good stewards of the grand resources of our blessed Nation, and let us be reconciled together in appreciation one for another.

May honor and healing and reconciliation and respect mark our lives and work now and evermore. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The gentleman from Indiana (Mr. PEASE) led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM HON. RICHARD A. GEPHARDT, DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from The Honorable RICHARD A. GEPHARDT, Democratic leader:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, March 20, 2000.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to Section 101(f) of the Ticket to Work and Work Incentives Improvement Act of 1999 (Public Law 106–170), I hereby appoint the following individuals to the Ticket to Work and Work Incentives Advisory Panel:

Mr. Jerome Kleckley of New York to a 4 year term.

Ms. Frances Gracechild of California to a 2 year term.

Yours very truly,
RICHARD A. GEPHARDT.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House will stand adjourned to meet at 12:30 p.m. on tomorrow for morning hour debates.

There was no objection.

Accordingly (at 2 o'clock and 1 minute p.m.), under its previous order, the House adjourned until tomorrow, March 21, 2000, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6649. A letter from the Administrator, Food and Nutrition Service, Department of Agriculture, transmitting the Department's final rule—Food Distribution Programs: Definition of "Indian Tribal Household" (RIN: 0584–AB67) received January 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6650. A letter from the the Director, the Office of Management and Budget, transmitting Cumulative report on rescissions and deferrals, pursuant to 2 U.S.C. 685(e); (H. Doc. No. 106–212); to the Committee on Appropriations and ordered to be printed.

6651. A communication from the President of the United States, transmitting the request for supplemental appropriations for the Department of Defense; (H. Doc. No. 106–211); to the Committee on Appropriations and ordered to be printed.

6652. A letter from the Principal Deputy Assistant Secretary, Reserve Affairs, Office of the Assistant Secretary of Defense, Department of Defense, transmitting the annual National Guard and Reserve Component Equipment Report for fiscal year (FY) 2001; to the Committee on Armed Services.

6653. A letter from the Under Secretary of Defense, Personnel and Readiness, Department of Defense, transmitting the National Guard Youth Challenge Program Annual Report for Fiscal Year 1999; to the Committee on Armed Services.

6654. A letter from the Managing Director, Federal Housing Finance Board, transmitting the Board's final rule—Information Collection Approval; Technical Amendments to Advances to Nonmembers Rule [No. 99–69] (RIN: 3069–AA91) received January 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

6655. A letter from the Assistant to the Board, Federal Reserve Board, transmitting the Board's final rule—Bank Holding Companies and Change in Bank Control [Regulation Y; Docket No. R–1057] received January 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

6656. A letter from the Secretary, Bureau of Economics, Federal Trade Commission, transmitting the Commission's final rule—Charges for Certain Disclosures—received January 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

6657. A letter from the Corporation for Public Broadcasting, transmitting Public broadcasting and telecommunications entities service to minority and diverse audiences, pursuant to 47 U.S.C. 396 (m) (2); to the Committee on Commerce.

6658. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Standards of Performance for New Stationary Sources: Industrial-Commercial-Institutional Steam Generating Units [AD-FRL–6549–3] (RIN: 2060–AF92) received March 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6659. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Illinois [IL171–1a; FRL–6536–1] received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6660. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans Georgia: Approval of Revisions to Enhanced Inspection and Maintenance Portion [GA-043–1–9905a; and GA–045–1–9906a; FRL–6528–9] received January 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6661. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, South Coast Air Quality Management District [CA 022–0215; FRL–6529–1] received January 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

6662. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—North Dakota: Final Authorization of State Hazardous Waste Management Program Revision [FRL–6525–5] received January 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6663. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval of Post-1996 Rate of Progress Plan: Indiana [FRL–6527–8] received January 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6664. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communication Commission, transmitting the Commission's final rule—Review of the Commission's Broadcast and Cable Equal Employment Opportunity Rules and Policies and Termination of the EEO Streamlining Proceeding [MM Docket Nos. 98–204 96–16] received February 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6665. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Use of Alternative Source Terms at Operating Reactors (RIN: 3150–AG12) received January 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6666. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting the FY 1999 Annual Report on U.S. Government Assistance to and Cooperative Activities with the New Independent States of the Former Soviet Union; to the Committee on International Relations.

6667. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations [FRL–6526–6] received January 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6668. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations—received January 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6669. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Prevailing Rate Systems; Abolishment of the Washington, MD, Nonappropriated Fund Wage Area (RIN: 3206–AI97) received January 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6670. A letter from the Director, Workforce Compensation and Perf. Service, Office of Personnel Management, transmitting the Office's final rule—Emergency Leave Transfer Program (RIN: 3206–AI03) received January 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6671. A letter from the Director, Office of Insurance Programs, Office of Personnel Management, transmitting the Office's final rule—Federal Employees' Group Life Insurance Program: New Premiums (RIN: 3206–AI54) received January 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6672. A letter from the Acting Assistant Secretary, Policy, Management and Budget, Department of the Interior, transmitting the Department's final rule—Administrative and Audit Requirements and Cost Principles for Assistance Programs (RIN: 1090-AA67) received January 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6673. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Emergency Rule to List the Santa Barbara County District Population of the California Tiger Salamander as Endangered (RIN: 1018–AF81) received January 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6674. A letter from the Under Secretary for Oceans and Atmosphere, Department of Commerce, transmitting the activities of the Northwest Atlantic Fisheries Organization for 1999; to the Committee on Resources.

6675. A letter from the Chief of Staff, National Indian Gaminig Commission, transmitting the Commission's final rule—Minimum Internal Control Standards (RIN: 3141–AA11) received January 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6676. A letter from the Assistant Administrator for Fisheries, National Marine Fisherie's Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Spiny Dogfish Fishery Management Plan [Docket No. 990713189–9335–02; I.D. 060899B] (RIN: 0648–AK79) received February 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6677. A letter from the Assistant Administrator For Fisheries, National Marine Fisherie's Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; Northern Anchovy/Coastal Pelagic Species Fishery; Amendment 8 [Docket No. 990430115–9314–02; I.D. 030299B] (RIN: 0648-AL48) received January 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6678. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Trawling in Steller Sea Lion Critical Habitat in the Central Aleutian District of the Bering Sea and Aleutian Islands [Docket No. 000211040–0040–01; I.D. 022300A] received March 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6679. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod in Western and Central Regulatory Area in the Gulf of Alaska [Docket No. 991228352–0012–02; I.D. 022200D] received March 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6680. A letter from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting the Department's final rule—Penalties For False Drawback Claims [T.D. 00–5] (RIN: 1515–AC21) received January 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6681. A letter from the Chief Counsel, Bureau of the Public Dept, Department of the Treasury, transmitting the Department's final rule—Marketable Treasury Securities Redemption Operations—received January 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6682. A letter from the Chief, Regulations Branch, Department of Treasury, transmitting the Department's final rule—Customs Brokers [T.D. 00–17] (RIN: 1515–AC34) received March 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6683. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Simpson v. United States—received February 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6684. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Low-Income Housing Tax Credit-2000 Calendar Year Resident Population Estimates [Notice 2000–13] received February 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6685. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting the Tenth Annual Report describing the Board's health and safety activities relating to the Department of Energy's defense nuclear facilities during the calendar year 1999; jointly to the Committees on Armed Services and Commerce.

6686. A letter from the Board of Governors, Federal Reserve System, transmitting the Board's Monetary Policy Report to the Congress pursuant to the Full Employment and Balanced Growth Act of 1978, pursuant to 12 U.S.C. 225a; jointly to the Committees on Banking and Financial Services and Education and the Workforce.

6687. A letter from the Chair, Medicare Payment Advisory Commission, transmitting the 2000 Report to the Congress: Medicare Payment Policy; jointly to the Committees on Ways and Means and Commerce.

6688. A letter from the Board Members, Railroad Retirement Board, transmitting the Congressional Justification of Budget Estimates for Fiscal Year 2001; jointly to the Committees on Appropriations, Transportation and Infrastructure, and Ways and Means.

6689. A letter from the Chairperson, National Council on Disability, transmitting a report entitled, "From Privledges to Rights: People Labeled with Psychiatric Disabilities Speak for Themselves"; jointly to the Committees on Education and the Workforce, Commerce, and the Judiciary.

6690. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the Fiscal Year 2001 Budget Estimates and Performance Plan; jointly to the Committees on Commerce, Appropriations, and Government Reform.

6691. A letter from the Chairman, Federal Election Commission, transmitting a FY2001 Budget Request; jointly to the Committees on House Administration, Appropriations, and Government Reform.

6692. A letter from the Chairperson, National Council on Disability, transmitting a report on issues affecting people with disabilities from diverse racial and cultural backgrounds, "Lift Every Voice: Modernizing Disability Policies and Programs to Serve a Diverse Nation"; jointly to the Committees on Education and the Workforce, the Judiciary, Transportation and Infrastructure, and Government Reform.

6693. A letter from the Acting General Counsel, Department of Defense, transmitting a proposal of draft legislation, "To authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2001, and for other purposes."; jointly to the Committees on Armed Services, Resources, Rules, Small Business, Government Reform, Veterans' Affairs, Commerce, and Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[The following action occurred on March 17, 2000]

Mr. GILMAN: Committee on International Relations. H.R. 3822. A bill to reduce, suspend, or terminate any assistance under the Foreign Assistance Act of 1961 and the Arms Export Control Act to each country determined by the President to be engaged in oil price fixing to the detriment of the United States economy, and for other purposes; with an amendment (Rept. 106–528). Referred to the Committee of the Whole House on the State of the Union.

[Submitted March 20, 2000]

Mr. YOUNG of Alaska: Committee on Resources. House Resolution 182. Resolution expressing the sense of the House of Representatives that the National Park Service should take full advantage of support services offered by the Department of Defense (Rept. 106–529). Referred to the House Calendar.

Mr. KASICH: Committee on the Budget. House Concurrent Resolution 290. Resolution establishing the congressional budget for the United States Government for fiscal year 2001, revising the congressional budget for the United States Government for fiscal year 2000, and setting forth appropriate budgetary levels for each of fiscal years 2002 through 2005 (Rept. 106–530). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

[The following action occurred on March 17, 2000]

Pursuant to clause 5 of rule X, the Committee on Agriculture discharged from further consideration of H.R. 701.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. VISCLOSKY:

H.R. 4033. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify the procedures and conditions for the award of matching grants for the purchase of armor vests; to the Committee on the Judiciary.

By Mr. COBLE (for himself, Mrs. Bono, Mr. Delahunt, Mr. Pease, and Mr. Wexler):

H.R. 4034. A bill to reauthorize the United States Patent and Trademark Office; to the Committee on the Judiciary.

By Mr. GEKAS (for himself and Mr. Young of Alaska):

H.R. 4035. A bill to establish a commission to review and explore ways for the United States to become energy self-sufficient by 2010; to the Committee on Commerce.

By Mrs. MALONEY of New York (for herself and Mr. Saxton):

H.R. 4036. A bill to provide that Federal reserve banks and the Board of Governors of the Federal Reserve System be covered under chapter 71 of title 5, United States Code, relating to labor-management relations; to the Committee on Government Reform.

By Mr. SCARBOROUGH:

H. Con. Res. 289. Concurrent resolution condemning the racist and anti-Semitic views of the Reverend Al Sharpton; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 347: Mr. Hastings of Washington.

H.R. 515: Ms. Eddie Bernice Johnson of Texas, Ms. DeLauro, and Mr. Evans.

H.R. 1227: Ms. Schakowsky.

H.R. 1356: Mr. Abercrombie.

H.R. 1689: Mr. Blunt.

H.R. 1690: Mr. Strickland.

H.R. 2025: Mr. McGovern, Mr. Clay, and Mr. Moran of Virginia.

H.R. 2288: Mr. Fattah.

H.R. 2564: Mr. Skeen.

H.R. 2736: Mr. Klink.

H.R. 2909: Ms. Woolsey.

H.R. 3044: Ms. Sanchez, Mr. McNulty and Mr. DeFazio.

H.R. 3439: Mr. Allen, Mr. Hastings of Washington, and Mr. Abercrombie.

H.R. 3628: Mr. Gilman and Mr. Doggett.

H.R. 3690: Mr. Baldacci.

H.R. 3825: Ms. Baldwin, Mr. Brown of Ohio, and Ms. Sanchez.

H.R. 3844: Mr. Norwood, Mr. Ehrlich, and Mr. Frelinghuysen.

H.R. 3998: Mr. Kind and Mr. Pascrell.

H. Con. Res. 262: Mr. Cooksey and Mr. Cunningham.

H. Con. Res. 273: Mr. Campbell.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 3822

Offered By: Mr. Gejdenson

Amendment No. 1: Page 8, after line 2, insert the following (and redesignate the subsequent section accordingly):

SEC. 7. SENSE OF THE CONGRESS.

It is the sense of Congress that—

(1) using authority under existing law, directly through time exchanges (or "swaps") or through other means, the President and the Secretary of Energy should draw down the Strategic Petroleum Reserve in an economically feasible manner and to a responsible degree, to combat unfair foreign trade practices of OPEC and alleviate the severely deleterious consequences to people and businesses in the United States that those practices have caused; and

(2) the President and the Secretary of Energy should prepare for future threats to the economy and energy supply of the United States by developing methods to—

(A) draw down the Strategic Petroleum Reserve quickly when needed; and

(B) increase the quantity of crude oil in the Strategic Petroleum Reserve over time in an economically reasonable manner.

H.R. 3822

Offered By: Mr. Gejdenson

Amendment No. 2: Page 8, after line 2, insert the following (and redesignate the subsequent section accordingly):

SEC. 7. SENSE OF THE CONGRESS.

It is the sense of Congress that—

(1) using authority under existing law, directly through time exchanges (or "swaps") or through other means, the President and the Secretary of Energy should draw down the Strategic Petroleum Reserve in an economically feasible manner and to a responsible degree, to combat unfair foreign trade practices of OPEC and alleviate the severely deleterious consequences to people and businesses in the United States that those practices have caused;

(2) the President and the Secretary of Energy should prepare for future threats to the economy and energy supply of the United States by developing methods to—

(A) draw down the Strategic Petroleum Reserve quickly when needed; and

(B) increase the quantity of crude oil in the Strategic Petroleum Reserve over time in an economically reasonable manner; and

(3) Congress should immediately pass, and the President should sign into law, legislation to reauthorize the Energy Policy and Conservation Act and extend the President's authority to release oil from the Strategic Petroleum Reserve.

H.R. 3822

Offered By: Mr. Sanders

Amendment No. 3: Page 8, after line 2, insert the following:

(d) Leverage To Succeed in Diplomatic Efforts To End Price Fixing.—In order to increase the chances of diplomatic efforts succeeding to bring about the complete dismantlement of international oil price fixing, the President shall immediately enter into agreements with members of the oil industry for the swap of crude oil from the Strategic Petroleum Reserve for both crude oil and 6,700,000 barrels of home heating oil at a later date. Such arrangements shall provide that—

(1) when the price of crude oil drops below $25 per barrel for a period of two consecutive weeks, the oil industry shall replenish crude oil to the Strategic Petroleum Reserve; and

(2) when the price of heating oil drops below $1.00 per gallon for a period of two consecutive weeks, the oil industry shall provide the President with 6,700,000 barrels of home heating oil for the purposes of establishing a Home Heating Oil Reserve.

Once the President starts receiving heating oil pursuant to such agreements, the President shall create a heating oil reserve containing 2,000,000 barrels of heating oil in leased storage facilities in Albany, New York, the New York Harbor area, or any other appropriate location in the Northeast. The President shall deposit the remaining 4,700,000 barrels of heating oil received pursuant to such agreements in one of the Strategic Petroleum Reserve caverns. The President shall immediately draw down the Heating Oil Product Reserve (consisting of home heating oil received pursuant to agreements under this subsection) only when fuel oil prices in any region of the United States rise sharply because of international oil price fixing or any other anticompetitive activity, during a national or regional fuel oil shortage, or during periods of national or regional extreme winter weather. There are authorized to be appropriated $25,000,000 to the Secretary of Energy for the period encompassing fiscal years 2000 through 2019 for the purposes of carrying out this subsection.

SENATE—*Monday, March 20, 2000*

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, Sovereign of history and personal Lord of our lives, this week we join with Jews throughout the world in the joyous celebration of Purim. We thank You for the inspiring memory of Queen Esther who, in the fifth century B.C., threw caution to the wind and interceded with her husband, the King of Persia, to save the exiled Jewish people from persecution. The words of her uncle Mordecai sound in our souls: "You have come to the kingdom for such a time as this."—Esther 4:14.

Lord of circumstances, we are moved profoundly by the way You use individuals to accomplish Your plans and arrange what seem to be coincidences to bring about Your will for Your people. You have brought each of us to Your kingdom for such a time as this. You whisper in our souls, "I have plans for you, plans for good and not for evil, to give you a future and a hope."—Jeremiah 29:11.

Grant the Senators a heightened sense of the special role You have given them to play in the unfolding drama of American history. Give them a sense of destiny and a deep dependence on Your guidance and grace.

On Purim, we renew our commitment to fight against sectarian intolerance in our own hearts and religious persecution in so many places in our world. This is Your world; let us not forget that "though the wrong seems oft so strong, You are the Ruler yet." Amen.

PLEDGE OF ALLEGIANCE

The Honorable CHUCK HAGEL, a Senator from the State of Nebraska, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished majority leader is recognized.

Mr. LOTT. I thank the Chair.

SCHEDULE

Mr. LOTT. Today the Senate will be in a period of morning business throughout the day, and tomorrow the Senate will begin consideration of H.R. 5, the Social Security earnings test legislation. Under a previous agreement, there will be approximately 4 hours of debate with three amendments in order to the bill. I expect votes will occur during Tuesday's session of the Senate on one or two of the amendments to the bill. However, I expect final passage will not occur until Wednesday morning at approximately 10 o'clock. I will need to consult further with the Democratic leadership as to the exact time for that vote.

During the remainder of the week, the Senate will also consider any of the following items: Crop insurance legislation that was reported out of the Agriculture Committee a couple of weeks ago, plus any nominations from the Executive Calendar that might be cleared. Therefore, votes should be expected throughout the remainder of the week, certainly Wednesday and Thursday. Also, Senators should be on notice that we expect to begin the budget resolution next week, the week of March 27, and Senators may expect votes likely will occur on Friday, March 31.

We had indicated earlier in the year that if we saw a Friday where there would very likely be some votes, we would let Senators know as soon as we could, in order to comply with the budget resolution rules, which is up to 50 hours of debate and amendments in order. Senators will recall that sometimes we have a number of amendments at the end of the process, so it could take us into Thursday night or over into that Friday, March 31. Of course, if there is a change in that, we will let Senators know, but we need to conclude that budget resolution as soon as possible so the Appropriations Committee can go forward with its bills.

SOCIAL SECURITY EARNINGS

Mr. LOTT. Mr. President, I will take just a few minutes of my leader's time to talk about the Social Security earnings limitation.

I am very proud that the Senate is going to be taking up that issue this week and that we have a unanimous consent agreement which will limit us to only two or three amendments. One of those amendments is a technical correction, and then we have one by Senator KERREY of Nebraska and one by Senator GREGG of New Hampshire.

We have talked for years about the unfairness of Social Security recipients losing Social Security money if they need to continue working or want to continue working. At a time when we have a need for seniors who are 65, 66, 67 years old to meet the demands of our increased job availability market in America, it is the logical thing to do. Unfortunately, for many years we talked about it and did not do anything.

The House of Representatives deserves credit for taking the lead on this issue, and now we find it is developing bipartisan support of Republicans and Democrats in the Senate and an indication that the President will sign it. It is long overdue, and I think it is an important issue. I hope a number of Senators will comment on it today and that we will have debate on the two amendments tomorrow and conclude this no later than Wednesday morning.

So I am pleased we are able to proceed in this way, and I look forward to completing action on this important legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

SOCIAL SECURITY, THE BUDGET RESOLUTION, AND THE FEDERAL RESERVE

Mr. REID. Mr. President, we on this side of the aisle look forward to working on eliminating the Social Security earnings limitation. I just returned from Nevada. It was amazing the number of people who came up to me and said, Are you going to do finally something about eliminating the earnings test on Social Security? As the leader has said, we have talked about this a long time but done nothing. It is time now that we join together, as we are going to do Wednesday, to pass this important bill.

This legislation will pass overwhelmingly with both Democrats and Republicans voting for it. Why? Because the America of today is much different from the America of 1935 when Social Security came into being. People are living much longer lives, healthier lives, more productive lives, and there is no reason in the world why we do not have people working as long as they want and as hard as they want. We need to remove this limitation. We have a problem in America today in its lack of productivity. This legislation will help a great deal because some of the most productive people in the world are people who are over age 65. So I look forward to joining Senators on both sides of the aisle to make sure we pass this bill as quickly as possible. As the leader said, we should do it Wednesday afternoon.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

In looking forward to next week, to the budget resolution, this is a time where we have an opportunity to look at what the Nation is going to do financially for the coming year. I think it is important we all prepare for this debate. There is a limited amount of time we can debate this issue. There is no limitation on the number of amendments that can be offered. We certainly hope there is not an unlimited number of amendments, but that people will give thought and consideration to the ones that are most important.

The Democrats today are going to take some time to talk about a number of issues, and leading the debate will be the chairman of the Democratic Policy Committee, Senator BYRON DORGAN. When he is called upon, he is going to talk about a number of issues.

The Senator from North Dakota has certainly been a leader on the issue of the Federal Reserve System, and there is no one who has been more articulate when talking about the need to do something about the Federal Reserve System and its secretive nature, and the fact that, as an example, they have a $3.5 billion slush fund that is there to be used for many other programs in the Federal Government.

There is no need to have the Federal Reserve with this amount of money, this pot of money, this $3.5 billion that they simply have never used since its inception. This money can be used for education. It can be used for many of the other programs for which we are searching for money. I hope during today we will have a good discussion on issues that are affecting this country and that tomorrow we move forward on the social security earnings legislation.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business, with Senators permitted to speak for up to 5 minutes each.

Under the previous order, the time until 2 p.m. shall be under the control of the Senator from Illinois, Mr. DURBIN, or his designee.

The Senator from North Dakota.

Mr. DORGAN. Mr. President, it is my intention to seek recognition for the purpose of making a presentation. My understanding is Senator BYRD has a presentation. I will defer my presentation so that the distinguished Senator from West Virginia can proceed. I ask unanimous consent that I be recognized following the presentation of the Senator from West Virginia.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank my friend, the very distinguished junior Senator from North Dakota, but he is the dean of the delegation. He served in the House several years.

DREAM OF SPRING

Mr. BYRD. Mr. President, today, as we observe the arrival of the vernal equinox and, with it, the official arrival of spring, the words of the poet Samuel Taylor Coleridge come easily to mind:

All Nature seems at work. Slugs leave their lair—
The bees are stirring—birds are on the wing—
And Winter slumbering in the open air,
Wears on his smiling face a dream of Spring!

Washington has turned her smiling face towards spring as well. The roadsides, so recently painted gray-brown with grit and dirt in the wake of receding glaciers of snow mounded up by mastodon plow trucks, have greened again. The brave crocuses have forced their way through the still-cold Earth to offer their first bright promise of warmer weather, the merry forsythia mirrors the Sun's golden light, and the pear and magnolia trees are softening the gray weave of bare branches with their pink and white petals. Washington's famous cherry blossoms will soon be adding their dainty petals to the spring breezes.

It is time for the soft whisper of falling snow to be replaced by the conversational patter of spring rains. It is time for the volume to be turned up from the quiet solos of solitary winter birds to the rousing, full-throated chorus of springtime birdsongs.

I asked the robin, as he sprang
From branch to branch and sweetly sang,
What made his breast so round and red;
Twas "looking at the sun," he said;

I asked the violets, sweet and blue,
Sparkling in the morning dew,
Whence came their colors, then so shy;
They answered, "looking to the sky";

I saw the roses, one by one,
Unfold their petals to the sun,
I asked them what made their tints so bright,
And they answered, "looking to the light";

I asked the thrush, whose silvery note
Came like a song from angel's throat,
Why he sang in the twilight dim;
He answered, "looking up at Him."

We have this full-throated chorus of springtime voices—the violets, the roses, the robin, the thrush, the other bird songs—and it is time to spade up the garden, releasing the intoxicating perfume of rich, moist earth. How my little dog, Billy, loves that scent. He stands watch over the spade as I prepare the ground for my tomatoes, and his ears are pricked up, his tail is wagging, his eyes are shining with anticipation, waiting to chip in with paws flying, heedless of the dirt he will track into the house on his white coat. You see, he is a Maltese. This is Billy Byrd—Billy Byrd II. I used to have another dog. It was a cocker spaniel, but it was Billy Byrd I.

It is also time to marvel at the mysteries of God's designs as we watch daffodils burn their way through dense layers of last year's leathery leaves in order to put on their bright show. It is time to wonder how a tiny crocus bulb, no larger than a thumbnail and no heavier than a dust-dry clod of earth, can push aside frozen Earth, melt its way through snow or ice, just to put out four colorful petals. I sometimes wonder for whom the crocuses' show is, for surely crocuses bloom too early for even the hardiest bee.

William Shakespeare observed that, "There is no ancient gentlemen but gardeners . . . They hold up Adam's profession." There is indeed a kinship among gardeners, whether serious gardeners whose gardens are their lifelong avocation, or the duffer with a few beds who buys plants at the local hardware store each spring. All gardeners are, at heart, optimists. They have to be. This season allows the gardener each year to fall in love all over again, and to wear on his smiling face a dream of spring and of greatness in the garden. He stands outside, shovel in not-yet-blistered hand, and has visions. He sees, not the patchy lawn and unkempt flowerbeds worn by winter, but some grand turf flowing like a green sea between islands of color, Sun, and shade. He foresees the abundance of the garden overflowing from his table to those of his friends and family. In March, it is not possible to truly believe that there will ever be too many tomatoes, too many zucchini, too many cucumbers. Each seed in the brightly colored envelope, each small budding plant, is precious and deserving of an opportunity to grow. Each is a gamble, but a gamble in which the gardener believes the odds are on his side. And why not? God is also on his side. Not all the plants will make it, but enough will, and those survivors will often exceed his most fecund imaginings.

West Virginia is full of master gardeners. Their pantries and cellars are treasure houses filled with jewel-tone quart jars of ruby tomatoes, emerald green beans, and sapphire blueberries. Crystal quilted jelly jars hold not precious unguents, but the ambrosia of the gods—homemade jams, jellies, and preserves distilled from the freshest strawberries, plums, cherries, quinces, apples, and blackberries. West Virginia's home canners are well prepared to cope with the bounteous overflow of the overambitious gardener.

To be a gardener is not only to be optimistic, but also to be patient. If something does not work out this year, there is always a different scheme next year. Over time, even the most scraggly sapling will reach majestic maturity, towering over the landscape and altering the microclimate of the yard with its shade and its earthmoving roots. The sun-loving flowers near it will gradually be replaced by those which tolerate increasing amounts of shade. No garden is a static place—how could it be?—filled with so much polite but fierce competition among its denizens, and always under attack by invading insects and dreaded diseases—black spot, to be sure, rather than the Black Plague, but dreaded, nonetheless.

To be a gardener is to be close to the Creator, to follow in His example. You see, God made the country; man made the town. To be, as Shakespeare said, holding up Adam's profession, that is what it is to be a gardener. We each try to create, at least in our dreams, our own small Eden. We learn the great lessons of life as we cultivate patience and nurture our optimism. In a garden one sees, up close—up close, up real close—the great mysteries of birth, life, struggle, death, yes, and renewal, writ small enough to comprehend and only then, to translate into some larger understanding that may, with age, approach wisdom. My chaplain will say, in a garden, God speaks to us simply, in the language of flowers.

The kiss of the sun for pardon,
The song of the birds for mirth,
One is nearer God's Heart in the garden
Than anywhere else on earth.

So said Dorothy Frances Gurney, and surely her words are even more true in the spring garden than at any other time of year. It gives me joy to watch the greening of the earth, once again, and to witness the triumph of each little bulb and each little bud as it bursts forth, victorious over the chill of winter. I am filled with warmth that is easy to share, as I and my colleagues in Adam's profession emerge from our winter hibernation into the soft spring air and, with smiling faces, dream of spring.

The year's at the spring
And day's at the morn;
Morning's at seven;
The hillside's dew-pearled;
The lark's on the wing;
The snail's on the thorn;
God's in His Heaven—
All is right with the world.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, let me thank the Senator from West Virginia. In many ways, you have never really heard spring described until you have heard it described by the distinguished Senator from West Virginia. It also fits with something I come to the floor to talk about.

FAMILY FARMERS

Mr. DORGAN. Mr. President, we have over 2,000 family farmers who have arrived in Washington, DC, this morning. In other times and other circumstances, they would be preparing for spring planting.

Spring is a time for farmers to begin thinking about getting to the field to plant their seeds and do the work family farmers do. But instead of preparing for spring planting, 2,000 family farmers are here in Washington, DC, today.

I intend to leave this Chamber and have lunch with them. They are holding a "farmer's share lunch", just steps from the Capitol on the lawn in the upper Senate park beside the Russell Building. A customer buying this same lunch at a restaurant or in some other venue in Washington, DC would pay $10. These farmers are charging the portion of the food dollar they get: From a $10 lunch, they get approximately 39 cents. So over in the park, farmers will be providing lunch for 39 cents to demonstrate how little of America's food dollar family farmers are getting.

We have such a serious problem on America's family farms. Two thousand of those family farmers have come to Washington, DC, to say to the Federal Government that the public policy dealing with family farmers simply isn't working. If it is in the interests of our country to preserve a network of family farms to produce America's food—if those are our policy interests in America—then we must change public policy because the current farm program does not work.

There is a fellow in North Dakota named Dave Smith, He is a farmer in Makoti, ND. Frankly, I have never met Dave Smith. He calls himself the Flying Farmer. He has developed a hobby of jumping over stock cars. He builds a ramp, jumps these cars, and dives over to the other side. He wears a helmet and performs at the county fairs and the State fairs.

I have seen him do these tricks a couple of times and have always wondered what would persuade someone to do these things?

Let me tell you how he got in the "Guinness Book of World Records". Dave Smith, the Flying Farmer, from Makoti, ND, set a world record by driving in reverse for 500 miles at an average speed of 34 miles per hour.

I am thinking to myself: Why would someone want to do that? But then I recognized that it reminds me of public policy as it affects family farmers, an endurance race in the wrong direction.

The question is, What do we do to stop this movement in the wrong direction and start it in the right direction? What do we do for family farmers?

I have on previous occasions talked in the Senate about what one finds when going to Europe. Go to the European countryside, visit with their farmers and go to the small towns that rely on families who live off the land. Get a feeling for how things are going in rural Europe.

Farmers are doing well in Europe. Small towns are doing fine in Europe. There is life; one can feel it. One can sense it. Why? Because Europe has decided that as a matter of public policy, the kind of economy they want is an economy that has food production based on the family unit. They want to maintain and retain family farmers in their future. It is a deliberate public policy in Europe. They have been hungry, and they don't intend to go hungry again. They want broad-based ownership of food production in Europe.

I found it interesting that the European trade representatives, who are often vilified—and perhaps I do it from time to time—talked about trade in agriculture in the context of families and communities when I met with them at the WTO meeting in Seattle. "Multifunctionality" is the term they used. They talked about the impact on family farmers and the relationship to building communities as a result of a network of farms in the countryside.

Our trade negotiators look at trade through the pristine view of one word—markets, as though it doesn't have anything to do with families or communities. As if somehow there is no relationship between virtue and math when it comes to the question of profits and losses. I want to talk for a couple of minutes about the fallacy of all of that.

These days, when there is so much economic prosperity in so much of our country, and we are blessed with so many things, we find that in the granaries, garages and in the machine sheds of America's family farms, families are gathering trying to figure out: How do we get this equipment ready for the field work in the spring to plant a crop? Will our banker lend us the money to buy seeds and fuel and fertilizer, for example, to once again try to make a living on the family farm? Or are we now going to lose our dream? Will we, after 30 years of trying, lose the opportunity to continue farming this year because prices have collapsed and our trade agreements have not been good for agriculture?

Interest rates are going up. So many other things are confronting the farmer over which they have no control.

I will show a few charts that describe what is happening to America's family farms. The families who have come to town, the 2,000 of them, to say there is something wrong that needs to be fixed, here is what they are confronted with. Look what has happened to the farmer's share of the retail beef dollar. It has dropped precipitously.

This chart shows the farmer's share of the retail pork dollar—it is almost interchangeable—a dramatic collapse in 19 years. For North Dakota, where we raise a great deal of grain, this chart shows the farmer's share of the cereal grains dollar. Some might say, well, we are importing a lot of food; consumers are able to access cheaper food. Have you been to the grocery store lately and taken a look at the bar codes of hamburgers or bread or that which is made from cereal grain or livestock? Have you noticed that food prices have come down? I don't think so. Grain prices have collapsed.

For a while, we had a very substantial collapse in livestock prices. In fact, at one point about a year ago, a hog that brought the hog producer $20 on the market for an entire hog had its meat sold for $300. So what happened between the $20 the farmer got for selling an entire hog and the $300 that was charged at the grocery store counter for the meat from the very same hog? The middle folks, the folks who handle all of that, are making a lot of money. The farmer is left with the carcass.

I will mention a couple of other items with respect to the family farm. Farmers have come to the Nation's Capital to ask for a change. We passed a piece of farm legislation some years ago. I voted against it, but nonetheless it passed. It essentially pulled the rug out from under family farmers. It said they should all just operate in the marketplace.

That sounds good enough, if the marketplace were a fair marketplace and farmers were involved in fair competition with others who produce food around the world. That is not the case. Our trade agreements injure family farmers rather than help them. They don't have an opportunity to pay a fair interest rate because the Federal Reserve Board is jacking up the cost of money in a manner that is totally unjustified. They deal with monopolies in every direction they turn. If they want to put their grain on a railroad, the railroad is overcharging them. What is going to happen is if they are going to sell their cattle to packing companies, three or four packing companies are involved in 80 to 85 percent of all the steer slaughter in this country. It is the same with pork and lamb. Family farmers are competing in a game in which the deck is stacked.

We have a policy establishment in Washington that views all of this through a very clear lens. It is a limited vision, but the direction they look appears clear to them. This, in some of their minds, is kind of a "stuff Olympics." Those who produce the most stuff get the most medals, even if you are producing stuff you already have too much of and not producing what you need. For example, in rural America, if you are producing what nurtures and strengthens communities, that is irrelevant according to these folks. The policy establishment says that is not what we are about. We are about the "stuff Olympics." Those who produce the most stuff win.

Of course, that is not a proper way to look at who we are and what we want to be. The markets are fine, but markets are not always fair. We, as a country, have a right, as Europe has a right and has done, to decide what kind of economy we want. What kind of things do we want produced from the arrangements of production? If we say we need better communities, stronger families living on the land and a network of producers producing America's food, then we need to question whether our economic arrangements contribute to that end. Clearly, the answer now is no.

Should we not support the form of agriculture that contributes to that kind of economy and that kind of society? What is the farm program really for? These farmers have come to town saying the farm program doesn't work. What is it really for?

In my judgment, we don't need a farm program. We could abolish it if its goal is not simple and singular. We should have a farm program that is designed to support and sustain a network of families living on America's agricultural land. If that is not the goal of the farm program, then we don't need one. If someone wants to farm an entire county, God bless them, but they don't need the Government's help. But when prices collapse, if families who are living on that farm don't have a bridge across those price valleys, they are simply not going to make it from one side to the other.

My belief is that the contribution a network of family farms makes to our country is irreplaceable and invaluable. Let me tell my colleagues about that contribution, that lifestyle, because I come from a State I dearly love. It embodies those values that America needs more of.

We have a man and a wife in Sentinel Butte, ND, who own a gas station. Perhaps I have told the Senate about this before. They are near retirement age and don't want to keep the gas station open all day. This is a town of under 100 people. They decided that when they close at 1 o'clock in the afternoon, they would hang the key on a nail. If you need gas, you drive up and take the key, unlock the pump, and fill up. Then you are supposed to make a note that you did that.

Yes, that is true. Yes, that happens in my home State, a small community of under 100 people who understand the value of the small town cafe, the hub of life in a small community, and can't afford to keep the small town restaurant open. How do they do it? A signup sheet. Everybody in town has to volunteer to work for nothing to keep the restaurant open.

Yes, that is the way the restaurant works in Havana, ND. Tuttle, ND, a town of under 100 people, lost their grocery store. What to do? They could not find anybody to start a grocery store. So the town itself—the community—built a grocery store. Yes, the town owns the grocery store because that is the kind of town they want and the kind of life they want.

I may have told the Senate about the woman who owns the flower shop in Mott, ND. A town 14 miles from Regent, my hometown. My parents are buried in the cemetery in Regent, ND, a town of 270 people. We always send flowers to my mother's grave on Mother's Day from the Mott Florist Shop. They are always apologetic for charging a couple of dollars extra to send them to the Regent cemetery, which is 14 miles away.

The Mott Florist Shop is quite a place. This year, my brother called them—he or I usually call them—and he asked them to deliver flowers for Memorial Day. He said, "By the way, I forgot to call on Mother's Day when we usually order flowers for my mother's grave." She said, "That's all right. I figured you forgot so we sent flowers over to your mother's grave anyway. I figured I would send you a bill later, and if you paid it, OK; if not, that's OK, too."

Where does that happen in this country? It is pretty special to have those kinds of communities and people.

About the same time that happened, I read an article in the newspaper—and I don't mean to be pejorative about New York City because it is a wonderful city, but a fellow died on the subway and he continued riding 4 or 5 hours on the subway before somebody discovered he was dead. Big difference. Rural values, community, responsibility, looking out for each other, helping each other, knowing each other—that is part of what we need to be as a country.

I worry so much that we are losing a great deal of that in the way we deal with public policy. Thomas Jefferson used to say that the kind of agriculture we choose in this country affects the kind of communities we have. It affects the kind of Nation we are going to be. He was dead right about that.

That is why the issue that these folks have come to town to discuss, the 2,000 farmers, who otherwise would be in their machine shed getting ready for spring's work, working on the transmission, greasing the tractor, going to town to get the seed, all excited about being able to finally get that tractor started and getting out and plowing the ground and putting seeds in the ground, are instead over here about a block away. And I am going to get there soon. They are here to say family farming matters to this country and Congress must do something to help or we will be left with corporate agriculture from California to Maine, and it will be different. A part of America will be gone forever. Some say: Well, that's the way it is. The family farm is like the little diner left behind when an interstate highway comes through, and it is too bad; it was a wonderful place to have soup and sandwiches. But that is life.

Mr. BYRD. Will the Senator yield?

Mr. DORGAN. Of course, I will.

Mr. BYRD. Mr. President, let us go back 2,000 years to the small family farms on the Italian peninsula. Those small family farms produced the rugged soldiers who helped ancient Rome to conquer all of the countries around the Mediterranean basin. Those family farms produced men and women who believed in the gods. They were pagan gods, but those ancient Romans believed in those gods, venerated their forefathers, their ancestors, taught their children to respect authority, to respect law, to respect the state. And the ancient Romans felt that the gods had in mind a particular destiny for their country. Each Roman felt that it was his duty to help to promote that destiny of his state. And then came the latifundia, the great corporate farms. Senators bought up land. They became huge farms. The farmers, the peasants, left the land and migrated into the cities and became a part of the mob that sought the theater and free bread.

And when that happened, remember that the Roman legions, which constituted the greatest military fighting machine of that time, were able to get their recruits from the farms. When the peasants left the land, left the home, and the home deteriorated and the belief in the gods dimmed and faded, the great Roman Senate weakened, lost its way, lost its nerve, and without being forced to ceded to the dictators—the Caesars, and later the Emperors—the power of the purse, that was the beginning of the end. Rome collapsed.

The same thing has happened here in America. When we look at our colonial forebears, they had the stamina, the stern discipline of the ancient Romans. They believed in a creator, and the home was where the values were inculcated into the young people. They respected the law, they respected authority, they respected their fathers and mothers, and they took seriously the Biblical injunction "honor thy father and thy mother."

We can take a lesson from the ancient Romans and many a leaf out of their history because there were several parallels between those ancient Romans and our colonial ancestors and the America that was—not the America that is, but the America that was—up until 50 years ago, or some such.

I am in the very mood at this moment to commend my distinguished colleague, the Senator from North Dakota, Mr. DORGAN, when he talks about these farmers. They are the people who toil the earth. They have to depend upon the weather; it is uncertain. They can't count on, from month to month or year to year, what the weather is going to be, how dependable it is going to be. What a life they have to live. It is a rugged life, but it is a clean life—clean in that they understand what it is to be near the soil and near God's great tradition. I wish that more of our young people grew up on the farm. There was a time in this country when 90 percent of the population was from the farms. That day is long gone.

I thank the Senator, who so often enlightens this great body on issues of importance to the country. He has his head screwed on right. His heart is where it ought to be. He has sound wisdom. He has done a great service today speaking about the small farmers. I personally thank him for what he means to the Senate and to the people of his State.

Mr. DORGAN. Mr. President, let me say to my colleague from West Virginia that I am humbled by his words. I was on a radio talk show earlier this morning for an hour or so. When he said I had my head screwed on right, I just say that is the nicest thing said about me all day.

I appreciate very much the comments the Senator made.

I also say this is not about nostalgia. It is about a country having to choose the kind of future it wants, a country measuring what it wants to achieve with its economy, and a country that determines what has value.

It is so much a disconnection to me that we are the largest arms seller in the world by far—somewhere around $10 to 12 billion a year. A fair amount of those purchases are from countries that can least afford to purchase jet fighter planes, tanks, and weapons of war, and, yet, they do.

In those same Third World countries that are purchasing arms, people are desperately hungry. At the same time that people are desperately hungry for food in so many places in the world, and hundreds of millions of people go to bed with an ache deep in their belly because they haven't had enough to eat, then in Mohall, ND, in the morning someone will load a two-ton truck with wheat and drive to the elevator and will be told by the grain trade: Your food doesn't have value. Your food just doesn't have value. Yet we know it costs you $4.50 a bushel to produce it, but it is only worth $2.30 a bushel because it just doesn't have value.

What a serious disconnection. We need to find a way to create value in our country for that which matters: the production and work of family farmers and the risks of what family farmers produce; yes, food for a hungry world, but also the social structure of a community and a rural economy.

Mr. Critchfield, a wonderful author, wrote a book called "Those Days." He talked about the "seed bed" of family values in America for over two centuries from family farms to small towns to big cities. It was always the "seed bed" of family values.

When a man named Ernest in Regent, ND, collapsed of a heart attack right near harvest, his neighbors brought the combines over to take his wheat off the field? If his neighbors were in corporate America, they would be called competitors. But on family farms, they are neighbors. And they are part of a social structure that works together. But they can't work together and make a living when grain prices have collapsed. They need a safety net of some type that says: You matter, you have value, and you are important to our country's economy.

I wish to mention two other quick items that affect family farmers in a very significant way. They came to town today. In fact, I was on an airplane with some of them last evening. Most of them came by bus but a few came on the airplane—last evening, today, and tomorrow.

Two things will happen here in Washington, DC: One, the Federal Reserve Board will meet. When they do, it won't be as if they are doing it in front of television cameras. It will be behind closed doors. They will make a decision in secret. We will not be a part of it. There will be no discussion and no debate. These central bankers will make a decision about whether to increase interest rates once again. All of the evidence is that they will do so.

Those poor farmers who are coming to town asking for some assistance when prices have collapsed will find one more time that the Federal Reserve Board has boosted their cost of production by increasing interest rates.

What is the justification for that? The answer is none. There is no justification. Workers' productivity is up in this country—way up. Do workers in this country not have a right to more compensation if they are more productive?

Mr. Greenspan and the Federal Reserve Board are worried about inflation. The core inflation rate that has been recently announced in both the Producer Price Index and the Consumer Price Index, which indicates that inflation is not a serious threat in this country. As I said, productivity is growing. Yet, somehow, Mr. Greenspan fashions himself as a set of human brake pads whose sole mission in life is to try to slow down the American economy.

It is wrong for the Federal Reserve Board to believe that too many people are working and that we are growing too fast. They are worried about that because they believe it will provoke more inflation. They have believed that for the last several years, and they have been wrong, wrong, wrong in every circumstance. But it has been used as justification to increase interest rates. That adds to the burden these family farmers have to bear as they go out to try to borrow money to buy the seeds, the fertilizer, and the fuel with which to put in their spring crops.

The Federal Reserve Board tomorrow will add to the burdens of these farmers, in my judgment, in a manner that is wholly unjustified. Productivity last year grew at a substantial 3 percent rate. That surge pushed the unit labor costs down by 2.5 percent in the fourth quarter in 1999.

I have talked at length about the Federal Reserve Board. I don't mean to cast disrespect on their motives as people. I have said that I commend Alan Greenspan for his public service but disagree with him from a policy standpoint very significantly.

But there is no justification for this Federal Reserve Board, the last dinosaur of our government, that does all of its business in secret. What other unit of government closes its doors and then says, "Let's decide what we want to do next to the American people"?

If Mr. Greenspan, as has been the subject of some of his recent pronouncements, believes that the stock market is moving too high—"irrational exuberance" he once called it—then he can take action to deal with that. He could increase margin requirements, which I think he probably ought to do. But instead of doing that—and he doesn't want to do that—he says: I will have all the American people, especially producers, pay higher interest charges. It is unwise, unfair, and risky, in my judgment, to raise interests at a time when fuel costs are rising and commodity prices all across the board have collapsed. I think it risks a significant slowdown in this economy.

I regret that they will take that action tomorrow. If they do, I will be here to speak again briefly about it.

Let me take 2 additional minutes to talk about one other issue that will be announced tomorrow. In addition to the Federal Reserve Board meeting, there will be an announcement tomorrow morning by the Commerce Department about America's trade deficit. I expect once again that the monthly trade deficit will be near record level.

What does that mean? It means that those family farmers who are gathered today in Washington, DC, asking for some help will once again see the consequences of a trade policy that has not worked.

We are not exporting nearly enough. We are importing too much. We find closed markets for agricultural commodities all around the world. Even when we negotiate new trade agreements, the negotiations are not the independent, kind of hard-nosed negotiations that you would expect on behalf of our producers. We do not, as a country, stand up for our producers' interests.

I will talk at some later time about the recent bilateral trade agreement with China. I have spoken at great length about the NAFTA agreement, and Canada and Mexico, and so on. But family farmers and others have a right, in my judgment, to be very concerned about these kinds of policies.

I will show a chart about the trade deficit. This chart shows what is happening to this country's merchandise trade deficit. It was $347 billion in 1999.

Let me mention China. I want to mention it just in a microcosm. We reached an agreement with China only months ago. A significant part of this $347 billion was nearly $70 billion with China alone.

Let me take automobiles, for example, because there is not a lot of trade in automobiles between the United States and China. But in our trade agreement with China, as I understand it, after a phase in, we reached an agreement by which China will have only a 25-percent tariff on U.S. automobiles that will be sent to China. We would have a 2.5-percent tariff on Chinese automobiles into this country. So we reached a trade agreement which says we will phase this in slowly. But after it is fully phased in, China, you can have a 10-times greater tariff on automobiles going into China than we would have.

I ask a question: Who is negotiating, and on whose behalf? We should get some uniforms and jerseys that say "U.S.A." on them. At least when they sit down we would understand who they are and we could demand that they work for our interests and demand reciprocal agreements that say treat us like we treat you. Open your markets.

I mention automobiles, because it is not of great consequence in that particular trade agreement. But I am going to talk at greater length about some of the other issues as well. I mention it, because tomorrow the Commerce Department will, once again, announce the monthly trade deficit. It will, in my judgment, signal the storm clouds that exist in this area to which we must respond. Our economy is wonderful. We live in a great country. We are blessed with all kinds of good news. However, we must address this issue.

I finish by telling the Senator from West Virginia what happened to me at the WTO meetings in Seattle in December. Everyone remembers how raucous those WTO sessions turned out to be, especially with demonstrators in the street. Something happened I will relate that reminds everyone once again of who we are and where we are. A group of House and Senate Members were meeting with a group of 10 or 12 European parliamentarians across an oblong table, talking about the differences between Europe and the United States in trade, the beef issue, and the Roquefort trade issue.

Mr. Rocard, the former Prime Minister of France, leaned over and said: Mr. Senator, I want you to understand something. We are talking about disputes between the United States and Europe. I want you to understand how I feel about your country. I was a 14-year-old boy on the streets of Paris, France, in 1944 when the Liberation Army marched into my country and removed the Nazis from my country. When I was a 14-year-old boy, standing on the streets, when those American soldiers marched into my country, a young black American soldier reached out his hand and gave me an apple. I want you to understand that I will never, ever forget that moment and what it meant to me and what it meant to my country.

I got chills as I listened to that. We have, as a country, done so much for so many around the world. We are self-critical and tend to forget the remarkable things we have done.

This fellow said to me: I will go to my grave having very special feelings about what your country, what your soldier, what your commitment was to me, to my family, and to my country.

That is something we should understand. We have a great capacity to do good things. As a democracy, we make some mistakes from time to time. But we have a great capacity to do good things in our abilities to make choices regarding public policy, in developing the kinds of policies that are produced in this Chamber. All of us must, from our various centers of interest around America, come here and with passion make the case for the things we think are important.

The Senator from West Virginia makes passionate arguments on behalf of the families who have been mining America's coal in the hills of Appalachia. I listened with wonder to his description of what is happening in those small communities. He understands that those from farm country, from North Dakota, South Dakota, Kansas, and elsewhere feel the same way, with the same passion, about the people we represent who are struggling and in many ways confront the same problems of collapsed commodity prices. There is the notion by some that this is just all nostalgia, not hard-nosed market economics.

That is why, as we do all of this, as we engage in these debates, we must as a country think through the public policy questions with better clarity, especially with the understanding that tomorrow's economy and tomorrow's country is what we decide it will be. We have a right to make these decisions. Europe has decided it wants family farmers in its future. It wants rural Europe to be healthy and family farmers to make it. Why? Because they understand that family farms produce more than just grain or livestock. They produce something that is social in nature—community, a rural lifestyle and culture that is important. That is something Europe is already reconciled to, and we ought to, as well.

I have taken far more time than I intended. Let me end as I started. I will go to the farmers' lunch near the Russell Building. They are serving a $10 lunch for 39 cents because farmers are here, 2,000-fold, saying: This is our share of the food dollar. It is not enough. We cannot make a living. We need help. We don't need charity. We need a little attention from Congress, better trade agreements, a better farm program, a little action on the antitrust front to deal with the concentrations of monopolies that exist, and a little understanding that we matter to America's future. We produce food. It is a hungry world. Food matters. Congress, pay attention. That is all they are saying.

With that, I will have lunch with friends of mine.

I yield the floor.

The PRESIDING OFFICER (Mr. ROBERTS). The distinguished Senator from West Virginia is recognized.

Mr. BYRD. Before the distinguished Senator goes to lunch, would he agree with me that Oliver Goldsmith, writing in "The Deserted Village," must have had our family farmers in mind when he said:

> Ill fares the land, to hastening ills of prey,
> Where wealth accumulates, and men decay;
> Princes and Lords may flourish or may fade;
> A breath can make them, as a breath has made;
> But a bold peasantry, their country's pride,
> When once destroy'd, can never be supplied.

Is there anything more fitting by way of poetry than Oliver Goldsmith's words in "The Deserted Village" when he talked about the bold peasantry?

Mr. DORGAN. Mr. President, as always, the Senator from West Virginia has captured in just a minute, with verse that comes from memory, something that I have not been able to say in 45 minutes. He is absolutely correct.

Again, let me thank him for being on the floor as I made the presentation.

Mr. BYRD. I thank the distinguished Senator.

ELEVEN-MONTH ANNIVERSARY OF THE TRAGEDY AT COLUMBINE HIGH SCHOOL

Mr. BYRD. Mr. President, today marks the 11-month anniversary of the tragic school shooting at Columbine High School in Colorado. On April 20, 1999, 2 boys walked into their high school, armed to the hilt, and killed 13 students and faculty members before taking their own lives. Despite the horrible nature of this crime, and those that have followed it in Georgia, in Michigan, in the District of Columbia, and in other places throughout the country, the Congress has shown precious little leadership in exploring ways to help prevent mayhem in our schools.

Last May, in response to the Columbine shooting, this Senate passed the Juvenile Justice bill by an overwhelming bipartisan majority of 73-25. Despite this strong show of bipartisan agreement, the legislation is bogged down in a morass of election year politics. Despite the fact that the American people are crying out for some leadership on this issue, the Congress is proving itself to be uncaring, if not irrelevant.

There is plenty of controversy to go around anytime any measure comes before the Congress which deals with gun violence. We have all heard repeatedly the cautionary slogan chanted by some, "guns don't kill people, people kill people." But increasingly in recent years it has been children who are wielding guns against their classmates. Perhaps the slogan should be changed to "guns don't kill children, children kill children." Sadly, that slogan now has the ring of reality, but, I doubt that anyone will be lobbying for gun rights with those words imprinted on their lecture.

The Senate-passed legislation contained a number of important provisions to not only crack down on violent juvenile offenders, but also to reduce the potential for weapons to fall into the hands of children who may not understand all of the dangers that the weapons pose.

The Senate legislation is a compromise between the rights of the individual to keep and bear arms and the safety of the public to be protected from those who should not have those guns. The bill would require that every handgun sold must have a trigger safety lock or secure container. It would require background checks on all buyers at gun shows. The legislation would ban the youth possession of semiautomatic assault weapons and their high-capacity ammunition clips. And it would bar anyone convicted of a violent felony as a juvenile from possessing a gun. These are commonsense provisions on which I hope parents and gun owners alike could agree.

Last week, the Nation's leading gun manufacturer, Smith & Wesson, imposed upon itself many of the provisions contained in the Senate version of the Juvenile Justice bill, including trigger locks and background checks. If Smith & Wesson can see the wisdom of balancing public safety with private ownership rights, why can this Congress not do the same?

The last time—and, in fact, the only time—that the conference committee on the Juvenile Justice legislation met was last August. Time is of the essence. I urge the conferees on both sides of the hill to meet and to settle their differences. The longer they wait, the longer the delay, the better the chances are that some further tragedy will come along and steal the lives of more innocent children. We might make a difference. We might save a life. Why not have the courage to try?

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BREAUX. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator may proceed.

Mr. BREAUX. Mr. President, I am pleased to follow the distinguished Senator from West Virginia, who always has most interesting remarks. I am pleased to associate myself with his comments as well.

HIGH FUEL PRICES

Mr. BREAUX. Mr. President, it is hard to pick up a newspaper or turn on a television set or read any kind of political commentary or watch one of the Sunday morning talk shows without having the subject very quickly turn to the high price that we in this country are paying for gasoline. There is a certain amount of deja vu when you look at some of these situations: Here we go again. Many Members remember quite well the problems this country faced in the 1970s when we had the long lines at our gas stations around this country. People were screaming and hollering about the lack of gas for their automobiles and were also complaining about the price of that gas if they were lucky enough to get it.

Here we are in the year 2000, and basically the problem is very similar to what it was back in 1973. It is interesting to me to see so many people wringing their hands, struggling to find out exactly what is causing this problem. It is not, indeed, a mystery at all. The problem is one of supply and demand. We are using far more gas and oil in this country than we were in the past decade, than in the past 5 years, in fact, more than we used last year. Yet we are producing substantially less than we are using.

During the 1970s oil embargo, many of us, particularly those from oil-producing States, were saying the problem would only get worse unless we did something to become energy self-sufficient. In those days, the 1970s, we were importing about 36 percent of the oil we consumed in the United States. When the OPEC nations just slightly tightened their valves and started producing a little bit less, that 36 percent brought this Nation to its knees and created the long lines at the gas stations.

Many of us at that time said it was only going to get worse unless we concentrated on trying to be more energy self-sufficient in this country; we would have to concentrate on making sure we were producing, in an environmentally safe manner, the necessary energy to run this Nation.

I wonder what people would say if we imported 50 percent of all the food we needed to feed the citizens of our country. I bet that if we were 50-percent dependent on foreign countries for food in this country, there would be long lines marching in Washington, people clamoring for our Nation to get its act together and become more self-sufficient, producing the food we need. I wonder why it is any different when it comes to producing the energy this country needs.

If food is important to our Nation and to our Nation's economy, to our Nation's well-being, to our security, certainly energy, which runs this country, is important to the security of this Nation. Yet in the year 2000 we are not importing 36 percent of the energy we use, as we were in the last major crisis back in the 1970s. Today we are importing 55 percent; 55 percent of all of the energy from oil and gas that we use in this country is coming from other countries. We cannot depend on many of these countries to give us the supply of energy we need in this country.

So I question why there is so much difficulty in figuring out why we have this problem. In the last 13 years, our domestic oil production has fallen by 2.7 million barrels a day. In the past 2 years, domestic production has fallen about half a million barrels per day. In the last decade, there has been a 17-percent decline in the domestic production of oil and gas in this country, while at the same time our domestic oil consumption has increased by 14 percent. It does not take a rocket scientist to figure out that we have a huge problem. We are producing less and less and we are consuming more and more. We are depending more and more on foreign sources for the energy we need to run America.

Whether you are a farmer in Louisiana or in Kansas or any other part of the United States, or whether you are a housewife taking the children to school, whether you are a small businessman who is dependent on deliveries, or whether you are an independent trucker anywhere in America, you are starting to feel serious economic pressure because of the dramatic and rapid increase in the price of oil, in the price of gas at the pump.

The reason I bring this to my colleagues' attention is not any mystery. I have outlined why I think the problem is as it is. When you become over 50-percent dependent on other countries for something that is so important to your domestic survival and economic security, as we are dependent on oil, our country is facing very difficult times.

Some may ask: Senator, that is all fine and good. I understand what you are saying. But is there any oil for us to produce in this country?

The answer is: Absolutely. The problem, however, is that so many of our Nation's most valuable energy areas have been arbitrarily shut off from any potential exploration and development by actions of Government, actions by the Congress, actions by the previous President, actions by this President. They have all said: There are certain areas we are not even going to look for oil and gas. We would rather depend on OPEC to be generous and give us all the oil we need at the price we want.

In fact, that is not happening. On the chart I have here on the floor, the orange shows the areas in the Outer Continental Shelf around the United States where we have said, by Presidential edict or by acts of Congress: You cannot even look for oil and gas.

From Maine to Florida, from Washington State to the Mexican border, we have said we are not going to look or explore or even offer for lease these areas where there are known quantities of oil and gas.

The distinguished Senator from Alaska, Mr. MURKOWSKI, talked about the Arctic National Wildlife Refuge and the fact that it has been closed to any kind of production. An interesting fact is, our own Department of the Interior has estimated we have enough oil in that area to replace the amount of oil we are getting from the country of Saudi Arabia. Yet that area has been closed to even looking to see if oil might be there and in recoverable quantities.

I remember the Arctic National Wildlife Refuge issue very well. I was in the House of Representatives when Congress made a decision as to how to handle that area, which is located right next to Prudhoe Bay, which arguably has been one of the largest oil deposits anywhere in North America.

I remember when we were doing the National Alaskan Interest Lands Conservation Act in 1980. We were not sure about what to do with that area because not enough was known at that time, some said, to make a decision on whether or not we should explore for oil in that area.

The House of Representatives—and it was also adopted in the Senate—said: All right, we are going to take this area and set it aside, and we are going to study it.

A lot of times, when Congress does not know what to do, it studies something and delays it by having a study.

We required the Department, working with industry, to do a study about whether, No. 1, there were resources there, and, No. 2, whether they could be environmentally, safely produced by actions of industry if we allowed them to do it. That was in 1980.

In 1987, the studies were completed and the results were in. The Department of the Interior looked at the results of that study and recommended the area be leased for exploration and development. But Congress would not let them do that. The administration would not let them do that. Even though the Department of the Interior, based on the study we required them to do in this area, recommended the area be leased for exploration and development, there has been no exploration. We will not even look to see whether there is any oil in that area for use by the people of this country. Yet the estimate is that there could be as many as 16 billion barrels of oil sitting there. By governmental action, by Presidential order, we are saying we are not even going to look there.

Some say: Senator, are you advocating we have oil production in a refuge? I only point out, we have oil production in my State of Louisiana in practically every wildlife refuge. In the congressional district I represented, which is on the coast of Louisiana, we had oil and gas production on every single one of the wildlife refuges.

The test is whether it is compatible with the purpose of the refuge. The question is whether they can be done together in an environmentally safe manner. The answer has clearly been shown to be yes, it can, in most circumstances. The wildlife refuge benefits from some of the royalties, from that oil and gas production, and the country benefits because we are producing oil where it is found. We can do both at the same time.

The Department of the Interior said that in 1987 after this extensive study Congress required. People in Congress said: We will study it because we think the answer will come back no. But when the answer came back, yes, it can be done, Congress said: We are going to say no anyway.

If one looks at the map on the chart, they will notice that from Maine, up to the Canadian border, down to the middle of Florida, we have 25 leases. That is it—25 leases. In the Gulf of Mexico off Louisiana and Texas, we have over 10,000 leases—oil that is being produced on the Outer Continental Shelf that is being used by everybody in the United States. About 75 percent of our Federal oil comes from off my State and the States of Texas and Mississippi in the Gulf of Mexico. Over 10,000 leases are producing oil every day, ensuring economic security for this country.

We cannot do it by ourselves. Selfishly, I could say: Look, I hope they do not do it anywhere else. It is great for Louisiana if we have all the production and we get all the benefits, all of the jobs, all of the construction; that is fine for my State. But it is not good national policy to say we are only going to do it off one State.

On the other hand, look at the west coast. There are a lot of cars on the west coast. There are a lot of SUVs on the west coast. There are a lot of people hurting who want prices to be lower on the west coast. Yet the entire coastline from Canada to Mexico is off limits. There are only 83 leases from Canada to Mexico, and these are old leases which have been there for years and years.

With regard to this orange area on this map, we are saying: No, don't look at it; don't touch it; don't consider it. Are they saying that because we do not need it when we import 55 percent of our oil, or are they saying things have to be done perfectly to proceed and, unless things are done perfectly, we are never going to proceed?

It seems to me we have to have a balanced approach to energy development in this country. We cannot continue to send our Secretary of Energy—which is where I understand he is this week—to meet with OPEC hat in hand, saying to these foreign countries, please, please, give us more oil, when at the same time we are not doing nearly enough to develop the legitimate resources in our own country.

If we had an aggressive development and production program in our country, we would not be importing 55 percent of the oil we need to run America. Yet when we say we are not going to do anything between Canada and Mexico and between Canada and Florida and we are only going to do it off Louisiana, Texas, and Mississippi, that is not a balanced approach to energy development in the United States.

Some say: We don't want to have it off our coast because it may pollute the environment; we may have an oil spill from an offshore platform. The truth is, it is far more dangerous to import oil in tankers every day than it is to produce in offshore waters. There was a study done by the National Academy of Sciences—and it is on the minerals management web site—which talks about where oil is coming from that is polluting the waters of the world. Does it come from offshore production? No. Offshore oil and gas development is actually 2 percent of the oil that is found in offshore waters around the world. A little less than 2 percent comes from offshore development.

Where does it come from? It is no surprise: Importing oil and moving oil around the oceans of the world in ships. Marine transportation accounts for 45 percent of all the oil that is found in the ocean waters that is not supposed to be there. Municipal and industrial waste and runoff, which comes from when it rains and the rain runs off the streets and works its way ultimately to the oceans of the world, accounts for another 36 percent. Atmospheric fallout is about 9 percent, and natural seepage, which comes up from the ocean floor, is about another 9 percent. But less than 2 percent of the oil that is found in oceans comes from drilling for oil and gas off the coast of the countries where oil can be found.

I do not know what the answer is. There is no simple answer. I know the President made some proposals in a radio address this week. I encourage the administration to continue to seek solutions to the problem.

I have a suggestion, and one of the suggestions is right from the minerals management office. They have a chart that talks about the undiscovered resources in areas that are currently under moratorium. They make an estimate of how much oil is in areas of the country that we cannot even enter. Their estimate is probably the most accurate in the world.

For areas under moratorium—either congressional or Presidential moratorium—they estimate there are 15.2 billion barrels of oil sitting out there in areas where we are saying: Don't even go look. And there is an additional 61.5 trillion cubic feet of natural gas that could be found in these areas. But you know what. If we don't look, we will never know. It would seem to me that as long as we have these huge areas where we have x'd out any ability to take a look to see what energy is there, we are not on very solid ground when we blame OPEC for the problems we are facing today.

With 55 percent of the oil used in the United States being imported, OPEC has the ability, by turning that faucet off just a little bit, to bring this country to its knees. Can you imagine what it would do if they turned a full turn and really reduced it?

No nation should ever allow itself—certainly not a nation as strong as the United States—to become dependent on foreign sources for things that are critical to our economic well-being and our national security and, indeed, our survival. Yet over the years we have allowed just that to happen with regard to energy.

We would not allow it to happen in the area of food. We would not allow it to happen in the area of planes or tanks or warships or anything else that we depend on for our national security—except in this one area. We have made a conscious decision to say: It is all right to import over half of the energy we use.

It is unacceptable. It is bad public policy. It needs to be changed; otherwise, every so often we will be faced with what we are faced with today.

In his radio address, the President has made some suggestions which I have noted. One was the creation of an environmentally sound home heating oil reserve for the Northeast. My question is, Where does the oil for that reserve come from? Are we just going to buy it from OPEC at $30 a barrel? That is not going to solve the problem of high energy prices for the Northeast if we are filling up their oil reserve with oil coming from OPEC at $30 a barrel. It would come out of the reserve at the same price.

The second suggestion is to immediately reauthorize the Strategic Petroleum Reserve, which is located in Louisiana and Texas, where we have oil underground. I am all for doing that, but we are going to be putting oil in the Strategic Petroleum Reserve at $30 a barrel because of what OPEC has done to us.

Neither one of these two suggestions domestically produce any additional oil. It will continue to be filled with 55 percent of oil coming from foreign sources at $30 a barrel or at whatever price OPEC determines.

The President has some other suggestions on promoting energy efficiency. We are all for that. He has some suggestions for tax incentives for energy efficiency. I am for that. He has some suggestions on promoting the use of alternative fuels—I am for that—and also support for domestic oil production, which I think is very positive.

But if you have all of these areas that are roped off, if you will, and you say, "Don't go here," when we know some of these areas have as much as Saudi Arabia exports to us—such as, in the Arctic Wildlife Refuge—I suggest that as long as we have huge areas, thousands of miles of areas where we are saying don't even look for energy, then we are never going to address the heart of the problem, which is a lack of energy self-sufficiency for the United States of America. We cannot ever say we are going to be energy self-sufficient just by producing energy off the coast of one or two States.

Certainly, the Congress in the past has accepted the fact that we would let these areas be roped off. I guess the thought is always: Let's produce it somewhere else.

That is what we are doing. We are producing it somewhere else. It is called OPEC. Its nations have formed a cartel. They have done very well in controlling the price. They know they can bring this country—indeed, the world—to its knees simply by turning the valve off just a little bit. They will continue to do that.

I hope they open up the spigot just a little bit, but as long as we are importing 55 percent of the energy for the United States of America, they will always have the ability to bring us to our knees. That is something that should be unacceptable for the United States of America.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

The PRESIDING OFFICER. Under the previous order, the time until 4 p.m. shall be under the control of the Senator from Wyoming, Mr. THOMAS, or his designee.

The distinguished Senator from New Hampshire.

Mr. GREGG. Mr. President, I ask unanimous consent to yield myself 10 minutes on the time of Mr. THOMAS.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. GREGG pertaining to the introduction of S. 2249 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

(The remarks of Mr. GRASSLEY pertaining to the introduction of S. 2252 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GRASSLEY. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. GREGG). The Chair, in his capacity as a Senator from the State of New Hampshire, asks unanimous consent that the order for the quorum call be rescinded.

Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Without objection, the Senate stands in recess until 3 p.m.

There being no objection, at 2:38 p.m., the Senate recessed until 2:59 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. HUTCHINSON).

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I thank you for your graciousness in allowing me to precede you on the Senate floor this afternoon. It is typical of my friend's graciousness and friendship. I appreciate it.

SENIOR CITIZENS FREEDOM TO WORK ACT

Ms. COLLINS. Mr. President, Americans today are leading healthier and longer lives than ever before. By the year 2030, one-fifth of our American population will be age 65 or older. Given the demographics of the 21st century, it is clearly in our national interest to encourage people to stay in the workforce longer. Today, however, older Americans age 65 through 69 are currently discouraged from working since they lose $1 in Social Security benefits for every $3 they earn over $17,000. I am, therefore, very pleased this week the Senate will consider H.R. 5, the Senior Citizens Freedom to Work Act, to eliminate the Social Security earnings test that unfairly penalizes senior citizens who need or want to keep working.

The elimination of this penalty will be particularly helpful to women. Women frequently have interrupted work histories because they take time off to raise their families. Historically, unfortunately, they also earn less than men. As a result, women are twice as likely to retire in poverty as men. Many women do not have sufficient savings or a private pension, and they depend upon the money they earn to supplement their Social Security benefits in order to make ends meet. These low-income seniors are particularly hard hit by the earnings test, which amounts to a 33-percent tax on their earned income over and above what they are already paying in Federal, State, and Social Security payroll taxes.

Moreover, the Social Security earnings penalty takes money away from seniors that is rightfully theirs. According to the Social Security Administration, 800,000 senior citizens sacrificed some of their benefits last year by exceeding the earnings limit. These were benefits they had earned through a lifetime of hard work in contributions to the Social Security system.

Finally, this penalty is most burdensome for those seniors who have to work and depend upon their income for survival. More well-to-do seniors generally supplement their Social Security benefits with what we refer to as "unearned income" from savings and investments, none of which is affected by the current earnings limit.

Earlier this month, in an overwhelming display of bipartisan cooperation, the House of Representatives voted unanimously to repeal this unfair penalty on our senior citizens. They voted to say no to discriminating against seniors and discouraging them from working. It is my hope the Senate will follow suit this week with another unanimous vote on this historic measure.

Our Nation's seniors should be free to work without penalty. Older workers have the skills, the wisdom, and the judgment that all employers value. Given our tight labor market and our historically low rate of personal savings, it simply does not make sense for Washington to discourage the most experienced workers we have from remaining in the workforce when they want to do so. I hope all of our colleagues will join me in passing this important legislation before the end of the week.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HUTCHINSON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

Mr. HUTCHINSON. Madam President, I associate myself with the eloquent remarks of the Senator from Maine regarding the elimination of the Social Security earnings test.

I rise in support of the Senior Citizens Freedom to Work Act, H.R. 5. I am pleased the Senate is considering this legislation expeditiously and that the legislation reflects the intent of Senator ASHCROFT's bill, S. 2074, of which I am a cosponsor.

Arkansas is a State that has one of the highest percentages of senior citizens in the Nation. We traditionally are just behind Arizona and Florida—very high. When you look at the population of our State, there are about 2.6 million senior citizens.

But when you look at low-income or lower income senior citizens, we are easily at the top and by far the leading State as a percentage of our population that has senior citizens who are in economic deprivation or lower income. These are the individuals, as the Senator from Maine so eloquently said, who are most in need of equity in the way we treat their Social Security income.

Earlier today I had lunch with a doctor who is a dentist in Arkansas and has his practice in primarily a retirement population area. He was relating to me how many of his patients are now 65-plus, many 70, 75 years old, and about the remarkable health that they enjoy today and the opportunity, from a physical standpoint, that they have to go out and be a part of our labor market. In being a part of that labor market, they can use the experience and the expertise they have gained through a lifetime in our society and contribute that to the economy of today.

I think this is long overdue. The law that we are proposing to change is truly a vestige of the 1930s. It begs for its elimination. Our Nation's working seniors deserve immediate relief from the earnings limit—a longstanding and outdated provision of law. Persons aged 65 to 69 are losing $1 in program benefits for every $3 they earn beyond $17,000, creating a very clear and a very real disincentive to work at all.

According to the Social Security Administration, more than 800,000 seniors lose either part or all of their Social Security benefits because of the program's earnings limitation. That is almost one million working seniors. That is 12,755 people in the State of Arkansas whose lives will improve if we pass this legislation and the President signs it into law.

Since I was elected to Federal office on the House side a few years ago, I have witnessed a steady commitment among the Republican leadership to provide greater flexibility, training, and financial relief to our Nation's workforce. We have advocated legislation that would provide private sector workers with the choice of flexible weekly work schedules—a perk that has been enjoyed by all of us on the Federal payroll for over 20 years.

In 1998, we passed a comprehensive overhaul of America's job training laws, giving more funding and flexibility to States, municipalities, and businesses to provide essential job skills to its employees. More importantly, though, we have an impressive record for putting taxpayer money back into the pockets of those who need it most, the American people.

The legislation before us complements our leadership's commitment to giving advantages to the worker—in this case, our country's most seasoned and experienced employees.

This bill would end that longstanding practice of penalizing seniors for working—something that we ought to encourage; something we should commend. No different than providing tax relief to all working Americans, we want to help senior employees who choose to remain in the workforce.

I disagree with the notion that "you can't teach an old dog new tricks." In fact, we could learn a thing or two from our seniors. We could learn a lot from our seniors. That is why we are debating this bill.

This legislation would not just help our senior workers; it also benefits employers, too. President Lincoln said: "You cannot lift the wage earner by pulling down the wage payer." Social Security's antiquated barriers not only penalize seniors who want to work but employers who want to hire them. Seniors are turning down employment opportunities that business owners need to fill in order to compete in the global economy.

America posts one of the lowest unemployment rates in four decades, making good, plentiful workers harder than ever to find. Employers and our most experienced employees stand to gain considerably from the passage of this legislation.

H.R. 5 passed the House of Representatives 422–0. I anticipate it will pass the Senate with a similar kind of margin with great success.

The bill's language has the support of a bipartisan coalition of Senators who advocate comprehensive Social Security reform—reform based on a continuation of existing benefits while ensuring the program's financial long-term solvency. In fact, H.R. 5 is part of many of the comprehensive reform packages introduced in the last 2 years. It has been included in a lot of the plans to totally reform Social Security. We all understand that if left unchanged, the future of Social Security is in jeopardy as the program begins running deficits in about 2013 when 71 million of my fellow baby boomers begin collecting their retirement benefits. We know the number of retirees will double between 2008 and 2018, narrowing the ratio of workers to beneficiaries to less than 3 to 1. When Social Security first started, there were 45 people working to take care of 1 retiree. In 1950, there were 16 workers working for every beneficiary. We all know that all trust funds will be completely exhausted in the next 30 years when the beneficiaries far outnumber the working contributors.

I remember back in December 1998, when the President hosted the White House Conference on Social Security, Members of Congress were asked to participate and share their ideas, with the common understanding that restoring the program's financial solvency was not only necessary but imminent. The Speaker and the majority leader reserved the first bill in the House and Senate for the President's legislation. It was to be accompanied by several bipartisan bills offered by our colleagues. Although several bipartisan bills were introduced by Members of this body, H.R. 1 and S. 1 remain vacant.

Although H.R. 5 represents an important step toward equitable reform, it definitely sets aside provisions that would address the future financial stability of this vital program. We must not allow the passage of this legislation to be the "last rites" of Social Security reform. Frankly, I am disappointed by the President's lack of participation in this important debate.

The next step after passing H.R. 5 should be to lock up the Social Security surplus. Not only do our working and retired seniors need penalty relief, they deserve assurances that their future benefit checks are not being spent on other Federal programs, no matter how good those other programs may be.

The very reason Social Security has a solvency problem is that it is a federally administered program that has IOUs disguised as trust funds. Our Nation's seniors deserve a program that delivers long term and is based on real money. I am confident that passage of H.R. 5 will open the door for more bipartisan legislation that enhances the strength of the Social Security program.

In time, Presidential leadership will mean more than words and with it will bring forth reform that preserves the program's financial stability for our children and our children's children. I ask my colleagues to continue supporting that cause and join me in supporting H.R. 5.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Madam President, I am pleased to come to the floor this afternoon with my colleagues from Maine and Arkansas and others who are here to discuss the Senate's consideration of H.R. 5.

It is an interesting moment for me because when I first came to Congress in 1981, one of the first pieces of legislation I cosponsored was the elimination of the earnings limit test on those seniors who were taking Social Security and, as we know, limited in the amount of money they could earn at that point in time.

In 1983, the Congress decided, along with then Speaker of the House, Tip O'Neill, and President Ronald Reagan, that an entire reform of the Social Security system was necessary and that there should be a substantial tax increase to create solvency in the Social Security system. It seemed reasonable to me and my colleagues in the House at that moment; why should we not encourage those who were retiring and taking their Social Security benefits at age 62 or 65 to go on and earn an income beyond the Social Security benefit and pay into the system.

We were still caught in the Depression-era mentality that somehow you took an older person and shooed them away from the labor market by some kind of, what I called, perverse incentive; that is, we will tax you out of the labor market if you choose to be a productive citizen in it. As a result, we did not put the reform into Social Security in 1983 as we should have.

We know Social Security today is very solvent. It is solvent as a result of that 1983 initiative that was a bipartisan effort on the part of the House and the Senate.

The reform we are here to discuss today is one that was clearly debated at that time and denied, denied by a Congress that was still under the control of groups in this country that had dominated labor policy for years and believed that at age 65 you left the labor force and went into retirement and some younger person took your slot. They had failed to recognize that economies expand and grow; If you treat an economy right, there is not only always need for new hires, but there is oftentimes a tremendous demand for the kind of knowledge, what I call institutional knowledge, that older workers bring to the workplace. Of course, we know that is very much the case today.

I guess my mother would probably have called me strong willed in my youth. That was a polite way of saying I was bullheaded. I would persist, if I could, until I won the issue in which I was interested.

Over the years, I and others of the House and the Senate have persisted. Every year, we went out and introduced the earnings limitation elimination. Every year, we were either defeated or the appropriate committees simply would not recognize it. That was through the 1980s and the early 1990s. Of course, as we know, the economy in large part has dramatically changed.

During that period of time, my father considered retiring from the farming and ranching business in his midsixties. He found it was of no value to do so because he would have denied himself a substantially larger income than he could have ever received from Social Security. So it wasn't until after age 72, when the earnings limitation did not apply, that my father and my parents, along with a good many other seniors in our country who were self-employed and who were clearly entitled to receive Social Security benefits, simply denied themselves the benefit because they couldn't afford to take it. They waited until much later in life to decide to retire or, as my dad said, slow down a little bit to 12-hour workdays instead of 18-hour workdays, which was quite typical of his generation in the labor force. Now, at age 84, he still thinks a 12-hour workday is a modest effort for any one individual to make in his or her contribution to society. I say that with a bit of jest, but it is very true of that workforce.

It was only at that time I think they recognized that my persistency, along with others of my colleagues in trying to eliminate the earnings requirement, was the right and appropriate thing to do.

So we were saying to seniors, age 65 through 69, they could only continue to earn up to a certain limit, $17,000 a year, while receiving the full benefits of Social Security. But for every additional $3 of earnings beyond that limit, the Government reduced their benefit by $1—in other words, again, still penalizing them, still saying: We want you out of the workforce. Even if you are healthy, even if you are productive and can be a major contributor to the workforce, get out, if you want to receive the full benefits of the Social Security system that you had paid into all of your productive life and that you were certainly entitled to receive.

Well, as we have worked this issue over the last decade, one thing has changed. The President, for example, instead of expressing open opposition, is now saying this is a bill he will sign. As my colleagues from Arkansas and Maine have said the House, in almost a unanimous vote, declared their support for H.R. 5 in the last several weeks. I think the Senate will respond in kind this week.

I have set forth a lot of the reasons it is important. It is fundamentally important because it is fair. That is the No. 1 reason we ought to be doing it. It is fair for an individual who has paid into the system all of his or her productive life, at age 62 or 65, to gain those benefits and go on to continue to work if they wish.

Do we say to a young Federal employee who has vested his or herself in the retirement program of the Federal system and who chooses to step out and gain those benefits that they can't go on working? Do we say that to a military retiree? In fact, quite the opposite—we expect them to go on working.

Now, of course, as our seniors live longer and find out that some of their retirement benefits are simply not enough and they are outliving them, there is not just the accommodation of fairness to a senior in the workplace, there is the accommodation of necessity.

Many of our seniors find it necessary to work beyond age 65 to provide for themselves, to try to sustain the lifestyle they had when they were once full employees at a different period in their lives. So a combination of other forces is now working out there. I am proud that, as a Republican, I and many of my colleagues have worked over the last several years to change the character of the workplace, to recognize the flexibility that is necessary in a new and very different world from 1935, or 1945, or 1955, or 1965, or 1975, or even 1985.

We know that the workplace of the year 2000 is even different than the workplace of 1995. Now both spouses are working. Now we offer flexibility in kind. Now we allow people to stay home and work from their homes as major contributors in the workforce, and we offer flextime, and so forth. Yet we have said this up until now to a senior at the appropriate age of receiving full benefits from the Social Security system: If you go out and find a job, you can only earn up to a certain limitation and beyond that we will penalize you substantially until you are probably old enough not to want to work anymore, and then you can have the full benefits even if you do work.

Shame on us. Shame on a Congress and a Government that has held that policy as long as we have. Now, of course, as my colleague from Arkansas states, this is the longest sustained period of near full employment that our country has seen in decades. Now we need the senior in the workforce more than ever, for all of the right kinds of reasons. As the House has spoken, I hope the Senate will speak in a unanimous vote and that we can send this to the President and say: Mr. President, the Congress of the United States is ready to knock down the decades-old law that no longer fits the American workforce or the American culture—if it ever did. And we have done this in a unanimous way.

That is the kind of expression I hope the Senate will make this week. The House has already spoken. I think that is probably due to my persistence, along with many colleagues over the past decade and a half; we have argued that this is something that is right and fair, in the first instance, and now is a combination of necessity, in the second instance, as the culture and economy of this country have changed significantly over the period of time in which this provision has been a part of the labor and Social Security laws of our country.

Madam President, I will proudly vote for H.R. 5 and encourage all of my colleagues to do the same.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

H.R. 5, SENIOR CITIZENS' FREEDOM TO WORK ACT

Mr. HATCH. Madam President, I rise today in strong support for H.R. 5, the Senior Citizens' Freedom to Work Act, which the Senate will begin considering tomorrow.

Seniors in my home State of Utah and around the nation have waited a long time for the relief H.R. 5 will bring. I am so pleased that not only did the House pass this bill on March 1 by a vote of 422 to 0, and the Senate is very likely to follow suit tomorrow, but also that the President has finally come around and has indicated he will sign the bill.

Under current law, over 800,000 Social Security recipients between the ages of 65 and 70 are affected by the so-called earnings limit. Over 6,100 of these live in Utah. This limit provides that senior citizens who this year earn more than $17,000 in wages or self-employment income will lose some of their Social Security benefits. More specifically, for every $3 earned over the $17,000 threshold, $1 in benefits is lost. The bill we will take up tomorrow will remove this unfair limitation.

There are at least five reasons why H.R. 5 should be passed by this body with a resounding margin so this oppressive limitation, which holds back senior citizens to the detriment of everybody in this country, can be lifted.

First, the earnings limit is plainly unfair to senior citizens. What kind of a message does the current law send to a worker turning age 65, Mr. President, when he or she learns that there will be a 33 percent penalty for continuing to work once his or her earnings exceed $17,000?

Yet, at the same time, senior citizens who are fortunate enough to have interest, dividend, or capital gains income from stocks, bonds, or mutual funds, or income from a private pension, are not penalized, no matter how much of these kinds of income they receive. Even if the earnings limit otherwise had merit, which it doesn't, it punishes the very people who most need to work to make ends meet.

Second, the earnings limit is outdated. The limit was a feature of the original Social Security Act in 1935. It was included to encourage seniors to retire so their jobs would be available to the millions of younger workers who were unemployed in the difficult job market of the Great Depression. That was a different era. What was appropriate in 1935 is clearly not appropriate in 2000, when it is workers, not jobs, that are scarce.

Third, the earnings limit places extremely high marginal tax rates on workers between the ages of 65 and 70 who continue to work. Consider the example of a 66-year-old plumber I will call Howard. Along with his son, Howard has run a small plumbing business in Ogden, UT, for over 20 years. Now that he is over 65, Howard has decided to turn the management of the business over to his son. However, Howard still wants to work, and because of an aged mother whom he takes care of, he still needs some income. Howard works three days a week and earns $35,000 per year.

Believe it or not, when the earnings limit penalty of 33 percent is combined with the income tax rate of 28 percent, the self-employment tax rate of 15.3 percent, and the effect of taxing his Social Security benefits at 85 percent, Howard faces a marginal tax bracket of 88.8 percent, not counting the Utah income tax. This high a marginal tax rate is unconscionable and indefensible any way you look at it.

Fourth, the earnings limit is terrible for our economy. The biggest problem our economy faces right now is a severe shortage of workers. This is especially true in the high technology fields, where our shortages are so severe that we must increase the number of H-1B visas allowed this year so our high tech firms can stay competitive.

However, turning to overseas workers is only a temporary solution. We need a long-term answer to this problem, which is only going to be exacerbated by current demographic trends, and the retirement of the baby boom generation. Our senior citizens are a wonderful resource that is not being tapped enough. Only 17 percent of males over age 65 are now working, compared with 47 percent in 1948. These workers are experienced, and in many cases, they want to keep working. In order for this to happen, though, we need to scuttle outdated relics like this Social Security earnings test.

Finally, the earnings limit is no longer relevant, considering the growing longevity of Americans. In 1935, when the earnings limit was added to the Social Security Act, life expectancy in this country was 62 years. Now, it is 77 years. Moreover, senior citizens are the fastest growing segment of our population. There is absolutely no reason these citizens cannot keep on working if they desire to do so. I have read articles that the life expectancy of the American people may soon be approaching 85.

Therefore, I am very gratified to see that this earnings limit repeal is about to pass the Senate. And again, I am especially pleased that President Clinton has agreed to put aside election year politics and sign this legislation.

As important and long awaited this earnings limit repeal is, I want to emphasize that it does not lessen the need for comprehensive Social Security reform. Besides the repeal of the earnings test, there are many other vital issues that must be addressed to ensure the long-term viability of the system. These include the large and difficult question of how to best increase the system's rate of return in order to lessen the need for any benefit cuts or payroll tax increases once the Social Security trust fund runs out of spending authority. Other important issues that need to be addressed in the context of fundamental Social Security reform include work disincentives for blind workers.

Many of our blind citizens are also subject to a type of limit on their earnings, in which they lose Social Security disability payments once their earnings reach $14,040 per year. For many of the same reasons that the earnings limit is unfair to senior citizens, the "substantial gainful activity" limit is unfair to those workers disabled by blindness.

I wish H.R. 5 could accommodate this unfairness by ameliorating this earnings limit and removing the disincentive these workers face today. I wish President Clinton would have used some of his political capital in this final year of his Presidency to lead the way to major Social Security reform. Regrettably, the President has made it clear that broad reform will have to wait for the leadership of another President.

I urge all of my colleagues to vote yes for H.R. 5 and let's finally repeal the unfair earnings limit on senior citizens.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING MY FRIEND MARSHALL COYNE

Mr. STEVENS. Madam President, it is with deep regret and personal sorrow that I come to the Senate today to report the death of my good friend Marshall Coyne. He died in his sleep on March 16. He was 89 years old. Marshall became my friend years ago. Actually, it was with former Senator and Ambassador Saxbe that I first met Marshall Coyne. He had served on the symphony board with my wife Ann. The two developed a great friendship. Following her death, he continued to be my friend, and has continued now for many years to be a dear and loyal friend to me and my wife Catherine, our daughter Lily, and our whole family. He was a rare man.

First, let me state that in all the time I knew him, he never asked me how I voted, suggested how I should vote, or indicated that he had anything he wanted me to do on this floor. He did ask me for some information once in a while about various things going on in the city, the District, that is. But he was a very different person.

We developed such a close friendship that as I chaired Senate delegations going overseas, he would ask me where I was going, and he would show up there. He showed up in Geneva when we were there for the Senate arms control talks with the Soviets—going back that far. He showed up in London when we had the British parliamentary talks with Members of the Senate. And he showed up in Paris when we were there for the Paris Air Show. Marshall was the kind of friend who was always welcome. I never knew any Senator to object to the fact he was there. They all knew he was my friend and that he would come along.

We have had such a rare relationship. He had lunch with me every Friday that I was in the District of Columbia, I think, in the last 10 years. He had been to my home either one or two times a month during that whole time when we would be in Washington, DC.

He was the kind of friend I think every Senator needs and should have. We fished together. We fished together in Alaska. I remember how surprised he was one time when he saw a bear when we stopped at a stream. He, with my late friend Mike Joy, traveled around Alaska with me many times fishing. We fished off the coast of Costa Rica. We fished in Florida. He discussed his trips with me when I was not able to go. He went to Mongolia once, and he came back very impressed with that place.

Of course, our mutual interest was China, where I had served in World War II. He was one of the first Americans to reenter China after President and Mrs. Nixon's historic visit. He personally once a year visited Iceland. Another example of Marshall's interest in international affairs was his support for the Center for Strategic and International Studies (CSIS), a premier public policy institution dedicated to policy analysis on the world's major geographic regions.

He was, I think, a friend to many Members of the Congress and to many members of the military. Mr. Coyne organized the Ambassadors' Round Table at his Madison Hotel here in Washington so that new ambassadors to our country got to meet each other socially.

He also organized a series of meetings for former Cabinet members and distinguished military leaders who had reached the top of our military structure so they could come together and share their interests and remember old times together.

He said to me once: A person really was not your friend unless he really remembered you after he left office. He developed friendships that I think the memories of will last for a long time.

It is a difficult thing for me to think of not having my friend in the Senate dining room with me for years to come. But I want the Senate to know that I think this is one man who contributed a great deal to the friendships of our Senate. Oftentimes he had dinners at his home, at my suggestion, to help bring together some of the Members of the Senate and the House, so we might meet together socially and discuss nonbusiness subjects and get to know one another better.

I am hopeful that the District will remember that he was a member of the board that controlled the District of Columbia before the District became independent and elected its own Mayor. Marshall served on the Opera Board at the Kennedy Center and he served on the Boards of both Georgetown and George Washington Universities. He was proud to call himself a Mason.

He had a collection of rare manuscripts and books. I will be very interested to see what happens to them. He had signatures he collected of almost every well-known politician, President, and Cabinet officer in the history of the United States.

He obviously had a very large Lincoln collection, for he was a great admirer of Lincoln. Since I have been Chairman, when one enters the anteroom of the Senate Appropriations Committee, they will see a bust of Lincoln—it is really a reproduction of a bust of Lincoln that Mr. Coyne gave me—so people might understand the importance of Lincoln to the process we all are pursuing here; that is, equal justice for all.

I do hope other Members who have known Mr. Coyne will share their knowledge of his activities with us on the floor. But in any event, Madam President, thank you very much for the privilege of addressing the Senate.

I ask unanimous consent that the Washington Post article from March 17 concerning Mr. Coyne be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 17, 2000]

MARSHALL COYNE DIES AT AGE 89; DEVELOPER BUILT MADISON HOTEL

Marshall B. Coyne, the Washington developer whose best-known holding was the Madison hotel, which hosted prime ministers and celebrities such as Frank Sinatra, died of complications from a broken hip March 16 at his home in Washington. He was 89.

Mr. Coyne was a New York native who moved to the Washington area in the 1940s. With his late business partner, Charles Rose, he started Roscoe-Ajax Construction Co. and built apartment and office buildings, mostly in the District. They opened the Madison luxury hotel at 15th and M streets NW in 1963, and Mr. Coyne later became the sole owner and proprietor.

Rival hoteliers were skeptical of the Madison's potential, predicting that no one would pay the $27 daily minimum to stay in a place simply because it offered deep-pile carpets, rosewood paneling and Czech crystal chandeliers. Rooms at the Madison now average $465 a day.

Mr. Coyne hoped the hotel would rank with Claridge's in London. He said, "We'll start looking at the balance sheet later, after we've built up the kind of clientele we're seeking and after we have the hotel operating at capacity."

He envisioned an attentive staff whose members knew their guests by name and always had a cigarette lighter handy to aid a smoker. In the first year, clients included newspaper heir William Randolph Hearst Jr. and Robert Six, the former president of Continental Airlines Inc.

Notable guests in recent years included the Russian delegations during the 1987 and 1990 summits between the former Soviet Union and the United States.

Because of his clientele, Mr. Coyne maintained a private persona.

"He was not the kind of guy who would stand on the street corner shouting about how he had lunch with the Dalai Lama, which he did a couple of times," said Sheldon S. Cohen, the former IRS commissioner who was a longtime friend and estate trustee.

Another close friend was Sen. Ted Stevens (R-Alaska), who described Mr. Coyne as "the kind of friend every senator should have. He never talked business. He talked fishing or stamps or books, and often of his trip to Mongolia, because of our mutual interest in China."

Stevens said Mr. Coyne also organized the Ambassadors' Round Table, an informal gathering of potentates who had lunches and dinners at the Madison.

Hotel food, in fact, put Mr. Coyne in the news briefly in 1982, when he was fined $5,000 for buying Canada geese with the intent to turn them into pate, a violation of the Migratory Bird and Treaty Act. He denied charges that he served the geese at the hotel's Montpelier Restaurant—he said they were for private consumption—but pleaded guilty and paid the fine.

His wealth then was estimated to be $50 million to $100 million, and he told The Washington Post that the fine was "like a parking ticket. You pay the $3 and forget about it."

The Madison, with 353 rooms, is one of about 10 area properties run by Madison Management and Investment Co., which Mr. Coyne had headed since the 1970s. Until last year, he also owned the Shoreham Building at 15th and H streets NW.

He served on the boards of the Kennedy Center, the Center for Strategic and International Studies and Georgetown University. He belonged to Washington Hebrew Congregation. His hobbies included rare books and manuscripts.

His marriages to Sylvia Shefkowitz and Jane Gordon ended in divorce.

His daughters from his first marriage predeceased him, Ellen Coyne Stichman in 1993 and Linda Coyne Fosburg Lloyd in 1996.

Survivors include five grandchildren and a great-granddaughter.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Madam President, at the close of business Friday, March 17, 2000, the Federal debt stood at $5,728,671,330,064.36 (Five trillion, seven hundred twenty-eight billion, six hundred seventy-one million, three hundred thirty thousand, sixty-four dollars and thirty-six cents).

One year ago, March 17, 1999, the Federal debt stood at $5,641,695,000,000 (Five trillion, six hundred forty-one billion, six hundred ninety-five million).

Five years ago, March 17, 1995, the Federal debt stood at $4,841,552,000,000 (Four trillion, eight hundred forty-one billion, five hundred fifty-two million).

Twenty-five years ago, March 17, 1975, the Federal debt stood at $502,644,000,000 (Five hundred two billion, six hundred forty-four million) which reflects a debt increase of more than $5 trillion—$5,226,027,330,064.36 (Five trillion, two hundred twenty-six billion, twenty-seven million, three hundred thirty thousand, sixty-four dollars and thirty-six cents) during the past 25 years.

ADDITIONAL STATEMENTS

THE VERMONT INTERNET CRIMES AGAINST CHILDREN TASK FORCE OFFICE

• Mr. LEAHY. Madam President, I congratulate the dedicated Vermonters responsible for the grand opening of the Vermont Internet Crimes Against Children (ICAC) Task Force's new office in downtown Burlington. This new office should build on the success of the Vermont ICAC Task Force to coordinate between local, State and Federal law enforcement agencies from around the region in their efforts to combat the emerging problem of computer crime.

Unfortunately, far too many State and local law enforcement agencies cannot afford the cost of policing against computer crimes themselves. In Vermont, there are few law enforcement officers among the more than 900 serving in our state who have training in investigating computer crimes and analyzing the evidence. Without the necessary educational training, technical support, and coordinated information, our law enforcement officials will be hamstrung in their efforts to crack down on computer crimes against children.

But the Vermont ICAC Task Force is helping our law enforcement officers meet this new challenge in the information age. Through the collaborative training and public education programs of the ICAC Task Force, Vermont law enforcement officials are able to use the resources of the Department of Justice and the Vermont community to fight cyber-criminals.

I have introduced Federal legislation, the Computer Crime Enforcement Act, S. 1314, to provide the Vermont ICAC Task Force and other Vermont law enforcement agencies with additional resources. My legislation would authorize a $25 million Department of Justice grant program to help states prevent and prosecute computer crime. Grants under my bill may be used to provide education, training, and enforcement programs for state and local law enforcement officers and prosecutors in the rapidly growing field of computer criminal justice.

It is hard for our law enforcement community to keep up with criminals in the computer age. Lawbreakers have integrated highly technical methods with traditional crimes and developed creative new types of crime. They use computers to cross State and national boundaries electronically, creating jurisdictional problems. They also use sophisticated equipment that makes them difficult to trace.

But we Vermonters can prevent, capture and prosecute cyber-criminals by following the model set by the Vermont ICAC Task Force. The Vermont ICAC Task Force has done, and will continue to do, great work to protect Vermont's children from Internet crimes in its new home.•

TUNISIA'S 44TH ANNIVERSARY OF INDEPENDENCE

• Mr. GRASSLEY. Madam President, I rise today to commend Tunisia on its 44 years of independence and to congratulate the people of Tunisia on their many successful endeavors.

In 1997, Tunisia and the United States celebrated the bicentennial of the "Treaty of Peace and Friendship." This celebration marked the longest unbroken friendship treaty in the history of the two countries. Throughout our long relationship, the United States and Tunisia have experienced cooperation based upon respect and mutual commitment to freedom, democracy, and the peaceful resolution of conflict.

Tunisia has been a leader in promoting stability and peace in Africa and the Middle East. It was the first Arab state to host an Israeli delegation and hold a multilateral meeting promoting peace. In 1996, Tunisia and Israel opened interest sections in each country and established full diplomatic relations.

In addition to supporting peace in the Middle East, Tunisia has made impressive economic strides. The people of Tunisia enjoy a high standard of living, and the country has successfully graduated from development assistance to self-sufficiency. These improvements have come about through the devotion of vital resources to the promotion of its people, education, and economic reform. Tunisia's market-oriented economy has flourished under increasingly privatized companies. And, Tunisia's membership in the World Trade Organization is indicative of its willingness to engage the world and maintain involvement with other nations.

Tunisia has been a friend and ally to the United States for many years. I look forward to continued cooperation and friendship in the years to come. As Tunisia celebrates its 44th Anniversary of Independence, I offer my sincere congratulations on their many successful accomplishments.•

TRIBUTE TO THE 190TH AIR REFUELING WING

• Mr. ROBERTS. Madam President, I rise to acknowledge the accomplishments of the Kansas Air National Guard, specifically, the 190th Air Refueling Wing. The enormous sacrifice and dedication of the 190th personnel reflects great credit upon themselves, the 190th Air Refueling Wing and the Kansas Air National Guard. These dedicated Americans participated in two consecutive deployments from February 24 to April 9, 1999 in support of Operation Northern Watch and Operation Allied Force. The 190th Air Refueling Wing deployed again from July 11 to August 20, 1999 in support of Operation Northern Watch. The 190th flew 209 combat support sorties and off loaded over 10 million pounds of fuel to coalition aircraft during the three deployments. Their service directly impacted the success of Operation Northern Watch in Iraq and Operation Allied Force in Kosovo. I know my colleagues join me in paying tribute to the 190th Air Refueling Wing and their remarkable dedication to duty and service to our great country.•

TRIBUTE TO REAR ADMIRAL ANDREW A. GRANUZZO, USN

• Mr. WARNER. Madam President, I rise today to recognize and say farewell to an outstanding Naval Officer, Rear Admiral Andrew A. Granuzzo as he prepares to retire upon completion of forty-two years of distinguished service. It is a privilege for me to honor his many outstanding achievements and commend him for his devotion to the Navy and our great nation.

A native New Yorker, Rear Admiral Granuzzo's Navy career began in 1958 upon his enlistment. During the years that followed, he was commissioned as a naval officer and earned his wings of gold as a naval aviator. His assignments included sea duty with helicopter antisubmarine squadrons on both coasts, service with an attack helicopter squadron in Vietnam, and exchange duty in the United Kingdom with the Royal Navy. He commanded Helicopter Anti-Submarine Squadron 15, was navigator of the aircraft carrier U.S.S. *Forrestal* and commanded two ships, U.S.S. *Inchon* and U.S.S. *Saipan*.

Rear Admiral Granuzzo was selected for Flag rank in 1991, and commanded Amphibious Group Two, leading a 22-nation NATO exercise at sea. Twice, he commanded Joint Task Groups interdicting the flow of drugs through the Caribbean Sea and the Gulf of Mexico.

Perhaps his most significant contribution to the Navy is the role he has played in reshaping the Navy's diverse and often divergent aspects of safety, environmental protection, and occupational health. As Commander of the Naval Safety Center, he introduced the principles of risk management to naval operations. During his tenure, accidents and fatalities, on and off duty, was dramatically reduced and the lowest accident rate in naval aviation history was achieved.

As the Director of Environmental Protection, Safety and Occupational Health Division for the Chief of Naval Operations, Rear Admiral Granuzzo provided dynamic, inspirational and brilliant leadership during a critical, highly visible period for the Navy. As advocate for both naval operations and the environment, he pioneered new initiatives, including the first-ever, capped cost, commercially insured, installation environmental clean up contract, which has the potential of saving tax payers hundreds of millions of dollars. Additionally, he spearheaded savings in workers' compensation costs; accelerated field tests of a new bioremediation method for the biohazard perchlorate; and conceived a program that reduced shipboard oil spills. Rear Admiral Granuzzo's innovations have positioned the Navy to ensure its ships leave a clean wake, its facilities and installations preserve and protect the natural environment, and its people embrace their role as good stewards of the environment.

From the beginnings of the cold war, through Vietnam, the gulf war, and beyond—forty-two years in all—Rear Admiral Granuzzo has served as a warrior of uncommon valor. He is an individual of rare character and his professionalism will be sincerely missed. I am proud, Mr. President, to thank him for his honorable service in the United States Navy, and to wish him "fair winds and following seas" as he closes his distinguished military career.•

HONORING THE ROBINSONS ON THEIR 70TH WEDDING ANNIVERSARY

• Mr. ASHCROFT. Madam President, families are the cornerstone of America. Individuals from strong families contribute to society. In an era when nearly half of all couples married today will see their union dissolve into divorce, I believe it is both instructive and important to honor those who have taken seriously the commitment of "till death us do part", demonstrating successfully the timeless principles of love, honor, and fidelity. These characteristics make our country strong.

For these important reasons, I rise today to honor Ramah and Herbert Robinson of Lee's Summit, Missouri, who on April 9, 2000, will celebrate their 70th wedding anniversary. Many things have changed in the 70 years this couple has been married, but the values, principles, and commitment this marriage demonstrates are timeless. As the Robinsons celebrate their 70th year together with family and friends, it will be apparent that the lasting legacy of this marriage will be the time, energy, and resources invested in their children, church, and community. My wife, Janet, and I look forward to the day we can celebrate a similar milestone.

The Robinsons' commitment to the principles and values of their marriage deserves to be saluted and recognized.●

RECOGNITION OF MIKE KELLY OF GVEA, FAIRBANKS

● Mr. MURKOWSKI. Madam President, I rise to recognize an Alaskan that has done so very much for his state and his community. I am referring to Mike Kelly, the President, General Manager and Chief Executive of Operations of Golden Valley Electric Association of Fairbanks, Alaska. You see Mr. Kelly retired last week after 33 years of service—the last 17 as President—service not just to his company, but to the citizens of Alaska.

Mr. Kelly is a recognized leader within Alaska's utility industry. Over the past three decades he has grown Interior Alaska's sole electric co-operative into a multi-million-dollar enterprise providing reliable electric service to more than 80,000 people. And providing dependable electric service in Alaska is no small feat. Keeping power flowing in a state where temperatures vary by 150 degrees between summer and winter and where high winds, blizzards and harsh conditions are common, requires skill, organization and perseverance. And his leadership is even more remarkable in that he has accomplished this level of excellence without raising his company's power rates once in the last 18 years.

Mr. Kelly has dedicated his career at GVEA to fighting for projects and progress that have benefitted consumers both in Alaska's Railbelt and in Alaska's remotest regions. He spearheaded GVEA's successful purchase of the Fairbanks Municipal Utilities System, has been the prime mover in the construction of the Northern (power) Intertie Project and has served well in many leadership positions within the industry and in the community of Fairbanks.

He has volunteered to share his skills and leadership with many organizations, including the Board of Regents of the University of Alaska, the Fairbanks Chamber of Commerce, the Rotary Club of Fairbanks, and the Fairbanks Industrial Development Corp., along with the Boards of Fairbanks Memorial Hospital Foundation and Denali State Bank.

He is the winner of the Northwest Public Power Association Raver Award (1986) for displaying outstanding community service through leadership. He was the 1999 recipient of the Mason Lazelle Award, the highest honor awarded by the industry in Alaska. And he has been singled out for well deserved recognition by the Associated Students of Business, the University of Alaska Fairbanks Alumni Association as the Outstanding Alumni of the Year, and by many other groups.

While Mr. Kelly now will have more time to spend on the river fishing, out hunting and with his family, I'm sure Alaska has not seen the last of his efforts on behalf of Fairbanks and the state has a whole. My congratulations go to him for his many accomplishments and Nancy and I offer our best wishes for a wonderful retirement. Alaska is a better place because of your service to your city and your state.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF THE TEXT OF A PROPOSED AGREEMENT BETWEEN THE UNITED STATES AND BANGLADESH CONCERNING THE PEACEFUL USES OF NUCLEAR ENERGY—MESSAGE FROM THE PRESIDENT—PM 93

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

I am pleased to transmit to the Congress, pursuant to sections 123 b. and 123 d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153 (b), (d)) (the Act), the text of a proposed Agreement Between the United States of America and the People's Republic of Bangladesh to extend the Agreement for Cooperation Between the United States of America and the People's Republic of Bangladesh Concerning Peaceful Uses of Nuclear Energy signed at Dhaka, September 17, 1981 (the Agreement for Cooperation).

The proposed Agreement to extend the Agreement for Cooperation (the "Extension Agreement") was originally approved and its execution authorized by President Bush based on his written determination that the performance of the Agreement for Cooperation for an additional period of 20 years would promote, and would not constitute an unreasonable risk to, the common defense and security. A copy of President Bush's written approval, authorization, and determination is enclosed. Also enclosed is a copy of the unclassified Nuclear Proliferation Assessment Statement (NPAS) prepared at that time by the Director, United States Arms Control and Disarmament Agency.

The proposed Extension Agreement was effected by an exchange of diplomatic notes at Dhaka on January 5, 1993, and February 6, 1993. The terms of the Extension Agreement condition its entry into force on each State notifying the other of the completion of its respective legal requirements for entry into force. However, before the proposed Extension Agreement could be submitted to the Congress in 1993 for review pursuant to section 123 of the Act, the Government of Bangladesh asked to consult with the United States regarding a possible modification of the term of extension. These discussions proved to be very protracted, but both Governments have now agreed that their original intention to extend the Agreement for Cooperation for an additional period of 20 years from the date of the original Agreement's expiration (i.e., to extend it until June 24, 2012) should stand, and that the Extension Agreement should be brought into force as soon as each Party has notified the other in writing that it has completed its legal requirements for doing so.

Section 123 of the Act, as amended by Title XII of the Foreign Affairs Reform and Restructuring Act of 1998 (Public Law 105-277) now also provides that each Nuclear Proliferation Assessment Statement prepared pursuant to the Act shall be accompanied by a classified annex prepared by the Secretary of State in consultation with the Director of Central Intelligence, summarizing relevant classified information. The Secretary of State is submitting to the Congress under separate cover such a classified annex. It contains, inter alia, the Secretary of State's reaffirmation of the conclusions reached in the original unclassified Nuclear Proliferation Assessment Statement (a) that continued implementation of the Agreement for Cooperation is consistent with all requirements of the Act, and (b) that the safeguards and other control mechanisms and the peaceful-use assurances contained in the Agreement for Cooperation are adequate to ensure that any assistance furnished under it will not be used to further any military or nuclear explosive purpose.

I am pleased to reconfirm President Bush's approval of the Extension

Agreement and authorization of its execution and implementation. Bangladesh is a party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and is fully in compliance with its nuclear nonproliferation commitments under that Treaty. In my judgment, continued performance of the Agreement for Cooperation between the United States of America and the People's Republic of Bangladesh Concerning Peaceful Uses of Nuclear Energy will promote, and not constitute an unreasonable risk to, the common defense and security. Apart from the proposed extension, the Agreement for Cooperation will remain in all other respects the same as that which was favorably reviewed by the Congress in 1982. The Department of State, the Department of Energy, and the Nuclear Regulatory Commission have reconfirmed their favorable views regarding the original NPAS as well as the conclusions contained herein.

This transmission shall constitute a submittal for purposes of both sections 123 b. and 123 d. of the Act. My Administration is prepared to begin immediately the consultations with the Senate Foreign Relations Committee and the House International Relations Committee as provided in section 123 b. Upon completion of the period of 30 days of continuous session provided for in section 123 b., the period of 60 days of continuous session provided for in section 123 d. shall commence.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *March 20, 2000*.

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 6, 1999, the Secretary of the Senate, on March 10, 2000, during the adjournment of the Senate, received a message from the House of Representatives, announcing that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill, S. 376, to amend the Communications Satellite Act of 1962 to promote competition and privatization in satellite communications, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution:

S. Con. Res. 94. Concurrent resolution providing for a conditional adjournment or recess of the Senate.

Under the authority of the order of the Senate of January 6, 1999, the Secretary of the Senate, on March 15, 2000, during the adjournment of the Senate, received a message from the House of Representatives, announcing that the House has agreed to the following concurrent resolutions:

S. Con. Res. 89. Concurrent resolution to establish the Joint Congressional Committee on Inaugural Ceremonies for the inauguration of the President-elect and Vice President-elect of the United States on January 20, 2001.

S. Con. Res. 90. Concurrent resolution to authorize the use of the rotunda of the Capitol by the Joint Congressional Committee on Inaugural Ceremonies in connection with the proceedings and ceremonies conducted for the inauguration of the President-elect and the Vice President-elect of the United States.

The message also announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill, H.R. 1000, to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes.

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 6, 1999, the Secretary of the Senate, on March 10, 2000, during the adjournment of the Senate, received a message from the House of Representatives, announcing that the Speaker has signed the following enrolled bill:

S. 376. An act to amend the Communications Satellite Act of 1962 to promote competition and privatization in satellite communications, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

Under the authority of the order of the Senate of January 6, 1999, the Secretary of the Senate, on March 15, 2000, during the adjournment of the Senate, received a message from the House of Representatives, announcing that the Speaker has signed the following enrolled bill:

H.R. 1000. An act to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes.

MESSAGES FROM THE HOUSE

At 12:09 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1695. An act to provide for the conveyance of certain Federal public lands in the Ivanpah Valley, Nevada, to Clark County, Nevada, for the development of an airport facility, and for other purposes.

H.R. 2372. An act to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the United States Constitution, have been deprived by final actions of Federal agencies, or other government officials or entities acting under color of State law; to prevent Federal courts from abstaining from exercising Federal jurisdiction in actions where no State law claim is alleged; to permit certification of unsettled State law questions that are essential to resolving Federal claims arising under the Constitution; and to clarify when government action is sufficiently final to ripen certain Federal claims arising under the Constitution.

H.R. 3843. An act to reauthorize programs to assist small business concerns, and for other purposes.

H.R. 3081. An act to amend the Internal Revenue Code of 1986 to provide tax benefits for small businesses, to amend the Fair Labor Standards Act of 1938 to increase the minimum wage, and for other purposes.

H.R. 3699. An act to designate the facility of the United States Postal Service located at 8409 Lee Highway in Merrifield, Virginia, as the "Joel T. Broyhill Postal Building."

H.R. 3701. An act to designate the facility of the United States Postal Service located at 3118 Washington Boulevard in Arlington, Virginia, as the "Joseph L. Fisher Post Office Building."

H.R. 3845. An act to make corrections to the Small Business Investment Act of 1958, and for other purposes.

The message also announced that pursuant to section 101(f)(3) of the Ticket to Work and Work Incentives Improvement Act of 1999 (42 U.S.C. 1320b–19), the Speaker has appointed the following members on the part of the House to the Ticket to Work and Work Incentives Advisory Panel: Mr. Steve Start of Spokane, Washington, to a 4-year term and Ms. Susan Webb of Phoenix, Arizona, to a 2-year term.

ENROLLED BILL SIGNED

The President pro tempore (Mr. THURMOND) announced that on today, March 20, 2000, he had signed the following enrolled bill previously signed by the Speaker:

H.R. 1000. An act to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 1695. An act to provide for the conveyance of certain Federal public lands in the Ivanpah Valley, Nevada, to Clark County, Nevada, for the development of an airport facility, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2372. An act to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the United States Constitution, have been deprived by final actions of Federal agencies, or other government officials or entities acting under color of State law; to prevent Federal courts from abstaining from exercising Federal jurisdiction in actions where no State law claim is alleged; to permit certification of unsettled State law questions that are essential to resolving Federal claims arising under the Constitution; and to clarify when government action is sufficiently final to ripen certain Federal claims arising under the Constitution; to the Committee on the Judiciary.

H.R. 3843. An act to reauthorize programs to assist small business concerns, and for other purposes; to the Committee on Small Business.

H.R. 3699. An act to designate the facility of the United States Postal Service located at 8409 Lee Highway in Merrifield, Virginia, as the "Joel T. Broyhill Postal Building"; to the Committee on Government Affairs.

H.R. 3701. An act to designate the facility of the United States Postal Service located at 3118 Washington Boulevard in Arlington, Virginia, as the "Joseph L. Fisher Post Office Building"; to the Committee on Government Affairs.

H.R. 3845. An act to make corrections to the Small Business Investment Act of 1958, and for other purposes; to the Committee on Small Business.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that during the adjournment of the Senate on March 10, 2000, he had presented to the President of the United States the following enrolled bill:

S. 376. An act to amend the Communications Satellite Act of 1962 to promote competition and privatization in satellite communications, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-7950. A communication from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Customs Brokers" (RIN1515-AC34), received March 9, 2000; to the Committee on Finance.

EC-7951. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans: California State Implementation Plan Revision; South Coast Air Quality Management District" (FRL #6550-4), received March 9, 2000; to the Committee on Environment and Public Works.

EC-7952. A communication from the Under Secretary of Defense, Acquisition and Technology transmitting, pursuant to law, the annual report on DoD reimbursement of contractor environmental response action costs; to the Committee on Environment and Public Works.

EC-7953. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled "EPA Operator Certification Guidelines State Implementation Guidance"; to the Committee on Environment and Public Works.

EC-7954. A communication from the Executive Director, District of Columbia Financial Responsibility and Management Assistance Authority, transmitting, pursuant to law, a report entitled "Annual Estimates of Revenues of the District of Columbia for FY 2001"; to the Committee on Governmental Affairs.

EC-7955. A communication from the Co-Chair, Presidential Members, U.S. Census Monitoring Board transmitting, pursuant to law, a report relative to the 2000 census; to the Committee on Governmental Affairs.

EC-7956. A communication from the Acting Solicitor, Patent and Trademark Office, Department of Commerce transmitting, pursuant to law, the report of a rule entitled "Changes to Application Examination and Provisional Application Practice" (RIN0651-AB13), received March 13, 2000; to the Committee on the Judiciary.

EC-7957. A communication from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Veterans Education: Increased Allowances for the Educational Assistance Test Program" (RIN2900-AJ87), received March 13, 2000; to the Committee on Veterans' Affairs.

EC-7958. A communication from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Child; Educational Institution" (RIN2900-AJ54), received March 13, 2000; to the Committee on Veterans' Affairs.

EC-7959. A communication from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture transmitting, pursuant to law, the report of a rule entitled "Dried Prunes Produced in California; Changes in Producer District Boundaries" (Docket Number FV00-993-1 FIR), received March 10, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7960. A communication from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture transmitting, pursuant to law, the report of a rule entitled "Vidalia Onions Grown in Georgia; Changing the Term of Office and the Nomination Deadlines" (Docket Number FV00-955-2 FIR), received March 10, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7961. A communication from the General Sales Manager and Vice President, Commodity Credit Corporation, Foreign Agricultural Service, Department of Agriculture, transmitting, pursuant to law, the annual report of the availability, distribution and value of commodities donated by the Commodity Credit Corporation to carry out assistance programs in both developing and friendly countries; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7962. A communication from the Assistant Secretary, Indian Affairs, Department of the Interior transmitting, pursuant to law, the report of a rule entitled "Tribal Revenue Allocation Plans" (RIN1076-AD74), received March 10, 2000; to the Committee on Indian Affairs.

EC-7963. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Indian Environmental General Assistance Program, Final Guidelines on the Award and Management of General Assistance Agreements for Indian Tribes", received March 13, 2000; to the Committee on Indian Affairs.

EC-7964. A communication from the Acting Director, Defense Security Cooperation Agency transmitting, pursuant to law, the annual report on Military Assistance, Military Exports, and Military Imports; to the Committee on Foreign Relations.

EC-7965. A communication from the Assistant Secretary, Legislative Affairs, Department of State transmitting, pursuant to law, the FY 1999 Annual Report on U.S. Government Assistance to and Cooperative Activities with the New Independent States of the Former Soviet Union; to the Committee on Foreign Relations.

EC-7966. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC-7967. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices: Exemptions from Premarket Notification; Class II Devices; Vascular Tunnelers" (Docket No. 99P-4064), received March 14, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-7968. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices: Anesthesiology Devices; Classification of Nitric Oxide Administration Apparatus, Nitric Oxide Analyzer, and Nitrogen Dioxide Analyzer" (Docket No. 96P-0436), received March 13, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-7969. A communication from the Acting Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Cargo Preference—Subcontracts for Commercial Items" (DFARS Case 98-D014), received March 13, 2000; to the Committee on Armed Services.

EC-7970. A communication from the Acting Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Federal Prison Industries Waiver Threshold" (DFARS Case 2000-D005), received March 13, 2000; to the Committee on Armed Services.

EC-7971. A communication from the Acting Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Construction and Service Contracts in Noncontiguous States" (DFARS Case 99-D308), received March 13, 2000; to the Committee on Armed Services.

EC-7972. A communication from the Secretary of Energy, transmitting, pursuant to law, the report for calendar year 1999 entitled "Department of Energy Activities Relating to the Defense Nuclear Facilities Safety Board"; to the Committee on Armed Services.

EC-7973. A communication from the Secretary of Defense, transmitting, pursuant to law, a report on the amount of DoD purchases from foreign entities during fiscal year 1999; to the Committee on Armed Services.

EC-7974. A communication from the Under Secretary, Acquisition and Technology, Department of Defense, transmitting, pursuant to law, a report entitled "Restructuring Costs Associated with Business Combinations"; to the Committee on Armed Services.

EC-7975. A communication from the Assistant to the Board of Governors of the Federal Reserve Board, transmitting, pursuant to law, the report of a rule entitled "Regulation Y (Bank Holding Companies and Change in Bank Control; Securities Underwriting, Dealing, and Market-Making Activities of Financial Holding Companies)" (R-1063), received March 13, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-7976. A communication from the Assistant to the Board of Governors of the Federal Reserve Board, transmitting, pursuant to law, the report of a rule entitled "Regulation H (Membership of State Banking Institutions in the Federal Reserve System)" (R-1064), received March 10, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-7977. A communication from the Assistant to the Board of Governors of the Federal

Reserve Board, transmitting, pursuant to law, the report of a rule entitled "Regulation Y (Bank Holding Companies and Change in Bank Control)" (R-1062), received March 10, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-7978. A communication from the Assistant Secretary, Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Editorial Clarification and Revisions to the Export Administration Regulations", received March 13, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-7979. A communication from the Assistant Secretary, Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Export Administration Regulations; Administrative Enforcement Proceedings", received March 13, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-7980. A communication from the Director, Financial Crimes Enforcement Network, Department of the Treasury transmitting, pursuant to law, the report of a rule entitled "Amendments to the Bank Secrecy Act Regulations—Requirement that Money Transmitters and Money Order and Travelers Check Issuers, Sellers, and Redeemers Report Suspicious Transactions" (RIN1506–AA20), received March 10, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-7981. A communication from the President of the United States of America, transmitting, pursuant to law, a report relative to the continuation of the national emergency declared with respect to Iran on March 15, 1995; to the Committee on Banking, Housing, and Urban Affairs.

EC-7982. A communication from the President and Chairman, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to China; to the Committee on Banking, Housing, and Urban Affairs.

EC-7983. A communication from the Chairman, Appraisal Sub Committee, Federal Financial Institutions Examination Council transmitting, pursuant to law, the annual report for 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-7984. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to danger pay in Uganda; to the Committee on Foreign Relations.

EC-7985. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to danger pay in Uganda; to the Committee on Foreign Relations.

EC-7986. A communication from the Assistant Secretary, Legislative Affairs, Department of State transmitting, pursuant to law, the report of a rule entitled "Schedule of Fees for Consular Services, Department of State and Overseas Embassies and Consulates", received March 14, 2000; to the Committee on Foreign Relations.

EC-7987. A communication from the Chairman, Federal Election Commission, transmitting, pursuant to law, a report of recommendations for legislative action; to the Committee on Rules and Administration.

EC-7988. A communication from the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice transmitting, pursuant to law, the report of a rule entitled "Petitioning Requirements for the H-1B Nonimmigrant Classification under Public Law 105-277" (RIN1115-AF31) (INS No. 1962–98), received March 14, 2000; to the Committee on the Judiciary.

EC-7989. A communication from the Assistant Secretary for Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Personal Watercraft Use Within the NPS System" (RIN1024-AC65), received March 14, 2000; to the Committee on Energy and Natural Resources.

EC-7990. A communication from the Administrator, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Streamlining Regulations for Real Estate and Chattel Appraisals: Correction" (RIN0560-AF69), received March 13, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7991. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Cucurbitacins; Exemption from the Requirement of a Tolerance" (FRL #6485-3), received March 14, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7992. A communication from the President and Chairman, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Mexico; to the Committee on Banking, Housing, and Urban Affairs.

EC-7993. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled "Section 1018—Disclosure Rule Enforcement Response Policy"; to the Committee on Environment and Public Works.

EC-7994. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plan for New Mexico: Transportation Conformity Rule" (FRL #6561-6), received March 14, 2000; to the Committee on Environment and Public Works.

EC-7995. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Award of Grants for Special Projects and Programs Authorized by this Agency's FY 2000 Appropriations Act", received March 14, 2000; to the Committee on Environment and Public Works.

EC-7996. A communication from the Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Threatened Status for Holocarpha macradenia (Santa Cruz tarplant)" (RIN1018-AE80), received March 14, 2000; to the Committee on Environment and Public Works.

EC-7997. A communication from the Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Final Rule for Endangered Status for Four Plants from South Central Coastal California" (RIN1018-AE81), received March 14, 2000; to the Committee on Environment and Public Works.

EC-7998. A communication from the Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Final Rule to List Purple Amole (Chlorogalum Purpureum) as threatened)" (RIN1018-AE76), received March 14, 2000; to the Committee on Environment and Public Works.

EC-7999. A communication from the Deputy Chief, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, Federal Communications Commission transmitting, pursuant to law, the report of a rule entitled "Amendment of Part 90 of the Commission's Rules to Facilitate Future Development of SMR Systems in the 800 MHz Frequency Band, Regulatory Treatment of Mobile Services, and Competitive Bidding" (PR Docket No. 93-144; GN Docket No. 93-252; PP Docket No. 93-253; FCC 99-270), received March 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8000. A communication from the Chief, Legal Branch, Accounting Safeguards Division, Common Carrier Bureau, Federal Communications Commission transmitting, pursuant to law, the report of a rule entitled "1998 Biennial Regulatory Review-Review of Depreciation Requirements for Incumbent Local Exchange Carriers" (FCC 99-397; CC Docket No. 98-137), received March 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8001. A communication from the Senior Attorney, Common Carrier Bureau, Federal Communications Commission transmitting, pursuant to law, the report of a rule entitled "Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities" (FCC 00-56), received March 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8002. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast and Western Pacific States; West Coast Salmon Fisheries; Adjustment in the Opening Date of Recreational Seasons From Point Arena to the U.S.-Mexico Border" (02220E), received March 13, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8003. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closes Directed Fishing for Pacific Cod for Inshore Processing Component in the Central Regulatory Area of the Gulf of Alaska", received March 13, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8004. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure of the Commercial Hook-and-Line Fishery for King Mackerel in the Florida West Coast Subzone", received March 13, 2000; to the Committee on Commerce, Science, and Transportation.

EC-8005. A communication from the Deputy Assistant Administrator for Fisheries, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Fishery Management Plan for the Summer Flounder, Scup, and Black Sea Bass Fisheries; Extension of an Interim Rule'', received March 13, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8006. A communication from the Deputy Assistant Administrator for Fisheries, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Framework 12 to the Atlantic Sea Scallop Fishery Management Plan'', received March 13, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8007. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Eurocopter France Model SA.315B, SA.316B, SA.316C, SA.318B, SA.318C, SA.319B, SE313B, SE3130, SE3160 and SA3180 Helicopters; Request for Comments; Docket No. 99–SW–76 (3–9/3–9)'' (RIN2120–AA64) (2000–0134), received March 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8008. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; General Electric Company GE90–85B Series Turbofan Engines; Request for Comments; Docket No. 2000–NE–06 (3–9/3–9)'' (RIN2120–AA64) (2000–0135), received March 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8009. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bob Fields Aerocessories Inflatable Door Seals; Docket No. 99–SW–76 (3–9/3–9)'' (RIN2120–AA64) (2000–0136), received March 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8010. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Alexander Schleicher GmbH and Co. Model ASW–27 Sailplanes; Docket No. 99–CE–70 (3–8/3–9)'' (RIN2120–AA64) (2000–0137), received March 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8011. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 757–200, –200PF, and –200CB Series Airplanes Powered by Rolls-Royce RB211–535C/E4/E4B Turbofan Engines; Request for Comments; Docket No. 99–SW–76 (3–9/3–9)'' (RIN2120–AA64) (2000–01324), received March 10, 2000; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–430. A resolution adopted by the House of the Legislature of the State of Maine relative to the entry of China into the World Trade Organization; to the Committee on Finance.

Resolution

Whereas, the nation of China has taken steps to become a member of the World Trade Organization; and

Whereas, membership in the World Trade Organization would give China recognition and status as an equal, legitimate partner with other countries in world trade; and

Whereas, China has an abysmal record of human rights, imprisoning those who attempt to engage in legitimate political opposition and oppressing those whose religious or political beliefs differ from those of the regime; and

Whereas, China ignores the rights of its workers and intimidates and imprisons those who seek to improve labor conditions in the country; and

Whereas, China's neighbors consider it a military threat; and

Whereas, the World Trade Organization, through its promotion of global markets, promotes multinational corporations that exploit child labor and sponsor sweatshops and poor working conditions; and

Whereas, the World Trade Organization has not shown itself to be a champion of reform in member countries; and

Whereas, membership in the World Trade Organization would increase import of cheap textiles, made inexpensive by the low pay and poor working conditions of Chinese laborers; and

Whereas, these cheap textile imports would unfairly compete with and would harm Maine's shirt, textile and manufacturing industries; now, therefore, be it

Resolved, That We, your Memorialists, respectfully request that the members of the Congress of the United States vote against any proposal to grant permanent normal trade relations status to China, which is a precursor to the granting of World Trade Organization membership, and take whatever other actions is in their power to deny membership in the World Trade Organization to the nation of China; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States; and to each member of the Maine Congressional Delegation.

POM–431. A resolution adopted by the House of the Legislature of the State of Maine relative to the Strategic Petroleum Reserve; to the Committee on Energy and Natural Resources.

Resolution

Whereas, there are 325,000 households in the State of Maine dependent upon heating oil; and

Whereas, the retail price of heating oil has doubled in the last year; and

Whereas, the supply of heating oil is well below demand, creating a critical shortage; and

Wheareas, 8 weeks of the heating season remain; now therefore, be it

Resolved, That We, your Memorialists, request the President of the United States, the Congress of the United States and the Secretary of Energy to release fuel from the Strategic Petroleum Reserve for sale to critically affected regions; and be it further

Resolved, That policies necessary to help with the emergency delivery and distribution of this fuel to refineries be implemented, with priority of sale given to critically affected regions; and be it further

Resolved, That policies conducive to the establishment of a home heating oil reserve for the benefit of the Northeast Region be implemented; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives of the United States, each Member of the Maine Congressional Delegation and the Honorable William Richardson, Secretary of Energy.

POM–432. A resolution adopted by the Ocean County (NJ) Board of Health relative to disposal of contaminated materials in the Atlantic Ocean at the Mud Dump site; to the Committee on Environment and Pubic Works.

POM–433. A resolution adopted by the House of the Legislature of the State of Michigan relative to tuberculosis testing and research; to the Committee on Appropriations.

House Resolution No. 288

Whereas, The spread of bovine tuberculosis in Michigan has reached a critical level, threatening the viability of the livestock and dairy industry in this state; and

Whereas, The United States Department of Agriculture is poised to revoke Michigan's TB-free status, thereby requiring the testing of all cattle in the state; and

Whereas, The testing of all cattle in the state will not be possible with currently available resources and the lack of existing facilities; and

Whereas, No known vaccination exists to prevent cattle from acquiring bovine tuberculosis, and the only method to control the spread of the disease is through the slaughter of the infected animal; and

Whereas, The policy of the United States Department of Agriculture is to require the destruction of the entire herd, even if only one animal in the herd is infected; and

Whereas, Current indemnification rates for the destruction of cattle are inadequate, placing an extreme burden on livestock owners; and

Whereas, The Michigan House of Representatives is leading a coordinated and committed effort with Michigan farmers, hunters, and business owners to eradicate bovine tuberculosis in this state and restore Michigan's TB-free status; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to provide funding for the construction of a diagnostic laboratory at Michigan State University to handle the increased testing requirements resulting from a loss of Michigan's TB-free status; and be it further

RESOLVED, That we memorialize Congress to fund initiatives at Michigan State University to study the spread of bovine tuberculosis through crops and soil; and be it further

RESOLVED, That we memorialize Congress to provide increased indemnification for the destruction of cattle and federally subsidized loans for the replacement of destroyed herds; and be it further

RESOLVED, That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, the Secretary of the United States Department of Agriculture, and other appropriate administration officials.

POM–434. A resolution adopted by the Senate of the Legislature of the State of West

Virginia relative to local television satellite signals; to the Committee on Commerce, Science, and Transportation.

SENATE RESOLUTION NO. 4

Whereas, Current telecommunications legislation pending in the United States Congress will set national policy for decades to come for all Americans; and

Whereas, Current legislation will authorize the retransmission of local television signals by satellite; and

Whereas, Direct Broadcast Satellite (DBS) companies have testified before Congress that they only intend to retransmit certain local television broadcast signals within certain local television markets, those being highly populated urban markets where the infrastructure will support a for-profit venture; and

Whereas, More than fifty million households in small- and medium-sized markets must be treated as equals to their urban counterparts. These citizens pay the same taxes and deserve the same news, weather, emergency forecasts and community-building programs that larger urban areas will be receiving; and

Whereas, Sixteen states, including West Virginia, are not included in any satellite company's initial plans to provide "local-into-local" service; therefore, be it

Resolved by the Senate, That the Senate hereby urges the United States Congress to adopt legislation that will establish loan guarantee programs or other mechanisms for the delivery of local satellite signals to markets otherwise not receiving local satellite signals; and, be it

Further resolved, That the purposes of such national legislation will be to guarantee the delivery by satellite of over-the-air local television stations to small- and medium-sized markets to ensure the "digital divide" is not made wider by national satellite policy; and, be it

Further resolved, That the Clerk is hereby directed to forward a copy of this resolution to the Clerk of the United States House of Representatives and the Secretary of the United States Senate for distribution to the members of each legislative chamber.

POM-435. A resolution adopted by the House of the Legislature of the State of Alabama relative to the United Nations Convention on the Elimination of All Forms of Discrimination Against Women; to the Committee on Foreign Relations.

RESOLUTION

Whereas, the United Nations Convention on the Elimination of All Forms of Discrimination Against Women was adopted by the United Nations General Assembly on December 18, 1979, and became an international treaty on September 3, 1981; and

Whereas, the convention established a comprehensive framework addressing women's rights within political, cultural, economic, social, and family contexts that serves to strengthen the existing body of standards respecting fundamental human rights by providing a uniform and universal definition of discrimination; and

Whereas, the convention has already demonstrated its value by serving as the instrument by which women in Sri Lanka and Zambia have improved their status; and

Whereas, in 1992, Sri Lanka adopted a charter that was based on the convention and which guaranteed women equal status; in 1985, Zambia also ratified the convention and in 1991 extended its Bill of Rights to cover sex discrimination; and

Whereas, as of June 1997, 161 nations had ratified the convention's provisions; and

Whereas, although the United States is considered a world leader in the protection of basic human rights, supports and has a position of leadership in the United Nations, and was an active participant in the drafting and is a signatory of the convention, the United States is one of the few nations that has not ratified the treaty; and

Whereas, although women have made progress in the struggle for equality in the political, cultural, economic, social, and family contexts, there is much more to be accomplished; and through its support, leadership, and prestige, the United States can help create a world where women are no longer discriminated against and would achieve one of the most fundamental of human rights, that of equality; now therefore,

Be it resolved by the House of Representatives of the Legislature of Alabama, That we urge the United States Senate to ratify the United Nations Convention on the Elimination of All Forms of Discrimination Against Women, and to support the convention's continuing goals.

Be it further resolved, That a copy of this resolution be transmitted to the President of the United States, the Secretary of State of the United States, the President of the United States Senate, and every member of the Alabama Congressional Delegation.

POM-436. A resolution adopted by the House of the Legislature of the State of Alabama relative to the United Nations Convention on the Elimination of All Forms of Discrimination Against Women; to the Committee on Foreign Relations.

RESOLUTION

Whereas, the United Nations Convention on the Elimination of All Forms of Discrimination Against Women was adopted by the United Nations General Assembly on December 18, 1979, and became an international treaty on September 3, 1981; and

Whereas, the convention established a comprehensive framework addressing women's rights within political, cultural, economic, social, and family contexts that serves to strengthen the existing body of standards respecting fundamental human rights by providing a uniform and universal definition of discrimination; and

Whereas, the convention has already demonstrated its value by serving as the instrument by which women in Sri Lanka and Zambia have improved their status; and

Whereas, in 1992, Sri Lanka adopted a charter that was based on the convention and which guaranteed women equal status; in 1985, Zambia also ratified the convention and in 1991 extended its Bill of Rights to cover sex discrimination; and

Whereas, as of June 1997, 161 nations had ratified the convention's provisions; and

Whereas, although the United States is considered a world leader in the protection of basic human rights, supports and has a position of leadership in the United Nations, and was an active participant in the drafting and is a signatory of the convention; the United States is one of the few nations that has not ratified the treaty; and

Whereas, although women have made progress in the struggle for equality in the political, cultural, economic, social, and family contexts, there is much more to be accomplished; and through its support, leadership, and prestige, the United States can help create a world where women are no longer discriminated against and would achieve one of the most fundamental of human rights, that of equality; now therefore,

Be it resolved by the House of Representatives of the Legislature of Alabama, That we urge the United States Senate to ratify the United Nations Convention on the Elimination of All Forms of Discrimination Against Women, and to support the convention's continuing goals.

Be it further resolved, That a copy of this resolution be transmitted to the President of the United States, the Secretary of State of the United States, the President of the United States Senate, and every member of the Alabama Congressional Delegation.

REPORT OF COMMITTEES RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of March 9, 2000, the following report of committee was submitted on March 15, 2000:

By Mr. GRAMM, from the Committee on Banking, Housing, and Urban Affairs, with an amendment in the nature of a substitute:

S. 2097: A bill to authorize loan guarantees in order to facilitate access to local television broadcast signals in unserved and underserved areas, and for other purposes (Rept. No. 106–243).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 408. A bill to direct the Secretary of the Interior to convey a former Bureau of Land Management administrative site to the City of Carson City, Nevada, for use as a senior center (Rept. No. 106–244).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1218. A bill to direct the Secretary of the Interior to issue to the Landusky School District, without consideration, a patent for the surface and mineral estates of certain lots, and for other purposes (Rept. No. 106–245).

By Mr. HATCH, from the Committee on the Judiciary:

Report to accompany the joint resolution (S.J. Res. 14) proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States (Rept. No. 106–246).

By Mr. LUGAR, from the Committee on Agriculture, Nutrition, and Forestry, without amendment:

S. 2251. An original bill to amend the Federal Crop Insurance Act to improve crop insurance coverage, to provide agriculture producers with choices to manage risk, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. FEINSTEIN:

S. 2248. A bill to assist in the development and implementation of projects to provide for the control of drainage water, storm water, flood water, and other water as part of water-related integrated resource management, environmental infrastructure, and resource protection and development projects in the Colusa Basin Watershed, California; to the Committee on Energy and Natural Resources.

By Mr. GREGG (for himself, Mr. KERREY, Mr. BREAUX, and Mr. BAYH):

S. 2249. A bill to amend title VII of the Social Security Act to require the Commissioner of Social Security to provide Congress with an annual report on the social security program, and for other purposes; to the Committee on Finance.

By Mr. THOMPSON:

S. 2250. A bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain restaurant buildings; to the Committee on Finance.

By Mr. LUGAR:

S. 2251. An original bill to amend the Federal Crop Insurance Act to improve crop insurance coverage, to provide agriculture producers with choices to manage risk, and for other purposes; placed on the calendar.

By Mr. GRASSLEY:

S. 2252. A bill to provide for the review of agriculture mergers and acquisitions by the Department of Agriculture and to outlaw unfair practices in the Agriculture industry, and for other purposes; to the Committee on the Judiciary.

By Mr. MURKOWSKI:

S. 2253. A bill to authorize the establishment of a joint United States-Canada commission to study the feasibility of connecting the rail system in Alaska to the North American continental rail system; and for other purposes; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WARNER:

S. Res. 274. A resolution to designate April 9, 2000, as a "National Day of Remembrance of the One Hundred Thirty-Fifth Anniversary of the Battle of Sayler's Creek"; to the Committee on the Judiciary.

By Mr. BAUCUS (for himself and Mr. GRASSLEY):

S. Res. 275. A resolution expressing the sense of the Senate regarding fair access to Japanese telecommunications facilities and services; to the Committee on Finance.

By Mr. SARBANES (for himself, Ms. SNOWE, Mr. DASCHLE, Mr. SANTORUM, Mr. ROBB, Mr. HAGEL, Mr. JOHNSON, and Mr. HATCH):

S. Con. Res. 96. Concurrent resolution recognizing and honoring members of the American Hellenic Educational Progressive Association (AHEPA) who are being awarded the AHEPA Medal for Military Service in the Armed Forces of the United States; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN:

S. 2248. A bill to assist in the development and implementation of projects to provide for the control of drainage water, storm water, flood water, and other water as part of water-related integrated resource management, environmental infrastructure, and resource protection and development projects in the Colusa Basin Watershed, California; to the Committee on Energy and Natural Resources.

COLUSA BASIN INTEGRATED RESOURCES MANAGEMENT PLAN LEGISLATION

Mrs. FEINSTEIN. Mr. President, I am pleased to introduce this bill which provides a comprehensive watershed plan to protect against flooding in the Colusa Basin. Last year such flooding caused approximately $4.9 million in damage. In 1995 a major flood caused an estimated $100 million in damages to public and private property and crops.

This bill would provide the necessary authorization for the Secretary of Interior to participate in the Colusa Basin project on a cost-shared basis. The Colusa Basin project would build the necessary infrastructure (small impoundments) to catch flood water, control the rate of release, restore wetlands and vegetation and ultimately protect the area against flooding. This authorization is needed for the project to continue.

I introduced an identical bill in the 105th Congress which passed both Houses of Congress but fell victim to the politics surrounding the omnibus budget bill. This bill once again enjoys bipartisan support.

I urge Congress to consider this bill before the end of the 106th Congress.

By Mr. GREGG (for himself, Mr. KERREY, Mr. BREAUX, and Mr. BAYH):

S. 2249. A bill to amend title VII of the Social Security Act to require the Commissioner of Social Security to provide Congress with an annual report on the Social Security program, and for other purposes; to the Committee on Finance.

THE SOCIAL SECURITY REPORTING IMPROVEMENTS ACT OF 2000

Mr. GREGG. Mr. President, I want to speak today about the issue we are going to take up tomorrow, the Social Security earnings limitation, and the fact that we are going to pass a bill tomorrow which will eliminate a limitation on the ability of people once they retire to make money independent of Social Security benefits they receive and not have their Social Security benefits reduced.

Under present-day law, unfortunately, a retired individual—or not even retired person, a person who has reached eligibility age for Social Security benefits—the age for eligibility retirement is really the wrong term to apply to that individual. That person is penalized if he goes out and gets a job because his benefits under Social Security are reduced if he makes a certain amount of money under that job.

That is wrong. It is something I have tried to correct, and a number of Members of this Senate have tried to correct, for a number of years.

I have a bill, cosponsored by Senators KERREY, BREAUX, GRASSLEY, THOMPSON, ROBB, and THOMAS. It is a very bipartisan bill, obviously, and is strongly supported by many of the Members on the Finance Committee. That bill is, in substance, a reform bill for the entire Social Security system to allow us to have a Social Security system which is solvent for the next 100 years. It is a creative and imaginative piece of legislation, and it accomplishes that growth which is to create solvency in the Social Security system over the next 100 years and do it without raising taxes.

One of the elements of that bill is the repeal of the earnings limitation. It has been something I have supported and I have backed up with legislative language, cosponsored by myself, as I mentioned, and also by other Members of the Senate. Over the years, we have worked in this area. It is a very appropriate area to go into. However, tomorrow when we take up the bill for repealing the earnings limitation, we are going to take it up as sort of an isolated event. We are not taking it up very much as an isolated event but as part of a Social Security reform package. I guess that is where I have my concern, because we know the Social Security system, although solvent today and running very large surpluses, is headed towards the disastrous crash.

When the baby boom generation, the Bill Clinton generation, arrives at retirement, which starts in the year 2008 and accelerates aggressively so that by the year 2014 we actually are running a cash deficit within the Social Security system, we will have so many people retired in this country during the post-2008 period that we will have too many people retired for the younger generation to be able to support them effectively under the present structure of the Social Security system.

It will cost the next earnings generation—that generation who are my children, the children of the Members of this Senate, and their children's children—over $7 trillion in general fund revenues. We are not talking about Social Security taxes; we are talking about general fund revenues over the period from 2014 to 2034. It will cost $7 trillion of general fund revenues to keep the Social Security system solvent.

What does $7 trillion in general fund revenues mean? That means there will have to be tax increases of $7 trillion in order to pay for those benefits, or, alternatively, we will have to cut them.

Some of us have said let's not force this crisis on the next generation, let's not turn to our children and say, Here is the problem; we are going to give it to you. Many of us have said let's look at the problem today and try to solve it, let's try to put in place systems that will allow us to build up a process which will protect our children from having to face the catastrophe of having to support our generation in retirement at levels which they could not possibly afford to support and which would put an undue burden on the next generation in the area of tax increases.

We have put together substantive pieces of legislation. The one I mentioned, for example, the Gregg-Kerrey-Breaux-Grassley-Thompson-Thomas-Robb—Senator Roth is also on that—is one of the proposals.

There is another bill in the House called Kolbe-Stenholm, an aggressive piece of legislation. Senator MOYNIHAN has a piece of legislation. Senator GRAMM from Texas has a piece of legislation. The chairman of the House Ways and Means Committee, Congressman ARCHER, and Congressman SHAW have proposals. Congressman KASICH and Congressman SMITH have proposals.

There are a lot of proposals out there. Many of them are very substantive and thoughtful. I would like to think ours is. Almost all of them will do a lot more than we are doing today trying to put in place and under control a system that will address the Social Security problem as it is facing us and as it is facing the next generation.

I see the pages down here. These folks are going to end up paying a huge bill as a result of our inaction today in Congress. It is not fair and not right for us to put the next generation in this position.

As we take up the earnings limitation repeal tomorrow, it is necessary and appropriate. It is something we should do. But we should be much more aggressive on this issue. We should be addressing the fundamental problems that are facing us in the Social Security system, the most fundamental of which is that it is an unfunded liability.

Essentially, the Social Security system says we promise you, the baby boom generation, all of these benefits. But we don't do anything about getting the baby boom generation into a position where we can pay those Social Security benefits. Rather, we go on a pay-as-you-go basis. One dollar taken in today is paid out today, or spent on some other operation of government today. So when the baby boom generation retires, there are no dollars available for them to support their benefit structure.

We ought to address that. The best way to address it is to do something which will be called prefunding liability. That is probably a technical term which is sort of lost in its translation. It basically means giving people savings, assets, and gives people something they can physically own and possess, so that when they retire, they will have assets they can use to pay for their retirement benefits under the Social Security system.

In our proposal, this is called a personal savings account. Essentially, we reduce the payroll tax today. We say let's reduce the payroll tax today because it is running a surplus, take that money we save on payroll taxes and give it to all of the Social Security earners today, and allow those Social Security earners to save that money for themselves. So that by the time they retire, they will have a nest egg, a physical nest egg that is based in stocks, Treasury notes, and bonds, which will be available to them to spend on their retirement. It is called free-funding liability, so their actual assets are there when they retire. They actually physically own something they can use to benefit them in their retirement and to support the costs of their retirement structure in Social Security.

That is the essence of what we propose in our bill—to prefund the liability through personal savings accounts. It is an idea for which the time appears to be coming.

I notice Governor Bush is talking about this aggressively. Other people who are running for the Presidency are talking about this aggressively. Regrettably, this administration has not been willing to talk about this aggressively. This administration has walked away from the opportunity to fundamentally reform and improve Social Security so we can past on to our children a solvent system instead of passing on to them an insolvent system.

I and a number of Members on the other side of the aisle have great frustrations. I know Senator KERREY from Nebraska has on numerous occasions—and will tomorrow, I suspect, when he offers his amendment—expressed the frustration he feels and many of us feel about the fact we are unable to get White House leadership on this critical issue of moving forward Social Security reform so the next generation isn't passed a sour lemon but is given an opportunity to have a lifestyle that is equal to ours, or hopefully significantly better, and isn't instead passed a huge bill from our generation that they have to pay off in order to support our generation's retirement. I believe this administration refuses to take any aggressive action in this area for political reasons because they want to keep the issue alive for the next election cycle.

Clearly, there is bipartisan support in the Senate. As I mentioned, the Members of the Senate supporting the bill are Senator KERREY, Senator BREAUX, and Senator GRASSLEY—a bipartisan group. Their philosophies are significantly different. We could build a coalition in this Senate to pass substantial Social Security reform which would make the system solvent for the next 100 years without raising taxes on the next generation.

If we could get leadership and assistance from the White House, we could do that. Unfortunately, we have not gotten that. Instead, we are getting one little snippet of the Social Security issue, the earnings limitation test. It has been passed by the Senate, passed by the House, and the President says he will sign it if it is a clean bill.

What is the effect of taking up one little part of the whole puzzle? This happens to be a part of the puzzle that ends up costing more money to the system. In other words, when we repeal the earnings limitation, we end up actually putting the system in a less financially sound position than it is today. It is an appropriate thing to do because the earnings limitation is bad public policy. We should not be saying to senior citizens: You shouldn't go out and work; or, if you do work, we will reduce your Social Security benefit.

That is bad policy, especially bad policy when we have a potentially large soon-to-retire generation, the baby boom generation. When our generation retires, as a nation we are going to need to keep people working even though they may be retiring. We won't have enough workers in this country. That is going to be a demographic fact.

The earnings limitation is bad policy. It has a negative impact on Social Security long-term solvency. It aggravates the problem for the next generation by repealing it as a freestanding event. It should, rather, be repealed in the context of an overall reform effort. By doing that, we can adjust for the fact that this may negatively impact the financial situation of the Social Security system, while other things could positively impact it, and we can weigh them off.

But we are not going to do that. We are doing just Social Security limitations. If that is all we can do, that is what we should do. But we should be honest with the American people. We should tell them what the effect of it will be. More importantly, we should tell them the present status and the future status of the Social Security trust funds. We shouldn't continue this babble about how solvent the Social Security trust fund is. Although it is running a surplus today, it is as predictable as night follows day, as the sun rises in the east and sets in the west, it is an absolute known fact that beginning in the year 2008, as the large baby boom generation retires, we are going to see the system head toward massive insolvency if we don't have massive tax increases or major benefit cuts.

We ought to tell the American people so they know it is coming and they can plan. If the Congress isn't going to plan, if the White House isn't going to plan, at least give the American people the information they need to plan.

I hope to have this bill agreed to because I think it is reasonable. I am introducing a proposal which was essentially the proposal put forward in November 1999 by the Technical Panel On Assumptions and Methods of the Social Security Advisory Board. It is a professional group, an independent bipartisan group set up by the Social Security trustees for the purpose of reviewing what should be done with the Social Security system. This Technical Panel on Assumptions and Methods of the Social Security Advisory Board put out a series of recommendations regarding information that should be available in plain English—they stress "in plain English"—to the American people. I have suggested we amend this effort by putting in place that recommendation, have the panel's recommendations become a requirement of law, and thus they will be disclosed to the American people.

What will be disclosed? The following:

What the program will cost each year;

What is the projected cash-flow deficit in dollars, real and nominal;

What are the benefits the system can actually fund as opposed to what we tell the public;

What is the impact of all of the above on the Federal budget.

These are not complicated. These can be simply stated. But they are very important facts for the American people to know.

Some don't want the American people to have this information. They realize if people were actually informed about the significant financial crisis we are facing in the Social Security system beginning when the baby boom generation retires, people would get pretty upset. They would ask: Why hasn't Congress acted? Why isn't the White House displaying leadership? Some would rather not have this information on the table. It is "vanilla" information. It is information the American people have the right to know. It is information I am suggesting be made available. It is information the Social Security Advisory Board is suggesting be made available. It is not a partisan effort on my part; it is simply a desire to, hopefully, further the effort to inform the American people of the problems we face if we do not get on this issue of Social Security and begin to solve it.

That is the amendment I will offer. That is the bill I am introducing today. I see the Senator from Iowa, the ranking Republican on the Finance Committee. He has been a leader on the issue of Social Security reform in this Congress. I greatly appreciate his support, cosponsorship, and initiation in drafting the bill which solves the overall problem. I thank him for his support.

I thank the Chair for its indulgence, and I yield the floor.

By Mr. GRASSLEY:

S. 2252. A bill to provide for the review of agriculture mergers and acquisitions by the Department of Agriculture and to outlaw unfair practices in the agriculture industry, and for other purposes; to the Committee on the Judiciary.

THE AGRICULTURE COMPETITION ENHANCEMENT ACT

Mr. GRASSLEY. Mr. President, as most of my colleagues know, agriculture is one of the most crucial industries to my State, Iowa. The small, independent family farmer is a common thread running throughout the cultural, economic and social fabric of my State. I firmly believe that if that thread is pulled, the entire fabric of Iowa could come unraveled.

All my life I have lived and worked on a farm. I recognize that Iowa and the world are changing and that agriculture cannot stagnate and stay the same decade after decade. If we are to continue to survive and thrive into the 21st century, Iowa must diversify and adapt. But the best way to do that is not by throwing away the past and the present. The best way to prepare for the future is to build on the best of our heritage. And the family farmer is one of the best things about Iowa's heritage. I am committed to preserving and supporting this valuable member of Iowa's communities.

Any farmer knows that agriculture is a risky business. If you are going to be a farmer, you had better be prepared for ups and downs. But farmers feel more vulnerable now than at just about any time I can recall and with good reason.

We all know there's been a so-called "merger-mania" going on throughout our nation's economy. Large corporations are joining forces with other large corporations to form new business giants in every sector of the economy and agriculture is no exception.

In the last couple of years, the AG industry has seen a significant number of multi-million and multi-billion dollar mergers affecting grain and livestock. In the face of all these mergers and new alliances, the independent producer farming a thousand acres or less, sees himself getting smaller and smaller in comparison to many of his competitors. He sees himself having fewer and fewer choices of who to buy from and sell to. Yet, those farmers know, as I do, that the independent farmer is one of the most efficient businessmen in our nation's economy. That's why the United States can feed itself and a good portion of the world. So long as the market place is fair and open, the family farmer can compete.

I am not suggesting that all mergers are in and of themselves wrong or unfair to family farmers. Businesses may be in situations where their survival and success is dependent on joining forces with another. That right is a fundamental principle of a capitalist system and has to be preserved. Indeed, I believe that farmers do not need to be protected from the marketplace. But I believe we should protect their access to the marketplace.

That is why I will be introducing legislation to guarantee greater openness and accountability to the merger review process as it pertains to agri-business.

My bill will give USDA, the Federal department with the background and expertise in agriculture, a more prominent role in assessing AG mergers. Furthermore, my bill will provide a much-needed balance in the focus of AG merger reviews.

Currently, when the Department of Justice assesses a proposed merger, their focus is weighted towards the impact a merger would have on consumers. No one, certainly not I, would argue against ensuring that a merger does not harm consumers. However, given the fact that AG mergers, more so than other kinds of mergers, impact a way of life, not just an industry, it is critical that we give equal importance to the effect these mergers have on producers.

My bill will do just that by requiring USDA to do an assessment of how a proposed corporate union will affect producers and their access to the market. My bill will keep DOJ in the driver's seat on mergers, but will make the expertise and knowledge of USDA a prominent part of the merger review record.

I am aware other proposals reforming the agri-business merger review process are being crafted. I am certainly willing to consider all suggested reforms. Nonetheless, I believe my bill is strong and balanced in several respects. As I mentioned, my bill provides a heightened role for USDA in the merger review process, giving producers a seat at the table when mergers and acquisitions are being reviewed by DOJ or FTC.

In addition, I would like to highlight the following provisions in my bill.

There is a requirement that USDA do a merger review that focuses on the needs of producers and whether the transaction would cause substantial harm to farmers' ability to compete in the marketplace. This review will be conducted simultaneously with the Hart-Scott-Rodino review now done by DOJ. There is no disruption in the current DOJ/FTC merger review process. My legislation allows for negotiations between USDA and the parties to a proposed merger in order to work out any concerns USDA has.

Under my bill, if USDA's concerns are not satisfied, USDA may challenge the merger in court to either stop the merger or impose conditions on the transaction.

Furthermore, this measure calls for the creation of a special counsel in

USDA for competition matters, which is subject to Senate consideration. My bill provides money for additional staff at USDA and DOJ.

This measure also prohibits the enforcement of confidentiality clauses in livestock production contracts that prevent producers from getting the advice they need to make business decisions in their best interests.

My bill provides contract poultry growers the same protections under GIPSA that other livestock producers have.

Finally, under my bill, the competition protection authorities of USDA's packers and stockyards division is extended to include anticompetitive practices by dealers, processors and commission merchants of all AG commodities.

Several components of this bill are based on proposals by the American Farm Bureau, the largest organization representing producers of all commodities.

I believe that bringing to the table a greater understanding of AG producers' needs when examining AG mergers is the biggest missing element to make the merger review process as fair as possible. Closing this gap is the heart of my proposal.

I realize that DOJ currently has consultations with USDA on AG mergers. But I believe the current process is not consistent or open enough to assure producers' their concerns are adequately addressed.

The approach I advocate will ensure that producers' concerns and needs are fully discussed when Federal agencies examine proposed AG business mergers. By guaranteeing inclusion and openness for small, independent producers, we can go a long way toward alleviating their understandable anxiety.

As my colleagues from rural states know, AG concentration is one of the most important issues in agriculture today. It is imperative that we make meaningful progress on this issue before this Congress adjourns. As I stated earlier, I am aware of other efforts, principally by Senator DASCHLE and Senator LEAHY, to craft a legislative response to the recent wave of AG mergers.

I commend them for their hard work and I appreciate their efforts to keep me informed of their progress. I did not feel I could offer my unreserved endorsement of the proposal they have crafted thus far and I have chosen to introduce my own bill.

However, I believe our proposals are close enough in scope, direction and intent that we can achieve a bipartisan compromise sooner rather than later. I want it to be clearly understood that it is my desire to work with Members from both sides of the aisle to calm farmers' fears about high levels of AG concentration.

I am certain Congress will need to take additional steps to secure the freedom of small producers to compete in the marketplace.

But my bill will assure that when AG mergers are given the necessary review, the small, independent family farmer who I am proud to serve, will not be left out.

I urge my colleagues to join me in holding the door open for farmers across the country and I ask for the support of all those who want to preserve the best of our Nation's agriculture heritage and ensure the superiority of U.S. Agriculture for decades to come.

By Mr. MURKOWSKI:

S. 2253. A bill to authorize the establishment of a joint United States-Canada commission to study the feasibility of connecting the rail system in Alaska to the North American continental rail system, and for other purposes; to the Committee on Foreign Relations.

RAILS TO RESOURCES ACT OF 2000

Mr. MURKOWSKI. Mr. President, today I am introducing a bill to establish a bilateral U.S. and Canadian commission to study the feasibility of extending the continental railroad system to Alaska via a land link through Canada.

Mr. President, there are three things critical to the establishment of long-term economic stability for any state, region or country. The first is the availability of resources necessary to the production of goods. The second is the availability of labor to manufacture those goods. And the third is the availability of transportation systems to get those goods to market.

My State of Alaska, unfortunately, remains deficient in the third of these critical elements. We have the resources, and we have the labor, but we do not yet have the same essential transportation infrastructure.

The idea of connecting the transcontinental rail system to Alaska is not a new one. The original congressional action to establish the Alaska Railroad called for laying 1,000 miles of track in Alaska, which would have been sufficient to carry it to the Alaska-Yukon border. Canada has at various times also looked at rail connections to the north country. Unfortunately, none of these have been carried through.

During World War II, the United States actually surveyed a route from Prince George, British Columbia all the way through Alaska to tidewater at Teller, on Alaska's Seward Peninsula. But again, this effort was never completed, largely due to wartime shortages of steel.

While someday it would be beneficial to follow through on that World War II plan, what I am proposing today is far less grandiose.

My bill would create a process for appointing members to the U.S. side of a bilateral commission to study the feasibility of extending the current continental rail system from its present terminus in British Columbia, through the Yukon Territory, to the present terminus of the Alaska Railroad near Fairbanks. The distance to be traversed is on the order of 1,200 miles. Mr. President, this is not pie in the sky. I believe that the extension of the railroad would pay for itself, not immediately, but in the forseeable future.

The area through which the rail line would pass holds some of the richest mineral prospects in North America. The Yukon-Tanana uplands stretch from Fairbanks down through much of the Yukon. This heavily mineralized area holds gold, silver, copper, nickel, lead and zinc in great quantities, plus substantial amounts of other elements. Further south along the possible routes, there are large quantities of high value timber, and vast amounts of lower quality wood that we now utilize for paper, fiberboard and other products.

Mr. President, some individuals and organizations will no doubt argue against even exploring this prospect because of a bias against the use of natural resources, or opposition to "development" in the wilderness. To them I would suggest that the construction of a railroad is an opportunity to control development—to avoid areas of particular sensitivity—which would be impossible with other transportation systems. A rail line has far less of a "footprint" than even a one-lane road, and its stops are known quantities. Properly constructed, a rail line would make possible the development of vast resources, without creating the kind of uncontrolled situation that can lead to the degradation of highly valued wild lands.

Others may point to the current volume of freight moving to and from Alaska and say, "There is no way such a tiny amount of freight can support a railroad." They would be missing the point. The question is not whether rail is a more effective means to carry the existing volume, it is whether access to rail would spur enough new economic activity to support the venture. I suggest that it might. Experts have suggested there may be the potential for up to 120 million tons of freight per year, which would be more than enough to pay back any investment.

I am not an expert. I cannot verify that contention, any more than I can refute it. That is why we need a comprehensive feasibility study.

In January, a conference to discuss the potential for such an extension was held in Vancouver, British Columbia. Participants were extraordinarily supportive, adopting a strong resolution in favor of proceeding with a joint U.S.-Canada study.

I have drawn from that resolution to prepare the legislation I am introducing today. Specifically, it would provide authorization to for a $6 million, five-year effort to refine our understanding of both the positives and the negatives of a rail extension.

This is in no way an attempt to second-guess the feasibility process. We need an objective, thorough survey of both costs and opportunities.

To that end, I am suggesting that the United States component of the commission include local government, business, academic and Alaska Native leaders with expertise in the relevant fields. I am confident that Canada will choose similarly well-qualified individuals for its own side of the commission.

Let's make no mistake about this—it is not universally supported, and I want my colleagues to be aware of that from the very beginning. Most of those who currently operate companies carrying goods to and from Alaska by truck and by water will find all kinds of reasons to suggest that there is no way a railroad can be made to work.

Mr. President, it is only natural that those with a vested interest in the status quo should oppose change. It is their absolute right to do so. But it is wrong to stifle debate. We should be free to accept and explore new ideas. That is what this commission is all about.

If the railroad connection is economically and environmentally and socially sound, then let's move ahead. If it is not, then let's drop it. But at the very least, let's give it an honest hearing. That's what this bill is about.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2253

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rails to Resources Act of 2000."

SEC. 2. FINDINGS.

Congress finds that—

(1) rail transportation is an essential component of the North American intermodal transportation system;

(2) the development of economically strong and socially stable communities in the western United States and Canada was encouraged significantly by government policies promoting the development of integrated transcontinental, interstate and inter-provincial rail systems in the states, territories and provinces of the two countries;

(3) U.S. and Canadian federal support for the completion of new elements of the transcontinental, interstate and interprovincial rail systems was halted before rail connections were established to the state of Alaska and the Yukon Territory;

(4) Both public and private lands in Alaska, the Yukon territory and northern British Columbia, including lands held by aboriginal peoples, contain extensive deposits of oil, gas, coal and other minerals as well as valuable forest products which presently are inaccessible, but which could provide significant economic benefit to local communities and to both nations if an economically efficient transportation system was available;

(5) per ton of freight moved, rail transportation systems emit lower levels of carbon monoxide, nitrogen oxides and volatile organic compounds than other modes of freight transportation;

(6) rail transportation systems are capable of moving cargo with up to nine times the energy efficiency of highway transportation;

(7) rail transportation in otherwise isolated areas facilitates controlled access and reduced overall impact to environmentally sensitive areas;

(8) the extension of the continental rail system through northern British Columbia and the Yukon territory to the current terminus of the Alaska Railroad would significantly benefit the U.S. and Canadian visitor industries by facilitating the comfortable movement of passengers over long distances while minimizing effects on the surrounding areas;

(9) extension of the Alaska Railroad system to the Canadian border is consistent with the intent of Congress as expressed in the Alaska Railroad Organic Act of 1914, which called for a system of up to 1,000 miles in length; and,

(10) ongoing research and development efforts in the rail industry continue to increase the efficiency of rail transportation, ensure safety, and decrease the impact of rail service on the environment.

SEC. 3. AGREEMENT FOR A UNITED STATES-CANADA BILATERAL COMMISSION.

The President is authorized and urged to enter into an agreement with the government of Canada to establish a joint commission to study the technological and economic feasibility of linking the rail system in Alaska to the nearest appropriate point on the North American continental rail system.

SEC. 4. COMPOSITION OF COMMISSION.

(a) MEMBERSHIP.—

(1) TOTAL MEMBERSHIP.—The Agreement should provide for the Commission to be composed of 18 members, of which 9 members are appointed by the President and 9 members are appointed by the government of Canada.

(2) GENERAL QUALIFICATIONS.—The Agreement should provide for the membership of the Commission, to the maximum extent practicable, to be representative of—

(A) the interests of the local communities (including the governments of the communities), aboriginal peoples, and businesses that would be affected by the connection of the rail system in Alaska to the North American continental rail system; and

(B) a broad range of expertise in areas of knowledge that are relevant to the significant issues to be considered by the Commission, including economics, engineering, management of resources (such as minerals and timber), social sciences, fish and game management, environmental sciences, and transportation.

(b) UNITED STATES MEMBERSHIP.—Under the Agreement, the President shall appoint the United States members of the Commission as follows:

(1) Two members from among persons who are qualified to represent the interests of communities and local governments of Alaska.

(2) One member representing the State of Alaska, to be nominated by the Governor of Alaska.

(3) One member from among persons who are qualified to represent the interests of Native Alaskans residing in the area of Alaska that would be affected by the extension of rail service.

(4) Four members from among persons involved in commercial activities in Alaska who are qualified to represent commercial interests in Alaska, of which one shall be a representative of the Alaska Railroad Corporation.

(5) Two members from among scholars employed in institutions of higher education in Alaska, at least one of whom must be an engineer with expertise in subarctic transportation.

(c) CANADIAN MEMBERSHIP.—The Agreement should provide for the Canadian membership of the Commission to be representative of broad categories of interests of Canada as the government of Canada determines appropriate, consistent with subsection (a)(2).

SEC. 5. GOVERNANCE AND STAFFING OF COMMISSION.

(a) CHAIRMAN.—The Agreement should provide for the Chairman of the Commission to be elected from among the members of the Commission by a majority vote of the members.

(b) COMPENSATION AND EXPENSES OF UNITED STATES MEMBERS.—

(1) COMPENSATION.—Each member of the Commission appointed by the President who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. Each such member who is an officer or employee of the United States shall serve without compensation in addition to that received for services as an officer or employee of the United States.

(2) TRAVEL EXPENSES.—The members of the Commission appointed by the President shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Agreement should provide for the appointment of a staff and an executive director to be the head of the staff.

(2) COMPENSATION.—Funds made available for the Commission by the United States may be used to pay the compensation of the executive director and other personnel at rates fixed by the Commission that are not in excess of the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(d) OFFICE.—The Agreement should provide for the office of the Commission to be located in a mutually agreed location within the impacted areas of Alaska, the Yukon Territory, and northern British Columbia.

(e) MEETINGS.—The Agreement should provide for the Commission to meet at least biannually to review progress and to provide guidance to staff and others, and to hold, in locations within the affected areas of Alaska, the Yukon Territory and northern British Columbia, such additional informational or public meetings as the Commission deems necessary to the conduct of its business.

(f) PROCUREMENT OF SERVICES.—The Agreement should authorize and encourage the Commission to procure by contract, to the maximum extent practicable, the services (including any temporary and intermittent services) that the Commission determines necessary for carrying out the duties of the Commission. In the case of any contract for the services of an individual, funds made available for the Commission by the United States may not be used to pay for the services of the individual at a rate that exceeds the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

SEC. 6 DUTIES.

(a) STUDY.—

(1) IN GENERAL.—The Agreement should provide for the Commission to study and assess, on the basis of all available relevant information, the technological and economic feasibility of linking the rail system in Alaska to the North American continental rail system through the continuation of the rail system through the continuation of the rail system in Alaska from its northeastern terminus to a connection with the continental rail system in Canada.

(2) SPECIFIC ISSUES.—The Agreement should provide for the study and assessment to include the consideration of the following issues:

(A) Railroad engineering.

(B) Land ownership.

(C) Geology.

(D) Proximity to mineral, timber and other resources.

(E) Market outlook.

(F) Environmental considerations.

(G) Social effects, including changes to the use or availability of natural resources.

(H) Potential financial mechanisms.

(3) ROUTE.—The Agreement should provide for the Commission, upon finding that it is technologically and economically feasible to link the rail system in Alaska as described in paragraph (1), to determine one or more recommended routes for the rail segment that establishes the linkage, taking into consideration cost, distance, access to potential freight markets, environmental matters, and such other factors as the Commission determines relevant.

(4) COMBINED CORRIDOR EVALUATION.—The Agreement should also provide for the Commission to consider whether it would be useful and technologically and economically feasible to combine the power transmission infrastructure and petroleum product pipelines of other utilities into one corridor with a rail extension of the rail system in Alaska.

(b) REPORT.—The Agreement should require the Commission to submit to Congress and the Secretary of Transportation and to the Minister of Transport of the government of Canada, not later than 5 years after the Commission commencement date, a report on the results of the study, including the following:

(1) FEASIBILITY.—The Commission's findings regarding the technological and economical feasibility of linking the rail system in Alaska as described in subsection (a)(1).

(2) ROUTE.—If such an action is determined technologically and economically feasible, the Commission's recommendations regarding the preferred route and any alternative routes for the rail segment establishing the linkage.

SEC. 7. COMMENCEMENT AND TERMINATION OF COMMISSION.

(a) COMMENCEMENT.—The Agreement should provide for the Commission to begin to function on the date on which all members are appointed to the Commission as provided for in the Agreement.

(b) TERMINATION.—The Commission shall terminate 90 days after the date on which the Commission submits its report under section 6.

SEC. 8. FUNDING.

(a) RAILS TO RESOURCES FUND.—The Agreement should provide for the following:

(1) ESTABLISHMENT.—The establishment of an interest-bearing account to be known as the "Rails to Resources Fund".

(2) CONTRIBUTIONS.—The contribution by the United States and the government of Canada to the Fund of amounts that are sufficient for the Commission to carry out its duties.

(3) AVAILABILITY.—The availability of amounts in the Fund to pay the costs of Commission activities.

(4) DISSOLUTION.—Dissolution of the Fund upon the termination of the Commission and distribution of the amounts in the Fund between the United States and the government of Canada.

(b) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to any Fund established as described in subsection (a)(1) in the total amount of $6,000,000, to remain available until expended.

SEC. 9. DEFINITIONS.

In this section:

(1) AGREEMENT.—The term "Agreement" means an agreement described in section 2.

(2) COMMISSION.—The term "Commission" means a commission established pursuant to any Agreement.

(3) COMMISSION COMMENCEMENT DATE.—The date determined under section 6(a).

ADDITIONAL COSPONSORS

S. 526

At the request of Mr. GRAHAM, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 526, a bill to amend the Internal Revenue Code of 1986 to allow issuance of tax-exempt private activity bonds to finance public-private partnership activities relating to school facilities in public elementary and secondary schools, and for other purposes.

S. 801

At the request of Mr. SANTORUM, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 801, a bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level.

S. 821

At the request of Mr. LAUTENBERG, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 821, a bill to provide for the collection of data on traffic stops.

S. 890

At the request of Mr. WELLSTONE, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 890, a bill to facilitate the naturalization of aliens who served with special guerrilla units or irregular forces in Laos.

S. 1016

At the request of Mr. DEWINE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1016, a bill to provide collective bargaining for rights for public safety officers employed by States or their political subdivisions.

S. 1139

At the request of Mr. REID, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1139, a bill to amend title 49, United States Code, relating to civil penalties for unruly passengers of air carriers and to provide for the protection of employees providing air safety information, and for other purposes.

S. 1197

At the request of Mr. ROTH, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1197, a bill to prohibit the importation of products made with dog or cat fur, to prohibit the sale, manufacture, offer for sale, transportation, and distribution of products made with dog or cat fur in the United States, and for other purposes.

S. 1487

At the request of Mr. AKAKA, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Louisiana (Mr. BREAUX) were added as cosponsors of S. 1487, a bill to provide for excellence in economic education, and for other purposes.

S. 1558

At the request of Mr. BAUCUS, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1558, a bill to amend the Internal Revenue Code of 1986 to provide a tax credit for holders of Community Open Space bonds the proceeds of which are used for qualified environmental infrastructure projects, and for other purposes.

S. 1563

At the request of Mr. ABRAHAM, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 1563, a bill to establish the Immigration Affairs Agency within the Department of Justice, and for other purposes.

S. 1810

At the request of Mrs. MURRAY, the names of the Senator from New Hampshire (Mr. SMITH), the Senator from Delaware (Mr. BIDEN), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 1810, a bill to amend title 38, United States Code, to clarify and improve veterans' claims and appellate procedures.

S. 1886

At the request of Mr. INHOFE, the names of the Senator from Washington (Mr. GORTON) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 1886, a bill to amend the Clean Air Act to permit the Governor of a State to waive the oxygen content requirement for reformulated gasoline, to encourage development of voluntary standards to prevent and control releases of methyl tertiary butyl ether from underground storage tanks, and for other purposes.

S. 1921

At the request of Mr. CAMPBELL, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1921, a bill to authorize the placement within the site of the Vietnam Veterans Memorial of a plaque to honor Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service.

S. 1941

At the request of Mr. ROBB, his name was added as a cosponsor of S. 1941, a bill to amend the Federal Fire Prevention and Control Act of 1974 to authorize the Director of the Federal Emergency Management Agency to provide assistance to fire departments and fire prevention organizations for the purpose of protecting the public and firefighting personnel against fire and fire-related hazards.

S. 1988

At the request of Mr. DASCHLE, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Louisiana (Mr. BREAUX) were added as cosponsors of S. 1988, a bill to reform the State inspection of meat and poultry in the United States, and for other purposes.

S. 1993

At the request of Mr. THOMPSON, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1993, a bill to reform Government information security by strengthening information security practices throughout the Federal Government.

S. 2018

At the request of Mrs. HUTCHISON, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 2018, a bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the medicare program.

S. 2068

At the request of Mr. GREGG, the names of the Senator from Alaska (Mr. MURKOWSKI), the Senator from Arkansas (Mr. HUTCHINSON), and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 2068, a bill to prohibit the Federal Communications Commission from establishing rules authorizing the operation of new, low power FM radio stations.

S. 2082

At the request of Mr. DEWINE, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 2082, a bill to establish a program to award grants to improve and maintain sites honoring Presidents of the United States.

S. 2087

At the request of Mr. WARNER, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 2087, a bill to amend title 10, United States Code, to improve access to benefits under the TRICARE program; to extend and improve certain demonstration programs under the Defense Health Program; and for other purposes.

S. 2217

At the request of Mr. CAMPBELL, the names of the Senator from Utah (Mr. HATCH) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 2217, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Museum of the American Indian of the Smithsonian Institution, and for other purposes.

S. 2235

At the request of Ms. COLLINS, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 2235, a bill to amend the Public Health Act to revise the performance standards and certification process for organ procurement organizations.

S. CON. RES. 60

At the request of Mr. FEINGOLD, the names of the Senator from Utah (Mr. BENNETT), the Senator from South Dakota (Mr. JOHNSON), the Senator from Illinois (Mr. DURBIN), and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of S. Con. Res. 60, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the *U.S.S. Wisconsin* and all those who served aboard her.

S. CON. RES. 76

At the request of Mr. LEAHY, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. Con. Res. 76, a concurrent resolution expressing the sense of Congress regarding a peaceful resolution of the conflict in the state of Chiapas, Mexico and for other purposes.

S. CON. RES. 88

At the request of Mr. SCHUMER, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. Con. Res. 88, a concurrent resolution expressing the sense of Congress concerning drawdowns of the Strategic Petroleum Reserve.

At the request of Ms. COLLINS, the names of the Senator from Michigan (Mr. ABRAHAM) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. Con. Res. 88, supra.

S.J. RES. 3

At the request of Mr. KYL, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S.J. Res. 3, a joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

S. RES. 87

At the request of Mr. DURBIN, the names of the Senator from Minnesota (Mr. WELLSTONE), the Senator from Virginia (Mr. ROBB), and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. Res. 87, a resolution commemorating the 60th Anniversary of the International Visitors Program

S. RES. 248

At the request of Mr. ROBB, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. Res. 248, a resolution to designate the week of May 7, 2000, as "National Correctional Officers and Employees Week."

S. RES. 260

At the request of Mr. BOND, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. Res. 260, a resolution to express the sense of the Senate that the Federal investment in programs that provide health care services to uninsured and low-income individuals in medically under served areas be increased in order to double access to care over the next 5 years.

S. RES. 263

At the request of Mr. ASHCROFT, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. Res. 263, a resolution expressing the sense of the Senate that the President should communicate to the members of the Organization of Petroleum Exporting Countries ("OPEC") cartel and non-OPEC countries that participate in the cartel of crude oil producing countries, before the meeting of the OPEC nations in March 2000, the position of the United States in favor of increasing world crude oil supplies so as to achieve stable crude oil prices.

SENATE CONCURRENT RESOLUTION 96—RECOGNIZING AND HONORING MEMBERS OF THE AMERICAN HELLENIC EDUCATIONAL PROGRESSIVE ASSOCIATION (AHEPA) WHO ARE BEING AWARDED THE AHEPA MEDAL FOR MILITARY SERVICE IN THE ARMED FORCES OF THE UNITED STATES

Mr. SARBANES (for himself, Ms. SNOWE, Mr. DASCHLE, Mr. SANTORUM, Mr. ROBB, Mr. HAGEL, Mr. JOHNSON, and Mr. HATCH) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 96

Whereas the American Hellenic Educational Progressive Association (AHEPA) has provided 78 years of service to Greek-Americans and to American society and is continuing to serve into the twenty-first century through its 20,000 active members in 521 chartered chapters;

Whereas the mission of AHEPA is to promote the ideals of Hellenism, which include philanthropy, education, civic responsibility, and family and individual excellence;

Whereas since its inception, AHEPA has instilled in its members an understanding of their Hellenic heritage and an awareness of the contributions made to the development of democratic principles and governance in the United States and throughout the world;

Whereas AHEPA has done much throughout its history to foster American patriotism;

Whereas AHEPA has fostered patriotism by raising $162,000,000 for United States War Bonds during World War II, for which AHEPA was named an official Issuing Agent for United States War Bonds by the United States Treasury Department, an honor that no other civic organization was able to achieve at the time;

Whereas the members of AHEPA have fostered patriotism by donating over $400,000 collectively toward the restoration of the Statute of Liberty and Ellis Island, New York, for which AHEPA received special recognition by the Department of the Interior;

Whereas members of AHEPA and its affiliated organizations, the Daughters of Penelope, Sons of Pericles and Maids of Athena, served in the Armed Forces of the United States to protect American freedom and to preserve those democratic ideals which are part of the Hellenic legacy; and

Whereas on Monday, March 20, 2000, AHEPA is honoring the members of the AHEPA family who are veterans of service in the Armed Services by presenting those members with a special commemorative AHEPA Medal for Military Service at the 2000 AHEPA Family Biennial Banquet in Washington, District of Columbia: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) joins the American Hellenic Educational Progressive Association (AHEPA) in recognizing the members of the AHEPA family whose service as members of the Armed Forces of the United States and sacrifices made in such service have contributed so much to the preservation of freedom for Americans and for so many others throughout the world; and

(2) acknowledges the honor with which that service is being commemorated by the presentation of the special commemorative AHEPA Medal for Military Service to those members at the AHEPA Family Biennial Banquet in Washington, District of Columbia, on Monday, March 20, 2000.

SENATE RESOLUTION 274—TO DESIGNATE APRIL 9, 2000, AS A "NATIONAL DAY OF REMEMBRANCE OF THE ONE HUNDRED THIRTY-FIFTH ANNIVERSARY OF THE BATTLE OF SAYLER'S CREEK"

Mr. WARNER submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 274

Resolved,

SECTION 1. DESIGNATION OF NATIONAL DAY OF REMEMBRANCE OF THE 135TH ANNIVERSARY OF THE BATTLE OF SAYLER'S CREEK.

That the Senate—

(1) designates April 9, 2000, as a "National Day of Remembrance of the 135th Anniversary of the Battle of Sayler's Creek; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe such a day of remembrance for the soldiers, the families of such soldiers and others who suffered, endured, and sacrificed during the four-year war known as the American Civil War.

SENATE RESOLUTION 275—EXPRESSING THE SENSE OF THE SENATE REGARDING FAIR ACCESS TO JAPANESE TELECOMMUNICATIONS FACILITIES AND SERVICES

Mr. BAUCUS (for himself and Mr. GRASSLEY) submitted the following resolution; which was referred to the Committee on Finance.

S. RES. 275

Whereas the United States has a deep and sustained interest in the promotion of deregulation, competition, and regulatory reform in Japan;

Whereas new and bold measures by the Government of Japan regarding regulatory reform will help remove the regulatory and structural impediments to the effective functioning of market forces in the Japanese economy;

Whereas regulatory reform will increase the efficient allocation of resources in Japan, which is critical to returning Japan to a long-term growth path powered by domestic demand;

Whereas regulatory reform will not only improve market access for United States business and other foreign firms, but will also enhance consumer choice and economic prosperity in Japan;

Whereas a sustained recovery of the Japanese economy is vital to a sustained recovery of Asian economies;

Whereas the Japanese economy must serve as one of the main engines of growth for Asia and for the global economy;

Whereas the Governments of the United States and Japan reconfirmed the critical importance of deregulation, competition, and regulatory reform when the 2 Governments established the Enhanced Initiative on Deregulation and Competition Policy in 1997;

Whereas telecommunications is a critical sector requiring reform in Japan, where the market is hampered by a history of laws, regulations, and monopolistic practices that do not meet the needs of a competitive market;

Whereas as the result of Japan's laws, regulations, and monopolistic practices, Japanese consumers and Japanese industry have been denied the broad benefits of innovative telecommunications services, cutting edge technology, and lower prices that competition would bring to the market;

Whereas Japan's significant lag in developing broadband and Internet services, and Japan's lag in the entire area of electronic commerce, is a direct result of a noncompetitive telecommunications regulatory structure;

Whereas Japan's lag in developing broadband and Internet services is evidenced by the following: (1) Japan has only 17,000,000 Internet users, while the United States has 80,000,000 Internet users; (2) Japan hosts fewer than 2,000,000 websites, while the United States hosts over 30,000,000 websites; (3) electronic commerce in Japan is valued at less than $1,000,000,000, while in the United States electronic commerce is valued at over $30,000,000,000; and (4) 19 percent of Japan's schools are connected to the Internet, while in the United States 89 percent of schools are connected;

Whereas the disparity between the United States and Japan is largely caused by the failure of Japan to ensure conditions that allow for the development of competitive networks which would stimulate the use of the Internet and electronic commerce;

Whereas leading edge foreign telecommunications companies, because of their high level of technology and innovation, are the key to building the necessary telecommunications infrastructure in Japan, which will only be able to serve Japanese consumers and industry if there is a fundamental change in Japan's regulatory approach to telecommunications; and

Whereas deregulating the monopoly power of Nippon Telegraph and Telephone Corporation would help liberate Japan's economy and allow Japan to take full advantage of information technology: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the appropriate officials in the executive branch should implement vigorously the call for Japan to undertake a major regulatory reform in the telecommunications sector, the so-called "Telecommunications Big Bang";

(2) a "Telecommunications Big Bang" must address fundamental legislative and regulatory issues within a strictly defined timeframe;

(3) the new telecommunications regulatory framework should put competition first in order to encourage new and innovative businesses to enter the telecommunications market in Japan;

(4) the Government of Japan should ensure that Nippon Telegraph and Telephone Corporation (NTT) and its affiliates (the NTT Group) are prevented from using their dominant position in the wired and wireless market in an anticompetitive manner; and

(5) the Government of Japan should take credible steps to ensure that competitive carriers have reasonable, cost-based, and nondiscriminatory access to the rights-of-way, facilities, and services controlled by NTT, the NTT Group, other utilities, and the Government of Japan, including—

(A) access to interconnection at market-based rates;

(B) unrestricted access to unbundled elements of the network belonging to NTT and the NTT Group; and

(C) access to public roads for the installation of facilities.

Mr. BAUCUS. Mr. President, I would like to make two sets of comments on Japan today. The first relates to Japanese telecommunications deregulation. The second involves a recently issued report about the lack of compliance by Japan with the trade agreements it has signed with the United States.

I am introducing today, along with Senator GRASSLEY, a sense-of-the-Senate resolution designed to encourage the Japanese Government to deregulate and open the Japanese telecommunications sector. Intense negotiations are going on between our government and Japanese authorities, and I hope that the Senate, by speaking out forcefully, will give support to the progressive elements in Japan as they do battle with the eternal forces of protection.

The United States has worked tirelessly to promote deregulation and openness in the Japanese telecommunications sector over the past 20 years. These efforts have led to significant changes in the procurement policies of Nippon Telegraph and Telephone, or NTT, which used to be the government owned, monopoly domestic telecommunications provider, and is still the 800-pound gorilla in the sector. The efforts included agreements on devices for interconnection, cellular phones, and international value added networks. It involved use of U.S. laws like section 301 and section 1377, the MOSS talks, the GATT, the WTO, and the Information Technology Agreement.

The United States has probably negotiated more on Japanese telecommunications than we have with any other nation over one specific sector. We have made a lot of progress, going from almost no sales by Americans in this sector in Japan two decades ago to several billion dollars today.

But considerable work remains, and the focus now is under the rubric of the Enhanced Initiative on Deregulation. Japan, despite a decade of stagnation, is still the world's second largest economy with incredible cutting edge technology. Nevertheless, its pattern of consumption of high tech telecommunications goods and services makes it look more like a second tier economy. While Japan's penetration of cellular phones is among the highest in the world, it falls far behind in many other measures of high tech telecommunications usage. For example, Japan has only 20 million Internet users, compared to 80 million in the United States. Japan hosts two million web sites, while the United States hosts over 30 million. Electronic commerce in Japan is valued at less than one billion dollars, versus at least 30 times as much in the United States. And only 19 percent of Japan's schools are connected to the Internet, while in the United States 89 percent of schools are:

The explanation is that Japan has a non-competitive regulatory system in telecommunications that prevents market forces from fully operating. Foreign telecommunications service and equipment providers are limited in their ability to do business in Japan. This means that Japanese consumers are prevented from obtaining the highest quality telecommunications technology at the lowest price. They are not allowed to choose from the incredible array of services and products available around the world. And they pay higher prices than they should. Japanese firms also suffer for the same reasons in their procurement of telecommunications goods and services. They cannot get the best, and they overpay for what they can buy. Many modern services are simply unavailable in Japan.

If the Japanese Government wanted to follow a path that would lead to higher economic growth, greater choice and lower prices for its consumers, and increased efficiency for its industry, it would deregulate this sector immediately.

The sense-of-the-Senate resolution I am introducing today simply stresses the need for significant regulatory reform in Japan, supports USTR in vigorously pursuing this, and sends the message to Japan that the Senate is strongly behind such an effort. Deregulation serves American and international business. It serves the Japanese economy. It serves the Japanese consumer. It serves Japanese industry. And it serves the regional and global economy which needs a growing Japan. In the long run, everyone would be a winner if Japan let market forces operate.

The second issue I want to address today is a report issued earlier this month by the American Chamber of Commerce in Japan, the ACCJ, on Japan's compliance, or, rather, insufficient compliance, with trade agreements. The study, "Making Trade Talks Work 2000: An On-the-Ground Analysis of US-Japan Trade Agreements by American Businesses," looked at 58 major United States/Japan trade agreements reached between 1980 and 1999. The ACCJ rates 51 of them on a numerical basis, using four measures. Their astounding conclusion was that 53 percent were fully or mostly successful, while 47 percent were rated as partially successful, successful in only one or two ways, or unsuccessful.

This rating, performed by American companies and industry associations on the ground in Japan, working every day in the trenches to penetrate the Japanese market, should be a wake-up call to all of us. Despite all the attention spent on opening the Japanese market during the Reagan, Bush, and Clinton administrations, barely half of the agreements signed actually worked. This is an utterly unacceptable result. I commend this report to my colleagues. Not only is its analysis excellent, but the ACCJ offers a range of recommendations for future action.

Compliance by other nations with trade agreements is a serious problem for our country, and it will likely get worse. Many of the easy trade barriers around the world, such as tariffs and quotas, have been significantly reduced or eliminated. Now, we face the tougher trade barriers, such as anti-competitive practices and internal regulations and standards designed to keep out foreign goods and services. These barriers are harder to identify, harder to get agreement on, and it is harder to measure the results.

I am very worried about our government's system of monitoring trade agreements and ensuring that our trading partners will comply with their commitments. The GAO has told us that there is not even a place in the government where you can go to get a list of all trade agreements. When the ACCJ did its earlier study in 1997, they spent months just assembling all United States-Japan bilateral trade agreements. If you don't know what agreements exist, how can you enforce them?

In its most recent report on this subject, the GAO concluded that the Executive Branch needed a more integrated approach to monitoring and enforcing trade agreements and should pursue a process of comprehensive and sustained strategic planning. GAO also concluded that declining staff levels have limited agencies' monitoring and enforcement activities. Some of the special skills needed to deal with the new complex trade agreements is also lacking.

I deeply appreciate the ACCJ's diligence in presenting us with an objective analysis of the Japanese market situation. But, as GAO indicates, this may be just the tip of the iceberg internationally. The problem is pervasive, and I don't see any trends that will make it better.

That is why, among other reasons, I recently introduced the China WTO compliance bill to make sure that, once China enters the WTO, we won't have this massive violation of our trade agreements as has happened with Japan. That is why I recently introduced a bill to establish a Congressional Trade Office to provide the Congress with precisely the type of objective information that the American Chamber of Commerce in Japan has provided, and to help those of us in the Congress ensure that trade agreements reached are trade agreements implemented. I call on my colleagues to work with me to develop a system that will ensure that American workers, farmers, and businesses will benefit from the trade agreements that our trade officials so diligently negotiate.

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will meet during the session of the Senate of Tuesday, March 21, 2000, at 10:30 a.m. to conduct a hearing on S. 2102, a bill to establish a permanent homeland for the Timbisha Shoshone. The hearing will be held in the committee room, 485 Russell Senate Building.

Those wishing additional information may contact committee staff at 202/224-2251.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. MCCONNELL. Mr. President, I wish to announce that the Committee on Rules and Administration will meet at 9:00 a.m., Wednesday, March 22, 2000, in room SR-301 Russell Senate Office Building, to receive testimony on the Constitution and campaign reform.

For further information concerning this meeting, please contact Hunter Bates at the Rules Committee on 4-6352.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will meet during the session of the Senate on Wednesday, March 22, 2000, at 9:30 a.m. to conduct a hearing on the nomination of Mr. Thomas N. Slonaker to be Special Trustee for American Indians. The hearing will be held in the committee room, 485 Russell Senate Building. The hearing will be preceded by a business meeting to mark up S. 1586, Indian Land Consolidation and S. 1315, Oil and Gas Leases on Navajo Allotted Lands.

Those wishing additional information may contact committee staff at 202/224–2251.

SUBCOMMITTEE ON FORESTRY, CONSERVATION, AND RURAL REVITALIZATION

Mr. LUGAR. Mr. President, I would like to announce that the Subcommittee on Forestry, Conservation, and Rural Revitalization of the Senate Committee on Agriculture, Nutrition, and Forestry will meet on March 22, 2000 in SR–328A at 3:00 p.m. The purpose of this meeting will be to discuss legislation regarding the appraisal process to make it fair for cabin owners and taxpayers.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

For Thursday, March 23 at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to consider the nomination of Thomas A. Fry III, to be Director of the Bureau of Land Management, Department of the Interior.

For further information, please contact David Dye of the committee staff at (202) 224–0624.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing will take place on Wednesday, March 29, 2000, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 1778, to provide for equal exchanges of land around the Cascade Reservoir; S. 1894, to provide for the conveyance of certain land to Park County, Wyoming; and S. 1969, to provide for improved management of, and increased accountability for, outfitted activities by which the public gains access to and occupancy and use of Federal land, and for other purposes.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Mike Menge or Bill Eby at (202) 224-6170.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will meet during the session of the Senate on Wednesday, March 29, 2000, at 2:30 p.m. to mark up S. 1507, Native American Alcohol and Substance Abuse Program Consolidation Act of 1999, and S. 1509, Indian Employment, Training and Related Services Demonstration Act Amendments of 1999; followed by a hearing on S. 1967, to make technical corrections to the status of certain land held in trust for the Mississippi Band of Choctaw Indians. The hearing will be held in the Committee room, 485 Russell Senate Building.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing will take place on Thursday, April 13, 2000, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 2034, a bill to establish the Canyons of the Ancients National Conservation Area.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Mike Menge or Bill Eby at (202) 224–6170.

HONORING THE MEMBERS OF THE AMERICAN HELLENIC EDUCATIONAL PROGRESSIVE ASSOCIATION

Mr. STEVENS. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 96 introduced earlier today by Senators SARBANES, SNOWE, DASCHLE, and others.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

> A concurrent resolution (S. Con. Res. 96) recognizing and honoring the members of the American Hellenic Educational Progressive Association (AHEPA) who are being awarded the AHEPA Medal for Military Service for service in the Armed Forces of the United States.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. STEVENS. Madam President, I ask unanimous consent that the concurrent resolution and preamble be agreed to, en bloc, the motion to reconsider be laid upon the table, and that any statements related thereto be printed in the RECORD, with no intervening action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 96) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 96

Whereas the American Hellenic Educational Progressive Association (AHEPA) has provided 78 years of service to Greek-Americans and to American society and is continuing to serve into the twenty-first century through its 20,000 active members in 521 chartered chapters;

Whereas the mission of AHEPA is to promote the ideals of Hellenism, which include philanthropy, education, civic responsibility, and family and individual excellence;

Whereas since its inception, AHEPA has instilled in its members an understanding of their Hellenic heritage and an awareness of the contributions made to the development of democratic principles and governance in the United States and throughout the world;

Whereas AHEPA has done much throughout its history to foster American patriotism;

Whereas AHEPA has fostered patriotism by raising $162,000,000 for United States War Bonds during World War II, for which AHEPA was named an official Issuing Agent for United States War Bonds by the United States Treasury Department, an honor that no other civic organization was able to achieve at the time;

Whereas the members of AHEPA have fostered patriotism by donating over $400,000 collectively toward the restoration of the Statue of Liberty and Ellis Island, New York, for which AHEPA received special recognition by the Department of the Interior;

Whereas members of AHEPA and its affiliated organizations, the Daughters of Penelope, Sons of Pericles and Maids of Athena, served in the Armed Forces of the United States to protect American freedom and to preserve those democratic ideals which are part of the Hellenic legacy; and

Whereas on Monday, March 20, 2000, AHEPA is honoring the members of the AHEPA family who are veterans of service in the Armed Services by presenting those members with a special commemorative AHEPA Medal for Military Service at the 2000 AHEPA Family Biennial Banquet in Washington, District of Columbia: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) joins the American Hellenic Educational Progressive Association (AHEPA) in recognizing the members of the AHEPA family whose service as members of the Armed Forces of the United States and sacrifices made in such service have contributed so much to the preservation of freedom for Americans and for so many others throughout the world; and

(2) acknowledges the honor with which that service is being commemorated by the presentation of the special commemorative AHEPA Medal for Military Service to those members at the AHEPA Family Biennial Banquet in Washington, District of Columbia, on Monday, March 20, 2000.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 106–31, as amended by Public Law 106–113, appoints the Senator from Tennessee (Mr. FRIST) to the Russian Leadership Program Advisory Board.

ORDERS FOR TUESDAY, MARCH 21, 2000

Mr. STEVENS. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m. Tuesday, March 21. I further ask consent that on Tuesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until 12:30 p.m., with Senators speaking for up to 10 minutes each, with the following exceptions: Senator DURBIN, or his designee, 60 minutes; Senator ASHCROFT, 15 minutes; Senator BROWNBACK, or his designee, 30 minutes; Senator THOMAS, or his designee, 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Madam President, I further ask unanimous consent that the Senate stand in recess from the hours of 12:30 p.m. to 2:15 p.m. for the weekly policy conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. STEVENS. For the information of all Senators, the Senate will be in a period of morning business until 12:30 p.m. tomorrow. Following the recess for the weekly party caucus luncheons, the Senate will begin consideration of H.R. 5, the Social Security earnings legislation. There will be approximately 4 hours of debate with three amendments in order to the bill. The majority leader has announced that any necessary votes on those amendments will occur on Tuesday afternoon. However, a vote on final passage is expected to occur on Wednesday morning.

During the remainder of this week, the Senate may begin consideration of the crop insurance legislation or any other executive or legislative items cleared for action. As a reminder, Senators can expect votes throughout the week of March 27, including March 31, in anticipation of the consideration of the budget resolution.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. STEVENS. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 4:20 p.m., adjourned until Tuesday, March 21, 2000, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate March 20, 2000:

DEPARTMENT OF DEFENSE

GREGORY ROBERT DAHLBERG, OF VIRGINIA, TO BE UNDER SECRETARY OF THE ARMY, VICE BERNARD DANIEL ROSTKER.

BERNARD DANIEL ROSTKER, OF VIRGINIA, TO BE UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS, VICE RUDY DE LEON.

DEPARTMENT OF STATE

WILLIAM A. EATON, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AN ASSISTANT SECRETARY OF STATE (ADMINISTRATION), VICE PATRICK FRANCIS KENNEDY.

MARC GROSSMAN, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE DIRECTOR GENERAL OF THE FOREIGN SERVICE, VICE EDWARD WILLIAM GNEHM, JR.

THE JUDICIARY

JOHN MCADAM MOTT, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE TRUMAN ALDRICH MORRISON, III, RETIRED.

EXTENSIONS OF REMARKS

"THE FED IS MISTAKEN"

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 2000

Mr. FRANK of Massachusetts. Mr. Speaker, I continue to be very concerned that the Federal Reserve will unduly restrict economic growth by overreacting to the possibility of inflation, in the absence of any sign of it. Last week I introduced into the RECORD a very thoughtful analysis by Jeff Faux of the Economic Policy Institute, a liberal organization, refuting the Fed's analysis. Today, I introduce an article from a conservative thinker, Lawrence Kudlow, who disagrees with Mr. Faux on many points, but who agrees on the central issue that the Federal Reserve is threatening our prosperity unnecessarily by inaccurately portraying an inflationary danger in current economic trends. Unfortunately, the well deserved respect that people have for Mr. Greenspan and his record in office serves to diminish the healthy debate a democracy ought to have on the important questions with which the Fed deals. In fairness to Mr. Greenspan, it should be noted that he has not himself sought to discourage discussion, and indeed I believe he welcomes an open debate on these questions. I believe that the central thesis that Mr. Kudlow discusses here is absolutely accurate, namely that the growth we have been enjoying results from improved productivity, among other things, and does not carry with it the inflationary threats that some in the Fed see. In the interest of the sort of debate that we should be having on this central subject, I ask that Mr. Kudlow's analysis be printed here.

(By Lawrence Kudlow)

Alan Greenspan's harsh warnings that only substantially higher interest rates can slow down the economy are like an out-of-range cellular telephone call. They are disconnected from the reality of the new Internet economy.

Mr. Greenspan, the chairman of the Federal Reserve, has repeatedly warned that we are at risk of inflation and that "excess demand" must be curbed by a tighter credit policy. Trouble is, the superb performance of the economy disproves these fears. Over the past fives years, rapid technological advances have generated 4 percent yearly growth while inflation has been at a minuscule 1½ percent. A virtually perfect scenario.

Yet Mr. Greenspan persists in conjuring up arguments that fly in the face of both actual evidence and established economic theory. Lately he has been seeing harm in the productivity gains that policymakers have sought for three decades. Overall productivity has grown an average of 3 percent annually in the United States; the industrial sector has increased productivity by more than 5 percent per year. All schools of economic thought—Keynesian, supply-side, even socialist—agree that productivity increases are always desirable.

The Fed chairman, however, now asserts that rising productivity is doing bad things, fueling corporate profits and higher stock market prices. This, he warns, poses the threat of inflation caused by increased consumer spending.

So, in this tortured Alice-in-Wonderland logic, all that appears to be good is really bad. Real world statistical evidence, however, runs counter to this view. Despite the

Also, a recent study by the Federal Reserve itself suggests that many investors in the bull market are actually saving more and spending less in order to reap greater retirement benefits. Indeed, it was during the 1970's, when inflation was high, that consumption went up faster than wealth. During the 1980's and 1990's, when inflation was low, wealth rose faster than consumption: And this wealth led to a spectacular surge in investment, providing more factories, equipment and services that can keep up with demand.

Indeed, the very success of Mr. Greenspan's own anti-inflation policies has fostered the productivity-driven prosperity that he is now in danger of curbing. Declining inflation puts more money in the pockets of workers, investors and entrepreneurs. As a result, the efficiency of employers and employees has improved markedly. The entire economy has been retooled for global competitiveness.

Most vexing, however, is Mr. Greenspan's apparent refusal to acknowledge that inflation really is caused by too much money chasing too few goods. In speech after speech—warning of potential inflation threats—the central banker never, ever mentions the word money.

If the money supply were excessive, the dollar's exchange rate would decline, gold prices would increase and long-term interest rates would rise—all market signals of future inflation. But today, the dollar is strong, gold is weak and long-term Treasury rates are falling, telling us that the Internet is more important than the Fed.

Technology has fought inflation much more successfully than the Fed ever could. Let's look at recent technological breakthroughs: computer chips that break the gigahertz speed barrier of one billion cycles per second, new molecular electronic chip-making systems, new open access to broadband cable transmission systems, and new business-to-business auction websites for low-cost manufacturing supplies and parts.

They all promote faster economic growth at lower prices without any help from the Fed.

But Alan Greenspan doesn't seem to appreciate these developments. And in this sense, the Fed is stuck in the old era—it thinks we still have a smokestack economy as opposed to the new Internet economy.

The Fed keeps trying to pour old wine into new bottles. This won't work, and it might do considerable harm. If it goes too far, and raises interest rates too high, that will surely undermine this prosperity.

Here's a better idea for Greenspan and Company: If it ain't broke, don't fix it.

HONORING THE 183D ANNIVERSARY OF THE MT. ZION A.M.E. CHURCH IN COLUMBIA, PA

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 2000

Mr. GEKAS. Mr. Speaker, I rise today to recognize the 183d anniversary of the Mt. Zion A.M.E. Church in Columbia, PA.

Early church records indicate that the establishment of the first Meeting House for African-Americans in Columbia, PA was created in 1817. At their location, African-Americans had a place to worship, meet and discuss their daily lives, and also plan strategies for others to escape to freedom through the Underground Railroad. The establishment was expanded in 1823 by a group of emancipated slaves from Virginia, and subsequently formed the first Methodist Church. This small, yet thriving church, located on N Avenue, was used as a place of worship until 1832. The church and the preceding structures were the beginning of the present Mt. Zion A.M.E. Church in Columbia, Pennsylvania.

During the pastorate of Reverend Stephen Smith, a small frame church was purchased on the corner of J Avenue and Church Avenue. Sadly, this church burned to the ground in 1840. A brick structure was built in its place, which served the congregation until 1862. After 1862, a new building was secured at the south corner of N Avenue and Fifth Street. This structure was used as a church for 10 years, and then was turned over to the Columbia School District to be used as a school for African-American children. This building later became the Harvey T. Mackle American Legion Home.

The present site of Mt. Zion A.M.E. Church was founded in 1872. A large brick church, built under the pastorate of Rev. George M. Witten, was located adjacent to the south corner of N Avenue and Fifth Street. Tragedy again struck in 1921 when the church was destroyed by fire. The present structure, which remains today, was rebuilt with the help of the African-American community.

Throughout the years, many devoted pastors, their families, church members, and community friends provided the leadership and sacrifice that enabled the Mt. Zion A.M.E. Church to survive, continue, and operate to this magnificent time and place in history. The members and friends of the Mt. Zion A.M.E. Church celebrate the momentous 183d anniversary under the current leadership of Rev. Charles McAllister and Rev. Patricia McAllister.

Mr. Speaker, I again want to congratulate the Mt. Zion A.M.E. Church in Columbia, PA for their 183d anniversary, and wish their members and family the best of health and happiness in the years to come.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

FRIENDS OF IRELAND

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 2000

Mr. WALSH. Mr. Speaker, in the spirit of St. Patrick's Day, I am inviting all my colleagues to become a Friend of Ireland. The Friends of Ireland is a bipartisan congressional organization established in 1981 by the late Speaker, Thomas "Tip" O'Neill. Every successive Speaker has carried on the tradition with Speaker HASTERT and Minority Leader GEPHARDT serving as honorary chairmen of the group.

The purpose of the Friends of Ireland is to increase the bonds of friendship and understanding between the American people and the people of Ireland. We look for a peaceful solution to the problems of this troubled land. Our organization is open to all Members of the 106th Congress who share its principles and has attracted widespread support over the years. There are also several Senators who are members of the Friends.

Over the years, the statements of support for peace in Ireland, condemnations of human rights abuses, assistance to the International Fund for Ireland and general expressions of goodwill have made a difference. The voice of the U.S. Congress is listened to very attentively in Ireland both in the Republic and in the North.

I submit this year's St. Patrick's Day Statement for the RECORD:

STATEMENT BY THE FRIENDS OF IRELAND—SAINT PATRICK'S DAY 2000

On this first St. Patrick's Day of the new millennium, the Friends of Ireland in the United States Congress join 45 million Irish-Americans of both traditions in celebrating the unique bonds between our two nations. We send greetings to the President of Ireland, Mary McAleese and warmly welcome the Taoiseach, Bertie Ahern, on his third St. Patrick's day visit to Washington. We share the hopes of the Irish people that the current impasse in the Northern Ireland peace process will be broken soon.

We are deeply troubled by the suspension of the democratically elected Government of Northern Ireland by the British Government and the stalemate over decommissioning. We urge all political leaders in the North to recommit themselves to the spirit and letter of the Good Friday Agreement. We have provided strong and consistent support throughout the peace process to all parties committed to peace, and we reaffirm our commitment to the full implementation of the Agreement.

The Good Friday Agreement was endorsed decisively by the people of Ireland both North and South with majorities from both traditions. It is a mandate given to those working on behalf of peace, justice and the creation of a new beginning in Northern Ireland. Successful implementation is predicated on the concurrent resolution of all the interdependent aspects of the Agreement. The successful implementation of the agreement must be the clear goal for all who want to consolidate the progress that has been made and to avoid the danger of failure for yet another generation in Northern Ireland.

At this time, the institutions of devolved government are suspended. The suspension was not caused by any failure of the institutions themselves, nor by any violation of the Agreement, but by an internal political crisis focused on the issue of decommissioning. We encourage the political leaders to bridge this crisis of confidence and secure the reinstatement of the institutions as soon as possible. Their absence creates a gap which the enemies of peace can and will exploit. It is vital that they are not permitted to succeed. The ongoing cease-fire are major confidence building measures, and it should be made clear that any return to violence is not an option. We condemn unequivocally all acts of violence.

We call on all sides to implement additional confidence building measures. Root causes of violence—prejudice, religious intolerance and sectarianism—must also be eliminated. The nationalist and unionist communities must see that politics is working and believe their future can rest with the actions of their democratically elected representatives in the Assembly.

The issue of confidence in the integrity of the democratic institutions set up under the Good Friday Agreement must not be seen as confined to the agenda of any one side. It is a shared requirement which all have a vital stake in restoring. Each party is committed under the Agreement to ensure the viability and effective operation of the political process pledged in the Agreement by persuading those who hold weapons that such weapons can have no role whatsoever in a democratic system.

In spite of discouraging setbacks, we believe that a way forward can be found on this difficult issue by building on the progress already made. We welcome the acknowledgment by the IRA that "the issue of arms needs to be dealt with in an acceptable way and this is a necessary objective of a genuine peace process." We also welcome the work in identifying and advancing the context where this goal can most successfully be achieved. We consider a crucial test to be whether the electorate in Northern Ireland can be reassured that their democratic wishes will not be undermined by actual or threatened recourse to guns from any side.

We believe there is now an acceptance of this fundamental principle across the entire political spectrum which offers a basis for reaching an accommodation, provided the parties approach it in a spirit of reciprocal action, and with sensitivity about the real constraints on each side and the need for skillful and patient management of these constraints. We urge renewed dialogue in this spirit using the Independent Commission headed by General de Chastelain. The paramilitaries must put weapons beyond use and make progress on the decommissioning issue.

The British Government must reasonably scale down its military presence in the North. We also give particular importance to the timely implementation of the Patten Report, including the urgent appointment of an Oversight Commissioner and assistants, the early publication of a detailed implementation plan, and the speedy passage of legislation. We believe the publication of the Criminal Justice Review should begin a program of significant reforms. We support changes that ensure a police force with representation from both communities and a criminal justice system which will command loyalty from all people living in Northern Ireland. These are the essential ingredients necessary in the creation of a just and peaceful society.

We also note the importance of moving forward on human rights and equality issues under the Agreement. This includes the creation of a Bill of Rights for Northern Ireland and the obligation to promote equal opportunity. We emphasize the continuing need to demonstrate public commitment to human rights and accountability through the establishment of independent inquiries into the Finucane, Nelson and Hamill cases.

We support the initiative taken by the Irish and British Prime Ministers at the beginning of this month to launch a round of intensive consultations to restore the institutions of the Good Friday Agreement and deal with the arms issues as quickly as possible.

Over this St. Patrick's Day period, we will be urging all the leaders from Northern Ireland to recognize the importance of what is at stake, the danger of delay, and the need for a genuine and sincere collective effort to overcome these last remaining obstacles to the full implementation of the Good Friday Agreement. All Friends of Ireland in the United States stand ready to help in any possible way.

FRIENDS OF IRELAND EXECUTIVE COMMITTEE

HOUSE

J. Dennis Hastert
Richard A. Gephardt
James T. Walsh

SENATE

Edward M. Kennedy
Daniel Patrick Moynihan
Christopher J. Dodd
Connie Mack

HONORING MICHAEL KELLY OF FAIRBANKS, ALASKA

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 2000

Mr. YOUNG of Alaska. Mr. Speaker, I rise to pay tribute to Mr. Mike Kelly on the eve of his retirement from Golden Valley Electric Association in Alaska.

Michael P. Kelly has worked for 33 years; 17 of them were as Chief Executive Officer and President of the Golden Valley Electric Association. He is a leader within Alaska's utility industry. Throughout his thirty-three years he has grown Interior Alaska's lone electric co-op into a multi-million dollar enterprise which provides electrical service to an estimated 80,000 people. In fact, during his leadership GVEA has not raised its rates during the last 18 years.

Mike has dedicated his career at GVEA to fighting for projects and progress that have benefited consumers in both Alaska's Railbelt and in Alaska's remote regions. He led GVEA's purchase of the Fairbanks Municipal Utilities (electric) System, and has been the facilitator in the construction of the Northern Intertie Project has serve in numerous leadership positions within the industry and in the community of Fairbanks, Alaska.

Not only has Mike been a industry leader but more importantly he has been a community leader within Fairbanks as well as a civic leader within the Great State of Alaska. He serves on the Boards of Denali State Bank and the Fairbanks Memorial Hospital Foundation. Mike is a member of Fairbanks Rotary, a past board member of the Fairbanks Chamber of Commerce. He just completed eight years on the University of Alaska Board of Regents and was the President of the Board from 1996–1998.

Mike as a leader in the utilities industry are notable. Mike has received numerous national, state and local recognitions including the Northwest Public Power Association Raver Award in 1986 for displaying outstanding community service through leadership. Mike was recently named the 199 recipient of the Mason Lazelle Award, the highest honor awarded by the industry in Alaska, at the Alaska Rural Electric Cooperative Association's Annual Meeting in August, 1999.

Mike graduated from Monroe High School and from the University of Alaska at Fairbanks where he majored in Business Management. He is a past recipient of the Business Leader of the Year Award from UAF Associated Students of Business.

Mike is also an avid river boater and pilot and in his spare time he enjoys hunting, fishing, trapping and spending time with his family in the great Alaskan outdoors.

A RESOLUTION COMMENDING MILES LERMAN

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 2000

Mr. GILMAN. Mr. Speaker, I want to take this opportunity to reprint a resolution that was adopted recently by the members of the President's Advisory Commission on Holocaust Assets in the United States.

This resolution commends Miles Lerman, a member of the commission, for his commitment and dedication to Holocaust memory and education. Mr. Lerman has also served as chairman of the Holocaust Memorial Council of the U.S. Holocaust Memorial Museum, but recently resigned from that position, though he remains a member of the Holocaust Memorial Council. The members of the Presidential Advisory Commission adopted this resolution unanimously in recognition of Mr. Lerman's extraordinary contributions to the pursuit of truth and justice for Holocaust victims and their families.

Accordingly, Mr. Speaker, I wanted to submit for the RECORD and share the text of this resolution with our colleagues.

A RESOLUTION OF THE PRESIDENTIAL ADVISORY COMMISSION ON HOLOCAUST ASSETS IN THE UNITED STATES

MILES LERMAN

Whereas, Miles Lerman has been a leader in the pursuit of the truth and of justice for Holocaust victims and their families for decades; and

Whereas, over that time he has devoted enormous time and effort to educating the people of the world about the lessons of the Holocaust; and

Whereas, he participated in creating the Presidential Advisory Commission on Holocaust Assets in the United States to investigate and advise on the fate of Holocaust victims' assets that came into the possession or control of the United States Government; and

Whereas, he has lent his moral authority and practical knowledge to the Presidential Commission as a Member since its creation; and

Whereas, the Presidential Commission hopes to continue to rely on him as it completes its work and delivers its recommendations to the President;

Now therefore, The Members of the Presidential Advisory Commission on Holocaust Assets in the United States, with respect, admiration, and affection, gratefully acknowledge Miles Lerman and his extraordinary contributions to the pursuit of the truth and of justice for Holocaust victims and their families.

Unanimously agreed to by the Members of the Presidential Advisory Commission on Holocaust Assets in the United States on February 29, 2000.

HONORING DON ANDERSON FOR SAVING A CHILD'S LIFE

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 2000

Mr. GEKAS. Mr. Speaker, I rise today to honor Mr. Don Anderson of Dauphin County, PA, for his thoughtfulness and caring in saving a young girl's life. Mr. Anderson is a bus driver for Central Dauphin School District. During the last week of February, Mr. Anderson was picking up elementary school children as he did everyday on his bus route. Because Mr. Anderson is familiar with all the children who ride upon his bus, he noticed that a young girl was missing.

Mr. Anderson asked the girl's friend where she was. The little girl, although hesitant at first, told Mr. Anderson that her friend had taken pills and had passed out in her home. Mr. Anderson, being unable to leave the children under his care alone on the bus, sent this friend of the ailing girl back home to get her father. Mr. Anderson, pulled the bus to the side of the road and waited.

The friend's father, upon being told about the child, ran to her house and found her unconscious on the floor. He immediately called 911 and soon an ambulance was on its way. Mr. Anderson waited until the father returned to tell him the little girl was getting medical attention. Only then did Mr. Anderson complete his honorable job of delivering the rest of the children to school.

Mr. Anderson's care and devotion for children should serve as inspiration, not only for the citizens of Dauphin County, but for all of America. We all wish that all of our citizens exhibit the common sense and dedication to helping others that Mr. Anderson possesses. For the little girl, for her family and for all persons that you have helped with your selflessness, we thank you.

TRIBUTE TO VETERAN CONGRESSIONAL AIDE CARY BRICK

SPEECH OF

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 2000

Mr. WALSH. Mr. Speaker, I rise today to join with many of my colleagues in recognizing a man who has served this House with great distinction for over 30 years. Cary R. Brick, chief of staff to our colleague Rep. JOHN MCHUGH, will retire on Friday of this week after three decades of service to this House and the people of the 24th district of New York. He has done this with great skill, dedication and determination throughout his tenure.

For just a moment I'd like to tell everyone why I wanted to come here and partake in this special tribute. It has been said that this world is made up of many special characters. In Cary Brick, better known to his New York friends as "The Dean", we have just such a person. No one can ever accuse Cary of being dull and boring. He has the ability to make one laugh and tell great true life adventures relating to his work here on the Hill. More importantly he gets his point across and makes you feel like the end result was really your solution all along. That is a tremendous asset when working with people who might not be like minded.

There is a certain sadness to face when someone of ability and stature retires from the House. It is difficult because we lose more of the institutional memory around here that's so badly needed. There aren't many senior staff people in individual Member offices any longer and that doesn't help us to effectively do business around here.

In closing let me extend personal good wishes to "Dean" Brick from myself and all of his many friends both on and off the House campus. Cary, I hope you and your wonderful family enjoy fully the years ahead. You have earned the respect and admiration of those who know you.

I look forward to seeing you often in beautiful Upstate New York. Congratulations for a job well done!!

IN RECOGNITION OF THE OMAHA STAR

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 20, 2000

Mr. TERRY. Mr. Speaker, I stand before you today on the occasion of Black Press Day. March 16 is the anniversary of the publication of the first black-owned newspaper in the United States.

On this day in 1827, the first edition of Freedom's Journal rolled off the presses and onto the streets of New York City.

I borrow from the National Newspaper Publishers Association when I recite the credo of the Black Press:

> The Black Press believes that America can best lead the world away from racial and national antagonism when it accords to every

person, regardless of race, color or creed, full human and legal rights. Hating no person, fearing no person, the Black Press strives to help every person in the firm belief that all are hurt as long as anyone is held back.

And there is no better example of this credo than in my own district in Nebraska. The Omaha Star is one of the nation's most renowned black-owned newspapers. The late Mildred D. Brown, who was one of the nation's most widely known publishers, founded it in 1938. Since its inception some 62 years ago, the Omaha Star has never missed an edition, and it is distributed in nearly every state of the Union.

The Omaha Star has been Omaha's main advocate and champion for the progress of African-Americans during its lifespan. Nebraska's only black-owned newspaper, the Omaha Star and Mrs. Brown were irreplaceable in their contributions to the city's growth and gain.

We owe a special debt of gratitude to the pioneers at the Omaha Star, both past and present, who lead the fight for acceptance of all races. And so, on behalf of all Nebraskans I say to the people of the Omaha Star, "Thank you."

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, March 21, 2000 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 22

9 a.m.

Rules and Administration

To hold hearings on the Constitution and campaign reform.

SR-301

9:30 a.m.

Appropriations

Interior Subcommittee

To hold hearings on the President's proposed budget request for fiscal year 2001 for the Forest Service, Department of Agriculture.

SD-124

Indian Affairs

Business meeting, to consider pending calendar business; to be followed by hearings on the nomination of Thomas N. Slonaker, of Arizona, to be Special Trustee, Office of Special Trustee for American Indians, Department of the Interior.

SR-485

Armed Services

Readiness and Management Support Subcommittee

To hold hearings on Department of Defense acquisition reform efforts, the acquisition workforce, logistics contracting and inventory management practices, and the Defense Industrial Base.

SR-222

Commerce, Science, and Transportation

To hold hearings on the nomination of Susan Ness, of Maryland, to be a Member of the Federal Communications Commission.

SR-253

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs on the Legislative recommendation of the Vietnam Veterans of America, the Retired Officers Association, American Ex-Prisoners of War, AMVETS, and the National Association of State Directors of Veterans Affairs.

345 Cannon Building

Finance

To hold hearings to examine the inclusion of a prescription drug benefit in the Medicare program.

SD-215

Foreign Relations

Near Eastern and South Asian Affairs Subcommittee

To hold hearings to examine issues dealing with Iraq, focusing on sanctions and U.S. policy.

SD-419

Banking, Housing, and Urban Affairs

Securities Subcommittee

To hold hearings to examine electronic communications networks and brokerage firms efforts to meet investors' needs in the financial marketplace of the future.

SD-628

Governmental Affairs

To hold hearings on Department of Energy's management of health and safety issues surrounding the DOE's gaseous diffusion plants at Oak Ridge, Tennessee, and Piketon, Ohio.

SD-342

2 p.m.

Judiciary

Antitrust, Business Rights, and Competition Subcommittee

To hold oversight hearings on certain antitrust issues.

SD-226

Armed Services

Airland Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 2001 for the Department of Defense and the Future Years Defense Program, focusing on tactical aviation.

SR-222

Intelligence

To hold closed hearings on pending intelligence matters.

SH-219

Budget

Business meeting to markup a proposed concurrent resolution setting forth the fiscal year 2001 budget for the Federal Government.

SD-608

2:30 p.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings to examine recent program and management issues at NASA.

SR-253

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings on H.R. 862, to authorize the Secretary of the Interior to implement the provisions of the Agreement conveying title to a Distribution System from the United States to the Clear Creek Community Services District; H.R. 992, to convey the Sly Park Dam and Reservoir to the El Dorado Irrigation District; H.R. 1235, to authorize the Secretary of the Interior to enter into contracts with the Solano County Water Agency, California, to use Solano Project facilities for impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes; H.R. 3077, to amend the Act that authorized construction of the San Luis Unit of the Central Valley Project, California, to facilitate water transfers in the Central Valley Project; S. 1659, to convey the Lower Yellowstone Irrigation Project, the Savage Unit of the Pick-Sloan Missouri Basin Program, and the Intake Irrigation Project to the appurtenant irrigation districts; and S. 1836, to extend the deadline for commencement of construction of a hyroelectric project in the State of Alabama.

SD-366

3 p.m.

Agriculture, Nutrition, and Forestry

Forestry, Conservation, and Rural Revitalization Subcommittee

To hold hearings on on issues relating to cabin fees.

SR-328A

MARCH 23

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Environmental Protection Agency.

SD-138

Armed Services

To hold hearings on S. 1712, to provide authority to control exports.

SR-222

Appropriations

Treasury and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Internal Revenue Service.

SD-124

Health, Education, Labor, and Pensions

Public Health Subcommittee

To hold hearings on health care for the uninsured, focusing on safety net providers.

SD-430

Energy and Natural Resources

To hold hearings on the nomination of Thomas A. Fry, III, of Texas, to be Director of the Bureau of Land Management, Department of the Interior.

SD-366

Foreign Relations

To hold hearings to examine India, Pakistan, and North Korea, focusing on nonproliferation policy.

SD–419

10 a.m.

Banking, Housing, and Urban Affairs

To hold oversight hearings on the Monetary Policy Report to Congress pursuant to the Full Employment and Balanced Growth Act of 1978.

SH–216

Judiciary

Business meeting to consider pending calendar business.

SD–226

Finance

To hold hearings to examine trade with the Peoples' Republic of China and its implications for United States national interests.

SD–215

Environment and Public Works

Fisheries, Wildlife, and Drinking Water Subcommittee

To resume hearings to examine the Environmental Protection Agency's proposed rules regarding changes in the total maximum daily load and NPDES permit programs pursuant to the Clean Water Act.

SD–406

10:30 a.m.

Governmental Affairs

Business meeting to consider pending calendar business.

SD–342

Appropriations

Foreign Operations Subcommittee

To hold hearings to examine the Administration's program in Haiti.

SD–192

2 p.m.

Judiciary

Constitution, Federalism, and Property Rights Subcommittee

To hold hearings to examine racial profiling within law enforcement agencies.

SD–226

Intelligence

To hold closed hearings on pending intelligence matters.

SH–219

2:30 p.m.

Foreign Relations

Business meeting to markup the proposed Technical Assistance, Trade Promotion and Anti-Corruption Act.

SD–419

Energy and Natural Resources

National Parks, Historic Preservation, and Recreation Subcommittee

To hold oversight hearings to examine the status of monuments and memorials in and around Washinton, D.C.

SD–366

Commission on Security and Cooperation in Europe

To hold hearings on the impact of organized crime and corruption on democratic and economic reform.

SR–485

Armed Services

SeaPower Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 2001 for the Department of Defense and the Future Years Defense Program, focusing on Navy and Marine Corps' seapower operational capability requirements.

SR–222

MARCH 24

9:30 a.m.

Armed Services

Emerging Threats and Capabilities Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 2001 for the Department of Defense and the Future Years Defense Program, focusing on DOD policies and programs to combat terrorism.

SR–222

10 a.m.

Governmental Affairs

To hold oversight hearings to examine rising oil prices.

SD–342

MARCH 28

9:30 a.m.

Commerce, Science, and Transportation

Communications Subcommittee

To hold hearings to examine the current state of deployment of hi-speed Internet technologies, focusing on rural areas.

SR–253

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings to examine issues dealing with mind body and alternative medicines.

SD–192

Health, Education, Labor, and Pensions

Children and Families Subcommittee

To hold hearings on child safety on the Internet.

SD–430

Small Business

To hold hearings to examine the extent of office supply scams, including tonerphoner schemes.

SD–562

Environment and Public Works

Clean Air, Wetlands, Private Property, and Nuclear Safety Subcommittee

To hold hearings on the President's proposed budget request for fiscal year 2001 for the Environmental Protection Agency's clean air programs and the Army Corps of Engineers wetlands programs.

SD–406

10 a.m.

Appropriations

Transportation Subcommittee

To hold hearings to examine the implementation of the Driver's Privacy Protection Act, focusing on the positive notification requirement.

SD–192

2:30 p.m.

Energy and Natural Resources

National Parks, Historic Preservation, and Recreation Subcommittee

To hold oversight hearings on the incinerator component at the proposed Advanced Waste Treatment Facility at the Idaho National Engineering and Environmental Laboratory and its potential impact on the adjacent Yellowstone and Grand Teton National Parks.

SD–366

MARCH 29

9:30 a.m.

Health, Education, Labor, and Pensions

Business meeting to consider pending calendar business.

SD–430

Energy and Natural Resources

Business meeting to consider pending calendar business.

SD–366

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of the Interior.

SD–124

10 a.m.

Governmental Affairs

To hold hearings on how to structure government to meet the challenges of the millennium.

SD–342

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense, focusing on Air Force programs.

SD–192

Finance

To resume hearings to examnine the inclusion of a prescription drug benefit in the Medicare program.

SD–215

Governmental Affairs

To hold hearings on meeting the challenges of the millennium, focusing on proposals to increase the efficiency and effectiveness of the Federal Government.

SD–342

2:30 p.m.

Indian Affairs

Business meeting, to consider pending calendar business; to be followed by hearings on S. 1967, to make technical corrections to the status of certain land held in trust for the Mississippi Band of Choctaw Indians, to take certain land into trust for that Band.

SR–485

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold hearings on S. 1778, to provide for equal exchanges of land around the Cascade Reservoir, S. 1894, to provide for the conveyance of certain land to Park County, Wyoming, and S. 1969, to provide for improved management of, and increases accountability for, outfitted activities by which the public gains access to and occupancy and use of Federal land.

SD–366

MARCH 30

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Housing and Urban Development.

SD–138

Energy and Natural Resources

To hold hearings on S. 882, to strengthen provisions in the Energy Policy Act of 1992 and the Federal Nonnuclear Energy Research and Development Act of 1974 with respect to potential Climate Change; and S. 1776, to amend the Energy Policy Act of 1992 to revise the energy policies of the United States in order to reduce greenhouse gas emissions, advance global climate science, promote technology development, and increase citizen awareness.

SD–366

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the National Institutes of Health, Department of Health and Human Services.

SD-124

10 a.m.

Health, Education, Labor, and Pensions

To hold hearings on medical records privacy.

SD-430

2:30 p.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold oversight hearings on the President's October 1999 announcement to review approximately 40 million acres of national forest lands for increased protection.

SD-366

APRIL 4

9:30 a.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Bureau of Indian Affairs and Office of the Special Trustee, Department of the Interior.

SD-138

APRIL 5

9:30 a.m.

Indian Affairs

To hold hearings on S. 612, to provide for periodic Indian needs assessments, to require Federal Indian program evaluations.

SR-485

10 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense, focusing on Army programs.

SD-192

APRIL 6

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Veterans Affairs.

SD-138

APRIL 8

10 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense, focusing on medical programs.

SD-192

APRIL 11

9:30 a.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Energy.

SD-138

10 a.m.

Energy and Natural Resources

To hold hearings on S. 282, to provide that no electric utility shall be required to enter into a new contract or obligation to purchase or to sell electricity or capacity under section 210 of the Public Utility Regulatory Policies Act of 1978; S. 516, to benefit consumers by promoting competition in the electric power industry; S. 1047, to provide for a more competitive electric power industry; S. 1284, to amend the Federal Power Act to ensure that no State may establish, maintain, or enforce on behalf of any electric utility an exclusive right to sell electric energy or otherwise unduly discriminate against any consumer who seeks to purchase electric energy in interstate commerce from any supplier; S. 1273, to amend the Federal Power Act, to facilitate the transition to more competitive and efficient electric power markets; S. 1369, to enhance the benefits of the national electric system by encouraging and supporting State programs for renewable energy sources, universal electric service, affordable electric service, and energy conservation and efficiency; S. 2071, to benefit electricity consumers by promoting the reliability of the bulk-power system; and S. 2098, to facilitate the transition to more competitive and efficient electric power markets, and to ensure electric reliability.

SH-216

APRIL 12

9:30 a.m.

Indian Affairs

Business meeting, to consider pending calendar business; to be followed by hearings on S. 611, to provide for administrative procedures to extend Federal recognition to certain Indian groups, and will be followed by a business meeting to consider pending committee business.

SR-485

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Corporation for National and Community Service, Community Development Financial Institutions, and Chemical Safety Board.

SD-138

10 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense, focusing on missile defense programs.

SD-192

APRIL 13

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the National Aeronautics and Space Administration.

SD-138

Energy and Natural Resources

To hold hearings on S. 282, to provide that no electric utility shall be required to enter into a new contract or obligation to purchase or to sell electricity or capacity under section 210 of the Public Utility Regulatory Policies Act of 1978; S. 516, to benefit consumers by promoting competition in the electric power industry; S. 1047, to provide for a more competitive electric power industry; S. 1284, to amend the Federal Power Act to ensure that no State may establish, maintain, or enforce on behalf of any electric utility an exclusive right to sell electric energy or otherwise unduly discriminate against any consumer who seeks to purchase electric energy in interstate commerce from any supplier; S. 1273, to amend the Federal Power Act, to facilitate the transition to more competitive and efficient electric power markets; S. 1369, to enhance the benefits of the national electric system by encouraging and supporting State programs for renewable energy sources, universal electric service, affordable electric service, and energy conservation and efficiency; S. 2071, to benefit electricity consumers by promoting the reliability of the bulk-power system; and S. 2098, to facilitate the transition to more competitive and efficient electric power markets, and to ensure electric reliability.

SH-216

2:30 p.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold hearings on S. 2034, to establish the Canyons of the Ancients National Conservation Area.

SD-366

APRIL 26

10 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the Department of Defense.

SD-192

SEPTEMBER 26

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs on the Legislative recommendation of the American Legion.

345 Cannon Building

POSTPONEMENTS

MARCH 23

9:30 a.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To hold hearings to examine issues relating to aviation security.

SR–253

10 a.m.

Appropriations

Commerce, Justice, State, and the Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2001 for the National Oceanic and Atmospheric Administration of the Department of Commerce, and the Securities and Exchange Commission.

S–146, Capitol

APRIL 19

9:30 a.m.

Indian Affairs

Business meeting to consider pending calendar business; to be followed by hearings on S. 611, to provide for administrative procedures to extend Federal recognition to certain Indian groups.

SR–485

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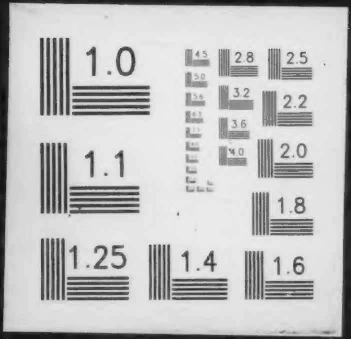
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